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Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, FIRST SESSION

SENATE—*Monday, June 13, 1983*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

O come let us sing to the Lord; let us make a joyful noise to the rock of our salvation! Let us come into His presence with thanksgiving; let us make a joyful noise to Him with songs of praise! For the Lord is a great God.—Psalm 95: 1-3.

Father God, how do we thank Thee as we ought for Thy goodness to us? We slept in comfortable beds last night between clean sheets; millions in our city and cities of the world slept on the streets. We awakened to a good breakfast this morning, with promise of more than enough to eat for lunch and dinner. Millions had no breakfast this morning, nor yesterday or the day before or the day before that—and they have no prospect of lunch or dinner in the foreseeable future. We live in comfortable homes, millions are homeless in refugee camps or worse.

Dear God, forgive us for ever complaining, for never thanking Thee, for behaving as though we deserve these benefits in contrast to those who are without. Don't let us have to lose these blessings to appreciate them. We pray in the name of Him whose heart was with the hungry, the homeless, the naked, the oppressed. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. WARNER). The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE POET'S FAREWELL TO HIS TEETH

Mr. BAKER. Mr. President, this week's poem was written by William Dickey and is titled, "The Poet's Farewell to His Teeth." Not that I had the misfortune to encounter such an operation of late, but somewhere, someone did, and this is dedicated to them.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

THE POET'S FAREWELL TO HIS TEETH

(By William Dickey)

Now you are going, what can I do but wish you
(as my wife used to say) "every success
in your chosen field."
What we have seen together! Doctor X,
having gagged us, hurling his forceps to the floor
and denouncing our adolescent politics,
or the time we had caught trench-mouth in Iowa City
and had to drive west slowly and haltingly,
spitting in all the branches of the Missouri.
Cigar-stained and tired of cavities, you leave.
It is time to go back to the pure world of teeth
and rest, and compose yourselves for the last eruption.
As to those things in a glass by the bathroom sink
they will never communicate with me as you have done,
fragile and paranoid, sensing the world around you
as wild drills and destructive caramel, getting even
for neglect by waking me into the pain of dawn,
that empty and intimate world of our bitter sharing.
Go, under that cool light. I will remember you:
the paper reports that people may still feel pain
in their missing teeth, as with any amputation.
I hope you relax by the shadowy root canals,
and thinking of me with kindness, but not regret,
toast me just once in the local anaesthetic.

SENATE SCHEDULE

Mr. BAKER. Mr. President, obedient to the provisions that were made by the Senate on last Friday, we have reconvened today pursuant to an adjournment. However, the reading of the Journal has been dispensed with, as has the call of the calendar, and no resolution shall come over under the rule. The morning hour is deemed to have expired by unanimous consent.

Mr. President, provision also has been made that, after the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business of not more than 1 hour in length in which Senators may speak for not more than 5 minutes each.

At 1 p.m. this afternoon, Mr. President, the Senate will proceed to the consideration of S. 66, which is the so-called cable TV bill. That is calendar order No. 106. Time for debate on that measure has been agreed to at 13 hours, to be divided equally and controlled by the distinguished chairman of the Commerce Committee, Senator PACKWOOD, and the distinguished minority leader, Senator BYRD, or his designee.

Mr. President, under the order entered some time ago, any rollcall votes that are ordered today will be deferred until tomorrow 15 minutes after we resume consideration of the pending bill.

Mr. President, I am advised unofficially that it may not take 13 hours to take care of the cable TV bill and, indeed, we might finish that bill today except for the voting. I do not imagine there will be time remaining on which we could return to the consideration of the supplemental appropriations bill today, but if we do so I would hope the Senate would agree to do that.

I have consulted with the chairman of the Appropriations Committee and he is canvassing members to see who might have amendments to offer this afternoon. In the event that happy situation should occur, that is to say the early completion of the cable TV bill, it would be necessary then to change the unanimous-consent order which now provides for 15 minutes after we resume consideration of the pending bill. I would like to change that now, Mr. President, to make it 15 minutes after we resume consideration of the cable TV bill, because it is possible that we will not be on the cable TV bill at that time. I do now make that request.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The PRESIDING OFFICER. Without objection.

Mr. BYRD. Mr. President, give the minority leader an opportunity to object.

Mr. BAKER. The enthusiasm and the energy of the distinguished Presiding Officer was such that, while gratifying to me, perhaps was faster than the rising minority leader.

The PRESIDING OFFICER. The Chair has examined with care the minority leader's countenance and now gives him the opportunity to object.

Mr. BYRD. I thank the Chair. What I said was said in jest. I am very fond of the Senator who is in the Chair and who has always been very fair to me.

I wanted to reserve the right to object just to say that I agree with the majority leader. I would like to see us get back on the appropriation bill today, if at all possible, because the sooner we get that bill disposed of the sooner we can get on to other appropriations bills. At the moment I know of no reason why we would have any problems on our side. I may be unaware that some do exist, but it would be well, I think, if we could get back to the supplemental appropriations bill today. It would certainly shorten the time on tomorrow, which is of great interest to me and other Members. So I fully agree with the majority leader.

I say to the Chair again that we are the best of friends and we are going to continue to be. I have no objection.

The PRESIDING OFFICER. Without objection, the majority leader's request is granted.

Mr. BAKER. I thank the Chair.

Mr. President, if we can get back to the supplemental appropriations bill, I will certainly ask the Senate to do so after first consulting with the minority leader. I will not make that request at this time pending my further conversation with the chairman of the Appropriations Committee.

"DOCUMENTS OF THE SENATE" EXHIBIT

Mr. BAKER. Mr. President, this week in the "Documents of the Senate" exhibit case in the crypt of the Capitol, the U.S. Senate Commission on Art and Antiquities is sponsoring a brandnew exhibition on the famous Daniel Webster-Robert Hayne debate of 1830. The exhibit will run through December of this year.

I am privileged, along with my good friend the minority leader, to serve on the Commission on Art and Antiquities, and I want to encourage both Members and staff to take advantage of this display which illustrates a great moment in Senate history.

Those who were fortunate enough to listen to Senator BYRD, in another of his widely acclaimed history lessons on March 3, 1982, will recall that the debate between Webster and Hayne took the better part of a week, and was delivered before a packed Chamber and gallery. Hayne, from South Carolina, spoke in support of the Southern doctrine of States rights and nullification, while Webster, from Massachusetts, stressed the need for a strong central government. It was at the end of Webster's passioned plea for the Union that he spoke the now famous words, "Liberty and Union, now and forever, one and inseparable."

The display in the Capitol will include the original letter from Daniel Webster to his friend William Sullivan, describing his reaction to Haynes' remarks, and the writings of Isaac Bassett, who later became Assistant Doorkeeper of the Senate, and Margaret Smith, a famous hostess, discussing their observations of the debate.

Mr. President, I take this opportunity to commend the Curator's office, under the direction of James Ketchum, for their dedication to this exhibit and others, and I hope that their work is shared with many in the months to come.

Mr. President, I thank the Senate for its forbearance while I have perhaps exceeded the time allocated to me. I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

INTERSTATE MINING COMPACT COMMISSION RESOLUTION

Mr. BYRD. Mr. President, the 17-member States of the Interstate Mining Compact Commission held their annual meeting in Little Rock, Ark., April 26-29. The Commission is composed of the Governors of most of the major mining States in America.

On April 28, the Commission adopted a resolution concerning acid deposition. The resolution notes that scientific research on the acid deposition phenomenon has produced inconclusive and conflicting results. It further states that legislation under consideration by Congress to impose new limits on sulfur dioxide emissions could have a substantial negative effect on mining and related industries. Electric utility rates could also be increased, without any assurance that sulfur dioxide controls would have the desired results, according to the resolution.

For those reasons, the Commission's resolution states that legislation to impose new sulfur dioxide controls is premature and is not based on adequate scientific research. The Commission strongly supports the enactment of legislation to accelerate the Federal research efforts into the origins, causes, and effects of acid deposition.

I have introduced S. 454, a bill to accelerate the work of the Interagency Task Force on Acid Precipitation. My bill also authorizes the Environmental Protection Agency Administrator to make grants to States for projects to reduce acidity levels.

I believe that it is significant that the Interstate Mining Compact Commission, whose member States represent a cross section of all of the mining regions in the United States, should adopt a resolution to support the approach taken in S. 454. My bill also has bipartisan support, and the cosponsors of the legislation represent many different regions of our country.

I ask unanimous consent that a copy of the resolution adopted by the Interstate Mining Compact Commission be inserted in the RECORD at this point, along with a list of the members of the Commission.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION BY THE INTERSTATE MINING COMPACT COMMISSION

Be it known that:

Whereas, there is a high degree of public attention being given to the issue of acidity levels in precipitation at some locations in the United States and Canada; and

Whereas scientific research on this phenomenon has led different researchers to different and sometimes conflicting conclusions; and

Whereas the United States Congress is considering measures intended to limit sulfur dioxide emissions that could reduce the use of coal as a boiler fuel; that could cause dislocations in coal mine employment, coal producing and using industries and related businesses; and could bring about increases in the rates of electric utility consumers with no certainty that the measure would achieve the intended results.

Now therefore be it resolved: The Interstate Mining Compact Commission believes the rush to unjustified costly remedies is premature and not based on adequate research.

Be it further resolved: The member States staunchly support and advocate the enactment of legislation which calls for an acceleration of federal research efforts into the origins, causes and effects of acid deposition.

Issued this 28th day of April 1983.

KENES C. BOWLING,
Executive Director.

LIST OF COMMISSIONERS

Gov. Charles S. Robb, Virginia, Chairman.
Gov. Richard Celeste, Ohio, Vice-Chairman.
Gov. Bill Clinton, Arkansas, Treasurer.
Gov. James R. Thompson, Illinois.
Gov. George C. Wallace, Alabama.
Gov. Mark White, Texas.
Gov. Lamar Alexander, Tennessee.
Gov. Robert D. Orr, Indiana.
Gov. John Y. Brown, Kentucky.
Gov. James B. Hunt, Jr., North Carolina.
Gov. John D. Rockefeller IV, West Virginia.
Gov. Harry Hughes, Maryland.
Gov. George Nigh, Oklahoma.
Gov. Richard W. Riley, South Carolina.
Gov. Richard L. Thornburgh, Pennsylvania.
Gov. David Treen, Louisiana.

Gov. Toney Anaya, New Mexico.

Mr. BYRD. Mr. President, I have no request for time on this side. I yield back the rest of my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 1 hour, with statements therein limited to 5 minutes.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHY CRANSTON WON IN WISCONSIN; THE SIGNIFICANCE OF THE NUCLEAR FREEZE

Mr. PROXMIRE. Mr. President, for Americans who follow politics closely, especially Democrats, the straw poll victory of Senator ALAN CRANSTON in Wisconsin last Saturday was a real shocker, a No. 1 upset. I talked to the most seasoned observers of Democratic politics in my State. They could not believe it. Almost no one thought it could happen. Former Senator and Vice President Walter Mondale was the heavy favorite for many reasons to win that straw poll.

Mondale not only had the advantages that he has everywhere else in the country—far better name recognition, much stronger support by the movers and shakers in the Democratic Party, such as organized labor—but Mondale also had a much more seasoned larger organization, more money, and the momentum of having won in Massachusetts and being considered the sure shot frontrunner.

In Wisconsin, Mondale had special advantages. The Wisconsin and Minnesota Democratic parties have been like twin sisters with Minnesota easily the dominant twin. Hubert Humphrey was a smash hit for years in Wisconsin. Democrats loved him and in the long years when Republicans dominated Wisconsin politics, Wisconsin Democrats adopted Hubert Humphrey as their Senator.

In his speech to the Wisconsin Democratic convention just before the straw poll on Saturday, Mondale took full advantage of all this. He wrapped himself in Wisconsin's favorite liberal, old Bob LaFollette, and his dear friend and patron, Hubert Humphrey. Also Mondale himself has come to Wisconsin far more than any other national Democrat in recent years. And who was Walter Mondale—the national front runner and Wisconsin favorite up against? A Senator who a year ago had a name recognition in Wisconsin of less than 1 percent and even among active Wisconsin Democratic convention goers probably would not have been recognized as recently as 1981 by 5 percent.

Yet, in spite of all this, CRANSTON beat Mondale. Why? CRANSTON won for one reason and for one reason only. He did not win because he had a superior organization. He did not. He did not win because he spent more money, which he might have done, but the money did not really make much difference. Was there a cause in ideology? No, there were no significant disagreements in political philosophy that made the difference Was there a personal difference? No. CRANSTON did not come through as a stronger, more eloquent, more charismatic, more exciting figure than Mondale.

CRANSTON won for one simple and very obvious reason. He identified himself at the 1982 Democratic Convention—that is, last year—when he appeared as the principal convention speaker with a single issue. Mr. President keep in mind that CRANSTON did not differ from Mondale on the issue. They both agreed, but CRANSTON made that issue his at the 1982 Democratic convention, so that at the 1983 convention last Saturday, CRANSTON had become Mr. Nuclear Freeze.

Result: That surprising—shocking, upset vote in Milwaukee was an overwhelming expression of the intensity with which many Wisconsin people and I believe many Americans feel about the nuclear freeze issue. It's the kind of issue that will persuade people who knew and admired and enthusiastically supported former vice President Mondale to leave him, although he strongly favored a freeze, and switch to vote for a man they knew only one thing about: CRANSTON not only favored the freeze, he had become the very personification of the issue. The delegates could vote this intensity of their determination to win a halt to the nuclear arms race.

Mr. President, I think I have talked with more Wisconsin people than any one else ever has in history. I have found them to be moderate, tolerant people, much like Americans from any other State—devoted to hard work, proud of our country, but deeply troubled by the prospect of a nuclear war and anxious to do everything they can to persuade our leaders to find a way to negotiate an end to the arms race. Sure, those who go to a Democratic convention in my State tend to be much more liberal, more intense, more concerned than most Wisconsin citizens or most Americans. But I think that Members of the Congress and other national political leaders should heed the message that came from Wisconsin so loud and clear last Saturday. More and more American citizens have a burning desire that we find a way to end the nuclear arms race. That desire is growing. It will not be denied.

Mr. LEAHY. Will the Senator from Wisconsin yield for just a moment?

Mr. PROXMIRE. I am happy to yield to my good friend from Vermont.

Mr. LEAHY. Mr. President, I was glad to hear the statements of the Senator from Wisconsin on the floor today. I just want to take this occasion to commend the Senator from Wisconsin. He has, over the past number of months, constantly advised the Senate of items regarding the nuclear freeze and nuclear war and nuclear arms control. I have heard him speak many, many times and have read his statements in the RECORD.

I should note that what the Senator from Wisconsin states is something that has been a long-held belief for him. I heard and recall statements of his on the need for nuclear arms control long before I was in the Senate. I commend him on that.

During the weekend, I was in Vermont, a State that showed leadership in the nuclear freeze issue a year-and-a-half ago in their town meeting votes. I spoke to a large gathering in the southern part of our State at the Weston Priory. It is a priory run by the Benedictine Monks. It was a beautiful day, a lovely early summer Vermont day, following eight weekends of rain. The grass was green, the flowers were out, people were spread out over a long field. I spoke near one of the barns at the priory.

I was impressed by the people who were there—all concerned about nuclear disarmament. They ranged from, literally, babes in arms to one person who told me she is in her late eighties. They were Republicans, Democrats, Independents, Liberals and Conservatives, rich, poor, a cross-section, really, of Vermont. They were all united on one thing: That we need nuclear arms control, real nuclear arms control, that we try somehow to get the genie back in the bottle before it devours us all. I know, from talking with many of these Vermonters, that they wanted to know who some of the Senators were who may need encouragement in this area. I said I could give them the names of some Senators who did not need further encouragement. I mentioned the Senator from Wisconsin as one and mentioned the statements he has made on the floor.

I take this occasion to publicly applaud him for the statements he has made.

Mr. PROXMIRE. Mr. President, I thank the Senator from Vermont. One of the first statements of popular support for the nuclear freeze came from him.

About a year-and-a-half ago, after those town meetings were held, he

made an extraordinarily fine, eloquent statement about the nuclear freeze and popular support for it and the real grass roots sentiment in this country at that time. Of course, it has been building ever since.

I thank my good friend for his very thoughtful remarks, I appreciate them.

Mr. LEAHY. I thank the Senator.

THE WARSAW JEWS

Mr. PROXMIRE. Mr. President, this season marks the anniversary of the Warsaw Ghetto uprising. To commemorate the event, Yisrael Gutman, a survivor of the uprising, has written, "The Jews of Warsaw 1939–43: Ghetto, Underground Revolt." It provides a detailed description of the injustices directed at the Polish Jews.

Gutman explains how the occupying Nazi police encouraged Polish gangs to harass individual Jews.

He writes:

> The Polish police ignored the rampages; the novice Polish underground did not respond at all; and the hoodlums learned that most of the Polish public, as well as the Germans, allowed them a free hand to attack Jews.

Unchecked, these personal attacks escalated into mass murder. The Nazis forced nearly 400,000 Polish Jews into the tiny Warsaw Ghetto. Gutman recalls that many died from disease and starvation. In addition, they suffered from isolation and alienation.

Gutman's work emphasizes that both the Polish Government and the local community knew of the horrible conditions the Jews endured, but remained silent. Rather than protest the violation of human rights, the Poles expressed "apathy and hostility," toward the Jews which "intensified during the war."

Under such harsh conditions, one can only commend the bravery and spirit of the Polish Jews. Battling against all odds, these people preferred to die fighting their oppressors rather than enter the Nazi death camps.

Yet, as we read Gutman's work, we realize that the Warsaw Jews could not fight unaided and expect to survive. They did not receive this support from other Poles; Gutman writes that not a single non-Jewish Pole was found within the ranks of the Warsaw Ghetto resistors.

We cannot alter the tragic ending of Gutman's story. Most of the Warsaw Jews died as martyrs, in both the Ghetto and the crematorium. The few remaining survivors will always carry painful memories of the past.

However, we can take an important step to insure that persecuted groups will never again fall prey to such desertion. The Genocide Convention declares acts of genocide criminal, and calls upon nations to make them punishable by law. By joining the other countries who have already ratified the Genocide Convention, the United States will formally express our concern for religious, ethnic, racial, and national groups into international doctrine. We would also be providing these groups with the moral support the Warsaw Jews desperately needed, but did not receive.

By ratifying the Genocide Convention, we would not only be paying tribute to the brave Jews of Warsaw, but would also be preventing the repetition of the events described in Yisrael Gutman's chronicle.

MILTON R. YOUNG

Mr. PRESSLER. Mr. President, today I would like to pay tribute to a fine Senator, a personal friend, and an outstanding man—Milton R. Young, who recently passed away.

Although I served only briefly with Senator Young, we developed a fast friendship. I often turned to Senator Young for advice on problems concerning our neighboring States. Although one of the senior members on a number of committees, he was never too busy to lend his patient ear to my concerns.

Senator Young's great career began at the county, township, and school board levels. He was elected to the North Dakota State House of Representatives, and to the Senate, where he served as president pro tempore and majority leader, until his appointment to the U.S. Senate in 1945 to fill the vacancy caused by the death of Senator John Moses. In a special election in 1946, he was elected to the term which ended in January 1951. He then went on to be reelected five times. He served continuously longer than any other Republican in the Senate's history; only six Senators have served longer.

I know the love and affection the people of his home State of North Dakota had for him. Many South Dakotans share that feeling. Senator Young served with South Dakota's Senator Karl Mundt on the Senate Appropriations Committee. Senator Mundt became ill while working on a South Dakota project, now known as the Earth resources observation satellite (EROS). Senator Young carried on Senator Mundt's efforts on this project. The people of South Dakota showed their appreciation for his good work by naming a street after him, at the EROS site near Sioux Falls and Garretson, S. Dak. That street is Milton R. Young Boulevard.

I frequently conversed and worked with Senator Young on the agricultural and water problems that face our similar States. He was in agreement that those of us who represent rural States face increasingly tougher odds in our fight to obtain fair representation of farm and rural interests.

Mr. President, Senator Young will be remembered most for his outstanding work on the Agriculture Committee. A farmer at heart, he worked diligently on the committee to see that farmers—not only those in North Dakota, but all across this great country of ours—got the best possible representation. Through his dedicated work on this committee, he was fittingly dubbed "Mr. Wheat." I believe "Mr. Agriculture" would also be an appropriate description.

Mr. President, I ask unanimous consent that an article by Wayne Lubenow concerning Senator Young appear at this point in the RECORD. The article appeared in the Garretson Weekly, published in Garretson, S. Dak.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MILTON R. YOUNG

(By Wayne Lubenow)

[From the Garretson Weekly, Garretson, S. Dak., June 9, 1983]

Milt Young is dead at 85.

He was a very special person.

I say that not only because of the 36 years he served as North Dakota's Senator, but because I knew him pretty well.

Probably no man did as much for the state as he did. And he did it in the wily ways that a United States Senator must do. To get legislation that would help North Dakota farmers, he had to go tenting with southern cotton and tobacco growing Senators.

A military hawk, he hobnobbed with top generals and admirals, rarely voted against Pentagon wishes.

That paid off, too.

When the government decided to build a Coast Guard sophisticated signal beam station called Omega, it boiled down to two sites.

Congressman Odin Langen of Minnesota wanted it for his district. Milt Young wanted it for his home town of LaMoure.

It was no contest. The military gave it to Milt and to LaMoure—proving that a Senator has more clout than a Congressman.

But I said that I knew him pretty well and I did.

When he was instrumental in getting the first Minuteman missiles into North Dakota there was some fear of the reaction of farmers.

I wrote a tongue-in-cheek imaginary interview with a farmer on whose land a missile would be based.

The column ended quoting a farmer, "I don't care about the missiles, just so they don't scare the chickens."

The next day I got a phone call from a delighted Milt Young. He was chuckling. "I'm gonna put it in the Congressional Record," he said. And he did.

He used to put a lot of my columns into the Congressional Record, a meaningless gesture, but he liked to put everything about North Dakota into the Record.

We met personally on countless occasions.

One that strikes me was when the town of Linton put grass greens into its 9-hole golf course.

Milt Young was there for the occasion and so was Lawrence Welk. So was I.

As Young and Welk were about to tee off, Milt spotted me standing among the reporters.

"Why don't you join us, Wayne?" he asked.

He didn't have to ask twice. I joined 'em—and those two old codgers beat the pants off me.

At dozens of ceremonies and press conferences I met with Milt Young. He'd see me and grin and walk over and say, "Who you after today?"

At a big party for him in the Town House Motel in Fargo, he noticed me and Rosie sitting in the huge crowd. He came right off the stage and walked to our table and shook hands and talked to us for 20 minutes.

It wasn't politics, I don't think, but maybe a kinship.

Milt Young knew that I was diametrically opposed to his conservative views. It didn't matter.

He was one of the most open, frank guys I ever met. If this sounds like name-dropping, I'm sorry. We were not close pals, not buddy-buddy. But I knew him.

Most Senators and Congressmen from agricultural states refer to themselves as "dirt farmers."

It is a ploy to get votes.

Well, Milt Young was a real "dirt farmer."

He came up the hard way and he never forgot it. If he had to play footsie with some people to get something for North Dakota, he did it.

That's why we kept electing him.

But Milt Young and I had something else in common.

He stuttered and so do I.

When we met, it would take 10 minutes for us to say hello to each other. It was worth it.

It showed me that a stutterer can become a United States Senator.

It let me know that a stutterer can also get interviews for stories.

The eulogies have poured out for Milt Young and rightly so.

Let one small voice say that he was the most honest man and the most approachable United States Senator I've seen in a long time.

So long, Milt Young. It was awfully good to know you.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTIONS SIGNED

At 2:29 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 42. Joint resolution designating Alaska Statehood Day, January 3, 1984;

S.J. Res. 75. Joint resolution to provide for the designation of June 12 through June 18, 1983, as "National Scleroderma Week"; and

H.J. Res. 201. Joint resolution designating June 14, 1983 as "Baltic Freedom Day".

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary reported that on today, June 13, 1983, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 42. Joint resolution designating Alaska Statehood Day, January 3, 1984; and

S.J. Res. 75. Joint resolution to provide for the designation of June 12 through June 18, 1983, as "National Scleroderma Week".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 1285) to improve the quality of mathematics and science teaching and instruction in the United States, and for other purposes (Rept. No. 98-151).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 1449. A bill to amend the Agricultural Act of 1949 to modify the dairy price support program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENTSEN:

S. 1450. A bill to authorize water supply for the Brazos River Basin, Texas; to the Committee on Environment and Public Works.

S. 1451. A bill to provide for possible hydropower development at Town Bluff Dam, Texas; to the Committee on Environment and Public Works.

S. 1452. A bill to amend Section 221 of the Flood Control Act of 1970; to the Committee on Environment and Public Works.

S. 1453. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project for flood control on Lake Wichita, Holliday Creek, Texas; to the Committee on Environment and Public Works.

S. 1454. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project for navigation improvement at Brazos Island Harbor, Tex.; to the Committee on Environment and Public Works.

S. 1455. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project for flood control on Boggy Creek in Austin, Tex.; to the Committee on Environment and Public Works.

S. 1456. A bill to provide for municipal use of storage water in Benbrook Dam, Tex.; to the Committee on Environment and Public Works.

S. 1457. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project for flood control and recreation in the upper White Oak Bayou area, Texas; to the Committee on Environment and Public Works.

S. 1458. A bill to modify the project for navigation at Houston Ship Channel (Greens Bayou), Texas, to maintain a forty-foot depth in Greens Bayou; to the Committee on Environment and Public Works.

S. 1459. A bill to modify the Houston Ship Channel navigation project to maintain a forty-foot project depth in the Barbour Terminal Channel; to the Committee on Environment and Public Works.

S. 1460. A bill to authorize limited local action on water resources under the jurisdiction of the Corps of Engineers; to the Committee on Environment and Public Works.

S. 1461. A bill to declare the Port of Houston Authority Bridge over Greens Bayou, Tex., to be for all purposes of "lawful bridge" as defined in "An Act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes" approved June 21, 1940 (33 U.S.C. 511 et seq.); to the Committee on Environment and Public Works.

By Mr. SYMMS (for himself and Mr. ZORINSKY):

S. 1462. A bill to provide for an administration of pay of new Government Printing Office employees under the prevailing rate system and the General Schedule, while protecting the pay of present Government Printing Office employees; to the Committee on Rules and Administration.

By Mr. BENTSEN:

S. 1463. A bill to modify the Rio Grande Bank Protection Project, Texas, to the Committee on Environment and Public Works.

By Mr. NUNN:

S.J. Res. 114. Joint resolution to request the President to proclaim September 1983, as "National Professional Security Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1449. A bill to amend the Agricultural Act of 1949 to modify the dairy price support program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MILK PRODUCERS EQUITY ACT OF 1983

Mr. SPECTER. Mr. President, I rise today to introduce the Milk Producers' Equity Act of 1983. We are all aware of the overproduction problem plaguing the dairy industry, resulting in

huge outlays by the Federal Government. In the interest of taxpayers and farmers, alike, we must act to decrease production. This legislation, formulated by the Pennsylvania Farmers' Association, addresses both the short-term problem of surplus stocks of dairy products, currently equivalent to 13.6 billion pounds of milk, and the long-term need to balance supply and demand. Similar legislation has been introduced in the House of Representatives, H.R. 2812, by Congressman CLINGER of Pennsylvania.

The price support program was established to assure a fair income for dairy farmers and an adequate supply of dairy products for consumers. It has been in existence for 40 years. Until recently, the program has met these goals fairly well, with Commodity Credit Corporation—CCC—purchases averaging 4.8 billion pounds per year. However, since 1979, CCC purchases have been climbing dramatically, currently representing 10 percent of total production. In an effort to stem this growth, we enacted a 50-cent assessment per hundredweight on all farmers, with an additional 50-cent assessment at the discretion of the Secretary of Agriculture. Unfortunately, the effect of these assessments has been to increase production, not decrease it. The first assessment was just implemented on April 16. However, since enactment, production has risen nationwide in an attempt to offset the assessment. The Department of Agriculture estimates, assuming the full $1 assessment in effect, that total production for the 1982-83 marketing year will increase from 1 to 3 percent, with CCC purchases of 14.3 billion pounds at a cost of over $2.4 billion. In my State of Pennsylvania, production has increased by 4 percent in each of the last two quarters. Those farmers who are unable to increase production to compensate for the assessment will be forced out of business. Obviously, placing an assessment on all farmers will not correct the supply/demand imbalance.

I am proposing repeal of both 50-cent assessments and replacing them with a two-phase dairy program. Phase 1 would bring down our surpluses by encouraging farmers to cut production and phase 2 would regulate overproduction in the future. Under this plan, farmers would be assigned a production level by the Secretary of Agriculture based on previous production. The Secretary would then determine a production reduction factor equal to the percentage of milk marketed commercially which is purchased by the Federal Government. An individual farmer's production goal would be calculated by subtracting the reduction factor from his production level. Those farmers who maintained their production goal would be supported at $13.10 per hundredweight. However, if a farmer voluntarily reduced production, below the goal, he would receive a bonus payment equal to 15 percent of the support price, approximately $2 per hundredweight. Likewise, a farmer who increases production above his production level will be charged an equivalent assessment. This penalty, reducing the price support level to approximately $11.10, is substantial enough to deter the majority of farmers from offsetting it through increased production. More importantly, the reward is a significant incentive to cut production. It has been estimated that if only 70 percent of farmers participate in the bonus system, CCC purchases would be reduced to 5 billion pounds within 1 year.

When CCC purchases fall below 4 percent of all milk marketed, the bonus/penalty program would terminate and an indexing system put in place. Phase 2 is designed to keep supply and demand in line by indexing the support price to CCC purchases. As milk purchases rise, the support price will automatically fall, and vice versa. This scale will allow the market, not the Government, to set both supply and price.

Our goal should be to reduce the amount of milk produced, not the number of dairy farmers. This legislation would achieve this goal through a temporary reduction incentive program to cut our current surpluses, followed by an indexed scale of price support levels to prevent such overproduction in the future.

I ask unanimous consent that testimony by the Pennsylvania Farmers' Association before the Senate Agriculture Committee be printed in the RECORD along with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Milk Producers Equity Act of 1983".

DAIRY PRICE SUPPORT PROGRAM

SEC. 2. Section 201 of the Agriculture Act of 1949 (7 U.S.C. 1446), as amended by section 101(2) of the Omnibus Budget Reconciliation Act of 1982, is amended—

(1) by striking our subsection (d);

(2) by redesignating subsection (e) through (h) as subsection (f) through (i), respectively; and

(3) by inserting after subsection (c) the following new subsections:

"(d) (1) Notwithstanding subsection (c) and except as provided in paragraph (2), the price of milk shall be supported at not less than $13.10 per hundredweight of milk containing 3.67 per centum milkfat.

"(2) (A) As used in this paragraph—

"(i) the term 'preceding year' means the one year period ending on the date of a determination described in subparagraph (B) is made; and

"(ii) the term 'subsequent year' means the one year period beginning on the first day of the first quarter which begins after the quarter in which a determination described in subparagraph (B) is made.

"(B) If the Secretary determines in any quarter that gross Government price support purchases of milk and the products of milk during the preceding year were less than 4 percent of the amount of milk which was marketed commercially by producers during the preceding year, the price of milk shall be supported during the subsequent year at the level determined under subparagraph (C).

"(C) During any subsequent year, the price support level for milk containing 3.67 per centum milkfat shall equal the percentage of the parity price for milk prescribed in the following table which corresponds to the amount of gross Government price support purchases of milk and the products of milk prescribed in the following table that were made during the preceding year, as determined by the Secretary:

"If gross Government price support purchases of milk and milk products during the preceding year were (in billions of pounds of milk equivalent):	The level of support during the subsequent year shall be the following percentage of the parity price:
Not more than 2.0	More than 80 but not more than 90
More than 2.0 but not more than 2.5.	79
More than 2.5 but not more than 3.0.	78
More than 3.0 but not more than 3.5.	77
More than 3.5 but not more than 4.0.	76
More than 4.0 but not more than 4.5.	75
More than 4.5 but not more than 5.0.	74
More than 5.0 but not more than 5.5.	73
More than 5.5 but not more than 6.0.	72
More than 6.0 but not more than 6.5.	71
More than 6.5 but not more than 7.0.	70
More than 7.0 but not more than 7.5.	69
More than 7.5 but not more than 8.0.	68
More than 8.0 but not more than 8.5.	67
More than 8.5 but not more than 9.0.	66
More than 9.0 but not more than 9.5.	65
More than 9.5 but not more than 10.0.	64
More than 10.0 but not more than 10.5.	63
More than 10.5 but not more than 11.0.	62
More than 11.0 but not more than 11.5.	61
More than 11.5	60

"(D) The Secretary shall make the determination described in this paragraph at least once each quarter of a fiscal year.

"(3) The price of milk shall be supported under this subsection through the purchase of milk and the products of milk.

"(e)(1)(A) The Secretary shall establish a milk production level for each producer of milk which is equal to—

"(i) in the case of a person who produced milk throughout the three year period beginning January 1, 1980, and ending December 31, 1982, the average of the amount of milk produced by the person during each quarter of the three year period (as determined by the Secretary);

"(ii) in the case of a person who produced milk throughout the two year period ending on the date of the establishment or adjustment of the milk production level (other than a person described in clause (i)), the average of the amount of milk produced by the person during each quarter of the two year period (as determined by the Secretary); and

"(iii) in the case of a person who produces milk other than a person described in clause (i) or (ii), an amount determined by the Secretary taking into account—

"(I) the level necessary to assure an adequate, but not excessive, supply of milk of pure and wholesome milk to meet current needs; and

"(II) the average of the amount of milk produced by the person during each quarter of the period beginning with the first quarter of milk production by the person.

"(B) If the appropriate county committee (established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))) determines that the amount of milk produced by a person who is described in subparagraph (A)(i) and who resides in the county was abnormally low as a result of factors beyond the control of the person, the county committee may increase the milk production level of the person established by the Secretary under such paragraph (in accordance with guidelines established by the Secretary). A producer may appeal to the Secretary the action of a county committee taken under this subparagraph. The decision of the Secretary on the appeal shall be final.

"(C) The Secretary shall adjust quarterly the milk production level established for a person described in clause (ii) or (iii) of subparagraph (A).

"(D) A milk production level established for a person under this paragraph may not be leased, sold, or transferred to a person other than to a member of the same family as the person (as described in section 447 (d)(1) of the Internal Revenue Code of 1954).

"(E) If a milk production level is established for a person under this paragraph and the person does not produce milk during all (or substantially all) of two consecutive years, the milk production level for the person shall be terminated.

"(2)(A) No later than September 15 of each year, the Secretary shall establish in accordance with subparagraph (B) a production reduction factor for the fiscal year beginning on October 1 of such year.

"(B) The production reduction factor for a fiscal year shall be equal to the percentage obtained by dividing—

"(i) the amount of gross Government price support purchases of milk and the products of milk which the Secretary determines were made during the fiscal year preceding the relevant fiscal year; by

"(ii) the amount of milk which the Secretary determines was produced by producers during the fiscal year preceding the relevant fiscal year.

"(3)(A) No later than September 15 of each year, the Secretary shall establish in accordance with subparagraph (B) a production goal for each producer described in paragraph (1) for the fiscal year beginning on October 1 of such year.

"(B) The production goal for a milk producer for a fiscal year shall be equal to the—

"(i) the production level established for the producer under paragraph (1); less

"(ii) the product obtained by multiplying—

"(I) the production level established for the producer under paragraph (1); and

"(II) the production reduction factor established for the year under paragraph (2).

"(4)(A) Except as provided in subparagraph (C), if a producer markets during a quarter of a fiscal year an amount of milk which is not more than the quarterly equivalent of the production goal established for the producer for the fiscal year under paragraph (3), the Secretary shall make a bonus payment to the producer which is equal to the product obtained by multiplying—

"(i) 15 percent of the level of price support for milk established under subsection (d) (in hundredweights); by

"(ii) the total amount of milk marketed by the producer during the quarter.

"(B) The Secretary shall make the bonus payment to the producer in equal installments during the quarter following the relevant quarter.

"(C) The Secretary may not make a bonus payment to a producer under subparagraph (A) unless the Secretary is satisified that the reduction in marketings is a net decrease in milk marketings by the producer and has not been offset—

"(i) by expansion of milk production in any other milk production facility in which the producer has an interest; or

"(ii) by the taking of any other action which is a scheme or device to qualify for the bonus payment.

"(D) A bonus payment received by a producer under this paragraph shall be considered as included in payments to the producer for purposes of the minimum price provisions of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.).

"(5)(A) If a producer markets during a quarter of a fiscal year an amount of milk which is more than the quarterly equivalent of the production level established for the producer for the fiscal year under paragraph (3), the producer shall be liable for an assessment equal to the product obtained by multiplying—

"(i) 15 percent of the level of price support for milk established under subsection (d) (in hundredweights); by

"(ii) the total amount of milk marketed by the producer during the quarter.

"(B) No later than fifteen days after the date of the sale of milk, an assessment owed by a producer under subparagraph (A) shall be remitted to the Commodity Credit Corporation in equal installments during the quarter following the relevant quarter—

"(i) by each person making payment to the producer for milk purchased from the producer; or

"(ii) in the case of a producer who markets milk produced by the producer directly to consumers, by the producer.

"(C) Each person who markets milk and each person required to remit assessments under subparagraph (B)(i) shall keep such records and make such reports as the Secretary determines necessary to carry out this paragraph.

"(D) If a person is given adequate notice of, and an opportunity for an administrative hearing with respect to an alleged violation of subparagraph (B) and is found to have willfully violated such subparagraph, the person may be assessed a civil penalty by the Secretary of not more than $1,000 for each such violation, in addition to any assessment owed under such subparagraph, plus interest and costs.

"(E)(i) The person may obtain a review of the penalty by filing a civil action (no later than thirty days after a penalty is assessed against a person under subparagraph (D)) in an appropriate district court of the United States.

"(ii) As part of the answer of the Secretary, the Secretary shall file in the court a certified copy of the record upon which the findings and decision complained of are based.

"(iii) The decision of the Secretary may be set aside only if found to be unsupported by substantial evidence.

"(iv) The district courts of the United States are vested with jurisdiction to review and enforce any civil penalty imposed by this paragraph.

"(6) In carrying out this subsection, the Secretary may, on a reimbursable or nonreimbursable basis, use—

"(i) administrators of Federal milk marketing orders;

"(ii) State and county committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)); or

"(iii) administrators of State milk marketing programs.".

EFFECTIVE DATES

SEC. 3. (a) Section 201(d) of the Agricultural Act of 1949, as amended by section 2 of this Act, shall become effective on the date of the enactment of this Act.

(b) Section 201(e) of the Agricultural Act of 1949, as amended by section 2 of this Act, shall become effective on October 1, 1983, and implemented no later than December 31, 1983.

STATEMENT OF THE PENNSYLVANIA FARMERS' ASSOCIATION

I am Keith Eckel, president of the Pennsylvania Farmers' Association. I am a dairy farmer from Clarks Summit, Pennsylvania, and submit testimony today on behalf of 23,429 farm family members from across our State. Over 50 percent of our members produce milk.

The Pennsylvania Farmers' Association is pleased to testify before this subcommittee to present its recommendations concerning changes on the dairy price support program. Even though our membership comes from within the boundaries of one state, we recognize that the current supply demand imbalance as a national problem and must be dealt with accordingly.

Voting delegates at our November, 1982 annual meeting devoted much time to the discussion of needed changes on the national dairy program. The following policies were adopted unanimously by the delegate body.

(1) That the fifty cent deduction deadline set for December 1 be extended to allow producers more time to offer suggestions and develop an alternative to the surplus problem.

(2) That PFA work for a production reduction plan for dairy farmers under which (1) milk producers who reduce production would not be penalized by having to pay an assessment but would rather be rewarded for reducing production, (2) milk producers who maintain past production would receive a flat rate, (3) milk producers who continue

to increase production would receive a reduced rate for excess production.

We do not believe an assessment on all dairy farmers will correct the current supply demand imbalance or solve OMB budgeting situation. Many farmers are planning to increase production in order to compensate for the 50 cents per hundredweight lost through the assessment. Milk production continues to rise, production in February totaled 10.6 billion pounds, 2.3 percent more than February, 1982, and 4.6 percent more than February, 1981. As farmers increase production to cover costs, total expenditures for the program will multiply and the government will become the owner of even more butter, cheese, and powdered milk. Estimated costs for CCC purchases in 1983 are likely to exceed $2.4 billion, an amount that is inconsistent with the original intent of the program.

We urge that the current 50 cents/hundredweight assessment and planned second 50 cents assessment be repealed. In its place, we recommend a two phase dairy program that will reestablish the proper balance between supply and demand and then maintain that balance automatically. This proposal we present to you today is built on the foundation of principles we consider essential to any successful dairy program.

(1) the cost of the program is of major concern and must be minimized.

(2) the program must be simple to administer and be easily understood by dairy farmers.

(3) the program must bring supply into line with demand through voluntary measures.

(4) the program must supply a structure that will automatically balance supply and demand in the future.

Phase one of this proposal is designed to reduce supply by providing an economic incentive for dairy farmers to reduce production rather than by reducing the number of individuals who produce milk. This will be accomplished by economically rewarding farmers who reduce production and penalizing farmers who increase production.

Revised figures put 1982 production at 135.2 billion pounds, 13.5 billion pounds above commercial disappearance of 121.7 billion pounds. Since the inception of the dairy price support program in 1949 through 1980, CCC purchases averaged 4.8 billion pounds of milk equivalent per year. Phase one will reduce government purchases by the difference between total production and commercial disappearance less the necessary government purchases needed to stabilize the market.

Dairy farmers will participate in this program because there is a significant reward for reducing production and a significant penalty for increasing production. One year will be needed to reduce CCC purchases to five billion pounds. If 100 percent of dairy farmers participate, the cost to the government will be 2.43 billion dollars, almost equal to the current cost of 2.2 billion dollars. But only 70 percent of dairy farmers must participate to make the program work. This reduction plan would automatically terminate when CCC purchases reach 4 percent of all milk marketed.

Under this plan, the average quarterly production level for each producer for the time period 1/1/80 through 12/31/82 would be calculated. A minimum of one year's production would be required for this calculation. The Secretary of Agriculture would determine the needed reduction by dividing commercial disappearance by total production. Those farmers who reduce marketings by this percentage would receive a bonus of 15 percent of the support price multiplied by their production. Those farmers who increased production by any amount would be penalized by the same percentage times their entire production. Adjustments to producers would be made in equal installments during the next quarter. Hardship cases would be handled by local ASCS committees and new producers would enter the market at 90 percent of the current support price. Only members of the same family would be permitted to pass on a production average. Administration of this program would be conducted through Federal Milk Marketing Orders, State and County ASCS committees, and State milk marketing orders.

Phase two of this proposal is designed to keep supply and demand in line by indexing the support price to CCC purchases. As milk production goes up, the support price will go down, automatically. As the supply of milk falls the support price will rise automatically. This scale will allow the market, not government to set both supply and price.

Adjustment of the support price will be made quarterly by the secretary based on predicted CCC purchases for the upcoming 12 month period. The support level will range from 60 to 90 percent of parity and be indexed to 2.0 to 11.6 billion pounds of CCC purchases. This sliding scale will be implemented when CCC purchases reach 4 percent of milk marketed and will effectively work to maintain both supply and price at a fair level.

I thank you for the opportunity to submit testimony today to discuss the Pennsylvania Farmers' Association's idea for the national dairy program. May I reiterate, that our goal is to reduce the amount of milk produced in this country, not the number of dairy farmers. We propose to do this through a short term production reduction incentive program followed by an indexed scale that will balance supply and demand in the long run. This proposal will soon be introduced into Congress. We ask your serious consideration.

By Mr. SYMMS:

S. 1462. A bill to provide for administration of pay of new Government Printing Office employees under the prevailing rate system and the General Schedule, while protecting the pay of present Government Printing Office employees; to the Committee on Rules and Administration.

GOVERNMENT PRINTING OFFICE PAY REFORM ACT OF 1983

● Mr. SYMMS. Mr. President, for over a decade, the issue of excessive wages for certain congressional employees has been discussed but not addressed by Congress. GAO has just finished its third comprehensive study of Government Printing Office wages in 7 years. The report details the fact that some employees at Congress Government Printing Office receive, on average, 42 percent more in wages than other Federal workers performing the same or similar work. This is a shocking problem in our own backyard. If Congress fails to rectify this gross inequity and overpayment of the taxpayers' money to its own employees, the American public will lose faith in our ability to fairly and economically govern.

I am introducing legislation which equitably addresses these problems. The June 3, 1983, GAO report on GPO wages revealed the following astounding facts:

GPO craft and industrial employees were paid $3,322 to $17,879 more per year than General Schedule or Federal wage system employees in the same or similar occupations. This means that GPO craft and industrial employees earn an average of 42 percent more than other Federal workers performing the same or similar work.

GPO craft employees also receive between $0.36 and $5.14 per hour more than private sector employees doing the same work. This translates into approximately a 32 percent premium over the private sector in the Washington, D.C., area.

Over the last 10 years, GPO wage increases for these workers have greatly exceeded wage increases granted other Federal workers.

Many different unrelated jobs, requiring different training and skill levels, are all paid at the same rate, completely disregarding the standard practice in the Federal Government.

The main provisions of my bill will:

First. Apply the Federal wage grades and pay rates—printing and lithographic wage scales—to all the newly hired GPO craft and industrial employees.

Second. "Grandfather" the previously negotiated Kiess Act pay levels for all GPO employees paid under that system, while classifying or grading those workers under the General Schedule or Federal wage systems; and

Third. Provide the "grandfathered" workers with pay raises which they would receive if they were paid under the General Schedule or general wage systems.

Fourth. Apply the General Schedule classification and pay systems to all present and future white-collar GPO employees.

This legislation is designed to bring GPO's classification and pay practices for both white-collar and blue-collar workers into conformity with the systems used by the rest of the Federal Government. Currently, the workers in GPO field printing plants are paid under the Federal wage system whereas the workers at the Washington, D.C., plants bargain collectively for their wages in accordance with 44 U.S.C. 305. This practice is irrational, inequitable, and has been the source of numerous legal challenges.

Three major class-action lawsuits have been leveled against the GPO in the last decade, and the agency has settled or lost them all. These suits resulted from the use of inconsistent classification and pay systems and the perpetuation of the journeyman craft status despite clear disparities in job duties. The Government has lost over $13 million in these suits already, and the costs continue to escalate. The only way to solve the agencywide problems highlighted by the lawsuits

is to implement a rational, equitable, and objective classification and wage system for the agency. This legislation will be a major step toward such a system and will not impact adversely on workers currently employed at the Government Printing Office.

Here, the excessive and wasteful expenditures for Congress own printing have reached intolerable proportions.

This legislation has the potential for saving $18 million yearly when fully implemented.

We must act now for the sake of good and efficient government to remedy problems in our own house.●

By Mr. NUNN:

S.J. Res. 114. Joint resolution to request the President to proclaim September 1983, as "National Professional Security Month"; to the Committee on the Judiciary.

NATIONAL PROFESSIONAL SECURITY MONTH

● Mr. NUNN. Mr. President, I am happy today to introduce a joint resolution to designate September 1983 as National Professional Security Month. This joint resolution would recognize the outstanding contributions made by those security professionals who protect the assets—people, property and information—of private industry, government, and public institutions.

The work of these highly trained professionals has significantly reduced losses caused by various crimes against business and public establishments and have helped prevent or minimize losses to communities from fires, riots, strikes, and civil disorder.

The private security industry now employees more than 1 million men and women and grosses in excess of $10 billion annually. Private security efforts save taxpayers dollars every day by reducing crime and drug abuse.

I want to commend the 18,000 plus members of the American Society for Industrial Security (ASIS) for its efforts to educate the public on the need for improved security.

Mr. President, the many important activities of ASIS should be recognized by designating September 1983 as National Professional Security Month.●

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 540, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

S. 1022

At the request of Mr. ANDREWS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1022, a bill to amend section 8(a) of the Small Business Act to treat businesses owned by Indian tribes as socially and economically disadvantaged small business concerns.

S. 1080

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

S. 1244

At the request of Mr. PACKWOOD, the names of the Senator from Hawaii (Mr. INOUYE), and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of S. 1244, a bill to amend title XVIII of the Social Security Act to provide for a program of health care for elderly individuals who require long-term care.

S. 1256

At the request of Mr. MOYNIHAN, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1256, a bill to authorize special assistance for desegregation activities.

S. 1300

At the request of Mr. HUDDLESTON, the name of the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the rural electrification and telephone revolving fund, and for other purposes.

S. 1302

At the request of Mr. HEINZ, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1302, a bill to amend title XVIII of the Social Security Act with respect to purchase and rentals of durable medical equipment.

S. 1348

At the request of Mr. MOYNIHAN, the names of the Senator from Texas (Mr. BENTSEN), the Senator from Maryland (Mr. SARBANES), the Senator from Maryland (Mr. MATHIAS), the Senator from Michigan (Mr. RIEGLE), the Senator from Indiana (Mr. LUGAR), the Senator from Kansas (Mr. DOLE), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 1348, a bill to authorize the President of the United States to present on behalf of Congress a specially struck gold medal to the widow of Roy Wilkins.

S. 1361

At the request of Mr. HUMPHREY, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 1361, a bill to require notice on social security checks that it is a violation of law to commit forgery in conjunction with the cashing of those checks.

SENATE JOINT RESOLUTION 54

At the request of Mr. NICKLES, the names of the Senator from Louisiana (Mr. JOHNSTON), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 54, a joint resolution to authorize and request the President to designate the month of January 1984 as "National Eye Health Care Month."

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from Maryland (Mr. MATHIAS), the Senator from Indiana (Mr. LUGAR), the Senator from North Carolina (Mr. HELMS), the Senator from Tennessee (Mr. SASSER), the Senator from Mississippi (Mr. STENNIS), and the Senator from Wisconsin (Mr. KASTEN) were added as cosponsors of Senate Joint Resolution 56, a joint resolution to designate the month of August 1983 as "National Child Support Enforcement Month."

SENATE RESOLUTION 114

At the request of Mr. PRESSLER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of Senate Resolution 114, a resolution to express the sense of the Senate that certain rural fire protection programs should receive a level of funding for fiscal year 1984 which is at least as high as the level of funding provided for such programs for fiscal year 1983.

AMENDMENT NO. 1376

At the request of Mr. HUDDLESTON, his name was added as a cosponsor of amendment No. 1376 proposed to H.R. 3069, a bill making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

AMENDMENTS SUBMITTED

CABLE TELECOMMUNICATIONS ACT

ABDNOR (AND OTHERS) AMENDMENT NO. 1378

Mr. ABDNOR (for himself, Mr. EXON, Mr. BURDICK, and Mr. PRESSLER) proposed an amendment to the bill (S. 66) to amend the Communications Act of 1934; as follows:

"(5) recognizing the long standing tradition of the Congress of promoting universal telephone service at reasonable rates, and recognizing the rapid technological changes of the types and delivery of services offered by the telecommunications industry, it is in the public interest to ensure that all providers of telecommunication services share in the obligation of providing universal service.".

ABDNOR (AND OTHERS) AMENDMENT NO. 1379

Mr. ABDNOR (for himself, Mr. BURDICK, Mr. EXON, Mr. EAST, Mr. HELMS,

Mr. ANDREWS, Mr. MELCHER, and Mr. PRESSLER) proposed an amendment to the bill S. 66, supra; as follows:

On page 23, beginning with line 15, strike out all through line 20 and insert in lieu thereof:

"(2) 'basic telephone service' means telecommunications service that would be subject to regulation by the Commission or any State if offered by a common carrier subject, in whole or in part, to title II of this Act; ".

BENTSEN AMENDMENT NO. 1380

Mr. BENTSEN proposed an amendment to the bill S. 66, supra; as follows:

On page 46, line 18, immediately after the period insert the following: "Notwithstanding any other provision of this Act, the provisions of this Act shall not be applicable to any franchise in effect on the date immediately preceding the date of the enactment of this Act.".

WILSON AMENDMENT NO. 1381

Mr. WILSON proposed an amendment to the bill S. 66, supra; as follows:

Page 37, line 18, immediately after "24 months", insert ", but not more than 36 months,".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, June 14, at 9:30 a.m., to hold a hearing on the tobacco program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Pollution, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, June 14, at 2 p.m., to receive testimony from EPA Administrator William D. Ruckelshaus on the Clean Water Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TOXIC SUBSTANCES

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the Subcommittee on Toxic Substances and Environment Oversight, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, June 14, at 10 a.m., to hold a hearing on environmental research and development.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUCLEAR REGULATION

Mr. PACKWOOD. Mr. President I ask unanimous consent that the Subcommittee on Nuclear Regulation, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, June 14, at 10 a.m., to hold a hearing to consider licensing reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SELF-TAX OF 1983

● Mr. QUAYLE. Mr. President, earlier this year I introducted my proposal for reform and simplification of the U.S. Tax Code, S. 1040, the SELF-tax plan of 1983. This proposal would eliminate most special preferences and reduce both individual and business tax rates.

My colleague, Senator BRADLEY, has now introduced S. 1421, a tax proposal which shares many of the aims of my own. In the interests of keeping my colleagues informed on how these two proposals compare, I have prepared some tables showing the differences in tax liability for several hypothetical taxpayers under 1984 law, the Bradley-Gephardt proposal, and the SELF-tax.

The computations for the SELF-tax are based on the tax table proposed in that bill. Computations are based on schedules for single persons who are not heads of household and married taxpayers filing jointly. The hypothetical taxpayers in these tables are the same as those used by Senator BRADLEY to compare his proposal to the 1984 law. I ask that the tax schedules for the SELF-tax and the tables comparing the 1984 law, Bradley-Gephardt, and the SELF-tax be reprinted in the RECORD.

The material follows:

TABLE 1.—SELF-TAX PLAN OF 1983: TAX SCHEDULES

If taxable income is—	The tax is—
Schedule I. Single taxpayers who do not qualify for rates in schedules II and III:	
Not over $6,000	No tax.
Over $6,000 but not over $16,000	Zero plus 144 excess over $6,000.
Over $16,000 but not over $40,000	$1,400 plus 21 percent of excess over $16,000.
Over $40,000	$6,440 plus 26 percent of excess over $40,000.
Schedule II. (A) Married taxpayers filing joint returns, (B) Certain widows and widowers:	
Over $10,000	No tax.
Over $10,000 but not over $26,000	Zero plus 14 percent of excess over $10,000.
Over $26,000 but not over $60,000	$2,240 plus 21 percent of excess over $26,000.
Over $60,000	$9,380 plus 28 percent of excess over $60,000.
Schedule III. Unmarried (or legally separated) taxpayers who qualify as heads of household:	
Over $6,000	No tax.
Over $6,000 but not over $19,000	Zero plus 14 percent of excess over $6,000.
Over $19,000 but not over $50,000	$1,820 plus 21 percent of excess over $19,000.
Over $50,000	$8,530 plus 28 percent of excess over $50,000.

TABLE 1.—SELF-TAX PLAN OF 1983: TAX SCHEDULES—Continued

If taxable income is—	The tax is—
Schedule IV. Married individuals filing separate returns:	
Over $5,000	No tax.
Over $5,000 but not over $13,000	Zero plus 14 percent of excess over $5,000.
Not over $13,000 but not over $30,000	$1,120 plus 21 percent of excess over $13,000.
Over $30,000	$4,690 plus 28 percent of excess over $30,000.
Schedule V. Estate and trust:	
Over $8,000	14 percent of taxable income.
Over $8,000 but not over $25,000	$1,120 plus 21 percent of excess over $8,000.
Over $25,000	$4,690 plus 28 percent of excess over $25,000.

COMPARISON OF 1984 LAW, BRADLEY-GEPHARDT PROPOSAL, AND SELF-TAX OF 1983

MARRIED TAXPAYER NO. 1

	1984 law	Bradley-Gephardt proposal	SELF
Income: Salary	[1] $15,000	[1] $15,000	[1] $15,000
Less: Two earner deduction	500		
Plus:			
Employer paid life insurance		1,200	1,200
Employer paid health insurance		150	150
Equals: Adjusted gross income	14,500	16,350	16,350
Less: Exemptions	4,000	5,200	400
Equals: Taxable income	10,500	11,150	12,350
Tax	[2] 889	[3] 721	[4] 329
Marginal tax rate (in percent)	14	14	14

[1] Assumed $10,000 earned by one spouse, $5,000 by other.
[2] From 1984 law rate tables.
[3] Taxable income less $6,000 zero bracket amount times 14 percent tax rate.
[4] From SELF-tax rate table.

SINGLE TAXPAYER NO. 1

	1984 law	Bradley-Gephardt proposal	SELF
Income: Salary	$15,000	$15,000	$15,000
Plus:			
Employer paid health		1,200	1,200
Employer paid life		100	100
Equals: Adjusted gross income	15,000	16,300	16,300
Less: Exemption	1,000	1,600	1,000
Equals: Taxable income	14,000	14,750	15,300
Tax	[1] 1,801	[2] 1,645	[3] 1,302
Marginal tax rate (in percent)	20	14	14

[1] From 1984 law tax rate tables.
[2] Taxable income less $3,000 zero bracket amount times 14 percent tax rate.
[3] From SELF-tax rate table.

SINGLE TAXPAYER NO. 2

	1984 law	Bradley-Gephardt proposal	SELF
Income: Salary	$30,000	$30,000	$30,000
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		300	300
Equals: Adjusted gross income	30,000	31,500	31,500
Less: Exemption	1,000	1,600	1,000
Equals: Taxable income	29,000	29,900	30,500
Tax	[1] 5,773	[2] 4,546	[3] 4,445
Marginal tax rate (percent)	34	26	21

[1] From 1984 law rate tables.
[2] Taxable income less $3,000 zero bracket amount times 14-percent rate, plus surtax (12 percent of AGI over $25,000).
[3] From SELF-tax rate table.

MARRIED TAXPAYER NO. 2

	1984 law	Bradley-Gephardt proposal	SELF
Income: Salary	[1] $30,000	[1] $30,000	[1] $30,000
Less: 2-earner deduction	1,000		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		300	300
Equals: Adjusted gross income	29,000	31,500	31,500
Less:			
Exemptions	4,000	5,200	4,000
Child care deduction		2,000	
Equals: Taxable income	25,000	24,300	27,500
Tax before credit	[2] 3,565	[2] 2,562	
Less: Child care credit	400		
Equals: Tax after credit	3,165	2,562	[4] 2,555
Marginal tax rate (percent)	25	14	21

[1] Assumed $20,000 earned by 1 spouse, $10,000 by the other.
[2] From 1984 law rate tables.
[3] Taxable income less $6,000 zero bracket amount times 14-percent tax rate.
[4] From SELF-tax rate table.

SINGLE TAXPAYER NO. 3

	1984 law	Bradley-Gephardt proposal	SELF
Income: Salary	$30,000	$30,000	$30,000
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		300	300
Equals: Adjusted gross income	30,000	31,500	31,500
Itemized deductions:			
Mortgage interest	3,000	3,000	
Property taxes	1,000	1,000	
Sales taxes	250		
Income taxes	1,200	1,200	
Charitable contributions	500	500	
Total	5,950	5,700	
Less: Zero bracket amount	2,300	3,000	
Equals: Excess itemized deductions	3,650	2,700	
AGI	30,000	31,500	
Less:			
Exemptions	1,000	1,600	1,000
Excess itemized deductions	3,650	2,700	
Equals: Taxable income	25,350	27,200	30,500
Tax	[1] 4,670	[2] 4,168	[3] 4,445
Marginal tax rate (percent)	30	26	21

[1] From 1984 law rate tables.
[2] Taxable income less $3,000 zero bracket amount times 14-percent tax rate, plus surtax (12 percent of AGI over $25,000).
[3] From SELF-tax rate table.

MARRIED TAXPAYER NO. 3

	1984 law	Bradley-Gephardt proposal	SELF
Income: Salary	[1] $30,000	[1] $30,000	[1] $30,000
Less: 2-earner deduction	1,000		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		300	300
Equals: Adjusted gross income	29,000	31,500	31,500
Itemized deductions:			
Mortgage interest	3,000	3,000	
Property taxes	1,000	1,000	
Sales taxes	400		
Income taxes	1,000	1,000	
Charity	500	500	
Total	5,900	5,500	
Less: Zero bracket amount	3,400	6,000	
Equals: Excess itemized deductions	2,500	0	
AGI	29,000	31,500	
Less:			
Exemptions	4,000	5,200	4,000
Excess itemized deductions	2,500	0	
Child care deduction		2,000	
Equals: Taxable income	22,500	24,300	27,500
Tax before credit	[2] 3,003	[2] 2,562	

MARRIED TAXPAYER NO. 3—Continued

	1984 law	Bradley-Gephardt proposal	SELF
Less: Child care credit	400		
Equals: Tax after credit	2,603	2,562	[4] 2,555
Marginal tax rate (percent)	22	14	21

[1] Assumed $20,000 earned by 1 spouse, $10,000 by the other.
[2] From 1984 law rate tables.
[3] Taxable income less $6,000 zero bracket amount times 14-percent tax rate.
[4] From SELF-tax rate table.

SINGLE TAXPAYER NO. 4

	1984 law	Bradley-Gephardt proposal	SELF
Income:			
Salary	$60,000	$60,000	$60,000
Dividends	100	100	100
Less: Dividend exclusion	100		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		600	600
Equals: Adjusted gross income	60,000	61,900	61,900
Itemized deductions:			
Mortgage interest	4,800	4,800	
Property taxes	2,000	2,000	
Sales taxes	700		
Income taxes	3,000	3,000	
Charitable contributions	1,500	1,500	
Total	12,000	11,300	
Less: Zero bracket amount	2,300	3,000	
Equals: Excess itemized deductions	9,700	8,300	
AGI	60,000	61,900	
Less:			
Exemption	1,000	1,600	1,000
Excess itemized deductions	9,700	8,300	
Equals: Taxable income	49,300	52,000	60,900
Tax	[1] 13,595	[2] 12,264	[3] 12,292
Marginal tax rate (percent)	45	30	28

[1] From 1984 law rate tables.
[2] Taxable income less $3,000 zero bracket amount times 14 percent, plus surtax (12 percent of AGI from $25,000 to $37,500, and 16 percent of AGI in excess of $37,500.
[3] From SELF-tax rate tablE.

MARRIED TAXPAYER NO. 4

	1984 law	Bradley-Gephardt proposal	SELF
Income:			
Salary	$60,000	$60,000	$60,000
Dividends	200	200	200
Less:			
Dividend exclusion	200		
2 earner couple deduction	2,000		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		600	600
Equals: Adjusted gross income	58,000	62,000	62,000
Itemized deductions:			
Mortgage interest	4,800	4,800	
Property taxes	2,000	2,000	
Sales taxes	800		
Income taxes	2,400	2,400	
Charitable contributions	1,500	1,500	
Total	11,500	10,700	
Less: Zero bracket amount	3,400	6,000	
Equals: Excess itemized deductions	8,100	4,700	
AGI	58,000	62,000	
Less:			
Exemptions	4,000	5,200	4,000
Excess itemized deductions	8,100	4,700	
Child care deduction		3,000	
Equals: Taxable income	45,900	49,100	58,000
Tax before credit	[1] 9,810	[2] 8,674	
Less child care credit	600		
Equals: Tax after credit	9,210	8,674	[3] 8,960
Marginal tax rate (percent)	38	26	21

[1] From 1984 law rate tables.
[2] Taxable income less $6,000 zero bracket amount times 14 percent tax rate, plus surtax (12 percent of AGI over $40,000).
[3] From SELF-tax rate table.

SINGLE TAXPAYER NO. 5

	1984 law	Bradley-Gephardt proposal	Self
Income:			
Salary	$60,000	$60,000	$60,000
Long Term capital gains	40,000	40,000	40,000
Interest and dividends	20,000	20,000	20,000
Total	120,000	120,000	120,000
Less:			
Capital gain exclusion	24,000		
Dividend exclusion	100		
Net interest exclusion	450		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		600	600
Equals: Adjusted gross income	95,450	121,800	121,800
Itemized deductions:			
Mortgage interest	5,000	5,000	
Other interest	5,000	2,500	
Property tax	3,000	3,000	
Sales tax	1,000		
Income tax	7,500	7,500	
Charity	5,000	5,000	
Total	26,500	23,000	
Less: Zero bracket amount	2,300	3,000	
Equals: Excess itemized deductions	24,200	20,000	
AGI	94,450	121,800	121,800
Less: Exemption	1,000	1,600	1,000
Less; Excess itemized deductions	24,200	20,000	
Equals: Taxable income	70,250	100,200	120,800
Tax	[1] 23,291	[2] 28,596	[3] 29,064
Marginal tax rate:			
Ordinary income (percent)	48	30	28
Capital gains (percent)	19.2	30	28

[1] From 1984 law rate tables.
[2] Taxable income less $3,000 zero bracket amount times 14 percent tax rate, plus surtax (12 percent of AGI from $25,000 to $37,500, and 16 percent of AGI in excess of $37,500).
[3] From SELF-tax. rate table.

MARRIED TAXPAYER NO. 5

	1984 law	Bradley-Gephardt proposal	Self
Income:			
Salary	[1] $60,000	[1] $60,000	[1] $60,000
Long-term capital gains	40,000	40,000	40,000
Interest and dividends	20,000	20,000	20,000
Total	120,000	120,000	120,000
Less:			
Capital gain exclusion	24,000		
Dividend exclusion	200		
2 earner deduction	2,000		
Net interest exclusion	900		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		600	600
Equals: Adjusted Gross Income	92,900	121,800	121,800
Itemized deductions:			
Mortgage interest	5,000	5,000	
Other interest	5,000	2,500	
Property tax	3,000	3,000	
Sales tax	1,200		
Income tax	7,000	7,000	
Charity	5,000	5,000	
Total	26,200	22,500	
Less: Zero bracket amount	3,400	6,000	
Equals: Excess itemized deduction	22,800	16,500	
AGI	92,900	121,800	
Less: Exemptions	4,000	5,200	4,000
Excess itemized deductions	22,800	16,500	
Child care deduction		4,000	
Equals: Taxable income	66,100	96,100	117,800
Tax before credit	[2] 17,730	[3] 24,702	
Child care credit	800		
Tax	16,930	24,702	[4] 25,564

MARRIED TAXPAYER NO. 5—Continued

	1984 law	Bradley-Gephardt proposal	Self
Marginal tax rate:			
Ordinary income (percent)	42	30	28
Capital gains (percent)	16.8	30	28

[1] Assumed $40,000 earned by one spouse, $20,000 by the other.
[2] From 1984 law rate tables.
[3] Taxable income less $6,000 zero bracket amount times 14 percent tax rate, plus surtax (12 percent of AGI from $40,000 to $65,000, and 16 percent of AGI in excess of $65,000).
[4] From SELF-tax rate table.

SINGLE TAXPAYER NO. 6

	1984 law	Bradley-Gephardt proposed	SELF
Income:			
Salary	$60,000	$60,000	$60,000
Total	120,000	120,000	120,000
Less:			
Dividend exclusion	100		
Net interest exclusion	450		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		600	600
Equals: Adjusted gross income	119,540	121,800	121,800
Itemized deductions:			
Mortgage interest	5,000	5,000	
Other interest	5,000	2,500	
Property tax	3,000	3,000	
Sales tax	1,000		
Income tax	7,500	7,500	
Charity	5,000	5,000	
Total	26,500	23,000	
Less: Zero bracket amount	2,300	3,000	
Equals: Excess itemized deductions	24,200	20,000	
AGI	119,450	121,800	
Less: Exemption	1,000	1,600	1,000
Equals: Excess itemized deductions	24,200	20,000	
Equals: Taxable income	94,250	100,200	120,800
Tax	[1] 35,060	[2] 28,596	[3] 29,064
Marginal tax rate:			
Ordinary income (percent)	50	30	28
Capital gains (percent)	20	30	28

[1] From 1984 law rate tables.
[2] Taxable income less $3,000 zero bracket amount times 14 percent tax rate, plus surtax (12 percent of AGI from $25,000 to $37,500 and 16 percent of AGI in excess of $37,500).
[3] From SELF-tax rate table.

MARRIED TAXPAYER NO. 6

	1984 law	Bradley-Gephardt proposal	SELF
Income:			
Salary	[1] $60,000	[1] $60,000	[1] 60,000
Interest and dividends	60,000	60,000	60,000
Total	120,000	120,000	120,000
Less:			
Dividend exclusion	200		
2 earner deduction	2,000		
Net interest exclusion	900		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		600	600
Equals: Adjusted gross income	116,900	121,800	121,800
Itemized deductions:			
Mortgage interest	5,000	5,000	
Other interest	5,000	2,500	
Property tax	3,000	3,000	
Sales tax	1,200		
Income tax	7,000	7,000	
Charity	5,000	5,000	
Total	26,200	22,500	
Less: Zero bracket amount	3,400	6,000	
Equals: Excess itemized deduction	22,800	16,500	
AGI	116,900	121,800	
Less:			
Exemptions	4,000	5,200	4,000
Excess itemized deductions	22,800	16,500	
Child care deduction		4,000	

MARRIED TAXPAYER NO. 6—Continued

	1984 law	Bradley-Gephardt proposal	SELF
Equals: Taxable income	90,100	96,100	117,800
Tax before credit	[2] 27,945	[3] 24,702	
Child care credit	800		
Tax	27,145	24,702	[4] 25,564
Marginal tax rate:			
Ordinary income (percent)	45	28	28
Capital gains (percent)	18	28	28

[1] Assumed $40,000 earned by one spouse, $20,000 by the other.
[2] From 1984 law rate tables.
[3] Taxable income less $6,000 zero bracket amount times 14 percent tax rate, plus surtax (12 percent of AGI from $40,000 to $65,000, and 16 percent of AGI in excess of $65,000).
[4] From SELF-tax rate table.

MARRIED TAXPAYER NO. 7

	1984 law	Bradley-Gephardt proposal	SELF
Income:			
Salary	[1] $200,000	[1] $200,000	[1] $200,000
Long-term capital gain	400,000	400,000	400,000
Interest and dividends	400,000	400,000	400,000
Total	1,000,000	1,000,000	1,000,000
Less:			
Capital gain exclusion	240,000		
Dividend exclusion	200		
Two-earner deduction	3,000		
Net interest exclusion	900		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		2,000	200
Equals: Adjusted gross income	755,900	1,003,200	1,003,200
Itemized deductions:			
Mortgage interest	10,000	10,000	
Other interest	100,000	50,000	
Property tax	10,000	10,000	
Sales tax	4,000		
Income tax	100,000	100,000	
Charity	50,000	50,000	
Total	274,000	220,000	
Less: Zero bracket amount	3,400	6,000	
Equals: Excess itemized deductions	270,600	214,000	
AGI	755,900	1,003,200	
Less:			
Exemptions	4,000	5,200	4,000
Excess itemized deductions	270,600	214,000	
Child care deduction		4,800	
Equals: Taxable income	481,300	779,200	999,200
Tax before credit	[2] 222,050	[2] 261,360	
Child care credit	960		
Tax after credit	221,090	261,360	[4] 272,356
Marginal tax rate (percent)			
Ordinary income	50	30	28
Capital gains	20	30	28

[1] Assumed at least $30,000 earned by lesser earning spouse.
[2] From 1984 law rate tables.
[3] Taxable income less $6,000 zero bracket amount times 14 percent tax rate, plus surtax (12 percent of AGI from $40,000 to $65,000, and 16 percent of AGI in excess of $65,000).
[4] From SELF-tax rate table.

MARRIED TAXPAYER NO. 8

	1984 law	Bradley-Gephardt proposal	SELF
Income:			
Salary	[1] $200,000	[1] $200,000	[1] $200,000
Interest and dividends	800,000	800,000	800,000
Total	1,000,000	1,000,000	1,000,000
Less:			
Dividend exclusion	200		
Two earner deduction	3,000		
Net interest exclusion	900		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		2,000	2,000
Equals: Adjusted gross income	995,900	1,003,200	1,003,200

MARRIED TAXPAYER NO. 8—Continued

	1984 law	Bradley-Gephardt proposal	SELF
Itemized deductions:			
Mortgage interest	10,000	10,000	
Other interest	100,000	50,000	
Property taxes	10,000	10,000	
Sales taxes	4,000		
Income taxes	100,000	100,000	
Charitable contributions	50,000	50,000	
Total	274,150	220,000	
Less: Zero bracket amount	3,400	6,000	
Equals: Excess itemized deductions	270,600	214,000	
AGI	995,900	1,003,200	
Less:			
Exemptions	4,000	5,200	4,000
Excess itemized deductions	270,600	214,000	
Child care deduction		4,800	
Equals: Taxable Income	721,300	779,200	999,200
Tax before credit	[3] 342,050	[3] 261,360	
Child care credit	960		
Tax after credit	341,090	261,360	[4] 272,356
Marginal tax rate (percent):			
Ordinary income	50	30	28
Capital gains	20	30	28

[1] Assumed at least $30,000 earned by lesser earning spouse.
[2] From 1984 law rate tables.
[3] Taxable income less $6,000 zero bracket amount times 14 percent tax rate, plus surtax (12 percent of AGI from $40,000 to $65,000 and 16 percent of AGI in excess of $65,000).
[4] From SELF-tax rate table.

MARRIED TAXPAYER NO. 9

	1984 law	Bradley-Gephardt proposal	Self
Income:			
Salary	[1] $200,000	[1] $200,000	[1] $200,000
Interest and dividends	800,000	800,000	800,000
Oil and gas partnership revenues	100,000	100,000	100,000
Less:			
Intangible drilling costs	1,000,000	142,857	
Depletion	65,000	14,286	
Total	35,000	942,857	1,100,000
Less:			
Dividend exclusion	200		
2-earner deduction	3,000		
Net interest exclusion	900		
Plus:			
Employer paid health insurance		[1] 1,200	1,200
Employer paid life insurance		2,000	2,000
Equals: Adjusted gross income	30,900	946,057	1,003,200
Itemized deductions:			
Mortgage interest	10,000	10,000	
Other interest	100,000	50,000	
Property taxes	10,000	10,000	
Sales taxes	4,000		
Income taxes	100,000	100,000	
Charitable contributions	50,000	50,000	
Total	274,000	220,000	
Less: Zero bracket amount	3,400	6,000	
Equals: Excess itemized deductions	270,600	214,000	
AGI	30,900	946,057	
Less:			
Exemptions	4,000	5,200	4,000
Excess itemized deductions	270,600	214,000	
Child care deduction		4,800	
Equals: Taxable income	0	722,057	1,099,200
Tax before credit	[2] 0	[3] 244,217	
Child care credit	960		
Tax after credit	0	244,217	
Minimum tax	158,000		
Total tax	158,000	244,217	[4] 300,356
Marginal tax rate (percent)	20	30	28

[1] Assumes at least $30,000 earned by lesser earning spouse.
[2] From 1984 law rate tables.
[3] Taxable income less $6,000 zero bracket amount times 14 percent tax rate, plus surtax (12 percent of AGI from $40,000 to $65,000 and 16 percent of AGI in excess of $65,000).
[4] From SELF-tax rate table.

MARRIED TAXPAYER NO. 10

	1984 law	Bradley-Gephardt proposal	Self
Income: Salary	[1] $30,000	[1] $30,000	[1] $30,000
Less: 2-earner deduction	1,000		
Plus:			
Employer paid health insurance		1,200	1,200
Employer paid life insurance		300	300
Equals: Adjusted gross income	29,000	31,500	31,500
Itemized deductions:			
Mortgage interest	5,000	5,000	
Property taxes	1,500	1,500	
Sales taxes	400		
Income taxes	1,000	1,000	
Charitable contributions	500	500	
Toltal	8,400	8,000	
Less: Zero bracket amount	3,400	6,000	
Equals: Excess itemized deductions	5,000	2,000	
AGI	29,000	30,700	
Less:			
Exemptions	4,000	5,000	4,000
Excess itemized deductions	5,000	2,000	
Child care deductions		2,000	
Equals: Taxable income	20,000	22,300	27,500
Tax before credit	[2] 2,461	[3] 2,282	
Less: Child care credit	400		
Equals: Tax after credit	2,061	2,282	[4] 2,555
Marginal tax rate (percent)	18	14	21

[1] Assumed $20,000 earned by 1 spouse, $10,000 by the other.
[2] From 1984 law rate tables.
[3] Taxable income less $6,000 zero bracket amount times 14-percent tax rate.
[4] From SELF-tax rate table.●

PRESIDENT REAGAN'S NEW START OFFER

● Mr. KENNEDY. Mr. President, last week President Reagan announced that he was altering his proposal for the strategic arms reductions talks (START) to "reflect the concerns and recommendations of the Scowcroft Commission, the Congress, and others" and "offer the prospect of new progress toward a START agreement."

I hope this indicates some flexibility on the administration's part, but we do have to remember that at the same time the President is proposing the MX missile, the B-1 bomber, a record defense budget, and a whole new escalation of the nuclear arms race. This President has opposed every nuclear-arms-control agreement of the last 20 years and has supported virtually every proposed weapons system during that same period.

It is time for the administration to move toward a mutual and verifiable nuclear freeze, and to recognize that the way to stop the arms race is to stop, not START. That is why I am determined to pursue a full Senate debate and vote on the Kennedy-Hatfield nuclear freeze resolution as soon as possible.

In the June 12 issue of the New York Times, Leslie H. Gelb and Raymond L. Garthoff explain cogently why President Reagan's proposals raise doubts about the reality of flexibility in the START negotiations. As Mr. Gelb points out, the President "had made the minimum necessary changes in his negotiating approach to capture a Congressional majority for the new MX missile, but not nearly enough to achieve a breakthrough in the talks that resumed in Geneva on Wednesday." Unfortunately, "the advertised flexibility," according to Mr. Garthoff," does not extend to the key provisions that made the administration's original negotiating proposal fundamentally unacceptable to Moscow."

I commend these two articles, by a former Director of Political-Military Affairs of the State Department and a former member of the United States SALT delegation, to my colleagues and request that they be printed in the RECORD.

The articles follow:

[From the New York Times, June 6, 1983]

TARGET OF 'FLEXIBILITY' IS CONGRESS, NOT THE KREMLIN

(By Leslie H. Gelb)

WASHINGTON.—Amid much fanfare last week, President Reagan announced that he was altering his proposal to the Soviet Union in the strategic arms reductions talks and dangled promises of continuing flexibility. But when the noise died down, the situation looked like this: He had made the minimum necessary changes in his negotiating approach to capture a Congressional majority for the new MX missile, but not nearly enough to achieve a breakthrough in the talks that resumed in Geneva on Wednesday.

In fact, the only concrete decision officials said he took in an hour-long National Security Council meeting was to raise the proposed ceiling of long-range ballistic missiles on each side from 850 to about 1,200. Every other element of his original proposal still stands, according to Administration officials, and these basics—the demands for sharp cuts in missile warheads and in large Soviet land-based missiles—remain the major stumbling blocks to agreement, as Moscow's reaction confirmed. Tass, the Soviet press agency, described the revised proposals as "mere words" which were "directed at gaining military superiority and pressing the Soviet Union into unilateral disarmament."

Nevertheless, the mood music from Washington and Moscow was less downbeat than it has been recently. Mr. Reagan went out of his way to stress that practically nothing was set in concrete. He said that Moscow was "largely," but not wholly, to blame for the lack of progress. Congressional skeptics, who were backing him, grasped the theme of flexibility as a way of holding Mr. Reagan to his pledge. Meanwhile, Soviet leader Yuri V. Andropov had said through the veteran American diplomat W. Averell Harriman that he wanted better relations with Washington, and Moscow picked up on Mr. Reagan's emphasis on the need for "deep cuts" in nuclear forces.

The first step for the Reagan team was to ensure that Congress would not undercut his bargaining position by refusing to back the MX. Getting the necessary Congressional support meant accepting the proposals of his Commission on Strategic Forces, the group headed by retired Lieut. Gen. Brent Scowcroft. The deal was that a number of Democratic legislators would vote for the MX if Mr. Reagan committed himself to building a new small missile with a single warhead, known as Midgetman, and adjusted the strategic arms talks position accordingly. This entailed raising the proposed ceiling on missiles to accommodate the additional Midgetmen, thus in theory opening the door for Moscow to march in the same direction toward reducing the number of powerful land-based missiles with multiple warheads.

The raising of the proposed missile limit from 850 to about 1,200 was also a conciliatory step toward Moscow. The Soviet proposal calls for a ceiling of 1,800 missiles and long-range bombers for each side, of which 1,450 would be missiles. Thus, the gap in proposed allowable missiles was closed to 250 at most. As of now, the United States has about 1,600 such missiles and the Soviet Union 2,350.

LAND-BASED MISSILES AN ISSUE

But there was less here than met the eye. Administration officials made known that the President would retain his limit on proposed missile warheads of 5,000, of which no more than 2,500 could be on land-based missiles. Since the Soviets have almost 6,000 warheads on land-based missiles (as compared with 1,500 submarine-launched warheads), this would still require them to destroy more than half of their best forces. On top of that, the officials said that Mr. Reagan was still insisting that Moscow reduce its forces of about 600 heavy and medium heavy missiles such as the SS-18 to no more than 210. Furthermore, he was still refusing to set limits on the 3,000-odd cruise missiles to be carried by American bombers or to bargain away the MX.

Even if Mr. Reagan proves flexible on these key issues, Moscow continues to insist that its entire position in the so-called Start talks is dependent on Washington's agreeing not to deploy any new medium-range ground-launched cruise missiles and Pershing II missiles in Europe. In other words, no deal without accepting the essential Soviet demand in the medium-range missile talks, which are being conducted separately.

MOSCOW'S PRIORITY

The main Soviet priority all along has been to prevent the deployment of the new 572 medium-range missiles and thus to hold agreement in the strategic arena hostage to prior accord in the medium-range arena. As a prelude to his visit to Moscow next month, Chancellor Helmut Kohl of West Germany backed Washington last week by warning the Kremlin not to try to intimidate his country into not deploying the missiles. But he, like other Western European leaders, would like to see an accord.

As if such matters were not complicated enough, The Boston Globe reported last week that Richard Perle, the Assistant Secretary of Defense for arms policy, had privately told reporters that he thought it was a mistake to pledge deployment of the medium-range missiles in the first place. Nonetheless, he insisted that American credibility required the deployments to proceed.

Talks in this arena are also under way in Geneva, and the deployments are set to begin in December. Administration officials continue to say that once the deployments begin, Moscow will move toward the American proposal for an equal level of missiles on both sides of about 300. But Soviet thinking seems focused on the broader political situation in the United States. Moscow knows that an arms control pact would help Mr. Reagan politically, and Soviet officials would prefer not to have him around for a second term. But if in six

months or a year Mr. Reagan's re-election appears assured, then the logjam might break with Moscow moving before Mr. Reagan's hand was strengthened in a second term.

That is far away, and the President's men acknowledge that he has to maintain credibility and support at home in the meantime. Mr. Reagan's technique for doing this in recent months has been to establish bipartisan commissions in areas such as Social Security and the MX missile and strategic forces. He announced last week that he was extending the life of this last group, the Scowcroft Commission, to deal with arms control and strategic arms.

This was very important to legislators who have taken political risks to back him on the MX and who have heard past promises about flexibility. Many of them continued to wonder privately whether Mr. Reagan was now serious about arms control and had the will and skill to produce agreements or whether he was simply serious about appearing to be serious. At any rate, Mr. Reagan has bought time.

[From the New York Times, June 12, 1983]

AN ARMS NONOFFER

(By Raymond L. Garthoff)

WASHINGTON.—President Reagan's revised proposals for strategic arms reductions have been generally well received in Washington for their new, more flexible tone. This apparent flexibility will certainly help to build an American consensus on a negotiating position. Unfortunately, it will do nothing to advance actual negotiations with the Soviet Union. Indeed, by creating expectations that Moscow might have responded favorably—misplaced expectations that will not be met—the revised proposals may in fact have seriously reduced prospects for a successful negotiation.

The President's show of flexibility already seems to be serving its main purpose—gaining a degree of bipartisan support for the Administration's defense program. President Reagan no doubt believed that Soviet leaders, too, would see his new approach as a sign of reasonableness to which they should respond if they are serious about strategic arms reductions.

The American proposal to concentrate on limiting warheads, rather than launchers or missiles, is probably sound, and the proposed equal limits of 5,000 warheads would represent a significant reduction of about one-third for each side. But not all the revisions are so even-handed. The new flexible attitude toward ballistic-missile launchers, while nominally designed to open the way for developing a single-warhead missile, was really needed to allow us to retain a larger number of Minuteman 3 missiles, which the Administration feels we need to make up for the scaling back of plans for the MX. (We now plan to deploy 100 MX's rather than the 200 envisioned when the missile ceiling of 850 was established last year.) The revised proposals accommodate American defense programs: They require deep cuts in Soviet long-range land-based missiles with multiple independently targeted warheads and would alleviate the vulnerability of American long-range land-based missiles. Thus, they enhance the United States' idea of "strategic stability"—but not necessarily the Soviet one.

From the Soviet perspective, the revised proposals are fatally flawed, as Moscow indicated clearly on Thursday. The advertised flexibility does not extend to the key provisions that made the Administration's original negotiating proposal fundamentally unacceptable to Moscow. These crucial flaws are not affected by the flexibility on total ballistic-missile numbers and are in fact made worse by the American plan to deploy the MX.

President Reagan makes no reference to these unacceptable constraints: the limit of 2,500 warheads on land-based missiles, the limits of 210 on MX and larger missiles and 100 on the Soviet SS-18 missile. The 2,500-warheads ceiling would mean a cut of more than half in the Soviet warheads on intercontinental missiles, while permitting an increase in comparable American warheads. The President did not go so far as to impose explicit limitations on missile throw-weight—essentially a measure of payload—but he kept severe indirect constraints on throw-weight that would require Moscow to reduce by two-thirds its biggest and best strategic missiles, the SS-18 and SS-19, while Washington could go ahead with plans to build up its MX and Trident II missiles.

Worse still, from the Soviet standpoint, while the proposed agreement would alleviate the vulnerability of American land-based intercontinental missiles (not the major part of the American arsenal), it would greatly increase the vulnerability of comparable Soviet missiles—which are the most important component of Moscow's strategic force. There would be no equality of sacrifice and no "equal security." In short, in the Soviet view, the American pursuit of parity in missile throw-weight—the one and only area in which the Russians now have an advantage—would be at the expense of overall strategic parity, because in other areas American superiority would remain unchanged, and even increase. Thus, for example, the proposed reduction to 5,000 ballistic-missile warheads is not accompanied by any constraints on cruise missile warheads—a new technology in which the United States has a lead, with current plans to deploy up to 5,000 such missiles.

Clearly, then, the proposals remain loaded to the United States' advantage. We have yet to show flexibility where it counts. proposing reductions that are acceptable to Moscow cannot, of course, take precedence over meeting American security interests. But designing proposals tilted so far to American strategic advantage that they cannot be accepted by the other side gain us nothing, and only deprive us of the security benefits of negotiated arms control with balanced constraints and reductions that serve both American and Soviet security interests. The best arms control is that which is truly in the interests of both sides and therefore can be agreed upon and implemented.●

THE EMERGENCY SCHOOL AID ACT OF 1983

● Mr. D'AMATO. Mr. President, today I am cosponsoring a bill, S. 1256, introduced by Senators MOYNIHAN, DANFORTH, and others. Earlier in the year I cosponsored a similar measure, S. 402. In 1972, the Congress adopted the Emergency School Aid Act (ESAA) which was designed to encourage communities to voluntarily desegregate their schools. Through 1981, this program has channeled some $2.2 billion in funding into the Nation's schools for the purpose of voluntary desegregation efforts.

In 1981, however, the Omnibus Reconciliation Act folded the ESAA program and 28 others into the chapter II block grant. This has resulted in severe reductions in the amount of funding which school districts have available for ESAA activities. In my State of New York, funding for these activities has dropped from $20.4 million in fiscal year 1981 to less than $3 million in fiscal year 1982. School districts in Buffalo, Newburgh, New York, Rochester, Syracuse, and other parts of the State have suffered because of this drastic reduction in funding.

S. 1256 would reauthorize a categorical program for voluntary desegregation activities such as the planning and establishment of magnet schools and the training of staff to handle desegregation efforts. The bill would authorize $125 million for assistance in fiscal year 1983 and a like amount for the succeeding 3 fiscal years. Funds would be distributed by the Department of Education through a competitive awards process.

Mr. President, the Senate Subcommittee on Education will conduct hearings on this issue this week. I urge the members of this committee and the full Senate to carefully consider this important piece of legislation and enact it into law.●

CLINCH RIVER: HERITAGE REJECTS FEDERAL SUPPORT OF ANY SORT

● Mr. HUMPHREY. Mr. President, I have argued on several occasions that the proposals for federally guaranteed alternative financing for the Clinch River breeder reactor project—the only private financing proposals for the project offered so far—simply make a bad thing worse. As the General Accounting Office (GAO) pointed out in a report that I entered into the RECORD, May 11, these schemes would actually add to Clinch River's cost. And the amounts here are not trivial. Indeed, according to GAO calculations, they could add several hundred million dollars to the project's cost. Nor should this be surprising. These proposals, after all, require that industry be given major tax breaks—lost revenue to the Federal treasury—and that Government pay industry an industrial rate of return for the money they invest in the project. As Shelby Brewer, DOE's Assistant Secretary for Nuclear Energy pointed out, these schemes are "simply moving money around in time,"—they get industry to take Congress off the hook for having to fully fund Clinch River construction costs now by promising later to pay industry significantly more than industry ever loaned Government in the first place.

Of course, if we are truly intrested in seeing industry finance the project, no finer stimulus exists than to terminate Federal support. This is the position I have taken for the last 3 years and is the same position the Heritage Foundation emphazies in its latest Backgrounder entitled "Privatizing Federal Energy Research."

The foundation begins its report with a review of the lessons to be learned from past Government energy research efforts. Here the foundation emphasizes that commercialization projects make the least sense:

There are a number of conclusions that can be drawn from the country's decade of experience with extensive government involvement in research, and these help to provide a framework for determining the proper federal role. The first is that the federal government should continue to have a limited, but important, presense in energy research, both as a patron of basic science, and as the sponsor of programs involving national security. . . . A second inescapable conclusion is that commercial demonstration projects will be far less likely to win congressional support in the future than they were in the 1970s. Congress has finally become aware of the inherent flaw in the logic underpinning federal encouragement of commercial demonstrations: That is, the notion that the law of supply and demand can somehow be repealed through legislative fiat, in order to force a new technology into the marketplace prematurely. Experience gained at great cost shows that this approach simply does not work. Despite the expediture of massive amounts of taxpayer dollars, little has been gained through commercial demonstrations.

The foundation's report, however, does not stop here. It gives a frame work for deciding which Federal projects should be terminated and gives precise examples:

There are two methods that could be used to determine the appropriate roles for the government and private sectors. The first is on the basis of fuel type (fossil, nuclear, etc.), and the second is on the basis of research purpose (such as commercial demonstration, pilot-scale plant, or bench-scale test). Some blend of these approaches is likely to be necessary in each case. If this frame work is used, a number of obvious targets for privatization emerge.

All commercial demonstration project should be conducted by the private sector. Not only have these projects traditionally been undertaken by private organizations, but government commercial demonstration projects—dating from the attempt to create a synthetic rubber industry during the Second World War—have been singularly unsuccessful. Among the projects falling within this first category for privatization would be all of those undertaken by the Synthetic Fuels Corporation, together with the Clinch River Breeder Reactor and solar energy demonstration projects . . . . If these technologies are really commercial, the private sector should be willing to fund them.

The Heritage Foundation here gives us good advice. It is the same advice that the President's Private Sector Survey on Cost Control gave in April. Indeed, if we are truly interested in following the President's desire to get Government out of the energy commercial demonstration business, the place to begin is in terminating Federal support of any sort for the Clinch River project.●

IN SUPPORT OF S. 540 AND A NATIONAL INSTITUTE OF ARTHRITIS, MUSCULOSKELETAL AND SKIN DISEASES

● Mr. D'AMATO. Mr. President, I am happy to add my name today as a cosponsor of S. 540, which amends the Public Health Service Act to establish a National Institute of Arthritis, Musculoskeletal, and Skin Diseases. I commend my distinguished colleague, Mr. GOLDWATER, on offering this legislation.

More than 37 million Americans suffer not only from chronic forms of arthritis, a musculoskeletal disease that attacks the body's joints and tissues, but from other musculoskeletal and skin diseases as well. Each year these painful and crippling diseases claim over 1 million new victims. Arthritis afflicts over 40 percent of those over 65. Yet it is not a disease of the elderly alone. More than 250,000 children contract a particularly ravaging form of this disease. Juvenile arthritis can stunt growth, blind, cripple, deform, and even kill. Over one-half of these childrem are crippled for the rest of their lives.

Those of any age who suffer a traumatic injury to their joints may one day develop osteoarthritis; 28 million Americans suffer from this disease. Sports, recreational, and other traumatic accidents, such as motor vehicle accidents, figure prominently in the case histories of these sufferers. Osteoporosis is another serious disease afflicting those of all ages. It is especially prevalent among women.

Arthritis alone costs our economy over $30 billion each year. This is 5 percent of our national health bill. These costs include medical care, half of all worker compensation claims, diminished earning capacity, and the resulting losses in tax revenues. An additional $1 billion is thrown away each year on quack remedies. The extent of this waste is a measure of the desperation of the victims.

The rapid growth in the percentage of the population suffering from arthritis, musculoskeletal, and skin diseases is evidence that a better organization of our research capability is necessary. Well over 16 percent of our populaton, or one of every six Americans, is now suffering from these diseases. That is an increase of 6 percent in just the last 4 years.

Mr. President, we are clearly losing ground in our battle against these diseases. The time has come to revive the original intent of Congress when it first established a National Institute of Arthritis and Metabolic Diseases to focus research attention on the musculoskeletal and related diseases.

S. 540 will enable the National Institute of Arthritis, Musculoskeletal, and Skin Diseases to promote national research efforts with increased vigor. The new Institute will become a national sponsor of research and training. It will also serve as a needed information clearinghouse.

S. 540 calls for a new national plan to expand, intensify, and coordinate research, training, and educational activities for more than 100 arthritis and musculoskeletal diseases. A beneficial international exchange of research will also be promoted.

One of the new Institute's most welcome mandates is to establish programs emphasizing the importance of early detection as well as prompt and appropriate treatment. Another is the establishment of mechanisms "to monitor the causes of athletic injuries and identify ways of preventing such injuries on scholastic athletic fields." A third is the appointment to the Institute's Advisory Council of at least one member of the public who suffers from one of the subject diseases and another member of the public who is a parent of such an individual. As the Arthritis Foundation has so amply demonstrated, the active involvement of the public is one of our greatest resources in the campaign against arthritis. The appointment of members nominated by the Veterans' Administration and the Department of Defense is another sound requirement.

Mr. President, I would also like to voice my support for this bill's call for a new study by the National Academy of Sciences. The study will examine the effectiveness of the organization of each of the national research institutes. We must satisfy ourselves that the $4 billion NIH annual budget is being spent in the most effective manner possible.

As we have learned in our battles against cancer and heart disease, when Americans dedicate themselves to an intensified research effort, tremendous, undreamed-of progress can be the result.

Mr. President, the time has come for such a national dedication to the battle against arthritis and related diseases. I urge my colleagues to support this important legislation as we rededicate ourselves in earnest to the conquest of the Nation's No. 1 crippler.●

PROPOSED REPEAL OF TIP INCOME REPORTING

● Mr. SASSER. Mr. President, I am pleased today to join as a cosponsor of S. 986. This important piece of legislation repeals the tip income reporting requirements contained in 1982's Tax

Equity and Fiscal Responsibility Act (TEFRA).

I actively opposed placing these provisions in last year's tax increase bill. Because of my misgivings about this provision and other sections of that measure, I voted against passage of TEFRA. I remain firm in my belief that these tip reporting requirements set a bad precedent in our Nation's tax laws.

In particular, I am concerned with the allocation provisions as well as with the complicated Internal Revenue Service regulations issued pursuant to TEFRA. Under these provisions, restaurant employees will be the only group of workers in America to have assumed income reported on their W-2 forms. This simply is not right, Mr. President.

Having the IRS assume an 8-percent tip income on a W-2 statement of restaurant employees discriminates against such workers in rural areas where tipping falls well below the national average. Such is the case with many of Tennessee's tourist areas. Indeed, the National Restaurant Association estimates that in the late 1970's there were over 17,000 tipped employees working in Tennessee's restaurants and cafes. These middle- to low-income earners will be forced to prove that they in fact earn less than the 8 percent assumed by the IRS.

Mr. President, such a provision strikes me as uncalled for. We are in effect asking these hard-working men and women to do a job that the IRS should be doing itself. It is quite difficult to justify such an approach.

In addition to these burdens, a food service employer's paperwork is substantially increased under these tip reporting provisions. The complexity of these new recordkeeping procedures has left food service operators confused and uncertain as to whether they are meeting the law's requirements. This confusion is easy to understand. The IRS regulations on this topic run some seven pages. This is additional redtape imposed by an administration which claimed it would cut back on Government interference in our day-to-day operations.

Another aspect of the bookkeeping procedures necessary under these tip reporting provisions is the impact this activity has on employer-employee relations. Under the current approach, the restaurant owner or operator is put in an adversial relationship with his or her employees. In essence, the owner has to become an in-house IRS agent. If the owner does not comply with these regulations, he or she faces Federal penalties.

Mr. President, let me underscore that I am in favor of cracking down on those individuals who evade paying their fair share of taxes. I do not believe this complex and unreasonable law is the best solution to this problem. Furthermore, as a member of the Small Business Committee, I am deeply concerned over the effects of the tipping provisions on our Nation's small businesses. In conclusion, Mr. President, let me urge my colleagues to join me in supporting S. 986 calling for the repeal of the tip reporting requirements.●

PROTECTIONISM

● Mr. CHAFEE. Mr. President, protectionism is too often proposed as a quick, appealing solution to competition from abroad and an easy way to save American jobs. But such an approach would ultimately cost this country far more than it could possibly save—in terms of jobs, productivity, prices and overall consumer choice.

A constructive approach to our trade concerns will involve a concerted effort by industry, labor, and Congress. The goal of that effort must be meeting the competition, not banning it.

Mr. President, the Washington Post today printed two excellent articles refuting arguments for protectionism. One is an editorial, entitled "A Dubious Case for Protection," the second a very thoughtful article by Ambassador William E. Brock, U.S. Trade Representative, entitled "No, Let Us Praise Free Trade."

I ask that they be printed in the RECORD.

The articles follow:

[From the Washington Post, June 13, 1983]

A DUBIOUS CASE FOR PROTECTION

Rapid economic growth is disruptive, uncomfortable and sometimes frightening. Its benefits are great, but it forces people to live differently and earn their livings differently from the way they are accustomed to doing. Nothing pushes growth faster than foreign trade, and the United States is now in the process of coming to terms with the enormous expansion of trade in the 1970s. The political reaction is expressed in the rising campaign for protection against imports.

Several weeks ago, this newspaper published a vigorous defense of protectionism by Wolfgang Hager, a visiting professor at Georgetown University. Today, on the opposite page, we offer a rebuttal by William E. Brock, the U.S. trade representative.

The case for protectionism comes down to wages. It argues that there's an endless supply of low-wage labor in the world that threatens to destroy the high-wage economies. But the actual experience of the past four decades, with decreasing trade barriers and rising prosperity, suggests precisely the opposite.

The protectionist position argues that in the postwar years the Atlantic countries with their high standards of living had a sort of self-protective monopoly that has now been broken by Latin American and Asian industry. In response, it's useful to recall that in the 1950s industrial wages in West germany and France were as far below the American level as wages in Brazil and Mexico are today. As trade expanded across the Atlantic in the 1960s, according to protectionist theory, American wages should have dropped under competitive pressure. In fact, they kept rising steadily, while European wages soared and are now—allowing for the swings in exchange rates—in the same range as they are here.

Japan's wages are about half the American average. But wages in Brazil are less than half as high as Japan's. Both have automobile industries. Why isn't Brazil the stronger competitor?

A long recession and a strong dollar are currently giving the protectionist cause a plausibility that it doesn't deserve. The main reason for this country's poor trade performance at the moment is a huge budget deficit that keeps interest rates high, in turn lifting the dollar's exchange rate and making it harder to sell American goods abroad. The 1930s demonstrated more than adequately that pulling up the drawbridge won't remedy mistakes in domestic economic policy. Mr. Brock does an important service by reminding the country of the real sources of its competitive strength.

[From the Washington Post, June 13, 1983]

NO, LET US PRAISE FREE TRADE

(By William E. Brock)

During the past year, I have noticed the appearance of several commentaries that challenge the precepts of free trade and make protectionism appear as a logical instrument of bringing order out of economic chaos. One recent effort, "Let Us Now Praise Trade Protectionism" by Wolfgang Hager, appeared in The Post's Outlook section May 15.

The basic assumption of the article is that the continuation of free-trade policies in industrialized countries will leave us nothing more than a few high-tech and service-industry jobs. Heavy industrial sectors will be lost to Third World countries, because the labor differential will leave us forever noncompetitive.

This has been a particularly fashionable argument, especially during a period of economic downturn when the immediate problems of foreign competition seem infinite. But Hager boldly concludes that protectionism is something more than the politicially expedient statements made by some presidential candidates—that it is a necessity based on the evolution of the world economy. There are a number of reasons why these conclusions are poorly founded, but perhaps the most important one is that increased protection ensures substantially lower levels of productivity. The result: fewer jobs, less innovation and more inflation. Hardly a logical set of goals.

It is simplistic—and false—to assume that, because of the worldwide availability of state-of-the-art capital equipment, the industrialized countries will never have the chance to make up the labor differential enjoyed by the developing countries. There are many other factors that enter into the competitiveness of national industry, including capital intensity, a management competence and creativity, worker training and productivity, the quality of national infrastructure of roads, communication and distribution systems, adequate and flexible financial systems, the willingness of entrepreneurs to take risks, the level of savings, investments and incentives, and the economic environment provided by the government.

In truth, automation and technology, more than imports, may well continue to result in fewer people employed in specific heavy industries, but workers will produce more in a cleaner and safer work place while

earning better pay. Can we fairly stop that process? We certainly have fewer people on the farm than we did 50 years ago, yet we produce far more products with lower prices, higher profits and better quality. Would anyone seriously suggest our diet would improve with a return to horse and harness? The same is true today in the plant. If we have the foresight to invest the necessary physical and human capital in our industries, as we must, we can remain competitive.

In fact, the key is productivity. Protection is the worst remedy for a lack of productivity. Modern technology is making possible incredible improvements, and success will go to those countries that have the foresight to build an economic and political system with the incentives to invest in both new technology and better education. Protection removes those incentives and provides an illusion of security while, in reality, the competitive gap becomes larger and larger.

A protected national market will ultimately guarantee non-competitiveness in the global market, and that's the only market that can provide the necessary economies of scale for many industries. To remain competitive in the world market, you have to compete, not hide behind import barriers.

Hager's advocacy of increased protection of industrial-country markets from the flood of goods and services originating in the developing world is particularly disturbing. These are not just friends, they are the largest and fastest growing market for our manufactured exports. We sell more to the developing countries than to Japan and the European Community combined. It is inconceivable that we might continue to create jobs here through our exports if we don't buy their products.

Far tighter controls on less-developed countries' exports to the industrial world would be even more absurd right now in light of the siginificant debt problems facing many developing countries. Rather, industrial countries need to maintain and increase the access of developing-country exports to their markets. If not, the refusal to buy our goods and, ultimately, the inability to pay their debts won't be simply an emotional response; it will be an economically mandated reality. The stability, and perhaps survival, of our world financial and economic system is threatened by such protectionist rationalization.

But Hager has a plan that purportedly will satisfy Third World foreign exchange needs and stabilize markets generally. All we have to do is enter into a series of understandings that will alter the "terms" of trade, which includes the notion that importing countries will be willing to accept an increase in price overall, perhaps through high tariffs that we would then rebate to them as foreign aid. So, to solve our problem, all we have to do is reduce competition here at home, pay higher prices for that which we import (presumably only those products not available domestically) and snuggle up under the warm blanket of an all-wise and all-caring government. Precedent for this is cited in Eastern Bloc trade, among others. Is massive bureaucracy to be our role model?

The article reminds us again that a significant percentage of world trade is "managed" anyway with the proliferation of textile quotas, agricultural subsidies and steel arrangements. But to acknowledge that we are all sinners does not justify economic suicide. The important thing is to acknowledge protection and to establish policies that discourage its proliferation and lead to its removal.

Then we can take an honest look at remedies and ask the real questions: How good is our educational system, and what are we doing to make it the best in the world? How good is our tax system, and can we remold it to increase savings, incentives and investment? How competitive are our management and labor practices, and can we shape up our R&D? How strong is our self-confidence, and what do we need to do to compete? Or, alternatively, how desperate are we for security, and what degree of stagnation and hopelessness will we impose on our children to achieve it?●

THE WORLD TRADING SYSTEM

● Mr. TOWER. Mr. President, at this time I would like to share with my colleagues an excellent discourse on the world trading system by Bill Brock, the U.S. Trade Representative, which appeared in today's Washington Post. In his article, Mr. Brock states that the key to future economic growth and trade expansion is increasing productivity, not protectionism, which he calls the worst remedy for a lack of productivity.

Productivity was the goal that led to our Nation's historic economic success and its position as the world's leading free market economy. As the Washington Post states in an editorial of today:

Mr. Brock does an important service by reminding the country of the real sources of its competitive strength.

I commend Mr. Brock for the clarity of his views, and submit them for the RECORD.●

(NOTE.—The article and the editorial referred to are printed immediately prior hereto.)

DEMOCRATS AND SMALL BUSINESS

● Mr. SASSER. Mr. President, over the past few years members of the small business community have become increasingly active in our Nation's political process. I know that in Tennessee I have had the good fortune to have the advice of counsel of many small business leaders on a variety of issues. These men and women share my philosophy and support my efforts on behalf of small business.

Recently, Inc. magazine published an article about the Democratic Party's small business council and its efforts to solicit the advice, ideas, and opinions of small business owners and operators from across the country. I take great pride in the fact that this outreach effort has in large part been spearheaded by my good friend Bill Nourse. Bill has been active in similar efforts on my behalf in the State of Tennessee. Through Bill's efforts I have had a constant input on the interests and concerns of the small business community in Tennessee.

I applaud Bill's actions in taking the initiative in assisting the Democratic Party's path-blazing efforts in sounding out the interests of the small business sector of our economy. We all realize that the future of our economy relies in large part on the health of our Nation's small businesses. We are attempting to find out what we need to do to achieve this goal. I believe my colleagues would benefit greatly from reading how the Democratic Party is taking the necessary steps to insure the full participation of small business in our Nation's economic recovery. I ask that the article outlining the activities of the Democratic Party in the small business community be printed in the RECORD.

The article follows:

THE DEMOCRATS ARE COMING

The Democratic Party's new Small Business Council is getting its act together and taking it on the road. Beginning in June, the council will sponsor a series of local "town meetings" intended to solicit the advice, ideas, and opinions of people in small businesses around the country. The plan calls for a band of roving Democrats to travel from town to town, attending meetings organized by local members of the Small Business Council. The meetings will feature open sessions on topics ranging from capital formation to international trade, followed by a speech from a Democratic official active in the small business arena.

Appearances notwithstanding, organizers insist that the meetings will be "nonpartisan." The purpose, they say, is not to recruit small businesspeople to the Democratic cause, but rather to find out their needs and concerns. "We want people to express what they think the Democrats should be doing," says Rob Bender, executive director of the Small Business Council. "In a sense, we're going to be using them to help us formulate our small business program."

The idea for the town meetings comes from the ubiquitous Bill Nourse (see Inc., November 1982, page 59), the West Nashville hardware store owner who has helped lead the charge of small businesspeople into politics over the past three years. Nourse had participated in similar town meetings in Tennessee, organized in connection with state small business conferences. "They were incredibly productive," he says. "So I took the idea to Rob Bender. I said, 'Why not go nationwide with this?'"

Nourse sees the meetings as a way for the Democrats to take the pulse of the small business community, find out which issues are important, and come up with practical programs addressed to those concerns. Along the way, he hopes to strengthen the hand of the Small Business Council within the party. "We need credibility," he says. "We need the strength to win battles behind closed doors. Think of the power of being able to say, 'Here's the consensus of what small businessmen all over the country are thinking.'"

In effect, Nourse and Bender, among others, are trying to build a visible small business constituency within the Democratic Party that is comparable to the labor and big-business constituencies that already exist. To succeed, they must pull off a neat trick. First, they must attract traditionally Republican small business people to their town meetings—which involves convincing them that the meetings will be truly "non-

partisan." Then they must turn around and persuade the Democratic Party to adopt a program responsive to small business needs. Finally, they must go back and convince the small business community that the Democrats really have its best interests at heart.

That is an awful lot of persuading to do, and Nourse knows it won't be easy. "We have no illusions," he says. "It's going to be a tough, uphill fight."

On the other hand, he can draw some encouragement from recent surveys that suggest that the Republicans, and President Reagan in particular, may be losing ground in the small business community. The latest poll of small business executives conducted by Walter E. Heller International Corp.'s Institute for Small Business, for example, indicates a sharp increase in those who consider the Reagan Administration's policies "nonsupportive" of small business and a sharp decline in confidence in the President's leadership. Of course, the trend could well reverse itself if the economy makes a strong recovery.

In any case, Nourse believes that the Democratic Party can win significant numbers of small business people to its cause. "You know, I was a typical small businessman, never active in politics. I just assumed I was a Republican," he says. "But when you get involved, you go through a metamorphosis. You realize that you have more in common with Democrats.

Nourse thinks that others will draw the same conclusion, whether he tries to recruit them or not. With that hope in mind, he and Bender will take their traveling, nonpartisan road show to New England in June, move down the coast, and gradually make their way along the highways and byways of America.●

GARRISON: OPPOSITION BEGINS AT HOME

● Mr. HUMPHREY. Mr. President, as I noted in my RECORD entry of May 16, 1983, the Garrison Diversion Unit proposed for North Dakota needs to be examined, given its exorbitant environmental and fiscal costs. In the last 2 weeks, many Senate offices have been lobbied by Canadians from the province of Manitoba where the Garrison project threatens to destroy between 50 and 75 percent of that province's fisheries.

It would be a mistake, however, to conclude that the primary opposition to this project is Canadian or merely the product of Washington-based environmentalists. In fact, some of the stiffest opposition to the Garrison project comes within the State of North Dakota, from the very dry farmers the project its supposed to benefit.

In fact, back in April 1980, the Jamestown Sun, a major newspaper serving the State, sponsored a poll of 2,000 North Dakotans, in which more residents (36.4 percent) opposed the project's continued construction than those who favored it (31.1 percent). And last year, this opposition was converted into electoral results. For the first time in North Dakota history, individuals were elected to the Garrison Diversion Conservancy District Board who were opposed to the project. These five candidates, moreover, were not obstructionists or outsiders but local dry farmers angered over the price of irrigation from the project being far too expensive for them to buy and irritated in having to give up land for the project without getting any clear benefit from the project.

Mr. President, I think it is important that the Senate understand why North Dakotans oppose further funding the Garrison Diversion Unit as planned. I ask to enter the Jamestown Sun's 1980 poll and an anti-Garrison editorial run in the Bismarck Tribune last December, along with a letter from Darwin Fisher, one of the newly elected anti-Garrison board members and two articles that further explain the basis of Mr. Fisher's opposition to the project.

The material follows:

[From the Jamestown Sun, Apr. 11, 1980]

MORE FAVOR HALTING GARRISON

While 31.1 percent of 2,000 North Dakotans surveyed favor finishing the Garrison Diversion Unit in North Dakota, 36.4 percent favor either ending the project or halting further construction until the location of all lands to be benefited or taken by the project are identified and made public.

The Jamestown Sun-sponsored survey, conducted by the Bureau of Governmental Affairs, University of North Dakota, shows 31.1 percent, or 622 respondents, favor completing the irrigation project, while 23.9 percent, or 478 of the 2,000 persons surveyed, favor halting construction until lands taken and benefited are identified and made public, and 12.5 percent, or 251 people, indicate the project should not continue.

The survey shows 30.5 percent, or 611 of the respondents, aren't sure and 38 people, or 1.9 percent, did not respond to the question.

The percentages carry a plus or minus 2.2 error rate meaning 95 times out of 100, North Dakotans would answer the question the same, within 2.2 percentage points.

Of the 2,000 surveyed, 249, or 12.4 percent, said they have followed the Garrison issue closely and believe they are well informed about it. Respondents believing they have a general knowledge number 1,041, or 52 percent, and those feeling they don't know much about the project total 664, or 33.2 percent.

Results show 44 respondents did not answer the question concerning knowledge of the water project.

While 699 of the respondents have always favored the Garrison Diversion project in North Dakota, 190 or 9.5 percent who once favored it now oppose it, the survey reveals.

Another 91 respondents, or 4.5 percent, who opposed the water project now favor it and 167, or 8.3 percent, have always opposed the project. The survey shows 768 respondents, or 38.4 percent, consider themselves to have always been neutral on the issue.

The Sun-sponsored poll asked three questions concerning the Garrison project:

Question: How familiar are you with the Garrison Diversion Project?

I have followed the Garrison issue closely and believe I am well informed on the project, 249.

I have a general knowledge of the project, 1,041.

I don't know very much about the project, 664.

Question: Which of the following statements best states your position on the Garrison Diversion Project?

I believe the Garrison project should be finished without delay, 622.

I support a halt of further construction until the location of all lands to be either benefited by the project, or taken for the project, is made public, 478.

I do not believe the project should continue, 251.

I'm not sure, 611.

Question: Which of the following statements best states your opinion of the Garrison Diversion Project when you first heard of the project, as compared to how you feel about the project today? (Please circle only one answer.)

I was in favor of the project when I first heard about it, but I am against the project today, 190.

I was against the project when I first heard about it, but I am in favor of the project today, 91.

I have always been in favor of the project, 699.

I have always been against the project, 167.

I have always been neutral on the project, 768.

The Bureau of Governmental Affairs conducted the poll between March 20 and April 7, 1980. It mailed out 2,000 envelopes with two questionnaires in each, and received a total of 2,000 valid surveys, the bureau reports.

The survey shows 95 out of 100 times, North Dakotans would answer the same questions the same way, with a plus or minus 2.2 percent error on question 1, 2 percent on question 2 and 2.1 percent on question 3.

Of the 505 respondents living on farms, 101 (20 percent) favor completing the project, while 140 (27.7 percent) favor halting it until lands are identified, 100 (19.8 percent) favor ending the project and 156 (30.8 percent) aren't sure. Eight didn't respond.

Of the 855 respondents living in towns over 2,500 in population, 321 (37.5 percent) favor completing the project, 181 (21.1 percent) favor halting it until lands are identified, and 80 (9.3 percent) favor ending the project. Another 260 (30.4 percent) aren't sure and 13 people didn't respond.

Of the 320 respondents living in towns of 500 to 2,500, 108 (33.7 percent) favor completing the diversion project, 81 (25.3 percent) favor halting it until lands are identified and 30 (9.3 percent) prefer ending it. Another 94 (29.3 percent) aren't sure.

Other categories include towns under 500 and persons living in the country but not farming.

The survey also reveals of the 634 Republicans responding, 227 (35.8 percent) favor completing the project, 146 (23.5 percent) favor a halt until lands are identified, and 68 (10.7 percent) favor stopping the project. Another 185 (29 percent) aren't sure and eight didn't respond.

Of the 481 Democrats responding, 164 (53.4 percent) favor completing the Garrison plan, 101 (20.5 percent) favor a halt until lands are identified and 65 (13.2 percent) favor ending the Garrison plan. Some 151 (50.7 percent) aren't sure.

Of the 685 independents responding, 180 (26.2 percent) prefer completing the project, 200 (29.1 percent) favor halting it until lands are identified, and 96 (14 percent)

favor ending it. Another 198 (28.9 percent) aren't sure.

[From the Bismarck Tribune, Dec. 26, 1982]

GARRISON PROJECT CHANGE NEEDED

It's time to take a good, hard look at Garrison Diversion.

It almost doesn't matter that Garrison survived a recent House-Senate conference committee test.

Clearly, Garrison has lost politicial support in the House, which, only five days before the conference committee met, voted to cut funds 252-152.

The project is not likely to recoup much House support in the foreseeable future.

At the very best, Garrison's promoters will be able to work lose crumbs for funds. At the worst, Garrison won't be so lucky next time.

But Congress isn't Garrison's only problem.

Aside from Congress, Garrison still finds:

Stronger Canadian opposition than ever, based on fears of harm to Manitoba's fishing industry.

Opposition from environmental groups, who aren't likely to ease their stands on water development in North Dakota unless they perceive a better shake for wildlife and wetlands.

Renewed opposition by North Dakota farmers to a wildlife mitigation plan. Many landowners see Garrison as a project that takes from one set of farmers and gives to another, and many believe there is too much land in public ownership now.

The point is, as constituted, the Garrison plan continues to meet objections at every turn.

It has been nearly 30 years since Garrison Dam was completed, and this state still has no water project. At that rate, no living North Dakotan will see a completed project.

Garrison's supporters have stuck to their guns long past the time they should have tried to compromise and get a project moving forward, and it is time we faced political realities.

We should also realize that, more important than a specific water project outlining a certain number and location of acres, Garrison Diversion is an idea.

The idea is this: North Dakota has all this water in one place, doing itself little good. The best thing to do is to move that water and put it to better use.

The idea always has been and still is sound, and the idea should be implemented.

Furthermore, North Dakota has a right to a water project for agreeing to flood out more than half a million acres to create Lake Sakakawea and prevent flooding of downstream states.

But, that doesn't mean the state has a right to this particular project. It means the state has a right to compensation by whatever project or projects are acceptable to a wide array of interests.

For years, this newspaper has supported the authorized project in its editorials, believing that the 250,000-acre project was good and merely the first phase of a much bigger water plan.

Thus, it is no small step for us to urge that the current project be de-authorized and a project more palatable to the politicial powers that be, as well as to our own farmers, be authorized instead.

The reason we've come to this conclusion is that it's time to make measurable progress on a water project for North Dakota, rather than continue to get very little.

What is an acceptable alternative?

We can't say for sure. That's something to be planned out by our State Water Commission and the Bureau of Reclamation.

But here are some ideas:

If we agree to deauthorize Garrison, perhaps the feds would finance a municipal and industrial water pipeline project not only for the southwest area of the state, but for the eastern part as well.

Even that project would not fully compensate for flooding the Missouri River bottomlands.

The state should push, then, for federal financing of some of the items in the huge 1983 State Water Plan the Water Commission is presenting to the Legislature.

Let's come up with something everyone can agree on and do it. Having some water project is a whole lot better than sticking to a principle and having none.

Our politicians should show the leadership required and admit that big changes are needed for this state to get the uses it deserves out of its water.

[From the Forum, Jan. 30, 1983]

ANTI-GARRISON BOARD MEMBER SAYS IRRIGATION IS BEING FORGOTTEN

(By Jim Baccus)

YPSILANTI, N. Dak.—When a former neighbor asked Darwin Fisher and his son, Steven, to act in a television commercial for a savings and loan association, the two did. Later, when a friend reported seeing the commercial and said, "This fellow on the screen looked just like you, except his hair was lighter." Fisher and his wife, Helen, had trouble keeping a straight face.

It's possible to mis-identify Darwin Fisher on another count. A native North Dakotan, a well-read, energetic, successful dryland farmer with scattered farmland located over aquifers that would make him an irrigator if he chose. One might well call him pro-Garrison, in favor of that Missouri River project that has had the state locked with Congress and environmentalists.

But Fisher is a dedicated enemy of the plan, and last November he was elected a member of the Garrison Diversion Conservancy District board of directors, representing Stutsman County.

With very little campaigning, Fisher won in the primary and then swept all precincts in Jamestown in November, emerging with a 58 percent majority over the incumbent, Royal Berstler.

"With Robert Melland (former state senator from Jamestown, now director of the Office of Management and Budget) as Mr. Berstler's secretary in the primary, I didn't think I had a chance against the Jamestown establishment," Fisher said at his immaculate farmestead four miles west of here.

"But when I began to tell people exactly what Garrison was doing to the state, their reactions made me realize I could win and maybe help change Garrison around."

Fisher, 50, was born near Medina, N.D. Later, his father, Emmett, moved to land a few miles south of Jamestown—a farm which Fisher's son, Steven, farms and hopes to buy. Darwin Fisher graduated from Jamestown High School in 1950, but then his formal education stopped.

What was substituted was some travel, seeing a bit of the world and making up his mind on what he wanted to do.

"I worked for Douglas Aircraft in California," he says. "I did some custom combining for a time." His older son, Trent, 23, operates a custom combining rig of his own, following his father's example.

"California wasn't for me," the elder Fisher says. "I guess farming came out of me, I had worked in the Oklahoma oil fields, and then I came back to the land."

In Oklahoma he met his future wife, Helen Disney, daughter of an Enid, Okla., farmer. It was 1958. In 1959 they were married, came to North Dakota and rented some land. In 1962, with a down payment of $1,000, their present home was purchased, and they began farming in earnest.

Today Fisher and Steven own or operate a fairly large spread, producing last year about 2,600 acres of sunflowers, 2,400 acres of wheat, plus pasture and summer fallow.

The family, with the aid of a hired man or two, including the Fishers' daughter, Jillayne, 20, a student of nursing at Jamestown College and Steven's wife, Jackie, operates the farm together.

When the newly elected director of the conservancy district went to Grand Forks for his first district meeting, Fisher's treatment, according to him, was "about what I expected."

With him was another newly elected anti-Garrison director, Herbert Nathan, and another relative newcomer, Richard Betting, of Valley City. Betting is rated as being on the fence regarding Garrison.

Nathan, of Coleharbor, N.D., had defeated Carl Kuehn of Underwood, himself pro-Garrison and as articulate as Fisher. The two had traveled the region and had made a presentation before an Oakes, N.D. audience.

"The other board members were stunned," Fisher says. He doesn't enlarge on that. But it was probably because of a long resolution which Fisher presented for consideration.

The resolution suggests that Sen. Mark Andrews, R.-N.D., has lost interest in the irrigation aspects of the project, along with the general public and the news media.

The project faces serious inter-basin transfer problems which will likely prevent further construction, the resolution continued. In consideration of all the problems, it would be wise for the district directors to initiate an investigation, measuring domestic and municipal water needs and the number of citizens interested in seeing completion of the project.

Fisher says the meeting in Grand Forks slipped into disarray. He says he had to point out several times that he still had the floor.

Pro-Garrison district member Henry Hendrickson of Fargo, representing Cass County, says Fisher and Nathan were "very vocal" during the meeting and insistent they were right throughout.

Finally, Fisher moved that his resolution be tabled, and it was.

An avid hunter who enjoys his pleasant home, is something of a Civil War buff and has strong affection for his family, Fisher's routine will probably change some as the most persuasive anti-Garrison voice on the conservancy district. His avocations, such as Fisher Sales Co., a Jamestown distribution agency for outdoor furniture and some farm equipment, may languish.

"I always thought Garrison was a good program, until about three years ago I heard about the mitigation fight," he says.

"I was never a member of Audubon (Society). There were maps showing some drained wetland just west of me that was slated for flooding and one showing how little Stutsman County land is suitable for irrigation.

"I heard about the farmers along the projected New Rockford canal and the 35,000

acres they will lose and I said to myself. "Who do we throw to the wolves?"

He says he studied the statistics and saw that the estimated total cost of the project jumped from $249 million to $1.1 billion. Water costs per acre remained at $6.45 per acre (although the estimate has jumped to over $20.)

"I realized that irrigators won't be able to make money with Garrison water. I have a friend who raised corn last year under the irrigation at $3 and sold it for $2.45."

Fisher says he has calculated that the 11 North Dakota counties which border the Missouri River can together offer more than 1 million acres suitable for irrigation. Along the McClusky Canal (already in place) there are more potential acres. Thus the state can salvage what has already been constructed.

"It won't go," he says, meaning Garrison. "We fight Congress to get a measly $4 million, when what we need is $200 million. Do you think we'll ever get the money we need to finish the job?"

He says the conservancy board and the Legislature should be bold enough to look at change, including the buried pipeline idea.

Fisher has caught the ear of Jamestown residents with his claim that the James River will not be able to handle the water flows once the vast Garrison chain is in place. Parts of Jamestown will flood, and water will seep into basements.

Garrison designers deny strongly any such idea.

"It's all wrong," Fisher says of the basic idea of Garrison. "We've lost land, and we've got farmer fighting farmer."

[From the Jamestown (ND) Sun, November 3, 1982]

COMMON GROUND—THE VOTE IS IN . . . ALMOST

(By James Smorada)

With two Jamestown wards still a-counting, the off-year election produced some surprises and hints of possible surprises to come.

One of the trends that seems to be emerging indicates a larger number of electors has second thoughts about the Garrison Diversion project.

Unofficial and incomplete returns in Jamestown and Stutsman County show incumbent Garrison board member and proponent Royal Berstler has been defeated by Darwin Fisher, a man who has compaigned for a place on the board because he opposes the water project.

And county voters may have elected three new commissioners who said they are "soft on Garrison."

In District 29, voters elected a political newcomer Wade Williams, who has indicated he feels there needs to be some modifications in the water diversion project.

In the region, voters in Renville, Pierce and McLean counties have elected Garrison board members who have voiced concerns about the project.

The trend suggests voters no longer consider the project an untouchable. Opponents of the project gained political strength on Tuesday—a measure of power in state politics opponents have not had in the past.

The results also suggest it is now possible for a candidate to oppose Garrison Diversion—or just question it—and still be elected to office.

It remains to be seen if the sentiment makes any appreciable difference to the project's future but one thing is clear: if Garrison is to survive, major compromises will have to be considered.

The objections abroad, the cost Washington may not be willing to bear; and the slightly less enthusiastic support the diversion project polled strongly suggests the idea is ripe for compromise.

Perhaps the one-sixth of the board, elected and opposed to Garrison, can play a role redesigning the water project. A growing number of voters seem to be saying the project needs some fresh thinking—not bullheaded reluctance to change.

YPSILANTI, N. DAK.,
June 3, 1983.

Hon. GORDON HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: There could be no clearer admission that the Garrison Diversion Unit cannot stand on its own merits or withstand Congressional scrutiny than the strategy announced two weeks ago by North Dakota Congressman Byron Dorgan not to seek funding for the project in the House but to have Senators Andrews and Burdick obtain $21 million in the Senate appropriations bill and then, in Mr. Dorgan's words, "slide the funding through the House" in a conference committee report. Not only does this ploy violate the principle of funding measures originating in the House, but it effectively removes the project from review by half of the Congress by preventing the House from having a voice in determining the course to be followed with the project.

It has become abundantly clear from the determination of the U.S. Bureau of Reclamation and project proponents to continue spending federal funds on the project before solving any of the serious economic, environmental or international problems that the only way these problems are going to be solved is for the Congress to step in and resolve them before any further construction is undertaken. Otherwise, options for solving those problems will continue to become more restricted as funds are expended on project features that are over-built or unneeded.

In 1965, the Congress authorized the Bureau of Reclamation to build a 250,000 acre Garrison Diversion Unit. However, the potentially devastating effects of interbasin transfer of Missouri River fish species, diseases and parasites into the Hudson Bay Basin has resulted in the Government of Canada expressing its firm opposition to any such interbasin transfer of Missouri River water, whether for irrigation or municipal use. Although this means that some 87 percent of the authorized Garrison Diversion project that is located in the Hudson Bay Basin cannot be built, the Bureau of Reclamation has not asked the Congress to review the authorization to determine what it should be building, but, rather, has continued to build a project which cannot be completed without violating the Boundary Waters Treaty of 1909.

To circumvent this obvious conflict, the Bureau now is planning to build an 85,000 acre "Phase I" of the 250,000 acre project—without determining whether the rest of the authorized project can be completed and without determining the feasibility of the 85,000 acre first phase. In fact, the Bureau acknowledges that the rest of the authorized project may never be completed, but it still is asking the Senate to appropriate $21 million for it without determining whether the features which will be constructed with those funds are needed. Not only does the Bureau not tell the Congress what it ultimately plans to build, but it does not consider that more than 60 percent of the Phase I project it is proposing is located within the Hudson Bay Basin, so there is a very real question whether even that can be completed. Thus, the Bureau of Reclamation is asking the Senate to give it $21 million to spend on whatever it decides, but not to ask whether what it builds can be used.

Clearly, it now is time for the Congress to step in and decide just what it is that the Bureau of Reclamation can and should build. Ironically, this is precisely the time that the North Dakota Congressional Delegation is attempting to prevent the Congress from reviewing the project. Again, there could be no clearer evidence of the need for congressional scrutiny of the Garrison Diversion project than this attempt by the North Dakota Congressional Delegation to prevent it.

Not only is it evident that the authorized project cannot be built, but there are serious questions whether it is needed or even wanted. North Dakota has the highest rate of participation in the Payment-In-Kind Program of any state in the nation. The PIK Program, as you know, is designed to reduce farm production and crop surpluses in order to increase commodity prices for all farmers. The Garrison Diversion Unit, on the other hand, would increase production for the few (750-1,200) farmers who would receive the massive federal irrigation subsidy ($3,787 per acre). Ironically, many private irrigators in North Dakota have enrolled their irrigated lands in the PIK Program.

With increased energy and operating costs, interest in irrigation is declining among farmers in North Dakota. Here in Stutsman County, only four of the 20 or so landowners who would receive Garrison water are interested in irrigating. On the other hand, some 600 county residents are in need of improved rural water supplies, but there is no provision for meeting these needs under the project.

Even Senator Andrews recognizes the dwindling interest in irrigation. In a November 24, 1981, news story, he was quoted as saying,

"I could care less about the 250,000 acres of irrigation. They can irrigate from aquifers or a host of other sources. What concerns me is the adequate water supply for cities such as Fargo and Grand Forks and artificial habitat for wildlife."

Under the Phase I project proposed by the Bureau, however, neither Fargo or Grand Forks will get water from the project, and the Canadian objections to interbasin transfer mean it is unlikely they will ever get water from the project. Moreover, the water supplies for Fargo and Grand Forks will actually be reduced as a result of the 20 percent reduction in flows in the Sheyenne River (a tributary of the Red River of the North) under the Phase I project. Because the project will destroy more natural wildlife habitat than it would replace with artificial habitat, Senator Andrews' concern for wildlife would best be met by not building the project.

It should also be noted that two years ago, North Dakota Congressman Byron Dorgan said, in an August 6, 1981, Associated Press story, that the Garrison Diversion project will die unless a modified plan is agreed on, and he proposed a meeting to discuss the problems facing the project and to explore alternatives. Senator Andrews endorsed the

proposal, and Senator Burdick agreed to attend. However, the meeting was never held, the problems were never resolved, and no alternative plan was ever developed, yet Congressman Dorgan now is plotting to have the Congress appropriate another $21 million to keep the project alive. I believe that Congressman Dorgan should be taken at his word, and that a modified project should be developed. I also believe that this should be done before another $21 million is spent on construction of the authorized project.

With the clear evidence that the authorized project cannot be completed, that more crop production is not needed, that most farmers do not want the project, and that other real needs will not be met by the project, it is obvious that it is time for the Congress to reevaluate the Garrison Diversion Unit to determine what is needed and what can and should be built. The place to start is by defeating the Administration's request for $21 million for the Garrison Diversion Unit in order that a thorough review of the project can be made before any more money is wasted on project features that are over-built, unneeded, or cannot be used.

Sincerely yours,

DARWIN FISHER,
Stutsman County Director, Garrison Diversion Conservancy District.●

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

CABLE TELECOMMUNICATIONS ACT OF 1983

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 66, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 66) to amend the Communications Act of 1934.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike out all after the enacting clause and insert the following:

That (a) this Act may be cited as the "Cable Telecommunications Act of 1983".

(b) The Communications Act of 1934 is amended by inserting immediately after title V the following new title:

"TITLE IV—CABLE TELECOMMUNICATIONS ACT

"FINDINGS

"SEC. 601. The Congress hereby finds that—

"(1) cable systems are engaged in interstate commerce through the origination, transmission, distribution, and dissemination of broadband telecommunications services;

"(2) the provision of broadband telecommunications is of concern to governmental entities; and

"(3) a uniform national policy for broadband telecommunications can serve to eliminate and prevent conflicting and counterproductive regulations in order to allow unhampered growth and development of cable as a competitive medium which will be responsive to and serve the needs and interests of the public.

"PURPOSES

"SEC. 602. The purposes of this title are to—

"(1) establish a national policy concerning broadband telecommunications and to encourage a competitive environment for the growth and development of broadband communications;

"(2) establish guidelines for the exercise of Federal, State, and local regulatory authority;

"(3) allow cable systems to be responsive to the needs and interests of the public on an equal basis without a competitive disadvantage with other providers of telecommunications services; and

"(4) eliminate government regulation in order to prevent the imposition of an unnecessary economic burden on cable systems in their provision of service to the public.

"DEFINITIONS

"SEC. 603. For purposes of this title, the term—

"(1) 'basic service' means the lowest cost tier, other than a tier offered at a discounted fee, of service which is available to subscribers for a fee and which includes the provision of retransmission of local broadcast signals, public, educational, and governmental programing and any other programing service as offered by a cable operator as part of the tier, and specified in the franchise agreement as part of basic service, which is distributed by coaxial cable or any other closed transmission medium;

"(2) 'basic telephone service' means telecommunications service provided through a switched network capable of providing two-way voice grade communications that would be subject to regulation by the Commission or any State if offered by a common carrier subject, in whole or in part, to title II of this Act;

"(3) 'broadband telecommunications' means any receipt or transmission of electromagnetic signals, including basic service, cable service, and telecommunications service, over coaxial cable or any other close transmission medium;

"(4) 'broadcasting' means telecommunications by radio intended to be received by the public, directly or by the intermediary of relay stations;

"(5) 'cable channel' or 'channel' means that portion of the electromagnetic frequency spectrum used in a cable system for the propagation of an electromagnetic signal;

"(6) 'cable operator' or 'cable system operator' means any person or persons, or an agent or employee thereof, that provides basic service, cable service, or telecommunications service over a cable system, or that directly or indirectly owns a significant interest in any cable system, or that otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system;

"(7) 'cable service' means the provisions by a channel programer of one-way programing on a per channel, per program, or other basis which is distributed by coaxial cable or any other closed transmission medium, but such term shall not include basic service;

"(8) 'cable subscriber' means any person who receives or transmits electromagnetic signals distributed over a cable system;

"(9) 'cable system' means a facility or combination of facilities under the ownership or control of any person or persons, which consist of a primary control center used to receive and retransmit, or to originate broadband telecommunications service over one or more coaxial cables, or other closed transmission media, from the primary control center to a point of reception at the premises of a cable subscriber, but such term does not include: (A) a facility or combination of facilities that serves only to retransmit the television signals of television broadcast stations; (B) a facility or combination of facilities that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management; or (C) a common carrier subject to the provisions of title II of this Act whenever such carrier transmits broadband telecommunications services other than basic service or cable service;

"(10) 'channel programer' or 'programer' means any person having an agreement to provide basic service or cable service to a cable system operator, or any person who leases, rents, or is otherwise authorized to use the facilities of a cable system for the provision of basic service or cable service, and such term shall include a cable system operator to the extent that such operator, or person or persons under common ownership or control with such operator, is engaged in the provision of such service;

"(11) 'closed transmission medium' or 'closed transmission media' means media having the capacity to transmit electromagnetic signals over a common transmission path such as coaxial cable, optical fiber, wire, waveguide, or other such signal conductor or device;

"(12) 'franchise' means a permit, license, ordinance, resolution, right-of-way, contract, certificate, agreement, or similar authorization issued by a franchising authority which authorizes the provision of basic service, cable service, or telecommunications service by a cable operator;

"(13) 'franchising authority' means any State, political subdivision, or agency thereof, or any other governmental entity empowered to grant a franchise;

"(14) 'grade B contour' means the field strength of a television broadcast station computed in accordance with regulations promulgated by the Commission;

"(15) 'information' means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or other symbols;

"(16) 'law' includes any regulation, rule, order, standard, policy, requirement, procedure, or restriction;

"(17) 'person' means an individual, partnership, association, joint stock company, trust, corporation or any governmental authority;

"(18) 'telecommunications' means the transmission of information by electromagnetic means, with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission;

"(19) 'telecommunications service' means the offering of telecommunications facilities, or of telecommunications but such

term shall not include basic service or cable service; and

"(20) 'United States' means the several States and territories, the District of Columbia, and the possessions of the United States.

"STATEMENT OF AUTHORITY

"SEC. 604. The provisions of this title shall apply as follows:

"(1) The Commission shall have jurisdiction and exercise authority with respect to broadband telecommunications in accordance with the provisions of this title and other applicable provisions of law.

"(2) Nothing in this title shall be construed as prohibiting any State or political subdivision or agency thereof, or franchising authority, from awarding, in accordance with the provisions of this title, one or more cable franchises within its jurisdiction.

"(3)(A) Except to the extent provided in paragraph (B), no cable system shall provide basic service or cable service without a cable franchise in compliance with this title.

"(B) The provision of paragraph (A) shall not be applicable in the case of any cable system in operation on April 21, 1983.

"OWNERSHIP OR CONTROL OF CABLE SYSTEMS

"SEC. 605. (a) No State or political subdivision or agency thereof, or franchising authority, shall have the authority to prohibit, directly or indirectly, the ownership of cable systems by any person by reason of that person's ownership of any other media or other interests, including broadcast, cable, newspaper, programing service, or other printed or electronic information service.

"(b)(1) Notwithstanding the provisions of subsection (a) of this section, for the purpose of ensuring fair and equitable treatment of United States cable enterprises seeking access to markets in a foreign country, the Commission shall have authority to conduct inquiries applicable to foreign persons from that country seeking access to domestic markets in the United States in connection with the construction, ownership and operation of cable enterprises as to whether the United States cable enterprises are permitted fair and equitable access to such foreign markets.

"(2) The Commission shall submit any information obtained through such inquiries to the United States Trade Representative to assist the Trade Representative in his identification and analysis of acts, policies or practices which constitute significant barriers to, or distortions of, United States exports of services.

"(3) For purposes of this subsection, the term 'foreign persons' includes any individual who is not a citizen of the United States, any subsidiary (although established under the laws of the United States or any State thereof) of a corporation or other business entity which was established under the laws of a foreign country, any corporation or other business entity established under the laws of a foreign country, or any corporation or other business entity established under the laws of the United States or any State thereof, if 25 percent or more of the capital stock or equivalent ownership is owned or controlled by an individual who is not a citizen of the United States or by a corporation or other business entity established under the laws of a foreign country, or any subsidiary of a corporation or other business entity established under the laws of a foreign country.

"(c)(1) Notwithstanding the provisions of subsection (a) of this section, a State or political subdivision or agency thereof, or franchising authority, may not acquire an ownership interest in any cable system pursuant to a buy-back provision of a franchise or require a sale of a cable system to any other person pursuant to a franchise, upon the expiration of the franchise, unless such State, subdivision, agency, authority, or person acquires such ownership or interest at not less than fair market value based upon the ongoing business value of the system. In the event that the cable operator and a State or political subdivision or agency thereof, or franchising authority, are unable to agree upon any such fair market value, then the matter of determining fair market value shall be submitted to binding arbitration. For purposes of arbitration, each of the affected parties shall select one arbitrator and the two arbitrators so selected shall choose a third arbitrator.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, in the event of termination for cause of a franchise due to a material breach, a State or political subdivision or agency thereof, or franchising authority, may acquire an ownership interest in such cable system but only upon written notice of the breach, reasonable opportunity to remedy the breach, and other due process. Any such termination shall be subject to de novo review by a court of competent jurisdiction.

"(d) In any case in which any such State, subdivision, agency, or authority has or acquires any such ownership or interest, such State, subdivision, agency, or authority shall, in no case, own or control, directly or indirectly, the content of any of the programing on such cable system, except for programing on government access channels, unless such State or political subdivision or agency thereof, or franchising authority, establishes an independent board or a separate management company. Such board or company shall not include any State or local office holder.

"ACCESS CHANNELS

"SEC. 606. (a) A cable system operator may offer in a franchise to dedicate or set aside channels for public, educational, governmental or other channel users.

"(b) The franchising authority and the cable operator may establish rules and procedures for the use of the channels set aside or dedicated pursuant to this section.

"(c) Until such time as there is demand for each channel full time for its designated use, public, educational, governmental, or other channel programing may be combined by the cable system operator on one or more channels, and to the extent time is available on such channels, they may be used by the cable system operator for the provision of other services.

"REGULATION OF RATES AND SERVICES

"SEC. 607. (a) Nothing in this title shall be construed as prohibiting any State or political subdivision or agency thereof, or franchising authority, from establishing, fixing, or otherwise restricting the rates charged by cable operators—

"(1) to subscribers for the receipt of basic service,

"(2) to subscribers for equipment necessary for the receipt of basic service, and

"(3) to subscribers for equipment which facilitates the reception of basic service by hearing impaired individuals.

"(b)(1) Any rate regulated pursuant to this section may be increased annually at the discretion of the cable operator by an amount not to exceed 5 percent of the existing rate or the regional consumer price index for the preceeding 12 months, whichever is greater, upon 30 days prior notice. The ability to affect such increases shall be cumulative for not more than 3 successive years.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, nothing in this title shall be construed as prohibiting any State or political subdivision or agency thereof, or franchising authority, from providing that such automatic increases shall not apply to a franchise which is in existence on the date of the enactment of the Cable Telecommunications Act of 1983 and which provides for a fixed rate for basic service over a specified period.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section, a cable system operator may automatically increase basic service rates which exceed the basic rates allowed pursuant to subsection (a) or (b) of this section if—

"(1) such operator has requested the increase in rates; and

"(2) the request is not acted on within 90 days following the date of its receipt.

"(d)(1) Notwithstanding the provisions of subsection (a) of this section, the authority to establish, fix, or otherwise restrict the rates charged to subscribers for the provision of basic services set forth in subsection (a) of this section, except to the extent otherwise provided in paragraph (2) of this subsection, shall not be applicable in any case where the cable system is located within the grade B contour of not less than four television signals of which there shall be one affiliate of each of the three major television networks.

"(2) The provisions of paragraph (1) of this subsection shall not be applicable in the case of any franchise in existence prior to the date of the enactment of the Cable Telecommunications Act of 1983, if the rates charged to subscribers for the provision of basic services are subject to regulation or are restricted by any State or political subdivision or agency thereof, or any franchising authority. The provisions of this paragraph relating to existing rate regulation of basic service shall be applicable for a period of 5 years following the date of the enactment of such Act, or for a period equal to one-half of the period of the remaining term of such franchise, as of the date of the enactment of such Act, whichever is greater. The provisions of paragraph (1) shall be applicable to any renewal or other extension of any such franchise.

"(e) No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or franchising authority, shall have authority to regulate or restrict the rates for reconnection, additional sets to the same subscriber, or sales of equipment.

"(f) No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or franchising authority, shall have authority to regulate or restrict the provision of or nature of cable services offered over a cable system except as provided in section 613 of this Act.

"(g) No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or franchising authority, shall have authority to regulate or restrict the provision of or nature of telecommunications services offered over a cable system, except with respect to the provision of basic tele-

phone service, and except as provided in section 613 of this Act.

"(h) Nothing in this Act shall be construed as prohibiting a franchising authority and a cable operator from specifying, in a franchise agreement or renewal thereof, that certain cable services shall not be provided or shall be provided subject to conditions, if such cable services are obscene or are otherwise unprotected by the United States Constitution.

"FRANCHISE FEES

"SEC. 608. (a) Cable operators may be required in a franchise to pay to a State or political subdivision or agency thereof, or franchising authority, a franchise fee.

"(b)(1) No franchise fee paid by a cable system operator for the privilege of holding a franchise, shall exceed an annual aggregate of 5 percent of such cable operator's gross revenues derived from the operation of the cable system which is the subject of the franchise.

"(2) Nothing in this section shall be construed as limiting fees required by a franchise in effect on the date of enactment of the Cable Telecommunications Act of 1983 to be paid directly or indirectly to entities established for the purpose of facilitating the use of channels set aside for public, educational, or governmental use.

"(c) Any cable system operator may pass the cost of any increase in a franchise fee through to subscribers, and may designate the total franchise fee as a separate item in the subscribers' bills.

"(d) For the purposes of this section—

"(1) 'franchise fee' shall include any tax, fee or assessment of any kind imposed by a franchising authority or governmental authority on a cable system operator or cable subscriber because of their status as such; and

"(2) 'assessment' shall not include bonds, security funds, letters of credit, insurance, indemnification, penalties, liquidated damages or similar requirements which are incidental to the enforcement of the franchising agreement.

"(e) Nothing in this section shall be deemed to require a cable operator to renegotiate the provisions of an existing franchise.

"RENEWALS AND EXTENSIONS

"SEC. 609. (a) In any case in which a cable system operator submits an application to the franchising authority for the renewal or other extension of such operator's franchise authorization, the franchising authority shall grant such renewal or other extension unless it finds that—

"(1) the cable system operator has not substantially complied with the material terms of such franchise and with applicable law, or has been convicted of a felony;

"(2) there has been a material change in the legal, technical, or financial qualifications of the cable system operator that would substantially impair the continued provision of service by such operator;

"(3) the facilities to be provided by such operator, including facilities for governmental access, are unreasonable in light of the community need for and cost of such facilities;

"(4) the signal delivered by the cable system within the control of the cable system operator, has not generally met technical standards as established by the Commission; or

"(5) the proposals contained in the renewal application are otherwise unreasonable.

"(b) A cable system operator must file for renewal at least 24 months before the expiration of the franchise. The franchising authority—

"(1) must consider the renewal within 90 days of submission of the application and conduct any proceedings necessary to adequately consider the application; and

"(2) may not request, accept, or consider any other franchise application until the incumbent franchisee application is denied or approved.

"(c) A cable system operator with a franchise which shall expire within 24 months after the date of enactment of the Cable Telecommunications Act of 1983, shall be in compliance with subsection (b) if he files an application for renewal within 60 days after such date of enactment.

"(d) The franchising authority shall—

"(1) negotiate in good faith with any cable system operator regarding franchise renewal within 30 days after the completion of proceedings pursuant to subsection (b); and

"(2) make a final decision on granting or denying renewal within 12 months after receipt of an application;

"(3) in the case of denial of an application—

"(A) not make the final decision for at least 7 months from the date of receipt of the application; and

"(B) notify the applicant by written statement, within 7 days after the final decision, of the reasons for the denial.

"(e) Any renewal applicant adversely affected or aggrieved by a final decision of a franchising authority made pursuant to subsection (d), or by a failure of the franchising authority to act in accordance with subsection (d), may obtain a de novo review of such final decision in any court of competent jurisdiction. The existing franchise shall remain in effect pending the completion of such judicial review.

"UNAUTHORIZED INTERCEPTION OR RECEPTION

"SEC. 610. (a) No person or government authority shall intercept or receive broadband telecommunications unless specifically authorized to do so by a cable system operator, channel programer, or originator of broadband telecommunications or as may otherwise be specifically authorized by Federal law.

"(b) In order to safeguard the right to privacy and security of broadband telecommunications, such broadband telecommunications shall be deemed to be a 'wire communication' within the meaning of section 2510(1) of title 18 of the United States Code.

"(c) In the event that there may be any difference between the provisions of this section and chapter 119 of title 18 of the United States Code, or any regulations promulgated thereunder, it is the intent of the Congress that such chapter 119 shall be controlling.

"PROTECTION OF SUBSCRIBER PRIVACY

"SEC. 611. (a)(1) Except as provided in paragraph (2) of this subsection, no cable operator, channel programer, or originator of broadband telecommunications may use the cable system to collect personally identifiable information with respect to a cable subscriber, except upon the prior written or electronic consent of that subscriber.

"(2) The provisions of paragraph (1) of this subsection shall not apply to the collection of information solely for billing purposes or to monitor whether there is unauthorized reception of cable telecommunications.

"(3) A cable operator, channel programer, or originator of broadband telecommunications shall ensure that any such information is destroyed when the information is no longer used or to be used for the purposes for which it was collected.

"(b) No cable operator, channel programer, or originator of broadband telecommunications shall disclose personally identifiable information obtained pursuant to subsection (a) of this section with respect to a cable subscriber, or personally identifiable information with respect to the services provided to or received by a particular cable subscriber by way of a cable system, except upon the prior written or electronic consent of the subscriber, or pursuant to a lawful court order authorizing such disclosure.

"(c) If a court shall authorize or order disclosure, the cable subscriber shall be notified of such order by the person to whom such order may be directed, within a reasonable period of time before the disclosure is made, but in no event less than 14 calendar days.

"(d) Each cable operator shall, at the time of entering into an agreement to provide cable telecommunications, and regularly thereafer, inform every subscriber of the rights of the subscriber under this section. Such information shall include a description of the nature of the information to be maintained by the cable operator, channel programer, or originator of broadband telecommunications, and the location and availability of such information.

"(e) A cable subscriber shall have access to all personally identifiable information regarding that subscriber which is collected and maintained by a cable operator, channel programer, or originator of broadband telecommunications. Such information shall be available to the subscriber at reasonable times and at a place designated by the cable operator, channel programer, or originator of broadband telecommunications.

"(f) Any cable subscriber whose privacy is violated in contravention of this section, shall be entitled to recover civil damages as authorized and in the manner set forth in section 2520 of title 18 of the United States Code. This remedy shall be in addition to any other remedy available to such subscriber.

"CRIMINAL AND CIVIL LIABILITY

"SEC. 612. Nothing in this title shall be deemed to affect the criminal or civil liability of channel programers or cable operators pursuant to the law of libel, slander, obscenity, incitement, invasions of privacy, false or misleading advertising, or other similar laws, except that cable operators shall not incur such liability for any program carried on any public, educational, governmental, or other channel referred to in subsection (a) of section 606, or for any program required by law to be carried on any other channel.

"PROGRAMING, SERVICES, AND FACILITIES

"SEC. 613. (a) No State or political subdivision or agency thereof, or franchising authority, may require the provision of particular programing or other broadband services, or facilities, equipment, services, or other items of value which are not related to the provision of broadband telecommunications service.

"(b) A franchising authority may require, as part of the initial franchise request for proposals—

"(1) channel capacity for governmental access purposes; and

"(2) the construction of cable system facilities or provision of other cable-related equipment.

"(c) A cable operator may offer, but may not be required to provide, as part of basic service or any other tier of service—

"(1) channel capacity for access uses; and

"(2) particular services.

"(d) The cable operator may replace or remove a particular service specified in the cable franchise as part of the basic service or any other tier of cable service or telecommunications service, or cable system facilities or cable related equipment, in any case in which there has been a significant change in circumstances since the cable operator's offer to provide such service, facilities, or equipment. The cable operator may not be required to retain a specified service in any particular category of service other than basic service.

"(e) Except as provided in subsection (c) of this section, a franchising authority may, in accordance with the provisions of this section, enforce any offer to provide particular basic service set forth in subsection (c) or particular cable services or telecommunications services or cable system facilities or cable-related equipment offered by a cable operator provided that the provision of such services, facilities, or equipment is specifically required by the franchise agreement.

"(f) Notwithstanding the preceding provisions of this section, in any case in which a franchise agreement in effect on the date of the enactment of the Cable Telecommunications Act of 1983 requires the cable operator to provide particular programing, services, facilities, cable related equipment, or channel capacity for access uses, such requirements, subject to subsections (d) and (e), shall remain in effect for the term of the franchise and in accordance with the provisions thereof.

"NO REGULATION AS COMMON CARRIER

"SEC. 614. No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or franchising authority, shall have authority to impose on a cable system regulation as a common carrier or a utility to the extent that such cable system provides broadband telecommunications service other than basic telephone service.".

EXCLUSIVE JURISDICTION

SEC. 2. (a) Except to the extent otherwise specifically provided in title VI of the Communications Act of 1934, as added by the first section of this Act and as provided in section 607 of such title, the Federal Government shall have exclusive jurisdiction over broadband telecommunications regarding matters covered by such title.

(b) Any law of any State or political subdivision or agency thereof, or franchising authority, in effect on the effective date of title VI of the Communications Act of 1934, as added by the first section of this Act, which is in conflict with the provision of subsection (a) of this section relating to the exclusive jurisdiction of the Federal Government, shall be deemed superseded, as of the expiration of the 6-month period following the date of the enactment of this Act, and shall thereafter be null and void and of no effect.

(c) Except to the extent otherwise provided by this Act and the amendments made thereby, any State or political subdivision or agency thereof, or franchising authority, may exercise jurisdiction over matters which are of strictly local concern and which are necessary for reasons of public health, safety, and welfare, including the terms and conditions for the granting of a franchise, the construction and operation of a cable system, and the enforcement and administration of a franchise.

NEW AND ADDITIONAL SERVICES

SEC. 3. Title I of the Communications Act of 1934 is amended by inserting after section 6 the following new section:

"NEW AND ADDITIONAL SERVICES

"SEC. 7. (a) consistent with sound spectrum management, the Commission shall, to the maximum feasible extent, encourage the introduction of new and additional services by new applicants, existing licensees, or other persons. In any proceeding in which new or additional services are proposed, such services shall be presumed to be in the public interest whenever the Commission finds that such services are technically feasible without causing significant technical degradation to or interference with radio transmissions by other licensees.

"(b) Any person may file with the Commission a petition to establish or an application to offer a new or additional service.

"(c) The Commission must determine whether the new or additional service proposed in a petition or application is in the public interest within 1 year after such petition or application is filed. If the Commission initiates its own proceeding for a new or additional service, such proceeding must be completed within 12 months after it is initiated.".

EFFECTIVE DATE

SEC. 4. The provisions of this Act and the amendments made thereby shall take effect upon the date of enactment of this Act.

REDESIGNATION

SEC. 5. The existing title VI of the Communications Act of 1934 is redesignated as title VII, and sections 601 through 609 are redesignated as sections 701 through 709, respectively.

Mr. BYRD. Mr. President, I designate Mr. EXON at this point to control the time on my side.

Mr. PACKWOOD. Mr. President, I sent to the desk a committee modification.

The PRESIDING OFFICER. The Senator has a right to modify the committee amendment, and it is so modified.

The modification follows:

On page 22, line 4, strike out the word "and".

On page 22, line 10, strike out the period and insert in lieu thereof a semicolon and the word "and".

On page 22, between lines 10 and 11, insert the following:

"(4) competition is a more efficient regulator than government of the provision of diverse telecommunications services and as competition continues to develop, the deregulation of telecommunications services should occur.".

On page 23, line 15, beginning with "telecomuni-", strike out all through "tions" on line 18 and insert in lieu therof "two-way voice grade communications that is held out to the public and".

On page 31, line 15, insert "be required, as part of the franchise request for proposals, to dedicate or set aside channels for public, educational or governmental users, and the cable system operator may" immediately after "may".

On page 31, line 16, strike out all beginning with "public" through "or" on line 17.

On page 32, line 16, strike out "5 percent of the existing rate or".

On page 32, line 18, strike out "whichever is greater,".

On page 34, insert between lines 9 and 10 the following new paragraph:

"(3) The provisions of paragraph (1) of this subsection shall not be applicable where the cable system is subscribed to by at least 80 percent of the residences to which cable service is available, unless the cable operator demonstrates that 90 percent of the time, adequate on-site reception of the four television signals is available to more than 50 percent of the households to which cable service is available. Such a determination shall be made by the Commission. Failure by the Commission to make a determination within 180 days after the filing of an application by the cable operator shall be deemed to be a determination that such satisfactory reception is available.".

On page 34, line 21, immediately after "(g)" insert "(1)".

On page 35, line 1, immediately after the comma, insert the following: intrastate telecommunications services,".

On page 35, between lines 2 and 3, insert the following:

"(2)(A) Subject to the provisions of subparagraph (B), a State may require only the filing of informational tariffs for intrastate telecommunications services that would be subject to regulation by the Commission or any State if offered by a common carrier subject, in whole or in part, to title II of this Act, which are offered over a cable sytem. Such informational tariffs shall specify only the rates, terms, and conditions for the provision of service and shall take effect on the date specified therein.

"(B) Subparagraph (A) shall not apply to any private telecommunications service which is a discrete service dedicated to a single customer and operated by such customer.

"(3) A State shall deregulate the provision of intrastate telecommunications services if it finds that such services are subject to effective competition.

"(4) For purposes of this subsection, an intrastate telecommunications service shall be considered to be subject to effective competition in a particular geographic area or market if there are reasonably available alternatives. In determining whether there are reasonably available alternatives, the State shall consider—

"(A) the number and size of providers of services;

"(B) the extent to which services are available from providers in the relevant geographic area or market;

"(C) the ability of such providers to make services readily available at comparable rates, terms, and conditions; and

"(D) other indicators of the extent of competition, including affiliation of providers of services.

"(5) Nothing in paragraphs (2), (3), and (4) of this subsection shall be construed as being applicable to basic telephone service.".

On page 37, beginning with line 19, strike out all through line 3 on page 38 and insert in lieu thereof the following: "franchising authority must consider the renewal within 120 days of submission of the application and conduct any proceedings necessary to adequately consider the application".

On page 39, line 3, strike out "a de novo" and insert in lieu thereof "judicial".

On page 39, line 5, immediately after the period insert "Such judicial review shall be

de novo, unless the renewal applicant has been afforded a hearing on record before an independent hearing examiner or administrative law judge consistent with State law that requires—

"(1) adequate notice;

"(2) fair opportunity for participation by the renewal applicant, which includes—

"(A) discovery;

"(B) the filing of pleadings, motions, or objections;

"(C) the introduction of written or oral testimony; and

"(D) cross-examination of opposing parties; and

"(3) a written decision by the examiner or judge based exclusively on the full record of the hearings and stating the specific findings of fact and conclusions of law on which the decision is based.".

On page 42, line 19, strike out "initial".

On page 42, line 20, insert "public, educational or" immediately after "for".

On page 43, line 4, insert "other" immediately after "for".

On page 43, line 6, immediately after "(d)" insert "(1)".

On page 43, between lines 14 and 15, insert the following:

"(2) In any case in which a cable operator submits a showing that, as a result of a significant change in circumstances, particular facilities and equipment required by the franchise are economically, technically, or otherwise impracticable, the franchising authority shall enter into negotiations with the cable operator for the termination, modification, or deferral of such requirement. If such terms and conditions cannot be agreed upon within 45 days, the matters shall be submitted to binding arbitration. For purposes of arbitration, each of the affected parties shall select one arbitrator and the two arbitrators so selected shall choose a third arbitrator. The existing franchise provisions, except for those which are the subject of arbitration, shall not be affected by the arbitrators' final decision.

On page 45, line 19, strike out "tion" and insert in lieu thereof "tions".

On page 46, line 14, strike out the quotation marks and the last period.

On page 46, between lines 14 and 15, insert the following new section:

"DECLARATION

"SEC. 8. The Congress declares that competition is a more efficient regulator than government of the provision of diverse communications services and as competition continues to develop, the deregulation of communications services should occur.".

Mr. PACKWOOD. Mr. President, at the Commerce Committee's executive session on April 21, 1983, concerns were expressed about how telephone companies would compete with cable systems in the provision of local data services. S. 66 provides that cable systems would not be subject to regulation when they provide such services. Regulation of telephone companies providing such services, however, is not addressed in this bill, and such regulation would continue, subject to state oversight.

Cable has the capability of providing much more than video services. It has the potential of offering many innovative information services at attractive prices. Yet, cable has hardly begun to enter this market. That is why S. 66 allows cable to provide local data services without being subject to regulatory control.

Telephone companies are the dominant providers of voice and data services in local markets. While many alternative technologies are now beginning to enter the local market, it is far from clear how these will fare. Until then, these services, as provided by the telephone companies, must continue to be subject to regulation.

At some point, with all of these new services, the local data service market may become competitive. It would be unfair to the telephone companies to continue to regulate them when this occurs. The proposed amendment addresses this problem.

The amendment provides that when local data services are effectively competitive, all providers of such services shall be deregulated. In other words, the telephone companies will be deregulated in the provision of these services when they face genuine competition. If, for example, the telephone companies believe such competition exists today, they are able to petition for deregulation after the bill becomes law.

The amendment also allows States to require cable operators to file an "informational tariff" when they provide local data services. This tariff will include information regarding the rates, terms, and conditions of such service and will go into effect when the cable operator specifies. States can enforce these tariffs by requiring cable operators to follow these tariffs until new ones are filed.

The advantages of this "informational tariff" are twofold. First, it allows States to see if competitive data services are actually being provided. This will facilitate the marketplace analysis required for deregulation. Second, this tariff allows consumers and competitors to determine what services are being offered. Greater information enables the marketplace to work more efficiently, increasing the opportunity for competition to develop and deregulation to occur.

The amendment also responds to another concern raised by the telephone companies: that cable is statutorily deregulated when they provide data processing services, while the telephone companies are only administratively deregulated. The amendment includes a provision placed in title I of the 1934 Communications Act that provides, as national policy that services subject to competition should not be regulated. Since data processing services fit this description, the amendment further insures that they will continue to be offered without regulation.

This bill's basic premise is that cable's entry into the local information market has the potential to greatly benefit consumers. It will join a host of other new delivery services that have already been authorized and that will increase local telecommunications competition, providing the public with a variety of new ways to send and receive information.

The telephone companies continue to have the responsibility to provide universal telephone service. This bill recognizes the importance of such an obligation by requiring cable operators who wish to provide basic telephone service to be fully subject to State regulation.

There is one other amendment to S. 66 that deals with concerns raised by Senator THURMOND. Senator THURMOND expressed concern about the antitrust implications of this legislation. Thus, several meetings took place between the staff of the Commerce and Judiciary Committees on this issue. These meetings culminated in an agreement that provides as follows:

First. The provision that no competing applications shall be considered by the franchising authority at renewal time will be deleted; and

Second. There is a conforming amendment in another section that allows a franchising authority to require the same things of a competing applicant that it did of the renewal applicant.

These amendments were agreed to in order to make clear that it is not our purpose to hinder competition by mandating exclusive rights for any cable operation. However, the incumbent cable operator has the assurance that he will be able to continue his business if he meets the renewal standards set forth in the bill, which is the basic purpose of the renewal section in S. 66.

Mr. President, I urge my colleagues to join in support of S. 66, as amended, as it is an essential step toward providing the public with quality service.

Mr. President, if I can in a brief period of time, let me try to cut through the chaff and get down to the wheat of this bill, and allay some of the fears that have been expressed about some parts of it.

Cable television has grown from infancy to adolescent. It is not yet a full-fledged adult and it has a long way to go before it will be the significant force in this country that either over the air broadcast television or the telephone company or any of its local affiliates are.

Nevertheless, there has been expressed some fear that one particular provision of this bill which would allow local cable companies to transmit data, local data—not voice, but local data—would so strip bare the revenues of the local phone companies that they would have to significantly increase their rates. No provision of this bill would do that.

We have had over the past year and a half many misstatements—I hope unintentional—about the problem of increases in the cost of local telephone service. Some of it has been blamed on the consent decree arrived at between the Department of Justice and AT&T. But that decree is not yet in effect. It does not go into effect until next January. Judge Greene, the presiding judge, hearing the Justice Department's case, still has the power to change it. So whatever the effect may be on telephone rates in the future, it has not happened yet. So scratch that consent decree argument as the reason for the increase in telephone rates.

Well, then the argument is used that we have deregulated the provision of equipment—cordless phones, princess phones, competitive phones—and indeed we have deregulated that. And indeed today you can buy phones when you formerly had to rent them from one of the AT&T affiliates or one of the private phone companies.

Today, as a homeowner, you can do infinitely better on purchasing equipment than you could ever do by renting. By and large, you can amortize most of the equipment you would purchase in your home over, say, 2½ years. And any business would be delighted to be able to amortize equipment over that period of time.

The real reason that we face the possibility of increased local phone rates in the future is that there has been a change of policy undertaken by the Federal Communications Commission to gradually require that local phone service pay its own way. In the past, local phone service was heavily subsidized, say from 35 to 50 percent of its cost, by long-distance charges, both interstate and intrastate. And so long as AT&T and its affiliates were really all one company it did not make a great deal of difference to AT&T whether or not they subsidized, in essence, their own subsidiaries.

The Senate will recall that about 1½ or 2 years ago this Senate passed a telephone deregulation bill, S. 898, that was slightly different from the consent decree. We did not require the divestiture by AT&T of its subsidiaries. So that the division of interests—and frankly that is what they are—the division of interests and division of subsidiaries between the local companies and AT&T did not exist in our bill. But even so, to make sure that the policy that the Federal Communications Commission had followed in the past of subsidizing local rates with long-distance charges was continued, we codified what had previously been FCC administrative policy.

Now the bill we passed had provisions, that did require the separation of AT&T's competitive fashion different than the consent and noncompetitive services in a decree. We did not split off the local companies from AT&T. But I want to emphasize that in our bill was a statutory codification of the policy of subsidizing residential rates and rural rates with charges on long-distance companies.

That bill did not pass the House. The House never considered it. It never got out of committee and never got to the floor. And if the House was truly interested and truly afraid that any kind of change in the makeup of AT&T or any kind of increased competition from other nontelephone company competitors was going to seriously drive up local rates, the House could have stripped out of that bill the one sentence that directed the FCC to subsidize local rates, and we would have willingly accepted it. The House did not, and we are now left with the situation that we are in.

Senator GOLDWATER and I, and I hope numerous others, will soon be introducing a bill, the philosophy of which is to, again, direct the Federal Communications Commission to use a mechanism to subsidize rural and residential telephone service. Because Senator GOLDWATER and I are committed to the concept that everyone in this country should have access to a phone and should not be denied it because they live in geographically remote areas or should not be denied it because the price finally gets so high they cannot afford it, we will start hearings on that bill after the Fourth of July. But there is nothing in the present cable bill—nothing—that has any significant effect on local rates.

The argument is made, that because we allow the cable companies to transmit data locally on an unregulated basis, that they are going to skim cream, and steal the phone companies' business. This, it is argued, will cause the phone companies to have to raise their local rates, because the phone companies would still be regulated by the same public utility commissioners in the transmission of data.

Well, Mr. President, it depends on what your philosophy is. Our philosophy is that when there is competition—and I am speaking for the Commerce Committee and Senator GOLDWATER and myself—our philosophy is that when there is competition, all of the parties should be deregulated. And our bill requires—it is mandatory—that if and when any State public utility commissioner finds that local data transmission by cable companies has become competitive with the phone company then the phone company is deregulated as far as the transmission of data is concerned. And they will both be on a level playing field, and they will both be competitive in the marketplace, and they will both be unregulated.

The philosophy of the phone companies is they want the Federal Government—and they have suggested they may offer an amendment—in this bill to regulate both the phone companies and cable as to the transmission of local data.

Let me give you an idea of roughly what kind of revenues we are talking about. Bearing in mind that long distance calls now subsidize anyplace from 35 to 50 percent of local calls, in 1982 the revenue, the local revenue, of all of AT&T's affiliates nationwide was $29.6 billion. The local data revenue, all the money that they got from transmitting data all over the United States, every one of their local companies, was $331 million or roughly 1.1 percent of their total revenue. If cable took it all, and it is not going to, it is 1 percent. One percent of revenues is not going to subsidize anybody's local phone rate significantly.

Let me take my own phone company in Oregon. Pacific Northwest Bell serves Washington and Oregon, by and large. Its local revenue last year was $749 billion. That is revenue from all sources, voice, data, everything else. Their local data revenue was $7 million—1 percent. That does not vary significantly from anyplace in the country.

If you want to take what is perhaps the most significant example, let us take New York Telephone Co., the AT&T affiliate in New York. Let us compare with the Manhattan Cable. This is an old cable company. Manhattan has been wired for a long period of time.

Before I get into this, let me explain the situation of where cable exists in this country. By and large, Mr. President, where cable exists, as I recall my figures, something like 75 percent of all cable companies serve towns of 15,000 or less, and 90 percent of all cable companies serve areas of 30,000 or less.

In those small towns, Mr. President, there is relatively little intracity data transmission, and in many of those areas, the local phone company is the local cable company. Most cable companies exist in the smaller areas of this country.

We here in Washington, D.C., are not wired for cable service. They have not let a franchise. Montgomery County, one of D.C.'s largest suburbs, is not yet wired; there is no franchise. I doubt if most major cities today will be wired if they have not been wired, because the cost of wiring is so extraordinary today that I think few companies will be willing to put the money up front to wire the city when they face the possiblity of being supplanted by other technologies like direct satellite-to-home-television.

Now, let us use Manhattan as an example.

First, for New York Telephone, their 1982 local revenue, voice, data, and everything else, was $3.8 billion. Its local

data revenue—this is New York Telephone—was $82 million or about 2 percent of their revenues.

Now let us take Manhattan Cable which is the largest cable company in the United States. Manhattan Cable has 150,000 subscribers. Twenty-two of them use it for data transmission. Manhattan Cable's total gross revenues in 1982 were $41 million; its total data revenue was $985,000.

Again I want to put that in comparison. New York Telephone's total local revenues were $3.8 million; Manhattan Cable total revenues, $41 billion; New York Telephone total local data revenue $82 million, and Manhattan Cable $985,000, roughly a ratio of 90 to 1.

Mr. President, that is not seriously competitive. Forget that. This bill says, when it becomes competitive the phone company will be deregulated in the transmission of data.

Mr. President, I could cover a lot of other aspects of this bill, but that is the principal debate we are facing right now, whether or not by passing this bill we are going to seriously undermine local service by dramatically increasing its cost or dramatically reducing its subsidy. We are not. There is no likelihood we will do so in the immediate remote future. Worse than that, it is a misleading smoke screen for the fact that the principal subsidy that exists in this country today is the local phone rate being subsidized heavily by long distance. That is a subject this bill does not address. It is a subject that Senator GOLDWATER and I and others will address whether any amendments are passed or not passed. Regulating or deregulating cable as far as data transmission is concerned is irrelevant to the subsidization of local telephone service.

With that, Mr. President, I will yield the floor.

Mr. GOLDWATER. Will the Senator yield to me?

Mr. PACKWOOD. I yield the floor.

Mr. GOLDWATER. Mr. President, I subscribe to everything that my Commerce Committee chairman has said. He has succinctly outlined what this bill is all about, a rather unusual and uncalled for apparent interference by American Telephone & Telegraph Co.

I would like to address myself, Mr. President, very briefly to what cable television really is.

All of us and people hearing this and reading this understand a television antenna, that your antenna has to be on your roof, that it requires a lead into your set, it requires a transmission antenna, preferably indirect line with your receiving antenna because the frequencies used by television will not penetrate to any great extent or will they go around corners or over the curve of the Earth.

Knowing that people all over America would like to have a clearer picture on their television screen than many of them are able to get—regardless of the fact that they may be in more or less direct line with the transmission antenna—cable television came out. What is cable? Cable is merely what it says. It is a cable that can be stretched on telegraph, telephone, or power polls. It can be placed underground, as mine is where I live in Arizona.

The great advantage of this is that it not only brings a clearer peiture, but it gives me in my particular case 36 different channels where I have 5 channels available locally. It enables me to see television any time of the day or night. Many people may say "Who wants to watch that much television?" Well, there are times when you want to see the news and news is available 24 hours a day on cable television.

I come from a State that is more rural than it is citified, if we want to use that word. Arizona is a State with high mountains, deep canyons—places where television cannot get to without some means of transmission by cable, the cable that can be stretched over the power or telephone lines, put underground, and made available to people in remote places.

So, if it has great appeal, it should have great appeal to people living in urban areas who do not have the advantage of direct-line reception.

Mr. President, the quality received over a cable is far, far superior to anything that can be received from antenna to antenna. I have been in this business all of my life, I know something about it. I can tell you, Mr. President, without any question that I would much rather watch cable television than antenna-to-antenna television.

We even have coming along, I think within 3 years maybe 4, the ability of every homeowner in this country able to afford a few hundred dollars to have television reception directly from satellites of television programs going on in, literally, every country in the world. If you want to spend a little more money, it will be possible to receive programs from every country in the world at any time you want them to be received, with great, great clarity.

Mr. President, in writing this bill, we have had our problems. It has not been easy.

We at first had a great deal of trouble with cities and towns in America—my own, by the way, being one. Our staff worked assiduously and constantly with the group of cities known as the National League of Cities. Finally, after 2 years of work, they came to agreement whereby the cities would support this bill. I am happy to say as I stand here today that probably 85 percent of those cities still support this bill.

Then we come to a group that is loosely known as the Coalition of Cities. I do not know how many there are. All I know is that New York City is one of them. This coalition opposes this bill.

I shall tell a little problem we run into here in Washington. The cable people want to run cable into here with the supply coming out of Virginia. Metro, our underground transportation system here, will not allow them to run a cable. A cable is about a half-inch in diameter. That would not take up a lot of room in those tunnels. That is the kind of attitude that rules a lot of our big cities; that is why our big cities are in a lot of trouble. They cannot see very far. But that is beside the point.

We have a group called the U.S. Conference of Mayors which has offered a lot of opposition to this bill. The only opposition I can sense—mind you, Mr. President, some of these people who have written me are people I have known intimately all my life—is that they are not going to be able to get quite as much money out of the cable television subscriber as they would like to get. They would like to put a bigger bite on the cable company. In spite of all this, Mr. President, our staff has been able to put together a bill that I think deserves the favorable attention of this entire body.

Now, Mr. President, we get into what my chairman was speaking about, and I think it deserves more attention. That is the opposition to this legislation by AT&T.

I know that AT&T will say, as it has said to many Members of this body, that cable television is going to compete with the phone companies. As my chairman points out, what is AT&T talking about? One percent.

Let me tell you something about this little company, Mr. President. They spend more money on research and development than the U.S. Government spends. If you put that organization in a list of countries, they have the seventh or eighth largest gross national product in the world. And they are worried about 1 percent.

As the chairman has indicated, he and I, shortly, will introduce, I presume with many other Senators, legislation that will be aimed at taking care of this growing threat and problem that every one of us is living through. My telephone bills out where I live in the Rocky Mountains of the United States are going to go up. Some way, legislation-wise, we are going to have to develop a formula whereby as subsidy can continue to pay part of the costs that have been beneficial to the local resident, whether he lives in the city or whether he lives in the country.

Mr. President, we are not even talking in the same ball park when we talk about competition from cable with telephone. Theoretically, it can be

done. I admit that I can sit in my living room and I can watch the temperature, I can watch the dew point, the humidity, the winds, transmitted from some place in Georgia to Arizona. But it is put on there by an Arizona company. Or I can pick up the telephone, dial a number, and get all the weather I want and the correct time. We have not run the telephone company out of business and they have not hurt the cable business.

Mr. President, I am hoping that we can get along with this legislation. It has been very carefully put together.

Mr. President, on March 4, 1982, I introduced S. 2172, the Cable Telecommunications Act of 1982. That represented the culmination of process that began in 1979 when I introduced legislation that contained similar provisions. The extensive record of that legislation included 22 days of hearings and testimony from 171 witnesses. Unfortunately, the Senate failed to take action on that legislation in the 96th Congress.

In 1981, the Commerce Committee considered and passed a number of communications bills that were ultimately passed by the full Senate, including S. 898, the Telecommunications Competition and Deregulation Act of 1981. That bill contained several cable provisions, but no hearings had been held on those particular sections in S. 898. Therefore, during the consideration of that bill on the Senate floor, I objected to those provisions because of the commitments I had made to various cities that there would be no cable legislation without hearings. I also made it clear that I was not objecting to the substance of the cable provisions in S. 898. My amendment to delete those provisions was successful, and they were stricken from the bill.

Shortly thereafter, the Commerce Committee held 2 days of field hearings on cable. The first was in Seattle, Wash., on January 18, 1982, chaired by Senator PACKWOOD, and attended by Senator GORTON. The committee heard testimony from 10 witnesses. The second was in Albuquerque, N. Mex., on February 16, 1982, and was chaired by Senator Schmitt. The committee heard from 10 witnesses as well. In addition, statements were received for the record from 18 other parties.

Based upon this evidence, on March 4, 1982, I introduced S. 2172, the Cable Telecommunications Act of 1982. That bill was the result of many months of study on the issues and was the first time that a comprehensive bill had been introduced on the subject of cable. Hearings were held before the Subcommittee on Communications on April 26, 27, and 28, 1982, and we heard testimony from 54 witnesses, and received statements from scores of others. After reviewing and evaluating all of the testimony and the comments received and meeting with representatives of the cities and the cable industry, the staff revised S. 2172. Those revisions were widely circulated and then were incorporated into a substitute bill which was favorably reported by the Commerce Committee on July 22, 1982, by a vote of 13 to 3.

Unfortunately, there was simply not time to bring S. 2172 to the full Senate for a vote before adjournment of the 97th Congress at the end of 1982. However, when that fact was evident, I announced my intention to reintroduce a cable bill at the beginning of the 98th Congress.

To fulfill my pledge, on January 26, 1983, at the very beginning of the 98th Congress, I introduced S. 66, the Cable Telecommunications Act of 1983. That bill was virtually identical to the previous year's revised version of S. 2172. Hearings were held before my Subcommittee on Communications on S. 66 on February 16 and 17, 1983. Testimony was received from 17 witnesses, and there were numerous submissions for the record.

Mr. President, this bill, S. 66, establishes a new title in the Communications Act of 1934 for cable telecommunications. The bill creates a jurisdictional framework which apportions the regulatory authority between the Federal, State, and local governments, and establishes a national policy for the provision of cable. Finally, S. 66 addresses the specific issues of ownership, access channels, rate regulation, franchise fees, renewals and extensions, unauthorized interception or reception, protection of subscriber privacy, criminal and civil liability, programing, services and facilities, jurisdiction, and new and additional services.

Last year, many city officials opposed S. 2172, the predecessor to S. 66. In an effort to reach an agreement which would lead to passage of S. 66, I asked the cable industry and the cities to attempt to resolve their differences. Beginning late last year, those two groups began talks.

Over the past several months, the National League of Cities (NLC) and the National Cable Television Association (NCTA) held a series of meetings in an attempt to reach a compromise on cable legislation. As a result of their successful efforts, S. 66 was revised to substantially reflect their agreement. I offered that revised version at executive session of the Commerce Committee on March 22, 1983, as an amendment in the nature of a substitute.

During that executive session, the cable bill was discussed in detail. However, several members of the committee expressed a desire to postpone final consideration due to the shortness of time within which they had had a chance to review the bill. Therefore, Senator PACKWOOD and I agreed to postpone final consideration until a later date.

Thereafter, the NLC reevaluated its position and support for the compromise legislation. In a four-page letter dated April 6, 1983, from Mayor Charles Royer, president of the NLC and mayor of Seattle, Wash., to Thomas Wheeler, president of the NCTA, Mayor Royer detailed several major areas in the amended version of S. 66 which would have to be revised in return for the NLC's continued support of the bill.

As a result of this letter, more negotiating sessions were held which included the NLC, the NCTA and majority and minority committee staff members. These negotiations culminated in a further amended version of S. 66, which was wholeheartedly endorsed by the NLC and the NCTA. Virtually every change requested by the NLC was eventually conceded to by the NCTA and placed in the bill.

The major revisions which were made included:

First. The section which provided that no Federal agency can prohibit ownership of cable systems by any person was eliminated, so that the FCC would continue to have the authority to impose cross-ownership restrictions.

Second. The franchising authority and the cable operator were allowed to establish rules and procedures for the use of access channels.

Third. The 5-percent franchise fee limit does not include such things as bonds, security funds, and letters of credit.

Fourth. Personally identifiable information about a cable subscriber could be obtained with prior written or electronic consent.

Fifth. The criminal or civil liability of channel programers or cable operators was not affected.

Sixth. Any franchise agreement in existence on the date of enactment of the bill which requires the cable operator to provide programing, services, facilities, equipment, or access channels is grandfathered as to those provisions.

Seventh. States, franchising authorities, and so forth, may exercise jurisdiction over matters which are of strictly local concern and which are necessary for reasons of public health, safety, and welfare, including the terms and conditions for the granting of a franchise, the construction and operation of a cable system, and the enforcement and administration of a franchise.

Eighth. The act takes effect on the date of enactment.

Thereafter, the NLC and the NCTA sent a letter of endorsement, dated April 21, 1983, for the revised version of S. 66, which was jointly signed by Mayor Royer and Mr. Wheeler.

I offered the revised version of S. 66 at full executive session of the Commerce Committee on April 21, 1983, as an amendment in the nature of a substitute, and my amended bill passed the committee by an overwhelming vote of 15 to 2.

At that executive session on April 21, 1983, concerns were expressed about how telephone companies would compete with cable systems in the provision of local data services. S. 66, as reported, provides that cable systems would not be subject to regulation when they provide such services. Regulation of telephone companies providing such services, however, is not addressed in my bill.

The Commerce Committee, through the Subcommittee on Communications, which I chair, has long believed that our Nation's telecommunications needs are best met if we allow the marketplace to function free of government regulation. Services subject to effective competition in that marketplace should be deregulated. The Commerce Committee has reported many bills, almost all of which the full Senate has passed, which apply this procompetitive approach. My bill, S. 66, is one more in this long line.

Cable has the capability of, and potential for, the provision of many innovative information services at attractive and affordable rates. However, since cable has just begun to enter this market, S. 66 allows cable to provide local data services without being subject to regulatory control.

Telephone companies are the dominant provider of voice and data services in local markets. Until alternative technologies begin to enter the local market, these services, as provided by the telephone company, must continue to be subject to regulation.

At some point, with all of these new services, I believe the local data market may well become competitive. It would be unfair to the telephone companies to continue to regulate them when this occurs. Thus, I have agreed, quite reluctantly, to some amendments to my bill which I hope will address these issues and will benefit the consumer.

The amendments provide that, when local data services are effectively competitive, all providers of such services shall be deregulated. In other words, the telephone companies will be deregulated in the provision of these services when they face real competition. If, for example, the telephone companies believe such competition exists today, they are able to petition to the States for deregulation after this bill becomes law.

The amendment also allows States to require cable operators to file an "informational tariff" when they provide local data services. This tariff will include information regarding the rates, terms, and conditions of such service and will go into effect when the cable operator specifies.

There are two advantages to this "informational tariff." First, it allows States to see if competitive data services are actually being provided. This will facilitate the marketplace analysis required for deregulation. Second, this tariff will allow consumers to determine what services are available. With more information, the marketplace should work more efficiently and should increase the opportunity for competition to develop and deregulation to occur.

The amendment also responds to another concern raised by AT&T, and that is that cable is statutorily deregulated when they provide data processing services, while the telephone companies are only administratively deregulated. To address this, the amendment includes a provision to amend title I of the 1934 Communications Act that provides, as national policy, that services subject to competition should not be regulated. Since data processing services fit this description, the amendment further insures that they will continue to be offered without regulation.

A basic premise of my bill is that cable's entry into the local information market has the potential to greatly benefit consumers. It will join a host of other new delivery services that have already been authorized and that will increase local telecommunications competition to provide the public with a variety of new ways to send and receive information.

The telephone companies continue to have the responsibility to provide universal telephone service. S. 66 recognizes the importance of such an obligation by requiring cable operators who wish to provide basic telephone service to be fully subject to State regulation. Local telephone rates are rising for many reasons. As was stated at the Commerce Committee executive session on April 21, 1983, I, and the members of the committee, are now drafting legislation to resolve this larger problem. This legislation will seek to preserve reasonably affordable telephone service for the American public. Such a commitment can be met completely consistent with a competitive approach.

There is one final amendment to S. 66 that deals with concerns raised by Senator THURMOND, the chairman of the Judiciary Committee. Several meetings took place between Senator THURMOND's staff and the Commerce Committee staff on the antitrust implications of this cable bill. These meetings culminated in an agreement between myself and Senator THURMOND that provides as follows:

First. The provision that no competing applications shall be considered by the franchising authority at renewal time will be deleted. In other words, the renewal applicant could be subject to comparative challenges; and

Second. There is a conforming amendment in another section that allows a franchising authority to require the same things of a competing applicant that it did of the renewal applicant.

Since these amendments addressed Senator THURMOND's concerns, he canceled his Judiciary Committee hearing scheduled for Monday morning, May 16, 1983.

Senator THURMOND and I agreed to these amendments in order to make clear that it is not our purpose to hinder competition by mandating exclusive rights for any cable operator. The basic purpose of the renewal section in my bill remains intact, however, and that is to make sure that the incumbent cable operator has the assurance that he will be able to continue his business if he meets the renewal standards set forth in the bill, and this application for renewal will be considered according to its own strengths and weaknesses. Without such an assurance, I am fearful that a cable operator with a few years still to run on his franchise will have no incentive to upgrade the services and facilities he provides to the public, and, in fact, he will fail to do so. Even if that operator wanted to improve his system, if there were no such renewal expectancy as provided for in my bill, the banks and other lending institutions would probably not lend the cable operator the money necessary to improve his system. With this amendment, a franchising authority will be able to consider all of the evidence as to what is reasonable or unreasonable. If it wished to do that by looking at what another cable operator promises to do, it would be free to do so, and even would be free to award an additional franchise under the terms of my bill.

I believe this is an equitable solution to the concerns raised by Senator THURMOND and I welcome his support for my bill.

Mr. President, this bill, S. 66, is quite simply the most important piece of legislation for the American consumer that I have been associated with for a long, long time. I have been saying for the past 2 years that we need to establish a national policy for cable before this year is up if the cable industry, the cities, and most of all, the consumer, are to ever reap the benefits of cable's potential. If we do not pass this bill now, I firmly believe that the current patchwork system of Federal, State, and local regulation will be too firmly entrenched to undo. The American public deserves better than that, and I urge my colleagues in the Senate to join me in supporting this legislation. Its time has come; let us not let it pass.

CHANGED CIRCUMSTANCES, SECTION 613(d)(2)

● Mr. DURENBERGER. Mr. President, I should like to take a moment to understand the view of the distinguished Senator from Arizona on the amendment to section 613(d) of the act. It is my understanding that the amendment recognizes that commitments made by cable operators with respect to the provision of facilities and equipment would be distinguished from those commitments with respect to services. Does the Senator share this view?

Mr. GOLDWATER. Yes; I do, Mr. President. While it has always been the committee's view that such commitments should be met, the purpose of today's amendment is to establish procedures for reviewing commitments for facilities and equipment and to permit the modification or deferral, as well as the termination of such commitment, under appropriate conditions. The amendment would provide that where a commitment becomes impracticable as the result of a significant change in the circumstances surrounding the operator's original commitment there would be a requirement to revise that commitment.

Mr. DURENBERGER. The purpose of the amendment, then, does not automatically relieve the operator of commitments which he understood at the time he made them would be costly or otherwise burdensome. Rather, the negotiations required by the amendment would take place if the operator makes a showing that a significant change in circumstances has made the provision of particular facilities and equipment impracticable.

Mr. GOLDWATER. That is essentially correct. However, a significant change in the operator's good-faith assessment as to present and future market conditions would be sufficient to trigger negotiation under the section. We also do not want to foreclose the cable operator from responding to innovation in new facilities and equipment offering comparable capability nor to preclude a review of these commitments if economics or technology makes their fulfillment impracticable.

Mr. DURENBERGER. If the Senator will indulge me further on this point, it is the concern of State and local governments that the provision may have the effect of reducing the financial risks an operator undertakes when agreeing to demands for impracticable commitments in the franchising process. What does the Senator see in the bill to prevent a cable operator from making commitments to providing particular facilities and equipment under assumptions that he believes could change?

Mr. GOLDWATER. Several mechanisms exist. First, as to facilities and equipment, the purpose of mandatory conciliation will permit alternative, practical commitments by the operator, in addition to the option of relieving the operator of his financial commitments. Second, it can be anticipated that the uncertainty associated with binding arbitration, required by the amendment, would instill discipline and reasonableness in the franchising process from the standpoint of the franchising authority's demanding and the operator's agreeing to impracticable commitments. Third, all parties should be able to respond to the ever-changing, fast-paced technology and market demand for cable, thereby insuring the accompanying efficiencies and economic savings for the public.

Mr. DURENBERGER. These indeed appear to be appropriate. Will there be FCC jurisdiction under this section?

Mr. GOLDWATER. We have provided the Federal Communications Commission with exclusive jurisdiction over matters covered by the act with the explicit intent that all governmental levels shall exercise less regulatory control than at present. We intend that these matters can be resolved fairly among the parties, taking into consideration market conditions in the particular cable community. The parties would consider such things as the purpose of the original commitment contemplated with respect to particular facilities and equipment, opportunities available to the operator and franchising authority to defer or modify the commitment for facilities and equipment or secure alternative commitments, and the financial viability of the operator, including his ability to make a reasonable profit.

Mr. DURENBERGER. I thank the distinguished chairman for his comments. He has significantly clarified this subject.●

ACQUISITION RESTRICTIONS AND FRANCHISE FEES

● Mr. TSONGAS. Mr. President, will the Senator yield for a question?

Mr. GOLDWATER. I yield.

Mr. TSONGAS. I am hopeful that alternatives which have not been considered within the scope of this bill remain available for members of the public and communities themselves to assume significant responsibilities in the planning, construction, financing, and ownership of the art communications facilities and services to members of those communities. While not numerous, those cable systems presently operating which are owned or managed in part by the communities in which they are located have been at the forefront in promoting new and innovative uses of cable and in stimulating educational and other local community programing. We should continue to encourage these different approaches which are not addressed by this bill.

While the bill recognizes the principle of municipal ownership, I am particularly concerned about certain provisions which may, contrary to its apparent purpose, be interpreted to preclude certain mechanisms of financing which are integral to making that ownership possible. In my State, for example, there are a number of towns which are interested in owning and financing the construction of their own cable systems through the issuance of general obligation bonds. Under one proposal, on completion of construction, the town would lease the system to an operator for the period of the license, while retaining title to the system and the risk incurred through financing. Such a system is immensely beneficial to the town, as it maintains ultimate responsibility for the cable system, thereby shielding itself from the potential instabilities of private operators. under Federal tax law and certain accounting principles, however, an operator holding this lease might be considered the owner of the underlying cable property, depending on the term of the lease. If this principle were carried over to this bill, section 605(c)(1), which on its face prohibits municipal acquisition "pursuant to a buy back provision" or "sale of a system * * * on expiration of a franchise" for less than fair market value might be construed to prohibit this type of arrangement. Since, as related in the committee report, the sole purpose of section 605(c)(1) was to preclude an inequitable acquisition from a private operator at the end of a franchise, would there be any basis for applying this restriction under such circumstances, where the town builds the cable system and owns it at the outset?

Mr. GOLDWATER. The Senator is correct in that the concept of municipal construction and ownership of cable systems was not addressed by the drafters with respect to this provision. Section 605(c)(1) is clearly designed for those situations where a private company takes upon itself the substantial task of constructing and franchising the construction of a system and finds itself forced through license restrictions or otherwise to sell its valuable assets to a State or subdivision at the end of the term for a fraction of the real value of the property. Such expropriation is clearly unfair and must be prohibited. At the same time, from the words of this particular section itself, there should be no question that the restriction does not apply where the municipality acquires its ownership interest in the system at the outset through financing and overseeing its own construction of the project. That the lease provisions which you describe may have some particular effect under the tax laws would not, in my view, change this result. Does that clarify the Senator's concern?

Mr. TSONGAS. It does, but there is also an additional issue I would like to address in this regard. Under the proposal described under contemplation in my State, the town which has assumed the responsibility for financing and building the cable system would obviously be entitled to a significant rent from a private operator proposing to lease the system, not only to cover the debt service called for by the financing instruments and at least part of the construction costs but also to reflect the value of the system which has been provided to the operator through the town's efforts. My concern is that section 608(d)(1) defines the term "franchise fee" so broadly—as "any * * * fee or assessment * * * imposed by a franchise authority * * *"—that the restriction in section 608(b)(1) prohibiting imposition of franchise fees over 5 percent of an operator's gross revenues might be interpreted as precluding a rental mechanism which in fact merely permits a local government to recover its costs relating to constructing its system, together with reasonable compensation for the risk taken in financing those costs. Could you address this concern?

Mr. GOLDWATER. Again, I think the answer to the Senator's question can be found in the committee report, which indicates that the overriding purpose of the 5-percent fee cap was to prevent local governments from taxing private operators to death as a means of raising local revenues for other concerns. This would be discriminatory and would place the private operator/owners at a disadvantage with respect to their competitors. However, under the plan which the Senator describes, the town is simply asking the private operator to assume a part of the total risk of constructing a system which the operator would otherwise have had to assume in full if he had been responsible for financing and constructing the cable system. Under those circumstances, it would seem to me that the owner—the town—would be free to require payment of reasonable rentals as the Senator describes. In short, rentals taking into account municipal costs and risks of financing, construction, and ownership should not be considered franchise fees within the meaning of section 608.●

FRANCHISE COMPETITION

Mr. THURMOND. Mr. President, I want to take this opportunity to make clear what purpose the distinguished Senator from Arizona (Mr. GOLDWATER) and I intend to achieve by amending S. 66. Quite simply, that purpose is the preservation of competition in the franchise renewal process.

In its present form, S. 66 anticipates and rightfully encourages competition in the initial franchise award; multiple franchises serving the same area are also permitted and encouraged. My opinion, however, is that initial franchise competition and overlapping system competition is not enough. When deciding to renew a franchise, pursuant to section 609 of this bill, the franchising authority must not be required to make that decision in a competitive vacuum. Rather, the franchising authority may solicit and consider competing applications during the renewal process.

To effectively inject this added element of franchise competition into S. 66, we have done two things. First, section 609(b)(2), which prohibits consideration of competing bids prior to a final decision on renewal of an existing franchise, has been deleted. Second, the word "initial" in section 613(b) has also been deleted. The purpose of these changes is to assure that, should a franchising authority desire to solicit additional bids or proposals during the renewal process, it is not precluded from doing so in the same manner as in an initial request for proposals. This change in section 613(b) is necessary to effectuate the amendment to section 609. The value of permitting competing bids under section 609 would be greatly diminished if the franchising authority was unable to solicit bids in the same way that initial franchise proposals are solicited. Finally, the elimination of section 609(b)(2) clearly contemplates franchise competition based upon many factors, including rates.

Is this the understanding and intention of the Senator from Arizona with respect to this amendment?

Mr. GOLDWATER. Yes, Mr. President, that is my understanding. I would, however, like to make clear that by eliminating section 609(b)(2) and changing section 613(b), we do not intend to impose any delay on the renewal process. Section 609(d)(2) mandates that the renewal decision be made within 12 months of submission of the application, and that provision remains unchanged. While I support the concept of competition in the renewal process, it cannot be used as an excuse to delay that renewal process.

Mr. THURMOND. I agree with the Senator from Arizona.

● Mr. DANFORTH. Mr. President, I do not believe that section 610 of S. 66 applies to the reception of satellite-delivered programing by backyard satellite Earth station operators. Does the Senator from Arizona agree?

Mr. GOLDWATER. Yes; I say to Senator DANFORTH section 610 of S. 66 does not apply to the reception of satellite-delivered programing by backyard satellite Earth station operators. This section applies only to the unauthorized interception or reception of broad-band telecommunications.

Mr. DANFORTH. I thank Senator GOLDWATER for his clarification of this matter. I appreciate his expression of support for the development of this new technology.●

"UTILITY USERS TAXES" AND DEFINITION OF "FRANCHISE FEE"

● Mr. WILSON. Mr. President, I am concerned about a particular section of the Cable Telecommunications Act of 1983, S. 66, and its impact on a number of cities in my State of California. I would appreciate having an opportunity to engage in a colloquy the Senator from Arizona (Mr. GOLDWATER) in order to clarify the meaning of this section and the committee's intent in proposing it.

Section 608(d)(1), provides as follows:

(a) "franchise fee" shall include any tax, fee or assessment of any kind imposed by a franchising authority or governmental authority or a cable system operator or cable subscriber because of their status as such;

Mr. President, my concern is that this definition might be read so as to preclude the levying of what in California is referred to as a utility user tax.

A utility user tax is a tax which a so-called charter law city in California is empowered by the State to levy on consumers of the services of a utility. As applied in California, these taxes are levied, at the discretion of each city, on electric and gas users and telephone subscribers as well as cable television subscribers.

Presently, at least 17 cities in the State have exercised their power to levy utility user taxes on cable television subscribers, and others may soon do the same, for as of July 1, so-called general law cities will also have the power to levy this type of tax on consumers.

Mr. President, a utility user tax, as applied to cable television, is levied upon the consumer, not the cable operator. It is similar to a sales or use tax, and is collected by the cable operator just as a merchant collects a sales tax. The franchise fee, by contrast, is analogous to the rent from a shopping center located on land leased from a city, and is paid directly by the cable company. All utility consumers are subject to a utility users tax, whether or not the utility is under the jurisdiction of the Public Utilities Commission.

Most importantly, in relation to the definition of the term "franchise fee" in S. 66, the cable consumer is not separately classified for tax purposes, but is part of either a larger class of utility consumers or a larger class of home entertainment buyers. The tax charged is a transaction tax much like a sales or use tax. It is not being classified discriminately.

Mr. President, understandably, I have received letters of concern from a number of cities, as well as the league of California cities that S. 66 will dis-

able the collection of utility user taxes on cable television and therefore end a source of revenue for them. Without endorsing the levying of utility user taxes—for as mayor of San Diego I opposed the imposition of such taxes—I am sympathetic to the letters that I have received. For, while some of this revenue will be used for general municipal purposes, some will be used for community projects.

I wish to quote from a letter I received from the mayor of Torrance, Calif., Jim Armstrong:

Torrance will be particularly affected by the passage of the anti-tax provision of S. 66. We are planning to build a studio complex in our civic center for use jointly by our cable franchisee (Group W), the City and the public. In addition, we are planning to construct a small theatre to provide additional facilities as an adjunct for cable television productions. This tax money will be vital to financing the construction of these facilities. The City Council has formally committed all our cable TV related revenues to this project until it is paid for.

Also, we are planning on utilizing some of these monies (after the cable TV facilities have been funded) for exploring new forms of cooperation between government, business and cable television. We have already formed a management team therefore and have met with engineers and scientists in our area in an effort to develop concrete proposals to utilize the cable for government, institution, commerce and industry purposes. We cannot expect any such activities to be funded commercially; they will have to be subsidized. Needless to say we will not be able to carry on this program if we are deprived of the use of these taxes.

Mr. President, it is my understanding that the definition of the term "franchise fee" in section 608(d)(1) is not designed to preclude the collection of utility users taxes on cable television subscribers as presently practiced in a number of California cities, and further, that it would not preclude the levying of such taxes in the future. I would appreciate the counsel of the Senator from Arizona (Mr. GOLDWATER) on this matter.

Mr. GOLDWATER. Mr. President, the Senator from California is correct in his reading of the definition of the term "franchise fee" in section 608(d)(1) of S. 66.

It was the intent of the committee, in crafting this definition, to prevent cities from circumventing the 5-percent cap on franchise fees as set out in the bill by establishing a new sort of tax on cable operators or subscribers. It was not the intent of the committee to prevent taxes of general applicability to apply to cable television just as it does to other commercial operations similarly situated.

Mr. WILSON. Mr. President, I thank the Senator from Arizona for this clarification.●

FRANCHISING

Mr. LAUTENBERG. I am concerned about how this bill would impact on the kind of franchising scheme in my State. I would like to explore this issue, if I may.

New Jersey, since 1972, has involved two tiers of government in the franchising process. By State law, the cable operator must obtain a municipal consent from the municipality, and then must secure a final certificate approval from the State's Office of Cable Television, within the Board of Public Utilities.

Now, as I read this bill, there is nothing to prevent such a two-tiered system from continuing? Am I correct?

Mr. GOLDWATER. That is right, Mr. President.

Mr. LAUTENBERG. You see, I am concerned about the way "franchise" and "franchising authority" are defined under the bill. One might argue that there are two franchising authorities in New Jersey—the State and the municipalities—and two franchises—the municipal consent and the certificate of approval. That would, of course, create problems in applying the deadlines governing franchise renewals set out in another section of the bill. So, I want to be clear about this.

Mr. GOLDWATER. There is no intent to vest any powers in local governments that they do not already enjoy by grant of the States.

Mr. LAUTENBERG. So, in New Jersey, the franchising authority is the State's Office of Cable Television and the Board of Public Utilities, and the franchise as such is the State-granted certificate of approval. And, the municipality is something of an agent of the State, conducting something on the order of a preliminary review.

Mr. GOLDWATER. Given what the Senator has told me about New Jersey law, that is right.

Mr. LAUTENBERG. So, if I may pursue this to conclusion, the deadline in section 609(b)(1), which requires a franchising authority to consider a renewal application within 90 days, would be satisfied in New Jersey, if the municipality, which takes the first look at the application, reviews that within 90 days.

Mr. GOLDWATER. That is correct, Mr. President.

Mr. LAUTENBERG. In section 609(d)(1), it says that the franchising authority shall negotiate in good faith within 30 days after the completion of proceedings pursuant to the section. That would apply to the municipality, as well, I assume.

Mr. GOLDWATER. That is correct.

Mr. LAUTENBERG. I have another question pertaining to that paragraph. The language reads, "The franchising authority shall negotiate in good faith." I want to be clear about what is meant by "negotiate."

In New Jersey, all proceedings, by the municipality and the State, are held subject to the State's sunshine law. The municipality holds quasi-judicial proceedings, as I understand it. In fact, I am told, the Board of Public Utilities has ruled that it is a violation of the law for a municipal to receive ex parte communications from one of the cable operators during the pendency of various applications. All of these procedures are intended to keep the process fair and open, to avoid so-called backroom or sweetheart deals. I want to be sure that the bill would not require any such thing. In my State, the conduct of proceedings in good faith, including the usual give and take in licensing hearings, would comply with the paragraph requiring that a franchising authority "negotiate in good faith."

Mr. GOLDWATER. That is correct. What we are striving for is fairness and good-faith conduct.

Mr. LAUTENBERG. To follow through section 609's deadlines, then, the requirement that a final decision granting or denying renewal within 12 months—that would, I presume, apply to the final action by the State. And the requirement that no denial of application can be made within 7 months from the date of receipt of an application would apply to the State, because the State, in New Jersey, has the power to overrule the denial of a municipal consent by the municipality.

Mr. GOLDWATER. That is correct.

Mr. LAUTENBERG. I wish to raise one other question regarding franchise renewals. The bill does not expressly state whether a franchise can be conditioned upon the taking of certain actions by the cable operator. Then again, it does not expressly state that such conditions cannot be imposed. Is it the case that a franchise authority can issue a conditional or unconditional franchise renewal? So, notwithstanding the specific proposal of the cable operator, the franchising authority can add certain provisions?

Mr. GOLDWATER. Yes; that would be permitted under the bill.

Mr. LAUTENBERG. I think that makes sense, certainly as an incumbent we would not want to prohibit a franchising authority from saying, for example, if you just upgrade your system slightly faster than in your original proposal, we will grant your franchise renewal. That, I think, would give greater latitude to reach resolutions that are satisfactory to the incumbent, and the public.

Mr. GOLDWATER. Of course, if the conditions are so onerous that they amount to a denial of the original application for renewal, then the cable operator would have his rights to appeal, as provided under the bill.

Mr. LAUTENBERG. Granted, Mr. President.

Mr. GOLDWATER. Mr. President, I yield the floor.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I take this opportunity to thank the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Washington (Mr. GORTON), and the Senator from Minnesota (Mr. DURENBERGER) for the efforts they have made to improve this bill. They have had a number of amendments. All of those amendments have been encompassed in the substitute that I have offered. I honestly say that they have actually improved this bill to where there is now relatively little opposition.

I emphasize once more the policy that Senator GOLDWATER and I, and I hope a majority of the Senate, share about our willingness to subsidize local television service.

In this country, from its founding, we have had a policy of subsidizing transport and communications. It started out in the earliest days of this country with our post roads. We subsidized river transportation with our canals. When the railroads came, we clearly initially subsidized them with extraordinary landgrants to move West. We did it with the airlines to encourage them to expand their service, and even today with airline deregulation in place and the Civil Aeronautics Board to go out of business on January 1, 1985, we have continued an airline subsidy program that runs through 1988 to make sure that smaller towns are served. We will review that policy as we approach 1988.

This is no different than the subsidy we have had for years with local telephone rates being subsidized by long distance.

In short, Mr. President, we have seen nothing wrong with saying that we think it is wise that this country be tied together in communications and tied together in transport. If we were to follow the policy in this country today that all areas of the country had to be able to support their own communication and their own transport, there would be barren areas of this country.

As far as highways are concerned, I doubt that most of the rural areas of this country have highways today that will pay for themselves. They are subsidized by other revenues, and rightly so. Most of the smaller towns would have no air service if we did not subsidize it, and rightly so.

I emphasize again that we feel the same way about telephone service, but any amendment that is offered that attempts to give the impression that if cable television can transmit local data without regulation, anybody who introduces an amendment like that and attempts to give the impression that without that amendment local rates are going to go up dramatically is misleading the public.

All of us have been in situations before where perhaps we have mistakenly said—I can recall my days from the legislature—"Pass the cigarette tax and your property taxes will not go up as fast."

What the public heard is, "Your property taxes won't go up." I do not want to mislead the public into thinking that their local rates will stay the same if an amendment is adopted regulating cable's transmission of local data.

The key issue is whether or not the bill that Senator GOLDWATER and I will subsequently offer and have hearings on passes to require the continuation of the subsidy of local rates. If that bill passes, the local rates will not go up as much as they would otherwise. If it does not pass, the local rates are going to go up rather substantially.

But that is the principal subsidy that exists in this country today, and no one should make the mistake in thinking that there is any other immense subsidies which, if saved, will keep local rates from going up.

I yield the floor.

Mr. EXON. Mr. President, it is the request of the minority leader that Senator LAUTENBERG be the manager of this bill on this side of the aisle, and I should like him so designated at this time.

Mr. LAUTENBERG. I thank the Senator from Nebraska for this distinctive honor. I will do my best to insure stability and order.

Mr. ABDNOR. Mr. President, will the Senator from New Jersey yield?

Mr. LAUTENBERG. I yield.

Mr. ABDNOR. Is the Senator going to offer an amendment at this time?

Mr. LAUTENBERG. No; I am not. I just want to make my opening statement.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank my distinguished colleague from Nebraska for yielding to me the responsibility to manage the bill. I will remember this day.

Mr. President, the committee modifications include several amendments that were incorporated at the urging of myself and several of my colleagues. These were printed separately in Friday's RECORD along with some explanatory material. I should like to speak briefly now to those amendments and other aspects of the bill.

Before so doing, I thank the Senator from Oregon, on whose committee I serve, and the Senator from Arizona, who has labored so hard for such a long time to make sense and order out of what is developing in cable telecommunication. I think cable may perhaps become the second most important communications medium in our society. I thank them also for their graciousness and willingness to accommodate some of the concerns I have had about the bill, particularly as it affected my State of New Jersey. The two Senators have come a significant distance to try to address these concerns and I am grateful.

Mr. President, S. 66 creates a national policy on cable telecommunications. It affects an area where local and State governments have been very active. The general thrust of the bill is to remove many of the impediments that allegedly exist at the State and local level to the expansion and development of cable telecommunications, and to its ability to compete with other telecommunications services.

I do believe that we need Federal legislation on cable telecommunications. There is a national interest in promoting this communications medium and in insuring that its potential benefits are enjoyed by as many people as possible.

There are however a number of general goals that I think cable legislation should address. Some of these I did not think were adequately addressed as the bill was released from committee. I would like to review some of them now.

One of the principal goals of the legislation should be to insure fair rules of the game when it comes to franchising cable. I recognize that in some cases the regulation of cable by local and State governments has impeded the growth of the medium. There have been cases of abuse, corruption, and unfairness.

But I also was very much aware of cases where local and State regulation has worked well. My own State is one example. Since 1972, New Jersey has had a State law on cable television. Cable operators must secure a franchise from both the municipality and from the State's Board of Public Utilities, which also has the power to review and overturn arbitrary municipal decisions. Both authorities conduct their procedures subject to the sunshine law. Administrative law judges are involved at the State level. There is a statewide ceiling of 2 percent on franchise fees, and a statewide common tariff on rate regulation. The result is what the New Jersey Cable Television Association calls regulatory stability generally unrecognized at the State level elsewhere. The result is that cable passes 82 percent of the homes in my State. Over 1 million homes subscribe. There is a statewide interconnect. In sum, local regulation has not impeded the development of cable in New Jersey.

It has been my goal to insure that, to the extent possible, the effective aspects of New Jersey's scheme be left intact. I think that some of the amendments included in the commit-

tee modification do this. The amendment regarding judicial review of franchise renewal denials is one example.

As released from committee, the bill provides guidelines governing a franchising authority's consideration of a cable operator's request for a renewal of his franchise. The bill provided, however, that notwithstanding these guidelines, if the franchising authority's decision is adverse to the cable operator, then the cable operator may secure de novo judicial review of the decision. In other words, the cable operator may secure a complete retrial of the issue in the courts. So, the franchising authority's decision—regardless of its fairness and openness—would be denied the respect that courts generally accord administrative decisions.

I objected to this provision. Certainly, if the franchising authority has afforded the cable operator a full and fair hearing, and has rendered its decision on the merits, there should be no second bite at the apple in the courts. That would simply impose added costs on the franchising authority, added burdens on the courts, and generally discourage franchising authorities from acting in what they believe is the public interest.

I am pleased that the committee modifications incorporate an amendment providing that where the franchising authority acts in accord with a State law setting out a fair procedure, then judicial review need not be de novo. By fair procedure, I mean one that includes adequate notice, a fair opportunity to be heard, and a decision by an impartial trier of the facts.

This amendment would clearly cover the procedure that is in effect in my State, where the franchising authority, the State board of public utilities, refers cases to administrative law judges, acting in accord with the State's administrative procedure act and the rules of the Office of Administrative Law. Certainly in my State, it would serve no public policy purpose to provide for de novo judicial review of the franchising authority's actions. The amendment would avoid that necessity.

A second goal of cable legislation should be to promote diversity of information. The public's interest in a diverse marketplace of ideas can be traced back to the first amendment to the Constitution. Cable offers the capacity to increase the variety of information and viewpoints available to the public. Educational, community, and governmental groups should have access to increase the diversity of views available.

The bill as released from committee provided that a franchising authority could require that channel capacity be set aside for access by governmental users. But it did not provide such authority for requiring access by educational groups—like the local college—or community and public interest groups—like the League of Women Voters or others. I thought that was a deficiency in the bill.

I am pleased that the Senator from Oregon and the Senator from Arizona have incorporated an amendment that addresses this problem by expanding the powers of franchising authorities to include the power to require access by public and educational groups as well.

A third goal of cable legislation should be protect consumers from what amounts to the monopoly power of cable systems. An immediate concern of mine was rate regulation.

Cable operators say that thev are in competition with alternative services, and that they have no monopoly. That may be true to the extent that cable offers movies and other forms of pay entertainment. But, in many rural areas of the country—contrary to popular belief, there are rural areas in New Jersey—people rely on cable televison simply to get clear reception of televison signals—signals that they cannot easily receive over the air. In those areas, I think, cable operates as a utility, and should be subject to fair regulation that protects consumers from the exercise of monopoly power.

I do not think the bill as released from committee provided adequate protection of the consumer in this regard.

Specifically, the bill provided that rates shall be deregulated in any area falling within the so-called B contour of four television signals, three of which must be network signals. The B contour is defined as an area where more than 50 percent of the households receive adequate reception 90 percent of the time.

In some municipalities within the B contour, however, reception is much worse. These places could be in a valley, or faced with other barriers to reception. These are areas where cable serves the function of a utility providing essential reception services, there are not available reasonably competitive alternatives to cable for the reception of television signals. There are areas where an overwhelming majority, and an unusual majority of the households subscribe. In these areas, I believe, rate regulation is entirely appropriate.

I am pleased that the Senator from Oregon and the Senator from Arizona accepted a modest amendment that provides that where a system serves more than 80 percent of the households to which cable is available, there shall be a presumption that adequate reception is not available, and rate regulation shall continue. This provision will, at least retain regulation where it is most needed—in areas where an overwhelming majority of the households find the necessity to subscribe to cable for adequate reception.

I should note as well that the bill as released from committee provided that where rates are continued under regulation, the cable operator would be assured of an annual increase in rates of 5 percent or the rise in the consumer price increase, whichever was greater. Assuming that an increase in rates should be guaranteed, notwithstanding continuing regulation, I certainly saw no rationale for allowing 5 percent increases as an alternative to the CPI.

I am pleased that the committee modifications include an amendment, that would limit the rate of guaranteed increases to the rise in the CPI.

A fourth goal of cable legislation should be to promote competition.

When the bill was considered in committee, I was concerned that it did not provide for adequate competition when it came to renewal of franchises. The bill provided that when a cable operator sought renewal of a franchise, the franchising authority could not consider the competing applications of other cable operators.

I thought that provision was unwise and anticompetitive. Some of my colleagues on the Judiciary Committee did so as well.

I am pleased that the committee modifications include an amendment that would open up renewals to competition.

Another aspect of the competition issue is holding competitors to their promises. It certainly makes no sense to promote competition between cable operators—in which operators promise a set of services in return for a franchise—unless there is some mechanism for keeping them to their promises.

The bill as released from committee included a provision that allowed cable operators to escape promises to provide certain facilities or equipment if there was a significant change in the circumstances. Certainly, there should always be room to modify a contract that is out-of-date; that was based on facts and presumptions that no longer hold; or that would actually run counter to the interests of the parties to the contract. But, the bill as released from committee, I thought, tilted too far in favor of the cable operator, and would have allowed the operator, conceivably, to unilaterally escape contractual obligations freely entered.

I am pleased that the committee modifications include an amendment, that addresses this problem. It would require negotiation before any promised facilities or equipment are withdrawn because of a significant change in the circumstances. Moreover, if negotiation fails, the amendment provides for arbitration, to avoid the resolution of these disputes in the courts.

These are some on my concerns about this legislation. I am pleased that many of my objections have been addressed in the committee modifications.

I should add however, that I still do not think that the bill is perfect, nor does it address all of my concerns. But it appeared to me that there was significant support among my colleagues for this bill as it pertains to traditional cable television issues. So, I have sought a reasonable compromise that addressed some of my concerns. The true test of a good compromise is that none of the parties is too happy with it. I think that I and the chairman of the Commerce Committee and the chairman of the Communications Subcommittee have reached a reasonably good compromise. In light of that, I plan to support S. 66 on final passage.

I yield the floor.

The PRESIDING OFFICER (Mr. PRESSLER). Who yields time?

Mr. PACKWOOD. Mr. President, I yield to the Senator such time as he needs.

Mr. GORTON. Mr. President, I am pleased to speak in support of S. 66, the Cable Telecommunications Act of 1983. As many of my colleagues know, I strongly opposed the predecessor to this bill in the last Congress. Since then, however, there has been a great deal of hard and inspired work to produce a compromise. Representatives of the cable industry and of the cities sat down over a period of several months and negotiated a proposal for legislation which both sides supported. Senator GOLDWATER prepared an amendment to S. 66 which substantially reflected this compromise, as he had promised to do.

He deserves a tremendous amount of credit for the fact that this controversial legislation has proceeded at this point in such expeditious fashion.

This amended version of S. 66 passed the Commerce Committee by a vote of 15 to 2, and it has my strong support.

During the last decade the primary responsibility for regulating cable television has fallen to the States and local governments. The local governments have a legitimate interest in selecting the best possible cable operator when they give a company the right to use the public right-of-way. The local governments also need to be able to enforce the promises the cable operator made to get the franchise. The cities have done a good job of franchising cable companies. Cable is now a thriving business with a presence in most of the communities across the Nation.

This compromise bill preserves the cities' authority to enter into franchise agreements and it preserves flexibility and freedom of contract for key terms. At the same time, the cable companies attain certainty and are relieved of regulatory burdens which have inhibited the growth of new technologies.

Under S. 66, the franchising process remains a meaningful, competitive process. Such things as access requirements, programing and service requirements, and facilities and channel requirements remain fully negotiable. In addition, all of these types of requirements in existing franchises are grandfathered by the bill. The bill sets up a procedure for renewal of a cable franchise and it establishes an expectancy of renewal, which provides the existing operator with a timely and fair procedure at the same time that it sets standards and provides for competition.

S. 66 deregulates rates for basic cable programing in many places but it provides for a 5-year or longer transition period. It does not deregulate rates in those areas, such as many hilly parts of my State, in which a subscriber does not receive four clear television stations. I should note that in my State, almost all of the city franchises have already deregulated rates, as have several States, apparently with no serious effect on consumers.

S. 66 also sets up a jurisdictional framework which apportions the regulatory authority between the Federal, State, and local governments. State and local governments retain authority over matters involving the granting of a cable franchise, the construction and operation of a cable system, and the enforcement and administration of a franchise, as well as the State's inherent authority to protect the public health, safety, and welfare.

I would also like to express my support for the amendment the committee is proposing to address the concerns of the telephone industry. S. 66 does not allow cable to be regulated as a common carrier except when it provides voice telephone service to the public. Cable will be able to offer data transmission unregulated, in competition with the telephone companies, which are presently regulated for that service. The proposed amendment permits the States to require that cable operators file informational tariffs for data services. More importantly, it directs the State regulatory authorities to deregulate data services offered by the telephone companies when the telephone companies face genuine competition.

The committee's amendment is a reasonable middle ground between regulating the new, undeveloped services to be offered over cable and completely deregulating the telephone companies before they face competition. The amendment provides the mechanism for the telephone companies to meet their competition on the same deregulated basis. And it leaves the determination of competition with the States, which are in the best position to make it.

The telephone companies' concerns about competition are legitimate. I am concerned about how competition for long-distance service, private-line service, equipment, and enhanced services as well as data transmission will affect local telephone rates. I believe that it is more appropriate, however, to deal with the broader telecommunications issues in separate legislation. Such complex issues as the FCC's access charge and separations proceedings and the AT&T divestiture are far better served by full committee hearings than by floor amendments to a cable television bill. I understand that bills will be introduced shortly to insure that our national telecommunications policies continue to provide for universal telephone service at affordable rates.

Let me, finally, simply reiterate my support for S. 66. I would like to congratulate the chairman of the subcommittee for his successful efforts to produce a compromise cable bill. I believe the compromise is a reasonable one which benefits the industry and which protects the interests of the consumers of cable services as well.

Mr. ABDNOR. Mr. President, I first wish to commend the members of committee. I know that the Commerce Committee has worked for a long, long time on this legislation which I observed in the previous session of Congress as well. Their efforts and actual passage of the bill is considerably different from what we are looking at today.

I suppose the intent is good, but I am afraid I must take issue with exactly what this legislation does in the way of deregulation from that which it intends to do.

First, let me say I regret very much that we do not have more Members present in Congress today. I guess it was necessary for many to be gone.

But this is important legislation, legislation that everyone should follow very closely, and be involved in, including hearing the arguments.

Unfortunately, the amendments that are offered today will not be voted on today but, rather, will be stacked. We will come in tomorrow, as I understand it, at 10 a.m., and proceed to vote.

Mr. FORD. Mr. President, will the distinguished Senator yield for a question?

Mr. ABDNOR. I yield.

Mr. FORD. Mr. President, I have a colloquy with the distinguished manager of the bill which shall take only a minute.

Would it be objectionable to the distinguished Senator if we conducted this colloquy before he gets into his speech?

Mr. ABDNOR. That is perfectly all right with me.

Mr. FORD. Mr. President, without the distinguished Senator losing his right to the floor, I would like to enter into a colloquy with the distinguished manager of the bill. I would like 2 minutes on the bill to engage in this colloquy with the distinguished chairman of the Commerce Committee regarding a unique problem in my State.

The Lexington-Fayette urban county, in Kentucky, is one of the few instances where cable television is an essential service. Many parts of the county do not have receivable television reception and there are extreme distortion problems in parts of the county with the NBC affiliate.

All of the network affiliates are UHF signals. Lexington-Fayette urban county will never have a VHF channel because of FCC mileage requirements. Due to geographical and topographical problems, this area of Kentucky has reception problems even under perfect conditions. Citizens of this area must subscribe to a cable system in order to receive a clear picture.

I am aware of no other place in the country where all three affiliates are UHF signals. Due to this situation, I would like to ask the chairman and manager of the bill to determine that the definition in section 607 of S. 66, on page 33, line 18, regarding grade B contour of not less than four television signals does not apply to Lexington-Fayette urban county? Lexington-Fayette urban county does not meet the letter and the spirit of this provision since the area does not receive adequate reception and the urban council should continue to regulate both basic rates A&B in Lexington and Fayette County. Is this correct?

Mr. PACKWOOD. You are correct. Lexington-Fayette urban county would be exempted from the basic rate deregulation due to this unique situation.

Mr. FORD. I thank the chairman and add that it is hoped that when S. 66 returns to the Senate from conference perhaps there will be a way to solve this problem in the legislation.

I thank the distinguished chairman and I thank my colleague for allowing us this couple of minutes.

Mr. ABDNOR. Mr. President, if I may proceed, I am now offering the amendment, and I would like to address myself generally to S. 66, known as the Cable Telecommunications Act. I begin by observing that S. 66 is not named the cable television act. This is because S. 66 is a bill covering much more than traditional cable television and other one-way broadcast issues. Putting it on the line, the real effect of S. 66 is to give cable companies a competitive advantage in offering highly profitable telecommunications services to large business customers.

Mr. PACKWOOD. Mr. President, is this time on the Senator's time on the amendment?

Mr. ABDNOR. No; it is on general discussion of the bill.

Mr. PACKWOOD. That is fine. I do not want to eat up too much of the Senator's time. Go ahead. I just want to make sure on what we are using the time.

Mr. ABDNOR. I thank the Senator from Oregon for allowing me time.

I support reasonable efforts to deregulate cable television. My esteemed colleague from Arizona, Senator GOLDWATER, who is a sponsor of S. 66, has told me that what he is trying to do in S. 66 is to provide cable television to people who do not have access to good television. I think that is a great idea.

Cable is an excellent way to improve television reception in many parts of my home State of South Dakota and other areas of the United States. I want to encourage and applaud the cable folks for doing that. But let us not rush into legislation that replaces the ghost on a bad television picture with the ghost of what today is the world's finest telephone service. We do not have to give up affordable telephone service to get good television pictures. I think that is clearly understood.

Looked at in its real context, this bill jeopardizes basic telephone service. The telecommunications revenues opened up to the cable companies are the very same revenues that are now used by local telephone companies and State regulatory commissions to hold down local rates.

I am not the only person concerned about the impact of S. 66 on the price of basic telephone service. The National Governor' Association, the National Association of Regulatory Utility Commissioners, and some 40 State public service commissions have written to you and me expressing their concerns.

Echoing the concerns of regulators across the Nation, the South Dakota Public Utilities Commission has asked that we take a "long hard look" at S. 66 which "could lead to a reduction of universal and affordable telephone service to our people." These concerns are well founded, particularly since the drafters of S. 66 have publicly acknowledged that they did not consider the impact of the bill on the rates for local telephone service.

The Senator from Oregon, my good friend, Senator PACKWOOD, has promised to introduce a bill to assure continuation of universal, affordable telephone service. I certainly support these efforts. But we should not permit harm to universal telephone service in one bill, while drafting another bill to repair the damage.

Cable systems are already in place. They use high-quality, state-of-the-art technology. They are generally large, well-financed operations—Warner Communications, American Express, General Electric, Westinghouse, Time, and Cox Broadcasting, to name just a few. These operations are poised to cherrypick the most desirable telephone company business communications markets. Jim Cuddihy, vice president of engineering and development for Group W Cable, the third largest in the United States, laid out the strategy at an industry conference this past April in Boston. Mr. Cuddihy said, and I quote:

> How successful cable can be in meeting marketplace demands for business communications, depends on several factors—facing the competitors, maintaining high technical standards and finally working together as an industry to maximize our potential. The first consideration is the competitive atmosphere in which we must function and thrive. This won't be easy, but we have one factor in our favor. I think it will take three to five years for the Bell operating companies—who will be, of course, our major competitors—to get their act together. So cable has a chance to get the jump on telephone companies, if it begins providing its services, working out the operational problems and developing its marketplace in that time frame."

S. 66 would allow the cable companies in my home State of South Dakota to immediately go after the highest volume business communications customers of the Northwestern Bell Telephone Co. in South Dakota, 2 percent of the customers account for 30 percent of the total revenues. If those telephone revenues are lost, local telephone rates for the residents of my State will increase by 50 percent. And, as the telephone company is forced to raise its rates to its remaining residential customers, more people will not be able to afford service and drop off the line, the rates for those who remain will rise still further. Spiraling rates, fewer customers, and a weakened telephone company is not my idea of a sensible public policy.

S. 66 will cause similar impact across the Nation. For example, Cox Cable Communications owns a corporation called Commline which provides two-way telecommunications services over a coaxial cable system in Omaha, Nebr. These unregulated services duplicate what Northwestern Bell offers under State regulation within the city of Omaha. A Commline promotional brochure describes its own services as "A substitute for telephone lines" and promotes its voice capability. Cox Cable has stated that its basic market for institutional cable—which can be defined as cable telecommunications services to institutions such as banks, service industries, schools, and governments—is 200 businesses in the Omaha exchange area. This may seem like a small number to some, but consider that revenues from those organizations exceed $40 million annually. If 70 to 80 percent of that revenue is lost to unregulated companies, local rates must increase over $7 per month per telephone customer in Omaha alone.

As another dramatic example, consider the State of California. Again, there is a high degree of revenue concentration: 1.2 percent of the business locations generate $760 million in revenues.

If those revenues are skimmed off by unregulated competitors who can pick and choose their customers, every residential customer in the State of California would have to pay an extra $9 per month for basic telephone service—to make up for the lost revenues which previously contributed to holding down local monthly bills.

This pattern could be repeated across the country. A Touche Ross study found that a mere 2 percent of the service areas in Arkansas, Kansas, Missouri, Texas, and Oklahoma produce more than 30 percent of the telecommunications revenues.

The scenario I have just described is exactly what S. 66 will do. The competitive advantage to the cable industry comes about because the telephone companies are regulated as public utilities. The cable companies know the regulatory handicap quite well. As Tom Wheeler, president of the National Cable Television Association, recently told a House committee, cable companies pay 22 cents of every dollar for regulation. S. 66 lifts this burden from the cable companies, but leaves it squarely on the shoulders of the telephone companies and its ratepayers. If the cable companies see the telephone companies as their major competitors, why should the U.S. Senate help one competitor and hold back the other? That does not strike me as being fair, nor in the public interest, since we are discussing an industry as important as communications.

The telephone companies must serve all customers, no matter how big or how small. The cable companies will be free to pick off only the most profitable routes and services.

The telephone companies' rates are set by the State regulatory commissions on a uniform statewide basis. This assures that everyone can afford basic telephone service—something we have been proud of all these years. But the cable companies can charge what the market will bear—underpricing the telephone company to cream-skim lucrative customers, and overpricing where they face no competition. A cable system would be fully deregulated even in those areas where it is a monopoly provider of services.

This is what S. 66 means when it talks about deregulation of cable. It means singling out cable companies for private benefit at public detriment. The bill states in section 602 that its aim is to allow cable systems to offer broadband telecommunications without a competitive disadvantage with other providers. S. 66 replaces disadvantage with tremendous leverage. Not only is competitive disadvantage questionable, the bill legislates a clear competitive advantage for cable. This is not fair, it is not even-handed, and it is not good public policy.

I propose to amend the bill to focus its deregulatory impact where it belongs—on traditional cable television service. I agree with Senator GOLDWATER that regulation of traditional cable should be revised, and S. 66 has merit in that area. But in the telecommunications area, where the quality and affordability of our nationwide telephone system are jeopardized, I hope the Senate will agree that my two simple amendments are right on target.

Mr. GOLDWATER. Will the Senator yield?

Mr. PACKWOOD. Mr. President, I am happy to yield such time as the Senator from Arizona needs.

Mr. GOLDWATER. Mr. President, I would like to answer a little bit of what the Senator has been discussing. His first criticism is that the bill is entitled, "To Amend the Communications Act of 1934."

I remind the Senator that is merely customary. Every communications bill I have had anything to do with, for or against, while on this floor started that way.

As the Senator from Oregon, the chairman of our committee, has said, he and I intend to introduce legislation that will apply itself exclusively to the problem that the urban telephone user is beginning to experience—not only the urban telephone user, but all telephone users whose monthly bills for telephone service are going to go up. And I can tell you my friends that they are going to go up a lot.

When AT&T broke up, they kept the long-line service. They have what I call the most marvelous scientific development in the world, the switching service in New Jersey that enables one just picking up the phone to call anyplace in the world. I spent a part of the last 10 days in Europe. Two or three times a day it was required that I call the Capitol. I did so as easily as picking up the phone in my office and dialing a short number. It went through the switching service that has never been equaled of the old AT&T in New Jersey. But that is beside the point.

This is not a telephone bill. It is a bill to cover the problems in cable telecommunications.

Let us look just briefly at something that the Senator was talking about. South Dakota has 48 cable systems. They pass almost 128,000 homes. They have 82,000 subscribers, roughly. Their percent of subscriber penetration is 64 percent. The TV households are 251,700, roughly, 252,000 and has a 32-percent subscriber penetration. But there is not one single system in the entire State, not one system, that passes data. So, I do not see any reason to be concerned there. Certainly nothing that is happening in the Senator's State has any effect at all upon the telephone company.

Mr. PACKWOOD. Will the Senator yield?

Mr. GOLDWATER. Yes.

Mr. PACKWOOD. Will he say that again? There is not a single cable system in South Dakota at the moment involved in two-way transmission of data? None?

Mr. GOLDWATER. There is not any.

Mr. PACKWOOD. So, this bill has virtually no effect on South Dakota at all?

Mr. GOLDWATER. Absolutely no effect.

Mr. ABDNOR. Will the Senator yield?

Mr. GOLDWATER. I have a few more figures, but I will yield to the Senator from South Dakota.

Mr. ABDNOR. As long as the Senator is talking about my State, I would like to say that there are about three capable of getting into it right now. I should have brought in the newspaper article and inserted it into the RECORD because there are plans.

Incidentally, I think maybe the Senator's figures are a little low on who has cable television in South Dakota. Since they relaxed rules so that telephone companies can install television by cable in communities under 2,500, even my town of 375 has it, and we do appreciate it. That is fine. If that is what this bill is about, to bring cable TV to many people, I am all for it.

There is one thing that bothers me. The Senator says that there is no connection between telephone companies and this bill. Let me assure you of one thing. This legislation could well allow bypass of local telephone systems which provide the access charges on long distance services. As I understand it, we would lose out on that revenue. That is what we are talking about. It does affect telephones. As long as we are in danger of losing those access charges, of causing the rates to go up because of the loss, I think it has a lot to do with telephones.

Mr. GOLDWATER. The Senator is speaking about what might happen in the future. I am not going to stand here and try to look into a crystal ball and say what might happen. It might happen, but it has not happened yet. No cable system in the Senator's State transmits data.

Now, we have 5,790 or so cable systems operating in this country. Less than 0.1 percent, or 7 out of 6,000 cable companies, transmit any data at all—0.1 percent. And the largest corporation in the history of the world is scared to death about 0.1 percent. I would like to be that scared every morning. I would live a hell of a long

time. I am shocked that that gigantic corporation would try to infer that they are on the verge of real trouble.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Will the Senator from New Jersey, who is controlling the time, yield to me?

Mr. LAUTENBERG. I yield to the distinguished Senator from Nebraska.

Mr. EXON. Mr. President, the discussion and debate with regard to the bill before us has been an interesting one. I have listened to much of it today.

Like so much of the legislation which comes before this body this cable bill is not perfect, in the opinion of this Senator. This Senator has been one of those leaders seeking to protect the rights of the cities and the consumers with regard to cable television. Over the years I have maintained this position.

So, while saying that nothing is perfect, the bill before us is the best bill that we could possibly work out involving the very complicated and intricate matters dealing with cable television.

I certainly salute the chairman of the committee, on which I serve, and Senator GOLDWATER, the original leader of the bill presently before us.

While there has been some give and take, and I think there has been cooperation, I think we have done the best possible job that we could, given the importance that the cable television industry has in this Nation and will have in the future, protecting all of the interests, including the cities and consumers. We have worked it out the best we can.

For that reason, the Senator from Nebraska feels it is appropriate for me to support this measure on final passage.

But that does not mean, Mr. President, that we should make no amendments whatsoever to the bill. I said earlier it is not a perfect bill. I think it could be closer to perfection if we would eventually adopt the amendments that I understand will be offered by the Senator from South Dakota.

I would like to request at this time that if and when the Senator from South Dakota offers his amendments that I have seen I be added as a cosponsor.

Mr. ABDNOR. If the Senator will yield, I will say I would be very happy to add him as a cosponsor.

Mr. EXON. I thank my friend from South Dakota.

Mr. President, as a member of the Commerce Committee, the committee members and the Senate in full know, I think, and understand, that I have been very concerned with the issue of basic telephone rates and the problems that residential and particularly rural users may encounter should rates become so high that this basic and essential service becomes unaffordable to many of the present customers of the telephone companies.

Mr. President, I do not believe that it is entirely appropriate to say this has nothing to do with the telephone business, that this is a cable bill.

Well, Mr. President, there is very little in this life of ours today where any action we take does not have a counteraction over here. When you get into the complicated field of communication, I think it well that we recognize and realize that some things are truly likely to occur.

We have heard in debate today that no cable television company in South Dakota today is carrying on any type of competition with the telephone company. Well, that does not mean that that is not likely to happen in the future. In fact, most of the experts in this field do predict that there is going to be increased competition, and increased competition is good.

Going back to the reason that I said I intend to support this measure, I think it enhances and increases competition and still provides some legitimate protection that I think is vitally needed today to make sure that those involved in the highly competitive business of cable television and the risks that they are taking are given a degree of protection. The bill does that.

But I think possibly we should not just put on blinders and say it is not going to have an effect on basic telephone rates, because I suspect with the ingenuity and the plans which are being presently planned by the majors in the cable television industry that indeed increased competition will be a part of that.

What the Senator from South Dakota and the Senator from Nebraska are trying to do is to put on a reasonable amendment that simply says that when we pass this cable television bill, we are affording at least a degree of protection to make certain that telephone rates for individual subscribers are not more adversely affected than they certainly will be by other actions that have been taken.

I know and I realize that deregulation, getting the Government off of our backs, and all these kinds of things, have an excellent ring in the countryside and it is good politics. But certainly I can say as a Senator from Nebraska deregulation of the airline industry has not been a boon to commercial aviation in Nebraska. I think other States with larger geographical areas, other States who have medium- to small-size cities, indeed have been hurt by airline deregulation.

I do not believe, Mr. President, that was adequately addressed or understood when that measure passed the Senate before this Senator came to represent Nebraska in this great deliberative body.

Mr. ABDNOR. Will the Senator yield for a question?

Mr. EXON. Yes.

Mr. ABDNOR. As a member of that committee, you listened to the hearings and the discussions. Will we do great harm to this bill if we completely deregulate the cable television except when it comes to telecommunications to hold off on that until the hearings which are about to be held allowing us to measure the impact better and to have a better feel for what we are doing? Is that possible?

Mr. EXON. It seems a reasonable proposal to me. I guess basically what we have to do, in the opinion of this Senator, and I have not talked with my friend from South Dakota or other Members about any particular way this could be resolved, is as I said earlier, that I think the cable television, which I agree is 95 percent of this bill, is something that needs passage and I will support that. But I do think that the approach by the Senator from South Dakota, with the amendments that I understand he intends to offer, will be in a way to at least address and look into the matters that are the basic thrust of the amendments being offered by the Senator from South Dakota.

I would simply like to say that during this body's consideration of S. 898, the Communications Act which was passed by the Senate but never considered in the House during the 97th Congress, I successfully added an amendment to that bill to address basic telephone rates. This did not become law, as I am sure it would have, because of the administration's decision to enter into an agreement with the American Telephone & Telegraph Co. to end the lawsuit that was being pressed against Mother Bell.

I have heard talk here today that the House did not take action after the Senate did. That is accurate. I think, though, that most would agree that the real reason that the House did not take action was because they felt that the agreement that was entered into jointly by the administration and the Bell System did not necessitate a full telecommunications bill at that time.

The language, though, that I had embodied in that bill that I hoped would have become law simply said that rates for basic telephone service shall not exceed, Mr. President, 110 percent of the national average for comparable services. This amendment would insure that all those who relied so heavily on telephone service, particulary in the case of the less fortunate and the elderly, would continue to receive service at reasonable rates.

I think that we cannot just turn our backs on that and say, "But this has nothing to do with the bill presently before us." I simply suggest, Mr. Presi-

dent, that before there was a game of football, we did not play football in Nebraska; before we had such a thing as television, no one watched television. Before we had all of the devious taxes and loopholes that are replete in our system today—that happened only after we had taxation. My point is that I think it is somewhat shortsighted to say that we should pass this bill and then see what happens in the future.

The amendments that I understand are going to be offered by the Senator from South Dakota merely address the long-range approach and simply say that if we are going to regulate, we should regulate among people who are going to be competitive and if we are going to have deregulation, then there should be deregulation.

This amendment that is to be offered by the Senator from South Dakota is a follow-on to the amendment that I offered on S. 898, which really addresses how much of an increase in cost is the individual subscriber or user of a telephone going to have to pay for some of the actions that are taken through legislation on the floor of Congress. I certainly endorse the proposition that has been suggested by the Senator from Arizona and the Senator from Oregon with regard to other bills that might be coming on line. I recently joined with Senator STEVENS in sponsoring legislation designed once again to insure the availability of basic telephone service at reasonable cost. That bill is S. 1382. Once again, the 110 percent language is incorporated from S. 898, the bill that I introduced. I am hopeful that the Senate Commerce Committee will consider this bill in the near future.

Mr. President, I am aware that the opponents of the Abdnor amendments will say that S. 66 is primarily a cable television bill and that this type of amendment has no place being included in this legislation. Yet, Mr. President, this argument does not convince this Senator. Under the terms of this bill, cable service entities would be able to enter into broad new communications markets free of regulation. With the existing technology, cable would have the ability to compete directly with local exchange telephone companies, who are and will continue to be regulated, thus legally restricted from competing in the open marketplace.

As a result, I see three major concerns arising from this situation. Mr. President, I believe we will see local telephone rates become increasingly vulnerable to large cost increases. This will be particularly onerous to those customers in rural areas where service costs are higher. Cable companies in an unregulated environment could effectively attract large-volume communications customers without regard or obligation to serve the general public, thereby eroding the revenue base from which local service charges are determined. This large customer loss could have a devastating financial impact on the telephone companies and ultimately the basic subscriber especially in rural America.

There is also involved here, Mr. President, an issue of fundamental fairness and equal treatment under the law. Allowing cable television to go unregulated while telephone companies remain subject to regulation is quite frankly unfair in a supposedly competitive environment.

Finally, Mr. President, my third concern deals with the basic universal telephone service itself. I believe that the provisions of S. 66 cast uncertainty on our ability to preserve universal service at reasonable rates.

It seems to me, Mr. President, that if we could simply accept the amendments that I understand are going to be offered by the Senator from South Dakota, we would at least take a step forward in attempting to correct a situation that I see coming home to haunt us much faster than we presently envision. It is for these basic reasons, Mr. President, that I support the amendments that I understand will be offered by the Senator from South Dakota. It is my hope that we in this body may assure our telephone subscribers in these towns and farms and ranches throughout my State of Nebraska and throughout this country that we mean to do all we can to insure reasonably priced telephone rates to meet their needs now and in the future.

Mr. President, I yield the floor.

Mr. GOLDWATER. Will the Senator yield to me for just a moment?

Mr. EXON. I shall be happy to yield.

Mr. GOLDWATER. Mr. President, I should like to call the attention of my colleagues to one fact we have overlooked so far. I continue to call this a bill to handle cable television, and some of my colleagues are continually trying to turn it into a telephone bill. Let me refresh their memories.

I am not precisely or exactly certain of the time, but I am approximately so. Either the morning we were marking this bill up or the afternoon before was the first time AT&T showed any interest in this bill at all. In fact, efforts were started at that time to prevent this bill from coming out of our committee and onto the floor, and they were started by AT&T.

Everything in this bill is more or less ancient history. It has practically been in every bill to change the Communications Act of 1934 since my memory serves me. Yet, it was only a few hours before final passage that AT&T got into the act, stating that this might cause them some problems.

I remind my good friend from Nebraska, because I think we are in agreement on it, that last year, when we discussed the possibility of deregulation in this field with the distinguished Representative from Colorado (Mr. WIRTH), he said he did not think enough time had gone by and I had to agree, as did members of my subcommittee, that enough time had not passed since the breaking up of AT&T to be able to tell whether or not the Federal Government would have to step in. I think we all felt that the Federal Government would be better off if it did not have to.

Now that we see the developments coming along that the distinguished chairman has seen, we have indicated to the people interested on both sides that hearings would be held—now, I understand, as soon as the July 4 recess is over—at which time, we shall explore what the Federal Government can do to hold local and rural rates down. I no longer feel that not enough time has passed; I think enough time has passed.

I say to my good friend from Nebraska that we never had discussions on this problem during the hearings on cable television. We talked about cable television. It was not until the very last moment that the telephone business got in at all. And here we stand this afternoon, after about 2 hours of debate, and we have heard practically nothing about cable television, but we have heard all about the high cost of telephones, most of which has not happened yet.

I can assure my friend from Nebraska that I have been notified my rates are going up, and I suppose he has, too. I feel that we should meet and we should come up with some idea of what we can suggest in the way of keeping rural and local rates down, at the same time not impairing the tremendous efficiency of the switching system that we have under AT&T.

I hope that, with the knowledge certain that we are going to have adequate hearings, full hearings, on full telephone rate problems, we can get around to discussing the real meat of this bill, which is whether or not we are going to make it possible for people in the small towns in Nebraska—where my mother spent so many years of her life—in the small towns of South Dakota, in towns in my own native Arizona, that are down deep in canyons or way up on top of mountains, if we are going to say no to them on cable television or any television at all. That is what we are getting at.

That is what we are getting at. It is not to help this group or that group. I want to see something done to enable all Americans to have adequate access to good television. I also concur with what the Senator from Nebraska and the Senator from South Dakota want to see—a stopping of unusually high increased rates to local telephone subscribers. But I do not think we can ac-

complish that through this bill. I honestly feel that any amendments referring to telephone can well destroy this bill as far as any chance of getting it through the House. I feel at the same time that the chairman of the House Subcommittee on Communications feels as I, that the time has come when the AT&T breakup has had enough time for us to sit down and assess what is happening to local telephone rates. I do not believe it belongs in this bill. I do not think it will help the bill. I think eventually it could defeat the bill, and I know that is the last thing that the Senator from Nebraska wants. I yield the floor, Mr. President.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I ask again that my time go on the time allotted to this side of the aisle.

I thank my friend from Arizona. To answer one of his questions, why have we not had more discussion on what this bill is really about, the Senator remembers that I said it is 95 percent, maybe it is 98 percent, maybe it is 99 and 99 1/100ths percent cable. I expect that with a few exceptions there is little opposition on the floor of the Senate to the excellent compromise that has been worked out primarily because of the attitudes of the Senator from Arizona and the chairman of the committee, who have worked admirably in this area.

I understand that there is going to be some amendments on cable, but basically as far as the cable portion of this bill, which is a major portion of it, this Senator has no concerns whatsoever. They are well thought out. I say that as one, as the Senator from Arizona, who had some grave reservations when it came up last year and this year with regard to the authority that the city councils and mayors would have, especially in some of the smaller and medium sized cities in this country, with regard to their situations with the cable operators.

But I think there has been a feeling of total cooperation. I think there has been a feeling of let us work this problem out, because we all know that cable television is going to be a tremendously important part, maybe the most important part, of our television viewing and the commuications of thought and news to the people of the United States including the great people of Nebraska, who, by the way, are quite well served by cable television now. Generally speaking, we have gotten along very well with the city fathers who have the right to supervise the various cable companies that operate in Nebraska.

I think the reason we have not had more discussion on that there is that is total agreement. Where there is not total agreement is on the amendments that we have been discussing that I understand will be offered by the Senator from South Dakota. If those amendments are adopted, I cannot see why that should defeat the bill. I believe that there are sufficient votes on the floor of the Senate to pass this bill even if the amendments that I hope will be offered, and I hope will be accepted, by the Senator from South Dakota are adopted. So I do not believe, at least I have not heard previously, that the amendments that are likely to be offered by the Senator from South Dakota are killer amendments. They are merely to clarify one area where I think all of us are concerned. I recognize and realize that there can be honest differences of opinion between well intentioned people on what is right or wrong in this area. The Senator from Nebraska does not speak as a representative of, by, or for the Bell System. I am speaking on what I believe to be the best interests of the rural people particularly in my State and the individual subscribers; I am trying to give some degree of protection.

I believe that the amendments that will be offered by the Senator from South Dakota will be a significant step in the right direction and would not be killer amendments.

Mr. ABDNOR. Will the Senator yield?

Mr. EXON. I yield the floor.

Mr. ABDNOR. I commend the Senator for those remarks and I would like to associate myself with him on his statement. I, too, feel that basically this is a good bill. It is just the concerns that we have in a small part of the bill itself. We agree on most of it.

I should also like to say, as the Senator has said, that my concern is not AT&T. My sole concern is directed toward our local telephone companies that depend so much on access charges that will be lost and go a long way toward holding the rates down. That is our concern, not gigantic AT&T. I thank the Senator.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time will be charged equally against both sides.

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

Mr. PACKWOOD. Will the Senator withhold?

Mr. GOLDWATER. The time being equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. WILSON assumed the chair.)

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time to the Senator?

Mr. ABDNOR. Mr. President, I have not offered the amendment. I am getting ready to do so. I was giving the chairman an opportunity to look at the amendment before we proceed.

Mr. PRESSLER. Mr. President, I wish to speak on the bill, if someone will yield time.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Mr. President, I would like to yield time to those in opposition to the bill, but I am controlling time in favor of it, so I cannot yield time.

The PRESIDING OFFICER. Does the Senator from New Jersey yield time?

Mr. LAUTENBERG. I yield my time to the Senator from Oregon to deal with as he judges. I yield the time to the Senator from Oregon, such as he needs for the present amendment. I do not yield all my time.

The PRESIDING OFFICER. The Senator from New Jersey may yield time to any Senator, for whatever purpose.

Mr. LAUTENBERG. The distinguished Senator from Oregon has an opportunity to use some of my time, 10 minutes.

AMENDMENT NO. 1378

(Purpose: To recognize the policy of promoting universal telephone service)

Mr. ABDNOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. ABDNOR), for himself, and Mr. EXON, Mr. BURDICK, and Mr. PRESSLER, proposes an amendment numbered 1378.

Mr. ADBNOR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 22, between lines 10 and 11, insert the following.

"(5) recognizing the long standing tradition of the Congress of promoting universal telephone service at reasonable rates, and recognizing the rapid technological changes of the types and delivery of services offered by the telecommunications industry, it is in the public interest to ensure that all providers of telecommunication services share in the obligation of providing universal service.".

Mr. ABDNOR. Mr. President, it is my understanding that the committee would be willing to accept this amendment.

Mr. PACKWOOD. I am not quite sure. I have some questions I wish to ask about it. We may be willing to accept the amendment. I wish to ask some questions about it.

Mr. ABDNOR. Mr. President, I wish to make some comments with regard to my amendment to section 601, the findings, which reemphasize the intention of Congress in providing universal telephone service at reasonable rates.

Public officials from many branches of government have been involved in the challenge of changing the structure of the telecommunications industry. And any change as big as this one is bound to have political repercussions. Public service commissions throughout the country are beginning to feel the heat associated with changing costs and prices, and we in the Congress are the next in line. If your mail is like mine, you are already receiving a considerable number of complaints.

It is clear to me that the Congress cannot sit idly on the issue of telecommunications deregulation. Our constituencies will not allow us to do it. The Congress must pay close attention to the actions of the Justice Department and the Federal Communications Commission.

The communications industry is going through changes as a result of deregulation, and many of these changes are separate from the divestiture of AT&T of the Bell operating companies.

The forces of marketplace competition do not protect all elements of society. Among those who may not be protected adequately are residential users, people in rural and remote areas and people of lower incomes located anywhere, city and farm alike. How do we provide communications services to those in high cost areas or in low income settings?

The FCC and the Congress are working on a plan called the universal service fund to assist in providing assistance to those who face dramatic price increases. The mere creation of the universal service fund is not enough, however. To accomplish its objective, that fund needs to be adequately funded. My amendment dealing with universal service and reasonable rates cites that all providers of communications services have a responsibility and obligation to contribute to the public interest, that is, the universal service fund. The phase "all providers" may seem broad to many, but not to me.

If the new, emerging telecommunications industry is attracting new firms by the lure of profit, certainly their chipping a little bit into a common kitty is a fair and reasonable thing to do. By "all providers" I mean to include both private and public communication networks alike: I mean a whole spectrum of communications services, not just voice: I mean all forms of communication transmission services, including satellite, microwave, and digital not just wire switches.

In the changing environment of the communications field, there will be gainers and losers in the deregulation process. Unfortunately, my State of South Dakota is a big loser. But if misery loves company, I have plenty of company. Of the 48 contiguous States, at least 21 others and the District of Columbia will be facing higher costs than the national average. Similar changes will occur at the State level for intrastate access charges which will also drive up local rates. I would suggest to my colleagues, representing those States, they would benefit by conferring with me before they vote. Besides the 21 States I mentioned by name, almost all States have sizable rural areas, whose service may be jeopardized.

I do not mean to sound pessimistic about these changes in the communications industry. Actually, I am excited about the technological advances. If we take steps now to safeguard the interest of those who will be most affected by deregulation, our whole country can prosper from a technology which will transform our lives and raise the standard of living of all Americans. We are now in the information stage—It is the leading edge in the process of social change. Our economy cannot grow without the growth of the communications and information sector. It is as important to this generation and the future of our country as were the industrial revolution and the modernization of transportation in generations past.

We are witnessing the dawn of a new era, and I am excited by the prospects that accompany it. However, I will do everything possible to protect the interests of residential and rural citizens as the communications industry evolves through changes in Federal regulation and changes in technology.

Let me conclude my remarks by reading the language of my amendment. I think it summarizes well not only my feelings, but those of all Members of Congress, both past and present. These words serve to keep the United States unified through the preservation of the world's finest communications system. It reads:

Recognizing the longstanding tradition of the Congress of promoting universal telephone service at reasonable rates, and recognizing the rapid technological changes of the types and delivery of services offered by the telecommunications industry, it is in the public interest to insure that all providers of telecommunications services share in the obligation of providing universal service.

Mr. President, I ask unanimous consent that the following two letters be included in the RECORD. They provide excellent testimony to the harm that may occur if areas subject to high costs are not protected by a universal service fund. I cannot stress my concerns enough, and my fears are substantiated by these letters.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

GOLDEN WEST TELEPHONE COOPERATIVE, INC.,
Wall, S. Dak., May 18, 1983.

Senator JAMES ABDNOR,
Senate Office Building,
Washington, D.C.

DEAR JIM: The FCC appointed Joint Board has now delivered their recommendations to the FCC regarding Docket 80-286. It appears from analysis of their recommendations that rural telephone companies will be in for some rough economic times ahead. Although the FCC to our knowledge has not yet formally adopted the Joint Board's recommendations we understand they will in almost the form submitted.

Based on what we know today we have had our cost separations firm of Ernst & Whinney prepare an analysis on Golden West's operation. We are sending along a copy of this analysis as sent to our board president Earl Waterland. We are understandably concerned that the final results will cause rural companies such as ours some very serious problems.

The hoped for relief which might have come from the High Cost Factor (HCF) and resulting universal service pool did not materialize. We know that telephone rates must go up but not to the extent we force customers from having service. Surely there must be more concern for Rural America to continue to have telephone service somewhat near the quality of Urban areas. It appears that the results of FCC actions so far will be what we predicted from the start—the elimination of the Universal Service Concept and placing telephone service in a luxury category.

Thank you in advance for your past concerns of this issue.

Yours truly,

DONALD PAULSEN,
General Manager.

ERNST & WHINNEY,
Tacoma, Wash., May 5, 1983.

Mr. EARL WATERLAND,
President, Board of Directors, Golden West Telecommunications Cooperative, Inc., Wall, S. Dak.

DEAR MR. WATERLAND: This letter will address the probable effects of the Joint Board's final recommendations in Docket 80-286 upon Golden West Telecommunications Cooperative, Inc. As the South Dakota Commission has not yet specified what the intrastate jurisdictional separations procedures will be, this letter will focus on the interstate side.

The Joint Board has recommended adoption of a flat 25 percent assignment of nontraffic sensitive costs to interstate, following a five year transition period beginning January 1, 1984. This 25 percent assignment will replace the frozen Subscriber Plant Factor (SPF) which, in Golden West's case, is approximately 42 percent. This means that instead of assigning 42 percent of NTS costs to the interstate jurisdiction, by 1988 only 25 percent of these costs will be considered "interstate."

Golden West's total NTS revenue requirement in 1982 will be approximately $4,126,000, or about $33.50 per line per month. In 1982, 42 percent or $1,732,900 will be assigned to the interstate jurisdiction, 33 percent or $1,358,900 to the intrastate jurisdiction, and the remaining 25 percent, or $1,034,200 will be assigned to local. By the

end of the five year transition, the interstate allocation will decrease from $1,732,900 to $1,031,500 (42 percent to 25 percent). This will shift $701,400 in NTS costs away from the interstate jurisdiction. If we assume that the South Dakota Commission will follow the FCC's lead and mandate a flat 25 percent intrastate toll allocation, an additional shift of $327,400 away from the toll jurisdiction would occur.

In addition to specifying the new NTS allocator, the Joint Board has laid out the manner in which the High Cost Factor will operate. Under the proposed methodology, Golden West's NTS cost, after the access charge phase-in period, would be recovered as follows:

Interstate end user (flat rate) monthly charge	$8.38
Intrastate jurisdiction	19.72
High cost factor	5.40
Total	33.50

Golden West's current one party residence line access rate is $5.80. If we assume that on the state side, an additional $8.38 of the $19.72 intrastate NTS cost is assigned to the end user, the total NTS cost per month per line shifted to the end user would be $16.76 (Interstate—$8.38; State—$5.38). This would increase the residential single line access rate from $5.80 to aproximately $22.50, or an increase of 288 percent. An additional increase could also be expected as the current $5.80 local rate does not completely cover the portion of the NTS cost per line that is assigned to "local" in the separations process. Based upon AT&T's curtailment study, "Economic and Demographic Determinants of Residential Demand for Basic Telephone Service," a monthly rate increase greater than 200 percent would be expected to produce a decrease in Golden West's subscriber base of more than 24 percent, or more than 2,500 subscribers. However, as subscribers leave the network, the NTS costs would be spread over a shrinking base, necessitating further rate increases. Theoretically, a "worst case" situation would occur when the NTS cost per line per month reached 200 percent of the national average. At this level, no further NTS costs would be assigned to end users. This situation would come about only after Golden West's subscriber base has been reduced to less than 8,600 subscribers.

A decrease of more than 20 percent in Golden West's subscriber base, which according to our analysis is theoretically possible, along with a corresponding decrease in revenue, could have a serious negative impact upon the Cooperative's ability to maintain high quality service. The curtailment problem indicates that the long-term effect of the implementation of Dockets 78-72 and 80-286 may be more than simply a shifting of costs between the toll and local jurisdictions. While AT&T's curtailment estimates may be exaggerated to some degree, it is clear that local rate increases of the magnitude discussed previously will, certainly, convince a significant percentage of Golden West's subscribers to subscribe to a lower grade of service, engage in "shared" telephone service with other subscribers, or even to completely abandon telephone service.

Golden West's decisions regarding REA borrowing were made based upon operating conditions and revenue flows as defined by Ozark separations procedures. A change in conditions as profound as that contemplated by the access charge and Joint Board proceedings could not have been predicted when Golden West's financing decisions were being made. Therefore, a significant loss of subscribers and operating revenues could have serious effects on Golden West's ability to fund construction and repay outstanding loans.

It should be noted that costs which are currently assigned 100 percent to toll are not affected by the Joint Board's decision. Thus, the Golden West/Northwestern Bell microwave project costs will continue to be 100 percent recoverable through settlements. However, Northwestern Bell's intrastate rate of return may be expected to decrease to some degree over the next few years, which could limit the return on that portion of the costs which are assigned intrastate vs. interstate.

Per your request, this analysis has been prepared based on current interpretations of the FCC's access charge docket, and the Joint Board's recommendations in Docket 80-286. The potential effects upon Golden West as a result of these proceedings are estimates and, therefore, subject to change based upon the ultimate outcome of both proceedings.

I hope these comments prove helpful in relation to the potential effects of proposed Federal regulation upon Golden West Telecommunications Cooperative, Inc. It is imperative that the South Dakota Commission evaluate the effects of further local increases on the State's telephone subscribers before making a decision on future intrastate jurisdictional settlements.

Sincerely,

DANIEL A. LYNCH.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the following table be printed in the RECORD. While the information contained in this table is not directly related to the effects of my amendment, I wish to point out to my colleagues how vulnerable their States are to telephone rate increases.

A portion of the cost of providing local phone service is subsidized by long-distance revenues. States where there are high costs associated with the local exchanges receive a considerable amount of subsidy. For example, my home State of South Dakota receives $1.38 in revenue for every $1 generated in long distance phone calls. That 38-percent subsidy helps to maintain quality, affordable phone service for the citizens of South Dakota.

If South Dakota customers did not receive that additional assistance, phone rates easily would double in most parts of the State. Other States are in exactly the same position; I make an illustration with South Dakota data because I am most familiar with it.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

1983 Interstate allocation of subscriber plant costs

[In dollars per subscriber line per month]

State	Cost
Alabama	$7
Arizona [1]	12
Arkansas [1]	9
California	6
Colorado [1]	12
Connecticut [1]	8
Delaware [1]	8
Florida [1]	13
Georgia [1]	9
Idaho [1]	10
Illinois	6
Indiana	6
Iowa	7
Kansas [1]	8
Kentucky	5
Louisiana	7
Maine	7
Maryland	5
Massachusetts	6
Michigan	4
Minnesota	7
Mississippi [1]	8
Missouri	7
Montana [1]	12
Nebraska [1]	10
Nevada [1]	26
New Hampshire	12
New Jersey	7
New Mexico [1]	10
New York	7
North Carolina	7
North Dakota [1]	10
Ohio	4
Oklahoma [1]	8
Oregon [1]	9
Pennsylvania	4
Rhode Island	6
South Carolina	7
South Dakota [1]	10
Tennessee	6
Texas	7
Utah [1]	8
Vermont [1]	11
Virginia	7
Washington	7
West Virginia	7
Wisconsin	5
Wyoming [1]	25
District of Columbia [1]	10

[1] 22 States exceed the national average of $7 (Alaska and Hawaii were excluded from the analysis).

Mr. ABDNOR. Mr. President, I ask unamimous consent to place in the RECORD two letters which were sent to the Federal Communications Commission. They underscore my involvement in the issue of universal service.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE

Washington, D.C. November 22, 1982.

Mr. MARK FOWLER,

Chairman, Federal Communications Commission, Washington, D.C.

DEAR MR. CHAIRMAN: It is my understanding that the FCC is proceeding with its task of determining access charges for telephone subscribers.

I would like to express my interest and concerns about this issue. Rural areas in the United States are highly vulnerable to significant rate increases if their unique circumstances are not recognized, or even worse, ignored. Because of low population density, per-subscriber fixed costs are considerably higher than what urban areas experience.

The United States has become the integrated and efficient economy that it is due in part to the commitment to providing universal telephone service at reasonable rates. The worldwide telephone communications network is made stronger by ensuring service to outlying areas. All telephone users have some obligation to keep the network as comprehensive as possible so that communi-

cation can take place between all points in the United States.

It is in the national interest to maintain the universal service concept and to assure that all Americans have an opportunity to use telephone services at reasonable rates. Without some level of rate support, rural users will be exposed to tremendous rate increases. Under the "Pure II" approach for defining access changes, subscribers of non-Bell services in South Dakota would be required to pay an additional $38.50 for basic monthly service. Over the entire state, all customers would be subject to an increase of about $15.00. Clearly, these large increases in rates will invoke hardship on the people of South Dakota and other rural states.

While I recognize that changes in the telecommunications market structure require changes in the allocations of costs, I do not believe that the cost of basic phone service should vary dramatically from one area of the country to another. To facilitate a comprehensive telephone network, it seems to me that a nation-wide average cost allocation is a fair way to deal with the access charge problem.

I have information that shows subscriber plant factor interstate allocation on a per subscriber basis varies from $3 to $26 per month, with $7 being the approximate average. About 21 states are above that average; 13 states exceed the average by 40% or more. If monthly costs for basic service must rise in the absence or reduction of subsidies from long distance revenue, it seems to me that the imposition of an average rate increase on all users would be equitable for all.

Today's rural citizen is probably more reliant on telephone service than his urban counterpart because of the great distances that separate the towns. Farmers and ranchers must be in constant contact with their local elevators and agriculture suppliers as well as their out-of-state commodities brokers. Businessmen, too, must remain in contact with customers and out-of-state suppliers and manufacturers.

The rural economy is very dependent on the phone system. Home and personal use of the telephone must be taken into consideration, also. Increases in phone costs to the user translate directly to decreases in the standard of living of South Dakotans. If subscribers keep the service and are required to pay as much as $400 more annually for phone service, they will have to forego the purchase of other goods and services. The only other alternative available to them is to forfeit the use of telephone service. That kind of dislocation would be tragic.

Phone usage in rural areas is a necessity. Besides the social and economic reasons for having telephone service, phone availability can assist in life-saving efforts. Weather conditions and job hazards are often life threatening in remote areas and communication is vitally important in reducing risks associated with rural living.

I urge you and your fellow commissioners to give full consideration to the needs of rural citizens. The principle of universal service at reasonable rates should not be abandoned now. The benefits from this admirable goal have been bestowed on all Americans. Let us take steps to assure the continuance of affordable basic service by compromising an acceptable mix of economic and social objectives.

With best wishes,

Sincerely,

JAMES ABDNOR,
U.S. Senator.

U.S. SENATE,
Washington, D.C., December 9, 1982.

Re Docket No. 78-72.

Hon. MARK S. FOWLER,
Chairman Federal Communications Commission, Washington, D.C.

DEAR MR. CHAIRMAN. We are writing to express our interest in the FCC's pending decision on access charges. Specifically of concern is the impact your action will have on rural telephone subscribers.

We recognize the necessity of the action that you are taking as well as the complexity of the issue. The advent of competition in the long distance market and the settlement of the Department of Justice antitrust suit against AT&T are among the factors that dictate the replacement of the present method by which local telephone companies are compensated for the use of their facilities for the initiation and completion of long distance calls. However, your response to these new market-oriented elements should not in any way reduce our nation's longstanding commitment to universal service.

You already have heard in greater detail from some of us and from some of our colleagues about this important issue of access charges. Our purpose in writing now is not to discuss the merits of the various access charge proposals presently before you. Rather, this letter serves as a reminder that the concept of universal service is of utmost importance to this nation's legislators.

As representatives of rural America, our review and judgment of your final product will be influenced in large part by your treatment of rural telephone subscribers. Those rural citizens must continue to have telephone service and telephone rates that are comparable to the service and rates in urban areas.

Your attention to our views on this extremely important topic is appreciated.

Sincerely,

Senators James Abdnor, Larry Pressler, Edward Zorinsky, Thomas Eagleton, Pete Domenici, Dennis DeConcini, John Stennis, Alan Simpson, Don Nickles, Gary Hart, John Melcher, Quentin Burdick, David Boren, Patrick Leahy, Robert Stafford, James McClure, Mark Andrews, Wendell Ford, Paul Laxalt.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the following information be included in the RECORD. On a State-by-State basis, the first table shows that a relatively small handful of telephone service customers make up a substantial and sometimes overwhelming volume of the total revenues generated.

The second table shows how the rates or costs to other customers would be vulnerable to dramatic increases if lost revenues had to be made up in the event that large customers leave the phone network.

My argument is that these few customers are exactly the ones that everyone will be vying for in the event that the telecommunications industry, either as a whole or just certain firms, is deregulated. They are the lucrative and highly profitable end of the market. But who is going to be looking out for the little guy—the small business or the elderly couple—who still is dependent on reasonably priced phone services?

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

BUSINESS CUSTOMER REVENUES

[MTS. WATS and private lines]

	Percent of business customers	Percent of business revenues
Alabama	10	77
California	1.2	30
Connecticut	1	45
Florida	.5	47
Georgia	.5	50
Iowa	6.3	24
Kentucky	10	83
Louisiana	10	73
Maine	3	39
Massachusetts	3	55
Minnesota	6.4	28
Mississippi	10	69
Nebraska	.3	28
New Hampshire	3	44
New Jersey	3	36
New York	.3	33
North Carolina	.4	45
North Dakota	.9	9
Ohio	.5	45
Pennsylvania	1	40
Rhode Island	3	51
South Carolina	.5	41
South Dakota	2	50
Tennessee	10	81
Vermont	3	42
Washington	.5	40
Missouri	1	33
Oklahoma, Kansas, Arkansas, Texas	1	33
Arizona [1]	.2	10
Colorado [1]	.3	10
Idaho [1]	.03	10
Montana [1]	.1	10
New Mexico [1]	.05	10
Utah [1]	.05	10
Wyoming [1]	.6	10

[1] These final figures were calculated to demonstrate the percentage of total business customers representing 10 percent of business revenues.

If a small number of customers generate a substantial portion of revenues and those customers drop out, then the remaining customers will probably face higher rates.

In order to meet revenue requirements to insure quality telephone service, the other customers would have to pay more for it, either through increased use or higher rates. The following table shows how rates would have to increase to maintain operating revenues in the event that large volume customers drop off the line:

If revenues drop by this percentage: 10, 20, 30, 40, and 50 percent.

Then phone rates or costs to remaining customers would have to increase by this percentage to compensate for lost revenue: 11, 25, 43, 67, and 100 percent.

Mr. ABDNOR. Mr. President, I know there are a number of people who have asked to make comments on this particular amendment.

Mr. PACKWOOD. Mr. President, will the Senator yield for a question?

Mr. ABDNOR. Yes.

Mr. PACKWOOD. I want to be sure I understand what telecommunications services means.

In the bill telecommunications service means the offering of telecommunications facilities, or of telecommunications but such term shall not include basic service or cable service.

Do I take it to mean the Senator is saying any communication in this country except for cable service or

basic services will pay a fair share, to the support of universal service? This would include General Motors communicating by satellite from Detroit to their plant in California. They never paid a subsidy before, and they will pay their share of that now. If it is communication between banks in this country they will share the telecommunications costs?

Mr. ABDNOR. Those are the options I hope you consider in your legislation in the days ahead.

Mr. PACKWOOD. Fine. I am in agreement with that definition. But I want everyone to understand, although this is a policy statement and not law per se, the Senator is indicating an expansion of the subsidy far beyond what it is now, and I think it should be. I think it is unfair to make AT&T, through its Long Lines division, be the sole subsidizer. Everyone who happens to use the spectrum for transmission between their own plants does not subsidize, and it is a tremendous incentive to leave AT&T to go to another form of communication and not subsidize. I think it is only fair if we have a subsidy that everyone who communicates will pay a proportionate share of that subsidy.

Mr. ABDNOR. That is exactly what we have in mind, and we are happy that the Senator agrees with that.

Mr. PACKWOOD. I can speak for myself. I cannot speak for others. I would like to vote on this tomorrow, although I think it is a good amendment. I would be prepared to accept it. But I would like when we vote tomorrow, we would like, the yeas and nays.

Mr. ABDNOR. You will have a rollcall, you say?

Mr. PACKWOOD. Yes.

Mr. ABDNOR. With that I will yield to the Senator from South Dakota, my colleague, Senator PRESSLER.

Mr. PRESSLER. Mr. President, I rise in support of the Abdnor amendment. We are in a situation where we need to look very carefully at what has happened in rural and small town America, or what might happen, in terms of communications policy.

In our State the deregulation of airlines has had a devastating impact on the availability of service to our people. I have opposed deregulation of certain transportation modes, be they railroads or trucks, because the common carrier responsibility has been abandoned. Over the years our Nation has grown and our economy has flourished because some common responsibilities are shared that very rich markets help out in unprofitable markets.

A recent article in the Washington Post illustrates the problem. AT&T, our Nation's phone company, has announced that it will soon be selling a new computer memory chip which has four times the capacity of memory chips now in use.

Technological progress has blurred the traditional distinctions among various telecommunications industries. This change is a major justification for the pending AT&T divestiture, although I am fearful that that court-ordered divestiture may well create worse results in telephone rates in rural and small town America.

I can say, Mr. President, that in Wall, S. Dak., the head of the rural telephone co-op has a set of figures that indicates that rural cutomers will pay even higher rates than those even in small towns and smaller cities.

The merging of technologies should be a primary focus for any congressional action affecting telecommunications networks, whether it is telephone, broadcasting, or cable service.

Mr. President, I think we need to talk about defining basic telephone service as S. 66 does.

It defines it as a "telecommunications service provided through a switched network capable of providing two-way voice grade communications that would be subject to regulation by the Commission or any State."

This definition fits our traditional view of telephone service, one person picking up the phone and calling another person in the next room or next city.

However, telephone companies are beginning to offer kinds of telecommunications services, subject to State regulation. This service might be data transmission for a local bank or a large corporation. This type of service is regulated. But S. 66 would allow cable companies to provide this same type of service without any regulatory requirements.

This unequal regulation of the same service could easily lead to a bypass of the local telephone company at a time when our local phone companies need additional revenue to offset the economic impact of divestiture.

Since the local operating companies will no longer rely on long-distance cross-subsidy to maintain affordable local telephone rates, the revenue must be made up somewhere else.

The Federal Communications Commission is currently developing a universal service fund, which will help offset the costs of local phone service in high-cost areas like my home State of rural South Dakota. Long-distance carriers will pay access changes to support this fund. This money will then be paid to phone companies in high-cost areas to help maintain reasonable telephone rates. If cable companies are allowed to bypass the local phone network, they will not be required to pay these access charges. As a result, the universal service fund could be inadequate before it is fully implemented.

S. 66 has been the subject of much debate within the Commerce Committee. This measure was first scheduled for Commerce Committee action on March 22. During that executive session, I first raised the telephone issue. I asked the bill's supporters to consider its effects on our telephone companies at a time when they are most vulnerable. Committee action was postponed until April 21. During that month's delay, efforts were made to solve this problem. Unfortunately, no agreement had been reached before the next executive session. However, asssurances were given that a committee amendment would be drafted to address this problem.

Unfortunately, the committee amendment does not go far enough. The committee amendment would allow States to require informational tariffs whenever cable companies provide local data services. Although this informational tariff would require additional paperwork, it does not provide sufficient State regulatory authority to carefully monitor the bypass problem.

Second, the committee amendment allows deregulation of local data services when effective competition in the marketplace is determined. This is a promise of future deregulation for the phone companies while leaving the cable companies' data transmission services totally unregulated. The local phone company must continue to meet regulatory requirements. But it is restricted in its efforts to find new sources of revenue to stabilize the financial base. Who loses in this situation? The local telephone user who will face rapidly increased phone rates in the coming years.

Congress must fulfill its obligations to the consumer, to the American people who depend on their telephones, to the thousands of rural citizens who would be cut off from business and personal communications if they cannot afford a telephone. For this reason, I support this amendment to create a fair and equal regulatory environment for telecommunications services, regardless of who is providing those services. I urge my colleagues to join in supporting this amendment.

Mr. President, I will say in conclusion that in this struggle, let us remember that if the first transportation policies and the Communications Act and the international highway program had been set up so that they only went to areas where there was a very clear profit, our whole nationwide network of transportation and communications would not have been built up.

We must be very careful to remember that we are probably developing two forms of communications in this country.

I frequently say, and perhaps to the point that my colleagues on the Commerce Committee probably are tired of hearing me say it, but I fear that the

urban city cores and the rural areas are sometimes being left out of the so-called communications revolution. I read an excellent speech by the Senator from New Jersey about how, in some cases, the poor are being left out of data control services. I have pointed out many times that the two places where, as a Member of the U.S. Senate, I live in Washington, D.C., in Humboldt, S. Dak., we do not have cable, one a very urban area and the other a very rural area.

There has always been a provision of the U.S. mail service, from the days of the Pony Express on, to try to reach all citizens wherever they lived, even though the cost is much greater to serve someone when you have to deliver the mail in a remote area than it is to deliver that mail in an urban area where you have several hundred boxes in the same place.

The business of our Nation, the communications of our Nation, the decisions that have been made in the past, be it on railroads, airplanes, buses—must be based on a common carrier principle.

In this bill, I know the chairman of the subcommittee has done a great deal of work. I wish to commend him because the Senator from Arizona has worked out the compromise between cities and cable companies. It has been miraculous how many accommodations he has made.

But I wonder why it would harm this bill to have these amendments by my colleague attached. I do not think it would kill the bill. I think it would improve the bill.

I wish to thank the subcommittee chairman for delaying consideration of this bill and for coming up with a committee amendment. That committee amendment is not as satisfactory to me as my colleague's amendment it.

But aside from the immediate consideration of amendments, we have the broad overview of what is going on in communications policy in the United States. We must be vigilant that we are not leaving out the poor, the very urban people, the people who live on ranches, the people who live on a farms, or the people who live in a town of 300 or 500 people.

Indeed, our national policy should be to encourage more people to live in rural and small towns areas. Surveys have shown that people would prefer to if they have the option, if the quality of life is good, if there is cable TV, if there is good telephone service, if there is good educational services for their children, and good mail service. These are some of the things that we must preserve.

So I think that this effort we are seeing here this afternoon is a positive effort. This debate causes us to discuss some things that should be discussed about this bill and about telecommunications policy. It will be particularly noticeable next year when the public begins to be aware that great changes are occurring in our telephone service. Maybe I will be proven wrong, but I think the changes that are underway will be disastrous for telephone service in this country. I tend to believe that we had a great system. There were complaints, but nothing like there are going to be in the future.

So, with those remarks, I yield back my time and I urge my colleagues to join in supporting this amendment.

Mr. ABDNOR. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GOLDWATER. Will the Senator yield?

Mr. PACKWOOD. I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, first I wish to thank my friend for the complimentary remarks he made about the subcommittee and the full committee. I do not need to remind him that the art of politics is compromise. That is what we are gathered here for, to bargain back and forth and finally come up with something that is acceptable and that will work for the benefit of the American people.

I think I probably have flown across the United States more than any individual living in the United States. I am constantly looking down and I am amazed at the great, great areas where people do not live. So when you talk about rural problems, I think every State in the Union—approximately 80 percent of the land area of America—is rural in nature. It has always been our purpose to encourage private enterprise to do the best they can to help people living every place, particularly where services are hard to get to. It is only when we get the Federal Government in the act that we begin to stumble and fall down.

This amendment, I might say, is a good amendment. It does not do damage to the ultimate objectives of the bill.

I remind my colleagues, though, that the language:

> Recognizing the longstanding tradition of the Congress of promoting universal telephone service at reasonable rates, and recognizing the rapid technological changes of the types and delivery of services offered by the telecommunications industry, it is in the public interest to ensure

and I emphasize this—

> that all providers of telecommunications services share in the obligation of providing universal service.

That is why I like this amendment and why I am very happy that the chairman of the committee is willing to accept it. I like it because it gives us an opening to the series of hearings, that the chairman will hold on communications after the Fourth of July on who these providers will be, and if there is any kind of a formula we can develop as to what percentage of each bill is to be matched or returned by moneys from sources such as the Long Lines division of AT&T.

That is the real problem. As I understand it now, in the State of South Dakota the matching formula is something around 38 percent. I think it is about the same in my own State. We have been able to provide not just the man or woman who lives on a farm or who lives in a small community access to adequate telephone service all over the world, and particularly within the communal area, but we have been able to do that because of the very high rate of use of interstate telephone service which has really been the source of money to provide smaller bills for our telephone users.

So I think this is a step in the right direction. It is not the answer, I have to say, because the answer will only come after we have hearings when the problem is a little better defined, a little more clearly defined, as to what we have to provide in the way of money to enable the people of South Dakota, the people of Oregon, the people of Kentucky, the people of Arizona, to mention a few, the benefit of lower telephone rates.

The Senator made some comments about deregulation. I have to say, as one who has long believed in deregulation, if it has proven anything, it has proven almost a total inadequacy for the people engaged in free enterprise in this country to know what to do about it. We deregulated the airlines and they have never been in such bad shape.

I do not think the Federal Government moving in will take them out of that bad shape, but I think it is about time that management wakes up to the fact that somebody has to run these things, somebody has to make the telephone service work, somebody has to make the automobiles work, somebody has to do the job, and we have always looked upon the American free enterprise system to do that. I think deregulation in the long run will do it.

Mr. President, I just wanted to say those few words in support of this amendment which I think will help. I do not agree that the other amendment to be offered by the Senator's colleague is going to help cable television, but we will just have to wait and see. In the meantime, I am glad that the Senator called for a vote.

Mr. PACKWOOD. If the Senator from South Dakota is prepared to yield back his remaining time, I am prepared to yield back the remainder of my time.

Mr. ABDNOR. I thank the Senator from Arizona for his comments. I yield back the remainder of my time.

Mr. PACKWOOD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The vote will occur on tomorrow under the previous order.

AMENDMENT NO. 1379

(Purpose: To modify the definition of basic telephone service)

Mr. ABDNOR. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from South Dakota (Mr. ABDNOR), for himself, Mr. BURDICK, Mr. EXON, Mr. EAST, Mr. HELMS, Mr. ANDREWS, Mr. MELCHER, Mrs. HAWKINS, and Mr. PRESSLER proposes amendment No. 1379.

Mr. ABDNOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, beginning with line 15, strike out all through line 20 and insert in lieu thereof:

"(2) 'basic telephone service' means telecommunications service that would be subject to regulation by the Commission or any State if offered by a common carrier subject, in whole or in part, to title II of this Act;".

Mr. ABDNOR. Mr. President, I now wish to direct my remarks specifically to my amendment dealing with the definition of basic telephone service. However, I wish to make a few comments about both amendments at this time to show how the two are related and equally important.

The previous amendment would add to the section 601, the findings, a recognition of the longstanding congressional policy of promoting universal telephone service at reasonable rates. My amendment would simply affirm that all providers of telecommunications service share the obligation to maintain affordable basic telephone service. On this we agreed a few minutes ago. This policy has worked well for decades in this country, and it is as right today as it ever was.

I firmly believe that this overriding principle should be reaffirmed today especially because of the changes in the industry that are occurring. I believe that S. 66, which established a national broadband telecommunications policy, should declare this basic principle.

Now, my amendment currently before the Senate would maintain the regulatory status for both local and long-distance telecommunications services until the broad social and economic effects of massive changes in telecommunications can be more fully assessed. The telecommunications industry is undergoing rapid technological changes, rapid regulatory change, and rapid organizational changes as AT&T is divesting the telephone companies into a number of separate companies. My amendment would recognize these huge uncertainties by amending the definition of "basic telephone service." My amendment does not affect the deregulation of cable television services. Traditional cable television services would be deregulated exactly as presently contemplated by the sponsors of S. 66.

My amendment would assure that telecommunications services and facilities which are currently regulated or which can be regulated when provided by a telephone company would remain subject to State and Federal jurisdiction—whether those services or facilities are provided by a telephone company, a cable company, or some other public or private organization.

My amendment would make S. 66 truly a cable television deregulation bill. It would address the very cable issues that I understood Senator GOLDWATER intended to address in S. 66, without jeopardizing universal service at affordable rates. I believe my amendment provides a reasonable, balanced compromise:

Traditional cable television services would be fully deregulated as now provided in S. 66.

Deregulation of the telecommunications services would be deferred so that this important issue could be addressed with appropriate care and consideration, not in the hastily drawn confines of a special interest bill.

Mr. President, I ask unanimous consent that a letter from the National Telephone Cooperative Association be placed in the RECORD at this time. Telephone cooperatives play an important and valuable role in providing communications services in rural areas. In South Dakota, for example, phone co-ops serve over two-thirds of the land area of the State. Only one-fourth of the population of the State resides in areas served by cooperatives. In some remote parts, there is less than one telephone customer for every mile of line. One can imagine how expensive it is to provide service along sparsely populated routes.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL TELEPHONE COOPERATIVE ASSOCIATION,
Washington, D.C., June 10, 1983.

Senator JAMES ABDNOR,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ABDNOR: The National Telephone Cooperative Association (NTCA) strongly supports your two amendments to S. 66, the Cable Telecommunications Act of 1983. NTCA represents over 420 independent telephone systems in over 40 states. We are very concerned about the uneven treatment of providers of telecommunications services in S. 66 and its impact on universal service. CATV operators would be allowed to provide telecommunications services similar to that of telephone companies, but on an unregulated basis. S. 66 would promote cream-skimming of our lucrative customers and threaten universal telephone service.

NTCA believes that your amendment to define basic telephone service ensures that providers of the same telecommunications services would continue to be subject to equal regulatory treatment. Your second amendment reaffirms the Congressional policy of promoting universal service at reasonable rates and ensures that all providers of telecommunications services contribute toward maintenance of universal service.

NTCA appreciates your efforts to insure that modern telecommunications services in the information age are provided to rural Americans.

Very truly yours,

DAVID C. FULLARTON,
Executive Vice President.

Mr. ABDNOR. Mr. President, I ask unanimous consent that a letter from the National Governors' Association be included in the RECORD at this time. It outlines the concerns of the States in regard to the adverse effects of telephone service if cream skimming takes place in the communications industry. Certainly State and local officials are extremely concerned about rate increases which would accompany erosion of the revenue base of the phone network.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS' ASSOCIATION,
Washington, D.C., June 10, 1983.

Hon. JAMES ABDNOR,
Hart Senate Office Building,
Washington, D.C.

DEAR SENATOR ABDNOR: On behalf of the National Governors' Association, we urge you to oppose S. 66 the Cable Telecommunications Act of 1983. The bill would prevent states from insuring universal telephone service at reasonable cost and preempt state authority to guarantee moderately priced high quality cable television service.

The definition of "basic telephone service" in S. 66 would allow cable television companies to offer unregulated telephone service. Existing local telephone service would remain subject to state regulation. Cable companies would be able to offer unregulated telephone and data transmission service to high volume users. Skimming the cream from the local telephone market would mean higher rates for other customers, since fewer consumers would be forced to pay for the local telephone company physical plant.

Recent federal actions implementing the divestiture of AT&T and the FCC's access charge decisions have resulted in an industry that has already requested $4.8 billion of rate increases for local telephone service. The national goal of universal telephone service will be jeopardized as local rates become unaffordable for large groups of citizens.

State governments would be preempted from overseeing cable television service in S. 66. Cable TV enjoys the unique capability to provide through a single wire a wide variety

of services including television, voice communication, alarm services, and shopping and banking at home. No other utility can compete with cable's ability to provide this service combination.

Federal preemption of state authority to deal with intrastate telecommunications should be as a last resort. The cable industry has not demonstrated that current state and local regulation has restrained its ability to grow at a rapid pace.

We support the amendments you intend to offer that would protect the ability of states to insure the maintenance of quality telephone and cable television service at affordable costs.

Sincerely,

GOV. ROBERT D. ORR,
CHAIRMAN, TRANSPORTATION,
Commerce and Technology Committee.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the following letter be included in the RECORD at this time. It is from the National Association of Regulatory Utility Commissioners, otherwise known as NARUC. As we might expect, this organization is deeply concerned with what is happening in the communications field these days. Their commitment to universal service at reasonable rates is worthy of recognition. As this topic receives more attention in the future, it is imperative that the Congress work closely with State public service commissions, the Justice Department, and the Federal Communications Commission.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS,
1102 INTERSTATE COMMERCE COMMISSION BUILDING,
Washington, D.C., June 10, 1983.

Hon. JAMES ABDNOR,
U.S. Senate, Washington, D.C.

Re: Proposed Amendments to S. 66, A Bill Proposing the Cable Telecommunications Act of 1983.

DEAR SENATOR ABDNOR: The National Association of Regulatory Utility Commissioners (NARUC), composed of the governmental agencies of the fifty States which regulate intrastate telecommunications services, strongly endorses your proposed amendments to S. 66 relating to the definition of "basic telephone service" and the continued availability of universal telephone service.

As you know, the NARUC is firmly opposed to the overall thrust of S. 66, which is that independent State and local regulatory authority over cable telecommunications should be displaced by a Federal statute placing severe restrictions on the scope and nature of State/local cable regulation. Your amendment to the bill's "basic telephone service" definition addresses one of the most serious of these restrictions. Under the bill as currently written, State regulation of cable company-provided telecommunications services—other than basic voice telephone service—would be prohibited, even though identical services offered by telephone companies would be subject to regulation. Your amendment would preserve State authority to regulate telecomminications services regardless of the nature of the service provider.

The national policy goal of universally affordable local telephone service is now in jeopardy. Recent FCC decisions and the impending divestiture of AT&T Co. are certain to exert a severe cumulative impact upon the cost of service for the basic telephone service subscriber. State regulators are in the unenviable position of having to oversee the implementation of these Federally-mandated policy decisions even as their ability to mitigate adverse impacts within their respective States is being further curtailed by these same Federal decisions.

The disparate regulatory treatment of cable-offered telecommunications services proposed in S. 66 would only exacerbate this trend. It would further reduce the panoply of regulatory tools currently at the States' disposal to ensure fair rate structures which promote universal service.

Your definional amendment as well as your amendment to S. 66's findings which would expressly state the obligation of all carriers to contribute to universal service maintenance, on the other hand, represent the types of policy directions from Congress that are absolutely essential as the telecommunications industry moves through this transition era.

The members of the NARUC commend you, Senator Abdnor, for your leadership in championing the cause of universal service.

Sincerely,

PAUL RODGERS,
General Counsel.
RITA A. BARMANN,
Director of Congressional Relations.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the following letter be included in the RECORD. The South Dakota Public Utilities Commission is one of 39 State public service commissions which support my efforts. I am pleased to know of their interest in the issue.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PUBLIC UTILITIES COMMISSION,
STATE OF SOUTH DAKOTA,
Pierre, June 10, 1983.

Re S. 66, a bill proposing the Cable Telecommunications Act of 1983.

Hon. JAMES ABDNOR,
U.S. Senate, Hart Senate Office Building, Washington, D.C.

DEAR SENATOR ABDNOR: The South Dakota Public Utilities Commission wholeheartedly supports your amendments to S. 66. The amendments as proposed will help to preserve the South Dakota Public Utilities Commission's future regulation of basic telecommunication services.

Should you or your staff have questions on our Commission's position, please contact us.

Sincerely,

KENNETH STOFFERAHN,
Chairman.
JEFF SOLEM,
Vice Chairman.
DENNIS EISNACH,
Commissioner.

Mr. President, I ask unanimous consent that certain information from the National Association of Regulatory Commissioners be printed in the RECORD at this time.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

OPPOSITION TO S. 66

The National Association of Regulatory Utility Commissioners (NARUC) has taken a formal position opposing portions of S. 66, including those portions which would deregulate CATV companies offering telecommunications services while leaving similar services offered by telephone companies subject to full regulation. NARUC believes that the result of this unequal treatment must be increased local telephone rates. The concerns of NARUC have so far been reflected in positions taken by the Northeast Conference of Utility Commissions and by the following state Public Utility Commissions:

Alabama, Alaska, Arizona, California, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Montana, and Nebraska.

Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, and Wisconsin.

Mr. ABDNOR. Mr. President, I yield to the Senator from Florida (Mrs. HAWKINS).

Mrs. HAWKINS. Mr. President, I rise today in support of Senator ABDNOR's amendment to S. 66 because I share my colleague's concern that Congress must do all that it can to insulate consumers from the nationwide telephone rate shock that is just aroung the corner—I refer to imminent steep increases in the cost of basic local, life support telephone service.

Universal telephone service is the key phrase in today's debate. By universal telephone service, I mean universally affordable, high-quality, telephone service in all but the most remote areas of this country. It has taken years for us to reach the remarkable levels of telephone service that this country is known for. No where in the world can you find a more comprehensive and more moderately priced telephone service system.

Yet, our success is threatened today. Passage of the Cable Communications Act without this amendment will place added upward pressure on local telephone service rates. The AT&T divestiture, the recent FCC/Joint Board decisions on asset depreciation and access charge will push local rates so high that the number of people with telephones is expected to drop by 3 to 10 percent nationwide. The erosion of local telephone revenue bases by cable company cream skimming will drive that figure higher unless the Abdnor amendment is adopted.

What is cream skimming? Cream skimming involves cable company practices of obtaining a community's largest and most lucrative customers, thereby reducing the revenue base for the telephone company. What are the statistics? Telephone company revenue statistics show that a very small number of heavy phone use customers

account for a very large proportion of the telephone company's revenues. Nationwide statistics show that 4 percent of residential customers represent 29 percent of cumulative residential revenues.

More nationwide statistics: Only 3.9 percent of business customers provide 61 percent of total business revenues. Over 75 percent of total revenues from business long distance are accounted for by less than 8 percent of all business customers.

Florida statistics: We are an average State; 0.5 percent of business telephone customers represent 47 percent of the business telephone revenues.

Those are just a few figures, Mr. President, that will define what I feel is cream skimming. This is what consumers already are facing, and it is just the beginning.

In 1982 alone, $3.5 billion worth of telephone rate increases were granted by State public service commissions.

I know we jest a little bit on the floor about a million here and a million there and the first thing we know, we are talking about real money. I am talking about real money: $3.5 billion worth of telephone rate increases were granted by States in 1982 alone. Right now, as we speak on this floor, there are $4.5 billion worth of increases pending before the same commissions. We should all fear how much more of these increases will erode our telephone service. The threat is real.

During the AT&T divestiture cases, a study was introduced into evidence by the defendant, AT&T, to show how many telephone customers would drop basic telephone service if the price reached certain levels.

Here were the conclusions. First, the study showed that around 93 percent of all Americans enjoyed basic telephone service, a great goal that we have reached. It showed that if local rates increased by 100 percent, which is the minimum increase expected in most markets as a result of divestiture, only 83 percent of our citizens would be able to afford basic telephone service. If rates were to increase by 200 percent, the percentage of those taking service would decrease to 70 percent of the population. In rural areas, that same 200 percent increase was expected to drop telephone hookups down to 64 percent of the population. The numbers in the study were worse for select groups within the population; of members of the group termed "very poor," 79 percent were shown to take basic service. It is a life-support service, not a luxury. A 100 percent increase was expected to precipitate a drop of 64 percent participation in that group while an increase of 200 percent would drop that figure to only 46 percent. These are frightening statistics but section 614 of S. 66 will make it harder for Congress to avoid this result later.

S. 66 effectively allows cable companies to expand into the two-way telecommunications market on an unregulated basis serving only those customers and areas they consider the most lucrative. Everything should be equal in this legislation. This provision now only encourages "cream skimming," but it also, in my opinion, removes from the FCC and State agencies the authority needed to require cable companies to make a contribution in the fight to retain universal telephone service.

Now, some may have heard the argument that the cable industry poses no threat to the seven telephone companies that will emerge from the AT&T divestiture on January 1, 1984, and that it will be years before they could even make a difference in the telecommunications market. Well, I do not think this is true. They have done very well indeed in the last 8 years. At last count, they have operating revenues of $4.5 billion nationwide and have increased their percentage of penetration into U.S. TV households from 15.5 percent. In 1976, to 36 percent today. Right now, over 50 percent of all households can accept cable. Private sector predictions are that that number will be 85 percent by 1990. Please take note that it is there newer systems being built right now that are equipped with two-way data and voice capabilities.

I am not convinced that it will be years before two-way cable service puts pressure on local telephone rates. We have badly underestimated the speed of many new technologies into the marketplace in recent days.

I expect that the cable industry will be ready very soon to compete for the Nation's telecommunications markets whether or not they are under the control of the State public service commissions. I encourage the cable industry to compete, but to compete within the regulatory framework that we have in place. There is no good public policy reason to allow ratepayers to suffer unnecessarily during the transition from a monopoly-based telecommunications system to a competitive one.

Today, Senator ABDNOR and I and the cosponsors of the Abdnor amendment are not alone in our effort to modify this cable bill. This is a very difficult and complex issue. Nevertheless, the consequences are great enough that groups like the National Association of Utility Regulatory Commissioners, the National Governor's Association, the National Telephone Cooperative Association, and the Consumer Federation of America have taken the time to analyze this bill and have spoken out in favor of the Abdnor amendment.

Thirty-nine State public service commissions have either written to or called their Senators to explain their reasons for supporting the Abdnor amendment. These commissioners are the people who live day in and day out with telecommunications companys' financial problems, technical glitches, and service complaints.

Service complaints are very important. Who is going to consider the service complaints if this bill is passed without the amendment?

Public service commissions are extremely sensitive to the difficulties that will be caused their telephone rate-payer constituents should rates be pushed up even further. They are understandably concerned about the proposition of having hundreds of cable companies establishing two-way information loops within their jurisdictional service areas. As a former public service commission chairman, I share their concerns. I have been supportive of deregulatory efforts in many areas of commerce during my 2½ years here in the Senate, and as an elected public service commissioner in Florida. Yet I have always advocated careful and deliberate deregulation with full review of all the possible consequences. The consequences of passing this cable bill without our amendment are great. We must remember that, whatever legislative solution we produce to address the question of how to preserve universal telephone service, State public service commissions will be heavily involved. In order to be an effective part of that solution, these commissions must be allowed to keep within their purview all the players in the ongoing telecommunications market competition.

I hope that my colleagues will recognize the importance of placing all companies that provide two-way communications services under the regulatory control of State public service commissions.

I urge my colleagues to support this amendment.

I thank the Chair.

Mr. PACKWOOD. Mr. President, I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I would like to inquire of the Senator from Florida if she is addressing herself to the first Abdnor amendment or the one he just offered.

Mrs. HAWKINS. The second one he has offered, but I think it is important to talk about high quality service at the same time.

Mr. GOLDWATER. I have to point out with all due respect that what the Senator is talking about we have taken care of in accepting the first Abdnor amendment.

This second Abdnor amendment applies itself to something that has not happened yet. That is the percentage of service or the volume of services that AT&T feels would be competitive to them. I believe that Florida comes

under Southern Bell Telephone & Telegraph Co.

Mrs. HAWKINS. That is correct.

Mr. GOLDWATER. They have almost $6 million in revenues, local revenues almost $3 million, but less than 0.7 percent of that is concerned with data transmission. That is what the Abdnor main amendment is aimed at.

He says:

All providers, including cable, of basic telephone service, defined very broadly to include basic voice plus data, would be regulated by the States.

I have to point out that we are speaking about something that is so small that we cannot even measure it among the 5,790 or so cable television companies operating in this country.

As I explained earlier on this floor, in a technical way, in an electronic way, if you have a wire running from your house to my house and you are willing to spend the money, and I am willing to spend the money, and a cable company is willing to spend the money to provide the system, we could theoretically communicate.

That is not the purpose of this bill. It is not the purpose of cable television. The purpose is to provide better television for people who do not now get adequate television reception. While I have to admit that in Florida, with it being, with no disrespect, a very flat type of State, television has good transmission qualities. But we are talking about States where there are many, many square miles that television cannot reach.

S. 66, as reported, would not regulate a cable company's provision of data services over its wires. Such services offered by telephone companies are not addressed in the bill as reported.

Well, we do not address it because again AT&T has about 1 percent of their total local income coming from local data offering.

I am not going to stand here and say it is not going to grow, because AT&T has now become a communications company. It is no longer a telephone or a telegraph company. Somebody remarked that the ability of a chip to provide memory is four times as great as chips can provide now. That is absolutely true. In fact, we are working on chips that will probably offer as much as a billion times as much memory.

So, Mr. President, I have to oppose, as chairman of the Subcommittee on Communications, the second Abdnor amendment. I am perfectly happy with the first one. I think it will pave the way, as I said earlier, to help the local telephone user, seeing to it that his bills do not become exorbitant. I think they will if we do not pay attention to it. But I see no purpose in amending this bill to include something that is not even in existence. If it becomes a problem next year or the year after, we can always meet and take care of the differences that might exist then from what exists today.

I thank my chairman.

Mr. PACKWOOD. Will the Senator from South Dakota on my time yield for a question?

Mr. ABDNOR. Yes.

Mr. PACKWOOD. I want to make sure that the Senator's use of the term "telecommunication service" means the same as it did in his previous amendment.

Mr. ABDNOR. It means all telecommunications with the exception of broadcasting. Your bill's definition is adequate for me.

Mr. PACKWOOD. So this amendment is infinitely more extensive in terms of regulation than just subjecting cable television to regulation when it transmits data. The Senator is saying all telecommunications service except as he defines it, will be subject to regulation if a common carrier could provide the service?

Mr. ABDNOR. Essentially, this would be a similar regulation over what we have today for the telephone people.

Mr. PACKWOOD. Today in many States the revenue from the Yellow Pages is counted as part of the revenue of the local telephone companies in terms of determining their total revenues and it is used basically as a subsidy for telephone service.

Do I take it then that anybody else who would be providing the equivalent of that kind of service would be subject to regulation?

Mr. ABDNOR. What I intended by the amendment, is that if any service is regulated, then all providers be regulated equally. To answer your question, if Yellow Pages are regulated currently, then the answer is yes.

Mr. PACKWOOD. That is what I wanted to make sure, because I misunderstood the Senator's amendment. This amendment does not relate to just the transmission of data locally by cable companies?

Mr. ABDNOR. That is right. This would put the cable TV services under the same kind of regulations that we placed telephone people under.

Mr. PACKWOOD. That is not my question. The Senator's amendment says "telecommunication service," and in the previous amendment he said he defined that as all communications. I used the example of General Motors in Detroit communicating with its plant in California and using satellites. The Senator said, yes, that is also a telecommunication service for purposes of the subsidy amendment that he previously offered.

Mr. ABDNOR. Getting back to yellow pages, I am not referring to advertising generally under this. The Yellow Pages is part of the original package today.

Mr. PACKWOOD. In that case, if the telephone company were to offer burglar alarm service through their phone wires, any other company that wanted to offer it, cable or otherwise, would be subject to regulation?

Mr. ABDNOR. That may be right, if these services are currently subject to regulation.

Mr. PACKWOOD. And the same with any other service?

Mr. ABDNOR. Yes; I would guess.

Mr. PACKWOOD. Well, then, what the Senator really wants to do at the moment is regulate a great many services that are not regulated today.

Mr. ABDNOR. I think you have to consider the overall thrust. It would be the same kind of regulation that the telephone people are experiencing today. I do not intend to determine what is an unfair practice. It is unfair when you say, if the telephone people do this, they are subject to regulation and approval but it is perfectly OK for another area to go right ahead and do the same thing without any kind of regulation.

Mr. PACKWOOD. Let me read the Senator's amendment again.

Basic telephone service means telecommunication service.

We have already defined that as being almost anything.

That would be subject to regulation by the Commission or any State if offered by a common carrier.

Now, of course, the common carrier we are talking about is the telephone company. If the telephone company were to offer a burglar alarm service, it would be determined by the public utility commission of the State to be a common carrier service. So the Senator is saying that if anybody else offers that service, it is also subject to regulation by the public utility commission?

Mr. ABDNOR. I am talking about enhanced services. I am talking about the direct services.

Mr. PACKWOOD. Talking about what?

Mr. ABDNOR. The basic service. That is a better phrase. We will use "basic service."

Mr. PACKWOOD. Wait a minute now. The Senator has this term in his previous amendment. Does "telecommunication service" here mean the same as "telecommunication service" in the Senator's previous amendment?

Mr. GOLDWATER. Will the Senator yield for a question at that point?

Mr. PACKWOOD. Yes.

Mr. GOLDWATER. A number of years ago, when this matter first came up, I was approached by a newspaper publisher of this country objecting to the use of the Yellow Pages by some of the telephone companies because it would tend to destroy the want ad section of the newspapers.

The newspapers since that time, to a large extent, have bought pieces of the Yellow Pages, and they use them precisely the way that they were afraid AT&T would use them.

My question is, Would the amendment prevent the newspapers from using the property they now own; namely, lists of people, from any means of communication that they care to utilize, including the printed word, which is communications?

Mr. PACKWOOD. I am not sure what this means, but I will take a guess. I think what it means is this: If the phone company were allowed to get into the electronic yellow pages, if they could put their Yellow Pages on television and the rate they could receive would be subject to regulation by a State public utility commission, then if a newspaper did the same thing, it would also be subject to regulation, because it would be offering the same service as the common carrier, the phone company. That is assuming that the telecommunication service means the same thing that we all agreed in the previous amendment it meant, which was everything except the one exception we defined:

Telecommunication service means the offering of telecommunication facilities or of telecommunications but such term shall not include basic service or cable service.

But apparently it means everything else.

Mr. GOLDWATER. I might suggest that this theoretically could be extended to the use of any list that can be purchased such as the total list of either political party.

Mr. PACKWOOD. I think so.

Mr. GOLDWATER. Or the lists that are now available to companies running catalog services who transmit this information back and forth. They in effect would come under this amendment.

Mr. PACKWOOD. I think what this amendment means is that any service that is offered by anybody that is telecommunication service that would be offered by the telephone company would be subject to regulation.

I ask the Senator from South Dakota whether I state it accurately.

Mr. ABDNOR. Will the Senator repeat that?

Mr. PACKWOOD. As I read the amendment of the Senator from South Dakota, it says that any telecommunications service that might be offered by anybody will be subject to regulation by the State public utility commission if that same service could be offered by the phone company.

Mr. ABDNOR. The basic telephone service; that is correct.

Mr. PACKWOOD. The basic telephone service and telecommunications service are not the same thing. I am reading from the Senator's amendment, which uses the term "telecommunications service," which is the same term used in the previous amendment and was defined in some questions and answers on the floor, which was very cumbersome.

Mr. ABDNOR. The intent of the amendment—I think it says that—is that we are not expanding any new regulatory jurisdiction at any level of government. No government body—Federal, State, or local—would have any greater regulatory power than it presently has today because of this amendment.

I do not know what you are trying to read into it. The only effect of the amendment is that it modifies the definition of "basic telephone service," which covers that which is subject to regulation today.

Mr. PACKWOOD. If offered by anybody else.

Mr. ABDNOR. If it is a basic telephone service which should be subject to regulation. It is like what we meant before and understood in the past.

Mr. PACKWOOD. I ask again: Does "telecommunications service" in this amendment mean the same as in the Senator's previous amendment?

Mr. ABDNOR. My intention is the same in both.

Mr. PACKWOOD. Your what?

Mr. ABDNOR. What we want to accept is the definition you have in your bill.

Mr. PACKWOOD. We do not have this amendment in the bill.

An intent is one thing, but if the bill says one thing, the court is not going to look at the intent, if the bill is clear.

I will read your amendment:

(2) "Basic telephone service" means telecommunications service that would be subject to regulation by the Commission or any State if offered by a common carrier * * *.

Do I read the amendment correctly?

Mr. ABDNOR. That is what the amendment says, yes.

Mr. PACKWOOD. I want to make sure what it is driving at. If telecommunications service means——

Mr. ABDNOR. I misunderstood that you had a modification in yours. The one I sent to the desk is different from this.

Mr. PACKWOOD. You lost me there.

Mr. ABDNOR. The one I was reading from is in the bill, and I understand that I have a modification of that.

Mr. PACKWOOD. I am still confused by your amendment, because my additional thought was that what you were trying to do was to say that if a local cable company offered local data transmission, that would be subject to regulation, and I understood that was the entire thrust of the amendment. Do I misstate what your amendment was or what you intended it to be?

Mr. ABDNOR. We are not saying there should not be a difference between voice or data.

Mr. PACKWOOD. Good.

Mr. ABDNOR. But I am not going into the enhanced part. I do not know how many different interpretations you could read into this. I am telling you what the intent of the sponsor of the amendment is.

We are not talking about enhancement, but we are talking about voice or the data part. We think they are closely tied together, and we could never understand how you could totally ignore the fact that they are together.

Mr. PACKWOOD. Your phone company is Northwestern Bell. Voice transmission is the absolute sustenance of the revenues of most local phone companies. They have some other revenues. They have some Yellow Page revenues. They have some immense long distance subsidy revenues.

Mr. ABDNOR. Right.

Mr. PACKWOOD. But in terms of data transmission, Northwestern Bell's total revenues—I am not counting all their revenues, just some local revenues—are $967 million. Their local data transmission revenues are roughly $8 million. If they lost all local data transmission revenues, assuming cable wiped it out, it would be less than 1 percent of their revenues. So it is not absolutely critical and essential to the local telephone service as to whether or not your phone company keeps this relatively minuscule amount of money. If they were to lose their local voice transmission revenues, they would be destitute, and this is a significant difference.

Mr. ABDNOR. Obviously, the concern I think you have in your committee was voiced several times, that you are instantly going to look down the road to what we are doing to the telephone system. You do not deny that access charges are still going to be an important part of any telephone company.

For some reason, somewhere along here today, we seem to think that what I am doing is trying to defend AT&T, which is the least of my concern. I am thinking about the people in my State and in the other States throughout this country who have nothing but higher costs to look forward to.

This is not a big cause for the rates going up—I will grant that. We are looking toward the future. As we look down the road, an additional burden is going to fall on phone customers.

It makes me think—and you can put this on my time, if you wish. I recall what I saw earlier this year, before the close of the last session, on the so-called trucking bill we passed.

It is not the user's fee by itself that is causing the truckers' problem. It started earlier with the deregulation of the industry. Where a State like mine used to have 3 truck routes going

from one end of the State to the other, we now have more than 10, taking the cream from the top in the big cities, skipping all the little towns in between. Now we have a big user fee on top of that. Maybe a user's fee does not sound like much to people, but when you are already on the rocks and in financial trouble and you add more taxes, it becomes a gigantic problem.

We are putting the local telephone companies in difficulty.

I daresay that many of the new Bell operating companies starting up are in trouble, let alone the independents. I have a telephone company in my town, with 375 people. You bet they depend on the $1.38 return on a dollar of generated revenue that comes back. That is the only reason they have any reasonable cost at all charged for the use of the telephone.

When we take that away, it can do nothing but go up, up, up to the place where they may not be able to afford it.

In the bill as proposed today, you pave the way to losing valuable revenues in many cases. Private networks can go right around those telephone companies. So they are tied together. All we are trying to do is lessen the severe burden that is now being placed upon these small telephone companies and the RTA's because of changes in the telephone industry.

Mr. PACKWOOD. I share the same concern the Senator from South Dakota has about the small towns.

Let me once more go through the figures. Seventy-five percent of all cable systems exist in towns of 15,000 or less. Ninety percent of all cable systems exist in towns of 30,000 or less. Of more than 6,000 cable companies in this country, only 130 provide 2 way service of any kind. In small towns, intracity data transmission is negligible. In the State of South Dakota, there is no cable company that provides two-way transmission.

Indeed, I am concerned, but what I do not want to see is the public given the impression that if we adopt the amendment of the Senator from South Dakota—although I want to get back to what the amendment means—they are going to get any significant relief on their phone bills. They are not.

I understand the frustration of the phone companies. I also understand the interest of the AT&T in this. I regard it as a well-managed company. But they no longer have an identity of interest with the local Bell operating companies.

I think AT&T would hope that the present policy of the Federal Communications Commission would be continued and that we would see the end of long distance subsidies for residential rates because they are no longer going to be in the residential telephone business, and if I were in their position that is the position I would advocate.

So, anything they can do to give the impression that the increase in the telephone rates is being caused by something other than the FCC policy is in their interests.

Blame it on the divestiture—the fact is that divestiture has not gone into effect yet, and is not in effect yet, is forgotten. Nothing, not a single telephone is effected by it. There is none until January. There is not a single data transmission by cable because of the consent decree.

Blame it on someone else. Try to get out of the problem we have on long distance.

I do not want the Senator to mislead the public that if we adopt his amendment they are going to get any relief. They are not.

Mr. ABDNOR. I do not think I said that they are going to get relief. We are talking about a great erosion of revenue because of this bill being passed in its present form without my amendment. Maybe it will cause rates to go up higher because there will be loss.

I did not say we are going to reduce anything. I am saying it is going to grow worse and those end costs are going to continue to go up.

We do not have to look very far down the road to see that as more dollars are lost through access charges, the more others have to pay. And the higher it gets some people will have to give up the use of the telephone, so there will be additional loss there.

There are a number of reasons why prices will go up. But this is part of the problem.

We must do something about it.

Mr. PRESSLER. Mr. President, will the Senator yield?

Mr. ABDNOR. I do not have the time.

Mr. PACKWOOD. I yield the floor.

Mr. PRESSLER. Go ahead.

Mr. ABDNOR. I wish to say there is a direct connection. I am not a great authority on between data and voice services. All I know is what I read.

Let me read this conclusion. Maybe the Senator knows more about it than I do.

There was announced by the Federal Communications Commission in the Computer II Inquiry decision that was reported on page 31333 in the Federal Register: "there is no effective way to distinguish between a cable company's provision of voice communication services as opposed to data services."

Just recently an employee of Bell Labs, a Mr. Robert Aaron, testified before the Florida Public Service Commission, and this is what he said:

To my knowledge there is no device on the market that is capable of distinguishing between the transmission of voice signals and voice-based data.

Mr. PACKWOOD. Mr. President, will the Senator yield?

Mr. ABDNOR. I yield.

Mr. PACKWOOD. Mr. President, in that case, I am looking at the filing of his telephone company, Northwestern Bell, with the Federal Communications Commission, year ending December 31, 1982, No. 34, operating revenues account 300. Local service revenues subscribers, station revenues $925 million, public telephone $16 million, and so on. Data services $8 million.

How do they know?

Mr. ABDNOR. Since voice lines can also carry data, the figure is misleading.

Mr. PACKWOOD. How can they separate the two? I know they can separate it down to how much they get from carrying data. I thought the Senator said they could not tell.

Mr. ABDNOR. Some lines are exclusively dedicated to that purpose, I suppose.

Mr. PACKWOOD. That is not what this says—devoted exclusively.

They can even break it down on this to total services. They have both intra and interstate data services on their form. They are able to break it down to how much data they have received in State revenues, how much out of State. I do not know how they break it down. I am looking at the Senator's phone company's report.

Mr. PRESSLER. Mr. President, will my colleague yield? I can state the answer to that. I do not know if it is permissible.

Will the Senator yield?

Mr. PACKWOOD. I am on his time.

Mr. ABDNOR. I yield to the Senator.

Mr. PRESSLER. Mr. President, I say that the argument of the Senator from Oregon goes toward the Abdnor amendment. Because the definitions are so vague, we need to go to conference and get this definition worked out.

There are three purposes that I see to this amendment.

One is the definitional argument.

We do need to get into conference with a definition of basic telephone service or basic data service. We have had assurances that would be done before this bill came to the floor.

I think this very debate illustrates the need to include this amendment so that will go to conference where it can be clearly defined.

Second of all, let me say that it is true that telephone rates are going to go up next year. I do not like that. But they are going to go up more if certain things happen than if certain other things do not happen.

The third area that we must consider is what will happen in the future. Now, less than half a percent of Northwestern Bell customers in South Dakota provide 28 percent of the reve-

nues. However, that may change or someone may "cream-skim" that 0.5 percent of the Northwest Bell customers and take away 28 percent of the revenues.

So, I think the very question the Senator from Oregon asked illustrates the need to include this amendment. There is so much disagreement about the definition of basic telephone service.

Before this bill is passed through and goes through conference and goes through the House of Representatives that must be defined.

His argument in favor of the amendment illustrates the confusion and it illustrates the Pandora's box that we are leaving open for different definitions other than definitions by Congress. If Congress does not address this issue, we are leaving it to the FCC, the courts, or someone out there, and I think Congress should address it.

I would merely say in conclusion, and I know we are limited on time, that on this amendment there are three basic arguments.

The first one is the one that has been used against it, that it is a matter of definition, basic telephone service, or what is in the bill as data transmission.

That illustrates the need to define what we have and that we have not defined it. So that is point No. 1.

The second point is that the argument has been used against this amendment that only a tiny percentage of transmissions are by cable companies. Indeed, in South Dakota there are none according to one report. That very argument is an argument for the amendment because that tiny portion of the transmissions has accounted for huge portions of the revenues, namely in South Dakota—I use that as an illustration—0.5 of 1 percent of the Northwest Bell customers in South Dakota provide 28 percent of the revenues.

If that little portion of 1 percent were skimmed off, problems result, and in this business of communications technology things change very quickly.

Of course, the basic final argument that I have made many times is that we must preserve a nationwide system of telephone service and communications that does not leave out the urban poor and rural persons.

I believe we are developing two cultures, not only for telephones but also television, and all the new technology, and that new era leaves out completely the business of sharing the cost to get the messages to certain areas that are not so profitable.

We have seen it happen in deregulation of the airlines, deregulation of buses, deregulation of railroads, and now the court-ordered breakup of AT&T.

My view has been, and I opposed each of those deregulatory efforts. We are in a situation where we are giving up that common carrier responsibility, the responsibility of the very profitable markets to assist some of those not so profitable, the responsibility to build an Interstate Highway System to all States as we did, the responsibility to build railroads through all States as we did, the responsibility to deliver mail to everyone in the country and not just those where there is a profit involved.

As I have said before this afternoon the two places where I reside, Washington, D.C., and Humboldt, S. Dak., neither of them has cable TV, for an example. The urban area is left out and the rural area is left out, but there is plenty of cable TV and communications in the suburbs where it is profitable.

It can be profitable in urban areas and rural areas but it is not so profitable. So this amendment is saying to the conferees, saying to the House, that these definitions may not be perfect, but they will force the conferees to consider this issue, and I think that is what we want.

Mr. FORD. Mr. President, would the distinguished senior Senator from South Dakota yield for a question?

Mr. PRESSLER. Yes.

Mr. FORD. Senator, you somewhat ridiculed the statement of, financial statement of, Northwestern Bell.

Mr. PRESSLER. No, I did not.

Mr. FORD. You ridiculed it on the basis that it did not mean anything.

Mr. PRESSLER. No, I did not say it quite that way.

Mr. FORD. Well, you said something similar to that.

Mr. PRESSLER. Well, that is not what I said.

Mr. FORD. That the figure did not mean anything.

Mr. PRESSLER. I said this is an accounting method.

Mr. FORD. Well, they have to have some background to make that accounting method to the Federal Communications Commission.

Mr. PRESSLER. Yes, I am sure they do.

Mr. FORD. If it does not mean anything, it is just an accounting, how in the world did they ever come up with the figure they have here if it does not mean anything?

Mr. PRESSLER. I am sure there is a basis, a well-thought-out basis. I will submit to you it is not an exact science.

Mr. FORD. It is a very exact number and there is a very exact number in this report.

Mr. PRESSLER. Let me say——

Mr. ABDNOR. Let me say it is my time here. If we are going to yield, yield on the Senator's time.

Mr. FORD. You still have 16 minutes or something.

Mr. PRESSLER. Just 1 second.

Mr. GOLDWATER. Will you yield?

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. In an effort to get this back on track, and I think we are wandering all over the place, the present language in the bill, as modified, on page 23, line 15, says "two-way voice grade communications" that are held out to the public.

Now the amendment describes basic telephone service as telecommunications services that would be subject to regulation by the Commission or any State if offered by a common carrier subject in whole or in part to title II of this act.

We have in our definition exactly what my friends from South Dakota are arguing about. They are not arguing about computer talk. I am not arguing about computer talk. I will mention one thing: Cable television has been with us about 35 years, and only 15 years or so in nonrural areas. Computers have been with us a long, long time. In the 35 years of cable television they have not developed a measurable service of data transmission. It is below zero as far as we can tell. So I cannot understand why my friends from South Dakota are so upset about the language "two-way voice grade communications." That is what we are talking about. That is what I want to help you with.

Frankly, if I can get computer language in my house, and if I can understand it, before I die I might like to get it. But I do not think I will, and I think the American people are a long ways off. But they want two-way voice-grade communications. And that is all we are talking about.

Mr. PRESSLER. Mr. President, could I get the floor, will my colleague yield to me?

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. ABDNOR. How much time do we have?

The PRESIDING OFFICER. The Senator from South Dakota has 5 minutes remaining, the Senator from Oregon has 5 minutes remaining.

Mr. PRESSLER. Staff's number for data services are misleading because all business customers can use all telephone services—WATS, private line, and regular voice lines—for data transmission as well as voice. The basic telephone network is today transparent to whether voice or data is carried for the customer. The same would be true for cable company provision of these services.

The real issue is not any relative market shares for voice against data today, but the ability of State and Federal regulators to maintain control over local telephone rates as the transition to competitive markets is made.

The bill and the committee amendment would remove the power of State regulators to deal with a major provider of transmission services—a power which they have today.

That is an answer to my distinguished colleague from Kentucky's inquiry; and I think the very question illustrates the need to get this into the conference. The very need for a definition, a clearer definition, is illustrated. I believe that the definition in the amendment is sufficient for us to move forward.

Mr. PACKWOOD. Mr. President, I now have had a chance to check and I am going to say that unless the Senator from South Dakota wants to contest it, that the definition of basic telephone service as we look at the bill, includes anything intrastate or interstate. Almost anything but one-way cable programing because any of those services can be provided by a regulated common carrier, that is, phone company; dial-a-prayer, sports scores, weather, burglar alarm security, fire alarm, powerloading management, where you hook up to your home system power source and it will regulate your heating, electronic banking, shopping. All of these services not now subject to regulation will be subject to regulation under the amendment of the Senator from South Dakota if such a service could be offered by the local phone company, and, indeed; in some areas they do offer some of them. So this is not just a little amendment to decide whether or not the minuscule amount of data transmitted by cable will be subject to regulation. It is opening up a panoply of services to regulation this committee did not contemplate. I do not know whether the Senator from South Dakota contemplated it, but if he is a genuine free enterpriser he is asking for regulation on a variety of areas that are not now regulated.

Mr. ABDNOR. I think we are straying a little ways away from what I intend with the amendment. We are using telecommunications as defined in your bill and I am not speaking to the enhanced areas that you speak about.

All I am saying is this: if cable is going to offer the same kind of telecommunications service which is regulated if offered by a common carrier then cable, why should they not be regulated just like anyone else?

For heaven's sake let us keep the rules of the game. You do not get into a sports contest with one another—baseball and football, for example—and say one side over here has one set of rules and we are going to have another one for the other side which is trying to get against them in the ball game. This is not a game. This is business. If cable offers the functional equivalent of a regulated service offered by that telephone company and if it is regulated so should the same service if it is offered by cable. The language of my amendment is only as broad as to reach these same services and that is what I am talking about. The State would regulate it if offered by a common carrier and would give the State power to regulate the same services if they are offered by cable TV. It is your definition, and we think—we are not reading enhancement or anything else in it.

Mr. PRESSLER. Will my colleague yield?

Mr. ABDNOR. I do not know if I have any time remaining.

Before we go any further, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GOLDWATER. Mr. President, will the Senator from Oregon yield for a question?

Mr. PACKWOOD. Mr. President, I believe the Senator from South Dakota yielded to the senior Senator from South Dakota.

Mr. PRESSLER. Mr. President, let me conclude by urging the adoption of this amendment by saying that I think the essence, the heart of the argument, is what might happen in rural, small-town areas to telephone service and perhaps to cable service and to transmission of data, be it weather services, farm market services, or voice transmissions. I think that these voices will not be heard unless we give this amendment our support and pass it. I also think that it represents an effort to blunt the edge of a severe danger that exists to communications in rural and small-town areas.

I yield back to my colleague from South Dakota. I commend him for his efforts.

Mr. GOLDWATER. Will the Senator yield for a question?

Mr. PACKWOOD. I yield to the Senator from Arizona.

Mr. GOLDWATER. The Senator from Oregon referred to services that can be purchased through cable television, such as fire protection, police protection, et cetera. If the amendment of my friend from South Dakota is accepted, this means that any State agency can get into the regulation of smoke detectors, fire detectors, police alarms, burglary alarms, and Lord knows what else that is run electronically.

Mr. PACKWOOD. The Senator is absolutely right, because the definition of telecommunications in the bill says:

The transmission of information by electromagnetic means, with or without the benefit of any closed transmission medium,

that means with or without wires—

including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of information) essential to such transmission.

The Senator is absolutely correct. It means the regulation of all telecommunications services if they could be provided by a local common carrier. And a local common carrier can provide almost anything, including, I might say, advertising such as the yellow pages.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. PRESSLER). The Senator from Oregon has 2 minutes and the Senator from South Dakota has 21 seconds remaining.

Mr. PACKWOOD. I am prepared to yield back the remainder of my time on the amendment.

Mr. ABDNOR. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The vote is put off until tomorrow. The bill is open to further amendment.

AMENDMENT NO. 1380

(Purpose: To amend the Communications Act of 1934)

Mr. BENTSEN. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. BENTSEN) proposes an amendment numbered 1380.

Mr. BENTSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 46, line 18, immediately after the period insert the following: "Notwithstanding any other provision of this Act, the provisions of this Act shall not be applicable to any franchise in effect on the date immediately preceding the date of the enactment of this Act.".

Mr. BENTSEN. Mr. President, in reading over this bill and committee report, it is obvious that a great deal of work has gone into it. There is much of this bill that I agree with and that I can certainly support. I may well end up voting for this piece of legislation, except for one thing which really grates and which I cannot accept. This amendment takes care of that. The amendment that I have sent to the desk is a very simple one. It is very direct, and I think it ought to be acceptable to every Member of this body. It is an amendment that grandfathers all existing contracts.

I believe a contract is a contract. My amendment does nothing more than underline that agreements freely negotiated by major corporations and some of our cities should remain in force for their duration.

As this bill is currently written, it only grandfathers contracts regarding existing facilities and equipment and grandfathers existing rate regulations for only—get this—for only the first tier of basic service for 5 years or one-half the duration of the contract, whichever is the longer.

Now, why should it allow corporations, which I believe in the final analysis knew what they were doing, to abrogate contracts after that time? I really believe that these corporations that entered into these contracts—the vast majority of them were large corporations—were certainly sophisticated. They employed some of the finest, most expensive, most experienced attorneys in the land. Frequently, they hired additional local counsel in the hope that they could influence members of the city council. They resorted to all sorts of blandishments to encourage city councils to approve their particular contracts. They practically salivated over being able to acquire a contract to wire particular cities.

But to say that now the Congress should abrogate those things which cable companies had agreed to is not right. The city of Fort Worth, for example, negotiated a contract which called for the regulation of the first three tiers of service. S. 66, if enacted in its present form, would allow the cable company which wired Fort Worth the next day to raise the rates for the second two tiers of service, I repeat: that is just not right. Frankly, I see no reason why Congress should allow that to happen.

It has been argued that the contracts that the cities negotiated with the cable companies are "contracts of adhesion;" they were negotiated by unequal partners. Is the Senate ready to believe that powerful cities overwhelmed little companies like Warner Amex, Times Mirror, and Time-Life? Is the Senate ready to believe that they just really did not know what they were negotiating.

What do you think would happen if, instead of some of these companies finding that they were not making money on these contracts, they instead discovered that all of their rosy predictions had indeed come through? What do you all think would happen if all that they had prophesyed was going to be profitable come to pass?

Well, I will tell you what would happen to their price earnings multiples. They would go right through the roof. Their stocks would be showing enormous profits.

Do you really believe that if that happened, that Time-Life, that Warner Amex, and the other cable corporations would then go to the cities and say: "Oh, gee, fellows, this deal is a lot better than we anticipated so we want to do some extra things for you. We want to add some more channels. We want to render these extra services out of the goodness of our hearts."

Or, on the other hand, do you think that they would write in their annual statements how wise they had been, how they had been able to prophesy the great profits in this field and they were going into it even further?

You know what would happen. They surely would not be coming to the Congress and asking us to abrogate the contracts for them. They would be delighted and they would want them locked up and retained. I understand that.

I have entered into contracts that did not turn out as profitable as I had hoped they would, but I had signed my name on them and I lived up to them. I never broke a contract, and never asked Congress to break one for me either.

I do not think we ought to abrogate these contracts because of any lobbying influence, or because these companies were not sophisticated, or because things happened that they did not anticipate. The contract ought to be carried out.

It has been said that when a cable company agrees to provide a service not related to cable service, like planting trees, in one extreme case, that that does not make sense.

Well, it made sense at the time and the parties agreed to it. Sacramento wanted some trees and the cable company said, "If that is the cost, we will pay it." In fact, I understand that it was the cable company which suggested planting the trees. In other words, two parties agreed to what they thought the obligation should be.

It has been said that sometimes conditions change. CBS, for example, decided to drop its cultural programing. Well, if conditions change, then contracts can be renegotiated by both parties working together. They ought not come to the Congress and ask us to change the terms of agreements.

If you have conditions that are beyond control, that no reasonable party could have aniticipated, the court is still there. But the court looks at the individual case. It looks at the merits. It examines the evidence, and decides what should be done. We do not need a broad brush stroke painted by the U.S. Congress affecting all parties.

We have a situation in Dallas and Houston, where I understand the companies which are wiring those cities are not making money. Well, once again, companies which freely negotiated those contracts designed by great batteries of lawyers to see that every I was dotted and every comma was in its proper place, are now coming to the Congress and asking for relief.

I do not think that is the way the game ought to be played. S. 66, in spite of many other good provisions, in this situation represents a congressional nullification of contractual obligations and commitments. I am not sure that all the Members of this body understand the magnitude of that.

Earlier today I was talking to a number of the Members of the Senate who had no idea that this provision was in there. I hope that by tomorrow they will, and that they will be able to support this bill with the understanding that we are asking both parties to live up to their contracts.

I see no reason to change the rules applicable to communities which have already begun to franchise cable. Both parties entered into these contracts with explicit expectations and Congress ought to respect those expectations. Otherwise, S. 66 is going to relieve the cable operators of obligations that were freely negotiated with no recompense to communities across the Nation, and that is just not right. No record of abuse has been cited. No compelling reason of need by the cable industry has been shown to set aside these extensive and diverse agreements.

My amendment does not more than allow cities to keep what cable companies have already promised.

I reserve the remainder of my time.

Let me ask first for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BENTSEN. Frankly, I would hope that the committee in its wisdom might be in accord with the function of this amendment.

Mr. GOLDWATER. Will the Senator yield me some time?

Mr. PACKWOOD. I am delighted to yield.

Mr. BENTSEN. I was hoping that the Senator from Arizona would speak in behalf of the amendment.

Mr. GOLDWATER. Mr. President, we have not really looked at the opposition to this bill. The real core is that the cities and communities of this country are not happy with the amount of money they have been able to get out of the cable television service. Our bill has been written with the idea that we might help bring these two groups together.

If we grandfather, I can understand Dallas, which is now in the early stages of having cable television, grabbing the best that it can get, and the day after this bill passed, if that amendment were in it, every city in the country would rush to get franchises put together because they would be grandfathered.

I am not speaking on behalf of cable. I have no idea what their profits may be or are. Frankly, I could not care less. I have served on a city council. I know what their attitude is. Normally, it is a pretty good attitude to get all

the money that they can out of any service coming into the city.

But I must say that these franchise agreements are not regulated by city ordinance. They are regulated by the usual process of arguing across a table as to what would happen. I have no idea, as I say, as to what these amounts might be. I think a city the size of my home town of Phoenix gets around $350,000 a year from their franchise. The little community that I call home probably gets close to $150,000 to $180,000. So we are not talking about an astronomical part of the city budgets.

What I am deeply concerned with, and I say this in all sincerity to my friend from Texas, is if we accept the amendment of grandfathering it will kill this bill. We will not need a bill at all because every community in this country would say, "Well, it is a law that the franchise that we are operating under is the one we are going to continue under." You cannot argue with that. That is exactly what grandfathering means.

Mr. BENTSEN. Will the Senator yield?

Mr. GOLDWATER. Yes.

Mr. BENTSEN. I am not talking about continuing on without any resolution. I am talking about just for the term of the contract. We should not abrogate the remainder of that contract. This piece of legislation does just that.

Mr. GOLDWATER. It should.

Mr. BENTSEN. Prior to the end of the contract?

Mr. GOLDWATER. If you put grandfathering in, I do not think the Senator from Texas thinks for one moment that the present franchise will be the end of the granfather concept in Dallas, Phoenix, or anyplace else.

Mr. BENTSEN. My understanding is the contract is an executed contract for Dallas.

Mr. GOLDWATER. That is not the understanding of the Senator's amendment. I understand grandfathering. I have lived through it many, many times. If we have grandfathering, there would be no need to continue debate, if the amendment is accepted. We would not need a bill.

Mr. BENTSEN. But when the contract expires, it expires. But we should not come in unilaterally as a legislative body and abrogate it. I am saying we should let them fulfill the contract for the period of time of the contract. That is all.

Mr. GOLDWATER. In my opinion, adoption of this amendment would do away with the need for this legislation. It is that simple. I have lived through grandfathering arguments in my community as a member of the city council. I have lived through grandfathering arguments here in the Senate. They are not made for midnight tonight. We have grandfathering clauses; regulations, and rules that govern this body. I remember when they were adopted they were only to cover a certain period. But they have gone on and on and on.

I am going to have to resist the amendment, with all the respect I have for my friend from Texas. I had hoped that it would be a smaller town. Dallas is a big place. It has a good football team, good cheerleaders and things like that. But if he makes it come from a little place like Quererito, N. Mex., I could go along with him.

Mr. BENTSEN. Mr. President, I am not sure the Senator from Arizona heard me right. My point is that that is an existing contract. A contract was signed; a contract was made.

Mr. GOLDWATER. Then let them be happy with it.

Mr. BENTSEN. Mr. President, all I want to see is that they abide by the contract now, whether it is Fort Worth, Dallas, or any other city.

Mr. GOLDWATER. I do not see any use to go back to Smoke City. Grandfathering is not going to do it.

Mr. BENTSEN. Mr. President, if there is no further debate on either side, I am prepared to yield back—let me understand something first.

Insofar as tomorrow, when the vote is cast, do I understand correctly that we have 5 minutes prior to voting to discuss the amendments?

Mr. PACKWOOD. Mr. President, I do not think there is any unanimous consent for tomorrow as to what time we vote or any 5 minutes before. We have 13 hours on the bill. It is hoped we will finish tomorrow but any votes that will be ordered will be held until tomorrow.

The PRESIDING OFFICER. The agreement is for 15 minutes after we resume consideration of the bill. There is no time agreement between votes.

We start voting 15 minutes after we resume consideration of the bill, with no time between the votes.

Mr. PACKWOOD. We shall start voting on what, Mr. President?

The PRESIDING OFFICER. On all the amendments on which yeas and nays have been ordered.

Mr. PACKWOOD. Even if the time has not been used up on the amendments?

The PRESIDING OFFICER. That is true, but up to this point, the time has all been used or yielded back on each amendment.

Mr. PACKWOOD. I understand that, Mr. President, but that is on the two Abdnor amendments, on which we almost ran out of time. I had not seen the Bentsen amendment until a few moments ago. Is the Chair indicating now that we will vote on the two Abdnor amendments, then the Bentsen amendment, start the vote on the two Abdnor amendments 15 minutes after we take up the bill?

The PRESIDING OFFICER. That is correct.

Mr. BENTSEN. Is there anything that will preclude my having 5 minutes on my amendment before the vote on the bill?

The PRESIDING OFFICER. It will take unanimous consent.

Mr. BENTSEN. I ask unanimous consent that I may have 5 minutes prior to the vote on my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. PACKWOOD. I reserve the right to object, Mr. President.

I suggest the absence of a quorum and ask unanimous consent that it not be charged to either side.

Mr. BENTSEN. Mr. President, do we have an understanding?

Mr. PACKWOOD. No, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I think Senator BENTSEN and I are ready to propound an agreement. I think I shall state it for the record and the Senator will correct me if I make a mistake.

I ask unanimous consent that, when we finish the vote on the second Abdnor amendment tomorrow, there be a period of 10 minutes for debate, divided 5 minutes equally, on the Bentsen amendment and, at the end of the 10 minutes, we vote on the Bentsen amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. I thank the managers of the bill. I appreciate the cooperation on both sides.

Mr. PACKWOOD. I thank the Senator.

Mr. President, as I understand the present order, we shall be coming in at 9:30 a.m. tomorrow. At 10 o'clock, we start on the cable bill. Is that correct?

The PRESIDING OFFICER. No later than 10 o'clock.

Mr. PACKWOOD. And at 10:15, we start to vote on the first Abdnor amendment.

The PRESIDING OFFICER. That is correct.

Mr. BENTSEN. Mr. President, I yield back the remainder of my time on my amendment other than what the unanimous-consent agreement was if the other side is prepared to yield back its time.

Mr. PACKWOOD. I am not quite prepared. I may say a few things this afternoon.

Mr. BENTSEN. Then I shall reserve the remainder of my time.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. As I have only had a chance—in fact, I have not even had a chance to read the Bentsen amendment this afternoon. I thought it was slightly different. I would ask that the unanimous-consent order be amended to include a vote on the subject of the Bentsen amendment. I may want to move to table.

Mr. BENTSEN. What is that?

Mr. PACKWOOD. I may want to move to table the Senator's amendment. I am not sure. I have not read it yet. I have not seen it.

Mr. BENTSEN. I thought we had an agreement.

Mr. PACKWOOD. We had an agreement to vote on it.

Mr. BENTSEN. It was assumed that was up or down. There was no mention of tabling it in the unanimous-consent agreement. I thought we had an agreement.

Mr. PACKWOOD. Well, I would ask——

Mr. BENTSEN. I think my friend has had a second thought.

Mr. PACKWOOD. No, not a second thought. I was assuming that by agreement we would have a vote or a chance to table the amendment because I have not had a chance to read it.

Mr. BENTSEN. That was not my understanding at all. It is my understanding that we were going to vote up or down on the Bentsen amendment.

Mr. PACKWOOD. I yield to the Senator.

Mr. BENTSEN. What?

Mr. PACKWOOD. I yield to the Senator. We will vote on the amendment.

Mr. BENTSEN. I thank the Senator.

The PRESIDING OFFICER. If neither side yields time, the time runs equally.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. I yield to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. WILSON. I thank the Chair.

AMENDMENT NO. 1381

(Purpose: To limit to a maximum of 36 months prior to the expiration of a franchise agreement the time at which a cable television operator may seek a renewal of a franchise agreement)

Mr. WILSON. Mr. President, I have an amendment at the desk. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Until the time has been used or yielded back on the Bentsen amendment, it will not be set aside and, therefore, another amendment is not in order at this point.

Mr. WILSON. I was under the impression an agreement was reached, Mr. President.

Mr. PACKWOOD. Mr. President, the Senator from California wants to offer an amendment. As I indicated, I may wish to speak later tonight on the amendment of the Senator from Texas. The Senator from California has an amendment to offer that is acceptable but is not in order so long as the amendment of the Senator from Texas is pending. I should like to propose an amended request simply to lay it aside and take his amendment.

Mr. BENTSEN. Absolutely.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that we temporarily lay aside the amendment of the Senator from Texas in order to consider the amendment of the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California is recognized.

Mr. WILSON. I thank the Chair. I thank the distinguished managers and the Senator from Texas for their courtesy.

I have an amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from California (Mr. WILSON) proposes an amendment numbered 1381:

Page 37, line 18, immediately after "24 months", insert ", but not more that 36 months,".

Mr. WILSON. Mr. President, that brief reading by the clerk is a complete reading, so I need not ask that we dispense with further reading. It indicates the simplicity of this amendment. It is quite straightforward.

Section 609(d) of the bill as written provides that a cable operator must file for renewal of a franchise agreement at least 24 months before expiration of that franchise. However, the section does not set an outside time limit, that is to say, it does not say how early the franchise may be applied for, that is, the renewal. In other words, it does not state how long before expiration of the franchise an operator may ask for renewal. This amendment would set such a limit at 36 months prior to the expiration of the present franchise.

There has been concern expressed to the Senator from California primarily from the League of California Cities that as presently drafted the bill would allow for a request for renewal long before the date of expiration. It is felt that this is a defect requiring a cure because it could conceivably allow a city to suffer a great period of time in which no remedy would be available because renewal had already been granted and too little opportunity to adequately assess performance under the existing franchise agreement.

Mr. President, it is the understanding of the Senator from California that there is no objection to this amendment by the managers of the bill. It is hoped that it can be quickly dispensed with.

Mr. PACKWOOD. The Senator from California is correct. It is a good amendment. I appreciate his calling to our attention the fact that we had put in one date and not the other.

The Senator is right, the cable franchise could ask 7 or 8 years ahead of time to reopen.

Mr. FORD. Mr. President, it is also satisfactory with this side. I thank the distinguished Senator for bringing it to our attention. I am ready to voice vote it now.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PACKWOOD. I yield back all time on this side.

Mr. WILSON. I thank the distinguished managers.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 1381) was agreed to.

AMENDMENT NO. 1380

Mr. PACKWOOD. Mr. President, are we now back on the Bentsen amendment?

The PRESIDING OFFICER. The question recurs on the Bentsen amendment.

Mr. PACKWOOD. I suggest the absence of a quorum dividing the time equally between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR RANDOLPH TOMORROW

Mr. PACKWOOD. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order the Senator from West Virginia (Mr. RANDOLPH) be recognized for not to exceed 15 minutes for a special order.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT ON S. 66

Mr. PACKWOOD. Mr. President, I ask unanimous consent that when the Senate resumes consideration of S. 66, the cable television bill at 10 a.m. on Tuesday, that the only amendments to be in order tomorrow be amendments to be offered by the Senator from Illinois (Mr. DIXON), amendments Nos. 1324, 1325, and 1353 or modifications thereof necessary due to the committee modification, an amendment to be offered by the Senator from Pennsylvania (Mr. SPECTER), dealing with the lifting of the franchise fee cap, an amendment to be offered by the Senator from Oregon (Mr. PACKWOOD), dealing with telecommunications, and an amendment to be offered by the Senator from California (Mr. WILSON) dealing with existing franchise agreements in the States of California and Massachusetts.

Mr. FORD. Mr. President, reserving the right to object, and I shall not object, the Senator from Texas (Mr. BENTSEN) has a unanimous-consent order that is already in place, and there is no question about the 10 minutes prior to the vote on his amendment after the two Abdnor amendments have been considered.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. PACKWOOD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in recess in accordance with the previous order.

The motion was agreed to; and, at 5:36 p.m., the Senate recessed until Tuesday, June 14, 1983, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 13, 1983:

DEPARTMENT OF JUSTICE

Stephen S. Trott, of California, to be an assistant attorney general, vice D. Lowell Jensen.

DEPARTMENT OF THE INTERIOR

William Perry Pendley, of Wyoming, to be an Assistant Secretary of the Interior, vice Daniel N. Miller, Jr., resigned.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Edgar A. Chavarrie, xxx-xx-xx... xxx-...FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601 to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Winston D. Powers, xxx-xx-xxxx xxx-...FR, U.S. Air Force.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Edward C. Waller III, xxx-xx-x... xxx-.../1310, U.S. Navy.

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall any of the following officers be appointed in a grade higher than that indicated.

MEDICAL CORPS

To be colonel

Hatsell, Charles P., xxx-xx-xxxx
Rivera, Pedro N., xxx-xx-xxxx
Smith, Michael T., xxx-xx-xxxx
Waterman, John R., xxx-xx-xxxx

To be lieutenant colonel

Bogner, David F., xxx-xx-xxxx
Luciani, Ralph J., xxx-xx-xxxx
Magruder, Michael R., xxx-xx-xxxx
Porterfield, David E., xxx-xx-xxxx
Victor, David W., Jr., xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Williams, David E., xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

DENTAL CORPS

To be colonel

Alexander, Glen W., xxx-xx-xxxx
Bergman, Dennis W., xxx-xx-xxxx
Blaser, Paul K., xxx-xx-xxxx
Brennan, Mark E., xxx-xx-xxxx
Cohen, Robert B., xxx-xx-xxxx
Couvillion, Charles R., xxx-xx-xxxx
Dufrane, Michael H., xxx-xx-xxxx
Goupil, Michael T., xxx-xx-xxxx
Hallmon, William W., xxx-xx-xxxx
Hebda, Thomas W., xxx-xx-xxxx
Jackson, Anson B., xxx-xx-xxxx
Killian, William F., xxx-xx-xxxx
Landers, Sam R., xxx-xx-xxxx
Lubow, Richard M., xxx-xx-xxxx
Maki, Karl A., xxx-xx-xxxx
Nielsen, Adrian M., xxx-xx-xxxx
Noren, Gaylord D., xxx-xx-xxxx
Nosworthy, Donald G., xxx-xx-xxxx
Paetz, Bill L., xxx-xx-xxxx
Rossmiesl, Roman W., xxx-xx-xxxx
Schad, George W., xxx-xx-xxxx
Shannon, John W., xxx-xx-xxxx
Stevens, Fredric D., xxx-xx-xxxx
Stoffers, Kenneth W., xxx-xx-xxxx
Voss, James E., xxx-xx-xxxx
Westbrook, Steven D., xxx-xx-xxxx
Wilcox, James W., xxx-xx-xxxx

MEDICAL CORPS

Antonio, Melvin Q., xxx-xx-xxxx
Arnold, Colin B., xxx-xx-xxxx
Belihar, Robert P., xxx-xx-xxxx
Bostrom, Stuart G., xxx-xx-xxxx
Brady, Charles E., III, xxx-xx-xxxx
Carbonneau, John R., xxx-xx-xxxx
Carson, James H., Jr., xxx-xx-xxxx
Chasen, Marvin H., xxx-xx-xxxx
Christian, Charles B., Jr., xxx-xx-xxxx
Cofoid, Paul B., xxx-xx-xxxx
Cogburn, Bobby E., xxx-xx-xxxx
Copek, Arthur P., xxx-xx-xxxx
Corwin, James A., xxx-xx-xxxx
Crawford, Raymond S., III, xxx-xx-xxxx
Driscoll, Timothy J., xxx-xx-xxxx
Evans, William M., xxx-xx-xxxx
Fedosky, Allan L., xxx-xx-xxxx
Fisher, John A., xxx-xx-xxxx
Fisk, David E., xxx-xx-xxxx
Fry, Harold H., xxx-xx-xxxx
Gabatin, Angelita R., xxx-xx-xxxx
Gilmore, Robert W., xxx-xx-xxxx
Gilstrap, Larry C., III, xxx-xx-xxxx
Goff, Terry H., xxx-xx-xxxx
Haggard, Robert C., xxx-xx-xxxx
Hallett, John W., Jr., xxx-xx-xxxx
Harasimowicz, Joseph A., xxx-xx-xxxx
Harmon, Lloyd C., xxx-xx-xxxx
Harville, Victor L., Jr., xxx-xx-xxxx
Hatsell, Charles P., xxx-xx-xxxx
Hoenes, Douglas R., xxx-xx-xxxx
Hoffman, Peter F., xxx-xx-xxxx
Jaurigue, Oscar L., xxx-xx-xxxx
Kane, Daniel D., xxx-xx-xxxx
Larkin, Francis T., xxx-xx-xxxx
Lee, Chang H., xxx-xx-xxxx
Legaspi, Lester M., xxx-xx-xxxx
Lewis, Ramon L., xxx-xx-xxxx
Lichtenstein, Joel E., xxx-xx-xxxx
Loizeaux, Paul H., xxx-xx-xxxx
Lundquist, Jon E., xxx-xx-xxxx
Mabry, Earl W., II, xxx-xx-xxxx
Marsh, Royden W., xxx-xx-xxxx
Medina, Oswaldo F., xxx-xx-xxxx
Mimay, Antonio S., xxx-xx-xxxx
Moncrief, Hugh, xxx-xx-xxxx
Muller, Stephen P., xxx-xx-xxxx
Naguwa, Stanley M., xxx-xx-xxxx
Noffsinger, Jay E., xxx-xx-xxxx
Null, Donald M., Jr., xxx-xx-xxxx
Pare, Norman G., xxx-xx-xxxx
Peppard, Raymond W., xxx-xx-xxxx
Perezfigaredo, Rafael A., xxx-xx-xxxx
Poitrast, Bruce J., xxx-xx-xxxx
Postles, William T., xxx-xx-xxxx
Quebral, Merle G., xxx-xx-xxxx
Raddin, James H., Jr., xxx-xx-xxxx
Rasmussen, Reed C., xxx-xx-xxxx
Rivera, Pedro N., xxx-xx-xxxx
Rogers, James H., Jr., xxx-xx-xxxx
Rohrer, James F., xxx-xx-xxxx
Romberg, Gary P., xxx-xx-xxxx
Ruehle, Charles J., xxx-xx-xxxx
Ruggles, Charles W., xxx-xx-xxxx
Samler, Jacob D., xxx-xx-xxxx
Schull, Jerry L., xxx-xx-xxxx
Schwartz, Gary P., xxx-xx-xxxx
Schwender, George E., xxx-xx-xxxx
Shane, Jeffrey A., xxx-xx-xxxx
Sharp, John R., xxx-xx-xxxx
Sheffer, Thomas F., xxx-xx-xxxx
Shelley, James M., Jr., xxx-xx-xxxx
Shirley, Douglas P., xxx-xx-xxxx
Sipperley, Jack O., xxx-xx-xxxx
Smith, James M., xxx-xx-xxxx
Smith, Michael T., xxx-xx-xxxx
Spielvogel, Richard L., xxx-xx-xxxx
Stith, John A., xxx-xx-xxxx
Thornton, William V. S., xxx-xx-xxxx
Tolan, Gil D., xxx-xx-xxxx
Toon, Lee, xxx-xx-xxxx
Vandersarl, Jules V., xxx-xx-xxxx

Walters, William E., xxx-xx-xxxx
Wardinsky, Terrance D., xxx-xx-xxxx
Warren, Fredric H., xxx-xx-xxxx
Waterman, John R., xxx-xx-xxxx
Wilcox, Harry E., xxx-xx-xxxx
Wolfe, William H., xxx-xx-xxxx
Woolley, Galen S., xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

DENTAL CORPS

To be lieutenant colonel

Adams, Louis W., III, xxx-xx-xxxx
Alvarez, Angel D., xxx-xx-xxxx
Ames, John R., xxx-xx-xxxx
Arochoperez, Juan E., xxx-xx-xxxx
Beardsley, Stuart H., xxx-xx-xxxx
Calhoun, Richard L., xxx-xx-xxxx
Canning, Harold B., xxx-xx-xxxx
Crichton, David D., III, xxx-xx-xxxx
Crigger, Laurence P., xxx-xx-xxxx
Dasher, David R., xxx-xx-xxxx
Denny, John M., xxx-xx-xxxx
Fairbourn, Dennis R., xxx-xx-xxxx
Fate, Donald D., xxx-xx-xxxx
Foster, James H., xxx-xx-xxxx
Frantzis, Theodosios G., xxx-xx-xxxx
Frost, David E., xxx-xx-xxxx
Fryling, Stephen E., xxx-xx-xxxx
Goode, Robert K., xxx-xx-xxxx
Haney, Stephan J., xxx-xx-xxxx
Hebert, John R., xxx-xx-xxxx
Heck, Thomas T., xxx-xx-xxxx
Hutchinson, John D., Jr., xxx-xx-xxxx
Kaat, Daniel L., xxx-xx-xxxx
Kaplan, Paul, xxx-xx-xxxx
Kretzschmar, David P., xxx-xx-xxxx
Kyle, Frank A., Jr., xxx-xx-xxxx
Lachat, Jerry D., xxx-xx-xxxx
Langenderfer, William R., xxx-xx-xxxx
Lemar, Mark E., xxx-xx-xxxx
Lieb, Lewis V., Jr., xxx-xx-xxxx
Longo, James J., Jr., xxx-xx-xxxx
McAlpine, George J., xxx-xx-xxxx
McDonald, John J., xxx-xx-xxxx
McNerney, James M., xxx-xx-xxxx
Mizukawa, John H., xxx-xx-xxxx
Moore, Stephen P., xxx-xx-xxxx
Olson, Steven J., xxx-xx-xxxx
Palermo, James J., xxx-xx-xxxx
Roth, William C., xxx-xx-xxxx
Shiplov, Jeremiah J., xxx-xx-xxxx
Spradling, Peter M., xxx-xx-xxxx
Stelton, Dennis E., xxx-xx-xxxx
Stuckey, Dennis D., xxx-xx-xxxx
Taylor, William G., xxx-xx-xxxx
Teuton, William T., Jr., xxx-xx-xxxx
Underhill, Ronald R., xxx-xx-xxxx
Wayman, Blake E., xxx-xx-xxxx
Williams, David E., xxx-xx-xxxx
Withers, James A., xxx-xx-xxxx
Zaner, David J., xxx-xx-xxxx

MEDICAL CORPS

Ake, Burton K., xxx-xx-xxxx
Alcaraz, Renato V., xxx-xx-xxxx
Angles, Alberto, xxx-xx-xxxx
Augustine, Jose, xxx-xx-xxxx
Ayres, Allen W., xxx-xx-xxxx
Bass, William S., xxx-xx-xxxx
Bayona, Domingo M., Jr., xxx-xx-xxxx
Berg, Michael W., xxx-xx-xxxx
Bogner, David F., xxx-xx-xxxx
Bongiorno, Frank P., xxx-xx-xxxx
Boonyapredee, Wichest, xxx-xx-xxxx
Bragado, Ines A., xxx-xx-xxxx
Burton, Joe E., xxx-xx-xxxx
Burton, Thomas P., xxx-xx-xxxx
Butler, William K., xxx-xx-xxxx
Campomanes, Benjamin A., xxx-xx-xxxx
Cantu, Rudolf G., xxx-xx-xxxx
Carpenter, Frank E., xxx-xx-xxxx
Clark, Tee S., xxx-xx-xxxx
Cordon, Ricardo M., xxx-xx-xxxx
Correa, Norma J. C., xxx-xx-xxxx
Craun, Michael L., xxx-xx-xxxx
Davis, Brian M., xxx-xx-xxxx
Deeney, Vincent F. X., xxx-xx-xxxx
Dorwart, Robert H., xxx-xx-xxxx
Douville, Douglas R., xxx-xx-xxxx
Dykstra, Kenneth D., xxx-xx-xxxx
Ebron, Rosita P., xxx-xx-xxxx
Eisenberg, Burton L., xxx-xx-xxxx
Fournier, Donald C., xxx-xx-xxxx
Gillette, Lyra S., xxx-xx-xxxx
Goodwin, Malcolm N., Jr., xxx-xx-xxxx
Haycraft, Gordon L., xxx-xx-xxxx
Huber, Stephen C., xxx-xx-xxxx
Irani, Farrokh A., xxx-xx-xxxx
Jacinto, Jolly R., xxx-xx-xxxx
Johnston, Roswell M., xxx-xx-xxxx
Jones, Venus R., xxx-xx-xxxx
Kalosis, John J., Jr., xxx-xx-xxxx
Kroner, David R., xxx-xx-xxxx
Kucinski, Stefan A., xxx-xx-xxxx
Kuner, Karl D., xxx-xx-xxxx
Lau, Liong C., xxx-xx-xxxx
Leopold, John C., xxx-xx-xxxx
Limco, Rizalina Y., xxx-xx-xxxx
Lindsey, Stephen M., xxx-xx-xxxx
Luciani, Ralph J., xxx-xx-xxxx
Magruder, Michael R., xxx-xx-xxxx
Martel, Larry, xxx-xx-xxxx
Mayer, John E., Jr., xxx-xx-xxxx
McCurdy, Fredrick A., xxx-xx-xxxx
McGannon, Patricia M., xxx-xx-xxxx
McGinnis, Lloyd P., xxx-xx-xxxx
McKee, William Y., xxx-xx-xxxx
McKenna, Peter J., xxx-xx-xxxx
Miller, James E., xxx-xx-xxxx
Navarro, Alfonso V., xxx-xx-xxxx
Nepomuceno, Concepcion A., xxx-xx-xxxx
Ngdillon, Wingsheung, xxx-xx-xxxx
Oandasan, Filadelfo V., xxx-xx-xxxx
Ortaliz, Ramon L., xxx-xx-xxxx
Paek, Donald R., xxx-xx-xxxx
Paglen, Patrick G., xxx-xx-xxxx
Pascua, Erlina V. F., xxx-xx-xxxx
Pascua, Percival G., xxx-xx-xxxx
Patel, Sushila M., xxx-xx-xxxx
Plemons, Ronald W., xxx-xx-xxxx
Pontius, Uwe R., xxx-xx-xxxx
Porterfield, David E., xxx-xx-xxxx
Quizon, Mendrado L. xxx-xx-xxxx
Raisani, Kamal K., xxx-xx-xxxx
Rao, Chamaraja A., xxx-xx-xxxx
Robertson, Howard D., xxx-xx-xxxx
Robinson, John D., xxx-xx-xxxx
Roe, John P., xxx-xx-xxxx
Roll, Walter A., Jr., xxx-xx-xxxx
Sanchez, Gualbert M., xxx-xx-xxxx
Sanders, Robert M., xxx-xx-xxxx
Santos, Marco A., xxx-xx-xxxx
Schultz, Richard L., xxx-xx-xxxx
Schutt, David C., xxx-xx-xxxx
Shahan, Michael E., Jr., xxx-xx-xxxx
Shaw, Clayton T., xxx-xx-xxxx
Silva, John S., xxx-xx-xxxx
Smith, Wilburn A., Jr., xxx-xx-xxxx
Solanki, Prabha H., xxx-xx-xxxx
Stevenson, James D., xxx-xx-xxxx
Sugunan, Unnyampath, xxx-xx-xxxx
Tuason, Moises B., Jr., xxx-xx-xxxx
Varley, Thomas, xxx-xx-xxxx
Victor, David W., Jr., xxx-xx-xxxx
Villamizar, Alfonso, xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

DENTAL CORPS

To be lieutenant colonel

Rogerson, John N., xxx-xx-xxxx

DENTAL CORPS

To be major

Cooley, David R., xxx-xx-xxxx
Harberson, Van A., xxx-xx-xxxx
Karn, Kenneth W., xxx-xx-xxxx
Kreutner, Mark H., xxx-xx-xxxx
Langston, Gregory G., xxx-xx-xxxx
Mirrielees, Robert A., xxx-xx-xxxx
Mjos, David P., xxx-xx-xxxx
Stetzel, Patrick J., xxx-xx-xxxx

MEDICAL CORPS

Aarons, Scott P., xxx-xx-xxxx
Baer, Gregory S., xxx-xx-xxxx
Bassett, Mark R., xxx-xx-xxxx
Bell, William F., xxx-xx-xxxx
Boyd, Gwendolyn M., xxx-xx-xxxx
Bryant, Nancy D., xxx-xx-xxxx
Carter, Ezzard, C., xxx-xx-xxxx
Chetta, Sidney G., xxx-xx-xxxx
Copeland, Ronald L., xxx-xx-xxxx
Cord, Stephen A., xxx-xx-xxxx
Deshmukh, Avinash T., xxx-xx-xxxx
Dryer, Randall F., xxx-xx-xxxx
Gold, Mitchell J., xxx-xx-xxxx
Gomez, Rodrigo, xxx-xx-xxxx
Goodwin, Deborah V., xxx-xx-xxxx
Gratkins, Lawrence V., xxx-xx-xxxx
Haberstroh, William D., xxx-xx-xxxx
Hansen, James E., xxx-xx-xxxx
Henshaw, Raymond E., II, xxx-xx-xxxx
Higgins, James R., xxx-xx-xxxx
Johnson, Glenn R., xxx-xx-xxxx
Kennedy, John D., Jr., xxx-xx-xxxx
Kubik, Carolyn J., xxx-xx-xxxx
Marks, Donald H., xxx-xx-xxxx
McCombs, Paul R., III, xxx-xx-xxxx
Minor, Frank W., xxx-xx-xxxx
Mitchell, Foy B., Jr., xxx-xx-xxxx
Oommen, Samuel C., xxx-xx-xxxx
Robinson, Jean H., xxx-xx-xxxx
Rosenkrans, Ramon H., xxx-xx-xxxx
Stambler, Jay B., xxx-xx-xxxx
Symmonds, Jeffrey B., xxx-xx-xxxx
Taylor, Kenneth K., xxx-xx-xxxx
Vanduyne, Charles P., xxx-xx-xxxx
Villacian, Eugene, xxx-xx-xxxx
Yakuboff, Kevin P., xxx-xx-xxxx

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Robert F. Ackerman, xxx-xx-xxxx
Maj. Burton O. Blomgren, xxx-xx-xxxx
Maj. Kirk R. Brimmer, xxx-xx-xxxx
Maj. David C. Engwall, xxx-xx-xxxx
Maj. Daniel S. Gordon, xxx-xx-xxxx
Maj. William H. Hays, Jr., xxx-xx-xxxx
Maj. Ralph M. Lange, xxx-xx-xxxx
Maj. Harry M. Lesley, xxx-xx-xxxx
Maj. Carol B. McAllister, xxx-xx-xxxx
Maj. Ervin D. Meyer, xxx-xx-xxxx
Maj. William R. Sherer, xxx-xx-xxxx
Maj. Jerry L. Stellner, xxx-xx-xxxx
Maj. Jerry W. Whitman, xxx-xx-xxxx
Maj. Jimmie L. Winders, xxx-xx-xxxx

MEDICAL CORPS

Maj. Thomas J. Humphries, xxx-xx-xxxx
Maj. Howard M. Richardson, xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended,

with dates of rank to be determined by the Secretary of the Air Force.

DENTAL CORPS

To be major

Augustyniak, Edward F., Jr., xxx-xx-xxxx
Balogh, Peter J., xxx-xx-xxxx
Barney, Vermon C., xxx-xx-xxxx
Barnhurst, Kenneth, xxx-xx-xxxx
Belles, Donald M., xxx-xx-xxxx
Bolger, Walton L., xxx-xx-xxxx
Broom, David B., xxx-xx-xxxx
Broome, James C., Jr., xxx-xx-xxxx
Brown, Michael R., xxx-xx-xxxx
Bussone, Richard P., xxx-xx-xxxx
Carlson, Mark T., xxx-xx-xxxx
Carmody, Dennis J., xxx-xx-xxxx
Christenson, Bradford W., xxx-xx-xxxx
Clark, Douglas A., xxx-xx-xxxx
Cohen, Jay S., xxx-xx-xxxx
Cooper, Monte L., xxx-xx-xxxx
Cornelius, Clifford W., xxx-xx-xxxx
Daniels, Walter C., xxx-xx-xxxx
Davis, Richard D., xxx-xx-xxxx
Decounter, Bradley L., xxx-xx-xxxx
Deperalta, Alex A., Jr., xxx-xx-xxxx
Eckles, Robert L., xxx-xx-xxxx
Edwards, Richard C., xxx-xx-xxxx
Fahndrich, Alan L., xxx-xx-xxxx
Farhood, John E., xxx-xx-xxxx
Flaggert, James J., III, xxx-xx-xxxx
Foreman, Frank J., xxx-xx-xxxx
Forman, Teddy P., xxx-xx-xxxx
Fox, Lee T., xxx-xx-xxxx
Friedman, Lee E., xxx-xx-xxxx
Fuller, Michael F., xxx-xx-xxxx
Gering, Becky L., xxx-xx-xxxx
Green, Floyd W., xxx-xx-xxxx
Greene, Paul D., Jr., xxx-xx-xxxx
Greenley, Barry P., xxx-xx-xxxx
Grellner, Theodore J., xxx-xx-xxxx
Hambleton, Jeffrey C., xxx-xx-xxxx
Harnist, Jeffrey W., xxx-xx-xxxx
Hastings, Paul F., xxx-xx-xxxx
Heist, Robert L., xxx-xx-xxxx
Hills, Robert E., xxx-xx-xxxx
Hilton, Thomas J., xxx-xx-xxxx
Hiraki, Richard M., xxx-xx-xxxx
Hornburg, John S., xxx-xx-xxxx
Hoskins, John M., xxx-xx-xxxx
Ippolito, Stephen P., xxx-xx-xxxx
Jacobus, Brian B., xxx-xx-xxxx
Kelleher, Thomas P., xxx-xx-xxxx
Kennedy, Bruce A., xxx-xx-xxxx
Kennedy, Wade A., xxx-xx-xxxx
Kirk, Walter C., Jr., xxx-xx-xxxx
Kissel, Patricia A., xxx-xx-xxxx
Knight, John C., xxx-xx-xxxx
Koenke, Kenneth E., xxx-xx-xxxx
Lathan, Scott A., xxx-xx-xxxx
Levin, Kenneth A., xxx-xx-xxxx
Levon, John A., xxx-xx-xxxx
Martin, Michael W., xxx-xx-xxxx
Mathers, David G., xxx-xx-xxxx
McCall, Carol A., xxx-xx-xxxx
McMichael, David W., xxx-xx-xxxx
Mitchell, Thomas W., xxx-xx-xxxx
Moore, William S., xxx-xx-xxxx
Morelli, Ernest F., xxx-xx-xxxx
Morrison, Stephen R., xxx-xx-xxxx
Naylor, William P., xxx-xx-xxxx
Neilson, Tad O., xxx-xx-xxxx
Neubauer, Michael F., xxx-xx-xxxx
Neuser, Stephen M., xxx-xx-xxxx
Nevins, Steven J., xxx-xx-xxxx
Newton, Alan D., xxx-xx-xxxx
Nuckols, Glenda E. S., xxx-xx-xxxx
Olson, Robert A., xxx-xx-xxxx
Overton, Johnie D., xxx-xx-xxxx
Parlee, Mary T., xxx-xx-xxxx
Parsons, Michael R., xxx-xx-xxxx
Pemble, Charles W., III, xxx-xx-xxxx
Perry, Thornton T., IV, xxx-xx-xxxx
Petitti, Leonard J., xxx-xx-xxxx
Plamondon, Thomas J., xxx-xx-xxxx
Pleis, Ronald L., xxx-xx-xxxx
Pohl, Mitchell A., xxx-xx-xxxx
Poindexter, Forrest R., xxx-xx-xxxx
Propst, Larry A., xxx-xx-xxxx
Rabbio, Maria A., xxx-xx-xxxx
Raines, William H., xxx-xx-xxxx
Raper, Rex T., xxx-xx-xxxx
Raugust, James T., xxx-xx-xxxx
Rethman, Kevin V., xxx-xx-xxxx
Richter, John J., III, xxx-xx-xxxx
Robinson, Craig A., xxx-xx-xxxx
Rodriguez, Nelson., xxx-xx-xxxx
Rouse, Paul J., xxx-xx-xxxx
Salbego, Stephen B., xxx-xx-xxxx
Samborski, Charles S., xxx-xx-xxxx
Schmidt, Stephen A., xxx-xx-xxxx
Schuermer, Eric S., xxx-xx-xxxx
Shaefer, Jeffry R., xxx-xx-xxxx
Shannon, Michael D., xxx-xx-xxxx
Shannon, Rayanne F., xxx-xx-xxxx
Sheets, James Lt. A., xxx-xx-xxxx
Shoff, Carl C., xxx-xx-xxxx
Shreve, Carolyn L., xxx-xx-xxxx
Shulman, Elliot R., xxx-xx-xxxx
Simmons, Ellen M., xxx-xx-xxxx
Simmons, Ronny M., xxx-xx-xxxx
Smith, Michael W., xxx-xx-xxxx
Songrozich, Sheila W. W., xxx-xx-xxxx
Stanya, Andrew E., xxx-xx-xxxx
Stewart, Daniel M., xxx-xx-xxxx
Strickland, Judy P., xxx-xx-xxxx
Sullivan, Thomas K., xxx-xx-xxxx
Sundquist, Robert E., xxx-xx-xxxx
Thomas, Faith A., xxx-xx-xxxx
Weston, Sue E., xxx-xx-xxxx
Wiggins, Scott W., xxx-xx-xxxx
Young, John D., III, xxx-xx-xxxx

MEDICAL CORPS

Abernathy, Susan P., xxx-xx-xxxx
Abraham, Anes W., xxx-xx-xxxx
Ackerman, Neel B., Jr., xxx-xx-xxxx
Addison Therese J., xxx-xx-xxxx
Alexander, John E., xxx-xx-xxxx
Allen, Charles E., xxx-xx-xxxx
Appleman, Mark E., xxx-xx-xxxx
Arastu, Raiqua S., xxx-xx-xxxx
Argyle, Heather A., xxx-xx-xxxx
Bagnall, James W., xxx-xx-xxxx
Baker, Delwyn R., xxx-xx-xxxx
Baldwin, Gary T., xxx-xx-xxxx
Bardi, Christopher, xxx-xx-xxxx
Barker, Phillip D., xxx-xx-xxxx
Barth, Richard J., xxx-xx-xxxx
Barton, Joel H., xxx-xx-xxxx
Bearden, Dwight L., xxx-xx-xxxx
Bell, Gary V., xxx-xx-xxxx
Berg, Jack L., xxx-xx-xxxx
Biggers, Jerel R., xxx-xx-xxxx
Black, James R., xxx-xx-xxxx
Black, Jerrold G., xxx-xx-xxxx
Boersma, Richard W., xxx-xx-xxxx
Boettger, Mark L., xxx-xx-xxxx
Bohler, Henry C. L., Jr., xxx-xx-xxxx
Boiko, Susan, xxx-xx-xxxx
Bolen, George, xxx-xx-xxxx
Borel, Terry C., xxx-xx-xxxx
Bowman, John M., xxx-xx-xxxx
Bowman, Richard L., xxx-xx-xxxx
Bramble, John M., xxx-xx-xxxx
Breed, Dennis N., xxx-xx-xxxx
Bricknertruschel, Timothy L., xxx-xx-xxxx
Brinkley, Ben P., xxx-xx-xxxx
Bronfman, Jana R., xxx-xx-xxxx
Broomfield, Paul H., xxx-xx-xxxx
Brophy, Michael C., xxx-xx-xxxx
Brown, David L., xxx-xx-xxxx
Brown, James O., II, xxx-xx-xxxx
Brown, Steven B., xxx-xx-xxxx
Bryan, Charles L., xxx-xx-xxxx
Buchholz, Curtis L., xxx-xx-xxxx
Butera, Philip J., xxx-xx-xxxx
Camp, John F., xxx-xx-xxxx
Cantoni, James D., xxx-xx-xxxx
Capps, Raymond L., xxx-xx-xxxx
Cardenas, Charles D., xxx-xx-xxxx
Carleton, Scott H., xxx-xx-xxxx
Carlson, Byron H., xxx-xx-xxxx
Carnahan, Willard R., xxx-xx-xxxx
Catanese, Vincent J., xxx-xx-xxxx
Chamberlain, Craig E., xxx-xx-xxxx
Chang, Sammy L., xxx-xx-xxxx
Charochak, Patricia A., xxx-xx-xxxx
Chengson, Richard A., xxx-xx-xxxx
Chesney, Murphy A., III, xxx-xx-xxxx
Childrey, Gregory W., xxx-xx-xxxx
Christensen, Alan W., xxx-xx-xxxx
Christensen, William J., xxx-xx-xxxx
Christopher, Robert B., xxx-xx-xxxx
Clark, Robert A., xxx-xx-xxxx
Clement, Donald J., xxx-xx-xxxx
Cobb, Pamela K., xxx-xx-xxxx
Coffey, Ronald R., xxx-xx-xxxx
Cofield, Brooks G., xxx-xx-xxxx
Cohen, Barry A., xxx-xx-xxxx
Cole, Michael K., xxx-xx-xxxx
Coleman, Daniel E., xxx-xx-xxxx
Colvin, David P., xxx-xx-xxxx
Connell, Patrick, Jr., xxx-xx-xxxx
Cookson, James L., xxx-xx-xxxx
Cornish, John D., xxx-xx-xxxx
Cosby, Steven L., xxx-xx-xxxx
Costanzo, George P., xxx-xx-xxxx
Covasmaldonado, Ivan, xxx-xx-xxxx
Craft, Charles W., xxx-xx-xxxx
Crank, Robert N., xxx-xx-xxxx
Dailey, Richard R., xxx-xx-xxxx
Daniels, Michael O., xxx-xx-xxxx
David, Daniel J., xxx-xx-xxxx
Davis, Jack L., xxx-xx-xxxx
Deaton, John S., xxx-xx-xxxx
Deaton, Kenneth D., Jr., xxx-xx-xxxx
Dedwylder, Wilkins W., Jr., xxx-xx-xxxx
Dennis, David T., xxx-xx-xxxx
Dickson, James B., xxx-xx-xxxx
Dipalma, Jack A., xxx-xx-xxxx
Doran, John G., Jr., xxx-xx-xxxx
Drehner, Dennis M., xxx-xx-xxxx
Drury, William J., xxx-xx-xxxx
Dubeck, Frank J., Jr., xxx-xx-xxxx
Durand, Roger E., xxx-xx-xxxx
Durning, James P., xxx-xx-xxxx
Eastmead, Donald J., xxx-xx-xxxx
Ehrlich, Glenn W., xxx-xx-xxxx
Eilers, Mark A., xxx-xx-xxxx
Elizondo, Phillip A., xxx-xx-xxxx
Elliott, Wendell H., Jr., xxx-xx-xxxx
Ellis, Elaine M., xxx-xx-xxxx
Essig, Michael J., xxx-xx-xxxx
Exstrum, Terry D., xxx-xx-xxxx
Falkenheimer, Sharon A., xxx-xx-xxxx
Fearey, Alan J., xxx-xx-xxxx
Fenlon, Patrick B., xxx-xx-xxxx
Fling, John A., xxx-xx-xxxx
Forrest, Thomas S., xxx-xx-xxxx
Fowler, Leon A., xxx-xx-xxxx
Franz, Joseph C., xxx-xx-xxxx
Frese, Daniel R., xxx-xx-xxxx
Gallery, George P., xxx-xx-xxxx
Gasser, Robert A., Jr., xxx-xx-xxxx
Georgelas, Timothy, xxx-xx-xxxx
Gibbs, Robert H., xxx-xx-xxxx
Gibson, Desmond D., xxx-xx-xxxx
Gilliam, Paul E., Jr., xxx-xx-xxxx
Glifort, Kenneth F., xxx-xx-xxxx
Goforth, Thomas F., xxx-xx-xxxx
Goodman, Thomas M., xxx-xx-xxxx
Goodwin, Thomas E., xxx-xx-xxxx
Grayson, Robert S., xxx-xx-xxxx
Green, Charles B., xxx-xx-xxxx
Griffin, Gregory C., xxx-xx-xxxx
Griffith, Joan R., xxx-xx-xxxx
Grundy, Paul H., xxx-xx-xxxx
Haines, Garland T., xxx-xx-xxxx
Hallett, Jeffrey S., xxx-xx-xxxx
Hammond, Marvin A., xxx-xx-xxxx
Hancock, Kenneth C., xxx-xx-xxxx
Hanna, Edward S., xxx-xx-xxxx
Hardee, Gary R., xxx-xx-xxxx

Hardin, Richard D., xxx-xx-xxxx
Harimoto, Dean Y., xxx-xx-xxxx
Hayes, Edward E., xxx-xx-xxxx
Heap, Alan F., xxx-xx-xxxx
Helton, Timothy D., xxx-xx-xxxx
Hennessey, James V., xxx-xx-xxxx
Hernandez, Valentin, xxx-xx-xxxx
Herpst, Sally L., xxx-xx-xxxx
Hesterberg, Raymond C., Jr., xxx-xx-xxxx
Hicken, Stephen L., xxx-xx-xxxx
Hilbert, William L., xxx-xx-xxxx
Hillman, Steven K., xxx-xx-xxxx
Hinkin, Douglas P., xxx-xx-xxxx
Hoffman, Eric P., xxx-xx-xxxx
Hogle, Gregory A., xxx-xx-xxxx
Holmes, Russell C., xxx-xx-xxxx
Horn, Steven R., xxx-xx-xxxx
Hudson, Donald E., Jr., xxx-xx-xxxx
Hughes, Keith S., xxx-xx-xxxx
Hughes, Mark D., xxx-xx-xxxx
Hull, Donald F., III, xxx-xx-xxxx
Humphrey, Stephen S., xxx-xx-xxxx
Hunt, William M., III, xxx-xx-xxxx
Hunter, Clarence J., Jr., xxx-xx-xxxx
Hussey, Jimmy P., xxx-xx-xxxx
Hyatt, John R., Jr., xxx-xx-xxxx
Ireland, Mark L., xxx-xx-xxxx
Isley, William L., xxx-xx-xxxx
James, John T., xxx-xx-xxxx
Javaid, Mohammed H., xxx-xx-xxxx
Jeansonne, Cornel J., xxx-xx-xxxx
Johns, Walter S., IV, xxx-xx-xxxx
Johnson, Larry R., xxx-xx-xxxx
Johnson, Mark D., xxx-xx-xxxx
Johnt, James W., xxx-xx-xxxx
Jones, Frederick W., xxx-xx-xxxx
Jones, Joseph G., xxx-xx-xxxx
Jordan, Matthias J., xxx-xx-xxxx
Keats, John P., xxx-xx-xxxx
Keenan, William F., Jr., xxx-xx-xxxx
Keller, Michael G., xxx-xx-xxxx
Kelly, William M., xxx-xx-xxxx
Kelso, William R., II, xxx-xx-xxxx
Kennett, Ronald W., xxx-xx-xxxx
King, Thomas H., xxx-xx-xxxx
Kopynec, Bohdan W., xxx-xx-xxxx
Kosty, John W., xxx-xx-xxxx
Kramer, Kenneth, xxx-xx-xxxx
Kremer, John A., II, xxx-xx-xxxx
Krizan, Kelly J., xxx-xx-xxxx
Lagnese, Margaret A., xxx-xx-xxxx
Lambe, Clarke D. K., xxx-xx-xxxx
Lange, Donald H., xxx-xx-xxxx
Larson, Shelley D., xxx-xx-xxxx
Lawrence, Philip H., xxx-xx-xxxx
Leckie, Kenneth D., xxx-xx-xxxx
Leisy, Marlyn A., xxx-xx-xxxx
Lewis, David S., xxx-xx-xxxx
Lewis, Michael R., xxx-xx-xxxx
Lichtenstein, Vivian C., xxx-xx-xxxx
Loesch, David M., xxx-xx-xxxx
Lopez, Abraham R., xxx-xx-xxxx
Lopez, Edward M., xxx-xx-xxxx
Louisville, Tommy L., xxx-xx-xxxx
Lucca Michael J., xxx-xx-xxxx
Lux, Gregory K., xxx-xx-xxxx
Lynch, Barlow S., xxx-xx-xxxx
Lysak, Steven Z., xxx-xx-xxxx
Malpass, Michael A., xxx-xx-xxxx
Masferrer, Roberto, xxx-xx-xxxx
McCall, Marybeth K., xxx-xx-xxxx
McCarthy, David A., xxx-xx-xxxx
McCauley, Kathleen M., xxx-xx-xxxx
McConville, Joseph F., xxx-xx-xxxx
McCriskin, James W., xxx-xx-xxxx
McDonald, Robert E., xxx-xx-xxxx
McDougall, William A., xxx-xx-xxxx
McGraw, John J., xxx-xx-xxxx
McKinney, Michael K., xxx-xx-xxxx
McLean, John R., xxx-xx-xxxx
McClellan, Garey L., xxx-xx-xxxx
McManamy, John L., xxx-xx-xxxx
Mena, Michael C., xxx-xx-xxxx
Merkl, Matthew B., xxx-xx-xxxx
Michel, Dennis W., xxx-xx-xxxx
Mignogna, Joseph J., xxx-xx-xxxx
Millier, Thomas J., xxx-xx-xxxx
Millwood, Roger H., xxx-xx-xxxx
Milner, Garland K., xxx-xx-xxxx
Mitchell, Clyde P., xxx-xx-xxxx
Montalvo, Albert E., xxx-xx-xxxx
Moore, Robert C., xxx-xx-xxxx
Moralescaban, Alex A., xxx-xx-xxxx
Mueller, Donald P., xxx-xx-xxxx
Murname, John E., III, xxx-xx-xxxx
Narvaez, Roberto M., xxx-xx-xxxx
Nash, James P., xxx-xx-xxxx
Nellsch, Verner O., xxx-xx-xxxx
Nelson, Marvin D., xxx-xx-xxxx
Nelson, Owen A., xxx-xx-xxxx
Newcom, Gary R., xxx-xx-xxxx
Norman, Lee A., xxx-xx-xxxx
Northrup, Thomas E., xxx-xx-xxxx
Obermeier, Stephen J., xxx-xx-xxxx
Oneal, Henry J., xxx-xx-xxxx
Pabonnadal, Calvi E., xxx-xx-xxxx
Paden, Stephen J., xxx-xx-xxxx
Pandiscio, John N., xxx-xx-xxxx
Parham, John V., Jr., xxx-xx-xxxx
Parker, Mark W., xxx-xx-xxxx
Patterson, Relford E., xxx-xx-xxxx
Paynter, Donald E., xxx-xx-xxxx
Pearson, Jack A., xxx-xx-xxxx
Pelteson, Howard M., xxx-xx-xxxx
Perez, Steven J., xxx-xx-xxxx
Pham, Lu G., xxx-xx-xxxx
Pickard, Jeb S., xxx-xx-xxxx
Pietz, Jeffrey T., xxx-xx-xxxx
Pollan, William A., xxx-xx-xxxx
Porter, Donald K., xxx-xx-xxxx
Potter, Willie P., xxx-xx-xxxx
Press, Paul H., xxx-xx-xxxx
Price, Leslie A., xxx-xx-xxxx
Pulliam, David V., xxx-xx-xxxx
Ramey, Elvin R., xxx-xx-xxxx
Ramirez, Alfonso, xxx-xx-xxxx
Ramler, John M., xxx-xx-xxxx
Rea, Rodney J., xxx-xx-xxxx
Reeves, James D., xxx-xx-xxxx
Renfro, Robert H., xxx-xx-xxxx
Richardson, Londe A., xxx-xx-xxxx
Richardson, Romie N., xxx-xx-xxxx
Riddle, Samuel M., xxx-xx-xxxx
Robinette, Michael D., xxx-xx-xxxx
Rolerson, Mark H., xxx-xx-xxxx
Rollins, John M., xxx-xx-xxxx
Rossel, Linda S., xxx-xx-xxxx
Row, James M., xxx-xx-xxxx
Rowley, Steve E., xxx-xx-xxxx
Ruiz, Victor R., xxx-xx-xxxx
Russo, Martin T., Jr., xxx-xx-xxxx
Ruxer, Robert L., Jr., xxx-xx-xxxx
Ryan, Robert E., III, xxx-xx-xxxx
Saboe, Gerald W., xxx-xx-xxxx
Salvador, Anastacio T., xxx-xx-xxxx
Salzman, Eric E., xxx-xx-xxxx
Santiago, Rafael M., xxx-xx-xxxx
Sarno, Ronald A., xxx-xx-xxxx
Saucer, Glenn J., xxx-xx-xxxx
Sayers, Robert E., xxx-xx-xxxx
Scharf, Carl J., xxx-xx-xxxx
Scott, Thomas E., xxx-xx-xxxx
Scranton, Stephen L., xxx-xx-xxxx
Shelburne, Thomas M., xxx-xx-xxxx
Sholer, Chris M., xxx-xx-xxxx
Smead, Kenneth W., III, xxx-xx-xxxx
Smith, James M., xxx-xx-xxxx
Snyder, Barbara K., xxx-xx-xxxx
Snyder, Russell R., xxx-xx-xxxx
Spaccavento, Leo J., xxx-xx-xxxx
Spiekermann, Luke E., xxx-xx-xxxx
Stahly, Walter R., xxx-xx-xxxx
Stanhople, John E., Jr., xxx-xx-xxxx
Stewart, James B., Jr., xxx-xx-xxxx
Stewart, Robert L., xxx-xx-xxxx
Stoick, Gary M., xxx-xx-xxxx
Sudholt, Barbara A., xxx-xx-xxxx
Swedenburg, Mark G., xxx-xx-xxxx
Taxin, Edward, xxx-xx-xxxx
Taylor, George P., Jr., xxx-xx-xxxx
Taylor, Robert W., Jr., xxx-xx-xxxx
Taylor, Thomas M., xxx-xx-xxxx
Thacker, Stephen W., xxx-xx-xxxx
Thompson, James M., xxx-xx-xxxx
Tice, Andrew W., Jr., xxx-xx-xxxx
Tinsley, Charleen B., xxx-xx-xxxx
Tomacari, Richard L., xxx-xx-xxxx
Tonnemacher, Kent D., xxx-xx-xxxx
Townsendparchman, Wallace R., xxx-xx-xx...
Trame, Eldon A., xxx-xx-xxxx
Trapalis, Andrew T., xxx-xx-xxxx
Truss, Hubert Nelson, xxx-xx-xxxx
Tullis, William H., xxx-xx-xxxx
Vacarella, Jake S., xxx-xx-xxxx
Vacek, James L., xxx-xx-xxxx
Valen, Peter A., xxx-xx-xxxx
Valentin, Stone, Paul Ernest, xxx-xx-xxxx
Varesko, Rudolph W., xxx-xx-xxxx
Vaughn, Andrew I. S., xxx-xx-xxxx
Vicks, Steven L., xxx-xx-xxxx
Wade, John E., III, xxx-xx-xxxx
Walker, Enlow R., xxx-xx-xxxx
Walker, Martha K., xxx-xx-xxxx
Walker, Ronald C., xxx-xx-xxxx
Ward, Stephen C., xxx-xx-xxxx
Waters, Gregory J., xxx-xx-xxxx
Webster, Raymond L., xxx-xx-xxxx
Wehr, Jerome A., xxx-xx-xxxx
Weldon, Bruce C., xxx-xx-xxxx
Wellman, Robert G., xxx-xx-xxxx
Weston, Jonathan P., xxx-xx-xxxx
Whatley, Lewis R., III, xxx-xx-xxxx
Wheelock, Johnny B., xxx-xx-xxxx
Whiteley, Michael J., xxx-xx-xxxx
Williams, Edward, xxx-xx-xxxx
Williams, Larry T., xxx-xx-xxxx
Winger, Douglas G., xxx-xx-xxxx
Wold, Thomas F., xxx-xx-xxxx
Wolf, Earl G., Jr., xxx-xx-xxxx
Woodrow, Charles L., xxx-xx-xxxx
Woods, Donald R., Jr., xxx-xx-xxxx
Wright, John C. Y., Jr., xxx-xx-xxxx
Wytock, Dale H., xxx-xx-xxxx
Yanoff, David B., xxx-xx-xxxx
Yochim, Robert J., xxx-xx-xxxx
York, Jeffrey P., xxx-xx-xxxx
Yost, Mark F., xxx-xx-xxxx
Young, Daniel W., xxx-xx-xxxx
Young, James J., xxx-xx-xxxx
Young, Karlon K. H. K., xxx-xx-xxxx
Zasik, Joseph M., Jr., xxx-xx-xxxx
Zeller, Charles J., xxx-xx-xxxx
Zerull, Robert G., xxx-xx-xxxx

IN THE MARINE CORPS

The following-named U.S. Air Force Academy graduate for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 5585/541, subject to the qualifications therefor as provided by law:

Danel, Keith W., xxx-...

The following-named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 2107, subject to the qualifications therefor as provided by law:

Ridall, Peter A., xxx-...
Romano, Daniel M., xxx-...
Tholen, Steven L., xxx-...
Westbrook, Mark S., xxx-...

The following-named U.S. Naval Academy graduate for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, U.S. Code, section 531, subject to the qualifications therefor as provided by law:

Shindelar, Timothy V., xxx-...

HOUSE OF REPRESENTATIVES—*Monday, June 13, 1983*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.
June 9, 1983.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, June 13, 1983.

THOMAS P. O'NEILL, Jr.
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We laud your name, O gracious God, for the bounty of the gifts we have received and the blessings You have given. May Your presence be with us this week and may we know the strength and the peace and the assurance that comes from Your word. O God, protect all who trust in You, that Your will may be done on Earth as it is in heaven. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 201. Joint resolution designating June 14, 1983, as "Baltic Freedom Day."

The message also announced that the Senate had passed a bill of the following title in which the concurrence of the House is requested:

S. 695. An act to amend the Bretton Woods Agreements Act to authorize consent to and authorize appropriations for an increase in the U.S. quota in the International Monetary Fund and to authorize appropriations for increased U.S. participation in the IMF's General Arrangements to Borrow.

WAS JAMES WATT LISTENING TO THE PRESIDENT?

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, I am sure many Americans took heart over the weekend when the President declared our environmental policies "the strongest in the world." But I wonder if Interior Secretary James Watt was listening.

How can we be world leaders on the environment when Secretary Watt still wants to give away massive amounts of public land in fire-sale priced coal leases? Where is the "wise stewardship" of our Nation's resources when Secretary Watt insists on more offshore oil drilling in the waters off northern California and Cape Cod? What sort of environmental concern is shown by the Department's failure to enforce vital strip mining laws?

Mr. President, we will not have the world's strongest environmental policies until Secretary Watt's actions match your words.

WILLIAM BAXTER'S VIEW OF THE WORLD IS VERY DISTURBING

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, at a time when all we seem to get is doubletalk from administration officials, I take my hat off to one member of President Reagan's team who is not afraid to speak his mind no matter how ridiculous he may sound. I am talking about Mr. William Baxter, the Assistant Attorney General for Antitrust at the Department of Justice.

Mr. Baxter told the Senate Banking Committee last week that interstate banking would not be bad for small, local banks because:

If we were to repeal Douglas and McFadden there would be a very large number of substantial banking institutions who would become bidders for acquisition of many of these small local banks. They would be able to sell out at very handsome premiums . . .

Mr. Baxter's view of the world is very disturbing. Whatever your position is on banking deregulation, I am sure you do not believe that America's smaller banks exist solely to someday be acquired by larger banks.

This is not the first time that our chief antitrust official has spoken out publicly against the interests of small business. Last year Mr. Baxter was quoted in Duns magazine as saying:

There is nothing written in the sky that this world would not be a perfectly satisfactory place if there were only 100 companies.

Imagine that, from our chief antitrust enforcement official.

Furthermore, Mr. Baxter told a Small Business Subcommittee that he did not like our Nation's vertical price fixing laws. Thus, even though the Supreme Court has ruled vertical price maintenance per se illegal, Mr. Baxter said he would not enforce the law of the land.

Mr. Speaker, while I applaud Mr. Baxter's honesty and openness, I for one do not find his comments very funny. Quite the contrary, I find his especially narrow, textbook view of the world very tragic.

SOVIET OBSTRUCTIONS MAKE SUMMIT URGENT

(Mr. WHITTAKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTAKER. Mr. Speaker, city officials of Lawrence, Kans., have invited President Reagan and Soviet leader Yuriy Andropov to a friendly, informal meeting in the interest of world peace. The Soviet Embassy acknowledged the invitation last week.

I urge Mr. Andropov to pursue a "cordial summit" in my home State of Kansas. But, he should prove his peaceful intentions at the arms control talks at Geneva, as well.

During the course of the MX debate, instead of seeing our real enemy, many of my colleagues have tried to score political points by claiming that our own President was not committed to arms control.

Perhaps those critics have forgotten that it is the Soviet leaders—not ours—who have posed obstructions to productive arms control negotiations. It is the Soviet military buildup—not ours—which makes these negotiations so urgent. I have not forgotten.

H.R. 2957 AND THIRD WORLD DEVELOPMENT

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, on May 9, 1983, the House Banking Committee reported out the IMF quota increase bill (H.R. 2957) which

would authorize an additional $8.4 billion for the IMF. The bill also requires in section 409 that banks prepare economic feasibility evaluations of requested foreign project loans to document that the extensions of credit can reasonably be expected to be repaid from revenues generated by the foreign project itself without regard to any government loan guarantees on subsidy, and that the loan will benefit the host country receiving the extension of credit. This section will help insure that commercial banks diligently review foreign project loans so that only those that are productive and economically justified are undertaken, and is designed to be self-producing by only allowing Federal banking agencies to review the evaluations during the normal audit process. Consequently, this provision is not Federal intrusion into the banking industry and is not protectionism.

I consider this provision of H.R. 2957 to be essential, and urge my colleagues to support it, since one of the fundamental causes of international indebtedness is the funding of economically nonviable projects, which eventually lead to a strained international banking system and potential IMF rescheduling. This, in turn, results in added burdens to U.S. taxpayers and bankers.

Subsidies have drained financial reserves of host governments, necessitated international borrowing and been a factor that has produced prolonged global recession, increased U.S. business failures, and exacerbated U.S. unemployment.

For example steel and copper, basic and once mighty American industries, are decimated by record earning losses, plant closings, and employee layoffs. In comparison, their foreign counterparts, operating in the same world market, have maintained and in some cases increased production. Although it might appear these foreign industries are immune to the perils of global recession, in fact, government subsidies, provided with the assistance of international lenders, have resulted in oversupply and falling commodity prices below the level where American and other nonsubsidized competitors can produce, precipitating U.S. plant closings and unemployment.

Mr. G. F. Joklik, president of Kennecott, the Nation's largest copper producer, presented testimony before the Senate Banking, Housing, and Urban Affairs Committee at oversight hearings on international debt (February 14, 15, 16, 1983), on the adverse impacts of the U.S. domestic copper industry of uneconomic and ineffective Third World development. I commend this testimony to the attention of my colleagues in support of section 409 in H.R. 2957.

CAP THE CUT

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, many around the House are looking for ways to reduce the deficit. I am one of these people. And when deficit hunters are on the prowl, they look for big game.

One of the items that some deficit hunters have in their sights is the third year of the tax cut. Some want to see it eliminated completely, abolished. Mr. Speaker, these deficit hunters have shot a blank. Unfair as it is, the third year of the tax plan is nonetheless the fairest of the three. More than any Reagan tax scheme, its relief would go to middle class, working families.

The third year of the tax cut should not be stalked down and bagged. It should be capped; it should be de-Reaganized. As it is, it gives 30 times more tax relief to those making $200,000 than those making $20,000. Of course, that is fair by Reagan standards.

A cap would take the inequity out of the tax cut, and would reduce the deficit by $38 billion or more. It would give working families the tax break they need. Do not cut the cut—cap it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RATCHFORD). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, June 14, 1983.

JACK D. WATSON POST OFFICE BUILDING

Mr. YOUNG of Missouri. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3151) to name the U.S. Post Office building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building."

The Clerk read as follows:

H.R. 3151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Post Office Building to be constructed in Fort Worth, Texas, at the intersection of Meacham Boulevard and the Mark IV Parkway, shall hereafter be named and designated the "Jack D. Watson Post Office Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Jack D. Watson Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Missouri (Mr. YOUNG) will be recognized for 20 minutes, and the gentleman from Florida (Mr. SHAW), will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. YOUNG).

Mr. YOUNG of Missouri. Mr. Speaker, I yield myself such time as I may consume.

The Speaker, the purpose of this legislation is to honor an outstanding American, Jack D. Watson, who was a dedicated career employee with the U.S. Postal Service for 45 years.

Jack Watson was hired as an 84-cent-an-hour temporary employee with the Postal Service in 1945. He rose through the ranks and, subsequent to his retirement in 1980, served as postmaster of the Fort Worth Post Office for 14 years.

Throughout his career, Jack Watson was known for his foremost concern for timely and professional service to the public and the welfare of his employees. He was instrumental in forming the Fort Worth Postal Employees Council. Jack Watson was named Postmaster of the Year in 1971 and was regarded as one whom employees could talk to. Under his stewardship, the Forth Worth Post Office was chosen No. 1 in the Nation in 1971 and maintained the honor until 1976. Jack Watson died on May 18, 1983, after he fought a long battle with cancer.

In view of his long and distinguished career with the U.S. Postal Service, it is fitting that the U.S. Post Office Building to be constructed in Fort Worth, Tex., at the intersection of Meacham Boulevard and the Mark IV Parkway, be known and designated as the "Jack D. Watson Post Office Building."

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas, Mr. WRIGHT.

Mr. WRIGHT. Mr. Speaker, I do want to say a few words about Jack Watson and our reasons for our asking that this bill be considered today.

This may seem to most folks a parochial matter. In some ways it is. Jack Watson was best known in Fort Worth. He was, like so many others of his generation, growing up at just the time when World War II was coming on. Like thousands of others, Jack went to war, fought for our country in combat in the South Pacific in the Coast Guard. Like many others, he returned looking for a job.

Jack got a 64-cents-an-hour job as a substitute clerk in the post office and began preparing for a career. He went to college at night, finished a degree, and was determined to learn everything he could about the post office and the Postal Service. He was effec-

tive, he was popular, he was well liked, and he was dedicated.

Soon his fellow employees in the post office were electing him to represent them and to speak for them as president of their union.

Jack performed almost every job in the post office. When ultimately it became opportune for me to be asked for a recommendation for postmaster, there was no doubt in my mind that Jack Watson, having come up through the ranks, having proven himself by diligence, was the logical nominee for postmaster in Fort Worth. It was absolutely the most popular appointment I ever recommended.

I have never known a man more conscientious in his dedication to serving and pleasing the public.

□ 1215

Fort Worth is not a big city when compared to New York, but it is a big town in Texas.

Jack came to me about a year after he had assumed the job of postmaster. He said, "Jim, I am not sure that I am the right man for this job."

I said, Why, Jack?

And he said, "I have tried by every means that I can conceive of to make a group of doctors over here on Summit Avenue happy with the service we have been providing, and I have not been able to do it."

I said, "Jack, is that office building the only one from which is emanating any complaints?"

He said, "Yes. I have got all the rest of them satisfied, but I just simply cannot seem to satisfy the people in that building, and maybe you need to have somebody else as postmaster."

Well, you can imagine my response. I said, "Jack, for Pete's sake, you've got a lifetime job. You don't have to be reelected. You have one office building in this entire city where somebody is unhappy with you. I wish I were that well off." I said, "I must be reelected every 2 years, and there are people all over town who are upset with me continually and repeatedly, Jack."

And he said, "Well, I ought to be able to satisfy those people, but I can't seem to do it."

That is the kind of man Jack was. As the manager of the bill, the gentleman from Missouri (Mr. YOUNG) has said, he was named as "Postmaster of the Year." The Fort Worth Post Office, which he managed, was named "Post Office of the Year" for 5 consecutive years.

Jack always maintained an open door policy. The employees always thought of him as one of them. He was able to understand their problems because he had endured those problems. He was able to elicit from them a high degree of dedication because he exhibited himself such a high degree of dedication.

Jack died last month and we buried him, after a prolonged battle with cancer. Even in his last months he was an inspiration to all of us who knew him.

Mr. Speaker, I think for all of these reasons to name this installation after Jack Daniel Watson of Fort Worth will be a living and constant reminder of those ideals of the public service to which he was so deeply dedicated—the vigor, the diligence, the pride, and the professionalism which the Postal Service likes to believe that it represents and of which Jack Watson was the best exemplar that I have ever known.

Mr. YOUNG of Missouri. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to associate myself with the remarks of the chairman of the Public Buildings and Grounds Subcommittee, Mr. YOUNG, and the majority leader, Mr. WRIGHT, and as ranking minority member of the subcommittee, I urge the Members of the House to support H.R. 3151.

By naming the postal facility in Fort Worth, Tex., in honor of Jack Watson we are paying tribute to a man who dedicated his life to the U.S. Postal Service and the public.

Throughout his career with the Postal Service, including 14 years as postmaster of Fort Worth, his foremost concern was for timely deliveries and professional service to the public, and the welfare of his employees.

These traits earned him respect among his peers and brought prominence to his Fort Worth office.

In 1971, Mr. Watson was chosen Postmater of the Year and his Fort Worth office chosen No. 1 in the Nation.

The Fort Worth office maintained that honor until 1976.

Unfortunately, Mr. Watson died several weeks ago of cancer; and illness which he knew was killing him.

Naming the Fort Worth Post Office in honor of him is one small way in which we can pay our last respects to a man who dedicated his life to the citizens of Texas and the Nation, and the betterment of the U.S. Postal Service.

Mr. Speaker, I urge the Members to suspend the rules and pass H.R. 3151.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3151.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

INCREASING AUTHORIZATION FOR EMERGENCY RELIEF FROM HIGHWAY TRUST FUND

Mr. ANDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3103), to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to any amounts authorized to be appropriated by section 125 of title 23, United States Code, for the fiscal year ending September 30, 1983, there is authorized to be appropriated, out of the Highway Trust Fund, for such fiscal year $150,000,000 to carry out such section.

SEC. 2. (a) Section 125 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.".

(b) The first sentence of subsection (b) of such section 125 is amended by inserting "(1)" before "obligations" and by inserting after "$30,000,000 in any State" the following: ", and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall not exceed $5,000,000.".

SEC. 3. The proviso in the first sentence of subsection (b) of section 125 of title 23, United States Code (as amended by section 2(b) of this Act), limiting the aggregate amount of obligations for projects under such section, shall not apply to funds authorized to be appropriated by the first section of this Act.

SEC. 4. A project to alleviate flooding conditions caused by an inadequate box culvert under an Interstate highway in the vicinity of Carencro, Louisiana—

(1) by removal of such box culvert and construction of one or more bridges, or

(2) by construction of drainage ditches,

at a cost not to exceed $2,000,000, shall be eligible for assistance under section 125 of title 23, United States Code.

SEC. 5. A project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, which was destroyed as a result of a combination of storms in the winter of 1982-1983 and a mountain slide and which, until its destruction, had served as the only reasonable access between two cities and as the desig-

nated emergency evacuation route of one of such cities shall be eligible for assistance under section 125 of title 23, United States Code.

SEC. 6. Construction of any bridge—

(1) which will be part of a four-lane expressway on the Federal-aid primary system in the vicinity of Valley City, Illinois, and Florence, Illinois;

(2) construction of which received discretionary funding in fiscal year 1979 under the third sentence of section 144(g) of title 23, United States Code; and

(3) construction of which, on May 1, 1983, was prohibited by judicial injunction;

shall be eligible for assistance under section 144 of such title.

The SPEAKER pro tempore. Is a second demanded?

Mr. SHAW. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California, Mr. ANDERSON, will be recognized for 20 minutes, and the gentleman from Florida, Mr. SHAW, will be recognized for 20 minutes.

The Chair recognizes the gentleman from California, Mr. ANDERSON.

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3103 is designed to at least partially address the series of weather-related disasters that have been occurring around the country with all too frequent regularity this past winter and spring.

This legislation will not revive destroyed crops, bring back washed away homes, or restore communities to their previous condition. It will, though, help assure that those roads on the Federal-aid highway system, that network of highways in which the Federal Government has a particular interest, are repaired and reconstructed.

Under present law, the emergency relief program is funded at a level of $100 million per year, and there is a cap on the amount any State may receive for a particular natural disaster or catastrophic failure.

Tragically, $140 million has already been allocated or committed for highway emergency relief in fiscal year 1983, with another $125 million in needs already identified. And this last figure does not include damages resulting from the ongoing floods in Utah and the Southwestern portions of the country. Similarly, it does not factor in the fact that we have yet to experience hurricane season this year, or the likely impact of even normal rains later this year, and their impact on the Nation's swollen rivers and saturated soils.

To address the problems already facing us, and to begin to deal with those we might reasonably anticipate, H.R. 3103 will add $150 million to the Federal-aid highway emergency relief program and, from this new authorization of budget authority only, remove the cap limiting any State's allocation to $30 million per disaster.

Mr. Speaker, that is the primary purpose of H.R. 3103; to provide humanitarian relief so that communities impacted by the Nation's severe weather conditions might at least be assured of having their Federal-aid highways repaired and reconstructed. The legislation also clarifies that two particular projects in northern California and Carencro, La., are eligible for emergency assistance, and that the Nation's territories may also be eligible, as the need arises.

Section 6 reaffirms the intent of Congress, recently overturned by a U.S. district court, that a particular bridge crossing the Illinois River is, indeed, eligible for funding under the bridge replacement program.

Mr. Speaker, it occurs to me that when a foreign nation suffers through severe weather conditions, this Congress makes available emergency aid that is needed to perform tasks such as the rebuilding of their highways. The States of our Union should be able to expect the same, and that is precisely what H.R. 3103 will accomplish.

I urge its passage at this time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3103, a bill which, beyond question, is necessary if we are to meet our obligations under the emergency relief program for the repair and reconstruction of highway facilities damaged by natural disasters.

Tragically, this has been a bad year, Mr. Speaker, and the annual authorization of $100 million for the program as contained in the Surface Transportation Assistance Act of 1982 is clearly insufficient. Therefore, the increase of $150 million in fiscal year 1983 is absolutely justified.

This is a national program, providing assistance for repair and replacement of highway facilities on the Federal-aid systems in any State in which they occur. I, therefore, would urge my colleagues, whatever areas and whatever States they represent, to support this measure.

In addition to the 1-year increase in authorizations, this bill also provides that the limitation in existing law, restricting the amount of funding which may go to any one State per disaster to $30 million, will not be applicable to the increased funds.

The bill also provides that the Virgin Islands, American Samoa, and Guam, which were made eligible for Federal-aid primary system funding in the 1982 act, are eligible for emergency relief. In future years, they will be subject to an aggregate limit of $5 million per year.

Other provisions of the bill are intended to address a severe and recurrent flooding problem in Louisiana, and to make assistance to solve a chronic problem in California clearly eligible for funding.

I am pleased to note that the bill also contains a provision to reaffirm, when the Congress has already thought it made clear in the past, and that is the construction of a bridge in the vicinity of Valley City and Florence, Ill., is eligible for funding. This project has been placed in jeopardy because of a U.S. district court ruling that it is ineligible, despite clear legislation history made at the time the bridge replacement and rehabilitation program was expanded under the Surface Transportation Assistance Act of 1978. An appeal of this decision would be costly and time consuming, however, and at least $14 million of the total $29.3 million already allocated for the bridge is in danger of lapsing.

Mr. Speaker, I urge my colleagues to support the bill.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ANDERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DURBIN) in whose area I believe this bridge that was just mentioned is located.

Mr. DURBIN. Mr. Speaker, I wish to thank the gentleman from California (Mr. ANDERSON) for yielding me this time, and I would like also to express my appreciation for the committee's support of the amendment to the legislation relating to the Valley City bridge.

This bridge is a key element in the completion of the Central Illinois Expressway, which is going to be a major transportation artery helping the people of central and western Illinois. I might say that the heroic efforts made by the Committee on Public Works and Transportation to respond to the needs of the 20th Congressional District and to make sure this amendment is included in this emergency legislation are certainly appreciated by the people living in western and central Illinois.

I thank in addition my colleague, Congressman BOB MICHEL, who has joined me in this effort to have the Valley City bridge language enacted into law. Both Congressman MICHEL and I are acutely aware of the urgent need for modern highways in western Illinois. Several years ago this area was dubbed forgottonia. Today we are taking an important first step in let-

ting the people of central and western Illinois know they are not forgotten.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 3103 and urge its immediate passage.

I want to commend the gentleman from California (Mr. ANDERSON) and the gentleman from Florida (Mr. SHAW), for their efforts in bringing this bill before us today. They have done so very expeditiously. This is a problem that does require and merits immediate action.

For example, just in California, according to the California Department of Transportation, California has suffered about $150 million in damage to its Federal aid highway system and thus far has received $27 million from the Federal Department of Transportation. Because of the present law restricting the amount any one State may get from a single disaster to $30 million, California would be eligible to receive only an additional $3 million to cover about $120 million in work that is still outstanding.

This bill, as has been explained, would place no restrictions on the amount any State may receive from the additional $150 million, and also, of course, it would provide the additional $150 million for the disasters that we have had throughout the Nation.

Mr. Speaker, as I said earlier, I think this is a meritorious bill. I urge its immediate approval.

□ 1230

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. Mr. Speaker, I rise in support of this bill.

My own State of Utah, as mentioned in the opening statement by the gentleman from California, is not specifically included in this bill. I understand that and I know that the bill cannot be amended here because it is under suspension.

Nevertheless, I assume that raising the amount for flood relief will provide some help to Utah and other States which have experienced flood disasters.

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Speaker, I believe that this would include Utah. It was the intention of the committee.

Mr. ANDERSON. Mr. Speaker, if the gentleman will yield, no particular State is earmarked. Each State will make its application on a merit basis. I assume that those that have their applications in might be ahead of those that have not; but it is on a straight merit basis; no earmarking for any particular State.

Mr. NIELSON of Utah. I made that comment, Mr. Speaker, because in the gentleman's opening statement and also the statement of the gentleman from California (Mr. LAGOMARSINO) was that the funds would be pretty well used up by California, which had a prior disaster.

May I simply point out that the first disaster that occurred in Utah, in which a whole mountain came down and created a 200-foot dam in 3 days and then subsequently a reservoir 190-feet high which drowned a town, the highways which were involved there, U.S. 89 and U.S. 6, have a total of $27 million of damage in those two highways alone and there have been additional roads which have been cut through, including a State highway in Salt Lake City which is being used as a flood plain right now.

We will have great need for funds in Utah and I hope at the appropriate time that this can be amended in the Senate, if necessary, and that we will be considered in the action.

Mr. ANDERSON. Mr. Speaker, if the gentleman will yield further, I would like to assure the gentleman that Utah is eligible for funds under this bill as much as any other State.

Mr. NIELSON of Utah. I appreciate that.

Mr. SHAW. Mr. Speaker, if the gentleman will yield further, I would like to add my words to those of the chairman, that upon proper application, we know very well of the tremendous disasters that Utah has had and certainly upon proper application they would be eligible.

Mr. NIELSON of Utah. Mr. Speaker, I thank the gentleman.

● Mr. MICHEL. Mr. Speaker, let me express appreciation to the committee for including language in the bill making it clear that the so-called Valley City bridge in Illinois is in fact eligible for Federal funding under the highway bridge replacement and rehabilitation program.

I particularly want to thank JIM HOWARD and GLENN ANDERSON on the majority side, and GENE SNYDER and BUD SHUSTER on our side, for their help, particularly the very forthcoming and expeditious manner in which they handled this matter.

The need for this language arose when a Federal district court ruled earlier this year that this bridge was not eligible for funding under the highway bridge rehabilitation program because the State was not going to actually tear down the old bridge and construct a new one in its place, but rather was going to build the new one a short distance to the south.

I do not agree with the court decision, because in this case the highway is being upgraded to an expressway and rerouted over the location where the new bridge is to be constructed. The old bridge, which, incidentally, is currently closed because it was banged into by a truck, thus graphically illustrating its inadequacy, would be used for local traffic only. This is certainly a legitimate replacement of a bridge if anything ever was.

Nevertheless, the court ruling does exist, and the judge indicated that if Congress clarifies its intent in this regard, he is prepared to lift the injunction as it applies to this aspect of the case. The language in this bill provides that clarification, and I thank the committee again for its assistance.●

Mr. SHAW. Mr. Speaker, I have no further requests for time.

Mr. ANDERSON. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ANDERSON) that the House suspend the rules and pass the bill, H.R. 3103, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ATLANTIC TUNAS CONVENTION ACT AUTHORIZATIONS FOR FISCAL YEARS 1984, 1985, AND 1986

Mr. BREAUX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2784) to authorize appropriations to carry out the Atlantic Tunas Convention Act of 1975 during fiscal years 1984, 1985, and 1986, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—MARINE FISHERIES PROGRAMS

SECTION 1. That section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended by striking out "and 1983" and inserting in lieu thereof "1983, 1984, 1985, and 1986".

SEC. 2. The Atlantic Salmon Convention Act of 1982 (16 U.S.C. 3601 et seq.) is amended—

(1) by inserting "not" immediately after "shall" in the second sentence of section 303(c); and

(2) by amending subsection (c) of section 307 to read as follows:

"(c) Any vessel used, and any fish (or the fair market value therof) taken or retained in any manner, in connection with or as the result of the commission of an act which is unlawful under subsection (a) of this section shall be subject to civil forfeiture under section 310 of the Act of 1976 (16 U.S.C. 1860) to the same extent as if such vessel was used in, or such fish was taken or retained in con-

nection with or as the result of, the commission of an act prohibited by section 307 of the Act of 1976 (16 U.S.C. 1857).".

SEC. 3. (a) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) is amended—

(1) by striking out "September 30, 1983" each place it appears in section 4(c) and inserting in lieu thereof "September 30, 1984"; and

(2) by striking out "1982 and 1983." in section 7(c)(6) and inserting in lieu thereof "1982, 1983, and 1984.".

(b) Section 221 of the American Fisheries Promotion Act (16 U.S.C. 742c note) is amended—

(1) by striking out "September 30, 1982" in subsection (a) and inserting in lieu thereof "September 30, 1984";

(2) by amending subsection (b)—

(A) by striking out "fiscal year 1982," in subparagraph (2)(A) and inserting in lieu thereof "each of fiscal years 1982, 1983, and 1984,", and

(B) by striking out "1981 and 1982" is subparagraph (2)(C) and inserting in lieu thereof "1981, 1982, 1983, and 1984"; and

(3) by striking out "fiscal year 1981 or 1982, or both," in subsection (c)(1) and inserting in lieu thereof "any of fiscal years 1981, 1982, 1983, and 1984,".

SEC. 4. Section 1(c)(2) of the Anadromous Fish Conservation Act (16 U.S.C. 757a(c)(2)) is amended (1) by striking out "shall be 90 percent" and inserting in lieu thereof "shall be up to 90 percent"; and (2) by striking out "resources," and inserting in lieu thereof "resources, prepared by an interstate commission,"; and by adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'interstate commission' means—

"(A) the commission established by the Atlantic States Marine Fisheries Compact (as consented to and approved by Public Law 80-77), approved May 4, 1942 (56 Stat. 267);

"(B) the commission established by the Pacific Marine Fisheries Compact (as consented to and approved by Public Law 80-232), approved July 24, 1947 (16 Stat. 419); and

"(C) the commission established by the Gulf States Marine Fisheries Compact (as consented to and approved by Public Law 81-66), approved May 19, 1949 (63 Stat. 70).".

SEC. 5. Section 2 of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823 note) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding such section 203—

"(1) the governing international fishery agreement referred to in subsection (a)(5), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976;

"(2) the governing international fishery agreement referred to in subsection (a)(6), as extended until July 1, 1984, pursuant to the Diplomatic Notes referred to in the message to the Congress from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976; and

"(3) the governing international fishery agreement referred to in subsection (a)(4), as contained in the message to the House of Representatives and the Senate from the President of the United States dated May 3, 1983, is hereby approved by the Congress as a governing international fishery agreement for the purposes of such Act of 1976.

Each such governing international fishery agreement shall enter into force and effect with respect to the United States on July 1, 1983.".

TITLE II—AQUACULTURE FISHERIES

SEC. 201. TITLE.

This title may be cited as the "National Aquaculture Improvement Act of 1983".

SEC. 202. FINDINGS, PURPOSE, AND POLICY.

Section 2 of the National Aquaculture Act of 1980 (which Act is hereinafter referred to as the "Act of 1980") (16 U.S.C. 2801) is amended—

(1) by striking out "3 per centum" in subsection (a)(3) and inserting in lieu thereof "6 per centum";

(2) by amending subsection (a)(7) by inserting "scientific," before "economic,"; and by inserting "the lack of supportive Government policies," immediately after "management information,";

(3) by amending subsection (b)—

(A) by striking out "and" in paragraph (2),

(B) by redesignating paragraph (3) as paragraph (5), and

(C) by inserting after paragraph (2) the following new paragraphs:

"(3) establishing a National Aquaculture Board to facilitate aquaculture development;

"(4) establishing the Department of Agriculture as the lead Federal agency with respect to the coordination of national aquaculture policy by designating the Secretary of Agriculture as the permanent chairman of the coordinating group; and"; and

(4) by amending subsection (c) by inserting "for reducing the United States trade deficit in fisheries products," immediately after "potential" in the first sentence.

SEC. 203. DEFINITIONS.

Section 3 of the Act of 1980 (16 U.S.C. 2802) is amended—

(1) by redesignating paragraphs (4), (5), (6), (7), and (8) as paragraphs (5), (6), (7), (8), and (10), respectively;

(2) by inserting after paragraph (3) the following new paragraph:

"(4) The term 'Board' means the National Aquaculture Board established by section 10."; and

(3) by inserting after paragraph (8) the following new paragraph:

"(9) The term 'Secretary' means the Secretary of Agriculture.".

SEC. 204. NATIONAL AQUACULTURE DEVELOPMENT PLAN.

Section 4 of the Act of 1980 (16 U.S.C. 2803) is amended as follows:

(1) Subsection (a) is amended—

(A) by striking out "Secretaries" each place it appears therein and inserting in lieu thereof "Secretary";

(B) by amending paragraph (1) to read as follows:

"(a) IN GENERAL.—(1) Not later than October 1, 1983, the Secretary shall establish the National Aquaculture Development Plan.";

(C) by amending the first sentence of paragraph (2)—

(i) by inserting "the Secretary of Commerce and the Secretary of the Interior," immediately after "shall consult with", and

(ii) by striking out ", and representatives of the aquaculture industry"; and

(D) by striking out paragraph (3).

(2) Subsection (b) is amended—

(A) by inserting "to" immediately after "determine" in paragraph (1);

(B) by striking out "Secretaries deem" in paragraph (6) and inserting in lieu thereof "Secretary deems", and

(C) by striking out "Secretaries" in the matter following paragraph (6) and inserting in lieu thereof "Secretary".

(3) Subsection (c) is amended—

(A) by striking out "Secretaries determine" in paragraph (1) and inserting in lieu thereof "Secretary determines";

(B) by striking out "and" at the end of subparagraph (A) of paragraph (2);

(C) by inserting "; and" after "concerned" in subparagraph (B) of paragraph (2); and

(D) by inserting immediately after subparagraph (2)(B) the following new subparagraph;

"(C) the concurrence of the Secretaries.".

(4) By striking out subsections (d) and (e).

SEC. 205. FUNCTIONS AND POWERS OF SECRETARIES.

Section 5 of the Act of 1980 (16 U.S.C. 2804) is amended as follows:

(1) Paragraph (2) of subsection (a) is amended by inserting "the Board," immediately before "interested".

(2) Subsection (c) is amended to read as follows:

"(c) INFORMATION SERVICES.—(1) In addition to performing such other mandatory functions under this Act—

"(A) the Secretaries shall collect and analyze scientific, technical, legal, and economic information relating to aquaculture, including acreages, water use, production, culture techniques, and other relevant matters;

"(B) the Secretary shall—

"(i) establish, within the Department of Agriculture, an Office of Aquaculture Coordination and Development,

"(ii) establish and maintain an information service for the dissemination of information generated pursuant to subparagraph (A),

"(iii) arrange with foreign nations for the exchange of information relating to aquaculture and support a translation service, and

"(iv) conduct a study of the extent to which the United States aquaculture industry has access to relevant Federal programs which assist the agricultural sector and report to Congress on the findings of such study by February 1, 1985.

"(C) the Secretary of Commerce shall conduct a continuing study, and report thereon annually in the annual status report required under subsection (d), to determine whether existing capture fisheries could be adversely affected by competition from products produced by commercial aquacultural enterprises and include in such study an assessment of any adverse effect, by species and by geographical region, on such fisheries and recommended measures to ameliorate any such effect.

"(D) the Secretary of the Interior, in consultation with the Secretary of Commerce, shall undertake a study, and report to Congress thereon by February 1, 1985, to identify exotic species introduced into United States waters as a result of aquaculture activities, and to determine the potential benefits and impacts of the introduction of exotic species.

"(2) Any production information submitted to the Secretaries under paragraph (1)(A) shall be confidential and may only be disclosed if required under court order; except, however, that the Secretaries may release or make public any information in any aggregate or summary form that does not directly or indirectly disclose the identi-

ty, business transactions, or trade secrets of any person who submits such information. The Secretaries shall prescribe such procedures as may be necessary to preserve such confidentiality.";

(3) Subsection (d) is amended—

(A) by striking out "Biennial Report" and inserting in lieu thereof "Annual Report";

(B) by striking out "Secretaries" each place it appears and inserting in lieu thereof "Secretary";

(C) by inserting "and in consultation with the Secretary of Commerce and the Secretary of the Interior" immediately after "group" in the first sentence;

(D) by striking out "biennial" in the first sentence and inserting in lieu thereof "annual";

(E) by striking out "under section 4(d)" in the second sentence;

(F) by striking out "deem" in the second sentence and inserting in lieu thereof "deems"; and

(G) by striking out the last sentence and inserting in lieu thereof "The first report required under this subsection shall be submitted to Congress by February 1, 1985, and subsequent reports on February 1 of each year thereafter. Appended to the report shall be the Annual Report prepared by the coordinating group pursuant to subsection 6(c) of this Act and the Annual Report prepared by the Board pursuant to subsection 10(j) of this Act."

SEC. 206. COORDINATION OF NATIONAL ACTIVITIES REGARDING AQUACULTURE.

Section 6 of the Act of 1980 (16 U.S.C. 2805) is amended as follows:

(1) Subsection (a) is amended by inserting ", who shall be the permanent chairman of the coordinating group" immediately after "Agriculture" in paragraph (1).

(2) Subsection (b) is amended—

(A) by inserting ", in consultation with the Board," immediately following "coordinating group" in the second sentence;

(B) by striking out paragraph (4); and

(C) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5).

(3) Subsection (c) is repealed.

(4) Subsections (d), (e), and (f) are redesignated as subsections (c), (d), and (e), respectively.

(5) Subsection (c) (as redesignated) is amended to read as follows:

"(c) REPORTS.—The coordinating group shall submit to the Chairman of the Federal Council and the Secretary an annual report on the activities of the coordinating group and on recommendations concerning Federal policies and programs related to aquaculture. The first report required under this subsection shall be submitted by November 1, 1984, and subsequent reports by November 1 of each year thereafter.";

(6) Subsection (e) (as redesignated) is amended—

(A) by striking out "(b)(6)" in the second sentence and inserting in lieu thereof "(b)(5)"; and

(B) by striking out "subsection (d)" in the second sentence and inserting in lieu thereof "subsection (c)".

SEC. 207. CAPITAL REQUIREMENTS FOR AQUACULTURE.

The first sentence of section 8(b) of the Act of 1980 (16 U.S.C. 2807(b)) is amended to read as follows: "Based on the results of the Capital Requirements Study conducted under subsection (a), the Secretaries, in consultation with the Board, shall formulate a plan for acting on the study's finding.".

SEC. 208. REGULATORY CONSTRAINTS ON AQUACULTURE.

The first sentence of section 9(b) of the Act of 1980 (16 U.S.C. 2808(b)) is amended to read as follows: "Based on the results of the Regulatory Constraints Study conducted under subsection (a), the Secretaries, in consultation with the Board, shall formulate a plan for acting on the study's findings.".

SEC. 209. NATIONAL AQUACULTURE BOARD.

(a) The Act of 1980 is amended—

(1) by redesignating sections 10 and 11 thereof as sections 11 and 12, respectively; and

(2) by inserting immediately after section 9 the following new section:

"SEC. 10. NATIONAL AQUACULTURE BOARD.

"(a) ESTABLISHMENT.—There shall be established the National Aquaculture Board.

"(b) COMPOSITION.—(1) The Board shall consist of—

"(A) twelve voting members drawn from among individuals in the private sector nominated by the aquaculture industry in accordance with procedures prescribed by the Secretary. The Secretary shall make such appointments in a manner to achieve:

"(i) equitable geographical representation of the domestic aquaculture industry; and

"(ii) equitable representation of those segments of the domestic aquaculture industry engaged in the production of marine, estuarine, and freshwater species, with each segment represented by not less than three members and with the producers of different species within each segment represented in an equitable manner.

"(B) two voting members, nominated in accordance with procedures prescribed by the Secretary, who shall be representatives of State agricultural cooperative extension services;

"(C) two voting members, nominated in accordance with procedures prescribed by the Secretary, who shall be representatives of State agricultural experiment stations;

"(D) two voting members, nominated in accordance with procedures prescribed by the Secretary of Commerce, who shall be representatives of marine advisory services; and

"(E) three nonvoting members who shall be the Secretaries or their designees.

"(2) No individual is eligible for nomination or appointment as a voting member of the Board unless the individual is knowledgeable and experienced in aquaculture.

"(3) Within one hundred and twenty days of enactment of the National Aquaculture Improvement Act of 1983, the voting members of the Board shall be appointed by the Secretary following concurrence by the Secretaries. Each voting member appointed to the Board by the Secretary shall serve for a term of three years, with the initial appointments being staggered so that three appointments expire every year after the first year. A member is eligible for any number of reappointments. Any individual appointed to fill a vacancy prior to the expiration of any term of office shall be appointed for the remainder of that term.

"(c) COMPENSATION.—Members of the Board shall serve without compensation, if not otherwise officers or employees of the United States. Members of the Board, while away from their homes or regular places of business in the performance of services for the Board, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under sections 5701 through 5707 of title 5, United States Code.

"(d) TRANSACTION OF BUSINESS.—(1) A majority of the voting members of the Board shall constitute a quorum, but one or more such members designated by the Board may hold hearings. All decisions of the Board shall be by majority vote of the voting members present and voting.

"(2) The voting members of the Board shall select a Chairman from among the voting members.

"(3) The Board shall meet at the call of the Chairman or upon the request of a majority of its voting members.

"(4) If any voting member of the Board disagrees with respect to any matter which is transmitted to the Secretary by the Board, such member may submit a statement to the Secretary setting forth the reasons for such disagreement.

"(e) STAFF AND ADMINISTRATION.—(1) The Board may appoint, and assign duties to, an Executive Director and such other full- and part-time administrative employees as the Secretary determines are necessary to the performance of its functions.

"(2) Upon the request of the Board, and after consultation with the Secretary, the head of any Federal agency is authorized to detail to the Board, on a reimbursable basis, any of the personnel of such agency, to assist the Board in the performance of its functions under this Act.

"(3) The Secretary shall provide to the Board such administrative and technical support services as are necessary for the effective functioning of the Board.

"(4) The Administrator of General Services shall furnish the Board with such offices, equipment, supplies, and services as the Administrator is authorized to furnish to any other agency or instrumentality of the United States.

"(5) The Board shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this Act, in accordance with such standards as are prescribed by the Secretary. The Board shall publish and make available to the public a statement of its organization, practice, and procedures.

"(6) The Secretary shall pay—

"(A) the expenses provided for in subsection (c);

"(B) appropriate compensation to employees appointed under paragraph (1);

"(C) the amounts required for reimbursement of other Federal agencies under paragraphs (2) and (4); and

"(D) such other costs as the Secretary determines are necessary to the performance of the functions of the Board.

"(f) FUNCTIONS.—The Board shall, in accordance with the provisions of this Act, carry out the following functions:

"(1) Periodically review the Capital Requirements Plan and the Regulatory Constraints Study and the operation and effectiveness of the National Aquaculture Development Plan and, if, as a result of any such review, or the aquaculture assessment required under paragraph (2), the Board determines that—

"(A) any aquatic species not currently identified in the National Aquaculture Development Plan has significant potential for aquaculture;

"(B) any action specified in the National Aquaculture Development Plan, the Regulatory Constraints Plan, or the Capital Requirements Plan, is not being accomplished on a successful or timely basis; or

"(C) any action specified in the Plans referred to in (B) should be terminated because its objectives have been achieved or its projected benefits do not warrant further support;

the Board shall make appropriate recommendations to the Secretary and the Secretary shall amend the Plans, as the Secretary deems appropriate, and advise the Board of such amendment(s).

"(2) Assess, in consultation with the coordinating group and on a continuing basis, aquaculture in the United States and other nations for the purpose of maintaining, on a continuous basis—

"(A) a complete profile of the aquaculture industry in the United States and other nations with respect to the incidence, size, and status of commercial aquaculture enterprises;

"(B) the identification of the private and public institutions and organizations involved in aquaculture research, extension, credit, and market development;

"(C) the identification of the various aquatic species being cultured and a description of the status of commercial development of each of those species;

"(D) to the extent practicable, the identification of aquacultural production regions, species, and markets that have significant potential for development;

"(E) a catalog describing all Federal programs and activities that directly or indirectly encourage, support, or assist aquaculture;

"(F) the identification of the economic, physical, legal, institutional, and social constraints that inhibit the development of aquaculture in the United States;

"(G) an assessment of the effectiveness and adequacy of Federal efforts to meet national aquaculture needs; and

"(H) the collection, compilation, and dissemination of information on aquaculture.

"(3) Periodically review and evaluate, in consultation with the coordinating group, existing research, extension service, and marine advisory service programs and recommend to the Secretaries priorities for the implementation of such programs.

"(g) CONFIDENTIALITY OF STATISTICS.—Any statistics submitted to the Board by any person pursuant to subsection (f)(2)(A) shall be confidential and may only be disclosed if required under court order; except, however, that the Board may release or make public any information in any aggregate or summary form that does not directly or indirectly disclose the identity, business transactions, or trade secrets of any person who submits such information. The Secretary shall prescribe such procedures as may be necessary to preserve such confidentiality.

"(h) POWERS.—For purpose of carrying out its functions, the Board may exercise the following powers:

"(1) Establish and maintain, and appoint the members of, such committees as are necessary and appropriate to assist the Board in carrying out the functions under this Act.

"(2) Conduct public hearings, at appropriate times and locations, so as to allow interested persons an opportunity to be heard in the development of recommendations made by the Board pursuant to this Act.

"(i) DATA COLLECTION PROGRAMS.—If the Board determines that information and data would be beneficial for the purposes of carrying out its functions, the Board may request that the Secretary implement a survey or data-collection program which would provide the types of information and data (other than information and data that would disclose proprietary or confidential commercial or financial information regarding aquaculture research or production) specified by the Board. The Secretary shall approve such survey or data-collection program if the Secretary determines that a need is justified, and shall promulgate regulations to implement the program within sixty days after such determination is made. If the Secretary determines that the need for such survey or data-collection program is not justified, the Secretary shall inform the Board of the reasons for such determination in writing. The determination of the Secretary under this subsection regarding a Board request shall be made within a reasonable period of time after the Secretary receives that request.

"(j) ANNUAL REPORT.—The Board shall prepare on an annual basis, and submit to the Secretary, a report on its activities and recommendations made pursuant to this Act. The first report shall be submitted by November 1, 1984, and subsequent reports by November 1 of each year thereafter.".

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

Section 11 of the Act of 1980 (as redesignated) (16 U.S.C. 2809) is amended as follows:

(1) Paragraph (1) is amended—

(A) by striking out "and" at the end of subparagraph (B);

(B) by inserting "and" after the semicolon in subparagraph (C); and

(C) by adding at the end thereof the following:

"(D) $3,000,000 for each of fiscal years 1984, 1985, and 1986, of which not to exceed $1,000,000 in each of such years is available for the operation of the Board;".

(2) Paragraph (2) is amended—

(A) by striking out "and" at the end of the subparagraph (B); and

(B) by adding at the end thereof the following:

"(D) $2,000,000 for each of fiscal years 1984, 1985, and 1986; and".

(3) Paragraph (3) is amended—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and";

(C) by adding at the end thereof the following:

"(D) $1,000,000 for each of fiscal years 1984, 1985, and 1986.".

SEC. 211. CONFORMING AMENDMENT.

Section 1476 of the National Agricultural Research, Extension and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is repealed.

The SPEAKER pro tempore. Is a second demanded?

Mr. FORSYTHE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. BREAUX) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill now before the House is H.R. 2784, reported unanimously from the Merchant Marine and Fisheries Committee on May 10. I will briefly describe its contents for the Members.

Section 1 contains a 3-year extension of authorizations for U.S. participation in the International Convention for the Conservation of Atlantic Tunas (ICCAT). ICCAT is the international body which regulates the tuna fisheries of the Atlantic Ocean. During the past 2 years ICCAT has been most active in the implementation of regulatory measures providing for the conservation of bluefin tuna that have, until recently, been overfished in the western Atlantic. While there has been some controversy surrounding this regulatory program, I believe the testimony received before the Subcommittee on Fisheries and Wildlife Conservation and the Environment indicates that the measures are working well and it is certainly important for the United States to continue its participation in this organization.

Section 2 of the bill contains technical amendments to the Atlantic Salmon Convention Act which we passed last year. At the time of passage there was an enrolling error in the bill which we are fixing by today's action.

Section 3 of the bill is a 1-year extension of authorization for funding under the fisheries loan fund. As the Members recall, we revitalized this loan fund in the American Fisheries Promotion Act (AFPA) by placing foreign fishing fees collected during fiscal year 1981 and fiscal year 1982 into the fund and by restricting use of the fund for loans to commercial fishermen who were suffering temporary economic difficulties. The AFPA stipulated that loans from the fund should go: First, to fishermen holding Government-guaranteed loans under the title XI vessel obligation guarantee program; second, to fishermen in danger of defaulting on mortgages not guaranteed; and, third, to fishermen experiencing net operating losses due to temporary economic downturns in a fishery.

Last year we extended the loan fund for 1 year and we propose, in this bill, to extend the fund for 1 additional year. Last year we were also successful, for the first time, in obtaining an appropriation for this fund which the National Marine Fisheries Service is in the process of distributing to fishermen in the first two loan categories. I would further note to the Members that we do not anticipate a continued need for full funding under this program and the subcommittee will be considering, later this year, alternative uses for this money which will further promote the American fisheries.

The fourth section of the bill contains clarifying amendments to a provision we added to the Anadromous Fish Conservation Act when we reauthorized that program last year. As the Members will recall, there was considerable discussion during the reauthorization last year as to how we might best promote State participation in management plans developed by the three marine fisheries commissions that Congress has created to promote interstate cooperation in fisheries management. Of particular concern was participation by the eight States which make up the Atlantic States Marine Fisheries Commission in the striped bass recovery plan developed by that Commission. Essentially, the provision we enacted last year provided that should such States participate in, and implement, that plan, grant projects proposed by those States that were related to the plan's objectives would be eligible for a 90-percent Federal matching share instead of the normal 50-percent Federal match. The National Marine Fisheries Service has raised questions of interpretation regarding that language and, therefore, we deem it appropriate to clarify our intent as set forth in section 4 of the bill before us.

Mr. Speaker, section 5 of H.R. 2784 contains congressional approvals for the 1-year extensions recently agreed to between the United States and both the Soviet Union and Poland with respect to the Governing International Fishery Agreements (GIFA's) between our countries. An amendment offered by the committee, contained in this section of the bill also grants approval to the recently renegotiated GIFA between the United States and the German Democratic Republic. In addition to bringing the existing GIFA fully into line with the "fish-and-chips" policy of the United States, this GIFA is significant in that it represents the first formal recognition by a foreign government of the recently proclaimed U.S. exclusive economic zone.

Finally, Mr. Speaker, I am pleased to note that both the Committees on Merchant Marine and Fisheries and Agriculture have agreed to include, as title II of H.R. 2784, the provisions of H.R. 2676, a bill which would reauthorize and amend the National Aquaculture Act of 1980 in a manner which will substantially strengthen the U.S. commitment to a national aquaculture policy. The bill was reported unanimously by both committees and is largely representative of the input the committees received from the diverse public and private aquaculture community.

As the Members will recall, the objective of this act is to provide a healthy climate for the U.S. private sector to capitalize on the vast potential for aquaculture development. Today, as in 1980, the U.S. aquaculture industry has the potential to significantly reduce the expanding $3 billion U.S. trade deficit in fishery products and to provide a substantial source of wholesale protein to an increasingly hungry world. Unfortunately, neither the outstanding potential benefits from aquaculture nor the constructive objectives of the National Aquaculture Act have been sufficient to generate congressional support for appropriations to carry out this important legislation. In addition, several provisions of the act have created bureaucratic complexities and inefficiencies which have prevented effective and timely implementation of a national aquaculture policy.

Mr. Speaker, I believe the provisions embodied in H.R. 2676, as contained in title II of the bill before us, correctly address the deficiencies in the National Aquaculture Act. The Department of Agriculture will now assume the lead responsibility for coordinating and implementing many Federal efforts under this act, thereby providing a central focus for the aquaculture community. In addition, U.S. aquaculture policy development and implementation will be made more responsive to the needs of the fledgling U.S. aquaculture industry through the establishment of a National Aquaculture Board.

Mr. Speaker, for years the members of our two committees have listened to a multitude of testimony which has more than sufficiently brought to our attention the virtues of developing a healthy aquaculture capability in this Nation. I believe that the bill before us will put the United States on the right track toward achieving this end, therefore, I would urge my colleagues here today to support this important legislation.

Last, I would like to particularly thank the distinguished chairman of the Agriculture Committee, Mr. DE LA GARZA, for his and his staff's hard work and cooperation in developing this bill.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2784, to reauthorize the Atlantic Tunas Convention Act and for other purposes, will maintain U.S. participation in the International Commission for Conservation of Atlantic Tunas (ICCAT). This Commission has played a critical role in the conservation of important tuna resources, particularly Atlantic bluefin tuna which have shown signs of declining stock conditions. It was forceful action by the United States under this Commission in 1981 which led to the adoption of measures which clearly took into account the concept of coastal-State preference and which, I am hopeful, will protect the Atlantic bluefin tuna resource for future generations. Although I have expressed concern about the need for complete scientific information in Commission decisions, I believe that the Commission provides to all parties a sound basis for international cooperation in the conservation of living marine resources.

H.R. 2784 also extend for 1 year the fisheries loan fund originally established under section 4 of the Fish and Wildlife Act of 1956. The bill also extends through fiscal year 1984 the dedication to the fisheries loan fund of foreign fishing fees received pursuant to the Fishery Conservation and Management Act of 1976. The National Marine Fisheries Service expects to obligate all $10 million appropriated from the fund for fiscal year 1983, leaving an unappropriated balance of $24 million in the fund. I would like to emphasize that receipts from foreign fishing fees are anticipated to be approximately $35 million this fiscal year and an additional $40 million in fiscal year 1984. The fund will thus have a balance of $89 million by the end of that year, minus fiscal year 1984 appropriations which are not expected to exceed $15 million.

When Congress amended the law to dedicate foreign fishing fees to the fund it was with the clear intention that these fees would be used to deal with some of the U.S. fishing industry's pressing needs. While a portion of the fund has been used for that purpose, it is clearly time to examine the best use of the balance. The committee is now taking a close look at directing foreign fishing fee receipts, in combination with other moneys, to a dynamic new quasi-Government institution which will serve the interests, and be under the direction of, the entire U.S. fishing industry. It is my hope that before the 1-year extension of the fund provided for in H.R. 2784 expires, Congress and the fishing industry will have had an opportunity to debate the merits of legislation establishing such an institution.

The bill also amends the Anadromous Fish Conservation Act to clarify congressional intent with respect to interstate cooperation in management of anadromous fishery resources. I have long believed that, given the migratory nature of fishery resources, interstate cooperation is essential to conservation and is to be the potential benefit of all concerned. I have supported legislation in the past which was designed to direct Federal funds to fisheries projects which involve cooperation among the States. I intend to continue advocating such an approach in future legislation.

H.R. 2784 also contains congressional approval for extensions of the Governing International Fishery Agreements between the United States and the Soviet Union, Poland, and East

Germany. Extension of these agreements is essential if the U.S. fishing industry is to benefit from the assistance offered by foreign nations in return for access to U.S. fishery resources.

The bill also reauthorizes the National Aquaculture Act of 1980 and makes a number of amendments to that act in order to improve the national aquaculture program. These amendments will, in particular, insure that the private sector plays a much larger role in the determination and implementation of aquaculture policy. It will also insure that Federal programs will be coordinated under the leadership of the Secretary of Agriculture. I believe that these amendments represent a clear statement of congressional intent with respect to the importance of aquaculture to the United States, as well as a clear statement that the Federal Government is to be responsive, to the extent possible, to the needs of the industry as identified by the industry.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H.R. 2784 and urge its adoption.

This bill contains a number of different provisions which are important to the U.S. fishing industry, including reauthorizations for the Atlantic Tunas Convention Act, the Fish and Wildlife Loan Fund, and the National Aquaculture Act. Of most importance, however, are resolutions approving the fishing treaties which the United States has signed with the Soviet Union, Poland, and East Germany.

As all Members know, the Soviet Union and Poland were banned from fishing in our 200-mile Fishery Conservation Zone after the invasion of Afghanistan and the imposition of martial law in Poland. In spite of this, both countries have continued to cooperate with U.S. fishermen by purchasing fish at sea through joint ventures. In fact, the joint venture between the United States and the Soviet Union is the largest market for underutilized species of bottomfish in the 200-mile zone off Alaska. Without the approval of these treaties, that market will collapse, leading to a severe economic problem in the fishing industry, a greater dependence on Japan as a market, and a setback to the congressional policy of fully developing our domestic fishing industry.

Like other Members of this body, I am concerned about Soviet actions in Afghanistan and Poland. However, the fact remains that the economic sanctions that the United States has applied just do not work. President Reagan recognized this when he lifted the grain embagro to the Soviet Union shortly after taking office and when he announced that further grain sales would be negotiated. Unfortunately, while the administration is helping the farmers—while at the same time paying them not to grow grain—it has ignored the problems confronting our domestic fishing industry. Further, by using the precedent of trading away our fish resources for foreign policy objectives, the administration has opened the door for future trade-offs which leave our fishermen sitting at the dock, even when there is little or no foreign policy advantage—and no economic advantage—which can be obtained from such a trade.

The Polish and Soviet treaties we are approving today are only 1-year extensions of existing treaties. I suggest that it is time that the administration look seriously at the development of our fishing industry. We need to renegotiate full fishing treaties with the Soviet Union and Poland. We need to allow a limited directed fishery for those nations if it can be shown that this will increase U.S. sales of fish in an amount greater than what we will lose by granting the directed fishing allocation. We need to negotiate a fishing treaty with the Soviet Union that will allow U.S. fishermen access to the fish resources in the Soviet 200-mile zone.

Finally, and most important, we need to end this ridiculous policy of trading fish for uncertain foreign policy objectives. I have introduced legislation that will accomplish this latter objective and I hope that it will be reviewed by the House Merchant Marine and Fisheries Committee. In his statement of March 10, President Reagan said that the proclamation of the U.S. Exclusive Economic Zone "reinforces this Government's policy of promoting the U.S. fishing industry." I think it is time that we begin seriously carrying out that policy.

Mr. Speaker, I urge passage of this very important measure.

Mr. FORSYTHE. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Speaker, I rise in support of H.R. 2784, a bill to reauthorize the Atlantic Tunas Convention Act and for other purposes. This bill contains several important provisions relating to the conservation, management, development, and utilization of our fisheries resources.

H.R. 2784 amends the Anadromous Fish Conservation Act (Public Law 89-304) in two ways. First, it encourages States, via Federal matching funds, to adopt and implement interstate fishery management plans that benefit anadromous species which occur in more than one State's jurisdiction. Second, only those States implementing an interstate fishery management plan prepared by one of the three regional interstate fisheries commissions can qualify for the Federal matching funds.

Section 5 of this legislation also contains congressional approval for the 1-year extension of the Governing International Fishery Agreements (GIFA) between the United States and the Soviet Union, and Poland, and approval of the recently renegotiated 5-year East Germany GIFA. Implementation of the GIFA's is very important to the U.S. commercial fishing industry. These fisheries agreements will allow U.S. fishermen to enter into joint venture fishing arrangements with the respective foreign nations. Joint ventures allow U.S fishermen to harvest fish stocks that are not currently utilized by U.S. consumers. It also allows the U.S. fishing industry to diversify. One such joint venture with the Soviet Union has played an increasingly important role with respect to the Pacific Northwest commercial fishermen and the Pacific Northwest economy.

The bill also contains a provision that reauthorizes and amends the National Aquaculture Act of 1980. The bill amends the National Aquaculture Act by creating a National Aquaculture Board which is composed of representatives from the aquaculture industry, Federal, and State govenments, and various marine advisory services. The primary function of this board is to review and assess aquaculture in the United States. This will give industry representatives a significant role in the formulation and review of U.S. aquaculture policy. It also amends the act by having the Secretary of Agriculture become the permanent Chairman of the Joint Subcommittee on Aquaculture and in this capacity take the lead role in the coordination of Federal efforts. The amendments will help to develop and promote the U.S. aquaculture industry as a viable way to increase the world's protein supply and to benefit another increasingly important segment of the U.S. fishing industry.

Therefore, I urge my collagues to vote in support of H.R. 2784.

Mr. FORSYTHE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BREAUX. Mr. Speaker, I would just also point out for the record the hard work and perseverance that the gentleman from New Jersey has had and the persistence he has shown in assuring that ICCAT does do the job that they want in order to protect the blue fin tuna population, particularly in the Atlantic and off the area of the gentleman.

It is a very difficult program and the gentleman from New Jersey (Mr. FORSYTHE) has been very diligent in trying to insist that ICCAT take the necessary conservation measures that are necessary. Without the gentleman's

efforts, I am afraid they would not have moved as aggressively as they have and I would like to commend him for that.

GENERAL LEAVE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BREAUX. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. JONES).

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Mr. JONES of North Carolina. Mr. Speaker, H.R. 2784, a bill to reauthorize the Atlantic Tunas Act and for other pruposes, is an important piece of legislation and critical for maintaining and improving the status of the U.S. fishing industry. The reauthorization of the Atlantic Tunas Convention Act serves to maintain U.S. efforts to carry out research, management and the harvest of Atlantic tunas through international efforts. The operations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) is essential if we are to conserve and utilize the highly migratory tuna in the Atlantic Ocean.

H.R. 2784 would amend the Atlantic Salmon Convention Act to clarify that U.S. representatives to the Atlantic Salmon Commission are not to be considered as Federal employees and to make law enforcement efforts with respect to the Atlantic Salmon Convention conform with the Fishery Conservation and Management Act.

This measure would extend the authorization of the fisheries loan fund for a 1-year period, as well as that part of the American Fisheries Promotion Act which directs the purpose for which fisheries loan funds are to be used: First, to aid fishermen in danger of default on fishing vessel obligation guarantees (FVOG); second, to avoid default on loans not guaranteed under the FVOG program; and third, to cover fishing vessel operating costs when fishing vessel owners or operators are operating at a net deficit. I want to point out that the moneys in the fisheries loan fund are collected from fees assessed on foreign fishermen for the privilege of operating within our 200-mile fishery conservation zone.

H.R. 2784 would also extend a very minor authorization for appropriations relating to volunteer services for fisheries and wildlife purposes. In light of the administration's encouragement of volunteer efforts, I believe this simple measure is appropriate and it could yield dividends of increased fisheries research and management efforts by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

In addition, this bill includes language which would clarify that enhanced funding provisions for the purposes of the Anadromous Fish Conservation Act are to benefit those States implementing interstate management plans established by the interstate fishery management compacts.

H.R. 2784 provides for requisite congressional approval of 1-year extensions of the governing international fishery agreements between the United States and the Soviet Union, Poland, and East Germany. These agreements are essential for "fish and chips" policy whereby foreign nations assist the U.S. fishing industry in return for the right to fish in our fishery conservation zone.

Lastly, H.R. 2784 would authorize and amend the National Aquaculture Act of 1980. These amendments would: Create a National Aquaculture Board composed of industry, administration, and research and extension representatives; make the Secretary of Agriculture responsible for coordinating national aquaculture policy; and make the Secretary of Agriculture the permanent Chairman of the Joint Subcommittee on Aquaculture, which is a Federal coordinating council. This is a minor effort to help develop our aquaculture industry. A closer working relationship between the aquaculture industry and the Government agencies involved could well bring about expanded aquaculture production in the United States and provide a subsequent boost in economic growth and employment, as well as a reduction in the existing $3 billion U.S. trade deficit in fishery products.

Mr. Speaker, I fully support H.R. 2784 and I urge my colleagues to vote favorably on this legislation which is of vital importance to the fishing and aquaculture industries.

● Mr. DE LA GARZA. Mr. Speaker, I rise in support of title II. The title, which amends the National Aquaculture Act of 1980, does two principal things: First, it extends the authorization for appropriations for the 1980 act through fiscal years 1984, 1985, and 1986; and second, it amends the 1980 act to provide a better coordinated role for the Federal Government in promoting the development of aquaculture.

Mr. Speaker, this legislation is the product of cooperative efforts by the Committee on Merchant Marine and Fisheries and the Committee on Agriculture. This final version of H.R. 2676, which today is identified as title II of H.R. 2784, the Atlantic Tunas Convention Act of 1975, reflects the combined views and agreements of the membership of our respective committees. It is a pleasure to bring to this floor title II that takes into consideration the diverse interests, factors, and parties, resolves all differences, and results in a title acceptable to all.

Mr. Speaker, first of all, I want to compliment my distinguished colleagues from the Committee on Merchant Marine and Fisheries—especially Mr. BREAUX, the very able chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, and the ranking minority member, Mr. FORSYTHE. Their interest in this legislation and their commitment to further the growth and development of a domestic aquaculture industry is to be commended. I had the privilege and the pleasure of testifying before their subcommittee when this title was being originally considered as H.R. 2676. It is important to note that although this title gives the Department of Agriculture the lead role in aquaculture, it nevertheless continues to protect the rights, interests, and roles of the Departments of Commerce and the Interior. Once again, I want to thank these gentlemen and their colleagues on the full committee, for their dedication and spirit of cooperation in helping us to bring this legislation to the House.

Now, I would like to briefly explain why we are proposing changes in the 1980 act.

The 1980 act was written at a time when there was no clear Federal aquaculture program. There was no clearly understood policy for coordinating the research and development activities necessary for a healthy and viable aquaculture industry. It now seems clear that in drafting that pioneering law, Congress made the mistake of failing to concentrate responsibility for the new Federal effort in a single place.

The 1980 act made three officials—the Secretaries of Agriculture, Commerce, and Interior—equally responsible for developing, implementing, and coordinating Federal aquaculture policy. But one of the lessons that history teaches us is that when a lot of people are in charge, nobody is really in charge. The failure to centralize the direction of the Federal effort in aquaculture has become a substantial barrier to the effective implementation of the act. The result has been that no agency has taken the initiative to encourage and facilitiate an effective Federal aquaculture program.

In the opinion of our Committee on Agriculture—an opinion shared by the Committee on Merchant Marine and Fisheries—title II embodies a better way to get the job done.

The key to developing a really effective Federal effort to support private industry in developing aquaculture lies in providing better coordination and leadership. This is what title II does.

First, the title moves to provide both improved coordination and leadership

by selecting a single Federal official to take the lead in coordinating Government operations under the act. This official will be the Secretary of Agriculture. In addition, the title requires the Secretary to establish an Office of Aquaculture Coordination and Development within the USDA.

Second, the title moves to make sure that the advice and guidance of private industry plays a major role in the program. The legislation establishes and outlines the functions and operation of a National Aquaculture Board made up of representatives of the aquaculture industry and the public.

Both committees which passed on title II believe that the board, as a national organization representing the views of the private sector to officials of the Federal aquaculture program, will greatly improve the effectiveness of the Federal effort.

While the pending legislation designates the Department of Agriculture as the lead agency for aquaculture programs, the title also maintains important roles for the Departments of Commerce and the Interior. They must be encouraged to carry out their responsibilities and every effort must be made to be sure that Federal support for agriculture is carried out in a manner which is fair to all geographical areas and which deals equitably with both warm and estuarine species.

Mr. Speaker, some may ask: "What is so important about developing a domestic aquaculture industry?" The answer is simple, it is important because development of this industry can create jobs and can bring substantial benefits to consumers and the national economy. At present, our fishery industries do not supply our full domestic demand, and we have a very great trade deficit in fishery products. If aquaculture production is fully developed in the United States, it can cut that trade deficit and can provide more ample consumer supplies at reasonable prices. Beyond that, the products of aquaculture can be a great strategic resource—they can play a major role in the years ahead in meeting the world's constantly growing protein needs.

Mr. Speaker, I urge the Members to join me in support of title II H.R. 2784, as amended.●

Mr. FRANKLIN. Mr. Speaker, I rise in support of title II of this bill, the National Aquaculture Improvement Act of 1983.

I think it is important that we address the concerns of the aquaculture industry, mainly because that industry has asked that we do so. The aquaculture people came to us. They did not come asking for more money, but instead came asking Congress to provide that industry with some direction and leadership. Up until now, the aquaculture industry has been shuffled from one Government agency to another, and this section of the bill would settle this question once and for all by placing aquaculture under the jurisdiction of the Department of Agriculture.

This is what the industry wants, and I fully endorse the designation of the Secretary of Agriculture as the permanent chairman of the Joint Subcommittee on Aquaculture. USDA has already shown great interest in advancing this industry, and their interest and support is reassuring to those of us who have a stake in the industry.

I have a particular interest in this bill because aquaculture is perhaps the fastest growing industry in my congressional district. Some 300 farmers now raise catfish in the Mississippi Delta, and this has proven to be one of the most beneficial boosts for our area's economy in many years. This bill would further strengthen this growing industry, and I urge my colleagues to support it.

Mr. FORSYTHE. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

Mr. BREAUX. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BREAUX) that the House suspend the rules and pass the bill, H.R. 2784, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the National Aquaculture Act of 1980."

A motion to reconsider was laid on the table.

ELIMINATION OF JONES ACT EXEMPTION

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1076) to strengthen the domestic waterborne commerce of the United States.

The Clerk read as follows:

H.R. 1076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883) is amended by striking out "*Provided further,* That this section shall not apply to merchandise transported between points within the continental United States, including Alaska, over through routes heretofore and hereafter recognized by the Interstate Commerce Commission for which routes rate tariffs have been or shall hereafter be filed with said Commission when such routes are in part over Canadian rail lines and their own or other connecting water facilities:".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina (Mr. JONES) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1076 would delete the third proviso of section 27 of the Merchant Marine Act of 1920, commonly referred to as the Jones Act. Such action would strengthen the domestic commerce of the United States and help preserve our maritime resources.

The Jones Act requires that merchandise transported either directly or via a foreign port between points in the United States be carried on vessels built in, and documented under the laws of the United States. The exemption provided by the third proviso permits merchandise to be transported between points in the United States, including Alaska, on vessels not otherwise qualified if certain conditions are met. The merchandise must be transported over throughroutes recognized by the Interstate Commerce Commission for which rate tariffs have been filed. These routes must be, in part, over Canadian rail lines.

The exemption was originally intended to permit the continued operation on the Great Lakes of Canadian railroad car ferries. Alaska was specifically excluded but was later included in the proviso by the Alaska Statehood Act.

During the past 25 years, little use has been made of the third proviso. No one is operating under the third proviso at this time.

The current concern arises from two recent efforts to take advantage of the third proviso to install coastwise service from the lower 48 States to Alaska. If the third proviso exemption were to be utilized, it would mean that cargo now being shipped from our U.S. northwest ports on U.S.-flag vessels to Alaska could instead be moved by ground transportation to a Canadian port and from there to Alaska on foreign-flag or other noncoastwise-qualified vessels. This, of course, would harm Jones Act operators who have invested millions of dollars in the Alaska trade—as well as have the potential of a loss in U.S. maritime capability at a time when we can scarcely afford a further diminution in our maritime resources.

I urge my colleagues to join me in supporting this legislation.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1076, which would delete the so-called third proviso from the Jones

Act. The Jones Act, in general, requires that merchandise transported between points in the United States must be carried on vessels built in the United States. The third proviso grants and exemption from the requirements of the Jones Act and allows the use of foreign vessels if the merchandise is transported over routes for which tariffs have been filed with the Interstate Commerce Commission and Canadian rail lines are used for part of the transportation.

The third proviso was originally intended to allow transportation on the Great Lakes of merchandise from the Midwestern States to New England on Canadian railroads using foreign-built rail barges. With the construction of bridges, the use of the railcar barges was no longer necessary. The third proviso was extended to include Alaska at the time of the Statehood Act in the hopes that it would reduce transportation costs, but that did not turn out to be the case. The third proviso is not being used today.

During the hearings held by our committee, the testimony presented indicated that this provision is no longer needed and, in fact, it could lead to severe economic harm to U.S. shipping activities and U.S. ports if it is not repealed. This harm would come about because of foreign-flag vessels loading U.S. cargo brought to Canadian ports by Canadian railroads.

Presently, 20 U.S. Jones Act ship barge operators provide service to Alaska and four companies provide year-round liner service from the Pacific Northwest. These operators, and the U.S. ports, have invested millions of dollars in vessels and port facilities to support this trade. This investment would be in jeopardy if foreign vessels were to begin hauling U.S. cargo from Canadian ports. Furthermore, it is conceivable that foreign operators could stifle competition by driving the U.S. operators out of business by charging lower shipping rates—and then once in control of the trade—could raise their rates leading to higher transportation costs.

This provision of law is no longer needed and could be damaging to U.S. interests. Our committee unanimously approved this legislation, and I urge my colleagues to join us in supporting this bill to help our shipping industry, and the ports of the Pacific Northwest, and to preserve U.S. jobs that might otherwise be lost to Canada.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this measure and urge its adoption.

As a cosponsor of H.R. 1076, I think that this bill is needed to help maintain a strong domestic merchant marine and to insure that residents of the Pacific Northwest, and especially my State of Alaska, continue to receive the cargo service that they need.

H.R. 1076 corrects a loophole in the Jones Act that was originally enacted to solve a specific problem in the Midwest. That problem no longer exists and the proviso is no longer needed. However, various groups and individuals are now looking at using the third proviso to the Jones Act—the section that this bill would repeal—to undercut domestic operators in the Pacific Northwest by using foreign vessels with foreign crews operating out of foreign ports. This can only lead to a decrease in domestic service as U.S. operators are forced out of business by subsidized foreign operations. This could also lead to a substantial loss of employment in Alaska and the Pacific Northwest and a decrease in service to rural areas in Alaska. Finally, retention of the existing language of the law would deliver another strong blow to our already staggering domestic merchant marine.

H.R. 1076 was the subject of a day of hearings in the Merchant Marine Subcommittee. The only witnesses testifying in favor of retaining the third proviso were a foreign operator, the company in Alaska which is acting as an agent for him, and the mayor of Seward, Alaska, the port at which the foreign vessels would stop and which does not now receive extensive service due to a variety of reasons. All other witnesses, including maritime operators, unions, port directors, and private businesses, testified in favor of this legislation and against retaining the third provisio. Further, the support of the city of Seward was based on the need to increase local employment, a problem that can be solved by increasing domestic service. We do not need foreign operators undercutting our domestic merchant marine.

Allowing foreign operators to enter the Alaska trade will not result in service improvements; if anything, service will decrease to rural areas as existing U.S. carriers are forced to decrease their operations. A foreign operator that enters the trade to make a fast dollar will not take the time to serve small rural ports; he will serve only those ports that give him the greatest return. If domestic operators can not serve the large ports, they will be unable to afford to serve the small ports. This will be a disaster for every small town and village in Alaska that must rely on the maritime trade for its food, fuel, and supplies.

Foreign operators will not be able to solve the freight tariff problems that sometimes occur. They will be operating under the same ICC rules as U.S. carriers. However, instead of being able to take a problem to a local office, or even an office in Seattle, Alaskan residents will have to contact Bonn, Seoul, or Tokyo. I do not see that as any advantage.

Mr. Speaker, I think that this is a necessary piece of legislation and one that will result in no costs to the people of my State or of the United States as a whole. I urge its adoption.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BONKER).

Mr. BONKER. Mr. Speaker, I thank the chairman of the full committee for yielding to me.

Mr. Speaker, H.R. 1076 is designed to strengthen U.S. domestic waterborne commerce by simply repealing the third proviso of section 27 of the Jones Act. The proviso is an anomaly in our Nation's maritime laws. It has outlived the purpose for which it was enacted.

I am very pleased that many of my distinguished colleagues in the Pacific Northwest agree to cosponsor this important measure: Washington Representatives SWIFT, PRITCHARD, LOWRY, DICKS, and CHANDLER. I also want to thank Representative YOUNG of Alaska, a cosponsor of H.R. 1076, who has worked with the committee to bring this issue before Congress. And finally, I want to thank Committee Chairman JONES, Subcommittee Chairman BIAGGI, and Ranking Minority Member FORSYTHE, for their strong support in obtaining expeditious committee consideration of this legislation. I am pleased that the bill has moved through committee quickly and with unanimous support.

The third proviso of the Jones Act was enacted in 1920 to allow the continued operation on the Great Lakes of car ferries by Canadian railroads to improve the transportation of U.S. merchandise between the Midwestern United States and New England. With the passage of the Alaska Statehood Act of 1958, it became possible for foreign vessels to use the third proviso to enter into the Alaska trade, but there has been little interest until recently.

Due to improvements in rail transportation around the Great Lakes, the third proviso is no longer used in the Midwest to New England trade. However, there has been considerable interest within the last year in using this proviso for service in the Alaska trade.

If the third proviso is not repealed, cargo now shipped on U.S-flag vessels will be diverted from our Northwest ports to foreign vessels and Canadian ports. This is because the proviso would allow the transportation of cargo from the lower 48 States, over Canadian rail lines to Canadian ports for shipment to Alaska on foreign or other non-coastwise-qualified vessels.

The diversion of this domestic cargo from Pacific Northwest ports would severely harm the 20 U.S. Jones Act

ship and barge operators who have invested hundreds of millions of dollars to provide reliable, competitive service in the Alaska trade. It would result in the loss of American seagoing and portside jobs, including terminal operators, longshoremen, and industries that provide supply receiving, warehousing, consolidation facilities and motor and rail transportation services. These services account for 20,000 jobs in western Washington—jobs which are directly or indirectly related to the transportation of cargo to Alaska. Over 4,000 of these jobs in the Puget Sound area are directly dependent upon the 20 U.S.-flag ship and barge operators serving Alaska.

If the third proviso is allowed to remain, foreign ships and crews carrying the Alaska trade cargo from Canadian ports would be able to undercut the rates offered by U.S. carriers because of the lower costs foreign operators incur for vessel construction and crew wages and the direct foreign subsidies such operators frequently receive. Domestic water carriers, which have invested nearly $1 billion in capital equipment to be used in the Alaska trade, would be unable to compete in such an environment. Service to Alaska by U.S.-flag operators would of necessity be curtailed, and the current vigorously competitive Alaska waterborne trade would be replaced by foreign carriers.

Some have suggested that third proviso transportation could result in lower prices for consumer goods delivered in Alaska. That would not occur. The perceived benefits of lower foreign-flag vessel costs which might be achieved on the ocean portion of a through trip, would in all likelihood not be passed on to the Alaska consumers. Since Canadian rail lines must be used for a portion of the through route, they need only price the total package temporarily below domestic U.S. carrier rates to attract the cargo—they need not, indeed probably would not, pass the total reduction or a portion of it through to the Alaska consumer. Once traffic is diverted and U.S.-flag carriers either severely curtail service or leave the Alaska trade entirely, the pricing situation would be monopolistic in nature and transportation costs most assuredly would rise.

Even if, in the short term, some portion of the cost reduction was passed on to the Alaska consumer, it would not significantly affect the shelf price of merchandise. The freight cost of a product sold in the Alaska market is minimal, less than 2 percent. This is an insignificant portion of the shelf price of the product.

Currently, there is a diverse, competitive, reliable, nonsubsidized U.S. maritime community serving in the Alaska trade. It is our most competitive domestic coastwise trade. Carriers have responded without subsidy to market demand and have more than doubled tonnage in the trade since 1975. The 20 U.S. ship-and-barge operators provide more vessel capacity in the Alaska trade than ever before. These carriers have historically committed private capital to increase vessel capacity in response to the demands of the Alaskan economy. They cannot continue to do so unless the third proviso loophole is closed.

The intent of H.R. 1076 is, simply, to repeal the third proviso. By maintaining the original purpose of the Jones Act—to establish and maintain a strong domestic shipping capability—current capital investment and jobs will be protected while preserving a responsive and responsible transportation service between the Pacific Northwest and Alaska.

Once again I commend the chairman of the full committee and the ranking minority member for their cooperation in expediting action on this bill.

Mr. FORSYTHE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to vote against the whole Jones Act because I think it is a protectionist adventure that keeps U.S. interests from enjoying full competition and U.S. consumers, wherever they may live, from having the benefits of full competition. This elimination of an exemption from the Jones Act is probably not a very important one.

Nobody at this time is using the exemption. On the other hand, I note with some regret that as soon as anyone begins to contemplate the use of this exemption, this Congress is going to move swiftly to remove the exemption.

What it means is that transportation between the points in question is going to be less competitive and more expensive for the consumers.

In this regard, I quote from the committee report, which in turn is quoting from a statement by the Interstate Commerce Commission, which was requested to make that statement to the committee.

> Deletion of the third proviso, it would appear, could have beneficial and detrimental effects. On the one hand, its deletion would presumably assure U.S. jobs and revenues for U.S. owned water carriers. On the other hand, its retention and utilization could conceivably increase competition and ultimately result in better service and/or lower prices to the shipping public. The latter approach would appear to be consistent with the policy thrust of the major reform legislation affecting the jurisdiction of the Commission.

Later on the Commission takes no position and it leaves this to the Congress. I would hope the Congress would take the position not to delete this proviso and leave the tiny little bit of competition in the Jones Act that now lies there.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JONES of North Carolina. Mr. Speaker, I yield 2 additional minutes to the gentleman from Minnesota.

Mr. FRENZEL. I yield to the distinguished gentleman from Washington (Mr. BONKER).

Mr. BONKER. The gentleman and I agree so fully on international trade that I hesitate to rise to comment on his statement. But, I think we should recognize that so-called cabotage laws are in effect almost universally. That is defined as a trade or transport in coastal waters between two points within a country. Canada has such a cabotage law as does Australia, Brazil, Finland, France, West Germany, Greece, Spain, and the U.S.S.R., and the list includes three or four of the top maritime nations in the world. It is another example of the United States attempting to practice free trade in a world plagued by protectionist sentiment. I think if other countries would agree to eliminate their cabotage laws, the United States would be willing to go along so we are in a fully free trade environment, so that we are not placing our own industry at a competitive disadvantage.

Mr. FRENZEL. I thank the gentleman for his contribution and I agree with him wholeheartedly that it would be better if no nations had a protected merchant marine. I will stick to my position, however, that we should not follow the mistakes of our trading partners. Just because they want higher costs of transportation between two points in their countries, I do not think we should ask for it in our country. But the gentleman is right, it would be much better if everybody would do the same with respect to maritime transportation.

I yield to my distinguished associate from Alaska (Mr. YOUNG).

□ 1300

Mr. YOUNG of Alaska. Being this is the only State, Alaska being directly connected to this legislation with the State of Washington, let me address one situation which the gentleman brought up.

The SPEAKER pro tempore. The time of the gentleman from Minnesota (Mr. FRENZEL) has again expired.

Mr. FORSYTHE. Mr. Speaker, I yield 2 additional minutes to the gentleman from Minnesota.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I do not buy the savings consumer argument and I never have bought that. I think it is important that the American people realize that in 1945 the

United States had the No. 1 merchant marine fleet in the world. Today we are 11th because we have traded off our merchant marine capability as we have traded off our fish and the guys are trying to garner sympathy or understanding from the other international shipping countries. And as the gentleman from Washington has mentioned, the cabotage laws are in place with our nearest neighbor Canada. They are in place with England, Sweden, Norway, Italy, and I can go right on down the line.

And, as the gentleman mentioned before, ideally if everybody gave it up. Well, they are not going to give it up. They are not going to give us the preferential treatment, they are not going to give the amounts of cargo that is necessary to carry, they are not going to take and even consider us. And as far as I am concerned, to have good sound shipping transportation the State of Alaska with five large carriers, who have contributed to the State of Alaska, are willing to invest in the State of Alaska, now to sell out to a German bottom ship, with a German crew, with really no understanding of the problems of Alaska, I think, is incorrect.

I honestly believe when we are talking about consumers, try dealing with Bonn and Seoul and Toyko and other areas, where right now with the ICC we do have some control over what service is offered to what States and when and where.

If the countries want to lift off their ban, fine, but they are not going to do it. Let us be realistic. They are going to insist on 50 percent of their cargo being carried by their ships. We export and import more than any other nation, yet we are 11th in merchant marine capability. I think it is time America recognized we are dependent upon the merchant marine fleets of foreign countries as we are dependent upon foreign oil. And that is what we have to address. We are dependent upon foreign oil and a foreign shipping fleet and if we keep leaving these loopholes in we will be more dependent.

Mr. FORSYTHE. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Speaker, I want to congratulate the chairman and the ranking member and particularly the gentleman from Washington (Mr. BONKER) for his leadership in straightening out what I think was a loophole in the third proviso.

Without getting into the whole argument, I think at this point it makes good sense at least to tighten this loophole up and then we can worry about the consistency of the overall theory, but this is, I think, helpful legislation and I want to commend those who were most important in fashioning this bill.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1076, being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

● Mr. BIAGGI. Mr. Speaker, I rise in support of H.R. 1076.

The third proviso of the Jones Act was enacted to improve the transportation of merchandise between points in the Continental United States. It allowed the continued operation on the Great Lakes of car ferries by Canadian railroads as a part of the transportation of merchandise from midwestern States across Canada by rail and barge to New England.

Alaska was originally specifically excluded from coverage by the third proviso—but its coverage was extended to that State by the Alaska Statehood Act in 1958.

In the intervening 25 years, little use has been made of the third proviso. Improved rail transportation around the Great Lakes and the construction of bridges have made the use of railcar barges unnecessary. No one is operating under the third proviso at this time.

The trade that is involved—and of immediate issue now—is coastwise service from places in the lower 48 States to Alaska. The current concern arises from the fact that there have been two recent efforts to take advantage of the third proviso exemption. Although unsuccessful thus far, those who wish to enter the trade and take advantage of the exemption have not abandoned their efforts.

If the third proviso exemption were to be utilized, it could mean that cargo now being shipped from our U.S. Northwest ports on U.S.-flag vessels to Alaska could instead be moved by ground transportation to a Canadian port—and from there to Alaska on foreign-flag or other noncoastwise-qualified vessels. This, of course, could harm Jones Act operators who have invested millions of dollars in the Alaska trade—as well as result in a loss of American seagoing and portside jobs.

At the subcommittee hearing on March 18, we heard testimony that the Alaska trade is characterized by a high degree of competition—and is a generally regular and reliable service. The measure was reported out of subcommittee and full committee by unanimous vote.

While this Jones Act exemption once served a purpose, it has outlived its usefulness. I see no compelling reason to retain the exemption, and I urge my colleagues to join me in supporting the bill.●

● Mr. DICKS. Mr. Speaker, as a cosponsor of H.R. 1076, I am pleased to have this opportunity to comment on the importance of repealing the third proviso of the Jones Act.

The third proviso was originally intended to allow the continuation of rail and ferry service from the Midwest to New England through the Great Lakes. But in the Northwest, the effect has been to promote foreign shipping to the disadvantage of domestic carriers.

A growing Canadian emphasis on port development and export enhancement has encouraged numerous Canadian concerns to explore the use of the third proviso to broaden Canadian participation in the shipment of goods to Alaska. Since the third proviso would allow the use of foreign bottoms in Canadian transshipment, pricing for the transportation of goods via Canada could be lower than that available on domestic carriers. The diversion of cargo to Canadian carriers would mean a loss of U.S. jobs.

More than 20 U.S. ship and barge operators now provide service to Alaska. Approximately 25,000 people in western Washington are currently employed in jobs directly or indirectly related to the transportation of cargo to Alaska. And there is now more vessel capacity serving the Alaska trade than at any time in history.

Diversion of cargo from Puget Sound ports to Canadian ports will have a devastating effect on employment and economic vitality in Washington State. The impact will not be limited to the maritime community, but will be felt as well in the rail and motor carrier industries. The bottom line will be a significant loss of employment in a State already suffering a jobless rate significantly over the national average.

A vote in support of H.R. 1076 will reaffirm the interest of the U.S. Congress in the use of domestic carriers to transport domestic cargo. H.R. 1076 is legislation to preserve American jobs. I urge my colleagues to support this important bill.●

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and yield back the balance of my time.

Mr. FORSYTHE. Mr. Speaker, I have no further requests, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 1076.

The question was taken.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL MARINE SANCTUARIES

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2062), to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972 as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.) is amended to read as follows:

"TITLE III—NATIONAL MARINE SANCTUARIES

"SEC. 301. FINDINGS, PURPOSES, AND POLICIES

"(a) FINDINGS.—The Congress finds that—

"(1) this Nation historically has recognized the importance of protecting special areas of its public domain, but such efforts have been directed almost exclusively to land areas above the high-water mark;

"(2) certain areas of the marine environment possess conservation, recreational, ecological, historic, research, educational, or esthetic qualities which give them special national significance;

"(3) while the need to control the effects of particular activities has led to enactment of resource-specific legislation, these laws cannot in all cases provide a coordinated and comprehensive approach to the conservation and management of special areas of the marine environment;

"(4) a Federal program which identifies special areas of the marine environment will contribute positively to marine resource conservation and management; and

"(5) such a Federal program will also serve to enhance public awareness, understanding, appreciation, and wise use of the marine environment.

"(b) PURPOSES AND POLICIES.—The purposes and policies of this title are—

"(1) to identify areas of the marine environment of special national significance due to their resource or human-use values;

"(2) to provide authority for comprehensive and coordinated conservation and management of these marine areas which will complement existing regulatory authorities;

"(3) to support, promote, and coordinate scientific research on, and monitoring of, the resources of these marine areas;

"(4) to enhance public awareness, understanding, appreciation, and wise use of the marine environment; and

"(5) to facilitate, to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities.

"SEC. 302. DEFINITIONS.

"For the purposes of this title, the term—

"(1) 'marine environment' refers to those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, consistent with international law;

"(2) 'Secretary' refers to the Secretary of Commerce; and

"(3) 'State' refers to each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States.

"SEC. 303. SANCTUARY DESIGNATION STANDARDS.

"(a) STANDARDS.—The Secretary may designate any discrete area of the marine environment as a national marine sanctuary and promulgate regulations implementing the designation if the Secretary determines that such designation will fulfill the purposes and policies of this title, and if the Secretary finds that—

"(1) the area is of special national significance due to its resource or human-use values;

"(2) existing State and Federal authorities are inadequate to ensure coordinated and comprehensive conservation and management of the area, including provisions for resource protection, scientific research and public education, and that designation of such area as a national marine sanctuary will facilitate these objectives; and

"(3) the area is of a size and nature which will permit comprehensive and coordinated conservation and management.

"(b) FACTORS AND CONSULTATIONS REQUIRED IN MAKING FINDINGS.—For purposes of determining if an area of the marine environment meets the standards set forth in subsection (a), the Secretary shall—

"(1) take into consideration—

"(A) the area's natural resource and ecological qualities; including its contribution to biological productivity, maintenance of ecosystem structure, maintenance of ecologically or commercially important or threatened species or species assemblages, and the biogeographic representation of the site;

"(B) the area's historic, cultural, archaeological, or paleontological significance;

"(C) the present and potential uses of the area that depend on maintenance of the area's resources; including commercial and recreational fishing, other commercial and recreational activities, and research and education;

"(D) present and potential activities that may adversely affect the factors identified in subparagraphs (A), (B), and (C);

"(E) the existing State and Federal regulatory and management authorities applicable to the area and the adequacy of those authorities to fulfill the purposes and policies of this title;

"(F) the manageability of the area; including such factors as its size, its ability to be identified as a discrete ecological unit with definable boundaries, its accessibility, and its suitability for monitoring and enforcement activities;

"(G) the public benefits to be derived from sanctuary status, giving emphasis to the benefits of long-term protection of nationally significant resources, vital habitats, and resources which generate tourism;

"(H) the negative impacts produced by management restrictions on income-generating activities, such as living and nonliving resource development; and

"(I) the socioeconomic effects of sanctuary designation; and

"(2) consult with—

"(A) the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

"(B) the Secretaries of State, Defense, and Transportation, the Secretary of the department in which the Coast Guard is operating, the Secretary of the Interior, the Administrator, and the heads of other interested Federal agencies;

"(C) the appropriate officials of any State that will be affected by the establishment of the area as a national marine sanctuary;

"(D) the appropriate officials of any Regional Fishery Management Council established by section 302 of the Act entitled, 'An Act to provide for the conservation and management of the fisheries, and for other purposes', approved April 13, 1976 (90 stat. 331 et seq., 16 U.S.C. 1801 et seq. (hereinafter in this title referred to as the 'Act of 1976')) that may be affected by the designation; and

"(E) other interested persons.

"SEC. 304. PROCEDURES FOR DESIGNATION AND IMPLEMENTATION.

"(a) SANCTUARY PROPOSAL.—

"(1) NOTICES.—In proposing to designate a national marine sanctuary, the Secretary shall issue in the Federal Register a notice of the proposal, together with proposed regulations that may be necessary and reasonable to implement it, and shall provide notice of the proposal in newspapers of general circulation or electronic media in the communities that may be affected by the proposal. After issuing a notice the Secretary shall conduct at least one public hearing in the area affected by the proposed designation. On the same day of issuing the notice, the Secretary shall also submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a prospectus on the proposal which shall contain—

"(A) the terms of the proposed designation;

"(B) the basis of the findings made under section 303(a) with respect to the area;

"(C) proposed mechanisms to coordinate existing regulatory and management authorities within the area;

"(D) a management plan detailing the proposed goals and objectives, management responsibilities, resource studies, interpretive and educational programs, and enforcement and surveillance activities for the area;

"(E) an estimate of annual costs of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education; and

"(F) proposed regulations to implement the measures referred to in subparagraphs (A), (C), and (D).

"(2) TERMS OF DESIGNATION.—The terms of designation of a sanctuary shall include, among other things, the geographic area included within the sanctuary, the characteristics of the area that give it conservation, recreational, ecological, historical research, educational, or esthetic value, and the types of activities that will be subject to regulation by the Secretary in order to protect those characteristics. The terms of designation may be modified only by the same procedures by which an original designation is made.

"(3) FISHING REGULATIONS.—The Secretary shall provide the appropriate Regional Fishery Management Council with the opportunity to draft regulations for fishing within the United States Fishery Conservation Zone as may be necessary to implement the proposed designation. Draft regulations prepared pursuant to this section shall fulfill the purposes and policies of this title and the goals and objectives of the proposed designation. In preparing the draft regulations,

the Regional Fishery Management Council shall also use as guidance the national standards of section 301(a) of the Act of 1976 to the extent that the standards are consistent and compatible with the goals and objectives of the proposed designation. If the Council declines or fails to prepare the draft regulations in a timely manner, the Secretary shall prepare them.

"(4) COMMITTEE ACTION.—After receiving the prospectus under subsection (a)(1), the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate may each hold hearings on the proposed designation and on the matters set forth in the prospectus. If, within the forty-five-day period of continuous session of Congress beginning on the date of submission of the prospectus, either committee issues a report disagreeing with one or more matters addressed in the prospectus, the Secretary shall consider the report before designating the national marine sanctuary.

"(b) TAKING EFFECT OF DESIGNATIONS.—

"(1) In designating a national marine sanctuary the Secretary shall issue a notice of the designation together with final regulations to implement the designation and any other matters required by law and submit such notice to the Congress. No designation may occur until the expiration of the period for committee action under subsection (a)(4). Such designation and regulations shall take effect after the close of a review period of ninety days of continuous session of Congress beginning on the day on which the designation notice is issued unless—

"(A) the Congress disapproves the designation, or any of its terms, by adopting a resolution of disapproval described in subsection (b)(3); or

"(B) in the case of a national marine sanctuary that is located partially or entirely within the jurisdiction of one or more States, the Governor(s) affected certifies to the Secretary that the designation or any of its terms are unacceptable. In the event of such certification, the designation or the unacceptable term shall not take effect in the area of the sanctuary lying within the jurisdiction of the State.

"(2) If the Secretary considers that actions taken under paragraphs (A) or (B) will affect the designation in such a manner that the goals and objectives of the sanctuary cannot be fulfilled, the Secretary may withdraw the designation.

"(3) For the purposes of this subsection, the term 'resolution of disapproval' means a concurrent resolution which states after the resolving clause the following: 'That the Congress does not approve the national marine sanctuary designation entitled that was submitted to Congress by the Secretary of Commerce on .', the first blank space being filled with the title of the designation and the second blank space being filled with the date on which the notice was submitted to Congress. In the event that the disapproval is addressed to one or more terms of the designation, the resolution shall state: 'That the Congress approves the national marine sanctuary designation entitled that was submitted to Congress by the Secretary of Commerce on , but disapproves the following terms of such designation: .', the first blank space being filled with the title of the designation, the second blank space being filled with the date on which the notice was submitted to Congress, and the third blank space referencing each term of the designation which is dispproved.

"(4) In computing the forty-five- and ninety-day periods of continuous session of Congress pursuant to section 304(a)(4) and section 304(b)(1) respectively—

"(A) continuity of session is broken only by an adjournment of Congress sine die, and

"(B) the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain are excluded.

"(5) All permits, licenses, and other authorizations issued under any other authority of law that pertain to activities carried out in the area designated as a national marine sanctuary shall continue to be valid unless the regulations implementing the designation provide otherwise.

"SEC. 305. INTERNATIONAL APPLICATION OF REGULATIONS AND NEGOTIATIONS.

"(a) REGULATIONS.—The regulations issued under section 304 shall be applied in accordance with recognized principles of international law, including treaties, conventions, and other agreements to which the United States is signatory. Unless the application of the regulations is in accordance with such principles or is otherwise authorized by an agreement between the United States and the foreign state of which the affected person is a citizen or, in the case of the crew of a foreign vessel, between the United States and flag state of the vessel, no regulation applicable to areas or activities outside the jurisdiction of the United States shall be applied to a person not a citizen of the United States.

"(b) NEGOTIATIONS.—After the taking effect under section 304 of a national marine sanctuary that applies to an area or activity beyond the jurisdiction of the United States, the Secretary of State shall take such action as may be appropriate to enter into negotiations with other governments for the purpose of arriving at necessary arrangements with those goverments for the protection of the sanctuary and to promote the purposes for which it was established.

"SEC. 306. RESEARCH AND EDUCATION.

"The Secretary shall conduct such research and educational programs as are necessary and reasonable to carry out the purposes and policies of this title.

"SEC. 307. ANNUAL REPORT ON AREAS BEING CONSIDERED FOR DESIGNATION.

"On or before November 1 of each year, the Secretary shall submit a report to the Congress setting forth information on those sites which the Secretary will be actively considering for sanctuary designation during the current fiscal year. Such information for each site shall include, to the extent available at time of submission, the following:

"(1) a description of the resources and other values which make the site nationally significant;

"(2) present and potential human uses;

"(3) impacts of present and potential activities;

"(4) existing State and Federal regulatory and management authorities;

"(5) boundary options;

"(6) regulatory options; and

"(7) potential research and educational benefits.

"SEC. 308. ENFORCEMENT.

"(a) IN GENERAL.—The Secretary shall conduct such enforcement activities as are necessary and reasonable to carry out this title. The Secretary shall, whenever appropriate, utilize by agreement the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities, or of State departments, agencies, and instrumentalities, on a reimbursable basis in carrying out his responsibilities under this title.

"(b) CIVIL PENALTIES.—

"(1) Any person subject to the jurisdiction of the United States who violates any regulation issued under this title shall be liable for a civil penalty of not more than $50,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

"(2) No penalty shall be assessed under this subsection until the person charged has been given notice and an opportunity to be hears. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Secretary, shall commence action in the appropriate district court of the United States to collect the penalty and to seek such other relief as may be appropriate.

"(3) A vessel used in the violation of a regulation issued under this title shall be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof.

"(c) JURISDICTION.—The district courts of the United States shall have jurisdiction to restrain a violation of the regulations issued under this title, and to grant such other relief as may be appropriate. Actions shall be brought by the Attorney General in the name of the United States. The Attorney General may bring suit either on his own initiative or at the request of the Secretary.

"SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

"To carry out this title, there are authorized to be appropriated not to exceed the following sums:

"(1) $2,264,000 for fiscal year 1984.

"(2) $2,500,000 for fiscal year 1985.

"(3) $2,750,000 for fiscal year 1986.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina (Mr. JONES) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2062.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

● Mr. BREAUX. Mr. Speaker, as chairman of one of the subcommittees responsible for this legislation, I would like to rise in support of the bill which our distinguished chairman of the Committee on Merchant Marine and Fisheries has brought before the House. The bill represents an extensive and commendable effort on the part of the members of our committee and their staff, and if enacted, I believe this bill will substantially

strengthen the marine sanctuaries program.

Since its inception in 1972, the marine sanctuaries program has been the subject of extensive controversy both publicly and within the Congress. While providing an excellent opportunity to protect unique and fragile areas of the marine environment, the program has also, unfortunately, been used as a tool to hamper legitimate offshore development and resource utilization. Admittedly, such problems have been largely attributable to the failure of Congress in 1972 to provide clear and specific guidance as to the objectives of this program.

The bill before us clarifies that the marine sanctuaries program is not to be used as an oceanwide management tool but is simply a means to protect relatively small, discrete areas of the marine environment where existing State and Federal authorities are inadequate. Such areas must possess certain unique characteristics of national significance which not only should, but can be managed as a unit. Furthermore, this bill specifies that while the overall thrust of the program is to protect such unique areas from degredation, we have not created another wilderness area system in which man's activities are to be excluded in all cases. Instead, man's activities are to be permitted, and in some cases encouraged, in marine sanctuaries to the extent that such activities do not detract from the integrity of the sanctuary.

Over the years, many ocean resource user groups have indicated a need for greater access to a better defined decisionmaking process regarding marine sanctuary designations. In this bill we have provided explicit guidelines to the Secretary of Commerce for evaluating and ultimately selecting proposed marine sanctuary sites. Such proposals are then to be submitted to the Committee on Merchant Marine and Fisheries in the House and the Committee on Commerce, Science and Transportation in the Senate for our evaluation. It is intended that these committees will provide a forum to hear and evaluate disputes raised by those interests directly impacted by proposed marine sanctuary designations and to make responsible recommendations to the Secretary thereon. Since this bill retains an ultimate congressional veto provision, I fully expect that the Secretary will seriously consider congressional recommendations in the final sanctuary designation.

H.R. 2062 further provides for the use of the extensive expertise of the Regional Fishery Management Councils to develop draft regulations which pertain to fishing within marine sanctuaries. In developing such regulations, the Councils are to follow the national standards for fishery conservation and management found in the Fishery Conservation and Management Act (FCMA), but only to the extent that such standards are consistent with the goals and objectives of the proposed sanctuary and title III of the Marine Protection, Research and Sanctuaries Act. By virtue of the existing process under the FCMA, any such regulations which become final and which pertain to a fishery currently managed under a fishery management plan (FMP) will be automatically incorporated into the existing FMP.

Mr. Speaker, once again I would like to stress that, in addition to providing a reauthorization, H.R. 2062 should go some way to satisfying the concerns of ocean resource user groups regarding the proper scope of this important program. I strongly believe the bill represents a positive alternative to existing law and would conclude by urging my colleagues to support this important legislation.●

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2062 is a bill to reauthorize the national marine sanctuaries program. This is a small program, relatively speaking, but one that always draws attention from the Committee on Merchant Marine and Fisheries. I am pleased to bring before the House a compromise package which has broad support among committee members.

This program is a modest one, but it is successful and popular. The reauthorization of this law is supported by the administration.

The first sanctuary was established in 1975 to protect the wreck of the U.S.S. *Monitor,* a civil war ironclad. That sanctuary is located off the shores of my district. I would just like to add, Mr. Speaker, that this wreck is a source of pride to North Carolinians. What the entire Confederate navy failed to do at the expense of many ships and lives, was done without even one cannonblast by the seas of North Carolina's Outer Banks.

This wreck was undiscovered and undisturbed for over a century, but once found was endangered by uncontrolled salvage operations. Designation as a marine sanctuary has served to protect this national treasure. Other nationally significant resources of historical or biological importance deserve equal protection, and therefore, I fully support the program's reauthorization.

H.R. 2062, as reported, substantially amends title III of the Marine Protection, Research and Sanctuaries Act. It sets forth explicit purposes and policies for the program. It establishes standards for the Secretary of Commerce to apply when assessing marine areas for sanctuary designation. It outlines site designation procedures for the Secretary to follow, including broadened consultations with affected parties, participation by regional fishery management councils in the drafting of fishing-related regulations and a 45-day period for Congress to review proposed sanctuaries. It also extends the period now set aside for congressional disapproval of a specific designation from 60 to 90 days.

H.R. 2062 is a carefully crafted compromise bill. It represents long hours of effort on the part of many people. I want to commend the members of the committee, both majority and minority, for their work on the bill. The sanctuary program is an important marine conservation program. I strongly believe that H.R. 2062 will strengthen the program and I urge my colleagues to support this bill.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2062, which reauthorized the national marine sanctuary program.

The bill before the House represents an agreement between interested members of the committee on the issue of the appropriate role and involvement of Congress and other interested parties in the designation of marine sanctuaries. Specifically, it mandates a 45-day congressional review period—during which time the appropriate House and Senate committees may hold hearings on a proposed sanctuary designation and may issue reports to the Secretary of Commerce. H.R. 2062 also gives the appropriate Regional Fishery Management Councils the authority to draft regulations pertaining to fishing interests in a sanctuary.

We have been in the trenches over this relatively tiny program since its enactment in 1972. Much of the debate stemmed from the lack of congressional intent with regard to the scope and purpose of the program. In its youth, the marine sanctuary program was perceived by many as a management tool for locking up vast areas of the marine environment. This was never the intent of Congress. NOAA responded to past confusion and controversy by instituting a new site selection and designation process. For the most part, that process has been incorporated into the bill before us today.

With H.R. 2062, I believe we have finally fashioned a program which facilitates public and private use and enjoyment of the marine environment, complements existing regulatory authority in the marine sanctuaries, and meets the critical goal of the act—to protect areas of the marine environment of special, national significance. Further, the funding levels in the bill are realistic and for fiscal year 1984 reflect the administration's request, as well as those contained in the fiscal year 1984 appropriation bill.

Mr. Speaker, I support H.R. 2062 and urge the support of my colleagues.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong opposition to this bill and urge its rejection by the House.

H.R. 2062 is spoken of as a compromise by its supporters. In reality, it is nothing more than a rewrite of existing law. Further, by passing this bill, this House will be renouncing it obligation to insure that our public lands and waters are wisely managed. The House will continue to support a law that is opposed by every major user of the marine environment. It will be closing its eyes to an attempt to stop all commercial use of our oceans. At a time when we are giving serious consideration to the proper development of our commercial fishing industry and to offshore oil, gas, and mineral deposits, we will be leaving all power in the hands of an appointed bureaucrat to decide the fate of large areas of our waters.

This is unprecedented in the case of every major land decision made by this Congress. While I may not agree with every decision made on wilderness areas, national parks, and so forth, I at least know that every proposed area has been subject to full review by the Congress. Yet, in the case of a marine sanctuary, there is no requirement for congressional review. We may hold a hearing, if we like. We have the opportunity to veto regulations—an opportunity, I might add, that is now being reviewed by the courts and may be denied us.

Yet there is no opportunity to take positive congressional action to designate a sanctuary and thereby insure that a sanctuary is necessary and desirable and that it could not be modified by the next bureaucrat to come along.

In passing this bill, the House Merchant Marine and Fisheries Committee ignored the testimony of every major fishing industry group in the United States. This is the same committee that found that the development of our fishing industry is a national priority. Yet, this committee responded to the requests of the marine sanctuary program people who want nothing more than another entrenched bureaucracy so they can keep spending the public's money.

Let me give you an example that was published in the Washington Post of June 10. According to the Post, a sanctuary is being established near Assateague Island, in spite of opposition from local governments, fishermen who use the area, and oil companies that have valid leases which will be worthless once the sanctuary is established. The senior program analyst from the Department of Commerce who was interviewed on this matter dismisses the oppostion by saying that "the local folks are misinformed." He also admits that the sanctuary could stop commercial fishing and that the pipeline which is soon to be put in place to bring oil to shore would probably be incompatible with the sanctuary.

Mr. Speaker, what sort of priority are we establishing in this country? Here is an appointed bureaucrat dismissing the valid concerns of American citizens as uninformed while doing what is necessary to destroy the economic livelihood of an area that is not too rich to begin with. I ask the Members of this body: Do you want to see the bureaucracy decide what is best for the people of the United States? Do you want this to happen in your area, without even the benefit of congressional review? Why are we ignoring our responsibilities as Members of this body?

If you vote for this bill, you might as well resign your office and go home. Your constituents will not need you anymore, all they have to do is fight the executive branch and you certainly are not helping them do it. If we vote for this bill, we might as well abolish the Congress, because we will have taken the first step toward destroying the system of checks and balances that were set in place by our Constitution.

Mr. Speaker, I think that this bill should be buried so deeply that it will never be able to come up for air. I urge a "No" vote on H.R. 2062.

Mr. JONES of North Carolina. Mr. Speaker, in reply to the gentleman from Alaska, I am a little disappointed that he does not have more faith in the Committee on Merchant Marine and Fisheries. We have 45 days to veto and review these propositions.

I assure the gentleman that we will be very zealous in our duties and responsibilities in that area, if that helps to any degree.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FORSYTHE. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Speaker, I rise in support of H.R. 2062 and I would also like to associate myself with the remarks made by my colleagues. H.R. 2062 is the result of a truly bipartisan effort to report a bill that addresses the concerns of interested parties and provides a concise statement of congressional intent for the national marine sanctuary program.

H.R. 2062 reauthorizes the national marine sanctuary program at the level the administration supports for fiscal year 1984. The bill reauthorizes the program for 3 years: Fiscal year 1984—$2.261 million; fiscal year 1985—$2.5 million; and fiscal year 1986—$2.75 million. It also codifies the recently implemented marine sanctuaries program development plan.

I think the issues surrounding the national marine sanctuary program, brought out before the committee necessitated a change in the law. Numerous parties expressed concerns that the current law does not provide the program with adequate congressional direction. This program has caused interest groups to go on the defensive, based upon a perception of another unnecessary Federal tier of management and regulation.

H.R. 2062 addresses the aforementioned concerns in the following ways: First, in order for the Secretary to designate discrete areas of the marine environment as a national marine sanctuary and promulgate regulations implementing the designation the Secretary must determine—(a) the area is of special national significance due to its resource or human-use values; (b) existing State and Federal authorities are inadequate to insure coordinated and comprehensive conservation and management of the area, including provisions for resource protection, scientific research and public education, and that designation of such area as a national marine sanctuary will facilitate these objectives; (c) the area is of a size and nature which will permit comprehensive and coordinated conservation and management; second, it requires that the Secretary of Commerce consult with Congress, the Secretaries of the appropriate Federal agencies, appropriate officials of any State that will be affected by the National marine sanctuary, and the appropriate officials of any regional fishery management council and other interested persons; third, it increases the congressional oversight and review of the program and specific proposed sites by a 45-day congressional review period prior to final sanctuary designation; and fourth, the Secretary must provide the appropriate regional fishery management council with the opportunity to draft regulations for fishing within the U.S. fishery conservation zone needed to implement the proposed designation with the stipulation that the draft regulations will fulfill the purposes and policies of the marine sanctuary program and the goals and objectives of the proposed designation.

H.R. 2062 will give the marine sanctuaries program focus and definition which has been lacking in the past. It also allows for more public input in the site designation process. I would strongly urge my colleagues to support the passage of this legislation.

Mr. Speaker, I think those concerns expressed by the gentleman from Alaska are legitimate concerns and were the reasons why the committee

changed the legislation this time. We had problems in the preceding years.

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I think some so-called bureaucrats did get a little off base, and so we tightened this up so that the committee and the Representatives from those States will have a lot to say.

Now, we only have six of these around the entire coast of America. We are going to go very slow, and I think that the Congress is going to have a chance to monitor this program, see how it works. After the hearing, and talking to these people, I am convinced that they are going to go slow and that we in Congress are going to have a lot of input. If we do not like what they are going to do, why, we can veto what they have done.

I would agree with the gentleman. We will watch closely, and we will certainly listen to his concerns. If there is any sanctuary that is put on the list that the gentleman is opposed to, I can tell the gentleman that the committee is going to be very hard about having this approved.

The gentleman has to remember that the one he suggested is 1 of 29 that were just put on the list to look at.

So I think we have tightened this up, and I think we have now finally gotten a balance.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. PRITCHARD. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Can we use an analogy: Let us say that the island we speak of, that I mentioned in my statement, the Department decides to go forth with and make it a sanctuary. What can this committee do?

Mr. PRITCHARD. Well, it is my understanding that when a sanctuary—even under the old bill—was being considered for Alaska, one call from one of the Representatives of Alaska immediately had that sanctuary scratched. I know the great power of this gentleman from Alaska and how much respect those people over in the Bureau have for this gentleman, and I can assure the gentleman that if his influence is not enough, well, my meager influence will be added to the gentleman's. And maybe between the two, we will not have to worry about this.

Mr. YOUNG of Alaska. My point is, let us take this island as an example. Now, we have the Department of Commerce saying the local folks are misinformed. Let us say, for instance, that maybe the Repesentative outside of that area decides that this is the best special interest group to make it a marine sanctuary. Without any hearings, this can occur; can it not?

Mr. PRITCHARD. Well, I believe they have to have hearings, and I believe they have to consult with Congress. I would just assure this gentleman that Senator TRIBLE calls, Senator WARNER calls, or the Congressman from that area, we have had assurances that within the next 2 years they are going to go very slow and very careful. Now, if they do not, well, I will be joining with the gentleman to make sure that we veto any of the actions they take.

Mr. YOUNG of Alaska. Well, all I can say is, it is the only time that we as a committee or this Congress have allowed the bureaucracy to establish the areas of wilderness or parks without actions of the Congress.

Now, our sanctuary is a marine park. If we have any other actions, if one man decides that is to be a marine sanctuary, he is the one to make that decision without any public input, without any action on the floor of the House, without any congressional voting, without any Presidential signing. I do not believe that is the appropriate way to create marine sanctuaries, because there are conflicting uses of these areas, and those uses should be heard from, not just through the Department itself, but in a congressional committee. And that is my argument.

I do not know, and I said in the committee before, what is the big rush to give the bureaucracy the authority which the Congress should hold in its hands which we are charged with as we are elected. I have never understood why this bill is such an important factor. If we want resource sancturaries, then let us act on it, as we should, but not have an agency decide what is and what is not a sanctuary.

Mr. PRITCHARD. Well, let me just say this to the gentleman: It is very hard for this Congress to make all of the decisions. The gentleman and I certainly would not want to have Congress making all of the decisions on oil leases and when the bureaucracy allows certain companies to go out and buy oil rights out there. We cannot run all of those things through. But in this case, we have a lot of power and a lot of influence, and we have been assured we are going to have this influence. All I say is that if the gentleman has any wilderness area as sanctuary in Alaska, that you have a question, why, you talk to myself—the gentleman will not need to, because of his influence—but if the gentleman feels a little short of influence, why, talk to the other Members. I know the ranking minority member will also support the gentleman, and we will make sure that his views are given strong, strong support.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thoroughly agree with what my colleague, the gentleman from Alaska, has said during the past 12 years. But the thing that we are doing now is to close down some of this awesome power that he claims that the bureaucracy has gained, and that was done in 1972 with the original enactment. There were problems, and that is why we are here today with an amendment that does not, no, go as far as bring every designation to a natural resolution in the Congress, but it does provide for a review period for Congress, and it does provide that the Congress can act if it sees fit to prevent the designation going forward.

Now, it does mean that the Congress has to initiate that action instead of the bureaucracy trying to find a way to get it through Congress, which makes it somewhat less automatic as my colleagues might wish. But I think it is much stronger than we have had in the past; so truly I hope my friend does rest a little bit easier. I assure him that I do not think he is going to get many resignations over his proposition he has put to us today.

I hope that the House will support this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 2062, as amended.

The question was taken.

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

HEALTH PROMOTION EXTENSION

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2712) to extend title XVII of the Public Health Service Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2712

A bill to extend title XVII of the Public Health Service Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1701(b) of the Public Health Service Act (42 U.S.C. 300u(b)) is amended by striking out "and" after "1981," and by inserting before the period a comma and the following: "$8,000,000 for the fiscal year ending September 30, 1984, and $9,000,000 for the fiscal year ending September 30, 1985, and $10,000,000 for the fiscal year ending September 30, 1986".

SEC. 2. Section 329(d)(2) of the Public Health Service Act (42 U.S.C. 247(d)(2)) is amended by inserting before the semicolon the following: "and the costs of repaying loans made by the Farmer's Home Administration for buildings".

SEC. 3. Section 2(b) of the Alcohol and Drug Abuse Amendments of 1983 (97 Stat. 181) is amended—

(1) by striking out "210" in paragraph (2) and inserting in lieu thereof "201"; and

(2) by striking out "201, 301" in paragraph (13) and inserting in lieu thereof "301, 201".

The SPEAKER pro tempore. Is a second demanded?

Mr. WHITTAKER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore (Mr. JONES of North Carolina). Without objection, a second will be considered as ordered.

There is no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. WAXMAN) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. WHITTAKER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is a simple extension of the authorities of the Public Health Service Act that provide for health promotion and disease prevention activities within the Department of Health and Human Services. It is virtually identical to a bill that was passed by this House last year, but not acted upon by the Senate.

The health promotion program of HHS provides the public, educators, and professionals with information that allows them to understand and use the principles of public health. Such use is vital as the public health problems of the eighties increasingly include those chronic problems and conditions for which health information, education, and promotion are important—and sometimes the only—types of prevention available to society. This authority provides the Secretary with a specific vehicle to foster more effective strategies and methods for use by the many public and private sector groups that sponsor health promotion programs.

This reauthorization enjoys strong bipartisan support. The administration supports the program and the bill was voted out of the Health Subcommittee and the full Commerce Committee by voice votes.

I urge my colleagues to support the legislation.

Mr. WHITTAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2712, a bill which provides for a simple extension through fiscal year 1986 of the health information and health promotion programs authorized under title 17 of the Public Health Service Act. These education, information, and promotion activities form the cornerstone of the Department of Health and Human Services prevention initiative.

The authorization levels in the bill are $8 million for fiscal year 1984, $9 million for fiscal year 1985, and $10 million for fiscal year 1986. During subcommittee markup, a technical amendment was offered to allow migrant health centers to repay loans made by the Farmers Home Administration (FmHA) for the construction of new buildings. A similar amendment to allow community health centers this option was made part of the Orphan Drug Act of 1982.

The bill as amended received bipartisan support and was reported by the Committee on Energy and Commerce by voice vote on May 10, 1983.

The bill being considered today also includes a technical amendment for purposes of correcting several typographical errors in Public Law 98-24, the Alcohol and Drug Abuse Amendments of 1983.

This bill is noncontroversial and should be adopted under suspension of the rules. I therefore urge my colleagues to support this legislation, and further request the House to suspend the rules and pass H.R. 2712.

Mr. WAXMAN. Mr. Speaker. I yield such time as he may require to the delegate from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 2712, to extend through fiscal year 1986, the authorization of the health information and health promotion programs under title XVII of the Public Health Service Act.

Nothing is more true than the old adage that "one ounce of prevention is worth a pound of cure." Individuals who are better informed about health and healthy lifestyles are more likely to make responsible choices about their own health care and health habits.

The health information and health promotion programs authorized under title XVII of the Public Health Service Act are very important for Puerto Rico and the States toward achieving their goals of providing the public, educators, and professionals with information that will allow them to understand and use the principles of public health.

These programs enable the Secretary of HHS, among others, to formulate national goals, with respect to health information and health promotion, preventive health services, and education in the appropriate uses of health care; to undertake and support necessary activities and programs to incorporate appropriate health education components into all aspects of education and health care; to increase the application and use of health knowledge by the general population in its pattern of daily living; and to foster the exchange of information respecting research, demonstration, and training program in health information and health promotion. Also, it creates an office within the Department of HHS of Health Information and Health Promotion to coordinate all activities within the Department and similar activities of organizations in the private sector which relate to health information and health promotion; and to establish a national information clearinghouse to facilitate the exchange of information on health promotion.

Keeping our people informed, and promoting better health habits is one step forward toward achieving the goal of a healthy society. I urge all my colleagues to support H.R. 2712.

● Mr. DINGELL. Mr. Speaker, today the House is considering legislation to provide for a simple extension through fiscal year 1986 of the Health Information and Health Promotion programs authorized under title XVII of the Public Health Service Act. I enthusiastically support H.R. 2712.

The legislation is needed to maintain and expand activities that are an essential part of a national prevention strategy. The quality of health in the United States is more likely to be improved when individuals are better informed about health and healthy lifestyles. Informed individuals are more likely to make responsible choices about their own health care and health habits.

The Health Information and Health Promotion programs and grants provided by this bill will prevent illness by educating the public in the appropriate use of health care. The cost-benefit ratios of such services are anti-inflationary because the alternative is more costly therapy and institutional care.

Accordingly, I urge my colleagues to approve H.R. 2712.●

Mr. WAXMAN. Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. WHITTAKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 2712, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PUBLIC HEALTH EMERGENCIES

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2713) to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treat-

ment, and prevention of public health emergencies, as amended.

The Clerk read as follows:

H.R. 2713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Health Service Act is amended by inserting after section 318 the following new section:

"PUBLIC HEALTH EMERGENCIES

"SEC. 319. (a) If the Secretary determines, after consultation with the Director of the National Institutes of Health, the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, the Commissioner of the Food and Drug Administration, or the Director of the Centers for Disease Control, that—

"(1) a disease or disorder presents a public health emergency, or

"(2) a public health emergency otherwise exists and the Secretary has the authority to take action with respect to such emergency,

the Secretary, acting through such Director, Administrator, or Commissioner, may take such action as may be appropriate to respond to the public health emergency, including making grants and entering into contracts and conducting and supporting investigations into the cause, treatment, or prevention of a disease or disorder described in paragraph (1).

"(b)(1) There is established in the Treasury a fund designated the 'Public Health Emergency Fund' to be available to the Secretary without fiscal year limitation to carry out subsection (a). There is authorized to be appropriated to the fund $30,000,000 for fiscal year 1984. For fiscal year 1985 and each fiscal year thereafter there is authorized to be appropriated to the fund such sums as may be necessary to have $30,000,000 in the fund at the beginning of such fiscal year.

"(2) The Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate not later than ninety days after the end of a fiscal year—

"(A) on the expenditures made from the Public Health Emergency Fund in such fiscal year; and

"(B) describing such public health emergency for which the expenditures were made and the activities undertaken with respect to each emergency which were conducted or supported by expenditures from the Fund.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion. The gentleman from California (Mr. WAXMAN) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. WHITTAKER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill creates a fund for use in the event of public health emergencies. A number of such emergencies have occurred recently.

The Tylenol episode frightened the country for weeks and cost the Federal Government millions of dollars.

The outbreak of the new acquired immune deficiency syndrome (AIDS) has been described by one public health official as the most significant epidemic since polio. Another says since smallpox.

The Food and Drug Administration has recently had to carry out three of the largest recalls of lethally contaminated food in history: botulistic salmon, poison mushrooms, and badly formulated infant formula.

No matter how well the executive or legislative branches may organize themselves, no one can plan a year in advance for such problems.

The fund created by this bill is to be available to the Secretary of HHS for use in investigating the cause, treatment, or prevention of the causes of health emergencies. The fund is initially authorized for $30 million in fiscal 1984 and for such sums as necessary to replenish the fund to that level at the beginning of each succeeding fiscal year.

The bill enjoys strong bipartisan support. It was passed by the Subcommittee on Health by a vote of 17 to 1 and by the full Commerce Committee by voice vote.

I urge my colleagues to support the legislation.

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Mr. WHITTAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2713, legislation which provides the Secretary of the Department of Health and Human Services a permanent revolving fund to respond quickly and responsively to public health emergencies.

H.R. 2713 creates a public health emergency fund to provide for research and investigations into the cause, treatment, and prevention of diseases or conditions which the Secretary has determined presents a public health emergency. It is intended that these funds will be used by the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, the Food and Drug Administration and the Centers for Disease Control in carrying out their responsibilities under the Public Health Service Act.

Funding is at a level of $30 million and whatever appropriations are necessary to bring the fund to a level of $30 million at the beginning of each fiscal year. The bill also requires that the Secretary report yearly to the Committee on Energy and Commerce on the expenditures made from the fund for activities undertaken in response to public health emergencies.

This legislation does not represent a new proposal for the Public Health Service. A similar request was made in 1982, by then Secretary of Health and Human Services, Richard Schweiker. At that time, he requested $20 million for this purpose and in testimony before our committee stated that:

In the past, public health service efforts were hampered by complex financing mechanisms that delay the actual provision of services and the obligation of funds. The establishment of an emergencies response fund would enable the Department to respond quickly and effectively.

Recent public health emergencies have been as large and even larger than those experienced in 1981 and 1982. The outbreak of acquired immune deficiency syndrome (AIDS) and the Tylenol tampering incident are only current examples of public emergencies which could benefit from assistance provided through this fund.

On May 12, 1983, the Committee on Energy and Commerce reported H.R. 2713 with amendment by voice vote. I believe the bill should be treated favorably under suspension of the rules and urge my colleagues to support this very important and needed piece of legislation.

Therefore, Mr. Speaker, I ask the House to suspend the rules and pass H.R. 2713.

Mr. WAXMAN. Mr. Speaker, it is my pleasure to yield such time as he may consume to the distinguished gentleman from Puerto Rico for such comments as he wishes to make.

Mr. CORRADA. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 2713, to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treatment, and prevention of public health emergencies.

Under the Public Health Service Act, the Department of Health and Human Services have a constant responsibility to protect the public health generally and to provide prompt and effective assistance to States and to Federal agencies in emergency situations that pose a threat to the public health.

In the past few years unknown diseases have broken out in epidemic proportions which has called upon the Public Health Service to respond quickly. These unexpected health crises are in some instances so frequent, great, or serious that contingency funds are exhausted thus forcing the Public Health Service to divert funds from other existing activities.

This bill will enable the Department of Health and Human Services to better protect the health and well-being of all the residents living in Puerto Rico as well as in the Nation from these threats to the public health by creating a permanent revolving fund for use by the Secretary of HHS in responding effectively to these emergencies without deferring other also important activities.

The speed and comprehensiveness of the initial response to health emergencies is critical to insure the well-being of our citizens. Needless death, disability, and illness can be averted by immediate action. I urge all my colleagues to support this bill.

Mr. WHITTAKER. Mr. Speaker, I yield such time as he may consume to my friend and colleague, the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of this bill. When H.R. 2713 first came to the Energy and Commerce Committee, the Health and Environment Subcommittee, I opposed it because I felt it would open up an avenue which was not a proper avenue. In close cooperation with the gentleman from California, Mr. WAXMAN, the chairman, we devised a means of a revolving fund which I approve of. I think it is a very good piece of legislation, and very responsible.

I would have preferred a slightly smaller number as far as the cap is concerned, but as long as they report each year to the Energy and Commerce Committee and have to justify the expenditures thoroughly, I believe we have adequate supervision of the fund.

I, therefore, rise in support of this bill.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. WHITTAKER. I would be happy to yield to my colleague, the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Utah (Mr. NIELSON) for his contributions to this legislation. He brought to our attention a number of points that we wanted to make sure were pinned down in creating a revolving fund, but he, in doing so, played a very constructive role in giving us what Secretary Schweiker thought was needed by the Department of Health and Human Services so that we could respond in an appropriate and quick manner to any public health emergency.

I want to thank him and commend him for his activities in our subcommittee.

● Mr. GREEN. Mr. Speaker, I am pleased to have the opportunity to speak today in behalf of H.R. 2713, which would establish a public health emergency fund. This bill would help us respond adequately to those public health emergencies which we cannot predict. In the past few years unknown diseases, such as AIDS (acquired immune deficiency syndrome), have broken out in epidemic proportions, lethally contaminated foods and drugs have been recalled and previously controlled illnesses have reappeared. H.R. 2713 would give the Secretary of Health and Human Services the discretion to respond through the Food and Drug Administration (FDA), the Centers for Disease Control (CDC), the National Institutes of Health (NIH), or the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA). As a cosponsor of this bill, I am asking you to lend your support to this vital measure. It is only through legislation such as this that we can begin to insure sufficient funds to provide the much needed health services necessary during these crises situations.

As you are well aware, those of us supporting additional fiscal year 1983 funds for AIDS, were not recently successful in including an amendment designating and extra $12 million in the fiscal year 1983 supplemental appropriations bill for combative research. It is now our opportunity to help secure an appropriate level of fiscal year 1984 funds for this epidemic and others that we may have to face during the upcoming year.●

● Mr. DINGELL. Mr. Speaker, today the House is considering legislation to authorize appropriations for a permanent revolving fund to be used by the Secretary of Health and Human Services in responding to public health emergencies.

Recent reductions in the size and flexibility of Federal health services and grant programs have posed a threat to the public health. It has been more difficult for Federal agencies to respond quickly to unanticipated public health crises without the diversion of funds from important ongoing activities.

The Public Health Service has a responsibility to protect the public health and to provide prompt assistance in emergency situations such as the "Tylenol scare," the acquired immune deficiency syndrome (AIDS) epidemic, or the rabies outbreak in wild animals that now threatens human population centers.

We cannot plan a year in advance for contaminants, epidemics, or emergencies. We must be in a position to effectively respond to these crises. Accordingly, I urge my colleagues to approve H.R. 2713.●

Mr. WHITTAKER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. JONES of North Carolina). The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 2713, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EMERGENCY FOOD ASSISTANCE AND COMMODITY DISTRIBUTION ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 207, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1590.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1590) to provide emergency food assistance to low-income and unemployed persons and to improve the commodity distribution program, with Mr. BENNETT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California (Mr. PANETTA) will be recognized for 30 minutes, and the gentleman from Missouri (Mr. EMERSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Chairman, I yield myself 12 minutes.

Mr. Chairman, H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983 is an important part of a continuing effort to provide relief to families and individuals who have been hard hit by the recent recession. It would continue and expand upon a program enacted in the jobs bill, Public Law 98-8, to require the Secretary of Agriculture to distribute surplus Government-owned commodities to those who need, and other deserving recipients.

It would provide a limited amount of administrative funding to effectively achieve these purposes and would establish priorities for receipt of commodities and administrative funding among eligible recipient organizations.

The primary emphasis of this bill is to provide emergency assistance to those in need. Organizations serving emergency needs would receive priority treatment in the receipt of both the surplus commodities and administrative funding. There is ample evidence that such organizations around the country are in dire need of both.

The Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, which I chair, has held bipartisan field hearings around the country on the issue of hunger. While it is impossible for me to convey to you today all that we have seen, felt, and heard, I can tell you that this country faces a very serious problem with regard to hunger. Everywhere we went, whether it was Cleveland, Ohio, Birmingham, Ala., or Los Angeles, Calif., we heard the same story. The use of soup kitchens, food pantries,

and hunger centers is up dramatically in the past 2 years; in some areas by 400 and 500 percent.

□ 1340

The current array of Federal, State, and local programs are simply not meeting the need, and private, voluntary efforts, as commendable as those efforts are—and we saw some extremely encouraging efforts by a number of voluntary operations—are taxed beyond their capacity to respond.

I would like to give the Members some indication of the evidence we were able to find during the hearings. In Cleveland, for example, where they were serving in 1 month last year some 17,000 people, today they are serving 50,000 people per month in their soup kitchens. Maj. John Paul Kelly of the Salvation Army there testified that they could double their efforts in Cleveland today and still not meet the needs.

In Birmingham we received testimony from doctors who testified that the incidence of anemia in children excluded from certain programs was 20 percent. Anemia has terrible consequences, not only in terms of children but also in terms of pregnant women who could experience low birthweight infants or infant mortality.

In Los Angeles, another group serving meals to the impoverished, testified again that a year ago they were serving about 17,000 and this year in the same month they are serving 40,000.

Cheese lines, as we know, have extended for 2 and 3 miles and have sometimes lasted almost 8 hours per day. Some groups now are frustrated in their efforts, and 43 agencies, for example, in Cincinnati are quitting for lack of administrative funding.

So, clearly the need is there and I would recommend to the Members that on June 6, 1983, I included in the RECORD a summary of those hearings and would ask the Members to take a look at the full details that are outlined in that summary.

Only last week the Conference of Mayors issued a finding and study entitled, "Hunger in American Cities," in which their conclusion was that hunger is on the increase in the country. The New York Times reported only within the last few weeks that reports have indicated that the use of soup kitchens had doubled in the country recently.

So the point is this: We are dealing with a serious and growing problem of hunger in the United States. It is a national shame. There is no excuse in this country for one man or woman or child to be hungry.

H.R. 1590 is an attempt to provide some assistance for this problem. It would not solve the problem of hunger in America, but it would help. Most witnesses made clear that the commodities could be well utilized if made available.

By the passage of this bill, Congress will be making the judgment that it is better to provide food for those who need it than to pay considerable costs to store food and run the risk of losing it to spoilage. This legislation is needed to assure that the Secretary will distribute all available commodities, once all other foreign and domestic commitments are met, to those who need and request them, and that adequate administrative funding will be provided.

Up to now the commodity distribution program has been largely limited to dairy products and has been marked by inefficient and sometimes haphazard administration. H.R. 1590 should result in a more orderly and predictable program for States and localities. In addition to increasing the levels of cheese and butter distribution, it will make available for distribution wheat, rice, honey, nonfat dry milk, and other commodities that may be found in surplus in the next 2 years.

I would emphasize that H.R. 1590 strengthens the existing law in terms of requiring the Secretary to operate a surplus commodity distribution program. Unless specifically committed for use elsewhere, these surplus commodities are to be made available to the organizations made eligible by this bill. In my view, the Secretary has not fully utilized the discretion he now has. This bill would mandate that those surpluses be distributed.

While H.R. 1590 would afford the Secretary with some discretion to accommodate other foreign and domestic commitments, I want to make clear that this flexibility is not to be used as an excuse to curtail or avoid domestic commodity distribution. Once specific and reasonable commitments for utilization of surplus commodities have been met, the Secretary would be mandated to provide all available commodities to needy and deserving Americans.

As the principal sponsor of H.R. 1590, I have worked closely with the ranking minority member, the gentleman from Missouri (Mr. EMERSON) in developing this legislation, and I thank him for the work and the cooperation that he has provided, and I thank as well the chairman of the committee for the assistance that he has provided.

In addition, the chairman of the Committee on Education and Labor, and the chairman of the Committee on Foreign Affairs have indicated their support for H.R. 1590 if some noncontroversial amendments addressing their concerns can be offered and adopted on the floor. Both of these amendments, which will be offered by the committee chairman, the gentleman from Texas (Mr. DE LA GARZA) are consistent with the intent of H.R. 1590, and I hope that they will be accepted.

The amendment that Chairman DE LA GARZA will offer on behalf of the Education and Labor Committee would clarify how administrative funding should be utilized. Basically, it states that once certain operating expenses of local emergency feeding centers have been satisfied, the remaining Federal administrative funds should be generally applied by the State to the costs of delivering commodities to emergency and nonemergency recipient organizations alike. The State should not unfairly concentrate its Federal funding on one category of organization ahead of the other. In addition, the amendment makes clear that if sufficient commodities are available and emergency needs have been satisfied, commodities must be delivered to nonemergency organizations.

The amendment that Chairman DE LA GARZA will offer on behalf of the Foreign Affairs Committee would add another protection for the food security wheat reserve. Under the amendment, if any portion of this reserve is utilized for domestic purposes, and corporation stocks are not available for replenishment, replenishment of that amount would occur through purchases with Commodity Credit Corporation funds (without prior appropriation) if an international emergency should deplete whatever grain is left in the reserve. In other words, replenishment of the amount distributed in the United States would be guaranteed, without the need for specific appropriations, if an international emergency requires the use of the entire reserve.

I would add that this amendment comes on top of several other provisions already in H.R. 1590 that are designed to assure replenishment of the food security wheat reserve, if it is utilized. I would stress that use of the reserve is left wholly to the Secretary's discretion. It is to be utilized only if domestic circumstances warrant its use. Only a small portion of the reserve, less than one-thirteenth, could be made available domestically. And if the reserve is utilized, any wheat acquired by CCC thereafter would be applied to replenishing the reserve ahead of any other purpose.

I know that there is a lot of public concern that has been registered with Members of Congress with regard to the use of the wheat reserve. Most of this was in reaction to the bill prior to major improvements made at the committee level. I want to assure my colleagues that virtually all of the religious and antihunger groups concerned with this issue have now indicated their support for this bill in its current form. While many still prefer that the reserve not be utilized at all, they have accepted the committee's

view that a limited amount of the reserve should be made available, if necessary, to feed needy Americans.

Mr. Chairman, the challenge of hunger in America is real. There is no excuse, as I stated, for one man or woman or child to go hungry in a nation as prosperous as ours. Our responsibility, indeed our duty, is to insure that this does not happen. H.R. 1590 is a step in the direction of trying to end hunger in this land. Surely we can do no less.

Mr. Chairman, I urge the Members of the House to approve H.R. 1590.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am pleased to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I certainly support the legislation, but I want to call the attention of the House to one thing. We waived, for the purpose of these private organizations, the provisions of 7 U.S.C. 2013b, but really we ought to, I think, eliminate the section completely.

What that section does, it prohibits a county from having both direct distribution and food stamps, and what has happened is that in every county, when they went to food stamps, there were a lot of people—and they were the ones who were most deserving really—who refused to take food stamps, and because they cannot distribute some milk or some cheese directly, those people have in effect been excluded from these programs.

I just think that we ought to abolish that section and permit a county to do that if they want to. It has no adverse effect at all upon their getting food stamps if they want to do it, but some people do not want to take food stamps. So we ought to abolish that section.

I remember when this was done in 1964, the grocers were the biggest lobbyists for it. But some of these people could take some cheese or some dried milk, and also there are some people who go to the welfare department and they do not want to be on welfare, but they have got to go on welfare to qualify for food stamps. They do not want to do that.

Mr. Chairman, we ought to abolish that section for the counties as well as the private organizations.

Mr. PANETTA. Mr. Chairman, I agree with the gentleman from Iowa (Mr. SMITH). We try to take this one step at a time, and hopefully this bill is a step in the right direction.

Mr. Chairman, I yield back the balance of my time.

Mr. EMERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1590, a bill that will take the surplus commodities being stored by the Federal Government and distribute them to people in need of food assistance.

It makes sense to me that surplus commodities held by the Government should be shared with needy people. The lengthy recession and unemployment have caused suffering—no one disputes this. There are positive signs that the economy is turning around—but while this occurs there are people in need. There are Federal food assistance programs designed to help people in need by providing food stamps, school lunches, and other food benefits. These programs subsidize in whole or in part over 95 million meals per day for needy people.

However, at this time it appears that the need for food exceeds the benefits provided under Federal programs. At the same time the Federal Government is storing surplus commodities. That is why, in my mind, if the need for food is present and surpluses are available—distribution should be made to help families who are in need.

There is a second part to any food distribution program—payment of the actual costs of distributing the surplus commodities. I am a firm believer in using the private sector and volunteers whenever possible. The surplus dairy distribution program is a good example of the use of volunteers in Government programs. Individuals and organizations have volunteered their time, trucks, and warehouses to assist in distributing surplus commodities.

However, the subcommittee members have received testimony from both State and local government officials and private groups involved in surplus food distribution that volunteers are not as readily available now and that the agencies either have been or will be charged for transportation, handling, and storage of the surplus commodities.

One of our witnesses was the secretary of agriculture from a Midwestern State. He described their surplus dairy distribution program and stated that the success of the program depended on the cooperation of many community organizations. He mentioned their successful volunteer organization and that his State had not been charged by any warehouse for storage and handling costs involved in their first two distributions. However, in their most recent distribution of surplus dairy products, storage and handling charges have begun to be assessed.

I hope organizations continue to volunteer their services in commodity distribution programs. However, just as this State secretary of agriculture described—volunteers do not last forever and at some point States will be charged for transportation and storage costs.

The primary purposes of H.R. 1590 are:

To continue the surplus commodity distribution program, as contained in the jobs bill, for 2 years.

To require the Secretary to distribute surplus commodities, in excess of domestic or foreign commitments.

To provide reimbursement for actual administrative costs of transporting, handling and storing surplus commodities at the State or local level. Administrative cost reimbursement cannot exceed $50 million.

To require commodities to be processed into forms suitable for home or institutional use.

To permit the Secretary to borrow wheat, in conjunction with any amount borrowed under the jobs bill, from the food security wheat reserve, not to exceed 300,000 metric tons. Replenishment is required by December 31, 1984, and forfeitures are to be used first to replenish the reserve.

At a time when our country is struggling to get back on its economic feet, I believe we should make every effort to help our needy and jobless. This legislation would provide for processing surplus farm commodities into food products, pay for transportation to eligible agencies which will distribute the food, and reimburse the States for the administrative costs involved.

In addition to helping the needy, this program will aid farmers by decreasing the surpluses which have depressed farm prices and it will also reduce the Government costs for storing these surpluses.

I urge Members to support this bill.

□ 1350

Mr. Chairman, I reserve the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the committee, the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I want to first commend the gentleman from California, the chairman of the subcommittee, and the gentleman from Missouri, the ranking minority member, for the diligence and the good job they have done in bringing this legislation to the floor. As all of us know, we face a very difficult situation throughout our country for many reasons, but one of the prime factors is that we have people who do not have an adequate diet, more so than the ordinary, and this legislation was artfully crafted to provide safeguards and to provide the necessary input within the limits of the budget and within the limits of available commodities, and I am satisfied that they have done that and it deserves the support of the House and the membership at large to enact this legislation.

Mr. Chairman, I rise today in support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983.

This bill has a simple purpose. It directs the Secretary of Agriculture to use surplus food commodities in Government stocks to feed the hungry among us—particularly the unemployed and needy who are served on an emergency basis by organizations such as food banks and soup kitchens. It also will make food available to aid other more traditional feeding programs—the child nutrition and elderly Americans programs, for example. But its primary emphasis is to furnish food assistance to those who are largely bypassed or shortchanged by the ongoing Federal programs. It will also fill what has been a crucial gap in efforts to aid the needy by supplying some funding to get the commodities into the hands of individuals who need them most.

The recently enacted jobs bill recognized the needs of many for emergency food assistance. It established a program to meet those needs and provide some fund for food distribution. But the program expires on the coming September 30. H.R. 1590 would continue a similar program for 2 more years, through September 30, 1985.

The Subcommittee on Marketing, Consumer Relations, and Nutrition, under the able leadership of Chairmen LEON PANETTA and BILL EMERSON, the ranking minority member, held a series of hearings in Washington and in various other locations to ascertain the facts about hunger in this country. The testimony of witness after witness illustrated the tremendous increase in the numbers of those seeking emergency food aid from soup kitchens, food banks and similar organizations. Despite heroic efforts by volunteers, the problems of these organizations in arranging for the handling, storage and distribution of donated foods, on a shoestring were repeatedly stressed. It is these conditions that H.R. 1590 is designed to address.

The bill authorizes no new commodity acquisition program. It focuses on using commodities already acquired under the price support programs but which exceed quantities needed to meet domestic and foreign commitments of the Commodity Credit Corporation. These commitments of the Commodity Credit Corporation. These commitments include the Secretary's domestic payment-in-kind program for foreign assistance and market development. Stocks exceeding such needs must be made available to feed the hungry and other deserving recipients.

In this regard, the bill was revised during committee consideration to give the Secretary some additional flexibility in determining the amount of commodities which will be necessary to meet domestic and foreign commitments of the Commodity Credit Corporation. But it is the committee's clear intent that any Corporation stocks which are not committed must be made available for purposes of H.R. 1590. It is expected that ample stocks of dairy products will be available for distribution. Large quantities of other commodities, such as honey and rice should also be available. The so-called PIK program has reduced the Corporation's stocks of most grains, and may deplete its wheat stocks. Because flour is highly desirable for feeding programs, H.R. 1590 permits the Secretary to use up to a total of 300,000 metric tons of wheat from the food security wheat reserve for domestic program purposes, both under the jobs bill and H.R. 1590. The 4 million metric ton reserve was established in 1980 to insure that wheat would be available for humanitarian purposes abroad in the event of any shortage of U.S. stocks.

Use of the reserve for domestic food programs has been the subject of some controversy. H.R. 1590 specifies that the total quantity of reserve wheat that may be used under both its program and the jobs bill food distribution program is 300,000 metric tons. I would note that the jobs bill itself allows use of 300,000 metric tons of reserve grain for this purpose. Therefore, H.R. 1590 does not increase the quantity that may be drawn down from the reserve for domestic purposes. Further, the bill provides for replenishing the reserve to the extent that any wheat is used for domestic programs.

To resolve concerns raised by the Committee on Foreign Affairs, I shall offer an amendment that would require the Secretary to use Corporation funds, without prior appropriation, to purchase wheat sufficient to replenish any quantities from the reserve used for domestic programs if Corporation stocks are not sufficient for that purpose, but only if the entire reserve is depleted for foreign food assistance activities. I would point out that, to this date, no wheat has been drawn from the reserve for its original, designated purpose. Both committees are in agreement that this amendment will adequately address an issue in which the Committee on Foreign Affairs has an appropriate jurisdictional interest.

The bill also makes available up to $50 million in Corporation funds annually to cover costs of distributing commodities, with a cap on the amount to be made available to any State equal to 5 percent of the value of commodities distributed by the Secretary to the State. The Corporation will, at its expense, initially process the commodities and deliver them to State agencies which will, as has been the case in the past, carry out the program within the States. The $50 million in Corporation funds under the bill are earmarked first for the local distribution costs of food banks and other emergency feeding organizations. Then the remaining funds are available for costs of the State agencies in handling the commodities and distributing them to the organizations that will get them to the individual recipients. It is anticipated that significant amounts of funds will be available for this latter purpose.

The Committee on Education and Labor has communicated concerns regarding the possible impact of H.R. 1590 on the ongoing, more traditional food programs such as the child nutrition and older Americans programs which fall within its jurisdiction. In response, the bill was amended in committee to insure that the traditional programs will retain their historical share of donated bonus commodities. And I shall offer an amendment to H.R. 1590 that will insure that administrative funding made available to the State agencies, over and above that needed for local distribution costs of emergency food aid organizations, will be utilized by State agencies to cover costs of distributing the food to emergency and traditional distribution organizations alike on a nonpreferential basis. I would like to add that the Committee on Education and Labor has reported by a 27-to-2 vote, H.R. 1513, which was jointly referred to our committee. In many respects its provisions and objectives parallel those of H.R. 1590. We have enjoyed the cooperation of the Committee on Education and Labor in fashioning a measure to meet our jointly perceived needs.

The bill also directs the Secretary to carry out a complementary program under which commodities available under the bill are to be made available to private companies for further processing into end food products—processing of flour into pasta, for example. The food products then would be made available to eligible distribution organizations for use in their programs. The expense of the additional processing would be borne by the recipient organizations, except that up to $10 million in Corporation funds would be available annually to cover the final processing costs of food to be distributed by emergency-type organizations. The committee believes that this approach offers great promise for the effective use of initially processed Corporation stocks by the ultimate recipients. The bill contains various safeguards to protect this aspect of the program from abuse. The Secretary is directed to carry out the program to insure the Secretary's intent to do so is not again frustrated by other sources within the administration.

It would be appropriate to add that nothing in the bill diminishes or otherwise adversely affects other food donation programs mandated by law; it complements and supplements such programs. And the legislation will expire in 2 years, so that the consider-

ation of its future need can be weighed in conjunction with related programs of the 1981 farm bill which will also expire in 1985.

So that the Members will have an overview of all major provisions of the bill, let me summarize them. H.R. 1590, as reported, would——

First. Direct the Secretary of Agriculture to distribute commodities owned by the Commodity Credit Corporation (the Corporation) that exceed quantities needed for the Corporation's domestic and foreign commitments to food banks, soup kitchens and like organizations that provide food on an emergency basis to the needy and unemployed and to other organizations which traditionally have operated non-emergency-feeding programs.

Second. Permit the Secretary to distribute any Corporation-owned commodities to emergency feeding organizations ahead of other commitments.

Third. If wheat in Corporation stocks is not adequate for the purpose, permit use of not to exceed a total of 300,000 metric tons of wheat from the food security wheat reserve for use in food programs under the act and under the recently enacted jobs bill (Public Law 98-8); generally require replenishment of the reserve by December 31, 1984; and provide for priority use of wheat acquired by the Corporation after use of reserve wheat for domestic feeding purposes to replenish the reserve.

Fourth. Require the Secretary to publish advance notice of estimated amounts and types of commodities that will be available for program purposes during each fiscal year, together with estimated amounts and types of commodities to be in Corporation inventories during each fiscal year and the anticipated disposition thereof. This is essential to permit State agencies and recipient organizations to plan their activities in a reasonable and business-like fashion.

Fifth. Provide that State agencies that have customarily administered food distribution programs will be responsible for distributing the donated commodities to eligible organizations within the States, but that the Secretary will distribute such commodities directly to eligible organizations if States are prohibited from doing so.

Sixth. If adequate commodities are not available for needs of all eligible organizations, give preference to needs of emergency feeding organizations, but other eligible organizations will, to the extent practicable, receive a share of any donated commodity equivalent to their share of that commodity distributed under existing law in fiscal year 1983.

Seventh. Direct the Secretary to use Corporation funds to pay for processing and packaging of commodities into forms suitable for home or institutional use—in-kind payments are authorized, except that wheat from the Reserve may not be used for such payments—and transporting commodities to State agencies.

Eighth. Direct the Secretary to use Corporation funds not to exceed $50 million annually to pay costs of State agencies—but not to exceed 5 percent of the value of commodities distributed to any State agency—in distributing commodities to eligible organizations and to pay costs of emergency organizations in distributing commodities to the needy locally. Again, if funds for distribution are not adequate for costs of distribution to all organizations, preference is to be given to distribution costs of emergency organizations.

Ninth. Prohibit State agencies from passing on any distribution costs to emergency organizations but permit passing on such costs to other eligible organizations to the extent such costs are not reimbursed by the Secretary.

Tenth. Direct the Secretary to distribute initially processed commodities to private companies for further processing into end food products for use by eligible organizations. The expense of such additional processing would be borne by such organizations, except that Corporation funds not to exceed $10 million annually are to be made available for costs of such processing for emergency organizations.

Eleventh. Apply provisions of criminal law in other statutes pertaining to misuse of donated commodities to commodities donated under the act, require the Secretary to insure that distributed commodities will not displace sales of commodities, and prohibit other possible program abuses.

Twelfth. Make clear that the donation program under the act supplements and complements mandatory Federal, State, and local nutrition programs and permit the program to be carried out in areas where the food stamp program is operating.

Thirteenth. Prohibit commodities donated under the act from being considered income or resources under Federal, State, or local law.

Fourteenth. Provide that the donation program established by the act will be effective on October 1, 1983, and expire on September 30, 1985.

Fifteenth. Require the Secretary to continue to maintain the nutrition data base of the Department of Agriculture, and to carry out certain nutrition surveillance of various groups.

The economic recession we are experiencing has fallen with particular harshness on some of our people. Recovery is coming awfully slowly to them. The press of the hungry on food banks, soup kitchens, and like emergency organizations, illustrates this point all too well. While many hunger, Government warehouses bulge with surpluses of some commodities. The Committee on Agriculture, on a broad, bipartisan basis, has concluded that, to the extent that there are not other legitimate commitments for these surpluses, the most worthy use for them is to feed the hungry in this country. It likewise concluded that modest funding is essential to move food from government stocks, through established State and private channels, to individuals in need. H.R. 1590 is the produce of that conclusion. I am confident that the House of Representatives will enthusiastically join our committee in this emergency effort to meet the ancient injunction—"If they are hungry, feed them."

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from South Dakota.

Mr. DASCHLE. Mr. Chairman, I rise to engage in a colloquy on behalf of myself and the gentleman from New York (Mr. GILMAN) and with the chairman of the subcommittee, the gentleman from California.

Will the chairman of the committee afford the House his views with respect to the use of wheat in the international wheat reserve for the purposes called for in this legislation?

Mr. DE LA GARZA. Mr. Chairman, as the gentleman from South Dakota is aware, the legislation before us provides discretionary authority to the Secretary of Agriculture to use up to a total of 300,000 tons of wheat now in the international wheat reserve and it will allow them to use if for domestic feeding purposes, as authorized in the jobs bill and H.R. 1590.

The international wheat reserve was established by legislation in 1980 to provide a backdrop to international food aid assistance programs of the U.S. Government in the event that supplies of wheat are insufficient to fully meet the food aid obligations of the United States.

I might also tell the gentleman, the reserve was originally intended only for use overseas and provision was made to insure that the wheat would not be available for use domestically.

In providing authority to the Secretary to make use of a small portion of the reserve for the domestic feeding purposes laid down in H.R. 1590, the committee is responding to an emergency need that exists today here in the United States. It is not the intent of the legislation to in any way undermine the original purposes of the reserve.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. PANETTA. Mr. Chairman, I yield the chairman 2 additional minutes.

Mr. DE LA GARZA. Allow me to reaffirm for the gentleman my strong commitment to maintaining the integrity of the reserve as established in the 1980 act. Were it not for the ex-

traordinary circumstances that confront us today, I believe that resort to the reserve would not be merited at this time. However, under the circumstances, the committee felt it appropriate to allow some discretion to the Secretary to make use of some modest amount of the reserve for short-term domestic feeding purposes.

Let me reemphasize that in so doing, the committee does not intend to undercut the reserve. My amendment to the bill illustrates that. Replenishment of wheat used from the reserve for domestic purposes will be automatic in the event that disasters overseas require full utilization of the 6 million tons earmarked for such purposes in the 1980 act, and I will actively support an appropriation to replenish the reserve, if that is required.

Mr. DASCHLE. Well, I thank the gentleman very much.

If the gentleman from California would respond as well to the intent of the legislation with regard to the food reserve, beyond that authorized by H.R. 1590 and the 1980 act.

Mr. PANETTA. I thank the gentleman. I am very well aware how many Members feel about the use of the reserve in this instance. In this regard, let me reassure the gentleman that I view the authority to use the reserve for the purposes contained in H.R. 1590 as a short-term option only. I do not regard it as a permanent change in policy on the part of the House with respect to use of the reserve. As one who has been involved with the legislation which established the reserve, I can assure the gentleman that I remain strongly committed to the reserve. For that reason, I strongly support the amendment of the chairman of the committee on behalf of the Foreign Affairs Committee, which strengthens the replenishment features of the legislation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PANETTA. Mr. Chairman, I yield myself 30 more seconds.

In supporting the concept of using a small quantity of the reserve for the purposes laid down in H.R. 1590, I do not intend to promote and would not support using the reserve for other purposes, other than those contained in H.R. 1590 and the 1980 act.

Mr. DASCHLE. I thank the gentleman from California. I certainly thank the chairman of the committee for his reassurance on the issue.

I rise in support of H.R. 1590, and would like to commend Mr. PANETTA for his efforts, as evidenced by this bill, to alleviate hunger in the United States. I will focus my remarks, however, on one troubling aspect of the legislation—the authority of the Secretary of Agriculture to use 300,000 tons of wheat from the wheat food security reserve for domestic purposes.

While I appreciate and will support the committee amendment to be offered tomorrow which will strengthen the replenishment provision of the international reserve, I am still concerned over what I feel is an unwise authority for the domestic use of this reserve. There are three main reasons why I do not think this use of the reserve is warranted:

First, when the wheat food security reserve was established in 1980, it was done with assurance to farmers—assurances written into the 1980 law—that the grain would be used solely for international famine purposes and would be isolated from the commercial market. This isolation was to insure that the reserve would not be a depressant on domestic wheat prices. By tapping the reserve for domestic uses, we are breaking a promise to farmers and are supporting the argument of those people who prefer that we have no international food reserve.

Second, tapping the wheat food security reserve is not necessary to meet domestic hunger needs. There is plenty of wheat in this country—the carryover stocks as of June 1, 1983, in the farmer-owned reserve is 950 million bushels, 270 million bushels in CCC stocks, and 330 million bushels in free stocks, making a 1.55-billion bushel wheat carryover. And the June 1, 1984, projections of carryover of wheat stocks are 620 million bushels in the farmer-owned reserve, 147 million bushels in CCC stocks, and 779 million bushels in free stocks, for a total of 1.5 billion bushels of wheat.

We should purchase grain directly from American farmers instead of taking it from the international reserve; it would be good for our farm economy and might also cost less than replenishing the reserve at a future date.

Third, to use the wheat food security reserve for other than international purposes is a violation of our commitment to the international community. The 4 million metric tons of wheat in the international reserve is not, by the way, "surplus" grain. It is committed grain—a reserve that exists because we made an international commitment to maintain this reserve. We encourage nations, through our food and development aid policies to establish food reserves, and we should not by our actions undermine our own policies.

In addition to H.R. 1590, a similar Senate bill, S. 17, allows the Secretary to use 500,000 tons of wheat from the wheat food security reserve for domestic purposes. And S. 822 would use 1.5 million tons of wheat from the reserve for export PIK purposes. It may be that if any of these bills are signed into law, that the Secretary will choose to not use his authority to draw from the international reserve for domestic food program. I would like to place in the CONGRESSIONAL RECORD a letter from the Department of Agriculture indicating their opposition to the use of the international reserve for domestic and export PIK purposes.

We have the capability to meet our domestic food needs while at the same time maintaining the wheat food security reserve solely for international famine situations, and it is to that end that I will continue my efforts.

Mr. Chairman, I include the following letter:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 24, 1983.

Hon. TOM DASCHLE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DASCHLE: This is in response to your letter of April 19, in which you raised a number of questions regarding H.R. 1590 and the uses of the Food Security Wheat Reserve (FSWR).

The Department does not support H.R. 1590. The Department already has sufficient authority to distribute stocks of commodities owned by the Commodity Credit Corporation (CCC). This bill perpetuates the myth that the CCC owns large quantities of surplus commodities which it is not distributing to needy Americans when, in fact, the only significant amounts of commodities in uncommitted inventory are dairy products. We have been conducting a special donations program for dairy products since December 1981.

Under current law, the Food Security Wheat Reserve of four million metric tons is meant to provide wheat solely for emergency humanitarian needs in developing countries. The primary purpose of the FSWR is to make wheat available for P.L. 480 when domesitc supplies are so limited that the P.L. 480 availability criteria cannot be met. In addition, up to 300,000 metric tons may be released to provide urgent humanitarian relief under Title II of P.L. 480 in any country suffering a major disaster, when needs are exceptional and unanticipated.

Since 1980, when the FSWR legislation was enacted, it has not been necessary to tap the reserve. However, the need for an emergency reserve might arise at any time. Although we do not expect domestic wheat supplies to fall below the P.L. 480 availability criteira in FY 1984 or FY 1985, severe damage to our wheat crop cannot be predicted. Similarly, individual countries' disasters cannot be predicted.

We do not feel that the use of wheat in the FSWR for domestic donations is in accord with the intent of reserve. The U.S. has long been the leader in establishing grain reserves, and has urged other nations, both importers and exporters, to join us in providing for a measure of food security. Our credibility in this area could be severely damaged if the reserve is easily tapped for other purposes, such as domestic donations or PIK.

Another concern is that the FSWR is now effectively isolated from the commercial market. However, under the provisions of H.R. 1590, up to 300,000 metric tons of wheat could be added to commerical supplies. The distibution of significant amounts of flour to domestic outlets would result in substantial displacement of commerical sales, injuring American businesses and increasing the likelihood of acquisition of wheat by the CCC.

Thank you for the opportunity to comment on these issues.

Sincerely,

RICHARD E. LYNG,
Deputy Secretary.

Mr. EMERSON. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. Mr. Chairman, I rise in strong support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983, and wish to commend the gentleman from California (Mr. PANETTA) and the gentleman from Missouri (Mr. EMERSON) for their diligent work in getting this important legislation to the House floor at this time.

Perhaps the greatest paradox that we face in this country today is that in a land of plenty where the Federal Government hold millions of pounds of surplus corn, wheat, rice, cheese, and nonfat dry milk, we have thousands of people who go hungry daily.

Now, we could stand here today, as we have in the past, and debate whose fault it is that there are people in our country without enough to eat. Similarly, we could debate, as we have in the past, why we have surplus agricultural production and depressed commodity prices. But, quite frankly, those words alone do nothing to remedy either problem.

H.R. 1590, on the other hand, represents an important positive attempt at solving, or at least easing, both problems in the short run.

As many of my colleagues know, in the past 18 months the Secretary of Agriculture has sought, on a smaller scale, to distribute a portion of the cheese and butter USDA has in storage to the hungry of our country through the States. In that time, almost 400 million pounds of surplus CCC cheese and butter have been ordered and distributed by the States.

Yet, as of May 27, 791 million pounds of cheese, 469 million pounds of butter, and 1.2 billion pounds of nonfat dry milk remain in Government storage. These dairy products are estimated to cost some $70 million to store in fiscal year 1983 alone.

This initial USDA distribution program has taught us two valuable lessons. First of all, any program must have a coordinated and reliable distribution system. And, second, participating States and agencies need to be reimbursed for their transportation, storage and other distribution costs.

As LaVerne Ausman, our secretary of agriculture from Wisconsin, pointed out so well in subcommittee hearings—without these guarantees, any distribution program will soon fail as participating States and agencies are financially forced to drop out. And, the facts are that the savings in storage costs can be used to finance the distribution.

I should also note that, as important as this legislation is, it is essential that it be properly drafted so that it will not prevent the Secretary from meeting his other obligations and commitments such as the Public Law 480 and PIK programs, respectively.

Actually, H.R. 1590 is the third commodity distribution bill I have been associated with since the beginning of the year. On February 7, I was an original cosponsor of H.R. 1299. And on March 10, I participated in the markup of H.R. 1513 in the Education and Labor Committee. All three bills differ somewhat in their approach to surplus commodity distribution.

Yet, the amended version of H.R. 1590 that we have before us today is a well-reasoned blend of the various approaches. It not only provides a coordinated distribution system and reimburses the expenses of States and participating agencies up to 5 percent of the value of the commodities, but does so in a way that does not impair the Secretary's ability to meet his other statutory obligations and commitments. I, therefore, urge my colleagues to join me in supporting H.R. 1590.

□ 1400

Mr. PANETTA. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, I should point out that in the debate in our Agriculture Committee I had proposed an amendment which would have limited the amount of total wheat that could be withdrawn from the reserve for any purposes whatsoever.

It appears to me that through the colloquys that have been exchanged certainly I understand that it is very clear that wheat will not be removed for any purpose other than what is specifically named in this bill without complete authorization from the Congress.

I would ask the chairman of the subcommittee if I am correct in that understanding.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from California.

Mr. PANETTA. That is clearly correct.

I wanted to point out also in the report language that we state that—

> The committee emphasizes that use of the reserve for these purposes should in no way be viewed as a precedent to tap the reserve for other purposes. The Committee foresees authorizing no additional use for the reserve beyond that which is authorized in this bill.

Mr. BEDELL. I should say that the gentleman from Iowa has serious concerns from several angles. First of all, if you establish a reserve to be there, to help for a world food problem, then I would be greatly concerned that we raid that reserve for other purposes, and particularly get concerned at this time of low wheat prices that we would not go out and buy wheat that we need for these other purposes.

The second problem that I have is that very possibly what we are doing is taking this from the reserve at a time of low prices. We will have to come back when prices are higher to replenish it, which is certainly not advisable for the taxpayers of the country.

Third, from the point of view of farmers, if this reserve is not set aside separately, and it can be used for domestic purposes, then I think we lose a large part of the purpose of the reserve as insulating farmers.

I support the legislation, but I would hope it will be clear that it will not be used for other purposes.

Although I support H.R. 1590 as a necessary and timely response to the nutrition needs of those not touched by economic recovery, I am concerned by that provision in the bill authorizing the Secretary of Agriculture to tap the emergency food security reserve in order to provide wheat to the needy.

Nevertheless, I recognize that this provision is required if we realistically hope to get this food program off the ground this year.

However, my concern about drawing from the reserve at this time stems from the distributing precedent that we are setting by this action.

First, I am troubled by the fact that we are drawing down an emergency food reserve during a period marked by record wheat production and a record wheat surplus. The conventional wisdom since Biblical times has been that you add to your emergency reserves during times of plenty, and draw from these stocks during periods of famine. The provision for tapping the reserve included in H.R. 1590, which will also mandate replenishing the reserve later—possibly during a period of widespread shortage and higher prices—stands this logic on its head.

Second, I would have preferred to see a supplemental appropriation request for this year which would have allowed the Secretary of Agriculture to go into the open market to purchase wheat directly from farmers. Farmers hold almost all of the wheat surplus right now, and they are still plagued by low prices for this commodity. Open market purchases would have provided the wheat required for humanitarian assistance in our country, while providing higher prices for farmers.

Third, farmers agreed to support the creation of the emergency food reserve largely because of the promise made to them that it would not be used, in any way, to provide wheat to the domestic market. I believe that many farmers will view our action today as breaking faith with that commitment,

and this could frustrate our future attempts to maintain this type of reserve.

Finally, I would hope that our approving a new use for this reserve will not give rise to demands for tapping the reserve to fulfill other needs, such as supplying wheat for the domestic PIK program or an export PIK effort. I am pleased that the gentleman from South Dakota (Mr. DASCHLE) has clarified the administration's firm opposition to tapping the reserve for anything other than its originally intended purpose, and I also appreciate the assurances from the sponsors of this bill that they will oppose any efforts to authorize still other uses for the reserve.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I want to compliment the committee for reporting out this vital legislation. In my district, the Sixth District of Washington, we have 12.8 percent unemployment. Needy people are desperate to receive surplus commodities.

One of the great problems in getting those commodities has been the lack of funds for distribution. I think the committee has recognized that requirement in this legislation.

We as Americans cannot stand by and watch our fellow citizens go without food. We hear too much today about malnutrition amongst the children, the poor, and the elderly.

Mr. Chairman, I would like to heartily endorse the passage of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983. This bill addresses what I believe is an urgent need in my congressional district in Washington State, as well as in cities around the country. The sustained high unemployment rate over the past 2 years has increased the number of individuals and families in our country who are not living on an adequate diet, who literally worry where their next meal will come from.

The Federal Government has responded by making surplus foodstocks available to the hungry in our Nation, through local foodbanks and voluntary organizations. But what we have seen, in the last year particularly, is that we have stretched the limits of these organizations by not providing the necessary resources for storage and distribution. I was shocked one day last fall to see hundreds of people waiting in a line in the city of Tacoma, Wash., all because the only available truck bringing surplus milk, butter, and cheese had broken down.

Private organizations have donated storage space and have supplied voluntary labor, but there is never enough of either to make the distribution of surplus food as smooth and orderly as we would like to see it. I am pleased that H.R. 1590 provides—in fact, it mandates—that funds will be available to cover the costs of emergency organizations in distributing commodities to the needy. The bill will also add stability to the surplus commodity distribution program, because it mandates that the Secretary of Agriculture should publish each year in advance the notice of estimated amounts and the types of commodities which will be distributed.

Though H.R. 1590 will not solve the problem of hunger in our Nation, I urge its passage because it provides extremely critical reinforcement to our surplus commodity program, and to those individuals and organizations involved in distributing those commodities to the growing numbers of hungry people in America today.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, before we vote on H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983, I would like to express my support for this initiative, created to assist those so harshly affected by the downturn in our economy. There is no question that we have a hunger problem in our Nation. H.R. 1590 takes a step in addressing some of the malnutrition and hunger issues facing our constituents today. I have continuously supported efforts to relieve the suffering of the elderly, the poor, and the disadvantaged. These groups are most in need of and will most benefit from the emergency food distribution programs set out in this legislation.

However, H.R. 1590 goes beyond the distribution of commodities, referred to as a band-aid approach to helping the Nation's hungry. It includes a more permanent provision designed to increase the monitoring and assessment of national hunger. It directs the USDA to continue conducting, at intervals between its periodic nationwide food consumption surveys, surveillance of nutritionally vulnerable groups. The USDA would measure changes in their dietary or nutritional status, focusing particular attention on socioeconomic factors, and the participation of individuals in food assistance programs. These data could provide information concerning: the impact of changes in the economy on the food consumption intakes of specific groups at high nutritional risk; the impact of changes in food assistance programs on food intakes or nutritional status of program recipients or nonrecipients; and the impact of changes in food consumption patterns on the agricultural economy.

As I have stated in the past, it is critical that we continue research on all aspects of nutrition related problems. While much basic knowledge still remains to be gathered about human nutrition and the effects of diet on health, we also need the tools and information to best apply the nutrition knowledge we do have. These proposed consumption surveys along with the national nutrition monitoring system would provide important direction to Congress in establishing food and nutrition policies. Without the early warning signals to identify real and potential nutrition problems and an assessment of the effectiveness of past programs, Congress cannot expect to be productive and accurate in allocating resources and designing programs to increase health and disease prevention.

In an effort to more completely assess the nutritional problems of my congressional district, I recently held a "nutritional needs conference" in Riverside, Calif. This conference was held specifically for those involved in nutrition related programs: food banks, nutritionists, gardening programs, educators, local politicians and many others. Our goal was to bring together representatives from many organizations to improve communication and develop an information exchange network, both among those providing nutrition services and between this group and myself. The response was astounding. It was very apparent that the need for help is great. Group after group reported increased demand for food and the frustration at not having the necessary resources to fulfill this need. As a result, a coalition is being formed which will continue assessing the needs of the community and organize further meetings and educational programs. The commodities made available through H.R. 1590 will greatly facilitate the ability and effectiveness of this effort.

Many opinions will be expressed concerning the need for the Emergency Food Assistance and Commodity Distribution Act of 1983. I have added to the discussion two perspectives: the recently mentioned need for the commodities from community organizations in my district, and the need for Congress to have access to comprehensive nutritional status statistics. I wholeheartedly join the gentleman from California in urging Congress to pass this legislation.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the gentleman from Illinois, Mr. DURBIN.

Mr. DURBIN. Mr. Chairman, I commend the gentleman from California, Mr. PANETTA, the gentleman from Missouri, Mr. EMERSON, and Chairman DE LA GARZA and the Agriculture Committee for addressing an issue which I think is very critical at this point in our Nation's history.

We in Congress are inundated with statistics and reports on the problems in our economy. But I would encourage not only those who are Members

of Congress but anyone within the sound of my voice to go out one day to a distribution center and see the people who are receiving the cheese and butter.

I did this several months ago in my hometown of Springfield, Ill. and found elderly people standing in the cold rain for 3 hours to receive a 5-pound box of cheese. If that is so necessary and essential to them that they would make that sacrifice, I think it is incumbent upon us to make certain that the largesse of our country is available to our citizens.

The cost of the program, which is entailed in the portion for storage and distribution, is $50 million.

If there is some objection to this figure I might add that I think that it will be an inadequate amount. More funds will be necessary to make certain that we do distribute this food and surplus commodities in an efficient fashion.

I might also say that charity must begin at home, too. I do not oppose foreign assistance. I think it is an important part of our country. But let us make certain through this effort today, as we consider legislation to give hundreds of millions of dollars to other countries, that we expend those funds necessary to make sure that needy American citizens, unemployed, and those looking for help, are taken care of with our largesse.

□ 1410

Mr. PANETTA. Mr. Chairman, I yield 3 minutes to the gentleman from New York, Mr. McHUGH.

Mr. McHUGH. I thank the gentleman from California for yielding.

Mr. Chairman, I rise in support of H.R. 1590 and would like to take this opportunity to commend Mr. PANETTA and the other members of the Agriculture Committee for their efforts to address the growing incidence of hunger in America.

Clearly, this is an increasingly serious problem for many individuals and families. Thus, I think it is appropriate to provide for the distribution of greater quantities of Government-owned surplus food commodities to help alleviate the very real suffering that many Americans are experiencing.

At the same time, I am concerned about the provisions of H.R. 1590 relating to the food security reserve. Because I believe that many of our colleagues share this concern, Mr. Chairman, I would like to address my remarks to this issue.

Six years ago, on September 12, 1977, I introduced legislation to establish a food security reserve, the need for which had been demonstrated during the world food crisis of 1973 and 1974. At that time, as I am sure many of our colleagues recall, there had been a rather substantial drop in the amount of U.S. food assistance provided under our food-for-peace—Public Law 480—program, a drop that contributed significantly to hunger and suffering in the developing nations.

At the time I introduced this legislation, it seemed to me that we should take steps to prevent a reoccurrence of this problem. However, there was considerable concern that a reserve would overhang domestic markets and thus tend to dampen the prices that U.S. farmers receive for their labors.

As a result, the struggle to establish the food security reserve was not easy. Only after several attempts and only after insulating the reserve from domestic markets was such legislation, introduced by Mr. GILMAN and myself, finally authorized by the Congress in 1980.

As one of the original sponsors of this measure, I am concerned about the precedent set by H.R. 1590. As you know, Mr. Chairman, this legislation would allow 300,000 metric tons of the reserve, which was originally designated for famine relief abroad, to be used to dispose of surplus wheat stocks currently in hand.

Although one would like to believe that the problems that led us to establish the reserve in the first place have been resolved, they have not. Because of various restrictions in Public Law 480, the amount of commodities available for food assistance after other claims have been satisfied is always going to be more limited during times of tight supply. Moreover, additional purchases in the market to meet those food emergencies will always be difficult at such times, both because such purchases tend to contribute to inflationary pressures and because they would undoubtedly increase Federal budget outlays.

Thus, I am concerned about the precedent that we are setting by drawing down the reserve for domestic commodity distribution. Doing so undermines the pledges that we made to wheatgrowers to insulate the reserve from domestic markets and weakens our capacity to respond to food emergencies abroad.

Having said this, it should also be noted that H.R. 1590 does include a provision to replenish the reserve no later than December 31, 1984, a good provision that permits me to support the bill despite my reservations. However, I do hope that this will be the only instance in which the committee authorizes use of the reserve for purposes other than those originally intended.

I also hope that members of the committee will support my efforts in the future to insure that any funds needed to replenish the reserve will be forthcoming.

Mr. PANETTA. I thank the gentleman from New York.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio, Mr. SEIBERLING.

Mr. SEIBERLING. Thank you.

Mr. Chairman, I rise to commend Chairman DE LA GARZA and Chairman PANETTA and the members of their committee for the work they have done to improve the commodity distribution system and to address the staggering hunger problem we have in this country.

There are literally hundreds of people in my own district who would be starving today if it were not for this program and many like it. I am sure that is true in other parts of the country. I think this would be an appropriate time to share with you my concern about a related problem, the devastating impact on the Ohio commodity distribution program by recent administration changes including the imposition of quotas on butter and cheese distribution within the State. According to the State of Ohio commodity distribution director, the State was receiving until May as much cheese and butter as it could distribute through the State's excellent system of food banks, pantries, and other distribution centers. The monthly average for cheese distribution was 100 truckloads. Monthly average for butter was something over 20 truckloads. Now, however, that State has learned that the Department of Agriculture is permitting only 30 truckloads of cheese and 13 truckloads of butter per month at least until the end of September.

Under the jobs bill authorization 16 truckloads of grain and dried milk will also be shipped. But this addition simply cannot make up for the cutback of more than 70 truckloads per month. So far, two distribution centers in my district have learned that they will not receive the commodities they expected to during May and June. Doubtless several others will be faced with a cutoff as well. It makes you wonder what kind of Scrooge is calling the shots for the administration on this program. It is my hope that the Agriculture Committee will closely monitor administration action on this new quota system and work to restore States like Ohio which was extremely active in the prior distribution system and which has an enormous number of needy to provide for and that they be restored to previous distribution levels.

Mr. PANETTA. Mr. Chairman, I yield 1½ minutes to the gentleman from Puerto Rico, Mr. CORRADA.

Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983.

I would like to commend my colleague LEON PANETTA, chairman of the Subcommittee on Domestic Marketing, Consumer Relations and Nutri-

tion, House Committee on Agriculture, for reporting this bill, and for the efforts of his subcommittee in responding to a national problem.

H.R. 1590 is a bill which, simply put, will help make available to needy Americans the surplus abundance of American agriculture production.

It builds on the provisions contained in the recently passed emergency jobs stimulus to free up larger portions of foods and commodities in storage, under the supervision of the U.S. Department of Agriculture for those in need of supplementary food in the United States and Puerto Rico.

In doing so, this bill will complement the principal feeding programs of the U.S. Government such as the Federal food stamp program, the school lunch program, the women, infant and children (WIC) program, and other feeding programs. All of them are designed to combat hunger and malnutrition in this great Nation; all have a specific purpose to provide assistance, where necessary, to special groups of recipients.

Mr. Chairman, in the relatively short period of time that Congressman LEON PANETTA has chaired the House Agriculture Subcommittee charged with the responsibility for combating hunger in America, he has brought to this task interest, dedication, and insight.

H.R. 1590 has the support, too, of many minority members of the House Agriculture Committee including Mr. EMERSON who, in a truly bipartisan manner, recognize that it makes commonsense to utilize the good will and dedication of nonprofit organizations, church groups and feeding centers in making available our surplus commodities to the needy in America.

In the case of Puerto Rico, our island government is making a good faith effort to utilize those commodities that fit the dietary needs of our populace. Although not all of the commodities made available for governmental and nonprofit use can be used—due to shipping and some storage problems, we are making every effort to utilize the provisions of the emergency jobs stimulus legislation and we believe H.R. 1590 is a relatively inexpensive way to help emergency feeding organizations, and to reach individuals and families not covered by the food stamp program or, in the case of Puerto Rico, our block grant nutritional assistance plan.

H.R. 1590 merits all of our support. The members of the committee are to be commended for this responsive and responsible effort in attacking a national problem that is in increasing evidence, that of hunger in our society; and in bringing this bill to the floor.

● Ms. KAPTUR. Mr. Chairman, I rise in support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983. As one of the original cosponsors of H.R. 1590, I congratulate Mr. PANETTA on his leadership in introducing this legislation and helping it move expeditiously.

Passage of H.R. 1590 is a crucial first step toward meeting the growing problem of hunger across the United States. As we all know, however, this legislation is not a substitute for the food stamp and child nutrition programs, but only a small and temporary supplement to them.

The demand for emergency food assistance in my district in the Toledo, Ohio area is staggering. I know also that my district is not unique in this respect. Other areas across this land of agricultural abundance have been equally hard hit by adverse economic conditions. It is our responsibility in Congress to address this genuine need by establishing an effective program to move surplus commodities held by the Commodity Credit Corporation of the Federal Government to those in our society who are going hungry.

My district comprises 100 percent of Lucas County, 53 percent of Fulton County, and 21 percent of Wood County, counties in northwestern Ohio. There are currently only two programs in these counties which distribute surplus cheese and butter to my constituents, and these programs do not even begin to meet the acute demand.

But quite frankly, there is only so much that one can do with cheese and butter. Anything we can do to expand the program to include additional commodities is long overdue. I might add that many weekends, embarrassed people in my district, humbly ask me if I know where they might get one meal of meat, it has been so long since they have had any.

The largest distribution program in my district, run by the National Association for Human Development, is located in my major county, Lucas County, and was serving a total of about 20,000 families a month. The association receives two truckloads of butter and cheese each month, which it then distributes to churches, which then divide it among the families. The need has been increasing greatly in the past couple of months, so that the association is serving ever growing numbers of people. Unfortunately, figures have not yet been released on how many families are now being served, although some estimate that it may be around 35,000. Still, the need is not even beginning to be met. Some experts estimate that not even half of the qualifying recipient families will receive even a little bit of food. Moreover, our local distribution program needs financial assistance for refrigeration and local distribution. And this, my colleagues, is a description of the largest program in my district. The smaller program in Fulton County, run by the Fulton County Department of Human Services, serves only 1,300 people a month.

It is unconscionable and incomprehensible that Americans are suffering from the kind of hunger that once plagued our society before the advent of Federal nutrition programs. We must put an end to this situation. For hungry people, time is of the essence. We must respond to the call for help immediately.●

● Mr. KILDEE. Mr. Chairman, our Nation still is suffering from a serious recession. Although slightly lower nominal interest rates have helped bring back some home buyers and have helped lift the auto industry from its grave situation of just a few months ago, the recovery—if we can call it that—is moving painfully slow.

The national unemployment rate stands at 10.1 percent of the work force. There are more than 11 million Americans actively searching in vain for employment. The administration's own economic forecast projects unemployment at or near 10 percent for the remainder of this and all of the next fiscal year. Meanwhile, domestic hunger, which we once were committed to ending, is again on the rise.

Already during this session, the House has acted to help the victims of this extended recession.

We have passed a budget resolution which would reduce the Federal budget by over one-half trillion dollars over a 5-year period.

We have passed phase I of our antirecession program, an emergency jobs bill which provides $4.65 billion and should provide direct or indirect employment for 450,000 to 600,000 people.

We have passed an emergency homeowners assistance bill which would make available more than $700 million in loans to unemployed homeowners who, as a result of this prolonged period of economic devastation, are in danger of losing the fruits of their lifetimes of labor to foreclosure.

And we have passed an Emergency Agricultural Credit Act which would provide emergency agricultural credit assistance to farmers who through no fault of their own face a similar fate.

Today the House begins debate on H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983. This is an integral part of our antirecession package, and I urge the House to enact this legislation.

H.R. 1590 provides for the distribution of excess commodities owned by the Commodity Credit Corporation (CCC) to food banks, soup kitchens, and like organizations that provide food on an emergency basis to the needy and the unemployed; permits the use of the Food Security Wheat Reserve for this purpose if necessary; and provides for the use of CCC funds

to pay for processing, packaging, delivery, and distribution of the commodities to State agencies or social service organizations.

Let me assure my colleagues that the word "emergency" in this bill has not been used capriciously. In the city of Flint, Mich., in my district, Mr. Chairman, the unemployment rate has at times surpassed 25 percent during this recession. The rising demand for emergency food services there has far outstripped the public and private sectors' ability to provide them.

The U.S. Conference of Mayors this past weekend proclaimed domestic hunger to be the most serious crisis facing our Nation's cities. The hunger crisis throughout America is real.

It has been said that John F. Kennedy, while campaigning more than two decades ago for the 1960 Democratic Presidential nomination, was shocked to see so many poor, malnourished, hungry Americans. That perspective, he later said, was what prompted the antihunger programs which were among the highlights of his Presidency.

Today, we need not look far to see the hunger that surrounds us. It is as close to the halls of Congress as the impoverished indigents on the streets and steam grates of our Nation's Capital, and as close to our own homes as the soup kitchens and cheese lines in many of our congressional districts.

I want to commend my colleague, the gentleman from California (Mr. PANETTA), for the tremendous effort he has put into this bill, and I want to commend the members of the subcommittee and the committee: First, for their recognition that once again hunger has become widespread in America, and second, for their resolve to eradicate it. I urge my colleagues to join in this effort by passing this needed legislation.●

● Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act. I enthusiastically support this legislation because we must address the hunger that haunts our Nation. Even though America's farmers are the most productive in the world and produce great surpluses of food, hunger stalks our land. Many of the casualties and the families of the casualties of our failure to develop ballanced economic programs are today hungry. While, we have all seen the lines at various distribution sites, none can pretend that we are adequately addressing the need for emergency food assistance to the casualties of plant closings, failed businesses, reductions-in-force, and structural unemployment.

Every report I get from the Nation and from the District of Columbia, which I represent, tells me that the number of people needing emergency food relief continues to grow. Just at the time when America's industrial base had started to crumble, Reaganomics cut the support programs that were designed to cushion people during hard times. President Reagan tells us that the recovery is beginning, yet for many American workers whose plants have been shut down and whose unemployment benefits are running out, economic hardship and depression are the reality. This cruel reality is characterized by the desperation that occurs when the food stamps and savings have run out and there is no where else to go. My district office has reported to me illustrative cases involving the trauma of a 25 year old structurally excluded from employment, who, has never had a job to lose and who has not eaten for 2 days, and the situation of a 70-year-old black woman who has toiled 12 hours a day for her whole life, but because of the economic injustices of our society must survive now on the minimum social security benefit of $299 a month. Her cruel reality is that after paying for housing and heat, there is nothing left for food.

This legislation for emergency food relief is needed to address a massive problem in our society and one that we have a moral obligation to remedy immediately. Our private agencies which have been providing emergency services to the victims of our economy are simply being overwhelmed by the intensity and depth of the hunger in our country. This legislation, which will allow us to distribute a wider range of foods to the hungry and will provide assistance to States and localities participating in such programs through the packaging and transportation of these commodities is an idea whose time has come. I urge my colleagues to support this legislation so that those in desperate need can receive the basic nutrition which is a fundamental human right.●

● Mr. ECKART. Mr. Speaker, I rise in support of H.R. 1590, the emergency commodity distribution bill. With unemployment hovering around 20 percent in my district in northeast Ohio, hunger has become more and more of a reality for increasing numbers of people. In a field hearing in northeast Ohio earlier this year, I was appalled to learn that we do not have an adequate safety net to prevent against hunger and malnutrition.

The figure for people showing up to get surplus food and for those resorting to soup kitchens are startling. In Ashtabula, the gentleman who runs the senior citizen center said he gave away 120 5-pound packages of cheese in 20 minutes. When it was all distributed, he was forced to turn away 80 to 100 more seniors who were hoping to get a share. Across the street on the same morning, the Catholic Services Agency distributed 2,300 pounds of cheese in 1½ hours. That works out to 126 pounds a minute. Fortunately, none of the 750 people who turned out for that distribution left emptyhanded. But several of the food bank staffers and community workers have expressed alarm at the rising emotional level as such giveaways, particularly when there is not enough food to distribute.

The more I look at hunger in northeast Ohio, the more concerned I become. Community leaders and hunger project staffers paint a picture of a band-aid approach to nutrition and relative health care. The WIC program Ashtabula is servicing 1,000 people per month. Yet the administrator said that 500 to 1,000 additional women whose health have been identified as being at risk are not being helped. This lack of adequate nutrition is already showing itself in anemia, height and weight development problems, and retardation in children. Babies suffer from what is known as failure to thrive, a bureaucratic way of saying that they do not grow as a result of poor prenatal and nutritional care.

It is important to note that the hunger problem extends beyond our traditional stereotype of the needy person. The people standing in line at the Salvation Army soup kitchen are not homeless derelicts but entire families who have been victimized by unemployment and the sagging economy. The hunger problem also extends to the "working poor," people who are making an effort to support themselves, yet who often cannot afford to eat right.

H.R. 1590 is an innovative, affordable way to address the hunger problem. It is an emminently reasonable approach because it is actually easier and less expensive for the Federal Government to distribute surplus foods than it is to store them. As a cosponsor of this proposal, I will do everything possible to urge the U.S. Department of Agriculture to carefully target this bill when it becomes law. I applaud the House's action on H.R. 1590 and hope to see the Senate soon pass a companion proposal.●

Mr. EMERSON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. PANETTA. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BEDELL) having assumed the chair, Mr. BENNETT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1590) to provide emer-

gency food assistance to low-income and unemployed persons and to improve the commodity distribution program, had come to no resolution thereon.

GENERAL LEAVE

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK
Washington, D.C. June 10, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am writing to inform you, pursuant to ¶2 of House Rule L (50), that I have received a subpoena for original records in my possession in the case of *United States* v. *George V. Hansen*, Cr. No. 83-75, pending in the United States District Court for the District of Columbia.

In consultation with counsel, I will make the necessary determinations pursuant to ¶3 of the Rule and communicate them to you.

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, U.S. House of Representatives.

□ 1420

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. FIELDS) is recognized for 5 minutes.

● Mr. FIELDS. Mr. Speaker, during the legislative day, Friday, June 3, 1983, I was in Austin, Tex., testifying before the Texas State District Court, Judge Joe Hart presiding. Mr. Speaker, this hearing had been postponed and rescheduled over a period of 8 months. I was a party to the appeal which involved the proposed Atascocita landfill in Humble, Tex.

If I were present on Friday, June 3, 1983, I would have cast the following votes:

Recorded vote No. 156, "Yes."
Recorded vote No. 157, "Yes."
Recorded vote No. 158, "Yes."
Recorded vote No. 159, "Yes."
Recorded vote No. 160, "Yes."●

THE DANGERS OF PROTECTIONISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 20 minutes.

● Mr. FRENZEL. Mr. Speaker, this morning's Post carried a splendid article by U.S. Trade Representative Bill Brock on the dangers of protectionism. The Post also ran an editorial supporting Ambassador Brock's point of view.

The Brock article is noteworthy because its principal thesis is one that has been largely ignored in discussions of specific protectionist measures. His point is that increased protectionism insures lower productivity. The result is fewer jobs, less innovation, and more inflation.

Protectionist proposals are always intended to save industries which, for whatever reason, are not now competitive. Those proposals inevitably escalate the noncompetitiveness of the protected domestic industry.

Not every protectionist measure is another Smoot-Hawley. Nor will every one instantly convert the domestic industry into a buggy whip maker. Nevertheless each protectionist action reduces productivity by subsidizing the protected industry.

The subsidy comes out of the hides of the industry's consumers and out of the hides of the job losers in export industries which suffer retaliation.

In the protection of a noncompetitive environment, domestic industry will simply become less competitive and less productive. An insulated economy leads to an isolated society. Every society which has tried to keep the world out has worsened the lot of its citizens.

As the U.S. Trade Representative writes, "To acknowledge that we are all sinners does not justify economic suicide." Are we so afraid of competition that we will impose stagnation and hopelessness on our children? I commend the Brock article and the Post editorial which follow, and I invite the attention of my colleagues to both of them.

[The Washington Post, Monday, June 13, 1983]

NO, LET US PRAISE FREE TRADE

(By William E. Brock)

During the past year, I have noticed the appearance of several commentaries that challenge the precepts of free trade and make protectionism appear as a logical instrument of bringing order out of economic chaos. One recent effort, "Let Us Now Praise Trade Protectionism" by Wolfgang Hager, appeared in The Post's Outlook section May 15.

The basic assumption of the article is that the continuation of free-trade policies in industrialized countries will leave us nothing more than a few high-tech and service-industry jobs. Heavy industrial sectors will be lost to Third World countries, because the labor differential will leave us forever noncompetitive.

This has been a particularly fashionable argument, especially during a period of economic downturn when the immediate problems of foreign competition seem infinite. But Hager boldly concludes that protectionism is something more than the politically expedient statements made by some presidential candidates—that it is a necessity based on the evolution of the world economy. There are a number of reasons why these conclusions are poorly founded, but perhaps the most important one is that increased protection ensures substantially lower levels of productivity. The result: fewer jobs, less innovation and more inflation. Hardly a logical set of goals.

It is simplistic—and false—to assume that, because of the worldwide availability of state-of-the-art capital equipment, the industrialized countries will never have the chance to make up the labor differential enjoyed by the developing countries. There are many other factors that enter into the competitiveness of national industry, including capital intensity, management competence and creativity, worker training and productivity, the quality of national infrastructure of roads, communication and distribution systems, adequate and flexible financial systems, the willingness of entrepreneurs to take risks, the level of savings, investments and incentives, and the economic environment provided by the government.

In truth, automation and technology, more than imports, may well continue to result in fewer people employed in specific heavy industries, but workers will produce more in a cleaner and safer work place while earning better pay. Can we fairly stop that process? We certainly have fewer people on the farm than we did 50 years ago, yet we produce far more products with lower prices, higher profits and better quality. Would anyone seriously suggest our diet would improve with a return to horse and harness? The same is true today in the plant. If we have the foresight to invest the necessary physical and human capital in our industries, as we must, we can remain competitive.

In fact, the key is productivity. Protection is the worst remedy for a lack of productivity. Modern technology is making possible incredible improvements and success will go to those countries that have the foresight to build an economic and political system with the incentives to invest in both new technology and better education. Protection removes those incentives and provides an illusion of security while, in reality, the competitive gap becomes larger and larger.

A protected national market will ultimately guarantee non-competitiveness in the global market, and that's the only market that can provide the necessary economies of scale for many industries. To remain competitive in the world market, you have to compete, not hide behind import barriers.

Hager's advocacy of increased protection of industrial-country markets from the flood of goods and services originating in the developing world is particularly disturbing. These are not just friends, they are the largest and fastest growing market for our manufactured exports. We sell more to the developing countries than to Japan and the European Community combined. It is inconceivable that we might continue to create jobs here through our exports if we don't buy their products.

Far tighter controls on less-developed countries' exports to the industrial world would be even more absurd right now in light of the significant debt problems facing many developing countries. Rather, industrial countries need to maintain and increase the access of developing-country exports to their markets. If not, the refusal to buy our goods and, ultimately, the inability to pay their debts won't be simply an emo-

tional response; it will be an economically mandated reality. The stability, and perhaps survival, of our world financial and economic system is threatened by such protectionist rationalization.

But Hager has a plan that purportedly will satisfy Third World foreign exchange needs and stabilize markets generally. All we have to do is enter into a series of understandings that will alter the "terms" of trade, which includes the notion that importing countries will be willing to accept an increase in price overall, perhaps through high tariffs that we would then rebate to them as foreign aid. So, to solve our problem, all we have to do is reduce competition here at home, pay higher prices for that which we import (presumable only those products not available domestically) and snuggle up under the warm blanket of an all-wise and all-caring government. Precedent for this is cited in Eastern Bloc trade, among others. Is massive bureaucracy to be our role model?

The article reminds us again that a significant percentage of world trade is "managed" anyway with the proliferation of textile quotas, agricultural subsidies and steel arrangements. But to acknowledge that we are all sinners does not justify economic suicide. The important thing is to acknowledge protection and to establish policies that discourage its proliferation and lead to its removal.

Then we can take an honest look at remedies and ask the real questions: How good is our educational system, and what are we doing to make it the best in the world? How good is our system, and can we remold it to increase savings, incentives and investment? How competitive are our management and labor practices, and can we shape up our R&D? How strong is our self-confidence, and what do we need to do to compete? Or, alternatively, how desperate are we for security, and what degree of stagnation and hopelessness will we impose on our children to achieve it?

[Washington Post editorial, June 13, 1983]

A DUBIOUS CASE OF PROTECTION

Rapid economic growth is disruptive, uncomfortable and sometimes frightening. Its benefits are great, but it forces people to live differently and earn their living differently from the way they are accustomed to doing. Nothing pushes growth faster than foreign trade, and the United States is now in the process of coming to terms with the enormous expansion of trade in the 1970s. The political reaction is expressed in the rising campaign for protection against imports.

Several weeks ago, this newspaper published a vigorous defense of protectionism by Wolfgang Hager, a visiting professor at Georgetown University. Today, on the opposite page, we offer a rebuttal by William E. Brock, the U.S. trade representative.

The case for protectionism comes down to wages. It argues that there's an endless supply of low-wage labor in the world that threatens to destroy the high-wage economics. But the actual experience of the past four decades, with decreasing trade barriers and rising prosperity, suggests precisely the opposite.

The protectionist position argues that in the postwar years the Atlantic countries with their high standards of living had a sort of self-protective monopoly that has now been broken by Latin American and Asian industry. In response, it's useful to recall that in the 1950s industrial wages in West Germany and France were as far below the American level as wages in Brazil and Mexico are today. As trade expanded across the Atlantic in the 1960s, according to protectionist theory, American wages should have dropped under competitive pressure. In fact, they kept rising steadily, while European wages soared and are now—allowing for the swings in exchange rates—in the same range as they are here.

Japan's wages are about half the American average. But wages in Brazil are less than half as high as Japan's. Both have automobile industries. Why isn't Brazil the stronger competitor?

A long recession and a strong dollar are currently giving the protectionist cause a plausibility that it doesn't deserve. The main reason for this country's poor trade performance at the moment is a huge budget deficit that keeps interest rates high, in turn lifting the dollar's exchange rate and making it harder to sell American goods abroad. The 1930s demonstrated more than adequately that pulling up the drawbridge won't remedy mistakes in domestic economic policy. Mr. Brock does an important service by reminding the country of the real sources of its competitive strength.●

EMPLOYED INVENTOR'S RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 10 minutes.

● Mr. KASTENMEIER. Mr. Speaker, today I am introducing two bills to address the problems of employed inventors. As we approach the 200th anniversary of our Constitution we should take stock of the principles it sets forth. For example, on the economic sphere our Constitution authorizes the Congress to: "promote the progress of science and the useful arts, by securing to authors and inventors the exclusive right to their respective writings and discoveries."

A central question facing us is whether the current patent system is working to achieve that constitutional goal. In the past two decades we have seen a dramatic shift in the patent process. In 1970 only 25 percent of the total patents granted were given to the residents of foreign nations, today that rate has increased to nearly 40 percent. More significantly, the percentage of patents granted to individuals has declined to about one-sixth of the total.

Under current patent practice five-sixths of all patents vest—from the moment of issuance—in a corporate assignee. Thus, in many ways the patent system has become more an investors law than one that serves inventors. There probably are valid economic reasons for the dramatic growth of corporate patents, such as economies of scale and expanding research and development budgets. These facts alone do not, however, reveal the whole picture.

If our country hopes to maintain its preeminent position in the world economic picture we must do more to foster individual inventiveness. Second, we must foster a marketplace atmosphere that encourages inventions to rapidly be brought to the market. Finally, we must balance the interests of personal autonomy and creativity with the economic realities of the modern corporate state.

The bills I am introducing today both relate to the rights of employed inventors. The first bill sets standards for the preemployment assignment of patent agreements. The bill excludes from preinvention assignment agreements inventions that do not arise directly out of the employee's employment situation. Thus, the individual employee/inventor retains rights with respect to the patentability of products which are conceived separate from the work place. This bill would make a uniform rule for all the States and, thus, replace several underinclusive and inconsistent State law provisions.[1]

The second bill being introduced today creates a comprehensive Federal system for determining the ownership of the amount of compensation to be paid for inventions made by employed inventors. This proposal originated in a measure passed by the House in the 96th Congress, H.R. 6933. As with the predecessor bill—which was limited to Federal employees—this bill provides a comprehensive scheme for the division of rights between employees and employers. The primary difference between this bill and the first measure is that this bill provides for compensation of employees who create an invention on the job. Under the bill a service invention would grant an employee an opportunity to negotiate with the employer for a fair reward. The basic premise behind this bill is to encourage the entry of new ideas in the marketplace. In this regard I note with interest that two of our leading competitors in the world, Japan and West Germany, both have similar protections for employed inventors.

In closing, I wish to stress my hope these bills will stimulate new ideas in the area of patent policy development. As a recent series of articles in the Washington Post highlighted, the challenge of industrial innovation is crucial for all of us. Perhaps through the introduction of these bills, and the surfacing of the concerns of employed inventors, we will stimulate the reindustrialization of America.●

INTRODUCTION OF CLEAN WATER ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOWARD) is recognized for 5 minutes.

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[1] Calif. Code, Labor sec. 2870 et seq; Minn. Stat. Ann. sec. 181.78; Wash. Ann. 49.44.140.

● Mr. HOWARD. Mr. Speaker, I am introducing in the House today a bill to reauthorize the Clean Water Act for 5 years.

The Clean Water Act, which was first passed by the Congress in 1972 as the Federal Water Pollution Control Act, has been a major force in our Nation during the past decade in cleaning up polluted waters and preventing further deterioration.

It is a never-ending source of pleasure to me that fishermen from my home district at the New Jersey shore tell me that fish have begun to return to the Navesink and Shrewsbury Rivers after an absence of some years. With this bill, I intend to keep this Nation moving in that direction.

However, it is also a source of sadness to me that this administration is less than enthusiastic in enforcing the Clean Water Act and, in some cases, clearly opposing the intent of Congress. In those cases, a strengthening of the act is necessary to keep enforcement on the right track.

Let me explain the major provisions of my legislation. First, in the extremely vital area of sewage treatment plant construction, I propose funding increases over the $2.4 billion annual limit set by the President in 1981. I am proposing $4 billion for fiscal year 1984, $4.5 billion for fiscal year 1985 and $5 billion for fiscal year 1986, 1987 and 1988.

I propose a 3-year deadline for industry to comply with Environmental Protection Administration regulations on best available technology and best conventional technology.

I am also proposing to severely limit the ability of EPA to grant waivers for municipal treatment plants to discharge into the ocean. I intend to close the loophole that EPA officials say requires them to consider applications for waivers in already polluted waters of the New York area.

In a provision resulting from EPA's proposal to alter the water quality standards regulations, I propose to restrict the ability of States to downgrade the designated use for a body of water. Because of the restrictive regulations issued by the administration, I am proposing to set standards for the issuing of wetlands dredge and fill permits and to set procedures for appeals.

I am also proposing two new programs. First, my bill directs EPA to clean up the Nation's toxic hot spots within 5½ years of enactment. Second, a management program for the Nation's bays and estuaries is proposed.

Although there is no such provision in the bill, it is my hope in the coming weeks to focus on the extremely complicated problem of nonpoint source pollution. Along with other members of the Committee on Public Works and Transportation, I will be working to develop a proposal that can reduce nonpoint source pollution as effectively as the Clean Water Act has dealt with point sources.

This bill, I believe, represents a major step in moving the Nation back in the direction it was headed before the years when budget slashing and concern by enforcement officials for the profits of polluters took precedence over the public health and clean water. I hope my colleagues will join me in this effort to renew the Nation's struggle for clean water.●

THE CLEAN AIR ACT

(Mr. WAXMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. WAXMAN. Mr. Speaker, during the debate concerning the Dannemeyer amendment to the HUD-Independent Agencies appropriations bill (H.R. 3133), there were some questions raised about whether the amendment substantively changed the Clean Air Act. At that time I indicated that I supported the amendment because it did not change existing law. It merely made Congress intention clear when it enacted this section. Sanctions do not apply for failure to attain air quality standards by the deadline specified in the act. But sanctions are available if a State fails to submit an adequate plan or fails to implement that plan.

Perhaps the best example of the congressional reasoning behind this interpretation of the law would be the wisdom of cutting off air pollution control grants. If a State has failed to submit an adequate plan for meeting air quality standards or failed to implement that plan, then it might make sense to cut off its Federal funding. But if a State has implemented an approved EPA plan in good faith, but failed to meet the standards by the applicable date, a cutoff of air pollution control funds would virtually guarantee that the standards would not be achieved. Congress never intended this nonsensical result when it enacted the sanction provisions of the Clean Air Act.

During the debate, I mentioned that this view of the law is backed by the National Governors Association, the U.S. Conference of Mayors, the National League of Cities, and the National Clean Air Coalition; which includes the Sierra Club, the Natural Resources Defense Council, and the League of Women Voters.

Mr. Speaker, I would like to include in the RECORD at this point relevant excerpts from the statements of these organizations:

NATIONAL GOVERNORS' ASSOCIATION, COMMITTEE ON ENERGY AND ENVIRONMENT,
Washington, D.C. April 15, 1983.

Re Docket No. A-83-01

Mr. WILLIAM RUCKELSHAUS,
Administrator-Designate, EPA,
Washington, D.C.

DEAR MR. RUCKELSHAUS: The National Governors' Association strongly urges the Environmental Protection Agency to reconsider the approaches outlined in the Federal Register on February 3, 1983, concerning Clean Air Act sanctions. On that date, the Administrator proposed to find the implementation plans for certain areas inadequate to comply with the provisions of Part D of the Act, proposed disapproval of some plans required to be submitted as a condition for an extension of the deadline to 1987 for the pollutants carbon monoxide of ozone, proposed a construction moratorium, and suggested the intent to impose funding sanctions. The Governors believe that the approach described in the February 3 Federal Register notice is environmentally counter-productive and exceeds the Agency's legal authority. As a matter of law and policy, the Agency should:

(1) withdraw the proposal to find certain SIP's inadequate based solely upon a failure to attain the national ambient air quality standards by December 31, 1982, allowing such states an opportunity to revise their SIP's;

(2) allow states which are alleged to have failed to submit an approvable "extension SIP" demonstrating compliance by 1987 an adequate oppportunity to revise their plans before any final determination of inadequacy; and

(3) withdraw the proposal for construction moratoria in connection with failures to attain the standards by 1982 and withhold any proposal of funding sanctions as inappropriate until the legal irregularities in the agency's approach have been corrected and the final status of SIP's has been determined.

The Governors are convinced that the states and the EPA must work closely together as partners in order to solve our environmental problems. Unfortunately, the conflicting signals emanating from the EPA over the Clean Air Act in recent years have seriously jeopardized that partnership. To register their concerns over this matter, the Governors on the NGA Energy and Environment Committee, which I chair, overwhelmingly approved a resolution on the sanctions issue, by a vote of 20-1, which I have attached. The Governors' concerns include the following:

Failure to Obtain the Standards by December 31, 1982 (AD FRL 2294-7). The EPA has proposed a finding that 75 counties have failed to comply with the requirements of the Act, based solely upon their failure to attain the air quality standards by the statutory deadline. However, the Act does not authorize or require the imposition of a construction ban or funding sanctions based on this failure alone. Section 110(a)(2)(I) bars new construction unless the state has an approved plan which "meets the requirements of Part D." Section 172(a)(1) in Part D in turn requires that a plan "provide for" attainment by Decmeber 31, 1982. The ban is tied exclusively, therefore, to what the plan provides for, not to the plan's ultimate effectiveness. Legislative history supports this interpretation of Section 172(a)(11) and 110(a)(2)(I). Accordingly, a state which has submitted and implemented an EPA approved SIP has satisfied its obligation under

the law, notwithstanding a failure to attain the standards. For areas which have implemented an approved SIP but not attained the standards by the statutory deadline, the appropriated remedy, under Section 110(a)(2)(H), is for the EPA to require a SIP revision.

The Federal Register notice also solicits comments on the conditions in which certain highway and EPA funds may be withheld from states under Section 176 and Section 316 (sewer grants) as the result of a finding that an area has not attained the standards. The language of these sections is specifically keyed to the submission and implementation of an air quality plan, not to attainment of the standards. EPA does not, then, have the legal authority to restrict federal funds to states based solely on the failure to attain the air quality standards by December 31, 1982.

Disapproval of July 1, 1982 SIP Revisions (AD FRL 2294-6). The EPA has proposed disapproval of seventeen "extension SIP's" and suggested that a restriction of certain federal funds may be one consequence of final disapproval. While the Clean Air Act provides in some cases for the imposition of a construction ban where state plans have been rejected by the EPA, the Act does not authorize or require a restriction of federal funds for the failure to submit an approvable SIP, except in narrowly defined circumstances. Specifically, Section 176(a)(3) provides that certain funds may be restricted only if a state has failed to submit an adequate plan and is not making "reasonable efforts toward submitting such an implementation plan." The clear statutory direction to EPA is to notify the states of disapproval and allow states a reasonable additional length of time to remedy the plan's deficiencies. Following the 1979 deadline on SIP submissions, the Agency allowed states an additional one and a half years to submit and revise plans before restricting funds, despite the existence on non-conforming plans in a number of states. To propose sanctions without first allowing states to revise their plans would be inconsistent with the law and that precedent.

I would also like to point out that where states do not submit a plan or plan revisions, Section 110(c) of the Act requires the EPA to promulgate a federal plan demonstrating attainment of the standards by 1987.

Since a construction ban may be environmentally counter-productive if the replacement of old industrial plant and equipment with new or modernized stock is delayed, I also urge you to use the discretion provided in the Act before imposing any construction ban on the states.

I hope that the EPA will reconsider its proposed course on clean air sanctions, and stand ready to work with you in solving the problems we face in a manner consistent with the letter and spirit of the law. If I may answer any questions regarding this matter, please don't hesitate to call me.

Sincerely,

Governor JOHN D. ROCKEFELLER IV,
Chairman.

BACKGROUND ON CLEAN AIR ACT SANCTIONS

(Prepared by the National Clean Air Coalition)

In 1977, the Congress set December 31, 1982, as the deadline for reducing pollution [1] to healthy levels in our cities, and required communities to develop plans to meet that deadline. Extensions to 1977 were available for cities with the worst auto-related pollution problems.[2]

Under the Clean Air Act, communities which refuse to adopt or carry out their plans are subject to penalties. In these areas EPA must deny construction permits for major new projects which would add to unhealthy pollution levels. The permit restrictions can be lifted if the areas agree to comply with the law.

In recent months EPA Administrator Anne Gorsuch has discussed these restrictions on a number of occasions, referring to them as a "construction ban." Her comments have left the impression that: The Act absolutely requires imposition of a "construction ban" in all areas which do not meet air quality standards by December 31, 1982; the "construction ban" is a blanket "no growth" penalty with immediate and widespread impact.

In fact, the Clean Air Act does not specifically call for the sanctions in areas which are carrying out approved clean air plans but have failed to meet air quality standards. EPA, in a newly adopted policy, has chosen to interpret the law to apply to these areas. Mrs. Gorsuch claims that the law "forces" her to impose sanctions on these areas. In fact, she has chosen to interpret the law to produce that result.

The law clearly does call for a limited restriction on construction in the second group of areas which EPA is threatening—areas which have not adopted or carried out air quality plans. However, far from being a broad ban on all construction, the sanction is actually a quite narrow restriction on selected new source permits which takes effect gradually over a period of months or years.

The limitations on the permit restrictions are several:

(1) They apply only to major new sources, which add more than 100 tons of new pollution.

(2) They are pollutant specific. They restrict only major new sources of a pollutant which is already a health problem in the community. Sources of sulfur dioxide, for example, are not affected in a community with an ozone problem.

(3) They are area specific. Major new sources of even these problem pollutants can be built in one part of town if the site is chosen carefully so as not to add to unhealthy pollution levels in another part of town.

(4) Their impact is gradual. EPA must institute a formal rulemaking before imposing any permit restrictions, giving communities time to improve their performance. The law also "grandfathers" all construction projects which apply for a permit before the rulemaking process is complete. So even if EPA goes forward, projects scheduled to be built over the next several years could proceed if applications are filed before EPA issues a final notice (some time next year, at the earliest).

OTHER SANCTIONS

EPA also has authority under certain circumstances to withhold federal grants to states for clean air administration and highway construction.

EPA can withhold highway money only if the Administrator determines that a state is not making "reasonable efforts" to submit an acceptable clean air plan. The definition of "reasonable" is left up to EPA. As the attached staff memo from the Senate Environment Committee describes, the legislative history of the Act makes it clear that a state which has made a good faith attempt to develop a plan is not to be subject to these sanctions.

Highway projects for safety, mass transit, or projects necessary for air quality benefits are explicitly exempt by law from withholding. EPA also exempts administrative grants needed to revise clean air plans.

EPA also must cut off air quality planning grants in areas that are not carrying out their plans. This sanction is not triggered by the 1982 deadline. Exemptions for many grants would be authorized under the interpretation previously applied by EPA to grant restrictions triggered by the failure to submit a plan.

Finally, EPA has complete discretionary authority to cut off sewage treatment grants if a state fails to make "reasonable efforts." EPA regulations exempt projects needed for public health.

COMMENTS OF THE NATIONAL ASSOCIATION OF COUNTIES AND THE U.S. CONFERENCE OF MAYORS ON EPA'S PROPOSAL TO INSTITUTE SANCTIONS UNDER THE CLEAN AIR ACT (48 FED. REG. 4972 ET SEQ.)

The National Association of Counties ("NACo") and the United States Conference of Mayors ("Conference") submit these comments on EPA's proposed rulemaking to designate some 213 counties as not in compliance with Part D of the Clean Air Act. The Agency has stated that a determination of noncompliance would automatically subject these counties, which include virtually every major metropolitan area in the country, to sanctions under that statute.[1] Sanctions could include a ban on construction or modification of new major stationary sources of air pollutants as well as cut-offs of Department of Transportation highway construction grants and grants by EPA to administer Clean Air Act programs.

The Conference is the official organization of the approximately 800 cities with populations of 30,000 or more. Its principal role is to develop policy on legislative and regulatory action potentially affecting the nation's larger cities. NACo serves as the national spokesman for county government in the United States. Representing more than 2,059 of the nation's 3,106 counties, NACo acts as a liaison with other levels of government, develops research and information programs to improve county government, and seeks to further public understanding of the role of counties in the federal system.

NACo and the Conference believe that the inflexible imposition of sanctions as proposed by the Agency is illegal and unsound environmental policy. We therefore urge EPA to withdraw the proposed rulemaking and to modify its sanctions policy in accord-

[1] The pollutants in question are nitrogen oxides, sulfure dioxide, particulate matter ("total suspended particulate" or TSP), ozone and carbon monoxide.

[2] Deadline extensions to 1987 were available for ozone and carbon monoxide if communities adopted special measures like inspection and maintenance programs to help them meet the cleanup target. EPA has approved extensions for 196 areas.

[1] EPA proposes to designate as many as 144 counties as not in compliance with the act for failing to achieve in fact the primary national ambient air quality standards by Dec. 31, 1982. An additional 69 counties may be subject to a similar designation for failure to comply with other requirements of the act. For example, EPA has proposed to disapprove of certain State implementation plan revisions seeking extension of the deadline for attainment of the standards for carbon monoxide and ozone until Dec. 31, 1987.

ance with the directives of the Clean Air Act.

* * * * *

SUMMARY

As more fully discussed below, NACo and the Conference submit that EPA lacks authority under the Clean Air Act to impose sanctions for failure to achieve in fact the primary NAAQS by December 31, 1982. The statute links the imposition of sanctions to the submission and enforcement of a revised SIP, not achievement of the standards by the December 1982 deadline. Similarly, the Agency's contention that failure to attain the primary NAAQS may subject a nonattainment area to transportation and other funding restrictions strains the plain meaning of the statutory language and must be rejected.

There also are compelling equitable considerations that foreclose the Agency from imposing sanctions inflexibly. In many cases, states have conscientiously complied with provisions of a revised SIP, which EPA approved as "meeting the requirements of Part D," but which did not achieve the desired results by December 31, 1982. The statute contemplates that approval of a revised SIP only represents a good faith judgment on the part of EPA and a state of what the SIP was likely to accomplish. It is therefore unfair to impose sanctions on cities and counties when, despite compliance with the SIP, that judgment proves erroneous.

Furthermore, sanctions are not warranted when EPA has caused or contributed to the noncompliance. For example, EPA repeatedly has stated its intention to modify the standard for particulates and, while considering various alternatives, authorized states to defer implementation of measures designed to achieve compliance with the current standard by the statutory deadline. The Agency's delay in promulgating a new standard also has precluded demonstration of attainment under a revised particulate standard. Under these circumstances, EPA is barred from imposing sanctions.

The statute does not direct the automatic imposition of sanctions. To the contrary, even for nonattainment areas arguably subject to these coercive measures, EPA is required to comply with its obligations under Section 110 of the Act before instituting any of the sanctions. These statutory provisions, not the moratorium on construction or restrictions on funding, provide adequate remedies to address the passing of the statutory deadline.

Finally, the public health objectives of the statute would be better served if sanctions are not rigidly imposed. The statute requires that construction of new sources reduce total emissions. Thus, the lawful operation of new major sources actually will improve air quality. EPA should encourage, not preclude, the replacement of older units with new, efficient plants that will reduce total emissions.

I. EPA lacks authority under the Clean Air Act to impose sanctions for failure to achieve the primary NAAQS by December 31, 1982

The Clean Air Act does not allow EPA to impose sanctions on nonattainment areas that failed to achieve the primary NAAQS by December 31, 1982. It would have been easy for Congress to have provided for the automatic imposition sanctions upon failure to meet a deadline, but Congress chose not to do so. Rather, the language authorizing sanctions links them to the submission and implementation of revised SIPs, not the deadlines by which the plan's objectives are to be achieved.

For example, the Agency's authority to impose sanctions is not triggered at all unless a "plan" fails to meet the requirements of Part D, Section 110(a)(I). Similarly, Section 172(a)(2)(1) explicitly conditions construction or modification of any new major stationary source on a state's establishing the required "provisions of an applicable implementation plan," not compliance with the statutory deadlines. Section 173(4) provides that a state may issue permits to construct or operate a new source if "the applicable implementation plan is being carried out for the nonattainment area. . . ."[2] This statutory language demonstrates that the failure to meet Clean Air Act deadlines for compliance with the primary NAAQS has no bearing whatsoever on the imposition of sanctions. Accordingly, states which have timely submitted a revised SIP to EPA and either have received or are awaiting approval from the Agency cannot be subject to sanctions.

* * * * *

CONCLUSION

For the foregoing reasons, the National Association of Counties and the United States Conference of Mayors urge the Environmental Protection Agency to withdraw the proposed rulemaking and modify its sanctions policy in accordance with the statutory directives of the Clean Air Act and the policy underlying the statute.

COMMENTS SUBMITTED ON BEHALF OF THE NATIONAL LEAGUE OF CITIES AND CERTAIN OF ITS MEMBER CITIES

The following comments are submitted on behalf of the National League of Cities (the "League") and certain of its member cities,[1] in response to a series of notices of proposed action published in the Federal Register on February 3, 1983. The comments are addressed to certain generic legal and policy issues raised by EPA's notices. As such, they are intended to supplement comments which member cities are filing on their own behalf, which address issues specific to each city in greater detail.

I. INTRODUCTION

The League is the oldest, largest and most representative organization serving the nation's cities. Its membership includes more than 1100 direct member cities of all sizes, including virtually all of the nation's largest cities and 48 state municipal leagues. Through the direct membership and participation of the state leagues, the League speaks for more than 15,000 cities.

The proposals contained in the February 3, 1983 Federal Register are a matter of grave concern to the League and the cities for whom it speaks. In its notices, EPA proposes to impose sanctions against areas which allegedly have failed to comply with applicable Clean Air Act requirements. These sanctions, which would apply over large portions of the country,[3] would include bans on construction or modification of certain major industrial sources of pollution, and cut-offs of certain federal grants, including certain highway construction grants, and grants by EPA to administer Clean Air Act programs.[4]

If these sanctions are imposed, they could have a crippling effect on efforts to reduce unemployment and stimulate economic growth. Since many of the sanctions would be concentrated in urban areas, the adverse impact on the League and its members would be particularly severe. Important highway construction projects would have to be cancelled or delayed, and essential industrial plant renovation and expansion would be needlessly barred, at a time when the economy is just beginning to recover from the worst recession in years.

The League and its members strongly support the objectives of the Clean Air Act. Further, as an organization, the League explicitly endorses the concept of deadlines, and believes that there are circumstances in which the use of sanctions is appropriate to ensure that Clean Air Act requirements are met. For example, imposition of sanctions might be appropriate when a state (1) refuses to submit its state implementation plan ("SIP") by the required statutory deadline; (2) refuses to make a good faith effort to implement its SIP; or (3) refuses to revise its SIP in a timely manner after having been notified by EPA that its SIP is deficient.

For the reasons set forth below, however, the League believes that the use of sanctions proposed on February 3, 1983 is illegal, unwarranted, and unwise. Accordingly, the League urges the new Administrator to (1) withdraw the Agency's February 3, 1983 notices of proposed rulemaking; and (2) thoroughly reevaluate the Agency's policy with regard to sanctions, in order to identify those limited circumstances in which imposition of sanctions may be lawful and appropriate under the Act.

II. FRAMEWORK FOR ANALYSIS

Before turning to the specific legal issues raised by EPA's notices, it is important to note that there are a number of legal and policy considerations of a general nature which strongly support a restrictive view of the circumstances in which sanctions should be imposed:

1. The evidence to support EPA's current interpretation of the statute is weak. The Act does not contain any provision which explicitly imposes sanctions as a result of a failure to achieve attainment as of December 31, 1982, even though it would have been a comparatively easy matter for Congress to write such a provision into the law if it intended such a result. Instead, even under the Agency's interpretation of the Act, the significance of failing to achieve attainment on or before December 31, 1982, is indirect.[5]

Further, despite the potentially grave consequences of EPA's proposed sanctions, the Agency has failed to point to any evidence in the legislative history to demonstrate that Congress anticipated that severe sanctions would be imposed for failure to meet the December 31, 1982 deadline.[6]

* * * * *

A. Analysis of Requirements Applicable to States Which EPA Alleges Have Failed to Meet the December 31, 1982 Attainment Deadline.

EPA alleges that portions of 28 states have failed to meet the December 31, 1982 attainment deadline for SO_2, particulate matter and NO_x (and, in a small number of cases, ozone and carbon monoxide).[15] In each affected area, EPA proposed to impose

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[2] The conference report on the 1977 amendments, in discussing part D, confirms that the imposition of sanctions is contingent on the submission of a revised SIP, not compliance with the statutory deadlines: "As a condition for permitting major new sources to locate in a nonattainment area, States are required to have approved revised implementation plans." H.R. Rep. No. 564, 95th Cong., 1st Sess. 157 (1977).

immediately a ban on construction or modification of all major sources of the pollutant (or pollutants) for which the area is non-attainment. In addition, for auto-related pollutants, the notice also contemplates that EPA will seek to impose a cut-off on certain DOT and EPA grants at a soon-to-be-announced date.[16]

The legal justification offered for this proposal is deceptively simple, albeit misplaced. The key to EPA's position is the assertion that in every instance in which an area has failed to achieve attainment by the applicable December 31, 1982 deadline, the applicable SIP has necessarily failed "to provide for attainment" for purposes of § 172(a)(1) of the Act, and the SIP must be disapproved. As a result, EPA claims, in every such state, sanctions immediately must be imposed.[17]

EPA's contention raises somewhat different issues as it applies to the construction ban and to the cut-off of EPA and DOT grants.

1. *Issues Relating to the Construction Ban.*

The fallacies in EPA's arguments with regard to the circumstances in which the construction ban should be imposed are both narrow and broad:

a. Even under EPA's result-oriented interpretation of Part D, the fact that an area is unable to demonstrate attainment does not mean that its SIP must be disapproved.

It is important to recognize that, even under EPA's narrow, result-oriented interpretation of § 172(a)(1), the fact that an area is unable to demonstrate attainment does not necessarily mean that its plan must be disapproved. Instead, there are any number of reasons why an area might not be able to demonstrate attainment, even if its plan is adequate in every respect. For example: (1) air quality control measures may have only recently been implemented, and may not yet be reflected in available air quality data, most of which is at least 1 to 1½ years out of date;[18] (2) any exceedances which may have been observed may be attributable to violations by individual sources which may not previously have been detected by the state, or which the state may be in the process of correcting; (3) exceedances may be attributable to unusual meteorological conditions, which the state is not required to take into account in its plan, or to other special circumstances (e.g., a breakdown in pollution control equipment) which are not likely to recur; (4) exceedances may be attributable to delayed compliance orders,[19] or to orders issued under §§ 113(e) or 119 of the Act (both of which allow states to exclude certain emissions in determining whether their plans meet the requirements of the Act[20]; and (5) exceedances may be attributable to inadequate emission limitations on out-of-state sources or failure of such sources to adhere to their emission limitations.[21] (EPA's notices recognize the potential significance of interstate sources of pollution, but limit consideration of such sources to states which have failed to achieve the NAAQS for ozone. No reason is given for refusing to take into account the potential contribution of interstate sources with respect to other pollutants.)

In every instance, the conclusion to be reached is the same: because of the factor listed, ambient air concentration levels may exceeded the NAAQS. But this does not necessarily mean that the state's plan is deficient in any respect.

At a minimum, therefore, prior to disapproving any previously-approved state implementation plan, EPA should be requried to identify the particular respects in which it alleges that the previously approved plan is deficient, and give the states an opportunity to demonstrate (1) that the failure to achieve attainment is attributable to an excusable cause; or (2) alternatively, revise its plan (as discussed further below).

IV. CONCLUSIONS

For the reasons set forth above, the League urges the new Administrator to withdraw EPA's February 3, 1983 notices of proposed rulemaking, and thoroughly reevaluate the Agency's policy towards sanctions.

FOOTNOTES

[1] The cities joining in these comments are: Seattle, Wash.; St. Paul, Minn.; Cleveland, Ohio; Los Angeles, Calif.; Fort Worth, Tex.; Minneapolis, Minn.; Louisville, Ky.; Anaheim, Calif.; Indianapolis, Ind.; and Philadelphia, Pa.

Each of these cities is a target of one or more of EPA's proposed sanctions.

[3] The proposed sanctions would apply in 34 states, including each of the eight largest states in the country. See 48 Fed. Reg. at 5005-5021 and 5029. A total of 11 states (including California, New York, Texas, Pennsylvania and Illinois) would be subject to sanctions both for failing to meet the December 31, 1982 deadline and for failing to submit adequate state implementation plans ("SIPS") for ozone and/or carbon monoxide. Seventeen additional states would be subject to sanctions solely for failing to meet the December 31, 1982 deadlines, and six states would be subject to sanctions solely for failure to submit adequate ozone and/or carbon monoxide SIPs.

Virtually every major metropolitan area in the U.S. would be affected by the proposal.

[4] In addition, EPA contends that it has discretion to cut off certain sewage treatment grants under sec. 316(b) of the Act. See 48 Fed. Reg. at 4975.

[5] See 48 Fed. Reg. at 4977-78. By contrast, the Act specifically contemplates that sanctions would be imposed in certain areas as of July 1, 1979, as a result of failure to submit adequate SIPs by that date. See secs. 110(1)(2)(I) and 172(a)(1). The Agency previously found that imposition of sanctions as of July 1, 1979 was "automatic and mandatory," 44 Fed. Reg. 38471 (July 2, 1979)—a conclusion it implicity concedes does not apply to the sanctions proposed on February 3rd.

The Act explicitly contemplates that some of the SIPs required to be submitted prior to July 1, 1979 ultimately will prove to be deficient, and will have to be revised. See sec. 110(a)(2)(H)(ii). Notably, however, there is no explicit indication in the statute that Congress intended to impose sanctions during the period in which a previously approved plan is being revised.

[6] While the legislative history expressly contemplates that sanctions will be imposed as a result of the failure to submit plans by certain statutorily-prescribed deadlines, it contains no support for the view that the failure to achieve attainment automatically requires that sanctions be invoked.

[15] See note 1 supra.

[16] As the notice explains, the auto-related pollutants generally are considered to be ozone, CO and NOx. EPA also takes the position that in certain extreme cases, total suspended particulates will be considered auto-related pollutants as well—a position for which EPA cites no precedent, and which represents, at best, a strained interpretation of the Act, underscoring the Agency's apparent intention to impose sanctions in a needlessly far-reaching manner.

[17] In addition, for a number of such areas, EPA offers a second justification for the cut-off—viz., that the states allegedly have failed to comply with conditions set forth in their SIPs. EPA alleges that the failure to satisfy such conditions offers a second grounds for disapproving such SIPs, and thus for imposing sanctions.

EPA's second justification is subject to several of the same general failings as the first, but raises some new issues, discussed infra.

[18] This would be a particularly important consideration where the alleged non-attainment is based upon the failure to demonstrate compliance with annual average standards.

[19] Under sec. 113(d), there are a few limited circumstances in which states may properly issue delayed compliance orders which extend past December 31, 1982.

[20] In its notice of proposed rulemaking, EPA acknowledges the special issues posed by secs. 113(e) and 119, but takes the position that, even when the Agency previously has approved the State's plan, the burden is on the state to demonstrate that, but for orders issued under these two sections, attainment would be achieved.

None of the other special factors mentioned previously in the text are acknowledged in the notices.

[21] The first of these possible interstate problems is recognized in sec. 126(b) of the Act.●

GEORGE F. KENNAN ADVISES HOW TO IMPROVE UNITED STATES-SOVIET RELATIONS

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. SEIBERLING. Mr. Speaker, George F. Kennan, one of America's most distinguished citizens recently delivered a major address on United States-Soviet relations. Mr. Kennan is, of course, most famous as the originator of the "containment policy" for blocking Soviet expansionism following World War II. This policy led to the adoption of the Marshall plan, followed by NATO and other successful cooperative undertakings among the countries of the free world. He also served as U.S. Ambassador to the Soviet Union.

Speaking in Washington on May 17 to the American Committee on East-West Accord, Mr. Kennan expressed grave concern over the deterioration of relations between the two superpowers. Pointing to the decline in civility and privacy of communication between the two governments, the rise in antagonism, and the almost total militarization of public discussion on United States-Soviet relations, he observed that these are "the familiar characteristics, the unfailing characteristics, of a march toward war—that, and nothing else."

Mr. Kennan went on to make a powerful case that this state of affairs is really unnecessary and that it stems, in part, from a grotesque caricature of the Soviet regime in the minds of many in leadership positions in our own country. This caricature, as he describes it, stems from the view, which he believes to be erroneous, that there is no way the Soviets can be reasoned with other than intimidation by superior military force. Certainly, one has only to look back to the debate on the nuclear freeze resolution or the ongoing debate on the MX missile to see that just such a caricature seems to permeate the expressions of many of our colleagues in the House, not to mention President Reagan and his principal advisors.

As a former Ambassador to the Soviet Union and a U.S. Foreign Service career officer, George Kennan himself has had a lifetime of experience in coping with the Soviets. He

does not minimize the difficulties of doing so. But in his speech, he stressed that these difficulties are actually less acute than they were many years ago and that they are counterbalanced by a number of more encouraging factors. Of these, he says:

* * * The most important consists of the many persuasive indications that that leadership, however complicated may be its relations with the West, does not want a major war—that it has a serious and primary interest in avoiding such a war, and will, given a chance, go quite far together with us to avoid it.

Kennan further elaborates on the Soviet leadership as follows:

They constitute the government of a great country. They have direct responsibilities for the shaping of the society and economic life of that country. It is from the successful development of this society and this economy, that they derive their strength. They cannot play fast and loose with either * * *. There is no single consideration—there are a thousand considerations, and these quite aside from any so-called military deterrence—which would serve to dissuade these men from any thought that their interests could be served by opening the Pandora's box of another world war. The view that sees them as so totally independent, so wholly on top of all their other problems, and so madly riveted to dreams of world conquest, that it is exlusively by the interposition of an overwhelming opposing military force that they could be dissuaded from striking out in any and all directions with acts of aggression or intimidation—this view, which incidentally, seemed to me to permeate every page of the recent report of the President's commission on strategic missilry—is, if you will forgive my language, simply childish—inexcusably childish—unworthy of people charged with the responsibility of conducting the affairs of a great power in an endangered world. Surely we can do better than this * * *.

Kennan does not merely criticize the negativism of current approaches to our relations with the Soviet Union. He points out that both countries not only have a common interest in preserving world peace but they face a number of problems and challenges in which mutual collaboration can produce positive dividends of great value to both countries and, indeed, to many others. In fact, he believes that unless we address dimensions of the United States-Soviet relationship other than just the military ones, the arms control talks are unlikely to have an adequate and enduring success.

However, Kennan is quite clearly not following the approach of those who would establish "linkage" between Soviet conduct in other matters, such as human rights in the Soviet Union, as a prerequisite to reaching agreement on arms control. Some of his remarks on this point are worthy of emphasis:

* * * if what we are talking about are the inter-relationships of governments, a choice must be made between the interests of democratization in Russia and the interests of world peace * * *. Democracy is a matter of tradition, of custom, of what people are used to and expect. It is something that can not be suddenly grafted onto an unprepared people—particularly not from outside, and not by precept and preaching and pressure rather than example. It is not a concept familiar to the mass of the Soviet people; and whoever subordinates the interests of world peace to the chimera of an early democratization of Russia will assuredly sacrifice the first of those values without promoting the second.

Indeed, many experts, including Mr. Kennan, believe that human rights in the Soviet Union would be best advanced as a result of the lessening of tensions that will flow from successful arms control agreements and increases in cultural, commercial, and other contacts between the two countries at all levels.

Mr. Speaker, it is fortunate that at this critical time we again have the benefit of the experience and wisdom of George Kennan. I hope we heed it while there is still time. To that end, I am including the full copyrighted text of his address immediately following these remarks:

THE STATE OF UNITED STATES-SOVIET RELATIONS

I am moved to recall that it is just two years since I last spoke publicly in this city. The occasion then was the conferring of the Albert Einstein Peace Prize, and the subject treated was the nuclear arms race.

What I should like to talk about today is the Soviet-American relationship in its wider, and primarily, non-military aspect.

As we all know, Soviet-American relations, in consequence of a process of deterioration that has been several years in the making, are today in what can only be called a dreadful and dangerous condition. Civility and privacy of communication between the two governments seem largely to have broken down. Reactions on both sides to statements and actions of the other side have been allowed to become permeated with antagonism, suspicion, and cynicism. Public discussion of the relations between the two countries has become almost totally militarized, in this country at least—militarized to a point where the casual reader or listener could only conclude that some sort of military showdown was the only possible outcome—the only conceivable denouement—of their various differences—the only one worth considering and discussing.

I wonder whether anyone can mistake, or doubt, the ominous meaning of such a state of affairs? These phenomena—the ones I have just described—occurring in the relations between two highly-armed great powers, are the familiar characteristics, the unfailing characteristics, of a march toward war—that, and nothing else.

I don't think I have to point out the immensity of the danger this spells. The danger would be intolerable even if the two countries were armed only with what are called conventional weapons. The history of the past century has shown that the damages produced by armed conflict between highly industrialized great powers in the modern age, even without the use of nuclear armaments, are so terrible that it is doubtful whether Western civilization could survive another such catastrophe. But this danger is multipled many times over by the nature of the weapons the two countries hold in their hands. While either of these two factors—the nature of the weaponry or the state of the political relations—would be a danger in itself, the two in combination present a shadow greater than any that has ever darkened the future of western civilization. I fail to see how anyone could be complacent about it.

There are two questions to which I should like to address myself in these few moments we have together. The first would be: is this state of the Soviet-American relationship really necessary and unavoidable from the standpoint of the American policymaker—is there no way we could avoid it, no way we could cope with it, other than by a continuing and intensified weapons race of indefinite duration? And the second question is: if this is not the case, what is there that we could do about it?

There are those in this city who would argue, I know, that this situation flows automatically from the nature of the regime that confronts us in Moscow and is therefore unavoidable. And to support that view they would point to a given image of that regime. It is an image, I suspect, very largely of their own creation and cultivation. We are all familiar with it. It is an image of unmitigated darkness—the image of a group of men already dominating and misruling a large part of the world and motivated only by a relentless determination to bring still further peoples under their domination.

No rational motivation is suggested, by those who cultivate this image, for so unbounded and unquenchable a thirst for power. The bearers of it, we are allowed to conclude, were simply born this way—the products, presumably, of some sort of a negative genetic miracle; but in any case, being born this way and unable to help themselves, there is no way they could be reasoned with—so the thesis goes—no basis on which they could usefully be approached—no language they could be expected to understand—other than that of intimidation by superior military force. Only by the spectre of such a force—an overwhelmingly superior nuclear force, in particular—could these men be "deterred," as the phrase goes, from committing all sorts of acts of aggression or intimidation with a view to subjugating other peoples and eventually to conquering the world. There are allegedly no other inhibitions, no other considerations, no other interests, that could be expected to restrain them from such behavior.

Well, this image, if applied 30 to 40 years ago to the regime of Joseph Stalin, might not have been so far from reality, but as applied to the Soviet leadership of the year 1983 it is grotesquely overdrawn, a caricature rather than a reflection of what really exists, one which is highly misleading and pernicious as a foundation for national policy, and one which is deeply and needlessly offensive to the people in question.

The Soviet regime was born in the agony of the First World War, and it has always reflected something of the profound estrangement of Russia from the Western world which that agony, and the resulting Russian Revolution, brought about. It is not surprising, then, that it has always been marked by a whole series of characteristics that complicate its relationship to the Western powers. Some of these were inherited from the tsarist empire of earlier centuries. Some betray, although in a much modified form, the militant ideological antagonism towards non-Communist countries that was so prominent a feature of the early revolutionary period. There are traces, too, unfortunately (also, thank God, now greatly

modified) of the baleful influence once exerted on the Soviet regime by the years of Stalinist horror. But whatever their origins, these characteristics do exist; and I do not know anyone familiar with that government who would deny this.

I hope our friends from the East who, I am glad to see, are here today, will not take it amiss if I mention some of these complicating factors. In doing so, I am not unmindful of the fact that the American political system is also not invariably the easiest one in the world for foreigners to deal with.

Be that as it may, the Soviet regime has, for example, a relatively high general sense of insecurity, a marked sensitivity to conditions in border regions, a tendency to overdo in the peacetime cultivation of military strength, and above all, a positively neurotic passion for secrecy.

And as one of the consequences of this passion for secrecy, it has what seems to be a veritable obsession with espionage, in both the offensive and the defensive senses—an obsession that often gets in the way of normal and relaxed relations with other countries.

Soviet negotiating techniques often appear, particularly for those not familiar with them, to be stiff, jerky, secretive, unpredictable, and above all, lacking in that useful lubrication that comes from informal personal association and exchanges among negotiations.

And then there are, too, specific Soviet policies that grate severely on Western sensibilities. The Soviet leaders do indeed make efforts to gain influence and authority among the regimes and peoples of the Third World; and while the methods they employ do not seem to me to differ very greatly from those of other great powers, including ourselves, and while their efforts in this direction have not met, generally speaking, with any great measure of success, I understand that these practices arouse alarm and indignation in large sections of our official community.

And then, of course, there is the fact that these Soviet leaders insist on maintaining a monopoly of political power in their own country and proceed harshly against those who appear to challenge or threaten that monopoly or even try to liberalize the political system; beyond which, they unquestionably use their military hegemony to support and to maintain in power in Eastern Europe regimes similarly inspired and similarly resistant—or almost as resistrant—to liberalizing tendencies. All this, admittedly, is a constant thorn in the flesh of much Western opinion.

And finally, while we are speaking of the difficulties, let us not forget the phenomenon, familiar, I think, to all foreign representatives and observers in Russia, of the curious dual personality which the Soviet regime presents to the Foreign representative: the facade, that is, composed of people—often amiable and charming people—authorized to associate and and communicate with the outside world; but also, behind that facade, never visible but always perceptible—the other, inner, conspiratorial personality, of whose inscrutable attitudes and intentions the foreigner is never quite sure, and which for that every reason probably incurs more suspicion than it deserves.

Now these, and others I could name, are formidable difficulties. Of course, they limit the relationship. And of course, they have to be taken into consideration by Western policymakers.

But there are certain things I should like to say about them.

First, most of them are not new. Some have been there since the very outset of the Soviet-American relationship. All of us who have served in Moscow have had to contend with them. We were taught, in fact, to regard them as part of the problem. And General Marshall, I recall, used to say to us: "Don't fight the problem."

Secondly, most of these difficulties are actually less acute than they were many years ago. Perhaps with patience and understanding, they can become even less pronounced in future years.

And thirdly, those negative factors are counterbalanced by a number of more encouraging ones relating to both the psychology and the situation of the Soviet leadership.

Of these latter, the most important consists of the many persuasive indications that that leadership, however, complicated may be its relations with the West, does not want a major war—that it has a serious and primary interest in avoiding such a war, and will, given a chance, go quite far together with us to avoid it.

By an "interest" I do not mean an abstract devotion to the principle of peace as a moral ideal. I mean a consciousness on the part of these men that certain things they most deeply care about would not be served by another great war. I cannot take time here to elaborate on this point. I believe that anyone who tries to put himself in the position of the Soviet leaders will at once see the force of it. Even if they should be as evilly motivated as they are sometimes perceived to be, these men are not free agents, wholly detached from the manifold complexities and contradictions that go, invariably, with the exercise of great power. They constitute the government of a great country. They have a direct responsibility for the shaping of the society and economic life of that country. It is from the successful development of this society and this economy, that they derive their strength. They cannot play fast and loose with either. Beyond which, they live and operate in a highly complicated international environment. There is no single consideration—there are a thousand considerations, and these quite aside from any so-called military "deterrence"—which would serve to dissuade these men from any thought that their interests could be served by opening the Pandora's box of another world war. The view that sees them as so totally independent, so wholly on top of all their other problems, and so madly rivetted to dreams of world conquest, that it is exclusively by the interposition of an overwhelming opposing military force that they could be dissuaded from striking out in any and all directions with acts of aggression or intimidation—this view, which incidentally, seemed to me to permeate every page of the recent report of the President's commission on strategic missilry—is, if you will forgive my language simply childish—inexcusably childish—unworthy of people charged with the responsibility for conducting the affairs of a great power in an endangered world. Surely we can do better than this in penetrating, with our imaginations and our powers of analysis, the true complexity of the forces that come to bear on the decisions of another great government, and in forming a realistic idea of the motivation of its conduct. And surely, if we were to make this effort, what we would then see would be more reassuring than what, in the absence of it, we are led by our fears to assume.

And the area of common interest between the Soviet Union and ourselves is not limited to the need of both these peoples to see world peace preserved. Both are great industrial powers. As such, they have a growing number of common problems. Prominent among these are the environmental ones. Both of these countries occupy major portions of the environmentally-endangered northern hemisphere. The Soviet leaders are no less aware than we are of the extent to which this hemisphere, even if it should escape nuclear disaster, would still be threatened by environmental pollution and deterioration. They know that these problems will not be mastered just by measures taken within any single country—that their solution will require international collaboration.

And the environmental questions are only examples of the many problems and challenges that all the great industrial societies of this planet, including the U.S. and the U.S.S.R., have in common. And these problems—the familiar problems of the technological revolution that is coming to envelope us all—are the ones that unite—the ones on which we can collaborate—and they are the problems of the future. The others—the ones flowing from the ideological conflicts of earlier decades—are the problems of the past.

These, then, are some of the pros and cons of the Soviet-American relationship, as I see them; and if these pros and cons are stacked up against each other, what you get is naturally a mixed pattern, embracing serious differences of outlook and interest, but also embracing positive possibilities that are more than negligible. It is a pattern which of course leaves no room for exaggerated hopes, or for fulsome and hypocritical pretences to a friendship which does not, and cannot, fully exist. But it also affords no justification for some of the extremes of pessimism that we see around us today—no justification for the conclusion that it is only by some ultimate military showdown that our various differences can be resolved—and no justification for the overdrawn image of the Soviet leadership to which I have just pointed. We Americans lived for more than a century at peace with the empire of the Tsars. Despite the addition of several seriously complicating factors during the present century, we have lived for some six and a half decades at peace with the Soviet Union. And I can see, in this mixed pattern I have just been talking about, nothing to suggest that these two countries should not be able to continue to live at peace with each other for an indefinite number of decades into the future.

This cannot, of course, be assured by the state of relations we have before us today. While the true pattern of our respective interests does not, as I have just said, suggest that the prospects for a peaceful development of Soviet-American relations are not hopeless, they could easily become just that if we are unable to rise above some of the morbid nuclear preoccupations that now seem to possess us—if we are unable to see the positive possibilities behind the negative military ones, and unable to give to those positive ones a chance to breathe and to realize themselves.

I recognize the fundamental importance of the outstanding questions of arms control. I know that they represent the greatest and most urgent single problem we have before us in our relations with the Soviet

Union. I know that without progress in this respect there can be little hope of a peaceful future. But I would like the words I am speaking here today to serve as a reminder that there are other dimensions to the Soviet-American relationship than just the military ones; and that not only are these other dimensions of sufficient importance to warrant attention in their own right but that unless they, too, can be recognized, and cultivated, and their favorable possibilities taken advantage of, then the arms talks themselves are unlikely to have any adequate and enduring success. These two aspects of the relationship are complementary; and progress in the one is indispensable to progress in the other.

My plea, therefore, would be that we see what we can do to place this relationship as a whole on a sounder, more reassuring, and less frightening basis. I recognize that, as of today, things are badly fouled up, and that any effort to straighten them out is unavoidably going to take time. There are even those who believe that nothing that could be done from the American side over the next year and a half would suffice to restore the atmosphere necessary to permit such an effort to go forward. I cannot share that extreme pessimism. Of course the process will take time. But precisely because this is so, it is never too early to begin it; and there is nothing to prevent us from considering the sort of agenda that would be necessary to create a more normal state of affairs.

What might such an agenda look like?

Well, some of it flows, by implication, from what I have already said. We could try, first of all, to restore the full confidentiality and the civility of communication between our two governments. And we could cease treating the Soviet Union as though we were, out of one pocket, at peace with it, and out of the other—at war. We could lift the heavy dead hand off Soviet-American trade and permit that normal and useful branch of human activity to proceed in response to its own economic requirements. We have no need to be trying to set back the economy, or depress the living standards, of another great people; not is it in keeping with the American tradition to be engaged in such an effort.

We could take a much bolder, more hopeful and promising stance in matters of arms control; and when I say that, I am not talking about unilateral disarmament. We could acknowledge—and it is high time we did so—that the nuclear weapon is a useless one, which could not conceivably be used without inviting catastrophe upon the people whose government intitiated its use, along with untold millions of people elsewhere. Recognizing this, we could reject all dreams of nuclear superiority and see what we could do about reducing the existing nuclear arsenals, with a view to their eventual total elimination. A number of approaches have been suggested: the freeze, deep cuts, the so-called "build-down," a comprehensive test ban treaty, and others. These are not alternatives. They are complementary. Any or all of them would be useful. But to get on with them, I believe that we would have to learn to treat the problem as a whole in our negotiations with the Russians—not in a series of fragmentized technical talks—and to treat it at the senior political level, as it should be treated.

And then, turning to the more positive and hopeful possibilities, we could set out to take advantage of those areas where the peaceful interests of the two powers do coincide and where possibilities for collaboration do exist. What have we to lose? If my memory is correct, we once had some twenty-two separate agreements for collaboration and personnel exchanges in a whole series of cultural and scientific fields. A number of these proved fruitful; some, I understand, did not. I hold no brief for the retention of those that did not. But most of them, including certain of the useful ones, have been allowed to lapse. These could be restored, and others, I am sure, could be added. There are many possibilities in the scientific field—possibilities for collaboration on environmental problems, and the study of the Arctic and Antarctic, on oceanographic research, on public health, on nuclear fusion. The entire great area of the uses of outer space—this vast common umbrella which protects every man, woman and child on this planet—ought to be not only demilitarized but genuinely internationalized; and these two great countries ought to be taking a major, if not exclusive, collaborative part in that internationalization, instead of speculating how they might exploit this medium to the detriment of the other party—and perhaps to the detriment of humanity as a whole.

There are those who will say: yes, we once had such agreements, but we did not get as much information out of them as the Russians did. To which I can only say: if this—the acquisition of military intelligence—is the only reason one can see for entering into agreements with another country, then they had better be omitted altogether. But if we are prepared to place our hopes in their long-term effects—their effects in bringing people together in a collaborative relationship and helping them to see each other and each other's society as human beings and not as some species of demon—then I am sure we will find that many of these arrangements provide more hopeful perspective than the most ambitious of our efforts to learn how to destroy each other.

These collaborative arrangements require, as a rule, formalized agreements; and there will be some who will question whether we can trust the Soviet government to live up to such agreements when it makes them. Whenever I hear this question asked, I am surprised; for we now have six and a half decades of experience to go on and the answer provided by this experience is reasonably clear. You *can* conclude useful agreements with the Soviet side; they *will* respect them—one the condition, however, that the terms be clear and specific, not general; that as little as possible be left to interpretation; that questions of motivation and particularly professions of lofty principle be left aside; and finally, that the other contracting party show a serious and continued interest in their observance.

And then, while we are on the question of the objections that will be raised to what I have suggested, there is one more I must face: and that is the question of "human rights."

I am afraid that my answer to this question must be brief, and to many—unwelcome. Of course our sympathies are engaged for people who fall afoul of any great political police system; and I see no need to conceal it. But if what we are talking about are the inter-relationships of governments, a choice must be made between the interests of democratization in Russia and the interests of world peace; and in the fact of this choice there can be, as I see it, only one answer. Democracy is a matter of tradition, of custom, of what people are used to and expect. It is something that can not be suddenly grafted onto an unprepared people—particularly not from outside, and not by precept and preaching and pressure rather than example. It is not a concept familiar to the mass of the Soviet people; and whoever subordinates the interests of world peace to the chimera of an early demonstration of Russia will assuredly sacrifice the first of those values without promoting the second. By the nature of things, democratization must wait; world peace can not. If what we want to achieve is a liberalization of the political regime prevailing in the Soviet Union, then it is to example rather than to precept that we must look; and we could start by tackling, with far greater resolution and courage than we have shown to date, some of the glaring deficiencies in our own society.

These, then, are some of the directions in which we could move and in which I should like to see us move. We have, I reiterate, so little to lose. At the end of our present path of unlimited military confrontation lies no visible destination but failure and horror. There are no alternatives to this path that would not be preferable to it. What is needed here is only the will—the courage, the boldness, the affirmation of life—to break out of the evil spell that has been cast upon us, to declare our independence of the nightmares of nuclear danger, and to turn our minds and hearts to better things.

Permit me now, if you will, one personal word in conclusion. These observations flow from an involvement on my part with Soviet-American relations that goes back, I believe, over a longer span of years than that of anyone now in public life on either side. In the course of these years (and there are actually fifty-five of them) I have seen this relationship in some of its better times: particularly at the time of the establishment of diplomatic relations just a half-century ago—and again during our association with the Soviet Union in the waging of the Second World War. I have also seen it in some of the most bitter and disheartening moments it has known—have not only seen it in such moments but have felt some of their effects upon my own person. Precisely for this reason, I think I know as much as anyone about the difficulties the relationship involves. Yet at no time in the course of these fifty-five years have I ever lost my confidence in the constructive possibilities of the relationship. For all their historical and ideological differences, these two peoples—the Russians and the Americans—complement each other; they need each other; they can enrich each other; together, granted the requisite insight and restraint, they can do more than any other two powers to assure world peace. For this reason, the rest of the world, too, needs their forebearance with each other and their peaceful collaboration. Their allies need it. And they themselves need it—and can have it if they want it.

I wish I could convey something of this confidence to those around me in this city. I know that if this could be done, we would go forward without hesitation to face the challenges this view presents, and to shoulder, soberly but cheerfully, the burdens it implies.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special

orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEWIS of Florida) to revise and extend their remarks and include extraneous material:)

Mr. FIELDS, for 5 minutes, today.

Mr. FRENZEL, for 20 minutes, today.

(The following Members (at the request of Mr. SEIBERLING) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. KASTENMEIER, for 10 minutes, today.

Mr. HOWARD, for 5 minutes, today.

Mr. HERTEL of Michigan, for 60 minutes, June 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. NIELSON of Utah, and to include extraneous matter, notwithstanding the fact that it exceeds 2 pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,208.

Mr. DE LA GARZA, following statement of chairman of full committee, Mr. JONES of North Carolina.

Mr. WAXMAN, and to include extraneous matter, notwithstanding the fact that it exceeds 2 pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,449.

Mr. SEIBERLING, and to include therein extraneous material, notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $1,328.

(The following Members (at the request of Mr. LEWIS of Florida) and to include extraneous matter:)

Mr. MCDADE.

Mr. KEMP.

Mr. NIELSON of Utah.

Mr. GINGRICH.

Mr. HILLIS.

Mr. LUJAN.

Mr. WOLF.

Mrs. JOHNSON.

(The following Members (at the request of Mr. SEIBERLING) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. MARKEY in four instances.

Mr. RODINO.

Mr. LANTOS.

Mr. SMITH of Florida.

Mr. RICHARDSON in two instances.

Mr. KOSTMAYER.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 42. Joint resolution designating Alaska Statehood Day, January 3, 1984; and

S.J. Res. 75. Joint resolution to provide for the designation of June 12 through 18, 1983, as "National Scleroderma Week."

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker.

H.J. Res. 201. Joint resolution designating June 14, 1983, as "Baltic Freedom Day."

ADJOURNMENT

Mr. SEIBERLING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 22 minutes p.m.) the House adjourned until tomorrow Tuesday, June 14, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1343. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority as of June 1, 1983, pursuant to section 1014(e) of Public Law 93-344 [H. Doc. No. 98-68]; to the Committee on Appropriations and ordered to be printed.

1344. A letter from the District of Columbia Auditor, transmitting a report entitled "Capital Improvements Program Borrowing," pursuant to section 455 of Public Law 93-198; to the Committee on the District of Columbia.

1345. A letter from the District of Columbia Auditor, transmitting a report entitled, "Allegations Regarding Ticket Fixing and Improper Release from Impoundment by the Department of Transportation Officials," pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

1346. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting notice of a proposed license for the export of major defense equipment sold commercially under a contract to the Government of Thailand (Transmittal No. MC-14-13), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1347. A letter from the Office of the Special Counsel, U.S. Merit Systems Protection Board, transmitting the annual report of activities of that office for the calendar year 1982, pursuant to 5 U.S.C. 1206(m); to the Committee on Post Office and Civil Service.

1348. A letter from the Joint Chairman of the Acid Precipitation Task Force, transmitting the annual report of the national acid precipitation assessment program for fiscal year 1982, pursuant to section 704(e) of Public Law 96-294; jointly, to the Committees on Energy and Commerce and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 2498. A bill to establish a Congressional Advisory Commission on Boxing; with amendments (Rept. No. 98-188, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3103. A bill to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes; with an amendment (Rept. No. 98-240). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

The Committee on Appropriations discharged from the further consideration of the bill H.R. 2899; referred to the Union Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GUNDERSON (for himself, Mr. PERKINS, Mr. GOODLING, Mrs. ROUKEMA, and Mr. BARTLETT):

H.R. 3280. A bill to amend the Vocational Education Act of 1963 regarding high technology equipment and training; to the Committee on Education and Labor.

H.R. 3281. A bill to amend the Vocational Education Act of 1963 regarding communications and telecommunications equipment and utilization; to the Committee on Education and Labor.

By Mr. HOWARD:

H.R. 3282. A bill to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. JENKINS:

H.R. 3283. A bill to amend the Internal Revenue Code of 1954 to extend for 5 years the period for which the energy investment credit is allowable with respect to certain long-term projects, and for other purposes; to the Committee on Ways and Means.

By Mr. JENKINS (for himself and Mr. HANCE):

H.R. 3284. A bill to amend the Internal Revenue Code of 1954 to allow an amortization deduction for bus operating rights

based on a 60-month period; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 3285. A bill to create a comprehensive Federal system for determining the ownership of and amount of compensation to be paid for inventions made by employed persons; to the Committee on the Judiciary.

H.R. 3286. A bill to amend title 35, United States Code, to set Federal standards for permissible employee preinvention, and for other purposes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. VENTO introduced a bill (H.R. 3287) for the relief of Maria Elena Rodriguez-Huitzil and Maria Leticia Rodriguez-Huitzil; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the record of June 9, 1983]

H.R. 2818: Mr. LAGOMARSINO, Mr. SUNIA, and Mr. MCGRATH.

[Submitted June 13, 1983]

H.R. 210: Mr. ZABLOCKI.

H.R. 622: Mr. ANDERSON, Mr. FROST, Mr. LEVIN of Michigan, Mr. RAHALL, and Mr. TORRICELLI.

H.R. 800: Mr. GINGRICH, Mr. TORRES, Mr. MINISH, Mr. HUGHES, Mr. PEPPER, and Mr. SCHUMER.

H.R. 1092: Mr. BONKER.

H.R. 1543: Mr. RATCHFORD.

H.R. 1797: Mr. CARPER, Mr. VANDERGRIFF, Mr. MILLER of California, and Mr. ANNUNZIO.

H.R. 2053: Mr. CHAPPELL, Mr. FASCELL, Mr. RITTER, and Mr. WEISS.

H.R. 2193: Mr. YOUNG of Florida.

H.R. 2236: Mr. LANTOS and Mr. LEVIN of Michigan.

H.R. 2582: Mr. MORRISON of Connecticut.

H.J. Res. 59: Mr. BARTLETT.

H. Con. Res. 9: Mr. SHANNON.

H. Con. Res. 126: Mr. PRITCHARD, Mr. FISH, Mr. LEWIS of California, Mr. DANIEL, Mr. HUTTO, Mr. BONER of Tennessee, Mr. LANTOS, Mr. JONES of Tennessee, Mr. BONKER, Mr. VANDER JAGT, Mr. FAZIO, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORD of Michigan, Mr. SMITH of Florida, Mr. WHITEHURST, Mr. CORCORAN, Mr. WINN, Mr. GORE, Mr. MRAZEK, Mr. KOLTER, Mr. ANDERSON, Mr. OBEY, Mr. HANSEN of Idaho, Mr. SHANNON, Mr. LELAND, Mr. MAZZOLI, Mr. FRANK, Mr. DICKS, Mr. PERKINS, Mr. TAUKE, Mr. HARKIN, Mr. FORSYTHE, Mr. SENSENBRENNER, Mr. KILDEE, Mr. BRYANT, Mr. MICHEL, Mr. NICHOLS, Mr. SCHEUER, Mr. SOLOMON, Mr. WON PAT, Mr. TALLON, Mr. BENNETT, Mr. YATES, Mr. PATTERSON, Mr. OWENS, Mr. ORTIZ, Mr. MORRISON of Connecticut, Mr. MARTINEZ, Mr. MATSUI, Mrs. SCHROEDER, Mr. WILLIAMS of Montana, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. STANGELAND, Mr. STENHOLM, Mr. STOKES, Mr. SUNIA, Mr. AKAKA, Mr. ALEXANDER, Mr. ANDREWS of North Carolina, Mr. BARNES, Mr. CORRADA, Mr. DASCHLE, Mr. DE LUGO, Mr. DOWDY of Mississippi, Mr. DWYER of New Jersey, Mr. ANNUNZIO, Mr. KAZEN, Mr. DERRICK, Mr. ADDABBO, Mr. TOWNS, Mr. ANDREWS of Texas, Mr. BARNARD, Mr. BEDELL, Mr. BIAGGI, Mr. BOLAND, Mr. THOMAS of Georgia, Mr. HARRISON, Mr. OBERSTAR, Mr. WHITTAKER, Mr. GONZALEZ, Mr. FASCELL, Mr. EVANS of Illinois, Mr. LIVINGSTON, Mr. HATCHER, Mr. SUNDQUIST, Mr. SAM B. HALL, JR., Mr. MARTIN of New York, Mr. DAUB, Mr. WHITLEY, Mr. GRADISON, Mr. JACOBS, Mr. STRATTON, Mr. MCCURDY, Mr. TORRES, Mr. JENKINS, Mr. PASHAYAN, Mr. BREAUX, Mr. BROWN of California, Mr. FORD of Tennessee, Mr. HERTEL of Michigan, Mr. OLIN, Mr. LONG of Louisiana, Mr. PANETTA, Mr. BEILENSON, Mr. PRICE, Mr. GARCIA, Mr. MYERS, Mr. ERDREICH, Mr. ROE, Mr. TOWNS, Mr. KOSTMAYER, Ms. KAPTUR, Mr. FRENZEL, and Mr. FAUNTROY.

H. Res. 33: Mr. BERMAN.

H. Res. 191: Mr. MINETA, Mr. KILDEE, Mr. RAHALL, Mr. YOUNG of Alaska, Mr. HILER, Mr. VANDERGRIFF, Mr. SUNIA, and Mr. BARNES.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

119. By the SPEAKER: Petition of the town board, town of Boston, Erie County, N.Y., relative to the diversion of Great Lakes water; to the Committee on Public Works and Transportation.

120. Also, petition of the town board, town of Boston, Erie County, N.Y., relative to the Great Lakes Environmental Research Laboratory and the Large Lakes Research Station, N.Y.; to the Committee on Science and Technology.

121. By Mr. JONES of North Carolina: Petition of Central Florida Regional Planning Council, Bartow, Fla., relative to the proposed amendments to the Outer Continental Shelf Lands Act Amendments and the Coastal Zone Management Act, H.R. 5; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2969

By Mr. DICKS:

—On page 8, line 22, strike the period and insert the following: "until the Secretary of the Army provides certification to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives that a second course for the production of the M-1 tank engine is affordable and is cost competitive with the existing contract, and that such action is in the interest of national defense to meet surge and mobilization requirements in case of a national emergency."

—Strike our sec. 107 (page 8, lines 19-22), and redesignate the following sections accordingly.

EXTENSIONS OF REMARKS

FINANCING DEVELOPMENT IN THE THIRD WORLD

HON. HOWARD C. NIELSON
OF UTAH
IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. NIELSON of Utah. Mr. Speaker, I introduce the following statement in support of section 409 of H.R. 2957:

FINANCING DEVELOPMENT IN THE THIRD WORLD

(Statement by G. F. Joklik, President, Kennecott)

SUMMARY

The economic growth of the Third World depends on financial support from the industrialized nations. Third World growth, in turn, provides expanded markets for the industrialized nations' products. This economic interdependence is jeopardized when the financial resources of the industrialized nations are used to support fundamentally uneconomic Third World development projects. The consequences of such investment practices are to deprive the Third World of some of its best growth potential, penalize economic industries in developed countries and endanger repayment of many of the investments.

The adverse effects of the misallocation of credit are evident in the worldwide copper market. International financial support of Third World subsidized copper production has now become common and has caused an oversupply which has depressed world copper prices to levels below the costs of even the more economic producers. Significant production cutbacks and high unemployment in the United States copper industry have resulted.

At the same time, the economies of some Third World countries have become overdependent on copper production. The need for export earnings has prompted Third World producers to actually increase their copper output during the same period in which United States production has been contracting. In order to achieve these production levels, under adverse market conditions, the Third World government owners have subsidized copper operating losses, while substantially increasing their external borrowing.

The root of the problem is the failure of many lending institutions to consistently apply reasonable standards—standards which are based on project economies and reflect the impact of projects on the economies of the borrowing, as well as the lending, nations. Appropriate standards would assess the intrinsic viability of projects and screen out those which are made to appear viable only by foreign government support of subsidy.

As the largest national contributor to the development of the Third World, the United States is the principal underwriter of foreign subsidized production. Accordingly, the United States should take the lead role in encouraging the widespread adoption of lending standards that will promote the efficient growth of the developing economies of Third World countries. The United States can exert influence on foreign lending standards of government lending agencies and domestic commercial banks, and can encourage official agencies and the commercial banks of other principal lending countries to follow suit. As a major voting and contributing member of the multinational lending organizations, the United States can favorably influence their policies and practices.

Action should be taken now, before economic recovery from the current recession refuels the Third World's rapid growth objectives and pushes Third World development even further ahead of sound planning.

INEFFICIENT DEVELOPMENT

Increasing worldwide economic interdependence links the industrialized nations with the developing countries of the Third World. Industrial socieities rely on the Third World for raw materials and export markets. In 1981, for example, the Third World countries purchased over 36% of the merchandise exports of the United States. A 50% variation in this flow of exports to the Third World amounts to 2% of the total United States GNP—possibly enough to mean the difference between healthy growth in the United States and weak or no growth—the difference between prosperity and stagnation.

At the same time, Third World growth imposes some industrial dislocations on the economies of developed countries. The United States copper industry provides an example. Due to the worldwide recession, the price of copper corrected for inflation, fell in the summer of 1982 to its lowest level since the early 1930's. The worst impact of this market collapse was felt in the United States and Canada. United States copper production dropped by 36% between July 1981 and July 1982, and employment in the copper industry declined by 40%, idling 17,000 workers. The Third World copper producers, by contrast, increased their output of copper by 7% during the same period.

It would be shortsighted for the industrialized nations to protect domestic industries from legitimate Third World competition. In the case of copper mining operations, for example, higher grade orebodies give some Third World producers a competitive edge over domestic producers. Tariffs, import quotas, stockpiles or subsidies may serve as stop-gap measures, but they cannot provide effective protection over the long term. Such measures artificially prolong the life of inefficient domestic industries, thereby weakening the incentive for the industrial economies to adapt in a changing world.

The same logic applies to foreign investments by these industrialized nations. Projects that are not inherently economic should not be supported or undertaken. Again turning to cooper as an example, one can point to several Third World copper mines which are far less efficient than domestic copper mines, but are supported by foreign financing. Uneconomic projects, ultimately consume more resources than they provide, and divert limited financial resources from better alternative uses. Along with their role in financing the development of the Third World, the industrialized nations bear a responsibility to themselves and to the rest of the world not to encourage inefficient development.

The copper industry provides a clear-cut example of inefficient investment in the development of the Third World. The principal Third World copper producers are Zambia and Zaire in Africa and the Latin American nations Chile, Peru, and Mexico. In 1981 these five countries accounted for 42 percent of Free World cooper mine production (Table 1). The United States produced 24 percent.

TABLE 1.—PRINCIPAL THIRD WORLD COPPER PRODUCERS

Country	1981 copper mine production (1,000 tons)	Percent of free world production
Chile	1,192	16.6
Zambia	648	9.0
Zaire	557	7.8
Peru	361	5.0
Mexico	253	3.5
Total	3,011	41.9

Source: World Bureau of Metal Statistics.

Zambia and Zaire are now overly dependent on the copper industry. This relationship is illustrated in Table 2 in which the proportion contributed by copper to the export earnings of the principal Third World producers is listed. Zambia and Zaire head the list: Zambia is dependent on copper for nearly all export earnings and Zaire relies on copper for nearly one-half of export earnings. As a result, the wide fluctuations in the price of copper cause an extremely variable flow of earnings to these countries.

Table 2.—Dependence on copper for foreign revenue in 1981—Copper contribution (percent export earnings)

Country:	*Percent*
Zambia	95
Zaire	47
Chile	43
Peru	16
Mexico	2

Sources: World Bank and International Monetary Fund

This is not to say that the very substantial copper resources of these African countries should have gone undeveloped. Rather, it was the lack of a balanced development program, the overdevelopment of copper to the neglect of other segments of the economy, which was ill-advised.

The aftermath is with us today. To provide export earnings, Third World countries are obliged to continue to produce as much copper as possible, even at those mines which are inefficient and which, under the current depressed market conditions, are incurring large losses; and, in order to subsidize this inefficient production. Third World producers must rely increasingly upon external financing (Table 3). The problem is self-perpetuating and continually, growing.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

TABLE 3.—INCREASE IN EXTERNAL DEBT OF THIRD WORLD COPPER PRODUCERS

	External debt (billions of dollars)		Debt service as a percent of total exports	
	1981	1982	1981	1982
Chile	15.5	20.0	45	156
Zambia	2.0	2.2	36	51
Zaire	4.1	4.5	29	76
Peru	8.3	9.0	58	50
Mexico	65.0	80.0	38	112

Source: Brook Hunt & Associates Ltd.

The degree to which the problem has escalated is further illustrated in Table 4. As a "lender of last resort" the IMF has a strong hand with borrowers who have no alternative source of funds; nevertheless, as the table shows, the amount of IMF borrowings by Third World copper producing countries has been generally increasing in recent years, particularly in 1982.

The heavy dependence of these Third World countries on the copper industry was not inevitable and is not irreversible. Important sectors of their economies are underdeveloped. For example, in Zambia and Zaire commercial agriculture presents an opportunity for diversification. Both countries are increasingly dependent on agricultural imports, yet both have large areas of unused arable land, and a study supported by the World Bank reports that Zambia has an effective comparative advantage in at least three major crops—groundnuts, tobacco and cotton.

TABLE 4.—IFM BORROWINGS BY THIRD WORLD COPPER PRODUCERS [Outstanding balances, millions of dollars]

	1975	1976	1977	1978	1979	1980	1981	Estimated 1982
Chile	387	467	366	348	179	122	49	880
Zambia	89	110	113	318	416	396	729	620
Zaire	86	209	247	260	248	235	345	413
Peru		185	205	334	491	474	388	595
Mexico		371	509	298	136			[1] 1,000

[1] Approved, partly drawn.

Source: IMF International Financial Statistics.

The major copper producing countries in Latin America also have significant diversification opportunities. The timber resources of southern Chile, for example, remain relatively undeveloped. Agricultural export potential in the mid-south of Chile could be developed for markets in the northern hemisphere, where seasons are reversed.

Despite the rational for diversification, and despite the worldwide oversupply of copper, several new copper projects in Third World countries have been slated for development, provided that financing can be arranged. In Table 5 are listed copper projects which could be developed in Chile and Peru, between 1983 and 1990, if financing efforts were successful. The projects are grouped according to the estimated prices necessary to economically justify the projects, based upon a 15 percent before tax return on the capital invested. It is likely that copper prices will temporarily increase, as they have in past cyclical upturns, and move into ranges that are required to provide this return on investment in these properties, but it is not likely that cooper prices will attain such levels on a sustained basis during this decade.

TABLE 5.—PROSPECTIVE COPPER PROJECTS

Production Cost (1982 dollars per pound)	Project (property and country)	Added Capacity [1]
$1.20 to $1.50	Andacollo, Chile	320
	Los Pelambres, Chile	320
	Quebrada Blanca, Chile	320
	Antamina, Peru	320
Above $1.50	Disputada expansion, Chile	320
	Michiquillay, Peru	250

[1] 1,000 tons per year of copper.

Source: Metals & Minerals Research Services, London.

Lenders need to evaluate projects such as these against sound economic standards. Project financing should be contingent on reasonable expectation of a satisfactory return on investment, without the aid of financial or operating subsidies. This criterion would provide an objective basis for screening projects on economic rather than political grounds, for comparing development alternatives and for allocating limited capital resources.

THE LENDERS

The commercial banks of the United States and other industrialized countries provide the largest source of borrowings for principal copper producing countries of the Third World (Table 6). Commercial banks hold approximately 72% of the external debt incurred by these countries. Multinational lending organizations and governments constitute the other major sources of financing.

Table 6.—Structure of external debt of Third World copper producing countries (Chile, Mexico, Peru, Zaire, and Zambia)

	Percent
Commercial banks	72
United States	30
Non-U.S.	42
Multinational lending institutions	13
World Bank & Affiliates	3
Inter-American Development Bank	4
International Monetary Fund	3
Other Multinational Lenders	3
Governments	15
United States	3
Non-U.S. (est.)	12
Total	100

Sources: Federal Reserve Board (Statistical Release E. 16), Bank for International Settlements, U.S. Treasury, World Bank (Annual Reports), Inter-American Development Bank (Annual Reports), IMF *International Financial Statistics*, IFC (Annual Reports), Brook Hunt & Associates, and Organization for Economic Cooperation and Development.

The amount of money that these lenders have invested in copper projects, both directly and indirectly through loans to governments, is set out in Table 7.

The classes of lenders listed in Table 6 pursue different missions and adhere to different charters. Since they are subject to and respond to different motivations and pressures, their lending criteria are not consistent.

Table 7.—Financing of government-owned copper producers

	Billions
Chile—Codelco	$1.9
Zambia—ZCCM	1.0
Zaire—Gecamines	1.1
Mexico—Cananea	0.4
La Caridad	1.3
Peru—Centromin	0.8
Minero Peru	0.6

Source: Individual Company Financial Statements, and Citibank Mining Division.

Commercial banks judge lending opportunities primarily on the basis of the borrower's ability to repay. Although factors such as project economic viability and overall market conditions generally influence their judgment, these may not be the overriding factors when adequate assurance of repayment can be obtained through guarantees or subsidies of a sovereign government.

The incentive to press for thorough project evaluation also may tend to weaken under the pressure of competition for loan business. Banks are at times encouraged by various interested parties to consider preferentially loans that build international business, enhance access to export markets, or maintain supplies of raw materials from the Third World. But, once a lending decision ceases to be firmly grounded in project economics, based on the best information available, the risk of the project is increased. In an economic downturn, the consequences of such risks may impact banks, strain the economics of the industrialized nations, and impede progress of development in the Third World.

Although commercial banks carry the largest share of development financing, the multinational lending institutions are also instrumental in the promotion of Third World economic development, often in consortia with commercial lenders. The International Bank for Reconstruction and Development (World Bank) and its affiliates—the International Development Association (IDA) and the International Finance Corporation (IFC)—finance Third World develop-

ment projects. Following similar objectives, the Inter-American Development Bank (IDB) lends to finance development projects in Latin America. The International Monetary Fund (IMF) also plays an important role in Third World financing, by providing loans to governments during temporary balance of payments crises. Taken together, the policies and practices of these multinational lending organizations can substantially influence the direction of Third World development.

During times of world financial stress, IMF loan conditions tend to be adopted by commercial banks in their own lending to affected countries. Consequently, at times, the IMF can influence Third World access to money out of proportion to its own direct lending ability. In view of this, a strong United States policy stance is appropriate in favor of rigorous IMF loan standards uniformly applied through time.

Direct government lending constitutes the third significant source of financing for Third World development. Debt held by the United States government includes loans by the Export-Import Bank, Commodity Credit Corporation. Overseas Private Investment Corporation, Department of Agriculture (Public Law 480 loans), Department of Defense, and Agency for International Development. The activities of one of these agencies, the Export-Import Bank, deserve further comment.

The Export-Import Bank supplements commercial bank lending to facilitate and aid financing of United States exports. Virtually all the larger Free World countries have similar agencies to aid their exporters. The Bank is supposed to consider the net impact of a loan on the United States economy, but in practice, this effort is subject to interpretation; influence may be brought to bear by companies wishing to make export sales and arguing that Bank disapproval of a loan for capital goods would not stop an ill-conceived project, but merely shift the sales to other countries. To counterbalance such influence, there is a need for strong policy guidance of Export-Import loans.

RECOMMENDATIONS FOR ACTION

As the largest national contributor of project financing for the Third World, the United States has means of encouraging the adoption of a universal lending standard that will promote efficient growth. The degree of influence the United States can bring to bear, and the mechanism for applying this influence, vary according to classes of lending institutions.

Certainly, the United States government can exert influence on the foreign lending policies of United States commercial banks in several ways. Standards can be imposed on United States government lending agencies by direct legislative action. In the case of multinational lending institutions, the United States can guide lending practices through votes on governing boards, and by conditioning future capital subscription on reasonable performance (Table 8). Finally, the United States cannot directly control the lending of either foreign commercial banks or foreign governments, but attempts could be made to influence them through negotiation of international agreements. Thus, by establishing a coherent lending policy for Third World development, and by effectively coordinating the application of this policy among the various sources of development financing, the United States can influence the allocation of capital resources.

TABLE 8.—U.S. SHARE IN MULTINATIONAL LENDING INSTITUTIONS

[In percent]

Lender	Voting share	Capital share
World Bank and affiliates:		
World Bank	21	22.4
International Development Association	19	33.7
International Finance Corporation	29.5	31.7
Inter-American Development Bank	35	35
International Monetary Fund	19.6	19.6

Sources: Federal Reserve Board (Statistical Release E. 16), Bank for International Settlements, U.S. Treasury, World Bank (Annual Reports), Inter-American Development Bank (Annual Reports), IMF International Financial Statistics, IFC (Annual Reports).

Therefore, it is recommended that the United States undertake a coordinated program of action to control and direct foreign lending for Third World development. This program should be based on a two-part project lending standard:

First, and most important, a project evaluation standard which assesses the inherent economic viability of a project, without the influence of host nation guarantees or subsidies, and

Second, a test in which the overall, long-term economic development of the host nation, rather than the economic merit of the project itself, is assessed.

The first part of this two-part standard is amendable to conventional quantitative analysis; the second part can employ quantitative techniques, but will necessarily be more judgemental. Accordingly, the first test should dominate the decision and, if properly applied, free market forces should, in themselves, help assure that the objective of the second test will be met.

The first of the two parts is also, of course, firmly rooted in past practice of private industry. The second part is rather more innovative, although there is some precedent for this general approach in the World Bank's lending practices and Structural-Adjustment lending program, complemented by the IMF conditional loans.

The United States could act to implement this program by pursuing the following:

1. By act of Congress, require United States government lending agencies to adopt a two-part project lending standard as described above.

2. Exert influence upon United States commercial banks to place increased reliance upon the two-part project lending standard.

3. Through diplomatic initiative by the Secretary of the Treasury, attempt to negotiate adoption of the two-part lending standard by official agencies and commercial banks of principal lender countries.

4. By policy statement and action, as a party to the activities of multinational lending agencies, encourage the development of Third World economies in the most efficient manner possible.

Specifically:

(a) Promote, through voting, lending agency policies that further the efficient use of resources in the development of the Third World.

(b) Condition future United States subscriptions of capital on the lending agencies' effectiveness in furthering Third World development along efficient lines, as determined by the Secretary of the Treasury.

Now is the time for the United States to begin a program of action. Although the worldwide recession currently exerts discipline on lenders, inefficient allocation of capital is apt to recur once the recession ends.

Clearly, American industry and employment would benefit from a reduction of subsidized foreign competition, and the Third World countries would benefit from more stable and rational development.●

NUCLEAR DISARMAMOTTA

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. MARKEY. Mr. Speaker, a former resident of Massachusetts, now living in Alaska, has asked me to submit the following statement on nuclear disarmament. Entitled "Nuclear Disarmamotta," this moving statement calls on all citizens of the world to work for peace. I would like to thank Daniel Bloom of Juneau, Alaska, for bringing this fine statement to my attention.

THE NUCLEAR DISARMAMOTTA

(By Daniel Halevi Bloom)

Go placidly amid the scorched cities and the burning bodies and remember what peace there once was on this Earth. As far as possible open up your eyes to the alarming rate of arms buildup and try to think of alternatives, for we pass this way but once. The arms race is becoming absurd if not but statistically insane. We are all sisters and brothers of this fragile planet with its nation-states and their devastating armaments, and nuclear war will only mean one thing: mutually-assured-destruction (MAD). March peacefully in large united groups to protest this insanity and send messages to those who represent you in Congress, Parliament or the Politburo. Write also to your representatives in the United Nations and tell them of your fears and your tremblings. When you see the arms race proliferate, counsel the nations of the world to spend their monies more wisely and for human benefit. Go out among your fellow citizens and cross borders and boundaries to spread the word of disarmament. There is no reason under the sun for nations to frighten other nations and a war will solve nothing although it might end everything. There can be no victor in the holocaust that is so possible.

With your determination and your love of life, strive to convince others of the need for worldwide disarmament and be true to your own convictions and insights. Believe in the future and work for peace. You are not alone.●

PEACE: AMERICAN STYLE

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. WHITTAKER. Mr. Speaker, will the peaceful pilgrimage of the General Secretary of the Central Committee of the Communist Party of the Soviet Union, Mr. Yuriy Andropov, bring him to Lawrence, Kans.? It just might.

City officials of that progressive community of northeast Kansas feel that a friendly, informal meeting between President Reagan and Soviet leader Yuriy Andropov would be a bold step toward peace. They sent letters to both men, inviting them to bring their peaceful intentions to Lawrence. I have to admit, it is a nice idea. Ronald Reagan's personal magnetism has served us well in the past and a cordial visit in America's heartland might be just what we need to break the deadlocked arms control negotiations at Geneva.

This past week, Soviet General Secretary Andropov, through an official at his Embassy in Washington, called Lawrence Mayor David Longhurst with a gracious message: the Soviet leader is "very much in favor in principal to such a meeting."

In a letter to Mr. Andropov, I encourage him to pursue a "cordial summit" in my home State of Kansas but remind him that he should take his peaceful quest to Geneva, as well. Indeed, we should have reminded that Soviet gentleman of his responsibility for world peace months ago. Instead, many of my colleagues prefer to score political points by criticizing our own President's suspected insincerity on arms control. Perhaps those critics have forgotten that it is the Soviet leaders—not ours—who have posed obstructions to productive arms control negotiations. It is the Soviet military buildup—not ours—which makes these negotiations so urgent. I have not forgotten.

During the congressional debate concerning the MX missile, many of my colleagues publically doubted the administration's commitment to reaching an agreement at Geneva. Newspapers editorialized of how some of my colleagues sold out on MX—they traded the MX missile for lipservice.

Last week, President Reagan, like so many times before, proved his critics wrong when he outlined a number of general proposals which will be presented for consideration at Geneva. These proposals are quite consistent with the recommendations of the President's Commission on Strategic Forces which have won bipartisan congressional support. According to the Washington Post, the unofficial reaction to these proposals by the Soviet Government was negative. Perhaps they might have been less intransigent if they had actually seen the President's package.

It occurs to me that just maybe we had our enemies mixed up during the MX debate. Instead of being tough with the Soviet Union, we railed against the President's intransigence. While the White House was putting together realistic and equitable proposals, Mr. Andropov was looking for public relations gimmicks such as a trip to Lawrence, Kans., stopping just long enough in his quest for peace to reject arms control proposals which he has not seen.

Do we really think that it is more likely that the Soviet leader will work for peace in Lawrence, Kans., when he has passed up the chance at Geneva? I think not.

But, with continued bipartisan support in Congress, a united Western alliance, and a determined President, Soviet negotiators might be pressured by world public opinion into giving our latest proposals a chance. Unfortunately, the Kremlin is not as responsive to public debate as is our Government.

It is quite apparent that the world cannot rely on the Soviet Union to initiate meaningful progress toward a more peaceful world. That task belongs to the people of the United States and their Government. As the MX battle draws to a close, the President can begin anew in his pursuit of realistic arms control, the city officials of a great Kansas community can plan a cordial summit, and the President's critics can get the barricades ready for the next policy battle in the bylanes and bylines of Washington.

It is true, the summiteers in Lawrence may be too idealistic and the pundits in Washington may be too critical. But I personally prefer these shortcomings to the monolithic cynicism of the Soviet Government. Public debate makes us a little noisy; but, I think it makes us a little better.●

IN RECOGNITION OF THE FIRST ANNUAL VERY SPECIAL ARTS FESTIVAL OF SAN MATEO COUNTY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. LANTOS. Mr. Speaker, a few days ago, my district was the site of the First Annual Very Special Arts Festival for San Mateo County. I would like to give special recognition to this first of many such events which will acknowledge the very special artistic talents of our handicapped citizens.

The Very Special Arts Festivals held throughout the country are a valuable product of the National Committee, Arts for the Handicapped, which is our Nation's nonprofit coordinating agency for the development and implementation of arts programs for persons with disabilities. This noncompetitive forum enriches us all as disabled artists are given the opportunity to share their accomplishments and creativity in both the performing and visual arts.

The theme of our unique celebration this year was "Create Together." It involved more than 100 individual artists and performers, including children with disabilities, physically limited adults, and developmentally disabled adults. All participants share a very unique enthusiasm for enjoying to the fullest the beauty and vitality which the arts have to offer.

Mr. Speaker, I am extremely proud to pay tribute today to the contributions of our special individuals and to the numerous local organizations which made this showcase available for the benefit and enlightenment of all our community.●

LAUTENBERG HONORED BY NEW JERSEY REGION OF ZIONIST ORGANIZATION OF AMERICA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. RODINO. Mr. Speaker, tonight the New Jersey region of the Zionist Organization of America holds its 14th annual awards dinner. It is a great honor to recognize the winner of this year's Louis B. Brandeis Humanitarian Award, Senator FRANK LAUTENBERG.

This prestigious award embodies the principles to which Justice Brandeis dedicated his own life—social justice, freedom, and human rights. Justice Brandeis promoted these ideals in his career on the bench as well as his role as an early supporter of Zionism. Senator LAUTENBERG is a fitting recipient of this award. As an outstanding leader in both the public and private sectors, he had a long history of service in charitable organizations before his election to the Senate. In his short tenure as a Senator, he has already shown himself to be a man of integrity, dedication, and commitment to social justice.

Senator LAUTENBERG has been a good friend and supporter of Israel, and is the founder and chief supporter of the Lautenberg Tumor and Immunology Institute at Hebrew University. The outstanding cancer research performed at this institute bearing his name benefits people all over the world. Tonight Senator LAUTENBERG will be named man of the year, and I can think of no one more deserving of this award.

The organization is also citing Philip A. Campbell, president of New Jersey Bell Telephone and a member of the executive board of the National Conference of Christians and Jews; Sister Rose Thering, an activist in support of Israel and human rights movements worldwide, particularly Soviet Jewry; Rabbi Judah Washer from Bergen County; and Sol Kramer, a leader in the Jewish community from Union County.

Mr. Speaker, it would be impossible to properly pay tribute to the New Jersey region of the Zionist Organization of America without mentioning the outstanding work of Judge Joseph Lerner and his wife Bea Lerner, two very dear friends who I admire greatly. Their constant devotion to social justice and human rights is unmatched. I salute the Lerners, Senator LAUTENBERG, and the other award winners and hope that it will be a memorable occasion for all.●

USAIR ESTABLISHES NEW SERVICE AT DULLES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. WOLF. Mr. Speaker, on behalf of the citizens of northern Virginia, I want to take this opportunity to express appreciation to USAir and company president Edwin I. Colodny for the airline's decision to establish new service from Dulles International Airport to the airline's major connecting hub at Pittsburgh, Pa., this coming November. I also want to commend the Washington Dulles Task Force and the Federal Aviation Administration (FAA) for their efforts in working with USAir to start this new service. The new flights will allow Dulles travelers to make convenient connections to over 70 cities throughout the USAir system.

The new Pittsburgh flights will be the first USAir service ever at Dulles Airport and will begin in November once hourly slot restrictions at Pittsburgh are lifted. This will permit the airline to schedule Dulles service at the most desired times.

These new flights will continue the trend toward increased air service at Dulles. Since December, direct service has been added to eight other cities. The airport has had increased passenger use for 16 consecutive months. An additional 1,500 passengers a day are using Dulles compared to a year ago, according to FAA officials.

In fact, from November 1982, to May 1983, Dulles' domestic passenger traffic increased on a monthly average by 28 percent over the same period the previous year and the pace of this growth is accelerating. During March, total passenger traffic increased 33 percent over March 1982. Domestic traffic rose 37.7 percent over the same period last year.

Between 1970 and 1980, over 82 percent of the population growth in Washington has occurred in the area most convenient to Dulles. That population growth and the tremendous business growth in the Dulles area are visible signs that thousands of travelers find Dulles to be their most convenient airport.

This is documented by a survey last year of air travelers conducted by the Metropolitan Washington Council of Governments, which revealed that 2 million more passengers would use Dulles if the service were available.

I encourage other airlines to follow USAir's decision to initiate service at Dulles, and join in the effort to make Dulles the hub airport it was intended to be for the Metropolitan Washington area.●

HOW CAN WE BEAT THE UPCOMING INCREASES IN LOCAL PHONE BILLS?

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. MARKEY. Mr. Speaker, I believe that there are many steps that can be taken to reduce the upcoming increases in local phone bills. Over the next few weeks, I hope to detail a few of them in statements in the RECORD.

The first of these measures is the provision of effective competition in the Bell System procurement market. It is one I have been involved with for some time now.

I have always viewed Bell System procurement as a consumers' issue, as well as a question of competition. A major part of our telephone bills goes to cover the cost of local exchange equipment—which amounts to billions of dollars every year. One of the best ways to hold these costs down is to insure that local telephone companies purchase this equipment at the lowest possible price.

Unfortunately, as far as the Bell System goes, we have no way of knowing whether this has ever been the case, and every reason to suspect that it has not. This is because Western Electric has always dominated Bell System procurement and never faced any serious competition from independent equipment manufacturers.

I recognize that divestiture may eventually result in a more competitive Bell market. But divestiture is no panacea; it alone will not necessarily bring the competition needed to offset local rate increases.

In proceedings before Judge Harold Green, the issue of the post-divestiture Central Staff Organization (CSO) has been raised. The prospect that the CSO would act to prevent effective competition in Bell System markets warns us that divestiture per se will not solve the problem of market domination. Judge Green himself has questioned AT&T executives and other concerned parties in the divestiture debate on just this point.

Regardless of what divestiture brings, those concerned about future phone rate increases should look at what is happening in the industry now, under the status quo. Already, Western Electric has moved to penetrate the smaller independent telephone company markets to which its only competitors have generally been confined. If it succeeds in capturing a dominant share of independent sales, there may be no serious competition left to lower equipment prices when Bell markets are finally opened.

What then can we do?

Right now, the Federal Communications Commission (FCC) has before it a proceeding—CC docket 80-53—which investigates Bell System procurement processes. It is the FCC's job to insure that Western Electric does not preempt its existing competition or block new entrants during this crucial transition period, and that independent equipment manufacturers are given immediate and equitable access to Bell System markets.

Three weeks ago, I wrote to FCC Chairman Mark Fowler for the second time, urging expedited consideration of docket 80-53. Chairman Fowler has promised a late summer decision in the docket—a date later than I had hoped, but a date, if adhered to, that will provide for some analysis of the FCC's action before divestiture is completed. I have inserted my letter to Chairman Fowler, and his response, in the RECORD following these remarks.

In conclusion, I urge my colleagues to take an active role in the debate over the upcoming increases in local phone rates. We in Washington can do some things about these increases.

Effective competition in the sale of telephone central office equipment, then, is the first step in the fight to beat the upcoming phone rate increases.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 23, 1983.

Hon. MARK S. FOWLER,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR CHAIRMAN FOWLER: Last December I wrote to you urging the Commission to take prompt action in its Docket 80-53 on Bell System Procurement Practices.

My concern then, as now, is that in the absence of genuine and fair competition, divestiture will not produce any meaningful benefits for American consumers. Specifically, I was worried about press reports that Western Electric was attempting to dominate independent telephone company sales before its grip on Bell System procurement was loosened by divestiture. The practical effect of this marketing strategy would be to deprive consumers of a truly competitive market, as smaller independent equipment makers would be driven out of business and new entrants would be denied a fair opportunity to enter the field.

In your response to my last letter, you seemed to share my concerns. You stated that the Commission shares my "belief that one way to hold down potential telephone rate increases is through vigorous competition among equipment manufacturers." As you know, such potential rate increases have been the subject of great concern in

the Congress, and many of us have urged measures to mitigate the harmful consequences of divestiture. As a result, I was encouraged by your reply and our apparent mutual understanding on this issue.

I was also encouraged by our promise in your letter that the issue would "be given prompt and careful consideration by the Commission." Moreover, in January the Commission invited the public to comment on a "Petition for Expedited Consideration" in CC Docket 80-53. It was my hope, in light of these factors, that the Commission would take prompt action in this docket.

To date, however, such action has not occurred. Divestiture is almost upon us, and many are questioning its merits and the methods of its implementation. Appropriate action by the Commission could do much to address these concerns by ensuring that local phone companies are able to procure high quality network equipment at the lowest possible cost. The best way to achieve that is to provide for vigorous, genuine competition in these markets.

Would you please advise me at your earliest convenience of the status of Docket 80-53 and the timetable for Commission action in this proceeding? I know that many of us in the Congress stand ready to undertake legislative initiatives in this area, if they are necessary.

With best wishes,
Sincerely,

EDWARD J. MARKEY,
Member of Congress.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., June 2, 1983.

Hon. EDWARD J. MARKEY,
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN MARKEY: This is in reply to your letter of May 23 in which you request both a status report relative to Docket No. 80-53 (Bell System Procurement Practices) and a timetable for Commission action. Your letter also refers to a "Petition for Expedited Consideration" filed by Stromberg-Carlson Corporation on December 15, 1982, which as I indicated in my earlier letter to you, has raised some additional issues for the Commission's consideration.

On January 17, 1983, the Commission issued a public notice on the Stromberg-Carlson petition, inviting comments by February 16 and reply comments no later than March 3. Following the filing of the comments, Stromberg-Carlson submitted a motion requesting an extension of time to March 14 to file its reply comments. That motion was granted, and the pleading cycle with respect to the Stromberg-Carlson petition was closed on March 14.

Since that time, the Common Carrier Bureau has been in the process of analyzing the complex issues raised by this latest round of comments, and the proceeding generally. We expect a staff recommendation and action before the Commission on this docket before the end of the summer.

We appreciate your interest in this proceeding and hope that the foregoing has been responsive.

Sincerely,

MARK S. FOWLER,
Chairman.●

TRIBUTE TO CARL ZIKA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. BERMAN. Mr. Speaker, I would like to take this opportunity to congratulate Carl Zika, the outgoing president of the Van Nuys Jaycees, on completing a year of outstanding service to our community.

Through his work with the jaycees, Carl Zika has helped to provide leadership training programs and has led the jaycees in many worthwhile projects. Much of his effort has gone toward helping the less fortunate individuals among us.

He has given generously of his time to the "Bowl for Breath" to benefit the Cystic Fibrosis Foundation, and played a significant role in benefit events for the Los Angeles Children's Hospital and the Leukemia Society. In addition, he helped to make the holiday season just a little brighter for many children through his work in the "Call Santa" project, which received over 500 phone calls from area children, and serving as Santa Claus at Children's Hospital for the children who had to be hospitalized during the holidays.

Carl Zika has added a great deal to the Van Nuys Jaycees through his dedicated service. I am pleased to be able to commend him for all his fine work, and offer him my personal congratulations and best wishes for the future.●

WHY THE HOUSE SHOULD PASS THE IMF QUOTA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. HAMILTON. Mr. Speaker, I commend to my colleagues the following op-ed piece by Robert Solomon, guest scholar at the Brookings Institution, urging the House of Representatives to pass the IMF quota legislation.

The international debt crisis has by no means been solved. It still overhangs prospects for sustained economic recovery in this country and the health of the global economy. Passage of the IMF quota legislation, which would provide the IMF with adequate resources to continue performing its important role in the months ahead, is a critical component of any strategy to insure that the debt crisis is managed and ultimately solved.

Last week the Senate passed the IMF quota legislation. Action now rests with the House. Mr. Solomon's article offers persuasive arguments why Members should vote positively when the quota legislation reaches the floor. I urge my colleagues to read Mr. Solomon's article before making their decision.

The article follows:

WHY CONGRESS SHOULD PASS IMF QUOTA HIKE

(By Robert Solomon)

It is reported that the legislation authorizing an enlarged U.S. quota in the International Monetary Fund is in trouble in the House of Representatives.

It seems hard to believe, at a time when the fact of international economic interdependence is so widely perceived, that some members of the House do not see the importance to the United States of an actively functioning IMF.

American exports of goods and services have increased, as a proportion of our gross national product, from 5 percent 30 years ago to more than 11 percent now. For many industries and for agriculture, export sales are a mainstay. Our economy and our financial system are inextricably bound up with what happens in the rest of the world.

These linkages have been dramatically demonstrated in the past year when one developing country after another encountered difficulty in servicing its debts. Mexico and Brazil, among other countries, sharply curtailed their imports, even before they approached the IMF. One result was a further decline in U.S. exports, which were already falling because of recession in the other industrial countries and the high value of the dollar.

The debt problem became critical for the world economy when the commercial banks around the world, which had been providing credit on a large scale to the advanced developing countries since the early 1970s, abruptly reduced their lending in mid-1982.

Yet countries with current account deficits cannot be expected to eliminate such deficits overnight. These countries need a continuing inflow of capital, just as the United States depended on borrowing from abroad, especially from England, in the 19th century.

The IMF proved its usefulness by requiring, as a condition for its own loans to the debtor countries, that the commercial banks increase their lending. This was a function that no individual government could have performed.

The Fund's unique role as an international monetary institution gave it the power and influence to see to it that funds continued to flow to the debtor countries. If this had not happened enormous economic and financial disorder would have occurred in the world economy.

How does one demonstrate to recalcitrant members of the House that the functions of the IMF are so important? The very success of the Fund in preventing chaos also deprives us of the evidence to show how crucial the Fund is. If a system of health care prevents disease, doubting Thomases can always point to the absence of disease if they wish to disparage the importance of the health-care system.

While the debt problem is being handled—albeit with uncertainties—it will be with us for a number of years. Economic recovery in the industrial world, not only in the United States but also in Europe and Japan, is a necessary condition for the developing countries to increase their exports and therefore re-establish their ability to finance their

vital import needs and also meet interest payments on their outstanding debts.

Worldwide recovery is far from assured, even though the United States is solidly on an upward growth path. Moreover, interest rates remain high in the industrial countries and this too burdens the balance of payments positions of the developing nations.

Thus there will be a continuing need for the IMF to lend and to use the leverage that its lending potential gives it.

How does one demonstrate to the recalcitrant congressman that the meeting of this need is in the vital interest of the United States?

One points out that American exports and therefore American jobs are at stake. But, we may be told, Brazil and Mexico have reduced their imports and this is hurting the United States. True, but in the absence of the activities of the IMF described above, Brazil and Mexico would have had to slash their imports much more severely.

We may be told that what the IMF is doing is bailing out the banks, which are alleged to have loaned recklessly to the developing countries. This notion has a certain appeal to some American congressmen. But it can be shown to be incorrect.

First of all, the economic performance of the major developing-country borrowers was highly impressive until the last two years when recession and high interest rates in the industrial world hit them hard. The Brazils and Mexicos grew fast and exported successfully throughout the 1970s. They must have been putting the borrowed funds to good use.

Second, the commercial banks are not being bailed out. As has so often been said, they are being bailed in, since the Fund is requiring the banks to increase their exposure to the debtor countries. Not a cent of the money loaned by the IMF is going to repay debt to banks.

What does one say to a congressman who has seen cuts in non-defense federal spending in his district and is therefore reluctant to vote for an increase in funding for the IMF?

One answer is that the Fund quota increase is not in the budget and is therefore not competing with budget dollars that might be spent in his district. A related answer is that whether or not the enlarged IMF quota is authorized, there will continue to be pressure to reduce "out year" budget deficits.

The more basic answer is that an increased U.S. quota in the Fund is not some form of giveaway by the United States. We are joining with the other 150 members of the IMF in assuring that it can continue to perform its vital functions on which all countries are dependent.

The congressman's constituents will be worse off if the Fund is not able to carry out these functions because American exports will be lower, because instability in other countries will harm us, and because a healthy world economy benefits Americans in countless ways.

Write to your congressman!●

A TRIBUTE TO MARTA MONTES

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. SMITH of Florida. Mr. Speaker, today, I rise to give special recognition to a resident of my district. Marta Montes, a native of Esperanza Las Villa, Cuba, is the first Cuban-born naturalized American woman to hold municipal office. Marta is a woman who is unafraid to speak out to correct injustices. Her sense of responsibility and civic mindedness led her to be elected to the City Council of Hialeah Gardens, Fla. by people who recognize her leadership qualities.

Traditionally, Hispanic women have encountered cultural barriers that discouraged them from participating in political matters. Now, Hispanic women, such as Marta Montes, are emerging with a new force to influence their community. Marta has proven to be a leading force in her affiliations with the Pan American Chamber of Commerce, Hialeah Gardens Civic Association, and Hialeah Gardens Business Association.

Marta's example and commitment to Hialeah Gardens is commendable. I find her a constant source of inspiration to the well-being, safety, and security of her neighbors. Marta's roots may be in Cuba, but she has dedicated her efforts and energies to serve the United States. The pride in her origins is redirected to the American dream. A registered nurse by profession, her personal history shows a dedication to humanitiarian causes. I ask that Congress acknowledge with me her achievements on behalf of Hispanic women. Her commitment has made a lasting impression that one will not forget.●

PROBLEMS WITH SOCIAL SECURITY DISABILITY REVIEW PROGRAM

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. MARKEY. Mr. Speaker, I would like to share with my colleagues a personal experience I had with the social security disability determination process. I want to relate this incident for I believe the story is emblematic of the problems confronting many Americans currently labeled disabled by the Social Security Administration.

Just last fall, I received a phone call from a 38-year-old Malden, Mass., man who was concerned about his claim for social security disability benefits. A husband and father of three, this constituent was forced to leave his job in late 1980 after suffering a heart attack. His physician diagnosed the condition to be coronary artery disease and in light of his condition, recommended he not return to work.

Unable to make a living and facing mounting financial pressures, he was left with little choice but to file a claim for social security disability benefits in January 1981. His claim was denied three times. He then requested a hearing, but received no response from the Social Security Administration. In January of this year, another decision was reached: This constituent was determined not disabled due to coronary artery disease, and his claim was denied. Three weeks later, after being determined capable of work and ineligible for disability benefits, he died of coronary failure.

I relate this story to illustrate the tragic circumstances surrounding the social security disability program. The problems with SSD are not confined to first-time claims only. In fact, the injustices are often far greater for SSD recipients who find their benefits terminated after a suspect review. Obviously, those continuing disability investigations are necessary. But no one expected the reviews to be cursory and, in some instances, simply harassing. They have caused a tremendous amount of harm to many and to some, even death. Mr. Speaker, the story I have already related powerfully illustrates this last point.

The problems with the SSD program began with a reform measure mandated by this body. Congress ordered a review of those persons receiving disability benefits every 3 years after hearing GAO testimony indicating that as many as 20 percent of those receiving SSD benefits were medically ineligible. In light of the estimated $2 billion annual loss due to ineligible recipients, the action of Congress was certainly well intentioned.

Unfortunately, Mr. Speaker, like so many programs, the results were far different than the intent of Congress. Since the reviews began in March 1981, disability examiners have ordered 46 percent of those reviewed off the disability rolls. Of those who appealed their denials, 60 percent have had their monthly payments reinstated. Consequently, 60 percent of those people cut off from disability benefits were terminated unjustly and without proper cause. And in my home State of Massachusetts, an even higher percentage, 74 percent, have been reinstated after appealing the initial termination decision. Clearly, Mr. Speaker, severe problems existed in the disability review program.

Finally, after months of public outcry over the inhumane and unjust handling of SSD review cases, Secretary of Health and Human Services Margaret Heckler has issued several

reforms of the disability review process. Secretary Heckler's recent report on needed reforms in the review process are a step in the right direction. Nevertheless, these reforms represent only a slight shift in the administration's attitude toward SSD recipients. Much, much more needs to be done before all affected Americans can feel secure in receiving their disability benefits on an uninterrupted basis.

The revisions contained in Secretary Heckler's June 7 report on the SSD review process are welcome, but long overdue. Since 1981, when the new review rules were first promulgated, I have insisted that substantive changes are needed in the review process. Clearly, Mr. Speaker, Secretary Heckler has issued these regulations in an effort to appease both the public and the elected officials who have voiced their legitimate concerns and complaints. I commend Secretary Heckler for moving forward with these revisions and I hope the Social Security Administration is quick in implementing these changes. Unfortunately, Mr. Speaker, while the revisions are welcome, they are not enough.

Secretary Heckler must be made to understand that the problems with SSD are tremendously more complex, involving many, many more disabled Americans than a perusal of the revisions indicates. Of the changes Secretary Heckler has proposed, the most significant is the moratorium on reviews of the 135,000 persons receiving SSD benefits based on mental impairments classified as "functional psychotic disorders." In addition, the revisions will suspend further reviews of similar cases which are still pending. The moratorium will end once the Social Security Administration has adopted new, acceptable mental standards and procedures for reviewing these types of sensitive cases. At that time, SSA will reevaluate those individuals who may have been unjustly terminated in the past.

This moratorium is significant for it prevents SSA from taking action against mentally ill cases absent acceptable medical standards. The only other change of any importance is the addition of approximately 200,000 SSD recipients in the "permanently disabled" category. This brings the number of cases exempt from review to over 1 million.

I find these developments to be encouraging for it will spare many disabled Americans from emotional and financial suffering. Denied disability income while the long appeal process continues, uncertain as to how they will provide for themselves and their families, many disabled Americans are forced into untenable positions. To the extent these changes save our citizens from these unfortunate circumstances, I find these revisions a most welcome development. Nevertheless, I encourage Secretary Heckler to make additional revisions in order to protect the great number of disabled Americans who are disabled, who have proven to be disabled after appeal, from the ravages of a review process which serves no one.●

NATIONAL SPELLING BEE COMPETITORS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. RICHARDSON. Mr. Speaker, I had the privilege of meeting one of the many young men and women from all across the country who have come together in Washington this week to compete in the national spelling bee competition sponsored by Scripps-Howard Newspapers. We can all be proud of the accomplishment of these young people have shown in mastering a special educational skill.

Fourteen-year-old Mary Catherine Ward attends Quemado High School in my district. Mary's hard work in preparing for the spelling bee competition was rewarded when she won a competition held in New Mexico involving 129 students from Catron, McKinley, Soccarro, and Bernalillo Counties. Mary is in Washington to compete in the national round of the Scripps-Howard spelling bee competition. She is with her mother, Cathy Ward, who is providing her with encouragement, support, and some last minute coaching.

Mary has aspirations of becoming a doctor in the future and I am confident the hard work and determination that won her a spot in the national spelling bee competition will help set the tone for her to attain her future goals. Mr. Speaker, it is appropriate that all of us in the Congress take note of the accomplishments of the spelling talents of the many young people who have traveled to Washington this week to compete in the national spelling bee competition.●

THATCHER'S VICTORY: HARD LESSONS FOR REAGAN

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. GINGRICH. Mr. Speaker, Stuart Butler recently published a column entitled "Thatcher's Victory: Hard Lessons for Reagan." His analysis should be studied by every advocate of a conservative government.

Mr. Butler clearly and candidly draws the distinction between the aggressive militancy of the British Conservatives under Thatcher and the uncertain, zig-zag approach of Republicans and some conservatives in our own country.

It is well worth examining. Mr. Butler's column follows:

[From the Washington Times, June 10, 1983]

THATCHER'S VICTORY: HARD LESSONS FOR REAGAN

(By Stuart M. Butler)

Margaret Thatcher's crushing win in Britain's general election yesterday has no doubt produced smiles all round at the White House, and even broader grins among GOP strategists planning a Reagan reelection bid. After all, Prime Minister Thatcher was swept back into power while presiding over an unemployment rate of nearly 13 percent and a recovery which is still more a promise than a fact. Most economic forecasters expect Reagan to be in a much better position in the run-up to the 1984 election.

Yet the lessons from Britain are a little more mixed for the president than the landslide result suggests. The campaign was the culmination of shrewd political groundwork laid carefully by the Conservatives during the last four years, aimed both at building support for the government and at defusing damaging issues. Many of the actions of the Reagan administration, on the other hand, seem to have had exactly the opposite effect. Only time will tell if the difference is fatal.

Mrs. Thatcher, of course, did have the help of two factors which are hardly likely to figure in the U.S. presidential election. The afterglow of the victorious Falklands war and an opposition Labor party not only dominated by its left wing, but led disastrously by Michael Foot—who managed to combine a poor campaigning style with a remarkable ignorance of technical issues. As the London Economist remarked in a scathing profile, "Mr. Foot does not know anything about anything . . . He scarcely knows M3 from MX."

But these factors are far from a complete explanation of Thatcher's success. It should be remembered that Winston Churchill (to whom Mrs. Thatcher is often compared these days) led Britain to victory over a much more formidable adversary than Argentina, only to be thrown out of office in the 1945 election. And while the Falklands war gave a boost to the Conservatives, the party's support in the polls began to rise dramatically several months before the war broke out.

Besides, early returns indicate that the Conservatives won the election with a larger share of the total vote than any other victorious party in recent British elections. Thatcher did not win, in other words, simply because anti-Conservative vote was split more evenly than usual between Labor and the third party (this time, a Liberal-Social Democratic Alliance), but because the Tory share held rock-solid.

The Conservative victory appears due instead to deeper influences in the electorate. One of these was the remarkable effectiveness of the Tory campaign in dealing with sensitive issues. The Campaign for Nuclear Disarmament, Britain's freeze movement, was attacked vigorously and methodically for its leadership's ultra-left and Soviet connections. The Conservatives did not allow the radical unilateralists to hide behind a wall of honest, genuinely concerned men and women. The nuclear disarmament issue,

if anything, helped Mrs. Thatcher by enabling her to denounce Labor's embrace of an anti-nuclear policy as both naive and suspect.

The Conservatives also built upon a legislative strategy designed in part to detach urban and black voters from the Labor column. Measures have been taken to improve police relations with minorities (who are mostly first—or second—generation immigrants from the Commonwealth), and a new law has helped to clarify the immigration status of dependents and ease racial tension. So the Conservatives have managed to portray themselves to recent immigrants as the party of integration, based on equality of opportunity rather than on special treatment. One campaign poster featuring a black youth asserts: "Labor says he's black; Tories say he's British."

Like older urban areas in the United States, British cities are in poor shape, but here the Conservatives combined electoral damage control with an effective counterattack. Within a year and a half of Thatcher's taking office, the government showed its commitment to urban job creation by enacting legislation to create 11 urban enterprise zones in key cities (the number was increased to 24 last year). Far more important, however, the Conservatives gave public housing tenants the right to buy their units at substantial discounts. Over half a million might have been sold in this way, turning many traditional Labor voters into homeowners now sympathetic to Tory overtures.

Most critical of all was Thatcher's ability to defuse the issue of unemployment—now running at nearly 13 percent. Pre-election polls showed that about 50 percent of the population rated unemployment as the election's most serious issue. Yet it looks as though the Conservatives may have picked up well over a quarter of the votes of the unemployed—almost half the number going to Labor.

The reason seems to be that the Thatcher government convinced a significant proportion of the unemployed that real, lasting jobs could only come with a healthy and growing economy. The government stood steadfast against "jobs" bills, and refused even to make forecasts about when the unemployment rate would fall. By maintaining this firm stand, the Conservatives were able to argue that they stood for policies aimed at permanent job creation, and to denounce the other parties as favoring short-term relief to buy votes while endangering long-term growth. Tory strategists calculated that this firm approach would win over enough of the unemployed to seriously weaken the opposition parties. And they assumed that a commitment to low inflation and high growth would be a major vote-winner among the majority of voters, who have jobs. It seems they were right on both counts.

These features of the Conservative win should indicate to the White House that a lot of work needs to be done if Ronald Reagan is going to emulate Mrs. Thatcher in 1984. In contrast to his ally, Reagan has almost gone out of his way to alienate the black and urban vote. Administration contortions over civil rights will probably ensure a Democratic shut-out among black electors. And the president's one vote-winning initiative, the enterprise zone proposal, has still to pass the Republican-controlled Senate in this third year of the administration.

The economy still looks good for Reagan in 1984, but the federal deficit may yet be his Achilles heel. The total government deficit in the United States (including state and local deficits, and "off-budget" items) is more than 10 percent of the nation's GNP. Mrs. Thatcher, on the other hand, went into the election with a total deficit of under 3 percent, projected to fall to 2 percent by 1986, and a zero "structural deficit." This was achieved not by massive tax increases on Britain's electors but by tight control over public spending, together with restructuring and "privatization" (that is, the sale) of government-owned industries.

The Conservative strategy, then, was based on a mixture of offense and defense. Potentially damaging issues and voter blocks were defused and courted, while other voters were gained from traditional opponents by innovative policies. The strategy was so successful that bookmakers in London refused to take election bets last week because the odds on a Conservative win were too great. Unless Ronald Reagan learns the real lessons of the British election, that is unlikely to happen here.●

THE DEDICATION OF THE NEW FIRE HOUSE IN WINAMAC IND.

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. HILLIS. Mr. Speaker, last Sunday, I had the pleasure of speaking at the dedication of the new firehouse in the town of Winamac, Ind.

It was a proud day for the citizens of Winamac—a small farming town in Pulaski County that many of you may remember was the site of the Ford Pinto trial a few years ago. The new fire station they dedicated that day was a source of great pride—a symbol of community purpose and unity. The dedication was an important statement that the people of Winamac care about their town and are willing to make personal sacrifices for its betterment.

The new building itself is not large—50 by 105 feet with an attached 1,200-square-foot social room and space for five firefighting vehicles. It is not a flashy building either but it serves Winamac's purpose well, providing a home for the equipment that keeps the city's residents and property safe from fire. This, in itself, would not merit comment in the Halls of Congress if it were not for the fact that the Winamac fire station was built and opened without the expenditure of 1 cent of tax money.

The former Winamac fire station was an old, outdated two-bay gas station that did not provide adequate housing for the department's expensive and vital firefighting equipment.

The volunteer fire department decided a new facility was needed so it went to work, pledging $18,000 in its own fund toward building construction. Then, instead of following the conventional path of seeking Federal and State dollars, the volunteer firemen asked the rest of Winamac to be volunteers and pledge donations to the building fund.

The citizens responded and raised about $40,000—no minor accomplishment considering Winamac is just a small farming town of only 2,370 people.

While the building itself was erected by a professional contractor, Chief Raymond Smith and his 19-man department did all the wiring, heating, plumbing, and decorating themselves saving hundreds of dollars.

The Winamac fire station is an extraordinary example of what a community can accomplish if left, on its own, to solve its own problems. Winamac recognized the need for a new fire station, identified the solution and accomplished the task without relying on Washington's alphabet agencies and the U.S. Treasury's greenbacks.

Indeed, I venture to say, if Winamac had chosen to pursue Federal funds, its building would be merely a dream wrapped in redtape instead of a functional facility that, today, is a source of great community pride.

The building belongs to the people of Winamac but the example they set is something the entire country can share. I congratulate them on their accomplishment and applaud their civic consciousness and independence.●

ACID RAIN

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. MARKEY. Mr. Speaker, 13 years ago our Nation faced the grim prospect of its cities made unlivable by air pollution. Auto emissions and smokestack discharges polluted our cities and created a "dirty soup which made our cities unhealthy places to live. At the time there was little hope of cleaning up the environment. Nevertheless, this pervasive environmental threat has been checked, if not reversed, by the forceful action of the President and Congress in enacting the Clean Air Act.

Today, we face a similarly devastating attack on our environment. It is an environmental attack that kills our Nation's ponds, poisons our waters, and damages our buildings. Today, acid rain is threatening our environment, and the time action has passed. We need action now.

Despite the pressing need for action on acid rain, the Reagan administration consistently has opposed any Federal effort to address the problem. On Wednesday, June 8, however, the administration released a report that challenges this administration's reluctance to take action.

The report places primary blame for the problem of acid rain on manmade pollution, especially pollutants from electric utilities and heavy industries. The administration report also emphasizes the national scope of the problem; acid rain is not simply a regional problem confined to the Midwest and Northeast. And most significantly, the report stresses that 100 percent scientific certainty is so difficult to achieve that it should not be a prerequisite for regulatory action.

This finding is the most important development in the administration's position on acid rain I have witnessed. For too long the Reagan administration has resisted action on acid rain on the ground that there is insufficient evidence on the source of the problem. The President has maintained this position in the face of numerous studies which document the cause of acid rain is pollutants put out by coal-burning utilities and factories. The administration has maintained this position despite a preponderance of evidence showing the source of acid rain.

I am encouraged by this report if in fact it portends a change in the administration's adherence to 100 percent proof of the cause. Unfortunately, we live in an uncertain world and must depend on less than 100 percent evidence in many areas of life. Uncertainty is a basis principle of science. I imagine that one could find studies which show that the link between cigarettes and lung cancer is not complete, or the connection between mining and black lung is uncertain. Nevertheless, we have moved forward in both of these areas to combat the specific problem without having 100 percent certainty. Just because a batter does not understand the physics and aerodynamics behind an incoming pitch does not mean that he cannot hit the pitch. Well, just because we do not have the luxury of 100-percent certainty on the source of acid rain does not mean we should not take action to correct the problem. One hundred percent certainty is a luxury that life rarely gives us. We do have sufficient evidence, however, to take action against the sources of acid rain with the confidence that a preponderance of the evidence gives us. We should take that action now.

Recently, President Reagan asked the Environmental Protection Agency to give top priority to a reassessment of the administration's position on acid rain. Ostensibly, it appears that after 2 years in office, the President has finally felt the political heat and begun to move on acid rain. Unfortunately, these past 2 years, when steps could have been taken to arrest the problem, have been wasted by a President intent on study rather than solution. Each year that goes by without action, environmental damage spreads and the problem becomes harder to control. I hope that the President finally has realized he must seize the opportunity to move forward on acid rain control.

Acid rain, or more precisely acid precipitation since snow and even fog can be contaminated, is caused by the combination of pollutants released by electric utilities and motor vehicles (sulfur dioxide and nitrogen oxides) with oxygen and rainwater to form nitric and sulfuric acid. Recent measurements indicate that rain falling in the Northeast is 10 to 100 times more acidic than normal.

This precipitation, falling into lakes and reservoirs as rain, quickly makes them more acidic. In addition, acid rain leaches minerals and heavy metals from the soil and carries them into the ponds. Acid rain has been tied to high levels of aluminum and mercury in local ponds. As levels of these toxic metals rise, and as the ponds become increasingly acidic, fish and plant life die. Over 180 lakes in the Adirondack region of New York have been classified as dead. Moreover, high levels of mercury, found in some lakes contaminated by acid raid, can be hazardous in drinking water supplies. Finally, the leaching of nutrients from the soil, and the effects of acid rainfall on leaves, may be harmful to trees and crops. Acid rain also damages monuments and other buildings, eating away at our national treasures. In the Northeast alone, acid rain has been estimated to cause over $2.5 billion of damage each year.

I regret to add that such damage could be only the tip of an acid iceberg. Trends over the past 20 years show that the problem of acid rain is both spreading and intensifying. In the mid-1950's, acid rain was confined primarily to the Midwest and Northeast, with rain in other areas of the country virtually normal. By the late 1970's, however, the problem had spread south and west, and in many regions the precipitation is two or three times the acid measure of the 1950's.

The acid rain problem was exacerbated by utilities converting from oil to coal, which contains more sulfur, and from relatively expensive low-sulfur coal to cheaper, higher sulfur coal. These changes were largely the result of a national effort to promote the use of domestic coal rather than imported oil. While technologies exist to burn coal more cleanly, to clean the coal before burning, and to scrub utilities' emissions, all of these would place an expensive burden on an industry already staggering from unexpectedly low growth and soaring nuclear power costs. Indeed, estimates of the cost of retroactively cleaning coal burners run as high as $5 billion a year.

These factors indicate that the problem of acid rain is intimately connected with key elements of national policies, and require truly inventive solutions. Time is running out for the environment. It is time to begin an aggressive search for methods to take the sting out of acid rain.●

A SIGNIFICANT WEEK FOR THE U.S. SPACE PROGRAM

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. LUJAN. Mr. Speaker, this is a very significant week for the U.S. space program.

This morning the Pioneer 10 explorer satellite accomplished something that we earthlings have never done before. This manmade object has left the perimeters of our solar system. It is now traveling into deep outer space. After 11 years and 3.8 billion miles of its journey, it is still performing above any expectations. It will most likely continue its voyage after this planet ceases to exist.

Also this morning, the space shuttle prototype *Enterprise* left Washington, after a visit, to return to Edwards Air Force Base in California. It was received in Washington with a welcome appropriate to a national hero. Its visit demonstrated the tremendous support for this program by the American people.

And Saturday of this week the space shuttle *Challenger* will leave the Cape on another historic trip into space. The five member crew will be highlighted by the fact that it includes America's first woman to travel into space. Astronaut Sally Ride will take her place among our space pioneers.

As the ranking minority member of the Space Science and Applications Subcommittee, I am fortunate to have firsthand involvement in this fascinating program.

Mr. Speaker, this is an important week in our space activities. It demonstrates well that the people of the planet Earth are on the dawn of a new and awesome age.●

HEALTH AND PHYSICAL EDUCATION COURSES SERVE A PURPOSE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. RICHARDSON. Mr. Speaker, I would like to draw my colleagues attention to an article that recently appeared in the Journal of Physical Education Recreation and Dance. Alliance President Wayne Osness shares his views on a report issued by the President's National Commission on Excel-

lence in Education entitled, "A Nation at Risk: The Imperative for Educational Reform."

President Osness cautions that while changes are needed to turn around the educational decline in recent years in this country that it is important to keep in mind that physical and health education courses do have a role to play in providing our young people with a complete, well-rounded education.

Mr. Speaker, I hope that my colleagues will take the time to read this well-thought-out piece:

ALLIANCE PRESIDENT RESPONDS TO COMMISSION

On April 26th, the White House released a report from the National Commission on Excellence in Education entitled "A Nation at Risk: The Imperative for Educational Reform." The report sounds a warning to educators across the nation: We have let our educational system decline; the results have affected our economy, our industries, our children, and the safety and security of our nation and our future. The message is clear: America cannot afford to continue to tolerate the status quo in education.

The Commission report made public many issues and concerns that educators have been sharing with each other for some time now. From American Alliance members we have often heard: "Some of our majors come to us neither with the rudimentary essentials in math and science, nor the physical skills needed to continue their learning at the college level." "Students seem interested only in getting by, getting the credentials necessary to get a job."

One can argue selected points of the commission's findings, the logic and practicality of their recommendations, or the dirge-like seriousness of their warnings. But what cannot be argued is that this report is long overdue and is very likely to signal a renaissance in education which will precipitate major changes in the very fabric of our educational system—the impact will reach far into the future. We may be on a critical threshold. The possibilities are infinite and exciting.

But there are also some ominous implications. One of the major criticisms the commission levies at the current system is that "Twenty-five percent of the credits earned by general-track high school students are in physical education and health education, work experience outside the school, remedial English and mathematics, and personal service and development courses, such as training for adulthood and marriage . . ."

The commission believes that these courses take time away from math, science, English and social studies courses, thereby contributing to the decline in the overall level of educational achievement of our nation's students.

The American Alliance disagrees with this inference on two counts. First, grouping physical education and health education courses with remedial courses, training for adulthood and experiences which occur outside the school denigrates our professions, which are part of the educational mainstream. The teaching skills, knowledge, and appreciation of movement is an essential part of a complete, well-rounded education. Developing an understanding and awareness of an active lifestyle on an individual and personal level is an integral part of the school curriculum of the future.

Second, the implication that somehow these courses have contributed to a diminished educational performance could not be further from the truth.

Physical education and health education classes are not the cause of the declining level of student achievement; they can and do serve as an impetus for higher achievement. Physical education teaches skills and knowledge which can be used throughout a student's lifetime, resulting in a healthier, more physically fit adult. Increased levels of physical activity bring increased capacity for productivity. A physically active person is a more productive person. A physically active person is tired less often and finds an increased level of energy. Physically active and fit students, therefore, will have more, not less time and energy.

Physical education and health education teach students about healthy diet, good nutrition and how their bodies function. Students who eat right and engage in regular physical activity will be healthier and will be absent from school less often. Students who are knowledgeable about their bodies and who are in good physical condition use less energy to accomplish goals, and maintain an efficiency of movement which can leave more time for learning.

Physical education teaches students how to use their leisure time. Appropriate use of leisure time provides a much needed respite to the rigors of a demanding new educational curriculum, allowing better concentration and increased attention span while on task.

Health education teaches students about the care and maintenance of their bodies. Students who have an awareness of how to maintain and enhance their health, and who can put those practices to use in a concrete and personal way will be healthier children and adults. With the rising costs of medical care, we cannot afford to ignore preventive measures. Healthy students can learn more efficiently and effectively than unhealthy students.

The commission reports that "our society and its educational institutions seem to have lost sight of the . . . high expectations and disciplined effort needed . . ." to attain a quality education. They recommend that colleges and universities "adopt a quality education. They recommend that colleges and universities "adopt more rigorous and measureable standards, higher expectations for academic performance and student conduct. . . ." Physical education teaches these values. Physical education can teach students how to relate to the physical world, the real world in a very basic way. It can teach them how to change their environment by changing themselves. It can teach them how to change, mold, and improve their bodies through discipline, hard work, training, and skill development.

We applaud the commitment to education which resulted in such a comprehensive look at our public educational system at the national level. We urge only that the vision of the future which the commission has glimpsed include physical education and health education as necessary and vital components of our educational system. What kind of a future will we have at the cost of our children's health and development? How can we compete with other nations either in war or peace, either on the real battlefield or the economic front if we cannot come prepared with healthy minds and bodies? The dichotomy between them is false. We live in a physical world. We must continue to relate to it. We must continue to teach children how to use their bodies and their minds, and how to use their minds and bodies together so we will have more whole and healthy students, who are truly prepared to face the future.●

TRIBUTE TO CARL SWANSON

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. KOSTMAYER. Mr. Speaker, on June 4, 1983, Carl Swanson of Levittown, Pa. passed away. Few events in my 5 years of service in the House saddened me as much as this one. Carl was the husband of Marge Swanson who has been a member of my staff since I was first elected to Congress in 1976. The father of Carla, Linda, and Carl, Jr. and a lifelong resident of Bucks County, Carl fought for his country during the Second World War serving 5 years in the U.S. Marine Corps. For the last 30 years he was employed at the U.S. Steel Fairless Works, since the opening of that facility.

Carl was an extraordinarily kind and generous man and his home in Levittown became my second home during my years of travel throughout the Eighth Congressional District. He epitomized all that is good in this country—open and deep love of his family, compassion for those less fortunate than he, devotion and pride in his country.

Carl Swanson left the world a better place than he found it and I join the many people whose lives he touched in honoring his memory today.●

IN SUPPORT OF A STRONGER EPA

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mrs. JOHNSON. Mr. Speaker, I rise in support of the amendment to increase funding for the Environmental Protection Agency (EPA). Review of EPA's budget and performance have made it very clear that that arm of Government needs increased, not reduced, support if its mission is to be accomplished. I am pleased, therefore, to support the amendment offered by my colleague from Colorado that restores much of the muscle that EPA so desperately needs.

With the appointment of William Ruckelshaus, the President has demonstrated his commitment to excellence at EPA and, although I am concerned about the ability of any organization to absorb $220 million more than it requested, I am certain of the Agency's need and confident of the

new Administrator's ability to allocate his budget judiciously.

For too long, the important functions of research and development, enforcement, and grants to States have suffered from severe and inappropriate budget cuts. A 43-percent reduction in research and development funding does not reflect our need as a society to better understand the impact of chemical and hazardous wastes on our environment nor does it provide the information needed to guide the development of new approaches to the safe and effective clean up and disposal of hazardous wastes. We have to this point failed to adequately address the massive clean up problem that must be solved if we are to preserve the well-being of all citizens. In light of that, it is unreasonable to reduce funding for EPA enforcement activities by 31 percent from the fiscal year 1981 level as the proposed budget allows. When new hazardous waste sites are being uncovered every week, our commitment of resources must reflect the new evidence of our Nation's needs.

One of the inadequacies of the enforcement effort that is particularly important to the State of Connecticut and my constituents because it is costing us jobs is the ever-increasing role of interstate enforcement in achieving clean air and water nationwide. Without a stronger commitment to interstate enforcement of clean air and water laws, jobs in complying States like Connecticut will continue to shoulder the heavy capital costs of compliance with clean air and clean water requirements and be underbid by noncomplying producers from surrounding noncomplying States. Many Connecticut jobs are threatened by the failure of surrounding States to comply with national clean water and air standards. This threat to our jobs and industry is very real but the answer is not to step back on our commitment to a quality environment but to force surrounding, polluting States to comply.

The more we learn about the effects of waste disposal on the environment, the more truth we see in the old saying that, "an ounce of prevention is worth a pound of cure." The disparity between the amount of money that would have prevented the hazards of Times Beach, Mo., or Love Canal, N.Y., and the amount of money necessary for cleanup is simply astounding and a tragedy in a world of limited resources.

Mr. Speaker, I strongly urge the new EPA Administrator to use his resources wisely and to realize our national goal of creating and maintaining a clean, safe, and livable country and planet.●

WELL DONE NASA

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. GINGRICH. Mr. Speaker, I am paying tribute to the people at the National Aeronautics and Space Administration for a magnificent achievement. It is a feat which demonstrates America's bold and adventurous spirit.

Today, at approximately 8 a.m. e.d.t., the first unmanned spacecraft departed the solar system. At that time the NASA Pioneer 10 spacecraft crossed the orbit of Neptune, currently the outermost planet of our solar system, at a distance of about 2.8 billion miles from the Sun.

After over 11 years of flawless flight, Pioneer 10 has begun a virtually endless journey into interstellar space. The spacecraft is expected to last for billions of years traveling at a speed of almost three-quarters of a million miles a day. It should outlast the solar system itself, since, in about 5 billion years, the Sun will become a giant red star and engulf the Earth.

The direction and speed of Pioneer 10 were achieved by an ingenious maneuver. The spacecraft was actually thrust into interstellar space by slingshot action due to Jupiter's rotational speed. Their encounter occurred during December 1973.

Pioneer 10 continues to gather detailed scientific information. It relays the information to Earth with only a very small 8-watt radio transmitter which has a power equivalent of a very weak light bulb. When the signal is received by our 210-foot-diameter radio antennas it has weakened to 1 billion-trillionths of a watt.

Pioneer 10 has made a long list of discoveries about Jupiter and the Sun's full range of activity. It is now exploring the outer solar atmosphere and is looking for a possible 10th planet or a large dark star at the outer fringes of the solar system. Such an object has long been suggested by unexplained irregularities in the orbits of Uranus and Neptune.

Pioneer 10 will also search for evidence of cataclysmic collisions between galaxies or two massive black holes. These violent upheavals rattle the entire universe and produce gravity waves having wavelengths of 1 to 3 billion miles.

Pioneer 10's departure from the solar system transcends any previous achievement in planetary exploration. It is an accomplishment of great scientific, technical, and operational skill and human ingenuity.

Well done NASA.●

THE UAW'S CONTRIBUTION TO THE INDUSTRIAL POLICY DEBATE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. MARKEY. Mr. Speaker, many of us in the Congress are concerned about the lack of a coherent industrial policy in this country. The devastation of Reaganomics has disrupted major sectors of the economy, changes in international trading practices have cost us jobs and business abroad, alternatives to the status quo seem confusing or unpromising.

The debate over industrial policy will surely dominate the legislative and political agendas over the next few years. Worthwhile contributions to this debate can be expected to come from all quarters—most recently, the Democratic Caucus and the high production group both made valuable additions to the discussion.

But there is one report, one viewpoint, of special interest to me. The recent paper by the United Auto Workers, "The UAW Blueprint for a Working America," explains the challenge facing us and offers potential solutions with an eloquence and expertise rarely matched. It contributes greatly to the ongoing efforts to reindustrialize and rebuild America.

I want to congratulate the UAW for its efforts. Special credit should go to those who helped the UAW build this report: Donald Ephlin, Ira Magaziner, Derek Shearer, Lester Thurow, and two good friends, David Smith, and Barry Bluestone. Because of space limitations I cannot have the entire report reprinted here—though I do recommend it highly to my colleagues. What follows, then, is an excerpt from a section of the paper entitled "The Blueprint."

The excerpt follows:

THE UAW BLUEPRINT FOR A WORKING AMERICA

WHY AN INDUSTRIAL POLICY

America needs a new industrial policy because the old economic rules haven't been working. Even business leaders recognize the crisis. Chrysler President Lee Iacocca criticizes "big U.S. companies who should be buying new technologies (but) waste billions of dollars in a frenzy of corporate takeovers."

It is becoming increasingly clear to labor, many political groups, and some business and industrial leaders that the days of free-for-all economic decision-making must give way to a new era of industrial policy development.

We hear from some quarters that the destruction of our basic smokestack industries is actually a good thing—that we'll evolve into an economy based on service work and high technology products.

We fundamentally disagree. The U.S. needs basic heavy industry as well as service

and high technology sectors. In fact, it is our basic industries above all which create markets for the service sector and for high technology products. Auto, for example, accounts for 35 percent of the U.S. market for industrial robots and related technology. These industries are central to the economy because they have linkages to so many sectors and so many jobs. In fact, in many regions, most of the demand for locally-supplied services is generated in the goods-producing industries.

In the past several months dozens of approaches have been put forth for reindustrializing America. Here is ours.

Our Blueprint is based on several key principles:

1. Industrial policy must be coordinated.—Our economy is a collection of linked parts. If any important piece is disturbed, shock waves reverberate throughout the structure, reducing demand and forcing the economy to operate at lower levels of capacity utilization and fewer economies of scale. Cutbacks in auto mean fewer jobs in parts, in service industries, and even in the high-tech sector of consumer electronics.

2. Industrial policy should be bargained. We envision a procedure under which government, labor and management all have a voice in bargaining the direction of our economy and of specific industries. Not only is top-down planning by a private or public elite undemocratic, but experience has shown that it won't work in the U.S.—that workers and communities will strongly resist elitist planning at their expense.

3. There is a legitimate role for government. We expect government to act in the public interest in setting the economic ground rules and in framing national economic policies. We must also expect the government to pursue the public interest in helping to modernize industries and rebuild communities. Government already possesses many of the tools it needs to accomplish these goals, including tax, credit and labor-market programs, but these resources must be coordinated to insure that industrial restructuring proceeds systematically without victimizing workers and communities.

4. Finally, industrial policy must be based on a system of social accounting. No longer should the bottom line be only short-term profit gains. The precondition to efficient planning is to socially account major economic decisions—to measure more widely the return to society of an investment made or not made. The use of this "public balance sheet" approach, by recognizing the links between industries, can increase society's rate of return on private as well as public investment.

When decisions are being debated on whether to close an "unprofitable" plant, for example, we must factor in such things as the cost to society of jobless benefits, other Treasury losses, the destruction of the community's social structure, and the potential viability of alternative products that could be produced there.

STRUCTURE

In order to provide the widest possible input into industrial planning, to guarantee the resources necessary for industrial development, and to hold accountable those charged with implementing industrial policy, we believe there must be a new national coordinating structure established for industrial development.

Such a structure would include:

A National Strategic Planning Board to set overall national economic performance standards and to coordinate sectoral plans developed under its oversight. It would be composed of cabinet-level federal government officials plus representatives from labor, business, public-interest groups, and state and local government. The Board would propose overall national targets on employment, tax and credit policy, etc. and recommend legislation to accomplish its goals. As with all sections of the structure, the Board would be guided by social accounting methods.

A considerable part of the Board's activity would be targeted toward specific industrial sectors in the economy, especially mature industries like auto and steel, which must be restructured to face growing international competition. Even with the benefit of long-term loans, loan guarantees and import relief, however, it must be recognized that these industries may indeed shrink as a proportion of the total economy. But if that is to happen, the Board's role will be to plan the change in an orderly and responsible way and not at the expense of workers.

Growing industries such as computers and telecommunications could receive different types of assistance: for example, government-level negotiations to open up foreign markets, or research-and-development help aimed at commercializing new products and new, cost-cutting technology.

The tools to help startup industries, such as new biotechnology firms, would also be different and might include special grants, loans and equity investments until the new industries gain a solid footing.

The Board's technical and research staff would keep it up to date on industrial input-output data, links between different industrial sectors, and current status of specific industries and businesses. This would help it in developing national strategies that could be presented to Congress, and to provide the framework for specific plans for particular industries.

Backing up the Board would be several other groups, including:

Industry Strategy Committees to develop strategies for the economy's major industries and to present their recommendations to the National Strategic Planning Board. The committees would consist of labor, business, and federal, state and local government representatives. The plans for each industry would be based on social accounting principles: rather than merely aiming at better sector profitability, they would have to describe how to maximize society's total net benefits—jobs and job security, reduced dislocation, increased tax revenues, better and more affordable products, and a cleaner environment. Once a plan won Board approval, it could result in help from a

National Strategic Development Bank empowered to make long-term loans to, or take equity in, companies undergoing restructuring certified by the National Strategic Planning Board. The Bank would feature regional branches and provide credit through different sectoral "windows" according to the needs of those sectors. Bank activities could be funded through the sale of stock and long-term Treasury-guaranteed bonds as well as through investments of employee pension funds. Because the Bank would employ social accounting principles, it would invest in some projects which don't "make money" in a commercial sense but which do produce desirable social returns on investment. Congressional appropriations would help fund these investments in the public interest.

National Civilian Technology Administration, the research-and-development arm of the structure, designed to help tailor assistance to firms, projects, universities or consortia attempting to develop and commercialize new technologies to help make the U.S. economy more competitive and productive. NCTA could also undertake its own research and development efforts. Companies benefiting from NCTA's publicly funded research would be expected to apply those technological benefits in jobs-creating U.S. investment rather than using them for overseas production and profit. Finally, there would be a

Bureau of Conversion Assistance, attached directly to the Board for the purpose of effecting orderly converison through advance notice of plant closings and concerted efforts to prevent closings through the introduction of alternative product lines or production processes.

At this time, the UAW is less concerned with the final configuration of the Board and its related agencies than with the effectiveness and accountability of the structure. We want the Board to possess the necessary tools to act decisively and respond appropriately to the needs of industries and regions, but the Board's power must be carefully balanced against the need to maintain democratic controls over its functions. We clearly do not want an industrial policy agency which can exercise the awesome power of today's Federal Reserve and not be accountable to the public for its decisions.●

MORE ON TIP O'NEILL'S SURTAX ON THE MIDDLE CLASS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 13, 1983

● Mr. KEMP. Mr. Speaker, earlier this week I pointed out that the Democratic leadership's proposal to cap this year's tax cut at $700 amounts to a surtax on the middle class. I would like to provide my colleagues with additional information to show this. For example, nearly half of all taxpayers who face a tax increase under this ill-conceived plan are below the $50,000 income level—some, in fact, below $20,000.

Earlier, I pointed out that "the cap proposal would hit the middle class, not the rich. The rich have already received their tax cut." This occurred when the top income tax rate dropped from 70 to 50 percent on January 1, 1982.

And under the cap, families with lower incomes will receive their equal share. But the cap proposal would repeal part of the equal-percentage tax cuts for people in between. Specifically, a $700 cap would hit families with gross incomes as low as $39,250, and individuals with gross incomes as low as $31,150, if they do not itemize deductions. In 1970 dollars, those incomes are barely $15,000 and $12,000, respectively.

To show this, I would like to insert two tables verified by the U.S. Treasury. The tables show the levels of adjusted gross income at which different taxpayers would face a tax increase under the $700 cap proposal.

These estimates use the Treasury's assumption that enacting the $700 cap would require raising marginal income tax rates after 1983: for example, from the 33 to 49 percent range which prevails under current law for joint returns, to a 37 to 50 percent range, at taxable incomes between $35,200 and $162,400. There would be commensurate tax-rate increases for single returns in the appropriate brackets.

The first table applies to one-earner families of four; the second table to single taxpayers. Both tables have a column for taxpayers who do not itemize deductions and a column for those who itemize and have the average level of itemized deductions; namely 23 percent of income—most taxpayers who own a home itemize; most taxpayers who rent do not itemize.

TABLE I.—INCOME LEVELS AT WHICH TAX CAP WOULD AFFECT A FAMILY OF FOUR

Tax cap	Adjusted gross income level	
	Nonitemizers	Itemizers
$700	$39,250	$45,550

TABLE II.—INCOME LEVELS AT WHICH TAX CAP WOULD AFFECT A SINGLE TAXPAYER

Tax Cap	Adjusted gross income level	
	Nonitemizers	Itemizers
$700	$31,150	$37,450

As I pointed out in my earlier remarks, these income levels are rather low for a plan that is supposed to soak the rich: In 1970 dollars, those incomes are barely $15,000 and $12,000, respectively.

According to the Department of Labor's Bureau of Labor Statistics, the Consumer Price Index stood at 295.5 in April (1967=100) compared with an average of 116.3 in 1970. This indicates a 154-percent rise in prices. Therefore, the purchasing power of $39,250 or $31,150 today is equal to $15,448 or $12,260 in 1970 dollars. These are the income levels at which typical nonitemizers would be hit by the $700 cap.

But in fact, not every family or single taxpayer is typical. Indeed, the Treasury estimates that of the 8.1 million taxpayers whose taxes would be raised by the Democratic cap proposal, almost half—I repeat, almost half—would have incomes below $50,000. As a matter of fact, the largest number of such taxpayers is in the $30,000 to $50,000 class. And almost as many taxpayers in the $15,000 to $30,000 range would face a tax increase as in the over $200,000 class.

I would like to insert the Treasury table into the RECORD at this point.

TABLE III.—*Number of taxpayers facing a tax increase if the third year of tax cuts is capped at $700*

[Numbers in thousands]

Income class:	*Taxpayers affected*
0 to 15	
15 to 20	12
20 to 30	142
30 to 50	3,718
50 to 100	3,489
100 to 200	599
200 plus	155
Total	8,115

Source: U.S. Treasury, Office of Tax Analysis.

How can this be, if TIP O'NEILL claims that the cap would only hit those with incomes over $50,000? The reason seems to be that the cap plan hits a disproportionate number of two-income households. In other words, the Democratic plan goes a long way toward reinstituting the marriage penalty—a higher tax burden for being married than for remaining single.

No matter how you look at it, Mr. Speaker, the tax cap is a turkey. It hits the middle class. It hits savings and small business. It is unfair. The only fair tax plan is President Reagan's equal percentage tax-rate reduction for all taxpayers. Congress should leave it in place and get out of the way of the American peoples' desire to work and earn and save.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 14, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 15

9:00 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 1286, S. 632, and S. 428, bills to establish a program to conduct research and development studies for improved manufacturing technologies.
SR-253

Labor and Human Resources
To hold hearings on the nomination of Madeleine C. Will, of Maryland, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.
SD-430

9:30 a.m.

Banking, Housing, and Urban Affairs
Securities Subcommittee
To continue hearings on S. 1174, proposed Public Utility Holding Company Act Amendments.
SD-538

Labor and Human Resources
Business meeting, to mark up S. 564, U.S. Academy of Peace Act, S. 772, Smoking Prevention Health and Education Act, S. 242, Employment Opportunities Act, and S. 724, Public Investment/Jobs Act.
SD-430

10:00 a.m.

Appropriations
District of Columbia Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1984 for the government of the District of Columbia.
SD-192

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Water Resources Subcommittee
To resume hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.
SD-406

Finance
To hold hearings on the Administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Foreign Relations
To hold hearings to discuss U.S.-Soviet relations.
SD-419

Rules and Administration
Business meeting, to mark up S. Res. 66, to establish regulations needed to implement television and radio coverage of proceedings of the U.S. Senate, and other pending legislative and administrative business.
SR-301

Veterans' Affairs
To hold oversight hearings to examine the health effects of agent orange.
SR-418

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings to examine teacher shortages in the math and science fields.
SD-562

10:30 a.m.
Labor and Human Resources
To hold hearings on the nominations of Ford B. Ford, of California, to be Under Secretary of Labor, and John J. O'Donnell, of the District of Columbia, to be Assistant Secretary of Labor for Legislative Affairs.
SD-430

2:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider proposed changes in the dairy, tobacco, and target price programs.
SR-328A

Judiciary
To hold hearings on pending nominations.
SD-226

4:00 p.m.
Foreign Relations
Closed briefing on revised START proposals.
S-116, Capitol

JUNE 16

9:15 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1256, proposed Emergency School Aid Extension Act.
SD-430

9:30 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider proposed changes in the dairy, tobacco, and target price programs.
SR-328A

Banking, Housing, and Urban Affairs
To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538

Small Business
Business meeting, to consider pending calendar business.
SR-428A

10:00 a.m.
Appropriations
Business meeting, to mark up H.R. 3132, making appropriations for fiscal year 1984 for energy and water development programs.
SD-192.

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Nuclear Regulation Subcommittee
To continue hearings on nuclear licensing and regulatory reform.
SD-406

Finance
To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Foreign Relations
To hold hearings on the Executive Council on Foreign Diplomats.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

Joint Economic
Agriculture and Transportation Subcommittee
To resume hearings to review the administration's perspective on future farm policy, focusing on the economic condition and prospects of agricultural and rural businesses.
SD-124

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 431, authorizing funds for fiscal year ending September 30, 1983, through fiscal year 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

Foreign Relations
To continue hearings to discuss United States-Soviet relations.
SD-419

Judiciary
Courts Subcommittee
Business meeting, to mark up S. 645, proposed Court Improvements Act.
SD-226

JUNE 17

8:30 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
Taxation and Debt Management Subcommittee
To hold joint hearings on S. 654, to repeal certain IRS Code provisions requiring the apportionment of research and development expenditures made in the United States.
SD-215

9:30 a.m.
Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings to review those programs administered by the Office of the Secretary of Energy.
SD-342

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 314, proposed In-Flight Medical Emergencies Act.
SR-253

Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 1396, to extend the availability of energy tax credits for solar, wind, geothermal, and biomass renewable energy resources.
SD-215

JUNE 20

9:30 a.m.
Finance
To hold hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women.
SD-215

10:00 a.m.
Energy and Natural Resources
To resume oversight hearings on the geopolitics of strategic and critical minerals.
SD-366

Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed legislation authorizing funds for refugee assistance.
SD-226

JUNE 21

8:30 a.m.
Small Business
To hold oversight hearings on the Small Business Administration's small business development center program.
SR-428A

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538

Finance
To continue hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women.
SD-215

Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 520, to remove all noncriminal juveniles from secure detention facilities within the United States.
SD-226

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Water Resources Subcommittee
To resume hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the report of the President's Commission on Excellence in Education.
SD-430

JUNE 22

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 1120, to authorize printing of the back side of $1 bills by a method other than the intaglio process.
SD-538

Commerce, Science, and Transportation
To hold hearings on title IV, to provide for increased coordination between Federal, State, and local governments in the transportation of hazardous materials, of S. 1108, proposed Highway Safety Act.
SR-253

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1306, to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.
SD-226

Labor and Human Resources
Business meeting, to consider pending Calendar business.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending Calendar business.
SD-366

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on environmental research and development programs.
SD-406

Finance
To resume hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Veterans' Affairs
To hold hearings on S. 374, S. 786, and S. 991, bills to establish a presumption of service connection for certain diseases in veterans caused by exposure to agent orange, herbicides, and chemicals during the Vietnam war.
SR-418

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to resume markup of S. 431, authorizing funds for fiscal year ending September 30, 1983, and through fiscal year 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 23

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 1286, S. 632, and S. 428, bills to establish a program to conduct research and development studies for improved manufacturing technologies.
SR-253

9:30 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to reconsider pending Calendar business.
SD-538

Governmental Affairs
To hold hearings on operational testing procedures in the Department of Defense.
SD-342

Labor and Human Resources
To hold hearings on the effects of anticancer drugs in the treatment of cancer patients.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending Calendar business.
SD-366

Environment and Public Works
Environment Pollution Subcommittee
Business meeting, to mark up S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act.
SD-406

Finance
To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Judiciary
Business meeting, on pending Calendar business.
SD-226

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To hold hearings to examine the legal and constitutional ratification process of the Panama Canal Treaty.
SD-562

JUNE 24

9:30 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold oversight hearings on the budget request for the Energy Information Administration, Department of Energy.
SD-366

Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review legislative proposals to combat abusive tax shelters, focusing on charitable contribution tax shelters and the ability of the Internal Revenue Service and courts to process large volumes of tax shelter returns.
SD-215

Judiciary
Courts Subcommittee
To hold hearings to discuss the current bankruptcy situation of the Manville Corporation in Denver, Colo.
SD-562

Judiciary
Juvenile Justice Subcommittee
To hold hearings to discuss proposed Federal assistance to State and local law enforcement agencies in handling child serial murders.
SD-226

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to continue markup of S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act.
SD-406

JUNE 27

9:00 a.m.
Finance
Estate and Gift Taxation Subcommittee
To hold hearings on proposals providing for transitional rules for estates and gift tax treatment, including S. 953, S. 1180, S. 1210, S. 1250, S. 1251, S. 1252, S. 309, and S. 310, and Senate Resolution 126, expressing the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified.
SD-215

9:30 a.m.
Finance
To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538

Judiciary
Constitution Subcommittee
To hold hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-226

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on airline deregulation.
SR-253

Environment and Public Works
Water Resources Subcommittee
To resume hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.
SD-406

Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 28

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the International Monetary Fund's gold reserves.
SD-538

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1173, proposed Federal mine safety and health amendments.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue oversight hearings on airline deregulation.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Water Resources Subcommittee
To continue hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and relate measures.
SD-406

Finance
To resume hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Labor and Human Resources
Aging Subcommittee
To hold hearings on the impact of crime on the elderly, focusing on victim compensation.
SR-485

2:00 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 1090, to establish the Outdoor Recreation Resources Review Commission.
SD-342

JUNE 29

9:30 a.m.
Judiciary
To hold hearings on S. 737, proposed Joint Research and Development Ventures Act.
SD-226

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on pending legislation.
SD-406

Finance
To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Small Business
Small Business: Family Farm Subcommittee
To hold hearings on the impact of Canadian agricultural imports and their effect on the small business community.
SR-428A

Veterans' Affairs
Business meeting, to mark up S. 1388, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans, and related measures, and proposed legislation to provide educational assistance for veterans and persons entering the Armed Forces.
SR-418

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226

Labor and Human Resources
To hold oversight hearings on the activities of the Equal Employment Opportunity Commission and the administration's equal employment opportunity policy.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on pending legislation.
SD-406

Finance
Business meeting, to mark up proposed legislation to extend the revenue sharing program for local governments.
SD-215

Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on activities of the Office of Administrative Law Judges.
SD-562

JULY 12

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to examine the use of the judicial system by the elderly.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To hold hearings on home health care services.
SD-430

JULY 14

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19, to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and related measures.
SD-430

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on future directions in nursing home health care.
SD-430

JULY 19

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

JULY 20

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 21

9:30 a.m.
Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430

JULY 25

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 1132, to establish a maximum ceiling on the annual charge to be fixed by the Federal Energy Regulatory Commission for a licensee's use of a Government dam or other structures owned by the United States.
SD-366

JULY 26

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on proposed legislation authorizing funds for nutrition programs of the Older Americans Act.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

SEPTEMBER 8

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the historical perspective and societal implications.
SD-430

SEPTEMBER 15

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

SEPTEMBER 20

1:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

SENATE—*Tuesday, June 14, 1983*

(Legislative day of Monday, June 13, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray

FLAG DAY

"Oh, say, can you see, by the dawn's early light,
What so proudly we hailed at the twilight's last gleaming?
Whose broad stripes and bright stars, through the perilous fight,
O'er the ramparts we watched, were so gallantly streaming?
And the rockets' red glare, the bombs bursting in air,
Gave proof through the night that our flag was still there.
Oh, say, does that Star Spangled Banner yet wave
O'er the land of the free, and the home of the brave?

—*Francis Scott Key.*

Sovereign God, we thank Thee for all that our flag represents to our Nation and the world. Forgive us when we have, as a nation or as individuals, failed to live up to its promise. Give us grace to rectify such failure and to be true to that for which it stands. Help us never to deify the flag or equate our Nation with the Kingdom of God. May we remember that to Thee alone belongs our ultimate allegiance and may that allegiance constrain us to responsible citizenship. We pray this in the name of the Lord of History. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M.

Mr. BAKER. Mr. President, today is Tuesday, and because of the requirement for caucuses on both sides of the aisle between the hours of 12 noon to 2 p.m., I ask unanimous consent that the Senate stand in recess for that period.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR A PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that any time remaining after the expiration of the time allocated to the two leaders under the standing order be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes each, and to extend not beyond the hour of 10 a.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE TODAY

Mr. BAKER. Mr. President, at 10:15 a.m. the Senate will commence to vote on rollcalls ordered on the cable TV bill, and at 12 o'clock noon we will recess until 2 p.m. It is my hope that by 12 o'clock we will have completed action on the cable TV bill. That prospect was improved last evening by the granting of the unanimous-consent agreement which limits the number of amendments that will be in order to the pending measure.

I commend all Senators for agreeing to that arrangement. It will materially improve the chances that we can get to and work hard on the supplemental appropriations bill for a good time today.

I do not expect to ask the Senate to remain in late today, but I do hope we can finish the supplemental today and, if not today, then certainly tomorrow.

FORMER SENATOR JAVITS ADDRESSES GRADUATING CLASS OF THE UNIVERSITY OF CALIFORNIA AT BERKELEY

Mr. BAKER. Mr. President, on Sunday one of our former colleagues, Senator Javits, spoke to the graduating class of the University of California at Berkeley where his daughter Carla, graduated that day with great distinction.

The very fact that Jack Javits spoke as he did from a wheelchair with a portable respirator assisting his breathing, after traveling across the width of this great country for that great occasion, is a commentary on one of the bravest men I have ever known. While his physical body has failed him in so many ways and he has suffered so much as a result, that great mind that we came to know in the Senate continues to function not only effectively but enthusiastically.

Mr. President, I commend Senator Javits for his courage and for the content of these remarks, and I extend my congratulations not only to Carla, his daughter, but to his wife Marian, and to his entire family. They are a great family of great courage and accomplishment.

Mr. President, I ask unanimous consent that the text of Senator Javits' commencement address may appear at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COMMENCEMENT ADDRESS OF FORMER SENATOR JACOB K. JAVITS OF NEW YORK

POLITICS AND THE MAN

I hope the graduates will join with me and with my family, which is here today, and with their families, their friends and guests in the joy of achievement on commencement day from this University. Personally, I am especially thankful for I have the great privilege of speaking at the commencement of our own daughter, Carla, and the deep gratification of her having earned membership in the Phi Beta Kappa Society, and in the presence of my brilliant, beautiful and very contemporary wife, Marian, who has been all her life a wonderful mother and my close partner; our Pembroke-Brown dancer-choreographer daughter, Joy; her husband, David, classical actor; and our labor-lawyer, Yale-Georgetown son, Joshua.

As I thought about this commencement exercise and my own relation to it, I felt that I should tell you first as political science majors something about the life of a politician who aspired and I hope realized somewhat to be a statesman, in my 34 years in the House of Representatives, in the United States Senate and in the Statehouse in Albany, New York.

Politicians are probably the most underrated people in our society. The overwhelming majority are hard-working, completely dedicated to the nation, or the state or the local government in which they serve. Certainly they are ambitious and want to be re-elected or, if in the bureaucracy to be promoted to higher responsibility. But the dominant consideration is the approbation of re-election for the record they have made.

Obviously, the press and media keep a sharp and beady eye on politicians and assess them, on the whole, with some cynicism. Indeed, the word "politician" has been made for many Americans almost a word of opprobrium as contrasted with the word "statesman". Yet the great statesmen of our time were all politicians: Churchill, Franklin D. Roosevelt, Harry Truman, Dwight D. Eisenhower, Gandhi, Sadat, Ben Gurion and Adenauer. Nor can the cynicism and suspicion of the press and media about politicians necessarily be criticized. There are enough rascals around so that the form of

censorship exercised over the great power that is vested in politicians—the power over life and death, prosperity and depression of the people who elected them—demands a very close scrutiny in a democracy. When that scrutiny is lacking, tyranny, corruption and man's baser qualities have a better chance of entering into the public business in any government.

Absences from home and family must necessarily be extensive due to the exigencies of the politician's calling; and, what is even worse, the divergence of a politician's interests, which are intensely concerned with the public business almost to the exclusion of the amenities of life, are often a compelling distraction. Wife or husband and children suffer from this, and it becomes an important issue in the development of a marriage and the character and development of the children. It is, on the other hand, precisely because of the public's scrutiny and sensitivity to family and home relationships that these may be improved. This is even a career question because a breakdown in them, or in the character or conduct of the children, can be very harmful to the politician's reputation and, therefore, to his career.

The physical condition and health of politicians is also an important question. The calls on their time and energy are inordinate. The number of public appearances outside of their official duties which are called upon from them is felt to measure the degree of authority and power which the people believe they have vested in them. The people expect almost as a qualification for office to see them robust and in the pink of health. This can only be done with proper exercise and rest—mental as well as physical. It takes an understanding public to bring this about. Indeed, this is one of the greatest dangers a politician faces: a physical breakdown in the face of so great a demand upon his or her time and energy.

Now, I speak of the ethical responsibilities: the conflicts of interest, the dangers of corruption with so many temptations held out to a public official, and the susceptibility to condemnation in the public press even before judicial action. Yet this, too, is a safeguard of our system, and, on the part of the public official, a greater degree of candor and revelation is required of him than from others. For decades, doctors and lawyers have been guided by codes of ethics, and these should be treasured and favored by politicians as prescribing the parameters of their own conduct, rather than to be resented or repelled.

To paraphrase Gilbert and Sullivan, "A politician's life is not a happy one," but it can be deeply gratifying and rewarding; indeed, I believe as much so as that of artistic creation, scientific invention, great research or great teaching. For a politician is a leader, a teacher, and exemplar and capable of being a great doer of good as well as of evil. A politician must have dedication, conviction and especially the ability to teach, to innovate and to persuade.

To get some concept of the gratification which can be involved, I offer my own experience in four fields: bringing into fruition the National Arts Program in the United States and the National Endowment of the Arts and Humanities with the inestimable aid of my wife, Marian, to give joy and instruction to millions of Americans, and especially those in areas which were parched deserts for our culture before; second, the Employees Retirement Income Security Act (ERISA) giving firm assurances of the enjoyment of their private pensions generally derived from the employer-employee relationships to fifty million working Americans; the War Powers Resolution curbing the power of the President as Commander-in-Chief to de facto put the nation into war, thus restraining, in the words of the founders of our country, "the hounds of war"; and the struggle resulting in the Civil Rights Act of 1964, which liberated millions of women and of Americans who are black or hispanic from discrimination and granted them by law equal opportunity, the greatest gift of our democracy.

It is my judgment that the demands upon politicians in the coming years of this century and going into the 21st century will be greater than ever. I believe that the graduates' families and friends gathered here should be deeply excited by what is ahead, and should seek to develop with them ideas and attitudes based on information and debate which will prepare the ground for the graduates' future careers as politicians, or, at the very least, as actively participating citizens knowledgeable enough to come to informed conclusions. In this regard, I speak in a special way to women, the pace of whose career catchup is so greatly accelerated and must be even more effectively moved forward.

Let us remember that even though the graduates may be considered by many to be as yet inexperienced in worldly terms that what they have already experienced may well be the foundation of future critically important action.

I give you two examples from my own political life. when I first came to the House of Representatives in 1946, I brought with me the youthful memories of trade union organizing by immigrant boarders in our Lower East Side New York tenement, who came home nightly with broken heads from police clubs and gangsters employed by union-busting employers because they were picketing non-union shops.

I also developed a conviction that national or regional emergency strikes must not result in national or regional immobilization. I carried with me and followed these principles throughout my political career.

A second example—I was born and raised in poverty in the ghetto, and I learned that poor people wanted to work, were especially honest in paying their bills and had generally good character. They were not goldbrickers and lazy, but they lacked decent opportunity and training. This carried over into my support of the war on poverty and the civil rights laws when I was in the House and Senate.

Now to give you some concept of the towering challenges, as I see them, which will face politicians as their leaders, and the people generally in the coming years with the 21st century speeding upon us; and while these graduates are still in the middle of their working lives, I lay before you these questions:

How do we avoid the coming danger of atomic war?

What can we do to stem endemic poverty among two-fifths of the world's people, with 800 million estimated to go to bed hungry every night?

How can we deal with automated reindustrialization and maintain culture and enterprise, notwithstanding the new leisure?

What are the prospects for moral and spiritual values in the next century, which is bound to be dominated by considerations of productivity and the economy?

What is the future of the democracies and human rights in the 21st century?

These questions contain both the hopes and the fears of the generation which sits before us here as graduates, and clearly they need to be discussed between these graduates, their parents, associates and friends. As to the fears, we must understand that life has always been perilous, and it is perilous now. Indeed, the degree of security today is probably greater than it has been at any time in the world's history, and the opportunity to live a full, fruitful and long life is greater than ever. At the same time, the perils of war and revolution, depression and despotism are before us on a more stupendous scale than ever before in the world's history.

We should take this as a challenge, and should become more rather than less tall in stature in endeavoring to cope with the size of the perils which threaten us. Obviously, within the compass of a commencement address, I cannot develop with you all of my thoughts on how to meet this challenge. But, I can give you some sense of its exhilaration and its opportunities.

For example, in meeting the peril of the danger of atomic war, we must be concerned with three approaches. First, we must come to some better understanding and accommodation on economic, cultural, political and security matters than we have to date between the Soviet Union and the United States—the two superpowers. Only in this way can we materially reduce the level of atomic armament and the dangers of the atomic arms race we face, and only in this way can the nuclear nonproliferation treaty to which 125 nations adhere be effectively enforced. Only in this way can the competition between the two superpowers respecting their forms of government in terms of the one-party non-elective communist system and the multi-party democratic system be peacefully resolved. It is this competition which breeds regional wars like those in Vietnam, the Middle East, Central America, and the so-called wars of national liberation. We must first find an economic place for the poor and developing countries of the world, and this depends upon the effective opening of trade to the developing countries and the effective participation by their peoples in the world's economy. For the first time in mankind's history, it is not necessary that abject poverty be the lot of an important part of the world's population. Our resources are big enough to feed and house these hundreds of millions in return for their work. Also, the peacekeeping machinery of the United Nations and of the world needs to be elevated so that through the confluence of nations and multi-national peacekeeping forces there can be greater international order and justice in the world.

Finally, there needs to be a flowering of reindustrialization and automation to free man even more from the burdens of labor in order to gain the necessities of life, and a flowering of the world's culture in the arts, the humanities and learning and in discovery and medical care and research in order to fill working and leisure time productively and usefully.

All of these aspirations must have a moral basis as well. This moral basis will undoubtedly find its source in the great religions, but greater relief from the fear of war which could destroy all of civilization can produce a higher moral tone, together with a more intimate knowledge of the capacity of the human brain and the human spirit.

I see a mighty force for these aspirations and ideas in the women of the world just

coming into their full share of responsibility and authority in every field.

Speaking specifically to today's graduates in political science, I see great hope in the regionalization of government, thereby reducing many of the tensions of communities organized strictly along national lines. For example, note the progress being made by the nations of the ASEAN bloc in Southeast Asia in economics and in society. Similarly, the progress of the European Common Market—including those ancient enemies, France and Germany—nations acting together in respect of trade in Africa, Latin America and western Europe under the so-called Lome Agreement, the Andean bloc of nations in South America, and the hopeful reconstitution of the Central American Common Market to help those nations out of their darkest hours.

Also, we continue our hopes that the nations organized in the Eastern European bloc under the general rubric of Comecom may show similar development in voluntary, rather than in communist-ordered, cooperation for their own and the world's development.

All of these movements being tied together with the rest of the world in, literally, an explosion of telecommunications.

There is a great exciting new world out there, graduates, in which to conquer and to live, not to accept and to die, and you have the inestimable privilege of entering into it trained, and, I hope, motivated and inspired to better the deeds of your predecessor generations.

Thank you and God bless you!

HEE-HAW'S 15TH ANNIVERSARY

Mr. BAKER. Mr. President, I would like to offer a hearty sa-a-lute on the 15th anniversary of television's most successful syndicated show, "Hee-Haw." For 15 years, the residents of Cornfield County have brought laughter and song into the homes of millions of Americans.

The homespun humor of Archie Campbell and Minnie Pearl, the music of Grandpa Jones, Buck Owens, and Roy Clark, and the zany antics of the "Hee-Haw" clan have proved to be a successful formula for the show's talented producer, Sam Lovullo, and his staff at Gaylord Program Services.

"Hee-Haw" has also put Nashville, Tenn., on the map as a major television production center. As the country's top rated and longest running syndicated show, it has attracted new talent and more shows to Nashville, giving more credence to the city's fame as "Music City, U.S.A."

For the cast and crew of "Hee-Haw," ". . . may your pleasures be many; your troubles be few," and a very happy 15th anniversary.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I believe I have no further need for my time under the standing order, and if any remains I yield it to the control of the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. KASTEN). The minority leader is recognized.

TRIBUTE TO FORMER SENATOR JAVITS

Mr. BYRD. Mr. President, I thank the majority leader.

I join the majority leader in his encomium with respect to Senator Javits, who has one of the most remarkable minds, I am sure, ever to be heard from in the Senate. The fact that he is continuing under very extreme physical difficulties is an additional commentary on his courage and his dedication. He was always supremely dedicated to the work of the Senate. He could speak on almost any subject at the drop of a hat, and speak knowledgeably.

We on this side of the aisle had and still have a great admiration for our former colleague, Mr. Javits, and I applaud the majority leader for calling attention to the speech made by former Senator Javits.

THE BIRTHDAY OF A NEW CONSTELLATION

Mr. BYRD. Mr. President, today is Flag Day—a day set aside especially for honoring what is already one of the world's most honored symbols. On this day in 1776, less than 1 year after adopting the Declaration of Independence, the Continental Congress passed the resolution that set the mode in which the American flag has been cast ever since, and I quote:

> Resolved that the flag of the United States be 13 stripes alternate red and white; that the Union be 13 stars white in a blue field representing a new constellation.

Adopting that resolution was almost natural and was certainly understandable. Flags, banners, and coats-of-arms were practical and commonplace throughout the Middle Ages—easy ways for battling forces to recognize allies and spot enemies.

With the European discovery and settlement of the New World, many banners came ashore with the colonists from several nations—the blackraven standard with the Vikings, the Spanish emblem with Columbus, and the British flag with the Pilgrims and the Jamestown Cavaliers. Added to those national insignia were the flags of the Netherlands, the Russian Empire, Sweden, and France.

But the outset of the American Revolution saw the emerging United States marching under several different flags—flags of various colonies and several colonies under various flags. For example, the Bunker Hill flag was a blue banner with a white canton filled with a red cross and a small green pine. Rhode Island troops fought under a blue-anchor ensign emblazoned with the word "Hope."

The need for one flag was, therefore, a reflection of the need for unity—for New Yorkers and South Carolinians alike to think of themselves as never before as Americans. And so 13 stars and 13 stripes allowed every American to tie his prevailing loyalty to his home colony more closely to a new loyalty—a loyalty to a new nation and to a revolutionary way of life.

In more than two centuries since our first national flag was adopted, that personal tie between the American citizens and the American flag has deepened. First, we have continued the link between the stars on the flag and the States of the Union. But the citizens of few other countries, if any, are as closely devoted to their flag as are the overwhelming majority of the American people to the American flag.

In fact, some outside observers say that the nearest parallel to the American attitude toward our flag is a British subject's devotion to the English monarch. We have almost personified our flag. Presidents come and go, but that flag remains. Seeing the American flag in a foreign country is like recognizing a friendly face. And many people with little or no formal religious commitment confess to a nearly mystical reverence in the presence of the Stars and Stripes.

And perhaps that is the way that is should be. Nationalism should not blind us to the sometimes higher demands of morality or religous faith, and jingoism often leads its adherents to make moves that sometimes do more harm than good.

But in a century disillusioned by two world wars, atomic weapons, materialism, and failed ideologies and fallen demogogs, we need symbols that elicit allegiance to causes worth living for. Our flag is one of those symbols and the United States is one of those causes.

Our country is not perfect. But no political experiment in history has been more successful than has been the United States of America. And no nation deliberately created by its own citizens has ever inspired as much admiration in other countries and other people. The United States is the yardstick by which millions of people around the world measure their own nations and their own standards of life and progress.

But for those of us who enjoy life under the American flag, that symbol should always remind us of the realities and the hope toward which that flag is always pointing—imperfect people striving for perfection, a powerful nation committed more to justice than to conquest, a vast country in which even the humblest citizen has rights that nobody can arbitrarily take

away and in which even the lowliest souls can aspire to the highest dreams.

And so today, we celebrate one of the most important and lasting actions of our predecessors in the Continental Congress—the adoption of the Stars and Stripes as our national ensign. And let us hope that we shall continue carrying it with the same dedication and patriotic resolve with which our fathers and grandfathers carried it in the generations in which they made the United States the greatest country in world history.

I now yield to my distinguished senior colleague, Senator RANDOLPH, any additional time that I have for his use in the event he needs it.

RECOGNITION OF SENATOR RANDOLPH

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia (Mr. RANDOLPH) is recognized for not to exceed 15 minutes.

Mr. BYRD. Mr. President, did I have some time remaining? I yield my time to Mr. RANDOLPH.

The PRESIDING OFFICER. The Senator from West Virginia has an additional 12 minutes.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

FLAG DAY IS A TIME TO REFLECT ON OUR HISTORY AND TO REDEDICATE OURSELVES TO RESPONSIBLE CITIZENSHIP

Mr. RANDOLPH. Mr. President, this is Flag Day 1983. Earlier this morning I took occasion to come to the Capitol by a route that I do not usually use. I wished to come by south of the broad expanse of the lawn at the White House so that I could see on the Ellipse an American flag that is spread on the luxuriant green grass at this special time of the growing of flowers and grasses, and the luxuriant leafing of trees.

I went there that I might see this flag—411 feet in length, 230 feet in width—placed there by the National Park Service very early this morning, I understand, at the direction of the Secretary of the Interior.

I watched the boys and girls by the hundreds looking at this flag. Earlier this morning, I saw it being unrolled on the news of CBS. This may be the largest American flag that has ever been seen in Washington. I only hope that our colleagues in the Senate and in the House of Representatives and men and women who are visiting with children in the Nation's Capital may see that flag today.

I am not a carping critic even in a slight degree, but I looked at the Federal buildings of the United States this morning and saw the flag poles of varying heights and yet there were no American flags waving from them. I know that from time to time, it is perhaps understandable. People say, "Well, so and so is a flag waver." I have heard that note of feeling that he or she who might talk about patriotic subject matter might better discuss the intricacies of legislation pending on Capitol Hill.

But I thought this morning that I wished to comment about our American flag, about what leaders of our country and those who are just fathers and mothers and little children have been saying and thinking about our flag.

I am thinking of a Flag Day that the pages of both the Senate and the House had last year. It was held in the Chamber of the House of Representatives at an early hour when there was no business being transacted. I recall that occasion, and I ask unanimous consent that the insertion which I placed in the CONGRESSIONAL RECORD on Monday, June 14, 1982, be printed with these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RANDOLPH. On that occasion, Mr. President, I commented on what Abraham Lincoln said during his Presidency. He was asked to raise the flag over a structure completed during his tenure of office, the U.S. Treasury building, and there was a flag raising to take place. Perhaps this is the shortest speech ever made by a President of the United States, any President at any time. Abraham Lincoln said:

> The part assigned to me is to raise the flag which, if there be no fault in the machinery, I will do. And when up it will be for the people to keep it up.

Had the Great Emancipator, who, by his proclamation on June 20, 1863, proclaimed West Virginia a State, spoken hundreds of words there could have been no more meaningful statement made than the one to which I have just referred.

I think now of another President, Woodrow Wilson, a wartime President. It was on the eve of World War I. President Wilson was speaking at a Flag Day ceremony. We do not have so many such ceremonies in our Republic today. These were his thoughts. I believe you will want to hear them, those of our guests who are in the Chamber.

> This flag—
>
> Said Woodrow Wilson—
>
> which we honor and under which we serve, is the emblem of our unity, our power, our thought, and our purpose as a nation. It has no other character than that which we give it from generation to generation. The choices are ours.

The first President of the United States, George Washington, realized that there is something almost magic, in a sense, magnificent in something that you speak of as a patriotic symbol. And he was speaking of a banner.

He said:

> Leave me but a banner to plant upon the hills of West Augusta.

That is that part of the earlier Commonwealth of Virginia which became West Virginia on June 20, 1863.

> Leave me but a banner to plant upon the mountains of West Augusta. I will gather around me the men who will lift our bleeding country from the dust and set her free.

Think in terms of a banner. This morning we were thinking more than we ordinarily would have of the content of the very worthwhile prayers that are given by our Chaplain. I hope that many, many people will read his invocation at the beginning of the session today in which he speaks of our flag and of what it means, what it holds, hopefully, for a shrinking world in which there is not just pride but there is understanding, and that, hopefully, we can reach world peace.

At an earlier date in our Nation's history, there was a man who was talking about the human spirit. I have often thought that something that has substance and vision but lacks spirit never gets off the ground. But when you have substance, vision, and spirit all wrapped in one, you are very often able to accomplish something that is worthwhile.

Henry Ward Beecher, the noted author of an earlier day, said this about our flag:

> The thoughtful mind, when it sees the Nation's flag, sees not the flag but the Nation itself and whatever may be its symbols, its insignia, he reads chiefly in the flag, the Government, the principles, the truths, the history that belongs to the Nation that sets it forth.

I believe there is a very present need, Mr. President and colleagues, those who may read these remarks, for us to give more time not to just thinking about a piece of cloth of cotton or silk, but thinking of what it stands for and what it means.

Mrs. Randolph and I lived for many years at 4608 Reservoir Road NW. Our two sons, now 48 and 44, were pupils in the Rosales Hardy Elementary School. On Flag Day there was always a program in which the children took a very active and meaningful part. They knew what it was all about. They knew the reason for the program. Early today I called the Hardy School and talked with someone there. Remember the other days, I asked what their plans were for at least a short Flag Day ceremoney at the school. I was told that no plans had been made.

I am not critical. I want that understood. There was every courtesy by the teacher or the official with whom I was speaking. In fact, she said, "We will call the attention of the different rooms today to this date being Flag Day."

I do hope so, as I know that in my hometown of Elkins today our schools are recognizing and celebrating Flag Day.

Yes; Members of this body were once boys, and two of our Members were once girls. I can remember on Main Street—we were in a narrow valley and there was not much except Main Street, with Valley Street running north and Water Street running south, but Main Street was our community—I remember so very well that my father taught me these words:

Hats off, along the street there comes, the blare of bugles and the ruffle of drums. Hats off, the flag is passing by.

I am glad my father taught me those words. I do hope that parents, in increasing numbers, in the family circle, which seems to have lost some of its values and strength, that children, along with those who are older, think in terms that it is right to talk about the principles of this Republic.

A few years ago with a group of my colleagues I studied hydroelectric power in the country of Norway. It was in nowise a junket, although that word is understandably used. We were having certain studies made at that time and we felt that we could spend 1½ or 2 days in Norway because of certain types of development, unique, which were taking place in that country. We were in rural sections, in mountains, valleys, a vast country. I saw these flagpoles, I will say to Senator GOLDWATER, in front of almost every house. They were attractively painted in varying colors.

I will say to Senator PACKWOOD, I asked one of the Norwegians, "I see your Norwegian flag today, what day are you celebrating?"

He said, "We have the Norwegian flag flying every day, not just on a certain day. It flies in front of our homes in the countryside."

That is not an overexpression of the unity or understanding of a people in Norway. It is a recognition there, as it can be in so many sections of the world, that whatever the flag may be, let it be a moving part of that country and its history.

The story of the beginning of our national flag parallels the story of the beginning of our country. We received our birthright from the peoples of many lands who came to the New World to found a new nation. So, too, did the pattern of the Stars and Stripes we know today draw its design from the march of history.

We know that the star is a symbol of the heavens and the divine goal of man since the beginning of civilization. The stripe is symbolic of the days of light from the sun. Both themes have been represented on the standards of nations throughout world history.

The first flags adopted by our colonial forefathers were symbolic of their struggles with the wildness of a new land. The banners of the British colony carried emblems such as beavers, pine trees, rattlesnakes, anchors, and other such insignia. Their mottoes proclaimed "Hope" and "Liberty" and "Appeal to Heaven." The independence spirit was emblazoned on the colonial flag with the words, "Don't Tread on Me."

Shortly before the American Revolution, the Grand Union flag appeared. It is sometimes referred to as the "Congress Colors." It was the first flag of the colonists to have any resemblance to the present Stars and Stripes.

In January 1776, the Grand Union flag became the standard of the Continental Army. Some people still believe that Betsy Ross made the first flag. Historians say a more probable story is that the first Stars and Stripes flew above Fort Schuyler in August of 1777. It was made from a white shirt, with blue cloth taken from a captain's cloak, and the red stripes came from the petticoat of a soldier's wife, who gladly donated it for that purpose.

On June 14, 1777—203 years ago today—the Continental Congress approved a resolution establishing the Stars and Stripes as the national standard. General Washington, when the Star Spangled Banner was first flown by the Continental Army, is said to have described it in these words:

We take the stars from the heaven, the red from our mother country, separating it by white stripes—thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty.

The Continental Congress did not specify the arrangement of the stars, only that there should be 13, representing each of the Colonies. In 1794, Kentucky and Vermont were formally admitted to the Union, creating a 15-star flag. Realizing that adding a new stripe for each new State would soon become unwieldy, the Congress decided that the 13 stripes would remain unchanged.

As you know, West Virginia became the 35th star in the American flag when it joined the Union in 1863. In this century, a 48-star flag was created with the admission of Arizona and New Mexico in 1912. Alaska added a 49th star in 1959, and Hawaii became the 50th star in 1960.

Mr. President, the American flag. Long may it wave over the land of the free and the home of the brave.

EXHIBIT 1

CONGRESSIONAL PAGES HOLD MEETING ON FLAG DAY—SENATORS AND REPRESENTATIVES SPEAK

Mr. RANDOLPH. Mr. President, today the helpful pages who serve the Members of Congress met in the House of Representatives Chamber with their teachers, parents and families prior to the annual commencement program for graduating seniors from the Capitol Page School this evening. This page program held a special significance, I feel, because June 14 is Flag Day throughout the United States.

David Hartman, on today's "Good Morning America" program of ABC, appropriately recognized Flag Day.

In my remarks, the shortest of President Abraham Lincoln's speeches was quoted in full. His words, at the flag-raising ceremony at the U.S. Treasury Building, are as follows:

"The part assigned to me is to raise the flag, which, if there be no fault in the machinery, I will do, and when up, it will be for the people to keep it up."

I further said:

"Our flag symbolizes the human spirit. The noted author, Henry Ward Beecher, wrote: 'A thoughtful mind, when it sees a nation's flag, sees not the flag, but the nation itself. And, whatever may be its symbols, its insignia, he reads chiefly in the flag, the government, the principles, the truths, the history that belongs to the nation that sets it forth.'"

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"We take the stars from the heavens, the red from our mother country, separating it by white stripes—thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty."

On the eve of the First World War, President Woodrow Wilson spoke at a Flag Day ceremony in words which I feel describe our thoughts on this day. He said:

"This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and our purpose as a nation. It has no other character than that which we give it from generation to generation. The choices are ours."

Thoughtful and inspiring talks were presented to the approximately 200 persons in attendance, by Strom Thurmond, the President pro tempore of the Senate; Senator Orrin Hatch of Utah; Representative Jim Wright, majority leader of the House; Representative Morris Udall of Arizona and William Whitehurst, Representative from Virginia.

Andy Glick, a House page and William Norton, of the Democrat cloakroom staff, introduced the speakers.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business.

MARCY PROPOSES COMPREHENSIVE UNILATERAL NUCLEAR TEST BAN

Mr. PROXMIRE. Mr. President, many of us in the Senate remember Carl Marcy as the staff director of the Senate Foreign Relations Committee for many years. He is a wise, thoughtful, thoroughly knowledgeable man on foreign policy issues. On last Wednesday, June 8, the Christian Science Monitor carried an article by Carl Marcy proposing that this country put the Soviet Union to the ultimate test in the nuclear arms race by challenging them to stop any further testing of

nuclear weapons. If the Soviet Union agreed to abide by the ban on all nuclear weapons tests, we would have taken by far the most significant step toward stopping the nuclear arms race. Marcy cites experts who wrote in October 1982:

The technical capabilities needed to police a comprehensive test ban down to explosions of very small size unquestionably exist; the issues to be resolved are political.

Marcy lists advantages of the United States taking the inititative to stop nuclear testing:

First. It would not endanger the security of the United States. If the Soviets were to reject the moratorium tests, the United States would renew its testing.

Second. It would virtually mandate reciprocal action.

Third. It would, if ignored, expose the mendacity of the other side.

Fourth. It would, if accepted by both parties, reduce the danger of nuclear war by preventing the testing of new and old weapons.

Mr. President, without testing, the nuclear arms race would lose most of its drive and force. Both sides could of course continue to produce the same old weapons. We could both deploy those weapons. But we would have won a stability on which we could build effective arms control. Consider, for example, that the virtual certainty of both sides developing and then testing and, having tested, producing the new satellite killers. Consider how the development of these new weapons—that depend crucially on testing—could end any real prospects for effective arms control. And consider how other developments in nuclear technology can and surely will destabilize the strategic balance and bring us closer to the beginning of the last world war. And consider how all of this terribly dangerous advance hinges on testing.

Mr. Marcy has made a suggestion of the greatest importance. I hope all Members of the Congress will consider it carefully.

Mr. President, I ask unanimous consent that the article to which I have referred by Carl Marcy from the June 8 issue of the Christian Science Monitor be printed in the RECORD.

There being no objection, the article was order to be printed in the RECORD, as follows:

STOP TESTING—AND REDUCE THE DANGER OF NUCLEAR WAR

(By Carl Marcy)

The ideal nuclear arms control initiative would be one which either the United States or the Soviet Union could put forth without endangering the security of either nation; which would be simple enough not to involve extensive wrangling among the experts; which would be concrete, verifiable, and recognized worldwide as sincere; which would virtually mandate reciprocal action; and which, if accepted by both nations, would be a clear step toward reducing the danger of nuclear war.

President Reagan or General Secretary Andropov—even the US Congress—could grasp such an initiative by stating without equivocation that beginning at a time certain—say Sept. 1, 1983—all underground tests of nuclear weapons would be suspended for a fixed period of time or until the other party renewed tests. If the other party failed to reciprocate, underground tests would be resumed. Congress could compel the administration to take such an initiative by prohibiting the expenditure of funds for underground tests for as long as the other party observed such a moratorium.

At the present time there are no restraints on new weapons developments; technology is outpacing politics. There is no reciprocal trust on which to build restraints. The growing concern that arms control negotiations in the present format will not be productive has spawned proposals in the dozens—most of which involve further time-consuming refinements and negotiations.

Why not a mutual moratorium on all tests of nuclear weapons—a moratorium which it is to be hoped might continue until the madness of the present race has been met by agreement for deep cuts in existing weaponry?

There is precedent for such a moratorium. In March 1958 the Soviet Union announced that it was discontinuing all tests of nuclear weapons. It appealed to other nuclear powers to take similar action, adding, however, that the Soviet Union would "naturally be free" to resume testing if others did not stop. President Eisenhower rejected the proposal. Some tests, he said, could be conducted "under conditions of secrecy." The Soviets thereupon resumed testing which continued until November 1958. By then, however, test ban negotiations were underway and on the initiative of President Eisenhower the negotiating powers refrained from testing nuclear weapons for three years. This "mutual voluntary moratorium" ended in September 1961 when the Soviets, after noting the French had renewed tests, resumed testing, followed two weeks later by the U.S.

But the example had been set. British Prime Minister Harold Macmillan and President Kennedy pressed negotiations with Soviet Premier Nikita Khrushchev, and in August of 1963 the U.S. and the U.S.S.R. signed the treaty which bans nuclear tests in the atmosphere, outer space, and under water.

Testing was driven underground. After a flurry of tests, they have now leveled off to about 50 per year equally divided between the U.S. and the U.S.S.R. (France conducts about 10 such tests each year.) The Threshold Test Ban Treaty signed in 1974, observed but unratified, limits the size of underground tests to 150 kilotons.

President Reagan's fear, however, that the Soviets might cheat on the size of tests and that a ban on all tests could not be verified has put both ratification of the treaty and negotiations for a complete ban on tests in limbo. According to eminent seismologists, however, there is no basis for fear that tests of militarily significant weapons cannot be detected. Write Lynn R. Sykes and Jack F. Everden in Scientific American (October 1982): "The technical capabilities needed to police a comprehensive test ban down to explosions of very small size unquestionably exist; the issues to be resolved are political."

Whether the issues involved are technical (vertification, counting warheads, etc.) or political, arms control negotiations are at an impasse. In the words of former Secretary of State Henry Kissinger: ". . . sometimes an impasse can be broken only by a daring departure; surely the nitpicking SALT negotiations offer little hope for the traditional approach." Mr. Kissinger, following an earlier proposal by Congressman Albert Gore Jr. (D) of Tennessee, then offered his "daring departure"—a call for the U.S. to move toward single-warhead missiles; he hoped this would be in agreement with the Soviets, but if not then he proposes that the U.S. unilaterally proceed to build single-warhead missiles in sufficient quantity to match the total warheads emplaced on soviet missiles.

For the U.S. to suspend all underground tests for a period of time and to continue such suspension if the Soviet Union follows suit is not as daring or as expensive a departure from the traditional approach as the Gore-Kissinger call for restructuring our nuclear deterrent by building single-warhead missiles. Consider the advantages, however, of the U.S. initiating a limited unilateral moratorium on underground tests which:

Would not endanger the security of the U.S. If the Soviets were to reject the moratorium by continuing tests, the U.S. would renew its testing.

Would virtually mandate reciprocal action.

Would, if ignored, expose the mendacity of the other side.

Would, if accepted by both parties, reduce the danger of nuclear war by preventing the testing of new and old weapons.

Finally, to end on a political note, if President Reagan were to grasp the initiative and propose a moratorium on testing it would provide at least a partial answer to those Americans who doubt the sincerity of his commitment to stopping the nuclear arms race. If General Secretary Andropov were to propose a moratorium on testing, how would the U.S. respond?

REMEMBERING THE ARMENIAN GENOCIDE

Mr. PROXMIRE. Mr. President, in 1948 the United Nations, responding to the horror of the Holocaust, unanimously ratified a formal treaty declaring genocide an international crime. In June 1949 President Truman submitted the Genocide Convention to the Senate for its advice and consent. As my colleagues are well aware for the past 16 years I have given a daily speech on this body's unwillingness to ratify the Convention.

I deliver these daily speeches in part to remind my colleagues of the gross violations of human rights in the 20th century, but I was reminded recently by a Richard Cohen article in the Washington Post that memories, no matter how terrible, tend to fade.

Cohen describes an encounter he had with the Turkish Ambassador during which the Ambassador made a painstaking effort to refute the Ottoman Empire's genocidal persecution of the Armenians during World War I. The Ambassador admitted the Empire

banished the Armenian population to Syria, but he persisted in characterizing the 1.5 million Armenian deaths as the natural outcome of a civil war within the Empire. He dismissed all eyewitness accounts of the Armenian genocide as lies fomented by Turkey's foes.

Unfortunately the Ambassador's line of reasoning is consistent with the Turkish Government's concerted attempt to rewrite history.

The Armenian genocide, the first genuine case of genocide in the 20th century, threatens to become a forgotten incident. Official U.S. recognition of the Armenian genocide is now clouded by an unfortunate statement that appeared in the State Department Bulletin August 1982.

> Because the historical record of the 1915 events in Asia minor is ambiguous, the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people.

Mr. President, I was privileged to participate in an April 27 Senate colloquy commemorating Armenian Martyrs' Day. I joined my colleagues in voicing my outrage at this denial of decades of U.S. policy toward the Armenian massacre.

Beginning with Senate Resolution 359 of May 13, 1920, which recognized the atrocities committed against the Armenian people, the United States has repeatedly condemned the genocide perpetrated in 1915.

A crime against humanity of this magnitude must be remembered. As my friend and colleague CARL LEVIN points out:

> If the Armenians of 1915 had been remembered, if the perpetrators of their genocide were punished by a world tribunal, and if international laws were enacted preventing the heinous crime of genocide, 6 million Jews might not have perished at the hands of the Nazis.

While the Genocide Convention has lain dormant in the Senate millions more have died, victims of genocide. Senate ratification of the Convention would be an important step in preventing future cases of genocide.

I urge my colleagues to give this treaty favorable consideration, thus putting the United States on record in the convention of mass murder.

THE DOCTRINES SYMBOLIZED BY OUR MAJESTIC FLAG

Mr. WARNER. Mr. President, I rise today, the 67th national celebration of Flag Day, seeking unanimous consent to include in the RECORD two items which further emphasize the spirit upon which our great Nation was founded and which reflect the underlying character of America's people in supporting the doctrines symbolized by our majestic flag.

The first item, Mr. President, was inspired by one of the most courageous and humble Americans I have ever been privileged to know—Ambassador Bruce Laingen. His remarks at a ceremony in Arlington National Cemetery on April 25, 1983, dedicating a memorial plaque to those who gave their lives in the Iran rescue mission, epitomize the principles for which our servicemen and women are willing to pay the ultimate sacrifice.

I introduced the legislation in the Senate which authorized this plaque, and while neither Ambassador Laingen, nor any member of the Active Military Forces asked that these remarks be included in the RECORD, his comments are so inspiring that I felt compelled to share them with my colleagues.

Second, Mr. President, I submit for inclusion in the RECORD, a letter I wrote to the President of the United States, urging him to broaden the criteria under which the Purple Heart may be awarded to members of our armed services.

Originally conceived by Gen. George Washington over 200 years ago as an award for those serving with distinction in the War of the Revolution, it has more recently been awarded to those killed or wounded in combat and other specified circumstances.

Today, however, members of the Armed Forces find themselves necessarily exposed to violence and injury in foreign lands acting in the line of duty under Presidential orders. To recognize the service and sacrifice made by these protectors of our freedom, I am recommending to the President that he update the authorization for the award of the Purple Heart to accommodate the circumstances presented by contemporary conditions that we are experiencing today.

Mr. President, in the brief time remaining, I will read the letter that I have written to the President.

DEAR MR. PRESIDENT: Award of the Purple Heart to members of our military is an honor that stems from the earliest days of our nation. Coincidentally, this is the bicentennial period for this decoration which General George Washington authorized for those serving with distinction during the Revolutionary War on August 7, 1782. In 1932, the medal was selected to serve as recognition for those who received wounds under combat and other specified circumstances.

The Purple Heart is awarded under the auspices of a Presidential Executive Order. Executive Order 11016 signed by President John F. Kennedy on April 25, 1962, is the most recent document revising the criteria for making the award. In view of the changing circumstances under which men and women of our armed forces must serve in the cause of freedom and peace, I submit it is timely to again consider updated revision to the Executive Order covering the Purple Heart.

The existing guidance for the Purple Heart was formulated when there was far less terrorist threat and unconventional activity focused toward our military. It is questionable whether the language of the present Executive Order, although broad, was intended to cover the present day risks being assumed. Today, members of the Armed Forces find themselves increasingly exposed to violence and injury in foreign lands acting in the line of duty, under Presidential Orders. In 1982 and 1983 a total of six service members were killed and five were injured as a result of such actions.

I therefore strongly urge you to update the Executive Order providing authorization for the award of the Purple Heart to accommodate the circumstances presented by contemporary conditions. I believe that this is entirely fitting and proper and in keeping with the highest traditions of the award.

With warm personal wishes,

Sincerely,

JOHN W. WARNER.

Mr. President, I ask unanimous consent that Ambassador Bruce Laingen's remarks that I have referred to be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY AMBASSADOR BRUCE LAINGEN AT CEREMONY IN ARLINGTON NATIONAL CEMETERY

Mr. Secretary, Members of Congress, distinguished guests, families of those we honor, colleagues from the Tehran hostage group:

Three years ago those whose memory we honor today were members of a small band of valorous men, embarked on a mission of almost incredible complexity. Men persuaded by hope and filled with the exuberance of youth, bright eyed in a spirit of adventure and daring, confident and committed in teamwork.

But more than that—they were also men joined together because they cared; because they cared about something much larger than themselves. Because they cared about freedom; because they cared with special fervor about the freedom and welfare of 53 of their countrymen; and because they cared about the dignity of the human spirit.

Renewing in this way their commitment to those very fundamentals of individual freedom that have always been at the core of the American experience; reminding us of the commitment of all who respond to the call of public service. Reminiscent of an expression from Thomas Paine that those who expect to reap the blessings of freedom must undergo the fatigue of supporting it. Reminiscent also of a maxim attributed to another American patriot, Andrew Jackson, that one man with courage makes a majority. Courage was not in short supply at Desert One. The men on that mission three years ago made courage contagious.

This is not the time or place to make a judgment of the technical or political wisdom of what those men were asked to do, and of the resouces made available to them. Their mission has been termed a failure. And it did fail, in the sense that none of those men reached their goal. And it was a terrible tragedy in the loss of these eight men.

But it was not a failure in other respects: in what was learned, and in the demonstrated readiness of that group of men to try, and to try against almost impossible odds. Nor was it a failure in the way they reaffirmed in that way America's espousal of freedom and in the example they set for all of us of personal courage and sacrifice.

Today we come to this place, so symbolic of sacrifice in our nation's history, to dedicate a simple plaque to their memory, and to their heroism; yes, and also to commemorate the courage and spirit of all who went on that mission, and the love of families that gave them the strength to try.

A plaque that can do little to ease the pain of the families of those who did not return. A plaque inevitably inadequate in terms of what we owe them. But let this plaque, this monument, be seen as something more as well; let this plaque—and its dedication today—be also a reminder of the sacrifice of those many unsung heroes in a far larger sense. All those in public service who give of themselves and, not infrequently, their very lives in responding to the call of duty; all those who lives are lost in the daily task of training and exercises in maintaining our military deterrent in times of peace, at sea and on land (including those who died in the Indian Ocean while we were held in Iran), but whose loss sees so little public notice.

Yes, those too who man and who seek to protect our Embassies abroad in so many areas of risk—all of us reminded this past week by the tragedy of Beirut of what too often we take for granted in such service and where examples of heroism too often go unnoticed. Unsung, all of them, but heroes too, just as much as those we honor here today.

So let this memorial be a continuing memorial, one that is alive in our minds and preserved in our hearts, to all who even today risk their lives, their homes, their sacred honor in the defense of those ideals that have made us proud to be called Americans.

And now to you, eight brave countrymen, who tried to reach out to us; from 53 fellow Americans who did not and now can never know you, but whose freedom when it finally came was brighter because of what you tried to do and what your memory means to us; over the distance of that great unknown that in death divides you from us, but within the faith that unites us all; we salute you, we reach out to you in a spirit of undying respect, we will not forget.

I now ask Secretary Weinberger to join me in unveiling the memorial plaque.

Mr. GOLDWATER. Will the Senator yield?

Mr. WARNER. I yield.

Mr. GOLDWATER. I am very happy to hear the Senator read the letter just referred to. I think in any consideration of changing the rules concerning the award of the Purple Heart we have to consider a redefinition of combat. I recall a few years ago asking the Chairman of the Joint Chiefs of Staff if he would assist me in writing legislation that would prevent women from engaging in combat, although we have a Federal law and Federal regulations against their participating now. He said:

Well, you have to really define combat. While I was commander in Vietnam, I awarded over 200 Purple Hearts to women who were nurses, who were wounded, although not in actual combat but received wounds in areas adjacent to combat areas.

I am also aware today that women are flying transport craft across the Atlantic. One young woman who is the daughter of a general friend of mine is the first pilot on a C-141. I had two women copilots in my old tanker outfit in Arizona. What happens to them if they are on a mission and are wounded? I think that should be considered.

I ask that I be made a cosponsor.

Mr. WARNER. I am very happy that the Senator has asked to be included in this. Indeed, the Nation is the beneficiary of his many years of experience in this area.

IN MEMORY OF MILTON R. YOUNG—COLLEAGUE AND FRIEND

Mr. RANDOLPH. Mr. President, the wonder of America is in its diversity, which inspires individuals to explore and expand their interest to encompass many segments of our society. One shining example is the career of former Senator Milton R. Young, who died at his home at Sun City, Ariz., last week. He was 85.

Milton Young, until he retired from the Senate in 1981, was one of the dedicated, effective legislators who worked tirelessly for his constituency. Yet his vision and his goal in life provided benefits throughout the world.

As the Washington Post described him, he was "A tall, laconic man with a leathery face, he was a picture of dignity. He was quiet and even at the peak of his power on his committees was more a listener than talker."

He was a man of the soil and a man for the people.

Born near Berlin, N. Dak., he was reared on his family's farm. After attending college, he returned to become a grain farmer and landowner. He won his first race in 1924 when he was elected to the school board. He was elected to the North Dakota House in 1932 and to the State senate 2 years later. He was the senate's president pro tem in 1941 and the floor leader in 1943.

In 1945, he was appointed to the U.S. Senate and served with dignity and distinction in that body for 36 years. On his retirement, he held the record for longest continuous service by any Republican Senator and had held elective office continuously for 47 years.

Mr. President, it was my privilege to be a friend and colleague of Milton Young for many of those years. I extend sincere condolences to his wife, Patricia, and to his three children.

BALTIC FREEDOM DAY

Mr. PERCY. Mr. President, it is fitting that the anniversary of Baltic Freedom Day falls on June 14, our own Flag Day. For the brave peoples of Lithuania, Latvia, and Estonia aspire to the same personal, religious, and political freedoms embodied in our flag, the symbol of our American national heritage.

This June 14 is the sad 43d anniversary of the brutal Soviet occupation of the sovereign and independent Baltic nations, nations with whom the United States has maintained official relations for over 60 years. In June 1940 the U.S.S.R. seized these nations forcibly, incorporated them into the Soviet Union, deported many thousands of their citizens to Soviet concentration camps, and embarked upon a policy of repression and Russification that continues to this day.

Nevertheless, the national heritage and free spirit of Lithuania, Latvia, and Estonia have endured, and are very much alive to inspire us today. Inside the Baltic countries men and women have given their lives in speaking out for their free national identities. Many are even now in Soviet prisons for their courageous persistence in the cause of self-determination. Outside the Baltic States, including in our own country, Lithuanians, Latvians, and Estonians work tirelessly for the eventual return of freedom to their homelands.

Thus, today, the rest of us in America join with them in admiration for their perseverance in a just cause. We declare our solidarity with all who continue to devote their efforts to the legitimate aspirations of the Baltic peoples.

TRIBUTE TO MILT YOUNG

Mr. SIMPSON. Mr. President, I very much want to add my comments to those words of tribute by my colleagues in recent days as we share our feelings on the life of Milton Young.

Milt Young was a quiet and genial man—and one who left a tremendous impact on the U.S. Senate. When I joined the Senate in 1978, I swiftly learned that the man who knew every nook and cranny of the Senate and its procedures was also the man who was most noted for his warm and gentle demeanor. I found that Milton Young was unassuming but wise, conciliatory but strong, kind but determined and always dedicated to the people he served.

He served in the Senate with my father, Milward Simpson, and they quickly cemented a bond of friendship, a bond that was never broken.

Milt Young was a gentleman in every respect. He was a man of extraordinary grace—one who was always willing to take time with a new Member of the Senate, to show them the ropes. More than one Member of the Senate was most grateful for that courtesy. I, for one, have not forgotten—and will never forget—the kindness and attention he afforded me.

Milt was rightly known for his dedication to the agriculture industry. His wisdom, leadership, counsel, dedication, service, and deeds on behalf of

the family farm—and all agriculture—are appreciated by the Nation. The people of North Dakota rewarded Milt, sending him back to the Senate again and again, until he earned the title of "longest serving Republican Senator." No small feat—and a marvelous political tribute.

I know a sense of personal loss in learning of his death. For my life is richer for having shared a portion of it with Milt Young. He was a remarkable man and he leaves a great void in the hearts of us here. He was much more than a friend to his constituents—and a champion of agriculture—for he was, in so many ways, a true friend of us all.

My wife, Ann, joins with me in conveying our deepest love, sympathy, earnest prayers, and affectionate warm wishes to Pat. May God bless her at this trying time.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CABLE TELECOMMUNICATIONS ACT OF 1983

The PRESIDING OFFICER. The clerk will state the pending business.

The assistant legislative clerk read as follows:

A bill (S. 66) to amend the Communications Act of 1934.

The Senate resumed consideration of the bill.

ABDNOR AMENDMENTS 1378 AND 1379

Mr. PACKWOOD. Mr. President, in 15 minutes, we shall vote on the first of two amendments by Senator ABDNOR. I encourage the Senate to vote for the first amendment. It is a policy statement which I hope we shall soon be undertaking.

The second amendment, Mr. President, I regard as pernicious. Frankly, it does much more than the Senator from South Dakota intends. Very quickly, let me run through the situation as it exists now in terms of local telephone service and long distance.

Today, by and large, long distance phone rates subsidize rural and residential phone rates by 35 and 50 percent. Local data transmission—not voice, but local data transmission—is so insignificant as not to be a subsidy at all. If any of you think that if the telephone companies get all of the data transmission that cable now gets, or could possibly get in the foreseeable future, if anybody thinks that will reduce telephone rates, you are fooling yourselves and I think fooling your constituents.

For example, let us take the telephone company that serves South Dakota—Northwest Bell. Its total local revenues are $96 million; the total interstate long distance revenues—and I am not including intrastate—interstate, $770 million. That is quite a subsidy. Part of it, of course, is the cost of the calls, but a great portion of it is the subsidy. How much local data transmission does this entire company do? Point 9 percent—roughly $8 million. Out of $968 million in local telephone charges, $8 million is not much of a subsidy.

The argument is made that local telephone rates are going up and there is $4 billion in increases this year from all of the telephone companies requested of the various State public utility commissions. How much are cable revenues this year? About $4.6 billion. This is all of cable revenues. How much of that cable revenue is data transmission? Less than 0.003 percent—less than $3 million—is data transmission. So I hope we can put to rest the argument that if we adopt an amendment that says the telephone companies can have all of cable's data transmission, it is going to make any difference in local rates. It is not.

Now, Mr. President, why are we being given the impression this is going to make a difference? I think I understand why. First, you have to understand the relationship between AT&T and its affiliates. It is in limbo. Under Judge Greene's order modifying the AT&T/Justice Department consent decree, AT&T is to be split apart, and the local operating companies are no longer going to have any relation at all to AT&T. As long as AT&T owns the local companies, AT&T does not really care whether or not long-distance revenues are used to subsidize the local rates. It is all part of the same pot. But with the divestiture that is coming, it will no longer be in AT&T's interest to subsidize local phone rates. It is going to be out of it. So it wants others to subsidize the local phone companies.

It is understandable. If I were lobbying for AT&T, that is the position I would take. But you cannot say, if you are AT&T, "We want others to subsidize what we used to subsidize." So AT&T has to give the impression that the local phone rates are going up for reasons other than the elimination of the subsidy.

They blame divestiture. Divestiture has not even taken place yet, does not take place until next January. So, so far, no one blames any increase in local telephone rates on divestiture.

I thought that TIM WIRTH, the chairman of the Subcommittee on Communications in the House, had an interesting comment yesterday. He was quoted in an article in today's Washington Post as follows:

Rep. Timothy E. Wirth (D-Colo.) told the National Cable Television Association's annual convention here that AT&T's opposition to a Senate cable deregulation bill now under consideration is designed to "deflect criticism of its own campaign of sharply raising rates by blaming someone else—in this case cable."

AT&T is opposing the Senate cable bill because it claims that the deregulation of data services offered by cable systems in competition with AT&T will deprive local phone companies of revenue they need to maintain low local rates.

Wirth argued here that cable does not have that kind of market power, and in fact that its services are competitive with AT&T services that represent only 2 percent of phone companies' revenues.

So you cannot blame it on data transmission or divestiture.

Let us take Judge Greene's interesting statement the other day. I am quoting from the Washington Post. This is the judge in the divestiture case.

The Federal judge supervising the massive reorganization of the American Telephone and Telegraph Company, sharply criticized the Federal Communications Commission, saying it was "taking advantage of the divestiture" with policies that will boost the cost of local telephone service.

U.S. District Judge Harold Greene said yesterday that a December FCC ruling requiring consumers to pay an additional "access fee" for long distance calls "jeopardizes the plan of reorganization." He added, "It is not at odds with the divestiture agreement."

I shall tell you exactly what happened. The Federal Communications Commission started a number of years ago to shift the burden of paying for local telephone rates from long distance to local. That is the FCC. It is at odds with Judge Greene's intent in the divestiture case, but everyone is looking around to find someone else to blame. As Judge Greene clearly indicates, the FCC is partly responsible for the change in philosophy. In fact, that is the biggest reason that local rates are going up. You can talk about inflation, you can talk about depreciation. Basically, it is going up because the FCC has changed its policy.

Let us forget all of that, however, and get to the Abdnor amendment. I want to emphasize again that whether or not the local telephone companies get every penny of revenue from the cable companies offering of data transmission, it would not amount to a whit in terms of subsidy of local telephone service.

Now, the Abdnor amendment:

"Basic telephone service" means telecommunications service that would be subject to regulation by the Commission or any State if offered by the common carrier.

Translated, telecommunications service means anything the telephone companies could offer even if they do not.

In the bill, telecommunications is defined as the transmission of information by electromagnetic means, with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and service (including the collection, storage forwarding, switching, and deliv-

ery of such information) essential to such transmission.

I shall not go on with the definition, but the bill defines telecommunication service as anything, whether they use wires or use the air, anything of what we call basic communication service which is basic, or cable service, which is one-way program, Home Box Office, C-Span, things of that nature.

Everything else in the bill that is telecommunications service is included, and the Abdnor amendment adopts that definition. I asked the Senator as follows:

Will the Senator from South Dakota on my time yield for a question?

Mr. ABDNOR. Yes.

Mr. PACKWOOD. I want to make sure that the Senator's use of the term "telecommunication service" means the same as it did in his previous amendment.

Mr. ABDNOR. Your bill's definition is adequate for me.

Now, I understand this amendment was not per se drafted by the Senator from South Dakota. We have seen this amendment before. It is AT&T's amendment. It drafted it, and I know what it is after. What it wants is anything that will shift from them to you or me, or anybody else, the cost of subsidizing local phone service.

I will say again, the Abdnor amendment makes subject to State regulation any service that a local phone company could provide whether or not it is providing it. It makes it subject to regulation, preemptive regulation and prohibits the local government from ever deregulating it. It is federally preemptive.

Now, what kind of services can a phone company offer? Electronic banking, electronic shopping, burglar and fire alarm services, videotext and teletext, data processing, data storage, computer games, information services like Dial-a-Prayer, weather, time, energy management and load control, traffic light control, reservation services, point-of-sale ticketing, like Ticketron, the electronic yellow pages and electronic newspapers. All of these services, and more, can be offered by the local phone company.

What the Abdnor amendment says is that if cable offers any of these, whether or not the local phone company offers it, it shall be subject to regulation. I understand why. AT&T wants every conceivable, possible revenue that can be raised at the local level from any service by cable to be used to offset local telephone rates so that it is not apparent to the public that they are gradually shifting out from the subsidy.

Ladies and gentleman, my fellow Senators, if I were AT&T, I would do the same thing.

Let me give you just one example of what is going to happen:

CBS and American Telephone and Telegraph—

And I am quoting from their press statement—

Announce a new video text home information service that combines the power of the computer with television and telephone. Videotext is a new communication medium that uses the telephone network. It will offer a number of unique services including continuously updated international, national, and local news, information, weather, and sports, advertising created for more than 80 advertisers by 16 major agencies, home shopping services, home banking service, and a variety of personal services.

That is in effect now between CBS and AT&T in a variety of areas around this country. If cable offers any of those services anyplace else, it will be subject to regulation.

I do not know if that is what the Senator from South Dakota intended, but as the courts look at the law they are not concerned with what we intend if the law is specific. Indeed, the bill is very specific because it was drafted to be specific. Any source of money that they can get to subsidize local phone service from any place will go toward reducing the subsidy that AT&T has had to subsidize in the past.

Now, then, what is going to happen? Senator GOLDWATER and I—and I hope a number of other Senators—will be introducing a bill that will continue the subsidy that has existed in the past. We will modify the policy that the Federal Communications Commission is following to continue a policy that, for years, has provided adequate telephone service in rural and residential areas.

I hope that the Senator from South Dakota, I hope that all others would join us on that legislation. But I hope that no one in this Senate is at the moment thinking of putting the Federal Government into the regulation of burglar alarms and fire alarms and smoke alarms and electronic banking services and yellow pages and teletext and videotext. In the case of the teletext and videotext—such regulation comes very close to treading on the first amendment.

That is what the amendment of the Senator from South Dakota will do. It is dangerous. It has never had any hearings. There is no limit, I think, to what can be sent through a telephone wire, and consequently if cable gets into it—and I emphasize again, even if the phone company is not in it—will be subject to regulation.

My fellow Senators, I hope that everyone understands there is a difference in philosophy between the Abdnor amendment and the Commerce Committee's bills. The Abdnor amendment says that if cable gets into anything, it shall be regulated, and especially if it gets into something that the phone company is now providing.

The philosophy of the Commerce Committee is exactly the opposite. We say that if cable gets in and there is effective competition with the phone company, and the phone company is currently regulated, then the phone company and the cable company will be deregulated under a provision calling for an effective competition analysis.

So the question is really whether you favor regulation or deregulation; whether you favor competition or monopoly. The Abdnor amendment favors monopoly. The Commerce Committee favors competition. Both are level playing fields. The decision to be reached is whether you want to play on the field of competition or whether you want to play on the field of regulation.

I yield the floor.

Mr. BAKER and Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, it is 10:15 a.m., and under the order entered we are scheduled to vote on the first of two amendments; is that correct?

The PRESIDING OFFICER. First of three amendments.

Mr. BAKER. First of three amendments. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BAKER. Very well.

Mr. ABDNOR. Will the majority leader yield?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. No, Mr. President.

The PRESIDING OFFICER. There is no time for debate.

Mr. EXON. Mr. President, point of order.

The PRESIDING OFFICER. The Senator from Nebraska will state the point of order.

Mr. EXON. Has the time expired without the proponents of the amendment having time to debate this morning?

The PRESIDING OFFICER. The agreement was to begin voting at 10:15 a.m. for the three amendments, and the time to vote is now before us.

Mr. EXON. I ask unanimous consent, in view of the fact that the proponents of the amendment have been shut out on time, that at least 5 minutes, no more than 5 minutes be granted to this Senator and all others similarly situated, in a manner of fairness.

The PRESIDING OFFICER. Is there objection?

Mr. PACKWOOD. I object.

The PRESIDING OFFICER. Objection is heard.

(Following is the colloquy Senator ABDNOR and Senator EXON intended to enter into at this point, in explanation of amendment No. 1378:)

Mr. EXON. Mr. President, I share the concern of the Senator from

South Dakota (Mr. ABDNOR) for maintaining universal telephone service at affordable rates. I would like to emphasize that I support deregulation of cable television services as I understand that term. The Senator's amendments appear to address both of my concerns, but I should like to ask a few clarifying questions. With respect to the first amendment, would support for universal telephone service be required from cable operators providing traditional CATV services?

Mr. ABDNOR. The Senator's question goes to the very issue that amendment addresses. Let me first define what I mean by traditional cable services and what I mean by telecommunications service.

With respect to traditional cable television services, it would include original programing such as is now provided over traditional cable service channels.

In S. 66, these are not considered as telecommunications services, and would not be subject to the obligation to support universal service. These services, under our amendment, would be fully deregulated as provided in other sections of the bill.

With respect to telecommunications services and facilities used to provide telecommunications, those now subject to regulation would continue to be regulated—whether provided by a telephone company, a cable operator or other provider of services; and, whether they are local or long distance services. Those not now subject to regulation would remain unregulated. The status quo is maintained. Those telecommunications services which would be subject to access charges to support universal service would continue to provide support—even when provided by a cable system.

Our amendment would limit deregulation of services provided by a cable system to traditional cable television services and continue regulatory jurisdiction over telecommunications services and all facilities used to provide all or part of a telecommunications message.

It also clarifies the definition of basic telephone service in S. 66 to include all services presently regulated by the States and the FCC—both interexchange (long distance) and intraexchange (local) services and facilities. My amendment would not prohibit deregulation of those types of telecommunications services by either State commissions or the FCC. But, regardless of whether those services are offered under contract or tariff, and whether offered generally to the public or under special or individual specifications or agreement, deregulation would occur on an equal basis for all providers.

Mr. EXON. Would the Senator's amendment subject cable systems to any new regulation or prevent deregulation of any services in the future?

Mr. ABDNOR. My amendments would not create or expand any regulatory jurisdiction at any level of government. The only effect of our amendment, which modifies the definition of "basic telephone service," would be to insure that services which are subject to regulation today as telephone services on the State and Federal levels would not be deregulated by S. 66. Those services already deregulated would not be affected. It does not address any other deregulatory provisions of S. 66, and creates no impediments to further deregulation of services—cable, common carrier, or otherwise—by Federal, State or local authorities under standards which provide equality and fairness in those markets where effective competition is determined by those regulatory authorities to exist.

Mr. EXON. I understand the Senator's concern for the local ratepayer, but are cable systems a significant threat to established telephone companies?

Mr. ABDNOR. I believe they are. Our amendments address the far broader issue of assuring continued universal telephone service at affordable rates.

Information furnished by the telephone industry indicates that much of their revenues are concentrated in both a small geographic area and in a small number of customers. These customers are usually large business customers in the commercial or busir.ess districts in large cities which are also the areas and customers normally served by cable systems. A deregulated cable system could cream-skim those customers. A cable system would also provide bypass of the local telephone system, which would avoid all access charges on long distance services; and therefore, contributions to the universal service fund to support local rates would be lost. The very mechanism set up by the FCC and joint board to assure continued availability of "universal service" would be bypassed—to the detriment of ratepayers.

That is not my opinion alone. It is shared by the National Association of Regulatory Commissions (NARUC) and some 40 individual State public service commissions who have written to me and other Senators. They believe the threat is real—so do I.

The CATV industry is not an infant industry. It has highly sophisticated "state of the art" facilities in place, it is a well financed industry, and it is positioned to quickly provide unregulated bypass telecommunications services. Cable systems are therefore not infant or insignificant competitors—they are truly the major economic alternative for a telephone company's most important source of revenue.

● Mr. LAUTENBERG. Mr. President, I have given a great deal of thought to the two amendments proposed by the junior Senator from South Dakota. They raise two related policy issues about which I am very interested. First, how do we insure, notwithstanding the advent of deregulation and competition in the field of telecommunications, that universal telephone service continues to be available. Second, how do we insure that competition is fair and effective.

Recently, I spoke at some length in this body about the challenges I believe our Nation faces as it proceeds in an information age—an age when people and business are relying more and more on information and the means to get, store it, process it, transmit, and use it. Information networks that apply new technologies are multiplying and becoming more pervasive.

Still, the most widely used, and most indispensable network is the telephone system that reaches into virtually every home and business in our Nation. With the advent of competition in telecommunications, however, universal service is threatened. Regardless of what happens here today with regard to S. 66, a bill on cable telecommunications, universal service is threatened. It is threatened because those elements of the giant American Telephone & Telegraph Co., that for years have borne the burden of subsidizing local residential telephone rates will be bearing that burden no more. As long as AT&T's long lines must face competition from the likes of MCI and Sprint, and as long as AT&T's Western Electric must face competition from other equipment manufacturers like Rolm and even General Electric, the argument goes, AT&T should not bear a cost that the others do not bear—the cost of subsidizing local telephone rates.

So, we are fast approaching a day when local service users must pay the full cost of their service. In my State, New Jersey, regulatory officials predict that as a result of regulatory and judicial decisions that have already been made, basic telephone rates may rise as much as 150 percent by early 1984. The effect could be devastating. An increase of that magnitude may force 10 or 15 percent of telephone subscribers off line, cutting them off from an essential information network.

It does not have to be that way. As I have said, in the name of fair competition, there is a trend to lift from the old AT&T the burden of subsidizing local telephone service that its competitors do not bear. But, it would be just as fair instead to make AT&T's competitors share in that burden. It is just as fair to make all the competitors share in the burden, as it is to make none of them do it.

That brings us to the first amendment proposed by the junior Senator from South Dakota. It would declare it a national policy that all telecommunications providers contribute to insuring universal telephone service. That is a policy I support. While our Nation experiments in competitive telecommunications, universal service cannot be its guinea pig. The Committee on Commerce, Science, and Transportation, on which I serve, has already stated its intention to commence hearings with the goal of producing legislation to preserve universal service. I intend to be very involved in that process.

The second amendment proposed by the Senator from South Dakota raises questions of how we insure that competition in telecommunications is fair and effective. That amendment would redefine basic telephone service in S. 66. Its effect would be to subject cable operators to the same kind and level of regulation that governs the telephone companies when it comes to providing local data transmission services. This amendment I cannot support.

I have heard two arguments made in support of this amendment. The first is that without it, cable operators will be free to invade markets served by telephone companies without the same regulatory restrictions. In other words, its simply unfair. The other argument is that if cable is free to do so, it will skim the "cream" of a telephone company's market—its high volume business customers—thereby depleting telephone company revenues and, ultimately, forcing up rates.

As to the question of fairness, I am not convinced that what is fair is always what is equal. The telephone companies reach virtually every home and business in this Nation. Cable reaches significantly fewer homes. The telephone companies maintain an overwhelming share of the market in data transmission services. In my State, cable holds no share of the market. It has not even entered the field. I think that there must be some recognition of the different starting positions of the two competitors at issue. That should be incorporated in how we approach their regulation. As modified, the bill does this. It would enable cable to get on its feet. However, once effective competition exists, cable would be subject to the same treatment as the telephone company.

The second argument in defense of the amendment is that cable must be prevented from skimming the "cream" of a telephone company's revenues. Otherwise, local telephone rates will be forced up—that is, forced up further than they already seem destined to go.

In response, I think we should examine the whole issue of so-called bypass—that is, the practice of avoiding reliance on the telephone network by the use of alternatives. Even if cable were hamstrung by regulation, that would not stop other telecommunications providers from trying to compete with the local operating company and offering a way to bypass the network if it was economical and efficient to do so.

In my own State, we see bypass occurring by the use of both private and public networks. The Port Authority of New York and New Jersey plans to construct a teleport—a satellite farm on Staten Island—that would link Jersey City and New York by a fibre optic cable. That is another form of bypass. To stop all forms of bypass would require us to turn back the clock—to reverse a clear trend toward competition in telecommunications—a trend that I hope will increase efficiency and promote innovation.

Rather than try to stop all forms of bypass, I think we should address its undesired effects. To the extent cable does secure a part of the market—a part that has contributed to the subsidy of local telephone rates—then cable should bear the burden of that subsidy. It should come with the territory. That is the principle embodied in the first amendment of the Senator from South Dakota, an amendment I support.

In sum, this Nation has embarked down the road of competition in telecommunications. Rather than try to stymie competition by some entrants, I think we should direct our energies to insure the continuation of universal service—to insure that the public enjoys the benefits of competition and is saved from its unintended effects. I am committed to doing just that.●

VOTE ON AMENDMENT NO. 1378

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1378. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Kansas (Mr. DOLE) and the Senator from Nevada (Mr. HECHT) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON) is necessarily absent.

The PRESIDING OFFICER (Mr. WILSON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—97

Abdnor	Bradley	DeConcini
Andrews	Bumpers	Denton
Armstrong	Burdick	Dixon
Baker	Byrd	Dodd
Baucus	Chafee	Domenici
Bentsen	Chiles	Durenberger
Biden	Cochran	Eagleton
Bingaman	Cohen	East
Boren	D'Amato	Exon
Boschwitz	Danforth	Ford
Garn	Laxalt	Randolph
Glenn	Leahy	Riegle
Goldwater	Levin	Roth
Gorton	Long	Rudman
Grassley	Lugar	Sarbanes
Hart	Mathias	Sasser
Hatch	Matsunaga	Simpson
Hatfield	Mattingly	Specter
Hawkins	McClure	Stafford
Heflin	Melcher	Stennis
Heinz	Metzenbaum	Stevens
Helms	Mitchell	Symms
Hollings	Moynihan	Thurmond
Huddleston	Murkowski	Tower
Humphrey	Nickles	Trible
Inouye	Nunn	Tsongas
Jackson	Packwood	Wallop
Jepsen	Pell	Warner
Johnston	Percy	Weicker
Kassebaum	Pressler	Wilson
Kasten	Proxmire	Zorinsky
Kennedy	Pryor	
Lautenberg	Quayle	

NAYS—0

NOT VOTING—3

Cranston	Dole	Hecht

So Mr. ABDNOR's amendment (No. 1378) was agreed to.

VISIT TO THE SENATE BY PARLIAMENTARIANS FROM THE COMMONWEALTH OF AUSTRALIA

Mr. BAKER. Mr. President, we are favored today with a visit from a most distinguished delegation. Our guests from the Commonwealth of Australia are as follows:

The Honorable Robert J. L. Hawke, A.C., M.P., the Prime Minister of Australia;

The Honorable Paul J. Keating, M.P., Treasurer;

His Excellency Sir Robert Cotton, K.C.M.G., Ambassador of Australia to the United States;

Sir Geoffrey Yeend, C.B.E., Secretary, Department of the Prime Minister and Cabinet;

Mr. P. G. F. Henderson, Secretary, Department of Foreign Affairs;

Mr. W. B. Pritchett, Secretary, Department of Defense;

Mr. Graham Evans, Principal Private Secretary, Prime Minister's Office; and

Mr. John Bowan, Adviser to the Prime Minister—Foreign Affairs—Prime Minister's Office.

I shall ask the Senate to stand in recess so that we may greet the Honorable Robert J. L. Hawke, the Prime Minister of Australia, who is accompanied by the Honorable Paul J. Keating, the Treasurer of his government, the Honorable Sir Robert Cotton, who is the Australian Ambassador to the United States, and their party. I hope that Members will join me and Senator PERCY and Senator PELL in paying our respects to these distinguished Parliamentarians.

[Applause.]

RECESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate

now stand in recess for a period of 2 minutes so that we may have an opportunity to greet our friends from Australia.

There being no objection, the Senate at 10:39 a.m., recessed until 10:41 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. WILSON).

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. Mr. President, I ask unanimous consent to proceed for 30 seconds so that I may yield to the distinguished chairman of the Appropriations Committee for an important request.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. There will be order in the Senate. Senators not involved in the legislation before us will please go to the cloakroom or take their seats.

Is there objection to the request of the majority leader for unanimous consent? Without objection, it is so ordered.

Mr. BAKER. I now yield to the Senator from Oregon (Mr. HATFIELD).

REQUEST FOR SENATORS TO CONSTITUTE A QUORUM OF THE APPROPRIATIONS COMMITTEE

Mr. HATFIELD. Mr. President, it is imperative that if we are to work out these appropriations measures to be able to get a quorum. I am asking all the members of the Appropriations Committee as soon as we start this next vote, to vote early and go immediately to S-128 downstairs, the first floor, in order to make a quorum for the HUD bill.

This afternoon we mark up the bill before the Subcommittee on Energy and Water. We have to move these appropriations bills out as soon as they come over from the House, and in order to do that we are going to have to obtain a quorum within the next 15 or 20 minutes so that they can work their way through the Appropriations Committee.

So I urge all members of the Appropriations Committee to come to S-128.

CABLE TELECOMMUNICATIONS ACT OF 1983

The Senate continued with the consideration of the bill (S. 66).

VOTE ON AMENDMENT NO. 1379

The PRESIDING OFFICER. The question recurs on agreeing to amendment No. 1379 of the Senator from South Dakota. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Nevada (Mr. HECHT) is necessarily absent.

The PRESIDING OFFICER (Mr. PRESSLER). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—44

Abdnor	East	Mitchell
Andrews	Exon	Percy
Baucus	Glenn	Pressler
Biden	Hawkins	Proxmire
Bingaman	Heflin	Pryor
Boschwitz	Heinz	Riegle
Bumpers	Helms	Roth
Burdick	Laxalt	Sarbanes
Chiles	Leahy	Sasser
Cranston	Levin	Stafford
Denton	Long	Stennis
Dixon	Lugar	Symms
Domenici	McClure	Wallop
Durenberger	Melcher	Zorinsky
Eagleton	Metzenbaum	

NAYS—55

Armstrong	Hart	Nickles
Baker	Hatch	Nunn
Bentsen	Hatfield	Packwood
Boren	Hollings	Pell
Bradley	Huddleston	Quayle
Byrd	Humphrey	Randolph
Chafee	Inouye	Rudman
Cochran	Jackson	Simpson
Cohen	Jepsen	Specter
D'Amato	Johnston	Stevens
Danforth	Kassebaum	Thurmond
DeConcini	Kasten	Tower
Dodd	Kennedy	Trible
Dole	Lautenberg	Tsongas
Ford	Mathias	Warner
Garn	Matsunaga	Weicker
Goldwater	Mattingly	Wilson
Gorton	Moynihan	
Grassley	Murkowski	

NOT VOTING—1

Hecht

So Mr. ABDNOR's amendment (No. 1379) was rejected.

● Mr. DECONCINI. Mr. President, earlier today I cast my vote for Senator ABDNOR's amendment advocating universal service at reasonable rates. However, I felt compelled to oppose Senator ABDNOR's second amendment pertaining to data transmission because I am very concerned that this amendment leads us not toward the deregulation that we all seek, but toward increased regulation which may prove to be self-perpetuating.

It is imperative that this Senate move rapidly to deal with the problems of universal service at reasonable rates. Senators PACKWOOD and GOLDWATER have assured me that the Commerce Committee will hold hearings after the July 4 recess on this issue. Among the points raised by Senator PACKWOOD in his proposed legislation is one that I see as critical to Arizona. We must insure that any carrier that connects directly or indirectly to any local telephone exchange contributes to the maintenance of the universal telephone network. Furthermore, I think it is crucial that provision for "lifeline service" for residential telephone users is an integral part of any legislation. There can be no doubt in anyone's mind that the telephone is no longer a luxury. In fact, the telephone is an absolute necessity, especially in States with large rural populations.

Therefore, Mr. President, I plan to work closely with the members of the Senate Commerce Committee to see that we move rapidly to insure universal service at reasonable rates. I recognize that there are those who believed that Senator ABDNOR's amendment was a cure for the present problems. I do not agree. It is my belief that ABDNOR's amendment on data transmission would have increased regulation without substantially insuring help for consumers facing rapidly rising telephone rates.●

AMENDMENT NO. 1380

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Texas. There is a time limitation of 10 minutes equally divided on this amendment.

Mr. BENTSEN. Mr. President, yesterday I proposed an amendment on which we will vote in a few minutes. My amendment is simple, direct, and fair; it is an amendment to preserve all existing contracts. My amendment does nothing more than to underline that agreements freely negotiated by major corporations and by municipalities shall remain in force for the duration of those contracts.

I just do not believe it is our responsibility in the U.S. Senate to abrogate those kinds of contracts. These are contracts that were freely arrived at. The companies which negotiated these contracts were some of the most sophisticated and largest companies in the United States. They hired the most famous law firms they could. They then employed local counsel, and subjected city council, to all the pressure they could muster in order to win these contracts.

They made these agreements and now some of them are not profitable so they want out of them. They want us to release them from their commitments. I think that is wrong. If they were making a lot of money out of them, if their real costs had undershot the mark and their earnings were really skyrocketing, do you think they would be going back to the cities to say, "Look, we want to add more services. We want to do more things for you"? No, they would be saying in their annual statements how wise they had been and what a good job they had done as executives, in negotiating advantageous contracts.

One of the basic premises of the private enterprise system is the sanctity of the contracts. I think we ought to preserve it.

As this bill is written, there are many things in it which I approve, that I think are good. But this one is one that I think violates the sanctity of the contract and we should not support it.

The bill as it is now written recognizes only parts of contracts some of the time. It maintains existing rate regulations for 5 years or one-half of the remaining term of the contract, whichever is longer. But take a city like Fort Worth, an example which is repeated around the country. They have negotiated contracts which regulate the first three tiers of service. If S. 66 is enacted, the cable company which wired Fort Worth could raise its rates the next day for the second two tiers of service, even though it had a binding contract not to do that. Frankly, I see no good reason why Congress should abrogate this contract along with the many others that are comparable to it.

The cable companies entered into these agreements freely. No one broke their arms to enter into these contracts. Municipalities made deals that they hoped would protect the consumer's interest and the citizens. Those contracts would no longer be binding because we changed the rules of the game. That is not right.

Some of the cities made good deals. Well, good for them. Some of them made deals that were not so good, but I think they have to live up to those contracts too.

There are some on the committee who have said that my amendment would gut the bill. I do not believe that. The bill already requires cable companies to provide much of what they promised. Why suddenly, if they can fulfill half the term of the contract, can they not fulfill the whole thing? There is a principle involved here.

The operators and the communities entered into these contracts with very explicit expectations, and Congress should respect those expectations. Otherwise, S. 66 will relieve cable operators of freely negotiated operations with no recompense to the communities whatsoever. No record of abuse has been cited. No compelling need by the cable industry has been shown to set aside these extensive and negotiated agreements.

My amendment does nothing more than say to the cable companies, "Just live up to your word."

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Oregon.

Mr. PACKWOOD. Mr. President, very simply, this amendment does one thing, It guts the agreement in the bill between the National League of Cities and the cable television industry. That is what this amendment would achieve.

We have worked for a year and a half, Senator GOLDWATER and I, to attempt to get this bill to this stage. Twice the National League of Cities was able to stop it or delay it because initially it had no grandfathering in it at all.

Now, we have grandfathered programing, services, facilities, equipment, access channels, and rates for 5 years or one-half of the remainder of the franchise if that is longer than 5 years, whichever is longer. The National League of Cities supports this amendment. To the best of my knowledge, there are only three cities in this country—Dallas-Fort Worth can be counted as one—only three cities that do not support the agreement reached by the National League of Cities. If it only goes to half the bill, it guts the remainder of the bill.

I yield the remainder of my time to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I want to confirm what the chairman has said: If this amendment is taken, there is no need for a cable bill. We can forget all about it. No one will be affected by this. This is one of the major bargaining points that we went through for 3½ years with the cities of this country, trying to work out with them a satisfactory way that they can work out contracts with the cable people, with the idea that they can carry on, or not, or change. This follows the free enterprise system precisely, as anyone who has ever executed a contract would know.

It would frustrate the principal goal of establishing a uniform national policy for cable. This is very important. This is what we are trying to do. We are trying to offer to the American people a chance to have the best television in their homes they can get. If we are not allowed to have this bill the way it has been written in cooperation with the great majority of American cities, there is no need to even have the bill.

Cable faces increased competition today. If all agreements are grandfathered, the current system of overregulation would continue. So why have a bill?

The chairman has already listed the places that we have already grandfathered in the bill. Programing—this is a touchy point with the cities. Services is another touchy point with the cities. We have grandfathered that. The facilities—that varies from community to community, place to place, and even rural area to rural area.

Equipment varies. There is no way that there can be a standard equipment. I cannot understand why we would want to grandfather any idea that a cable company has to buy this or has to buy that. It is up to the city, it is up to the community, it is up to the county or any other governmental agency that wants to make a contract and makes contracts with cable people.

Access channels was a very touchy point. It required most of the bargaining time for 3½ years. How many access channels should we allow? The town I live in now has three. They can only use two so far, so why grandfather three? It might be wise at the end of this current contract to go back to two, it might even be wise to go up to four. We had many cities, in the course of arguing, that wanted as many as 10 channels or that wanted 20 percent of the channels for visual advertising.

Rate deregulation we have grandfathered for 5 years, or one-half of the remainder of the term. Certainly no community could ask more than that.

As my chairman pointed out, we are talking about three, maybe four big cities in this country who, by offering this amendment, want to deny the American people living in little towns and valleys where they cannot have television, living on the sides of mountains where they cannot have television, living too far away from an antenna television transmission system to get television. All this bill is trying to do is allow the American people to have access to really fine television. I can tell my colleagues that if they want to deny them, they will accept this amendment.

The PRESIDING OFFICER. The time has expired.

Mr. GOLDWATER. I thank the Chair. He has been very generous and patient.

The PRESIDING OFFICER. The question is on agreeing to amendment 1380 offered by the Senator from Texas (Mr. BENTSEN). The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Nevada (Mr. HECHT) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Mississippi (Mr. STENNIS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 19, nays 79—as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—19

Bentsen	Huddleston	Sasser
Boschwitz	Johnston	Stafford
Chiles	Levin	Tsongas
Dixon	Long	Wallop
Eagleton	Metzenbaum	Zorinsky
Ford	Proxmire	
Hatfield	Sarbanes	

NAYS—79

Abdnor	D'Amato	Hatch
Andrews	Danforth	Hawkins
Armstrong	DeConcini	Heflin
Baker	Denton	Heinz
Baucus	Dodd	Helms
Biden	Dole	Hollings
Bingaman	Domenici	Humphrey
Boren	Durenberger	Inouye
Bradley	East	Jackson
Bumpers	Exon	Jepsen
Burdick	Garn	Kassebaum
Byrd	Glenn	Kasten
Chafee	Goldwater	Kennedy
Cochran	Gorton	Lautenberg
Cohen	Grassley	Laxalt
Cranston	Hart	Leahy

Lugar	Packwood	Specter
Mathias	Pell	Stevens
Matsunaga	Percy	Symms
Mattingly	Pressler	Thurmond
McClure	Pryor	Tower
Melcher	Quayle	Trible
Mitchell	Randolph	Warner
Moynihan	Riegle	Weicker
Murkowski	Roth	Wilson
Nickles	Rudman	
Nunn	Simpson	

NOT VOTING—2

Hecht Stennis

So Mr. BENTSEN's amendment (No. 1380) was rejected.

Mr. DIXON. Mr. President, will the majority leader yield for a question in connection with the order on S. 66?

Mr. BAKER. I am happy to yield.

Mr. DIXON. I have three amendments that were laid down last week in connection with this bill. I understand that at 12 noon we will recess for the separate conferences of the two parties; that thereafter, when we return at 2 p.m., we will return to the supplemental for at least three amendments. There seems to be some lack of understanding of how we will then proceed. I would hope we would return to S. 66, so that at least the three amendments I have laid down would be fully considered before we ultimately dispose of this measure.

Mr. BAKER. Mr. President, I thank the Senator for his inquiry.

When the unanimous-consent agreement was crafted, I think it was assumed that we would finish the communications bill before 2 p.m. today and would have that behind us. Unless we hurry, we are not going to get that through before 12 noon, when we recess.

So, in answer to the Senator's question, we will go ahead and have the supplemental appropriations bill votes that were ordered, beginning at 2 p.m.

Then it will be the intention of the leadership to ask the Senate to return to the consideration of and finish the communications bill, before we resume consideration once more of the supplemental appropriations bill. That means we will probably not get much done on the supplemental, but we can finish the communications bill. We will be on the supplemental tomorrow.

While I have the floor and we are on this subject, I may say that it is the intention of the leadership to ask the Senate to proceed to the consideration of the withholding on interest and dividends measure on Thursday and Friday.

Mr. DIXON. I thank the majority leader.

Mr. BAKER. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DIXON. Mr. President, last week I proposed amendments 1324, 1325, and 1353 to S. 66. As my good friend the manager of this bill knows, on one day, either Friday or Monday, prior to this day, the distinguished junior Senator from New Jersey in discussions with the manager of the bill had agreed with the manager about some amendments and modifications to the bill which I understand have been made in my absence over the weekend so that it will now be necessary for me to offer modifications to the amendments previously offered.

They embrace the same subject matter, may I say to the manager and to the Members, but the necessity of the modification is due to the change in language by virtue of the modification of the bill agreed to by the manager on the prior occasion at the request of the Senator from New Jersey.

Mr. PACKWOOD. Mr. President, I am not quite sure what the Senator from Illinois is saying.

We entered into this unanimous-consent agreement yesterday, after we had adopted the suggested changes of the Senator from New Jersey.

Mr. DIXON. If I may again briefly explain what I am saying, my amendments address sections 607 and 609 of S. 66. Those two sections separately deal with the ratemaking powers of municipalities and the question of renewal of franchises.

The junior Senator from New Jersey, my good friend, in dealing with the manager, addressed both of those subject matters and as a consequence the amendments that I have proposed that are presently in the possession of the clerk are not entirely appropriate by virtue of the modifications in the bill.

The standing order embraces the right to deal with the modifications made as well as the bill, and I am now suggesting the amendments I have here are materially and basically the same amendments. All they deal with are the same sections as modified by the manager in accepting the modification offered by the junior Senator from New Jersey.

Mr. PACKWOOD. Mr. President, I wonder if I might do this since I have not seen the amendments. In a moment I would just ask unanimous consent to reserve my right to object, and I will take a look at those amendments during the 12 o'clock to 2 p.m. recess. My hunch is I will not object. I wish to see what they say before I waive any rights that might exist under the agreement. But I think I can assure the Senator I will bend over backward to accommodate him unless they are so different as to not fit the scope of the agreement.

Mr. DIXON. I think that is perfectly all right. I understand the graciousness of the manager. I am sure we will have no difficulty if I could send these amendments to the desk now. These amendments are modifications of amendments 1324, 1325, and 1353.

Mr. PACKWOOD. Again, to protect our interest, I ask unanimous consent to reserve my right to object to these amendments, if by chance they simply are way beyond the parameters of the unanimous-consent agreement. I assure the Senator from Illinois I will look at them during this 12 o'clock to 2 o'clock period.

Mr. DIXON. I thank the manager of the bill and if I may proceed then, Mr. President——

Mr. PACKWOOD. I think the Chair is getting ready to rule on the unanimous-consent request.

The PRESIDING OFFICER. If the Senator will withhold, under the agreement obtained yesterday the Senator from Illinois has the right to make the modifications to his amendments, to make them conform with the committee's modification. That is the status of the agreement.

Mr. DIXON. I thank the President. That is my understanding of the standing order.

Mr. PACKWOOD. Mr. President, again I have not seen the amendments and the change.

Let me assure the Senator from Illinois once more that I have been at this long enough, and every now and then an amendment comes along that the sponsor thinks is not different but it turns out upon observation that it is.

That unanimous-consent agreement was drafted to allow the Senator from Illinois and others who are going to present amendments to conform them to the committee substitute, as I understand it, that was proposed. These may conform to it. I just do not know if they do.

So I simply do not wish to waive any of my rights on the introduction of these amendments.

All I am asking is unanimous consent to reserve my right to object until we take up this bill again at 2 p.m.

The PRESIDING OFFICER. The Senator from Oregon does reserve the right to object to an amendment if he feels the amendment is not in conformity with the agreement entered yesterday.

Mr. DIXON. Yes; of course.

The PRESIDING OFFICER. The Senator would not be bound by it.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum, the time to be charged to my time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, may I say that I have had a discussion with the manager of this bill and I think we are in agreement.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. I yield to the Senator from Illinois.

Mr. DIXON. I thank the Chair.

I think it is a fair representation that both of us agree that the third amendment that I have asked to be numbered 1353 may present some questions with respect to its being a modification of amendments previously offered.

To the extent that that may be so, I wish to state my position if it is satisfactory to the manager and then whatever the manager wants to do I will understand his position in that regard because I suppose it is subject to discussion as to whether the third amendment complies with the standing order.

The third amendment that I have offered is an equal opportunities amendment that has been requested by the newly elected mayor of the city of Chicago, Mayor Harold Washington, in a letter sent to me dated June 13, subsequent to the time that I filed the previous amendments. The mayor of the city of Chicago suggests that the bill in question may be subject to the interpretation that municipalities may not impose equal employment opportunity and affirmative action guidelines on cable operators. The bill is not sufficiently clear in that regard, and he has simply asked that I introduce an amendment that says nothing in this act shall be construed as prohibiting a franchising authority or a State or political subdivision or agency thereof from requiring a cable operator to follow certain equal employment opportunity and affirmative action guidelines or from imposing minority business enterprise requirements on a cable operator.

I would simply have to say that the question is subject to some debate as to whether the bill protects municipalities in that right, but I would hope that my distinguished colleague, the manager of the bill, and others who are interested in the passage of this legislation, would not want the major cities in America, like the city of Chicago and others to be concerned about the problem of equal employment opportunity, in those great cities where the minorities are such a significant percentage of the population, and so integrally involved in the economic life of the communities.

So I do not know what my good friend, the manager of the bill, would want to do? I wish he would agree in our favor so that we can resolve this important issue regarding equal employment opportunities.

I would say that if he wants to raise that question and if the Chair wants to rule against me, I would want to appeal the ruling of the Chair on this fundamentally important issue of the rights of our minorities in America to be involved in this very important growing economic experience in the country known as cable franchising.

Mr. PACKWOOD. Mr. President, let me tell the Senator what my difficulty is.

Both the Federal Communications Commission and the Equal Employment Opportunity Commission have rules relating to minority business enterprises, and affirmative action.

I ask the Chair: Has this amendment been offered, amendment No. 1353?

Mr. DIXON. It has not yet been offered.

The PRESIDING OFFICER. No; it has not.

Mr. PACKWOOD. I thank the Chair.

My misgiving is that of getting an amendment for the first time that I think clearly goes beyond not only the subject of the bill, but that we never discussed nor considered in any of our committee hearings nor in any of the debate in the committee nor in the Chamber. This amendment clearly goes beyond the definition in the unanimous-consent agreement yesterday of "modification necessary due to committee modifications." So I believe I would be constrained, when it is offered, to object to the consideration of it, not because I do not share the sympathies, but I just want to know what the effect of it is in relation to the FCC and the EEOC. With the time constraints that we are under, I just do not think we can give it proper consideration here.

Mr. DIXON. Mr. President, I say to the manager that I understand his position quite well. I trust he understands mine. The letter referred to is from the distinguished mayor in a major city in my State and is dated June 13.

At the same time, I am constrained to say that the concerns of Mayor Washington would be paramount to me in connection with this legislation and I would feel compelled to clarify this question.

I would prefer, in view of the fact that both the manager and I agree that the other two amendments comply with the rules under the standing order, to begin on the substantive amendments and dispose of them on their merits and then come back to this parliamentary question at a later time, since it is clear that we cannot dispose of any amendment before 12 noon. I hate to complicate the major questions that are before us that are obviously within the standing order over this procedural question.

Mr. PACKWOOD. Mr. President, I do not want to say that the two amendments are in order. I think they are in order and I think we will be prepared to debate them on the merits apparently around 3 o'clock, because we are going to have some other votes at 2 o'clock first. He may want to take his two amendments first and if he wants to wait until his third amendment and have that one be the one relating to the mayor of Chicago, that is his privilege.

Mr. DIXON. Mr. President, I wish to say, in all candor to my friend, the manager of the bill, that I think he has a point in connection with the standing order. I am the first to confess that.

At the same time, he would appreciate the position the Senator from Illinois finds himself in, in connection with the request from a distinguished mayor in the largest city of his State concerning an issue of paramount importance. At the same time, I do believe the other amendments which fall within the standing order ought to be dealt with first.

Since the hour is 7 minutes to 12 and our conferences begin at 12, it might be just appropriate to come back to the whole thing at 3.

Mr. PACKWOOD. Mr. President, I know exactly the situation the Senator from Illinois is in. We have all been in that situation, when our Governor or a mayor from a principal city contacts us on practically the day the bill is coming up with some concern—perhaps genuine, perhaps alleged, perhaps not genuine—and we are kind of left in a dilemma.

If I were in the Senator's position, I would be doing exactly the same thing he is doing and my hunch is that if he were in my position he might be doing the same thing I am doing. But I agree totally with the Senator.

Mr. GOLDWATER. Will the Senator yield?

Mr. PACKWOOD. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I think we might solve this to the satisfaction of the Senator from Illinois and to the satisfaction of the recently elected mayor of Chicago. You are really getting at what this bill is all about, the negotiation of contracts.

I do not think it is the duty or the prerogative of this body to tell any city in America what they should or should not do relative to contracts. Now, if Chicago is drawing up a contract with a cable company and wants to specify equal employment, I think that is up to them. I do not think we here should make it mandatory or prevent it. I think it is up to the mayor of Chicago, in dealing with his cable people, to reach the conclusions that he wants to reach.

I can assure the mayor that the Senator from Illinois has done an outstanding job in presenting the mayor's case to this body, but I would have to object to the consideration of that particular amendment.

Mr. DIXON. Mr. President, I thank my good friend, the senior Senator from Arizona, for his remarks. I would just point out that this is what my

amendment says: "Nothing in this act shall be construed as prohibiting," as prohibiting, "a franchising authority from having this right."

Again, I do not quarrel with the standing order, but I would suggest to my friends here that that clarification is so without offense to the bill that I suggest that it would be a meritorious thing to consider over the lunch hour as to whether you might be interested in accepting this. I think it is entirely harmless to say to those municipalities that nothing prevents them from requiring equal employment opportunity and affirmative action guidelines. I ask that you do consider it over lunch hour.

Mr. PACKWOOD. We will consider it over the luncheon period.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2 p.m.

The motion was agreed to and, at 12:02 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

SUPPLEMENTAL APPROPRIATIONS, 1983

The Senate resumed consideration of the bill H.R. 3069.

AMENDMENT NO. 1335

● Mr. HART. Mr. President, I support the amendment offered by Senators BUMPERS and JACKSON, to prohibit any additional new production coal leasing during the remainder of this fiscal year, and I urge my colleagues to vote for it.

Some say it would be an extreme measure for Congress to completely ban new leasing during the next 3½ months. That may be so, but this step is warranted by the true extremism represented by the coal leasing policies of the Reagan administration. Secretary of the Interior James Watt has issued leases at "fire sale" rates, giving away the public's valuable resources at far less than their true value.

According to an investigation by the House of Representatives Committee on Appropriations, the Department of the Interior's recent Powder River Basin coal sale cost the public $50 million because of an inadequate return for the coal. The General Accounting Office has put the loss even higher—at $100 million.

Whether the loss was $50 million or $100 million is relatively unimportant; what is important is that the procedures that led to an inadequate return should be reformed before additional leases are issued. This is the conclusion of GAO, which recommended that Congress "postpone scheduled regional coal lease sales until Interior has had an opportunity to correct deficiencies in its valuation, leasing, and fair market value procedures."

Even more troubling than the fact that Interior is not getting an adequate return for the public's coal is the mounting evidence that Interior officials have deliberately corrupted the leasing process to favor individual coal companies. Interior officials allegedly leaked information on the Powder River coal to selected companies, and jury-rigged lease tracts to fit the desires of particular companies. It is ironic and tragic that in this administration, with all its lipservice to the advantages of the free market, we see deliberate efforts to undercut the competition that is the cornerstone of the marketplace.

When this administration has gone too far in its leasing policies—as it repeatedly has—Congress has stepped in. We have previously blocked leasing of portions of the Outer Continental Shelf off the coast of California, where environmental values clearly outweigh energy values. We have previously blocked Secretary Watt's efforts to open our wilderness areas up to mining and drilling. Now it is time for us to block additional coal leasing, until meaningful reforms can be adopted to insure the public interest is properly protected in future lease sales.

I emphasize that this amendment merely affords an opportunity for meaningful reform. That is the real issue here. We experienced not long ago a 10-year moratorium on coal leasing. I do not think we should have another such moratorium, and I would be one of the first Members of this body to oppose such a moratorium. I hope that we will have an opportunity during this fiscal year to come back and lift the prohibition that would be imposed by the Bumpers-Jackson amendment. I hope that this amendment will force Secretary Watt to realize that, once again, he has stepped way over the bounds of what the American people are willing to accept. I hope that Secretary Watt will now work with Congress to establish binding safeguards to insure the public interest is protected in future coal leasing. As soon as those safeguards are established, I will enthusiastically propose a resumption of Federal coal leasing.

But that has not happened, and we must deal with the world as it now exists. We must deal with a Secretary and other officials at the Department of the Interior who have repeatedly demonstrated that their real desire and true agenda is to give away our public resources. Until such time as we can fashion appropriate restraints on the Secretary of the Interior's authority, to insure balance in the leasing of our coal resources, we should prohibit additional leasing.●

VOTE ON AMENDMENT NO. 1335

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas (Mr. BUMPERS). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—48

Baucus	Ford	Mitchell
Bentsen	Hart	Moynihan
Biden	Hollings	Nunn
Bingaman	Huddleston	Packwood
Boschwitz	Humphrey	Pell
Bradley	Inouye	Percy
Bumpers	Jackson	Proxmire
Byrd	Kassebaum	Pryor
Chiles	Kennedy	Randolph
Cohen	Lautenberg	Riegle
Cranston	Leahy	Roth
DeConcini	Levin	Sarbanes
Dixon	Long	Stafford
Dodd	Matsunaga	Stennis
Durenberger	Melcher	Tsongas
Eagleton	Metzenbaum	Warner

NAYS—51

Abdnor	Gorton	Murkowski
Andrews	Grassley	Nickles
Armstrong	Hatch	Pressler
Baker	Hatfield	Quayle
Boren	Hawkins	Rudman
Burdick	Hecht	Sasser
Chafee	Heflin	Simpson
Cochran	Heinz	Specter
D'Amato	Helms	Stevens
Danforth	Jepsen	Symms
Denton	Johnston	Thurmond
Dole	Kasten	Tower
Domenici	Laxalt	Trible
East	Lugar	Wallop
Exon	Mathias	Weicker
Garn	Mattingly	Wilson
Goldwater	McClure	Zorinsky

NOT VOTING—1

Glenn

So Mr. BUMPERS' amendment (No. 1335) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THIRD EXCEPTED COMMITTEE AMENDMENT

(Page 63, strike line 22 through and including line 2, page 64.)

Mr. HATFIELD. Mr. President, I move the adoption of the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1346

The PRESIDING OFFICER. The question now recurs on Percy amendment No. 1346. There are 5 minutes to be equally divided for debate with the time to be controlled by Senator HATFIELD and Senator STENNIS.

Mr. HATFIELD. Mr. President, I would like to yield time to the Senator from Illinois (Mr. PERCY) and the Senator from Wisconsin (Mr. KASTEN).

Mr. CHAFEE. Mr. President, may we have order?

The PRESIDING OFFICER. Senators will please retire to the cloakrooms or their seats.

May we please have order in the Senate?

The Senator from Oregon has yielded to the Senator from Illinois.

Mr. HATFIELD. Mr. President, I yield time control to the Senator from Illinois (Mr. PERCY) and the Senator from Wisconsin (Mr. KASTEN).

Mr. PERCY. May we have order, Mr. President?

The PRESIDING OFFICER. There will be order in the Senate. Senators will please listen to the debate.

The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, the amendment I am offering would restore to title V of the supplemental appropriations bill the sum of $4.5 million for voluntary contributions from the United States to the International Atomic Energy Agency, IAEA. The amount of this appropriation was approved by our colleagues in the House, but was deleted during consideration of the bill in the Appropriations Committee.

There are strong reasons why this money should be restored. First, the IAEA performs absolutely vital functions. It carries out the mission of safeguarding the civilian nuclear power facilities—hundreds of them—in many nations around the world. The Agency's safeguards program is at this time the best mechanism we have available for detecting a diversion of nuclear materials from these civilian facilities to some clandestine military or terrorist purpose. I am sure that none of us in this Chamber would like to see the safeguards program—so vital to our interests—weakened in any way. Second, the ability of the United States to achieve its goals in the IAEA depends on our ability to work with other member nations so that they may achieve their objectives. Our contributions for technical assistance are an important means for demonstrating this cooperation.

The Foreign Relations Committee has followed recent developments at the IAEA very closely. We have been most concerned by actions last year which reflect an increasing politicization in the Agency. Last year, on the last day of the general conference of the Agency in September, there was an attempt to deny the credentials of the Israeli delegation. The proposal was put to a vote and defeated when the final tally resulted in a tie, which under the Agency's rules meant the proposal was rejected. Later, in what the United States regarded as an irregular procedure, the voting was reopened and the vote of a member nation not present at the original vote was counted. This made a majority for the motion to deny Israel's credentials to sit in that meeting. The United States walked out in protest. We were joined by many of our allies. I said then and I say again today that this action by the general conference was deplorable. It was just one more effort by certain dissident member nations to inject political issues into the discussions of an Agency which has been, and which we believe should remain a technical—not a political—body.

Immediately after the walkout in September of last year, the United States carried out an extensive reassessment of our role in the IAEA. The question of whether there are viable alternatives was seriously examined. The reassessment looked at the Agency's goals and those of the United States and compared the two. Finally, the President decided we should resume our participation, that the IAEA is important to our security interests, and that, at least in the immediate future, no reasonable alternative is available. When we resumed participation in February of this year, it was with the understanding that every effort should be made to reduce political bickering unrelated to the Agency's functions.

During the reassessment, Congress considered the fiscal year 1983 budget.

In December, as part of the continuing resolution, we agreed to language which reduced the amount available for voluntary contributions to the IAEA in fiscal year 1983 from the $14.5 million originally requested by the President to the level of $10 million. At the same time, the continuing resolution imposed a condition: The $10 million appropriated could not be expended unless or until the IAEA certified that Israel was entitled to fully participate in the Agency's activities.

At the meeting of the Board of Governors of IAEA last February, the question of this requirement in our law came up very early. On February 23, the Director General of the IAEA, Dr. Hans Blix, sent a letter to the Secretary of State, which reads as follows:

On February 23, 1983, the Board of Governors of the IAEA met and considered the status of Israel as a member of that Agency. I have been authorized by a decision of the Board of Governors to certify on behalf of the IAEA that it is the position of the Board that the State of Israel is entitled to participate fully as a member nation in the activities of the IAEA.

On March 1, 1983, Secretary Shultz formally transmitted Dr. Blix's letter to the Speaker of the House and the President of the Senate, thus satisfying the requirements of the law. Such a certification from an international organization is not an everyday occurrence. I believe we can read this as an example of the importance which member states attach to the participation of the United States in the Agency.

Mr. President, I am impressed by the seriousness the administration attaches to this matter. I have received a letter from the Secretary of State which says, in part:

The loss of these funds would have serious, adverse consequences as far as our interests are concerned. It would mean a serious setback to our efforts to strengthen the IAEA, an agency which the President has said is critical to our national interest.

The Secretary also notes that:

There has been strong bipartisan support for IAEA in the Congress in the past and repeated requests that we increase our contributions. Deep cuts at this time—and this is a deep cut, more than 30 percent—would certainly diminish our ability to influence the direction of the Agency.

Mr. President and Members of the Senate, we must remember in deciding this question that in many ways the IAEA was created and supported in the early years by the United States. The Congress exercised particular leadership in the effort. The statute creating the Agency was negotiated in large measure by the United States, and in 1956, the Senate ratified it. Shortly thereafter, Congress passed the IAEA Participation Act. Sterling Cole, an American Congressman and former Chairman of the Joint Committee on Atomic Energy, became the Agency's first Director General in 1957. Another important step occurred in the late 1960's, when through the joint efforts of the United States and the Soviet Union, the Treaty on Non-Proliferation of Nuclear Weapons was negotiated and opened for signature. The treaty, ratified by the Senate more than a decade ago, greatly expanded the importance of the Agency's activities and laid renewed emphasis on the vital safeguards program. More recently, in the Nuclear Non-Proliferation Act, the Congress recognized the importance of the IAEA and its functions to achievement of our nonproliferation objectives.

Mr. President, the disturbing events which occurred last September at the IAEA's general conference must be evaluated in light of this historical commitment to the Agency and the vital functions it carries out. Looking toward the future, our commitment is—if anything—more important than it has been in the past: This summer, the United States will be involved in an international conference on the peaceful uses of nuclear energy. More

importantly, 1985 is the year set for review of progress on the Non-Proliferation Treaty. There is no good reason to open the United States to criticism in those forums. The safeguards program of the IAEA is widely viewed as a pioneering effort in the field of arms control and international cooperation. We should not thwart our own best interests—both security interests and international political interests—by failing to live up to our commitments.

In summary, Mr. President, although the dollar figure in this amendment is small, its importance is great. In many ways, it is a symbol of our renewed commitment to the Agency's technical programs and to continued international cooperation in this vital area. I urge my colleagues to restore the full level of funding requested by the President, and to vote for this amendment.

Mr. President, I want to read to my colleagues the following statement from the Secretary of State on behalf of the President:

> The loss of these funds would have serious, adverse consequences as far as our interests are concerned. It would mean a serious setback to our efforts to strengthen the IAEA, an agency which the President has said is critical to our national interest.

I am pleased to yield now to my distinguished colleague from Idaho for his statement.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, I thank the Senator from Illinois for yielding this time to me. I am pleased to join with the Senator from Illinois and our colleague, the Senator from Ohio (Mr. GLENN), in supporting this amendment. This was the subject of earlier discussion as the so-called Kasten-McClure amendment of last year that established the conditions under which the initial $10 million would be made available, which I think is worth revisiting only to the extent of restating that this is the only international safeguards program. It is a key to the Nuclear Non-Proliferation Treaty.

I think it is also the key to the Nuclear Non-Proliferation Act of 1978, and it has to be the key to the domestic safeguards under the United States. IAEA treaty to which the Senate gave advice and consent in 1980. I hope that we will add this money. In spite of the fact that certainly there are deficiencies in the IAEA program, it is not going to benefit by starving it of the funds that are necessary to enable it to do the job and to do it better. So I hope that we will at this time add the money which will restore the amount of funding which the administration had asked initially and which because of the difficulties had been reduced earlier, but this money would simply put it back to the original figure.

I thank the Senator for yielding.

Mr. PERCY. Mr. President, I yield the remainder of my time equally divided between the Senators from Rhode Island and Virginia. How much time do I have left?

The PRESIDING OFFICER. The Senator has 14 seconds remaining.

Mr. PERCY. How much?

The PRESIDING OFFICER. Fourteen seconds.

Mr. PERCY. I yield 7 seconds to each of my colleagues.

Mr. PELL. Mr. President, I merely support the amendment of the Senator from Illinois. It is an excellent amendment. I commend it to my colleagues.

Mr. WARNER. I rise in support of the amendment offered by the distinguished Senator from Illinois.

Everyone in this Chamber who is concerned about nuclear nonproliferation should support this amendment.

The International Atomic Energy Agency performs a vital role, in many cases providing the only means of assuring that nuclear materials and technology are not diverted to make nuclear weapons.

As an advocate of so-called measures to prevent the use of nuclear weapons by third parties or terrorist groups, I believe this is one of the most important expenditures we can make.

For some time I have been deeply involved in this issue. Working with Senators NUNN and JACKSON in cooperation with the Roosevelt Center for Policy Study and attending the Ditchly Foundation conference last year on nuclear nonproliferation.

I commend the chairman of the Senate Foreign Relations Committee for his efforts and thank all Senators who join in support of this measure.

Mr. PERCY. I thank my colleagues.

The PRESIDING OFFICER. Time has run out on the majority side. Who yields time?

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi or his designate controls the time.

Mr. KASTEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Wisconsin will state the inquiry.

Mr. KASTEN. It was my understanding that the chairman of the Appropriations Committee allocated the time between the Senator from Illinois (Mr. PERCY) and myself; is that correct?

The PRESIDING OFFICER. That is correct. The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, I am opposed to the $4.5 million add-on. I think it is important to recognize that they have already received $10 million. I do not believe that they need the additional $4.5 million at this particular time. It certainly is not an emergency situation. A year ago on the floor of the Senate we put together a compromise. The committee initially had zero funding for this agency. We put together a compromise and said that if they certified the membership of Israel, we would then give them $10 million, not $14.5 million. I believe that we ought to stick with that original compromise. We do not need this additional money in this supplemental. If they need more money for this agency, they can come in and get it in the regular 1984 bill. I do not believe it is necessary. I am hopeful that the Senate will continue to support the committee and leave the dollar amount at $10 million rather than $14.5 million.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Illinois. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Michigan (Mr. RIEGLE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 65, nays 34, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—65

Abdnor	Heinz	Packwood
Baker	Hollings	Pell
Bentsen	Humphrey	Percy
Biden	Jackson	Proxmire
Bingaman	Jepsen	Pryor
Bradley	Johnston	Randolph
Burdick	Kassebaum	Roth
Chafee	Kennedy	Sarbanes
Cranston	Lautenberg	Simpson
Danforth	Laxalt	Stafford
Denton	Leahy	Stennis
Dixon	Levin	Stevens
Dodd	Long	Symms
Domenici	Lugar	Thurmond
Durenberger	Mathias	Tower
Exon	McClure	Trible
Garn	Melcher	Tsongas
Glenn	Mitchell	Wallop
Hart	Moynihan	Warner
Hatch	Murkowski	Weicker
Hatfield	Nickles	Wilson
Hecht	Nunn	

NAYS—34

Andrews	Dole	Kasten
Armstrong	Eagleton	Matsunaga
Baucus	East	Mattingly
Boren	Ford	Metzenbaum
Boschwitz	Goldwater	Pressler
Bumpers	Gorton	Quayle
Byrd	Grassley	Rudman
Chiles	Hawkins	Sasser
Cochran	Heflin	Specter
Cohen	Helms	Zorinsky
D'Amato	Huddleston	
DeConcini	Inouye	

NOT VOTING—1

Riegle

So Mr. PERCY's amendment (No. 1346) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. May we have order, Mr. President?

The PRESIDING OFFICER. Order in the Senate. Senators will take their seats. May we have order in the Senate so that we can proceed to the next amendment? Will Senators please retire to the cloakroom or take their seats so that we may proceed to the next amendment?

AMENDMENT NO. 1360

Mr. HATFIELD. Mr. President, on this next amendment, the Metzenbaum amendment, I designate Mr. METZENBAUM and Mr. RUDMAN to handle the time of 2½ minutes each.

The PRESIDING OFFICER. The question now recurs on the Metzenbaum amendment numbered 1360, with 5 minutes of debate, equally divided.

Who yields time?

Mr. METZENBAUM. Mr. President, I yield myself 1 minute.

The amendment that I offer today, and I will offer a second-degree amendment at the conclusion of the time, would be only prospective with respect to the matter of Navy leasing. It does not abrogate the right of the Navy to lease. It does not enter into the issue of whether or not the Navy should or should not lease.

It does one thing and one thing alone. It provides that the funds of the Federal Government provided for under this bill shall not be used to indemnify lessors of any property that the Government leases on the basis of indemnifying those lessors in the event they have a tax claim. In other words, one arm of the Government should not be indemnifying a private person against a tax claim of the Internal Revenue Service.

It further provides that none of the funds in this legislation may be used to pay the attorneys of those who are the lessors.

I regret to advise the Senate that there are now 13 ships that have already been leased. Those ships do provide for the indemnification not only against the taxes but against the cost of the attorneys as well. The legislation is prospective.

I believe that if the Navy wants to lease ships it should come through the proper authorizing and appropriation committees. I have no issue with respect to whether they do or they do not, but I do not think it makes good sense for one arm of the Government to pay for fighting and another arm of the Government, in this case the Internal Revenue Service, to pay.

Mr. President, I reserve the remainder of my time. I yield a half minute to the Senator from Michigan.

Mr. LEVIN. Will the Senator yield for a question?

Mr. METZENBAUM. Yes.

Mr. LEVIN. Is this resolution——

Mr. METZENBAUM. Mr. President, may we have order?

Mr. GLENN. Mr. President, may we have order? We cannot even hear back here sitting beside the Senator.

The PRESIDING OFFICER. May we have order in the Senate? Will Senators please clear the aisle or retire to the cloakroom? There must be order for debate to be heard. We have only a short period of time. May we please have order in the Senate? Senators please take their conversations off the floor. May we please have order?

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the time used in getting the Senate to order not be charged against the time of the Senator from Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I yield one-half minute to the Senator from Michigan.

Mr. LEVIN. Mr. President, my question to the Senator from Ohio is this: Is this resolution prospective only, or is it retroactive, in effect?

Mr. METZENBAUM. I will submit a second-degree amendment making it prospective only and not dealing with the present leases that have already been entered into.

Mr. LEVIN. Mr. President, once that is clarified, it seems to me this sense of the Senate resolution is eminently sensible and does not upset existing contracts. I hope that we can accept this resolution.

Mr. METZENBAUM. Mr. President, it is my understanding that the Senator from Kansas wishes to be recognized. I yield 30 seconds to the Senator from Kansas.

Mr. DOLE. Mr. President, I understand this is prospective, is that correct?

Mr. METZENBAUM. That is correct.

Mr. DOLE. Mr. President, I support the amendment. It seems we were getting into a lot of backdoor spending in the defense area. It is a matter that ought to be considered by the appropriate committee, which I understand could be the Finance Committee. This is only the tip of the iceberg. It is not just happening here, it is happening in many other areas. I am going to support the amendment of the Senator from Ohio.

Mr. METZENBAUM. I thank the Senator from Kansas.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAKER. Mr. President, is there time remaining?

The PRESIDING OFFICER. There are 2½ minutes remaining under the control of the Senator from New Hampshire.

Mr. BAKER. Will the Senator yield to me for a minute?

Mr. RUDMAN. Yes.

Mr. BAKER. Mr. President, I make this inquiry of the Senator from Ohio. It had been called to my attention that he indicated that if this amendment passes he is going to offer a second-degree amendment that would make the effect prospective. Is that correct?

Mr. METZENBAUM. No. I will offer a second-degree amendment before this amendment is put to a vote.

Mr. BAKER. Will that be the effect of that amendment?

Mr. METZENBAUM. That would be the effect of the amendment, that it would be prospective only, yes.

Mr. BAKER. Let me ask for the meaning of prospective. Assume for the moment, which I understand to be the case in one situation in Tennessee, that the contract has been awarded but that the contract documents have not yet been signed. Would that, indeed, be prospective?

Mr. METZENBAUM. That would not, because the language that would be in the second-degree amendment would be entered into on or after June 19, 1983.

As I understand the Senator from Tennessee, he has indicated that the contract is in the discussion stage and has not as yet been entered into.

Mr. BAKER. It has been awarded; that is, the formal award of the contract has been made, but the documents themselves, the contracts, have not yet been signed.

Mr. METZENBAUM. If the Senator from Tennessee can assure me I would have his support on this amendment and we can change the language appropriately, it will be done.

Mr. BAKER. Mr. President, if the Senator from Ohio promises me that is not a felonious undertaking, I will be glad to do so.

Mr. METZENBAUM. I do indeed do that.

Mr. BAKER. All right. Mr. President, I intend to support the amendment, obviously free of any coercion or suggestion from the Senator from Ohio.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, in light of these developments, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

Mr. HATFIELD. Madam President, what is the pending business?

The PRESIDING OFFICER. There are 30 seconds left to the Senator from Ohio on his amendment.

Mr. HATFIELD. So the amendment of the Senator from Ohio is the pending business?

Mr. METZENBAUM. I cannot hear the Senator.

Mr. HATFIELD. May we yield back the time and vote on the Senator's amendment?

AMENDMENT NO. 1382 TO AMENDMENT NO. 1360

Mr. METZENBAUM. Madam President, I yield back the time on the first-degree amendment and send an amendment in the second degree to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment No. 1382 to amendment No. 1360.

Mr. METZENBAUM. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

None of the funds appropriated by this Act shall be used by an agency of the Government to indemnify any person or to pay attorney fees in connection therewith, pursuant to any contract with the United States entered into on or after June 14, 1983, unless awarded prior to June 14, 1983, for amounts paid by such person to the United States by reason of any action by the Internal Revenue Service.

Mr. METZENBAUM. Madam President, I ask unanimous consent to take just 30 seconds to read the substance of the amendment.

The PRESIDING OFFICER. Is there objection? Hearing no objection, the Senator may proceed.

Mr. METZENBAUM. It would read:

None of the funds appropriated by this act shall be used by an agency of the Government to indemnify any persons or to pay attorney fees in connection therewith, pursuant to any contract with the United States entered into on or after June 14, 1983, unless awarded prior to June 14, 1983, for amounts paid by such person to the United States by reason of any action by the Internal Revenue Service.

Mr. RUDMAN. Madam President, I yield such time to the Senator from Maine as he may require.

May we have order, Madam President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HATFIELD. Madam President, I ask unanimous consent that 1 minute be yielded to the Senator from Maine.

The PRESIDING OFFICER. Without objection it is so ordered.

● Mr. GRASSLEY. Madam President, I rise to support Senator METZENBAUM in his attempt to attach this tax provision on the supplemental appropriation bill. The reason for my support of his worthy effort is that my subcommittee, the Subcommittee on Oversight of the Internal Revenue Service of the Senate Committee on Finance will hold hearings on the issue of abusive tax shelters on June 24. In my opinion, Senator METZENBAUM has pinpointed an excellent example of a tax scheme which merits additional congressional attention. While Senator METZENBAUM's amendment only applies to prospective indemnifications, it is my hope that my subcommittee and later the full Committee on Finance can explore the Navy cargo ship transaction in greater detail. Questions about the propriety of these leasing transactions have been raised and merits more detailed study.

Until these issues have received a hearing in the relevant committee, I will vote for Senator METZENBAUM's amendment as a helpful stopgap measure. I think my friend from Ohio has spotted an area which commands congressional attention and I urge him to present his views before my subcommittee on June 24. To effectively resolve this problem, I am convinced we need to listen to the statements of concerned witnesses and make a deliberate judgment on the best way to remedy this problem. Nevertheless, this amendment is an important first step in curbing this wasteful Federal expenditure.●

Mr. COHEN. Madam President, I rise in opposition to the amendment of the Senator from Ohio, not because I am not sympathetic and might agree with him that it is the right thing to do in the future, but because it is premature. There are now seven subcommittees studying the entire area of indemnification, and my own Subcommittee on Sea Power and Force Projection is dealing with the issue of indemnification. I think we make a mistake in handling this matter today. I have a number of recommendations dealing with the entire area of lease arrangements and purchase arrangements by the Navy and other DOD agencies.

I would recommend that we vote against this measure. Actually, if a point of order does not lie, I would move to table the amendment offered by the Senator from Ohio, not because I do not support the objective. I may, in fact, come to that conclusion, but not today.

Mr. STEVENS. Did the Senator move to table?

Mr. COHEN. Not yet.

The PRESIDING OFFICER. Did the Senator from Maine move to table the amendment in the first degree or the second degree?

Mr. COHEN. To table the underlying amendment.

The PRESIDING OFFICER. The motion is on agreeing to the motion to table the amendment in the first degree.

Mr. COHEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion of the Senator from Maine. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Louisiana (Mr. LONG) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—49

Abdnor	Helms	Rudman
Andrews	Humphrey	Sarbanes
Boschwitz	Inouye	Simpson
Chafee	Jepsen	Stafford
Cochran	Kassebaum	Stennis
Cohen	Kasten	Stevens
Cranston	Laxalt	Symms
D'Amato	Lugar	Thurmond
Denton	Mathias	Tower
East	Mattingly	Trible
Garn	McClure	Tsongas
Goldwater	Mitchell	Wallop
Gorton	Murkowski	Warner
Hatch	Packwood	Weicker
Hatfield	Pell	Wilson
Hawkins	Pryor	
Hecht	Quayle	

NAYS—50

Armstrong	Domenici	Levin
Baker	Durenberger	Matsunaga
Baucus	Eagleton	Melcher
Bentsen	Exon	Metzenbaum
Biden	Ford	Moynihan
Bingaman	Glenn	Nickles
Boren	Grassley	Nunn
Bradley	Hart	Percy
Bumpers	Heflin	Pressler
Burdick	Heinz	Proxmire
Byrd	Hollings	Randolph
Chiles	Huddleston	Riegle
Danforth	Jackson	Roth
DeConcini	Johnston	Sasser
Dixon	Kennedy	Specter
Dodd	Lautenberg	Zorinsky
Dole	Leahy	

NOT VOTING—1

Long

So the motion to lay on the table amendment No. 1360 was rejected.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, I make a point of order that the amendment should not be sequenced because it is an amendment against which a legitimate point of order might lie, and I intend to raise a point of order.

The PRESIDING OFFICER. The Senator's point of order is well taken.

Mr. METZENBAUM. Madam President, I raise the issue of germaneness.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Madam President, I supported this matter, but may I inquire of the ruling of the Chair. Was the ruling of the Chair predicated on the unanimous-consent agreement?

The PRESIDING OFFICER. Yes, it was.

Mr. BAKER. And not on the question of legislation on appropriation?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. May I inquire further then of the Chair if a defense of germaneness would lie under such a point of order?

The PRESIDING OFFICER. It is no longer a sequenced vote and——

Mr. BAKER. Madam President, I would like to make sure everybody understands.

The point of order is not against the amendment as such, but, rather, the sequencing of the vote on the amendment; is that correct?

The PRESIDING OFFICER. That is correct.

CABLE TELECOMMUNICATIONS ACT OF 1983

The Senate continued with the consideration of the bill (S. 66).

Mr. BAKER. We are now back on the cable bill, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. When we return to the supplemental appropriations bill, the point of order can be made against the amendment if any Senator chooses to do so?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. But it has not yet been made on the amendment?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. I thank the Chair.

Mr. METZENBAUM. Madam President, may I have that clarified?

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. My amendment is still pending. The vote with respect to my amendment, what is the status of that?

The PRESIDING OFFICER. A yes or no vote on tabling the amendment has taken place.

Mr. BAKER. Madam President, may I inquire if I am correct, if the Senator from Ohio would listen to me for a moment. The point of order was made pursuant to the provisions of the unanimous-consent agreement which said that any amendment against which a legitimate point of order can be made would not be sequenced. Therefore, since the tabling motion did not prevail, the amendment of the Senator from Ohio is still pending, but since it is not sequenced it will recur after we get back to the supplemental and not at this time.

Mr. METZENBAUM I thank the majority leader.

Mr. BAKER. Madam President, will the Chair please place before the Senate the pending business?

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 66) to amend the Communications Act of 1934.

Mr. GOLDWATER. Madam President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Who yields time?

AMENDMENT NO. 1353, AS MODIFIED

Mr. DIXON. Madam President, just prior to the noon recess, when the two political parties went to their respective conferences, I had engaged in a dialog with my friend, the manager of this bill; and upon returning to the bill now, I should like to offer a modification to amendment 1353, which I tell the manager of the bill is section 609.

I am told by the Parliamentarian that this is in correct form, to conform to the standing order. Does the manager have a copy of it?

Mr. PACKWOOD. No; the Senator is not giving me an amendment different from what we had at noon, is he?

Mr. DIXON. It is the same amendment we had before we adjourned for lunch.

Mr. PACKWOOD. I think this is the first time I have seen this one.

Mr. DIXON. That is the renewal amendment to section 609.

Mr. GOLDWATER. Madam President, may I ask the Senator from Oregon to yield to me for a question?

Mr. PACKWOOD. I yield.

Mr. GOLDWATER. As I understand it, we had a unanimous-consent agreement that no amendments could be offered after yesterday.

Mr. PACKWOOD. What we had was a unanimous-consent agreement that the Senator from Illinois could offer three amendments.

May we have the agreement read, that we had yesterday? May the clerk read the unanimous-consent agreement, Madam President?

Mr. GOLDWATER. I did not hear the Senator.

Mr. PACKWOOD. I am asking that the clerk read the unanimous-consent agreement.

Mr. GOLDWATER. These are the amendments that were offered by the Senator from Illinois yesterday?

Mr. PACKWOOD. No; last night, three amendments were printed in the RECORD.

Mr. GOLDWATER. That is right.

Mr. PACKWOOD. These are not those amendments. These are three different amendments that we got at noon today.

Mr. GOLDWATER. That is what my question was directed to. There are three new amendments, and that is contrary to the unanimous-consent agreement. I have to object, on that ground, to the Senator from Illinois offering any amendments that have not been offered in the proper order.

Mr. DIXON. Madam President, I call the attention of the Chair to the RECORD of June 13, at page 8278, the unanimous-consent agreement on S. 66.

Mr. PACKWOOD. Mr. President, I ask unanimous consent . . . that the only amendments to be in order tomorrow be amendments to be offered by the Senator from Illinois (Mr. DIXON), amendments Nos. 1324, 1325, and 1353 or modifications thereof necessary due to the committee modification, an amendment to be offered by the Senator from Pennsylvania. . . .

The amendment I am offering is No. 1353. The modification thereof is due to the fact that the manager, the distinguished Senator from Oregon, accepted an amendment by the distinguished junior Senator from New Jersey (Mr. LAUTENBERG), and this amendment is nothing more than addressing the same section, the same amendment, the same concept, the same section of the bill—only required because of the acceptance in my absence yesterday by the manager of the bill of an amendment tendered to him by the distinguished junior Senator from New Jersey.

So I persist in suggesting that this is exactly in conformance with the unanimous-consent agreement.

Mr. PACKWOOD. Has the Senator offered amendment 1353?

Mr. DIXON. I do now offer that amendment. It is at the desk, I believe.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Illinois (Mr. DIXON) proposes an amendment numbered 1353, as modified.

The amendment, as modified, is as follows:

On page 36, beginning with line 18, strike all through line 16 on page 37, and insert in lieu thereof the following:

"SEC. 609. (a) In any case in which a cable system operator submits an application to the franchising authority for the renewal or other extension of such operator's franchise authorization, the franchising authority shall grant such renewal or other extension if it finds that—

"(1) the cable system operator has substantially complied with the material terms of such franchise and with applicable law;

"(2) the cable system operator has not been convicted of a felony;

"(3) there has been no material change in the legal, technical, or financial qualifications of the cable system operator that would substantially impair the continued provision of service by such operator;

"(4) the facilities to be provided for such operator, including facilities for governmental access, are reasonable in light of the community need for and cost of such facilities;

"(5) the signal delivered by the cable system within the control of the cable system operator, has generally met techni-

cal standards as established by the Commission; and

"(6) the proposals contained in the renewal application are otherwise reasonable.".

On page 37, lines 17 and 18, after "renewal" strike "at least" and insert "between 18 and".

In subsection (b) of section 609, just before the last period, insert ", and may not accept any bid that does not ensure that the original franchisee receives fair market value for any assets to be acquired by the proposed new franchise holder".

On page 38, beginning with line 24, strike out all through the matter immediately preceding line 6 on page 39 and insert in lieu thereof:

"(e) Any renewal applicant adversely affected or aggrieved by a final decision of the franchising authority made pursuant to subsection (d), or by a failure of a franchising authority to act in accordance with subsection (d), may obtain a review of such final decision in any court of competent jurisdiction, and such review shall be limited to issues of law and procedure.".

Mr. GOLDWATER. Madam President, will the Senator from Oregon yield?

Mr. PACKWOOD. I yield.

Mr. GOLDWATER. To get back to the unanimous-consent agreement, alterations were authorized in the manner of changing a number or a paragraph or a page. As I understand it, these are completely new amendments. They do not comply at all with the unanimous-consent agreement; therefore, I have to restate my objection to the amendments.

Mr. DIXON. May I be heard on that, Madam President?

Mr. PACKWOOD. May we have a ruling of the Chair as to amendment 1353, as to whether or not this amendment is in order, based upon the unanimous-consent agreement of yesterday?

The PRESIDING OFFICER. A point of order cannot lie against an amendment until the time for debate on that amendment has expired.

Mr. DIXON. Madam President, section 609 of this bill, dealing with renewals and extension procedures, is flagrantly anticompetitive. It will minimize new entrants into cable and competition among existing cable companies while protecting incumbent operators from pressure to upgrade their systems at the time of franchise renewal.

Section 609 not only preempts the substantive criteria for granting renewals and the procedure to be followed, but overturns the traditional deference of the courts to a city's legislative decision by granting a right to de novo review.

The modification to the committee substitute proposed by Senator PACKWOOD, who negotiated with my friend, Senator LAUTENBERG, has just one or two flaws in the de novo review process. The greatest of these is that it is unclear whether any State in the Union can actually meet the new standards set out.

Communications Daily on Monday, June 13, 1983, page 5, states:

NCTA (National Cable Television Association) knows of only four States that have such statutes, including New Jersey.

According to the Congressional Research Service American Law Division, there are probably no States that meet the new negotiated judicial review procedures. I know my State cannot meet these standards and neither can the majority of the 50 States. This new provision of the bill, as did the original de novo provision, only invites costly litigation.

Thomas Wheeler, president of the National Cable Television Association, is quoted in Monday's Communications Daily about these new provisions of the bill: "* * * We do not consider any of these concessions to be very substantial * * *."

Madam President, my amendment strikes the committee provision for de novo review, and the Lautenberg language, while allowing judicial review limited to the issues of law and renewal procedures.

The amendment also gives the incumbent operator a predictable procedure to follow and the opportunity to justify renewal in light of past performance and future promises, but the burden lies with the operator, not the local community.

The cable industry has not demonstrated any abuse of the renewal process. Almost all franchises are renewed today. For example, the New York State Cable Commission reports that not a single New York State cable franchise renewal was denied over a 10-year period. Over 325 were granted.

Renewal is an appropriate time for a community to review the overall quality of service it has received, the alternatives to existing facilities, and possible improvements in the system and services to adjust to future community needs. Failure to renew is extraordinary because the existing operator has strong competitive advantages—such as an in-place facility—over any outside bidder.

Nevertheless, it is the possibility of nonrenewal that allows the franchising authority to negotiate improvements with operators seeking renewal.

A federally mandated renewal right leaves a local community virtually powerless to persuade a cable operator to fulfill its past contract obligations or to upgrade a system to reflect changes in the state of technology.

Madam President, we have heard over the last few days about the power-hungry cities negotiating cable television franchises. This power exists only because it is unreasonable to expect that each citizen of a community can successfully negotiate his or her own personal package of cable services with a monopoly cable TV operator. The local communities, in exercising this control over cable franchises, seek only to protect their citizens.

If we are to make changes in cable television in our country, we must do so only in a fair and equitable manner. I offer this amendment in that spirit, and request that my colleagues strengthen S. 66 by adopting this amendment.

This amendment, No. 1353, as modified, to S. 66, addresses a very important problem in this bill. Section 609 of S. 66 has to do with the renewal application of a cable television franchisee.

Under the bill as proposed by the manager, the bill provides that the burden of proof is on the municipality to prevent the franchisee from reacquiring the franchise, and that after all the hearings take place, if the municipality has failed to meet the burden to prevent the renewal of the franchise, should that occur, there will be a trial de novo in the circuit court or the original court of jurisdiction on the whole subject matter. That is directly contrary to every existing legal experience in American jurisprudence.

What my amendment does—and it is requested by the municipalities in my State of Illinois and is supported by cities and municipalities generally throughout the United States—is to provide that the burden is where it should be—that the burden is upon the cable television franchisee to show when it comes in, and again for renewal of its franchise, that it has conformed with all the applicable law; and when it has met that burden of proof, it is granted a new franchise. If it fails, the matter goes on to administrative review, to the courts, where the whole matter is reviewed. But the burden is upon the cable television franchisee to substantially show that it is entitled to keep its franchise.

Some would argue, I suppose, that it is materially important to the cable television people that the whole body of law in America be changed to put the burden of proof on the municipalities and the cities of this country, on the ground that some might not be given a new franchise.

We had a study made on franchises. For example, I want the Members of the Senate to know this: In the State of New York, the New York State Cable Commission reports that not a single New York State cable franchise renewal has ever been denied in a decade, in 10 years. More than 325 television franchises have been renewed in that State, and not one has been denied.

S. 66 would purport to change the whole burden of proof from the cable franchise licensee who has the privilege of serving the consumers in the community—change the whole burden of proof, put it upon the community, instead of the cable television people.

Then, if they lose, they are to go up on an appeal in a trial de novo and try the whole thing over in the courts. It is a lawyer's delight. It will cost the municipalities of this country millions of dollars to respond to that kind of requirement in the law. It is wholly unnecessary because, as I have said, none of these is ever denied.

But what is the final fact?

I say in my amendment that should the unforeseen ever develop, should in the whole United States of America sometime, someplace, in some unique situation one licensee ever be denied his right to a new license, he must, be fully, wholly, and completely compensated for the value of everything he holds and owns in that license franchise before the denial takes place and a new franchisee is found.

Now, let me say this to Senators:

We stand in this place every day and talk about the rights of the local community. We say as representatives of this Federal Government how genuinely we are concerned about the local community, about the little city, about the governments closest to home that care the most about the people of these United States of America.

But every time we come to a great issue like this one, what is the first thing we do? Why, of course, the first thing we do is to rip from the local community, take from the local body politic, snatch from the local leaders closest to the people who see them every day on the streets of America their right to enforce the law at the local level.

Madam President, I say to you this is an abomination. This is absolutely a reversal of everything that is ever done.

This is a suggestion that we should take to the Federal Government or give to the franchisees and the cable television companies of America the right to keep their franchises in perpetuity. I say "in perpetuity" because under this state of the law, as you see it encompassed in section 609 of S. 66, there will never be a failure to renew a franchise in this country.

Now, I wish to say this in conclusion: If I felt that anything in this amendment did violence with the right of private industry in this country represented by the cable television companies in this country to continue to make a decent profit everyplace in America I would not offer it.

But it does not do that. And I suggest to you that this amendment embodies the correct statement of the law to protect local government and to protect the interests of local consumers.

Madam President, I move adoption of the amendment.

Mr. PACKWOOD. Madam President, I rise in opposition to this amendment. I hope when the time has expired the Senator from Arizona will renew his objections on the grounds that it violates the unanimous-consent agreement.

Madam President, again this is a situation that involves an agreement between the National League of Cities and the cable television industry. As a matter of fact, I can assure you that in terms of the negotiations this was not high on the priority of the National League of Cities' list. What we have put in this bill is a five-test standard which gives the cable operator a hoped-for renewal, an expectation of renewal, not a guarantee. It says that the city or whoever else is the franchisor shall grant a renewal or an extension unless it finds the following:

First. The operator has not substantially complied with the material terms of the franchise and with other laws or has been convicted of a felony.

Second. There has been a material change in the legal, technical, and financial qualifications of the operator that would substantially impair service.

Third. The facilities to be provided are unreasonable in the light of the community's need and their cost.

Fourth. The signal delivered has not met FCC technical standards.

Fifth. The renewal proposals are otherwise unreasonable.

Madam President, I say once more this agreement is perfectly satisfactory to the cities and perfectly satisfactory to the cable television industry, and it is designed to give some little hope to those who are going to invest millions and millions and millions of dollars that they will not at the whim of some arbitrary city council lose their investment.

We indicated when we adopted the amendment of the Senator from New Jersey (Mr. LAUTENBERG), we said there did not have to be a de novo review on appeal, if a State had some kind of an administrative procedure act that would guarantee the rights of appellants. This insures that they would not be shut out by the administrative action of the city council, and could not raise the same facts in a court of law.

Madam President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Washington (Mr. GORTON).

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR SLADE GORTON ON AMENDMENTS OFFERED BY SENATOR DIXON

RATE REGULATION

My colleague from Illinois has proposed an amendment to S. 66 which would strike all of those provisions in the bill which limit a local government's power to regulate rates for cable television. I am opposed to this amendment because it eliminates the most significant deregulatory feature of the bill and it destroys the balance struck in the compromise which this legislation reflects.

Many local governments presently regulate the rates cable operators may charge for basic cable service. It is important to note that rate regulation is for basic service only; the FCC prohibits rate regulation for pay cable services such as Home Box Office. What justification is there for rate regulation? Rate regulation is warranted for essential, monopoly services, because for these services the marketplace fails to function to control the prices charged to consumers.

A great deal of testimony before the Senate Commerce Committee has proven that for those services which comprise basic cable, cable is not providing an essential monopoly service. The clearest indicator of this is that across the industry, only about half of the homes served by cable subscribe to it. The other half presumably prefer the competition to cable: they watch over-the-air TV, read books, watch video cassette recorded programming, subscribe to other pay television offered over microwave, go to the movies, etc. This existing competition to cable will soon be supplemented by direct broadcast satellite service and low power television. It is clear that cable is subject to competition and that the marketplace will function to keep cable rates down. In addition, cable has a natural interest in keeping basic rates low, because a household must be attracted by basic cable services before it will subscribe to the far more lucrative pay cable services.

The compromise which S. 66 reflects would generally end local regulation of basic subscriber rates wherever there are at least four television stations serving the community, the standard now prevailing in California, Massachusetts, and New Jersey. This protects consumers in those areas where there is limited competition to cable, that is, where television reception is poor. This will apply in many mountainous areas in my state, and I am satisfied that it provides a reasonable means of protection against potential monopolistic practices.

The trend in legislation has been to do away with burdensome and costly regulation in industries which now are subject to competition. Congress has deregulated trucking, buses, airlines, and railroads. It would be an anomalous step backwards to increase regulation in the increasingly competitive cable industry by regulating cable television rates.

RENEWAL

The second amendment eliminates the expectation of renewal contained in the bill for the cable operator. Last year I was highly critical of the cable bill, and especially of the renewal section, because I believe it was anticompetitive and provided no incentive to the cable operator to upgrade the system. This year, however, the entire cable bill has changed considerably, and with the addition of changes suggested by Senator Thurmond and incorporated into the Committee amendment, I am highly satisfied with the renewal provisions in S. 66 and I am opposed to the amendment of my colleague from Illinois.

The key point I would like to make is that to appreciate the effect of the renewal provisions, my colleagues must consider the entire compromise package. Last year's cable bill prohibited any control over the services offered over cable. It mandated a 10 percent maximum for access channels. This year, the bill makes services and access entirely negotiable between the cable operator and the cities, and it allows the cities to mandate the cable facilities they want built.

The result is that the cities have considerably more leverage under S. 66, which is also more useful at renewal time because of some significant changes in the renewal provisions from last year's bill.

As a result of Senator Thurmond's suggestion, the cities may consider competing applications at the time of renewal. S. 66 also broadens considerably the criteria the cable company must satisfy to get a renewal. For example, it adds a broad criteria that the cable operator's proposal must not be "otherwise unreasonable." With the adoption of the Committee amendment, incorporating suggestions by Senators Thurmond and Lautenberg, the cities will be able to mandate an upgrade of the system and to mandate the provision of public, educational, and governmental access channels on the system after renewal.

The cable operator, of course, has a legitimate interest in a reasonable expectation of renewal. The operator may have a multimillion dollar investment in the cable facilities. That operator needs an expectation of renewal to obtain financing for capital investments towards the end of the franchise period, and I find reasonable the argument that without that expectation, the operator does not face the proper incentive to upgrade the system.

Our objective in the renewal provisions should be to provide the proper incentives to upgrade the system to the benefit of consumers. I believe that the combination of the expectation of renewal, which encourages capital investments, and the fact that this expectation is contingent on the cable operator playing by the rules, is quite satisfactory.

Mr. PACKWOOD. Madam President, I wish to read from that statement because I find it very persuasive. Just having it printed in the RECORD is not sufficient. The Senator from Washington is referring to this amendment

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Madam President, I wish to emphasize once more how far we have come in this bill in negotiations between the cities, cable television, and the Commerce Committee. A year and a half ago this bill was unacceptable to the cities. By extraordinary negotiation many things that the cities wanted that were not in the original bill are there now, and there was an honor-bound agreement when we finally finished between the cities and cable that once we had finished this agreement, we would live by it. So far in this Chamber we have lived by it, but it is a very, very tenuous agreement. If this amendment is adopted, it is going to upset the agreement negotiated by the principal organization representing all of the cities in this country and the principal trade association representing all of cable television.

This amendment is not in the interest of the consumers. It is not sought by the cities.

I urge this Senate to either vote for the defeat of this amendment if we vote for it on the merits or to support the position of the Senator from Arizona if he raises an objection to the consideration of this amendment.

Mr. DIXON. Madam President, may I quickly respond to the three points made by my warm friend and manager of this bill?

The first is there has been talk going around here for weeks about the fact that there is an agreement in principle among all the parties affected.

Let me say that if there is such an agreement, I had never known anything about it. All the municipalities in my State, the city of Chicago, the biggest city in my State, the city of Springfield, the capital city, De Kalb, Peoria, Decatur, major towns in my State, are opposed to this bill.

Here is a letter dated June 10—this letter is 4 days old:

DEAR SENATOR DIXON: The U.S. Conference of Mayors is pleased to provide its strong backing to your amendment to S. 66, the Cable Television Communications Act of 1983.

Franchise renewal and rate regulation are two of the most often mentioned difficulties Mayors have with the potential impact of S. 66. Although conference policy opposes Federal cable television legislation, your amendment would go far toward alleviating deeply held concerns by Mayors in those areas.

So the mayors of this country are against this bill and for this amendment.

Second, when my warm friend, the manager, talks about upsetting some kind of a deal, it is not a deal that most of us were privy to. If it upsets this deal to say that a right of appeal should be with the burden on the television cable franchises and not on the city and that there should not be trial de novo in the courts costing millions of dollars, then that is a bad deal that should not have been made.

Finally, I wish to say that my distinguished friend from New Jersey has done a good job of partially cleaning up this bill and I congratulate him. But the amendment that he put on affects only four States in this Union, according to the information I have here from the affected people that know this business.

I will read this for you: "NCTA advises that only 4 States have statutes that encompass the provisions of this amendment out of the 50."

I just wish to say in conclusion that this is a good bill with this amendment. This amendment and the next one I am going to offer strengthen this bill. They make this a better bill and they make it a bill that the municipalities can live with. And I think that is desirable.

I suggest to my colleagues in the Senate that a vote for this amendment is a vote, as a lawyer I would tell you, to follow the proper appellate procedure; is a vote, I would tell you, to follow the evidentiary requirements of the law; that is, the burden is on that party who wants to go forward in this case, the cable television licensee, and it is in accordance with the established law of America.

So why should we pass a bill here that changes that law for one select group? I am not for hurting this group, I am for helping them. This amendment will help them. It retains for the local body politic, the local communities of America, the right to represent their citizens.

Now, what is the matter with that? Do we not have confidence in the cities of our States? Do we not have confidence in the people who run those great communities of America? That is all this amendment is doing.

Madam President, the amendment is a good amendment that will viably strengthen S. 66.

Madam President, section 609 of this bill, dealing with renewals and extension procedures, is flagrantly anticompetitive. It will minimize new entrants into cable and competition among existing cable companies while protecting incumbent operators from pressure to upgrade their systems at the time of franchise renewal. Furthermore, it invites costly litigation.

Section 609 not only preempts the substantive criteria for granting renewals and the procedure to be followed, but overturns the traditional deference of the courts to a city's legislative decision by granting a right to de novo review.

The modification to the committee substatute proposed by Senator PACKWOOD, who negotiated with my friend, Senator LAUTENBERG, has just one or two flaws in the de novo review process. The greatest of these is that it is unclear whether any State in the Union can actually meet the new standards set out.

According to the Congressional Research Service American Law Division, there are probably no States that meet the new negotiated judicial review procedures. I know my State cannot meet these standards and neither can the majority of the 50 States. This new provision of the bill, as did the original de novo provision, only invites costly litigation.

Thomas Wheeler, president of the National Cable Television Association, is quoted in Monday's Communication Daily about these new provisions of the bill: "* * * We do not consider any of these concessions to be very substantial. * * *"

Renewal or extensions must be granted unless a franchising authority finds: First, failure to substantially comply with material terms of the franchise and with applicable law or if the operator has been convicted of a felony; second, a material change in the operator's qualifications that would substantially impair continued service; third, the facilities to be provided are unreasonable in light of community needs and cost; fourth, signal quality is below FCC standards; or fifth, otherwise unreasonable renewal proposals. The operator may apply for renewal any time prior to 2 years before expiration, and the city must make a final decision within 1 year. If the city denies renewal, the cable operator has a right to reargue its entire case in Federal court.

The cable industry has not demonstrated any abuse of the renewal process. Almost all franchises are renewed today. For example, the New York State Cable Commission reports that not a single New York cable franchise renewal was denied over a 10-year period. Some 325 were granted. The Ohio League of Cities says a similar record exists in Ohio.

Renewal is an appropriate time for a community to review the overall quality of service it has received, the alternatives to existing facilities, and possible improvements in the system and services to adjust to future community needs. Failure to renew is extraordinary because the existing operator has strong competitive advantages—such as an inplace facility—over any outside bidder.

The incumbent operator enjoys many advantages over any possible challenger. Its capital investment is fully depreciated by renewal time. A challenger can not offer equivalent services at equivalent prices since it must recover the cost of a entirely new facility. Nevertheless, it is the possibility of nonrenewal that allows franchising authority to negotiate improvements with operators seeking renewal.

Cable incumbents do not need statutory protections to have an inherent economic advantage over challengers. A legal presumption of renewal will make it impossible to eject a bad operator from a community. S. 66 creates an expensive legal tangle with difficult burdens of proof on franchise authorities. A bad operator will automatically sue regardless of the merits of his claim. The operator should enjoy only normal legal rights to challenge an adverse decision.

The cable industry asserts that it should have a right to renew a franchise in order to protect the substantial investment made in a cable system. The industry claims that the uncertain rights of an operator to secure a renewal of a franchise seriously jeopardizes its ability to obtain adequate financing.

The fact of the matter is that virtually every cable franchise is issued for a specific number of years, typically 15 or more. The cable operator knows when entering into a contract to provide cable service that it has a specified period of years to recapture its investment.

In addition, many frachise agreements contain specific terms relating to renewal. This is a matter that can be freely negotiated between a cable operator and a community. Permitting a cable operator to acquire by Federal Government fiat a renewal right, not previously negotiated between the local community and the cable operator is blatantly anticompetitive. Moreover, it seriously jeopardizes the ability of the community to enforce previously agreed-upon contractural commitments.

First, a Federal renewal provision would foreclose any meaningful competition between cable operators at the time of refranchising. The cable industry has offered no justification for exempting the provision of cable television service from the traditional competitive bidding process. Certainly cable operators are at least as sophisticated about cable television issues as are local communities and ought to be able to adequately protect their own business interests in a franchise negotiation. If a cable operator believes a renewal expectancy is critical, it can negotiate this issue during the franchising process. There is no reason for the Federal Government to bail out a cable operator from a calculated, if in retrospect, incorrect, business decision.

More importantly, a Federal renewal provision would remove virtually any leverage a local community has when discussing with the cable operator both past performance problems and future service obligations. A federally mandated renewal right leaves a local community virtually powerless to persuade a cable operator to fulfill its past contract obligations or to upgrade a system to reflect changes in the state of technology.

It is reasonable to provide procedural guidelines for the renewal process and to allow judicial review of a denial on questions of law and procedure. For the Federal Government to set substantive criteria is an inappropriate and unnecessary intrusion into a local relationship. To require de novo review of any denial would strongly discourage any rational franchising authority from denying renewal to even the most inefficient of cable operators. Moreover, it is simply an unproductive use of judicial resources.

My amendment gives the incumbent operator a predictable procedure to follow and the opportunity to justify renewal in light of past performance and future promises. The burden lies with the operator, not the local community. My amendment will insure that, in the extraordinary circumstance where a franchise is not renewed, the original franchise holder must receive fair market value for any assets that are to be acquired by the new franchise holder.

The amendment strikes the committee provision for de novo review, while allowing judicial review limited to the issues of law and renewal procedures. De novo review creates an expensive legal tangle with the difficult burden of proof on local communities.

Many local communities have participated for over a year or more in expensive studies on the best cable operation for their citizens. S. 66 dilutes the value of these plans and substitutes requirements that do not reflect the will of the local community. Local government has proved itself to be the proper level at which to evaluate the quality of service, to establish the reasonableness of rates, and to protect the consumer. Effective competition in the cable industry should be the main ingredient in determining what is best

for a local community, be it rural or urban.

If we are to make changes in cable television in our Nation, we must do so only in a fair and equitable manner. I offer this amendment in that spirit, and request that my colleagues strengthen this bill by adopting this amendment.

I move the adoption of the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I rise in opposition to the proposal of my colleague from Illinois to amend this bill as it now stands. A lot of work went into bringing the bill to this stage. I have been deeply involved in working for an accommodation of concerns that I thought were not addressed initially. I have tried to be diligent and thorough.

Many points of view had to be brought together here. Some came to light fairly late. At this point, I think we risk losing what has been accomplished. I think that the bill now, though not perfect, does satisfy most of the consumer's interests.

Madam President, I come from a State that is the most cabled State in the Union. Forty-two percent of the homes in New Jersey have cable TV. We have a regulatory system that operates efficiently. Cable provides quality reception and the rates are reasonable. I was as concerned as any one about preserving those aspects of local regulation that work and serve the public well. Again, though I was not satisfied with the bill initially, the amendments that I and other colleagues here have had incorporated I think present us with a much improved bill that can be accepted by all of the interested parties.

Madam President, my prime aim has been to serve the consumer. It is in the consumer's interest that the industry continue to invest and improve the quality of the transmission and the kind of service. In the interests of the consumers, we have had to accept provisions that, it is hoped, will encourage the industry to invest and provide desired services. One such provision says that the investor or franchisee who provides quality service, and meets the terms of his contract should have a reasonable expectation that his franchise shall be received. I note however, that the bill also includes now a provision that other operators may compete for the franchise at renewal time. This was a key modification that I supported. So, the bill achieves what I think is a reasonable balance.

My colleague from Illinois suggests that we should eliminate altogether the requirement for de novo review, because not enough States have the kind of fair regulatory procedure outlined in the bill as modified. Under the bill as modified, if a franchising authority affords a fair procedure as set out in the bill, then there will be no full blown review in the courts. New Jersey has such a procedure. I would encourage those States that do not conform to the bill now to look to New Jersey as a model of the kind of fair procedure that is desirable.

I would add, in reference to the second amendment that I expect my colleague from Illinois to offer, that we have secured modifications pertaining to the matter of rates. Increases in rates still subject to regulation may rise by the rate of the consumer price increase—but not by an arbitrary 5 percent as the bill provided initially. We have had incorporated amendments that retain regulation where cable most resembles a monopoly—where there are no adequate, reasonable alternatives to cable-fed reception of television signals. If an overwhelming majority of the households, 80 percent or more, in an area subscribe—because cable is the only reasonable way to get reception—then the rates shall presumably be regulated, because cable in that case does act like a monopoly. We have tried to shield consumers from monopolistic pricing by cable operators.

So, Madam President, I think we have answered most of the concerns of the distinguished Senator from Illinois. I encourage my colleagues here in the Senate to support this bill as modified. It is not perfect, but I think with the modifications and compromises we have secured, we have satisfied the responsibilities that we owe to our constituents.

Mr. PACKWOOD. Madam President, in conclusion, this bill came out of committee, by a 15-to-2 margin, and had heavy majority and minority support. It would have gone to the Judiciary Committee for Senator THURMOND and the Judiciary Committee to consider adding some provisions they were concerned about, but the provisions the Senator from New Jersey just mentioned satisfied the Judiciary Committee and they canceled their hearings and agree with the bill as modified.

The cities and the cable companies agreed with it. To the best of my knowledge, apart from the Senator from Illinois, there is no objection to this particular provision in the bill. So, I encourage the Members of this body to vote "no" when we vote on it.

Mr. GOLDWATER. Will the Senator yield?

Mr. PACKWOOD. I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. I just wish to add one point. The Thurmond amendment has the complete backing of the Justice Department.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. Has all time been yielded back?

The PRESIDING OFFICER. All time has not been yielded back.

Mr. DIXON. I yield back the remainder of my time.

Mr. PACKWOOD. I yield back the remainder of my time and I move to table the amendment.

Mr. DIXON. Madam President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon (Mr. PACKWOOD) to table the amendment of the Senator from Illinois (Mr. DIXON). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON), is necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. DENTON), would vote "yea."

Mr. CRANSTON. I announce that the Senator from Louisiana (Mr. LONG), is necessarily absent.

The PRESIDING OFFICER (Mr. HECHT). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 82, nays 16, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—82

Abdnor	Goldwater	Mitchell
Andrews	Gorton	Murkowski
Armstrong	Grassley	Nickles
Baker	Hart	Nunn
Baucus	Hatch	Packwood
Bentsen	Hatfield	Pell
Biden	Hawkins	Pressler
Bingaman	Hecht	Pryor
Boren	Heflin	Quayle
Boschwitz	Heinz	Randolph
Bumpers	Helms	Riegle
Byrd	Hollings	Roth
Chafee	Huddleston	Rudman
Chiles	Humphrey	Simpson
Cochran	Inouye	Stafford
Cohen	Jackson	Stennis
Cranston	Jepsen	Stevens
D'Amato	Kassebaum	Symms
Danforth	Kasten	Thurmond
DeConcini	Kennedy	Tower
Dole	Lautenberg	Trible
Domenici	Laxalt	Tsongas
Durenberger	Lugar	Wallop
East	Mathias	Warner
Exon	Matsunaga	Weicker
Ford	Mattingly	Wilson
Garn	McClure	
Glenn	Melcher	

NAYS—16

Bradley	Leahy	Sarbanes
Burdick	Levin	Sasser
Dixon	Metzenbaum	Specter
Dodd	Moynihan	Zorinsky
Eagleton	Percy	
Johnston	Proxmire	

NOT VOTING—2

Denton Long

So the motion to lay on the table Mr. DIXON's amendment (No. 1353), as modified, was agreed to.

Mr. HATFIELD. Mr. President, I yield on the bill 2½ minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. HEINZ. Mr. President, I thank my friend and colleague from Oregon for yielding.

Mr. President, on June 1, I informed my colleagues that, when the Senate takes up the repeal of withholding, I intend to offer an amendment relating to social security reviews of the mentally disabled. This amendment, which is basically the same as S. 1144, sponsored by myself and 41 other Senators, would require that the Social Security Administration revise its regulations for evaluating mental disabilities, after receiving the recommendations of a panel of outside mental health experts appointed by the Secretary.

Six days later, on June 7, HHS Secretary Margaret Heckler announced a series of disability initiatives which include, among other things, a moratorium on the reviews of two-thirds of the mentally disabled—those suffering from psychotic disorders. I have let the Secretary know, in a letter which I ask be made part of the RECORD, that while this moratorium is helpful, I can find no fair or scientific rationale for excluding beneficiaries with nonpsychotic disabilities from the moratorium. In one breath, the Secretary admits that the standards are fatally flawed and, for that reason, exempts the psychotic patients from a disability review temporarily; but then the Secretary is willing to continue applying basically the same flawed standards to the nonpsychotic disabilites—standards under which someone is found not to be disabled because he or she wears a clean shirt or blouse, feeds a pet, boils an egg, or bangs a few keys on the piano. I have appended to my letter to Secretary Heckler, a letter I received from a physician from St. Vincent's Hospital, in Harrison, N.Y., which comments, at length, on the basic illegitimacy of excluding from the moratorium patients with severe, nonpsychotic disorders.

Further, the Secretary's June 7 statement is not at all clear in defining how far the administration intends to go in revising the criteria for judging mental disabilities. They apparently intend to revise the standards for the psychotic evaluations; but not for the nonpsychotic. They are apparently prepared to revise the medical listings for the psychotic evaluations, without considering the frequently more relevant functional capacity standard for people who do not meet the severity rating in the so-called medical listings. My amendment would require that the Secretary appoint a panel of outside experts to consider both the medical listings and the residual functional capacity assessment—for all the mental impairments, not just the psychotic.

The way in which the Secretary proposes to make changes in the mental disabilities standards is also very different from that proposed in my amendment. SSA apparently wants to set up informal work groups with compassionate outside personnel—as they are called in the press document—to help SSA bring its antiquated standards up-to-date. Well, the groups who should be participating in the process, like the National Mental Health Association, the American Psychiatric Association, and various others, have all written to Secretary Heckler expressing grave misgivings about SSA's motives for wanting these informal groups, as opposed to a panel of experts working out in the open for the public to view. Other administration documents indicate SSA would apparently prefer informal groups as being easier to manipulate than a panel of recognized experts.

Mr. President, the continuing disability reviews need a complete reform; and it would be a tragedy if the administration were to go through the exercise and end up with something that falls short of a full remedy. A panel of outside experts would help the Secretary achieve a genuine remedy without tieing their hands.

Finally, my amendment requires that a qualified psychiatrist or psychologist participates in the disability determination of people with severe mental disabilities. The GAO, in testimony before the Aging Committee that I entered in the RECORD on April 26, found that one of the major deficiencies in the reviews of the mentally disabled is that decisions are routinely made by individuals with little or no training in psychiatry or psychology.

Mr. President, for all these reasons I intend to offer my bill as an amendment to H.R. 2973.

At this point, I ask unanimous consent that my letter to Secretary Heckler, along with the letters of the National Mental Health Association, the American Psychiatric Association, and other groups, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SPECIAL COMMITTEE ON AGING,
Washington, D.C., June 14, 1983.

Hon. MARGARET M. HECKLER,
Secretary of Health and Human Services, Washington, D.C.

DEAR MADAM SECRETARY: I am writing to commend you for taking the initial steps toward reform of the continuing disability review process and to urge you to go further and complete these initiatives by making the substantive changes that will finally remedy the weaknesses in the disability review program.

In general, the initiatives you announced on June 7 are helpful and constructive. I am pleased to see that in the past two weeks you have been able to lead the Administration in its reappraisal of the continuing disability reviews. In my judgment, your announcement marks a major change in attitude—which I hail.

Still, further action is necessary before we can both say that the problems plaguing the review process and hence, social security disability beneficiaries, have been resolved.

The new initiatives do not in any way affect, the way in which disability reviews are conducted. They affect how many reviews are undertaken, and how one gets selected for review. But once selected, it is still business as usual. The important changes that would correct the existing serious flaws in the process have, unfortunately, been relegated to the category of initiatives which HHS is studying. Until HHS stops studying the problems and takes action, the CDI problems will only grow more severe. In particular, until the Department returns to a medical improvement standard, people will continue to be terminated even though their condition has not changed, and may even have deteriorated, since they were last awarded benefits. This is an inequity that Congress will remedy if HHS does not.

Similarly, Congressional action is still necessary in regard to the mental disabilities. HHS's self-imposed moratorium on reviews of individuals with psychotic disorders needlessly—and unjustifiably—excludes from the moratorium those who suffer from nonpsychotic disorders. Although this latter group constitutes only one-third of those with severe mental disabilities, the termination rate at the initial level has been a staggering 62 percent, compared to the 39 percent termination rate for psychotic disorders and the 45 percent termination rate for all other disabilities. The high termination rate of this nonpsychotic group is made possible by the flawed medical listings—which are essentially the same standards that are applied to the psychotic population. These standards allow the nonpsychotic—and the psychotic—to be terminated with the same ease by considering the performance of rudimentary daily activities as not meeting the severity standard in the so-called listings. For example, Part B of the nonpsychotic regulations includes, among 4 requirements, deterioration of personal habits. Disability examiners have told the GAO that people are thus found not disabled because they wear a clean shirt or blouse. Indeed, some of the symptoms of this illness are that individuals are compulsively clean; they can never be clean enough in their tortured states of mind. Yet these seriously ill people are arbitrarily found not to meet the current listings.

Further, the mental patient's diagnosis does not indicate his or her capacity to work, as the enclosed letter from Dr. Beatrice Braun sets forth in detail. Also, diagnoses change over the course of the illness; and many of the nonpsychotic were previously considered psychotic and are now borderline psychotic. The GAO found that these nonpsychotic illnesses are the most difficult to evaluate, and are the ones requiring the most expertise in terms of psychiatric and psychological training. Yet the fact is that these decisions are daily being made by people with little or no training in psychiatry or psychology. Finally, the disability population most prone to suicide is

found among these nonpsychotic patients, who suffer from severe, chronic depression.

In short, while I applaud the HHS moratorium on the reviews of psychotic cases, I can find no fair or scientific rationale for excluding the nonpsychotic. Also, the new permanent disability category you have established for mental retardation eliminates from the 3 year review only a small minority of such cases, according to the Association for Retarded Citizens. For these reasons, I see a need to move ahead with my bill S. 1144, which would impose a moratorium on the reviews of all beneficiaries with severe mental disabilities.

There is a need for a comprehensive review of all the regulations governing the adjudication of mental disabilities. Yet the extent and the level of the HHS commitment to revise the medical listings and residual functional capacity criteria are not at all clear. My bill would create a panel of outside experts, appointed by the Secretary of HHS, to review the existing regulations for all mental disabilities, not just the psychotic illnesses. The materials you released at your press conference do not indicate how far the Administration is prepared to go in reviewing all the mental disability criteria. Furthermore, although the Administration says it is consulting with "compassionate outside personnel," the process is not open to the public, and the results are therefore likely to be questioned. Recent letters to you from the American Psychiatric Association, the National Mental Health Association, and others, indicate their broad concerns about SSA's motives in choosing this informal approach. My bill would allow you to appoint outside experts who could address all the interrelated issues with expertise, and then allow you to decide how to proceed, without raising such misgivings about the process used to arrive at those decisions.

My bill would also require that a qualified psychiatrist or psychologist perform the required medical evaluations of people suffering from severe mental disabilities. The GAO listed the absence of trained personnel in the decisionmaking process as a major contributory factor in the erroneous denials of benefits to mentally disabled beneficiaries. Your press conference did not address this deficiency.

In closing, although I am encouraged by your recent news announcement, I would caution you not to overestimate the impact of these initiatives. Correction of the problems in the disability review system will require the close cooperation of the Administration and the Congress in the coming weeks.

Sincerely,

JOHN HEINZ, *Chairman*

ST. VINCENT'S HOSPITAL,
Harrison, N.Y., June 9, 1983.

Senator HEINZ,
Chairman, U.S. Senate Special Committee on the Aging, Dirksen Building, Washington, D.C.

DEAR SENATOR HEINZ: I would like to offer some comments on the Social Security Administration announcements regarding disability reviews. The public outrage and your legislative efforts have elicited a response from SSA which shows at least some recognition of the problem, but is not an acceptable solution. I can only hope that your fellow legislators will realize this and pursue passage of your amendment which will effect absolutely necessary changes in disability determination criteria before any further reviewing of mentally disabled patients is pursued.

Not having seen the full text of Margaret Heckler's announcement, my comments will be confined to the New York Times summary on June 8th.

By speaking of exemption of "functional psychotic disorders" it would appear that the decision for entitlement to benefits will be based on diagnosis rather than on functional capacity. Yet we have long realized that the two are not necessarily closely related. The new American Psychiatric Association Diagnostic and Statistical Manual (DSM III) has no such category as "Functional Psychotic Disorders". Certain diagnostic categories are considered psychotic disorders because in order to make the diagnosis of such a disorder, the patient must at some time have been psychotic in addition to other criteria necessary for one or other of the diagnoses among psychotic disorders. The term "functional" is studiously avoided for we clearly recognize that there are neurochemical and neurophysiologic abnormalities in the central nervous system and elsewhere associated with these illnesses. Thus, are not functional in the sense of being without related observable physical changes.

While it is true that among patients with a diagnosis of one of the psychotic disorders many will lack the ability to engage in substantial gainful activity, some patients with other mental disorders will likewise lack this ability. The diagnosis is not the relevant issue; the degree of severity of impairment that results is alone relevant for an assessment of disability entitling the patient to benefits. For example, a person with a phobia so severe that he cannot leave his house has a mental illness, not classified among the psychotic disorders, but certainly may be unable because of the phobia to engage in substantial gainful activity. On the other hand, a patient who has a psychotic disorder, even on, is actively psychotic, suffering from schizophrenia with hallucinations, with delusions and disordered thought processes, occasionally may be able to hold a job with proper supports. We have such a patient currently who finished a year in Sheltered Workshop and has recently gotten a full time job on a loading dock. How long he is able to function at this level remains to be seen, but he constantly hallucinates, and is unable to carry on a conversation at an ordinary rate because of the hallucinations distracting his concentration.

Without the sheltered workshop trial we could not have determined that he would be able to work. This is an unusual case, but there are other patients who suffer from one of the psychotic disorders, but are not currently psychotic may not be nearly as severely impaired as the phobic mentioned above or others in various diagnostic categories not included in the group of psychotic disorders.

One could go on and on with examples to demonstrate that a diagnostic or psychotic, non-psychotic method of exempting patients from review will only continue the present injustices and will not accomplish the desired goal. In fact, it is a step backward. The responsibility of the SSA is to determine whether or not a patient's impairment resulting from mental illness constitutes a disability entitling him to benefits. Thus, it is the degree of severity of the impairment and this is denoted by functional ability, not by diagnosis.

There has been a body of literature built up around the Psychiatric Review Form presently used by the SSA. The test has demonstrated good inter-rater reliability yet nowhere can I find any proof of its validity. I have written to Dr. Kurt Nussbaum, who originated the PRF, to ask if indeed such studies have been done and have received no reply to date (letter enclosed).

Various raters assessing data on a patient will come to nearly the same overall rating of the patient on the PRF. But no one has determined by studies that the test measures what they are trying to measure, i.e. whether or not the patient is able to engage in substantial gainful activity and, therefore, whether or not the patient is entitled to benefits. What good is a test that doesn't measure what one is testing for? Do we test for reading ability by giving an arithmetic test? It matters little if several teachers come up with the same mark on the test, because the test says the person can do arithmetic, but you wanted to know if the person could read. This appears to be analogous to the situation with the SSA's Psychiatric Review Form. It is not a valid instrument to assess disability, and its use for this purpose has resulted in the carnage we have experienced in the past couple of years.

In conclusion, I think the decisions announced by the Social Security Administration only further confuses the situation. They are a bandaid when major surgery is needed. They will do more harm than good because basic criteria and methods of obtaining and assessing data to determine disability due to mental illness are needed. In light of this it is even more necessary that your proposed legislation, stating that until these changes can be made there be a moratorium on all reviews for mentally disabled, be enacted.

Sincerely,

BEATRICE S. BRAUN, M.D.,
Director, Preventive Treatment Unit.

ASSOCIATION FOR RETARDED CITIZENS OF THE UNITED STATES,
Washington, D.C., June 6, 1983.

Hon. MARGARET HECKLER,
Secretary, Department of Health and Human Services, Hubert H. Humphrey Building, Washington, D.C.

DEAR MADAME SECRETARY: We are writing to you on behalf of a coalition of national organizations concerned about Social Security and Supplemental Security Income disability benefits. Included within this coalition are organizations of disabled persons and their families, advocacy organizations, medical and other mental health and developmental disability groups, and representatives of state and local governments.

As you are no doubt aware, serious concerns have been raised by the Congress, by the courts, by state and local governments and by disabled individuals and their representatives about the Social Security Administration's regulations and policies governing the evaluation of mentally impaired individuals for disability benefits. Violations of law as well as of professional standards have been thoroughly documented.

Over the past 18 months, the coalition of organizations we represent has been working cooperatively with the Social Security Administration to help resolve these problems. Recently, at the request of Social Security Administration staff, we have been involved in establishing expert work groups to assist SSA in making needed changes in its regulations, policies and procedures.

We are writing to you now because we believe that the future of these work groups and potentially the future of continuing ef-

forts at cooperation between SSA and the disability community on these issues is endangered. We want you to understand that we have been, and continue to be, committed to working for a cooperative resolution of the problems in the area of mental impairment. However, recent statements made by SSA to the Congress in its opposition on the Heinz moratorium bill (S. 1144) have raised serious doubts about SSA's commitment to give real consideration to the proposals prepared by the work groups.

We believe establishing the work groups under the auspices of the Secretary's office with a commitment from the Secretary to make needed changes is essential to provide the necessary assurance that the Department is dedicated to achieving a viable solution to these problems. Absent such a commitment, the coalition can only conclude that the work groups are intended by the Department as mere window-dressing—designed to promote the image of cooperation without the substance.

We sincerely hope that the efforts to get a truly cooperative effort off the ground will succeed and that we can work together in the future to resolve these concerns. To further this goal, representatives of our coalition would appreciate an opportunity to meet with you or with Undersecretary Svahn to discuss this further.

Respectfully yours,

MYRL WEINBERG,
Assistant Director.

On Behalf of American Coalition of Citizens with Disabilities, American Foundation for the Blind, American Psychiatric Association, Epilepsy Foundation of America, Goodwill Industries of America, Mental Health Law Project, National Association Private Residential Facilities for the Mentally Retarded, National Association of State Mental Retardation Program Directors, National Mental Health Association, National Society for Children and Adults with Autism, United Cerebral Palsy Association, Inc.

NATIONAL MENTAL HEALTH ASSOCIATION,
Arlington, Va., May 26, 1983.

Hon. MARGARET M. HECKLER,
Secretary, Independence Avenue S.W., Washington, D.C.

DEAR SECRETARY HECKLER: I was appalled to see that the Administration does not anticipate making substantial revisions to the disability criteria, even if such revisions are recommended by outside medical and other mental health experts now working with the Social Security Administration. Such an attitude is outrageous.

This position became clear in your response to Senator Heinz bill, S. 1144.

The NMHA was instrumental in setting up groups to work with the Social Security Administration that expert opinion on the complex questions of how to fully assess a mental disability would be of great assistance to the Social Security Administration. We further assumed that such expert opinion would be taken seriously and carry weight as the agency implements this program. However, in comments on S 1144, the Administration states that while some revisions may be made as a result of our recommendations, "we do not anticipate that revisions will involve such radical changes in the standards to justify a moratorium." Further, the memo opposes a provision in the Heinz bill which would set up panels of outside experts on the basis that such a panel would "create great pressure to make substantial liberalizations in our standards."

In other words, while professing to work with us, the Administration indicates a clear intent only to make minor changes to the standards. Should our groups recommend more substantial changes, they will not implement them.

This is unacceptable. SSA's criteria have already been shown to be totally inadequate to assess a mentally ill person's actual ability to function and to work in our society. SSA agreed, in Congressional Testimony that there were serious and major problems with the adjudication of claims by the mentally ill. Only through genuine cooperation between the agency and medical, mental health and vocational experts in these fields, can appropriate criteria be determined.

We have postponed any further cooperation with SSA and cancelled planned meetings of the work groups pending resolution of this question.

The Administration's statements simply reinforce our opinion that the only way to protect mentally disabled people from grossly unfair practices and unjustified termination of their benefits is passage of a bill establishing a complete moratorium on reviews of mentally disabled people, such as S 1144.

I look forward to hearing from you.

Sincerely yours,

WYMENE VALAND,
Vice-President, Public Policy.

AMERICAN PSYCHIATRIC ASSOCIATION,
Washington, D.C., May 26, 1983.

Hon. MARGARET HECKLER,
Secretary, Department of Health and Human Services, Hubert H. Humphrey Building, Washington, D.C.

DEAR MADAME SECRETARY: On behalf of the American Psychiatric Association, a medical specialty society representing over 28,000 psychiatrists nationwide, I wish to share with you our deep concern and dismay about recent unfortunate developments in what we understood was to have been a cooperative effort with the Social Security Administration to improve upon existing policies and procedures which have led to the termination of many mentally disabled persons from the rolls of the Social Security Disability Insurance Program.

As you are aware, the APA's Federal governmental involvement has been both through the legislative process and working cooperatively with the Administration, to help resolve the now well-documented shortcomings in the SSA's regulations and policies surrounding continuing disability investigations (CDIs) for the mentally impaired. Our working relationship with the Department dates back to April, 1982, when we first met with then Secretary Schweiker. Flowing from our mutually agreed course of action, we have pursued actively all means of working with SSA to resolve these difficulties. For example, last summer, we responded to proposed changes in the "Medical Listings" (regulations for establishing disability based on medical criteria alone). At that time, we made substantive recommendations for change, and shared such recommendations with SSA officials at several meetings during the summer. Regrettably, the final regulations did not reflect our thinking, or respond to any of our articulated concerns.

At the same time, again as the result of our meeting with Secretary Schweiker, we sought means of bringing increased numbers of psychiatrists onto state DDS staff to provide the critical special medical input into the adjudication of disability cases for the mentally impaired. While our efforts have met with some success in locating interested psychiatrists, again, here also regrettably, to our knowledge, SSA has never informed the state DDS offices of our activities, and hence interested APA members have not yet been utilized in any significant way. This lack of meaningful SSA follow-up has of course not gone unnoticed by other potentially interested psychiatrists, who otherwise might have expressed further interest and participation.

More recently, we have continued in our efforts with SSA, providing them with several suggestions regarding the use of established APA peer review mechanisms in the redetermination process for the mentally ill, and agreeing to participate in the larger multi-disciplinary workgroups to help resolve the regulatory problems inherent in the current Listing of Impairments and procedures for assessing "RFC" (residual functional capacity, or ability to work despite some measure of medical impairment). In coordination with other organizations, we entered into such arrangements with SSA in good faith, and had scheduled one workgroup to meet on May 31, and tentatively had scheduled the critical workgroup to rewrite the Listings of Impairments for mental impairment to meet the first full week in June. For the reasons set forth below, we regrettably, have had no alternative but to join with the other organizations in a mutual decision to delay initial implementation of such activities.

This decision is based upon the Administration's comments, hereinafter discussed in detail, set forth in an Administration response to legislation introduced by Senator Heinz. His bill, S. 1144, would impose a moratorium on CDIs for the mentally ill, pending development of new Medical Listings and procedures regarding RFC for that population. That document, which we understand had been cleared through OMB and therefore represents a formal Administration position, casts a shadow over our mutual efforts.

Specifically, the document states that "while we (SSA) will likely revise the listings and instructional materials as a result of the recommendations of the workgroups, we do not anticipate that our revisions will involve such radical changes in the standards to justify a moratorium." We are concerned that such a statement indicates that SSA has already prejudged what changes it might accept and which it might reject, even before the workgroups have begun their deliberation. It appears to foreclose a thoughtful, medically appropriate and sophisticated redevelopment of those criteria necessary to establish a finding of medical disability. Such a recodification of the Medical Listings is, we expect, a far more complicated task than originally envisioned and the document's statement would imply that our work may well go unheeded.

Further credence is lent to this belief by the subsequent statement in the same document that the Heinz bill's provisions regarding the establishment of an outside panel of experts to make recommendations regarding the revision of both the Listings for mental impairments and the procedures for assessing RFC "could create great pressure . . . to make substantial liberalizations in our standards. We might even be forced to apply a less severe definition of disability for the mentally impaired. . . ." The document is

saying, in essence, that only through "the weight of congressional intent" would significant changes be accepted by SSA. Thus, absent authorizing legislation for an expert panel, our own expert panel recommendations can be disregarded. Further, SSA implies that it has the authority to alter the definition of disability for the mentally impaired, and that such alteration could work to the detriment of other disabled persons. The definition of disability is set by statute, not by SSA, and cannot per se be altered. However, the "weight of congressional intent" might lead SSA to develop Medical Listings and procedures which more appropriately measured mental impairment and thus disability.

Finally, SSA argues that revision in the Listings and RFC "could be expected to take almost 2 years after enactment." Two points are worth mentioning in connection with this statement. First, the Listings have not been revised in 13 years, and substantial medical technical knowledge has developed in that time, which can help make more precise decisions regarding when a mentally ill beneficiary is or is not eligible for disability benefits. SSA has admitted before Congress that the regulations and procedures for assessing RFC require revision. Why, then, continue to review beneficiaries under admittedly outmoded, inappropriate regulations and procedures for the two year period SSA argues such redevelopment might take?

Second, we are forced to question the accuracy of the argument that such activities would take two years, since in discussions leading to the development of the workgroups, SSA staff informed our staff that if the "Medical Listings" could be rewritten quickly, the Agency could go immediately to an interim final regulation, with an effective date in late July or early August, with no trouble. Such statement does not "square" well with the formal Administration comment on the Heinz bill.

We are equally concerned about several statements made in the document regarding the use of psychiatrists to make the medical decisions regarding mental impairment and RFC assessment at the state level which SSA rejects on cost and other grounds. SSA lauds its own efforts with the APA to seek out greater numbers of psychiatrists and notes that state DDS offices are working with APA District Branches to that end. We have already stated earlier in this letter that SSA has failed to provide necessary follow-up to APA efforts to seek greater psychiatrist participation. We are deeply concerned that, by invoking the APA's name, SSA is seeking to exonerate itself on this subject. We do not believe that our good faith efforts should be misused.

Last, SSA states that "Many State agencies in mental impairment cases now use physicians with training in a more general subspecialty that includes a subspecialty in psychiatry or psychology." We in the practice of medicine have substantial difficulty understanding who such persons are and, in fact, this argument makes no sense other than as rhetoric.

The American Psychiatric Association wishes the Department to understand that it believes major improvements in the SSDI program for the mentally ill could be accomplished as the result of our workgroup activities and other truly cooperative APA-SSA activities. However, we believe it important that the Department articulate its own support for our work efforts, by lending Secretarial support for and endorsement of such activities. It is otherwise difficult to believe that our activities to this point and potentially in the future in coordination with SSA would be other than to present an image but not the substance of necessary positive program and regulatory change.

Sincerely,

MELVIN SABSHIN, M.D.,
Medical Director.

Mr. HEINZ. Mr. President, let me summarize for my colleagues my concern.

On June 7, Secretary Heckler announced a series of disability initiatives that, among other things, would stop the continuing disability reviews of some two-thirds of the mentally disabled, those suffering from psychotic disorders.

I believe that we have here, an instance where the Secretary in one breath is admitting that the mental disability standards are fatally flawed. And it is for that very reason that we believe that she is wrong in exempting only the psychotic patients from a disability review based on such flawed standards.

When the Secretary is willing to continue applying the same flawed standards to those with nonpsychotic mental disabilities, it seems to us to be a very unfair and illegitimate approach to a very serious problem. It is my hope, Mr. President, that my colleagues will agree that the moratorium on only two-thirds of the mentally disabled is unfair and unjustified in terms of the nonpsychotic. And that the way SSA proposes to change the mental disability standards is vague: They propose a closed-door method; we want a panel of outside experts.

Finally, what the Department of Health and Human Services proposes does not take into account the critical need to have a psychologist or a psychiatrist make these kinds of difficult disability determinations.

I thank my colleague (Mr. PACKWOOD) for the time.

AMENDMENT NO. 1324

(Purpose: To provide that cable operators may not automatically increase rates annually)

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I send to the desk a modification to amendment 1324, which I believe is in the hands of the clerk at this time.

May I say to the distinguished manager of the bill that the majority leader just came over and asked me, "Say, landslider, are you going to go ahead with your second amendment?" I said that I thought I could get more votes for this one, having received only 16 on the last, and he suggested I had plenty of room.

The PRESIDING OFFICER. If the Senator will allow, the amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. DIXON) proposes an amendment 1324, as modified:

On page 32, beginning with line 14, strike out all through line 20 on page 33, and reletter subsequent subsections accordingly.

Mr. DIXON. Mr. President, in connection with the modification to amendment 1324, this has to do with franchisees rates and increases to be allowed the cable television franchise owners throughout the country. As S. 66 came out of committee, it provided two types of increases in franchise rates that a cable television franchisee could receive; either, one, a 5-percent increase each year or, two, a franchise rate increase according to the Consumer Price Index increase.

Now, an amendment was accepted by the distinguished manager of the bill, again from the junior Senator from New Jersey, which did away with the 5-percent increase, but provides in this bill, S. 66, so far as the franchise rates of cable television and franchisees are concerned, that a franchise rate increase is automatic each year—without any hearings—in the amount of the Consumer Price Index.

Now, I am sure that my friend, the manager of the bill, will suggest that that is in the spirit of fairness and any franchisee ought to receive an increase at least in the amount of the cost-of-living increase, but I would want to make these two points. First of all, these franchises are granted usually for 15 to 20 years. Many of these franchisees without a doubt make substantial profits. I would argue, first, why should a franchise rate be imposed upon the consumers by a Federal law—I want to stress that, by a Federal law—by this bill, S. 66? Why should you in the U.S. Senate increase franchise rates on the consumers in the communities, in the municipalities you represent in your State without there being a hearing at the local level? There is no justification for it, if the rate increase is not justified, why grant it because there has been a cost-of-living increase? A company could be doing very well. It could be a very profitable company and there would be no justification for a rate increase, but notwithstanding that fact it would be granted by Federal law under this bill.

The second point is this: We are talking about in effect what amounts to a monopoly in these communities—a franchise by a cable television authority in a commu ity, and we are granting to that monopoly a rate increase without any hearings when we do not do that in any parallel situation.

I think that if my friend, the manager of this bill, came to you and suggested that we ought to give the telephone company a rate increase along the lines of the cost-of-living increase, you would oppose it. I think if my friend, the manager of the bill, came in and said give to a power company a

rate increase dependent upon a cost-of-living increase without hearings, you would oppose it. I think if my friend, the manager of this bill, came in and said give a water company a rate increase dependent upon the cost of living without any hearing, you would oppose it.

So that the manager of this bill and the sponsors of S. 66 are saying to you, give an automatic rate increase without any hearing to protect the consumers. Notwithstanding whatever the profit of the company might be, no matter how immense the profit of that company might be in a given year, if they are tripling their investment in that year, you give them a rate increase anyhow, because there has been a cost-of-living increase.

I suggest that if I were a lobbyist for the power companies or the water companies or the telephone companies, I would like to come to this place and ask for the same consideration.

In the last debate, on the last amendment, which was overwhelmingly rejected, my warm friend the junior Senator from New Jersey said that what he was concerned about here was the consumer. Well, I want to say this: My amendment is directly concerned about the consumer. This amendment says that before you can have rate increases, you have to have a hearing. Is that unfair?

You have a monopoly, as the only business in town, the only person who can sell the service, and you give them an increase, without a hearing. It is unprecedented. There is nothing like it on any books in this country.

But we are going to do it because I suppose everybody in the committee has agreed to it, and I suppose the vote will be overwhelming.

I am sure that when the voters inquire about the rate increase in the future, the rejection as to why you did this will be overwhelming as well.

Someone might say, "Well, it is in the interest of fairness. They ought to have a rate increase."

Listen to this: The Paul Kagen Cable TV Franchising Newsletter of March and April of this year, 1983, right now, reported on rate regulation activity in 120 communities—not 1 or 2, not 10, not 2 dozen, but 120 communities—in 27 States, more than half. According to its figures, the average system in the country granted an increase raising rates by 16.2 percent last year. I said 16.2 percent, from $7.83 to $9.03.

Are they coming to this place saying they have not had equity? Are they coming to this place saying, "It is not fair to us"? The evidence is to the contrary. All the evidence on the record by the newsletters that convey the information concerning the subject matter at hand is that they received rate increases of 16.2 percent last year in America in 120 communities, in 27 States.

I suppose this will be overwhelmingly rejected, too, and I suppose everybody will say this is what the committee agreed to as well. But I want to say this: If we are going to establish a precedent in this place on June 14, 1983, to give monopolies in this country automatic rate increases where there are no hearings, I say, "Katy, bar the door! Katy, bar the door!"

They wanted to make the rate increase 5 percent or the cost-of-living increase, whichever is greater, not smaller; that is what they wanted, greater. You pay more. That is what they wanted. They took half. They give you half a break. That is what you consumers got—half a break, the back of the hand.

Whenever you give anybody a right to go into a place and sell their goods and nobody else's goods; whenever you say in this country, "This is a monopoly and nobody else can have it, just you—you're the only guy going to sell this," there should be a hearing for the consumer, to protect the little guy with patches on his breeches, before you raise the cost.

That is what I am talking about here. I do not care if it is dimes or dollars. I know there has been a deal. Fine. I was not in on it. The deal is no good. The deal raises the rates to ordinary consumers in every town, big and small, without a hearing, and that is not fair. It is unreasonable. It is outrageous; and whatever the price, it is a shock to me that it be done. It will be done in a minute.

Old "Landslide Dixon" will not get more than 16 for this one, either. But I want to tell you something: I can go home and build a landslide on what is happening here. Nobody can justify doing this. This is not reasonable. This violates every fundamental principle of how you deal with a monopoly in America. When it is done and when it takes place, and if it is only 26 cents on the bill, the people in your home State and the towns you go back to are going to talk about it, and will have to justify this vote.

I say to you that this is an expression of a special interest coming to this place and getting a special deal.

Mr. President, I find it ironic, at a time when we, in Congress, are trying to shift regulatory responsibility to State and local jurisdictions, that we are now presented with legislation imposing new Federal rules on these governmental bodies. This legislation would impose unilateral changes in cable contracts that have been painstakingly negotiated in such a sensitive area as rate regulation.

Cable operations are a monopoly not subject to effective competition in many instances. Local government is in the best position to determine whether regulation is appropriate, and in what form and under what conditions it should be suspended or eliminated.

As cable television has developed throughout our States, local communities have clearly acted in a responsible manner in granting needed rate increases. But rate regulation is an integral enforcement mechanism for many franchisers. Therefore, if S. 66 is to pass, I urge my colleagues to support my amendment to delete the automatic rate increase provision of S. 66.

Local and State governments are capable of intelligently regulating cable services. For example, most communities use their discretion not to regulate entertainment cable services. It is simply not in anyone's interest to regulate a company out of business. Cities are likewise acting reasonably in reviewing rate increases.

S. 66 is based on an unproven premise—that cable television faces meaningful competition from comparable industries. I am not convinced.

I think cable is great. I can watch the news whenever I choose; it is a dream come true for sports fans. I even have the opportunity to watch my colleagues in the House 24 hours a day. It offers programing for minorities, teenagers, small children—just about any other group.

The cable industry deserves special commendation for its local programing—whether produced by the cable company or by the community. The opportunity for citizens to become "video literate" by learning how to create programing may be one of the most under-recognized benefits offered by the cable industry to our Nation.

I have touched on only a few of the services offered by one-way video. The potential of two-way video and for data transmission may be even more exciting.

The capacity to offer such a range and quantity of services via single transmission medium makes a cable communications system unique. We should encourage the full development of cable's potential.

Basic, cable, and telecommunications services over a broadband transmission system should not be regulated if they are subject to effective competition. Regulation should extend only to that which is necessary to protect consumers and users from unfair marketplace power.

Any decision to regulate should be reached only after a fair evaluation of the competitive situation in the community. The diversity among regions and communities across the Nation requires a local test for adequate competition.

The cable industry has made no showing that it faces significant competition for many of its most important services. As my distinguished col-

league, Senator GORTON, said during the hearings on S. 66:

We must examine each of these new technologies to see if they provide services that are competitive with cable, quality that is competitive with cable. We must not forget that cable can offer a multichannel service with two-way capacity at a relatively low cost. None of the new technologies presented yesterday can rival cable's services. Some lack multichannel capacity, most lack two-way potential, and many are still in a developmental stage. Indeed, Mr. Bortz concluded yesterday that cable television will be the dominant television medium in this country and that alternative services may capture only 5 to 10 percent of the marketplace.

Similarly, a California Public Broadcasting Commission report published earlier this year summarized cable's overall role in the communications market:

There has been much speculation about competition to the cable industry from Multipoint Distribution Systems (MDS), Direct Broadcast Satellites (DBS), and perhaps Low Power Television (LPTV) stations. All could deliver premium programming, thus perhaps skimming from the cable industry some pay-TV revenue. All are much less expensive to install and operate than cable systems.

While each of these technologies may be successful, however, it seems unlikely that they will have much impact on cable. At most it appears that they might lessen the demand for cable to serve new communities, thus slowing the overall growth of the cable industry.

The reasons for this pro-cable conclusion are that cable has beeen able to offer upwards of ten times as many channels for about the same monthly charge; cable systems not only provide new service but improve the reception quality of local broadcast stations; cable can offer desirable premium services plus local origination; cable can offer interactive services for information and at-home transactions; and cable can become a more broadly based business by providing voice, video, and data transmission to industry and government. Finally, cable does not require exterior antennas of any kind.[1]

In fact, several technologies recently have fallen victim to cable's inherent economies of scale and have been unable to compete effectively with cable. For example, "Communications Daily" reported on May 16:

Preview subscription TV announced its Cleveland-based STV operation would cease August 31. President Nate Garner blames cable: "Cleveland has been an efficient, well run operation, but the size of our potential market is becoming increasingly limited due to the expansion of Cable TV . . ."

Finally, as I said, local and State governments are capable of intelligently regulating cable services.

States and localities are behaving and will behave responsibly. They need the discretion to regulate where it becomes necessary.

I urge my colleagues to support this amendment.

[1] CPBD "Public Telecommunications Project" (John Witherspoon, 1983) quoted in CPBC, "The Consumer and Cable in California," at 99 (1983).

Mr. PACKWOOD. Mr. President, this is one more amendment that flies in the face of the agreement that was made, what apparently the Senator from Illinois calls the special interests, one being the National League of Cities, which represents every significant city in this country. By that I mean the elected officials of those cities, the people who are allegedly closer to their constituents than anybody else.

Let me tell you why. Cable television, say what you want, has serious competition in this country. The Senator from Illinois says, "Would we do this for a water company and would we do this for an electric company?" We would not.

Traditionally, the position of this country has been that local governments have no right to regulate communications. Cable is a form of communications. But for the sole reason that they have to string a wire, the Federal Government initially made a decision that they could regulate cable. But now they have competition. Now, satellites can beam down television programs.

All of us do not have to drive very far, be it around Washington, D.C., or our home States, to see more and more people putting up those funny little white dishes in their front yards or backyards. In 2 or 3 years, you will be able to put them on your roof. The local governments will not have any right to regulate them, and they will compete with cable.

So, what we were finally trying to do was to achieve some accommodation so that the many cities that do not have cable could get it while there is still a chance. Frankly, I do not think there is a chance. I think the day of people putting millions of dollars into cable is about gone.

All this bill does now, so far as these rates are concerned, is simply to say that, one, local cable may have its rates go up no greater than the regional consumer price index, and two, that where they compete in an area where the viewers can receive at least four other over-the-air signals clearly, three of which must be network, then there will be no rate regulation.

Do you know what we found? If you happen to be so lucky that you are in an area where you can receive four signals clearly, you do not subscribe to cable. So we said, under those circumstances, for what we call basic service—basic service is two things: the retransmission of broadcast signals for pickup elsewhere, such as Ted Turner's signal out of Atlanta, or the access channels, if you want to watch the county commission, the city council, the school board, those are the access channels—that there will be no rate regulation. That is all the cities have agreed to. They know it is in their interests. Cable has agreed to it. They think it is in their interests. The majority and minority of the Commerce Committee have agreed to it.

I hope that when we come to a vote, the Senate will treat this amendment much in the same fashion as it has treated the last one.

Mr. GOLDWATER. Mr. President, will the Senator yield for a moment?

Mr. PACKWOOD. I am delighted to yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, this would eliminate the automatic rate increase provision. We have already accepted the Exon amendment which restricts to its regional CPI.

I remind my colleague that anytime a city council sits down to renegotiate a franchise or a contract, rates have to come into it, and in my particular case, I have had cable television for 2 long years and not 1 penny of rate increase.

So I think the Senator from Illinois is raising a strawman in this. It would gut the main policy thrust of our bill.

I hope that the Senator, in his wisdom, will not offer this amendment and let us get on with the completion of the work.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. What is the time situation?

The PRESIDING OFFICER. The Senator from Oregon has 10 minutes, and the Senator from Illinois 4 minutes.

Mr. PACKWOOD. Mr. President, I am prepared to yield back our time if the Senator from Illinois is prepared to yield back his time.

Mr. DIXON. Mr. President, I am more than willing to yield back the remainder of my time and move the adoption of the amendment.

Mr. PACKWOOD. Would the Senator be satisfied with a voice vote?

Mr. DIXON. No. The Senator wishes the yeas and nays.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. HUDDLESTON) and the Senator from Louisiana (Mr. LONG), are necessarily absent.

The PRESIDING OFFICER. Have all Senators in the Chamber voted?

The result was announced—yeas 26, nays 72, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—26

Abdnor	Exon	Moynihan
Biden	Humphrey	Nunn
Boren	Jackson	Pell
Boschwitz	Johnston	Proxmire
Bumpers	Leahy	Sarbanes
Burdick	Levin	Sasser
Dixon	Melcher	Stennis
Dodd	Metzenbaum	Zorinsky
Eagleton	Mitchell	

NAYS—72

Andrews	Goldwater	Murkowski
Armstrong	Gorton	Nickles
Baker	Grassley	Packwood
Baucus	Hart	Percy
Bentsen	Hatch	Pressler
Bingaman	Hatfield	Pryor
Bradley	Hawkins	Quayle
Byrd	Hecht	Randolph
Chafee	Heflin	Riegle
Chiles	Heinz	Roth
Cochran	Helms	Rudman
Cohen	Hollings	Simpson
Cranston	Inouye	Specter
D'Amato	Jepsen	Stafford
Danforth	Kassebaum	Stevens
DeConcini	Kasten	Symms
Denton	Kennedy	Thurmond
Dole	Lautenberg	Tower
Domenici	Laxalt	Trible
Durenberger	Lugar	Tsongas
East	Mathias	Wallop
Ford	Matsunaga	Warner
Garn	Mattingly	Weicker
Glenn	McClure	Wilson

NOT VOTING—2

Huddleston	Long

So Mr. DIXON's amendment (No. 1324), as modified, was rejected.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1325, AS MODIFIED

Mr. DIXON. Mr. President, I send to the desk amendment No. 1325, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. RUDMAN). The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois (Mr. DIXON) proposes an amendment numbered 1325, as modified.

At the end of the bill, insert the following new section. "Section . Nothing in this Act shall be construed as prohibiting a franchising authority, or a State or political subdivision or agency thereof, from requiring a cable operator to follow certain EEO and affirmative action guidelines or from imposing minority business enterprise requirements on a cable operator.".

Mr. DIXON. Mr. President, if I may briefly be heard on this, this is the discussion we had before noon today. I know what has transpired on prior amendments and the rejection overwhelmingly of those amendments. I expect ultimately to be heard on this bill, at which time I will tell you at length why I think you have made very, grievous errors in permitting this bill in this shape to leave this place.

This particular amendment, which I am told may be objected to on the grounds that it does not come within the standing order, is an amendment requested by the mayor of the city of Chicago, a city that has a substantial minority population. Chicago is presently considering a cable franchise for the whole city, and has been listening to evidence and has had hearings for 3 years. All Illinois wants to say in this bill is that nothing in this act shall be construed to prohibit a franchising authority from providing for equal opportunity of employment.

How we can send a bill out of this place that is going to affect with the greatest impact the major cities of America—New York, Detroit, Cleveland, Chicago, Philadelphia, Los Angeles, Atlanta, Miami and all the great cities of this Nation, without giving a guarantee that "You will not prohibit the opportunity to discuss equal opportunities in the franchising process"? I want to say to you, this is a grievous error. I will have the occasion to say more about it in the consideration of the final bill.

You have a bill here where you have given these folks——

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order. The Senate will please be in order.

The Senator from Illinois.

Mr. DIXON. You have a bill here where you have given these folks carte blanche on everything. Every time we talk about it somebody says arrangements have been made and everybody signed off. I want to tell you the American people have not signed off.

This bill has some very, very serious problems. I am going to say to you that it would be in the interest of a reassessment of this matter by many of us, I think, if this amendment could be accepted.

I would like to say this: If a point of order is going to be raised, this Senator understands the right of every Senator to do that, but for someone to suggest that this is protected anyway, I want to say to you if that is the case, why is it not in the bill? One: Why are the great municipalities of my State saying they are concerned about it? Two: Why are their lawyers saying that? Why are the great leaders who are concerned about the interests and the rights of minorities in these great communities concerned?

I am concerned. You should be concerned.

I think this language is the kind of language that is without any possible harm to the impact of this bill at all. Nothing in this bill can be harmed by an acceptance of this language which protects the rights of Hispanics, blacks, and other minorities in America in the communities where these franchise considerations are going to be made.

Mr. President, I ask that this amendment be considered at this time. I will not ask for the yeas and nays until I hear what the manager has to say.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, a unanimous-consent agreement entered into yesterday makes it in order for the Senator from Illinois to offer amendments or modifications thereof necessary due to the committee modification.

Mr. President, after studying the amendment offered by the Senator from Illinois in this instance, I believe that it is not within the terms of the agreement. It is, therefore, a new amendment.

The agreement entered into yesterday stipulated that the only amendments in order today were those specifically authorized in the agreement. Because this amendment of the Senator from Illinois does not conform to the requirements of the unanimous-consent agreement, I raise a point of order that the amendment is not in order.

The PRESIDING OFFICER. The Chair advises the Senator from Arizona that the point of order may not be considered until all time has been used or yielded back.

Mr. DIXON. I yield back the remainder of my time.

Mr. PACKWOOD. Mr. President, the Senator from Illinois yielded back his time. All I can say is that this issue is statutorily covered by current Federal law. As sympathetic as I am to the issue the Senator from Illinois may have raised, this is a totally unnecessary amendment, when we have the FCC with enforcement duties involved with equal employment opportunities. We have the Equal Employment Opportunity Act. If it is all right with the Senator from Arizona, I shall be willing to yield back my time so he may make the point of order.

Mr. GOLDWATER. The Chair has heard my statement. There is no need to repeat it. I raise the point of order that this amendment is not in order.

The PRESIDING OFFICER. The point of order is well taken.

Mr. DIXON. Mr. President, I shall not appeal the ruling of the Chair for the simple reason that I shall reserve my statements along this line for my statement against the bill.

Mr. BAKER. Mr. President, may I inquire of the managers of the bill, is this the last amendment that was in order under the terms of the unanimous-consent agreement?

Mr. PACKWOOD. There is one by Senator SPECTER under the unanimous-consent agreement, but we are prepared to accept that and one by Senator WILSON, as well.

Mr. BAKER. The reason I ask is that I am trying to evaluate the time

situation. It is essential, in my view, that we finish this bill tonight. I am trying to figure out whether we are going to have any more rollcall votes or not.

I inquire of the managers of both sides if there is any demand so far for a rollcall vote on passage.

Mr. DIXON. There is a demand by this Senator.

Mr. FORD. The demand is obvious.

Mr. BAKER. Yes, Mr. President, the demand has been made, that is true.

Mr. GOLDWATER. Mr. President, I wish to emphasize that we have spent a lot of time on this bill. The hour is getting late. There are several people engaged in this matter who have very important things to do tonight. The daughter of the manager of this bill, the chairman of the committee, is graduating. He needs to attend that. I have a longstanding engagement involving one of our top aviators, Jimmy Doolittle, that I could miss but I would not like to. I would like to get along with this, if it is all right with the Senator from Illinois, whom we waited for to get back from Stockholm or Sweden, wherever he was, just as they waited for me to get back from Geneva. I would like to get along with it if it is agreeable to my friend from Illinois.

Mr. DIXON. Mr. President, I say to my dear friend from Arizona that it is the hope of this Senator that in his short or long career, whatever it might be here, he can always get along with people. I am not going to take a long time. I say to my distinguished friend, the senior Senator from Arizona, I am willing to vote at 6 o'clock. But I want to tell everybody why I think this is not a good bill. I do not want to consume a long time. I hope there is never an occasion when people think the Senator from Illinois has imposed on others.

Mr. GOLDWATER. Mr. President, I have raised a point of order. Has the Chair ruled?

The PRESIDING OFFICER. The Chair has ruled that the point of order was well taken.

Mr. BAKER. Mr. President, I heard the Senator from Illinois say that he is prepared to vote at 6 p.m. on passage. I would like the minority leader to give me his views on that, so I would not like to propound that request until I have heard from the minority leader. I think it is important to conclude this bill, and while we wait for him, will the managers of the bill be ready to proceed with the other amendments?

Mr. PACKWOOD. I am ready to take up the other amendments, yes, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I believe the Senator from Pennsylvania (Mr. SPECTER) has an amendment that can be agreed upon. I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 1383

(Purpose: To amend the Communications Act of 1934)

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Oregon (Mr. PACKWOOD). I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER) proposes an amendment numbered 1383.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, line 7, immediately after the period add the following: For purposes of this subsection, a franchise agreement containing such requirements shall be considered to have been in effect on such date of enactment if such agreement was the result of a franchise proceeding for which a request for proposals was originally issued, however subsequently modified or replaced, on or prior to September 30, 1982.

Mr. SPECTER. Mr. President, the amendment amends section 613(f) of the bill to extend the meaning of "franchise agreement in effect on the date of enactment of the Cable Telecommunications Act of 1983" to include franchise agreements on matters for which requests for proposals were originally issued, however subsequently modified or replaced, where those original requests for proposals were made on or prior to September 30, 1982. I believe that this provision is equitable and just. It insures that cities or municipalities which have been in the process of seeking such franchise agreements for some substantial period of time but have not been able to complete negotations will be treated as if their franchise agreements had been formally entered into for purposes of this subsection.

I think it is appropriate to say for the record so there will be no question about legislative intent here that this amendment is being submitted in order to be sure that the city of Philadelphia will be covered as if their franchise agreements had already been entered into. The city of Philadelphia is large and has been divided up into areas. There are complexities and, for a variety of reasons, those franchise agreements have not yet been put into final form and signed by all the parties.

This amendment will treat the city of Philadelphia as if the agreement were in effect for purposes of this provision of the bill since their request for proposals had initially been issued prior to September 30, 1982. The language "however subsequently modified or replaced" is protective so if there is a modification or replacement or alteration of any sort, it will be covered.

I think that adequately describes what we are seeking to accomplish here. I thank the distinguished Senator from Oregon for his consideration.

Mr. PACKWOOD. Mr. President, speaking on behalf of the majority, we are prepared to accept the amendment.

Mr. FORD. Mr. President, speaking on behalf of the minority, we are more than willing to accept the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PACKWOOD. All time is yielded back.

Mr. SPECTER. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1383) was agreed to.

AMENDMENT NO. 1384

(Purpose: To limit the applicability of subsections (b), (c), and (d) of section 607 relating to the regulation of rates)

Mr. PACKWOOD. Mr. President, I yield to the Senator from California for the purpose of offering an amendment.

Mr. WILSON. Mr. President, I thank the distinguished Senator from Oregon and the distinguished minority manager.

I send an amendment to the desk and ask for its immediate consideration. Mr. President, I also ask unanimous consent that my colleague from California (Senator CRANSTON), be added as cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from California (Mr. WILSON), for himself and Mr. CRANSTON, proposes an amendment numbered 1384.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 35, after line 8, insert the following: "(i) The provisions of subsections (b), (c) and (d) shall not apply to a franchise agreement in existence on the date of enactment of this Act for a period of five years following the date of enactment of this Act, or for the remaining term of such franchise agreement, whichever is greater, in any state which has in effect, and has had in effect since January 1, 1983, a statutory scheme deregulating rates which contains a requirement regarding minimal channel capacity.".

Mr. WILSON. Mr. President, cable television is thriving in California. But, this did not happen by chance.

The State of California—and its cities—have long taken an enlightened approach to cable television regulation. As a result, in speaking with cable television system operators, large and small, the Senator from California has been told, what he long suspected, that his home State is a good place in which to seek a franchise for, operate, and seek renewal of, a cable television system. Indeed, to date there are approximately 350 cable systems providing services to 700 communities throughout California.

The purposes and effects of California law are very much in keeping with S. 66, the Cable Telecommunications Act of 1983. California law already provides for de novo review of a denial of franchise renewal and a 5-percent cap on franchise fees. California law also establishes a structure for resolution of subscriber complaints.

Perhaps, most importantly, California—in recognition of the validity of free market mechanisms—has provided a statutory scheme deregulating rates.

For cable systems desiring to have their rates deregulated, California law does set certain minimal standards concerning channel capacity, system capabilities, and available over-the-air television reception, and it does require a small payment—50 cents per subscriber per year—to be made to a nonprofit, community service channel program. All of this is in keeping with the beneficial purposes of S. 66.

Actually, California's rate deregulation scheme is preferred over that of S. 66 not only by the League of California Cities, but also by the California Cable Association.

In the past 24 hours, I have heard from Spencer Kaitz, president of the California Cable Association, Ed Allen, president of Western Communications and a member of the board of the National Cable Television Association for the past 11 years, Drew Lewis, president of Warner-Amex Cable, and Eugene Yee of Cox Communications in my home town of San Diego. Each of these individuals speaks for significant cable operations in California. And, each supports by amendment.

Mr. President, my amendment is narrow in its focus. It takes cognizance of the fact that California has—on its own—already enacted rate deregulation schemes which, while slightly different from that of S. 66, are very much in keeping with it.

My amendment would simply grandfather the State statutory rate deregulation schemes presently in existence, and which remain in existence, for a period of 5 years or for the length of any existing franchise agreement, whichever is greater.

The Senator from California trusts that no one in this Chamber—and especially no Senator who is supporting S. 66 and who is wisely seeking a statutory scheme of deregulation—in any way wants to impose a similar, though new and different structure on those States which have led the way on deregulation of cable television.

If it can be agreed that cable deregulation in California and Massachusetts is working well—and this the Senate should be able to do as has the National Cable Television Association—then my amendment should be adopted.

S. 66 is a good bill, and I support it. However, in the view of those most directly affected by it—the cable companies and the cities—a minor change concerning rate deregulation is in order.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. The Senator from California has explained the amendment. As far as the majority is concerned, the amendment is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Is there objection?

Mr. PACKWOOD. I can also speak for the minority.

The PRESIDING OFFICER. Is all time yielded back?

Mr. PACKWOOD. I yield back all time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 1384) was agreed to.

AMENDMENT NO. 1385

(Purpose: To provide a technical correction to the Committee modifications.)

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. DURENBERGER) proposes an amendment numbered 1385.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, line 9, strike out ", or cable system facilities or cable related equipment,"; and

On page 43, line 12, strike out ", facilities or equipment".

Mr. DURENBERGER. Mr. President, yesterday's modification of the committee language which was kindly agreed to by the manager of the bill and the senior Senator from Arizona inadvertently left out a provision of an amendment I had worked out with the distinguished chairman from Oregon and the chairman of the Communications Subcommittee. My amendment strikes the references to "facilities and equipment" which are contained in section 613(d)(1) providing us with an approach that is flexible enough in terms of relationships between the franchisors and the franchisees.

Mr. PACKWOOD. The Senator from Minnesota is exactly correct. This was left out yesterday simply by inadvertence. We agreed to the amendment orally.

I am prepared to yield back the time.

Mr. FORD. Mr. President, this side is in agreement with the manager of the bill and delighted to accept the amendment of the distinguished Senator from Minnesota.

Mr. DURENBERGER. I thank the Senator.

The PRESIDING OFFICER. Is all time yielded back?

All time is yielded back.

The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 1385) was agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, was there a desire to move to reconsider?

Mr. PACKWOOD. We have not been doing that.

Mr. BAKER. Are there other amendments that the managers are aware of?

Mr. PACKWOOD. There are no more amendments.

Mr. BAKER. I thank the managers.

Mr. President, may I inquire once more if there is a possibility of establishing a time for a vote on final passage on this measure? No other amendments will be offered. I wonder if the Senator from Illinois could agree to 15 or 20 minutes for his statement and establishing a time for final passage, say, at 5:45 p.m. this evening?

Mr. DIXON. I thank the majority leader for his inquiry. If I could have 20 minutes, that would be adequate to dispose of my point of view on the subject.

Mr. BAKER. Very well. Mr. President, I ask unanimous consent—by the way, before I make it, I am advised that the minority leader has been apprised of this request and does not object. Is that correct?

Mr. FORD. That is correct.

Mr. BAKER. Very well.

Mr. President, I ask unanimous consent that the vote on final passage on this measure occur not later than 5:45 p.m.; that provisions of paragraph 4, rule XII be waived. I further ask unanimous consent that 20 minutes of the time remaining between now and 5:45 be allocated to the distinguished Senator from Illinois under his control.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I thank the majority leader for his usual graciousness, and I know that the distinguished manager of this bill and my friend from Arizona, the sponsor of the bill, understand that nothing that I have said is to be interpreted as criticism of their outstanding service. I respect all of them and the work they do and the sincerity in which they have approached this issue.

Some weeks ago when discussion on this bill became very general in this Chamber, everyone who came to see me said that this was in effect an agreed bill, that everybody had signed off on S. 66. That being the case, I felt no difficulty in indicating that if this was in fact an agreed bill and if in examination by me I found nothing particularly offensive, I would probably be inclined to go along with the bill.

When I checked with my constituency in my State, I found general dissatisfaction with this bill. Now, how things can be represented as agreed when in fact back home there is no agreement at all, and in fact a good deal of concern, is difficult for me to understand. But I think the folks in this body ought to know that the city of Chicago has been considering the franchising of cable television franchisees now for 3 years. There is general satisfaction in that community with the way it has been handled. I think I can represent that both of the great metropolitan newspapers, the Chicago Tribune and the Chicago Sun Times, have generally been satisfied with the way it has been handled.

When I talked with the folks in the city of Chicago, I found general opposition to this bill. Had it been limited just to the city of Chicago, I might have felt, well, it is a small city-big city disagreement, and that is understandable.

But I want to stress that that is not the case in my State. Most communities and community leaders that I talked to were opposed to this legislation. The city of De Kalb—I do not offhand know the size of the city of De Kalb. I come from the city of Belleville in southern Illinois, a town of 45,000. I think De Kalb is smaller, perhaps only 20,000 or 25,000, but the community leaders there were against this bill, and so I looked at the bill.

One of the regrettable things about this Chamber is that you are usually talking to yourself and a couple of others. I am delighted to see the sponsor of the bill present and one or two other Senators. This is a piece of legislation that is going to affect everybody in America. After this bill passes, I want every person in America who has cable television to know this. The price of your cable television is going up immediately. How do you like that good news tonight? I see some of you in the gallery nodding. You do not like it. You never vote down here. Too bad. But the price of your cable television is going to go up.

This bill originally said here is what we are going to give them. You can raise the price 5 percent a year or the Cost of Living Index, let it go up that much, whichever is greater, give you whichever is greater, give you a little gift. It does not matter how much you are making. It does not matter how profitable your investment is. The price is going up.

Earlier on we had a fight—you all know about that—between the telephone company and the cable television folks and a modest amendment by my friend, the distinguished junior Senator from South Dakota, was accepted. The other was rejected. But we now have a curiosity—and incidentally, I am not here to hold the flag high for the telephone company. They are a big organization. They have their folks here and they are well represented. But we have decided to treat them differently—different rules for different monopolies now. The water company has to have a hearing, the telephone company has to have a hearing, the power company has to have a hearing on the price of gas or the price of electricity, but cable television can raise its rates without it.

If I thought that this had been well thought out in such a way that it represented the views of all groups in America, maybe I could accept that. It would be difficult, frankly, for me.

Here is a bill, the first half of which is struck out. The reason why the first half is struck out is that that is the bill of last year. That would not fly. The second half of the bill is not struck out. That is because that is the bill this year. That is the bill that will fly. That is the one everybody signed off on.

The reason I am getting beat here—16 votes one time and 26 another—is that everybody in the committee went along with this. I am not on that committee, and I don't go along with it.

I want to say this: This bill may be small potatoes in price, but the American consumer knows when he has been had. The American consumer has been had right here on S. 66.

That is what we used to call in southern Illinois, when I was a kid, a lollapalooza—a lollapalooza. There is a little bit in here of everything you want. A lollapalooza—that is what this bill is, S. 66, a lollapalooza.

You get a rate increase; you do not have to have a hearing on it. They took the whole body of law that was built up in the common law of the United States of America for two centuries, inherited from Great Britain. It worked there for centuries before and had hundreds of years of experience. No matter. Change it all around.

The cable television people do not have the burden of proof. I practiced law a long time, and I know something about it. They do not have the burden of proof—oh, no. Everybody has signed off on this. When the cable television folks come in, the city has the burden of proof. The city has to say, "We have the burden of proof. We have to show, down the line—1, 4, 6, 8, 9, 10, 12—why you do not deserve to renew your franchise, again."

I said let us do it the way we do everything else. No, they are going to do it differently for cable TV.

Let me tell you how I feel about this. If it were just one little thing, I would not mind that. Man learns to acquire accommodation, new attitudes in this business, as he grows over a lifetime. Man learns to say, "I'll go along a little bit to get the job done." I understand that, and I do not condemn accommodation for accommodation's sake. I have done a lot of it in my time. So I do not come here pure on that question.

But I will tell you this: Every piece of accommodation in this legislation turns out miraculously to be an accommodation for the cable television folks. The odds are not good on that. You throw dice and you get 7 sometimes, and sometimes 12. Here, you get television cable franchise every time you throw it. That looks odd to me.

Here is the final thing I want to say.

This bill is ging to affect everybody in America who looks at cable TV, and it is going to affect all the cities and small towns of this country.

I have the word of the manager and others not to worry, because we will have equal opportunity for everybody as a consideration of franchising under this legislation. I believe the manager. He is an honorable man. But I wonder why the major of a great city in this country, who happens to be black, wants to go to the trouble of getting hold of me, saying that he is worried about it and their lawyers, the corporate counsel they pay good money, are worried about it, and they asked me to offer an amendment.

That amendment does not say you shall have it. It says you shall not prohibit it. But the manager and sponsor of S-66 do not want to accept it.

I am running out of time. I am sure the manager is delighted about that. Perhaps the country at large is. I want to say something about this bill. This bill is just the way they want it. They have it just the way they want it, and that is OK with this Senator; because after I vote, I can live with that part of it. But when this bill is understood by the country—it is not too complicated to understand; the issues are simple—when this bill is understood by the country, the people are going

to understand that we took one monopoly and gave it special rates that we did not ever give anybody else. We singled this one out special.

Maybe the people of this country will live with that. They are pretty tolerant folks in the United States, or in my State, anyway. But when they find out what we did and that on top of everything else it is going to cost them money, that they have to reach down in their pockets and pay, they are not going to like that too much. I predict that.

I predict that if newspapers print this and make known the debate that took place here today, if they will put that in the papers back home so the folks know what happened and they read about it, then when those bills go up, the folks will know it was S. 66. I just want to say to the folks back home, when their bills go up, the junior Senator from Illinois did not vote for S. 66.

This bill represents a piece of legislation that was written to benefit the cable operators it regulates, and that is what it does. There is no way you can pick up this piece of legislation and take it home and light a pipe and have a drink and read it and believe it was written to benefit anybody but the people it deals with. That is what it is.

Where I come from in southern Illinois, that is a lollapalooza.

(Applause in the galleries.)

The PRESIDING OFFICER (Mr. RUDMAN). The galleries will be in order.

Who yields time?

Mr. LEVIN addressed the Chair.

Mr. GOLDWATER. Mr. President, the request was for a vote at a quarter to 6, which is 7 minutes from now—no later than 5:45. I suggest that if the Senator from Illinois has finished his remarks and the yeas and nays have been ordered——

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. GOLDWATER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr GOLDWATER. I ask for third reading of the bill.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senate will suspend while the Chair consults with the Parliamentarian.

The question is on the committee substitute, as modified and amended.

Without objection, the committee substitute is agreed to.

The Senator from Michigan.

Mr. LEVIN. Mr. President, will the manager yield 4 minutes to me?

Mr. GOLDWATER. Let me hear the question again.

Mr. LEVIN. Will the Senator yield 4 minutes of time to me?

Mr. GOLDWATER. The Senator wishes 4 minutes.

Mr. LEVIN. If everyone else is done, I wish to use 4 minutes. I do not want to use time if the Senator is going to use it.

Mr. GOLDWATER. I will be happy to let the Senator have 4 minutes. It will be refreshing.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank my friend.

Mr. President, I rise in opposition to S. 66.

Mr. President, it is not fair and it is not equitable to create a situation when the unregulated provider of service can pick off the most lucrative share of the market while the regulated provider is unable to respond.

As a result of the rejection of the Abdnor amendment this morning, that is what S. 66 allows, and it is one of the reasons why I cannot support this measure.

Mr. President, we also, I hope, will be sensitive to the needs of local government, and this is the item about which the Senator from Illinois so effectively spoke.

I came out of local government. I must tell the Senate that when local government finds out that its contracts, its franchises, that they freely entered into are going to be abrogated by the great Senate of the United States, we then, I hope, will hear from local government.

This is not a question of whether or not we should be legislating from scratch as to what the rules of the same game will be for the future.

Let us all understand what we are doing here. We are telling local governments that freely entered into franchises and those franchisees who had to compete with other prospective franchisees that the Senate of the United States is retroactively changing the rules of the game.

Since when do we sit here and talk about the Federal Government coming in and changing the rules for local government and local people without blanching?

There are people in this Chamber who have spent a good deal of their lives opposing Federal intervention in local affairs, and yet that is exactly what we are doing now retroactively.

Prospectively, yes. Tell people if we want what the rules of the game will be for the future. But let us not now say that the rules of the game can be changed after that game has been played by local governments, after the game has been played by franchisees, because that is what we are doing when we allow the terms of those contracts to be changed retroactively, and this bill allows that.

In the December 2, 1982, edition of Cable TV Franchising, Anna Marie Hutchison, chairperson of the California Cable Association, an industry association, is quoted as stating:

> It's time to pull ourselves out of the blue sky and settle down on earth. Blame resides primarily in our own house. Local officials expect no more than we told them we could deliver. * * * If they are ignorant of the financial realities of cable TV, it is because we have too often found them so, and left them so.

Why then, given this insight of the industry, were these promises made by the cable operators in the franchise agreements they freely entered into? The April 12, 1982, edition of CableVision sheds light on the answer to this question. In this edition, Storer Cable president Arno Mueller states:

> The trick is recognizing what you have to give away to win the franchise.

S. 66 represents a corresponding legislative trick to try allow the one party to a contract to take back some of the promises they made. I cannot give my support to this bill.

For those reasons, and others, Mr. President, I shall vote against this bill.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. Mr. President, I might just tell my friend from Michigan that this bill is the result of over 3 years of negotiation with the cities and towns of America, and I would say 85 percent of those cities and towns are in perfect agreement with this bill.

Mr. LEVIN. The cities and towns I may respond that have not yet entered into franchises are not certainly going to be in disagreement. It is the cities and towns that have entered in the franchises and are presently negotiating with them that are very much in disagreement when we come in and retroactively say that the terms and conditions of an existing contract can be modified by big brother in Washington.

That is what they are going to object to. It is not the prospective utilization of this statute but the retroactive utilization of that.

Mr. GOLDWATER. As the Senator knows, there has been full cooperation from the cities on this.

Mr. DOMENICI. Mr. President, this bill establishes a national policy with respect to cable. More importantly, it sets guidelines for the exercise of regulatory authority and eliminates some regulation. The end result is that marketplace forces will prevail. The costs associated with this bill are modest. The Congressional Budget Office estimates that the added cost to the Federal Communications Commission would be $1 to $3 million annually.

This bill results from years of study and hearings by the Commerce Committee. I wish to commend Chairmen PACKWOOD and GOLDWATER for their hard work throughout its consideration. In the spring, the committee worked hard to resolve the separate

concerns of the National League of Cities and the National Cable Television Association. The result is that both these groups now endorse the revised bill. This week, the committee met with other Senators as well as representatives of the cable industry. Modifications were made to address additional problems identified by some of our cities. These changes have helped me to support the final bill.

Like every compromise, not all aspects of the bill are equally desirable. I would have preferred, for example, to see the amendment adopted which provided that any telecommunications service subject to regulation if offered by a common carrier would still be regulated under the terms of this legislation. It would have begun to address what I see as legitimate concerns of the local operating telephone companies regarding the potential impact of the cable bill. However, the measure introduced by Chairman PACKWOOD does contain provisions for ultimate equality of regulatory treatment. The States may require cable operators to file an information tariff when they provide local data services. More importantly, all providers of these services will be deregulated once it is clear that effective competition exists.

I do agree with all who observe that a bill on universal telephone service is needed. We are in an important era of technological growth and transition. During this process, I am committed to insuring that no developments undermine this Nation's goal of universal telephone service. Therefore, I urge Chairman PACKWOOD to bring to the floor as quickly as possible the legislation now being drafted. It is my understanding that both the committee bill and Senator STEVENS' bill will fully address the problem of local telephone rates.

Even after passage of such a bill, the Congress must remain vigilant and prepared to respond to changed circumstances in telecommunications. Because I believe Chairman PACKWOOD and GOLDWATER share this perspective and because there are worthwhile features in the bill now before us, I am voting for it.

● Mr. HOLLINGS. Mr. President, my colleague, Senator GOLDWATER, and I have been working on cable legislation in one way or another for at least 5 years. More recently, we each drafted legislation that directly addressed the problems the cable industry and users of cable services face. The legislation now before the Senate, S. 66, is a product of a careful and deliberate evaluation of the cable television market and the direction in which we think it should go. It is based largely on the recently compromise between the National League of Cities and the National Cable Television Association. As with all compromises, parties had to give on certain issues; but, overall, I believe S. 66 is good legislation.

I recognize well that many parties are concerned about this legislation. Since the committee markup, we have worked to resolve as many problems as possible. We have met with the Judiciary Committee and come to an agreement. We have met with Senators LAUTENBERG, EXON, DURENBERGER, and BOSCHWITZ and come to an agreement. All of these changes have given more oversight authority to the cities. Finally, the Commerce Committee has drafted an amendment to deal with the problem of competition between the cable operators and the telephone companies. It is clear that the supporters of this bill have shown a willingness to listen and respond to concerns.

No one can doubt that localities should be able to exert some control over cable because it crosses public rights of way. However, this public rights-of-way rationale has limits; it must bow to larger national concerns.

Once communications could be generally defined by geographical lines; they were either intrastate or interstate. Modern technology, however, makes such distinctions absurd. With the advent of satellite delivery, interconnected networks, and other advances, communications bears almost no relation to arbitrary political boundaries. While some may quibble about this point, there can be no doubt that all telecommunications services must now be considered part of a national system.

Recent actions by Congress and the Federal Communications Commission reinforce this point. In all common carrier legislation, the Congress has preempted States in numerous regulatory areas. The FCC now largely oversees such locally delivered services as cellular radio, digital termination systems, teletext, and FM SCA's. Finally, even with regard to cable, the Commission as far back as 1972 took a leading role by adopting sweeping cable rules.

Although it cannot operate without crossing city streets, cable is clearly part of our national telecommunications system. None of its competitors are regulated locally; some are not regulated at all. Many of its services come to it as part of nationwide networks. If we are to structure a sound telecommunications system to serve the public, we must insure that firms compete on as fair a level as possible.

Local control over cable must thus be consistent with national telecommunications policy—a policy that relies on competition and deregulation as the best way to provide service to the public. The localities should continue to have responsibility for public health, safety, and welfare concerns, including the enforcement of labor and antitrust laws, and they should have the ability to collect a fee for the use of public rights of way similar to the fee they charge others. However, economic control must be limited to coincide with our national procompetitive interests.

In determining whether or not to regulate cable, one must not only look at the rationale for regulation; one must also examine the drawbacks of regulation.

Local oversight over cable certainly produces many drawbacks. First, the current system of franchising cable is very expensive. In certain areas, the total cost of the cable bidding process can run upwards of $5 million. Second, the current system often causes the creation of excess transmission capacity. Cable subscribers are thus paying something for nothing or at best for a hope of some service much farther down the road. Third, this system is creating a host of subsidies—often involving tens of millions of dollars—where subscribers are picking up the costs of less attractive city and cable services. Such a tax inhibits people from becoming subscribers.

In sum, the overall process of local oversight does not come cheaply. A recent study of the cost of cable regulation found that it accounts for about one-quarter of the cost of a cable system. Even if it is only one-half of this amount, this is a very high price for the public to pay for Government regulation. Further, this high price will obviously cause cable to be much less competitive, giving other service providers—who are not overseen by local governments—a distinct and unwarranted advantage.

S. 66 addresses these problems reasonably and fairly. This legislation restricts what cities may require of cable operators, but it continues to allow cities to obtain the basic cable facilities and services they require. In addition, this legislation allows the services and facilities in current franchise agreements to be retained, subject to the deregulatory provisions of the bill. This is an obvious benefit to cities that now have cable systems.

Let me turn now to the problem raised by the telephone companies. S. 66 provides that cable systems will not be subject to regulation when they provide certain telephone services. Regulation of telephone companies providing such services, however, is not addressed in this bill, and such regulation would continue to be subject to State oversight.

The telephone companies argue that they should be treated in the same way we have treated cable systems. Equal treatment in this instance, however, is a far cry from fair treatment. The telephone companies are so far and away the dominant providers of telephone service in the local market that to deregulate them—as they asked just prior to the committee's ex-

ecutive session—would be sheer folly. If they were deregulated and raised their prices, the public would have no alternative at hand or coming in the near future. Such a proposal must be firmly rejected. Why then should not cable systems be regulated when they offer local telephone services?

First of all, when they offer basic voice telephone service, originating and terminating within an exchange, they will be regulated. The committee well understood the importance of moving cautiously in this area. Thus, we are talking primarily about local data services. In this area, the committee decided to proceed with the procompetitive approach that has succeeded so well in the long-distance telephone and telephone equipment markets. Cable has the ability to offer innovative, local services at low prices. We believed that the public should receive those benefits without undue delay.

Today, there are about 7 cable systems out of some 5,000 providing local data services with total annual revenues of a few million dollars. This is a minimal amount in contrast with that of the telephone companies. In addition, there are not that many new proposals by cable systems to offer these services. Cable still is predominantly a video medium. These data services will come in a decade, but only if we encourage entry today.

There are two major criteria by which to judge whether an entity should be regulated as a common carrier: Whether it has a monopoly and first, can gouge the consumer; or second, can predatorily price, preventing new businesses from entering. Cable can neither gouge the consumer nor can it predatorily price with success. It simply does not have the necessary market power, like the telephone companies have. Why then regulate it, since regulation will only delay entry, perhaps indefinitely?

What about local telephone rates? Would they not increase? The claim that cable will cause local rates to increase is based more on speculation than any hard evidence. Our experience with allowing competition in communications has shown that firms that are aggressive competitors cut their costs and lower prices, causing revenues to increase. Just as the telephone industry has performed well in the face of long distance competition, it should perform well in local service competition. The local telephone loop is a tremendous asset. The technology exists for it to be improved so it can increase its capacity and capability, even allowing it to carry video programing to consumers. In addition, the telephone wire reaches just about everyone, giving it a tremendous advantage over cable which only goes into about an average 50 to 60 percent of a community's homes.

As discussed earlier, cable's entry into the data transmission market is by and large many years away. The telephone companies have time to decide how best to compete. They have time to meet customers' needs. They can work with the State regulators, who have an incentive to aid the telephone companies, to determine how best to meet the local competition that is bound to come from many sources.

The telephone companies thus can meet competitive challenges by cable. Rates need not automatically rise because of the entry of cable systems. But even keeping cable out will not prevent local competition to the telephone companies.

The FCC has already authorized many new competitors in the local market. The new entrants include cellular radio, digital termination systems, FM SCA's teletext, enhanced paging systems, and private local networks. These private local networks are designed to serve the communications needs of businesses in industrial parks and commercial centers, and they are not regulated. Local competition is clearly coming.

Local rates are rising for many reasons. The Commerce Committee is about to address this larger problem. Rates must be kept reasonable. But, to prevent or delay entry of a competitor is not the answer.

I believe the committee has formulated a reasonable compromise to this problem of cable competition to telephone companies. We have provided that when the telephone companies face effective competition, they shall be deregulated. This is the same procedure we used for long distance telephone competition in S. 898, the telephone legislation that passed the Senate last Congress. It would protect consumers, allow marketplace competition to develop, and eventually free all competitors from government oversight.

Finally, the provision in the committee's amendment that amends title I is based upon a simple, workable approach to deregulation. Our objective is to encourage the development of full and fair competition in order for a competitive marketplace to replace governmental regulation. The one standard for deregulation is a finding by the regulator that the competitor does not possess undue power within the marketplace. In the case of the telephone companies, we need to examine whether the facilities controlled by the carrier create a bottleneck. Regulators must find that prospective and present users of the carrier's services and facilities have reasonably available alternatives.

This approach has been the subject of numerous hearings and has been reflected in various telecommunications bills. I would rather have treated this issue in a general telephone bill rather than here, but that option was not available. In the absence of such a telephone bill, the cable bill must address the question of how cable should be regulated when it offers telephone-type services. That is the question addressed here.

Two final points should be made on this provision. First, we do not intend that it or any other part of the committee's amendment be read to prevent regulators from imposing safeguards that are needed to further competition in the telecommunications markets. A finding of effective competition and deregulation can certainly be conditioned on particular events or actions, either in the marketplace or by the regulators. Second, this amendment in no way would disturb any part of the Modification of Final Judgment in United States against AT&T.

In conclusion, S. 66 is a good piece of legislation. It properly and fairly addresses the problems in regard to cable telecommunications. It deserves the support of the Senate.●

● Mr. LEAHY. Section 611 of S. 66 relates to the protection of cable subscriber privacy. In reviewing this bill, it is apparent that subscriber's rights of privacy in two-way cable operations may be very complex. An individual may be able to buy goods and services, purchase publications or interact with his/her banker, travel agent, stock broker, and maybe even his/her doctor through the cable. These third parties may arguably be subject to the requirements of the bill as channel programers or originators of broadband telecommunications.

Mr. HOLLINGS. To the extent that a third party neither owns nor operates a cable channel, but is simply using a cable system operated and programed by others to sell goods or services, such third party shall not be subject to the restrictions of section 611.

Mr. LEAHY. I am concerned that the subscriber privacy provisions of S. 66, to the extent that they may regulate these third parties, may represent a significant departure from the traditional sector-by-sector manner in which the United States has developed privacy protection. This approach was firmly endorsed by the U.S. Privacy Protection Study Commission in its 1977 report. The Privacy Commission recommended the creation of a national privacy policy. Its study and recommendations focused on particular recordkeeping relationships and did not see the computer or communications advances as the primary problem of privacy. The problem was the rules that covered particular recordkeeping relationships. The insurance, banking, and social welfare sectors, among others, were seen by the Privacy Commission to need further regulation.

Mail marketing and employment sectors were seen, by and large, not to require legislative consideration. While that conclusion may need to be revisited, a sector-by-sector approach remains the keystone of the development of privacy protection in the United States which has been to develop laws to resolve specific and identifiable examples of abuse.

Mr. HOLLINGS. We agree that we should try to develop privacy law on a sector-by-sector basis. However, the advent of interactive cable presents some privacy issues which we believe requires policy consideration.

Mr. LEAHY. I agree that there are aspects of cable operations which may require the consideration of privacy protection requirements. I am concerned, however, that S. 66 focuses on cable technology rather than the privacy relationships affected. A person subscribing to a magazine or other mail marketing activities through cable would have more and different rights than a person subscribing to that same magazine simply by responding to a phone or mail solicitation. I am also concerned that the subscriber protection provisions of S. 66 may conflict with rights afforded consumers in areas already regulated like banking and credit.

For example, section 611(b) may conflict with requirements of the Fair Credit Reporting Act (FCRA). The FCRA allows credit grantors to disclose information to reporting agencies about the payment history and account status of a consumer. Arguably under S. 66 if an item or service was purchased on credit through a cable system, no information may be disclosed without the written or electronic consent of the subscriber notwithstanding other legal requirements.

More importantly, consumers have rights to see records about themselves as provided by the FCRA; be informed of the reasons why they have been turned down for credit under the Equal Credit Opportunity Act; and to challenge and dispute credit billing records under the Fair Credit Billing Act. Section 611(e) of S. 66 provides only access to personal information about that person. I am concerned that the provisions of S. 66 may be seen to supplant protection provided by these other statutes. I would like assurances that this is not the case.

Mr. HOLLINGS. S. 66 makes a cable subscriber aware of how information is going to be used or disclosed to others and that it be done with his knowledge.

A third party who neither owns nor operates a cable channel under the bill and who obtains a contact with an individual through the technology of cable, would be able to use that data in the same way as if it was collected in more traditional means.

While the sponsors of the bill recognize that S. 66 may place new or additional requirements on cable operators, channel programers and providers of broadband telecommunications, it was not our intent to conflict with other relevant law. The sponsors believe that the Congress should exercise its oversight responsibilities to resolve any problems.●

● Mr. KASTEN. Mr. President, I rise in support of S. 66, the Cable Telecommunications Act of 1983. As a member of the Commerce Committee, I have seen this legislation develop over the past 3 years to the point where the bill that is before the Senate today deserves the full Senate's approval.

S. 66 represents the establishment of a national cable television policy. By amending the Communications Act of 1934 and adding a new title VI to deal with cable, Congress is recognizing the present and future importance of cable in interstate communications.

At the same time S. 66 establishes a Federal cable policy, this legislation also preserves the local control that has guided cable for the past 30 years. The bill recognizes local authorities' exclusive power to grant franchises and negotiate contracts and contract renewals with cable operators.

This legislation reflects a compromise reached between the National League of Cities (NLC) and the National Cable Television Association (NCTA). Like any good compromise, both sides do not agree with this bill 100 percent. But S. 66 is a livable and workable bill that is necessary for the future of cable television.

S. 66 addresses many specific issues facing cable television, ranging from franchise fees to cable's entry data into services. Let me briefly speak on these two points.

An important addition to the cable bill, which resulted from the NLC and NCTA negotiations, was the establishment of franchise fee ceiling. S. 66 provides that cable operators may be required to give up to 5 percent of their annual gross revenues to the franchisor for the privilege of using a city's rights-of-way.

Today the Federal Communications Commission places a ceiling on franchise fees at 3 percent of the operator's annual gross revenues, but grants waivers up to 5 percent under appropriate circumstances. As a result of the provisions in S. 66, cities will get the highest permissible franchise fee under existing law. I believe this is a fair charge to the cable operators for the use of public rights-of-way. More importantly, it takes this issue out of the hands of the Federal Government (the FCC), and leaves it up to the city and the cable operator.

With regard to telephone company concerns, I support the committee amendment which provides that telephone companies will be deregulated by State public utility commissions when it is determined there is effective competition. I have long believed that our telecommunications needs will be best met when we let the marketplace work. Competition is much preferred to regulation.

However, I do realize the importance of data service revenues for the telephone companies. To that end, I will work closely with the chairmen of the full committee and the subcommittee to see that legislation is passed which will protect local telephone users.

The premise upon which the Commerce Committee developed this bill is that the cable industry faces strong and increasing competition in the provision of services from a variety of other sources. Cable's challengers are new low-cost technologies that transmit programing over the air rather than through wires. These new technologies range from subscription television and over-the-air broadcasting to low power television and direct broadcast satellites. While cable television is now in 24 million American homes, its share of the pay television market slipped from a commanding 95 percent in 1977 to 85 percent in 1982.

Mr. President, I support S. 66, not because I am procity or procable, but because I am for the cable subscriber. This bill insures that cable television as we know it in 1983 will be available to consumers next year, the year after that, and into the foreseeable future.●

● Mr. GOLDWATER. Mr. President, in a recorded address today, June 14, 1983, before the National Cable Television Association in Houston, Tex., I discussed S. 66. It is the most important piece of legislation for the consumer that I have been associated with for a long time. Modern and revolutionary advances in the field of communications require that we update the Communications Act, so that we as a nation can have the benefit of growing and remaining competitive in world markets and at the same time take advantage of the new services offered in this viable industry. As indicated in my remarks, the time to pass this bill is right now.

I ask that the following text appear at this point in the RECORD.

The material follows:

SPEECH BY SENATOR BARRY GOLDWATER—NATIONAL CABLE TELEVISION ASSOCIATION, HOUSTON, TEX., JUNE 14, 1983

Thank you for inviting me to speak to you today.

This audience is well aware that during the last several years, the world has witnessed revolutionary changes in communications technology. While traditional heavy industry has stagnated, telecommunications and information industries have blossomed. Within a single generation these industries have expanded and now rank among the most productive and viable in the world.

Such high economic stakes are creating strains within our country, and affect United States relations with other nations.

Our response to the challenges presented by new technologies will affect every consumer in America and the future of our nation's ability to compete in world markets.

Congress recognizes what this challenge means to America. The communications act of 1934 is simply no longer adequate as a statement of national policy. It was drafted when radio broadcasting was the sole source of entertainment programming, and the crank telephone and telegraph key were our major means for intercity communications. Now, certain provisions of that act actually impede the delivery of new and lower cost goods and services to the consumer.

Congress has also recognized that while new technologies create new markets for American companies, they offer similar opportunities to foreign companies, and although I generally support free trade, I am also a believer in fairness. It seems to me that it is not only fair, but also essential to the future of our economy that U.S. companies be permitted to compete in foreign markets.

In 1976, Congress embarked on an effort to update the Communications Act. After years of hearings on numerous bills, in 1981, the Senate Commerce Committee under Republican leadership, established as a major objective the passage of comprehensive amendments to the Communications Act.

The reasons for amending the Communications Act are clear. If no changes are made, we will be faced with a continuation of the long, disruptive regulatory and court challenges that have been characteristic of the past fifteen years. The many years that the cable industry has spent in the courts is ample evidence of this struggle. Under these circumstances, policy is made by the judicial branch without adequate consideration of the social and economic implications for the public. We do not intend to allow that to continue.

Our guiding principle throughout these legislative efforts has been establishment of a policy framework that relies on marketplace competition wherever possible. Regulation at all levels must be confined to that which will achieve purposes not met by competition, and must be entirely prohibited where first amendment rights are at stake. We recognize that a true competitive environment is not present in all markets, so we will restrict regulation solely to that which is needed to manage the transition to that environment.

Our committee has been successful in passing several important communications bills. Two years ago, we spent a lot of time on a domestic telecommunications bill. However, the status of that legislation will not be clear until the AT&T/Justice Department consent decree is final. Many questions have been raised about that decree and they must be answered before Congress can pass any legislation affecting the telephone industry's structure.

We have also passed bills to deregulate the broadcasting industry and reduce regulation of other communications services. But one industry which is a most difficult legislative subject is the cable industry. As you are well aware, there are no easy answers to the issues involved. Satellite distribution has significantly expanded the capability of cable systems to offer new programming services. And although your industry's provision of nonentertainment or enhanced services is in its early stages, I have every reason to believe that technology and consumer demand will make these services an important part of your business faster than you or I can imagine.

The question then is, what kind of an environment will encourage the growth of your industry and ensure the delivery of new and innovative services to the American people?

For example, as chairman of the Senate Communications Subcommittee, I am keenly aware of the critical human needs of a traditionally isolated population across this Nation—the 16 million hearing-handicapped Americans of all ages who are frustrated every day of their lives in attempting to communicate with the world around them. The technological breakthrough called "closed captioning" is now giving these people access to our most powerful communications medium—television, both public and commercial. I have been pleased to note recent pioneering efforts in the cable industry to reach this sizable new audience. Tribune Cable Communications, for example, has become the first cable company to sign an agreement with the National Captioning Institute to fund the closed captioning of one movie every month for hearing-impaired subscribers and also plans to sell closed captioned decoding devices at cost and to experiment with closed captions for local programming. I applaud such public service action and urge all NCTA members to join in this special mainstreaming project for your deaf and hard-of-hearing subscribers.

On March 4, 1982, I introduced S. 2172, the Cable Telecommunications Act of 1982, in an effort to answer this question. That presented the culmination of a process that began in 1979 when I introduced legislation that contained similar provisions. The extensive record of that legislation included 22 days of hearings and testimony from 171 witnesses. Unfortunately, the Senate failed to take action on that legislation in the 96th Congress.

In 1981, the Commerce Committee considered and passed a number of communications bills that were ultimately passed by the full Senate, including S. 898, the Telecommunications Competition and Deregulation Act of 1981. That bill contained several cable provisions, but no hearings had been held on those particular sections in S. 898. Therefore, during the consideration of that bill on the Senate floor, I objected to those provisions because of the commitments I had made to various cities that there would be no cable legislation without hearings. I also made it clear that I was not objecting to the substance of the cable provisions in S. 898. My amendment to delete those provisions was successful, and they were stricken from the bill. Based upon this evidence, on March 4, 1982, I introduced S. 2172. That bill was the result of many months of study on the issues and was the first time that a comprehensive bill had been introduced on the subject of cable. Hearings were held before the Subcommittee on Communications on April 26, 27, and 28, 1982, and we heard testimony from 54 witnesses and received statements from scores of others. After reviewing and evaluating all of the testimony and the comments received, and meeting with representatives of the cities and the cable industry, the staff revised S. 2172. Those revisions were widely circulated and then were incorporated into a substitute bill which was favorably reported by the Commerce Committee on July 22, 1982, by a vote of 13 to 3.

Unfortunately, there was simply not time to bring S. 2172 to the full Senate for a vote before adjournment of the 97th Congress at the end of 1982. However, when that fact was evident, I announced my intention to reintroduce a cable bill at the beginning of the 98th Congress.

To fulfill my pledge, on January 26, 1983, at the very beginning of the 98th Congress, I introduced S. 66, the Cable Telecommunications Act of 1983. That bill was virtually identical to the previous year's revised version of S. 2172. Hearings were held before my subcommittee on Communications on S. 66 on February 16 and 17, 1983. Testimony was received from 17 witnesses, and there were numerous submissions for the record.

My bill, S. 66, establishes a new title in the Communications Act of 1934 for cable telecommunications. The bill creates a jurisdictional framework which apportions the regulatory authority between the Federal, State, and local governments, and established a national policy for the provisions of cable. Finally, S. 66 addresses the specific issues of ownership, access channels, rate regulation, franchise fees, renewals and extensions, unauthorized interception of reception, protection of subscriber privacy, criminal and civil liability, programming, services and facilities, jurisdiction, and new and additional services.

Last year, many city officials opposed S. 2172, the predecessor to S. 66. In an effort to reach an agreement which would lead to passage of S. 66, I asked the cable industry and the cities to attempt to resolve their differences. Beginning last year, those two groups began talks.

Over the past several months, the National League of Cities and the National Cable Television Association held a series of meetings in an attempt to reach a compromise on cable legislation. As a result of their successful efforts, S. 66 was revised to substantially reflect their agreement. I offered that revised version at executive session of the Commerce Committee on March 22, 1983, as an amendment in the nature of a substitute.

During that executive session, the cable bill was discussed in detail. However, several members of the committee expressed a desire to postpone final consideration due to the shortness of time within which they had had a chance to review the bill. Therefore, Senator Packwood and I agreed to postpone final consideration until a later date.

Thereafter, the NLC reevaluated its position and support for the compromise legislation. In a four-page letter dated April 6, 1983, from Mayor Charles Royer, President of the NLC and Mayor of Seattle, Washington, to Thomas Wheeler, President of NCTA, Mayor Royer detailed several major areas in the amended version of S. 66 which would have to be revised in return for the NLC's continued support of the bill.

As a result of this letter, more negotiating sessions were held which included the NLC, your industry, and majority amd minority committee staff members. These negotiations culminated in a further amended version of S. 66, which was wholeheartedly endorsed by the NLC and the NCTA. Virtually every change requested by the NLC was eventually conceded to by the NCTA and placed in the bill.

Thereafter, the NLC and the NCTA sent a letter of endorsement, dated April 21, 1983, for the revised version of S. 66, which was jointly signed by Mayor Royer and Mr. Wheeler.

I offered the revised version of S. 66 at full executive session of the Commerce Committee on April 21, 1983, as an amendment in the nature of a substitute, and my

amended bill passed the committee by an overwhelming vote of 15 to 2.

I must add here that your leader, Tom Wheeler, and particularly Jim Mooney, were instrumental in moving this legislation through its long and arduous journey. Throughout the negotiations, they handled themselves in a courteous, professional manner, and their statesmanship is a tribute to your industry.

At that executive session on April 21, 1983, concerns were expressed about how telephone companies would compete with cable systems in the provision of local data services. S. 66, as reported, provides that cable systems would not be subject to regulation when they provide such services. Regulation of telephone companies providing such services, however, is not addressed in my bill.

The Commerce Committee, through the Subcommittee on Communications, which I chair, has long believed that our Nation's telecommunications needs are best met if we allow the marketplace to function free of Government regulation. Services subject to effective competition in that marketplace should be deregulated. The Commerce Committee has reported many bills, almost all of which the full Senate has passed, which apply this pro-competitive approach. My bill, S. 66, is one more in this long line.

Cable has the capability of, and potential for, the provision of many innovative information services at attractive and affordable rates. However, since cable has just begun to enter this market, S. 66 allows cable to provide local data services without being subject to regulatory control.

Telephone companies are the dominant provider of voice and data services in local markets. Until alternative technologies begin to enter the local market, these services, as provided by the telephone company, must continue to be subject to regulation.

At some point, with all these new services, I believe the local data market may well become competitive. It would be unfair to the telephone companies to continue to regulate them when this occurs. Thus, I agreed, quite reluctantly, to some amendments to my bill which I hope address these issues and will benefit the consumer.

The amendments provide that, when local data services are effectively competitive, all providers of such services shall be deregulated. In other words, the telephone companies will be deregulated in the provision of these services when they face real competition. If, for example, the telephone companies believe such competition exists today, they are able to petition to the States for deregulation after this bill becomes law.

The amendment also allows States to require cable operators to file an "informational tariff" when they provide local data services. This tariff will include information regarding the rates, terms, and conditions of such service and will go into effect when the cable operator specifies.

There are two advantages to this "informational tariff." First, it allows States to see if competitive data services are actually being provided. This will facilitate the marketplace analysis required for deregulation. Second, this tariff will allow consumers to determine what services are available. With more information, the marketplace should work more efficiently and should increase the opportunity for competition to develop and deregulation to occur.

The amendment also responds to another concern raised by AT&T, and that is that cable is statutorily deregulated when they provide data processing services, while the telephone companies are only administratively deregulated. To address this, the amendment includes a provision to amend title I of the 1934 Communications Act that provides, as national policy, that services subject to competition should not be regulated. Since data processing services fit this description, the amendment further ensures that they will continue to be offered without regulation.

A basic premise of my bill is that cable's entry into the local information market has the potential to greatly benefit consumers. It will join a host of other new delivery services that have already been authorized and that will increase local telecommunications competition to provide the public with a variety of new ways to send and receive information.

The telephone companies continue to have the responsibility to provide universal telephone service. S. 66 recognizes that importance of such an obligation by requiring cable operators who wish to provide basic telephone service to be fully subject to State regulation. Local telephone rates are rising for many reasons. As was stated at the Commerce Committee executive session on April 21, 1983, I, and the members of the committee, are now drafting legislation to resolve this larger problem. This legislation will seek to preserve reasonably affordable telephone service for the American public. Such a commitment can be met completely consistent with a competitive approach.

There is one final amendment to S. 66 that deals with concerns raised by Senator Thurmond, the chairman of the Judiciary committee. Several meetings took place between Senator Thurmond's staff and the Commerce Committee staff on the antitrust implications of this cable bill. These meetings culminated in an agreement between myself and Senator Thurmond that provides as follows:

1. The provision that no competing applications shall be considered by the franchising authority at renewal time will be deleted. In other words, the renewal applicant could be subject to comparative challenges; and

2. There is a conforming amendment in another section that allows a franchising authority to require the same things of a competing applicant that it did of the renewal applicant.

Since these amendments addressed Senator Thurmond's concerns, he cancelled his Judiciary Committee hearing scheduled for Monday morning, May 16, 1983.

Senator Thurmond and I agreed to these amendments in order to make clear that it is not our purpose to hinder competition by mandating exclusive rights for any cable operator. The basic purpose of the renewal section in my bill remains intact, however, and that is to make sure that the incumbent cable operator has the assurance that he will be able to continue his business if he meets the renewal standards set forth in the bill, and this application for renewal will be considered according to its own strengths and weaknesses. Without such an assurance, I am fearful that a cable operator with a few years still to run on his franchise will have no incentive to upgrade the services and facilities he provides to the public, and, in fact, he will fail to do so. Even if that operator wanted to improve his system if there was no such renewal expectancy as provided for in my bill, the banks and other lending institutions would probably not lend the cable operator the money necessary to improve his system. With this amendment, a franchising authority will be able to consider all of the evidence as to what is reasonable or unreasonable. If it wished to do that by looking at what another cable operator promises to do, it would be free to do so, and even would be free to award an additional franchise under the terms of my bill.

My bill, S. 66, is quite simply the most important piece of legislation for the American consumer that I have been associated with for a long, long time. I have been saying for the past two years that we need to establish a national policy for cable before this year is up if the cable industry, the cities, and most of all the consumer, are to ever reap the benefits of cable's potential. If we do not pass this bill through the congress now. I firmly believe that the current patchwork system of Federal, State, and local regulation will be too firmly entrenched to undo. The American public deserves better than that, and I urge my colleagues in the House to join in supporting this legislation. Its time has come; your time has come; let us not let the time pass.●

Mr. ABDNOR. Mr. President, I ask unanimous consent that the following letter be included in the RECORD. The South Dakota Public Utilities Comission is one of 39 State public service commissions which support my efforts. I am pleased to know of their interest in the issue.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PUBLIC UTILITIES COMMISSION,
STATE OF SOUTH DAKOTA,
Pierre, June 10, 1983.

Re S. 66 a bill proposing the Cable Telecommunications Act of 1983.

Hon. James Abdnor,
U.S. Senate, Hart Senate Office Building, Washington, D.C.

DEAR SENATOR ABDNOR: The South Dakota Public Utilities Commission wholeheartedly supports your amendments to S. 66. The amendments as proposed will help to preserve the South Dakota Public Utilities Commission's future regulation of basic telecommunication services.

Should you or your staff have questions on our Commission's position, please contact us.

Sincerely,
KENNETH STOFFERAHN, *Chairman.*
JEFF SOLEM, *Vice Chairman.*
DENNIS EISNACH, *Commissioner.*

● Mr. MOYNIHAN. Mr. President, it was 35 years ago that an American community—Mahanoy City, Pa., first enjoyed the benefits of cable television. Cable provided the residents of Mahanoy City, a small town surrounded by mountains, with clear, direct reception of television signals.

Cable's function today is quite different. No longer simply a method by which to improve television reception, cable is now a major supplier of entertainment and information to a substantial and ever growing portion of the citizenry.

Yet despite cable television's rapid growth, our Federal telecommunications policy all but ignores it. We need to establish a Federal cable television

policy that protects consumers but also affords the industry protection against unnecessary and often burdensome regulation.

The Cable Telecommunications Act of 1983 furnishes us with a relatively coherent Federal cable television policy, with an emphasis on sensible deregulation, and I support it.

Let me make clear, however, that I have reservations about certain provisions of the bill. I do not think S. 66, as introduced, struck a proper balance between the cable industry's need for deregulation and city officials' responsibilities to protect what they determine to be the public interest.

Subsequent amendments have moved us closer to some sort of equilibrium. I speak in particular of Senator THURMOND's amendment, which allows a city to consider competing franchise applications, and those amendments drafted by Senator LAUTENBERG, whom I believe has exhibited considerable leadership and skill on this issue.

Nevertheless, there remain deficiencies in S. 66. The bill is silent on leased access channels. It should not be. Cities should be able to require cable operators to make channels available to business and other groups at fair market value. I am also concerned that the bill may effectively preclude cities from rejecting franchise renewal applications for entirely legitimate reasons. Surely injecting more competition into the renewal process would be an improvement.

These objections aside, on balance I think S. 66 is a good and necessary bill. It could certainly be improved, however, and I hope and expect the House will give careful consideration to amendments suggested by our Nation's cities and others.●

Mr. GOLDWATER. Mr. President, I ask for third reading of the bill.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GOLDWATER. All time is yielded back.

Mr. DIXON. I yield back all my time.

Mr. GOLDWATER. I believe everything is yielded back.

I think the yeas and nays have been ordered.

Mr. BAKER. Mr. President, this is the last vote today.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announced that the Senator from Idaho (Mr. MCCLURE) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER (Mr. SYMMS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 87, nays 9, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—87

Abdnor	Ford	Moynihan
Andrews	Garn	Murkowski
Armstrong	Glenn	Nickles
Baker	Goldwater	Nunn
Baucus	Gorton	Packwood
Bentsen	Grassley	Pell
Biden	Hart	Percy
Bingaman	Hatch	Pressler
Boren	Hatfield	Pryor
Bradley	Hawkins	Quayle
Bumpers	Hecht	Randolph
Burdick	Heflin	Riegle
Byrd	Heinz	Roth
Chafee	Helms	Rudman
Chiles	Hollings	Sasser
Cochran	Humphrey	Simpson
Cohen	Inouye	Specter
Cranston	Jackson	Stennis
D'Amato	Jepsen	Stevens
Danforth	Johnston	Symms
DeConcini	Kassebaum	Thurmond
Denton	Kasten	Tower
Dodd	Lautenberg	Trible
Dole	Laxalt	Tsongas
Domenici	Lugar	Wallop
Durenberger	Matsunaga	Warner
Eagleton	Mattingly	Weicker
East	Melcher	Wilson
Exon	Mitchell	Zorinsky

NAYS—9

Boschwitz	Levin	Proxmire
Dixon	Mathias	Sarbanes
Leahy	Metzenbaum	Stafford

NOT VOTING—4

Huddleston	Long
Kennedy	McClure

So the bill (S. 66), as amended, was passed as follows:

S. 66

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Cable Telecommunications Act of 1983".

(b) The Communications Act of 1934 is amended by inserting immediately after title V the following new title:

"TITLE VI—CABLE TELECOMMUNICATIONS ACT

"FINDINGS

"SEC. 601. The Congress hereby finds that—

"(1) cable systems are engaged in interstate commerce through the origination, transmission, distribution, and dissemination of broadband telecommunications services;

"(2) the provision of broadband telecommunications is of concern to governmental entities;

"(3) a uniform national policy for broadband telecommunications can serve to eliminate and prevent conflicting and counterproductive regulations in order to allow unhampered growth and development of cable as a competitive medium which will be responsive to and serve the needs and interests of the public;

"(4) competition is a more efficient regulator than government of the provision of diverse telecommunications services and as competition continues to develop, the deregulation of telecommunications services should occur; and

"(5) recognizing the long standing tradition of the Congress of promoting universal telephone service at reasonable rates, and recognizing the rapid technological changes of the types and delivery of services offered by the telecommunications industry, it is in the public interest to ensure that all providers of telecommunication services share in the obligation of providing universal service.

"PURPOSES

"SEC. 602. The purposes of this title are to—

"(1) establish a national policy concerning broadband telecommunications and to encourage a competitive environment for the growth and development of broadband telecommunications;

"(2) establish guidelines for the exercise of Federal, State, and local regulatory authority;

"(3) allow cable systems to be responsive to the needs and interests of the public on an equal basis without a competitive disadvantage with other providers of telecommunications services; and

"(4) eliminate government regulation in order to prevent the imposition of an unnecessary economic burden on cable systems in their provision of service to the public.

"DEFINITIONS

"SEC. 603. for purposes of this title, the term—

"(1) 'basic service' means the lowest cost tier, other than a tier offered at a discounted fee, of service which is available to subscribers for a fee and which includes the provision of retransmission of local broadcast signals, public, educational, and governmental programing and any other programing service as offered by a cable operator as part of the tier, and specified in the franchise agreement as part of basic service, which is distributed by coaxial cable or any other closed transmission medium;

"(2) 'basic telephone service' means two-way voice grade communications that is held out to the public and that would be subject to regulation by the Commission or any State if offered by a common carrier subject, in whole or in part, to title II of this Act;

"(3) 'broadband telecommunications' means any receipt or transmission of electromagnetic signals, including basic service, cable service, and telecommunications service, over coaxial cable or any other closed transmission medium;

"(4) 'broadcasting' means telecommunications by radio intended to be received by the public, directly or by the intermediary of relay stations;

"(5) 'cable channel' or 'channel' means that portion of the electromagnetic frequency spectrum used in a cable system for the propagation of an electromagnetic signal;

"(6) 'cable operator' or 'cable system operator' means any person or persons, or an agent or employee thereof, that provides basic service, cable service, or telecommunications service over a cable system, or that directly or indirectly owns a significant interest in any cable system, or that otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system;

"(7) 'cable service' means the provision by a channel programer of one-way programing on a per channel, per program, or other basis which is distributed by coaxial cable or any other closed transmission medium, but such term shall not include basic service;

"(8) 'cable subscriber' means any person who receives or transmits electromagnetic signals distributed over a cable system;

"(9) 'cable system' means a facility or combination of facilities under the ownership or control of any person or persons, which consist of a primary control center used to receive and retransmit, or to originate broadband telecommunications service over one or more coaxial cables, or other closed transmission media, from the primary control center to a point of reception at the premises of a cable subscriber, but such term does not include: (A) a facility or combination of facilities that serves only to retransmit the television signals of television broadcast stations; (B) a facility or combination of facilities that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management; or (C) a common carrier subject to the provisions of title II of this Act whenever such carrier transmits broadband telecommunications services other than basic service or cable service;

"(10) 'channel programer' or 'programer' means any person having an agreement to provide basic service or cable service to a cable system operator, or any person who leases, rents, or is otherwise authorized to use the facilities of a cable system for the provision of basic service or cable service, and such term shall include a cable system operator to the extent that such operator, or person or persons under common ownership or control with such operator, is engaged in the provision of such service;

"(11) 'closed transmission medium' or 'closed transmission media' means media having the capacity to transmit electromagnetic signals over a common transmission path such as coaxial cable, optical fiber, wire, waveguide, or other such signal conductor or device;

"(12) 'franchise' means a permit, license, ordinance, resolution, right-of-way, contract, certificate, agreement, or similar authorization issued by a franchising authority which authorizes the provision of basic service, cable service, or telecommunications service by a cable operator;

"(13) 'franchising authority' means any State, political subdivision, or agency thereof, or any other governmental entity empowered to grant a franchise;

"(14) 'grade B contour' means the field strength of a television broadcast station computed in accordance with regulations promulgated by the Commission;

"(15) 'information' means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or other symbols;

"(16) 'law' includes any regulation, rule, order, standard, policy, requirement, procedure, or restriction;

"(17) 'person' means an individual, partnership, association, joint stock company, trust, corporation or any governmental authority;

"(18) 'telecommunications' means the transmission of information by electromagnetic means, with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission;

"(19) 'telecommunications service' means the offering of telecommunications facilities, or of telecommunications but such terms shall not include basic service or cable service; and

"(20) 'United States' means the several States and territories, the District of Columbia, and the possessions of the United States.

"STATEMENT OF AUTHORITY

"SEC. 604. The provisions of this title shall apply as follows:

"(1) The Commission shall have jurisdiction and exercise authority with respect to broadband telecommunications in accordance with the provisions of this title and other applicable provisions of law.

"(2) Nothing in this title shall be construed as prohibiting any State or political subdivision or agency thereof, or franchising authority, from awarding, in accordance with the provisions of this title, one or more cable franchises within its jurisdiction.

"(3)(A) Except to the extent provided in paragraph (B), no cable system shall provide basic service or cable service without a cable franchise in compliance with this title.

"(B) The provision of paragraph (A) shall not be applicable in the case of any cable system in operation on April 21, 1983.

"OWNERSHIP OR CONTROL OF CABLE SYSTEMS

"SEC. 605. (a) No State or political subdivision or agency thereof, or franchising authority, shall have the authority to prohibit, directly or indirectly, the ownership of cable systems by any person by reason of that person's ownership of any other media or other interests, including broadcast, cable, newspaper, programing service, or other printed or electronic information service.

"(b)(1) Notwithstanding the provisions of subsection (a) of this section, for the purpose of ensuring fair and equitable treatment of United States cable enterprises seeking access to markets in a foreign country, the Commission shall have authority to conduct inquiries applicable to foreign persons from that country seeking access to domestic markets in the United States in connection with the construction, ownership and operation of cable enterprises as to whether such United States cable enterprises are permitted fair and equitable access to such foreign markets.

"(2) The Commission shall submit any information obtained through such inquiries to the United States Trade Representative to assist the Trade Representative in his identification and analysis of acts, policies or practices which constitute significant barriers to, or distortions of, United States exports of services.

"(3) For purposes of this subsection, the term 'foreign persons' includes any individual who is not a citizen of the United States, any subsidiary (although established under the laws of the United States or any State thereof) of a corporation or other business entity which was established under the laws of a foreign country, any corporation or other business entity established under the laws of a foreign country, or any corporation or other business entity established under the laws of the United States or any State thereof, if 25 percent or more of the capital stock or equivalent ownership is owned or controlled by an individual who is not a citizen of the United States or by a corporation or other business entity established under the laws of a foreign country, or any subsidiary of a corporation or other business entity established under the laws of a foreign country.

"(c)(1) Notwithstanding the provisions of subsection (a) of this section, a State or political subdivision or agency thereof, or franchising authority, may not acquire an ownership interest in any cable system pursuant to a buy-back provisions of a franchise or require a sale of a cable system to any other person pursuant to a franchise, upon the expiration of the franchise, unless such State, subdivision, agency, authority, or person acquires such ownership or interest at not less than fair market value based upon the ongoing business value of the system. In the event that the cable operator and a State or political subdivision or agency thereof, or franchising authority, are unable to agree upon any such fair market value, then the matter of determining fair market value shall be submitted to binding arbitration. For purposes of arbitration, each of the affected parties shall select one arbitrator and the two arbitrators so selected shall choose a third arbitrator.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, in the event of termination for cause of a franchise due to a material breach, a State or political subdivision or agency thereof, or franchising authority, may acquire an ownership interest in such cable system but only upon written notice of the breach, reasonable opportunity to remedy the breach, and other due process. Any such termination shall be subject to de novo review by a court of competent jurisdiction.

"(d) In any case in which any such State, subdivision, agency, or authority has or acquires any such ownership or interest, such State, subdivision, agency, or authority shall, in no case, own or control, directly or indirectly, the content of any of the programing on such cable system, except for programing on government access channels, unless such State or political subdivision or agency thereof, or franchising authority, establishes an independent board or a separate management company. Such board or company shall not include any State or local office holder.

"ACCESS CHANNELS

"SEC. 606. (a) A cable system operator may be required, as part of the franchise request for proposals, to dedicate or set aside channels for public, educational or governmental users, and the cable system operator may offer in a franchise to dedicate or set aside channels for other channel users.

"(b) The franchising authority and the cable operator may establish rules and procedures for the use of the channels set aside or dedicated pursuant to this section.

"(c) Until such time as there is demand for each channel full time for its designated use, public, educational, governmental, or other channel programing may be combined by the cable system operator on one or more channels, and to the extent time is available on such channels, they may be used by the cable system operator for the provision of other services.

"REGULATION OF RATES AND SERVICES

"SEC. 607. (a) Nothing in this title shall be construed as prohibiting any State or political subdivision or agency thereof, or franchising authority, from establishing, fixing, or otherwise restricting the rates charged by cable operators—

"(1) to subscribers for the receipt of basic service,

"(2) to subscribers for equipment necessary for the receipt of basic service, and

"(3) to subscribers for equipment which facilitates the reception of basic service by hearing impaired individuals.

"(b)(1) Any rate regulated pursuant to this section may be increased annually at the discretion of the cable operator by an amount not to exceed the regional consumer price index for the preceeding 12 months, upon 30 days prior notice. The ability to affect such increases shall be cumulative for not more than 3 successive years.

"(2) Nothwithstanding the provisions of paragraph (1) of this subsection, nothing in this title shall be construed as prohibiting any State or political subdivision or agency thereof, or franchising authority, from providing that such automatic increases shall not apply to a franchise which is in existence on the date of the enactment of the Cable Telecommunications Act of 1983 and which provides for a fixed rate for basic service over a specified period.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section, a cable system operator may automatically increase basic service rates which exceed the basic rates allowed pursuant to subsection (a) or (b) of this section if—

"(1) such operator has requested the increase in rates; and

"(2) the request is not acted on within 90 days following the date of its receipt.

"(d)(1) Notwithstanding the provisions of subsection (a) of this section, the authority to establish, fix, or otherwise restrict the rates charged to subscribers for the provision of basic services set forth in subsection (a) of this section, except to the extent otherwise provided in paragraph (2) of this subsection, shall not be applicable in any case where the cable system is located within the grade B contour of not less than four television signals of which there shall be one affiliate of each of the three major television networks.

"(2) The provisions of paragraph (1) of this subsection shall not be applicable in the case of any franchise in existence prior to the date of the enactment of the Cable Telecommunications Act of 1983, if the rates charged to subscribers for the provision of basic services are subject to regulation or are restricted by any State or political subdivision or agency thereof, or any franchising authority. The provisions of this paragraph relating to existing rate regulation of basic service shall be applicable for a period of 5 years following the date of the enactment of such Act, or for a period equal to one-half of the period of the remaining term of such franchise, as of the date of the enactment of such Act, whichever is greater. The provisions of paragraph (1) shall be applicable to any renewal or other extension of any such franchise.

"(3) The provisions of paragraph (1) of this subsection shall not be applicable where the cable system is subscribed to by at least 80 percent of the residences to which cable service is available, unless the cable operator demonstrates that 90 percent of the time, adequate on-site reception of the four television signals is available to more than 50 percent of the households to which cable service is available. Such a determination shall be made by the Commission. Failure by the Commission to make a determination within 180 days after the filing of an application by the cable operator shall be deemed to be a determination that such satisfactory reception is available.

"(e) No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or franchising authority, shall have authority to regulate or restrict the rates for reconnection, additional sets to the same subscriber, or sales of equipment.

"(f) No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or franchising authority, shall have authority to regulate or restrict the provision of or nature of cable services offered over a cable system except as provided in section 613 of this Act.

"(g)(1) No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or franchising authority, shall have authority to regulate or restrict the provision of or nature of telecommunications services offered over a cable system, except with respect to the provision of basic telephone service, intrastate telecommunications services, and except as provided in section 613 of this Act.

"(2)(A) Subject to the provisions of subparagraph (B), a State may require only the filing of informational tariffs for intrastate telecommunications services that would be subject to regulation by the Commission or any State if offered by a common carrier subject, in whole or in part, to title II of this Act, which are offered over a cable system. Such informational tariffs shall specify only the rates, terms, and conditions for the provision of service and shall take effect on the date specified therein.

"(B) Subparagraph (A) shall not apply to any private telecommunications service which is a discrete service dedicated to a single customer and operated by such customer.

"(3) A State shall deregulate the provision of intrastate telecommunications services if it finds that such services are subject to effective competition.

"(4) For purposes of this subsection, an intrastate telecommunications service shall be considered to be subject to effective competition in a particular geographic area or market if there are reasonably available alternatives. In determining whether there are reasonably available alternatives, the State shall consider—

"(A) the number and size of providers of services;

"(B) the extent to which services are available from providers in the relevant geographic area or market;

"(C) the ability of such providers to make services readily available at comparable rates, terms, and conditions; and

"(D) other indicators of the extent of competition, including affiliation of providers of services.

"(5) Nothing in paragraphs (2), (3), and (4) of this subsection shall be construed as being applicable to basic telephone service.

"(h) Nothing in this Act shall be construed as prohibiting a franchising authority and a cable operator from specifying, in a franchise agreement or renewal thereof, that certain cable services shall not be provided or shall be provided subject to conditions, if such cable services are obscene or are otherwise unprotected by the United States Constitution.

"(i) The provisions of subsections (b), (c), and (d) shall not apply to a franchise agreement in existence on the date of enactment of this Act for a period of 5 years following the date of enactment of this Act, or for the remaining term of such franchise agreement, whichever is greater, in any State which has in effect, and has had in effect since January 1, 1983, a statutory scheme deregulating rates which contains a requirement regarding minimal channel capacity.

FRANCHISE FEES

"SEC. 608. (a) Cable operators may be required in a franchise to pay to a State or political subdivision or agency thereof, or franchising authority, a franchise fee.

"(b)(1) No franchise fee paid by a cable system operator for the privilege of holding a franchise, shall exceed an annual aggregate of 5 percent of such cable operator's gross revenues derived from the operation of the cable system which is the subject of the franchise.

"(2) Nothing in this section shall be construed as limiting fees required by a franchise in effect on the date of enactment of the Cable Telecommunications Act of 1983 to be paid directly or indirectly to entities established for the purpose of facilitating the use of channels set aside for public, educational, or governmental use.

"(c) Any cable system operator may pass the cost of any increase in a franchise fee through to subscribers, and may designate the total franchise fee as a separate item on the subscribers' bills.

"(d) For the purpose of this section—

"(1) 'franchise fee' shall include any tax, fee or assessment of any kind imposed by a franchising authority or governmental authority on a cable system operator or cable subscriber because of their status as such; and

"(2) 'assessment' shall not include bonds, security funds, letters of credit, insurance, indemnification, penalties, liquidated damages or similar requirements which are incidental to the enforcement of the franchising agreement.

"(e) Nothing in this section shall be deemed to require a cable operator to renegotiate the provisions of an existing franchise.

"RENEWALS AND EXTENSIONS

"SEC. 609. (a) In any case in which a cable system operator submits an application to the franchising authority for the renewal or other extension of such operator's franchise authorization, the franchising authority shall grant such renewal or other extension unless it finds that—

"(1) the cable system operator has not substantially complied with the material terms of such franchise and with applicable law, or has been convicted of a felony;

"(2) there has been a material change in the legal, technical, or financial qualifications of the cable system operator that would substantially impair the continued provision of service by such operator;

"(3) the facilities to be provided by such operator, including facilities for governmental access, are unreasonable in light of the community need for and cost of such facilities;

"(4) the signal delivered by the cable system within the control of the cable system operator, has not generally met technical standards as established by the Commission; or

"(5) the proposals contained in the renewal application are otherwise unreasonable.

"(b) A cable system operator must file for renewal at least 24 months, but not more than 36 months, before expiration of the franchise. The franchising authority must consider the renewal within 120 days of submission of the application and conduct any proceedings necessary to adequately consider the application.

"(c) A cable system operator with a franchise which shall expire within 24 months

after the date of enactment of the Cable Telecommunications Act of 1983, shall be in compliance with subsection (b) if he files an application for renewal within 60 days after such date of enactment.

"(d) The franchising authority shall—

"(1) negotiate in good faith with any cable system operator regarding franchise renewal within 30 days after the completion of proceedings pursuant to subsection (b); and

"(2) make a final decision on granting or denying renewal within 12 months after receipt of an application;

"(3) in the case of denial of an application—

"(A) not make the final decision for at least 7 months from the date of receipt of the application; and

"(B) notify the applicant by written statement, within 7 days after the final decision, of the reasons for the denial.

"(e) Any renewal applicant adversely affected or aggrieved by a final decision of a franchising authority made pursuant to subsection (d), or by a failure of the franchising authority to act in accordance with subsection (d), may obtain judicial review of such final decision in any court of competent jurisdiction. The existing franchise shall remain in effect pending the completion of such judicial review. Such judicial review shall be de novo, unless the renewal applicant has been afforded a hearing on record before an independent hearing examiner or administrative law judge consistent with State law that requires—

"(1) adequate notice;

"(2) fair opportunity for participation by the renewal applicant, which includes—

"(A) discovery;

"(B) the filing of pleadings, motions, or objections;

"(C) the introduction of written or oral testimony; and

"(D) cross-examination of opposing parties; and

"(3) a written decision by the examiner or judge based exclusively on the full record of the hearings and stating the specific findings of fact and conclusions of law on which the decision is based.

"UNAUTHORIZED INTERCEPTION OR RECEPTION

"SEC. 610. (a) No person or government authority shall intercept or receive broadband telecommunications unless specifically authorized to do so by a cable system operator, channel programer, or originator of broadband telecommunications or as may otherwise be specifically authorized by Federal law.

"(b) In order to safeguard the right to privacy and security of broadband telecommunications, such broadband telecommunications shall be deemed to be a 'wire communication' within the meaning of section 2510(1) of title 18 of the United States Code.

"(c) In the event that there may be any difference between the provisions of this section and chapter 119 of title 18 of the United States Code, or any regulations promulated thereunder, it is the intent of the Congress that such chapter 119 shall be controlling.

PROTECTION OF SUBSCRIBER PRIVACY

"SEC. 611. (a)(1) Except as provided in paragraph (2) of this subsection, no cable operator, channel programer, or originator of broadband telecommunications may use the cable system to collect personally identifiable information with respect to a cable subscriber, except upon the prior written or electronic consent of that subscriber.

"(2) The provisions of paragraph (1) of this subsection shall not apply to the collection of information solely for billing purposes or to monitor whether there is unauthorized reception of cable telecommunications.

"(3) A cable operator, channel programer, or originator of broadband telecommunications shall ensure that any such information is destroyed when the information is no longer used or to be used for the purposes for which it was collected.

"(b) No cable operator, channel programer, or originator of broadband telecommunications shall disclose personally identifiable information obtained pursuant to subsection (a) of this section with respect to a cable subscriber, or personally identifiable information with respect to the services provided to or received by a particular cable subscriber by way of a cable system, except upon the prior written or electronic consent of the subscriber, or pursuant to a lawful court order authorizing such disclosure.

"(c) If a court shall authorize or order disclosure, the cable subscriber shall be notified of such order by the person to whom such order may be directed, within a reasonable period of time before the disclosure is made, but in no event less than 14 calendar days.

"(d) Each cable operator shall, at the time of entering into an agreement to provide cable telecommunications, and regularly thereafter, inform every subscriber of the rights of the subscriber under this section. Such information shall include a description of the nature of the information to be maintained by the cable operator, channel programer, or originator of broadband telecommunications, and the location and availability of such information.

"(e) A cable subscriber shall have access to all personally identifiable information regarding that subscriber which is collected and maintained by a cable operator, channel programer, or originator of broadband telecommunications. Such information shall be available to the subscriber at reasonable times and at a place designated by the cable operator, channel programer, or originator of broadband telecommunications.

"(f) Any cable subscriber whose privacy is violated in contravention of this section, shall be entitled to recover civil damages as authorized and in the manner set forth in section 2520 of title 18 of the United States Code. This remedy shall be in addition to any other remedy available to such subscriber.

"CRIMINAL AND CIVIL LIABILITY

"SEC. 612. Nothing in this title shall be deemed to affect the criminal or civil liability of channel programers or cable operators pursuant to the law of libel, slander, obscenity, incitement, invasions of privacy, false or misleading advertising, or other similar laws, except that cable operators shall not incur such liability for any program carried on any public, educational, governmental, or other channel referred to in subsection (a) of section 606, or for any program required by law to be carried on any other channel.

"PROGRAMING, SERVICES, AND FACILITIES

"SEC. 613. (a) No State or political subdivision or agency thereof, or franchising authority, may require the provision of particular programing or other broadband services, or facilities, equipment, services, or other items of value which are not related to the provision of broadband telecommunications service.

"(b) A franchising authority may require, as part of the franchise request for proposals—

"(1) channel capacity for public, educational or governmental access purposes; and

"(2) the construction of cable system facilities or provision of other cable-related equipment.

"(c) A cable operator may offer, but may not be required to provide, as part of basic service or any other tier of service—

"(1) channel capacity for other access uses; and

"(2) particular services.

"(d) The cable operator may replace or remove a particular service specified in the cable franchise as part of the basic service or any other tier of cable service or telecommunications service in any case in which there has been a significant change in circumstances since the cable operator's offer to provide such service. The cable operator may not be required to retain a specified service in any particular category of service other than basic service.

"(2) In any case in which a cable operator submits a showing that, as a result of a significant change in circumstances, particular facilities and equipment required by the franchise are economically, technically, or otherwise impracticable, the franchising authority shall enter into negotiations with the cable operator for the termination, modification, or deferral of such requirement. If such terms and conditions cannot be agreed upon within 45 days, the matter shall be submitted to binding arbitration. For purposes of arbitration, each of the affected parties shall select 1 arbitrator and the 2 arbitrators so selected shall choose a third arbitrator. The existing franchise provisions, except for those which are the subject of arbitration, shall not be affected by the arbitrators' final decision.

"(e) Except as provided in subsection (c) of this section, a franchising authority may, in accordance with the provisions of this section, enforce any offer to provide particular basic service set forth in subsection (c) or particular cable services or telecommunications services or cable system facilities or cable-related equipment offered by a cable operator provided that the provision of such services, facilities, or equipment is specifically required by the franchise agreement.

"(f) Notwithstanding the preceding provisions of this section, in any case in which a franchise agreement in effect on the date of the enactment of the Cable Telecommunications Act of 1983 requires the cable operator to provide particular programing, services, facilities, cable related equipment, or channel capability for access uses, such requirements, subject to subsections (d) and (e), shall remain in effect for the term of the franchise and in accordance with the provisions thereof. For purposes of this subsection, a franchise agreement containing such requirements shall be considered to have been in effect on such date of enactment if such agreement was the result of a franchise proceeding for which a request for proposals was originally issued, however subsequently modified or replaced, on or prior to September 30, 1982.

"NO REGULATION AS COMMON CARRIER

"SEC. 614. No executive agency of the United States, including the Commission, and no State or political subdivision or agency thereof, or franchising authority, shall have authority to impose on a cable system regulation as a common carrier or a utility to the extent that such cable system provides broadband telecommunications service other than basic telephone service.".

EXCLUSIVE JURISDICTION

SEC. 2. (a) Except to the extent otherwise specifically provided in title VI of the Communications Act of 1934, as added by the first section of this Act and as provided in section 607 of such title, the Federal Government shall have exclusive jurisdiction over broadband telecommunications regarding matters covered by such title.

(b) Any law of any State or political subdivision or agency thereof, or franchising authority, in effect on the effective date of title VI of the Communications Act of 1934, as added by the first section of this Act, which is in conflict with the provision of subsection (a) of this section relating to the exclusive jurisdiction of the Federal Government, shall be deemed superseded, as of the expiration of the 6-month period following the date of the enactment of this Act, and shall thereafter be null and void and of no effect.

(c) Except to the extent otherwise provided by this Act and the amendments made thereby, any State or political subdivision or agency thereof, or franchising authority, may exercise jurisdiction over matters which are of strictly local concern and which are necessary for reasons of public health, safety, and welfare, including the terms and conditions for the granting of a franchise, the construction and operation of a cable system, and the enforcement and administration of a franchise.

NEW AND ADDITIONAL SERVICES

SEC. 3. Title I of the Communications Act of 1934 is amended by inserting after section 6 the following new sections:

NEW AND ADDITIONAL SERVICES

"SEC. 7. (a) Consistent with sound spectrum management, the Commission shall, to the maximum feasible extent, encourage the introduction of new and additional services by new applicants, existing licensees, or other persons. In any proceeding in which new or additional services are proposed, such services shall be presumed to be in the public interest whenever the Commission finds that such services are techically feasible without causing significant technical degradation to or interference with radio transmissions by other licensees.

"(b) Any person may file with the Commission a petition to establish or an application to offer a new or additional services.

"(c) The Commission must determine whether the new or additional service proposed in a petition or application is in the public interest within 1 year after such petition or application is filed. If the Commission initiates its own proceeding for a new or additional service, such proceeding must be completed within 12 months after it is initiated.

"DECLARATION

"SEC. 8. The Congress declares that competition is a more efficient regulator than government of the provision of diverse communications services and as competition continues to develop, the deregulation of communications services should occur.".

EFFECTIVE DATE

SEC. 4. The provisions of this Act and the amendments made thereby shall take effect upon the date of enactment of this Act.

REDESIGNATION

SEC. 5. The existing title VI of the Communications Act of 1934 is redesignated as title VII, and sections 601 through 609 are redesignated as sections 701 through 709, respectively.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I wish to commend the distinguished chairman of the Commerce Committee (Senator PACKWOOD) and the Senator from Arizona, the chairman of the Subcommittee on Communications (Senator GOLDWATER), the Senator from Kentucky, and others who participated in the deliberations of the Senate on the cable TV bill. This is an important measure which was hotly debated and adopted in a fairly prompt manner.

I extend my congratulations to them for the efficient management of this important matter.

Mr. President, as I have already announced, there will be no more record votes tonight.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR REDUCTION IN LEADERSHIP TIME TOMORROW

Mr. BAKER. Mr. President, I further ask unanimous consent that—and may I say, by the way, that I have talked to the minority leader about this and he is agreeable—on tomorrow the time allocated to the two leaders under the standing order be reduced to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR JACKSON ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the two leaders under the standing order, the distinguished Senator from Washington (Mr. JACKSON) be recognized on a special order of not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there are other requests for special orders tomorrow and it may be that we will need to readjust these arrangements a little bit, but it is anticipated at this time that after the Jackson special order there will be a brief period for the transaction of routine morning business and then the Senate will resume consideration of the supplemental appropriations bill at 10 a.m. As I say, there may be some changes in that. I am aware of the request by certain Senators of the so-called Steel Caucus who would like to be heard. I would like to negotiate with them on whether that occurs in the morning or in the afternoon.

But, in any event, Mr. President, after the special orders are executed and perhaps a time for the transaction of routine morning business, the Senate will resume consideration of the supplemental appropriations bill. I hope we can finish the supplemental tomorrow, because it is the intention of the leadership, if we have finished, to go to the bill to repeal withholding on dividends and interest after that, either on Wednesday or, if not then, on Thursday.

ORDER FOR THE RECOGNITION OF SENATOR HEINZ AND SENATOR SPECTER ON TOMORROW

I now ask unanimous consent, Mr. President, that following on after the execution of the order in favor of the Senator from Washington (Mr. JACKSON), that there be special orders in favor of the distinguished senior Senator and the distinguished junior Senator from Pennsylvania for not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, that throws our plan a little out of kilter, but not very much.

ORDER TO RESUME CONSIDERATION OF H.R. 3069 ON TOMORROW

Mr. President, I ask unanimous consent that after the execution of the special orders, the Senate resume consideration of the supplemental appropriations bill at not later than 10:25 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, at 10:25 tomorrow, we will be back on the supplemental appropriations bill. I urge Senators to consider this matter needs to be dealt with tomorrow and I hope we can reach final passage before the close of business on tomorrow, Wednesday.

ORDER FOR THE RECOGNITION OF SENATOR HOLLINGS ON TOMORROW

Mr. President, I am told the Senator from South Carolina has need for a special order on tomorrow, and had first understood that those orders would not be granted in the morning, but we have changed it.

Mr. President, I ask unanimous consent that after the orders in favor of the two Senators from Pennsylvania have been executed, the Senator from South Carolina (Mr. HOLLINGS) be recognized on special order for not to exceed 15 minutes.

Further, Mr. President, that the time for the Senate to proceed after that be advanced by whatever time is required up to 15 minutes, according to the order previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS, 1983

The PRESIDING OFFICER. The clerk will report the unfinished business.

The assistant legislative clerk read as follows:

A bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

The Senate resumed consideration of the bill.

Mr. HATFIELD. Mr. President, what is the pending committee amendment?

The PRESIDING OFFICER. The pending business is the first excepted committee amendment, page 6, line 13.

Mr. HATFIELD. Mr. President, I believe that was acted upon today. I think the pending amendment is the D'Amato amendment.

The PRESIDING OFFICER. The third committee amendment was adopted today.

Mr. HATFIELD. Mr. President, I would then ask that the first committee amendment be set aside temporarily in order that the Senator from New York (Mr. D'AMATO) may ask for consideration of his amendment, which was also temporarily laid aside. I might announce that the committee is ready to accept the amendment of the Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1350

Mr. D'AMATO. Mr. President, I thank my distinguished colleague, the chairman of the Appropriations Committee. It is my understanding that this amendment has been agreed to by both the majority leader and the minority leader.

The PRESIDING OFFICER. Does the Senator wish to send the amendment to the desk?

Mr. D'AMATO. The amendment is already at the desk. It had been set aside.

I thank the leaders for their cooperation. I urge the adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the Senator from New York (Mr. D'AMATO).

The amendment (No. 1350) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask, on behalf of the managers of the bill, that the first committee amendment be temporarily set aside in order that the Senator from South Carolina (Mr. THURMOND) may offer an amendment.

The PRESIDING OFFICER. Does the Senator also ask for consent that the Metzenbaum amendment be set aside?

Mr. HATFIELD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized for the purpose of offering an amendment.

AMENDMENT NO. 1386

Mr. THURMOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND), for himself and Mr. HOLLINGS, proposes an amendment numbered 1386.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of page 30, insert the following:

The project for Cooper River, Charleston Harbor, South Carolina, authorized by the River and Harbor Act of 1968, Public Law 90-483, approved August 13, 1968, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to install a closure structure in the diversion canal between Lake Marion and Lake Moultrie and to construct such measures as the Chief of Engineers determines necessary to improve the seismic stability of the Pinopolis West Dam on the Cooper River, at an estimated cost of $22 million; *Provided*, That nothing in this section shall waive any requirements under the Federal Power Act of 1935 (49 Stat. 847).

(b) In addition to such sums as are otherwise appropriated by this Act there are appropriated $2,000,000 for the fiscal year 1983 for engineering and design studies in connection with the modified project authorized by subsection (a).

Mr. THURMOND. Mr. President, I am pleased to have my distinguished colleague from South Carolina (Senator HOLLINGS) join me in proposing an amendment to permit the Corps of Engineers to design and construct remedial works in the impoundment system of the South Carolina Public Service Authority, also known as Santee-Cooper. The amendment would also appropriate $2 million to the corps for project engineering and design.

Mr. President, the Federal Energy Regulatory Commission has recently conducted seismic stability studies of the Pinopolis West Dam, and the North Dam of the Santee-Cooper system. As a result of those studies, it was determined that neither of those dams could be expected to withstand an earthquake of intensity equal to the one which struck Charleston, S.C., in 1886.

Santee-Cooper personnel, working in conjunction with the Federal Energy Regulatory Commission, performed an extensive geo-technical investigation of the Santee-Cooper system, assuming the occurrence of a similar earthquake in the vicinity. From that study, it was concluded that failure of the Pinopolis West Dam would cause a flood that would seriously damage or destroy the Charleston Naval Shipyard, the Naval Weapons Station, the Polaris Submarine Base, the Charleston Air Force Base, the North Charleston Army Depot, and the Coast Guard Base. The Cooper River Rediversion Canal, which is an authorized Corps project nearing completion, would be drained, rendering the St. Stephen's generating plant useless. Loss of life and property, both individual and Government, would be catastrophic. In addition, the increased water flow through the Cooper River and Charleston Harbor would likely cause extensive harbor silting, rendering the harbor relatively useless for months. If the North Dam, on the Santee River, were to fail, the Cooper River rediversion canal would be drained, also rendering the St. Stephen's generating plant useless. In the event of such an earthquake, the damage to the rediversion project and defense facilities would likely run into the hundreds of millions of dollars.

Preliminary engineering studies indicate that the likelihood of failure of the West Dam could be minimized through one of several alternative methods of strengthening the dam. The studies reveal that, although there is not an economically feasible method of reinforcing the North Dam, effects of dam failure could be minimized through the installation of a gateclosure system in the diversion canal. This gate would prevent the waters of Lake Moultrie from flowing back through the canal in the case of dam failure.

Cost for design and construction of these protective measures is estimated to be in the vicinity of $22 million. The purpose of this legislation is to authorize $22 million for this essential remedial work, as an addition to the Cooper River rediversion project of the Corps of Engineers. A substantial amount of time and effort has already been put into the rediversion project by the Corps of Engineers, including expenditures of $156 million from a projected $168 million. In view of this and the tremendous loss of life and property that would result from the failure of these dams, it is prudent and necessary to take these preventive measures as soon as practicable. I might add that the Charleston District of the Corps of Engineers has agreed that these improvements should be made in the interest of public safety.

Mr. President, I cannot overemphasize the importance of this project,

both from the standpoint of public safety, and from the standpoint of potential loss to the Federal Government. It is urgent that we take these steps at this time.

I move that the Senate adopt the amendment.

Mr. HATFIELD. Mr. President, the Senator from South Carolina appeared before the Energy Subcommittee of the Appropriations Committee this afternoon to explain this to the full committee. Senator STENNIS, the ranking minority member of the Full Appropriations Committee, and Senator JOHNSTON, the ranking minority member of the subcommittee, as well as our majority side, have cleared this amendment. We are ready to accept it. I second the motion to adopt the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1386) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I express my deep appreciation to the able chairman of the Appropriations Committee for his able and prompt action in this matter, which is a very important matter.

Mr. PERCY. Mr. President, when the House passed the supplemental appropriations bill, H.R. 3029, it included language allowing the Department of Education to continue contracting with private collection agencies to collect defaulted student loans. Unfortunately, the Senate Appropriations Committee deleted this authority when they marked up the bill. I urge that the House-Senate conferees maintain the House language in the conference on H.R. 3029.

Payco American and G.C. Services—the two firms collecting for the Department of Education—are doing an outstanding job collecting millions of dollars in defaulted student loans that never would have been collected otherwise. Abruptly ending these contracts now would make no sense whatsoever—a few reasons why:

Through March 1983, private contractors have collected over $30 million in student loans.

More student loans were collected last year than in any previous year: Over $70 million at the Federal level. The amount collected increased from $55 to $70 million in 1 year, the biggest increase ever, and this is due almost entirely to the work done by these two collection agencies.

It's true that collection agencies charge the Government a commission to collect these debts—but that's precisely why they are doing such a good job collecting these debts, they have the incentive to do it. The net amount of dollars going into the U.S. Treasury is the bottom line here. Even if it costs twice as much for a collection agency to collect loans, if the firm collects 10 times as much money, the Government is far ahead of the game.

The additional money being collected by these contractors provides needed revenues to help offset the deficit we are trying so hard to control and, I believe, helps restore the American taxpayers' confidence in student loan programs.

In the Debt Collection Act of 1982, enacted last October, authority was provided for all Federal agencies to utilize collection firms to supplement their collection efforts. Some of the language of that act has inadvertently resulted in the requirement that advance appropriations be provided for such collection contracts, thus, it is necessary that the Department of Education have language in this supplemental appropriation to continue its contract with collection agencies.

Mr. President, the two collection agencies collecting student loans—Payco American and G.C. Services—represent two of the most cost-effective contracts in the entire Government: For every dollar we give them, they return about two back to the taxpayers. That is a 200-percent return on investment.

I have the highest regard for these two companies and the work they are doing for the Department of Education. Dick Horn of Payco American is one of the most outstanding businessmen in this country, and under his leadership Payco American has done an outstanding job of collecting defaulted student loans for the Government. Even more impressive is that in handling some 45,000 student default cases in a pilot project, Payco did not receive one single complaint that they had been abusive in anyway, or violated the Fair Debt Collection Practices Act. This is clearly a magnificent record of achievement. I commend G.C. Services for doing an excellent job collecting students loans. Bob Dawson of G.C. appeared at a recent hearing I chaired and has been a great asset to our efforts to improve Federal debt collection.

Finally, I thank Senator D'AMATO for his help in pursuing this issue in the Appropriations Committee, and for participating in the Governmental Affairs hearing on debt collection a few weeks ago.

SPECIALTY METALS CLAUSE

● Mr. HEINZ. Mr. President, I would like to discuss briefly the specialty metals provision of this bill (H.R. 3069) with the Senator from Texas (Mr. TOWER).

Mr. President, this is the third time in the last year that the Senate has considered this issue. A year ago language similar to that in the bill before us today appeared in the 1983 defense authorization bill reported by Senator TOWER's Armed Services Committee. During consideration of that bill, the Senator from West Virginia, Senator BYRD, and I attempted to strike that language and replace it with language that would have broadened the restriction on the ability of the Department of Defense to procure foreign produced specialty metals. Our efforts, however, were unsuccessful. Last December the question recurred on the continuing resolution because the Senate Appropriations Committee included language which would have allowed DOD to purchase only "weapons or weapons systems" manufactured outside the United States and containing specialty metals of non-U.S. origin.

At that time the Senator from Texas and I worked together to produce a compromise in an effort to settle the issue once and for all. That proposal, which allowed the Department of Defense to purchase finished products including defense items, parts and components of defense items which are manufactured outside the United States that contained foreign specialty steel but prohibited purchases of unfinished foreign specialty steel, was accepted by the Senate, but the conference committee instead agreed to stronger language contained in the House passed version of the Committee Report. That language allowed DOD to purchase only "weapons or weapons systems" manufactured outside the United States and contained specialty metals of non-U.S. origin. It is that language which is current law today, and which the supplemental appropriation proposes to change once again.

Both the House and the Senate Appropriations Committee have approved language that allows DOD to buy foreign made items for the purpose of offsetting U.S. sales or furthering NATO rationalization, standardization, and interoperability.

Mr. President, I am concerned about this provision for the same reasons I have been concerned about it in the past—because of its direct effect on the economic health of an industry vital to our national defense.

Specialty steel is a uniquely critical industry. Its products form the most basic elements of our national defense and our industrial society. Machine tools, turbines, transformers, semiconductor devices, communications equipment, jet engines, missile parts, gas, and oil drilling equipment, and many other vital machines and components all have essential elements of specialty steels. Our economy could not have obtained the degree of productivity and sophistication that it has without

the efforts of the specialty steel industry and its continuing investment in research, development, and new technology. And it goes without saying that we would not be in a position to defend our industry—and our society—without the contribution this industry has made to our national defense.

At the same time, however, I recognize that the industry is nearing the end of its 18-month quest for more aggressive Government action against dumped and subsidized imports. Its petition under section 301 of the Trade Act of 1974 culminated in a request by the President last November that the International Trade Commission initiate a case under section 201 of that same act. In that case the Commission has found injury and recommended import relief. The President's decision is due by July 6. If the industry obtains sufficient relief, by which I mean the full 5 years with appropriately low floor levels, through the 201 case, then the case for maintaining a strong specialty metals clause in the Defense Appropriations Act is somewhat lessened.

The Senate Appropriations Committee clearly recognized this in its report on the pending bill, where it also reaffirmed its determination that the industry be adequately protected so as to best be in a position to continue to meet our defense needs. That report states:

The Committee considers the viability of the U.S. specialty metals industry as vital to the national security of the United States. The erosion of this country's specialty metal production is, therefore, a matter of great concern and should be addressed expeditiously by the administration. * * *

The Committee wishes to emphasize that its approval of the administration's request to exempt specialty metals from Buy America restrictions has been predicated upon the expectation that the President will act upon the recommendations of the International Trade Commission in an expeditious and thorough manner. The Committee further expects that the administration's proposals will insure that this country's specialty metal industry will be competing with limited imports and is protected from predatory export practices of other countries.

Mr. President, this language is most reassuring. It reaffirms the commitment of the Congress to maintaining a strong and vital specialty metals industry. I wonder if the Senator from Texas would indicate whether he also agrees with the language in the committee report.

Mr. TOWER. I can assure the Senator from Pennsylvania that I am also concerned about the health and viability of the U.S. specialty metals industry. The Armed Services Committee recognizes the importance of a strong and vital specialty steel industry to meet our defense needs. Maintaining that strength demands appropriate import relief for the industry. President Reagan himself acknowledged the injury the industry has suffered from imports when he asked the ITC to begin an investigation under section 201 last November. He stated:

The injury to the domestic industry is clear. The specialty steel industry is an efficient, technologically up-to-date and export-oriented branch of the steel industry. * * * Nevertheless, the industry is facing an unprecedented challenge to its continued prosperity, and a number of its member firms are fighting for survival. * * *

If we are ever to put an end to constant trade disputes in steel, we must stop dealing with discrete import and export issues in isolation and instead begin a coordinated approach to the problem. By combining the section 201 and section 301 approaches, the United States hopes to stabilize the immediate import situation and to reverse the global trend toward greater excess capacity, increased subsidization, and closed markets.

I have opposed past efforts to address the problems of the U.S. specialty metals industry in the DOD appropriations bill because I felt that the United States had established a number of mechanisms to review the injury done to U.S. industry through imports and allegations of unfair foreign trade practices—such as section 201 and section 301 cases under the Trade Act of 1974. In my view, these were the appropriate avenues for meaningful relief for the specialty metals industry and not the relatively insignificant procurement activities of the Department of Defense. I still believe this and so hope that the President will take appropriate action through already established processes to maintain the vitality of the U.S. specialty metals industry.●

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past the hour of 6:30 p.m.; in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER ON PROCEDURE

Mr. BAKER. Mr. President, the requests I am about to make now have all been cleared with the minority leader. He is necessarily absent from the floor at this time. I say on my own responsibility that he has approved the requests.

ORDER TO HOLD H.R. 9 AT THE DESK

Mr. BAKER. Mr. President, I ask unanimous consent that H.R. 9, a bill to designate components of the National Wilderness Preservation System in the State of Florida, be held at the desk until the close of business Wednesday, June 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO HOLD H.R. 2477 AT THE DESK

Mr. BAKER. Mr. President, I ask unanimous consent that H.R. 2477, entitled the "Sipsey Wilderness Additions Act of 1983", be held at the desk until the close of business Wednesday, June 15.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER TO PLACE H.R. 2713 ON THE CALENDAR

Mr. BAKER. Mr. President, I ask unanimous consent that once the Senate receives from the House of Representatives H.R. 2713, to authorize research for the cause, treatment, and prevention of public health emergencies, it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC HEALTH EMERGENCIES AND AIDS

Mr. CRANSTON. Mr. President, yesterday, June 13, the House of Representatives passed H.R. 2713, legislation to establish and authorize appropriations for a public health emergency fund to provide for research and investigations into the cause, treatment, and prevention of diseases or conditions which the Secretary of Health and Human Services determines present a public health emergency. On May 5, I introduced, along with Senators MOYNIHAN, KENNEDY, and TSONGAS, S. 1226, the companion measure to H.R. 2713. This legislation is vitally needed to remedy a serious inadequacy in our Nation's health system—the lack of a Federal mechanism for dealing effectively and expeditiously with large-scale public health emergencies that occur suddenly and require immediate action such as investigating and monitoring outbreaks of disease, removing contaminated products from the market, or undertaking new medical research.

The need for this kind of legislation has been made plain in a number of recent public health emergencies—Legionnaire's disease, toxic shock syndrome, the Tylenol poisonings, and three of the largest food recalls—salmon, mushrooms, and infant formula—in history. Now the outbreak of acquired immune deficiency syndrome—AIDS—a disorder that destroys the body's immune system, leaving the individual highly susceptible to other life-threatening diseases—has become an uncontrolled epidemic that demands urgent action.

Although several Government agencies have authority to address different aspects of public health problems, the costs, which can be substantial for these types of emergencies, cannot be anticipated. Recent unexpected public

health crises have been of such numbers, sizes, and complexity that any funds budgeted for in advance have quickly been depleted.

In the past, the Department of Health and Human Services relied to some extent on the resources of the PHS hospitals and the PHS Commissioned Corps, as well as the flexibility in some categorical programs for reprograming moneys and reassigning personnel to meet emergency situations. However, the authorities for the PHS hospital system and many of the categorical health programs were repealed in 1981, the Corps faces continuing Office of Management and Budget attempts to limit, reduce, or eliminate its authority, and the Public Health Service as a whole has suffered several budget cuts over the past 3 years. The combined effect has been to weaken very substantially the minimal capability that previously existed to respond to public health emergencies.

Mr. President, without a contingency fund and coordinated effort, HHS' only way to react to these problems is by siphoning resources out of other research areas and public health programs to which the same immediacy may not attach but which are equally important in protecting the health of our Nation's citizens. When those other resources cannot be found and diverted quickly, we experience dangerous delays in our efforts to stop the spread of diseases that can cause widespread suffering and death.

Unfortunately, we have learned this lesson the hard way through our current experience with AIDS. Although the majority of AIDS victims thus far are members of population groups with identifiable risk factors, the disease is moving out of these well-defined high-risk groups. As of June 1, 1983, 1,552 cases of AIDS had been reported to the CDC; 599 people have died of AIDS since 1981. Four to five new cases are reported every day and the case rate is doubling every 6 months. If the incidence of AIDS remains unchecked, by this time next year there will be more than 5,000 cases of this disease resulting in many more deaths.

The initiation of a Federal response to the AIDS emergency was slow and inadequate. Although AIDS was first detected in the United States in 1979, it was not until 1981 that the Centers for Disease Control began to investigate reports of AIDS cases and did so by diverting funds from other disease control programs. Research on AIDS at the National Institutes of Health has also been slow. It was not until 15 months after AIDS data were collected CDC that the first AIDS-specific NIH grant—of only $166,461—was approved.

Our bill—S. 1226—and the House-passed bill would insure the availability of funding for swift and effective Federal responses to public health emergencies—including funding for expeditious research into the causes, treatment, and prevention of diseases or disorders, such as AIDS, that constitute emergencies. To this end, the legislation would establish in the Treasury a public health emergency fund and authorize the appropriation to the fund of $40 million for fiscal year 1984, and for each subsequent fiscal year such sums as are necessary for there to be $40 million in the fund at the beginning of the fiscal year. The fund would be available for use in responding to an emergency if the Secretary, after consultation with the Director of NIH, the Commissioner of the Food and Drug Administration, the Director of CDC, or the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, determines either that a disease or disorder presents a public health emergency or that a public health emergency otherwise exists with respect to which the Secretary has authority to take responsive action. Following that determination, the allocation of moneys from the fund would be authorized for the purpose of appropriate responses to the emergency.

The House-passed bill differs from S. 1226 in only two significant ways. First, the authorization of appropriations would be for $30 million—rather than $40 million. Second, the House bill would require the Secretary of HHS annually to report on the use of the funds to the House Committee on Energy and Commerce and the Senate Committee on Labor and Human Resources. I believe the reporting requirement is a good addition, and, in the interest of the quick enactment of this legislation, I would accept the $30 million authorization in lieu of the $40 million authorization at this point.

The concept of making contingency funds available to meet public emergencies is not unprecedented. The Environmental Protection Agency and Federal Emergency Management Agency have funds available for use in emergencies. Nor is this specific proposal novel. In 1982, then-HHS Secretary Schweiker proposed to establish a national emergency response fund to provide the Department with the capability to respond quickly and effectively in critical situations that affect the Nation's health and welfare. In testimony before the Labor and Human Resources Committee in 1981, Secretary Schweiker, in expressing his support of such a fund, stated:

> In the past, our efforts to provide the necessary health and social services in these crises were hampered by complex financing mechanisms that delay the actual provision of services and the obligation of funds.

The CDC has called AIDS the worst epidemic since smallpox. The administration's top health official, the Assistant Secretary of Health and Human Services, Dr. Edward N. Brandt, Jr., recently declared that the investigation of AIDS has become the No. 1 priority of the U.S. Public Health Service, as well it should be and should have been much earlier. Had the Federal Government been able to respond faster to this emergency and applied our country's resources more effectively to find some answers to this fatal disease, today we might be much closer to controlling the spread of AIDS and preventing the death toll from climbing higher.

Mr. President, our Government urgently needs to be better prepared to deal swiftly with public health emergencies. The prompt enactment of this legislation would be very desirable at this point—both because it would provide HHS with the coordinated, centralized mechanism that HHS needs to do this and because enactment of the authorization of appropriations would obviously enhance the prospects for the enactment of appropriations needed to activate this program in fiscal year 1984.

Therefore, Mr. President, I believe that the urgent need for the enactment of this legislation warrants the majority and minority leaders and the Chairman (Mr. HATCH) and ranking minority member (Mr. KENNEDY) of the Committee on Labor and Human Resources addressing this issue immediately. Hence, I have urged that they work out an arrangement whereby the House-passed bill, H.R. 2713, will not be referred to the committee and the Senate will take up the bill immediately, pass it, and send it to the President to be signed into law. This approach would demonstrate to the American people—and especially to those so very concerned about AIDS—that the Congress can respond effectively and swiftly and in a bipartisan manner to a great public concern about a problem and act constructively to meet urgent national needs.

SENATOR CRANSTON ON NUCLEAR "BUILD-DOWN" AND THE FREEZE

Mr. KENNEDY. Mr. President, my good friend and colleague ALAN CRANSTON has authored an important critique of the nuclear "build-down" proposal, which a number of Senators have suggested might be a more desirable alternative to a United States-Soviet nuclear freeze. As Senator CRANSTON notes:

> For those sincerely committed to real arms control now there remains a simple, equitable, verifiable proposal that drew 81 percent support in a May Business Week/Lou Harris poll . . . It's called the bilateral nuclear weapons freeze.

Senator CRANSTON, who has been a leading advocate of the nuclear freeze resolution in the Foreign Relations

Committee, has made a very helpful contribution to the debate on arms control with his critique of the "build-down." I commend his article from this morning's Los Angeles Times to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article ordered to be printed in the RECORD, as follows:

THE NUCLEAR BUILD-DOWN DELUSION: PROPOSAL IS CATCHING ON, BUT RELIES ON UNREALISTIC ASSUMPTIONS

(By Alan Cranston)

President Reagan is embarked on a public-relations campaign designed to persuade skeptics at home and abroad that he is committed to achieving equitable nuclear-arms reductions with the Soviet Union.

A critical element in this campaign was the recent White House move toward endorsement of the nuclear "build-down" proposal, which has gained bipartisan support from several respected members of the Senate Armed Services Committee. This proposal would seek to curb the nuclear-arms race by attaining U.S. and Soviet agreement to retire two nuclear warheads for every new one deployed.

The President endorsed the "build-down" concept in a letter that he circulated last month on the eve of congressional voting on the MX missile. When moderate swing votes then fell into line behind the MX, the build-down proposal was elevated to new prominence. And now key congressmen are publicly conditioning their future support for the MX on the President's willingness to follow through on his suggestion that he might make a build-down proposal to the Soviets in the Geneva nuclear-arms talks.

Opponents of the MX were of course dismayed by Congress' vote giving the green light to further production of the dangerous, destabilizing MX missile-without-a-mission. But it was also disconcerting to witness the congressional rush toward the ineffectual build-down proposal now being offered by many as a panacea for the cancer that is the nuclear-arms race.

Build-down is advertised as a practical means of curbing the nuclear-arms race while permitting "stabilizing" arms modernization. Proponents argue that it "would permit the replacement of aging weapon systems with more survivable systems" by requiring the superpowers "to eliminate two older, less stabilizing nuclear warheads" for each new warhead deployed.

At the heart of the build-down are two related assumptions that could prove to be dangerously unrealistic. These assumptions are that our strategic planners will move us toward deployment of more survivable weapon systems, and that these new systems will somehow stabilize the arms competition.

First, aging weapon systems are not necessarily being replaced by more survivable systems. In fact, the vote that rescued the MX—with the help of those who support the build-down—also would have it installed in fixed silos that this Administration has long insisted are not survivable.

Second, new U.S. and Soviet deployments are not necessarily more stabilizing. Putting 10 highly accurate warheads on MX missiles in each of the "vulnerable" U.S. silos limits this weapon primarily to first-strike use, while the Soviets' deployment of hundreds of mobile, three-warhead SS-20s exposes all European capitals to attack virtually without warning.

Proponents argue that, under build-down, prudent defense planners would soon move toward deployment of more survivable systems. But there is little in current deployment practices to justify this optimism. And, with more than 50,000 nuclear warheads in the superpowers' arsenals, it could take decades of costly modernization before we had "built down" to significantly lower levels of survivable systems.

In their eagerness to provide an arms-control gloss for their commitment to continued production of new nuclear systems, build-down proponents have ignored another basic fact governing U.S.-Soviet arms competition: With such enormous overkill in the U.S. and Soviet arsenals, the perilous nuclear-arms race is today much more qualitative than quantitative. It is the Sisyphean insistence that nuclear stability awaits after just one more round of modernization that drives the superpowers to waste so many billions on still more nuclear weapons. And adherence to the Orwellian logic that to get less we must first have more obscures the fact that we must first stop the escalating arms race if we are to achieve deep reductions.

The Administration is now selling the MX to Congress as essential for arms control. It is making the same argument regarding plans to put 572 Pershing 2 and cruise missiles in Europe beginning this December.

This is not arms control. Neither is the build-down. These are prescriptions for a continued nuclear buildup, a continued waste of U.S. and Soviet human, financial and technological resources.

The buildup/build-down proposal is perhaps best understood by recognizing its source. It was first pushed by people who were concerned that the nationwide call for a nuclear freeze might hamper U.S. weapons modernization. It was offered in the House of Representatives as an amendment to kill the genuine nuclear-freeze resolution while providing an arms-control fig leaf for continued nuclear-arms production. It is now backed by a President who has refused to support ratification of three arms-control treaties that were accepted by the Soviets and negotiated by past Republican and Democratic Administrations (the SALT II, Threshold Test Ban and Peaceful Nuclear Explosion treaties) and who has walked away from a fourth, nearly completed, negotiation (Comprehensive Test Ban).

For those sincerely committed to real arms control now, there remains a simple, equitable, verifiable proposal that drew 81 percent support in a May Business Week/Lou Harris poll.

It's called the bilateral nuclear-weapons freeze.

HOMILY FOR ROBERT KENNEDY

Mr. KENNEDY. Mr. President, on June 4, nearly 200 friends and coworkers who served with Robert Kennedy in the 1950's on the staff of the Senate Permanent Subcommittee on Investigations and the Select Committee on Investigation of Improper Activities in the Labor and Management Field gathered in Washington to attend an anniversary mass for my brother, who died 15 years ago last week.

The homily at the mass was delivered by Carmine S. Bellino, who was my brother's right-hand man and chief investigator for so many years when he was counsel and later chief counsel in those investigations. Carmine Bellino's eloquent words remind us all how much we miss Robert Kennedy today. The homily is a generous and fitting tribute to Bob's memory, and I ask that it may be printed in the RECORD.

There being no objection, the homily was ordered to be printed in the RECORD, as follows:

HOMILY BY CARMINE S. BELLINO: 15TH YEAR ANNIVERSARY MEMORIAL MASS FOR ROBERT FRANCIS KENNEDY AT ST. JOSEPH'S CHURCH ON CAPITOL HILL, JUNE 4, 1983

Welcome, former staff members of the Senate Permanent Subcommittee on Investigations and the Senate Select Committee on Investigation of Improper Activities in the Labor or Management Field. It's been almost 25 years since our last hearing. What a reunion this would have been if Robert F. Kennedy had not been taken away from us fifteen years ago.

Welcome Ethel Kennedy and members of her family.

We sincerely thank Monsignor Murphy for the wonderful cooperation he has extended.

It is fitting that we should get together today, coming from far and wide, to pray for and remember Robert F. Kennedy.

We can never forget Bob for he was our boss—full of understanding, consideration and compassionate. He was our boss—straightforward, candid and direct. He was our boss—the kind of boss one dreams about.

To go back to our days with him, may I quote extracts from "An Ode to Bob" written by Alice Dearborn and Georgia Wilbur at our Christmas party in 1959:

"Here is to Bob, the boss of our dreams
He's everything nice and not what he seems,
He makes us work hard and long hours too
We all miss our rides, which makes us very blue.
It may not be long until he will say,
'We're working Saturdays', how we dread that day.
He gives us corsages and smelly 'My Sin'
We ride on his yacht and blister our skin.
On national holidays, while others are snug
He makes us pull out and then counts our mugs.
He makes us write letters, memos and reports,
Then he gets softhearted and invites us for snorts.
The snorts he insists will be drunk after five
But we don't mind, 'cause they bring us alive."

Within a short period of time, Bob climbed to political heights. He was the first man to go from Chief Counsel of a congressional committee to Attorney General of the United States. He was elected Senator from the State of New York and was on the way of becoming a great President of the United States when he was struck down by a mindless and senseless act, fifteen years ago. We and the Nation and the World deeply mourn his loss.

May I quote from an article written by Pierre Salinger in 1968:

"In the twelve years of my association with Bob, I watched the development of a man into the ablest and most compassionate leader this country has ever developed. He had an inexhaustible curiosity about life that drove him in a never ending search for more knowledge, for more understanding.

One thing that never changed was his honesty. It was because he was so honest that he was believable. When you worked for Bob, you came not to expect those lavish words of praise for your efforts that employers sometimes bestow on their subjects. But the quiet words, expressed at the right time, the feeling that you had his confidence and that he trusted your judgement—these were rewards of far greater significance for those who worked for Bob Kennedy."

And as my sister-in-law, Angie Novello, stated in Pat Lawford's book, "That Shining Hour."

"We loved Bob Kennedy as a boss and as a friend. He was a great inspiration to all of us who worked for him because he had the uncanny ability of bringing out the best in us. He was a hard taskmaster but our reward was knowing that in some small way we were sharing in his greatness. And his warm smile of approval and 'thank you' was all we needed to keep going on to the next project. His fight was our fight; his defeat was our defeat, his triumph was our triumph. Bob is gone but how lucky we were to have known him and to have shared his hopes and dreams for the country he loved so much. The inspiration he instilled in all of us will continue to live and grow because he left a little bit of himself in each one of us and as long as we live, he lives."

And may I further quote from an article written by Ted Sorensen, June 22, 1968:

"Oh yes, much will be said and written about his death. Let us honor and remember his life. It was a beautiful life—so unfairly brief but so incredibly full, marked by sorrow but overflowing with joy, too short to do all that he wanted to do, but long enough to leave more lasting legacies to all mankind than a legion of lesser men could have achieved at twice his age. It was a meaningful life—blessed with the love of a wonderful wife and children, enriched by the shining example of a brother whom he loved and served and helped make great, and preserved in masterful books and speeches and pieces of legislation that rightly bear his name. And yet, for such a public man, it was a surprisingly private life. He was adored by millions, excoriated by thousands, but known, truly known, by very, very few.

"Those who saw only the toughness of his hide could not have believed the tenderness of his heart. Those who marvelled at the majesty of his public presence could not have understood the modesty of his private thoughts. It would surprise those critics who spoke so stupidly about his ruthlessness to know that in fact, in the poet's words, 'His life was so gentle, and the elements so mixed in him, that nature might stand on its feet and say to all the world—THIS WAS A MAN.'

"Unlike his brother, Robert Kennedy never became President of the United States—although I truly believe he was on his way to becoming one of the greatest—but he molded more minds and inspired more hearts in this and other nations than nearly all the men who served in that exalted post. Like his brother, he forsook comfort for country, grew wiser and warmer as he grew older, preferred candor to cliches' in both formal and informal utterances, laughed at himself more often than at others, forgave even those who reviled him, and was struck down by the assassin's bullet at the height of his power and glory."

All of us here today share the sentiments of Ted Sorensen, and Angie and Pierre.

Bob Kennedy served his country well. We know because we had the great privilege of being there with him. Bob truly exemplifies what President Kennedy asked of all Americans when he said:

"And so, my fellow Americans, ask not what our country can do for you—ask what you can do for your country."

Bob had great concern and exerted every ounce of effort for Peace, for Civil Rights, for Equal Opportunity, for Racial Equality and for the Poor.

People remember Robert Kennedy for many things:

The Senate Counsel fighting labor racketeers; the closest adviser to President John F. Kennedy; the tough yet judicious Attorney General; the distinguished and eloquent Senator from New York; the Presidential Candidate shot down when his leadership shone more brilliantly than ever.

All these recollections are true. But let us not forget that Bob Kennedy was, first of all, a very devout, humble servant of God. His faith was not something he wore on Sundays only for the benefit of the public. He believed it. He lived it. I remember arriving in Minneapolis with Bob, on a cold Sunday morning, after we had been flying all night. We checked into the hotel and Bob said, "Before we get some sleep, let's go to an early mass." We found a church nearby that had a 7:00 AM service. There couldn't have been more than a dozen parishioners in the church. Even the altar boy didn't show up. When Bob saw the Priest alone on the altar, without hesitation, he left our pew, jumped over the altar rail and served Mass. I know Bob Kennedy is remembered for great historical events. And that is as it should be. But we remember Bob also for the many less celebrated things—like that wintry morn in Minneapolis when a Priest needed an altar boy.

Bob, in Heaven, is surely smiling down upon this gathering. Those of us who knew him and worked with him, can never forget his great love for country, for his wonderful family and for the betterment of mankind.

Let us resolve to do all we can in fulfillment of the dreams and ideals of this great man and friend—Robert F. Kennedy.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276(d)-276(g), as amended, appoints the Senator from Connecticut (Mr. DODD) as a member of the Senate delegation to the Canada-United States Interparliamentary Group, to be held in Kenora, Canada, on June 16-20, 1983.

WHAT THE AMERICAN FLAG MEANS TO US

Mr. BRADLEY. Mr. President, every so often, a person or an event shakes us from the complacency with which we regard our country, and even our lives. Sometimes it only takes words. Since today is Flag Day, I thought I would take the opportunity to share with you the very eloquent words of a young Vietnamese refugee now living in my State of New Jersey—words which remind us how special our country is, and how unique the liberties we enjoy here really are.

Ahn Phoung Nguyen, aged 13, left her war-torn country with her family in the 1975 airlift sponsored by our Government. Today, she is an eighth-grade student at Our Lady of the Holy Angels Elementary School in Little Falls, N.J. In an essay written for a contest sponsored by the Passaic Valley Elks Post 2111 on the topic, "What the American Flag Means to Me," she says:

The American flag has given meaning to my life. It has provided a sanctuary for me and my family where we can feel free to love and to grow and to dream—dreams we never dared before. In America, we have a future.

It comes as no surprise that Ahn's essay won first prize. Her evocative words rekindle in all of us the love we feel for our country, and its symbol: the American flag.

For a moment, as we read her essay, we are lifted from individual preoccupations, and we remember our own ancestors who came to America so that they—and we after them—might live free and flourish. We remember who we are as a nation.

More than 30 years ago, the late Adlai Stevenson used words different, but no better than Ahn's, to bring home the same message. He said:

When an American says he loves his country, he means not only that he loves the New England hills, the prairies glistening in the sun, the wide and rising plains, the great mountains and the sea. He means that he loves an inner air, an inner light in which freedom lives and in which a person can draw the breath of self-respect.

Mr. President, I would like to submit the entire text of Ahn Phoung Nguyen's essay into the RECORD, so that every so often, whenever we get a little too complacent, her words might remind us what the American flag should mean to all of us.

"WHAT THE AMERICAN FLAG MEANS TO ME"

(By Ahn Phoung Nguyen, Little Falls, N.J.)

As the flag waves over the "purple mountian's majesty, through the fruitful plains," and to the Altantic Ocean I wonder to myself, "What is the American flag. . . " "What does it mean to me?" The flag with its various colors, stars, and stripes is a symbol which represents America; a symbol which we honor. The flag means different things to many people but to me our flag represents freedom.

As a refugee from Vietnam, I know what it is like not to have freedom and to live under Communist rule. Imagine not being able to choose your own government; not being able to speak out for what you believe in nor to express your own personal feelings, not choosing your own religion, education, or career. I have lived in America for eight years now. I have learned the meaning of freedom and opportunity and I have come to enjoy the lifestyle of the Americans.

There are times however, when some people take advantage of their liberty. They commit crimes, they do not vote, they mock

and hurt others, and they even destroy our country's beauty and resources. We must learn never to take our freedom for granted. We must stop complaining and start being thankful for all that we do have. We must always remember there are people who are less fortunate than we are. We must be willing to show our total fidelity to our country, anytime, even if it means giving up our lives, as our ancestors did in service to America.

The flag, therefore, is very sacred to me. I am honored to stand beneath it everyday and salute it. The flag has given meaning to my life. It has provided me with a home in which to live. It is my security blanket against all harm. It has provided a sanctuary for me and my family where we can feel free to love and to grow and to dream—dreams we never dared before. In America we have a future; a new chance to start again. As the flag waves over the land of the free and the home of the brave I am proud and happy to say, "I pledge Allegiance . . ." to my new homeland.

MESSAGE FROM THE HOUSE

At 5:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2712. An act to extend title XVII of the Public Health Service Act, and for other purposes;

H.R. 2713. An act to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treatment, and prevention of public health emergencies;

H.R. 2784. An act to amend the National Aquaculture Act of 1980;

H.R. 3103. An act to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes; and

H.R. 3151. An act to name the U.S. Post Office Building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building."

HOUSE MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as follows:

H.R. 1271. An act with regard to Presidential certifications on conditions in El Salvador; to the Committee on Foreign Relations.

H.R. 2712. An act to extend title XVII of the Public Health Service Act, and for other purposes; to the Committee on Labor and Human Resources.

H.R. 2784. An act to amend the National Aquaculture Act of 1980; to the Committee on Commerce, Science, and Transportation.

H.R. 3103. An act to increase the amount authorized to be expended for emergency relief under title 23, United States Code, in fiscal year 1983 from $100,000,000 to $250,000,000, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3151. An Act to name the U.S. Post Office Building to be constructed in Fort Worth, Tex., as the "Jack D. Watson Post Office Building;" to the Committee on Governmental Affairs.

HOUSE BILL PLACED ON CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2713. An act to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treatment, and prevention of public health emergencies.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1233. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, a soil conservation service plan for the South Fork Licking River watershed, Ohio; to the Committee on Environment and Public Works.

EC-1234. A communication from the Secretary of the Treasury transmitting, pursuant to law, a report on the operation and status of the State and local fiscal assistance trust fund, fiscal year 1982; to the Committee on Finance.

EC-1235. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on reimbursement of clinical laboratories under medicare; to the Committee on Finance.

EC-1236. A communication from the U.S. Trade Representative transmitting, pursuant to law, a report on rules of origin in international trade; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-218. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Armed Services:

"RESOLUTION

"Whereas, on November second, nineteen hundred and eighty-two, three State senatorial districts and fifteen State representative districts overwhelmingly approved the jobs with peace referendum; and

"Whereas, in that same election, the nuclear freeze referendum won by a substantial margin; and

"Whereas, the Nation's cities are in desperate need of action that generates jobs for their residents, and Government spending generates fewer jobs per dollar than private sector spending; and

"Whereas, proposed military spending from fiscal year nineteen hundred and eighty-two through fiscal year nineteen hundred and eighty-seven will total one and six tenths trillion dollars; and

"Whereas, the proposed increases in military spending will require higher taxes, deeper cuts in domestic programs in future years, fuel inflation and further undermine the economy; and

"Whereas, those Americans on a fixed income or without adequate source of income have the right to a decent standard of living including housing, health care, education and other essential services; and

"Whereas, the tax burden is crippling the working American; now therefore be it

"Resolved, that the General Court of Massachusetts hereby urges the President and the Congress of the United States to cease unnecessary military spending on new military programs and, instead, to cut taxes and to spend the funds for civilian needs such as construction of energy efficient housing, mass transit, public education and health care; and be it further

"Resolved, that the Massachusetts General Court respectfully requests his excellency, the Governor of the Commonwealth, to declare the week of April tenth through April sixteenth, nineteen hundred and eighty-four as "Massachusetts Jobs With Peace Week"; and be it further

"Resolved, that copies of these resolutions be transmitted by the Clerk of the House of Representatives to the President of the United States, to the presiding officer of each branch of Congress, to each member thereof from the Commonwealth and to his excellency, the Governor of the Commonwealth."

POM-219. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Banking, Housing, and Urban Affairs:

"SUBSTITUTE HOUSE JOINT MEMORIAL NO. 19

"Whereas, international trade has grown to such an extent that exports currently account for a high percentage of our gross national product; and

"Whereas, international trade is particularly important to the State of Washington, both now and in the future, due to the state's bountiful natural resources, productive industries, and strategic location; and

"Whereas, the United States Export Import Bank's mission is to promote United States exports through direct loans to foreign purchasers of our exports and loan guarantees; and

"Whereas, the international marketplace is increasingly dominated by foreign government subsidized consortiums and state corporations with which our exporters must compete; and

"Whereas, key industries of the state, particularly in agriculture, aviation, forest, and other manufactured products, are greatly affected by the activities of the Export Import Bank; and

"Whereas, the strength of these industries is vital to our economy and contributes thousands of jobs for employees, subcontractors, and others dependent on them;

"Now, therefore, Your Memorialists respectfully pray that Congress be fully aware of the benefits derived from the activities of the Export Import Bank and authorize an adequate funding level for the Bank to allow our important industries to fairly compete with their foreign competitors to maintain and expand exports.

"Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each Member of Congress from the State of Washington."

POM-220. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Banking, Housing and Urban Affairs:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION FURTHER EXPANDING THE SECTION 8 SUBSIDY TO THE ELDERLY, POOR, AND OTHERS

"Whereas, the current standard of living of many poor and elderly Americans is so inferior that they are compelled to live in substandard housing and because of depressed finances are often unable to pay to adequately heat their living quarters; now therefore be it

"Resolved, that the Massachusetts General Court respectfully urges the Congress of the United States to enact legislation to expand and facilitate the section 8 subsidy and distribution formula to give direct rental assistance to house the poor and elderly in the two, three and four family homes of their communities through local housing and redevelopment authorities; and be it further

"Resolved, that a copy of these resolutions be transmitted forthwith by the Clerk of the House of Representatives to the President of the United States, to the presiding officer of each branch of the Congress and to each Member thereof from this Commonwealth."

POM-221. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Commerce, Science, and Transportation:

"HOUSE JOINT MEMORIAL No. 32

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, The Pacific Northwest is blessed with perhaps the greatest of all game fish, the steelhead trout; and

"Whereas, The steelhead trout, an anadromous rainbow trout, enjoys an unparalleled reputation as a game fish, a fish that challenges the most competent anglers; and

"Whereas, Economic and commercial development has substantially reduced the natural run of steelhead trout so that today, the majority of the steelhead trout caught are hatchery-bred trout, primarily paid for by sport angling license fees and other sport angling-related tax dollars; and

"Whereas, The commercial steelhead fishery accounts for approximately half or the annual harvest of this diminishing resource while making no significant contribution to the maintenance of the steelhead resources; and

"Whereas, There are simply insufficient steelhead trout available to support both a sport fishery and a commercial fishery, and the economic, social, and cultural value of the steelhead trout as a game fish far exceeds its economic value as a commercial fish;

"Now, Therefore, Your Memorialists respectfully pray that Congress enact legislation declaring the steelhead trout a national game fish and prohibiting the commercial sale of this splendid fish.

"Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the Secretary of the Interior, the President of the United States Senate, the Speaker of the House of Representatives, each Member of Congress from the State of Washington, and the Honorable John Spellman, Governor of the State of Washington."

POM-222. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Commerce, Science, and Transportation:

"HOUSE RESOLUTION No. 268

"Whereas, it has come to the attention of this legislative body that the Federal Aviation Administration is investigating the recent midair near collision of a United Airlines jumbo jet and a private jet over Cedar Rapids, Iowa; and

"Whereas, this mishap is only one of several recently involving controllers at the FAA Regional Center in Aurora, Illinois; and

"Whereas, the mishaps have occurred at a time when the FAA is considering lifting emergency air traffic restrictions over the four-state Midwest area that were imposed in 1981 when the staff of the Aurora facility was decimated by the national walkout by members of the Professional Air Traffic Controllers Organization; and

"Whereas, FAA officials plan before the end of the year to lift the strict controls imposed after the controllers strike that limit traffic handled by the Aurora facility to about 85 percent of prior levels; and

"Whereas, an FAA spokesman said the Aurora center now employs 250 controllers as compared with 501 in June, 1981, before the walkout; and

"Whereas, FAA officials concede that there has been a significant increase in the number of air traffic control mishaps thus far this year; therefore, be it

"Resolved, by the House of Representatives of the Eighty-Third General Assembly of the State of Illinois, That we urge the Federal Aviation Administration to press its investigation of all mishaps which endanger the life and property of our citizens; and be it further

Resolved, That we encourage the Federal Aviation Administration to restaff all air control facilities to levels capable of safely handling traffic at all levels at all times; and be it further

"Resolved, That a suitable copy of this preamble and resolution be delivered to the Director of the Federal Aviation Administration in Washington, D.C."

POM-223. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Commerce, Science, and Transportation:

"ASSEMBLY JOINT RESOLUTION No. 25

"Whereas, the national tourism policy established by Congress in 1981 recognizes the contribution of tourism to economic prosperity, full employment and the international balance of payments and stresses the importance of encouraging the free and welcome entry of persons from foreign countries traveling to the United States; and

"Whereas, promoting the United States as a destination is a necessary and appropriate federal function which has been vested in the United States Travel and Tourism Administration in the Department of Commerce; and

"Whereas, allocations of money to the United States Travel and Tourism Administration enable it to compete with other countries in attracting foreign visitors and constitute an investment which brings a high rate of return in benefits to the economy; and

"Whereas, current allocations to the agency are inadequate for a full and effective program, but congressional proposals are pending which would authorize a more realistic level of support; and

"Whereas, proposals are also pending which would reduce impediments to travel by waiving the requirement for visas for persons from certain countries who come to the United States for 90 days or less; and

"Whereas, attracting more visitors to the United States will provide increased opportunities for employment and produce much-needed tax revenues in states such as Nevada whose economies are highly dependent on tourism; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That this legislature urges the Congress of the United States to increase its allocations of money to the United States Travel and Tourism Administration to a level which will enable the agency effectively to carry out its function of encouraging persons from foreign countries to travel to the United States; and be it further

"Resolved, That this legislature urges the enactment of legislation providing for the waiver of requirements for visas for travelers to the United States wherever feasible; and be it further

"Resolved, That the legislative counsel shall forthwith transmit copies of this resolution to the Vice President of the United States as President of the Senate, the Speaker of the House of Representatives, the chairman of the Subcommittee on Business, Trade and Tourism of the Senate Committee on Commerce, Science and Transportation and each member of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-224. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation:

RESOLUTION

"Whereas, the diminishing of Federal operating subsidies to regional public transit systems have forced increases in fares and decreases in service; and

"Whereas, it is much fairer to use Federal revenues than State revenues to pay mass transit operating costs; and

"Whereas, Massachusetts citizens deserve safe, affordable, and comfortable public transportation and Massachusetts businesses demand a sound public transportation system as an integral part of the infrastructure of the Massachusetts economy; therefore be it

"Resolved, That the Massachusetts General Court hereby expresses its dissatisfaction with further cuts in Federal operating subsidies for mass transit; and be it further

"Resolved, That a copy of these resolutions be forwarded by the clerk of the house of representatives to the President of the United States, the Secretary of Transportation, the presiding officer of each branch of Congress and to the Members thereof from this Commonwealth."

POM-225. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation:

"RESOLUTION

"Whereas, a uniform system of reckoning time throughout the several states is convenient and necessary for the proper and efficient carrying on of interstate commerce; and

"Whereas, by the Uniform Time Act of 1966 (P.L. 89-387; U.S.C. 15 Section 260 et seq.), Congress provided for such a uniform

and coordinated system, including the observance of Daylight Saving Time (except in those states which by law omit such observance) during the summer months, from 2:00 A.M. on the last Sunday of April until 2:00 A.M. on the last Sunday of October of each year; and

"Whereas, the benefits of Daylight Saving Time, in providing an extension of natural light into the evening hours, have been almost universally acknowledged, not only in the United States, but also in many foreign nations; and

"Whereas, the return each fall to Standard Time, whereby winter sunset causes an undesirable encroachment of darkness upon the latter part of the active day, requiring an unnecessary and undesirable drain upon valuable and increasingly scarce power resources to supply artificial light, creating conditions hazardous to vehicular and pedestrian traffic during a peak travel period, and offering unduly propitious conditions for violent and predatory criminal acts upon the streets and thoroughfares of many urban areas; and

"Whereas, The value of Daylight Saving Time as a conservation measure, reducing the consumption of fuel for power generation (and the concomitant effusion of pollutants), was recognized by the Congress in providing for year-round observance of this time reckoning during the war emergency period from February, 1942 to October, 1945; and in providing for extension of Daylight Saving Time during the energy shortage from 1974 to 1975; and

"Whereas, Urgent current needs for conservation of energy sources, control pollution, deterrence of street crime and reduction of the human suffering and property damage due to accidents combine to support the advisability of a permanent extension of Daylight Saving Time; therefore be it

"Resolved, That the Massachusetts General Court calls upon the Congress to amend the Uniform Time Act of 1966 (P.L. 89-387; U.S.C. 15 Section 260 et seq.) to provide for observance of Daylight Saving Time from 2:00 A.M. on the last Sunday of February until 2:00 A.M. on the second Sunday of November each year; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the House of Representatives to the President of the United States, the presiding officer of each branch of the Congress, and to each member thereof from this Commonwealth, and to the presiding officers of the legislative bodies of the several States in the Eastern Time Zone."

POM-226. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Energy and Natural Resources:

"HOUSE JOINT MEMORIAL NO. 15

"Whereas, The United States is the only nation in the world to have organized a National Civilian Conservation Corps; and

"Whereas, The Corps compiled an impressive record of accomplishments during its nine years of existence including: Planting three million acres of trees, thinning five million acres of forests, building bridges and roads, battling forest fires, controlling erosion, and opening up state and national parks; and

"Whereas, A National Civilian Conservation Corps would provide employment for the youth of today, make them self-reliant, and offer them a practical work routine where they would be trained as foresters, construction foremen, administrative clerks, truck drivers, equipment operators, mechanics, carpenters, and many other practical jobs; and

"Whereas, Four billion tons of waste wood could be removed from our national and state forests and could be converted into wood alcohol at the rate of eight hundred thousand barrels a day which, besides helping increase the supply of energy, would provide revenue for the government;

"Now, therefore, Your Memorialists respectfully pray that the administration and the Congress give immediate and serious consideration to the establishment of a permanent Civilian Conservation Corps.

"Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-227. A resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania; to the Committee on Energy and Natural Resources:

"HOUSE RESOLUTION NO. 61

"Whereas, Gradual decontrol of wellhead gas prices allowed under the Natural Gas Policy Act of 1978 raised Pennsylvania gas bills by more than 130% since 1978; and

"Whereas, If decontrol continues, either at its current rate under the Natural Gas Policy Act of 1978 or at a rate accelerated by the United States Congress or by administrative actions of the Federal Energy Regulatory Commission, it would cost Pennsylvania gas consumers between ten billion dollars and thirteen billion dollars between 1983 and 1986; and

"Whereas, Interstate gas pipelines have little incentive to make prudent purchasing decisions to keep prices as low as possible; and

"Whereas, President Reagan has recently proposed to remove all controls from the natural gas market over the next three years; therefore be it

"Resolved, That the House of Representatives urge the Congress of the United States to pass comprehensive legislation which would:

"(1) extend gas price controls beyond 1985 and set ceilings at prewinter 1982-1983 levels, allowing for increases based on inflation only;

"(2) eliminate expensive and onerous pipeline contract provisions which unnecessarily increase gas costs to consumers;

"(3) force the Federal Energy Regulatory Commission to review pipeline gas purchases to insure that pipelines buy the least expensive gas available;

"(4) remove the Federal Energy Regulatory Commission's ability to administratively deregulate gas prices; and

"(5) require the Federal Energy Regulatory Commission to allow greater public participation in the Federal Energy Regulatory Commission gas rate proceedings; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress, the Chairman and Commissioners of the Federal Energy Regulatory Commission and to each member of Congress from Pennsylvania."

POM-228. A concurrent resolution adopted by the Legislature of the State of Hawai'i; to the Committee on Energy and Natural Resources:

"HOUSE CONCURRENT RESOLUTION NO. 169

"Whereas, the State of Hawaii and all of her people proudly share, endorse, and encourage American ideals and principles of justice through law, and profoundly believe that an unresolved injustice to one is a harm endured by all; and

"Whereas, such a harm to Native Hawaiians has occurred without redress or remedy; and

"Whereas, Native Hawaiians have been included and identified as Native Americans in recognition of their unique and special relationship with the United States as an indigenous people; and

"Whereas, as a result of the good conscience of the American people, speaking through the Congress, redress and remedy have been granted to other Native Americans for injustices and harm done them; and

"Whereas, the Congress of the United States has indicated its interest in the pursuit of seeking resolution to possible claims by Native Hawaiians for the losses and damages which resulted from the overthrow of the legal government of the Kingdom of Hawai'i in 1893; and

"Whereas, the Congress enacted Public Law 96-565, Title III, and thereby established a Native Hawaiians Study Commission to advise the U.S. Senate Committee on Energy and Natural Resources and the U.S. House Committee on Interior and Insular Affairs on issues of concern to Native Hawaiians; and

"Whereas, the Legislature of the State of Hawai'i also has an abiding and deep commitment to the fulfillment of national purposes relating to Native Hawaiians and truly affecting all of the citizens of Hawai'i; and

"Whereas, it is, therefore, appropriate for this Legislature to express its formal beliefs in the matter of Native Hawaiian claims against the United States for action which occurred in 1893, and subsequently with American annexation of the Islands of Hawai'i in 1898; and

"Whereas, based upon a careful examination of historical records and accounts the Legislature of the State of Hawaii has determined there is sufficient reason to believe that:

"(1) The United States, through its representatives in the State and Navy Departments, did encourage and actively supported rebellion against the legitimate government of the Kingdom of Hawai'i;

"(2) The involvement of U.S. Minister John L. Stevens was crucial to the success of the rebellion, and that his refusal to remain neutral in the domestic affairs of the Kingdom and, instead, to become an active agent in the planning and military force supporting the insurrection by ordering the landing and placement of American marines in a manner and position unmistakeably intended to intimidate the Queen of Hawai'i and her government;

"(3) Without such armed American support, the insurgence would have failed for a lack of popular support and insufficient arms; and

"(4) Such actions by the American minister and forces was a breach of international law, of treaties with the Kingdom of Hawai'i, and was characterized by President Grover Cleveland in his "Executive Message to Congress" (December, 1893) as an illegal and immoral act of war against a feeble and trusting nation; and

"Whereas, because of these American actions the Queen yielded her authority and that of her government to the United States

through Minister Stevens, who did not forward her plea for review by the United States but acted to recognize a provisional government composed of leaders of the insurrection and to declare an American protectorate over the Islands; and

"Whereas, these actions were augmented two weeks later by the occupation of American troops in all government buildings of the Hawaiian Islands at the request of the provisional government from a fear of being unable to maintain control; and

"Whereas, these actions culminated in the assertion of control by the subsequent Republic of Hawai'i over the crown, government, and public lands of the Kingdom of Hawai'i; and

"Whereas, such lands and sovereignty represented the traditional and ancestral land rights and titles of the Native Hawaiian people; and

"Whereas, these ancestral rights and lands were ultimately ceded to the United States by a government whose existence was dependent upon the actions and agents of the United States; and

"Whereas, this transfer occurred without the consent of the Native Hawaiian people, without compensation for their interests, and without any explicit protection of their interests; and

"Whereas, through amendments to the State Constitution in 1978, the people of the State of Hawai'i ratified and formally acknowledged the rights of Native Hawaiians to a legislatively determined pro rata share of the proceeds of such lands ceded to the United States and returned as a public trust to the State of Hawai'i in the Admission Act of 1959; and

"Whereas, in the ratification of another constitutional amendment in 1978, the people of Hawai'i also established an Office of Hawaiian Affairs to administer the proceeds from this trust, and explicitly empowered the Office to be the receptacle for all moneys or lands granted to the Native Hawaiians as restitution by the United States for damages incurred by the actions which resulted in the overthrow of the Kingdom of Hawai'i; and

"Whereas, these State Constitutional provisions, and their codification in the Hawaii Revised Statutes as Chapter 10, do indeed endorse and encourage Native Hawaiian rights and interests as a significant, proper, and public purpose; now, therefore,

"Be it resolved by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, the Senate concurring, That the Congress of the United States is respectfully urged to acknowledge the illegal and immoral actions of the United States in the overthrow of the Kingdom of Hawai'i in 1893, and to indicate its commitment to grant restitution for the losses and damages suffered by Native Hawaiians as a result of those wrongful actions; and

"Be it further resolved, That certified copies of this Concurrent Resolution be transmitted to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Chairperson of the U.S. Senate Committee on Energy and Natural Resources, the Chairperson of the U.S. House Committee on Interior and Insular Affairs, the members of the Hawai'i Congressional delegation, the Chairperson of the Native Hawaiians Study Commission, and to the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs."

POM-229. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION No. 25

"Whereas, The United States Forest Service reviewed and evaluated the suitability of more than 2.5 million acres of roadless and undeveloped land in Nevada for designation as wilderness; and

"Whereas, Many officials of the State of Nevada and its local governments, and members of the public in this state, participated extensively in this review and evaluation, the second phase of the Roadless Area Review and Evaluation ('RARE II') by the Forest Service; and

"Whereas, The Forest Service completed the review and evaluation on January 4, 1979, and issued a 'Final Environmental Statement,' which many of those who participated in the study in Nevada found to be adequate for this state; and

"Whereas, The United States Court of Appeals for the Ninth Circuit recently ordered the Forest Service to conduct a third review of 47 roadless areas in California, a review which will be at considerable cost to American taxpayers; and

"Whereas, Congress has recently ratified the legal adequacy of the 'Final Environmental Statement' respecting studies by the Forest Service of roadless areas in Alaska, Colorado, Indiana, Missouri, New Mexico and West Virginia, and the statement respecting Forest Service land in Nevada should be so ratified; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That this legislature strongly urges the Congress of the United States to enact legislation which ratifies the legal adequacy of the 'Final Environmental Statement' of the United States Forest Service as it applies to lands of the Forest Service within the boundaries of the State of Nevada; and be it further

"Resolved, That this resolution is not intended, however, to endorse the proposal by the United States Forest Service to designate certain areas of Nevada as wilderness; and be it further

"Resolved, That the legislative counsel shall forthwith transmit copies of this resolution to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada congressional delegation and the Chief of the United States Forest Service; and be it further

"Resolved, That this resolution shall be come effective upon passage and approval."

POM-230. A concurrent resolution adopted by the Legislature of the State of Oklahoma; to the Committee on Finance:

"ENROLLED SENATE CONCURRENT RESOLUTION No. 9

"Whereas, the President of the United States has proposed a contingency tax of Five Dollars per barrel on domestic oil beginning October 1, 1985, if certain economic conditions are met; and

"Whereas, if domestic oil prices should continue to decline, the Five Dollars per barrel tax could reach a rate grossly disproportionate to the price of oil per barrel; and

"Whereas, the early estimates by the Budget Committee of the United States House of Representatives project these taxes will cost the oil and gas industry 27.1 billion dollars if implemented; and

"Whereas, if this contingency tax were imposed on our domestic oil industry, it would represent a serious danger to an already beleaguered industry; and

"Whereas, this proposal could be very harmful to the oil and gas industry and ultimately to the consumer.

"Now, therefore, be it resolved by the Senate of the 1st Session of the 39th Oklahoma Legislature, the House of Representatives concurring therein:

"That the Oklahoma Legislature does hereby memorialize the President of the United States and the United States Congress to refrain from imposing a contingency tax of Five Dollars per barrel on domestic oil beginning October 1, 1985.

"That copies of this resolution be distributed to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the Oklahoma Congressional Delegation and the Secretary of the United States Department of the Treasury."

POM-231. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 30

"Whereas, The United States is reportedly the only country in the world which taxes gaming winnings as income; and

"Whereas, The right to raise revenues for state purposes is reserved to the states by the Constitution of the United States; and

"Whereas, Gaming is a primary and vital source of revenue in the economy of the State of Nevada; and

"Whereas, The people of the State of Nevada have approved, as a matter of state policy, the raising of state revenue through the imposition of state taxes on gaming businesses; and

"Whereas, The legalization of gaming in the State of Nevada has resulted in the virtual elimination of illegal gaming activities in the state; and

"Whereas, the beneficial effects of the legalization of gaming on the state's interests are significantly inhibited by the imposition of a discriminatory federal tax which interferes with the latitude necessary for the state to pursue its revenue raising policies and law enforcement goals; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the legislature of the State of Nevada requests the Congress of the United States to enact legislation which exempts the winnings of individual gaming patrons from income tax; and be it further

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the President of the Senate and the Speaker of the House of Representatives of the United States and to each member of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-232. A resolution adopted by the Napa County, Calif., Board of Supervisors urging Congress to enact the Wine Equity Act of 1983; to the Committee on Finance.

POM-233. A resolution adopted by the Presbytery of the Redwoods expressing their profound gratitude to Almighty God and to the House Committee on Foreign Affairs for their refusal to approve $60 million in military aid to the Government of El Salvador; to the Committee on Foreign Relations.

POM-234. A resolution adopted by the General Court of the Commonwealth of

Massachusetts; to the Committee on Foreign Relations:

"RESOLUTION

"*Whereas,* it is the natural right of every nation to govern itself; and

"*Whereas,* the artificial division of Ireland by England has resulted in injustice and oppression; and

"*Whereas,* the struggle for a united Ireland is a legitimate struggle for political self-determination; and

"*Whereas,* the British propaganda machine has succeeded in depicting the age-old Irish struggle for freedom as an eruption of bigotry based on ancient and petty grudges; and

"*Whereas,* certain persons in the United States Government have fallen prey to such propaganda and have involved themselves on the side of the British oppressors; therefore be it

"*Resolved,* that the Massachusetts General Court hereby urges the President of the United States, the Congress of the United States and the State Department to use the full weight and power of their offices in imploring Great Britain to regrant political status to Irish Republican dissidents in Ireland and Britain to withdraw all British troops from the streets of northeast Ireland and further requesting the British Government to declare an intent to withdraw all military personnel from occupied Ireland; and be it further

"*Resolved,* that a copy of these resolutions be sent by the Clerk of the House of Representatives to the President of the United States, the Secretary of State, the presiding officers of each branch of the Congress and to each Member thereof from this Commonwealth."

POM-235. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTION

"Whereas, the United States was founded upon a spirit of equality and freedom of choice; and

"Whereas, the country of Ireland is currently involved in an internal conflict which is being affected by external policies and governments; and

"Whereas the United States traditionally favors policies of self-determination over policies of colonization; therefore be it

"Resolved, That the Massachusetts General Court respectfully urges the Congress of the United States to enact such legislation as may be necessary to call for self-determination of government for the country of Ireland; and be it further

Resolved, That copies of these resolutions be sent forthwith by the Clerk of the House of Representatives to the President of the United States, the presiding officers of each branch of Congress and the Members thereof from this Commonwealth."

POM-236. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS URGING THE UNITED NATIONS TO CONSIDER THE ISSUE OF BRITISH OCCUPIED IRELAND

"Whereas, the Massachusetts General Court deplores the violence and bloodshed which has occurred in British occupied Ireland; and

"Whereas, continuance of violence in British occupied Ireland affects not only that country but much of the civilized world; and

"Whereas, it appears unlikely that peace will be restored in British occupied Ireland unless British troops are removed therefrom and unless the parties involved in such violence negotiate in good faith and restore peace; and

"Whereas, the United Nations presents an ideal and readily available Agency through which such negotiations may be conducted; therefore be it

"Resolved, that the Massachusetts General Court hereby urges the United Nations to immediately consider the situation in British occupied Ireland with a view to effecting the elimination of violence and a political solution to the problems of British occupied Ireland by negotiation of the parties involved; and be it further

"Resolved, that copies of these resolutions be sent forthwith by the clerk of the House of Representatives to the President of the United States, the Secretary General of the United Nations, the Presiding Officer of each branch of Congress and the Members thereof from this commonwealth."

POM-237. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO RECOGNIZE THE CONTRIBUTIONS OF THE IRISH PEOPLE OF OUR NATION

"Whereas, recognizing the many contributions of men and women of Irish blood to the building of our great Nation and to the cause of freedom everywhere since the earliest times; and

"Whereas, recognizing the fact that Ireland is artificially partitioned against the wishes of the overwhelming majority of the Irish people; and

"Whereas, recognizing that Irish people in the six-county area known as "Northern Ireland" are denied basic civil and human rights, and are unable to obtain adequate protection from attack or equal justice under law; and

"Whereas, the explosive situation in "Northern Ireland" is an unreasonable threat to the peace and is therefore the legitimate concern of all men; and

"Whereas, it is in the best interests of the United States that there be a just and equitable solution to this problem; and

"Whereas, for humanitarian reasons, as well as out of respect for the principles of freedom, liberty, justice, natural law, and history, we hereby take notice of the deplorable state of affairs in Ireland; therefore be it

"Resolved, that the Massachusetts General Court hereby memorializes and petitions the Congress of the United States to use its full power in insisting that Irish people ought to be permitted to exercise the right of national self-determination thus returning the disputed six counties to the Irish Republic, unless a clear majority of all the people of Ireland in a free and open plebiscite, determine to the contrary; and be it further

"Resolved, that copies of these resolutions be sent forthwith by the Clerk of the House of Representatives to the President of the United States, the Secretary of State, the Presiding Officer of each branch of Congress and to the Members thereof from this commonwealth."

POM-238. A joint resolution adopted by the Legislature of the Senate of Washington; to the Committee on Foreign Relations:

"HOUSE JOINT MEMORIAL No. 31

"Whereas, Nearly a decade has passed since the United States removed its military forces from Viet Nam and Southeast Asia; and

"Whereas, Many Americans gave of themselves to fight for their country, prevent the spread of Communism and strengthen America; and

"Whereas, The human losses suffered by those who served in Viet Nam, and by their families and friends, will live with this country for years to come; and

"Whereas, Those losses are particularly painful for families and friends of Americans who remain missing in action; and

"Whereas, This nation has an obligation to the families and friends of MIAs, and to the MIAs themselves, to make every effort to locate the MIAs and have them returned to the United States;

"Now, therefore, Your Memorialists respectfully pray that President Ronald Reagan and the United States Congress make every possible effort to have all MIAs in Viet Nam and Southeast Asia returned to the United States.

"Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-239. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Governmental Affairs:

"SENATE JOINT RESOLUTION No. 26

"Whereas, On July 21, 1982, the United States conveyed to the State of Nevada approximately 50 acres which had been a part of the Stewart Indian School at Stewart, Nevada; and

"Whereas, The 50 acres granted to the State of Nevada was the maximum amount of real property which could be transferred to the state pursuant to 25 U.S.C. § 293(a); and

"Whereas, Approximately 60 acres of real property adjacent to the 50 acres conveyed to the state have not been conveyed by the United States; and

"Whereas, That 60 acres contains several residences, a part of the campus of the former school and facilities for treating sewage from the school; and

"Whereas, The problems of managing the former school, the groundwater of the area and the treatment of sewage would be alleviated if the 60 acres were conveyed to the State of Nevada; and

"Whereas, The 60 acres presently are of little value or use to the United States and are not easily managed by the United States; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the legislature respectfully requests that the Congress of the United States convey to the State of Nevada, all the real property and improvements lying and situate in Carson City, State of Nevada, more particularly described as being portions of the N½ of the NE¼ of Section 5, Township 14 North, Range 20 East, and the S½ of the SE¼ of Section 32, Township 15 North, Range 20 East, M.D.B. & M., and more fully described by metes and bounds as follows:

"*Parcel 1:* Beginning at a point on the Sixteenth Section line which bears North 52°33'29" West, a distance of 2217.18 feet from the Southeast corner of Section 32, Township 15 North, Range 20 East, M.D.B. & M.; Thence South 49°48'10" West, a distance of 72.00 feet; Thence South 44°15'30" West, a distance of 235.95 feet; Thence South 28°20'04" West, a distance of 628.52 feet; Thence North 62°50'01" West, a distance of 245.00 feet; Thence North 5°22'00" West, a distance of 340.03 feet; Thence North 0°41'52" East, a distance of 330.08 feet to a point on the Sixteenth Section line; Thence following said Sixteenth Section line, South 89°06'59" East, a distance of 763.82 feet to the Point of Beginning; said parcel containing an area of 7.91 acres, more or less; and

"*Parcel 2.* Beginning at a point on the East Section line which bears South 1°03'14" West, a distance of 1077.90 feet from the Northeast corner of Section 5, Township 14 North, Range 20 East, M.D.B. & M.; Thence continuing along said Section line, South 1°03'14" West, a distance of 192.48 feet to the Sixteenth Corner; Thence following the Sixteenth Section line, North 89°16'53" West, a distance of 428.88 feet to a point on the meander line of Clear Creek; Thence following said meander line of Clear Creek, North 43°36'51" West, a distance of 22.80 feet; Thence North 67°16'46" West, a distance of 90.51 feet; Thence North 34°12'17" West, a distance of 166.11 feet; Thence South 47°36'58" West, a distance of 68.63 feet; Thence North 18°50'03" West, a distance of 84.41 feet; Thence South 46°12'07" West, a distance of 47.87 feet; Thence North 63°02'10" West, a distance of 315.42 feet; Thence South 87°15'50" West, a distance of 62.01 feet; Thence North 38°34'12" West, a distance of 78.80 feet; Thence South 38°00'33" West, a distance of 59.14 feet; Thence North 31°19'04" West, a distance of 119.13 feet; Thence South 72°07'16" West, a distance of 67.78 feet; Thence North 30°18'23" West, a distance of 72.79 feet; Thence North 83°21'14" West, a distance of 188.45 feet; Thence South 62°40'03" West, a distance of 169.64 feet; Thence South 84°18'59" West, a distance of 216.08 feet; Thence North 89°05'18" West, a distance of 277.76 feet; Thence North 46°35'40" West, a distance of 292.25 feet; Thence North 67°05'59" West, a distance of 140.00 feet; Thence North 29°16'31" West, a distance of 165.70 feet; Thence North 73°25'20" West, a distance of 58.09 feet to a point on the Quarter Section line; Thence following said Quarter Section line, North 0°49'17" East, a distance of 475.81 feet to a point on the Section line common to Section 5, Township 14 North, Range 20 East, and Section 32, Township 15 North, Range 20 East, M.D.B. & M.; Thence continuing to follow the Quarter Section line, North 0°41'52" East, a distance of 664.80 feet to the Southwest corner of the Stewart Campus Area; Thence following the southern boundary of the Stewart Campus Area, South 62°38'24" East, a distance of 109.83 feet; Thence South 26°55'22" West, a distance of 147.92 feet; Thence South 62°12'54" East, a distance of 456.62 feet; Thence South 24°05'28" East, a distance of 687.25 feet; Thence South 65°02'06" East, a distance of 488.53 feet; Thence North 26°04'24" East, a distance of 497.00 feet; Thence North 74°54'48" East, a distance of 207.70 feet; Thence North 31°52'06" East, a distance of 395.68 feet; Thence South 80°32'08" East, a distance of 312.76 feet to a point of the West side of the abandoned Virginia and Truckee Railroad (V&TRR) right-of-way; Thence following the West side of said abandoned V&TRR right-of-way, South 21°30'35" East, a distance of 1441.72 feet to the POINT OF BEGINNING; said parcel containing an area of 52.37 acres more or less. Both parcels containing an area of 60.28 acres, more or less; and be it further

"*Resolved,* That copies of this resolution be immediately transmitted by the legislative counsel to the Vice President of the United States as President of the Senate, to the Speaker of the House of Representatives, and to each member of the congressional delegation of the State of Nevada; and be it further

"*Resolved,* That this resolution shall become effective upon passage and approval."

POM-240. A resolution adopted by the Council of the American Historical Association endorsing the Eagleton bill (S. 905) which would separate the National archives and Records Service from the General Services Administration and restore it to the independent agency status it enjoyed prior to 1948; to the Committee on Governmental Affairs.

POW-241. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on the Judiciary:

"HOUSE JOINT MEMORIAL NO. 17

"Whereas, The people of the State of Washington have long supported the rights of women, having voted in 1883, while still a territory, to grant women their right to vote; and

"Whereas, The people of the State of Washington have further demonstrated this dedication to achieving equity for women by amending the State Constitution to guarantee equality of the sexes in 1972; and

"Whereas, Over a century of involvement by women and their supporters in seeking equal legal rights through the democratic process has contributed significantly to the welfare, rights, and privileges now enjoyed by the citizens of the State of Washington and to the quality of life in this state; and

"Whereas, A growing number of citizens are dedicated to making this a nation where men and women are truly created equal and are endowed with the same inalienable rights to life, liberty, and the pursuit of happiness;

"Now, Therefore, Your Memorialists respectfully pray that renewed efforts be undertaken to encourage the speedy passage of the Equal Rights Amendment to the United States Constitution.

"Be it resolved, That copies of this Memorial be immediately transmited to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-242. A concurrent resolution adopted by the General Court of the State of New Hampshire; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION NO. 4

"Whereas, scientific and medical studies show marijuana to be of medical value in easing the debilitating side effects of chemotherapy in some cancer patients; and

"Whereas, courts have recognized marijuana's medical benefits in such treatment; and

"Whereas, the New Hampshire general court has enacted, and the governor of New Hampshire has signed, legislation (RSA 318-B:9, VII and 10, VI) permitting the limited medical use of marijuana, and they have further sought to establish compassionate programs of medical access to marijuana; and

"Whereas, the state of New Hampshire, through its various offices and agencies, has made a good faith effort to fulfill the intent of the New Hampshire general court to obtain marijuana for medical applications; and

"Whereas, federal agencies have failed to meet this good faith effort and have, instead, through regulatory ploys and obscure bureaucractic devices, resisted and obstructed the efforts of the New Hampshire general court; and

"Whereas, cancer patients undergoing chemotherapy who have been promised medical access to marijuana under the laws of New Hampshire are being deprived of such access by federal agencies that impose unrealistic limitations on that access; and

"Whereas, these problems are not peculiar to the state of New Hampshire but generally affect several other states and the citizens of these states adversely; now, therefore, be it

"Resolved by the Senate, the House of Representatives concurring:

"That the United States Congress is hereby urged to become informed of these difficulties, and to investigate and hold public hearings into federal policies which prohibit marijuana's legitimate medical use; and

"That the President of the United States and the United States Congress are hereby urged to seek to eliminate federal restrictions which prevent the several states from acquiring, inhibit physicians from prescribing, and prevent patients from obtaining marijuana for legitimate medical applications; and

"That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the New Hampshire congressional delegation."

POM-243. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING EQUAL RIGHTS TO WOMEN UNDER THE CONSTITUTION OF THE UNITED STATES

"Whereas, women have an absolute right to participate equally with men in sharing the benefits of our Democratic society; and

"Whereas, many laws exist which discriminate against women adversely affecting them socially, economically and politically; and

Whereas, gender is no proper measure of ability; and

Whereas, the fourteenth amendment to the Constitution of the United States which guarantees equal protection of the laws to all persons has proved to be inadequate in its application to women; and

Whereas, the Congress of the United States is considering a resolve to amend the Constitution of the United States by an article which, in essence, provides equal rights to women; now therefore be it

Resolved, that the Massachusetts General Court respectfully urges the Congress of

the United States to waste no time in passing the resolve for equal rights to women; and be it further

Resolved, that a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the presiding officers of each branch of Congress and to the Members thereof from this Commonwealth."

POM-244. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ALLOW GREATER IMMIGRATION TO THE PEOPLE OF IRELAND

"Whereas, A part of the new U.S. immigration policy which is neither just nor equitable toward the Irish, and an Irish person who desires to come and settle here in the United States will no longer be allowed to do so; and

"Whereas, If the present U.S. Immigration Law had been on our statute books one hundred and fifty years ago, at least ninety per cent of the Irish in America would not have been allowed to enter the United States; and

"Whereas, It is recognized that the old immigration law was unjust and unfair to some other nationalities but that the 1965 Immigration Act substituted a law which, now, is as unfair to Ireland as the old law was to these other nationalities; and

"Whereas, Irish nuns and brothers, have, for many years staffed schools, hospitals, orphanages and rest homes for the aged in our nation and these religious groups, who desire to come here to continue this work, must now wait their turn because of this new Immigration Act; and

"Whereas, In 1965, the Irish ranked fifth among the nationals immigrating to the United States and since then no longer ranks fifth or even tenth. Irish immigration is at an all time low. In 1967, two thousand six hundred and sixty-five were admitted. Since the enactment of the new law in July, 1968, a total of one thousand seventy-six persons applied for visas and through November 30th, 1968, only seventy-two were issued; therefore be it

"Resolved, That the Massachusetts General Court respectfully urges the Congress of the United States to enact such legislation as may be necessary to allow greater immigration to the people of Ireland; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Clerk of the House of Representatives to the President of the United States, the Secretary of State, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

POM-245. A concurrent resolution adopted by the Legislature of the State of West Virginia; to the Committee on Labor and Human Resources:

"SENATE CONCURRENT RESOLUTION No. 3

"Whereas, West Virginia, even under normal allocation procedures, received less than its fair share of the present Federal Jobs Bill; and

"Whereas, West Virginia for several months now has been experiencing the highest unemployment rate of any state in the nation; and

"Whereas, The Congress has targeted nearly 2.4 billion dollars of the total 4.6 billion dollars in the Jobs Bill for specific projects in states other than West Virginia; and

"Whereas, No such specific projects were targeted for West Virginia despite the fact that West Virginia has the highest unemployment rate in the nation; and

"Whereas, The Federal Jobs Program funds that are coming to the state of West Virginia are mandated to expand or enhance existing programs rather than have as their primary purpose the creation of new jobs; and

"Whereas, West Virginia lost more federal aid than any other state last year; therefore, be it

"Resolved by the Legislature of West Virginia:

"That Congress is hereby urged in its consideration of the second phase of federal jobs program legislation to enact, and the President is urged to promote and approve a new jobs program bill which will target funds for the creation of permanent, productive jobs in West Virginia and other states which did not receive their fair share of the jobs program funds provided for in the first jobs program bill passed by Congress; and be it

"Resolved further, That the Clerk of the Senate is hereby directed to send a copy of this resolution to the President of the United States, to the President of the United States Senate, to the Speaker of the House of Representatives and to each member of the West Virginia Congressional delegation."

POM-246. A resolution adopted by the General Court of the Commonwealth of Massachusetts; to the Committee on Veterans Affairs:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO STUDY THE EFFECTS OF AGENT ORANGE

"Whereas, due to the nature of the Vietnam War, the Vietnam veteran has not received the public approbation commonly accorded to military veterans; and

"Whereas, the Vietnam era veteran is subject to problems unique to veterans of that period; therefore be it

"Resolved, that the Massachusetts General Court requests the Federal Government to provide adequate treatment and compensation for any physical and mental disabilities caused by exposure to the chemical defoliant "Agent Orange"; and be it further

"Resolved, that the Federal Government thoroughly study and research the long-term health effects caused by exposure to "Agent Orange"; and be it further

"Resolved, that the Federal Government recognize the delayed stress effects known as "Post Vietnam Syndrome" as legitimate medical problems; and be it further

"Resolved, that copies of these resolutions be forwarded by the Clerk of the House of Representatives to the presiding officer of each branch of Congress and to the Members thereof from the Commonwealth."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 152. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1342.

By Mr. DOMENICI, from the Committee on the Budget, without amendment and without recommendation:

S. Res. 153. Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1347.

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. Con. Res. 22. Concurrent resolution expressing the sense of the Congress with respect to implementing the objectives of the United Nations Decade of Disabled Persons (1983-1992).

By Mr. ANDREWS, from the Select Committee on Indian Affairs, without amendment:

S. Res. 157. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 1746; referred to the Committee on the Budget.

By Mr. GARN, from the Committee on Appropriations, with amendments:

H.R. 3133. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-152).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ARMSTRONG (for himself and Mr. HART):

S. 1464. A bill to amend the Tax Reform Act of 1969 with respect to the application of the excess business holding provisions to private foundations; to the Committee on Finance.

By Mr. LUGAR (for himself and Mr. QUAYLE):

S. 1465. A bill to designate the Federal Building at Fourth and Ferry Streets, Lafayette, Ind., as the "Charles A. Halleck Federal Building"; to the Committee on Environment and Public Works.

By Mr. DENTON (for himself, Mr. SYMMS, Mr. THURMOND, Mr. HATCH, Mr. COCHRAN, Mr. HUMPHREY, Mr. QUAYLE, and Mrs. HAWKINS):

S. 1466. A bill to amend the Higher Education Act of 1965 to provide authorities for the study of peace, arms control, and conflict resolution, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HUMPHREY:

S. 1467. A bill for the relief of Edwin Greble; to the Committee on the Judiciary.

By Mr. ROTH:

S. 1468. A bill to amend the Internal Revenue Code of 1954 to clarify the existence of tax incentives for investment in resource recovery systems; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. GRASSLEY, Mr. DENTON, Mr. LEAHY, Mr. HEFLIN, Mrs. HAWKINS, Mr. DOLE, Mr. ABDNOR, Mr. HUDDLESTON, Mr. NUNN, Mr. THURMOND, Mr. HATCH, Mr. DECONCINI, Mr. EAST, Mr. BRADLEY, Mr. PRESSLER, Mr. ZORINSKY, Mr. LAXALT, and Mr. NICKLES):

S. 1469. A bill to amend title 18 of the United States Code relating to the sexual exploitation of children; to the Committee on the Judiciary.

By Mr. DANFORTH:

S. 1470. A bill to amend the act of March 3, 1911 (36 Stat. 1077, chapter 211) to remove restrictions on the use of the Springfield Confederate Cemetery, Springfield, Mo.; to the Committee on Veterans' Affairs.

By Mr. HELMS (for himself and Mr. EAST):

S. 1471. A bill to authorize the use of certain lands in connection with the project at Manteo (Shallowbag) Bay, N.C.; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1472. A bill to require the disposal of certain lands at Fort Totten, N.Y., for public health and park and recreation purposes; to the Committee on Governmental Affairs.

By Mr. MATHIAS:

S. 1473. A bill to authorize the city of Baltimore to sell the Raleigh Building without affecting the provision of Federal assistance if certain conditions are met; to the Committee on Environment and Public Works.

By Mr. KASTEN:

S.J. Res. 115. Joint resolution proposing an amendment to the Constitution of the United States with respect to the length of the terms of office of the President, Vice President, and Members of the Senate and of the House of Representatives and the number of terms a President, Senator, or Representative may serve; to the Committee on the Judiciary.

By Mr. KASTEN (for himself and Mr. BRADLEY):

S.J. Res. 116. Joint resolution to designate the week of September 4, 1983, through September 10, 1983, as "Youth of America Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ANDREWS:

S. Res. 157. Original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 1746; from the Select Committee on Indian Affairs; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ARMSTRONG (for himself and Mr. HART):

S. 1464. A bill to amend the Tax Reform Act of 1969 with respect to the application of the excess business holding provisions to private foundations; to the Committee on Finance.

APPLICATION OF EXCESS BUSINESS HOLDING PROVISIONS

● Mr. ARMSTRONG. Mr. President, in Colorado Springs, Colo., there exists today a unique private sector partnership that channels the profits from free enterprise into meeting individual and community needs that would otherwise remain unfilled.

For the past 42 years, the after-tax profits earned by the historic Broadmoor Hotel in Colorado Springs have been channeled through its owner, the El Pomar Foundation, to help fund civic and charitable groups throughout the State. With the Broadmoor as its cornerstone, more than $65 million has been contributed by the El Pomar Foundation to help meet the needs of the Penrose Hospital for Cancer Research, Colorado College, the University of Denver, the Chicano education project, and more than 300 other such groups.

But this creative and productive partnership is threatened by requirements proposed by current tax law. The bottom line is this: Unless current law is amended, the El Pomar Foundation will be forced to lose majority ownership of the Broadmoor, and the Broadmoor will probably no longer—to the regret of the State of Colorado and to the Colorado Springs community—be locally controlled or operated.

Today, Senator HART and I are jointly introducing legislation which will stop this forced divestiture which is now required by an overly broad and misguided provision contained in a 1969 tax law.

When Congress wrote the 1969 law, some individuals created foundations to escape payment of estate taxes on inherited family enterprises. To stop this practice, Congress enacted legislation requiring all foundations—even if there was no hint of tax fraud or abuse—to divest themselves of majority ownership of all enterprises. As a result, the El Pomar Foundation must divest itself of 50 percent of its Broadmoor stock by 1989, and an additional 15 percent of its stock by 2004.

One irony surrounding the El Pomar's forced divestiture is that in drafting the 1969 law the U.S. Senate approved a provision which in large measure exempted the Broadmoor from the divestiture requirement for at least 36 years. At the time, the Senate believed, as I do today, that the factors that led to the foundation legislation in 1969 are not present in the El Pomar Foundation. In fact, none of those operating the Broadmoor or the foundation are descendants of Spencer Penrose, the original founder of the Broadmoor and the foundation.

The legislation Senator HART and I are introducing today exempts the El Pomar Foundation from the divestiture requirements imposed by section 101(1)(4) of the Tax Reform Act of 1969.

There are several compelling reasons why S. 1464 should be enacted:

First, profits now earned from the Broadmoor Hotel's operations are channeled through the El Pomar Foundation into civic and charitable projects throughout Colorado. A forced divestiture would adversely affect this partnership.

Second, under present law prospective buyers could take unfair advantage of the foundation since it has a legal mandate to sell in the future.

Third, the factors that led to the 1969 law are not present in this case. Both the Broadmoor Hotel and the foundation are totally free from the influence of the grantor or the heirs.

Fourth, there would be no revenue loss if this proposal is enacted into law since the Broadmoor Hotel is subject to the corporate income tax law regardless of ownership by the El Pomar Foundation. Although the El Pomar Foundation is exempt from Federal income tax law, the foundation, like all foundations, is subject to the private foundation excise tax on its investment income.

Fifth, there is precedent for this legislation since the U.S. Senate has earlier approved similar legislation.

Sixth, the Broadmoor Hotel is locally owned and managed, and is a bedrock of the Colorado Springs community. It is the city's second largest employer, and the Broadmoor subsidizes hundreds of community activities. Because the Broadmoor is such a unique and valuable asset, financial analysts believe that only corporations now located outside the State would be able to purchase the Broadmoor. So the likely result of a forced sale of the Broadmoor, as now required by law, would be nonresident absentee ownership. One indication of the opposition to absentee ownership of the Broadmoor is an editorial accompanying my remarks that was recently published by the Colorado Springs Gazette Telegraph, the city's largest newspaper.

Mr. President, the Armstrong-Hart bill merits quick hearings and early enactment. Let me point out that this is not a controversial bill. In fact, it has unanimously passed the Senate Finance Committee on a 19 to 0 rollcall vote. It has also twice passed the U.S. Senate—again by unanimous votes. The only thing preventing the quick enactment of this legislation is the House of Representatives. They have rejected the amendment in conference with the Senate. But I trust this attitude will change now that the House Ways and Means Committee is scheduling hearings on the issue. I look forward to working with the House on this issue.●

By Mr. LUGAR (for himself and Mr. QUAYLE):

S. 1465. A bill to designate the Federal building at Fourth and Ferry Streets, Lafayette, Ind., as the Charles A. Halleck Federal Building; to the Committee on Environment and Public Works.

CHARLES A. HALLECK FEDERAL BUILDING

● Mr. LUGAR Mr. President, I am pleased to have my distinguished colleague from Indiana (Senator QUAYLE) join me in introducing legislation to designate the Federal building at Fourth and Ferry Streets, Lafayette, Ind., as the Charles A. Halleck Federal Building.

Mr. Halleck served in the U.S. House of Representatives from 1935 to 1969 in the then Second District of Indiana. In addition, he presided as the majority leader in the 18th and 83d Congresses and as minority leader in the 86th, 87th, and 88th Congresses.

Mr. Halleck was born in Jasper County, Ind., on August 22, 1900. He served in the infantry of the United States during World War I and was graduated from Indiana University in 1922 and from its school of law in 1924. Mr. Halleck also served as the prosecuting attorney for the 13th judicial court from 1924 to 1934.

As a Representative, Mr. Halleck sponsored legislation that created the Lafayette Division of the U.S. District Court for the Northern Division of Indiana, which subsequently is located in the Lafayette Federal Building.●

By Mr. DENTON (for himself, Mr. SYMMS, Mr. THURMOND, Mr. HATCH, Mr. COCHRAN, Mr. HUMPHREY, Mr. QUAYLE, and Mrs. HAWKINS):

S. 1466. A bill to amend the Higher Education Act of 1965 to provide authorities for the study of peace, arms control, and conflict resolution, and for other purposes; to the Committee on Labor and Human Resources.

EDUCATION FOR PEACE, ARMS CONTROL, AND CONFLICT RESOLUTION ACT

● Mr. DENTON. Mr. President, on behalf of myself and Senators SYMMS, THURMOND, HATCH, COCHRAN, HUMPHREY, QUAYLE, and HAWKINS, I today introduce the Education for Peace, Arms Control, and Conflict Resolution Act. The legislation is designed to make it possible for the Government to provide effective support for the further development of research and teaching by our colleges and universities on the problems of international peace, arms control, peacemaking, and peacekeeping. My bill takes the form of an amendment to title VI of the Higher Education Act of 1965, and the responsibility for the operation of the program is given to the Arms Control and Disarmament Agency.

Many Members of the Congress are concerned about the ability of our educational system to provide the kinds of research and training essential to the preparation of young men and women to address effectively the problems of our complex world and to assist in the peaceful resolution of international disputes. There have been several proposals about the best way for the Government to act. Some of them require the establishment of entire new institutions, or carry very high costs. The approach I have proposed takes advantage of the very successful programs operated under title VI of the Higher Education Act of 1965, programs that reflect the particular responsibility of the Federal Government for foreign affairs.

Mr. President, it is of course for the Congress to determine whether or not the Federal Government should provide financial support to educational activities of the kind envisioned by my bill. If the Congress judges that such support is needed and justified, I believe that my bill is the most effective and congenial way to provide it. I hope that colleagues in the Senate will see the merits in the approach I proposed and that they will join in cosponsoring it.●

By Mr. ROTH:

S. 1468. A bill to amend the Internal Revenue Code of 1954 to clarify the existence of tax incentives for investment in resource recovery systems; to the Committee on Finance.

RESOURCE RECOVERY TAX INCENTIVE AND CLARIFICATION ACT OF 1983

● Mr. ROTH. Mr. President, today I am introducing the Resource Recovery Tax Incentive and Clarification Act of 1983 that would make a technical amendment to the Internal Revenue Code to implement Congress intent that public purpose resource recovery projects described in section 48(l)(6) of the code are eligible for investment and energy tax credits.

Investment and energy credits are designed to reduce the real cost of depreciable assets, thereby increasing the demand for such assets. These credits are critical incentives for the construction of environmentally safe and energy-efficient resource recovery or waste-to-energy facilities, which dispose of solid waste and generate useful steam and electricity. However, these projects are running into major stumbling blocks across the country because of section 48(a)(5) of the code, which excludes from the investment and energy credits property "used by" government. The rationale for section 48(a)(5) is that the demand of governmental units is not generally subject to stimulation resulting from lowered costs, and the credits are, therefore, not needed. Although the typical government project may be relatively unaffected by price, public purpose resource recovery facilities are constructed only if they can compete on the basis of price in the free market for customers. Municipalities do not guarantee the economic success of the project, and many parties other than municipalities participate in delivering waste to the project and purchasing the project's steam or energy product. Since the private taxpayer/operator of the resource recovery project must be able to win customers away from landfills by offering an attractive tipping fee, the rationale of section 48(a)(5) is inapplicable to these projects.

Some resource recovery projects may currently be sheltered from the loss of these credits because of the IRS recognition of the concept of "service contracts," where the taxpayer uses property to provide services to a customer/government versus a "lease" where the government uses the property to provide services to itself. Many resource recovery facilities probably would be considered to have service contracts and not leases with the government. Unfortunately, the issue of what arrangements are service contracts under section 48(a)(5) has been the subject of inconsistent and unclear IRS interpretation and litigation. Because of the uncertainty over the interpretation of section 48(a)(5), tax counsel are unable to state unequivocally that some resource recovery facilities are ineligible for the tax credits. This uncertainty has delayed major resource recovery projects around the Nation and caused total project expenses to escalate. In many cases, the municipalities involved in these projects are forced to pay higher tipping fees to dispose of their solid waste.

Because of the adverse effect of this continued uncertainty on the resource recovery industry and the critical national need to move forward quickly to build waste-to-energy plants in the United States, I am introducing legislation that will resolve this issue. My bill will clarify section 48(a)(5) by excluding from its applicability "recycling property" as defined in section 48(l)(6) of the code.●

By Mr. SPECTER (for himself, Mr. GRASSLEY, Mr. DENTON, Mr. LEAHY, Mr. HEFLIN, Mrs. HAWKINS, Mr. DOLE, Mr. ABDNOR, Mr. HUDDLESTON, Mr. NUNN, Mr. THURMOND, Mr. HATCH, Mr. DECONCINI, Mr. EAST, Mr. BRADLEY, Mr. PRESSLER, Mr. ZORINSKY, Mr. LAXALT, and Mr. NICKLES):

S. 1469. A bill to amend title 18 of the United States Code relating to the sexual exploitation of children; to the Committee on the Judiciary.

SEXUAL EXPLOITATION OF CHILDREN

Mr. SPECTER. Mr. President, I rise today to introduce a bill on behalf of myself and the distinguished Senator from Iowa (Mr. GRASSLEY) as principal cosponsor, together with some 19 other cosponsors, aimed at the protection of children against sexual exploitation.

Mr. President, this bill reflects the substantial leadership effort in this area by Senator GRASSLEY, and combines provisions of legislations he introduced (S. 29 and S. 1240) with simi-

lar legislation which had been introduced on my behalf (S. 57).

There has been in the United States, regrettably, substantial exploitation of children. The new bill we are introducing is a legislative effort that Senator GRASSLEY and I have coordinated, and I believe it will substantially strengthen the hand of law enforcement in protecting children from the pornography, from the obscenity, and from exploitation.

The Subcommittee on Juvenile Justice, which I chair, began its investigation into the multimillion-dollar child pornography industry in 1981. Our first hearing, which was conducted on November 5, 1981, explored the nature and scope of child sexual exploitation. Our second hearing on April 1, 1982, focused on the Federal law enforcement response to this serious problem, while our most recent hearing on December 10, 1982, reexamined this matter in light of the Supreme Court decision in New York against Ferber. In this decision, the Supreme Court ruled that the compelling State interest in safeguarding the physical and psychological well-being of children constitutionally justified the prohibition of nonobscene sexually explicit photographs of children.

In the 97th Congress, Senator GRASSLEY and I introduced separate bills to incorporate the Supreme Court's decision into Federal law. On the first legislative day of this session, Senator GRASSLEY and I each reintroduced similar bills.

The bill I am introducing today with Senator GRASSLEY as the principal cosponsor not only incorporates provisions of each of our bills but also refines these two bills by clarifying the nature of certain prohibited sexual conduct, by providing stiff penalties for organizations which violate the act and by including provisions for civil and criminal forfeiture.

Mr. President, at this juncture I ask unanimous consent that the following documents be printed in the RECORD: the full text of the bill, and an article from the Ladies Home Journal, dated April 1983, entitled "Innocence for Sale."

With respect to the Ladies Home Journal article, I commend the editors and the author Rita Rooney, for the submission of this article, which has shed substantial light on this problem.

To counter the increased incidence and severity of child sexual exploitation in this country, we urge our colleagues to support this bill, which would extend greater protection to our Nation's youth.

There being no objection, the bill and the article were ordered to be printed in the RECORD, as follows:

S. 1469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds that—

(1) child pornography has developed into a highly organized, multimillion-dollar industry which operates on a nationwide scale;

(2) thousands of children including large numbers of runaway and homeless youth are exploited in the production and distribution of pornographic materials; and

(3) the use of children as subjects of pornographic materials is harmful to the physiological, emotional, and mental health of the individual child and to society.

SEC. 2. Chapter 110 of title 18, United States Code, is amended to read as follows:

"CHAPTER 110—SEXUAL EXPLOITATION OF CHILDREN

"Sec. 2251. Definitions for chapter.
"Sec. 2252. Sexual exploitation of children.
"Sec. 2253. Certain activities relating to material involving the sexual exploitation of minors.
"Sec. 2254. Criminal forfeiture.
"Sec. 2255. Civil forfeiture.
"Sec. 2256. Reporting.

"§ 2251. Definitions for chapter

"For the purposes of this chapter, the term—

"(1) 'minor' means any person under the age of eighteen years;

"(2) 'sexually explicit conduct' means actual or simulated—

"(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

"(B) bestiality;

"(C) sado-masochistic abuse;

"(D) masturbation; or

"(E) a display of the genitals or pubic area of any person for the purpose of arousing or inciting sexual desire;

"(3) 'simulated' means the explicit depiction of any conduct described in clause (2) of this section which creates the actual appearance of such conduct;

"(4) 'producing' means producing, directing, manufacturing, issuing, publishing, or advertising; and

"(5) 'visual or print medium' means any film, photograph, negative, slide, book, magazine, or other visual or print medium.

"§ 2252. Sexual exploitation of children

"(a) Any person who knowingly employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, shall be punished as provided under subsection (c), if such person knows or has reason to know that such visual or print medium will be transported in interstate or foreign commerce or mailed, or if such visual or print medium has actually been transported in interstate or foreign commerce or mailed.

"(b) Any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct shall be punished as provided under subsection (c) of this section, if such parent, legal guardian, or person knows or has reason to know that such visual or print medium will be transported in interstate or foreign commerce or mailed or if such visual or print medium has actually been transported in interstate or foreign commerce or mailed.

"(c) Any person who violates this section shall be fined not more than $75,000 or imprisoned not more than ten years or both, but, if such person has a prior conviction under this section, such person shall be fined not more than $150,000 or imprisoned not less than two years nor more than fifteen years, or both.

"§ 2253. Certain activities relating to material involving the sexual exploitation of minors

"(a) Any person who—

"(1) knowingly transports or ships in interstate or foreign commerce or mails any visual or print medium, if—

"(A) the producing of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

"(B) such visual or print medium visually depicts such conduct or such visual or print medium is obscene and depicts such conduct; or

"(2) knowingly receives, sells or distributes any visual or print medium that has been transported or shipped in interstate or foreign commerce or mailed, if—

"(A) the producing of such visual or print medium involves the use of a minor engaging in sexually explicit conduct; and

"(B) such visual or print medium visually depicts such conduct or such visual or print mediums is obscene and depicts such conduct;

shall be punished as provided in subsection (b) of this section.

"(b)(1) Any person who violates this section shall be fined not more than $75,000 or imprisoned not more than ten years, or both, but, if such person has a prior conviction under this section, such person shall be fined not more than $150,000 or imprisoned not less than two years nor more than fifteen years, or both. Any organization which violates this section shall be fined not more than $250,000.

"(2) For purposes of this section, the term 'organization' means a person other than an individual.".

§ 2254. Criminal forfeiture

"(a) whoever violates any provision of section 2252 shall forfeit to the United States (1) any interest he has acquired or maintained in violation of section 2252, and (2) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise which he has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 2252.

"(b) In any action brought by the United States under this section, the district courts of the United States shall have jurisdiction to enter such restraining orders of prohibitions, or to take such other action, including, but not limited to, the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under this section, as it shall deem proper.

"(c)(1) Upon conviction of a person under this section, the court shall authorize the Attorney General to seize all property or other interest declared forfeited under this section upon such terms and conditions as the court shall deem proper. If a property right or other interest is not exercisable or transferable for value by the United States, it shall expire, and shall not revert to the convicted person.

(2) All provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the

customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions thereof. Such duties as are imposed upon the collector of customs or any other person with respect to the disposition of property under the customs laws shall be performed under this chapter by the Attorney General.

(3) The United States shall dispose of all such property as soon as commercially reasonable, making due provision for the rights of innocent persons."

§ 2255. Civil Forfeiture

"(a) The following property shall be subject to forfeiture by the United States:

"(1) any visual or print medium produced, transported, shipped, or received in violation of this chapter; and

"(2) any property constituting, or derived from, any proceeds obtained, directly or indirectly, from a violation of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(b) All provisions of the customs law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions of this section, except that such duties as are imposed upon the customs officer of any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer."

§ 2256. Reporting

Beginning 120 days after the date of enactment of this Act, and every year thereafter, the Attorney General shall report to Congress the number of cases and convictions brought under section 2252 of title 18, United States Code and the dollar amount of any forfeiture of assets under 2254 of such title."

[From the Ladies' Home Journal, April 1983]

INNOCENCE FOR SALE—A SPECIAL REPORT ON CHILD PORNOGRAPHY

(By Rita Rooney)

The first time Sunny appeared in a pornographic magazine, she was about 6, a towheaded youngster with a toothless grin and wide, innocent blue eyes. Detectives in the Indianapolis Police Department's child porn unit nicknamed her "Sunny," because she was such an obvious contrast to the other children whose pictures crossed their desks. Sgt. Tom Rogers, head of the unit, remembers, "This kid's smile was real."

Her strikingly childlike expression in an unchildlike pose alerted police that this little girl's victimization had probably just begun. If she were lucky, she'd be identified before the assault on her young mind and body twisted her grin—and her life.

But Sunny wasn't found. In the next few years, she appeared in more pornographic magazines and films, and her smile changed to a half-smirk, a look that might have been a comic parody of seduction were it not worn by a youngster photographed in a sexual encounter with an adult male. By the time she was about 14 and beginning to develop into a young woman, she was the filmed object of increasingly savage sadomasochism.

Police officers report they haven't come across any pictures of Sunny in more than a year. That's not surprising since she's reached the age when models are routinely discarded for younger children. If her life parallels statistics, Sunny, not yet 16, is walking the streets as a prostitute.

Julie Rich was a chatty 3-year-old with an expanding vocabulary. Her latest acquisition was "butt," a word that puzzled Julie's mother since it wasn't one she or her husband were likely to use. Then one day, while talking about James Meacham, the owner of Isabel's Nursery School in Los Angeles, where she spent the mornings, Julie announced: "James took pictures of my butt today."

Diane Rich wanted desperately to believe her child was confused. But when she questioned Julie further, the little girl demonstrated positions she was forced to take for the photographs—and Rich's worst fears were confirmed.

Around the same time, parents of other children who attended Isabel's heard similar stories from their youngsters, and the police were notified. When Meacham, a middle-aged man with a doctoral degree, was finally arrested, police confiscated more than two thousand pictures of boys and girls between the ages of two and five, including nude pornographic shots of giggly little Julie Rich.

Johnny Atwood was a troubled kid. The 13-year-old couldn't get along with his real father (his parents were divorced), and he was having difficulty adjusting to his stepfather. So when Johnny was hired by Donald Glaser, a United Church of Christ minister, to help with home repairs, his mother was delighted. Perhaps the Reverend would have a positive influence on the boy.

But young Johnny's troubles had only just begun. Two months after he accepted the job, his parents became suspicious of gifts and money he had received. They questioned him, and the boy eventually broke down and told the truth. He had been the willing prey of the charismatic clergyman who convinced him that posing in homosexual acts was no more than an easy way to earn big money fast.

When the police arrested the minister, they found a diary and a photo album chronicling thirteen years of encounters with young boys.

Unfortunately, these aren't isolated cases. Two teenage girls in rural New Jersey narrowly escaped death last year when a man, jailed for soliciting their participation in child pornography, tried to have them killed so they couldn't testify against him. Law enforcement officials estimate that as many as one millon youngsters—ranging in age from 16 to under a year—are sexually molested and then filmed or photographed, either for the abuser's own pleasure or for a profit. Many of the young victims, like Sunny, are never identified and are subjected to every form of sadism and bestiality. One magazine, Baby Sex, shows six-month old infants in sexual acts with adults. Some audio tapes, complete with descriptive narrative, record the screams of a little girl being raped.

"This sickness exists," says Father Bruce Ritter, founder of New York's Covenant House, a nonprofit youth shelter, "because a small segment of society wants it, another segment profits by it, and the rest aren't doing anything about it. Maybe we don't know enough—or care enough."

Who are the child pornographers? Often they are people who profit from the sickness of others. There are disturbed, immature people called pedophiles who cannot relate to other adults sexually, but can only receive sexual satisfaction by having relations with children. Pedophiles are excited by seeing children in stimulating poses. Child pornographers realize that a great deal of money can be earned by catering to these perverted tastes. Dana E. Caro of the criminal investigation division of the Federal Bureau of Investigation has testified that most child pornography material available in this country was originally produced for self-gratification by individual or groups of pedophiles. Commercial photographers and distributors of child porn pose as pedophiles in order to obtain these sexually explicit photographs of children free of charge. The commercial pornographers then sell the photographs, which are published in child porn magazines.

Children become ensnared in child pornography in many ways. Commercial operators may pick up youngsters who have run away from home. According to police, the pornographer's favorite subject is the attractive, well-scrubbed, smiling child, the more innocent-looking the better. Pedophiles may kidnap and molest a child, then take photographs for their own use or to pass along to friends. Other children may actually be exploited by their own parents. Every child is a potential victim.

Even children from happy homes may be lured into the vile business by someone familiar, someone they're supposed to respect. The toddlers who kissed their mothers good-bye at the entrance of Isabel's Nursery School had been taught to be "good little boys and girls" and obey the teacher. Jacqueline Connor, head of the sexual crimes program in the Los Angeles county district attorney's office, says she gets at least one complaint a week that youth leaders, camp counselors, baby sitters or other people in positions of authority are involved in some form of child molestation, including pornography.

Since the predator is often someone parents trust, they easily miss signals that something is wrong. "When Jenny complained that she didn't like her gym coach," recalls one mother, "I snapped that if she did what she was told she'd get along with her teachers." Jenny, however, stuck to her opinion of the coach and stayed away from him. He was later fired for asking children to pose nude.

Pornographers get children to pose through insidious methods, including blackmail. When two young girls in Chicago accepted a job modeling jeans, one of their mothers went to the first session to be sure everything was legitimate. But after several weeks, the girls were coaxed into modeling bathing suits with the bribe, "we won't tell your mom. This will be extra money you can pocket." Next came nude photos, and by the time they were asked to pose for hardcore pornography, their photographer had

them cornered. "He told us that if he showed our parents the nude photos, they'd believe we had done the rest anyway," one of the girls reports. "I was really ashamed to let my folks see those pictures."

The seducer is also quick to prey on a child's vulnerabilities. For instance, Ellen Crandon, 14, had recently been diagnosed as diabetic and was coping with the anxieties the disease produces in addition to the usual traumas of adolescence. She began to confide her personal feelings to a family friend, Senne Brookshire, 53, who was always a kind, patient listener. He had to be. It took more than a year of kindness and grandfatherly attention before he has so ingratiated himself that he caught Ellen sufficiently off guard to molest her and take pictures.

Brookshire then swore Ellen to secrecy, convincing her that she was at fault, that her parents would never forgive her and that her father would probably wind up in prison for trying to kill him as revenge. For months, Ellen kept her awful secret to herself. However, when she found out that Bookshire had also molested her 12-year-old sister, she told her parents about their trusted friend.

PSYCHOLOGICAL DAMAGE

But telling the truth is not always easy. Ellen has been in therapy for several years trying to deal with the after-effects of sexual abuse.

The psychological damage to children can be serious—and longterm. Johnny Atwood was so shaken by his encounters with the Reverend Glaser that he had to be placed in a resident adolescent psychiatric facility. Two years later, he still needs counseling. Several years after the incident at Isabel's Nursery School, one little boy still cries out in the night, "He's going to kill me! If I tell, he'll cut me up!"

According to Ann Burgess, at Boston City Hospital, who has studied children involved in pornographic exploitation, many of the youngsters withdraw, avoiding all social contact. She believes that the secrecy demanded by the pornographers leaves children feeling that they are society's outsiders and increases the chances they'll turn to antisocial behavior such as truancy, alcohol and drug abuse.

Still worse, "Some of these youngsters never get back into the mainstream," says Frank Osanka, a social psycologist in Naperville, Illinois, and a leading specialist in the prevention of sexual exploitation of children. "By the time they are fourteen and no longer younger and 'attractive' enough to pose, they have accepted the pornographer's brainwashing—that they are no good—and so they go on to a deviant lifestyle."

Also, there is a tendency in some police departments and even among some parents to think of youngsters as participants rather than victims in pornography. Particularly if the child is older, people are judgmental. In turn, the child hears an adult definition of pornography as crime, and begins to think of himself as a criminal. The terrifying reality is that relatively few child pornography victims are identified. So there may be hundreds of thousands of youngsters, along, coping with their own interpretations of whether they are "good guys" or "bad guys" in society.

In many cases, a youngster's pornographic experience will color future attitudes about sex. According to Dr. Osanka, the child tends to blame himself, not the adult, and thinks "There must be something wrong with me." "That conviction," says the psychologist, "can lead to promiscuity, or it can cause some youngsters to grow up believing sex is bad." Psychiatrists note that, as victims get older, some have difficulty synchronizing the physical, emotional and psychological dimensions of marriage. "Sex may become the victim's only form of expression," says Dr. Burgess, "or it may become separate from feeling."

Sex may become a bartering tool. "Pornographers teach children to be manipulative," Dr. Burgess warns. "Even a five-year-old can be programmed to use sex to acquire recognition and attention." The child learns that sex is something to be given in exchange for favors—anything from ice cream to a ten-speed bicycle. Kathy Johnson, one of the Isabel Nursery School parents, reports that after her 3-year-old son left the school, he tried to get his way at home by giving his mother a "French kiss."

In addition to the trauma of being sexually molested, a child who's been photographed or filmed must cope with another fear: Will the obscene pictures or movies show up again? A youngster may know that the material still exists and that he or she has no control over its future use. The child's own imagination, plus any suggestion of blackmail the pornographer may have made, becomes a constant threat to the youngster's happiness. "One photograph," says Dr. Osanka, "can haunt a child for a lifetime."

For instance, Margie, a shy 9-year-old, was lured into a pornographic session by a Little League coach who used provocative pictures of Brooke Shields as a child to entice her. Although the coach has been convicted, not all the photos of Margie were found. Recently, she refused to go to her school's open house because she dreamed her teacher had the missing photographs displayed for everyone to see. "No one in her school has any idea what went on," her mother says, "but she has nightmares just the same."

While children like Margie suffer, pornographers make huge profits. A magazine of obscene pictures of children can be produced for fifty cents and sold for as much as $12.50. Overall, the kiddie porn industry is estimated at half a billion to a billion dollars annually.

The pornographers work in back rooms, garages and motels in every size community across the country. In 1981, an FBI investigation of a flim developer in Syracuse, New York, uncovered truckloads of child smut for customers in such diverse places as Chicago and Swansboro (North Carolina), New York and Gardner (Montana).

Even those who deal in adult pornography are incensed at the proliferation of material using children. "This is a monstrous crime," charges Joe Steinman, chairman of the Essex Group, an "adult film" conglomerate. "It bears no similarity to adult media, which features consenting people of legal age. Children don't have a choice—they're exploited." Steinman, who is vice president of the Adult Film Association of America reports that the national organization voted unanimously to oust any member involved in child porn.

PORNOGRAPHERS' ALLIES

Nevertheless, those engaged in the sexual exploitation of children have some powerful allies. In Los Angeles, the Rene Guyon Society, which claims 5,000 members, is made up of doctors, lawyers and other men and women in respected, influential positions who believe that young children should experience sex. The group, whose slogan is "Sex by age eight, or it's too late," uses child porn to stimulate youngsters.

The North American Man-Boy Love Association (NAMBLA), a homosexual group, has chapters around the country, an emergency defense fund for members arrested for molestation, a prisoner support committee and a lending library of what they call "boy love literature." Last December, police officials raided a cottage in Massachusetts that they believed was used by members of NAMBLA, and found photographs, some of which they say showed young boys in sex acts with men. In the past, NAMBLA has taken positions on a variety of issues, including the military draft, and consequently received support from some student groups and gay organizations.

In recent years, there have been moves to crack down on child pornography. In 1978, the Protection of Children Against Sexual Exploitation Act was signed to halt the production and dissemination of pornographic material involving youngsters. Since then, the FBI reports 428 investigations under the provisions of the Act, leading to thirty-three indictments and twenty-three convictions. Last year, the U.S. Supreme Court held that the dissemination of pornography using children is illegal regardless of whether the material is judged legally obscene. The ruling upholds laws in twenty states and paves the way for other states to enact stronger legislation. Also, the Missing Children's Act, sponsored by Senator Paula Hawkins (Rep., Fla.), was made law last year, allowing a national computer to be used to help trace children reported missing.

But despite these moves, law-enforcement efforts are too often fragmented. Civil, criminal, local and federal codes differ, and three federal bureaus—postal, customs and FBI—have jurisdiction over child porn. Local police, who are usually ill-equipped to track down the offenders, frequently claim that the FBI doesn't do enough, while the FBI says it needs expanded authority. "Right now," says Sean McWeeney, chief of the organized crime section, criminal investigative division of the FBI, "we get involved when there's evidence of a large operation. But it's the small-town operator who contributes to the massive business in child pornography."

Part of the enforcement problem is that many children are too frightened to come forward, and many parents are unwilling to press charges. Sometimes, they refuse to face up to the full implications of what has happened. When a Boy Scout leader in Louisiana was arrested on child porn charges, parents wouldn't testify, reasoning: "He was the best Scout leader we ever had." Some people regard an abused youngster as suddenly "sexual." For instance, last year one judge dismissed a charge of sexual molestation, calling the 5-year-old involved "provocative."

In addition to overcoming bias and getting cooperation from parents and victims, a strong legal case also requires concerted efforts by law-enforcement officials. In Los Angeles, according to Connor of the D.A.'s sexual crimes program, her office and the police department's sexually exploited child unit worked hand in hand for more than a year in preparing the case against James Meacham, the owner of Isabel's Nursery School. Meacham was eventually tried on eleven counts of molestation and received a 26-year, 8-month sentence, just short of the 28-year maximum.

In most cases, however, the courts tend to be lenient. For example:

Donald Glaser, the minister who seduced Johnny Atwood, was put on probation and sent back to an unwary community to do two hundred hours of community service. Johnny's mother, who was reluctant to testify for fear of exposure, but did so to keep the minister off the streets, now wonders, "I risked my son's reputation, his peace of mind, and for what?"

Senne Brookshire was out on probation for child abuse when he molested the Crandon sisters. After his arrest, he was released on bail and soon molested two other children. Police estimate he'll probably have to serve only four and a half years of his current seven-year sentence.

Judges who hand out easy sentences are often swayed by a defendant's willingness to seek psychiatric counseling. They assume psychiatry is equipped to help a molester reverse his sexual deviation. Most psychiatrists, however, claim there's no satisfactory treatment.

Overall, child pornography tends to be a low priority with police and politicians. A few years ago, Dr. Judianne Densen-Gerber, a noted child advocate, tried to get White House involvement by approaching then President Carter for help in curbing sexual abuse of children. "He told me I represented a special interest group," she charges.

The persistent child advocate hasn't given up. She's collecting one million signatures appealing to President Reagan to declare children the nation's first priority.

Dr. Densen-Gerber believes that the laws already on the books aren't being implemented. She says, "I've heard district attorneys say they can't concern themselves with naughty pictures when they have murders to deal with."

Such an attitude, however, indicates ignorance. These sexually lewd pictures harm society as a whole. All children become more susceptible to violence. "There's a ripple effect," says Kristin Cole Brown, information director of Child Find, a nonprofit agency devoted to locating missing youngsters. "Kiddie porn readers may be incited to abduct and rape a child." To stop these crimes against children and put this double-x-rated industry out of business will take the combined efforts of concerned community leaders, law enforcement officials—and parents.

Senator Arlen Specter of Pennsylvania, who chairs the subcommittee on juvenile justice, agrees that tougher sentences are needed, and says law enforcement should initiate an intensive program to acquaint parents with the dangers of child porn. "We've got to make it expensive for these criminals to do business," he argues. "If we accept the findings that abused children often become child abusers, we have to see that ignoring this issue is setting up a pattern for future violence against yet another generation."

HOW TO PROTECT YOUR CHILD

Could your youngster be a victim of child pornography? Like other forms of sexual molestation, there are signs to watch for—and ways to protect a child:

Give youngsters clear-cut, specific warnings. Tell them that no one, even people in authority, should touch them where they don't want to be touched.

Know to whose care you entrust your children. Demand that schools, youth groups, camps and other organizations do thorough background checks on employees and volunteers working with children.

Set up a pattern of open communication with your child. Be sure the youngster knows the difference between doing something bad and being a victim of wrongdoing.

If your child has negative feelings about a teacher or some other authority figure, explore why he feels the way he does.

Know the signs that a child may have been assaulted, such as unexplained or continual physical disturbances, loss of appetite, disturbed sleep, mood change and sudden sexually focused behavior, such as talking more about parts of the body or adding genitalia to drawings.

Believe your children if they say they've been assaulted. Experts agree children seldom lie about molestation.

If you feel your child needs psychological counseling, be sure the therapist is skilled in dealing with sexually exploited children. Professionals say special expertise is needed to help youngsters overcome the trauma.

I'm sure that you, like the editors of Ladies' Home Journal, were shocked and horrified by this report on child pornography. But we all know that outrage is not enough. We must put a stop to this vile business and better protect all our children.

Recently Senator Arlen Specter (Rep., Pa.) introduced a new bill in the Senate relating to child pornography. The bill's objectives are to strengthen existing laws and toughen the punishment for those trafficking in child porn.

The bill makes three major changes in existing legislation:

Part one will increase penalties. Fines would be raised from $10,000 to $75,000 for a first offense, and from $15,000 to $150,000 for subsequent offenses.

Federal law currently prohibits interstate distribution of child pornography or distribution through the mails for sale or commercial use. The second part of Senator Specter's bill would make any interstate distribution or distribution through the mails (even noncommercial) a Federal crime.

Part three would change the wording of existing laws. It would eliminate the word "obscene" from many laws to take away the burden of proving obscenity. This bill would simply make unlawful the distribution of any photographs which sexually exploit children under age 18. (The bill makes an exception only for certain nude photographs which are judged to have "serious literary, artistic, scientific, social or educational value.")

MYRNA BLYTH,
Editor-in-Chief.

Mr. GRASSLEY. Mr. President, I am happy to cosponsor the bill that Senator SPECTER just introduced. I compliment him for his leadership in this area. More importantly, I want to thank him for his willingness to work out the compromise that resulted in the legislation just introduced, particularly thanking him for the leadership he showed as chairman of the subcommittee, not only in the holding of the hearings but also in the public discussion of this legislation.

I believe this legislation will make it easier to prosecute in this area because what we are doing is conforming a Federal statute to the Supreme Court's decision of July 1982, the Ferber case. Our moving forward in this direction is obviously not only something that is constitutional but something that we are capable of doing as a result of this Supreme Court decision, something that we should and must do.

I want to thank Senator DENTON for his work in this area as well, and also Senator STROM THURMOND because, as we were working out the details of this legislation, we both appreciated his leadership and help.

Two bills on this subject were introduced and referred to the Judiciary Committee in this session of Congress. The bill that I introduced (S. 29) is identical to one that I introduced and which passed the Senate as part of the Violent Crime and Drug Enforcement Act in the latter part of the 97th Congress. I reintroduced that bill on January 26, and later introduced another bill (S. 1240) which increased criminal penalities and raised the maximum age for children protected by the act to 18 from 16 in the current law. Senators THURMOND, DENTON, DOLE, LAXALT, HATCH, EAST, DECONCINI, HEFLIN, JEPSEN, KASTEN, RANDOLPH, DOMENICI, HUDDLESTON, WARNER, and NICKLES joined me in cosponsoring that bill.

As originally introduced, Senator SPECTER's bill (S. 57) contained a number of exceptions to prosecution. The bill originally contained a defense that would not restrain the distribution or production of materials involving minors if the materials contain "serious literary, artistic, scientific, social or educational value." A specific exemption also existed in the original S. 57, and the version reported by the Juvenile Justice Subcommittee for mediums depicting children masturbating if that medium was "an integral portion of a work possessing serious scientific or educational value." I want to emphasize here today that these exemptions have been dropped from the compromise now being introduced.

This legislation is in keeping with the Supreme Court decision in *Ferber*, which addressed and assessed the potential need for blanket exemptions to prosecution and concluded:

> . . . A 12-year-old child photographed while masturbating surely suffers the same psychological harm whether the community labels the photograph "edifying" or "tasteless". The audience's appreciation of the depiction is simply irrelevant to New York's asserted interest in protecting children from psychological, emotional, and mental harm. . . An exception for depictions of serious social value, moreover, would actually increase opportunities for the content-based censorship disfavored by the first amendment.

This act is so critical a shield for the Nation's children that it warrants the strictest adherence to the *Ferber* decision. In eliminating the loopholes that previously existed in the bill that was passed out of the subcommittee and

instead adopting the increased sanction and age limit contained in that bill, I believe that we have created a most effective prosecutorial tool through this legislation.

Other strengthening provisions that are contained in this legislation include stricter language relating to the definition of sado-masochistic abuse. Section 2253 of title 18 defines "sexually explicit conduct" to include "sado-masochistic abuse (for the purpose of sexual stimulation)." We have eliminated the qualifier "for the purpose of sexual stimulation" in hopes of further removing children from the sexual marketplace. Another critical provision, contributed by Senator JEREMIAH DENTON, allows forfeiture in child pornography cases. It is only through effective economic deterrents that the business of child pornography can be effectively suppressed.

All of us recognize that this bill marks only the beginning of heightened efforts to abolish child pornography. The true test of its effectiveness remains in the hands of our Federal prosecutors. Let us hope that through this legislation we will have armed them adequately.

By Mr. HELMS (for himself and Mr. EAST):

S. 1471. A bill to authorize the use of certain lands in connection with the project at Manteo (Shallowbag) Bay, N.C.; to the Committee on Environment and Public Works.

OREGON INLET

● Mr. HELMS. Mr. President, Senator EAST and I are introducing legislation to address a serious problem in North Carolina—the future of Oregon Inlet as a safe navigable channel for commercial and recreational vessels; and most important of all, the future of many people who live in and around Dare County, N.C., and who depend on the local fishing industry for their livelihoods.

Oregon Inlet is located in Dare County, along the Outer Banks. Mr. President, those who haven't visited the Outer Banks have missed a great joy. It is one of the most beautiful areas of the country, with some of the best fishing to be found anywhere.

Oregon Inlet is the only inlet along the Outer Banks from Norfolk (more than 90 miles to the north) to Hatteras Inlet (roughly 45 miles to the south). Oregon Inlet is therefore a potential haven for all kinds of ocean-going vessels in bad weather. And when the weather is bad along the Outer Banks things can get pretty rough. You have got be be hardy to live there year-round, and you have to be particularly hardy—and brave—to sail through Oregon Inlet every day in search of your livelihood.

Wanchese Harbor, which is on the back side of the Outer Banks sheltered from the Atlantic Ocean, houses a commercial fishing fleet. The only access to Wanchese Harbor is through Oregon Inlet.

The age-old problem there, and the problem Senator EAST's and my bill seeks to remedy, is serious shoaling in the inlet itself. There is often too little water in the channel for the fishing boats to pass safely. At such times, the captains must take their boats to other ports, which are many miles away. This costs them dearly in time and money—sometimes making a catch unprofitable. Often the captains risk making it through the inlet. Sometimes they make it, and sometimes they do not.

In 1970 (in section 101 of the River and Harbor Act of 1970) Congress authorized the Manteo (Shallowbag) Bay project, which provides for the stabilization of Oregon Inlet with dual jetties and facilities for sand transfer. Despite this authorization, however, jetties have never been built. When the project was authorized, all Federal agencies involved, including the Department of the Interior, the Department of Health, Education, and Welfare, and the Department of Transportation, as well as the Corps of Engineers were in favor of the project.

Unfortunately, the authorization did not contain a specific grant of authority to the Department of the Interior to make available to the Corps of Engineers the land necessary for jetty construction.

I refer, of course, to land to the north of Oregon Inlet—the Cape Hatteras National Seashore—and land to the south—the Pea Island National Wildlife Refuge. These lands are under the jurisdiction of the Department of the Interior, and cannot be released without authority.

Omission of this grant of authority has caused great hardship for those who depend on the channel for their livelihoods, and has led to one of the most ridiculous and time-consuming bureaucratic hassles I have ever witnessed.

Repeated attempts to get the Department of the Interior to issue permits for jetty construction have proven unsuccessful—Secretary Watt has maintained, and still maintains, that he has no authority in law to issue the necessary permits. I have accepted his lawyers' interpretation of the law, and that is why Senator EAST and I are introducing this legislation today.

Our bill would simply authorize the Corps of Engineers to use land within the boundaries of the Cape Hatteras National Seashore and land within the boundaries of the Pea Island National Wildlife Refuge to carry out the project at Manteo (Shallowbag) Bay, North Carolina.

Mr. President, Congressman WALTER JONES of the First Congressional District of North Carolina has agreed to introduce the Helms-East bill in the House of Representatives. I understand that he may have done so today. In any event, he has agreed to offer it. Congressman JONES and I, and Senator EAST, have been working together, and have solicited and received the support of the Governor of our State and other interested officials and citizens, to see this project through.

I should mention that this bill does not authorize the expenditure of any funds—it simply settles the question of authority to use certain land for jetty construction.

Mr. President, I ask unanimous consent that its text be printed in the RECORD at the conclusion of my remarks, along with copies of letters in support of this bill from Senator EAST, The Governor of North Carolina, and the chairman of the Oregon Inlet Commission.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, is authorized to use land within the boundaries of the Cape Hatteras National Seashore and land within the boundaries of the Pea Island National Wildlife Refuge which he determines to be necessary to carry out the project at Manteo (Shallowbag) Bay, North Carolina, authorized by section 101 of the River and Harbor Act of 1970.

U.S. SENATE,
Washington, D.C., May 2, 1983.

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR JESSE: I have had an opportunity to review your proposed legislation that would authorize the U.S. Army Corps of Engineers to utilize lands under the jurisidiction of the U.S. Department of the Interior for use in anchoring jetties at Oregon Inlet.

The legislation has my full support, and I shall do all I can to insure its passage. Our good folks on the Outer Banks of North Carolina have too long endured the bureaucratic nightmare that has been the hallmark of this project for the past eleven years. Your legislation will resolve the land issue once and forever.

Thank you for taking the initiative in this important project.

Sincerely,

JOHN P. EAST,
U.S. Senator.

OFFICE OF THE GOVERNOR,
Raleigh, N.C., May 16, 1983.

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR JESSE: Your office has provided me a copy of a draft bill to authorize the Corps of Engineers to use the lands necessary to build jetties at Oregon Inlet.

I have always believed that when Congress authorized the Manteo (Shallowbag) Bay Project in 1970 that it clearly intended

for the necessary federal lands to be used in constructing the project. The project plan approved in 1970 clearly proposed the construction of jetties on each side of the inlet. This draft bill should make Congressional intent completely clear on this point.

I have no specific comment on the draft bill which appears to resolve the land jurisdiction problem with which we have been struggling. We need to make sure that this bill will in fact finally resolve the issue.

Also, from our own perspective, we want to make sure we use only the minimum amount of land reasonably necessary for this project. The Corps of Engineers, the Department of Interior, and Congressional Committee staff experts would be the best sources of advice on these points, and I will leave that consultation to you.

My administration has strongly supported the stabilization of Oregon Inlet, which is critically important to the economy in northeastern North Carolina and to protect the safety of the lives and boats of our fishermen. I support this draft bill as a means to achieve that end. Thank you very much for your efforts to prepare this legislation. Please call on us for any help we can provide in assuring its passage.

My warmest personal regards.

Sincerely,

JAMES B. HUNT, Jr.,
Governor.

COUNTY OF DARE,
Manteo, N.C., May 4, 1983.

Re legislation to authorize the Corps of Engineers to use whatever land is necessary to build jetties at Oregon Inlet.

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HELMS: The Oregon Inlet Commission is in complete agreement with the proposed legislation referenced above. We are wholeheartedly in favor of using this method of breaking the impasse now blocking the construction of the much-needed jetties necessary to stabilize Oregon Inlet and therefore preserve the lives, livelihoods, and heritage of our North Carolinia fishermen. We are also in support of your recommendation that companion Bills in the House and Senate be introduced the same day.

In conjunction with this, we would like to offer our assistance by appearing at Congressional hearings, arranging meetings which you might deem necessary in our area, or in any other way that we might be able to help in bringing about the passage of this much-needed legislation.

Sincerely,

W. STANFORD WHITE,
Chairman, Dare County,
Oregon Inlet Commission.●

● Mr. EAST. Mr. President, I am honored to join as a cosponsor of this legislation offered by the senior Senator from North Carolina, Senator HELMS. This legislation would authorize the U.S. Army Corps of Engineers to utilize lands under the jurisdiction of the U.S. Department of the Interior for the purpose of anchoring jetties at Oregon Inlet.

The legislation has my full support. It would allow for the completion of the Manteo (Shallowbag) Bay project, authorized under the River and Harbor Act of 1970 as a navigational project. That enabling legislation specifically identified the construction of jetties as the means by which the inlet would be stabilized. In keeping with the congressional mandate, the Congress has authorized, over a period of years, $15 million for the construction of jetties. The project is of major importance to the economic advancement of northeastern North Carolina and to the lives and well-being of the fishing crews who work the stormy ocean area nearby.

The good people on the Outer Banks of North Carolina have too long endured delays in the completion of the Manteo (Shallowbag) Bay project. The State of North Carolina and local interests in the Oregon Inlet vicinity wish to support and expand our domestic fishing industry. This legislation, by resolving the land issue once and forever, would permit the stabilization of Oregon Inlet and allow safe passage through the channel. The impact on our domestic fishing industry would be enormous.

Mr. President, if we are to continue to be responsive to the water resource needs of present and future generations, we ought to aim to improve navigational facilities to allow our fishing vessels safe passage. To this effort I commend this legislation to my colleagues.

I urge my colleagues to support this legislation. It provides for the vital use of lands important to the development of a safe and stable navigation channel.●

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1472. A bill to require the disposal of certain lands at Fort Totten, N.Y., for public health and park and recreation purposes; to the Committee on Governmental Affairs.

DISPOSAL OF CERTAIN LANDS AT FORT TOTTEN

● Mr. MOYNIHAN. Mr. President. I am introducing a bill to direct the transfer of a piece of surplus U.S. property at Fort Totten, N.Y., to the city of New York and so to put an end to 20 years of confusion over what is to be done with the property. Identical legislation is being introduced in the House by Representatives SCHEUER, ACKERMAN, and OWENS.

In 1963, the Federal Government announced its intention to relinquish some or all of its property at Fort Totten, an historic site in Bayside, Queens. From 1969 to 1973, a Job Corps Center was operated at Fort Totten by the Labor Department. In 1977, the General Services Administration formally declared over 46 acres surplus to the needs of the Government.

Community groups and elected officials in the vicinity began making plans in 1963 to use the surplus property as a park and recreation area. In 1980, a nonprofit organization known as Eastern Paralyzed Veterans Association asked that it be permitted to build a halfway house for paralyzed veterans on part of the site.

One month ago, on May 7, New York City and Eastern Paralyzed Veterans Association concluded a formal agreement for use of the 46-acre surplus parcel. But on May 24, the GSA announced it was preparing to donate only 11.4 acres to New York and that it would "give the city the opportunity to purchase an additional 32 acres."

Since 1963, officials and citizens in New York had been negotiating for this parcel of land thinking that it would be transferred to the city free of charge. They had good reason to think so. Since 1949, when the GSA was established, Federal law has authorized the free transfer of surplus Federal property to States, cities, and nonprofit organizations for public health uses and to State and local governments for park and recreation uses.

The current administration has chosen not to exercise this authority in most instances. Somehow, the administration got the idea that Federal surplus property could be sold for vast sums of money. The program has been a failure. Last September, National Journal ran an article about it entitled, "What If the Government Held a Land Sale and Hardly Anybody Showed Up?"

The managers in charge of the program are still at it, however. At Fort Totten, they would apparently ask local government and a charitable organization to pay for property that will be dedicated to public purposes. Even if the city and Eastern Paralyzed Veterans Association could afford to buy the property, what would be gained? The taxpayers of New York and paralyzed veterans would ultimately bear the cost. Can the administration's surplus property salesmen intend to raise money for the Federal Government by forcing increases in local taxes and raising the cost of services provided to paralyzed veterans?

I should not think so. But perhaps they do not realize what they are doing. The legislation I introduce today in the form of a Senate joint resolution will prevent it, no matter what their thinking.

I ask that the text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services shall assign to the Secretary of Health and Human Services for use in the protection of public health and to the Secretary of the Interior for use as a public park or recreation area, portions of an area of land at Fort Totten, New York, totalling 32 acres that

was declared surplus to the needs of the United States Government on February 24, 1977 as required by sections 2 and 3 of this Act.

SEC. 2. Within thirty days of the enactment of this Act, the Administrator of General Services shall assign to the Secretary of Health and Human Services that portion of the land at Fort Totten, New York, described in the first section as is set aside for programs related to the aid and assistance of physically handicapped persons and their families pursuant to an agreement dated May 7, 1983, between the City of New York, the Fort Totten Preservation Council, Inc. (a nonprofit corporation incorporated under the laws of the State of New York), and Eastern Paralyzed Veterans Association of New York House, Inc. (a nonprofit corporation incorporated under the laws of the State of New York). Within thirty days of the assignment of the property described in this section, the Secretary of Health and Human Services shall convey the property without monetary consideration to Eastern Paralyzed Veterans Association of New York House, Inc., in accordance with section 203(k)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(1)).

SEC. 3. Within thirty days of the enactment of this Act, the Administrator of General Services shall assign to the Secretary of the Interior that portion of the land at Fort Totten, New York, described in the first section as is not assigned to the Secretary of Health and Human Services pursuant to section 2 of this Act. Within thirty days of the assignment of the property described in this section, the Secretary of the Interior shall, without monetary consideration, convey the property to the City of New York for public park or recreation uses in accordance with section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(2)).●

● Mr. D'AMATO. Mr. President, I am pleased to join my distinguished colleague, the senior Senator from New York, as a sponsor of this bill to direct the conveyance of certain property located within Fort Totten, N.Y., from the General Services Administration to the city of New York and the Eastern Paralyzed Veterans Association. This bill will insure that these surplus Federal properties are used for the good of the community.

This measure will guarantee the positive resolution of a controversy which has divided the local community, produced litigation and acrimonious disputes, and required the attention of senior officials of the city of New York, the General Services Administration, the Department of the Interior, the Department of Health and Human Services, the Department of the Army, the Department of Defense, and the White House. Once enacted into law, this measure will require the Administrator of the General Services Administration to assign a part of the property to the Department of the Interior and a separate part to the Department of Health and Human Services. The Department of the Interior would then convey its portion of the property to the city of New York for use as a public park or recreation area. The Department of Health and Human Services would then convey its portion of the property to the Eastern Paralyzed Veterans Association of New York House, Inc., for use for programs related to the aid and assistance of physically handicapped persons and their families.

This bill is based upon and implements an agreement dated May 7, 1983, between the city of New York, the Fort Totten Preservation Council, Inc., and the Eastern Paralyzed Veterans Association of New York House, Inc. It represents the final resolution of the conflicts between the parties within the community with legitimate interests in the land.

Legislative action is necessary to resolve this issue because, despite positive assurances and a forthcoming and helpful attitude on the part of the General Services Administration, we have been unable to secure a commitment to convey the property free of charge according to the above agreement. Action is required now because of a May 24, 1983 GSA decision on the disposition of the property.

In a press release issued on May 24, the GSA stated that it would "* * * donate to New York City for park and recreation purposes 11.4 acres of the 'old fort' at Fort Totten in Queens and GSA also will give the city the opportunity to purchase through negotiated sale an additional 32 acres.* * *" The GSA also stated it intended to "* * * set aside 3 acres at the fort for possible transfer to the Army."

If this press release were implemented, the best interests of the local community would not be well served. First, the city of New York has no available funds to purchase the property from GSA. If the city did not buy the property, there is a strong probability that the GSA would sell the property at public auction to any developer who wanted to buy it. Second, it does not accommodate the interests of the Eastern Paralyzed Veterans Association. Finally, it ignores the efforts which went into the resolution of the existing differences among the groups and interests competing for the property, and it also ignores the agreement which is the concrete product of these efforts.

While the bill addresses local community's concerns, I am also mindful of the Army's continuing legitimate interests in Fort Totten. Military families from all services will continue to live in the family housing on the post. Their privacy and security must be assured. Also, this Nation's largest Army Reserve Center, the Ernie Pyle Reserve Center, has just been dedicated on Fort Totten. This building is the home of the 77th Army Reserve Command. It is the facility which supports more than 2,000 Army reservists, providing training, administrative, and logistical support for their activities in the defense of our country. I will work with the GSA, the city of New York, and the EPVA to insure that these legitimate interests are accommodated.

I understand that Congressmen SCHEUER, ACKERMAN, OWENS, and TOWNES, all of New York, are introducing a similar measure in the House. I urge my colleagues to give early and favorable consideration to this bill. It meets the needs and wishes of the local community and involves no direct expense to the Federal Government.●

By Mr. MATHIAS:

S. 1473. A bill to authorize the city of Baltimore to sell the Raleigh Building without affecting the provision of Federal assistance if certain conditions are met; to the Committee on Environment and Public Works.

SALE OF RALEIGH BUILDING IN BALTIMORE, MD.

● Mr. MATHIAS. Mr. President, today I introduce a bill that would enable the city of Baltimore to sell the Raleigh Industrial Center to private investors without sharing the proceeds of the sale with the Federal Government. Under the current law, the city is required to share the proceeds of such a sale with the Federal Government because it received in 1976 a $4.7 million Economic Development Administration grant to help refurbish the property. That $4.7 million is the portion of the proceeds that the city is required to return to the Federal Government.

In 1976, the eight-story Raleigh Building in Southwest Baltimore was in dire need of repair, and nearly completely vacant. Baltimore City came to the rescue by purchasing and then renovating it with the help of an EDA grant. The city, with characteristic foresight and imagination, took a facility falling into total disuse and turned it into a vertical industrial park, making 330,000 square feet of space available to small businesses. Today, the Raleigh Industrial Center houses 25 newly-started businesses, including a printer, a security firm, and a clothing distributor. The building now boasts 90-percent occupancy.

Without the EDA grant, Baltimore would not have been able to accomplish these things, and these businesses would not be in Baltimore today. The EDA grant provided $4.7 million of the total investment of $8.6 million in the building.

The city of Baltimore has accomplished its purpose in this venture, but it is still the landlord of the facility. Right now, the taxpayer's dollar is subsidizing a property that would be attractive to the private sector to own and operate.

The city of Baltimore would like to sell the Raleigh Industrial Center and use the funds realized to advance the

highly successful economic development program of the city of Baltimore. But, if they have to return a substantial amount of the proceeds to the Federal Government, There is little financial incentive to the city for selling the building.

This legislation is devised to remove that obstacle to the sale. There is precedent for it. The Congress has approved the elimination of this requirement in at least two other cases: that of the Panatages Theater for the Performing Arts in Tacoma, Wash., and the two concert halls used by the Philharmonic Orchestra of Buffalo, N.Y.

EDA has made it clear that it does not have the authority to waive this requirement. If the city of Baltimore were, in any manner, to give up controlling interest in the Raleigh Industrial Center, EDA would currently be required to collect the amount of the grant, $4.7 million, from the city immediately. This legislation would free-up resources which could be better spent elsewhere. I urge the Senate to move expeditiously on this legislation, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon request of the City of Baltimore, Maryland, the Secretary of Commerce shall authorize such city to sell to any person the Raleigh Building without affecting the Federal assistance provided by a grant under the Public Works and Economic Development Act of 1965 (project number 01-01-01460) if the sales agreement provides for the operation of such building as an industrial park for the useful life of such building and if such city provides such assurances as the Secretary of Commerce may require to ensure that all proceeds from such sale not utilized for repayment of loans made for development and operation of such building shall be used by such city, within 3 years after the date of such sale, for economic development purposes which are consistent with the objectives of such Act.●

By Mr. KASTEN:

S.J. Res. 115, Joint resolution proposing an amendment to the Constitution of the United States with respect to the length of the terms of Office of the President, Vice President, and Members of the Senate and of the House of Representatives and the number of terms a President, Senator, or Representative may serve; to the Committee on the Judiciary.

LIMITATION ON PRESIDENTIAL AND CONGRESSIONAL TERMS

● Mr. KASTEN. Mr. President, today I am introducting Senate Joint Resolution 115, a constitutional amendment to limit congressional terms and change the length of office of our President.

Historically, our Nation has been led by people who have come from a variety of backgrounds. Farmers, small businessmen, teachers, and people from many other fields have taken time from their profession to help guide the country. This is one of the important factors that has helped make our Nation so great.

Today we are seeing a shift from this tradition: it is becoming more difficult for individuals to serve as elected representatives while maintaining a separate career. Instead, it is becoming necessary for persons to make a career of their desire to serve their fellow citizens. We are seeing the demise of the traditional legislator and the rise of the career politician.

This trend is leading to a less representative form of government. Civic-minded individuals are being forced to choose between a career as an elected official or in another field. This places constraints on who can serve as a legislator.

The Constitution establishes the principle of checks and balances as integral to our Federal system of government. This principle, however, cannot be effective when a few individuals can dominate a branch of our Government. The joint resolution I am introducing today addresses this problem by limiting the number of years Congressmen and Senators may serve.

This joint resolution will limit any President to a single 6-year term. Senators will be limited to two 6-year terms and Members of the House of Representatives will be limited to six 2-year terms. An individual's service in one body would not place any limits on the term of service in another body.

Under our current system, legislators are encouraged to seek reelection again and again. These incentives have forced elected officials to spend an exorbitant amount of their time concentrating on running for office rather than on best serving their country. Instead of a Congress of statesmen, we have a Congress of candidates. If the term of service could be limited, the need to be continually running for reelection would be reduced and legislators could concentrate their efforts on serving the Nation.

This problem is not limited to the Congress, but also faces the President. Today a President has very little time to adopt and implement a platform before he must begin to seek reelection. By electing a President to a 6-year term, he would be given the necessary time to see significant programs enacted into law and carried out. During this term, the President would be free to concentrate his efforts on his programs rather than his reelection.

By adopting this resolution, Congress would reaffirm its commitment to a system of checks and balances. In addition, we would enhance the ability of leaders to effectively represent the American people. Our legislators would be more responsive to the needs of the country in a system where power and authority were more equally distributed. More individuals would be encouraged to run for office if they knew they could be effective. For these reasons, I believe the Congress should move quickly in adopting the resolution I am introducing today.

Mr. President, I ask unanimous consent that the full text of my amendment be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 115

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE

"SECTION 1. The term of office for the President and the Vice President shall be six years. No person otherwise eligible under this Constitution to be President shall be eligible to be President if he has previously been elected to such office, and no person who has held the Office of President, or acted as President, for more than three years of a term to which some other person was elected President shall be eligible to be elected to the Office of the President.

"SEC. 2. The term of office for Members of the Senate shall be six years. No person otherwise eligible under this Constitution shall be eligible to be elected to the Senate more than twice, except that no person who has held the Office of Senator for more than three years of the term to which some other person was elected shall be eligible to be elected to such office more than one time.

"SEC. 3. The term of office for an elected Representative shall be two years. No person otherwise eligible under this Constitution shall be elected to the office of Representative more than six times.

"SEC. 4. The terms of office provided for the President and Vice President, Senators and Members of the House of Representatives by sections 1, 2, and 3 of this Article shall apply to the terms of office of such Presidents and Vice Presidents, Senators and Members of the House of Representatives elected after the date on which this Article is ratified.".●

By Mr. KASTEN (for himself and Mr. BRADLEY):

S.J. Res. 116. Joint resolution to designate the week of September 4, 1983 through September 10, 1983, as Youth of America Week; to the Committee on the Judiciary.

YOUTH OF AMERICA WEEK

● Mr. KASTEN. Mr. President, time and again here on the Senate floor we have heard Members of this body

stress the importance of protecting and lending support to our Nation's most valuable natural resource—our children. In honor of those youth, I today am introducing a joint resolution which proclaims the week of September 4-10, 1983, as Youth of America Week.

The idea for a commemorative week for children was inspired by the National Football Alumni, who last year during the first week of the NFL season launched a project called Kids Week U.S.A. During that week former professional football players throughout the country devoted their time and attention to children in their communities. The former heroes planned a host of activities—from hiking and fishing trips to sports clinics and picnics for disadvantaged youth. Soliciting the advice of community leaders, the former stars were able to plan activities most beneficial to the youth in their area and to offer those children hope in overcoming the difficulties they face.

Based on the success of this operation, Mr. President, I think it is appropriate that we try to encourage increased activity in this area and involve even more individuals across the country during Youth of America Week.

By setting aside a special week for youth and calling attention to the activities of the NFL Alumni, we will encourage other civic and community leaders as well as individuals throughout the country to reach out and help those children in need. Like our sports heroes, people can put a little of themselves back where it counts most, with the kids.

Our country was built upon the tradition of people helping people and it will continue to flourish with such efforts. In keeping with the true spirit of voluntarism and good will, we should promote activities which will help the youth of America see the way to a brighter future.

I urge all of my colleagues to support this joint resolution, and I invite all of you to join me as a cosponsor of the measure.

Mr. President, I ask unanimous consent that the full text of the resolution be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 116

Whereas the children of our Nation are the most valuable natural resource for the future of the country;

Whereas the sharing of knowledge, experiences, and wisdom by adults with children will help to nurture the development in our youth of democratic principles and strong moral and spiritual values, so important to the survival and future betterment of our Nation; and

Whereas all of the people of the United States can be involved in the development of such important principles and values in the youth of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 4, 1983, through September 10, 1983, is designated as "Youth of America Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. STENNIS) was added as a cosponsor of S. 37, a bill to temporarily reduce the duty on certain disposable surgical drapes and sterile gowns.

S. 237

At the request of Mr. WALLOP, the name of the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of reserves for mining land reclamation and for the deduction of amounts added to such reserves.

S. 336

At the request of Mr. NUNN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 336, a bill to increase the penalties for violations of the Taft-Hartley Act, to prohibit persons, upon their convictions of certain crimes, from holding offices in or certain positions related to labor organizations and employee benefit plans, and to clarify certain responsibilities of the Department of Labor.

S. 591

At the request of Mr. INOUYE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 591, a bill to amend the International Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee.

S. 654

At the request of Mr. WALLOP, the name of the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1954 to treat deductions for research and experimental expenses attributable to activities conducted in the United States as allocable to income from sources within the United States.

S. 699

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 699, a bill to provide for Federal support and encouragement of state, local, and community activities to prevent domestic violence and assist victims of domestic violence, to provide for coordination of Federal programs and activities relating to domestic violence, and for other purposes.

S.704

At the request of Mr. HEINZ, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 704, a bill to establish the Crime Victim's Assistance Fund.

S. 745

At the request of Mr. NUNN, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 745, a bill to amend the Small Business Investment Act of 1958 to provide debentures for State development companies licensed pursuant to secton 501 of the Small Business Investment Act of 1958.

S. 873

At the request of Mr. LUGAR, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 873, a bill to help insure the Nation's independent factual knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 883

At the request of Mr. MCCLURE, the name of the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 883, a bill to amend the Geothermal Steam Act of 1970—30 U.S.C. 1001 et seq.—to expedite exploration and development of geothermal resources.

S. 914

At the request of Mr. MCCLURE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 914, a bill to protect firearms owners' constitutional rights, civil liberties, and rights to privacy.

S. 1047

At the request of Mr. MELCHER, the names of the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1047, a bill to direct the President to impose certain limitations on the amount of milk protein products that may be imported into the United States.

S. 1132

At the request of Mr. MCCLURE, the names of the Senator from Idaho (Mr. SYMMS), and the Senator from Wyoming (Mr. WALLOP) were added as cosponsors of S. 1132, a bill to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal dams and other structures.

S. 1144

At the request of Mr. HEINZ, the names of the Senator from Minnesota

(Mr. DURENBERGER), the Senator from Alabama (Mr. DENTON), the Senator from Iowa (Mr. JEPSEN), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of S. 1144, a bill to suspend periodic reviews of disability beneficiaries having mental impairments pending regulatory reform of the disability determination process.

S. 1201

At the request of Mr. MATHIAS, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 1201, a bill to amend title 17 of the United States Code to protect semiconductor chips and masks against unauthorized duplication, and for other purposes.

S. 1270

At the request of Mr. DECONCINI, the name of the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 1270, a bill to amend title 17, United States Code, regarding the Copyright Royalty Tribunal.

S. 1306

At the request of Mr. MATHIAS, the names of the Senator from Indiana (Mr. LUGAR), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 1306, a bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

S. 1325

At the request of Mr. MCCLURE, the names of the Senator from Iowa (Mr. JEPSEN), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 1325, a bill to amend the Internal Revenue Code of 1954 to provide financial relief to State and local governments by eliminating a requirement that would result in a duplicative mailing each year.

S. 1422

At the request of Mr. NICKLES, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 1422, a bill to repeal the windfall profit tax.

SENATE JOINT RESOLUTION 34

At the request of Mr. RIEGLE, the names of the Senator from South Dakota (Mr. PRESSLER), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Senate Joint Resolution 34, a joint resolution designating "National Reye's Syndrome Week."

SENATE JOINT RESOLUTION 77

At the request of Mr. DOLE, the name of the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of Senate Joint Resolution 77, a joint resolution designating "National Animal Agriculture Week."

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of the Congress concerning the legal minimum age for drinking and purchasing alcohol.

SENATE RESOLUTION 126

At the request of Mr. WALLOP, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Nebraska (Mr. EXON), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of Senate Resolution 126, a resolution to express the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified.

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the names of the Senator from Arkansas (Mr. PRYOR), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of Senate Resolution 139, a resolution disapproving the recommendation of the study group on Senate practices and procedures to abolish the Senate Committee on Veterans' Affairs.

AMENDMENTS SUBMITTED

SUPPLEMENTAL APPROPRIATIONS, 1983

METZENBAUM AMENDMENT NO. 1382

Mr. METZENBAUM proposed an amendment to amendment No. 1360 to the bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes; as follows:

None of the funds appropriated by this Act shall be used by an agency of the Government to indemnify any person or to pay attorney fees in connection therewith, pursuant to any contract with the United States entered into on or after June 14, 1983 unless awarded prior to June 14, 1983, for amounts paid by such person to the United States by reason of any action by the Internal Revenue Service.

CABLE TELECOMMUNICATIONS ACT

SPECTER AMENDMENT NO. 1383

Mr. SPECTER proposed an amendment to the bill (S. 66) to amend the Communications Act of 1934; as follows:

On page 44, line 7, immediately after the period add the following: For purposes of this subsection, a franchise agreement containing such requirements shall be considered to have been in effect on such date of enactment if such agreement was the result of a franchise proceeding for which a request for proposals was originally issued, however subsequently modified or replaced, on or prior to September 30, 1982.

WILSON (AND CRANSTON) AMENDMENT NO. 1384

Mr. WILSON (for himself and Mr. CRANSTON) proposed an amendment to the bill S. 66; as follows:

Page 35, after line 8, insert the following: "(i) The provisions of subsections (b), (c), and (d) shall not apply to a franchise agreement in existence on the date of enactment of this Act for a period of five years following the date of enactment of this Act, or for the remaining term of such franchise agreement, whichever is greater, in any state which has in effect, and has had in effect since January 1, 1983, a statutory scheme deregulating rates which contains a requirement regarding minimal channel capacity.".

DURENBERGER AMENDMENT NO. 1385

Mr. DURENBERGER proposed an amendment to the bill S. 66, supra; as follows:

On page 43, line 9, strike out ", or cable system facilities or cable related equipment,"; and

On page 43, line 12, strike out ", facilities or equipment".

SUPPLEMENTAL APPROPRIATIONS, 1983

THURMOND (AND HOLLINGS) AMENDMENT NO. 1386

Mr. THURMOND (for himself and Mr. HOLLINGS) proposed an amendment to the bill H.R. 3069, supra; as follows:

At the end of page 30, insert the following:

The project for Cooper River, Charleston Harbor, South Carolina, authorized by the River and Harbor Act of 1968, Public Law 90-483, approved August 13, 1968, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to install a closure structure in the diversion canal between Lake Marion and Lake Moultrie and to construct such measures as the Chief of Engineers determines necessary to improve the seismic stability of the Pinopolis West Dam on the Cooper River, at an estimated cost of $22 million; *Provided*, That nothing in this section shall waive any requirements under the Federal Power Act of 1935 (49 Stat. 847).

(b) In addition to such sums as are otherwise appropriated by this Act there are appropriated $2,000,000 for the fiscal year 1983 for engineering and design studies in connection with the modified project authorized by subsection (a).

SENATE RESOLUTION 157—ORIGINAL RESOLUTION REPORTED WAIVING THE BUDGET ACT

Mr. ANDREWS, from the Select Committee on Indian Affairs, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 157

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 1746. Such waiver is necessary because H.R. 1746 authorizes the enactment of new budget authority which would become available in fiscal year 1983 and such bill was not reported on or before May 15, 1982, as required by section 402(a) of the Congressional Budget Act of 1974, for such authorizations. Such waiver is also necessary because H.R. 1746 authorizes the exercise of new budget authority which would become available in fiscal year 1984 and such bill was not reported on or before May 15, 1983, as required in section 402(a) of the Congressional Budget Act of 1974, for such authorizations.

The waiver of section 402(a) is necessary to permit the Navajo and Hopi Relocation Commission to fulfill its statutory mission of implementing Public Law 93-531 (88 Stat. 1712).

H.R. 1746 provides an authorization increase to $7,700,000.00 from the preexisting level of $5,500,000.00 for section 14 activities under Public Law 93-531 (88 Stat. 1712), and a new authorization of $15,000,000.00 for fiscal year 1983 through 1987, for section 15 activities under Public Law 93-531 (88 Stat. 1712).

The House Appropriations Subcommittee on Interior has included funds in its fiscal year 1984 markup for implementation of these program activities. The sums provided in the subcommittee markup are included in the President's fiscal year 1984 budget request. The Appropriations Committee of the Senate and the House of Representatives have, therefore, had adequate notice of this authorization. Thus, congressional consideration of this authorization will in no way interfere with or delay the appropriations process.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's full committee markup on pending legislation scheduled for June 16, 1983, at 9:30 a.m., in room 428A Senate Russell Office Building, has been postponed until further notice.

ADDITIONAL STATEMENTS

SALEM COLLEGE COMMENCEMENT SPEAKER STRESSES NEED FOR INDIVIDUALITY, COMPETITIVE SPIRIT

● Mr. RANDOLPH. Mr. President, the voices of many learned and inspiring commencement speakers have been heard in the past few weeks. They seek to convey a fundamental message to graduates based on their own experience and knowledge. They harbor the hope that their words and thoughts might energize the young people to set a proper course toward successful living.

At the graduation last month of my alma mater, Salem College, industrialist, David Lincoln Luke III, was the speaker. He also received an honorary doctor of laws degree. Another merited honorary degree was awarded to Dorothy Upton Davis, veteran teacher, historian, and friend of the arts from my birthplace.

Mr. Luke, who is chairman and chief executive officer of Westvaco Corp., said that America's greatest strength "stems from the power of creative, constructive individual effort."

He stresses the focus we have placed on equality has tended to reduce somewhat our emphasis on individual excellence, and that the lack of competitive challenge has reduced individual efforts to excel.

With the reemphasis and renewed recognition of the importance of constructive, individual creativity, new American generations can most certainly compete in talent against the new generations coming along in the other countries of the world, he avowed.

Mr. President, Mr. Luke's advice has universal applicability, and his message serves as a good guide for every facet of our society. I ask that Mr. Luke's thoughts be shared in the RECORD and shared with my colleagues and others.

The address follows:

THE INDIVIDUAL: AMERICA'S FUNDAMENTAL STRENGTH

(By David L. Luke III)

Honored guests, ladies and gentlemen, I feel a special kind of kinship with you in several respects. The company with which I have spent most of my working career was founded in the beautiful mountains of West Virginia in 1888. By coincidence, that was the same year that Salem Academy, the forerunner of Salem College, was also established. Within our company, we are deeply proud of the company's West Virginia heritage. Our experience in the state has been very positive and we have deep roots in West Virginia.

William M. Thackeray once said that next to excellence is the appreciation of excellence. It is, therefore, a distinct honor to share the platform today with such a distinguished group of outstanding people. Each in his and her own way also has a very special kinship with Salem College.

I would like to say just a few words about one particular member of this distinguished group—Senator Jennings Randolph.

We each owe Senator Randolph deep gratitude for his long span of public service to our country during which he has always offered a stable, common sense point of view of the national interest.

You may or may not know that one of his great contributions to our system is the fact that he authored the 26th Amendment to the Constitution which lowered the voting age to age 18. Even if you are aware of the accomplishment, it is less likely that you are aware of the dedication and perseverance required to accomplish this achievement. Senator Randolph first introduced the bill in 1942 and continued to present it in other Congresses for a total of 18 times until the bill became law nearly thirty years later in 1971.

One of his most steadfast beliefs has always been his faith in the power and importance of the individual. This is a fundamental belief that I, too, share. The occasion of this graduation from Salem College provides an opportunity for me to discuss this subject as many of you begin a search for direction in your futures today.

As I talk about the role of the individual this afternoon, I am going to touch on three aspects of the subject.

First, the importance of individual effort.

Second, the way in which competition stimulates development of the individual.

And, finally, the importance of the creative individual to our country.

Since its founding, our country has always been well endowed with geography and natural resources, but in the final analysis, as you look at the progress of our nation, it becomes unmistakably clear that our greatest strength stems from the power of creative, constructive individual effort.

Whenever, as a nation, we have praised and recognized and encouraged such individual effort, we have been at our very best. In such times, we achieve progress and results which are the envy of the other societies of the world. When, however, we fail to recognize our potentials for excellence, we are very little different from other less fortunate societies where the opportunity for creative and constructive development of individual potential simply does not exist.

A man named George Mason, one of the signers of the Declaration of Independence, said in 1775 that we each come into this world as equals and as equals we go out of the world. It is the period of time that George Mason neglected to mention, the time in between, that is so terribly important, for this is the time that we as individuals can really do something to make a difference in our society.

At different points in time, priorities in the country vary and change. In recent years, we have given the concept of equality of opportunity a very central role in our social philosophy and we have certainly made very substantial and very encouraging progress against our goals.

At the same time, the great focus we have placed on equality has tended to somewhat reduce our emphasis on individual excellence. In recent years, uncommon effort has too often been the exception rather than the standard. We have all seen too much mediocrity. We have been losing some of the American "can do" attitude that once supported our society and have been tending to replace it with attitudes that almost seem to say, "Why care? It doesn't really matter anyway." As a result of these changing attitudes, two out of three Americans polled in recent years currently indicate that they believe their grandchildren will not live as well as they do, a dramatic and remarkable change in the traditional American expectation. The attitude shift raises the question, "Does this really have to be?"

The prospect of a steadily promising future has always been almost an American birthright. I don't feel that we have to give it up and I certainly don't feel that a generation graduating today should feel that we have to give it up. The fact is that the door to opportunity has never been wider open than it is right now. Today's graduates have a prospect of better health and greater longevity than in any preceding generation. The sum of knowledge and the range of tools available to you has never been greater than it is now and there really is no reason to be limited by pessimism. With your own best individual efforts and hard work, there is every reason to be optimistic.

Some say that computer processing devices and industrial robots will be the way to

reach the potentials of the future, but the truth is that these devices have a significant fault. They do not have something very special that individuals have, the ability to dream things that never were and ask, "Why not?"

Faith in individual talent, perseverance and hard work can literally produce miracles. A good example is the story told about a Kansas City newspaper editor and a young local artist who needed work. Sketches which the young man presented did not at all impress the tough old editor. He kept shaking his head and repeatedly saying, "No." Even worse, he not only rejected the samples, but at one point he told the young artist he doubted whether he had any talent at all.

Faith in his own ability led the artist to try other offices, too, but for quite a while the result always seemed the same. Finally, he secured a job drawing publicity material for some nearby churches. The young man rented a mice-infested garage where he worked to turn out his sketches. He continued to produce free-lance material and slowly, very slowly, his work began to find a market. His perseverance made Walt Disney famous. Certainly one of the mice in that original garage where he received the inspiration for his Mickey Mouse series became very famous, too. Today, no one would question the power of Walt Disney's talent, but yet his great creative talent would have been lost to mankind forever had he not persevered to develop it with dedication through his early days.

Of course, not every one of us can be a Walt Disney, but each of us has unique qualities which represent a competitive edge and there are many, many examples of outwardly very ordinary people investing uncommon effort to achieve extraordinary results in ways just as Walt Disney did in his day.

Some of you are going on from here to be teachers with tremendous potential for influence on other generations. I hope that each of you will make uncommon efforts to provide your students with the very best you have to offer, teaching foundations in mathematics, the sciences, communications and all of the other disciplines, and encourage your students in their turn to use their imaginations and to be creative.

Others of you are going to be nurses, caring for the sick and injured in our society. With your patients there is a marvelous opportunity to use your individual talents and creativity to provide the very best in nursing care.

Still others of you will be involved in mathematics, computer programming and some of the other sciences which are so basic to American industry. Again, there are wonderful and exciting challenges to be met as you draw fully on your personal resources with dedication to your task.

It is possible for all of us to pursue our chosen paths seeking excellence in what we do. The rewards and personal satisfaction of such goals in contrast with the rewards of just getting along are justification enough for the commitment that is required, but the knowledge of what such performance can mean to society at large is an additional reason for such dedication.

With the reemphasis and renewed recognition of the importance of constructive, individual creativity, new American generations can most certainly compete in talent against the new generations coming along in the other countries of the world.

This leads me logically to the second part of my presentation, the stimulus of competition. Maximizing individual potential is a very challenging objective. It can present great satisfaction, but it requires remarkable steadfastness and dedication and it sometimes is helped by special sources of stimulus.

"Man is so made," wrote La Fontaine, "that whenever anything fires his soul, impossibilities vanish." Competition has just this effect on individual performance. Competition is a positive tonic for our society. Healthy competition frequently is just what is needed to bring out the best in each of us.

No one in our lifetime has shown the potential of this power more clearly than Vince Lombardi, coach of the Green Bay Packers and the Washington Redskins. Coach Lombardi stressed the power of the individual to unleash the untapped energies of man.

"Becoming all you are" was the Lombardi credo, and it is the foundation of our competitive strength as individuals and as a nation. Becoming all you are recognizes that we each have something important to give to the world in a way that will benefit society. It is an attiude about being the very best you can.

It is my belief that we have a real opportunity to translate the same winning attitude of the athlete, whether amateur or professional, the same desire to win, into our everyday lives, including our jobs.

In industry, competition is certainly one of our most important stimuli. I have seen it happen in Westvaco. One of our most successful products is directly attributable to an effort by one of our major competitors to make a lower-cost product to serve one of our markets. We had to try to surpass the benefits which their product was intended to bring to our customers, or run the risk of losing our share of the business. So we came up with a much better product which has since developed into one of our major businesses. The axiom is clear: When anybody does something well, it becomes a new standard for everyone else to try to exceed, and the world benefits.

What is true in sports and in industry is equally true in the sciences and research as well.

The events which led to the understanding of the famous double helix structure of DNA are a good example of this. In the early 1950's, the young American scientist, Dr. James D. Watson, and his colleague, Dr. Francis Crick, were working in the Cavendish Laboratory of Cambridge University in an effort to solve the riddle of the structure of DNA. They were spurred on by the importance of the task but also by their feeling that Dr. Linus Pauling was hard at work on the same challenge at Cal Tech. The sense that there was competition helped contribute to one of the major scientific discoveries of our time and won a Nobel prize for Watson and Crick.

In each example I have mentioned, there was a competitive stimulus which has brought forth the best in individual performance. Today, there is worldwide competition in many of the things we do and those who can no longer compete gradually fall by the wayside.

This provides an appropriate introduction to my final point: It is time for America to reassert itself again, to put the focus on individual excellence and to let the best we have shine through. America can compete.

I sincerely believe that the American people, all of us, are beginning to recognize the need for our country to make a new commitment to competitive strength, to once again become world-class competitors, and I am convinced we can.

The present challenge is great. In addition to the long-established recognition that our industries need to compete within our own country, it is now very clear that the oceans that surround us are no longer barriers to protect us from the need to compete in the economies of the world and the ideas of the world. The consequences of this are becoming increasingly clear. Recent reports on the competitive scorecard have not been too encouraging.

The matter is serious enough so that all of us need to work on changing the attitude of pessimism which even extends to some of the thought leaders of our society.

There is no reason whatsoever why we should be less optimistic about our country and its potentials for the future. Our way has worked incredibly well. If we restore traditional American faith in the power of the individual and in hard work and accountability for our performance, if we truly face the competitive challenge, America will continue to offer steadily growing opportunity for future generations.

As Americans, we have the expertise, we have the research excellence, we have the dedication of many competent individuals, but what we now need is a winning attitude, confidence and an overall desire among our citizens to be world-class competitors, to be the best that each of us can.

In this quest, the key is in the individual. Governments can influence ideas, but they really can't solve many of the problems that face us.

A perfect example of this lies in what we have called the energy crisis.

Starting with the disruption of the Middle East supply which occurred in the aftermath of the Arab-Israeli war of 1973, the balance between our energy needs and our energy sources became a great concern of our Federal government. Most of us saw a President put on a sweater and propose a great program of red tape, government control, and government expenditure. Fortunately, greater wisdom prevailed. The government restrained itself and gradually individuals went to work on the problem. Private oil and gas exploration increased in this country. Nonpetroleum domestic sources of energy were tapped and almost all of us in our daily lives began to reduce our consumption of energy.

Less than a decade later, our need for imported sources of energy has shrunk dramatically and the cost of energy has tumbled so sharply that in the past year it has been one of the key factors that have helped reduce inflation to an almost negligible level.

Other energy challenges may lie ahead, but the past decade has shown us that common sense and individual effort are a powerful tonic. The experience is a great model for the solution of other problems. The creative power of the individuals who make up our country is an enormous force when individuals apply themselves with dedication.

We sometimes like to think that success comes easily and instantly, but the truth is it seldom works that way, even for the most creative. The path to excellence requires dedication and commitment. Thomas Edison's successes were not handed to him on a silver platter. One summer evening, when Mr. Edison returned home from his work, his wife said. "You've worked too long without a rest. You must take a vacation." "But where will I go?" he asked. "Decide where

you'd rather be than anywhere else on earth and go there," was the answer. "Very well," promised Mr. Edison, "I will go tomorrow." The next morning he returned to his laboratory.

I would like to conclude with this thought: By virtue of living in the United States we enjoy a political system, an economic system, and a tradition of ideas that are unique in all of civilization. Our way is founded on the right of every person to pursue his or her own happiness in an environment of liberty and justice. Our founders counted on the individual. It mattered to them. They saw it as America's fundamental strength.

My message to you today is the same. We are counting on you, the Class of 1983.

Thank you and God speed.●

U.S. COUNTERINTELLIGENCE MUST RELY ON HELP FROM AMERICAN HIGH-TECH BUSINESS

● Mr. NUNN. Mr. President, the Soviet spy organization, the KGB, has launched an all-out campaign to obtain, through both legal and illegal means, high technology from the United States, other Western nations, and Japan.

The Soviets' technology acquisition drive is a threat to our national security because it enables the U.S.S.R. to keep pace with our scientific and engineering breakthroughs at only a fraction of what it costs us. In addition, by having access to our defense technology, the Soviets can design their own weapons to counter our newest systems.

The KGB has so many operatives at work in the United States that the FBI counterintelligence team is hard pressed to track all of them. But, if there were a more coordinated effort between the American Government and American business, our own counterintelligence agents would be much more effective.

The need to enlist the aid of the high technology business community in stopping illegal acquisitions is the theme of an article written by Henry Eason for the June 1983 issue of Nation's Business.

Mr. Eason correctly points out that Federal authorities must do a better job of educating businesses in how to improve their own security with regard to militarily critical technology. Equally important, each business executive whose firm is in this field—from R&D to production—must be ever mindful that Soviet and Soviet bloc spies utilize a diversity of techniques in obtaining sensitive know-how. As the magazine's cover headline aptly warns, "Soviet Spying: Are You Next?"

Mr. President, I request that the article from Nation's Business be printed in the RECORD.

The article follows:

SOVIET SPIES: YOUR FIRM COULD BE THEIR NEXT TARGET

(By Henry Eason)

Several years ago, a group of Soviet specialists in aeronautics was taken on a State Department-sponsored tour of three American plane factories. The Russians visited plants operated by Lockheed, Boeing and McDonnell-Douglas—all major defense contractors.

At one plant, in Burbank, Calif., Lockheed was manufacturing the L-1011 commercial wide-body plane. The Russians were kept far away from sensitive defense facilities at the same plant; however, there seemed no harm in showing them how a civilian aircraft was made.

But the Soviet visitors had their own reasons for being interested in the L-1011. It was a big, lightweight plane that could carry large numbers of people at a high speed. The Russians had not figured out how to make such a plane themselves.

The specialists visiting the Lockheed plant were wearing shoes with adhesive soles. Metal particles picked up on the soles at the plant (and at the other two plants as well) were later analyzed in a Moscow laboratory. From that analysis, the Soviets learned enough about jumbo-jet metallurgy to build bigger and faster troop- and cargo-carrying aircraft.

An Eastern European revealed that bit of Soviet trickery in 1981, after defecting to the West. The sticky-shoes episode is just one example of what American intelligence officials say is a mounting Soviet campaign to spy on the American businesses that give the United States its edge over the Russians in military technology.

The Soviet campaign is putting an enormous strain on American counterespionage resources, at a time when President Reagan's defense buildup is bringing more companies of all sizes into defense-related activities. Many of these businesses have never thought of themselves as potential targets of Communist spies.

Over 3,000 officials from Communist countries—about 35 percent of them spies—work out of 180 offices in the United States, according to the Federal Bureau of Investigation. Also, many of the thousands of tourists, students and trade representatives who come from Communist nations each year to the United States actually are on intelligence-gathering missions.

FBI Director William Webster said recently, "I do not think there's been another time in our history when our country has been under such a sophisticated espionage assault."

Despite the United States' "very aggressive campaign" to foil spy operations, says Edward O'Malley, head of the FBI's counterintelligence division, "we have manpower problems. There are more Communist officials here than there are FBI people engaged in counterintelligence."

In April Soviet espionage plots were uncovered in France, the United States and Australia. French authorities expelled 47 Soviet diplomats found trying to steal military secrets; three diplomats were expelled by American authorities and one by the Australians. Observers say the expulsions reflect more the dramatic upswing in Soviet spying than improved Western counterintelligence.

"U.S. counterintelligence efforts are stretched thin," the Central Intelligence Agency warned in a recent report. "It appears that Western industrial security—both defense and commercial—will be severely tested by the Soviet intelligence services and their surrogates among the Eastern European satellites during the 1980s."

Soviet-bloc spies in the United States have targeted the 12,000 or more companies working on defense contracts, the thousands of defense subcontractors and other companies whose high-technology products could be put to military uses. Most defense contractors are small or medium-sized and have modest security programs. Some of the high-tech firms have no security programs at all.

More than 1 million people work on classified, secret or top secret defense projects for the government. Recruiting agents from this vast pool of people is a favored method of Soviet spies.

The Pentagon's Defense Investigative Service, which clears all employees working on military projects, is struggling with a huge backlog. DIS Director Thomas O'Brien's 1,153 overworked agents will make 181,000 clearance investigations and reinvestigations this year—"a tremendous workload," says O'Brien. DIS has melted last year's backlog of 84,000 cases down to 36,000, but critics say the agency cut corners to reduce the backlog.

DIS "is sacrificing a lot of quality in its investigations in order to catch up," complains David Martin, who recently completed a Heritage Foundation-sponsored study that warns of a government-wide security problem.

In the past DIS conducted "full field" investigations during which neighbors, coworkers and acquaintances of an applicant for a defense job were interviewed. With its heavy workload, the agency now interviews the candidates and does record checks instead of more extensive checking. Although it hopes to reduce its backlog further and resume more detailed reviews this summer. O'Brien says the present method make better use of an investigator's time and is sound but not foolproof.

Critics have insisted that defense workers should be reinvestigated after their initial security check to determine whether changes in their personal lives might make them more vulnerable to the overtures of Soviet spies. DIS began performing reinvestigations in April, but its backlog is huge.

The fear that employes could be lured by Soviet intelligence agents permeates even the more heavily secured defense firms, like Lockheed's Missiles and Space Company, of Sunnyvale, Calif., which makes Trident submarine-launched nuclear missiles and is researching the kind of laser weaponry that President Reagan says is needed for future antiballistic missiles.

James Fitch, director of Lockheed's 400-person security force at Sunnyvale, says, "There are probably espionage attempts all the time. It could happen to me this afternoon, or maybe it's happened already and I don't know it."

California, with its string of defense factories and high-tech firms running from San Diego to the "Silicon Valley" south of San Francisco, has become the happy hunting ground of the Soviet KGB, which controls all Warsaw Pact nation's spy services.

The KGB scored two of its biggest victories in the Los Angeles area. Christopher John Boyce stole highly sensitive satellite technology from TRW in 1977 and sold it to the Russians, and William Holden Bell funneled Hughes Aircraft designs for fighter plane radar to a Polish intelligence officer in 1981. The two Americans were eventually

caught, but not before they had seriously compromised advanced American weapons.

"Boyce and Bell" has become a cry equivalent to "Remember the Alamo!" for United States intelligence officers and plant security chiefs. They are working hard to prevent similar cases, but the odds are stacked against them. Soviet bloc spies are on the offensive: They recruit individuals, they gather useful material from public documents and seminars, and they make illegal purchases of militarily significant goods through middlemen.

Communist spies are focusing increasingly on individuals, especially those who work for small companies with lower awareness of security. They move into the lives of these people, showing a chameleon's ability to adapt.

O'Malley, the top FBI spy catcher—he is the real-life U.S. equivalent of British novelist John le Carre's George Smiley—sheds some light on how the Soviets operate:

"The Russian that the American meets today is not a 5-foot-2-inch-wide, 5-foot-2-inch-tall man wearing a baggy suit with a long beard and unable to speak English very well. No, this is a very suave, eloquent individual, who speaks English almost flawlessly. He is dressed very casually in a modish leather jacket with jeans and a cowboy hat, or he might look like he has just come from the 18th green at Burning Tree [a Washington country club].

"He knows the American is wary, so he will portray himself as an individual, rather than as a Soviet. He may even bitterly criticize his own country. The American thinks: 'He's not such a bad fellow. He's not trying to coerce me. He's a nice man. So what if he takes me out to lunch?' The Russian will try to cultivate the American socially. If that American is a New York Mets fan, I guarantee you that within a short time that Soviet will know more about the Mets than he does."

The Russian's objective, O'Malley says, is to move subtly from a casual business meeting to a recreational and even family relationship. The psychologically trained Soviet intelligence officer wants to get beyond the target's professional and social personality to what O'Malley calls his "third personality," his inner self. The KGB is very patient in burrowing toward this goal, he says.

Bell, a 30-year Hughes employe, was cultivated in this fashion by a spy posing as a Polish trading company official. The Pole moved into Bell's apartment complex. Their families became fast friends. They played tennis. When the Internal Revenue Service began pressuring Bell for back taxes and he was sapped by other financial demands, the Pole discreetly gave him money, then more money, until he had passed Bell a total of $170,000.

Greed, experts say, is what usually motivates the American turncoat today. The Soviets rarely attempt to persuade an American to accept Marxist doctrine, as they once frequently did. The KGB manual preaches using capitalism on the capitalist, O'Malley says.

With its resources strained, the government cannot operate effectively unless employes approached by foreign spies report immediately to the FBI or their security officers. Flirting with the KGB, says one FBI agent, is like being an amateur snake charmer: "Once you get the cobra to come out of the basket, then what do you do?"

"It's amazing how people get involved in these things, and don't realize what's happening," says Robert Gast II, head of the FBI's San Francisco office, the chief counterespionage center in the Silicon Valley area.

Gast adds: "I am concerned about the smaller companies, the emerging ones, where a couple of guys leave one of the major companies with a new idea. Security is one of the last things the smaller companies will go for, because it doesn't, to be trite, go to the bottom line. It's expensive, and you don't see any cost benefits from it. Some of those small companies are on the cutting edge of technology and are certainly targets for the Soviet intelligence services."

Sen. Sam Nunn (D-Ga.), under whose leadership the Senate Permanent Subcommittee on Investigations last year spotlighted the drain of American technology—through a variety of conduits—to the Soviet Union, says the private sector has to get more involved in fighting Soviet spying. He suggests that defense contracts should require extensive anti-spy educational programs that will free hard-pressed federal agents for more field work.

American companies can lose their defense contracts—with the U.S. government and allied governments—if serious security breaches occur. But combating espionage is not easy for business, whose primary goals are to produce goods and services and make a profit. Often the federal government's myiad, confusing regulations governing defense goods' production and sale leave the businessman "concerned, confused and perplexed," says George Mozingo, who runs an FBI program for development of counterintelligence awareness in the San Francisco area. "The businessman is caught in the middle," he says, "between selling products and helping national security."

John Shea, president of Technology Analysis Group, Inc., which performs security evaluations of semiconductor firms for the Pentagon and the Central Intelligence Agency, says, "Most firms are more concerned about whether a competitor steals from them than whether the Soviet bloc is laying hands on their products."

Zilog, a San Jose computer systems firm that produces some militarily useful wares, cannot vouch for the ultimate purchasers of goods it sells through distributors, says President Frank deWeeger.

"We are powerless to come to grips with it," deWeeger says. "We try to comply with the laws, but you can't screen every order that comes in."

If the United States and the Soviet Union or their allies ever clash on a battlefield, the outcome will depend on the quality of weapons. For now, the combat is taking place in the shadowy world of defense industrial espionage. There, the Soviets are making gains in quality that enhance the edge they already have in numbers.

A Guide to Guarding Military Secrets

Tens of thousands of American companies are doing business in defense and defense-related fields, and several thousand intelligence officers from Soviet bloc and Soviet-influenced nations and China are believed to be spying on them.

According to a Central Intelligence Agency assessment, "Security provided by commercial firms is no match for the human penetration operations of foreign intelligence services." Federal Bureau of Investigation Director William Webster calls on American business to take stronger steps to protect itself.

Here are some guidelines government agencies offer for better protection against espionage. American business people should be aware that:

Scrimping on security programs could be penny-wise and dollar-foolish. More comprehensive antispy educational programs are needed, especially in small companies, which are often at the forefront of new technology and are more vulnerable to Soviet penetration than major defense contractors with well-developed security departments.

Spy operations are not confined to Washington, New York and California. FBI officials say espionage nests have been formed in almost 200 locations.

You could be doing business unknowingly with a firm whose main goal is illegal acquisition of your goods and services. Just because a company is chartered to operate in the United States, do not assume that it has been sanctioned by the government.

Soviet bloc spy services have been making increasing use of individuals and companies with no direct links to Communist countries—"open brokers" who act as middlemen.

American companies are being urged by the government to more thoroughly check firms with which they deal. This warning applies particularly to companies whose products are not restricted for sale but could have military applications.

"Human assets"—Americans who understand sensitive defense systems and can steal what the Soviets cannot obtain in an open environment—are believed to be of primary interest to the KGB, the Soviet spy service. Even custodial workers who might have access to carbon sheets, typewriter ribbons and discarded drafts of vital reports can be important to the KGB. The best approach, according to the FBI, is for employers to discourage their employes from having social relations with anyone suspected of spying.

Soviet bloc countries are particularly interested in the following types of American industrial activity computers, semiconductors, communications, transportation, lasers and optics, nuclear physics, microbiology, chemistry and energy, as well as defense.

For further information on espionage methods and on products the government believes the Soviets desire, contact: Arms Licensing Division, Office of Munitions Control, U.S. State Department, Washington, D.C. 20420, (202) 235-9761; or Exporters Service Staff, Office of Export Administration, U.S. Commerce Department, Washington, D.C. 20230, (202) 377-4811. For a copy of the CIA report, "Soviet Acquisition of Western Technology," write: Defense Industrial Security Institute, Security Awareness Division, c/o DGSC, Richmond, Va. 23297.

How the KGB Spins Its Web

(This is a composite KGB operation, based on interviews with Federal Bureau of Investigation and Defense Department counterintelligence officers and on material provided by them.)

A Detroit-based Hungarian importer and his wife make friends with an American tank manufacturing engineer and his wife at a reception after a symphony concert. The Americans find the Hungarians entertaining and are delighted to be invited to dinner the following weekend. At a jazz bar after the dinner, the Hungarian's wife notices that the American man is boastful but guarded about his work.

The importer, a spy under indirect control of the KGB (the Soviet intelligence service),

reports the meeting to his superiors. After a strong show of interest by Soviet military intelligence, the KGB orders the Hungarian to develop his budding relationship with the American.

Over the next few months, always careful not to inquire about the American's work, the Hungarians cultivate a purely personal relationship with the Detroiters. One evening, after a number of cocktails, the apparently drunk Hungarian curses his Communist overlords.

He and the American engineer, now fast and trusting friends, go sailing one afternoon, and the American confesses he has an expensive young mistress who is squeezing his pocketbook and hinting that she may leave him if he is not more generous. He is worried that he cannot cover his debts much longer.

Later, at a Detroit Lions game, the Hungarian introduces the American to a friend, a "false flag" East German who is posing as a West German defense consultant. The second relationship flourishes. The German offers to hire the American in the near future. His firm, he says, has a regular relationship with a West German armaments maker. The job would pay 50 percent more than the American is now making. But the German firm wants to see some samples of the American's work.

The American cannot do much checking on the German without arousing suspicion. He smuggles out some of his engineering designs but gives the German no top secret material. The German appears satisfied but reports back later that executives at his firm must see more elaborate work, a better taste of the American talent they are about to hire. The American has already adjusted himself to his anticipated higher salary and has, indeed, accepted a small part of it against future wages.

Pondering his dilemma late at night in his office, he has second thoughts, even though he believes he may already have violated some federal law. Sighing wearily, he phones the local FBI office.

Then, working with his own government, the American allows himself to be drawn deeper into the web, until one morning an FBI intelligence division squad arrests the Hungarian, the East German and their accomplices.

Since they are not accredited diplomats, who have immunity, they all go to jail under the Espionage Act.●

TRIBUTE TO FORMER ASSEMBLYMAN DRUMM

● Mr. D'AMATO. Mr. President, I take this opportunity to reflect on the distinguished career of a beloved New Yorker and elder statesman, former Assemblyman Willard C. Drumm who passed away last week at the age of 85.

A life-long resident of Niverville in Columbia County, Willard Drumm actively operated the family's dairy farm until his death. Born October 1, 1897, he was the son of the late Frank and Jessie R. Drumm. He was elected to the New York State Assembly in 1946 and represented Columbia and Greene Counties for nine terms until 1965. Assemblyman Drumm championed extension of the Taconic State Parkway from Dutchess County to Columbia. He vehemently opposed double taxation of State residents who worked in nearby Massachusetts and was against the original State sales tax.

Mr. Drumm was a member of the State legislature's "Pilot Club," the Town of Kinderhook and Columbia County Republican Committees; the Niverville Fire Company; Niverville Methodist Church; and he was a charter member of the Norther Columbia Lions Club.

An active and respected Republican since 1926, Assemblyman Drumm was a member of the State GOP committee at the time of his death.

He participated in every local election right up to the most recent and was a close confidant of State and national Republicans.

I add my voice to the many across our State who mourn his loss. He was truly a community-spirited individual who superbly represented the interests of his constituents. His interest in politics and love of government embodies all the positive attributes of public service.

To his family and friends, I extend heartfelt sympathy.●

TRIBUTE TO SGT. BERNARD CASTELLINI

● Mr. LAUTENBERG. Mr. President, it is my privilege today to pay tribute to Sgt. Bernard Castellini of Vineland, N.J. I would like to take a moment to recognize this man whose extraordinary dedication to his community is worthy of our highest praise and admiration. On June 30, Sergeant Castellini will retire from the police department of Vineland after 28 years of loyal service.

Sergeant Castellini will leave behind a career that we all can envy. As a police officer and Korean war veteran, he has been dedicated to insuring the safety of his community and his country. In so doing, he has been able to find ways to enrich and touch the lives of others.

Under his leadership, the safety patrol program of Vineland has produced many fine students and outstanding citizens. The program's safety record, which now ranks near the best in the State, is testimony to its tremendous success and to Sergeant Castellini as director.

Sergeant Castellini has also led many youth visits here to Washington D.C., serving both as fundraiser and organizer. This firsthand introduction to our Federal Government has proved to be a memorable experience for all involved; one which no amount of classroom study can replace.

I am proud to join those honoring him today, for I have the highest respect for men and women who have dedicated themselves to improving life for others. His career has been marked by great personal distinction and made remarkable by his dedication to the youth of Vineland.●

IVY LEAGUE CONFERENCE ON NUCLEAR ARMS

● Mr. LEAHY. Mr. President, on April 30, I was privileged to address the Ivy League Conference on Nuclear Arms, held at Dartmouth College. The conference was a gathering of some of the brightest students from the Ivy League colleges to present prize-winning papers on nuclear weapons issues, and to discuss ways the nuclear arms race might be brought under control.

During the conference, the student delegates broke up into a number of working groups to discuss different aspects of nuclear arms. These groups produced short position papers reflecting views on specific issues. The position papers give an insight into the thinking of some of our best young minds on the most urgent issue of our time: How to gain control over the arms race and the march of weapons technology.

These position papers should be carefully read by all those interested in nuclear arms control. I ask that the text of the position papers be inserted in the RECORD at this point.

The material follows:

ARMS LIMITATIONS: OPTIONS AND REALITIES

As experts talk of new generation of weapons, they rarely hear from students, the new generation of citizens most affected by the future of the arms race. As students, we believe that an uncontrolled increase in nuclear arsenals decreases national security for a number of reasons. First, it increases the potential for nuclear proliferation which in turn increases the potential for nuclear war. In addition, it increases asymmetries in nuclear weapons capabilities, which can decrease the stability upon which deterrence is based. We also believe that the development and maintenance of nuclear arsenals diverts economic resources from social programs which could better be applied toward solving other world problems.

Therefore, we support ratification of HJR 521, a call for a mutual, verifiable, negotiated freeze on all production, testing and deployment of nuclear weapons. This would be a first step toward negotiated reductions in nuclear arsenals and a halt in the use of destabilizing technologies. In the past, technology has dictated strategy. Thus strategy has been over-intellectualized and has obscured the simple reality that a nuclear exchange, in all likelihood, will lead to Mutually Assured Destruction. Any other strategy is not a strategy of deterrence, but a potential justification for fighting a nuclear war in the event that MAD deterrence fails. Since no new rational strategy can arise out of technological advance, we believe that testing of new technologies should be halted. Technological advances should be focused on command, control and communications, and national technical means of verification.

Further agreement between U.S. and U.S.S.R. could be reached through the ratification of SALT II, Peaceful Nuclear Explosions Treaty, and the Threshold Test Ban Treaty. As a complement to these measures, we support a resumption of negotiations on the Comprehensive Test Ban Treaty, renewed efforts to restrict antisatellite warfare, agreement on measures to limit

anti-submarine warfare such as the establishment of oceanic zones free of anti-submarine activity, continued adherence to the ABM Treaty, and stronger efforts to discourage the spreading of nuclear technology. Finally, we support the establishment of a National Peace Academy to expand expertise in nuclear issues, further the study of negotiation, and encourage public involvement in the nuclear debate. While we agree on the need to reduce dependence on counterforce weapons and avoid the escalation scenarios of warfighting doctrines, we disagree on how to reduce destabilizing weapons. Pro and con arguments follow.

The unilateral elimination of all counterforce weapons is the most advantageous strategy for the U.S. to employ after the ratification of a mutual negotiated freeze. The U.S. relies on its land based ICBMs for its counterforce threat, but there is no proven protection for these missiles, and subsequently U.S. ICBMs are vulnerable to a Soviet attack. But the U.S. also possesses a submarine force which is invulnerable to a Soviet attack, and which is capable of destroying the complete social fabric of the U.S.S.R. an unnecessary number of times. This is undoubtedly enough to deter any aggressive tendencies by the Soviet Union. Furthermore, the existence of land based ICBMs poses many dangers; They are an attractive target to the Soviet Union, and they are located close to populated areas. Subsequently, an attack against them would cause the deaths of ten to twenty million Americans. More importantly, the existence of ICBMs is more likely to provoke the U.S.S.R. to adopt a launch on warning posture, which creates a high increase in the chance of accidents. A unilateral reduction of ICBMs would indicate to the Russians that our intentions are peaceful and defensive, and would compel the Russians to adopt similar motivations.

The counter argument is as follows: Although unilateral elimination of counterforce capable ICBMs would not effect the balance upon which MAD deterrence is based, it could prove undesirable for two reasons. First, the effect such an act would have on Soviet perceptions. If Soviet leaders refuse to accept the wisdom of MAD deterrence, they might interpret the U.S. act as creating a situation in which they could launch a successful, surgical first-strike directed at hardened command control and communications centers, thus eliminating the potential for all U.S. retaliatory strikes. The second weakness with unilateral action is the divisive effect it would have on the grass-roots consensus which has congealed on the issue of disarmament. Unilateral disarmament bears the stigma of appeasement. An alternative to the unilateral elimination of U.S. counterforce capable ICBMs is a bilateral agreement to move to single-warhead ICBMs, thus reducing their first-strike capability.

Despite this one issue of contention, we agree that a mutual, verifiable negotiated freeze is the first step on the long road to eliminating the nuclear threat.

Greg Conklin, Brown University; Michael Davis, Brown University; James Galanis, Columbia University; James Hamilton, Harvard University; Tony Harwood, Cornell University; Kenneth Lanzetta, Pennsylvania University; Jens Robinson, Dartmouth College; Rosamund Wallis, Cornell University; Moderator: Emily Saltzman, Dartmouth College.

The Public Perception: How They Think About Nuclear Weapons

In pursuing a general consensus in our findings, Group four realized that specificity sometimes must be sacrificed for generalization in the pursuit of unanimous agreement. Our conclusions, therefore, down-play the intricacies and subtleties which we explored, and of which we reached a greater understanding.

The relationship between the public's perception of nuclear weapons issues and information was a recurring theme in our discussion. Information tends to be scattered and often biased to the point of impracticality. More effort should be made to provide accurate public information and attempt to avoid clothing messages in rhetoric. The concept of a "science court," where opposing viewpoints are presented and adjudicated, was favored as a forum to demystify many aspects of the nuclear arms debate. A confused and passive public is what we witness today, with misinformation playing a causal role.

Additionally, the ever-present risk of nuclear annihilation, creates what a delegate termed "psychological numbing." This numbing effect tends to displace our fear, and can lead to apathy in an otherwise concerned population.

Problem resolution will be nearly impossible if current trends continue in the area of world understanding. We should examine each other's societies in order to better comprehend the mass of direct and indirect motivations which cause governments and individuals to act.

Peace movements carry the potential for both positive and negative contributions. Whereas group action can be a medium to further inform and politically influence, they can be potentially misdirected toward the symptoms of disease whose causes should be emphasized instead.

In the context of new space-based, defensive weapons proposals, our groups concluded that public perception and acceptability of nuclear weapons strategy may not be based on fact. The knowledge of "population targeting" and similar concepts of mutually assured destruction could lead individuals to ask the pertinent question, "What could conceivably motivate either the United States or the Soviet Union to initiate a nuclear attack?" Information on the possible instabilities involved in shifting away from our currently accepted strategies must be made available.

In a similar vein, people should be made aware that the course of technology need not be considered altogether uncontrollable. The use and direction of technology can sometimes be directed, and its adverse effects blunted.

Finally, our Soviet delegate helped us appreciate that progress lies more in problem-seeking than in criticism of either foreign or domestic parties. Public energy should shift immediately to the resolution of a given problem when enough information is available. As is true with all our above recommendations, this applies to no more appropriate a problem than that of the nuclear arms race.

Serth Farber, Columbia University; Robert Field, Dartmouth College; Michael Gnoutcheff, Jr., Dartmouth College; Louise Pierson, Dartmouth College; Justin Rudelson, Dartmouth College; Steven Streetman, Dartmouth College; Moderator: Cynthia Lash, Dartmouth College.

The Decisionmaking Process: How, Why, and Who

We see many problems in the present historical decision-making process regarding nuclear arms policy. Decisions have been made in too narrow a context. First, they have been made by a small group of so-called experts with little or no public debate. This can be seen in the Taiwan Straits Crisis of 1958 and the decision to drop the atomic bomb in 1945. Second, decisions about nuclear policy have been made with a short-term perspective, as with the decision to develop the hydrogen bomb and, more recently, multiple warhead systems. Third, political and military decision-makers have often acted in self-interest rather than in the nation's interest. For example, competition among the armed services for a share of the military budget has resulted in weapons systems that go beyond the needs of the national security, and Congressional leaders have based their decisions for the economic benefit of their constituencies. Finally, decisions have often been made with little regard for long-term social and economic costs, as evidenced by our current excessive arms buildup. This decision-making process has failed to increase our national security; on the contrary, it has brought us closer to nuclear conflict.

In order to make decision-makers more accountable and responsible to their constituencies, the public must have better access to information. There is a need to counterbalance the military's position as the dominant source of defense information. We recommend that a defense information agency be established, independent of our military and executive branches. Such an agency would not only be a reliable, non-partisan source of information for Congress and the public on issues of nuclear weapons, but also would provide in-depth, expert analyses of various defense alternatives. In addition, we propose a re-establishment of the independent character of the Arms Control and Disarmament Agency, and a re-appraisal of information classification guidelines.

Beyond this need for unbiased information and alternative policy proposals, defense policy must be in line with public sentiment. As a first step in achieving these goals of increased political accountability and responsiveness, we support an immediate freeze on the testing, production and developement of nuclear weapons. This will allow sufficient time for a reform of our decision-making process.

Blair Bunting, Dartmouth College; Neta Crawford, Brown University; Paul Efthim, Dartmouth College; Nicholas Hentoff, Cornell University; Peter Hussey, Dartmouth College; Richard Nathan, Dartmouth College; Nellie Pennington, Dartmouth College; Tracy Weister, Cornell University; Moderator: Ann Schonfield, Dartmouth College.

Technology: Implications on Future Nuclear Strategy

In the past, technology played an important role in determining nuclear strategy. Much of the problem lies in the manner of arms procurement; projects often gain momentum and coast through the development phase into deployment. Moreover, there are political concerns, such as the need to justify research expenditures, interservice rivalry, as well as a bureaucratic and military fascination with technological gadgetry. These factors have led to massive stockpiling of weapons by the U.S. and

U.S.S.R., along with the increasing threat of disaster.

While extensive arms control is certainly the ideal solution, a fundamental step in this direction would be establishing a leaner deterrence. Rather than the traditional system of counting launches and throw weight, lean deterrence involves maintaining only those weapons systems necessary for stability, and discarding others.

In addition, proposed weapons systems should be evaluated within the framework of lean deterrence, not as a response to increments in Soviet forces. The criteria must focus on military, not political, considerations, as well as the long term impact of proposed systems on the arms race as a whole.

This doctrine would change the very nature of arms control. Instead of breeding weapons to serve as bargaining chips, lean deterrence trims forces to safer levels without compromising stability and security. Such is the true spirit of arms control.

Clearly, then, modifying the arms procurement procedure will have profound ramifications. We envision an independent board much like the Federal Reserve Board insulated from the political arena, to request development of weapons systems appropriate to a coherent, long range defense strategy. Furthermore, an additional body should closely monitor the development process so that systems are not developed solely as a result of the momentum generated within the defense bureaucracy and the military. Members of these boards should include experts from the academic community who do not change with every administration. Only in such a system can technology serve nuclear strategy rather than shape it.

Robert Baum, Pennsylvania University; Leonard Ganz, Harvard University; Jon Ippolito, Harvard University; David Klatsky, Brown University; Kathleen Masterton, Cornell University; Gary Sabot, Harvard University; Charles York, Cornell University; Moderator: James Scarrow, Dartmouth College.

Nuclear Strategy: Present Policies and Prospects for the Future

Introduction.—We have chosen to discuss nuclear strategy in the context of U.S./Soviet relations, recognizing that this context is one part of a broader dilemma. As a short-term goal, this group advocates the pursuit by both sides of a reduction of nuclear forces to a minimal level of deterrence. It is understood that the word "minimal" is a highly subjective term. We recommend, however, that each side recognize that the other approaches negotiations from a different perspective based on unique historical experiences. We recognize that each side has very legitimate reasons to distrust the other. Only by recognizing each other's legitimate needs and fears can we reach a stable and mutually acceptable conclusion.

We also recognize that the complexity of the issues did not dictate a clear, indisputable solution. Therefore, we have decided to present two viewpoints:

Viewpoint 1.—We desire a world free from a nuclear threat. We believe a nuclear war between the U.S. and the U.S.S.R., on any level, once initiated, could not be controlled.

The current administration is attempting to attain nuclear superiority over the U.S.S.R., as demonstrated by their support of the M-X, Trident II, Cruise Missiles, and Pershing II weapons systems. These weapons are destabilizing and contribute to America's quest for superiority. The U.S. should publicly renounce this quest.

In recognition of public opinion, the U.S should move to implement a verifiable, bilateral freeze as an initial step toward stability. The U.S should gradually eliminate its first-strike capabilities and move toward a non-aggressive deterrent force structure. Money currently budgeted for nuclear weapons modernization programs should be channeled toward improving verification measures.

Viewpoint 2.—We suggest two negotiating elements in order to facilitate the attainment of the group's overall goal. First, the current controversy over tactical nuclear forces in Europe and limited nuclear war could be settled if NATO were not forced to rely so heavily on nuclear weapons. We therefore call for a reduction of Soviet and Warsaw Pact conventional strength until relative parity with NATO forces is achieved. Once this is achieved, the probability of reduction and eventual elimination of intermediate range and tactical nuclear weapons in Europe will be enhanced.

Second, with respect to strategic nuclear forces, we recommend an approach similar to that advocated by Henry Kissinger. His proposal seeks to eliminate the presence of MIRV technology from the American and Soviet strategic forces with the goal of achieving a level of parity. The result would be a reduction of the first-strike capability each side perceives the other as desiring. In this case, stability would be enhanced and the threat of nuclear war diminished. Both proposals, of course, recognize that complete mutual verification is essential to any bilateral treaty between the superpowers.

Elizebeth Ameluxen, Brown University; John Barker, Dartmouth College; Wendy Ford, Cornell University; Jonathan Mostow, Harvard University; Richard O'Donnell, Harvard University; Kevin Rosen, Dartmouth College; Marc Schacter, Princeton University; Jeffrey Wilkie, Dartmouth College; Nicole Yankelovich, Brown University; Moderator: Laurel Schneider, Dartmouth College.

Superpower Relations: The Character of the Two Actors

U.S./Soviet relations are characterized by a deep-seated and pervasive tension. This tension shapes the political climate and agenda of the global community, and threatens its existence.

The sources of tension seem to fall into three categories. First, the two nations' inherent ideological and cultural values and economic philosophies. Second, in situations where values are not irreconcilable, both powers often take uncompromising stances. A third source of conflict emerges because of each nation's ignorance or lack of appreciation for the customs and culture of the other superpower.

Despite differing aims between the two powers, both nations agree on at least one thing: Neither wishes to resolve conflict through nuclear war. Though we recognize this fact, members of our group came up with differing views on the role of nuclear weapons in maintaining peaceful coexistence.

One argument presented states that strategic nuclear stability is the best means of preventing nuclear war. This stability can only be provided by balancing the capabilities of two asymmetrical force postures. A nuclear freeze is seen as undesirable, since it contains neither technological innovation nor Soviet SS-18 counterforce capability.

An alternative plan for the future rejects the maintenance of nuclear arsenals for deterrence as a dangerous tool for peace. It calls for an end to escalation of the arms race through a nuclear freeze and advocates gradual bilateral disarmament. Their aims would have to be achieved through negotiated treaties.

Since tensions between the two nations have been reduced in the past we hope the superpowers will be able to undertake the necessary steps again. Our group came up with suggestions that could immediately help to reduce the strain between the powers:

(1) Encourage the study of Russian and Soviet culture with special emphasis placed on language study.

(2) Encourage cultural exchanges between the U.S. and the U.S.S.R. We found that Dr. Panin from the University of Moscow added useful insights to our discussion.

(3) We advocate the continuation of trade in non-military related areas.

We need to work on understanding to help reduce international tension; though only a beginning, initiating the aforementioned programs can help to ease U.S./Soviet conflict.

David Colton, Pennsylvania University; Michael DeChiara, Cornell University; Mark Duvall, Dartmouth College; William Hammond, Dartmouth College; Evelyn McDonnell, Brown University; David Shorr, Brown University; Moderator: Matthew Wilson, Dartmouth College.

Ethics and Morality: Can We Justify the Presence of Nuclear Weapons?

Statement

We approach the question of the nuclear arms race from a moral perspective. We reject the proposition that moral concerns can be detached from politics and military strategy. Indeed, the same moral criteria we now apply to the nuclear arms race have been applied historically to the use of conventional weaponry, and we hope that, as the horrors of conventional warfare themselves multiply, the practice of moral investigation will intensify. In rejecting nuclear warfare as an inherenty and inevitably immoral method of conflict resolution, we conclude that the force of moral rule should replace the rule of military force. To achieve this aim, citizens must challenge the mythol- ogy of technological expertise and the rule of military elites. As a beginning, we must insist that moral considerations and democratic ethics occupy a central place in the project of resolving the dilemma of our time.

We reach the following conclusions regarding the morality of the use of nuclear weapons:

(1) Because of the now total destructive potential of full scale nuclear war, such an exchange can never satisfy the requirements of proportionality. The death and destruction incurred in the conflict could never be justified in terms of the goals of the war.

(2) Furthermore, the risks to civilian and military populations can not be separated. Full scale nuclear exchange is an act of societal destruction, which goes beyond the characterization of war, and beyond moral justification.

(3) Given that full scale nuclear war is morally unjustified, and because limited nuclear war between superpowers always presents a high and unavoidable risk of escala-

tion, it follows that limited nuclear war is also morally unjustifiable.

(4) Since a non-nuclear country has no practical defense in deterrent capability in response to a nuclear threat, it also follows that the use or threat of nuclear attack by a nuclear power against a non-nuclear power to achieve political ends is also morally unjustifiable.

Deterrence, the use of nuclear weapons to deter nuclear conflict between nations, is morally defensible only if the alternative is nuclear war. Deterrence is a destabilizing policy because of the twin dangers of war—either planned or accidental—and because of the diversion of resources from life enhancing production. In the present world situation deterrence is justifiable only if it is maintained in conjunction with a policy geared towards arms reduction, a lessening of world tension, and an exploration of alternative methods of conflict resolution.

Peace in the nuclear world requires the moral engagement of all individuals. Citizens should act upon informed consideration by participating in the established channels of the electoral and legislative process, and by pressing the democratic agenda for peace through collective, nonviolent alternatives.

Michael Cader, Brown University; Sue Boyd, Dartmouth College; Jamin Raskin, Harvard University; Jim Goldgeier, Harvard University; Larry Glickman, Princeton University; Ann Kurth, Princeton University; Bernard Weintraub, Cornell University; Moderator: Karl Berger, Dartmouth College.●

NO, LET US PRAISE FREE TRADE

● Mr. MATTINGLY. Mr. President, I would like to bring to the attention of the Congress an article written by Ambassador William Brock, the U.S. Trade Representative, that appeared on the op-ed page of the Washington Post on June 13, 1983. Mr. Brock's article, entitled "No, Let Us Praise Free Trade," was written in response to an article appearing earlier in the Post, May 15, 1983, by Wolfgang Hager who attempted to provide a convincing argument supporting the tenets of protectionism.

I believe Ambassador Brock's rebuttal correctly addressed the weaknesses in the argument for protectionism. While the United States must signal to our trading partners the limits of our tolerance on trade issues, reverting to protectionist measures is not the answer.

The impact of protectionist legislation, as Ambassdor Brock points out, would cause greater harm to the domestic economy, the American consumer, and eventually, the international marketplace than exists now. Such legislation would destroy more domestic jobs than it creates, while crippling efforts to make American business more competitive in the world economy.

In addition to Mr. Brock's statement, I have included a Washington Post editorial appearing in yesterday's paper. The Post's editorial supports Mr. Brock's thesis, as it points out additional weaknesses in the protectionist argument. I commend Ambassador Brock and the Washington Post for speaking out against a shortsighted and short-term approach to resolving long term and more fundamental problems.

Mr. President, I ask that Mr. Brock's article and the Washington Post editorial be printed immediately following my remarks.

The material referred to follows:

[From the Washington Post, June 13, 1983]

No, Let Us Praise Free Trade

(By William E. Brock)

During the past year, I have noticed the appearance of several commentaries that challenge the precepts of free trade and make protectionism appear as a logical instrument of bringing order out of economic chaos. One recent effort, "Let Us Now Praise Trade Protectionism" by Wolfgang Hager, appeared in The Post's Outlook section May 15.

The basic assumption of the article is that the continuation of free-trade policies in industrialized countries will leave us nothing more than a few high-tech and service-industry jobs. Heavy industrial sectors will be lost to Third World countries, because the labor differential will leave us forever noncompetitive.

This has been a particularly fashionable argument, especially during a period of economic downturn when the immediate problems of foreign competition seem infinite. But Hager boldly concludes that protectionism is something more than the politically expedient statements made by some presidential candidates—that it is a necessity based on the evolution of the world economy. There are a number of reasons why these conclusions are poorly founded, but perhaps the most important one is that increased protection ensures substantially lower levels of productivity. The result: fewer jobs, less innovation and more inflation. Hardly a logical set of goals.

It is simplistic—and false—to assume that, because of the worldwide availability of state-of-the-art capital equipment, the industrialized countries will never have the chance to make up the labor differential enjoyed by the developing countries. There are many other factors that enter into the competitiveness of national industry, including capital intensity, management competence and creativity, worker training productivity, the quality of national infrastructure of roads, communication and distribution systems, adequate and flexible financial systems, the willingness of entrepreneurs to take risks, the level of savings, investments and incentives, and the economic environment provided by the government.

In truth, automation and technology, more than imports, may well continue to result in fewer people employed in specific heavy industries, but workers will produce more in a cleaner and safer work place while earning better pay. Can we fairly stop that process? We certainly have fewer people on the farm than we did 50 years ago, yet we produce far more products with lower prices, higher profits and better quality. Would anyone seriously suggest our diet would improve with a return to horse and harness? The same is true today in the plant. If we have the foresight to invest the necessary physical and human capital in our industries, as we must, we can remain competitive.

In fact, the key is productivity. Protection is the worst remedy for a lack of productivity. Modern technology is making possible incredible improvements, and success will go to those countries that have the foresight to build an economic and political system with the incentives to invest in both new technology and better education. Protection removes those incentives and provides an illusion of security while, in reality, the competitive gap becomes larger and larger.

A protected national market will ultimately guarantee non-competitiveness in the global market, and that's the only market that can provide the necessary economies of scale for many industries. To remain competitive in the world market, you have to compete, not hide behind import barriers.

Hager's advocacy of increased protection of industrial-country markets from the flood of goods and services originating in the developing world is particularly disturbing. These are not just friends, they are the largest and fastest growing market for our manufactured exports. We sell more to the developing countries than to Japan and the European Community combined. It is inconceivable that we might continue to create jobs here through our exports if we don't buy their products.

Far tighter controls on less-developed countries' exports to the industrial world would be even more absurd right now in light of the significant debt problems facing many developing countries. Rather, industrial countries need to maintain and increase the access of developing countries' exports to their markets. If not, the refusal to buy our goods and, ultimately, the inability to pay their debts won't be simply an emotional response; it will be an economically mandated reality. The stability, and perhaps survival, of our world financial and economic system is threatened by such protectionist rationalization.

But Hager has a plan that purportedly will satisfy Third World foreign exchange needs and stabilize markets generally. All we have to do is enter into a series of understandings that will alter the "terms" of trade, which includes the notion that importing countries will be willing to accept an increase in price overall, perhaps through high tariffs that we would then rebate to them as foreign aid. So, to solve our problem, all we have to do is reduce competition here at home, pay higher prices for that which we import (presumably only those products not available domestically) and snuggle up under the warm blanket of an all-wise and all-caring government. Precedent for this is cited in Eastern Bloc trade, among others. Is massive bureaucracy to be our role model?

The article reminds us again that a significant percentage of world trade is "managed" anyway with the proliferation of textile quotas, agricultural subsidies and steel arrangements. But to acknowledge that we are all sinners does not justify economic suicide. The important thing is to acknowledge protection and to establish policies that discourage its proliferation and lead to its removal.

Then we can take an honest look at remedies and ask the real questions: How good is our educational system, and what are we doing to make it the best in the world? How good is our tax system, and can we remold it to increase savings, incentives and investment? How competitive are our management and labor practices, and can we shape up our R&D? How strong is our self-confidence, and what do we need to do to com-

pete? Or, alternatively, how desperate are we for security, and what degree of stagnation and hopelessness will we impose on our children to achieve it?

A DUBIOUS CASE FOR PROTECTION

Rapid economic growth is disruptive, uncomfortable and sometimes frightening. Its benefits are great, but it forces people to live differently and earn their livings differently from the way they are accustomed to doing. Nothing pushes growth faster than foreign trade, and the United States is now in the process of coming to terms with the enormous expansion of trade in the 1970s. The political reaction is expressed in the rising campaign for protection against imports.

Several weeks ago, this newspaper published a vigorous defense of protectionism by Wolfgang Hager, a visiting professor at Georgtown University. Today, on the opposite page, we offer a rebuttal by William E. Brock, the U.S. trade representive.

The case for protectionism comes down to wages. It argues that there's an endless supply of low-wage labor in the world that threatens to destroy the high-wage economies. But the actual experience of the past four decades, with decreasing trade barriers and rising prosperity, suggests precisely the opposite.

The protectionist position argues that in the postwar years the Atlantic countries with their high standards of living had a sort of self-protective monopoly that has now been broken by Latin American and Asian industry. In response, it's useful to recall that in the 1950s industrial wages in West Germany and France were as far below the American level as wages in Brazil and Mexico are today. As trade expanded across the Atlantic in the 1960s, according to protectionist theory, American wages should have dropped under competitive pressure. In fact, they kept rising steadily, while European wages soared and are now—allowing for the swings in exchange rates—in the same range as they are here.

Japan's wages are about half the American average. But wages in Brazil are less than half as high as Japan's. Both have automobile industries. Why isn't Brazil the stronger competitor?

A long recession and a strong dollar are currently giving the protectionist cause a plausibility that it doesn't deserve. The main reason for this country's poor trade performance at the moment is a huge budget deficit that keeps interest rates high, in turn lifting the dollar's exchange rate and making it harder to sell American goods abroad. The 1930s demonstrated more than adequately that pulling up the drawbridge won't remedy mistakes in domestic economic policy. Mr. Brock does an important service by reminding the country of the real sources of its competitive strength.●

TRIBUTE TO THE CHEMISTRY DEPARTMENT OF COLUMBIA UNIVERSITY AND TO PROF. NICHOLAS J. TURRO

● Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to the Chemistry Department of Columbia University and to offer my congratulations to Prof. Nicholas J. Turro, the William P. Schweitzer professor of chemistry at Columbia University. Dr. Turro is one of five scientists who has just received the Ernest Orlando Lawrence Memorial Award, which is presented annually to American scientists who are early in their careers and who have made recent meritorious contributions to the development, use or control of atomic energy.

A native of Middletown, Conn., Dr. Turro received his bachelor's degree summa cum laude from Wesleyan University in 1960 and his Ph. D. in chemistry from the California Institute of Technology in 1963. He then joined the Columbia faculty in 1964, was appointed full professor in 1969, Schweitzer Professor in 1982, and, in 1981, was elected chairman of the chemistry department and a member of the National Academy of Sciences.

The chemistry department of which he is a member is one which has always responded to the paramount research and development needs of the Nation—in defense, energy, health, and a host of related areas. The university's chemistry department is committed to the kinds of basic research—especially in organic and laser chemistry—which is critical to continued American leadership in chemical and petrochemical industries. More than half of the research activity now underway in the department bears upon the production, use, and conservation of energy in these and other energy-intensive industries.

Professor Turro exemplifies his department's excellence. The Lawrence Memorial Award, which he has received, recognizes his pioneering work in photochemistry, specifically his use of light to enhance chemical reactions ranging from isotope separation to the creation of certain polymers.

Mr. President, science is the keystone to this Nation's future. Dr. Turro's work is crucial to that future and is indeed worthy of this body's recognition.●

DEFENSE OF AMERICA

● Mr. ARMSTRONG. Mr. President, on March 23, President Reagan announced his plan for a 180° shift in U.S. strategic policy—from a policy of mutual assured destruction to a policy of defending America against destruction.

The evidence is mounting that the President's proposed reemphasis on strategic defense is strategically sound, practical, and affordable. I ask to have printed in the RECORD at this point an article by Prof. Benson D. Adams which appeared in the June 1983 issue of the U.S. Naval Institute Proceedings which adds some historical perspective to the wisdom of the President's policy shifts, and a summary of Project High Frontier, which outlines what may well be a practical and affordable means of making homeland defense a reality.

[From U.S. Naval Institute Proceedings, June 1983]

IN DEFENSE OF THE HOMELAND

(By Benson D. Adams)

Threatened by a militarily stronger Nazi Germany in the mid-1930s, England—which lionized the audacious Lord Nelson above all her sons—abandoned Nelson's precepts and chose a defensive national strategy. What possible relevance could this have for the United States today?

The United States is faced with very nearly the same situation today that England faced in 1935-37. Confronted by a rearming Germany and the prospect of another world war, England had to decide whether to allocate its scarce resources to strengthen its deterrent by increasing bomber production or to strengthen its defense against air attack by shifting production to a new generation of fighters. Britain chose the fighters and a system of air defense, when the keystone of pre-World War II British defense policy was predicated on an offense-dominant air deterrent strategy. The relevance for the United States is that we are in precisely the same strategic situation as Britain found itself almost 50 years ago.

Britain changed the emphasis of its air policy temporarily from offensive to defensive because the balance of military power, in particular air power, had shifted from England to Germany; the threat of war seemed inevitable; England's allies as well as elements in the government and the military began to have doubts about the deterrent's adequacy to carry out British commitments; British officials were coming to fear the consequences of becoming self-deterred, as their population was undefended and the nation became increasingly vulnerable to German air attack; and technological developments had made defense against bomber attack possible.

With the present technological possibilities offered for strategic defenses, the time has come for the United States, as it did for England in 1936, to adjust its strategy to meet the strategic current and projected military and political situation. The technical review of strategic defense (analogous to the review of air defense England undertook in 1934 knowing the potential of radar as an early warning system) now being undertaken as a result of President Reagan's 23 March 1983 speech on the defense budget is only a first step. This review must be unencumbered by the constraints of deterrence and arms control, which have proven inadequate. We should move temporarily from deploying more offensive missile power in favor of deploying a complete missile defense system so that the United States cannot be coerced in a crisis, knocked out or crippled in a surprise or "limited" nuclear attack, or deterred by Soviet nuclear power. We can no longer afford the grand delusion that our current offense-dominant deterrent strategy deters, when we have lost both superiority and parity in nuclear forces to the Soviet Union. We must provide for defense of the homeland first in our rearmament program, then deploy more offensive nuclear forces.

The system of defense should include: antisubmarine warfare (ASW) forces; missile, air, and space defense; early warning, surveillance, and attack assessment systems; command, control, and communications, and intelligence (C^3I); all forms of passive defense; civil defense; and other measures necessary to ensure the survivability and re-

placement of these assets in the event of a prolonged nuclear war. We appear to have no sense of strategic or technological urgency to determine whether the technological potential is realizable. We are proceeding at an academic research pace instead of at a pace which would reflect the fact that we are engaged, whether we realize it or not, in a technological race with the Soviet Union to achieve a breakthrough in defensive weaponry which could negate the offense and offer the means of strategic defense of the homeland. In the postwar period, we have never viewed homeland defenses strategically. Instead, our offense-dominant strategy has militated against a serious consideration of strategic defense.

Strategic Defense Before 1945: Until shortly after World War II, the United States sought security against foreign attack through a series of fixed coastal fortifications guarding our coasts, harbors, and naval installations. Although considered the first line of defense, it was not until the 20th century that the U.S. Navy achieved the capability against major naval powers to defeat an enemy fleet at sea. From the time of the Monroe Doctrine to the Civil War, the Royal Navy provided for U.S. seaward defense because U.S. and British policy interests coincided. Fixed coastal fortifications were long thought to be superior to shipboard guns, and a manpower-cheap and economical way to thwart landings, buying time until ground forces could arrive at an enemy landing site. This policy was made obsolete by airpower although extensive coastal fortifications continued to exist until after World War II, when the United States first became seriously vulnerable to direct attack from overseas. In contrast, the Soviet historical experience consisted of regular land invasions from the tenth century on, including two in this century, resulting in a traditional preoccupation with the problem of defending the homeland. The U.S. preoccupation with strategic defenses, on the other hand, stemmed from a unique combination of factors, not the least of which was that there were no serious land threats and coastal fortifications were defensive in nature and did not threaten anyone. Coastal defenses offered a means for avoiding war, by making the cost of invasion so unattractive as to discourage it altogether or, failing that, to make any invasion as difficult and costly as possible.

In contrast to this peacetime doctrinal heritage of strategic defense complemented by small light mobility forces, wartime U.S. military doctrine from the Civil War on espoused an offense built around mass armies and fleets. By the end of World War II, the conflicting doctrines of continental defense in peacetime and the wartime preference for the offense collided.

The Nuclear Age and Strategic Air Bombardment: The nuclear age has ingrained in the United States a view of war beginning with a nuclear Pearl Harbor against our cities and/or our nuclear forces. This is an emotion, and deterrence—prevention from action by fear of the consequences—is a response to an emotion. It is neither a strategy nor a solution to the problem of war. We urgently need to address the problem of nuclear war in a strategic and military manner, considering all alternatives. This preoccupation with surprise attack still dominates U.S. national security policy. Because of the awesomeness of nuclear weapons, a basic tenet of U.S. nuclear strategy became "the next war had to be prevented, i.e., deterred, not fought." This view, expounded by Bernard Brodie in his book The Absolute Weapon (Harcourt, Brace and Co., 1946), coincided with the strategic bombardment school of air enthusiasts who saw in nuclear weapons and heavy bombers the means for the first time to execute successfully the objectives of strategic bombardment that had so eluded them during World War II. Thus was born the idea of deterring war based on an offense-dominant air and later missile strategy.

The U.S. Air Force adopted a deterrent strategy based on threatening unacceptable damage to an enemy's urban and industrial base should the United States be attacked, even though military targets were also to be attacked. An opposing view to this concept was best expressed by William Borden in his book There Will Be No Time (MacMillan, 1946) in which he argues that the best way to deter war is to be prepared to wage it, and that the enemy's military forces should be the primary target, not the urban and industrial economic infrastructure. Moreover, Borden envisioned the need for civil as well as active defense.

The United States and the Soviet Union took divergent paths in the race to develop the means of delivering nuclear and thermonuclear weapons. In 1946–47, the United States decided to concentrate on jet-propelled bombers, whereas in 1945 the Soviets decided to upset the balance of power by perfecting intermediate and intercontinental range missiles, and bypassing bomber delivery except as an interim measure. We interpreted what was to the Soviets a stop-gap measure as reflecting our own decision to concentrate on bomber delivery of nuclear weapons. Thus, we deployed an extensive air defense against a threat which never materialized in the magnitude anticipated. Other reasons for not deploying or considering strategic defenses were that air defense and missile defense technology were still in their infancy against high-speed intercontinental threats, and the problems of defending against such threats seemed overwhelming, continuing the myth that "there is no defense." Finally, there was the view prevalent in the Air Force that the best defense was a good offense, and that it was uneconomical to spend scarce resources on the defense, when only a strong offense could deter. This view is still propounded by the Air Force and Navy today. However, this was not always the case. In the late 1940s, the Navy opposed the Air Force concept of urban-industrial targeting (occasioned by the scarcity of nuclear weapons), favoring the use of nuclear weapons against military targets and a strategy which included air defense and strong conventional forces. A decade later the Air Force and Navy views were reversed. The Air Force became the proponent of counternuclear, counter-force, and counter-military attacks, and the Navy, because of the yield/accuracy characteristics of the Polaris/Poseidon which was best suited for attacking soft area targets, now favored the counter-value deterrent concept. Since the Navy may possess the only modernized leg of the Triad, the Trident I and II, the Navy may be forced to rethink its current views on nuclear strategy and deterrence concepts, possibly returning to the views held in the later 1940's.

Moreover, the Army and Air Force were in competition with each other in the mid- and late 1950s in developing rival ballistic missile defense (BMD) concepts. This argument was muted as both services engaged in a "roles and missions" battle over missile defense. The Army approach, Nike-Zeus, was a terminal/point defense, while the Air Force concept, wizard, was an area defense.

The late 1940s and 1950s were given over to large-scale offensive competition, although both the United States and the Soviet Union deployed extensive air defense systems and began BMD development. The Soviet air defense system has lasted to this day, consistently undergoing modernization and upgrading. As it turned out, the Soviets had better reason than we did to deploy the extensive air defense system that they did because of our emphasis on bombers. The U.S. air defense system was not as extensive as the Soviet system, but consumed considerable resources and was extensive by our standards.

ICBMs and Missile Defense: It was not until incontrovertible evidence from German engineers and technicians repatriated from the Soviet Union in 1952 convinced the United States that the Soviets were developing long-range rockets, and we experienced a breakthrough in weapons design that allowed an H-bomb to be placed on a "reasonable"-sized rocket, that we restarted the intercontinental ballistic missile (ICBM) program which was halted in 1947. At the same time the ICBMs looked feasible, both the United States and the Soviet Union undertook BMD development. All U.S. BMD systems, until the Site Defense System of the 1970s, shared two common characteristics: they were all designed for city defense, not hardpoint defense or defense of military targets; and they were all terminal or point-defense systems. (Some work was done and continues to be done on area, mid-course, and boost-phase systems, but the technology was not available then to make such systems feasible, although eventually the exoatmospheric interceptor of the Safeguard system could reach out 400 miles. Space-based BMD over the last 20 years has always held a fascination for U.S. defense planners, but the cost was exorbitant and/or the technology unavailable to make it feasible until possibly now.) This required BMD to be accompanied by a civil defense program. Thus, by the end of the 1950s, the classic dialectic struggle between the offensive and defensive was joined as both Soviet and U.S. nuclear strategies and their respective weapon systems capabilities began to interact. It is interesting that while they were working to develop ICBMs and deploying an interim bomber force, the Soviets were spending more than half their nuclear force budget on strategic defenses. Today, the Soviet Union is spending about 30–40% of its defense budget on strategic defenses, whereas the United States is spending less than 5% of its strategic budget on defenses.

ICBMs became the primary Soviet threat in the 1960s, which caused U.S. strategic defense priorities to shift from air defense to missile defense. The latter then became synonymous with strategic defense. Ironically, U.S. BMD development and deployment was retarded by those opposed to BMD; they argued that U.S. BMD technology lacked the ability to overcome the U.S. offense. While this was true, the opposition failed to see that it was the Soviet offensive threat, not a U.S. one, that the U.S. BMD program had to overcome. By attributing advanced characteristics of U.S. offensive systems to the Soviets, which was not the case until very recently, a considerably successful action was fought against BMD deployment from the outset. While there were valid technical reasons that early BMD systems were not adequate to cope with the threat,

the major opposition to strategic defenses was a belief that the objectives of such a strategy were incompatible with deterrence and arms control theories—mutual deterrence/assured destruction—which viewed defenses as provocative. The fact that BMD had to be accompanied by a large-scale civil defense program did not help matters either, since civil defense was viewed as destabilizing by the mutual deterrence advocates.

The U.S public, as measured in surveys over the last two decades, has consistently expressed a belief that the government has deployed strategic defenses, including missile defenses, to guard the country; the respondents were in favor of civil defense measures but thought Congress was opposed to civil defense. Congress, on the other hand, has consistently expressed the view that civil defense is either impractical or the American public was opposed to it! Indeed, a vociferous, influential group of arms controllers, defense strategists, and scientists have had a disproportionate influence in fostering opposition to any kind of civil defense measures on the grounds that it is useless to try to protect people in the event of a nuclear war. It is ironic and tragic that we have allowed the emotional arguments and twisted and distorted logic of deterrence—that defense is bad, but offense is good—to leave us without strategic defenses in the past are currently in the forefront of the nuclear freeze and unilateral disarmament movements. More disturbing are the arguments and themes they are using—those of the Soviet peace, nuclear disarmament, and disinformation campaigns of the late 1940s, which the Soviets later used in their neutron bomb, Pershing II, and cruise missile campaigns of the late 1970s and early 1980s.

Mutual Deterrence and Arms Control: In the early 1960s, the theory of mutual deterrence was postulated in this country. Proponents of the theory argued that greater stability in the U.S-Soviet strategic balance would be achieved if both sides were mutually vulnerable to each other's secure second-strike capability, i.e., if each side offered its populations as hostage to the other in order to deter nuclear war. Mutual deterrence depends on some undefinable combination of finite military capability and political will to be credible, and thus to influence Soviet perceptions in order to deter them from taking any action inimical to our interests that might lead to nuclear war. This theory presumed the Soviets had an interest in avoiding nuclear war and thus had a common interest in subscribing to mutual deterrence and being satisfied with nuclear parity based on an offensive capability.

Throughout most of the nuclear era, U.S. and Soviet views of nuclear war and the forces both sides acquired to support those views and their respective strategies have been radically divergent, a fact only conceded in the late 1970s at official levels of our government. The U.S. forces which were procured well before the latest generation of Soviet forces have typically had more capability than our declaratory policy has credited them with, but their existence has always been justified on the basis of a deterrent strategy. In the 1980s, while it is still possible for the United States to destroy Soviet society in terms relevant to our values, the preponderance of nuclear power has shifted from the United States to the Soviet Union. The U.S. view of deterrence remained remarkably consistent, although our rationalization of our forces and their capabilities changed at different times as the Soviet nuclear buildup continued. Similarly, our views on the nature of nuclear war remained unambiguous and consistent until 1974 when a series of changes in our employment policy began to occur, shifting our views from the simple, spasmodic holocaustic view of a nuclear exchange to a complex, protracted war notion in which survivability, endurance, reconstitution, and simultaneous military operations were emphasized.

In contrast, the Soviets have held that war is a continuation of policy and that nuclear weapons, while more powerful than conventional explosives, are still weapons and can be used. The Soviets believe nuclear war is wageable and winnable. The Soviets, like ourselves, recognized early that nuclear weapons brought about a qualitative change in the nature of warfare—that the opening phase of a conflict might be the only phase before war termination. This conclusion led the Soviets to place a great emphasis on preemption because the existence of nuclear weapons creates the possibility of their use. This is a view the United States subconsciously understands but wants to deny. Thus, the United States has consciously sought to prevent this understanding from becoming a reality by maintaining a high-nuclear threshold to ensure nuclear weapons are not used early, complemented by a deterrent strategy which threatens unacceptable damage to an aggressor. Ironically, a high-nuclear threshold coupled to a nuclear-deterrent strategy is contradictory, because a high-nuclear threshold robs the deterrent of its credibility, since it suggests an unwillingness to use nuclear weapons initially and requires large, capable standing conventional air, land, and naval forces to meet any aggression. The Soviets, on the other hand, reject as irrational the threat of nuclear war if it leads to suicide. The presence of strategic defenses allows a reconciliation between reality and the U.S. vision of nuclear war on a strategic plane rather than an emotional one without having to adapt to the Soviet view of nuclear war. Strategic defenses not only contribute to deterrence, they can repulse an attack, shield the homeland, protect the offense, and provide an opportunity to regain the initiative, rather than conceding it to an enemy as a deterrent strategy does.

Mutual deterrence is also referred to as assured destruction, which later was called mutual assured destruction (MAD). The term "assured destruction"—which is not credible to the Soviets because they do not believe the United States is prepared to commit suicide—came to be erroneously equated with U.S. nuclear strategy despite the fact that our targeting and operational plans include both counternuclear and counter-military targets. However, the criteria for assured destruction—40-70% industrial destruction and 25-40% population fatalities—were considered by many defense analysts, experts, and officials as the minimum needed for deterrence because it was equated with what the United States perceived as necessary for modern societal destruction. While the term "assured destruction" was used as a short-hand description of our declaratory policy, it was never a strategy nor an employment policy. However, the concept was also used as a force-sizing criteria, i.e., to determine acquisition policy—the need for new offensive nuclear weapons was evaluated against the marginal contribution they would make to the numerical assured destruction criteria. Incidentally, the criteria for assured destruction as translated into force levels and capabilities—i.e., the Triad—were used as a floor above which anything was negotiable for Strategic Arms Limitation Talks (SALT) purposes. Therefore, the strategic objective to be protected by SALT was assured destruction! The Soviet preoccupation with strategic defense was dismissed as an aberration or as an inability to escape from their historical experience. The Soviets have always favored a balance between offensive and defensive nuclear forces.

Mutual deterrence was also viewed as consistent with an arms control regime based on a finite offensive-deterrent force. It was thought that if the technological development of the offense could be kept ahead of the defense, and if the offense was restrained, then the offense would continue to deter without a new round of offensive improvements a race in defensive systems. Defenses were identified as provocative and destabilizing because their deployment would upset the mutual vulnerability/hostage relationship which was central to mutual deterrence. Any advantage which protected people or increased the residual number of offensive weapons left after an attack was anathema to the advocates of mutual deterrence. This thinking coincided with the arms control theory that advocated preventing the deployment of strategic defenses, BMD in particular, in order to preclude a new dimension in the U.S.-Soviet arms competition. The mutual deterrence and arms control theories combined to denigrate the value of strategic defenses, whose value is not based on theory but on military fact. However, while the theories were mutually reinforcing, the policy reality was different—strategy and arms control policy from the late 1960s until the present have tended to travel on divergent paths, which is inconsistent with sound strategic planning. The advocates of mutual deterrence argued that defenses were provocative, destabilizing, not cost-effective, would not work, were easily and cheaply countered, would accelerate the arms race, and would prevent meaningful arms control. These arguments, combined with the offensive dominant Air Force doctrine dating to the earliest days of air power and the strategic bombing experiences of World War II, mutually reinforced one another to prevent the deployment of strategic defenses.

The United States unilaterally withheld deployment of BMD from 1965 to late 1967 in hopes of persuading the Soviets to accept mutual deterrence and not to deploy a BMD for reasons of arms control. Even though the United States decided to deploy a BMD in 1967 (Sentinel), and later altered its mission in 1969 to ICBM defense (Safeguard), it was never seriously prepared to deploy missile defenses since it was prepared to give them up in SALT. Later, we even dismantled the one BMD site that we were permitted by SALT, perpetuating the view that strategic defenses are undesirable.

The arguments marshaled against developing or deploying BMD were also used against deploying civil defense programs, and are also being used today against the development of beam-type weapons for defense even before the feasibility of such weapons is discovered. The objective, opponents of BMD argue, is to preserve mutual deterrence through mutual vulnerability, not to find a defense against ICBMs. A variation on this theme occurs in the opposition to the United States developing antisatellite weapons, and a means for protecting our own space assets from Soviet antisatellite

weapons, because this would add a new dimension to U.S.-Soviet arms competition by carrying military operations into space.

Conclusions: The U.S. rearmament program must not reaffirm and sanctify for another generation the bankrupt strategy of deterrence and the current approach to arms control that leaves the country without homeland defenses, making our population and cities deliberately vulnerable to Soviet attack, while the Soviets have extensive air and civil defenses plus an operational missile defense site around Moscow. The United States must not base its arms control efforts on the theology of mutual deterrence, which depends on some undefinable combination of military capability and political will to influence Soviet perceptions in order to deter them from taking any action inimical to U.S. interests. But today, deterrence is not mutual. The Soviets have shifted the nuclear balance and conceivably as far back as 1976 defeated our nuclear strategy. We are more vulnerable to attack because we did not deploy our defenses, even when they were available, on the theory that mutual vulnerability was less provocative to the Soviets than attempts to defend ourselves. According to the deterrence theory, our security depends on Soviet goodwill and intentions, while there are no limits placed on Soviet armaments because they do not subscribe to mutual deterrence. U.S. unilateral restraint, coupled with a misplaced belief in arms control and a massive, decade-long Soviet military buildup, has left us vulnerable to a Soviet attack and incapable of defending our homeland. There is little we can do except admit the errors of the past while there is still time to prepare to meet the Soviet threat head-on by building strategic defenses, much as England did against Germany in the 1930s.

One of the arguments opponents of strategic defenses make is that the deployment of a system of strategic defenses is equivalent to the adoption of a first-strike strategy, i.e., one side might be tempted to launch a surprise attack and rely on its system of defense to counter the other side's retaliatory strike. This is where the logic of deterrence and present-day arms control theory leads! While this logic may make sense to the opponents of strategic defense, it belies the traditional American disdain for initiating wars of aggression. Because of our historical experiences and beliefs regarding war, no one would seriously believe that the U.S. deployment of a strategic defense system signifies the adoption of a first-strike strategy. This would be counter to our moral, political, religious, and cultural beliefs.

Despite the arguments against strategic defenses, there are a number of reasons why strategic defenses do contribute to a deterrent strategy. First, penetrating defenses can be so costly in terms of resources and forces so as to make the effort not worthwhile. The multi-billion dollar penetration aid and multiple independent reentry vehicle (MIRV) programs for ICBM and sea-launched ballistic missiles to penetrate Soviet missile defenses is an excellent example. Such programs are not cheap, nor were the technical solutions easy. Second, defenses cause great uncertainly for the conservative offense planner as to the effectiveness of his resources to accomplish their objectives. Third, defenses exert virtual attrition on the payloads of the offense by forcing either defensive systems and penetration aids to be carried at the expense of warheads, or warhead yields to be reduced as the number of weapons are fractionated to increase penetration. Strategic defense provides a military option which is initially defensive, does not require immediate or hasty offensive counteraction, and preserves the offense for future use. Finally, there are some who view defenses as a way out of the moral and religious dilemma posed by an offense-dominant deterrent doctrine.

Defenses are intended to make any attack extremely costly, repel an attack, and preserve or protect a target in order to allow its essential functions to continue to perform even when damaged or under attack. The value, vulnerability, and priority of targets in terms of their worth to the defender and his strategy must be carefully assessed, and only those targets essential to the success of the defender's strategy or which can defeat the attacker's strategy are defended. Damage is to be expected. But what rates of attrition can be expected to deter and if deterrence fails what active and passive measures will, under conditions of damage, allow a target to function or survive and the initiative to be resumed by the offensive? If the offense in the nuclear age cannot be sure of success or absolute decisiveness in its initial attacks in the presence of defenses, then the defense may well have contributed to deterrence in a manner uniquely different from an offense-dominant or offense-only deterrent. The latter to make the deterrent credible only if the attacker believes they will and can be used. If the attacker thinks he has a way to neutralize the deterrent, the deterrent no longer deters. Whereas in the presence of defenses, the attacker must assume there will be no hesitancy to use the defenses, complicating the issue of whether to attack in the first place. In a deterrent strategy where defenses are present, they are there to be used, whereas the offense is there so it will not have to be used. Our inability or unwillingness to think about strategic defenses in such a systematic way has left us with few options as the strategic balance shifts toward the Soviets, the credibility of our deterrent is weakened, and deterrence may no longer be mutual. Meanwhile, we are buying more offense to restore the strategic balance eroded by the massive Soviet buildup, i.e., offense begets more offense without necessarily increasing our security. Strategic defenses were rejected not on strategic grounds but because they did not conform to the theories of mutual deterrence and arms control which themselves have proved invalid.

The time and circumstances have come when a reconsideration of the value and role of homeland defense is needed, for political as well as strategic reasons. Our vulnerability to attack must be reduced and our homeland's defense considered if the United States is to meet the threat of Soviet power in the 1980s and 1990s. We must negate the Soviet nuclear threat. This can only be done with strategic defenses, including early warning and attack assessment systems placed as a buffer between the Soviet offensive threat and the modernization of our offensive forces.

The national security establishment and our political leadership must take the possibility of war seriously notwithstanding our belief in deterrence. In face of the growth of Soviet military power and the race for a technological breakthrough in directed energy weapons, serious consideration of strategic homeland defenses is the first step in examining our security strategically and not emotionally as it was for England almost 50 years ago.

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THE HIGH FRONTIER STUDY: A SUMMARY

The United States is faced with an historic, but fleeting, opportunity to take its destiny into its own hands. The ominous military and economic trends which today beset the peoples of the Free World can be reversed, and confidence in the future of free political and economic systems restored.

To accomplish this, we need only take maximum advantage of one priceless legacy handed down to us by our free institutions—superiority in space technology. We can escape the brooding menace of "balance-of-terror" doctrines by deploying defensive systems in space. We can confound the prophets of doom by opening the vast and rich High Frontier of space for industrialization.

If we are to seize this historic opportunity, we must first muster the political will to discard without qualm the failed doctrines of the past, to attack without quarter the bureaucratic impediments to action, and to meet without flinching the wave of indignation from outraged idealogues at home and abroad. The technology is available; the costs are reasonable; and the alternatives are not promising solutions to our security problems.

THE OBJECTIVE

The objective of the High Frontier study is to formulate a national strategy option that makes maximum use of U.S. space technology to accomplish the following goals:

Nullify the present and growing threat to the U.S. and its Allies which is posed by Soviet military power.

Replace the dangerous doctrine of Mutual Assured Destruction (MAD) with a strategy of Assured Survival.

Provide both security and incentive for realizing the enormous industrial and commercial potential of space.

THE GUIDELINES

This objective must be met with recommendations that are:

Militarily sound.
Technologically feasible.
Fiscally responsible.
Politically practical.

THE THREAT IMPERATIVE

The High Frontier effort has focused primarily on countering the Soviet military threat, which is ominous and growing. This threat is the result of determined efforts by the Soviet Union to establish global military dominance—efforts abetted by poorly conceived U.S. security policies such as MAD. The Soviet military buildup coupled with U.S. military neglect has created these alarming conditions:

There is a serious and growing Soviet advantage in strategic nuclear power that cannot be countered by the undefended United States except by a threat of retaliation that is the equivalent of committing national suicide.

The preponderance of Soviet conventional power vis-a-vis the U.S. and its allies is also severe and growing. It can no longer be counterbalanced, as it has been in the past, by a credible threat to bring higher technology U.S. weaponry to bear.

The Soviet Union is increasingly successful in the use of propaganda and the application of direct or indirect military power to disrupt our alliances and to force the conversion of underdeveloped nations to Marxism. This Soviet success now threatens the continuing availability of raw materials which are critical to the industrialized West.

The West is dangerously dependent on diminishing crude oil supplies located in areas threatened by Soviet military or manipulative political power.

The U.S. alliance system is in serious disarray. It suffers a lost sense of purpose and a perception of a decline in U.S. power and leadership. The Soviet propaganda offensive against U.S. nuclear weapons designed to persuade Europeans to become neutral is increasingly effective.

The USSR is engaged in a costly and all-too-successful effort to cap its current strategic advantages—in their terms "a favorable correlation of forces"—with Soviet domination of near-Earth space. The Soviets have the only tested space weapon on either side—an antisatellite system. They have orbited nuclear reactors. They have a manned space station in orbit and are expanding it.

Almost all Soviet space activity has a distinct military flavor. The essence of the Soviet military space threat was included in the 1981 Department of Defense publication "Soviet Military Power" (pp. 79-80):

"The Soviets have a vigorous and constantly expanding military space program. In the past 10 years they have been launching spacecraft at over 75 per year, a rate four to five times that of the United States. The annual payload weight placed into orbit by the Soviets is even more impressive—660,000 pounds—10 times that of the United States. Some, but by no means all, of this differential can be accounted for by long-life U.S. satellites using miniaturized high technology components. Such an activity rate is expensive to underwrite, yet the Soviets are willing to expend resources on space hardware at an approximate eight percent per year growth rate in constant dollars.

"We estimate that 70 percent of Soviet space systems serve a purely military role, another 15 percent serve dual military/civil roles, and the remaining 15 percent are purely civil. The Soviet military satellites perform a wide variety of reconnaissance and collection missions. Military R&D experiments are performed onboard Soviet manned space stations, and the Soviets continue to develop and test an antisatellite (ASAT) co-orbital interceptor.

"The Soviets appear to be interested in and possibly developing an improved ASAT. A very large space booster similar in performance to the Apollo program's Saturn V is under development and will have the capability to launch very heavy payloads into orbit, including even larger and more capable laser weapons. This booster is estimated to have six to seven times the launch weight capability of the Space Shuttle.

"Soviet space research and development, test, production, and launch facilities are undergoing a continuing buildup. The new booster will be capable of putting very large permanently manned space stations into orbit. The Soviet goal of having continuously manned space stations may support both defensive and offensive weapons in space with man in the space station for target selection, repairs and adjustments, and positive command and control. The Soviet's predominantly military space program is expected to continue to produce steady gains in reliability, sophistication, and operational capability."

The Soviets consider space a perfect environment in which to exercise longstanding doctrinal and operational preferences in warfighting—unconventional "first moves," preemptive or "decapitation" attacks against vital targets such as strategic communications, "combined-arms" moves (as are possible with shiptracking satellites), and other elements of a well-stocked repertoire. The Soviets integrate military space operations into their strategic thinking. They see space in straightforward terms, as an operational or combatant theater, whereas we see it—given our own "strategic culture"—as a "sanctuary" where "support forces" for terrestrial military forces can operate permissively.

If Moscow achieves its aims, we will be faced with a new era of Pax Sovietica in which Soviet space power dictates Free World behavior. We believe that the High Frontier of space provides us with the opportunity, perhaps our only opportunity, to frustrate Soviet power ambitions and at the same time to open up a new era of hope and prosperity for the U.S. and the Free World.

THE HISTORICAL IMPERATIVE

The immediate threat impels us to exploit our space technology, but there is also an unavoidable historical imperative to move vigorously into that arena. Throughout man's history, those nations that moved most effectively from one arena of human activity to the next have reaped enormous strategic advantages. For instance, when man's activities moved from the land to the coastal seas, the Vikings established an extraordinary dominance by excelling at sailing those seas.

After the epic voyages of Columbus and Magellan, Spain and Portugal dominated the world through military and commercial control of the new arena of human activity—the high seas. Later, England with her powerful fleet of merchantmen and men-of-war established a century of Pax Britannica. When the coastal seas of space—the air—became a new sphere of human activity, the United States gained great strategic advantages by acquiring the most effective military and civilian capability in aviation. Today, after epic manned and unmanned exploration of space, we shall see which nation puts the equivalent of the British merchantmen and men-of-war into space. We dare not let it be our adversary.

THE MILITARY DIMENSION

We cannot reverse the adverse trends in the military balance if we adhere to current strategy and try to compete with the Soviets in piling up weapons of current technology. Even if Congress were willing to appropriate unlimited funds for procurement of these weapons (and it is not), our defense production base is in such a sorry state that it could not compete with the Soviet arms production base, which is today operating at very high levels. Our best hope is to change our strategy and to move the key competition into a technological arena where we have the advantage.

A bold and rapid entry into space, if announced and started at this time, would end-run the Soviets in the eyes of the world and move the contest into a new arena where we could exploit the technological advantages we hold. This is far preferable to pursuing a numbers contest here on Earth that will be difficult or impossible for us to win.

THE STRATEGIC DEFENSE OPTION

When we look to space for the technological end-run of the Soviets, we find all factors call for an emphasis on strategic defense. First, defensive systems hold the only promise to break out of the Mutual Assured Destruction doctrine. Second, defense is the only sound alternative to costly "racetrack"-type options to protect our deterrent systems. Third, our current and crucial heavy military investment in space is also vulnerable to attack. Fourth, available technology favors defensive space systems. Lastly, there are severe political constraints and some technical-military reasons inhibiting the deployment of offensive weapons in space.

For these reasons the military side of High Frontier emphasizes the resurrection of a long-neglected aspect of our security—protective strategic defense. We visualize a layered strategic defense. The first layer would be a spaceborne defense that would effectively filter a Soviet missile attack in the early stages of flight. The second layer would be a broader space protection system, probably using advanced beam weaponry to further reduce the effectiveness of a missile attack and to defend other space assets from a variety of attacks. The third layer would be a ground-based point defense system capable of removing any Soviet assurance of success of a first strike against our missile silos—even before a space system is deployed—and of intercepting Soviet missiles that later might leak through the space defenses. A passive fourth layer would be civil defense, which becomes a valuable aspect of strategy in conjunction with these active defense layers.

We can get a point defense within two or three years adequate to protect our ICBMs in silos and avoid high-cost deployment modes for MX. An initial spaceborne global ballistic missile defense can be acquired in five or six years given adequate priority. A second-generation general space defense using more advanced technology can probably be achieved in the early 1990s.

In proposing such strategic defenses, one invariably encounters the shibboleths that have plagued consideration of strategic defensive options in the past. It has been an article of faith in the offense-only, Assured Destruction school of thought that strategic defenses in the nuclear era are useless unless they are impermeable or not subject to attack and that they are impossibily expensive. These are false premises.

With regard to impermeable or invulnerable defenses, there never has been nor ever will be a defensive system that could meet such criteria. Such perfectionist demands ignore the purposes of defenses and the effects of strategic defense on deterrence. Defenses throughout military history have been designed to make attack more difficult and costly—not impossible. Defenses have often prevented attack by making its outcome uncertain. General Grant put a cavalry screen in front of his forces not because the cavalry was invulnerable to Confederate

bullets or because he thought it could defeat General Lee, but because he did not want the battle to commence by an assault on his main forces or his headquarters.

It is the same common military sense that must prevail in our approach to strategic defenses today. Given the drastic consequences of a failed nuclear attack on an opponent, the critical military task is to keep a potential aggressor uncertain of success if not certain of failure. In the absence of defenses the Soviet military planner has a rather straightforward arithmetic problem to solve to be quite sure of the results of a disarming strike against all locatable U.S. strategic weaponry—ICBM sites, airfields, and submarine bases. His problem is simply to insure that he can deliver two warheads of current size and accuracy against each such target. If, on the other hand, the Soviet planner must consider the effects of a strategic defense, especially spaceborne defense that destroys a portion of the attacking missiles in the early stages of their trajectories, he is faced with a problem full of uncertainties. He does not know how many warheads will arrive in the target area and—even more crucial—which ones will arrive over which targets. This changes the simple arithmetic problem into a complex calculus full of uncertainties; such uncertainties are the essence of deterrence.

Strategic defenses are eminently practicable and by no means impossibly expensive if the programs involved are not required to meet unrealistic standards of perfection or incredible postulated threats. A cursory review of combinations of spaceborne defenses, land-based ABMs, and civil defense—while by no means definitive as to costs—indicates that a defense system of decisive strategic importance can be devised that is relatively inexpensive when compared with some previously proposed offensive systems.

SURVIVABILITY

One issue which must be addressed carefully is that of space-system survivability. While space systems are nearly invulnerable to a large array of threats with which terrestrial systems must cope (e.g., bombs and bullets), they have some unique vulnerabilities to threats that can be posed by a technologically advanced adversary. An examination of this problem leads to several conclusions:

As with all other systems, no space-based system can be envisaged which is invulnerable to all postulated threats.

Vulnerability of current U.S. space assets (intelligence and communications satellites and the Shuttle) sharply increases the imperative for an effective spaceborne defensive system which can defend itself, reduce the threat to other space systems, and defend ground targets against hostile objects transiting space, e.g., ICBMs.

Defensive systems employing large numbers of less sophisticated satellites are far less vulnerable than those employing small numbers of more sophisticated satellites.

An ability to provide mutual warning and protection among satellites in a ballistic missile defense is very important to survivability.

The sooner a spaceborn ballistic missile defense system can be deployed, the better its survivability (long leadtime systems are susceptible to long leadtime Soviet countermeasures—real or postulated).

Future U.S. deployment of more sophisticated beam-weapon military satellites may be dependent for survivability on protection provided by a lower technology defense system already deployed.

Given the characteristics of currently operating U.S. space systems, one can readily postulate ways for the Soviets to attack them, ranging all the way from throwing sand in their paths to burning them out of space with futuristic beam weapons. Such attack modes fall into two basic categories, peacetime attack and wartime attack.

Most current Soviet capabilities to attack U.S. space systems are applicable in the peacetime attack category. These include attack with nonnuclear direct-ascent missiles, the current Soviet anti-satellite system, and current power level Soviet lasers. However, these attack modes presuppose Soviet willingness to risk the grave consequences (including war) of attacking our space systems in time of peace or crisis. While such Soviet action cannot be totally ignored, most experts on Soviet behavior find this possibility extremely remote.

The second class of threat—wartime—is more serious. In this situation nuclear weapons could be used to destroy or disable our space systems using radiation effects. (Blast effects are of little consequence outside the atmosphere.) There are technical means of reducing the vulnerability of space systems to these effects, but a capability of a defensive system to intercept hostile objects directed at it is the best way to counter such threats.

The Soviets may develop laser beam weaponry of such power that satellites passing over them could be destroyed with a single burst of energy. It is doubtful, however, that such systems could in the foreseeable future successfully attack satellites coming over the horizon toward the Soviet Union where they would be shielded by much more of the Earth's atmosphere.

Probably the most important factors in the survivability problem are military rather than technical. Survivability is sharply increased by the ability of space vehicles to destroy threatening objects launched at them or at other U.S. space vehicles. Even should the Soviets eventually create the means to attack a spaceborne defense system successfully in order subsequently to launch a strategic missile attack, all chances of destroying the U.S. deterrent on the ground would be lost. In these circumstances, launch-on-warning or launch-under-attack becomes both a credible and feasible option for the United States. The Soviets could not expect, after the attack in space, that the U.S. President would hesitate to respond to sensor warnings that a missile attack had been launched from the USSR. This fact alone would make a spaceborne defense of great straegic value.

THE NONMILITARY DIMENSION

Space holds out the promise of a new era of economic expansion. The unique environment of space—zero gravity, near-perfect vacuum, unlimited heat absorption, and sterile conditions—opens up a broad range of industrial and commercial possibilities. Space also contains inexhaustible supplies of minerals and solar energy. The economic potential of space is already being tapped in the communications industry. As the cost of space transportation is lowered, the industrialization of space will burgeon. However, the capital investment in space industries will be quite large and unlikely to be undertaken if space installations are unprotectable from hostile attack. For this reason, military capabilities in space are critical to space-based economic growth.

We should harbor no illusions that space can be limited to "peaceful uses" any more than could previous arenas on land, at sea, or in the air. Indeed, most current space assets, U.S. and Soviet, are partially or entirely military—and the most destructive of weapons, strategic ballistic missiles, must transit space enroute to their targets.

The government's role in opening up the High Frontier of space for economic exploitation is basically the same as it has been with the opening of frontiers of the past: exploration, transportation systems, and security. These functions translate to these specifics: scientific research, improving the Space Shuttle, and providing spaceborne defenses.

Both the military and nonmilitary uses of space depend on the continued efforts in certain core technologies: improvements in space transportation to reduce the cost-per-pound of materials in orbit, and the creation of permanent, manned space stations at the "terminals" of the space-transport system.

Though these efforts are primarily the responsibility of government, they should be undertaken in cooperation with private industry and with support from other nations that would benefit.

With a proper combination of space technologies we can sharply improve the security of the U.S. and its Free World allies, and at the same time restore confidence in the ability of Free World economies to meet the challenges of the future.

The urgency here is far greater than many people in this country appear to recognize. The Soviets made clear following the U.S. successful Moon landing that, while intending first and foremost to develop maximum possible military capabilities in space, they expect also to achieve dominance with respect to the economic exploitation of space opportunities. In 1964, Brezhnev spoke of these plans, and Soviet specialized literature has gone into great detail concerning concrete possibilities. Further, all phases of ongoing Soviet space activities that aim at strategic objectives also serve as stepping stones to USSR preeminence in the space environment for military as well as nonmilitary purposes.

THE URGENT REQUIREMENTS

In order to fulfill the objectives of the High Frontier concept, including rapidly closing the "window of vulnerability," creating the concrete basis for a new strategy of Assured Survival, and opening space for economic growth, the following list of urgent requirements is presented.

The requirements for military systems to implement the High Frontier concept are these:

A point defense for U.S. ICBM silos which, within two or three years, at a cost less than that of superhardening, can destroy any confidence the Soviets might have in a first strike against our deterrent.

A first-generation spaceborne ballistic missile defense, deployable in five or six years at a cost not exceeding that of the original MX-MPS system and capable of significant attrition of a Soviet strategic missile attack in the early part of trajectory.

A second-generation space defense system, deployable within 10 or 12 years and capable of attacking hostile objects anywhere in near-Earth space with advanced technology weaponry (e.g., lasers).

A utilitarian manned military space control vehicle, deployable within the next six to eight years and capable of inspection, on-orbit maintenance, and space tug missions wherever satellites can go.

A civil defense program of sufficient scope and funding to take advantage of the proposed active missile defenses and thus add to U.S. deterrent strength.

The primary requirements in core space technology and nonmilitary applications are:

Improved space transportation, designed to lower the cost-per-pound in orbit to under one hundred dollars.

A manned space station in low Earth orbit as soon as practicable. It would allow low cost, efficient development and testing of both civilian and military system elements and would constitute a first step toward a similar manned station at geosynchronous orbit.

Development work on reliable, high-capacity energy systems in space, initially to power other space activities, and eventually to provide electrical power to any spot on Earth.

Preparatory development of a selected number of promising commercial business opportunities. Government efforts should focus on encouraging the transformation of these "seed" efforts into independently viable commercial operations as soon as possible.

CAN WE DO IT?

All these requirements can be met, some of them with technology already in hand, with components already tested. None of these requirements need rely on technological breakthroughs or a commitment to interminable basic research. There are in fact a variety of viable options available to meet each of the requirements of High Frontier. The following is a description of one set of programs which could do so. Each is described in some detail in the main body of the study. The costs estimated for these programs are in constant dollars. The costs and times indicated are based on a management system that minimizes bureaucratic delays.

QUICKLY DEPLOYABLE POINT DEFENSE

A partially tested system exists that could meet the requirement to destroy Soviet confidence in a first strike against our silos. It is a very simple system that fires a large number of small conventional projectiles which form a barrier against a warhead approaching a U.S. missile silo at about one mile from the target. It could be described as "dynamic hardening" instead of as an antimissile system. If deployed to intercept only the first Soviet warhead approaching a silo, it would cost $2-3 million per defended silo; if it is to intercept a second warhead, the costs increase to about $5 million per silo.

FIRST-GENERATION SPACEBORNE DEFENSE

The requirement for an initial spaceborne ballistic missile defense system can be met by using off-the-shelf hardware to create a multiple-vehicle, orbiting system. This system would deploy nonnuclear kill vehicles to destroy Soviet missiles in the early phase of trajectory. Enough weapon-carrying satellites would be orbited to insure continuous coverage of Soviet ballistic missile trajectories, including those of SS-20 Eurostrategic missiles and submarine-launched missiles. This system could provide protection to our allies as well as to the United States.

The multiple-satellite deployment permits one satellite to defend itself and several others from attack. It also has potential for forming the basis of a highly effective and secure command, control, and communications (C^3) system. Since the system makes maximum use of off-the-shelf space hardware components, it may be the cheapest and quickest available option. This system could start deployment in perhaps as little as three years and be fully deployed in five or six years at a cost of some $10-15 billion.

SECOND-GENERATION SPACEBORNE DEFENSE

The requirement for higher technology space defense systems could be met by a high-powered laser system on the ground with redirecting mirrors on satellites, or by beam weapon systems deployed in space or in pop-up installations on the ground. All are in research now. Costs to continue such research should probably be increased by about $100 million per year.

HIGH-PERFORMANCE SPACE PLANE

There is an urgent need to develop a multipurpose, military, manned space control vehicle to perform a wide variety of space missions such as inspection of friendly or suspect space objects, satellite and space station protection, and adjustment or retrieval of satellites. One such vehicle is the High Performance Space Plane, or one-man Space Cruiser, which uses available space hardware components and technology and which could be operating in several years for less than $500 million. It is now under active consideration in the Department of Defense.

CIVIL DEFENSE

Civil defense is a multifaceted endeavor, whose utility and cost effectiveness sharply increase when considered in conjunction with active defenses. A program at a level of $300-$500 million per year would add greatly to overall U.S. security.

IMPROVED SPACE TRANSPORTATION

The immediate answer to improved space transportation is an upgrade of the current Shuttle program to improve turnaround time and to create an unmanned cargo-only version. At the same time, development work should begin on a much higher load capacity vehicle. These programs would cost an estimated $12 billion over a 10-year period.

A MANNED LOW EARTH ORBIT SPACE STATION

The currently proposed military Space Operation Center should be given high priority and expanded in concept to include provision for "fly-along" industrial and commercial space installations. The space station should be equipped to receive power for operations from a prototype solar power satellite. A 10-year program to deploy this space station should cost about $6 billion.

A SPACE POWER SYSTEM

This requirement can be met by a proposal using known technology which would place in geosynchronous orbit a solar power satellite and on Earth a microwave receiving antenna and conversion system providing 500 megawatts of continuous electrical power. This pilot system, modified to include a capability to provide power to a space station with laser transmission, would cost about $13 billion.

SPACE INDUSTRIAL SYSTEMS RESEARCH AND DEVELOPMENT

The cost of R&D for industrial space applications would probably be borne almost entirely by interested private enterprise, with no more than $50 million per year in government support.

COSTS

The total costs of the High Frontier concept over the next five or six years in outlays of constant dollars might be on the order of $20 billion. Through 1990 the total costs in constant dollars would probably be about $35 billion—a figure that compares favorably with what would have been the total cost of MX-MPS in its original configuration. It also compares favorably with the Apollo-Moon landing program, and strikingly so if the inflation rate of the past 12 years is considered.

If one considers possible tradeoffs in programs no longer needed or lowered in priority by the existence of an effective strategic defense, the real costs of the High Frontier programs are lower. For instance, the $2.5 billion now earmarked for superhardening of existing missile silos and for deploying more complex point defenses need not be expended. There are other possible tradeoffs such as repositioning of SAC airfields, reducing the urgency of theater nuclear force upgrade in Europe, C^3 improvements, and so forth. Thus real (or net) costs over the next 10 years for High Frontier could be well under $50 billion total.

Finally, there is a reasonable chance for sizable cost offsets from industry and Allied participation in the most expensive aspects of the High Frontier effort—nonmilitary applications. This is especially true if a vigorous effort to tap solar energy is emphasized. Several nations have already stated their willingness to assist in such an effort. Such nongovernment input would further reduce the real costs of the concept.

In any case, costs to the U.S. taxpayer of implementing High Frontier will certainly be lower than those involved in other approaches to solving urgent security issues, e.g., MX-MPS. The High Frontier approach, therefore, cannot be characterized as unrealistically expensive.

IMPACTS

The mere announcement of a bold, new U.S. initiative along the lines of the High Frontier concept would have beneficial impacts at home and abroad. The fulfillment of the urgent requirements noted above would have even more far-reaching impacts.

MILITARY IMPACTS

On the purely military-strategic side, we would be moving away from the unstable world of terror balance to one of Assured Survival—a much more stable condition. We would provide answers to U.S. and Allied security problems not involving the amassing of ever larger stockpiles and ever more expensive deployments of nuclear weapons.

By creating a proper balance between strategic offense and strategic defense, we broaden the options for strategic retaliatory systems. A great deal of the counterforce, damage-limiting function of our strategic forces can be shouldered by the defensive systems. Cruise missiles become a more attractive option in a new strategic setting that includes defenses against ballistic missile attack. Proliferation of cruise missiles on land, sea, and air platforms may become a feasible alternative to expensive ballistic missile or bomber options.

Perhaps most important to our military efforts as a whole, the High Frontier concept would restore the traditional U.S. military ethic. The military man's role as defender of the country has always been the tie that has bound him to the supporting citizenry. Strategies of the recent past, such as MAD, which deny that role have seriously weakened that bond. A commitment to a new strategy consistent with the military rationale of the average U.S. citizen could greatly ease problems in all facets of U.S. security efforts.

POLITICAL IMPACTS

The potential for public support of this concept is enormous. If the military and nonmilitary aspects of High Frontier are effectively harnessed together, broad segments of the U.S. body politic are likely to rally in support. Recent elections have demonstrated the widespread desire for improved defenses. There is a remarkably large support base, primarily among younger people, in the form of space enthusiasts. And there is general disillusionment with the doctrines and strategies of the past.

The High Frontier concept will even convert or confuse some of the conventional opponents of defense efforts and technological innovations. It is harder to oppose nonnuclear defensive systems than nuclear offensive systems. It is impossible to argue effectively for a perpetual balance of terror if it can be negated by new policies. It is hard to make environmentalist cases against space systems.

Even those naysayers whose basic concern is disarmament will be hard pressed to make a case against High Frontier, the ABM Treaty notwithstanding. It is not necessary to abrogate the ABM Treaty to commit to High Frontier programs.

The High Frontier spaceborne defensive systems fall into the category described in the treaty as "systems based on other principles" which are "subject to discussion" with the Soviets. Point defense systems can be selected that are so different from ABM systems, as defined in the treaty, that they too could be considered as not covered. Indeed, some silo-defense systems can be considered "dynamic hardening"—a substitute for reinforced concrete—rather than an ABM. Further, the current ABM Treaty is scheduled for review in 1982, and the United States could propose any amendments deemed necessary to accommodate strategic defensive decisions.

A U.S. commitment to the High Frontier concept does not necessitate rejection of arms negotiations with the Soviets. It does, however, mean that future negotiations would proceed on a different philosophical basis. Rather than continue to pursue agreements which attempt to perpetuate a balance of terror and MAD, our negotiating efforts would be dedicated to achieving a stable world of Mutual Assured Survival.

ECONOMIC IMPACTS

There can be little doubt that a strong commitment of the United States would have highly beneficial economic impacts. Some of these impacts will affect the U.S. economy in the near term, primarily through the stimulus to investment in high technology sectors of industry and a probable upswing in confidence generally. An increase of 200,000 jobs in the near term as a result of a strong commitment to space has been estimated. Longer term impacts will depend on the rate at which industrial applications are realized and on unpredictable technological spinoffs from the space effort.

One area of commercial space application is already paying its way very well. That is communications. Space communications is a $500 million-per-year enterprise and is growing rapidly. By 1990 it should become a multi-billion dollar per year industry.

As other industrial applications in space are realized, the total revenues from space industries might reach levels of several tens of billion dollars per year by the year 2000.

Some of the most beneficial economic impacts of a strong High Frontier effort are indirect and unquantifiable. The demand for highly skilled workers is certain to have an impact on the education system and on the labor market. New products, tools, and services will be required by an expanding space effort. Research efforts will intensify.

Overall, the economic benefits of a strong U.S. commitment to the exploitation of space for both security and industry are potentially very great, but they are no more predictable today than were the future economic benefits of aviation in the 1920s.

FOREIGN IMPACTS

The positive political effects in the U.S. will probably be reflected overseas among our allies. The announcement of commitment to the High Frontier concepts could have a strong counter-effect on the current highly disruptive, "antinuclear," or "peace" movements in Europe. A bold U.S. strategic initiative would certainly bolster the morale of pro-U.S. elements. The High Frontier concept can become a new cement for Free World alliances, making them global rather than regional.

A shared U.S.-Allied commitment to the harnessing of solar power from space could have highly beneficial impacts on foreign relations. If the prospects were good for future supplies of energy independent of the geographical location of fossil fuels, the overdependence of the industrialized West on oil and gas producing countries could be corrected. Further, the prospects for overcoming the intractable problems of the underdeveloped nations could have a beneficial impact on the attitudes of the Third World.

As for the Soviets, their reaction is easily predictable as hostile. They have already moved to counter the U.S. potential to adopt available military space options. They have introduced in the U.N. (and garnered some support for it among our allies) a new treaty which would ban all (not just nuclear) weapons in space. Meanwhile, evidence mounts that they are already in violation of their own cynical proposition. We can expect an extraordinarily strong Soviet propaganda effort against a U.S. commitment to the High Frontier concepts, including threats of counteraction. However, in both particulars Moscow will find, for substantive reasons, an attack on the High Frontier concepts much more difficult to conduct than for any other of the anti-U.S. campaigns.

MANAGEMENT

Time is critical in any commitment to the High Frontier, especailly with regard to the military systems. If we cannot change the adverse trends in the military balance quickly, we may not be able to change them at all. If we do not move quickly to secure space for promising industrial development, we may later be denied the opportunity.

There are no tachnical obstacles to meeting the military and nonmilitary obectives of the High Frontier. We can close the window of vulnerability in two or three years and negate the brooding menace of Mutual Assured Destruction in five or six years. We can lower the costs of men and materials in space, establish a permanent manned presence in space, and open the door to enormous economic advantages in 10 years. However, this can be done only by initially selecting systems using to the maximum off-the-shelf technology and by instituting special management and procedural arrangements for thsir rapid acquisition and deployment. By using known and tested technology we can avoid the long delays imposed by research and development. By special management arrangements we can avoid the bureaucratic hurdles that have been inserted into our weapons acquisition processes over the past 15 years. Time is money, and literally billions can be saved by cutting acquisition times.

In 1956, President Eisenhower gave the go-ahead on a concept for a ballistic missile firing submarine. That concept involved far more technological unknowns than do the High Frontier options. In 1960, 47 months later, the first Polaris put to sea. In 1962, President Kennedy announced the objective of putting a man on the Moon. Seven years later this astonishing feat was accomplished.

Today, even a new fighter aircraft take 13 years or more from concept to acquistion and decades of delay are predicted for space developments. Such protracted processes cause costs to soar astronomically. This sad state of affairs exists not because Americans have become technologically inept but because we have, over the years, constructed a complex and multilayered bureaucratic system in the Executive Branch and in the Congress which simply cannot produce quick results. In order to take advantage of the opportunities available to us on the High Frontier, we must find a way to circumvent bureaucratic procedures.

The first step is to select—and select quickly—those systems which will meet the urgent requirements of the High Frontier concept. This should be done by a Presidential Systems Selection Task Force composed of prominent and properly qualified individuals.

To provide overall guidance to the High Frontier effort, a National Space Council should be appointed with representation from the involved departments and agencies of the Executive Branch, the Congress, and industry. Its function would be to insure full cooperation and fast action by all branches of government and private industry involved in the effort. Its chairman should be the Vice President.

The actual, coordinating and expediting of the programs selected to meet the High Frontier requirements should be the responsibility of a chief operating officer heading up a Consolidated Program Office. This officer should be assisted by special project officers within the departments and agencies charged with acquiring the first generation of High Frontier systems. The management system should ensure individual rather than committee responsibility for decisions, a minimum of Executive and Congressional staff review, and specified or "fenced" funding for High Frontier programs.

This management system should be unequivocally temporary. It should go out of existence upon achievement of its objectives of first-generation system acquisition. As results are obtained, all responsibility for the operations, maintenance, and further growth of space systems should return to the cognizance of the appropriate agencies—Defense and NASA. There is no need to create a new permanent layer of bureaucracy.

These are the essentials of the High Frontier concept. They are discussed in much greater detail in the main body of the study. We believe that the change of strategy recommended in the study supports the following proposed U.S. Policy statement.

PROPOSED STATEMENT OF U.S. POLICY

The United States and its Allies now have the combined technological, economic, and moral means to overcome many of the ills

that beset our civilization. We need not pass on to our children the horrendous legacy of "Mutual Assured Destruction," a perpetual balance of terror that can but favor those most inclined to use terror to bring down our free societies. We need not succumb to ever gloomier predictions of diminishing energy, raw materials, and food supplies. We need not resign ourselves to a constant retreat of free economic and political systems in the face of totalitarian aggressions. The peoples of the Free World can once again take charge of their destinies, if they but muster the will to do so.

In April 1981, the Space Shuttle Columbia made its dramatic maiden voyage into space and back safely to Earth. This event was not merely another admirable feat of American space technology. It marked the advent of a new era of human activity on the High Frontier of space. The Space Shuttle is a development even more momentous for the future of mankind than were the completion of the transcontinental railway, the Suez and Panama Canals, or the first flight of the Wright brothers. It can be viewed as a "railroad into space" over which will move the men and materials necessary to open broad new fields of human endeavor in space and to free us from the brooding menace of nuclear attack.

This is an historic opportunity—history is driving us to seize it.

A few thousand years ago, man's activities—his work, his commerce, his communications, all of his activities, including armed conflict—were confined to the land.

Eventually man's technology and daring thrust his activities off the land areas of the continents and into the coastal seas. His work, commerce, communications, and military capabilities moved strongly into this new arena of human activity. Those nations that had either the wit or the luck to establish the stronger military and commercial capabilities in the new arena reaped enormous strategic advantages. For example, the Vikings, although never a very numerous people, became such masters of the coastal seas that their power spread from their homes in Scandinavia over all the coasts of Europe and into the Mediterranean Sea, up to the very gates of Byzantium.

At the beginning of the 16th century, after the epic voyages of men like Magellan and Columbus, human activity surged onto the high seas. Once again, the nations that mastered this new arena of human activity reaped enormous strategic rewards. First Spain and Portugal utilized their sea power to found colonies and to solidify their strength in Europe. Later, Great Britain, with an unsurpassed fleet of merchantmen and fighting ships, established a century of relative peace which we remember as Pax Britannica.

In the lifetime of many of us, man's activity moved strongly into yet another arena, the coastal seas of space—the air. And once again the nations which quickly and effectively made use of this new arena for commerce and defense gained great advantages. As Americans we can take pride that the greatest commercial and military successes in aviation have been achieved by our nation.

But today, following the epic voyages of our astronauts to the Moon and our unmanned explorer satellites to the rings of Saturn and beyond, we find man's activities moving strongly into yet another new arena—the high seas of space. Already the United States and other major nations, including the Soviet Union, are making huge investments in space. Much of our communications, intelligence, weather forecasting and navigation capabilities are now heavily dependent on space satellites. And, as history teaches us well, those nations or groups of nations that become preeminent in space will gain the decisive advantage of this strategic "high ground."

We must be determined that these advantages shall accrue to the peoples of the Free World; not to any totalitarian power. We can improve the Shuttle, our railway into space, placing space stations at its terminals and sharply reducing the cost-per-pound of material put into space. We can thus open the doors of opportunity to develop new space-based industries, promising new products and new jobs for our people here on Earth. We can eventually create the means to bring back to Earth the minerals and the inexhaustible solar energy available in space. By doing so, we can confound the gloomy predictions of diminishing energy and material resources available here on Earth. This will not only enhance the prosperity of the advanced, industrialized nations of our Free World, but will also provide the means to solve many of the hitherto intractable problems of the developing countries.

Further, we can place into space the means to defend these peaceful endeavors from interference or attack by any hostile power. We can deploy in space a purely defensive system of satellites using nonnuclear weapons which will deny any hostile power a rational option for attacking our current and future space vehicles or for delivering a militarily effective first strike with its strategic ballistic missiles on our country or on the territory of our Allies. Such a global ballistic missile defense system is well within our present technological capabilities and can be deployed in space within this decade, at less cost than other options that might be available to us to redress the strategic balance.

We need not abrogate current treaties to pursue these defensive options. A United Nations Treaty prohibits the emplacement of weapons of mass destruction in space, but does not prohibit defensive space weapons. The ABM Treaty requires discussion among Soviet and U.S. representatives of any decision to proceed with defensive systems "based on other principles" such as space systems. We should initiate such discussions and propose revisions, if necessary, in the ABM Treaty which is scheduled for review in 1982.

Essentially this is a decision to provide an effective defense against nuclear attack for our country and our allies. It represents a long-overdue concrete rejection by this country of the "Mutual Assured Destruction" theory, which held that the only effective deterrent to nuclear war was a permanent threat by the United States and the Soviet Union to heap nuclear devastation on the cities and populations of each other. The inescapable corollary of this theory of MAD (perhaps the most apt acronym ever devised in Washington) was that civilian populations should not be defended as they were to be considered hostages in this monstrous balance of terror doctrine. The MAD doctrine, which holds that attempting to defend ourselves would be "destabilizing" and "provocative," has resulted not only in the neglect of our active military and strategic defenses and our civil defense; it has also resulted in the near total dismantlement of such strategic defenses as we once had.

For years, many of our top military men have decried the devastating effect the MAD theory has had on the nation's security. In fact, our military leaders have, over the years, denied its validity and tried within the limits of their prerogatives to offset its ill effects. But those effects are readily evident. The only response permitted under MAD to increased nuclear threats to the United States or to its Allies is to match these threats with increased nuclear threats against the Soviet Union. Further, a U.S. strategy which has relied at its core on the capability to annihilate civilians and denied the soldier his traditional role of defending his fellow citizens has had a deleterious effect on the traditional American military ethic, and on the relationship between the soldier and the normally highly supportive public.

This legacy of MAD lies at the heart of many current problems of U.S. and Allied security. We should abandon this immoral and militarily bankrupt theory of MAD and move from "Mutual Assured Destruction" to "Assured Survival." Should the Soviet Union wish to join in this endeavor—to make Assured Survival a mutual endeavor—we would, of course, not object. We have an abiding and vital interest in assuring the survival of our nation and our allies. We have no interest in the nuclear devastation of the Soviet Union.

If both East and West can free themselves from the threat of disarming nuclear first strikes, both sides will have little compulsion to amass ever larger arsenals of nuclear weapons. This most certainly will produce a more peaceful and stable world than the one we now inhabit. And it will allow us to avoid leaving future generations the horrendous legacy of a perpetual balance of terror.

What we propose is not a panacea that solves all our problems of national security. Spaceborne defense does not mean that our nuclear retaliatory capabilities can be abandoned or neglected. The United States will still maintain strategic offensive forces capable of retaliation in case of attack. The Soviets, while losing their advantage in first-strike capabilities, will still be able to retaliate in case of attack. Nor does our approach to the strategic nuclear balance eliminate the need to build and maintain strong conventional capabilities.

We Americans have always been successful on the frontiers; we will be successful on the new High Frontier of space. We need only be as bold and resourceful as our forefathers.

TURN ON THE COAL FAUCET

● Mr. JOHNSTON. Mr. President, today the New York Times ran an excellent editorial entitled "Turn On the Coal Faucet." The Times editorial has caught the essence of the coal pipeline issue: Does Congress believe in competition?

The Senate Energy and Natural Resources Committee reported S. 267, the Coal Distribution and Utilization Act of 1983 by an overwhelming majority. Just last week the House Public Works Committee, often thought to be a stronghold of slurry opponents, favorably reported a similar measure by a vote of 32 to 18. These votes, and editorials such as that in the Times, indicate the strong support for this measure both inside and outside the Congress.

Make no mistake about it, this legislation is moving. Those of us who support this measure believe coal pipelines should have the right to compete for a portion of our Nation's coal haulage. We encourage each of you to join us in that support when S. 267 is considered by the full Senate.

Mr. President, I ask that the Times editiorial be printed in the RECORD.

The editorial follows:

[From the New York Times, June 14, 1983]

TURN ON THE COAL FAUCET

Transport coal in a pipeline? The idea seems bizarre, but it has long been possible. The coal is pulverized, mixed with water or oil and pumped as a "slurry" hundreds of miles from mine to customer.

It's not clear yet whether slurry lines will be able to compete economically with railroads. But the rails fear that they can, and have thus far managed to block Federal legislation to facilitate construction across state lines. Congress is now taking a fresh look; happily, this time it seems likely to choose free enterprise.

The obstacle to building a slurry pipeline is obtaining the right of way. Opposition from railroads, compounded by indifference on the part of states that would not directly benefit, has made that almost impossible. Only two long coal slurry pipelines have been built. Only one, the Black Mesa line in Arizona, is in operation—and it is owned by the Southern Pacific Railroad. If the ambitious interstate slurry line network now on the drawing boards is ever to be built, the Department of Interior needs the power of eminent domain, the power to condemn and buy property for public purposes.

The railroads oppose that, arguing that slurries would cut rail employment and that such use of Federal eminent domain would violate states' rights. The employment argument is antique. It could as easily have been advanced against the railroads when they displaced wagon drivers and steamboat deck hands. Besides, the demand for coal is expected to grow enough to protect the railroads against any loss of tonnage.

The states' rights argument at first caught the fancy of "new federalists" in the Reagan Administration. But even the White House now quietly acknowledges that the Founding Fathers intended to give the Feds power to regulate interstate commerce.

A more important political debate has arisen over water rights. Much coal comes from arid Western states. And the railroads enlisted support from farmers who didn't want to compete against slurry operators for scarce water. But the current bill, ready for a Senate vote, generally satisfies farmers by affirming state control over water rights.

Thus the slurry issue has been stripped to the essential question. Does Congress believe in competition or not?●

S. 1340 AND S. 1341—LEGISLATION ASSISTING THE DISABLED AND HANDICAPPED

● Mr. HATCH. Mr. President, on May 23 I reported two measures from the Committee on Labor and Human Resources: S. 1340 the Reauthorization of the Rehabilitation Act of 1973 and Developmental Disability Assistance and Bill of Rights Act and S. 1341 the Reauthorization of the Education of the Handicapped Act. Both of these ills are very important to the 36 million disabled children, youth, and adults of our Nation. I want to particularly commend Senator WEICKER, Chairman of the Subcommittee on the Handicapped and Senator RANDOLPH, ranking minority member for their efforts in drafting these important bills. Reporting out two bills that were unanimously polled out of full committee is a tribute to their dedication and hard work in producing legislation supported by all of the Senators on the full committee. The committee reported an original bill, a vehicle which prevents the listing of cosponsors, so I shall ask that the names of the cosponsors be printed at this time in the RECORD and that they be added as cosponsors now that the bills have been officially filed.

COSPONSORS FOR REHABILITATION—S. 1340

Lowell Weicker—Connecticut.
Jennings Randolph—West Virginia.
Robert Stafford—Vermont.
Robert Dole—Kansas.
Paula Hawkins—Florida.
Don Nickles—Oklahoma.
Spark Matsunaga—Hawaii.
Dan Quayle—Indiana.
Edward Kennedy—Massachusetts.

CONSPONSORS FOR EDUCATION OF THE HANDICAPPED—S. 1341

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Spark Matsunaga—Hawaii.
Dan Quayle—Indiana.
Edward Kennedy—Massachusetts.
Claiborne Pell—Rhode Island.●

THE INTEGRITY OF THE CIVIL RIGHTS COMMISSION

● Mr. GLENN. Mr. President, the administration's recent move to replace half of the six-member Civil Rights Commission appears to be an attempt to politicize the Commission and silence criticism of administration civil rights policies.

The administration is attempting a wholesale replacement of the Civil Rights Commission. It has submitted nine nominations to replace members of the Commission, and thus far has succeeded in replacing its chairman and vice-chairman. There have only been 21 commissioners during the entire 25-year history of the Commission.

I oppose this attack on the Commission because it will undermine the independence and integrity of the agency. I oppose the action only from an institutional standpoint and not on the basis of the qualifications or competence of the individuals nominated as replacements. In fact, the nominees appear well qualified for service on the Commission. The issue here, however, does not concern their qualifications but rather the independence of the Commission.

The Commission is the watchdog of our civil rights law. It was established as a bipartisan, independent Federal agency. The role of the Commission, in the President's own words, is to assure "that we as a Nation keep our statutory commitments to fairness and equity for all Americans." Of course, it can perform this function only if it is allowed to operate freely and objectively, unhindered by the constraints of partisanship.

Despite its record of efficiency in monitoring our civil rights law, the administration is attempting the almost unprecedented action of "packing" the Commission in order to fit its own politics and ideology. We simply cannot sit idly by and watch this happen.

To insure the independence of the Commission, I propose the following action: Congress should adopt a resolution condemning the wholesale replacement of the Commission; the Senate should block the nominations of the replacements by withholding its advice and consent; and, the Senate should consider the advisability of legislation to insulate the Commission from future politicization.

I am in the process of consulting with my colleagues, the NAACP, the Leadership Conference on Civil Rights and other interested organizations in order to determine the best method to implement these proposals.

Mr. President, the administration's poor civil rights record is in large part due to its pursuit of counterproductive actions, such as its attempt to pack the Civil Rights Commission. The administration would do well to spend its time developing ways to promote quality education, fair and equal access to housing and the voting booth and other ways to improve the quality of life for all the citizens of this great country.

For my part, I pledge to work to preserve the integrity of the agency which is so critical to the efficent operation of our civil rights laws.●

BALTIC FREEDOM DAY

● Mr. RIEGLE. Mr. President, last year, it was my privilege to be one of the original sponsors of legislation in the Senate establishing June 14, 1982, as Baltic Freedom Day. The passage of Public Law 97-196 marked the first time Congress had unanimously approved legislation recognizing the plight of the Soviet-occupied Baltic nations of Lithuania, Latvia, and Estonia.

It is still necessary for the Congress to make a plea for freedom on behalf of the captive Baltic nations. I am heartened by the overwhelming congressional support for the captive states which has again manifested

itself in the form of a resolution declaring June 14, 1983 as Baltic Freedom Day.

Mr. President, this year marks the 43d anniversary of the brutal occupation by the Soviet Union of Lithuania, Latvia, and Estonia—an oppressive occupation which continues to this day. In celebrating Baltic Freedom Day, we send out the word that the United States—a Nation which places its commitment to preserving basic human rights and freedoms above all else—recognizes the oppression under which the Baltic people continue to live, and calls the attention of the world to the plight of these captive nations.

Despite the Soviet Union's physical dominance over the Baltic nations, in flagrant violation of the Helsinki agreements, the citizens of Lithuania, Latvia, and Estonia continue to hold fast to their individual cultures and identities. The memory of the freedoms which we in the free world take for granted are what enable those still suffering under Soviet oppression to continue their fight.

In honoring Baltic Freedom Day, special recognition should also be made of the unique contributions made by members of the Baltic community here in the United States. Their tireless efforts, which have sustained those struggling for freedom in the captive homelands, are an inspiration to all of us. Representing one of the largest Baltic communities in the United States, I am aware of the hard work and significant contributions they have made, not only in Michigan, but throughout the United States.

In recognition of the continuing struggles of the Baltic peoples in their search for freedom and justice, and of the support provided by members of the Baltic community in this country, I join in celebrating Baltic Freedom Day with a renewed commitment to seeing the return of freedom to the captive Baltic nations.●

CALL TO CONSCIENCE VIGIL

● Mr. BOSCHWITZ. Mr. President, I am pleased to participate in the 1983 Congressional Call to Conscience Vigil for Soviet Jewry here in the Senate. The purpose of this vigil is to bring to the forefront, once again, the human rights violations imposed by the Soviet Union upon its citizens. Members of Congress, as part of this vigil, will be actively speaking out against such actions and will publicly convey to Soviet officials that the American people will not stand by silently and watch people be denied their basic human rights. Today, I would like to focus on the problem that exists for Jews in the Soviet Union, although it should be noted that Soviet citizens of other faiths are encountering similar treatment as well.

It is difficult and dangerous for Jews to apply for and seek exit visas. Jews who have applied for emigration have suffered the consequences of being demoted and losing their jobs, being stripped of their educational degrees and titles, being harassed, and, in some cases, eventually imprisoned. The emigration process is long and often includes bureaucratic delays. Individuals must pay the government approximately 3 months' income for the right to give up Soviet citizenship and an additional amount for the exit visa. In many instances, this can only be done with great financial sacrifice.

Anti-Semitism and anti-Israel sentiments are serious problems for Soviet Jews. As a result, Jews have been denied employment, and, in recent days, more Jewish students are being denied entrance to leading Soviet universities. The government has banned informal groups studying Jewish religion, history, and culture. Police have raided homes where Hebrew is taught. Less than 60 synagogues remain open today; in 1926, 1,000 were open. The average age of rabbis is 70 and there are no longer seminaries existing in the Soviet Union to retrain new rabbis. Jewish religious texts and ritual objects are not produced in the Soviet Union and are often confiscated when brought into the country by visitors.

Nearly 400,000 Jews have shown interest in emigrating. I am very sensitive to the plight of these people because of my own experience. As a son of German parents, my father had the extraordinary foresight to see the "writing on the wall" for Jews and other minorities in Germany in the 1930's. I often wonder what would have happened if we had stayed and often wonder about those who did.

Last month, I was fortunate to have the opportunity to participate in the "First American Jewish Gathering of Holocaust Survivors." The question asked so often was "Why didn't any one say or do anything?" Today we have no excuses. We know exactly what is going on in the Soviet Union with respect to human rights. We must use every forum, every avenue, every opportunity that exists to let the world know that the United States will not turn her back on Soviet Jews or any other persecuted people.

As a part of the vigil, each member was asked to adopt an individual or a family that is imprisoned or has been denied permission to emigrate and to work and speak out in their behalf. I have chosen Anatoloy Shcharansky as this person. Anatoloy Shcharansky has been sentenced to 13 years of prison and labor camp for the crime of applying to emigrate. He has been subjected to cruel punishment and has been denied contact with his family and the outside world for over a year. I have met with his loyal and brave wife, Avital, who I am sure has also met with many of my colleagues during the course of her husband's incarceration. Avital has been an emissary for her husband and I will join her in this role. It is my goal to see Mr. Shcharansky united with her in Israel.

It is in the Soviet's own best interest to not violate the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Final Act. The Soviet Union's continued refusal to let Jews and other minorities emigrate is an irritant in United States-Soviet relations. The Soviet Union could go a long way in improving their worldwide image by ameliorating the situation for Jews and other minorities.

We in the United States have been blessed with personal freedoms. We must continue in our efforts to secure these same righs for others.●

UNIVERSITY OF TEXAS LONGHORNS WIN NCAA BASEBALL WORLD SERIES

● Mr. BENTSEN. Mr. President, this weekend in Omaha, Nebr., the University of Texas Longhorns won the NCAA baseball world series. It was the Longhorns fourth baseball championship in the 37-year history of the college world series, and I want to take a moment here today to pay tribute to a courageous group of college athletes and the man whom I believe is the greatest college baseball coach in the country—Cliff Gustafson.

Coach Gustafson is the winningest active coach in America. In 16 seasons at the University of Texas he has compiled an amazing win-loss record of 750–159, for a winning percentage of more than 80 percent. He is a gentleman winner: He does not engage in dirt-kicking abuse of umpires or clubhouse fistfights. He is a calm, considerate coach who enjoys his players admiration and friendship. He is a tremendous recruiter, strategist, organizer, and motivator. I hope that if he ever runs for office, he runs as a Democrat, because we could certainly use him. But Coach Gus could probably do without our headaches, so I hope he continues to coach for my alma mater, the University of Texas.

At one point during the series, Coach Gustafson commented "we're not playing that good, but we're playing tough." Whenever the Longhorns were in a pinch, they came through with the clutch hit, big strikeout, and defensive gem that they needed to win. The Longhorns are only the 10th team to go undefeated in world series play.

Jamie Doughty hit an 11th inning double to defeat Oklahoma State. Pitcher Calvin Schiraldi, who won

most valuable player honors with an incredible series earned run average of 0.63, struck out amateur baseball's top hitter to win his pitching duel with Dave Magadan. Freshman Bill Bates hit an RBI double to defeat Alabama in their first game against Texas. Shortstop Mike Brumley hammered the Longhorns' only series home run, a grand slam, to defeat the University of Michigan. Kirk Killingsworth's center field triple scored Texas' go-ahead run in the series' finale. Roger Clemens pitched two games, and his silencing of Alabama's bats in the championship was truly outstanding. Jeff Hearron caught every game to join teammates Bates, Brumley, and Schiraldi in being named to the all-tournament team. Perhaps the most amazing play was from the Longhorns top hitter, first baseman Jose Tolentino, who came to bat in the final game with only one hit from 18 trips to the plate. His drag bunt single scored the winning run. I would like to pay tribute to every member of the Longhorn club, because it requires a terrific team effort to defeat the best college baseball teams in the Nation and win the championship in five straight games.

This team pulled together in the face of adversity. Thirteen times this season the Longhorns have won in their last at bat. They trailed in 41 games and came from behind to win 27 of them. Of the five series games, they trailed in four. They outscored their last four opponents by a cumulative total of only six runs. Only 10 of their 52 hits went for extra bases. They committed 12 errors, the most of any team in the series. But the Longhorns were not to be denied.

Perhaps the best tribute was paid this team by Alabama Coach Barry Shollenberger when be complained to series officials, "Texas will not let you beat them."

Mr. President, I pay all praise to the Texas Longhorns. They are a great team from a great State. May they wear their championship crown with pride and honor.●

BALTIC FREEDOM DAY

● Mr. GLENN. Mr. President, today we commemorate Baltic Freedom Day. On June 14, 1940, 43 years ago, the Soviet Union forcibly occupied and incorporated the Baltic States of Latvia, Lithuania, and Estonia into the U.S.S.R. Before the conquest of these three nations, there was a brief but proud moment of free government in these lands. After World War I, Latvia, Lithuania, and Estonia all declared their independence and enjoyed democratic governments. Then, at the outset of World War II, they lost their freedom when Hitler and Stalin decided that these three nations should be part of the Soviet Union. Tens of thousands of Baltic people were killed and over 1 million were deported to slave labor camps. Many others were deported from their homes because of their resistance to the subjugation or because of their religious or political views. They were replaced by people from other parts of the Soviet empire in an exchange of population that Moscow hoped would totally destroy the national identities of the Baltic peoples. These brave nations have not been forgotten. Throughout the free world, the peoples of Latvian, Lithuanian, and Estonian origin have maintained their national and cultural heritage. Their civic organizations and churches have struggled to keep faith with their enslaved countrymen so that the light of freedom is not extinguished. At this moment, when world attention remains focused on the unfortunate peoples of Poland and Afghanistan, we must not forsake the older struggle of the Baltic people for freedom and autonomy. They look to the United States as a source of moral support and unwavering commitment to the ideals of freedom and self-determination of people. We must do all that we can to help preserve the national consciousness and cultural integrity of these once-free states. Let us take this opportunity to remind the family of nations that by the continued subjugation of the Baltic States, and by other acts, the Soviet Union makes a mockery of the human rights provisions in its own constitution, the United Nations Charter, and the provisions of the Final Act of the Helsinki Accords.●

BALTIC FREEDOM

● Mr. LEVIN. Mr. President, in 1918 the Baltic Republics, born of the drive for self-determination, were established. Their respective national identities, traditionally linked to northern Europe and to the West were further defined and made whole during the two decades which followed.

In June 1940, when troops of the Soviet Union invaded and illegally annexed Estonia, Latvia, and Lithuania, they found flourishing societies, thriving agriculture, and modern industry. The Soviets immediately initiated a systematic campaign of russifying the Baltic peoples, a process harsh in scope and intensity. Pro-Soviet governments were imposed and forced fraudulent elections were held, which led to "petitions" that the states be incorporated into the Soviet Union. Soviet control was interrupted by the outbreak of hostilities with Germany, and the Baltic area became a battleground in the struggle between the two powers. The Soviet Union reimposed control as the war was coming to a close and carried out widespread arrests, deportations, and executions. The hundreds of thousands deported during the 1940's included politicians, military personnel, higher officials, writers and publishers, businessmen, and peasants.

The Soviet policy of substantially diminishing—with the aim of eventually eradicating—the cultural and social differences between the Baltic and Russian people has persisted for 43 years. It has been expressed in a variety of forms: forced relocation; assault on traditional Baltic family and religious values; the elimination of Latvian, Estonian, and Lithuanian languages and all ethnic traditions; the establishment of Russian as the official language in government, place names, and employment; job discrimination against Baltic people in their own homelands; prohibition against artistic portrayals of ethnic Baltic themes; and colonization of the Baltic by Russian colonists and the reduction of Balts to a minority in their own homelands. Although it would be difficult to match the single-minded fervor of the early days of the occupation, the Soviets have been tightening the screws in recent years against the objections of the Baltic peoples.

Resistance to Soviet rule remains, as it has for decades, the dominant factor of political life in the Baltic States. A proud sense of national identity springs from the history, culture, language, and religion of these determined people. The memory of political independence along the eastern shore of the Baltic Sea is still too near, too vivid for the Soviets to ease its imprint with improvised history and an imposed alien ideology.

True Baltic citizens, having once tasted freedom, know what it is worth and are simply not buying the Soviet line today any more than they bought it four decades ago. The large number of churchgoers, the stubborn insistence of the people on speaking their native tongues, and the renaissance of Baltic folk music all reflect a vigorous counter-campaign among Baltic citizens to protect their heritage, their culture, and their vast reservoir of human talent.

The attitude of Baltic youth is also telling. There are spontaneous demonstrations and increasing demands for more university courses to be taught in the native language. Overt protest against the Soviet regime is on the rise. The bold series of appeals to the Soviet leadership and to the outside world since the early 1970's have also drawn attention to the concerns and interests of Baltic and intellectuals, and reflect a diminishing reticence on their part. Their calls for greater respect for human rights and for a nuclear free zone extending to the Baltic shows a growing sophistication and a wide awareness of the political context in which the Baltic people live today. Underground publications containing dissident views are circulated widely

and, despite Soviet interference with the Radio Free Europe, Radio Liberty, and Voice of America broadcasts in Estonia, Latvia, and Lithuania, their messages continue to be heard.

In short, Moscow's attempt to draw the Baltic States into a more cohesive and supportive union with the Soviet network is not succeeding due to the determined spirit of the Baltic people.

It is essential that on this 43rd anniversary of Soviet annexation, the United States reaffirm its long-established policy of not recognizing the Soviet Union's forcible incorporation of Estonia, Latvia, and Lithuania into its borders. We must not, through inadvertance or inattention, forget or ignore the fate of nearly 8 million people. We must remain mindful of our obligation to seek a world in which the peoples of Estonia, Latvia, and Lithuania will once again join the family of nations, free to pursue their own lives and destinies without external interference.●

BALTIC FREEDOM DAY

● Mr. DOMENICI. Mr. President, today marks the 43d anniversary of the Soviet annexation of the Baltic States of Lithuania, Latvia, and Estonia. And while in designating this day as Baltic Freedom Day we have provided Baltic Americans an opportunity to join their countrymen in the mournful observance of the illegal occupation of their homeland, it is crucial that the United States continue to utilize every available means to release the grip that the Soviet Union has on these states.

Deprived of their most fundamental rights—the free expression of religion, the celebration of cultural and traditional holidays, and the liberty to pass on their rich heritage and language to their children—the Balts persist in their struggle for independence. We must reaffirm our ongoing support and admiration for their determination to free themselves from the oppression they have lived under all these years.

So, while this day is a somber one, it should also be one of hope. That the Balt's 43-year struggle has not dampened their sense of unity as a people serves to reinforce the notion that however strong an oppressor the Soviet Union might be, national pride and an attachment to one's history are equally formidable powers. Thus, as we lend our support to the Baltic objective of autonomy, so can we learn from them the immeasurable value of one's cultural heritage. It is my deepest hope that next year, rather than joining in a commemoration of the Soviet annexation of the Baltic States, we will be celebrating the victory of these people over the outrage of imperialism.●

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. First, I ask unanimous consent that the period for the transaction of routine morning business may be extended 10 minutes under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SALARY OF SENATORS

Mr. MATHIAS. Mr. President, there has been considerable conversation in this Chamber and throughout the Capitol and there has been some discussion in the press in the last few days on the subject of the salary of Members of the Senate. It is my opinion that the decisions that we took last Thursday, as well as those that we may take tomorrow on the subject of Senate pay, are not going to change the course of history, nor do I think they will alter the character of the Republic, nor will they even permanently alter the Senate. But, Mr. President, the decisions that we took last Thursday and that we may take tomorrow may very well affect the work of the Senate for a generation, so I think they must be taken seriously.

My impression is that many votes were cast on the basis of how they would be perceived at home, which is a right and proper basis. But I would say it is right and proper when there is a full understanding and a broad comprehension at home of all the facts upon which the decision is based.

Those who voted against a pay raise rightly judge that $60,000—even 60,000 inflated dollars—is still a lot of money in most places. Those who voted for a cap on honoraria rightly think that not only is a lot of money changing hands, but that under some circumstances, the practice looks unhealthy and suspicious.

But it seemed to me no one in that debate tried to establish what the Senate salary ought to be. It was easy to decide what it should not be, but we totally failed to determine, except by default, what is the right figure.

That is understandable, as it is a delicate subject.

If we set it too high, we will be charged with avarice or, at the very least, with exaggerated ideas of our own value.

If we set it too low, we not only price ourselves too cheap, but we limit the number of those who can challenge an incumbent Senator to youthful heirs of great fortunes or elderly business executives of ample means who want to fill their twilight hours with indoor work that does not require heavy lifting.

Serious men and women who must support themselves and educate their children could not even consider running for election to the U.S. Senate. While the salary may be $60,662, the take-home pay is about $30,000. It does not take many children in college to cost up to $20,000 so little more need be said about need.

But the salary should not be fixed on a basis of need, since everyone in the country would like an income based on need.

The Senate salary should be based on what Senate service is worth to the American people, not measured in hours of work, but in the weight of responsibility carried.

It would be in the selfish interest of Senators to fix an hourly compensation at some generally accepted professional rate, since most Senators work for many more than 40 hours a week. It might be argued that "perks" should be deducted and I would not object to that, although perks are not unknown in the private sector.

But then, I ask, what profession makes comparable demands to service in the U.S. Senate?

Here we do not merely apply the existing law to the facts; we apply the facts to formulate new law.

By merely existing, we force Presidents to exercise care in making appointments and, on occasion, we correct their errors.

By merely existing, we force Presidents to consider and reconsider questions of high policy in our relations with other nations.

If the Senate does not have the quality or character to make these powers effective, they would soon lose their force and their value to the American people.

It is impossible to put a dollar value on the discharge of such responsibilities that affect issues of life and death.

There is an historical approach that may be worth considering in attempting to estimate what is proper compensation for the Senate. In 1969, before the recent wave of inflation that dislocated the relation of values to each other, the Senate salary was $42,000. Since that date, the salary has risen to $60,662.50, but in the same period, the Consumer Price Index has risen 168.6 percent. If the index were to be applied to the salary of a Senator today it would be at an annual rate of $111,775.

The historical approach should not be employed as a sole method of determining Senators pay, but it offers at least some objective facts that can be considered.

There is a wide range of other factors to think about in trying to be fair. One is obviously the question of what is fair to the taxpayers. There are several components of that question. One is whether the taxpayers will get their money's worth however much they

spend. Are Senators compensated at a level in which they can be reasonably expected to devote their whole time and full energy to Senate duties? At what level of compensation is it reasonable to expect that a Senator's energies will be diverted to moonlighting, to outside moneymaking activities, or to look to private means to supplement income, thereby diminishing the taxpayers return on their investment?

Finally, we can consider what the budgetary impact of the decision would be.

For example, the former Senator from New Jersey, Mr. Brady, proposed last year that Senate salaries be advanced to $125,000 per annum but that each Senator finance the increase out of allowances for staff salaries. Thus, he suggested a dual objective was served at no additional expense to the taxpayer by settling the pay issue and at the same time reducing the number of Senate staff slots, which I think he felt would be a desirable measure.

Now, not all Senators would agree with either objective, but I cite it as an approach that illustrates that creativity can be useful in dealing with a difficult problem.

Mr. President, I ask unanimous consent that a letter that I received from Senator Brady under date of September 3, 1982, and explaining his proposal be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. Mr. President, undoubtedly other factors will be considered, but my point this evening is that an attempt should be made to make a rational and sensible decision and not merely to decide this issue as a reaction to political fear and timidity.

EXHIBIT 1

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, D.C., September 3, 1982.

Hon. CHARLES MCC. MATHIAS,
U.S. Senate,
Washington, D.C.

DEAR MAC: I have done a great deal of thinking about the low level of Congressional salaries. Although I recognize that this may be an untouchable subject in an election year, it is clear to me we will be in danger of populating Congress with mediocrities and/or rich people unless something is done about the level of Congressional pay. Therefore, I would like to suggest the following:

(1) Congressional pay be increased to $125,000 per year which compensation and payroll consultants inform me is consistent with the level that people in roughly comparable jobs such as hospital administrators, managers of professional organizations, university presidents, foundation presidents, etc., are currently receiving.

(2) The cost of such an increase would be approximately $35 million and would be funded by reducing Congressmen's office expenses (both Staff and Official) by a similar amount. Obviously, this has the enormous advantage of providing the pay increase without costing the taxpayer additional money.

(3) The proposal would also include simple mechanics so that any Member could return so much of the increase as he or she saw fit either by returning it to the Congress as a whole or by adding it back to his own staff account.

It seems to me that this proposition has great merit:

(a) It does not cost the taxpayer any additional money.

(b) Congress would not be unduly hampered by a lower staff commitment.

(c) Different Members obviously have different legitimate financial requirements and can cut the cloth to fit the suit.

(d) If enacted, any member who didn't like the plan could return the funds as a reduction of Congressional expenses and make a personal statement.

I would like to talk to you about implementing this matter on return from the Labor Day recess.

Sincerely,

NICK.

Mr. BAKER. Mr. President, I intend to speak on this subject tomorrow. I do not mean to use this late hour as a rehearsal, but prompted as I am by the excellent remarks of the Senator from Maryland I feel I should add a thought or two to go along with the insights and observations just given by the distinguished chairman of the Rules Committee, an outstanding Member of this body, a man who has a keen sensitivity for the essence of the American democracy.

Mr. President, I wonder sometimes how we lost our way in the continuing business of defining the role of Congress, for I am sure that the Founding Fathers never intended us to be what we are today, an aggregation of Senators elected by popular vote, committed full time to the legislative undertaking in the Federal City, returning to our homes for periodic visits on weekends and the occasional breaks from the legislative schedule that are afforded by Christmas, Memorial Day, the Fourth of July, and the like. We have become elected bureaucrats.

I am sure that was never intended by the Founding Fathers. It does not take a very keen student or a scholarly approach to the classic design of the American Republic to ascertain that the powers of Government were divided between the Congress, which I think of as the people's branch, to set the general policies of the Government in the name of the people, and the representative of the collective sovereign, to give the authority to execute those policies to the executive department, with all of these activities to be monitored by the court and by the sovereign itself. But for the life of me, I cannot see any place in the Constitution or the early documents of the Republic where it says Congress was supposed to compete with the bureaucracy in the detailed daily nitty-gritty of governing this country.

Now, that may sound esoteric and not very exciting and pretty theoretical, but I think that really is how we lost our way when we lost our self-image of the policy-setting people's branch of the Government.

Some of my friends and colleagues who may accidentally read these remarks have heard me make this speech before. I can recall so clearly when my father came to Congress many years ago. He came on the train from Tennessee, and it was an overnight trip. He came in January and he had no plans to go home before Easter certainly and maybe not until later in the spring. He never thought about moving his family permanently to Washington or giving up his home in Tennessee. For that matter, he never thought about giving up his profession or his business or his civic enterprises and interests. He was a Tennessean, temporarily in Washington to speak for the people of his congressional district.

Years later, I was elected to the Senate and I came in a jet airplane. It took an hour. I brought my family with me. I went home the following weekend; and I still go home almost every weekend for a hurried grazing pass at the people of my State, masquerading in the guise of a man trying to find out what is going on. And who in the world can find out what is going on in the people's minds on a Saturday or Sunday when people would rather not be talking to politicians to begin with.

Mr. President, my father came up here with two staff people, and when he went home he went back on the train, and he took two trunks with him. Until this good day, I will bet Members of the Senate do not understand, or most of them do not know why, they are entitled to two footlockers every year, but they are. The reason was that Members were expected to gather up their files in their office, put them in those footlockers, and send them home so that they could work with them for those 7 or 8 months of the year that they were expected to be home.

That little anacronism is still here. This is, you can go down to the Sergeant at Arms' office and still get your two trunks every year. I bet you cannot put your files in them, though.

Mr. President, my point is that I do not think we will ever solve this problem of pay for Members of Congress as long as we think of ourselves as permanent full-time employees of the Federal Government instead of the elected representatives of the people of our districts and States. I do not think we will ever solve this pay problem as long as we think of ourselves first and primarily as Federal employees who are supposed to be here 12 months of the year. We pass silly rules

and regulations and statutes that say we are forbidden to do anything else except come up here and legislate 12 months out of the year. I do not think we are ever going to pass enough to represent what we think we are worth, at least in relation to what we could make and did make before we came to Congress. I like to point out that when I came here in 1967, I was a wealthy young lawyer. I have gotten over all three of those conditions now.

Mr. President, the only way we will solve the problem is to redefine our role, and our role is to represent the people on major policy decisions and to transmit those judgments on policy to the executive department to execute, with us to supervise and the court to monitor for constitutionality.

That is why, Mr. President, I think the answer is not more money but less money. That is why I think we ought to be in session not 12 months out of the year but 6 or 7 months out of the year. That is why I think there ought to be a positive disincentive for the Senate to stay around instead of an incentive for us to do so. That is why I think that we ought to be paid on a basis that reflects a provision against us being out of pocket for our Federal services; it is our citizenship reward but not our livelihood.

That is why, Mr. President, I am convinced that we need to change our self-image and the definition of our role.

Mr. President, I would like to see us repeal all of those laws and statutes and all of those rules and regulations against outside earned income. It is the strangest expression of the American ethic to say that there is nothing wrong in having unlimited unearned income in the Congress but there is a prohibition against having more than x dollars of earned income. Where is the Puritan ethic in that? I would like to see us once more to be an aggregation of lawyers and doctors and farmers and architects. I would like to see us once again immersed in the business of our country so that we understand what it is about and what we are legislating about.

I would like to see us encouraged rather than prohibited from taking an active role in our communities' affairs, in the commerce and industry of this country.

Of course, there would have to be stern and stringent conflict-of-interest laws. Certainly, we would have to require absolute, full disclosure on where our income came from, earned or unearned, so that the essential political question of whether that money was something the electorate approved of or disapproved of was made by the electorate, not by Congress and not by an Ethics Committee of the House or the Senate.

I would like very much to see such fundamnental changes, but I know full well that they will not happen on a supplemental appropriations bill; and they will not happen this session of Congress, and perhaps they will not happen in the year and a half I have remaining of my term in the Senate.

All that says to me is to preach the sermon more often, because we are never going to solve the problem of pay and allowances for Members of Congress as long as we are primarily elected bureaucrats, as long as we are employees of the Federal Government, instead of citizen legislators.

We are never going to get over the business of passing thousand-page bills until we get over that. I come to the floor sometimes and look at a piece of legislation—I have picked up one at random, which is the supplemental appropriations bill. It is a half-inch thick and 125 pages long. I believe there are not more than 10 Members of the Senate who have read it all the way through, and I do not blame them. Incidentally, I am not one of the 10.

Mr. President, I have come to the floor occasionally and seen bills that were 500 pages long, or 1,000. I saw one once that was 1,200 pages. That is not why we are in business. When I read through one of those bills, it seems like the Federal Register instead of the United States Code. It reads like a bunch of proposed rules and regulations instead of statute law. It appears like the product of a bunch of anonymous bureaucrats instead of elected Senators. It sounds like we do not know what we are supposed to be doing, and we do not.

We are the trustees of the ultimate sovereignty. The ultimate sovereignty in this country is the full expression of the desires and the demands and the dissent of the people of this Nation, expressed through their elected representatives.

We will not in our lifetime really know what the range of those desires and demands and dissent may be if we stay on the banks of the Potomac 12 months of the year.

So it is not just a question of pay; it is a question of our function. I think that one of these days we have to reexamine the fundamental role of Congress in relation to this magnificent country of ours and its role in this inspired federal system that our Founding Fathers gave us.

Once again, I thank the Senator from Maryland for his excellent presentation.

I apologize to my colleagues for my inability to resist preaching this sermon one more time, and I apologize to the Public Printer for the excess RECORD he will have to print tomorrow.

Mr. MATHIAS. Mr. President, if my brief remarks on the subject of Senate salaries has no other result than to evoke the eloquence of the majority leader, I think they have already served some useful purpose.

I have a high degree of sympathy for the sentiments he has expressed. I think it is a curious question as to why we consider that dividends in very large amounts, representing property interests in corporations, should be considered as not tainted in any degree with suspicion of self-interest; whereas, a modest honorarium is immediately branded as the subject of suspicion and conflict of interest.

Mr. BAKER. Mr. President, I do not wish to elaborate on that unduly; but one of my colleagues said today—and this is not directed toward any Senator, but to illustrate the point—"Why is it wrong for me to take a $2,000 honorarium from the American Bankers Association to make a speech to them, when it is not wrong for someone to receive $100,000 in dividends from his bank?"

It is a good question, Mr. President, and one that I think cannot be answered because I believe we are barking up the wrong tree.

Mr. MATHIAS. That very question is the sort of thing the Senate has to consider when we get into this whole difficult question of pay raise, of compensation, and of outside income. I do not think we can make snap decisions without looking at the whole picture.

So far as the majority leader's thoughts on the subject of the function of Congress are concerned, I recall very well my years of service in the other body with Representative Thomas Curtis of Missouri. He held very similar views.

He felt that we had gone too far in sanitizing Congress; that lawyers who had to be told what the state of the courts was, or farmers who had to be told what the state of agriculture was, or businessmen who had to be told what the state of commerce and business was, were going to be less effective as representatives than lawyers and bankers and businessmen or other professions or callings in life who knew what the state of their particular profession was because they practiced it, because they spent several months a year in the active pursuit of that profession, that calling, that trade, that craft, whatever it might be. They knew what was going on in the country because they were part of the country and not divorced from the country and living in this kind of hot house atmosphere that has been created on Capitol Hill.

But I think what comes clear out of some thought on this subject, Mr. President, is that you cannot have it both ways. You can totally sanitize Congress by prophylactic measures but then you cannot expect Congress to maintain its quality and its character without providing for some compensatory financial provision for the

Members of Congress. On the other hand, if you live in a less sanitized atmosphere Members can then acquire other means of supporting themselves but you then pay the price of having some perception of conflict of interest.

But these are the kinds of things that need to be debated, that need to be brought out on the surface, so that people then can make a judgment as between the different course of action that we should take.

What is wrong in my judgment is simply to react hastily and without this kind of discussion which after all educates the country as well as ourselves on what the various alternatives are and choose the best of the very difficult decisions that can be made.

It is not an easy matter. It is a matter which we all approach with some fear and trepidation, with some concern we are going to be misunderstood and misinterpreted, but if we are to do the job which the Constitution assigns to us, perhaps the toughest job that the Constitution imposes on us, to set our own salary, then I think we owe it to the country as well as to ourselves to consider all of the options, not to make decisions on horseback, but consider all of the options and decide what is in the best interests of the people of the United States.

Mr. BAKER. Mr. President, will the Senator yield to me one more moment?

Mr. MATHIAS. I yield.

Mr. BAKER. Mr. President, I have an idea, and I meant to say this earlier and I forgot, that the Founding Fathers who did such an extraordinary job of constructing this edifice of self-government for us maybe did not have any better ideas than we do at the moment about how to handle the pay and allowance question.

I have been told by my staff, and I have not seen the research papers to verify this, this was a matter of considerable debate and there was once proposed a further amendment to the Constitution as part of the Bill of Rights so-called, but it was not adopted because the delegates could not agree on what that proviso should be.

Mr. President, I have thought long and hard about this business of the fundamental conflict of interest that exists in Members of Congress setting their own salaries. It is one that we demonstrate so frequently that we are institutionally incapable of dealing with that patent conflict of interest, that is, setting our own salary.

I think we are going to have to do something constitutionally about it.

I joined with the distinuished Senator from Louisiana (Mr. LONG) who is a former chairman of the Finance Committee and, if he will permit me to say so, a fixture on the political scene in this country, in introducing Senate Joint Resolution 1, which is a proposed constitutional amendment which would provide that the business of setting the compensation for Members of Congress shall be taken away from Congress and given to a constitutional pay commission.

I think that is the only way we are going to finally solve this problem unless we go back to the citizen-legislator, the citizen-Congress concept.

So I intend to ask the distinguished chairman of the Judiciary Committee, Mr. THURMOND, to report that resolution so the Congress can debate it yet this year and, perhaps, adopt it, and send it on down to the House and ultimately to the several States for their consideration.

But in the meantime, Mr. President, we have this supplemental appropriations bill before us, and we have to deal with this issue, and we will do that tomorrow. I think the Senator from Maryland has given us some very valuable advice, and I thank him for it.

Mr. President, I have spoken far longer than I intended, and I see no other Senator seeking recognition.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, in accordance with the order previously entered, I move that the Senate now stand in recess until the hour of 9:30 a.m. tomorrow.

The motion was agreed to; and at 6:50 p.m. the Senate recessed until Wednesday, June 15, 1983, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, June 14, 1983*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
June 13, 1983.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Tuesday, June 14, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D. offered the following prayer:

Lift our eyes, O God, above the immediate tasks that confront us, so that we may see the plan of Your creation and the majesty of Your purpose. May we recognize that we were created to live in harmony with nature and in peace with the human family. Help us put aside any greed that strives for selfish gain or causes us to use our neighbor for our own purpose, but focusing on Your love, may we be messengers of understanding and doers of justice in our communities and world. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FIELDS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FIELDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 375, nays 20, answered "present" 6, not voting 31, as follows:

[Roll No. 185]

YEAS—375

Ackerman	Derrick	Hughes
Addabbo	DeWine	Hunter
Akaka	Dicks	Hyde
Albosta	Dingell	Ireland
Alexander	Dixon	Jeffords
Anderson	Donnelly	Jenkins
Andrews (NC)	Dorgan	Johnson
Andrews (TX)	Downey	Jones (NC)
Annunzio	Dreier	Jones (OK)
Anthony	Duncan	Jones (TN)
Archer	Dwyer	Kaptur
Aspin	Dymally	Kasich
AuCoin	Dyson	Kastenmeier
Badham	Early	Kazen
Barnard	Eckart	Kemp
Barnes	Edwards (AL)	Kennelly
Bartlett	Edwards (CA)	Kildee
Bateman	Edwards (OK)	Kindness
Bates	English	Kogovsek
Bedell	Erdreich	Kostmayer
Beilenson	Erlenborn	Kramer
Bennett	Evans (IL)	Lagomarsino
Bereuter	Fascell	Lantos
Bethune	Fazio	Latta
Bevill	Feighan	Leath
Biaggi	Ferraro	Lehman (CA)
Bilirakis	Fish	Lehman (FL)
Bliley	Florio	Leland
Boehlert	Foglietta	Lent
Boggs	Foley	Levin
Boland	Ford (MI)	Levine
Boner	Ford (TN)	Levitas
Bonior	Fowler	Lewis (CA)
Bonker	Frank	Lewis (FL)
Borski	Franklin	Lipinski
Bosco	Frenzel	Livingston
Boucher	Frost	Lloyd
Boxer	Fuqua	Loeffler
Breaux	Garcia	Long (LA)
Britt	Gekas	Long (MD)
Brooks	Gephardt	Lott
Broomfield	Gibbons	Lowery (CA)
Brown (CA)	Gilman	Lowry (WA)
Brown (CO)	Gingrich	Lujan
Broyhill	Glickman	Luken
Bryant	Gonzalez	Lungren
Burton	Gore	Mack
Byron	Gradison	MacKay
Campbell	Gramm	Madigan
Carney	Gray	Marlenee
Carper	Green	Marriott
Carr	Gregg	Martin (IL)
Chandler	Guarini	Martin (NY)
Chappell	Gunderson	Matsui
Chappie	Hall (IN)	Mavroules
Cheney	Hall (OH)	Mazzoli
Clarke	Hall, Ralph	McCain
Clinger	Hall, Sam	McCandless
Coats	Hamilton	McCloskey
Coelho	Hammerschmidt	McCollum
Coleman (MO)	Hance	McCurdy
Coleman (TX)	Hansen (UT)	McDade
Conable	Harrison	McDonald
Conte	Hartnett	McEwen
Cooper	Hatcher	McGrath
Coughlin	Hefner	McHugh
Coyne	Hertel	McKernan
Crane, Daniel	Hightower	McNulty
Crane, Philip	Hiler	Mica
D'Amours	Hillis	Michel
Daniel	Holt	Mikulski
Dannemeyer	Hopkins	Miller (OH)
Daschle	Horton	Mineta
Daub	Howard	Minish
Davis	Hoyer	Moakley
de la Garza	Hubbard	Molinari
Dellums	Huckaby	Mollohan
Montgomery	Roberts	Stratton
Moody	Robinson	Studds
Moore	Roe	Stump
Moorhead	Rogers	Swift
Morrison (CT)	Rose	Synar
Morrison (WA)	Rostenkowski	Tallon
Mrazek	Roth	Tauke
Murtha	Roukema	Tauzin
Myers	Rowland	Taylor
Natcher	Roybal	Thomas (CA)
Neal	Rudd	Thomas (GA)
Nelson	Russo	Torres
Nichols	Savage	Torricelli
Nielson	Sawyer	Towns
Nowak	Schaefer	Traxler
O'Brien	Scheuer	Valentine
Oakar	Schneider	Vander Jagt
Obey	Schulze	Vandergriff
Olin	Schumer	Vento
Ortiz	Seiberling	Volkmer
Owens	Sensenbrenner	Vucanovich
Oxley	Shannon	Walgren
Packard	Sharp	Watkins
Panetta	Shaw	Waxman
Parris	Shelby	Weaver
Pashayan	Shumway	Weber
Patman	Shuster	Weiss
Patterson	Siljander	Wheat
Paul	Simon	Whitehurst
Pease	Sisisky	Whitley
Pepper	Skelton	Whittaker
Perkins	Slattery	Whitten
Petri	Smith (FL)	Williams (MT)
Pickle	Smith (IA)	Williams (OH)
Porter	Smith (NE)	Wilson
Price	Smith (NJ)	Winn
Pritchard	Smith, Denny	Wirth
Pursell	Smith, Robert	Wise
Quillen	Snowe	Wolf
Rahall	Snyder	Wolpe
Rangel	Solarz	Wortley
Ratchford	Spence	Wright
Ray	Spratt	Wyden
Regula	Staggers	Wylie
Reid	Stangeland	Yatron
Ridge	Stark	Young (MO)
Rinaldo	Stenholm	Zablocki
Ritter	Stokes	Zschau

NAYS—20

Clay	Forsythe	Sabo
Craig	Gejdenson	Sikorski
Dickinson	Harkin	Solomon
Durbin	Miller (CA)	Walker
Emerson	Penny	Yates
Evans (IA)	Richardson	Young (AK)
Fields	Roemer	

ANSWERED "PRESENT"—6

Edgar	Lundine	Ottinger
Jacobs	Oberstar	St Germain

NOT VOTING—31

Applegate	Goodling	McKinney
Berman	Hansen (ID)	Mitchell
Collins	Hawkins	Murphy
Conyers	Heftel	Rodino
Corcoran	Hutto	Schroeder
Courter	Kolter	Skeen
Crockett	LaFalce	Sundquist
Dowdy	Leach	Udall
Fiedler	Markey	Young (FL)
Flippo	Martin (NC)	
Gaydos	Martinez	

□ 1215

Mr. SIKORSKI changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

A TRIBUTE TO THE LATE HONORABLE WILLIAM MUNFORD TUCK

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL. Mr. Speaker, last Thursday, June 9, Virginia lost one of its most illustrious sons—former Governor and Congressman William Munford Tuck.

Bill Tuck was an institution in the Old Dominion—whose public service in Richmond and Washington brought distinction to him personally and to the people he so ably represented.

Many men of greatness shine as a beacon in their time, only to be enhanced or relegated by historians of later years. Bill was always one who stood out wherever he was—and made his mark in history by what he said and what he did, in a way not matched by many of his peers.

His booming voice, his forthright manner, his friendly handshake and his marvelous sense of humor will be remembered for many years to come by all those who knew him. There was never any guesswork as to where he stood, not much mystery as to what his course of action would be, but constant assurance that he never forgot a friend.

His friends and supporters remembered him often at the ballot box—electing him to the Virginia House of Delegates (1924–32), the State senate (1932–42), Lieutenant Governor (1942–46), Governor (1946–50) and the House of Representatives (1953–69), when it was my privilege to succeed him.

Bill Tuck never forgot the rewards of those who elected him, and in every office he held, his concern for people as individuals permeated his service. Almost everyone who knew him can come forth with a "Bill Tuck anecdote" because at every level of his associations, there was a genuineness of fellowship that made thousands feel as though they knew him personally.

His record as Governor of the Commonwealth of Virginia was marked by memorable events. His service in this body was no less a tribute to his memory. On the House Judiciary Committee and the Un-American Activities Committee, he approached matters of national concern just as he did those back in Virginia. "The Governor," as he was affectionately known, never quite saw the world as complicated and overwhelming as most of us do, and his direct, unadorned approach often paid off.

Bill loved Southside, Va., from which he came, and always fashioned himself as a country lawyer who represented his people the best he knew how. In his day, he was probably known personally by more people, and knew more Virginians by name, than any man in the State. He loved people—and usually saw issues in terms of those whom they affected.

He could command the English language as few orators of his time and fashion phrases that had a way of lasting. He served in the Marines during World War I, attended the College of William and Mary and was graduated from the Law School of Washington and Lee University. He was a member of numerous organizations over the years and left his imprint on most of them.

Of many men and women it can be said that they lived a full life—and of Bill Tuck it can be especially said that he enjoyed it to the fullest. Whether it be country music, gospel singing, sports, political gatherings, or just conversation with old friends, he was at home. We shall remember him—and we shall miss him.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. DANIEL. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I just want to thank the gentleman from Virginia, Mr. DANIEL, for calling the attention of the House to the sad passing of Governor Tuck. I had the privilege of serving on the Judiciary Committee with Governor Tuck, and we had one thing very firmly in common. When Governor Tuck served here, he and I were the only two Members of the House of Representatives who were former enlisted marines. We will miss him a great deal.

GENERAL LEAVE

Mr. DANIEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of my dear friend, the late Honorable William Munford Tuck.

The SPEAKER pro tempore (Mr. ECKART). Is there objection to the request of the gentleman from Virginia?

There was no objection.

AMERICA'S SCHOOLCHILDREN WOULD BEAR THE BRUNT OF EDUCATION CUTS

(Ms. FERRARO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FERRARO. Mr. Speaker, President Reagan claims to be concerned about the quality of education in this country. He claims to be the friend of children in New York City and around the country who need a strong public education system to realize their potential for achievement.

With friends like the President, America's children cannot afford enemies.

Let us discuss the President's record on funding for public education. Cuts in elementary school programs, cuts for handicapped children, cuts for disadvantaged kids. He does not understand that those cuts mean fewer teachers, fewer books, scaled-back curricula.

As a former teacher, as a parent, and as a public official who supports more tuition tax credits and a strong Federal commitment to public education, I want to tell the President this.

When you cut education funding, and when you beat up on teachers, the people who get hurt the most are America's schoolchildren.

PRESIDENT REAGAN AND EDUCATION

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYMALLY. Mr. Speaker, recently my attention was captured by a television advertisement in which a small boy was sitting in the cockpit of a fighter jet staring blankly at the instruments. The message of the advertisement was that without good education we cannot have good defense. I did not realize the chilling objectivity contained in that statement until I learned that one-fourth of the recruits to our Navy cannot read well enough to understand simple safety instructions. Far from being able to defend our country, these recruits are not able to defend even themselves.

We have a President whose main concern appears to be national defense. He is willing to mortgage every aspect of domestic support to satisfy an unquenchable thirst for new military gadgetry. Yet, when it comes to providing a little support to educate young people to the point where they might have some hope of operating that gadgetry—or of negotiating a lasting peace—he says the solution is merit pay for teachers. You and I know that teacher pay has always been determined at State and local levels. You and I know that any crafty politician who wants to turn criticism away from his own failings will present to the public an issue that captures attention but over which the politician has little control. That is what our President is doing.

The education of our children is not a matter that we can afford to treat as lightly as the President treats it. When he tries to tell us that the Federal Government spends more on education than it does on defense, we need to tell him that combined the Federal, State, and local governments spend less than half of what he wants for defense. Every responsible American must bring the message home to Mr. Reagan that a national crisis demands a responsible national solution. Mr. President, we do not need smoke-

screens. We need meaningful solutions. And we need them now.

□ 1230

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT WHILE HOUSE IS READING FOR AMENDMENT UNDER 5-MINUTE RULE ON TUESDAY AND WEDNESDAY, JUNE 14 AND 15, 1983

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on Tuesday and Wednesday, June 14 and 15.

The purpose of the permission is to allow markup of the following bills, all of which have been sequentially referred to the Committee on the Judiciary. The sequential referrals on the first three bills listed end on June 15.

H.R. 2867, to amend the Solid Waste Disposal Act;

H.R. 2970, Federal Trade Commission Authorization Act;

H.R. 2797, Department of Energy National Security and Military Applications of Nuclear Energy Authorization;

H.R. 1878, Shipping Act of 1983, on which the sequential ends June 30.

The minority has been consulted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS OF COMMITTEE ON THE JUDICIARY TO SIT WHILE HOUSE IS READING FOR AMENDMENT UNDER 5-MINUTE RULE ON TUESDAY, JUNE 14, AND THURSDAY, JUNE 16, 1983

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary be permitted to sit on Tuesday, June 14 and Thursday, June 16, 1983, while the House is considering amendments under the 5-minute rule.

The purpose of these subcommittee meetings is to conduct hearings on H.R. 2327 and related regulatory reform bills.

The minority has been consulted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SANCTITY OF MEMBERS' TESTIMONY VITAL TO PROPER FUNCTIONING OF COMMITTEE SYSTEM

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, it came to my attention last week that serious alterations have appeared in the printed transcript of a joint hearing held last year by a Government Operations subcommittee, along with two Science and Technology subcommittees and two Energy and Commerce subcommittees. The alterations have the effect of substantially changing the testimony of three participating members.

The sanctity of members' testimony is vital to the proper functioning of the committee system. As chairman of the Committee on Government Operations, there is no responsibility I take more seriously than that of assuring the integrity of the committee's records and publications.

An investigation by the Government Operations Committee and Science and Technology Committee staffs since the discovery of this particular problem has not revealed when or how the alterations occurred. However, I want to assure the Members of this House that the Committee on Government Operations appreciates the seriousness of the problem, that we are making every effort to determine the facts and to find a remedy that will minimize any damage that may have resulted. Congressman DON FUQUA, chairman of the Committee on Science and Technology joins me in this concern. We plan to consult as soon as possible with all affected members so that we can arrive at some agreed-upon procedure.

MAJOR NEW LEGISLATION TO STRENGTHEN FEDERAL PIPELINE SAFETY PROGRAM

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I am today introducing major new legislation to strengthen the Federal pipeline safety program and close the gaping loopholes in current law regarding pipeline accidents across the Nation.

Pipeline safety is too often somebody else's problem—until gasoline or some other hazardous liquid appears in our backyard or across the street in a neighbor's. Across the country there exists old pipelines which are leaking or spilling thousands of gallons of hazardous liquids in residential, commercial and agricultural areas.

My legislation, the Pipeline Structural Integrity Act, was prompted by the poor record of the Williams Pipe Line Co. and other companies with long histories of pipeline failures.

Since 1977, the Williams Pipe Line Co. has spilled nearly 3 million gallons of hazardous liquids in 12 States. In my own State of Minnesota, the company's leaks have totaled approximately 800,000 gallons in the past 6 years. Those leaks include one in which thousands of gallons spilled on a farm in rural Minnesota and another in which 12 homes were contaminated when a pipeline ruptured gasoline in a residential suburb of the Twin Cities. The Williams Pipe Line Co. is a classic example of why my legislation is necessary.

Our existing pipeline safety program—if we can even call it that—is a disgrace.

My bill will close loopholes in the existing Hazardous Liquid Pipeline Safety Act of 1979. That law is inadequate to deal with the problem of corrosive leaks which are the cause of many recent accidents.

It is really a catch-22 situation. A pipeline company is required to repair corrosion when it is found in a pipeline, but there is no requirement that a company look for corrosion on a systematic basis. When a pipeline is so corroded it leaks in one spot, the company is only required to patch that spot. In many cases, the law does not require testing of the overall structural integrity of the line so that future problem sections can be repaired or replaced before they leak. This is the reason we find leak after leak in the same line even after repairs have been made.

The Pipeline Structural Integrity Act is aimed at reducing the possibility of leaks before they happen. It will require periodic testing by the owners of pipelines carrying hazardous substances. The Secretary of Transportation will be required to oversee the testing and will have the discretion to require certain pipelines to undergo more frequent testing.

Many pipeline systems in our country are more than a half century old. They run under neighborhoods and commercial areas because they were laid before there were any laws preventing this. Pipeline corrosion-control systems did not become available until the 1950's, so there were years and years when these pipelines had no viable protection.

Pipeline leaks are serious business. Gasoline and other hazardous liquids are coming up where kids play and people work. And there is no law to effectively prevent this from happening by requiring regular testing of a pipeline's structural integrity. I urge your support for my legislation.

PRESIDENT RESUMES HIS EDUCATION ROAD SHOW

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Mr. Speaker, today as the President resumes his education road show, our first lesson ought to be to pay close attention to what the President has done, not to what he says.

The President declares his commitment to excellence in education, but his legislative and budget proposals lead to the curtailment of a national strategy in achieving that excellence.

He insists that he has only slowed the growth of the education budget, but there have been real and drastic cuts in Federal aid to elementary, secondary and vocational schools.

There has been a $200 million cut in Pell grants. The guaranteed student loan program has been cut by 37 percent. The social security student benefit for the children of widows has been eliminated and the Federal share of education for the handicapped has been slashed by more than one-third.

Still, the President has demanded that we make even more cuts in our support for public education.

I agree that Federal tax dollars alone will not solve the current educational crisis in this Nation; but it is equally true that the crisis cannot be solved without Federal dollars.

The President's rhetoric will not change those facts.

THE IMPORTANCE OF REVENUE SHARING FUNDS

(Mr. HARRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRISON. Mr. Speaker, the general revenue sharing program, begun by the State and Local Assistance Act of 1972, as amended in 1976, is scheduled to expire on September 30 of this year. As the deadline approaches, and as the debate between the proponents and opponents of the revenue sharing concept intensifies, I rise this morning to emphasize before the Members of this body the importance of revenue sharing funds to the fiscal soundness and stability of the units of local government within my congressional district in northeastern Pennsylvania.

Mr. Speaker, the Pennsylvania League of Cities has conducted an extensive survey of the impact of revenue sharing within the Commonwealth, and its findings are compelling evidence of the need to continue, if not expand, this program. For example, the league survey reveals that within my own 11th District, expressed as a percentage of locally raised revenue, Federal revenue sharing funds amount to fully 16 percent.

Even more dramatically, if revenue sharing funds had to be replaced by property taxes within my district, the necessary increase would be a staggering 86.6 percent. The people of my district, Mr. Speaker, where unemployment far exceeds the national average, and where so many of our citizens are older, and live on fixed incomes, could simply never afford to pay this staggering increase in property taxes.

The fact is that more than 70 percent of the municipalities within my district have indicated that it would be necessary for them to increase taxes, in addition to curtailing services, if this source of funding were not available to them.

The question has arisen before the other body as to whether to change the distribution formula if the funding level for this program is to be increased. I am opposed to changing this formula at the present time. We know from past experience that any such change will have a delaying effect because of changes in the distribution of funds to municipalities that would result from such an action. If changes in the formula are considered for implementation, it is my view that this should be done only after the program has been reauthorized and only after a thorough study has been completed. Any delay in the prompt reauthorization of this program will cause difficulties in the preparation of local government budgets, as officials will not be able to budget a line item for revenue sharing funds, thus necessitating the preparation of contingency budgets with tax increases and personnel layoffs as an integral part of any alternative budgets.

It is for all of these reasons, Mr. Speaker, that I urge the Members of this House, and my colleagues in the Senate, to act promptly in the renewal of the revenue sharing program.

CONGRESSIONAL FAST AND PRAYER VIGIL FOR SOVIET JEWRY

(Mr. MRAZEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MRAZEK. Mr. Speaker, each passing day extends the human suffering of 2 million Jews living in the Soviet Union.

With each day, the pain of forced imprisonment within the country of their birth ravages the spirit of the more than one-half million Soviet Jews who have applied to emigrate. Their longing for religious and intellectual freedom has brought only heartbreak, shattered lives, incarceration and forced separation from families and loved ones.

Each day is another day of travesty to the spirit which led the nations of the world to formulate the Helsinki Accords and the United Nations Universal Declaration of Human Rights. It is not enough that the Soviet state restricts cultural and religious expression among its Jewish population, as it does with all ethnic groups within its borders. Instead, it also dangles freedom cruelly before those who would leave, only to snatch it away on a political whim. And when protests are heard, the next sound is the crashing shut of prison gates.

As a beacon of truth in a sometimes darkened world, this Nation must not let the plight of Soviet Jews pass silently through time. Our efforts must continue on many fronts to expose the injustice and intolerance of the Soviet regime to the world. In this spirit, I urge my colleagues to join Mr. Porter and myself on July 14 for a day of reflection and symbolic protest. The Congressional Fast and Prayer Vigil for Soviet Jewry will show our solidarity with the oppressed victims of Soviet contempt for human dignity.

CHILD PORNOGRAPHY

(Mr. HUGHES asked and was given permission to address the House for 1 minutes and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, on behalf of myself and Mr. SAWYER I am today introducing a bill to amend the Child Pornography Act of 1977. We have now had the opportunity to examine 5 years of experience with this law, which we passed to get at the despicable practice of posing children in explicit sex acts in order to film or photograph them and distribute the products in interstate commerce.

We have had some success with this law, but there are some shortcomings in it which prevent it from being fully effective. Last year the U.S. Supreme Court cleared the way for curing one of these shortcomings when it unanimously ruled that laws designed to stamp out child pornography need not require that the material depicting children in sex acts be proven legally obscene before its distribution can be penalized.

We were reluctant to impose an obscenity requirement when we processed the legislation 6 years ago, but did so out of an abundance of caution, and upon the advice of the Justice Department, which felt that the courts might rule that even this totally odious material is protected by the Constitution. The highest court in the land had clearly ruled that it is not, and my bill deletes this requirement.

A second change needed is one which eliminates the requirement that persons distributing such materials in interstate commerce do so for pur-

poses of sale. Many pedophiles trade and exchange these materials without transacting sales, and there is no reason to limit the prohibition to commercial transaction.

In last year's Supreme Court decision, some members of the Court expressed concern that laws designed for the commendable purpose of protecting children from sexual abuse might unintentionally reach too far, and encompass material which has legitimate literary, scientific, or artistic value. Our bill makes provision for the courts to consider any such value the material may have in situations in which the risk of harm to the child is very slight. We would also close a loophole which permits producers of these materials to escape punishment unless they are actually caught abusing the children, and would increase fines to a more realistic level. We believe these changes should give our law enforcement angencies better tools to combat this repulsive practice.

THE DULL EDGE OF ECONOMIC RECOVERY

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I have great concern that any current economic improvement that is occurring is temporary. In my home city of Wichita, Kans., it was just announced on Friday that 750 Beech Aircraft Corp. workers will be laid off next week. The company in saying that cited a less than expected increase in retail sales.

The chairman of the company indicated:

We fully believe that the national economy is recovering; but unfortunately, we are not yet on the leading edge of this recovery.

Sadly, it seems to me that the leading edge of this Reagan recovery is very, very dull, and that millions and millions of Americans may be mislead by rhetoric on television and radio which indicates that a recovery is coming and all we need to do is to wait for it, folks; when, in fact, more and more folks may be in the unemployment lines and interest rates will go up.

So I say in conclusion that the status quo on national policy is no good; it does not, unfortunately, look like economic recovery is at hand. It looks like a lot of folks unfortunately may be in the unemployment lines in the future and one would hope that we would be able to change our Government policy, to revise the administration's economic policy, particularly with respect to the enormous deficits, in order to make sure that the Beech layoffs do not become widespread.

UNEMPLOYMENT EXTENDED BENEFITS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. KAPTUR. Mr. Speaker, I rise today on behalf of all those workers in my home State of Ohio who are no longer listed on the official unemployment roles, not because they are going back to work, but because they have been out of work so long, they no longer receive unemployment benefits. Last month, Ohio lost State extended unemployment benefits because its insured unemployment rate went down. I assure you, Mr. Speaker, Ohio's rate is going down only because the average duration of unemployment is going up. Ohioans will be receiving fewer benefits despite the fact that our unemployment has been higher and lasted longer than other States that still qualify for extended benefits.

It is a cruel benefit system whose calculation process makes a deteriorating situation appear to be improving. Two bills introduced by our colleague DON PEASE, H.R. 3196 and 3197, will return unemployment compensation law to its status prior to the misguided Reconciliation Act of 1981. If we pass this legislation, unemployment compensation will once again realistically reflect the problems it was designed to address. I urge my colleagues to support these bills to let the Americans who are out of work know that they are not forgotten.

The following letter received in June 1983 from a constituent in Delta, Ohio, is representative of the continuing plight faced by the many jobless in my district.

DEAR CONGRESSWOMAN KAPTUR: I have a real problem. I'm unemployed, and have been for over a year and a half.

Now before you label me as a lazy slob, let me tell you what I've done.

I have applied for over 300 jobs. Usually for every opening there are hundreds of able bodied applicants. For one job, I stood in line for five hours.

I am tired of filling out employment forms! I do not say that to be funny, I say it because I'm mad. I'm tired, I'm scared.

How will I keep the car we have, and make the payments on mobile home we "survive" in?

I am a skilled craftsman. I am a carpenter that many people want to hire, but they can't. I started going door to door to find "odd jobs" to keep food on the table. Even that has slowed down to almost nothing.

If Uncle Ronald thinks this depression is over, he's only fooling himself. We know that it's still here, and it still hurts!

Tell him to get off his MX and get us back to work!

□ 1245

THE CHALLENGE TO AMERICAN EDUCATION

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, today as President Reagan embarks upon his trip to Knoxville to sing the praises of American education—I believe his record on behalf of the schools—the teachers—and the students of our Nation should be set straight. In the last 2 years, we have witnessed an unprecedented attack on the Federal education budget to the tune of over $5 billion in cuts.

At the same time, we have a national blue ribbon panel which has detailed the disasterous decline in the achievement of students in our schools today.

I stand here today not to condemn the President—but rather—to urge that we build upon the many successes of American education—that we seize the opportunity before us with all eyes focused on finding answers to the problems we face today.

Let us not forget that there are countless good points to the gloom and doom that we have heard about: since 1950, the dropout rate has fallen from 39 percent to 14 percent—college enrollment has jumped from 3 million in 1960 to 12 million today, and 57 percent of our children now attend kindergarten as compared to the 37 percent 10 years ago. Funding for education has jumped from $25 billion in 1960 to $200 billion in 1982. I am introducing legislation today that will establish a national summit meeting on education. All members of the education community would be invited to help make recommendations on how to make sure that our schools and colleges remain bastions of achievement—and not the makers of mediocrity.

JASON AVERBACH—OUTSTANDING YOUNG AMERICAN

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, the Walt Disney Productions, as a part of its program of honoring young people in the schools of our country, has selected a young man named Jason Averbach, 11 years old, who has just finished the sixth grade in Treasure Island Elementary School, Miami Beach, in my district, to realize his very deeply felt ambition to be a page of this House. By appointment of the Honorable JOSEPH MOAKLEY, chairman of the Personnel Committee of the House, Jason is on the floor here

today, back at the pages' desk, an honorary page for the day.

He is a young man of already great distinction. He was captain of his school patrol. He is on his school's honor roll. He has achieved first place in an oratorical contest in his school, and he was voted in his school superior in contribution to his school.

I think it is heartening for all of us to know that a young man of his tender years has the ambition to be a lawyer and to be in public life and that he has dreamed at some time to be a Member of this honorable body. I am proud of Jason and his great family.

If Members have time this afternoon to say hello to him back there I am sure it would be encouraging to him.

VOCATIONAL EDUCATION

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, recently, I conducted a vocational education factfinding mission to my district in Wisconsin in conjunction with the Education and Labor Committee's expected reauthorization of the Vocational Education Act. I met with many administrators, teachers, and students to discuss the needs of our Nation's vocational education system.

It became quite clear to me that vocational education will offer a large contribution to our Nation's efforts to retrain and train Americans of all ages.

The teachers and administrators I spoke with indicated a pressing need in two areas left unemphasized by our current Vocational Education Act. First, and most obvious, is funding for high-technology equipment and training programs. Unquestionably, our Nation is rapidly moving to a computer-oriented and increasingly automated society. The ability of our work force to operate and repair these machines is essential to a competitive economy into the next century.

Second, the reach of vocational education at all levels can be rapidly expanded through the use of modern communications and telecommunications equipment technologies. Obviously, we need to reach many individuals who are unable to attend our schools and training centers. The use of television, radio, and other communications techniques to expand the scope of vocational education to the handicapped, homemaker, farmer, and others is a pressing need which we must rapidly fill.

With these needs in mind, I introduced yesterday two pieces of legislation which would make these activities and programs allowable for funding under the basic State grant.

The issue of whether or not we should increase the total Federal expenditure is not addressed in these bills. Rather, I beleive we can all agree that for whatever amount is spent at the Federal level, these two instructional services ought to be allowed. And I invite my colleagues to join me in updating the Vocational Education Act in this regard.

THE PASSING OF HON. AUGUSTUS W. BENNET

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I have the sad duty of reporting to the House the passing away of a former colleague, who represented New York State's mid-Hudson Valley region in this Chamber.

Augustus Witschief Bennet served only one term in the U.S. House of Representatives, from 1945 to 1947, but he was one of the most respected attorneys and community leaders in our region, and especially in his hometown, Newburgh, N.Y. Even before his election to the 79th Congress, Gus Bennet had founded the Newburgh Community Chest, was the guiding force behind the Newburgh YMCA, and had a hand in many other worthwhile civic endeavors.

Mr. Bennet was the son of William Siles Bennet, who represented Orange County, N.Y., in the House of Representatives from 1905 to 1911, enabling him to learn about politics and the working of this body at an exceptionally early age. Gus began the practice of law in the city of Newburgh in 1921—a practice in which he remained active until his retirement only 3 years ago.

Gus Bennet served as president of the Newburgh Rotary in 1926–27, and maintained an active membership until his passing.

Thirty years after leaving the House, Gus Bennet was still performing community services, continuing to chair his region's United Fund, well after his 80th birthday.

Throughout his life, Gus Bennet encouraged younger people to get involved in politics and to render community service. Many of us are indebted to him for his concerns.

In 1978, at 81 years of age, Gus Bennet received the Distinguished Service Award from the Newburgh Jaycees for his continued civic and charitable activities.

Last week, we lost Gus while he was enjoying a well-deserved and long-postponed retirement in California. To his widow Maxine, to his two daughters and to his son, and to his many grandchildren and loved ones, we offer our deepest condolences.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character and public service of the late Honorable Augustus W. Bennet.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EXCESSIVE WAGES FOR SELECT GROUP OF FEDERAL EMPLOYEES

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, for over a decade the issue of excessive wages for a certain select group of Federal employees has been a subject of a good deal of controversy in the House but little has been accomplished.

Just recently the GAO, upon the request of several Members of Congress, has completed its third comprehensive report evaluating the question of these wage disparities.

Today I am introducing legislation which will address these problems. As outlined in the June 3, 1983, GAO report on GPO wages, this report revealed the following astounding facts:

GPO craft and industrial employees are paid $3,222 to $17,879 more per year than General Schedule or Federal wage system employees in similar occupations. Indeed, my colleagues should be interested to note that people who are working for the Government Printing Office in other parts of the country, doing identical work, are involved in these wage disparities. They are being treated unequally to their colleagues here in Washington, D.C.

My bill is designed to cover these inequities and I ask Members to review it with care and join me in cosponsorship.

REPRESENTATIVE ROUKEMA INTRODUCES LEGISLATION ON CHILD SUPPORT

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, and my colleagues. This Sunday, June 19, we celebrate Father's Day—a national tribute to one of the oldest institutions of civilized man. On Father's Day, we express our love and devotion to those heroic men who stand 10 feet tall in the eyes of their children. Men who unflinchingly give of themselves

to provide the material and spiritual sustenance to their children.

Yet, Mr. Speaker, in recent years, a shadow has fallen across this revered holiday for millions of America's children. The shadow has grown blacker, and become a shameful blot, threatening to poison the lifeblood of our society.

The number of fathers who refuse to comply with court decrees and to pay for child support has grown to epidemic proportions. Their criminal neglect is depriving millions of innocent children of basic necessities—food, clothing, shelter—not to mention education and a helping hand as they enter the world of work—and at times forcing them onto welfare roles.

For example, a typical case is that of a divorced working mother, with a court order for child support, who must time and time again return to court to hear from the judge, "He must pay or else."

But there is no "or else"—crowded court dockets and astronomical legal bills prevent this mother from ever really winning.

Other fathers skip from State to State. Going on welfare is frequently the last desperate recourse for the family.

There is no national enforceable system of justice for these children. And the children are the victims.

We as legislators must remedy this shameful system. No mother, no child should have to bear the burden of endless and debasing legal battles before they can receive the rightful support which due process has decreed.

For these reasons, I am introducing legislation this week that will initiate a national response to this national problem. The details of this legislation are inserted in the Extension of Remarks today.

FORT WAYNE, IND.—THE MOST LIVABLE ALL-AMERICAN U.S. CITY

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, one of the nice things that we get to do occasionally here in Congress is to stand up and brag a little bit about our district or our hometown. I have not been in Congress that long but I have had the extraordinary opportunity to be up here several times to inform my colleagues of some extraordinary achievements in the Fourth District of Indiana.

All of us remember the national recognition received by the more than 30,000 youngsters that helped man the dikes and save our city from the floods of 1982. In February I had the great privilege and distinction of announcing to my colleagues that Fort Wayne, Ind., had received the All-American City Award.

Today it is another award. Fort Wayne, in competition with 50 other cities around the country, has nosed out such notables as Charleston, S.C., for the title of the most livable city in the United States. As Patricia Barrio, a spokeswoman for the U.S. Conference of Mayors, said, "In all, the judges were quite captivated by Fort Wayne."

Now the rest of the United States knows what we in Fort Wayne always knew; namely, that we are the most livable all-American city in the Nation.

Nice going, Fort Wayne. I love you.

CONTINUING FIGHT IN THE WAR ON DRUGS

(Mr. SHUMWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUMWAY. Mr. Speaker, the concentrated campaign to intercept illegal drug traffic which has been undertaken in south Florida has indeed shown dramatic results, and I am pleased to learn that the administration proposes to expand the war on drugs to all vulnerable border points. In fact, the success of the Florida effort has forced drug smugglers to other U.S. points of entry, illustrating the need for a coordinated, nationwide program. The growing drug problem is clearly national in scope, well beyond the capabilities of individual States. Additionally, the expanded drug war will target all foreign drug traffic, not just that arising from Latin America. Since 55 percent of the heroin used in the United States originates in Pakistan and Afghanistan, we must address more than one source. The expanded effort comes at a propitious time: Schools are closing for the summer, and the Nation's children and young adults will be particularly vulnerable to the lure of illegal drugs. I believe the proposal, which will be unveiled in detail on Friday, could be a sound beginning for an ongoing coordinated fight against drugs.

TRIBUTE TO FORMER VIRGINIA GOVERNOR WILLIAM MUMFORD TUCK

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, I rise to associate myself with the remarks of my colleague from Virginia, DAN DANIEL, in memory of a great American and a gentleman who contributed so very much to the history and the character of the Commonwealth of Virginia, former Governor Bill Tuck.

ALTERATIONS IN MEMBERS' REMARKS IN TRANSCRIPTS OF COMMITTEE HEARINGS

(Mr. GREGG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREGG. Mr. Speaker, earlier in the 1-minute addresses the chairman of the Government Operations Committee came before the body and expressed the fact that there had occurred within one of the transcripts published by the Government Operations Committee relative to a joint hearing of the Committees on Science and Technology, Government Operations, and Energy and Commerce serious alteration of Members' remarks.

As one of the Members who has found in reviewing the transcript that the terms of my remarks have been dramatically changed, that the intent and thrust of those remarks have been changed, I am extremely concerned about what has happened here. There are a number of us who appear to be on the minority side, all of us whose remarks were intentionally changed within the transcript as reported.

Those of us who have had this occur to them are very concerned about the effects which this has on the integrity of the process. What can be more fundamentally important to our process than to have the remarks of the Members of the House, as we participate in the business of the House, reported accurately?

We do not know how these changes occurred, but we must get to the bottom of this issue. We, therefore, will be asking that the chairmen of the committees involved convene a special hearing on the activities which led to this occurrence. In this hearing we will request that subpena power be granted to the minority side in order that we may ask for and have before us those members of staff who may have knowledge as to what happened.

□ 1300

We have further asked as of today that all documents relative to these hearings be impounded, so that we can be sure that the documents that are necessary will be available for our review.

Further, it is our opinion that these hearings should give great latitude and leverage to those Members affected in addressing the different individuals who may be testifying before the hearings so that we as individuals having been affected will have the opportunity to cross-examine in an open forum under an oath what actually happened and who was actually involved.

The seriousness of this situation has been expressed by the chairman of the committee, Mr. BROOKS.

CLARIFICATION OF TRANSCRIPT ALLEGATIONS

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Do I understand that the gentleman is referring to somebody changing his remarks that were made on the floor of the House or is the gentleman referring to changes in the transcript of a committee hearing?

I yield to the gentleman from New Hampshire.

Mr. GREGG. In a committee hearing.

Mr. STRATTON. Well, obviously that would have to do with the staff of the committee; would it not?

Mr. GREGG. That would appear to be the case. However, we have not yet developed enough information to make a final conclusion on that.

Mr. STRATTON. I thought the gentleman was referring to an article that appeared in the Reader's Digest some time ago that all "Congressmen lie" because we sometimes correct our grammatical errors in the record of our remarks for the RECORD. I thought the gentleman was referring to that situation.

Mr. GREGG. No.

Mr. STRATTON. He does not take exception to that practice?

Mr. GREGG. No; I say to the gentleman from New York. I would correct the gentleman, I am not referring to that; what I am referring to is the fact that testimony which was taken and questions which were propounded and comments made in a hearing process were actually changed, the statements were actually changed so that the entire intent of the statement of the Member was completely redirected without the Member's knowledge. This happened in the occurrence of at least 6, possibly 7, Members in over 100 instances.

Mr. STRATTON. I appreciate the gentleman's clarification.

FURTHER CLARIFICATION OF TRANSCRIPT ALLEGATIONS

(Mr. HILER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILER. To follow up on what the gentleman from New Hampshire just referred to, I was one of those affected Members who had his statements changed numerous times.

The changing of the official transcripts strikes at the very integrity of this body and what we do as a legislative institution, be it on the floor or be it in committee. I frankly am shocked at the arrogance of those involved with this cavalier change of the printed record for their own political gain or their perception of what should have happened at that hearing although it did not. We who were affected feel very strongly that only under subpoena, only under oath will we get to the bottom of this matter and we are going to request an independent investigation so that never again, be it staff or whoever, will they have such arrogance to feel that they can change the statements of Members of the House of Representatives. This issue must have the highest visibility, so that never, ever, ever again will some staff member feel that they have it within their own domain to change the printed record of what took place in an official committee hearing of this institution.

I yield to the gentleman.

Mr. WALKER. I thank the gentleman.

Is it not true that we are also finding incidents where the transcript was changed with regard to witnesses' testimony as well and witnesses' statements and so it is not only the Members of the House that are affected but it is our ability to go out into the country, bring in witnesses and have them feel as though they are participating in a process that has complete integrity.

Mr. HILER. It would appear at this point that witnesses who testified had their statements changed to reflect a different point of view but I would say that that is under further investigation.

It will take us probably several days to have all the information available but we will get to the bottom of this.

TRIBUTE TO WILLIAM M. TUCK

(Mr. BATEMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATEMAN. Mr. Speaker and Members of the House, I rise today as one of those who would pay tribute to a former and distinguished Governor of the Commonwealth of Virginia and a former Member of this body for some 15 or 16 years, the late and great William M. Tuck of Halifax County, Va.

He was an outstanding Governor of our Commonwealth, an outstanding Member of this body and of its Judiciary Committee. We in Virginia who knew Bill Tuck and who therefore loved him, and everyone who knew him did, will greatly miss him. He was one of those rare good people, the most excellent of companions. As a public servant, one who gave greatly throughout a long and illustrious career to public service in the best traditions of our Commonwealth of Virginia.

THE IMPORTANCE AND SYMBOLISM OF FLAG DAY

(Mr. HARTNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARTNETT. Thank you, Mr. Speaker.

I really do not have anything important to say this morning, but I just felt it was kind of necessary that I remind my colleagues, probably a fourth of whom do not even know what today is, that today is June 14. Historically in America it has been known as Flag Day.

I have heard a lot of griping this morning about not enough money for education, not enough money to chase down fathers who do not pay their child support and griping about committees. And I wish just maybe for today we might be the leaders and let this Congress rally around its flag.

You know, she has been a lot of places we have never been. She has been to Bunker Hill, Chateau Thierry, Heartbreak Hill, Pork Chop Hill, Vietnam. She has covered a lot of coffins of dead, brave American soldiers, marines, seamen, who have died for our freedom.

I just think it would be great if we might realize that virtually half the people of the world would give everything they have to be able to live under that flag and what it stands for. Let us quit all this griping. We cannot afford all these programs you talk about this morning. You know that as well as I do. Let us just remember that this flag is a symbol of America to the entire world. Today is Flag Day.

I urge my colleagues to try rallying around that flag and give a little thought to patriotism.

I yield to the gentleman from New York.

Mr. STRATTON. I just want to join with the gentleman from South Carolina (Mr. HARTNETT). This is the 14th of June and it also is that day that we are resuming consideration of the Department of Defense authorization bill for 1984. I cannot think of a better way for the Members to demonstrate their love of the flag and their patriotism than voting for the committee's position on the various issues associated with the authorization bill.

PRESIDENT FAILS EDUCATION

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, for 18 years of my life, I was either a teacher or a principal of elementary and high schools in Hawaii. I know what the process of education is all about, for I have fought long and hard in the trenches of the front lines. And, I also

know that in general, the quality of education is directly proportional to the amount of money and importance one is willing to assign to the very process itself.

Mr. Speaker, the President has failed. He has failed us, our children and generations to come. The President has failed to assign a high priority to education. The President has failed to assign a high priority to funding education and education programs; the President has failed to level with the people of this country, as he continues to reduce funding for education programs.

Many of my colleagues know the facts: According to figures in the President's last budget, funding for educational purposes has actually fallen—from $14.3 billion in fiscal year 1982 to $13.5 billion in fiscal year 1984. Funding for elementary, secondary, and vocational education has also dropped. Funding for guaranteed student loans has fallen. And, in the face of a steady decline in numbers, the President continues to defend his support of an "escalating budget for education."

Mr. Speaker, rhetoric is not enough. I cannot—and I will not—sit idly by while the President of this Nation slashes funding for education and then tells our Nation's people that he has "not cut any budgets." The time has come for this administration to understand that rhetoric, no matter how grand, is not policy. Words alone cannot implement policy. Money—and that means dollars and cents—implements policy.

The future of our Nation will be shaped by the hands of our young people. When we deprive them of the opportunity to receive a quality education, what we are really doing is depriving ourselves of a future where our Nation is master of its destiny.

If we are going to shape the future, we can only do so in the present. The President apparently does not understand that fact. Just listen to his recent words:

> I have had students accost me and tell me that we have reduced their ability to get help. Well, for a fellow that worked his own way through school, I understand the problem of students that have to. I must say, it wasn't too arduous. I washed dishes in a girls' dormitory.

Mr. Speaker, the fact that the President washed dishes in a girls' dormitory is irrelevant. His schoolboy nobility will not make our children any smarter. It will not make our children able to compete any better in the field of high technology. It will not affect the presence or absence of excellence in our education system in the least.

Mr. Speaker, the time has come for the President to translate policy into action. The time has come for the President to invest in education—for the sake of our future.

Listen to the words of Education Secretary Bell, and then tell me what kind of confidence you have in the President's agenda for education: "I am very grateful that we have education up where it is high on the education agenda of this country." Words devoid of meaning, best spoken in Wonderland.

OUR FLAG—A SYMBOL OF UNITY

(Mr. HERTEL of Michigan, asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERTEL of Michigan. It is June 14, it is Flag Day. As we can see here in this Chamber the Flag of the United States is the focal point of this room. Let us always remember the flag is a symbol of unity of all the people of the United States. Let us as Members and Americans make sure that we never allow the flag to be wrapped in ideologies and that it is wrong to use that symbol of all the people for specific goals, specific programs, debating issues pro or con.

I think that is very dangerous and I ask my fellow Members to remember today that being Flag Day, our flag is the symbol of our national unity and not to demean what that stands for by devisive political rhetoric.

A GIANT STEP IN THE WRONG DIRECTION: THE PRESIDENT'S PLAN FOR EDUCATION

(Mr. TOWNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOWNS. Mr. Speaker, the President's "new interest" in education would be welcome if it were matched by administration policies which would enhance the Nation's education systems.

I find that the Reagan administration's plan for solving some of the problems in our school systems is running almost counter to the findings of his own National Commission on Excellence in Education and is clearly a giant step in the wrong direction: The Reagan administration continues to push for tuition tax credits; a reduction in funding for title I funding; and a weakening of bilingual education.

Using tuition tax credits as an incentive for placing children in private schools threatens support for public education. A curtailment in funding for title I grants also drastically reduces the educational enhancement opportunities for the poor and disadvantaged who have relied on the educational opportunities in the public school system. Further, lowering the standards for bilingual education will further restrict the ability of linguistic minority students to fully participate in the educational process.

As a former schoolteacher, I strongly believe that the answer to solving a declining educational system, in this country, is not a curtailment of Federal spending which will ultimately cripple the have-nots. Hopefully, the President's rhetorical support for education can be turned into increased dollars for education.

ANTISATELLITE WEAPON AMENDMENT

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, when the House resumes debate on the armed services procurement bill, the pending business will be an amendment which I and several of my colleagues introduced dealing with antisatellite weapons. As I indicated in earlier debate I felt that the House was justified in spending some time on this because it represents crossing a threshold of placing actual weapons in space, and as such I feel deserves serious consideration.

We have had a serious debate on this. I appreciate the courtesy and consideration of the Armed Services Committee for their active and effective participation in this debate.

I hope the Members will read the earlier debate. I also have some charts in the Speaker's lobby which show in graphic form the military satellites which both we and the Soviets have and I would urge the Members to take a look at those charts to gain further perspective on this issue.

OUR FLAG—A CENTERPIECE

(Mr. PHILIP M. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PHILIP M. CRANE. Mr. Speaker, I happened to be passing on the floor when I heard my distinguished colleague from Michigan make reference to the fact that this is Flag Day. I commend him for his remarks. I went to public schools on the south side of Chicago at a time when it was not yet a criminal offense to pray. So, we opened up each day with prayer. In addition to that we opened up with a pledge of allegiance to the flag and sang some patriotic anthem as well. It set a good tone for the day.

I think when some of the young Philadelphia lawyers in classrooms started protesting that it was a violation of their rights to have to pledge allegiance to that flag they overlooked something very important. Our flag represents a sacrifice paid by every generation from the very first, people

who shed blood, who gave their lives, that we would still be living in the freest society that mankind has ever known. My colleagues mentioned that that flag is the centerpiece of this Chamber; right above it are those famous words, "In God We Trust." Congress incorporated that sentiment as an ingredient of the Pledge of Allegiance to the flag during the Eisenhower administration. Both the sacrifice of American patriots and trust in God warrant our allegiance and honor on this important day by more than a casual declaration that this is Flag Day and I commend my colleague for calling this to our attention.

□ 1315

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DANIEL). Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Monday, June 13, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 1076, by the yeas and nays, and H.R. 2062, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

ELIMINATION OF JONES ACT EXEMPTION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1076.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 1076, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 373, nays 44, not voting 15, as follows:

[Roll No. 186]

YEAS—373

Ackerman	Bereuter	Bryant
Addabbo	Bethune	Byron
Akaka	Bevill	Campbell
Albosta	Biaggi	Carney
Alexander	Bilirakis	Carper
Anderson	Bliley	Carr
Andrews (NC)	Boehlert	Chandler
Andrews (TX)	Boggs	Chappell
Annunzio	Boland	Chappie
Applegate	Boner	Clarke
Archer	Bonior	Clay
Aspin	Bonker	Coats
AuCoin	Borski	Coelho
Badham	Bosco	Coleman (MO)
Barnard	Boucher	Coleman (TX)
Barnes	Boxer	Collins
Bateman	Breaux	Conte
Bates	Britt	Conyers
Bedell	Brooks	Cooper
Beilenson	Broomfield	Courter
Bennett	Brown (CA)	Coyne
Craig	Jones (OK)	Patman
Crockett	Jones (TN)	Patterson
D'Amours	Kaptur	Pease
Daniel	Kasich	Penny
Dannemeyer	Kazen	Pepper
Daschle	Kemp	Perkins
Daub	Kennelly	Pickle
Davis	Kildee	Porter
de la Garza	Kindness	Price
Dellums	Kogovsek	Pritchard
Derrick	Kolter	Pursell
Dickinson	Kostmayer	Quillen
Dicks	Kramer	Rahall
Dingell	LaFalce	Rangel
Dixon	Lagomarsino	Ratchford
Donnelly	Lantos	Ray
Dowdy	Latta	Regula
Downey	Leath	Reid
Duncan	Lehman (CA)	Richardson
Durbin	Lehman (FL)	Rinaldo
Dwyer	Leland	Ritter
Dymally	Lent	Robinson
Dyson	Levin	Roe
Early	Levine	Roemer
Eckart	Levitas	Rogers
Edgar	Lewis (CA)	Rose
Edwards (AL)	Lewis (FL)	Rostenkowski
Edwards (CA)	Lipinski	Roth
Edwards (OK)	Livingston	Rowland
English	Lloyd	Roybal
Erdreich	Long (LA)	Russo
Evans (IL)	Long (MD)	Sabo
Fascell	Lott	Savage
Fazio	Lowery (CA)	Sawyer
Feighan	Lowry (WA)	Schaefer
Ferraro	Luken	Scheuer
Fiedler	Lundine	Schneider
Fields	Mack	Schulze
Fish	MacKay	Schumer
Flippo	Madigan	Seiberling
Florio	Markey	Sensenbrenner
Foglietta	Marlenee	Shannon
Foley	Marriott	Sharp
Ford (MI)	Martin (IL)	Shaw
Ford (TN)	Martin (NY)	Shelby
Forsythe	Matsui	Shumway
Fowler	Mavroules	Shuster
Franklin	McCain	Sikorski
Frost	McCandless	Siljander
Garcia	McCloskey	Simon
Gaydos	McCollum	Sisisky
Gejdenson	McCurdy	Skeen
Gekas	McDade	Skelton
Gephardt	McEwen	Slattery
Gilman	McGrath	Smith (FL)
Gingrich	McHugh	Smith (IA)
Glickman	McKernan	Smith (NJ)
Gonzalez	McNulty	Smith, Robert
Goodling	Mica	Snowe
Gore	Michel	Snyder
Gray	Mikulski	Solarz
Guarini	Miller (CA)	Solomon
Gunderson	Miller (OH)	Spence
Hall (IN)	Mineta	Spratt
Hall (OH)	Minish	St Germain
Hall, Ralph	Mitchell	Staggers
Hall, Sam	Moakley	Stangeland
Hamilton	Molinari	Stark
Hammerschmidt	Mollohan	Stenholm
Hance	Montgomery	Stokes
Harkin	Moody	Stratton
Harrison	Moore	Studds
Hartnett	Moorhead	Sundquist
Hatcher	Morrison (CT)	Swift
Hawkins	Morrison (WA)	Synar
Hefner	Mrazek	Tallon
Hertel	Murphy	Tauzin
Hightower	Murtha	Taylor
Hillis	Myers	Thomas (GA)
Holt	Natcher	Torres
Hopkins	Neal	Torricelli
Horton	Nelson	Towns
Howard	Nichols	Traxler
Hoyer	Nowak	Udall
Hubbard	O'Brien	Valentine
Huckaby	Oakar	Vander Jagt
Hughes	Oberstar	Vandergriff
Hunter	Obey	Vento
Hutto	Olin	Volkmer
Hyde	Ortiz	Vucanovich
Ireland	Ottinger	Walgren
Jacobs	Owens	Walker
Jeffords	Packard	Watkins
Jenkins	Panetta	Waxman
Johnson	Parris	Weaver
Jones (NC)	Pashayan	Weiss
Wheat	Winn	Yates
Whitehurst	Wirth	Yatron
Whitley	Wise	Young (AK)
Whittaker	Wolf	Young (FL)
Whitten	Wolpe	Young (MO)
Williams (MT)	Wortley	Zablocki
Williams (OH)	Wyden	
Wilson	Wylie	

NAYS—44

Bartlett	Frenzel	Nielson
Brown (CO)	Gibbons	Oxley
Broyhill	Gradison	Paul
Burton	Gramm	Petri
Cheney	Green	Roberts
Clinger	Gregg	Roukema
Conable	Hansen (UT)	Rudd
Crane, Daniel	Hiler	Smith (NE)
Crane, Philip	Kastenmeier	Smith, Denny
DeWine	Leach	Stump
Dreier	Loeffler	Tauke
Emerson	Lujan	Thomas (CA)
Erlenborn	Lungren	Weber
Evans (IA)	Mazzoli	Zschau
Frank	McDonald	

NOT VOTING—15

Anthony	Fuqua	McKinney
Berman	Hansen (ID)	Ridge
Corcoran	Heftel	Rodino
Coughlin	Martin (NC)	Schroeder
Dorgan	Martinez	Wright

□ 1330

Mr. TAUKE. Mrs. SMITH of Nebraska, Messrs. ROBERTS, DEWINE, EMERSON, HILER, and PETRI changed their votes from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

Does the gentleman from Alaska (Mr. YOUNG) desire recognition?

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Speaker, is this the bill where the House gives up its real legislative responsibility?

NATIONAL MARINE SANCTUARIES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2062, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina

(Mr. JONES) that the House suspend the rules and pass the bill, H.R. 2062, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 379, nays 38, not voting 15, as follows:

[Roll No. 187]

YEAS—379

Ackerman	Dwyer	Kastenmeier
Addabbo	Dymally	Kazen
Akaka	Dyson	Kemp
Albosta	Early	Kennelly
Alexander	Eckart	Kildee
Anderson	Edgar	Kogovsek
Andrews (NC)	Edwards (AL)	Kolter
Andrews (TX)	Edwards (CA)	Kostmayer
Annunzio	English	Kramer
Archer	Erdreich	LaFalce
Aspin	Evans (IA)	Lagomarsino
AuCoin	Evans (IL)	Lantos
Barnard	Fascell	Latta
Barnes	Fazio	Leach
Bates	Feighan	Leath
Bedell	Ferraro	Lehman (CA)
Beilenson	Fiedler	Lehman (FL)
Bennett	Flippo	Leland
Bereuter	Florio	Lent
Bethune	Foglietta	Levin
Bevill	Foley	Levine
Biaggi	Ford (MI)	Levitas
Bilirakis	Ford (TN)	Lewis (FL)
Bliley	Forsythe	Lipinski
Boehlert	Fowler	Livingston
Boggs	Frank	Lloyd
Boland	Franklin	Loeffler
Boner	Frenzel	Long (LA)
Bonior	Frost	Long (MD)
Bonker	Garcia	Lott
Borski	Gaydos	Lowery (CA)
Bosco	Gejdenson	Lowry (WA)
Boucher	Gekas	Luken
Boxer	Gephardt	Lundine
Breaux	Gibbons	Lungren
Britt	Gilman	Mack
Brooks	Gingrich	MacKay
Broomfield	Glickman	Madigan
Brown (CA)	Gonzalez	Marlenee
Brown (CO)	Goodling	Marriott
Broyhill	Gore	Martin (IL)
Bryant	Gradison	Martin (NY)
Byron	Gray	Matsui
Campbell	Green	Mavroules
Carney	Gregg	Mazzoli
Carper	Guarini	McCloskey
Carr	Gunderson	McCollum
Chandler	Hall (IN)	McCurdy
Chappell	Hall (OH)	McDade
Clarke	Hall, Ralph	McEwen
Clay	Hall, Sam	McGrath
Clinger	Hamilton	McHugh
Coats	Hance	McKernan
Coelho	Harkin	McNulty
Coleman (MO)	Harrison	Mica
Coleman (TX)	Hartnett	Michel
Collins	Hatcher	Mikulski
Conable	Hawkins	Miller (CA)
Conte	Hefner	Miller (OH)
Conyers	Hertel	Mineta
Cooper	Hightower	Minish
Courter	Hiler	Mitchell
Coyne	Hillis	Moakley
Craig	Holt	Molinari
Crockett	Hopkins	Mollohan
D'Amours	Horton	Montgomery
Daniel	Howard	Moody
Daschle	Hoyer	Moore
Daub	Hubbard	Moorhead
Davis	Huckaby	Morrison (CT)
de la Garza	Hughes	Morrison (WA)
Dellums	Hunter	Mrazek
Derrick	Hutto	Murphy
DeWine	Hyde	Murtha
Dickinson	Ireland	Myers
Dicks	Jacobs	Natcher
Dingell	Jeffords	Neal
Dixon	Jenkins	Nelson
Donnelly	Johnson	Nichols
Dowdy	Jones (NC)	Nowak
Downey	Jones (TN)	O'Brien
Duncan	Kaptur	Oakar
Durbin	Kasich	Oberstar
Obey	Sabo	Thomas (CA)
Olin	Savage	Thomas (GA)
Ortiz	Sawyer	Torres
Ottinger	Scheuer	Torricelli
Owens	Schneider	Towns
Oxley	Schulze	Traxler
Panetta	Schumer	Udall
Parris	Seiberling	Valentine
Pashayan	Sensenbrenner	Vander Jagt
Patman	Shannon	Vandergriff
Patterson	Sharp	Vento
Pease	Shaw	Volkmer
Penny	Shelby	Walgren
Pepper	Shumway	Walker
Perkins	Shuster	Watkins
Petri	Sikorski	Waxman
Pickle	Siljander	Weaver
Porter	Simon	Weber
Price	Sisisky	Weiss
Pritchard	Skelton	Wheat
Pursell	Smith (FL)	Whitehurst
Quillen	Smith (IA)	Whitley
Rahall	Smith (NE)	Whittaker
Rangel	Smith (NJ)	Whitten
Ratchford	Snowe	Williams (MT)
Ray	Snyder	Williams (OH)
Regula	Solarz	Wilson
Reid	Spence	Winn
Richardson	Spratt	Wirth
Ridge	St Germain	Wise
Rinaldo	Staggers	Wolf
Ritter	Stangeland	Wolpe
Roberts	Stark	Wortley
Robinson	Stenholm	Wright
Roe	Stokes	Wyden
Roemer	Stratton	Wylie
Rogers	Studds	Yates
Rose	Sundquist	Yatron
Rostenkowski	Swift	Young (FL)
Roth	Synar	Young (MO)
Roukema	Tallon	Zablocki
Rowland	Tauke	Zschau
Roybal	Tauzin	
Russo	Taylor	

NAYS—38

Applegate	Erlenborn	Packard
Badham	Fields	Paul
Bartlett	Fish	Rudd
Bateman	Gramm	Schaefer
Burton	Hammerschmidt	Skeen
Chappie	Hansen (UT)	Slattery
Cheney	Jones (OK)	Smith, Denny
Crane, Daniel	Kindness	Smith, Robert
Crane, Philip	Lujan	Solomon
Dannemeyer	McCain	Stump
Dreier	McCandless	Vucanovich
Edwards (OK)	McDonald	Young (AK)
Emerson	Nielson	

NOT VOTING—15

Anthony	Fuqua	Martin (NC)
Berman	Hansen (ID)	Martinez
Corcoran	Heftel	McKinney
Coughlin	Lewis (CA)	Rodino
Dorgan	Markey	Schroeder

□ 1340

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

The SPEAKER pro tempore. Pursuant to House Resolution 197 and rule XXIII the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2969.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on Thursday, May 26, 1983, pending was an amendment offered by the gentleman from California (Mr. BROWN). The gentleman from Indiana (Mr. BURTON) had 2 minutes of debate remaining.

The Chair recognizes the gentleman from Indiana (Mr. BURTON) for the remaining 2 minutes.

Mr. BURTON. Mr. Chairman, briefly I would just like to state that since the Committee rose 2 weeks ago there have been a number of additional amendments which have been proposed. I was scanning these amendments this morning and became very distressed because a number of these amendments do exactly what they were trying to do 2 weeks ago, and that is, in my opinion, to unilaterally disarm America. At least that will be the effect if these amendments are passed.

In view of the tremendous buildup on the part of the Soviet Union, it is inconceivable that we would pass any of these amendments.

I appeal to my colleagues today to study these amendments very thoroughly and to not cut off funding for the B-1B bomber, the MX, the Pershing and the cruise missiles, the M-1 tank, or a number of the other military apparatus that is essential to the security of this country. I hope that all of us will study these amendments thoroughly and do what is best for the United States of America. We need and must have a strong defense.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Brown amendment and I urge the body to defeat it. I would like to point out and put this matter into perspective and provide a few facts about the antisatellite or ASAT system that the amendment offered by the gentleman from California addresses.

First, Mr. Chairman, let us deal with the allegation that the Pentagon has been hiding the ground-based antisatellite program from Congress. I believe that most Members of the House are aware that the Arms Control and Disarmament Agency, in connection with the DOD and the Department of

Energy, must submit arms control impact statements on major programs to Congress each year in both classified and unclassified forms. This has been required by law and it has come to pass.

During both the Carter administration and the Reagan administration, arms control impact statements have reported a serious and growing Soviet space threat, and the fact that the Soviet Union has had an operational satellite system for several years has been reported. In fact, according to Mr. Herbert Scoville, Jr., of the Arms Control Association, the Soviets first tested and orbited a satellite as early as 1962. They first intercepted and exploded another satellite in 1968. They have continued to test and refine their antisatellite system every year.

The Soviet threat, Mr. Chairman, is real. It exists, and this House does not have the power to legislate it out of existence. The Soviets have the only existing capability in the world to blind or to destroy another nation's communications or navigation or surveillance or early-warning satellites. They have a 10-year technological lead. It has been said that the United States is far ahead in antisatellite technology, but since there is no Soviet counterpart to Aviation Week and Space Technology, since no arms control impact statements are distributed by the Soviets, I know of no Member of this House or of the U.S. military who has been briefed by the Soviets on this subject.

□ 1350

I think that we must take such statements with large grains of salt. We simply do not know, Mr. Chairman. It is true that the United States once maintained a limited antisatellite capability. That system was designed to use a large nuclear warhead against Soviet nuclear weapons placed in orbit that could be used against the United States on command. While this system would have damaged any U.S. satellites in the vicinity, its existence proved an incentive to the Soviets to sign an outer space treaty.

On May 26, Mr. Chairman, the debate in the House on the Asat system unfortunately degenerated into a speculative discussion of "Star Wars" in space. But this is a solution that the gentleman from California (Mr. BROWN) proposed as the cheaper solution and the solution that fits best in the DOD's long-range plan. He seems to propose that we develop a satellite base there with our low-powered missile satellite laser, our satellite mounted laser system. This is a "Star Wars" concept. But this is not the system proposed by the Department of Defense, nor is it the system that the Brown amendment addresses. What the Brown amendment addresses is the $19 million contained in the authorization bill for long-lead production items for a ground-based missile to be carried by an F-15 fighter.

Mr. Chairman, one thing is certain. U.S. restraint has not prevented the Soviet deployment of an Asat capability against U.S satellites in low orbit. Unless we go forward with this system, Mr. Chairman, nothing will deter the Soviets from developing an ASAT system against satellites in high orbit. If that happens, the estimated $3.6 billion that the U.S. system will cost will be a very, very small cost relative to this system that we will have to develop in the 1990's to meet it.

Mr. Chairman, I urge the defeat of the Brown amendment.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from New York (Mr. STRATTON) is recognized for 5 minutes.

There was no objection.

Mr. STRATTON. Mr. Chairman, the pending amendment is one that was debated at considerable length some 2 weeks ago, I believe, when the bill first emerged on the floor, and I fear that not all of that debate was necessarily illiminating. But since this is the first proposed amendment for this important piece of legislation, the Department of Defense authorization bill for fiscal year 1984, I would like to try to get this debate off on the right foot.

In the first place, we cannot understand some of the "Dear Colleagues" that have been circulated around this House or some of the misleading information that has been provided by so-called defense think tanks without seeing this issue in true perspective.

Back in the early sixties, before the days of the Carter administration, there was a good deal of speculation in the Committee on Armed Services that the Soviets had actually developed a capability of knocking out our satellites, the satellites we were depending on to determine whether the Soviets had launched a missile against us, and the satellites we were depending to determine exactly where that missile might land and how much warning time we would have to protect ourselves against it.

When the Carter administration came in, we brought this matter to the attention of Secretary Brown, who was Secretary of Defense at the time, and we said, "Mr. Secretary, how come the Russians have this new brand of weapon, a satellite that can knock out our satellites? Don't we have anything like that?" And the Secretary said, "No." He said, "Sorry, we don't, but we in the Defense Department are going to try to develop one."

And that is precisely what Secretary Brown did during the Carter administration, a Democratic administration, an administration that was supported by many Members of the House who sometimes seem to be opposing defense matters when they come from a Republican Department of Defense. But it was Secretary Brown, let me repeat, who undertook the development of an American antisatellite weapon.

After a good deal of time and money was spent, that weapon has now reached the point in its development that it is appropriate that we try it out and see whether it will actually fly. To do that we have to procure some long-lead time items which are funded in our bill for a relatively measly $17 million. In terms of the hundreds of millions of dollars that are included in this bill, that is a very minor item. But certainly if the Soviets have had, as Secretary Brown told us, such a functioning satellite since 1976 and if they had been testing it even earlier than that, we certainly ought not to feel ashamed or upset that our current Department of Defense is finally trying to develop the same kind of weapon which the Soviets already possess and get it in production and procurement so that we can protect ourselves and with the same sort of capability that the Soviet Union has had for many years.

I have always found it extremely difficult to understand that when the Soviets have something like a hard-target kill capability, for example, not just one system but three or four of those systems, it is OK. But if we Americans propose to build up a hard-target kill capability, just one little system, the MX, for example, somehow that is bad. Somehow that is immoral. Somehow that is going to destroy all of the possibilities for arms control and somehow bring about the annihilation of the whole world. We have seen exactly the same kind of an argument presented during those 2 or 3 hours when we had our bill up before for a short time some weeks ago that going ahead with the Asat would seriously damage arms control, that it would also get us into space wars, and that we were going to violate outer space.

The CHAIRMAN. The time of the gentleman from New York (Mr. STRATTON) has expired.

(On request of Mr. SEIBERLING, and by unanimous consent, Mr. STRATTON was allowed to proceed for 2 additional minutes.)

Mr. STRATTON. Mr. Chairman, I appreciate the gentleman's asking for 2 additional minutes.

Mr. Chairman, I cannot understand why, when we want to build this kind of a thing, somehow it is immoral, somehow we should not be doing it, somehow we are going to be damaging arms control, and somehow we are going to be violating space.

One of the arguments was that outer space is so pristine and inviolate we should not be violating it. But I think outer space—like the Indian Ocean—was deflowered by the Russians some time ago. And I ask, why are we letting this kind of an argument proceed?

So it seems to me that we should at least provide the opportunity that the Secretary of Defense has asked us to provide him with, namely, $19 million to begin the procurement of these long leadtime items so that we can test it and see whether it will work. And if it has an impact on arms control, I would think the best arms control impact would be the fact that if we have this kind of weapon ourselves then there is something to negotiate across the table with the Soviets who are already ahead. Why should we always let the Soviets be ahead of us. Why is it always good having the Soviets with the balance on their side?

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I wonder if the gentleman will explain to the House how our having an antisatellite system deters the Soviets from deploying one, too?

Mr. STRATTON. Mr. Chairman, it does not deter them from deploying it because they have got it already deployed. But if the Soviets should undertake to try to kill our satellites, we could then kill their satellites in return. That is precisely the purpose of it.

Why should we be unprotected when our most probable adversary is not only protected but armed to the hilt?

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). The time of the gentleman from New York (Mr. STRATTON) has expired.

(On request of Mr. BROWN of California and by unanimous consent, Mr. STRATTON was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield further?

Mr. STRATTON. I am glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, would the gentleman agree that our having an antisatellite system that is deployable against the Soviet satellites does not protect our satellites in any way whatsoever?

Mr. STRATTON. It represents the same retaliatory capability that we have in our land-based nuclear weapons.

□ 1400

The retaliatory capability is what deters the other fellow from attacking us. It applies in land-based missiles. It applies in gas warfare, which we will be getting into a little bit later, and it applies in antisatellites. If he knows that we have the capability of shooting down some of his satellites, maybe he will not be so ready to shoot ours down.

Mr. SEIBERLING. Well, I disagree completely with that reasoning. I will simply say that both countries have an interest, so long as we have arms control agreements, to allow each other to maintain their respective satellites. To develop ASAT places both arms control and our own early warning systems in jeopardy.

Mr. BROWN of California. Mr. Chairman, would the gentleman be willing to respond to a few questions?

Mr. STRATTON. I would be glad to yield, yes.

Mr. BROWN of California. This is the first time I have ever heard the assertion that our proposed system would have the capability to strike down their so-called killer satellite.

Is the gentleman sure that that is part of the mission of this weapon?

Mr. STRATTON. An antisatellite weapon is something that is designed to knock down a satellite, yes.

Mr. BROWN of California. But the Defense Department assures me that it could not handle a maneuverable satellite of the sort that their antisatellite is.

Mr. STRATTON. That is because we are about 20 years behind them, I will say to the good gentleman from California. We are just getting into the business at the very bottom of the ladder and what we are trying to do is to develop, as the gentleman from Missouri has indicated, a capability that can deal with that kind of a satellite in the event that it is operational in outer space.

The CHAIRMAN pro tempore. The time of the gentleman from New York has expired.

(At the request of Mr. BROWN of California, and by unanimous consent, Mr. STRATTON was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. Mr. Chairman, if the gentleman will yield further, I am sure the gentleman is aware of the fact that the United States deployed an operational antisatellite weapon 15 years ago. The gentleman will confirm that, will he not?

Mr. STRATTON. Well——

Mr. BROWN of California. It was deployed on a Thor missile in the Pacific in 1968.

Mr. STRATTON. Well, that was not the same thing as we are discussing now.

Mr. BROWN of California. No, it was not. It was a nuclear tipped missile that was tested and it was determined it had the ability to intercept and, therefore, it could destroy the enemy's satellite.

The gentleman, I am sure, is aware that the original order to develop an antisatellite weapon was given by President Kennedy in 1961.

Mr. STRATTON. I recall that, but the gentleman from California seems to be opposed to the whole matter, whether it was recommended by President Kennedy or by President Carter. But when Secretary Weinberger asks us for a little money to proceed with this same system it becomes an atrocious, terrible weapon, and the gentleman is opposed to it. I do not quite follow the gentleman's line.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield further?

Mr. STRATTON. I would be very happy to. I have been yielding to the gentleman.

Mr. BROWN of California. This gentleman made it quite clear that what he was objecting to was not the $1 billion we have already spent or will spend, for R&D, but merely the deployment of a $3.6 billion system without adequate debate on the part of the House, as to whether we wish to cross the new threshhold of putting offensive weapons into space.

Mr. STRATTON. Well, this is exactly what this legislation is designed to do. If the gentleman was interested in it, the gentleman could have attended the hearings of the committee and testified before our committee. I do not recall that he gave us any request.

I do not feel that Congress has to have a full scale debate on every item that comes out of the gentleman's committee. I usually go along with matters reported from the gentleman's committee. I give some credence to proposals from other committees. But to suggest that we have got to stop the whole procedure of the Department of Defense authorization bill to hold a congressional seminar on this one subject does not seem to me to make sense. That is what the committee system in this Congress is for.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the United States is highly dependent on satellites for monitoring Soviet military activities, particularly a launch of nuclear missiles. So the concept of countering a Soviet ASAT by having a system which strikes down their satellites fails to recognize the inherent nature of the antisatellite threat that the rather primitive Asat system of the Soviets imposes. The Soviet system is a satellite which is projected into orbit by a rocket of the same kind that launches ballistic missiles. The ASAT satellite then maneuvers alongside a U.S. satellite until it is in a position to destroy it.

Now, if the Soviets should ever trigger those antisatellite satellites, that would be a signal that they are prepar-

ing to launch or are launching a nuclear attack.

The fact that we could do the same thing to their satellites would accomplish nothing, because we would already be under attack. We would simply launch a counterattack on the U.S.S.R., not an attack on Soviet satellites. Therefore, the idea that the way to respond to the Soviet antisatellite weapon is by developing an even more sophisticated weapon ignores the actual realities of the situation.

But there is a further question here. The United States is highly dependent upon satellites for monitoring Soviet military activities and for giving us advanced warning of a nuclear attack. So from self-interest, we should be working on a treaty with the Soviets to eliminate any further developments of ASAT's. That possibility has not been explored by the Reagan administration, unfortunately, but it should be. However, once we flight-test our proposed ASAT which can be deployed on any F-16 fighter plane anywhere, and which will consist of a rocket which will make a direct flight to attack a Soviet satellite, then we have passed the point of no return in the ability to work out a verifiable antisatellite agreement with the Soviets. They will be unable then to verify whether we have deployed our ASAT, because once we have flight tested it, there is no way of determining how many have been produced or deployed. By contrast, it is still relatively easy to verify the deployment of the existing Soviet ASAT launchers.

Therefore, it is critical that, while we go ahead and do the R&D on satellites up to the point of flight testing, if we complete flight testing, we are past the point of no return. So that is where we ought to be focusing, and I submit that we certainly should not be going beyond that at this time by getting into procurement of an antisatellite system.

The only procurement we should be doing right now is procurement that is for R&D, short of flight testing. In due course, I intend to offer an amendment to prohibit flight testing of an Asat until Congress should decide otherwise by separate legislation. However, there is no sense in going ahead with procurement if we are going down the road of an antisatellite treaty.

Therefore, I strongly urge support of the gentleman from California's amendment.

Mr. MOAKLEY. Mr Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. Without objection, the gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 5 minutes.

There was no objection.

Mr. MOAKLEY. Mr. Chairman, I rise in strong support of the amendment to delete $19.4 million from the DOD authorization bill earmarked for procurement of anti-satellite weapons.

Before I list my reasons for supporting this amendment, let me clarify a misperception voiced a couple weeks ago during the initial debate on this amendment. It was correctly pointed out by one of my colleagues that the Soviets have launched more satellites than the United States, on the average of over 75 per year for the past 10 years. The clear implication given was that because the United States launches fewer satellites than the Soviet Union, the United States has a space capability of inferior quality.

I should remind my colleagues that quantity and quality are not the same thing. According to NASA Administrator James Beggs the high Soviet launch rate "demonstrates a weakness rather than a strength. It means their satellites are less sophisticated than ours and require replacement more often. They do not have the life that ours do and they are not multipurpose as many of ours are, and so they have to launch more in order to do a similar amount of work." As recently as March 23 of this year, the Director of the Defense Advanced Research Project Agency, Robert Cooper, testified before the House Appropriations Committee's Subcommittee on Defense on this matter. Mr. Cooper stated that the high-launch rate and heavy payloads of the Soviet space program, "reflect some technological weakness in the areas of longevity and flexibility." We launch fewer lighter satellites than the Soviets because our equipment last much longer and is far more sophisticated.

The issue here today is whether the Congress should approve procurement funds for a weapons system which has received virtually no attention by this body or whether the Congress should refrain from granting these funds pending further discussions. I personally believe that the Congress should take the latter action. There are still far too many unanswered questions about the proposed U.S. antisatellite weapon for us to proceed with any comfort.

Original projections placed the cost of the total antisatellite program at $1.7 billion. Soon that figure was revised up to $3.6 billion. Now a recent General Accounting Office report concludes that the program will be even more costly, and I quote from their report:

When the Air Force selected the miniature vehicle technology as the primary solution to the anti-satellite mission it was envisioned as a relatively cheap quick way to get an anti-satellite system that would meet the mission requirements.

□ 1410

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me?

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. STRATTON. Does the gentleman not believe in the committee system in the House of Representatives?

Mr. MOAKLEY. Yes, I do.

Mr. STRATTON. The gentleman said that he felt that there ought to be an opportunity for the House to consider a particular weapons system. Is that not what committees are for? When you have a weapons system you consider it in the Committee on Armed Services.

Mr. MOAKLEY. The gentleman is correct.

Mr. STRATTON. And the committee has considered it and has recommended that we approve the figure of $19 million.

Mr. MOAKLEY. All I am saying is that I think we have not considered it far enough with all of the implications that I am about to allude to.

Mr. STRATTON. But we cannot hold a seminar for all of the Members of the House every time a new weapons system comes along.

Mr. MOAKLEY. I understand. This is not to strike out the $206 million in research and development. This is only $19.4 million in deployment.

Mr. STRATTON. But that is the thing that gets it going. Otherwise we are just sitting, as was done all during the Carter administration.

We are now moving in the direction of responding to what the Soviets have done. I would think the gentleman would feel that that is what we ought to do, would he not?

Mr. MOAKLEY. No. I think the committee system works well but, as I say, I am just alluding to some points brought up in the debate 2 weeks ago.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. MOAKLEY) has expired.

(By unanimous consent Mr. MOAKLEY was allowed to proceed for 2 additional minutes.)

Mr. MOAKLEY. Mr. Chairman, as I was saying, the GAO report says:

When the Air Force selected the miniature vehicle technology as the primary solution to the anti-satellite mission it was envisioned as a relatively cheap, quick way to get an anti-satellite system that would meet the mission requirements, this is no longer the case, it will be a more complex and expensive task than originally envisioned potentially costing in the tens of billions of dollars.

The high cost of this antisatellite weapon alone should compel each Member of this Congress to carefully scrutinize and analyze whether we are taking the most appropriate action.

Beyond cost there are grave strategic questions to be considered. It is my belief that the U.S. antisatellite weapon will represent an irreversible step toward a space weapons race. We should note that a ban on the present

Soviet antisatellite weapon would be relatively easy to verify the Soviet system is boosted into orbit by a modified SS-9 or SS-18 rocket. These same boosters are used for launching Soviet ICBM's, and could be detected with the same ease as a Soviet ICBM launch.

The American antisatellite weapon however, is much smaller and much more versatile than its Soviet counterpart. The American weapon consists of a 17-foot-long two-stage missile which carries a miniature homing vehicle. The miniature homing vehicle measures only 12 by 13 inches. This missile will be carried aloft by an F-15 fighter aircraft. Once operational, it will be extremely difficult if not impossible, to verify whether or not it has been deployed. Moreover, it takes only 6 hours to convert any F-15 into an antisatellite weapon launcher. Thus every F-15 will become a potential antisatellite weapon platform in Soviet eyes.

Clearly the U.S. antisatellite weapon system will be far superior to the Soviets present and very questionable capability. It is logical to assume that the Soviet's will respond to our updated technology by trying to match or outdo it. Before long the prospects for negotiating a treaty banning antisatellite weapons or space weapons in general will be greatly diminished if not lost.

I might add that some of the world's greatest scientists and military experts have recently signed a petition urging a ban on space weaponry, arguing that space weapons, in part by threatening vital reconnaissance, communications and navigation satellites will increase the likelihood of war on Earth. I would like to urge that Congress debate the merits of banning space weapons before rushing headlong into the procurement of such weapons.

We have the unique opportunity to prevent an extension of the arms race from occurring. If we hesitate to consider the implications—both strategic and economic—of the antisatellite weapon. We may very well be saddled with a program which will ultimately detract from our security and be prohibitively expensive. History has shown us that it is much easier and practical to ban weapons which are still being tested than to negotiate away weapons which are operational. It would be sad to repeat the same mistake made in MIRV'ing warheads. Years ago, proposals to ban MIRV's before their deployment were rejected. We were confident that the Soviets could not easily match our MIRV capability. Much to our chagrin the Soviets MIRV'd their warheads a few short years after the United States. Today these destabilizing systems threaten all of mankind. Failure to limit all of their deployment is today widely regretted by many of its advocates. Must we relearn this very same lesson all over again?

In conclusion let me again point out that it is unwise to proceed with actual procurement of the antisatellite weapon when there are still so many questions to be answered. I remind my colleagues that the amendment we are discussing still leaves $206 million for antisatellite weapon research. However, we need more time to consider this important step and if need be for Members to obtain classified information on this issue. I have been informed by Chairman ZABLOCKI of the House Foreign Affairs Committee that they will examine the issue of space weapons in the near future. If there is any chance of preventing a space weapons race, then surely we can afford a little more time to consider how to do so.

Mr. WHITEHURST. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Members of this House should have a clear understanding of the real significance and seriousness of the $19.4 million procurement item under consideration. In the first place this is no routine off-the-shelf procurement matter. It is not something that can be reprogramed next month, next quarter, or next year, and still have the ASAT meet its desparately needed 1987 operational date.

Here are some plain facts on the importance of this $19.4 million item that the amendment would delete. This is procurement money specifically for long—and I emphasize the word "long"—leadtime high technology items for the production of ASAT. The production period, after the contract is let, is 30 to 36 months. This does not include, of course, all of the production items for ASAT. But it does include certain vital sensitive components without which you cannot have an operational ASAT.

This means that if you do not approve, in this current authorization bill, this $19.4 million for these items, you are guaranteeing the Russians that the United States will not have an operational ASAT on the programed schedule date of about 1987. If you vote to support the amendment please understand clearly that you are voting to delay, about 1 year beyond 1987, an operational satellite for the United States. You would therefore also be assuring that Russian satellites will have an unimpeded, safe environment in which to keep U.S. military disposition and forces under almost constant surveilance. You will be giving the Russians an assured ability, without a chance of U.S. interference, to spot and plot locations of the ships of the U.S. Navy throughout the world.

Taken in this context, it is obvious that this $19.4 million under consideration is crucially important to the defense of the United States, and to the survival of the ships at sea. I urge Members of this House to reject the amendment. In so doing we will let our servicemen, in our Nation and on distant stations throughout the world, know that we are standing behind them and that we are not going to default on our responsibility to provide the weapons they need to protect themselves and defend our Nation.

Mr. BONIOR of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to my colleague from California.

Mr. BROWN of California. I wonder if I could ask the page to bring some charts up here.

I thank my colleague for yielding and I asked him to do so so that I might produce these charts to further clarify the situation with regard to military satellites.

This chart is a depiction of all of the military satellites on both sides. It is the blue team/red team which I am sure you are all familiar with. It does not show any civilian satellites.

Some of you may feel that we do not have many satellites up in orbit or that they are mostly civilian. We have a lot of satellites up in orbit and they are mostly military, and this is a depiction of them.

Now, despite some assertions that were made by several of the speakers opposing my amendment, most of our satellites are in orbits which cannot be reached by the Soviet antisatellite weapon. The GAO classified report which I hope you will all read indicates that if we go ahead and deploy this ASAT by 1987, that magic date that was referred to earlier, we will have the capability to meet 3 percent of the missions set by the Joint Chiefs of Staff for an antisatellite weapon. So we are not talking about leaving our boys bereft of protection. We are leaving them bereft of 3 percent, maybe, of what they might have had.

The other chart that I have over here is a comparison of the technical capability of the ASAT system which we are ready to deploy, and the Soviet ASAT. It is a very simple chart. It shows that in 1 day we can knock out all of their satellites within the range of our ASAT and that with their system they can knock out one satellite a day of ours, at the most, for whatever period of time it takes us to decide to respond by taking out their launch facilities.

□ 1420

And that is because their satellite is launched, as was said, from an SS-9 or another similar launcher, which has a

3-day turnaround time. Their weapon's technical capability is such that it takes three shots to be assured of 95-percent certainty that it will destroy its target. So, if they are lucky, they could get one satellite a day, while we would be able to knock out every satellite they have in low Earth orbit within 1 day with our ASAT system as planned.

Now, neither system attacks the satellites which provide the basic information that we rely upon for nuclear warning.

On this chart the so-called strategic or nuclear-oriented satellites are marked with a star, so that you can see where those satellites are.

Most of our nuclear explosion observation satellites, the VELA's or the ones that are the GPS, which are located at a 10,000-mile orbit, cannot be reached by the Soviet's antisatellite capability. All they can do is to hit, one at a time, some of our satellites that are in low-Earth orbit.

Now, that is not a particular massive threat.

Incidentally, the distinguished chairman of the subcommittee, the gentleman from New York, seemed to take some umbrage with the fact that I had not appeared to debate this before the Armed Services Committee.

I did something better. I went through their complete record and I found that in this year's hearings they devoted a full 5 minutes to this subject in committee. I went over to the Senate which held hearings last fall and I found they devoted several hours to it. In that Senate hearing, Under Secretary DeLauer testified as follows and I would like to quote:

The United States ASAT program is not a bargaining chip and never was.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. BONIOR of Michigan was allowed to proceed for 4 additional minutes.)

Mr. BROWN of California. Mr. Chairman, will the gentleman yield further to me?

Mr. BONIOR of Michigan. I yield to the gentleman from California.

Mr. BROWN of California. This is Dr. DeLauer speaking:

The United States ASAT program is not a bargaining chip and never was. He have no policy mandate to pursue space weapons.

Weapons, he is talking about.

On the other hand, given the Soviet activities and their spending rates, we must continue our research and planning.

And I am doing nothing in this amendment to stop that.

"We will not do any acquisition" and this is DeLauer's testimony last September, "unless our security is threatened."

Now nothing has happened since September. There have been no new Soviet ASAT tests; there have been no other indications that our security is threatened. I am a little surprised at the statements of some of the speakers that we want our Asat's to knock out their observation satellites. That should not be part of our policy. We have a treaty, for example, that says we do not interfere with the other side's technical means of verification or whatever the proper term of art is here, and that policy should be extended to all satellites.

But several of the speakers have indicated we want the capability to knock out their observation satellites. Such a view is only consistent with a desire to attain the capability for protracted nuclear war fighting. Such views are held by many in this administration, but they are not shared by a majority in this body, or by the citizens of this country.

I mention these points to clarify a very large policy area which I think needs full discussion, not the 5 minutes that it got in the Armed Services Committee.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield? I will get you more time if you want.

Mr. BONIOR of Michigan. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman.

If the gentleman from California would resume the floor, I would like to commend the gentleman on a very impressive presentation. It helps put things in perspective I am sure for most of us who are not intimately acquainted with this.

But there are a couple of things that I did not understand to which you alluded. I wonder, is there an ongoing Asat effort that we are aware of that the Soviets have deployed to reach further than just the low orbit satellites that the United States has?

Mr. BROWN of California. If the gentleman from Michigan will yield, the gentleman is correct. There is a large extensive program by the Soviets to move to the next generation of antisatellite technology. They are spending a great deal of money, as the gentleman knows better than I, on directed laser beams and some other things of that sort.

Mr. DICKINSON. If the gentleman will yield further, now of course what we are talking about here and what the gentleman is well aware of is we are not talking about a space mine that you put up there and it loiters and can be awakened and be dispatched. This is one that is fired from an F-15 that gives it its initial impetus, and then it takes off. This money is for the seeker in this missile. It really is a 30-month long leadtime, if we should decide to deploy and really is not a production decision. Do you not agree we would probably be working against our best interests if we did not go forward at least with the seeker money that we have in here? That is what we are talking about.

Mr. BROWN of California. Would the gentleman yield further?

Mr. BONIOR of Michigan. I yield to the gentleman from California.

Mr. BROWN of California. My friend from Alabama is so eminently reasonable that I hesitate to actually disagree with him. The $19 million is really for setting up the production facilities as I understand it. It does not even buy the first seeker. But it does allow us to proceed down the road with preparation for production of the actual weapon.

Mr. DICKINSON. My point is this is not a commitment to either produce or deploy.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. DICKINSON and by unanimous consent. Mr. BONIOR of Michigan was allowed to proceed for 3 additional minutes.)

Mr. BONIOR of Michigan. I thank the Chair and my colleagues for getting me extra time.

I am reluctant to engage in this debate in terms of the sophistication of the arguments put forward by my colleague from California, and the comments that have countered those by the gentleman from New York and the gentleman who has just spoken from Alabama. But, I would like to state that I am in strong support of the amendment that is being offered by Messrs. MOAKLEY, and BROWN of California.

The procurement of anti-satellite weapons launched would appear to me to be a very new and a very dangerous phase in the arms race. The $19.4 million requested in this year's budget, as has been explained by the gentleman from Massachusetts, Mr. MOAKLEY, is expected to increase tenfold next year, and according to the Government report which he mentioned earlier, may eventually reach in the neighborhood of tens of billions of dollars.

And to embark upon this type of a program without serious efforts at arms control I think it is a shortsighted squandering of our natural resources.

What also bothers me, I suspect if my colleague from California is correct, and I assume he is, is that the Armed Services Committee—and I do believe in the committee system—did look at this issue and did spend only 5 minutes with respect to hearings on it, it seems to me to be quite foolish to be going ahead with a billion dollar, perhaps multibillion dollar budget without the benefit of more thoughtful and at least lengthy debate from that committee.

Our Nation has an extensive investment in space and a satellite network vital not only to our defense and to

our civilian and to our commercial communities.

□ 1430

Extending the arms race, it seems to me, into space will only place this investment in jeopardy. We all look to man's ventures into space with awe, with expectations. Let us vote today to insure that our explorations will bring enhanced prospects for peace rather than new dimensions for today's battlefields.

I thank my colleagues from Massachusetts and California for bringing this to our attention.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, I would make just one brief point and that is that in the whole area of arms control there is one thesis that stands out and that is it is far easier to develop agreements before the development of weapons than it is after they have been put into effect.

This is particularly true in the space area where it is hard to retrieve something that has been placed in space. If you look at the Antarctica treaty which is a model; if you look at the ABM section of SALT I, which is a model, it would appear that now is the time to raise, at a very high level of import, this is an arms control agreement.

As the gentleman knows, we had three discussions in 1978 and 1979 on ASAT. I think we ought to return to the table on this particular issue. This amendment represents a very modest cut, 9 percent. I would urge its serious consideration.

Mrs. HOLT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, in opposition to the amendment I would like to read into the RECORD a letter that our chairman has received from the Secretary of Defense, dated June 13:

THE SECRETARY OF DEFENSE,
Washington, D.C., June 13, 1983.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, Washington, D.C.

DEAR MR. CHAIRMAN: There is an amendment pending to the FY 84 Defense Authorization Bill (House) which would delete $19.4M for procurement of long-lead production parts and production test equipment for the air-launched miniature vehicle (ALMV) antisatellite (ASAT) program. We strongly oppose that amendment.

Certain Soviet space systems pose a grave threat to the U.S. and Allied forces because of their capability to provide valuable targeting information.

The Soviet Union has had an operational antisatellite system since the early 1970s which can destroy many of our vital low orbiting satellites.

The President recognized this serious imbalance and declared in the National Space Policy of July 4, 1982 that the U.S. should develop and deploy an antisatellite system as soon as practical.

The Soviet Union is not likely to consider seriously any negotiations aimed at reducing weapons in space if the U.S. does not have an operational ASAT.

They were incredulous during 1979 negotiations that we would even suggest dismantling their system when we had nothing to give up in return.

This amendment, if passed, would cause at least one year slip in the initial operational capability of the U.S. ASAT. We cannot afford that delay.

One of the crucial subsystems—the Flight Sensor Assembly—has a lead time of about 30 months.

It is therefore imperative that we begin buying parts for this assembly in FY 84 if we are to meet the desired initial operational capability.

We have reviewed other options to the air-launched miniature vehicle ASAT—including such alternatives as ground- and space-based lasers. It is our belief that none of these could provide the required operational capability as soon as the current air-launched miniature vehicle ASAT system.

While we empathize with those persons wishing to see space as a medium free of weapons, the reality of the situation is that we cannot allow ourselves to ignore Soviet space systems which can put our forces at an intolerable disadvantage.

The DoD is committed to development and deployment of the ASAT as directed by the President. We request your support in initiating production by rejecting the amendment which would delete long lead procurement funds for FY 84.

Sincerely,

CASPAR WEINBERGER.

Mr. PRICE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, supporters of the amendment have distributed an information sheet by the Center for Defense Information stressing that the United States should not proceed with an anti-satellite system because it would destroy the opportunity to get an agreement on limiting such space systems. The information sheet points out that our satellites are more valuable to us than the Soviets are to them and that we have a greater capability in satellite systems.

I think we all share the goals of wanting to ban weapon systems whenever possible and in this case, particularly, of keeping space weapons free.

The Center for Defense Information, however, concedes that the Soviets have an antisatellite system and that they continue to test it. The Center's extensive discussion does not suggest that the Soviets stop testing their antisatellite system or be asked to stop deployment of their operational system.

What is simply not clear to me is why we should not even develop any capability in this area. The Center simply does not explain why it is no threat to peace if the Soviets have a system deployed, as they do, but it somehow would risk a war in space if the United States even tests such a system.

The Center's report implies that because the United States is willing to test a system means that it is unwilling to seek an agreement banning weapons in space. But the Soviet Union is presumed to be in favor of a ban on space weapons merely because it has said its desires to ban space weapons and notwithstanding that it has deployed and continues to test an antisatellite weapon.

I agree that we must carefully monitor development, keeping in mind the issues raised by the General Accounting Office.

But I cannot agree that we should make our decisions on the basis of advice from those whose mindset seems to conclude that almost anything the United States does in reaction to Soviet deployments is provocative but that somehow Soviet actions themselves are not provocative.

I think, also, we should try to get away from listening to those who loosely throw out the idea that you cannot deploy any weapon that might threaten the other side's weapons in a time of crisis they might quickly go to a use-them-or-lose-them strategy. I do not think any side is going down to quickly conclude that a first strike is advantageous simply because the other side has weapons that could take out some strategic weapons or some satellite systems. It is to my mind fuzzy thinking to suggest that people are going to act in a hair-trigger way with nuclear weapons. I do not think the leaders on either side are that crazy.

Last, let me just point out that this ASAT system development is not a product of the Reagan administration. That development was directed by President Carter in 1978 and he did so only after he concluded that the efforts to get a ban on space weapons would be unsuccessful without some development on the part of the American Government because the Soviets had been testing interceptor satellites since the early sixties.

It is true that the Soviets have submitted a draft agreement to a multilateral disarmament committee in Geneva. But did you know that the Soviet draft would classify the U.S. space shuttle as an antisatellite weapon? President Carter refused to negotiate on that basis.

□ 1440

Mr. DANIEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Chairman, I wanted to get the attention of the gentleman from California, the author of the amendment.

As I understand the gentleman's amendment, the purpose of that amendment is to prevent any actual procurement and testing of a U.S. antisatellite weapon, with the understanding that if we exercise restraint, then we have the best opportunity of achieving a treaty on antisatellite weapons; is that not correct?

Mr. BROWN of California. If the gentleman from Virginia will yield so that I might respond, I think the gentleman is approximately correct. He uses the term "testing." There is some divergence in views amongst the supporters of my amendment with regard to the testing.

Basically, I want us to continue with the research and development but not the deployment of the weapon.

Mr. STRATTON. But the gentleman feels that if we were to deploy the ASAT weapon, obviously, research and testing on the ground is not going to be a clear test of whether it will operate in outer space.

But is the gentleman aware that from 1972 through 1979, during the Carter administration, we did exactly, the Carter administration did exactly, what the gentleman is proposing that we should do now; namely, we did not field any of these weapons, we did not field an antisatellite. But the Soviet Union did field one system, and yet, with all of that restraint on our part, there was no treaty.

Even as the gentleman from Iowa indicated, they refused to engage in a treaty negotiation in 1979.

So how does the gentleman feel that by cutting out this money for proceeding to match them in this particular area we are going to have any better success by failing to produce a weapon than we did during the period from 1972 to 1979? That solution, the gentleman's solution, the benign solution, has been tried. It does not work. And I would think that the situation today would be even more unhealthy for that kind of expectation.

Mr. BROWN of California. If the gentleman from Virginia will yield, we could stipulate to the history on this. During the period that the gentleman refers to, first, we had deployed and operating an anti-satellite system. We had one deployed on Johnson Island in the Pacific with the capability to destroy the entire Soviet satellite system as well as our own, and it was in response to that that the Soviets developed their ludicrously ineffective system.

The reason we are not negotiating today is because we walked away from the last negotiations. I am asking that we go back to them.

Mr. STRATTON. But the restraint that we exercised then did not bring about any successful negotiation. Apparently the satellite on Johnson Island did not pose any particular threat to them. But now that the gentleman says that we are ahead of them in our capabilities, he also says we ought to restrain ourselves rather than proceed to promote our own interests.

Does not the gentleman think that we ought to be ahead of the Soviets sometime in something at all?

Mr. BROWN of California. If the gentleman from Virginia will yield, I have listened to the gentleman from New York often enough to know that, as far as he is concerned, any arms race is a good arms race. Now, as far as I am concerned, he could make the same statement about me, that any arms race is a bad arms race.

I do not want to have this debate conducted on that basis. We should look at this on the best factual grounds that we can, on the basis of the facts—and I cited the testimony of the Under Secretary of Defense—in September of last year said we did not need to deploy this. The GAO says it will not work and it is overpriced. And I think we ought to make a decision based on that.

Mr. STRATTON. Yes, but the lesson of history demonstrates that the gentleman's approach does not bring a satisfactory treaty. I would love to see a treaty, but his proposal is not likely to yield that result.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. DANIEL. I yield to the gentleman from Colorado.

Mr. KRAMER. I thank the gentleman for yielding.

Mr. Chairman, if the gentleman from California will tell me, so that I am certain in my mind where he is coming from on this issue, as I recall the last debate, although it was several weeks ago, the gentleman was saying at that time that he was not opposed to the United States developing an antisatellite capability but he felt strongly that the proposed system as described in this legislation was perhaps not the best way to do it.

The CHAIRMAN pro tempore. The time of the gentleman from Virginia (Mr. DANIEL) has expired.

(On request of Mr. KRAMER and by unanimous consent, Mr. DANIEL was allowed to proceed for 1 additional minute.)

Mr. KRAMER. If the gentleman will yield further, as I understand the debate today, what the gentleman is suggesting is that it is not really so much an issue of whether this or that system is the better system but that the deployment in effect would be provocative, that the Soviet systems do not really threaten many of our satellite systems and that, really, what we ought to be doing is trying to negotiate a way out of the Asat systems totally. There does seem to be some inconsistency between what the gentleman's position was in the last debate and what it is today, and I am wondering if the gentleman might be able to clarify that for us.

Mr. BROWN of California. If the gentleman will yield, I do not want to be unfair about this. I am fully in support of the goal of being ahead of the Russians, or anybody else, in space. I am fully in accord with the national goal of using space for military purposes. I fully support research and development on the further use of space for weapons if it is required.

The CHAIRMAN pro tempore. The time of the gentleman from Virginia (Mr. DANIEL) has again expired.

(By unanimous consent, Mr. DANIEL was allowed to proceed for 1 additional minute.)

Mr. DANIEL. Mr. Chairman, I yield further to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, I am trying to draw with this amendment a line that allows us to do all of these things that I have mentioned, continue to have the world's foremost program in space, use it for military purposes, do the R&D on weapons, but avoid that extremely expensive breakthrough when we start actually deploying weapons into space until we can explore other possibilities. I hope that is not an unclear posture to take.

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, during the debate that took place on May 26 there were several points addressed and several issues that cannot remain unchallenged. Let us review the basic facts that surround this issue.

First, the Russians have developed, tested, and deployed an antisatellite system that has been ongoing since the early 1970's. The Soviets have actually demonstrated satellite intercepts and that capability is expected to improve.

Second, the United States has no such antisatellite capability and will not until much later in this decade. We have no such capability by our own choice. We could have, but declined in hopes that the Soviets would alter their course.

In the 1970's there were extensive negotiations in an effort to achieve this objective. Finally, however, President Carter decided that negotiations were fruitless and he directed his Secretary of Defense Harold Brown to initiate a U.S. antisatellite program.

In 1982, President Reagan determined, as President Carter had before him, that the Soviets would not re-

spond to negotiations when they had a capability and we had none. He directed that ASAT be deployed as soon as possible.

The U.S. ASAT is designed to perform against those low-altitude satellites which perform reconnaissance, surveillance, and provide targeting information to the Soviets of our land and sea forces. Our ASAT is not only nonnuclear it is nonexplosive and provides a measured response which is not, and I emphasize not, a space-based weapon. Contrary to the Soviet ASAT, our ASAT will never be in orbit.

Several of my colleagues have quoted the GAO report that ASAT will cost $15 billion. Mr. Chairman, I cannot find any factual support for such statement of cost. According to Major General Randolph, Director of Space Systems for the Air Force, "there is absolutely zero evidence in the GAO report to support the contention that ASAT will cost tens of billons of dollars." General Randolph went on to say the system is currently budgeted on the order of about $3 billion to complete the entire antisatellite system. This would make the total cost about $3.6 billion.

What the amendment before us is intending to delete, while identified as ASAT production moneys, is in reality a "get ready" for production authorization. There will be no true production activity in fiscal year 1984. The $19.4 million money simply represents the procurement of certain long-lead components and test equipment which are needed in order to meet an initial operational capability of 1987. Some items require at least 30 months for advanced procurement. Next year, fiscal year 1985, is when we will make the production decision after tests have verified that ASAT is ready for production. I repeat, Mr. Chairman, no production funds will be requested until after tests have proven that ASAT really works.

Let us ask ourselves the basic question, Do we really need an ASAT capability. Listen to Dr. Robert Cooper of DARPA, who recently stated:

> We are not building our ASAT because Russia built one—and we did not do it because it was a bargaining chip to get rid of theirs.

Rather, Dr. Cooper reasons that both nations are working on weapons meant to protect themselves against satellites which are perceived as intolerable if left untouched during time of war.

We as a nation cannot permit ourselves to being placed in a position of being denied our vital satellites, communications, command and control links while the Soviets are allowed to maintain theirs. Because of our geography and worldwide disbursement we are more dependent on satellites than the Soviets. The fact of the matter is, Mr. Chairman, that without an antisatellite capability our land and sea forces during the time of war could be blinded and rendered defenseless. Not protecting ours and the free world's assets defies logic and may well motivate the Soviets to take action they would otherwise find unacceptable if we possessed the same antisatellite capabilities.

I share with my colleagues the concern of escalating weapons technology in space, but there is no doubt in my mind that to do nothing in this area could be dangerous. The solution to this problem is not served by the amendment before us today. I strongly recommend that we carefully examine the facts surrounding this issue and the consequences of this amendment and join with me in rejecting any delay in this most needed program.

□ 1450

Mr. FROST. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the only appropriate time for the United States to reassess its commitment to antisatellite weapons development is when we have a reciprocal and verifiable treaty with the Soviets banning the use of outer space for weapons tests and deployment. Until that time, it makes no sense for our country to retreat from the ASAT program.

Our research and development in this field has left us with an advantage—but not a monopoly—over the Soviet Union. For all intents and purposes, the Soviets are not now interested in negotiating a treaty covering the outer space. When they are inclined to engage in meaningful negotiations, we should immediately move to the negotiating table and work in earnest on this question.

But to slow down any facet of this program—whether it be procurement, testing, or research and development—in the absence of a treaty will do nothing but buy more time for the Soviets to move their program into equivalence with the United States. This is very bad policy Mr. Chairman, and I urge the defeat of this amendment.

Mr. BEDELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. AKAKA. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Hawaii.

Mr. AKAKA. I thank the gentleman for yielding.

Mr. Chairman, I would like to associate myself with the remarks of the gentleman from California, Mr. BROWN.

Mr. Chairman, I rise in strong support for the amendment proposed by the gentleman from California (Mr. BROWN). I strongly support the deletion of $19.4 million for procurement of anti-satellite weapons.

Mr. Chairman, now is not the time to spend money on procuring these weapons. This question is a highly complex one and certainly needs to be further studied by the Members of this body. To decide today to procure this system is not a responsible action, for we need further information in order to make a sound decision.

Let me tell you why we should not today take this first step to procure an operational anti-satellite system. The answers lie in the long-term ramifications of what will happen if we do, today, on the floor of the House, decide to proceed with funding for the procurement of an operational ASAT system.

First, this decision will affect the balance of power, both perceived and real. The Soviets already have a primitive ASAT capability in hand; should we procure a more sophisticated system now, we are simply asking for a certain escalation in the arms race. This is a decision which should not be made lightly with a mere $19 million. If we want to engage in a serious arms race with the Soviets, then we should do so, honestly and with great gusto. I strongly object to sending a strong and bellicose signal to the Soviets by mistake, for a mere $19 million procurement. If we approve this procurement today, the Soviets will only, and with good reason, upgrade their system and then we will upgrade ours and the race will be on and on and on * * * ad bellum.

If we are going to engage in an arms race with the Soviets, then let us declare an arms race with the Soviets. Let us wage that war and let us win! This decision is both a serious one and an expensive one. It should be made in a reasoned fashion, head-on and not through the back door of a $19 million procurement. I strongly object to slipping into an arms race at this stage in the world's history.

Second, strategy should come first—there will always be enough time for hardware refinement and development. There are many other technologies under consideration which may very well prove to be both more effective and cheaper, as far as ASAT's are concerned.

The simple fact is that we do not know if the current method of eliminating enemy satellites is the one we want. Under these circumstances, procurement now is simply silly and definitely short-sighted. We must, in this body, look at the big picture.

And third, it is not too late to begin negotiations now with the Soviets for a mutual and verifiable agreement banning antisatellite systems from space. I want to remind my colleagues that once we procure an operational

system, serious negotiation is, at very best, difficult. I also want to remind my colleagues that in March of this very year, close to 50 Members of Congress wrote to the President of the United States to ask that the United States refrain from testing the ASAT weapon system until we have tried, in good faith, to negotiate a ban on these systems. The simple fact is that procurement of ASAT system now, in the fiscal year 1984 budget, is premature.

Passage of the Brown amendment does not eliminate over $200 million in funding for research and development of an ASAT system. I strongly support continued R&D funding, for an ASAT capability may be of critical importance to our long-term global defense posture.

I urge my colleagues to support the Brown amendment. I urge my colleagues not to throw DOD money at a problem in the vain hope of scaring the Soviets into submission. This is strategy that simply will not work. We should not, over a mere $19 million goad the Soviets into fighting a war-in-space race with vigor.

You can be sure, that if we, as a nation, decide that we need an operational ASAT system, we will have one. But, that is a decision best made after careful deliberation * * * not in the heat of debate on whether or not to procure a system which, in all likelihood, is already outdated. The only reasoned vote on this amendment is a vote for the Brown amendment.

Mr. BEDELL. Mr. Chairman, I think this debate is about to come to a close.

I would point out quite clearly that, indeed, we are talking about procurement. We are talking about procurement of parts to move forward in order to set in place this system about which we are talking. I believe it makes some sense for us to be certain of what it is that we are procuring before we start procurement. I think it is quite clear here that once we start procurement, the argument is always brought forth that we have already started, this is no time to stop, we made that decision earlier.

The argument is made that, indeed, this is necessary for us to help get agreement with the Soviet Union. I would point out that as we move forward on these weapons systems it equally has proven that we have been unable to get agreement with the Soviet Union.

Mr. Chairman, I agree wholeheartedly that the antisatellite weapons system requires further consideration before Congress commits itself to this new and potentially destabilizing program. It will be, as others have pointed out, far more expensive than originally anticipated. Once Congress approves this first, small amount of procurement funding, we shall in effect be committing ourselves to putting out $200 million next year, and more and more, every year, year after year, until we find ourselves in yet another costly arms spiral from which we cannot extract ourselves. I see no reason to commit ourselves to a multibillion-dollar program until we have had ample opportunity to debate the strategic implications of such a system. Why should we begin procurement of this system when all research, development, testing, and evaluation has yet to be completed? Why should we commit ourselves to such a potentially destabilizing weapons system without first attempting to negotiate a treaty with the Soviet Union banning the deployment of such systems?

I would remind my colleagues that to delete this money—$19.4 million—today in no way affects the initial deployment of this weapons system, which is scheduled for 1987, even if we should elect, after full consideration, to continue on our present course. I would urge my colleagues to adopt the Brown amendment in order to insure that the merits of deploying a sophisticated antisatellite weapons system are debated and truly in the best national security interests of the United States.

● Mr. BROWN of California. Mr. Chairman, I urge my colleagues to support the amendment offered by myself, Mr. MOAKLEY, Mr. SEIBERLING, and Mr. LEACH to the Department of Defense fiscal year 1984 authorization bill.

The amendment is very simple. It deletes $19.4 million earmarked in the bill to begin procurement of an operational antisatellite space weapons system. This amendment does not cut funds for research on the ASAT system and leaves the United States with a program level of roughly $200 million per year, totaling over $1 billion through fiscal year 1985.

I am proposing to cut procurement funds for the ASAT system, because in my opinion Congress and the United States are simply not ready to take the major step of placing weapons in space at this time. If we approve procurement funding now, we will be giving the green light to a weapons race in space with unforeseeable consequences and without the benefit of informed debate and consideration. This program is literally being slipped in under our noses, when we lack a clear space policy. Eugene Rostow, former head of the Arms Control and Disarmament Agency, perhaps said it best last September before a Senate hearing; he said, "We do not really know yet what we want in the area of space." We need policy first, procurement later.

Procurement at this time represents a critical step from strategic, budgetary, and foreign relations standpoints. It means crossing the threshold to placing weapons in space.

Moreover, while this system appears to be a minor investment from a budgetary standpoint, the fact is that the $19.4 million we are being asked to approve is just the tip of the iceberg. DOD wants to come back next year with a request for $197 million. And while the Air Force estimates the cost of the ASAT system at $3.6 billion, the General Accounting Office recently estimated that to meet mission requirements, the system would cost in the tens of billions.

Here is what the recent General Accounting Office report said:

> When the Air Force selected the miniature vehicle technology as the primary solution to the antisatellite mission, it was envisioned as a relatively cheap, quick way to get an antisatellite system that would meet the mission requirements. This is no longer the case. It will be a more complex and expensive task than originally envisioned, potentially costing in the tens of billions of dollars.

So the system might be obsolete by the time it is built, and we will pay billions of dollars for an obsolete system.

The U.S. military has long depended on space for communications, early warning, intelligence, weather, navigation, reconaissance and arms treaty verification. These systems lend security and efficiency to our military operations. U.S. antisatellite weapons are contemplated for the purpose of destroying Soviet satellites. Ironically, however, the Soviet Union is less dependent on satellites than the United States; therefore the U.S. has more to lose in an antisatellite weapons confrontation.

I do not wish to minimize the concerns of those who are aware of the Soviet ASAT capability. The Soviets do have an operational antisatellite system, which, while primitive, is a legitimate cause for concern. But we must put the Soviet system in perspective. The Soviet ASAT system can only attack targets in low-Earth orbit; most of the important U.S. national security satellites are in very high orbits, and are not vulnerable to the current Soviet ASAT. The Soviet ASAT, which uses fixed launch sites, is a cumbersome and inflexible system in comparison to the mobile, F-15 based, U.S. system.

The United States risks little by refraining from procurement of an operational ASAT system at this time, and has more to gain by entering into negotiations with the Soviets. Leaving the research intact, we could go ahead with the deployment of an ASAT system within a year or two if we so desire after considered debate. The Soviet system, while deemed operational, poses only a clumsy threat to the U.S. space systems.

Furthermore, Dr. Richard D. DeLauer, Under Secretary of Defense for Research and Engineering, stated last September before the Senate Subcom-

mittee on Arms Control that the U.S. has "no policy mandate to pursue space weapons. On the other hand, given the Soviet activities and their spending rates, we must continue our research and planning, but we will not do any acquisition unless our security is threatened." This is exactly what my amendment proposes to do—to delete procurement funds but continue with research and development. There has been no evidence of an increased threat from the Soviet Union in the last few months since September, 1982 when Dr. DeLauer made his statement regarding acquisition of an ASAT system. It is not clear to me therefore, why DOD has come to Congress with a request for procurement funds.

Let us give ourselves the opportunity to begin negotiations with the Soviets again. If we allow antisatellites to reach the operational phase, it will already be too late—ASAT's are extremely difficult to detect and any treaty will be virtually impossible to verify.

The United States has a 20-year history of negotiating for the peaceful exploration and development of space. The 1963 Limited Test Ban Treaty, the 1967 Outer Space Treaty, and the 1972 Treaty of the Limitation of Anti-Ballistic Missile Systems have all contributed to securing peace, not only between the superpowers, but throughout the world. Ambassador Buchheim, former head of the U.S. Delegation to the United States-Soviet Union Anti-Satellite Weapons talks, offered the following statement in the Senate hearing last September in favor of resuming talks with the Soviets.

In my opinion, there would be merit in engaging in well prepared discussions with the U.S.S.R. for the explicit purpose of seeking mutually advantageous agreements * * * on antisatellite operations and systems.

We urge support for delaying procurement while continuing research on ASAT weapons. It is much wiser to negotiate limitations before procurement than to dismantle existing systems. The Antarctic Treaty, which internationalized and demilitarized the Antarctic Continent and provided for its cooperative exploration and future use, is an example of nations exercising foresight and working in concert to prevent conflict before it develops.

Let us not find ourselves 5 years down the road with an expensive and perhaps dangerous weapons race in space, that all started with the $19.4 million we now are being asked to approve for the procurement of an antisatellite weapons system. This is a complex issue and one that requires careful consideration.

Space is indeed the last frontier. Let us think carefully before we place weapons there.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. BROWN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROWN of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 243, not voting 12, as follows:

[Roll No. 188]

AYES—177

Ackerman	Ford (MI)	Moody
Addabbo	Ford (TN)	Morrison (CT)
Akaka	Forsythe	Mrazek
Albosta	Fowler	Nowak
Anderson	Frank	Oakar
Andrews (TX)	Garcia	Oberstar
Aspin	Gejdenson	Obey
AuCoin	Gephardt	Olin
Barnes	Gibbons	Ottinger
Bates	Glickman	Owens
Bedell	Goodling	Panetta
Beilenson	Gore	Patterson
Berman	Gray	Pease
Biaggi	Guarini	Penny
Boland	Hall (IN)	Pritchard
Bonior	Hall (OH)	Rahall
Borski	Hamilton	Rangel
Bosco	Harkin	Ratchford
Boucher	Hertel	Reid
Boxer	Hopkins	Richardson
Britt	Howard	Rostenkowski
Brown (CA)	Hoyer	Roukema
Carper	Jacobs	Roybal
Carr	Jeffords	Russo
Chandler	Jones (OK)	Sabo
Clarke	Kaptur	Savage
Clay	Kastenmeier	Scheuer
Coelho	Kennelly	Schneider
Collins	Kildee	Schumer
Conte	Kogovsek	Seiberling
Conyers	Kolter	Shannon
Cooper	Kostmayer	Sikorski
Coughlin	LaFalce	Smith (FL)
Coyne	Lantos	Smith (IA)
Crockett	Leach	Solarz
D'Amours	Lehman (CA)	Spratt
Daschle	Lehman (FL)	Staggers
Dellums	Leland	Stark
Dicks	Levin	Stokes
Dingell	Levine	Studds
Dixon	Long (LA)	Swift
Donnelly	Long (MD)	Synar
Dorgan	Lowry (WA)	Torres
Downey	Luken	Towns
Durbin	Lundine	Traxler
Dwyer	Mack	Udall
Dymally	MacKay	Vento
Early	Markey	Walgren
Eckart	Matsui	Watkins
Edgar	Mavroules	Waxman
Edwards (CA)	McHugh	Weaver
Evans (IL)	McNulty	Weiss
Fascell	Mikulski	Wheat
Fazio	Miller (CA)	Williams (MT)
Feighan	Miller (OH)	Wirth
Ferraro	Mineta	Wise
Florio	Minish	Wolpe
Foglietta	Mitchell	Wyden
Foley	Moakley	Yates

NOES—243

Alexander	Bevill	Byron
Andrews (NC)	Bilirakis	Campbell
Annunzio	Bliley	Carney
Anthony	Boehlert	Chappell
Applegate	Boggs	Chappie
Archer	Boner	Cheney
Badham	Breaux	Clinger
Barnard	Brooks	Coats
Bartlett	Broomfield	Coleman (MO)
Bateman	Brown (CO)	Coleman (TX)
Bennett	Broyhill	Conable
Bereuter	Bryant	Courter
Bethune	Burton	Craig
Crane, Daniel	Lagomarsino	Ritter
Crane, Philip	Latta	Roberts
Daniel	Leath	Robinson
Dannemeyer	Lent	Roe
Daub	Levitas	Roemer
Davis	Lewis (CA)	Rogers
de la Garza	Lewis (FL)	Rose
Derrick	Lipinski	Roth
DeWine	Livingston	Rowland
Dickinson	Lloyd	Rudd
Dowdy	Loeffler	Sawyer
Dreier	Lott	Schaefer
Duncan	Lowery (CA)	Schulze
Dyson	Lujan	Sensenbrenner
Edwards (AL)	Lungren	Sharp
Edwards (OK)	Madigan	Shaw
Emerson	Marlenee	Shelby
English	Marriott	Shumway
Erdreich	Martin (IL)	Shuster
Erlenborn	Martin (NC)	Siljander
Evans (IA)	Martin (NY)	Sisisky
Fiedler	Mazzoli	Skeen
Fields	McCain	Skelton
Fish	McCandless	Slattery
Flippo	McCloskey	Smith (NE)
Franklin	McCollum	Smith (NJ)
Frost	McCurdy	Smith, Denny
Fuqua	McDade	Smith, Robert
Gaydos	McDonald	Snowe
Gekas	McEwen	Snyder
Gilman	McGrath	Solomon
Gingrich	McKernan	Spence
Gonzalez	Mica	Stangeland
Gradison	Michel	Stenholm
Gramm	Molinari	Stratton
Green	Mollohan	Stump
Gregg	Montgomery	Sundquist
Gunderson	Moore	Tallon
Hall, Ralph	Moorhead	Tauke
Hall, Sam	Morrison (WA)	Tauzin
Hammerschmidt	Murphy	Taylor
Hance	Murtha	Thomas (CA)
Hansen (UT)	Myers	Thomas (GA)
Harrison	Natcher	Torricelli
Hartnett	Neal	Valentine
Hatcher	Nelson	Vander Jagt
Hefner	Nichols	Vandergriff
Hightower	Nielson	Volkmer
Hiler	O'Brien	Vucanovich
Hillis	Ortiz	Walker
Holt	Oxley	Weber
Horton	Packard	Whitehurst
Hubbard	Parris	Whitley
Huckaby	Pashayan	Whittaker
Hughes	Patman	Whitten
Hunter	Paul	Williams (OH)
Hutto	Pepper	Wilson
Hyde	Perkins	Winn
Ireland	Petri	Wolf
Jenkins	Pickle	Wortley
Johnson	Porter	Wright
Jones (NC)	Price	Wylie
Jones (TN)	Pursell	Yatron
Kasich	Quillen	Young (AK)
Kazen	Ray	Young (FL)
Kemp	Regula	Young (MO)
Kindness	Ridge	Zablocki
Kramer	Rinaldo	Zschau

NOT VOTING—12

Bonker	Hawkins	Rodino
Corcoran	Heftel	Schroeder
Frenzel	Martinez	Simon
Hansen (ID)	McKinney	St Germain

□ 1500

The Clerk announced the following pairs:

On this vote:

Mr. Rodino for, with Mr. Frenzel against.

Mr. Hawkins for, with Mr. Corcoran against.

Mr. McKinney for, with Mr. Hansen of Idaho against.

Messrs. YOUNG of Missouri, COLEMAN of Texas, and SLATTERY changed their votes from "aye" to "no."

Mr. DURBIN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1510

The CHAIRMAN pro tempore. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. M'CLOSKEY

Mr. McCLOSKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLOSKEY: Page 7, strike out line 11 though 14 and insert in lieu thereof the following:

(d) Procurement of the B-1B bomber aircraft may not be carried out under a multiyear contract.

Mr. McCLOSKEY. Mr. Chairman, I am here today to speak in strong opposition to multiyear procurement status for the B-1B bomber. To put it very simply, while the basic issue before us is the question of the B-1B bomber as to multiyear funding status, I truly think that there is a larger question here underlying all this just as to what is our role here in the Congress as far as overseers of our military policy, particularly with concern to our budget, our budget priorities, and our ability to be able to make decisions.

While the amendment here is as to multiyear procurement of the B-1B, I think the larger question is just what is the budget authority of the Congress? What is our ability to undertake that on a continuing basis and just what is our ability and, indeed, our interest to comply with both our own statutory policy and the normal regulatory processes that are supposed to go on over in the Department of Defense.

Very, very simply speaking, the Department of Defense criteria state that a system must be in effect stable and technically mature. That has been generally interpreted by Secretary Carlucci as saying, as far as the operations of the Defense Department go, the Carlucci amendment basically states that to be stable and technically mature, research and development must essentially be done on this.

Then I ask, Mr. Chairman, why is it that we have $1.6 billion going into research and development over the next 3 years for this weapons system?

In effect, this means that with not one B-1B off the production line, with not one test flight done, the Congress would not have the ability to oversee this situation for some 3 years. In effect, there would be more than 50 authorized; so I ask, with not one flight having been done on this, with not one test flight and with not one plane off the production line, why are we going for multiyear procurement on the B-1B?

Is it not in effect to opt us out of the decision making process over the next 2 or 3 years?

In effect, if we are going to go along with our own statutes, if we are going to go along with the stated policies of the Secretary of Defense, we should not be putting in multiyear procurement funding for the B-1B at this point.

I would stress that my amendment as such is not a pro or anti B-1B amendment. I think that people on both sides can vote for this policy in good faith. It does not cut $1. It just says at this point, so early in the process, we are not going to opt out of this for 2 or 3 years and have 50 of them off the line before we can go at it again.

I would note that many people say that the R&D funding of the original B-1B itself is essentially a matter of it having been done already.

I would note that a substantial portion of the systems of the B-1B are not identical to and are quite distinct from the B-1 itself, so there is much R&D to go. We do not yet have one plane and we do not yet have one flight test.

So I would ask for your cooperation on this. Those of you who are strong B-1B folk, we are not cutting $1. We are just saying let this go another year before we get into a multiyear procurement status.

Mr. HERTEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the distinguished Representative from Michigan.

Mr. HERTEL of Michigan. Mr. Chairman, I thank the gentleman from Indiana, the maker of the amendment.

I want to clarify two things. The gentleman pointed out, first of all, that there will be no funds cut at all from the B-1B bomber by this amendment.

Mr. McCLOSKEY. That is true.

Mr. HERTEL of Michigan. The gentleman also pointed out the production of the plane will not be slowed down one iota by the passage of this amendment.

Mr. McCLOSKEY. That is true.

I would note that part of the justification for this, I say to the gentleman from Michigan (Mr. HERTEL), is that the Air Force contends that we would have an $800 million savings. That has since been downplayed to the tune of $600 million and, indeed, the GAO has recently pointed out that even that does not take into effect the discount value of money and this comes at a time when the four prime contractors on the B-1B are in negotiating positions, with present cost status some 31 percent over the agreed upon budgetary limits.

□ 1520

Mr. HERTEL of Michigan. Will the gentleman yield further?

Mr. McCLOSKEY. I yield to the gentleman from Michigan.

Mr. HERTEL of Michigan. The basic essence of the amendment clearly then is to say that the Congress, the Department of Defense, and the Air Force in particular and the contractors involved must follow the statutory language adopted earlier. If it went to multiyear contracting in this case we would lose some of those powers because the B-1 bomber was a controversial project and still is to some degree a controversial project, but mostly since you are not talking about limiting the B-1 bomber or cutting funds or slowing down the B-1 bomber, I support the amendment, clearly because we are talking about showing the American public with this large expenditure of tax dollars, what we are trying to show by this kind of an amendment is to show the American public, the taxpayers that are paying for this weapon and other weapons that we are doing the best possible job in spending their money and staying on top of this kind of expenditure to make sure it is done properly, timely, and with the right standards met that this Congress earlier had set forth for the B-1 bomber.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. McCLOSKEY) has expired.

(By unanimous consent Mr. McCLOSKEY was allowed to proceed for 2 additional minutes.)

Mr. McCLOSKEY. Indeed it does meet all of those statements, I would say to the gentleman from Michigan, (Mr. HERTEL,) and I might note that it totally complies with the statute and even with the DOD-stated policies. No one can literally say that R&D is done on the B-1B and we have $1.6 billion slated to go into that. That is against all of the previous policies of the DOD. This would be an unprecedented move to lock in a weapons system of this sort in this early stage. I do not see how it cannot wait another year.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman.

Mr. SKELTON. Is the gentleman from Indiana aware of the fact that there were four prototypes of the B-1 bomber? Is the gentleman aware of that?

Mr. McCLOSKEY. I am aware of previous prototypes. That is true.

Mr. SKELTON. And the gentleman wishes to do away with the multiyear procurement for the B-1; is that correct?

Mr. McCLOSKEY. That is true at this point.

Mr. SKELTON. And the purpose of a multiyear, as we all agree, is to save the taxpayers dollars; is that not correct?

Mr. McCLOSKEY. That is true.

Mr. SKELTON. And in essence we run the risk of losing some $600 mil-

lion for the taxpayers if we do not proceed with the multiyear; is that not correct?

Mr. McCLOSKEY. I would say even if you did not take the GAO at face value and if you eliminated the statements of the GAO, that so-called saving has not been discounted in terms of the dollars involved, that that is a relatively minuscule or chancy amount when you consider as far as the $20.6 billion ceiling on the B-1B. Right now we are in a position with the contractors where the proposed contracts are 31 percent over the base. So I think when you consider just how subject to change all of that is that it is a very deep chance, problematic chance to take.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, let me say I think the reasons given by the proponent and the offerer of this amendment are commendable but I think he has his facts garbled. I would like to try to put this in perspective.

Most of us here will remember back 2 years ago when we labored long and hard over this particular bill and the section on multiyear procurement. I think we debated just this one amendment for about 3 days, as to whether or not the Department of Defense should have the right to go into multiyear procurement on certain programs.

There were two groups on the floor at that time who opposed it. We fought it out but I think we were just overwhelming with logic. I would like to think so.

But, anyway, we passed it and we put it in place.

But let me point out to the Members that we made certain stipulations we wrote into the permanent law these stipulations, that must exist in order for the Secretary of Defense to select a candidate for multiyear procurement:

That the use of such contract will promote the national security of the United States and will reduce the total overall cost. That the minimum need for the property to be purchased is expected to remain substantially unchanged. That there is a reasonable expectation that throughout the contemplated contract period the Department of Defense will request funding for the contract at a level required. That there is a stable design for the property to be acquired, and that the technical risks associated with such properties are not excessive. Also that the estimates of both cost of the contract and the anticipated cost through the use of multiyear contracts are realistic.

What we are doing here. Mr. Chairman, is that we have authorized a technique that we call multiyear contracting in order to save the taxpayers money. There is not a person here who has not heard complaints from taxpayers or from constituents saying, "Hey, the Department of Defense wastes money." So in order to get a handle on this we said, "Hey, why should contractors every year have to go to the supplier, to the vendors, and everything, and to the Congress, and not know the price from year to year?"

Multiyear contracting enables the contractors to go to their suppliers, to their vendors, and get stable levels of production so that they could facilitize, hire people, buy long leadtime items, buy scarce metals and minerals.

Now, in order for the B-1 to be a candidate it has to live up to these requirements that we have set out. In order for the Secretary of Defense to be availed of this opportunity he has to certify those things I have read.

The Air Force tells our committee that the projected savings by going multiyear is some $800 million in constant fiscal year 1981 dollars. It will save that much just by allowing the contractor to buy on a continuing basis, on a level effort basis so that he does not have to go back and recontract with the suppliers each year, and so that he does not have to go back and renegotiate his wage rates. It gives a stability to a program that is going to last over several years.

These are not my figures. I cannot vouch for them. I am saying these are the Air Force projected savings of $800 million just by being allowed to do this if the Secretary certifies that these criteria have been met.

So the point is we have established a mechanism, put it in place, and we have tried to save money. Then if we approve this amendment and deny them the ability to contract multiyear procurement and deny the savings, then we are in effect just shooting ourselves in the foot and making for naught what we have put in place.

If this is a stable program, the Secretary has to certify that. The low technical risks have to be certified and if he cannot certify to these essential requirements then it is not a candidate for multiyear.

We have built, as has been pointed out, four prototypes of the B-1. Then the program was canceled. Now the B-1B is being developed. It has about 80 percent airframe commonality with the original B-1.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. DICKINSON) has expired.

(By unanimous consent Mr. DICKINSON was allowed to proceed for 3 additional minutes.)

Mr. DICKINSON. So what we have here is a savings. It does not commit us to anymore than we are presently committed.

The Secretary of Defense has to certify the stability, the low technical risks of the program, the need, and that it will, in fact, make these savings.

So now to declare by this amendment and say we do not want these savings, that we want to spend whatever we have to spend and not to try multiyear, not try to stabilize production, is very shortsighted in the extreme.

So I would hope we would not undo what this committee has already done and we can proceed in an orderly fashion.

Mr. McCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I will be pleased to yield to my colleague in the well.

□ 1530

Mr. McCLOSKEY. Thank you very much.

I would like to again state that Mr. DICKINSON, is the gentleman in effect saying that no significant R&D, RDT&E is yet to be done? Why is that $1.6 billion out there? This is not an anti-multi-year procurement policy generally. We are looking at this particular weapon system, where not one is off the production line and not one is flight-tested. I have to ask the gentleman what is his specific opinion of the philosophy behind the Carlucci amendment, the Carlucci statement which says to qualify for multiyear procurement they must have completed RDT&E? Do these words mean anything?

Mr. DICKINSON. I will be glad to try to explain. The Carlucci initiatives, if the terminology means anything to you, were really an outgrowth of and were developed by our committee and particularly the Subcommittee on Readiness. We held hearings for a year. The gentleman from Virginia (Mr. DANIELS), chaired it.

Out of this came the so-called Carlucci initiatives, I think some 32 of them. Multiyear procurement is a part of that. We are very familiar with it.

Mr. McCLOSKEY. Does the gentleman think it should not be adhered to then?

Mr. DICKINSON. If we have reached that point where the Secretary can certify a low technical risk—and I do not know that he has done this yet; I think so—but if he can certify these things then it is a candidate to save $800 million. I certainly know it will not cost anything to allow them to go forward as we have directed in the past. It is a commonsense approach.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Ohio.

Mr. KASICH. If I could make a point to clarify the discussion about RDT&E.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. DICKINSON) has expired.

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words.

I am very interested in this amendment because it is a subject that I think we all ought to be very concerned about.

It struck me in the conversations that we are having at the committee, I have to ask the gentleman from Indiana if he would get near to a mike because I would like to ask a couple of questions about it.

I was puzzled by this issue when it came up in the Committee on Armed Services. I asked the question, what is the issue on multiyear procurement here in the case of the B-1 bomber? Was this a request that the Pentagon had for multiyear procurement for the B-1?

Mr. McCLOSKEY. If the gentleman will yield. In effect yes, the Air Force very strongly wants multiyear procurement, at a point, Mr. ASPIN, when, you know, there is not one off the production line, not one item has been flight tested yet. We would not get to review this until most of the program is done, some 50 planes.

Mr. ASPIN. The point you are making is it is awfully early to go to multiyear procurement on this weapon system?

Mr. McCLOSKEY. It is exceedingly early at a point when we have 3 years of RDT&E scheduled, $1.6 billion allocated for it, how can we say there will be no significant design or other technical changes once the flight test starts?

Mr. ASPIN. What about the other procurement, other requests from the Pentagon to the Committee on Armed Services requesting that other systems go to multiyear procurement? What happened on those?

It seems to me, as I understand it and I am trying to reconstruct the conversation we had in the committee, it seems to me the issue was raised that they had some requests for other multiyear procurement which the committee turned down, is that correct?

Mr. McCLOSKEY. I believe so. I do not recall the specific items, Mr. Chairman. But I would note that this is somewhat unprecedented as far as how early in the aircraft's development we would be going for multiyear procurement.

Mr. ASPIN. Let me ask the chairman of the subcommittee, the gentleman from New York, did we have other multiyear procurement requests in this bill that we turned down?

Mr. STRATTON. If the gentleman will yield.

Mr. ASPIN. I yield to the gentleman.

Mr. STRATTON. I think the gentleman is familiar with the report that we issued. We had a number of requests for multiyear funding. In fact, we turned down eight of those requests. For example, we turned down the multiyear procurement of the CH-47 which provided only $3.9 million in saving and would have required up front money of $64 million.

We also disapproved multiyear funding for the F-18 engine and we disapproved multiyear procurement on the TOW missile. But the fact of the matter is that the B-1 bomber represented virtually a classic case of how you could achieve real savings, in this case a total of $1.2 billion on a weapon system that we have all been familiar with, should never have been eliminated by President Carter in the first place and which we now realize is desperately needed to provide the bomber leg of the triad.

Mr. ASPIN. I understand. Let me stick to the issue of the multiyear procurement, because I am curious as to what the committee found. It is my understanding that the committee found that in fact the savings from multiyear procurement are not all that they have been cracked up to be.

Mr. STRATTON. Well, I do not know what the gentleman regards as "cracked up" money, but I would certainly think that $1.2 billion is something that you should not sneeze at.

Mr. ASPIN. No, no, I was not talking about the B-1. I was talking about the other programs.

Mr. STRATTON. That is right.

Mr. ASPIN. If the gentleman will let me finish.

Mr. STRATTON. I am trying to answer the gentleman's question.

Mr. ASPIN. The discussion we had in the committee, which was the question as to whether in fact you save money from multiyear procurement? It seems to me the Government report showed that the savings were not what we anticipated.

Mr. STRATTON. The fact——

Mr. ASPIN. I have the time.

Mr. STRATTON. I thought the gentleman wanted our views.

Mr. ASPIN. No, I want to talk. I will refer to the gentleman when I want to refer to the gentleman. What I am saying is it seems to me there is some evidence at this point that the multiyear procurement is not getting the savings that were anticipated.

I think the subcommittee recognized that fact by taking out the multiyear procurement for a number of weapon systems. So, it seems to me rather peculiar, that being the case, that the B-1B should be one of the systems that is allowed to continue under multiyear procurement or to start it, when we are starting it at a very, very early stage, at a point when we really, as the gentleman from Indiana so eloquently pointed out, when we really do not know enough about a weapon system. We are locking ourselves into a multiyear procurement.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ASPIN was allowed to proceed for 2 additional minutes.)

Mr. Aspin. There is a suspicion that the military or the Air Force in this case wants to lock us all into this contract because multiyear procurement means if you want to cut it down later it is going to cost you a bundle to get out of the contract. And they are concerned that we are going to have a money squeeze later and with a money squeeze later we are going to want to try to buy fewer B-1B's and that means in order to get out of this, in multiyear procurement, it is going to cost a lot of money to do that. It seems to me the gentleman from Indiana has a case. I would like to yield to anybody else who has a counterclaim? No one?

I yield back the balance of my time.

Mr. BADHAM. I move to strike the requisite number of words

Mr. KASICH. Mr. Chairman will the gentleman yield?

Mr. BADHAM. I yield to the gentleman.

Mr. KASICH. I thank the gentleman for yielding.

Let me make a couple of points quickly. There is some discussion about RDT&E moneys being included in the B-1 project and somehow that implies that the project is still not certain, not stable. What everyone should know is that there is still RDT&E money included in the B-52 bomber program and also in the F-16 program through the year 1985.

So, including money in RDT&E in the B-1 does not in any way, shape, or form imply instability in the program, but rather is normal program cost. I will be glad to yield back to the gentleman and take 5 minutes later myself.

Mr. BADHAM. I thank the gentleman for his contribution.

I think we ought to get to the background of multiyear procurement and why we have it.

The esteemed chairman of our subcommittee, the gentleman from New York, has correctly pointed out that there were several requests made for multiyear procurement that were turned down. They were turned down basically on affordability. Take the F-18 engine, as an example, it is a mature engine, it would be a good candidate for multiyear procurement, but this year's cash flow would not permit the up-front money to permit some savings down the line.

□ 1540

The B-1 is just the other way around. The maturity of the B-1 program I would like to comment on for just a moment. My recollection is that

the B-1 first flew in 1972. I think after having flown now for 12 years or so we could call that a mature aircraft. The Soviet Union thinks it is a mature aircraft. They have already produced two copies of the B-1, the Blackjack and the Backfire bombers, both pretty good copies of the B-1, one a little smaller, one a little bigger.

The fact is that if we do not go on to multiyear procurement now, this will jeopardize or maybe even kill this needed program. We have, debated B-1 procurement every single year that I have been in the Congress. Finally, a year or two ago, we decided that it was time to go ahead with this mature system that has been flying, that has been tested, that is ready to go into production. It just stands to reason that if this program is going to come into line on cost and on time we are going to have to give subcontractors confidence, and we are going to have to give the contractor confidence, and we are going to have to move ahead in a coordinated, coherent policy for the production of this most needed weapons system.

Mr. Chairman, I hope that this amendment will be defeated because it seems to be nothing more than a transparent attempt to knock B-1 from multiyear procurement and will destroy the program by putting the program costs over the affordability threshold.

This program is needed by our Air Force and it is ahead of schedule and under cost at the present time.

We should keep it that way.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I yield to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Chairman, I wonder if the gentleman is aware of the fact that we have completed about 24 percent of the total contracts and 24 percent of the total contracts are between 2 and 7 percent below cost and while the argument may carry on here that somehow there are bids coming in that are significantly higher than what they should be, I must point out to the gentleman that those bids came in like that on 24 percent of these contracts that are completed. Yet we are ahead of the schedule and we are also 2 to 7 percent lower than estimated cost.

So it seems to me, and may be the gentleman would respond, that we are doing a good job on this B-1 in terms of cost and schedule.

Mr. BADHAM. Well, I think we should be doing a good job on the B-1. After all, it has been around for about 12 years now. So I guess it is mature enough to go into production, but I thank the gentleman again for his contribution, because what he says is absolutely correct. We are saving money by creating coherence, coordination, and responsibility within the contract.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I am opposed to this amendment because this amendment is nothing more than a flanking attack on the B-1B program. The opponents have lost the battle on the issue on whether or not to go forward with the B-1 and now having lost that they seem to want to try to win in the locker room what they lost on the playing field.

Let me point out that the subcomittee very diligently did its work. There were requests and attempts to have the multi-year system imposed in some eight instances. Seven of them were turned down, but this one was one where we could save money. And it was adopted in the subcommittee and the full committee.

The House made a rational decision last year. We decided that we should acquire the B-1B as quickly as possible and as cheaply as possible. And that is what we attempted to do in the subcommittee and in the subcommittee this year.

The Secretary of Defense took a blood oath to the Congress and we put it into the law that the program would be completed for $20½ billion in the fiscal year 1981 dollars. And that contract between the Congress and the Defense Department assumed that the program would be placed on a multiyear basis and save us $1.2 billion.

Now, it is interesting to hear those say that we are not going to save as much as we thought. $1.2 billion is a pretty healthy savings and even using the figures of our friend from Indiana, $600 million is a great savings.

Now, if we back out of our half of the bargain now it could cost at least that much in savings and we would be behind the eight ball in that regard.

Mr. Chairman, that is exactly what the supporters of the amendment are trying to bring about. They hope that they can get the multiyear movement canceled and disapproved and the cost of the B-1B will go up. And they will say, "Ah ha, I told you so. It is going to cost more." But in a multi-year we are not going to let it happen, we are going to hold the cost down. We will proceed with this important weapons system and we will come in at cost or below.

Mr. Chairman, I urge the defeat of this amendment.

Mr. KASICH. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, there are several points that need to be made here. We are hearing a lot about a GAO study that the supporters of this amendment are talking about. What everyone should know is that there has been no GAO study on the B-1 bomber, but rather, only a GAO study based on an Air Force independent cost analysis in September of 1981. So the GAO itself never even looked at ths overall program except by referring from this CAIG analysis. That analysis itself is faulty for several reasons, particularly because it made many worst case assumptions.

Let me explain very briefly about the GAO report. We have already heard about RDT&E money. I have explained how this is a nornal way to operate with any weapons system, including the B-52, but other arguments are being made against this particular clause, in which you must prove you need a multiyear contract. The Secretary of the Air Force has said and verified that we have fulfilled public law in this case, but some of the arguments against multiyear procurement maintain that the B-1B program does not include such items as additional testing. We already have 1,000 additional hours of testing budgeted and requested for the B-1B program, and already have 1,800 hours of flight.

So I would maintain that this argument does not make very good sense. The GAO also says the depot support requirements are not included, but if my colleagues will look at the facts in terms of this, the Air Force feels that it has properly budgeted its depot support requirements.

Let us talk about the simulator costs. These costs are not included in the B-1B program. Well, Mr. Chairman, it is not improper for simulators to be budgeted separately. In fact, in many cases, it is done that way.

Let us talk about engineering change orders. We are hearing about all these needs that change the design, but let me say that we have budgeted for engineering change orders. The Air Force budgeted 6 percent, while the actual cost involved in engineering change orders are only running 5.7 percent, but the GAO thought that we did need 10 percent more dollars for engineering change orders.

So this CAIG report it really out of perspective. If you look at RDT&E money, if you look at simulator cost, if you look at engineering change orders, there really is not much validity to that argument that was based on a study made in 1981 before we even started on this whole B-1 program.

Let me say that this multiyear program is going to save the taxpayers $800 million in 1981 money or $1.2 billion in then year financing.

The simple fact of the matter is we are 2 to 7 percent below cost at this point, with 24 percent of the total contracts completed. And if we go multiyear we are going to stay in the budget. If we do not, the President of the United States would have to come

to this Congress and say we are out of control. In fact, we are below cost and ahead of schedule.

And let me tell my colleagues a few good things about the B-1 program. The B-1B flight test program began a month earlier than contract commitments called for and has flown 10 successful missions to date.

□ 1550

All engineering drawings have been completed and released to manufacturing for fabrication. Special test equipment authorization and the design review are complete. All associate contractors are reporting below their budgeted cost by 2 to 7 percent. All associate contractors are between 3 to 6 months ahead of their contractual commitments.

So, Mr. Chairman, I would argue that this amendment is not an attempt simply to eliminate the multiyear procurement which will save the taxpayers of this country a big chunk of money, but really this is an attempt to eliminate the B-1B program in itself. I would urge the House to reject this amendment, save the taxpayers' money, and let us get on with the program that has really proved to be successful.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. I thank the gentleman for yielding.

Mr. Chairman, let me ask the gentleman specifically, how much are we under budget on the B-1B?

Mr. KASICH. At this point, with 24 percent of the contracts signed, we are running 2 to 7 percent ahead of schedule.

Mr. COLEMAN of Texas. No; that is the problem I am having with the gentleman's unwillingness to accept the GAO study.

Two to seven pecent—what are we talking about in terms of dollars? And why is it not exactly 4 percent or 3 percent? I do not like numbers like 2 to 7 percent. I think that is what the American public does not like. They understand that we continually are not giving people real numbers. So I am asking the gentleman if he can do that for us with the B-1B.

Mr. KASICH. The gentleman should understand that both the Secretary of Defense, Caspar Weinberger, and also Secretary of the Air Force, Verne Orr—

The CHAIRMAN pro tempore (Mr. BARNARD). The time of the gentleman from Ohio (Mr. KASICH) has expired.

Mr. BEDELL. Mr. Chairman, I move to strike the requisit number of words.

Mr. Chairman, as a former businessman, I have appreciated the colloquy that has taken place so far. If I might ask the gentleman from Ohio, did I understand the gentleman to say that there is budgeted additional testing for the B-1 bomber?

Mr. KASICH. That is correct.

Mr. BEDELL. And did I understand the gentleman to say that there is money budgeted for engineering changes that may be required for the B-1 bomber?

Mr. KASICH. That is correct. In fact, we have budgeted at this point in time more liberally in terms of the cost of engineering change orders than have actually occurred.

Mr. BEDELL. And if I understand correctly from the gentleman from Alabama, there is about 80 percent commonality with the B-1A and that there is 20 percent, then, that is not common.

Mr. DICKINSON. If the gentleman will yield, yes. The gentleman has to understand that this is the total aircraft. It varies. The components, such as radar, avionics, and so forth, it varies. But, yes, roughly 80 percent in common.

Mr. BEDELL. And if I understand it correctly, further, from the gentleman from Indiana, there is about $1.6 billion still which we are authorizing for RDT&E; is that correct?

Mr. McCLOSKEY. That is correct; 1984 to 1987. I might also add that, as to previous statements that the GAO has not dealt with this recently, they have been dealing with this intensively in recent weeks, just as recently as 2 days ago, testifying before the House Appropriations Subcommittee on Defense. So they are very much on that. I would relay that to the distinguished gentleman from Ohio.

Mr. BEDELL. It seems to me that we are getting at exactly the gut issue here. As the gentleman from Alabama clearly stated, Public Law 97-86, which is the law of the land, states that we will only enter multiyear contracts under five particular criteria. One of those criteria, which he read to us, reads as follows: "that there is a stable design for the property to be required and the technical risks associated with such property are not excessive."

I do not see how anybody can argue that we do have a stable design when we are budgeting for a significant amount of additional research, where we are budgeting for an additional amount of engineering change, when 20 percent of what we are proposing is new and different from what we have had in the past.

We talk about saving money. But I am telling you that if you are to save money, the one thing you do not do if you are a businessman is to enter into multiyear contracts, into something that you have not determined what it is going to be and how it is going to be built.

Surely, it is the responsibility of us as Members of Congress to see that the laws of the land are obeyed. And if we are going to say what we are going to do is simply leave it up to the Secretary of the Air Force, which we know wants to use any excuse he can to go forward with this project, to certify that it is indeed being obeyed, then I submit that we are not doing the job that we were elected to do as we were elected to serve here in the Congress.

So I would urge the members of the committee to take our responsibility, which is that we are going to demand that the laws be obeyed. We can talk about saving money, but I am here to tell you that you do not save money when you enter into a multiyear contract to buy something for several years out ahead that you do not yet know what it is going to be. At least in this gentleman's opinion we surely should have the courage, as Members of this Congress and Representatives of the taxpayers, of the people of our Nation, to first of all see that the laws are obeyed and, second, to operate in a businesslike manner, that before we enter into multiyear contracts on something we know what it is we are going to want and what we are going to buy.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Ohio.

Mr. KASICH. I wonder if the gentleman is aware of the fact that the B-52A to the B-52H required more than 20 percent change order in those aircraft. We have moved right along from the A to the H, and there has been more than a 20-percent engineering change order. But in this B-1 we have got 80 percent similarity.

Mr. BEDELL. But that is not our argument here. Our argument is whether we should go with multiyear contracting and the law—let me read it again—that there is a stable design for the property to be acquired.

Can we have a stable design when we only know about 80 percent of what the product is going to be? Certainly any manufacturer who only know what 80 percent of this product would be would not say he had a stable design.

Mr. KASICH. If the gentleman will further yield, the Secretary of the Air Force and the Secretary of Defense have to certify these 5 items.

Mr. BEDELL. Absolutely, and I understand that clearly.

Mr. KASICH. And the Secretary of the Air Force and the Secretary of Defense believe that 80 percent similarity means the project is stable and that this 20 percent is certainly manageable. And that is why we are going to save this money on multiyear.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa (Mr. BEDELL) has expired.

(By unanimous consent, Mr. BEDELL was allowed to proceed for 3 additional minutes.)

Mr. BEDELL. Mr. Chairman, if I might reply to the gentleman, that is our whole argument. The whole argument is: Is it up to us to say to the Secretary of Defense or the Secretary of the Air Force, "You decide whether or not it is being done," or is it up to us, as Members of Congress, to accept the responsibility that we will abide by the laws, just as we expect others to abide by the law?

I do not think it would take anybody in my district of tremendous intelligence to say that if you only have 80 percent of a product designed that you have a stable design for that whole product. That is what our responsibility is. And if we are going to say that we are going to avoid that responsibility, I do not believe we are properly serving the taxpayers of our country.

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from California.

Mr. BADHAM. I thank the gentleman for yielding.

Mr. Chairman, perhaps I can help the gentleman a little bit.

I would doubt very strongly if 20 percent of the Members of the Congress of the United States could tell the difference between a B-1A and a B-1B anyway. So I would say to the gentleman from Iowa that the commonality factor of 80 percent means that 80 percent of everything in this airplane is absolutely common. Take it off of B-1A, put it on a B-1B. Stable airframe absolutely. Stable design absolutely. Not many people could even tell the difference, I would say to the gentleman, between one aircraft and the other.

Now, among the things that are uncommon: Changes in some of the avionic sweeps that have been advanced from B-52 to B-1, to B-1B. They do not show. They have nothing to do with the design. They have been under constant RDT&E since the inception of B-1 back in the early 1970's, that they have been tacked onto the B-1 and now are part of the B-1B. They are not common to the original plans of the original B-1, but they do not look different, they do not change the design. They give the pilots a break and they give the people flying our airplanes a break.

The radar signature has been substantially reduced by a factor of I believe 10, which is quite a factor. That does not change the stability of the design or in any way change the things, but it is not common, because of changes in the weapon space to make the thing a possible cruise missile carrier as opposed to a SRAM carrier, a short-range atomic missile, there had to be a change in the bomb bay construction. That does not make the plane look any different or fly any different, but it is not common, so it is different.

So I would say to the gentleman that you have a slight mod change, not as much of a change, I would venture to say, as between B-52A and B-52H. They are still B-52's.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa (Mr. BEDELL) has again expired.

(On request of Mr. BADHAM and by unanimous consent, Mr. BEDELL was allowed to proceed for 2 additional minutes.)

□ 1600

Mr. BADHAM. I do not want to go on any further, but I am sure the gentleman is sincere in his concern and I can assure the gentleman that going through the design, going through the stability, going through the manufacturing progress of the thing, as the subcommittee has, that the gentleman would agree with us that this is a good candidate for multiyear procurement because there is so much of it that is right out of the B-1 that is ready for production that it will save $1.6 billion.

Mr. BEDELL. I thank the gentleman for his contribution. I do not question for a minute his sincerity, but let me again read the law of the land, "that there is a stable design for the property to be acquired." Not for 80 percent of the property to be acquired; for the property to be acquired. That is the law of the land. We can either ignore the law of the land or we can say that, indeed, it is up to us to abide by the law of the land.

I think that when we decide that the law of the land is for other people to abide by, but that the Congress of the United States can ignore the law of the land, then I think we are setting a very, very, very dangerous precedent.

Mr. BADHAM. If the gentleman will yield further, I do not want to get into a semantic argument, that there is a stable design for the property to be acquired and that the technical risks associated with such property are not excessive.

Mr. BEDELL. The statement says "and," not "or." It absolutely requires that there be a stable design for the property to be acquired. You do not have a stable design for an aircraft that has never been flown, and only has 80 percent common parts with a plane which has been flight tested.

Mr. BADHAM. In addition to that, the parts that are not common to the B-1A are common to other systems such as other radars, other avionics, and so forth, so there is stability in the design all the way through, I would say to the gentleman.

Mr. BEDELL. The gentleman from Iowa would submit that when you combine items that that is not a stable design; that you can combine two items that are stable necessarily and come out with something that is not stable.

In the opinion of the gentleman from Iowa, until such time as we have completed testing so we do have a design that we know what it is going to be, the law of the land would prohibit multiyear contracting. I contend that it is our responsibility to abide by the law just as we expect of others.

Mr. Chairman, this amendment should not be interpreted as an effort to deny the Air Force the legitimate opportunity to modernize the bomber leg of our Nation's strategic triad. The gentleman from Indiana (Mr. MCCLOSKEY) and I both recognize the tremendous value that these forces add to our Nation's present and future nuclear deterrent posture over the Soviet Union. Nevertheless, we offer this amendment because we do not believe that in its present stage of development, the B-1B does not satisfy adequately both the legislated and the Defense Department's regulatory criteria governing multiyear procurement contracting. Simply stated, the purpose of our amendment is to insure that B-1B research, development, testing, and evaluation, as well as its procurement will comply with the law, satisfy those concerns that have been consistently been voiced by the General Accounting Office and, provide for better congressional oversight and decisionmaking with respect to current U.S. bomber remodernization efforts that are intended to benefit our national security into the 1990's and beyond.

Mr. Chairman, on May 1, 1981, Deputy Secretary of Defense Frank Carlucci issued a policy memorandum on multiyear procurement. Included with this memo are six specific criteria: one, multiyear procurement should yield substantial cost avoidance or other benefits when compared to conventional annual contracting methods; two, the minimum need for the production item or service is expected to remain unchanged or vary only slightly during the contemplated contract period; three, there should be a reasonable expectation that the program is likely to be funded at the required level throughout the contract period; four, the item should be technically mature, have completed research, development testing, and evaluation—including development testing or equivalent—with relatively few changes in item design anticipated and the underlying technology should be stable; five, there should be reasonable assurance that the cost estimates for both contract costs and anticipated cost avoidance are realistic, and six, there should be confidence that the potential contractor(s) can perform adequately, both in terms of Government furnished items—material, data, and so forth—and their firm's capabilities. As stated these criteria were incorporated into pending legislation

and enacted into law on December 1, 1981. Specifically, Public Law 97-86 mandates that the Department of Defense must find that any proposed multiyear candidate must meet and satisfy each of the following five conditions: One, multiyear procurement must benefit the Government through reduced contract costs and enhanced national security; two, the agency must have confidence in the estimated cost savings; three, the equipment to be purchased must be stable in design; four, the program must have stable funding, and five, the requirement for the equipment must continue to be valid.

The gentleman from Indiana (Mr. McCLOSKEY) and I are not suggesting that the B-1B does not satisfy any of these requirements. However, we are reminding our fellow colleagues that any multiyear procurement candidate must satisfy each of the criteria specified and that because sufficient questions with respect to key criteria remain to be answered, the B-1B program is ineligible for approval as a multiyear procurement candidate.

I shall address my remarks to what I believe to be the key areas that the B-1B does not satisfy and then I would like to engage the gentleman from Indiana (Mr. McCLOSKEY) in a dialog with respect to each of those areas.

First, multiyear procurement must benefit the Government through reduced contract costs. The Air Force has reported that multiyear procurement of the B-1B would result in a baseline cost of $20.5 billion for 100 B-1B aircraft at a savings of $800 million to the American taxpayer. I find it important to note that General Accounting Office considered the projected multiyear savings of $800 million to be based on an accounting methodology they considered to be very unreliable. I also find it important to note that the Defense Department's Cost Analysis Independent Group (CAIG) estimated a significantly higher baseline cost for the B-1B. In this regard, CAIG reported an ultimate acquisition cost of $26.8 billion for 100 B-1B aircraft. Finally, I would like to note that the House Subcommittee on Appropriations report on the supplemental appropriations bill for 1983 (House report No. 98-207) echoed CAIG findings and agreed that the $20.5 billion baseline does not include many items normally associated with the B-1B. These items include "additional testing, depot support requirements, additional initial spares, suggested underestimation of avionics costs, interim contractor support, simulator costs, and a suggested underestimation of engineering change order costs." Two weeks ago, in passing the supplemental appropriations bill, the House also approved a prohibition on multiyear procurement of the B-1B. I see absolutely no reason why we should reverse ourselves on this issue today.

Second, multiyear procurement candidates must be stable in design. In this regard, I would remind my colleagues that the Carlucci memorandum specified that the item should "have completed Research, Development, Testing and Evaluation with relatively few changes in design anticipated." Clearly, the B-1B program does not satisfy this critical criterion of multiyear procurement. Once again, I would point to the findings made by the Defense Subcommittee on Appropriations which were based on Air Force testimony received on April 26, 1983. These findings include: One, while approximately 80 percent of the B-1B airframe configuration remains common to the B-1A design, the remaining 20 percent of this platform will require engineering changes ranging from partial modification to total redesign; two, approximately 40 percent of the defensive avionics—those systems that would permit the B-1B the opportunity to penetrate sophisticated Soviet air defenses—must also be redesigned; three, that the Air Force will budget approximately $1.6 billion to B-1B research, development, testing, and evaluation—or more than 50 percent of all RDT&E moneys—of the B-1B over fiscal years 1984-87; and, four, that the first production model B-1B will not begin flight testing until December of 1984. Considering these facts, approval of B-1B multiyear procurement would fly in the face of the legal criteria Congress established for multiyear procurement on December 1, 1981, and reenunicated 2 weeks ago when it rejected an Air Force request for B-1B multiyear procurement in the supplemental appropriations bill of 1983.

Finally, there must be reasonable assurance that the cost estimates for a multiyear procurement candidate are realistic. While I am sure the proponents of B-1B multiyear funding, as well as Air Force officials associated with the B-1B program, will tell us that these savings are realistic, I remain unconvinced. In its report to Congress (GAO/MASD-83-21), the GAO specified that they "received oral comments on a draft of this report from Defense officials. They informed us that the Air Force guidance for major weapons systems acquisition cost estimating is under review to determine if revisions are needed. The officials informed us that if revisions are made to the B-1B program cost estimate they prefer to include them as additions to the $20.5 billion estimate." While it is quite possible that revisions in the B-1B cost estimate will not occur, it is probable that scheduled design changes for the B-1B airframe and defensive avionics, as well as design changes that might include the incorporation of Stealth technology into the B-1B will result in increased B-1B program costs. Under these circumstances, I doubt Air Force confidence that the cost estimates for B-1B multiyear procurement are realistic.

In conclusion, I would once again state that the effort to prohibit multiyear procurement for the B-1B bomber is not an effort to prevent the remodernization of our bomber fleet. In fact, this amendment does not delete any funds that are authorized for the B-1B program. It does, however, prevent the Air Force from going ahead with what many of us believe to be a premature commitment to multiyear procurement contracting—negotiations for which are not scheduled to occur until October 1984. For these reasons, I commend my colleagues to vote in favor of the McCloskey amendment.

Mr. HERTEL of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to speak because the gentleman from Iowa, I think, hit on a very good point. Dan Rather said, in regard to a trial this last week, that if something looks like a duck, walks like a duck, and talks like a duck, it is a duck. That is not always true.

The gentleman from Iowa has said that sometimes we see what sounds like savings down the line may not be savings; that multiyear contracting when you are not ready to have the final decision made might not be that great savings and might cost more.

Let me quote to you from Robert M. Gilroy, Senior Associate Director of the GAO's National Security Division, who noted that the marks against the systems do not mean they should be ruled out from multiyear procurement permanently, but rather, are flags to notify Congress of problems that should be examined and monitored.

He said the best way for Congress to improve the situation is to direct the Defense Department to prioritize its candidates and to provide a complete picture of the costs involved, including the impact on the outyear budgets.

I think more and more of us are becoming very concerned, obviously, about the total deficit but outyear budgets for specific major weapons programs.

Mr. Gilroy said that if Congress wants a more drastic action, it could place a moratorium on major weapons systems as candidates for multiyear procurement until the savings from current multiyear systems are analyzed. He said that more candidate systems are being submitted than expected.

What we are talking about here is really money, specifically on the B-1B. The following is a summary of GAO's preliminary evaluation and a final

analysis will be submitted by GAO in September.

The gentleman from Iowa, and others today, including the maker of the amendment, talked about following previous standards for multiyear contracts and what they have to meet. The savings, criteria projected savings of 5 percent or more, was not met by the B-1B engine. The funding stability requirement was failed by the B-1B airframe, engine, offensive avionics, and defensive avionics. The design stability criterion was not met by the four B-1B bomber systems.

This amendment is not to stop the B-1 bomber. The gentleman made that clear at the beginning. But I think some opponents are opposed to the amendment because, in fact, as the gentleman from Missouri said earlier, the B-1 bomber has been controversial. That is the very reason for this Congress not to abdicate its responsibility to advocate the standards that we have set in this Congress for the B-1B and other multiyear contracts.

The public is very concerned about the defense spending increases. They are very concerned about the deficit. The best way to make sure that the pendulum does not switch too far, as it did in the early 1970's, to underfinancing defense is to show that we, the elected Representatives, are doing the best possible job in making sure the taxpayers' money is spent correctly in this department and every other department. The fact is that in this case the best way to demonstrate that on a project this large is to keep control of it.

We can still have adequate savings. In fact, we maintain we can have better savings if everyone knows, because we are talking about so many contractors, that we are monitoring this totally from year to year. Yes; it must come up before the committee every year, and yes; it must come up before the Committee on Appropriations, and yes; it must come up on the floor of this House, so that any questions can be asked about it, so we are not buying out with a multiyear contract.

I guess I say the opposite of what the gentleman from Missouri said. This is not to kill it, but it certainly is to stay on top of this controversial program. I do not think the controversy will end next week or next year or in 2 years, but I think the public outcry against this system, if it does overspend too much, will be drastic and that might hurt other systems that are essential to the defense and security of this Nation.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from California.

Mr. HUNTER. I appreciate the gentleman yielding.

The gentleman has voiced concern that we know what we are spending in the outyears and the fact that the taxpayers are concerned about the burgeoning costs of weapons systems. In fact, the multiyear procurement program is a two-edged sword because it does give you a contract where you can look down the line and see what you are spending.

Where is the gentleman's quarrel in that? If we look at the multiyear contracting as carrying this situation in which we fund a program 1 year, and the contractor, with his long-lead requirements and his material requirements and all the other requirements, does not know if Congress is going to go forward or backward, can never give the types of costs that he can give if he, in fact, has a contract for a couple of years. That is good for the taxpayers, too.

The statements that the gentleman has cited are consistent with that.

Mr. HERTEL of Michigan. I thank the gentleman, because I think he raises the major crux of the problem. If you are saying that the criteria I have cited, which is our official criteria that GAO has judged it upon, it is too stringent for a program like that, that it is different from many other programs because of when it will be completed and the progress it has made, the fact is that maybe the committee should consider changing or looking into the criteria for multiyear contracts, but in this particular case the criteria has been violated regarding the B-1B bomber program and, therefore, I urge adoption of the amendment offered by my colleague.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. HERTEL) has expired.

(On request of Mr. AUCOIN and by unanimous consent, Mr. HERTEL of Michigan was allowed to proceed for 3 additional minutes.)

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Oregon.

Mr. AUCOIN. I thank the gentleman for yielding.

Mr. Chairman, I think almost every Member of Congress wants to take whatever step he or she can to reduce costs wherever we can find those cost savings. Certainly a good candidate in looking for those cost savings would be the defense budget, it seems to me.

One of the tools, I suppose, that one could use for finding cost savings would be multiyear procurement and multiyear contracting. However, I have got to say, and I hope the Members of the House come to the same conclusion and understand this, that one of the other things, though, that happens when you enter into a multiyear procurement is that you lose flexibility from a budgeting standpoint.

The concern I have, which I think the gentleman has just stated, is that as we proceed forward into this coming fiscal year and the next fiscal years, I think it is going to be more clearly seen that the Congress is going to have to do something about $200 billion deficits. If we lock in major weapons systems on a multiyear procurement basis, they will be exempt from the budget ax that will fall and we have less flexibility over what we must do.

I think the costs of canceling contracts or changing the multiyear procurement will be very great, so I think that some people in good faith want to find budget savings by multiyear procurement here, but I think others are trying to exempt the B-1 bomber from the budget discipline that inevitably is going to have to happen, if not this fiscal year, then Congress is going to see the light of day and do it in the next fiscal year. I would just hate to see us lose that flexibility that I think we must have on the B-1 bomber in making its contribution in budgetary sacrifice, as all other programs are being asked to do, this fiscal year and in the fiscal years to come.

□ 1610

There is no other way to achieve the budget ceiling and reduce the $200 billion deficit, let us face it.

Mr. Chairman, I am wondering if the gentleman from Michigan does not agree with the statement I just made?

Mr. HERTEL of Michigan. Mr. Chairman, I agree with the gentleman completely. He makes the point very well, and I thank him for his help. I appreciate his making the statement.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I would like to associate myself with the comments of the gentleman in the well and the gentleman from Michigan. They make a lot more sense on this issue than they do on the MX.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan, Mr. HERTEL, has expired.

Mr. ADDABBO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I say to my colleagues, let us not confuse the issue. This is not a question of whether we are for or against the B-1B. That amendment will be offered later on and we can decide whether we are for the B-1B or not.

This amendment is simply to keep congressional control and proper budgeting. This amendment simply strikes $437 million of front loading. That $437 million is necessary as a penalty if this contract is canceled.

Now, why should we rush into going into a multiyear contract on the airframe? The airframe contract will not be ready for negotiation until fiscal year 1985. So why should this Congress put up front $437 million, as has been pointed out so graphically, when we are is such dire straits on deficits and there is other needed defense spending? Why should we put $437 million for negotiation into a contract which will not be negotiated until fiscal year 1985?

The only reason for it is to tie the hands of the next Congresses. That is the only reason I can see for it at this point in time.

The Committee on Armed Services, whose bill is before us, sets these criteria. I argued against multiyear on a shotgun approach, that everything should be going multiyear. They set these criteria, and then they come before us today and say that those criteria are not really important. They say it is only 20 percent more that may be changed.

But do the Members know what 20 percent more costs? It is $1.6 billion more of R&D. That is $1.6 billion more of R&D than has to be done on the B-1B.

How can we say it is stable, that it has stability and design, if we are still going to spend $1.6 billion for R&D?

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. Not at this point.

Mr. Chairman, we hear of hundreds of millions of dollars in savings thrown around like they were pennies. No one knows, not even the Air Force, what savings there would be, if there is going to be any savings with this multiyear.

Why? GAO has looked at this. GAO testified before my subcommittee, and in no way does the multiyear conform with the criteria of multiyear. But more important than that, we hear discussions of the savings in multiyear. They have not been given the authority. They have not been given the authority to look at the offers or to look at the books or anything else. Yet this Congress is being asked to give the Air Force the permission to go ahead and negotiate a multiyear contract without our knowing what the offer is or what the dollars are.

We do know that on many of the contracts the contract price has been 30 percent over, over 30 percent. Yet we sit back here today and say, "Oh, yes, Air Force, you know how to negotiate. We are going to give you a blank check. We have billions of dollars that we can waste. The defense budget is sacrosanct. The taxpayers do not care how much you spend. Here is a blank check. Go ahead and negotiate with the contractors. We do not care what it costs us, whether it is $200 billion or $400 billion, so go ahead and spend it."

If there are savings, then why would they not let our Government Accounting Office look at their books and look at the price.

Mr. Chairman, I say, let this Congress continue as a civilian arm of the Defense Department, and let us not legislate away all our authority. As I said before, if Members are for the B-1, fine. They will have their chance on the amendment for the funding of the B-1. This has nothing to do with that.

This is tying the hands of Congress and giving blank checks away without knowing what the savings may be or, if we have a design, what the cost of those changes is going to be.

Those members of the Committee on Armed Forces know as well as I do and those who sit on the Appropriations Committee know that once you sign this contract, once this contract is signed, if there is a design change, no matter what, you then must have an amendment to that contract.

The CHAIRMAN pro tempore. The time of the gentleman from New York, Mr. ADDABBO, has expired.

(By unanimous consent, Mr. ADDABBO was allowed to proceed for 1 additional minute.)

Mr. ADDABBO. Mr. Chairman, as I say, you must then have an amendment to that contract, and that is when we read about cost overruns, because that is when they have the right to really charge us on those changes. That is the change orders. If that change is made while it is still in R&D, before these multiyear contracts, then that can be negotiated, and that is where we have savings.

So I ask my colleagues to forget whether they are for the B-1B or not. That amendment will come later. This amendment says, let the Congress keep control of a contract which is not to be negotiated until 1985 so that we have enough time to look at it, look further as the prices come down, and maybe the contractor and the Air Force will give our General Accounting Office a chance to look at the figures and really determine if there are going to be savings or not, and then we can really, with that knowledge, vote for or against it.

Mr. GEKAS. Mr. Chairman, will the gentleman yield for a moment to answer a certain question for me?

Mr. ADDABBO. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, is the gentleman's narrative here in opposition to all multiyear or just this one?

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. ADDABBO) has again expired.

(By unanimous consent, Mr. ADDABBO was allowed to proceed for 1 additional minute.)

Mr. ADDABBO. Mr. Chairman, in answer to the question of the gentleman from Pennsylvania, Mr. GEKAS, I can tell the gentleman that as chairman of the Subcommittee on Defense Appropriations, we have funded many multiyear programs. I have funded the F-16 multiyear program and many others.

If it meets our criteria, we will support it; if it does not meet our criteria, we do not support it.

Mr. GEKAS. Mr. Chairman, let me just ask this question, then: Is the gentleman saying that he is not opposed to the B-1 but that he is opposed to the multiyear contracting for the B-1?

Mr. ADDABBO. No; I did not say that.

Mr. GEKAS. And that he is not opposed to multiyear contracting for other programs?

Mr. ADDABBO. No; I did not say that.

At this point in time, I am opposed to this multiyear procurement. I am opposed to the B-1. But that should not becloud this issue. This issue is strictly on multiyear. When we get to the question of the B-1, an amendment will be offered, and then we will debate the question of the B-1. This is strictly whether we have congressional control on behalf of our taxpayers or whether we waste money or give free license to the DOD.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. Mr. Chairman, I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to start out just briefly by asking the chairman of the Subcommittee on Defense of the Appropriations Committee if he could respond to one question.

As I understand it, one of the thrusts of his remarks was that we have this 20 percent unknown quantity and it is not in our best interests to move forward at this time with multiyear procurement, and yet I can recall this subcommittee chairman asking this House last year to abandon the B-1 and move forward into a completely unknown field, and that was Stealth, where we have very few known quantities.

Is that an accurate statement?

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the subcommittee chairman.

Mr. ADDABBO. Mr. Chairman, on the issue of Stealth, I would make that same motion today and I would offer that same amendment today. On Stealth it was not multiyear, that was annual appropriation, and I say the same thing here.

The fact is until it has stability, there should be debate on an annual basis. Stealth was on an annual basis, and I would still stand on that position.

Mr. HUNTER. Mr. Chairman, the point I am making is that the gentleman is not really a supporter of the B-1 program and he is taking the chance that this unknown program, which is Stealth, would have rewards which would exceed the B-1 program.

Mr. ADDABBO. Mr. Chairman, the information my committee has—and I have many other sources—is that the Stealth is not just a paper thing. It can be achieved if given proper funding.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from New York, Mr. ADDABBO.

Mr. Chairman, I would like to speak very briefly to the B-1A RDT&E flight test completion statistics because I think they are important.

I think it is important to remember that we are talking about a system which has had tremendous testing. There have been to date, 1,895 test hours, the engine has completed 7,600 flight test hours, there have been 23,688 engine ground test hours, we have accomplished 168 mission simulator hours, and we have 24,930 hours of wind tunnel testing on airframe, engines, and structures.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. With that, Mr. Chairman, I will yield to my friend, the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I have got to make a point here. The argument seems to be based on this Public Law 97-86, followed by a number of items that I brought up before, including the fact that the proponents of this amendment have argued that there is additional testing which is needed. That is false.

□ 1620

There are 1,000 hours of additional testing requested in this budget. We have already had a history of testing in this budget. We don't feel there is the need for any additional money for that.

Second, depot support requirements and additional spares: The Air Force has argued that these figures are budgeted correctly accordingly to experiences from other programs.

Then there is the avionics cost that we have talked about. The argument is that the avionics costs are underestimated; but in fact, the Air Force overestimated the avionics costs. For example, the computer costs half as much as expected. The radar costs less, as it was the same as the one used in the F-16.

The GAO report was based on two inertial guidance systems, while the B-1B only needs one.

Simulators are not to be properly included in this program, as they are not included in other programs.

The engineering change order, this 80 percent we keep talking about, the engineering change order, the Air Force budgeted for 6 percent of an engineering change order, while the actual cost is running at 5.7 percent, while the GAO thought that 10 percent was needed.

The Air Force budgeted liberally. They thought we were going to have to change it by 6 percent, but we are only changing it by 5.7.

Again, this RDT&E, the F-16 needs $110 million in RDT&E money; so what we are doing in this B-1 is what we are doing in virtually every other program. We have a stable design. We have already saved money, as 24 percent of the contract is already completed. We are 2 to 7 percent below cost.

I am listening for the argument over here, but in this letter that comes out, supported and signed by all the proponents, none of these points made in here can be substantiated; none of them, not the simulator, not the avionics cost, none of them.

I would say that this is really again an argument to defeat the B-1 itself. Let us go after the multiyear. They went after the B-1 in the nuclear freeze debate. Then we go after the multiyear. Once we defeat the multiyear, then we go after the plane itself.

I think that the overwhelming majority of the Members of this House believe we need this B-1 and we are going to save the American taxpayers $800 million in 1981 dollars and $1.2 billion in 1986 dollars and, boy, we need to do that and have a good aircraft.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from Iowa.

Mr. BEDELL. The question that puzzles the gentleman from Iowa, is that if there is no more research and development needed——

The CHAIRMAN pro tempore (Mr. BARNARD). The time of the gentleman from California has expired.

(At the request of Mr. BEDELL, and by unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. BEDELL. Mr. Chairman, if the gentleman will yield further, it seems to me that the gentleman from Iowa should be informed and that Members of the Congress should be informed, that if there is no more research and development needed, why is it that we are proposing to spend $1.6 billion, as I understand it, for additional research, development, and engineering, upon this particular project?

Mr. KASICH. Mr. Chairman, if the gentleman will yield, I would be glad to respond to that.

Mr. HUNTER. I yield.

Mr. KASICH. The RDT&E money is something that follows all programs, just like it follows the F-16. We got $110 million in RDT&E money and we are still spending RDT&E money on the B-52; so to have RDT&E money included in the B-1 is proper, as it follows along with the B-52 and also with the F-16.

Mr. BEDELL. Mr. Chairman, if the gentleman will yield further, then the gentleman is agreeing that there is, indeed, research, development, and engineering, yet to be done on the 20 percent of the proposal for the B-1B that is not completed.

Mr. HUNTER. Mr. Chairman, let me take back my time and answer the gentleman on that one.

What the gentleman from Ohio was saying, which is quite accurate, is that most of our weapons systems today require continuing RDT&E and especially as our cruise missile programs move along and other ordnance programs move along that are going to be married up with the B-1B bomber as a key part of the RDT&E.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my friend and colleague, the gentleman from Indiana (Mr. MCCLOSKEY).

The gentleman from Indiana (Mr. MCCLOSKEY) has been a valuable and very diligent member of the committee, but I think we have to put this amendment in some perspective for the House itself. We have had a lot of figures and a lot of specifics, but the fact is, as has been pointed out already, the Armed Services Committee and the House of Representatives made one major breakthrough last year and that was the achievement of the ability to authorize multiyear contracting.

As has been already indicated in the debate, not all systems are necessarily advisable for multiyear funding and the committee in this particular bill, if you will read the committee report, has rejected eight particular requests for multiyear funding. Multiyear funding is good in some cases; if you find the right issue and the right weapon, you can save considerable money.

The committee itself after very serious deliberation came up with the conclusion that if any one weapons system was ever appropriate for multiyear funding, the B-1 was that particular system. It was a program we were familiar with. It had been wiped out, unfortunately and foolishly, under the Carter administration. Many of us Republicans as well as Democrats regretted that action.

We find ourselves with decaying B-52's and with Stealth bombers that are still just on paper. Meanwhile we have got to have something for the bomber leg of our triad, our very important deterrent triad.

The B-1, having gone through a gread deal of research and development, is really a classic case. You can save in multiyear procurement, as I pointed out to the gentleman from Wisconsin (Mr. ASPIN). It was $1.2 billion and that is a lot of money.

The amendment that the gentleman from Indiana is proposing would wipe out that particular saving. What he would do is to wipe out of the current 1984 budget proposals of $483 million, the cost of multiyear procurement. That would be a saving for 1984. But then the cost of the weapons systems goes in 1985 to $590 million and in 1986 to $1.213 billion. The whole program ends in 1986.

Now, it has also been argued that if you go to multiyear procurement, Congress no longer has control. That is simply not correct. Congress does have control. It still has to authorize, as we are now authorizing or proposing that the House authorize, in this legislation for multiyear contracts for the B-1.

The Appropriations Committee has to appropriate the funds. The gentleman from New York (Mr. ADDABBO) indicated that he is going to be looking at that item very closely.

All the B-1 contracts are being negotiated. They have not been postponed for another 2 or 3 years, as the gentleman from Wisconsin (Mr. ASPIN), I think it was, indicated. We in Congress do have control and this is a decision we are making carefully.

I think there has been general agreement on the B-1B. We have had a lot of debate on it in the past, but even the efforts by the gentleman from New York (Mr. ADDABBO) to wipe out the B-1 last year did not carry, although the gentleman was successful, temporarily, on the MX.

The major point, however, is that what this new multiyear procurement procedure actually provides is to address something even more important.

The CHAIRMAN pro tempore. The time of the gentleman from New York has expired.

(At the request of Mr. NICHOLS, and by unanimous consent, Mr. STRATTON was allowed to proceed for an additional 5 minutes.)

Mr. STRATTON. Mr. Chairman, I thank the gentleman for his request.

What this procedure does is to address something that many of us have been talking about, but not too many have been able to do something about; namely, cost control and cost overruns.

□ 1630

Congress itself, in the Nunn amendment, authorized the B-1B if the entire program would not cost more than $20 billion. The B-1B program is exactly on that target today.

But if the amendment of the gentleman from Indiana is adopted then the cost is going to go up and the Nunn amendment, the instructions of Congress to the Air Force to keep the program within this $20 billion cost figure will go down the drain and with it the B-1 will go down the drain, too.

In the Appropriations Act with respect to the B-1B, there is a requirement that the President must also certify that the overall cost of the entire program will be within the $20 billion limit. He has already certified that. But if we accept this amendment, the whole program is lost. There will be a cost savings in this 1984 legislation of $438 million. But it will be countered by the much higher costs that come from the 2 remaining years of the program.

So let us stay with this and not be penny-wise and pound-foolish. I think it is fairly clear that many of the people who are speaking against the multiyear procurement are really against the B-1 itself. They do not want it revived and they are using this device, as one of the questioners on this side was suggesting a moment ago, to eliminate the B-1.

But all of us have been complaining about cost overruns. Well, here we have a program where the Congress, the Armed Services Committee, have been controlling costs. For us now in this very important and vital system to take a foolish action that would wipe out these cost controls I think would be extremely damaging.

Those who profess to be concerned about costs certainly would not want to raise the cost by rejecting this new but very promising method of defense procurement.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Alabama.

Mr. DICKINSON. Let me say in line with what the gentleman is saying, I feel like those of us who have been supporters on the committee of the B-1 sort of really have our necks stuck out because we have accepted the figures that were given to us as to what the program was going to cost. As a consequence I personally have followed it very closely.

We have asked the Secretary, we have asked everybody that came before the committee what about the costs, are you really keeping them low. In talking to the prime manufacturer or in talking to the subs or the vendors, everyone tells me they have never known a major weapons system whose cost accounting has been so minute and so detailed and held to such accountability as this particular program, which is reassuring to me because I would be awfully embarrassed as a supporter of it if it exceeds the amount that they promised us at the beginning.

So I think the gentleman is right, that we are holding the costs down, and this is one of the tools that we are using to hold the costs down. If we take away the tools, then they can say, "Whoops, it slipped away and got away from us, but you in the Congress are responsible, not us."

I do not want them to have that out.

Mr. STRATTON. The gentleman is absolutely correct and has made a very fine statement.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from New York.

Mr. ADDABBO. I thank my colleagues from New York for yielding. As the gentleman from Alabama said, these costs are really being monitored and they are monitored. I imagine the costs given by the gentleman in the well who has spoken of the costs that the Air Force has given him, the DOD has given him, that the gentleman from Alabama says the contractor has given to him, if these costs are so and they are exact and the savings are exact, could the gentleman tell me and my colleagues why the Air Force, the contractors would not make these figures available to the only independent accounting office we have, the General Accounting Office?

Mr. STRATTON. In the first place, I do not think the General Accounting Office has usually proved itself much of a friend of defense programs. I cannot recall any defense program where they have come out suggesting that they were for it.

Their job is to try to find fault with things and they do a rather effective job.

But if we were to provide the opportunity to the GAO to look into tentative negotiating proposals, then Congress would be operating on proposals instead of on budget requests.

Mr. AUCOIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to take the entire 5 minutes, but I want to reiterate for my colleagues what the issue is and what it is not.

The issue is not terminating the B-1 bomber or to let it go forward. The issue is on what basis do we want to fund the B-1 bomber and the issue further is, at a time of $200 billion deficits, is it reasonable to say that the Congress of the United States ought to retain enough flexibility to make some changes in whatever acquisition we make in B-1 bombers in the years to come or are we in the alternative going to put our hands in handcuffs and lock us in at an amount and at a number of aircraft that may seem to make sense today but, as we move forward into fiscal years with this staggering structural budget deficit staring us in the face, may not seem to make so much sense in the years to come?

I want to say to my friend from New York who preceded me in the well

that it is true that even under multiyear contracting and procurement the bills will come each year on the authorization bill and the appropriation bill before the Congress. But I differ with my colleague from New York when he suggests that we will still have the flexibility that we now have in purchasing the B-1 bomber.

The reason we will not have flexibility is if we are to today approve the multiyear procurement, the reason we will not have flexibility is if we make changes, after such a decision to go forward with multiyear procurement, there will be contract penalties that the Government will bear on the part of the contractors who will say we are in a breach of contract. In a time when we are trying to save money, that kind of an argument I think will mitigate against the decision on forces structure and all of the rest that this Congress may want to make with regard to the B-1 bomber.

So let us not make any mistake about it. There are those who legitimately believe we will find some cost savings in multiyear procurement with the B-1 bomber. There are others who want to protect the B-1 bomber from the budget ax that most surely will fall if not this year then in subsequent years as the reality of the $200 billion deficit begins to dawn on this Congress, particularly with regard to what has to be contributed to correct those in the area of defense cost savings. That is one issue and I hope the Members of Congress understand it.

But beyond that, is the Defense Appropriation Subcommittee that I serve on, Air Force testimony brought out this fact: It brought out that one of the proposed target prices in one of the multiyear contracts, according to Air Force testimony, is 44-percent higher on a multiyear basis than the Air Force's budgeted amounts.

Further testimony by the Air Force brought out that the ceiling prices that are involved in these multiyear contracts are 82- to 83-percent higher than the Air Force budgeted amounts for the B-1 bomber.

So not only do we have a question of possibly limiting the flexibility for budget savings on the part of future Congresses but we also may be locking in ceilings or target prices and under a multiyear procurement basis that will cost more rather than cost less.

So for all of these reasons I hope that the Members of the House will recognize we need the flexibility. We need the flexibility; therefore, the amendment should be approved.

Second, if we buy the multiyear procurement, we may be buying in at a higher targeted price than even this Congress wants.

Mr. HERTEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. I yield to the gentleman from Michigan.

Mr. HERTEL of Michigan. I thank the gentleman from Oregon for yielding. I agree exactly with what the gentleman has stated here this afternoon.

Earlier in the debate the maker of the amendment and I quoted from the GAO report saying we were not meeting the criteria, the B-1B contractor is not meeting the criteria required for multiyear contracting.

Those specifics have not been answered by opponents of the amendment and so while it is true that the Congress did approve the B-1B bomber before, they also set these criteria, these standards, that had to be met for multiyear contracting.

We have heard through this whole debate that those standards have not been met and therefore I concur with the gentleman in the well as to the reason why we probably are going to have gross cost overruns, because this is not a candidate for multiyear contracting under the Congress own criteria as we have heard in the debate today.

Mr. AuCOIN. I agree with the gentleman. I would say to the gentleman that some have said that those of us who believe that that program is not mature enough to warrant consideration for multiyear procurement, which is one of the standards—the gentleman from Michigan makes the point that there are certain standards that have been arrived at for consideration of multiyear procurement. One of those is the relative maturity of such a program, and those of us who believe it is too soon to go to multiyear procurement for the B-1 bomber have mentioned the amount of money in R&D that this budget still carrries.

The CHAIRMAN pro tempore. The time of the gentleman from Oregon (Mr. AuCoin) has expired.

(By unanimous consent Mr. AuCOIN was allowed to proceed for 1 additional minute.)

Mr. AuCOIN. People have said that the F-16 still has R&D funds in it and, therefore, that argument about R&D funds is not valid. I would have to point out to my colleagues that much of the F-16 R&D funds are caused by multistaged improvement programs with follow-on improvements being proposed for the F-16 which require R&D, additional R&D funds.

□ 1640

That is why there are additional R&D funds for the F-16 which have multiyear procurement.

Mr. PRICE. Mr. Chairman, I suggest to the membership that we have been here all afternoon on this one proposal. I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. BADHAM. Reserving the right to object, Mr. Chairman, I would suggest to the Chairman I do not think there is anybody else willing to talk.

I withdraw my reservation of objection.

Mr. PRICE. If there is no other, then I ask for a vote on the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. McCLOSKEY).

The question was taken; and the Chairman pro tempore being in doubt, the Committee divided, and there were—ayes, 16; noes, 21.

● Mr. LUKEN. Mr. Chairman, I strongly oppose the amendment before us to prohibit multiyear procurement for the B-1B bomber. I am convinced that this modernized version of the B-1 bomber is one of the most effective additions to our national defense system. Furthermore, multiyear procurement for the B-1B saves money, and greatly benefits our Nation's efforts to effectively modernize the bomber leg of our strategic triad.

Opponents of multiyear procurement for the B-1B argue that the Air Force has understated program costs for the B-1B bomber program should not go into multiyear procurement until costs stabilize. However, the situation is quite different. The accusations being made by opponents of multiyear procurement for the B-1B are based, almost solely, on a GAO report dated April 13. However, it may be wise to note that this GAO report was based not on GAO cost assessments, but rather on reported findings of other Air Force cost estimates. In fact, most of the cost estimates used in the report are outdated and have no relationship to the approved B-1B program.

The GAO report is flawed for many reasons. Primarily, it is based on cost analyses from the fall of 1981, before the B-1B program was enacted, and in all cases the worst case assumptions in its estimates. Furthermore, the cost analyses on which the GAO report was based assumed that the B-1B program was a new program and was completed before a firm B-1B configuration was established by the Secretary of Defense. It totally ignored the B-1A bomber program.

In addition to grossly misrepresenting the actual B-1B program costs, the GAO report claims the program does not meet the procurement criteria for multiyear contracts. However, there is evidence to refute this claim. Both the Secretary of Defense and the Secretary of the Air Force have certified that multiyear procurement of the B-1B will save the Government $1.2 billion and will materially enhance national security through the acquisition of a highly flexible multirole strategic

bomber. Furthermore the B-1B design is stable, and satisfies all operational requirements. It is considered the top priority of the Air Force in its modernization of U.S. strategic forces.

There is absolutely no evidence to support allegations that the B-1B program cost estimates understate the true program costs. All indicators to date demonstrate that the B-1B is within its programed budget and may in fact be executed for less than the original estimate. Moreover, production of the bomber is actually ahead of schedule.

The B-1B program is off to a fast start, progressing rapidly and ahead of all current program goals. Based on the best available information, I believe that multiyear procurement of the B-1B is a very positive, and fully warranted step in the process of modernizing our strategic bomber force.

I urge you to support multiyear procurement of the B-1B bomber as the most effective means of continuing the program that has produced America's first strategic bomber in over a generation.●

● Mr. LIPINSKI. Mr. Chairman, I rise in support of the amendment offered by my colleague from California to debate funding for the B-1B bomber program.

The B-1 bomber is a classic case of an unnecessary, strategically obsolete, and fiscally irresponsible airplane program that will be of marginal utility and effectiveness. Estimated costs of this plane range from $283 million to $400 million. This would make the B-1 the most expensive U.S. bomber aircraft in history and there is precious little evidence that it will be the most effective or dependable. According to the Congressional Budget Office the cost of 100 B-1B's will be $42 billion.

This plane is not needed. If the plane comes on line as scheduled in 1988, its useful mission life as a conventional bomber with retaliatory capabilities will be shortlived. By 1988 or 1990, Soviet advances in air defense will render the B-1 incapable of penetrating Russian airspace. In the 1970's tremendous expenditures were made to retrofit and modernize the B-52's. The B-52's have served this country long and well. It is my belief that the B-52 can continue to be important to our deterrent force in the role of a standoff cruise missile launcher as well as a conventional bomber until the new Stealth bomber comes on line in the 1990's.

I was elected to Congress to cut out waste and inefficiency in Government, as well to bring about fiscal responsibility. I am a strong believer in national defense and maintaining a strong posture against the Soviets. I voted against the nuclear freeze because I felt we must allow the President to have a free and strong hand in dealing with the Soviets. I support his decision to build the MX missile system because, like the freeze, I feel we must demonstrate to the Soviets our resolve not to let them become a threat to our national security. We must negotiate from a position of strength.

But the B-1 bomber is just not essential to our national security. We, as Members of Congress, have an obligation and a duty, to carefully review these weapons systems, and vote to insure that waste and unnecessary expenditures are cut out. I urge adoption of the amendment.●

RECORDED VOTE

Mr. McCLOSKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 252, not voting 9, as follows:

[Roll No. 189]

AYES—171

Ackerman	Garcia	Olin
Addabbo	Gejdenson	Ottinger
Albosta	Gephardt	Owens
Andrews (TX)	Gibbons	Panetta
Aspin	Gore	Paul
AuCoin	Gray	Pease
Barnes	Green	Penny
Bates	Guarini	Pepper
Bedell	Hall (IN)	Pritchard
Beilenson	Hamilton	Pursell
Berman	Harkin	Rangel
Biaggi	Harrison	Ratchford
Boland	Hertel	Reid
Bonior	Hightower	Roukema
Bonker	Horton	Rowland
Borski	Howard	Roybal
Bosco	Jacobs	Russo
Boxer	Jeffords	Sabo
Britt	Kaptur	Savage
Brooks	Kastenmeier	Scheuer
Brown (CA)	Kennelly	Schneider
Brown (CO)	Kildee	Schroeder
Carper	Kogovsek	Schumer
Carr	Kolter	Seiberling
Clay	Kostmayer	Shannon
Coleman (TX)	LaFalce	Sharp
Collins	Lantos	Sikorski
Conte	Leach	Simon
Conyers	Lehman (CA)	Smith (FL)
Cooper	Lehman (FL)	Smith (IA)
Coughlin	Leland	Solarz
Coyne	Levin	St Germain
Crockett	Levitas	Staggers
Dellums	Lipinski	Stark
Dingell	Long (MD)	Stokes
Donnelly	Lowry (WA)	Swift
Downey	Lundine	Tallon
Durbin	MacKay	Tauke
Dwyer	Markey	Thomas (GA)
Early	Mavroules	Torres
Edgar	Mazzoli	Torricelli
Edwards (CA)	McCloskey	Towns
Erdreich	McCurdy	Traxler
Evans (IL)	McHugh	Udall
Fascell	McNulty	Vento
Fazio	Mikulski	Walgren
Ferraro	Miller (CA)	Waxman
Fish	Mineta	Weaver
Florio	Minish	Weber
Foglietta	Mitchell	Weiss
Foley	Moakley	Wheat
Ford (MI)	Moody	Williams (MT)
Ford (TN)	Morrison (CT)	Wirth
Forsythe	Mrazek	Wise
Fowler	Nowak	Wolpe
Frank	Oberstar	Wyden
Frenzel	Obey	Yatron

NOES—252

Akaka	Applegate	Bennett
Alexander	Archer	Bereuter
Anderson	Badham	Bethune
Andrews (NC)	Barnard	Bevill
Annunzio	Bartlett	Bilirakis
Anthony	Bateman	Bliley
Boehlert	Hefner	Pashayan
Boggs	Hiler	Patman
Boner	Hillis	Patterson
Boucher	Holt	Perkins
Breaux	Hopkins	Petri
Broomfield	Hoyer	Pickle
Broyhill	Hubbard	Porter
Bryant	Huckaby	Price
Burton	Hughes	Quillen
Byron	Hunter	Ray
Campbell	Hutto	Regula
Carney	Hyde	Richardson
Chandler	Ireland	Ridge
Chappell	Jenkins	Rinaldo
Chappie	Johnson	Ritter
Cheney	Jones (NC)	Roberts
Clarke	Jones (OK)	Robinson
Clinger	Jones (TN)	Roe
Coats	Kasich	Roemer
Coelho	Kazen	Rogers
Coleman (MO)	Kemp	Rose
Conable	Kindness	Rostenkowski
Courter	Kramer	Roth
Craig	Lagomarsino	Rudd
Crane, Daniel	Latta	Sawyer
Crane, Philip	Leath	Schaefer
D'Amours	Lent	Schulze
Daniel	Levine	Sensenbrenner
Dannemeyer	Lewis (CA)	Shaw
Daschle	Lewis (FL)	Shelby
Daub	Livingston	Shumway
Davis	Lloyd	Shuster
de la Garza	Loeffler	Siljander
Derrick	Long (LA)	Sisisky
DeWine	Lott	Skeen
Dickinson	Lowery (CA)	Skelton
Dicks	Lujan	Slattery
Dixon	Luken	Smith (NE)
Dorgan	Lungren	Smith (NJ)
Dowdy	Mack	Smith, Denny
Dreier	Madigan	Smith, Robert
Dymally	Marlenee	Snowe
Dyson	Marriott	Snyder
Eckart	Martin (IL)	Solomon
Edwards (AL)	Martin (NC)	Spence
Edwards (OK)	Martin (NY)	Spratt
Emerson	Matsui	Stangeland
English	McCain	Stenholm
Erlenborn	McCandless	Stratton
Evans (IA)	McCollum	Stump
Feighan	McDade	Sundquist
Fiedler	McDonald	Synar
Fields	McEwen	Tauzin
Flippo	McGrath	Taylor
Franklin	McKernan	Thomas (CA)
Frost	Mica	Valentine
Fuqua	Michel	Vander Jagt
Gaydos	Miller (OH)	Vandergriff
Gekas	Molinari	Volkmer
Gilman	Mollohan	Vucanovich
Gingrich	Montgomery	Walker
Glickman	Moore	Watkins
Gonzalez	Moorhead	Whitehurst
Goodling	Morrison (WA)	Whitley
Gradison	Murphy	Whittaker
Gramm	Murtha	Whitten
Gregg	Myers	Williams (OH)
Gunderson	Natcher	Wilson
Hall (OH)	Neal	Winn
Hall, Ralph	Nelson	Wolf
Hall, Sam	Nichols	Wortley
Hammerschmidt	Nielson	Wright
Hance	O'Brien	Wylie
Hansen (ID)	Oakar	Young (AK)
Hansen (UT)	Ortiz	Young (FL)
Hartnett	Oxley	Young (MO)
Hatcher	Packard	Zablocki
Hawkins	Parris	Zschau

NOT VOTING—9

Corcoran	Martinez	Rodino
Duncan	McKinney	Studds
Heftel	Rahall	Yates

□ 1700

The Clerk announced the following pairs:

On this vote:

Mr. McKinney for, with Mr. Duncan against.

Messrs. PRITCHARD and TAUKE changed their votes from "no" to "aye."

Mr. DIXON changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. McCURDY. Mr. Chairman, I move to strike the last word.

(By unanimous consent, Mr. McCURDY was allowed to proceed for 2 additional minutes.)

Mr. McCURDY. Mr. Chairman, I plan to support H.R. 2969. But I do so reluctantly and with a great sense that, as a nation, we have yet to construct a viable national defense strategy.

There is little question that the billions of dollars we devote to national defense today are necessary. In 1963, President John F. Kennedy spoke to the value of a strong weapons capability:

> Today the expenditure of billions of dollars every year on weapons acquired for the purpose of making sure we never need to use them is essential to keeping the peace.

A dollar does not go as far today as it did when President Kennedy made those remarks. Where he spoke of a $50 billion defense budget, we address current national defense needs with a budget of some $240 billion. Yet, reality strongly suggests that even this sum is not enough to accomplish all the defense capability goals set out by the Reagan administration.

This is what concerns me most about our action today—are we getting our money's worth out of this legislation? I will vote "yes" on H.R. 2969 because, "yes," we do need to strengthen our defense posture and these billions of dollars will certainly increase capability. But, how does our action fit into an overall strategy?

In testimony before Congress, Defense Secretary Weinberger said the administration's "long-term goal is to be able to meet the demands of worldwide war, including concurrent reinforcement of Europe, deployment to Southeast Asia and the Pacific, and support for other areas. . . "

Mr. Weinberger has best stated the problem we now face. The administration has developed a defense strategy that is impossible to implement. We have not the resources to achieve a 3½ war strategy at once. We face a serious mismatch of strategy and resources.

This mismatch can have a devastating impact on our military readiness posture. Where we do achieve an improvement in overall capability, we do so at a tremendous waste of valuable resources.

The stark reality that we cannot continue to procure systems to do everything has apparently hit the Air Force. The Air Force reportedly plans to eliminate, or at least defer, the procurement of some major systems because they are unaffordable. Was this a unilateral Air Force decision or was it made in a much broader defense context? Does this imply a similar approach in the programs of other services?

We have gone far enough without a defense strategy. An overall defense management policy cannot be forged through amendments to authorization bills on the floors of the House and Senate. The administration has failed to articulate a clear defense strategy and we in Congress have failed thus far, to fill the void. Minus a defense strategy that we can implement with available resources, Congress must prioritize our defense needs in a way that clearly responds to the military threat to the United States and our allies.

Our first priority should be to modernize our conventional capabilities to neutralize the obvious superiority of Soviet forces over our NATO allies in Europe and the Persian Gulf. Given the outbreak of conflict in Europe, we should be equipped to respond with conventional forces first, rather than resort to nuclear weaponry as the only effective deterrent.

Second, we must vastly improve our airlift and sealift capabilities in order to prevent the success of an initial Soviet military thrust. The Soviets prepare themselves to achieve any objective through a combined arms strategy within 30 days. The more quickly and effectively we can respond to a remote conflict, the more surely it will remain remote.

Our third priority should be to improve our overall readiness capability—the support systems of men, women, and supplies that make our major weapons work.

Fourth, we must develop and maintain proper management and procurement procedures to produce a maximum defense capability at minimum cost. If we decide to develop a new tank that will modernize our conventional capability, it becomes a top priority. We should fund it fully and complete a procurement contract as soon as possible, then proceed to the next priority. The Pentagon should come to the Armed Services Committee with a clear statement of what the most effective rate of production is on a given weapon system.

And finally, we must continue to upgrade our strategic forces. Until the Soviets are willing, through arms control, to make appropriate reductions along with us we must modernize our strategic triad, including land-based ballistic missiles. Improvements in all three modes are required to insure an effective deterrent.

The priority list I have just outlined is, of course, subject to much debate and review. It is long past time that Congress emerge from this vacuum of no clear defense strategy and state what we believe the priorities to be.

Mr. Chairman, there is additional legislation before this Congress aimed at reorganization of the Department of Defense that will enhance our ability to devise a clearly defined defense strategy.

Because Congress cannot effectively micromanage any Government agency, particularly the largest, we must depend a great amount upon the expertise within these agencies. Today, that expertise on defense matters evolves primarily from the branch Secretaries. Legislation offered by Representative SKELTON, of which I am cosponsor, proposes to reorganize the Joint Chiefs of Staff to provide a better opportunity for the military to offer sound advice on strategic, operational, and resource issues—not just from a narrow service perspective—but also from a national view of our defense needs.

The Defense Authorization Act of 1984 that is before us today continues America's military modernization on many fronts—too many fronts. Reality sends a simple message. There are not enough dollars in the Federal Treasury to accomplish the military goals set out by this administration in 5 years or even, perhaps, 10 years. Unfortunately, H.R. 2969 contains haphazard procurement and inadequate funding for readiness items and other nonglamorous essentials such as ammunition stores. I am positive that our defense capability is improved by this bill but I doubt whether we will receive our money's worth.

□ 1710

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). Are there additional amendments to title I?

AMENDMENT OFFERED BY MR. LEVINE OF CALIFORNIA

Mr. LEVINE of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEVINE of California: Page 10, after line 12, add the following new section:

LIMITATION ON PROCUREMENT OF BRADLEY FIGHTING VEHICLES

SEC. 106. (a) None of the funds appropriated pursuant to the authorization of appropriations in section 101 for weapons and tracked combat vehicles for the Army may be obligated or expended for the M2 Bradley Infantry Fighting Vehicle or the M3 Bradley Cavalry Fighting Vehicle—

(1) until the Secretary of the Army has submitted to Congress the report required by subsection (b); or

(2) if the certification by the Secretary required to be included in that report certifies that the survivability rate for such vehicles and their crews in a modern combat environment against actual Soviet weapons in the projected European threat force is less than 90 percent.

(b)(1) The Secretary of the Army shall submit a report to Congress containing a de-

tailed report and evaluation of each of the tests required by this section and a certification by the Secretary as to whether or not, based upon the results of those tests, the survivability rate for the Bradley Fighting Vehicles and their crews in a modern combat environment against actual Soviet weapons in the projected European theater is greater than 90 percent.

(2) The tests to be conducted for the purposes of this section shall test—

(A) the survivability of the M2 Bradley Infantry Fighting Vehicle against the effects of behind-armor vaporifics, as provided in subsection (c);

(B) the value of the armor on the M2 Bradley Infantry Fighting Vehicle and the M3 Bradley Cavalry Fighting Vehicle against current Soviet light and heavy automatic weapons fire, as provided in subsection (d);

(C) the value of the armor on the M2 Bradley Infantry Fighting Vehicle and the M3 Bradley Cavalry Fighting Vehicle against current Soviet shaped-charge chemical rounds, as provided in subsection (e); and

(D) the performance per unit cost of the M2 Bradley Infantry Fighting Vehicle compared to the performance of other United States infantry vehicles, on a side-by-side field performance basis, as provided in subsection (f).

(c)(1) The Secretary of the Army shall conduct tests under this subsection in order to test behind-armor vaporifics effects on personnel in the M2 Bradley Infantry Fighting Vehicle. The methodology to be used in conducting the evaluation of such effects shall be the methodology developed by the United Kingdom ballistic research program. The tests of vaporific effects shall be conducted on the specific vehicle design of the M2 Bradley Infantry Fighting Vehicle, and the test vehicles to be used shall be current (as of June 1, 1983) production-line models of that vehicle.

(2) Tests under this subsection shall include—

(A) a test specifically to measure the effects of blast overpressure within the interior of a Bradley Infantry Fighting Vehicle that has been fully sealed to normal combat status, with measurements to be taken by Piezo-electric transducers calibrated according to the national standard of the United Kingdom by AWRE of Foulness, Great Britain;

(B) a test specifically to measure oxides of nitrogen and hydrocyanide within the interior of a Bradley Infantry Fighting Vehicle that has been fully sealed to normal combat status;

(C) a test specifically to measure the reaction of the shaped-jet and the formation of fireball effects within the interior of a Bradley Infantry Fighting Vehicle that has been fully sealed to normal combat status, such measurements to be taken using heat gauges designed by the United Kingdom Chemical Defense Establishment Laboratory and to include measurement of flash-light intensity; and

(D) a test specifically to measure the peak volume (measured in micro-seconds) of the shaped-charge jet pressure within the interior of a Bradley Infantry Fighting Vehicle fully sealed to normal combat status.

(3) In each test under this subsection—

(A) the engine and all systems of the test vehicle shall be run up to normal operating temperatures before and during the test and all behind-armor effects shall be measured on the basis of actual field operational status;

(B) the test vehicle shall be armed, fueled, and supplied with ammunition and such lubricants and supplies as would be present in a fully combat-loaded vehicle;

(C) the test shall be conducted using a HALON fire extinguisher system mounted in the test vehicle and shall be repeated in an identical manner with a HALON fire extinguisher system mounted in the test vehicle; and

(D) surrogate crew members, represented by anaesthesized pigs, shall be used.

(4) Each test under this subsection (including all measurements under such tests) shall be carried out in accordance with and in a manner consistent with the methodology referred to in paragraph (1).

(5) In order to test the reduction in spall effects through the use of a ballistic liner consisting of a ½ inch thickness of the filament Kevlar, an identical test vehicle to the test vehicles used for tests under this subsection shall be selected from the production line by representatives of the General Accounting Office and shall be fitted with a complete Kevlar ballistic liner in an appropriate matrix and weave. Such vehicle shall be tested under this subsection in the same manner as test vehicles tested without such ballistic liner.

(d)(1) The Secretary of the Army shall conduct tests under this subsection in order to test the armor of the Bradley Infantry Fighting Vehicles against current Soviet light and heavy automatic weapons.

(2) Tests under this subsection shall include—

(A) a test of the Soviet RPG-7 infantry hand-held anti-tank weapon:

(B) a test of the Soviet AT-3 SAGGER infantry anti-tank missile;

(C) a test of the Soviet AK-47 infantry assualt rifle;

(D) a test of the Soviet 12.7-millimeter heavy machine gun;

(E) a test of the Soviet 14.5-millimeter KVPT vehicle-type heavy machine gun; and

(F) a test of any additional weapon suggested by the Army or the General Accounting Office for the purpose of providing a larger data base on the survivability of the Bradley Infantry Fighting Vehicles.

(3) Each test under this subsection shall be conducted using a weapon and ammunition of Soviet manufacture and may not be conducted using "similar charge" weapons or explosives or "similar type" weapons or ammunition.

(4) Each rifle and heavy machine gun used in a test under this subsection—

(A) shall be fired at least 10 times at the front of the vehicle and shall be tested directly in the path of the engine compartment; and

(B) shall be fired at least 10 times at the side of the vehicle and shall be tested directly in the path of the rear fighting compartment.

(5) Each test of a rifle and heavy machine gun under this subsection shall be from a range of not less than 10 nor more than 400 meters. The exact range shall be indentical in each such test.

(e)(1) The Secretary of the Army shall conduct tests under this subsection in order to determine the value of the armor in the Bradley Infantry Fighting Vehicle systems against current Soviet-shaped charge chemical rounds.

(2) Each anti-tank shaped-charge chemical weapon used in a test under this subsection—

(A) shall be fired at least once at the front of the test vehicle and shall include a strike directly in the path of the engine compartment; and

(B) shall be fired at least once at the side of the test vehicle and shall include a strike directly in the path of the rear fighting compartment.

(3) Each test of a weapon under this subsection shall be from a range of not more than two times the diameter of the warhead. The exact range shall be identical in each such test.

(f)(1) The Secretary of the Army shall conduct two field operations tests of the M2 Bradley Infantry Fighting Vehicle to compare the performance per unit cost of that vehicle on a side-by-side field performance basis with the performance per unit cost of other infantry vehicles of the United States Army. The vehicles to be used for such tests shall include the M-113, the M-901, and the advanced infantry fighting vehicle. In each such test a platoon of Bradley fighting vehicles shall be tested against the other infantry vehicles as provided in this subsection.

(2)(A) One of the tests conducted under this subsection shall be conducted using advanced infantry fighting vehicles. In such test, three advanced infantry fighting vehicles shall be used for each Bradley fighting vehicle. Two-thirds of the advanced infantry fighting vehicles shall be armed with 25-millimeter cannon, and one-third shall be armed with dual TOW missiles under armor.

(B) the other test conducted under this subsection shall be conducted using M-113 and M-901 vehicles. In such test, seven M-113 vehicles and one M-901 (with dual TOW) shall be used for each Bradley fighting vehicle.

(3) Each test conducted under this subsection shall be carried out using current Army tactics under battlefield condition. Each vehicle shall be manned with its full complement of infantry and shall be driven for 24 hours before entering the combat conditions under the test. Vehicle maintenance during the test shall be allowed only on the field as under battlefield conditions.

(4) Each test under this subsection shall include all previous tests recommended by the General Accounting Office. All tactics under such tests shall be approved by the General Accounting Office before the conduct of the tests.

(g)(1) Each test conducted under this section shall be evaluated in accordance with this subsection. The Comptroller General of the United States shall develop and provide for the purpose of each test evaluation forms to be used for reporting accurately and completely the results of such test.

(2) Representatives of the Army, the contractor for the Bradley Fighting Vehicle systems, and the General Accounting Office shall observe each test under this section and shall report independently to the Secretary of the Army on the conduct of the test and the results of the test.

(3) Each report under this subsection of a test under subsection (c)—

(A) shall include an evaluation of vaporific effects against a test vehicle without a ballistic liner and with a ballistic liner as specified in such subsection (c); and

(B) shall contain an estimate of the cost to install a Kevlar ballistic liner on the Bradley Infantry Fighting Vehicle, the M-113 armored personnel carrier, and the M-113 derivative advanced infantry fighting vehicle designed by the FMC Corporation of San Jose, California.

(4) Each report under this subsection shall be included in the report of the Secretary of the Army under subsection (b).

(h) If the Secretary of the Army determines that there has been an effort on the part of any party to create unequal testing conditions for any test conducted under this section—

(1) the test (if not previously completed) shall be terminated and the results of such test shall be invalidated; and

(2) the M2 Bradley Infantry Vehicle and M3 Bradley Cavalry Fighting Vehicle programs shall be terminated.

Mr. LEVINE of California. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEVINE of California. Mr. Chairman, I rise today to offer an amendment to the fiscal year 1984 Department of Defense budget to require further testing of the M-2 Bradley infantry fighting vehicle. I do this out of deep concern for the safety and the combat readiness of these vehicles.

The amendment that I am proposing would simply require the Army to prove that the Bradley can do what the Army says it can do. The Army began a search more than a decade ago to replace the M-113 as its primary troop transport vehicle. This program has been plagued by cost overruns and questions about the survivability of the M-2 on the modern battlefield. To date, the Army has apparently not yet decided whether the Bradley is primarily a personnel carrier, which was its initial mission, or an infantry fighting vehicle, which it has now become.

Now, at an enormous cost, the Army argues that it can successfully accomplish both of these objectives. Its critics claims that it can do neither well.

The list of problems which have plagued the development of the Bradley seem endless. Among them are:

First. Although it is designed to transport troops, it is too small to carry a full squad of infantry.

Second. It is too big to fit into a C-141 troop transport without removing the side armor and collapsing the Bradley suspension system.

Third. It is very tall, more than 2 feet taller than the M-1 tank which it is supposed to accompany into combat, and more than 2 feet taller than the Soviet BMP. Many believe that this would make it a sitting duck for enemy antitank weapons.

Fourth. It is extremely expensive. Cost estimates for the Bradley range from $1.5 million to $1.9 million each. This is five times more than the Army told Congress it would cost in 1980 and more than eight times as much as the vehicle it is designed to replace.

Fifth. It is very noisy. Its diesel engine is much louder than the engines of the M-1 tank, and critics have expressed concern that this noise could warn an enemy of the Bradley's approach and negate the value of the M-1's quieter engines.

Sixth. The gun ports, which are designed to give the infantry riding inside the Bradley the ability to fight on the move, are virtually useless.

But by far, Mr. Chairman, the most troublesome allegations about the Bradley involve the effectiveness of its aluminum armor and a lack of adequate testing of the armor. This is the primary reason I have chosen to introduce this amendment.

The Army claims that the Bradley's armor can resist 91 percent of the Soviet weapons it is likely to encounter on the battlefield. Yet, tests which I have seen raise serious doubts about the accuracy of the Army's claims. These tests show that 14.5 millimeter and air burst artillery fragments completely penetrated the Bradley's armor during the tests.

After questioning the Army on this matter, I was informed that the vehicle specifications require only that a portion of the bullets fired at the vehicle not penetrate its armor, not all of them. No data is apparently available on the effects of those shells which do penetrate the Bradley.

Equally troublesome are questions involving the so-called vaporific problems of aluminum armor. An extensive study of this problem was conducted by the British Army in 1980. That study found that vaporifics killed soldiers in three ways: First, when a vehicle like the Bradley is hit by a shaped antitank weapon, tremendous overpressure builds within the vehicle within a matter of milliseconds; second, a fireball develops inside the vehicle which causes severe burns and temporary blindness; and finally, noxious gases such as oxides of nitrogen and hydrocyanide build within the vehicle.

Despite these findings, the Army has yet to fire a single antitank round at the Bradley to determine the effects of vaporifics. I believe we should all be gravely concerned that an expensive piece of equipment like the M-2, which is ultimately going to cost the United States $13.5 billion, has already gone into production without adequate testing. Until the Army has test results which confirm the claims which they have made to the Congress about both the performance and the survivability of the M-2, I do not believe that it would be prudent or responsible for us to continue to give them carte blanche with their funding request.

If the Bradley can do everything the Army says it can, if it can play the role the Army has assigned, then I will support construction. Until those tests have been run under realistic and reasonable circumstances, it would be irresponsible for us to continue procurement of this vehicle.

My amendment simply requires that the Army prove through testing that the Bradley can do what the Army claims it can do. I believe this amendment, Mr. Chairman, is a moderate and a responsible approach to dealing with a serious problem and I urge my colleagues to give it careful consideration.

□ 1720

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). The time of the gentleman from California (Mr. LEVINE) has expired.

(On request of Mr. DICKINSON, and by unanimous consent, Mr. LEVINE of California was allowed to proceed for 2 additional minutes.)

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield, I have two quick questions. I am not as familiar with this as is the chairman of the Subcommittee on Procurement that approved this figure.

The reason I am not more familiar with this item is that I spend most of my time in the Subcommittee on Research and Development, but it is my understanding that this is the fifth year of production that we are starting for this vehicle. We have already produced over 2,000 of them, and what the gentleman would have us do, unless my figures are wrong, is stop it in the middle of production, shut everything down, lay everybody off, terminate the contract, and then go through a very voluminous test procedure that is outlined here.

Mr. Chairman, I wonder, does the gentleman have any idea what this would cost?

Mr. LEVINE of California. Mr. Chairman, I appreciate the gentleman's asking me this question, and I would like to submit, first of all, that my understanding is that thus far only 525 of these weapons have in fact been produced; 1,700 are under contract. So we are not yet at the stage that the gentleman suggests.

Second, with regard to the premise that these tests have already been run, this is in fact a matter on which I questioned the Army quite specifically, relative to the specific tests that had been done. It is my understanding now, based upon both open and classified material that the Army has provided me, that these tests have not been done.

With regard to slowing down the process, in speaking to one of the contractors I was advised that current contracts are going to run through the end of 1984, and these tests could be done within a matter of months.

Mr. DICKINSON. Mr. Chairman, what would the gentleman's amendment do? Would it terminate production until these tests are completed, or would it allow them to continue whatever is under contract?

Mr. LEVINE of California. Mr. Chairman, it would allow the current contracts to go ahead and be met, but at the end of the current contracting period, if the Army's tests reveal that the vehicle does not do what the Army claims it does, it would terminate the production.

The CHAIRMAN pro tempore. The time of the gentleman from California, Mr. LEVINE, has expired.

(By unanimous consent, Mr. LEVINE was allowed to proceed for 30 additional seconds.)

Mr. LEVINE of California. But, Mr. Chairman, the point I would like to emphasize in response to the gentleman's question is that the current contracts last for over a year and a half. It would not take nearly a year and a half to do these tests, and in fact they could probably be done within a matter of a few months. If in fact the tests proved that the Army's assertions are correct, no production would be stopped at all.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman's amendment has just been made available to the committee, and it is a very detailed amendment, proposing a series of tests, running to some nine pages. The staff has not had an opportunity to examine the amendment or to determine what the cost of running these tests would be, and as far as I can see, there has been no section offered that would include additional funds for running the tests.

For example, one of the tests they would like the Army to run on the Bradley fighting vehicle is to determine the survivability rate for the Bradley fighting vehicles and their crews in a modern combat environment against actual Soviet weapons in the projected European theater to make sure that it is greater than 90 percent survivability rate. I would imagine that the only way that we could do that would be to start a war with the Soviet Union and then determine exactly how many of those weapons survive. So I think the gentleman's proposal is really beyond the ability of the committee to accept in this form.

I would also point out, as the gentleman from Alabama (Mr. DICKINSON) has already indicated, that the Bradley fighting vehicle has been in procurement for some 5 years, and although earlier there was some question that the Bradley fighting vehicle's cost was going up, in fact it has been going down in the last few years. A further part of the gentleman's concern, I think, stems from the fact that the Bradley fighting vehicle is not a tank.

But in order to understand what the Bradley fighting vehicle really represents to the men in the field—and I wonder whether the gentleman has actually talked to soldiers who had been using the Bradley fighting vehicle—let me say that it is a very substantial improvement over what used to be provided for the infantry.

Under the classic arrangement of tank warfare, for example, in the Israeli-Egyptian war in 1973, the Yom Kippur war, tanks were conventionally followed by infantry, and the infantry were designed to protect the tanks; but they also were highly exposed. However, the American Army has long used the M-113, which provided transportation for the infantry across the battlefield, behind the tanks but it was like a pickup truck and there was no real protection for the troops. What the Bradley fighting vehicle has done has been to provide real protection for our infantry troops.

It is equipped with a TOW missile and it is equipped with a 75 millimeter gun.

The gentleman from Texas, (Mr. LEATH) and I visited Fort Hood some 3 weeks ago and specifically talked with the troops who were using the Bradley fighting vehicle. I saw some problems with it, and I tried to suggest some difficulties. But I was amazed at the way the individuals who dealt day after day with the Bradley fighting vehicle appreciated the cover that it gave to them. It allows them to go closer to the battle front without being exposed. To suggest that the Bradley vehicle has got to have the same kind of ability to withstand a Soviet missile as a tank I think, would be totally unreasonable and unrealistic.

So, Mr. Chairman, I would suggest that, although we would like to oblige the gentleman from California (Mr. LEVINE), the committee must reject the amendment.

Mr. BADHAM. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I think it is unfortunate, as my distinguished chairman of the subcommittee, said, that this amendment was delivered to us but seconds before. It is a usual courtesy, when a Member is having an amendment read at length at the desk, to grant the Member's unanimous consent request that the amendment be considered as read and printed in the RECORD, but in this case it is too bad, because had I known about this and had I seen a copy of this amendment, I would certainly have objected to its being considered as read. This amendment goes on for nine pages telling the Army how to run a test.

And that is not all, I would suggest. This is a program that has been in production for 5 years, and the gentleman apparently has something against the program, although I do not know what. I do not know where he got all his technical information that would suggest how the Army would run a test. Maybe he will suggest that to us in a moment or two. But this says that the U.S. Army shall somehow obtain Soviet weapons and fire them against this vehicle.

In addition, apparently the Army will be required to cease production on this item that has been in production for 5 years. They will have to run a series of tests using Soviet ammunition, and where we will get that I do not know.

□ 1730

We will be using methodology in conducting the evaluation of such a test developed by the United Kingdom ballistic research programs.

Measurements to be taken by Piezoelectric transducers calibrated according to the national standard of the United Kingdom.

We will test the peak volume, measured in microseconds, of the shaped charge jet pressure within the interior of the infantry fighting vehicle fully sealed to normal combat status.

The test vehicle shall be armed, fueled, and supplied with ammunition.

The test shall be conducted using a HALON fire extinguisher system.

But Mr. Chairman, this is the part that really got me; on page 4, subparagraph (D), that surrogate crewmembers, represented by anesthetized pigs, shall be used to test this vehicle.

Now, I think that would cause a few problems for some of the people who think that too much experimenting is going on with various animals and things, to take a fighting vehicle, blow it up with Soviet ammunition, not even read before this House, and fill it with anesthetized pigs.

I hope the gentleman will withdraw his amendment and bring it back under the context of a committee hearing when we have time to have full hearings.

My colleagues, as you may know, the Bradley fighting vehicles are now entering their fifth year of production, and clearly any break in the production line will ultimately result in a higher program cost. Therefore, it is not clear to me why the gentleman from California has decided to offer this amendment which by its very nature is guaranteed to interrupt production and increase the program cost of a program which is entering its fifth year of production and has no technical or cost control problems.

Yes, I realize that there have been isolated cases of the news media criticizing this program in recent years, but I believe that the program has moved past that point. We know that it has taken many years, perhaps too many years, for this program to evolve to the point at which it is today. But it is equally clear that we must have an infantry fighting vehicle which is at least comparable to those possessed by our principal adversary. I believes we

have such vehicles named the Bradley fighting vehicles.

My colleagues from California also argues that the current armored protection for the Bradley fighting vehicles is insufficient, and in some cases could be detrimental to the troops riding inside the vehicles. First, let me say that in terms of armored protection, the Bradley fighting vehicles meet the specifications that were established for them as part of the original requirements effort. Second, regarding the allegations that aluminum armor is flammable and explosive, I would simply say that many of our systems including aircraft and ships, are made of some type of aluminum alloy. Additionally, many of the infantry fighting vehicles that our allies use are also made of aluminum alloy. I think it should be clear that if our present personnel carrier—M-113A2—or fighting vehicles—Bradley fighting vehicles—are attacked with a large caliber munition such as a 120-millimeter cannon, there will probably be significant damage done from the warhead and from fragmentation. Therefore, whether the Bradley is made of steel or aluminum would not make any real difference in terms of the damage done by a large caliber munition. In terms of smaller caliber munitions, any overpressure or heat that might result from that small caliber munition penetrating the Bradley fighting vehicle would have minimum impact upon the crew—unless of course that munition punctured the fuel tank or hit the ammunition storage rack. However, it should be noted that in the event of a fire, the Bradley fighting vehicle is equipped with a fire extinguishing system that can react in one-tenth of a second.

My colleagues, I think it is clear that the Bradley fighting vehicles are a very important part of the Army's modernization effort; it is clear that the Bradley program is entering its fifth year of production without any technical problems; it is clear that there has been a 13-percent decrease in the program unit cost for the Bradley fighting vehicles; and it is clear that this program should be allowed to proceed on schedule.

Therefore, I urge my colleagues to join me in defeating this amendment.

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to raise a couple questions about the Bradley fighting vehicle. The gentleman from California has proposed this amendment, which seems to me to have some ideas in it and raises some questions about the effectiveness of the Bradley fighting vehicle, which I remember having read in newspapers some questions about the effectiveness of this weapon.

It seems to me that the gentleman on the other side of the Capitol here in the other body, the Senator from Georgia, Mr. NUNN, for a great number of years has been raising some serious questions about the effectiveness of the Bradley fighting vehicle. That is a gentleman who I think a number of people in this body have learned to respect as a person who is a fairly sensible person about these military systems and one whose judgment has proven to be correct in a number of cases.

So it seems to me, and I do not remember the exact points raised by the Senator from Georgia on the other side of the Capitol, but it seems to me that if he has raised some questions, maybe there is some validity in the idea of conducting some tests.

Does the gentleman from California, know, for example, the issues that have been raised about the effectiveness of this weapon?

Mr. LEVINE of California. The gentleman from Georgia that my colleague refers to, Senator NUNN, raised the question very succinctly in hearings.

The CHAIRMAN pro tempore (Mr. DOWNEY). The Chair would advise both the gentleman from California and the gentleman from Wisconsin that it is contrary to the rules of the House to refer either to the proceedings of or by name to Members of the other body.

Mr. LEVINE of California. I thank the Chair.

The gentleman from the other body to whom my colleague refers did, I think, succinctly raise a very critical question with regard to this vehicle by saying that if it is 10 feet tall that it is a sitting duck for any weapons that can be used against it. It does not matter what type of sophisticated weaponry is on it. It is likely to be defeated by virtually any Soviet antitank weapon.

This has been a very significant criticism which has thus far, at least in this gentleman's opinion, not been satisfactorily answered.

Mr. COLEMAN of Texas. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, let me at the outset suggest to all of the Members that certainly there is not an element of surprise with respect to the amendment. I knew of this amendment some days ago. I just do not happen to agree with the amendment, but that is certainly not the reason I would rise in opposition to it.

I read my mail and knew that the gentleman from California intended to offer this amendment.

I would say to those Members, however, that are thinking of supporting this particular amendment, that the Bradley fighting vehicle program has certainly taken too long for total production; but since it is now in production for the past 4 years, at this point I personally see no reason to further delay production of what I consider to be a new and important weapons system.

I do not believe that we should insist on yet another study of a system that has been studied for well over 10 years, a system that, by the way, is now proving its worthiness and one that I happen to believe is, indeed, needed to combat the sophisticated weaponry that we would face in any conventional conflict.

It does not even seem remotely reasonable that we, the Congress, should take a program which is finally stable and on schedule and as a result of forcing additional program delays, continue to drive up the cost of this program. I think that that would be a waste of the taxpayers' money. I believe this amendment, indeed, would be a waste.

The Bradley fighting vehicle, and it has been my privilege, as a matter of fact, I consider it one of my duties as a member of this committee, to personally inspect that vehicle and talk with the soldiers who are now utilizing it from my own State. I would say that this vehicle is certainly superior in speed. It is certainly superior in firepower than the weapons system it replaces, the M-113. During my tenure in the service, I would say that it was my duty to command certain personnel carriers and men that were required not just to be in them, but to be removed from them and to engage in fighting.

I would say that with the TOW-2 missile on the Bradley fighting vehicle, and particularly the superior armored protection against a range of smaller caliber munitions, this weapon can, indeed, be an effective fighting machine.

There is no need to do another comparative analysis between the M-113 or any other armored personnel carrier with the Bradley fighting vehicle.

I believe that we have the best, the most cost-effective infantry fighting vehicle in the world today and we must not allow our troops to go off to battle in anything less than that.

Mr. REID. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, people make slight of the fact that some tests have been required of this weapon. The reason that these experiments need to be conducted, we are not talking about taxpayers' dollars only, but the lives of our servicemen. I think the tests that the Army itself has run indicate that this weapon, this vehicle, has a great deal of failings. For example, we know that the Army's own tests show that

50-caliber bullets will penetrate the shell of this vehicle.

Now, if there are other tests, we have asked for them, but we have not been able to get them.

If in fact this weapon, this vehicle, meets all the specifications that it is supposed to meet, it should be very simple for them to supply the tests and the experiments that they have already conducted.

Mr. LEVINE of California. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to my colleague and the cosponsor of this amendment.

Mr. LEVINE of California. Mr. Chairman, just to follow up on the comments of my colleague, the gentleman from Nevada, and to respond briefly to the points that have been made by the opponents, in essence, if this vehicle does what the Army says it does, we need not delay any aspect of production, even a single day. All this amendment requires is that the Army be able to demonstrate to the Congress that this vehicle does what the Army says it does.

Now, in opposition to this amendment it has been suggested that what this gentleman resists is the fact that this is not a tank. This gentleman has no interest in this being a tank. All this gentleman is suggesting is that the Bradley fighting vehicle has certain criteria that the Army claims it meets, specifically the criterion that it will defeat 91 percent of Soviet weapons. If, in fact, it will do that, all I am suggesting is that that be demonstrated to this Congress.

There was a question raised with regard to a reduction in cost. Well, the cost of this vehicle even under the most modest assumptions is still at least $1.5 million per vehicle. Some assumptions are $1.9 million per vehicle, replacing an $80,000 per vehicle weapon.

Finally with regard to the type of tests, the reason I have spelled out in the amendment certain types of tests similar to those that have been done by the United Kingdom, the Army of the United Kingdom, is that that army is the only army that has conducted these types of tests thus far. Our Army has not.

There was an analogy made in the course of the debate to the lessons learned in the wars in the Middle East. I think that is a very important issue to raise, because the army that has been the most successful army on the ground in the recent past, the Army of the State of Israel, has categorically rejected this type of vehicle. They believe that it is a dangerous vehicle, one which will not protect its own troops and they have elected not to use this type of vehicle.

□ 1740

If we are going to take lessons from the experience of the last several wars in the Middle East, I think it would be appropriate for us to consider carefully why the State of Israel has decided, after facing Soviet vehicles that are similar to this, that they will not produce a vehicle such as this.

Mr. RIDGE. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman.

Mr. RIDGE. Much has been made of the requirement or a suggested use of anesthetized pegs. I know you and your cosponsor want to make sure that the infantry soldiers are not sitting ducks either, so I appreciate the efforts you have made.

I am looking at page 5, particularly paragraph 2 where you have suggested tests under the subsection and you list five specific weapons. Three appear to be the standard infantry weapons that might be employed in a combat situation. Two appear to be probably light vehicle weapons attached to vehicles employed in a combat situation.

In any of the classified material that you received or in any of the material that you received from the Department of the Army, the Department of Defense, were they able to relate to you that one, these tests were conducted; that is, tests on weapons systems from opposing forces that we know actually exist, not necessarily under combat conditions but just testing one system against another; and what were the results of those tests?

Mr. LEVINE of California. It is my understanding those tests have not been conducted and that these are the specific Soviet weapons that would most likely be used against the Bradley.

● Mr. MINETA. Mr. Chairman, my colleagues, as you know, I have frequently spoken out against defense programs which represent less than prudent investments for the taxpayer. I believe, however, that the Bradley fighting vehicle, which is entering its fifth year of production, represents a prudent investment and satisfies an important military requirement for our conventional forces. Therefore, I must rise in opposition to this amendment because it would unnecessarily increase the cost of the program and delay delivery of these needed conventional systems to our soldiers.

As I understand the amendment, it would force the Department to initiate yet another costly study, and it would force the contractor to stretch out the current production. As I see it, this would not only increase the cost of the program, but it would also result in slipping the delivery of these systems to our combat units. I have no other choice but to urge that we defeat this amendment.

It is important that the United States have a strong conventional defense to reduce our dependence on potentially destabilizing nuclear weapons for military deterrence. I believe the Bradley fighting vehicle enhances the capability of our conventional forces and represents an important contribution to the security of the United States.

Passage of this amendment would only increase the costs to the American taxpayer for our vital conventional forces. For these reasons I urge my colleagues to show their support for a strong conventional defense force by voting to defeat this amendment.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. LEVINE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. REID. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 124, noes 283, not voting 25, as follows:

[Roll No. 190]

AYES—124

Ackerman	Frenzel	Petri
Aspin	Garcia	Rangel
AuCoin	Gephardt	Reid
Barnes	Glickman	Ridge
Bates	Gore	Roemer
Bedell	Gray	Roybal
Bellenson	Green	Russo
Bennett	Guarini	Sabo
Berman	Hall (IN)	Savage
Boland	Harrison	Scheuer
Bonior	Hawkins	Schroeder
Bonker	Howard	Seiberling
Borski	Hughes	Shannon
Bosco	Johnson	Sikorski
Boucher	Kaptur	Simon
Boxer	Kastenmeier	Slattery
Brown (CA)	Kildee	Smith (FL)
Brown (CO)	Lehman (CA)	Snowe
Bryant	Lehman (FL)	Solarz
Carper	Leland	St Germain
Clay	Levine	Stark
Collins	Long (LA)	Stokes
Conyers	Lowry (WA)	Synar
Cooper	MacKay	Torres
Coughlin	Markey	Torricelli
Crockett	McHugh	Towns
Dellums	Mikulski	Udall
Dixon	Miller (CA)	Vento
Dorgan	Mitchell	Volkmer
Downey	Moakley	Walgren
Durbin	Moody	Waxman
Dwyer	Morrison (CT)	Weaver
Dymally	Murphy	Weiss
Early	Nowak	Wheat
Eckart	Oberstar	Williams (MT)
Edgar	Obey	Wirth
Evans (IL)	Olin	Wise
Ferraro	Ottinger	Wolpe
Florio	Owens	Wyden
Ford (MI)	Paul	Yatron
Ford (TN)	Pease	
Frank	Penny	

NOES—283

Akaka	Bevill	Carney
Albosta	Biaggi	Carr
Anderson	Bilirakis	Chandler
Andrews (NC)	Billey	Chappell
Andrews (TX)	Boehlert	Chappie
Annunzio	Boggs	Cheney
Anthony	Boner	Clarke
Applegate	Breaux	Clinger
Archer	Brooks	Coats
Badham	Broomfield	Coelho
Bartlett	Broyhill	Coleman (MO)
Bateman	Burton	Coleman (TX)
Bereuter	Byron	Conable
Bethune	Campbell	Conte

Coyne	Kazen	Pickle
Craig	Kemp	Price
Crane, Daniel	Kennelly	Pritchard
Crane, Philip	Kindness	Quillen
Daniel	Kogovsek	Ratchford
Dannemeyer	Kolter	Ray
Daschle	Kramer	Regula
Daub	LaFalce	Richardson
Davis	Lagomarsino	Rinaldo
de la Garza	Lantos	Ritter
DeWine	Latta	Roberts
Dickinson	Leach	Robinson
Dicks	Leath	Roe
Dingell	Lent	Rogers
Donnelly	Levin	Rostenkowski
Dowdy	Levitas	Roth
Dreier	Lewis (CA)	Roukema
Dyson	Lewis (FL)	Rowland
Edwards (AL)	Lipinski	Rudd
Edwards (CA)	Livingston	Sawyer
Edwards (OK)	Lloyd	Schaefer
Emerson	Loeffler	Schneider
English	Long (MD)	Schulze
Erdreich	Lott	Sensenbrenner
Erlenborn	Lowery (CA)	Sharp
Evans (IA)	Lujan	Shaw
Fascell	Luken	Shelby
Fazio	Lundine	Shumway
Feighan	Lungren	Shuster
Fiedler	Mack	Siljander
Fields	Madigan	Sisisky
Fish	Marlenee	Skeen
Flippo	Marriott	Skelton
Foglietta	Martin (IL)	Smith (IA)
Foley	Martin (NC)	Smith (NE)
Fowler	Martin (NY)	Smith (NJ)
Franklin	Matsui	Smith, Denny
Frost	Mavroules	Smith, Robert
Fuqua	Mazzoli	Snyder
Gaydos	McCain	Solomon
Gekas	McCandless	Spence
Gibbons	McCloskey	Spratt
Gilman	McCollum	Staggers
Gingrich	McCurdy	Stangeland
Gonzalez	McDade	Stenholm
Goodling	McDonald	Stratton
Gradison	McEwen	Stump
Gramm	McGrath	Sundquist
Gregg	McKernan	Swift
Gunderson	McNulty	Tallon
Hall, Ralph	Mica	Tauke
Hall, Sam	Michel	Tauzin
Hamilton	Miller (OH)	Taylor
Hammerschmidt	Mineta	Thomas (CA)
Hance	Minish	Thomas (GA)
Hansen (ID)	Molinari	Traxler
Hansen (UT)	Mollohan	Valentine
Hartnett	Montgomery	Vander Jagt
Hatcher	Moore	Vandergriff
Hefner	Moorhead	Vucanovich
Hertel	Morrison (WA)	Walker
Hightower	Mrazek	Watkins
Hiler	Murtha	Weber
Hillis	Myers	Whitehurst
Holt	Natcher	Whitley
Hopkins	Neal	Whittaker
Horton	Nelson	Whitten
Hoyer	Nichols	Williams (OH)
Hubbard	Nielson	Wilson
Huckaby	O'Brien	Winn
Hunter	Oakar	Wolf
Hutto	Ortiz	Wortley
Hyde	Oxley	Wright
Ireland	Packard	Wylie
Jacobs	Panetta	Young (AK)
Jeffords	Parris	Young (FL)
Jenkins	Pashayan	Young (MO)
Jones (NC)	Patman	Zablocki
Jones (OK)	Patterson	Zschau
Jones (TN)	Pepper	
Kasich	Perkins	

NOT VOTING—25

Addabbo	Forsythe	Pursell
Alexander	Gejdenson	Rahall
Barnard	Hall (OH)	Rodino
Britt	Harkin	Rose
Corcoran	Heftel	Schumer
Courter	Kostmayer	Studds
D'Amours	Martinez	Yates
Derrick	McKinney	
Duncan	Porter	

□ 1800

The Clerk announced the following pairs:

On this vote:

Mr. McKinney for, with Mr. Derrick against.

Mr. PEPPER and Mr. FOGLIETTA changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

● Mr. LEHMAN of Florida. Mr. Chairman, I support the Brown amendment to delete $19.4 million earmarked to begin procurement of an antisatellite (Asat) weapons system. If we do not delete these funds we will not only be committing ourselves to an additional $19.4 million, but also to billions of dollars in the future that will be needed to keep an Asat system operational. The General Accounting Office has calculated that a fully operational Asat system may cost in the tens of billions of dollars. Although such a system might act as a deterrent to the Soviet Union, it is neither our sole alternative, nor our best.

Deterrence occurs in three forms: negotiation, retaliation, and force. Our most optimistic and the most humane step would be to follow a path of deterrence through negotiation. If we do not reinstate U.S.-U.S.S.R. talks, we will enter the first stage of a space weapons race in which there will be no winners. The best time to negotiate is while we have the advantage, before the Soviets develop more advanced space technology. The Soviets have already expressed an interest in negotiating. It is now up to us to show them that we want to seek peace together and to use space as the new frontier in a joint effort for peace.

I urge my colleagues to vote for the Brown amendment.●

Mr. PRICE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. McCURDY) having assumed the chair, Mr. DOWNEY of New York, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2969), to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, had come to no resolution thereon.

PERMISSION FOR SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT ON WEDNESDAY, JUNE 15, 1983, DURING 5-MINUTE RULE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works and Transportation be permitted to sit while the House is in session under the 5-minute rule on Wednesday, June 15, 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 126, COMMEMORATION OF 100TH ANNIVERSARY OF THE BIRTH OF HARRY S. TRUMAN

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-242) on the resolution (H. Res. 226) providing for the consideration of the concurrent resolution (H. Con. Res. 126) providing for the commemoration of the 100th anniversary of the birth of Harry S. Truman, which was referred to the House Calendar, and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2668, CONSUMER PRODUCT SAFETY AMENDMENTS OF 1983

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-243) on the resolution (H. Res. 227) providing for the consideration of the bill (H.R. 2668) to amend the Consumer Product Safety Act to extend it for 5 fiscal years, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3263, MILITARY CONSTRUCTION APPROPRIATION, 1984

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-244) on the resolution (H. Res. 228) waiving certain points of order against consideration of the bill (H.R. 3263) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, which was re-

ferred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2972, MILITARY CONSTRUCTION AUTHORIZATION, FISCAL YEAR 1984

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-245) on the resolution (H. Res. 229) providing for the consideration of the bill (H.R. 2972) to authorize certain construction at military installations for fiscal year 1984, and for other purposes, which was referred to the House Calendar and ordered to be printed.

EDUCATION AS A POLITICAL CAMPAIGN ISSUE

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, from recent actions of the President, it appears that Mr. Reagan has been persuaded that the education of our children could be a potent campaign issue for himself and for his party in 1984. Only last week he initiated a national public relations effort to portray himself as a friend of education despite the efforts of his administration to substantially reduce the Nation's commitment to public education.

I have an article published by the Washington Post, Friday, June 10, 1983, which say that Mr. Reagan even went so far as to dispatch the Secretary of Education to a gathering of Republican officials to convince them that attacks on the American system of education can be an important source of votes in 1984. Mr. Speaker, the President's reckless attempt to stir up public resentment against education through the use of misrepresentation and distortion is a shameful act.

I urge the American people to reject this President's tactics and to express their dissatisfaction during the weeks and months ahead.

Mr. Speaker, the Washington Post article to which I referred and a second article, also appearing in the issue of Saturday, June 11, 1983, are included as follows:

BELL SHARPENS EDUCATION THEME, ATTACKING NEA AND MONDALE

(By Bill Peterson)

DALLAS, JUNE 10—Education Secretary T. H. Bell today stepped up the Reagan administration's effort to make education a major 1984 campaign issue, sharply criticizing the National Education Association and the Democratic presidential hopeful to whom it is most closely tied, Walter F. Mondale.

In a partisan speech to the Republican National Committee, Bell attacked the NEA, the nation's largest teachers organization, for opposing merit pay for teachers, and Mondale for advocating an $11 billion increase in federal aid to education.

Bell suggested that the aid increase would lead to "federalizing our schools," which he said would be "the height of foolishness."

He said more federal money is not the answer to the schools' problems and that "until we make some long-past-due changes in education, our money will not be well spent."

He said that the NEA, which is expected to endorse Mondale, is standing in the way of reforming teacher pay scales because it wants to "cling to the same tired old system we have had in the past" in which teachers are paid on the basis of experience and college credits.

Bell's speech was part of a hard sell to convince GOP leaders that education can be a potent campaign issue. Party leaders were also given a copy of the recent report by the National Commission on Excellence in Education, which found "a rising tide of mediocrity in the nation's schools," and a briefing book on administration education policies. On Saturday they are to be briefed again on education.

The party leaders didn't need much convincing. Bell was given two standing ovations and was surrounded by autograph seekers when he finished speaking.

The GOP leaders have been gathered here since Wednesday for their annual summer meeting, largely for a preview of the 1984 Republican National Convention site. Little real business is on the schedule and the RNC members are spending much of their time being wined and dined by their Dallas convention hosts.

With the economy and President Reagan's popularity improving, the mood among party leaders is generally optimistic. White House political affairs director Edward J. Rollins added to the upbeat atmosphere today by saying, "I think without a doubt that the president is going to run for reelection.

"Ronald Reagan has never been a man to walk away from a fight," He said, adding that much of the business the president had hoped to accomplish when he entered office is still unfinished.

Bell and Reagan visited Minnesota Thursday as part of their campaign to establish the president as a spokesman for a return to basics in education and merit pay for teachers.

Bell's appearance here was not without paradox. He was almost invisible as a Cabinet member during the first two years of the Reagan administration, when his chief duty was supposed to be to abolish the Education Department.

Today, however, Bell was introduced by Republican National Chairman Frank J. Fahrenkopf Jr. as holding "the most important job next to the president's in the U.S.," and abolishing the department was not mentioned as an administration goal in the briefing book given to party leaders.

Bell portrayed education as an issue that will draw a clear ideological line between the two parties, with Democrats favoring more federal aid and Republicans supporting state and local action to toughen standards for teachers and students.

"The president is on the right side of these issues, because he is where the parents and the better school boards and the bill-paying businesses and working people are," he said.

"GROSS MISREPRESENTATIONS" CHARGED—DEMOCRATS REBUT REAGAN ON SCHOOL ISSUES

(By George Lardner Jr.)

Congressional Democrats bluntly accused President Reagan yesterday of twisting the truth and trying to palm himself off as a champion of better schools with a campaign of "gross misrepresentations" and "grotesquely inaccurate" statements.

"It embarrasses all of us as Americans to have to point out that the president of the United States is not telling the truth," House Majority Leader James C. Wright Jr. (D-Tex.) said at a news conference. "It's an embarrassment to any of us to have to state that fact. But the fact has been repeated so frequently that it must be called to the public's attention."

Sens. Edward M. Kennedy (D-Mass.) and Claiborne Pell (D-R.I.) and House Education and Labor Committee Chairman Carl D. Perkins (D-Ky.) joined in the attack, accusing Reagan of repeatedly mangling educational facts and figures in recent weeks and of playing down his attempts to dismantle federal aid programs.

"The president's advisers obviously hope that on the issue of education, the American people will watch what he says, not what he does," Kennedy said. "In the three annual budgets submitted since they came into office, this administration has called for cuts in education amounting to $9 billion, or almost 20 percent of the federal education budget for those years. In everything they have done, they have proved that they are no friend of teachers or students, schools or classrooms."

Perkins was especially annoyed by what he described as Reagan's "policy" of "making all these false claims about federal interference" in the schools, a theme the president sounded again Thursday in Hopkins, Minn., in defense of his educational policies.

Speaking at a regional forum of the National Commission on Excellence in Education, Reagan said that the federal government "provides 8 percent of the educational budget, but . . . has, kind of, grabbed off about 50 percent of trying to regulate the schools."

Perkins, one of the architects of the federal educational support structure, denounced such talk as "just nonsense."

With education emerging as a major issue for the 1984 campaign, Reagan has been advocating merit pay for top-flight teachers as the centerpiece of is program. Perkins said he was all for that, but as a former teacher who earned $59.60 a month he added that "we've got to pay ordinary teachers more, too."

Even today, Perkins said, "we have many $11,000 and $12,000 teachers, in some cases as low as $10,000," while starting salary on a Ford Motor Co. assembly line is $20,000 to $21,000.

Wright said it was "grotesquely inaccurate" and "outrageous" for the president to say, as he did in a May 17 news conference, that federal aid to education had increased "2,000 percent" in a 10-year period, from $760 million to $14.9 billion.

"Ten years ago," Wright said, "the federal budget for assisting and aiding educational programs was not $760 million, but very nearly $7 billion. And so he [Reagan] has totally skewed the facts in his misrepresentation.

"I want to believe that he doesn't know any better," Wright said. "I want to believe that those who furnish him those spurious

statistics are the culprits and that the president of the United States is innocently making these statements, not aware of their total untruth."

Wright also took exception to Reagan's repeated assertions that education receives more dollars than defense. Apparently comparing the federal defense budget with all kinds of spending for education, including local, state and private outlays, the president said Thursday that "in 1982, the total budget for national defense was $179 billion" while "it was $215 billion for education."

"That's another inaccuracy," Wright charged, saying the president was even counting private costs, such as baby-sitting expenses while a parent attends a college class. He said that Reagan also failed to mention he is seeking $245 billion for defense this year.

Pell noted that the administration has made "drastic cuts"—$200 million between fiscal 1981 and 1983—in the higher-education grant program for low-income students that bears his name, and also in the direct student loan program, which dropped by $107 million between 1980 and 1983.

"Had President Reagan had his way, education programs would have been cut more," the four Democrats added in a joint statement, pointing out that Congress had fended off much larger reductions proposed by the administration.

A GHOST OF CONGRESSES PAST

(Mr. WIRTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. WIRTH. Mr. Speaker, 2 weeks ago, during the final hours of debate over the MX, a rumble was heard across the Chambers of the House. A ghost of Congresses past? Yes. Our former colleague, Robert Dornan.

Unfortunately, and I might add, uncharacteristically, Mr. Dornan's full story on his employment by the Arms Control and Disarmament Agency was not heard by all of us. We were assured that Mr. Dornan was to play no part in our country's arms control negotiations; we were assured by the White House that Mr. Dornan is not, was not, and will not be a consultant or an employee or on the payroll of the Arms Control and Disarmament Agency.

Alas, ghosts do return, and I include in today's RECORD Mr. Dornan's own account, as reported in Sunday's Baltimore Sun.

"A blankety-blank lie" said the usually quiet and God-fearing Mr. Dornan. "I was not only considered, I was hired," said Mr. Dornan.

Recognizing that veracity and attention to detail are not necessarily qualities that have endeared this administration to the Congress, I thought all of us might do well to review Mr. Dornan's side of the story.

What will the White House say now? "Oh what a tangled web we weave, when first we practice to deceive."

Mr. Speaker, yesterday's Baltimore Sun provided us with insight into the intrigues of the administration's policy concerning the MX missile and arms control. The Byzantine plot suggests Mr. Dornan had been offered a position with the Arms Control and Disarmament Agency by the White House. However, when reports to this effect surfaced, the House was informed Mr. Dornan was not hired by ADCA. Former Congressman Dornan emphatically denies the administration's statement. Quite the contrary, it was his understanding the position was offered to him and only taken away when the White House considered news of his appointment a significant liability with the final MX vote at hand.

Mr. Speaker, what happened in this situation is yet another highly disturbing example of this administration's manipulation of an issue of grave importance to the American people. The article that I am submitting for the record casts further doubt as to the administration's real intentions with regard to negotiations of a meaningful arms control agreement. If the scenerio described by the Baltimore Sun is accurate, one wonders if on some future day we and the rest of the American people might be as equally surprised by an administration that promises one thing and delivers another.

Mr. Speaker, I include the following:

[From the Baltimore Sun, June 12, 1983]

AN ANGRY DORNAN SAYS WHITE HOUSE HIRED, THEN DROPPED HIM TO SAVE MX

(By Robert Timberg)

WASHINGTON.—On Thursday morning, May 26, Representative Jack Edwards, the Reagan administration's floor leader on the MX missile, told his colleagues in the House that Robert K. Dornan "is not, was not and will not be a consultant or an employee or on the payroll of the Arms Control and Disarmament Agency."

With those words, the Alaska Republican quenched a smoldering legislative brush fire that had threatened to engulf the administration's hard-fought MX victory.

House opponents were using reports that the hawkish ex-California congressman was to get an ACDA job as evidence that the president was not serious about arms control.

By denying—with obvious White House sanction—that the mercurial Mr. Dornan was in line for an ACDA job, Mr. Edwards deprived opponents of a late-blooming hope that they could turn back the MX and cleared the way for the essentially technical final vote that enacted the legislation.

But was the denial true? Not according to an angry, bitter Mr. Dornan, who called it instead a "god-damned lie." As he put it in an interview last week, "I was not only considered, I was hired.

"The White House threw me to the wolves," said Mr. Dornan, 50, a three-term Republican representative who gave up his seat last year to run, unsuccessfully for the Senate.

Mr. Edwards could not be reached for comment, but his press secretary, Nancy Bruce, quoted him as saying: "What I said on the floor is exactly what the administration told me."

An ACDA official, speaking on the condition he not be identified by name, said, "Mr. Dornan was not hired at ACDA and in any event, he would have had to have been granted a security clearance prior to being hired. He has not."

Mr. Dornan said that he is a close friend of the president, had once hosted a television talk show with Mr. Reagan's daughter, Maureen, and employed his son, Michael, as an aide for two years in his California district office.

"I didn't treat Michael Reagan the way I was treated," he said. "I treated him well. He was a friend, and I can only assume the president doesn't know what's happened to me."

Mr. Dornan also said that back in January he had been offered the deputy directorship of the ACDA, but chose instead the No. 2 post at the United Nations, then held by Kenneth L. Adelman, now ACDA director.

But Mr. Dornan said the U.N. job was put on hold for five months because Mr. Adelman could not win Senate confirmation for the ACDA post. By the time he did, the U.N. position was given to someone else, and Mr. Dornan was told that something better was in the offing.

The former congressman said that he had been growing frustrated and had considered returning to California, but that William P. Clark, the president's national security adviser, told him in early April, "Bob, don't you dare go home. Your country needs you here."

Mr. Dornan said he was offered the consulting job with the ACDA by Mr. Adelman May 3 and immediately accepted. He said he was fingerprinted at the State Department later the same day.

The only reason he was not already on the job, he said, was because the FBI had not completed the background check for the top-secret clearance he would need in the national security post.

Since he has not actually assumed his new duties, he said, it was easy for the White House to deny he had been hired. "If I had been in a domestic job, what would they have done, told me to slink out the back door?"

The ACDA official said Mr. Adelman had discussed a consulting job with Mr. Dornan "but before his ever having been hired, alternative arrangements were suggested outside of ACDA. It is our understanding that these arrangements were satisfactory to all concerned." The official did not elaborate.

Mr. Dornan also said he knew nothing of the controversy surrounding him until that Thursday afternoon—after it was all over—when, while studying a book on Soviet weaponry to prepare for the new job, he received a call at home from Mr. Adelman, the ACDA director.

Mr. Adelman said he had gone up to Capitol Hill that morning and "felt like Daniel in the lion's den," Mr. Dornan recalled.

"He's calling me fella, buddy. 'Hey, fella, we don't know what to do.' He kept using this one word—horrendous. 'It was horrendous. Horrendous. Your friends were lining up to attack you,'" Mr. Dornan said he was told. Mr. Adelman also told him to forget the ACDA job, he said.

The following day, he said, he was called at home by James A. Baker III, the White House chief of staff, who offered condolences. "His exact words were, 'We had to do what we had to do,'" Mr. Dornan said. "He said the MX was too important."

Mr. Dornan said that, in fact, he agreed, and would gladly have withdrawn if anyone had informed him there was a problem.

"I said, 'Jim, you're a Marine Corps officer, I'm an Air Force officer. What you've done is feed me to the draft avoiders,'" Mr. Dornan said, calling on both his and Mr. Baker's previous military service while attempting to demean some of his congressional foes.

At the same time, Mr. Dornan said he is convinced Mr. Baker was not behind his difficulties and now is actively trying to find him a job in the administration. Mr. Dornan says he is now doing consulting work and has received a number of job offers, but want to join the administration.

The Dornan controversy was ignited Wednesday night, May 25, when MX opponents began circulating a two-week-old, little-noticed story in a Long Beach (Calif.) paper saying Mr. Dornan was to get an ACDA job.

Mr. Dornan, a onetime fighter pilot, was a vigorous supporter of the Vietnam War but maintained that it was not pursued aggressively enough. Known for his volatile, bombastic rhetoric, he has been an influential figure in the New Right.

By the time the article had circulated, the administration already had won the crucial MX votes on the House and Senate and there remained only a routine final vote in the House to meet technical requirements.

But the story caused an immediate stir, and the final vote scheduled for that night was postponed till the next morning as opponents tried to figure out if they could use it to make one last stand against MX.

The administration and its congressional allies, however, moved quickly to salvage the situation, passing the word that Mr. Dornan was not going to the ACDA and offering, one key participant said, to put it in writing if necessary.

According to Mr. Dornan, some House members were awakened that night by White House staffers assuring them that their former colleague was not ACDA material and urging them not to change their MX position.

By the time Mr. Edwards went to the podium the following morning and cooled down the opposition, two congressmen already had spoken on the MX and Mr. Dornan and others were prepared to do so.

One of them, Howard E. Wolpe (D. Mich.), wondered aloud if Mr. Dornan might not be the "unknown element" in the MX compromise.

Mr. Wolpe read gleefully from the Long Beach paper, which quoted Mr. Dornan as saying, "I'd be good in the field of human rights. I'm Catholic and a lot of these dictators are Catholic. I could talk to them the way the Carter administration couldn't. I'd go down to a guy like former Argentine President Leopoldo Galtieri and say, 'Look, you SOB, it's wrong to torture people. If you don't believe it, go ask your priest.'"

Critics contended that Mr. Dornan was neither philosophically nor temperamentally suited to an arms control post. But he says he is an expert on arms control and would be a perfect choice.

"I'm a grandfather three times over who sees the world heading toward a holocaust, and I want to prevent it."

Mr. Dornan said his problems developed because Kenneth M. Duberstein, the administration's chief congressional lobbyist, "panicked" when the newspaper story hit the House floor that Wednesday night. Attempts to reach Mr. Duberstein were unsuccessful.

Mr. Dornan remembered calling Mr. Duberstein the following afternoon: "He said it was a firestorm. Then he said, 'Are you going to the Paris air show?' I said, 'Ken, I'm doing damage control on my life. There's only one former member I'm doing better than and that's the late Phil Burton.'"

THE HARDSHIP OF TELEPHONE RATE INCREASES ON POOR AND ELDERLY

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WYDEN. Mr. Speaker, all of us are aware of the telephone rate increases which are pending across the country. The doubling and tripling of telephone rates threatens to disenfranchise many of the elderly and the poor, cutting them off from their communities. For the elderly the problem is particularly acute, since telephones are really a lifeline to the outside world.

Earlier today, Congressman TIMOTHY WIRTH, who chairs the Subcommittee on Telecommunications of the Commerce Committee, addressed the issue of rate increases. His speech outlines in a careful and succinct manner why these rate increases are unjustified. Congressman WIRTH's speech clearly defines what is needed to create a national policy for telecommunications. In his speech, he outlines a proposal to move sound common carrier legislation before the end of the year.

In my home State of Oregon I have set up a citizens committee that is working to hold down phone rates, and TIM WIRTH's speech has given our committee a roadmap. I hope my colleagues will read carefully Congressman WIRTH's speech—it is important if we are going to hold down phone costs in this country.

REMARKS BY TIMOTHY E. WIRTH, CHAIRMAN, HOUSE SUBCOMMITTEE ON TELECOMMUNICATIONS, CONSUMER PROTECTION AND FINANCE AT THE NEW TELECOMMUNICATIONS MARKETPLACE SEMINAR

Good morning. I'm pleased to be with you. In the two years that I have chaired the Subcommittee on Telecommunications, I have often been asked to speak about the "new" or the "emerging" or even the "future" telecommunications marketplace. Of course, every time I've been asked to speak, the lightning speed of developments—whether the divestiture, the introduction of HR 5158, or even Saturday's announcement of IBM's purchase of an interest in ROLM—has created a changing picture of the "new" marketplace.

What has remained constant throughout these exciting, chaotic months of turmoil and very hard work is my commitment to the goals that I believe must drive the telecommunications marketplace, if it is to fulfill its potential.

These goals—encouraging the development of a fully competitive marketplace, and ensuring the continued universal availability of affordable telephone service—are as valid in June 1983 as they were a year ago when we began debating HR 5158 in full Committee.

I believe that in order to realistically assess the "new" telecommunications marketplace, we must do it in the context of these venerable—and still critical—goals.

Let's look at those "old" goals in their "new" context. Just what does encouraging the development of a fully competitive marketplace mean? All we have to do is look at the equipment market to find out.

Instead of the limited choice available through a single supplier, we can now go to a phone boutique or a drug store and spend anywhere from $10 to $1,000 for a telephone. Competition has created choice, availablity and a fertile marketplace for new entrants.

But I still believe that markets should not be deregulated before there is adequate competition within them. Deregulation is only one means to encourage competition, and right now provides an answer in only a very limited number of markets.

For example, long distance, while open to competition—and we are also seeing a host of new entrants in this market—is still far from competitive. Yet, AT&T has recently asked the FCC to deregulate certain long distance services on an "experimental" basis.

Clearly, there is still a need for a regulatory structure that will guard customers against such haphazard deregulation, and assure the ability of competitors to enter the market.

Our challenge is to bring the "old" goals into synch with the "new" realities, to make sure that the growth of competition does not damage the availability of universal, affordable telephone service.

Almost 50 years ago, when only 31% of all Americans had telephones, the Communications Act committed us to the goal of making telephone service available to "all the people of the United States" at reasonable charges. The authors of the Act foresaw, accurately, that universal telephone service would bring isolated citizens into the mainstream of American life, and help bind the disparate sections of the nation into a unified whole.

In the intervening half century, particularly in the last ten years, the "telephone network" has become the "telecommunications networks." The electronic transport of data and information over phone lines has become an increasingly vital cornerstone of commerce, essential to both the manufacturing and service sectors of the economy.

Telecommunications is the infrastructure of the information age, and nationwide access to those networks is becoming crucial to full participation in a society and economy that are increasingly dependent upon the rapid exchange of information. Electronically-delivered messages, and not the written word, are the dominant form of communications. A citizen without access to the telephone is in danger of fading back into isolation.

We must, therefore, insure our "information infrastructure" against the kind of deterioration that has gravely weakened the nation's roads, bridges and railroads. We must fashion a communications policy that is as farsighted as 1934's original commitment to universal telephone service.

We can prevent it in part by education and training, but we must assure that demographic or economic status does not present a barrier to access.

As you know, the goal of maintaining affordable, universal telephone service, with full competition, was at the heart of H.R. 5158. But our attempts to pass the bill were derailed, and AT&T succeeded in its multimillion dollar effort to "disconnect H.R. 5158."

Our failure—conversely, AT&T's success—was part of what AT&T Chairman Charlie Brown derisively called a "three-ring circus." And since we were not allowed to do our work, "taming of the lions" is, for the present, taking place in other arenas. Let's look for a moment at what is going on there.

Fundamental decisions about the future of the telecommunications industry are being made by the FCC, state public utility commissions, the Joint Board, and Judge Greene.

You are all familiar with the subject matter of these decisions: the development of an access charge system; the reorganization of AT&T; the drawing of LATA boundaries to establish the service areas of the divested BOCs; changes in capital recovery to enable telephone companies to modernize their facilities.

Despite the complexity and importance of the tasks at hand, however, the decisionmakers are flying by the seats of their pants. Without a Congressional mandate, there are no clear, consistent standards to guide the regulators, the industry, and the judge as they size up the situation before them and make decisions that send billion-dollar tremors thoughout this country.

The success or failure of these efforts to reshape the industry must be judged against the need to meet the demands of the new telecommunications marketplace—fair competition, open entry, the "level playing field"—and the continuing, increasingly important need to maintain our historic commitment to universal service.

Unfortunately, these needs are not being met. Since the first of the year, we have been assailed by reports of requests for billions of dollars in local rate hikes. In just two states—California and Texas—Bell's rate requests amount to almost $2 billion.

Clearly, there will be some increases in the cost of telephone service because of inflation, the construction of new telephone company facilities, and changes in capital recovery. But I am skeptical—very skeptical—of the unprecedented magnitude of the proposed increases. I have seen nothing that would justify such a sudden, sharp rise in the cost and price of basic service.

We are told that divestiture and the "loss of the long distance subsidy"—due in large measure to the FCC's access charge decision—underlie the pending rate increases. Let's look behind those assertions.

I am more than a little surprised to hear divestiture being blamed for higher local rates. Last year, during consideration of HR 5158, Charlie Brown told us, in no uncertain terms, that the divestiture would not raise rates. Bell operating company presidents, as you may remember, were initially much more concerned about rates—but soon they, too, adopted the company line, assuring us that our fears about divestiture and the cost of basic service were unfounded.

We disagree with Mr. Brown and the others. We said then, and it remains true, that divestiture could have a very significant impact on rates, unless the continued financial viability of the BOCs is assured.

The Bell operating companies must make certain that they are divested in top financial shape—with the assets and debts that they share with AT&T divided fairly, and with their fair share of newer, more efficient, more revenue-producing equipment.

AT&T officials tell us all of these things are happening; critics of the divestiture process disagree. It is certain, however, that divestiture has not occured yet, and that rate increases based on the so-called "costs" of divestiture are, at best, speculative.

The same point can be made about proposed rate increases that are tied to the access charge decision. No telephone company has even filed access tariffs with the FCC yet—and nobody is scheduled to do so until October 3. Until access charges have been approved by the FCC, no one nows the extent to which the interstate contribution to local will be reduced.

We do know, however, that the telephone companies themselves have been given broad flexibility in designing access tariffs, and for the majority of companies that do not face significant bypass threats the access charge will add only $2 per month to each customer's basic monthly charge.

But if divestiture and access charges do not justify today's proposed increases, what does? Does competition? I don't think so. Competition in the telephone industry is not new; it precedes divestiture and this recent round of rate hikes by ten years.

Technological developments and the consequent growth of competition may well require some upward adjustment of local rates. But divestiture and the restructuring of the industry will not increase the total cost of providing communications service in this country.

In other words, if the rates for local service increase, then we should expect to see compensating reductions in the rates for long distance service. In fact, AT&T has promised that long distance rates will drop as local rates rise. But while local rate hikes have already been filed, the promise of lower long distance rates has not been matched with action.

To the extent that it is necessary, the bitter medicine of local rate hikes must be prescribed for every class of local customer. Sad to say, this equity does not seem to be the rule.

The fate of residential customers in California is typical. There, more than half of the requested revenue increase—$466 million—is to be collected from residential ratepayers. According to the California PUC, that will amount to a rate increase of 88 percent.

Local business customers, by contrast, will face a rate hike about half that.

I am at a loss to explain what's going on here. Perhaps local Bell companies fear for their futures—and they seek a security blanket of cash from their most dependable customers, the individuals and small businesses whose monthly checks built the telephone network.

Perhaps, in all the confusion over divestiture local telephone companies simply see an opportunity to increase their revenues—at the expense of ratepayers and universal service.

As you know, our Subcommittee set out on an agenda of vigorous oversight of the divestiture and the changing nature of the communications industry. We had hoped through oversight to ensure that the critical decisions being made outside Congress would result in thoughtful and orderly change.

We see now, however, that that is simply not the case. The access charge decision, unnecessarily generous capital recovery, and the incredible rate requests pending everywhere add up to chaos. The restructuring of the industry is proceeding without regard for the public interest—the situation we sought to avoid last year, by working for passage of H.R. 5158.

There is growing concern on the Subcommittee—from senior Members like John Dingell and Al Swift and newer Members like Jim Bates—that Congress must act now to give direction to industry, and to ensure the future of universal service. I agree.

Jim Bates has already begun circulating a draft bill to safeguard local telephone service and restore fairness to the access charge decision handed down by the FCC. I am confident that we will be able to report a consensus bill to the full Committee later this year.

Let us recognize what legislation can—and cannot—do. A bill cannot stop telephone companies from requesting inflated rate hikes. But unreasonable rate increases—like the ones pending today—can otherwise be avoided.

They can be avoided, for instance, if the state regulatory commissions closely and objectively examine the telephone companies' requests, and grant only what is absolutely necessary. PUCs need not play Santa Claus.

Let us also recognize that responsible legislation cannot—and should not—turn back the clock to the days before competition. Competition has spurred technological development and increased consumer choice at home—an increasingly competitive domestic telecommunications industry will enhance and promote our commercial leadership in the world market for communications products and services.

Legislation can—and must—set national communications policy, and direct the actions of the FCC. Legislation is needed to assure that universal service can co-exist, peacefully, with competition in 1993 and 2003. We must make it abundantly clear that everyone who benefits from the nationwide telecommunications network—long distance carriers, local customers, and even bypassers—ought to share the costs of maintaining and improving that network.

Legislation must also recognize the additional costs of providing service to rural America.

I am committed to making sound common carrier policy. It is more imperative than ever—for our economy and for the future of our democratic society—that universal service be maintained, even as we strive for a more competitive marketplace. No American should be denied access to the information age for want of a telephone. I hope I can work with you to make these goals a reality.

OBLIGATIONS TO ACHIEVE PEACE

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, June 10 is the 20th anniversary of President Kennedy's commencement address at American University, one of the most eloquent speeches on the obligation of the world's most powerful country to achieve peace.

In light of recent bellicose statements by administration officials and

at a time when obscene weapons like the MX are referred to as peacekeeper, it is good to review the approach to our most fundamental problem taken by a certifiable peaceseeker.

COMMENCEMENT ADDRESS AT AMERICAN UNIVERSITY IN WASHINGTON, JUNE 10, 1963'

President Anderson, members of the faculty, board of trustees, distinguished guests, my old colleague, Senator Bob Byrd, who has earned his degree through many years of attending night law school, while I am earning mine in the next 30 minutes, ladies and gentlemen:

It is with great pride that I participate in this ceremony of the American University, sponsored by the Methodist Church, founded by Bishop John Fletcher Hurst, and first opened by President Woodrow Wilson in 1914. This is a young and growing university, but it has already fulfilled Bishop Hurst's enlightened hope for the study of history and public affairs in a city devoted to the making of history and to the conduct of the public's business. By sponsoring this institution of higher learning for all who wish to learn, whatever their color or their creed, the Methodists of this area and the Nation deserve the Nation's thanks, and I commend all those who are today graduating.

Professor Woodrow Wilson once said that every man sent out from a university should be a man of his nation as well as a man of his time, and I am confident that the men and women who carry the honor of graduating from this institution will continue to give from their lives, from their talents, a high measure of public service and public support.

"There are few earthly things more beautiful than a university," wrote John Masefield, in his tribute to English universities—and his words are equally true today. He did not refer to spires and towers, to campus greens and ivied walls. He admired the splendid beauty of the university, he said, because it was "a place where those who hate ignorance may strive to know, where those who perceive truth may strive to make others see."

I have, therefore, chosen this time and this place to discuss a topic on which ignorance too often abounds and the truth is too rarely perceived—yet it is the most important topic on earth: world peace.

What kind of peace do I mean? What kind of peace do we seek? Not a Pax Americana enforced on the world by American weapons of war. Not the peace of the grave or the security of the slave. I am talking about genuine peace, the kind of peace that makes life on earth worth living, the kind that enables men and nations to grow and to hope and to build a better life for their children—not merely peace for Americans but peace for all men and women—not merely peace in our time but peace for all time.

I speak of peace because of the new face of war. Total war makes no sense in an age when great powers can maintain large and relatively invulnerable nuclear forces and refuse to surrender without resort to those forces. It makes no sense in an age when a single nuclear weapon contains almost ten times the explosive force delivered by all of the allied air forces in the Second World War. It makes no sense in an age when the deadly poisons produced by a nuclear exchange would be carried by wind and water and soil and seed to the far corners of the globe and to generations yet unborn.

Today the expenditure of billions of dollars every year on weapons acquired for the purpose of making sure we never need to use them is essential to keeping the peace. But surely the acquisition of such idle stockpiles—which can only destroy and never create—is not the only, much less the most efficient, means of assuring peace.

I speak of peace, therefore, as the necessary rational end of rational men. I realize that the pursuit of peace is not as dramatic as the pursuit of war—and frequently the words of the pursuer fall on deaf ears. But we have no more urgent task.

Some say that it is useless to speak of world peace or world law or world disarmament—and that it will be useless until the leaders of the Soviet Union adopt a more enlightened attitude. I hope they do. I believe we can help them do it. But I also believe that we must reexamine our own attitude—as individuals and as a Nation—for our attitude is as essential as theirs. And every graduate of this school, every thoughtful citizen who despairs of war and wishes to bring peace, should begin by looking inward—by examining his own attitude toward the possibilities of peace, toward the Soviet Union, toward the course of the cold war and toward freedom and peace here at home.

First: Let us examine our attitude toward peace itself. Too many of us think it is impossible. Too many think it unreal. But that is a dangerous, defeatist belief. It leads to the conclusion that war is inevitable—that mankind is doomed—that we are gripped by forces we cannot control.

We need not accept that view. Our problems are manmade—therefore, they can be solved by man. And man can be as big as he wants. No problem of human destiny is beyond human beings. Man's reason and spirit have often solved the seemingly unsolvable—and we believe they can do it again.

I am not referring to the absolute, infinite concept of universal peace and good will of which some fantasize and fanatics dream. I do not deny the value of hopes and dreams but we merely invite discouragement and incredulity by making that our only and immediate goal.

Let us focus instead on a more practical, more attainable peace—based not on a sudden revolution in human nature but on a gradual evolution in human institutions—on a series of concrete actions and effective agreements which are in the interest of all concerned. There is no single, simple key to this peace—no grand or magic formula to be adopted by one or two powers. Genuine peace must be the product of many nations, the sum of many acts. It must be dynamic, not static, changing to meet the challenge of each new generation. For peace is a process—a way of solving problems.

With such a peace, there will still be quarrels and conflicting interests, as there are within families and nations. World peace, like community peace, does not require that each man love his neighbor—it requires only that they live together in mutual tolerance, submitting their disputes to a just and peaceful settlement. And history teaches us that enmities between nations, as between individuals, do not last forever. However fixed our likes and dislikes may seem, the tide of time and events will often bring surprising changes in the relations between nations and neighbors.

So let us persevere. Peace need not be impracticable, and war need not be inevitable. By defining our goal more clearly, by making it seem more manageable and less remote, we can help all peoples to see it, to draw hope from it, and to move irresistibly toward it.

Second: Let us examine our attitude toward the Soviet Union. It is discouraging to think that their leaders may actually believe what their propagandists write. It is discouraging to read a recent authoritative Soviet text on *Military Strategy* and find, on page after page, wholly baseless and incredible claims—such as the allegation that "American imperialist circles are preparing to unleash different types of wars . . . that there is a very real threat of a preventive war being unleashed by American imperialists against the Soviet Union . . . [and that] the political aims of the American imperialists are to enslave economically and politically the European and other capitalist countries . . . [and] to achieve world domination . . . by means of aggressive wars."

Truly, as it was written long ago: "The wicked flee when no man pursueth." Yet it is sad to read these Soviet statements—to realize the extent of the gulf between us. But it is also a warning—a warning to the American people not to fall into the same trap as the Soviets, not to see only a distorted and desperate view of the other side, not to see conflict as inevitable, accommodation as impossible, and communication as nothing more than an exchange of threats.

No government or social system is so evil that its people must be considered as lacking virtue. As Americans, we find communism profoundly repugnant as a negation of personal freedom and dignity. But we can still hail the Russian people for their many achievements—in science and space, in economic and industrial growth, in culture and in acts of courage.

Among the many traits the people of our two countries have in common, none is stronger than our mutual abhorrence of war. Almost unique, among the major world powers, we have never been at war with each other. And no nation in the history of battle ever suffered more than the Soviet Union suffered in the course of the Second World War. At last 20 million lost their lives. Countless millions of homes and farms were burned or sacked. A third of the nation's territory, including nearly two thirds of its industrial base, was turned into a wasteland—a loss equivalent to the devastation of this country east of Chicago.

Today should total war ever break out again—no matter how—our two countries would become the primary targets. It is an ironic but accurate fact that the two strongest powers are the two in the most danger of devastation. All we have built, all we have worked for, would be destroyed in the first 24 hours. And even in the cold war, which brings burdens and dangers to so many countries, including this Nation's closest allies—our two countries bear the heaviest burdens. For we are both devoting massive sums of money to weapons that could be better devoted to combating ignorance, poverty, and disease. We are both caught up in a vicious and dangerous cycle in which suspicion on one side breeds suspicion on the other, and new weapons beget counterweapons.

In short, both the United States and its allies, and the Soviet Union and its allies, have a mutually deep interest in a just and genuine peace and in halting the arms race. Agreements to this end are in the interests of the Soviet Union as well as ours—and even the most hostile nations can be relied

upon to accept and keep those treaty obligations, and only those treaty obligations, which are in their own interest.

So, let us not be blind to our differences—but let us also direct attention to our common interests and to the means by which those differences can be resolved. And if we cannot end now our differences, at least we can help make the world safe for diversity. For, in the final analysis, our most basic common link is that we all inhabit this small planet. We all breathe the same air. We all cherish our children's future. And we are all mortal.

Third: Let us reexamine our attitude toward the cold war, remembering that we are not engaged in a debate, seeking to pile up debating points. We are not here distributing blame or pointing the finger of judgment. We must deal with the world as it is, and not as it might have been had the history of the last 18 years been different.

We must, therefore, persevere in the search for peace in the hope that constructive changes within the Communist bloc might bring within reach solutions which now seem beyond us. We must conduct our affairs in such a way that it becomes in the Communists' interest to agree on a genuine peace. Above all, while defending our own vital interests, nuclear powers must avert those confrontations which bring an adversary to a choice of either a humiliating retreat or a nuclear war. To adopt that kind of course in the nuclear age would be evidence only of the bankruptcy of our policy—or of a collective death-wish for the world.

To secure these ends, America's weapons are nonprovocative, carefully controlled, designed to deter, and capable of selective use. Our military forces are committed to peace and disciplined in self-restraint. Our diplomats are instructed to avoid unnecessary irritants and purely rhetorical hostility.

For we can seek a relaxation of tensions without relaxing our guard. And, for our part, we do not need to use threats to prove that we are resolute. We do not need to jam foreign broadcasts out of fear our faith will be eroded. We are unwilling to impose our system on any unwilling people—but we are willing and able to engage in peaceful competition with any people on earth.

Meanwhile, we seek to strengthen the United Nations, to help solve its financial problems, to make it a more effective instrument for peace, to develop it into a genuine world security system—a system capable of resolving disputes on the basis of law, of insuring the security of the large and the small, and of creating conditions under which arms can finally be abolished.

At the same time we seek to keep peace inside the non-Communist world, where many nations, all of them our friends, are divided over issues which weaken Western unity, which invite Communist intervention or which threaten to erupt into war. Our efforts in West New Guinea, in the Congo, in the Middle East, and in the Indian subcontinent, have been persistent and patient despite criticism from both sides. We have also tried to set an example for others—by seeking to adjust small but significant differences with our own closest neighbors in Mexico and in Canada.

Speaking of other nations, I wish to make one point clear. We are bound to many nations by alliances. Those alliances exist because our concern and theirs substantially overlap. Our commitment to defend Western Europe and West Berlin, for example, stands undiminished because of the identity of our vital interests. The United States will make no deal with the Soviet Union at the expense of other nations and other peoples, not merely because they are our partners, but also because their interests and ours converge.

Our interests converge, however, not only in defending the frontiers of freedom, but in pursuing the paths of peace. It is our hope—and the purpose of allied policies—to convince the Soviet Union that she, too, should let each nation choose its own future, so long as that choice does not interfere with the choices of others. The Communist drive to impose their political and economic system on others is the primary cause of world tension today. For there can be no doubt that, if all nations could refrain from interfering in the self-determination of others, the peace would be much more assured.

This will require a new effort to achieve world law—a new context for world discussions. It will require increased understanding between the Soviets and ourselves. And increased understanding will require increased contact and communication. One step in this direction is the proposed arrangement for a direct line between Moscow and Washington, to avoid on each side the dangerous delays, misunderstandings, and misreadings of the other's actions which might occur at a time of crisis.

We have also been talking in Geneva about other first-step measures of arms control, designed to limit the intensity of the arms race and to reduce the risks of accidental war. Our primary long-range interest in Geneva, however, is general and complete disarmament—designed to take place by stages, permitting parallel political developments to build the new institutions of peace which would take the place of arms. The pursuit of disarmament has been an effort of this Government since the 1920's. It has been urgently sought by the past three administrations. And however dim the prospects may be today, we intend to continue this effort—to continue it in order that all countries, including our own, can better grasp what the problems and possibilities of disarmament are.

The one major area of these negotiations where the end is in sight, yet where a fresh start is badly needed, is in a treaty to outlaw nuclear tests. The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1963, the further spread of nuclear arms. It would increase our security—it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards.

I am taking this opportunity, therefore, to announce two important decisions in this regard.

First: Chairman Khrushchev, Prime Minister Macmillan, and I have agreed that high-level discussions will shortly begin in Moscow looking toward early agreement on a comprehensive test ban treaty. Our hopes must be tempered with the caution of history—but with our hopes go the hopes of all mankind.

Second: To make clear our good faith and solemn convictions on the matter, I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so. We will not be the first to resume. Such a declaration is no substitute for a formal binding treaty, but I hope it will help us achieve one. Nor would such a treaty be a substitute for disarmament, but I hope it will help us achieve it.

Finally, my fellow Americans, let us examine our attitude toward peace and freedom here at home. The quality and spirit of our own society must justify and support our efforts abroad. We must show it in the dedication of our own lives—as many of you who are graduating today will have a unique opportunity to do, by serving without pay in the Peace Corps abroad or in the proposed National Service Corps here at home.

But wherever we are, we must all, in our daily lives, live up to the age-old faith that peace and freedom walk together. In too many of our cities today, the peace is not secure because freedom is incomplete.

It is the responsibility of the executive branch at all levels of government—local, State, and National—to provide and protect that freedom for all of our citizens by all means within their authority. It is the responsibility of the legislative branch at all levels, wherever that authority is not now adequate, to make it adequate. And it is the responsibility of all citizens in all sections of this country to respect the rights of all others and to respect the law of the land.

All this is not unrelated to world peace, "When a man's ways please the Lord," the Scriptures tell us, "he maketh even his enemies to be at peace with him." And is not peace, in the last analysis, basically a matter of human rights—the right to live out our lives without fear of devastation—the right to breathe air as nature provided it—the right of future generations to a healthy existence?

While we proceed to safeguard our national interests, let us also safeguard human interests. And the elimination of war and arms is clearly in the interest of both. No treaty, however much it may be to the advantage of all, however tightly it may be worded, can provide absolute security against the risks of deception and evasion. But it can—if it is sufficiently effective in its enforcement and if it is sufficiently in the interests of its signers—offer far more security and far fewer risks than an unabated, uncontrolled, unpredictable arms race.

The United States, as the world knows, will never start a war. We do not want a war. We do not now expect a war. This generation of Americans has already had enough—more than enough—of war and hate and oppression. We shall be prepared if others wish it. We shall be alert to try to stop it. But we shall also do our part to build a world of peace where the weak are safe and the strong are just. We are not helpless before that task or hopeless of its success. Confident and unafraid, we labor on—not toward a strategy of annihilation but toward a strategy of peace.

THE TWO HISTORIES OF THE UNITED STATES AND IRELAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. SHANNON) is recognized for 60 minutes.

Mr. SHANNON. Mr. Speaker, from the birth of this Nation, we have maintained a strong and enduring concern for the people and politics of Ire-

land. That concern is a tribute to history—the two histories of the United States and of Ireland.

Ireland was native land to some 43 million Americans. President Reagan said recently that "like the seeds of the shamrock, Ireland has scattered its sons and daughters to the four winds, and everywhere they've taken root, they've made a unique contribution to their adopted country." In education, in industry, in military service, in the arts, and in government, Irish Americans have left their mark and advanced the best interests of America.

We in America are drawn to Ireland by our personal histories, as well as by Ireland's traditions, traditions which have endeared that land to many of our friends and neighbors.

We are also drawn to Ireland by another history—the history of a small island which has endured waves of feudal wars and foreign conquests, and centuries of oppression, economic depression, and mass emigration. It is a sad and unrelenting history, marked by vile discrimination and violent uprisings.

Ireland's centuries of exploitation and sacrifice have come down to this: a conflict concentrated in the six counties of Northern Ireland, 14 years of recurring violence, thousands of lost lives and livelihoods, and for many who live in Northern Ireland's most devastated communities, no end in sight. The violence has served to keep many in Ireland rooted firmly in the past. Meanwhile, economic decline, itself at least partially a product of the violence, prevents all but the most optimistic from looking very far forward.

That situation need not and should not continue. The results of last week's British elections suggest both an opportunity and an obligation to begin turning things around. Prime Minister Thatcher now has a new opportunity. She won a resounding victory. Her party secured 397 seats in the House of Commons, as against 253 for all her opposition. This represents an increase of 101 seats on her previous and at times tenuous majority. Mrs. Thatcher is firmly in place at 10 Downing Street for several years if she so chooses. It is her very margin of victory which provides her with a fine opportunity to look again at the situation in Northern Ireland.

Mrs. Thatcher has not only an opportunity, but also an obligation to take a fresh look at the situation. I use the term obligation for three reasons. These reasons concern the violence, the economy, and the election results in Northern Ireland.

First, Northern Ireland has suffered violence long enough. I refer to the violence that comes from the barrel of a gun as well as the violence that comes from unjust laws. These are the laws which have been erected to control the violence, but instead have served, in some cases, to act as its catalyst.

Since British troops first returned to the streets of Belfast and Derry in 1969—where they were welcomed following the violence of mobs led by the Reverend Ian Paisley—more than 2,300 people have been killed and more than 25,000 seriously injured in these so-called troubles. There are victims and perpetrators of violence from all quarters.

More than half of these deaths have been claimed or attributed to Republican terrorist groups like the Provisional IRA. Another 27 percent of the victims died at the hands of Loyalist death squads like the Ulster Defense Association. And 11.7 percent of the victims were killed by the security forces.

The victims have been Irish and British, very young and very old, soldier and civilian, famous and obscure. Some achieved their fame in the manner of their dying.

The list of the dead includes Airey Neave, a long time political ally and close friend of Mrs. Thatcher. His car was detonated as he drove it out of Westminster parking lot. Lord Montbatten, blown to bits in Bantry Bay off the west coast of Ireland along with three unintended and anonymous victims. Two of them were 14 years old. One of them was Irish. Maire Drumm, a spokeswoman for the Provisional Sinn Fein, the political wing of the Provisional IRA, shot to death in her hospital bed by unknown assassins as she lay dying of cancer. And Bobby Sands led 10 men, who starved themselves to death in prison beds.

Many of the victims have been gunned down while going about their daily business. Recent examples include a police officer murdered in sight of the children he was helping across the road, a postman shot delivering a letter which had been mailed to lure him to an isolated spot. A Bible teacher was killed in front of his class, a schoolbus driver murdered in the presence of his passengers. A young girl on the way to the shops for her mother was stunned and killed by a plastic bullet. In the recent buildup to the elections, a woman was shot in the back on her mother's doorstep—her first visit home since marrying a British soldier 12 years ago. These anonymous histories are recent additions to a long litany of victims.

We need to remember that all of this has taken place in a country the size of the State of Connecticut. If we translate the figures on death and serious injury to the United Kingdom and the United States, the total would be over 50,000 deaths and 270,000 injuries for the U.K. The equivalent in our country would be 250,000 deaths and 1.3 million serious injuries over the last 14 years. Great Britain has never suffered comparable losses in any of its wars; we would not tolerate such an attrition rate, five times our losses in Vietnam, on our people here in the United States. Mrs. Thatcher has an obligation to do everything in her power to work out a political solution, and end the campaign of violence.

Mrs. Thatcher should also take a fresh look at the situation for a second reason, one that concerns the economic conditions of Northern Ireland, conditions for which she must share blame with the men of violence. While unemployment was rising to 12 percent during her first 4 years in office, it went to 25 percent in Northern Ireland, and over 50 percent in some communities. Unemployment in the peak years of the Depression in this country never reached this level, coming close in 1933. It is no coincidence that most of the violence emanates from the communities with the highest rates of unemployment.

The violence has cost jobs. That was one of its intentions. One Cambridge economist estimated that Northern Ireland lost 24,000 jobs because of the violence through 1980. In 1982, according to the Industrial Development Board, "not a single new job came to Northern Ireland * * * from overseas companies—not even one from any firm in Great Britain or the Republic (of Ireland)."

Mrs. Thatcher's policies have also cost Northern Ireland dearly. In the face of a failing economy and failed prescriptions for recovery, firms with bases throughout the United Kingdom closed down their operations in Northern Ireland. In the last 2 years, Dunlop in Derry, BP in Belfast, Michelin in Antrim, Standard Cable in Enniskillen, and the fiber giants—Courtalds, ICI, and British Enkalon—elected to shut down in Northern Ireland in preference to across-the-board layoffs elsewhere.

Mrs. Thatcher has one final reason to pay better attention to the affairs of Northern Ireland. In the recent parliamentary elections, 100,000 people voted for Provisional Sinn Fein, the party that went to the polls with the motto "an armalite rifle in one hand and a ballot in the other." That is fully 13.5 percent of the population, better than 1 in 3 Catholic votes. This is the party of violence, the party that presided over the crowning of 10 more martyrs in the hunger strikes of 2 years ago. They won one seat in the House of Commons with the only other Catholic seat going to the Social Democratic and Labor Party. It is true that they did not win a majority in any district, not even in impoverished West Belfast, from which they draw much of their support. But they increased their vote by running in 14 constituencies. They served notice that they did in fact have support

among fully a third of the Catholic population.

I do not believe that Provisional Sinn Fein will ever increase that mandate, as long as they remain a party of violence. But I do believe they were helped mightily to that peak by the hard-line, some say hard-hearted, approach of Mrs. Thatcher to Northern Ireland. And they represent 100,000 people who are saying that they prefer the anarchy of Provisional IRA violence to continued British policies.

The other major Catholic party, the SDLP under the leadership of John Hume, who also won a seat at Westminster, have fought long and hard to advance a course of reconciliation and consent. They maintained their share of the vote, and won the support of over half the Catholic population.

All of these circumstances, the violence, the economy, and the elections, would seem to make it clear that Northern Ireland has suffered enough and deserves new attention. I do not believe that more of the same—the kind of "not an inch" approach that we all witnessed during the hunger strikes—will advance the fortunes of Northern Ireland. If the last 14 years has demonstrated anything, it is that the current approach is not working. Peace has not been created by the imposition of 25,000 to 30,000 security forces, or by emergency laws that permit the arrest without warrant or charge for up to 7 days. The violence continues at its erratic, deadly pace, and the economy continues to decline—one fodder for the other.

I suggest a new departure, one that accents the dual heritage of Northern Ireland, and satisfies the needs of the majority and minority on the island and in Northern Ireland. This new approach should embrace four principles.

First, Mrs. Thatcher should resume the Anglo-Irish dialog that was short-circuited by the Falklands war. The Taoiseach, Garret Fitzgerald, is a man who understands the problems of Northern Ireland by birthright—his mother was a Protestant from the North. He looks behind the biases and short-term objectives. This is a fine opportunity to renew a dialog that can help bring peace and stability to the North and to create the kind of enduring brotherhood that England and Ireland deserve.

Second, Mrs. Thatcher should encourage the Unionist community to be open to the findings of the New Ireland Forum announced by the Taoiseach in March of this year. With the participation of the three major political parties in the Republic and the major Catholic party in the North, the Forum hopes to identify means by which peace and stability can be achieved in a New Ireland through the democratic process. It is a sincere attempt to put substance behind traditional assurances of protection for the Unionist point of view in a New Ireland.

Third, Mrs. Thatcher should ban the use of plastic bullets as an indication of her concern for issues of justice in the north. The litany of arguments against this riot control device are well known—so well known that no British police force chose to employ them in the summer of violence that followed the Brixton riots in 1981. There have been 14 people killed by these bullets, 4 of them children. A British commitment to use other methods of crowd control would emphasize a real determination to turn things around in Northern Ireland.

Finally, it may also be necessary to begin thinking in terms of a mini-Marshall plan for Northern Ireland. It has long been assumed that any eventual solution to the troubles, which are now rooted as much in economic as in political factors, would involve some form of 5-, 10-, or even 30-year plan for economic redevelopment. I do not expect that Britain could bear the burden of reconstructing alone, but I do expect that a concerted economic plan involving that country, the Republic of Ireland and the United States could go far in resolving many of the underlying causes of violence in the north.

The way forward in Northern Ireland is through democratic processes and a commitment to social and economic justice. If those who seize power with the bomb and the bullet are to be turned away, Mrs. Thatcher should seize her opportunity and implement these reforms. The size of her victory affords her that opportunity.

Peace-loving Americans—whatever their heritage—hope that she takes that opportunity.

□ 1820

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. SHANNON. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I would like to compliment the gentleman from Massachusetts (Mr. SHANNON) on his remarks. They may receive, and I hope they will receive, serious attention in Ireland and Great Britain, as well as here, because the gentleman, along with others, has been striving to insure that the role and position of all those who love Ireland is against violence and against the use of the bullet and the bomb to achieve objectives which can only properly be achieved by democratic processes within the free political system.

The gentleman has added to that concern some specific recommendations which, I suppose, can be dismissed as coming from an American Member of the House as advice to a British Prime Minister but which contain, I know, a great reflection and concern by the gentleman in the well and others, and I would hope that they would receive a respectful hearing in Westminster and by the Prime Minister herself. The facts are that the situation in Ireland in not progressing in the North, that the economic difficulties of the region seem to be coinciding with the problems in the political direction of the North, and that those who have spoken in support of violence have in the past not received any degree of appreciable public support in the political process. Now there is the disturbing fact that to some degree, albeit limited, those who speak for violence are receiving political support as well, and it is undoubedly the result of the frustration of some of the populace over the lack of progress and movement.

Mr. Speaker, I want to congratulate the gentleman from Massachusetts (Mr. SHANNON) for his statement and tell him that I believe it constitutes a most constructive and useful addition to the discussion of this issue in the House.

Mr. SHANNON. Mr. Speaker, I want to thank the very distinguished majority whip, the gentleman from Washington (Mr. FOLEY) for his remarks today and also for his leadership on this issue in assuring that Irish Americans who are concerned about Ireland show their concern in constructive ways. The gentleman has been a champion and a spokesman for peace and justice in all of Ireland, and I think that there has been no time when his efforts are as needed as they are today.

Mrs. KENNELLY. Mr. Speaker, will the gentleman yield?

Mr. SHANNON. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY. Mr. Speaker, I thank the gentleman for yielding, and I am glad to join him in this special order.

Mr. Speaker, today, I join my distinguished colleagues in this special order to express my strong support for the New Ireland Forum, and I congratulate the gentleman from Massachusetts for initiating a special order on behalf of this noble enterprise.

For the last 14 years Northern Ireland has been wracked with violence which has led to the tragic loss of thousands of lives and has bitterly divided the country. Clearly, the religious, cultural, and political differences which have contributed to this problem will not be solved overnight, but the existence of the New Ireland Forum represents a step in the right direction. For the next 6 months, the forum, comprised of the Irish Republic's three major political parties and Northern Ireland's major Nationalist Party, the Social Democratic and Labor Party, will attempt to achieve peace and stability through the open

exchange of ideas. Specifically, the forum will, through consulation, attempt to develop ways to reconcile both Nationalist and Unionist traditions so that the people of Ireland can live together peacefully. It is a unique and extraordinary attempt to achieve peace in a society that has for so long known violence as a way of life, and political paralysis as the norm. Participation in this forum displays a hope, and indeed, a conviction that a peaceful solution is possible. It also represents a commitment to work toward that solution.

Unfortunately, the Unionist political party has chosen not to participate in this special meeting because they feel the forum, dedicated to a "New Ireland," simply means a "United Ireland." I humbly urge the Unionists to reconsider the stance they have taken and join in this reasonable endeavor to achieve peace. It is only through the active participation of all those who have a stake in a peaceful Ireland, an Ireland without violence, that these difficult problems can be resolved. Unionist fears are real indeed. But it is precisely these fears which the forum aims to address. The forum will search for ways in which the Unionist and Nationalist traditions, as well as both groups' political, social, cultural, and religious security can be accommodated. Prime Minister Garrett Fitzgerald stated in his opening remarks to the leaders of the inaugural session of the forum that, "We cannot hold back from examining any structures, any solutions, that might meet the essential requirement of giving expression to, and guaranteeing the two Irish identities."

In addition, I strongly urge the British Government to openly support the New Ireland Forum. Prime Minister Margaret Thatcher, in light of her recent overwhelming victory, is in an excellent position to lend her support to this much needed initiative in Ireland. The British Government should encourage this sincere attempt to find a reasonable, peaceful solution to the divisions.

Dublin's temperate Irish Times said recently that the New Ireland Forum offers a hope brighter than any that has appeared on the gloomy scene of North-South relations for a long time. We, in congress, encourage that hope and support the work of the the New Ireland Forum.

Mr. SHANNON. Mr. Speaker, I want to thank the gentlewoman from Connecticut (Mrs. KENNELLY), for her statement.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. SHANNON. I yield to the gentleman from Indiana.

Mr. McCLOSKEY. Mr. Speaker, I thank the gentleman very much for yielding.

First of all, Mr. Speaker, I would like to go on record as totally endorsing the full and very eloquent statement of the gentleman from Massachusetts (Mr. SHANNON).

Second, I would like to say that in a consistent manner, which has probably received very little national publicity here, the gentleman from Massachusetts (Mr. SHANNON) and the gentleman from Washington (Mr. FOLEY), are to be commended for their constant—and I mean constant—efforts in working for peace as to the Irish question and the Irish troubles.

Not several weeks ever go by without very distinguished visitors from both Northern Ireland and Southern Ireland, all with very strong statements and all with very real details to tell about the Irish situation, visiting us, and one of the greatest pleasures of my time in Congress has been the chance to talk to these people, one on one, and get their concerns, their evaluations, and their advice. One of the things that they would tell us is that, despite the fact that it is often asserted that words are cheap and that what is said here may not be that noticed as to the Irish question, literally everything that is said by a Congress person, by someone on the House floor, is very much watched, and it very well may be a matter of debate or action on the Irish island or in Britian itself.

So with that in mind, I would like to say that one of the most heart-rending experiences for me has been to see person after person come to these meetings of the Friends of Ireland conducted by the gentleman from Massachusetts (Mr. SHANNON), and the gentleman from Washington (Mr. FOLEY), and tell us of the constant intrusions, of the severe barbarities involved, and of getting ripped out of their homes at 2 or 3 o'clock in the morning to be held indefinitely without detention.

The gentleman from Massachusetts (Mr. SHANNON), has very touchingly alluded to the matter of children being cut down with rubber bullets.

□ 1830

I myself have asked people like Miss Corrigan, who does not even like to hear mentioned the idea of a United Ireland or Brits Isle. She just wants peace and peace now.

What is the reaction of the British on this? How can people stand that?

She would say to me, "Mr. McCLOSKEY, you just don't understand. The British have other things on their minds. They just do not care to listen and be concerned for our concerns."

If you think about that, the idea of being taken out of your home at 3 o'clock in the morning and still not preaching violence, revolution, or even violent protest, these people are very much to be commended.

So I would say with the gentleman from Massachusetts (Mr. SHANNON) that it is very incumbent now with Mrs. Thatcher having elections out of the way, having the power to act and the full power of leadership on this vital question, that the British Parliament and the Prime Minister not ignore this any more, that they come out for justice in Northern Ireland and Ireland as they have elsewhere on other occasions.

Again I would like to thank the gentleman from Massachusetts (Mr. SHANNON) for the honor of taking part in this day.

Mr. SHANNON. I thank the gentleman from Indiana for his remarks and for his participation in the Friends of Ireland. The gentleman has been of great assistance throughout this year and a great voice for peace and justice.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. COYNE).

Mr. COYNE. Mr. Speaker, I just want to thank the gentleman from Massachusetts for taking this special order.

Mr. Speaker, there is an artificial boundary in Ireland which divides the 6 countries of the North from the 26 countries of the South. This boundary represents a foreign presence in Ireland. Over the years, Catholics in the north of Ireland have experienced religious discrimination. Civil disturbances have led to direct rule from Westminster. There is no doubt that Ireland must be reunited. But the reunification must be effected in a manner that respects the traditions and values of all parties.

Recently the Irish Prime Minister convened a meeting of the New Ireland Forum, a group which has for its objectives, according to Ireland's Foreign Minister, Peter Barry, "* * * consultation on the manner in which lasting peace and stability can be achieved in a new Ireland." The forum is open to all parties which eschew violence. Unfortunately, the Unionists have chosen not to be part of this forum which has been endorsed by the Irish Prime Minister, the Fianna Fail party, the Labor Party, and the leader of the Social Democratic and Labor Party in Northern Ireland. I commend these Irish leaders for undertaking a difficult task.

The recent election in Great Britain will result in 11 members of Parliament from the Official Unionist Party, 3 from the Democratic Unionist Party, 1 from the Social Democratic and Labor Party, 1 from the Provisional Sinn Fein, and 1 from the Popular Unionist Party. The election results indicate that those parties which favor continued union with Great Britain are in the majority of the parliamentarians representing Northern Ireland in Westminster.

Mr. Speaker, I strongly urge the British Government to take a more active role in resolving the situation in Northern Ireland. The pious platitudes uttered by the British Government simply will not do. Such utterances merely mask indifference.

The British Government will have to become more involved in solving the problem within an Anglo-Irish context. Since Great Britain is in no small manner responsible for the problems in Ireland, that Government must make it clear that it will work with the Irish Government to resolve the problems and, at the same time, make clear to individuals in Northern Ireland that Britain's presence there is of a limited duration. Great Britain's withdrawal from Northern Ireland is inextricably interwoven with the evolution of new political institutions which will respect the rights of all Irish men and women. But in the final analysis we hope the day will come, and that it will not be long in coming, when Ireland is governed by Irish men and women.

Mr. SHANNON. Mr. Speaker, I am happy to yield to the distinguished gentleman from Massachusetts (Mr. BOLAND), the ranking member of the Appropriations Committee and chairman of the House Intelligence Committee.

Mr. BOLAND. Mr. Speaker, I want to commend my colleague from Massachusetts, Congressman JIM SHANNON, for providing this opportunity to discuss recent events in Ireland. His efforts to encourage through his leadership a peaceful solution to the issues which divide the Irish people, are recognized and appreciated, not only in our country, but in Ireland as well.

The "troubles" in Northern Ireland are now in their 14th year. They have resulted in the deaths of more than 2,000 people, the infliction of serious injury on many thousands more, and have seriously impaired economic development in the country. The "troubles" have amply demonstrated that violence is not the way to solve the problems that beset Northern Ireland. For years I have joined other concerned Members of Congress in repeatedly urging that all parties to the conflict in Northern Ireland seek a political settlement to their differences. Recently, two events have occurred which I believe offer a promise for the achievement of a political settlement and highlight the need to move as expeditiously as possible to effect such a settlement.

On May 30, the New Ireland Forum convened for the first time. For the next 6 months, delegates to the forum, representing the three major political parties of the Irish Republic and the Social Democratic and Labor Party of Northern Ireland, will meet to discuss options for peace. No one who is familiar with the divisions in Ireland would underestimate the difficulties inherent in the task confronting the forum. Those difficulties are underscored by the opposition of the Unionist parties in Northern Ireland to the Forum's activities. The Forum does, however, represent an opportunity to demonstrate that there exists a democratic alternative to terrorism and violence. I hope that delegates to the Forum will engage in a wide-ranging examination of the two great Irish political traditions, and how they can be fairly and effectively represented in a New Ireland. The Forum offers an opportunity for the establishment of closer cooperation between the north and the south of Ireland and I hope it can lay the groundwork for the eventual reconciliation between the two traditions in Ireland. The work of the forum should be encouraged by all those who advocate a peaceful resolution of the conflict in Northern Ireland, and I believe that expressions of support from the United States and Britain for that work could be particularly useful.

Mr. Speaker, the recent British elections underscore the need to move resolutely to a political settlement in Northern Ireland. We all know that election results can be interpreted in different ways, but I believe that the showing of Sinn Fein, the political wing of the Provisional Irish Republican Army, provides an indication of the depth of the frustration and alienation, felt by a sizable portion of Northern Ireland's nationalist population. I hope that the British Government will take notice of this fact, and also the continued strength of the Social Democratic and Labor Party, and work with moderate groups in the north in a forthright and sincere manner. Prime Minister Thatcher's sizable victory gives her the means by which to formulate a serious initiative for Northern Ireland. If she can be persuaded to propose and work for a realistic plan for a political settlement in Northern Ireland, the Tory victory in Britain may inure to the benefit of the cause of peace in Ireland.

Mr. SHANNON. Mr. Speaker, I want to thank the gentleman for his eloquent remarks.

Mr. Speaker, I want to thank the gentleman from Ohio, whose involvement in this issue began long before he arrived in the U.S. Congress. He is a true friend of Ireland and as his remarks indicated, I know that the gentleman has taken some positions from time to time on this issue that have caused him some political jeopardy and I think that he deserves the thanks and appreciation of all friends of Ireland, both here and abroad.

● Mr. HOWARD. Mr. Speaker, I would first like to express my appreciation to the gentleman from Massachusetts for taking the initiative on this issue of great concern to so many of us in Congress.

It was my honor just 15 days ago, to be present in Dublin Castle at the historic and dramatic opening of the Forum for a New Ireland. I attended that opening session with the hope that it will lead to a breakthrough in the lengthy stalemate in Northern Ireland.

It was obvious that day that nobody was expecting any quick solutions to thorny problems in Northern Ireland. But it was also obvious that the participants and observers considered the opening session to be an historic first step in what will be an extremely difficult process.

The big disappointment on that day was the failure of the nonviolent Unionist Party from Northern Ireland to attend that meeting or even to agree to participate in the Forum.

With their participation, the Forum would be a success from the beginning by getting the parties with divergent views to sit down and talk together. Without their participation, we can only speculate about the outcome.

On that opening day, Dr. Garret Fitzgerald, the Taoiseach, again invited the Unionists to join the Forum. I hope that they will heed his request, although the recent election results in Northern Ireland make that event even less likely.

Although the conflict in Northern Ireland has been at crisis proportions for 14 years, the root of the problem extends back to the division of Ireland 60 years ago and, actually, to three centuries ago when the British moved into Ireland. Everyone agrees that there are no simple solutions to this problem that in many ways is more difficult to solve than the Middle East.

But the fact is that it must be solved, not only for the people in Northern Ireland but also for those in the Irish Republic. Only then will Ireland truly turn from dealing with the senseless violence in the North to facing the overwhelming problems it faces among its own people.

Everywhere we went during our stay in Ireland we heard accounts of the Irish economic situation as the worst in Europe. They are faced with an incredibly high cost of living, unbelievable tax rates, and an ever-growing black market between the north and the south.

On top of that, the population is growing at a faster rate than it has in a century. One-half of the Irish population is under the age of 25, placing a tremendous burden on the taxpaying wage earners and on the nation's school system. Dublin has expanded to more than 1 million people.

For those of us of Irish ancestry in this country, there is the luxury of the romantic view of Ireland as the Auld Sod and the Emerald Isle that has been captured in movies. But that romanticism evaporates quickly with the

closer view that Ireland is a country with serious economic problems that must be addressed.

I am confident I join with every Member on the floor in hoping that the Forum for a New Ireland can gaze into the cloudy crystal ball and develop a blueprint for a peaceful Ireland that will be united.

To some that may sound like an impossible task. However, if the nonviolent parties from all of Ireland can discuss the issues in a peaceful, sensible manner, the chances for such an agreement increase daily.

In establishing the Forum, Dr. Fitzgerald said the people of Ireland had not sufficiently faced reality. Through this Forum, there is an opportunity to not only face reality but also to change what the reality will be in the future.

If they can produce that workable blueprint for the future, the 5 million people in Ireland, north and south, will owe them a large debt of gratitude. That debt, however, can only be repaid by helping to put the Forum's plan into operation.

Looking back on that day in Dublin Castle, it is obvious I was playing the only role any of us here will be able to play—that of an observer. We can offer our aid and our advice, but it is only the nonviolent elements of the Irish political process that will be able to produce a resolution.

I wish them good luck, for the solution does not seem near at hand, and facing reality can be a difficult process.●

● Mr. McDADE. Mr. Speaker, on May 30, in Dublin Castle, the New Ireland Forum convened its first session. This unprecedented initiative was represented by the four parties involved in the turmoil of Northern Ireland: Fine Gael and Labour, the current coalition partners; Fianna Fail, the main opposition party of the Republic; and the Social Democratic and Labour Party, the main Catholic party in the north. The Forum provides new hope to Ireland and the world for a lasting peace in Northern Ireland.

As a member of the "Friends of Ireland," a bipartisan organization which includes members of both the U.S. House of Representatives and the U.S. Senate, I cannot overemphasize the significance this step represents. The "Friends of Ireland" seek nothing less than an end to the violence of Northern Ireland and a peaceful reconciliation and unity.

The Forum makes no grand promises. But it is a step in the right direction for peace. This step must not have been taken in vain. Both sides must now accept the challenges which the Forum has presented them. Both sides must boldly face up to their past errors—errors which have become Irish tragedies. They must be willing and eager to cooperate in a new beginning, a policy which will reconcile the two traditions that are Ireland. This is a time which calls for great courage from both sides.

James Connolly, on the title page of his pamphlet, "The New Evangel," said:

> Ireland without her people is nothing to me, and the man who is bubbling over with love and enthusiasm for "Ireland" and can yet pass unmoved through our streets and witness all the wrong and suffering, the shame and degradation wrought upon the people of Ireland, aye, wrought by Irishmen upon Irish men and women, without burning to end it, is, in my opinion, a fraud and a liar in his heart, no matter how he loves that combination of chemical element which he is pleased to call "Ireland."

The stage has been set for this shame and degradation to cease. I hope and pray that the challenge is accepted and the next step toward a peaceful Ireland is taken by all sides.●

● Mr. GEJDENSON. Mr. Speaker, I am honored to have this opportunity today to express my admiration and support for a committed group of people in Ireland who have joined together through a peaceful and democratic means to try to solve the problems which have for so long divided their nation. This group is the New Ireland Forum and deserves the support and recognition of all of us gathered here today.

For more than a decade, Northern Ireland has been plagued by a violent and destructive war between a people similar in heritage, but divergent in tradition. The division is rooted deeply in their history and only increases as each passing day fails to effectuate a workable solution.

Past attempts to formulate an answer have obviously failed to gain support or to free Ireland from the violence that is destroying this community, and thus the drama continues. The time is now for all parties concerned to join together in a constructive effort to work toward the common goal of peace.

The New Ireland Forum attempts to do exactly what its title suggests, to create a "New Ireland." Democratic principles guide the Forum, and its main goal is to establish a compromise solution which will include the traditions and rights of all the people who inhabit the island. The Forum was initiated by some political parties in the Republic of Ireland but reaches out to all nonviolent parties and groups throughout the entire country. Unfortunately, the British and two Protestant factions in the north have not yet expressed an interest in becoming actively involved in the discussions. Success can only be fully achieved if all the people in the nation cooperate with one another.

The Unionist and Alliance parties in the north have not joined the Forum because they are fearful that the New Ireland Forum is attempting to undermine their position in the north and is insensitive to their own sense of having a British tradition. This is not the case. In fact, all the leaders of the Forum are realistic in their endeavor and are aware that two very different traditions exist in Ireland. The leaders realize that success cannot be achieved until a mutual trust and recognition is established between the two groups.

Many of the initiators of the Forum have expressed these sentiments. Mr. John Hume, leader of the Social Democratic and Labour Party in Northern Ireland stated:

> The heart of this crisis in Ireland is the conviction—the profound and seemingly irreducible conviction—of the majority of Protestants in the North that their ethos simply would not survive in an Irish political settlement. This conviction, older than King Billy's throne, encrusted and gnarled with the generations of embattled struggle, is rejected by the rest of us equally convincably, our dark past that we could never impose dominance on others, we who have known better than most the misery and sterility of oppression.

The Prime Minister of Ireland, Dr. Garret Fitzgerald, stated this theme similarly in his address before the opening of the New Ireland Forum.

> * * * we believe that this Forum cannot hold back from examining any structues, any solutions, that might meet the essential requirement of giving expression to and guaranteeing, the two Irish traditions: the Irish/Irish identity of the nationalist tradition, which has found itself stifled with the structures of Northern Ireland, and the British/Irish identity of the unionist tradition, which fears that it would be stifled under any different structures.

In order for the voices, ideas, fears, and proposals of the Protestant factions to be heard and the Forum to have the benefit of their views, it is essential for these groups to contribute to the responsible effort taken by the nationalist groups and attend the sessions of the Forum.

All people desire peace, freedom from oppression, and discrimination, and an escape from the fear of struggle through the security of lasting peace. The only method to stop the impassioned atrocities in Northern Ireland is through peaceful and democratic means. There are no simple solutions to the historic tragedy in Northern Ireland, but hope has been renewed since the creation of the New Ireland Forum.

What can we in the United States and in Congress do to assist the truly worthy New Ireland Forum achieve its goal? First, we can actively demonstrate our sincere commitment to the Forum and its purpose by supporting the resolution, House Joint Resolution 207, introduced by the congressional group, the Friends of Ireland, on St. Patrick's Day. This resolution reaffirms congressional commitment for a just and lasting peace, an end to violence, and for the reconciliation of the

two Irish traditions in Ireland. The Friends of Ireland and this resolution have gained a great deal of support from many prominent politicians in Ireland and all those who conform to the theme expressed in the resolution.

Second, we can appeal to our Irish-American constituencies to reject violent methods, renounce organizations which contribute to the unrest, and to deny American dollars to any group which condones violence. We must express to Americans that the only way to bring about a lasting peace in Ireland is through negotiations and efforts similar to the New Ireland Forum, not through violence. As seen by past history, violence has done nothing more than to frustrate and deteriorate the already volatile problems in the nation.

Third, the United States must urge Prime Minister Thatcher to become actively involved in the negotiations of the New Ireland Forum and to work directly with Prime Minister Fitzgerald. The recent British elections, which gave an overwhelming victory to Mrs. Thatcher, demonstrate her secure position in the English Government, thereby signaling that now is an opportune time for her to turn her attention to the problems in Northern Ireland.

The British Government must also encourage the Unionist and Alliance Parties in the north to join in the deliberations of the Forum. Since Britain plays an essential role in any solution to the conflict, it is England's responsibility to work, in any way possible, toward peace. This includes setting an example to the protestant factions by including itself in some form of negotiations.

Mr. Speaker, civil strife in Northern Ireland has continued for far too many years and now is the time to find a workable solution to the violence which has torn this small nation apart and has turned its citizens against one another. The initiative taken by the members of the New Ireland Forum will bring a new spirit to the island, is a positive step toward finding a lasting peace, and is an inspiration to the many innocent people who only desire to live securely in their land.

Today, I have joined in this special order to pay tribute to this constructive effort and to honor the men and women who will contribute to its success.●

● Mr. DWYER of New Jersey. Mr. Speaker, important events continue to unfold in Northern Ireland, and it is right that we pause to reflect on our own steadfast hope for an ultimate, enduring, and, by all means, peaceful resolution of the conflicts which persist on the island.

I would like to thank my colleague, Mr. SHANNON, for his foresight in calling this special order, affording a vehicle for the expression of American support for the New Ireland Forum, which convened for the first time May 30.

The purpose of this unique forum is to work toward peaceful, effective solutions to the religious, political, and economic strife in Ireland; its fundamental premise: the peaceful coexistence of both Irish traditions.

This approach is a welcome one, to be sure. Individuals of vision and reason have enthusiastically endorsed this approach as the only one at present with any realistic chance for a truly lasting reconciliation. The Forum holds even greater import, now that Northern Ireland's more moderate voices have lost a seat in the British parliament.

In the United States, home to so many people of Irish heritage, we continually strive to define our own role in the Irish peace process. We know that the causes of strife are deeply rooted in history and generations of economic and political stresses, both internal and external. We know, too, that our ties to this land are strong—often emotional—but we must not let this cloud our perceptions of the issues there.

However difficult to define, I believe we do have a role in promoting the forces of reason and compassion in Ireland—individuals such as John Hume, leader of the Social Democratic and Labour Party—who have taken this bold, important step in convening the New Ireland Forum.

Had these forces of reason and changes been allowed their proper and free expression in other times, the crisis of Ireland might have been abated, certainly eased. This suppression has led to frustration, despair, and, yes, to violence.

Despite years of setbacks—key issues persistently unresolved—the people of Ireland have not given up on the power of negotiation.

As Friends of Ireland, we must applaud them for this. Their task is difficult; they need our support, and that of Britain, and surely that of the Unionist leadership, who all have a great stake in a more peaceful and, with this, a more prosperous Ireland.●

● Mr. ROE. Mr. Speaker, an historic event took place in Ireland recently that, for the first time this century, has given rise to hopes there might be a breakthrough in the stalemated efforts to secure a peaceful solution to the violence that has plagued that troubled nation.

I am referring to the convening of the New Ireland Forum, which held its initial session in Dublin Castle last May 30.

Mr. Speaker, I was most honored to have been able to attend that session as an official guest of the Irish Government. The historic relevance and potential importance that session represented cannot be overemphasized. For the first time in 60 years, both sides in the Irish political conflict, who support a peaceful restoration of Irish unity, have agreed to come together at a conference table to air their views and differences.

Ireland's leading newspaper, the Irish Times described the Forum session as "a hope brighter than any that has appeared on the gloomy scene of north-south relations for a long time."

The stature of those attending the opening day session and the words spoken there gave this Member of Congress the feeling that perhaps before too long, "peace" may be a word that will be uttered on the lips of Irishmen around the world.

Included among those speaking at the forum were Prime Minister Garret Fitzgerald, Deputy Prime Minister Dick Spring, and John Hume of Northern Ireland's Social Democratic and Labour Party.

Mr. Speaker, the theme of the New Ireland Forum is abundantly clear: Irish problems must be solved by Irish solutions. As Prime Minister Fitzgerald put it so succinctly, "underlying all the issues that we must examine, is the right of the people in this island to live, and not be murdered, because of their birthright."

Another important event also occurred that has a direct bearing on the situation in Northern Ireland. British Prime Minister Margaret Thatcher won a landslide victory giving her party a plurality of more than 100 seats in Parliament. It is evident to even those not politically minded that the British Government under Mrs. Thatcher should be firmly in place for at least the next 6 years. It is also evident that it is now time for England to take positive steps to enhance the chances of peace in Northern Ireland.

One key reality to the situation in Northern Ireland is that a true, lasting peace wil never be accomplished as long as British soldiers are stationed on Irish soil. That military presence truly distorts the political situation in Northern Ireland and acts as an inhibiting force to the peace process there.

Mr. Speaker, I have gone on record many times in this Chamber outlining the terrible record of the Royal Ulster Constabulary, the major British force in Northern Ireland. The actions of that group against the Irish people has been loudly condemned by human rights organizations the world over.

Before any peace can be achieved in Northern Ireland, the British Government must acknowledge the fact that its Irish policies have contributed greatly to the tragedy of Northern Ireland.

The New Ireland Forum is scheduled to meet for 6 months. These will indeed be emotionally difficult months for those attending the sessions. But it

is most important that the feelings of ill will that have developed over the years between all sides in this conflict not be allowed to stand in the way of the accomplishments this historic session is capable of achieving.

This Forum must show the world that Ireland can find peaceful solutions to its problems. In the past 14 years, more than 2,000 Irish lives have been lost in the violence that has made Northern Ireland the bloodiest battleground in Europe. It is time for the guns to be silenced.

● Ms. FERRARO. Mr. Speaker, I would like to commend my colleague from Massachusetts for calling this special order on Northern Ireland.

Last week Prime Minister Thatcher received a landslide victory in the parliamentary elections in Great Britain. Following her victory, Mrs. Thatcher said, "I approach my return to office with a very great sense of responsibility and humility."

In keeping with this feeling of responsibility, we, as Members of Congress, should call upon the Thatcher government to work toward peace and unity in Northern Ireland. In calling upon the British Government to support Irish unity we are not asking them to impose an American solution to the Anglo-Irish problem. Rather, we are asking them to recognize the natural aspiration of the Irish people. I believe, Mr. Speaker, that the solution to the troubles in Ireland can only be achieved with the consent of the majority of people in Ireland. England has the moral responsibility to help end the violence and to facilitate the goals of reconciliation and unity of the Irish people.

It is my hope, Mr. Speaker, that Mrs. Thatcher will give the New Ireland Forum—which represents an effort on the part of the major parties representing the nationalist traditions—her government's full support. The Forum will only be successful in drawing up a plan for peace and unity if all the parties and governments involved participate. I urge Mrs. Thatcher to use the Forum to personally review previous British policy on Northern Ireland and to give this issue a high priority in the coming months.

I hope and pray that the time will come when all the Irish people can live as one. I, therefore, ask all my colleagues to urge Mrs. Thatcher to pledge herself toward the attainment of peace, justice and unity in Ireland.●

GENERAL LEAVE

Mr. SHANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE LATE HONORABLE TOM STEED

The SPEAKER pro tempore (Mr. SHANNON). Under a previous order of the House, the gentleman from Oklahoma (Mr. MCCURDY) is recognized for 60 minutes.

GENERAL LEAVE

Mr. McCURDY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCURDY. Mr. Speaker, it is a great personal privilege for me to lead this special order on behalf of our distinguished former colleague and close friend, Tom Steed, who died last Wednesday. Ironically, he died on the day the House considered "his bill"—the Treasury, Postal Service, General Government appropriation. He had chaired that subcommittee for years and took great pride in handling its legislation.

When Tom Steed retired from the House in 1980, he left behind a distinguished 32-year career in this body and even more years as an aide to three Oklahoma Congressmen during the 1930's. To say, therefore, that Tom Steed loved the House of Representatives is indeed an understatement.

Tom Steed also loved his State and served in the House longer than any Congressman in Oklahoma history. He was a vigilant protector of his district's interest—a fact that I know firsthand having succeeded him in Congress. Whether it was the three military installation in the Fourth District, the Interstate Highway System, inland water projects, or the Postal Service, Tom Steed alway came through with results.

In his later years in the House Tom Steed became the elder statesman of the Oklahoma delegation. When he retired in 1980, Tom had 32 years of service compared to 22 for the other five members of the delegation combined. Although I did not have the honor to serve with Tom Steed, he was my steadfast mentor in helping to learn my job and what my constituents expected from their Congressman. No young Congressman could do better than having access to the wisdom and guidance of Tom Steed.

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No young Congressman could do better than to inherit the help and assistance of staff members that had worked with Tom: Imogene Holmes, who is my office manager, and Vaughn Clark, who is the administrative assistant for district affairs.

Other members of the Oklahoma delegation join me in extending their condolences to the Steed family and also to join in this personal privilege to comment and to relate to experiences that we have had with our distinguished former colleague.

I will also enter in the RECORD at this time under my name a statement that was recorded by Mr. Truman Richardson who was the former assistant administrative assistant to Congressman Tom Steed, who is an historian, and had served with the Congressman for a number of years and recorded some personal recollections and achievements over the years that Congressman Steed had performed for our great Nation.

The statement referred to follows:

STATEMENT RECORDED BY MR. TRUMAN RICHARDSON FORMER ADMINISTRATIVE ASSISTANT TO THE HON. TOM STEED

Tom Steed served in the House of Representatives for 32 years, longer than anyone else in the history of Oklahoma.

First elected in 1948, the year President Truman won re-election, he represented the Fourth district of Oklahoma through seven presidencies until his retirement at the end of 1980, as a Democratic member.

He always said that he served his people not only as a lawmaker, but as an errand boy and as their promoter of economic improvement. He was known for his ability to promote projects and programs that he felt in the national interest and which he believed could be done best in his home state.

His most powerful legislative assignment was that ot Chairman of the House Appropriations Subcommittee on The Treasury, Postoffice and General Government. This post, which he held for 16 years, was the most significant regarding federal funding of any ever held by an Oklahoman. The committee passed on the budgets of the White House and Executive Offices, the Secret Service, the Postal Service, the Bureau of Customs, the Mint, the General Services Administration and other agencies.

Steed was one of the prime movers in the tremendous water resources development of Oklahoma since World war II.

In the 1950s he played a key role in the enactment of the $41 billion interstate highway act, still the largest public works program in history.

A champion of education, he was a cosponsor of the impact aid program (Public Law 874 of the 83rd Congress) under which schools with enrollments swollen by federal installations have received financial assistance since 1950.

Soil conservation, library services, rural electrification and the reduction of federal paperwork were among the other legislative fields close to his heart.

As a member of the Military Construction Appropriations subcommittee Steed was an effective supporter of strong national defense. He worked successfully for new facilities and assignments for Oklahoma's three great military bases—Fort Sill and Tinker and Altus Air Force bases, all at one time in his district. He contended that essential defense functions could be performed outstandingly at them because of their fine economic and efficiency records.

Repeatedly he succeeded in helping to bring them new functions, such as in 1968, when he was responsible for bringing the basing of the C5A transport to Altus, and

the mid 1970s, when he helped to bring the AWACS to Tinker.

For 30 years Steed was a member of the House Small Business Committee. Long a watchdog unit seeking to help attain fair competitive conditions for independent business. Eventually he served briefly as its chairman in the late 1970s. In the 1950s and 1960s, he was an active subcommittee chairman, campaigning, largely unsuccessfully, for effective restriction of oil imports and warning on national security grounds against the dangers of becoming dependent on foreign, especially Middle Eastern, sources. He was more successful in nationwide hearings on price wars afflicting the dairy and retail petroleum industries.

When he entered the House, Steed's first assignment was to the Education and Labor Committee. There he was junior member of the Subcommittee that wrote the impact program for the schools. Both John F. Kennedy and Richard M. Nixon were members of the committee.

In the 1960s and 1970s Steed was a leader in sustained and largely successful fights to provide funds to continue this work, despite efforts by Presidents of both parties to cut it back or eliminate it. In Oklahoma it is especially vital to schools such as those of Midwest City, Lawton, and Altus.

A member of the Public Works Committee in the early 1950s, Steed wrote the compromise amendment on funding that enabled the interstate highway program to become law in 1956. His formula was a compromise on how much tax burden should be borne by the trucking and related highway interests.

He also played a part in the passage of the St. Lawrence seaway, reported by the Public Works Committee.

In 1957, sponsored by Speaker Sam Rayburn, Steed became a member of the Appropriations Committee. For four years (1961-65), he headed the subcommittee in charge of the Capitol itself. An eager student of its history, he sponsored improvements for historical exhibits open to the public, including funding for the present exhibit room beneath the Rotunda.

Brought up in a rural area where books were often scarce, Steed became a joint sponsor of the Library Services Act (1956), which established federal aid for certain library programs and brought about the bookmobile system. He worked for its funding through the rest of his service.

His farm background made him especially proud of the fact that it was in his first years in office that most of the rural part of the then Fourth district of Oklahoma obtained electrification, projects he helped to expedite.

An apostle of soil conservation, Steed cosponsored with Congressman Bob Poage of Texas the Upstream Conservation act of 1954. This measure authorized federal planning and financial aid through the Soil Conservation Service to locally controlled conservancy districts of landowners protecting individual creek valleys from flood and erosion by systems of water storage ponds.

Wewoka creek in Seminole county led the way in this work, with Steed meeting frequently with local organizers to push it. Eventually Oklahoma came to rank second only to Texas in the amount of land protected by upstream conservation.

In the late 1970s Steed worked as a member of the Federal Paperwork Commission. Its findings produced legislation still being implemented to cut down the paperwork burden on citizens dealing with the federal government.

A longtime close friend of Speaker Carl Albert, Steed was his campaign manager when he was elected Majority Leader of the House and when he became Oklahoma's only Speaker in 1971. It was their teamwork, following the leadership in earlier years of Senator Robert S. Kerr, with other members of the Oklahoma Congressional delegation that brought the state its tremendous water resources development.

On the appropriations committee beginning in 1957 Steed worked as a junior partner to Senator Kerr in obtaining funding for the $1 billion plus system of dams that eventually became the Kerr-McClellan Arkansas valley navigation project. Ultimately he took part in the ceremonies opening the port of Cataoosa and formally bringing ocean navigation as far as Tulsa.

With Senator Kerr, Steed sponsored the legislation bringing about Lake Thunderbird in Cleveland county. It brought needed water supplies for Norman, Midwest City and Del City.

He authored the bill authorizing Mountain Park dam on Otter creek in Kiowa county, providing a 50-year supply of water essentially to the economics of Altus, Frederick and Snyder. The reservoir was named in his honor when it was completed in 1975.

Waurika dam, Markham Ferry and Foss reservoirs were among others for which he was especially active. He also was instrumental in obtaining federal aid for water supply lands for Stroud, Okemah and Coalgate.

In the early 1960s he assisted in establishing the Southern Great Plains experiment station, Department of Agriculture, at Chickasha.

With the Association of Central Oklahoma Governments he obtained federal funding beginning in 1978 for research on the best method of safely developing water supplies for more than 20 communities in Oklahoma and Cleveland counties served by the subterranean Garber-Wellington aquifer.

In 1968, with Senator Mike Monroney, Steed played a vital role in bringing the Postal Service Institute to the University of Oklahoma at Norman. Working with Dr. Thurman White, director of continuing education, they obtained the nationwide training center where postal employees come for specialized short courses.

In 1979, Steed assisted in obtaining federal funding for a continuing education center at Oscar Rose Junior College, Midwest City, later named in his honor.

He and Monroney also were instrumental in securing funds to establish the Gordon Cooper vocational school at Shawnee.

As a member of the Transportation Appropriations Subcommittee, Steed consistently stressed development of the Federal Aviation Administration center at Oklahoma City. With Senator Dewey Bartlett he sponsored the bill naming the center for Senator Monroney, who had earlier brought it to Oklahoma.

Named in honor of Thomas Jefferson, Steed was a lifelong student of the life of the third President and collected works by and about him.

Steed was born March 2, 1904, on a farm near Rising Star, Texas, one of 11 children in a family with a Southern background.

He was four when his family moved to a farm near Konawa in Seminole county, Oklahoma, fording the South Canadian river, as he liked to recall, in a wagon.

Valedictorian of his eighth grade class, Steed left school from financial necessity and began his newspaper work under the tutelage of W. D. Little, longtime publisher of the Ada Evening News.

He went on to a newspaper career with the Bartlesville Examiner-Enterprise, Daily Oklahoman and McAlester News-Capital. He married Hazel Bennett of Ada in 1923, and they celebrated their 60th wedding anniversary this year.

In 1935 he went to Washington as administrative assistant to Congressman P. O. Gassaway of Coalgate. There he met Lyndon B. Johnson, then assistant to Congressman Kleberg of Texas, and their lifelong association began. He acted as assistant to two other Oklahoma congressmen, Hill of the Fifth district and Gomer Smith, in a period of four years.

Returning to Oklahoma, he became managing editor of the Shawnee News-Star in 1938. From that post he volunteered for army service after Pearl Harbor. Enlisting as a private, he eventually was discharged as overage after becoming a second lieutenant.

Then he began a second wartime career with the Office of War Information under famed newsman Elmer Davis. He spent the latter years of the conflict in the Burma-India-China theater, based at Bombay. He interviewed such leaders as Jawaharlal Nehru, Mohandas K. Gandhi and Lord Louis Mountbatten.

On his return to Oklahoma he operated an automobile agency at Holdenville until he decided to run for Congress in 1948 when the old Fourth district seat was vacated by Glen Johnson. He won over a field of six in the first of his 16 races.

In 1967 a major congressional redistricting made necessary by the Supreme court's one man-one vote decision gave him an almost entirely new district. Only Pottawatomie, his home county, remained from the old east-central Oklahoma district, and the new Fourth district stretched through southwestern Oklahoma instead. Despite that he won re-election over a Republican house member, James V. Smith, when the two were involuntarily thrown into the same territory. He never had another election that was close.

Steed was a 33rd degree Mason and a member of the Methodist church.

He and Mrs. Steed had two sons, Richard, now an attorney at Shawnee, and Roger, killed in service in China. They have three grandchildren.

Mr. NATCHER. Mr. Speaker, will the gentleman yield?

Mr. McCURDY. I will gladly yield at this time to the distinguished gentleman from Kentucky, I know a personal friend of this Member, but a very, very close friend of the Honorable Tom Steed.

Mr. NATCHER. Mr. Speaker, it is difficult to reconcile ourselves to the fact that our beloved former colleague and friend, Tom Steed, has passed away.

Mr. Steed's service in the House of Representatives will continue to be one of the bright spots in our country's legislative history. He was a good Member of the House and was recognized as one of the best subcommittee chairmen who has ever served on the Committee on Appropriations. For many years, he was chairman of the subcommittee that makes the recommendations for appropriations for the

Department of Treasury and Postal Service.

His concept of public trust was without parallel and never did he hesitate to speak out against any proposal which he felt was not sound and not to the best interest of our people. Words are inadequate to fully appraise Tom Steed's tremendous capacity for loyalty and love of his country. He loved the House of Representatives and believed, as we all do, that this is the greatest legislative body in the world.

In every position he held, he achieved distinction. His service in all of his assignments was marked by a high sense of conscience and duty. His forward-looking attitude and determination to give great service, gives all of us an inspiration to work harder in our years upon this Earth for worthy causes. He had become an inspiration, a symbol of the power and the achievement of the House of Representatives. Tom Steed will have a high place in the history of his country and in the hearts of his countrymen.

His name will be known in all time to come, at home and in the far corners of the Earth, for his monumental works in behalf of representative government, which is the source and the protector of all human liberties in all nations where freedom prevails. May God let the light of his countenance shine upon him and give him peace.

I have lost a true friend and this country has lost a great statesman.

Mr. Speaker, to his lovely wife and family, I extend my deepest sympathy in their bereavement.

Mr. McCURDY. I want to thank the gentleman for his very moving and heartfelt comments. I know that Tom Steed stated to me on a number of occasions that there was no better friend in the House than BILL NATCHER from Kentucky, and that as a Member who had fought for impact aid for education, and for those districts and counties in my district and Tom Steed's district that depended so desperately upon impact aid, that BILL NATCHER was a great friend. I know that Tom Steel had told me that if I neded help on the floor of the House, if I needed help on an issue, that you were the person to go to, and I appreciate your staying at this late hour.

We did have the Defense authorization bill this afternoon and it is late and a number of colleagues in the House have handed statements to me to enter into the RECORD for them. Over 26 Members have already stated their interest in submitting statements.

Mr. JONES of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. McCURDY. I will be glad to yield to the distinguished dean of the Oklahoma delegation, chairman of the Budget Committee, Mr. JONES.

Mr. JONES of Oklahoma. Mr. Speaker, last week when word came to Washington that Tom Steed had passed away in Oklahoma I was indeed very, very saddened because Tom Steed was one of the dearest and closest friends I had in Congress or outside of Congress.

But since that time and since those of us in the Oklahoma delegation and others joined his friends in attending the funeral last Saturday, we have had a chance to talk at the funeral and afterwards and since then about Tom Steed. And the more you talk about tom Steed, even though he has passed from us, the happier you get because he was one of those individuals who brought good cheer to people that he was around.

So it is out of both sadness and joy that I am pleased to participate in this special order.

I guess Tom Steed was really one of the three or four individuals who had the greatest impact upon my life. Two of them obviously were people for whom I had worked in my political career, Lyndon Johnson and Ed Edmundson. One who was not an employer of mine was Tom Steed and he had a tremendous impact on me even before I came to Congress.

I had occasion to be in Washington in a law practice and would always make it a point to come by and see Tom Steed. You did not have a short visit with Tom Steed. Everybody knew that. He loved to talk. He loved to talk about all kinds of things, particularly with regard to the Congress and politics in general.

But he gave me a lot of sound advice. Much of the wisdom I gleaned from Tom's visits before I was elected was responsible for my being elected.

But after I came to this body he talked to me, and he was giving me his view of the House of Representatives, which he loved very, very deeply. But he said, "Around here, son, knowledge is power."

To him that meant you have to do your homework, you have to do it thoroughly, and then you have to impart that information honestly to those of your colleagues. And he said, "After awhile if you are honest and thorough people will come to you for advice and that is a measure of power, and you can have effect on public policy."

He practiced that himself. Tom was not an educated person in the sense of getting formal degrees. In fact, he never had a college education. But he was probably as educated in the way this country works, in the appropriations process of the Congress, as any person who ever served in the Congress itself.

There was very little about the appropriation bills that Tom Steed did not know, and he imparted that knowledge impartially and honestly and as a result of that he did indeed have a great deal of power which he used not only for his State but for his Nation and for the public good in general.

Tom Steed, because of the subcommittee position that he held, having control over the White House budget and the Treasury Department budget, was a friend of many Presidents.

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I know when I worked for President Johnson, both while he was in office and after he left office, perhaps President Johnson loved and respected Tom Steed as much as any Member of the House or the other body. I think it was that way with all of the Presidents. They respected Tom Steed and they certainly knew that he respected the Office of the Presidency. Tom was a great storyteller. In fact, he used to circulate around this Chamber and it seemed every day he would talk to the Members and have a new story, a little joke—a little joke or story he would use at some point. The thing that amazed me about him was that he never told the same story to the same person twice. How he kept it all apart in his mind I could never figure out. But you looked forward to seeing Tom Steed. In the heat of debate in this body, people going after each other on public policy issues, Tom would come around and tell a little story that would bring everything back to normal. That is one of the things I will remember about him.

Tom was a great historian. This is something not well known. But he probably knew more about the history of the Capitol and the Capitol grounds and Washington in general as any historian who has ever served in the United States, certainly around this institution.

Sunday mornings, most often, rather than being in church, Tom Steed was out walking around Washington and the Capitol grounds. He knew all the trees, he knew all the plants, he knew when they were planted, who planted them, everything about them. He was just a walking historian who brought history alive and made it mean something to anybody who had the privilege of walking with him.

I was very pleased that Father Mike, who delivered one of the eulogies at the funeral last Saturday, alluded to the fact that Tom Steed was not a regular churchgoer, that he communed with nature on Sunday mornings as much or more than he communed inside of a church. Father Mike said in his sermon, anyone who believes that Tom steed was not religious both does not understand Christianity and certainly does not know Tom Steed. And I think that is true.

Tom Steed was a great political thinker; he understood human beings. I remember one of the stories he told of the many times he was redistricted

in Oklahoma and he was always given a new district that was impossible to win and Tom Steed always won it. And he told the story of a new community that was in his district, I think this was in 1966. He was scheduled to meet with the chamber of commerce in this town. And Tom was always on time.

He walked into the meeting and they were not ready to hear from Tom Steed. They had one of his opponents they were visiting with. So, Tom walks out, he looks about halfway down the block and in the alley was a garbage truck. He walks down to the garbage truck and he said, "Do you fellows mind if I get on the garbage truck and ride around with you?" They said, "Come on." He rode around while they picked up the garbage. He said, "Would you mind leaving me off in front of the chamber of commerce office?" Which they did. He walked in.

The chamber of commerce board was there to meet with him, to determine whether or not they were going to endorse him. He walked in, sat down and said, "You fellows were busy when I was here on time. It does not really matter. I have been riding around in the garbage truck and I know more about you than you know about me. I know which one of you drinks, which one of you run around on your wives." He said, "They endorsed me so fast; it did not take anymore discussion whatsoever."

Tom had that kind of ability to know human beings and to understand what was going on. He was what I would call a compassionate conservative.

He clearly had fiscal responsibility. He made as many speeches against excessive spending as the most ardent conservative.

But he also understood that government had a role, to help human beings, with suffering, with education, with development of their economic opportunities.

And he clearly had an outstanding record there.

Tom was a plain talker. You knew where he stood on an issue. Another great story about Tom Steed which I will have to clean up just a little bit, but back 15 years or so ago they had a fairly major pay increase for Congress. That is always a hot issue in Oklahoma. You never can vote for a congressional pay raise.

Tom Steed stood out there and voted for a congressional pay raise. He was the only one in the Oklahoma delegation to do so. So, in any event he goes back home and they land at the airport, all the reporters are there. This was a front page story.

And they grabbed him as he came off the plane and they said, "Congressman Steed, how could you possibly vote for a congressional pay raise, you are the only one in Oklahoma to do it. We need an explanation."

Tom said, "Gather around." All the television cameras and everything. He said, "You fellows gather around me, I do not want you to miss a single word of this." They gathered around, the TV cameras zeroed in on him and he said, "Because I am a greedy SOB." Of course that never ran on television that night, and they did not put it in the newspapers except for a few dotted lines. But that is the way he was.

He made a decision, he voted that way and he plainly explained why he did what he did. Only in this case he thought their question was not worthy of a real answer.

Finally, Tom Steed was a tremendous family man. His lovely wife Hazel was his partner for over 50 years of marriage. That was one of the accomplishments that Tom was proudest of, when they celebrated their 50th wedding anniversary. He loved his children, his grandchildren and he loved this institution, the House of Representatives.

It clearly is a better place, this is a better country for Tom Steed having served 32 years in Congress. To all of us, newer Members of the Oklahoma delegation, he was our teacher, our friend and we will all miss him very, very deeply.

I thank the gentleman for taking this special order.

Mr. McCURDY. I thank the dean of the delegation, chairman of the Committee on the Budget for his eloquent remarks. Certainly he has touched the heart of Oklahomans and has been so accurate in his description of our former colleague.

I would be happy to yield to my distinguished chairman of the Intelligence Committee and very close personal friend, Mr. BOLAND of Massachusetts.

Mr. BOLAND. I thank my friend for yielding.

Probably JIM JONES said as well as anybody could say it.

Mr. Speaker, I want to join with my colleagues in paying tribute to one of my dear and close friends of many years, Tom Steed, who was dean of the Oklahoma delegation at the time of his retirement in January 1979, after serving 16 useful productive terms in the U.S. House of Representatives.

I had firsthand knowledge of Tom Steed's effectiveness and dedication for the people of Oklahoma because I had the privilege of serving with him on the Appropriations Committee for many years. He served with distinction as chairman of the Legislative Appropriations Subcommittee from 1961 through 1964, and as chairman of the Treasury, Postal Service and General Government Matters Appropriations Subcommittee from 1965 until his retirement. As a member of that subcommittee over several years of Tom Steed's leadership, I had an opportunity to observe the way in which he met the special challenges and constant demands which confront those of us who serve as Appropriations Subcommittee chairman. He was fair, uniformly even-handed and always solicitous of the opinions of all House Members, regardless of party or seniority.

Tom Steed's qualities of persistence and incisiveness had been developed and honed during his early years as a newspaperman in Oklahoma. There as a young man he began a journalism career that stretched over 20 years, working on newspapers in Ada, Bartlesville, McAlester, Oklahoma City and as managing editor of the Shawnee News and Star. His congressional training came in the late 1930's while serving as secretary to three Oklahoma Congressmen. During World War II he enlisted, October 29, 1942, as a private in antiaircraft artillery and was released from Active Army duty in May 1944, with the rank of second lieutenant. He immediately joined the Office of War Information and went overseas to serve as head of the Information Division Office for the India-Burma War Theater at Bombay, India, until December of 1945.

Tom Steed served in the U.S. House of Representatives for 32 years, longer than any other Oklahoman, having first been elected to the 81st Congress on November 2, 1948. That record of longevity in Congress is a fitting testament to the special faith which the constituents of the Fourth District of Oklahoma had in him. They had placed their trust in Tom Steed's integrity, in his character and in his ability to represent their interests over a span of post-World War II years that were the most tumultous in American history. He was the first Oklahoman to hold a full committee chairmanship in the House from that State since the Congressional Reorganization Act of 1946, having been elected chairman of the House Small Business Committee in September 1976.

Mr. Speaker, I extend my profound sympathy to Tom Steed's devoted and gracious wife, Hazel, and to his son, Richard. We shall continue to miss Tom Steed's wisdom, counsel, and humor in the Halls of Congress.

Mr. McCURDY. I thank the gentleman. As Tom Steed has said about Mr. NATCHER, he made very similar statements about the distinguished gentleman from Massachusetts, Mr. BOLAND who is the ranking member of the Appropriations Committee, the committee that I think Mr. Steed loved very, very much and dedicated much of his life to the service of.

I would be glad to yield to the gentlewoman from Louisiana, very close personal friend of the Honorable Tom Steed and, I know, his lovely wife, Hazel.

Mrs. BOGGS. I thank the gentleman for yielding and I thank him so much for the privilege of participating in the tribute to Tom Steed and to Hazel Steed.

Tom was a wise and witty man who was a legend in his own time. He was a true American patriot, totally devoted to his country and his institutions and really devoted to the people, to the service of the people who were his constituents in Oklahoma, and to those he considered his constituents who were the emloyees of the Federal Government—including, as the gentleman from Oklahoma, Mr. JONES has said, the President in the White House whom he represented in committee and defended on the floor of the House.

When I first came to the Congress Tom felt a very special reason to make me feel happy every day and he would tell me some new, amusing anecdote, a story to lift my spirits and make me giggle a little and then very seriously inquire about my needs, about my desires and offered to help in any way he could to realize them.

I will miss Tom Steed as I have missed him these years that he has not been here in the Halls of Congress and I know that I am not going to have to miss Hazel, because I know that her spirit and her energy will always be here in Washington and I hope that we will have her come to visit us often. She and Tom would have celebrated their 60th wedding anniversary this year and I cannot imagine any couple that would have deserved that celebration more than the two of them.

□ 1900

Tom was a very religious man. And I know that he will be here to celebrate with Hazel on that occasion and that he is all around us and always will be around us because he was an integral part of this body and this House.

I thank the gentleman for allowing me to pay some small tribute to a person I loved and respected so very much.

Mr. McCURDY. I certainly thank the gentlewoman and I know the entire citizenry of the State of Oklahoma and many, many close friends of Congressman Steed appreciate the very touching remarks of the gentlewoman.

Mr. WATKINS. Mr. Speaker, will the gentleman yield?

Mr. McCURDY. I yield to my good friend, the energetic, hard working defender of rural America from the Third District of Oklahoma, a person who probably had as difficult a time as any because he succeeded the former Speaker of the House, Carl Albert, and had Tom Steed as a constituent for a few months. I empathize with tough constituencies like that. There is probably no tougher job than to inherit a district that has been represented, such as mine by Tom Steed, who knew so many people and had done so much and when they talk about having to fill someone's shoes, it is an impossible task. I know that WES WATKINS has had to kind of live up to that same tremendous task by succeeding the great Carl Albert.

Mr. WATKINS. I thank the gentleman for yielding to me and I thank him for organizing this special order.

As Mr. MCCURDY stated he had the honor of succeeding Tom Steed in serving the Fourth District. I have had the honor, under redistricting, to pick up Shawnee, Pottawatomie County, the home of Tom Steed, to be in the third District of Oklahoma. When Tom Steed died he was a constituent of mine from that particular community and county.

Mr. Speaker, on behalf of the entire Oklahoma congressional delegation I have submitted language to the Appropriations Subcommittee on Transportation to designate Interstate Highway 40 between Oklahoma City and Shawnee as the "Tom Steed Memorial Highway." This is fitting, for Thomas Jefferson Steed, perhaps more than any one man, was considered the father of the Nation's Interstate Highway System.

In rising today to pay tribute to Tom Steed, I can understand what President Lincoln meant when he said, "The world will little note, nor long remember what we say here * * *."

The words we use today to try and capture Tom Steed's accomplishments and his worth will be inadequate and are pigmy-sized compared to what the man did in his lifetime. The monuments to Tom Steed lace the Nation in the form of the Interstate Highway System. The monuments are the waterways and terraces, the dikes, dams, and impoundments which control floods and soil erosion, which were of great concern to this son of the soil. The monuments to Tom Steed are engraved in the minds of the young people who studied, and study, in elementary and secondary school systems made better by his vision in foreseeing the need for impact aid. The monuments are the military installations which guard our freedom such as Tinker and Altus Air Force Bases and Fort Sill in Oklahoma.

One of 11 children, Tom Steed was born on a farm near Rising Star, Tex. Even that was perhaps prophetic, for in truth Oklahoma has not seen, nor is apt to see, one who rose to eminence as did Tom Steed. Before his congressional career ended with his retirement in 1980, Mr. Steed had accumulated 32 years in the Congress, an Oklahoma record.

When he was four, the family moved to a farm near Konawa, in what would become 3 years later the State of Oklahoma. Mr. Tom said the Steeds were "poor white trash," which we view as an exaggeration. Poor, undoubtedly; white trash, hardly. They were too poor to own land, so they rented, in the first years from Indian landowners, who required their tenants to build houses. When the house was built and the crop made, the tenants were evicted to search for new land which did not yet have a house. This was repeated several years, Mr. Steed recalled. He helped build a lot of houses that way.

His formal education ended after one semester of high school. It may have been his lack of formal education which spurred him to take an interest, when he was in a position to do something about it, in the education of the youth of our Nation. His first committee assignement after his election to Congress in 1948 was to the Committee on Education and Labor, where he served with a couple of second-termers named Richard M. Nixon and John F. Kennedy. The first bill he introduced dealt with education. By profession a newspaper man, Tom Steed worked for 20 years on some of Oklahoma's best—at Ada, Bartlesville, McAlester, Oklahoma City, and Shawnee, where he was managing editor just prior to his first election. In the 1930's he had served as "secretary"—as staff members were then known—to three Oklahoma Congressmen. When World War II came along, 38-year old Tom Sneed enlisted as an antiaircraft artillery private on October 29, 1942. He was discharged 2 years later as a second lieutenant with the Office of War Information, a connection he retained until December 1945 in the India-Burma theater as a civilian.

After his election to Congress, Tom Steed rose in power and influence and became a mentor and friend to hundreds of young Congressmen. He told me, when I first came to the Congress, that he had three main pieces of advice for freshmen: "Be patient, be patient and be patient." As chairman of the Appropriations Subcommittee dealing with the executive branch, he also gave advice and counsel to newcomers to the White House. He once cautioned candidate Jimmy Carter not to say that he, as President, would reduce the White House staff. President Carter had to come to Chairman Steed to fund additional White House personnel. He said that of the Presidents with who he had served, Truman and Nixon would have the most attention by history: "Truman for the right reasons, and Nixon for the wrong."

Tom Steed steeped himself in the historic lore of the Nation's Capital and Capitol and its former occupants. A walking tour of the Capitol with him was an indepth history lesson during which one could almost hear the ring of the mason's hammer

against the foundation stones; or the crackle of the fire set by the British invaders; or the resonant, impassioned speeches of the giants and the screeches of those of minimum impact. The empty Halls came alive with the spirits of those who had previously inhabited them.

An insatiable reader who claimed to have read over 400 books about the President for whom he was named, Mr. Tom was just as tireless a "talker." Friends recall with fondness the time when he took 16 minutes to introduce the late Senator, and former Congressman, Mike Monroney, to a Democratic gathering. Senator Monroney by that time had been in Congress for two decades.

Tom Steed stories are legion. He frequently told friends in his later years he was planning a book, and had selected the title: "Windbags I Have Known; Not an Autobiography." What a shame he did not write that book.

Tom Steed was fearless. He took on the White House and he took on the Senate. He won some and lost some, but he was not fearful. He was concerned about lawyers, even though his son, Richard, is an attorney in Shawnee. "Lawyers and legislative jobs concern me," he said. "They swear allegiance to the judicial branch of Government which weakens their ability to be completely loyal to the legislative branch. Some think a decrease of attorneys would be an improvement," he is quoted saying.

He claimed television was the "undoing" of such political giants as Lyndon Johnson, who was impressive in close quarters, but "became the biggest muling idiot on Earth" when he got on television. During one election in the color television era, Tom faced a particularly attractive young candidate of the opposite party. A well-done TV commercial—"slick" he would say—was aimed at convincing the nonurban voters of the young man's knowledge of rural Oklahoma. It showed him walking in the beautiful outdoors, his eyes gazing at the trees and sky. Mr. Tom huffed that the young man may be good loooking, but he sure did not know much about cows if he walked around a pasture with his eyes to the sky.

Mr. Steed told a visitor last year that a Congressman was many things: "He's a lawmaker, an errand boy, an employment agent, and a chamber of commerce. Being a good errand boy is what'll get you reelected." He also said, "But, being a good lawmaker is the only thing that will earn—a Congressman—a place in history."

Tom Steed was a good lawmaker, and earned his place in history. He was also a good errand boy, for the people elected him 16 times to the Congress.

Tom Steed's wisdom served many well, as he gave sound and sage advice. In the 1960's Tom Steed saw into the future. He stated it was no longer a matter of speculation regarding a possible petroleum embargo; it was only a matter of time.

Hazel Bennett and Tom Steed observed their 59th wedding anniversary last February; their marriage was one about which the poets sing. They had two sons: Roger, a Marine pilot killed in the line of duty in China in 1947, and Richard, who with three grandchildren, also survives. Tom Steed was also survived, as we say in our part of the country, "by a host of friends."

In closing, Mr. Speaker, I repeat the words of former Speaker Carl Albert, who knew Tom Steed most of his life: "I just can't imagine living in a world without Tom Steed." Those of us who must, will live in a better world because of Tom Steed.

□ 1910

Mr. McCURDY. I thank the gentleman for his very eloquent words. I can recall as a candidate for Congress in 1980 for the district from which Tom Steed was retiring, I first met WES WATKINS, who was wearing a button that said, "Tom Steed for President," and I knew then that I had my hands full and it was going to be a tough job and certainly tough shoes to fill.

Tom Steed was a tremendous storyteller. I recall on first coming to Congress he left me a joke book, a book of stories that he had compiled over the years, and for some reason it always seemed that I could never pull them off the way he did, because he had a new one every day.

At his funeral Saturday, the Governor of the State of Oklahoma expressed so well the sentiments of the State and the people in our region who are going to miss Tom Steed very much. As I said earlier, as a new Member of Congress in 1980, he introduced me to a number of Congressmen, committee chairmen, the Speaker, and was very helpful and assisted in my appointment to some very important committees for the Fourth District of Oklahoma.

In conclusion, Mr. Speaker, I would just like to say that as a person who succeeded a very fine and great man in the service of our country, it is impossible for me to ever completely fill those shoes, for those shoes will always and always be remembered in Oklahoma. I think he is a very important person who has a special place in these Halls and will always be remembered in the House of Representatives.

● Mr. YATRON. Mr. Speaker, it is with great sadness that I rise today to honor a friend and former colleague who is no longer with us, Thomas Jefferson Steed.

I had the opportunity to serve with Tom Steed for 12 years, and to witness first hand his many unique legislative skills and capabilities. He was, unquestionably, one of the most effective, talented, and respected Members of the U.S. House of Representatives. No one was better at serving his or her constituents than Tom Steed.

During his 32 years in the House, Tom Steed was instrumental in the enactment of some of the most important legislation to come before this Chamber, and his achievement abound. His major accomplishments were linked to the interstate highway system, water development, school legislation, military installations, the postal service, and general government. His work on the Appropriations Committee was well known and admired by his colleagues. Through his quick wit, sense of humor, and superb anecdotes, Tom Steed help to break the tension on many occasions, which facilitated the flow of legislation.

Tom Steed contributed much to the betterment of the American way of life, and we will miss him greatly. His integrity, dedication, and conscientiousness were beyond reproach. His service to the people of Oklahoma and this country will remain unsurpassed. Tom Steed's career should serve as an example to all of us in public life.

I want to extend my deepest sympathies to his wife Hazel, and to his son Richard and his family.●

● Mr. ADDABBO. Mr. Speaker, it is with much sadness that I join today with my colleagues to pay tribute to our former friend and colleague, the Honorable Tom Steed of Oklahoma, who died last week of cancer in that State he loved best of all.

Tom Steed was one of the first people I met in this body when I joined it in January 1961, and through the years he served as friend, adviser, confidant, and someone whose advice was always sound and who was always there when he was needed.

Much to the regret of so many of us, Tom did not run for reelection in 1980 and he has been sorely missed since he returned to Oklahoma. Up until this year, we could count on his presence with us at least once each year as he presided over the annual breakfast which bore his name and which he had started as a means of letting Washington, D.C., know just how the folks out in Oklahoma felt about their Government. It was an event that featured all of the Oklahoma delegation, but, in office or out, it was generally accepted to be a captive audience for Tom to tell some stories. That is not to say that Tom needed much of an excuse or a formal setting. He could no more stop telling stories than the Earth could stop revolving and if the Earth did its job as well as Tom did his, we would always be on time.

I was lucky enough to be assigned to the Appropriations Committee and to the Small Business Committee, where in each instance I had the opportunity

to watch this slow talking, easy going man charm friends and enemies alike to get what he needed into the bills that came before him.

Tom Steed taught me to keep my mouth shut when I did not have much of anything to say, to keep my ears open, and to consider the possibility—even though it would be obviously a long shot—that the other side might have something valuable in their argument.

Tom Steed proved again, if it needed proving again, that commonsense and a willingness to dig until the facts are found pay more dividends in the long run than all the speeches ever made. He was most proud, I think, of having been a newspaperman in his early years, and until the day he died he never did stop looking for the truth. He was a great one for facing facts and if a thing could not be done, it could not be done, and the world would probably survive.

In his quiet and hard-working way, Tom accomplished more than most of the breast-beating zealots ever do. He was a profound and dedicated man, but he had the good commonsense that would let him laugh at himself now and then, and he never forgot that it is the people who run this country.

A traffic accident earlier this year began the process which last week ended the life of this great leader and which brought us to this point today.

Those of us who served with Tom and who by our exposure to that great personality, that endless patience, and that everlasting sense of humor, know just how much they have lost with his passing. Only in America could a young man with all of his ties in America's largest city become so closely allied with someone whose major preoccupation was rural America. We gained much from the knowing of one another. I extend my deepest regrets and sympathies to Tom's beautiful wife, Hazel, his son, Richard, and his three grandchildren. All of us who loved him here know how proud you were of Tom and how much you will miss him.●

● Mr. WHITTEN. Mr. Speaker, I join with my colleagues to pay special tribute to Tom Steed. As I told my colleagues on June 8—CONGRESSIONAL RECORD, 14807—when I heard of my friends untimely death, Tom Steed was chairman of the Appropriations Subcommittee on Treasury, Postal Service and General Government, a chairmanship which he held since the 89th Congress. Tom also served on the Legislative, Transportation and Military Constructions Subcommittees.

It was my privilege to serve with Tom Steed for 24 years on the Committee on Appropriations. In my experience here, I have never known a more courageous person or a man who stood by his convictions any better than Tom Steed.

Among other things, he loved this institution and he loved Washington. He knew everything about the Capitol. When we talk about professional guides showing people around here, if you ever had a chance to walk around as I did, with Tom, he knew more about the history of the Capitol and about the Capitol itself than anyone.

I know, as sad as we all are at his passing, he leaves many monuments to the wonderful service that he rendered to his country, all of which will last forever.

May I say, too, that we express our sorrow to his lovely wife, Hazel. She was very close and a very great help to Tom. We have lost a dear friend, who leaves with us many happy recollections.●

● Mr. PATTERSON. Mr. Speaker, I join my colleagues in paying tribute to Tom Steed, a man who was an esteemed colleague and friend to many of us here today.

Tom Steed served in the House for 32 years—longer than any other Oklahoman—and in that time acquired one of the greatest collections of Capitol Hill lore of any Member of this body. Although not known for his oratory on the House floor, he was always ready to regale listeners in the Cloak Room with a story for any occasion.

Tom was able to be candid and direct without causing offense, and he was expert at working quietly behind the scenes to build compromises. He knew how to wade through rhetoric and craft a piece of workable legislation. Our Nation's Interstate Highway System is perhaps the greatest tribute to his negotiating skill.

Almost entirely self-taught, Tom was one of the most knowledgeable Members of this body and one of the most able to understand and maneuver through the appropriations process.

Tom was a good friend and an outstanding Member of this House. He will be deeply missed by all who knew him.●

● Mr. ALEXANDER. Mr. Speaker, President Thomas Jefferson wrote, in an 1813 letter to President John Adams: "I agree with you that there is a natural aristocracy among men. The grounds of this are virtue and talents."

President Jefferson could have been referring to people like the person whose memory we honor here today. To those of us who served with him in this House he was Tom Steed. His full and formal name was Thomas Jefferson Steed and he was a student of the philosophy of democracy and government of that earlier Thomas Jefferson.

The honor, integrity, compassion, diligence, and humor which marked Tom Steed's years in this body were surely among the virtues and talents to which Thomas Jefferson referred in his letter to John Adams.

During my first years on the Committee on Appropriations, which he served so well, I was privileged to be a member of a subcommittee that was fortunate enough to have Tom Steed on its roll. Those years are a valued experience of mine.

The history and traditions of this House were enriched by the 32 years of service Congressman Tom Steed gave to his people, his Nation and his colleagues. His decision to retire to his home in Oklahoma did not close the book on Tom Steed's interest in his Nation and his people. When his experience and knowledge were needed, he was generous in sharing them.

Political partisan that he was, Tom Steed was ever conscious of the fact that a free and democratic government survives only through fair and just representation of the views and interests of all the people of the Nation. This is the challenge his service in this House presents to all of us who continue to serve here.●

● Mr. CONTE. Mr. Speaker, It was sad enough for me to take the well 3 years ago to pay tribute to Tom Steed on his retirement, but the news of his death last week gave me a very heavy heart. I had the honor of serving with Tom for 22 years, and I cherish his memory now more than ever.

For several years, Tom served as the ranking majority member—and briefly as chairman—of the committee on Small Business, while I served as that committee's ranking minority member. I also had the good fortune to serve for 5 years as the ranking minority member of the Treasury-Postal Subcommittee of Appropriations while Tom served as that panel's chairman. During the 96th Congress, Tom's last Congress, as the ranking minority member of the full Appropriations Committee, I continued to have the opportunity and privilege of serving with Tom.

Thus, I speak from experience when I say that Tom Steed was superb as a legislator and as a chairman. He was always fair, decent, and honest with witnesses and Members alike.

His background as a newspaperman and his Oklahoma commonsense served him and all Americans well in his annual handling of the Treasury-Postal bill. But, of course, we all know that Tom Steed was more than just a chairman to those who served with him. He was a fine, loyal friend, and was also the best story teller in the House. Many of us wished we had just half of his ability to spin a yarn.

Another great storyteller and Oklahoman, Will Rogers, once professed that he could state honestly that he had never met a man he did not like. Well, I am no great storyteller, but I

do know that I have never met a man or woman who did not like Tom Steed.

I would like to add my sincerest condolences to Tom's wife of 60 years, Hazel. I know that our words of sympathy can do little to fill her sense of emptiness, but I am sure she can take great comfort in knowing how very much we all grieve his loss.●

● Mr. SMITH of Iowa. Mr. Speaker, it was my privilege to serve for a number of years with the late Tom Steed on the Appropriations and Small Business Committees. Like his other colleagues, I remember him for his many fine qualities—courage, integrity, capacity for friendship, compassion, and incomparable wit. But most of all I will remember him as the consummate legislator who, as a Congressman, provided his colleagues with a model to follow and who translated his exceptional skills into substantive achievements on behalf of his State and his country. We all learned from Tom. He was an architect of good legislation and a builder of effective coalitions to get that legislation passed. He did not waste time on self-serving press releases. He was too busy registering solid achievements on behalf of the citizens of Oklahoma and of the United States. Tom Steed will be remembered with respect and affection by the many people he served so well. But he will be remembered by those of us in Congress who had the privilege of working with him as the ultimate professional as a legislator. As such, his contribution to good and honest government in our land will be his lasting memorial. My wife Bea, and I, who are longtime personal friends of the Steeds, extend our sincere condolences to Hazel and the family.●

● Mr. PERKINS. Mr. Speaker, the passing on of a Member or former Member of this House is always a sad day, but the departure of someone who came to the Congress in your class, and who became a close friend, cuts deeply.

I met Tom Steed on January 3, 1949, the day we were sworn in as freshmen Members of the 81st Congress. He was a newspaperman with a farm background and I was an attorney with a farm background, and we just seemed to hit it off pretty well. Our families got along well also, and we went on the New York trip in the fall of 1949, where Tom, a man with a great sense of humor, kept the railroad car laughing.

We did have one dispute though, and it was a serious one.

It came in our first term—as a matter of fact, it came on January 1, 1951, just a couple of days before the end of our first term. The House was in session on New Year's day to pass an emergency tax bill for the Korean war.

Mr. Speaker, on that day the University of Kentucky was playing the University of Oklahoma in the Sugar Bowl, and Tom felt pretty strongly that Oklahoma was going to win.

As a matter of fact, he wanted to bet on the game, and as a colleague and friend, I thought I ought to oblige him. We decided that the loser would buy the winner the best hat in Washington.

Well, you know the outcome Mr. Speaker, because how could anyone forget that the University of Kentucky beat the University of Oklahoma by the score of 13 to 7.

Incidentally, the coach at Kentucky then was a tough young fellow named Bear Bryant.

I went downtown to one of the better hat shops in Washington and got the best hat I could find. Well, I have not had a hat as good as that one since then, and we have all lost a friend and a former colleague that will not be matched for decency and friendship and good humor for a long time.

Our thoughts are with the family, and we want them to know that the name of Tom Steed will light these Halls for a long, long time.●

● Mr. FORD of Michigan. Mr. Speaker, like many others today, I join in paying tribute to Thomas Jefferson Steed, a strong and honest Oklahoman who served in this Chamber for 32 years. When I first came to Congress in 1965 and served on the Education and Labor Committee, I realized his tremendous leadership qualities in his continuing concern for Federal education legislation, particularly impact aid, a program he coauthored in his first term in 1949.

Tom Steed described a congressman as four things, "A lawmaker, an errand boy, an employment agent, and a chamber of commerce." Today I would like to add a fifth. When a congressman accomplishes the first four with the wisdom and dedication of Tom Steed he becomes a statesman. I am proud to have worked with him and to have learned from this fine and honorable man.

An earlier statesman, Thomas Jefferson, influenced Tom Steed greatly. In his autobiography, Thomas Jefferson wrote about the U.S. Congress, "That one hundred and fifty lawyers should do business together ought not to be expected." But if any Member of this body could create harmony it was my friend Tom Steed. From the 81st to the 96th Congress he made "business as usual" as expectation of the House of Representatives.

To his wife, Hazel, and his family I extend my deepest sympathy and offer my heartfelt prayers.●

● Mr. MILLER of Ohio. Mr. Speaker, I want to join my colleagues in the House today in paying tribute to a distinguished American whose service will be evident in this country for years to come. The passing of my friend Tom Steed marks a tremendous loss for this Nation. I had the honor to serve with Tom on the Treasury, Postal Service and General Government Subcommittee of the House Appropriations Committee for nearly 8 years and I can say that it was one of the most rewarding and gratifying experiences I have had during my years in Congress.

The countless hours that I shared with Tom in subcommittee will long be remembered for the insight I gained in good government and good representation of the people's needs and interests. Above all else, he was a fair and forthright man, a person of utmost integrity and who earned the respect of his colleagues in the House from years of work and deeds that spoke much louder than the words of others. He knew that government itself was only as good as those involved in it and he labored for years in Washington to make government truly responsive to the people of Oklahoma and America.

One of my fondest memories of Washington and the Congress will be in recalling working along side Tom Steed. I am richer for the experience and our Nation is stronger for the leadership he gave to all of us.

My wife, Helen, joins me in extending our deepest sympathy to a very wonderful lady, Hazel Steed and to her family.●

● Mr. WON PAT. Mr. Speaker, I thank our colleague, Congressman DAVID MCCURDY from Oklahoma, for taking this special order to honor our deceased former colleague, Tom Steed.

As you may know, Congressman Steed served in the House for 32 years, longer than any other Oklahoman. He served his constituents and this Nation with honor and dignity and I am deeply saddened at the news of his death.

I was privileged to work with Congressman Steed on several occasions while he was in Congress and was always impressed by his grasp of other people's problems and his open and friendly manner.

There were many occasions when Tom Steed rose to help his fellow Americans in Guam and I will be eternally in his debt for his assistance.

Tom was a very good friend and a fine public servant. This body and this Nation has seldom known his equal and I am certain that Congressman Steed's many friends both here on Capitol Hill and in the Government will long cherish his memory.

On behalf of the people of Guam, I extend our deepest sympathies to Congressman Steed's family. We share your grief over the passing of a wonderful man. He will truly be missed.●

● Mr. ANDERSON. Mr. Speaker, I want to congratulate our friend, DAVE MCCURDY, for arranging this special order today in order to pay tribute to

our departed colleague from Oklahoma's Fourth Congressional District, the Honorable Tom Steed.

Born on a farm near Rising Star, Tex. in 1904, Tom attended the public schools of Konawa, Okla. Thereafter, he began a 20-year career in the newspaper business. He worked as an apprentice printer on the Konawa Chief-Leader and was a reporter for papers in Ada, Bartlesville, McAlester and Oklahoma City, Okla. For 4 years, he was managing editor of the Shawnee News and Star.

On October 29, 1942, Tom enlisted in the Army as a private in antiaircraft artillery. He advanced to the rank of second lieutenant before being released from active duty in May 1944. On July 1, 1944, Tom joined the Office of War Information and served in the China-Burma-India theater in information and psychological work until December 1945.

Prior to being elected to the House of Representatives, Tom had previous experience at the Capitol. He was assistant postmaster of the Senate for a short time and worked for 4 years for three different Representatives—P. L. Gassaway, R. P. Hill, and Gomer Smith. Tom also operated an automobile agency in Holdenville, Okla.

Tom was first elected to the Congress in 1948. He would later go on to be reelected in each succeeding Congress for the next 32 years. This is the longest tenure for any Congressman from the State of Oklahoma.

During this time, Tom worked hard to earn the reputation of getting things done for his State. Through his tireless efforts on the Appropriations and Small Business Committees, he accomplished much for the residents of his district, his State, and his country.

As you know, there were three military installations within Tom's district—Tinker Air Force Base, Fort Sill, and Altus Air Force Base. He made sure that their interests were taken care of annually. In addition to this, he secured funding for the Kerr-McClellan navigation system which made Tulsa a seaport. Other major accomplishments included the Interstate Highway System and the development of a strong and effective school system across the country.

In short, Tom was one of the most effective Members this Chamber has ever known. His command of the issues in which he was confronted was noteworthy and should be emulated by us all. Above all, his dedication to all the people—and not a selected group—will live on in the memories of all who knew him.

My wife, Lee, joins me in this salute to Tom Steed and we offer our condolences to his wife, Hazel, their son, Richard, and their grandchildren.●

● Mr. HORTON. Mr. Speaker, I join my other colleagues in honoring a dear friend and esteemed colleague, Tom Steed. Tom's record of service to our Nation is a model for us all. He served 16 terms in Congress, a distinction shared by only 47 other Members in the history of the Congress. He had a reputation as a gentleman who was able to get things done.

Tom, a native Texan, certainly earned his spurs as an Oklahoman. Elected to the House from that State in 1949, he went on to serve his constituents in ways that few, if any, Members come close to achieving. To be a constituent of Tom's was to be blessed with excellent political leadership. If you had a problem or needed some help, Tom would move mountains to do it for you.

Yet, Tom's contributions went well beyond helping his own constituents. His legislative accomplishments were many. As chairman of the House Appropriations Subcommittee on Treasury, Postal Service, and General Government, he carefully guarded against the excesses big government may sometimes be prone to. Yet this was never done at the expense of people in need.

There is one area where I particularly want to express my appreciation. Tom and I worked closely together to establish the Commission on Federal Paperwork. He actively participated on the Commission and then in 1980 worked to achieve passage of the Paperwork Reduction Act, which carried out many of the Commission's key recommendations.

The responsibility of chairing that Commission was on my shoulders, and I know I would not have been successful in discharging that responsibility were I not able to turn to him. His commitment to a properly managed government, his knowledge about how to achieve results and his fine qualities as a gentleman proved invaluable in making the Commission successful. With his help the Commission received the resources necessary to do its work, finished that work on time, under budget, and set in motion reforms that have made lasting improvements in the administration of Federal programs.

Tom's wife, Hazel, and his son, Richard, and the grandchildren have every reason to be proud of him and his service to our country. He is not only part of a very select group of only 67 people to have had the honor of representing citizens of Oklahoma in the Congress since the State entered the Union but he lives in the memories of those of us who have served with him as a fine and capable individual.●

● Mr. ROE. Mr. Speaker, it is with great sadness in my heart that I rise to join in this remembrance of our former colleague Tom Steed, who passed away last week.

For 32 years Tom Steed served the people of Oklahoma with distinction and pride. When he retired in 1979, Tom had served 16 terms in the House, longer than any other Oklahoman who has been in Congress.

Tom was a hard-working Member of this body truly devoted to the needs of his constituents and this great Nation. His major interests centered around the Interstate Highway System, water development in his home State, aid-to-schools legislation and Oklahoma military installations.

Tom Steed was fiercely proud of being an Oklahoman. He brought great national recognition to that fine State in 1976, when he was elected chairman of the House Appropriations Committee, the first Congressman from Oklahoma to hold a committee chairmanship since Congress was reorganized in 1946.

Our friend Tom Steed was fond of saying that a Congressman is four things: he is a lawyer, an errand boy, an employment agent and a chamber of commerce. He was a great Congressman.

Our heart-felt sympathies go out to Tom's lovely wife Hazel and the rest of his fine family. With Tom Steed's passing, America has lost one of its finest sons.●

● Mr. YATES. Mr. Speaker, the news that Tom Steed had died saddened me greatly. We were very good friends and I admired him tremendously. Tom and I were both elected to the House in 1948 and we served together on the Appropriations Committee for more than 20 years.

Tom taught me a great deal about Oklahoma farmers and the Indian people of that State, and I like to think that from me he gained a greater appreciation for urban America and Chicago in particular. Tom was, of course, a source of wonderful stories about the Congress and this country and he knew how to get things done. He was a strong and effective Congressman and a fine human being. I will miss him.●

● Mr. PANETTA. Mr. Speaker, I would like to join my colleagues in paying tribute to Tom Steed, who served in this body for nearly a third of a century and died last week at the age of 79.

Tom Steed was a gifted legislator who contributed enormously to the workings of the Congress. As a longtime member of the Appropriations Committee, he was a vital cog in the operations of the Federal Government, chairing the Treasury, Postal Service subcommittee and always working to move legislation swiftly and effectively. He worked very hard on behalf of Federal employees, recognizing their invaluable contribution to the running of the Government.

This Member had the privilege of serving with Tom Steed during his last two terms in the House. It was a pleasure to be able to work with him and to

learn from him, as so many of my colleagues did. He was dedicated to making the Federal Government work for the people of this country, and he provided an example of hard work, statesmanship, and skill to his younger and less experienced colleagues.

Mr. Speaker, I know all my colleagues join me in expressing sympathy to Tom Steed's family. They can be proud of the life he lived, of the service he provided to his country, and of the legacy he left to those who knew him.●

● Mr. BENNETT. Mr. Speaker, Congressman Tom Steed was in fact one of our history's most effective and able legislators. His record of achievement in legislation is indeed outstanding. I came to Congress in January 1949 at the same time that Tom came here. From the very beginning of our service here we had a close companionship, a warm friendship shared by our wives as well. Certainly that friendship is one of the real treasures of my life; and I send to his widow and family my very deepest sympathy and my loving prayers, in which my wife joins me as well as our children.●

● Mr. DE LA GARZA. Mr. Speaker, today we gather to pay our respects to one of our most popular former colleagues, Tom Steed. With his passing our country has lost a great statesman. I have lost a good friend.

When I entered the House in 1965 I will never forget the kindness he showed to a freshman Member. He was courteous, accommodating, warmhearted—a man of sprightly wit, tireless energy, and a genuine willingness to extend the warm hand of friendship. On many occasions I was the benefactor of his experience and wise counsel.

As a Representative in Congress Tom had those qualities that are essential for leadership—sound judgment, patience, perseverance and unyielding adherence to the principles and policies advocated by his party for the welfare of the country. He was a dedicated and constructive Member of this body, one who labored tirelessly for the welfare of the people of his congressional district which he served so well.

His character, achievements and faithful service will be an inspiration to generations yet to come. With his passing has been taken from us all a respected colleague, from the State of Oklahoma a dedicated Representative and from the people of the United States an outstanding legislator.

May God let the light of His countenance shine upon him and give him peace.●

● Mr. ZABLOCKI. Mr. Speaker, it is with a sense of personal sadness and loss that I join the gentleman representing the Fourth District of Oklahoma (Mr. MCCURDY), and all members of his State delegation in honoring the memory of a great Sooner, legislator, and patriot, the Honorable Tom Steed of Oklahoma.

As his numerous obituaries have duly noted, Tom Steed was first elected to the House in 1948 and served longer in national elective office than any other Oklahoman. It was my honor and privilege to have served with him in this body during the entirety of his tenure here—up to including that memorable day in August 1980, when some 300 of his colleagues gathered to vote upon the last appropriations bill for the Treasury-Postal Service and General Government, which was managed by the gentleman from Oklahoma, and gave him a long and well-deserved, standing ovation.

Tom Steed was, in the last analysis, a workhorse of this body who spoke only when necessary and then, directly to the point. He relished his reputation as someone who could get the job done, and he did his job well for 32 years. And although his formal schooling ended in the eighth grade, it is important to note that the education of Tom Steed was a never-ending process, for he left this Chamber in 1980 as one of the most knowledgeable and effective legislators of his generation.

While Tom Steed was not much inclined toward oratory—or abstract ideology—he played his leadership role out in the open—for all to see and to judge accordingly. Everyone knew exactly where Tom Steed stood, and his positions on most issues were not only respected, but they generally prevailed. He also had a sense of history and a repertoire of stories which not only enriched and influenced the legislative process, but always contained a message which the listener would disregard at his peril.

The loss of Tom Steed is a loss to the people of Oklahoma, the House of Representatives and the Nation. It is also a loss to the other body with which he delighted in engaging in honorable and sustained battle—to the betterment of the conference process.

To the family and the many friends of Tom Steed, I extend my deepest sympathy and my lasting admiration for the outstanding public service rendered by this great American.●

● Mr. MONTGOMERY. Mr. Speaker, I want to join with many of my colleagues here today in paying tribute to Tom Steed, who died last week. The gentleman from Oklahoma served his State longer than any other. His 32 years in the House of Representatives were most productive. He was a very effective legislator and his work on the Appropriations Committee was proof of this.

I had the privilege of knowing Tom for more than 10 years here in this Chamber. He was always a delight to be around.

Tom was proud of the legislation he helped guide through the House. He spent a lot of time working on those bills and he was almost always successful with them. I also remember that he always was aware of how everyone voted on the legislation he was managing on the floor.

We will all miss him. We are all better men and women for having the chance to know and serve with this fine American.●

● Mr. FUQUA. Mr. Speaker, it is with a great sense of sadness and loss that I rise today to speak of the passing of our dear friend and colleague Tom Steed who for 32 years so ably represented Oklahoma's Fourth District in the U.S. House of Representatives.

Our friends from Oklahoma have properly pointed out the role Tom Steed played as mentor to those who served with him from Oklahoma. Let it not be forgotten, however, that he was also a tremendous influence and teacher for many of us from other sections of the country who had the privilege of serving with him.

Tom Steed frequently joked about the errand boy function of being a Congressman but his constituents and his colleagues know that he was really talking about the need to represent those who elect you—and Tom Steed represented his constituents with every fibre of his being and in every forum to which he had access.

His role in creating the Interstate Highway System which crisscrosses our land is well documented and remembered, as is his persistent battle to improve educational opportunities through impact aid in those areas with significant military populations.

At times taciturn but frequently loquatious, Tom Steed automatically brought to mind the American ideal of the independent American frontiersman—hard working, good spirited, bluntly honest, and fiercely loyal.

We have missed his presence among us since his retirement in 1980 and it is difficult to imagine we will not again have the wisdom of his counsel to guide us.

Among the qualities which endeared him to his colleagues was his brevity in addressing the House.

With that in mind I will simply summarize that I know no tribute which can adequately express my profound respect for the memory of Tom Steed.●

● Mr. ANNUNZIO. Mr. Speaker, I rise today to join my distinguished colleague, Hon. DAVE MCCURDY, in paying tribute to the Honorable Thomas Jefferson Steed. Tom Steed represented the Fourth District of Oklahoma from the 81st through the 96th Congresses. He devoted 32 years in service to his country and constitutents and he was highly regarded and respected by his constituents and his colleagues in Congress.

Beginning his career in southern Oklahoma, Tom worked 20 years as a newspaperman with Oklahoma dailies. He enlisted in the Army in 1942 at age 38 and served in the antiaircraft artillery and later as an information officer. He was discharged in 1945 as a second lieutenant. His career in the House of Representatives began with his election victory on November 2, 1948.

Congresssman Steed's outstanding service in the House included the chairmanship of the Small Business Committee and the chairmanship of the Appropriations Subcommittee on the Treasury and Post Office, and the experience and ability he shared with his colleagues was invaluable.

Tom Steed was a man devoted to the people of his district, his State, and his country, and he compiled a record of excellence and accomplishment on their behalf. A humble public servant, he believed the most important role of a Congressman was to attend to the immediate problems and needs of his constitutents. Tom was sorely missed when he retired from Congress 2 years ago, and Mrs. Annunzio and I extend our deepest sympathy to his wife, Hazel, and his son, Richard.●

● Mrs. HOLT. Mr. Speaker, it is not difficult for any of us who knew Tom Steed to understand why his Oklahoma constituents elected him to represent them in this House for 32 years.

He was a warm, caring person whose personality reached out to people in friendship. I have missed him since he left the Congress, as indeed I know so many other Members have missed him.

Very often when the House was in session he would come across the aisle to visit with me, and he was quick to help with questions related to his work in the Appropriations Committee and the Small Business Committee.

Although he served in the Congress for so many years, he never lost his dedication to the people of his district in Oklahoma. His outstanding record of service to his constituency and our country is an example that merits our attention.

Mr. Speaker, all of us who knew Tom Steed share a sense of loss at his death. My prayers are with his family.●

● Mr. WINN. Mr. Speaker, I want to join my colleagues in paying tribute to our former colleague, Tom Steed of Oklahoma. Not only were we from neighboring States but during his final years in the Congress, we were neighbors on the fourth floor of the Rayburn Building.

Tom Steed served his State and his district longer than any other Representative from the State of Oklahoma. For 32 years he served the Fourth District of Oklahoma with distinction.

He had a great sense of humor and was one of the all-time story tellers of the Congress. He could spin a yarn to the delight of those around him.

Tom was a newspaperman for 20 years in Oklahoma becoming managing editor of the Shawnee News and Star. He served in the Second World War and was discharged as a second lieutenant. Tom served on the Appropriations Committee and the Small Business Committee. He was a dedicated public servant, and an inspiration to those who knew and worked with him on a daily basis. He was well respected by Members on both sides of the aisle, and was always available for advice and counsel. He will be missed by all who knew him. My heartfelt sympathies are extended to his family.●

● Mr. SYNAR. Mr. Speaker, losing Tom Steed has been one of the greatest losses of my life. He was more than a friend to me; he was a brother, a father, a mentor or whatever I needed him to be. I loved him very much.

Tom's rich personality and generous heart were his greatest assets. If I had to find any fault with Tom, it was that he could not ever turn away anyone who came to him for help. He went out of his way to work for any worthy cause or person.

Tom put his many talents to work in the most generous way possible. No one I know worked harder for the State of Oklahoma and its people. He took seriously his role as a representative of the people of Oklahoma and our citizens have been enriched by his efforts. Generations of future Oklahomans will benefit from the service and dedication he so generously gave.

As the consummate public servant, he left his successors a mighty role to fill. From his humble beginnings in rural Oklahoma, his hard work and natural ability took him to one of the highest leadership positions ever held by any Oklahoman in Congress yet he never forgot his Oklahoma roots. He loved his State and his country very much and the service he gave in their behalf, he gave lovingly.

I am honored to follow in the footsteps of such a great man and great American. I know we will all miss him very much.●

● Mr. BEVILL. Mr. Speaker, our good friend and former colleague, Tom Steed of Oklahoma, was one of the most able persons ever to have served in the U.S. House of Representatives. For 32 years he provided the highest caliber of representation to the people of Oklahoma.

It was my great personal pleasure to have served with Tom on the Appropriations Committee. It was there, watching him in his role as chairman of the Treasury, Postal Service, and General Government Subcommittee, that I became familiar with Tom Steed's legislative abilities. I greatly admired his personable style and his deep and abiding love for his country.

In a quiet and efficient manner, Tom Steed formulated wise appropriations bills and guided them smoothly through the Congress. Tom Steed was certainly a man who provided much substantive contribution to our country.

We were all saddened to learn of his death. All of us who knew Tom well know what a deep loss this is for his family and for his State of Oklahoma.

And while his passing is a loss for the entire Nation, his life of service and dedication to a land he loved, greatly enriched America.

Tom Steed served his country well.●

● Mr. ENGLISH. Mr. Speaker, I am deeply saddened by the loss of my friend and former colleague Tom Steed. I can think of no person who has served the State of Oklahoma and this country with more honor, integrity, and compassion than Tom Steed.

Before his election to Congress in 1948, Tom had served 20 years as a newspaperman. During World War II, he resigned from the local draft board to enlist as a private in antiaircraft artillery. He was released from active duty 2 years later with the rank of second lieutenant.

Tom brought these qualities to Washington and enriched all of us. He became a power on the Appropriations Committee, but his real power was with words. He was a master of conversation. He was a teacher and a leader to those of us with less experience.

Tom Steed used to say that a smile is the best cure for facial wrinkles. If that is true, then Tom Steed cured more wrinkles than all of the plastic surgeons in town.

I am confident that the spirit of Tom Steed will continue to cure wrinkles.●

LEGISLATION TO INCREASE IRA CONTRIBUTION LIMIT FOR NONWORKING SPOUSES

The SPEAKER pro tempore (Mr. WATKINS). Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 5 minutes.

● Mr. SENSENBRENNER. Mr. Speaker, I would like to take this time to make my colleagues aware that today I am introducing a bill to increase the Individual Retirement Account contribution limit for nonworking spouses.

Congress recognized nonworking spouses' value to the American family and economy when it created the so-called spousal IRA. Under present law, an individual can contribute, and thus deduct for income tax purposes, $2,000 to a qualified IRA. But, only $2,250 is allowed where a spousal IRA is utilized. In my estimation, given the financial problems of older women, the $2,250 limit is insufficient. My bill pro-

poses to allow the nonworking spouse a $2,000 contribution as well. This legislation is also drafted in such a fashion as to circumvent the cliff in present law which precludes from spousal IRA participation, the spouse who earns petty cash from serving jury duty.

Specifically, under my bill, the lower earning spouse's contribution limit would be the lesser of $2,000 or the sum of her income plus her husband's income, to the extent he did not deduct it for an IRA.●

THE ALTERNATIVE BUDGET FOR FISCAL YEAR 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) is recognized for 30 minutes.

Mr. DANNEMEYER. Mr. Speaker, I wonder how many of my colleagues have noticed how Congress has diverged from the public's position on the matter of the Federal budget. One would think, from surveying the situation around here, that the cry for less spending and less government had been stilled. After all, the House was no longer being steamrollered by the White House into reducing spending and slashing taxes. Quite the contrary, we have been gleefully attempting to undo the past 2 years by imposing new and higher taxes and by spending for tomorrow as if there were no tomorrow.

It is therefore reassuring to those of us who believe in fiscal restraint, and it ought to be alarming to those who would abandon such restraint, to notice that Missouri—in an about-face from last year—has become the 32d State calling on Congress to convene a constitutional convention for the purpose of drafting a balanced budget amendment.

The importance of this vote does not so much revolve around the constitutional aspects of a balanced budget as it reveals growing discontent with the apparent inability of Congress to do the job. And the fact that both houses of the Missouri Legislature are controlled by the Democratic Party indicates the widespread and nonpartisan appeal of this issue.

I suggest it is high time for the House to reflect on where it is headed. Do we acknowledge and accede to the wishes—the demands—of the American people, or are the leaders of the majority so intransigent they would rather overload the system until the fuse is blown than compromise even a fraction of their ideological purism? They would be well advised to notice the fate of the Labor Party in Britain in last week's election.

It is not too late to resuscitate a fiscally responsible budget for 1984, and it would be keeping faith with the American people to do so. Accordingly, I will present facets of the budget I formulated as an alternative to the first concurrent resolution on the budget for fiscal year 1984 as produced by the House Budget Committee. Certainly, it is far from ideal. There are flaws. It is not designed to please everyone. But it goes a long way toward reducing the budget to a point where the deficit is manageable and, down the road, eliminated altogether.

THE ALTERNATIVE BUDGET

It is truly tragic that this legislative body called Congress holds such monumental contempt for our Nation and its citizens in the form of refusing to take corrective action on the Federal budget. The gargantuan deficits which loom ever larger and larger pose a menace to our very economic and financial existence. The combination of high interest rates and higher inflation—both indisputably supercharged by continued and massive deficits—will permanently stifle industrial activity, prevent homeownership by future generations, and render our senior citizens wards of the State dependent upon welfare for subsistence.

It would not be imprecise to suggest that this scenario is exactly what one-world Socialists are hoping to achieve: Destroy our economic base, ravage the integrity of the dollar—this has been going on since the advent of the magic money machine—wipe out savings and property ownership, pit the welfare-dependent elderly against the overtaxed young, incapacitate our national defense, plunder our remaining gold reserves—by bailing out the International Monetary Fund, which will replenish the coffers of world bankers—foster a climate of fear and hatred—the classic battle of the haves versus the have-nots—and precipitate the paralyzation and subsequent collapse of our socioeconomic and political institutions. And at that point, some enterprising group of Marxists or eco-Fascists gleefully mount the rubble and proclaim the victory they have been striving toward all these years.

There is a terrible irony in all this: namely the Great Chasm between the majority in Congress who proceed posthaste down the insolvent road to ruin and the majority of Americans who perceive the hazards of that road and are increasingly desperate to avoid it. And nothing is more illustrative of this dichotomy than pitting the public pulse against congressional action. In March 1982, a Newsweek poll indicated that 85 percent of Americans favored reducing the size of the deficit by cutting spending. In December 1982, a Gallup poll revealed 75 percent in favor of a balanced budget constitutional amendment. And in March 1983, a poll taken by Market Opinion Research disclosed that a 78 percent majority favor at least a partial freeze on Federal spending, with a full 46 percent—nearly one-half—supporting a total, across-the-board freeze. But to little avail. On October 1, 1982, the House of Representatives defeated the balanced budget constitutional amendment—the vote was 236 to 187 in favor but failed, by 46 votes, to obtain a two-thirds majority. And, of course, on March 23 of this year, the House passed what may go down on record as the most irresponsible budget in our Nation's history, calling for $30 billion in new and higher taxes while leaving a $174 billion deficit. Democratic representation at its best.

It is a general rule-of-thumb, as well as a political fact of life with considerable historical precedent, to lay the blame for everything which is going wrong on the President. To be sure, were we to peruse the records of all of our administrations, we would find ample evidence of misdirection, miscalculation, confusion, contradiction, indecision, blunders, and, in some instances, outright calumny, in nearly all of them. To varying degrees, of course. It is also true that, in recent decades, there has not always been the motivation or desire to change course from the fiscally and morally bankrupt Keynesian philosophy which is primarily responsible for pushing us toward the precipice of ruin.

But this attitude should have changed following the 1980 election. President Reagan promised and set out to correct years of fiscal irresponsibility as well as curb the Big Brother encroachment upon our freedoms which has been the hallmark of Federal bureaucrats and social planners. For a variety of reasons, however, early successes have ben superceded by dangerously menacing reverses which threaten not only the longevity of the administration but our very way of life. A series of costly errors—failure to incise more deeply into the Federal budget to diminish the deficits in the past 2 years, caving in under pressure to revert to tax increases, a pervasive laxness in pursuing legislation favorable to the President's program, a general lack of coordination and timing to promote that program—the President's fiscal year 1984 budget was not even introduced in the House this year—and a critical ineptitude in countering adverse public opinion have placed the Reagan Presidency on the defensive. No matter that it is Congress—as it has always been Congress—which votes to spend money we do not have on programs we do not need only to serve the parochial interests of special constituencies who have been siphoning at the public trough for decades.

So the job begins not at home but in the House. Since the House of Representatives is endowed with constitutional power of the purse strings, it is only appropriate that the budget of the land should rest at its tender mer-

cies. House action, unfortunately, has been neither tender nor merciful. In true oligarchic fashion reminiscent of the halcyon days of King Caucus, the House Budget Committee devised and reported a veritable Frankenstein's monster of a budget resolution which is doomed to self-destruct: higher spending to placate those liberal constituencies, higher taxes to relieve taxpayers of their hard-earned income, and higher deficits to strangle the economy.

This concoction is nothing new in the annals of fiscal irresponsibility and would be bad enough. But, to make matters worse, no alternative was allowed to be discussed, debated, or even offered. In recent years—ever since atmospheric deficits have warranted it—a balanced budget amendment or substitute has been offered, not so much because it was given much chance to succeed but rather to let the people back home know that some of their elected representatives were practicing what they have long preached about putting our fiscal house in order. Last year this balanced budget was introduced by John Rousselot. Only 1982 was not a year like so many preceding it; this time the political climate was such that, although losing, it received 182 votes in favor on May 25—the second highest total for any of the 7 major substitute amendments to the first concurrent resolution on the budget for fiscal year 1983.

This year, in order to avoid the debacle which occurred during last year's deliberations—a proliferation of amendments, missing the budget deadline by nearly a month, no amendment receiving a majority on the first round—the Budget Committee reported out the one and only version of the fiscal year 1984 budget on March 21, 2 months ahead of schedule. Accordingly, I had prepared this year's alternative budget, alternative because, alas, the projected deficits have become too large even for my well-honed ax. Hence it is an almost-balanced budget, which pares the deficits in fiscal years 1984 and 1985 down to manageable levels—$69 and $12 billion, respectively—and brings us out of the red by 1986. This is accomplished by applying 273 changes—mostly reductions—to our present budget.

Unfortunately, the Rules Committee, on orders from the House leadership, restricted debate by allowing only one alternative to the Budget Committee resolution, that being the heretofore-mentioned nonexistent administration budget. It is one thing to defeat a balanced budget amendment in a fair fight on the floor of the House; it is quite another to prevent the option.

At any rate, this is what might have been. Or could yet be.

ECONOMIC ASSUMPTIONS

There are many variables which go into the formulation of any budget. One of the most critical is the set of economic assumptions which gage the climate in which a budget is brought to fruition. Quite obviously, the state of the economy and a few major components thereof will materially affect both estimated tax receipts and projected spending. Four such components are primary indicators: real—preinflation—growth in the gross national product, inflation as measured by the Consumer Price Index, the 91-day Treasury bill rate, and unemployment.

For each of these indicators, this alternative budget adopts the same assumptions as the House Budget Committee; that is, those estimated by the Congressional Budget Office, with two exceptions: real GNP growth for 1983 and the 91-day T-bill rate for 1984. Although it is certainly possible to arrive at different assumptions for all of the indicators, there is no compelling argument to do so. With regard to the T-bill rate, this change is not causal but rather a result—a manifestation of lower interest rates due to a greatly reduced deficit.

There has been considerable sentiment expressed concerning the probable underestimation, by both the administration and the House Budget Committee, of the growth in real GNP. And even a slight variation here can mean a difference of billions of dollars in receipts and outlays. Accordingly, this alternative budget extracts an average rate from the economic projections of nine major forecasters:

	Rate	Date
Wharton	3.2	Oct. 27, 1982
Chase	3.0	Oct. 28, 1982
Olsen/Citibank	5.0	Dec. 8, 1982
Martin Feldstein	4.0	February 1983
Morgan	[1] 3.8	Do.
Paul Volcker	4.0	Feb. 18, 1983
DRI	[2] 3.0	Do.
Forbes	5.0	Feb. 28, 1983
Blue Chip	2.7	Mar. 10, 1983
Average	3.7	

[1] 5.1 on a 4th quarter to 4th quarter basis.
[2] 4 on a 4th quarter to 4th quarter basis.

The 3.7-percent rate represents a significant increase from the 2-percent rate assumed by the House Budget Committee. And considering that each one-tenth of a point translates into a $1 billion difference in the amount of the deficit, the change is dramatic.[1]

ECONOMIC ASSUMPTIONS

	President	HBC/CBO	Alternative
1983			
Real GNP (annual averge)	3.1	2.0	3.7
CPI–U	5.0	4.5	4.5
Unemployment	10.4	10.4	10.4
91-day T-bill	8.0	6.8	6.8
1984			
Real GNP	4.0	4.7	4.7
CPI–U	4.4	5.0	5.0
Unemployment	9.5	9.7	9.7
91-day T-bill	7.9	7.4	[1] 6.5

[1] Effects on the budget from this change are calculated using the CBO "rule-of-thumb" which appears as Appendix A.

[1] This lower rate emanates from adoption of the gold standard, utilizing the argument contained in the article by Lewis Lehrman (Appendix B).

SUMMARY

"To tax the community for the advantage of a class is not protection; it is plunder."—BENJAMIN DISRAELI, Speech, House of Commons, May 14, 1850.

Thus, the preeminent British statesman of the 19th century succinctly states the reason why we ought to balance budgets by cutting spending, not by raising taxes. It is all the more ironic since the Prime Minister had the benefit of experiencing neither the spending programs nor the budget process of the U.S. Congress.

Fortunately, the congressional budget process is not at issue here. Bearing some similarity to the M–1 tank, it may be newer, more fascinating, and certainly more expensive than its predecessors, but its efficacy is underwhelming.

What is at issue is the catastrophic size of our Federal budget deficits and the imperative to reduce them, if not totally, at least to a manageable level. A balanced budget with no red ink is a goal which commands overwhelming public support; but the sheer magnitude of recent and projected future deficits makes this virtually unattainable for fiscal year 1984, and very difficult beyond that without benefit of a constitutional amendment requiring such a balanced budget.

What we are left with, then, is to take legislative action to reduce spending. Budget cuts—shutting off the spigot to pet projects and favored constituencies—like smallpox immunization; unpopular and painful, but essential for future health. But perhaps less noticeably painful if we all share in the ordeal. After all, if we monitor public opinion, it would not be unreasonable to expect that most Americans would not mind biting the proverbial bullet so long as we all chomped together.

NATIONAL DEFENSE

The alternative budget allows real annual growth of 6.5 percent in budget authority and 6.1 percent in outlays—average—over the next 5 years; aggregate real growth, 1984–88, is 43.5 percent in budget authority and 40.7 percent in outlays. This is a respectable growth rate which would finance the revitalization of our defense effort while saving $53 billion in the process.

Much of the President's program is incorporated, including increased personnel levels and bonuses. There would be 10 percent real annual growth in procurement, 5 percent in operation and maintenance and military construction, and an intermediate—10 percent in 1984–86, 5 percent in 1987–88—growth rate for research, development, test, and evaluation. In addition, there would be a 1-year pay freeze for 1984 and no cost-of-living allowance for retirees; this is a 1-year measure in conjunction with a Government-wide wage freeze.

INTERNATIONAL AFFAIRS

The effort here is twofold: We cannot afford to spend billions of dollars overseas when we have severe economic problems at home, and we need to prioritize that spending so as to maximize alliances with friends and allies.

There would be a general reduction in multilateral assistance and a greater reliance on bilateral or unilateral assistance in order to limit funding nonessential and/or anti-American causes and governments. Moreover, credit levels would be lowered or capped, repayment of loans more strictly enforced, and high-risk and low-priority loans would be restricted. The President's Caribbean Basin Initiative would be promulgated in conjunction with a general realinement giving greater priority to our own hemisphere. And there would be no authorization for a bailout of the International Monetary Fund.

GENERAL SCIENCE, SPACE, AND TECHNOLOGY

There would be no curtailment of the space shuttle or other programs of national importance. A cap would be placed upon funding for the National Science Foundation and its activities would be prioritized to minimize the financing of frivolous and unnecessary projects.

ENERGY

The policy of continued decontrol and deregulation would be adhered to, with minimal activities being maintained in monopoly or interstate situations.

NATURAL RESOURCES AND ENVIRONMENT

An overall policy would be implemented whereby the integrity of our national heritage of parks and wilderness areas would be maintained, but the further encroachment of Government via either land acquisition or land use restrictions would be curtailed.

The environmental protection program would be restructured to emphasize deterrence to pollution rather than nonproductive regulation. Taxpayer financing of the Superfund account would be reduced in favor of relegating a greater share of the cost of cleanups to the polluters.

Inland waterway and recreation user fees would be imposed in order to recover costs presently borne by taxpayers who, for the most part, do not use the services they are paying for.

AGRICULTURE

Outdated—and largely corporate—subsidy programs would be terminated or restricted, and greater emphasis placed upon family farms and the free market. Obsolete, redundant, or unnecessary services would be similarly reduced or eliminated.

The President's payment-in-kind program would be maintained until it can be determined whether or not it is a viable alternative to current price support policies. General agricultural policy should shift from one of nonproduction to production; allowing farmers to harvest however much they desire in order to feed the Nation and establish a fair-market value in the process is far more economically sound, logical, and humane than continuing the present policy of paying them not to.

COMMERCE AND HOUSING CREDIT

The President's proposal to restrain escalating costs for many of these programs is incorporated. Corporate subsidies and certain nonproductive activities are restricted.

TRANSPORTATION

The President's recommendations are adopted to reduce the level of subsidies and promote further deregulation of transportation industries. The 1 cent per gallon gasoline tax allocation for urban mass transportation systems would be rescinded.

COMMUNITY AND REGIONAL DEVELOPMENT

Obsolete, unessential, or counterproductive programs would be terminated.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

Many of the President's recommendations to redirect the emphasis of certain education programs are incorporated, including the replacement of existing loans and Pell grants by work/study and self-help grants. Recovery of delinquent student loans would be accelerated. Funding for bilingual education and the National Institute of Education would be terminated. Funding for the National Foundation on the Arts and the Humanities would be restricted to curtail taxpayer subsidies for projects of little or no artisitc merit.

HEALTH

Medical costs have risen faster since the advent of Federal hospital insurance, in large part because vendors know that the Government—that is, taxpayers—will foot the bill. From 1940 to 1965—premedicare—the Consumer Price Index for medical care ran from 5 percent to 26 percent below the inflation rate; from 1965 to 1974, they were roughly comparable; since 1975, medical care has grown from 5 percent to—in 1982—14 percent above the inflation rate. More spectacularly, hospital room costs have escalated from 25 percent above the CPI in 1970 to 70 percent above in 1979. It is clearly a cycle in which increased Federal spending fuels higher medical costs, which, in turn, push the demand for Federal spending even higher.

Growth in the medicare program would be restricted to that in national defense, that is, a 10.4 average annual increase—6 percent real growth. This would allow for modest cost increases above inflation while also predetermining what vendors could receive from Government payments. Medicaid funding would be capped to similarly discourage vendors from arbitrarily raising costs.

INCOME SECURITY

For both Social Security and Federal retirees, a one-half COLA would be granted in 1984, and 60 percent-of-CPI COLA's would ensue in the outyears. The windfall and featherbedding subsidies in the railroad retirement system would be eliminated.

The wasteful and fraud-ridden public housing projects would be terminated and workfare instituted for those receiving public assistance payments.

In the efforts to combat fraud and abuse in the food stamp program, various enforcement measures would be undertaken and purchase requirements would be reinstated. Various child nutrition programs would be consolidated and restricted to the truly needy.

VETERANS BENEFITS AND SERVICES

In conjunction with the policy adopted in other retirement programs, a 60 percent-of-CPI COLA would be adopted in the outyears.

ADMINISTRATION OF JUSTICE

Greater emphasis should be placed on fighting crime, not social causes. In an effort to curtail unnecessary harassment and public financing of liberal social schemes, the Bureau of Alcohol, Tobacco, and Firearms and the Legal Services Corporation would be terminated.

GENERAL GOVERNMENT

Excessive increases in the cost of Government would be curbed and, in general, the President's proposals adopted to streamline the still-bloated bureaucracy.

GENERAL PURPOSE FISCAL ASSISTANCE

Revenue sharing would be terminated. This money is ill-affordable and misspent when confronted with triple-digit deficits. Furthermore, a healthier economy and lower Federal taxes will be more beneficial to States and communities than a lump sum from Washington.

NET INTEREST

Billions of dollars in interest on the public debt would be saved through adoption of a gold standard and, con-

currently, greatly reduced budget deficits.

ALLOWANCES

A Government-wide pay freeze would be effected for 1984 only, a CPI-based COLA to be resumed thereafter. The Davis-Bacon Act would be repealed, the policy of contracting-out extended, and greater recovery of delinquent debts sought.

UNDISTRIBUTED OFFSETTING RECEIPTS

The President's recommended level of receipts would be adopted.

MISCELLANEOUS OFFSETS

Higher real GNP growth and an oil price decline will account for billions of dollars in added revenue and a modest decline in outlays.

COMPARING NUMBERS

The following table compares the alternative balanced budget proposal to the first concurrent resolution on the budget—fiscal year 1984 produced by the House Committee on the Budget and passed in the House on March 23, 1983, and to the President's original Budget of the U.S. Government—Fiscal Year 1984 issued by the Office of Management and Budget on January 31, 1983, and which was reestimated by the Congressional Budget Office.

THE FISCAL YEAR 1984 BUDGET—A COMPARISON

[In billions of dollars]

Function	President's reestimated	House Budget Committee	Dannemeyer alternative
050 National defense:			
BA	280.25	263.85	271.28
O	244.70	235.40	236.15
150 International affairs:			
BA	26.65	18.85	11.21
O	12.70	13.20	8.70
250 General science, space and technology:			
BA	8.45	8.85	7.38
O	8.15	8.35	7.33
270 energy:			
BA	2.85	4.40	2.69
O	3.30	4.30	2.49
300 Natural resources and environment:			
BA	9.35	12.10	8.60
O	10.10	12.50	9.34
350 Agriculture:			
BA	13.10	14.85	11.02
O	12.80	14.65	10.84
370 Commerce and housing credit:			
BA	7.80	6.10	5.04
O	.75	2.30	.85
400 Transportation:			
BA	27.70	28.30	25.73
O	24.90	26.15	24.37
450 Community and regional development:			
BA	6.15	8.25	6.30
O	7.35	8.55	7.17
500 Education, training, employment, and social services:			
BA	25.60	39.15	25.85
O	25.25	32.70	24.58
550 Health:			
BA	92.05	96.25	90.73
O	90.25	96.00	89.96
600 Income security:			
BA	286.10	310.60	278.23
O	278.55	284.70	271.82
700 Veterans benefits and services:			
BA	25.90	26.00	25.60
O	25.35	25.55	25.31
750 Administration of justice:			
BA	5.60	5.60	4.83
O	5.55	5.50	4.95
800 General Government:			
BA	5.95	5.80	5.40
O	5.85	6.05	5.22
850 General purpose fiscal assistance:			
BA	6.75	7.60	3.19
O	6.75	7.60	3.19

THE FISCAL YEAR 1984 BUDGET—A COMPARISON—Continued

[In billions of dollars]

Function	President's reestimated	House Budget Committee	Dannemeyer alternative
900 Net interest:			
BA	96.00	96.15	69.68
O	96.00	96.15	69.68
920 Allowances:			
BA	.95	1.20	−3.71
O	.95	1.25	−3.71
950 Undistributed offsetting receipts:			
BA	−18.90	−17.35	−22.75
O	−18.90	−17.35	−22.75
999 Miscellaneous offsets:			
BA	0	0	−15.00
O	0	0	−15.00
Total budget:			
BA	908.70	936.55	811.30
O	843.10	863.55	760.51
Revenues	661.65	689.10	692.00
Deficit	181.45	174.45	68.51
Taxes raised	3.0	30.0	0

□ 1920

Mr. Speaker, we know the law requires that by September of this year the House, under existing law, must adopt a second concurrent resolution. It is my hope that the House will come to a rational judgment on what is the responsible thing to do in this country with respect to setting the spending level for fiscal year 1984, and I hope the House will at least take up that alternative budget which this Member prepared so that we can have a vote as to whether or not the Members are interested in reducing this runaway spending.

Mr. McCURDY. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to my colleague, the gentleman from Oklahoma.

Mr. McCURDY. Mr. Speaker, as the gentleman knows, I supported that constitutional amendment and have been very concerned about deficit spending.

Is the gentleman saying that he would support a proposition whereby we would have a freeze on spending across the board, both in defense and nondefense items, if it were in some measure to have a meaningful effect on deficit reduction?

Mr. DANNEMEYER. Mr. Speaker, in response to that question, let me say that this alternative presupposes a reduction in spending for 1984 of some $85 billion over the version that the House budget presented to us. Included within that approach is a freeze on almost all categories of spending except for defense, and in defense it permitted a growth of 5 percent after inflation.

The reason I provided that was not because I feel that defense should be exempted, but over the last 20 years the record shows that the increase in defense spending has grown by about 11 percent in constant 1972 dollars, whereas the growth in nondefense spending has been over 400 percent in the same 1972 constant dollars, the point being that this country and its budget is not out of whack because of excessive defense spending; it is because of social spending or nondefense spending that we are in deep fiscal trouble today.

Mr. McCURDY. Mr. Speaker, I would agree that spending has gotten out of control, but I would just state that the gentleman may have an opportunity to cast a vote on a freeze across the board. I am to the point that I believe we may have to be calling for bold action for a freeze on all spending, and we have to consider defense as well.

Mr. Speaker, I did not want to take too much of the gentleman's time. I just wanted to clarify his position.

Mr. DANNEMEYER. Mr. Speaker, I appreciate the comment of my colleague, the gentleman from Oklahoma, Mr. McCURDY.

Over the course of the next 4 or 5 days, I intend, if time permits in the schedule of the House, to bring to the attention of my colleagues where the specific cuts in spending can be made in a reasonable, defensible way. I think I can also make clear to my colleagues that these cuts, totaling some $85 billion, are not being done on the backs of the poor, and we are not taking this out of the downtrodden, the handicapped, the deprived, and the underserved of our society.

Mr. Speaker, I yield back the balance of my time.

OPEN TRADE AND EUROPEAN COMMUNITY SUBSIDIES—HISTORICAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, each of us is aware of the extensive export trade subsidies being placed on agricultural exports by the European Economic Community (EEC), in their effort to reduce the domestic surpluses they are systematically producing.

While I can certainly understand the need for the members of the EEC to maintain their self-sufficiency in the area of food production, the facts clearly indicate that many members of the Community, particularly the French, have in recent years consciously produced surpluses and then used export subsidies to take away third-nation markets from the United States and other traditional export suppliers. For example, EEC exports of wheat have risen from a total of 1.2 million tons—3 percent of world trade—in 1970–71 to an estimated 12.5 million tons—13 percent of world trade—in 1982–83, a year when U.S. exports are expected to drop by almost 8

million tons. While the strong dollar is, of course, responsible for some decline in U.S. exports, much of that decline is directly attributable to fallout from the Carter grain embargo and especially, to excessive export subsidies currently utilized by the EEC.

Some things occur again and again. This Member finds it interesting that over 100 years ago, in the 48th Congress, the late Senator John S. William expressed the same sentiments that I am expressing today, when he stated: "All we want is an open field and fair play. We want opportunities to reach the market of the world."

In fact, it can be said that the American producer is twice penalized by the EEC agricultural policies, in that much of the funding for export subsidies is, in effect, raised by the import tariffs which the EEC imposes upon American farm products imported to the EEC. Our hands are certainly not clean with respect to trade barriers, but we are, by general agreement, the developed Nation with the most open trade opportunities for imports from other countries. Then, too, it must be recognized that while we also heavily subsidize our agriculture, our subsidies are primarily focused on reducing production to sustain reasonably profitable commodity price levels. Thus, for example, while we keep wheat production down by subsidies, the French are expanding wheat production and subsidizing their product at the export end. It can thus be said that the American taxpayer is indirectly subsidizing the French wheat farmer through: First, our subsidies which decreases U.S. supplies and, second, by paying import tariffs which increase commodity prices in the EEC.

I believe it is even more important for EEC officials to understand the severe adverse impacts of their agricultural subsidy actions upon our producers and their export markets.

I believe it is even more important for EEC officials to understand the severe adverse impact of their agricultural subsidy actions upon our producers and their export markets, not to mention the tremendous impact upon Third World nations that have one or two commodities as their export base.

We have been forced to substantially reduce our production levels in this country, due, in part, to the extensive subsidy programs utilized by the European Economic Community. These subsidies have excluded U.S. agriculture from the markets it has earned and to which it is entitled by efficiency and natural advantages. Senator Thomas F. Bayard, Sr. of Delaware made a statement in 1883, 100 years ago, which also clearly describes the situation we face today. He said:

When we find ourselves tied up in our home market by overproduction and are asking for relief, do we stop labor and cease production, for we cannot go abroad? We have an overweighted and overhandicapped horse, that cannot be put into the race with others outside of this country, because he would be beaten almost before he started.

European Economic Community subsidies have, in effect, handicapped and overwighted our horse, and unless we move toward demanding an equalization of weight, we will never become competitive in the race.

□ 1730

BALTIC FREEDOM DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, June 14 marks the 43rd year the people of the Baltic States of Estonia, Latvia, and Lithuania have been occupied by the Soviet Union. The proud people of these nations are not only enduring but bravely resisting intense pressures to "Russify" their separate national cultures and I was glad to cosponsor House Joint Resolution 201, the bill to designate June 14, 1983, as Baltic Freedom Day. The bill passed in the House of Representatives on June 9.

This horror began in 1940 when the Communists invaded these nations with the intent of incorporating them into the Soviet Union. In order to make the transition from free, independent nations to Communist-controlled ones, the Soviets needed to eliminate the differences in culture these nations enjoyed. The Red army began by arresting, forcibly deporting, and in some cases executing intellectuals, peasants, and politically active persons.

Each nation lost tens of thousands of people through deportation. These citizens were herded into cold unsanitary boxcars and shipped to Siberia and other remote parts of the Soviet Union. The remaining citizens were subjected to severe restrictions on religious practices, customs, and the use of native languages. These efforts intensified in 1941 until interrupted in June of that year by the Nazi invasion. When the Communists regained control in 1944, their destruction of the heritage and identify of the Baltic States resumed. In addition, more deportations took place in 1949, including an estimated 30,000 from Estonia and 50,000 from Latvia. About 10 percent of the entire population of Lithuania was deported in 1948 and 1949.

Today these countries remain under Soviet control while native citizens struggle to maintain a sense of national identity. The Soviets continue to try to destroy this identity with force. In an effort to eliminate the Baltic languages, they have directed that Russian be taught in all kindergartens, day care centers, and secondary schools. Religious activities and beliefs are rewarded with discrimination, harassment, vandalism, and arrests. Communist propaganda and threats are used to influence young people and their activities are monitored and scrutinized for their aherence to party objectives.

The Baltic people are hard working and industrious and often produce a surplus of food and goods. In 1978, the Estonian output of dairy products, eggs, and beef was nearly twice the Soviet Union average. The other Baltic nations share similar successes. However, most of these products are exported to the Soviet Union, causing shortages, rationing, and long lines in these productive nations.

The Governments of the United States, Great Britian, and Canada have never recognized the illegal annexation of the Baltic States by the Soviet Union. Recently, the European Parliament adopted a resolution on the situation in Latvia, Lithuania, and Estonia. The resolution follows as does the editorial by the Voice of America on this subject as reprinted by the March-April edition of the ELTA Information Bulletin, published by the Lithuanian National Foundation:

RESOLUTION ADOPTED BY THE EUROPEAN PARLIAMENT ON JANUARY 13, 1983

RESOLUTION ON THE SITUATION IN ESTONIA, LATVIA AND LITHUANIA

The European Parliament,

A. having regard to the joint declaration of 45 nationals of Estonia, Latvia and Lithuania, in April 1979, calling on the United Nations to recognize the rights of the Baltic States to self-determination and independence, and demanding a referendum on this issue,

B. having regard to the bilateral peace treaties between the Soviet Union and the three Baltic States in Dorpat (2 February 1920), Moscow (12 July 1920) and Riga (11 August 1920), in which the Soviet Union guaranteed the three Baltic States the inviolability of their territory and eternal peace,

C. having regard to Article VIII of the Final Act of the Helsinki Conference on Security and Cooperation, which secures the right of self-determination of peoples and their right, in full freedom, to determine, when and as they wish, their internal and external political status,

D. condemning the fact that the occupation of these formerly independent and neutral States by the Soviet Union occurred in 1940 following the Molotov/Ribbentrop Pact, and continues,

E. whereas the Soviet annexias of the three Baltic States has still not been formally recognized by most European States and the USA, Canada, the United Kingdom, Australia and the Vatican still adhere to the concept of the Baltic States,

F. having regard to the eight-year-long struggle and armed resistance of Estonians, Latvians and Lithuanians fighting for their freedom, the thousands of victims of this struggle and the 665,000 Estonians, Latvians and Lithuanians who have been resettled and removed to labour camps in Siberia by the Soviet rulers since 1940,

G. having regard to the motion for a resolution by Sir James Scott-Hopkins and others on behalf of the European Conserva-

tive Group on the situation in Estonia, Latvia and Lithuania (Doc. 1-777/80),

H. having regard to the report of the Political Affairs Committee (Doc. 1-656/82),

1. Calls on the Foreign Ministers meeting in Political Cooperation to form a common favourable approach to the declaration addressed to the United Nations in 1979;

2. Suggests that they submit the issue of the Baltic States to the Decolonization Subcommittee of the UN;

3. Considers that the plight of the peoples of these States should be the subject of review during the conferences to monitor implementation of the Helsinki Final Act;

4. Expresses the hope that the Conference of Foreign Ministers will use their best endeavours to see that the aspirations of the peoples of these States as to their form of government are realized,

5. Instructs its President to forward this resolution to the Foreign Ministers meeting in Political Cooperation and to the Governments of the Member States.

VOICE OF AMERICA—EUROPEAN PARLIAMENT AND "MOSCOW'S BALTIC COLONIES"

(A VOA editorial reflecting the views of the U.S. Government)

"The European Parliament issued an appropriate reminder earlier this month about a large population whose desire for independence was ignored during the great period of decolonization that followed the second world war.

"The independence of the Baltic States, Estonia, Latvia and Lithuania, was in effect ended by a secret treaty between Nazi Germany and the Soviet Union more than four decades ago. The subsequent annexation of the three countries by the Soviet Union deprived their populations of the right of self-determination that the United Nations has supported the world ever since its founding.

"So the delegates to the European Parliament have called on their foreign ministers to submit the issue of the Baltic States to the United Nations subcommittee on Decolonization. That is an excellent idea.

"The annexation of the Baltic States has never been recognized by the United States, Great Britain or Canada, or by most of the governments of Western Europe, or by the Vatican. But the United Nations has never taken up their status in its subcommittee on Decolonization—an appropriate forum for the issue given the Baltic States' de facto status as Soviet colonies.

"No one should have any illusions about Moscow's attitude in this matter. Ever since Stalin, Soviet policy toward the Baltics has been consistent and unremitting. It is to destroy their sense of separate nationality, to exploit their national resources and to crush any dissidents within their boundaries.

"We don't expect any sudden change in that policy. The Kremlin is not likely to be persuaded by world condemnation to hold free elections so that the Baltics can decide their own political fate. But bringing their colonial status before the United Nations would emphasize that time has not legitimized the Soviet claims to Estonia, Latvia and Lithuania.

"It would also remind the Kremlin leaders that the outside world is aware of their treatment of the Baltic population—and of the harassment and imprisonment of the Baltic patriots who even today continue to defy the imperial Soviet state.

"That was an editorial, reflecting the views of the U.S. Government".

(This editorial was transmitted in all the VOA languages).

Mr. Speaker, I am pleased and privileged to join with Americans of Estonian, Lithuanian, and Latvian descent in the 11th Congressional District, which I am honored to represent, in the city of Chicago, and across the Nation in commeorating June 14, 1983, as Baltic Freedom Day. On this day we honor and remember the brave souls who died for freedom as well as those who continue the struggle to keep alive the hopes and dreams of these great peoples, who only seek to live their own lives and guide their own destinies. It is my hope that democracy will someday be restored to these three nations.●

MISSIONARIES RESPOND TO PRESIDENT REAGAN'S CENTRAL AMERICAN ADDRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. OAKAR) is recognized for 15 minutes.

● Ms. OAKAR. Mr. Speaker, I want to bring to the attention of my colleagues a statement prepared by 49 missionaries in Nicaragua in response to President Reagan's recent speech to the Joint Session of Congress on Latin America. Unfortunately, the major dailies and the weekly news magazines did not report the missionaries' statement.

As we slip deeper and deeper into active military involvement in Central America, it is essential that we listen to those people who are working in countries like Nicaragua to learn what the effects of our policies and actions are. We must make every effort to avoid the misperceptions, half-truths and falsehoods that preceded our disastrous involvement in Vietnam two decades ago.

The religious who issued the response to the President's speech remind us of the real causes of turmoil in Central America—poverty, hunger, and injustice. These are the problems we should be addressing. They must be addressed through humanitarian and economic aid, not military aid and covert action.

Following is the statement of the missionaries and a list of those signing:

CENTRAL AMERICAN HISTORICAL INSTITUTE, INTERCULTURAL CENTER, GEORGETOWN UNIVERSITY,
Washington, D.C. April 27, 1983.

STATEMENT BY U.S. RELIGIOUS IN NICARAGUA IN RESPONSE TO THE ADDRESS BY PRESIDENT REAGAN TO A JOINT SESSION OF CONGRESS

"I ask if you really want to defend human rights, that you prohibit the sending of military aid to the junta and guarantee that your government does not intervene, directly, with military, economic, diplomatic, etc. pressures in determining the density of the Salvadoran people." (From a letter by Archbishop Oscar Romero to President Jimmy Carter, March 1980.)

We, a group of U.S. Church people who have lived and worked in Nicaragua and other Central American countries for many years, believe in the Gospel and the search for truth. We echo Monsignor Romero's words and underline them, not only for El Salvador, but for the rest of Central America.

In Mr. Reagan's address to the joint session of Congress on Wednesday (April 27), he said he was acting in the hope of preventing a crisis. We who live here can attest to the fact that the crisis already exists and daily is made more acute by U.S. policy in the region. We feel Mr. Reagan's address presented a very distorted view of the Central American reality to the American people. We feel President Reagan did not address the real causes of conflict in Central America. As Senator (Christopher) Dodd pointed out, if poverty, hunger and injustice did not exist, revolution would not exist—with or without the Soviet Union.

We have seen great strides and faltering mistakes here in Nicaragua in the last three and one-half years. We have seen the joy of peasants learning to read, the improved health of children vaccinated against polio and other childhood diseases, the pride of farmers who have title to their own land for the first time.

As religious workers in Nicaragua, we have found that we are free—and encouraged—to exercise the preferential option for the poor stressed by the Latin American bishops at Medellin and Puebla. Nicaragua is one of the few Latin American countries in which those efforts for the poor are echoed rather than repressed by the government. We do not deny problems, nor mistakes—but we must not confuse errors with systematic repression. We know repression, In other Central American countries, we have all lost friends and co-religious who were killed by U.S.-backed military or paramilitary forces for their work with the poor.

More and more in the last year we have also seen the effects of the U.S. backed counterrevolutionary activity on those same poor of Nicaragua—in what we strongly feel is an illegal and undeclared war by the Reagan administration on this country. We have seen tobacco fields burned, young volunteers in the coffee harvest shot and killed, delegates of the word picked out for torture and death. We have taken shrapnel out of the heads of babies—from mortar shells launched from Honduran territory.

We must repeat emphatically that it is the poor in Central America who are affected every day by U.S. policy. It is they who bear the brunt of decisions made in Washington or in the U.S. embassy in Tegucigalpa. It is the poor who suffer as the U.S. squeezes Nicaragua economically.

The Somocista forces attacking Nicaragua from Honduras in order to overthrow this government are pictured in Washington as a democratic alternative. One has only to look at the system of oppression under which the Nicaraguans lived for 46 years and at the actions of Somoza's security forces from which most of these forces come to see what their return to power would mean to Nicaragua.

What is our hope? Our hope is that the U.S. will encourage bilateral negotiations between Nicaragua and Honduras; that the U.S. will encourage efforts by the Contadora group (the Foreign Ministers of Colombia, Mexico, Panama, and Venezuela); that the U.S. will agree to bilateral negotiations

with Nicaragua, asked for repeatedly—most recently only last Monday by Daniel Ortega. We ask for the U.S. to stop its intervention in Central America, to cease its insistence upon military solutions, and that it allow these countries the right of self-determination.

We also hope that U.S. citizens (many of whom have visited Nicaragua and seen its reality) will continue in their efforts to bring a policy of peace to this area. We applaud and support the efforts of the U.S. Conference of Catholic Bishops, the National Council of Churches, the Moravian Church, and countless other church and civic groups who echo Archbishop Romero's words and cry for peace with dignity in Central America.—Managua, Nicaragua, April 29, 1983.

Letter in reponse to Reagan's speech April 27, 1983 signed by:

Rev. James E. Goff, United Presbyterian Church, USA.
Margaret P. Goff, United Presbyterian Church, USA.
Joan Parajon, American Baptist Churches, USA.
Rev. Stephen Heneise, American Baptist Churches, USA.
Sheila Heneise, American Baptist Churches, USA.
Sharon Hostetler, Mennonite Church, USA.
Katherine Pettus de Torres, Episcopal Church, USA.
Howard Heiner, United Methodist Church, USA.
Peggy Heiner, United Methodist Church, USA.
Gerald Schlabach, Mennonite Central Committee.
Joetta Schlabach, Mennonite Central Committee.
Nancy Hansen, School Sisters of St. Francis.
Alicia Ramirez, Sisters of Loretto.
Barbara Arcol, Sisters of Notre Dame de Namur.
Sandra Price, Sisters of Notre Dame de Namur.
Mary Hartman, Sisters of St. Agnes.
Margarita Navarro, Sisters of St. Joseph of Medaille.
Julia Marciacq, Sisters of St. Joseph of Carondolet.
Phyllis Celleher, Dominican Sisters of Tacoma.
Andrea Balconesse, Dominican Sisters of Adrian.
Suzanne Dellie, Sisters of Mercy.
Jo Ellen McCarthy, Sisters of Charity of the BVM.
Lisa Fitzgerald, Religious of the Sacred Heart.
Camellus Dusreyne, SFC.
Peter Marchetti, Society of Jesus.
Robert Stark, Blessed Sacrament Priest.
John Spain, Maryknoll Fathers.
Barbara Ginter, Sisters of St. Joseph.
Patricia Edminsten, Maryknoll Sisters.
Julianne Warranshius, Maryknoll Sisters.
Nancy Donovan, Maryknoll Sisters.
Beatriz Caragoza, Maryknoll Sisters.
Joan Uhlen, Maryknoll Sisters.
Rachel Pinal, Presentation Sisters.
Lorretta Kruegler, Maryknoll Sisters.
Maria Collabella, Maryknoll Sisters.
Rita Owczarek, Maryknoll Sisters.
Julie Miller, Maryknoll Sisters.
Patricia Murray, Maryknoll Sisters.
Patricia Hynds, Maryknoll Lay Missioner.
Dina O'Connell, Maryknoll Lay Missoner.
Peggy Healy, Maryknoll Sisters.
Donna Woznica, Maryknoll Sisters.
Celine Woznica, Maryknoll Sisters.
Teresa Perkes, Maryknoll Sisters.
Patricia Haggerty, Maryknoll Sisters.
Bridget Keogh, Religious of the Sacred Heart.
Carol Magoon, Associate, United Church Board for World Ministries.●

JUDICIAL REVIEW OF VETERANS CLAIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 10 minutes.

● Mr. LAFALCE. Mr. Speaker. Today, along with our colleagues THOMAS A. DASCHLE, chairman, Vietnam-Era Veterans in Congress Caucus, DAVID E. BONIOR, NORMAN E. D'AMOURS, WILLIAM Z. RATHFORD, ROBERT MRAZEK, JIM OBERSTAR, and RON MARLENEE, I am introducing a bill to provide for judicial review of determinations made on veterans' claims by the Veterans' Administration (VA).

Under current law, a veteran's claim for benefit is reviewed and decided upon completely in-house by the Veterans' Administration (VA) and may not be brought before the courts for adjudication. Veterans are literally held hostage to the VA determinations. They have no legal recourse.

It is ironic indeed, Mr. Speaker, that veterans who have fought to protect the basic constitutional rights of all Americans are being denied the basic right to due process when dealing with the VA. The bill that I am introducing today along with my Vietnam-Era Veterans in Congress Caucus colleagues will end this dual system of justice by guaranteeing to all veterans the same rights and privileges enjoyed by all Americans when dealing with other Government agencies.

Clearly, our goal should be to insure the most equitable consideration of claims filed by veterans. Our bill would accomplish this goal by giving the veteran access to the Federal court system and through that a fresh look at his or her claim.

The bill also provides for reasonable attorney fees for veterans in need of legal assistance. Presently, a veteran who seeks legal assistance can pay his or her lawyer no more than $10 for legal services associated with the claim. The bill also requires VA compliance with the Administrative Procedures Act.

The Senate Veterans' Affairs Committee has already reported a bill to provide for judicial review of VA claims decisions, and the Subcommittee on Oversight and Investigations of the House Veterans' Affairs Committee has scheduled hearings on the issue for July 21 and 22, 1983.

Mr. Speaker, without this bill or similar legislation, the VA will continue to make decisions affecting the lives of veterans unfettered by the prospect of judicial review, while veterans will remain second-class legal citizens.

The basic right of appeal to a higher authority, a right extended to all Americans who feel they have been wrongly judged by an agency of the Federal Government, must be extended to veterans whose lives and well-being can be dramatically affected by VA decisions.●

MANTEO BAY PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of North Carolina. Mr. Speaker, I am today introducing a bill designed to clear up a problem that has for several years now delayed the construction of the much-needed Manteo (Shallowbag) Bay project in Dare County N.C. The bill will transfer land crucial to the project from the jurisdiction of the Department of the Interior to the Secretary of the Army, thus clearing the way for the project to begin.

The Manteo (Shallowbag) Bay project is designed to stabilize the Oregon Inlet, an inlet which is crucial to North Carolina's offshore fishing industry. The inlet is a passageway between two islands in the North Carolina outer banks, Bodie Island and Pea Island. By the use of jetties and an innovative sand bypassing system, the project will stabilize the inlet to allow fishing vessels safe ingress and egress to the modern seafood processing facilities at Wanchese Harbor. Safe access to this modern facility will result in a strong growth in the fishing industry in this area and will add millions of pounds of seafood to domestic and foreign markets.

The need for the project may be easily demonstrated by noting the danger which fishermen who now use the inlet face each time they make the journey from the Atlantic Ocean to the safety of harbors within the Pamlico and Albemarle Sounds. During the fall and winter fishing seasons, shoaling is extremely rapid and the channel within the inlet changes its position quickly. During the peak commercial and sport fishing months, groundings of vessels in the inlet average 15 to 20 per month. These accidents not only cause vessel losses and damages in the millions of dollars each year, but also result in personal injuries and loss of life. The Coast Guard recorded eight lives lost in the Oregon Inlet from the years 1969 through 1979.

In 1970, Congress addressed the problem at the inlet by authorizing a project to stabilize the inlet through the use of a jetty system and a means of sand transfer to the downdrift beach. The channel through the ocean bar at the inlet was authorized to be

20 feet deep and 400 feet wide. So far, neither stabilization nor the authorized channel depth have been achieved. The Corps of Engineers has determined that the jetty and sand bypassing system is the only means by which this can be done.

The project designed by the corps will stabilize the inlet with no adverse environmental impact. In fact, if the project is not soon built, the environmental effects may be quite severe. The corps estimates that, unless a jetty system is used to stabilize the inlet, Pea Island, the site of a Coast Guard lifesaving station and a national wildlife refuge, will lose 450 acres over the next 8 to 10 years. The Manteo (Shallowbag) Bay project will stabilize this erosion, which even now is occurring at a rate of 16 to 17 acres per year.

The reason that the project has not already been built relates to the owner of the land north and south of the inlet, the U.S. Department of the Interior. Some amount of land north and south of the inlet must be used by the corps to construct and operate the jetties. To the north of the inlet is Bodie Island and part of the Cape Hatteras National Seashore. To the south of the inlet, as I have mentioned, exists the Pea Island National Wildlife Refuge, managed by the U.S. Fish and Wildlife Service.

Although the owners of the land, the Department of Interior, has indicated to the Corps of Engineers a preference for dredging the inlet, rather than the use of jetties, the corps has studied the dredging alternatives and has found none of them to be workable. Nevertheless, the Department of the Interior has not issued the necessary permits so that construction of the project can begin. Because the construction of the project is for navigation purposes not consistent with the purposes for which the Pea Island Wildlife Refuge was established, the Department has taken the position that no permit can be issued to use wildlife refuge land. The Department has also taken the position that no authority exists to grant permits for the construction of jetties using property within the Cape Hatteras National Seashore.

My bill will avoid this problem by transferring the necessary property to the Secretary of the Army so that the project can be built as authorized by Congress in 1970. The Secretary of the Army, through the Chief of Engineers, will determine what land is necessary for the construction of the property. I am informed that the land necessary for permanent corps authority will be no more than 90 acres. An additional 50 acres of land will need an easement in favor of the corps.

Mr. Speaker, this bill is necessary to correct a situation which was not envisioned when the Manteo (Shallowbag) Bay project was authorized in 1970. The project is very important to the people of North Carolina and will result in very significant economic growth in an area where unemployment now runs as high as 40 percent. I ask my colleagues to strongly support the bill.●

NATIONAL CHILDREN'S DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, Francis Thompson said:

Know you what it is to be a child? It is to be so little that the elves can reach to whisper in your ear; it is to turn pumpkins into coaches, and mice into horses, lowness into loftiness, and nothing into everything, for each child has its fairy godmother in its soul.

Mr. Speaker, in this time of uncertainty and constant change, when the threat of nuclear annihilation hangs like a dark cloud over all our plans and designs for the future, we must remember that our children represent this Nation's most precious resource. They are the citizens, and the leaders, of tomorrow; in them lies our potential and our brightest hope.

With this realization, Mr. Speaker, come certain responsibilities. If our children are to survive the problems of today—let alone solve the problems of tomorrow—they will need the proper tools and the proper environment in which to use them. As public servants, it is our duty to try and create for them a world free from poverty and hunger, illness and ignorance; free from discrimination in all its forms and from the ravages of war. We must provide them with a good education, and with the opportunity for each one of them to use that education to fulfill his or her individual potential. We must give them the confidence and courage to know that they can guide the forces of change, rather than being driven by those forces. And we must insure that the policies we pursue today will leave them a legacy not of environmental contamination, social and economic discord, and the horrible threat of nuclear confrontation—but of peace, justice, and freedom.

In these monumental tasks, Mr. Speaker, I believe the children themselves can help us. Their perception, their innocence, their special vision and spirit can serve as guides for us in the difficult decisions that lie ahead. In order to acknowledge not only our responsibility and commitment to them, but also their special contribution to us, I am today introducing a resolution to designate this August 7 as National Children's Day. Through a similar resolution adopted by the 97th Congress, August 8, 1982, was also set aside for this purpose.

I believe the designation of a second National Children's Day will help us to keep a sense of perspective, to recognize the importance of this very special constituency, and to understand the importance of the decisions we make not only for today's children but for their children and for the future. I hope my colleagues will agree, and will support this resolution.

The text of the resolution follows:

H.J. RES. 294

Whereas American's children represent new life and new hope for the future of the Nation and the world;

Whereas children should be regarded as this Nation's most precious resource, and be assured of proper guidance and opportunity to be prepared to become productive citizens and responsible leaders of tomorrow;

Whereas children have a right to quality education, freedom from hunger, freedom from poverty, freedom from discrimination, and the legacy of a world at peace;

Whereas the Nation's adults have an obligation to create a better world which is conducive to the well-being of the children of the United States, a world in which children can feel secure in the knowledge that they will have the opportunity to achieve their maximum potential as adults; and

Whereas the Nation should affirm its commitment to focus on the joys, the rights, and the needs of children so as to create a better life for them: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 7, 1983, is designated as "National Children's Day" and the President is requested to issue a proclamation commemorating the occasion and calling upon the people of the United States to observe that day with appropriate ceremonies and activities.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at his own request), for today and probably Wednesday, June 15 on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCCAIN) to revise and extend their remarks and include extraneous material:)

Mr. SENSENBRENNER, for 5 minutes, today.

Mr. DANNEMEYER, for 30 minutes, today.

Mr. DANNEMEYER, for 30 minutes, on June 15.

Mr. DANNEMEYER, for 30 minutes, on June 16.

Mr. DANNEMEYER, for 30 minutes, on June 27.

Mr. DANNEMEYER, for 30 minutes, on June 20.

Mr. DANNEMEYER, for 30 minutes, on June 21.
Mr. BEREUTER, for 5 minutes, today.
(The following Members (at the request of Mr. SHANNON) to revise and extend their remarks and include extraneous material:)
Mr. ANNUNZIO for 5 minutes, today.
Mr. GONZALEZ for 30 minutes, today.
Ms. OAKAR for 15 minutes, today.
Mr. LAFALCE for 5 minutes, today.
Mr. JONES of North Carolina for 5 minutes, today.
Mr. PANETTA for 5 minutes, today.
Mr. ALEXANDER for 60 minutes, on each day, June 14-17.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:
Mr. OBEY, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,449.
(The following Members (at the request of Mr. MCCAIN) and to include extraneous matter:)
Mr. BROOMFIELD.
Mr. ROGERS.
Mr. HILER.
Mr. SKEEN.
Mr. BEREUTER.
Mr. WOLF.
Mr. FIELDS in four instances.
Mr. GRADISON.
Mr. SHUMWAY.
Mr. SUNDQUIST.
Mr. MACK in two instances.
Mrs. ROUKEMA.
Mr. DANNEMEYER in two instances.
Mr. CAMPBELL.
Mr. LEWIS of California.
Mr. BADHAM.
Mr. LAGOMARSINO in four instances.
Mr. PORTER.
Mr. LOWERY of California.
Mr. DREIER of California.
Mr. RITTER.
Mr. LEWIS of Florida.
Mr. MARTIN of North Carolina.
Mr. PURSELL.
Mr. EVANS of Iowa.
(The following Members (at the request of Mr. SHANNON) and to include extraneous matter:)
Mr. STARK in two instances.
Mr. LANTOS.
Mr. RODINO.
Mr. FAZIO.
Mr. MICA.
Mr. VOLKMER in two instances.
Mr. MARKEY in two instances.
Mr. ST GERMAIN.
Mr. WIRTH.
Mr. MAVROULES.
Mr. BROWN of California in three instances.
Mr. ADDABBO.
Mr. RAHALL.
Mr. MCDONALD in two instances.
Mr. MOAKLEY.
Mr. UDALL.
Mr. GAYDOS.
Mrs. LLOYD.
Mr. MURPHY.
Mr. LONG of Maryland in two instances.
Mr. FOWLER.
Mr. WHEAT.
Mr. SCHUMER.
Mrs. COLLINS.
Mr. TORRICELLI in two instances.
Mr. CONYERS.
Mr. LIPINSKI.
Mrs. SCHROEDER.
Mr. HARRISON.
Mr. BEDELL in two instances.
Mr. SOLARZ.
Mr. GORE.
Mr. FORD of Tennessee.
Mr. ALEXANDER in five instances.
Mr. DERRICK.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on June 13, 1983 present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 201. Joint resolution designating June 14, 1983, as "Baltic Freedom Day."

ADJOURNMENT

Mr. McCURDY. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 7 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 15, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1349. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the custodial services function at the Naval Regional Medical Center, Newport, R.I., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1350. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-33, Alcoholic Beverage Control Amendments Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1351. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-34, D.C. Election Code of 1955 and Related Election Practices Amendments Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1352. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-35, Cable Television Communications Act of 1981 Amendment Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1353. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-36, Firearms Control Regulations Act of 1975 Amendments Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1354. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-37, Solid Waste Regulations Amendments Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1355. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-38, Van Dyke Allen Walker Court Designation Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1356. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-39, D.C. Municipal Regulations Publication Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1357. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-40, Day Care Policy Act of 1979 Amendment Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1358. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-41, Technical and Clarifying Amendments Act of 1983, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1359. A letter from the Director, Defense Security Assistance Agency, transmitting the Navy's proposed lease of defense articles to Turkey (transmittal No. 16-83), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1360. A letter from the Director, Defense Security Assistance Agency, transmitting the Air Force's proposed lease of defense articles to Canada (transmittal No. 17-83), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1361. A letter from the Director, Defense Security Assistance Agency, transmitting the Army's proposed lease of defense articles to NATO (SHAPE) (transmittal No. 12-83), pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ZABLOCKI: Committee on Foreign Affairs. H.R. 2760. A bill to amend the Intelligence Authorization Act for fiscal year 1983 to prohibit U.S. support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America; with amendments (Rept. No. 98-122, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHEAT: Committee on Rules. House Concurrent Resolution 126. Resolution providing for the commemoration of the 100th anniversary of the birth of Harry S Truman (Rept. No. 98-241). Referred to the House Calendar.

Mr. WHEAT: Committee on Rules. House Resolution 226. Resolution providing for the consideration of House Concurrent Resolution 126, concurrent resolution providing for the commemoration of the 100th anniversary of the birth of Harry S Truman (Rept. No. 98-242). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 227. Resolution providing for the consideration of H.R. 2668, a bill to amend the Consumer Product Safety Act to extend it for 5 fiscal years, and for other purposes (Rept. No. 98-243). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 228. Resolution waiving certain points of order against H.R. 3263, a bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-244). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 229. Resolution providing for the consideration of H.R. 2972, a bill to authorize certain construction at military installations for fiscal year 1984, and for other purposes (Rept. No. 98-245). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of North Carolina:

H.R. 3288. A bill to authorize the Secretary of the Army to use certain lands in connection with the navigation project for Manteo (Shallowbag) Bay, N.C.; jointly, to the Committees on Public Works and Transportation, Interior and Insular Affairs, and Merchant Marine and Fisheries.

By Mr. BENNETT:

H.R. 3289. A bill to establish a commission to study defense-related aspects of the U.S. merchant marine; jointly, to the Committees on Armed Services and Merchant Marine and Fisheries.

By Mr. BIAGGI:

H.R. 3290. A bill to authorize appropriations for a national summit conference on education; to the Committee on Education and Labor.

By Mr. CLAY:

H.R. 3291. A bill to amend section 2(11) of the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. CONABLE:

H.R. 3292. A bill to modify the dairy price support program and to repeal the assessment program; to the Committee on Agriculture.

By Mr. DERRICK:

H.R. 3293. A bill to amend the authorization of the demonstration project at Broadway Lake, S.C.; to the Committee on Public Works and Transportation.

By Mr. DOWNEY of New York:

H.R. 3294. A bill to eliminate discrimination with regard to mental illness under medicare; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. EVANS of Iowa (for himself, Mr. BENNETT, Mr. JEFFORDS, Mr. WINN, Mr. LEACH of Iowa, Mr. FRANKLIN, Mr. ROBERTS, Mr. BEDELL, Mr. STANGELAND, Mr. MORRISON of Washington, Mr. HUGHES, Mr. STENHOLM, Mr. GUNDERSON, and Mr. FORSYTHE):

H.R. 3295. A bill to amend the Commodity Credit Corporation Charter Act to promote the exchange of surplus dairy stocks for other materials; jointly, to the Committees on Foreign Affairs, Agriculture and Armed Services

By Mr. HARKIN:

H.R. 3296. A bill to provide that a buyer in the ordinary course of business who buys farm products from a person engaged in farming operations shall own such goods free of any security interest in such goods created by his seller even though the security interest is perfected in accordance with applicable State law and even though the buyer knows of its existence; to the Committee on Agriculture.

By Mr. HARKIN (for himself, Mr. JEFFORDS, and Mr. GUNDERSON):

H.R. 3297. A bill to amend the Packers and Stockyards Act, 1921, for the purpose of protecting good faith purchasers of livestock; to the Committee on Agriculture.

By Mr. HUGHES (for himself and Mr. SAWYER):

H.R. 3298. A bill to amend chapter 110 (relating to sexual exploitation of children), and for other purposes; to the Committee on the Judiciary.

By Mr. HUGHES (for himself, Mr. FISH, Mr. SAWYER, and Mr. SENSENBRENNER):

H.R. 3299. A bill to amend the Controlled Substances Act, the Controlled Substances Import and Export Act, and the Tariff Act of 1930 to improve forfeiture provisions and strengthen penalties for controlled substances offenses, and for other purposes; jointly, to the Committees on the Judiciary, Energy and Commerce and Ways and Means.

By Mr. LAFALCE (for himself, Mr. DASCHLE, Mr. BONIOR of Michigan, Mr. D'AMOURS, Mr. MRAZEK, Mr. RATCHFORD, Mr. OBERSTAR, and Mr. MARLENEE):

H.R. 3300. A bill to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LATTA:

H.R. 3301. A bill to release the State of Ohio and the Ohio Turnpike Commission from restrictions with respect to the imposition and collection of tolls on the Ohio Turnpike; to the Committee on Public Works and Transportation.

By Mr. LEWIS of California (for himself, Mr. LOTT, Mr. MONTGOMERY, Mr. MICHEL, Mr. STENHOLM, Mr. FRENZEL, Mr. HUNTER, Mrs. VUCANOVICH, Mr. EDWARDS of Oklahoma, Mr. GRAMM, Mr. STUMP, Mr. EMERSON, Mr. DENNY SMITH, Mr. GREGG, Mr. BROYHILL, Mr. CRAIG, Mr. PHILIP M. CRANE,, Mr. DANIEL, Mrs. MARTIN of Illinois, Mr. CHAPPELL, Mr. LOEFFLER, Mr. SAM B. HALL, JR., Mr. LIVINGSTON, Mrs. SMITH of Nebraska, Mr. KINDNESS, Mr. DANIEL B. CRANE, Mr. MYERS, Mr. HARTNETT, Mr. ROGERS, Mr. MCCOLLUM, Mr. THOMAS of California, Mr. GINGRICH, Mr. HIGHTOWER, Mr. SOLOMON, Mr. BREAUX, Mr. CAMPBELL, Mr. VALENTINE, Mr. HILER, Mr. WORTLEY, Mr. CHAPPIE, Mr. STANGELAND, Mr. PORTER, Mr. ERLENBORN, Mr. COURTER, Mr. BROWN of Colorado):

H.R. 3302. A bill to provide for administration of pay of new Government Printing Office employees under the prevailing rate system and the General Schedule, while protecting the pay of present Government Printing Office employees; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mr. MACK:

H.R. 3303. A bill to designate the Federal Building in Fort Myers, Fla., as the "George W. Whitehurst Federal Court Building"; to the Committee on Public Works and Transportation.

Mr. MARRIOTT:

H.R. 3304. A bill to amend the Small Business Act with respect to disaster loan programs; to the Committee on Small Business.

By Mr. SCHEUER (for himself, Mr. ACKERMAN, and Mr. OWENS):

H.R. 3305. A bill to require the disposal of certain lands at Fort Totten, N.Y., for public health and park and recreation purposes; to the Committee on Government Operations.

By Mr. SCHUMER:

H.R. 3306. A bill to amend the Internal Revenue Code of 1954 to permit medical expenses incurred by crime victims to be deductible without regard to the 5-percent floor on the deduction for medical expenses; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 3307. A bill to amend the Internal Revenue Code of 1954 to provide that certain married individuals are eligible for the deduction for retirement savings on the basis of the earnings of their spouse; to the Committee on Ways and Means.

By Mr. SKEEN:

H.R. 3308. A bill to designate the Federal Building in Las Cruces, N. Mex., as the "Harold L. Runnels Federal Building"; to the Committee on Public Works and Transportation.

By Mr. THOMAS of California:

H.R. 3309. A bill to amend the Internal Revenue Code of 1954 to provide that certain married individuals are eligible for the deduction for retirement savings on the basis of the earnings of their spouse; to the Committee on Ways and Means.

By Mr. TORRICELLI:

H.R. 3310. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to the use of alcohol in confectionery; to the Committee on Energy and Commerce.

By Mr. VANDER JAGT:

H.R. 3311. A bill to suspend for a 3-year period the duty on (bicyclchexyl)-1-carboxylic acid 2-(diethylamino) ethyl ester hydrochloride; to the Committee on Ways and Means.

H.R. 3312. A bill to suspend for a 3-year period the duty on 1-piperidinebutanol, alpha-[4-(1,1-dimethylethyl)phenyl]- 4 -(hydroxy-diphenylmethyl); to the Committee on Ways and Means.

H.R. 3313. A bill to suspend for a 3-year period the duty on 2- [4-(2-chloro-1, 2-diphenylethenyl) - phenoxy]-N,N-diethylethan-amine dihydrogen citrate; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 3314. A bill to amend the Hazardous Liquid Pipeline Safety Act of 1979 and the Natural Gas Pipeline Safety Act of 1968 to require additional testing and inspection of pipelines to minimize the risk of injury and damage from pipeline leaks; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. YOUNG of Florida:

H.R. 3315. A bill to amend section 700 of title 18, United States Code, relating to desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. WALKER:

H.R. 3316. A bill to permit localities with severe unemployment to increase employment by obtaining waivers of Federal laws and regulations which limit employment opportunities; to the Committee on Government Operations.

By Mr. PANETTA:

H.J. Res. 294. Joint resolution designating August 7, 1983 as "National Children's Day"; to the Committee on Post Office and Civil Service.

By Mr. TRAXLER:

H.J. Res. 295. Joint resolution to designate the week beginning August 7, 1983, as "National Correctional Officers Week"; to the Committee on Post Office and Civil Service.

By Mr. WILLIAMS of Ohio:

H.J. Res. 296. Joint resolution concerning the proposed United States Steel-British Steel purchase agreement; to the Committee on Ways and Means.

By Mr. BIAGGI:

H. Con. Res. 134. Concurrent resolution expressing the sense of Congress on a transmittal concerning treatment of contributions from relatives to medicaid applicants or recipients; to the Committee on Energy and Commerce.

By Mr. DOWNEY (for himself, Mr. LEHMAN of Florida, Mr. GEJDENSON, Mr. BARNES, Mr. YOUNG of Missouri, Mr. PURSELL, Mr. LUJAN, Mr. OWENS, Mr. GONZALEZ, Mr. ROYBAL, Mr. BROOMFIELD, Mr. TOWNS, Mr. DUNCAN, Mr. FROST and Mr. PAUL):

H. Res. 230. Resolution recognizing and commending the Presidential Scholars in the Arts for their outstanding contributions to the cultural spirit of this Nation; to the Committee on Post Office and Civil Service.

By Mr. WYDEN (for himself and Mr. SWIFT):

H. Res. 231. Resolution expressing the sense of the House of Representatives that the Federal Communications Commission should institute an inquiry to ascertain the impact on telephone rates of regulatory changes and judicial decisions affecting the telephone system, and that the Subcommittee on Telecommunications, Consumer Protection, and Finance of the Committee on Energy and Commerce should begin consideration of legislation that will assure that basic telephone service is affordable to all the people of the United States; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. NEAL and Mr. TALLON.

H.R. 225: Mr. SABO.

H.R. 237: Mr. BILIRAKIS.

H.R. 242: Mr. HOPKINS and Mr. HANSEN of Idaho.

H.R. 569: Mr. RINALDO.

H.R. 919: Mr. ACKERMAN.

H.R. 1016: Mr. BILIRAKIS, Mr. KILDEE, and Mr. CLINGER.

H.R. 1097: Mr. LEWIS of Florida.

H.R. 1135: Mr. CARR.

H.R. 1183: Mr. CONYERS, Mr. GLICKMAN, and Ms. KAPTUR.

H.R. 1197: Mr. CARPER, Mr. GORE, Mr. EARLY, Mr. CRAIG, Mr. EDWARDS of Oklahoma, Mr. COOPER, Mr. SAVAGE, and Mr. ECKART.

H.R. 1226: Mr. CONTE.

H.R. 1242: Mr. APPLEGATE, Mr. CARR, Mr. CHAPPIE, Mr. COOPER, Mr. ERDREICH, Mr. FORD of Michigan, Mr. FROST, Mr. GILMAN, Mrs. LLOYD, Mr. SAVAGE, Mr. TORRES, Mr. WALGREN, Mr. WEAVER, Mr. YATRON, and Mr. ZABLOCKI.

H.R. 1244: Mr. BEDELL.

H.R. 1315: Mr. AKAKA, Mr. BROYHILL, Mr. DANIEL B. CRANE, Mr. DOWDY of Mississippi, Mr. DYSON, Mr. FISH, Mr. GUARINI, Mr. HARKIN, Mr. HEFTEL of Hawaii, Mr. HUBBARD, Mr. IRELAND, Mr. LEACH of Iowa, Mr. LUKEN, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCKINNEY, Mr. MADIGAN, Mr. PASHAYAN, Mr. RITTER, Mr. ROBERTS, Mr. SHAW, Mr. TORRICELLI, Mr. YATRON, and Mr. ZABLOCKI.

H.R. 1341: Mr. OLIN, Mr. AKAKA, Mr. CLARKE, Mr. KOSTMAYER, Mr. BOUCHER, Mr. BRYANT, Mrs. SCHNEIDER, Mr. BEDELL, and Mr. WISE.

H.R. 1351: Mr. SABO.

H.R. 1373: Mr. MCCOLLUM, Mr. WALGREN, and Mr. DYMALLY.

H.R. 1382: Mr. CARR.

H.R. 1400: Mr. ROE.

H.R. 1584: Mr. ROWLAND.

H.R. 1599: Mr. MINETA.

H.R. 1607: Mr. DREIER of California and Mr. SIMON.

H.R. 1617: Mr. AUCOIN, Mr. GILMAN, Mr. OTTINGER, and Mr. NEAL.

H.R. 1693: Mr. DWYER of New Jersey, Mr. FORD of Tennessee, and Mrs. SCHROEDER.

H.R. 1755: Mr. DYSON, Mr. MCNULTY, Mr. GILMAN, Mr. COELHO, Mr. SABO, and Mr. MINETA.

H.R. 1775: Mr. BEDELL, Mr. BEVILL, Mr. BOUCHER, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. CARPER, Mr. DAUB, Mr. DIXON, Mr. DOWNEY of New York, Mr. DYMALLY, Mr. FAZIO, Mr. FLIPPO, Mr. FOWLER, Mr. GEJDENSON, Mr. HARKIN, Mr. HORTON, Mr. HUGHES, Mr. JEFFORDS, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. LEWIS of Florida, Mrs. LLOYD, Mr. LOWERY of California, Mr. MCGRATH, Mr. MATSUI, Mr. RANGEL, Mr. RATCHFORD, Mr. ROE, Mrs. SCHROEDER, Mr. SIMON, Mr. STUDDS, Mr. TORRES, Mr. TORRICELLI, Mr. WEBER, Mr. YATRON, Mr. YOUNG of Missouri, and Mr. MINETA.

H.R. 1870: Mr. RAY, Mr. SISISKY, Mr. SLATTERY, Mr. EMERSON, and Mr. MCCLOSKEY.

H.R. 1880: Mr. SCHEUER, Mr. MARKEY, Mr. ACKERMAN, Mr. BARNES, Mrs. BOXER, Mr. GEJDENSON, Mr. PRITCHARD, and Mr. SUNIA.

H.R. 1903: Mr. GREGG.

H.R. 1905: Mr. MINISH, Mr. ACKERMAN, Mr. PURSELL, and Mr. BEREUTER.

H.R. 1955: Mr. HILLIS and Mr. WINN.

H.R. 2053: Mr. FIELDS and Ms. OAKAR.

H.R. 2073: Mr. REID.

H.R. 2076: Mr. PASHAYAN and Mr. FEIGHAN.

H.R. 2204: Mr. COYNE, Mr. WISE, Mr. EVANS of Illinois, Mr. MRAZEK, and Mr. TOWNS.

H.R. 2225: Mr. SCHUMER, Mr. NEAL, Mr. GRADISON, and Mr. QUILLEN.

H.R. 2232: Mr. TOWNS, Mr. WEAVER, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. TORRICELLI, Ms. FERRARO, and Mr. ACKERMAN.

H.R. 2233: Mr. TOWNS, Mr. WEAVER, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. TORRICELLI, Ms. FERRARO, and Mr. ACKERMAN.

H.R. 2324: Mr. STUDDS, Mr. MORRISON of Connecticut, Mrs. HOLT, and Mr. DONNELLY.

H.R. 2372: Mr. BOUCHER, Mrs. HOLT, and Mr. HEFTEL of Hawaii.

H.R. 2377: Mr. MICA.

H.R. 2468: Mr. SHUMWAY, Mr. MARTIN of New York, Mr. SUNIA, Mr. MCHUGH, and Mr. YATRON.

H.R. 2530: Mr. OWENS, Mr. FLORIO, Mr. MCKINNEY, and Mr. HERTEL of Michigan.

H.R. 2566: Mr. FRANK, Mr. ROTH, Mr. JEFFORDS, Mr. MITCHELL, Mr. BEDELL, Mr. NOWAK, Mr. STENHOLM, Mr. DASCHLE, Mr. DYSON, Mr. ROE, Mr. JACOBS, Mr. BILIRAKIS, Mr. WON PAT, Mr. DYMALLY, Mr. TOWNS, Mr. STOKES, Mr. WOLPE, and Ms. KAPTUR.

H.R. 2567: Mr. FLIPPO, Mr. SIMON, Mr. PRICE, Mr. CORCORAN, and Mr. ROBERTS.

H.R. 2714: Mr. BOLAND, Mr. BOUCHER, Mr. FORD of Michigan, Mr. RICHARDSON, Mr. BARNARD, Mr. GOODLING, Mrs. BOXER, and Mr. MOLLOHAN.

H.R. 2813: Mr. FRENZEL.

H.R. 2820: Mr. ANTHONY and Mr. CARR.

H.R. 2837: Mr. FEIGHAN, Mr. RAHALL, Mr. LOWRY of Washington, Mrs. KENNELLY, Mr. KOLTER, Mr. STAGGERS, Mr. WOLPE, Mr. DWYER of New Jersey, Mr. COYNE, Mr. HATCHER, Mr. HILER, Mr. MCDADE, Mr. SCHEUER, Mr. MURTHA, Mr. BONER of Tennessee, and Mr. KOSTMAYER.

H.R. 2916: Mr. PACKARD, Mr. KOGOVSEK, Mr. HERTEL of Michigan, Mr. ROTH, Mr. VANDERGRIFF, Mr. ROBINSON, Mr. EMERSON, Mr. MCKINNEY, and Mr. GREGG.

H.R. 2918: Mr. DUNCAN.

H.R. 2928: Mr. EVANS of Iowa, Mr. CHAPPIE, and Mr. BEDELL.

H.R. 2929: Mr. NIELSON of Utah.

H.R. 2939: Mr. MRAZEK.

H.R. 3025: Mr. FRENZEL, Mr. GOODLING, Mr. SIMON, and Mr. THOMAS of California.

H.R. 3026: Mr. NICHOLS, Mr. DUNCAN, Mr. YATRON, Mrs. LLOYD, Mr. FORD of Tennessee, Mr. FLORIO, Mr. TAUKE, Mr. BARNARD, Mr. DWYER of New Jersey, Mr. EDWARDS of Alabama, Mr. HUBBARD, Mr. KINDNESS, Mr. RINALDO, Mr. WHITEHURST, Mr. MURPHY, Mr. ERDREICH, and Mr. PATTERSON.

H.R. 3043: Mr. JACOBS.

H.R. 3045: Ms. FERRARO.

H.R. 3049: Mr. DANIEL B. CRANE.

H.R. 3104: Mr. MCKINNEY and Mr. LEVINE of California.

H.R. 3106: Mr. HUGHES, Mrs. SCHNEIDER, Mr. STOKES, Mr. RIDGE, and Mr. MARKEY.

H.R. 3110: Mr. SUNIA, Mr. SAM B. HALL, JR., Mr. MCHUGH, Mr. ANTHONY, Mr. MILLER of Ohio, Mr. HUGHES, Mr. LUKEN, Ms. KAPTUR, Mr. BATES, and Mr. CLINGER.

H.R. 3112: Ms. KAPTUR, Mr. WON PAT, Mr. CONYERS, Mr. SOLARZ, Mr. ECKART, Mr. SEIBERLING, Mr. LAFALCE, Mr. HERTEL of Michigan, Mr. TRAXLER, Mr. DWYER of New Jersey, Mr. EDGAR, Mr. SMITH of Florida, and, Mr. PEASE.

H.R. 3140: Mr. KINDNESS.

H.R. 3170: Mr. CROCKETT, Mr. LANTOS, Mr. HUGHES, and Mr. EDGAR.

H.R. 3171: Mr. YOUNG of Florida.

H.R. 3280: Mr. ACKERMAN.

H.R. 3281: Mr. ACKERMAN.

H.J. Res. 1: Mr. HEFTEL of Hawaii.

H.J. Res. 29: Mr. SCHEUER, Mr. HEFTEL of Hawaii, Mr. PEPPER, Mr. VALENTINE, Mr. DUNCAN, Mr. PASHAYAN, Mr. O'BRIEN, Mrs. SCHNEIDER, Mr. ANNUNZIO, Mr. ALBOSTA, Mr. STOKES, Mr. BARNES, Mr. AKAKA, Mr. YOUNG of Alaska, and Mr. SKEEN.

H.J. Res. 93: Mr. DE LA GARZA, Mr. ANTHONY, Mr. LEVITAS, Mr. COATS, Mr. FROST, Mr. CORCORAN, Mr. DYSON, Mr. DEWINE, Mr. BILIRAKIS, Mr. TAUKE, Mr. MOLLOHAN, and Mr. FRANKLIN.

H.J. Res. 134: Mr. LEWIS of California and Mr. PATTERSON.

H.J. Res. 137: Mr. BOLAND, Mr. BOSCO, Mr. BRITT, Mr. COATS, Mr. DIXON, Mr. DUNCAN, Mr. FAUNTROY, Mr. FLORIO, Mr. FROST, Mr. FUQUA, Mr. GOODLING, Mr. GREGG, Mrs. HALL of Indiana, Mr. HATCHER, Mr. HEFTEL of Hawaii, Mr. HERTEL of Michigan, Mr. HUGHES, Mr. JEFFORDS, Mr. KASICH, Mr. LELAND, Mr. MCGRATH, Mr. MATSUI, Mr. MINETA, Mr. MURPHY, MS. OAKAR, Mr. PANETTA, Mr. PORTER, Mr. RAHALL, Mr. RANGEL, Mr. ROBINSON, Mr. SIMON, Mr. DENNY SMITH, Mr. SUNIA, Mr. TAYLOR, Mr. TORRICELLI, Mr. WAXMAN, Mr. WEAVER, Mr. WORTLEY, Mr. ALEXANDER, Mr. ANDREWS of North Carolina, Mr. BILIRAKIS, Mr. BONER of Tennessee, Mr. CARPER, and, Mr. YATRON.

H.J. Res. 139: Mr. LEHMAN of Florida, Mr. BLILEY, Mrs. LLOYD, Mr. ACKERMAN, Mr. VALENTINE, Mr. FASCELL, Mr. ANDREWS of North Carolina, Mr. GRAY, Mr. MOORHEAD, Mr. DENNY SMITH, Mr. LEWIS of California, Mr. RODINO, Mr. HANSEN of Utah, Mr. MORRISON of Connecticut, Mr. NEAL, Mr. WORTLEY, Mr. HUGHES, Mr. MINISH, Mr. MACK, Mr. SHUMWAY, Mr. GONZALEZ, Mr. BONER of Tennessee, Mr. GORE, Mr. KASTENMEIER, Mrs. SCHNEIDER, Mr. WILLIAMS of Ohio, Mr. DUNCAN, Mr. SWIFT, Mr. MOODY, Mr. WINN, and Mr. QUILLEN.

H.J. Res. 174: Mr. CONYERS, Mr. VANDERGRIFF, Mr. FRANK, Mr. NICHOLS, Mr. SCHUMER, Mr. LUNDINE, Mr. HARRISON, Mr. ANDREWS of Texas, Mr. RAHALL, Mr. BATES, Mr. SABO, Mr. BARNES, Mr. MCKINNEY;, Mrs. BOXER, Mr. BEILENSON, Mr. BIAGGI, Mr. COOPER, Mr. YATRON, and Mr. SOLARZ.

H.J. Res. 225: Mr. MCCURDY and Mr. WYLIE.

H.J. Res. 228: Mr. CLINGER, Mr. BARNARD, Mr. BOLAND, Mr. LEACH of Iowa, Mr. DONNELLY, Mr. MCHUGH, Mr. BREAUX, Mr. BENNETT, Mr. BATES, Mr. BONER of Tennessee, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. WAXMAN, Mr. GRADISON, Mr. CONYERS, Mr. PATMAN, Mr. WON PAT, Mr. MURTHA, Mr. SUNIA, Mr. ANDREWS of Texas, Mr. DENNY SMITH, and Mrs. Boxer.

H.J. Res. 243: Mr. BEREUTER, Mr. BILIRAKIS, Mr. EVANS of Iowa, Mr. LOWERY of California, Mr. ROWLAND, Mrs. VUCANOVICH, and Mr. WALKER.

H.J. Res 253: Mr. RODINO, Mr. FAUNTROY, Mr. STOKES, Mr. SMITH of Florida, Mr. BERMAN, Mr. MOAKLEY, Mr. WAXMAN, Mr. HYDE, Mr. KEMP, Mr. FRANK, Mr. RICHARDSON, Mr. FORD of Tennessee, Mr. ROE, Mr. BROWN of California, Mr. RATCHFORD, Mr. HORTON, Mr. OWENS, Ms. MIKULSKI, Mr. FRENZEL, Mr. EDGAR, Mr. TRAXLER, Mr. SCHEUER, Mr. ACKERMAN, Mr. BARNES, Mr. STUDDS, Mr. SIMON, Mr. CORRADA, Mr. MCNULTY, Mr. DWYER of New Jersey, Mr. MCGRATH, Mr. HUGHES, Mr. EARLY, Mr. TORRICELLI, Mr. GUARINI, Mr. LELAND, Mr. WEISS, Mr. STENHOLM, and Mr. HERTEL of Michigan.

H.J. Res. 268: Mr. CLINGER, Mr. BERMAN, Mr. MOLINARI, Mr. OWENS, Mr. STOKES, Mr. JEFFORDS, Mr. WILLIAMS of Montana, Mr. MCCAIN, Mr. DUNCAN, Mr. FEIGHAN, Mr. SOLARZ, Mr. FROST, Mr. CORRADA, Mr. SHAW, Mr. LELAND, Mr. FUQUA, Mr. RATCHFORD, Mr. MILLER of Ohio, Mr. WAXMAN, Mr. SKEEN, Mr. BILIRAKIS, Mr. MINISH, Mr. KINDNESS, Mr. BIAGGI, MS. KAPTUR, Mr. SMITH of Florida, Mr. LIPINSKI, Mr. STENHOLM, MS. MIKULSKI, Mr. REID, Mr. COATS, Mr. FRENZEL, Mr. BEVILL, Mr. DWYER of New Jersey, Mr. WILSON, Mr. HORTON, Mr. MATSUI, Mr. LEWIS of Florida, Mr. LAGOMARSINO, Mr. ROBINSON, Mr. MORRISON of Connecticut, Mr. WON PAT, Mr. STANGELAND, Mr. DYSON, Mr. HANSEN of Idaho, Mr. SIMON, Mr. DIXON, Mr. WIRTH, Mr. MILLER of California, Ms. SNOWE, Mr. REGULA, Mr. DONNELLY, Mr. QUILLEN, Mr. VANDERGRIFF, Mr. KEMP, Mr. ACKERMAN, Mr. VENTO, Mr. TORRICELLI, Mr. LAFALCE, Mr. SUNIA, Mr. ROE, Mr. OBERSTAR, Mr. RANGEL, Mr. BARNES, Mr. SWIFT, Mr. HIGHTOWER, Mr. FRANK, Mr. HUGHES, and Mr. EDGAR.

H.J. Res. 283: Mr. AKAKA, Mr. ANDREWS of Texas, Mr. APPLEGATE, Mr. BARNARD, Mr. BARNES, Mr. BEILENSON, Mr. BENNETT, Mr. BEREUTER, Mr. BLILEY, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. WON PAT, Mr. BRITT, Mr. BROWN of California, Mr. BURTON, Mr. CHAPPELL, Mr. CHAPPIE, Mrs. COLLINS, Mr. CORRADA, Mr. DANIEL B. CRANE, Mr. DANIEL, Mr. DAUB, Mr. DAVIS, Mr. DELLUMS, Mr. DERRICK, Mr. DICKINSON, Mr. DICKS, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. DYMALLY, Mr. DYSON, Mr. EVANS of Illinois, Mr. FAZIO, Mr. FEIGHAN, Ms. FIEDLER, Mr. FIELDS, Mr. FISH, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FUQUA, Mr. GILMAN, Mr. GORE, Mr. GRAMM, Mr. GUARINI, Mr. HANSEN of Idaho, Mr. HARRISON, Mr. HEFTEL of Hawaii, Mr. HILER, Mr. HOWARD, Mr. HUTTO, Mr. JACOBS, Ms. KAPTUR, Mr. KEMP, Mr. KILDEE, Mr. LATTA, Mr. LEACH of Iowa, Mr. LENT, Mr. LEWIS of California, Mr. LIPINSKI, Mrs. LLOYD, Mr. LOWERY of California, Mr. MATSUI, Mr. MCDADE, Mr. MILLER of California, Mr. MILLER of Ohio, Mr. MOLINARI, Mr. MORRISON of Connecticut, Mr. MYERS, Mr. O'BRIEN, Mr. PASHAYAN, Mr. PATTERSON, Mr. RANGEL, Mr. RICHARDSON, Mr. RITTER, Mr. ROBINSON, Mrs. SCHNEIDER, Mr. SHANNON, Mr. SMITH of Florida, Mr. STENHOLM, Mr. STOKES, Mr. STUMP, Mr. SUNDQUIST, Mr. SWIFT, Mr. SYNAR, Mr. TALLON, Mr. TORRICELLI, Mr. VANDERGRIFF, Mr. WALGREN, Mr. WHITEHURST, Mr. WILSON, Mr. WISE, and Mr. LELAND.

H. Con. Res. 40: Mr. KOGOVSEK and Mr. JONES of Tennessee.

H. Con. Res. 71: Mr. WINN, Mr. ROE, Mr. HARRISON, Mr. SUNIA, Mr. MONTGOMERY, Mrs. HOLT, Mr. DAUB, and Mr. NIELSON of Utah.

H. Con. Res. 107: Mr. CORCORAN and Mr. FOGLIETTA.

H. Con. Res. 115: Mr. FORSYTHE, Mr. ZSCHAU, and Mr. WEBER.

H. Con. Res. 122: Mr. BRYANT, Mr. DELLUMS, Mr. CLAY, Mr. SEIBERLING, Mr. SCHEUER, and Mr. KOSTMAYER.

H. Res. 175: Mr. ALBOSTA, Mr. NELSON of Florida, Mrs. LLOYD, Mr. CONTE, and Mr. DYMALLY.

H. Res. 190: Mr. ANDERSON, Mr. BATES, Mr. BARNES, Mr. BEILENSON, Mr. BERMAN, Mr. BONER of Tennessee, Mr. BOUCHER, Mr. CHAPPIE, Mr. CLAY, Mr. CONTE, Mr. CLINGER, Mr. CORRADA, Mr. CROCKETT, Mr. DASCHLE, Mr. DAVIS, Mr. DE LUGO, Mr. DELLUMS, Mr. DOWNEY of New York, Mr. ECKART, Mr. EVANS of Illinois, Mr. FAZIO, Mr. FEIGHAN, Mr. GEJDENSEN, Mr. GUARINI, Mr. GREEN, Mr. HAWKINS, Mr. HEFTEL of Hawaii, Mr. HOYER, Mr. HUGHES, Mrs. KENNELLY, Mr. KILDEE, Mr. LEWIS of California, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. MACKAY, Mr. MCKINNEY, Mr. MORRISON of Washington, Mr. MCNULTY, Mr. MINISH, Mr. MINETA, Mr. MOODY, Mr. MOLLOHAN, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. PANETTA, Mr. PATTERSON, Mr. PENNY, Mr. PEPPER, Mr. PORTER, Mr. RANGEL, Mr. RICHARDSON, Mr. ROE, Mr. SIKORSKI, Mr. SIMON, Mr. ST GERMAIN, Mr. STANGELAND, Mr. STOKES, Mr. STUDDS, Mr. TORRICELLI, Mr. WISE, Mr. YATES, and Mr. BOEHLERT.

H. Res. 191: Mr. DEWINE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2969

By Mr. KAZEN:

—Page 25, after line 13, add the following new section:

ASSISTANCE TO CERTAIN SCHOOL DISTRICTS IN SAN ANTONIO, TEX.

SEC. 405. (a)(1) The Secretary of the Army may make a grant to the Fort Sam Houston Independent School District of San Antonio, Texas, for the purpose of providing assistance to that school district for current expenditures.

(2) There is authorized to be appropriated to the Army for fiscal year 1984 the sum of $784,000 for the purpose of making a grant under paragraph (1).

(b)(1) The Secretary of the Air Force may make grants to the Randolph Field Independent School District and the Lackland Independent School District of San Antonio, Texas, for the purpose of providing assistance to those school districts for current expenditures.

(2) There is authorized to be appropriated to the Air Force for fiscal year 1984 the sum of $657,000 for the purpose of making grants under paragraph (1).

—Page 25, after line 13, add the following new section:

LOANS TO CERTAIN SCHOOL DISTRICTS IN SAN ANTONIO, TEX.

SEC. 405. (a) The Secretary of the Army may make a loan to the Fort Sam Houston Independent School District of San Antonio, Texas, in an amount not to exceed $784,000, in order to assist that school district in meeting current expenditures. A loan under this subsection may be made from amounts available to the Army for operation and maintenance for fiscal year 1984. Any such loan shall bear interest at such a rate and be subject to such terms and conditions as the Secretary requires.

(b) The Secretary of the Air Force may make loans to the Randolph Field Independent School District and to the Lackland Independent School District of San Antonio, Texas, in a total amount not to exceed $657,000, in order to assist those school districts in meeting current expenditures. A loan under this subsection may be made from amounts available to the Air Force for operation and maintenance for fiscal year 1984. Any such loan shall bear interest at such a rate and be subject to such terms and conditions as the Secretary requires.

(c) If funds under the Act of September 30, 1950 (Public Law 874, 81st Congress; 20 U.S.C. 236 et seq.), are not provided for fiscal year 1984 to a school district receiving a loan under this section in the full amount that would have been provided to that school district for that fiscal year without regard to the Omnibus Budget Reconcilia-

tion Act of 1981, then such loan (including interest) shall be forgiven to the extent that the amount provided to that school district for that year under such Act is less than such full amount.

By Mr. VENTO:

—Page 7, after line 14, insert the following new subsection:

(e)(1) After preliminary selection of a contractor for production of the European Delivery System Aircraft but before final selection and announcement of the contractor selected, the Inspector General of the Department of Defense shall certify to the Secretary of the Air Force—

(A) whether the employment practices of the contractor selected meet all applicable United States laws regarding nondiscrimination in employment; and

(B) whether the selection of that contractor was influenced by prior foreign sales of United States-produced defense equipment.

(2) The Secretary of the Air Force may not award a contract for procurement of the European Delivery System Aircraft to a contractor if the certification of the Inspector General of the Department of Defense under paragraph (1) states either that—

(A) the employment practices of the contractor selected do not meet all applicable United States laws regarding nondiscrimination in employment; or

(B) the selection of that contractor was influenced by prior foreign sales of United States-produced defense equipment.

—Page 15, line 16, insert "(a)" after "SEC. 301.".

Page 15, after line 21, insert the following new subsection:

(b) None of the funds appropriated pursuant to the authorization in subsection (a) for procurement of the MX missile system may be obligated or expended until—

(1) the President has certified to Congress that at the time of the initial operational capability of the MX missile system there will be in place a command, control, and communications system which is adequate for successful launching of the MX missile in its approved basing mode; and

(2) the Congress has approved such certification.

H.R. 2970

By Mr. SAM B. HALL, JR.:

—Page 6, line 25, insert "(1)" after "State".

Page 7, line 3, strike out "(1)" and insert in lieu thereof "(A)"; in line 5 on that page strike out "(2)" and insert in lieu thereof "(B)"; in line 7 on that page strike the period and insert in lieu thereof "; or"; and insert after line 7 the following:

(2) if such acts or practices are effectively regulated in the State by the State court of last resort in civil cases or by such court and State law.

EXTENSIONS OF REMARKS

AMBASSADOR ZELAYA'S LETTER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I wish to share with my colleagues a letter written to me by his Excellency Jorge Zelaya, Ambassador of Guatemala to the United States. In his letter, Ambassador Zelaya describes the process his government is following to bring his country to a fully functioning democratic society.

The letter follows:

EMBASSY OF GUATEMALA,
Washington, D.C., June 6, 1983.

Hon. ROBERT J. LAGOMARSINO,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. LAGOMARSINO: I wish to take this opportunity to send you the enclosed document on the present situation of Guatemala, which attempts to address some of the concerns that you and other Members of Congress may have regarding my country and my Government's intentions.

The Government of President Ríos-Montt is promoting a political process of open participation, as the only alternative to do away with the violence that afflicts Guatemala. The steps that the Government has taken to that effect include:

(a) The creation of an independent and autonomous Electoral Tribunal, whose members have been chosen by the Supreme Court of Justice from a list of candidates provided by a Nomination Committee (Comité de Postulación). This Committee is composed of the President of the National University, one representative for the Presidents of private universities (there are four private universities), all the Deans of the Law Schools (there are four Law Schools in Guatemala), and a representative of the Chairmen of the professional associations.

The members of the Electoral Tribunal are, Messrs. Oscar Barrios Castillo, Arturo Herbruger Asturias, Manuel Ruano Mejía, Gonzalo Meméndez de la Riva, and Justo Rufino Morales.

They are all honorable citizens and distinguished attorneys, with no connections to political parties or the government.

(b) The system of registration of voters is being renewed, and new identity cards will be issued to every Guatemalan citizen. Records of the previous system have been destroyed in many villages in the rural areas by terrorist attacks.

(c) New regulations for the organization of political parties have been enacted. They have eased the conditions for the organization of political parties. Whereas before, 50,000 registered citizens were needed in order to organize a political party, now only 4,000 are required. This has been done to stimulate the emergence of new political organizations. There will be no limitations regarding ideologies, and socialists and communists are being encouraged to participate in the political process.

When this institutional infrastructure is in place, elections of Constituent Assembly will be called. The Constituent Assembly will draw a new Constitution (the sixth in Guatemalan history), and will call for elections of President, Congress, and Municipal authorities.

For this democratic process to succeed, we need your understanding and your support.

Sincerely,

JORGE L. ZELAYA,
Ambassador.

THE PRESENT SITUATION OF GUATEMALA

1. Violence has decreased dramatically, compared to the levels that existed prior to March 23, 1982, when the coup d'etat took place. The death squads have been suppressed.

2. Although they have declined, there remain some unfortunate Human Rights abuses. The present Government is seriously trying to put an end to those abuses. As a result of this effort, during the last year, 265 policemen have been brought to trial for crimes such as murder, kidnapping, rape, and various other abuses. Two soldiers, members of the Guatemalan Army, have been among those executed for serious crimes.

3. The Courts of Special Jurisdiction have been temporarily established, while the Government attempts to strengthen the system of institutional justice. These Courts are composed of three members, and the Courts of Appeals are composed of five. Their identity is kept secret to avoid possible reprisals or threats that may endanger due process of law. The trials are closed trials; the Guatemalan legal system does not have open trials, and open hearings are established only on very specific instances. Eighty percent of the people tried by these Courts have been released, and only 29 persons have been sentenced; 15 of them to death, and 14 to minor terms in prison.

The Government has requested the assistance of the Inter-American Judiciary Committee of the OAS to make every effort to conform the procedure of the Courts of Special Jurisdiction to internationally acceptable legal standards.

4. The Government has pledged to seek a solution to the problem of the refugees that are presently living in Mexico. To that effect, it is willing to accept the cooperation of the United Nations High Commissioner for Refugees and of the Mexican Government. The Guatemalan Government will take every necessary step to resettle Guatemalans who fled the country, back into their local communities. To date, more than 1,000 refugees have returned from Mexico.

5. The violence in rural areas had eliminated local authorities in about 9% of our territory. Now, local authorities exist in every rural community. Furthermore, normal life in the areas of conflict has slowly been reestablished. Schools (40% of which had been destroyed), health centers, electricity, etc., are now functioning normally.

6. The guerrilla movement has been confronted with the "Beans and Rifles" program. The Army is emphasizing the "Beans" part of the program as the military situation has stabilized. The Guatemalan Army has provided assistance to 2.2 million Guatemalans in refugee camps that were established throughout the areas of conflict.

7. The internal security is, to a certain extent, in charge of rural peasants who have formed a civil defense force of over 500,000. The Guatemalan Armed Forces consist of 20,000 people.

8. An amnesty has been offered to the guerrillas since the beginning of April 1983, and more than 1,000 active combatants and collaborators have taken advantage of it. The present tendency clearly indicates a substantial decrease in the support that the guerrillas enjoyed.

9. On March 23, 1983, the state of siege was lifted, and new political and electoral laws were enacted. They have provided the institutional framework for a political opening, that will allow the possibility to all political tendencies to participate in the democratic process. Even the Communist Party will be allowed to register and participate as a legal institution for the first time in thirty years.

10. Elections of a Constituent Assembly will take place next year. That Assembly will call for general elections. President Ríos Montt will not be a presidential candidate, nor will he join or support any candidacy or political party.

11. The Guatemalan Government has a historical commitment to promote respect for Human Rights, on the basis of developing a stable and pluralistic democratic process.●

FREEZE QUESTIONS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. FIELDS. Mr. Speaker, today I am inserting for the RECORD an article from the Reader's Digest, condensed from the Dartmouth Review. The author, Greg Fossedal, clearly examines many questions we should ask of those supporters of a nuclear freeze.

Perhaps if freeze supporters could answer these provocative questions, they would have a better understanding of the real intentions of the Soviet Union.

I commend my colleagues' attention to this important and illustrative article.

[From the Reader's Digest, May 1983]

15 QUESTIONS FOR YOUR NUCLEAR-FREEZE FRIENDS

(By Greg Fossedal)

It was interesting, for a week or two, to contemplate the negotiation of a joint and verifiable (emphasis on the latter) freeze of nuclear-weapons deployment along with our

friends in Moscow. You knew the Russians would never agree to verification anyway, so you relaxed and indulged the impulse to daydream.

But now it's time to politely change the subject. If you find yourself getting bogged down in the freeze debate, pop one of these 15 questions:

1. Describe in 100 words or less the Soviet monument to détente that stands in Berlin.
2. Name the last three arms-control treaties upheld by the Soviet Union. (This is a trick question.)
3. Estimate the total number of deaths in Soviet prisons from 1917 to 1923. (Hint: up to five million.)
4. Illuminate the vigor of the Soviet election system by comparing it with such "fascist" American allies as El Salvador, Chile and Guatemala.
5. Outline the many differences between now and 1963, when the United States unilaterally pulled its nuclear missiles out of Turkey, Italy and Britain—but the Soviets neither cut back nor froze, but expanded.
6. Give the total number of Soviet citizens murdered in the Gulag Archipelago from 1936 to 1950. (Hint: some 16 million.)
7. Compare the military budget of the U.S.S.R., a mere 13 percent of Soviet gross national product, with that of the NATO countries, a provocative and militaristic 4 percent of GNP, and of the United States, a whopping 6 percent of GNP.
8. State the Soviet bill of rights.
9. Outline the many differences between now and 1976, when the United States began unilateral disengagement of its anti-ballistic-missile program—but the Russians neither cut back nor froze, but expanded.
10. Narrate the stunning success of the Soviet "Chemicals for Peace" program in Afghanistan, Cambodia and Laos.
11. Place a check by each country in which the Soviets established a military presence in recent years: a. Mozambique, b. Nicaragua, c. Iraq, d. Angola, e. Ethiopia, f. All of the above, and more.
12. Review the Russian policy of providing support for world peacemakers, such as Muammar el-Qaddafi, Fidel Castro, Yasir Arafat.
13. Relate the progress of Soviet good-will missions to Poland, Czechoslovakia, Hungary, Angola and South Yemen.
14. Examine America's aggressive, jingoistic withdrawal from the Panama Canal as a contributing factor in defensive Soviet actions in Nicaragua and El Salvador.
15. Trace the development of Russia's nuclear-freeze movement, including the many protest marches, pamphlets, Soviet TV specials advocating a nuclear freeze. (Another trick question.)

That should provide you with enough ammunition to blow up your friends' world 15 times over. We might as well stop there and see if the other side will reciprocate—i.e., stop talking about a nonsense freeze and come back to the earth on which there lies a Soviet Union.●

WHY MAKE IMMIGRANTS FOREVER STRANGERS?

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. SHUMWAY. Mr. Speaker, our Nation is experiencing the largest influx of immigrants in its history. In 1976, 400,000 immigrants came to the United States legally, and in 1980, more than 800,000 legal immigrants came to our country. It is believed that if immigration continues at this rate of growth, the population of the United States by the year 2030 will be over 320 million. I am deeply concerned with the economic and social problems associated with this large influx of immigrants into the United States, particularly with our ability to effectively assimilate these newcomers into U.S. society.

Our Nation's linguistic minorities do necessitate, to a certain degree, special attention and help. I strongly believe, however, that this assistance should serve to integrate the growing non-English speaking populations in America into U.S. society, not to promote the segregation of America's immigrants. Rather than encouraging the adaptation of immigrants to the speech and customs of their new homeland, the Government is prolonging their assimilation by sponsoring bilingual programs which enhance dissimilarities between immigrants and the mainstream of American life and thus which inhibit the process of acculteration.

Government-sanctioned programs, such as bilingual ballots and bilingual education, have served to impede the full integration of immigrants into American society. U.S. naturalization laws state that a person must "read, write, and speak English in ordinary usage" to become a U.S. citizen. Our laws, however, also mandate that immigrants who vote, and who thus exercise the highest privilege of U.S. citizenship, must be provided with ballots in their native language. Furthermore, bilingual education has inhibited the integration of immigrants into society. Mastery of the English language is vital to the assimilation of our Nation's immigrants, and yet bilingual education appears to have become an end in itself, rather than the means for immigrants to become full and participating members of American society.

While I believe that it is important that the tradition of accepting foreigners to our Nation is preserved, it is imperative that immigrants are integrated into U.S. society as quickly as possible in order to allow them to become useful, productive members of our society. I strongly believe that proficiency in English is essential to this assimilation. On March 2, I introduced a constitutional amendment—House Joint Resolution 169—designating English the official language of the United States. This amendment reflects the views of many Americans that English is and must remain our only national language. The designation of English as the official language of the United States, however, should by no means be construed as a betrayal of the diverse cultures which make up our great Nation. Our Nation has been immeasurably enriched by the cultural diversity of our society and thus it is vital that this diverse cultural tradition is preserved. I submit, however, that a multilanguage society is not in the best interest of our Nation.

Mr. Speaker, I would like to call to the attention of my colleagues an article which appeared in the June 3 edition of the Los Angeles Times, written by Neal R. Peirce, which underscores some of the important questions regarding the value of bilingual programs to our Nation's immigrants.

The article follows:

[From the Los Angeles Times, June 3, 1983]

WHY MAKE IMMIGRANTS FOREVER STRANGERS?

(By Neal R. Peirce)

This year the federal government is spending about $138 million to subsidize bilingual-education programs in schools across the land. State and local governments are publishing ballots in Spanish and multiple other languages. Philadelphia and Florida are offering Civil Service examination in Spanish. There are only 11 states in which one needs to know English to take a driver's-license test. And increasingly the question is being asked—Why?

Critics say that bilingual-education programs, which were originally sold as a way to help foreign language-speaking children make a transition to English, have become an end in themselves. Behind the programs are bilingual-education teachers (some with a shaky knowledge of English themselves) and cultural organizations with a vested interest in the continuing bilingual school curriculums that are financed by federal dollars.

There's even a National Bilingual Education Conference that draws hundreds of delegates from as far as our Pacific territories for national lobbying conferences in luxury hotels. The theme at the last meeting, in Washington, was "Bilingualism—In the National Interest," a far cry from the goal of short-term transitional programs in the schools.

Now a prestigious Twentieth Century Fund task force on education, headed by the University of Massachusetts' Robert Wood, asks what good all the bilingual-education programs achieve. "Anyone living in the United States who is unable to speak English cannot fully participate in our society, its culture, its politics," the panel says. It recommends "that federal funds now going to bilingual programs be used to teach non-English-speaking children how to speak, read and write English."

On a parallel track, the English language has finally acquired its own organized lobby. It's called U.S. English, and it's open to all "who agree that English is and must remain the only official language of the people of the United States."

The proponents of "English first" have to know that they're playing a dangerous game. All so easily they can be labeled racist, reactionary, xenophobic or anti-Latino.

But the leaders of U.S. English are hardly know-nothings. Their honorary leader is a semanticist of Asian origin, himself an immigrant—former Sen. S. I. Hayakawa of

California, who proposed a constitutional amendment affirming English as the official language of the United States. The chairman is Michigan physician John Tanton, the founder of the Federation for American Immigration Reform. And the present is Gerda Bikales, who learned four languages—German, Yiddish, Flemish and French—before she was finally taught English at the age of 16 after her family fled Nazi-occupied Europe and settled in the United States.

U.S. English, which so far operates on a shoestring at its cramped offices in Washington, is not against Americans' full mastery of foreign languages. It is giving strong support to improved, expanded foreign-language programs in schools and universities "for practical, economic and foreign-policy reasons." One of the most intriguing things about the group is its requirement that its board members be masters of at least one foreign language. But on putting English first in the schools the group is adamant. "As a child," Bikales says, "I found language barriers could easily be overcome. Arriving in America without knowledge of English, I nevertheless learned it very fast. So did my friends among the immigrant students in my New York City high school."

And so can immigrant children today, she says.

Indeed, the question is compelling: If the children of earlier generations, speaking so many languages, from Italian and Polish to Portuguese and Chinese, could learn English, why not immigrant children now?

Where bilingual issues reach red-hot intensity is among Latinos who envision a large, independent Spanish-speaking nation within the American nation—an American Quebec, as it were.

Asked about taxpayer-supported Spanish education, the Puerto Rico-born mayor of Miami, Maurice Ferre, is quoted in the May issue of Esquire as responding: "We demand this because we recognize that culture is vitally important if we are going to be able to solve our problems."

But Ferre, who also boasts that "you can go through your whole life without having to speak English at all" in today's Cuban-dominated Miami, doesn't necessarily speak for all Latinos.

"Middle-class ethnics romanticize public separateness and trivialize the dilemma of the socially disadvantaged," writes Mexican-American novelist Richard Rodriguez, author of "Hunger of Memory." "America is a place where you don't lose your culture—you gain one."

The questions that remain for us all, native English-speaking and modern-day immigrant alike, are these:

Why should ballots be printed in foreign languages when practically all political debate, the very essence of responsible citizenship, is conducted in English?

Why should driver's-license tests be given in foreign languages—except for foreign visitors or for a limited time—when road signs, warnings and the voice of the traffic officer are all in English?

Why shouldn't bilingual education be limited, as U.S. English recommends, to "a program of short-term instruction that uses the child's home language to help him for the first few months"?

Any other choice consigns youngsters to segregated classrooms, to lifetimes of minimal or non-existent English, outside the mainstream of American business and public life. They may easily, in Bikales' words, "be doomed to be forever strangers in their new country." It could be the ultimate racism.●

SUBCOMMITTEE REVIEW SUGGESTS NEED FOR IMPROVING ELECTRICITY SUPPLY

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mrs. LLOYD. Mr. Speaker, Nucleonics Week reported in its May 19, 1983 edition that the 1982 annual energy outlook prepared by the DOE shows a predicted increase in U.S. electricity demand of about 3 percent annually between 1980 and 1990, corresponding to a 3.2 percent annual growth in the GNP.

In his May 17, 1983 RECORD entry, the distinguished chairman of Energy and Commerce's Subcommittee on Energy Conservation and Power noted that "since 1978, more than 40 (nuclear) reactor orders have been canceled in America alone." When coupled with the dismal assessments of the state of the utility industry recently reported in the news media, a situation caused by external impediments to new plant construction and the overall financial difficulties facing the industry, there evolves a scenario in which projected annual growth in electricity demand and GNP amounts to 3 percent or better, while the electric capacity required to meet this demand is declining.

Earlier in May the Energy Conservation and Power Subcommittee heard testimony from a Congressional Research Service (CRS) specialist, who noted that "serious reliability problems are likely only if the economy grows at 3 percent per year or better and capacity construction follows our worst capacity assumptions;" that is, insufficient capacity to assure the reliability of the electric supply system by 1990, with a serious shortfall by 1995.

Clearly, the present situation suggests that this worst case scenario may well be upon us. Perhaps it is a propitious time for the opponents of nuclear power to rethink their views on the need for assuring the Nation's electricity supply, and to finally recognize that the crisis has not passed. We urgently need to continue our pursuit of the most viable electric supply technologies in order to guarantee that an economic recovery is sustained, including nuclear power generation technologies such as the high temperature gas cooled reactor (HTGR) and the breeder reactor. For as noted further by this same CRS expert in his testimony before the subcommittee, other supply options such as direct solar technologies "will contribute as fuel savers and as peak shavers in some applications, but will not be a significant factor in reducing utility capacity requirements, regardless of the penetration levels achieved."

Electricity produced from breeder reactors and advanced nuclear converters have no such limitations, offering us the opportunity to meet all our electricity demands for centuries to come, while we continue the development of other highly speculative—a phrase used by the CRS expert—but perhaps less politically controversial, supply technologies.●

EXPLANATION OF H.R. 1904, THE CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION OPPORTUNITIES ACT AS REPORTED

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. MURPHY. Mr. Speaker, many have confused the contents of the Child Abuse Prevention and Treatment Act and Adoption Opportunities Act, H.R. 1904, with the final regulation the Department of Health and Human Services implemented on March 22, 1983. While both strive to save the lives of infants born at risk, H.R. 1904 does not address medicaid funding nor mandate that signs be posted in hospitals. The bill does not require a hotline, but attempts to establish local oversight of each unique case while utilizing the expertise of medical professionals. Furthermore, H.R. 1904 incorporates the recommendations of the Presidential Commission report, "Study of Ethical Problems in Medicine and Biomedical and Behavioral Research," by directing the HHS Secretary to establish guidelines which will encourage and assist States to develop local review mechanisms for such cases.

Responsible hospitals now have review processes in place. H.R. 1904 is written to expand the definition of "child abuse" to include those at risk infants who are denied medical or nutritional treatment solely on the basis of their handicaps. State reporting policies need not be changed—hospitals are currently required to report child abuse and neglect cases. The review mechanism—which should consist of medical professionals, rehabilitation representatives, and advocates for children's rights—will assure that each case is considered appropriately and thoroughly. Those who may disagree with the review mechanism's decisions can appeal through the State or courts according to current practices. Infants who are saved but are unwanted by their parents will be considered for adoption under the Adoption Opportunities Act within H.R. 1904.

The complex medical and ethical decisions made after parental consultations are difficult ones. H.R. 1904 places them on the local level where they are best evaluated and determined. This legislation revises sexual abuse definitions and makes technical changes to insure that children are protected regardless of age. The bill is awaiting a rule from the House Rules Committee before its consideration by the House in the near future. I am hopeful that it will continue to receive the same bipartisan support shown in committee, and I urge my colleagues to support the passage of H.R. 1904 as reported from the Education and Labor Committee.●

HIGH PRICE FOR PEACE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LAGOMARSINO. Mr. Speaker, the Oxnard Press-Courier, in my district, recently published an editorial noting the death of Navy Comdr. Albert Schaufelberger in El Salvador. The editorial comments that although it is a high price to pay, it is part of the price that most Americans "have always been willing to pay in the service of a just cause."

[From the Press-Courier, May 31, 1983]

HIGH PRICE FOR PEACE

It was only a coincidence that Navy Cmdr. Albert A. Schaufelberger, the first American military adviser to die in El Salvador, was murdered a few days before Memorial Day. But his death at the hands of terrorists in San Salvador became the latest reminder to all Americans of the supreme sacrifice so many have made in the service of their country.

Schaufelberger was a career naval officer, a professional trained to fight and win. The cause for which he gave his life in El Salvador, however, had more than simply a military dimension. Like all U.S. military advisers there, Schaufelberger was in El Salvador to help carry out a policy intended to bring peace, stability and a measure of democracy to that wartorn country.

Appropriately enough, Schaufelberger's job was to teach Salvadorans how to defend their popularly elected government against Marxist guerrillas intent on imposing a dictatorship. Defeating those guerrillas would go a long way toward ensuring the stability needed for peaceful change elsewhere in Central America.

By all accounts, Schaufelberger was enthusiastic about his work in El Salvador and dedicated to the cause he served. It is our guess that he would be the last to want his death to deter a continuing U.S. commitment in El Salvador.

All American military trainers and advisers in El Salvador are under orders to avoid combat. It is a measure of how strictly those orders have been adhered to that the small U.S. advisory group has suffered only one battle-related casualty, a Special Forces sergeant slightly wounded by guerrilla fire while flying in a helicopter.

But in a guerrilla war in which there is no real front, the kind of terrorist act that took Schaufelberger's life can happen anywhere at any time. It must be said that other Americans may die in El Salvador before peace returns to that country. If so, it is part of the price that most Americans, and especially men like Albert Schaufelberger, have always been willing to pay in the service of a just cause.●

OPERATION YOUTH

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. GRADISON. Mr. Speaker, I would like to take this opportunity to recognize an outstanding program—Operation Youth—which took place recently in my district. Operation Youth is a weeklong conference during which interested young men and women learn about our system of government.

This year's conference, the 33d edition, was held June 4–11 at Xavier University in Cincinnati, and over 89 selected Ohio high school students participated in the program. The agenda included speeches by leaders in government, education, and law on topics such as "Scientific Innovation and World Peace," "Freedom and Economics," and "Plato on Justice and Human Freedom." Forums were then set up for the students to discuss these topics and other current issues. In addition, the students formed political parties and elected officials to a mock municipal government. I am extremely proud to recognize those who were elected to office as well as those who participated in all other aspects of this valuable program.

They are as follows:

Mayor: Coni Rich of Lima Central Catholic High School; vice mayor: Jeanine Miller of Northwest High School; city manager: Tom O'Brien of Moeller High School; clerk of council: Eric Bender of Moeller; and city council members: Tom Hecht of Elder High School, Theresa Helbling of Tusculum Central Catholic High School, Steve Jones of Oak Hills High School, Steve Kaine of Elder High School, Chris Kossen of Moeller, Tony Kovalik of Moeller, and Suzy Mack of Mother of Mercy High School.

Also participating in the conference were:

Scott Allgyer of Elder, William Bambeck of Newcomerstown High School, Tina Beck of North Lexington High School, Amy Bidwell of Princeton High School, Theresa Born of Mother of Mercy, Mike Bullock of Circleville High School, William Burke II of Summit High School, Rob Burkhart of Roger Bacon High School, Amy Carovillano of Loveland High School, Karen Cavalancia of St. John High School, Rosemarie Cerchio of Seton High School, Rachel Clark of Taylor High School, Melissa Cook of Reading High School, Shery Cornelius of Medeira High School, Renee Daniels of Norwood High School, Diana DeJonckheere of Purcell-Marian High School, Chuck Dickman of Minster High School, Kevin Dues of Coldwater High School, Jeff Elderton of Loveland, Carol Forste of Deer Park High School, Pamela Freeman of Norwood, Maria Gaston of Oak Hills High School, Laura Gentry of Fenwick High School, Cheryl Goff of Zanesville High School, Stephanie Goodrich of Zanesville, Elizabeth Greenwald of Wyoming High School, Michael Hamilton of St. Bernard High School, Richard Hart of Goshen High School, Denise Heckman of Seton High School, Stephanie Herrin of Goshen High School, Natalie Herrmann of Wyoming, Donna Hines of Southeastern High School, Jurt Huelsman of Minster High School, John Janning of Roger Bacon, Patti Jones of Anderson High School, Sheryl Jones of St. Ursula Academy, Bradley Karcher of Liberty-Ben. High School, Shellie Kauffman of Findlay High School, Anne Keith of Wyoming High School, Timotly Kelly of Elder, Paul Kollner of Purcell-Marina, Robert Krumm of Elder, Beth Kruthaupt of McAuley High School, Melba LaFarge of Loveland, Shannon Lane of Turpin High School, Tina Lewis of ;Hughes High School, Marc Linser of Rosecrans High School, Stacey Lysaght of Fenwick High School, Michele Martin of McNicholas, Mariann Mayhew of Newcomerstown, Luke McConnell of Circleville High School, Laura Meinking of Our Lady of Angels High School, Ronnie Meister of Taylor High School, Michael Murphy of Findlay, Paul Neyer of Roger Bacon, Derek O'Neal of Roger Bacon, Susan Rauen of Loveland, Mary Schaub of Shelby Senior High School, Rob Schuette of Moeller, JoEllen Scofield of London High School, Clark Searle of Oak Hills, James Silone of Lima High School, Thomas Sippel of Lehman High School, Michael Sora of Fenwick High School, Mary Spinks of Del.-Hayes High School, Margaret Spinning of London, Tim Stadler of Shelby, Christine Starner of North Lexington High School, Lawrence Stier of St. Xavier High School, Alan Stivers of Ripley High School, Mark Telles of Elder, Joan Vonderhaar of Eaton High School, Patty Wagner of Liberty High School, James Weiss of Moeller, Kathleen Wendt of Aiken High School, Michael Wolfert of Talawanda High School, Sue Wright of Seton High Schook, and Monica Yee of Western Hills High School.

I would especially like to honor William E. Smith, director of Operation Youth and professor of accounting and finance at Xavier University. His

dedication in insuring the success of this program has been unsurpassed. His efforts, as well as those of his staff, enabled over 89 young citizens to gain new insight into the workings of democracy. The staff included:

Mr. Kevin Bien, program director; Mr. Bill Maly, chief of staff; Rev. Leo Bennish, chaplain of Xavier University; senior staff members: Karen Fahlbusch, Brenda Green, and Karen Schilling; and junior staff members: Ann Bailey, Brian Clark, Michelle Frost, Patty McLoughlin, Marsha Telles, Mike Vorbroker, Mike York, and Gary Pugh.

Mr. Speaker, I am happy to pay tribute to this outstanding and worthwhile program.●

GRENADA—WHAT THE WASHINGTON POST DID NOT TELL YOU

HON. LARRY McDONALD
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. McDONALD. Mr. Speaker, on June 1, 1983, the Washington Post ran an interview with Maurice Bishop, Marxist totalitarian dictator of Grenada. Of course, the Washington Post chose to tell its readers that Bishop is a prime minister. Then too, in that article, the author, John M. Goshko chose to suggest that President Reagan's speech to the American people and photographic evidence was questionable on the matter of the airfield being built with Soviet and Cuban Marxists on Grenada territory.

Then the Washington Post chose to cite Grenada's airfield as an attraction for the so called thousands of tourists who go there. Is Mr. Goshko talking about tourists like Angela Davis, Philip Agee, or Harry Belafonte, who states that elections are not needed in Grenada.

It is indeed a shame that the Washington Post knows neither the meaning, nor practices journalistic integrity. Fortunately there are other sources, one of which I would like to share with my colleagues today. On January 9, 1983, the West German publication Welt Am Sonntag, published an article by Uwe Siemon-Netto, clearly pointing out that Grenada is fast becoming a second Cuba. Article follows:

[From Hamburg Welt am Sonntag (in German), Jan. 19, 1983]

GRENADA SAID TO BECOME "SECOND CUBA"

[Article by Uwe Siemon-Netto: "A Black Castro Is In the Process of Turning an Island of the Queen Into a Second Cuba: Grenada—the Most Charming Island in the Caribbean. Russians Have Purchased 17 Villas on Belafonte's 'Island in the Sun' "]

[Text] St. George's. For an hour we stood silently next to each other at the bar. He was a young black, I a white man barely past the midpoint of life. My attempt to start up a conversation with him at first failed because of his taciturnity, which was not typical for a man from the Antilles.

Finally he asked me: "American?"

I replied: "German."

He: "East or West?"

I: "West."

He: "Comrade?"

I: "No."

Thereupon he smiled and explained to me his behavior up to now: "You know why the people of Grenada fly to Trinidad to see a dentist? Because there they can open their mouth without worry."

I pinched myself. Where was I? In the GDR? In the USSR? Was this the latest from Radio Yerevan? No, I was in Grenada, "My Island in the Sun," as Harry Belafonte sang about the most charming of the Caribbean Islands.

But dark vapors lie over this tropical pygmy state, whose sovereign in formal terms is still the Queen: A black Castro is in the process of turning the Commonwealth member into a second Cuba, into one of the most important potential bases for Moscow's military and political plans in the Caribbean area, in Central and South America, at the "soft underbelly of the United States," as one likes to put it there.

This is why the people in Grenada approach strangers with similar caution as Central Germans or Czechs: Either they are silent, like my neighbor in a harbor bar in the picturesque capital of St. George's was at first, or they speak in parables.

"What do you think of Bishop?" I asked a hitchhiker whom I had picked up in my rental car. I had in mind Prime Minister Maurice Bishop, who came to power in an almost bloodless coup d'etat (only two dead) on 13 March 1979. His name means bishop.

"Bishop? Bishop?" my passenger pretended to rack his brain. "You know, I am Anglican. We do not have a bishop here. But I hear that the Catholic bishop is very nice."

This Catholic bishop is called Sydney Charles. He is the prelate of 65 percent of the 110,000 consistently pious inhabitants of Grenada, which is why he is still being treated by the regime like a raw egg for the time being. And recently he said in public: "There are two bishops on this land, and we both have the Grenadians [sic] on our knees." The other bishop was not very happy to hear this.

Prime Minister Maurice Bishop is 39 years old, well-built and without a sense of humor. His wife Angela, a former carnival princess, has left with her children for Canada; his current girlfriend, Jacqueline Creft, who has also made his a father, was appointed by him to the post of minister of education.

After his coup d'etat 4 years ago, Bishop promised elections in the near future. And he would have won easily, for his action was popular at that time.

Sir Eric Gairy, the prime minister who was overthrown by him, was regarded as corrupt and slightly crazy. He busied himself primarily with unidentified flying objects (UFO), and he happened to be in New York at the time to address the United Nations on the subject of UFO when he lost his power at home to Maurice Bishop.

But Maurice Bishop did not keep his promise to hold elections. Today, many people in Grenada assured me, he would no longer win an election; at most 20 percent of the people stand behind him, I was told. And so he said that Grenada would never "return to the farce of the parliamentary system a la Westminster."

But it so happens that in Grenada's neighboring countries—for example Barbados, Trinidad and Jamaica—the democratic traditions are carefully cultivated as the most precious legacy from the period of British colonialism. Among other things, this necessitates a courageous free press. With regularity it publishes the names of political prisoners, some of whom have been imprisoned in the dreaded "Richmond-Hill" prison for almost 4 years, without ever having been charged with an offense.

This tropical Bautzen [fortress] is largely being ignored by the European and North American leftist intellectuals who are streaming into Grenada in order to support the 'revolution' there.

There is, for example, Angela Davis, today the second highest official of the American Communist Party; in the spring she came with 14 relatives at the expense of the taxpayers of Grenada to the island for a carnival celebration.

There is Philip Agee, the former CIA agent derailed to the Left, who from time to time also lives in Germany and is so closely allied with Grenada that he is traveling through the world with a passport of the mini-state.

There is the precentor of German peace marchers, Harry Belafonte, who likes to be invited to "My Island in the Sun" and assures the natives that free elections are not necessary.

The prison of Grenada would really be worth the interest of people like that. For the conditions prevailing there justify the word "isolation torture," which is so popular among the leftists. As several members of the clergy and relatives of prisoners told me, the inmates of "Richmond Hill" are locked into their cells for 23 hours a day, frequently in solitary confinement in tiny dark rooms, whose only furniture are the foam rubber mattresses without any linen that lie on the floor.

Only every 2 weeks are they allowed to see their relatives for 15 minutes. The relatives have to bring them clean clothing, biscuits and milk; the food in the prison is barely eatable. A typical menu looks as follows: A muddy brown soup made of figs or flour and water and then boiled fish heads.

No outsider knows the exact number of prisoners in "Richmond Hill." The journalist Alister Hughes, a brown Ossietzky, who with unimaginable courage informs the outside world about the conditions in Grenada, told me: "I had compiled a list of 100 names, but then 28 were released, and among them were many of whom I did not know that they were in 'Richmond Hill.' Consequently I have to assume that there are still other people there about whom I do not know anything."

Over 100 political prisoners: A large number for a small country. If similar conditions prevailed in the Federal Republic, close to 50,000 opponents of the regime would have to populate the penitentiaries according to this scale.

The prison is so full that for the time being it can no longer accept common criminals. I was told the story of a murderer whom the police brought to the penitentiary, where he was turned back at the gate because of lack of space. He was sent home by way of hitchhiking.

A strange perversion of the British builders of "Richmond Hill" is responsible for the fact that it has the most beautiful view of the picturesque harbor of St. George's.

A bit farther on the same road an airy villa is located whch is regarded as the real power center of the island.

This is where the 38-year-old Cuban ambassador Julian Torres Rizo lives and works, a prudent dark-haired gentleman who is married to a white American woman by the name of Gail.

Torres is not an ordinary ambassador, but a high-ranking officer of the Cuban secret service DGI. In 1976 he was identified as the leading Cuban agent in the United States.

In Grenada hardly anyone doubts that Torres and the DGI planned the coup d'etat which brought Maurice Bishop to power 4 years ago. A month after the coup Torres turned up as charge d'affaires in St. George's—as one of the first of the many hundreds of Cubans who are on the island today.

Approximately 350 of them are working on a project which is causing some concern to the United States: They are building an international airport with a runway of almost 3 kilometers.

Officially the word is that this airport is supposed to entice jumbo jets full of tourists to Grenada. But a single figure shows what one should think of this version: At the moment there is a total of only 450 hotel beds on the entire island. . . .

Of the $70 million which the airport will cost, $2.2 million is coming from the development fund of the European Community. The Cubans are investing $33.6 million in the enterprise.

In Washington people believe that the Europeans are thus helping to finance a Soviet-Cuban airbase directed against the United States.

"The fact is," a prominent Grenadian told me, "that our country is being transformed into a Soviet aircraft carrier."

How important Grenada is for the Soviets is indicated alone by the fact that Admiral Gorshkov, the commander of the Soviet Navy, inspected the island 2 years ago.

Since that time the Soviet embassy has bought 17 luxurious villas on the island. Libya, too, maintains a large embassy in the ministate. The GDR has sent "technical advisers" to the island. And the pygmy-state has at its disposal a 75,000 watt transmitter, which is stronger than the transmitters of the Voice of America and can also be received in Europe.

When Maurice Bishop overthrew his predecessor Gairy, the country only had 140 soldiers. Today the regular army has 1,500 men and the people's militia another 8,000 to 15,000. All in all they constitute more than one-seventh of the population and they are being trained by Cubans. Guerrillas, including PLO terrorists, are supposedly to be trained at the army base of Calivigny.

The "Island of Spices" is now teeming with young blacks who are playing Red Army soldiers: With Soviet steel helmets, Soviet belt gear and Kalashnikov rifles. The Cubans apparently not only brought hundreds of military vehicles of the Zyl and Gas trademarks into the country, but also heavy equipment: On 25 August the Cuban freighter "Baira" docked in St. George's. In the evening a blackout was imposed on the entire country. Those who were trying to find their way in the darkened streets were escorted home by military personnel.

And then throughout the night heavy vehicles rolled from the harbor to the army base of Calivigny. They transported giant crates, in which, among other things, the most modern Soviet anti-aircraft rockets were suspected.

The Grenadians, one of the most lovable and hospitable peoples of the Caribbean, see and hear what is going on around them, and they behave like a people behaves when it is afraid: They rush into the churches, which have not been so full in decades. "For all of us feel," a priest told me, "that something is brewing here."

[Map caption] Grenada's strategic position is of great value. Brazil, the oil fields of Venezuela, and shipping lanes that are vital for the United States lie within reach of jets.

[Picture caption] Charlotte Town on the West coast of Grenada is one of the oldest settlements of Grenada. A total of 110,000 people live on the 334-square-kilometer, large island.●

BALTIC FREEDOM DAY

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1983

● Mr. SENSENBRENNER. Mr. Speaker, I take this opportunity to recall the year 1940, when the Soviet Union, in an extremely illegal and immoral action, incorporated the Baltic States of Latvia, Lithuania, and Estonia. This action, and the subsequent deportation of hundreds of thousands of Balts to Siberian work camps stripped the Baltic people of their heritage, culture, and human rights.

The United States has never recognized this illegal action and continues to monitor and address human rights violations still taking place today in the Baltic States. We, in America, must recommit ourselves to the cause of freedom in Latvia, Lithuania, and Estonia, just as the people in this region themselves have done.

The independent spirit of the Baltic people, their never-ending drive for freedom, is evident in the dissident underground publications which circulate widely in each state. Also, despite Soviet efforts to stop the activity, Balts continue to listen to Radio Free Europe, Radio Liberty, and Voice of America broadcasts. The undying courage and determination of the Baltic people is a beacon to the oppressed people of the world. We must never acquiesce to this unconscionable crime committed by the Soviet Union and continue our vigil until the totalitarian yoke is lifted from this region.

I join with my colleagues and all the people of the world in prayer that someday freedom will return to these brave people.●

RADIO MARTI: GETTING THE TRUTH TO CUBA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LAGOMARSINO. Mr. Speaker, during the recent debates in the House Foreign Affairs Committee on El Salvador and Nicaragua, there were a number of comments about this administration's emphasis on military solutions to fighting communism in this hemisphere. I believe those charges are false, and I believe the record demonstrates that they are false. The administration has sought the approval of its Caribbean Basin Initiative, the advancement of its democracy program, and the authorization of Radio Marti.

Radio Marti will fight the lies of communism in this hemisphere through ideas not through military aid. For all those who have said there should be an alternative to military aid, support for Radio Marti is an obvious and appropriate choice.

I urge my colleagues to read the following commentary prepared by the Heritage Foundation describing the objectives of Radio Marti.

RADIO MARTI: GETTING THE TRUTH TO CUBA

INTRODUCTION

The Reagan Administration has proposed that the United States establish a radio station to broadcast news to the people of Cuba. This so-called Radio Marti would break the information blockade that Fidel Castro has imposed on Cuba's citizens. It would get the truth to Cubans, letting them know the full extent, and cost, of Castro's activities at home and abroad.

The concept is not new. For years, Radio Free Europe has broadcast into Eastern Europe, as Radio Liberty has into the Soviet Union. Both tell their listeners living behind the Iron Curtain about events in, and concerning, their homelands.

Plans for Radio Marti have generated opposition from American broadcasters because Castro has threatened to retaliate by jamming on U.S. stations. Cuban jamming capabilities, however, are limited and costly. They could block broadcasts from other countries in the region with whom Cuba is trying to maintain good relations. Furthermore, American stations have the technology to overcome such interference.

The Administration's foreign policy critics also attack the plan. They call it provocative and suggest instead that the U.S. negotiate with Cuba for better relations. But Castro himself is the biggest obstacle to improved U.S.-Cuban relations. Moreover, Cuba for years has transmitted radio programs, laden with propaganda and anti-American rhetoric, into the United States and Latin America. Radio Marti, by contrast, would consist solely of news and entertainment; it would be prohibited from broadcasting propaganda. Establishment of Radio Marti would not preclude American negotiations with Cuba.

Radio Marti represents a peaceful, effective, and inexpensive foreign policy tool for

U.S. efforts to deal with Fidel Castro's destabilizing activities. It can give the Cuban people the news and information about their own country and its activities that is currently denied them. It thereby may divert Castro's energies from creating instability abroad and focus his attention on problems closer to home.

BACKGROUND

The Reagan Administration repeatedly has sought ways to blunt Fidel Castro's adventurism. Since his takeover in 1959, Castro has vowed to export his revolution; in recent years, direct Cuban involvement in African, Central American, and South American affairs has grown ominously. For instance, Cuba has supplied proxy troops for the Soviet Union in Ethiopia and Angola. It has also trained and armed rebels in Nicaragua, Colombia, and El Salvador, to name just three trouble spots.

Castro's efforts at subversion, though, are not limited to the battlefield. Whenever he can drive a wedge between the U.S. and its neighbors, he does so.

A dramatic case in point occurred during the Falklands/Malvinas crisis. Cuba's relations with Argentina's right-wing military government had never been good. But when the U.S. announced it would side with Great Britain in the conflict, Cuba suddenly became Argentina's best friend. Cuban propaganda carried relentless denunciations of the United States and praise for the Argentine struggle to defeat what Cuba termed "imperialist actions." Cuban delegates to the Organization of American States and to the United Nations pointedly supported Argentina's side in the dispute. Just this year, Fidel Castro endorsed a resolution of support for Argentina at the Non-Aligned Nation's conference in New Delhi.

Cubans are kept in the dark about their country's extensive destabilization efforts around the globe. They have not enjoyed a free flow of information for the nearly quarter-century that they have lived under communism. Cuba's mass media is strictly controlled by the government. The estimated 130 radio stations, three TV channels, and magazines and newspapers in Cuba give the public only the information that fits into the Communist Party line.

Not only do Cubans receive sketchy news about foreign affairs, they are told little about domestic events. They do not know, for instance, the full extent of Castro's vast political prison system and systematic violation of human rights, or about acts of industrial and agricultural sabotage committed by disillusioned workers, or of the Soviet Union's $3 billion annual subsidy to keep the Cuban economy afloat. The Cuban people get information about events within their own country through official propaganda and by word of mouth, both unreliable.

In 1980, candidate Ronald Reagan's advisers suggested that the United States break this information blockade and enable Cubans to know what their government was doing at home and abroad. The idea was to direct Castro's attention away from international adventurism and toward domestic problems. They recommended a radio station devoted exclusively to the task.

After his election, Reagan endorsed the concept of such a radio station. The Presidential Commission on Broadcasting to Cuba was established in September 1981 to study its feasibility.[1] The panel's favorable report led to the drafting of plans for direct U.S. radio broadcasts to Cuba.

As originally envisioned, the new station would be named after José Martí, a 19th century Cuban patriot. It would beam programs of news, music, and sports to Cuba fourteen hours daily. The entire operation would be run by the Board for International Broadcasting, the same federal agency operating Radio Free Europe and Radio Liberty.

BROADCASTERS' OBJECTIONS

Plans for Radio Marti drew immediate fire from U.S. broadcasters. They expressed concern over threats by Castro that he would jam Radio Marti, fearing the effect of such action on American radio stations. They ignored, however, the fact that Cuban radio transmissions already interfere with U.S. stations, particularly in Florida. Cuba also has broadcast on frequencies and at signal strengths that violate international agreements. It has done so for years, long before plans for Radio Marti were announced. In addition, Castro revealed plans in 1979 for two Cuban AM "superstations" of 500,000 watts each, ten times the maximum power allowed to American stations. Such superstations could substantially disrupt radio signals throughout the U.S.

Castro apparently has played on American broadcasters' fears of radio interference. On August 30, 1982, in a display of radio muscle-flexing, Cuba broadcast four hours of programing at extremely high power over five AM radio frequencies. Twenty-two U.S. radio stations using those same frequencies encountered some interference with their broadcasts.[2]

The potential impact of Castro's threat, however, is overstated. Jamming has limitations and even drawbacks for Cuba. It requires transmitting high-power signals on the same wavelength as the targeted station in order to disrupt incoming signals. These can be simply noise and static to garble the offending broadcasts or "counterbroadcasting" that drowns out the incoming signals by sheer power. Sustained jamming and counterbroadcasting, though, require quantities of electricity, which could tax severely Cuba's limited and expensive power-generating capabilities. Moreover, counterbroadcasting affects not only U.S. radio stations but also those of neighboring Central and South American countries with which Castro wants to maintain good relations. Already, Mexico, Venezuela, and Colombia, among others, have voiced concern over current and potential Cuban radio interference.

Jamming does not always work. The Soviet Union and its East European satellites have tried to block Western radio transmissions for years, but with only limited success. During the height of the martial law crackdown in Poland, for instance, Polish authorities sought to jam radio transmissions from the West. But by one account, an estimated 60 to 90 percent of Poles could still hear Radio Free Europe—despite the jamming effort.[3]

Even if Castro decides that the cost, effort, and consequences of jamming are worth it, U.S. broadcasters can overcome Cuban radio interference. Transmitter power can be stepped up, and the radio beam can be focused to reach target audiences with greater precision. Moreover, early plans calling for Radio Marti to use AM frequencies that are also used by other U.S. radio stations have been modified, so that Cuban attempts to block Radio Marti would not necessarily interfere with American commercial broadcasts.

With or without Radio Marti, though, rogue Cuban radio transmissions could remain a problem for American broadcasters. Eliminating Radio Marti is not the answer. The problem will be solved only when Cuba abides by international broadcasting rules and standards.

FOREIGN POLICY CONSIDERATIONS

Opponents of the Administration's foreign policy have argued that President Reagan seeks confrontation, rather than negotiations, with Cuba. They point to Radio Marti as proof of this, seeing it as an effort to provoke Castro.

Yet Cuba and other Communist countries long have used radio broadcasts to further their policies. Cuba transmits some 280 hours of programs to North America and the Caribbean each week. This is in addition to the more than 130 hours a week of Soviet broadcasts into the region, as well as broadcasts from East Germany, mainland China, and other Communist bloc countries into this Hemisphere.[4]

Cuba's own radio broadcasts have not stopped the U.S. from trying to negotiate with Castro, just as Radio Marti alone would not preclude efforts to improve relations with Cuba. Rather, Castro has been the main obstacle to negotiations. He repeatedly has rejected both open and secret overtures for better relations. In addition, he refuses to discuss the issues of greatest concern to the United States: the Cuban military presence in Africa, his support of guerrillas in Central America, his complicity with drug smuggling into the U.S., and immigration matters. His dealings with the United States have been marked by intransigence and defiance.

The Carter Administration, for instance, made repeated efforts to reestablish relations with Cuba. During that same period, though, Castro sent more troops into Angola, dispatched forces into Ethiopia, supplied arms and training to the Sandinista guerrillas in Nicaragua, and released massive numbers of Cuban refugees through the Port of Mariel.

LEGISLATIVE HISTORY

Legislation to set up Radio Marti passed the House of Representatives on August 10, 1982, by a vote of 250 to 134. The bill cleared the Senate Foreign Relations Committee, but died in the Senate during the 97th Congress' lame duck session.

Congressional critics in both Houses expressed concern about the wisdon of the move from a foreign policy perspective. They questioned the cost of the new enterprise (an estimated $7 million to $10 million a year) and suggested the use of Voice of America facilities for broadcasting. They echoed broadcasters' concerns about potential interference with U.S. radio stations, should Cuba try to jam Radio Marti, and about the costs if American stations needed to purchase equipment to counter Cuban interference.

Some of the strongest objections to Radio Marti came from the Iowa congressional delegation. Original plans had called for Radio Marti to use a frequency of 1040 kilohertz (kHz) on the AM band, the same spot on the dial as station WHO in Des Moines.

[1] Executive Order 12323, Sept. 22, 1981.

[2] "Cuban Radio War?" Washington Post, Sept. 1, 1982, p. B-6.

[3] "Poland Censures Old Annoyer: Radio Free Europe," New York Times, May 11, 1982, p. A-2.

[4] "Broadcasting to Cuba," National Review, July 23, 1982, p. 877.

WHO is a so-called clear channel station, which means its power is boosted at night to reach much of the United States. Broadcasters there feared that Cuban jamming could block WHO's signal throughout the country.

The Radio Marti bill has been reintroduced in the 98th Congress with changes designed to address the concerns raised by the plan's opponents. The new legislation does not restrict Radio Marti to the AM band, but specifies that, should Radio Marti choose to use an AM frequency, it must use the one currently assigned to the Voice of America (1180 kHz). This would limit interference from Cuban jamming efforts to this government frequency and spare commercial broadcasts. To save money, Radio Marti would be permitted to use the VOA's broadcasting facilities as well.

The measure's supporters have called for a fund to compensate radio stations that suffer from Cuban radio interference. Legislation in the House included $5 million for that purpose, and a similar amount will be proposed in the Senate.

To address foreign policy concerns, both the House and Senate bills contain identical language requiring that broadcasts to Cuba avoid provocative or inflammatory rhetoric. The legislation specifies that Radio Marti programs must "serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news." [5]

CONCLUSION

Radio Marti's fate should not depend on Fidel Castro's threat of radio blackmail, but rather on the station's value to American foreign policy. On this score, Radio Marti is a good investment.

Using a tested and proved concept similar to the successful Radio Liberty and Radio Free Europe, Radio Marti may divert some of Fidel Castro's energies from foreign troublemaking. At the least, the station will help Cubans understand the full extent and cost of Castro's policies. The fact that Castro seems so anxious to block Radio Marti testifies to the idea's impact and effectiveness.

Radio Marti offers the Reagan Administration a low-cost, high-yield foreign policy option. It is a peaceful means of containing Fidel Castro and his activities. Given the lives and treasure that are being spent in order to contain Castro's policies in Central America, the idea of redirecting his efforts back home has an appeal, and an urgency, that cannot be denied.

Prepared for the Heritage Foundation by Luis A. Luna.●

[5] "Radio Broadcasting to Cuba Act," H.R. 2453, S. 602, 98th Congress.

BALTIC FREEDOM DAY

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1983

● Mr. CLINGER. Mr. Speaker, June 14 of this year marks the 43d anniversary of the Soviet Army's tragic invasion and occupation of the Baltic States of Lithuania, Estonia, and Latvia. Since that invasion in 1940, the citizens of these states have been subjected to severe hardships and injustices. As the Baltic citizens continue in their struggle against this Soviet oppression, I commend the passage of House Joint Resolution 201, to designate June 14 Baltic Freedom Day 1983.

The Soviet regime has taken from the people of the Baltic States their fundamental right to self-determination. In the 43 years since the initial invasion, Lithuania alone has lost over 1,250,000 lives to the totalitarian deportation policies of the Soviet Union. This denial of basic human rights has been accompanied by severe colonial economic exploitation. In spite of the indignation of this situation, the people of the Baltic regions continue in their struggle for freedom.

We in the United States sometimes take our personal liberty for granted. Let the Congress now join in a unanimous message to citizens of our own country, as well as those of other nations, that the struggle of the Baltic citizens is not without significance.●

BALTIC FREEDOM DAY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BROOMFIELD. Mr. Speaker, yesterday, I was privileged to attend a White House reception for Baltic Americans. I was honored to be there when the President signed the legislation proclaiming June 14 "Baltic Freedom Day." I was moved by the President's poignant remarks at the reception and want to share them with all of my colleagues here in the Congress.

I share the President's deep commitment to human rights and his deep concern about the tragedy of the Baltic States. The history of that area is a tragic one that all free men should know and never forget so that we may profit from the mistakes of the past.

As all of you know, Estonia, Lithuania, and Latvia were once free and independent nations. In 1922, the United States recognized those republics and welcomed them into the international arena. These countries were viable nations made up of industrious and independent farmers who cherished their freedom.

In 1940, the Soviet Army marched into the Baltic States, and effectively sealed the Baltic nations off from the prying eyes of Western media. They immediately formed puppet regimes. The legislatures, completely dominated by members of the Communist Party, petitioned the Supreme Soviet of the U.S.S.R. to incorporate each Baltic Republic into the Soviet Union.

As soon as the Russian troops arrived, and the incorporation was declared, the Soviets began a systematic campaign of violence against the population of these nations. The Soviets needed to wipe out any opposition to the new order. Over 665,000 Estonians, Latvians, and Lithuanians were deported to Siberia. The Kremlin settled large numbers of people of Russian stock in the Baltic States to strengthen their control of the area. Widespread bloodshed ensued when the Baltic guerrillas took to the forests to establish a network of armed opposition to the illegal occupiers. More people were killed when the front changed and Nazi Germany invaded her old ally, the Soviet Union.

When the Soviets returned the second time in 1944, they were determined to stay and began a brutal plan of collectivizing the countryside. Farmers were forcibly evicted and deported. More troops than ever were brought in to destroy the guerrilla movement. Even so, the partisans continued their struggle until the early 1950's when, isolated by numerous divisions, many in the resistance movement gave up their arms.

In spite of overwhelming oppression, the peoples of the Baltic States are struggling to maintain their linguistic, ethnic, and religious identities. We cannot abandon these freedom-loving peoples. They have already demonstrated their determination for liberty and their willingness to do what is necessary to keep their national characters intact.

We must remind the world that there once were free and independent states on the eastern coast of the Baltic Sea. We should all work together to bring about an end to the illegal occupation of Estonia and the other Baltic States.

With this in mind, I strongly recommend that all of the Members of the House read the President's comments. Let us remember that those who forget history are doomed to repeat it.

REMARKS OF THE PRESIDENT AT THE RECEPTION FOR BALTIC AMERICANS

I once learned in a public-speaking class that you should never open your remarks with an apology. (Laughter.) But, then, how can I explain to you that I'm sorry I was late and have kept you waiting here? I'll tell you how that happened here if some of the fellows behind me won't get mad. They had a meeting scheduled also with a delegation from the Congress, and I've found out that every time that happens I'm late from then on. (Laughter.)

But welcome to the White House. We're gathered to draw attention to the plight of the long-suffering Baltic people and to affirm to the world that we do not recognize their subjugation as a permanent condition. (Applause.)

The Soviet occupation of Latvia, Estonia and Lithuania is a living reminder of the cynical agreement between Soviet Russia and Nazi Germany that precipitated the Second World War. The Soviets would like the world to forget this dark chapter of history, but it's something the Baltic people and freedom-loving people everywhere will always remember.

The Soviet Union invaded these small but proud countries in 1940. And, then, in June of 1941—only days before Hitler turned on his partners in the Kremlin—the Soviets arrested tens of thousands, executed many and began a mass deportation to Siberia.

At the end of the war, the horror continued as hundreds of thousands were sent to the Gulag. Today, it's no coincidence that a large percentage of people living in these occupied countries are not of Baltic descent. The Soviets have tried their best to Russify the Baltic peoples, as they have with so many of the other oppressed nationalities within the Soviet empire.

The worship of God, once at the heart of Baltic culture, has been brutally suppressed. Any legitimate attempt at independence from Moscow has been suppressed. Any tangible effort to preserve their national identity has been denied, but the Soviets have never broken their spirit. Underground publications flourish and ad hoc committees and groups defend religious and national rights as guaranteed by the Helsinki Accords.

It seems ironic that those responsible for the repression I've been describing are now proposing what they call "an atom-free Baltic," "a Nordic nuclear-free zone," especially since unidentified submarines have repeatedly violated the territorial waters of Norway and neutral Sweden. This kind of conduct doesn't lend itself to a spirit of trust. As a matter of fact, the curious thing is, if you really stop to think about it, their description of a nuclear-free zone is that there won't be nuclear weapons in that zone. The kind of nuclear-free zones we want in the world are zones where nuclear weapons will not be landing and exploding. (Applause.)

I urge the Soviets to concentrate on the serious negotiations in Geneva instead of making meaningless gestures. Last week, as you're aware, I unveiled a new arms control proposal. We hope the Soviets will take this proposal seriously. We've demonstrated flexibility. The ball is now in their court. We're seeking verifiable and equitable agreements because we're firmly convinced that such agreements are in the interest of both our countries and all the people of the world.

However, we should never delude ourselves as to just who and what we're dealing with. I can promise you we will not, in the process of seeking peace be lured from our moral commitment to those captive peoples who are now held in bondage. (Applause.)

There are those who believe that we should muffle our criticism of totalitarianism in the mistaken notion that this will further the cause of peace. But we Americans want nothing more than to remain free and at peace.

Nevertheless, ignoring reality, giving up the moral high ground, refusing to speak the truth will not engender the respect needed for the preservation of peace and human liberty. Totalitarian regimes must know that free men will not cower. Then and only then can conflict be avoided.

I'm happy to report after the Williamsburg Summit that I am confident freedom and peace can be preserved. The leaders of the Western Democracies gathering there in the Cradle of Liberty met as friends and allies. A new spirit is emerging in the West, a fellowship of decent and free people. We have the strength of our convictions and we're not afraid.

June 14th, the day in 1941, when the massive deportation of the Baltic people began, is a day which reaffirms our commitment to our ideals. The people of Latvia, Estonia, Lithuania and all the other nations look to the United States. We must keep the peace and we will. We must also keep the beacon of freedom shining. And from that sacred responsibility, we will never shrink.

Last week, Congress expeditiously adopted legislation proclaiming June 14th Baltic Freedom Day. (Applause.) And I will now sign the proclamation marking that designation. (Applause.) (The President signs the proclamation.)●

CECIL WILLIAM McLINN, OUTSTANDING FIREFIGHTER HONORED

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. DYMALLY. Mr. Speaker, June 20, 1983, marks the 70th birthday of one of southern California's outstanding firefighters. In a State whose population is made up as much of nonnatives as natives, Cecil McLinn is one of those somewhat unusual people who was born, raised, and who has given a lifetime of service to the Los Angeles area. Born in 1913 in Hollywood, Mr. McLinn is a graduate of the Los Angeles public school system. He studied both at Los Angeles City College and East Los Angeles City College where his studies were in the area of fire science and administration.

After college, Cecil worked for 2 years—1933 to 1935—as a surveyor with the Civilian Conservation Corps, seeing service in Lompoc, Calif., and in Sequoia National Park. After leaving the CCC, he worked for a time with the C. W. Cooke Surveying Co.

His career in firefighting in the Los Angeles area began with his appointment to the Los Angeles Fire Department on November 11, 1936. Cecil moved steadily through the ranks and took the post of fire department engineer on January 1, 1961. On July 19, 1962 he was appointed captain.

When Chief Raymond Hill created a special unit for community relations in August of 1967, he tapped McLinn to head the unit. As coordinator of these programs, he spent much time with the youth of the community in engine house rap sessions. His work was aimed at building a better community and at building a strong firefighting force within the community. One aspect of building such a force was McLinn's effort to bring more members of minority groups onto the force.

Cecil has worked long and hard for the community. He has served in many community organizations. Included among them are the Student Committee for Improvement of Watts, the Watts Coordinating Council, the Watts Health Association, Watts Pride Association, and the Fire Service Explorer Post 651.

His professional affiliations include: California State Firemen's Association, the National Fire Protection Association, Los Angeles Fire and Police Protective League, Professional Firefighters Union Local 748, and the Los Angeles City Fire Relief Association.

Although Cecil retired from the Los Angeles Fire Department in February of 1972, he has been anything but retired. In addition to working for the Los Angeles County marshal's office, Cecil presently owns and operates a child care center in Culver City. I join with the thousands of citizens in the Los Angeles area who have benefited from Cecil's service over the past five decades, in wishing him the happiest of birthdays. Cecil, you are not getting older; you are just getting better.●

NOTABLE AND QUOTABLE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LAGOMARSINO. Mr. Speaker, the Wall Street Journal recently published excerpts from an editorial originally appearing in a newspaper in Tegucigalpa, Honduras, under the title "What Fools the Gringos Are." I urge my colleagues to consider the comments representative of the views from Central America.

NOTABLE AND QUOTABLE

(Translated from an editorial, "What Fools The Gringos Are," in La Prensa of Tegucigalpa, Honduras, March 26.)

A wise old proverb says that no one is more blind than he who doesn't wish to see. It could apply to certain gentlemen on Capitol Hill, some in the Senate and some in the House of Representatives, who go crazy whenever it comes to defending their own security. They appear to be more worried about what the Soviet Union is likely to say than they are about peace for their people.

It's very difficult to understand the North Americans. They never seem to have recognized the enormous responsibility they assumed when they took over the leadership of the West. They let themselves be taken in by cunning old Stalin, and the Soviets gobbled up half of Europe, practically without a single shot being fired.

Now there has come a president with a much different conception on his responsibilities as leader of the West. Ronald Reagan faces the difficult task of correcting a course with so many blunders. However, his countrymen, especially the so-called liberals, fail to understand that the reality of Central America is quite different from that of Massachusetts and Oregon.

Mr. Reagan has been misunderstood by some members of his own party and by many in the Democratic opposition.

He has told them of the dangers of a Marxist enclave in Central America. But these gentlemen don't understand or don't want to understand. They stubbornly hold that the unique solution is to sit down with the Salvadoran guerrillas and ask them to lay down their conditions. They are more concerned with cutting off aid to El Salva-

dor than with recognizing that the survival of a friendly government in that country is vital for the security of the United States.●

AMERICA'S DEFENSE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. FIELDS. Mr. Speaker, I would like to present for the RECORD an article appearing in the May 1983 edition of the Reader's Digest, condensed from the January 1983 edition of the Washingtonian. The author, John G. Kester, clearly and concisely explains why our Nation's need for a strong defense is more important today than ever before.

Mr. Kester examines the defense question in a logical and rational manner. His conclusions are sound and informative, and provide meaningful insight to those who sincerely and objectively wish to form an opinion on this matter of national importance. I commend this article to the attention of my colleagues.

The article follows:

WHAT YOU SHOULD KNOW ABOUT AMERICA'S DEFENSE

(By John G. Kester)

Congress is ready to attack the big budget deficit, and both Republicans and Democrats are looking at the Pentagon for likely cuts.

Money for the Pentagon stirs primitive broodings. Foes of defense want to believe that almost all Pentagon spending is foolish or dangerous. On the other side, some of the hawks go beyond acknowledging the need to defend ourselves and would buy nuclear bombs if the only threat were Chief Sitting Bull.

Extremes aside, cautious people favor defense. The less we spend on defense, the greater the risk of war. But how much money for defense is enough? Are our defenses sufficient now and for the future?

Following are some answers to these and other simple but important questions that will help you recognize the strengths and weaknesses of our defense program.

How will the Pentagon money be spent?

If Congress accepts the President's proposed budget for fiscal 1984, 18 percent of the Pentagon's $274 billion budget will go for military pay; another 27 percent for civilian employees, operating costs and maintenance; 11 percent for research and development; 34 percent for buying weapons and equipment; 6 percent to retired military people; and 4 percent for miscellaneous.

Another way to slice the budget is by the categories of forces it buys. Only about 15 percent goes for strategic nuclear forces; 70 percent operates conventional units of the armed forces, and the rest is general overhead.

How do our conventional forces compare with those of the Soviets?

The United States now has 2.1 million men and women in the armed forces, supported by another million civilian employees of the Department of Defense (this is about the same size our forces have been for nearly 20 years, except during the Vietnam war). The Soviets keep 3.7 million in their army, navy, air force, rocket forces and air defense, plus 560,000 paramilitary border guards. The NATO armed forces overall about equal the numbers of the Soviets' and their East European allies', though they have more firepower and we have better aircraft.

What is needed to prevent a nuclear war?

After World War II, the Army, Navy, and Air Force bureaucracies each looked for a role in nuclear weapons. The Army at first built land-based missiles; the Air Force flew bombers; the Navy built submarine-launched missiles. This "triad" of separate nuclear deterrents has remained (and worked) for a quarter-century. It has the common-sense appeal of not putting all our strategic eggs in one basket.

There are important practical advantages to each system. Bombers can be scrambled on warning and then called back in case of a false alarm. ICBMs are the most accurate and controllable. Submarines—at the moment—are very hard to find when submerged.

Countermeasures to attack each system involve different technologies—so if the Soviets have to spend their rubles and their scientists' time preparing to knock out our ICBMs, they will have less to devote to finding our submarines. None of our three strategic forces will necessarily work forever; dropping from three to two would make it much easier for the Soviets and leave us in a pickle if number two began to act up.

Unless we want to risk moving from three to two strategic deterrents, we need a more accurate, powerful and survivable missile than the one- or three-warhead Minuteman. We have it in the ten-warhead MX. Unfortunately, no one has yet figured out a way to deploy MX that is both politically acceptable and militarily effective. A smaller mobile missile may be the answer, but none now exists, and submarines are not going to stay undetectable forever. So without a survivable MX, we might wake up one day with only bombers to defend us. Paradoxically, MX could help arms control: it would be a marvelous chip to trade for some of those 308 monstrous SS-18 ICBMs that the Soviets have pointed at us.

How much national defense is enough?

"Enough" cannot be measured without looking at the threat our armed forces are built to face. The Soviets have steadily increased their defense effort by about 3 to 4 percent each year for 20 years, and now they spend about 150 percent as much as we do for their military each year (about 180 percent as much for weapons).

The best index of how much to buy is to look at what policy has worked in the past to maintain a balance of power, keeping potential adversaries from doing anything too dangerous. Enough is whatever is necessary to keep that rough balance.

Is there Pentagon waste?

You bet there is. But a certain amount of waste is inevitable in any large organization, and the Pentagon is far better run than nearly any other part of the federal government. There is no easily deleted budget area titled "waste, fraud and abuse."

Of course, improvement is always possible. One big item of real waste in the defense budget is unnecessary and inefficient military bases all over the country. There are dozens of such forts, arsenals, factories and reservations that if closed tomorrow would save $2 billion to $3 billion a year. But Congress finds ways to keep them open despite the efforts of Secretaries of Defense of both parties to close them. Every base has one Representative and two Senators, who have colleagues facing similar problems or needing a vote to trade.

Another big source of waste is weapons contracting. Members of Congress spread out procurements so that instead of building, say, 500 planes in one year (the way the Soviets do), jobs are protected and costs raised by buying 50 planes annually over ten years—and also buying as many different models (and therefore as many different sets of spare parts) as possible, so that the federal dollars are spread around the districts.

Do weapons cost too much?

Yes, the cost of high-technology weapons is enormous. But if they work (many, not all, of them do) they are worth every penny. Still, there is appalling slowness and inefficiency in the way weapons are planned and produced. When military officers, trained to work in staffs, buy weapons and vehicles, they get agreement from each staff section. The cost goes up because of all the features added to get everyone's okay, and because all that overhead isn't cheap. The time for development gets so long that some weapons are obsolete before they are built.

There is a need for more real competition in defense procurement (there is little now), and more products designed to meet a performance and cost standard, rather than a set of bureaucratically approved blueprints.

Do we have good soldiers?

The Falklands and Israeli-Syrian wars reminded us, among other things, that given rough parity of arms, smart, well-led armies and air forces can figure out how to beat inept ones.

Our forces don't look like the best. With today's high unemployment, the Army is able to recruit high-school graduates. But Army training manuals are being revised down to fifth- or sixth-grade English for the people who with effort can be trained to operate one of our $2.5-million tanks, but whose reaction to the unexpected is anyone's guess. For leaders, we no longer have the draft to persuade college youth to become officers.

The greatest fault of our volunteer army is a social one. Freed from the draft, the American middle class no longer pays its dues to defend itself and its comfortable life-style, relying instead on mercenaries. We should be drafting ablebodied young men for 15-month tours of military service. The benefits of a draft would come in the deterrent value of our forces, in the reconstitution of the reserves, in the infusion of leadership and in the visible determination of a society willing to exert personal effort, as well as money, to defend itself.

Do our allies contribute their fair share?

Our allies, principally the NATO countries, South Korea and Japan, never do as much as we would like, but they do a lot. For one thing, most of them care enough to draft their young men. The West Germans provide housing and support for our forces in Europe and, in the event of war, they would supply the battlefield and most of the casualties. The Japanese do less, brandishing the constitution we wrote for them that limits their military activity.

The nearly 300,000 troops we keep in Europe are there to serve our own interests by helping to keep the Soviets out of Western Europe, and they do not add much to the defense budget. If our troops left, the Europeans, who know they cannot hold off the Soviets without us, would make the best of a hopeless situation by accommodating

the Soviets. And sustaining the troops in this country would cost about as much as keeping them east of the Rhine.

Another great contribution that our allies can make is to provide our forces with overseas bases. These bases mean lower costs for logistics and fuel if American troops must fight outside our borders. Overseas bases are just what we lack, and what the Administration wisely is seeking in the Middle East.

Is defense spending wrecking the economy?

The size of the current defense budget has little to do with economic health. To suggest that we cannot afford the defense dollars the Administration wants is nonsense. Under John Kennedy in 1961, this country spent nine percent of its gross national product—almost half the federal budget—on defense. Today we allocate only 6.7 percent of GNP, a quarter of the federal budget, to defense. Meanwhile, the Soviets have steadily added to their own military expenditures.

What has increased in this country over two decades is the cost of other activities and income-redistribution programs. In 1982 they were 39 percent of the federal budget, versus 28 percent for defense. Social Security is by far the costliest in budget terms; it was 1.9 percent of the federal budget in 1950 and 26 percent in 1982. Cutting the defense budget amounts to stripping the defense of the United States to write bigger Social Security checks. That's the unpleasant economic contest of our times—our parents versus our children.

But it is true that too much money spent too suddenly for defense hardware can jam the circuits. So many manufacturers have quit defense contracting that this country has frighteningly little defense industrial capacity left.

What the defense industry needs is steady growth, not spasms of shopping. But having considerable reason to doubt the voters' steadiness of purpose, the military would like to get as much as it can while the money is there and start as many hard-to-cancel programs as possible. Unfortunately, as those programs expand, they will require vastly more dollars two and three and four years from now.

Is the arms race mindless?

There are only two major powers in the world today, and the Soviets keep doing the one thing they do well, which is to build military forces. The United States is not planning nuclear first strikes. We are not trying to upset the military balance, but the Soviets are. Unless you want to trust Soviet benevolence, the only ways to handle them are to surrender, or to keep them at bay with forces sufficient to deter, and with mutual and verifiable arms-limitation agreements that maintain the balance.

Will it ever end?

Not any time soon. Our present military posture is worse than most people realize. But it certainly is not hopeless, if we don't give up. The good news is that our defense efforts, combined with a productive economy and stable society, have kept this country physically untouched and relatively well off since 1945.

There is no reason that we cannot continue to survive comfortably, through a combination of wise leadership, skillful diplomacy, a dynamic economy, people who work hard and believe in their country—and military forces that other countries would prefer not to have to fight. There is more that can be done to improve the way we defend ourselves, but we will be sorry if we exert ourselves much less than the President is asking now.●

EXCHANGE FOR PEACE

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. UDALL. Mr. Speaker, on April 28, 1983, I introduced House Joint Resolution 254, the United States-Soviet Student Exchange for Peace. Eighty seven of my colleagues in the House have cosponsored this measure, and it has received bipartisan support. I would like to thank my fellow Members for their support.

In brief, the United States-Soviet Student Exchange for Peace calls for the President to negotiate with the Soviet Union for the creation of an exchange for peace program to be administered by a joint United States-Soviet Exchange for Peace Commission. This Commission would be composed of civic, educational, and cultural leaders from both countries. It would be financed by both public and private contributions and aim at an initial enrollment of 2,000 participants between the ages of 15 and 20. To maximize its effect, both countries should pledge to recruit half of these young people from the families of civic, political, education, and cultural leaders.

The purpose of the resolution is simple. By having a large number of students exchanged between the United States and U.S.S.R., we will create a solid base of citizens in both countries, who have a better understanding of the other superpower. Soviet students will live and learn about America firsthand. Likewise, U.S. students will have a rare opportunity to get past the Soviet stereotypes that are so prevalent in our society.

On June 9, 1983, the Washington Post carried an op-ed article that I would like to call to the attention of my colleagues. It was authorized by Patt Derain, the former Assistant Secretary of State of Human Rights during the Carter administration.

TALKING TO RUSSIANS: WHY BOTHER?

(By Patt Derian)

Here is a small ceremonial spoon, virtually weightless, lacquered gold, with red and green stylized designs. It is Russian, a present, handed across the table during a momentary pause in a lunchtime conversation about nuclear war. It was given, politely, by a Russian man and received, politely, by me.

We were participants in an unofficial exchange conference between Americans and Soviets on arms control, disarmament and U.S.-Soviet Relations, in a Minneapolis hotel. The five-day meeting was sponsored by the Institute for Policy Studies. Some 50 persons, more or less evenly divided between nations, sat closely about an immense rectangle of tables for long hours.

The Soviet statements, usually as stylized and carefully executed as the designs on my gift, demanded careful listening to determine if there was any deviation from the standard rhetorical detail. For those Americans expert in arms there may have been something. For me, the discussions were as weightless as the spoon. And as ceremonial. There is never a concession of imperfection by Soviets around a table, total denial is the norm.

While the conference itself was definitely not official, not sponsored by the U.S. government, not on the diplomatic agenda, not part of any official bilateral record, there is no such thing as an "unofficial" Soviet delegation. The people in attendance came with the permission and at the behest of their government.

Dealing with official delegates is like talking with people encased in cloudy glass. The canned speeches, super-cautious conversations, probing, are relieved, barely, by time-out trades about work habits, children, family. The overall effect is one of exhaustion, exasperation and creeping cynicism. The Soviets come across as a fixed unit, confident they have "the correct information."

Americans seem to come across as pieces in a menacing kaleidoscope, encased but constantly moving and presenting new patterns, Even the most sophisticated and experienced of the Soviets, the very smoothest, don't get us, don't fathom this society much less its democracy.

The taped-for-TV public forum put on by the Humphrey Institute at the University of Minnesota, nominally on arms control and disarmament, demonstrated the non-understanding. Three Americans and three Soviets appeared on stage with a moderator. Members of the audience lined up at two microphones and for an hour one after another raised human rights issues. Some were former Soviet citizens, all were serious and very few dealt with nuclear war. It was a tough session, and the Soviets were visibly annoyed and shaken.

One man asked if the Soviets would make an inquiry or give some information about Galina Vilchinskaya, who had served three years in prison for reading the Bible to some children in the woods. She was rearrested, after refusing to join the "official" Baptist church, and at last word was awaiting trial. He stumbled in the pronunciation of Vilchinskaya and was curtly dismayed by the Soviet respondent, who said scornfully that he "should learn to pronounce the name first."

A woman commented that the forum was "an important occasion to send a message to Andropov: free Sakharov." The Soviet delegate sitting next to me whispered, "Who is that woman?" I shrugged. "Don't you know her?" he asked with disbelief. One of his colleagues on stage observed, toward the end of the program, "These people are not representative of the United States."

That session provided the only break in the too-pat-to-be-believed unanimity of the Soviets. They reacted: "There's an example of democracy—hatred." "This doesn't change our view of the American people." "The subject was not dealt with. Subjects raised were not on the agenda." "This cannot be given the name of 'forum'; 'organized event,' perhaps. It could have been avoided."

The Soviet delegation chairman later read aloud a letter from a Mr. Swenson apologizing for the "trend and direction" of the

forum. Don Fraser, mayor of Minneapolis attested to the "honest, strong convictions" that he thought were not "reflective of general sentiment" and "regretted the diversion of the discussion," but pointed out that the forum had been "a piece of American political life" and that the Soviets needed to understand it because "it will continue."

One of the high-ranking Soviets said that they were not offended, but felt "lucky that the conference finally found ourselves faced with realities." He said he would show the tape at home so all could "see what happens in America." He found a "different strata of democracy" which showed that "even democracy has its limits and borders."

Genuine communication, at last. Anger.

Perception and language difficulties? Yes, but more than that. We are people from antithetical systems. There is no nation more "foreign" to Americans than the Soviet Union. And so it is for them. Friendship, could it be attained between the people of the two nations, would have nothing to do with arms control, disarmament or U.S.-Soviet relations.

Why keep meeting?

Friendship may be as impossible as it is irrelevant in the grand scheme. Anger may be an honest emotion, but it is useless. Our systems are so stunningly different that Americans are not going to come around to "understanding" or approving the consistent gross violations of human rights by the Soviet government. Nonetheless, we are obliged to know the Soviets because we have business between us.

Nuclear arms, war, mistake, the death of all life on the planet compose the business.

We must meet because our diversity seems mad to them and their singular intolerance of diversity seems mad to us. We are weak and unpredictable as only madmen can be, to them. They are strong and predictable as only madmen can be, to us. If there is another reality, we must be able to comprehend it.

The only way to comprehension is knowledge and experience. That won't come with meeting 10,000 Soviets or Americans once. It comes with meeting the same people over and over again, getting past opening statements and host/guest rituals to whatever else is there.

The alternative is wildly dangerous. The longer both sides believe they are dealing with madmen, the likelier one will choose to go down fighting.

I urge my colleagues to join me in this effort.●

THE CASE AGAINST PROTECTIONISM

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BEREUTER. Mr. Speaker, yesterday's Washington Post contained two articles in defense of free trade. The first of these, by the U.S. Trade Representative William E. Brock, makes a very strong case against protectionism and responds to an earlier article which attempted to justify current protectionist sentiment in this country. The second of the two articles, by the Post editorial staff, supports the conclusions made by Ambassador Brock and further states the case for free trade. I would request that both of these articles be published in the CONGRESSIONAL RECORD, for the benefit of my colleagues.

Mr. Speaker, while the arguments in support of the adoption of protectionist policies by this country are weak, we must also recognize the extent to which our trading competitors rely upon those very same types of protectionist actions, and we must renew our efforts to persuade them to remove those artificial barriers. We can ill afford to be the only major trading nation of the world which stands by its free trade policy, while virtually every other nation takes advantage of that position. While I continue to oppose the adoption of protectionist policies, our competitors must recognize that America's patience is wearing thin. The political reality is that, in the absense of the lifting of trade barriers by those competitors, the United States will have no other alternative but to impose such restrictions of its own.

NO, LET US PRAISE FREE TRADE

(William E. Brock)

During the past year, I have noticed the appearance of several commentaries that challenge the precepts of free trade and make protectionism appear as a logical instrument of bringing order out of economic chaos. One recent effort, "Let Us Now Praise Trade Protectionism" by Wolfgang Hager, appeared in The Post's Outlook section May 15.

The basic assumption of the article is that the continuation of free-trade policies in industrialized countries will leave us nothing more than a few high-tech and service-industry jobs. Heavy industrial sectors will be lost to Third World countries, because the labor differential will leave us forever noncompetitive.

This has been a particularly fashionable argument, especially during a period of economic downturn when the immediate problems of foreign competition seem infinite. But Hager boldly concludes that protectionism is something more than the politically expedient statements made by some presidential candidates—that it is a necessity based on the evolution of the world economy. There are a number of reasons why these conclusions are poorly founded, but perhaps the most important one is that increased protection ensures substantially lower levels of productivity. The result: fewer jobs, less innovation and more inflation. Hardly a logical set of goals.

It is simplistic—and false—to assume that, because of the worldwide availability of state-of-the-art capital equipment, the industrialized countries will never have the chance to make up the labor differential enjoyed by the developing countries. There are many other factors that enter into the competitiveness of national industry, including capital intensity, management competence and creativity, worker training and productivity, the quality of national infrastructure of roads, communication and distribution systems, adequate and flexible financial systems, the willingness of entrepreneurs to take risks, the level of savings, investments and incentives, and the economic environment provided by the government.

In truth, automation and technology, more than imports, may well continue to result in fewer people employed in specific heavy industries, but workers will produce more in a cleaner and safer work place while earning better pay. Can we fairly stop that process? We certainly have fewer people on the farm than we did 50 years ago, yet we produce far more products with lower prices, higher profits and better quality. Would anyone seriously suggest our diet would improve with a return to horse and harness? The same is true today in the plant. If we have the foresight to invest the necessary physical and human capital in our industries, as we must, we can remain competitive.

In fact, the key is productivity. Protection is the worst remedy for a lack of productivity. Modern technology is making possible incredible improvements, and success will go to those countries that have the foresight to build an economic and political system with the incentives to invest in both new technology and better education. Protection removes those incentives and provides an illusion of security while, in reality, the competitive gap becomes larger and larger.

A protected national market will ultimately guarantee non-competitiveness in the global market, and that's the only market that can provide the necessary economies of scale for many industries. To remain competitive in the world market, you have to compete, not hide behind import barriers.

Hager's advocacy of increased protection of industrial-country markets from the flood of goods and services orginating in the developing world is particularly disturbing. These are not just friends, they are the largest and fastest growing market for our manufactured exports. We sell more to the developing counties than to Japan and the European Community combined. It is inconceivable that we might continue to create jobs here through our exports if we don't buy their products.

Far tighter controls on less-developed countries exports to the industrial world would be even more absurd right now in light of the significant debt problems facing many developing countries. Rather, industrial countries need to maintain and increase the access of developing-country exports to their markets. If not, the refusal to buy our goods and, ultimately, the inability to pay their debts won't be simply an emotional response; it will be an economically mandated reality. The stability, and perhaps survival, of our world financial and economic system is threatened by such protectionist rationalization.

But Hager has a plan that purportedly will satisfy Third World foreign exchange needs and stabilize markets generally. All we have to do is enter into a series of understandings that will alter the "terms" of trade, which includes the notion that importing countries will be willing to accept an increase in price overall, perhaps through high tariffs that we would then rebate to them as foreign aid. So, to solve our problem, all we have to do is reduce competition here at home, pay higher prices for that which we import (presumably only those products not available domestically) and snuggle up under the warm blanket of an all-wise and all-caring government. Precedent for this is cited in Eastern Bloc trade, among others. Is massive bureaucracy to be our role model?

The article reminds us again that a significant percentage of world trade is "managed" anyway with the proliferation of tex-

tile quotas, agricultural subsides and steel arrangements. But to acknowledge that we are all sinners does not justify economic suicide. The important thing is to acknowledge protection and to establish policies that discourage its proliferation and lead to its removal.

Then we can take an honest look at remedies and ask the real questions: How good is our educational system, and what are we doing to make it the best in the world? How good is our tax system, and can we remold it to increase savings, incentives and investment? How competitive are our management and labor practices, and can we shape up our R&D? How strong is our self-confidence, and what do we need to do to compete? Or, alternatively, how desperate are we for security, and what degree of stagnation and hopelessness will we impose on our children to achieve it?

A DUBIOUS CASE FOR PROTECTION

Rapid economic growth is disruptive, uncomfortable and sometimes frightening. Its benefits are great, but it forces people to live differently and earn their livings differently from the way they are accustomed to doing. Nothing pushes growth faster than foreign trade, and the United States is now in the process of coming to terms with the enormous expansion of trade in the 1970s. The political reaction is expressed in the rising campaign for protection against imports.

Several weeks ago, this newspaper published a vigorous defense of protectionism by Wolfgang Hager, a visiting professor at Georgetown University. Today, on the opposite page, we offer a rebuttal by William E. Brock, the U.S. trade representative.

The case of protectionism comes down to wages. It argues that there's an endless supply of low-wage labor in the world that threatens to destroy the high-wage economies. But the actual experience of the past four decades, with decreasing trade barriers and rising prosperity, suggests precisely the opposite.

The protectionist position argues that in the postwar years the Atlantic countries with their high standards of living had a sort of self-protective monopoly that has now been broken by Latin American and Asian industry. In response, it's useful to recall that in the 1950s industrial wages in West Germany and France were as far below the American level as wages in Brazil and Mexico are today. As trade expanded across the Atlantic in the 1960s, according to protectionist theory, American wages should have dropped under competitive pressure. In fact, they kept rising steadily, while European wages soared and are now—allowing for the swings in exchange rates—in the same range as they are here.

Japan's wages are about half the American average. But wages in Brazil are less than half as high as Japan's. Both have automobile industries. Why isn't Brazil the stronger competitor?

A long recession and a strong dollar are currently giving the protectionist cause a plausibility that it doesn't deserve. The main reason for this country's poor trade performance at the moment is a huge budget deficit that keeps interest rates high, in turn lifting the dollar's exchange rate and making it harder to sell American goods abroad. The 1930s demonstrated more than adequately that pulling up the drawbridge won't remedy mistakes in domestic economic policy. Mr. Brock does an important service by reminding the country of the real sources of its competitive strength.●

"A HELPING HAND"—HOUSING THROUGH THE PRIVATE SECTOR

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. FIELDS. Mr. Speaker, recently Vice President George Bush announced the beginning of a new and innovative housing program in Houston, Tex. "A Helping Hand," sponsored by the Houston Apartment Association (HAA), is the first plan initiated by the private sector to house the economically disadvantaged citizens of our Nation.

In the past, housing for the poor has been the responsibility of charitable organizations and the Federal Government. This program signals a new future for housing America's economically disadvantaged through the private sector, thereby saving taxpayers millions of dollars through the years in the form of reduced federally subsidized housing projects.

"A Helping Hand" is the first program of its kind. I congratulate the Houston Apartment Association and all others involved in the preparation of this program, and look forward to viewing the implementation of similar programs, where possible, throughout the Nation. I commend the following related article to the attention of my colleagues:

"A HELPING HAND"—HAA LAUNCHES INNOVATIVE HOUSING PROGRAM

On April 8 Vice President George Bush announced the beginning of a historic program. "A Helping Hand," sponsored by the Houston Apartment Association (HAA), is the first plan to be initiated by the private sector to house the economically disadvantaged in America.

The Houston Apartment Association's program has initially provided 200 apartment units to house Houstonians on the waiting list of the Housing Authority of the City of Houston. Residents currently residing on Housing Authority properties may also qualify for the program.

The HAA estimates its plan will save the federal government approximately $51 million over a 40-year period. Figures, based on the program's first 200 units, show savings of $11 million in new construction and more than $40 million in operating costs during the 40-year estimated life expectancy of a federally subsidized apartment project.

Vice President Bush said HAA apartment owner members have signed agreements with the local apartment association to donate one or more units per property to the program. The apartment owners have also signed agreements with the Housing Authority of the City of Houston to accept residents on a one-year basis. Lease contracts may be renewed at the end of the one-year period.

Residents participating in "A Helping Hand" will pay 15 percent of their gross monthly income as rent, as opposed to the 27 percent normally paid in government housing programs. HAA representatives said the 12 percent allowance was given to assist resident with utility costs.

"This program is exactly what the Reagan administration favors," Vice President Bush said. "We feel this fixed income housing program is the signal of a new future for housing America's economically disadvantaged through the private sector."

The National Apartment Association (NAA) announced its support of the Houston program and said it will encourage similar plans on a national basis in cities where there is no rent control.

NAA President James Reeder said the HAA program will be a testing ground. "The initiative we have seen from Houston leads us to believe the program can be implemented nationally. We are certain that apartment associations around the country will be watching the Houston program very closely."

William E. Dinerstein, past president of the Houston Apartment Association and chairman of the HAA Low Income Rental Housing Task Force, spearheaded "A Helping Hand."

"The cooperation exhibited by my peers in the private sector has been incredible," Dinerstein said. "This type of program makes Houston stand out as a pioneer city. People have decided goodwill should outweigh business interests. I think it's terrific."

HAA President Leon Samet added, "We have long recognized the problem of housing Houston's economically disadvantaged residents. We feel that moving them into mainstream America will also raise their economic and social consciousness. We look forward to cooperating with the Housing Authority to make sure the program stays in place. We want 'A Helping Hand' to become a framework for progress in our effort to house the citizens of Houston."

H. J. Tollett Jr., chairman of the board of Houston's Housing Authority, said "This type of cooperation is exactly what we are looking for. Our goal is to improve the quality of life for economically disadvantaged residents. The Houston Apartment Association has paved the way with its exceptional private sector initiative."

Samet added that the HAA program began in December 1981 and units were committed in early 1982.

"Our program is now beginning during the most difficult financial period in our history and when occupancy rates are at an all time low," Samet explained. "These owners will be increasing their expenses without significantly increasing their income."

He then praised his membership for continuing with the program during more difficult times.

Texas Governor Mark White issued a statement in which he commended the efforts of the Houston Apartment Association. "The project, aptly named 'A Helping Hand,' is an excellent example of what can be accomplished when we all work together to share and to help take care of our neighbors in times of need. I wholeheartedly support this effort and hope it is only the beginning of such projects throughout Texas and the rest of the nation," Governor White said.

Houston Mayor Kathryn Whitmire was equally supportive. "Today's announcement is graphic evidence that a meaningful partnership can be forged-tween the public and

private sectors," she said. "Houston's shortage of public housing will be partially addressed by today's announcement, but more importantly, an example is being set and a challenge made for additional initiatives. I congratulate the Houston Apartment Association for recognizing that it has an obligation to return something to the city from which it gains its livelihood, and further commend the Houston Housing Authority for its cooperation in making this nationally-unique program a success."

HOW IT WORKS

The Houston Apartment Association's "Helping Hand" program is an attempt by the private sector to provide rental housing for economically disadvantaged people.

Although the program was officially launched on May 1, 1983, the task force that developed it began work on it in December 1981. The Low Income Rental Housing Task Force of HAA spent months working on several options to find solutions to this national problem.

Through the cooperation and assistance of the Housing Authority of the City of Houston a joint effort was formed to conduct the program.

Residents for the program are being provided by the Housing Authority of the City of Houston from either their waiting list of residents or those people now living in public housing within their jurisdiction.

Apartment owners in the Houston Apartment Association are asked to contribute one unit per property, or two or three units on large properties for the program. It is absolutely critical that those owners participating in the program and the residents residing in these units remain anonymous.

The apartment owners that participate in the program agree to provide the unit or units for one year. In addition they will receive 15 percent of the gross adjusted monthly income of the resident for rent. This amount is determined by the Housing Authority of the City of Houston.

Each resident is counseled by the Housing Authority and interviewed prior to being accepted in the program. The Housing Authority matches the resident to the unit and issues a certificate of participation to the resident. The resident is sent to the apartment property with their certificate of participation. The certificate shows: (1) the name of participant, (2) the names of all people in the household, (3) the ages of the children in the household, if any, and (4) the size of unit the participant needs.

Apartment owners have the right to use the same screening procedures they use on their properties with these residents and can reject them if they do not meet their standards.

During the term of the agreement to participate in the program the owner has the right to terminate the agreement in the event of the sale of the property. A 60-day notification is necessary as specified in the contract.

During their involvement in the program, representatives of the Housing Authority of the City of Houston will monitor each resident and their participation in the program. If there are problems, the owner or manager can call the Housing Authority for assistance. They will counsel any resident that is not abiding by the terms of the lease, security deposit or rules and regulations of the property. In addition, the owner still has the right of eviction if it is necessary.

With the commitment of apartment owners to donate units, the assistance and participation of the local housing authority, and the willingness of the prospective residents to make the program work we can and are providing "A Helping Hand" to economically disadvantaged Americans.

STEP BY STEP

(1) The Housing Authority of the City of Houston (HACH) shall select participants for the program from the applicants on the waiting list and residents presently occupying HACH owned and operated units, utilizing established selection criteria.

(2) Selected participants shall be counseled regarding the terms and conditions of the lease agreement applicable to sponsored units and the rules and regulations covering participation in the program.

(3) Selected participants shall be issued a Certificate of Participation and the owner's name and property address of the available Houston Apartment Association (HAA) sponsored unit, which shall state: (1) the amount of rent that the resident shall be obligated to pay, (2) the names of all occupants of the household, (3) the ages of all minors in the household, and (4) the size of the unit needed by the resident.

(4) The Director of Housing Management of the HACH shall refer selected participants, with their certificates of participation, to the owner or his respective agent for their review and final approval according to their standard screening procedures.

(5) Resident participants and the owner or his respective agent shall enter into a lease agreement.

(6) Resident participant shall be obligated to abide by all rules, policies and regulations that apply to the operation of the respective apartment complexes.

(7) In the event of a sale of a participating apartment project during the term of the program, the owner/management company will have the right to terminate any lease with a resident participant upon sixty (60) days notice to the resident participant and HACH.

(8) The HACH agrees to monitor all participants in the program to assure timely payments of rent, adherence to all applicable policies, rules and regulations, and the successful assimilation of the resident participant into the new environment. In order to accomplish this, owner or owner's agent shall provide the Director of Housing Management of the HACH a monthly report outlining all problems relating to the occupancy of the resident participant and the corrected action expected.

(9) Each resident participant shall be responsible for the payment of any deposits and monthly service charge for utilities and telephones.

(10) If resident fails to pay rent or other amount owned by resident under the lease agreement, or if resident, his guests, or other occupants violate the lease or owner's rules and regulation or applicable federal, state and local laws then owner's representative may terminate resident's right of occupancy by giving resident one day's written notice to vacate indicating the grounds for such termination. A copy of such notice shall also be delivered to the Director of Housing Management for the HACH. However, an owner or owner's agent shall not institute eviction proceedings until the resident participant has exhausted the grievance procedures and has been advised by the HACH of its determination relative to the resident participant's right to either relocate to a HACH owned and operated unit or retain his position on the waiting list.

(11) Within three (3) days of receipt of the notice to vacate, the HACH shall notify resident participant in writing as to whether the grounds indicated by owner or owner's agent for such termination warrants that resident participant forfeit his right to relocate to a HACH owned or operated unit or to retain this position on the HACH conventional public housing waiting list. This notice shall state that resident participant has three (3) days in which to request an informal hearing with the Director of Housing Management of the HACH or to provide written comments and objections to the Director of Housing Management of HACH.

(12) Within five (5) days of either the receipt of the written comments of the resident participant or the informal hearing, the Director of Housing Management of the HACH shall notify the Resident Participant of its determination as to the right of the resident participant to either relocate to a HACH owned or operated unit or to retain his position on the HACH conventional public housing waiting list. If the resident participant's occupancy is being terminated through no fault of the resident participant, this notice shall be provided within five (5) days of receipt of the notice to vacate by HACH. The Director of Housing Management of HACH shall notify the owner or owner's agent that a determination has been made so that eviction proceeding can be instituted.

HOPING IT WILL GROW

(By William A. Harper, Cae, HAA Executive Vice President)

Having the only private rental housing in the world not controlled directly or indirectly by the government, it has at best been difficult for our industry to generate enough apartments to house those Americans who choose apartment living as a lifestyle.

The difficulty has been increased by an historically poor image, misunderstanding and adverse laws and regulations such as rent control, environmental impact laws, inclusionary housing, condo moratoriums and no growth policies.

Fortunately, the Houston Apartment Association locally and the Texas Apartment Association state-wide have worked diligently and successfully to provide a positive economic climate for apartment owners and developers to operate in both our metropolitan area and in the state of Texas. We have addressed numerous problems and challenges throughout the years and have arrived at solutions equitable for both apartment residents and owners.

The major problem our entire country has been confronted with and concerned about over the years is housing our economically disadvantaged citizens in affordable housing. Previously our federal government and some charitable organizations have been the only institutions to make rental housing available to these people. Now for the first time in recent American history, someone has taken on this problem and is providing a solution—and what a solution it is.

The plan may look simple, but like any puzzle, it was tough to piece together until we first saw the solution. The seven-foot high jump and the four-minute mile were at one time seen as impossible objectives, but these goals were met and surpassed. The discovery of penicillin was a serendipitious event and with its discovery came a cure for diseases that had previously meant death to people. Throughout recorded history are examples of discoveries and inventions that were the results of hard work, determina-

tion and, in instances such as the penicillin discovery, a fresh outlook on an old problem.

Our solution, although seemingly simple, was arrived at only after almost a year and a half of meetings attended by dedicated and concerned apartment owners. The task force members made a personal commitment to spend time away from their work to aid in finding a method that would house residents on the low income spectrum of our economy.

Our Board of Directors, believing that we are more than brick and mortar, proved beyond a shadow of a doubt our willingness to serve our fellow man. And the real unsung heroes of the program are the anonymous apartment owners who are donating their rental units.

This program was begun in December 1981 and the apartments that have been donated to it were committed in early 1982 when owners were experiencing a positive cash flow. Our program is beginning during the most difficult financial period in our history, a time when we have our lowest occupancy in the last quarter-century. It is easy to make a contribution when things are going well and one has financial strength. It is extremely difficult to do the same thing when financial resources are at the breaking point.

It is our hope, our prayer, our most sincere desire that this effort, this commitment, this program serve as a model for all cities in America. The Houston Apartment Association has broken the barrier, invented the mechanism to do the job and now offers its discovery freely and willingly to all apartment associations and apartment owners in America to go forth and do likewise.

Let our motto be, "A Helping Hand," a hand extended to those less fortunate and those deserving of a chance and an opportunity to improve their lives through a better environment and a better chance to succeed in life.●

THE LITHUANIAN FIGHT FOR FREEDOM

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. ADDABBO. Mr. Speaker, today, June 15, 1940, should stand as a symbol and reminder for all governments throughout the free world, as we support Lithuania in their continuous fight against Soviet domination.

Over 43 years ago, June 14 to 18, 1941, which are commonly known as the terrible June days, the Soviet Union invaded and occupied Lithuania in a brutal fashion. These years often remind us of the systematic deportation and killing of Jews by the Nazis but we often forget of the systematic disruption and destruction of the Lithuanian society by the Soviets during these 4 days. The Soviet Union, before the war was over, had already begun their crusade to destroy all foreign elements in order to unify the Soviet state.

The Soviet NKVD prepared their program to liquidate all anti-Soviet elements in the three Baltic States, Lithuania, Latvia, and Estonia. The liquidation bore its greatest thrust during the years 1940–44 when it is estimated that Lithuania suffered a loss of over 1 million lives.

Lithuania's past history brings us great sadness, but what deserves even more of an outcry and sadness is that the totalitarian occupation by the Soviet Union of Lithuania, still exists. Subjugation and denial of basic freedoms for the Lithuania people are even more prevelant in present times.

Can you imagine being a citizen of a nation, without the freedom to travel or reunite yourself with your family members? They are forced to endure treatment and restrictions almost inconceivable to a person living in a democracy today.

Today, more than ever, we must recognize what the terrible June days represent and voice our support to Lithuania who refuse to give in under tremendous Soviet pressure. We, as a nation, should look up to Lithuania and follow their lead, as we fight and stand strong against Soviet threats and policy throughout the world.

Our support and nonrecognition of the Soviet annexation of the Baltic States is vital in nourishing the Lithuania spirit and will to survive. This spirit and fight for what they rightfully deserve will not waiver as long as we are ready to stand behind them.

I hope that as Members of Congress, we will continue to extend the moral and necessary support needed by the Lithuanians as we, ourselves, fight to maintain the level of freedom that Americans are so fortunate to have in the United States.●

BETTER PROTECTION AGAINST IN-FLIGHT LAVATORY FIRES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BIAGGI. Mr. Speaker, last week I introduced a bill (H.R. 3264) that would require commercial airlines to install smoke detectors and automatic fire extinguishing systems in aircraft lavatories. The bill would also require an automatic fire extinguishing system to be installed in aircraft galleys.

We need to look no further than to a tragic event that took place 2 weeks ago to understand the crucial need for these aircraft fire safety improvements. On June 2, 23 persons were killed when an in-flight lavatory fire spread out of control on an Air Canada DC-9 jetliner. Eighteen others were injured in that accident, which occurred during a flight from Dallas-Fort Worth to Toronto.

The fire was discovered when the aircraft was some 6 miles high and 25 miles away from the Greater Cincinnati Airport. The plane landed just 13 minutes after the fire was discovered, but despite the heroic efforts of the flight crew and air traffic controllers involved, as well as the emergency rescue personnel, 23 lives were lost and the 23 survivors will be scarred for life by this terrible experience.

A second Air Canada in-flight lavatory fire occurred this past weekend. Reports indicate it was an act of arson by a disgruntled passenger. Fortunately, the fire was brought under control before there were any injuries.

The tragic consequences of the first Air Canada lavatory fire become even worse knowing that measures could have been taken to prevent it. As far back as 1973, the National Transportation Safety Board recommended that "the FAA (Federal Aviation Administration) require a means for early detection of lavatory fires on all turbine-powered, transport-category aircraft." The recommendations came soon after an in-flight lavatory fire killed 124 people aboard a Brazilian Varig plane in Paris, France.

In supporting their recommendation, which was issued on September 5, 1973, the NTSB stated that "the Board is seriously concerned over the number of in-flight fires that have occurred during the past several years as a result of ignition of flammable materials in lavatories of large jet transport aircraft."

The report also mentioned that:

(1) no fireproof waste material containers are provided in the lavatories; (2) frequently, cigarette butts are found in waste paper containers during cleaning operations at the termination of flights; (3) waste paper fragments and other flammable materials, such as lint and dust particles, can enter inadvertently into terminals or electrical units; (4) full-face smoke masks with emergency oxygen bottles are not provided for the cabin crew; and (5) lavatories are vented in such a manner as to exhaust any odors or smoke in the case of lavatory fires, thus precluding detection in the cabin area until a serious fire is in progress.

The latter point seems especially relevant to the Air Canada disaster. Reports of that accident indicate the fire was not discovered until heavy smoke could be seen coming out of the rear lavatory, and by that time the fire was out of control.

However, despite the NTSB's recommendation and the strong evidence they provided to support the need for "a means for early detection of lavatory fires," the FAA never issued such a requirement.

In a December 5, 1974, report, the NTSB also urged the FAA to "require that automatic-discharge fire extinguishers be installed in lavatory waste paper containers on all transport aircraft." This recommendation followed two in-flight lavatory fires that occurred aboard a Boeing 747 on July 17,

1974, and aboard a Boeing 727 on August 9, 1974.

In making this recommendation the NTSB said that "small, self-contained fire extinguishers can be installed in small compartments such as lavatory waste containers. These extinguishers are charged with a nontoxic agent and discharged automatically when the compartment temperature rises to a hazardous level. The cost of one extinguisher is below $50, and installation is simple."

Once again, however, the FAA chose to reject the NTSB's safety recommendation.

In addition to requiring airlines to install smoke detectors and automatic, fire-extinguishing systems in aircraft lavatories, it would also require automatic fire extinguishing systems in aircraft galleys, where other in-flight fires have originated. For example, in 1974 a TWA aircraft caught on fire after a coffeemaker exploded.

Ironically, FAA regulations require airlines to have smoke detectors and built-in, fire-extinguishing systems in their cargo compartments, but not in the passenger area.

Prior to the two Air Canada incidents, there were 49 "large air carrier" in-flight fires since 1978, according to a report I received from the FAA. Four of those fires originated in the aircraft's lavatory.

Simply put, Mr. Speaker, we cannot afford to delay any longer in requiring the airline industry to better protect their 300 million passengers against in-flight fires. Too many lives have already been lost, some of which might have been saved if certain modest safety improvements, such as the lavatory smoke detectors and automatic fire extinguishing system recommended by the NTSB, had been an airline requirement.

I am pleased to note that the distinguished chairman of the House Public Works and Transportation Subcommittee on Investigations and Oversight has scheduled hearings on the overall airline safety issue for next month. I am hopeful that those hearings will bring us closer to preventing future in-flight fire disasters. I offer my bill, H.R. 3264, as an important step in achieving that crucial goal.●

LOOK WHO SEES A DEFICIT

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. HILER. Mr. Speaker, one of the more remarkable discoveries in this House was made recently by some of my colleagues on the other side of the aisle.

They have discovered that we have a Federal deficit. The American people, particularly in my home State of Indiana, have been alarmed at the deficits this Congress has been piling up for decades.

And while my Democrat colleagues try to point their collective fingers at an administration that has done more to reduce the growth in Federal spending than any in recent history, they should also know that their ploy is not working. The Elkhart Truth, a leading newspaper in the northern Indiana district I represent, recently published an excellent editorial that cuts right through the paper-thin facade some of my colleagues are trying to drape over the eyes of the American people. Mr. Speaker, I ask unanimous consent to have the article printed in the CONGRESSIONAL RECORD, and urge my colleagues to read it carefully.

[From the Elkhart Truth, June 7, 1983]

LOOK WHO SEES A DEFICIT

What a remarkable thing, to see that Speaker Tip O'Neill can recognize a deficit. For years Rep. O'Neill has seemed blind to deficits piling up as a result of congressional spending. Now, all at once, he perceives "a sea of red ink" threatening to sink the federal government.

The Speaker ought to be congratulated, for having learned to see a deficit. But he hasn't yet learned how to see the way out of one.

At the same time O'Neill is issuing threats against the July tax cut, the House is cranking up a set of big spending bills exceeding the president's budget. O'Neill wants to raise taxes by reneging on part of the tax cut. But if he could get his way, you can be sure the money raised in higher taxes would go, not to reduce the deficit, but for more spending.

O'Neill is playing politics with this. He knows very well that his plan to trim the tax cut (which is due in just three weeks) will not pass. But higher spending bills more than likely will pass the House of Representatives, with O'Neill's encouragement, and some may pass the Senate as well. When that happens, only the president's veto will stand in the way of making the deficit worse with more spending.

Economic recovery is coming along. The tax cuts that were to assist it came into effect more slowly than they should have, but things are picking up now, just as the third stage of tax cuts is ready to click in.

With recovery barely in sight, O'Neill and his like already think it's time to go back to the old tax and spend policies that got the deficit juggernaut rolling in the first place. But everybody who can remember when these people were in charge knows that whatever was raised in new taxes wouldn't be used to reduce the deficit. It would just be spent, and the Speaker would somehow become blind again to the consequences.

Trying to set this up as a "rich against the poor" issue, O'Neill ignores the revenue-raising side of the tax cut program. The point is to put money into the economy where it can be productive. To work, cuts have to go to the people who pay the taxes.

Most of the benefits of the third-year tax cut will, in fact, go to lower and middle-income families. People earning less than $50,000 a year will get 78 percent of the benefits from the July 1 reduction in rates. But if the idea is to encourage productive investment, you can't leave out the people at the upper end of the income scale.

At that end the Reagan tax program is showing the desired effect. Estimated payments from upper-income taxpayers in 1982 are 10 percent higher than the year before, because rate reductions are drawing upper income earners out of tax shelters and into revenue-producing investments that build economic growth.

With more growth, more revenue goes to the government from an expanding economy and less has to be paid in benefits to people out of work. The deficit has reached its present level because of recession. A program designed to build recovery also is a revenue-producing program. A healthier economy will push deficits down, so long as some restraint is kept on government spending.

Speaker O'Neill ignores all this, trying to make it appear that it's all right to raise taxes now. To follow his advice, just as the recovery gets going, is like shoving the patient back in bed just as he's getting on his feet. Deficits are important, as O'Neill has lately discovered. But the way out is not by going back through the old tax and spend routine.

DOES HIGH TECH NEED THE SOCIAL SCIENCES?

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BROWN of California. Mr. Speaker, we have heard a great deal in recent months about high technology and its importance to economic growth. Recognizing the stiff international competition we are now facing in technology, we have taken decisive action as a Congress to insure that the United States will maintain its international lead in technology. For example, we acted to upgrade and improve science education through H.R. 1310, the Emergency Mathematics and Science Education Act. We acknowledged the importance of basic research in the physical sciences and engineering by authorizing and appropriating substantial funding increases to these programs at the National Science Foundation.

In trying to create a climate in which technological innovation will flourish, we have not heard as much about the social sciences. Do the social sciences really have a role to play in our effort to achieve and sustain economic growth? The following article answers the question with an emphatic "Yes." I commend the article to my colleagues. As we marshal our educational, scientific, and technological resources for economic growth, we should recognize the important contribution the social sciences can make.

[From Science Magazine, May 20, 1983]

HIGH TECHNOLOGY AND THE SOVIET SCIENCES

The recent AAAS colloquium on "R & D, High Technology, and Economic Recovery" provided multiple analyses of and justifica-

tions for the Administration's 1984 budget for research and development. The scientific and research management communities heard numerous assessments justifying defense priorities. They were also assured that substantial increases in funding of basic research in the physical sciences and engineering, primarily by the National Science Foundation, would lead to innovations in high technology and contribute to economic expansion and employment growth.

Inevitably, these analyses also raised a series of fundamental research questions about the training and supply of scientists and engineers, the problems of organizing research groups for innovation, the diffusion of knowledge and transfer of basic research from the laboratory to marketable technologies, and about the process of job creation associated with high-technology development. Each of these questions, posed at the colloquium by representatives of the Office of Science and Technology Policy, Office of Management and the Budget, and by other speakers, is central to the domain of social science. These questions, taken together, outline an agenda for basic social science research. Not all the participants in the colloquium, however, seemed to recognize the social scientific nature of these questions and the research efforts needed to understand the conditions conducive to technological innovation and the likely consequences of such change.

The challenge to the research community lies in providing research-based answers to these kinds of questions. Psychologists, sociologists, and economists have addressed these questions in studies of national laboratories, careers of scientists including Nobel Laureates, and the rise and productivity of specific industries, such as the semiconductor industry and agriculture.

A key question concerns the impact that organizational size and complexity, bureaucratic structure, and regulatory procedures have on productivity and innovation. Some analyses suggest support for small, high-technology firms will lead to higher rates of innovation and increases in employment; and policies have been proposed to support the individual small firm. But, is it the critical mass of many small firms on Route 128 in Massachusetts or in Silicon Valley that provides a creative environment? In such an environment ideas diffuse rapidly and spin-off growth of new firms is accelerated. A definitive answer concerning the relation between job creation and size of firm still remains elusive.

We need to understand the impacts of technological change in economic and social terms. Typically, economic benefits are estimated but potential costs ignored. Technological innovation in one area often means technological obsolescence in others. This can affect community tax bases as well as the demand for products of some firms and for skills of some workers.

These research questions represent only a few dimensions of the social science research agenda, yet research in such areas remains severely hampered by the reductions (despite partial restorations) of funds for social, economic, and behavioral science research in NSF and other agencies. The importance of the research questions and needed answers should justify support. The record of performance also warrants it. The value, significance, and yield of basic research in the social and behavioral sciences, concluded a 1982 report of the National Academy of Sciences [1], justifies continued public investment as a national resource. Like basic research in physics and engineering, basic social science research is an indispensable part of the effort to achieve and sustain economic growth.—James J. Zuiches.●

[1] Committee on Basic Research in the Behavioral and Social Sciences, *Behavioral and Social Science Research: A National Resource* (National Academy Press, Washington, D.C., 1982).

STEEL PIPE AND TUBE INDUSTRY RELIEF

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. FIELDS. Mr. Speaker, I am today submitting for the RECORD an official copy of House Resolution No. 97 as passed by the 68th Legislature of the State of Texas.

As an original cosponsor of the Fair Trade in Steel Pipe and Tube Products Ace, H.R. 2299, I join with my colleagues in the Texas State Legislature in urging prompt action on this important legislation.

As a member of the Congressional Steel Caucus, with two major steel plants located in my district, I know that a vibrant domestic steel industry is absolutely essential to our industrial base and our national security.

Steel is absolutely critical to our daily way of life. Yet, our Government has allowed this vital industry to be subjected to new and increasing onslaughts of foreign steel imports.

Just as Col. William Barret Travis drew a line in the sand at the Alamo, now is the time for our Government to draw a line on steel imports. In my judgment, this legislation is a positive step in that direction and together with efforts to strengthen and improve our trade laws will, I believe, help revitalize our domestic steel industry.

The text of this resolution follows:

HOUSE CONCURRENT RESOLUTION No. 97

Whereas, the thousands of jobs in Texas and other states; and

Whereas, A reliable domestic supply of specialty pipe and tube products, including oil country tubular goods is essential to U.S. energy exploration and production; and

Whereas, Rapidly increasing imports of steel pipe and tube products are a substantial cause of serious injury to steel pipe and tube producers in Texas and other states; and

Whereas, This injury will be compounded by the diversion of steel imports from the European Community to pipe and tube products as a result of recently negotiated restrictions on the importation of other types of European steel products; and

Whereas, The provisions of a separate arrangement between the United States and the European Community on the importation of steel pipe and tube products cannot be adequately enforced to prevent such diversion without federal legislation; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislative hereby; and, be it further

Resolved, That a copy of this resolution shall be forwarded by the Texas Secretary of State to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the United States Congress.●

PROXY (CUBA) RED SUN OF SOVIET TYRANNY OVER GRENADA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. McDONALD. Mr. Speaker, in another part of this CONGRESSIONAL RECORD I introduced, for the benefit of my colleagues, a very timely article on Grenada, translated from a West German publication. On April 8, 1983, the Manchester Union Leader, of Manchester, N.H., carried a column by Patrick J. Buchanan warning of the establishment of many Cubas in Central America.

On June 6, 1983, former Governor of New Hampshire, Hon. Meldrim Thomson, further illustrated the danger in Central America in a column titled: "Red Sun of Soviet Tyranny Rising Fast Over Grenada." I have taken the liberty in the title of this entry to show that the Soviet Union's proxy, Cuba, is really doing the Kremlin master's dirty work.

Only this past Sunday, June 12, the Washington Post, true to their mission of promoting Fidel Castro and Cuba, carried the summary of a Carlos Fuentes, who delivered the commencement address recently at Harvard University. What should be interesting to my colleagues is that Fuentes calls for sitting down and negotiating with Castro. Americans should know the reason why. It is simply that Castro is costing the Soviet Union in excess of $10 million per day to sustain Castro's Cuba, and what better way to save Castro and the Soviet Union than have the U.S. taxpayer now get friendly and bail Fidel out.

We do not think the American people will buy any negotiating with Castro, and yet as another reminder for even the most gullible that listen to such prattle at Harvard University, I now share Governor Thomson's column on the true situation in Grenada, from the June 6, 1983, edition of the Manchester Union Leader:

RED SUN OF SOVIET TYRANNY RISING FAST OVER GRENADA

The red sun of Soviet tyranny is rising rapidly over Grenada in the Antillean Islands that form the eastern edge of the Caribbean, and this despite the vehement prot-

estations to the contrary of the Marxist Grenadian Prime Minister, Maurice Bishop.

Last week, according to a U.S.A. Today news release, Prime Minister Bishop was in Washington to get a meeting with President Reagan to clear up "misconceptions" about his smallest nation in the Western Hemisphere. Bishop contends that the 10,000-foot airstrip now under construction with the help of Cuban and Soviet funds and advisers poses no military threat to the United States.

Bishop and 33 members of his Marxist New Jewel Movement grabbed power, under the protective cloak of Cuban agents, on March 13, 1979, just five years after Grenadians achieved independence from Great Britain. Since then Bishop has busily converted Grenada into a typical communist state that represents a real and growing threat to its neighbor nations in the Caribbean Commonwealth and to the interests of the United States—a threat far out of proportion to the size of Grenada.

Grenada is a mountainous island of 133 square miles, about one tenth the size of Rhode Island. Its population of 108,000 is predominantly Negro, whose annual per capital income amounts to $500.

This tiny island whose nutmeg, bananas and cocoa are the principal agriculture products and where the per capita arable land is only 0.05 acres, was rated as "free" in 1979 by Freedom House of New York City. During the next two years its freedom rating slipped to "partly free." In 1982 it acquired the rating of its friends and sponsors—the Soviet Union, Cuba and Nicaragua—as "not free."

TOTALITARIAN TACTICS

Bishop moved quickly to crush freedom and usher in a totalitarian communist state.

According to Michael J. St B. Sylvester, a native of Grenada, Barrister and Solicitor and now Adjunct Professor of Law at Pace University in New York, Grenadians are hard-working, "a productive and surplus-creating peasant proprietorship," honest, thrifty and religious.

Time now is on the side of the dictator. When the coup d'etat occurred in March 1979 the people welcomed the new administration of Bishop as a potential relief from the capricious, sometimes venal and often oppressive rule of former Prime Minister, Eric Gairy.

Last March, following President Reagan's speech to Congress in which he spoke out against the Grenada airstrip, the Free West Indian of March 19th carried pictures showing Grenadians watching Russian armoured and personnel carriers and automobiles parading through the streets of St. George, Grenada's capital, marking the "fourth anniversary of the Revolution."

The same issue of the Free West Indian showed a picture of the Cuban Minister of Construction, Jose Lopez Moreno addressing a group at the opening of the Sandino housing complex. This Cuban minister promised that the airstrip would be open in time for the fifth anniversary of the Revolution.

In 1981 it was estimated there were 700 political prisoners in Grenada. According to Professor Sylvester the number imprisoned "without charge or trial is probably considerably higher taking into account those persons of the Rastafarian sect, many of whom have been confined to reeducation centers throughout the island."

Free press has been eliminated, opposition assemblies forbidden, elections suspended, properties confiscated, and "important community opinion leaders" imprisoned for such legally alien crimes as counter-revolutionary activities.

MURDER, RAPE COMMON

Murder and rape by Cuban soldiers occurs frequently in Grenada, according to Sylvester, who tells of the rape of the wife of Sir Dennis Henry in early 1981, at gunpoint and in the presence of her husband and children. Sir Dennis, an outstanding lawyer and owner of a substantial estate, fled the island with his family.

If Grenadians do not attend government-sponsored public meetings they are harassed and threatened. Communist indoctrination courses for students and teachers are conducted twice a week by Cubans. Instead of attending church on Sundays, children are required to attend military camps for instruction in the use of firearms.

A MILITARY THREAT

A Communist Grenada is a real and present danger to the United States.

Close to Grenada is the deep water channel used by oil tankers that carry millions of barrels of oil each day to the East Coast of the United States.

In time of war or even the threat of war these tankers would be easy prey for the 10 Soviet MIG 23's sitting in crates in Grenada today, or the Soviet TU-96 "Bears" that by treaty have been given the right to land at the Point Solina airstrip.

Also, the tankers, and American shipping anywhere in the Caribbean could fall victim to the Soviet patrol boats given to Cuba. The 30 high speed (up to 40 knots) patrol boats now operated by Cuba carry Styx missiles. They could play havoc in forays from the deep water, mountain-protected Egmont Harbor of Grenada.

Residents in the area of this harbor have been relocated and signs warn the public to keep away. It is generally thought that the crates of materials unloaded at night by Cubans only may have something to do with the conversion of the harbor to a Cuban naval base capable of accommodating Soviet submarines.

AMERICAN ACTION NECESSARY

Timothy Ashby in Review of the News of April 6, 1983, warned of the Grenadian thorn in America's large and overly exposed backside. He said, "We will yawn and turn away only at our peril."

The columnist, Patrick J. Buchanan, also, warned about the growing crisis in the Caribbean in an article published in The Union Leader on April 8, 1983. He said:

"The United States cannot remain a credible superpower if it allows the establishment of half a dozen Cubas in Central America. The President should declare it to be American policy to liquidate every Soviet outpost in Central America."

In truth, an American policy—a revival of the Monroe Doctrine—to preserve freedom throughout the Caribbean is long overdue.

Sooner or later we will have to come to grips with the rapidly spreading communist threat in the entire Caribbean area. A Caribbean Basin Initiative will not do the trick. No foreign problem is so close to home, so dangerous to the future security of America, so fraught with peril to freedom as the continuing presence of armed communism, in the Western Hemisphere.

If we are unwilling to risk pulling the communist thorns in the Americas today, there will come a day when we will have to fight a full scale war in the Caribbean, or worse still, submit to slavery at the hands of a cowardly leadership.●

GEORGE MASON: A HISTORICAL REFLECTION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. WOLF. Mr. Speaker, as we approach the bicentennial commemoration of the U.S. Constitution to be observed in 1987, I believe it is appropriate to recognize a patriot who has greatly influenced the composition of the U.S. Constitution.

As a member of the Virginia Constitutional Convention in 1776, George Mason is credited for designing the Virginia Declaration of Rights which constitutes a notable part of the Virginia Constitution adopted by the panel in 1776. The Virginia Declaration of Rights was the most advanced and complete statement of the rights of man up to that time. This was recognized by Thomas Jefferson who incorporated Virginia's Bill of Rights in the first part of the Declaration of Independence.

George Mason's work was widely drawn upon by other States in drafting their constitutions, became the basis of the first 10 amendments to the U.S. Constitution and had considerable influence in France at the time of the French Revolution.

The principles of freedom and equality, the constant check on the balance and power of government and the ideals of individual freedom, all of which are inherent in George Mason's Declaration of Rights in the Virginia Constitution, provided the guidelines and general structure of the U.S. Constitution.

Americans regard the U.S. Bill of Rights as the basis for everyday freedom and equality under the law by which we live. George Mason's wise and honorable concepts gave inspiration to Thomas Jefferson in the drafting of the U.S. Constitution. Jefferson also responded to Mason's conviction that a Bill of Rights should be included in the U.S. Constitution to limit the power of government and preserve individual and State rights.

We are indeed indebted to George Mason for his contributions to the U.S. Constitution.●

LIST OF GRADUATES, SPARROWS POINT SENIOR HIGH SCHOOL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LONG of Maryland. Mr. Speaker, I was honored to give the commencement address to the 1983 grad-

uating class of Sparrows Point Senior High School, Baltimore, Md. on June 5, 1983. I would like to again congratulate the graduates and wish them much success.

It is my pleasure to submit for the RECORD, a list of the graduates and the outstanding students who received special awards and honors.

MEMBERS OF THE CLASS OF 1983

Doyle E. Vincent, Jr., President.
Mary M. Stech, Vice-President.
Kimberly A. Haley, Secretary.
Candy R. Bever, Treasurer.
Mrs. Ellen Feazell, Class Sponsor.
Ms. Joanne Philipovich, Class Sponsor.

Anna M. Albert, Herbert V. Ash, *Ronald E. Baker, Jr., David B. Baldwin, Kenneth S. Ballerstadt, Juanita E. Bayer, Patricia A. Berezne, Beverly D. Bever, *Candy R. Bever, Richard A. Bledsoe, Brad M. Bowling, Wanda L. Bowman, Derek B. Bowser, Marcia J. Boyd, Kevin P. Branagan, John A. Brockmeyer, Jr.,

J. Frank Brown, James M. Brown, Kevin L. Brown, Arthur W. Burdette, Christine C. Butzner, Irvin A. Campbell, Michael S. Carlson, Alfred Cavallaro, Jr., Mark K. Chavis, Charles J. Clark, Jr., Christine M. Collins, James T. Cope, Sandra M. Corbin, Ronald A. Cottrill, *William E. Cox, Leslie K. Cramer, *Karen L. Cummings, *Richard E. Cunningham, *Angela M. Curbeam, *Micki L. Currey, Agnes L. Dailey, Paul A. Dasch.

Kelly L. Davis, Ernesto S. Delapaz, Jr., Richard A. Derka, Daniel J. DeRoose, James L. Diffenbaugh, Jr., Michael J. Diffenbaugh, *Jane E. Dillian, *Selena P. Dillon, John S. Diven, Kevin C. Dodge, *Joseph F. Dolinar, Jr., Wayne A. Early, Michael L. Ebert, Susan K. Ekholm, Tracey L. Elways, Melvin J. Estes III, *Darrin W. Evans, Timothy A. Farish, Larry R. Feinberg, *Jane E. Flack, Patricia L. Foster, Cynthia L. Frank, *Belinda M. Gavel, Leon A. Gensicki, Jr.

Janice S. Geouge, James R. Gernhart, Jr., Tony M. Giordano, Nicholas J. Golden, Ronald E. Goldys, *Carl E. Gonce, Jr., Kevin F. Hagan, Kimberly A. Haley, Rebecca L. Hall, Denise L. Hardbarger, *Linda L. Hardy, Robin M. Harmon, Donna M. Harris, *Sharon L. Hart, *Sharon Y. Harvey.

Michele A. Hazel, Marie F. Heck, Kent A. Helsel, June Henson, James T. Hewitt, Lisa J. Higgs, Sandra J. Houser, Gary D. Howell, *Rose M. James, Pamela A. Jancewski, Jerry J. Jernigan, Kelly A. Johnson, Orville E. Johnson, Jr., Constance A. Kight, Deborah A. Kim, Barbara J. Kirkendall, Jerry S. Kohne.

Wendy A. Krieger, *Melinda L. Kroat, Pamela A. Kunkel, Kristen J. Kupfer, Angela L. Labuda, Joseph V. LaMartina III, Martin D. Lawrence, Raymond F. Lewis, Jr., Stacie R. Lewis, *Debra L. Little, Joseph E. Long, Jr., Cristol L. Loughry, *Wisdom W. Lu, David L. Lurz, Melanie P. Maddox, Richard B. Maeby, *Richard L. Marsh, Jr., Dawn R. Martin, James F. Martin, *Carrena R. Martinez, Anastasia M. Matro, Keith D. Matro.

William D. McCluskey, Vincent K. McElhose, Alexa J. McNew, Lisa M. McVey, Dolores L. Menser, Michelle L. Mosel, Arnold R. Moss, Ricky D. Nelson, Robert W. Nelson, Jr., Kevin L. Nestor, Penny J. Nichols, Patricia J. Owens, Regina L. Patrick, *Wanda G. Pendleton, Terra L. Permelia, Michael E. Perrera, Ronald G. Perry, *Karen M. Peterson, Michelle L. Piper, Marlene M. Poist, Phillip J. Poist, *Scott A. Popiolek, *Franklin L. Porter, Michael D. Prosser, Douglas A. Raczkowski.

Tina L. Raitt, Michelle A. Ramage, *Robert T. Ramos, Robert L. Rehbein III, Crystal J. Reinecke, Jonna M. Riden, Bradley G. Robinson, *Dawn M. Royer, Stephen L. Ruth, Jr., Donna D. Salling, *Gregory R. Sauter, *David Schlossenberg, Theodore R. Schott, Jr., *Kimberly A. Schultz, Sandra E. Scott, *Crystal J. Shifflett, *Denise M. Shifflett, Glenn K. Shifflett, Ronald L. Shifflett, Jr.

Steven E. Short, Wade W. Sievers, Mark D. Sigmon, Sarah J. Small, Michael H. Spivey, Mary M. Stech, Michael P. Stevens, Permilda E. Stewart, David L. Strawderman, Danny L. Swartz, Pamela M. Swink, Valerie A. Szumlanski, Cheryl D. Taylorson, Mark L. Thomas, George C. Thompson, Kenneth M. Thompson, Carol L. Thune, Paul K. Titus, *Sara E. Tomczewski,.

Denise I. Totty, Beverly J. Touchtone, Julia L. Tuder, Doyle E. Vincent, Leah J. Walters, Sandra K. Watkins, Lisa M. Weber, Andrew T. West, Bradley F. White, Doreen L. White, *Brenda A. Whitehair, Tammy S. Wiland, Albert E. Wolfkill, Jr., Leonard C. Wray, Jr., Edward A. Yost, Jr., Diana L. Zannino, Joseph F. Zapf.

* Member National Honor Society.

The Sparrows Point Middle and Senior High School PTSA will host a reception for graduates, parents and friends immediately following the graduation exercises in the school cafeteria.

RECIPIENTS OF DEPARTMENTAL HONORS AND SERVICE AWARDS

Art, Wade W. Sievers.
Business Education, Sharon Y. Harvey.
Diversified Occupations, Ronald E. Baker, Jr., Joseph E. Long, Jr.
English, Wisdom W. Lu.
Journalism, Angela M. Curbeam.
Padlock, Sharon Y. Harvey.
Yearbook, Susan K. Ekholm.
Foreign Language, Selena P. Dillon.
Health Services, Linda L. Hardy.
Home Economics, Sandra M. Corbin.
Industrial Education, Orville E. Johnson, Jr.
Mathematics, Joseph F. Dolinar, Jr.
Music: Instrumental, James M. Brown, Mark K. Chavis, Rebecca L. Hall, Jane E. Flack, Dawn R. Martin; vocal, Dolores L. Menser.
Physical Education, Gregory R. Sauter, Denise M. Shifflett.
Science, Joseph F. Dolinar, Jr.
Social Studies, Gregory R. Sauter.
Science Service, Pamela M. Swink.
Student Government, Rose M. James.
Faculty Award of Excellence, Richard E. Cunningham, Wisdom W. Lu.
Faculty Service Award, Rose M. James, Doyle E. Vincent, Jr.

RECIPIENTS OF LOCAL SCHOLARSHIPS

Battle Grove Elementary School P.T.A., Karen L. Cummings.
Chesapeake Terrace Elementary P.T.A., Wisdom W. Lu.
Edgemere Elementary School P.T.A.:
Ruth A. Cox Scholarship, Melinda L. Kroat.
Mongan Brothers Scholarship, Kimberly A. Haley.
H. Lee Parsons Vocational Scholarship, Franklin L. Porter.
Edgemere Elementary Mothers' Club, Kimberly A. Haley, Melinda L. Kroat.
Sparrows Point P.T.S.A., Kevin F. Hagan, Kimberly A. Haley.
Nancy Cummings Memorial Scholarship, Wanda G. Pendleton.
American Legion Auxiliary, Dundalk Unit 38, Micki L. Currey.
Dundalk Community College Alumni Association, Susan K. Ekholm.
Dundalk Community College Honors Program, Sharon L. Hart, Wanda G. Pendleton.
Dundalk Kiwanis Scholarship, Angela M. Curbeam.
Dundalk-Sparrows Point Branch NAACP, Agnes L. Dailey,
Edgemere-Sparrows Point Recreation Council, Kevin F. Hagan, Sharon L. Hart, Dawn M. Royer, Denise M. Shifflett.
"It's Academic", Kevin F. Hagan.
Optimist Club Scholarship, Selena P. Dillon.
Rotary Club of Dundalk, Franklin L. Porter.
Sav-More Pharmacy, Denise M. Shifflett.
St. Luke's Church Scholarship, Pamela A. Kunkel.
Wells-McComas Post No. 2678 Memorial Scholarship, Sharon L. Hart, Gregory R. Sauter.
Rufus K. Wood Memorial Scholarship, Joseph F. Dolinar, Jr.
Future Business Leaders of America Club, Melinda L. Kroat.

RECIPIENTS OF COMMUNITY AWARDS

The American Legion School Awards, Bethlehem Steel Post No. 88:
Francis D. Collott Award, Gregory R. Sauter, Denise M. Shifflett.
Optimist Club Boy and Girl of the Year, Joseph F. Dolinar, Jr., Mary M. Stech.●

ASAT PROCUREMENT LAUNCHES ARMS RACE IN SPACE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. MARKEY. Mr. Speaker, I rise in support of the amendment to strike $19.4 million from the fiscal year 1984 defense authorization bill earmarked for procurement of antisatellite weapons.

Mr. Speaker, Congress decision whether to authorize procurement of antisatellite weapons will be a pivotal one.

The United States and the Soviet Union stand poised at the start of a new arms race; one that could prove infinitely more dangerous and expensive than the nuclear arms race.

But this arms race in space need never begin; we can take an important step to end it by voting against procurement of antisatellite weapons.

Presently, neither the Soviet Union nor the United States has deployed an antisatellite system that poses a serious threat to the other's satellites.

The Soviet Union has developed a very primitive ASAT, but it can only attack low-orbiting targets.

Since almost all of the United States defense satellites are in synchronous or semisynchronous orbits, thousands of miles beyond the range of the Soviet ASAT, the Soviet system does not endanger them.

Further, the Soviets have had very poor results in their ASAT testing program, with a failure rate of about 50 percent.

Because of its size, the Soviet ASAT is easily verifiable. Also, because it takes 1½ to 3 hours to reach its target, the Soviet ASAT weapon is easy to track after launching.

On the other hand, the Asat weapon the U.S. Air Force plans to begin testing later this summer—the weapon we are being asked to spend $19.4 million in procurement money—that weapon has none of the negative qualities that the Soviet weapon has.

The Air Force ASAT weapon is mounted on modified F-15 fighters. It is a highly sophisticated weapon that is fired at high altitudes and aimed directly at the intended target.

After launching, the Air Force antisatellite weapon flies thousands of miles per hour faster than the satellite it is supposed to destroy, ultimately overtaking and smashing into the satellite.

We are not catching up with the Soviets if we deploy this weapon. This weapon is at least a generation ahead of the present Soviet system. If it is deployed it would be a serious and substantial threat to Soviet satellites.

Because the Air Force ASAT is so small in size and because any F-15 fighter could be a potential launcher for this ASAT, if the United States deploys the ASAT, it would impose impossible verification problems for the Soviets if we ever wanted to negotiate a ban on these weapons in the future.

So what do you think the Soviets will do if they are faced with an overwhelming threat to their satellites? They will respond by building a comparable, if not superior, system to target against our satellites.

If the Soviets did this we would be forced to upgrade our system. The result would be a new suicidal arms race.

Such an arms race would not benefit the United States and it would not benefit the Soviet Union. It would drain valuable resources from both countries.

Instead of authorizing this money for producing an ASAT weapon we should be negotiating treaties banning all weapons from space. But those negotiations will be made extremely difficult, if not impossible, if the United States goes ahead with deployment of antisatellite weapons.

Congress therefore now has a choice. It can authorize this $19.4 million installment on the arms race in space. Or Congress can urge the President to begin negotiations to ban weapons from space permanently.

I hope Congress chooses the latter option and votes no on the $19.4 million for procurement of ASAT weapons.●

STUDY SUPPORTS FIRE SAFE CIGARETTE AS GREATEST POTENTIAL FOR REDUCING HOUSE FIRE DEATHS AND INJURIES

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. MOAKLEY. Mr. Speaker, in a 3-year study of house fire deaths in Maryland, more than half of the deaths resulted from cigarette ignited fires with 39 percent of the victims being someone other than the cigarette smoker. The March 1983 Journal of the American Medical Association revealed that these victims tended to be lower income individuals; that the smoker often had high concentrations of alcohol in the bloodstream; and that 31 percent of the children killed in house fires died as the result of carelessly discarded cigarettes.

"Fatal House Fires in an Urban Population," by Johns Hopkins University School of Hygiene and Public Health researchers Marianne C. Mierley, MHS and Susan P. Baker, MPH, outlines the terrible tragedy which results each year from carelessly discarded cigarettes and the policy options which we have to confront this problem.

During 1981 alone, 63,518 cigarette-ignited fires resulted in 2,144 deaths, 3,819 injuries, and $305 million in property damage. The time has come when we must end this tragedy by attacking this serious problem at its source—the cigarette.

The Johns Hopkins paper follows:

[From the Journal of the American Medical Association, March 1983]

FATAL HOUSE FIRES IN AN URBAN POPULATION

(By Marianne C. Mierley, MHS and Susan P. Baker, MPH)

(House fires kill about 5,000 Americans annually, at a rate (2/100,000) that has remained almost constant for the past 50 years. House-fire deaths were studied in Baltimore, where 55 residents died during a three-year period. More than half of the deaths resulted from cigarette-ignited fires; 39% of the people who died in such fires were not the cigarette smokers themselves. For both blacks and whites, the death rate was highest in census tracts where property rental values were low. The death rate from fires ignited by heating or electrical equipment was nine times as high in the lowest-value census tracts as in the highest.)

Three fourths of all fire-related deaths in the United States result from house fires, which cause 5,000 deaths annually.[1] For ages 1 to 64 years, house fires are the leading cause of death from unintentional injury in the home.

House-fire deaths in Baltimore were studied to determine death rates in relation to property rental value, to analyze important contributing factors, and to suggest potential preventive measures. Of particular interest were fires ignited by cigarettes, the reported source of ignition in 13 percent to 30 percent of all fires[2,3] and in 47 percent of fatal fires.[4]

METHODS

Case reports of all unintentional deaths related to house fires in Baltimore from 1976 to 1978 were reviewed at the Office of the Chief Medical Examiner of Maryland. Information about the cause of each fire was obtained from a synopsis of the fire investigator's report. The 55 deaths included in the study were consistent with the International Classification of Diseases classification (E890) of "conflagration of private dwelling."

The 1977 Baltimore population, enterpolated from 1970 and 1980 census data, was used as a denominator for death rates. To compute house-fire death rates in relation to an economic measure, the Baltimore population was divided into quintiles on the basis of census tract median rental values (MRVs). (The MRVs for each census tract were determined by the Bureau of the Census from 1970 census data. The 200 census tracts in Baltimore were ranked by MRV, than subdivided into five groups, each containing one fifth of the total population. In addition, MRV quintiles were determined separately for the white and black populations.) Each death was assigned to one of the five MRV groups on the basis of the MRV of the census tract of residence.

Nonresidents were excluded. Since deaths of city residents that occurred outside the city were not known, death rates may underestimate actual mortality.

RESULTS

The average annual death rate from house fires for Baltimore residents was 2.2/100,000 during the three-year period 1976 to 1978. The death rate for males was 2.6; for females, 1.8. The death rate for blacks was twice the death rate for whites—2.8 compared with 1.4. Sixteen (29 percent) of the deaths occurred in children aged 0 to 14 years; children aged 0 to 4 years had the highest death rate (4.3). Persons aged 60 and older had the second highest rate (2.7).

For the lowest two median rental value quintiles (MRVQs) combined, the death rate was 3.4, compared with 1.0 for the two highest. Sixty percent of deaths among blacks and 75 percent among whites occurred in the lowest two MRVQs, where only 40 percent would be expected if house-fire deaths were evenly distributed among the respective populations. Forty-seven percent of the deaths occurred in multiple-death fires, which occurred predominantly in the two lowest MRVQs (Table 1). The higher death rate in MRVQ 2 compared with MRVQ 1 was associated with more multiple-death fires.

TABLE 1.—HOUSE-FIRE DEATHS IN RELATION TO MEDIAN RENTAL VALUE

Median rental value quintile	Number of deaths	Number of fires	Number of fires with multiple deaths	Percent of fires with multiple deaths
1	13	10	3	35
2	22	13	5	35
3	10	8	1	13
4	7	5	1	13
5	3	3	0	13
Total	55	39	10	26

Fire investigators attributed 55 percent of the fires (56 percent of deaths) to cigarettes,

Footnotes at end of paper.

typically on the basis of evidence that fire broke out in a smoldering mattress or upholstered furniture and that cigarette smokers were involved. The death rate from cigarette-ignited fires was 1.6 in MRVQs 1 and 2 and 0.8 in MRVQs 4 and 5. The percentage of house-fire deaths caused by cigarettes increased with median rental value (Table 2). Five of the 16 children in the study died in cigarette-ignited fires. Altogether, at least 12 (39 percent) of the 31 persons who died in cigarette-ignited house fires were not the smokers of the cigarettes.

Nine of the 11 deaths related to heating or electrical equipment occurred in the two lowest MRVQs (Table 2). The death rate from these fires was 0.9 in MRVQs 1 and 2 and 0.1 in MRVQs 4 and 5.

TABLE 2.—HOUSE-FIRE DEATHS BY IGNITION SOURCE AND MEDIAN RENTAL VALUE

Ignition source	Median rental value quintile			
	1 and 2	3	4 and 5	Total
Cigarette (percent of total)	16(46)	7(70)	8(80)	31(56)
Electrical or heating equipment	9	1	1	11
Matches	1	1	0	2
Other [1] / unknown	9	1	1	11
Total	35	10	10	55

[1] Other: two grease fires, one bed ignited by candle, one coat ignited on register. In seven cases, ignition source was not identified.

Postmortem tests for alcohol were performed on 33 persons aged 15 years or older; 13 (39 percent) had blood alcohol concentrations (BACs) of 0.10 percent by weight or higher. (Four of the six adults not tested survived more than four hours, making BAC at death an unreliable indicator of BAC at time of injury.) Blood alcohol concentrations of 0.10 percent or higher were found in 11 of 22 (50 percent) of the adults who died in cigarette-ignited house fires, compared with two of 11 (18 percent) in other house fires ($P<.1$).

Forty-five percent of all deaths resulted from fires that occurred in the four-hour period from 2 to 6 a.m.

COMMENT

During the past half century, while the death rate from other fires and burns has decreased dramatically, the death rate from house fires has remained fairly constant [1, 5]. In part, this difference may reflect progress in burn treatment, which would have had its greatest effect on mortality caused by burns from other sources, since most house-fire deaths occur before medical treatment can be given. Changes in products have also reduced burn mortality. The number of deaths caused by clothing ignition dropped sharply in the 1960s, especially deaths of girls, in connection with changes in clothing styles and fabrics.[6]

Several studies have pointed to greater morbidity and mortality resulting from burns in economically disadvantaged groups. Barancik and Shapiro [7] reported higher rates of clothing-ignition burns among the population quintile with the lowest median income. Moyer [8] cited substandard housing and hazardous heating devices as probable factors in the higher burn-death rates among blacks and in southern states. The Baltimore data reported herein provide the first evidence of a strong correlation between economic conditions and house-fire deaths for both blacks and whites.

Important avenues for future research include the characteristics of low-rent housing: for example, ignition sources, flammability of building materials, potential toxicity of combustion products, warning systems, and egress. Most housing units in low-income areas are rented, which may make hazards easier to regulate than in the case of owner-occupied units. The role of electrical and heating equipment deserves special scrutiny, since deaths related to improper or faulty heating and electrical systems were nine times more frequent in low-rental than in high-rental census tracts.

Alcohol is a major factor not only in house fires but also in vehicle crashes, drownings, and many other injuries.[9] Unfortunately, there is no evidence to support hopes that a large proportion of alcohol-related deaths can be prevented by changing alcohol-related behaviors. Similarly, it is not likely that the incidence of cigarette-initiated house fires can be substantially reduced by making cigarette smokers more careful.

Nationally, 2,300 house-fire deaths each year are attributed to cigarettes.[10] In our study, the cigarette was the principal ignition source in all rental value quintiles and accounted for eight of the ten deaths in the two highest quintiles. Typically, cigarette-ignited fires occur when a cigarette falls unnoticed into bedding or upholstered furniture and smolders for hours.[10] By the time fire breaks out, people are asleep. If intoxicated, they are less aware of a dropped cigarette, less likely to be roused by smoke or fire, and less able to escape. Most deaths are due to carbon monoxide poisoning from smoke inhalation rather than burns.[4,11]

One promising measure for preventing cigarette-related house-fire deaths is the development and sale of cigarettes that self-extinguish before they ignite fires. The Cigarette Safety Act currently before Congress would give the Consumer Product Safety Commission jurisdiction over the cigarette as a fire hazard.[10] Cigarette brands already vary greatly in two characteristics that influence their fire-igniting potential: the temperature at which they burn and the length of time they smolder before self-extinguishing. It is expected that some existing brands, including ones advertised as having no chemical additives, would meet a fire-safe standard set in accordance with the proposed Cigarette Safety Act.[12] At least 19 patents for self-extinguishing cigarettes have been registered.[10]

To date there is no evidence that smokers prefer cigarettes that continue to smolder until completely consumed. Against such preferences—if indeed they exist—should be weighted the many deaths of nonsmokers in cigarette-ingnited fires. (The effect on other people of products purchased for "personal use" was also exemplified by a study showing that the majority of people injured in crashes do not own the cars in which they are injured.[13]

Fatal house fires often start during early morning hours when people are sleeping soundly. Effective detection and alerting systems are therefore especially important. A review of 699 fires in residences protected with smoke detectors showed that smoke detector alarms reduced the potential for severe injury or death in 90 percent of the fires that occurred when all occupants were asleep.[14]

A national survey indicated that about 30 percent of families with less than $10,000 income have smoke detectors, compared with about 60 percent of families with income of $20,000 or more.[15] Other researchers have reported a greater risk of house fires in rental property [2] and a lower rate of smoke detector installation by renters than by homeowners.[16] Thus, there seems to be an inverse correlation between the risk of fire and the likelihood of being protected with a smoke detector.

Materials that reduce toxic byproducts of combustion, designs that prevent the spread of fire, automatic sprinkler systems, and adequate escape routes are essential but long-term measures. In the meantime, modification of ignition sources and continued efforts to protect homes with effective alerting systems probably offer the greatest potential for reducing house-fire deaths and injuries.

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SERVICE ACADEMY APPOINTEES SET HIGH STANDARDS FOR OTHERS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. SCHUMER. Mr. Speaker, I would like to bring to my colleagues' attention the achievements of four outstanding students in my district. It is with great pride that I inform you that Sean Eagleton, John Tumino, John Kosman, and Jeffrey Gee have all been invited to attend our Nation's

service academies. It is refreshing to see achievement such as this. These four young men personify the level of excellence to which we should all aspire.

Mr. Eagleton, who graduated from Edward R. Morrow High School, will attend the U.S. Merchant Marine Academy at Kings Point. Mr. Kosman, who graduated from Brooklyn Technical High School, will attend the U.S. Air Force Academy at Colorado Springs. Mr. Gee, also a graduate of Brooklyn Technical, has for the past year attended the State University of New York at Stony Brook. Both he and Mr. Tumino, a graduate of John Dewy High School, will matriculate at the U.S. Military Academy at West Point. These four men all share in the distinction of graduating from high school with admirable grades and high scholastic aptitude test scores.

These schools are three of the finer institutions of higher learning in this country. Only superior students with leadership potential are accepted to these highly competitive schools. I congratulate these four young men on their achievement and I wish them well as they prepare to expand on their already fine qualities. It is my hope that their achievements and ambition will inspire their peers to strive for similar personal and academic distinction.●

AMERICA RESPONDS TO SAN MATEO COASTSIDERS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LANTOS. Mr. Speaker, in a magnificent display of bipartisanship, the House has just acted to approve full Federal funding—estimated at over $50 million—to create at long last a safe, dependable year-round road link between our coastal communities in San Mateo County. This action by the House of Representatives speaks eloquently of the vitality and compassion of our democratic form of government. The thousands of our fellow citizens who live along the spectacularly beautiful coast of San Mateo County cried out for help a few months ago as torrential rainstorms and earth slides destroyed their only direct access for travel, business, and even emergency evacuations.

At my request, the Surface Transportation Subcommittee of the House, under the leadership of Chairman GLENN ANDERSON of California and the ranking Republican, our distinguished colleague, BUD SHUSTER of Pennsylvania, came for a full day of field hearings to the towns of Pacifica and Half Moon Bay and visited the focal point of the crisis itself, Devil's Slide. Yesterday's vote for emergency funding is in addition to the usual flow of transportation funds to California, thus enabling the State to use its regular highway fund allocation for other urgently needed projects, such as Highway 92.

We are a nation of 230 million people, but, when just a few thousands suffer, our democratic form of government, as we have now demonstrated, can respond. Democracy is alive and well in these United States, Mr. Speaker, and the thousands of men, women, and children along the coast of San Mateo County join me in expressing our thanks to my colleagues in the House of Representatives.●

FOWLER BRACKET-FLATTENING/MEGA CAP INCOME TAX PROPOSAL

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. FOWLER. Mr. Speaker, the prospect of ever-growing deficits surpassing $300 billion a year by the end of this decade is frightening. The deficit problem is compounded by the growing incomprehensibility and inequity of the Federal tax system, which in turn is driving more and more taxpayers to evade their income taxes.

Both the Senate Budget Committee and the full House recommended revenue increases of about $30 billion in fiscal year 1984, tacitly endorsing repeal of the third year of the tax cut. Many of us, however, are concerned because although we recognize that the gap between spending and revenues cannot be narrowed by spending cuts alone, the increased tax burden caused by repeal of the third year of the tax cut would fall most heavily on those least able to bear the additional burden—lower and middle income taxpayers. These same people are also the ones who have benefited least from the earlier stages of the tax cut. Also, simply repealing the indexing provision would leave us without any mechanism for addressing the serious problem of bracket creep.

The full Senate, however, scaled back its revenue request to about one-third of what the House asked for. What I propose to do is to split the difference between the House and Senate revenue targets with my own proposal for income tax reform.

The Fowler bracket-flattening/itemized deduction mega cap proposal would move our complicated Tax Code toward a flatter income tax system by reducing the number of marginal tax rate brackets. At the same time, it would broaden the income base without requiring repeal of any specific tax preferences. It would accomplish these goals equitably while raising some additional revenues.

Details of my proposal follow:

FOWLER BRACKET-FLATTENING/MEGA CAP INCOME TAX PROPOSAL

PURPOSES

(1) To reduce the number and broaden the size of income tax brackets (for example the number of brackets for joint tax returns would be cut from 13 to 5) in order to minimize the effects of "bracket-creep."

(2) To promote equity in the tax code: Vertical equity—by maintaining the basic progressivity of the current federal income tax system, which counter-balances the generally non-progressive character of other taxes paid by individuals (sales, Social Security, etc.); horizontal equity—by curtailing the impact of tax preferences (deductions) which can cause two taxpayers with the same incomes to be taxed differently.

(3) To increase the economic efficiency of individuals' spending and investment decisions by reducing the discrepancies in taxation of different allocations of income through limitation on itemized deductions.

(4) To curb future federal deficits by bringing federal revenues more into line with federal responsibilities.

(5) To provide for a more even sharing of costs and benefits under the current "Economic Recovery" program by giving a tax cut to individuals earning $10,000 or less (who, according to CBO, have suffered a net decline in household income under the current program) and imposing a slightly higher proportion of the total tax burden on those making $100,000 or more (who have been the biggest beneficiaries of the 1981 tax and spending decisions).

(6) To preserve the federal income tax as the dominate financing source for federal programs.

(7) To achieve all of the above in the least disruptive and most feasible fashion by building on to the present tax system (progressive tax with allowances for special circumstances—deductions) rather than making a radical departure.

DETAILS

(1) Beginning January 1, 1984, the individual income tax rate schedules would be amended to the following (and withholding schedules would be adjusted accordingly):

(A) Married individuals—joint returns:

Taxable income:	Tax:
Not over $4,600	No tax.
$4,600 to $27,000	20% of the excess over $4,600.
$27,000 to $33,000	$4,704 plus 26% of the excess over $27,000.
$33,000 to $62,000	$6,264 plus 39% of the excess over $33,000.
Over $62,000	$17,574 plus 50% of the excess over $62,000.

(B) Unmarried individuals (other than surviving spouses):

Not over $2,300	No tax.
$2,300 to $16,000	20% of the excess over $2,300.
$16,000 to $22,000	$2,877, plus 31% of the excess over $16,000.
$22,000 to $28,000	$4,737, plus 36% of the excess over $22,000.
$28,000 to $43,000	$6,897, plus 39% of the excess over $28,000.
Over $43,000	$12,747, plus 50% of the excess over $43,000.

(C) Married individuals—separate returns:

Not over $2,300	No tax.
$2,300 to $13,500	20% of the excess over $2,300.

$13,500 to $16,500	$2,352, plus 26% of the excess over $13,500.
$16,500 to $31,000	$3,132, plus 39% of the excess over $16,500.
Over $31,000	$8,787, plus 50% of the excess over $31,000.

(D) Estates and trusts:

Not over $11,200	20%.
$11,200 to $14,200	$2,352, plus 26% of the excess over $11,200.
$14,200 to $28,700	$3,132, plus 39% of the excess over $14,200.
Over $28,700	$8,787, plus 50% of the excess over $28,700.

(2) Beginning January 1, 1984, the Zero Bracket Amount would be increased to $4,600 for joint returns ($2,300 for singles).

(3) Beginning January 1, 1984, the personal exemption for the taxpayer (and spouse in joint returns) would be increased from $1,000 to $2,400.

(4) Beginning January 1, 1984, a cap would be placed on total itemized deductions, limiting them to no more than 40% of adjusted gross income in any year.

(5) The July 1983 withholding change and indexing of the income tax would be repealed.

(6) Beginning January 1, 1984, the deduction for two-earner married couples would be repealed, because the "bracket flattening" proposal itself originated as a method for reducing the "marriage penalty" in a manner that would not exacerbate the "marriage bonus"/"singles penalty" that exists in certain cases.●

CAMPBELLSVILLE BAPTIST CHURCH

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. ROGERS. Mr. Speaker, I want to direct the attention of my colleagues in the House to an outstanding church and its congregation in my district.

It was 192 years ago that a handful of Taylor County, Ky., residents first came together to form "Church Pitman." It was a joint effort by Pitman Creek and Robinson Creek, founded 2 years apart in 1791 and 1793.

Later, in 1852, "Church Pitman" became Campbellsville Baptist Church. Besides housing the congregation, the building was also an historic site during the Civil War, and was used as a county courthouse after Confederate soldiers burned down the courthouse itself.

Since then, much has happened. In 1889, Shuttleworth Memorial Baptist Church replaced the former church building. In 1915-16, a new church building was erected with a domed ceiling and four walls of stained glass windows. A fire destroyed that building in 1962, but the congregation worked to erect a new church in 1963.

From its simple past in the earliest days of our Nation, the Campbellsville Baptist Church now ministers to over 1,400, under the direction of one of the State's great religious leaders, Dr. James Jones.

As the proud representative of the Fifth District, and as a fellow Baptist, I want to congratulate the Campbellsville Baptist Church as the oldest church in Taylor County, and one of the outstanding congregations in the Nation. I urge my colleagues to similarly recognize this congregation, and join me in wishing them well during their next 192 years of spiritual and civic service to Taylor County and Kentucky.●

EVOLUTION: FACT OR FALLACY?

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. DANNEMEYER. Mr. Speaker, the Federal Government continues to promote the theory of evolution as the sole explanation of man's origins on Earth to the exclusion of the theory of creation.

Specifically, this occurs through avenues as diverse as Federal funding of exhibits at the Smithsonian Institution which treat only evolution, to the partial funding of educational instruction at primary and secondary schools across our country that only presents the theory of evolution in science classes.

It has long been my position that both the theory of creation and the theory of evolution should be presented when this subject is under consideration in whatever forum. Regardless of one's own views on the subject, simple fairness dictates that both points of view be presented since it is clear that we do not yet know all that there is to know on this issue. The presentation of both theories is especially important when whole or partial Federal funding is involved. Just as taxpayers should not be required to subsidize abortion, so should taxpayers not be required to subsidize one presentation over another on this issue.

The presentation of the theory of evolution to the exclusion of creation is also unjustified given the legitimate questions that have been raised about the theory of evolution. In this connection, I would like to share an article with my colleagues that appeared in the May 1983 edition of This Month, a publication of the Southern California District of the Lutheran Church-Missouri Synod.

In the article, "Evolution: Fact or Fallacy?", Randolph Merrill, a seventh grade teacher at Good Shepherd Lutheran School in Inglewood, Calif., presents factual evidence and arguments which call into question the theory of evolution. Mr. Merrill's article presents the scientific reasons for at least taking a skeptical view of evolution as the sole theory of our origins. Until and unless we give equal time to the theory of creation, we will not be able to come to grips with the fundamental question of from whence do we come.

Mr. Speaker, I would like to insert the article at this point in the RECORD and urge my colleagues to carefully consider its conclusions and their implications for Federal funding of these activities.

The article follows:

[From This Month, May 1983]

EVOLUTION: FACT OR FALLACY? TEACHER EXPLODES SCIENTIFIC THEORIES

(By Randolph Merrill)

(Editor's Note: In the following scholarly features, Randolph Merrill, a seventh grade teacher at Good Shepherd Lutheran School, Inglewood, explodes "scientific" theories maintained by exponents of the Theory of Evolution. His position was shared recently in a special series of lectures in the Adult Bible Class of his congregation.) [1]

An insidious movement has been underway during the last century to discredit the once commonly held belief that our earth and all the forms of life on it came about as the result of a special creation such as is described in the book of Genesis. This subversive line of pseudo-scientific, anti-Christian thought received its first real impetus when Charles Darwin published his views on the matter in his "On the origin of species" in 1859 and his "The Descent of Man," in 1871.

What amounted to nothing more than a biological hypothesis based on evidence inadequate even in Darwin's day to qualify it as a good theory, has been promulgated into the present so-called "fact" of evolution, which has since permeated all other areas of science. On the assumption that the biological theory of evolution is true, scientists in other branches have been impelled to reexamine the basic, long-accepted theories and hypotheses of their disciplines in light of evolution's new tenets.

In much the same way as the run-off from a heavy rain fouls a clear stream, so the digressive run-off from the heavy rain of evolutionary theorizing has fouled the mainstream of scientific thought and exploration. As a result, rather than being viewed in a truly objective scientific manner, all new and existing evidence which the universe provides as a clue to its origin, is viewed from the static assumption that macro-evolution, in one form or another, is fact.

Meanwhile, the product of this upheavel of traditional thought has been spoon-fed by an eager media to a gullible public as absolute truth, to the decidedly unscientific exclusion of all conflicting theories or evidence.

Yet, in spite of the media hype, and contrary to the repeated denials of the evolutionist community, the fact remains that the bulk of scientific evidence, when viewed objectively and by the unprejudiced eye, lends solid support and credibility to the Creation model while contradicting the Evolutionary model at nearly every turn.

Although it is impossible within a format such as this to attempt even a limited exposition on the myriad discrepancies between the Evolutionist model and the actual scien-

Footnotes at end of article.

tific evidence, included here are just a few classic examples from some of the major areas of contention. Consider the following:

Two proven and universally accepted scientific laws, the First and Second Laws of Thermodynamics, are in total contradiction to the theory of evolution. These two laws state respectively that (1) nothing is now being either "created" or destroyed, and (2) that all things left to themselves always tend to go from complex to simple, from organized to disorganized. Consequently the universe, governed as it is by present natural law, cannot circumstantiate its own origin, and the evolutionary requirement of a progressive development from simplest to more complex forms, is totally incompatible.

A single important discovery, made at the time of the moon landings, has effectively negated all existing evolutionary models for the origin of our solar system. Chemical analysis of the moon rocks showed their composition to be distinctly different from that of terrestrial rock, much to the chagrin of the evolutionists. If the earth's own moon does not share a common origin with the earth, then there is obviously no basis for speculating that other planets do either.[2]

According to the evolutionists, the first life originated entirely by chance from inorganic substances. Amino acids, formed in this way, went on to form the first simple proteins, which eventually developed into the first primitive cells, However, if, as the evolutionists believe, the sun's origin predates that of the earth, then the earth would necessarily have been bombarded by solar radiation from the moment of its inception with the result that such simple chemcial compounds as amino acids would have been destroyed at a rate far in excess of their rate of formation. Consequently, no significant quantities of these compounds would ever have been produced.[3]

In additions, according to Dr. Duane T. Gish, in his speech on the campus of the University of California at Davis:

"The probablity of a protein of only 50 amino acids forming by chances would be 1 to 10^{65}, or in layman's language 100,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000,000, to one!"[4]

As if these odds alone were not sufficiently insurmountable, Dr. Gish goes on to point out that:

"Even the very simplest cell contains several thousands of different kinds of proteins, and many billions of each kind, plus all kinds of DNA, RNA and other highly complex molecules, along with many complex structures arranged in an incredibly complex system."[5]

Experience by Bureau of Mines scientists, described in "Chemical and Engineering News," May 29, 1972, p. 14, support the idea that the coal and oil which we find in the earth today can and probably did form rapidly rather than over millions of years. They have shown that cellulosic materials such as cow manure, when subjected to a temperature of 716°F, at 2000 to 5000 pounds per square inch and in the presence of carbon monoxide and steam, can be converted to a good grade of petroleum in about 20 minutes.[6] Yet only recently have non-creation scientists begun to admit that oil can be formed rapidly.[7]

As proof of the validity of their immense evolutionary time scale, evolutionists frequently make reference to the geologic column and the fossils imbedded in its layers. By dating the rocks, they contend, it is possible to obtain clues to the age of the earth, and also to determine when certain plants and animals lived. However, as convincing as this line of logic may appear, it is in reality totally ambiguous. In his book, "Scientific Creationism," Dr. Henry M. Morris cites the following methods by which "rocks are not dated. . .

(1) By their appearance;
(2) By their petrologic character;
(3) By their mineralogic content;
(4) By their structural features;
(5) By their adjacent rocks;
(6) By their vertical superposition;
(7) By radiometrically;
(8) By any physical characteristics at all; and
(9) By their total fossil contents."[8]

What, then, is the sole criteria used by evolutionary geologists to date the rocks in the geologic column? "The answer . . . index fossils."[9]"

Certain fossils which are assumed to have lived within a limited time period during the earth's history become the keys by which the rock strata in which they are found are dated. The absurdity of such a presumption becomes apparent at once. The rocks in the geologic column are dated according to the index fossils. The dating of the index fossils is based on the assumption that macro-evolution is fact. The theory of evolution is then defended on the basis of the so-called fossil record.[10]

Unfortunately, as a result of strenuous efforts on the part of the evolutionists, most of this evidence continues to be excluded from the nation's textbooks and classrooms, and from the mass media in general. Whenever it does manage to surface, its significance and validity are vigorously decried and disavowed by the evolutionary propagandists, ostensibly in the interest of scientific progress and the public good.

Yet, if the process of science is indeed an objective search for answers and knowledge, and if its product consists of the facts and ideas that have been discovered throughout the years, then why such vitriolic disaffirmation of tangible scientific evidence without so much as a cursory examination by these so-called men of science?

The roots of the American democratic system itself are grounded on the precept that a diversity of ideas and opinions is not only healthy and progressive, but the inalienable right of all concerned. How much more so should be the area of science, given the tenuous nature of hypothesis. And neither evolution or creation is even a scientific hypothesis, since there is absolutely no way of testing them.[11] Why, then, the continuing effort by the evolutionists to subert the creationist scientific movement?

Ultimately, it is because, to the majority of its adherents, evolution does not simply represent an alternative scientific theory as to the origin of man and his universe. To many it represents a philosophy of life which they freely admit has had a tremendous impact on society. The steady increase in the spread of venereal disease, unwanted pregnancies, and abortions is directly related to the "evolutionary-based attitudes on sex, and the evolutionary based attitude that all morality is relative," [12] Likewise, the increase in drug dependence and in the suicide rate can, in large part, be attributed to the promulgation throughout our society of the humanist philosophy, as outlined by the American Humanist Association in the Humanist Manifesto II (as quoted here from Dr. Henry Morris):

"As in 1933, humanists still believe that traditional theism, especially faith in the prayer-hearing God, assumed to love and care for persons, to hear and understand their prayers, and to be able to do something about them, is an unproved and outmoded faith. 'As nontheists, we begin with humans, not God, nature not deity.'

'No deity will save us; we must save ourselves."' [13]

The very condition of society today, after more than 100 years of humanist/evolutionist influence, suggests that if man must rely upon himself to be his own savior, then he is in exceedingly deep trouble. For despite all the scientific and technological breakthroughs in recent years, the world continues to drift deeper into the quagmire of moral and spiritual decay. Meanwhile, "Asimov and other humanists decry the teaching of creationism as 'religious' while, at the same time, their Manifesto proclaims their own set of beliefs to be a 'living and growing faith."'

Clearly the humanists' faith in the eventual ascendancy of man over the squalor he has created, and of his vindication as a result of his own merit, is ill-founded. Given such a bleak outlook for the future, it is any wonder that so many people have turned in despair to the mental oblivion afforded to them by drugs, and that they live as if there were no tomorrow, doing all things in excess, with no thought for anyone but themselves?

Considering the very religious nature of evolution, as professed by innumerable evolutionists themselves, it seems rather obvious why they are so eager to repudiate the teachings of scientific creationism. For it is one thing to disagree with a person's opinions regarding such an abstract concept as the origin of the earth or the universe. It is quite another thing to challenge his faith and his religious beliefs. Therein lies the answer to the enigma of the creationist's inability to secure an equitable public hearing.

Both the evolutionist and the creationist are motivated by considerations which go deeper than simple scientific zeal. And as long as this is true, there can be no reconciliation between them. The volutionist is bound, by his belief in the humanistic religion of evolution, to proselytize for it. Likewise, the creationist is bound by his faith in the Creator and His Word to zealously proclaim what he believes to be the truth.

At stake for the evolutionist is the freedom to choose to live in whatever style pleases him the most, unfettered by any morality other than his own and that imposed upon him by society. (Hence, the need to proselytize!) At stake for the creationist is the freedom and the opportunity for all men to live under God in His kingdom, and to do His will, now and also throughout eternity.

Both evolutionists and creationists use science to achieve their goals, and to help support their teachings. Neither doctrine can be proved scientifically.

There is, however, one inescapable difference between the approaches used by the two opposing sides. As a close, and unbiased examination of the evidence will reveal, it is the evolutionists who are guilty of distorting the truth to further their own ends, not the creationists. They have done this in the past, and they continue to do it today. And lest anyone say that the definition of what is distortion and what is not is simply in the eye of the beholder, remember this: it is not the creationists who are presently making an all-out effort to deny a public hearing to the evolutionists!

For creationists, the words of John 1: 1-3 are still the definitive answer to this debate: "In the beginning was the Word, and the Word was with God, and the Word was God. The same was in the beginning with God. All things were made by him; and without him was not anything made that was made." KJV.

FOOTNOTES

[1] Henry M. Morris, Scientific Creationsim (Creation-Life Publishers, San Diego, CA, 1974) p. 25.
[2] Ibid., p. 31.
[3] Dr. Duane T. Gish as quoted in the booklet Are You Brainwashed?, (Life Messengers/Creation-Life Pub., San Diego, CA, 1974) p. 23.
[4] Ibid., p. 23.
[5] Data not supplied.
[6] Duane T. Gish, "Petroleum in Minutes, Coal in Hours," Acts and Facts, Vol. 1, No. 4., as quoted in John Whitcomb Jr., The World That Perished, (Baker Book House, Grand Rapids, Michigan, 1973) p. 124.
[7] "Five Minutes with the Bible & Science: The Origin of Coal and Petroleum," Bible-Science Newsletter, Vol. 20, No. 7 (July, 1982), p. 1.
[8] Henry M. Morris, op. cit., pp. 132-124.
[9] Ibid., p. 134.
[10] Ibid., 136.
[11] Henry M. Morris, Ph.D., "Evolution is Religion, Not Science," Impact (Institute for Creation Research, El Cajon, CA, May, 1982) p. i.
[12] Paul A. Bartz, "The Social Consequences of Evolution," Bible-Science Newsletter, (July, 1982) p. 3.
[13] Henry M. Morris, "An Answer For Asimov," Impact, (Institute for Creation Research, El Cajon, CA, Sept., 1981) p. i.
[14] Ibid., p. 1.●

REV. JOSEPH A. COGO CELEBRATES 25TH ANNIVERSARY AS A PRIEST

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. RODINO. Mr. Speaker, it is a pleasure for me to take this occasion to salute Father Joseph A. Cogo, C.S., who, on Wednesday, June 15, will celebrate the 25th anniversary of his ordination into the priesthood.

Father Cogo and I have worked together for many years on an issue of mutual concern, U.S. immigration policy. The Immigration Subcommittee of the House Judiciary Committee has called on him many times for his thoughtful and constructive counsel, and he was of immense assistance to the Select Commission on Immigration and Refugee Policy established by Congress and the special task force assembled by President Reagan.

Through this long association, Father Cogo and I have developed a close personal friendship. I have come to know him as a great humanitarian and as an expert on immigration in the broadest sense and on Italian immigrant issues in the singular sense.

It is for his work in the latter area that Father Cogo has received wide acclaim. Since 1966, he has been executive national secretary of the American Committee on Italian Migration, a private, nonprofit, voluntary organization noted for its services to immigrants from Italy and other nations who have come to these shores facing an uncertain future. Throughout its more than 30 years, ACIM has been a provider of very tangible assistance to newcomers to our shores and a voice for a just and humane immigration policy. For the last 17 years, Father Cogo has been a dedicated leader in continuing and expanding this assistance and has given that voice eloquent and effective expression.

Even before assuming his leadership role with ACIM, Father Cogo was esteemed for his ministering to the social, economic, and religious needs of immigrants. Father Cogo is himself an immigrant. He was born in Italy in 1933, came here in 1955, and was ordained in Chicago in 1958, as a member of the Scalabrini Fathers, an order dedicated to the care of immigrants. From 1955 through 1965, he served at Our Lady of Pompeii Church in Greenwich Village, N.Y., where his outstanding work with immigrants brought him to the attention of ACIM.

Father Cogo and his good and able colleagues at ACIM have earned accolades over the years for their selfless and tireless work with immigrants, and I again salute them all. But June 15, 1983, is a very special day for Father Cogo, and it is a very special privilege for me to congratulate him on his silver jubilee as a priest dedicated to brotherhood and human dignity and the social and spiritual well-being of his fellow immigrants, his fellow citizens.

On behalf of his fellow Italio-Americans, on behalf of all Americans, I thank him for his invaluable service, and I wish him many, many years of continuing fulfillment and success.●

HOME CARE PROGRAMS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Ms. SNOWE. Mr. Speaker, I want to express my support for House Joint Resolution 268, a measure designating the week beginning November 27, 1983, as National Home Care Week. This resolution serves to focus attention on an alternative to the institutionalization of many elderly and disabled persons in less than life-threatening situations.

All too often, institutionalization is the only health care alternative for older persons and their families. High home health care costs and limited support from medicare, medicaid and other health insurance programs force many individuals into nursing homes or hospitals, individuals who, with adequate community support systems, would be able to remain at home.

An example of an excellent home health care program can be found in my own State of Maine. A report of new home-based-care program was recently submitted by the Bureau of Maine's Elderly, to the Maine State Legislature which concluded that as of September 30, 1982, the program served 642 clients at an average client cost of only $480 per month. That cost, including all administrative and direct service expenses, is significantly less expensive than the average cost per month for an intermediate care facility bed of $931 or a skilled nursing facility bed of $1,298.

Maine's home care program is designed to supplement family care if the client has relatives at home. Many families are overtaxed in providing care to an elderly relative 24 hours a day. Respite care is provided, perhaps for only a few hours a week or for a weekend. In other cases, a single elderly person may need daily assistance for such tasks as preparing an evening meal, chopping wood, or housekeeping chores. These services can be provided in the home when more serious health problems are not involved, avoiding premature or inappropriate institutionalization. AFDC recipients, neighbors, and professionals from nonprofit and proprietary agencies provide the necessary services, guided by a Home Based Care Act Advisory Committee which includes representatives of the Maine Community Health Association, Homemaker Council, Maine Health Care Association, Maine Hospital Association, area agencies on aging and the Maine Committee on Aging. Many professionals are involved in monitoring this program to insure quality service to the client.

Mr. Speaker, we in Congress should encourage creative approaches to providing home services to elderly and disabled Americans. In our interest to reduce health care costs, we should also be concerned that quality care is available to those unable to help themselves. By observing a Home Care Week we pay tribute to home care groups such as those in Maine, presently engaged in providing quality service to disabled Americans, and I urge my colleagues support for this resolution.●

THE FEDERAL ROLE IN EDUCATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BROWN of California. Mr. Speaker, more now than at any time in the past 25 years, education is attracting considerable attention from the public, the media, and the Congress. Initially, the debate focused on the severe shortage of math and science teachers. In March, the House

passed H.R. 1310, the "Emergency Mathematics and Science Education Act," to address this need. Now, with the recent release of several major reports pointing to "a rising tide of mediocrity" in our schools, the discussion has broadened to include our entire educational system.

The revitalization of our schools will require sustained efforts at the local and State levels. I believe the Federal Government also has a very important role to play in the process. One of the key questions emerging in the national debate is the nature of that Federal involvement.

The following article makes a convincing case for a strong Federal role in education. As the author, Diane Ravitch, writes: "Properly conceived, the Federal role is to inspire, prod, and assist localities to improve the quality of education available to all children. But even under ideal circumstances, the Federal role can only be subsidiary to local and State efforts."

The article gives a number of examples of how the Federal Government can help bring about the substantial improvements that the public is beginning to demand. I highly commend the article to my colleagues and constituents.

[From the Washington Post, June 5, 1983]

THERE'S A LOT WASHINGTON CAN DO

(By Diane Ravitch)

For the first time since Sputnik was orbited in 1957, education is a major political issue. The warning by the National Commission on Excellence in Education that the schools—and our society—are threatened by "a rising tide of mediocrity," and similar appraisals by other national study panels have made the public aware that the condition of the schools cannot be taken for granted. The question now is, can the momentum for school improvement be sustained?

All the recent reports have complained that national indicators of academic achievement and of literacy have fallen over the past 20 years, despite the vast expansion of our educational system. Educators disagree about why this is so and even whether the measures of achievement are valid, but there is no doubt that the trend has been down. Not only did average college-entrance examination scores drop steadily from 1964 until last year, but the number of high-scoring students has shrunk dramatically. Since the mid-1960s, the same downward pattern has also been recorded on standardized tests given in junior high school and senior high school.

Test scores, of course, are but a symptom of the larger problem. During the past decade, researchers have pointed to disturbing practices: lower requirements for high school graduation and college admission, which led to smaller enrollments in foreign languages and in advanced courses in mathematics and science; dissolution of the history and English curriculum, which promoted the proliferation of specialized or non-academic electives; less time spent reading, writing or doing homework, which undermined verbal skills. Student behavior in school has also changed for the worse; reports of absenteeism, vandalism and fighting by students have been widespread. During the same period, grade inflation and social promotion reflected the low value placed on academic achievement.

Although there has been a tendency to place much of the blame for these developments on the teaching profession, it seems clear that the larger trends were not caused by teachers. For the person who loves to teach poetry or history or science, the schools have not been a happy work place. Because of the poor conditions of teaching, it is little wonder that the schools have had an increasingly difficult time attracting or holding on to talented teachers.

The dire descriptions of our educational problems are no cause for negativism. In a democracy, the first step necessary for dealing with a problem is to recognize it, and this is the service performed by the national reports. At the time of Sputnik, heightened public concern about the schools led to effective action at all levels—federal, state, and local. Real changes occurred as a result, such as increased enrollments in foreign languages, science, and mathematics and the development of new curricula.

Thus, the bad news about our educational needs may actually be good news because it means that we now have the political consensus to do something about improving the schools. The seriousness of our long academic slide provides fair warning that no quick fixes will do. The recent commission reports contain many sensible suggestions, and they make clear that the job of improving the schools will require thoughtful and consistent efforts by teachers, administrators, parents, state legislators, and federal officials.

Yes, there is a federal role in education, and it has nothing to do with prayer or private school subsidies. The federal government must continue to be concerned about both the quality and equality of educational opportunity. The value of a strong national voice is exemplified by the admirable report of the National Commission on Excellence in Education, which has already raised the level of discourse about education across the country.

Federal policies must be designed to address local needs. Federal action can help to alleviate the shortage of teachers in subject areas like foreign languages, mathematics and science by offering fellowships and loans to prospective teachers and by creating a mechanism to recognize and reward outstanding teachers. The National Science Foundation can play a constructive role by furthering contacts between high school students, teachers and the larger world of science and technology.

The recent efforts by the National Endowment for the Humanities to improve the teaching of history, literature, and foreign languages in high school should be encouraged. On Chairman William Bennett's initiative the endowment is offering summer seminars for high school teachers to increase their knowledge of history and literature and has sponsored collaborative activities for teachers of the humanities in high schools and colleges. In addition, the endowment's interest in the high schools has prompted many state humanities councils to involve teachers and students in their programs.

Instead of cutting the bilingual education budget, Congress should turn the program into a national literacy campaign with an even larger budget. The federal government should state clearly, as the 20th Century Fund task force on federal policy recently recommended, that "the most important objective of elementary and secondary education in the United States is the development of literary in the English language." The task force (on which I served) proposed that the federal government establish the goal—literacy in the English language for every child—and that each district be free to decide which methods (including bilingual education) are most appropriate.

A wise federal policy would include expanded funding of educational research and information, in order to keep policy-makers, educators and citizens well informed. The National Center for Education Statistics, already an invaluable barometer of education trends, should have the capacity to keep tabs on the performance of students, teachers, and schools across the nation. With better information, we are less likely to be surprised by educational crises in the future.

The federal government should also grant financial assistance to school districts that are overwhelmed by an influx of immigrant children. The well-funded "impact aid" program, intended originally to subsidize districts with large numbers of military personnel, could be redirected for this purpose.

Properly conceived, the federal role is to inspire, prod, and assist localities to improve the quality of education available to all children. But even under ideal circumstances, the federal role can be only subsidiary to local and state efforts. Educational change that is more than cosmetic will require the cooperation of many different actors. Public education continues to be primarily a state responsibility, and the day-to-day functioning of schools depends on the attitudes and actions of teachers, administrators, school board members and parents.

To improve student achievement, teachers will have to assign more homework, expect students to do more reading and writing, and spend more time correcting essays. Parents will have to see that their children spend more time on homework and less time on entertainment. Colleges should raise their admissions requirements, which would immediately affect high school curricula. Schools should strengthen the basic curriculum for all students so that everyone studies history, literature, science, mathematics, the arts and foreign language. Those who are going to college need a stronger background; those who are not going to college may not have another opportunity to learn what is taught in school.

For everyone involved, the critical factor that must change is the attitude toward the importance of good education. Technological changes demand higher standards of literacy for the entire population. Schools are not simply a custodial institution designed to keep young people off the streets and out of the labor market. They are vital in developing the abilities and intelligence of young people. Our future well-being as a society depends in large measure on the capacity of our schools to nurture productive thoughtful, and adaptive young men and women.

The impetus for school improvement that followed Sputnik lasted only seven or eight years before other social crises captured the attention of the public and the education profession. It fell victim, too, because its stress on the needs of the gifted conflicted with a rising tide of egalitarianism. School reformers today plead not for the needs of the few but for the right of all American children to a better education. If it is true that public education has the chance only once in a generation to gain enough nation-

al attention to produce substantial change, then the time is now.

[The writer, adjunct professor of history and education at Teachers College, Columbia University, served on the 20th Century Fund task force on education and is author of the forthcoming book "The Troubled Crusade: American Education 1945-1980."]●

COMPUTERS IN OUR SOCIETY

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. WIRTH. Mr. Speaker, everywhere we turn we see computers playing an increasingly active role in our society and our lives. Technological advances which were hardly dreamed of just a few years ago are now being made daily. But even though this technological revolution promises to bring with it an era of progress and sophistication never before seen, some very old and familiar patterns are already becoming apparent in our application of the new technology. In the May 26 issue of the Wall Street Journal, Margaret Loeb addresses this topic by detailing disparities which are developing as computer instruction is introduced into our school systems.

In the fall of 1982 72.6 percent of the richest U.S. high schools had instructional computers, versus only 45.5 percent of the Nation's poorest high schools. Not only do wealthier school districts have more funds to work with, but they also often have far superior access to private donations.

In addition to resources, there appears to be a pronounced difference in attitudes between school districts. In wealthier districts, parents tend to be more in touch with computers in their own lives, and thus, provide more encouragement and opportunity for computer learning for their children. Furthermore, while middle-class school systems tend to use their computers as part of higher level academic curricula, innercity schools tend to emphasize vocational aspects of computer study.

The potential academic benefits of computer use in our Nation's schools are substantial. However, as the article illustrates, it is imperative that we not lose sight of one critical point. A basic tenet of our education system is equality, and in the rush to join the computer age, we must be careful to preserve equal opportunity and equal access to a quality education for all Americans. Children in less-advantaged school districts must not be denied entry into the computer age, or else we will have lost a major battle in the fight for equal opportunity in America.

I believe that Ms. Loeb's article makes many valid points for us to consider, and I urge my colleagues to read it closely.

The article follows:

[From the Wall Street Journal, May 26, 1983]

COMPUTERS MAY WIDEN GAP IN SCHOOL QUALITY BETWEEN RICH AND POOR

(By Margaret Loeb)

ATLANTA.—Luther Judson Price High School is in a poor, inner-city neighborhood. Riverwood High is in one of Atlanta's wealthy suburbs. But one day last March, Price had six microcomputers to help its students learn while Riverwood had just three.

Now, however, Riverwood has unpacked 15 more computers, the gift of generous parents. The new score, 18 to six in Riverwood's favor, points up a worry voiced by many educators: that computers, potentially a great equalizer, may instead widen the gap between the rich and the poor.

"The advantage of the American school system is that it's decentralized," says Andrew Molnar, a program director with the National Science Foundation. Essentially, he says, "schools that want to introduce computers are free to do so; the disadvantage is there are going to be major discrepancies between those who have the resources and those who don't."

Jerome T. Murphy, associate dean at Harvard's graduate school of education, emphasizes the disadvantage. "We have a system of education in this country that is highly inequitable," he says. "There is tremendous diversity between school districts and among the states. Computers are a small exacerbation of a more fundamental problem."

SEEN AS KEY TO FUTURE

With the move toward an information and services-based economy, many think that computer knowledge—both knowledge *from* computers and a knowledge *of* them—will become a key to jobs and prosperity. Legislators see it as a way to attract high-tech industries to their recession-stung states. Educators and parents see it as a way to give children a better future.

"Everything you see on TV—it's computer this and computer that," says Joyce Hines, a senior at an inner-city high school here. "If it's going to take over, maybe I can get a job with one."

Computers are likely to become a permanent fixture in the classroom. Educators say they cut down on teaching time and seem to improve learning in various subjects. Harvard is making computer work a graduation requirement. The state of Utah is requiring computer literacy for all new teachers, starting next fall.

But in the schools' rush to show they are in touch with the future, equity issues have largely been ignored, says Ernest L. Boyer, the president of the Carnegie Foundation for the Advancement of Teaching. "There's much evidence," he says, "that if we aren't careful, the affluent districts, where parents are themselves caught up in computer possibilities, will provide a lot of opportunity for young people while in poverty districts many young people won't be coming in touch with any of these new developments."

TOO SOON TO WORRY

According to a survery by Market Data Retrieval, a market-research firm, 72.6 percent of the country's richest high schools had instructional computers in the fall of 1982 while only 45.5 percent of the poorest high schools did. But since all this is relatively new—another survey found that instructional computers had reached into the classrooms of about 64 percent of U.S. secondary schools—some educators believe that it's too early to worry about equity.

"We don't have more than 200,000 microcomputers in schools," says Frank Withrow, the acting director of the U.S. Department of Education's division of educational technology. "If you arbitrarily say that every kid is entitled to 30 minutes a day on the computers, we would need four million in U.S. schools."

Other educators note that schools, despite any lack of local wealth, can often acquire computers with federal aid, state block grants, corporate donations or their own discretionary funds. They say the equity issue is really one of interest and student demand.

In Montana, for instance, the Stevensville school system has 48 computers for about 1,100 students, although it has one of the lowest per-pupil expenditure records in the state. "It's strictly priorities," says a school official. "A school system can have computers if it's willing to sacrifice somewhere else." But it often takes less of a sacrifice at a rich school than at a poor one.

MONEY AND DISCOUNTS

Education agencies are beginning to tackle computers at the state and district level. Some, like the Houston school district, are allocating funds for hardware, software and teacher training. Others are starting out by arranging equipment discounts, offering curriculum advice and promoting software-sharing programs. "A few states are moving ahead to make computers a budget-line item, but it's more the exception than the rule," says Henry Ingle, the director of the technical-assistance project for state education agencies.

While corporate donations are an option for poorer schools—computer manufacturers are increasingly responsive to schools' requests for help—federal aid may provide a disappointing salve. Despite a rush of bills on mathematics, science and educational technology, "the proposals, while likely to have an impact, won't have the kind of impact that the rhetoric would have you believe," says Harvard's Mr. Murphy.

Of course, some students have computers at home. But there again, they aren't the poorer youngsters, so that just makes the equity problem worse.

At Scarsdale High School in Westchester County, N.Y., Corwith Hansen, assistant principal, says he isn't sure how many students have home computers, but "there's a small handful of kids who have surpassed anything we can offer them here." One student with a home computer wrote some programs now used by the school administration. Another earns $300 to $500 a month consulting and hopes to collect royalties on programs he writes. "But the school can't take credit for that," Mr. Hansen says. "He spent his bar mitzvah money on equipment, then earned it all back."

For disadvantaged students, such opportunities often don't exist. "Poor students would have access only in school, if at all," says Chicago Superintendent Ruth Love. "It's a major concern. We don't want to take away—we want the affluent and middle class to have access. We just don't know how to compensate with the poor."

Another concern of some educators is their belief that different schools use computers in such ways to reinforce the contrasting ambitions of their students. The national PTA told its state officers:

"At the secondary school level, a vocationally oriented curriculum in such areas as word processing, data processing and computer repair is developing for inner-city youngsters, whereas middle-class youngsters are being provided with higher-level uses of the computer in a precollege-level curriculum."

In assessing the problem of inequity, a closer look at two high schools, one in Atlanta's inner city, the other in a wealthy suburb, may provide some insight.

Price High School

Eight years ago, when Assistant Principal Narvie Hill Williams came to Luther Judson Price High School, her main task, she says, was to "stop the girls from fighting—there was a lot of that."

Things have improved over the years. She no longer has to accompany students to court "at least once a week for drugs or weapons." But fundamental problems affecting this school, with its high percentage of disadvantaged students, will probably never go away.

No wonder, then, that administrators here have trouble separating computers from deeper socioeconomic problems.

"At a faculty meeting, a department head expressed concern that we weren't in touch with the computer world," Mrs. Williams says. "I'm kind of torn. We need them; it's a fact of life. We want kids to be competitive. But we don't need them to the exclusion of basic needs."

For her, smaller classes and more teachers are higher priorities. So is money for special projects, such as showing her "regionally provincial" students parts of the city that every middle-class Atlantan is familiar with. "The school," she says, "is a child's only resource in a community like this."

Only a fraction of the 780 students at Price use the school's six educational computers. They aren't available before or after school because they are locked away—"so no one steals them," says Sybil Allen, an eighth-grader. For an hour each day, the computers are available on a first-come, first-served basis, but it isn't clear how many students take advantage of that time. The only scheduled use of the computers is in remedial-reading classes, where 150 or so students use them.

One eighth-grader, Tracy Love, describes her work this way: "The computer gives me a paragraph to read, I put an answer on my work sheet and the computer lets me know if I'm right or wrong." When she answers correctly, the computer screen fills up with little "wows."

"The kids fall out of their chairs when they see that," says Linda Clements, a remedial-reading teacher.

Charles Mason, Price's principal, says he plans to buy another computer for the school this summer. He also hopes that Price will be accepted in a proposed city pilot program that would finance $400,000 of computer software and equipment for about eight schools.

Not everyone at the school has an interest in computers. James Shepherd, a junior, thinks learning with computers would be pretty odd.

"I think they're working on a computer that can walk around," he says. "It would be strange to have it walk up to you and say, 'Here's your assignment.'" He adds: "I'd rather deal with my own kind."

Riverwood High

Last December, a parent donated $5,000 toward Riverwood's planned computer lab and promised to match that amount if the PTA could raise another $5,000 before year's end. Sherry Hines, PTA co-president, got on the phone. It took one call.

Although many students here had computers at home, private-school children, with whom Riverwood students compete for admission to elite colleges, already had computer labs in their schools, Mrs. Hines says. The kids at Riverwood, she believes, were suffering by comparison.

Now the school has 15 new computers, and Principal Leonard Jones hopes that many of the school's 1,200 students will use them in math, science, English, foreign languages and personal finance, as well as basic to advanced computer courses. Mr. Jones is excited by the possibilities.

"For 200 years," he says, "education has been the same—someone standing up and lecturing. This is the first time we can teach 15 different students all at their own rates."

There are some computer-savvy students here who will doubtless be putting the computers to good use. Travis Brown, for instance, went to computer camp last summer. He ties up the phone for hours, his sister complains, using it to hook up to other computers in the area. Computers mean so much to him that his parents have devised a new punishment: Recently they "grounded" him awhile from using the family computer.

Travis finds the school's three older computers pretty pedestrian. "These are the worst," he says. "They're no fun to use. The're probably five years old. There's stuff we can't do on them."●

AMERICAN TEXTILE MACHINERY ASSOCIATION CALLS FOR PRODUCT LIABILITY REFORM

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. CAMPBELL. Mr. Speaker, one of the legislative priorities of the American Textile Machinery Association, many members of which are constituents of South Carolina's Fourth District, is enactment of product liability reform. As the Senate reportedly intends to move on this issue, I think it is important for Members to understand how current product liability laws can impact on the textile machinery industry. Accordingly, I am pleased to insert into the RECORD samples of the damage product liability laws have caused several companies. I think the stories speak for themselves.

PRODUCT LIABILITY TEXTILE MACHINERY CASES

1. PROCTOR & SCHWARTZ, INC.

Proctor & Schwartz, Inc. and its predecessors have manufactured textile machinery for 100 years. In 1975 Proctor made a decision based upon economic factors, including the mounting costs (direct and indirect) of product liability expenses, that it would no longer be economically feasible to manufacture rotary textile machinery. Since that time, they continued to be faced with the ever increasing costs of defending lawsuits, some of which arise out of accidents involving machines that are more than 70 years old and others involving cases where the accident occurred on machines that were not manufactured by Proctor.

They have successfully defended their product and continue to vigorously defend each of the lawsuits brought against them. Unfortunately, Proctor has little or no opportunity to recover the costs incurred in defending these cases. The theory that the manufacturer can pass the cost of product liability on to the consumers does not apply to Proctor because they are no longer in the rotary textile machine business. If they were to add the cost of litigation to their existing machinery line, they would become uncompetitive.

2. JAMES HUNTER MACHINE COMPANY, INC.

In 1979 a case was settled before trial involving a piece of equipment shipped in 1920. No one could state that the machine was the original after careful inspection. There were many parts of the machine which, of necessity, had had to be replaced during the 59 years from the time of its manufacture. A large sum of money was paid to the plaintiff, even though the machine had been sold three or four times. The various second- and third-hand owners had each replaced original Hunter parts with foreign parts.

In California, there are several suits pending, one of which involves an accident on a machine which the plant made up from several old machines they had in their warehouse. Unfortunately, the frame of the equipment which carried all of the working part had a Hunter name plate on it and order number. However, this order number bore no relationship to the machine which was constructed by the mill and a sheet metal company they hired to provide duct work. Hunter Machine Company had no record whatsoever of what had been done nor had they ever manufactured the machine with the configurations of the one of which the man was injured.

Hunter Machine Company, Inc. had filed Chapter 11.

3. DAVIS AND FURBER MACHINE COMPANY

Since 1830 the Davis and Furber families have been manufacturing textile machinery for the American textile industry. In September 1982, it went out of business. The annual cost of product liability made manufacturing new textile machinery impossible.

The company is currently defending a case involving a machine manufactured in 1895. It has been altered and modified again and again by different owners. Davis and Furber had not seen the machine since it left the plant in 1895.

The company has had 36 product liability claims in its history. These cases were settled because the company found that the cost of litigation would far exceed the amount of settlement. At one point Davis and Furber was one of the largest textile machinery manufacturers in the world. It no longer exists.●

INEQUITY AND DECLINE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. STARK. Mr. Speaker, I would like to call the attention of my colleagues and the readers of the CONGRESSIONAL RECORD to an outstanding

new book on the economic and moral reasons demanding that we make tax reform a top legislative priority.

The new book, by Robert S. McIntyre and Dean C. Tipps, is entitled "Inequity and Decline," and is published by the Center on Budget and Policy Priorities.

Our Nation's tax laws were pretty pitiful before 1981, but the 1981 Tax Act destroyed any semblance of equity and has created economic chaos for the rest of this decade—unless we act to reduce the deficits caused by the 1981 act and restore equity to the law. The 1982 TEFRA tax bill made some progress toward narrowing the deficits and ending some loopholes, but it was just a start.

The McIntyre-Tipps book starts with a quote from F. D. R.'s second inaugural address, which is startling for its freshness and wisdom: "We have always known that heedless self-interest was bad morals; we know now that it is bad economics."

It is my hope that the 98th Congress can take to heart the information provided by this book and enact a moral, economically efficient tax program.●

A TRIBUTE TO MARY CLARK DIMOND

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. WHEAT. Mr. Speaker, I am greatly saddened by the death of Mrs. Mary Clark Dimond, a distinguished gentlewoman from Kansas City who died unexpectedly Thursday, June 9.

Mrs. Dimond, 65, was born in New York and graduated from Radcliffe College in Cambridge, Mass., in 1935. She came to Kansas City 14 years ago, and in that short time she accomplished a lifetime of good, including contributing to improved understanding between the citizenry in the United States and the People's Republic of China.

By her pervasive involvement in the community, Mrs. Dimond became a leader for the best fundamental causes. She carried out those beliefs in her work as president of the Edgar Snow Memorial Fund Inc. at the University of Missouri-Kansas City and as vice president of the Truman Medical Center Foundation.

Last month Mrs. Dimond was responsible for bringing to Kansas City a distinguished delegation of Chinese and Americans to honor Edgar Snow, the man who wrote the history of the Chinese revolution for the West and who helped lay the foundation for the historic Nixon-Mao Tse-tung meeting. Two Chinese ambassadors and other statesmen from that era attended the ceremony, including Leonard Woodcock, who was named the first U.S. Ambassador to the People's Republic of China in 1979. At the ceremony, Mr. Woodcock said: "Mary Dimond has done more for United States-Chinese understanding than all the ambassadors put together."

In addition to her active role in international affairs, Mrs. Dimond was also a professional photographer. She used an old Konica camera with a fixed lens and no filters. Her photographs were never doctored, only enlarged. She believed that an undistorted photograph of a subject, usually in nature, had its appeal through its honesty. That belief carried through in her work with people.

Mrs. Dimond was a gracious gentlewoman with a remarkable capacity to get things done, and she will be sorely missed by family, friends, Kansas Citians, and people around the world.●

THE FERTILIZER INSTITUTE MARKS 100TH YEAR

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LONG of Louisiana. Mr. Speaker, I would like to take this opportunity to commemorate the 100th anniversary of the Fertilizer Institute. The institute has rendered a tremendous service to the agricultural community and the U.S. fertilizer industry over the years by educating our Nation's leaders on the necessity of a viable fertilizer industry. The U.S. fertilizer industry is an essential part of U.S. agriculture, particularly when you recognize that approximately 35 percent of U.S. food production is a result of fertilizer usage.

I, specifically, wish to recognize the Fertilizer Institute due to my valuable longstanding relationship with both the Louisiana fertilizer industry and the institute.

Louisiana is the leading State in the production of nitrogen fertilizer. Today, Louisiana has 16 modern nitrogen fertilizer plants representing 30 percent of the U.S. total capacity. A majority of Louisiana's fertilizer plants are located in my district and I am proud to recognize and congratulate the industry association representing a vital U.S. industry and an important Louisiana industry.

The Fertilizer Institute has been an effective force in Washington in serving the needs of not only the fertilizer industry, but the farmers as well.

I am proud to have this opportunity to congratulate the Fertilizer Institute on its 100th anniversary.●

A TRIBUTE TO OUR NATION'S FLAG

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. GILMAN. Mr. Speaker, the celebration of our flag, our immortal "Stars and Stripes," has been commemorated each year on June 14, since Flag Day was first declared on August 3, 1949.

The design of our Nation's flag dates back to June 14, 1777. Since that date, the "Stars and Stripes" has survived many a crisis, a Revolutionary War, a Civil War and two World Wars. It has led our courageous service men and women in battles in Europe, Africa, Korea, Vietnam, and on the seven seas.

George Washington, in describing our flag, said:

> We take the stars from heaven, the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall go down to posterity representing liberty.

Throughout our 200 year history, Americans have held our flag in high esteem, symbolic of our Nation's strength and firm belief in our pursuit of freedom and justice.

In 1892, we adopted the "Pledge of Allegiance to Our Flag." Our pledge "to our Flag and to the Nation for which it stands" has been repeated by millions of Americans, time and again, demonstrating undying loyalty and faith in the American way of life which our flag represents.

Though Flag Day is not recognized as a legal holiday in States other than Pennsylvania, the President proclaims a public Flag Day observance each year. Increasingly, more Americans every year actively participate in paying homage to this revered symbol of a freedom-loving people.

During the Revolution, Navy Commander John Paul Jones wrote:

> The Flag and I are twins . . . so long as we can float, we shall float together. If we must sink, we shall go down as one.

This attitude is still shared by Americans throughout our Nation. The love we have for our institutions, our democracy and our way of life is eternal in time and powerful in its existence. Nowhere is patriotism more heartfelt by every citizen as it is in America.

For this reason, we celebrate today our pride in our "Stars and Stripes," a banner respected and admired worldwide.●

MEET THE PRESS

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. GORE. Mr. Speaker, as a believer in the kind of informative programing that shows like NBC's "Meet the Press" has brought for many years into our homes, it is an honor for me today to share with my colleagues the news that the founder of "Meet the Press," Lawrence E. Spivak, will be presented a special award for his service to the television industry.

For 28 years, until his retirement in 1975, Mr. Spivak served as originator and moderator of this program, the world's longest running television series. During his years as the show's permanent panelist, Mr. Spivak earned a reputation for his straightforward style of interviewing. All his guests, from Presidents to world leaders from all walks of life, had to face his challenging questions.

Later today, in a quiet gathering of friends, Mr. Spivak will be presented the coveted Christoper Award. The same award was given to "Meet the Press" in recognition of its 35 years on television last November. Today the award will be turned over to Mr. Spivak by the staff of "Meet the Press" in recognition of his dedicated service for 28 years of the show's existence.

I thank you, Mr. Speaker, for the opportunity to recognize Mr. Spivak for his innovative contributions to network news programing and I know that I share the respect of my colleagues for this great man.●

DEMOCRATIC RESPONSE TO THE PRESIDENT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mrs. COLLINS. Mr. Speaker, recently one of my colleagues, Representative BARBARA MIKULSKI, wrote a critical and poignant response to the President's plan for appropriating $625 million to defense. The theme was to build minds instead of missiles and I could not agree with this thesis more.

While I strongly advocate the need for an adequate defense, I can hardly condone the blatant actions taken by the Reagan administration in misappropriating moneys that should be used elsewhere. The report made by the National Commission on Excellence in Education emphasizes the need for a greater monetary commitment in order for our Nation to excel in academics once again.

I submit the following response made by Congresswoman MIKULSKI. Her words reflect my feelings and convictions regarding this matter of great import.

DEMOCRATIC RESPONSE TO THE PRESIDENT

(By Congresswoman Barbara A. Mikulski)

Just about a year ago I was visiting a school in my district where most of the students came from a local housing project. One of the kids asked, "Congresswoman Mikulski, what is the difference between Democrats and Republicans?"

I replied, "the difference is that Republicans want to spend money for bombs, the Democrats want to spend money for books."

That difference came to light this week. The Republican Senate approved $625 million for research and development of the MX missile. That whole system will cost $18 billion.

The President says we need that money to build weapons to make the Soviets think twice before they attack.

But there is another enemy threatening this country. That enemy is illiteracy. We need money to educate our people.

Recently the National Commission on Excellence in Education said that American education is sliding into mediocrity.

Think of what we could do if we used $18 billion to attain excellence in education.

Think for a moment about these figures from the children's defense fund. For the cost of the whole MX program we could eliminate poverty for all children in the United States twice over and meet the special needs of handicapped children.

As a nation, we must invest our money carefully. We must put our money where it will give the greatest return.

Democrats believe that the benefits of an education accrue to society as well as to the individual. It is the responsibility of government to provide opportunities to every citizen for a sound and adequate education.

So often we have heard the Republicans talk about the threat of tyranny. Their solution is to build more missiles. The Democratic solution is to build more libraries.

If we have to choose between rockets and rulers, let us make the best choice. Let us teach basic values and old-fashioned skills.

A Democracy cannot survive without a literate population. Our greatest defense against communism is a people that can read, and write, and make decisions for themselves.

Our greatest defense is a population that can go beyond their own personal experience for ideas. As long as an individual can read and have access to facts, there is no way to control his or her mind.

We have heard the President say that the best social program is a job. I agree with that. It is time we used our money to create those jobs.

Our people need education, training, and re-training to find jobs in a high-tech small business. Without a trained work force, this Nation cannot compete in the world. We will fall behind as a world leader.

Finally, we need education to keep our American dream alive. This is the first generation that cannot look forward to a higher standard of living than their mothers and fathers had.

This is the first generation that is not as well educated as their mothers and fathers. This is the first generation to face the reality of a shrinking rather than an expanding economy.

What can we do for this generation? They do not need more missiles. We must give them an education. It is the job of government to teach them and train them to live in the world that we have created. We can start by using Federal money for schools and colleges.

Closing the window of vulnerability in our defense system will mean nothing unless we open the door of opportunity for our children and our children's children.●

CONGRESSIONAL ART COMPETITION WINNERS

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. HARRISON. Mr. Speaker, I would like to take this occasion to make note of the winners of the Congressional Art Competition in the 11th District of Pennsylvania, and congratulate these fine students for their participation in this project, which stresses the importance of the arts in our schools.

Janice Bartley of Wilkes-Barre, a student at Coughlin High School, won first place with an untitled painting. Monica Matushoneck of West Hazleton, a student of West Hazleton High School, won second place with a painting entitled "Pride in Industries." Charles Eckhart of Sweet Valley, a student at Northwest Area High School, won third place with a painting "Pride Down Under."

I would also like to take note, Mr. Speaker, of the other participants in this contest: Maryann Dombroski, Bishop Hoban High School; Denise Boyer, West Hazleton Area High School; Jim Stone, Bishop Hafey High School; Michael Voystock, Freeland High School; Tabatha Miller, Freeland High School; Cherie Leco, Coughlin High School; Michael Timek, Bishop Hoban High School; Jo Beth Tomco, Bishop Hafey High School; Gregory Matenkoski, Bishop Hafey High School; Susan Sadowski, Bishop Hoban High School; Karen Whitesell, Northwest Area High School; Mark Bradigan, Pittston Area High School; and Nancy Norkaitis, Wyoming Valley West High School.

All of these young men and women demonstrate an enthusiasm, ability, and a great deal of talent in their works highlighting northeastern Pennsylvania.

Their efforts demonstrate again the greatness of today's youth and their pride in their home region and our Nation as well.●

CONTRACTING-OUT BY DOD

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. IRELAND. Mr. Speaker, it is that time of year again when we consider the Department of Defense authorization bill. Again, this year we apparently must withstand efforts to limit contracting-out by DOD. I need not repeat the arguments which clearly show that contracting-out is in the public's interest, is in small business' interest, and is in the interest of general Government efficiency and economy. It has come to my attention that someone in this body will introduce an amendment to prohibit contracting-out of firefighting and base security functions at military installations. Such an amendment is purely and simply bad government. There is no record to support such a ban and I intend to speak against any such amendment. At this time, I would like to share with my colleagues a letter on this subject sent out by the National Maritime Union in opposition to such an amendment.

THE VOICE OF MARITIME LABOR,
Washington, D.C., June 10, 1983.

Hon. VIC FAZIO,
U.S. House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN FAZIO: The officers and members of the National Maritime Union of America, AFL-CIO, have asked that I relay to you their concern with your bill H.R. 2324, which would prohibit contracting out of firefighting and base security functions at military installations. This bill would impact unfairly upon a number of NMU members.

Currently, the Industrial Technical and Professional Employees division of the NMU represents hundreds of private sector security guards at various military bases throughout the United States. Additionally, the ITPE-NMU represents thousands of other workers in the service contract field.

The NMU has always supported the contracting out of government support services to the private sector where the work being done can be performed most effectively and efficiently by non-government employees. More importantly, contracting out will not take jobs away from active government employees.

Contracting out is fully consistent with U.S. economic objectives of supplying more jobs in the private sector and promoting free and competitive trade. Any prohibition of these actions can only serve to restrict competition and impede the productive operation of government.

We respectfuly urge that you reassess your position on contracting out until the impact of the moratorium can be determined.

Respectfully,
TALMAGE E. SIMPKINS,
Executive Director.●

TORY VICTORY

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, Britain's Conservative Party, under the indomitable leadership of Margaret Thatcher, last Thursday scored a signal political triumph. The feat of winning a landslide mandate after 4 years in office wrestling with seemingly intractable problems of economic decline makes this one of the most noteworthy political victories of the century.

What is most significant for Americans is that Mrs. Thatcher has demonstrated that resolute, far-sighted leadership is, after all, good politics. The moderate, consensus-oriented wing of the Tory Party, the "wets," who 2 years ago were urging a U-turn away from stringent fiscal and monetary policy, stand discredited. Margaret Thatcher has shown that principle politics is better than consensus politics.

She made the British people realize that inflation, unemployment, and economic stagnation are not problems that can be cured overnight or within the artificial span of an election cycle, as most politicians promise. The most compassionate leader is the one who asks the people to face up to the painful, long-term nature of the cure, the only cure that will bring the unemployed and the poor, real, lasting jobs and steadily rising living standards. The leaders of the Labour Party and those on the other side of the aisle in this Chamber, who can offer nothing more than short-term palliatives and nostrums that in the long run impede recovery and stifle economic growth, are not the friends of the downtrodden, but their exploiters.

The British Prime Minister stood up, cast aside the easy politics of compromise and compassion, told the truth bluntly, and has been rewarded with the trust and confidence of her electors. That is a lesson for every leader of a free people.●

STATEMENT OF CONGRESSMAN BERKLEY BEDELL

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BEDELL. Mr. Speaker, as a cosponsor of House Joint Resolution 201, I rise in favor of its passage and urge my colleagues to join us in support of this effort.

As you know, House Joint Resolution 201 calls attention to the 42d anniversary of the Soviet occupation of Estonia, Latvia, and Lithuania, and designates June 14 as Baltic Freedom Day. This date retains an important and tragic significance for the Baltic States as well as for the rest of the world. On this day in 1941 the Soviet Union initiated a brutal occupation and a program of "Russification" in the Baltic area. These actions were in direct violation of treaty obligations made only 20 years earlier, in which the Soviets had "voluntarily and forever" relinquished all claims to sovereignty over the Baltic States.

This illegal invasion and subsequent occupation are truly representative of the type of oppression and colonial expansion that the United States has fought since 1775, when its war for independence from British oppression was begun. Even as a participant in the Helsinki Accords and the United Nations, which accord the highest importance to the principle of self-determination, the Soviet Union continues to exploit this region. Besides relocating, imprisoning, and killing hundreds of thousands of people, the Soviet Union has also attempted to eliminate the national cultures of these countries in order to insure its permanent domination of the area. In the process, the most basic civil liberties have been suspended and a reign of terror established.

Soviet actions in this area are a question of human rights—a question of freedom of action versus totalitarianism. These once independent nations are now subject to the control of an outside force and while the proud and courageous citizens of these nations continue to resist the attacks made on their cultural heritage, it has been a long and difficult struggle, one which deserves the continued support of the United States.

Today, it seems that many Americans are unfortunately unaware of the plight of these proud Baltic peoples. By designating this 14th day of June as Baltic Freedom Day and encouraging appropriate ceremonies and activities, more people can be made aware of the great injustice of this situation. In addition, Baltic Freedom Day can serve as a reminder that at this time, both in Poland and Afghanistan, communism is being challenged and its oppression resisted.

This 14th day of June will be a remembrance of the past, a reflection of the present, and a guidepost to the future. As former President Harry S. Truman said, "In the long run our security and the world's hopes for peace lie not in measures of defense or in the control of weapons, but in the growth and expansion of freedom and self-government."●

H.R. 2713, PUBLIC HEALTH EMERGENCIES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. STARK. Mr. Speaker, it is sad, but true, that a public health emergency fund is needed in our public health service system. The last few years have been tragic public health emergencies—the Tylenol problem, recalls on foods and now acquired immune deficiency syndrome (AIDS). These outbreaks have required unanticipated strains on PHS budget requirements, personnel staffing levels and research facilities. H.R. 2713 will set aside much needed funds to respond to such emergencies, should they arise.

This bill provides a great amount of flexibility in responding to public health emergencies. A permanent revolving fund for use by the Department of Health and Human Services, in consultation with other health officials will allow for prompt and effective use of funds and quick response. Moreover, it is our best hope for resolution of public health emergencies that threaten us all.●

MORTGAGED FARM COMMODITIES

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. HARKIN. Mr. Speaker, I am today introducing two bills dealing with the problem that good-faith purchasers of agricultural commodities have in obtaining clear title when these commodities are purchased in the normal course of business. The problem is created by a small minority of producers who illegally sell a commodity which has an outstanding lien and, without paying the security holder, divert the funds to other uses. Third parties, such as market agents, meatpackers, grain elevators and even farmers who do not have knowledge of the recorded liens, are liable to the security party for the value. As a result, the injured third party pays for a commodity twice, once to the seller and once to the bank or other lender as payment for the sellers loan.

This problem is unique for agricultural commodities because section 9-307 of the Uniform Commercial Code states:

> A buyer in ordinary course of business, other than a person buying farm products from a person engaged in farming operations, takes free of a security interest created by his seller even though the security interest is perfect and even though the buyer knows of its existence.

In other words, buyers of products in the ordinary course of business are under no obligation to search for liens. However, because of the exception ". . . other than a person . . . in farming operations . . ." in section 9-307, buyers of farm products must search for liens and are liable to repay the loan if a lien exists. This section of the Code, therefore, treats agricultural producers differently than any other businessman and means that the purchasers of a farmer's grain or livestock is liable to pay for commodities twice when the producer fails to repay the lien holder for the mortgaged commodities.

This is a grossly unfair situation to the purchasers of farm commodities who must make searches for the existence of liens, a process which is cumbersome, time consuming, and not altogether successful because of the lack of centralized filing of liens in some states and the interstate movement of agricultural commodities. To further compound this situation, section 409(a) of the Packers and Stockyards Act requires that every packer or other purchaser of livestock must pay for the livestock by the close of the next business day. While I strongly supported and cosponsored this provision which insures prompt payment of farmers for livestock sold, this provision makes it nearly impossible for the purchaser of the livestock to check for the existence of a lien.

The need for corrective legislation is clear, but the approach to remedy the problem is not. Therefore, I am introducing two bills, each with a different approach. The first, H.R. 3297, is narrow in scope and amends the Packers and Stockyards Act. Because this act applies only to meat and poultry, this approach would bring relief only to purchasers of livestock and poultry. However, because of the prompt payment provision of the Packers and Stockyards Act and the wide movement of livestock in interstate commerce, enactment of this bill would solve much of the problem.

The second bill takes a different approach to create a freestanding statute to cover all agricultural commodities. This preemptive approach would bring uniformity for all commodities nationwide.

With the introduction of these bills, I am hopeful that Congress will begin the process of addressing this serious problem. I am sure that others will have different approaches to this problem, and I am open to considering all possible alternatives, but it is important that we begin the process now.

I am hopeful that producer groups, agribusiness, and financial interests can participate in a process to work out a remedy to this problem. To this end, I intend to have hearings on this subject in my Subcommittee on Livestock, Dairy, and Poultry this summer.●

IN PRAISE OF OLD GLORY

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LEWIS of Florida. Mr. Speaker, like most Americans, I get a sense of inner strength every time I hear the "Star-Spangled Banner" or "America the Beautiful" sung. The sight of Old Glory flying ignites in me a feeling of pride in my country and all for which it stands.

I urge all of my colleagues to join their neighbors during the 21-day salute beginning today—Flag Day—and ending July 4—Independence Day—in raising their flags in celebration.

By this small gesture, we tell the world we intend to maintain the pride and principles that made our great Nation strong.

I am reminded today of Woodrow Wilson's impressions of what the Stars and Stripes meant to him on a summer day more than a half century ago: "This flag which we honor and under which we serve is the emblem of our unity, our thought, and our purpose as a nation."

Our flag is a majestic symbol that has united Americans with fellow Americans for 207 years. Let us choose this day to reaffirm our traditional commitment to work together for the good of the entire Nation.

We who enjoy what our flag stands for must be mindful of all we have inherited if we are to preserve freedom, honor, and prosperity. We cannot be afraid to parade our patriotism if we are to keep this a free and prosperous country for now and for those who come after us.●

RECOVERY FAILS TO STIMULATE CAPITAL SPENDING

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LaFALCE. Mr. Speaker, I want to bring to the attention of the Members a recent article in the Washington Post that reports an anticipated 3.1-percent drop in 1983 for U.S. capital investments. This projection represents an unprecedented 2 consecutive years of decline.

President Reagan's supply-side miracle is not resulting in the predicted surge in investment. Such investment is critical to the improvement of our Nation's international competitive position. Clearly, we must stop hoping

for an economic miracle and start thinking about a coherent national strategy for increasing capital investment in productive uses.

The text of the article follows:

[From the Washington Post, June 10, 1983]

CAPITAL SPENDING EXPECTED TO DROP 3.1 PERCENT

(By Drew Von Bergen)

American business plans to spend 3.1 percent less on new plants and equipment in 1983 than last year, but began a turnaround during the second quarter of this year, the Commerce Department reported yesterday.

The second-quarter report by the department provided a slightly brighter economic picture for this year than was painted at the end of the first quarter, when projections were for a 3.8 percent decline in capital spending over the year.

Despite an expected end-of-the-year buildup, the United States faces an unprecedented two consecutive years of decline in spending by nonfarm businesses, following last year's 5.5 percent drop.

Investment by business is a key indicator of how quickly the economy is rebounding from the recession with rising spending suggesting expansion that would ease unemployment, now over 10 percent.

Business spending during the first quarter of 1983 declined 1.9 percent, but the department projected a 2.6 percent increase from April through June in data adjusted for the rate of inflation.

That trend is expected to continue in the third quarter, with a 1.7 percent increase, and a 4.5 percent jump in the fourth quarter, the department predicted.

In current dollars, not adjusted for inflation, the report said businesses plan to spend $305.5 billion for new plant and equipment during the year, compared with $316.4 billion a year ago.

Spending for capital goods, adjusted for inflation, will decline by 0.4 percent during the year, compared with a 4.1 percent increase in 1982, the department said.

The overall 3.1 percent decline in spending during the year reflects a decrease of 4.3 percent in manufacturing, the same as forecast at the end of the first quarter, including a 6.5 percent drop in durable goods and 2 percent decrease in nondurables.

There is only a 2.3 percent decline in nonmanufacturing spending, however, compared with a 3.6 percent dropoff projected in March.●

1983 PRESIDENTIAL SCHOLARS HONORED FOR EXCELLENCE

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. PURSELL. Mr. Speaker, it is with great pride that I bring to the attention of the House of Representatives and the people of this Nation, recognition of the 1983 Presidential scholars.

This year 141 students have been selected for this honor through the Department of Education. Each of the scholars has demonstrated leadership, scholarship, contribution to school and community, and outstanding accomplishments in the arts, sciences, and other fields of interest.

In Michigan, we are indeed fortunate to have five students selected for this outstanding recognition. In my congressional district, Donald L. Gilbert of Livonia, and Jason Novetsky of Ann Arbor, have received these honors. Others from Michigan are Elizabeth Holm of Kalamazoo, Hein Kim of West Bloomfield, and Eric Voetberg of Troy.

I would like to take this opportunity to extend my most sincere congratulations to the Presidential scholars of 1983, and express best regards and good wishes for their continued success.●

STATEMENT OF REPRESENTATIVE PAT SCHROEDER

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mrs. SCHROEDER. Mr. Speaker, yesterday the Supreme Court reduced the rights of Federal whistleblowers. The decision discarded well-settled law and created bad public policy.

The case involved a NASA engineer named Bill Bush. Bush publicly revealed that NASA was paying employees, himself included, too much for the work they had to do. As a reprisal, NASA management downgraded Bush. He fought the case in the Civil Service Commission, won, received back pay and reinstatement to his old grade. This placed Bush in his old position but neither reimbursed him for the wrongful breach of his constitutional right of free speech nor sanctioned his supervisor for committing the constitutional tort. So Bush sued his supervisor under the Bivens line of cases holding that an individual can recover for a constitutional tort.

The Supreme Court ruled that, because there is an elaborate administrative scheme to protect Federal whistleblowers, no Bivens action was available for Federal workers. As Mark Lynch of the American Civil Liberties Union says, this decision puts enormous faith in the civil service system. As chairwoman of the Civil Service Subcommittee, I can report that this faith is not justified.

The Office of Special Counsel, created by the Civil Service Reform Act of 1978, has done a terrible job in protection of Federal whistleblowers and in investigating their complaints. Last year, I became so fed up with this office that I introduced legislation to abolish it. I withdrew this legislation after K. William O'Connor was appointed Special Counsel in order to give O'Connor an opportunity to prove himself. Although the jury is still out on O'Connor, the evidence so far is mixed.

The Merit Systems Protection Board, which adjudicated whistleblower cases, has been decidedly negative to these cases. The Board has imposed procedural and evidentiary stumbling blocks which make it quite difficult for a whistleblower to win justice.

The way the whistleblower protection provisions of the Civil Service Reform Act have been implemented runs counter to the intent of Congress. We voted to provide strong protection to employees who disclosed waste and abuse to encourage them to do so. One of the best ways to eliminate wrongdoing in the Federal Government is to reveal it publicly. This not only forces agency managers to correct disclosed deficiencies, but it also forces them to run much cleaner shops in the first place. We in Congress have been embarrassed again and again when agencies, which we establish, run afoul of our intent. Whistleblowers can help prevent that from occuring.

The Supreme Court's decision makes it less likely that whistleblowers will come forward. It makes it less likely that they will reveal what they know about fraud and abuse in the Federal Government. And, the decision makes it less likley that this malfeasance will be corrected. The taxpayers will pay a high price for yesterday's decision.●

BROOKLYN-BORN DAVID BRODY HONORED BY N.Y. TIMES AS "UNELECTED MEMBER" OF THE UNITED STATES SENATE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. SOLARZ. Mr. Speaker, the New York Times has officially declassified one of the least kept secrets in Washington: David Brody, the Washington representative of B'nai B'rith's Anti-Defamation League, is so respected, so powerful as a lobbying voice, that he is considered an "Unelected Member" of the Senate.

The simple fact is that we in the House of Representatives recognize him as a colleague as well.

In an article in the National Journal on May 13, 1978, David's record and the esteem in which he is held was described in the following paragraph:

"Brody is a classic mover and shaker," said one House aide who knows him well. "He's a fixer, trading favors, you name it." He is known by most Members of the Senate and many in the House, and when he makes his rounds on Capitol Hill, it appears to some observers that the Members of Congress seek him out, not vice versa. He lobbied aggressively for such issues as civil service reform, civil rights, anti-boycott legislation, the Jackson-Vanik amendment and sizable arms sales packages for Israel.

Although David Brody has established a successful legal practice in Washington, specializing in matters such as administrative law, trademark and patent appeals, I would like to remind my colleagues that David was born in Brooklyn, and he received his education at C.C.N.Y., where he was awarded a B.S.S. degree, and at Columbia University Law School for which he served as legislation editor as a member of the Law Review. His Government service record includes work as an attorney in the Agriculture Department's Office of the Solicitor and as a legal assistance officer during World War II in the U.S. Navy. He joined the Anti-Defamation League in 1949, and he was promoted to chief Washington representative in 1965.

During the course of my five terms in Congress, I have relied on David Brody, probably more than any other friend and counselor in Washington, for his experience, for his wisdom, for his trust and advice. Around the House Foreign Affairs Committee, like E. F. Hutton, when David Brody talks, people listen.

I am delighted that the New York Times has accorded him the kind of credit and recognition he deserves. For the benefit of my colleagues, I ask that the Times article about this remarkable man be printed below.

[From the New York Times, May 26, 1983]

AN "UNELECTED MEMBER" OF THE SENATE

(By Martin Tolchin)

WASHINGTON.—"Senators Only" said the sign in front of the Capitol subway, but David Brody was waved aboard by Senator Charles E. Grassley, Republican of Iowa, whom he thanked for signing a resolution opposing the sale of advanced weaponry to Jordan.

"Senators Only" said the sign above the elevators in the Capitol, but Mr. Brody was escorted onto the car by Senator Jesse Helms, Republican of North Carolina, whom he congratulated on North Carolina State's N.C.A.A. basketball championship.

"Dave Brody is the unelected member of the U.S. Senate," said Senator Charles McC. Mathias Jr., Republican of Maryland, who is an old friend.

Mr. Brody, who will be 67 years old next month, is a short, kinetic institution who seems to know just about everyone in Government. He is the Washington representative of B'nai B'rith's Anti-Defamation League, and, like those of many other lobbyists, his office walls are lined with signed photographs of Presidents and other White House notables. "What would we do without friends?" wrote Vice President Bush, and James A. Baker 3d, the White House chief of staff, called Mr. Brody "oftentimes a strong ally, occasionally a worthy adversary, but always a friend."

It is the Senate, however, where Mr. Brody presses his campaigns, which focus on aid to Israel and support of civil rights legislation. Some other lobbyists for Jewish organizations consider him a loner because of his failure to coordinate his activities with them, and some Capitol Hill people regard him as overly persistent. But most consider him effective.

STRATEGY ON AID TO ISRAEL

"Dave Brody can get in and out of more senators' offices quicker than any person I have ever met in my life," said former Vice President Walter F. Mondale.

Mr. Brody's present concerns include the foreign aid authorization bill, which contains an increase in aid to Israel, and legislation that would put teeth into a fair housing bill. On aid to Israel, Mr. Brody tells senators, "You can't win over the Arabs by weakening Israel. If Israel receives the aid it needs, it's in a better position to compromise; a weakened Israel cannot." On the fair housing bill he tells them, "Without effective enforcement, the bill doesn't mean very much."

Mr. Brody is a full-service lobbyist. He introduces senators to constituents, fund-raisers, reporters and "people I think they should meet." He gives personal advice. He suggest positions on a wide range of subjects, including those in which his organization is disinterested.

"I don't come around only when I need something," Mr. Brody said. "I come around to chat on a general exchange of views. I don't have a heavy-handed, demanding style."

OF FRIENDS AND AWACS

"He's given me valuable advice," said Senator Howell Heflin, an Alabama Democrat. "He has a broad range of interests."

Mr. Brody doesn't seem to care if a senator is a Democrat or Republican, liberal or conservative. Some of his closest friends in the Senate voted for the sale of Awacs to the Saudis, which Mr. Brody lobbied hard, and unsuccessfully, to defeat. "Somebody can be against you on one issue, and with you on the next," he said.

His manner can be direct. When Senator Lloyd Bentsen, the Texas Democrat, told him that Israel needed another Golda Meir, Mr. Brody replied, "Senator, if you have the power to resurrect Golda Meir, that's fine with me, but Golda Meir also had problems with our government."

Mr. Brody does considerable entertaining at home, often bringing senators together with the Israeli Ambassador. Rolf Pauls, former German Ambassador to Washington, once quipped that he had seen more senators at Mr. Brody's home than on the Senate floor.

Mr. Brody, a native New Yorker who is a graduate of City College and Columbia Law School, came to Washington in 1940 to work for the Department of Agriculture, and joined the league in 1949. He was promoted to chief Washington representative in 1965.

His style has evolved over the decades. "Maybe I am a loner," he said.

"I have my own style. You have to be able to relate to people, even when you find yourself in disagreement. You have to deal with members as individuals, and know what their concerns are. I'd have a very narrow range of friends in we had to agree on every issue."●

OUTSTANDING CITIZEN

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LOWERY of California. Mr. Speaker, People like Paul Fordem make government work. An outstanding citizen and revered public official, Paul Fordem has made a difference in every position he has held. Presently a member of the board of supervisors, and a former mayor of the city of La Mesa, Paul has had a guiding hand in making this county a better place to live.

Since becoming a member of the San Diego Board of Supervisors, Paul has had more budget amendments adopted than any other supervisor in both 1981 and 1982. True to Paul's fiscal conservatism, these amendments produced a net reduction of $10 million dollars.

We can also thank Paul for the installation of an electronic flood warning system in 1982 that covers flood-prone creeks and dams throughout the county with automatic radio reports of rainfall, waterflow, and reservoir depths.

His pay-as-you-stay plan was adopted to force convicted lawbreakers to pay for taxpayer costs of jailing and paroling them.

Other accomplishments include opening Stelzer Park in the community of Lakeside with $157,000 obtained from room tax and sale of surplus land. This park, a wonderful recreation spot for all, is especially designed for the handicapped and their families with wheelchair trails and braille-marked paths.

Perhaps most important about Paul's years in government is the way he listens to his constituents. He cosponsored a no strike charter amendment following an 8-day strike of sheriff's deputies which left several cities without police protection. This proposition was approved by 64 percent of the voters in November of 1981.

Paul has done all of this and more and still had the lowest budget of any supervisor in 1982 and will again in the current fiscal year.

Paul Fordem is married to his high school sweetheart, Pat Jacobsen Fordem, and they have two children.

I am looking forward to many more years of accomplishment from Paul's thoughtful and effective style of governing. And I am proud to have him in the 41st Congressional District, which I represent in Congress.●

A BILL TO NAME THE FEDERAL BUILDING IN FORT MYERS, FLA., AFTER GEORGE W. WHITEHURST

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. MACK. Mr. Speaker, today I am introducing a bill to name the Federal building in Fort Myers, Fla., after the late Judge George W. Whitehurst.

Judge Whitehurst was a deeply respected jurist whose career on the bench was a sterling example of integ-

rity and professionalism. Born in Wauchula, Fla. in 1891, he became an attorney in 1915 and was elected county judge of De Soto County almost immediately, for the term commencing on January 1, 1917. In 1919 his performance as county judge earned him appointment by the Governor to be the first circuit judge of the 12th circuit, of which Lee County, Fla., was then a part.

Judge Whitehurst became a resident of Fort Myers shortly thereafter, in 1923, and was a resident and pillar of the community of Fort Myers from that time until his death over half a century later in 1974.

President Harry Truman appointed Judge Whitehurst to a Federal judgeship in 1950. In 1959, he became chief judge of the southern district of Florida and served in that position with distinction until his 70th birthday in 1961.

Upon his retirement, Judge Whitehurst had served as a judge of either the State or Federal courts for a period of 54 years, which is considered one of the longest judicial careers in the State of Florida, if not the Nation.

It is for this half-century of exemplary service to the ideals of justice and integrity that I ask this Congress to honor Judge Whitehurst by naming the Federal building in his hometown of Fort Myers after him, to serve as a constant reminder to those who utilize that building of the principles to which he devoted his life.●

CELEBRATION OF NATIONAL FLAG DAY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. TORRICELLI. Mr. Speaker, today our Nation celebrates National Flag Day. It is a day on which millions of our fellow Americans pay tribute to our national symbol—the American flag.

Our Nation's flag is a constant source of inspiration to us all. It serves as a reminder of our traditions of liberty and justice. It symbolizes our many virtues as a nation and the strength of our ideals.

But more than this, National Flag Day is a time to reflect on the acts and deeds of the many men and women who throughout our history have made our Nation great.

Woodrow Wilson once said, "The things that the flag stands for were created by the experiences of a great people. Everything that it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history."

On this day, let us renew our pledge of allegiance to our Nation and also pause to pay tribute to those who have contributed so much to the greatness and wealth of our Nation.●

REVAMPING SOCIAL SECURITY DISABILITY ROLLS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. FORD of Tennessee. Mr. Speaker, the Reagan administration has announced plans to revamp its inhumane practice of throwing people off the social security disability rolls. Health and Human Services Secretary Heckler, in announcing the reforms, stated that "the system has produced some sad results in terms of trauma on individual lives."

I have always been very critical of the manner in which the Department has conducted its disability investigations and the criteria the Department has directed the States to use in determining whether individuals are disabled. I most recently voiced my displeasure in February of this year when I wrote to then Secretary Schweiker concerning this issue. I was incensed over reports that the Department had set quotas on how many social security disability cases administrative law judges must hear and how many must be decided in the Government's interest. I asked Mr. SCHWEIKER to report and explain any such directives. In response, the Commissioner of social security assured me that no such quota system existed and that disability investigations were being conducted "in as fair and humane a manner as possible."

The administration now admits that the review procedures were neither "fair" nor "humane." Is it sheer coincidence that the administration's willingness to reform the disability review process comes on the heels of the embarrassment of terminating the benefits of Roy P. Benadivez, a war hero whom President Reagan awarded the Medal of Honor in 1981 and who was receiving disability benefits for multiple and severe war wounds? I do not think so. It is indeed unfortunate and inexcusable that this heroic individual could be so shabbily treated. But he is not alone. I wonder if the administration ever would have taken action on behalf of the disabled poor, the downtrodden, and those who are unable to speak for themselves, had it not been for the unfortunate plight of Mr. Benadivez.

The administration is trying to save face by saying that they inherited an inadequate review process for determining disability cases. It has also shifted the blame to Congress for mandating that disability cases be reviewed every 3 years.

The blame squarely lies with an overzealous administration who would terminate disability payments to deserving individuals in the name of cutting costs. The ongoing cries and criticism from the Congress, from medical and mental health professional groups, and from the beneficiaries themselves, should have spurred the administration to make changes to the system long before now. Certainly, the reviews mandated by Congress did not give the administration a license to engage in inhumane and unfair treatment of physically and mentally disabled individuals.

The administration's decision to make some long overdue changes in its disability review procedures is indeed a step in the right direction. However, further study should be made to determine if additional changes are needed to assure a fair, equitable, and humane review system for disabled social security beneficiaries.●

THE SURPLUS DAIRY PRODUCTS EXCHANGE ACT

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. EVANS of Iowa. Mr. Speaker, the Surplus Dairy Products Exchange Act, which I am introducing on behalf of myself and 13 cosponsors, addresses two problems facing our Nation. First, the Commodity Credit Corporation (CCC) owns an overabundance of dairy products, and second, the national defense stockpile is seriously deficient and has insufficient funds to meet established goals. Under this legislation, the CCC will accept offers to exchange 15 percent of the surplus dairy stocks for strategic and critical materials needed for the stockpile in each of the next 2 fiscal years.

The dairy stocks owned by the Commodity Credit Corporation are valued at close to $3 billion. These stocks include over 459 million pounds of butter, 812 million pounds of cheese, and 1.26 billion pounds of nonfat dry milk. Even with the movement of some of this surplus through domestic and international donation programs, procurement and storage costs for the uncommitted dairy stocks continue to mount.

On the other hand, the national defense stockpile is estimated to be $10.3 billion short of strategic and critical materials, and at the current rate of funding, it will take about a century to reach the goals. These goals on 61 family groups of materials have been set to sustain the United States through 3 years of a national emergency. Many of the most critical of these materials are available primarily outside the United States.

This bill will facilitate the matching of those countries which have materials needed for our stockpile and are deficient in dairy products while minimizing the U.S. Government involvement in the transactions. Under this bill, U.S. traders who know where there are the minerals we need, will offer proposals to the CCC for up to 15 percent of the surplus dairy stocks in the next 2 years. Also, unlike most programs, and although progress will be made toward two of our country's goals, no Government outlays will be involved.

This bill does not place the burden of these transactions on the shoulders of the Government but rather in the hands of private traders who are better equipped for trading. The pricing structure requires that the dairy products be valued at not less than the current world price and the strategic materials at not more than the world price. This provides the margin necessary to interest private traders and to assure a reasonable return to them.

The continuing ability of our farmers to produce an overabundance of agricultural goods has placed emphasis on the importance of maintaining export channels. Simultaneously, options for strictly cash transaction may not be the only way to keep trade flowing. This is especially true during periods of large international debts, tight budgets, and scarce foreign exchange. Innovative methods to facilitate transactions which are clearly beneficial to the United States should be encouraged. It is in this spirit that I introduce this bill.●

TRADE RELATIONS WITH CHINA

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. WIRTH. Mr. Speaker, this morning's Wall Street Journal contained a rather amazing story regarding our trade relations with China. The numbers speak for themselves. We have turned a $133.8 million trade surplus into a deficit for the month of April—at a time when the Chinese are actively seeking American exports of high technology products.

Earlier this year, the House Committee on Energy and Commerce, led by Chairman JOHN DINGELL, visited China to discuss relations between our two nations. During the course of that visit, the Chinese made abundantly clear their interest in obtaining access to increased levels of U.S. exports. The United States must take exports more seriously, and make aggressive efforts to increase our level of exports.

I commend this short article to my colleagues' attention.

U.S. HAD APRIL DEFICIT IN TRADE WITH CHINA; FARM EXPORTS FELL 80 PERCENT

PEKING.—The U.S. in April had a $23.4 million trade deficit with China, in contrast to a $133.8 million surplus a year earlier, the U.S. Embassy said. The month's decline narrowed the U.S. surplus through April 30 to $110.9 million from a $482.4 million surplus in the first four months of 1982.

The embassy said U.S. exports to China fell 55 percent in April, to $120.8 million from $267.9 million a year earlier. In the same month, it added, exports of U.S. agricultural products dropped about 80 percent, to $30.1 million from $151.5 million in April 1982, reflecting China's economic retaliation for U.S. restrictions on Chinese textile imports.

The embassy said Chinese exports to the U.S. in April were up 7.5 percent, to $144.2 million from $134.1 million a year earlier.●

PAYING TRIBUTE TO THE SACRED EMBLEM OF DEMOCRACY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. YOUNG of Florida. Mr. Speaker, throughout our Nation today, the American flag is being flown proudly in honor of Flag Day.

The American flag is a symbol of freedom and democracy not only in the United States but wherever it is flown throughout the world. It stands as a sacred emblem to our great Nation and serves as a reminder of the struggles we have endured to maintain our form of government and way of life. In other nations, the American flag is a symbol of encouragement for those people who someday hope to live in a free land where human rights are respected and guaranteed.

The American flag has been a part of the greatest moments in our history. American soldiers are remembered for raising the flag as a symbol of victory at Iwo Jima, Neil Armstrong is remembered for placing the flag on the Moon as a symbol of our triumph in space, and on numerous occasions the flag has been raised at the Olympic Games as a symbol of our athletic achievements.

Unfortunately, the American flag has also been a part of some of our Nation's darkest days when it has been desecrated by protestors. We can recall demonstrations where the flag has been burned, shredded or removed from flag poles and replaced with the flags of other nations.

That is why I have reintroduced my legislation today to expand the criminal penalties for anyone convicted of desecrating the American flag. This legislation is important to insure that the American flag is treated with the honor and respect it deserves, not only on Flag Day, but each day throughout the year.

Our Nation's leaders will come and pass as they have throughout our long and glorious history, but like the freedom and democracy upon which our country is based, the American flag will endure and continue to be a reminder to future generations of the sacrifices that have been made to preserve the values for which the United States of America will always stand.●

BALTIC FREEDOM DAY

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1983

● Mr. FEIGHAN. Mr. Speaker, June 14 marks the anniversary of the most tragic date in Baltic history. On that day in 1940, the Soviet Army brutalized and deported thousands of Estonians, Latvians, and Lithuanians to the barren wastes of Siberia. Many would never see their homelands again; those who returned where subjected to the tyranny of Soviet-style totalitarianism. That tyranny continues today.

I would like to share with my colleagues an essay on those "terrible June Days" that was prepared by the National Executive Committee of the Lithuanian/American Community of the U.S.A. It details Stalin's cold-blooded and methodical plan to liquidate the Lithuanian people. Let there be no misunderstanding of what happened to the Baltic people. It was nothing less than genocide—a crime we must never forget.

THE 42D ANNIVERSARY OF THE TERRIBLE JUNE DAYS IN LITHUANIA

June 15, 1940 and June 14-18, 1941 are called the "Terrible June Days" by Lithuanians the world over. It is with sadness and moral indignation that Lithuanians remember this two-fold tragedy. June 1940 marks the date when the Soviet Union invaded and occupied the Baltic States of Estonia, Latvia, and Lithuania. This criminal act has not been redressed to date. June 14-18, 1941 ushered in Soviet genocide against the Lithuanian Nation. During four days 34,260 men, women and children were rounded up by NKVD agents and deported in stifling cattle cars to the depths of Russia and Siberia. In the period 1941-1951 the Soviets were responsible for the deportation or liquidation of seven hundred thousand Lithuanians. Why? Because these people were Lithuanians.

Genocide—the deliberate and systematic destruction of a racial, political, religious or cultural group—is being perpetrated by the same Soviet Union today in Afghanistan. Nazism does not claim a monopoly in its practice. The Soviet Union is an old practitioner of this infamous method.

Genocide was a deliberate instrument of Kremlin policy in the Baltic States. The ultimate aim was the physical annihilation of three distinct cultures: the Lithuanians, Latvians, and Estonians.

Genocide against the Lithuanians was cold-bloodedly planned in 1939—two years

before the first major act. During the evening of October 10, 1939, shortly after a Mutual Asssistance Pact was concluded between the USSR and the Republic of Lithuania, the NKVD was preparing Order No. 001223 to deal with the liquidation anti-Soviet elements in Lithuania, Latvia, and Estonia. This order was later cited in the November 28, 1940 Order of the Lithuanian People's Commissar A. Guzevicius and the April 25, 1941 Order No. 0023 of NKVD Commissar for Lithuania Gladkov.

The methodic and centralized genocidal operations can be observed in the other Kremlin orders and directives issued to underlings in occupied Lithuania. For example, the head of the NKVD in Lithuania, Commissar Gladkov in one of his instructions to his lieutenants cites Order No. 001530 of December 4, 1940 which dealt with the surveillance of persons whose whereabouts could not be ascertained from their last place of residence. On May 3, 1941 Soviet NKVD Commissar Merkulov in his Order No. 449174 to Commissar Gladkov urged the latter not to delay preparations for mass deportations of Lithuanians. On May 19, 1941 Merkulov in his Instruction No. 77 ordered Gladkov to form a central operations staff in Lithuania for the mass deportations. The efficiency and detailed work of the NKVD genocide apparatus is also attested to by the infamous Serov Instructions which spelled out in detail how the mass deportations were to be executed.

Therefore Soviet genocide in Lithuania in 1941 was not the result of panic resulting from the Nazi assault, nor was it blind reprisals for anti-Soviet resistance on the part of the victims. These were after-thoughts in later years in an attempt to justify the crime.

The perpetrators of the terrorism of June, 1941 must not, cannot be forgotten. The responsible criminals were Soviet NKVD commissars Serov and Merkulov. They were followed by major Gladkov, NKVD Commissar for Lithuania, and his adjutants Security Deputy Chief Medvedev, Jerigo, Head of Counterintelligence, and Semyokhin, secretary of the social police.

The most infamous local criminals were Lithuanian Communist Party Secretary Antanas Snieckus in his capacity as director of security, Internal Affairs Minister Gedvilas, and A. Guzevicius, the People's Commissar for Security. Todesas, Dembo, Krastin, Grosmanas-Didziulis, Finkelstein, Miss Komodas and Mackevicius are guilty because they drew up the deportation lists and compiled their addresses. Gailavicius, Zdanavicius, Slavin, Razowski, Kucinskas and Gadliauskas are guilty because they implemented the deportations. The former so-called President of the Lithuanian SSR Justinas Paleckis was guilty because he signed and confirmed all of these acts of genocide.

Most of these culprits are dead today, yet their infamy is an indelible stain upon the Soviet system. A far greater transgression against humanity would be any attempt to justify their actions or to silence the outcry of 700,000 victims of callous totalitarianism.

The initial horror did not cease. When the Soviets occupied Lithuania in 1944 they increased their terror. Genocide was increased tenfold. The Soviet regime executed mass deportations tenfold. The so-called "operative list of operational liquidations" on the average claimed 2-3,000 Lithuanian victims each month between 1944 and 1951.

The Soviets methodically implements mass deportations in July-September 1945, February 18, 1946, July-December 1947, May 22, 1948, March 24-27, 1949, June 1949, and March 1950. According to the Lithuanian demographer, prof. Kazys Pakstas the nation suffered a loss of 1,250,000 lives.

Most of the perpetrators of this genocide are dead, yet the harm done still perpetrates a totalitarian occupation of its victims, Lithuania.●

BRIAN LAWTON

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. ST GERMAIN. Mr. Speaker, on June 8, my constituent, Brian Lawton, became the first American to be drafted into the National Hockey League's No. 1 position since the organization began 67 years ago. Mr. Lawton, a 17-year-old graduate of Mount Saint Charles Academy in Woonsocket, R.I., is a resident of Cumberland, R.I. Brian Lawton has been referred to by many as an unselfish team player and an excellent skater. This is certainly a landmark event, and I feel Brian should be commended for his outstanding achievements. Brian Lawton ought to be very proud of himself, as I am proud of the young man.

I am sure that he would be willing to share his success with his high school hockey coach, Mr. Bill Belisle, who has developed many other great hockey players and distinguished young citizens over the past 9 years as coach at Mount Saint Charles.

On behalf of all my colleagues, I wish young Mr. Lawton every success in his hockey career.●

FEWER COAL MINERS DIED IN FIRST QUARTER OF YEAR

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. GAYDOS. Mr. Speaker, the closing weeks of 1981 and the early days of 1982 produced a virtually unprecedented series of coal mine disasters, but the first months of 1983 wrote a different record for the archives of coal mine safety to the benefit of miners.

The rate of death in coal mines shows a 75-percent decrease for the first 3 months of 1983 compared to the opening quarter of last year, according to the Mine Safety and Health Administration (MSHA). Furthermore, the rate for all injuries during that time shows a 20-percent decrease, the MSHA figures show.

Ten died in the mines during the first quarter of 1983; 43 died during the matching period of 1982. The rate 0.02 deaths per 200,000 work hours compared to 0.08. As for the all-injury rate, it was 6.82 compared to 8.69.

The Assistant Secretary of Labor for Mine Safety and Health, Ford B. Ford, says the figures suggest to him "a continuing trend to safer coal mining" that began in 1982. Mr. Ford notes that the 122 coal mine deaths of 1982 were a record low for a full-production year, and the full-year fatality rate of 0.06 was nearly a record.

There is disagreement among those in mining as to whether low production during the industrial depression of 1982 and 1983 is responsible for these improved statistics; that is, whether it stems from the closing of many dangerous, small mines and the removal by layoff from working mines of those believed to be the most likely to suffer accidential injury—the inexperienced miners.

But Mr. Ford, in a recent letter to me, as chairman of the Subcommittee on Health and Safety, asserted that this is not the case.

He noted that miners with at least 5 years' experience constituted 68 percent of those killed in 1982 and 71 percent of the injuries, and so far in 1983, 70 percent of the fatalities.

However, those who disagree note that if the work force is composed chiefly of veteran miners, then virtually any accident will involve someone with significant experience. Moreover, coal mining still is the most dangerous occupation, and the concentration of all this experience in the mines may be the chief contributing factor to the eye-catching decreases in the statistics on death and injury, they say.

Nevertheless, the improvement is welcome news, whatever the reasons. MSHA is one of the regulatory agencies in which new emphasis and changing emphasis is controversial. For example, Mr. Ford's administration of MSHA has supplemented a policy of enforcement and citation for violations with training, consultation, engineering, cooperation, and assistance to miners and mine operators.

Mr. Ford restated the belief behind this in his letter: only by working together can the mining community—miners, mine operators, and regulators—achieve real and lasting improvements in safety.

In other words, he credits the significant improvement in safety to the flexibility his Administration has brought to regulation. Mr. Ford wrote:

I would hope that no segment of the mining industry would view this downward trend as an excuse to rest on past laurels. We at MSHA certainly do not intend to. We intend to continue to find new answers to old mine health and safety problems.

Mr. Ford repeatedly has said he wants his Administration to be judged on the results produced by this flexibility.

So, as the economy recovers, as more return to work and the pressures rise under greater production, events will

establish whether Mr. Ford has a trend.

I would hope that Mr. Ford, as an official who is concerned about miner safety, will monitor his statistics closely and continuously; and, if his trend shows signs of turning, that he will display sufficient flexibility to quickly change his policies of enforcement in a way that will be equally effective under the greater pressure of higher production.

Results do make the ultimate judgment; and the lives of miners are too important to cling to an untried system 1 minute past the point that it begins to show signs of failure under pressure.

The Subcommittee on Health and Safety will await subsequent reports with interest.●

FIFTH ANNIVERSARY OF THE SACRAMENTO JOB CORPS CENTER JUNE 14, 1983

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. FAZIO. Mr. Speaker, it is an honor for me to rise today to commend the outstanding accomplishments of the Sacramento Jobs Corps Center as the center celebrates its fifth anniversary of service to the Sacramento community.

Each year, the Sacramento center has improved its record of service to the community and the young people who participate in the program. More than 900 students were served by the center last year, and of that number 80 percent completed one of the center's many training programs. In addition, the Sacramento center continues to outpace the average wage and job placement rates of other centers nationwide, and last year set a new record: The center graduated more students with GED's—high school equivalency diplomas—than any other center in the Nation.

Mr. Speaker, I think you would agree that these are significant achievements, particularly considering the economic recession, the declining Federal commitment to job training programs in general, and the near record levels of unemployment we have been experiencing nationwide.

The bottom line is that Job Corps is one program that returns much more to the kids and the communities than it costs. A recent study shows that 92 percent of these young people go on to continue their education, continue their training or be placed in jobs, most of them in the private sector, while another study shows that Jobs Corps returns more than $2 to the community for every dollar that the program costs.

Without Job Corps, Mr. Speaker, the tens of thousands of young people that are helped each year—that actually help themselves—would be justified in giving up hope on their futures. With Job Corps, they have not given up, we cannot give up on them either.●

COMMEMORATING FLAG DAY 1983

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. RITTER. Mr. Speaker, I am proud to join with many other patriotic Americans today in our Nation's observance of Flag Day. This is the day which has been traditionally set aside to observe the symbol of our freedom and strength, the American flag.

We are a Nation of many peoples whose heritages span the globe and whose beliefs and religious followings are many. However, few symbols have come to mean more to one people than the red and white stripes and the five-pointed stars on a field of blue. It is the symbol which inspired Francis Scott Key to write the National Antheum, which rallied our troops up San Juan Hill, whose presence told the marines on Iwo Jima that victory was theirs and it is a lasting piece of America on the lunar landscape. In good times, the Amerian flag flying in the breeze or passing in a parade has sent a feeling of pride racing through our veins. In bad times, it has been a symbol of unity.

The flag, like the Declaration of Independence and Constutition, has come to represent the symbol of a free and proud people, a people whose course has been to create a benevolent government at home and a caring hand to those in need throughout the world. Individually and as a nation, we can be proud of the flag and what it stands for.

There was a time in the not too distant past that our flag was an object to be mocked and trampled upon. Those were dark days in our Nation's history, days when reality bordered on chaos, when it seemed that patriotism, justice, and our most venerated ideals were held on high to reevaluated and scorned. Thankfully like a summer tempest, they have passed. From within a great people rode this storm of dissent. It is a measure of our greatness to know that we will never permit a loud, angry and chaotic minority to divert the direction of our country, that our goodness and understanding will overcome our restlessness and shortsightedness. It is a comfort to see our flag again restored to the symbol it always has been, one of pride and affection.

In the Lehigh Valley of Pennsylvania, the area I am proud to represent in Congress, the streets of Allentown, Bethlehem, Easton, in the towns, boroughs and crossroad villages, the flag waves forever free. Like the rest of America, this area will be a colorbust of red, white and blue.

Unfortunately, Flag Day has not received the attention it deserves and has in recent years become another day to most Americans. It is vitally important, therefore, that our schools continue to instill in our Nation's youth that patriotism which has made our Nation great and it is equally important the Congress remembers to honor Flag Day every year. If we do this, then no power on Earth can ever stop our flag from waving free and proud.●

BALTIC FREEDOM DAY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. ANDERSON. Mr. Speaker, on this, the 43d anniversary of the Soviet occupation of the Baltic States of Estonia, Latvia, and Lithuania, I rise once again to call attention to the continued repression and hardships to which the Baltic people have been subjected.

In June 1940, the Soviets moved ruthlessly into the Baltic States, instituting mass arrests, executions, and deportations of the Baltic people away from their homeland in an attempt to gain domination of the region. In one evening alone, on June 14, 1941, over 100,000 Estonians, Latvians, and Lithuanians were forcibly deported from their homes in cattle cars to Siberian concentration camps.

Mr. Speaker, this forced occupation and repression continues to this very day. Since Yuriy Andropov's rise to power, the level of persecutions and mass searches has actually increased. The KGB began a new series of widespread arrests and searches in January in Latvia and in March in Estonia. These cruel and unjust raids are continuing to this day.

In spite of this, the people of Estonia, Latvia, and Lithuania have continued to stand strong against Soviet domination and repression. As a freedom-loving country, we have continued to express our solidarity with their efforts to regain their independence and freedom. I can only hope that our efforts in support of the Baltic people will strengthen them in their resolve to resist Soviet domination and to continue to maintain and to strengthen their own unique cultures.●

PIONEER 10

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. VOLKMER. Mr. Speaker, I want to point out that a momentous occasion in the history of space exploration occurred yesterday.

Pioneer 10 is being heralded as the first man-made object to escape the solar system and enter interstellar space. On June 13, the spacecraft crossed the orbit of Neptune, and, at that point, was farther out from the Sun than any of the known nine planets. Pluto, with its highly elliptical orbit, will be for the next 17 years inside the orbit of Neptune.

However, does this great distance—2.8 billion miles from the Sun—alone define the end of the solar system and the beginning of interstellar space? Just where does the edge exist?

Pioneer 10, in a new extended mission, is searching for this boundary, and what it discovers ironically may rob the spacecraft of its current celebrity of being the first to traverse the edge of our Sun's domain.

The formal primary mission for Pioneer 10 was completed following its Jupiter encounter on December 3, 1973; similarly, Pioneer 11's primary mission ended with its encounter of Saturn on September 1, 1979. Since those encounters, both spacecraft have pursued a new enterprise, defining the extent and behavior of the Sun's extended atmosphere, the magnetic bubble which contains the Sun and the planets and which is created by the million-miles-an-hour solar wind blowing out from the Sun in all directions; this bubble is known as the heliosphere and the boundary between the heliosphere and the interstellar medium through which the solar system is moving is the heliopause, the edge of the solar system.

Launched in March 1972 and April 1973 respectively, Pioneers 10 and 11, the first deep space missions undertaken by NASA, are currently proceeding toward the solar system boundary in nearly opposite directions. Pioneer 10 is traveling at a rate of 2.8 AU—one astronomical unit equals the distance from the Earth to the Sun or 93 million miles—per year in a direction generally away from the center of our galaxy and roughly opposite the direction of our basic solar system motion with respect to nearby stars, and, therefore, is traveling down the tail of the heliospheric teardrop. Pioneer 11 is traveling at a rate of 1.9 AU per year opposite that of Pioneer 10 within the quadrant of the upstream direction—solar apex direction—of the heliosphere near the ecliptic plane in our galactic arm. The only other spacecraft in the outer solar system are Voyagers I and II which are dispersed on either side of Pioneer 11's escape trajectory. At present these four spacecraft are mankind's only probes beyond Jupiter; furthermore, there is no prospect of getting any other spacecraft to such enormous distances from the Sun before about the year 2010. If crossing the heliopause determines entrance into interstellar space, Voyager I should be the first to succeed since its greater speed will make up for Pioneer 10's head start and since Pioneer 10, heading down the solar tail, must travel the longer path.

A stellar wind is the mode of transition between most kinds of stars—including the Sun—and the interstellar medium. It is thought that the solar wind will eventually be terminated when it has beome so tenuous that its internal pressure no longer exceeds the external pressure—due to flow of interstellar medium, galactic magnetic field, cosmic rays, or some combination of these mechanisms. The solar wind is expected to undergo a deceleration, heating, and a deviation from purely radial outflow so that it can turn and slide along a boundary, the heliopause, which separates the solar wind from interstellar plasmas and fields. There are major uncertainties in the size and shape of the heliosphere, the volume occupied by the solar wind plasma, as well as in the distance at which heating and deflection of the solar wind occur. It has been suggested that the properties of the solar wind will change abruptly at a thin shock surface interior to the heliosphere. One objective of the extended Pioneer mission will be to seek evidence of such a shock or, alternatively, a thick transition region caused by the interstellar interaction. If such a change occurs, it should be readily observable in the magnetic field and plasma data. It is also possible that, before a terminal shock or transition region is reached, other effects of the interstellar gas will be detectable. It is thought that, as the neutral interstellar gas enters the solar system and becomes ionized, it will exert a drag force on the solar wind which will lead to significant heating and, presumably, to the production of waves and other irregularities in the interplanetary field. If the heliopause is at large heliocentric distances, such drag effects may be the first effect to be observed.

In addition to investigating the interaction of the solar wind with the interstellar medium, the Pioneer extended mission is also studying the influence of changing solar activity on the structure and dynamics of the interplanetary medium. Since launch the Pioneers have covered almost one 11-year solar sunspot cycle, and are currently near the beginning of a new sunspot cycle and the start of a 22-year magnetic field polarity reversal cycle on the Sun. These two phenomena determine the shape and size of the heliosphere with the latter phenomenon giving rise to the theory that the heliosphere breathes, and, therefore, that the distance of the heliopause from the Sun changes.

The experiments aboard Pioneer 10 and 11 continue to monitor the solar wind at ever increasing distance from the Sun. So far Pioneer 10 has reached 30 AU, and data give no indication of a nearby heliospheric boundary. The instruments on board will detect the termination of the heliosphere if the spacecraft crosses the outer boundary during the life of the mission; this is not expected to occur. In the meantime, the instruments continue to map out the morphology of the outer solar wind and to monitor disturbances in this region.

Although Pioneer 10 may not transverse the heliopause during its mission's life, the spacecraft has made signifcant findings about the heliosphere; for example, the solar wind does not lose velocity with distance from the Sun; and the primary source of turbulence in the outer heliosphere is sunstorms not solar wind collisions. Also Pioneer is searching for the very low frequency gravitational waves and the theorized 10th planet. If Pioneer 10 does not cross the heliopause and enter interstellar space during its mission's life, these and other findings still win for the spacecraft historic laurels.●

BALTIC FREEDOM DAY

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1983

● Mr. DREIER. Mr. Speaker, I rise today in recognition of Baltic Freedom Day. The Baltic Nations—Lithuania, Estonia, and Latvia—are captives under the powerful control of the Soviet Union. This day marks the anniversary of the mass deportation, by Communist authorities, of the Baltic peoples from their native land in 1941.

This outrageous and unjust action is terrible to reflect upon, especially for those who continue to live separated from their families. As American citizens, I feel that out of respect, we must acknowledge the survivors and the pain and suffering they continue to experience.

It is important to remember that the oppression these nations suffer exists not only around the Balitc Sea, but also around the world in places like Afghanistan, Cuba, and Nicaragua. Innocent citizens are abused as their religious and human rights are violated. They are constantly fighting to regain their lost national identity while find-

ing themselves being further subjugated by blatently overt Soviet actions.

This day should make us all aware of how fortunate we are to live in a Nation that stands for freedom and dignity, the blending of various cultures, and the justice man deserves. Let us hope that one day soon the peoples of the Baltic Nations will enjoy these same rights.●

TRUTH DOSES NEEDED TO TREAT SOVIET PROPAGANDA LIES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. PORTER. Mr. Speaker, events surrounding the European deployment of American cruise and Pershing missiles have served to highlight a potentially serious problem facing the West: The Soviets, through their sophisticated use of propaganda, are slowly winning the battle for public opinion in Europe, while at the same, their unprecedented military buildup continues unabated.

This paradox is testament to the skill with which the Soviets have managed to capture the high ground of moral righteousness. The fact that Moscow is believed as it continues to talk about reducing weapons, all the while deploying over 300 offensive SS 20's at the heart of Europe, is cruel confirmation of this polemical phenomenon.

It is therefore essential that we recognize their lies before the battle is lost. Fortunately, as we can see in the following article, our only weapon need be the truth:

[From the Wall Street Journal]

MOSCOW TALKS A LOT ABOUT ARMS CONTROL, BUT ITS NUCLEAR ARSENAL KEEPS GROWING

(By Neil Ulman)

PARIS.—Many Europeans and Americans wonder what motivates the big Soviet arms buildup of the past decade. Whatever they think of the Soviet system few believe the Russians are crazy enough to seek war.

While acknowledging pressure on the North Atlantic Treaty Organization, for example, its secretary general, Joseph C. Luns declares: "I am not a bird of gloom. As long as we maintain a credible deterrent, there will be no war. In nuclear war there will be no victors, and the Soviets know it. The Soviets fear war, don't want war and won't make war unless all the cards are stacked in their favor."

Says Alois Mertes, Christian Democratic Party minister of state in the West German Foreign Office, and the closest thing to hawk that country has produced in government: "The risk of war is zero in Europe. The real issue is the military superiority of the Soviet Union and the Finlandization of West Germany."

HOSTILE NEIGHBORS

Why then a Soviet buildup that far exceeds defense needs?

Perhaps not even the Soviets themselves can answer. There is as much truth as humor in the observation that the U.S.S.R. is the world's only nation surrounded by hostile communist countries. Friendless, the Soviets seek safety in controlling by threat of force their unloving neighbors. The ambition to extend that control the Soviets interpret as prudent self-defense. To the neighbors it looks like, and is, a threat.

To some neighbors, at least. Others believe the Soviets benign and cite their "reasonable" proposals for European arms control as proof. "I don't think we are threatened. The Soviet Union has an interest in peaceful cooperation and so should we," says Penate Koppe, a 21-year-old history major at the University of Bonn, and a member of the local Peace Committee.

But a step back from the trees of Soviet proposals to look at the whole forest of arms debate and Soviet tactics is instructive. Comparing Soviet words Soviet deeds along the path of recent history offers a nice insight into how the Soviets use their arms buildup.

It was at the dawn of detente in 1972 that Western analysts believe the Soviets conceived their new SS-20 missile. Built to replace their SS-4s and SS-5s, it represents a significant advance by virtue of its longer range (3,000 miles), greater accuracy, triple warhead, mobility and reloadability. The missile was also arriving on the scene at the same time that the Soviet Union was achieving parity with U.S. intercontinental ballistic missiles, calling into question U.S. will to use such weapons to stop a limited Soviet military thrust in Europe.

PACIFYING THE WEST

To Europeans, it looked as if the Soviets were about to get the drop on them. As deployment on the SS-20s began in 1977, then West Germany Chancellor Helmut Schmidt called on the U.S. to restore NATO's medium-range deterrent in Europe with a new class of missiles. Here the Soviets first began to "use" their new rocket.

In March 1979, then-Soviet Communist Party leader Leonid Brezhnev began to talk up limits on medium-range nuclear weapons in Europe. By October, with more than 100 SS-20's deployed and NATO apparently nearing a decision to deploy its own new missiles, Mr. Brezhnev made a proposal. The Soviets would be ready to discuss reduction of unspecified medium-range weapons in Europe provided NATO introduced no new weapons.

That proposal, coupled with the presence of the SS-20s, was partially successful. In December 1979, NATO agreed to start deployment this year of new cruise and Pershing 2 missiles to restore its deterrent. But in response to Mr. Brezhnev and Western public opinion, NATO went further. It agreed that the U.S. would open talks with the Soviets with a view to reducing or stopping the NATO deployment if agreement on arms control could be reached. Thus the Soviets acquired for the first time a form of direct influence over a NATO military decision. That would have been impossible without the SS-20s.

The Soviets first declared that the NATO decision to go ahead with cruise and Pershing had destroyed the basis for negotiations. But then they "relented." In July 1980, Helmut Schmidt traveled to Moscow despite Western outrage over the Soviet invasion of Afghanistan the previous December. He was rewarded by a Soviet arms control "concession." They would negotiate after all. When the Soviets needed a friend in the West, the SS-20 helped bring them one.

All the while the Soviets were talking about reducing weapons, they were adding SS-20s. When Mr. Schmidt himself proposed a limited moratorium, the Soviets declined, in fact, on the grounds that only they would be giving up something.

In March 1982, however, with over 200 SS-20s deployed, Mr. Brezhnev announced a "unilateral moratorium." So far as anyone can determine, it never meant anything.

Finally, last December, Yuri Andropov, successor to Mr. Brezhnev, offered to reduce the Soviet missiles deployment (by then over 300 SS-20s) to match the 162 rockets of the British and French strategic forces. And last week, with the SS-20s totaling over 350, each with three warheads, he offered a reduction to match NATO warheads, including British and French, still providing NATO dropped its plans for cruise and Pershing missiles.

Here the growing SS-20 force is used for two purposes. The first is to block NATO's restoration of its eroding deterrent. The second is to drive a wedge between any in NATO who would find the offer appealing and the British and French governments who insist that their strategic forces are their defense of last resort and cannot automatically be committed to NATO as are cruise and Pershing missiles.

Presumably, the Soviets don't want war, and don't want to launch those SS-20s. But the missiles aren't strictly defensive, either. They are there to wield influence over NATO decision making, which they already have. They are there to intimidate Europe and raise doubts about American willingness to defend its European allies, and they have done some of that, too.

Current betting among European governments is that over the short term, at least, the Soviets won't succeed. If Europeans see Soviet arms deployments and arms control ploys for what they are and demonstrate they won't be intimidated, there is a chance the Soviets will even negotiate equitable reductions. That is what the propaganda battle of 1983 is all about.

MEMPHIS AND SHELBY CO. DAR HONORS FLAG DAY

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. SUNDQUIST. Mr. Speaker, this past weekend, in honor of Flag Day, I had the privilege of addressing the Memphis and Shelby County Regents Council of the Daughters of the American Revolution.

Flag Day, as all of my colleagues know, is a very important day because it is the time we pay tribute to the principles and ideals our flag represents. It has been said that when the world looks at our flag, it is looking through a window at our country past, present, and future.

The Stars and Stripes has never represented a king or monarch, and has never been planted in conquest of foreign soil. Nor has our flag represented the power of a particular President or

statesman. Rather, since its official adoption on June 14, 1777, the American Flag has represented the ideal of liberty and justice for all men.

I would like to commend the Memphis and Shelby County Regents Council of the Daughters of the American Revolution for the work they do within the community, State, and Nation, and for so appropriately honoring a special day in our country's history. Also, I would like to congratulate Mrs. Huey King of Murfressboro, Tenn., who was recently selected as president general of the National Society of the Daughters of the American Revolution.

Let us be ever mindful for what June 14 represents. Our Nation's flag is a symbol of unity between the citizens of our great land, and should serve as a constant reminder of just how precious our own individual liberty and freedom really is.●

NASA TELESCOPE MAKES IMPORTANT FUNDAMENTAL FINDING

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. VOLKMER. Mr. Speaker, I am pleased to announce that a novel space venture for scientific exploration is proving to be a great success. The Infrared Astronomical Satellite, called IRAS, was launched earlier this year from Vandenberg Air Force Base at Lompoc, Calif. It is a joint project of the U.S. National Aeronautics and Space Administration, the Netherlands Space Agency and the United Kingdom's Science and Engineering Research Council with NASA taking the lead role.

Several very young stars, called protostars, were detected by the telescope on IRAS. Astronomers believe that these stars are no more than a million years old and are coalescing from interstellar dust and gas clouds. These protostars appear to be very much like the Sun was during its early stages of formation, about 4.6 billion years ago. The astronomers theorize that these young stars will become low-luminosity stars very much like the Sun.

The stars were spotted in IRAS telescope scans across two dark clouds of dust and gas called Barnard 5 and Lynds 1642. As many as five protostars appear to be forming within Barnard 5 and one or two within Lynds 1642.

According to theory, stars form from nebulae which are dense clouds composed mostly of hydrogen and helium and small dust particles. Regions of these clouds collapse into protostars, attracting the surrounding material. The protostar continues to gain mass from the cloud—the more mass it gains, the greater its ability to attract more material to itself. Gravitational attraction packs the material tighter in its core and the resulting pressure and density in the protostar raise the temperature enough to make it glow in infrared light. The process continues until a critical temperature, pressure and density are reached. Once past this threshold thermonuclear fusion begins and a new star has been created.

The observed stars are at this stage and are still enshrouded in gas and dust so that only a faint infrared glow is detectable by IRAS.

These observations made by IRAS will help determine what processes initiate star formation and will help explain the conditions under which the solar system formed. Because these protostars are very much like the early sun, scientists believe that incipient solar systems of planets might be forming around the young stars.

Other phenomena have been detected by IRAS. Observations have indicated that two interacting galaxies are tearing each other apart by gravity forces as they pass one another. IRAS observations have shown that these interacting galaxies are unexpectedly strong emitters of infrared radiation. In addition, very old stars have been observed and more than one-third of its all-sky survey of infrared objects has been completed. In all, the IRAS project scientists expect more than 200,000 infrared objects to be observed during the mission.

This is truly a successful joint space exploration venture that highlights NASA's role as a leader in expanding international cooperation in high technology and space. The United States provided the infrared telescope system, the tape recorders, the Delta launch vehicle, the scientific data processing, the U.S. cochairman and members of the Joint IRAS working group. The Netherlands Agency for Aerospace programs provides the other cochairman and European members of the Joint IRAS Science Working Group. In addition they provided the spacecraft, an additional experiment and the integration, testing and launch preparations for the flight satellite. The United States, the Netherlands, and Great Britain all provide some tracking, command, control, and date acquisition.

Off-line date processing to produce a catalog of inertially fixed infrared emitting point sources is being accomplished by the Jet Propulsion Laboratory at Pasadena, Calif. This information will be available to the scientific community at large to help answer some basic questions in astrophysics.

The telescope is expected to operate through early January 1984, when its supply of refrigerant is depleted. With the end of this project NASA will have again demonstrated its immense value to the scientific and international communities as a leader in completing successful and important scientific projects and in fostering international cooperation.●

H. LES REMMERS

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BADHAM. Mr. Speaker, I would like to bring my colleagues attention to the retirement of H. Les Remmers who is leaving from the board of directors of the Moulton-Niguel Water District after 16 years of service in that capacity. Les Remmers was instrumental in bringing a supplemental supply of water to southeastern Orange County, Calif., an area I have the privilege of representing in this honorable body. He was also one of the leaders in the community in establishing Orange County Water Works District No. 4, which since that time has provided water service to the city of San Juan Capistrano.

Prior to his service on the board of directors of the Moulton-Niguel Water District, Les Remmers served as a member of the board of directors of the Coastal Municipal Water District, which, along with the Municipal Water District of Orange County, are the primary entities through which land in Orange County obtains membership in the Metropolitan Water District of Southern California.

Les Remmers is being honored by his friends on June 29, 1983, at the Mission Viejo Country Club in Orange County, Calif. As the Congressman representing much of southern Orange County, I would like to commend H. Les Remmers for his leadership in the planning and implementation of projects for providing Orange County with a dependable supplemental supply of water and for a job well done.●

THE TRAGIC JUNE DAYS

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. KASICH. Mr. Speaker, 43 years ago, on June 15, the Soviet Union forced its way into the Baltic States, illegally occupying the Lithuanian homeland. From June 14 through June 18, 1941, now termed the "Tragic June Day," the Soviet Union's plans for genocide against the Lithuanians were actualized. During those 4 days alone, over 34,000 men, women, and children were ruthlessly shipped off to Siberian concentration camps. An esti-

mated 700,000 additional Lithuanians were deported or murdered during the following decade.

The Soviet Union to date has not been forced to recognize its heinous acts. Even though most of the Soviet policymakers acting at the time of the genocide are dead, the oppression continues. Lithuanians today still are exposed to harsh Russian policies which deny even the most fundamental of human rights.

By our nonaction, the Soviets' totalitarian government is given permission to hold people in bondage based on their racial and political background. How much longer is the oppression of the Lithuanians going to be allowed to continue? The Lithuanians send out cries of help to the United States and its Government. We, as a Government, must do what we can to persuade the Soviets to implement policy changes that will ease the plight of all Lithuanians.

Policy changes have been proposed that would significantly improve the conditions of these enslaved peoples. Specifically called for are: First, a reduction in tariff rates on parcels going to relatives in the Baltic States; second, allowances for a longer duration on the present 5-day tourist visa; third, more reasonable travel restrictions on tourists going to Lithuania; and fourth, in accordance with the Charter of the United Nations which was signed by the U.S.S.R., provisions for Lithuanians to meet with family in other countries.

On June 15, all American Lithuanians as well as free Lithuanians from the other nations throughout the world will join together to mourn the plight of these people held under the dictates of Russian totalitarianism. This certainly is an appropriate time for all U.S. lawmakers to investigate the situation and see what we can do to help promote universal justice throughout the world.●

DESIGNATE LAS CRUCES FEDERAL BUILDING AS THE "HAROLD L. RUNNELS FEDERAL BUILDING"

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. SKEEN. Mr. Speaker, today I introduced legislation to designate the Federal Building in Las Cruces, N. Mex., as the "Harold L. Runnels Federal Building."

As you know, Mr. Runnels preceded me as the Congressman from New Mexico's Second Congressional District. I was elected to the seat following his untimely death on August 5, 1980. Harold Runnels and I were longtime friends. We served in the New Mexico Legislature together and although we represented different political parties, our thinking was more often than not parallel. Harold Runnels served the people of New Mexico and the United States well for many years. He was a good man and a good Member of Congress. It is only fitting that the Federal Building in the largest city in the district he served be named in his memory.●

THE IMPORTANCE OF THE FISHING INDUSTRY TO THE U.S. ECONOMY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. TORRICELLI. Mr. Speaker, support of our U.S. fishing industry is of paramount importance to the strength of our economy and the economic well-being of our coastal communities. Presently, industry leaders consider themselves in a land of opportunity as squid, mackerel and butterfish species abound in the waters off the Atlantic coast. These prime commercial species are, as yet, undeveloped, and the fishing industry is on the verge of making significant breakthroughs in using these fish to the full extent of their availability. The U.S. fishing industry is preparing itself to deal in the international marketplace by stimulating the full U.S. utilization of the fishery resources, including harvesting, processing, and marketing. Following is the statement of Alan D. Guimond, presented before the House Merchant Marine and Fisheries Committee, Subcommittee on Fisheries and Wildlife Conservation. I feel it is an important issue and I commend it to my colleagues.

STATEMENT OF ALAN D. GUIMOND

Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you today to discuss matters relating to the management of the Atlantic Squid, Mackerel and Butterfish resources. When we in the U.S. industry look at these species we feel that we are in the "land of opportunity," since on the Atlantic coast these are the prime commercial species which we have not fully developed yet. As I will explain, we are on the verge of significant break-throughs in using these, particularly squid and butterfish, to the full extent of their availability. The issue today seems to be: how should the Government respond to this?

One thing not to do is ever again to allow the kind of administrative decision-making which we witnessed for Amendment 3 to the Fishery Management Plans for Atlantic Squid, Mackerel and Butterfish. This presented the industry with three problems:

1. Planning: The Amendment 3 soap opera continued on for two years, between the Councils, NMFS, the rest of the Commerce Department, and last but certainly not least, the Office of Management and Budget. This unfortunately occurred during a time when the U.S. industry was moving fast on a number of fronts, and needed to make certain assumptions of what was going to happen with the fisheries management structure. We did that, only to see the whole thing coming apart toward an ever-delayed end. Needless to say, this is not the kind of business climate in which U.S. businesses will be able to operate for very long and still expand their utilization of these valuable resources.

2. Optimum Yield: As a member of one of the Regional Fishery Management Councils, I know that very often you can get things done if you characterize them properly. But no matter what you call it, it appears that under Amendment 3 as it is being implemented, the economics of the development of the U.S. industry will not receive proper attention in the yearly establishment of Total Allowable Levels of Foreign Fishing. Given what the Magnuson Act was set up to do, this is not very smart. We saw last year that foreign markets will not open up to U.S. suppliers if foreigners know they will be able to catch the product themselves. This is Catch-22 in its most elemental form. I certainly believe that we should not have to go to school again on this point.

Clearly the U.S. industry ought to have some facts and be able to demonstrate that it could reach those markets. But the fishery management process must give us the ability to hold back fish from TALFF so that we can demonstrate our capabilities. Amendment 3 was certainly intended to do this, and this was clearly understood by everybody. Now, however, bureaucratic machination has apparently put the point in question, for reasons that do not seem to be related to the development of the U.S. fishing industry.

3. Flexibility: I understand that the implementing regulations provide that decisions that need to made under Amendment 3 with regard to OY, TALFF, DAH, DAP, DAP, JVP and the like, will be up to the Secretary of Commerce, and may be made only once per year. I sincerely hope that some administrative relief is available here. If the intent is to delegate this authority to the Regional Director, which Amendment 3 requires, then timely decisions can be made. But the Secretary or his office cannot routinely be involved if the Government intends to be responsive to problems on a real time basis.

And once-a-year decision-making is classic head-in-the-sand bureaucratics. Just try to imagine what we would have to come up with if on May 10, 1982, all of us had sat in this room and speculated what the squid situation might look like today! Even within the past ten days there have been fast-moving developments, as it begins to look more and more as if the Loligo squid will be available in record quantities. The Government must be able to respond quickly to these types of developments.

My other suggestion to the Committee and to the agencies concerning the development of the industry's ability to fully utilize these species would be that you allow the industry the opportunity to sort out its own problems. As you are probably aware, there is a pretty fair disagreement within the industry right now concerning the best route to take to our common goal: the full U.S. utilization of the fishery resources of the FCZ, including harvesting, processing and marketing. But this is a decision that must be worked out within the U.S. industry if we are to get into the international markets efficiently, for the long run.

In the joint venture context, there are some who want to characterize this as a problem between U.S. processors and foreign processors, and claim that the processor preference amendments to the Magnuson Act should be invoked to protect the domestic processor. But in reality, the problems are between some U.S. processors who want to continue dealing with foreign markets as they have in the past, and others such as myself who believe that there is a better way. I like to think of the disagreement as between those who want to wait for the markets to come to them, and we who have decided to aggressively go out and move into those international markets for fishery products of all kinds.

A lot of people have been wondering what my company is up to, why, and how it is consistent with positions I have taken in the past. Let me offer a few words of explanation. Anybody who has been around this building for very long knows that few have been as strongly in support of moving foreign vessels out of our fisheries and putting Americans to work in this industry (on vessels and in shoreside plants) as I have. On the New England Fishery Management Council, I consistently argued against "joint ventures" in the technical sense of the Magnuson Act, § 201(b)(6), but I always supported the development of true "joint ventures" in the business sense. To me, that means that the foreign partner becomes involved because the business deal stands on its own, not because it will get the foreigners more allocations. It also means that the foreign partner makes a commitment to the long-term development of our industry, and does not just conveniently buy fish at sea. When the possibility of doing some business with the Spanish came up, the position I took was consistent with these views. I let it be known at the outset that I was not interested in arranging over-the-side sales, since in the long run that does nothing to get the U.S. industry, or me as an individual businessman, into the market, where we must be in order to sell our products profitably over the long-term.

As a result of our negotiations, we have incorporated Stonavar Offshore Processing, which is a Rhode Island corporation owned by my company, Stonington Seafood Products, and Anavar S.A., a private Spanish commercial enterprise. It is not me doing business with Spain—it is "we" doing business in the world market for fish products. Obviously we are concentrating first on those markets where we can get our best foothold, and they are in Spain. But Stonavar is a long-term business commitment by both of the participants, and we will be operating with whatever products and markets will return us a profit.

Our corporate view on some issues might be surprising. For example, I have said many times that we do not believe that any country should be given preferential directed fishing allocations just because some group from that country has negotiated a joint venture, and that includes Spain. Once a country has performed, then under the already-existing provisions of the Magnuson Act, which the Chairman of this Committee pushed hard for just two years ago, its vessels will be entitled to preferential treatment for whatever surplus is available. But we do not believe in rewarding foreign fishing interests simply for have made promises.

Nor do we believe that joint ventures (i.e., over-the-side sales) should be allowed in a fishery where U.S. processors can and will utilize the available product fully. But let's look for a second at the fishery which is causing all of the consternation at this moment: Loligo squid. Last year our industry produced less than 5,000 tons of Loligo. In past years we have done some more, but usually much less. Now, our industry is trying to convince you and others in Government that we can do much more—upward of 20,000 metric tons. I agree that we can do that, and even more. But not the way we have done business in the past. That is why I am doing business differently.

So what has happened? Our industry first decided to ask that joint ventures be eliminated from New England, but allowed to go forward in the Mid-Atlantic, and presented those views to the Mid-Atlantic Fishery Management Council. My company decided thereafter to remove our joint venture operation from New England waters, partly for operational considerations, but also to see if the rest of the industry could perform. Then, at the convention of the National Fisheries Institute, they went after another bite of the apple—no joint ventures for Loligo anywhere on the East coast until the potential impacts could be better understood.

Needless to say, because of past performance levels and the earlier position, this is going to be a difficult proposition to sell. And it is going to be even tougher given what is happening right now in the fishery. At my plant, we are adding another production shift. All over Southern New England, fishermen are calling me wanting to sell squid because our processing industry does not have the capacity to handle all of the product that is there. A large fish trap in Rhode Island last week let 50,000 pounds of dead squid out because there was no processor who could handle the product. One of my fellow Rhode Island processors, who has no great love for joint ventures, said to me the other day, "Wouldn't it be great if we could bring one of those foreign processors in here now."

Mr. Chairman, I am convinced that the U.S. industry, if it keeps its wits about it, can deal in the international marketplace, and that we can get there quickest if we can find a way to use foreign participation to our advantage. For example, I am committed to buying, shoreside, as much Loligo squid this year as the entire U.S. industry produced last year. And we are well on our way—our first six containers were shipped this morning. With the other three processors who are packing for us in this joint venture, we are now able to produce 60 tons of Loligo per day. We are putting people to work in our plant, and as we learn more our workforce will have more employment available to it for longer periods of time. And we believe that for us, this is just the beginning.

I hope that all of the shoreside processors are able to achieve their processing goals this summer. Maybe I will be proven wrong, and it will become apparent that others in the industry have a better way to develop our fishery resources. If so, the marketplace will weed me out, and them in. The avenue my company has chosen comes with some risks, but good dividends often come only from good risks. The point is this: Loligo has become a very competitive fishery, and I am an American businessman looking for ways to be competitive. I do not believe that the Government should take steps to stifle that competition without first being sure which way will result in the best long-term competitive position for us all in the international marketplace.

Mr. Chairman and Members of the Committee, thank you very much for your kind attention. I would be glad to answer any questions you or the Staff may have.●

PERSONAL EXPLANATION

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. DERRICK. Mr. Speaker, I was inadvertently detained and was unavailable for rollcall vote No. 190, an amendment by Mr. LEVINE of California to the defense authorization bill, H.R. 2969, to defer procurement funds for the Bradley fighting vehicle until adequate testing is completed. Had I been present I would have voted "nay."●

THE NATIONAL NEED FOR CHILD SUPPORT ENFORCEMENT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mrs. ROUKEMA. Mr. Speaker, the time has come for the Congress of the United States to take action in the face of a national disgrace. The disgrace is all the more shameful and tragic because it has children as its innocent victims. I am speaking of what has become almost criminal neglect of the nearly 3 million fathers, ordered to pay child support who have failed or refused to comply.

I am not talking about alimony. I am talking about millions of children deprived of food, shelter, and clothing because of fathers who simply ignore their financial responsibilities and pay little or nothing toward their children's livelihood. By ignoring this problem, which has reached epidemic proportions, we are literally driving these children onto the welfare rolls.

Statistics abound on the subject, the most recent of which were developed in our own House Select Committee on Children, Youth and Families. The facts in that committee's report are clear. There is not a segment of our society which does not fall beneath the shadow of irresponsibility. I here insert page 20 of the committee May 1983 report and direct your close attention to the dramatic difference between those cases where child support is ordered and those cases where it is provided.

7. Child support. Barely one third of women with children under 21 whose fathers are absent receive child support payments from the absent fathers. The average amounts received are small among all groups. Both the likelihood of support and the amount of support are highest when the

mother is legally divorced, is white, or has a college education.

WOMEN WITH MINOR CHILDREN FROM AN ABSENT FATHER, 1978

	Number in U.S. population (in millions)	Percent awarded child support payments	Percent who received any child support	Mean annual support received[1]
All women with minor children from an absent father	7.1	59	35	$1,799
Number of own children:				
1 child	3.6	55	30	1,288
2 children	2.1	65	42	1,995
3 children	0.8	62	36	2,528
4 or more children	0.5	57	34	2,752
Current marital status:				
Divorced	2.4	80	52	1,951
Remarried	2.0	77	39	1,602
Separated	1.3	45	27	1,906
Never married	1.4	11	6	976
Race and Spanish origin:				
White	5.1	71	43	1,861
Black	1.9	29	14	1,294
Spanish origin	0.5	44	24	1,318
Educational attainment:				
Less than 12 years	2.4	46	23	1,503
High school graduate	3.2	64	38	1,664
Some college	1.1	69	43	2,089
College graduate	0.5	71	52	2,574

[1] By those who received any support.

Note.—Own children includes both biological and adopted children.

Source: Calculated from U.S. Bureau of the Census, Current Population Reports, series P23, No. 112, table B.

"U.S. Children and Their Families: Current Conditions and Recent Trends "Report of the Select Committee on Children, Youth and Families," 98th Congress.

I will be introducing legislation this week that will initiate a national response to this national problem. A summary of the provisions follows:

SUMMARY OF PROVISIONS OF CHILD SUPPORT ENFORCEMENT LEGISLATION A BILL TO AMEND THE SOCIAL SECURITY ACT

1. Requires each state to enact, implement and effectively enforce a law providing for collection of child support through mandatory wage withholding, in order to be eligible for title IV and XIX payments.

2. The system must apply in every case where a state resident owes child support under a court order or an administrative order whether AFDC or non-AFDC.

3. Withholding of wages is in the amount equal to any child support payment or payments due during the pay period.

4. If the individual owes any past-due child support, additional amounts equal to 100 percent of the past-due child support or 25 percent of the individual's gross wages for the pay period, whichever is less, are withheld.

5. Distribution of amounts withheld from wages is through existing IV-D programs so no new agencies need be created. Any fees or charges imposed to cover the costs of collection must be paid by the individual responsible for paying the child support.

6. Employers are prohibited from using wage withholding in connection with disciplinary or discharge action.

7. States must take necessary action to extend the wage withholding system so that the system includes withholding of child support from income other than wages, or to impose bonding or other requirements to ensure collection regardless of the source of income.

8. States must enter into agreements with other States so that withholding can be undertaken even if the applicable court order or administrative order was issued in another State.

9. States have 18 months to comply after the date of enactment.●

STEPHEN CRYSTAL AUTHORS IMPORTANT BOOK ON PUBLIC POLICY AND AGING

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. CONYERS. Mr. Speaker, I want to call the attention of my colleagues to a book that the Christian Science Monitor selected as one of the best books of 1982. The book, entitled, "America's Old Age Crisis: Public Policy and the Two Worlds of Aging," was written by Stephen Crystal, the director of the Department of Family and Adult Services of New York City's Human Resources Administration.

Mr. Crystal's book has been critically well-received, as evidenced by the reviews of it that appeared in the Cleveland Plain Dealer, Philadelphia Inquirer, Washington Post, and Christian Science Monitor. I commend the book to my colleagues.

The articles of the newspapers follow:

[From the Cleveland Plain Dealer, Dec. 26, 1982]

AN AGENDA FOR CONGRESS: OLD AGE PUBLIC POLICY NEEDS HARDER LOOK

(By Robert L. Girouard)

"Any book which is at all important," wrote Schopenhauer, "should be reread immediately."

Stephen Crystal's America's Old Age Crisis is such a book, and deserves to be read and reread by every member of Congress, particularly now, when debate about troubled social programs, Social Security foremost among them, is generating more heat than light, more base political evasiveness than honest, thoughtful confrontation.

Crystal begins by dispelling some of the myths about this nation's aged and the policies affecting them.

One is that the elderly are, by and large, decrepit, helplessly inactive and desperately poor. As it turns about, only about 6% of the elderly live in institutional-care settings, but at an annual cost of $20 billion.

Despite a constantly heard refrain about America's niggardliness toward care of the old, Crystal demonstrates that we are perhaps paying too much—distributed unfairly—and certainly far more than, say, Japan, France and other nations putatively more civilized than we are.

Despite a common perception that most social-program abuses are perpetrated by "welfare mothers," Crystal painstakingly shows how if anyone is ripping off the system, it's middle- and upper-middle-income white retirees.

And contrary to the myth that more and more Americans are now taking in their elderly, Crystal demonstrates the reality of the situation: Only one group stands out as taking in its own old, and that is blacks—a fact that helps explain why elderly black women enter nursing homes about seven years later than white women.

One passage in the book is so important to the current Social Security muddle that it is reproduced here in its entirety:

"Consider a married man who retired at 65 in 1977. His maximum payroll taxes since the system's start in 1937 could not have exceeded $7,705, with an equivalent contribution from the employer. Benefits to the employe and his spouse, at about $8,400 for a maximum contributor, would exceed his contributions in the first year. Even more spectacular have been the payoffs to early participants in coverage expansions. Thus, someone who retired in 1950 under the newly implemented self-employment plan, and who lived until 1977, would have received $43,000 in benefits on an investment of $121.50.

"The mechanism which makes this possible is the time-honored principle of the chain letter or Ponzi scheme. In such a system, those who get in first profit greatly from the investments of those who join later. But there is always a day of reckoning. Future payoff rates will be considerably less beneficial. Future retirees—particularly single people, married women, and those who have paid the maximum tax—are likely to receive less in benefits than they could have received by investing their contribution on their own, in an Individual Retirement Account, for example."

The day of reckoning Crystal talks about is already upon us, and his observations certainly belie the frequent claim of Social Security pensioners that they only want what is rightly theirs, i.e., what they put in. If what they put in were what they actually get or expect to get, they would quite simply starve.

Crystal doesn't simply sketch out a doomsday scenario, however. He has some practical, sensible solutions to the mess we're in, vis-a-vis caring for our elderly: First, let's make sure we are more equitable about helping those with genuine need, he says.

He also suggests wider application of advance funding for both public and private pension programs, so they can generate capital instead of radically depleting it; an assets-test for Medical recipients; an increase in the floor of Supplemental Security Income (SSI) grant levels to improve the lot of the worst-off elderly; and a move, whenever possible, from costly nursing-home care to a network of preventative medicine, based on Health Maintenance Organizations, that allows for home care instead.

America's Old Age Crisis will become a seminal document for crafters of old-age public policy for years to come—if only they will read it, and then reread it immediately.

[From the Philadelphia Inquirer, Jan. 16, 1983]

THE PROBLEMS OF THE ELDERLY IN TOUGH TIMES

(Reviewed by Elizabeth Taylor)[1]

The current debate over programs and benefits for America's elderly is particularly heated because, as Stephen Crystal observes, the elderly are the "one minority to which we all anticipate belonging." Emerging in the midst of this controversy, Crystal's America's Old Age Crisis provides a fresh analysis and even some recommendations for how America might cope with its

[1] Elizabeth Taylor, a former aide to Sen. Arlen Specter, has done extensive research on retirement communities in America.

burgeoning elderly population during hard economic times.

Crystal criticizes the current system, which perpetuates the existence of two classes—or worlds—of old people, "one poor, one comfortable—separate and unequal." Today's policies allow the middle-class elderly to enjoy bigger slices of the pie while poor, old people receive only minimal benefits, he says.

America's Old Age Crisis is sure to invite criticism from the Left, which tends to see the elderly as a homogenous and needy population, and from the Right, which insists that some invisible hand will place food on the table of even the poorest old person.

Crystal challenges the myth that all elderly are poverty-stricken. He contends that the proportion of the elderly living below the poverty level has declined and that the American public is mistaken in thinking that the elderly as a block receive insufficint government assistance. In 1982, according to Crystal, one-third of the entire federal budget provided "benefits to the aged." The problem, according to Crystal, is in the distribution—not the level—of benefits.

Crystal indicts the Reagan administration for promoting "two-class" retirement. In the latest round of budget cuts, the Reagan administration preserved Social Security and Medicare—programs which, according to Crystal, are the concerns of the organized, middle-class elderly. Sacrificed instead was funding that provides a lifeline to America's old people living at the poverty line—the Title XX program for social services, which helps pay for in-home care, food stamps, energy assistance, nutrition programs and Medicaid. Crystal attacks the usual demons: fraud, waste and mismanagement. But, he maintains that President Reagan's cuts end up hurting the poor more than eradicating fraud.

Crystal is at his best when navigating his readers through the thicket of benefits—Social Security, Medicare, Medicaid and Title XX—as well as through the myriad pension plans, such as IRA and Keogh. Crystal clarifies ways in which these plans, which have become such an important part of the American economy, operate. Pension programs help shift the burden of caring for the elderly away from the family and promote "systematic inequity," he says. They reward skilled employees of large corporations, who mainly happen to be white men.

Women's economic disadvantages are accentuated in the retirement years, says Crystal. In his brief treatment of women, Crystal points out that women, especially widows, comprise a major portion of the poorest elderly; unmarried women comprise 72 percent of this population. The working married woman benefits little from Social Security, which regards non-working women as the norm.

Crystal's discussion should satisfy the specialists' requirement of sophistication; it comes close to meeting the standards of clarity necessary for a general audience. Unfortunately, Crystal occasionally lapses into jargon ("differential access skills and resources"), but he does better than most social scientists at restraining this sort of excess.

Crystal's recommendations are sensible and innovative, but sketchy. They are important and merit more than the concluding chapter. His proposals reflect a determination to develop a public policy that allows America's old to live comfortably at a more equal standard. His sometimes controversial recommendations include encouraging in-home rather than nursing-home care, expanding Health Maintenance Organizations to provide special care for the elderly, insisting upon mandatory pension coverage, taxing half the Social Security benefit, considering raising the retirement age, increasing Supplemental Security Income. The reader is left wondering how these proposals would fare in the real world where, for instance, political pressures recently deterred the Reagan administration's efforts to cut Social Security.

A year ago, President Reagan, with the cooperation of Congress, established the bipartisan National Commission on Social Security Reform to suggest ways to eliminate a deficit in the old-age benefits program. As the commission deliberated, it is to be hoped that it considered Social Security, as Crystal has done; within the context of the network of assistance programs for the elderly. Members of the Reagan administration, who will soon be considering the commission's recommendations, would be smart to look at this book.

[From the Washington Post]

OLD AGE: FACING THE FACTS

(By Robin Marantz Henig)

When Stephen Crystal told a friend that he was writing a book about national policy toward the aged, his friend said, "I didn't think there was any." In a sense, there isn't—and that is the theme of Crystal's scholarly new book. America bases its treatment—or, more often, non-treatment—of the aged on myth, misconception, fear, and misunderstanding, turning the notions of retirement, of social "security," of leisure in the "golden years" into a cruel joke.

We can no longer afford to turn our backs on the aged, Crystal says. Demographics alone compel compassion. "Ultimately," he warns, "the aged will include almost all of us," and by "us" he means mostly the post-war baby boomers, today's 30- to 40-year-olds who are an eternal "blip" on the curve of the nation's age distribution. As this population bulge moves, like a rabbit swallowed by a python, inexorably toward old age, our current guarantees of a decent income and decent medical care for the elderly will be all but impossible to meet. And as federal promises become ever more elusive, the population over age 65 will split increasingly into "two worlds"—the very well-to-do, and the desperately poor.

Crystal sets out, convincingly, to dash some of our most cherished stereotypes about the elderly. He uses a wealth of data to counter myths such as the one that the aged are physically infirm. "With improving health standards, fewer physically debilitating manual jobs, better nutrition, and longer life spans," he writes, " 'the young-old' retire between 65 and 74 is likely to be as capable of being productive as someone in his late fifties or early sixties was two generations ago." He refutes, too, the stereotype of the aged as lonely: "In 1981, 65 percent of those under 65 believed that loneliness was a very serious problem for most old people, while only 13 percent of the aged found this [problem] very severe for them personally." The once-popular "disengagement theory" (that we naturally and inevitably pull away from social intercourse at life's close) is also discredited, though the theory still forms the backbone of "our expectations about retirement and our overuse of institutions such as nursing homes."

Among the most cherished myths about the elderly—and, according to Crystal, the most dangerous—are our myths about the aged in the family. Contrary to popular belief, old people are not dependent on their adult children for money or support. Less than 5 percent of the aged regularly receive money from their adult children—in fact, "the elderly are twice as likely to report *providing* financial help to children as to report *receiving* it!"—and most do not rely on their extended family members for ongoing support.

When asked, the elderly generally are forceful in insisting on independence from their adult children. And their children, as the prospect of caring for Ma and Pa looms closer, are just as forceful in believing their parents should continue to live on their own. According to Crystal, the myth that the family network still supports the aged is potentially the most damaging, because "the assumption that public benefits for the needy aged merely supplement or displace family help can easily be used to justify cutting back the programs that constitute the floor under economic well-being and access to care for the aged."

Declining fertility rates and that ever-present population blip of the baby boom means that many of our current policies toward the elderly will soon need significant rethinking. Crystal documents the now-familiar crisis ahead for Social Security: when the program began in 1945, there were 50 active workers contributing to Social Security for every retiree drawing an income from it. Today, there are just three active workers for each retiree, and in another 45 years the ratio will drop to two to one. Concludes Crystal, "something will have to give—much higher payroll taxes, benefit cuts, an advance build-up of the trust fund from its present token level to cover the problem years, or some combination of these. Still, it should be noted that today's benefit levels could be sustained even in the worst coming years if we were willing to pay social security tax rates at the level currently imposed in a number of European countries. . . . The social security ride will never again be almost free, at least not in any of our lifetimes."

It's no wonder that a recent Harris survey found that nearly 70 percent of workers under age 55 expressed "no confidence" in the Social Security system, and more than half the workers surveyed by *The New York Times*/CBS News said they didn't believe there would be any money left from which they could draw their own Social Security benefits.

In an age of diminishing resources, Crystal projects, the elderly will be left more and more to fend for themselves, depending on private pension programs, savings and investments, and family members for their means of support. As the government pulls back on its commitment to the aged, there will be no middle ground. Persons over 65 will be either well off (those more likely to be under age 75, physically healthy, and connected to spouses, relatives, and other members of the community) or disadvantaged (those more likely to be very old, sick, poor, and alone).

Crystal offers some suggestions to stop this widening gap, but his recommendations are generally uninspired. His prose, too, is uninspired, sprinkled so liberally with numbers and statistics that the mind reels and the eyes glaze over. Still, America's Old Age Crisis is a useful book, and even if its message has been heard before it needs to be heard again and yet again. There is a particular shame, and a particular irony, ot our

callous treatment of the aged, our quickness to allow a significant group of old people to slip quietly into poverty, isolation, and sickness. Because the aged, as Stephen Crystal reminds us, "are a unique group: they are the one minority to which we all anticipate belonging."●

THE BLACKBOARD AND CHALK THEORIES OF MR. WILLIAM BAXTER

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BEDELL. Mr. Speaker, I would like to share with our colleagues a letter that the Small Business Committee Subcommittee chairmen sent to President Reagan earlier today. The letter expresses our concern about a statement made by Mr. William Baxter, the Assistant Attorney General for Antitrust at the Department of Justice.

Last week, Mr. Baxter told the Senate Banking Committee that interstate banking would not be bad for small, independent banks because:

If we were to repeal Douglas and McFadden there would be a very large number of substantial banking institutions that would become bidders for acquisition of many of these small local banks. They would be able to sell out at very handsome premiums . . .

Mr. Baxter's assumption that local, independent banks would be best served by being acquired by bigger banks is totally insensitive to the important role small banks play in their relationships with small businesses, small farmers and small communities. His views obfuscate the need to evaluate bank deregulation from the perspective of providing the small business and agriculture sectors with an adequate supply of low cost capital to fund expansion and investment.

This is not the first time that our chief antitrust official has spoken out publicly against the interests of small business. Last year Mr. Baxter was quoted as saying:

There is nothing written in the sky that this world would not be a perfectly satisfactory place if there were only 100 companies.

Imagine that from our chief antitrust enforcement official.

On another occasion, Mr. Baxter told a Small Business Subcommittee that he did not like our Nation's vertical price fixing laws. Thus, even though the Supreme Court has ruled vertical price maintenance per se illegal, Mr. Baxter said he would not enforce the law of the land.

Mr. Baxter's especially narrow, textbook view of our marketplace is very disturbing. Policies that govern our economy should take into account the interwoven and delicate relationships between our industrial sectors. To callously apply cold and impersonal blackboard and chalk theories to these relationships, as Mr. Baxter insists upon doing, is a tremendous disservice to the men and women who have built their lives around small businesses in small communities and rural America.

At this point I would like to insert into the RECORD the letter the Small Business Subcommittee chairmen sent to President Reagan. I would also like to insert a letter on the same topic sent to President Reagan by Mr. James Herrington, president of the Independent Bankers Association of America.

The letters follow:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
Washington, D.C., June 14, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Last week, Mr. William Baxter, the Assistant Attorney General for Antitrust at the Department of Justice, told the Senate Banking Committee that interstate banking would not be bad for small, independent banks because: "If we were to repeal Douglas and McFadden there would be a very large number of substantial banking institutions that would become bidders for acquisition of many of these small local banks. They would be able to sell out at very handsome premiums. . . ."

As Small Business Committee Subcommittee chairman, we find Mr. Baxter's view of the role that small, local banks play in our economy very disturbing. Whatever your position is on banking deregulation, we are sure you do not believe that America's small banks exist solely to someday be acquired by larger banks. Accordingly, federal policies should not be based on the especially narrow point of view to which Mr. Baxter apparently subscribes.

Small businesses and small farmers are highly dependent on a stable community of diverse financial institutions, including local, independent banks. Together they are forging relationships that will increase employment and prosperity in towns and regions that have been hard hit by our long recession. Bank deregulation should be evaluated from the perspective of providing each industrial sector with an adequate supply of low cost capital to fund expansion and investment. This is particularly important to smaller firms as banks are often their primary source of capital. Mr. Baxter's policies and public pronouncements are clearly not contributing to this effort.

Sincerely,

PARREN MITCHELL.
ANDY IRELAND.
HENRY NOWAK.
BERKLEY BEDELL.
TOM LUKEN.

INDEPENDENT BANKERS
ASSOCIATION OF AMERICA,
Washington, D.C., June 9, 1983.

HON. RONALD REAGAN,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: Speaking for thousands of community banks, I was disappointed and angered to read of Assistant Attorney General Baxter's recommendations to the Senate Banking Committee to completely restructure our nation's financial system.

In putting forward policy prescriptions that will promote the demise of thousands of community banks and their small business and agricultural customers, Baxter's philosophical premise was that his policy recommendations would increase the price at which small banks could sell out to big banks . . . and that is the only thing that small banks should care about. This is an appallingly narrow value system.

It is statements like this which are giving your Administration the reputation of speaking and caring only for Wall Street rather than Main Street.

I write this letter as a concerned Republican.

Sincerely,

JAMES D. HERRINGTON.
President.●

SALUTE TO LUCILE DEGEORGE, LEADER, EDUCATOR AND WORLDWIDE HUMANITARIAN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BIAGGI. Mr. Speaker, we are indeed very fortunate in life when we can enjoy good health, the warmth and security of a loving family, and the company of loyal, devoted friends. I have been very blessed in life to have been provided with a great measure of all these important fundamentals. It has been one of my very special fortunes in life to know an extraordinary woman, of exceptional talents and abilities, whose leadership of and contributions to communities, governments at all levels, social, fraternal and charitable organizations, have made the difference in the happiness and well-being of so many people throughout the world. Underlying the great admiration and respect I hold for her as a great lady of achievement, is a tremendous love for the warm, vivacious, and dynamic person that she is, a loving gift to all people who are fortunate to know her, who has been my friend, confidante and adviser, as family, for many years.

There does not seem to be enough that I could say by way of introduction of description for her. Superlatives, the gamut of concerns and issues, commitment, service, giving, all must combine in lavish terms over and over again to adequately attempt to salute Lucile DeGeorge of Whitestone, Queens, N.Y., mother, grandmother, founder, director, trustee, historian, president, chairman, manager, representative, delegate, speaker, and award recipient of societies and organizations the world over. Recently, Lucile DeGeorge celebrated her 80th birthday at festivities surrounded by loving family and friends. Words of admiration and praise flowed in personal tribute to this grand lady. Because of her extensive contributions on the national and international levels, in addition

to philanthropic and filial causes everywhere, and the qualities she radiates which are inspirational to people everywhere, I feel it appropriate to salute Lucile DeGeorge, a woman of achievement today, as an example of dedication to service and devotion to the needs of others.

Born and raised in New York City, Lucile's character, and love for others through giving, are thought to be shaped by a lesson taught her as a child, by her father. Having only enough money for candy for herself, while in the company of others, her father chided her, "Before you put any candy in your mouth, you should buy enough for everyone with you, before you eat it yourself." Since that time, Lucile has lived her life, giving before taking.

Even as a youngster, Lucile excelled in all she did. Her dedication to teaching the catechism at St. Lucy's Church in Harlem, led to her promotion as supervisor of the Sunday school. It was also not unlike Lucile to become the top fundraiser in her parish Catholic charities drive during her first year of appointment. Another story is told of how Lucile became so involved in a Liberty bond drive during World War I, that she forgot to get home on time. Even though severely punished by her mother for arriving home at 11 p.m., Lucile did not excuse her absence, believing her patriotism should not have to be mentioned.

As a young adult, Lucile DeGeorge went on putting her fine organizational talents and personal drive to work for the community. She was the founder and executive director of the Ta Wa Si Childrens Benevolent Society which, for several decades through Lucile's personal efforts, has provided free summer camp vacations for many hundreds of needy children, besides giving them shoes, clothing, food, and very special treats through holiday baskets and parties.

Always in the service of her country and community as needed, Mrs. DeGeorge was executive board member of the Civil Defense Volunteer Organization's East Harlem Branch during World War II. Significantly, she was the vice chairman of the initial Minute Man Bond Drive for the East Harlem area, speaking on Radio Station WBNX for this cause, and organizing the largest parade in Manhattan, over 3,000 marchers, to launch the bond campaign.

Lucile DeGeorge, also one of the most distinguished leaders in Italian-American circles, has been awarded the Legion of Merit and the Star of Solidarity of the Republic of Italy by the Italian Government. Such formidable international acclaim was fitting tribute to her diligence for the advancement of Italian people through her inexhaustible contributions in education, government, and philanthropy. Lucile's international prominence was even more meaningful because its basis was in her sympathetic interest in humanity, and broad range of accomplishments, to which she devoted herself with realism and enthusiasm.

Nelson Rockefeller as Governnor of New York distinguished Lucile for further recognition by appointing her to the staff of the important New York State Commission for Human Rights.

In addition to the extensive list of significant posts Lucile DeGeorge has occupied, of which I will note some of the most special highlights, Lucile has received countless awards in tribute to her personal sacrifices and abilities to lead others. Among the most noteworthy was her presentation with the New York State Civil Service Employees Award by the New York State Employees Brotherhood Committee. Lucile was thereby saluted as the State career employee whose daily life exemplified the true spirit of, and sincere dedication to, the principles of brotherhood. She was also a recipient of the Brotherhood Award from the Queens Branch of the National Conference of Christians and Jews.

Moreover, Lucile DeGeorge was the founder and first president of AMITA, American-Italian Awards for Women of Achievement, the organization devoted to honoring American women of Italian extraction who have achieved unusual distinction in their respective fields of endeavor. She also founded the Montessori Lodge of the Order of the Sons of Italy in America, and the Association of Women Columbians, to give proper significance and recognition to the contributions of Italian-Americans to American society.

Lucile also set new heights in her own public service career. She was personally responsible for many contributions to the public welfare in a number of important civil and private organizational posts. Lucile DeGeorge served as appeals secretary of the Society for the Prevention of Cruelty to Children. She was the executive confidential secretary of the then Aldermanic Council at City Hall in New York, and secretary of the Borough of Manhattan, in which position she organized the initial boroughwide Committee for Local School Chairmen. On the Federal level, Lucile was the New York representative and executive secretary for the 18th Congressional District of New York.

Lucile DeGeorge has been warmly honored by youth organizations, professional women's groups, public officials, conferences, social and fraternal clubs. As highlights of the array of awards, Lucile has received the "Certificate of Appreciation" from the Department of the Army, presented by the Surgeon General at special ceremonies in Pershing Hall on Governors Island. She was selected as the Outstanding Citizen of Queens County, N.Y. to be given the "Citation of Honor" by the Queens Borough president. For her exceptional service to youth, Lucile has received the Boy Scouts of America plaque and the Girl Scout Community Award of the Girl Scout Council of Greater New York.

In addition to all that she has done for others, Lucile has always found time to be a good mother to her beautiful daughter, Peggy, and an inspiration to her grandchildren, Kathy and Steve.

There was a very deep love between my brother, Alfred, Peggy's husband, and Lucile, as great a love as a mother could have for her own son, and their relationship assumed mother-son dimensions, flourishing upon mutual understanding and respect. They contributed to each others qualities, allowing both to be more, and achieve even greater heights. Alfred passed away prematurely, and the tragedy of that loss, never really bearable, could only be made tolerable in light of Lucile and Peggy's tremendous faith, which shone through and was inspirational for all.

Mr. Speaker, the accolades and example of the tributes this wonderful woman has been accorded can go on in an almost endless fashion, because Lucile DeGeorge has given so much of herself to so many people for so long. We have been able to see what she has accomplished and examples of the personal qualities she has brought to her work for others. To the sentiments of all her friends and admirers, it is my pleasure to add our best wishes that she will continue, in good health, to lead her rich life full of goodness and thoughtfulness for others. I hope in her many years ahead, that all her dreams and wishes for others, for which she has fought so long and hard, will come true. May God bless and keep her, Peggy and family.●

MIDDLE EAST PEACE INITIATIVE

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. RAHALL. Mr. Speaker, 1 year ago at this time the Israeli invasion of Lebanon was well underway. Much has been said in this Chamber about the excessive military incursion that followed throughout the summer of 1982. However, we must look back over the past year with regard to the progress being made toward a peaceful settlement of the conflict in the Middle East. The President's peace initiative of September 1 was rejected by Israel almost as quickly as the words were out of the President's mouth. After many months of discussions during which the President's plan was never,

nor to this day has it been, outright rejected, Jordan and the PLO have decided at this time not to enter into further talks. I call on all parties to follow the steps necessary for the implementation of the President's peace initiative. The people of Lebanon have suffered enough over the last 8 years.

With continued fighting in Lebanon fueled by outside forces, it is essential that this country and the countries involved take steps necessary for the removal of all foreign forces from Lebanon and a reestablishment of the territorial sovereignty of that country.●

BIPARTISAN CONSENSUS? A MIRAGE

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. ALEXANDER. Mr. Speaker, the gentleman from Massachusetts (Mr. STUDDS) has written an op-ed piece which was published by the New York Times on Monday, June 13, 1983. Congressman STUDDS points out that Congress should face national issues squarely and not avoid such concerns of the American people as the crisis in Central America and the MX issue. Mr. STUDDS observes that this avoidance may be the result of the President's popularity and Mr. Reagan's effective conveyance to the American people of a nostalgic and simplistic view of the world.

Mr. Reagan strikes a responsible chord in all of us because most of us have held similar views—until the clearly contrasting blacks and whites of youth give way to the complex greys of adulthood.

These are good guys (us) and bad guys (them). These two sides fight over a kind-hearted damsel with a questionable past (El Salvador) and the winner must always be faster with a gun—or, as MX defenders would say "must possess a prompter hard-target kill capability," the writer stated.

I commend the article of the gentleman from Massachusetts to our colleagues.

[From the New York Times, June 13, 1983]

BIPARTISAN CONSENSUS? A MIRAGE

(By Gerry E. Studds)

WASHINGTON.—In recent weeks, several pundits, Congressmen and the President have hailed the birth of a bipartisan consensus on two of the most controversial foreign policy issues we face: Central America and arms control. In fact, there is no such consensus on either issue—and one can't help wondering, with some apprehension, why so many in Washington wish to pretend that there is.

True, there is some superficial evidence of consensus: The House Foreign Affairs Committee recently voted 36-1 to approve new conditions for United States military aid to El Salvador. Two weeks later, the Democratically controlled full House of Representatives voted to fund flight testing of the MX missile.

The Foreign Affairs Committee adopted a laboriously worded set of nonbinding conditions on United States arms aid to El Salvador, including a requirement for semiannual Presidential reports and procedures permitting periodic Congressional votes concerning the continuation of assistance in 1984. At the urging of Representative Stephen J. Solarz, the committee added a requirement that El Salvador consent to a dialogue, without preconditions, with the leftist opposition—a critically important provision but one, alas, that Congress may not be able to enforce.

The compromise plan prevented a bitter committee debate over El Salvador. Members hailed the "consensus," all but defied the term "bipartisanship" and moved on to less emotional issues.

Yet, rhetoric aside, the committee did not agree on a policy toward El Salvador. It agreed, instead, on a procedure for delaying a clear-cut decision on policy until at least April 1984, six months into the next fiscal year. Nowhere in the debate is there any genuine consensus about the definition of a true dialogue between the Salvadoran right and left, about the usefulness of United States military aid or about the need to put genuine pressure on El Salvador's murderous right wing. Despite the overwhelming vote in favor of outlining criteria to guide future votes on El Salvador, there is no real agreement on our policy toward that country.

As for the MX, the majority of Democrats hope to kill the missile before it kills us. But this has not stopped a group of "moderate" Democrats from joining Administration supporters in voting to fund the missile. Although they took only one-third of the other House Democrats with them, these "moderates" held the balance of power—and hosannas from the consensus chorus were heard once again.

But these Democrats had not argued that the MX was cost-effective, intelligently based or needed for our defense. They argued simply that it was needed to appease Mr. Reagan and to make him feel secure enough to consider serious arms control.

Once again, an apparent consensus emerged from conflicting views without resolving the conflicts between those views.

It is always nice to agree in politics. But there is a crucial difference between a consensus that sustains a sound policy and a consensus that blurs substantive issues, obscuring responsibility for a questionable policy.

A number of Congressional Democrats seem to feel that President Reagan's personal popularity makes it unwise or unsafe to oppose his policies directly. The President has effectively conveyed to the American people a nostalgic and simplistic view of the world. Mr. Reagan strikes a responsive chord in us all, because most of us have held similar views—until the clearly contrasting blacks and whites of youth gave way to the complex grays of adulthood. There are good guys (us) and bad guys (them). These two sides fight over a kindhearted damsel with a questionable past (El Salvador), and the winner must always be faster with a gun—or, as MX defenders would say, must possess a prompter hard-target kill capability.

In reality, of course, nothing is that simple, Barring further economic collapse, if the Democrats don't win on the issues of war and peace in 1984, they will not win at all. The polls indicate quite clearly that a majority of the American people oppose Administration policy in Central America and desire a far more vigorous effort to control the nuclear arms race. The personal popularity of the President does not extend to his policies. Democrats can only lose, therefore, by blurring the real distinctions between their principles and judgments and those of the President.

United States democracy stands to profit far more from a blunt, forthright debate between its two major political parties over the issues of Central America and arms control than it does from timid formulations of false consensus. Only through such debate will our thinking grow sharper in focus, and a more stable sense of policy and purpose emerge.●

IN DEFENSE OF THE HOUSE DEFENSE BUDGET

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. BROWN of California. Mr. Speaker, there has been much debate about the President's proposed fiscal year 1984 budget for the Defense Department. The House and Senate have wrestled with this issue, and the debate has proceeded in the media as well, with citizens writing to take sides on this issue.

I have struggled with the issue of defense funding for nearly two decades, trying to find the funding level at which we can project the necessary defense of the liberty which we cherish without draining our domestic sector of the strength which it requries. I have sought to find a satisfactory balance and have supported approaches which seek that golden mean. And I have been roundly criticized at times for my efforts.

If I were assured that we have a consistent, rational defense policy, coordinated with a civilian foreign policy designed to establish lasting political and economic relationships, I would support that policy and the expenses required to achieve it. Unfortunately, I did not see this approach in the budget which was presented to us this year.

This lack of a consistent policy has caused me to question our defense budget in the past. It seems that every few years we shift our perspective on what the cornerstone of our defense system should be. In the past we have been told that conventional weaponry had been rendered obsolete by modern nuclear weapons. Then we were told that we needed advanced conventional weaponry with sophisticated computer guidance systems. Then we were told that no, in fact, our security depended upon a conventional Rapid Deployment Force, and that we had gone too far in our reliance upon sophisticated weapons.

Even when we discuss a single weapon system, such as the MX missile, we see the lack of a consistent policy. At first we needed the system to be land mobile because our existing silos were vulnerable. Then it was decided that the "dense pack" approach was the way to go. Now we are told that the best way to deploy this system is to put it in the silos which were previously so vulnerable. This vulnerability still exists, according to the Department of Defense which estimates that by 1989, the Soviet Union would be able to knock out 99 percent of these missiles. The public has every right to be skeptical about our policy on this system and to demand that Congress carefully examine the eventual deployment mode for MX.

Then we have the problem of escalating costs on our weapons systems after we commit ourselves to them. We have seen costs for new aircraft presented to Congress at $6 million per plane grow to $30 million per plane. The mission of these planes changes over time as they are adapted to cover new functions and the cost escalates.

We read stories about all-weather equipment which bogs in the mud or becomes disabled by sandstorms. We read about "smart" missiles too dumb to find their designated targets. We in Congress are asked to sanction these systems based upon flimsy performance specifications or idealized plans and then pay later to correct the flaws.

An excellent example of this is contained in the DOD budget for fiscal year 1984 in the request to begin purchases for an antisatellite system (ASAT). The request begins with a request of only $19 million in fiscal year 1984. However, the cost of the total system is expected to go as high as $10 billion. And this for an ASAT system that will be obsolete by the time that it is deployed. I strongly oppose this program, preferring to see an investment made in manned space missions which could perform both military and civilian missions.

But what are the costs of being drawn down these rosy paths of technology's promise? We neglect existing defense systems and mundane matters like procuring enough spare parts to keep existing planes flying and ships afloat. We are forced, as this year, to choose between some shiny hardware and adequate pay for the men and women whose job it is to keep our defenses strong. I am tired of being forced to make these choices which are the result of poor planning and the lack of consistency in our defense policy.

I am also painfully aware of some of the broader costs of unplanned shifts in budget priorities. We need to realize that we are, in these times of fiscal austerity, dealing with a limited amount of money. This means that each dollar that we allocate to defense comes at the expense of some other program.

This is most clearly shown in the research and development (R&D) efforts in Government. Our economy needs to develop new industries using advanced technology in order to maintain its leadership position. Federally supported R&D which has provided the base for many of our current industries, but in recent years this support has declined.

Now, at a time when expansion in civilian R&D is needed, military R&D is usurping valuable funds. Since 1981, military R&D has increased a staggering 80 percent and in the 1984 Reagan budget would have comprised 70 percent of the entire Federal R&D budget. Military R&D has little direct effect on developing new businesses and industries: It is geared toward performance specifications which are not cost effective in the civilian sector, much of it is kept in a classified state, and most of it is not coordinated with areas of civilian economic development. It is money stolen from our reindustrialization effort.

Some defense contractors are becoming concerned about being too dependent upon military funding sources. At the same time, some in the Pentagon are questioning the quality of the goods received under loosely developed weapons systems planning. I share this concern; it is the reason why I have supported efforts to readjust the Department of Defense budget.

In my support for reductions in the DOD fiscal year 1984 budget request, I am sending a message that we need a better plan. I am tired of seeing defense plans made and weapons systems proposed as the last chance of preventing our downfall, and then having those plans change or those systems prove inadequate. I am tired of a defense policy made with little recognition of the gains that can be accomplished with a consistent foreign policy.

We owe it to ourselves to make the best uses of our limited resources.●

GPO WAGES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. LEWIS of California. Mr. Speaker, for over a decade the issue of excessive wages for certain GPO employees has been discussed but not addressed by Congress. GAO has just finished its third comprehensive study in 7 years detailing that many employees at Congress' Government Printing Office receive, on average, 42 percent more in wages than other Federal workers in similar occupations. This is a shocking problem in our own backyard. If Congress fails to rectify these gross inequities and overpayments to its employees, the American public will lose faith in our ability to fairly and economically govern.

Today I am introducing legislation which equitably addresses these problems, as outlined in the June 3, 1983, GAO report on GPO wages. This report revealed the following astounding facts:

GPO craft and industrial employees were paid $3,222 to $17,879 more per year than general schedule or Federal wage system employees in similar occupations. This means that GPO craft and industrial employees earn an average of 42 percent more than other Federal workers.

GPO craft employees also receive between $0.36 and $5.14 per hour more than private sector employees doing the same work. This translates into approximately a 32 percent premium over the private sector in the Washington, D.C., area.

Over the last 10 years, GPO wage increases for these workers have greatly exceeded wage increases granted other Federal workers.

Many different unrelated jobs, requiring different training and skill levels, are all paid at the same rate, completely disregarding the standard practice in the Federal Government.

The main provisions of my bill will:

One. Apply the Federal wage grades and pay rates (printing and lithographic wage scales) to all the newly hired GPO craft and industrial employees.

Two. "Grandfather" the previously negotiated Kiess Act pay levels for all GPO employees paid under that system, while classifying or grading those workers under the general schedule or Federal wage systems; and

Three. Provide the "grandfathered" workers with pay raises which they would receive if they were paid under the general schedule or general wage systems.

Four. Apply the general schedule classification and pay systems to all present and future white-collar GPO employees.

This legislation is designed to bring GPO's classification and pay practices for both white collar and blue collar workers into conformity with the systems used by the rest of the Federal Government. Currently the workers in GPO field printing plants are paid under the Federal wage system whereas the workers at the Washington, D.C., plants bargain collectively for their wages in accordance with 44 United States Code section 305. This practice is irrational, inequitable, and has been the source of numerous legal challenges.

Three major class action lawsuits have been leveled against the GPO in the last decade, and the agency has settled or lost them all. These suits were based upon the use of inconsistent classification and pay systems and the perpetuation of the journeyman craft status. The Government has lost over $13 million in these suits already, and the costs continue to escalate. The only way to solve the agencywide problems highlighted by the lawsuits is to implement a rational, equitable, and objective classification and wage system for the agency. This legislation will be a major step toward such a system and will not impact adversely on workers currently employed at the Government Printing Office.

The original cosponsors of this bill are:

LIST OF COSPONSORS

Trent Lott	Virginia Smith
Sonny Montgomery	Tom Kindness
Bob Michel	Dan Crane
Charles Stenholm	John Myers
Bill Frenzel	Tom Hartnett
Duncan Hunter	Harold Rogers
Barbara Vucanovich	Bill McCollum
Mickey Edwards	William Thomas
Phil Gramm	Newt Gingrich
Bob Stump	Jack Hightower
Bill Emerson	Gerald Solomon
Denny Smith	John Breaux
Judd Gregg	Carroll Campbell
James Broyhill	Tim Valentine
Larry Craig	John Hiler
Phil Crane	George Wortley
Dan Daniel	Gene Chappie
Lynn Martin	Arlan Stangeland
Bill Chappell	John Porter
Tom Loeffler	John Erlenborn
Sam Hall	Jim Courter
Bob Livingston	Hank Brown

I am including, for the record, a summary of the General Accounting Office report on the U.S. Government Printing Office's pay and classification system and a copy of the bill.

COMPARISON OF THE U.S. GOVERNMENT PRINTING OFFICE'S PAY AND CLASSIFICATION SYSTEM TO OTHER FEDERAL AND PRIVATE SECTOR SYSTEMS—GENERAL ACCOUNTING OFFICE REPORT B-211140, JUNE 3, 1983

SUMMARY

At the request of six Members of Congress, the General Accounting Office (GAO) performed a comprehensive evaluation of the pay practices and classification systems of the U.S. Government Printing Office (GPO) and compared them with the pay and classification systems used by other Federal agencies and private sector printing businesses in the Washington, D.C. area. This included a job-by-job comparison of the actual duties and responsibilities of employees working at the GPO and at these other Federal and private printing facilities. Based upon this extensive review, the GAO concluded:

During 1982, GPO craft and industrial workers were paid an average of 42 percent more (ranging from $3,222—18 percent—to $17,879—143 percent—and averaging $8,410) than other Federal employees in similar occupations who were paid under the General Schedule or Prevailing Rate (FWS) pay and classification systems.

GPO craft and industrial workers were paid $.36 to $5.14 more per hour (an approximate average of 31 percent) than were private sector employees doing similar work in the Washington, D.C. area.

For calendar years 1973 through 1982, GPO pay increases ranged from 112 to 131 percent while FWS employees received only 93 to 120 percent increases, and General Schedule employees received only a 75 percent wage increase for that period.

GPO employees are paid a night shift differential of 15 percent for the second and third shifts, while FWS employees receive only a 7.5-percent differential on the second shift and 10 percent on the third. Private sector printing establishments in the Washington, D.C. area pay, on the average, 5 percent for the second shift and 10 percent for the third.

When GPO employees work on holidays, they are paid 2½ times their basic hourly rate, but GS and FWS employees are paid double time.

GPO's long-standing practices of paying the same wage rates to employees performing different levels of work does not follow the generally accepted Federal pay principle of maintaining pay distinctions in keeping with work and performance distinctions.

GPO's primary benefits, such as retirement, health, and life insurance, are the same as those granted other Federal workers, and studies indicate that they are comparable to such benefits in the private sector.

The GAO recommended that a joint labor-management task force study the possible alternative pay systems for GPO:

Modify GPO's collective bargaining process to require that negotiated wage rates be determined on the basis of private sector prevailing wage surveys; or

Place GPO under appropriate Federal pay systems such as the FWS and the General Schedule, with most GPO collective bargaining employees coming under the FWS.

The GPO is a legislative branch agency which has served the printing needs of the Federal Government since 1860. In addition to its central office, located on the corner of North Capitol and H Streets in Washington, D.C., GPO operates five regional printing plants, the Departmental Service Office, 13 regional printing procurement offices, and 27 bookstores. GPO's central office prints and distributes the Congressional Record and the Federal Register, as well as Congressional bills, resolutions, hearings, reports, committee prints, and miscellaneous agency work. In fiscal year 1982, GPO contracted out to the private sector 71 percent of the GOP's work.

GPO employs about 5,900 workers in Washington, D.C., and 450 employees in the regional facilities, with an annual payroll of about $163 million. In the central office, approximately 3,400 employees collectively bargain for wages; while GPO's other 2,500 employees are paid under GPO's equivalent of the General Schedule system. The 450 regional employees are either General Grade (Schedule) or FWS. Since the early 1970's, changes in technology including shifts from hot metal to electronic photocomposition and from letterpress to offset printing, have altered the jobs performed by journeymen craftsmen and required major retraining efforts.

The GAO conducted its field study from January to March 1983 and performed its work "in accordance with generally accepted Government auditing standards". The GAO made onsite visits to GPO's central office, the Departmental Service office, and GPO regional printing and procurement offices in Chicago, Denver, New York, and San Francisco. GAO auditors selected, from lists of names provided by both labor and management. employees in 21 jobs in nine occupational categories, "to determine their duties and responsibilities and to observe the work they perform." The auditors also visited the Pentagon Division of the Defense Printing Service, the Department of Commerce's Office of Publications and National Oceanographic and Atmospheric Administration, the Office of the Federal Register, the National Labor Relations Board, the Defense Mapping Agency's Hydrographic and Topographic Center, the U.S. Geological Survey, and the Bureau of Engraving and Printing. At these facilities, GAO obtained position descriptions and actually observed the employees at work. With the assistance of a classification expert from the Office of Personnel Management, the duties of the workers in all of these facilities were correlated with the occupational categories used under the GPO, FWS, and General Schedule systems. The private sector comparisons were performed based upon visits to three private printing plants and analysis of the Washington, D.C., FWS printing and lithographic wage survey results.

The Federal Government utilizes three basic pay setting mechanisms: the General Schedule, Federal Wage System, and collective bargaining for wages. The General Schedule applies primarily to the Government's white collar work force (1.4 million) and it allows the President to adjust salaries annually on the basis of a national survey conducted by the Bureau of Labor Statistics which compares Federal salaries with those paid in the private sector for similar work. The President sends his recommendation to Congress for approval, and for 6 of the last 8 years the GS raises have been smaller than called for by the comparability process. The Federal Wage system covers the Government's blue-collar workers (445,000) and provides for the setting and adjusting of pay rates in accordance with local prevailing rates in 135 localities. The FWS also has 13 special printing and lithographic wage areas for which pay rates in excess of the normal maximum FWS rates are paid. It is to these higher pay rates, covering approximately 2,200 non-GPO Federal printing and lithographic employees in Washington, D.C., that GAO compared GPO wage rates. For the last 5 years, Congress has restricted FWS pay increases to the same percentage increase granted General Schedule employees. The Government bargains collectively for wages with approximately 643,000 employees, with almost 98 percent of that total employed by the Postal Service or the Tennessee Valley Authority. Generally, statutes require that these agencies which bargain for wages set wage rates which are comparable with the private sector, and thus the only real bargaining occurs over how wage surveys are to be conducted, and not the resultant wage rates themselves.

At the GPO, wages are set in accordance with the Kiess Act of 1924, which requires the Public Printer to hold wage conferences with committees selected by trades having more than 10 employees. If an agreement is reached, the Joint Committee on Printing of the U.S. Congress must approve the agreement. If no mutually satisfactory wage level is agreed to by the Public Printer and the crafts, the Joint Committee is empowered to set the wage rates. For many years,

there was no systematic procedure for determining wage rates since the only standard articulated by the Kiess Act was that they be "in the interest of the Government and just to the persons employed." In 1940, a formula was agreed upon which included a 24-city survey, but this approach was subsequently abandoned because labor and management could not agree on a proper survey scope and methodology. In 1982, the Public Printer proposed a substantial pay increase. The Joint Committee, because the parties could not agree and based upon certain recommendations by a Fact Finder, established a 3-year wage adjustment providing for essentially a 5-percent wage increase the first year and cost-of-living increase capped at 5 percent for the next 2 years.

After providing this background information on GPO and Federal pay systems, the GAO then analyzed in detail the actual duties performed by GPO employees. GAO's auditors reviewed 21 jobs in 9 occupational categories, including photocomposition keyboard operator and related employees (i.e., text editors and proofreaders), bookbinders, offset pressmen, offset strippers, and non-printing craft employees (i.e., carpenters, electricians, machinists, truck drivers). These duties were then compared with the actual duties performed by employees at the other seven Federal agenices which GAO reviewed (Defense Mapping, NOAA, Office of the Federal Register, etc.). The GAO concluded that "work performed by . . . printing and lithographic employees [at these Federal agencies] is generally comparable to work performed by GPO employees in similar positions." In fact, certain of these Federal agencies perform work which the GAO found to be "more demanding, critical, and precise than the printing work generally performed by GPO." In addition, all of GPO's field printing plants were found to have certain jobs which were comparable to those performed in GPO's central office, although the field employees are paid under the General Schedule or FWS pay systems.

With this detailed and exhaustive information as a foundation, GAO issued its conclusions detailed at the beginning of this Summary. The primary findings of GAO were:

"GPO employees who collectively bargain for wages at the Washington central office are paid more than their Federal and private sector counterparts. Also, over the last 10 years, GPO's central office printing craft, maintenance craft, and printing plant workers have received cumulative percentage pay increases substantially larger than those granted General Schedule counterparts and somewhat larger than those granted FWS counterparts doing similar work. In addition, GPO's premium pay for shift differentials and holiday work is higher than that paid to other Federal and private sector employees. Furthermore, GPO's primary fringe benefits are the same as those granted most other Federal employees and are comparable to those typically available in the private sector."

After comparing the wages paid workers at GPO and other Federal Printing facilities, GAO found that:

GPO compositors receive 58 percent more than their counterparts in other Federal agencies.

GPO offset strippers and platemakers received 52 percent more.

GPO maintenance craft workers received 46 percent more.

GPO bindery equipment operators received 43 percent more.

GPO printing plant workers received 29 percent more.

GPO pressmen received 21 percent more.

The Public Printer, GPO's unions, and the Joint Committee on Printing all were given the opportunity to comment upon a draft of the GAO report and their comments and GAO's responses concluded the report. The Public Printer suggested that analysis of fringe benefits be included in the report to provide information regarding the claim by GPO's unions at the fact finding hearing that public sector benefits were inferior to private sector benefit packages. The GAO found that benefit packages were comparable. The Public Printer also stated that the first alternative recommendation of the GAO—an independent GPO private sector wage survey—was unworkable based upon past failures to agree on such surveys by GPO management and labor.

GPO's unions' main concern was that the GAO did not include in its report an analysis of the 1982 Fact Finder's conclusions regarding the nature of the work performed at GPO. The GAO responded that it did not address that report because it was not relevant to the specific job-by-job comparison of duties undertaken by GAO pursuant to a Congressional request. Further, the unions maintained that because the GPO's 40 hour workweek was 1.5 hours longer than the private sector workweek in Washington, D.C., that this should be factored into the wage comparisons. The GAO could find no evidence, however, that private sector employees regularly worked beyond their 38.5 hour workweek and thus the difference in the length of the workweek was accurately factored into the hourly rates used for comparison. The GAO also acknowleged that the concept of comparability had not always been fulfilled in the FWS and General Schedule systems because of the "pay caps" imposed by the President or Congress. Lastly, GAO rejected the unions' claim that the adoption of the FWS pay scales by GPO would make GPO workers less productive.

The Chairman of the JCP founded his comments upon the Fact Finder's report as well. The Chairman cited the Fact Finder's contention that it was important to consider that the GPO is much larger than any other Federal Printing facility when analyzing GPO wage levels. The GAO auditors, however, found size of the total facility to be irrelevant when examining, as it had done, the knowledge, skills, and abilities needed to operate a single press or other piece of machinery. In addition, GAO noted that although some other facilities had fewer varieties of presses than GPO, many of the press operators in federal agencies had to do more difficult five color work, as opposed to the easier single-color work performed at GPO. Certain other factors considered by the Fact Finder, such as production requirements, hiring standards, and job pressures were found by GAO to be difficult to quantify and compare. Many of these factors, however, were found to be roughly equivalent, if not more demanding, in certain of the other federal printing plants surveyed.

H.R. 3302

A bill to provide for administration of pay of new Government Printing Office employees under the prevailing rate system and the General Schedule, while protecting the pay of present Government Printing Office employees

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Government Printing Office Pay Reform Act of 1983".

SEC. 2. Section 305(a) of Title 44, United States Code, is amended to read as follows:

"(a) The Public Printer may employ such persons as are necessary for the work of the Government Printing Office. He may not employ more persons than the necessities of the public work require."

SEC. 3. (a) Section 5102(c) of Title 5, United States Code, is amended by striking out paragraph (9).

(b) Section 5342(a)(1) of such title is amended by inserting after "Executive agency" the following: "and the Government Printing Office".

(c) Section 5349 of such title is amended—

(1) in the first sentence of subsection (a), by striking out "the Government Printing Office,"; and

(2) in subsection (b), by striking out ", section 305 of Title 44,"

SEC. 4. (a) Any employee of the Government Printing Office who, upon enactment of this Act, holds a position the rate of basic pay for which—

(1) immediately before such enactment, is a rate determined by conference or appeal under section 305(a) of Title 44, United States Code; and

(2) upon such enactment, is reduced because of any amendment made by this Act;

shall continue to receive basic pay at the rate in effect immediately before such enactment, plus any increase payable for the position under the prevailing rate system or the General Schedule.

(b) Subsection (a) shall not apply to any employee who—

(1) has a break in service of one workday or more;

(2) is demoted for disciplinary reasons or at the employee's request; or

(3) upon or after the enactment of this Act, is placed in a position the rate of basic pay for which—

(A) is equal to, or higher than, the rate otherwise applicable under subsection (a); or

(B) immediately before such enactment, is a rate not determined by conference or appeal under section 305(a) of Title 44, United States Code.

SECTION-BY-SECTION ANALYSIS

Section 1.—Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Government Printing Office Pay Reform Act of 1983".

Analysis.—This Act is entitled the "Government Printing Office Pay Reform Act of 1983". It is the first substantive wage legislation altering the manner in which wages are established at the GPO since the Kiess Act of 1924. This Act is truly "reform" legislation in that it will promote the principles of equal pay and government economy, while reforming the bizarre wage-fixing systems now employed at the GPO.

Section 2.—Section 305(a) of Title 44, United States Code, is amended to read as follows:

"(a) The Public Printer may employ such persons as are necessary for the work of the Government Printing Office. He may not employ more persons than the necessities of the public work require."

Analysis.—This section will replace the existing section 305(a) of Title 44, which now provides for the setting of rates of wages for GPO's craft and industrial workers by means of conferences between the Public

Printer and representatives of groups of at least ten of those GPO workers. If the parties agree to a rate of wage, the Joint Committee on Printing reviews the agreement; whereas, if the parties cannot agree, the Joint Committee on Printing sets the wage rates. The rates of wages so adjusted cannot be changed more than once a year. The existing section 305 also provides the Public Printer with the authority to employ certain classes of workers and others necessary for the work of the GPO, and prohibits him from employing more than the necessities of the public work require.

The proposed section 305(a) retains the broad employment authority of the Public Printer while excluding specific references to "Journeymen" and "laborers" because the Public Printer's authority to employ those types of workers is implicit within his broader employment authority. The reference to "apprentices" is deleted because the GPO no longer employs apprentices. The entire wage negotiation and appeal procedure employed to fix the wage rates of GPO's craft and industrial workers is repealed, since that system is made obsolete and superseded by the wage fixing provisions of this proposed legislation. The prohibition against employing more persons than necessary remains intact.

Section 3(a).—Section 5102(c) of Title 5, United States Code, is amended by striking out paragraph (9).

Analysis.—This proposed section formally mandates that GPO's General Grade (white collar and clerical) workforce become subject to the General Schedule (GS) classification and pay system which now applies to most federal workers in the executive branch. Since the GPO has already administratively adopted the GS classification and pay system for all of its General Grade (GG) workforce, this proposed section merely statutorily requires that the existing system be maintained, and that, if any discrepancies exist between GPO's GG system and the GS system, those discrepancies must be abolished. This section is necessary to removal all wage-setting discretion, to clarify the status of GPO's GG employees, and to harmonize the mandatory nature of all of GPO's wage setting systems.

Section 3(b).—Section 5342(a)(1) of such title is amended by inserting after "Executive agency" the following: "and the Government Printing Office".

Analysis.—This proposed section serves to bring the GPO within the Federal Wage (prevailing rate) System for the purpose of grading and pay GPO's newly hired craft and industrial workers. Workers in positions previously covered by the Kiess Act will be graded under the Federal Wage System although their wages will be "grandfathered."

The Federal Wage System (FWS) is based upon area-wide surveys of private sector wages for certain jobs, and the fixing of government wages on an annual basis at the same levels. This basic system now covers almost 500,000 Federal craft and industrial workers doing jobs similar to those done at the GPO. A special Printing and Lithographic Wage Scale has been developed for ten geographic areas to take into account the unique requirements of the printing industry. The Office of Personnel Management sets the policies for the Federal Wage System, and a single federal agency is designated to conduct the wage surveys for all Federal Wage employees within its geographic wage area. Federal employee unions have the opportunity to take part in the wage surveys conducted by lead agencies.

The application of this system to the GPO will immediatley remove the Public Printer, the JCP, and GPO's unions from direct involvement in setting of wages for all craft and industrial workers at the GPO. The existing negotiated wage system, which has led to GPO craft and industrial workers receiving on a mean average 42 percent more than their Federal counterparts, will be replaced by the FWS subject to the "grandfather" provisions of this legislation.

Section 3(c).—Section 5349 of such title is amended—

(1) in the first sentence of subsection (a), by striking out "the Government Printing Office,"; and

(2) in subsection (b), by striking out", section 305 of Title 44,".

Analysis.—This is a technical amendment which precludes the application to the GPO of 5 U.S.C. §§ 5349 (a) and (b), which provide for discretionary application of the Federal Wage System to an agency. Section 3(b) of this proposed legislation provides for mandatory application of that system to the GPO.

Section 4.—(a) Any employee of the Government Printing Office who, upon enactment of this Act, holds a position the rate of basic pay for which—

(1) Immediately before such enactment, is a rate determined by conference or appeal under section 305(a) of Title 44, United States Codes; and

(2) Upon such enactment, is reduced because of any amendment made by this Act; shall continue to receive basic pay at the rate in effect immediately before such enactment, plus any increase payable for the position under the prevailing rate system or the General Schedule.

(b) Subsection (a) shall not apply to any employee who—

(1) has a break in service of one workday or more;

(2) is demoted for disciplinary reasons or at the employee's request; or

(3) upon or after the enactment of this Act, is placed in a position the rate of basic pay for which—

(A) is equal to, or higher than, the rate otherwise applicable under subsection (a); or

(B) immediately before such enactment, is a rate not determined by conference or appeal under section 305(a) of Title 44, United States Code.

Analysis.—This "Grandfather" provision allows all present GPO craft and industrial employees to retain their last negotiated wage rate, despite the application of General Schedule classification or Federal Wage grades to their positions. These "grandfathered" employees are also able to receive any increase in wages which they would receive if they were under the General Schedule or Federal Wage Systems. Because of this "grandfather" provision, no present employee of the GPO will lose one dollar of his or her presently negotiated wages.

The wage protection provisions of this subsection, however, will be lost by an employee who has a break in service (i.e. leaves the agency and later wants to return); who is demoted for disciplinary reasons; or who is promoted or transferred to an equal or better position, or a position not previously covered by the Kiess Act. These requirements are consistent with wage retention provisions presently applicable to the rest of the Government.●

HOUSE OF REPRESENTATIVES—*Wednesday, June 15, 1983*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
June 13, 1983.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Wednesday, June 15, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O God, for all people who labor for the good, who stand for the right, and who, in good times and bad, keep faith with the covenant You have given. We pray, O gracious God, that Your spirit will encourage men and women to be faithful in their convictions. With the pressures and turmoil of daily life, enable us all to pursue truth and righteousness and do all good deeds of service and love to those about us. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PARRIS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PARRIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 367, nays 25, answered "present" 5, not voting 35, as follows:

[Roll No. 191]

YEAS—367

Ackerman	Dymally	Kemp
Addabbo	Dyson	Kildee
Akaka	Early	Kindness
Albosta	Eckart	Kogovsek
Anderson	Edgar	Kostmayer
Andrews (NC)	Edwards (AL)	Kramer
Andrews (TX)	Edwards (CA)	LaFalce
Annunzio	Edwards (OK)	Lagomarsino
Anthony	English	Lantos
Applegate	Erdreich	Latta
Archer	Erlenborn	Leach
Aspin	Evans (IL)	Leath
Badham	Fascell	Lehman (CA)
Barnard	Fazio	Lehman (FL)
Barnes	Feighan	Leland
Bartlett	Ferraro	Lent
Bateman	Fiedler	Levin
Bedell	Fish	Levine
Beilenson	Flippo	Levitas
Bennett	Florio	Lewis (CA)
Bereuter	Foglietta	Lewis (FL)
Bevill	Ford (TN)	Lipinski
Biaggi	Fowler	Livingston
Bilirakis	Franklin	Lloyd
Bliley	Frenzel	Loeffler
Boehlert	Frost	Long (LA)
Boggs	Fuqua	Lott
Boland	Gaydos	Lowery (CA)
Boner	Gekas	Lowry (WA)
Bonior	Gephardt	Lujan
Bonker	Gibbons	Lundine
Borski	Gilman	Lungren
Bosco	Gingrich	Mack
Boucher	Glickman	MacKay
Boxer	Gonzalez	Madigan
Britt	Gore	Markey
Brooks	Gradison	Marlenee
Broomfield	Gramm	Marriott
Brown (CA)	Gray	Martin (IL)
Brown (CO)	Green	Martin (NC)
Broyhill	Gregg	Martin (NY)
Bryant	Guarini	Matsui
Burton	Gunderson	Mavroules
Byron	Hall (IN)	Mazzoli
Campbell	Hall (OH)	McCain
Carney	Hall, Ralph	McCandless
Carper	Hall, Sam	McCloskey
Carr	Hamilton	McCollum
Chandler	Hammerschmidt	McCurdy
Chappie	Hance	McDonald
Cheney	Hansen (ID)	McEwen
Clarke	Hansen (UT)	McGrath
Clinger	Harrison	McKernan
Coats	Hartnett	McNulty
Coelho	Hatcher	Mica
Coleman (TX)	Hefner	Michel
Collins	Hertel	Miller (CA)
Conable	Hightower	Mineta
Conte	Hiler	Minish
Cooper	Hillis	Moakley
Corcoran	Holt	Molinari
Courter	Hopkins	Mollohan
Coyne	Horton	Montgomery
Craig	Howard	Moore
Crane, Daniel	Hoyer	Moorhead
Crane, Philip	Hubbard	Morrison (CT)
Daniel	Huckaby	Morrison (WA)
Dannemeyer	Hughes	Mrazek
Daschle	Hunter	Murphy
Daub	Hutto	Murtha
Davis	Hyde	Myers
de la Garza	Ireland	Natcher
Dellums	Jeffords	Neal
Derrick	Jenkins	Nelson
DeWine	Johnson	Nichols
Dicks	Jones (NC)	Nielson
Donnelly	Jones (OK)	Nowak
Dowdy	Jones (TN)	Oakar
Downey	Kaptur	Obey
Dreier	Kasich	Olin
Duncan	Kastenmeier	Ortiz
Dwyer	Kazen	Owens
Oxley	Schneider	Thomas (GA)
Packard	Schulze	Torres
Panetta	Schumer	Torricelli
Parris	Seiberling	Towns
Pashayan	Sensenbrenner	Traxler
Patman	Shannon	Udall
Patterson	Sharp	Valentine
Paul	Shaw	Vander Jagt
Pease	Shumway	Vandergriff
Penny	Shuster	Vento
Pepper	Sikorski	Volkmer
Perkins	Siljander	Vucanovich
Petri	Simon	Walgren
Pickle	Sisisky	Watkins
Porter	Skeen	Waxman
Price	Skelton	Weaver
Pursell	Slattery	Weber
Quillen	Smith (FL)	Weiss
Rangel	Smith (IA)	Wheat
Ratchford	Smith (NE)	Whitehurst
Ray	Smith, Denny	Whitley
Regula	Smith, Robert	Whittaker
Reid	Snowe	Whitten
Richardson	Snyder	Williams (OH)
Ridge	Solarz	Wilson
Ritter	Spence	Winn
Robinson	Spratt	Wirth
Roe	Staggers	Wise
Rogers	Stangeland	Wolf
Rose	Stark	Wolpe
Rostenkowski	Stenholm	Wortley
Roth	Stokes	Wright
Roukema	Stratton	Wyden
Rowland	Studds	Wylie
Roybal	Stump	Yatron
Rudd	Sundquist	Young (FL)
Russo	Synar	Young (MO)
Savage	Tallon	Zablocki
Sawyer	Tauke	Zschau
Schaefer	Tauzin	
Scheuer	Taylor	

NAYS—25

Breaux	Forsythe	Roemer
Coleman (MO)	Gejdenson	Sabo
Coughlin	Goodling	Schroeder
Dickinson	Harkin	Shelby
Dorgan	Hawkins	Solomon
Durbin	Luken	Walker
Emerson	Miller (OH)	Young (AK)
Evans (IA)	Mitchell	
Fields	Roberts	

ANSWERED "PRESENT"—5

AuCoin	Oberstar	St Germain
Jacobs	Ottinger	

NOT VOTING—35

Alexander	Ford (MI)	Moody
Bates	Frank	O'Brien
Berman	Garcia	Pritchard
Bethune	Heftel	Rahall
Chappell	Kennelly	Rinaldo
Clay	Kolter	Rodino
Conyers	Long (MD)	Smith (NJ)
Crockett	Martinez	Swift
D'Amours	McDade	Thomas (CA)
Dingell	McHugh	Williams (MT)
Dixon	McKinney	Yates
Foley	Mikulski	

□ 1015

So the Journal was approved.

The result of the vote was announced as above recorded.

ELECTION OF HON. JIM WRIGHT AS SPEAKER PRO TEMPORE DURING THE ABSENCE OF THE SPEAKER

Mr. ROSTENKOWSKI. Mr. Speaker, I offer a privileged resolution (H.

Res. 232) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 232

Resolved, That the Honorable Jim Wright, a Representative from the State of Texas, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

Resolved, That the President and the Senate be notified by the Clerk of the election of the Honorable Jim Wright as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SWEARING IN OF HON. JIM WRIGHT AS SPEAKER PRO TEMPORE DURING THE ABSENCE OF THE SPEAKER

The SPEAKER pro tempore. The Chair will ask the Dean of the House, the distinguished gentleman from Mississippi (Mr. WHITTEN) to administer the oath of office.

Mr. WRIGHT assumed the chair and took the oath of office administered to him by the gentleman from Mississippi (Mr. WHITTEN).

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit at 10 a.m. on Wednesday, June 15, 1983, for the purpose of hearing testimony on H.R. 2883—a bill to admit certain passenger vessels to the coastwise trade—Cunard Princess and Cunard Countess.

The ranking minority member of the committee, the gentleman from New Jersey (Mr. FORSYTHE), and the ranking minority member of the subcommittee, the gentleman from Kentucky (Mr. SNYDER), have been apprised of the hearing date and time and are in accord with this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

THATCHER VICTORY PRESENTS OPPORTUNITY FOR PEACE INITIATIVE FOR ULSTER

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, Prime Minister Margaret Thatcher's resounding electoral triumph last week gives her the largest working majority of any British leader since 1945. It was unfortunate that Northern Ireland was barely raised as an issue in the campaign. However it would be a tragedy were Mrs. Thatcher to interpret her victory as a referendum of support for present British policy in Ulster.

Eleven years ago, former President Nixon immediately after receiving a decisive electoral mandate from the American people embarked on a dramatic foreign policy initiative with the People's Republic of China. It was the right time in history. So too should Mrs. Thatcher embark on a dramatic new peace initiative for Northern Ireland. It is also the right time in history.

The plan should include but not necessarily be limited to:

A declaration of intent by the British to begin a phased and orderly withdrawal from Northern Ireland.

A new commitment to the economic rebuilding of Northern Ireland including an end to all forms of economic discrimination.

A free and open dialog with all parties to the conflict aimed at developing a consensus political solution.

As chairman of the bipartisan Ad Hoc Congressional Committee for Irish Affairs I restate my contention that peace can and never will come to Ireland until all forms of violence—civilian and official are ended. The goal of peace, justice, human rights, and unity for Ireland should be at the top of the agenda for the Thatcher government.

PERMISSION FOR SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS OF COMMITTEE ON THE JUDICIARY TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary be permitted to sit on Wednesday, June 15, 1983, while the House is considering amendments under the 5-minute rule.

The purpose of the subcommittee meeting is to hold a hearing on H.R. 2327, the Regulatory Reform Act of 1983.

The minority has been consulted, and it has no objection to the request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SUCCESS OF CHAPTER 1 PROGRAM

(Mr. PERKINS asked and was given permission to address the House for 1 minute.)

Mr. PERKINS. Mr. Speaker, recently the President has been making claims that the quality of education began to deteriorate when the Federal Government became involved.

This has certainly not been the case with the chapter 1 program for educating disadvantaged children—or for Federal aid in general.

Chapter 1, formerly called title I, supports special educational services to low-achieving students in poor areas, and according to all recent evaluations, the program is working.

For example, the national assessment of educational progress' latest assessment of reading shows achievement scores increasing at a greater than average rate for the types of students helped by chapter 1. Between 1971 and 1980, low-achieving 9-year olds' reading scores increased by 8.8 percent. Among this same age group, black students' scores went up by 9.9 percent, disadvantaged urban students by 5.2 percent, all students in title I schools by 4.2 percent, while the average 9-year old's score increased by 3.9 percent.

Secretary of Education Terrell Bell has remarked on many occasions how successful chapter 1 is. In March 1982, before the Appropriations Committee, the Secretary said of chapter 1:

> That is a very successful federally-funded program. The evaluation data just persuade you of that.

I think the President ought to listen more to his own Cabinet Member before he makes statements about the impact of Federal programs.

□ 1030

THE PRESIDENT'S REPORT CARD

(Mr. BOUCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, it is appropriate that President Reagan's new-found interest in education comes at the end of the school term. Let us look at his report card.

To begin with, mark the President tardy—for being so late in understanding the importance of public education.

Give the President an A-plus in gymnastics—for his perfect flip-flop on education issues. The President, who now says he supports education, last year proposed abolition of the Department of Education, cuts in student loans, and cuts in vocational education.

The President must do more homework in history. Although he claims Federal education programs have failed, the opposite is true. Reading achievement for students in the title I program is up 8.8 percent for 8-year-olds and up 5.2 percent for urban youth. These programs have worked; the President just does not know his history.

On the whole, the President's education report card is not good. In fact, although he wants to stay the course, it is apparent that he will fail the course. Rather than graduating to another term in November 1984, I predict that the President will flunk out.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2250

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 2250.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

A MILITARY TRAINING CAMP IN HONDURAS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, setting up a military training camp in Honduras for Salvadorans makes a lot of sense.

Military training in El Salvador is interrupted and harassed by the guerrillas. Honduras will be safer.

If we learned one thing in Vietnam it is that when fighting guerrilla or jungle warfare, you have to fight the way the enemy fights if you expect to win.

The training that will be given the Salvadorans by the Green Beret, will be small mission-type training.

In my opinion, El Salvador is worth saving, but the military generals cannot fight a 9-to-5 war and the country's leaders are going to have to make many sacrifices to obtain freedom for their people.

The South Vietnamese became too dependent on the United States and when we stopped our support they could not adjust.

We can help this Central American country, but the main responsibility is up to the leaders and people of El Salvador.

IF WE WANT EXCELLENCE IN EDUCATION, WE MUST PAY FOR IT

(Mr. HARRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRISON. Mr. Speaker, yesterday, the President told us that if we want excellence in education, we must be ready to reward it. Of course, that is true. But it is also true that if we want excellence in education, we are going to have to be willing to pay for it.

So we do not abolish the Department of Education as this President has many times suggested.

We do not decrease Federal aid for vocational and adult education as this President's budget proposes.

We do not reduce the student loan program by three-quarters of a million students as this President's policies have already done.

The fact is that the education of our children has one thing in common with the MX missile: it costs money. But, it is an investment in hope, not fear; in the future not doomsday. Let us get on with it.

MILITARY REORGANIZATION IN THE PENTAGON

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, yesterday the Subcommittee on Investigations of the Armed Services Committee held a hearing involving the issue of the revision of the military organization in the Pentagon. As many Members know, I have introduced a bill, H.R. 2560, the Military Reorganization Act of 1983. What it does is it revises the top military staff, among other things abolishing the Joint Chiefs of Staff, establishing a Chief of Staff, and it is designed to save money and make the procurement and the operation of the military and the Pentagon more cost efficient. Actually, it is designed to save money.

Secretary McNamara testified recently that this proposal would save approximately 5 percent of the military budget.

The chairman of the committee, the gentleman from Alabama (Mr. NICHOLS), is to be commended for tackling this difficult problem.

Yesterday the hearing was held. The Joint Chiefs of Staff testified, and I submit that they helped me make my case for a better organization within the military.

UNNECESSARY SPENDING ON B-1 BOMBER IS A STEP BACKWARD

(Mr. ANDREWS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Texas. Mr. Speaker, I rise today in opposition to funding for the B-1 bomber.

Our debate on the B-1 is not only a matter of national defense but also one of economics. In these times of record deficits, efforts to strengthen our country's defense must rest on the sound foundation of a strong economy. Further appropriations for the B-1 bomber will endanger the commitment of many in Congress to significantly reduce the deficit.

The cost of the B-1 bomber has escalated astronomically. In 1981, a Pentagon study estimated the final cost of 100 B-1's to be $20.53 billion. Recently, the Project for Military Procurement estimated the B-1 to cost nearly twice that. The first 52 alone will cost approximately $19.7 billion. That is too much to pay for an interim weapons system which has yet to be tested in its final configuration. Tremendous sums have already been spent to refit and modernize our B-52's. These improvements in the B-52, combined with our fleet of F-111 bombers, create a bomber force capable of carrying us through the early 1990's. At that point, the Stealth bomber will replace our present bomber force. Let us move forward with this new Stealth technology. Additional appropriations for high-priced interim weapons are impractical.

We must establish our priorities and adhere to them. If our future defense lies in the Stealth weapons system, let us make further strides to reach this goal. Unnecessary spending on the B-1 bomber is a step backward.

A PILGRIMAGE OF HOPE FOR POPE PAUL II

(Mr. HERTEL of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERTEL of Michigan. Mr. Speaker, today marks the anniversary of the signing of the Magna Carta in England in the year 1215. That event marked the first major step in the recognition of human rights versus total dictatorship. That quest has lasted more than 700 years for civilization.

Today, in another historic journey, Pope Paul II will be making his second visit to his homeland of Poland. Much has changed since his last visit. As Pope John Paul embarks on his pilgrimage of hope, he carries with him the tradition of generations of mankind struggling for dignity and for freedom.

We commend his heroic efforts to renew the faith and spirit of his oppressed countrymen and to keep the ideals of freedom alive. We wish the Pope well in his quest for freedom and in his efforts to better the lives of the people of this entire planet.

STOP PRODUCTION OF NERVE GAS WEAPONS

(Mr. BETHUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, soon this House will begin the debate on the Armed Services bill and an amendment which will be offered by myself and the gentleman from Wisconsin (Mr. ZABLOCKI) concerning the question of whether this country should commence the production of a new age of chemical weapons, known as the binary nerve gas weapon.

In spite of the fact that there is more evidence this year that this House was right when it voted overwhelmingly to stop the production of these weapons last year, the Department of Defense is pushing to commence production of the nerve gas weapons. They are pushing and they are telling Members that it is essential that we begin, because we do not have the artillery shells and they are telling Members that the Big Eye bomb is working.

Mr. Speaker, I say first of all, the artillery shells that we have are adequate. They are efficient and we have a sufficient quantity of those shells.

Second, the Big Eye bomb is not working. The Big Eye bomb is blowing up on us, not them.

Members cannot intelligently resolve this important issue based on the kinds of information that could be discussed in public. Therefore, at the appropriate time today or tomorrow, whenever this issue is before the House, I will move the House, pursuant to rule XXIX, to go into secret session, at which time I intend to bring out the kind of factual information which Members must have in order to make an intelligent judgment toward the resolution of this issue.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 368

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that my name be deleted as a cosponsor of the bill, H.R. 368.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REWARDING EXCELLENCE IN EDUCATION: THE AMERICAN WAY

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, I have watched with interest this past week as my colleagues on the other side of the aisle have attempted to engage the Congress in yet another exercise in futility. They want to throw more money at the problems in our education system and institute more Federal controls as a means of dealing with America's present educational predicament.

In doing so, Mr. Speaker, they ignore the fact that as Federal funding has increased over the past 15 years, academic performance has declined. They also seem to forget that the decline in basic standards in public education has occurred despite the massive expansion of the Federal role over the past 10 years in education.

Mr. Speaker, for the last several years, President Reagan has been trying to get the Federal Government to recognize its abysmal track record in education and withdraw from policymaking and from regulating our school districts. Education decisions should be made by State and local governments, parents, and students. President Reagan's education program aims to return those decisions back to local control.

Perhaps the most important component of the President's education program is his initiative to reward teacher performance. Because too many teacher organizations have failed to subject their membership to standards of accountability, there are virtually no rewards for the outstanding teacher whose contribution is toward the best interests of education.

Speaking in support of his teacher performance proposal yesterday, President Reagan said that "if we want to achieve excellence in education, why not reward it? That's the American way."

President Reagan correctly wants the Federal Government to focus its limited resources on defining and encouraging excellence, making available the most up-to-date and well-proven methods of its attainment and rewarding people and programs that exemplify excellence in education. That, Mr. Speaker, certainly is the American way.

QUALITY EDUCATION

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, some people today want to debate the Federal role in education. If they think this is the debate, they are mistaken. The debate today is over quality education, and the National Commission on Excellence report clearly places the problem at all levels of the educational system and says the solution must come from within the entire system, with a heavy emphasis on State and local levels.

Why must we restrict the debate to the Federal level when the Commission calls for national leadership in carrying out reforms at the State and local level? No one level of government can accomplish these reforms, certainly not the Federal Government.

Joseph Califano fought the battle about the appropriate Federal role in education during the last administration. This is what he has to say:

> The vast bulk of the money the Federal government provides to education should go with as few strings as possible, providing maximum freedom to state and local school systems.[1]

The issue today is how to bring about reforms at the State and local level, not to just increase Federal spending. The issue is how to obtain quality from the $215 billion we do spend nationally for education today.

□ 1045

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 953

Mr. HARTNETT. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of the bill, H.R. 953.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

THIRD-YEAR TAX CUT

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, the suggestion that we put a cap of $700 on the amount of tax cuts Americans will receive July 1, as part of the President's overall 25-percent tax reduction, is an idea absolutely out of touch with reality and potentially damaging to America's economic recovery.

Mr. Speaker, at a time when this economy is finally responding in a positive manner, when we are seeing real growth in GNP, lower unemployment, reduced inflation and interest rates, we have the party which brought us billions of dollars in deficits now proposing that instead of making more money available to Americans to spend, we take billions of dollars out of circulation and put it into Uncle Sam's pockets.

Mr. Speaker, now is not the time for a tax increase. Now is the time for us to make sure our recession ends for good; and the third-year tax cut proposed by the President, and set to go into effect July 1, is the best guarantee we have to see to it that our recovery continues.

REPEAL WITHHOLDING

(Mr. PETRI asked and was given permission to address the House for 1

[1] Califano, Joseph. "Governing America," p. 315.

minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, let us have an end to this foot-dragging on repeal of withholding on interest and dividends.

Both Chambers have voted overwhelmingly to prevent implementation of withholding. But since the bills passed by each Chamber are not identical, withholding is still scheduled to go into effect July 1.

This past weekend the people of my district kept on asking me "Why? Why hasn't Congress come to agreement on withholding and thrown it out? Surely, there's been plenty of time."

Clearly, they are right.

The public is justly cynical about this Congress which seems bent on ignoring the people's clearly expressed wishes.

So, let us stop the foot-dragging and repeal withholding.

ADMINISTRATION CONTRIBUTIONS TO EDUCATION

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, recent statements have confused the facts surrounding the administration's support for education. The budget authority for student financial assistance programs for the fiscal year was $6.7 billion. The proposal for fiscal year 1984 is $5.6 billion. That appears to be a budget cut but, in fact, is not.

The reduction in budget authority is due to a drop in interest rates and reflects the reduced cost to the Government of subsidizing student loans. The fact of the matter is that the Department of Education projects an increase of more than 100,000 in the number of students who will receive guaranteed student loans in fiscal year 1984. The lowered cost of student loans is something of which the administration can be proud since it is part of the economic recovery from the excessive interest rates and inflation of the Carter years.

The administration has also asked Congress to approve an increase in the maximum Pell grant from the current level of $1,800 to $3,000. This will broaden the range of institutions a needy student can attend with Federal assistance. An increase of 60 percent has also been requested for college work-study funds which will help an additional 345,000 students meet the costs of attending college.

The student aid program is but another example of how the administration's program to reduce inflation and interest rates allows more individuals to participate while reducing the cost to the Government.

MORE MONEY NOT THE ANSWER TO BETTER EDUCATION

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, the present controversy over education is another perfect illustration of the differences between the two parties. The Republican Party has made two major contributions to local education over the past 2 years. First, we have cut the inflation rate from 13 percent to practically zero. This means that local school districts no longer have to raise taxes every year just to stay even.

Second, we have cut the Federal income tax rates by 25 percent across the board. This means that billions of dollars that would otherwise have been siphoned off to Washington have remained in our local communities available for real improvements in local schools.

This strengthens our traditional system of local control so that parents, not Washington bureaucrats, can decide what is best for each school.

The Democrats have offered only more high taxes and centralized control which have done so much to undermine the confidence of our schools. The Democratic budget proposes to pull an additional $30 billion in new taxes out of our local communities in 1984 alone. They will then send a tiny portion of those funds back to local school districts, and Federal bureaucratic paperwork and interference attached, in another one-size-fits-all emergency Federal program.

Mr. Speaker, this country cannot stand a CETA program for its schools.

The choice is clear, Mr. Speaker: More taxes and more Federal control, or lower taxes and more local control. I think the Republicans are on the right track in returning control of our schools to the people themselves.

MORE DOLLARS FOR EDUCATION NOT THE ANSWER

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, it seems that the tired, old idea of throwing money at a problem is still with us. The problem of providing a quality education for America's youngsters is apparent. But, is throwing another $11 billion at the problem the answer? Is this really the best we can do? Let us look at the facts.

In 1982–83, the average spending per pupil in this country will increase by 9.5 percent. This has occurred despite reductions in enrollments at the elementary, secondary, and postsecondary levels.

Moreover, education dollars buy more now than they would have had the 12.6-percent 1980 inflation rate continued. In fact, every 1-percent reduction in inflation buys $2 billion more in services. This is one of the hidden contributions of this administration to supporting education funding. Of course, this is compatible with the administration's economic goal of increasing State and local purchasing power, and with its goal of increasing State and local control and decisionmaking.

Specifically, the inflation rate has decreased by 8 percentage points since 1980. This means that today's education dollars are buying $16 billion more than they would have otherwise.

CONCERN FOR QUALITY EDUCATION

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, now that everyone is talking about education I guess it is inevitable that we will have to listen to more partisan attacks on the President by those who spent our education policy into failure, even creating a new department to hand out the money.

The problem with our education policy in this country is not the amount of money spent. In fact, over the past 20 years education spending has skyrocketed. Unfortunately, the education of the children in our country has suffered during this time of increased spending.

The reasons are obvious to concerned observers. As the Federal Government has increased its spending, it has also increased its control over local education policy.

The President has tried to address this Federal failure in education policy by reducing Federal intrusion and returning control of programs and money to the local level. He also has proposed a voucher program to allow parents to participate in choosing their children's education opportunities, and tuition tax credits to help those who send their children to private schools.

Mr. Speaker, what disturbs me most is that I have yet to hear those Members who criticize the President mention the words "quality education." Apparently to them education is simply a political issue to be exploited. For the President it is a question of quality education to provide for our children's future.

QUALITY EDUCATION NEEDS MORE THAN JUST MONEY

(Mr. WEBER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. WEBER. Mr. Speaker, it really is truly unfortunate, as many Members preceding me in the well have pointed out, that the education debate which our country so badly needs now seems to be denegrated by a debate simply limited to the issue of Federal spending.

I suppose partisanship was almost irresistible in this case but I would urge Members who are truly interested in the educational issue to look at the three major commission reports that prompted the current educational debate: The report of the President's Commission, the report of the Governors' Commission chaired by Governor Hunt, a Democrat of North Carolina, and the report of the 20th Century Fund, a nongovernmental institution.

Those reports do not lead to the conclusion that the major problem facing education is an absence of funding. None of those reports do. They talk about issues like excellence in education, restoring of basic curriculum, restoring incentives so we can attract and maintain quality teachers, and setting higher standards for our students.

The question of Federal funding in all of those reports is truly a secondary issue. Members who seek to move the educational debate solely to the issue of Federal funding are really doing those who are concerned about quality education a great disservice.

OPEN DEBATE ON BINARY CHEMICAL WEAPONS

(Mr. ANTHONY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANTHONY. Mr. Speaker, my colleague from Arkansas indicated in a 1-minute speech earlier that when the House goes into the Committee of the Whole that he would ask that we go into a secret session of the House so that we could discuss the binary project.

The binary project is being called in some circles the nerve gas project. That happens to reside in my congressional district. It is at the Pine Bluff Arsenal in Pine Bluff, Ark.

We had an open and public-spirited debate on the nuclear freeze. We had an open and public debate on the MX missile.

I think it would be a crying shame if we went into a secret session. We should have an open, spirited, friendly debate on the binary project and not only should the Members of Congress know the true facts about this important defense issue, but I think the public at large has a right to know what the true facts are, and they will only determine that in a spirited and open debate on this House floor.

Once that debate has taken place, I think not only the public would understand the need to modernize our chemical warfare but I think the Members of Congress would understand it and would give us an overwhelming vote for an amendment that I think will be offered later on by the gentleman from Texas (Mr. LEATH).

□ 1100

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

The SPEAKER pro tempore. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2969.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, with Mr. RUSSO (Chairman pro tempore), in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, June 14, title 1 was open for amendment.

Are there any further amendments to title 1?

AMENDMENT OFFERED BY MR. SMITH OF FLORIDA

Mr. SMITH of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Florida: Page 2, line 14, strike out "$4,738,400,000" and insert in lieu thereof "$4,067,300,000, none of which may be used for the procurement of the division air defense (DIVAD) gun".

Mr. SMITH of Florida. Mr. Chairman, my amendment seeks to delete all procurement, advance procurement, and spare parts funds for the Sergeant York division air defense system, also known as "DIVAD."

The amendment seeks to save $671 million in fiscal year 1984 and about $2.5 billion over the next 5 years.

In recent months, a great deal of negative information on "DIVAD" has surfaced.

Both the Congressional Budget Office and the General Accounting Office have issued negative reports with reference to the gun. And I might just at this moment take the opportunity to say that the Comptroller General's GAO report says the Army should confirm the Sergeant York air defense gun's reliability and maintainability before exercising the next production operation, that was in January 1983. And in February 1983, just a few months ago, the Congressional Budget Office, also in its report offered that this gun be deauthorized completely and that the whole weapon system be abandoned.

As some of the reasons for this stance, they cited the following: The latest version of the HIND-E attack helicopter which is the basic weapon against which this weapon was to perform, the HIND-E being the latest Soviet equipment has a range greater than the DIVAD gun. Which means this weapon could conceivably come to the battlefield area, discharge its weapons, and leave without the DIVAD having any ability to shoot it out or knock it down.

DIVAD's active radar could become vulnerable to Soviet missiles that home in on the radar beam.

DIVAD's guns do not work well against maneuvering targets. "Of course, DIVAD will miss if the target jinks; no computer can handle a jinking target," quoting Lt. Gen. James Malony, then head of Army Air Defense Center.

The Army had to cancel reliability and maintainability testing because the prototypes did not meet specifications.

Testing that did occur has disclosed numerous deficiencies and the need to redesign portions of the system. Indeed, a production model will not be available until September 1983, the required delivery date. Since no production model exists, the Army is unable to develop training and logistical support programs for DIVAD.

In addition, DIVAD uses a 40-mm round. The West German air defense gun—the only other air defense gun in Central Europe—uses a 35-mm round. So much for NATO interoperability.

Questions about DIVAD are even being raised—however belatedly—at the Pentagon. Some DOD officials noted that data on the effectiveness of DIVAD's lethality may have been overstated by as much as 300 percent and of its reaction time overstated by as much as 400 percent.

That is a direct quote from a memo sent by David Chou, the Director of Program Analysis and Evaluation, to the Pentagon superiors. And he calls for an absolute reevaluation of this weapon.

These officials question whether a production go-ahead would have been given if this information had been known at that time.

DIVAD is a classic example of what occurs when "fly before buy" becomes "fly and buy." When procurement begins before development is complet-

ed, it becomes almost impossible to correct faults that inevitably arise in testing. The contractor is under pressure to deliver the system, regardless of inadequacies. Several hundreds of millions of dollars are being spent on additional engineering while DIVAD is in production—and DIVAD's problems still have not been corrected. This is not the way to purchase a weapons system.

About 18 months ago, the Army conducted a "checklist" to obtain data on the operational effectiveness and military suitability of DIVAD. The Army's conclusions should have convinced just about anybody that serious problems have not been corrected in DIVAD.

These tests were not conducted under the most realistic circumstances:

All maintenance above crew level was performed by contractor personnel. All repair tools and equipment were controlled by the contractor. Therefore, the Army noted, a full maintenance evaluation could not be made.

Units were trained by the contractor.

The flat terrain of the test site, while enhanced electronically, did not reflect the complexity of a real battlefield. Western Europe has rolling terrain, is foggy and rainy and wet. The test site was flat and dry.

The tests did indicate significant good features and improvements had been made in DIVAD, but there were a "significant" number of problems, in the Army's estimation.

DIVAD has a system intended to designate the highest priority target. The contractor-trained crew did not have confidence in the use of this system, and only 15.6 percent of designations of single aerial targets were made with this system.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. SMITH of Florida was allowed to proceed for 3 additional minutes.)

Mr. SMITH of Florida. If a contractor-trained crew did not have confidence in this system, will an Army-trained crew have that confidence when encountering multiple targets?

Gloves to protect against chemical weapons or cold weather protection interfered with the success of the system. It does get cold in Europe.

Drivers were endangered by the turning turret, and other problems—not involving the actual firing of DIVAD's guns—endangered the crew.

When the turret moves from one place to another, brake pressure becomes low. When brake pressure is low, braking does not occur promptly enough. So, DIVAD's turret may not be able to stop quickly enough to switch from one incoming target to another. How, then, will it handle multiple targets?

A diving target may cause the gun to fire into the ground because DIVAD cannot distinguish between the actual target and clutter closer to the system. During our test the gun fired at the reviewing stand and into the ground.

DIVAD is supposed to detect and fire at a target in 8 to 10 seconds. The test data—some of which is classified—shows it cannot.

DIVAD's survivability on a battlefield is questionable. Gunfire smoke, the rotating radar antenna, and its high profile make it easy to spot. Its ability to deal with antiradiation missiles (ARM) faces severe problems.

DIVAD's built-in testing equipment is supposed to tell the crew when an equipment malfunction might threaten the success of the engagement. This equipment shows problems even when they do not exist. If the crew were to rely on this equipment, DIVAD would be shot down more often than necessary.

The ammo feeding mechanism jams—one in four jams during each reload cycle.

Mr. Chairman, let me summarize my reasons for seeking to end funding for DIVAD:

First, the contract was awarded before development was completed. Consequently, we are paying millions to now make design changes that should have been made previously.

Second, the contract was awarded under questionable circumstances in which test data looks as if it was misrepresented. In fact, the contractor which was awarded the contract had the worst record in terms of testing. Problems have not yet been corrected. Even though the first production model is due in months and we are now in the third year of procurement testing.

From a military point of view DIVAD will not be able to defeat the threat it was designed to confront. Quite frankly, Mr. Chairman, the Army which needs a new air defense gun at some point in time cannot afford the DIVAD and other weapons. What should be done? CBO said Congress could direct the Army to develop a system less vulnerable to countermeasures.

In the interim, the Army could rely on the existing Vulcan gun, improvements to which are being funded under this bill, as well as planned buys of the Stinger air defense missile, which appears to do the same job in a better mode than the DIVAD weapon. Whatever the choice we make we must insure that testing and interpretation of the results are above reproach, that development is completed before procurement begins, that NATO interoperability is respected and the new system works.

Why do we want it to work? Because not only do we want equipment to be worth what we pay for it, but because American soldiers' lives are at stake, allied soldiers lives are at stake with the weapons we give them. The things we give them to deal with and work with must be the best possible.

I am convinced that DIVAD does not work. Many of you are convinced. I would hope that we will eliminate funds for procurement of the DIVAD until such time as the weapon is absolutely operational and the Defense Department agrees which it does not now do.

Mrs. HOLT. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment. I think all of the statements that have been made opposing this weapon system are typical of those made by individuals who want to wipe out a single weapon system. They comment on every test during the development and cite every step as a fault in the weapon system. I have a letter here from General Meyer, General of the Army, former Chief of Staff, who has said that he wants to make his position very clear regarding continuing procurement of the Sergeant York system. He says:

> I believe that the Sgt. York is urgently needed to replace the Vulcan air defense gun now deployed with the heavy divisions. The Sgt. York system has been designed to accompany the heavy division maneuver forces in the forward battle area, providing air defense protection in order that those forces may survive to fight. I know of no substitute for the Sgt. York.

Now, there was a criticism in the last gentleman's statement that we went into procurement before we had contracts signed to develop the DIVAD, but the General says:

> The urgency of need was so great that the Army embarked on an innovative acquisition strategy for Sgt. York that included "skunk works" development using "off-the-shelf" components, competitive development by two contractors, and concurrency in training and logistics development. That approach worked. The program is on schedule and is within two percent of originally programmed costs. The threat to our forces in the forward area is even greater than originally forecast.
>
> We have committed procurement dollars to the Sgt. York program for three years, funding two production options for a total of 146 systems.

The letter follows:

U.S. ARMY,
THE CHIEF OF STAFF,
April 26, 1983.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Media articles have quoted excerpts from my recent testimony before the Defense Subcommittee of the Senate Appropriations Committee regarding Army's Sgt. York Air Defense Gun System being "on the margin." These statements are being quoted out of context and may be obscuring my true viewpoint.

I want to make clear to you my position regarding continued procurement of the

Sgt. York system. I believe that the Sgt. York system is urgently needed to replace the Vulcan air defense gun now deployed with the heavy divisions. The Sgt York system has been designed to accompany the heavy division maneuver forces in the forward battle area, providing air defense protection in order that those forces may survive to fight. I know of no substitute for the Sgt. York.

The urgency of need was so great that the Army embarked on an innovative acquisition strategy for Sgt. York that included "skunk works" development using "off-the-shelf" components, competitive development by two contractors, and concurrency in training and logistics development. That approach worked. The program is on schedule and is within two percent of originally programed costs. The threat to our forces in the forward area is even greater than originally forecast.

We have committed procurement dollars to the Sgt. York program for three years, funding two production options for a total of 146 systems. Deployment will begin this fall. The FY 84 procurement dollars will fund a third production option of 130 systems.

I strongly recommend continued procurement of the Sgt. York system and request your support.

Sincerely,

E. C. MEYER,
General U.S. Army,
Chief of Staff.

Regarding the threat, the Soviets have made large investments to modernize their conventional forces, including attack helicopters. Did you know that over the next 10 years it is estimated that the Soviet helicopter force will increase by over 20 percent at the present production rate. For example, one production line is producing at a rate of almost 40 helicopters per month. You can be sure that they will not hesitate to use these sophisticated attack helicopters in any future conflict with this country or our allies.

I think it is safe to assume that Soviet helicopters will represent a sizable threat to our forward deployed division in any further conflict. Therefore, we need an effective air defense system capable of helping to counter the helicopter threat. That air defense system must be capable of maneuvering with our heavy division elements such as M-1 tank and Bradley fighting vehicle units; it must be capable of acquiring and engaging fast moving targets at maximum range, and it must have some armor protection. Did you know that the Soviets have, for several years, employed the ZSU-23/24 air defense systems, and these systems generally can perform those functions. Plus the Soviets are building a follow-on more capable system.

PRESENT SYSTEM

We have a 1960-vintage system called the Vulcan. Although efforts are being made to upgrade this system, its days are numbered. Therefore, we need DIVAD which has armor protection, can maneuver with the heavy divisions in the forward battle area, and can acquire and engage the sophisticated air threats of the 1980's and 1990's.

NEED FOR DIVAD

I certainly would not like to be the one to tell our young Army troops that while the Soviets continue to improve air defense protection for their soldiers, we refuse to afford our soldiers, at least, equivalent air defense protection. We need DIVAD, and with the fiscal year 1984 procurement contained in H.R. 2969, almost 45 percent or 276 systems of the total inventory requirement will be satisfied.

The program is progressing on schedule, within 2 percent of the original design-to-unit-cost goals—$1.9 million in 1978 to $2.2 million in 1983—and it enjoys strong support from the Defense Department.

Help me defeat this amendment.

Mr. STRATTON. Mr. Chairman, would the gentlewoman yield to me?

Mrs. HOLT. I will be happy to yield to the gentleman from New York.

Mr. STRATTON. I want to commend the gentlewoman from Maryland for her precise statement and knowledgeable comments.

I am not aware that the gentleman from Florida has any particular expertise in divisional artillery matters. And it seems to me that we here in the House ought to be a little bit suspect when attacks on weapons which we have studied in some detail in the Armed Services Committee, as the gentlewoman has done, are attacked because somebody has read an article in some particular magazine. That is what happened last night in connection with the Bradley fighting vehicle. And we had to analyze something that was based on critiques made by somebody else and I am not aware that the Atlantic Monthly has any particular expertise. But I would suggest that the strongest support for the gentlewoman's position is contained in a letter from the Chief of Staff of the U.S. Army.

□ 1115

The CHAIRMAN pro tempore. The time of the gentlewoman from Maryland (Mrs. HOLT) has expired.

(At the request of Mr. STRATTON and by unanimous consent, Mrs. HOLT was allowed to proceed for 5 additional minutes.)

Mr. STRATTON. Mr. Chairman, will the gentlewoman yield further?

Mrs. HOLT. I yield to the gentleman from New York.

Mr. STRATTON. General Meyer, who is the outgoing Chief of Staff of the U.S. Army, is a distinguished combat veteran in Korea and in Vietnam and he says this:

* * * Continued procurement of the SGT YORK system . . . is urgently needed to replace the VULCAN air defense gun now deployed with the heavy divisions. The SGT YORK system has been designed to accompany the heavy division maneuver forces.

Incidentally, I might point out that the name of this weapon is DIVAD because it is division artillery. And that is what it is called by the forces who are anxious to have it for their protection.

The SGT YORK system has been designed to accompany the heavy division maneuver forces in the forward battle area, providing air defense protection in order that those forces may survive to fight. I know of no substitute for the SGT YORK

The program is on schedule * * * within two percent of originally programmed costs. The threat to our forces in the forward area is even greater than originally forecast.

I strongly recommend continued procurement of the SGT YORK system and request your support.

And that is addressed to Chairman PRICE.

Mrs. HOLT. I thank the gentleman for his remarks.

Mr. Chairman, I certainly feel that that is absolutely accurate, that when these statements by experts are taken out of context or statements are made by people who have not the expertise such as the writers in the Atlantic Monthly that great harm can be done to the real truth.

Another point that I want to make; the gentleman from Florida mentioned the fact that Dr. Chou's shop was opposing this weapons system. Well, that shop has opposed it from the very beginning and has done everything in its power to prevent the development of this much needed weapon system.

Mr. SMITH of Florida. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. I yield to the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentlewoman for yielding.

Let me first say that I do not believe that myself or many others here would take what is written in a magazine as gospel and attempt to come to this floor and convince Members with a great deal of expertise in this area that we are doing something based solely upon an article in a newspaper.

However, I will say that I never met a skunk, nor have I ever talked to one, but I sure know when something smells. And this is that kind of situation. And to say that merely the Atlantic Monthly article is the reason for not having this kind of weapon——

Mrs. HOLT. If I may reclaim my time, I thought the gentleman had some other comment to make.

Mr. SMITH of Florida. Well, if the gentlewoman will allow me to make the point I made when I asked her to yield, I would be very grateful.

Mrs. HOLT. I will yield to the gentleman from Florida.

Mr. SMITH of Florida. The point is that this letter from Dr. Chou inside the Defense Department, who is charged with overviewing these projects—he is the Director of Pro-

gram Analysis and Evaluation—sends up a signal that there may be something wrong with the way the weapon is testing. The CBO is not the Atlantic Monthly, that Congressional Budget Office belongs to us.

Mrs. HOLT. If I may reclaim my time, the gentleman has made all of those points.

Mr. SMITH of Florida. The GAO is not the Atlantic Monthly, those items belong to us.

Mrs. HOLT. The GAO has notoriously attacked weapons systems. We in the Armed Services Committee have had hearing after hearing. We have had the experts in who have testified on this program. We have watched the development of the program. We feel that it is on time, it is within cost. And with General Meyer stating that there is no substitute for the Sergeant York, I think that that is the best expert testimony that we can get on the subject.

Mr. NICHOLS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Unfortunately the gentleman from Florida (Mr. SMITH) has not had the benefit of the many hearings our committee has conducted—running from early February through late May—on major Defense programs such as DIVAD. I say it is unfortunate because if Mr. SMITH was able to receive and respond to the testimony given concerning DIVAD performance and cost, I am certain he would have arrived at a different conclusion. I believe he would not be offering this amendment which appears to be based on an Atlantic Monthly article of October 1982 and a recent Newsweek article.

I should say at the start that the Atlantic Monthly article, which is itself almost 8 months old, was based on test and performance data from 1981—2 years ago. Clearly, the fact that the information is 2 years old does not, in itself, discredit the allegations. However, the fact is that these allegations are totally false.

Let me just review his major points:

First, Mr. SMITH claims in his "Dear Colleague" letter that DIVAD cannot hit maneuvering aircraft or helicopters.

Nothing could be further from the truth.

The DIVAD cannot only hit but it can kill aircraft—both fixed wing and helicopter—which might be flying a variety of mission and attack profiles.

In fact, the DIVAD uses a proximity round which will permit it to kill an aircraft without a direct hit. DIVAD is clearly superior to the 1960-vintage Vulcan system it is replacing.

Second, Mr. SMITH claims that DIVAD's radar could be used by the enemy to find the DIVAD system.

It is true that the Soviets have a missile called an antiradiation missile (ARM) which homes on radio frequency emitters such as the DIVAD radar. Therefore, if the attack aircraft is armed with this missile and if the missile is on the proper frequency, and if the DIVAD is not employing electronic countermeasures—such as turning the radar off and on at irregular intervals—then the missile just may be capable of finding DIVAD.

Just like our antiradiation missiles are capable of locking on to Soviet weapons systems which are radiating such as their ZSU-23/24 air defense systems. However, does this mean that the Soviets are going to stop producing and employing their air defense systems such as the ZSU-23/24, which are similar to the DIVAD? I doubt it. In fact, the Soviets are developing a more sophisticated, follow-on air defense system to replace the ZSU-23/24. It just does not make sense to use the radar emitter argument to support deleting funds for the DIVAD.

Third, Mr. SMITH claims that unrealistic testing and questionable evaluation procedures occurred in the DIVAD program. I do not know the source of his information. But I have listened to testimony on this program for several years and, quite frankly, it is clear that these claims are unfounded.

The DIVAD program, from the very beginning, was designed to be a highly compressed program. It is important to note that the DIVAD program started in 1978 and by 1982 it was in production, 50 systems, and by this fall the Army will start fielding DIVAD. Therefore, in the space of about 4 years, DIVAD has moved from just a concept to a deployed system. It usually takes about 8 to 10 years to do this.

Notwithstanding its compressed development and production schedule, DIVAD is within 2 percent of the original cost estimates, in real terms, and is performing well.

The Army has indicated that it plans to complete initial production testing in 1984 and that all fixes have been identified for those reliability deficiencies surfaced during earlier testing.

Mr. SMITH also alludes to a recent Newsweek article, May 23, 1983, which alleges that DOD officials are questioning the DIVAD program. I have a copy of the memorandum upon which the article was based. It was written by some lower level DOD staff person as an internal memorandum.

It never even reached the assistant secretary level. The Army has indicated that the allegations are unfounded, the Chief of Staff of the Army, General Meyer, supports the program, and the DOD continues to support the program—as reflected in H.R. 2969.

Finally, Mr. Chairman, I would just like to add that I disagree with Mr. SMITH's conclusion because I believe that the DIVAD program is representative of what is right with the procurement process. The DIVAD system went from: First, design to production in 4 years—it usually takes 8 to 10 years. Second, the DIVAD unit cost is less than 2 percent above the original cost estimate, in real terms—how many defense or nondefense programs can say that? Third, the DIVAD program is on schedule.

I hope my colleagues will join me in defeating this amendment.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Virginia.

Mr. DANIEL. I thank the gentleman for yielding.

Mr. Chairman, I have not had the benefit of all the hearings to which the gentleman referred but yesterday I received a letter from a gentleman who is an expert in this field. This gentleman is a member of the Armed Services Committee in the other body. He had recently had the experience of firing the DIVAD, and without the benefit of a lot of experience, hit the target.

I think that is pretty good evidence of the accuracy of this weapon.

I quote from his remarks:

> Recently I had occasion to visit a couple of military installations around the United States and I wanted to share my observations with you.
>
> First, I paid a visit to Fort Bliss, Texas, which as you know, is the home of the Army Air Defense Center. The principal purpose for my visit was to take a look at the Sergeant York Air Defense Gun System sometimes known as DIVAD. This gun has been controversial in the news media and, on some occasions, here in the Congress. There is no doubt about the Army's support for this weapons system and a recent letter from the Army Chief of Staff testified to that fact.
>
> The Sergeant York is now being tested at the McGregor Test Range north of Fort Bliss and I had an opportunity, not only to look at the weapons system, but to fire the 40 millimeter guns at a couple of airborne targets. The helicopter drones which I fired at were miniature compared to the Soviet's Hind Helicopter. Nonetheless, I was able to score hits on both drones. The automatic changeover from the search to the track radar was particularly impressive as was the subsequent high degree of accuracy of the automatic system. After firing the Sergeant York system at drones, I was subsequently able to observe the system in its tracking mode against a high speed target. An A-7 aircraft flew past at approximately 300 knots and at about one and a half kilometers range and the Sergeant York system tracked this target extremely well. There is no doubt that the system could have downed the A-7. It is my conviction that the testing is proceeding very well with the Sergeant York Air Defense System and that the Congress should fully fund it in this year's authorization process.

Mr. BADHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

My colleagues, it just does not make sense to delete funds for this vital defense program. As one reviews the facts, it should be clear that the DIVAD or Sergeant York gun is integral and vital to the successful employment of our forward deployed Army divisions.

The DIVAD is the only system available to the maneuvering unit commander which has the rapid reaction time and range to counter the ever increasing Soviet helicopter threat. DIVAD has the capability to maneuver with forward deployed units of M-1 tanks, Bradley fighting vehicles, and armored personnel carriers and, thus, provide credible protection against the low flying air threat. The current Vulcan system is clearly inadequate and will not be capable of responding to the sophisticated helicopter threat of the 1980's. Yes, we certainly need DIVAD.

It is important to note that the DIVAD system was developed using an accelerated acquisition strategy. This strategy was adopted because of the need to quickly improve air defense coverage for the forward deployed Army divisions and to reduce the expense usually associated with the development of a major weapon system. Therefore, the DIVAD program was structured to take advantage of an existing tank chassis, (M-48A5), and installing a modern fire control system with radar and a 40-millimeter twin barrelled gun for the firepower. Under this accelerated strategy, the DIVAD evolved from the basic concept design phase to the production phase in just 4 years—which may be a record as major systems go. Our troops will be receiving these systems starting next year. In fact, with the fiscal year 1984 procurement, the Army will have 276 DIVAD systems or about 45 percent of its total requirement.

For those of you who are as concerned as I am about cost growth, the DIVAD today costs less than 2 percent more than it was originally estimated to cost. Not a bad record. Further, since the current contract is a fixed price contract, it is fair to assume that there will be no additional cost increases to the Government.

I believe that this good cost control record is, in part, due to the 3 years of competition, from 1977 to 1980, which provided an excellent opportunity to refine cost estimates. The winner of the competition was awarded a contract in 1980, and the Army will be receiving its first production of DIVAD in a few months.

In summary, this is a sound program which is entering its third year of production. It is on schedule, within cost, and has no significant performing problems.

Mr. Chairman, it is unfortunate that although we recognize that any weapons system can be attacked on the floor of the House or in magazines, but here we have the apparent basis for this amendment to kill this system desparately needed by the Army a magazine article which implies and I quote from the Atlantic Monthly.

> These devices will make the DIVAD the most sophisticated piece of equipment ever to roll onto a battlefield and it is priced accordingly at a minimum of $6.8 million each.

And it goes on to say that DIVAD will cost nearly three times as much as the M-1 tank it is designed to defend.

Now anyone who studies the Defense Department, studies weapons systems, studies our accounting procedures, will know on the face that the author who wrote the article either purposefully neglects the truth or is not in a position to know the truth.

□ 1130

The M-1 tank has a cost of approximately $2.2 million a copy, rollaway cost. The DIVAD is approximately the same, about $2.2 million,

To say one costs three times the other is either purposeful falsehood or ignorance of the truth.

Another charge is that the DIVAD cannot hit an aircraft that is flying evasive maneuvers; it is designed to defend against helicopters that have ground attack capability, and anybody who has ever ridden in a helicopter or who has flown a helicopter will recognize the fact that a helicopter cannot hit the broadside of a barn when it is making wildly evasive maneuvers.

The whole idea is to prevent the helicopter from doing damage against ground targets, such as tanks, infantry fighting vehicles, infantry and forward air defense equipment; and a helicopter that is wildly maneuvering could not do damage anyway.

It is unfortunate that the gentleman offered the amendment on the basis of some magazine articles, and that is why the amendment should be rejected. I think it is too bad that it was offered in the first place.

Mr. COLEMAN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my colleague, the gentleman from Florida.

I think that my colleague should be reminded of the important mission of the air defense gun, the system itself, and the role that it plays in air defense. Today's Army currently lacks adequate air defense coverage. Indeed, with early 1960 vintage systems, today we need to create a system that will be effective in the front area of the battlefield. There is a proliferation of Soviet ground attack aircraft and antitank guided missile-launching helicopters today. The DIVAD has the capability to provide an effective defense against these threats through the use of sophisticated acquisition and tracking radar and a responsive fire control system. The Army's present air defense gun, the Vulcan air defense system, lacks those capabilities.

My colleague, the gentleman from Florida, asserts, based on an October 1982 Atlantic Monthly article and a Newsweek article dated May 23 of this year, that DIVAD is not capable of performing what it was designed to do. I do understand those allegations. However, it is my view, from the research, as a member of the Armed Services Committee, that those articles were truly based on outdated and incorrect information. The "Dear Colleague" letter that I received from the gentleman from Florida alleges that the DIVAD has problems locating and destroying maneuvering aircraft and that unrealistic testing and questionable evaluation procedures were used in the DIVAD program. Those allegations, in my view, are unsubstantiated. In fact, the DIVAD has a high kill probability when compared to the current Vulcan system, and compares favorably to those air defense systems currently being used by the Soviet bloc nations. DIVAD is capable of tracking maneuvering aircraft. With respect to questionable evaluation procedures, I understand that DIVAD testing satisfied those program objectives. Furthermore, followon testing of the production model will be completed before full-scale production occurs.

I think that it is extremely important in this debate to understand that the continuation of modernization of weapons systems such as this one certainly is going to be necessary. It is one about which we should not shirk our duty. I am not at all disturbed by the fact that someone in the Department of Defense questioned it. I think that that is only proper and right in this country to question programs, and I am willing to have this program questioned continually. I have had the opportunity in my district to talk with the soldiers who have seen and who have had hands on and utilized the DIVAD in Texas. They continue to inform me, as does the commanding general, General Maloney, at Fort Bliss, Tex., of their satisfaction with this program, and they agree with me on the need to go forward with it. They believe it is essential for the protection of our forward maneuvering units on the battlefield.

I therefore urge my colleagues to join with me in the defeat of this amendment.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to my distinguished colleague, the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentleman for yielding.

Mr. Chairman, I really would like to say that, first of all, I do not disagree with the need for the weapons. Second of all, I do not disagree that we need a weapon that can be capable of countering what is going to be developed or is being developed now in terms of what the Soviet capability will be. But I would like to say that, first of all, the allegation that this amendment or the thrust of this amendment in terms of weapons systems is based on a newspaper or an article in a magazine is a bunch of nonsense. This is not. The article was sent around with the "Dear Colleague" because it was in a concise form, just a compendium of what had been already ferreted out by agencies of this Government and of the Congress itself. No one—no one—who spoke in opposition to this amendment took the time to attempt to counter what was said by the Congressional Budget Office, which is the arm of this Congress.

Let me read to the Members what the Congressional Budget Office said:

> Although the DIVAD offers significant improvements relative to the Vulcan air defense system, the latest version of the Soviet attack helicopter—the Hind E—reportedly has an effective range of eight kilometers, twice as great as that of the DIVAD gun. Were the Warsaw Pact to field the attack helicopters at rates consistent with recent historical experience, by the end of the decade almost 50 percent of the helicopter fleet could fire its ordnance beyond the range of DIVAD. Further, the active radar, which is critical to DIVAD's accuracy, could become vulnerable to Soviet missiles . . .

Nonetheless, the Army plans to procure 472 DIVAD systems in 1984 to 1987, at a total program procurement unit cost—I might say to the gentleman from California—of $6.5 million, almost 3 times the amount, according to our own Congressional Budget Office, and what they claim that they will cost.

The report from the General Accounting Office, the independent investigational arm of the U.S. Government:

> Some reliability tests are being held at the Aberdeen Proving Grounds, but instead of the Army agencies performing them, they have been done under the joint direction of the project manager and the prime contractor. In preliminary demonstration of the prototype, the radar fire control system failed to operate reliably, the graphic display unit failed intermittently, the armament feed system's performance was unsatisfactory.
>
> Army test and evaluation subsequently concluded that the prototype was unsuitable for testing and recommended that the government tests be discontinued.

This is all 1983, I say to my colleagues, not old articles in magazines. And I wish that the representation made by my colleagues were backed up with facts as are contained in these direct quotes from our own agencies. And why should we disregard what the Department of Defense has to say? The very person who has been hired to overview for that department, the purpose of all of this weapons testing, has said specifically that the contractors overstated, overvaluated the very items which the tests are being done to corroborate the project, and that is whether or not the system is reliable.

It is not reliable now. Let us do more testing before we procure. That is all I am saying. I am not advocating this weapon be phased out. All I am saying is that before we give our own soldiers a weapon that will not perform the tasks they are asked to do with it, we ought to make sure that they can in fact rely on that weapon. That is all I am asking. Everyone seems to agree who is in any seat of authority with reference to independent investigation, including the Department of Defense. And I would urge my colleagues to think about that and not this silly mention of an article in a magazine.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. I just did want to respond. I think it is only responsible, as the gentleman from Florida requests, that those of us who are his colleagues who have spoken in opposition to his amendment respond in some part.

First of all, I would ask the gentleman from Florida (Mr. SMITH), if the gentleman from California (Mr. DELLUMS) would yield to him for that purpose, whether or not he understands the range of the missile that would be fired by the Russian new Hind helicopter.

Mr. DELLUMS. I yield to my colleague, the gentleman from Florida (Mr. SMITH).

Mr. SMITH of Florida. The range is 8 kilometers. At the present time, the kilometer range of the DIVAD is approximately only 4.

Mr. COLEMAN of Texas. If the gentleman will yield further, I would say to the gentleman from Florida that that is not the testimony that we have had in our committee. Indeed, the testimony was that the range of the missile was 3 kilometers.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, I further yield to the gentleman from Texas (Mr. COLEMAN) if he has not completed his statement.

Mr. COLEMAN of Texas. What I wanted to say was that the target acquisition is 8 kilometers, but you cannot fire the missile from 8 and hit a target. The ability to hit a target is estimated, or in fact proven, to be exactly 3 kilometers.

I would also say to the gentleman from Florida that I have a problem with saying, "Well, we should not produce it because they will build a better helicopter." That continues to be a problem, in my view, in terms of our national defense system. If we continue to never build one, we will still be using the Vulcan system, and I have a problem with using that antiquated 20-some-odd-year-old system for our air defenses in this country, and I would just suggest to the gentleman that we should also ask of him and those who would be proponents of this amendment what they would put in place of that Vulcan system.

□ 1140

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentleman for yielding.

Mr. Chairman, my colleague from Texas raises some very good points which in and of themselves prove the hypothesis which I am trying to make this House aware of: The fact that there are agencies who differ greatly in the questions and answers relating to what the tests have shown. It would seem to me to mandate in the way that we are supposed to look at things that we go further with testing and not procure items which have no established and agreed to, by those parties who are looking at it, basis for being procured at the present time. If there is a question with reference to the fire safety or a reference to whether it can hit a target on the kilometer range, with reference to what the capabilities of the enemy targets that it is going to be aiming at are, in fact.

If there are these questions from independent agencies which we fund, which we ask to bring us this information, we ought to ask further and get more of a bottom line rather than leave this issue out in the open and procure at the cost of $6.8 million per unit and then find out that the weapon is useless in the hands of the people we give it to because it does not fulfill the projected capability for it.

I would urge that my colleagues understand that that is all I am asking; not to do away with the weapon. It may ultimately become the real weapon that we need to counter this capability on the other side.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. I would just say to the gentleman from Florida

(Mr. SMITH) that the biggest problem I have with statements like that is that if we are not able to get into production, if we are not able to actually put the machinery, the weapons system, in the hands of the soldiers who are going to be using it, then we are not going to be able to make those improvements except somewhere on paper.

Mr. Chairman, I would add one other point, and perhaps the gentleman from Florida is unaware, that the Department of Defense Systems Acquisition Council concluded that DIVAD met all requirements to enter production. Mr. Chiu, who by the way was quoted in that Newsweek article, was on that council and he also approved it.

I would just say to the gentleman from Florida (Mr. SMITH) again, and I repeat what I said when I made my statement from the well, I do not object to members of the Department of Defense or Members of this Congress at all questioning the capability of any new weapons systems in our inventory, but I would say to the gentleman that I think it is extremely important that we go ahead with this particular program because without it we are relegated to a 20-year-old system.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. SMITH).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SMITH of Florida. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 192]

ANSWERED "PRESENT"—405

Ackerman	Bates	Bosco
Addabbo	Bedell	Boucher
Akaka	Beilenson	Boxer
Albosta	Bennett	Breaux
Alexander	Bereuter	Britt
Anderson	Bethune	Brooks
Andrews (TX)	Bevill	Broomfield
Annunzio	Biaggi	Brown (CA)
Anthony	Bilirakis	Brown (CO)
Applegate	Bliley	Broyhill
Aspin	Boehlert	Bryant
AuCoin	Boggs	Burton
Badham	Boland	Byron
Barnard	Boner	Campbell
Barnes	Bonior	Carney
Bartlett	Bonker	Carper
Bateman	Borski	Carr
Chandler	Hall (IN)	Michel
Chappell	Hall (OH)	Mikulski
Chappie	Hall, Ralph	Miller (CA)
Cheney	Hall, Sam	Miller (OH)
Clarke	Hamilton	Mineta
Clay	Hammerschmidt	Minish
Clinger	Hance	Mitchell
Coats	Hansen (UT)	Moakley
Coelho	Harkin	Molinari
Coleman (MO)	Harrison	Montgomery
Coleman (TX)	Hartnett	Moody
Collins	Hatcher	Moore
Conable	Hawkins	Moorhead
Conte	Hefner	Morrison (CT)
Conyers	Hertel	Morrison (WA)
Cooper	Hightower	Mrazek
Corcoran	Hiler	Murphy
Coughlin	Hillis	Murtha
Coyne	Holt	Myers
Craig	Hopkins	Natcher
Crane, Daniel	Horton	Neal
Crane, Philip	Howard	Nelson
Crockett	Hoyer	Nichols
D'Amours	Hubbard	Nielson
Daniel	Huckaby	Nowak
Dannemeyer	Hughes	O'Brien
Daschle	Hunter	Oakar
Daub	Hutto	Oberstar
Davis	Hyde	Obey
de la Garza	Ireland	Olin
Dellums	Jacobs	Ortiz
Derrick	Jeffords	Ottinger
DeWine	Jenkins	Owens
Dickinson	Johnson	Oxley
Dicks	Jones (NC)	Packard
Dingell	Jones (OK)	Panetta
Dixon	Jones (TN)	Pashayan
Donnelly	Kaptur	Patman
Dorgan	Kasich	Patterson
Dowdy	Kastenmeier	Paul
Downey	Kazen	Pease
Dreier	Kildee	Penny
Duncan	Kindness	Perkins
Durbin	Kogovsek	Petri
Dwyer	Kostmayer	Pickle
Dymally	Kramer	Porter
Dyson	LaFalce	Price
Early	Lagomarsino	Pritchard
Eckart	Lantos	Pursell
Edgar	Latta	Quillen
Edwards (AL)	Leach	Rahall
Edwards (CA)	Leath	Rangel
Edwards (OK)	Lehman (CA)	Ratchford
Emerson	Lehman (FL)	Ray
English	Leland	Regula
Erdreich	Lent	Reid
Erlenborn	Levin	Ridge
Evans (IA)	Levine	Rinaldo
Evans (IL)	Levitas	Ritter
Fascell	Lewis (CA)	Roberts
Fazio	Lewis (FL)	Robinson
Feighan	Lipinski	Roe
Ferraro	Livingston	Roemer
Fiedler	Lloyd	Rogers
Fields	Loeffler	Rose
Fish	Long (LA)	Rostenkowski
Flippo	Long (MD)	Roth
Florio	Lott	Roukema
Foglietta	Lowery (CA)	Rowland
Ford (MI)	Lowry (WA)	Roybal
Ford (TN)	Lujan	Rudd
Forsythe	Luken	Russo
Fowler	Lundine	Sabo
Frank	Lungren	Savage
Franklin	Mack	Sawyer
Frenzel	MacKay	Schaefer
Fuqua	Madigan	Scheuer
Garcia	Markey	Schneider
Gaydos	Marlenee	Schroeder
Gejdenson	Marriott	Schulze
Gekas	Martin (IL)	Schumer
Gephardt	Martin (NC)	Seiberling
Gibbons	Martin (NY)	Sensenbrenner
Gilman	Matsui	Shannon
Gingrich	Mazzoli	Sharp
Glickman	McCain	Shaw
Gonzalez	McCandless	Shelby
Goodling	McCloskey	Shumway
Gore	McCollum	Shuster
Gradison	McCurdy	Sikorski
Gramm	McEwen	Siljander
Gray	McGrath	Simon
Green	McHugh	Sisisky
Gregg	McKernan	Skeen
Guarini	McNulty	Skelton
Gunderson	Mica	Slattery
Smith (FL)	Tallon	Whitley
Smith (IA)	Tauke	Whittaker
Smith (NE)	Tauzin	Whitten
Smith (NJ)	Taylor	Williams (MT)
Smith, Denny	Thomas (GA)	Williams (OH)
Smith, Robert	Torres	Wilson
Snowe	Torricelli	Winn
Snyder	Towns	Wirth
Solarz	Udall	Wise
Solomon	Valentine	Wolf
Spence	Vander Jagt	Wolpe
Spratt	Vento	Wortley
St Germain	Volkmer	Wright
Staggers	Vucanovich	Wyden
Stangeland	Walgren	Wylie
Stenholm	Watkins	Yates
Stokes	Waxman	Yatron
Stratton	Weaver	Young (AK)
Studds	Weber	Young (FL)
Stump	Weiss	Young (MO)
Sundquist	Wheat	Zablocki
Synar	Whitehurst	Zschau

□ 1200

The CHAIRMAN pro tempore. Four hundred and five Members have answered to thier names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from Florida (Mr. SMITH) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Five minutes will be allowed for this vote.

The vote was taken by electronic device, and there were—ayes 134, noes 283, not voting 15, as follows:

[Roll No. 193]

AYES—134

Ackerman	Frank	Penny
Addabbo	Frenzel	Pritchard
Aspin	Garcia	Rangel
AuCoin	Gejdenson	Reid
Barnes	Glickman	Richardson
Bates	Gore	Ridge
Bedell	Gray	Roe
Beilenson	Guarini	Roemer
Biaggi	Harkin	Rostenkowski
Bonior	Harrison	Roybal
Bonker	Hawkins	Russo
Borski	Howard	Sabo
Boxer	Hughes	Savage
Breaux	Jeffords	Scheuer
Brooks	Jones (OK)	Schneider
Brown (CA)	Kaptur	Schroeder
Clay	Kastenmeier	Schumer
Clinger	Kildee	Sikorski
Collins	Kogovsek	Slattery
Conable	Kostmayer	Smith (FL)
Conyers	LaFalce	Snowe
Cooper	Lehman (CA)	Solarz
Coyne	Lehman (FL)	St Germain
Crockett	Leland	Stark
Dellums	Levin	Stokes
Dicks	Levine	Studds
Dingell	Levitas	Synar
Dixon	Lipinski	Torres
Donnelly	Long (LA)	Torricelli
Dorgan	Lowry (WA)	Towns
Dwyer	Markey	Udall
Dymally	McHugh	Valentine
Early	McNulty	Volkmer
Eckart	Miller (CA)	Waxman
Edgar	Mitchell	Weaver
Edwards (CA)	Moakley	Weber
Evans (IA)	Nowak	Weiss
Evans (IL)	Oberstar	Wheat
Fascell	Obey	Williams (MT)
Feighan	Olin	Wirth
Ferraro	Ottinger	Wyden
Florio	Owens	Yates
Ford (MI)	Patterson	Yatron
Ford (TN)	Paul	Young (MO)
Forsythe	Pease	

NOES—283

Akaka	Gregg	Nielson
Albosta	Gunderson	O'Brien
Alexander	Hall (IN)	Oakar
Anderson	Hall (OH)	Ortiz
Andrews (NC)	Hall, Ralph	Oxley
Andrews (TX)	Hall, Sam	Packard
Annunzio	Hamilton	Panetta
Anthony	Hammerschmidt	Parris
Applegate	Hance	Pashayan
Archer	Hansen (UT)	Patman
Badham	Hartnett	Pepper
Barnard	Hatcher	Perkins
Bartlett	Hefner	Petri
Bateman	Hertel	Pickle
Bennett	Hightower	Porter
Bereuter	Hiler	Price
Bethune	Hillis	Pursell
Bevill	Holt	Quillen
Bilirakis	Hopkins	Rahall
Bliley	Horton	Ratchford
Boehlert	Hoyer	Ray
Boggs	Hubbard	Regula
Boland	Huckaby	Rinaldo
Boner	Hunter	Ritter
Bosco	Hutto	Roberts
Boucher	Hyde	Robinson
Britt	Ireland	Rogers
Broomfield	Jacobs	Rose
Brown (CO)	Jenkins	Roth
Broyhill	Johnson	Roukema
Bryant	Jones (NC)	Rowland
Burton	Jones (TN)	Rudd
Byron	Kasich	Sawyer
Campbell	Kazen	Schaefer
Carney	Kemp	Schulze
Carper	Kindness	Seiberling
Carr	Kramer	Sensenbrenner
Chandler	Lagomarsino	Shannon
Chappell	Lantos	Sharp
Chappie	Latta	Shaw
Cheney	Leach	Shelby
Clarke	Leath	Shumway
Coats	Lent	Shuster
Coelho	Lewis (CA)	Siljander
Coleman (MO)	Lewis (FL)	Simon
Coleman (TX)	Livingston	Sisisky
Conte	Lloyd	Skeen
Corcoran	Loeffler	Skelton
Coughlin	Long (MD)	Smith (IA)
Craig	Lott	Smith (NE)
Crane, Daniel	Lowery (CA)	Smith (NJ)
Crane, Philip	Lujan	Smith, Denny
D'Amours	Luken	Smith, Robert
Daniel	Lundine	Snyder
Dannemeyer	Lungren	Solomon
Daschle	Mack	Spence
Daub	MacKay	Spratt
Davis	Madigan	Staggers
de la Garza	Marlenee	Stangeland
Derrick	Marriott	Stenholm
DeWine	Martin (IL)	Stratton
Dickinson	Martin (NC)	Stump
Dowdy	Martin (NY)	Sundquist
Downey	Matsui	Swift
Dreier	Mazzoli	Tallon
Duncan	McCain	Tauke
Durbin	McCandless	Tauzin
Dyson	McCloskey	Taylor
Edwards (AL)	McCollum	Thomas (GA)
Edwards (OK)	McCurdy	Vander Jagt
Emerson	McDonald	Vandergriff
English	McEwen	Vento
Erdreich	McGrath	Vucanovich
Erlenborn	McKernan	Walgren
Fazio	Mica	Walker
Fiedler	Michel	Watkins
Fields	Mikulski	Whitehurst
Fish	Miller (OH)	Whitley
Flippo	Mineta	Whittaker
Foglietta	Minish	Whitten
Fowler	Molinari	Williams (OH)
Franklin	Mollohan	Wilson
Frost	Montgomery	Winn
Fuqua	Moore	Wise
Gaydos	Moorhead	Wolf
Gekas	Morrison (CT)	Wolpe
Gephardt	Morrison (WA)	Wortley
Gibbons	Mrazek	Wright
Gilman	Murphy	Wylie
Gingrich	Murtha	Young (AK)
Gonzalez	Myers	Young (FL)
Goodling	Natcher	Zablocki
Gradison	Neal	Zschau
Gramm	Nelson	
Green	Nichols	

NOT VOTING—15

Berman	Kennelly	McKinney
Courter	Kolter	Moody
Foley	Martinez	Rodino
Hansen (ID)	Mavroules	Thomas (CA)
Heftel	McDade	Traxler

The Clerk announced the following pairs:

On this vote:

Mr. Berman for, with Mr. Thomas of California against.

Messrs. DE LA GARZA, McKERNAN, MRAZEK, and MINISH changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1210

AMENDMENT OFFERED BY MR. HARTNETT

Mr. HARTNETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARTNETT: On page 5 line 2 strike out "301,000,000" and insert in lieu thereof "$381,000,000."

Mr. HARTNETT. Mr. Chairman, my amendment would add $80,000,000 to the authorization for the MCM–1 mine countermeasure ship program to authorize four ships in fiscal year 1984, as requested in the Navy's budget, rather than the three ships authorized by the committee.

In other words, Mr. Chairman, my amendment would add one ship to the Navy's fiscal year 1984 shipbuilding program making the total number of ships authorized 23, as requested by the President.

The committee cut the MCM ship for essentially two reasons. One was related to the fact that we had information presented to us which indicated that certain technical and programmatic issues involving design and costs were unresolved. The committee believed that it had chosen a prudent course of action when it decided to slow down procurement because of the uncertainties still outstanding.

The other reason related to the House budget resolution. In order to make reductions called for by the House, it was necessary to find places where reductions might be made. The potential problem associated with the MCM ship led the committee logically to its conclusion to delete one of these ships.

Since that time, however, several things have occurred which I believe merit reconsideration of the committee's action.

First, following a review of the Navy's MCM ship program by the Secretary of Defense, Secretary Weinberger sent a memorandum to the Secretary of the Navy approving continuation of the MCM program. Subsequently, the Assistant Secretary of the Navy, Shipbuilding and Logistics, the Hon. George Sawyer, rescinded a memorandum he had issued withholding award of the second ship pending resolution of the construction issues I mentioned earlier.

On May 2, 1983, the Navy awarded the contract for the second MCM to Marionette Marine Corp. in Marinetta, Wis. As I understand the agreement, the ship will be about 7 feet longer in length and cost the Navy an additional $250,000, but that the total cost to the Navy will remain as originally budgeted. The lead ship of this class is currently under construction at Peterson Builders, Inc., Sturgeon Bay, Wis.

To summarize, in my opinion, the basic technical reason the committee cut the MCM ship from the fiscal year 1984 budget is no longer applicable. The related reason, to conform with House directed reductions in the Defense budget may still be applicable, but I am hopeful that the committee will favorably reconsider its action on the MCM ships based on the merits of the urgent need for such ships in the U.S. Navy.

The Navy has only three active duty mine warfare ships (MSO's). They are over 30 years old. There are 18 MSO's in the Naval Reserve Fleet, 9 each in the Atlantic and Pacific Fleet. These ships are also over 30 years old.

The United States faces a serious threat from mine warfare. Current U.S. mine countermeasure capability is inadequate, obsolete and declining in assets.

The large inventory of existing Soviet mines poses a serious threat to U.S. ports and sealanes. The Navy's MCM program is the only on-going U.S. program that is capable of countering the threat.

In my opinion, it is a national disgrace that the U.S. Navy had neglected to upgrade its surface ship mine warfare program. Perhaps there exists a ligitimate argument why other programs have deserved a higher priority in the Navy's budgets, but I think the time has come to try to make up for a lack of foresight in establishing a better balance of naval forces.

I believe that the distinguished chairman of the Seapower Subcommittee will agree with me that our mine countermeasure forces are sadly in need of improvement. And finally, I hope that the Congress will support authorization for the level of the President's budget request for this important mine warfare program.

The threat, as I see, it, Mr. Chairman, is that the Soviet Union possesses a stockpile of mines 10 times larger than that which we have in our stockpile. The Soviets have more than 300 mine warfare ships and we have three. Soviet mine warfare personnel are held in high esteem by Soviet Naval commanders and by the Soviet people themselves. The United States can counter with three active duty minesweepers and 18 reserve minesweepers,

the youngest of which is more than 30 years old.

The CHAIRMAN pro tempore. The time of the gentleman from South Carolina (Mr. HARTNETT) has expired.

(By unanimous consent Mr. HARTNETT was allowed to proceed for 2 additional minutes.)

Mr. HARTNETT. Our ports and our sealanes are highly vulnerable to large quantities of existing mines. Strategic SSBN and tactical forces need immediate breakout capabilty., Norfolk Harbor, Charleston Harbor, San Diego Harbor, all could be mined, bottling up what little capacity we have for our surface ships and our submarines.

Between 90 and 95 percent of our war materiel must leave the United States through U.S. seaports. We are spending money for rapid deployment forces and we are trying to build our Navy up and to be able to send supplies to any of our personnel anywhere in the world. Ninety to 95 percent would have to leave through U.S. ports with the possibility of being mined and not having adequate countermine measures.

Mr. Chairman, mine warfare is a very inexpensive force multiplier. I think we have been terribly derelict in our duty. There is no parochial interest on the part of this Congressman, not on behalf of the issue which I have raised here. It is strictly to give us better defensive capability, better countermine warfare measures, and an ability to be able to respond to what is not a potential Soviet threat but which is an existing Soviet threat.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. HARTNETT. I yield to the gentleman from California.

Mr. HUNTER. I want to commend the gentleman on his amendment. I would like to ask the gentleman is it not true that our current fleet is over 30 years old and that it is scheduled to be phased out within the next 8 years?

Mr. HARTNETT. The gentleman from California is correct. We only have three active duty mine ships. The Soviets have 300.

Now we do have 18 in our reserve forces, but they, as the gentleman said, are all over 30 years old.

Mr. HUNTER. I appreciate the gentleman responding to that question.

I have one other point that I think is important for this Congress to realize, and that is the Soviets, as I understand, in their Bison and Bear bombers, which are deployed in Cuba at this time, do possess a mine laying capacity that can be operated out of Cuba.

Mr. HARTNETT. They can. They can lay mines with airplanes and with their submarines.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. HARTNETT) had again expired.

(On request of Mr. HUNTER and by unanimous consent Mr. HARTNETT was allowed to proceed for 1 additional minute.)

Mr. HARTNETT. There is one other point that I want to mention. Of the 18 reserve minesweepers which we have, all 18 have been rated by the Navy as incapable of performing their wartime assignment. In other words, we have them, they are 30 years old, and they have also been rated as inadequate to perform any type of wartime scenario or function that they may have to perform.

Mr. HUNTER. I thank the gentleman. I would simply say that I think that in our being concerned with the Caribbean Basin and potential interdiction of American trade moving through that basin, we should be very concerned about the number of mine ships that we possess. It is totally inadequate.

I would agree with the gentleman and I would urge support for his amendment.

Mr. HARTNETT. I thank the gentleman and I yield back the balance of my time.

□ 1220

Mr. BENNETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from South Carolina offered amendments in the subcommittee and in the full committee to add this minesweeper. In both places this request was turned down. I and a majority voted against this ship. Therefore, it is my responsibility as the subcommittee chairman to oppose the amendment. This is in no way a derogation of the ship itself. It is a good ship, a needed ship; but the committee has undertaken the responsibility to try to stay within the constrains the committee imposed upon itself to meet budgetary targets. Of course, if the House itself wants to add this ship without subtracting from other needed purchases, it would be a proper ship to add because we need more minesweepers. But if the budgetary restraints that have been set are to be carried out, this ship will have to wait until next year. I have no doubt it will then be approved and appropriated for. Fulfilling my responsibilities as chairman of the subcommittee I must oppose the addition this year, as the subcommittee and the full committee have both disapproved the addition of this ship for the current year.

Mr. HARTNETT. Mr. Chairman, would the gentleman from Florida yield for a moment?

Mr. BENNETT. I yield to the gentleman

Mr. HARTNETT. I only wanted to ask the gentleman, is it not true, that this is the second time we have put off one of these ships? This is the second time that we had more programed, more planned. This is the second time we have reduced the number of mine sweepers that we had scheduled or had hoped to build, is that not right? We moved them to the right twice now as the lingo in the Navy goes, we have moved them to the right.

Mr. BENNETT. Well, we authorized four last year and the appropriations committee cut it to one. So in a way we reduced but our committee did not reduce it. Furthermore, three of these ships are in this bill and another kind of mine sweeper ship is in this bill as well. It would be fine but if you want to add more ships, I have a list of those that would be superior to this to add. I am willing to have anything added that will strengthen our Navy. The truth of the matter is that we feel a responsibility in the Armed Services Committee to try to do something about the tremendous deficits we have and we set a standard and that is why we had to cut this ship out, not because it is not a good ship. And you are certainly a very eloquent speaker for it.

Mr. HARTNETT. I thank the gentleman for yielding.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I reluctantly rise to oppose this amendment. I do not know of any statement that the proponent, the gentleman from South Carolina has made in support of this amendment with which I would disagree. It is a good ship, it is a needed ship. But the fact is that the request was for four. In the judgment of the subcommittee, then the full committee, considering monetary constraints, gave them three. Three out of four is not bad.

In addition to that there are a total of 22 ships, total, added in this bill; there is a total of over $12 billion in this bill to purchase new ships for the Navy.

The CNO of the Navy called on me last week asking my support to add more people than we had given to the Navy in this bill. He claimed that they do not have the personnel authorized to do the job that the Navy feels they must do with the ships that we are giving them.

So, we do not have the people in here to man more ships; we are giving them three out of four and we have met the mark put on us by the House to cut this budget and we have done it in the most careful way that we knew how. So, while I support the thrust of what the gentleman is attempting to do and hopefully we can get this next year, I just think that we cannot get everything we want, and we completed the tasks required by the committee.

It is for that reason that I would not support this amendment.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. DICKINSON was allowed to proceed for 2 additional minutes.)

Mr. HARTNETT. Mr. Chairman, with the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from South Carolina.

Mr. HARTNETT. I thank the gentleman.

I would say to my ranking member for whom I have a great deal of respect, and also to the chairman of my subcommittee, that I understand and I think it is laudable of the committee to exercise fiscal responsibility. But, Mr. Chairman, if I might call you that, maybe one day I will get to call you that, is it not true that in our entire force we have 3 active duty mine sweepers and the Soviet Union has 300, is that not true?

Mr. DICKINSON. If you say so, I have no reason to doubt it.

Mr. HARTNETT. And our response as far as our shipbuilding as always—it is a response, it is a reaction to the potential threat and the Soviet mine threat is there. Do you not feel they possess significant mine capabilities, offensive-mining capability?

Mr. DICKINSON. There is no doubt about that, they do. My only problem with it is that we had to find somewhere to cut because we did not have all the money we needed. Consequently we put 3 of the ships in here and deferred the fourth 1 until some further time, having put 20 other ships in here at a cost of over $12 billion. If this were tried in some way so that it did not increase the money perhaps there would be less resistance. But we are just adding $80 million for another ship. I think the committee was right in its judgment. It is up to the House as to whether that judgment is right or not.

Mr. DAVIS. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I commend the gentleman from South Carolina for offering this amendment. I would like to make sure we understand what we are talking about.

I recognize the budget constraints we are under as a member of the committee, of course. I did support this amendment when it was offered in the full committee. I think we have to talk about the threat. When we look at the Second World War and I do not have any figures, but there is no question that mines destroyed a number of American ships.

I would like to engage the gentleman from South Carolina, to clear up the numbers that we are talking about. Would you correct me if I am wrong? But it was my understanding that the Navy originally asked for 14 MCM ships; we have 1 under construction now, in fiscal year 1982 we authorized and appropriated for 1; in fiscal year 1983 we authorized, I think 4 but actually only appropriated money for 1. So, that means we are down three MCM ships if my figures are correct going into the fiscal year 1984 budget.

Mr. HARTNETT. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman.

Mr. HARTNETT. I would respond in the affirmative, the gentleman is correct. I do not know whether it is because minesweepers are not macho ships, they do not shoot missiles, or carry airplanes. A potential adversary would not have to bomb Pearl Harbor as they did 40 years ago. All they have to do is mine it: all they have to do is tell us that they mined it even if they did not. We do not have a minesweeper in Pearl Harbor, there are none there. So, the point I am trying to make is you are right, in your numbers you are absolutely correct.

Mr. DAVIS. The gentleman as I understand is absolutely correct unless someone can dispute the figures. The Soviet Union's capability, they do have 300 minesweepers of various sorts and the United States has only 3 minesweepers plus 18, I guess on inactive duty. But the question is if we are down three now and we have cut one out this year, that means we are down four MCM ships which we very much need. And my concern is that yes our Armed Services Committee has said we are going to go ahead and authorize three. But what is going to happen in conference committee, what is going to happen until the appropriations levels, we could very well end up cutting.

I would hope that we could go along with this amendment. It gives us a good bargaining position on a ship that we very, very definitely need. I am very fearful we are going to end up with less than three ships this year.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from Michigan. I notice the chairman of the committee said this was a good ship and it was a needed ship. I think, delay, translated means we are willing to pay more. The Navy is ultimately going to receive these ships. But if we put off construction of the ship it is going to cost the taxpayers more in the future.

□ 1230

Now there are no strong arguments that I have been able to discern here this morning to delay the building and construction of this ship, but there are some very strong arguments for building of the ship.

First of all, it is going to cost us less now, that is No. 1, No. 2, the ships are needed. So why do a job and only do it halfway? Why not do the job the way it should be done?

We will be myopic if we do not complete the job, in other words, if we delay it and procrastinate. We always seem to be a day late and a dollar short in this area. I cannot see why for once we cannot do the job right the first time. To put it off is only going to mean that it is going to cost more next year. So let us do it now, do it right and let us pay less and get the most for our dollar. That means we have to construct the ship now.

I compliment the gentleman for introducing this amendment. I think it is a very good amendment and I appreciate the foresight the gentleman has demonstrated.

Mr. DAVIS. I appreciate the gentleman's comments. Let me make just one more statement before I yield to the gentlewoman from Maryland.

The CNO, Admiral Walters, testifying before the House Armed Services Committee this year on April 20 said the following:

> No segment of naval warfare has been more underfunded for so many years as has the mine warfare community. It is imperative that we move now to a serious production. These ships are urgently needed to replace the obsolete MSOs which were build in the 1950s.

I think that is very important.

Mrs. HOLT. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentlewoman from Maryland.

Mrs. HOLT. I thank the gentleman for yielding.

Certainly all of the gentlemen who have spoken, particularly the gentleman from Wisconsin, make very good points, but our subcommittee went over hundreds of line items. Every one of them could have been purchased at a more cost-effective rate. There is no question that we need them, we have to have all of them, but we do not have the money to do it. There is no way that we can buy everything that we need as fast as we should buy it to have the most cost-effective rate.

For years and years we have been saying, "Don't stretch out the buys, use multiyear contracts. Do everything that you can to make it cost effective." But we cannot afford it.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. DAVIS) has expired.

(At the request of Mr. HARTNETT and by unanimous consent, Mr. DAVIS was allowed to proceed for 2 additional minutes.)

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

Mr. Chairman, I understand full well the need and the requirements for an additional minesweeper. That is all well and good. And were we not under budgetary constraints, I would be with the gentleman in the well urging one, but there is a good possibility that the Budget Committee will not come back with a 6-percent increase that we had, but with a 5-percent increase, which means we are going to have to go back to the drawing board in this committee and cut some more.

Where are you going to take it out? Are you going to take it out of one of the aircraft carriers? Where are you going to cut to get this minesweeper? That is the serious question.

We have done a good job in the Armed Services Committee cutting back $10½ billion. And it is back to bare bones as I can see it.

Where do you cut? Do you cut the destroyers, the DDG-51's, an aircraft carrier to get this minesweeper? Where do you cut to get this?

Mr. DAVIS. I appreciate the gentleman's comments. I guess it is a matter of priorities and I understand that most members of the committee would like to add this. We just think it is a very important item and we need another ship.

Mr. HARTNETT. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from South Carolina.

Mr. HARTNETT. I thank the gentleman for yielding.

Mr. Chairman, I want to point out to the gentleman and my colleagues here that we are talking about $80 million. Now even by Federal Government standards that is not a paltry sum, but we always seem to come back with supplemental appropriations for all the good social programs and all the things—and if this money were going to be applied directly to the deficit, this gentleman would withdraw his amendment, if he knew that money was going to go to the deficit.

If we would bring the deficit down by $80 million I would withdraw my amendment, but I am confident the gentleman and I both realize it will not be used to reduce the deficit, it will go to one of these other programs for which we always seem to find the money.

Every one of our colleagues who has stood here today with us has said, "It is a good ship. It is a needed ship. We must have it, but it costs more money than we have."

Well, a lot of those colleagues vote for other programs.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. DAVIS) has again expired.

(At the request of Mr. HARTNETT and by unanimous consent, Mr. DAVIS was allowed to proceed for 1 additional minute.)

Mr. HARTNETT. If the gentleman will continue to yield, a lot of our colleagues always find money for those other programs somewhere.

I am confident that this House in its wisdom will make reductions of $80 million somewhere. If not, my colleague from California leading the frey, I am sure we will find some reductions someplace. And $80 million is not a lot of money for a much needed ship, which has been mutually agreed upon by everybody.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. HARTNETT.)

The question was taken, and on a division (demanded by Mr. HARTNETT) there were—ayes 6, noes 19.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: Page 6, line 21, strike out "$21,051,300,000" and insert in lieu thereof "$14,871,700,000, none of which shall be available for the B-1B bomber program".

Mr. DELLUMS. Mr. Chairman, yesterday this body considered a proposition dealing with the B-1B bomber program. The amendment was to strike the multiyear funding for the B-1B. One of my distinguished colleagues and member of the committee, the gentleman from Missouri (Mr. SKELTON) said that the thrust of that amendment was to win—arguing by analogy—a battle in the locker room that had been lost on the playing field.

Well, this amendment is an effort to go back to the playing field and replay the game, because I want to stop the B-1B program.

In order to challenge the military budget in this Congress one has to be tenacious, one has to be willing to be repetitive, year in and year out, making the same argument on a number of these weapons systems, but, Mr. Chairman, this Member thought that in 1971 we had finally stopped the B-1 program when the then President of the United States, Jimmy Carter, saw that this program was an absurdity, that it was unnecessary, that it was extraordinarily expensive, a redundant weapons system.

But some way or another this weapons system survived. It lived. And when the present President took office, he gave new birth to the B-1 program, changed it a little and called it now the B-1B program.

So, Mr. Chairman, I am asking for that decision to be replayed. I would say to my colleague, we are coming directly at this program. We are saying that in 1977 the decision to stop this program was an intelligent, rational, sane judgment. We are saying that the decision to give new birth to this B-1 program is not a rational decision. It has no military relevance.

Again yesterday as my colleagues discussed the multiyear funding for the B-1, a number of Members in opposition to that amendment suggested that we would save the American people $800 million in real dollar terms and $1.2 billion of taxpayers' funds in terms of future dollars if we continued to purchase this weapons system on a multiyear basis.

□ 1240

This amendment goes far beyond those savings. This amendment, Mr. Chairman and members of the committee, would specifically cut $6.17 billion. So for my colleagues who are interested in saving funds, this amendment would go beyond $800 million, go beyond $1.2 billion. It would save the American people $6.1 billion.

In the course of my remarks, Mr. Chairman, I want to make several points briefly, because we have had this debate over a number of years. I would like to suggest to my colleagues that this weapon system is unnecessary, it is wasteful, it has no role, and certainly no multirole. It is too costly and it is too expensive to waste or to risk as presently contemplated.

To the issue of this weapon system being unnecessary, the primary rationale for the B-1B program is to improve our strategic bomber force. But I would suggest that our 300 B-52 bombers and more than 60 FB-111 bombers are more than adequate to address our needs in the foreseeable future. That is 411 bombers.

A number of my colleagues during the course of this debate would have you believing that these B-52 bombers are sitting there so fragile that the wings are about to fall off. But there is no documented evidence that I have been able to obtain whatsoever that would lead one to belief that flying B-52 bombers is in some way risky. It is not. One would argue that the pilots of the B-52 planes are younger than the planes themselves. So what? A number of us in this room travel back and forth from this job on old planes.

The CHAIRMAN pro tempore (Mr. MURTHA). The time of the gentleman from California (Mr. DELLUMS) has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, age has nothing to do with it. Is the plane capable of carrying out its mission? And I am suggesting to the Members that the B-52 and the FB-111 is more than capable of carrying out that mission.

The B-1B is also an obsolete weapon, Mr. Chairman. On that basis it is wasteful.

Consider this: This administration hopes—and I underscore for the purposes of emphasis—hopes that they will be able to place a 15-plane squadron in 1986. That means that the 100 planes that this President proposes to place online will be placed online sometime after 1986.

Now, depending on what expert you are willing to agree with, the notion is that we will not be able to penetrate the Soviet Union air defense with a manned penetrating bomber after 1988 or 1990, depending on which expert you buy. So that at a maximum we are talking about a multibillion-dollar program—and I will get to the figures in a moment—that we may use for 2 years, we may use for 2, maybe 3, years, if I grant you that. But I would suggest to you that we probably would not have 15 planes on line by 1986. But even if I grant that, maybe by 1987, 1988, you have the full complement of 100 extremely expensive B-1B planes, and if they cannot penetrate the Soviet air defense from 1988, maybe 1990, are we spending this amount of money for a weapon system that will only carry out its responsibility for maybe a couple of years?

That is an important argument. But the Pentagon is very smooth. The administration is very smooth. And a number of my colleagues on the floor of Congress who are interested in the support of the B-1B program have found new arguments. They say, "Even if we grant you that we will not be able to penetrate the Soviet Union air defense beyond 1988, 1989, we have new roles, we have a multifunction for this B-1."

And I suggested to you in my opening remarks that there is no role, there is no multirole. And I will get to that.

The B-1B has been billed as a multirole aircraft, and here too I would state flatly the B-1B is a superfluous weapon. As a cruise missile carrier, consider this, my colleagues, the B-1B program, even by your own definition, is an extraordinarily expensive, extremely sophisticated weapon system.

Now, you are going to take this multimillion-dollar weapon system, this plane, and gut it so that it can carry cruise missiles. I would suggest to you that any wide-bodied plane can act as a cruise missile carrier, a 747, an L-1011, a DC-10, and they certainly do not cost hundreds of millions of dollars per plane. Cruise missile carriers. So you can do that with less expense. And certainly the B-52G's are already capable of carrying out that function. So the B-1B would be a duplicative, extremely expensive weapon.

Now, they said the next role would be as a conventional bomber or a maritime support aircraft. This is laughable. Laughable. A multibillion-dollar program as now a conventional bomber, and you sold it because you said we needed a strategic bomber. But now that it will not be able to penetrate the Soviet air defense for a couple of years, we back all the way back, we need a conventional bomber. I would suggest to my colleagues that we could handle that mission less expensively with other weapons systems. You do not need a new conventional bomber at this cost. You certainly do not need a maritime aircraft.

Next, Mr. Chairman and members of the committee, it is too expensive. If you believe the Pentagon and this administration, this program is going to cost you $20.5—not million—$20.5 billion for 100 planes. That is over $200 million per plane.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, that $20.5 billion is in 1981 dollars. And we know how to do sleight of hand here. We quote 1981 dollars, 1983 dollars, 1985 dollars, 1979 dollars. We play games with people. But even if you use 1981 dollars, $20.5 billion, over $200 million a copy for these planes, the Congressional Budget Office projections placed the total figure not at a little over $200 million per plane but $398 million per plane or $39.8 billion for 100 planes, the B-1B program.

CBO figures assume that the first bomber would be available in October of 1986 and that the force would be completed, as I indicated in my previous remarks, by the year 1989.

In reality, projection costs would probably raise costs. Judging by prior aircraft purchases and experiences that we have had over the total lifespan of the B-1B program, we probably will spend $100 billion on this weapon system.

Now, finally, Mr. Chairman, it is too expensive to waste because under the category of multirole, one consideration is to take this $200 million plane, if you use the Pentagon figures, $400 million plane, if you use the CBO figures, as a theater weapon. Consider that. A $400 million plane as a theater weapon. Now, is that not too expensive a weapon to risk in that kind of a confrontation? It is my hope that we would never go down that road again. But it is certainly wasteful.

In summary, Mr. Chairman and members of the committee, on both military and fiscal grounds there are no persuasive arguments whatsoever in favor of the B-1B program. And for all of these reasons, the $6.179 billion ought to be cut. And in this era of rising deficits that my colleagues speak very powerfully and very strongly about, and increasing citizen concern about the growing military budget and the potential of military war, it would seem to me that it is our responsibility to scrutinize all spending proposals for excessive expense and waste.

I would conclude by saying that this weapon system is expensive, this weapon system is wasteful, this weapon system is unnecessary, this weapon system needs to be buried again as it was buried in 1977.

□ 1250

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

Mr. Chairman, what seems to be overlooked is the fact that we have an aging B-52 fleet, and they are an aging fleet, and some of the other planes that the gentleman mentioned are getting up in years.

The question is: What happens when they are unable to fly or the cost of repairing them and keeping them maintained is far more than what it should be in a normal maintenance situation? We have to have new weapons systems coming on, and if we have to have new weapons systems coming on, we should have the best. The B-1B is the very best. Is this not correct?

Mr. DELLUMS. If I may reclaim my time, my response to my colleague is, first of all, the question ought to be, do we need the weapons system? I think that is terribly important. I think that is our responsibility. Do we need this weapons system in the context of policy?

I am suggesting to the gentleman, no, we do not need this weapons system in the context of policy. There is no appropriate mission for this weapons system.

It is interesting that when we go back over the history, in 1977, when the President of the United States stopped the B-1 program, this Congress, interestingly enough, in a very smooth way, cut out funds for the improvement of the B-52; that we could have gone forward to make the B-52 even more modern, but they cut out a number of funds in order to keep the pressure on this body to come forward with a new bomber because you and I know, even if we are not willing to say it on the floor of this Congress, that the Air Force very desperately wanted a new bomber.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. They wanted a brand new bomber, and they tried various means, and they came to the B-1, and they wanted that B-1 program.

So I would just add a couple other points. We are talking about the po-

tential of Stealth bomber technology, and that technology is there, that technology is being explored. If people are interested in that, why do we need a $40 billion B-1 program?

Mr. SKELTON. If the gentleman will yield, I would like to interrupt my friend at that point.

Mr. Chairman, the technology, and I am sure that the gentleman has information such as I have, is down the road. We have not even gotten close to flying the first prototype. That is still in the very early research and development stages. That is betting against the future, betting against the uncertainty, if you are putting your eggs in that basket. That is why it is best to take the bird in the bush, the B-1 bomber, which is here with us today.

Mr. DELLUMS. Mr. Chairman, if I may reclaim my time, I simply respond to my colleague by saying, No. 1, the B-52's are not falling down, the FB-111's are not falling down. They are more than capable of carrying out their mission.

Finally, in terms of the triad, we have changed the name to the air-breathing wing of the triad. Remember, we do have air-launch cruise missile technology. So my question is: Why do we need B-52, FB-111, B-1B, Stealth bombers and air-launched cruise missile technology? America and the world is screaming to put an end to the madness of the arms race and bring this military budget back within the confines of some kind of reasonable control.

It just seems to me that we do not need to go forward with a $40 billion program that has a dubious future and a dubious mission statement at best. I think we can get along without this.

Mr. SKELTON. I thank the gentleman.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(On request of Mr. GEKAS and by unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I will be very pleased to yield to my colleague, the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is very intense in his argument. I commend him for supporting his own convictions.

What I would like to ask the gentleman, though, is: Does the gentleman support the triad defense posture that is in place and on which American security depends? I assume that he does, that the gentleman does support the basic precept of the triad system.

Mr. DELLUMS. Mr. Chairman, if I may reclaim my time momentarily, let me say to my colleague, as my distinguished colleague, the distinguished gentlewoman from Colorado, has said on a number of occasions, we tend to equate the triad with the Trinity, and we do not particularly agree with that.

I would think that we do not necessarily have to go forward with the triad. There is nothing holy and sacred about three legs of our nuclear capability. I think that we probably could make a very good argument on this floor for a diad and ultimately to remove all nuclear weapons.

Mr. GEKAS. If the gentleman will yield further, may I rephrase it then? Does the gentleman agree that we ought to have an air arm of defense separate and apart from the submarine and strategic forces that we need? Do we need an air capability such as the B-52 now represents?

Mr. DELLUMS. I think if we accept the assumptions of moving forward with nuclear technology, the greatest hope in the future is in our submarine capability, not in our airbreathing wing of the traid.

Mr. GEKAS. Does this mean that the gentleman does not support an air wing of national security and national defense?

Mr. DELLUMS. I do not think it is necessary, I say to my friend. I really do not believe that. I do not think there is anything sacred about a triad, and I do not think we ought to live or die on that. I ultimately would like to see us remove every leg of the nuclear triad. I think it is, by definition, madness, my friend.

Mr. GEKAS. Then I must commend the gentleman further. He is against an air arm; therefore, he is against the B-1 and appears to be against the B-52. Therefore, he is totally consistent and ruins my argument.

Mr. DELLUMS. If I may reclaim my time, I will be more than pleased to yield, but let us not burlesque each other's argument here.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Let us not burlesque each other's argument here. This is not a personal debate here. This is a debate on policy.

Mr. GEKAS. Certainly.

Mr. DELLUMS. I have spent 15 minutes here not engaging in some personal harangue. What I have tried to do is challenge the B-1B program on its merits or the lack of it. I am saying to the gentleman, just to be repetitive in a very brief way. It is an unnecessary weapons system; it is a wasteful weapons system; it has no role, and is extremely costly.

Those are my arguments. If the gentleman wants to beat those arguments up, challenge them, and let us have an intellectual debate.

Mr. GEKAS. If the gentleman will yield, all I am saying is that the gentleman is absolutely 100-percent correct in his logic if the gentleman opposes any air capabilities. I commend him for remaining consistent. All I am saying is that if, indeed, we do require an air wing to our defense system, then we must either have a refurbished B-52, updated, and whatever it costs to do so, or a sustaining of the B-1 program.

Mr. DELLUMS. I would simply say to my colleague that we do have refurbished B-52's. I think we have enough bombers to take care of that. I think our bomber wing is obsolete. I have said before that if we ever have a nuclear war, probably the safest place to be is in a B-1B, because by the time you get to the target, the war is over.

Mr. BENNETT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, yesterday we voted for having multiyear procurement for the B-1B, so obviously the majority of Members of Congress who voted for the multiyear procurement expressed pretty well the sentiment of the Congress that this is a weapon we should continue.

I feel that if an arm or a leg, or whatever one wants to call it, of the triad is ineffective, like I believe the MX to be, then it is a good thing to get rid of it and we ought to do something really effective. Well, the B-1B is not only a viable part of the triad, or the diad, or whatever we have, but it also has conventional ability. It is the only portion of the triad that does have conventional ability. The other two portions, the Trident submarine and the ICBM's do not have any conventional value for us.

So it seems to me that when we have a leg of the triad which can be used for strategic deterrence, trying to keep a nuclear war from coming on, that to throw away the one leg that really has the ability to be a conventional weapon as well is a pretty costly thing to do.

Furthermore, we have technological advantage over the potential opponents in the field of bombers. We have good bombers. It is true that our present bombers are old, but we can go with the B-1 and be even better, thus obtaining a more modern bomber. Why throw away, why deter, why destroy something that is as good as our bomber development is?

As is well known, I do not feel that way about the ICBM's because I think we have a very vulnerable situation with regard to that. But the B-1 is not that vulnerable. It is a strong weapon. It is much stronger than our potential opponent's. They are producing bombers, but they are not producing any better bombers than we are producing. We really should go ahead with this

next development of a bomber which will bring us into the modern age.

Repeating then: We did yesterday express an opinion that we ought to go to multiyear procurement of the B-1, which shows a majority of the sentiment in the House is for the B-1B.

Second, which is the most important thing, I think, about the B-1B, it is a part of our nuclear deterrent that can also be used as a conventional weapon. Any time you can do that, you really have something because you have something that can be used in the field of conventional war which, I think, is what we ought to be looking toward if we have to have war, rather than a nuclear war.

□ 1300

We have technological advantages in the production of bombers, and we ought to keep that going.

Mr. DELLUM. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank my colleague for yielding.

I just want to raise a question on one particular point. The gentleman mentioned that the B-1B plane can be used as a conventional bomber. In terms of conventional missions, could not the B-52 or a refurbished B-52 or the FB-111 carry out a conventional mission as well as some new weapons systems?

Mr. BENNETT. Mr. Chairman, they are very old, and we have problems working with them at the present time. I really feel that we have got a very good bomber down the road, and to go into something that is 30 years old like the B-52 is a mistake. We ought to be giving our airmen the very best we can afford to give them, and when we have an advantage like we have here, particularly when it is both a deterrent in the nuclear field and also has conventional value, it would be one I would be very reluctant to give up.

Frankly, my thrust and, I think, the gentleman's thrust is to try to see if we can end the threat of nuclear war. That is the thing the gentleman yearns for and the thing I yearn for. When we have a weapon that can be used in a purely conventional manner, I think that is an advantage.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I thank the distinguished subcommittee chairman for yielding.

I just wondered if the gentleman was aware of an article that JOHN GLENN wrote in our Strategic Review magazine where he says this:

> Both as a conventional bomber and cruise missile launcher, the B-52 will be increasingly unsatisfactory because it lacks the capabilities of a more modern plane such as the B-1. Seventeen of the B-52's were lost to relatively primitive North Vietnamese air defenses in the early 1970's and during the next 20 years increasingly deadly air defenses will become the property of many nations, thus greatly reducing the credible threat of the B-52 in a conventional role.

I know that the gentleman is familiar with the Foxhound-A, which has the first true look-down, shoot-down capability of the Soviet Union. We need the B-1 because it has lower radar visibility, improved avionics, improved countermeasure capabilities. Does that not, in fact, speak to the issue of the real necessity of having the B-1, particularly since there is now an argument about the B-52 being able to penetrate air defenses in the mid-1980's?

The CHAIRMAN pro tempore (Mr. MURTHA). The time of the gentleman from Florida (Mr. BENNETT) has expired.

(On the request of Mr. DELLUMS, and by unanimous consent, Mr. BENNETT was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. Mr. Chairman, the gentleman from Ohio (Mr. KASICH) asked me a question, and I will answer that first. I agree with the gentleman from Ohio. Certainly the B-1B is a more modern type of weapon, and we should be getting it.

Mr. Chairman, I will now yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank my colleague for yielding.

I will simply say to my distinguished colleague on the other side of the aisle that I think in quoting JOHN GLENN's argument, what the gentleman has done is underscored the argument against all of these bombers. They are all going to be increasingly vulnerable to more sophisticated air defenses, which raises the whole question of the obsolete nature of a manned penetrating bomber in the first place.

This is precisely what I am saying. They are even now beginning to write articles raising the question of whether Stealth bomber technology will be obsolete by the time it comes online as we develop more sophisticated air defenses.

So the gentleman's argument is not an argument in support of the B-1B; it is an argument against the B-1B and, for that matter, all of the bombers as strategic weapons systems in our triad.

Mr. KASICH. Mr. Chairman, will the gentleman yield further?

Mr. BENNETT. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, to briefly answer that point, it is now estimated that the B-1B will be able to penetrate Soviet air space well into the 1990's, and some people are now arguing that it will be able to penetrate Soviet air space well after the beginning of the next century.

So with the B-1B, with its improved electronic countermeasure capability, its improved avionics package, its reduced radar visibility, and its ability to fly low, those are the kind of elements we are looking for in an aircraft when we talk about the need to penetrate a country's air defense system.

Mr. Chairman, I urge my colleagues to reject the amendment, because I think the B-1B is going to do the job that this country needs to maintain that third leg of the triad.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by my distinguished colleague, the gentleman from California (Mr. DELLUMS).

I think, as the gentleman from Florida (Mr. BENNETT) has already pointed out, that this House on yesterday, really in a very genuine sense, has already expressed its overwhelming sentiment in favor of the B-1. Although the issue was somewhat different, involving the question of multiyear procurement, the membership generally regarded that as a B-1 amendment, and the Members voted to retain the B-1 by a very substantial majority.

I think, as has also been pointed out by the distinguished gentleman from Florida (Mr. BENNETT), the long debate that we had in this body several weeks ago over the nuclear freeze resolution, if it brought one point home to this body and to the American people, pointed out the deteriorating quality of our strategic nuclear deterrent. The deterioration was recognized most obviously in the fact that the B-52's are deteriorating, in some cases even on the runways, and for us to assume that we could continue to keep this aircraft flying against the improvements that have taken place in the last few years with the bomber leg of the Soviet triad would be hardly believable.

This is underscored by the fact that at the present time the Soviets have in fact copied the B-1, which we rejected very foolishly and against the recommendations of both the uniformed and civilian leaders in the Pentagon. The Soviets have begun to copy the B-1, not only in their Backfire bomber but also in the Blackjack bomber, both of which are enormously more capable than the current B-52's which, as has already been pointed out, would be absolutely unable to penetrate the airspace of the Soviet Union.

The gentleman from California, Mr. DELLUMS, primarily based his argument on the hope that sometime in the future—and we do not really know when it will occur—the so-called Stealth bomber will be in production. But no one is in a position to pin down any particular date for the Stealth air-

craft. It is generally assumed that it would be available by the middle of the 1990's. But the Stealth aircraft, is after all, a paper plane. It is a new technology. We do not know much about it. We do not know how fast it will go, and we do not know what kind of a load it will be able to carry. It is wrong to assume that we could keep alive the aging B-52's, which are already 25- to 30-years old, up until the middle of the 1990's, waiting for the Stealth aircraft to emerge.

And this is an aircraft which might actually turn out to be a substantial lemon. We have to take that kind of a risk when we get involved in advanced technology.

It would be dangerous in the extreme for us not to continue the B-1 to fill in the important bomber leg of the triad between now and that time. In fact, I point out to the House that to keep the B-52's going between now and the middle of the 1990's, when the gentleman from California anticipates Stealth would be available, would actually cost as much as the $20 billion involved in the B-1 bomber program, which, by the way, is on target both in terms of time and in terms of cost. And that schedule was reaffirmed by the overwhelming vote on yesterday.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield very briefly to me?

Mr. STRATTON. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank my colleague for yielding.

I appreciate the fact that the gentleman and I have very, very different politics and very different perceptions with respect to this issue, but I would like to ask my colleague one question seriously.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. STRATTON) has expired.

(On the request of Mr. DELLUMS, and by unanimous consent, Mr. STRATTON was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, if the gentleman will continue to yield, I would like to ask my colleague seriously and in all candor, what does he actually perceive in specific terms to be the function of the B-1B program?

□ 1310

We share the rhetoric. We need a new plane, but what do we really want to do? Are we really talking about dropping bombs on the Soviet Union? Are we talking about a European theater weapon? Are we talking about a Third World theater bomber? What are we really talking about? What does the gentleman really perceive to be the real function in explainable terms for the B-1B program?

Mr. STRATTON. Well, this is the ABC's of anybody who is a member of the Armed Services Committee, but I would have no hesitation in going through it.

We have since the advent of the nuclear age placed our nuclear deterrent in a triad, a triad of land-based missiles, a triad of submarine-based missiles, and the third leg of the triad is the bomber.

The reason for the triad, as I am sure the gentleman is well aware, is that nobody has actually fired one of our nuclear missiles in anger. We do not know whether the land-based system will actually work as we expect it to do. There may be hitches. There may be glitches. There may be magnetic pulses, and we also know of course, as we have found out with the development of the Soviet hard target capabilities, those land-based missiles are vulnerable.

The gentleman has pointed out that even the MX may be vulnerable. If they are, then we have also decided to have a backup system. This is nothing new. The fire departments have backup systems. NASA has backup systems. There is no redundancy when you are sailing to the Moon and you have a backup system, in case system A goes out, you have system B available.

The CHAIRMAN pro tempore. The time of the gentleman from New York has expired.

(At the request of Mr. DELLUMS, and by unanimous consent, Mr. STRATTON was allowed to proceed for 2 additional minutes.)

Mr. STRATTON. So the submarine-launched missiles have a capability of invulnerability, unless the Soviets are able to develop an underwater radar and spot these submarines, but they have so far not been able to do it; however, the submarine missiles do not have the accuracy of the land-based missiles; so one has a capability that the other does not have. If it turns out, for example, the Soviets were to launch their weapons, either submarine missiles or land-based missiles against the United States, we would have a warning time which would permit us to launch the B-52's that are our Strategic Air Command deterrent and they would be on their way to the Soviet Union with a retaliatory strike while the missiles were already in the air. That is the rationale of all of them and the B-52 has a very important mission, as General Ellis made clear to our committee when he briefed us a year or so ago.

Mr. DELLUMS. Will the gentleman yield briefly to me?

Mr. STRATTON. Yes.

Mr. DELLUMS. A land-based missile takes between 25 and 30 minutes to travel between the United States and the Soviet Union. Missiles fired from submarines could theoretically get there in a shorter time.

What is the time frame for a B-1B plane taking off in the United States and going to the Soviet Union, how many hours?

Mr. STRATTON. I have not timed the routes, as I have not had the opportunity to fly them; but the point is that we will know when the Soviets launch their missiles at us and when the B-52's take off, they will deliver the retaliatory strike.

Mr. DELLUMS. If the gentleman will yield briefly to me, my argument with the gentleman is that it is all over at that point, and therefore, underscores the notion that this weapon system is not needed.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Persons in the gallery will be in order. The Chair notes a disturbance in the visitors' gallery, in contravention to the laws and rules of the House. The doormen and guards will remove from the gallery those persons participating in the disruption.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I think that the discussion that we just got into came very close to what is really at the heart of this issue. It is terribly important that we focus on it.

When I grew up, I was fortunate enough to be trained as a pilot. I got to take aerodynamic engineering. I got to do all those good things, and yet I do not fly to my district because the jet airplane has replaced the single engine aircraft as a reasonable mode of transportation to my district. To get from Washington, D.C., to Denver, Colo., and try to do it by myself in a small single-engine plane, I would hardly get there on a weekend in time to turn around. Technology made my piloting skill obsolete.

The gentleman from California is saying the B-1 bomber as a manned bomber is also one of the victims of this kind of technology change. We have heard arguments over and over again that we must have the B-1, because the B-52 is old. Right. The B-52 is old; but the question is, What does the B-1 do that the B-52 does not do that makes it worth $200 million to $400 million a copy? That is the issue that we have to decide.

Now, as we talk about the other two legs of the triad, and the gentleman from California pointed this out very well, we are talking about minutes—minutes—when you are talking about land-based missiles, or when you are talking about the submarine missiles, you are talking about minutes between launch and arrival.

When you are talking about manned bombers, it is like PAT SCHROEDER trying to fly to Denver, Colo., on weekends in single-engine planes. It is much too slow.

The B-1 is a subsonic aircraft. It does not go any faster than the B-52.

People say that it is penetrating. It does not penetrate Russian defenses. We admitted that it did not penetrate years before, it certainly does not penetrate now. It leaves a gigantic print on the Soviet screen and they are not going to sit there and say, "Well, the Americans think they are penetrating, so we will just let them on through." Baloney. Do not kid yourselves. This is double speak, and I know we are all into double speak, but we should not be. You can call it penetrating, but it does not penetrate Russian defenses, and I do not think anybody is worried about the Canadians or anyone else; so if it does not penetrate Russian defenses, we should not say it does. Remember the B-1 goes the same speed as the B-52. It is manned. It is slow. It does not penetrate.

As we pointed out years ago when we defeated the B-1, I remind you, this plane has been in the works since 1960 and is almost as old as my children. The B-1's main function in a war would be to bounce the rubble, because by the time it got anywhere, the potentials for so many missile exchanges are so high, it is almost certain they would have occurred. Assuming the B-1 got to enemy territory and assuming it got through air defenses, which are incredible assumptions, there would not be anything for the bomber to do but bounce the rubble the highest. If that is somebody's idea of victory and somebody's idea of what we should spend $200 million or $400 million a copy for to gain that capacity I think they are wrong.

When we keep trying to talk about multipurpose and we keep agonizing over what are we going to do with the B-1 we are seeking a reason to purchase no matter whether it is obsolete or not.

Now, if you want to update the air breathing wing of the triad, it has been said over and over and over again, the manned bomber is not the way to do it. You update by having an air platform that launches cruise missiles. That is a whole lot cheaper. It does not have the macho pizzazz of the manned bomber. You cannot wear silk scarves and goggles, but it is a new day. Technology has changed things.

It might have been fun to be a wing-walker, but that is out, too, and we are now talking about today and where we are and spending American dollars.

We must abandon the idea real men must have manned bombers. Real men do not go out and buy any single, silly thing that comes down, when they know it is obsolete. We have to know the B-1 is obsolete from the debates that have gone on in this House over and over and over again, year after year after year. It is like these arguments do not penetrate our skulls. If these arguments had penetrated our skulls as well as some say the bomber penetrates the Soviet defenses, we would not even be having this debate at all. We must focus on the fact that the penetrating manned bomber is obsolete. It costs a lot of money. It only commits us to more debt at a time when we do not have the money to spend.

□ 1320

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has expired.

(On request of Mr. SEIBERLING and by unanimous consent Mrs. SCHROEDER was allowed to proceed for 4 additional minutes.)

Mrs. SCHROEDER. If you really want to wax philosophical and talk about what is wrong with the defense budget, how do we get ourselves into these phenomenal price tag items that everyone knows is obsolete. If you want to strengthen the airborne leg you can do it with wide-bodied aircraft, that you can buy off the shelf for just a small fraction of what the B-1B costs. If modernization is what you want to do, buy the wide bodies. That would help the civilian aircraft companies, it helps America rebuild its infrastructure and we would have an airborne leg that is much more survivable than we have if we do the much more expensive B-1.

That to me seems to make all of the sense in the world and I am totally baffled by why we cannot do something that is sensible for a change rather than continuing down the same path.

Mr. McEWEN. Will the gentlewoman yield?

Mrs. SCHROEDER. I will be delighted to yield.

Mr. McEWEN. I appreciate the gentlewoman's comments concerning the wide-bodied aircraft. Perhaps you could distinguish for me how that would be less vulnerable from Soviet radar and how perhaps the pilots would not wing walk or use goggles or scarves.

Mrs. SCHROEDER. If the gentleman will yield back, it is very simple. With an airborne platform you are not trying to penetrate the air defenses of the other country. The Soviet Union has very, very good air defenses. An airborne platform does not penetrate the air defenses. Rather, the cruise missiles it launches do.

It stands back. It stands off and you do not attempt to fly it through the nation's boundaries but fire missiles through the boundaries. You send through Cruise missiles they show up like little dots on the screen or birds or whatever.

Mr. McEWEN. The point the gentleman from California has been making during the course of his presentation is precisely in opposition to the point that you are making as to why we need it.

Mrs. SCHROEDER. If I may reclaim my time, I think the gentleman is incorrect. The gentleman from California was not making an opposite argument. There was some confusion and I will be happy to yield to the gentleman from California.

I think there was some confusion. I think we were talking about strategic versus air defense, and I think the different things got confused.

Mr. DELLUMS. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I will be happy to yield to the gentleman from California.

Mr. DELLUMS. I thank the gentlewoman for yielding.

I would say to the gentleman that I am in total agreement with the gentlewoman. In fact, the gentleman I do not believe was present on the floor when I made my opening remarks.

Mr. McEWEN. I was.

Mr. DELLUMS. What I tried to suggest at that point was that one of the tragedies of this weapons system is that when you challenge its incapacity to penetrate Soviet air defense, the fallback position of those persons in support of this weapons system say it can be used as a cruise missile carrier.

Our argument in response to that is that you can take 747's or other wide-bodied planes that certainly do not cost you $400 million a plane to act as a cruise missile carrier, with standoff capability, to launch missiles, if we want to go down that insane road.

So the gentlewoman is perfectly correct and I am not arguing in opposition to the gentlewoman. We are in extraordinary harmony on this issue.

Mr. EDGAR. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I will be delighted to yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentlewoman for yielding.

I would like to associate myself with your remarks and indicate my strong support for the amendment offered by the gentleman from California.

It seems to me that voices of concern heard today, symbolize voices that are heard throughout our Nation. A number of people at an intellectual level understand the points the gentlewoman from Colorado is making, but I think at an emotional level there are a number of people who are also making a point that the defense levels that we are committing to in this country are too high and that we are talking about real people, real human beings, and real children.

I think that all of us must be reminded in terms of the technical aspects of the weapons systems that they also have some very real implications in terms of war.

Mrs. SCHROEDER. I thank the gentleman from Pennsylvania, and he is so correct.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has again expired.

(On request of Mr. EDGAR and by unanimous consent Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mrs. SCHROEDER. I agonize for persons crying out saying, "How can we continue this insanity?"

I cannot understand how we can continue this insanity either.

We are going into Father's Day weekend. Many of us are parents. This insanity goes on and on and on and the tragedy of this body is that we are not listening at either the emotional or the intellectual arguments on defense.

We keep acting like real men, build weapons—they do not ask questions, they do not do anything about changing our course and that worries me. That worries our constituents and I think that is what drives people to come in here and scream out and say, "Don't any of you hear?"

I want to compliment my colleague because we are trying to say at an intellectual and at an emotional level and any other way that there are very serious issues and there is a very high frustration level that it appears that no one is listening.

I thank the gentleman for listening because this is an important survival issue for our future.

Mr. SEIBERLING. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. Of course, if we do want a penetrating bomber, this is not it. The gentleman from New York (Mr. STRATTON) mentioned the testimony of Gen. William Ellis, former Commander of the Strategic Air Command. Last year General Ellis came into see me and he said, "Congressman, I have come to see you because I just want to say, now that I have retired from my command, that you were absolutely right in your long opposition to the B-1 bomber. It was a waste of money." I would add, parenthetically that B-1 is not a problem from an arms control standpoint. It is probably a plus. But it is simply a waste of money.

General Ellis went on to say that if we wanted to get a bomber that supplied the same purpose as the B-1 we would not have to spend all of this money. For another $5 billion we could get an additional fleet of FB-111's, get them in the next couple of years, and bridge whatever gap there is—and he did not seem to think there was a serious gap—between now and the time that we get the Stealth bomber.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has again expired.

(On request of Mr. SEIBERLING and by unanimous consent Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. Will the gentlewoman yield?

Mrs. SCHROEDER. I will be delighted to yield.

Mr. SEIBERLING. General Ellis said further that the money that we are spending on the B-1 bomber will delay the development of the Stealth by at least 2 years, because we will be diverting resources that we could be putting into developing Stealth.

So if we really think we need a penetrating bomber we are going down the wrong road, and that is from the former Commander of the Strategic Air Command.

Mrs. SCHROEDER. I thank the gentleman from Ohio for pointing that out.

I think many of us have talked before about how tired we get of truth as an exit line. As the uniform comes off and the command hat comes off, they say, "Oh, by the way, you really were right. That thing is a waste of money and it doesn't penetrate."

Let us point this out, our country does not have money to waste, No. 1. This bomber does not penetrate, No. 2. This silly thing is going to cost $200 million to $400 million a copy and you do not get any additional requirements for the money you do not really improve the airborne leg. It is time to blow the whistle on the B-1 and I compliment the gentleman from Ohio for pointing all of this out. I think it is very important.

Mr. STRATTON. Mr. Chairman, will the gentlewoman yield to me?

Mrs. SCHROEDER. I yield to the gentleman from New York.

Mr. STRATTON. I would just say to the gentlewoman from Colorado that the B-1 does penetrate and that is the reason we are building a B-1, because it does penetrate.

It is the B-52 that does not penetrate.

Mrs. SCHROEDER. If the gentleman from New York would tell me what the B-1 penetrates I will be happy to know. All of the testimony we have had is that it does not penetrate the Russian defenses. My understanding is that is what we are looking at, not Canada's.

I think that is the very serious problem with the B-1.

Mr. SEIBERLING. And if it is so wonderful why was it opposed by General Ellis?

Mrs. SCHROEDER. I think the gentleman from Ohio makes a very good point and we all know the Russian defenses have only gotten better, and they have gotten more accurate. We know that the B-1 leaves a very large print on the Russian screen and the cruise missile does not.

That is why people feel that the airborne launching platform makes much more sense and it is much more survivable and much cheaper. I urge support of the amendment.

● Mr. MARKEY. Mr. Chairman, I rise in support of the amendment to cut $6.18 billion from the Defense authorization bill, which has been earmarked for the B-1 bomber.

Mr. Chairman, if ever there was a weapons system that clearly represented a waste of taxpayer's money, it is the B-1.

Former President Jimmy Carter once said that the B-1 seems to have a life of its own. Indeed this plane has had a longevity that has been unmatched in the annals of wasteful military projects.

President Carter's efforts to kill the B-1 resulted in the House and Senate voting to kill the bomber project in 1978.

Congress then correctly decided that air-launched cruise missiles were a cheaper and more effective way to strengthen this Nation's strategic triad.

Now, with the Reagan administration's resurrection of the B-1, this wasteful project is back to haunt us again.

The main argument against the B-1 is the one that has been made time and time again: The bomber will simply be out of date for the mission it is supposed to perform by the time it becomes fully operational.

The B-1's mission would be penetration bombing. But by the time the B-1 becomes fully operational later this decade, Soviet air defenses will have been improved to the point that the B-1 will not be able to penetrate Soviet air space.

In other words, we are talking about spending $6.18 billion on a weapons system that will be an antique by the time it is deployed.

The Air Force has even anticipated that Soviet surface-to-air missiles will threaten the effectiveness of air-launched cruise missiles the United States is presently procuring.

That is why the Air Force agreed to end the procurement of the current version of the ALCM after fiscal year 1984 and instead decided to buy an improved stealth version of the ALCM.

So if the Air Force believes that the Soviet air defense system will be able to locate and destroy a ground-hugging, 21-foot-long, air launched cruise missile, what makes the Air Force think that a 151-foot long, swing-wing bomber will survive those air defenses?

Of course, it would not be able to survive.

Even Defense Secretary Caspar Weinberger has testified to Congress

that the B-1 will not be able to penetrate Soviet air defenses in 1990 "unless somebody wants to direct suicide missions."

It is clear that the B-1B will be obsolete before it is deployed. And in a time of national belt tightening, we simply cannot afford to waste the taxpayers' money on a weapon system that will never be cost effective.

If Congress approves procurement of this flying dinosaur, the Air Force will be stuck with an extremely costly, new bomber that cannot perform its intended strategic mission.

In fact, the Air Force, in order to justify procurement of the B-1, is already listing all sorts of conventional bombing chores for the B-1B which are already assigned to cheaper, existing aircraft.

At best, the B-1 is a redundant weapon. And, because it puts a severe strain on the limited resources for defense, it weakens our national security by wasting funds that could otherwise be spent on more cost-effective weapons or on severely neglected areas such as readiness and maintenance of existing weapons systems.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 194]

Ackerman	Bereuter	Brown (CA)
Addabbo	Berman	Brown (CO)
Akaka	Bethune	Broyhill
Albosta	Bevill	Bryant
Alexander	Biaggi	Burton
Anderson	Bilirakis	Byron
Andrews (NC)	Bliley	Campbell
Andrews (TX)	Boehlert	Carney
Annunzio	Boggs	Carper
Anthony	Boland	Carr
Aspin	Boner	Chandler
AuCoin	Bonior	Chappell
Badham	Bonker	Chappie
Barnard	Borski	Cheney
Barnes	Bosco	Clarke
Bartlett	Boucher	Clay
Bateman	Boxer	Clinger
Bates	Breaux	Coats
Bedell	Britt	Coleman (MO)
Beilenson	Brooks	Coleman (TX)
Bennett	Broomfield	Collins
Conable	Hightower	Morrison (WA)
Conte	Hiler	Mrazek
Conyers	Hillis	Murphy
Cooper	Holt	Murtha
Corcoran	Hopkins	Myers
Coughlin	Horton	Natcher
Coyne	Howard	Nelson
Craig	Hoyer	Nichols
Crane, Daniel	Hubbard	Nielson
Crane, Philip	Hughes	Nowak
Crockett	Hunter	O'Brien
Daniel	Hutto	Oakar
Dannemeyer	Hyde	Oberstar
Daschle	Ireland	Obey
Daub	Jacobs	Olin
Davis	Jeffords	Ortiz
de la Garza	Jenkins	Ottinger
Dellums	Johnson	Oxley
Derrick	Jones (NC)	Packard
DeWine	Jones (OK)	Panetta
Dickinson	Jones (TN)	Parris
Dicks	Kaptur	Pashayan
Dingell	Kasich	Patman
Dixon	Kastenmeier	Patterson
Donnelly	Kazen	Paul
Dorgan	Kemp	Pease
Dowdy	Kildee	Penny
Downey	Kindness	Pepper
Dreier	Kogovsek	Perkins
Duncan	Kostmayer	Petri
Durbin	Kramer	Pickle
Dwyer	LaFalce	Porter
Dymally	Lagomarsino	Price
Dyson	Lantos	Pritchard
Early	Latta	Pursell
Eckart	Leach	Quillen
Edgar	Leath	Rahall
Edwards (AL)	Lehman (CA)	Rangel
Edwards (CA)	Lehman (FL)	Ratchford
Edwards (OK)	Leland	Ray
Emerson	Lent	Regula
English	Levin	Reid
Erdreich	Levine	Richardson
Erlenborn	Levitas	Ridge
Evans (IA)	Lewis (CA)	Rinaldo
Evans (IL)	Lewis (FL)	Ritter
Fascell	Lipinski	Roberts
Fazio	Livingston	Robinson
Feighan	Lloyd	Roe
Ferraro	Loeffler	Roemer
Fiedler	Long (LA)	Rogers
Fields	Long (MD)	Rostenkowski
Fish	Lott	Roth
Flippo	Lowery (CA)	Roukema
Florio	Lowry (WA)	Rowland
Foglietta	Lujan	Roybal
Ford (TN)	Luken	Rudd
Forsythe	Lundine	Russo
Fowler	Lungren	Sabo
Franklin	Mack	Savage
Frenzel	MacKay	Sawyer
Frost	Madigan	Schaefer
Fuqua	Markey	Schneider
Garcia	Marlenee	Schroeder
Gaydos	Marriott	Schulze
Gejdenson	Martin (IL)	Schumer
Gekas	Martin (NY)	Seiberling
Gephardt	Matsui	Sensenbrenner
Gilman	Mavroules	Shannon
Gingrich	Mazzoli	Sharp
Glickman	McCain	Shaw
Gonzalez	McCandless	Shelby
Goodling	McCloskey	Shumway
Gore	McCollum	Shuster
Gradison	McCurdy	Sikorski
Gramm	McEwen	Siljander
Gray	McGrath	Simon
Green	McHugh	Sisisky
Gregg	McKernan	Skeen
Guarini	McNulty	Skelton
Gunderson	Mica	Slattery
Hall (IN)	Michel	Smith (FL)
Hall (OH)	Mikulski	Smith (IA)
Hall, Ralph	Miller (CA)	Smith (NE)
Hall, Sam	Miller (OH)	Smith (NJ)
Hamilton	Mineta	Smith, Denny
Hammerschmidt	Minish	Smith, Robert
Hance	Mitchell	Snowe
Hansen (UT)	Moakley	Snyder
Harkin	Molinari	Solarz
Harrison	Mollohan	Solomon
Hartnett	Montgomery	Spence
Hatcher	Moody	Spratt
Hawkins	Moore	St Germain
Hefner	Moorhead	Staggers
Hertel	Morrison (CT)	Stangeland
Stenholm	Vander Jagt	Williams (OH)
Stokes	Vandergriff	Wilson
Stratton	Vento	Winn
Studds	Volkmer	Wirth
Stump	Vucanovich	Wise
Sundquist	Walgren	Wolf
Swift	Walker	Wolpe
Synar	Watkins	Wortley
Tallon	Waxman	Wright
Tauke	Weaver	Wyden
Tauzin	Weber	Wylie
Taylor	Weiss	Yates
Thomas (GA)	Wheat	Yatron
Torres	Whitehurst	Young (AK)
Torricelli	Whitley	Young (FL)
Towns	Whittaker	Young (MO)
Traxler	Whitten	Zablocki
Valentine	Williams (MT)	Zschau

□ 1340

The CHAIRMAN pro tempore. 405 Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from California (Mr. DELLUMS) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair will remind the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 255, answered "present" 1, not voting 12, as follows:

[Roll No. 195]

AYES—164

Ackerman	Florio	McHugh
Addabbo	Foglietta	McNulty
Albosta	Ford (MI)	Mikulski
Andrews (TX)	Ford (TN)	Miller (CA)
Aspin	Forsythe	Mineta
AuCoin	Fowler	Minish
Barnes	Frank	Mitchell
Bates	Frenzel	Moakley
Bedell	Garcia	Moody
Beilenson	Gejdenson	Morrison (CT)
Berman	Gephardt	Mrazek
Biaggi	Gibbons	Nowak
Boland	Gore	Oberstar
Bonior	Gray	Obey
Bonker	Green	Ottinger
Borski	Guarini	Panetta
Bosco	Gunderson	Paul
Boxer	Hall (IN)	Pease
Britt	Hamilton	Penny
Brooks	Harkin	Petri
Brown (CO)	Harrison	Pritchard
Carper	Hertel	Pursell
Carr	Horton	Rahall
Clay	Howard	Rangel
Clinger	Hughes	Ratchford
Collins	Jacobs	Reid
Conte	Jeffords	Roybal
Conyers	Jenkins	Russo
Cooper	Kaptur	Sabo
Coughlin	Kastenmeier	Savage
Coyne	Kildee	Scheuer
Crockett	Kogovsek	Schneider
D'Amours	Kostmayer	Schroeder
Dellums	LaFalce	Schumer
Derrick	Lantos	Seiberling
Dingell	Leach	Shannon
Donnelly	Lehman (CA)	Sharp
Downey	Lehman (FL)	Sikorski
Durbin	Leland	Simon
Dwyer	Levin	Slattery
Early	Lipinski	Smith (IA)
Edgar	Long (MD)	Solarz
Edwards (CA)	Lowry (WA)	St Germain
Evans (IL)	Lundine	Staggers
Fascell	MacKay	Stark
Fazio	Markey	Stokes
Feighan	Mavroules	Studds
Ferraro	Mazzoli	Swift
Fish	McCloskey	Tallon

Tauke	Waxman	Wirth
Torricelli	Weaver	Wise
Towns	Weber	Wolpe
Traxler	Weiss	Wyden
Vento	Wheat	Yates
Walgren	Williams (MT)	

NOES—255

Akaka	Hall, Sam	Packard
Alexander	Hammerschmidt	Parris
Anderson	Hance	Pashayan
Andrews (NC)	Hansen (ID)	Patman
Annunzio	Hansen (UT)	Patterson
Anthony	Hartnett	Pepper
Applegate	Hatcher	Perkins
Archer	Hawkins	Pickle
Badham	Hefner	Porter
Barnard	Hightower	Price
Bartlett	Hiler	Quillen
Bateman	Hillis	Ray
Bennett	Holt	Regula
Bereuter	Hopkins	Richardson
Bethune	Hoyer	Ridge
Bevill	Hubbard	Rinaldo
Bilirakis	Huckaby	Ritter
Bliley	Hunter	Roberts
Boehlert	Hutto	Robinson
Boggs	Hyde	Roe
Boner	Ireland	Roemer
Boucher	Johnson	Rogers
Breaux	Jones (NC)	Rose
Broomfield	Jones (OK)	Rostenkowski
Brown (CA)	Jones (TN)	Roth
Broyhill	Kasich	Roukema
Bryant	Kazen	Rowland
Burton	Kemp	Rudd
Byron	Kindness	Sawyer
Campbell	Kramer	Schaefer
Carney	Lagomarsino	Schulze
Chandler	Latta	Sensenbrenner
Chappell	Leath	Shaw
Chappie	Lent	Shelby
Cheney	Levine	Shumway
Clarke	Levitas	Shuster
Coats	Lewis (CA)	Siljander
Coelho	Lewis (FL)	Sisisky
Coleman (MO)	Livingston	Skeen
Coleman (TX)	Lloyd	Skelton
Conable	Loeffler	Smith (FL)
Corcoran	Long (LA)	Smith (NE)
Craig	Lott	Smith (NJ)
Crane, Daniel	Lowery (CA)	Smith, Denny
Crane, Philip	Lujan	Smith, Robert
Daniel	Luken	Snowe
Dannemeyer	Lungren	Snyder
Daub	Mack	Solomon
Davis	Madigan	Spence
de la Garza	Marlenee	Spratt
DeWine	Marriott	Stangeland
Dickinson	Martin (IL)	Stenholm
Dicks	Martin (NC)	Stratton
Dorgan	Martin (NY)	Stump
Dowdy	Matsui	Sundquist
Dreier	McCain	Synar
Duncan	McCandless	Tauzin
Dyson	McCollum	Taylor
Eckart	McCurdy	Thomas (GA)
Edwards (AL)	McDonald	Torres
Edwards (OK)	McEwen	Udall
Emerson	McGrath	Valentine
English	McKernan	Vander Jagt
Erdreich	Mica	Vandergriff
Erlenborn	Michel	Volkmer
Evans (IA)	Miller (OH)	Vucanovich
Fiedler	Molinari	Walker
Fields	Mollohan	Watkins
Flippo	Montgomery	Whitehurst
Foley	Moore	Whitley
Franklin	Moorhead	Whittaker
Frost	Morrison (WA)	Whitten
Fuqua	Murphy	Williams (OH)
Gaydos	Murtha	Wilson
Gekas	Myers	Winn
Gilman	Natcher	Wolf
Gingrich	Neal	Wortley
Glickman	Nelson	Wright
Gonzalez	Nichols	Wylie
Goodling	Nielson	Yatron
Gradison	O'Brien	Young (AK)
Gramm	Oakar	Young (FL)
Gregg	Olin	Young (MO)
Hall (OH)	Ortiz	Zablocki
Hall, Ralph	Oxley	Zschau

ANSWERED "PRESENT"—1

Dixon

NOT VOTING—12

Courter	Kennelly	McKinney
Daschle	Kolter	Owens
Dymally	Martinez	Rodino
Heftel	McDade	Thomas (CA)

□ 1350

The Clerk announced the following pairs:

On this vote:

Mr. Rodino for, with Mr. Thomas of California against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1400

Mr. STRATTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, earlier in the session, during the 1-minute speeches, the gentleman from Arkansas (Mr. BETHUNE) indicated his intention, when it came to the subject of binary chemical weapons, to request that the House resolve itself into a secret session for the consideration of the subject to which his amendment was addressed.

I think, as chairman of the Subcommittee on Procurement and Nuclear Systems of the House Committee on Armed Services, our committee is assured and is convinced, on the basis of both the classified and the unclassified briefings that we have received, that there is no useful purpose in going into an executive secret session of the House of Representatives.

I think the American people deserve to know the facts on this subject, and the basic facts of the subject are not classified. In fact, I have in my hand today a letter from the Assistant Secretary of Defense, the Honorable Richard L. Wagner, addressed to our chairman (Mr. PRICE), as follows:

In response to your inquiry concerning what information relating to the chemical program is classified, and could not be discussed in an open forum, the following are the general categories:

1. Intelligence data that identifies the exact extent of knowledge about Soviet capabilities.

Second, the war gaming data that gives specifics of our vulnerability to chemical warfare and our requirements to sustain operations during chemical warfare.

I am sure the gentleman from Arkansas (Mr. BETHUNE) would not want that matter discussed because that would undermine his particular amendment.

3. The exact numbers of chemical munitions in our stockpile; however, the locations and percentages are unclassified.

The major elements of the chemical program as contained in the fiscal year 1984 budget request are unclassified and give a thorough and fair portrayal of our chemical warfare posture. I do not believe that there is any classified information that alters the substance of issues now being debated on our need to modernize our chemical stockpile.

I think it is also important that the Members of the House, of the Committee of the Whole, should understand what the parliamentary situation is.

If the gentleman from Arkansas (Mr. BETHUNE) wishes to propose that the House go into secret session, he would first be required to move that the Committee do now rise, and those of us who feel that it would be improper for us to go into a secret session, and to go through the 1½ hours required to sanitize the Chamber, those of us who oppose the motion to go into executive session would have to vote down the motion of the Committee to rise.

The motion to rise is a nondebatable motion and, therefore, I have taken this time, prior to whenever the gentleman from Arkansas (Mr. BETHUNE) may propose his motion, so that the Members of the Committee will understand that if you believe in open discussion, if you believe that we ought to debate this important issue so that the American people know what we are debating, if you do not want to spend an hour and a half sitting around while we sanitize the Chamber, then I hope you will join with the committee and oppose the motion to rise. Since the Assistant Secretary of Defense has indicated there is not any classified information that alters the substance of the issues now being debated on our need to modernize the chemical stockpile.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I will be glad to yield to the gentleman from Arkansas.

Mr. BETHUNE. I thank the gentleman for yielding.

Mr. Chairman, the gentleman and I both have spent a good deal of time working on this issue. It is an important issue and I think Members are attuned to the fact that we will probably have a rather extensive debate here.

I would just like to propound a few questions to the gentleman. First of all, is the date of the letter today that you received from the Secretary?

Mr. STRATTON. This is a letter that was received from the Secretary today; yes.

Mr. BETHUNE. And was the Secretary's letter written to the gentleman in response to the fact that I had suggested that I would request, under rule XXIX, a secret session?

Mr. STRATTON. I discussed the matter with the Secretary to determine precisely where the areas of classified information were, and they are as set out in the letter, and it does not deal with the area that the gentleman is proposing to offer an amendment to.

Mr. BETHUNE. The reason I ask this is, as I listened attentively as the

gentleman read the letter, I have not seen it, but as I understand it, the classified information would be the intelligence information that we might have regarding Soviet capabilities, wargaming data, and the exact numbers of the stockpile. The percentages of chemicals and the location are unclassified.

Mr. STRATTON. I yield back the balance of my time.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. STRATTON) has expired.

Mr. BETHUNE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the reason that I raise this point, I say to the gentleman from New York (Mr. STRATTON) is that throughout the course of my investigation of this particular matter, as I have tried to glean the facts relating to the binary chemical program, I have been admonished over and over by the Department of Defense that certain areas were classified.

Now if, in fact, the details concerning the Big Eye bomb and the problems that we have had with the Big Eye bomb and all information relative to the Big Eye bomb are not classified, so that the gentleman from Arkansas and others would not feel constrained to make whatever points that we want to make and to bring out whatever factual information that we wish to bring out relative to the Big Eye bomb, then I think it would be in the interest of the House if we struck an agreement here to put at the desk the numbers of chemical weapons that are in our stockpile here in this country and abroad, if that be the case, and then I would suggest that we could proceed with the debate in full knowledge that Members would have an opportunity to see the numbers here that are relevant to our existing stockpile, and with the full satisfaction and knowledge that Members would not be constrained in any way to debate any and all facts that they may have relevant to the Big Eye bomb.

The reason that I felt so uncomfortable and wanted to make the request today for a secret session is that, as I said in the course of my investigation, I have had an opportunity to see the Big Eye bomb that exploded as they were testing it just a few months ago. I have had occasion to talk to all the people who worked on that particular bomb. I have had occasion to talk to them about the alternatives that they considered to fix it, and I have had occasion to talk to them about the way in which the so-called remedies would work.

Now, in the course of those discussions, they told me that that was confidential information and marked it so. If the Secretary of Defense, who has sent the letter over today, is authorized to release us to commence a discussion about that kind of material, then the gentleman from Arkansas could very easily go forward with the debate and I think we could have a good debate and make an intelligent decision based on the facts, rather than to leave great gaping holes in the debate.

□ 1410

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding.

I have asked the gentleman to yield for the purpose of asking a question of the gentleman from New York (Mr. STRATTON), not being a member of the Committee on Armed Services.

Mr. Chairman, there were certain allegations made as to the stockpile we had and what the Soviet Union has, and it is indeed classified. I would ask the gentleman from New York, if we do not get the permission to go into secret session, is the gentleman from New York prepared to share the classified information that the Committee on Armed Services has, so that our Members can intelligently make a decision on this very highly technical and very important subject?

Mr. STRATTON. Mr. Chairman, if the gentleman from Arkansas will yield, the response is that the committee would obviously not share any intelligence classified material that we were provided in the committee. But the point is that no intelligence classified material is required to deal with the subject of whether we should modernize our stockpile.

As the letter from Dr. Wagner indicated, the classified material is based on the Soviet threat, and the gentleman from Wisconsin and the gentleman from Arkansas obviously do not believe that the threat is serious enough to justify the modernization procedures which we tried last year to get approved and which we are trying again this year to get approved.

So that information, were it to be discussed—but, of course, we cannot discuss it—would further undermine the gentleman's position.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman for yielding.

I want to follow up on the point the gentleman from New York was making and say that all classified information in the Committee on Armed Services is available to all other Members. All they have to do is come and get that information. It will be made available.

Of course, on the floor sometimes some of this classified information should not be given in public, but any Member is entitled to any classified information. Members can come by the Committee on Armed Services and they can get it.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. BETHUNE), has expired.

(On request of Mr. MONTGOMERY, and by unanimous consent, Mr. BETHUNE was allowed to proceed for 1 additional minute.)

Mr. MONTGOMERY. Mr. Chairman, if the gentleman will yield further, the gentleman mentioned the Big Eye bomb that he was concerned about. As I understand it, there are no funds in this bill for the Big Eye, and I would see no reason why the gentleman would have to bring that area up. There are no funds in here for the authorization.

Mr. BETHUNE. Mr. Chairman, the gentleman is mistaken about that. There is funding here in the authorization.

Mr. MONTGOMERY. There are no procurement funds.

Mr. BETHUNE. There is funding or there is authorization to commerce tooling and commence work on shell casings and metal parts for the Big Eye, and I understand that the gentleman from Texas (Mr. LEATH), will be trying to preserve that under his amendment.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from New York (Mr. STRATTON) has stated that the classified information could not be shared on the floor. The gentleman from Mississippi (Mr. MONTGOMERY) has apparently said otherwise.

Now, what will be the policy of the Committee on Armed Services? Will it share its classified information and its confidential information with other Members?

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Illinois.

Mr. PRICE. Mr. Chairman, the policy of the Committee on Armed Services is that any information that our committee has is available to any Member of Congress. All Members have to do is to come to the committee and ask for the information, and it will be shown to them.

Mr. ZABLOCKI. But do I understand that it cannot be discussed?

Mr. PRICE. It cannot be discussed. Otherwise it would not be considered classified.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. BETHUNE) has again expired.

(By unanimous consent, Mr. BETHUNE was allowed to proceed for 1 additional minute.)

Mr. BETHUNE. Mr. Chairman, I think the numbers are important. That was not the main point that I wanted to develop in the closed session. The main point I wanted to develop in the closed session that I think is critical to the debate here is the details concerning the Big Eye bomb—what happened to it, why it is not working, and what the ideas are for getting it to the point where we can be satisfied that it might work someday.

I am satisfied, based on the colloquy that we have had here, that I am not going to be locked up by the FBI or somebody else if I now engage in a full discourse here on the floor about what I know about the Big Eye bomb, and that is exactly what I intend to do because I think it is relevant.

With respect to the numbers, it would seem to me that it would help Members who are going to be wandering in and out if there were readily available to set of numbers on the stockpile, because that will be mentioned, too, and we could place one at the desk.

If the Committee on Armed Services is so intractably disposed to make it difficult for Members that they have to send staff over to the committee room or wherever else to get these numbers, then I will just announce to the Members that I have the numbers. They are right here, and I will share them with the Members.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas, Mr. BETHUNE, has again expired.

(On request of Mr. LEATH of Texas, and by unanimous consent, Mr. BETHUNE was allowed to proceed for 2 additional minutes.)

Mr. LEATH of Texas. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Texas.

Mr. LEATH of Texas. Mr. Chairman, I think that the gentleman from Arkansas (Mr. BETHUNE) knows that we are not concerned with trying to hide anything from anyone. But the gentleman from Arkansas, because of the fact that he has been so diligent in looking into this, knows there is adequate unclassified information that is available, and we have reams and stacks of letters and comments from everybody involved in this chemical program stating what our threat capability is today.

That is the essential question, and I do not blame the gentleman for wanting to win his point and wanting to take this House off on another tangent and get it in a secret session and talk about how many thousand 0.155 rounds we have got and how many 8-inch rounds we have got. That is all irrelevant.

The point that needs to be discussed on the floor is, do we as a Nation, in order to protect ourselves and in order to make sure that we have a comparable chemical threat on a conventional battlefield, which we absolutely do not have today—and no one can make a case otherwise—need to modernize that threat which has been lying dormant for 14 years?

So, Mr. Chairman, I do not think we need to let this debate get off on something that is irrelevant, and that is what is going to happen to it.

Mr. BETHUNE. Mr. Chairman, I am not trying to get the debate off on something that is irrelevant. I am now satisfied, based on the letter from the Secretary dated today in response to my announcement that I intended to call a secret session, that I can discuss the details concerning the Big Eye bomb. I intend to do that whether the gentleman wishes to have me do that or not.

Next, it would seem to me that all we are arguing about now is whether or not Members should have to come to me to get the numbers, whether they should be able to go to a neutral playing field to get the numbers, or whether they will have to go out and try to get the numbers from the Defense Department.

Mr. LEATH of Texas. I do not think that is at all what we are talking about.

Mr. BETHUNE. Mr. Chairman, it seems to me that we are wasting time here. We can go ahead and move forward with the debate.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. BETHUNE) has expired.

(On request of Mr. LEATH of Texas, and by unanimous consent, Mr. BETHUNE was allowed to proceed for 1 additional minute.)

Mr. LEATH of Texas. Mr. Chairman, if the gentleman will yield, the gentleman well knows and he was told on his visit that this is a technical problem. I think the gentleman knows that if we get off into a technical discussion of the Big Eye bomb—which I do not think this House is capable of doing at this point, because it is just that—it is a technical problem, and I think the gentleman was told, when he visited the facilities where they are manufacturing that bomb, that it was a technical problem, and that we have the technology to repair it and make it work.

The Big Eye was conceived under a different set of doctrinal circumstances from what we are going to have to adapt it to use, but it can be adaptable, and I think the gentleman knows that.

So we do not need to argue about these Big Eye bombs or weapons systems. We need to focus the debate back where it should be, and that is, are we going to do something about the 14-year unilateral disarmament we have had in this country on chemical weapons? And are we going to bring ourselves up to the point where we do not have to lower the nuclear threshold by having a comparable nuclear threat?

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. BETHUNE) has expired.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. STRATTON. Mr. Chairman, the gentleman from Arkansas (Mr. BETHUNE) has indicated that he intends to discuss the Big Eye bomb under title I of the armed services procurement bill of 1984. My inquiry is, Would not such a discussion be ruled out of order, since there are no procurement funds in title I for the Big Eye bomb?

The CHAIRMAN pro tempore. The Chair will state that the question would only be whether it is relevant to the matter under consideration in title I of the procurement bill, if the debate were in open session in the Committee of the Whole.

Mr. STRATTON. Mr. Chairman, there are no procurement funds for the Big Eye, and there are no production funds, so then it would be out of order, I take it, Mr. Chairman.

Let me advise the Chair, however, that we do have money in the R&D title II section, but not in title I.

The CHAIRMAN pro tempore. The Chair will state that the debate may advocate that production money be included for the Big Eye bomb. The Chair does not know what the amendment or debate would advocate.

□ 1420

AMENDMENT OFFERED BY MR. ZABLOCKI

Mr. ZABLOCKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZABLOCKI: Page 2, line 15, strike out "$2,272,500,000" and insert in lieu thereof "$2,157,900,000".

Mr. ZABLOCKI. Mr. Chairman, for 3 years now the Congress has been engaged in a vigorous debate with the Department of Defense over the question of breaking this country's longstanding moratorium on the production of lethal nerve gas.

Last July, in an historic vote, the House of Representatives overwhelmingly rejected—by a margin of 251 to 159—the Pentagon's request for new nerve gas when it adopted an amendment offered by myself and the gentleman from Arkansas (Mr. BETHUNE), my Republican colleague, to delete funds for chemical weapons production.

Last year, when the Congress decisively rejected any binary production money, the House at the same time expressed a clear desire to maintain our existing chemical retaliatory capability, while pursuing serious chemical arms control negotiations.

I recall that in that debate, we pointed out, that rather than produce the binary, we should spend money on defense against chemical warfare.

I believe that the American people support continuation of this policy which seeks to eliminate the horrible threat posed by chemical warfare.

It is for this reason that I am once again introducing this amendment, along with the gentleman from Arkansas (Mr. BETHUNE), to delete $114.6 million requested for binary chemical weapons production. We do not delete any money from research and development.

I would like to point out to my colleagues that this amendment enjoys broad based support from Members on both sides of the aisle.

To name just a few, Mr. BETHUNE and I are joined today by Mr. EDWARDS of Oklahoma, Mrs. ROUKEMA, Mr. AUCOIN, Mr. LEACH, Mr. BONIOR, Mr. GREEN, Mr. GEJDENSON, and Mr. KASTENMEIER.

I want to make it perfectly clear again to our colleagues, Mr. Chairman, precisely what the effect of my amendment is. The amendment leaves intact nearly 90 percent of the funds requested for the U.S. chemical warfare program. That amount, that 90 percent is over three quarters of a billion dollars. This includes almost $70 million for badly needed chemical defensive programs, $76 million for demilitarizing the small portion of the current stockpile that is unusable, and about $40 million for research and development and maintenance of the existing stockpile of lethal chemical weapons.

Now, why are we striking this $114.6 million? It is because in my opinion, Mr. Chairman, we are not ready to go into production of binary munitions. They have not been adequately tested. We have problems with the Big Eye bomb, in particular, which has been blowing up in laboratory tests.

Simply put, my amendment would only delete $114.6 million for the production of binary weapons, which are not needed, are not fully tested, and which would result in billions of dollars of unnecessary Government spending.

Mr. Chairman, I am convinced that the Congress wisely deleted the funds last year and that the Congress is equally justified in deleting the funds for this costly and unnecessary program again this year.

Two recent developments which I will now discuss reinforce this point. Just a month ago, the Pentagon asked the House Armed Services Committee to defer $43 million it had sought for the production of the Big Eye binary bombs, because the bomb could explode on its own and spew deadly nerve gas while being carried by American fighter aircraft.

According to Dr. Ted Gold, the Deputy Assistant Secretary of Defense for Chemical Matters, the problems with the Big Eye binary bomb were not discovered until late last year. This is particularly disturbing in light of the fact that the Big Eye bomb had been under development since the late 1950's.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. ZABLOCKI was allowed to proceed for an additional 5 minutes.)

Mr. ZABLOCKI. And also, because the Pentagon had sought congressional approval of funds for Big Eye bomb production last year before these serious technical problems were discovered.

I believe there are two important lessons to be learned from the Big Eye bomb "bomb." First, it underscores the importance of not proceeding with production of weapons systems that have not been adequately and fully tested, which the binaries have not been; and second, it calls into question the viability of the binary concept which was thought to be a so-called proven technology.

Mr. Chairman, the second development which I referred to earlier was the release by the Committee on Foreign Affairs of a report prepared by the General Accounting Office, entitled "Chemical Warfare: Many Unanswered Questions." I would hope our colleagues, Mr. Chairman, would carefully review this document.

This new report which was begun nearly 2 years ago, concludes that spending billions of dollars on the production of binary nerve gas will not provide the United States with a "credible chemical warfare deterrent" capability.

The GAO report reaffirms what many of us have argued for the past several years; that is, that the first priority of our chemical program should be the correction of long standing deficiencies in U.S. chemical warfare doctrine, training, and defensive equipment. Production of new binary nerve gas weapons will not improve the U.S. chemical warfare deterrent posture in the fact of these serious deficiencies.

Further, Mr. Chairman, the GAO report made the following findings:

First, contrary to DOD assertions that the Soviet Union possesses a massive chemical warfare capability, GAO found that:

Little is known about the size and mixture of the Soviet stockpile of chemical munitions" and, that

The Soviet chemical warfare delivery means are virtually unknown.

Second, despite DOD claims that the U.S. stockpile of chemical weapons is obsolete and deteriorating, GAO found that:

The precise size and condition of the U.S. stockpile are not known:

Third, although DOD has claimed that binaries are more advantageous than the existing unitary chemical weapons, GAO disagrees. The report says:

Available data does not sustain the argument that binaries offer substantial technical and operational advantages over existing weapons,

Binaries place greater space requirements on storage, transportation, and deployment,

The mixing requirements of binaries may diminish their operations effectiveness, and

Peacetime advantages (of binaries) may have related wartime costs (such as mixing time and more complex logistics).

Fourth, despite Reagan administration claims that binary chemical weapons production may have a positive effect on prospects for chemical weapons arms control, GAO found that:

Binary production might complicate verification procedures.

Finally, although the United States has possessed lethal chemical weapons for decades, the GAO found that:

The United States does not have a chemical warfare doctrine,

The United States, unlike the Soviet Union, has not built a strong ability to defend against chemical warfare, and

The United States does not have realistic or adequate training and exercises for chemical warfare.

Mr. Chairman, if there are any Members here that have some concerns or questions regarding the U.S. retaliatory capability, I do not have a secret document which outlines our stockpile. I shall not quote from it, but it is available. I am sure the Armed Services Committee and gentleman the from Arkansas (Mr. BETHUNE) have the same information. I do not think we need to go into a secret session, but the data which supports my claim as to the adequacy of our existing chemical weapons stockpile is available.

Finally, as to DOD claims that binaries are safer and better than existing unitary munitions, the GAO disagrees, noting that binaries have significant technical and operational disadvantages over existing weapons, and therefore, more investigation is needed and more research and development is needed.

That is what many of us in Congress are saying. Research and development, yes. Production of untested and unreliable binary munitions, no.

This is basically the bottom line of this amendment.

I am one who has continuously supported an adequate defense for our country. I would not be offering this amendment if I thought I would be putting my country, our country, at a disadvantage.

Mr. Chairman, the Committee on Foreign Affairs has had an active interest in U.S. chemical warfare policy

for the past decade. During the many hearings we have held over the years on this issue, we have always sought to answer one key question: "Does resumed nerve gas production contribute to U.S. national security interests?"

Mr. Chairman, the answer has and continues to be "no."

□ 1430

The United States already has an adequate stockpile of usable nerve gas munitions which have been fully tested and can be relied upon to provide a sufficient retaliatory capability in a crisis situation.

Yes, yes, there are a few old munitions that must be destroyed. But to produce new binary artillery shells, which are 18 times the cost of upgrading one existing unitary shell, is simply a waste of the taxpayers' money.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has again expired.

(By unanimous consent Mr. ZABLOCKI was allowed to proceed for 3 additional minutes.)

Mr. ZABLOCKI. To move forward with the production of binary munitions at this time, Mr. Chairman, would be detrimental to our relations with our friends and allies in Europe who oppose chemical weapons and could seriously jeopardize NATO's ability to go forward with intermediate nuclear force deployments in the event that there is no progress in the INF talks by December of this year.

My colleagues, I just got back from a NATO assembly over the weekend. In talking with and questioning our counterparts, parliamentarians from our NATO ally countries, I found that they continue to be concerned about chemical warfare. Where would we place these weapons? What theater are they to be used in? Is it not Europe?

But our allies will not allow them to be deployed in their countries. Only one country at the present time has chemical weapons on its soil. If we do not have a place to keep them, the question in my mind is why are we spending so much money on the binary program and not spending money where we really need it, which is on chemical defensive programs.

Resumed nerve gas production affords the Soviet Union yet another propaganda advantage vis-a-vis the world community. Yes, you and I know they have been charged with using chemicals in Afghanistan, in Kampuchea. But if we go into production after some 14 years of a moratorium, the Soviets would say the United States intends to use chemical warfare.

I believe that it is clear that binary production undermines rather than enhances U.S. security interests.

Mr. Chairman, I urge my colleagues to support this bipartisan effort to delete the funds for production of binary weapons.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I will be delighted to yield to the gentleman from Arkansas.

Mr. BETHUNE. I would like to compliment the gentleman on his amendment and express my appreciation for the way in which he has worked with me over the last year. I think the gentleman has brought out some very excellent points and certainly in the space of the short time in which he was permitted to address the House he has provoked thought among Members about the salient issues which we must deal with before we can make any decisions on this binary weapons program.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has again expired.

(On request of Mr. BETHUNE and by unanimous consent Mr. ZABLOCKI was allowed to proceed for 2 additional minutes.)

Mr. BETHUNE. The fact of the matter is since 1969 this country has neither produced nor used chemical weapons.

This is in stark contrast to what the Soviet Union has done. I think the whole world knows certainly by perception if not in reality that the Soviet Union is producing and is using chemical weapons. The stories of Sverdlovski, Afghanistan, Southeast Asia, are enough evidence, I think, on that point.

I hope as Members listen to the debate they will not only consider the very particular arguments that you and I and others will make about the particular weapons under consideration, the nature and extent of the stockpiles and so forth, but that they will pay close attention to the point the gentleman made about how our allies feel about the binary weapons and about the environment that exists at the Committee on Disarmament presently and in the world, which this country could take advantage of in its quest for a treaty, which would be the ultimate cure to the problem, and that is a ban on chemical weapons. I hope that Members will listen attentively because I am satisfied that those who wish to commence production will try very hard to offer very interesting amendments or substitutes that would lead Members to believe that we are not really making a decision here today to produce, we are only making a decision to sort of get started.

I think it will become clearer as the debate wears on that you cannot have it both ways and that the best procedure for this country today is to hold to the existing policy until such time as we are satisfied that we need to do this, which we do not need to do right now, and until we are satisfied that the weapons that they are offering to this House for approval work, and the ones that they are offering now do not work.

So I think those are the two critical issues that will have to be developed here in the course of this debate, but always being sensitive to the question of arms control and the feelings of our friends and our allies in nonalined countries around the world.

Mr. ZABLOCKI. I thank the gentleman for his contribution. We should not give the Soviet Union an opportunity to transfer the criticism of the world, that is now on their back, on us.

AMENDMENT OFFERED BY MR. LEATH OF TEXAS TO THE AMENDMENT OFFERED BY MR. ZABLOCKI

Mr. LEATH of Texas. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. LEATH of Texas to the amendment offered by Mr. ZABLOCKI: Strike out the amount proposed to be inserted by the amendment and insert in lieu thereof "$2,272,400,000".

At the end of the amendment add the following:

"At the end of title I (page 10, after line 12) add the following new section:

"LIMITATION ON THE PRODUCTION OF BINARY CHEMICAL MUNITIONS

"SEC. 109. Funds appropriated pursuant to authorizations of appropriations in section 101 for ammunition for the Army for binary chemical munitions may be used for the establishment of a production base for binary chemical munitions and for the procurement of components for 155-millimeter binary chemical artillery projectiles, but may not be used for actual production of binary chemical munitions before October 1, 1985. For purposes of this section, production of binary chemical munitions means the final assembly of weapon components and the filling or loading of components with binary chemicals."

(By unanimous consent Mr. LEATH of Texas was allowed to proceed for an additional 10 minutes.)

Mr. LEATH of Texas. Mr. Chairman, those of you that have been here since I came to Congress in 1979 know that I have subscribed to a proverb that my father had that you can learn a great deal more by listening than you can by talking. I have seldom come to this well in those 4½ years, but today I am compelled to do so because I sincerely believe there has never been a single issue in those years more misunderstood than this one we are debating here today.

This is indeed an issue that can be made so very, very emotional because there is no question about the fact that chemical weapons are horrible. It can be drowned in rhetoric, and it has been, because it is a very complex issue involving a great deal of personal opinion and a great many assumptions on the part of all of us.

Real arms control is the issue. But if you want a strong conventional force structure, if you want to keep the chance of us using nuclear weapons much less than it would be under our current circumstances, then, ladies and gentlemen, I think you will support this amendment and this concept.

On an issue as vital as this issue is, one that is so very vital to our conventional forces' threat, Mr. Chairman, it is imperative that we keep our focus on the facts. It is imperative that we keep our focus on historical reality. It is imperative that we keep our focus on knowledgeable assessment from those who know what constitutes relevance on a subject so complex as this one.

Because the program was unnecessarily delayed last year by this same opinion, our committee went into great detail this year to make sure that we were on solid ground by once again redefining all of the credible opinion that we could find in our Department of Defense on this program, and the timing of this program as it relates to our arms control efforts and cooperation with our negotiators.

□ 1440

Mr. Chairman, let me go through the concerns that have been expressed—legitimate concerns that have been expressed here—as best I can and then present to the Members of the House the logic that I believe will very effectively address those concerns.

Finally, Mr. Chairman, I want to show how my amendment can satisfy those concerns and still give us that little-bitty degree of insurance that we need just in case things do not work as we all hope they will.

First of all, Mr. Chairman, the strongest points made by Chairman ZABLOCKI and Mr. BETHUNE last year in the debate, and this year, are purely that; they are points based on opinion, points based on their opinions. I happen to believe that both fact and history invalidate the conclusions that these dear colleagues have drawn on this subject. So let us examine their opinions in the light of existing facts and in relation to historic perspective and in relation to what this country needs to have a credible defense threat.

The first point—and interestingly enough neither gentleman has denied the fact that we need a chemical warfare capability, but the first point is, What is the current status of our chemical weapons threat? Both gentlemen contended that we already have a sufficient amount of chemical weapons in our stockpile both in quantity and quality to provide a credible deterrent.

Mr. Chairman, that contention is absolutely not true and it is not borne out by anybody in our services with any degree of credibility that says that it is. The size and condition of our stockpile is precisely known and it is completely inadequate, comprising only a small portion of what the JCS requirement is. Yes, we have tons and tons of highly toxic, deadly, dangerous chemicals, many of them 50 years old, 40 years old, 35 years old. The truth is 72 percent of that stockpile is either in unserviceable rounds and rockets that we no longer have launchers to use or they are in bulk. My friend likes to stand up and talk about the beautiful safety of these chemicals. Yes, they are like a rattlesnake. Out in the western part of my district, a rattlesnake will not bother you as long as you have him in his lair, when you step on him, it is deadly.

The fact is if we had to move this tremendous amount of chemical agents that we have stored we indeed would be in trouble, not only from the troops that would have to use it but from the population centers and in all of the districts where we would have to take it.

Of the 22 percent of our chemical short-range capability only 6 percent of it, only 6 percent of that is useable. And the amount that we have in deep-strike capability, Mr. Chairman, is so minute that it is not even worth talking about.

Mr. Chairman, the very best military opinion that we have in this country strongly states that our stockpile is totally inadequate to pose any semblance of a counterthreat to deter the Soviets from using chemical weapons in the event of a conventional confrontation. We have letters which we can put into the RECORD and let the Members read, from General Vessey, from everybody in the Department of Defense, who has addressed this subject.

The truth is, Mr. Chairman, that we can deliver a chemical strike only to the first echelon of a conventional force. That is approximately 16 kilometers. If you envision a conventional battlefield where you have at least four echelons, that attacking echelon, the second in reserve, then the third and then the fourth which would constitute the airfield, ships, and so forth.

We have the capability in our arsenal to go the first echelon, 16 kilometers. Now, the Soviets by contrast can strike all four echelons. It has been estimated that they could wage a chemical war for at least 30 days on a 500 kilometer range and focus on all four echelons of our forces on that same battlefield, which means they could get our ships, they could get our airfields, our supply depots, our reserve areas up to 500 kilometers. They outnumber us at least 12 to 1 in chemical warfare personnel.

They have 85,000 troops especially trained in chemical warfare, in every division they have. They outnumber us over 5 to 1 in weapons, over 4 to 1 in stockpile, even as inadequate as ours is. Get this, they have 14 current producing chemical weapons plants. My colleagues, we have none, we have zero. They outnumber us at least 25 to 1 in decontamination equipment. These figures have to convince anyone that has an open mind that there is no comparable threat, when we compare our aged, deteriorating arsenal to theirs.

Now, why is comparable threat absolutely necessary doctrine in chemical weapons? Let us talk about that a little bit because that is where the focus of this debate should be. The focus of this should be on that doctrine. History, Mr. Chairman, that is why, history graphically verifies that doctrine.

It is probably the most valid military doctrine that we have. We can argue forever in this Chamber about the validity of a doctrine that says we have to have absolute parity in nuclear weapons threat and I am not sure who is right on that argument.

I think I could make a credible argument either way. None of us really knows because, thank God, we have never had to go through a nuclear exchange, so it is all opinion. But there can be no argument concerning the validity of that doctrine in relation to chemical warfare, my colleagues, because 65 years of history, 65 years of history since World War I and numerous wars since World War I, prove that conclusion to be completely factual.

The quality of that stockpile has direct relation to the comparability of threat concerning conventional forces. Now, my friend if the two most heinous enemies in the history of modern warfare, Nazi Germany and Japan, did not use these weapons, there was only one reason why they did not. We had the ability to retaliate in spades and they knew it.

Our intelligence confirms conclusively that they both considered this option and they rejected it and they rejected it for that one reason, that the threat was comparable.

If the same disparity that exists today had existed in 1945, Mr. Chairman, history would indeed have been rewritten and we would not be here today talking about this issue.

If the first foundation of the Zablocki-Bethune approach assumes a comparable threat, and it does, Mr. Chairman, it is indeed a foundation that is built on sand. It is a totally invalid and undefensible, by either fact or history. You can shoot at it with rhetoric, you can shoot at it with assumptions and you can shoot at it with opinions, but you cannot substitute it for fact.

The second basic foundation of the Zablocki-Bethune initiative assumes that we are just on the verge of reaching agreement with the Soviets to ban

chemical weapons and for us to do something to protect our interests after 14 years would harm those efforts. Here again, my friends, they make some very dangerous assumptions, some very loose assumptions that in my judgment cannot be validated by fact, either historical or judgmental.

They both made this same contention so many times over the years that I think in fact they destroy their own case.

Again, my colleagues, this is pure opinion. Let me tell you what the facts are and then you draw your own opinions, you make up your own minds, based on history and fact. This scenario began 14 years ago in 1969 when President Nixon, hoping that we could entice the Soviet Union into agreeing on banning the manufacture, stockpiling and use of chemical weapons, unilaterally, on our own, halted our efforts.

So, for 14 years now we have done nothing but talk. During that period of time the Soviets have talked and they have manufactured and they have stockpiled and they have used. After completion of the Biological and Toxic Weapons Convention in 1971, an international discussion of complete chemical weapons ban began in earnest. This work was carried out in the conference on the Committee on Disarmament, which is the forerunner of the current Committee on Disarmament.

□ 1450

The United States participated very actively in these discussions. The United States and the Soviet Union then in 1976 ensued bilateral discussions pursuant to an understanding that was reached in 1974 at the Vladivostok summit. These technical and exploratory discussions laid in mid-1977 to the opening of intensive bilateral negotiations on a comprehensive chemical weapons ban. Altogether 12 rounds of talks were held. The most recent being in July 1980.

While the United States and the Soviets reached agreement in principle on the scope of the ban, little progress was made in resolving a number of key verification-related issues.

The United States pressed for mandatory international onsite inspection in a number of situations. For example, the mothballing and eventual destruction of all declared chemical weapons production facilities. The Soviets obviously rejected the U.S. approach, advocating instead reliance on photographic satellites and on self-inspection by each nation. The United States made clear, and quite accurately, that such an approach could not provide competence in compliance.

Now remember, my friends, that we are talking about a scenario that started in 1969. Because of the stalemate in the bilateral negotiations, the Committee on Disarmament established a working group in chemical weapons in 1980. The purpose was to create a forum for intensive, multilateral consideration of a chemical weapons ban.

The United States actively supported this very important step in view of the failure to make satisfactory progress behind closed doors with the Soviet Union.

After reviewing this situation, the Reagan administration concluded that the prospects for progress would be best if the Committee on Disarmament remained the principal forum. U.S. representatives were directed to participate vigorously and focus on resolving verification issues.

Consequently the United States supported the gradual expansion of the working group's mandate, which now calls for elaboration of a convention. The majority of the members support effective verification which includes onsite inspections. The Soviets, while claiming to have made concessions in this area, failed to clarify its actual position.

Unfortunately, even in the multilateral forum, progress has been much slower than we had hoped.

With a view toward accelerating the committee's work, Vice President Bush addressed the committee on February 4. He emphasized U.S. support for a complete and effective chemical weapons ban. He called on the members of the Committee on Disarmament to join the United States in serious negotiations toward that end and announced that the United States would table the document contained detailed views of the content of a convention.

The U.S. initiative has been well received. However, the Committee on Disarmament failed to resume serious work on a chemical weapons ban until late in the spring session. And why? Why was it late in the spring session? Due to a series of procedural roadblocks thrown up by the Soviets and their surrogates. At the Committee on Disarmament's summer session, which begins in mid-June, the U.S. representatives will continue to press for acceleration of the Committee on Disarmament's work on a chemical warfare ban.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. LEATH) has expired.

(By unanimous consent, Mr. LEATH of Texas was allowed to proceed for 5 additional minutes.)

Mr. LEATH of Texas. The record is perfectly clear, Mr. Chairman. For the better part of 14 years now we have talked and we have talked, while they have stalled, and built, and used chemical weapons.

Both the gentleman from Wisconsin and the gentleman from Arkansas stood on this floor last year about this same time and assured us that we were on the verge of agreement. Now they come back 12 months later with that same reasoning. All we need is a little bit more time.

As Ambassador Lewis Fields clearly states in a letter to Senator WARNER in April of this year:

> Unfortunately, during the first eight weeks of our 12 week spring session serious discussions were obstructed by procedural maneuvering of the Eastern Bloc. The result of this deplorable development has been a blockage of all substantive work in the committee.

Ambassador Fields continues:

> The Soviets have not yet responded in any substantive way to our detailed views. While I wish that I were in a position to give the Senate an optimistic view, my judgment is that we are years away.

He goes on to say that even if we do reach a moratorium after many more years of negotiating, it is going to take even more years in order to get that treaty where we can use it. To codify the detailed arrangements.

And in the meantime our 6 percent capability is going to obviously reach zero. Our threat will virtually disappear.

Are we close to an agreement as these gentlemen contend? Not according to our negotiator. Is the reason we are not our fault? Hardly our fault. Ambassador Fields concluded by stating, "that the public debate on the binary issue has the effect of reducing such leverage as we may have," and is damaging negotiations.

The gentleman from Arkansas claims that the United States has the high moral ground since we have not produced any chemical weapons since 1969. He states that this example of restraint and world opinion will force the Soviets to negotiate seriously. He claims that should we begin production of chemical munitions, we will no longer have world opinion on our side.

Mr. Chairman, I do not believe this argument is accurate. Fourteen years inaccurate. The United States has not produced any munitions since 1969. This restraint has not caused the Soviets to negotiate seriously. It has enabled them to build a truly impressive arsenal which flies in the face of unilateral U.S. disarmament.

The gentleman's own statements on the subject are somewhat contradictory. He quotes:

> The world has not focused much on the fact that the Soviets are producing and using chemical weapons, and I think the reason that they have not is that they have not really noticed yet the stark contract between our policy and practice and that of the Soviet Union.

Then in the same CONGRESSIONAL RECORD of May 5, he stated:

> Here I think is advice that rings true to every person of commonsense, and it comes from former Ambassador James Leonard. He said that the United States has gotten

much credit from refraining from producing and building binaries.

On the one hand we have not received any credit, on the other hand we received much credit. The fact is that after 14 years, credit or no credit, nothing constructive has happened.

Ambassador Fields accurately assesses the situation when he says:

At some point, If the Soviet decide to negotiate seriously, they will pay little attention to world opinion. They will be influenced only by their perception.

To me, Mr. Chairman, the second basic foundation then of this approach, of this initiative, is just like the first. It is good rhetoric, it is sincere opinion, but it is poor policy and it is a policy of Russian roulette in our approach to our security interests.

On the other hand, my amendment gives a totally rational, sensible approach that should satisfy all among us with the exception of those who simply want to totally unilaterally disarm in this area. It exhibits faith, but it does not exhibit blind faith. It stresses first and foremost the desire for a ban. Yet it buys us some insurance just in case.

The amendment guarantees us 2½ more years on top of 14 long years. Obviously we will have to make annual authorizations also.

My amendment just merely guarantees that we have got a minimum of five negotiating sessions, a minimum of 2½ years before we can build a chemical munition.

The amendment clearly focuses on a ban treaty as our primary goal, but just as importantly, Mr. Chairman, it buys us some insurance.

This amendment gives us a path that leads us toward the objectives that we want, I think every Member in this House wants, which is a verifiable ban on chemical weapons and pending that ban, a credible deterrent to chemical warfare. It buys us a little insurance. And I ask my colleagues to join with me in this approach that I think will accomplish all of the things that all of us want to accomplish.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. LEATH of Texas. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

Mr. Chairman, I wish to compliment the gentleman from Texas on this compromise amendment. And that is what it is. It is one that attempts to understand the objections and yet it realizes the true facts and reality of the situation in which we find ourselves.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. LEATH) has expired.

(At the request of Mr. SKELTON and by unanimous consent, Mr. LEATH of Texas was allowed to proceed for 2 additional minutes.)

Mr. SKELTON. Mr. Chairman, I suggest to the gentleman that we look back in history, that during World War II the reason that the Germans or the Japanese did not use chemical weapons was the fact that they knew there would be an immediate retaliatory force.

Word was sent to them through the Swiss, history tells us, during the final stages of World War II, that should any be used that we would retaliate in kind.

□ 1500

The fact that we were able and prepared prevented many, many untold thousands of deaths from chemical weapons. This is the only protection against it being used in any eventuality against us, and the gentleman's compromise amendment is the proper way to go. I compliment the gentleman on his amendment.

Mr. LEATH of Texas. I thank the gentleman for his comments, and I think the gentleman is entirely accurate.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. LEATH of Texas. I yield to the gentleman from Calfornia.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman in the well for the description that he has given of the restraint that we have exercised in the use and production of chemical weapons that has been manifested in our ongoing negotiations with the Soviet Union since 1974, which have been completely fruitless.

I think that it is important to note the statements that were made by Ambassador Fields, who is our representative to the Committee on Disarmament, that were recently sent to the Armed Services Committee, and particularly the portion of the letter in which Ambassador Fields notes that every time we tried to move forward with some type of meaningful negotiations, our efforts were obstructed and were blocked by the Soviet Union, and particularly on the first page he notes that serious discussions were obstructed when the Eastern bloc, aided and abetted by certain members of the neutral and nonaligned states, raised numerous procedural questions about the committee's agenda and establishment of their working groups.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. LEATH) has expired.

(On request of Mr. HUNTER and by unanimous consent, Mr. LEATH of Texas was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. They blocked any substantive effort or any substantive work in the committee, pending the resolution of the procedural maneuvering. The result of this deplorable blockage of all substantive work was a temporary frustration of our efforts to achieve progress on a chemical weapons ban.

I think the question we should ask ourselves is, in light of 14 years of restraint that we have exercised, and still seeing the delaying tactics and the blockage tactics that are being exercised by the Soviet bloc, how much longer—and I would ask this of the gentleman who initiated the original amendment—how much longer do we exercise restraint? It is obvious that our restraint has only given the Soviet Union the idea that here they have an area in which they have a monopoly, and the Soviet Union is a nation which likes monopolies and which likes to do everything they can to take advantage of any area of weapons development in which no one else is working.

I commend the gentleman for showing that while we have exercised restraint for 14 years, we are still being stopped cold by the Soviet Union, and they are continuing to build. I commend the gentleman.

Mr. LEATH of Texas. Would the gentleman agree, then, that 2½ additional years or 5 full negotiating sessions on top of that 14 years of unilateral disarmament is an extremely fair approach to it?

Mr. HUNTER. Absolutely.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. LEATH of Texas. I yield to the gentleman from Indiana.

Mr. HILLIS. I thank the gentleman for yielding.

Mr. Chairman, I would like, first of all, to rise in complete support of the gentleman's amendment and associate myself with his remarks. I think the gentleman has done an excellent job in outlining the problem here.

I would like to discuss with the gentleman just briefly one element that concerns me. First of all, historically, we have never chosen and never would this Congress choose to unilaterally disarm as far as nuclear forces are concerned, because we recognize the peril that would be involved if we saw those forces of the Soviet Union in sole possession of nuclear arms, and the NATO forces and ourselves without.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. LEATH) has again expired.

(On request of Mr. HILLIS and by unanimous consent, Mr. LEATH of Texas was allowed to proceed for 3 additional minutes.)

Mr. HILLIS. Of course, we have done all that we can to maintain a high threshold in the prevention of the use of those nuclear weapons.

I wonder if the gentleman views the situation, much as I do, that if we persist in this policy of basic unilateral disarmament, as far as chemical weapons are concerned—a type of weapon

that we all abhor and that we never want used—if we are not changing the threshold in the case of a conventional war where one side would use chemical weapons and we had no retaliation against, the threshold of the use of nuclear would be lower.

Mr. LEATH of Texas. I think the gentleman is absolutely correct. The gentleman has made a very valid point. If you can visualize, as the gentleman can, because he is a very valued member of the committee, a conventional conflict, and where the commander on this side has total ability to wipe out the full four echelons of an attacking side, and the other commander has, at the very best, a 16-kilometer range, and this commander decides to use chemical weapons, what choice does he leave, in this case the allied commanders, except to get on the phone and say, "Mr. President, I cannot defend against this, I do not have a comparable threat; the only alternative that I have got to surrender is to use nuclear weapons."

That is a tremendous point that needs to be realized by the Members in this debate, and I am delighted that the gentleman pointed it out because I do not think there is any question that it lowers the nuclear threshold. It makes the possibility of having to use nuclear weapons much more than if you have a comparable threat. As we said earlier, the proof of that doctrine goes back 65 years, because they did not use it in World War II. I think if there were ever an opportunity, they would.

Mr. HILLIS. I appreciate the gentleman's statement.

It seems to me that if we go the route that others would have us go, that we undermine everything that we are doing not only in achieving an enforceable ban against chemical weapons, we may be undermining the idea of the freeze movement. We are upgrading the possibility of the danger of nuclear war.

Mr. LEATH of Texas. I think the gentleman is absolutely correct.

Mr. HILLIS. The other point I wish to ask the gentleman: With this extended use indepth of chemical weapons, the four elections, the frontline troops have protective clothing, which is a passive defense, at least, and can survive, although their performance is degraded, but if you start striking ports, airfields, points of logistic supplies, such as cities, the civilian population of the NATO community or other areas have no protective clothing, and does the gentleman not think that their casualties from these agents would be tremendously heavy?

Mr. LEATH of Texas. There is no question about it. I think the gentleman is absolutely correct, that you would have tremendous casualties among the civilian population in a scenario where the enemy used chemical weapons.

Mr. HILLIS. I thank the gentleman for his response.

AMENDMENT OFFERED BY MR. BETHUNE AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ZABLOCKI

Mr. BETHUNE. Mr. Chairman, I offer an amendment as substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BETHUNE as a substitute for the amendment offered by Mr. ZABLOCKI: Page 2, line 15, strike out "$2,272,500,000" and insert in lieu thereof "$2,157,900,000".

Page 10, after line 12, insert the following new section:

PROHIBITION ON PROCUREMENT OF BINARY CHEMICAL MUNITIONS AND RELATED PRODUCTION FACILITIES, EQUIPMENT, AND PRECURSOR CHEMICALS

SEC. 109. (a) None of the funds appropriated pursuant to the authorizations of appropriations in this title may be obligated or expended for procurement of binary chemical munitions or for production facilities, equipment, or precursor chemicals for such munitions.

(b) No funds available to the Department of Defense may be made available for the production or procurement of binary chemical munitions (or for production facilities, equipment, or precursor chemicals for such munitions) through the use of reprogramming authority.

PARLIAMENTARY INQUIRY

Mr. SKELTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SKELTON. Mr. Chairman, is this an amendment to the Leath of Texas amendment?

Mr. BETHUNE. Mr. Chairman, this is a substitute for the Zablocki amendment.

POINT OF ORDER

Mr. STRATTON. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. STRATTON. Mr. Chairman, under section 109 of the amendment, on line 9, it says,

No funds available to the Department of Defense may be made available for the production or procurement of binary chemical munitions (or for production facilities, equipment, or precursor chemicals for such munitions) through the use of reprogramming authority.

The point of order is that this bill is a bill that would authorize funds for fiscal year 1984 exclusively, whereas the amendment deals with funds that might have been made available to the Department of Defense in other ways, prior years, or subsequent year, and, therefore, is outside of the scope of the pending legislation and is, therefore, out of order.

□ 1510

The CHAIRMAN pro tempore (Mr. MURTHA). Does the gentleman from Arkansas (Mr. BETHUNE) wish to be heard on the point of order?

Mr. BETHUNE. Mr. Chairman, the gentleman from Arkansas would state that this is not without the scope. If there is ever an opportunity to correct the kind of misadventures that have occurred throughout the binary program, it is in the authorization process and in the authorization bill.

We stand on the amendment as written.

The CHAIRMAN pro tempore. Do other Members wish to be heard on the point of order?

Mr. SKELTON. Mr. Chairman, I have an additional point of order that I wish to be heard on after this one is ruled upon.

The CHAIRMAN pro tempore (Mr. MURTHA). The Chair will rule.

The Zablocki amendment addresses the Army ammunition funds authorized by title I of the pending bill. The Bethune substitute addresses other funds available to the Department of Defense not authorized by the pending title I and is not germane to the Zablocki amendment.

The Chair sustains the point of order.

Mr. BONIOR of Michigan. Mr. Chairman, I rise in opposition to the Leath substitute.

Mr. Chairman, I have deep respect for my colleague from Texas, but I must rise in opposition to the substitute.

The supporters of the substitute have peddled it so far this afternoon as a compromise that would delay production of binary chemical munitions until 1985 but would allow establishment of a production base and a procurement of equipment. Such a moratorium, combined with production, it is argued, would pressure the Soviets toward fruitful negotiations.

I am deeply disturbed to learn that the proposed moratorium actually represents little, if any, change in the binary chemical production schedule as outlined by the Department of Defense in testimony before the appropriate committee. What we have here is neither a real moratorium nor a compromise, but merely a new package for an old request.

This substitute merely wraps the production of a new generation of binary chemical weapons in the guise of arms control.

We can all agree on the need to negotiate a comprehensive, verifiable treaty banning chemical weapons. Our disagreement lies with the question: What is necessary to bring about such negotiations?

The gentleman from Texas (Mr. LEATH), and those supporting his substitute, argued and will continue to

argue that the United States needs to establish a production base and procure long-lead parts in order to provide the stick that will force the Soviet Union into some type of serious negotiations and serious discussions.

Yet, a recent GAO report concludes that the production of binary chemical weapons will most likely complicate—complicate—the verification issue, which is the lynchpin of successful negotiations. Moreover, such production may ease the way to a greater proliferation throughout the world.

In stressing the need to go ahead with production equipment, the proponents of the Leath substitute ignore the fact—they ignore the fact—that there is little evidence to support the contention that binary weapons are superior to our existing chemical munitions.

The GAO report concludes that:

Available data do not sustain the argument that binaries offer substantial technical and operational advantages over existing weapons.

Even more troubling is the GAO finding that the Department of Defense has not adequately weighed the alternatives to binary chemical weapons. To begin production of binary weapons facilities and equipment will lock the United States into a type of weapon that has not been adequately tested, and to a weapons policy that has not been adequately evaluated by this Government.

Finally, those who argue we need to put production facilities in place so we can readily manufacture binary munitions are operating on unproven assumptions about the nature of the Soviet and United States chemical arsenals. The argument that the United States needs to produce chemical weapons hinges on the twin security premises that the U.S. stockpiles are dangerously inadequate while the Soviets have developed a commanding offensive capacity. Yet, the GAO finds that these premises are, at best, more assumptions than fact. Indeed, the GAO concludes that we lack the necessary information to make a clear assertion about Soviet offensive capabilities, nor has a valid assessment of our own retaliatory capacity been made.

The Leath substitute addresses none of the basic issues we face in debate about chemical warfare. The substitute ties the United States to a weapon that is untested and unnecessary. Rather than provide the incentive for negotiation, binaries will commit the United States to a new policy of arms escalation of uncertain dimensions that they may defy future negotiations. Even with limited production, the United States will abandon the international support we have gained from 14 years of moratorium; I might add, 14 years of both Republican and Democratic administrations.

Mr. Chairman and Members, I hope we will reject the Leath amendment and we will stay with the position that we took so very forcefully a year ago when we defeated a similar proposition in this House by over 100 votes.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to my colleague, the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. I thank the gentleman for yielding. I would like to raise three or four points that have not as yet been raised in this debate. The first relates to the issue of proliferation.

Embarking upon a new program of chemical weapons production raises the possibility that another enormously expensive and awesomely dangerous arms race may be in the making, this time in a field where the superpowers may have even less control over proliferation than they have with regard to nuclear weapons.

If legitimized through new production and stockpiling, chemical weapons could all too easily become the poor man's weapons of mass destruction. Nuclear arms are beyond the financial and technical capabilities of most nations. However, countries which are unable or unwilling to produce nuclear weapons can easily produce or obtain some types of deadly chemical weapons. Let us not lead in the direction of legitimatizing these weapons for countries like Cuba, Syria, and Libya.

My second point relates to the size of our stockpiles. If uniformly distributed around the globe, we have enough stockpiled chemical agents to kill every human being on the planet. This is not to say we have the capacity to distribute chemical weapons that widely, but the sheer volume of our stockpiles must be considered awesome. In addition, it should be stressed that we have enough agents stockpiled in Western Europe to kill every human being in Eastern Europe, although, admittedly, we lack the capacity to distribute these agents with such scope and accuracy. The reason I raise this point about volume of existing stockpiles is that little could be more misleading than to make reference to unilateral disarmament. We have opted for restraint, but hardly disarmament.

The administration argues we need a new generation of chemical weapons, not a new weapons system. But weapons are not credible unless they are deployed. And in Europe today, the publics are simply not crying out for new chemical compounds to be placed in their countries.

With significant elements of European publics already aroused against the planned deployment of intermediate-range nuclear weapons, it is difficult to imagine that our allies will accept the deployment of more sophisticated chemical weapons on their territory without long and tortuous negotiations.

A decision to go forth with a new generation of chemical weapons would bear the seeds of division at a time we can ill-afford more alliance rancor.

As for the issue of safety, current chemical weapons have not been overly problemsome. The "bugs," so to speak, have not been worked out of the Big Eye bomb. From a storage and handling point of view, the status quo appears vastly preferable.

Those of us who are skeptical of this new weapons system must acknowledge some legitimacy to the argument that if a country lacked any chemical weapons deterrent, the threshold of reliance on nuclear weapons might be lowered. Yet, despite it not being as large as some would like, we have an extraordinary chemical weapons capacity. There is another problem, though, that may be more troubling. Usage of chemical weapons may at some finite point become a substitute for nuclear weapons. But their usage would also increase the likelihood of usage of their first cousin—biological weapons, living organisms like plagues for which there may be no known antidote.

Here, it should be stressed that under the Soviet lexicon there are three weapons of mass destruction—nuclear, biological, and chemical. Of the three, the most dangerous weapon is biological; the second most dangerous is nuclear; and the third, by a quantum margin less lethal, is chemical. Because of their lethality, however, the three must be looked at from a similar ethical perspective. Usage of these weapons raises profound moral as well as strategic concerns.

In an ethical sense, the Big Eye is a misnomer. Chemical weapon have no eyes. When unleashed, they cannot distinguish between civilians and combatants, between men and women, children and adults. They are instruments not of war, but of mass destruction.

What we need is an understanding of the big picture, not a commitment to build the Big Eye. Arms control is the issue of our age. We do not need more chemical weapons. We do need effective arms control.

Let us vote with our eyes open for life, not blindly for a monster of death called Big Eye.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan, Mr. BONIOR, has expired.

(By unanimous consent, Mr. BONIOR of Michigan was allowed to proceed for 2 additional minutes.)

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to my colleague, the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I thank my colleague, the gentleman from Michigan, for yielding, and I rise in opposition to the Leath amendment.

I thank my colleague, the gentleman from Michigan, Mr. BONIOR, and the gentleman from Iowa, Mr. LEACH, for pointing out the distinction between "moratorium" and "unilateral disarmament." There are going to be a lot of code words used here today, including "deterrence" and "modernization," and now we have seen "unilateral disarmament" creep into the discussion.

The moratorium is not unilateral disarmament. We have adequate and ample stockpiles not only in this country but also in Germany, and to that point I want to refer to an article that appeared in the Washington Post as recently as May 24, in which Pentagon sources were quoted as referring to the adequate stockpiles already located in Germany.

So, Mr. Chairman, let us not confuse moratorium with unilateral disarmament.

Mr. BONIOR of Michigan. Mr. Chairman, I thank the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. BONIOR of Michigan. Mr. Chairman, I yield to my colleague, the gentleman from Arkansas.

Mr. ANTHONY. Mr. Chairman, I thank the gentleman for yielding.

Inasmuch as the gentleman has quoted from the GAO report, if he would allow me, I would also like to quote some sections of that report that I think counteract some of the parts that he has taken out, and I do quote from the same report from which the gentleman spoke.

It notes that not only do the Soviets have a wide range of ways of deliver chemical warfare munitions but also this array gives them the ability to strike anywhere within NATO.

Then the report adds that there is a serious deficiency in the U.S. ability to threaten Soviet and Warsaw Pact targets in rear echelons.

That was the main purpose the DOD was asking for the Big Eye to be developed, so that we could go past what the gentleman from Texas (Mr. LEATH) said was the first echelon and be able to go to the rear echelon.

So I think it should be noted that we can go through a report that may be critical in some aspects, but if we take a close look at that report, we can also find paragraphs and sentences that indicate the authors of that report are not so sure themselves.

So I would indicate my support for the Leath amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. BONIOR) has expired.

(On request of Mr. ANTHONY, and by unanimous consent, Mr. BONIOR of Michigan was allowed to proceed for 1 additional minute.)

Mr. ANTHONY. Mr. Chairman, if the gentleman will yield further, I would repeat that one can go through a particular governmental report and pick it apart on the words that are spoken, but I think that one can also go through a particular report like that and start tearing it apart for lack of quality, inadequate methodology, and false and unsupported facts and data and conclusions.

So I think that once we start citing reports, we have to take a hard, critical look at those reports.

Mr. Chairman, I thank the gentleman for yielding.

Mr. BONIOR of Michigan. Mr. Chairman, I would just respond by saying that no one denies the Soviets have the capabilities to deliver their message, but I think the basic premise of the GAO report was very, very critical of the assumptions on which this Government is operating to go ahead with the Big Eye or indeed with the binary program. It is an extremely critical report, and I think in no way can it be asserted that it supports the policies which the committee has brought forward to this House floor.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield for an additional comment?

Mr. BONIOR of Michigan. I yield to the gentleman from Arkansas.

Mr. ANTHONY. Mr. Chairman, as I recall, the GAO report itself says that there is little known about the Soviets' chemical war capability. Would the gentleman in the well not agree that our military intelligence knows a great deal about their capabilities?

Mr. BONIOR of Michigan. Well, we know a great deal, but we do not, unfortunately, have a definitive answer to what has happened in Laos, Kampuchea, and Afghanistan.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words, and in support of the Leath amendment.

Mr. Chairman, one of the interesting issues of our debate, since we resumed consideration of our bill on yesterday, is that we are facing in this particular debate the same question that faced us when we were dealing with the amendment against the Asat.

Why is it all right for the Soviet Union to have some particular military capability, but when the United States proposes to duplicate that capability, somehow it is immoral, somehow it is bad, and somehow it is going to contribute to the destruction of the entire world? This is a kind of a double standard that some of us are using, and I find it hard to understand how anybody can defend it.

The fundamental purpose of establishing an up-to-date, modern chemical capability is to deter the other superpower from using his very considerable capability.

The gentleman from Wisconsin (Mr. ZABLOCKI) indicated at the beginning of his remarks that he was attending the North Atlantic Assembly last week, and I was honored to be a small part of the distinguished delegation led by our great chairman. On our way back we stopped off in London. I got a copy of the Sunday Telegraph, and was reading some of the memoirs of the great wartime premier, Winston Churchill. It had this to say:

> Churchill was determined to be in a position to retaliate. On September 28, 1940 he pressed Lord Ismay to insure that Britain's stocks of gas were being maintained. "We should never begin," Churchill noted, "but we must be able to reply. Speed is vital here. The highest priority must be given." And he added, "I regard the danger as very great."

Mr. Chairman, I think we have something of this danger today, because we have no retaliatory capability, speed is vital, and the danger is very great.

Mr. ZABLOCKI. Mr Chairman, will the gentleman yield?

Mr. STRATTON. I will yield when I get through with my presentation, but my time is short.

Mr. Chairman, what we are doing as a result of this failure to provide a credible deterrent is that we are failing to provide for our infantry soldiers the kind of protection that a genuine retaliatory capability would give them. I would like to demonstrate to the Members of the House exactly what this means as an extra burden on our infantry troops.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. Mr. Chairman, if the gentleman would watch my presentation, I think he will be enlightened.

I find that it is against the rules of the House to actually clothe a Member of Congress with the equipment of one of our fighting troops, but the gentleman from California (Mr. HUNTER) can properly demonstrate that capability. We will just show the Members what Mr. HUNTER, if he were an infantryman, would have to undergo because we have no chemical retaliatory capability. He would have to put this strange mask on his face. It is all rubber, it is very hot and uncomfortable, and it has to go over his head. Mr. HUNTER would have to breathe through this mouth filter and if he wanted to drink there is just a little hole where he can insert a tube from his canteen down here. That is not a very appetizing kind of thing to use.

Then the infantry soldier needs a very heavy coat to go on—I think this is just about your size, Duncan—which is designed to be impermeable to the current type of gas munitions or chemical munitions that the Soviets have—but I daresay we can assume the

Soviets are already trying to make their munitions more able to penetrate heavy clothing.

These are the pants. This is the belt that includes the water, if he can drink it through that tube, and also where he carries his ammunition.

Then finally, of course, he needs some rubber boots, and he needs his metal helmet on top of that uncomfortable face mask.

Finally, for his hands he would first have to put on these white gloves because the heavy rubber outside gloves get very sticky and the rubber ones would not be able to get off.

This is what our infantry soldiers are having to put up with, and as a result of wearing this cumbersome uniform, the performance of the individual soldier is reduced by 50 percent.

Not only that, but it is in fact impossible to attend to the calls of nature. Therefore, the soldiers' span of daily combat is extremely limited.

Mr. Chairman, this is the burden which we in this House are inflicting on our U.S. troops all because we refuse to provide the credible retaliatory capability in chemical weaponry that we ought to have and that Churchill wanted so desperately in the dark days when Great Britain faced the threatened Nazi invasion.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. STRATTON) has expired.

Mr. ZABLOCKI. Mr. Chairman, I ask unanimous consent that the gentleman from New York (Mr. STRATTON) be permitted to proceed for 2 additional minutes.

The CHAIRMAN pro tempore. The gentleman from Missouri (Mr. SKELTON) has been seeking recognition, and the Chair recognizes the gentleman.

□ 1530

Mr. SKELTON. Mr. Chairman, I think it is important to point out and make a correction that the gentleman from Arkansas mentioned a few moments ago. The gentleman indicated that all of our troops would be so equipped, as the gentleman from New York (Mr. STRATTON) just showed us. This is not the case. It is not the case that all our frontline troops are so equipped. As a matter of fact, a good portion, over $600 million, of what is in this bill is going toward making them safer.

Before discussing, Mr. Chairman, why I disagree with the Zablocki-Bethune amendment, I think it might be useful to review exactly what is included in the bill before us and also discuss the substitute amendment of the gentleman from Texas.

The bill before us contains $96.5 million to be used to complete the preparation of production facilities which are necessary to produce binary chemical munitions. The bill also contains $18.1 million to procure the components and to produce binary 155 millimeter artillery projectiles in the fiscal year 1984. Therefore, there is a total of $114.6 million in title I of the authorization bill, which is to support the binary production program.

It is interesting to note, Mr. Chairman, that this $114.6 million is only 12 percent of the total amount requested and authorized to support the Defense Department's chemical programs. In fact, Mr. Chairman, 75 percent of the dollars for the Department of Defense chemical programs is to support chemical defensive or protective activities.

I wish to point this out, because that is what is needed. That is what we do not have in a great degree and that is what this bill provides.

Again, the only production funds in the authorization bill before us is the $18.1 million for the production of 155 millimeter projectiles. Therefore, I would like to focus my discussion on why it is important that we defeat the Zablocki amendment so that we can start production.

However, I would like to make a statement that the substitute amendment offered by the gentleman from Texas is a good compromise, because it does allow some five negotiating sessions, five negotiating sessions with the Soviets to reach some sort of agreement; but Mr. Chairman, we also know that the Soviets only understand when we speak from a position of strength and that is what we intend to do, either from the bill or from the substitute amendment of the gentleman from Texas.

I would like to point out that of the inventory that we presently have, we have persistent nerve agents. They are fired out to a very limited range. This can cause us and our own troops serious problems because of the short range, what we call the persistency of the agent, and I question whether that is a credible deterrent. The new binary projectile is nonpersistent and certainly better than our current unitary munitions that we have. We must modernize ourselves. We must do the best we can to prevent being threatened or blackmailed in a nuclear setting.

Mr. Chairman, I yield to the gentleman from Texas (Mr. LEATH).

I wish to inquire of the gentleman from Texas, Is it not true that the gentleman's substitute is a compromise between the bill itself and the Zablocki-Bethune amendment?

Mr. LEATH of Texas. There is no question about that. Just to stress the point that my dear friend, the gentleman from Michigan (Mr. BONIOR) made a minute ago, we are in no way attempting to deceive the membership by the fact that we all understand, and we assume the Members do, too, that it would take a period of time before we could actually start production, anyway; but we felt that through this approach we would adequately point out to the Members that there is a valid period of time and that all we are saying is that we are as interested in arms control, we are as interested in a treaty as anyone, but we want a little insurance with a facility.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(By unanimous consent, Mr. SKELTON was allowed to proceed for 2 additional minutes.)

Mr. SKELTON. Mr. Chairman, I wish to commend the gentleman for offering this amendment.

I also wish to ask, is it not also true that this would give some negotiating time for our negotiators to reach an agreement between this moment and 2½ years hence?

Mr. LEATH of Texas. My amendment specifically states that in the event we reach a treaty, we cannot produce any, period. So if we reach a treaty in July or reach agreement in July, as the gentleman from Arkansas thinks we might be able to do, then there will be no production; but it is just simply saying that we are willing to go an additional 2½ years on top of the 14 years that we have already done, but we are smart enough to understand that if you want to argue and say that it is not unilateral disarmament, you have at least got to say, as our good friend, the gentleman from Illinois, HENRY HYDE, said when we were discussing some other things, "It is unilateral attrition," because these things will destroy themselves the longer they lay there.

Mr. SKELTON. I thank the gentleman so much.

Mr. HUNTER. Mr. Chairman, I rise to speak in favor of the substitute amendment.

Mr. Chairman, I am not going to take a great deal of time. I would like to speak to a couple points that have been made concerning the effectiveness of the binary system and the safety factor that they will bring to our chemical arsenal.

I think one thing that everybody in this House must realize before we come to a vote on the substitute and on the amendment is that here we have a situation in which modernizing is going to make our chemical system safer. I do not know if everybody realizes what we mean when we say binary round, because we have used this term "binary chemical system" so often; but binary means that you are going to have two substances, neither of which is deadly or is dangerous, unless combined with the other.

I think we must realize now, and even the proponents of the Bethune-Zablocki amendment have to admit, our present system is a system in which we have deadly gas which is confined within containers and if that gas escapes, if it escaped right now, it would be very deadly

The binary system is a system in which you have two components; neither one of those components by itself is deadly. That means you can store it with safety.

We have had some statements today that really there is no problem as far as storing the gas that we have right now and we have not had any problem with it as of late; but I think that the point that was made by the gentleman from Texas (Mr. LEATH) must be taken into consideration. That is, it may be safe where it is stored, but if we had to deploy it, if we had to move it, it would be very costly and potentially very dangerous to do so; so make no mistake about it, if you want to vote for safety with respect to chemical weapons and you want to clean up our chemical weapons situation in the United States and where these weapons reside in their depositories, the way to do that is to move forward with the binary system.

The House must realize this is our chance to move forward and to make this gas safe, not deadly, but safe in its repositories here, and if you are speaking of moving it to Western Europe, I am sure our Western allies would much rather have a binary system in Western Europe where there can be no deadly effect until the combination takes place, than to simply have that deadly gas and have to depend on the containers to keep it controlled.

Mr. LEATH of Texas. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to my friend, the gentleman from Texas.

Mr. LEATH of Texas. I appreciate what the gentleman said.

I think one point should be made here that has not come out thus far. As a part of this bill as it came to the floor through the amendment placed there by our friend, the gentleman from Kentucky (Mr. HOPKINS) in the committee markup, every round of binary weapons that is produced, for every binary weapon that is produced, a serviceable round of unitary will be destroyed; so this absolutely is not a buildup. It is not an effort to get more weapons. It is an effort, as the gentleman from California accurately states, to try to get rid of those that we have that are dangerous and to try to replace them with something that I think will work very much better.

Mr. HUNTER. Mr. Chairman, I thank the gentleman.

Mr. HOPKINS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from Kentucky.

Mr. HOPKINS. Mr. Chairman, if I could engage the author of the amendment in a colloquy, the gentleman from Texas, what the gentleman is telling our colleagues is that the gentleman's amendment is no way interrupts that portion of the bill as it left the committee, whereby for each round that is produced, a serviceable round must be destroyed. Which as you know was my amendment that the committee adopted.

□ 1540

Mr. LEATH of Texas. The gentleman is absolutely correct. I think that that is an important part of this entire thing and I think it indicates that none of us who are advocating that we modernize our chemical arsenal are interested in trying to get back a great, big, horrendous chemical warfare potential. All we are trying to do is get a comparable threat and so the amendment does not in any way affect the gentleman's efforts.

As a matter of fact, I voted for that and applaud those efforts.

Mr. HOPKINS. I thank the gentleman. If the gentleman will continue to yield. As I understand it my amendment is in tack—which would do three things. One, it would allow the military to modernize and upgrade their stockpile, but second, it would not permit those stockpiles to increase in size. And finally for the nine storage sites that we have in this country today it will give more peace of mind as far as safety is concerned for those people living in those areas.

Mr. LEATH of Texas. I would think, if the gentleman would yield, I would certainly think it would be much more of an advantage to have the binary weapons stored in a district.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. HUNTER) has again expired.

(By unanimous consent Mr. HUNTER was allowed to proceed for 3 additional minutes.)

Mr. HUNTER. I would like to bring out, Mr. Chairman, one other point. It is a fact, I think, that one point that was made during the freeze resolution and the debate, which was a good one, was that we should basically leave negotiations to the negotiators. We should rely on their expertise.

I am drawn again to the statement that was made by Louis G. Fields, Jr., our Ambassador and representative to the Committee on Disarmament, regarding our efforts in chemical negotiations and the Soviet response.

The gentleman from Arkansas (Mr. BETHUNE) and Dr. Ted Gold traveled to Geneva. I would like to quote our Ambassador, our representative, Mr. Fields. He said:

> During this period Dr. Theodore Gold, Deputy Assistant to the Secretary of Defense for Chemical Matters, and the Honorable Edwin Bethune, a Member of Congress, visited Geneva and we arranged a series of conversations between them and representatives/experts of many delegations.

Then he goes on and talks about how although they hold different views on modernization, they are dedicated to reducing the threat of chemical warfare in the world.

The point is, even though our friend and colleague, Mr. BETHUNE, was in Geneva and talked with various groups, apparently Mr. Fields still came to the conclusion that the Soviets have continued during this session to block any substantive work on any substantive questions being resolved in the chemical warfare area. He said, and again I quote:

> Serious discussions were obstructed when the Eastern Bloc, aided and abetted by certain members of the neutral and nonaligned states, raised numerous procedural questions about the committee's agenda and establishment of our working groups. They blocked any substantive work in the committtee pending the resolution of their procedural maneuvering. The result of this deplorable blockage of all substantive work was the temporary frustration of our efforts to achieve progress on a chemical weapons ban.

Finally, and I think this is most important, this is Mr. Fields' opinion as to how we are going to get the Soviets to the negotiating table. He states:

> At some point, if the Soviets decide to negotiate seriously, they will pay little attention to world opinion, and at that point they will be influenced only by their own perception of their national interests. If they perceived that their present advantage might be neutralized by our acquisition of a modernized and effective deterrent capability it could provide a powerful incentive.

In other words, by abandoning the field to the Soviet Union we are not helping those people in Afghanistan, in Kampuchea, and Laos and other people who have been subjected to chemical attacks, because the Soviet Union likes to exploit a weakness and a vacuum, if you will, in weapons development.

As long as we do nothing in this area I think we can count on them to accelerate their development.

Mrs. BYRON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support to the Leath amendment.

My colleagues, it seems clear to me that our principal adversary, the Soviet Union, has continued to improve its arsenal of chemical munitions. I understand that the Soviets enjoy at least a 4-to-1 advantage in chemical stockpiling, an 11-to-1 advantage in trained chemical personnel, a 5-to-1 advantage in ground base chemical delivery systems—such as artillery projectiles, an 11-to-1 advantage in training facilities, and last but not least, a 14-to-0 advantage in production facilities.

As you know, we have not produced any chemical munitions since 1969. Therefore, we have virtually been in a unilateral freeze for 14 years while the Soviet Union continues to expand its inventory. It should be clear that the Soviets are serious about maintaining

a credible chemical war fighting capability.

Mr. Chairman, although we certainly need to improve our chemical retaliatory capability, I believe it is interesting to note that the bill before you contains over $690 million for chemical protection equipment, which is over 70 percent of the funds requested in fiscal year 1984 for the chemical program. It turns out that less than 13 percent of the fiscal year 1984 funds requested for chemical munitions is for chemical retaliatory equipment.

I certainly agree with and support the proposed funding level for chemical protection equipment, but it is not enough. We also need a credible chemical retaliatory capability. We must remember that the principal objective is to deter the use of chemical weapons by potential adversaries. Investing more money in protective equipment will not accomplish this objective. The Soviets will be deterred from using chemical weapons—as the Germans were deterred from using chemical weapons in World War II—only if they realize that we have the capability to respond in kind. Therefore, we must maintain a credible chemical munitions program.

What kind of chemical munitions should we have in our inventory? I would suggest that binary munitions are safer to handle and safer to store than the current chemical munitions. Further, the new binary 155 millimeter artillery projectile will provide greater range than the current projectile. This additional range will provide an added measure of safety for our troops. It seems reasonable that we would want to provide the safest possible environment for our troops to handle and use chemical munitions. If that is true, upgrading the current unitary stockpile with binary munitions should be our objective.

I hope you will join me in supporting this amendment.

AMENDMENT OFFERED BY MR. BETHUNE AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ZABLOCKI

Mr. BETHUNE. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BETHUNE as a substitute for the amendment offered by Mr. ZABLOCKI:

Page 2, line 15, strike out "$2,272,500,000" and insert in lieu thereof "$2,157,900,000".

Page 10, after line 12, insert the following new section:

PROHIBITION ON PROCUREMENT OF BINARY CHEMICAL MUNITIONS AND RELATED PRODUCTION FACILITIES, EQUIPMENT, AND PRECURSOR CHEMICALS

SEC. 109. None of the funds appropriated pursuant to the authorizations of appropriations in this title may be obligated or expended for procurement of binary chemical munitions or for production facilities, equipment, or precursor chemicals for such munitions.

Mr. BETHUNE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. DICKINSON. Mr. Chairman, reserving the right to object, was the request that the amendment be considered as read and printed in the RECORD?

Mr. BETHUNE. The gentleman is correct.

Mr. DICKINSON. Do we have copies here?

Mr. BETHUNE. I am sorry. I gave copies to the desk and I thought they had been distributed.

Mr. DICKINSON. Under the general reservation I would like to see what this is.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BETHUNE. Mr. Chairman, I have a number of things on my mind to say. There are so many points that need to be considered that I scarcely know where to begin.

But I think I would begin by concurring with the distinguished chairman of the Foreign Affairs Committee, my colleague from Wisconsin, Mr. ZABLOCKI, when he announces the fundamental need for opposing binary weapons.

First of all, we do not need the 155 millimeter artillery shells the committee is seeking here.

Second, the Big Eye bomb does not work. It blows up on us, not on them.

Those are the only two things that are being requested. It escapes me that if we can establish that we do not need a weapon or if we can establish that a weapon is not working, how it is going to have any impact but a negative impact on what this country is trying to do in terms of getting a ban on chemical weapons.

□ 1550

I hear Members say that this will lower the threshold of the nuclear threat. I wonder how it could be such that we would lower the threshold of the nuclear threat by producing weapons we do not need or by producing weapons that do not work.

I do not think the Soviets are going to be scared if we suggest to them by some action here today that we are going to get started making this Big Eye bomb. Frankly, I think you could hear them laugh all the way from the Kremlin.

The bomb is a mechanical nightmare and I shall establish that in just a few moments.

First, I want to dispose of a couple of other things that have been said here, because a good deal has been said about Mr. Lou Fields, our Ambassador in Geneva and the effort he and his team are taking there to get a treaty. Members have seen fit to rise and read passages from Mr. Fields, who by the way is a good servant of the administration, read letters from Mr. Fields characterizing the trip that I made to Geneva in February of this year. In the course of that trip I had occasion to talk to over half of the Ambassadors working closely on the chemical weapons issue, sat with Mr. Fields in meetings with the Ambassadors from France, England, and nonalined countries.

And upon my return I got a letter from Mr. Fields and it was a nice letter, as you would expect, since we had a cordial visit there. But I know the other Members have wanted to read the letter that they got from Mr. Fields.

They were not there, I was there. I can report to the Members that there is a great degree of optimism at the Committee on Disarmament in Geneva that we can get a chemical weapons treaty in the near future.

Furthermore, you do not have to get a whole treaty, one signed, sealed, and delivered. There are benchmarks we can see in the near future.

For instance, it would be entirely conceivable we could get agreement with the Soviets on the issue of declaring production facilities, or that we could get agreement with the Soviets on the question of destruction of existing stockpiles. Those are very achievable events.

I learned in the course of my time in Geneva that there is a lot of interest there and a lot of optimism, that the environment is right for us to get a treaty banning these chemical weapons from the face of the Earth. And that is the ultimate cure.

The ultimate cure is not to produce weapons. The ultimate cure is to get a ban on such weapons.

But, in any case, when I made my round in Geneva I looked those people in the eye and the Soviet Ambassador, Mr. Victor Issraelyan, one of them, we had a 1½ hour session. I looked Mr. Issraelyan in the eye and I said:

Sir, the people of the United States do not want to produce this new age of chemical weapons. We have had a moratorium on this since 1969. We are proud of it. We are doing the right thing. We are not producing them and we are certainly not using them. But I will tell you this, Mr. Ambassador, we cannot hold on to that position ad infinitum, because we know you are producing it and the stories out of Sverdlosk and Afghanistan are sufficient proof not only that you are producing them but that you are using them. So, it troubles me greatly and I think I speak for the Members of the House of Representatives, Mr. Soviet Ambassador, when I say to you that we want a treaty, the

American people want a treaty, the people of the world want a treaty and you and the rest of the Soviet Union better get busy and give us a treaty for if you do not, we will have to produce chemical weapons.

The position that I advocate and the position that Mr. ZABLOCKI, in league with me, advocates here in this House of Representatives is the compromise position, my friends, not the substitute that is billed as a compromise by the committee.

The committee wants to produce chemical weapons, make no mistake about it.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. BETHUNE was allowed to proceed for 5 additional minutes.)

Mr. BETHUNE. The committee has been trying to produce chemical weapons since the first day I entered this Congress, it has been clear to me.

Believe it or not and this is very hard to believe, this Congress and the committee and DOD throughout various ways that they can do things, even though the people and the Congress are telling them not to do it, have managed to spend $2 million in the last year setting up a line in a plant in Louisiana where they can make either smokebombs or binary nerve gasbombs. Now they did that with the express purpose of getting ready to produce binary bombs, even though this Congress voted by an overwhelming margin last year not to produce them.

I tell you there is an impulse in the Department of Defense and there is an impulse on this committee to produce and build these nerve gas weapons irrespective of the strong feeling of the people of this country.

That is why when I took to the well earlier today and offered an amendment which was ruled out of order, I expected a ruling because I included in there a little clause that would have prevented them from reprograming and going through the machinations which they have done in order to spend money that this Congress has told them it does not want spent.

OK. That may be out of order. But I say to you this, the Members of this House voted strongly that they did not want this stuff produced and I believe they are going to stand firm for what is the compromise position and that is that we want to put a "full court press" on the Soviet Union in the summer session of the Committee on Disarmament which meets next month in Geneva, and then again in February. And if after those events take place and if they ever get the bugs out of the Big Eye bomb, then come back here and we will have more data upon which to make an intelligent decision about this very critical program.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman.

Mr. HUNTER. I thank the gentleman.

The gentleman stated very strongly and I believe he is extremely sincere that he wants a treaty; we all want a treaty on chemical weapons.

I would ask the gentleman this, a great deal of the money here is going to develop a binary system, a system where instead of having nerve gas which is dependent on its containers to keep it safe from the general population, we can depend on two separate elements, where neither one of the elements is deadly unless combined with the other.

I would ask the gentleman, let us assume we have a treaty and I am sure we are not going to have a treaty that eliminates totally every bit of nerve gas produced or that is present in this country or the Soviet Union; would the gentleman not still want to see a binary system, where you would take gas, whether it is in your district or another colleague's district, that is deadly right now and replace it with two elements which are not deadly unless they are placed together? In other words, to make the gas that we presently have in the inventory safe, whether we have a treaty or not?

Mr. BETHUNE. If the gentleman will let me reclaim my time, I would be glad to say that the safety record with the unitary weapons which we have is remarkably good, A. And B, the binary, that you want to build, especially the one that you want to put in the Big Eye bomb does not sound very safe to me, because the testing that they did on it just in the last few months indicates that it would blow up en route to the target in the airplane that our pilots are flying. That does not sound safe to me. That sounds rather hazardous.

So, I do not understand where you would come at us on the safety issue. Let me make another point because I know the gentleman is trying to get me off the track here. Let me make this point because I never did have the chance to read the letter from Ambassador Fields.

The point is this, that I advocate, and my colleagues who are with me on this issue is the compromise position. We make a sensible proposal. Let us not start a new age of chemical weapons which is going to frighten the "bejebers" out of our allies all across Western Europe. They do not want it, do not want us to deploy it there. They have some deployed of what we have already. So, why stir up that hornet's nest, as the chairman of the Committee on Foreign Affairs has said? Moreover it seems to me what we should do is spend a little time and effort and try to get your Big Eye bomb working. It has been only in the last 60 days that we discovered it has blown up. So, let us get that working and then come back with your question.

On that other question, Mr. Lou Fields has been quoted on. I must read what he wrote in his letter to me after I went around and made my presentation including the remarks that I made to the Soviet Ambassador. And what our Ambassador Lou Fields said.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. BETHUNE was allowed to proceed for 5 additional minutes.)

□ 1600

Mr. BETHUNE. Mr. Fields said: "There are some here concentrated within certain geographical reason and a few ideological soulmates who question our seriousness and credibility with regard to this issue. And needless to say, your forthright and convincing presentations to them left no doubt about the congressional attitude concerning these negotiations. Moreover, you clearly left them with the unmistakable fact that your efforts against the binary program is linked closely to the progress in the Committee on Chemical Weapons Ban. This should be a sober incentive to those delegations to negotiate in good faith to achieve an effective ban with reasonable speed."

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. I thank the gentleman for yielding.

I would like to get a couple of things clear in my mind in the discussion of whether or not we need these new weapons systems and certainly the gentleman from New York presented a very dramatic display with the additional gear that is necessary when chemical weapons are introduced into the battlefield.

Does the present stockpile of American chemical weapons—would that create the necessity of the Soviets to gear up with just the weapons systems that we presently have?

Mr. BETHUNE. Certainly it would. This is one of the points that I had hoped to bring out. I am glad the gentleman raises it.

Let me just read. The question here and we debated this at length last year, is do we have sufficient material to force the Soviets to suit up. That is all. Because they would have to labor under the same conditions and the same kind of suits, even worse suits, Butal rubber suits, that are even worse than ours.

The question is whether we can force them to get into their suits. And I will just read to the gentleman, be-

cause people have said we do not have enough artillery shells and I would just like to read to the gentleman from the RECORD in the U.S. Senate where the Department of Defense said this about our existing artillery shell supply:

For procurement of new artillery shells the need is not one of redressing a clear lack of military capability. The U.S. possesses a stockpile of chemcial nerve artillery shells similar to the proposed M-687 binary round that are compatible with modern 155 and 8 inch artillery shell pieces.

The quantity is in the range of sufficiently. And actually is higher than the planned acquisition quantity for the binary projectile.

So right here, their own words tell us that they have got more of the existing artillery shells then they would intend to produce of the others. And they say that they are—get this—there is a clear stockpile deficiency in the lack of a deep target persistent agent's capability which could be redressed by the Big Eye bomb, they say. And there is a strong possibility that our chemical artillery stocks will be ineffective or unsafe to use—here you are—in the late 1980's and 1990's. That is their own language.

So this proposition that somehow our artillery shells are out of date, unuseful, leaking, no good, is phony. The Department of Defense admits that they have got more of the ones on hand right now then we would have when they make the binary and that they are good to the late 1980's or into the 1990's. That is A. And B, on the Big Eye bomb, if I ever get a chance here to get to the Big Eye bomb, I think that I will blow it out of the tub just like it blew out of the tub they had it sitting in out at Aberdeen, Md., when it exploded.

Mr. GEJDENSON. If the gentleman will yield further, let me just continue with a few more brief questions.

I thank the gentleman for his answer. Regarding the present strength of America's chemical weapons stocks, I think the gentleman is correct that almost around a 30-day supply for any war in Europe that the present availability forces the Russians into the same or worse position in necessitating their troops gearing up for a potential chemical warfare.

Let me ask another question. In both the 1981 and 1982 Defense Appropriations Acts we requested the Defense Department to survey our European allies to their desire to have these weapons placed on their soil, because I think as the gentleman adequately and the chairman of the committee quite aptly pointed out earlier, it is clear that these weapons system are to be deployed in Europe if they are to be used.

Is there a desire by the Europeans to receive these weapons? Do we have support from our NATO allies? And has the Defense Department indeed gone with the law and surveyed our allies and come back to the Congress with an answer?

Mr. BETHUNE. When the administration first came out with its proposal it said, "We want to produce binary weapons and rectify this alleged deficiency we have in our stockpile." And then they said, "We want to deploy them in Europe."

They ran into a buzz saw. So they backed down and they said, "Well, we really don't want to have to address the question of deployment right now."

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. BETHUNE) has again expired.

(At the request of Mr. GEJDENSON and by unanimous consent, Mr. BETHUNE was allowed to proceed for 2 additional minutes.)

Mr. BETHUNE. So they backed off of that position, the administration did, and came at us with this: "Well, just let us produce. We will work out the deployment issue later."

And now, having had their britches taken off here in the Congress last year on that request, they are coming at us now and saying, "Well, we really don't want to produce. Just let us get started building the buildings and the facilities and the shell casings and things like that. We will defer the production decision until 1985 under the Leath amendment."

Well, 1985 is the earliest time that these weapons would ever come off the line in the first place.

So they are not doing anything here except taking the date upon which they would receive these and putting it into an amendment that would confirm that.

Mr. GEJDENSON. If I could just thank the gentleman for his answers.

I guess my last question would be: Does the gentleman consider the amendment of the gentleman from Texas a compromise?

Mr. BETHUNE. No. The gentleman from Texas and the Armed Services Committee want to produce binary weapons and that is plain to everybody here, I think.

On the other hand, you would find the extreme position we do not ever want to produce binaries under any circumstances.

My position and the position of those who support Bethune and the Zablocki approach is that we think there may be a day regrettably when we would have to break our moratorium and go to that, but the day is not here. We have an adequate supply. It is in good shape. And the Big Eye bomb is not working. Let us pursue this treaty. We have plenty of time to do that and then if we ever have to regrettably make that decision, we can do it later.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentlewoman from California.

Ms. FIEDLER. I thank the gentleman for yielding.

I noticed with interest before that the gentleman quoted from a document from the Department of Defense. Does that mean that the gentleman believed the information that was within the Department of Defense document?

Mr. BETHUNE. No; I pointed to a document from the U.S. Senate wherein Senators asked them questions and they responded.

Ms. FIEDLER. So it was their information. It was coming from them; is that correct?

Mr. BETHUNE. Yes.

Ms. FIEDLER. With that point in mind, that means that the gentleman does believe that the Department of Defense will present information on specifics in this case, that specific that is accurate.

I would like to present to the gentleman also some information from the Department of Defense. In this case from the Department of the Navy, which says that they have in fact come to a satisfactory conclusion regarding some of the specific problems with the Big Eye bomb, particularly the offstation mixing. And in this point paper have specified that they have started to test a resolution of those problems and will continue to verification flight during July 1983.

I would further like to note, aside from that particular point——

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. BETHUNE) has again expired.

(At the request of Ms. FIEDLER and by unanimous consent, Mr. BETHUNE was allowed to proceed for 2 additional minutes.)

Ms. FIEDLER. I would further like to note that if someone supports the concept and believes as the gentleman said before that they are in fact making progress in Geneva, that the most important impetus that the Soviets could have to come to agreement to resolve the binary chemical issue, is to have a time certain on which they can count that in the event they do not come to agreement that they in fact will face further production here in the United States.

And I personally support the Leath amendment. I think that it is a thoughtful alternative to simply cutting off any production whatsoever. It provides an impetus to the Soviet Union to come to agreement and I am hopeful that by having a clear-cut date for an agreement that they will in fact come to the agreement that we all hope and pray will stop the necessity of any further production, but in the event we are not successful in reaching that point, we will at least have some alternative, because the

bottom line is that it is our soldiers, our children, who are going to be subjected to these chemical weapons of the Soviet Union in the event that they ever should be used.

I will tell the gentleman this, I would not want to be personally responsible in any way for not providing them with an adequate deterrent because I feel that as a Member of the U.S. Congress that is our ultimate responsibility to make sure that our forces, our troops, are adequately protected as we move about trying to deal with the very special and difficult problems of war, none of which are satisfactory or enjoyable or in any way the kind of thing that any Member of this House wants to have to vote to support but finds it necessary because of the reality of the present day situation.

□ 1610

Mr. BETHUNE. The gentlewoman has asked a very important question. I cannot answer the gentlewoman's question in probably the 15 seconds that remain to me, but it is probably one of the more important questions that have been asked here today. So I would hope that the Members would understand and allow me the time that will be necessary to answer the gentlewoman's question.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. BETHUNE) has expired.

(By unanimous consent, Mr. BETHUNE was allowed to proceed for 5 additional minutes.)

Mr. BETHUNE. Mr. Chairman, this is the nub of the issue that we face here today. I think, if Members will take the opportunity to go and look at the numbers that they can find either at the Armed Services Committee or from me or from some other Members who have the numbers of the existing stockpiles on our artillery shells and read the commentary and talk to the Department of Defense, they will quickly agree that insofar as artillery shells are concerned, we have got another 6 or 7 years, by the Department of Defense's own calculation, before we ever need to start producing another single artillery shell. So that is off the table.

Now, let us get to the Big Eye bomb, which is the only thing left before us here today.

The gentlewoman brought up a point paper which the Department of Defense has put out, and it was dated June 1. I did not see this until yesterday because apparently it was not circulated to those of us who have already taken a position on this issue. The Big Eye bomb has an interesting history. Nineteen years ago, I say to my colleagues, 19 years ago they started working on the Big Eye bomb. It was one of the eye series—Snake Eye, Wet Eye, Double Eye, I do not know, Big Eye—but, in any case, they started working on it 19 years ago.

And by the way, when they started working on it, they had the idea that airplanes would come in high and slow and drop bombs to the target. Well, when you are up here you do not have to worry about the temperature because it is way down low. And they knew, from the early experiments they did on the chemicals, that, as long as you were in a cool temperature, it was a very forgiving weapon.

Lately, in fact just a couple of years ago, they realized that they will not be able to come in high and slow. They need to come in low and fast to get in under the radar. So they decided that they would do some testing, because they began to realize that the temperatures down low are not as cold as the temperatures up high, and so in January 1982—in January 1982, that is not very far back—they started testing various temperatures, and they began with the low temperatures and then every week or so they would work up to a higher temperature. Well, in June 1982, when they finally got all the way up to that high temperature of 60° Fahrenheit, they noticed something about the Big Eye bomb. The Big Eye bomb was beginning to make gas, and pressure was building up inside the Big Eye bomb container. So they knew they had a little bit of a problem there. So they decided they would test one all the way to destruction just to see how long it would take for one of them to blow completely up or what would happen if they just let it go.

In October 1982, in the test chamber at Aberdeen, Md., where I visited 3 weeks ago, they tested a Big Eye bomb to destruction, October 1982, and at 60° Fahrenheit it blew up.

Now, they have told you in this point paper that the seal—well, I believe they say that the heating was more severe than had been anticipated and accelerated rates of chemical reaction in the weapon after mixing, these high pressures were inconsistent with safe captive carrying. In other words, you better not have one of these on you after you start mixing up the chemicals because she is going to blow up at 60° Fahrenheit.

I saw the bomb that blew up. You can go out there and look at it yourself, out at Aberdeen. It lies in a steel chamber where the walls on the steel encasement are a quarter or a half inch thick, and when the bomb exploded it was not a seal that leaked at the end of the bomb, it exploded with such force that it bowed out the end of the steel container. So they decided they had to work up a new scenario on this thing.

Well, my point is this: When they wrote this point paper, they have rushed as quickly as they can to go out and do one more test on the Big Eye bomb so that they can write a point paper and come in here and say that they have overcome that particular problem, they have overcome the problem that they have. So they rushed out and did a little test on it, and they dropped it from 6,000 feet, on May 30 of this year, they dropped it at level flight, they dropped it straight down. The language in the point paper says it was a free fall.

Now, the point is this: They say it worked swell. But the problem is that at 6,000 feet you are going to get shot down unless you are somewhere around the Andes or the Himalayas or the Rocky Mountains, because the radar is going to pick you up unless you have some kind of protective terrain.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. BETHUNE) has again expired.

(By unanimous consent, Mr. BETHUNE was allowed to proceed for 5 additional minutes.)

Mr. BETHUNE. The fact of the matter is, my colleagues, they went out and tested this at 6,000 feet because it takes 15 to 20 seconds to mix up a batch of VX, which is the nerve agent that goes in the Big Eye bomb. You got to have 15 or 20 seconds. You cannot come in low and fast, because when you let the bomb out of the airplane, which they have got to do now, because it blows up if you keep it on the airplane, so they have said, "We figured out a new way to do it, we are going to have offstation mixing; we are not going to start mixing the two ingredients until we get the bomb out of the airplane."

Well, regrettably, if you come in low, you do not have the time for it to mix. And so they said the answer to that is, "Well, we will loft that sucker in, and we will come in and we will throw it up in the air like that and bring it down."

I do not think, from what I know about this bomb, that they can make it work, based on this information. What I believe will happen right now is that they will drop this persistent nerve agent in the Big Eye bomb, and it will not have time to mix, if it does not blow up before they start to this point, and it will fall onto the ground, like bird droppings, and the VX that is contained therein, which is something similar to 10 weight motor oil, will splash out in a little circle, and a Soviet soldier, having heard the buzz bomb noise that you hear because there is a little gasoline motor that makes the dangdest racket you ever heard, after he hears that racket, and then he can smell the bomb because it has the odor of sulfur about it, because that is one of the ingredients, he can walk right over to the spot and drive up a little stake saying, "Nyet. This is American nerve gas, and don't step in it."

So I do not think you have got a situation here where you have got the bugs out of this bomb, frankly. In fact, all of the evidence is to the contrary.

Nineteen years they have been working on this bomb, and they finally decided to test it under something similar to what they might actually face in the modern combat world, and it blew up on them.

POINT OF ORDER

Mr. STRATTON. Mr. Chairman, I wish to make a point of order.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. STRATTON. Mr. Chairman, I make a point of order against the gentleman from Arkansas. The gentleman is discussing a munition that is not funded in this section of the bill, and he is spending considerable time of the Committee in discussing that, although there are no funds for the production of the weapon that he refers to. I think he is proceeding out of order.

The CHAIRMAN pro tempore. The gentleman from Arkansas is discussing chemical weapons, and it is difficult to restrict the gentleman to a narrow interpretation of that in the comments he is making.

Mr. STRATTON. Mr. Chairman, if I may be heard further on the point of order, there are a number of things that are funded in the bill. Binary systems is the basic issue which the gentleman from Wisconsin addressed himself to. But the particular one that the gentleman from Arkansas is debating is something that is not funded in this portion of the bill, and it seems to me that this is a proceeding out of order and abusing the time of the Committee.

The CHAIRMAN pro tempore. Does the gentleman from Arkansas (Mr. BETHUNE) wish to be heard on the point of order?

Mr. BETHUNE. Mr. Chairman, is my time protected while the gentleman from New York makes his point of order?

The CHAIRMAN pro tempore. The gentleman's time is protected.

Mr. BETHUNE. I thank the Chair.

Mr. Chairman, I would just simply say that the bill does ask for moneys to build buildings, facilities, to do tooling work, to build the casings for the Big Eye bomb. I do not know what could be more relevant than to discuss whether or not it works before we start building facilities and the QL mix that would go in the bomb.

Mr. STRATTON. Mr. Chairman, may I be heard further on the point of order?

The CHAIRMAN pro tempore. The gentleman from New York may be heard further on the point of order.

Mr. STRATTON. Mr. Chairman, the thrust of the gentleman's argument in discussing an item that is not funded in the legislation is to create the impression that all of the activities of the Department of the Army in dealing with chemical weapons, and particularly the binary weapons which are funded in this section, is defective. But the item which he is constantly referring to, and with all of its mistakes, is not included; and the problems that it had led the committee to remove the money for that particular weapon. If the gentleman wants to discuss it, it ought to be discussed in the research and development title of the bill rather than in the procurement and production title with which we are engaged now.

□ 1620

The CHAIRMAN pro tempore. (Mr. MURTHA). The Chair will rule.

The money in the bill is unearmarked and the arguments of the gentleman from Arkansas are considered relevant to the debate on his amendment which is pending and which addresses the issues being debated.

The Chair will overrule the point of order.

Mr. BETHUNE. I thank the Chairman.

The distinguished gentleman from New York made an important point. He said that I am using the facts that I have given you about the Big Eye bomb and that I am trying to parlay that to the point where I am going to poison your minds about the statements of the Department of Defense, and that I am trying to use this in some way to discredit the entire program because of this one point.

Let me say this to the Members: We were deceived here on this floor last year by the Department of Defense. That is pretty strong language coming from somebody who is known to be a fairly strong advocate of national defense, but let me point out some dates here that are pretty important.

I said to my colleagues that they discovered the problem about the temperature and the fact that the bomb was blowing up at 60° Fahrenheit, and they did, and they discovered it last June of 1982. The Army, the Navy, and the developer knew that there was a fundamental problem with the Big Eye bomb on June of 1982. The House had its debate on the binary chemical weapons on July 22, 1982. The distinguished people on the Committee on Armed Services were not given the facts by the developers of the weapon. They did not know that they were having trouble with it.

What is even more frightening is that the Department of Defense, Dr. Ted Gold, who is in charge of the chemical weapons program at the Department of Defense, did not learn about it until December of 1982, even though they had tested it and it had failed on October 7, 1982.

What I am saying to my colleague is this: When we debated this issue on this floor last year, we went on for nearly a whole day. I brought up the issue of the Big Eye and I said that I felt we were going to have some problems with the Big Eye, it was going to be troubled, the timing mechanism and the delivery mechanism, and they knew at the very moment that I was right, but they did not tell their own people at the Department of Defense, and they did not tell the people here on the committee. Fortunately, this Congress had the good judgment to kill the program.

This Congress should kill the program again, because what they are asking us to do now, they are not coming to us this year with a 19-year record of development; they are coming to us with about a 6-week record of development; and they are coming to us telling us that they tested this bomb on May 30 and it worked, and they tested it at 6,000 feet, and that proves nothing.

The Big Eye bomb does not work, they have not been leveling with us, and we are in the right on this issue. Vote for our compromise.

Mr. ANTHONY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Leath amendment.

Mr. Chairman, I guess I agree with my colleague from the State of Arkansas (Mr. BETHUNE). There are so many facts and there have been so many arguments made here that it is kind of hard to know where to jump in, so I am just going to jump in where we left off last.

I am going to ask a question, and then I am going to answer it, and I hope my colleagues will listen to the answer. What are the technical problems of the Big Eye bomb?

When the Big Eye was designed initially, the plan called for the nerve agents in the binary bomb to be mixed before the bomb was loaded on the plane. Let me remind Members that this design was done originally in the 1960's, as my colleagues said, when the flight patterns to avoid enemy radar were different than they are today. Today's flight patterns make it more desirable and safer, just as adequate, to plan for mixing the chemicals after the bomb is released from the plane. It is no criminal offense to find that an original design is flawed and to change one's mind to try to find a safer, more desirable usable one. But if we continue to go back and hammer at the old and not come forward to the new, then we never get all of the facts on the table.

So, what has happened? I have personally gone over and I have seen the film. There was a successful flight. There was a successful flight of the Big Eye bomb after it had exploded on one occasion.

What does that tell you? That they are making progress in solving the problem. We all know that we have voted on this floor for many military weapons that had many, many problems. In fact, last week an ongoing debate on the MX missile is a key one. Obviously, there are problems here, problems that they have solved. There are additional test flights that are scheduled. There is no production money in this bill. Last year there was money for the LAP. There are moneys in the bill this year for the facility.

I am going to ask another question and then I am going to answer it.

Why is the 155 binary shell needed? I thought we had an adequate supply of the 155 shells? Well, here is the answer. The 155 shells we have now are filled with unitary persistent nerve gas. "Persistent" means the nerve agent clings to the area for weeks or months after the shell is fired. The 155 shell will be fired into the front. As Mr. LEATH has adequately demonstrated, we only have present-day capabilities of going to the first echelon, the echelon that our troops would then like to move into.

What is likely to occur then? Our troops moving into the area, where the persistent agent is used, they cannot move into the area immediately. What we need is a 155-millimeter shell with a nonpersistent nerve agent that will dissipate in a relative sense more rapidly than the persistent agent, or our troops will have to move into the same enemy zone dressed in the manner in which Mr. STRATTON demonstrated that our soldiers would have to dress in the event they were subject to attack.

Going to the Big Eye, although this authorization contains no funds for the production of the Big Eye, it does contain authorization to complete the facilities needed to produce the Big Eye. If we started on the facility today, it would be July of 1986 at the earliest before we would be ready to begin production. So if we take out the funds, and if we postpone it for another year, and then for another year, that 1986 date slides to 1987, it slides to 1988, and then we suddenly are in the time frame within which my colleague cites the Department's own witnesses saying that we are going to be in trouble.

My dear colleagues, let us not postpone it to reach that date so that we are in trouble.

The Big Eye bomb requires three types of facilities, a metal parts facility, a facility to produce the chemical used in the Big Eye, and a load assembly and pack, or a LAP facility.

Listen to what we did last year. Funds for the construction of the LAP facility were authorized. We have already gone part way. What we are asking for now is to fund $31.5 million to buy the equipment needed for the LAP facility. There is certainly no great harm in putting the money together for the load assembly and pack.

It also contains $35 million to acquire a facility to produce a chemical, QL, for the Big Eye, and other equipment. Listen: It does not contain funds to buy QL or any chemicals for the Big Eye.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas (Mr. ANTHONY) has expired.

(By unanimous consent, Mr. ANTHONY was allowed to proceed for 5 additional minutes.)

Mr. ANTHONY. We have an opportunity today to go see a successful test flight of the Big Eye. That cannot be refuted. That comes after the failure that my colleague talks about. He cannot refute that it has been successful. He can try to qualify it, but the fact remains that it is a successful flight. Before we put production funds for the QL, this Congress, you, are going to have an opportunity to see many other test flights.

□ 1630

If those test flights are not successful, obviously we are going to be reasonable men and women and we are going to postpone the actual moneys for that production. It makes a great deal of sense to do that, if the Department of Defense is capable, with its research, and development, and expertise, to resolve those problems and prove to us that we are going to have an opportunity to do that and to fund it at a later date.

Mr BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Arkansas.

Mr. BETHUNE. Mr. Chairman, the gentleman makes a couple of points.

One is that he talked about the vast superiority of the binary artillery shell and suggested that it would give them a chance to reach out to a little further range. Well, the facts are that it is not much more, a few kilometers.

But let me ask the gentleman this: We have never done similar tests, and we have only done similar testing on the binary weapon. We know what the unitary will do. We have only done similar testing on the binaries.

It takes 10 seconds for that substance to mix inside the binary weapon. How are you going to shoot an artillery shell and hit anything at close range? Because you have got to get 10 seconds before it mixes.

So that is a shortcoming of the binary artillery shell. You have to have a sufficient amount of flight for that weapon to be activated. That is the problem with it in terms of effectiveness.

I would make one other point with the gentleman, and that is that he calls the flight test that they did the other day, a successful flight test. He saw it on the video screen, I take it. I am glad somebody saw it. I am glad they called the gentleman and told him to come over and look at it, because they sure did not call me and ask me to come over and look at it. I did not even know they had done the test until yesterday, when one of my colleagues handed me this so-called point paper they put out.

Then I did a little research on it and discovered the reason they dropped this thing from 6,000 feet, which they would never be able to fly at on a real mission—they would be shot down in a minute—the reason they dropped it from 6,000 feet is that you have got to have 15 or 20 seconds at moderate temperatures for the mixing to take effect and to work.

Mr. ANTHONY. Mr. Chairman, I thank my colleague for that comment, and I would like to reclaim my time.

Mr. BETHUNE. So the point is that that argument proves nothing.

Mr. ANTHONY. Mr. Chairman, I reclaim my time.

The fact remains that the film is there. Members will have time to go and see the film probably before we have the vote. It was a successful flight, and I do not blame the gentleman, I would be a little nervous about the fact there was a successful flight. The gentleman did not see the bomb exploding; he went and saw the aftermath of the bomb exploding.

Mr. BETHUNE. I saw the film of the bomb exploding, though.

Mr. ANTHONY. I saw a film of a successful flight, so we are equal. The successful flight came after the gentleman's failure.

Mr. Chairman, let us get back to the real gut issue here. I think this is something we are missing. To Members who are nervous about going back to their constituents and having their news media ask them: "Why did you vote for chemical weapons?" Or having some constituent stand up in a public forum and asking: "Why did you vote for chemical weapons?" I say that is not the issue today. We have chemical weapons. We have 6-percent capability, as our opposition to this position states. We have only 6 percent of a capable deterrent. So the issue is whether or not we are going to have chemical weapons. The gut issue is whether or not we are going to have a modern, capable, safe chemical warfare deterrent, not first strike but a deterrent.

And it is a tough issue. Chemical warfare is abhorrent to me. I know it is to other Members also, but there are some facts here we have got to look at so we can resolve this on the facts, and on the merits, and not on the emotion of whether we are for or against chemical warfare. I say to the Members: if you want to vote on emotion, there is no way we can get your vote because

we cannot convince you. Your mind is closed to the merits and the facts. But I also say; if you have an open mind to the merits and the facts, bear me out for a few moments.

Since the First World War no nation with both offensive and defensive capabilities in chemical warfare has ever been the victim of chemical attack. We are now down to only 6 percent. If we do not modernize and begin to modernize, then we are going to have an additional attrition rate in that. It is only when nations have been unable to credibly threaten retaliation in kind that a chemical attack or an attack with toxic agents was used against them.

Interestingly, the opposition to this position takes the floor and makes an admission that says, in stark contrast to the U.S. position, that the Soviets are producing and using chemicals.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas, Mr. ANTHONY, has expired.

(By unanimous consent, Mr. ANTHONY was allowed to proceed for 5 additional minutes.)

Mr. ANTHONY. Mr. Chairman, they make an admission in sharp contrast to our position of 14 years of nonproduction. So they are producing and they are using chemicals. If that is not enough to tell us that we are not going to be successful in securing a chemical treaty, I do not know what it does tell us.

But the gentleman from Texas, Mr. LEATH, takes what I consider the high road and the moral road. With that, we are able to stand up in front of our constituents: "If we do not modernize, our military leaders would have to say, 'Mr. President, give me the authority to use the nuclear bomb'."

We do not want that. We want a capable deterrent so that chemical weapons are not used on our troops.

What else are Members able to tell their constituents? They can say that for every one that is built, one will be destroyed, so that we do not have a total buildup. All we are doing is replacing an old, deteriorating stock.

Let me tell the Members how embarrassing it is. Pine Bluff, Ark., is in my congressional district. I have been in the bunker. I have put on the mask. I have gone in and I have seen it. I have gone through all the briefings, the classified and the unclassified, at the Pentagon and at the arsenal. I have seen the wire fences around it. I can tell you that it is a little spooky.

It is also a little spooky when you walk outside and hold a press conference, and say: "Boy, they are doing a great job at the Pine Bluff Arsenal; we are really up to snuff about what we are doing," only to be called the next day by the commander saying: "Mr. Anthony, we are releasing a report today to the news media that we have found six leakers in the bunker."

It puts a little egg on your face. So what do you do? You have to go right straight to the heart of the matter and you have to tell your constituency: "Yes, it is old, it is deteriorating, but we are doing a good job of protecting it, and we are fighting like the devil to replace it with a modern, capable binary system."

Another comment that was made was that there is a ground swell across these United States. I want to say that there is not a ground swell in my district. My district supports it. I represent that district, and if there were an outpouring of letters and marches, I would be the first to know. I would be the point person in this case because much of this is going to be done at Pine Bluff. And in fact, when the Army held its environmental impact hearings, not one single person attended the public hearing in opposition, and that is in face of the fact that my colleague only lives 35 miles up the road and represents the State capital, with the largest population center in the State. That ought to tell us something about the fact that we have a constituency in the State of Arkansas that will not be persuaded by emotion but knows that something has to be done, and they are willing to do their share.

There can be a lot of arguments made one way or the other. I rise in support of the Leath substitute because I think it does strike a reasonable compromise.

Members can say what they want, there will be no production until October 1, 1985. I can stand up in front of the strongest conservative in my district: "We have disarmed for 14 years. We have given the Soviets two and a half more years and five negotiating sessions to sign a treaty, and if they don't sign a treaty, yes, we are going to replace an old stockpile with a new stockpile."

And they will say: "Mr. Anthony, that makes a great deal of sense, and I am going to support you on that issue."

Any Member from any other congressional district in the United States can make those same arguments. They can argue down a hostile press and they can argue down a hostile constituency, because history is on our side and the facts are on our side.

Mr. Chairman, I ask the Members to support the Leath substitute.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Leath amendment.

Mr. Chairman, I certainly will not try to take more than 5 minutes.

I want to commend the gentleman from Arkansas, Mr. ANTHONY, who also pointed out that if we ever do build chemical weapons, they will be built in his district and he is supportive of the program.

I would also like to point out to my other colleague, the gentleman from Arkansas, Mr. BETHUNE, that earlier today we had a colloquy on whether any money was in the bill for production of the Big Eye bomb. I go back to my earlier statement that there is no money for production of the Big Eye. There was $43 million put in the bill by the Army, or requested by the Army. That money was taken out by the request of the Chief of Staff of the Army. There is some money in the bill pertaining to the Big Eye for load, assembly, and pack. This is equipment. For $31 million it would help build the bomb whenever the production money was put into the legislation.

There are funds in the bill to produce the chemicals, and these chemicals would cost around $35 million. But I make the point that I made earlier in the day: The bomb cannot be built now because there is no production money in this legislation.

□ 1640

I would also like to point out that under the Leath amendment there would still be testing up through 1985, so there can be no production or building this bomb as long as they are testing it.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield to me, since he mentioned my name?

Mr. MONTGOMERY. Briefly, I yield to the gentleman.

Mr. BETHUNE. Mr. Chairman, I thank the gentleman.

The gentleman has been around here a lot longer than I have, but it seems to me what the gentleman is doing here in the request—and the gentleman just read off the list—you are building a load assemble pack equipment. You are building the nerve gas itself, that is the QL, and then you are doing tooling for the metal parts.

It sounds to me like you are doing everything that you need to do except stamping the name on the side of it, which you could not do anyway until the year that he puts in his date as to the final production.

Mr. MONTGOMERY. The gentleman knows this is a long lead item and you have to prepare yourself. I do not have any problem with that.

Mr. BETHUNE. I know, but all you are reserving is the final little act which we would come back then, not having had any slippage in the program.

Mr. MONTGOMERY. Like the other gentleman from Arkansas said, you say 1985, then you say 1987, and then you say 1989, and we will be into the next century before we will ever get going.

I will have to take back my time. I am sorry. Let me talk about the General Accounting Office.

Mr. BETHUNE. Mr. Chairman, will the gentleman give me 30 seconds?

Mr. MONTGOMERY. I request the Chair to permit me to proceed.

Mr. BETHUNE. I just want to ask one question.

The CHAIRMAN pro tempore. The gentleman from Mississippi reclaims his time.

Mr. MONTGOMERY. I yielded to the gentleman and I would like to reclaim my time. I think the gentleman owes me the courtesy to let me move on and talk about another subject.

Mr. BETHUNE. I would be delighted to let the gentleman proceed.

Mr. MONTGOMERY. All right. If the gentleman will be seated, I will move right along.

Mr. BETHUNE. At the end of the gentleman's remarks, let me ask the gentleman one question. He mentioned my name.

Mr. MONTGOMERY. And the gentleman has gotten most of my time.

Mr. BETHUNE. I started out by asking the gentleman, because he has been around longer than me. I did not get to ask the question.

Mr. STRATTON. Mr. Chairman, the gentleman declines to yield.

The CHAIRMAN pro tempore. The gentleman from Mississippi controls the time.

Mr. MONTGOMERY. Mr. Chairman, I would like to move on to another subject pertaining to the General Accounting Office report, which is named, "Chemical Warfare," and it says, "Many Unanswered Questions."

I have had the privilege to look at that General Accounting report and it seems to me the report has many unanswered questions.

It also seems to this gentleman in the well that the report was written at the General Accounting Office and it did not really move out into the field and find out about this chemical situation. They did not contact the person or the agency of the Department of Defense, which is the Office of the Assistant to the Secretary of Defense for Atomic Energy, who has been heading up the DOD chemical focal point since 1980.

Under the General Accounting Office report, they admitted they did not even contact the person in the DOD that heads up the chemical production warfare.

Let me say that under the General Accounting report, they say, "Little is known about Soviet offensive chemical warfare capabilities."

But did they check any primary intelligence documents?

The General Accounting Office did not follow up on this. They did not check on anybody.

My last point is that the second item pointed out in the General Accounting report is that the size and condition of the U.S. chemical stockpile, the GAO said that the military did not know what they had in their stockpile.

The CHAIRMAN pro tempore. The time of the gentleman from Mississippi has expired.

(At the request of Mr. LEATH of Texas and by unanimous consent, Mr. MONTGOMERY was allowed to proceed for 2 additional minutes.)

Mr. MONTGOMERY. Let me make this point. The General Accounting Office did not run a survey or run a stockpile audit, nor did they do a review of the inventory of what the Army had in their chemical stocks; so the General Accounting Office report on chemical stockpiles and chemical warfare, as far as I am concerned, is shot full of holes and it was written downtown at the General Accounting Office and they did not do much research on the report.

Mr. LEATH of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Texas.

Mr. LEATH of Texas. I think the gentleman makes an interesting point. I think the Members really need to perk up and listen to this.

This GAO report was made on what they call an evaluation synthesis methodology.

Now, when queried as to what that was, they said, "We sat down and read a bunch of reports and arrived at our own conclusions."

Now, I find it passing strange that if you are going to investigate something, you do not even go to the people in charge of it or to the source.

So the Department of Defense questioned this and they wrote GAO and said, "What is going on here?"

Let me give you the response. It goes to Mr. James Wade, Principal Deputy Under Secretary of Defense for Research and Engineering:

"Here are three copies of the evaluation synthesis methodology as requested by your staff. One caution"—I want you all to listen to this, because you are talking about bureaucratese—

the methodology differs in certain key respects from the information synthesis work we performed in the chemical warfare paper. For example, one dissimilarity is the prospective, rather than the retrospective, nature of the studies included in the information synthesis. This, of course, necessitates the developement of independent assessment criteria, a problem one doesn't have in the evaluation of synthesis because of the availability of evaluation paradigm.

Now, if that is not a pretty good indication of how valid this GAO report is.

Mr. MONTGOMERY. This is what we have been concerned about for the last couple years; they are just pumping out reports over there and they are really not doing the proper research, especially on such an important subject.

The CHAIRMAN pro tempore. The time of the gentleman from Mississippi has again expired.

(At the request of Mr. ANTHONY, and by unanimous consent, Mr. MONTGOMERY was allowed to proceed for 1 additional minute.)

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman.

Mr. ANTHONY. Mr. Chairman, I thank my colleague, the gentleman from Texas, for pointing out that the GAO report was based on other documents that the authors had an opportunity to read. Let me quote from that GAO report:

The literature agrees in general that the United States lacks a credible chemical warfare deterrent. Inadequacies in the U.S. ability to retaliate and defend are all well documented.

Another section of that same report goes on to say:

In contrast, the literature generally reflects the perception that the Soviet Union is highly capable of waging chemical warfare.

Case closed. The jury ought to bring in a verdict for the amendment of the gentleman from Texas (Mr. LEATH).

Mrs. LLOYD. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the Leath amendment.

Mr. Chairman, I am going to approach the subject of chemical warfare from an entirely different perspective. To say the least, I am concerned about the use of chemical weapons by the Soviets and their surrogates in Loas, Cambodia, and Afghanistan as well.

I have a 19-year-old son. And I would hope that neither he nor any members of his generation who man the frontlines of our defense will have to face the use of chemical agents against them or this country; but neither am I blind to the possibility that it could happen.

Within the past 6 months, we, in the Congress, have received from the State Department conclusive evidence of the Soviet-inspired use of these weapons over the past 7 years, and it continues even today. What we are witnessing in Southeast Asia and Afghanistan cannot be attributed to natural phenomena and could, in fact, be what our own frontline troops will be facing in the foreseeable future.

I am not asking that anyone support the use of chemicals which we all condemn, but we must also assure that they are not used against U.S. forces, a real risk that we face on an ever-widening scale. We cannot ignore what is happening; these weapons are being used today. If we bury our collective heads in the sand, we will invite even graver violations of human rights.

In my opinion, we cannot turn our backs and ignore these illegal acts or rely on arms control negotiations or on U.N. investigations, but to take the very decisive step to assure that we have a reliable, believable, and a safe retaliatory capability, a capability that does not mortgage the survivability of our fighting forces, a capability that enhances the national policy of deterrence and reduces the potential of chemical war.

After years of setting aside this difficult task, hoping that arms control negotiations would accomplish the complete and verifiable ban of chemical warfare weapons, we can no longer stand by and continue to unilaterally disarm chemically. We have to act now to restore our capability to enhance national policy and to show the Soviets our contempt for actions that violate long-established and accepted practices and precepts of international law. We need to show our resolve to acquire a deterrent system which will subject them to the same degradation that they hope to inflict on our forces. We must now assure the survivability of our forces who face the Soviet chemical warfare threat on a daily basis, preclude a chemical war and avoid decisive defeat.

□ 1650

For us to do so we must begin at once to produce modern chemical weapons that will give the Soviets a real reason to withdraw their chemical weapons. We must authorize and we must appropriate the funds for our chemical retaliatory program.

I believe the Soviet response to a realistic commitment to resume production of these types of weapons will be to begin serious negotiations on limits and reductions in chemical warfare agents, just as we are now seeing more serious efforts on their part to negotiate strategic nuclear weapons limits.

I yield back the balance of my time.

Mr. BATEMAN. Mr. Chairman, I move to strike the requisite number of words and rise in support of the Leath amendment.

Mr. Chairman, I have listened with some interest this afternoon and I have read the proceedings of this body last year when I was not a Member. This issue is one of such significance that it has concerned me sufficiently that even though not a member of the committee I wanted to share a perspective of this Member.

We are dealing here, I think, with one of the great paradoxes that we have spoken to on this floor for many hours in the course of the last 60 to 90 days, a great paradox. That paradox is that deterrence to nuclear war, deterrence to chemical warfare, lies in our ability to retaliate against the use of such weapons by our adversaries.

We have heard a great deal of discussion about whether or not the Big Eye bomb, as it is referred to, is presently a perfected, totally confident weapon. We have heard discussions of many things.

We have heard references frequently to the General Accounting Office report which I have bothered to read. I applaud the distinguished gentleman from Arkansas (Mr. ANTHONY) for his having pointed out that in that very report the deterrent capability of the United States in chemical warfare is definitely regarded as deficient.

Yet, again to the paradox. If we do not have a credible deterrent how can we expect to avoid the risk of our forces being subjected to nuclear warfare agents?

I would say that we heard references earlier to conversations between the distinguished gentleman from Arkansas (Mr. BETHUNE) and the Soviet Ambassador at the chemical warfare negotiations in Geneva. I applaud that dialog and certainly we want to continue that dialog.

He told us what he told the Ambassador of the Russians at Geneva, and it is what I would have said to him had I been there. It is what any one of us would have said to him had we been there.

But what he did not tell us was what was the Russian Ambassador's response. What was his response then to our Ambassador Fields who has been there?

I am more concerned about what response they give to us than I am about a recitation of what all of us would obviously say to them, because there is no Member of this body who wants to use chemical warfare. We want to maintain a capability to improve that capability for the very reason that we do not want to use it.

It is a fact, not a theory, that the Soviet Union has a superior capability in chemical warfare, a capability that is increasing and will continue to increase through 1985 or 1986 if we do nothing. Doing nothing after 14 years is simply going to give them an opportunity to increase their capability, which goes unresponded to.

High moral ground? I do not believe there is any higher moral rectitude to saying disarm ourselves or let us not be prepared or maintain a deterrent in the face of another capability which is superior.

I think indeed that the morality of the issue lies on the part of the proponents who would say, and who do say through the Leath substitute that we will produce none of these weapons but since we have had 14 years without interruption of our not producing anything we will return to and produce them after this period of time unless you have reached an agreement with us.

I think this is the prod which is indeed necessary to produce meaningful negotiations and a successful negotiation in order that we produce that paradox of deterrence. It means having a capability; having the capability is the incentive to the negotiations that we all want to succeed.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from California.

Mr. LAGOMARSINO. I want to compliment the gentleman on his statement. I think he gets right to the heart of it.

We do have to have a deterrent capability. It is nothing unique with this weapons system. We have been talking about it, as the gentleman has said, for 60 to 90 days; years, in fact, with regard to nuclear weapons.

Unfortunately, these two items are directly related.

There are those who think that we need not have that kind of a deterrent capability, at least not a modernized deterrent capability for chemical warfare.

The CHAIRMAN pro tempore. The time of the gentleman from Virginia (Mr. BATEMAN) has expired.

(On request of Mr. LAGOMARSINO and by unanimous consent Mr. BATEMAN was allowed to proceed for 2 additional minutes.)

Mr. LAGOMARSINO. There are those who say we need not have that kind of deterrent capability for chemical weapons systems because we do have nuclear weapons systems available. I would suggest that that is no answer at all.

What we are all seeking to do is to avoid the use of nuclear weapons and not get in a position where it might be necessary to do so.

A couple of weeks ago I had the opportunity and the unique privilege of visting our troops in southern Germany right up to the border, right at what would be the front lines if there is an invasion across the German border, the East German-Czechoslovakian border, right where the people say it probably would occur. The No. 1 concern of the officers and of the enlisted men almost unanimously, all who I spoke to at any rate, was with this issue. They think that we are sadly lacking. They think we need to go to a binary system if we cannot get the kind of agreement I think that we all would prefer.

The question I guess really comes down to what is the best way to get that agreement. I am absolutely convinced that the only way you get any agreement with the Soviets on anything is to be prepared and to show that you can match them if that need be. We have had example after example where when they know that and they know that we have the capability and the determination and the will that they will reach that agreement.

I think that is what we should be fighting for and it seems to me that the Leath amendment is the best way to reach that point.

Mr. Chairman, I rise in opposition to the Bethune amendment and in support of the Leath amendment.

Mr. Chairman, some of our colleagues claim that our military forces do not require modern chemical munitions for deterrence or for retaliating to any first use of chemical weapons by an enemy. They claim that we should rely on nuclear weapons—that nuclear weapons are adequate for this role. This argument is extremely dangerous and contrary to the best interests of the United States.

In an age of nuclear parity, we cannot afford to wave our nuclear sword to make up for a lack of other capabilities. We must do everything possible to raise the barriers to the use of nuclear weapons because the consequences of nuclear war are completely unacceptable to us. Our Government must not be placed in the position of using nuclear weapons to offset the advantage the Soviets enjoy in chemical warfare capability. A nuclear exchange would be an act of desperation and, of course, lead to even greater destruction. In view of the Soviet nuclear capability, I do not believe our nuclear weapons present a credible deterrent to the Soviets in the use of chemical weapons. Grave doubts could exist in the minds of Soviet leaders concerning whether the United States would use nuclear weapons for anything other than to retaliate for Soviet use of nuclear weapons.

It seems apparent that with nuclear parity and a severe asymmetry in chemical warfare capabilities between the United States and the Soviet Union, we have a situation that would actually encourage the Soviets to initiate chemical warfare. We must also keep in mind that the threat of chemical warfare exists in places other than Europe. I conclude therefore, Mr. Chairman, that in today's real world, it is foolish to think that our nuclear weapons are a credible deterrent or useful for retaliation should the Soviets initiate chemical warfare against our forces or those of our allies.

It is time that we face up to the problem that confronts us. Our choice is hard but it must be made. We need not choose between defeat or nuclear suicide. We have the obligation—the solemn duty—to provide those items required for use by our military forces in accomplishing their tasks in defending our interest. Therefore, I have concluded that we must move forward if we do not reach agreement with the Soviets as provided in the Leath amendment to close the gaps in our chemical warfare posture vis-a-vis the Soviets. I encourage my colleagues to provide the funds required to produce binary munitions so that our forces can have an effective chemical retaliatory capability and so that we can have a chance to reach an agreement with the Soviets. They are much more likely to agree if they know we are prepared to proceed with binary weapons. The Leath amendment is a good practical compromise.

The CHAIRMAN pro tempore. The time of the gentleman from Virginia (Mr. BATEMAN) has again expired.

(On request of Mr. BETHUNE and by unanimous consent Mr. BATEMAN was allowed to proceed for 2 additional minutes.)

Mr. BATEMAN. If I might take at least 1 of these 2 minutes to respond to the comments of the gentleman from California then I will be happy to yield to the gentleman from Arkansas.

I appreciate the comments of the gentleman from California. I, too, during the month of March, went over to the East German frontier and talked to our commanders there and to the troops in the field. The gentleman is precisely right as to what their principal concern is at all levels of our military forces there in East Germany. It is that we would be in a position where we cannot respond to the very kind of an attack that would leave our forces at great risk, a risk that I think would be tragic for us to leave them exposed to.

Certainly I think the best way to avoid that is to have a credible deterrent, not a lack of a credible deterrent.

Further, I think it is preposterous to say that we have that deterrent because we could use nuclear weapons. Certainly that is not a rational basis for deterrence.

The only deterrence that is meaningful here is the deterrent in a similar weapons system, not the risk of an escalated nuclear response.

Mr. BETHUNE. Will the gentleman yield?

Mr. BATEMAN. I will be happy to yield to the gentleman from Arkansas.

Mr. BETHUNE. I thank the gentleman for yielding.

The gentleman asks me what the Soviet Ambassador's response was to the presentation that I made.

Mr. BATEMAN. I take it that it was "nyet."

Mr. BETHUNE. It was an hour and a half meeting and I scarcely doubt that I could squeeze it into probably the 30 seconds that I am going to be allowed. But I would remind the gentleman that an independent observer who was at that meeting, our Ambassador Lou Fields, wrote to me and he said, "Your forthright and convincing presentation left no doubt about the congressional attitude and it is a sobering incentive to those delegations to negotiate in good faith."

I will tell the gentleman that what I think it all is boiling down to is I think the Soviet Ambassador understood the message. That is, those of us taking the position that I take say that we want a treaty and you had better give it to us, of if we can get the bugs out of this Big Eye bomb then we are going to start building it.

□ 1700

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

I thank the Chairman.

Mr. Chairman and ladies and gentlemen of the Committee, I have listened with a great deal of interest to the debate that has come from this well. It is an emotional issue and it is a very important issue and I think it is healthy that we have had a full ventilation of the facts as they have developed here.

The previous speaker, the gentleman from Virginia, mentioned a paradox. There is another paradox here. Here in this country where we enjoy the freedoms that we have, we are here debating whether or not to develop the capability of building binary munitions. Now there is nobody that doubts that if we should do this it is strictly as a matter of deterrent. We had them in World War II and did not use them. We had them in Vietnam and Korea. We did not use them. We would only use them in self-defense. The only reason we are interested now is our own protection, our self-defense. We are told by intelligence sources and I believe this, that in the closing days of World War II when Adolf Hitler saw his visions of empire crumbling around him, he was so desperate that he would have done anything that he thought would have brought victory within his grasp and keep it from slipping away he very seriously contemplated using gas. The only thing that deterred him, from using poison gas on the Allied troops was his sure and certain knowledge that we had the capability of reciprocating and would reciprocate.

And only that kept the Allied troops from being gassed in World War II.

Now, if in the event we should get into hostilities in Europe with the Soviets, once again that and only that sure and certain knowledge on the part of the Soviets that we have the present capability, will deter them from using chemical warfare.

And when we do not have it, what other alternative do we have? Only nuclear. And that is one heck of a choice. Who wants the capability? I think everybody that is basically concerned and charged with the responsibility of negotiating a treaty with the Soviets and seeing to the defense of this country want it.

For instance, the Secretary of Defense wants as does the Chairman of the JCS, and General Kingston, Commander of the U.S. Central Command,

and Admiral Long, Commander-in-Chief of the Pacific.

Today the chairman of the Committee on Armed Services received this letter from the Secretary of State, George P. Schultz and I think in conclusion I would just like to read this into the RECORD.

It reads as follows:

Dear Mr. Chairman: The House is now considering the fiscal year 1984 Defense Authorization bill. Included in that bill is a request for funds to restore our chemical warfare deterrent and to modernize our deteriorating chemical weapons stocks.

I believe that the United States needs to take visible steps now to modernize our chemical weapons deterrent. Action is necessary for security as well as foreign policy reasons.

As you know, the United States is actively seeking a complete ban on all chemical weapons.

It is we who are the ones that are seeking it.

Last February, at the 40-nation Geneva Committee on Disarmament, Vice President Bush put forth an initiative to accelerate to work of the Committee and to launch negotiations for an agreement. In Geneva we also offered our detailed views on the contents and requirements for a comprehensive, effective, and verifiable chemical weapons ban.

The United States should do all it can to make arms control work in the chemical weapons area. Existing agreements must be strengthened and new, more effective ones negotiated. Working together with the U.S. Arms Control and Disarmament Agency and the Department of Defense, the Department of States is pursuing these goals. An effective chemical weapons deterrent is an important element of our arms control objectives.

One of the major tasks we face in this area is to convince the Soviet Union that a complete and effective ban on chemical weapons is truly in its interests—not just its political or propaganda interests, but in its security interests as well. As long as the Soviets are assured that the United States will do nothing to improve or even maintain its chemical weapons deterrent capability, they will have little incentive to conclude a verifiable ban. An effective U.S. deterrent capability should help convince the Soviet Union to negotiate seriously. It would also safeguard U.S. security in the interim until our arms control goal is achieved.

I therefore urge you and your colleagues to approve the administration's funding request.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. DICKINSON was allowed to proceed for 5 additional minutes.)

Mr. DICKINSON. Mr. Chairman, the sum and substance of it is, and even the proponent, the gentleman from Arkansas (Mr. BETHUNE) has said, he is not for it now but he thinks down the road perhaps we would have to go to this. The point is that the Leath amendment gives five negotiating periods or 2½ years for the Soviets to come to the table and negotiate before the first shell would be filled. How much more do we have to demonstrate and how much more time should we give in order to afford them an opportunity to show their good faith? I think that is reasonable, I think it is in our national interest to do this. I think to do otherwise would be short-sighted in the extreme. And I think we should give Secretary of State George Schultz the tools with which to do the job, I think we should give our negotiators the opportunity to work diligently and in good faith and secure in the knowledge that they can deliver what they say. And the Soviets would know, on the other hand, that they are not bargaining from an empty position.

So, I urge the Members of the House, do not deny our Government the capability and the credibility to negotiate a verifiable chemical warfare—chemical reduction. Give us the opportunity to go ahead and put in place a verifiable, permanent ban on the use of chemical weapons. If this is what you want, then this is the only way you are going to get it.

Mr. ZABLOCKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Members of the Committee, I do not intend to take the entire 5 minutes. But in this debate we have heard accusations and allegations about who is right and who is wrong. And of course the Comptroller General's report to the Committee on Foreign Affairs entitled "Chemical Warfare, Many Unanswered Questions," was quoted by both sides and misquoted and taken out of context on many occasions. But I must call to the attention of the Committee and the Members of the House that this lobbying document that DOD has prepared and distributed to the Members, is full of distortions. Let me just read one of the first charges. I am not going to try to answer every one of their allegations or misstatements.

Mr. Chairman, here is what it says in the very first sentence, very first page: "The report was prepared for the House Foreign Affairs Committee and reflects the views of the committee staff."

Now who among you can possibly believe that a Government agency, an independent body that serves us, would be listening to and writing a report dictated by any staff?

□ 1710

Now does this not exemplify how little value must be given to the rest of the comments and charges in this DOD lobbying document?

I said I was going to be very brief. Let me just go to the bottom of the page. I could comment on every one of the 12 pages, but I will not. On the bottom of the page the charge is that the GAO has stated that binary production might complicate arms control. And DOD responds: Key precursor chemicals are identical for binary and unitary and verification is equally difficult. GAO report is not a useful guide to the issues involved and reflects methodology and poor staff work.

Well, I would say this is the kettle calling the pot black.

Let me just quote Dr. Fred Ikle, our current Under Secretary of Defense on this question of the effect of binary production on chemical arms control efforts. Several years ago he argued that production of binaries would undermine rather than enhance the prospects for achieving a chemical warfare ban. That is your own Under Secretary of Defense. I will quote him accurately. He stated:

If we start on a new type of production program it becomes even harder to envisage construction arms control agreements limiting competition in chemical weapons.

Mr. Chairman, the Committee on Foreign Affairs has just received this letter from the Comptroller General of the General Accounting Office, Mr. Charles Bowsher. This letter, which I request be made a part of the record, states quite clearly that "the chemical warfare report was prepared with the same objectivity and independence that GAO applies to all its products."

The letter follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., June 15, 1983.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs
Washington, D.C.

DEAR MR. CHAIRMAN: It has come to our attention that a document is circulating among Congressional Members which questions certain statements in our chemical warfare report (Chemical Warfare: Many Unanswered Questions, April 29, 1983). Our initial impression is that these comments are similar to those already published in our report. Report pages 103–106 and pages 121–122 contain our response. We will analyze the comments more fully, however, and provide additional information shortly if that seems necessary.

In the interim, I want to assure you that the chemical warfare report was prepared with the same objectivity and independence that GAO applies to all its products.

Sincerely yours,

CHARLES A. BOWSHER,
Comptroller General.

AGENCY COMMENTS AND OUR RESPONSE

Draft copies of this report were submitted to DOD for comment on December 9, 1982, and we granted a request for additional time beyond the customary 30 days for review, extending DOD's comment period to January 21, 1983. On January 24, 1983, we met with DOD officials at the Pentagon. Our representatives were advised that written comments would not be available and that the purpose of the meeting was to provide us with official oral comments on the draft report. These official oral comments were presented by Dr. Theodore Gold, the Deputy Assistant to the Secretary of Defense for Chemical Matters. Dr. Gold began his comments by acknowledging a need for good analyses on chemical warfare. We con-

curred with this view and indicated that we were aware that his office was proposing to sponsor analyses, through the Institute for Defense Analyses, on chemical warfare joint test and evaluation. We also indicated our familiarity with previous IDA analyses on chemical warfare. After this preliminary, Dr. Gold presented four points as the official DOD comments on this report.

DOD POINT 1

A literature review is not an adequate method for addressing issues in this area because some relevant information is not in documented form. Moreover, the draft report does not cover some documents that are pertinent to the issues. Giving an example of the limitation of a literature review as a basis for addressing issues in this area, Dr. Gold cited our discussion in the report of the size and condition of the U.S. chemical stockpile. He contended that quoting figures from various documents written over a period of several years does not constitute an adequate basis for judging stockpile size or condition. He noted that DOD had recently attempted to assess the chemical weapons stockpile.

OUR RESPONSE

We informed Dr. Gold that we used several techniques in preparing the report. We reviewed the literature but we also made use of a panel of experts, who assisted us in determining which documents to include in our review. We assessed the value of each document in terms of how well it supported its conclusions and the degree to which its findings were reinforced by similar conclusions in other studies. We incorporated information from interviews we held with officials of DOD, including the armed services, and with notable experts and independent researchers. In the course of collecting data, we attended briefings and congressional hearings on chemical warfare issues. The information we gained in these activities supplemented the information we gathered from the literature and helped us identify the major issues in the subject of chemical warfar. (In chapter 1, we present full details of our methodology).

With regard to the stockpile example Dr. Gold raised, we informed him that we used two recent documents sponsored by DOD to address the stockpile issues in our report—the 1981 Defense Science Board study and DOD's 1982 report to the Congress on chemical warfare. When we asked Dr. Gold for documentation on the more recent DOD efforts to assess the stockpile size and condition, he did not provide any additional sources.

DOD POINT 2

The report does not provide a balanced and complete picture of the important issues in chemical warfare. Giving an example,

Dr. Gold stated that we had not reviewed primary intelligence data regarding an enemy's threat of using chemical weapons.

OUR RESPONSE

We discussed with Dr. Gold and the DOD officials how we used intelligence information, and we agreed to clarify the report to show that we did not use primary intelligence data, did not challenge any intelligence data, and accepted at face value and used intelligence information that is cited in DOD documents. We also pointed out that the Central Intelligence Agency reviewed a draft of the report and did not challenge the way we have referred to intelligence information.

DOD POINT 3

The report contains many factual errors and errors of omission, and there is additional documentation that would have been of assistance in the preparation of the report.

OUR RESPONSE

We requested Dr. Gold to support his statement that the report contains many factual errors. However, he offered us no examples of error in the report, responding only that DOD did not make a line-by-line review. When we asked for the titles and sources of the additional documentation that Dr. Gold had referred to, none were given.

DOD'S POINT 4

GAO did not work through Dr. Gold's office and did not talk to responsible officials in DOD or the individual services.

OUR RESPONSE

Regarding Dr. Gold's concern that we did not work with his office and did not talk with responsible officials, we pointed out that we had conducted the interview and data collection phase of our work before he arrived at DOD and that we will make this clearer in the report. We also presented him with a list of individuals in DOD and the services whom we made contact with during our audit. The list includes Major General Niles Fulwyler and members of his staff (his office served as the Army's focal point for chemical warfare matters during the period of our review), Colonel John Tengler of the Joint Chiefs of Staff, Victor Utgoff and Colonel Horace Russell of the National Security Council, Robert Mikulak of the Department of State, and Professor John Deutch of the Massachusetts Institute of Technology (during a briefing on chemical warfare that he presented at the MITRE Corporation). We added that we had attended and obtained testimony presented to the Senate Appropriations Committee in May 1982 by Dr. Richard L. Wagner, the Assistant to the Secretary of Defense for Atomic Energy, by Dr. Theodore Gold, the Deputy Assistant to the Secretary of Defense for Chemical Matters, and by the Honorable James F. Leonard, former Ambassador and senior official in the Arms Control and Disarmament Agency on chemical and biological warfare issues. Dr. Gold indicated that Amoretta Hoeber, the Principal Deputy Assistant Secretary of the Army for Research, Development, and Acquisition, has no records indicating that she received, reviewed, and commented on the list of sources we compiled for this report. We replied to Dr. Gold that we can provide documentation that verifies that she did review a draft version of our bibliography (printed as appendix II in this report).

We have revised the report so that it includes a discussion of how we treated intelligence information, which we hope clarifies the concern that DOD raised. The other official comments were so general that, without more specific reference, we were unable to make any revision that could be based on them.

We received a written response from DOD well past the established time for the submission of agency comments. However, since it documents the oral presentation we have discussed above, we have included it in the final report in appendix IV. The letter of response we sent to DOD is also printed in appendix IV.

GENERAL ACCOUNTING OFFICE,
Washington, D.C., February 22, 1982.

MR. JAMES P. WADE, JR.,
Principal Deputy Under Secretary of Defense for Research and Engineering, Washington, D.C.

DEAR MR. WADE: Thank you for your letter of February 4 giving me the written position of the Department of Defense (DOD) on our Chemical Warfare paper. As you know, your letter was delayed beyond the time which GAO allocates for agency comments (DOD had the full 30 days, plus a 10-day extension requested by your staff and granted by GAO). However, since your letter contains no new information and reiterates some of the points already made to us by your staff in the official "verbal comments" session of January 24, you may be sure that we have carefully considered all of your points and that we will be responding generally to the DOD comments in our report.

One thing you may want to note: I think we are in presence of a misunderstanding about the nature of our report methodology: it is neither a "literature review" nor an audit. It is an information synthesis which does indeed begin with a literature review but goes very much further, analyzing the quality of each piece of information (in terms of the evidence supporting it) with an end-product of refined information about the state of knowledge in a particular area at a particular time.

The purposes of such an effort are: (1) to try to make sense out of conflicting information that exists on a given topic (conflicts cannot always be easily resolved, of course, but sometimes they can be when it turns out, for example, that one study has been soundly designed, implemented, and reported, whereas another is based solely on the author's opinion or on anecdotal evidence); (2) to develop an agenda showing clearly where the gaps in needed information are that call for new agency research; and (3) to lay the groundwork for further GAO evaluation or audit work in the area.

In using the information synthesis approach, we do not expect to propose any agency action, other than the filling of important knowledge gaps our work has revealed. Therefore we make no recommendations, contrary to the procedure we would use in a methodology featuring original data collection, such as an effectiveness evaluation or an economy and efficiency audit. However, we do make conclusions and observations about the information we have found and to do this naturally entails the prior elaboration of a synthesis framework laying out the questions and subquestions to be answered, the scope, nature, and timeframe of the initial literature review, and the criteria for assessing the quality of the information. If you look at our report, you will see that we have documented this important front-end work in considerable detail.

A potential problem in such an approach might be the question of the "universe": that is, how can we be sure we've got all the major studies? In this case, although it was an especially arduous task to accomplish—given the breadth, international character, and classification of the topic, and the obscurity of some of the work—we now feel assured that we have covered all the major studies done as of May 1982 (end-date for our data collection effort). One of the methods we use in the synthesis approach to reach this assurance is through the combined knowledge of a panel of experts. (In this case, we included DoD's General Niles

Fulwyler and Dr. Amoretta Hoeber. The OSD focal point position was not filled at that time, as you know.) We were further confirmed in our confidence by peer reviews of our work (including the CIA) and our January 24 session with your staff in which no title, document, or source was produced that GAO had not already reviewed and analyzed.

With regard to the potential benefits of the synthesis approach, we feel they are enormous. First, the ability to draw on a large number of soundly designed and executed studies adds great strength to the knowledge base when findings are consistent across different studies by different scholars using different methods. No single study, no matter how good, can have this kind of power. Second, when studies are not well designed and executed, the knowledge that there exists no firm basis for action is also an important benefit: the size of the risk is clarified, necessary caution is introduced into the debate, and over the long term, the number of failed shots in the dark is likely to be diminished.

I hope this letter will better explain what we are trying to do and how it differs from an audit or literature review. A GAO staff paper describing the synthesis methodology may be of additional help. Please let me know if you would like to see it.

With kind regards,

Sincerely yours,

ELEANOR CHELIMSKY, *Director.*

Mr. ZABLOCKI. Now, I shall take just one more minute or two because I had hoped the gentleman from New York would have yielded to me since he mentioned my name and apparently was trying to give a certain impression, even though I must say he did not say so. Yes, Congressman STRATTON of New York was in Copenhagen, Denmark, at the NATO Assembly. And he did a wonderful job, a credible job there. But, he has implied that in informal conversations, I could not find any of the European delegates who opposed chemical weapons. The truth is, that the European delegates came to me and stated that they did not support chemical warfare and they would not permit new chemical weapons in Western Europe. I believe the gentleman from New York tried to imply that what I had stated on this deployment question was not true.

I would like at this time to ask the gentleman from New York: Did you hear any of the European delegates support chemical warfare or support binary systems?

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New York.

The CHAIRMAN pro tempore (Mr. MURTHA). The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has expired.

(By unanimous consent, Mr. ZABLOCKI was allowed to proceed for 3 additional minutes.)

Mr. ZABLOCKI. Yes or no.

Mr. STRATTON. Let me just say to my good friend——

Mr. ZABLOCKI. Not too much time. I was going to be brief.

Mr. STRATTON. First of all, I was not trying to cut the gentleman off, but as the gentleman remembers I wanted to put on a little display of the kind of clothing that is required for our forces and that is why I declined to yield to him.

I conducted no survey of our delegates at the North Atlantic Assembly, but many of the people who I talked to were still a little bit concerned about whether we in this country really meant business with the MX, with the Pershing missile, and with retaliatory capabilities. And we tried to reassure them——

Mr. ZABLOCKI. If I may reclaim my time, the gentleman is not going to answer the question.

Are they supportive of chemical warfare and binary chemical weapons?

Apparently the gentleman does not want to answer. I will answer for him. They do not want chemical weapons on their soil. And since the gentleman from New York has mentioned the display he had——

Mr. STRATTON. What was the question?

Mr. ZABLOCKI. I am going to respond to the gentleman's comment that he could not yield to the gentleman from Wisconsin because he was going to display the protective suit.

I must say that display was the best support for the position of the gentleman from Wisconsin. I have always maintained that we must spend more money on our defense programs. A better protective suit. Of course it is too heavy. Of course it is not adequate. And instead of producing the binary, put a better protective suit on our servicemen.

Mr. STRATTON. If the gentleman will yield, is he aware that in 1983 we spent $780 million on new protective clothing for our troops? That is some of what I demonstrated.

Mr. ZABLOCKI. The gentleman would have spent less if you had had the money for the binary.

Mr. STRATTON. We would not have had to spend as much if we had a retaliatory capability that the Europeans as well as the Russians would believe in and regard as credible.

Mr. ZABLOCKI. I yield no further.

I might say to my colleagues one reason we do have better uniforms and have put more money in spending for defense is because in the past this gentleman from Wisconsin and others who joined with me insisted that we spend more money for defense.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the fact that the gentleman has now brought up a subject that is very relevant to this discussion.

We are not talking about unilateral disarmament, we are not talking about giving up our posture of being protected in the field.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has again expired.

(At the request of Mrs. ROUKEMA and by unanimous consent, Mr. ZABLOCKI was allowed to proceed for 3 additional minutes.)

Mrs. ROUKEMA. In fact, this bill provides for and the amendment does not affect the funds for defensive positions, both in terms of suiting up as well as decontamination of sites, efforts that we definitely need to improve. However, the point is that we are being asked here today, and let us not forget it, to base our decision on specious evidence and frequently contradictory documentation. Despite what has been said denigrating the report of the GAO concerning chemical warfare, the GAO recognizes very well that there is conflicting testimony on the subject, but also points out that there are no citations on either side, only assertions.

So the evidence is specious, the answers to the questions regarding the integrity of our stockpiling are contradictory. Those of the Armed Services Committee have admitted earlier in this debate that yes, we do have enough retaliatory capability to force the opponents to suit up. Today's debate has gone back and forth all day and I think we are losing the forest for the trees.

I want to get back to the point, Mr. Chairman, that the gentleman has repeatedly emphasized. We are again being asked to abandon a moratorium based on contradictory evidence, with no evaluation of the implications of such a decision on our foreign policy, particularly how our NATO allies feel knowing that such a battle would be fought on their ground, knowing that only one member of the NATO alliance presently consents to the stockpiling of chemical weapons, having no explanation as to how we are going to deploy these weapons. Do not be deceived. The Leath amendment is the first step to not only abandoning the moratorium, but the first step to production. It will be an impediment, if not an absolute block to supporting the initiative presented by Vice President Bush in February when the negotiations resume this July in Geneva. And that is the discussion, not the obfuscation of who is right and what is the current level of stockpiling. The issue is, are we going to put forward this initiative and help our negotiators, or are we going to send a signal to the Europeans and the world that we may in some way be planning a new initiative, one that will trigger an escalation in the arms race?

Mr. ZABLOCKI. I thank the gentlewoman for her contribution and urge a "no" vote on the Leath amendment, which is no compromise but rather restores the binary program.

Mr. EDGAR. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Zablocki amendment and in opposition to the Leath amendment.

□ 1720

Mr. Chairman, the debate this afternoon has been an interesting debate and has covered many points. There are two points, however, that I think need special emphasis. The first deals with the issue of arms control, and the second deals with the issue of whether or not we need chemical warfare for retaliatory capabilities.

Let me speak first on the issue of arms control. During the bilateral chemical warfare arms control negotiations in the late 1970's, agreement was reached in principle on most aspects of the scope of a chemical warfare treaty, even though the United States was not producing or considering the production of binary nerve gas.

Chemical warfare arms control efforts stalemated in 1980 not because of the Soviet Union being intransigent on verification but, rather, because the Reagan administration decided to abandon further bilateral chemical warfare arms control talks.

Last summer the Soviets showed flexibility in the chemical warfare verification in a new chemical warfare proposal which suggested the possibility of systematic, international, onsite inspection. The United States put forward its own new chemical warfare proposal at the Committee on Disarmament earlier this year. These newly submitted proposals should be fully explored in both bilateral and multilateral negotiations before the United States proceeds any further with the costly and controversial program that is under discussion this afternoon.

The second area of concern is whether or not there is adequacy in existing U.S. chemical retaliatory capability. I point out to my colleagues that one of the main arguments that binary proponents cite in support of their position is that the United States stockpiles are dangerously inadequate.

However, the Department of Defense no longer subscribes to that position. Look at what they say this past February to the Senate Armed Services Committee, and I quote:

For procurement of new artillery shells, the need is not one of redressing a clear lack of military capability.

And again they say:

The United States possesses a stockpile of chemical nerve agent artillery shells . . . that are compatible with modern 155 millimeter and 8-inch artillery pieces.

Third, they say:

The quantity is in the range of sufficiency, at least for the United States forces, and is actually higher than the planned acquisition quantity for binary projectiles.

And finally, they say:

The current mix of agent may not be ideal . . . however, these factors, in and of themselves, might not be sufficient to justify the expense of replacing the stockpile.

Mr. Chairman, thus even our Department of Defense admits that quantity and the quality of the existing chemical artillery shells is sufficient and that the expense of replacing the stockpile with these new chemical weapons may not be justified.

Mr. Chairman, there are really some very major issues that have been dealt with and discussed this afternoon, but I think they can be summed up in five simple statements.

The United States already has adequate offensive chemical warfare capabilities.

Second, the U.S. production of binary carries grave foreign policy implications.

Third, the U.S. production is a waste of the taxpayers' dollars.

Fourth, the U.S. production of these chemical weapons undermines our arms control efforts.

And finally, and most importantly, chemical weapons are militarily ineffective.

I urge my colleagues on both sides of the aisle to do exactly what we have done in the past: To delete the funds in this resolution; to support the Zablocki amendment.

● Mr. MARKEY. Mr. Chairman, I rise in support of the amendment to strike $114.6 million for the production of lethal binary chemical weapons.

Mr. Chairman, the Reagan administration is about to plunge the United States into another arms race with the Soviet Union that could be as dangerous as the nuclear arms race in which we are already caught.

By asking Congress to approve funding for binary chemical weapons, the President indicates he is willing to end the 14-year ban on production of these weapons which began when President Nixon stopped all manufacturing of chemical weapons by the United States.

In reversing a policy adhered to by Republican and Democratic administrations since 1969, the Reagan administration is reversing progress in arms control and is ignoring the bitter lessons learned in World War I.

Poison gas has little effect on properly equipped enemy soldiers. Instead, chemical weapons kill innocent civilians and often hamper the operations of the army that uses them first.

In Europe, where the United States would probably use binary chemical weapons, the fighting would take place in the midst of large, unprotected civilian populations.

In the event of chemical warfare in Europe, tens of millions of innocent men, women, and children would die—suffering uncontrollable spasms, vomiting, progressive blindness, and deafness, before finally asphyxiating.

I also wonder why we must build more chemical munitions when the United States already possesses sufficient stocks of nerve gas for about 30 days of chemical warfare in Europe.

In a study conducted by the Army in 1982, the entire U.S. stockpile of 155-millimeter and 8-inch chemical munitions was found to be issuable for use in battle.

Why then should we replace these shells with a weapon that has never been certified as battle ready?

Binary chemical weapons have never been tested with live chemical agents. And even in tests with similar nonpoisonous chemicals, the binary weapons have shown serious flaws.

Much of the Army's own data indicates that binary munitions are less reliable than existing nonbinary shells.

Furthermore, the binary weapons are heavier and bulkier to transport, posing logistical problems on the battlefield.

Instead of spending hundreds of millions of dollars for a weapons system that is clearly inferior than the one it is supposed to replace the administration needs to investigate a number of serious problems the General Accounting Office has found in how the military would actually use chemical weapons and how it would protect our troops from an enemy chemical attack.

The April 1983 GAO study found that the United States does not have a doctrine for using chemical weapons, despite the fact that it has possessed huge inventories of the weapons for several decades. GAO also found that the U.S. defensive measures to protect our soldiers are not adequate for full-scale chemical warfare.

Neither the administration nor the Army has addressed these questions or proposed any solutions.

Building more deadly chemical weapons will not solve the deficiencies reported by the GAO. It will only add unnecessarily to an already huge and sufficient supply.

Instead we should continue the policy set by past administrations and continue the moratorium on chemical weapons production. We should also initiate negotiations with the Soviets on reducing these ghastly weapons.●

● Mr. RAY. Mr. Chairman, I rise in opposition to the Zablocki amendment and in favor of the Leath amendment.

The idea of chemical warfare is a frightening situation and Americans as well as our allies around the world are hesitant to even discuss the proba-

bility of such a brutal and inhumane action.

This is an emotional issue but one which must be faced up to.

In 1974 when I worked as a staff person in the Senate I was privileged to attend a classified briefing in reference to our country's chemical warfare stocks and deterrent abilities.

The briefing emphasized that our defense consisted of obsolete chemical stocks—some dating back to World War II, with no current research and development or deterrent plans underway. We were also informed that the top ranking officer in charge of our chemical warfare deterrent program consisted of one Army colonel.

On the other hand, in 1974—the Soviet Union had moved ahead full speed with no slowdown since the early 1950's. At that time—in 1974—the Soviet Union had in charge of its chemical warfare research and development and its eventual plans to conduct chemical warfare, nine general officers who were busily expanding the Soviet Union's chemical warfare program.

It is my understanding that today, 1983, 9 years later, the situation from America's viewpoint has worsened. While the Soviet Union has gained tremendous superiority in this area, the majority of our chemical stocks are in bulk, difficult to use, dangerous or in rockets and bombs which are in some cases rusting and leaking. We do not, I am told, have launchers necessary to use certain of the shells or rockets which are in our chemical arsenal.

Mr. Speaker, the opinion of many experts is that the Soviets are clearly up to something. Classified briefings which members of the committee have been given clearly point out that the Soviets have several chemical warfare plants actively manufacturing and involved in research and development of several new chemical weapons.

We have heard evidence that the Soviets have more than 30,000 vehicles, including helicopters, which can operate in a chemical environment.

It is alleged and we are convinced, that the Soviets have used chemical warfare in Afghanistan and other areas. So we feel assured that the Soviets will not hesitate to employ every advantage possible to use these weapons.

So the question in my mind is that somehow or other we must build a defense and deterrent against this threat—in fact we cannot afford to sit idly by and let this threat continue to increase.

It is a well-known fact that during World War II when both sides of the conflict had an adequate and strong chemical defense that none was used. It is further believed that had either the Germans or the Japanese possessed a nuclear weapon during World War II we would not have used the atomic bombs on Hiroshima and Nagaski because of the retaliatory possibility against our country or our allies.

It appears to me that we must decide in this body whether we can accomplish this objective with our current unitary stockpile or whether it is necessary to modernize and upgrade the stockpile with a more effective, safer, binary munition. I am convinced that our current stockpile is not sufficient to deter potential aggressors from the use of chemical munitions, and I am equally concerned that our old weapons will not provide maximum safety and protection necessary in handling, and storing chemical munitions.

Therefore, I strongly urge that you provide the funds necessary to at least begin to develop systems and to produce binary munitions to replace our current unitary munitions.

My colleagues, I think it is important to note that our committee has taken great pains to insure that the bill before you contains a provision which would allow the production of binary munitions only if for every new binary munition placed in the inventory, a serviceable unitary munition is removed. This will insure a zero growth in our chemical stockpile.

I urge your support in defeating this amendment.

I urge your support for the Leath admendment.●

● Mr. KASTENMEIER. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI), the chairman of the House Committee on Foreign Affairs, and the gentleman from Arkansas (Mr. BETHUNE), to delete from the Department of Defense authorization bill $114.6 million for the production of lethal binary chemical weapons.

The production of binary chemical weapons is an extremely dangerous area for this country to leap into. At a time when we should be devoting our energies to making progress in chemical arms control negotiations, we have an administration proposal to begin what will certainly and ultimately be a massive reconstruction and modernization of our chemical weapons stockpile. We should wonder if the risks which accompany the binary chemical weapons program, in terms of the potential and dangerous proliferation of chemical weapons, have been fully evaluated by the Department of Defense compared to the estimated risk associated with the status quo pending the outcome of treaty negotiations.

We have been told that the United States must improve its retaliatory capabilities in order to deter chemical warfare. This is the same argument which the administration uses with respect to nuclear weapons. To turn to chemical weapons, one of the most repulsive of mankind's inventions, however, is unworthy of our Nation. Lethal nerve gases kill in a particularly ghastly and indiscriminate way, and their victims are more often than not civilians.

The U.S. Government is not now producing chemical weapons. We have not done so since 1969, when President Nixon unilaterally decided to place a moratorium on chemical weapons production. To resume the production of poison gases would be a serious mistake, and we should reject the proposition that reduction of chemical weapons through a treaty with the Soviets is only possible through increased production.

The best course of action to follow in dealing with such an evil weapon as nerve agents is to vigorously pursue the reduction and elimination of chemical weapons through negotiations with the Soviets. Rather than opening the floodgates to a multibillion-dollar program of binary chemical production and the chemical arms race which will be triggered by resuming the production of nerve gas, let us set an example for the rest of the world to observe.

Last year, the House, by a substantial margin, rejected the request for funds to produce binary chemical weapons. This year, in a bipartisan effort, almost 100 Members have now cosponsored H.R. 822 which prohibits obligating or expending funds for the production of lethal binary chemical munitions and calls on the President to enter into immediate negotiations with the Soviets for a mutual, verifiable limitation on the production and stockpiling of chemical weapons.

Mr. Chairman, there is no good reason to proceed with the production and stockpiling of new, horrifying nerve gases. In fact, according to a recent report from the General Accounting Office on chemical warfare and from comments of various experts in chemical warfare, there is very good reason not to proceed with the binary chemical weapons program. Let us pass the amendment offered by Mr. ZABLOCKI and Mr. BETHUNE and put a stop to reviving the special horrors of chemical warfare.●

PARLIAMENTARY INQUIRY

Mr. DANIEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DANIEL. Mr. Chairman, would the Chair kindly state the order in which the questions will be put on the pending matters?

The CHAIRMAN pro tempore. The first vote will be on the Leath amendment to the Zablocki amendment. Then the second vote will be on the Bethune substitute to the Zablocki amendment as or as not amended.

Mr. DANIEL. I thank the Chairman.

The CHAIRMAN pro tempore. The question is on the amendment offered

by the gentleman from Texas (Mr. LEATH) to the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The question was taken; and on a division (demanded by Mr. ZABLOCKI) there were—ayes 32, noes 5.

RECORDED VOTE

Mr. ZABLOCKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 216, not voting 14, as follows:

[Roll No. 196]

AYES—202

Alexander	Hansen (ID)	Nielson
Andrews (TX)	Hansen (UT)	O'Brien
Anthony	Hartnett	Ortiz
Archer	Hatcher	Packard
Badham	Hefner	Pashayan
Barnard	Hightower	Patman
Bartlett	Hillis	Perkins
Bateman	Holt	Petri
Bennett	Hopkins	Price
Bereuter	Hubbard	Quillen
Bevill	Huckaby	Ratchford
Bilirakis	Hughes	Ray
Bliley	Hunter	Regula
Boner	Hutto	Ridge
Bosco	Hyde	Ritter
Breaux	Ireland	Robinson
Brooks	Jones (NC)	Rogers
Broomfield	Jones (OK)	Rose
Bryant	Jones (TN)	Rostenkowski
Burton	Kasich	Roth
Byron	Kazen	Rowland
Campbell	Kemp	Rudd
Chandler	Kindness	Sawyer
Chappell	Kramer	Schaefer
Chappie	Lagomarsino	Schulze
Cheney	Latta	Shaw
Clarke	Leath	Shelby
Coelho	Lent	Shumway
Coleman (MO)	Levitas	Shuster
Coleman (TX)	Lewis (CA)	Siljander
Conable	Lewis (FL)	Sisisky
Corcoran	Livingston	Skeen
Craig	Lloyd	Skelton
Crane, Daniel	Loeffler	Smith (NE)
Crane, Philip	Long (MD)	Smith, Denny
Daniel	Lott	Smith, Robert
Dannemeyer	Lowery (CA)	Snyder
Daub	Lujan	Solomon
Davis	Lungren	Spence
de la Garza	Mack	Stenholm
DeWine	MacKay	Stratton
Dickinson	Madigan	Stump
Dicks	Marlenee	Sundquist
Donnelly	Marriott	Tauzin
Dreier	Martin (NY)	Taylor
Duncan	Matsui	Thomas (CA)
Dyson	McCain	Thomas (GA)
Edwards (AL)	McCandless	Valentine
Emerson	McCollum	Vander Jagt
English	McCurdy	Vandergriff
Erlenborn	McDonald	Volkmer
Evans (IA)	McEwen	Vucanovich
Fazio	McNulty	Watkins
Fiedler	Mica	Whitehurst
Fields	Michel	Whitley
Flippo	Miller (OH)	Whitten
Franklin	Molinari	Wilson
Frost	Mollohan	Winn
Fuqua	Montgomery	Wise
Gekas	Moore	Wolf
Gibbons	Moorhead	Wright
Gilman	Morrison (WA)	Wylie
Gingrich	Murtha	Young (AK)
Gramm	Myers	Young (FL)
Hall, Ralph	Natcher	Young (MO)
Hall, Sam	Neal	Zschau
Hammerschmidt	Nelson	
Hance	Nichols	

NOES—216

Ackerman	Albosta	Annunzio
Addabbo	Anderson	Applegate
Akaka	Andrews (NC)	Aspin
AuCoin	Gradison	Paul
Barnes	Gray	Pease
Bates	Green	Penny
Bedell	Gregg	Pepper
Beilenson	Guarini	Pickle
Berman	Gunderson	Porter
Bethune	Hall (IN)	Pritchard
Biaggi	Hall (OH)	Rangel
Boehlert	Hamilton	Reid
Boggs	Harkin	Richardson
Boland	Harrison	Rinaldo
Bonior	Hawkins	Roberts
Bonker	Hertel	Rodino
Borski	Hiler	Roe
Boxer	Horton	Roemer
Britt	Howard	Roukema
Brown (CA)	Hoyer	Roybal
Brown (CO)	Jacobs	Russo
Broyhill	Jeffords	Sabo
Carney	Jenkins	Savage
Carper	Johnson	Scheuer
Carr	Kaptur	Schneider
Clay	Kastenmeier	Schroeder
Clinger	Kildee	Schumer
Coats	Kogovsek	Seiberling
Conte	Kolter	Sensenbrenner
Conyers	Kostmayer	Shannon
Coughlin	LaFalce	Sharp
Coyne	Lantos	Sikorski
Crockett	Leach	Simon
D'Amours	Lehman (CA)	Slattery
Daschle	Lehman (FL)	Smith (FL)
Dellums	Leland	Smith (IA)
Derrick	Levin	Smith (NJ)
Dingell	Levine	Snowe
Dixon	Lipinski	Solarz
Dorgan	Long (LA)	Spratt
Dowdy	Lowry (WA)	St Germain
Durbin	Luken	Staggers
Dwyer	Lundine	Stangeland
Dymally	Markey	Stark
Early	Martin (IL)	Stokes
Eckart	Martin (NC)	Studds
Edgar	Mavroules	Swift
Edwards (CA)	Mazzoli	Synar
Edwards (OK)	McCloskey	Tallon
Erdreich	McDade	Tauke
Evans (IL)	McGrath	Torres
Fascell	McHugh	Torricelli
Feighan	McKernan	Towns
Ferraro	Mikulski	Traxler
Fish	Mineta	Udall
Florio	Minish	Vento
Foglietta	Mitchell	Walgren
Foley	Moakley	Walker
Ford (MI)	Moody	Waxman
Ford (TN)	Morrison (CT)	Weaver
Forsythe	Mrazek	Weber
Fowler	Murphy	Weiss
Frank	Nowak	Wheat
Frenzel	Oakar	Whittaker
Garcia	Oberstar	Williams (MT)
Gaydos	Obey	Williams (OH)
Gejdenson	Olin	Wirth
Gephardt	Ottinger	Wolpe
Glickman	Oxley	Wortley
Gonzalez	Panetta	Wyden
Goodling	Parris	Yatron
Gore	Patterson	Zablocki

NOT VOTING—14

Boucher	Heftel	Owens
Collins	Kennelly	Pursell
Cooper	Martinez	Rahall
Courter	McKinney	Yates
Downey	Miller (CA)	

□ 1740

Messrs. MINISH, FORSYTHE, JENKINS, LEHMAN of California, SHARP, Mrs. HALL of Indiana, Messrs. FEIGHAN, CARNEY, EDWARDS of Oklahoma, D'AMOURS, and STANGELAND changed their votes from "aye" to "no."

Mr. VOLKMER changed his vote from "no" to "aye."

So the amendment to the amendment was rejected.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arkansas (Mr. BETHUNE) as a substitute for the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. STRATTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 256, noes 161, not voting 15, as follows:

[Roll No. 197]

AYES—256

Ackerman	Foglietta	McDade
Addabbo	Foley	McGrath
Akaka	Ford (MI)	McHugh
Albosta	Ford (TN)	McKernan
Anderson	Forsythe	McNulty
Andrews (NC)	Fowler	Mica
Annunzio	Frank	Mikulski
Applegate	Frenzel	Miller (OH)
Aspin	Frost	Mineta
AuCoin	Garcia	Minish
Barnes	Gaydos	Mitchell
Bates	Gejdenson	Moakley
Bedell	Gekas	Molinari
Beilenson	Gephardt	Moody
Berman	Glickman	Morrison (CT)
Bethune	Gonzalez	Mrazek
Biaggi	Goodling	Murphy
Boehlert	Gore	Natcher
Boggs	Gradison	Neal
Boland	Gray	Nowak
Bonior	Green	Oakar
Bonker	Gregg	Oberstar
Borski	Guarini	Obey
Boxer	Gunderson	Olin
Britt	Hall (IN)	Ottinger
Broomfield	Hall (OH)	Oxley
Brown (CA)	Hamilton	Panetta
Brown (CO)	Harkin	Parris
Broyhill	Harrison	Patterson
Carney	Hawkins	Paul
Carper	Hefner	Pease
Carr	Hertel	Penny
Clarke	Hiler	Pepper
Clay	Hopkins	Perkins
Clinger	Horton	Pickle
Coats	Howard	Porter
Coelho	Hoyer	Pritchard
Collins	Huckaby	Rangel
Conte	Hughes	Ratchford
Conyers	Jacobs	Reid
Coughlin	Jeffords	Richardson
Coyne	Jenkins	Rinaldo
Craig	Johnson	Roberts
Crockett	Jones (OK)	Rodino
D'Amours	Kaptur	Roe
Daschle	Kastenmeier	Roemer
Daub	Kildee	Rostenkowski
Dellums	Kogovsek	Roukema
Derrick	Kolter	Roybal
Dicks	Kostmayer	Russo
Dingell	LaFalce	Sabo
Dixon	Lantos	Savage
Donnelly	Leach	Schaefer
Dorgan	Lehman (CA)	Scheuer
Dowdy	Lehman (FL)	Schneider
Durbin	Leland	Schroeder
Dwyer	Levin	Schumer
Dymally	Levine	Seiberling
Early	Lipinski	Sensenbrenner
Eckart	Long (LA)	Shannon
Edgar	Lowry (WA)	Sharp
Edwards (CA)	Lujan	Shuster
Edwards (OK)	Luken	Sikorski
English	Lundine	Simon
Erdreich	Lungren	Slattery
Evans (IA)	Markey	Smith (FL)
Evans (IL)	Martin (IL)	Smith (IA)
Fascell	Martin (NC)	Smith (NE)
Fazio	Matsui	Smith (NJ)
Feighan	Mavroules	Smith, Robert
Ferraro	Mazzoli	Snowe
Fish	McCloskey	Solarz
Florio	McCurdy	Spratt

St Germain	Traxler	Whitten
Staggers	Udall	Williams (MT)
Stangeland	Vento	Williams (OH)
Stark	Volkmer	Wirth
Stokes	Walgren	Wolpe
Studds	Walker	Wortley
Swift	Watkins	Wright
Synar	Waxman	Wyden
Tallon	Weaver	Yatron
Tauke	Weber	Zablocki
Torres	Weiss	Zschau
Torricelli	Wheat	
Towns	Whittaker	

NOES—161

Alexander	Hance	O'Brien
Andrews (TX)	Hansen (ID)	Ortiz
Anthony	Hansen (UT)	Packard
Archer	Hartnett	Pashayan
Badham	Hatcher	Patman
Barnard	Hightower	Petri
Bartlett	Hillis	Price
Bateman	Holt	Quillen
Bennett	Hubbard	Ray
Bereuter	Hunter	Regula
Bevill	Hutto	Ridge
Bilirakis	Hyde	Ritter
Bliley	Ireland	Robinson
Boner	Jones (NC)	Rogers
Bosco	Jones (TN)	Rose
Breaux	Kasich	Roth
Brooks	Kazen	Rowland
Bryant	Kemp	Rudd
Burton	Kindness	Sawyer
Byron	Kramer	Schulze
Campbell	Lagomarsino	Shaw
Chandler	Latta	Shelby
Chappell	Leath	Shumway
Chappie	Lent	Siljander
Cheney	Levitas	Sisisky
Coleman (MO)	Lewis (CA)	Skeen
Coleman (TX)	Lewis (FL)	Skelton
Conable	Livingston	Smith, Denny
Corcoran	Lloyd	Snyder
Crane, Daniel	Loeffler	Solomon
Crane, Philip	Long (MD)	Spence
Daniel	Lott	Stenholm
Dannemeyer	Lowery (CA)	Stratton
Davis	Mack	Stump
DeWine	MacKay	Sundquist
Dickinson	Marlenee	Tauzin
Dreier	Marriott	Taylor
Duncan	Martin (NY)	Thomas (CA)
Dyson	McCain	Thomas (GA)
Edwards (AL)	McCandless	Valentine
Emerson	McCollum	Vander Jagt
Erlenborn	McDonald	Vandergriff
Fiedler	McEwen	Vucanovich
Fields	Michel	Whitehurst
Flippo	Mollohan	Whitley
Franklin	Montgomery	Wilson
Fuqua	Moore	Winn
Gibbons	Moorhead	Wise
Gilman	Morrison (WA)	Wolf
Gingrich	Murtha	Wylie
Gramm	Myers	Young (AK)
Hall, Ralph	Nelson	Young (FL)
Hall, Sam	Nichols	Young (MO)
Hammerschmidt	Nielson	

NOT VOTING—15

Boucher	Heftel	Miller (CA)
Cooper	Kennelly	Owens
Courter	Madigan	Pursell
de la Garza	Martinez	Rahall
Downey	McKinney	Yates

□ 1800

Mr. JONES of Oklahoma changed his vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI), as amended.

The amendment, as amended, was agreed to.

Mr. BENNETT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having resumed the chair, Mr. MINISH, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. WEISS. Mr. Speaker, as a member of the House Foreign Affairs Committee I participated in a fact-finding study mission to the Middle East with several other Members of the House from May 26 to June 4, which encompassed the Memorial Day district work period. Because of a delayed return to allow a visit to Lebanon and Syria and to engage in meetings with high-level officials of those countries, I was absent from the House during consideration of several bills and resolutions.

The votes I missed along with the indication of how I would have voted had I been present, are listed below:

Rollcall 139, "yes."
Rollcall 140, "yes."
Rollcall 141, "no."
Rollcall 142, "yes."
Rollcall 143, "yes."
Rollcall 144, "yes."
Rollcall 145, "yes."
Rollcall 146, "yes."
Rollcall 147, "yes."
Rollcall 148, "no."
Rollcall 149, "yes."
Rollcall 150, "yes."
Rollcall 151, "yes."
Rollcall 152, "no."
Rollcall 153, "yes."
Rollcall 154, "yes."
Rollcall 155, "yes."
Rollcall 156, "no."
Rollcall 157, "no."
Rollcall 158, "no."
Rollcall 159, "no."
Rollcall 160, "no."
Rollcall 161, "yes."

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2053

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Minnesota (Mr. FRENZEL), be withdrawn as a cosponsor of H.R. 2052.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. DICKINSON asked and was given permission to address the House for 1 minute.)

Mr. DICKINSON. Mr. Speaker, if I could get Mr. FOLEY's attention I would ask unanimous consent to proceed out of order.

Mr. Speaker, I would inquire as to the first item of business to come up tomorrow, whether it will be this bill or some other bill.

The SPEAKER pro tempore. I see the distinguished majority whip is here so he may respond.

Mr. FOLEY. Mr. Speaker, will the distinguished gentleman yield to me?

Mr. DICKINSON. I yield to the gentleman.

Mr. FOLEY. I thank the gentleman for yielding.

It is the intention of the leadership on this side to call up the commodities bill from the Department of Agriculture tomorrow; that bill should be subject to action within a very short period of time. I do not think it will take long.

Following that we will return to the bill presently under consideration, Department of Defense authorization.

Then we will move to take up the rule on military construction authorization and the consumer products rule, rule only.

Mr. DICKINSON. I am not sure I understood you. Would you take up the rule on the military construction bill before we go back into the Defense authorization bill?

Mr. FOLEY. No, we go back into Department of Defense authorization bill after we do the first bill which is the commodity bill. When that commodities bill is concluded, we will go directly back to the present Department of Defense authorization.

Before rising for the day, we will rise on the further consideration of the Department of Defense and take up two rules at the end of the day tomorrow, the rule on military construction and the rule on commodities.

Mr. DICKINSON. Is there a general agreement as to when we might rise tomorrow? I know we will not finish the bill.

Mr. FOLEY. I think something in the nature of tonight's schedule, 6, 6:30 in that area. Maybe earlier than that, but I do not think it will be much later.

Mr. DICKINSON. And we will come in at 10 tomorrow?

Mr. FOLEY. We come in at 10 tomorrow.

The SPEAKER pro tempore. I think the gentleman may be reasonably assured that it will not be any later tomorrow. There being no Friday session and no prospect of completing the Department of Defense authorization bill, Members may rest reasonably secure that we will adjourn at a reasonable hour.

Mr. FOLEY. Will the gentleman yield to me?

Mr. DICKINSON. I yield to the majority whip.

□ 1810

Mr. FOLEY. If the gentleman will yield further to me, having, as the British say, taken advice, I want to report to the gentleman, striking my previous answer, that we will not go late tomorrow and that we expect a reasonably early end of the day's business.

Mr. DICKINSON. I thank the gentleman.

COMMUNICATION FROM CHAIRMAN OF SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., June 13, 1983.

Hon. THOMAS P. O'NEILL, JR.,
Speaker of the House, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to inform you, pursuant to the provisions of House Rule L (50), that an employee of mine, Peter D. H. Stockton, has received a deposition subpoena duces tecum in *Jacqueline Srouji, et al.* v. *Simon & Schuster, et al.*, Civil Action No. 82-3855. (M.D. Tenn.) Michael J. Ward, formerly on the staff of the Subcommittee on Energy and Power, and now an attorney in private practice, has also been served with a subpoena in the same matter. In both instances, the subpoenas related to their official duties.

I will undertake to make the determinations required by the Rule and communicate them to you.

Sincerely,

JOHN D. DINGELL,
Chairman.

RESIGNATION AS MEMBER OF HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore laid before the House the following resignation as a member of the House Commission on Congressional Mailing Standards:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 9, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: I hereby respectfully submit my resignation from the House Commission on Congressional Mailing Standards effective on the 15th Day of June, 1983.

I regret any inconvenience which my resignation may cause; however, my other duties in the House make it impossible for me to continue to serve on the commission.

Sincerely yours,

TRENT LOTT,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

THE 1983 PRESIDENTIAL SCHOLARS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GINGRICH. Mr. Speaker, I am pleased to announce that we have as our guests in the House at this time the 1983 Presidential Scholars. These 141 young people from throughout the country are recipients of the Nation's highest honor bestowed on graduating high school seniors, all of them distinguished young persons who have demonstrated leadership, scholarship, contribution to school and community, and accomplishment in the arts, sciences, and other fields.

By Executive order of the President, the Commission on Presidential Scholars annually selects and honors these distinguished graduating seniors as representatives of excellence in education in our Nation's schools.

The Presidential Scholars have been invited to Washington, D.C., this week as guests of the Commission for Presidential Scholars National Recognition Week, which culminates tomorrow with the presentation of the Presidential medallion to each scholar at a ceremony sponsored by the White House.

In a larger sense, the true beneficiary of this program is the United States. In recognizing these young men and women, we reaffirm the commitment of the United States to secure for all its people the maximum opportunity for education to enable them to lead lives of challenge, accomplishment, and fulfillment.

On behalf of the Congress may we extend our heartfelt congratulations to the 1983 Presidential Scholars.

[From the Commission on Presidential Scholars]

THE 1983 PRESIDENTIAL SCHOLARS PROGRAM

The Presidential Scholars Program was established over 19 years ago to recognize and honor our nation's most distinguished high school seniors. The Program was extended in 1979 to include recognition of students with exceptional talent in the visual, creative and performing arts. One hundred forty-one students are chosen annually from among the most outstanding graduating seniors in the United States. Those students who become Presidential Scholars are chosen on the basis of their accomplishments in many areas—academic success, artistic talent, leadership, involvement in school and community. The Scholars are representative of the promise for greatness in young people. In honoring the Presidential Scholars, the President symbolically honors all American youth of high potential.

The Commission on Presidential Scholars is a group of eminent private citizens appointed by the President to select the Presidential Scholars. The Commission members serve at the pleasure of the President and receive no monetary compensation for their participation. The final selection of Scholars each year rests solely upon the independent judgement of the Commission. The U.S. Department of Education provides administrative support to the Commission and assists in fulfilling the Commission's various responsibilities.

There are two paths to the honor of becoming a Presidential Scholar. The greater number of students are chosen on the basis of broad academic achievement. Students may not apply individually to the academic component of the program, nor may their schools nominate them. All high school seniors are automatically identified for the Program if they have scored well on either the College Board Scholastic Aptitude Test (SAT) or the Assessment of the American College Testing Program (ACT) and have authorized release of student descriptive information through participation in the College Board's Student Search Service or ACT's Student Profile Section. Through a subsequent review in January of the student profiles and descriptive questionnaires, some one thousand students are identified as protential candidates. To be considered further, students are asked in February to affirm their candidacy and submit materials such as essays, self-assessments, secondary school reports, and transcripts to support their candidacy. From the most outstanding candidates, the Commission on Presidential Scholars selects one young man and one young woman from each state, the District of Columbia, and Puerto Rico. Two students are chosen from families of U.S. citizens living abroad, and 15 students are chosen at large.

Twenty students are chosen for recognition on the basis of their achievements in the visual or performing arts or in creative writing. To be considered for this part of the Program, a group of selected students who participate in the Arts Recognition and Talent Search (ARTS), a national program for the identification and recognition of young people who have demonstrated excellence in the arts, are identified for consideration by the Commission. Students are subsequently asked to affirm their candidacy and submit other supporting materials. From those identified as demonstrating the highest levels of achievement, the Commission selects 20 Scholars with exceptional accomplishment in dance, music, theater, writing, and the visual arts. As in the selection of the academically accomplished Scholars, final selection rests solely with the Commission.

Scholars are awarded the Presidential Scholars medallion, which commemorates their designation as Scholars by the Presi-

dent of the United States. There is no provision for a monetary award within the Executive Order establishing the Program. However, for the past three years, the Geraldine R. Dodge Foundation has graciously awarded $1,000 to each newly appointed Scholar and will continue to do so for 1983.

In June, the Scholars are invited to Washington, DC as guests of the Commission, where they are honored by their elected representatives and by others in public life. During their four-day visit to Washington, Scholars meet with senators, congressmen, Supreme Court justices, educators, authors, musicians, scientists, and other accomplished persons. They visit the memorials and museums of the nation's capitol. The Program culminates in the presentation of the medallions, and parents are invited to accompany their sons and daughters at a ceremony sponsored by the White House.

There have been over 2,350 Presidential Scholars, all of them distinguished young persons who have demonstrated leadership, scholarship, contribution to school and community and accomplishment in the arts, sciences, and other fields. By personally recognizing these truly outstanding young men and women, the President honors their achievements.

In a larger sense, the true beneficiary of this Program is the United States. In recognizing these young men and women, the Commission on Presidential Scholars reaffirms the commitment of the United States to secure for all its people the maximum opportunity for education to enable them to lead lives of challenge, accomplishment, and fulfillment.

1983 PRESIDENTIAL SCHOLARS

(NOTE.—Asterisk indicates "Chosen for excellence in the arts.")

ALABAMA

Paula J. Baker, 2721 Bush Boulevard, Birmingham, AL 35208; Ramsay Alternative High School, 1800 13th Avenue, South, Birmingham, AL 35205.

Rebecca J. Henson, 7608 Teal Drive, SW, Huntsville, AL 35802; Virgil I. Grissom High School, 7901 Bailey Cove Road, SE, Huntsville, AL 35802.

John A. Knox, 1108 Camellia Road, Birmingham, AL 35215; Huffman High School, 950 Old Springville Road, Birmingham, AL 35215.

ALASKA

Lucy A. Ljubicich, 2201 West 47th Avenue, Anchorage, AK 99503; West Anchorage High School, 2201 West 47th Avenue Anchorage, AK 99503.

Steven G. Sherrod, 2928 Seawind Drive, SRA 535, Anchorage, AK 99507; Service High School 5577 Abbott Road, Anchorage, AK 99507.

ARIZONA

Rochelle Bagatell, 4931 East White Gates Drive, Phoenix, AZ 85018; Scottsdale Arcadia High School 4703 East Indian School Road, Phoenix, AZ 85018.

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ARKANSAS

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CALIFORNIA

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COLORADO

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CONNECTICUT

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David M. Senak, 26 Minnesota Lane, Bristol, CT 06010; Bristol Eastern High School, King Street, Bristol, CT 06010.

DELAWARE

Ottavio F. Biondi, Wilmington, DE; Wilmington Friends School.

Karten A. Pieslak, Wilmington, DE; Archmere Academy.

DISTRICT OF COLUMBIA

*George W. Dick, Washington, D.C.; Duke Ellington School of The Arts.

Dorothy A. Jeffress, Washington, D.C.; Georgetown Day High School.

Daniel M. Singer, Washington, D.C.; Sidwell Friends School.

FLORIDA

Amy L. Deen, Miami, FL; Ransom Everglades School.

*Lawrence J. Lipkin; N. Miami Beach, FL; North Miami Beach Senior High School.

Pedro J. Pizarro, Miami, FL; Miami Southridge Senior High School.

GEORGIA

Thomas C. Cisewski, Dunwoody, GA; Dunwoody High School.

Karen M. Kagiyama, Warner Robins, GA; Northside High School.

HAWAII

Mark M. Kunichika, Honolulu, HI; President William McKinley High School.

Lori R. Shiraishi, Honolulu, HI; Henry J. Kaiser High School.

IDAHO

Amy M. Helmon, Emmett, ID; Emmett High School.

David L. Rodeback, Moreland, ID; Snake River High School.

ILLINOIS

Kim Crawford, Chicago, IL; St. Ignatius College Preparatory.

Phillip J. Kerwin, Wilmette, IL; New Trier High School.

*Timothy P. Ying, Winnetka, IL; New Trier High School.

INDIANA

Carl L. Gordon, Munster, IN; Munster High School.

Marta Hoilman, Muncie, IN; Burris Laboratory School.

IOWA

Margo B. Baender, Iowa City, IA; West High School.

Mark A. Morris, Des Moines, IA: East Des Moines High School.

KANSAS

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KENTUCKY

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LOUISIANA

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MAINE

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MARYLAND

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MASSACHUSETTS

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MICHIGAN

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Hein Kim, 3847 Spanish Oaks, West Bloomfield, MI 48033; Andover High School, 4200 Andover Road, Bloomfield Hills, MI 48013.

*Jason D. Novetsky, 1721 Shadford Road, Ann Arbor, MI 48104; Interlochen Arts Academy, Interlochen, MI 49643.

*Eric J. Voetberg, 4219 Beach, Troy, MI 48098; Interlochen Arts Academy, Interlochen, MI 49643.

MINNESOTA

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MISSISSIPPI

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MISSOURI

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Melissa A. Parisi, 313 Defoe Drive, Columbia, MO 65201; David H. Hickman High School, 1104 North Providence Road, Columbia, MO 65201.

*Hayuru Taima, 816 Mason Wood Drive, St. Louis, MO 63141; Mary Institute, 101 North Warson Road, St. Louis, MO 63141.

MONTANA

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Patrick A. Reinken, Route 4110, Great Falls, MT 59401; Charles M. Russell High School, 228 17th Avenue, NW., Great Falls, MT 59404.

NEBRASKA

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NEVADA

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NEW HAMPSHIRE

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NEW JERSEY

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NEW MEXICO

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NEW YORK

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*Rosemarie Johnson, 5521 Whitty Lane, Brooklyn, NY 11203; School of Performing Arts, 120 West 46th Street, New York, NY 10036.

*Carlos A. Rosado, 110 Arlington Avenue, Brooklyn, NY 11207; High School of Art & Design, 1075 Second Avenue, New York, NY 10022.

NORTH CAROLINA

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NORTH DAKOTA

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OHIO

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OKLAHOMA

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Hyunah Lee, 2112 Westwood Drive, Norman, OK 73069; Norman High School, 911 West Main Street, Norman, OK 73069.

Vivian S. Lee, 1812 Valley Ridge Road, Norman, OK 73069; Norman High School, 911 West Main Street, Norman, OK 73069.

OREGON

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W. Elaine Sang, 10720 Southwest Wedgewood Street, Portland, OR 97225; Sunset High School, 13840 Northwest Cornell Road, Beaverton, OR 97005.

PENNSYLVANIA

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Elizabeth A. Neidel, 1035 McCormick Road, R.D. #3 Mechanicsburg, PA 17055; Mechanicsburg Area Senior High School, South Broad Street, Mechanicsburg, PA 17055.

PUERTO RICO

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Carmen B. Torruella, 450 Ponce de Leon PH-G, San Juan, PR 00901; St. John's School, 1466 Ashford Avenue, Santurce, PR 00907.

RHODE ISLAND

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SOUTH CAROLINA

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Sallie L. Krawcheck, 3 Colonial Street, Charleston, SC 29401; Porter-Gaud School, Albermarle Road, Charleston, SC 29407.

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SOUTH DAKOTA

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Julie R. Hobus, R.R. 1, Box 49, Lebanon, SD 57455; Gettysburg High School, 100 East King Street, Gettysburg, SD 57442.

TENNESSEE

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John A. Palmer, III, 18 Clearview Avenue, Chattanooga, TN 37404; The McCallie School, 3850 McCallie Avenue, Chattanooga, TN 37404.

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TEXAS

*Leonard Arvisu Cruz, 3111 Darby Boulevard, San Antonio, TX 78237; Holy Cross High School, 426 North San Felipe Street, San Antonio, TX 78228.

*Ramona K. Jackson, 5210 Jade Drive, Dallas, TX 75232; Arts Magnet High School, 2501 Flora, Dallas, TX 75201.

*Shira-Lee Shalit, 7919 Oakington, Houston, TX 77071; High School for the Performing and Visual Arts, 4001 Stanford, Houston, TX 77006.

Samantha J. Smoot, 4211 Cedarbrush, Dallas, TX 75229; W. T. White High School, 4505 Ridgeside, Dallas, TX 75234.

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UTAH

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VERMONT

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VIRGINIA

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WASHINGTON

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WEST VIRGINIA

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Gregory L. Hung, 109 Linnwood Place, Parkersburg, WV 26101; Parkersburg High School, 2101 Dudley Avenue, Parkersburg, WV 26101.

WISCONSIN

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Andrew C. Grogan, 2202 Fox Avenue, Madison, WI 53711; West High School, 30 Ash Street, Madison, WI 53705.

Kara W. Swanson, 2918 North Wisconsin Street, Racine, WI 53402; The Prairie School, 4050 Lighthouse Drive, Racine, WI 53402.

WYOMING

Robert Harsch, 913 West Fremont, Riverton, WY 82501; Riverton High School, 2001 West Sunset, Riverton, WY 82501.

Cynthia A. Knudson, 1210 Skyline Drive, Cheyenne, WY 82009; Cheyenne Central High School, 5500 Education Drive, Cheyenne, WY 82009.

AMERICANS ABROAD

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Frances Therese P. Dydasco, P.O. Box 807, Agana, Guam 96910; Academy of Our Lady of Guam 241 O'Hara Street, Agana, Guam 96910.

Ruth C. Hobaugh, 89th Medical Detachment, APO New York 09102; Heidelberg American High School, APO New York 09102.

CONTINUATION OF THE JOURNEY OF PIONEER 10

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. AKAKA. Mr. Speaker, I want to thank Lori Ann Voellmy of Kailua, Hawaii, for this beautiful lei that was presented to me this morning.

Mr. Speaker, 11 years ago we had the wisdom and foresight to launch a spacecraft called Pioneer 10. This craft was designed to last only 21 months; it has performed perfectly over 11 years.

Longevity, however, is not Pioneer 10's only victory; just 2 days ago Pioneer 10 crossed the orbit of Neptune and is now well on its way out of our solar system. There is no single event in human history which equals the accomplishment of Pioneer 10. Think about it for a minute: In 1972, we built a spacecraft to explore parts of our solar system; little did we dream then that this craft would possibly survive well into the 1980's. Little did we dream that our technological ability would far exceed our intellectual grasp of possible missions. Little did we dream that Pioneer 10 could map the far corners of the universe—corners which we have seen only by the light of our imagination.

Pioneer 10 is truly man's window on the universe. This spacecraft may well prove to be of critical importance to us in learning more about the universe in which our galaxy and solar system hang suspended. All of us should look closely at the example offered us by this performance of this remarkable craft. Pioneer 10's success should teach us a good lesson concerning our past mistakes and our future potential for accomplishment.

This administration planned to turn off the Pioneer 10 spacecraft on January 1, 1983, in order to save a few dollars. Fortunately, there were those of us in Congress and in the scientific community who saw the folly of this proposal. As a result, Pioneer 10 received continued funding and is free to continue its silent journey across the face of the universe.

What disturbs me is that this administration was perfectly willing to turn off Pioneer 10, effectively blinding the only eye we have on the universe. I ask you: What kind of a society are we, if we refuse to cherish the tools which allow us to push back the boundaries of our knowledge? What kind of a society are we if we refuse to invest in our future? What kind of a society are we if we lack the courage to expand the sphere of our understanding?

We cannot continue to mortgage the future to pay our debts of the past. Space science, Mr. Speaker, and our unwillingness to invest in space science, is a good example of our failure to invest in our future.

If we continue to invest in only those projects and programs with short-term benefits and payoffs, we will, by the end of this decade, have mortgaged our future to a state where we are beyond redemption.

It is no surprise that, with this attitude, the United States is losing its lead in space science and exploration.

Mr. Speaker, this year marks the 25th anniversary of NASA—our only civilian space agency. NASA's 25 years represent an impressive history of scientific achievement. We can be proud, as a nation, of these accomplishments. We cannot, however, be proud of the growing trend in this administration to cut back on our base of research in space science. There is certainly evidence of a definite lack of commitment to space science and exploration by the United States. While we are neglecting this important field, Europe, Japan, and the Soviet Union are actively engaged in the pursuit of expending man's knowledge of space.

As we celebrate NASA's 25th anniversary, it is appropriate for this great Nation to recommit its resources and undivided attention to scientific research and exploration in space, that is, if we want to maintain leadership and excellence. It is crystal clear that space science represents a cutting edge in the total technology effort of this Nation. We are nothing, if not foolish, to allow our ability to achieve excellence to die an atrophy death.

Mr. Speaker, I ask that my colleagues join me during the month of June in commemorating the remarkable accomplishments of both Pioneer 10 and our space science program. I also ask that a copy of the editorial "Space Science in the Doldrums," which appeared in Aviation Week & Space Technology be inserted in the RECORD immediately following my remarks.

[From Aviation & Space Technology, Dec. 13, 1982]

SPACE SCIENCE IN THE DOLDRUMS

(By William H. Gregory)

After a decade of abundance in the 1960s in the wake of the Sputnik challenge, U.S. space science has gradually eroded from the weathering of difficult economic times and stratiened federal budgets. Planetary science, triumphant in unmanned flybys of Mercury, Venus, Mars, Jupiter and Saturn, unmanned landings on Mars, and piggyback trips on six manned lunar landings, is almost moribund. A Voyager 2 flyby of Uranus and Neptune is yet to come, but is the result of a Pioneer/Voyager program begun a decade ago. Some hope lives for a Galileo mission to Jupiter actually to fly. A campaign is under way to sell a Venus mapper for inclusion in the Fiscal 1984 budget, although the Office of Management and Budget zeroed out all new starts in its first cut at the NASA submission. A comet flyby is being salvaged with an ingenious diversion of an existing spacecraft in orbit.

Several Earth orbit missions are in development, or are in the running as new starts, including a gamma ray observatory to push out further into one of the frontiers of astronomy. Much of the science effort, though, is wrapped around the space telescope in assembly for a 1985 launch on the space shuttle. The space telescope is an exciting mission that, by leaping beyond the interference of the Earth's atmosphere and what astronomers call light pollution, could inject new life into optical astronomy. Spacelab 1 and 2 are the homes of various astrophysics and life sciences experiments, which do offset the losses in science-dedicated spacecraft.

DISTURBING WASTE

Space science obvioulsy gets shoved, perhaps unwisely, into the class of a luxury in a country that is as broke as the United States is after a decade and a half of fiscal irresponsibility. There is a disturbing waste even so, a tapestry of unutilized laboratories, of working with data in the bank from past missions, of a failure to infuse new talent into this branch of technology.

More disturbing is the parallel in space science to what is going on in U.S. research and technology. Basic research in universities has been hit hard by the burgeoning of uncapped entitlement programs that have forced cuts in what still is cuttable in the federal budget. Corporations find it hard to justify the kind of research in their laboratories that is intellectually fascinating but has little discernible application. This is the province of the university laboratories, where the frequent misses are part of the process of learning and where the long-term payoffs eventually stem from.

Universities are rich with a generation of scientists that is hitting the retirement bracket and poor in younger talent as replacement. As is true with space science, there are too few jobs in many research areas to attract the generation now maturing in college. This kind of underemployment gets little attention in the economic statistics, but is potentially lethal to U.S. technological health.

Defense research funds are in somewhat more robust condition, but Congress has taken a dim view of what the Pentagon can do in supporting basic research that has no military mission application. Furthermore, there is inherent in any government research effort like that of the National Science Foundation or the Defense Dept. the danger that any increased funds will be passed out only to ever more entrenched constituencies rather than go to independent, unconventional research of the kind that can produce the unpredictable breakthroughs.

IMPORTANT SYMPTOM

When space science was vigorous and innovative in the 1960s, U.S. technology was vigorous and innovative. Its industrial products, particularly in higher technologies, were preeminent in the global marketplace. In the 1980s, space science is subdued and U.S. technology and U.S. industry are puffing and wheezing to match the pace being set by the Germans and the Japanese. The decline in space science effort is important in itself, and more important as a symptom that U.S. technology in general needs a shot of vitamin B.

Europe has as many economic troubles as Washington, but it is maintaining a modest—but stable—space science program. Europeans tend to look with admiration at the U.S. powerhouse in space technology, but the U.S. could also look at Europe's steady plugging away in the European Space Agency with respect also.

Economic pressure on space science is not all bad. More ingenious, cost-effective ways to do space science in the fashion of the revivified comet mission must be found in the kind of economic climate that is going to prevail over the next decade. There may be new avenues to explore, as piggybacking on commercial payloads as spacecraft grow bigger and heavier to take advantage of the freight hauling capability of the space shuttle.

Policymakers at the same time cannot escape the necessity for fostering U.S. technology as they are charged with fostering commerce and industry. The three are inseparable. Space science should be recognized as a cutting edge in the total technology effort and not left as an orphan to wither away with neglect. If space science is neglected, so will other technologies.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado (Mrs. SCHROEDER) is recognized for 5 minutes.

● Mrs. SCHROEDER. Mr. Speaker, yesterday, June 14, I was absent for three votes. Had I been present, I would have voted as follows:

Rollcall No. 186, elimination of Jones Act exemption, "yea."

Rollcall No. 187, National Marine Sanctuaries, "yea."

Rollcall No. 188, Brown amendment to delete $19.4 million in Air Force procurement funds for antisatellite system, "yea."●

AMERICANS WANT BETTER AUTO MILEAGE—PENALTIES SHOULD BE IMPOSED ON THOSE WHO FAIL TO MEET MILEAGE STANDARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, this morning's newspapers report that the Reagan administration is "studying the desirability of trying to repeal or reduce the Federal minimum mileage standard for new cars to avoid having to levy hundreds of millions of dollars in fines against the Nation's two largest automakers."

I hope these reports are wrong.

As a nation, for the good of all Americans, we must insist that our country's automotive fleet continue to improve in efficiency.

Sure, there is an oil glut today. There may be a glut next year, and gasoline prices may hold steady for a year or two.

But there is also nothing more certain than the fact that the world is exhausting its supplies of oil, and that in the natural course of time, oil prices will begin to soar again. Political events in the Mideast and elsewhere could speed up this natural process, and once again plunge us into gasoline lines and doubling and tripling gasoline prices.

One of the best ways of insulating our economy and our lives from this future shock is to replace our current fleet of autos with more efficient ones.

Indeed, instead of thinking of forgiving the companies for not meeting the mileage standards, we should be proposing new, and higher levels of standards for the post-1985 years.

I would like to congratulate Chrysler for meeting the fleet average. I would say to the other big two producers that Americans do want more efficient and effective autos—what do they think all these Japanese cars are about?

If the administration proposes any relaxation of standards, I think we should substitute an amendment setting new and gradually rising standards through the rest of this century.

I would just say, Mr. Speaker, that the President keeps talking about a return to basics in education. One of those basics is history—and if this administration does not learn from the history of oil shortages, it will condemn this Nation to repeat the past.●

WASHINGTON STATE SUPREME COURT RENDERS DECISION ON CONTRACTS BETWEEN WPPSS AND UTILITIES.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 10 minutes.

Mr. WEAVER. Mr. Speaker, as chairman of the subcommittee of the Interior Committee having jurisdiction over the Bonneville Power Administration and as the longest opponent of the Washington Public Power Supply System nuclear projects, I want to announce to the House that

today the Washington State Supreme Court declared the contracts between WPPSS and the utilities to be not binding on the utilities. The reasons the supreme court cited were that the contracts were neither contracts to instruct the plants, nor were they contracts to purchase electricity, but were in between. They were contracts to purchase electricity regardless of whether the electricity were furnished or not.

This means that $2.25 billion worth of bonds that had been sold to construct WPPSS 4 and 5 now have as assets to look to virtually nothing else but two lifeless trunks on the plains of Satsop and Hanford in the State of Washington, half-finished nuclear plants that will never be built.

Mr. Speaker, many years ago, after having read the contracts that were drawn up between WPPSS and the utilities, the public utilities of Oregon and Washington State, I said that these contracts were not worth the paper they were printed on. They gave the utilities all the risk and no possible gain.

And I said notwithstanding the possibility that the plants might be completed, although I believed they never would be, I said that these contracts between WPPSS 1, 2, and 3 and the contracts on 4 and 5 that have found by the Washington State Supreme Court today to be null and void, were a legal ruse foisted on the public by bureaucrats, utilities, and politicians, who wanted to obligate the people of the Northwest to pay for these plants, regardless of whether the people wanted to and without the people's consent.

So they used the tricky legal ruse to do this without going to the people. They used the kind of contracts that are called take or pay, the kind of contracts that say that whether you get the goods you bought you still have to pay for them.

And now these people, these utilities, these bond attorneys, all the people involved in this horrendous scandal and mess are now hoist on their petard. Can you imagine that WPPSS, the largest single municipal bond buyer in the history of this country having issued over $9 billion worth of bonds now is bereft and heading for bankruptcy. It will of course shatter the municipal bond market because there are other take-or-pay contracts in the municipal bond market, contracts again used to make people pay for something whether they got the goods.

The Washington State Supreme Court said today that at least in the State of Washington in the municipal and public utility district, utilities do not have the authority to enter into such contracts to in effect obligate their own ratepayers to pay these horrendous sums without their consent and unless they got the electricity delivered.

□ 1820

It is the culmination of a long fight that I have waged, Mr. Speaker, in the Congress and outside, to try to stop the meaningless, horrendous construction of plants that were not needed. I said 8 years ago the plants would be so expensive we could not complete them and we would have surplus electricity and would not need them.

At the time, most politicians and bureaucrats and utilities were saying in the Northwest that WEAVER would cause blackouts and brownouts if his policies were maintained; that we needed these plants. Today it is proven. With our huge surpluses of electricity, we do not need them, and with the cost of these plants, we cannot afford to finish them, and if finished, we would not use them.

So now, today, I do not know what the bondholders will do. There are going to be, I am sure, dozens if not hundreds of lawsuits against bond attorneys, against utilities, against WPPSS, against Bonneville, against all people who were party to this fraud.

I can only say that I tried to stop them 8 years ago before we spent $10 million. I tried to stop them 8 years ago, I tried to stop them 6, 5, 4, 3, 2, 1. I can only say now that not one more penny should be spent and funneled down the rat hole of WPPSS, and I assume now the bondholders and others will understand that the ratepayers of the Northwest will fight and continue the fight to keep from paying for something they did not agree to.

THE SITUATION THE UNITED STATES FACES IN CENTRAL AMERICA

The SPEAKER pro tempore (Mr. FEIGHAN). Under a previous order of the House, the gentleman from Ohio (Mr. SEIBERLING) is recognized for 10 minutes.

Mr. SEIBERLING. Mr. Speaker, friends, and colleagues, there are not many of us here at this hour, but hopefully there are people who are watching in the country, because I want to talk about one of the most serious dangers that faces the United States, and that is the situation in Central America.

I am not talking of the kind of terms that we have heard too much of from the White House, the State Department, the Department of Defense and the CIA. A rather ominous headline was in today's news that brings us a little closer to the kind of situation which we escaped from in Southeast Asia only 10 years ago. It said 105 Green Berets have been sent to Honduras. That should send a shudder down the spine of many Americans, particularly young Americans.

In the Washington Post for Sunday, June 12, there was a brilliant article by the famous Mexican writer, Carlos Fuentes, based on the commencement address that he delivered at Harvard University. I suggest we ought to be listening to him and to others of our friends in Latin America before we make some truly fatal mistakes. Let me just read a few excerpts from his speech. I am now reading from Senor Fuentes.

> The mistaken identification of change in Latin America as somehow manipulated by a Soviet conspiracy not only irritates the nationalism of the left. It also resurrects the nationalist fervors of the right—where Latin American nationalism was born in the early 19th Century.
>
> In the name of cultural identity, nationalism and international independence, a whole continent is capable of uniting against you. This should not happen.
>
> The chance of avoiding this continental confrontation lies in negotiations.
>
> We consider in Mexico that each and every one of the points of conflict in the region can be solved diplomatically, through negotiations, before it is too late.

Mr. Speaker and colleagues, I thought it was a truly tragic event when the Assistant Secretary of State for Latin American Affairs and the Ambassador to El Salvador, both of whom were hardliners when it comes to dealing with communism, were let go by this administration a few weeks ago because they suggested a double track of military strengthening of the El Salvadoran Government and negotiations.

Now let us turn to the situation in Nicaragua. Mr. Fuentes says:

> There is no fatality in politics that says: given a revolutionary movement in any country in the region, it will inevitably end up providing bases for the Soviet Union.
>
> What happens between the daybreak of revolution in a marginal country and its imagined destiny as a Soviet base? If nothing happens but harassment, blockades, propaganda, pressures and invasions against the revolutionary country, then that prophecy will become self-fulfilling.

We should heed that, my colleagues, before we drive all of the moderates in the Sandinista regime into the hands of the extremists.

Mr. Fuentes goes on to say this:

> The longer the situation of war lasts in Central America and the Caribbean, the more difficult it will be to assure a political solution. Everything can be negotiated in Central America and the Caribbean before it is too late: Non-aggression pacts between each and every state; border patrols; the interdiction of passage of arms, wherever they may come from, and the interdiction of foreign military advisers, wherever they may come from; the reduction of all the armies in the region; the interdiction, now or ever, of Soviet bases or Soviet offensive capabilities in the area.
>
> The problems of Nicaragua are Nicaraguan, but they will cease to be so if that country is deprived of all possibility for

normal survival. Why is the United States so impatient with four years of Sandinismo when it was so tolerant of 45 years of Somocismo? Why is it so worried about free elections in Nicaragua, but so indifferent to free elections in Chile? How can we live together on the basis of such hypocrisy?

I think we ought to think about that, my friends, when we get to dealing with the question of whether, in violation of our solemn treaties with our Latin American neighbors, we are attempting, through supporting military invasions, to topple the government of a fellow American nation because we happen to disagree with the philosophy of some of its leaders. Now, let us turn to El Salvador. Mr. Fuentes says:

It is precisely because of the nature of the Army that a political settlement must be reached in El Salvador promptly, not only to stop the horrendous death count, not only to restrain both the Army and the armed rebels, not only to assure the young people of the United States that they will not be doomed to repeat the horror and futility of Vietnam, but to reconstruct a political initiative of the center-left majority that must now reflect, nevertheless, the need for a restructured Army. El Salvador cannot be governed with such a heavy burden of crime.

The only other option is to transform the war in El Salvador into an American war.

My friends, if we know anything, we know one thing: The American people do not want to transform El Salvador into an American war and once again send our American sons, and daughters, I might add, to fight in the jungles of Central America.

Returning at last to Mr. Fuentes closing remarks, he says:

The United States can no longer go it alone in Central America and the Caribbean. It cannot, in today's world, practice the anachronistic policies of the "Big Stick." If it does so, it will only achieve what it cannot truly want.

My friends, it is not too late. There is still time, if we are prepared to accept the initiative of the Contadora nations, the four Central American countries that have offered their good offices to try to negotiate an end to these conflicts before we have to make the choice between either letting those countries go completely down the drain or sending in American troops, and in the end, as we learned in Vietnam, even that is not a solution.

So I suggest that we listen to Mr. Fuentes and some of our other truly good friends to the south and abide by their advice.

(The full article follows:)

YANKEE, STAY HOME

DON'T INTERVENE; REMEMBER THAT WE WERE REVOLUTIONARIES, TOO

(By Carlos Fuentes)

More and more over the past two years I have heard North Americans in responsible positions speak of not caring whether the United States is loved, but whether it is feared; not whether it is admired for its cultural and political accomplishments, but respected for its material power; not whether the rights of others are respected, but its own strategic interests are defended.

These are inclinations that we have come to associate with the brutal diplomacy of the Soviet Union.

But the true friends of your great nation in Latin America—we the admirers of your extraordinary achievements in literature, science and the arts and of your democratic institutions, of your Congress and your courts, your universities and publishing houses and your free press—we will not permit you to conduct yourselves in Latin American affairs as the Soviet Union conducts itself in Central European and Central Asian affairs. You are not the Soviet Union.

We shall be the custodians of your own true interests by helping you to avoid these mistakes. We have memory on our side. You suffer too much from historical amnesia.

Your alliances will crumble and your security will be endangered if you do not demonstrate that you are an enlightened, responsible power in your dealings with Latin America.

Yes, you must demonstrate your humanity and your intelligence here in this house we share, our hemisphere—or nowhere shall you be democratically credible.

The mistaken identification of change in Latin America as somehow manipulated by a Soviet conspiracy not only irritates the nationalism of the left. It also resurrects the nationalist fervors of the right—where Latin American nationalism was born in the early 19th Century.

You have yet to feel the full force of this backlash, which reappeared in Argentina and the South Atlantic crisis last year, and in places such as El Salvador and Panama, Peru and Chile, Mexico and Brazil.

In the name of cultural identity, nationalism and international independence, a whole continent is capable of uniting against you. This should not happen.

The chance of avoiding this continental confrontation lies in negotiations. Before the United States has to negotiate with extreme cultural, nationalistic and internationalist pressures of both the left and the right in the remotest nations of this hemisphere, Chile and Agrentina; in the largest nation, Brazil; and in the closest one, Mexico; it should rapidly negotiate in Central America and the Caribbean.

We consider in Mexico that each and every one of the points of conflict in the region can be solved diplomatically, through negotiations, before it is too late.

There is no fatality in politics that says: given a revolutionary movement in any country in the region, it will inevitably end up providing bases for the Soviet Union.

What happens between the daybreak of revolution in a marginal country and its imagined destiny as a Soviet base? If nothing happens but harassment, blockades, propaganda, pressures and invasions against the revolutionary country, then that prophecy will become self-fulfilling. But if power with historical memory and diplomacy with historical imagination can come into play, we, the United States and Latin America, might end up with something very different: A Latin America of independent states building institutions of stability, renewing the culture of national identity, diversifying our economic interdependence and wearing down the dogmas of two nasty 19th century philosophies.

The longer the situation of war lasts in Central America and the Caribbean, the more difficult it shall be to assure a political solution. The more difficult it will be for the Sandinistas to demonstrate good faith in their dealings with the issues of internal democracy, now brutally interrupted by a state of emergency imposed as a response to foreign pressures. The more difficult it will be for the civilian arm of the Salvadoran rebellion to maintain political initiative over the armed factions. The greater the irritation of Panama as it is used as a springboard for a North American war. The greater the danger of a generalized conflict, dragging in Costa Rica and Honduras.

Everything can be negotiated in Central America and the Caribbean before it is too late: Non-aggression pacts between each and every state; border patrols; the interdiction of passage of arms, wherever they may come from, and the interdiction of foreign military advisers, wherever they may come from; the reduction of all the armies in the region; the interdiction, now or ever, of Soviet bases or Soviet offensive capabilities in the area.

What would be the quid pro quo? Simply this: the respect of the United States—respect for the integrity and autonomy of all the states in the region, including normalization of relations with all of them.

The problems of Cuba are Cuban and shall be so once more when the United States understands that by refusing to talk to Cuba on Cuba, it only weakens Cuba and the United States—but strengthens the Soviet Union. The mistake of spurning Cuba's constant offers to negotiate whatever the United States wants to discuss frustrates the forces in Cuba desiring greater internal flexibility and international independence. Is Fidel Castro some sort of superior Machiavelli whom no gringo negotiator can meet at a bargaining table without being bamboozled by him? I don't believe it.

The problems of Nicaragua are Nicaraguan, but they will cease to be so if that country is deprived of all possibility for normal survival. Why is the United States so impatient with four years of Sandinismo when it was so tolerant of 45 years of Somocismo? Why is it so worried about free elections in Nicaragua, but so indifferent to free elections in Chile? How can we live together on the basis of such hypocrisy?

Nicaragua is being attacked and invaded by forces sponsored by the United States. It is being invaded by counterrevolutionary bands led by former commanders of Somoza's National Guard who are out to overthrow the Revolutionary Guard and reinstate the old tyranny. Who will stop them from doing so if they win? These are not freedom fighters. They are Benedict Arnolds.

Finally, the problems of El Salvador are Salvadoran. The Salvadoran rebellion did not originate and is not manipulated from outside El Salvador. To believe this is akin to crediting Soviet accussations that the Solidarity movement in Poland is somehow the creature of the United States. (The passage of arms from Nicaragua to El Salvador has not been proved: no arms have been intercepted.)

The conflict in El Salvador is the indigenous result of a process of political corruption that began in 1931 with the overthrow of the electoral results by the Army, and culminated in the electoral fraud of 1972, which deprived the Christian Democrats and the Social Democrats of their victory and forced the sons of the middle class into armed insurrection. The Army had exhausted the electoral solution.

This Army continues to outwit everyone in El Salvador—including the United States. It announces elections after assassinating the leadership of the opposition, then asks the opposition to come back and participate in these same hastily organized elections—as dead souls, perhaps?

This Gogolian scenario means that truly free elections cannot be held in El Salvador as long as the Army and the death squads are unrestrained and fueled by American dollars. Nothing now assures Salvadorans that the Army and the death squads can either defeat the rebels or be controlled by political institutions.

It is precisely because of the nature of the Army that a political settlement must be reached in El Salvador promptly, not only to stop the horrendous death count, not only to restrain both the Army and the armed rebels, not only to assure the young people of the United States that they will not be doomed to repeat the horror and futility of Vietnam, but to reconstruct a political initiative of the center-left majority that must now reflect, nevertheless, the need for a restructured Army. El Salvador cannot be governed with such a heavy burden of crime.

The only other option is to transform the war in El Salvador into an American war. But why should a bad foreign policy be bipartisan?

The United States can no longer go it alone in Central America and the Caribbean. It cannot, in today's world, practice the anachronistic policies of the "Big Stick." If it does so, it will only achieve what it cannot truly want.

Many of our countries are struggling to cease being banana republics. They do not want to become balalaika republics. Do not force them to chose between appealing to the Soviet Union or capitulating to the United States.

□ 1830

THE TERRIBLE JUNE DAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 5 minutes.

● Mr. STRATTON. Mr. Speaker, this week the Congress is commemorating the 43d Anniversary of the Soviet invasion of Estonia, Lithuania, and Latvia. I was pleased to cosponsor the resolution in the House, House Joint Resolution 201, designating June 14 as Baltic Freedom Day, which was signed by President Reagan on June 9. I also now rise to join with my colleagues this week in commemorating the heroic struggle of the Baltic peoples in their battle against Soviet oppression.

These first warm days of the summer remind us once again of those days over 40 years ago, June 15, 1940, and June 14–18, 1941, known as Terrible June Days, by Lithuanians throughout the World. During the turmoil of World War II in Europe, on June 15, 1940, the Soviet Union invaded and occupied the Baltic States. Forty-three years later the people of the Baltic States remain under Soviet domination and continue to be deprived of their basic human rights, and the right to self-determination.

One year, almost to the day, after the Soviet invasion, the Soviets began a campaign of genocide against the Baltic peoples. In Lithuania alone, 30,000 members of the government, military, and intelligensia were rounded up and either killed or deported to inner Russia or Siberia. Another 5,000 political prisoners were summarily executed. German armies overran Lithuania only a few days later, and the Nazis sent almost all the Lithuanian Jews to concentration camps. It is estimated that from 1940–45, the population of the Baltic countries was reduced by 10 percent, as over 850,000 people were either killed, relocated or forced to emigrate.

The purpose of the Soviet strategy of violence and disruption of the people of the Baltic States was to purge them and any dissident forces, and to lay the groundwork for the reoccupation of those countries more vulnerable to control once the war was over. Over the last four decades, the genocide of the Terrible June Days has been followed by efforts at Russification of the cultures of Lithuania, Latvia, and Estonia. Despite these efforts to impose Russian culture and language, the Baltic peoples have maintained a strong sense of their own, unique cultures and traditions. The strength and vigor of the Lithuanian, Latvian, and Estonian communities in the United States and elsewhere also attest to the determination of these peoples to keep their communities alive, and to continue to fight for their freedom and dignity, so that they may again reclaim their countries.

I want to assure the friends and families of the people of Baltic States that we will continue to rise in the Congress every hot, muggy June and recount the ugly, violent stories of the genocide by the Soviets in the Baltic States. We will continue to keep the pressure on the Soviet Union to cease their opposition and nondemocratic practices in the Baltic States. And we will continue to lend our support and our fervent hopes that these countries will once again be freed.●

THE JOHN J. RHODES REHABILITATION INSTITUTE

● (Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, many Members of the House will remember that the former minority leader, John J. Rhodes of Arizona, was considered a conservative's conservative, when it came to Federal spending. But those of us who knew John well knew that there were certain subjects we deal with that he considered underfunded. One of them was rehabilitation of the handicapped, and for as long as he served in the House, John worked to increase vocational rehabilitation funding.

In April, this long devotion was recognized in a very significant way, by the people at home, when the John J. Rhodes Rehabilitation Institute was dedicated at Mesa Lutheran Hospital, Mesa, Ariz. I was asked to prepare a video tape for the event, because when John was a freshman, back in 1953, he and I served on an Education and Labor Subcommittee that investigated the need for new legislation on vocational rehabilitation. We went to Warm Springs, Ga., for one set of hearings, and the tour of the place made famous by President Roosevelt was impressive.

We produced and passed our legislation, with John's stalwart help, and we have seen more improvements through the years John served. Now that he is retired, I know he cannot exercise the influence he had, but if any Member has any question about the program, they can call him for some good advice.

Mr. Speaker, several of the Arizona papers covered the dedication, and I would like to include the articles that appeared with my remarks.

HOSPITAL REHABILITATION FACILITY HONORS FORMER REPRESENTATIVE RHODES

(By Jerry Hickey)

MESA.—Early in his congressional career, former Rep. John J. Rhodes became interested in the problems of the physically handicapped.

As a result, he later helped promote federal legislation that increased funding for rehabilitation of the handicapped.

On April 23, a 30-bed rehabilitation unit at Mesa Lutheran Hospital will be named in his honor.

"It's as fine a facility for the physically handicapped as I've seen anywhere—and I've seen a few," he said last week.

Rhodes, a Mesa resident who retired in January after serving 30 years in Congress, has been a strong supporter of rehabilitation for the handicapped.

"I served on the Education and Labor Committee during my first three terms in the House of Representatives," he said. "Up to that time, there had been very little involvement in rehabilitation work by the federal government."

The government had been mainly involved in it on an experimental basis, he recalled.

"Actually about the only rehabilitation then was in sheltered workshops and there weren't very many of them," he said.

While Rhodes, a Republican, was a member of the Education and Labor Committee, it recommended legislation that later was enacted to expand the federal government's role in rehabilitation work. The legislation resulted in larger appropriations to the states for that purpose, he said.

Rep. Carl Perkins, D-Ky., who served on the Education and Labor Committee with Rhodes, recalled that committee members visited a vocational rehabilitation center set up by the late President Franklin Roosevelt in Warm Springs, Ga.

Perkins said the committee members conducted hearings in Warm Springs and At-

lanta to determine the direction the federal government should take in rehabilitation.

The legislation recommended by the committee was aimed to improving opportunities for vocational rehabilitation.

"Later on, when I was on the House Appropriations Committee, I was very interested in seeing that funds were available for rehabilitation of the physically handicapped," Rhodes said. "I thought it was a very good investment up to a point."

He said that some years he voted conservatively on appropriation bills in general.

"But we (congressmen) all had our vices," he said. "One of mine was that I was pretty liberal on appropriations where the physically handicapped were concerned."

The John J. Rhodes Rehabilitation Institute will be dedicated in a ceremony at Mesa Lutheran on April 23. Rhodes and Sen. Barry Goldwater, R-Ariz., will be guests of honor and speakers at a dedication banquet at the Mesa Country Club that evening.

The hospital's 30-bed rehabilitation unit opened in December. It serves patients disabled by conditions ranging from rheumatoid arthritis to paralyzed limbs, according to Betty Capes, the unit's patient-care manager.

The treatment involves individualized care. A team of professionals—including nurses, physicians and therapists—work with the patients during the rehabilitation process, Capes said. The patients' families are involved in certian stages of the treatment.

Capes said the patients, who include stroke victims and people who have suffered head injuries, learn new skills and relearn skills lost because of their conditions.

The rehabilitation process involves the gradual withdrawal of support so that the patient becomes progressively independent, she said.

RHODES CUTS RIBBON ON REHABILITATION UNIT

(Pam Izakowitz)

Hailed as Mesa's "most distinguished citizen and one of America's great leaders," former U.S. Rep. John J. Rhodes Saturday cut the ribbon that officially opened the Rehabilitation Institute at Mesa Lutheran Hospital dedicated in his name.

"It's an honor that I can't quantify or describe," said Rhodes, as hospital officials looked on. "I'm proud to be connected with the unit in my name."

Pre-recorded video tapes of President Reagan and U.S. Congressman Carl D. Perkins, (D-Kentucky), included words of praise for Rhodes, who helped promote federal rehabilitation legislation since his early days as a congressman in 1953.

Then, he and Congressman Perkins were members of the Education and Labor Committee. Together, Perkins said, they helped pass legislation on vocational rehabilitation that "was a human program but an economically sound one as well.

"You couldn't have named it (the rehabilitation unit) after a more dedicated fighter," Perkins said.

Though officially opened Saturday, Mesa Lutheran Hospital's 30-bed rehabilitation unit has been in operation since December. The unit, which currently has 16 patients, serves people with disabling conditions such as rheumatoid arthritis, paralyzed limbs, stroke victims, head injuries, amputations and chronic pain, said Linda Sicklesteel, a nurse on the unit.

A special guest at the dedication was the unit's first patient, Walter Tampellini, 68, of Apache Junction.

Tampellini suffered a stroke in October 1982 and was moved into the rehabilitation unit in the early part of December.

"I feel like a new born baby," said Tampellini, as he carefully walked over to Rhodes to participate in the ribbon-cutting ceremony.

"I got the best care from day one," he said. "If you were to get sick, this is the place to come."

Even the food, he added, "was good."

Sicklesteel, who has been with Mesa Lutheran since December, said the care provided at the rehabilitation unit is unique to the Mesa-Phoenix area because it provides a team approach that includes the patient and family, nursing, psychiatry, therapy, and counseling. The patients, she said, "are like family to us."

Patients also wear their own clothes and eat in their own separate dining room, she said. The rehabilitation institute includes inpatient and outpatient services.

Sicklesteel said the staff "slowly withdraws from the patients, making them independent. We don't wait on them or pamper them."

"The technique is revolutionary," Rhodes said, after strolling through the unit. "The patient is so busy, he doesn't have a chance to feel sorry. They treat them physically, but emotionally and mentally as well."

Sen. Barry Goldwater, R-Ariz., was the guest speaker at a dinner honoring Rhodes at the Mesa Country Club later Saturday night.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. YATES for today, on account of illness.

Mr. COURTER (at the request of Mr. MICHEL), for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. OXLEY) to revise and extend remarks and include extraneous material:)

Mr. ERLENBORN, for 60 minutes, today.

Mr. ERLENBORN, for 60 minutes, on June 16.

(The following Members (at the request of Mr. WEAVER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. WEAVER, for 10 minutes, today.

Mr. SEIBERLING, for 10 minutes, today.

Mr. STRATTON, for 5 minutes, today.

Mr. ALEXANDER, for 60 minutes, on June 20, 21, 22, 23, 24, 27, 28, 29, 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. OXLEY) and to include extraneous matter:

Mr. LENT.
Mr. FISH.
Mr. MCGRATH in two instances.
Mr. WEBER.
Mr. CAMPBELL.
Mr. CORCORAN in two instances.
Mr. YOUNG of Florida.
Mr. HARTNETT.
Mr. PAUL.
Mr. SUNDQUIST.
Mr. LEWIS of California.
Mr. BROOMFIELD.
Mr. BLILEY.
Mr. PHILIP M. CRANE.
Mr. PORTER.
Mr. LIVINGSTON.
Mr. SAWYER.
Mr. BEREUTER.
Mr. DAUB.

(The following Members (at the request of Mr. WEAVER) and to include extraneous matter:)

Mr. MARKEY in two instances.
Mr. YATRON.
Mr. MICA.
Mr. ROE.
Mr. MINETA.
Mr. ROYBAL.
Mr. OWENS.
Mr. DYSON.
Mr. DONNELLY.
Mr. HAMILTON.
Mr. LIPINSKI.
Mr. HOWARD.
Mr. MINISH.
Mr. AUCOIN.
Mr. EDGAR.
Mr. ECKART.
Mr. HARRISON.
Mr. WHEAT.
Mr. FLORIO in two instances.
Mr. OLIN.
Mr. MAZZOLI.
Mr. MAVROULES.
Mr. FORD of Tennessee.
Mr. SIMON in three instances.
Mr. PATTERSON.
Mr. BERMAN.
Mr. BIAGGI.
Mr. LONG of Maryland.
Mr. GUARINI in two instances.
Mr. MRAZEK.
Mr. HERTEL of Michigan.
Mr. RODINO.
Mr. DWYER of New Jersey.
Mr. DURBIN.
Ms. OAKAR.

ADJOURNMENT

Mr. SEIBERLING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, June 16, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1362. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend section 403 of title 37, United States Code, to eliminate from entitlement to variable housing allowance those members of the Reserve components serving short terms of active duty; to the Committee on Armed Services.

1363. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period July 1, 1983 to August 31, 1983, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

1364. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting notice of a proposed issuance of a license for the export of major defense equipment sold commercially to Nigeria (Transmittal No. MC-13-83), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1365. A letter from the Acting Administrator, General Services Administration, transmitting the annual report for fiscal year 1982 on personal property furnished to non-Federal recipients, pursuant to section 202(e) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

1366. A letter from the Executive Director, Reserve Officers Association of the United States, transmitting the audit report on the association for the year ending March 31, 1982, pursuant to section 3 of Public Law 88-504 (36 U.S.C. 1103); to the Committee on the Judiciary.

1367. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the Disaster Relief Act of 1974, and for other purposes; to the Committee on Public Works and Transportation.

1368. A letter from the Comptroller General of the United States, transmitting a report entitled "Review of the Federal Housing Administration Fund's Financial Statements for the Year Ending September 30, 1981" (GAO/AFMD-83-66, June 10, 1983); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

1369. A letter from the Comptroller General of the United States, transmitting a report entitled "The Household Goods Moving Industry: Changes Since Passage of Regulatory Reform Legislation" (GAO/RCED-83-86, June 10, 1983); jointly, to the Committees on Government Operations and Public Works and Transportation.

1370. A letter from the Secretary of Transportation, transmitting the eighth annual report on the Department's activities under the Deepwater Port Act of 1974, covering the fiscal year 1982, pursuant to section 20 of the act; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of June 14, 1983]

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 1010. A bill to amend the Mineral Leasing Act of 1920 with respect to the movement of coal, including the movement of coal over public lands, and for other purposes; with amendments (Rept. No. 98-64, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 15, 1983]

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2797. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1984, and for other purposes; with amendments (Rept. No. 98-124, Pt. II). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2797. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1984, and for other purposes; with an amendment (Rept. No. 98-124, Pt. III). Ordered to be printed.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 2970. A bill to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such Act, and for other purposes; with an amendment (Rept. No 98-156, Pt. III). Referred to the Committee of the Whole House on the State of the Union.

ADVERSE REPORTS

Under clause 2 of rule XII,

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 2797. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1984, and for other purposes. (Rept. No. 98-124, Pt. IV). Referred to the Committee on the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

Consideration of H.R. 2867 by the Committee on the Judiciary extended for an additional period ending not later than June 17, 1983.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 3317. A bill to amend the Higher Education Act of 1965 to permit deferrals in the repayment of student loans for active duty members of the National Oceanic and Atmospheric Administration Corps; to the Committee on Education and Labor.

By Mr. CONABLE:

H.R. 3318. A bill to amend section 170 of the Internal Revenue Code of 1954 to increase the amounts that may be deducted for maintaining exchange students as members of the taxpayer's household; to the Committee on Ways and Means.

By Mr. ERDREICH:

H.R. 3319. A bill to amend title 5, United States Code, to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes; jointly, to the Committee on the Judiciary and Rules.

By Mr. FRANK:

H.R. 3320. A bill to provide that the trademark law does not require that each drug be manufactured in a tablet which is unique as to its size, color, and shape; to the Committee on the Judiciary.

By Mr. LIVINGSTON (for himself, Mrs. BOGGS, Mr. BREAUX, Mr. LONG of Louisiana, Mr. MOORE, Mr. HUCKABY, Mr. TAUZIN, and Mr. ROEMER):

H.R. 3321. A bill to provide for the striking of medals to commemorate the Louisiana World Exposition; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MARRIOTT:

H.R. 3322. A bill to amend title 18 of the United States Code relating to the sexual exploitation of children; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 3323. A bill to authorize appropriations for grants to the Washington Workshop Foundation; to the Committee on Education and Labor.

H.R. 3324. A bill to authorize appropriations for grants to the Close Up Foundation and for certain law-related education programs; to the Committee on Education and Labor.

By Mr. ROYBAL:

H.R. 3325. A bill to establish in the Office of Managment and Budget an office to be known as the Office of Federal Audiovisual Policy, and for other purposes; to the Committee on Government Operations.

By Mr. SHAW:

H.R. 3326. A bill to establish the Office of the Director of National and International Drug Operations and Policy; to the Committee on the Judiciary.

By Mr. BOLAND (for himself, Mr. CONTE, and Mr. MINETA):

H.J. Res. 297. Joint resolution providing for appointment of Jeannine Smith Clark as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. ROSTENKOWSKI:

H. Res. 232. Resolution electing the Honorable Jim Wright as Speaker pro termpore during the absence of the Speaker; considered and agreed to.

By Mr. WYDEN:

H. Res. 233. Resolution urging the President to enter into negotiations with the Soviet Union to conclude a treaty providing for mutual cooperation to deal with the threat of accidental nuclear war caused by acts of terrorism; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

189. By the SPEAKER: Memorial of the Legislature of the State of Iowa, relative to the decontrol of natural gas prices; to the Committee on Energy and Commerce.

190. Also, memorial of the House of Representatives of the State of Iowa, relative to the Federal funding of veterans' centers; to the Committee on Veterans' Affairs.

191. Also, memorial of the Legislature of the State of Texas, relative to the steel pipe and tube arrangement between the United States and the European Community; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BADHAM:

H.R. 3327. A bill for the relief of Fred J. and Colleen H. Mallgrave; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 3328. A bill for the relief of Mary Concepcion Jadulco Narrido; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 220: Mr. BARTLETT, Mr. HILER, Mr. WHITLEY, Mr. KASICH, Mr. TAYLOR, Mr. DUNCAN, Mr. QUILLEN, and Mr. IRELAND.

H.R. 287: Mr. SAWYER and Mr. MCCOLLUM.

H.R. 408: Mr. LOWERY of California, Mr. HYDE, Mr. CHAPPIE, Mr. MARRIOTT, Mr. SHUMWAY, and Mr. GINGRICH.

H.R. 618: Mr. COYNE, Mr. BATEMAN, and Mr. BARTLETT.

H.R. 1084: Ms. MIKULSKI, Mrs. SMITH of Nebraska, Mr. BARNARD, and Mr. CLINGER.

H.R. 1199: Mr. HORTON, Mr. WHITTAKER, Mr. MORRISON of Connecticut, and Mr. NEAL.

H.R. 1756: Mr. ACKERMAN.

H.R. 1903: Mr. OTTINGER.

H.R. 2097: Mr. MARRIOTT, Mr. MCCANDLESS, and Mr. DEWINE.

H.R. 2126: Mrs. LLOYD and Mrs. SCHNEIDER.

H.R. 2127: Mrs. LLOYD and Mrs. SCHNEIDER.

H.R. 2374: Mrs. SCHNEIDER, Ms. KAPTUR, and Mrs. LLOYD.

H.R. 2382: Mr. KAZEN, Mr. DASCHLE, Mr. GINGRICH, Mr. GREGG, Mr. IRELAND, Mr. PETRI, Mr. TALLON, Mr. EVANS of Illinois, and Mr. MICHEL.

H.R. 2489: Mr. SCHUMER, Mr. VENTO, Mrs. HALL of Indiana, and Ms. OAKAR.

H.R. 2543: Mr. BROWN of Colorado, Mr. SMITH of New Jersey, and Mr. BOSCO.

H.R. 2715: Mr. COELHO and Mr. MOLLOHAN.

H.R. 2732: Mr. DAUB, Mr. BONKER, and Mr. MARTIN of North Carolina.

H.R. 2833: Mr. RANGEL.

H.R. 2911: Mr. MCHUGH, Mr. CLINGER, and Mr. KOGOVSEK.

H.R. 2977: Mr. HANSEN of Idaho.

H.R. 2997: Mr. LEHMAN of California, Mr. LONG of Maryland, Ms. FERRARO, Mr. SIMON, Mr. SCHEUER, Mr. FEIGHAN, Mr. HERTEL of Michigan, Mr. TORRICELLI, Mr. WIRTH, Mr. NELSON of Florida, Mr. PANETTA, Mr. DWYER of New Jersey, Mr. LEVINE of California, Mr. BONIOR of Michigan, and Mr. BARNARD.

H.R. 3015: Mr. DUNCAN, Mr. SUNIA, Mr. FRENZEL, and Mr. LATTA.

H.R. 3016: Mr. APPLEGATE, Mr. BRYANT, Mr. EVANS of Illinois, Mr. FORSYTHE, Mr. ROE, Mr. TORRICELLI, Mr. SAM B. HALL, JR., Mr. LEATH of Texas, Mr. HORTON, Mr. VANDERGRIFF, Mr. WILSON, Mr. SILJANDER, Mr. KILDEE, Mr. WEBER, Mr. FORD of Tennessee, Mr. SMITH of Florida, Mr. STANGELAND, Mr. MCHUGH, Mr. BIAGGI, Mr. AKAKA, Mr. STOKES, Mr. FROST, Mr. KOSTMAYER, Mr. BONER of Tennessee, Mr. SABO, and Mr. TAUZIN.

H.R. 3024: Mr. ARCHER and Mr. ROBINSON.

H.R. 3072: Mr. D'AMOURS, Mr. LELAND, Mr. FRANK, Mr. SHARP, and Mr. WON PAT.

H.R. 3074: Mr. GONZALEZ, Mr. LAFALCE, Mrs. JOHNSON, Mr. EDGAR, Mr. YATES, Mr. FEIGHAN, Mr. CLINGER, Mr. NEAL, Mr. SOLARZ, and Mr. EVANS of Illinois.

H.R. 3090: Mr. HILLIS.

H.R. 3192: Mr. SOLOMON and Mr. FORSYTHE.

H.R. 3280: Mr. CORRADA.

H.R. 3281: Mr. CORRADA.

H.J. Res. 71: Mr. HUGHES.

H.J. Res. 103: Mr. BROOMFIELD, Mr. FORSYTHE, Mr. GRADISON, and Mr. TRAXLER.

H.J. Res. 174: Mr. LEVINE of California, Mr. WYDEN, Mr. FAUNTROY, Mr. HOYER, and Mr. BRYANT.

H.J. Res. 228: Mr. COOPER, Mr. SAM B. HALL, JR., Mr. VANDER JAGT, Mr. TALLON, Mr. LEVINE of California, Mr. HEFNER, Ms. KAPTUR, Mr. DURBIN, Mr. COLEMAN of Missouri, Mr. DUNCAN, Mr. WRIGHT, Mr. OXLEY, Mr. WYDEN, Mr. BOEHLERT, Mr. WHITTAKER, Mr. WEAVER, Mr. BEDELL, Mr. HARRISON, and Mr. HOYER.

H.J. Res. 263: Mr. LANTOS, Mr. WEAVER, Mr. FROST, Mr. CHANDLER, Mr. COATS, Mr. BIAGGI, Mr. DASCHLE, Mr. FORD of Tennessee, Mr. HYDE, Mr. JACOBS, Mr. PATTERSON, Mr. WEISS, Mr. RATCHFORD, Mr. STENHOLM, Mr. RICHARDSON, Mr. CORRADA, Mr. BARNES, Mr. DELLUMS, Mr. BERMAN, Mr. RANGEL, Mr. BEDELL, Mr. WYDEN, Mr. VENTO, Mr. LIPINSKI, Mr. FRENZEL, Mr. BONIOR of Michigan, Mr. REID, Mr. LAFALCE, Mr. WAXMAN, Mr. NEAL, Mr. LEVINE of California, Mr. OWENS, Mr. JEFFORDS, Mr. DORGAN, Mr. SCHEUER, Mr. CLINGER, Mr. OTTINGER, and Mr. RINALDO.

H.J. Res. 273: Mr. LIVINGSTON, Mr. STARK, Mr. CLINGER, Mr. TAUKE, Mr. LEWIS of California, Mr. O'BRIEN, and Mrs. ROUKEMA.

H. Con. Res. 132: Mr. ANDREWS of Texas, Mr. BARNARD, Mr. BEDELL, Mr. CHANDLER, Mr. DERRICK, Mr. DOWDY of Mississippi, Mr. EMERSON, Mr. HUGHES, Mr. RAHALL, Mr. ROTH, Mrs. SMITH of Nebraska, Mr. WHITTAKER, Mr. YATRON, and Mr. VALENTINE.

H. Res. 191: Mr. NEAL and Mr. HAMMERSCHMIDT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 368: Mr. BARTLETT.

H.R. 953: Mr. HARTNETT.

H.R. 2053: Mr. FRENZEL.

H.R. 2250: Mr. SCHUMER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1590

By Mr. DE LA GARZA:

—Page 6, line 16, after the period insert "The Secretary shall not limit the types of commodities that are made available, upon request, to State agencies under paragraph (1) on the basis of the types of eligible organizations requesting such commodities.".

—Page 8, strike out line 16 and all that follows through page 9, line 15, and insert in lieu thereof the following:

"(A) pay or make advance payments, upon request, to each State agency, but not in excess of 5 per centum of the fair market value of the commodities provided to the State agency by the Secretary under this subsection, for use by the State agency (i) first, to pay or make advance payments, upon request, to eligible emergency organizations to cover actual costs incurred by them in storing, transporting, handling, and distributing commodities distributed to them by the State agency under this subsection and in completing paperwork which is necessary only because of their receiving and distributing some commodities, and (ii) then, to cover, in the most equitable and non-preferential manner, actual costs it incurs in storing, transporting, handling, and distributing commodities that are to be distributed to eligible organizations, without regard to whether they are eligible emergency organizations or other eligible organizations: *Provided*, That if the amounts made available to a State agency by the Secretary are not adequate to cover the costs described in clauses (i) and (ii), preference shall be given to covering the costs described in clause (i); and

"(B) pay to eligible emergency organizations amounts to cover costs described in the preceding clause (A)(i) incurred by them with respect to commodities made available directly to them by the Secretary as provided in paragraph (2).".

H.R. 2969

By Mr. DICKS:

—Page 8, line 22, strike out the period and insert in lieu thereof "until the Secretary of the Army certifies to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives (1) that a second source for the production of the M-1 tank engine is affordable and is cost competitive with the existing contract for production of that engine, and (2) that the award of such a contract is in the interest of national defense to meet surge and mobilization requirements in case of a national emergency.".

By Mr. HERTEL of Michigan:

—Page 35, line 20, strike out "APRIL 1, 1984" and insert in lieu thereof "OCTOBER 1, 1983".

Page 36, beginning on line 4, strike out "4 per centum effective on April 1, 1984" and insert in lieu thereof "4 percent effective on October 1, 1983".

Page 36, line 13, strike out the period and insert in lieu thereof "or (except as provided in paragraph (4)) in pay grades above O-6.".

Page 36, after line 13, insert the following:

(4) The basic pay of members of the uniformed services in pay grades above pay grade O-6 who on the day before the effective date of the increase provided for under this subsection are entitled to a rate of basic pay less than the rate of basic pay payable for members in pay grade O-6 with over 26 years of service shall be increased as provided in paragraph (1), except that the rate of basic pay for such members may not be increased above the rate of basic pay (as increased under paragraph (1)) for members in pay grade O-6 with over 26 years of service.

—At the end of the bill, add the following new section:

USE OF FUNDS TO RELIEVE ECONOMIC DISLOCATIONS

SEC. 1111. (a) Section 2392 of title 10, United States Code, is amended—

(1) by striking out "No funds" in subsection (b) and inserting in lieu thereof

"Except as provided in subsection (c), no funds"; and

(2) by adding at the end thereof the following new subsections:

"(c) The Secretary of Defense shall conduct a program in accordance with this subsection to exempt certain contracts of the Department of Defense from subsection (b) and to pay a price differential under such contracts for the purpose of relieving economic dislocations. Under such program, the Secretary may exempt from the provisions of subsection (b) any contract (other than a contract for the purchase of fuel) made by the Defense Logistics Agency—

"(1) if the contract is to be awarded to an individual or firm located in a labor surplus area (as defined and identified by the Secretary of Labor); and

"(2) if the Secretary of Defense determines—

"(A) that the awarding of the contract will not adversely affect the national security of the United States;

"(B) that there is a reasonable expectation that bids will be received from a sufficient number of responsible bidders so that the award of the contract will be made at reasonable cost to the United States;

"(C) that the price differential to be paid under the contract will not exceed 2.2 percent; and

"(D) that the value of the contract, when added to the cumulative value of all other contracts awarded under the program during the fiscal year in which the contract is to be awarded, will not exceed $7,000,000,000.

"(d) Not later than April 15 of each year, the President shall submit a report to the Congress on the implementation and results during the preceding year of the program authorized by subsection (c). Each such report shall include an assessment of the costs and benefits of the program.".

(b)(1) The heading of such section is amended to read as follows:

"§ 2392. Prohibition on use of funds to relieve economic dislocations; exception".

(2) The item relating to such section in the table of sections at the beginning of chapter 141 of title 10, United States Code, is amended to read as follows:

"2392. Prohibition on use of funds to relieve economic dislocations; exception.".

(c) The amendments made by this section shall take effect on October 1, 1983.

By Mr. SEIBERLING:

—Page 14, after line 10, insert the following new subsection:

(c) None of the amount appropriated pursuant to the authorization in section 201 for the Air Force may be used for flight testing of an antisatellite weapon until such testing is specifically authorized by law enacted after the date of enactment of this Act.

By Mr. VENTO:

—Page 7, after line 14, insert the following new subsection:

(e) No funds authorized under this title may be used in connection with the European Distribution System Aircraft unless, after preliminary selection of a contractor for production of such Aircraft but before final selection and announcement of the contractor selected, the Inspector General of the Department of Defense certifies to the Secretary of the Air Force that—

(1) the employment practices of the contractor selected meet all applicable United States laws regarding discrimination on the basis of religion or race; and

(2) the selection of that contractor was not determined by prior foreign sales of United States-produced defense equipment.

SENATE—*Wednesday, June 15, 1983*

(Legislative day of Monday, June 13, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, inasmuch as Thou knowest all things, hiding from Thee is an exercise in futility. Give us the wisdom to understand this. Thou knowest our thoughts before we think them, our words before we speak them. Trying to deceive Thee, we deceive only ourselves, and deprive ourselves of Thy gracious kindness.

What a waste Father, that we should bear a load of corrosive guilt when Thou art so ready to forgive and renew if we confess our sin and need. Help us to see that there is nothing we can do to make Thee love us more and there is nothing we can do to make Thee love us less. Help us to open our hearts, acknowledge our need, and receive your unconditional, forgiving, renewing love. In the name of Him who submitted to the cross in demonstration of that love and forgiveness. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, this morning will be a busy morning. There are four special orders plus leader time and an order that the Senate will resume consideration of the supplemental appropriations bill not later than 10:40 a.m.

That is going to be tough to do, Mr. President, but that is what we need to do, because it is the hope of the leadership on this side that we can get on the supplemental appropriations bill and finish it today. If we do not finish it today, we will still be on it tomorrow. Whether we finish today or not probably will determine whether we are going to be in session on Friday, because we have still the repeal of withholding on dividends and interest to do this week, and if that has to wait to Friday to come up, we are still going to do it.

So, Mr. President, I urge Senators to consider that the supplemental appropriations bill is far from the last appropriations bill they are going to see this session and they need not exhaust their legislative agenda on this single item and that we ought to get on with the business at hand.

The whole question of pay and limitations on outside income will be debated today, no doubt. I hope we can resolve that issue and get on with the balance of the matters to be dealt with in the supplemental appropriations bill at an early hour.

I do not expect the Senate to remain in session late today. I anticipate recessing about 6 or 6:30 p.m.

Mr. President, I have no further need for my time under the standing order and I yield any time remaining of the abbreviated time to the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished minority leader is recognized.

IS THERE A DEAL IN THE WORKS FOR AFGHANISTAN?

Mr. BYRD. Mr. President, after more than 3 years of brutal occupation, there are faint signs that the Soviet Union may be prepared to withdraw its 105,000-man army from Afghanistan. The Washington Post of Sunday, June 16, carried a report that preliminary talks on Afghanistan have been held by the Foreign Ministers of Pakistan and the Soviet Union.

Many times during the course of the past 3 years I have addressed the Senate on this important issue, repeating the call for a free and independent Afghanistan. I have insisted that the Soviet Union end its naked aggression, respect the international rule of law, and abide by the numerous resolutions passed by the U.N. General Assembly calling for the withdrawal of Russian troops from Afghanistan. The heavy losses inflicted upon Russian troops by the courageous Afghan freedom fighters and the continued opprobrium heaped upon the Soviets by the international community may, at last, have convinced them that their attempt to crush Afghanistan under the heel of totalitarianism could not succeed. Perhaps the Soviets see the light as well.

However, let us not deceive ourselves. News reports of the meeting between the two Foreign Ministers indicate the Soviets intend to retain some form of puppet regime which they have established in Kabul. There are indications that they intend that Afghanistan will join those pitiful nations that make up the Soviet collection of satellites; to become yet another piece of landscape whereby the Soviets strip the country of its resources and return only repression and misery.

Therefore, I believe it is imperative that the international community continues to press the Soviet Union to withdraw its army and permit a truly free and independent Afghanistan nation—a nation free from the domination of any foreign force. A strong, nonalined Afghanistan does not pose any threat to the Soviet Union. Indeed, it would provide the stability that 3 years of fighting has failed to produce. In addition, it should be clear to the Soviets that the determination of the Afghan freedom fighters is such that they would never accept Soviet tyranny from afar, since they have fought so long and hard to defeat the tyranny of the Red Army in Afghanistan itself.

If the recent meeting of Pakistani and Soviet Foreign Ministers signals the onset of negotiations leading to a Russian withdrawal from Afghanistan, I welcome this development. However, a negotiated solution must also include an elected government, chosen freely by the Afghan people themselves. However, history is not on the side of the Afghan people. The bitter experience of the international community with Soviet regimes has taught us that they do not respond to a conventional sense of morality, nor do they value the ideals of freedom and sanctity of the individual which are the very foundation of democratic traditions.

Winston Churchill once observed that Soviet policy was often "a riddle, wrapped in a mystery, inside an enigma." Maybe, in the case of Afghanistan, the Soviets will see their interests much more clearly than has been the case in the past. And the interests of the Soviet Union would be served only if Afghanistan were returned to the Afghan people.

APPROPRIATIONS BILLS

Mr. BYRD. Mr. President, anent the majority leader's reference to appropriations bills, there are four I see

that await action. I am sure that it will be in the interest of all Members of the Senate to see these appropriations bills adopted by the time the Independence Day recess occurs. Is that the plan of the majority leader?

Mr. BAKER. Yes; Mr. President, it is, indeed. I think it is urgently important that we do that. We have some problems in getting them out of our own Appropriations Committee in time to do that, but I believe we can.

We have another complication on the question of authorization bills to accompany some of these appropriations bills, but I believe we can work our way around that complication. On HUD, for instance, both the authorization bill and the appropriation bill are here. I am not yet ready to recommend whether we should pass the authorization bill first, which would be the normal and ordinary course of affairs, or whether we ought to go ahead and do the appropriation bill which is available. I will consult with both Senator HATFIELD and Senator GARN on that subject and have a further announcement to make a little later.

Mr. BYRD. The Appropriations Subcommittee on Energy and Water marked up a bill yesterday. I believe the chairman of the Appropriations Committee is moving quickly.

Mr. BAKER. He is.

Mr. BYRD. So that appropriation bill will be reported to the Senate shortly.

I personally wish to compliment Mr. HATFIELD on the speed with which he is pressing forward with the appropriations bills.

Mr. President, if I have any time remaining I yield it to Mr. JACKSON for his use.

Mr. JACKSON. I thank the distinguished minority leader.

RECOGNITION OF SENATOR JACKSON

The PRESIDING OFFICER (Mr. HEINZ). The Senator from Washington is recognized for 15 minutes.

CENTRAL AMERICAN COMMISSION

Mr. JACKSON. Mr. President, I send a resolution to the desk on behalf of Senator MATHIAS and myself.

Mr. President, I am honored to be joined by Senator MATHIAS in introducing a resolution urging the President to convene a national, bipartisan commission on U.S. policy in Central America.

Over the last several weeks, the debate over Central America has become even more fractious and our policy even more paralyzed. Our diplomatic personnel get shifted around, rhetoric gets louder; piecemeal, ad hoc proposals get floated; and an effective long-term policy gets ever more remote.

Our Nation simply cannot afford this stalemate, nor can we afford incrementalist approaches which sap political energies for lack of a coherent, comprehensive policy. The strategic stakes are too high.

As I noted in extended floor remarks on the subject on May 12, it is understandable that some American citizens and political leaders prefer not to see the United States engage itself in Central America. The problems there are enormous and do not lend themselves to quick solutions. But that is no longer the choice before us. The question is not whether we will engage, but how.

A majority of the Members of Congress now recognize that threats to the stability of Central America arise in large part from long histories of economic and social injustices. Obviously, military solutions alone will not meet our Nation's long-range security needs in the region. The economic and social deprivations, as well as the abuses of human rights endemic to some countries in Central America, are going to have to be addressed.

What Senator MATHIAS and I are proposing is a Presidentially appointed commission composed of distinguished leaders from all sectors of American society that will investigate the full range of our relationships with Central American nations, consult with leaders from the region, and make recommendations on an appropriate long-term policy—a policy that will resemble, in its commitment and sense of responsibility, the European Economic Recovery Plan of George Marshall.

Mr. President, the strategic interests of the United States in a stable Central America are at least as high as in a stable and secure Western Europe. A sequence of crises leading to Castro-type regimes throughout Central America, including Mexico, would have disastrous consequences. None of us relishes the prospect of living in a garrison state, unable to meet our commitments to our NATO allies, friends in the Middle East, and others. Nor do we like to contemplate the threat such a course of events poses to the fundamental nature of American society and her democratic institutions.

Obviously, the circumstances between Europe and Central America are vastly different. Quick and massive transfers of wealth from this country to Central America will not insure stability in the region. The economic and social problems are much too systemic and chronic, and conditions vary widely from country to country. What we need is a policy that has a 30- to 50-year vision of building democracy, increasing economic opportunity, and reinforcing human rights for the peoples of Central America. Only if we strongly project such a long-term goal can our short-term policies garner the support of the American people, our allies, and the peoples of Central America.

I will not deny that the recommendations of the commission will likely require sacrifice by American citizens. But the sacrifice will be minor compared to the sacrifices required if the nations of the Central American isthmus, including Mexico, are destabilized, undergo economic and social collapse, and become hostile nations allied with Cuba and the Soviet Union.

I urge my colleagues to join us in taking this important first step toward a much needed bipartisan assessment and formulation of our Central American policy.

Mr. President, I yield to the distinguished Senator from Maryland.

Mr. MATHIAS. Mr. President, I thank the senior Senator from Washington.

Mr. President, when Senator JACKSON invited me to join him in introducing this resolution, I welcomed the chance to associate myself with an initiative that could galvanize a new approach toward Central America, an area whose welfare and stability are of vital concern to the United States.

The resolution we introduce today—calling on the President to "convene a national bipartisan commission to address the serious longstanding problems of security and economic development in Central America"—seeks to promote a national consensus on a comprehensive U.S. policy toward that area. It intends that this policy be informed by consultation with governmental and other leaders of Central America, and that it be framed by a group of outstanding citizens, representing a broad spectrum of national life.

The reasons for setting up such a commission are obvious. The guerrilla warfare in El Salvador and Nicaragua that dominates our concern about the area today is only the most visible and contemporary expression of ancient and profound economic, social, and political problems. We cannot hope to address one problem successfully without addressing them all. And we cannot hope to address them all successfully without seeking a broad national consensus for such a policy and without basing it on the hopes and aspirations of the peoples of Central America.

As Carlos Fuentes told the graduating class at Harvard University last weekend, "The United States can no longer go it alone in Central America and the Caribbean. It cannot, in today's world, practice the anachronistic policies of the 'Big Stick'."

The proposal we launch today recalls to mind another day and another commencement address at Harvard

University. The analogies are not precise. The times and the circumstances are very different. But Secretary of State George C. Marshall's words to the Harvard graduating class of 1947—words that inaugurated the European recovery program—apply as well to this enterprise.

"It is logical," Secretary Marshall said,

that the United States should do whatever it is able to do to assist in the return of normal economic health to the world, without which there can be no political stability and no assured peace. Our policy is directed not against any country or doctrine but against hunger, poverty, desperation and chaos.

The European nations responded immediately to Secretary Marshall's proposal and began to draw up an economic recovery program. Meanwhile, in order to assure congressional passage of the massive assistance program, President Truman appointed two committees to study whether the United States could afford to support a program of such magnitude. He also instructed the newly formed Council of Economic Advisers to analyze the domestic impact such a program might have.

One of these committees—the President's Committee on Foreign Aid—was composed of distinguished private citizens drawn from the ranks of business, labor, finance, agriculture, and academic institutions. Its chairman was W. Averell Harriman, a man who to this day continues to contribute richly to our national life, most recently through his revealing discussions with Soviet Secretary General Yuri Andropov.

Among the committee's members were national leaders of the caliber of George Meany, then treasurer of the American Federation of Labor; Paul G. Hoffman, president of the Studebaker Corp.; and Robert Gordon Sprout, president of the University of California.

That committee could serve as a model for our commission in many ways, although as I said earlier, the parallels are not exact. Its conclusion, in recommending the massive economic aid program, also is worth contemplating as we attempt to devise a new approach to Central America.

The report described a state of affairs in post-World War II Europe similar to the situation in Central America today. It stated:

The democratic system must provide the bare necessities of life now and quickly rekindle the hope that by hard work a higher standard of living is attainable. If these countries by democratic means do not attain an improvement in their affairs, they may be driven to turn in the opposite direction. Therein lies the strength of the Communist tactic: It wins by default when misery and chaos are great enough.

The report concluded:

We cannot make or expect guarantees. But we can make intelligent choices. We shall be engaged in a vast undertaking . . . we are laying the groundwork for a new world with greater opportunities and greater hope.

Our goal in proposing this commission is not very different from theirs and no less urgent. Our prospects for success are no less bright, providing only that the people of the United States come to perceive a new relationship with Central America to be in the national interest and that they gird themselves to make whatever sacrifices are necessary to achieve it.

We are setting an enormous task for this commission. "What we need," as Senator JACKSON said in his eloquent introductory remarks, "is a policy that has a 30- to 50-year vision of building democracy, increasing economic opportunity, and reinforcing human rights for the peoples of Central America." I am proud to join with Senator JACKSON in that sentiment.

I am optimistic that we can achieve this policy. I am confident that the vehicle to achieve it is a bipartisan Presidential Commission. And I am encouraged by the examples of the Scowcroft Commission and National Commission on Social Security Reform to believe that even the most stubborn and difficult problems can be resolved if we are determined to resolve them.

Mr. JACKSON. Mr. President, I again want to express my appreciation to the distinguished senior Senator from Maryland for joining in this bipartisan effort. We hope that we will have good, solid support in the Senate so that the world will know of our commitment and dedication to a better life for the peoples in Central America.

The military shield, Mr. President, will crumble unless we have a sound and effective foundation which deals with the issues that the distinguished Senator from Maryland has just mentioned. The issues of poverty, misery, disease, denial of human rights—all of those problems have to be addressed if true democracy is to come to the peoples of Central America and if it is to endure.

Mr. MATHIAS. If the Senator will yield for one more moment, I am particularly pleased to forge this partnership today with the senior Senator from Washington. I think there is something symbolic because we bridge this continent from the icy waters of the Puget Sound to the——

Mr. JACKSON. Warm waters.

Mr. MATHIAS [continuing]. To the warmer waters of the Chesapeake Bay. I think that is symbolic in that it represents the national concern over what is happening in Central America and what might happen in Central America, and that we really do express today here a continental opinion that something has to be done. What has to be done has to rise above partisan politics, has to rise above party, has to look far into the future. That is really the purpose of this resolution.

We invite other Members of the Senate to join with us in promoting the concept of this commission.

The Senator from Washington has a reputation which is excelled by none in the Senate for the defense of the rights of Americans wherever they may be in the world. I think the fact that he has taken the leadership in this question and sees the imperative of moving in the economic-social field is an important indication that that is where the problem lies and that is where we must make progress.

Mr. JACKSON. I thank my colleague for his joint participation in this endeavor.

Mr. President, I ask unanimous consent that the resolution remain at the desk for cosponsors for the balance of this week.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. JACKSON. Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the text of the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 158

Whereas Central America is of vital importance to the interests and long-term security of the United States;

Whereas the social and economic crises facing Central America arise in large part from long histories of poverty, social injustice, and lack of economic opportunity;

Whereas military solutions alone are inadequate to deal with the challenge the United States faces in Central America, and efforts to resist Communist insurgency will be unsuccessful unless the serious social and economic injustices and human rights abuses of the region are addressed;

Whereas respected leadership from all sectors of American society and from all regions should be drawn on in the making of United States policy toward Central America; and

Whereas an effective United States policy for Central America requires the understanding and support of the American people: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should convene a national bipartisan commission to address the serious long-term problems of security, poverty, and democratic development in Central America, and to help build the necessary national consensus on a comprehensive United States policy for the region; and

(2) Such Commission should—

(A) be composed of distinguished leaders of government, business, labor, education, and the Hispanic and religious communities;

(B) consult with governmental and other leaders of Central America, invite their views and receive their recommendations on the policies which would best assist them in their long-range security needs and economic development; and

(C) report its findings and recommendations to the President and the Congress 180 days after the date of adoption of this resolution.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

RECOGNITION OF SENATOR HEINZ

The PRESIDING OFFICER (Mr. SPECTER). Under the previous order, the Senator from Pennsylvania (Mr. HEINZ) is recognized for not to exceed 15 minutes.

SPECIALTY STEEL IMPORTS

Mr. HEINZ. Mr. President, we are opening today in the Senate of the United States an important debate, a debate I hope will be heard in other branches of our Government and the news media, through all our States and communities, and, eventually throughout the world.

Members of the Senate from various States across the Nation are joining in a colloquy in support of one of our most essential industries—specialty steel. But far more than the fate of this one industry and of its highly skilled workers is at stake in the discussion today and in the decision which the President must make on specialty steel imports within a few days after the Fourth of July.

Indeed, what is at stake in the questions we will raise here today is the whole future of industrial democracy, not only in this country but in the world. We have in the specialty steel industry of America a unique test case. Perhaps in no other industry are the lines so clearly drawn on one of the great questions of our time, the question not only of whether an American industry can survive against subsidized imports, but whether our entire free economic system can endure in competition with the Socialist and quasi-Socialist systems in the world around us.

In specialty steel we have an industry that is acknowledged as the global leader in technology, in cost efficiency, in the productivity of its workers. Yet it is being forced to the wall by imports from countries where the specialty steel industries are either outright owned by foreign governments or are heavily subsidized by the treasuries of governments which enjoy unlimited taxing authority.

In specialty steel we see an industry that defeats all its rivals on all the classic points of comparative advantage, and yet is losing out to these same rivals because of the artificial advantages provided by their governments.

In this industry, so essental to our national economy and to our national defense, we have a text book case of a modern, pace-setting, high technology industry that has done all the things it should do to maintain the leading position in its home market and to expand its exports abroad. But it is being beaten to its knees here in its own domestic marketplace by subsidized imports and its world markets are being picked off one by one by the creeping socialism that is gradually embracing basic industries in other countries.

Mr. President, if this competitive, aggressive, technologically advanced specialty steel industry cannot survive and stay afloat in the rising sea of subsidies, then no American industry will ulitmately survive under our present system.

In short, it is the system itself that is being tested in this decision which the President of the United States must make within a few short weeks.

If the President makes the right decision and grants specialty steel an import restraint program that will give the industry a fighting chance to maintain its world leadership in technology and production, he will send a clear message to all other countries that the United States of America is determined to defend its free enterprise industries and its free economic system against predatory trade practices, and, most especially against the ever-growing subsidization of trade.

If, however, the executive branch permits itself to be pressured by foreign interests into a weak response to this challenge, I am very much afraid that it will, however unintentionally, give our trading partners the wrong message—the message that they can continue subsidizing their exports to the United States, that they can keep on shipping their unemployment and other social problems to our shores, that they are perfectly free to keep indulging in the uneconomic practices that have led not only to a world overcapacity in steel, but to the tremendous strains on the world banking system, and indeed to what many economists fear could become the threatened collapse of the world financial structure.

Mr. President, we want our trading partners to thrive and prosper, but not over the dead body of the specialty steel industry and other industries in our own country. We want to see their economies recover from the world recession, as ours is doing right now. But they must be made to understand that their economies cannot truly recover unless they abandon the fundametally uneconomic socialist approaches which have fueled inflation in the past, including the subsidization of their industries for export purposes.

I would now like to take a closer look for a moment at what foreign government subsidies have done to the specialty steel industry and its workers.

It is now more than a year and a half since the specialty steel industry of the United States and the United Steelworkers of America, AFL-CIO, jointy filed a complaint under section 301 of the Trade Act against subsidies by seven other countries, subsidies that are not only in violation of our U.S. laws, but of the GATT international codes as well.

That 301 case led to the President's decision last November 16 to take the unusual action of initiating a section 201 escape clause case on behalf of the specialty steel industry and its workers. In taking that action, the President confirmed that the joint industry-union allegations of subsidies are well founded, that the injury to the domestic industry is clear, that the specialty steel industry is an efficient, technologically up-to-date and export-oriented branch of the steel industry, and that its output is used in a wide range of demanding applications critical to an industrial economy.

The President noted that this industry is far more profitable, in the true sense of that word, than most of their major competitors abroad.

Nevertheless, he added, the industry is facing an unprecedented challenge to its continued prosperity, and a number of its member firms are fighting for survival.

He also put his finger firmly on the source of the problem—unfair imports, which are resulting from what he corectly identified as the global trend toward greater excess capacity, increased subsidization, and closed markets.

The President's determination in this landmark case was unprecedented. Never before had a Chief Executive so clearly identified the problem of an American industry and its workers in an international trade case. In fact, never before had a President so incisively described the reasons for the decade-long malaise afflicting so much of our domestic economy—unfair imports resulting from excess capacity, increased subsidization, and closed markets conditions which exist not just in specialty steel, although that was the proximate case he focussed on so trenchantly.

Since that Presidential action last November to initiate an accelerated escape clause case, the U.S. International Trade Commission conducted a thorough investigation, issued a finding that the specialty steel industry and its workers were being injured by imports, and recommended to the President on May 6 that he implement a 3-year import restraint program in some specialty steel products.

Unfortunately, 3 years is not sufficient time for the industry to recover or to commit itself to a program of capital investment and increased funding for research and development, a program it must undertake soon if it is to maintain its position of leadership in technology and productivity.

Nor are the restraint levels recommended by the ITC low enough to give the industry any real relief unless demand for its products were to suddenly soar to historic levels. In fact, in one product line, stainless steel rod, the ITC suggests import levels of no less than 42 percent.

Dr. Adolph J. Lena, chairman of both the AL Tech Specialty Steel Corp., and the Advisory Committee, Specialty Steel Industry of the United States, has pointed out that there is no sound economic reason why the domestic industry—by far the most efficient producer—should surrender 42 percent of its home market to foreign producers who are less efficient and less cost-effective.

Dr. Lena and Lloyd McBride, president of the Steelworkers, have jointly communicated with President Reagan, giving him their reasons why a 5-year restraint program is necessary and setting forth more realistic import levels than those recommended by the ITC.

Mr. President, neither Dr. Lena nor Mr. McBride—nor any other responsible leader of either industry or labor—has suggested that we close the door entirely to imports of specialty steel products. The import levels they suggest range up to 23.8 percent of the domestic market in the same product the ITC recommends a 42-percent level.

As Dr. Lena has stated, the domestic industry would not have to surrender any portion of its home market if the classic laws of comparative advantage and true free trade were operable in our era. Unfortunately, they are not so Dr. Lena and other industry leaders are forced to swallow a bitter pill in the name of realism, a realism I might add that ignores actual economic realities.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a joint release issued by the steelworkers and the specialty steel industry summarizing Lloyd McBride's and Dr. Adolph Lena's joint letter to the President and detailing the tariff import levels recommended by the ITC and the industry.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SPECIALTY STEEL INDUSTRY OF THE UNITED STATES

PRESIDENT ADVISED BY INDUSTRY, LABOR THAT ITC RECOMMENDATIONS ON SPECIALTY STEEL IMPORT RESTRAINTS ARE NOT ADEQUATE TO REMEDY SEVERE INJURY

WASHINGTON, May 10.—President Reagan was told today by leaders of both industry and labor that the three-year restraints recommended by the U.S. International Trade Commission on foreign specialty steel are not adequate to remedy the serious injury suffered by the domestic injury and its workers from illegal imports.

Lloyd McBride, President of the United Steelworkers of America, AFL-CIO/CLC, and Dr. Adolph J. Lena, Chairman of Al Tech Specialty Steel Corporation and the Advisory Committee, Specialty Steel Industry of the United States, detailed the reasons for the their position in a letter to the President.

McBride and Lena referred to the ITC recommendation voted by the Commission April 27 and sent to the White House last Friday (May 6). The ITC urged the President, who has 60 days to make his decision, to impose three years of quantitative import restraints with differing levels for various product categories.

"Unfortunately," McBride and Lena said, "the ITC recommendation, if adopted, will not adequately remedy the serious injury that the U.S. specialty steel industry has suffered. The industry needs five, not three years of quantitative restraints, at levels well below those recommended by the ITC.

"A five-year relief program is necessary so the excess world capacity can be reduced and the unfair practices of our foreign competitors eliminated," they said.

McBride and Lena emphasized that "a full five years of relief is also needed so that the capital-intensive U.S. industry can make the investments needed to stay technologically advanced."

They reminded Mr. Reagan that, in initiating the Section 201 (escape clause) case with the ITC last November, he verified that the specially steel industry is "An efficient, technologically up to-date and export oriented branch of the steel industry" which is "facing an unprecedented challenge to its continuing prosperity, and number of its firms are fighting for survival."

"The specialty steel industry will make the commitment to a continuation of aggressive capital investment and research and development during a five year relief period." the industry said in the letter to the President.

"This activity will allow the industry to remain competitive and to provide other U.S. industries not only the commodity-type specialty steels exported to the U.S. by foreign producers, but also the very advanced specialty steels required for high technology and defense applications," the letter continued.

McBride and Lena informed the President that the import levels recommended to him by the ITC are much too high. "The minimum import levels under the ITC recommendation are so large that domestic demand would have to increase substantially, to near historic peak levels, before the restraints would have any effect," they said.

"The ITC approach will not effectively remedy the injury suffered by the industry and its workers, thousands of whom are now unemployed," they pointed out. McBride and Lena recommended the President's decision "embody the historical reference periods and quantitative restraint levels that we originally proposed to the ITC."

McBride and Lena told President Reagan "the future of an efficient, technologically advanced industry—an industry vital to the U.S. economy and to our national defense—rests largely in your hands.

"You have already expressed your concern for the health of this competitive industry. We urge you to act promptly and effectively to remedy the serious injury suffered by the specialty steel industry and its highly skilled workers."

The industry and labor leaders again asked the President for a meeting "as soon as possible to discuss this urgent issue."

The import restraint levels recommended by the ITC Friday and by the Specialty Steel Industry and the United Steelworkers today are as follows:

	ITC		Industry	
	Percent	Minimum tons	Percent	Minimum tons
Stainless steel bar	17	27,000	13.6	19,600
Stainless steel rod	42	19,100	23.8	3,941
Stainless sheet and strip	8	62,900	5.9	38,436
Stainless steel plate	10	10,700	2.7	2,976
Total steel	20	22,400	16.7	18,700

In another specialty steel trade matter, the industry and labor leaders pointed to a final determination by the Department of Commerce of subsidy of stainless bar and rod from Brazil.

The Commerce Department said that stainless bar and rod imports from Brazil were subsidized at the level of 15.44 percent during 1981, which is a higher subsidy level than the 12.5 percent in Commerce's preliminary determination.

However, apparently recognizing that Brazilian subsidies continue to increase, the Commerce Department is requiring the Brazilian government to impose an export tax of 16.26 percent.

Brazil is required to impose the export tax because of a suspension agreement with the United States government.

The member firms of the Specialty Steel Industry of the United States are: Allegheny Ludlum Steel Corporation; AL Tech Specialty Steel Corporation; ARMCO Stainless Steel Division, ARMCO Inc.; Braeburn Alloy Steel Division, CCX, Inc.; Carpenter Technology Corporation;' Columbia Tool Steel Company; Crucible Materials Group, Colt Industries, Inc.; Eastern Stainless Steel Division, EASTMET Corporation; Guterl Special Steel Corporation; Jessop Steel Company; Jones & Laughlin Inc.; Joslyn Stainless Steels; Latrobe Steel Company; Republic Steel Corporation; Universal Cyclops Specialty Steel Division; Cyclops Corporation and Washington Steel Corporation.

Mr. HEINZ. Mr. President, there are other Members of the Senate who I know need and want to be heard on this issue, but before yielding to my distinguished colleagues I want to bring to the attention of the Senate a letter that we will be sending in 2 days' time, on June 17, to the President urging a full 5 years of import relief for the specialty steel industry. We will hold this letter until Friday, June 17, for additional signatures of Senators. At this point we already have 25 Members of the Senate who have signed this letter, and I anticipate more signatories particularly if my colleagues take advantage of the next day or so to read the colloquy today so that they may fully understand the nature of the problem confronting the specialty steel industry and our Nation.

Mr. President, I ask unanimous consent that the text of the letter I referred to, to be sent to the President, dated June 17, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C. June 17, 1983.

DEAR MR. PRESIDENT: We are writing to you to express our support for a strong effective remedy in the specialty steel section 201 case.

In your statement last November 16th, you noted that the domestic specialty steel industry "is an efficient, technologically up-to-date and export oriented branch of the steel industry." You also indicated that the industry is facing an unprecedented challenge to its continuing prosperity and a number of its firms are fighting for survival because of the injury caused by imports. You asked the United States International Trade Commission to investigate the industry under section 201 of the Trade Act of 1974. The ITC has done so, and found that the domestic industry has been seriously injured by imports.

We believe that an adequate remedy for the industry consists of three elements: a full five years of import restraints; restraints that maintain imports at normal levels, and minimum import levels that are based on normal industry performance data rather than the peak levels of production assumed by the ITC.

In your November 16th memorandum, you directed the United States Trade Representative to initiate multi-lateral and/or bilaterial discussions aimed at the elimination of all trade distortive practices in the specialty steel sector. We are aware that this process has begun, and respectfully urge that such discussions be carried out aggressively during a five-year import relief program. In addition, five years are needed by the industry so that it can plan and carry out the investments needed to remain technologically advanced.

The domestic specialty steel industry is an efficient, high technology industry which is essential to our national defense and our industrial economy. This is an industry which is highly competitive and deserves to survive. It has fought battles against imports for years and has shown through successful cases that a high percentage of imports are dumped or subsidized. After the industry has struggled for so many years, you now have an opportunity to develop the kind of long-term, comprehensive solution you envisioned in your November 16th memorandum. We support your efforts to help this industry, and respectfully urge a strong, effective remedy.

Sincerely,

John Heinz, Orrin Hatch, Carl Levin, Howell Heflin, Alan J. Dxion, Paul Sarbanes, Jim Sasser, Daniel Patrick Moynihan, Jennings Randolph, Fritz Hollings, Charles McC. Mathias, Jr., Don Quayle, Jake Garn, Arlen Specter, Sam Nunn, Charles Percy, Dennis DeConcini, Mack Mattingly, Jessie Helms, Walter D. Huddleston, John Melcher, Rudy Boschwitz, Robert C. Byrd, Alfonse D'Amato, Don Riegle.

Mr. HEINZ. Mr. President, the Senator from Pennsylvania (Mr. SPECTER) also is on the floor and is a part of this colloquy. I yield to him on his time, if he wishes, reserving the remainder of my time.

Mr. SPECTER. That would be fine. I am delighted to use the time on my special order.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order the Senator from Pennsylvania (Mr. SPECTER) is recognized.

SPECIALTY STEEL IMPORTS

Mr. SPECTER. Mr. President, I begin by commending my distinguished colleague, Senator HEINZ, for the leadership which he had exhibited as chairman of the Steel Caucus on behalf of the steel industry of the United States. In taking these initiatives Senator HEINZ has been acting in the national interest because of the absolute necessity in having a domestic steel industry which can serve the United States both in time of national emergency and also to take care of our domestic production.

It so happens that steel is a very vital part of the economy of Pennsylvania, which gives a double reason for the leadership of Senator HEINZ, and I am pleased to join with him on these efforts.

The steel industry has long been the number one industry in our Commonwealth of Pennsylvania, accounting for some 14 percent of its employment prior to the past several years. Lately there have been many problems which have beset the national steel industry, such as unfair foreign trade practices and foreign dumping, and these problems touch very directly upon the subject of the specialty steel industry.

The domestic specialty steel industry is, in fact, a very important component in our complex national economy.

The products made by this industry and its very skilled workers are essential for national defense, and beyond that essential to many other key industries, including aerospace and telecommunications, oil and natural gas production and transportation, marine navigation and computer technology. And virtually any list would be incomplete without mentioning the pervasive influence of specialty steel in our economy.

The United States of America cannot afford to become totally dependent upon foreign sources of supply for the high-tech metals so critical to our industrial society and to our survival as a nation.

We have learned from the bitter experience of dependence on a foreign source of supply of OPEC oil. The long gas lines which plagued the United States late in 1973 and early 1974 caused a sharp reversal of our national policy. Once we begin to rely upon foreign supply, it invites the foreign suppliers to raise the cost, thus putting a strangle hold on the United States. We should not allow ourselves to be in this position again with any product—be it oil or specialty steel. However, that is the risk we face unless action is taken now on the specialty steel issue.

It is now more than a year and a half since the specialty steel industry of the United States and the United Steelworkers of America filed a joint petition under section 301 of the Trade Act requesting that our Government take action to end the illegal foreign government subsidies of specialty steel exports that was even then severely injuring the domestic industry and its workers.

Since that time two companies producing specialty steel have filed for bankruptcy. Bethlehem Steel abandoned its tool steel business after three-quarters of a century of production. And Colt Industries shut down its stainless steel mill at Midland, Pa., last October idling another 5,000 workers, and demoralizing the small town of Midland, Pa.

Senator HEINZ and I personally bear witness to the problems of that town, from an open house town meeting which we held jointly there on March 5 of this year. At that time the town residents crowded into a high school auditorium and told us of their problems, and we feel it is simply unfair to have some 5,000 workers thrown out of work and be victimized by unfair foreign trade practices.

Moreover, these events are only the tip of a much larger and more tragic iceberg. Unemployment in some specialty mills has run as high as 60 percent during the past year. Short work weeks are commonplace. And many of the major producers of specialty steel ended 1982 losing money.

How is it that an industry acknowledged by all to be the world leader in technology in its particular field of production could be brought to such a pass as this? Most of us here today know the answer to that. Our private companies in Pennsylvania, Ohio, Michigan; and in many other States of the United States are being forced to compete with foreign governments which are subsidizing their specialty steel industries in order to export their unemployment and other social problems to the United States.

The U.S. Trade Representative's office confirmed these subsidies after long investigation. The President acknowledged them last November when he initiated the section 201 escape clause case on behalf of the industry and its workers. And the specialty steel industry and its employees are forced to live with the grim results of this subsidization.

I remind my colleagues that the kind of subsidies we are discussing here are not only illegal under our countervailing duty laws. They are prohibited by international trade law too. Yet these codes are openly flaunted by our trading partners with the result that a technologically advanced industry like

specialty steel is forced to fight for its very survival.

The President of the United States has a golden opportunity to correct this problem in the section 201 case now before him. It is obvious that illegal subsidies played in major role in injuring our specialty steel industry and its workers. Although subsidies are not one of the criteria in escape clause cases, the President can nonetheless put our trading partners on notice that the United States will no longer tolerate such illegal practices in international trade. He can best do this by fully enforcing the Trade Act of 1974 which can grant a full 5 years of import restraints on specialty steel products.

To give my colleagues, and the President, a more detailed overall view of just what is involved in the specialty steel decision I ask unanimous consent to have printed in the RECORD an article by Jane Blotzer of the Pittsburgh Post-Gazette along with the accompanying table showing the various products covered by the ITC recommendations, the import penetration in these products in 1982, the limitation levels recommended by the Commissioners, and the levels requested by the industry.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Pittsburgh Post-Gazette, Apr. 28, 1983]

ITC RECOMMENDS SPECIALTY STEEL QUOTAS

(By Jane Blotzer)

HARRISBURG.—The U.S. International Trade Commission has recommended that the president restrict imports of specialty steel products for three years.

The year-and-a-half old case will not be concluded, however, until President Reagan makes his decision, required by July 5.

The recommended remedy comes a month after the ITC ruled that specialty steel imports had caused substantial harm to the domestic industry.

At a time when the clamor for import restrictions and stricter import laws is growing, Commissioner Paula Stern said, "The case demonstrates that import relief is available under existing law, even when an American industry is suffering from the most serious post-war recession."

It is the second time in seven years that the commission has recommended that the president restrict imports of the specialty steel products.

In 1976, President Ford imposed quotas that lasted until 1980.

The industry claims the problem resurfaced once the restrictions were lifted.

The recommendations made by the ITC yesterday are not as far-reaching as the industry had requested—an overall market share of 8 percent of domestic consumption for five years.

Burt Delano, spokesman for the industry, said five years is a more realistic breathing spell and is the time needed to address the problem of worldwide overcapacity of specialty steel production capability.

"Now it is squarely in the hands of the president," he said.

"We have been inundated by imports, most of them illegal, for a great many years and if the president wants to preserve this vital industry he must provide meaningful relief very soon," said Adolph J. Lena, chairman of both the AL Tech Specialty Steel Corp. and the advisory committee of the Specialty Steel Industry of the United States.

It seems likely that the president will not totally ignore a recommendation for relief, since it was he who sent the case to the ITC in the first place, recommending expedited action.

The suit began in late 1981 as a Section 301 case, in which the specialty steel industry charged a broad range of unfair trading practices by importers.

In response to that suit, Reagan, in a highly unusual move, asked the ITC to conduct an expedited investigation under section 201 of the trade laws, which does not require proof of unfair trade, only that imports are a substantial cause of serious injury.

In taking the case to the ITC, Reagan acknowledged that the industry is "efficient, technologically up to date and export oriented branch of the steel industry."

But despite those characteristics, the industry, which is concentrated in the Pittsburgh area, has been experiencing the worst recession of its history. Some 40 percent of the 60,000 specialty steel employees are out of work and at least 10 of 17 specialty steel companies lost money in 1982.

The steelmakers said that imports—capturing nearly 20 percent of the domestic market in 1982 for the durable, heat-and-corrosion-resistant steel—were primarily responsible for the problem.

The commission recommended that the president restrict imports to a share of the domestic market in five areas—stainless steel sheet and strip; stainless steel plate, stainless steel bar, stainless steel rod; and alloy tool steel.

They also recommended that the president divide up that limit market share on a country-by-country basis.

The countries involved directly in testimony in the case were Japan, West Germany, France, Italy, Great Britain, South Korea, Belgium, Sweden, and Spain.

Mr. SPECTER. Mr. President, let there be no mistake that those of us who speak today do not raise the note of protectionism. We are articulating the cause of free trade but it is indispensable to free trade that it be fair trade and fair trade means the absence of foreign subsidies.

For too long in this country we have sacrificed our key industrial interests on the altar of foreign policy. Too often deals are made which permit the importing of goods such as British steel. This steel was identified by the International Trade Commission as bearing subsidies as high as $250 a ton. We permitted its importation in order to get British support on other matters such as NATO defense. Too often we have sacrificed U.S. industries on the altar of foreign policy in our dealings with the Japanese in an effort to have them undertake a more expansive role in the defense of the Southwest Pacific. Just last week this body approved some $8.4 billion for the International Monetary Fund over some dissenting votes, such as mine, who felt that the Fund is being used to subsidize foreign exports which engage in these unfair practices.

Treasury Secretary Regan appeared before the Foreign Operations Subcommittee a few weeks ago, and I had an opportunity to bring to his attention the practices of Brazilian steel which are subsidized by the Brazilian Government. I raised the point with Treasury Secretary Regan that I considered it unfair to the steelworkers of the United States to be paying taxes to the U.S. Treasury while the U.S. Treasury then advanced money to the International Monetary Fund which in turn advanced money to Brazil, which in turn subsidized Brazilian steel exports to the United States, which unfairly deprived those taxpaying steelworkers of their jobs.

Treasury Secretary Regan responded to me, as the written transcript will show, that if we cut off all subsidies to Brazilian steel, it would throw 300,000 Brazilians out of work. I responded to the Secretary of the Treasury that that would be unfortunate, but why should their unemployment be exported to the United States, and why should there be tens of thousands of American steelworkers out of work?

The Treasury Secretary responded that unemployment in the United States was not caused solely by foreign subsidies, and to that I agree. The problems of the American steel industry are more complicated than that, but some of its unemployment is caused by these foreign subsidies.

I do not believe that we should be engaging in the practice of supporting foreign subsidies. I feel this way not only for steel but also for produce and agricultural products which Brazil exports to Egypt and undercuts U.S. opportunities for those markets.

There is fair play in international affairs and that is indispensable if free trade is to work. The specialty steel industry is uniquely entitled to this consideration because of the high degree of efficiency within the specialty steel industry.

When applications are made from time to time under the U.S. trade laws, replies are received that some branches of American industry are not as efficient as they should be. This presents an opportunity for foreign imports which are perhaps, on some occasions, more efficient in their operations. However, this is not the case with specialty steel, and I feel that this industry merits special attention and consideration.

I urge my colleagues on this same subject to give further consideration to S. 418, the Unfair Foreign Competition Act of 1983. This legislation would open the U.S. courts to grant injunctive relief to stop such unfair foreign trade practices such as these. In

the long run it is my thought that the only really effective relief will be the self-help of American industry and American labor in going to the courts to stop these unfair trade practices.

Next Friday, June 24, the Judiciary Committee has scheduled hearings on a related subject, where we will be examining the plans of the United States Steel Corp. to bring British steel into the ferro-steel plants. The executives of United States Steel have represented that this action is necessary in order to save jobs in that plant.

The question is a complicated one, and there are very grave dangers in permitting foreign subsidies even in the short run, to save jobs because in the long run it has the potential for great ill.

Senator THURMOND, chairman of the Judiciary Committee, has graciously consented to permit these hearings. My colleague, Senator HEINZ, has agreed to join us in these hearings to make that important inquiry.

I note, Mr. President, that several of our colleagues have come to the floor, and I yield the remainder of my time, with the concluding statement that I urge all of our colleagues, including those who may not represent States which have had the highly undesirable fact of massive unemployment caused by these unfair subsidies, to listen closely and watch this very important subject so that the U.S. Senate may act as a body to stop these unfair practices.

Mr. HEINZ. Mr. President, will the Senator yield the remainder of his time to my control in the event we need it for other Senators?

Mr. SPECTER. I do so yield the remainder of my time to the senior Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I thank my distinguished colleague and friend from Pennsylvania for his remarks. I think he has stated the case very well.

Mr. President, I note the presence on the floor of the distinguished minority leader, Senator BYRD, who has been a very, very active member of the Senate Steel Caucus as well as the Senate Coal Caucus, and I yield him such time as he may require but not to exceed the amount of time I have.

Mr. BYRD. That is fair enough. I will take very little time.

Mr. President, first of all, I congratulate the two Senators from Pennsylvania for the statements they have made. As a member of the Steel Caucus I am one of the signatories on the letter which the distinguished Senator from Pennsylvania, Senator HEINZ, has just inserted in the RECORD, and that letter will be going to the President concerning the need for effective import relief for the specialty steel industry.

I personally appeared before the International Trade Commission in 1982 on behalf of the specialty steel industry and its employees in West Virginia. I expressed my belief that the domestic industry was being victimized by illegal trade practices carried out by some of the United States trading partners. These practices include dumping of goods on the American market at prices below the cost of production, and massive subsidization of industries by foreign governments.

On March 24, 1983, the ITC ruled that Japan, West Germany, France, Sweden, and Spain are illegally subsidizing the specialty steel products that they export to the United States, and that the domestic industry has been severely injured as a result of the illegal subsidization. The ITC ruling simply confirmed what I have been saying—that the United States is already engaged in a trade war, and we are losing without firing a shot—and it provides a sound basis for action to counteract illegal trade practices.

It is inexcusable that an industry as modern and efficient as the domestic specialty steel industry should have to suffer drastic injury as a result of imports from foreign producers who are less efficient. Foreign producers have ignored the standards of international conduct—and American laws—that are designed to govern the conduct of international trade.

The domestic industry has suffered as a result of the unfair actions of foreign producers. Unemployment in the domestic specialty steel industry has risen steadily as foreign producers captured a growing percentage of a shrinking American market. As the full force of the recession hit American producers, the foreign producers simply stepped up their imports.

Employment in the specialty steel industry has declined by 20 percent since 1980. Total manhours worked in the industry has declined by more than one-third over the past 3 years. In human terms, these figures translate into thousands of workers—many of whom live in West Virginia—and these people want to return to work.

The ball is in the President's court now. The ITC recommended a relief program for the domestic specialty steel industry that includes a 3-year quota on certain specialty steel products. I would urge the President to examine the benefits of a 5-year relief program along similar lines. While a 3-year program would be helpful, the 5-year program will help stabilize investment in our domestic industry.

Advanced research and development that is continuously carried out by the domestic industry runs closer to 5 years to realize product improvements that keep American specialty steel competitive. That research investment is the key to the long-run competitiveness of the specialty steel industry, and to the industries that use its products, such as electronics, aerospace, and military technology.

It is important to remember that specialty metals are vital to our national security, in that the metals make up components of jet and missile engines and structures, electronic systems, and high-speed machinery used in a variety of military applications.

I urge the President not to turn his back on this critical sector of our economy.

I thank the distinguished Senator for his courtesy in yielding and for the leadership he is providing in this matter.

Mr. HEINZ. I thank the distinguished minority leader and I thank him for an excellent statement.

Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes.

Mr. HEINZ. May I ask if there are other Senators seeking recognition under this special order?

● Mr. HEFLIN. Mr. President, in the near future the fate of one of this Nation's most important industries will be determined by the President of the United States. I join with my Senate colleagues today in urging the President to insure that industry's survivability by granting the maximum import relief permitted by U.S. law, a full 5-year relief program.

I am speaking, of course, about the specialty steel industry of the United States and its workers. After 7 months of investigation, the International Trade Commission recently voted 3 to 1 that the domestic industry was being seriously injured by imports of foreign specialty steel. In numerous separate actions, both the ITC and the Department of Commerce have found that our European trading partners have been illegally subsidizing and dumping their specialty steel products sold in this country. These decisions resulted from individual cases filed by the domestic industry as provided for in our trade laws. The industry has availed itself of all trade relief avenues. In all those instances, repeated investigations have proven the industry to be highly advanced in technology, in fact, superior to our trading partners, and an efficient producer. Despite having these two essential elements necessary to succeed in today's marketplace, the domestic industry is faced with market import penetration of nearly 20 percent. This market penetration has only been possible because our trading partners have been selling their products in the United States at prices below the cost of production as well as providing subsidies to their industry.

All of these statements argue in favor or providing the domestic industry with the import relief it seeks. Our specialty steel companies have played by the rules. Our trading partners have not. Indeed, they have flagrantly disregarded the international trading

laws they helped create. The specialty steel industry of the United States can compete and prosper in a fair marketplace. I encourage the President to restore that equality by granting the industry the 5-year relief program.●

● Mr. DIXON. Mr. President, the overall rise in imports of specialty steel has been dramatic. While some may claim that such imports are not at a critical level, the long-term effect of dumped or subsidized imports has been devastating to this industry, which is technologically among the most advanced in the world.

Figures for employment, the number of hours paid and the actual wages paid to production and related workers provide further indication of the damage inflicted on the industry by imports. Between 1979 and 1982, employment of these workers had declined by more than 5,000. The number of hours worked by production and related workers dropped by over 40 percent in stainless steel firms, and by almost 50 percent in the tool steel segment of this industry. This translates into over $100 million less in wages paid in 1982 than 1979.

Nonetheless, these figures cannot reflect the hardship and suffering imposed upon the specialty steelworkers, their families and their communities as a result of these lost jobs and wages.

Many of these employees have been forced to rely on unemployment compensation, and a significant number have been laid off so long that they have exhausted all available benefits, without being able to find new jobs. As the jobless rate has soared and the wages have plummeted, small communities whose economies are based on the revenues generated by the specialty steel plants have been severely affected.

Our Government normally measures the injury caused by unfairly traded imports in terms of lost jobs. However, long before appreciable numbers of jobs are lost, there is the loss of the ability to do research and development; loss of the capability to install new technology; loss of the ability to train people in new skills; and more difficulty in attracting bright new people to the industry.

In effect, there is a significant reduction in the industry's ability to invest in its future. Without such an investment, there can be no hope for even the remaining employees in this industry.

I join my colleagues in strongly urging the President to reverse this tragic trend that has cost us so dearly in human resources. An effective retraining program for no less than 5 years is needed to halt the flood of unfair imports which has brought this industry and its workers to their knees.

We are joined in support of this position by the specialty steel industry itself, and its workers. Labor and management, together, are asking for assistance so that they can continue to compete in this important industry.●

Mr. HEINZ. Mr. President, again I want to remind all Senators that it is only in a very few days that the President will be making up his mind on what kind of relief to grant to our specialty steel industry. It is absolutely critical that the President make the right decision, that he go further than the International Trade Commission has recommended.

● Mr. MATTINGLY. Mr. President, I wish to associate myself with the concern being expressed today by my able colleagues about the American specialty steel industry and its workers, who deserve all our attention and our support.

I do not need to dwell very long on the importance of this domestic industry and the value of its highly skilled workers. The American specialty steel industry which accounts for only 2 percent of all steel tonnage but 10 percent of its value, produces the high-strength alloys and other specialty steel products vital to many other industries of our national economy. It is used in the manufacture of roller bearings, stainless tableware, rifle barrels, nuclear powerplants, and ocean-going ships.

In addition, the specialty steel products produced by this very competitive American industry are essential to all branches of our Armed Forces. The Navy needs them for its communication and navigational equipment. The Air Force relies upon these metals for its very existence since they are widely used for the construction of all aircraft, missiles, and communications and control equipment.

Mr. President, it is very obvious that the plight of the American specialty steel industry and its workers must be solved soon, because it is one of the pillars of our national industrial base and determines in a decisive way our industrial readiness.

Besides our economic and military strength being at stake in this case, I believe the specialty steel industry has made a strong case for relief for reasons dealing with trade. The American specialty steel industry has established a solid reputation for its competitive status. It has made heavy capital investments to reduce costs, improve efficiency, and maintain technological leadership. For instance, capital expenditures from 1971 through 1975 averaged $60.7 million per year. During 1976–80, the industry's capital expenditures averaged $93 million per year—an increase of 53 percent.

This positive attitude of the domestic specialty steel industry and the achievements of efficiency and competitiveness have led the administration, the Congress Office of Technology Assessment, the U.S. International Trade Commission, and even foreign producers and governments to recognize that the U.S. specialty steel industry is the world's leader in process and product technology.

Despite all these efforts, the U.S. specialty steel industry is in deep trouble. Its problems are to a great extent rooted in the excess capacity of less efficient foreign producers who are owned or subsidized by their governments. The privately owned American specialty steel companies do not compete generally with private foreign steel companies, but with foreign governments and their treasuries. In that way, an efficient and modern American industry is paying a heavy price for the social, economic, and financial problems of other countries.

Personally I am tired of hearing about instances where U.S. industries suffer on account of other countries' problems. We must signal to these countries that our limits of tolerance have been reached. It is for this reason that I join my colleagues to ask the President that he grant the maximum adequate relief urged by this industry, accompanied by effective import levels.

In addition, the support this case has received in the Senate should reflect a sense of the Congress that the administration should apply and enforce our own trade laws as conscientiously and effectively as they are intended to be—and, indeed, as most other countries enforce their trade laws. The specialty steel industry case provides an excellent and appropriate opportunity for the executive branch to show that the U.S. Government will enforce its trade laws. No case is better than that of a modern and efficient American specialty steel industry to show that the U.S. Government can no longer stand the relentless destruction by unfair and illegal trade practices of a technologically up-to-date industry, necessary to our industrial backbone.

Mr. President, I ask unanimous consent that a fine article, published in "33 Metal Producing," January 1982, be printed in the RECORD. It explains very well how technologically innovative the American specialty steel industry is and focuses also on the problem of damaging imports.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE STAGE IS SET: WILL SPECIALTY STEEL PREVAIL?

Six years and millions of dollars later, America's stainless and tool steelmakers are embroiled in yet another struggle to reclaim their market from predatory marauders. What more can be done?

Given the opportunity and incentive, the specialty steel industry of the United States will act. History evidences that fact. You

need look no further than the past decade when the sector pumped massive amounts of capital into new facilities and advanced technology, expenditures all keyed to enhance productivity.

Industry leaders, in concert or one-on-one, boast that the American specialty steel sector stands as the world leader in technology, advanced equipment and alloy development. And few, if any, challenge that claim. In fact, a plethora of studies, among them a report issued by the Office of Technology Assessment of the United States Congress in 1980 have concluded that major investments in advanced technology—such as the argon oxygen decarburization process and continuous casting—have made this country's stainless and tool steel community a highly competitive industry.

To be sure, many of the investments made through the '70s were mandated as a survival tactic to help combat the tides of rising imports. A reoccurring threat, imports are just as clear and present a danger today as they were in 1971 and 1972 when the industry filed and won dumping cases against France and Sweden. A quick perusal of the record indicates, however, that duties were neither levied nor collected.

In 1975, the nation's specialty steel industry filed and won its landmark 201 Escape Clause trade case. A year later, President Gerald Ford established quotas covering the majority of specialty steel imports from members of the European Economic Community and Sweden and negotiated an orderly marketing agreement with the Japanese.

At that time, the industry "promised" that if sanctions were indeed imposed against imports, it would make the required investments to modernize and attempt to keep price increases within reason. And that pledge was kept. The record shows that specialty steel did indeed increase its capital expenditures, raise its research and development budgets and pace its price increases at a slower rate than those of steels which were not subject to the sanctions.

Since 1976, for example, Allegheny Ludlum Steel, Pittsburgh, has accomplished what it characterizes as the "most significant technological and economic changes that have ever occurred in the history of the company." Added to A-L's production corps during the half-decade since then were argon oxygen decarburization units, a continuous caster and induction furnaces, which had a dramatic impact on the cost of producing iron to supply the BOF and a myriad of other improvements. More than $100 million was invested to reduce costs, enhance quality and maintain technical leadership. And Allegheny Ludlum was not alone.

As part of an aggressive $400-million investment program geared to expand capacity by 50%, officials for Carpenter Technology, Reading, Pa., announced plans last summer relating to three major projects totaling some $165 million. Included are a $112-million hot strip mill to be installed at CarTech's Reading, Pa., plant, a $46.4-million GFM Model SX65 rotary forging machine and additional melting equipment (two VARs and two ESRs) also slated for installation at Reading, and a $6.6-million finishing facility at its Bridgeport, Conn., plant. "When this expansion effort is completed," Paul R. Roedel, president and CEO, comments, "our specialty metal manufacturing facilities for our product forms will be among the most sophisticated in the free world."

At Washington Steel, Washington, Pa., President Robert E. Heaton cites the installation of a continuous slab caster, hot strip mill and an AOD vessel. Just two months ago, the company started up a new anneal and pickle line which has already improved production efficiency, added much needed finishing capacity and boosted product quality.

Meanwhile, in Midland, Pa., the Crucible Stainless and Alloy Div. of Colt Industries installed a pair of ultra-high-power electric furnaces to replace its blast furnace and coke ovens. "Each 85 kVA EF features a 170-t capacity and is computer controlled," Charles Kurcina, senior vice president, manufacturing services, explains. The division is currently installing a $2 million strain-draw furnace for quenching and tempering hot rolled bar products.

Further north—in Syracuse, NY, to be exact—Warren T. Bickerton, president, Crucible Specialty Metals Div, reports the productivity thrust there has focused on various bar finishing improvements—specifically centerless grinding—geared to improve quality and increase output. One of the sector's smaller members, Braeburn Alloy Steel, a division of Continental Copper & Steel Industries, Inc, Lower Burrell, Pa., has also been pounding the expenditures trail. The major installation added there is a high speed billet coating line. According to Hugo G. Becker, president, the line uses arc-sprayed aluminum to prevent decarburization in bar rolling and annealing and thereby significantly improves the billet-to-finish bar yields. Becker estimates the line has lifted yields 7 to 10%

MANAGEMENT PHILOSOPHY: CONTINUITY AND CHANGE

Basic management philosophy governing the dynamics and direction of Specialty Steel USA did and didn't change during the decade of the '70's. Traditionally, the domestic specialty steel sector has been acknowledged as quicker to adopt new technology than its counterparts in the carbon steel arena. This has not changed.

Reasons cited to explain this character trait vary considerably. William E. Lusby, manager, strategic planning, Stainless Steel Div, Armco Inc., Baltimore, Md., for instance attributes the sector's high speed technology adoption rate to the rapid growth in demand for specialty steels here in the US and the industry's response to the profit opportunity such a swell presents.

Claude F. Kronk, vice president, specialty steels, Jones & Laughlin Steel, Pittsburgh, sees it another way. "In many cases," Kronk contends, "corporations in the specialty steel industry are involved exclusively in this business; they are not subsidiaries or divisions of larger corporations. Within those organizations," he continues, "capital is usually used for expanding and upgrading existing specialty steel facilities rather than having to compete with capital projects from totally different businesses."

Relative size and a tight focus on goals also won their fair share of mentions. "Technical support for the mill has always been more closely aligned with pinpointed targets within the market," Edward J. Dulis, president, Crucible Research Center, Pittsburgh, comments. "Smaller volume from generally smaller facilities has meant faster implementation of change in both product and process. Change is easier to implement in the specialty steel industry," Dulis reasons. "Initial capital investment for development specialty products and processes is generally smaller simply because the operation is likely to be smaller," he says, "at least at the outset."

Change comes in a number of guises, not all inferring innovation. "The industry is beginning to shake-out, and a degree of specialization is becoming more dominant," John L. Stewart, senior vice president, Cyclops Corp, Pittsburgh, addresses the restructuring of the domestic specialty steel sector. "At one time," he reflects, "we were proud to make any alloy in any form for any market for any application. We took on all challenges that came down the road."

Seconding that notion is Alan M. Smith, president, Universal-Cyclops Specialty Steel. "What has been going on subconsciously has developed into a very conscious movement," Smith comes straight to the point. "Inherent weaknesses in organization, facilities and capabilities are all being examined. Instead of the supermarket approach," he contends, "each company is moving down a separate path towards specialization. The total overlap of products between companies is becoming minimal. You sort of have vertical product towers rather than a pyramid pattern," Smith analogizes.

Shake-out, of course, doesn't always mean specialization. It can also reflect a company's decision to withdraw from the marketplace entirely. Late last year, for example, Bethlehem Steel, Bethlehem, Pa., a major tool steel producer, announced its decision to completely withdraw from that particular market. Imports were cited as the overriding reason. Then there's restructuring via acquisition, à la the Stainless Steel Div. of McLouth Steel, Detroit, Mich., which was recently purchased by Jones & Laughlin Steel. According to J&L's Kronk, the addition of the McLouth facility (which is known as the Detroit Plant) will allow the Pittsburgh-based steelmaker to become more deeply involved in strip production.

IMPORTS: ONCE MORE WITH FEELING

Reminiscent in tone and substance of the trade situation suffered through the early 1970s, today's struggle against imports is nonetheless threatening for being familiar. Charges of dumping and unfair and illegal imports fill the air as they did a decade ago. "When the quotas expired in February, 1980," Allegheny Ludlum's Simmons recalls, "the imports of specialty steel sheet, strip and plate continued to decline. In fact, in 1980," he continues, "imports of these products reached the lowest levels they've been in fifteen years and at a time when we had no protection whatsoever. As a clear measure of our ability to compete, coupled with the foreign producers' charge that they weren't going to ship their product to the U.S. because the price was too low," Simmons explains, "imports were held in check."

Then, the familiar lament. "When the economies turned down around the world," Simmons says, "the Europeans and, to some degree, the developing nations, once again intended to use our markets to export their unemployment." The charge by the specialty steel industry is simple: unfair imports through dumping or subsidies by foreign governments are systematically destroying this competitive and efficient sector of American industry.

"If we are efficient, if we are technologically advanced, if we are competitive," Simmons asks rhetorically, "will we be successful? Should we invest? If we can be destroyed by the less efficient not the more efficient, would we invest?"

While the industry ponders the question of investment, it, too, is being pondered as an investment. It has happened before and it could happen again. Corporate takeovers of additional specialty steel concerns by a larger company and/or nonsteel producer loom as very real possibilities.

How will the specialty steel sector of the year 2000 compare to its 1982 predecessor? There are those who predict a deeper transition, a sea-change, of sorts, brought about by the interplay of positive factors ranging from quotas and market stability to healthy profits. "The larger will get larger," one knowledgeable specialty steel executive predicts, "several of us will be absorbed by other specialty steelmakers and there'll be takeovers."

Any way you cut it, the future of Specialty Steel USA is written in change not only in terms of the technology it adopts and the marketplace it serves, but also in the basic structure of the industry itself. Transition is definitely the watchword of the 1980s.●

Mr. DENTON. Mr. President, I join my colleagues today in urging the President to take strong action to counter the unfair foreign trade practices that are eroding the market share held by our domestic specialty steel industry. If market share continues to decline as precipitously as it has in the past several years, the United States may very well be left without a domestic industry capable of servicing its basic defense needs. I do not believe that an effective, modern defense is possible without a healthy specialty steel industry.

For example, one of the most important applications of specialty steels is in power generation. There is not a single major powerplant in the country that does not depend upon specialty steels for rotors, bearings, shafts, transformer tubing, or gears. Similarly, the Nation's telephone switching equipment utilized millions of integrated circuits employing large amounts of controlled expansion alloys. Furthermore, no aircraft in use today, or planned for production in the future, could be considered safe without such critical high-strength components as hydraulic lines, landing gears, brakes, or bearings. Specialty steels are used in the manufacture of motor shafts and other moving parts for our helicopters and for engine, transmission, and drive components in heavy duty and off-the-road vehicles such as trucks, personnel carriers, and tanks.

Mr. President, the American specialty steel industry is a vital part of the American industrial capability and industrial readiness. The stronger and healthier the industry, the better our defense posture will be.

In a report by the Subcommittee on General Legislation of the Senate Armed Services Committee, dated March 27, 1972, the subcommittee affirmed the critical importance of the specialty steel industry to our national defense. Because of the report's relevance to our discussion today, I ask unanimous consent that an excerpt from it be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that a table on U.S. strategic mineral dependence from the "Congressional Handbook on U.S. Materials Import Dependency Vulnerability" (September 1981) be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. DENTON. Such critical metals as chromite, nickel, and manganese are essential in the production of specialty steel. For further information on the subject, I also refer my colleagues to the hearings on the defense industrial base conducted by the House Armed Services Committee in 1980.

Mr. President, the domestic specialty steel industry has been found by the International Trade Commission and the International Trade Administration to be an up-to-date, modern, competitive industry. In 1980, the General Accounting Office even found that the industry tends "to be the lowest cost producers for the domestic market and for many foreign markets as well."

I therefore urge President Reagan to respond forcefully to our foreign competitors unfair trade practices and provide the necessary import relief.

EXHIBIT 1

REPORT ON ESSENTIALITY OF AMERICAN SPECIALTY STEELS INDUSTRY TO NATIONAL DEFENSE

On April 7, 1972, the Subcommittee on General Legislation held hearings to examine the relationship of the specialty steels industry for the national security. The subcommittee chairman made it clear at the outset that the scope of the hearings would be confined to defense essentiality. He emphasized that it was not the subcommittee's authority to invade the jurisdiction of other committees that deal with import quotas, tariffs, and stockpiles.

WHAT ARE SPECIALTY STEELS?

Although there is no single material that is designated steel there are hundreds of materials that make up the metals industry. When speaking of specialty steels, we are dealing with only a small portion of the entire steel production. The carbon steels represent the bulk tonnage of the steel producing industry.

The specialty steels vary in their carbon content and other elements are deliberately introduced to obtain special properties for desired applications. These elements include, among others, nickel, chromium, molybdenum, manganese, vanadium, cobalt, tungsten, columbium, and titanium.

The specialty steels include stainless steels, tool steels, high temperature steels, superalloys and refractory electrical and electronic metals. The category also includes pressure and mechanical tubing of carbon, alloy, and stainless steels. The unique characteristics of these specialty metals lend themselves to many and varied applications. They are designed for use in extreme environments requiring exceptional hardness, toughness, strength, resistance to wear, erosion or abrasion or combinations of these factors.

ESSENTIALITY TO NATIONAL DEFENSE

The testimony adduced from industry and Government witnesses makes it abundantly clear that specialty steels are essential, today more than ever, in the fabrication of the major portion of our defense weapons and critical weapons systems. Moreover, these specialty steels are necessary for the proper functioning of related essential components and weapons reliability. The Department of Defense witness emphasized that "* * * no aircraft in use today or planned for production in the future could be considered safe without such critical high strength components * * *" or "* * * meet the high performance demanded of it in combat situations * * *", without the specialty designed components produced by the specialty steels industry.

The importance of the industry to our national security by the Defense Department witness was summarized as follows:

It is a common misconception that military forces alone are the sole deterrent to war. However, all of us can appreciate the fact that a nation's industrial capability and industrial readiness in case of an emergency can either strengthen or weaken a nation's military capability. The steel industry as a whole and specialty steel in particular are a vital part of this industrial capability. It is a national asset and a part of our military power that serves as a deterrent to would-be enemies.

The Department of Commerce witness had this to say.

There is no one, to my knowledge, in the Federal Establishment who believes even remotely that the specialty steel industry is not essential to our national security. We are in an age of tremendous sophistication in weaponry and other military, space, and atomic hardware. The greater the degree of sophistication the greater the need for new steel alloys. Since such is the case, it follows that there is a continuing need for a viable research and development effort to maintain weapons, space and atomic preeminence.

The representative of the Office of Emergency Preparedness (OEP) testified that:

* * * based on information available to OEP, if present downward trends in the capability to produce specific steel product continues, this situation could become a matter of concern on national security grounds.

INDUSTRY RESEARCH AND DEVELOPMENT

The testimony of industry witnesses indicates that nearly 60 percent of the costly research and development conducted by industry has been directed, in the past, toward improved specialties and high performance materials to meet the increasingly sophisticated national security needs. This, according to the testimony, is so despite the fact that Defense needs represent only a fractional part of U.S. tonnage production. Today, however, the specialty steels industry has seriously curtailed this research and development effort because of dwindling commercial markets resulting from unrestricted import quotas and foreign competition. The manpower skills developed since World War II and up-to-date technology may not be available in a period of national emergency if the industry continues to decline.

U.S. DEPENDENCE ON FOREIGN RESOURCES

As stated earlier in this report, there are many elements which are essential in the production of specialty metals such as chro-

mite, nickel, and manganese, etc. These elements also have a direct bearing on our national defense posture. The testimony reveals that the United States is dependent on foreign imports for almost 100 percent of the minerals which are vital in the production of specialty steels. The following table shows U.S. dependence on foreign sources for strategic and critical minerals. This table was prepared by the Bureau of Mines, Department of Interior. According to the Department of Commerce, the percentages shown on the table are understated because of recent sales of surplus materials from Government stockpiles.

LIST OF SELECTED MINERALS AND METALS SHOWING U.S. DEPENDENCY ON FOREIGN SOURCES IN CALENDAR 1970

Commodity	Percent of U.S. consumption from foreign sources		Quantity of net imports
	Total	By source	
Aluminum	91	Jamaica 41, Surinam 16, Australia 11, Canada 6, Dominican Republic 4, Guyana 3, Haiti 3, other 7	4,382,000 tons.
Antimony	94	Republic of South Africa 32, Mexico 20, United Kingdom 14, Bolivia 11, Guatemala 6, France 4, other 7	18,100 tons.
Asbestos	83	Canada 78, Republic of South Africa 3, other 2	649,400 tons.
Beryelium (ore)	51	Brazil 37, Uganda 4, Republic of South Africa 3, Argentina 3, Mozambique 2, other 2	4,940 tons.
Cadmium	53	Canada 17, Mexico 16, Japan 7, other 13	3,460 tons.
Chromite	100	U.S.S.R. 33, Republic of South Africa 29, Turkey 18, Philippines 15, other 5	1,405,000 tons.
Cobalt	93	Congo (Kinshasa) 52, Belgium-Luxembourg 26, Norway 6, Canada 3, other 6	6,200 tons.
Columbium	100	Brazil 58, Canada 22, Nigeria 12, Congo (Kinshasa) 2, Angola, Argentina, Belgium-Luxembourg, Burundi-Rwanda, West Germany, Mozambique, Portugal, Singapor, Uganda, United Kingdom 6.	2,860 tons.
Copper	6	Peru 2, Chile 2, Canada 1, other 1	9,900 tons.
Fluorspar	78	Mexico 60, Spain 10, Italy 6, United Kingdom, Brazil, Mozambique, West Germany, Republic of South Africa 2	1,077,000 tons.
Iron ore	33	Canada 18, Venezuela 10, Australia, Brazil, Chile, Liberia, Peru, Sweden 5	39,400,000 tons.
Lead	38	Canada 11, Australia 9, Peru 8, Mexico 4, Yugoslavia 2, Honduras 1, other 3	350,000 tons.
Magnesium	0		(31,200) tons.
Manganese (plus 35 percent ore)	99	Brazil 35, Gabon 31, Republic of South Africa 8, India 4, Ghana 4, other 17	836,600 tons.
Mercury	38	Canada 31, Spain 3, other 4	17,000 flasks of 76 lbs. each.
Mica	100	India 86, Brazil 13, other 1	5,309,000 lbs.
Molybdenum	0		(55,737,000) lbs.
Nickel	87	Canada 72, Norway 7, Republic of South Africa 1, other 7	135,000 tons.
Platinum group metals	98	United Kingdom 45, U.S.S.R. 34, Republic of South Africa 8, Japan 3, Canada 2, Colombia 2, Belgium-Luxembourg 1, Norway 1, other 2.	1,009,300 ozs.
Rhenium	7	West Germany 3, U.S.S.R. 2, France 2	210 lbs.
Rutile	100	Australia 92, Sierra Leone 8	242,200 tons.
Selenium	29	Canada 28, other 1	454,000 lbs.
Silver	27	Canada 16, Peru 5, Mexico 2, Honduras 2, other 2	34,686,000 ozs.
Tantalum	100	Canada 46, Congo (Kinshasa) 21, Brazil 17, Spain 5, Burundi-Rwanda 3, United Kingdom 2, Argentina, Australia, Belgium-Luxembourg, Cameroon, Cyprus, Japan, Nigeria, Portugal, Spain, Western Africa 6.	523 tons.
Tellurium	20	Peru 11, Canada 9	64,000 lbs.
Tin	100	Malaysia 63, Thailand 30, Indonesia 3, other 4	46,100 long tons.
Tungsten	0		[1] (18,171,000 lbs.
Vanadium	22	Republic of South Africa 13, Chile 5, U.S.S.R. 3, other 1	1,033 tons.
Zinc	58	Canada 32, Mexico 10, Peru 6, Australia 3, Japan 2, other 5	795,900 tons.

[1] Net exports largely due to Government sales.
Note: Figures in parenthesis are net exports.

Characteristic of many of these ores and minerals imported into the United States, the total import is not consumed in any one given year by the metallurgical industry. For example, chromite is consumed by the metallurgical industry, the chemical industry, and the refractory industry. 1,405,000 tons of chromite were imported into the United States in 1970 and 1,403,000 tons were consumed. Of the total consumed, the metallurgical industry used 912,000 tons of metallurgical grade chromite of which 46 percent was imported from the U.S.S.R. as shown in the following chart:

APPENDIX II.—IMPORTS OF METALLURGICAL GRADE CHROMITE FOR DOMESTIC CONSUMPTION

[In thousands of short tons]

	1960	Percent	1961	Percent	1962	Percent	1963	Percent	1964	Percent	1965	Percent	1966	Percent	1967	Percent	1968	Percent	1969	Percent	1970 [1]	Percent
Rhodesia	307	57	218	48	234	41	144	37	259	38	325	37	219	22	147	20	1					
Russia	7	1	20	4	36	6	192	49	275	42	352	27	302	29	299	40	335	47	299	39	365	41
Turkey	123	23	150	33	171	30	40	10	18	6	114	19	186	18	108	15	151	22	74	10	120	19
South Africa	80	15	54	12	101	17	18	5	64	10	119	13	184	18	95	13	74	11	143	18	87	11
Other	24	4	10	3	35	6	0	0	25	4	34	4	22	2	11	2	6	1	13	2	66	9
Subtotal	541		452		557		394		651		844	100	913	89	660	90	567	81	529	69	638	80
Stockpile shipments													115	11	71	10	135	19	243	31	160	20
Total	541		452		557		394		651		844	100	1,028	100	731	100	702	100	772	[1] 100	798	100

[1] 1970 date I.M. 146 (Department of Commerce).
Source: Bureau of Mines data (1960–69).

STATUS OF NEGOTIATIONS ON VOLUNTARY LIMITATIONS AGREEMENT

In full recognition that the principal problem facing the specialty steels industry results from circumstances outside the jurisdiction of this subcommittee, we think it proper to comment briefly on the negotiations on the voluntary limitations arrangement. In 1968 the United States entered into an arrangement with Japanese and European Common Market steel producers. The agreement was designed to moderate the flow of foreign steel into the United States by placing quantity limitations on total tonnage to be shipped by these foreign producers during 1969, 1970, and 1971. Of extreme importance was a provision in the arrangement that the signatories would not change materially the product mix of their steel exports.

According to the testimony, there has been a gross violation of this provision by foreign producers and the shift of product mix toward more expensive steels and the increasing tonnage of shipments have had a critical impact on the U.S. specialty steel products.

Negotiations are now being conducted by the State Department with a view to the reestablishment of voluntary restraints on steel exports, including specialty steels, from these countries and the United Kingdom. However, industry representatives express little hope that any voluntary workable agreement can be negotiated. Even if an agreement is reached, unless it includes mill products item-by-item the problems of the U.S. specialty steels industry will not be resolved on the diplomatic level.

CONCLUSIONS

1. Based on the testimony the specialty steels industry is essential to the national security.

2. During a period of national emergency there may not be sufficient time to train the people in the specialized and critical skills which are essential to produce the specialty metals vital for our defense requirements if the industry is not preserved.

3. The U.S. specialty steels industry is in extreme difficulty today due to the dwindling commercial market which, according to the testimony, is caused by unrestricted imports of specialty metals.

RECOMMENDATIONS

1. The subcommittee strongly urges that the responsible departments and agencies of the executive branch undertake to determine whether this country can afford to

lose the specialty steel industry and the currently available skills and technology associated therewith.

2. That the responsible departments and agencies of the executive branch maintain careful vigilance over the declining trend of the specialty steel industry and to institute corrective action, if necessary.

3. That the Secretary of Defense examine the desirability of amending the Armed Services Procurement Regulation (ASPR) to provide that domestically produced specialty metals are employed to the maximum extent in the production of equipment under Department of Defense contracts.

EXHIBIT 2

[Committee Print 97-6]

A CONGRESSIONAL HANDBOOK ON U.S. MATERIALS IMPORT DEPENDENCY VULNERABILITY

Report to the Subcommittee on Economic Stabilization of the Committee on Banking, Finance and Urban Affairs, House of Representatives.

TABLE 2.—U.S. NET IMPORT RELIANCE ON SPECIFIC METALS AS A PERCENT OF APPARENT CONSUMPTION

Material	Percent		Major foreign sources	Material usage	Increased demand expected annually through 1990, percent
	1980	2000			
Antimony	53	96	China, Bolivia, Mexico, Republic of South Africa, Canada	Flame retardant, batteries, ceramics, chemicals	3.1
Asbestos	76	86	Canada, Republic of South Africa	Pipe, floorings, roofing, friction products, insulation, coatings	(1)
Bauxite and alumina	94	80	Jamaica, Guinea, Australia	90 percent for aluminum; remainder for chemicals, abrasives, refractories	5
Cadmium	62	61	Canada, Australia, Mexico	Plating, batteries, pigments	1.8
Cesium	100	100	Canada, West Germany	R&D in MHD power generation, electronic and biomedical applications	14
Chromium	91	89	Republic of South Africa, Philippines, U.S.S.R.	Construction, machinery, transportation, paints, chemicals, ceramics	3.2
Cobalt	93	76	Zaire, Zambia, Finland	Aerospace, cutting tools electical, magnetic materials, catalysts	2.5
Columbium	100	100	Brazil, Canada, Thailand	Construction, petroleum industry, transportation, machinery	6
Copper	14	10	Canada, Chile, Zambia	Electrical, construction, machinery, transportation	3.6
Corundum	100	100	Republic of South Africa	Grinding and polishing optical components, fabricated metal products	1
Diamond (industrial)	100	100	Republic of South Africa	Machinery, transportation equipment, grinding and cutting equipment	4.8
Fluorspar	84	96	Mexico, Republic of South Africa, Spain, Italy	Steel and aluminum production, flourine compounds	2.7
Gallium	70	37	Switzerland, West Germany, Canada	Electronics	6
Gold	28	80	Canada, U.S.S.R., Switzerland	Jewelry and arts, electronics, dental, investment bullion	2.2
Gypsum	38	43	Canada, Mexico, Jamaica	Building products, agriculture	2.5
Ilmenite	47	67	Australia, Canada, Republic of South Africa	Pigments, titanium metal, drilling mud, chemicals	3
Iron Ore	22	22	Canada, Brazil, Venezuela, Liberia	Steel	1.6
Lead	E	33	Canada, Mexico, Peru, Honduras, Australia	Batteries, paint, chemicals, ammunition, construction, electrical	1.3
Lithium	E	E	Brazil, Canada, France, Japan	Aluminum production, glass, ceramics, lubricants	5.7
Magnesium	E	18	Norway, Canada, Italy, Netherlands	Refractories, magnesium compounds	1.8
Manganese	97	100	Republic of South Africa, Gabon, Brazil, Australia	Steel production, batteries, chemicals	1.6
Mercury	49	38	Spain, Algeria, Italy, Canada, Yugoslavia	Electrical, paint, chlorine production	(2)
Sheet Mica	100	100	India, Brazil, Malagasy	Electrical, electronics	(3)
Nickel	73	46	Canada, New Caledonia, Dominican Republic	Transportation, chemical industry, electrical, construction materials	4
Molybdenum	E	E	Canada, Chile	Machinery, transportation, oil and gas industry	4.2
Phosphate rock	E	E	Morocco, Netherlands Antilles, Mexico	Fertilizers, animal feed, food products	2.5
Platinum	87	83	Republic of South Africa, U.S.S.R., United Kingdom	Automotive, chemical	3.1
Potash	62	67	Canada, Israel	Fertilizer	2.2
Salt	8	5	Canada, Mexico, Bahamas	Chemical industry, highway deicing, food products	2
Selenium	40	42	Canada, Japan, Yugoslavia	Electronics, glass, chemicals, pigments	1
Silver	E	78	Canada, Mexico, Peru	Photograhy, electrical, silverware, solders	3.1
Strontium	100	100	Mexico	Color TV tubes, signals, pyrotechnics	1.4
Sulfur	13	E	Canada, Mexico	Agricultural chemicals, chemical products	4.6
Tentalum	97	87	Thailand, Canada, Maylaysia, Brazil	Electronic components, machinery, transportation	4
Tin	84	79	Malaysia, Bolivia, Thailand, Indonesia	Cans and containers, electrical, construction, transportation	(2)
Tungsten	54	74	Canada, Bolivia, Thailand, Republic of Korea	Metal working and construction machinery, transportation, lamps, electrical	5
Vanadium	15	71	Republic of South Africa, Chile, Canada	Steel and titanium alloys, catalyst	4
Zinc	58	55	Canada, Honduras, Peru	Construction materials, transportation and electrical equipment, machinery, chemicals	1.1

[1] Static.
[2] Less than 1.
[3] Decline 2.2.
E = Net exports.

Source: Data from U.S. Department of the Interior, Bureau of Mines, Mineral Commodity Summaries 1981 except for the projections to the year 2000 which were derived from data in U.S. Bureau of Mines, Mineral Trends and Forecasts 1979. This country's future dependency on imports of these materials may be higher than these figures indicate since in the eyes of some analysts, this publication's estimates of future production in 2000 are overly optimistic. For cobalt imports, dependency in 2000 was calculated using an estimated production of 10,000,000 pounds instead of the 20,000,000 pounds listed in the Bureau of Mines table.

Mr. RANDOLPH. Mr. President, I welcome this opportunity to participate with my Senate colleagues today in this colloquy on behalf of the specialty steel industry of the United States and its workers, members of the United Steelworkers of America. This industry is vital to our industrial base. Specialty steel is an essential element of our continued advancement in aerospace and telecommunications. It is critical to the maintenance of essential service such as oil and natural gas production and transportation. And workers in the specialty steel industry are among our Nation's most skillful.

The domestic specialty steel industry has been seriously injured by imports of foreign produced specialty steel. This was the conclusion of the United States International Trade Commission after its 7-month investigation of the industry's petition for the import relief filed under section 201 of the Trade Act. The petition was requested by the President following the industry's request 1½ years ago for relief under section 301 of the Trade Act.

What does seriously injured mean? It means that over 40 percent of the industry's work force has been layed off. In some plants, more than 60 percent of the labor force is unemployed. It means that many of the plants still operating are doing so on short-week schedules with a similar reduction in worker pay. Other plants have been completely shut down. Companies have filed for financial reorganization under chapter 11 of our bankruptcy laws. The companies and their workers in the specialty steel industry are suffering through the worst period of financial losses and unemployment since the Great Depression.

The most obvious question we should ask is—why is this industry being injured? And the answer, Mr. President, is that our foreign trading partners have been illegally subsidizing and dumping their products in the United States at a constantly increasing rate. Imports have captured an increasing share of the domestic market.

I believe in international trade which allows fair competition with our trading partners, and which provides relief from unfairly traded imports.

The domestic specialty steel industry is cost efficient, technologically advanced and productive. With these qualities, we might expect specialty steel to be highly competitive in the world market. However, as long as our foreign trading partners can continue to sell their products in the United States at less than fair value, our domestic industry will not be able to compete. Their actions are not only illegal under U.S. law, but under international law which these nations helped create. With fair trade practices, American specialty steel produc-

ers can compete with any foreign steelmakers.

The U.S. International Trade Commission has determined that this industry is being seriously injured by imports. The industry and its workers have asked the President to grant them a 5-year relief program, the maximum permitted by law, at quantitative levels that will be helpful. I urge the President to accept their request.

Without 5 years of relief, this industry and its skilled workers may not survive. Without this industry and its skilled workers, our Nation will lose one of its greatest technology bases. Without this technology base, we will lose our ability to compete in many other high-technology fields. With that loss, Mr. President, we can assuredly predict the loss of even more jobs. These skillful, productive workers and the specialty steel producers deserve this relief package.

Our Nation, our industries, and our workers cannot continue to sustain this recession. We must rebuild our productive capacity and put our people back to work. Faced with the most severe financial and economic conditions since the Great Depression, we cannot continue allowing illegal imports to destroy our industrial and economic base, and terminate American jobs.

The President has an opportunity now to provide relief to this hard-hit industry and its workers. I urge him to make the right decision—to grant the 5-year relief at import levels that will be helpful.

Mr. MOYNIHAN. Mr. President, I rise today to speak on behalf of an industry—an efficient industry—that has been seriously damaged by high levels of imports.

The domestic specialty steel industry has been recognized by the Congressional Office of Technology Assessment, the International Trade Commission, and the President of the United States as among the world's most efficient producers. Yet just 3 months ago the International Trade Commission found that the industry's competitiveness was being eroded by subsidized specialty steel imports, largely from Western Europe and Japan. The ITC recommended the President impose quotas on specialty steel imports so that the domestic industry might have a chance to compete fairly with foreign products. The President is to make a decision on this case by July 5; that decision could determine the survival of a vitally important U.S. industry.

The President's decision will have an especially large impact on New York, home of several specialty steel companies. One such company, the AL Tech Specialty Steel Corp. of Dunkirk, N.Y., laid off approximately 40 percent of its work force during 1982. The effect of this layoff on Dunkirk and the surrounding area was severe.

In order to provide relief to the dozens of Dunkirks in this country, I urge the President to impose a 5-year program of effective quotas. This action will be of significant assistance to one of our most technologically innovative industries and, just as importantly, to the thousands of people whose livelihoods depend on a healthy specialty steel industry. They deserve no less.

Mr. SARBANES. Mr. President, I wish to join my colleagues in the Senate who are members of the Congressional Steel Caucus in expressing my deep concern about the very serious condition of our specialty steel industry. The depressed state of this very important industry is due largely to the extremely adverse impact of rapid increases in unfairly subsidized foreign imports.

Over the last year, imports of stainless and tool steel have increased dramatically: From 150,432 net tons in 1979 to 202,547 net tons in 1982. This is an increase of over 35 percent at a time when domestic shipments declined from 1,306,264 net tons down to 841,741 net tons. This is a reduction of 36 percent since import restraints were removed in early 1980.

Mr. President, these stark facts show clearly that the specialty steel industry in our country would be faring far better during the recession were it not for the huge increase in imports.

The industry's claim that the surge in imports is the result of unfair and illegal practices by our foreign competitors was vindicated when, on March 24, 1983, the U.S. International Trade Commission determined, after a lengthy investigation, that imports of specialty steel products caused substantial injury to our industry and to our workers.

Mr. President, my own State of Maryland has felt the consequences of the unfair specialty steel imports. Two major firms, Armco Steel and Eastern Stainless Steel Corp., have experienced serious reductions in work orders, employment, and operating capacity.

Over the last year, Armco Steel has been forced to place on layoff status about 50 percent of its work force. Its production work force of 900 reached a low of 525 and its salaried employees have been reduced from 340 down to 260 during the same period. Armco's Baltimore plant has never been able to operate at more than 45 percent of capacity in the last year.

Eastern Stainless Steel has also experienced similar unemployment and its total 1,300 work force has been reduced by 300 at the lowest point this past fall. Eastern's Baltimore plant has never been able to reach more than 50 percent of its capacity over the same period.

Mr. President, both these companies are technologically sound companies as is the specialty steel industry as a whole. Armco recently added a new forging machine and horizontal caster as part of a $30 million investment to increase its energy efficiency and to improve its product quality.

During 1979 to 1980, Eastern Stainless undertook a $50 million expansion in new equipment which, unfortunately, it has not been able to utilize fully.

Mr. President, this very productive industry has kept pace with technology and is ready to produce in a climate of fair international competition. The competition is not now fair and, as the industry and the United Steelworkers contend, our workers are being penalized through no fault of their own. Therefore it is clear that the International Trade Commission's 3-year import restraint program should be extended to the full 5 years so that the industry can reach its full productive potential.

Recently I joined many of my colleagues in a letter to the President urging an adequate remedy for the specialty steel industry containing three elements: The full 5 years of import restraints, restraints that maintain imports at normal levels, and minimum import levels that are based on normal industry performance data rather than the peak levels of production assumed by the ITC. It is my hope that we can now develop a long-term and comprehensive approach to this industry which is essential to our national security and industrial economy.

IMPORTS REQUIRE SPECIAL ATTENTION

Mr. HOLLINGS. Mr. President, the complex question of the impact on a domestic industry of foreign imports again requires our special attention.

It is a serious threat when foreign industries, due to political advantage, are able to export their products to this country in quantities which destroy the livelihood of American citizens and undermine our industrial base.

Mr. President, a few examples will illustrate very clearly that our domestic specialty steel industry and its highly skilled workers do not compete against foreign companies and foreign workers but against the governments and the national treasuries of those countries.

It is well known that foreign government owned or subsidized companies do not have to meet the same disciplines of profit and capital formation required of American industry.

For example, the government-owned British Steel Corp. ran up a record loss of $1.5 billion in 1980–81 while accumulating debts of more than $8 billion. In fact, British Steel has been running huge losses for years. Nonetheless, it has expanded its specialty steel capacity substantially while

dumping its specialty steel products in the United States. In short, the British Government underwrites British Steel's losses and expands its capacity so England can export its endemic unemployment to the United States.

Another example of this kind of foreign government intervention is the ailing Belgian steel company, Cockerill-Sambre, which will get $2.1 billion in new financing in its latest government bailout. The company is currently losing money at the rate of about $20 million a month, but it keeps shipping its specialty steel to the United States at prices well below those of our domestic companies. This is the biggest threat our American industry faces. It is the subtle and concealed unfair advantage that occurs through the vehicle of government ownership and subsidization. Richard P. Simmons, president of Allegheny Ludlum Steel Corp., estimates that in terms of tonnage capacity at least 60 percent of the domestic industry's foreign competition is government owned and much more is heavily subsidized.

Foreign government owned or subsidized companies are able to sell specialty steel products in our country at prices as much as 40 percent below U.S. prices, although such prices have to result in a net loss for every pound sold. Foreign producers can price their products at levels which are unprofitable and which do not even have to cover production costs.

When the executive branch permits other countries to ship their unemployment and other social problems to the United States, this results in traumatic experiences for our steel workers. Unemployment in specialty steel mills in this country has risen dramatically, as high as 50 to 60 percent in some plants. Capacity utilization in the specialty steel industry fell to 40.6 percent for 1982. Shorter workweeks, temporary or definitive layoffs, plant shutdowns, and some companies just getting out of specialty steel products entirely—all these could be avoided if the executive branch would act more energetically in enforcing our trade laws. The United States must stop considering these matters as instruments of foreign policy and begin treating them as economic issues, which they really are.

We must come to grips with the fundamental problem I have described—government-owned industries competing against our privately owned industries. And there is no better example of this unfair practice than what our specialty steel industry has been subjected to in recent years. Here is an industry that leads the world in high technology and cost efficiency and the productivity of its skilled workers. Yet it is being driven to the wall by foreign governments.

I am pleased to join my colleagues in urging the President to show that he is ready to act vigorously in defense of any industry which has invested heavily to remain the world leader in its field. In doing so he will demonstrate that the United States is ready to press our trading partners to abide by the same laws our industries must abide by and, in the long run, this will benefit these other countries as well as our own.

Mr. MELCHER. Mr. President, I want to associate myself with the other Senators present today in what they are endeavoring to do in support of the specialty steel industry. I hope this time our efforts on behalf of this important industry and its workers will make the executive branch understand what is at stake if no action is taken to assure the long-term health of this important industry.

The problems and their causes and consequences to this industry and its workers have been with us for some time, although in the last year or so it has gotten worse. It has also struck me that since our last Senate colloquy in 1977 on behalf of this industry the executive branch has become more and more reluctant to admit that we are in need of more than a patch for a slow leak, a leak that is slowly drowning one of this country's most vital industries.

The fundamental issue in my view is still the behavior of many of our trading partners, which is characterized by foreign government subsidies, dumping, and other unfair trade practices.

Privately owned American specialty steel companies do not compete with foreign steel companies. Rather, they are forced to compete with foreign governments which own, subsidize and direct their steel industries to assure greater plant utilization and employment at home while using predatory pricing to provide markets for their specialty steel products abroad.

This subsidization robs American companies of profits, American workers of their jobs, and does great harm to the American economy. Plants have to close, companies go into bankruptcy or are forced to introduce heavy layoffs, shorter workweeks, and decreased capacity utilization—the latter was down to 40.6 percent in specialty steel in 1982. Unemployment, under pressure of excessive imports, has climbed as high as 30 to 40 percent in many plants, and some specialty steel plants have an even worse record.

Damage to workers, families, and communities has been irreparable, and for others threatens to become irreparable if no firm enforcement of our trade laws is implemented soon.

The more time we take to counteract subsidies and other illegal trade practices in specialty steel, the more our trading partners will take advantage of our lenience as they continue to dump into our marketplace. The Chairman of the U.S. International Trade Commission declared at the end of March that—

> Imports have increased during the time of our investigation * * *. There is incontrovertible evidence of serious injury to the domestic (specialty steel) industry.

Up to now the American specialty steel industry has somehow managed to be the world leader in efficiency and technology. But there is a serious question whether it can maintain that leadership without adequate relief from unfair imports. This industry wants only to compete in open, fair, and mutually beneficial world trade. But the problem is that a growing number of our trading partners, in spite of the fact that they have signed international agreements barring subsidies and dumping, simply ignore those agreements. Only strong action by our Government will correct this situation and bring back true international competition with well-defined rules that are fair to every competitor.

In the past, we have too often been the first to make concessions and the last to impose restraints. The time has come for the United States to let its trading partners know with action, not words, that in the future we intend to enforce our trade laws and see that others live up to their international agreements, too.

We have not been able to obtain results through international negotiations. There is no alternative left to us except to change unilaterally America's trade policy.

We can no longer expect American companies, our own workers, and the national economy to bear the backbreaking burden of the widespread illegal trade practices perpetuated by other countries. The time to correct this intolerable situation is now. I am pleased to join my colleagues in urging the President to take the required action to preserve the vital specialty steel industry and the jobs of its highly skilled workers.

Mr. PERCY. Mr. President, I join my colleagues in requesting the implementation of an effective relief package for the specialty steel industry; a relief package of sufficient duration which will enable this technologically advanced and vibrant industry to make the necessary investment in R&D and new plant which is crucial to maintaining the industry's competitiveness.

Despite the recent finding of the U.S. International Trade Commission that the U.S. specialty steel industry has been seriously injured by imports, the industry continues to be among the most competitive and technologically efficient in the world. This has been confirmed on numerous occasions by the U.S. International Trade Commission and the Office of Technology Assessment. Technology has been the key to this success, and the industry

continues to spend considerable funds to maintain this technological edge. For example, capital expenditure from 1971 to 1975 averaged $60.7 million per year. During 1976 through 1980, while an import restraint program was in effect, the industry's capital expenditures averaged $93 million per year—an increase of 53 percent. The industry was therefore able to maintain its technological lead notwithstanding the competition from government-owned or government subsidized foreign producers. Further, the industry continues to make major expenditures for research and development in recognition of the important contribution innovation has made to the industry's efficiency and competitive edge.

Imports continue to be a problem for the industry, however, and are continuing to increase as a share of the domestic market. Recently I heard from Mr. Russell Boettger, president of Columbia Tool Steel Co. in Chicago Heights, Ill. Mr. Boettger has sent me the latest data on imports of tool steel.

Mr. President, I ask unanimous consent that a chart provided by Mr. Boettger showing 1983 import growth be included in the RECORD at this point.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

ALLOY TOOL STEEL: U.S. DOMESTIC SHIPMENTS, IMPORTS, EXPORTS AND APPARENT DOMESTIC CONSUMPTION

[In tons]

	Domestic shipments	U.S. imports	U.S. exports	Apparent consumption	Import penetration (percent)
1981	67,360	36,238	3,869	99,729	36.3
1982	43,997	40,057	2,405	81,649	49.1
1983:					
January	3,163	2,671	238	5,596	47.7
February	3,092	2,654	222	5,524	48.0

The role of technology in the future of specialty steel will remain important. The industry has publicly committed itself to use additional revenue generated as a result of the new import relief program to make massive capital investment and research and development expenditures in order to maintain its competitiveness. However, the long timetable for these investments and the cyclical nature of this industry demand that the relief period be of sufficient duration so as to assure domestic producers that if they continue to invest they will emerge from the relief period in a position to realize the full benefit of their investment. Without such assurance, domestic producers will not be able to justify, either to their investors or to themselves, the continued high level of investment necessary to remain modern and efficient. I therefore ask President Reagan when he issues his final recommendation that he establish an import relief program that will be in effect for 5 years. Failure to do otherwise would render the relief package essentially ineffective and would threaten the future health of a dynamic and competitive American industry. Neither the American economy nor the national defense could afford such a development.

Mr. HEINZ, Mr. President, the specialty steel industry has production facilities in a dozen States and other kinds of installations in many more. But this essential, technologically advanced arm of our steel industry is centered in my State of Pennsylvania and the citizens of our commonwealth are proud to have it there.

There are more than a score of specialty steel mills in the Keystone State and the products they make help keep our high-tech economy moving. In fact, the sophisticated alloys that went into the rockets that landed the first Americans on the Moon were made in the Pittsburgh area of western Pennsylvania. And I doubt seriously if our space shuttle, largely designed and built by another Pittsburgh company, Rockwell International, could have been as successful as it has been without the metallurgical miracles forged in the specialty steel furnaces of Pennsylvania.

The late Frank Harper, columnist of the Pittsburgh Press, published a book about 25 years ago with the immodest title, "Pittsburgh: Forge of the Universe." In it he described the key role played by Pittsburgh and the surrounding industrial area in helping America defend democracy in two world wars. If Frank Harper could come back today and witness what is being done to undermine the industrial base of the Pittsburgh region he would think he had landed on another planet where all the inhabitants had taken leave of their senses.

It is simply unbelievable that the specialty steel industry of the United States, acclaimed by all the experts to be the world leader in steel technology and productivity, should at this critical moment in our history be hanging on the ropes taking an unmerciful pounding from less efficient foreign producers.

Many of our trading partners indulge in predatory monopolistic practices that have been outlawed in this country and in international agreements for years. That they do this under the guise of government ownership of their industries or through hidden subsidies for export purposes does nothing to lessen the devastating impact upon our industries and our workerts.

The specialty steel industry in America stands as exhibit A in the long roll of evidence that proves beyond the shadow of any doubt that our industries and our workers are being victimized by illegal trade practices.

Overall unemployment in the specialty steel industry is, right now, more than 25 percent. That, Mr. President, is 2½ times the national unemployment rate. But in some specialty steel mills the rate is 50 percent—five times the national average.

The relationship of this inexcusably high unemployment to imports is obvious in a glance at the production figures for the various bread-and-butter specialty steel products over the past 4 or 5 years.

In 1979, stainless steel sheet and strip production in the United States reached 873,757 tons but by 1982 it was down to 582,289 tons as import penetration nearly doubled in the same period, from 7 percent to 13.5 percent.

Stainless plate production in 1979 stood at 145,706 tons. Last year it was 97,338 tons, a drop of more than one-third while import penetration was soaring from 5 percent to 12.5 percent.

In stainless bar the production story was much the same, though the import penetration was much worse, rising from 16.5 percent in 1979 to 30.4 percent in 1982.

Yet even these incredibly high penetration figures were dwarfed by the penetration in stainless rod, which went up from 31.5 percent in 1979 when the previous import restraint program was in place to 50.4 percent last year.

And alloy tool steel import penetration was almost as serious. It shot up from 27.3 percent in 1979 to no less than 49.1 percent in 1982 and another estimate places it as high as 56 percent. During the same period domestic shipments declined precipitously, from 94,560 tons of alloy tool steels to 43,997 tons.

Moreover, the import penetration figures for the first quarter of this year, and for the month of April, show very little abatement in import penetration in any of these product lines.

A few years ago we had 65,000 jobs dependent upon specialty steel production in the United States. More than 30,000 of them were in Pennsylvania. At least 5,000 of those jobs, and probably more, have been wiped out permanently.

Since 1975 trade adjustment assistance petitions covering 153,624 specialty steelworkers have been filed, more than half of them in the recent period, 1980 to 1982. Obviously, many specialty steelworkers have been on trade adjustment assistance two, three and even four times in the last 8 years.

I. W. Abel, Lloyd McBride's predecessor as President of the Steelworkers Union, characterized trade adjustment assistance as burial insurance for the jobs of our workers. Even though some of them seem to come back from the grave of their jobs to collect trade adjustment assistance, I know that the

overwhelming majority of these people would rather work than have to take any kind of assistance from the Government.

If true free trade existed in the world today the job opportunities for our steelworkers would be expanding, not contracting. The superior cost efficiency of the American specialty steel industry and the generally higher productivity of its workers would give the industry a commanding position in the U.S. market and in world markets as well. Yet in 1982 our specialty steel exports dropped to their lowest point, a mere 4.4 percent of total domestic shipments.

This drop was not due solely to the world recession. The import barriers erected by other nations against our specialty steel products were certainly a major factor. Brazil, Argentina, Mexico, Venezuela, and Columbia all require import permits on specialty steel and the governments set the limits. In short, they impose quotas. But in practice the Brazilian market is literally closed to specialty steel imports.

France has devised various restrictions to keep out specialty steel imports and Spain levies duties of approximately 30 percent. Korea simply does not permit imports of certain steels and Japan's customs regulations make it exceedingly difficult to penetrate that large specialty steel market.

Yet Japan, Brazil, France, Korea, and some of the others I have named are among those most vigorously opposed to this country implementing any kind of a realistic import restraint program on specialty steel imports. Their motto, it seems, is "Don't do as I do. Do as I say."

There was a myth abroad for some years that unrestrained imports helped keep prices down and actually held back inflation. Large numbers of economists preached this as gospel although they could see that prices kept rising as imports continued to go up.

The specialty steel industry, during the import restraint program from 1976 to 1980, helped explode this myth, though it still prevails in certain circles, particularly among some members of the President's Council of Economic Advisers.

A Labor Department study, "Price Behavior of Products Under Import Relief," was originally issued in 1978 and was updated in 1979 and again in June 1980. This study showed that for all the key products under import restraints—specialty steel, color television sets, nonrubber footwear, textiles and apparel—all the restraints had proved to be anti-inflationary. The prices of some of these products had risen, of course. But, as in the case of specialty steel, they had increased more slowly overall than prices for all durable manufactured goods.

I do hope this is one myth, the myth that imports fight inflation, that the President will ignore when he makes his decision on specialty steel import restraints next month.

It was America's superior productivity that gave us the highest standard of living in the world—not imports.

Indeed, our forefathers fought the Revolutionary War in part over this very issue. They wanted the right to manufacture their own products in this country. Britain insisted that it had to make the finished products from our raw materials and then ship them back to us at premium prices. Even Bibles had to be imported from Britain. The only Bibles printed in this country prior to the Revolutionary War, with one or two exceptions, were German Bibles. The English did not print German Bibles so they exempted them. But we had to buy English-language Bibles and practically all other manufactured products from Britain.

Are we returning now to this same kind of economic colonialism? I hope not. And yet if our free system does not find some realistic method of defending itself against unrestrained imports subsidized by foreign countries like Japan and others our industries, at least, are in danger of assuming an increasingly colonial coloration.

The President has a golden opportunity in the specialty steel import case now before him to strike a telling blow for our free system and against economic colonialism. He also has a chance to let America again set the right kind of example for the world to follow in the whole sphere of economics.

Ultimately, we are not doing our trading partners any favors by encouraging them to subsidize their exports to the United States. If they wish to choose uneconomic systems or practices in the operation of their internal economies; that is, of course, their business. But when they use those practices in whatever degree, to subsidize exports in order to ship their unemployment over here, then it becomes our business.

British Steel Corp. is also a good example. British Steel is owned by the British Government which is the only reason that corporation can afford to keep losing money to the tune of more than a billion dollars a year for some years now. Yet this losing company built the largest stainless steel facility in the world in the late 1970's, knowing that when the import restraint program ended in the United States it would have open access to our market. And it did. This British Steel stainless facility is presently a significant part of the increasing problem of world overcapacity of specialty steel.

The American specialty steel industry needs the full 5 years of import restraints permitted by law to give this world overcapacity a chance to adjust. It also needs 5 years to justify the expenditures it plans to make for capital improvements and for increased R&D so it can maintain its technological leadership.

The industry and its workers have made a firm commitment to implement future modernization programs. This is not just a vague promise. The companies have submitted confidential information to the President's Trade Policy Staff Committee indicating the investments they intend to make if a 5-year relief period is granted.

I am confident the industry will live up to its commitment and I am equally confident our specialty steelworkers will continue their efforts to remain the most productive in the world. The past record demonstrates they are serious about these commitments. During the last import restraint program that ended in early 1980, the industry, with the full cooperation of its workers, implemented a sweeping modernization program that enabled it to maintain its leadership position in the world. It will do so again.

However, it can only do so if the President grants sufficient relief from subsidized and other unfair imports—a full 5 years of import limitations at levels the industry and its workers can live with.

I should note that while the President is deciding this critical section 201 case there are seven other antidumping and countervailing duty cases going through the administrative process or pending in the courts, all of them involving specialty steel products. The industry has won virtually all of these cases thus far, and the ITC has confirmed injury in all but one instance.

The dumping margins and subsidy levels found by the Commerce Department have been startling. They have ranged up to more than 219 percent on some specialty steel products from West Germany, a country that many economists used to tell us never indulged in dumping.

It is perfectly obvious that dumping on a scale like this can only be possible where there are Government subsidies, however well concealed in euphemistic tax rebates or other subterfuges. And this brings us again to the primary point I want to emphasize today—the question of how industries like specialty steel can compete with foreign governments; the question of how any American company which must generate its own capital can survive against the unlimited taxing authority of government treasuries abroad; the ultimate question of whether our free economic system can long endure in a world increasingly dominated by government distortion of the market system.

Mr. President if the United States were an island unto itself, I have no doubt that our free system would thrive and grow, as it did for much of our history when we were, to all extents and purposes, such an island. But in this new world of interdependent nations where no country can prosper in isolation we must find a way to realistically compete with socialist and quasi-socialist economies or our free system will gradually go under.

The American specialty steel industry and its highly skilled workers are on the cutting edge of this challenge and we should be grateful to them for helping us draw the lines so clearly.

How do we meet this challenge? We certainly cannot meet it by surrendering technologically advanced industries like specialty steel to subsidized imports, of that I am certain.

But we can meet this challenge by enforcing our trade laws more vigorously so that our trading partners will know that they no longer can violate them with impunity as they have so often in the past and are doing at this moment.

The United States should be setting an example for other countries to follow in international trade by insisting that they observe not only U.S. law but the international codes outlawing subsidies. In the long run, it will prove much healthier for these countries to cut back and eventually eliminate their subsidies for export purposes. It may be painful for them at first, but they must realize that they cannot indefinitely sustain this uneconomic practice without going bankrupt themselves. Moreover, it is in their self-interest to have a strong, economically viable America as a friend, rather than an America whose industrial and defense base has been undermined by their unfair trade practices.

A few years ago the Harvard Business Review published a chart adapted from the Economist of London showing graphically the degree of subsidization or government ownership of 11 key industries in 18 industrialized nations. A quick review of this chart shows how far advanced the world is down the road of socialism.

By alphabetical accident the United States winds up down at the very bottom of this chart. But we would also qualify for this position by measure of the degree of socialization in this country as compared with all the others. Only our Postal Service is Government owned, as are all the others in the world. And only about 25 percent of our railways and electric power industries are now State owned, whereas almost all other countries have government ownership of these two industries.

However, all the other eight key industries surveyed are still owned by the people in America, whereas in other countries most of them are owned by governments.

So here we are down at the very bottom of the heap, shoring up the economy of the industrialized world with our free economic system. What our trading partners should ask themselves is how long can America carry this burden without breaking its own back?

And that is the critical question President Reagan should ask himself before he makes his decision on import restraints for the specialty steel industry of the United States and its thousands of hard-pressed workers. He has a unique chance in this decision to help strengthen our free system and to roll back the creeping tide of subsidization and other nonmarket practices that is gradually engulfing the world economy. I know my colleagues join me in urging him to make the right decision for this industry, for our country, for the world.

Mr. President, once again, I ask all Senators who are concerned about this to read the letter that I placed in the RECORD. That letter will be sent to the President this Friday, June 17. I have described the content of that letter.

We have 25 signatories so far. It is my hope that a significant additional number of Senators will want to sign that letter, and I invite them to do so.

Mr President, I yield back the remainder of my time.

RECOGNITION OF SENATOR HOLLINGS

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized for not to exceed 15 minutes.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

PROFESSIONAL TEACHER GRANT PROGRAM

Mr. HOLLINGS. Mr. President, what I am about to suggest can be termed radical. And yet, before one jumps to dismiss this as pure politics, I ask that you please think on it. I have thought on it for over 30 years. In 1950, I chaired the study on education in the South Carolina Legislature which instituted a radical sales tax program of construction, transportation, the certification of teachers, and doubling their pay. For three decades, I have wrestled with school budgets, State and Federal programs, the local effort, the categorical Federal programs, and served on numerous boards of institutions of higher learning. I have been in the debates, pro and con, of Federal aid, of local and Federal control. I know the politics and the concerns of the National Education Association, of the American Federation of Teachers, of the National School Boards Association, of the American Association of School Administrators, the Parent Teacher Associations, the Council of the Great City Schools, the American Association of Universities, and many others dedicated to quality in education. I have worked with them and been recognized by them. I know the needs of our children and the worry of the taxpayers. The public school system of America is an American success story. But 4 years ago, when we instituted the Department of Education, we failed to follow through with a comprehensive Federal program to continue this success story. America's schools have been losing their competitive edge, and 5 years ago, were about to lose their support. The majority of the Senate was prepared to give general aid to the private schools while blaming the local schools for not doing better. And we are faced with that threat today.

Now comes an explosion of studies and interest. It is almost impossible to open the newspaper, or turn on the radio, or listen to a politician without hearing that something is dreadfully wrong with public education.

And what you hear, almost incessantly, is that Johnny cannot read, Mary cannot write, and teacher cannot do either. The indictment generally focuses on the notion that teachers are inadequate or worse, and that if we could give all the teachers a test to identify the bad ones and weed them out, we could improve education overnight.

We all know that America's educational system is in bad shape. The parents know it, the school boards know it, the school administrators know it, the teachers know it, even the students know it. But this is a time for everyone to pull together to improve the system, not search for scapegoats.

The plethora of new reports on the condition of public education documents the problems. You have already heard about the National Commission on Excellence in Education, the National Task Force on Education for Economic Growth, and the Report of the 20th Century Fund. Between now and Christmas, there will be 20 more national reports describing our educational ills.

These reports perform a distinct public service in focusing attention on America's most crying need. We are at last beginning to think about education and talk about education.

These many studies propose many programs to improve education—more homework, longer hours, a longer school year, improved curriculum, more teaching training, better discipline, more student loans, programs for gifted students, programs for master teachers, programs for adult illiterates. There is one suggestion

common to each of these studies and one flaw common to each of them. The common suggestion is for a better teacher. The common flaw is the failure to propose a national effort for a better classroom teacher.

There are two root causes for education's ills. The first root cause is that teaching in the United States of America is not a profession. Do not misunderstand. The teachers' relationship with students is professional. They care about students. Teachers have studied for a long time in order to be effective in helping them. Yet teaching is not a profession. Teaching does not enjoy the characteristics or privileges of a profession. Teachers do not control their work. Teachers do not control the curriculum or the tools of their trade. In many places, teachers cannot select their own textbooks. Teachers do not have individual "clients." They do not enjoy the status or the remuneration of other professionals. In many places, teachers do not have the right to represent themselves on such professional matters as wages, hours, job security, or even the length of the schoolday. The teaching profession does not exist. Education will not—cannot—improve substantially in this country until teaching becomes a profession—until teachers come to enjoy a responsibility over their professional tasks.

The second root cause is that teachers have been underpaid for over a century. This was accepted for most of the century because of the status of women. But now that women have been liberated, many who could be talented teachers are being paid twice a teacher's salary in the private sector. Philosophically, all of us have resisted Federal involvement in teacher pay. But today we have "A Nation at Risk." There is a national crisis. This national crisis warrants a national solution. The States and local communities are without adequate resources. Only the Federal Government has the resources to insure that teaching can become a profession. Teaching will not—cannot—become a profession unless and until the Federal Government makes a commitment to upgrading teaching into a true profession.

There is a way. Years ago, Albert Einstein told us the way when he said, "A society which pays its teachers less than its plumbers, will have neither good teachers nor good plumbers." I propose a Federal grant to increase the base salary of every full-time classroom teacher in this country by $5,000. For classroom teachers in schools with special professional challenges, such as the inner-city school, the base salary increase would be double that sum.

The grant of $5,000 would be distributed on a per-teacher basis to each school district. This assistance would be used for the purpose of extending a classroom teacher's regular school-year contract to a full year's contract.

To be eligible for the professional teacher grants, each State must create a professional teacher commission responsible for regulating the teaching profession within the State. The commission would be composed of classroom teachers, administrators, school board members, and the teaching component of higher education. The classroom teacher representation must be substantial and representative of the teachers of the State. Each State's Governor would select members for the commission from lists submitted by the major State education associations. The commission would establish the standards for entry into teaching; it would be responsible for hearing cases related to misconduct; it would have the power to coordinate and approve in-service programs in much the same way that State coordinating commissions operate for higher education under section 1202 of the Higher Education Act of 1965.

The time under a full-year contract would be used to improve educational programs by providing instructional opportunities for classroom teachers. They could attend local in-service programs, develop curriculum, lesson plans, attend summer sessions at universities and colleges whose teacher education programs are accredited, conduct original research, pursue an advanced degree, meet the requirements of State certification in additional subject matter areas or competencies, or any other instruction-related activity. This across-the-board proposal would be limited to full-time classroom teachers. Moreover, the local district would not be allowed to use these funds to replace existing or future State or local funds for teachers' salaries.

This approach has the advantage of upgrading education by a quantum leap. It goes a long way toward making teaching a profession. Professionals are people who are paid before they are thanked and teachers are neither paid nor thanked. If we want good classroom teachers, we will have to pay for them. It is as simple as that. It must be emphasized that decisions about this plan would remain local decisions.

Of course, there will be those who call this proposal a giveaway. Is it a giveaway to pay doctors five times more than the average? Or is this a surefire way of insuring we have the best medical care in the world?

Is it a giveaway to pay plumbers more than unskilled laborers? Or is this a surefire way to encourage the development of labor skills?

Why then is it a giveaway to insure that classroom teachers are merely brought up to the same salary which is enjoyed by the average wage earner?

The basic problem in education, I repeat, is that the top 10 percent of educated talent in this country—classroom teachers—are in the bottom third of salaries of all wage earners.

No corporation could survive by paying its most educated employees progressively less than its other employees. It should not be surprising that a Nation which has institutionalized such a policy toward its teachers should find itself becoming, ever more rapidly, a "Nation at Risk."

There will be those who charge that I am trying to buy the teachers' vote—that I am throwing money at the problem. Thirty-three years ago, when I authored what is now a $720 million education program in South Carolina, they charged that I was throwing money at the problem. Later, as Governor, when I increased teachers' pay 38 percent and instituted technical training, they accused me of throwing money at it. Two weeks ago, when I increased the education budget $1 billion, I was accused of throwing money at it. Today, we have a national defense problem and the Federal Government spends for defense $241 billion. Today, we have a national education problem but the Federal Government effort is limited to $15 billion. Increasing this to $29 billion is not extravagant. Last week, we threw $32 billion at America's agriculture. It must be remembered that we are throwing $33 billion at the MX missile. We are throwing $40 billion at the B–1 bomber. Upgrading education in this country seems to me to be worth at least as much as one weapons system. The Commission on Excellence in Education's submission has been costed out at a figure in the range of $50 billion. Central to these recommendations is the quality of the teacher. Rather than race off in all directions and wrangle between entities for the responsibility, the one single contribution that the Federal Government can make at this time to positively implement its own recommendations is the $14 billion professional teacher grant program.

Some would accuse me of going in two directions: Freezing the budget on one hand and increasing the budget for education on the other. My preference is for a budget freeze. I have fought for this for 2 years. But the President has prevailed with his extravagant deficits; and the issue in Washington today is not how to cut the deficit. It is how to spend the deficit. We are into the matter of program priorities, and I am going to fight as hard as I can for the Nation's highest priority—the rebuilding of America's public education.

As I submit this proposal today, President Ronald Reagan is in Albuquerque submitting his proposal of merit pay for teachers. His approach

assumes some teachers are deserving and others are not and this is a Federal problem. He reasons that if you raise the pay of the merit teacher, those fighting for the pay raise will develop quality. He ignores the fundamental need for a professional teacher. All of us would favor a merit pay increase for a professional teacher. But first we must professionalize teaching in America. Only then can we provide a competent professional for every classroom. President Reagan assumes that his is a redhot idea. He assumes that local boards have never tried it; certainly they do not need money for it because he makes no provision for Federal funds for the merit teacher program. He exhorts the teachers, parents, school authorities to all turn their attention to merit with local funds. Every school administrator in this land has tried this at one time or another. Of course, with the shortage of funds, they have had to take from the less meritorious and underpaid in order to increase the meritorious and, almost immediately, quality has diminished rather than increased.

But for the sake of argument, let us assume that the Federal Government has just instituted a pay supplement for, say, the top 20 percent of the best teachers in the country. How long would it take for the remaining 80 percent to become merit teachers? When would the merit teacher reach Awendaw, S.C.? It would probably take a decade or two for the 80 percent to develop merit. What happens in the meantime to the 80 percent of the children who are not being taught by a merit teacher? Amid this divisiveness and discord, how long would it take for quality to develop? I am trying to be realistic. We must give the President his due. What the President fails to realize is that there is a merit pay program in this country. It is called private, free enterprise. The average classroom teacher with 12 years' experience today receives $17,000. Any industry would pay an individual of that competence at least $25,000. Further, if individuals could be targeted with the President's program, industry would no doubt look to this as a resource for further hiring. The President's program, ironically, would accelerate the drain of talent from the classrooms.

We should reward the merit teacher and recognize the master teacher. But the national emergency in education mandates that we professionalize teaching by putting all of our classroom teachers on a full-time professional basis with the requirements of a profession and the pay of a profession. In short, it should be a Federal policy to find the classroom teachers of America deserving as professionals. Our children deserve no less than a professional classroom teacher and my program assures that one will be available as quickly as possible.

Let us bring the public schools into perspective. Free public education has been busy for most of the years of this century doing exactly what society asked it to do. Since the days of Horace Mann, the mission of American education has been to provide every child with the chance for an education. American education was not asked to provide quality; it was asked to provide equity and the best quality which was consistent with equity. But equity—access to an education by every child—was the first priority. So, the critics of American education—and the harping politicians who are now trying to exploit the issue—should not be surprised that the achievement of equity often came at the expense of quality.

How could it be otherwise? Expenditures for public education have never been adequate to insure that every child had individual attention. And even the best public schools have had to endure reduction in quality as they opened their doors to an ever-increasing number of students from increasingly diverse social and cultural backgrounds. This opportunity, this equity, is the glory of education. Our society is the first in history to provide educational opportunity to each and every child. Yes, American free public education was the first to add "opportunity" to education, and the first to add "equal" to the word "opportunity." Free public education is an American invention, and so is educational equity. The fundamental premise of America is that any person, regardless of birth, can rise in our society, according to his or her talent, industry, and achievement. And the kind of ideological attack we are witnessing on public education today is an ideological attack on a free and open society.

Now the challenge is building quality. We must have quantity and quality simultaneously. Only by fusing quality with quantity can we keep ahead of our international competitors in business and military technology. Only by fusing quality with quantity can we insure that children with learning disabilities, have an opportunity—as well as a right—to be all that they can. The teachers' job, for the remainder of this century, is to fulfill that educational objective. As they seek that objective, their job will change. Instead of dwelling with mass education, classroom teachers will be dealing with individual instruction on a mass scale. Classroom teachers will be called upon to design individual learning programs for each child. Instead of being hired help, they will be recognized as competent and important professionals.

It is the classroom teacher's manifest destiny as a professional, as it is our manifest destiny as a nation, to insure that each and every child has the opportunity to develop that individual ability to the fullest.

In order to get this great and worthy job accomplished, classroom teachers must act as professionals. A profession must have pride in itself and pride in its work. Classroom teachers need to be professionally active for growth and change and learning new ways, because the knowledge explosion coming into the classrooms in the next few years will be unprecedented. It is going to be hard keeping up.

Elihu Root years ago stated: "Politics is the practical art of self-government and somebody must attend to it if we are to have self government. * * * The principal ground for reproach against any American citizen should be that he is not a politician."

Every major educational decision is a political decision. Adequate funding for education is a political issue. Sustaining a teaching profession is a political issue. Above all, the creation of a teaching profession is a political issue. Political involvement is essential in achieving the right to practice the profession.

When the Japanese militarists prepared Japan for war, they did so by taking over the curriculum. They required that mathematics had to be taught by teaching ballistic trajectories and literature had to be taught by teaching Bushido military values.

When Hitler took over, he began by persecuting teachers as well as Jews.

When Third World countries have a revolution, from the left or the right, it is teachers who are the first victims.

This should not be surprising. Radicals of the right and left recognize teachers as their natural enemies. This is because teaching requires moderation as a precondition for the effective practice of the profession.

Let me repeat that: Teaching requires moderation in order to be teaching.

Teachers are presently in the political doghouse because this administration has no more use for moderation than for the people who practice it. Under the circumstances, to be politically inactive is equivalent to being unprofessional. A profession which is based on moderation, but is politically inert, will not remain a profession for long. It was Shakespeare who wrote:

There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune,
Omitted, all the voyage of their life
Is bound in shallows and in miseries.

Shall the public schools of this land be bound in shallows and in miseries? Or shall we take the tide at the flood? This is education's tide. This is education's time. This is its hour. The country has awakened to the realization that its future is in the public schools. If we start now—if we seize the oppor-

tunity we now have to develop quality in education—we can preserve this last best hope of Earth. Let us go to work.

SUPPLEMENTAL APPROPRIATIONS, 1983

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the pending business, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

The Senate resumed consideration of the bill.

FIRST EXCEPTED REPORTED AMENDMENT, PAGE 6, LINES 14–17.

The PRESIDING OFFICER. The pending business is the first excepted committee amendment, page 6, lines 14–17.

The PRESIDING OFFICER. The Chair, in his capacity as the Senator from Georgia, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the first committee amendment.

Mr. HATFIELD. Mr. President, that means we now have the supplemental back on the floor to consider. I believe this is the fifth day that this bill has been pulled, yanked, twisted, and turned around for various and sundry reasons. If there are those who are listening on the so-called squawkbox in their respective offices and Members of the Senate whose staff may be on the floor or within hearing distance, I wish to make a very urgent plea to each of those Senators who may have an amendment that he plans to offer on this appropriations measure to contact the floor and make certain to be here on the floor to offer it. I wish to make one thing very clear, that I shall not hesitate to call for third reading on this bill if we get to the place where we are going into an inordinate number of quorum calls and where Senators say they cannot present their amendment until 3 p.m. or until 2 p.m.

It is now 10 minutes to 11 of the fifth day that this bill has been on the floor. I have every intention of exercising my prerogative, as one of the managers of the bill, to call for third reading if there are no amendments that are being offered.

I note the Senator from Colorado is on the floor at the moment to offer an amendment that is listed on our list of some 8 or 10 amendments. I am going to instruct staff at this time to call each of the authors of the amendments that have been planned to be offered and indicate to those Members that those amendments will be called up in immediate order following the presentation of the Senator from Colorado. I am very hopeful that they will be here on the floor to offer them. If they are not and we can get no other Member to offer an amendment, then I shall call for third reading notwithstanding the number of amendments that we have been given an indication are going to be offered.

Mr. President, we cannot continue this kind of process with any kind of reasonable logic. It is illogical to let this thing continue, on and on. We have to get to conference. I have been horsewhipped and every other way to get these bills out on the floor as soon as they come over from the House, the 1984 bills. We have to clear the deck because we have 1984 bills being reported out now as of yesterday. We had the HUD bill reported out, we shall have other bills the rest of this week and the first of next week and they have to take their place on the agenda as well.

I just wanted to make that statement today, urging Senators please to cooperate in order to complete this bill.

Mr. BAKER. Mr. President, I absolutely and totally support the chairman of the Committee on Appropriations in his remarks, in his request, and in his admonition to Members. They had better come over here and offer their amendments, because after the Metzenbaum amendments are disposed of and after the committee amendments are disposed of, if there is anything like a hiatus in the proceedings third reading is going to come swift and sure.

Legislation by convenience on these appropriations bills is not going to be the order of the day. We are going to pass these appropriations bills if it is humanly possible to do so. I have pledged before and I reiterate now my pledge to the chairman of the Committee on Appropriations that I am going to try to move heaven and Earth to see that he passes all of those appropriations bill before the Fourth of July.

What that means, Mr. President, is that some people are going to get upset, some people are going to be inconvenienced, some people are not going to get to offer their amendments, some people are going to be surprised. But we are going to pass these bills. If they are serious about their amendments, they had better come over here and offer them.

I do not care whether they are in committee or whether they are committed downtown or if it is inconvenient to come. The convenience of the chairman of the Appropriations Committee and the ranking minority member is paramount, because they have a heavy responsibility to deal with this matter promptly.

I urge Senators who may hear me in their offices and their staff to understand that we are not kidding, that we are going to pass these things and if the authors of the amendments are not on the floor to act, they may never get to act.

Mr. HATFIELD. Mr. President, I thank the distinguished majority leader for his very strong and enthusiastic support for the proposition of getting this bill completed.

Mr. President, I instruct the Chair now on behalf of the managers to lay aside temporarily the committee amendment and the Metzenbaum amendments—there is unanimous consent for that, I believe—in order that the distinguished Senator from Colorado may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I say to the distinguished chairman I sort of ambled over here this morning to offer my little amendment. I am absolutely convinced, after hearing the chairman of the commitee and the majority leader that this is the finest time I could have chosen to present my amendment on this floor provided I am prepared to do so with great dispatch, and I am.

Mr. BAKER. If the Senator will yield, he never ambled at a more propitious time.

AMENDMENT NO. 1387

(Purpose: To provide for continuation of the repayment contract of the Dallas Creek participating project at the Upper Colorado storage project)

Mr. ARMSTRONG. Mr. President, in the spirit of this morning, I send an amendment to the desk on behalf of myself and Senator HART and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Colorado (Mr. ARMSTRONG) for himself and Mr. HART, proposes an amendment numbered 1387.

Mr. ARMSTRONG. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 35, between lines 5 and 6, insert the following:

"In accordance with the repayment contract for the Dallas Creek participating project of the Upper Colorado River storage project, entered into January 14, 1977, and entitled "Re-Payment Contract Between the United States of America and the Tri-County Water Conservancy District", the portion of the costs of such project, includ-

ing interest on construction costs, allocated to muncipal and industrial use which exceeds $38,000,000 shall not be reimbursable.".

Mr. ARMSTRONG. Mr. President, this is the Dallas Creek amendment which we discussed last week. I see no need to elaborate on the discussion which we had then. I think we had a good discussion on it late last week. The issues were defined. I wish to make a couple of observations so those who followed the discussion last week will be informed.

First, the question was raised about the budgetary impact. I raised this question with the Congressional Budget Office and have received a report from the Budget Office indicating there is no budget impact.

Second, I make the point that this amendment merely confirms a repayment contract with water users which was negotiated by the prior administration and is supported by the present administration; changes the contract in no way; has no budgetary impact according to CBO; sets no precedent because the contract is unique; has, in its essence as S. 662, been approved by the Senate Energy Committee; and is already contained in the House-passed version of this measure. I do not see this as a controversial matter. I hope others will not.

I should explain the reason why, in light of all I have said, we think it is necessary to have this confirming language. We do not think this amendment changes the legal status of the water users. What we do think it encourages is that anybody who might be dreaming of a lawsuit to challenge this contract will not do so because if they file a lawsuit, they will succeed not in overturning the contract but in delaying construction of the project, with probable cost escalation.

With that word of explanation, I ask my colleagues to support the amendment.

Mr. METZENBAUM. Mr. President, will the Senator from Colorado yield for a question?

Mr. ARMSTRONG. I am very happy to do that, Mr. President.

Mr. METZENBAUM. The Senator from Colorado indicated there will be no budgetary impact. Is that a fact as far as the future is concerned?

It is my understanding that CBO has addressed itself only to the first 3 years. Am I wrong about that? I actually have not seen the CBO report.

Mr. ARMSTRONG. Mr. President, I am very happy to respond to that question. Since the report of the Director of CBO is very brief, I shall take just a moment to read it. It is, in essence, a single paragraph. The operative paragraph is as follows:

This bill reaffirms the provisions of the repayment contract for the Dallas Creek participating project to specify that the portion of costs allocable to municipal and industrial use which exceeds $38 million shall not be reimbursable to the federal government by the Tri-County Water Conservancy District in Colorado. It is not expected that additional receipts would have been realized in the absense of this legislation, because the original repayment contract specifically set $38 million as the maximum reimbursable obligation of the water district. Thus, it is estimated that no budget impact will result from enactment of this legislation.

There is a paragraph ahead of that and a paragraph behind it, but that is the essence of the CBO.

Mr. METZENBAUM. I understand the CBO's response, and I appreciate the Senator from Colorado reading it into the record. This is not new legislation. This is not a subject to which we have not addressed ourselves previously. It is my recollection that it was a matter of some dispute in the last session of Congress. At that time I had some reservations about it, because it seems to me that the real reason for the legislation is that there is a real question as to whether or not that additional $35 million will not have to be paid by the actual users of the water, notwithstanding the language in the contract. If there were not that question, we would not have this legislation on the floor of this Chamber and the legislation in the House.

I think it is bad public policy. I think that it is an instance where we are assuming a Federal obligation that will undoubtedly cost $35 million because that is the amount of the overrun. I think that it should not be. I have some question as to the propriety of the legislation being on this particular bill. I do not intend to raise a point of order, I do not intend to raise the question of germaneness, nor do I intend to ask for a rollcall vote. But I do not support the position of the Senator from Colorado. If he is prepared to put the matter to a voice vote at the present time, I will be satisfied if I merely have an opportunity to indicate my opposition orally.

Mr. ARMSTRONG. Mr. President, that is entirely satisfactory to me. So Senators will appreciate it, the gracious statement the Senator from Ohio just made is a followup of private discussions we have had, and I understand completely his concerns. I believe and indeed I am convinced that the future course of events will show that his concerns are not well founded. But in any case, I think we have reached a meeting of the minds on it and I see no reason to have a rollcall under the circumstances. I am ready for the question if other Senators are.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1387) was agreed to.

Mr. ARMSTRONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ARMSTRONG. I thank the Chair and the Senator from Ohio.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, what is the pending order of business?

The PRESIDING OFFICER. The amendment of the Senate from Ohio to his own amendment.

Mr. METZENBAUM. The amendment of the Senator from Ohio in the first degree or in the second degree?

The PRESIDING OFFICER. The second degree to the first degree.

Mr. METZENBAUM. Mr. President, I think that the Senator from Maine is on the floor seeking recognition apropos this subject. I yield to the Senator from Maine.

Mr. COHEN. I thank the Senator for yielding. Perhaps just for the purposes of clarification I might read the amendment in the second degree so that we will know what we are about to vote on.

Mr. METZENBAUM. May we have order in the Senate, Mr. President?

The PRESIDING OFFICER. Let us have order, please.

Mr. HATFIELD. Mr. President, a parliamentary inquiry, if the Senator will yield. What is the pending business?

The PRESIDING OFFICER. The pending business is the second-degree amendment of the Senator from Ohio to his original first-degree amendment.

Mr. HATFIELD. What happened to the committee amendment?

The PRESIDING OFFICER. The last amendment laid aside is normally the first amendment which recurs.

Mr. HATFIELD. I only set it aside for the purpose of the Senator from Colorado offering an amendment.

The PRESIDING OFFICER. The Senator had set it aside by unanimous consent, and it would normally recur.

Mr. HATFIELD. Mr. President, let us get this clear right now. The committee amendment should reappear as the pending business after each amendment. I only set it aside for the purpose of one Senator at a time. That is what I did with the Senator from Colorado.

Mr. METZENBAUM. May I point out to my good friend from Oregon that I believe my amendment was the pending business yesterday and never had been set aside, so that it continued to be pending, as I understand it.

The PRESIDING OFFICER. All the amendments were set aside yesterday, the Senator from Ohio, the Senator from New York, and the committee amendment. Each amendment recurs in the inverse order that it was set

aside. That is the precedent of the Senate.

Mr. HATFIELD. The Chair is mumbling. I do not understand what the Chair is saying. Will the Chair speak up?

The PRESIDING OFFICER. The last amendment set aside always recurs.

Mr. HATFIELD. The last amendment what?

The PRESIDING OFFICER. Set aside always recurs, which would have been the amendment of the Senator from Ohio.

Mr. HATFIELD. Mr. President, I want to get back into the proper order so that the committee amendment becomes the pending business. Will the Chair instruct the manager of the bill how to put the body in that position?

The PRESIDING OFFICER. Call for the regular order.

Mr. HATFIELD. Regular order, Mr. President.

The PRESIDING OFFICER. Regular order is the first committee amendment.

Mr. HATFIELD. Now, Mr. President, I ask unanimous consent on behalf of the managers of the bill that the committee amendment be—I instruct the Chair on behalf of the managers of the bill to lay aside the committee amendment temporarily so the pending business may be the amendment of the Senator from Ohio.

The PRESIDING OFFICER. The amendment is laid aside. The question is on the amendment of the Senator from Ohio.

METZENBAUM AMENDMENT NO. 1382 TO AMENDMENT NO. 1360

Mr. STEVENS. Mr. President, it is my understanding that there is now pending before the Senate another amendment offered by the Senator from Ohio; is that correct? I am looking at amendment No. 1382, which I understand is an amendment to amendment 1360; is that correct?

The PRESIDING OFFICER. There is a second-degree amendment to the first-degree amendment.

Mr. STEVENS. Mr. President, I would like to direct a question to the Senator from Ohio. His amendment provides that:

> None of the funds appropriated by this act shall be used by an agency of the Government to indemnify any persons or pay any attorney fees in connection therewith, pursuant to any contract with the United States entered into on or after June 14, 1983, unless awarded prior to June 14, 1983, for amounts paid by such person to the United States by reason of any action of the Internal Revenue Service.

I understand it was primarily aimed at the Department of Defense. Is that correct?

Mr. METZENBAUM. Its primary direction is the Department of Defense, but if the Department of the Interior should decide to sell and lease back Yellowstone National Park, the prohibition on indemnification clauses would be equally applicable.

Mr. STEVENS. Does the Senator have any indication as to how many contracts have been entered into that were awarded prior to June 14? As I understand it, there is a condition here that if contracts were awarded prior to June 14 but entered into after June 14, there could not be any reimbursement by action of the Internal Revenue Service.

Mr. METZENBAUM. The language with respect to contracts having been awarded but not yet having been actually signed came about by reason of an inquiry made by the majority leader of the Senate. He indicated that in Tennessee contracts had been awarded and all of the paperwork and all of the understandings had been arrived at, and the only thing that had not been finalized was the actual signing.

The Senator from Ohio is particulary concerned about putting a stop to this practice. I might say that I am joined in that endeavor by the Senator from Kansas, the chairman of the Finance Committee. I have some reservations and problems with respect to contracts already signed and contracts that are awarded but not yet signed, but my real concern has to do with putting a stop to the practice until such time as a committee of the Congress determines that this is or is not the right program or practice to follow.

Mr. STEVENS. Let us put it right back where it started; I am disturbed by the scope of this, obviously. We have a lease contract for a Navy vessel with the price for the lease partially dependent upon an investment tax credit which the builder and lessor of the vessel intends to obtain, and the contract provides that if the Internal Revenue Service turns down an investment tax credit, that loss of benefits comes out of the computation and the lease payments would increase.

Is this what the Senator is talking about—that kind of contract?

Mr. METZENBAUM. Yes and no. The "yes" has to do with the fact that I am talking about that kind of Navy contract; but "no," I do not believe, to the best of my knowledge, that any contracts provide specifically as the Senator from Alaska has described the matter. I believe that what they provide, in the main, is that if the lessor is unable to obtain all the tax deductions invisoned by the tax shelter, then the Navy or such other Government body—Air Force, Army—will provide for indemnification of the lessor; and if the lessor decides to contest the issues with the IRS, the Government agency will also pay for the cost of the attorneys to fight the IRS.

Mr. STEVENS. Mr. President, I am perfectly willing to try to work this out with the Senator from Ohio, but the precise situation is that our committee has insisted that the Department of Defense secure the advantage for the Government of any tax consideration that has been entered into on behalf of the people who deal with the Department of Defense.

If there is investment tax credit, if there are accelerated depreciation deductions that come to a person contracting with the Department of Defense, those benefits must be passed on to the Government and deducted from the lease cost.

Those contracts provide that in the event the IRS disallows the benefits, they will then have a recomputation of the lease amount or the purchase amount.

The original impetus came from our committee to make certain that the tax advantages that come to people who deal with the Department of Defense in particular are, in fact, passed on to the Department of Defense.

The impact of the Senator's amendment will make it a one-way street, that if the IRS acts adversely to the lessor or to the provider of the services to the Department of Defense, the lessor has no opportunity to recover the loss.

In other words, the net effect of the Senator's amendment is going to increase the cost of doing business for the Department of Defense, because contractors will not be willing to enter into agreements which we have forced through past actions of the Appropriations Committee. I think the Armed Services Committee has been involved in this, too.

I understand that the Finance Committee is looking at the whole ramification of the tax advantages of persons who deal with the Federal Government. We have already done that, I think, successfully in the Department of Defense.

As a matter of fact, I held up the vessels that I think caught the Senator's attention, and there is a provision in the bill that deals with the specific vessels. I held those up last year so that we could study them and determine if the leases were to the advantage of the United States.

We also have language in the bill—if the Senator will look at page 16—dealing with the whole question of leases or options for contract extension or renewal of vessels, aircraft vehicles, through lease, charter, or similar agreement. We are monitoring this situation very much.

I am of the opinion that the Senator's amendment deals with the Finance Committee aspects of items that no one on the floor really understands. No one knows what contracts, in fact, have been awarded which may deal with this very question of actions by the Internal Revenue Service.

The difficulty is that the indemnification comes about only when the In-

ternal Revenue Service denies the person doing business with the Department of Defense the advantages which were thought to be available under the tax laws and were included in terms of the lease or charter agreement.

I say to the Senator that we are chartering aircraft now. The Navy intends to charter aircraft to train navigators. The charter costs assume tax advantages that will come to the operator of the charter. I would expect it still would be less than buying the planes and putting people into the Navy and paying retirement pay and all the costs that go along on a full lifetime basis to provide the training we need for navigators.

The real problem is that I think the Senator's amendment goes too far, and that is the position I am in. I think the Senator from Maine may want to accept it but we are the ones who are going to be in conference on this.

I understand that the Armed Services Committee is going into it. It affects the merchant marine also, and we are looking at that aspect.

I believe that in terms of the charters I am familiar with, for vessels and aircraft, the provisions in the existing contracts are for the benefit of Government. The action that will come about as a result of the Senator's amendment, should it become law, would be that the people doing business with the Government will not enter into contracts that have the provisions that require the Federal Government to get the advantage of any such deductions, if it is a one-way street for people doing business with the Government.

I invite the Senator from Ohio to further modify this amendment in a manner that reflects the concept of a two-way street—in other words, that it would apply only to such situations where the contract did not provide that the advantages would be passed on to the Government.

In effect, it would then leave the person doing business with the Government in the same position as he would be if the IRS does its job correctly.

I think the Senator is looking for the person who is going to get a windfall by virtue of an IRS ruling. We are looking to the situation where the price to the Government is calculated on the basis of the IRS determination. If that is done, I say to the Senator that the cost to the Government in terms of revenue lost or the funds paid out would be identical.

Mr. METZENBAUM. Mr. President, I point out to my good friend from Alaska that these ships that have already been leased could be bought for $178 million each. They are going to cost $415 million to the Federal Government by reason of the leasing arrangements; $210 million of that comes from the cost of tax writeoffs over a period of 25 years. It comes right out of the Treasury.

With respect to the matter of indemnification, I point out that the Air Force has advised us—and I want the Senator from Alaska to be certain to hear this—that they are not using the indemnification clause in their contracts. So that, obviously, there is no real need for the indemnification clause to be in.

Many of these sort of leases are made by people every day of the week in the corporate world, and they do not provide for tax indemnification.

What we have here is a situation where one arm of the Federal Government is indemnifying a private lessor against a tax claim by the IRS. The sad part about it is that, regardless of how much the Navy might possibly save on one of these deals—and there is no real saving; in fact, there is tremendous cost, as I have already indicated—the private investors will be taking money back from the Federal Treasury far more than the Navy even claims it could save. The Joint Taxation Committee has said that the leasing route will cost 12 percent more than to make the purchases.

My amendment has one purpose and one purpose alone. Originally, I wanted to knock out the present leases that have been executed. I am not certain if I would or would not have prevailed.

But then it was urged upon me that that would be unfair, that it would not be right to put in jeopardy private people who did business in good faith with the U.S. Navy, so I backed off of that position.

I then felt that the main objective of my amendment should be to put a halt to this practice until such time as Congress may spell out specifically that it approves of it. And I feel certain that it will never come to that conclusion because it is too costly.

The Senator from Kansas, the chairman of the Finance Committee, has in this Chamber indicated that he supports this amendment and has indicated that he will go further with legislation on this whole question of government bodies selling their assets and then leasing them back.

In this case we do not have a sale and a lease back. We have a straight out lease.

But he has indicated plans to address this issue and he yesterday voted with me on it. He has publicly indicated his support for my position in connection with this matter, and I hope the Senator from Maine, who has looked into this issue and I know has a concern about it, with his committee, will proceed forward on this subject in order to bring about the appropriate resolution but in the interim we will call a halt.

I yield to the Senator from Maine.

(Mr. PRESSLER assumed the chair.)

Mr. STEVENS. Wait a minute. I want to finish this dialog myself, Mr. President. If the Senator from Maine has a question, I am happy to allow him to have a question.

But I think that the Senate should understand that the Senator from Ohio as a member of the Judiciary Committee and the Senator from Kansas as the chairman of the Finance Committee have an obligation to bring a finance bill here to the Chamber, if that is what they want us to consider.

This is a supplemental appropriations bill, and this amendment ties up any money in this bill for the purpose of indemnifying or paying any fees in connection with any contract where the amounts that are to be paid are derived by reason of the action of the Internal Revenue Service.

Believe me, the Finance Committee should go into this. What about State or local taxes? What about pass-through provisions that are in the lease contracts?

The problem is that the Senator from Ohio and the Senator from Kansas do not know what is in this bill that deals with the Department of Defense. I think we do. If they want to have some Finance Committee provision that deals with this question let them come up with it.

Let me tell you about the leasing of these vessels because I looked into it. As I said, I held them up for some 5 months myself. The net cost to the Government, notwithstanding, is over a period of years for 25 years the Navy will pay $415 million for each TAKX vessel. But that cost is $131.7 million when discounted back to present value.

Mr. STEVENS. Those vessel costs were demonstrated by the Department's analysis. This contract is to the advantage of the Government because the discounted value of money over 25 years is less than the present value. The $131.7 million is the discounted lease compared to $178 million to buy them. We would have had to borrow the money. Mr. President, we are in a deficit situation. We would have to borrow some portion of this purchase price and pay interest in excess of 10 percent a year for 25 years.

Now, the net effect of doing that as compared to leasing them and having a private operator lease them to the Navy with the tax advantages that come to a private operator means that it costs less for the Department of Defense, depending on whose formula we apply.

I was concerned that it may cost more for the Government as a whole because of the revenue loss coming about from tax deductions.

The GAO studied this issue and determined that there is an advantage to the Government to do business in this manner.

Under those circumstances it was let go, but we still are studying the matter. I still have some concerns about the impact of this leasing practice, as does the Armed Services Committee. I will yield the floor here in a minute to the Armed Services Committee representative, the Senator from Maine. But I want the Senator to understand that in conference it will be the Appropriations Committee people who are dealing with this with the House of Representatives, and I believe need a better understanding as to what the Senator wanted to do not just in terms of the Navy but of other Federal agencies and perhaps the railroad aspects. I know something about the Alaska Railroad and so does the Senator from Ohio. But the Alaska Railroad does not have the tax advantages that private railroads do. Private railroads can use investor-owned cars and equipment, and there is a tax advantage to a private operation to have that come about because again of the investment tax credit and other things. I am sure the Senator knows of some of those shelters that are there.

If the Senate adopts this amendment we should make certain that this is not a precedent. This provision should cover only those contracts which did not provide for a two-way street; did not provide that the price to the Government would be reduced by the tax advantage; but would be increased in the event the IRS denied the tax advantage where the calculated price for the lease took into account the investment tax credit or accelerated depreciation but provided for increases should the IRS deny the tax advantage. Then I would have no problem with it.

Again, the GAO concluded that the option to purchase or lease is a wash, and I think the Senate should understand the current arrangement results in a wash. There is no disadvantage to the Government. There is no advantage to the lessor or charterer, and vice versa, if the contract is specific. The net effect of what the Senator's amendment will do will be to take away the advantage that will occur to the lessor or charterer in the event that the tax incentive is denied and, therefore, would mean they would not enter into the kind of contract we have demanded.

(Mr. PRESSLER assumed the chair.)

Mr. STEVENS. Because of the seven committees that are looking into the whole question of how to deal with the problem of tax advantages when dealing with the Federal Government, I think we should not do this.

If the Senator from Ohio wants to modify this amendment in the manner I have suggested I withdraw my objection. But I hesitate to accept this so long as it does not take into account the kind of contracts that deduct the value of tax benefits.

Mr. COHEN. Mr. President, I would just like to address a couple of comments to the Senator from Ohio. Yesterday, I raised a question as to whether we should proceed, and offered a motion to table his amendment in the first degree principally because of the lack, I think, of understanding on the part of many Members as to what we were getting into because there were seven committees, it is my understanding, seven committees of Congress now examining the benefits of lease-charter versus buy agreement and indeed the whole issue of indemnification.

My own Subcommittee on Sea Power and Force Projection has been holding hearings and now is engaged in a markup dealing with this very issue. I think we have to separate out what the Senator from Ohio is not dealing with, the issue of lease-charter versus a buy arrangement on the part of the DOD at this point and that is a separate issue, and I think it is an underlying issue nonetheless because we deal with the indemnification proceeding.

Generally speaking, we have a situation now where we have a contractor we need on a ship on a rapid basis, we cannot wait for it to be constructed, we engage in a lease arrangement. We have long- and short-term leases and that is an important distinction as to whether it is a 5-year cutoff of goes beyond 5 years. In terms of what impact it is on procurement funds and operation and maintenance, all of those are complicating issues. But basically someone who might lease to the Government may lease at a lower than market value rate because he is anticipating getting certain tax advantages, whether investment tax credit, accelerated depreciation, and the contracts have, in fact, provided for a lower payment from the Government to him, anticipating he is going to get those tax advantages. In the event the IRS rules against that particular contractor, then the Government has agreed to indemnify the difference between the fair market value of what we are paying plus the attorneys fees. That is a policy question, should we do that as a matter of policy? I suppose my own recommendation would be, for example, perhaps we should rewrite that or invert it so that we pay a higher fee or, namely; the fair market value up front and in the event the IRS agrees with the accelerated depreciation or the investment tax credit, you will get lower payment accordingly. There is no indemnification in that regard and we have a lower payment made by the contractor at the latter part of the contract itself. It achieves the same goal.

There is a problem with that in my own mind; namely, if we are paying a higher fee up front to reflect the fair market value and the IRS rules against the contractor, saying "You are not entitled to those tax advantages," whether or not he had an incentive to repeal it, to get it reversed, since he has a higher value up front, that is another issue. I think the Senator from Ohio at least raises a valid point as to what should be the policy on the part of the Government in dealing with lease versus buy; whether indemnification or whether we should pay the fair market value up front without dealing for reimbursement of IRS rulings.

I would just read to the Senator from Ohio the kinds of recommendations we are making in our subcommittee dealing with the lease-purchase situation so he would at least rest assured we are looking at this seriously, trying to take it into account. The committee has reached the following conclusions on the charter versus buy and lease versus buy controversy—this has not been agreed to by the subcommittee, I might add, or the full committee but these are my recommendations: First. Additional guidelines are needed to assist future charter versus buy, lease versus buy decisions not only by the DOD but other departments and agencies.

Second. The acquisition of assets for long-term charter-lease arrangements which are operated by operation and maintenance accounts is the direct substitute for the use of procurement funds and therefore should require the same level of congressional approval as procurement programs.

We ought not to get into kind of an off-budget item, we ought not to be sustituting operation and maintenance funds for what is in effect a procurement account. So we are concerned about that.

Third. As a general rule, the long-term charter of assets will be more expensive in undiscounted terms to the Government over the total period than acquisition through procurement, not always but as a general rule this is our conclusion.

Fourth. Despite any cost disadvantages there are other considerations from the national security perspective sufficient as to timely acquisition of an immediately important capability for which sufficient procurement funds are not immediately available. That they make a charter or lease program preferable to a procurement program. There are those situations. I refer specifically, for example, to the rapid deployment force. If we have to have some ships immediately for the rapid deployment force which we could not construct or could not purchase, under the circumstances we

may agree to a lease versus a buy program.

Fifth. The use of charter or lease programs should be carefully monitored because of its potentially adverse impact on O&M accounts.

Sixth. The chartered MPS, which is the maritime pre-positioned ships, as well as the five tankers both of which are currently under contract, should proceed as negotiated by the Navy, although it should not be taken as a precedent for any other case.

There are a number of other recommendations I am making to the subcommittee and full committee on this issue so I have had this concern we not have your amendment serve as a precedent for a prejudgment.

I am not prepared at this time to say whether or not lease versus buy or buy versus lease is the best policy. It may change. I am not prepared to say at this time whether an indemnification of contractor provision in a contract should be banned, but as I understand the Senator's amendment, what he has done is confined it to those contracts that will be executed after the date of June 14, 1983, or those that are about to be signed, have already been negotiated, would not be barred by this.

You have limited from June 14, forward until the end of the supplemental appropriations period and have stated here on the floor it is not intended to serve as a precedent.

It is my understanding we have no other contracts that we are currently contemplating, at least in the seapower field or force projection field that will be affected, so maybe this will be accepted on the basis of let us have hiatus, let us have a temporary holding period, here until such time as we can decide as a policy whether or not we should always have a buy agreement as opposed to a lease arrangement or whether or not if we do have a lease arrangement whether or not we ought to have these passthrough provisions which the Senator from Alaska has rightly referred to as giving us the benefit we ought to be in position of making a policy judgment.

I am not prepared to reach a conclusion but I do say to the Senator from Ohio if it is confined to this short period with no precedential impact upon a prejudgment that the Senate is in favor of canceling all indemnification provisions, that I could accept the amendment.

That is the reason I want to reiterate to the Senator from Ohio why I offered yesterday the motion to table, not because I am necessarily in opposition, I share his concern about this, but I was not satisfied that enough committees have looked at what the long-term consequences are. I think whenever we are dealing with long-term leases we ought to leave an option to buy. I do not like having long-term leases in which we are paying out lots of money and have nothing at the end. We are trying to deal with those issues.

So I would just say to the Senator from Alaska if it is confined to this short-term period, if it does not serve as a precedent for a judgment by the Senate that we are, as a body, opposed to indemnification provisions, which I am not prepared to make, then I would not have an objection.

Mr. STEVENS. Will the Senator yield to me just about this scope: I really have no objection on the basis you just talked about if it were confined to the Department of Defense. If the Senator examines our committee report we have notified the Department of Defense that they cannot exercise long-term leasing or charter authority except when it is budgeted and when it is authorized.

Under those circumstances, the Department of Defense already has in effect a fence around it. Specific authority will be required in advance from Congress.

But I also happen to be chairman of the Subcommittee on Governmental Affairs that deals with the Post Office and with the GAO. The Post Office or GAO may have similar kinds of contracts.

The word "indemnification" in this is what bothers me, because it is my understanding, and perhaps the Senator from Ohio would clarify it for us, that the term would cover a contract payment for any of these kinds of charters or leases with the Federal Government.

As I say, I think we understand—certainly I believe the Senator from Maine knows even in greater detail than I what the Department of Defense is doing—but I understand, under this bill, what it is doing with the money we provided. I can assure the Senator from Ohio that his amendment would reinforce what we have told the Department of Defense not to charter, not to lease until they have the authority, have budgeted at least a portion of that money.

This indemnification concept to be applied to that contract area would be salutary, so long as it would have no adverse impact in the other areas of the Government.

But I say to the Senator, I would join him in saying that we could accept this if the Senator from Ohio would change that to "by an agency of the Department of Defense," rather than for the Government as a whole. I just do not think the Government as a whole has studied the myriad number of contracts that are out there that already require the passthrough, and I think this amendment could disrupt those contracts.

Mr. METZENBAUM. Will the Senator from Alaska yield for a question?

Mr. STEVENS. The Senator from Maine has the floor.

Mr. COHEN. I yield back the remainder of my time.

Mr. METZENBAUM. We are not under controlled time.

I point out to the Senator from Alaska that I have looked at the supplemental appropriations bill and on page 13 I see some reference to the matter of leasing, but that talks about agreements which the Navy has already entered into and we obviously are not dealing with that, so that is not applicable.

Mr. STEVENS. Page 16 is the language and page 36 of the report dealing with contract termination liability for leasing programs, if the Senator would read that provision.

Mr. METZENBAUM. On page 16, it refers only to those leases "that impose an estimated termination liability on the Government exceeding 50 percent of the original purchase value of the vessel, aircraft, or vehicle involved for which the Congress has not specifically provided authority in an appropriation act for the obligation of 10 percent of such termination liability."

Mr. STEVENS. That covers future contracts like the T-AKX and the T-5.

Mr. METZENBAUM. What I am saying is neither of those paragraphs, and I do not know about the report language because I have not seen it, provide the shutoff that my amendment would provide.

Now, I am frank to say to the Senator from Alaska that between last evening and this early morning session, we have already received at our office two calls from two law firms in Washington indicating that they have these deals in the pipeline ready to go and that my amendment will put a stop to them.

Mr. STEVENS. With respect to what agency?

Mr. METZENBAUM. We did ask them, but they did not want to tell us.

Now, apparently the Senator from Alaska does agree that it is appropriate that we call a halt to these deals having to do with the Department of Defense and is willing to accept the amendment if it is limited to that.

I am not clear why he would be unwilling to call a halt to the Government's indemnifying any private lessor for the tax obligations that that lessor might incur if he cannot get all of the tax benefits from the tax shelter, or if he had to pay attorneys fees.

I do not know what is happening out there. I do not know, frankly, whether or not the Interior Department or the Energy Department or the Commerce Department or the GSA, or whomsoever, may be making these deals at this very moment and we in the Congress would be totally unaware of it

and the American people would be unaware of it.

Again, as Senator COHEN has aptly pointed out, this language does not finally determine the rightness or wrongness of the leasing activity, whether it be leasing Department of Defense facilities or whether it be leasing any other Government facilities. What it does do is to call a halt to a practice that we know is being used by the Navy. I have already advised the Senator that I am told the Air Force is not following the same practice. It calls a halt to the question of indemnification with respect to tax writeoffs and indemnification with respect to attorneys fees.

Mr. STEVENS. Does the Senator's reference to indemnification cover the situation I mentioned, where a lease agreement or charter agreement specifically provides that the payment by the United States shall be based upon a figure which calculates the tax advantage to the lessor or the charterer and in the event the IRS determines that that tax advantage is not available, that payments to the United States to the charterer or lessee will increase? Is that indemnification in the Senator's mind?

Mr. METZENBAUM. Yes; it is.

Mr. STEVENS. Well, I can tell the Senator that there are a myriad of contracts. The Park Service charters buses annually. I am confident the Senator can find out that the buses that operate in Yellowstone National Park and Mount McKinley have some provision which deals with a tax advantage to the charter operator. They may have assumed a tax advantage in their costs which are passed along to the Government. You may be cutting off the advantage to the Government.

The Senator asked why am I willing to limit it to the Department of Defense. We know something about the Department of Defense. We know that in the future we have told the Department of Defense we are going to examine each one of these programs on a case-by-case basis. We have told them they have to budget in advance and get authorization in advance.

I cannot tell the Senator specifically what GSA, the Postal Service, the Department of Interior, the Corps of Engineers, and others have done. But out there, there are probably a bunch of contracts that are about ready to be signed by some agency, the net effect of which, according to GAO's review of the leasing program, is a wish.

Yet the Senator's amendment will deny the agency the authority, in effect, to enter into those because no one in his right mind that knows about the Senator's amendment is going to sign the agreement. Or else they are going to go ahead and sign the agreement and later they are going to be told that, "While we were signing, the Congress cut off our right to give you the increased payment," and you may have a few bankrupt bus operators dealing with the Park Service.

Now, I think we ought to deal with what we know. Again, if the Finance Committee wants to come out with something that can be studied throughout the Government, that would be another matter. In this area, we have studied the Department of Defense. The Senator from Maine knows what he is talking about, and he has gone into it in depth.

In terms of the provisions of this bill that deal with charters and leases, we know that the impact of the Senator's amendment would be complimentary to what we have already done. We do not know about the rest of the bill.

I would have to ask the other subcommittee chairmen on appropriations what the impact of the Senator's amendment is as far as their areas are concerned.

But I call attention to the fact that there is a considerable amount of money available in this bill for the Corps of Engineers river and harbor contracts throughout the United States. There is money in here for the Department of the Interior and substantial amounts of money for the Department of Housing and Urban Development for low-income housing.

I ask the Senator: Does he know if any of those contracts that are involved would deal with the question of indemnification in the event of an adverse IRS ruling? The Senator does understand passthrough contracts, I am sure of that.

Mr. METZENBAUM. Yes; very well.

Can the Senator from Alaska represent to this body that the Park Service contract for the leasing of the buses contains such an indemnification clause?

Mr. STEVENS. I used to be the ranking member on that subcommittee. I know that they lease a considerable number of buses in the summertime. I do not know what provision they have for requiring a passthrough of the tax advantages to the Government in the event they get new equipment. But neither does the Senator from Ohio know. That is the problem.

Mr. METZENBAUM. I will say to the Senator from Alaska that I do not think he and I are in disagreement. I think it is a question mainly of fact.

This body leases photocopying machines and we lease other kinds of equipment. Without knowing the facts, I would bet all the tea in China that there is no tax indemnification clause in the photocopy machine lease that this body has with the private companies. And I would be almost certain that there are few, if any, other governmental contracts that have been entered into that provide this kind of tax indemnification.

I will say further to my friend from Alaska that even if they do this amendment would do nothing more than smoke them out. It would make them come to the Congress and say, "We want authority." It would not cause any of those that have already been entered into to be declared illegal, if in fact they are legal now. All this would do would be to put a halt to it until the proper committees of the Congress had a chance to dispose of the issue.

In connection with the comment that the Senator from Alaska keeps referring to——

Mr. STEVENS. Let me interrupt the Senator, if I may. The chairman wants to get on with this. We are going to conference with the matter. In view of the dialog that has taken place I would be more than willing not to pursue my opposition if the Senator would understand that between now and conference we are going to check this out with the Office of Management and Budget, with the GSA, with the Postal Service, with the areas that we know do contracts with charters and leases and determine the impact on them and their programs and modify it to the extent that we are not going to permit this amendment to have an adverse impact on the programs we are providing money for. We will have people put out of work and other problems if this is something that is much broader than we understand.

I can tell the Senator that because of what we have done, as modified, and with the understanding that I understand the Senator from Maine has indicated and the Senator from Ohio has agreed to, that this is not a precedent, that we are not going to make this boilerplate in all Department of Defense bills from now on. We will examine it in connection with the general appropriations bills. But as far as this is concerned, we have an understanding that we can modify this—and we will consult with the Senator—we can modify this as far as reducing its impact.

I say to the Senator I can understand a lot more than the Senator's amendment. If he had an amendment that says anyone who obtains a tax advantage has to pass that advantage on to the Government, that is what we have done in the Department of Defense and other areas. There may be other areas where it is not passed through. But where we have done it, and that is what we are trying to do, I can understand the Senator's concern that we do it. In the Department of Defense it would have no adverse impact under these circumstances because of the provisions in the bill and in the report, as modified with the Senator and with the understanding of the Senator from Maine. I say it

will have an adverse impact unless it is modified in accordance with the comments we have received. I would be willing to take it to conference under those circumstances.

Mr. METZENBAUM. Mr. President, due to the willingness of the chairman of the Defense Subcommittee of the Appropriations Committee and the chairman of the Appropriations Committee on this amendment I will not debate this matter longer than an additonal minute. I want to make sure the record is clear on a couple of points.

I have before me the report by the staff of the Joint Committee on Taxation. It addresses itself to this issue. It indicates that the Government's cost of one TAKX leased ship is estimated to be $199 million—$20.8 million more, or approximately 11.7 percent higher, than its purchase price. Including the residual value I think it goes up to 14 percent.

But whether it costs more or not, I think it is clear that my statement sends a signal to slow down, to halt, until we get this matter resolved by the proper committees of Congress.

Having said that, let me conclude my remarks. I gather we will be able to have this amendment agreed to without further debate. I want to be certain that nothing I have said, nor anything I have implied, suggests that the existing indemnity clauses are valid. It is this Senator's opinion that those clauses are invalid, and that at an appropriate time they will be struck down by an appropriate court if the Navy fails to do that which I believe it should do. That is to refuse to abide by them should there be a claim asserted under those clauses.

I want to make it very clear that I think the clauses from the first instance were illegal.

Having said that, Mr. President, it is my understanding that this amendment can be accepted. If so, I see no further reason to use my vocal chords unnecessarily.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. As I stated, Mr. President, with the understanding that we are going to take it to conference and it may be modified there in accordance with the objections or comments raised by other agencies. I have nothing further.

Mr. METZENBAUM. Mr. President, my understanding is that the question before the body, the pending issue, is, Shall the second-degree amendment be adopted? Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. METZENBAUM. I ask that the Chair put the question.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 1382) was agreed to.

Mr. METZENBAUM. Mr. President, it is also my further understanding that the matter now pending before the body is only the first-degree amendment, as amended by the second-degree amendment, and that the yeas and nays have been ordered on the first-degree amendment. Is the Senator from Ohio correct in that?

The PRESIDING OFFICER. The Senator is correct.

Mr. METZENBAUM. Under the circumstances, Mr. President, if there is no further opposition to this matter, I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment, as amended.

The amendment (No. 1360), as amended, was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment as amended, was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I thank the Senator from Ohio. At this time, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[Quorum No. 7 Leg.]

Baker	Hatfield	Stafford
Bumpers	Melcher	Stennis
Byrd	Metzenbaum	Stevens
Garn	Pressler	

The PRESIDING OFFICER. A quorum is not present.

The majority leader is recognized.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to request the presence of absent Senators. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Idaho (Mr. SYMMS), the Senator from Virginia (Mr. TRIBLE), and the Senator from Connecticut (Mr. WEICKER), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Colorado (Mr. HART), are necessarily absent.

The PRESIDING OFFICER (Mr. KASTEN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—91

Abdnor	Garn	Metzenbaum
Andrews	Glenn	Mitchell
Armstrong	Gorton	Moynihan
Baker	Grassley	Murkowski
Baucus	Hatch	Nickles
Bentsen	Hatfield	Nunn
Bingaman	Hawkins	Packwood
Boren	Hecht	Pell
Boschwitz	Heinz	Percy
Bradley	Helms	Pressler
Bumpers	Hollings	Pryor
Burdick	Huddleston	Randolph
Byrd	Humphrey	Riegle
Chafee	Inouye	Roth
Chiles	Jackson	Rudman
Cochran	Jepsen	Sarbanes
Cohen	Johnston	Sasser
Cranston	Kassebaum	Simpson
D'Amato	Kasten	Specter
Danforth	Kennedy	Stafford
DeConcini	Lautenberg	Stennis
Denton	Laxalt	Stevens
Dixon	Leahy	Thurmond
Dodd	Levin	Tower
Dole	Long	Tsongas
Domenici	Lugar	Wallop
Durenberger	Mathias	Warner
Eagleton	Matsunaga	Wilson
East	Mattingly	Zorinsky
Exon	McClure	
Ford	Melcher	

NAYS—4

Goldwater	Proxmire
Heflin	Quayle

NOT VOTING—5

Biden	Symms	Weicker
Hart	Trible	

So the motion was agreed to.

Mr. BAKER. Mr. President, while there are Senators in the Chamber, if I could have their attention for a moment.

The PRESIDING OFFICER. The Senate will be in order.

The majority leader.

Mr. BAKER. Mr. President, I do not like to have rollcall votes on motions to instruct the Sergeant at Arms. It is a waste of energy and I guess of time from one standpoint. But, Mr. President, I want Members to know the level of frustration in being on this bill since 10:40 a.m. this morning and absolutely nothing has happened with one exception. What has happened is there have been seven new amendments listed.

We had seven amendments remaining when we quit this bill on Friday and incidentally we stopped Friday because no one was here and there were no amendments that could be offered. Now there are 14, but no one will offer them.

Mr. President, we simply have to pass this bill. I have two things to say now if I may, and I do not like playing this role, but I have no alternative.

First, I indicated earlier we would be out at the regular hour this evening. I

rescind that. We will stay as long as we need to stay to make progress and perhaps to finish this measure.

By the way, if this goes over until tomorrow, that almost surely guarantees that we will be in session on Friday because we still must do the dividend and interest withholding repeal this week.

Second. I am going to ask the managers of this bill on both sides to try to take this bill to third reading regardless of whether there are amendments that we know of that are still outstanding.

There is no way that we can continue to wait and wait and wait for Senators to come to the Chamber and offer their amendments.

So far at this moment the amendments that I am aware of yet to be disposed of are a Mattingly-Bumpers amendment on education, a Bumpers amendment dealing with EDA, a Moynihan amendment dealing with health benefits for the unemployed, a Baker-Dole amendment perhaps to deal with pay and honoraria, a Quayle amendment dealing with park development, a Wallop amendment dealing with military construction planning and design funds, a Kennedy amendment dealing with summer jobs, a Hatfield technical amendment, a Melcher soil conservation amendment, a Jackson pay and honoraria amendment perhaps in the second degree, a Cranston-Wilson amendment dealing with EDA, a Weicker amendment dealing with pay and honoraria, a Percy amendment dealing with foreign aid, a Humphrey amendment unspecified, and an Inouye amendment dealing with—it looks like an FHA office. I assume that is correct.

Mr. HATFIELD. That is correct.

Mr. BAKER. Mr. President, that is a lot of amendments. I would hate for anyone to be cut off by us getting third reading but so that no Senator is taken by surprise they should know that that is the risk that I am suggesting they run if they do not come to the Chamber now and offer their amendments.

Mr. President, I am not a very good fishwife. I do not like doing this sort of thing. I am not a very good slave driver. But I am telling you that we are going to go to third reading on this bill if Senators do not come to the Chamber and offer their amendments, if the Senate will permit me to do so.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. PERCY. I wish to express sympathy with the majority leader and minority leader and the managers of this bill.

Although we were holding hearings with Secretary Shultz this morning, I sent word to the Chamber that if necessary I would come over and offer my amendment immediately and get someone else to relieve me. I am now ready. I think it can be disposed of in a 5- or 3-minute colloquy. If the colloquy is not successful then the amendment could be offered with a time limitation of 5 minutes on each side. And I am ready to go now.

Mr. BAKER. I thank the Senator.

Mr. President, that is the full quotient of my indignation at the moment.

I yield the floor.

Mr. WALLOP addressed the Chair.

Mr. HATFIELD. Mr. President, I ask unanimous consent to set aside the pending committee amendment in order that the Senator from Wyoming may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, if the Senator will yield, I was ready to offer an amendment. Could I be listed as following the Wallop amendment? Mine will not take long.

Mr. MOYNIHAN. Mr. President, will the Senator from Wyoming yield?

Mr. WALLOP. The Senator from Wyoming will be delighted to yield for the purpose of a question.

Mr. MOYNIHAN. Would it be agreeable that I might be listed following the Senator from Illinois in that same order? I think the Senator from Oregon would like to see some of these matters proceed.

Mr. BYRD. Make that request.

Mr. MOYNIHAN. I, therefore, make a request with the Senator from Oregon in the first instance.

Mr. BAKER. Mr. President, they are attempting to sequence the amendments. That is a good sign.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, we are now sequencing those who are indicating to us a willingness to be ready.

Mr. WALLOP, Mr. PERCY, Mr. MELCHER, Mr. MOYNIHAN, and Mr. BUMPERS.

I think most of these will be very short.

Mr. BUMPERS. Mr. President, will the Senator from Oregon yield in order for me to ask a question of the Senator from Wyoming?

Mr. HATFIELD. I yield.

Mr. BUMPERS. Could the Senator from Wyoming tell us how long he expects the amendment to take?

Mr. WALLOP. As far as the Senator from Wyoming is concerned 5, 6, or 7 minutes. I do not know what opposition may develop to it.

I do not think in any case it is going to be long.

Mr. BUMPERS. I have an amendment that will take about 60 seconds. I will wait until everyone gets a little further along.

AMENDMENT NO. 1388

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Wyoming (Mr. WALLOP), for himself and Mr. SIMPSON, proposes an amendment numbered 1388.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page , line , insert the following:

SEC. . Notwithstanding the provisions of Section 113, Public Law 97-323, funds appropriated by such public law for study, planning, design, architect and engineer services for the Air Force are available for design of site-specific facilities for the MX Missile system.

Mr. WALLOP. Mr. President, I offer this amendment on behalf of Senator SIMPSON and myself. It modifies the 1983 Military Construction Appropriations Act to permit site-specific design of MX-related facilities but continues the prohibition against construction until all environmental review is complete.

Mr. President, unless this change is made now the Air Force will not be able to complete design work on critical buildings so construction can begin next year.

Our reason for offering this amendment is to allow the most efficient construction management for facilities proposed for Wyoming and Nebraska and to present unnecessary peaking of construction-related impact in our State. The amendment has no increased cost and should save money.

Let me review the history of the military construction section that we propose modifying. In 1980, when the multiple protective shelter basing mode was proposed, the 1981 Military Construction Appropriations Act contained the prohibition against "design of any site-specific facilities for the MX missile system until all terms, conditions, and requirements of the National Environmental Policy are met." At that time consideration was being given to deployment in Nevada and Utah and to split basing with some missiles in those States and some in Texas and New Mexico. This prohibition was reenacted in the 1983 Military Construction Appropriations Act which became law last fall, a few weeks before the President formally recommended dense pack deployment. At the time of passage, alternate locations were under consideration.

Since the time this prohibition was enacted, the deployment situation has changed dramatically. In April of this year, the President recommended deployment of 100 MX missiles in Minuteman silos under the command of F.

E. Warren Air Force Base near Cheyenne. Last month both the House and the Senate approved "full-scale engineering development" of the basing mode in the President's recommendation. Thus the prohibitions were written at times when alternative locations were under consideration. This is no longer the case. The Congress has approved a basing mode and F. E. Warren Air Force Base is the only location under discussion.

Adoption of this amendment does not mean that environmental and community impact questions will be neglected. Such concerns are very important to us so we would not propose an amendment that would reduce the environmental review. Several points are particularly relevant to potential impacts:

The potential impact of the present deployment plan is considerably less than previous basing modes. MX will be put in existing silos with no major hardening or silo hardening. The barometer of potential impact on the environment and on community facilities is peak year employment.

That is the basic thing that is going to affect us in Wyoming. The estimated peak year direct employment for the multiple protective shelter (MPS) basing mode was 30,000 jobs; for closely space basing (CSB) or dense pack, 6,100; and for deployment in Minuteman silos, 1,500, less then MPS by a factor of 20 and less than CSB by a factor of 4.

The Air Force has publicly committed to perform a full environmental impact statement (EIS) on the present MX deployment plan. June dates for public scoping meeting were announced last weekend.

This amendment only permits design, not construction, before the EIS is complete.

The reason the Senators from Wyoming are proposing this amendment is to reduce unnecessary environmental and community impacts in Wyoming and Nebraska. The most critical Wyoming facility for meeting the 1986 initial operational capacity (IOC) date is the assembly, surveillance, and inspection building. This facility is essential to the buildup and deployment of the nuclear weapon reentry systems. Delay of the initiation of design would make it impossible to begin actual construction during the 1984 building season. With the notorious Wyoming winters, winter construction is impossible, leaving only two building seasons instead of three until the planned IOC. Delay in design would mean either the IOC would be delayed or the Air Force would put in more men, money, and material in a shortened period, increasing total cost and increasing the impact on Wyoming communities, particularly Cheyenne. Such delay is clearly not necessary.

I would like to remind Senators from the States like New York and California of what Wyoming communities are like. Cheyenne, the second biggest city in Wyoming, has a population of 47,283. An increase above the projected 1,500 peak year direct jobs would be very significant in adding short-term impacts for a community of that size. And there would be no long-term benefit. If such an incease were necessary for the national defense, it would be tolerable, but it is clearly unnecessary.

The House Appropriations Committee has recognized the logic of allowing site-specific design of MX facilities and, in their markup of the 1984 military construction appropriations bill last week, changed the language of the section to permit site-specific design of MX facilities. Since this is a 1984 bill, design would be delayed until October 1, 1983, losing 3 critical months of design essential for beginning construction in the next season.

For those Senators who believe the proceeding with MX is unwise, let me say that there will soon be other opportunities to debate MX and to vote on funding for MX. The Speaker of the House has delayed further consideration of the Defense authorizations so votes on MX can occur after the Fourth of July recess. In the Senate, the Armed Services Committee is beginning markup of that bill. We can expect that bill on the Senate floor before the end of July. And appropriations bills will provide yet another opportunity to debate MX.

I urge you to see this amendment in the proper light, as a means to provide a more rational construction process and a means to prevent unnecessary construction-related impacts in Wyoming. The environmental restrictions passed last year, and in previous years, were designed to prevent adverse impacts on the environment and on community facilities. With major changes in the deployment mode for MX, they will have the opposite effect.

I urge you to prevent this by permitting design, and design alone, to begin now and to enhance the process of environmental review in Wyoming and to minimize the impact upon us, if it is indeed the ultimate judgment of Congress to proceed with the MX.

Mr. LEVIN. Mr. President, the Senator from Wyoming and his colleague are obviously sensitive to the environmental impact of the MX in Wyoming, and I think it is clear from the eloquence and the sensitivity of that statement that that is their principal concern. It is their belief that this amendment would lead to the conclusion that there be greater attention paid to those environmental impacts. I must say, even though I disagree with their conclusion, that I must respect that that is their motive.

It is obvious that their principal and primary concern is the environmental impact here on their home State, and I think we all ought to appreciate that and applaud it.

I have reached a different conclusion in terms of the environmental impact of waiving the existing law that requires environmental impact statements before we permit design of a site specific location or the building they are now contemplating constructing.

While I am going to raise a point of order because I do believe this is legislation on an appropriations bill, before I do that I must say in all sincerity that I commend my friends from Wyoming for their determination to protect the environment of their home State, even though I have reached a different conclusion as to how we would best protect the environment when we are proceeding with this kind of construction. I do want to commend them for their determination to protect the environment.

Mr. WALLOP. Mr. President, will the Senator yield?

I urge the Senator to try to look at this from the perspective of the State of Wyoming. I know and the Senate knows of the Senator's long and eloquent opposition to the MX in the first place.

I think this amendment does nothing either to enhance or diminish his arguments in that respect. But if it is the ultimate judgment of Congress to proceed with MX, I urge the Senator to consider what the impact of the extra men and material will be, disregarding the cost. I think all of us have a deep feeling for this—yet I urge my colleagues to consider what impact those extra people will have on us.

We in Wyoming are no strangers to such an impact. We have been cited on national television in Hawk Springs, in Gillette, Wyo., and in Evanston most recently with the overthrust belt, and we deal with this impact better than many other States. But to put us through an impact statement that is not necessary seems to me to be cruel and unusual treatment.

It seems to me as well if you are going to do an environmental impact statement which has meaning to the community being impacted, that it would be nice to know what the facility was, as well as what that impact was going to be, so that mitigation could be taken into account in the whole process of doing what the environmental impact process intends.

On top of that, the Air Force has assured the government of my State, the Governor, and legislature, that they will provide us with an impact mitigation study which would be similar to that which would be required under State law if it was anything but a Federal entity being constructed, and in order to make that meaningful they have to have the work force, construc-

tion force, and the time of construction, as well as material and transportation needs identified in order to satisfy State requirements.

So this is not an attempt either to advance or retard the MX from the point of view of the Senator from Michigan, because that argument is still clearly on the table in front of us. This is just our attempt to do something for our people to minimize the impact of what has already been some psychological impact as well as increased demand on local school systems.

Mr. LEVIN. I applaud the Senator's motives in trying to tack this amendment on an appropriation bill. I believe we should put this environmental language in there to protect the environment against unnecessary impact of the MX or of any facility that builds it. And while I think it is important that we have an environmental impact study before we design a building for a specific site on that Air Force base to produce the warhead or to manufacture these warheads, I must say that I think the language served the purpose, that we ought to allow it to carry out that purpose, and that it is important that we have an environmental impact statement or study before we design a building for a particular location at that Air Force base. I think that is important and was contemplated and is a legitimate purpose.

Putting aside my own opposition to MX, I would think purely from an environmental point of view that that is a legitimate point. And if the Senator is correct, this would then put pressure on the environment later on, because we will be doing in 2 years or 3 years what we should be spending 3 years or 4 years to do, and that would be because of the arbitrary and artificial decision of the Air Force to proceed and not because of any action in this Congress.

We have said in the law that we believe an environmental impact study should be completed before there is a site-specific design which is made. That is presently in the law. I think it is there to protect the people, the environment. While I respect the motive and the determination of the Senators from Wyoming in terms of how they believe this may work out in the future, I must say that is not the intent of the law.

Mr. WALLOP. Will the Senator yield for just 1 minute? I can assure him of a couple of things. The design takes 12 months and the environmental impact statement will be concluded by January of this year.

Again, would the Senator just consider what information would be available to the people of Wyoming when commenting on the draft EIS if there was site-specific information and something of the dimensions and size and construction impact of that building. If we do not have that, then much of the information that will be made available to the people of Wyoming to make or to consider during the draft EIS statement period will not be available to them. From the standpoint of our people, they would very much like to have that information.

Mr. LEVIN. It should be available to them clearly at some point. But we also should know the impact on the environment of the location of a building that we are designing. I think it is also important that we know that; that we know where on the Air Force base it is being designed, because where on the Air Force base it is being designed could affect the design itself.

Mr. WALLOP. That is exactly what I am asking in this amendment. It does no violence to the concept the Senator is espousing. Indeed, it enhances it from the standpoint of our people who have to look at this.

Clearly the Senator is within his rights to ask for the point of order and I suspect the Parliamentarian will rule it should stand. But I urge the Senator not to do that, on behalf of the people of my State—not his State—who will have the impact of this building coming in their midst. They would like to have the information the design process will provide.

Mr. LEVIN. And I think they are entitled to the information. My point is that the environmental impact statement, which is required before a site-specific facility is designed, should also be available to the people. I think that if this were going to the State of Michigan I would try to do both, exactly what the Senator is doing but also require that there be an environmental impact assessment before we design the site-specific building on that Air Force base.

Mr. WALLOP. The site information is so much more important to the issue at hand from the standpoint of our people.

Mr. LEVIN. I think they are both important.

Mr. WALLOP. If we conduct a review in the abstract, the Air Force will be considering a building that could be anywhere within 7,000 to 8,000 acres. If they do it in the specific, they have specific information. The people of Wyoming can say they do not want their schools near that, or it is not in the right place, or anything else, but they could not do that under the procedure that the Senator would wish to lay on us. I urge him not to do that.

Mr. LEVIN. I think we can do both. I think we can have the environmental impact assessment before we select the site and then have an environmental assessment after we select the site. I think both of those assessments are very possible.

I appreciate what the Senator is saying that they are necessary. I think we both agree they are necessary.

Mr. WALLOP. May I ask the Senator if he would agree to something like this, so perhaps we can get the best of both worlds? Then I will not belabor this much longer. If we were to ask the Air Force, while proceeding with their environmental impact statement, if they would provide an environmental assessment, as well as identification of the site-specific problems of the building before the design is completed—because these two things need not take place in the same moment—then we would get both what the Senator seeks and what I seek. What I am trying to do is simply avoid a greater specific impact, human impact, not a military impact, of construction workers and all that, on the communities of southern Wyoming.

Mr. LEVIN. I think that impact would be avoided by the Air Force selecting a timetable or, if necessary, modifying their timetable so that impact does not occur.

I happen to agree with the Senator 100 percent. There is no justification for that impact occurring.

Mr. WALLOP. There is a national purpose to be served in setting the timetable for MX. I urge the Senator not to conduct the debate on the MX at the expense of the people of Wyoming who will have the impact.

Mr. LEVIN. I could not agree with the Senator more. They should not have an unnecessary impact imposed upon them, because the IOC of the MX is in 1988 or 1989. I happen to agree with the Senator 100 percent. I hope the Senator is successful in mitigating any impact from an artificial IOC. I would indeed support him, as he knows, if and when we decide to proceed with the MX on the appropriation bill and on the authorization bills which come up. That IOC should be set in such a way so that the concerns of the Senator from Wyoming are met. We should not have an IOC on this MX which is artificial and which, at the same time, has an unnecessary negative impact on the people of Wyoming. I do not think we have to do that. If I thought we had to do that, I must tell the Senator I would concede to what the Senator is saying.

If I felt that this decision would necessarily lead to what the Senator says in terms of a harmful impact on this State, I would relent. But I do not believe that is true, nor should it be true. There is no reason why we should tolerate that kind of impact on the people of Wyoming, nor do we have to.

I believe that we are more clearly protecting the environment by keeping the environmental impact statement requirement in the law. It was put there for a purpose. I think it

serves that purpose if we apply it to the present situation.

(Mr. HUMPHREY assumed the chair.)

Mr. WALLOP. The Senator knows it was put in there for a purpose that is quite unrelated to the present set of circumstances.

More importantly, we are only talking about a 4-month period, but that 4-month period is of great concern to the State of Wyoming. If the House version of the military construction appropriation goes through, this restriction is removed effective October 1. The 4-month delay puts on an additional burden because our winters, whose effects on construction are well known to the Senator from Michigan and since they are similar to those in his State, will delay construction for 1 full year.

I will not belabor the point any longer. I urge the Senator to consider those of us who are the most affected by these national decisions. The Senate and the House, if they go ahead with these things, may provide the IOCs which each of us would prefer not to have.

The IOC is there now and anything we do, I grant the Senator, is arbitrary. But in my opinion, the change we are proposing is just a piece of belief and a piece of information which my people would clearly like to have.

Mr. LEVIN. Mr. President, I believe the Senator is correct, that his people should have this information. There is nothing, in raising a point of order, which will prevent them from receiving that information.

All this point of order will do is to require that the law which we have on the books about an environmental impact statement prior to the design of a site-specific facility will be retained. It does not in any way suggest that the information which the Senator very correctly points out his people are entitled to before the next stage is taken will not be required.

I will be at his side on that issue, insisting that that information be available to the people. He is absolutely right.

I will also be at his side, hand in hand, in insisting that we not take any shortcuts in designing these facilities or in implementing or constructing the MX which will jeopardize the health and welfare and safety of the people of Wyoming. They are entitled to that. I hope that every Senator in this Chamber will join when it comes to protecting the health and welfare of all in Wyoming because they are all Americans, not just Wyomingites. My point is that if we require this to stay in the books, that we will not deemphasize welfare. We can require the information which the Senator has outlined, and, in addition, it will be required by law. We should not telescope the construction process to jeopardize the State of Wyoming with the impact. I think the Senator will find a majority of this Senate being united in determining that we are not going to cut corners on the construction of the MX to be an artificial IOC which will be in any way jeopardizing the people of Wyoming.

Mr. MATTINGLY. Mr. President, being the chairman of the Military Construction Subcommittee, this falls under my responsibility. I agree with the Senator from Wyoming on this point.

One, all the requirements for the NEPA have been fulfilled. I know the Senator from Michigan is perfectly within his rights to try to stop this amendment. I think if the U.S. Air Force had done their job, which they did not do, they would have been able to convince the Senator from Michigan and everybody else in here of the necessity of doing this, and also that it was legislatively correct to go ahead and everything had been fulfilled.

The U.S. Air Force just left my office some 45 minutes ago. They finally decided to come by and tell me about this issue. I told them they were a little bit late.

I just feel in defense of the Senator from Wyoming it would have helped us if they had done their job, which they did not do. I think that message was given to them very clearly some 45 minutes ago.

I ask unanimous consent to have printed in the RECORD a point paper in reference to the debate we are having today.

There being no objection, the point paper was ordered to be printed in the RECORD, as follows:

POINT PAPER ON NEED TO BEGIN PEACEKEEPER FACILITY DESIGN

Section 113, Public Law 97-323 "prohibits" site-specific facility design for the Peacekeeper missile system until the requirements of the National Environmental Policy Act (NEPA) have been fulfilled.

There is general agreement that Section 113 does not apply to facilities outside the deployment area; thus, the Air Force anticipates beginning design of these facilities soon.

There have been different viewpoints expressed regarding facility design for F.E. Warren AFB.

The DOD believes that all terms, conditions, and requirements of NEPA for site selection have been met, and, therefore, Section 113 has been complied with.

An opposing position is that the Section 113 restriction against site-specific design prohibits the Air Force from beginning any F.E. Warren AFB facility design at this point.

Repeal of Section 113 by Congress in the FY 83 Suplemental Appropriations Act and substitution of language restricting construction rather than design would dispell differences and allow timely design of F.E. Warren AFB facilities—would it (Sec. 113) apply to any other facility?

There is an urgent need to begin design now for the Reentry System Assembly, Surveillance and Inspection (AS&I) facility at F.E. Warren AFB. This facility is essential to the buildup and deployment of the nuclear weapon reentry systems and is on the critical path. The schedules for design, construction, equipment assembly and checkout, testing, training, nuclear surety and weapons buildup have already been compressed to the maximum. If design is authorized now:

Construction could begin by August 1984 which is necessary to meet the December 1986 initial operating capability date (IOC). Delay in start of construction from August 1984 (if design begins following repeal of Section 113 in the fiscal year 1983 DOD Suplemental) to November 1984 (if design begins following the fiscal year 1984 MILCON Act) could result in a three month IOC slip.

Sufficient foundation and structural work can be completed before the onset of severe winter weather to allow work to proceed through the winter months. If design/construction is delayed by three months, chances of productive construction activity during the winter months will be substantially diminished and additional construction costs would be incurred.

The maximum possible time will be available for construction. This will help minimize impacts to the affected area due to inmigration. Delaying the start of design/construction, while retaining the December 1986 IOC, exacerbates impacts by requiring the same construction activities to be accomplished in a foreshortened period.

No previous design efforts have taken place on the AS&I facility.

Given authority to begin the design process now and construction in fiscal year 1984, all fiscal year 1984 construction contracts can be awarded by August 1984.

Mr. MATTINGLY. I do not know if the Senator will back off from his request or not, but nobody wants a clearer and more protected environment any more than I do. I would just say that I think the concerns of the Senator from Michigan would be satisfied if he had the discussions that I have had in the last few days on this.

Mr. LEVIN. I thank my friend. I think all of our concerns are mutual. We are all interested in protecting the environment equally. I have no greater concern than the Senator from Wyoming on that matter. I respect Senators for their different views, although we have reached different conclusions on this.

Mr. WALLOP. If, as the Senator says, we both share the same goals, I would urge him to consider my people and whom they have asked to represent them, speak for them, and provide them with this information in a timely fashion. Of course, the Senator is quite able to do it otherwise. But this is a request from my fellow Senator from Wyoming, Senator SIMPSON, and myself that our people have what they feel they need in a process that is a little beyond their scope and reach. This amendment is just a way of providing them with a little further help along a difficult path, which we are going to do.

The Senator is entitled to make his point of order.

I yield the floor.

Mr. LEVIN. Again, I respect my friend very deeply. I believe that that information must and should be available to the people of Wyoming before any construction begins. I also believe that this provision, as stated, will require the EIS before the facility is designed. That will bring some additional information to the people of Wyoming and the people of America. That is, the location of the building before it is designed because, in fact, the location of that building on that Air Force base could affect the design. I think all that information is necessary.

Clearly, the information which the Senator from Wyoming seeks is essential; as I indicated, I think it would be a violation of law for us to proceed with construction of this facility without that information being available. But under the current law, it also requires the EIS before the site on that Air Force base for the particular facility is selected. I think that adds some additional protection. I had not intended in any way to detract, clearly, from what the law provides for information.

Based on that, I would raise a point of order, Mr. President, that this is legislation on an appropriations bill.

The PRESIDING OFFICER. The amendment of the Senator supersedes provisions of existing law and is, therefore, legislation on an appropriations bill. The point of order is sustained.

Mr. WALLOP. Mr. President, I withdraw the amendment on behalf of the Senator from Wyoming, Senator SIMPSON, and myself, and express my deep regret that the judgment of a Senator from a State not ours has been substituted for those people who represent them. I am sorry to say that, but I do believe we have not been well served by an arbitrary decision.

Mr. MATTINGLY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MATTINGLY. I object.

The PRESIDING OFFICER. Objection is heard

The legislative clerk resumed the call of the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE NORDEN DAM-O'NEILL UNIT

Mr. EXON. Mr. President, I am pleased that the Senate Appropriations Committee has reported H.R. 3069, the fiscal year 1983 supplemental appropriations bill, with a directive to the Secretary of the Interior to contract with the State of Nebraska to study alternatives to the Norden Dam, O'Neill unit of the Pick-Sloan Missouri basin program.

The provision in H.R. 3069 requires the Bureau of Reclamation to immediately initiate a joint, State-led study with available funds in this fiscal year. The committee has promised to provide followup funding from the O'Neill project's construction fund account for the study in the fiscal year 1984 appropriations bill.

In the interest of encouraging a prompt but thorough study, the bill language limits the study period to 18 months. State water officials have indicated that 18 to 24 months would be required for this study which would include onsite testing and data collection. The time period for the study shall commence with the execution of the contract and the availability of funding between the Bureau and the State of Nebraska. Less time may actually be required.

The bill directs that this joint Federal-State study be State-led.

Nebraska water officials have outlined a plan of study to examine the possibility of serving the designated project lands without utilizing a major reservoir. An artificial ground water recharge proposal has been suggested by the Nature Conservancy which has raised interest in this possible alternative.

This joint, State-led study, mandated by the provisions of H.R. 3069, would examine: First, the capability of the Niobrara River Valley to support well fields pumping water to the project area utilizing vertical wells of conventional design or collection galleries, so-called horizontal wells, of less common, but of proven technology; second, the potential for large-scale ground water recharge, utilizing ditches, pits, spreading basins, and so forth, in the project area on a sustained basis; third, the possibilities of directly serving some project lands where recharge may not be feasible so as to maintain the objectives of Congress and "keep the project lands whole"; fourth, to estimate the cost of the alternative project in terms of Federal, State and local outlays, out-of-pocket costs to irrigators, operation and maintenance costs, and other social, environmental, and legal issues.

Total Federal costs for the alternative study are estimated to be $100,000 according to State officials.

Mr. President, Nebraskans are at a crossroads regarding the future of the Norden Dam, O'Neill unit project. There is substantial support for the project, and, there is substantial opposition. In short, Nebraska is divided over the question of building the Norden Dam.

Last December the House of Representatives, during consideration of the continuing resolution, voted overwhelmingly to reject all funding for the Norden Dam on a vote of 245 to 144. This rejection of the Norden Dam project, by 101 votes, was soon followed by the introduction of legislation in the 98th Congress to totally deauthorize the Norden Dam project.

The vote last December in the House was significant in that a majority of both Democrats and Republicans voted against the project, as well as a majority of westerners and members of the House Interior Committee. Opposition to the Norden Dam has focused on the project's rapidly escalating costs and environmental problems.

The future of the Norden Dam project as currently proposed is dim. I have asked all interested parties to strive to agree upon an alternative to the dam which can be supported by Nebraskans and the Congress in light of the fiscal realities facing water projects and all Federal spending in the Congress.

Recognizing the need to reassess, reconsider, and reexamine this matter, I contacted our Governor, Robert Kerrey, State officials, my fellow Nebraskans in the Congress, and prominent supporters and opponents of the authorized Norden Dam project.

I am encouraged by the response to my request that Nebraskans reach a consensus on the future of the Norden Dam.

In my letter of last March I stated that it has always been my belief that there is a real need for water development and for limiting Nebraska's water outflows. It is obvious that the construction of the Norden Dam has faced formidable environmental and financial obstacles. Ever since the unfavorable vote in the House of Representatives last December, which should have rung the alarm bell of all, I have been weighing the best future course of action for Nebraska. It appears to me that we have two options: One is to ignore the difficulties and proceed on course with the original O'Neill concept while acknowledging the risk of losing all funding; or second, to seek a workable, less costly alternative that could hopefully receive widespread support.

In this March letter to Nebraska's leaders and water community, I referenced two possible alternative projects. The first was the Carns diversion alternative, researched 2 years ago by the Bureau of Reclamation and supported by Nebraska Congressman DOUG BEREUTER after a study of nine possible alternatives. The second was a ground water recharge plan which was a totally new idea, not previously studied or considered in the 1981 report for Representative BEREUTER.

This second alternative was, as I mentioned, brought to my attention by the Nature Conservancy. Recognizing the need to provide water for north central Nebraska, this plan, called the Niobrara River water development plan, proposes to obtain, deliver, and store the waters of the Niobrara River in an innovative and creative manner. As a substitute for the Norden Dam, Reservoir, and extensive canal networks, the plan proposes to place a well field in the Niobrara River alluvium pumping approximately 9 months of the year and recharging the ground water basin beneath virtually the same project area served by the Norden Dam, O'Neill unit, according to the Nature Conservancy. In addition, conservancy spokesmen have estimated the cost/benefit ratio to be 3.78 to 1, compared to 1.32 to 1 for the Norden Dam. The projected cost of the well field proposal is estimated to be $96.5 million compared to the Norden Dam now estimated to cost in excess of $370 million.

The ground water recharge proposal to be studied by the State of Nebraska could save the Nation's taxpayers a quarter of a billion dollars. Furthermore, the proposal would eliminate most of the environmental objections, according to the conservancy, and yet provide most of the irrigation benefits of the authorized project.

Alternatives which will save taxpayers' dollars and preserve much of the Niobrara River's instream flow, stand a much better chance of acceptance in our current climate. With Federal budget deficits looming ahead in excess of $200 billion annually, we must seek more cost-effective ways to meet our water needs as well as all other Federal expenditures.

Limited Federal dollars will challenge our creativity and require new thinking and innovations to meet our future water needs. This is a challenge which I believe Nebraskans, who are vitally dependent upon water to support agriculture, are ready and willing to accept.

In order to meet our water demands in the years ahead we must move forward boldly in seeking less conventional methods to develop needed water supplies. We must let loose the old and tired notions of the past in searching for new solutions to these water needs.

My letter of March 10, circulating the ground water recharge alternatives to Nebraska's leaders, has stimulated considerable discussion of the possibilities of a less costly, less environmentally objectionable alternative to the dam both privately in correspondence to me, as well as in an endless number of news accounts across the State of Nebraska. Many are pleased and support an alternative and some do not. Some simply prefer a dam and reservoir or nothing at all, and are completely unwilling to consider alternatives as well as the Norden Dam.

Others, Mr. President, have raised legitimate questions about the feasibility of the ground water recharge proposal, with a willingness and open mind about reviewing possible alternatives to the Dam.

On March 17, Mr. J. Michael Jess, director of the Department of Water Resources for the State of Nebraska wrote to Gov. Robert Kerrey discussing the nature conservancy's alternative. He told the Governor that the conservancy's proposal was "innovative and has viable elements," and that "it is worthy of further pursuit by the Congress and the States."

On March 22, Governor Kerrey responded to my inquiry and suggested that "a formal review of this approach would yield valuable results and should be initiated by the appropriate Federal agencies. It is important for us, as Nebraskans, to work together to achieve our common goal of developing and utilizing our water resources."

On April 19, Governor Kerrey requested that the State of Nebraska undertake a study of the proposed ground water recharge alternative citing the need for "an objective, scientific analysis." The Governor estimated that $100,000 in Federal funding would be needed to conduct the study which would include onsite testing of various well yields in the project area. Directed by Mr. J. Michael Jess, the State's director of water resources, the Governor emphasized that "we need a judgment we Nebraskans and others can trust to be accurate."

On April 21, the Nebraska Natural Resources Commission voted, 12 to 2, to support a study and urge Federal funding to examine the potential of the ground water recharge alternative. Mr. Dayle E. Williamson, executive secretary of the commission, wrote to me following the commission's vote advising me of that agency's position.

Recently, Mr. Vincent H. Dreeszen, director of the conservation and survey division of the University of Nebraska's Institute of Agriculture and Natural Resources wrote to me indicating that he was pleased that I have initiated action to fund an alternative study. He stated that "the need for the study becomes more and more obvious as questions are raised and opinions expressed by interested people. All of us are speculating based on inadequate information."

Mr. President, Vince Dreeszen's comments accurately summarize the pressing need to quickly, but accurately, study the well field and ground water recharge proposal.

In addition to the encouragement of the State of Nebraska's water leaders, several major newspapers have editorialized in support of considering the ground water recharge alternatives.

The Omaha World-Herald, on March 27, said, "It would make good sense to lay aside emotionalism and to remember that the primary purpose of the O'Neill unit is not to build the Norden Dam. The primary purpose of the O'Neill unit is to provide irrigation water to farmers in an area where the water tables are declining." The World-Herald reiterated this position again in another editorial on June 10.

The Lincoln Journal, on March 16, said, "The better wisdom, Democrat EXON says, is to agree upon a less expensive alternative. That's sound advice."

On March 16, the Norfolk Daily News stated, "as long time supporters of the Norden project, we would like for the Nature Conservancy proposal to get a thorough examination by engineering experts and resource developers."

The Lincoln Star, on March 22, stated in its editorial, "We believe the Norden Dam is a lost cause and some alternative must be sought if anything is now to be salvaged. The Nature Conservancy plan does have a lot to offer and could be the rallying point for the consensus of which Senator EXON speaks."

Finally, the Nebraska Resource Report, published by Mr. Jack Hart, formerly the State's water resources coordinator under former Governor Thone, reviewed the well field and ground water recharge alternative. In his April 1983, issue of the report, Hart stated that the future of the O'Neill project "must be based on what now can be done to insure as much irrigated agriculture and as much economic development as possible in that north central part of the State," and that, "against these realities," Hart concludes, "the better part of valor appears to be to rally that consensus EXON seeks, create the very best plan with the greatest amount of irrigation possible."

Mr. President, I believe that, in light of projected water needs and future domestic and international demand for grain, we must make good use of otherwise lost water resources. The major goal of the O'Neill unit was always to provide irrigation water to north central Nebraska and recharge the aquifer. This must continue to be our goal and we must not be deterred from considering any acceptable and workable alternatives to building a dam.

With that in mind, I am hopeful that a consensus to protect Nebraska's water interests can be built around a proposal which recognizes the realities of the situation in the Congress, and in particular, in the House where complete deauthorization of the project is imminent absent an alternative plan.

I have not selected any one alternative to the exclusion of others. State

water experts will start with the Nature Conservancy's well field recharge plan. Answering a series of technical questions about the yields of the proposed well field, the placement of the wells, recharge rates, siltation problems in the recharge basing, energy costs, and other questions, will be our first and best step forward in forging a concensus for the good of Nebraska.

I am greatly encouraged by the committee's support for a State-led study of alternatives.

I applaud my fellow Nebraskans who have recognized the real situation facing the Norden Dam and have urged that this study be undertaken. It is my fervent hope that it will lead us toward a positive and balanced water development program for north central Nebraska.

I strongly encourage the Senate's full support for this provision in H.R. 3069, and request the firm commitment of the Senate conferees to this provision so important to the State of Nebraska.

Mr. President, I ask unanimous consent that the editorials from the Omaha World-Herald, the Lincoln Journal, the Norfolk Daily News, Omaha Sun, and Lincoln Star, in addition to the excerpt from the Nebraska Resources Report be printed in the RECORD.

I further ask unanimous consent that the letters from Governor Robert Kerrey, and the outline of the study plan prepared by the State, be printed in the RECORD as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 10, 1983.

DEAR ——— ———: I am writing to seek your advice on how we should best proceed on the O'Neill Unit. A similar letter is going forward to several others, including the Governor and the rest of Nebraska's Congressional delegation.

It appears that we may be at a crossroads on this project, and Nebraska's interests have highly questionable chances of being saved unless we Nebraskans can get our act together very soon. It will be my effort to accomplish that result and I hope you can help by giving me your views.

It has always been my belief that there is a real need for water development and limiting Nebraska's water outflows for the benefit of North Central Nebraska. But it is obvious that the construction of the Norden Dam-O'Neill Project has faced formidable environmental and financial obstacles.

There is a possibility that the current long legal battle over environmental concerns could be resolved, perhaps rather soon. But regardless of that outcome, whether favorable to the project or otherwise, there are now even more serious financial difficulties sometimes not fully appreciated.

Last December, it was only the Senate's continued authorization of funds that prevented the essential elimination of the project. Prior to the favorable Senate action, the House of Representatives voted against the O'Neill Unit for the first time by an overwhelming margin. Please refer for details to two letters dated February 24, 1983, copies attached, from Congressman Bonior, which make it clear that the action by the House in the lame-duck session was but the beginning and not the end of that body's determined opposition. With the federal deficits now confirmed at running in the $200 billion yearly range for years to come, it can be anticipated that the Senate also will be looking more critically at reducing or eliminating authorizations.

Ever since the unfavorable vote in the House of Representatives last December, which should have rung the alarm bell of all, I have been weighing the best future course of action for Nebraska.

It appears to me we have two options: One is to ignore the difficulties and proceed on course with the original O'Neill concept while acknowledging the risk of losing all funding; or, second, to seek a workable, less costly alternative that could hopefully receive widespread support in both Nebraska and Washington. The Carns Diversion Alternative already researched by the Bureau of Reclamation should be further reviewed as well as any other workable alternatives.

I have obtained Congressman Bonior's assurances that he would be approachable and would consult with me on possible alternatives without the necessity of reauthorization. He has made no commitment, however, as of now not to proceed with deauthorization. I have advised him that I will first attempt to form a consensus among Nebraskans as to how we should proceed.

In February I began looking at still another possible alternative, not previously suggested, from the Nature Conservancy group. It embodies, as a substitute for the dam, reservoir and extensive canal networks, wellfields further downstream and adjacent to the Niobrara supplying groundwater recharge to virtually the same O'Neill area. I was interested in many of the suggested benefits which claim to speed up completion, dramatically reduce the costs, eliminate all or most environmental concerns and other seemingly practical advantages advanced by this alternative. The claim is that, if adopted, the project's costs would be reduced by 73 percent, for a completed cost of less than $100 million as opposed to the present completion plan for over $368 million.

You will find attached some of the information on this option that was designed by an engineer. If there is sufficient interest in this proposal, I will initiate a formal review of this approach by appropriate federal agencies as to their view of its costs and feasibility. The main point is that we must, with dispatch, come to a workable concensus as Nebraskans and unite to reasonably protect Nebraska's water interests.

Because of the obvious need to cut federal spending, we must all do our part to explore less costly taxpayer-financed expenditures. There has been too much of the philosophy, "Let's cut yours, but don't touch mine." That attitude has got to be changed.

Your comments are solicited and further copies of this correspondence are available to any interested party from my office.

Cordially,

J. JAMES EXON,
U.S. Senator.

Enclosures.

NATURE CONSERVANCY'S "NIOBRARA ALTERNATIVE"

This is a summary of the proposal as advanced by the above organization.

The Niobrara Alternative proposes 196 pumping stations, similar to those already employed by Nebraska's three largest cities, to draw water from the Niobrara River's alluvium to a lined canal which would distribute water to approximately 125 small groundwater recharge basins. This proposal maintains instream flow for possible downstream irrigation and hydropower projects by employing underground water storage through aquifer recharge to support about 67,000 acres of land in the O'Neill area. Points for comparison and consideration:

1. The Niobrara Alternative minimizes water loss through evaporation, as it requires 70,400 acre-feet of water annually compared to the 166,500 acre-feet required by the O'Neill Unit.

2. The O'Neill Unit would serve 77,000 acres compared to the Niobrara Alternative's 67,000 acres, but the Niobrara Alternative would allow for additional irrigation downstream because of its smaller water requirements.

3. Niobrara Alternative cost is projected at $96.5 million; the O'Neill Unit at $368.7 million.

4. The estimated benefit cost ratio is 3.78/1 for the Niobrara Alternative; the same is 1.32/1 for the O'Neill Unit.

5. The O'Neill Unit requires acquisition of 30,264 acres of private land; the Niobrara Alternative only 2,300 acres.

6. It would take about 12 years construction time for the O'Neill Unit; five years for the Niobrara Alternative.

7. Since this is a groundwater recharge project, pumping costs for irrigators will be greater under the Niobrara Alternative. However, since the construction repayment obligations of the irrigation district will be much lower under the Niobrara Alternative, this will more than offset the additional pumping costs.

8. Under the Niobrara Alternative, farmers will be able to irrigate when their crops need it rather than according to the O'Neill Unit's water distribution schedule.

9. The recreation benefits of the Niobrara Alternative will be substantial although not of the same type. The recharge basins will provide excellent waterfowl habitat, and current recreation along the Niobrara will be preserved. Recreation benefits assumed in both alternatives are minor considerations in the benefit cost analysis.

10. The O'Neill Unit would require almost 100 miles of larger, lined canal and would require construction of long, underground "siphons" to transport water under creeks which traverse the canal path. The lined canal is smaller in diameter and only 20 miles long in the Niobrara Alternative.02

STATE OF NEBRASKA,
Lincoln, March 22, 1983.

Hon. J. JAMES EXON,
U.S. Senate, Hart Office Building, Washington, D.C.

DEAR JIM: I have had my staff carefully study your letter of March 10, 1983, in which you ask me on how we should best proceed on the O'Neill unit. Attached is a copy of a report from the State Water Engineer.

The question is most important because it does appear that we may be at a crucial turning point in the funding of the project. It looks as though we run a real risk in losing funding and authorization for the project.

Our concern in this issue is to deliver irrigation water to those areas which badly need supplemental water. The question is how do we provide proper soil moisture for

the necessary crop production in those areas to be irrigated by the O'Neill project. Our challenge is to answer that question with tools that we have available to us.

If funding for the O'Neill unit is not going to be possible in these difficult economic times, we do need to consider feasible alternatives as you suggest. If these alternatives are feasible and do achieve our goal of delivering water to the agricultural production areas, it is important that the authorization for the O'Neill project be transferred to an alternative so that we don't have to start all over again, the lengthy process of authorization.

I've had my staff review the Nature Conservancy's "Niobrara Alternative". Without going into technical details, I can say that the Niobrara Alternative merits further study. Mr. J. Michael Jess, Director of the Nebraska Department of Water Resources, has reviewed the plan for me and considers it to be innovative and a viable alternative. He feels that it is worthy of further pursuit by the Congress and by the State.

Therefore, I suggest that a formal review of this approach would yield valuable results and should be initiated by the appropriate federal agencies. It is important for us, as Nebraskans, to work together and to achieve our common goal of developing and utilizing our water resources.

Sincerely,

ROBERT KERREY,
Governor.

STATE OF NEBRASKA,
Lincoln, March 17, 1983.

GOV. ROBERT KERREY,
State Capitol Building, Lincoln, Nebr.

DEAR GOVERNOR KERREY: I have reviewed an alternative to the now-proposed O'Neill Unit which is intended for irrigation of some 77,000 acres of land in Holt and Keya Paha counties. The alternative study was prepared by a private firm for the Nature Conservancy. During two visits with the consultant, the scheme has been more fully outlined.

The alternative scheme proposes delivery of irrigation water to some 67,000 acres in Holt County. Much of those lands are the same as proposed for service by the Bureau of Reclamation. The principal differences between the schemes are two. The Bureau project calls for construction and operation of the Norden Dam. The Conservancy plan calls for construction of a well field in the Niobrara valley. Approximately 200 wells along a five-mile reach of the river valley constitutes the source of supply.

The other difference between the plans relates to the method of service to project land. The Bureau project utilizes a traditional approach involving direct service through canals, laterals, etc. The Conservancy plan involves operation of numerous ground water recharge pits scattered throughout the project lands. Through seepage from the pits the ground water reservoir would be recharged. Individual farm operators would tap the augmented supply by utilizing their own wells.

From an engineering viewpoint, several elements of the Conservancy plan appear feasible. Clogging of recharge pits by sediment carried in raw river water would be eliminated by utilizing pumped ground water for recharge of the aquifer underlying the project. The transfer scheme calls for sufficient recharge quantities to offset a significant portion of present ground water declines.

Cost of the alternative appears substantially less than the Bureau's proposal. The primary savings is achieved by eliminating the Norden Dam and Reservoir. Other cost savings result from construction of a smaller capacity and shorter length supply canal. Deemed unnecessary and thus eliminated is the Springview Canal which would provide water to about 10,000 acres north of the Niobrara River.

Contrasted to the proportionally high construction cost of the Bureau project, the Conservancy plan is highly energy intensive. Total lift in pumping from the valley wells and moving the water up to the high tableland south of the Niobrara valley amounts to 300 to 350 feet. Thus, a greater ratio of variable cost presumably changing in parallel with the economy would be substituted for fixed costs spread over a scheduled payback period.

In converstation with the consultant, out-of-pocket costs for individual farmers were said to be less than under the Bureau proposal. Under the same discount rate, the Conservancy plan is said to have a more favorable benefit to cost ratio (3.78 to 1 vs. 1.32 to 1). The Conservancy plan in not providing for a dam and reservior consequently eliminates flood control, sediment reduction, and some recreation benefits. I expect employment of individuals involved in the construction would also be less.

Development of a sufficient well field in the Niobrara valley at the recommended site is uncertain. The consultant acknowledged a lack of site-specific information. In its absence, he made an assessment based upon regional correlations. Skeptics could have come to dissimilar conclusions.

In summary, continuing ground water declines are a fact of life within the proposed O'Neill project. Imported supplemental supplies will provide stability to the local economy. The authorized Bureau project presents an attractive subsidy in terms of project payback, discount rate and other factors. No assurances have been given that the Conservancy plan would entail such advantages. Nonetheless, the plan is innovative and has viable elements. I believe it worthy of further pursuit by the Congress and by the State. I would be pleased to review and advise you should the plan be carried further.

Sincerely,

J. MICHAEL JESS,
Director,
Department of Water Resources.

GOV. ROBERT KERREY,
Lincoln, Nebr., April 19, 1983.

Hon. J. JAMES EXON,
U.S. Senate,
Washington, D.C.

DEAR JIM: As you say in your letter of April 1, 1983, there is considerable resistance to looking at any project (other than the O'Neill Unit/Norden Dam Project) that may successfully deliver the needed ground water to the agricultural production. Any new technology is meeting with resistance.

In analyzing any technology our method must be scientifically accurate and unbiased. We cannot afford to have the results of any experiment confounded by the preconceived notions of what the results should be.

Therefore, I am suggesting that an objective analysis be carried out by the Nebraska Department of Water Resources. The Director of this Department, Mr. Michael Jess, a qualified engineer, will coordinate a technical review of the proposed alternatives. This analysis will cost about $100,000 which we hope to provide through federal funds.

We could start the analysis this summer at the earliest date if funding can be provided. We would appreciate your assistance in this regard.

We need an objective, scientific analysis of these alternatives. We need a judgment we Nebraskans and others can trust to be accurate.

Sincerely,

ROBERT KERREY,
Governor.

STATE-LED REVIEW OF NATURE CONSERVANCY ALTERNATIVES TO THE O'NEILL UNIT

The recently released Nature Conservancy proposal outlines an alternative scheme for supplying supplemental irrigation water to the lands identified in the Congressionally-authorized O'Neill Unit. Reaction to the proposal has been mixed. A number of technical and economic questions have been raised. Review and evaluation of those issues is desired.

Michael Jess, Director of the Department of Water Resources, has been designated by Governor Kerrey to coordinate a State-led review. Jess will call on Vince Dreeszen, Conservation and Survey Division, UN-L and V. K. "Tony" Vrana, Natural Resources Commission for assistance. The review will be conducted with the aid of the private sector, University departments, State agencies, the North Central Nebraska Reclamation District, the Nature Conservancy and the Bureau of Reclamation. Information available from the Bureau of Reclamation, from other federal agencies and from elsewhere will be utilized.

The Governor has estimated that a minimum of $100,000 in cash will be sought. The study coordinator estimates the effort will require 18 to 24 months' time.

The State-led review will examine the possibilities of serving the designated project lands without utilizing a major reservoir. The study will not attempt to pass judgment on the O'Neill Unit as authorized. Rather, it is envisioned as an effort to consider alternatives consistent with the objectives of Congress.

Specifically, the review is expected to shed further light on the:

(1) Capability of Niobrara Valley well fields utilizing vertical wells of conventional design or collection galleries of less common but proven technology.

(2) Potential for large-scale ground water recharge (through ditches, pits, spreading basins, etc.) in the project area on a sustained basis.

(3) Possibilities of directly serving some project lands where recharge may not be feasible so as to maintain the objectives of Congress and "keep the project lands whole."

(4) Estimated cost of the alternative project in terms of federal, state and local outlays, out-of-pocket costs to irrigators, and operation and maintenance.

To the extent possible, the review will also address social, environmental and legal issues.

If a favorable report can be made on an alternative, it is assumed that a feasibility study would follow.

STATE OF NEBRASKA,
GOV. ROBERT KERREY,
Lincoln, Nebr., June 7, 1983.

Hon. EDWARD ZORINSKY,
Hon. J. JAMES EXON,
U.S. Senate,
Hon. DOUGLAS K. BEREUTER,
Hon. HAL DAUB,
Hon. VIRGINIA D. SMITH,
House of Representatives,
Washington, D.C.

DEAR NEBRASKA DELEGATION: Earlier this Spring, several State water development agencies joined together to propose a State-led review of alternatives to the Norden Dam-O'Neill unit. I designated Michael Jess of the Department of Water Resources to coordinate the State led review, which would be conducted with the aid of the Conservation and Survey Division of UNL, the Nebraska Natural Resources Commission, and other parties including the U.S. Bureau of Reclamation.

In proposing the State-led review, we estimated that $100,000 would be necessary from the Bureau of Reclamation and that 18 to 24 months would be required to complete the study.

The Senate Appropriations Committee has now directed that the State-led study be undertaken, and we ask that the Nebraska delegation support the language as it was reported in the 1983 Supplemental Appropriations Bill. To maximize the objectivity and effectiveness of the study, the sooner the study is approved, the sooner it can be completed. We are assuming that no further money would be spent on construction activities until the study is completed.

We are eager to move forward with a cost effective consensus project for the benefit of north central Nebraska and it is the intention of the State to conduct the study expeditiously. I have directed Michael Jess to begin immediate preparations in order to advance the timetable of the study.

Sincerely,

ROBERT KERREY,
Governor.

[From the World-Herald, Mar. 27, 1983]

A CHOICE ON NORDEN DAM

The Bureau of Reclamation's proposal to dam the Niobrara River near Norden, Nebr., and transport water by canal to the O'Neill area continues to generate opposition in the Midlands and in Congress.

That opposition has reached the point where proponents of using Niobrara water for irrigation in the O'Neill area should recognize the possibility that the Norden Dam will not be built.

Last December, the House voted 245-144 against appropriating construction money for the dam.

An analysis of the vote distributed by Rep. David Bonior, D-Mich., illustrated the extent of the opposition to the Norden Dam. Those voting against the project included majorities of the House Democrats, House Republicans, House Interior Committee members, Public Works Committee members and representatives from Western states. Even the Nebraska delegation, he noted, is divided.

Last week, Bonior introduced legislation to "deauthorize" the project.

Sen. J. J. Exon, who is proposing a look at an alternative plan proposed by the Nature Conservancy, has said the situation is at a "crossroads." Governor Kerrey, who has recommended that the Nature Conservancy's plan be submitted to a formal review, says the O'Neill project is at a "critical turning point."

Exon, in a letter to a number of Nebraskans earlier this month, said the choice is between:

Ignoring the political and financial difficulties associated with the Norden Dam and risking the loss of all federal funds for irrigation in the O'Neill area;

Seeking a workable, less costly alternative capable of winning support in Nebraska and in the nation's capital.

Supporters of increased irrigation in the O'Neill area should consider those alternatives.

The Nature Conservancy's proposal would involve the drilling of 196 wells on either side of the river. Water pumped from beside and below the river would be carried by canal to man-made ponds in the O'Neill area, from where the water would soak into an aquifer.

Local irrigators would pump the water to the surface as needed, using their own irrigation systems.

Some of the reaction to the Nature Conservancy's plan has been critical. Such longtime supporters of the Norden Dam as State Sen. John DeCamp of Neligh and former Sen. Maurice Kremer of Aurora have described the plan as merely a variation of a concept already studied and found unworkable.

Supporters of the Nature Conservancy's plan say that the idea is superior to the Norden Dam proposal. The Nature Conservancy's plan would cost less, they say, leave more water in the river, lose less water to evaporation and seepage, require the condemnation of less private land and still provide irrigation water to most of the territory targeted for Norden Dam water.

Such claims should be submitted to study and review as suggested by Kerrey and Exon. The Nature Conservancy's plan deserves a look. The O'Neill Unit issue needs to be resolved.

It would make good sense to lay aside emotionalism and to remember that the primary purpose of the O'Neill Unit is not to build the Norden Dam. The primary purpose of the O'Neill Unit is to provide irrigation water to farmers in an area where water tables are declining.

[From the Lincoln Journal, Mar. 24, 1983]

DAM DOES NOT THRILL KERREY

Nature Conservancy's alternative to the Norden Dam as a means of furnishing irrigation water to the O'Neill Project is, quite as Gov. Kerrey says, an "innovative" one. Whether it is also a "viable alternative," as the governor is further quoted as saying, isn't quite as firm. That may be a case of the hope being the father of a wished-for conclusion on Kerrey's part.

The governor's letter to Sen. J. J. Exon endorsing careful checking of the suggestion of an extensive well field along the Niobrara River as a source of water for north-central Nebraska irrigation is still a meaningful statement. It means that Kerrey is not keen about construction of the Norden Dam. Reaching a contrary conclusion would be difficult.

As a platform for his comments to Exon—who raised the Nature Conservancy alternative earlier this month—the governor referred to comments of J. Michael Jess, the state's water resources director. Jess wrote that from an engineering consideration, the well field/recharge pit package appears feasible.

But Jess also was cautious enough to add that there is no guarantee of a well field of sufficient productive size at the proposed location. And tests could prove him correct.

It may be that the kind of river water diversion structure and temporary reservoir sketched by Rep. Douglas Bereuter months ago might be a more stable, satisfactory option.

Not only the Nature Conservancy proposal but the diversion and pumping combination cited by Bereuter ought to be checked out in maximum detail—including financial detail.

[Editorial from the Lincoln (Nebr.) Journal, Mar. 16, 1983]

STATE SHOULD FOLLOW UP EXON, BEREUTER NORDEN ALTERNATIVES

It's J. J. Exon, not E. F. Hutton, who's doing the talking. Nevertheless, backers of the embattled O'Neill Unit-Norden Dam project ought to listen attentively.

The state's junior U.S. senator this week all but signalled the project in its present controversial form is probably moribund. The financial costs and environmental considerations involved are too heavy. The better wisdom, Democrat Exon says, is to agree upon a less expensive, dam-less alternative.

That's sound advice.

An option which Exon recommends—at least for purposes of getting constructive new thinking started, so far as we can tell—is a proposal developed by the Nature Conservancy. It has as its central feature an extensive well field bordering the Niobrara River, straddling the Rock and Holt County boundary line, and then a groundwater recharge system.

Pluses held out for this plan are that it would cost less than $100 million or about one-fourth of the current project design, have a genuinely positive benefit-cost ratio, be less environmentally intrusive and could have a chance of being operative six to seven years earlier.

This is not the same plan which Rep. Douglas Bereuter had highlighted in October 1981, rather than going ahead with construction of Norden Dam. Of nine alternatives to the old project, Bereuter focused on one called the Carns Pump Diversion plan—a 10-foot high diversion structure positioned on the river, creating a small seasonal holding pool just where Rock, Holt, Boyd and Keya Paha Counties come together.

Whether the Carns Pump Diversion scheme is better than the wells/recharge combination prepared by the Nature Conservancy is, of course, an informed judgment incapable of being made without analysis.

When Democratic Rep. John Cavanaugh declined to seek a third term, Republican Bereuter picked up the flag of opposition to the O'Neill Project, so long as it embraced the Norden Dam. Bereuter's politically unpopular but leadership-style call in June 1981 for an honest, updated financial evaluation of the project helped lay the groundwork for the position which Exon now has reached.

Given Exon's political weight, in Nebraska and on the Senate Budget Committee, his counsel that all sides get together on a compromise alternative should not be spurned. Exon is simply being pragmatic in this regard, and of a mind to help Nebraska, lest the entire irrigation project go, as they say, down the river.

[Editorial from the Norfolk (Nebr.) Daily News, Mar. 16, 1983]

AN ALTERNATIVE?

Sen. J. J. Exon thinks there may be a way to meet the objectives of the O'Neill-Norden Dam project without the dam. He wants serious consideration given the proposal made by Nature Conservancy to supply water to the 67,000 irrigable acres in the O'Neill area by means of wells drilled along the Niobrara.

That proposal would require nearly 200 wells along a stretch of the river north of Newport. The area is approximately 40 miles east of the Norden Dam site. It would require much less canal construction, and would provide a series of small water impoundment areas supplied by the wells rather than the single large dam. As estimated now, the cost-benefit ratio would be greatly improved.

The Norden project's cost estimate is currently $368 million; that for the conservancy plan $96.5 million. The benefit to cost ratio of the original project is to be 1.32 ($1.32 in benefits to each $1 of estimated costs), while the new plan indicates a 3.78 ratio. Land acquisition by the federal government for the conservancy plan would total 2,300 acres; that for the original project 30,000 acres.

The plan advanced by the conservancy group and suggested for consideration now by Sen. Exon has two major deficiencies. It would not create a new lake, useful for recreation, though that tradeoff for flooding of a scenic area has never been acceptable to opponents of the project. Neither would it provide water to 8,000 acres in the Springfield area which is a feature of the original Norden project.

Sen. Exon believes the vote in the House last year when the O'Neill-Norden project was denied additional funding was an omen which now leads to only two options. One would be to attempt to "proceed on course" with the original project despite the risk of losing all funding. The other is "to seek a workable, less costly alternative."

Before the conservancy group's plan there seemed no practical alternative to consider. Now there is one, though its feasibility must still be determined. There may be environmental groups which would as vigorously oppose the alternative as the original project; or those who would see grave dangers in tapping ground water to the extent such a project requires. Still others will argue—as is the case with the original project—that any schemes to improve production in the face of crop surpluses is unwise.

Making good use of otherwise wasted water resources, however, remains good public policy.

The conservancy group has come up with a proposal that deserves careful study. Sen. Exon has outlined the situation in realistic terms. There is every reason for advocates of resource development in the area and in Nebraska to examine it with care, and with a positive approach. As long-time supporters of the Norden project, we would like for the Nature Conservancy proposal to get a thorough examination by engineering experts and resource developers.

[Editorial from the Lincoln (Nebr.) Star, Mar. 3, 1983]

NEW FUTURE POSSIBLE FOR NORDEN DAM PLAN

Slowly but surely, it seems, the Norden Dam-O'Neill Project is slipping away into oblivion. Congressional forces are arrayed against it that seem irreversible and the project earns no new friends along the way.

Nebraska Sen. Jim Exon is currently attempting to determine what route the state wants to take, from a political point of view. He writes in a letter: "In February I began looking at still another possible alternative [to Norden], not previously suggested, from The Nature Conservancy group. It embodies, as a substitute for the dam, reservoir and extensive canal networks, wellfields further downstream and adjacent to the Niobrara supplying groundwater recharge to virtually the same O'Neill area.

"I was interested in many of the suggested benefits which claim to speed up completion, dramatically reduce the costs, eliminate all or most environmental concerns and other seemingly practical advantages advanced by this alternative. The claim is that, if adopted, the project's costs would be reduced by 73 percent, for a completed cost of less than $100 million as opposed to the present completion plan for over $368 million. . . ."

The Senator went on to note that it is imperative that Nebraska come to some kind of consensus in this matter, beyond the O'Neill unit on a take-it-or-leave-it basis. It is imperative because political forces in Congress are moving to de-authorize that unit, a project now nearly 30 years in the planning and still without a shovelful of dirt moved toward its construction.

On a vote in the 1982 lame-duck session of Congress, the O'Neill project was rejected by a staggering 101-vote margin. The prime House mover against the project is Rep. David E. Bonior of Michigan who has informed Senator Exon of his intentions to see a House de-authorization of the O'Neill unit, a move Bonior believes will be met with resounding success.

We believe the Norden Dam is a lost cause and some alternative must be sought if anything is now to be salvaged. The Nature Conservancy plan does have a lot to offer and could be the rallying point for the consensus of which Sen. Exon speaks.

Without some such switch in approach, everything will be lost and Nebraska will have to start all over again. A switch to the conservancy's plan would salvage existing appropriations of some $10 million plus salvaging a green light in the Congress for a water project along the Niobrara.

We do not lay claim to the engineering expertise to render a solid judgment on the conservancy project but it looks to have a great deal of potential. We commend Exon for his attention to the matter and hope he proceeds with a request for a formal review of the project by appropriate federal agencies, as he has offered to do if support out of Nebraska is forthcoming.

If Nebraska sticks to its guns on the Norden Dam, it is likely to lose that battle, plus anything that could be salvaged from moving at this time to a new plan of action. It is time to recognize the inevitable demise of the O'Neill unit.

[Editorial from the Omaha (Nebr.) Sun, Mar. 23, 1983]

SENATOR EXON TRIES SALVAGE OPERATION

Since its authorization by Congress in 1971, the proposed Norden Dam project (also known as the O'Neill, Nebr. irrigation unit) has been attacked by environmental and taxpayer groups.

While opposition has mushroomed in recent years, our two U.S. senators, J. J. Exon and Ed Zorinsky, have straddled the fence.

Both are still there, but Exon has taken some action, mailing a letter to 60 Nebraskans who represent a cross-section of viewpoints on the issue. He has asked them to compromise so Nebraska won't be shut out of funding for some type of irrigation project in North Central Nebraska.

Some observers have termed his action "courageous." Always sticklers for precise language, we prefer the phrase, "politically astute."

In our view, those who know Jim Exon's style can take the letter as an electrocardiogram of the dam's failing vital signs.

Last fall, Rep. David Bonior led a floor fight to eliminate funding for Norden. The motion carried by more than 100 votes in the House, though it was deleted from budget resolution language in what is known as "joint conference."

Nevertheless, Bonior says he'll pursue the issue. With more Democrats in the House this year, a move to dump Norden would be even more popular.

So Exon has turned to alternatives, specifically a new proposal forwarded by the Nature Conservancy, an environmental group. It calls for construction of almost 200 wells along the Niobrara River to supply water for 67,000 acres.

The plan includes 125 recharge basins. The underground water table has been dropping because of past irrigation. The need for recharge has been cited by Second District Congressman Hal Daub as a reason for his support of Norden.

The Nature Conservancy plan appears to have several advantages over the Norden plan put forth by the Army Corps of Engineers.

Take cost. For the Nature Conservancy plan, it's $26.5 million. For Norden? $368 million.

Wells would not threaten the scenic river and its white-water rapids as would Norden, nor would wells put agricultural land under water. Environmentalists and Ed Jaksha, head of the Nebraska Taxpayers Coalition, seem amenable to such a plan. While the well system doesn't give dam backers everything they wanted (it would irrigate 10,000 fewer acres), it might be something they can live with.

Depending on the willingness of the two factions to compromise, the senator appears to have stepped in at the right time to put an end to the long dispute.

While congratulating Exon on his initiative, we must point out that his past reluctance to oppose an essentially wasteful project has prolonged its life.

Indeed, his chief concern today seems to be to save "Nebraska interests,"; in other words, to salvage some federal money for the state.

In essence Exon is still suggesting we spend tens of millions—most paid by electrical ratepayers—to irrigate for increased agricultural production. At the same time, the government is paying farmers not to grow crops. Sometimes politics is simply beyond our understanding.

The real credit for scaling down this boondoggle should begin with former Second District Congressman John Cavanaugh, who had the courage to attempt scuttling a pork barrel project in his own state.

And let's not forget First District Congressman Doug Bereuter, who has had the courage to buck a Republican colleague (Rep. Virginia Smith) in arguing for a less costly alternative. Their efforts made Bon-

ior's assult on Norden possible, with the result that Norden supporters should now be grateful for whatever Exon can do to salvage something.

[From the Nebraska Resources Report, April 1983]

O'NEILL'S ONLY HOPE

The supreme irony of the year: Jim Exon rallying support for a consensus on a plan for irrigation land near O'Neill.

The existing plan, a considerably more beneficial plan than the new one being touted, once had just that kind of consensus in Nebraska—solid support from the congressional delegation, the governor and all the political forces that really counted.

It had that kind of consensus until then-Gov. Exon beat a hasty retreat when the project started drawing some flack and his Democratic colleague in Congress, John Cavanaugh, came out against it.

Had then-Gov. Exon given the original plan some strong support in the latter 1970s, now-Sen. Exon might not have to be out hustling support for a lesser project in 1983.

Such reflections, though, are not the stuff that decisions should be made of. Deciding the next step in the tortuous course of the O'Neill project must be based on what now can be done to ensure as much irrigated agriculture and as much economic development as possible in that north central part of the state.

Whatever has gone before, injection of the Nature Conservancy plan into the cauldron of controversy surrounding O'Neill irrigation undoubtedly spells the doom of the original project.

If sponsors now attempt to push ahead with the original plan, no matter how good that plan or how noble the cause, they almost surely would do it without the support, and likely with the opposition, of Exon and Gov. Kerrey, who have embraced the alternative, as well as Rep. Doug Bereuter.

That would be too much burden even for the best of projects, which the original O'Neill plan is.

Against these realities, the better part of valor appears to be to rally that consensus Exon seeks, create the very best plan with the greatest amount of irrigation possible, then stay the course toward realization of that plan even if its course too becomes a little rocky.

Mr. PERCY. Mr. President, on Thursday, June 3, the Senate adopted an amendment which I introduced related to the need for authorization prior to the obligation of foreign assistance appropriations. I believe colloquy is needed to create more legislative history related to that amendment. I have discussed this situation with Senator HATFIELD, the chairman of the Appropriations Committee, and also with Senator KASTEN, the appropriate subcommittee chairman on Foreign Operations.

The House bill contains language that states:

Funds in this chapter may be made available for obligation only upon enactment of authorizing legislation.

The amendment that I introduced included identical language and it also contained one additional sentence which states, "Funds in this chapter shall remain available until expended."

The second sentence was added at the suggestion of the Appropriations Committee and I concur that if the authorization bill is enacted late in the year that such language is necessary.

The reason that I raise this issue again, however, is that I want to make absolutely certain that the addition of this second sentence in my amendment does not make the substance of the first sentence subject to modification in conference. Since both bills contain identical language requiring subsequent authorization, I believe that this sentence should remain in the conference bill. I also want to make certain that the conferees will not add language to the bill that would in any way waive the need for subsequent authorizing legislation. That was the clear intent of my amendment and I am sure the managers of the bill will honor that intent.

It is my understanding that they do concur with it. Certainly, the chairman of every authorizing committee in the Senate and the ranking member of every authorization committee in the Senate would concur with that. Otherwise, what is the authorization process all about? That is the principle we are protecting on the floor today.

I thank my distinguished colleague for considering this matter and would very much appreciate at this time his response.

Mr. KASTEN. Mr. President, let me answer the chairman of the Foreign Relations Committee in the following manner. As he knows, when the supplemental appropriations bill came over from the House, it contained language with reference to authorization. That language was redundant. The underlying permanent law requires authorization through the so-called Fulbright amendments. Therefore, I moved to strike the additional language and the committee struck it.

Nevertheless, I agreed to accept the Senator's amendment putting this redundant language back in, amended by a suggestion I made, making the funds available no-year funds, the latter being something that we do not like to do in the Appropriations Committee with reference to foreign assistance. Nonetheless, in order to accommodate the Senator from Illinois, we did so. As I understand the Senator, he wishes me to make some kind of ironclad guarantee that the other body will not insist or the conferees will not insist that some kind of change be made in the language.

I know from his discussion that the Senator realizes that this is something that I cannot unilaterally do. I do not have the power to do it. I have tried to accommodate the concerns of the chairman because I believe in the regular process. I, too, want to get an authorization bill. As the Senator knows, there were some in the administration wanted me to introduce an amendment waiving authorization or to submit a date certain. I would not do that. But it is impossible for me to guarantee against any action that the conference might take on this matter. However, I agree with the interpretation of the Senator from Illinois. Since both versions of the bill contain identical language requiring subsequent authorization, I fully agree that I will make every effort to insure that language will be in the conference bill.

I also agree that I will make every effort to insure that the conferees will not add additional language to the bill which has the effect of overriding this provision or which would in any way waive the need for subsequent authorizing legislation prior to obligation of the appropriated funds in chapter V.

Mr. PERCY. Mr. President, I thank my distinguished colleague. I feel, with this assurance—and I have great confidence in his tenacity. Having worked with him as closely as I did for as many weeks and months as we did on the important matter involving withholding, I know he is a tenacious fighter and fights for what he believes in. I thank him very much indeed. This will make unnecessary, then, an amendment at this time. I thank the Senator from Wisconsin for the assurances he has given to me.

I also want to say that should the conference bill return to the Senate with language waiving the foreign aid authorization requirement, I want to make very clear to the leadership and managers of this bill that I shall do everything in my power to delay and defeat the conference bill. I want to have no misunderstanding about the intentions of the Senator from Illinois in that regard.

I do very much appreciate the spirit of accommodation with which we have always worked together. It is essential that the chairman of the Appropriations Committee and the chairman of the Foreign Relations Committee and our respective ranking members do work closely together in harmony. We have done it for 2½ years. I know we shall continue to do so. I appreciate this matter being resolved.

Mr. MATTINGLY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1389

(Purpose: Provide an additional $34.5 million for soil conservation programs)

Mr. MELCHER. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The Chair informs the Senator that the pending business is the committee amendment.

Mr. MATTINGLY. Mr. President, I ask to set aside the pending committee amendment to consider the amendment of the Senator from Montana.

The PRESIDING OFFICER. The Senator, as floor manager, has that right.

The clerk will state the amendment of the Senator from Montana.

The legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER), for himself and Mr. BOREN, Mr. BAUCUS, Mr. ZORINSKY, Mr. JEPSEN, Mr. RANDOLPH, and Mr. EXON, proposes an amendment numbered 1389.

At, the end of the bill add the following new section:

For an additional amount for Soil Conservation for the fiscal year 1983, $34,500,000 to remain available until expended, of which $10,000,000 shall be for Resource Conservation and Development, $3,900,000 shall be for the Great Plains Conservation Program, $10,000,000 shall be for Soil Conservation Matching Grants, $10,000,000 for the Agricultural Conservation Program, $600,000 shall be for the Special Areas Conservation Program: *Provided further,* That $100,000 from the Special Areas Conservation Program be made available for the "MIDAMERICA" program.

Mr. MELCHER. Mr. President, the amendment which I am offering on behalf or myself and Senator BOREN, Senator JEPSEN, Senator BAUCUS, Senator RANDOLPH, Senator EXON, and Senator ZORINSKY is an amendment that has been carefully worked out with the soil conservation districts throughout the country through the national organization and with the professionals in the Soil Conservation Service down at the Department of Agriculture. The way we have done this is to say that we would like to do the right thing with soil conservation, to start an additional step in the catchup that we know is needed by coming up with sufficient funds for doing the right thing for our soil and water base throughout the country. We proposed an amount somewhere in the range of $32 million to $36 million as an add-on to this supplemental in order to take that additional step.

We are not making the case that there has not been some dollar improvement over the past couple of years for soil conservation. What we are making the case for is that in real dollar values, we are attempting desperately to get back to where we were in the actual amount of work accomplished in soil conservation in the 1968–70 period. That is how sad the situation is. We are approximately one-half in actual accomplishment in soil conservation work during 1982 of where we were in 1968, 1969, or 1970. That is a sad situation.

One might say, well, maybe we were doing too much in 1967, 1968, 1969, and 1970. That was not the case. We were simply a little more prudent. As a matter of fact, none of us will argue that you ever do too much work on soil conservation, that you ever do too much work on watershed protection, that you ever do too much work on avoiding erosion, whether from water or wind. All of us who realize that the greatest asset this country has is our soil and water base know that we could never do too much in soil conservation.

We did not do too much in the late sixties or the first year or two in the decade of the seventies, but it has been a sad fact that since then because of inflation, because of the urgency of other national programs, we have not really kept pace. We have started down the trail of trying to make the adjustment to put soil conservation work on a higher priority, but we simply have not reached the point where we can say we are doing an adequate job. In a year when we are facing huge deficits, we know full well that an add-on amendment to a supplemental appropriation or any appropriation bill is a difficult task, but there is money in this supplemental for so many different things that are of less importance than soil and water conservation that I urge all Senators to very seriously consider the need for this modest add on.

The reason it is split up in the five different components is to make certain that the areas of soil conservation work that need a little additional funding will have it. We have taken the advice, as I mentioned earlier, of the soil conservation districts throughout the country and we know that this money will be very wisely spent. When will it be spent? It will not necessarily be spent between now and October 1. The argument could be made, "Well, why make it in an appropriation bill?" The reason we are offering it now, Mr. President, is to make sure that the utmost in planning and utilization can take place. Planning for soil conservation work is not the type of planning where you have the money this week and you start to figure out how you are going to spend it 2 or 3 weeks from now. To the contrary; the money used for soil conservation work has to be available and then programed through the system. That takes a great deal of time. The money that we are actually appropriating, once it has been enacted into law, will get into that process, that chain of events and will clearly be ready sometime late this fall where the climate permits it or into next spring and summer. None of it will be wasted.

The regional convention of the National Association of Conservation Districts throughout the United States had just recently completed its activities in our State of Montana. The convention was held at Great Falls. We felt rather honored to be able to host this regional convention. The soil conservation districts throughout the country are composed of people who devote their own time without much in payment, sometimes none, sometimes modest, depending on whether there is any money in the soil conservation district. But they devote their time because they are so concerned with these precious assets, our land and water, in the United States that they want to make progress. The purpose of this amendment is to assist that effort. Most soil conservations districts are composed of thousands of people who are dedicated to the lifelong work of trying to leave the soil and water base in better shape than when they first acquired ownership or first became engaged in farming or ranching.

Most of them are people with families. They involve the family in the vital concern of conservation work. They constantly keep uppermost in their mind that while farming and ranching is often very tough economically, soil and water work must continue. They do that because they realize the future generations of this country are hostage to the work that we do during our lifetime—so that we pass on to them the opportunity of production from land, utilization of land for wildlife values that is better than it would have been if we had not paid attention to it.

That sounds like a very simple procedure. Actually, it is a procedure that is so right that no matter whether it is simple or difficult or involved, every project that is undertaken in a soil conservation district is one that has been designed to accomplish a given purpose and to reach the goal that we all contribute to, and that is a better land and water base.

We have had a great concern over the past several years about the amount of erosion that has transpired because of heavy cropping of our farmland. This is of great concern to everybody that works the land, and it is of great concern to the Department of Agriculture. It is of great concern to everybody that has ever contemplated the value of our land and water base.

Soil conservation work is the tool that we use to protect that. Now, if we felt that we were up to snuff in it, up to full speed in it, I do not think I would be offering this amendment today and my colleagues would not be joining me in asking the Senate to support this amendment, but we are not up to speed. We do not have things going properly in soil conserva-

tion work; that is why it is so urgent that we pass this amendment today, to take one more, little step forward in that catchup work that is so vital. I hope that my colleagues will join with me in supporting the amendment.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I sincerely regret having to rise in opposition to this amendment offered by the Senator from Montana. Not only is he a very wise and able Senator in the specific area of farm and soil conservation programs, but he has identified an area of need that clearly exists. As a matter of fact, it was just a couple of weeks ago that the Soil Conservation Subcommittee of the Senate Agriculture Committee began a series of hearings around the country to try to identify the best ways to go about solving some of these very serious problems. In my State of Mississippi, for instance, we are ranked third among the States in the average annual rate of soil loss by reason of erosion. I know there are some other critical areas out in the Northwestern part of the country. For instance on much of our very valuable farmland. The national average is something like 10 tons of soil per acre being lost each year. So every effort has to be made to address this critical problem.

It was for this reason that the jobs bill that was recently passed included $107 million to create jobs for building watershed projects and for taking other steps to provide technical assistance for landowners to help meet this critical problem. In addition to that, Mr. President, in the regular appropriation bill for fiscal year 1983, we provided over $30 million for the resource, conservation, and development program and over $20 million for the Great Plains conservation program. Both of these are areas in which the Senator from Montana now seeks to add almost $14 million.

What we are saying is that we are now in the process of writing the subcommittee's recommendations for soil conservation to the Senate Committee on Appropriations for the fiscal year 1984 budget.

These matters that are brought to the attention of the Senate now by the Senator from Montana will certainly be in the minds of the members of that subcommittee as we proceed to a markup on Tuesday.

Although we know the money could probably be used—we know the needs are there—we should not come in at this point and add over $20 million of new money to be spent during the remainder of this fiscal year. We hope to have an adequate level of funding to recommend to the full committee.

I might say, too, that in the discussion of this bill, we authorized some $17 million to be spent by the Soil Conservation Service to rehabilitate watershed and other flood control devices that may have been damaged in recent flooding that the country has endured.

In other words, there is a strong effort being made by the Senate, and the Appropriations Committee, to get the maximum amount of funding targeted to these critical areas of need.

It was brought to my attention this morning that we are approaching $1 billion in excess of the administration's request in this supplemental appropriations bill. I am afraid that if we push our luck too far, we are not going to see this bill signed, but sent back to us.

There are a lot of critical problems targeted in the bill, and I would hate to see us bogged down in a confrontation that can be avoided. I think it can be avoided by waiting for the fiscal year 1984 appropriations bill that is coming up to fund the activities of the Soil Conservation Service. Let us not try in less than one-half of the fiscal year to do everything we know needs to be done.

We have long-range problems. We have some very serious problems in this area.

My hope is that the Senate will refrain from approving the amendment and will leave to the regular budget process the ability to help solve this problem.

Mr. MELCHER. Mr. President, my good friend from Mississippi has accurately stated what has been done recently.

The $5 million in the jobs bill that was carved out, for example, for RC&D lead to an effort to identify how much was needed to be done in RC&D work.

For those who are not familiar with the initials RC&D, it is resource, conservation, and development areas that are spread throughout the United States and identify, under this program, how better to make the area improve in resource, conservation, and development efforts.

That $5 million out of the sum that was appropriated in the jobs bill was a small part of the 55 million dollars' worth of work for RC&D that should be funded immediately, as quickly as possible. What is available under current appropriations, however, is something less than $30 million.

So we cannot perhaps do as much as we should for RC&D. But, having spent the $5 million and finding out far more was needed, it seems to me that it would be a little foolish not to go ahead and provide some of the unfunded money. What we have done in the amendment is to stake out $10 million of this $34 million for that purpose.

In looking at the Great Plains conservation program, we found that there are some contracts that are supposed to be let. These are contracts that are supposed to be let this year out of funds obligated in fiscal 1983. These are funds where the Federal Government puts up a little money and, like our RC&D and ACP, almost all conservation work, where the Federal Government puts up a little money—sometimes it gets up close to half; in recent times, nowhere near that—and the individuals put up the balance.

We are not talking about a program where we dole out of the Federal Treasury the money to buy something. What we are talking about in these programs is where we take some seed money out of the Federal Treasury, and then it becomes larger because the individuals or the areas, the soil conservation districts, and sometimes the States, contribute half or more.

When you break it down, in several of these programs we are talking about a dollar of Federal money and $2 to $3 of somebody else's money. It is a good investment for the Treasury.

In the Great Plains conservation program, we find that there are 262 contracts that cannot be met. They should be met this year, so that the work can start going forward. As I explained earlier, sometimes the work can start this fall. It generally does. Other times, we even have to wait until spring. But until a contract is let with the individual operator or the soil conservation district, nothing is in the mill.

It is estimated by the Department of Agriculture and by the National Association of Conservation Districts that $3.9 million would meet its unmatched or unfunded obligations. Bear in mind that this will be part Federal money and the bulk of it will be private money. So it is a good investment.

It is discouraging—and this is what we can take note of for next year—that in the Great Plains conservation program there are 4,000 unserviced contracts, with a value of nearly $70 million, that could be developed if this program were ever funded at an adequate level.

So what we are talking about in this supplemental is a modest $3.9 million for this program to catch up on the 262 contracts that will not be funded otherwise.

There is another program that has never gotten off the ground. It is the basic soil conservation matching grant program in which the Department of Agriculture provides matching grants for a conservation district itself to match, or the State can match it. We came up with this idea a number of years ago because we realized that we were under tight budget constraints. So we authorized this program, and it has never been funded a nickel. Under this amendment we will take that little step and start this program

going; $10 million of this amendment is made available, or would be made available, to start that program.

One might say that this is a new program but it really is not a new program. This is just a new way of funding soil conservation work. It is not a new program at all. The basic concept of soil conservation goes back to whenever they stuck a plow for the first time into the earth of this great country of ours. Soil conservation work is as old as that.

This is just a new method of funding that the Department of Agriculture and Congress thought would be a little more meaningful in stretching the buck.

I think it has great promise.

We enacted it in the Agriculture and Food Act of 1981, and we have never been able to have any money. So, a very modest $10 million is allowed for starting this program.

Of course, the other $10 million that makes up this $34 million total figure is in the agricultural conservation program. That is the basic program that has been utilized for so many decades and would bring it up a little bit, just another step forward.

We used to appropriate $170 million almost routinely every year for this program. Part of our trouble has been that each year during the seventies the $170 million bought less. The dollars were the same but they bought less in all work done.

Now we have worked that back up to close to $200 million. We are not quite there. This would add it to the $190 million that is already appropriated and would make it $200 million flat.

What would that $200 million buy? It would buy less than half of what it bought in 1970 but, nevertheless, it would be another little step forward in our catchup, our combined efforts to do the right thing by soil conservation work.

I hope the point was not missed on what my friend from Mississippi was describing in the add-on that we have had for watershed protection. Yes, indeed, we did that, and I am very proud and pleased that the Senator from Mississippi made that proposal, and I think he really did a service to the country and credit to Congress in making that proposal on an earlier bill to add that amount of money.

So this amendment does not deal with that, having recognized we have gone about as far as we can this year in watershed protection. We do not offer anything in this area in our amendment now before the Senate.

But each and every one of these items that we have in here is very vitally needed, money well spent, prudently spent, if we agree with the amendment, and it will be something better, a little bit better for our soil and water base throughout the country.

Mr. President, I ask unanimous consent that Senator BURDICK be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I do not know of any Senators on this side of the aisle who intend to speak on the amendment.

I am prepared, if the Senator from Montana is, to yield back the time and vote on the amendment. I do not see any point in belaboring the issue. It is one that clearly is correct in terms of bringing to the attention of the Senate the fact that we have a lot of unmet needs in the area of soil conservation. It is going to cost a lot of money to correct problems that exist throughout this great country of ours, and we are going to run the risk of wasting a valuable resource, our land and water, if we neglect them.

But efforts are underway to try to identify and to target funds to areas of most need. We plan to include some money for targeted area programs in the fiscal year 1984 bill that will be considered by our subcommittee next week. And we hope to meet some of the other needs that have been identified by the Senator from Montana.

It is not a question of whether these needs exist or whether it is important that Congress respond. The question is, do we have time within this fiscal year to do $34 million worth of work in this area? Or should we follow the regular, more orderly appropriations process to address the funding needs that we have in soil conservation?

For these reasons, I hope the Senate will vote against the process.

The PRESIDING OFFICER. Is there further debate?

Mr. MELCHER. Mr. President, I do not think we are going to talk any more about this. I think the case is stated.

What we have done is very carefully identified the funds that should be committed the remainder of this fiscal year. I am not talking about the calendar year. I am talking about the remainder of this fiscal year and that identification has been done by the soil conservation districts themselves and carefully gone over and screened by the professionals down in the Department of Agriculture.

The Department of Agriculture, the people in the Soil Conservation Service, John Block, the Secretary of Agriculture, everyone connected with it believes firmly that this should be done.

It is not their fault that they cannot get by the Office of Management and Budget.

To put this in perspective, if we could, $34 million is about what we spend in this country about every 10 minutes. If we could get the rate of interest that is paid for Treasury notes down not one-tenth of 1 percent, down 1 percent of one-tenth of 1 percent, we would have $34 million for this vital soil conservation work.

I hope that Senators will very seriously consider this proposal and note that not only is it urgently needed for this fiscal year but it has been urgently needed for several years and we will have the opportunity to take one of the minor steps of catching up with work undone for the country.

Mr. STENNIS. Mr. President, I shall be quite brief.

I have been concerned with the reports that have come in the last couple years, for instance, with new soil erosion problems. That seems to be a backward step needing special program attention of some kind because great progress was made at one time in this highly important field, conserving our land.

I have talked to the Senator about this matter and knew he was going to present this amendment and I told him it was a matter of my special interest and I would support it.

We ordinarily follow the rule here that it would be out of the regular order at least to be putting it on bills like this. But this one is so filled with violations of the hard rule that I do not mind waiving that. I think this subject matter must be given special attention.

I did not get the benefit of what the Senator from Mississippi said. I know whatever he says his intentions are to follow it up. I got the idea he made some reference to perhaps the future program.

But I am going to support this now, Mr. President, hoping it will be a beginning anyway that something be done on this program. I think it is well to present this amendment.

Mr. President, I do not care to take any more time at this point.

Mr. MELCHER. Mr. President, I ask unanimous consent that the Senator from Iowa (Mr. GRASSLEY) be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, I say to the manager of the bill we have no further request for time. We are ready for a vote.

Mr. COCHRAN. Mr. President, I know of no other request on this side. I am prepared to yield back the time.

The PRESIDING OFFICER. Is there further debate?

Mr. MELCHER. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana. On this question, the yeas and nays

have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Idaho (Mr. SYMMS) and the Senator from Connecticut (Mr. WEICKER), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Colorado (Mr. HART), are necessarily absent.

The PRESIDING OFFICER (Mr. HECHT). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 67, nays 29, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—67

Abdnor	Ford	Matsunaga
Andrews	Garn	Melcher
Baucus	Glenn	Metzenbaum
Biden	Grassley	Mitchell
Bingaman	Hatch	Moynihan
Boren	Heflin	Nickles
Boschwitz	Heinz	Nunn
Bradley	Helms	Pressler
Bumpers	Hollings	Pryor
Burdick	Huddleston	Randolph
Byrd	Inouye	Riegle
Cohen	Jackson	Sarbanes
Cranston	Jepsen	Sasser
D'Amato	Johnston	Specter
Danforth	Kassebaum	Stafford
DeConcini	Kasten	Stennis
Denton	Kennedy	Stevens
Dixon	Lautenberg	Thurmond
Domenici	Laxalt	Wallop
Durenberger	Leahy	Warner
Eagleton	Levin	Zorinsky
East	Long	
Exon	Mathias	

NAYS—29

Armstrong	Hawkins	Proxmire
Baker	Hecht	Quayle
Bentsen	Humphrey	Roth
Chafee	Lugar	Rudman
Chiles	Mattingly	Simpson
Cochran	McClure	Tower
Dole	Murkowski	Trible
Goldwater	Packwood	Tsongas
Gorton	Pell	Wilson
Hatfield	Percy	

NOT VOTING—4

Dodd	Symms
Hart	Weicker

So Mr. MELCHER's amendment (No. 1389) was agreed to.

Mr. MELCHER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask the Chair to again lay aside temporarily the first committee amendment in order that the Senator from Hawaii may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

AMENDMENT NO. 1390

(Purpose: To prohibit the expenditure of funds to relocate the Hawaii State office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii)

Mr. INOUYE. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment has been cleared by all parties and is a straightforward amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Hawaii (Mr. INOUYE) proposes an amendment numbered 1390.

On page 3, between lines 16 and 17, insert the following new section:

GENERAL PROVISION

None of the funds appropriated by this or any other act may be used to relocate the Hawaii State office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that Senator MATSUNAGA be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, the purpose of my amendment is straightforward: It will prohibit the Farmers Home Administration from using appropriated funds to move its Hawaii State office from Hilo to Honolulu. Ever since the FmHA opened an office in the State of Hawaii, it has been located in Hilo, on the Island of Hawaii. The reasons for this location are as good today as they were in 1978: First, most of Hawaii's farmers and rural housing programs are located on the Big Island, not Oahu; second, Hilo avoids the congestion of the capital city of Honolulu; and third, it represents an important step in decentralizing Federal services in the State of Hawaii instead of concentrating them in the State capital.

Given the success of the Federal Government's original decision to locate the FmHA's State office in Hilo, you can imagine my surprise when the FmHA announced its plan in May to move the office to Honolulu. This plan was announced after 2 years of assurances that no such relocation was forthcoming. The FmHA's announcement has drawn a firestorm of criticism from across the State, including the mayor and council members of the county of Hawaii, State senators, State representatives, two chambers of commerce, more than 380 farmers, and several current employees at the USDA. Some of those opposing the move are Democrats, others are Republicans, but all agree that it is detrimental to the best interests of the FmHA and the farming community of the State of Hawaii.

Why then has the FmHA proposed to relocate its Hawaii State office? In a letter to me dated May 5, 1983, the FmHA's State director indicated that the move was intended to "fully utilize federally owned space and reduce the Federal deficit." In support of the plan, he cited annual savings in lease costs and other recurring expenses of $78,000. He also suggested the need for alterations in the "old" Hilo Federal Building should the FmHA decide to use the Federal office space available there,

Mr. President, not only has the FmHA glossed over the fact that there is Federal office space available in Hilo, but it has minimized the costs of this move, both financial and human.

The actual costs of relocating the FmHA's Hawaii State office to Honolulu are sizable. For example, the State director estimates that it will cost the Federal Government $274,000 to relocate the FmHA's personnel, office furniture, and telephone equipment. In addition, the FmHA has overlooked the fact that the cost of living is significantly higher in Honolulu than it is in Hilo and that the Federal Government will have to pay twice as much in COLA's if the FmHA moves. Indeed, several officials have estimated that based on an annual payroll of $425,000, relocating the FmHA will cost the Federal Government $45,000 each year in increased COLA payments alone.

The last straw, however, is that 16 hardworking Federal employees will be needlessly relocated: They will either have to travel to a different island or lose their jobs. In a time of high unemployment, the FmHA's plan amounts to a callous disregard for employees who have served the Federal Government and the FmHA's clients so well over the past 5 years.

Mr. President, the costs of this move certainly outweigh the benefits, and the consensus in Hawaii is clear: The FmHA's State office should remain in Hilo. Both the Senate and the House Appropriations Committees included language in their reports accompanying the supplemental appropriations bill for fiscal year 1983 disapproving the move. The Senate Appropriations Committee in particular stated:

> The Committee understands that the Farmers Home Administration intends to move the Hawaii State office from Hilo to Honolulu. The Committee disapproves of this proposal. This office was originally located outside the State capital so that it might best serve its clients, most of whom are located on the neighboring islands, not Oahu. More than 50 percent of the State's farms are located on the island of Hawaii, as are many of the housing programs served by Farmers Home. Federally owned office space is available in Hilo, and all but one of FmHA's 17 State office employees reside on the island of Hawaii. The Committee, therefore, instructs the FmHA to maintain its State office in Hilo and prohibits the use of any appropriated funds to move the office from the island of Hawaii to the island of Oahu.

I regret that the administrators at the Farmers Home Administration have accepted the proposal to relocate the Hawaii State office. I see no alternative but to offer bill language prohibiting the use of Federal funds to carry out an ill-timed and ill-conceived move.

I commend this amendment to my colleagues and urge its immediate adoption.

Mr. MATSUNAGA. Mr. President, as one of those who originally helped to convince the Farmers Home Administration to locate its Hawaii State Office in Hilo, I believe the contemplated move of this office to Honolulu would defeat the purpose for its initial location in Hilo. Hilo was selected as the site for the State office in order to make it more accessible to the farming and rural communities which it serves. Better than half of the farms in the State are located on the Big Island, while less than a quarter are on the island of Oahu, where Honolulu is situated. Although Honolulu may be the political and financial center of Hawaii, the financial institutions all maintain offices on the island of Hawaii. Hilo is the more appropriate location for this agency because of its accessibility to many of the State's important rural and farming areas, and its character as a rural city. Not only will moving the Farmers Home Administration office remove it from those who depend upon it most, it also will have a significant and detrimental economic impact on the city of Hilo. Any of the minor economic savings that arguably would accrue from this move would be offset by the hardship experienced by the agency's employees, the Hilo area, and the rural community of the State.

As its cosponsor, I urge my colleagues to join in support of the Inouye amendment, which would prohibit the use of any Federal funds to effectuate the announced move.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I want to say that, as chairman of the subcommittee with jurisdiction over this area of the bill, we recommend that the amendment be agreed to. We had included, I might point out, in the report on the bill, a statement indicating the wishes of the committee that this office not be moved, as has been contemplated by the Farmers Home Administration. The language of the amendment makes abundantly clear the position of the committee. We are perfectly happy to recommend that the amendment be agreed to.

For the purpose of having the record complete, however, I ask unanimous consent that a letter written to the chairman of the Committee on Appropriations from the Under Secretary for Small Community and Rural Development of the Department of Agriculture be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 14, 1983.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Language in your Committee report for the Agriculture Supplemental Appropriations bill for fiscal year 1983 (report number 3069) indicates objections to moving the Hawaii State Office from Hilo to Honolulu. I would like to take this opportunity to fully define our position and reasons for making this move.

The decision to move the office was predicated on one basic overriding factor: reduce cost to the Federal Government without diminishing the high level of service to the farmers and rural residents of the island of Hawaii.

Careful financial analysis shows that the move will provide a net savings to the Federal Government of at least $500,000 over the next 10 years. The Farmers Home Administration (FmHA) county offices in Hilo and Kealakekua will remain open. Since all FmHA farm, housing and community programs are handled through county offices in Hawaii, the island's residents will continue to receive the same personalized services they now receive. The county office will remain in Hilo and no change in our services to Hawaii FmHA borrowers will occur because of the relocation of the State Office.

On March 8, 1983, the General Services Administration published new regulations which require agencies to use available Federal office space where possible. The FmHA State Office is currently leasing space in a commercial office building. The lease expires on July 31, 1983. In compliance with the new GSA regulations, FmHA requested space in the Federal Building in Hilo.

We were told by GSA that the available space in the old Hilo Federal Building is not adequate and that extensive alterations would be needed. The alterations would take 2 years to complete and cost about $180,000. Even then, the building would not provide contiguous office space, suitable conference rooms, adequate parking or facilities for the handicapped. Because of the time frame, cost and deficiencies, this was not a viable option.

In contrast, the 5-year-old Prince Kuhio Federal Building in Honolulu has 40,000 square feet of vacant space which would need only minor alterations that can be completed in 2 or 3 weeks.

In addition to these considerations, a Honolulu location would greatly enhance the efficiency of the State Office. For instance, FmHA would be in the same building with other federal agencies with whom we work very closely. The Agricultural Stabilization and Conservation Service and Soil Conservation Service are already located there. Our increased efforts to work more closely with State agencies and commercial lenders will be greatly enhanced through the close proximity to their offices in Honolulu.

Some logistics advantage would also contribute to greater cost cutting and efficiency. They range from access to the Federal Telecommunications Service (FTS telephone lines) to improved mail and airline services.

I would be less than candid if I did not acknowledge some discontent among our State Office employees over the move. They are being asked to relocate from Hilo to Honolulu. We, of course, are making every attempt to assist those who are willing to make the move and to alleviate, as much as possible, any other problems and inconveniences that may arise.

On balance, there is overwhelming evidence that moving the FmHA State Office from Hilo to Honolulu will reduce government expense and greatly increase the ability of the agency to better serve the rural people of Hawaii.

Sincerely,

FRANK W. NAYLOR, Jr.,
Under Secretary for Small Community and Rural Development.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1390) was agreed to.

Mr. HATFIELD. Mr. President, I again ask the Chair to temporarily lay aside the committee amendment in order that the Senator from Arkansas may offer an amendment.

AMENDMENT NO. 1391

(Purpose: A technical amendment to provide limited authority to the Economic Development Administration to approve the leasing of a portion of the Pine Bluff, Ark., Convention Center)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS), for himself and Mr. PRYOR, proposes amendment numbered 1391.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . Upon request of the city of Pine Bluff, Arkansas, the Secretary of Commerce shall authorize such city to lease to any person the banquet and kitchen facilities of the Pine Bluff Convention Center, without affecting the Federal assistance provided by a grant under the Public Works Employment Act of 1976 (project number 01-51-00020) or any other law, if such transfer documents provide for the operation of such facilities as kitchen and banquet facilities for at least twenty-five years after the date of such transfer.

Mr. BUMPERS. Mr. President, this amendment deals with the convention center in Pine Bluff, Ark., which received an EDA grant in 1971 to build a convention center. In 1976, under the Public Works Employment Act, they got additional money to build kitchen facilities and bathroom facilities. Included in that grant was a provision that the convention center might not either sell or lease those facilities. Now they have an opportunity, with the Hilton Hotel, for the Hilton to build a high-rise hotel next to the convention center, which, incidentally,

has not fared very well and will not until they have a hotel near by.

The convention center wants to enter into an agreement with Hilton Hotel under which Hilton will operate the convention facilities, that is, the banquet hall and the kitchen facilities, and pay the convention center 15 percent of its positive cash flow.

In addition to that, Hilton will operate the convention stands for the convention center and pay the convention center 18 percent of those profits.

EDA does not have the legal authority to allow the convention center, under the terms of the original grant, to lease these facilities. EDA regrets that, incidentally. I have talked to Carlos Campbell, Jim Martin, and others at EDA and they have no objection to this amendment. And this is not precedent setting. It has been done a number of times. It was done once in the State of the Senator from New York, once in the State of Washington, and it has been done other places.

The convention facility anticipated a hotel when it was built. As a matter of fact, it was anticipated that a hotel would be built and that the convention center would never really be adequate and profitable until a hotel was in fact built.

Mr. President, to summarize, in 1971, Pine Bluff, Ark., was awarded a title I grant from the Economic Development Administration for construction of a convention center. The original proposal included a request for funds for the banquet and kitchen facilities of the center. However, available funds were inadequate for full funding, so construction of the banquet and kitchen facilities was delayed. Under the Public Works Employment Act of 1976, the city applied for and was awarded funds for construction of the banquet and kitchen facilities.

The city of Pine Bluff has prepared a proposal for UDAG funds for construction of a Hilton Hotel. As a part of this proposal, the city would enter into an agreement with the hotel whereby Hilton would lease the banquet and kitchen facilities of the convention center for an initial term of 50 years with two successive optional extension periods of 25 years. In return, Hilton would spend approximately $1,000,000 to renovate the banquet area, would build a new heating and cooling facility for the hotel and the entire convention center, and would return 15 percent of their net positive cash flow to the city. Hilton would not only cater conventions but would also be the concessionaire for all events at the center, returning 18 percent of those profits to the city.

Since the Public Works Employment Act of 1976 prohibits leasing to a profitmaking organization facilities built with funds authorized by the act, the Economic Development Administration needs legislative authorization to approve the proposed lease agreement between the Hilton Hotel and the city of Pine Bluff. It should be emphasized that the city will retain title to the facilities and would only lease them to the Hilton.

This agreement would only enhance the convention center and is within the scope of the original proposal, which stated that a motel or hotel would eventually be built adjacent to the center. There are no EDA funds involved. If the UDAG proposal is approved, this project would create approximately 400 construction jobs and 130 permanent, full-time jobs. The hotel will, in fact, increase the value of the convention center by virtue of its presence, if not by virtue of its planned $1 million renovation of the banquet facilities. The city is guaranteed a return from the lease of 15 percent of the net profits from the banquet facilities, and the Federal Government and the city of Pine Bluff are protected by the lease agreement, with the right as owner to recapture the facility if the lease arrangement is broken by Hilton.

In summary, this project will not require additional EDA funds, but will enhance the Federal Government's initial investment in the convention center and banquet facilities, will provide additional revenues for the city and will increase employment opportunities in the area.

● Mr. PRYOR. Mr. President, I support my colleague's amendment to direct the Economic Development Administration to execute an agreement that would allow the city of Pine Bluff, Ark., to lease the banquet facilities at the convention center located there to a hotel as part of a plan that will bring a new hotel to the convention center site.

From the beginning, the convention center complex at Pine Bluff has suffered from the lack of nearby hotel accommodations for users of the center. For every convention group utilizing the center in Pine Bluff, transportation has had to be provided at additional expense and inconvenience. From the time of its conception, the planners of the convention center had envisioned the eventual construction of a modern hotel to serve the center. A hotel complex on the site of the center offers the prospect of greatly enhanced revenues to the city of Pine Bluff and to the Federal Government. This is the very essence of the mission of such centers and the goal of the Federal Government when it agrees to finance them.

It seems ironic, Mr. President, that the city of Pine Bluff has been faced with a very inflexible government policy in its attempts to develop a contract that would make this government-financed convention center complex an even more attractive investment for the government and a more functional convention center. I can think of nothing that could be done to enhance this facility more than the plans that have been developed and approved by the City Council of Pine Bluff. I personally regret that we have had to resort to the legislative process to accomplish these plans to protect and enhance the public interest. I urge the approval of this amendment.●

Mr. BUMPERS. Mr. President, I have cleared this with Senator LAXALT, who is chairman of the Appropriations Subcommittee with jurisdiction over EDA. I hope the amendment will be accepted.

Mr. HATFIELD. Mr. President, on behalf of the minority and majority managers, we accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1391) was agreed to.

Mr. BUMPERS. I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN addressed the Chair.

Mr. HATFIELD. Mr. President, I instruct the Chair to lay aside the committee amendment temporarily in order that the Senator from New York may be in a position to offer an amendment.

Mr. MOYNIHAN. I thank my distinguished friend from Oregon.

AMENDMENT NO. 1392

Mr. MOYNIHAN. Mr. President, on behalf of myself and Senators MATSUNAGA, RIEGLE, BRADLEY, BENTSEN, KENNEDY, EAGLETON, LAUTENBERG, and INOUYE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) for himself and Senators MATSUNAGA, RIEGLE, BRADLEY, BENTSEN, KENNEDY, EAGLETON, LAUTENBERG, and INOUYE proposes an amendment numbered 1392.

On page 69, after line 23, add the following:

HEALTH CARE BENEFITS FOR THE UNEMPLOYED

For payments for health care benefits for the unemployed, $225,000,000, to be available only if a program is enacted into law providng for such benefits under title XX of the Social Security Act or under the Public Health Service Act. Any part of such amount not obligated prior to October 1, 1983 shall remain available for obligation in fiscal year 1984.

Mr. MOYNIHAN. Mr. President, I have asked that the full text of the amendment be read because it is so simple, so direct, and so comprehensible. This provides the funds for health

insurance for the unemployed that were provided for in the budget resolution in an amendment by the distinguished chairman of the Committee on Finance, the Senator from Kansas (Mr. DOLE), for this fiscal year. It has two provisos, the first being that if the money is not fully expended during this fiscal year, it will remain available for the following one.

Also, it contemplates that such benefits could be provided either under title XX of the Social Security Act or under the Public Health Services Act.

Mr. President, it was one of the more attractive and emphatic bipartisan acts of this Congress so far, that by a vote of 90 to 9, this body endorsed the proposal of the Senator from Kansas that we provide in the budget for this contingency.

It is well known in this body that the proposal for health insurance for the unemployed arose with the two distinguished Senators from Pennsylvania in the context of a tour of that State on which they had the privilege to conduct the President. Legislation is under consideration by two committees. This is going to have to be resolved and will be, in a situation where there is this much support. But money has to be provided in either outcome. This simply makes the money available in a general appropriations measure that is sure to pass and sure to be enacted into law.

The case for the measure is well known, has been eloquently made by Senators, not the least those two from Pennsylvania. The vote speaks for itself, 90 to 9.

Mr. President, I might take just a moment to point out what I am sure was simply a mistake made by Dr. Robert Rubin, the Assistant Secretary for Planning of the Department of Health and Human Services. Some months ago, Dr. Rubin stated on an evening television program, the MacNeil-Lehrer program, a respected forum, that those persons losing their health benefits that were employer based could be picked up by the State medical programs. Mr. President, this is, in some measure, technically possible. If an unemployed worker declares himself wholly destitute and eligible in consequence for welfare benefits, he is eligible equally for medicaid payments. But the great principle of unemployment insurance is that the unemployed should not be destitute, should not go through the necessarily painful, humiliating experience of productive working people who have lost employment having to declare themselves to have lost everything else as well.

More than 10.7 million persons have lost health insurance as a result of unemployment since December 1982; and of that number 7.4 million have lost their jobs. They were not changing jobs, they were not entering the labor market or reentering. They had been laid off as stated in the greatest recession since the Second World War, the Great Recession it has been called. Of these 7.4 million, 5.3 lost their health insurance coverage in consequence of being discharged, involuntarily and without fault. The recession was and is that harsh. We have not dropped below 10 million persons unemployed even yet. When you add their dependents, you have some 10.7 million persons, by the estimate of the Congressional Budget Office in December, deprived of health insurance benefits they had previously been covered by inconsequence of employment; 10.7 million people. The number cannot be significantly different today. The economic projections suggest it will not be significantly different for years to come.

This legislation is necessary, Mr. President, timely, and has the widest support in this body. I hope this simple amendment—insuring that when the legislation is enacted it can, in fact, be carried forward because the funds are available—will pass.

I see my distinguished friend from Michigan (Mr. RIEGLE), a cosponsor of this measure, has risen. I yield to him such time as he may require.

Mr. RIEGLE. Mr. President, I thank the Senator. I commend him for bringing this amendment to the floor at this time. I am pleased to join with him.

Mr. President, I think it is important to note that not only do we have the previous action of the Senate voting on this specific item, ratifying it by a vote of 90 to 9 on a strongly bipartisan basis, as a recent part of the RECORD, we are presently, in the budget conference—and I am serving there as a conferee—endeavoring to reach accord on the difference between the version the Senate has, the money that we have put in the budget for this purpose versus the sum that the House also has put in. I make the point because we are proceeding within the budget conference on this very item.

Also, in the Senate Labor and Human Resources Committee, we met this morning on a list of items, one of which was to act on the authorizing legislation on health insurance for unemployed workers. Not only do we have a strong bipartisan support shown by the earlier record vote as part of the budget proceedings in the Senate, but by these actions in other forums to carry this thing forward.

This is contingency funding in a sense that what we would do is make it available assuming then that we see the normal authorization process go forward. Were that not to be done for any reason, then, of course, these funds would not be expended. But it is very important that this be established at this time, and that we recognize the importance of moving in this direction. I hope the Senate will take this step, as we earlier did by vote of 90 to 9.

I thank the Senator for yielding.

Mr. HEINZ and Mr. MOYNIHAN addressed the Chair.

Mr. MOYNIHAN. Will the Senator from Pennsylvania yield to me?

Mr. President, I ask unanimous consent that Senator GLENN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. SPECTER. Mr. President, what is the pending order of business?

The PRESIDING OFFICER. There is not a sufficient second. The question is on the amendment of the Senator from New York.

Mr. SPECTER. We are not prepared to vote yet. Senator HATFIELD has designated me to manage this portion. There are those of us on this side of the aisle who have something to say. I think Senator HEINZ——

Mr. MOYNIHAN. Would my friend from Pennsylvania yield?

The PRESIDING OFFICER. The request for the yeas and nays cannot cut off debate.

Mr. MOYNIHAN. I did not suggest that Senators be foreclosed from debate. I asked for the yeas and nays.

Mr. SPECTER. Mr. President, I would suggest that the yeas and nays will not be necessary because Senator HATFIELD has authorized me, speaking for the Appropriations Committee, to accept the amendment for reasons which will be set forth immediately.

Mr. HEINZ. Mr. President, maybe the proper way to proceed is to ask the Senator from New York to withhold his request for the yeas and nays.

Mr. MOYNIHAN. I would be happy to.

Mr. HEINZ. I do not think he will have any difficulty getting them if he wants, but, on the other hand, it may not be necessary.

Mr. MOYNIHAN. Mr. President, I will withhold, but I will eventually ask for the yeas and nays.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I yield to my colleague from Pennsylvania (Mr. HEINZ).

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. HEINZ. Mr. President, I think the Senate is well aware that the sentiment in this country as expressed in the previous 90 to 9 vote favors a program of emergency health care for the unemployed. As such, I think the amendment of the Senator from New York is meritorious. I intend to sup-

port the amendment. I would like to see the Senate move quickly on this matter.

Indeed, my colleague from Pennsylvania (Mr. SPECTER) and I have worked very long and hard, first, to bring this issue to the attention of the President of the United States, and then to overcome the objections of the Director of the Office of Management and Budget, Mr. Stockman, who initially had great reservations about establishing any emergency health care program whatsoever. Eventually, after not one, but several meetings at the White House, we were able to convince the Director of OMB that the case for creating an emergency program for the medical needs of the unemployed was a meritorious one. Furthermore, we convinced Mr. Stockman that we would find a way, as the Senate went on record in affirming this program, to insure that such a program would have no net effect on the budget deficits.

With that agreement in effect, the Director of the Office of Management and Budget came to the Senate Finance Committee, and he testified as to what the administration could and could not support. But in effect, what the administration said they would support—provided we found the revenues to offset the cost—was an emergency health care program of a bridging or temporary nature. They remain adamantly opposed to an entitlement program, and I know the Senator from New York does not seek to create an entitlement program by this amendment.

However, I think it is a little unusual to appropriate money in this instance for two reasons. First, it is a little unusual, because, if we have a bill from the Finance Committee that is an extension of title XX, the Finance Committee does not need an appropriation in order to do that.

I would not want—and I will pose a question to the Senator from New York on this in a minute—the Appropriations Committee to interpret any affirmative action by the Senate on this amendment as being an admission on our part that those programs which heretofore were not subject to appropriation by the Appropriations Committee, and that now are within the jurisdiction of the Finance Committee, will not, because we may accept and support this amendment, be subject to the appropriations process. In other words, I want to be sure that the amendment agreed to today, will set no precedent in that regard. I will ask my colleague about this matter of procedence in a minute.

Second, it is a little unusual, although I suppose we have done it before, to appropriate money for a program before we have acted on the authorization program.

It is true that in many of our appropriations bills, because the authorization process gets hung up, we do act on appropriations first. None of us are proud of it, but it is much more unusual to appropriate money for a program that does not yet exist.

Mr. President, until we do pass an authorization for this program, I do not know whether the amount the Senator from New York has suggested, which is $225 million for the remainder of this fiscal year, is going to be enough money. If we were to act immediately, that amount of money might not suffice. If we postponed it until—and I hope we do not—September 30, it will probably prove to be too much funding for a period of 1 month.

That is one of the reasons we do not usually, where a new program is concerned, authorize appropriations before the authorization is actually passed.

But notwithstanding these reservations, because this is a program I strongly believe in, I am willing to support my friend from New York in this instance. But I would like to ask my friend from New York, returning to the issue posed to him, if the Finance Committee, on which we both serve, decides to enact a program which would be an extension of one of our existing programs, such as title XX—a program not subject to appropriation—then, Is it the intention of the Senator from New York to subject that kind of a program of Finance Committee jurisdiction also to the jurisdiction of the Appropriations Committee?

Mr. MOYNIHAN. No; it is not save the extent that, in my understanding, this already exists. We have put fixed limitations on title XX and the money is appropriated, even though it is appropriated at the level we have established.

I would ask the chairman, more knowledgeable than I on the matter, is that not the case?

Mr. HEINZ. I think the chairman was otherwise engaged. The question is, Is title XX now subject to appropriations?

Mr. MOYNIHAN. If I may restate my question, I say that we have fixed a limit which money is appropriated.

Mr. DOLE. It is an appropriated entitlement.

Mr. MOYNIHAN. The chairman just gave us the word that we have been searching for. It is an appropriated entitlement.

Mr. HEINZ. If the committee decided that it was going to write a temporary entitlement—we may not do this, but if the committee decided that as part of the medicaid program, Would the medicaid program then be subject to appropriations?

Mr. MOYNIHAN. I think the Senator is drawing me into a field where I would not want to give an answer without preparation. Medicaid funds are again appropriated, although they are appropriated on an open-ended basis. But respecting my learned friend, who is more knowledgeable than I, having served in the Congress much longer than I, I think it would be imprudent of me to state any more than I have stated with respect to the specific bill in front of us.

Mr. HEINZ. I gather from the sense of the Senator's remarks that he does not seek to have appropriations jurisdiction over anything more than the Appropriations Committee now has.

Mr. MOYNIHAN. That certainly would be my personal desire. I hope it would be his.

Mr. HEINZ. Mr. President, that was the point I was trying to establish. We do not know how this program is going to be written. We do not want to establish a precedent we are not prepared to establish.

With that clarification, as I said—although I think this amendment comes at an unusual time and in an unusual way—I am going to support it.

Mr. MOYNIHAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, I believe that my colleague from Pennsylvania, Senator HEINZ, was somewhat generous in his categorization of the submission of this amendment by the Senator from New York as being surprising.

As I had said earlier, Senator HATFIELD had designated me to speak for the Appropriations Committee on this matter and to accept this amendment. In accepting the amendment, it had been our thought that there would not be the necessity for a rollcall vote and the time that it would take. But a few minutes more or less is really of no importance.

I do thank the Senator from New York for his action today which does speed up the process. In accepting this amendment, I think it is important to note that there is a disregard of two issues here, if they can be said to be issues.

One is the appearance of who is taking credit for this amendment, and, second, the jurisdictional issue.

As to the issue of credit, those on this side of the aisle have, with deliberation, decided not to be cosponsors with Senator MOYNIHAN. But we feel it is worthwhile to recite, albeit briefly, the chronology as to where we are and where the initiatives have been and how this matter has come to the floor as it has, at the present time.

Senator HEINZ and I had occasion to have a town meeting in Midland, Pa., on March 5. That is a famous American city, because it had the misfortune

to have the major employer, a steel company, collapse and 5,000 people were thrown out of work. Among the problems which hundreds of people who crowded into that high school auditorium brought to Senator HEINZ and me on that day—and there were many problems—was the problem of health care coverage for the unemployed. It appeared to be the No. 1 priority that day.

On our return to Washington, Senator HEINZ and I decided that we would put that item No. 1 on our agenda. Our staffs went to work and prepared Senate bill 811, which we introduced just 10 days later, after working out quite a number of complexities.

On March 23, the social security bill was pending before the Senate, and Senator HEINZ and I pressed Senator DOLE on the issue of adding this measure, S. 811, to provide health care for the unemployed, on that bill.

Senator DOLE urged us—and the RECORD shows his statement on the floor—not to proceed at that time because of complexities with the social security bill, and we deferred to his judgment on the matter. He did promise a meeting as soon as possible with the administration. And the record will show that Senator DURENBERGER, as chairman of the appropriate subcommittee, promised early hearings.

The meeting with the administration took place that Friday, March 25. We had finished up the social security bill at 2 a.m. on that day, but at 10 a.m., in Senator DOLE's office, there was a group assembled: Budget Director Stockman, Secretary of Health and Human Resources Heckler, Senator DURENBERGER, and I, were present, and others were present. At that time, we put the framework into operation to move ahead with this important measure.

On April 6, President Reagan had occasion to travel to Pittsburgh, and Senator HEINZ, Governor Thornburgh, and I, had the opportunity to ride with him in the Presidential limousine. The question arose as to what questions he would be likely be asked at a question-and-answer session which was scheduled that day.

We were aware of the protocol about bringing up subjects to the President. He said he would be interested in knowing what questions the people in Pittsburgh were likely to raise, and we brought up, among other subjects, the one of health insurance for the unemployed.

The President did, in fact, receive a question on this serious problem in Pittsburgh. As the national news later commented, the new comment made by President Reagan that day was his concern and consideration of health insurance for the unemployed.

As Senator HEINZ outlined, there followed a meeting at the White House, attended by Edwin Meese, James Baker III, Senator DOLE, Senator HEINZ, Senator QUAYLE, Senator HATCH, and me, at which we moved this matter along.

There were then hearings before the Finance Committee on April 21. Perhaps Senator MOYNIHAN did not know about those hearings, because he was not present there that day.

Then Senator QUAYLE has hearings before the Committee on Labor and Human Resources on May 3, at which time the necessity for this matter was spelled out in some detail.

I had been interested in moving this matter on the appropriations bill and conferred with Senator WEICKER, the chairman of the Health and Human Services Subcommittee, and Senator HATFIELD, the chairman of the full committee, and was urged to permit the issue to follow the regular process because Senator DOLE has scheduled a markup in the Finance Committee. We did agree to insert the following report language as an indication of the Appropriations Committee's concern and support of this issue. The language appears on page 90 of the supplemental appropriations bill, 1983 Report No. 98-148.

HEALTH CARE FOR THE UNEMPLOYED

The Committee notes the ever increasing problem of loss of employer-based health insurance for unemployed workers. According to the Congressional Budget Office, almost 90 percent of the unemployed in the United States, or close to 11 million persons, have already lost their coverage, most within 30 days of job termination.

For months now, hospitals, clinics, health centers, and health service employees have been absorbing the cost of care to those unemployed workers and their families who cannot afford to pay their bills.

It is completely understandable that one of the major fears of the unemployed is the uncertainty of what will happen if someone in their family becomes ill.

Early action on health care legislation can help to remove some of that uncertainty. Early legislative action has been encouraged by the Senate budget resolution vote of 90 to 9 in favor of budget authority for health care coverage for the unemployed.

The Committee strongly urges the appropriate authorizing committees to promptly provide Congress with legislation for health care for the unemployed so that this long overdue program may be brought a step closer to reality.

The Appropriations Committee will do all it can to see that this program is adequately funded once enacted.

When I learned less than 1 hour ago that Senator MOYNIHAN had elected to proceed with this amendment, without any communication with my staff prior to noon today, there was a meeting among Senators DOLE, DURENBERGER, HEINZ, QUAYLE, and myself; and it was our decision that the most appropriate course of action, considering all the facts, would be to accept the amendment, setting forth the chronology I have just presented.

The second factor I outlined, that of jurisdiction, has already been covered by my distinguished colleague from Pennsylvania, Mr. HEINZ, so I think no more need be said on that subject. I believe the record is plain about the necessity for health coverage for the unemployed, and the record is clear as to how we have gotten to where we are today.

Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President, I make two very small points, one of which I think is not relevant to this specific issue before us. But, for the record, the first proposal for health insurance for the unemployed to be introduced in Congress was introduced at the end of the last Congress by the distinguished senior Senator from Michigan (Mr. RIEGLE).

I thought I went out of my way to point out that in this Congress, it was Senator HEINZ and Senator SPECTER who brought the matter forward; and I point out and observe with regret that I am not a member of Senator DURENBERGER's subcommittee.

Mr. DOLE. Mr. President, I listened to the debate carefully.

I simply wished to say we are prepared, in fact, on June 30 to go ahead to mark up in our committee.

We had a little problem on who will report out what kind of a bill, whether it is going to be the Labor Committee or the Finance Committee.

We did promise Senators as well as the American taxpayers that we would not start a new program unless we could pay for it.

I feel obligated in the Finance Committee much like my predecessor Senator LONG did, over the years that if we are going to report out a new program we should try to pay for it.

We made that promise, and the only point I make is the fact if we adopt this amendment, as I am certain we will, let us keep in mind that we are going to have a markup and we are going to put together a constructive package. I hope it can be supported by nearly everyone in the Senate. But at the same time we are going to try to find some way to pay for it. We just do not add it to the debt.

I think that is the view of the Senator from New York, the Senators from Pennsylvania, and others.

So I support the efforts today, and I state that there has been a lot of discussion on health care for the unemployed on both sides of the aisle, and I know that the Senator from Pennsylvania (Mr. SPECTER) did not offer this in the Appropriations Committee because very honestly we discouraged him from offering it because we had not had the markup.

So I apologize to the Senator from Pennsylvania (Mr. SPECTER) but in any event the amendment will be adopted. The concept should be supported.

We are going to move as quickly as we can in the markup to report a bill

to the Senate floor and hopefully when that bill is reported, whether it is $1 billion, or $900 million, or whatever the cost may be, there will be some provision in that bill or a related bill to fund the program or to pay for the program.

● Mr. KENNEDY. Mr. President, I am pleased to cosponsor Senator MOYNIHAN's amendment to allot $225 million to provide health insurance for the unemployed. This money is to be appropriated subject to passage of authorizing legislation.

The need for action in this area is very great. In February of this year alone, 10.2 million people who formerly had health insurance through a family members job has lost their coverage. In 1984, over 9 million workers receiving unemployment benefits on whose benefits expired within the last 2 years will be without health insurance coverage at some point during the year. If dependents are included, a staggering 19 million people will fall in this category.

Within the last few weeks, the Labor and Human Resources Committee heard from just a few individuals who had experienced the human tragedy that loss of health insurance can cause. Needed care was deferred; life savings were lost and large debts incurred; in one case, the death of a baby may result from lack of insurance coverage. These cases are just the tip of an iceberg with 19 million vulnerable people at its base.

I am hopeful that our committee will report a bill to provide needed relief within the near future. This bill has been developed as part of a bipartisan effort to meet this need. While the $225 million in funding provided by this amendment is just a start on the problem, it is very important that we begin now to prevent repetition of the many human tragedies that have occurred over the the last few years because this insurance coverage has not been available.●

Mr. HATFIELD. Mr. President, in my capacity as chairman of the Appropriations Committee, as well as in my capacity as an elected representative from a State which has been bludgeoned by double-digit unemployment rates, I am pleased to speak on behalf of the amendment offered by my colleagues from New York, and Pennslyvania, and other States.

Mr. President, the ugly underside of this Nation's unemployment problem has surfaced in the area of health care. The overwhelming majority of Americans in this country secure health insurance through their place of employment. They either receive it outright as an employee benefit, or they purchase health insurance directly from companies accustomed to offering health benefits to employee groups.

But what happens when the job which serves as the predicate for this health coverage disappears? What is the person who suddenly finds himself or herself and dependents without health insurance to do? Well, Mr. President, the answers to these questions are disturbing. They sit and worry about the potential financial disasters which would attend a sustained illness or period of hospitalization. They postpone medical treatment for minor injuries or maladies, only to watch their medical conditions worsen. And Mr. President, if they are unfortunate enough to have to seek hospitalization or extended health care, they fall victim to the assault occuring all over this country where sky rocketing medical care costs bleed bank accounts dry and precipitate swift financial disaster.

There are over 12 million people in this country who are unemployed. It has been estimated that about half of this group has already lost coverage under employment-related health insurance programs. Studies have also shown that as the duration of one's unemployment grows, the ability of the individual to continue to finance individual health care costs and to pay insurance premiums diminishes. And even though there are signs that our economy is recovering and that the unemployment rates are improving, the problem facing this country persists. That is because there is an entry lag period during which a newly hired employee must wait before he or she becomes eligible for health insurance. One study found this period to be at least 3 months long for a quarter of all new workers.

So, Mr. President, although Congress has been swift to address the plight facing the unemployed through supplemental benefits and extended benefits, Congress has been conspicuously silent in the face of a dilemma inextricably entwined with the recession. Oregon's adult and family services division and the State employment division have kept me informed of the perilous situation facing county and State health facilities that are now absorbing new groups of indigents and the attendant costs involved with that care. I believe this amendment offered by my colleagues is a reasonable response to a national crisis. This amendment will target $225 million to the States to provide assistance to the millions of people who not only have lost their jobs, but have lost their health insurance protection.

I am pleased that we can accept this amendment, and in so doing, can address a problem that for too long has been ignored in the mad scramble to involve the Federal Government in the pressing problems facing this Nation's unemployed.

Mr. MOYNIHAN. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. SPECTER. Mr. President, let me add one more response to Senator MOYNIHAN.

It was not a hearing by Senator DURENBERGER's subcommittee of which Senator MOYNIHAN says he is not a member. It was a hearing held by the full Finance Committee of which Senator MOYNIHAN is a member.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Idaho (Mr. SYMMS) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART) is necessarily absent.

The PRESIDING OFFICER (Mr. ABDNOR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—75

Andrews	Eagleton	Mathias
Baker	Exon	Matsunaga
Baucus	Ford	Melcher
Bentsen	Glenn	Metzenbaum
Biden	Grassley	Mitchell
Bingaman	Hatch	Moynihan
Boren	Hatfield	Murkowski
Boschwitz	Hawkins	Packwood
Bradley	Hecht	Pell
Bumpers	Heflin	Percy
Burdick	Heinz	Pryor
Byrd	Hollings	Quayle
Chafee	Huddleston	Randolph
Chiles	Inouye	Riegle
Cochran	Jackson	Roth
Cohen	Jepsen	Sarbanes
Cranston	Johnston	Sasser
D'Amato	Kasten	Simpson
Danforth	Kennedy	Specter
DeConcini	Lautenberg	Stafford
Dixon	Laxalt	Stevens
Dodd	Leahy	Thurmond
Dole	Levin	Tsongas
Domenici	Long	Warner
Durenberger	Lugar	Weicker

NAYS—23

Abdnor	Humphrey	Rudman
Armstrong	Kassebaum	Stennis
Denton	Mattingly	Tower
East	McClure	Trible
Garn	Nickles	Wallop
Goldwater	Nunn	Wilson
Gorton	Pressler	Zorinsky
Helms	Proxmire	

NOT VOTING—2

Hart	Symms

So Mr. MOYNIHAN's amendment (No. 1392) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats or leave the Chamber. Senators will either take their seats or retire to the cloakroom.

Mr. HATFIELD. Mr. President, I inquire if the Senator from New Hampshire is in the Chamber. I wish to indicate that we have now sequenced in the following order the next amendments: Senator QUAYLE, Senator WILSON, Senator HUMPHREY, Senator DURENBERGER, Senator KENNEDY, and then Senator MATTINGLY and Senator BUMPERS, which we expect will take some time. That is the so-called education amendment. But these others should take a very short time if the Senators would only come to the floor to offer their amendments.

Again, they are Senator QUAYLE, who is here, Senator WILSON, Senator HUMPHREY, Senator DURENBERGER, Senator KENNEDY, and then we will move to Senator MATTINGLY and Senator BUMPERS.

Mr. President, I ask the Chair, on behalf of the managers, to set aside temporarily the committee amendment in order that the Senator from Indiana may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1393

(Purpose: To extend the availability of funds for developing parks and recreation areas)

Mr. QUAYLE. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana (Mr. QUAYLE) proposes an amendment numbered 1393.

Mr. QUAYLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

AVAILABILITY OF FUNDS FOR DEVELOPING PARKS AND RECREATION AREAS

Notwithstanding any other provision of law or any rule or regulation, any amount appropriated by Public Law 98-8 under the heading "DEVELOPING PARKS AND RECREATION AREAS" shall remain available for grants for projects involving the planting of trees or shrubs until December 31, 1983.

Mr. QUAYLE. Mr. President, under the Emergency Jobs Act for 1983, Public Law 98-8, the Small Business Administration (SBA) received additional appropriations for making grants to States for developing parks and recreation areas. In order to promote the efficient use of Federal funds, I am offering an amendment to extend, in limited cases, the deadline for carrying out projects funded by those grants.

In the Emergency Jobs Act of 1983, we established deadlines for the expenditure of funds to insure that the money is spent to hire the unemployed during the crisis period, when unemployment is at its peak. I supported that effort and I introduced amendments to further that goal.

It was not foreseen that this deadline date for SBA grants for developing parks and recreation areas might cause unnecessary waste or force the program to be poorly administered. But that is the case with the grant received by my home State of Indiana.

As a condition for receiving a grant under this program, the Governor must certify that all projects will be completed by October 1, 1983. One of the permissible activities under this program is planting trees and shrubs. The best time to plant most trees and shrubs is when they are dormant. However, in order to meet the October 1 deadline, all trees and shrubs would have to be planted during the summer months, when they are not dormant.

As result, contractors will charge higher rates because they know that if trees and shrubs are planted when they are not dormant, they will have to replace a higher percentage of them.

The Indiana State Department of Natural Resources and the Indiana Parks and Recreation Association have brought this problem to my attention. I want to thank them for taking the initiative to see that our tax dollars are spent more efficiently.

My amendment would simply permit projects involving the planting of trees or shrubs to be carried out until December 31, 1983. This amendment would be limited to projects of that nature. In addition, since all economic forecasts predict that unemployment will remain high for all of 1983, this amendment will not be subverting the congressional intent that money be spent to hire the unemployed during this period of high unemployment.

Mr. President, I have talked with both the majority and minority managers on this issue. I have talked with the chairman of the subcommittee. It is my understanding that there is no problem with the amendment.

As I said, the deadline in the emergency jobs legislation was brought to my attention by the Indiana State Department of Natural Resources and the Indiana Parks and Recreation Association. The deadline will be extended from October 1, 1983, until December 31, 1983.

Mr. President, I yield the floor and ask for the adoption of my amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HATFIELD. Mr. President, this matter has been cleared with Senator LAXALT, the chairman of the subcommittee. We are willing to accept it on our side of the aisle.

Mr. STENNIS. Mr. President, we have examined this amendment on this side and we approve of the amendment and know of no opposition.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana (Mr. QUAYLE).

The amendment (No 1393) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. QUAYLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I again ask the Chair to temporarily set aside the committee amendment in order that the Senator from California (Mr. WILSON) may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. Mr. President, I thank the distinguished manager of the bill.

AMENDMENT NO. 1394

(Purpose: To provide for the lease or sale of the George P. Scotlan Memorial Convention Center Building)

Mr. WILSON. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California (Mr. WILSON), for himself and Mr. CRANSTON, proposes an amendment numbered 1394.

Mr. WILSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following new section:

SEC. . Upon request of the City of Oakland, California, the Secretary of Commerce shall authorize such City to sell or lease to any person the George P. Scotlan Memorial Convention Center building, without affecting the Federal assistance provided under the Public Works and Economic Development Act of 1965 (project numbered 07-01-02471), or any other law, if—

(1) such sale or lease provides, for the operation of such facilities as a Convention Center for at least sixty-five years after such transfer; and

(2) in the event of the sale of such building, the repayment of any grant made pursuant to the Public Works and Economic Development Act of 1965 shall—

(A) be made over a period of thirty years;

(B) provide that no payments shall be made for the first fifteen years of such period; and

(C) be made in equal annual installments over the last fifteen years of such period.

Mr. WILSON. Mr. President, I am today proposing an amendment to H.R. 3069 which will allow the city of Oakland to sell its convention center and to use all proceeds from that sale to further the economic development of downtown Oakland. I am happy to say that I am joined in offering this amendment by my distinguished colleague, the senior Senator from California (Mr. CRANSTON).

This would not be a matter for this legislative body to consider but for the fact that the Oakland Convention Center, known as the George P. Scotlan Memorial Convention Center, was built, in part, with the help of Economic Development Administration funds. EDA regulations require a grantee to repay the grant if the property is sold during its useful life. This amendment would waive the requirements in much the same fashion that Senator BUMPERS sought for the Pine Bluff Convention Center, but there is a significant distinction here. The amendment provides that the convention center will continue to be used as a convention center, and, more significantly, in the event of a sale there will be repayment in full of the grant from the Economic Development Administration.

The only waiver that is sought is that instead of immediate repayment, repayment may be scheduled over a period of years sufficient to allow the city of Oakland to achieve its purpose of using the proceeds from the sale for the economic development downtown.

Mr. President, I urge adoption of the amendment.

Mr. CRANSTON. I am happy to support this amendment being offered by my colleague from California (Mr. WILSON).

The Oakland Convention Center is the city's primary downtown economic development project. But ancillary economic development in the downtown area is necessary to the convention center's success.

The ancillary development is not possible without the proceeds from the sale and leaseback transaction because Oakland's economic position has changed drastically since plans for the convention center were initiated in 1978. Proposition 13, depletion of the State budget surplus and subsequent California State aid, and cuts in Federal funding have resulted in cuts in Oakland's budget unprecedented among California cities and significant increases in taxes and fees, providing a disincentive for business to locate in Oakland.

Leverage of Oakland's investment and that of the Federal Government through the sale and leaseback of the convention center will increase related convention center business, attracting more visitors and providing services to the surrounding economically depressed neighborhoods. The proceeds from the sale could be used to subsidize convention center activities in its early years, purchase or refinance local farmers markets, rehabilitate Victorian commercial structures in the downtown area, build an additional downtown hotel, construct a cogeneration plant to provide inexpensive heating and cooling for the convention center, among other projects.

Oakland's population is 60 percent minority, and has a high percentage of older people. The unemployment rate is one of the highest in California—14 percent overall. Unemployment among minority youth is 50 percent and 23 percent among minority adults.

This amendment will permit the sale and leaseback of the Oakland Convention Center and thereby facilitate much needed economic development in that city. I understand Oakland will make a good faith effort to repay the Federal funds over a period of 30 years.

I urge adoption of the amendment.

Mr. DOLE. Mr. President, this Senator has announced his plan to introduce legislation which will remove most, if not all, of the tax benefits currently available from sale and leasebacks of municipal property. Such transactions permit State and local governments to subvert the democratic process by which voters may control borrowing by State and local governments, create lucrative new tax shelters for private investors, and obtain backdoor Federal financing for projects that the Congress has never approved. This Senator believes very strongly that such deals must be limited.

The amendment before us, however, does not address the tax benefits for such transactions. This amendment merely waives certain Commerce Department regulations in order to facilitate one such possible deal. Accordingly, this Senator does not oppose this amendment. Providing for repayment of the grant over an extended period is more desirable than providing a complete forgiveness. But other Senators should be on notice that this Senator believes that special tax benefits for such deals should not be permitted. The legislation that will be introduced, as I announced on the floor of the Chamber last month, will deny the lucrative tax benefits sought from deals like this, effective generally for property placed in service after May 23, 1983.

Mr. HATFIELD. Mr. President, I believe I am correct that on inquiring of the authorizing committee whether they approved of this, the Senator did inquire of the committee. Is that correct? The Senator did inquire of Senator STAFFORD?

Mr. WILSON. That is correct.

Mr. HATFIELD. And Senator STAFFORD indicated approval of the Senator's amendment?

Mr. WILSON. The Senator indicated no objection. Senator LAXALT was also consulted as was the Senator from Kansas (Mr. DOLE).

Mr. HATFIELD. We do try to work with each of the authorizing committees to make certain that the amendment is acceptable. It is acceptable to the majority side.

Mr. STENNIS. If the Senator will yield, we accept the assurances given by the Senator from California and there is no objection to this amendment.

Mr. WILSON. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 1394) was agreed to.

Mr. WILSON. I thank the Chair.

Mr. HATFIELD. Now, Mr. President, I again ask that the Chair set aside temporarily the committee amendment in order that the Senators from Georgia and Arkansas may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I yield to the Senator from Georgia to raise the amendment. The Senators have been notified that the amendment would be brought up at this point.

Mr. MATTINGLY. Mr. President, I suggest the absence of a quorum.

Mr. HATFIELD. Mr. President, I will ask the Senator to withhold that.

Mr. President, I yield the floor to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1395

(Purpose: To provide a per capita income adjustment to a grant which a local educational agency is eligible to receive under subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS) for himself and Mr. MATTINGLY, proposes an amendment numbered 1395.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 72, between lines 9 and 10, insert the following:

GENERAL PROVISION

SEC. 101. (a) Section 111(a)(2) of the Elementary and Secondary Education Act of 1965 is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D) and by inserting after subparagraph (A) the following:

"(B) The grant which a local educational agency is eligible to receive under this subpart for a fiscal year shall be further adjusted by dividing the amount of the grant determined under subparagraph (A) by the quotient obtained by dividing the per capita income for the State in which the local educational agency is located by the per capita income for all the States (exclusive of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands), except that the quotient in no case shall be less than .85 nor more than 1.15. The adjustment required by this subparagraph shall not apply to the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.".

(b) Section 111(a)(2)(C) of such Act (as redesignated by subsection (a)) is amended by striking out "subparagraph (A)" and inserting in lieu thereof "subparagraphs (A) and (B)".

(c) Section 111(a) of such Act is amended by inserting "(A)" after "(4)" and by adding at the end thereof the following:

"(B) For the purposes of this subsection, the term 'per capita income' means with respect to a fiscal year, the total personal income in the calendar year ending in the second fiscal year preceding the fiscal year for which the determination is made, divided by the population of the area concerned in the calendar year preceding such calendar year (or if not available the year for which the most recent satisfactory data are available from the Department of Commerce).".

AMENDMENT NO. 1396

(Purpose: To provide an adjustment to the grant which a local educational agency is eligible to receive under subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965)

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. BUMPERS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. WEICKER. Mr. President, I believe as soon as the amendment was read the Senator from Arkansas lost the floor and the Senator from Connecticut, the manager of the bill, was recognized to ask that further reading be dispensed with.

Mr. MATTINGLY. May I ask a question of the Senator from Connecticut?

The PRESIDING OFFICER. The Senator from Connecticut also lost the floor.

Mr. WEICKER. But I was recognized to send an amendment to the desk.

Mr. BUMPERS. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUMPERS. Does the Senator's unanimous-consent request that further reading of the amendment be dispensed with give the Senator from Connecticut the floor?

The PRESIDING OFFICER. It does not, but he requested the floor.

Mr. BUMPERS. The Senator from Georgia has been on his feet ever since I offered the amendment.

The PRESIDING OFFICER. It is customary for the Senators to rise and request the Chair's permission to be recognized. In the judgment of the Chair, the Senator had asked it.

The Senator from Connecticut.

Mr. WEICKER. Mr. President, I have sent an amendment to the desk. I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 1396 to the Bumpers amendment numbered 1395.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after page 1, line 3, and insert in lieu thereof the following:

SEC. 101. (a) Section 111(a)(2)(A) of the Elementary and Secondary Education Act of 1965 is amended—

(1) by striking out "In" and inserting in lieu thereof "Subject to subparagraph (B), in";

(2) by striking out "80 per centum" each place it appears and inserting in lieu thereof "70 per centum"; and

(3) by striking out "120 per centum" each place it appears and inserting in lieu thereof "110 per centum".

(b) Section 111(a)(2) of such Act is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following:

"(B)(i) The aggregate amount of grants determined under subparagraph (A) for all local educational agencies located in a State for each fiscal year shall not be less than one-half of 1 per centum of the amount determined for all local educational agencies under subparagraph (A) for such fiscal year. The amount of the increase in any grant which a local educational agency in any State shall be eligible to receive by reason of the application of this division for each fiscal year shall be determined on a pro rata basis.

"(ii) The aggregate amount of grants which all local educational agencies located in a State are eligible to receive under this subpart may not be increased for any fiscal year in an amount which is greater than 50 per centum of the amount which all such agencies in that State received under this subpart in the fiscal year preceding the fiscal year for which the determination is made.".

(c) Section 111(a)(2)(C) of such Act (as redesignated by subsection (b)) is amended by striking out "subparagraph (A)" and inserting in lieu thereof "subparagraphs (A) and (B)".

(d) Section 111(a)(2)(D) of such Act (as redesignated by subsection (b)) is amended by striking out "32 per centum" in clause (ii) and inserting in lieu thereof "28 per centum".

(e) The amendments made by this section shall take effect with respect to the school year 1983–1984 and thereafter.

Mr. MATTINGLY. Mr. President, will the Senator yield for a question?

Mr. WEICKER. Of course I yield for a question.

Mr. MATTINGLY. Does the Senator from Connecticut not agree that in our recent conversations we agreed that the Senator from Arkansas was to offer an amendment and the Senator from Georgia was to offer a second-degree amendment and no one else would try to offer a second-degree amendment?

Mr. WEICKER. My distinguished friend from Georgia raised the matter on Friday and I specifically could not give him the assurance that there would not be a second-degree amendment offered to the amendment of the Senator from Arkansas. It was at that point that my good friend from Georgia raised the matter with the majority leader. But I could not give that assurance to the Senator from Georgia and never did, and I would not. If I had, I would certainly have permitted him to go ahead and have his amendment.

Mr. MATTINGLY. I would say that probably we had a misunderstanding between the distinguished Senator from Connecticut and myself because I was under the impression that both the Senator from Connecticut and the distinguished Senator from Vermont indicated that would be the agreement. I think without a doubt it was very clear to all parties. Thank you, Mr. President.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I raise a point of order on whether or not the amendment of the Senator from Connecticut is properly drafted.

The PRESIDING OFFICER. It is properly drafted as a perfecting amendment.

Mr. WEICKER. Now, Mr. President, I yield to the Senator from Vermont.

Mr. STAFFORD. Mr. President, I rise to oppose the amendment offered by the Senator from Arkansas (Mr. BUMPERS) which would make radical changes in the formula that funds assistance to the States under the chapter I program of the Education Consolidation and Improvement Act.

Senator WEICKER and I have offered an alterantive to the formula that the distinguished Senator from Alabama has proposed. We take this action reluctantly and with regret. I have offered the sponsors of this amendment the opportunity to bring their issue before the Subcommittee on Educa-

tion, Arts and Humanities. I had hoped that that offer would be accepted.

I am still prepared to hold hearings on this matter in September, and I would undertake to bring legislation out of the Subcommittee on Education, Arts and Humanities, of which I am the Chairman, to the full committee also this fall so that the matter could be examined in the proper way, in the legislative way, a procedure which the amendment being proposed this afternoon completely derails.

We might as well dispense with the legislative committees if we are going to simply come to the floor on appropriations bills and do the legislating here without any opportunity for the committees in question to carry out the function for which they are designed.

I had hoped the formula debate on the floor could be avoided, but I suppose formula fights are not new; they are as old as Federal aid itself. But, the amendment offered by the Senator from Arkansas has only recently been revealed to my colleagues and to the educational community and the public.

In fact, we are being asked to make this radical change after preliminary notices have been issued to the States by the U.S. Department of Education regarding the chapter I allotments the States can anticipate in the coming year.

All of us are aware that the chapter I allotments are those which fund the Federal participation in the program for disadvantaged children in this country.

My own State of Vermont would gain money if the amendment of the Senator from Arkansas were adopted, but even so, I cannot support the proposal. Indeed, the Commissioner of Education of Vermont opposes the proposal.

It is not that Vermont could not use the extra money for education. We surely could. But it would not be fair to the other States because Vermont's gain would come through a change in the formula that could damage the very integrity of the entire chapter I program.

It may be helpful to examine the rationale for the existing formula, which was created in 1974 and was adopted in the Senate as an amendment offered by the then Senator from Arkansas (Mr. MCCLELLAN).

The idea of the chapter I program—formerly known as the title I program—is to provide additional funds to local school districts to help economically disadvantaged youngsters. Thus, the idea is to provide extra money for poor children to pay for compensatory educational programs.

Thus, at the heart of the present formula is the number of poor children in the schools. That number is gathered by using the results of the decennial census and its count of children in families whose incomes are below the poverty level.

But there are also variations in the costs of educating students in different States. Thus the formula also includes a factor that takes into account these cost differences.

Those differences are reflected by using the State average per pupil expenditures. But limits are placed on those differences. A cost factor for each State can be no lower than 80 percent of the national average or higher than 120 percent of the national average per pupil expenditure.

In general, those limits provide protection for the poorer States and restraints on the richer States.

But, now we are being told that this formula is unfair.

What has changed to make the present formula unfair?

What has changed, I say to my colleagues, is the census count of children aged 5 to 17 below the poverty level. That is the 1980 census count.

Because the allocation of Federal aid funds for the 1983-84 school year will be based on the 1980 census figures, those States that have lost larger numbers of poor children in the decade between 1970 and 1980 want to change the rules of the game.

The census count was deemed in 1974 to be the best measurement for the allocation of these Federal moneys, but that count does not seem so attractive to some States this year.

Thus, we have a proposal to introduce a new factor which is more attractive. That factor is called inverse per capita income and it is offered as a new way to allocate chapter I funds.

Let us first examine whether the amendment offered by my friend the able Senator from Arkansas, meets the test of equity, as has been represented.

In the 1970 census, the State of Arkansas had 155,135 children aged 5 to 17 in poverty families. In the 1980 census, that number had dropped to 109,490 children—a decline of 29.4 percent.

If we continue to use the present chapter I formula, with its 85-percent, old-harmless provision, Arkansas would receive only a 9.8-percent decrease in Federal funding for the new school year of 1983-84, despite its nearly 30-percent decrease in eligible children.

However, under the amendment offered by the Senator from Arkansas, his State would experience a funding reduction of only eight-tenths of 1 percent to go with its decline of nearly 30 percent in the number of poor children.

Let us take another State. The State of Nevada, which experienced a 31-percent increase in its count of poverty children, would receive a 7.3 percent cut in Federal funding under the proposal offered by the Senator from Arkansas.

I submit that any proposal that would respond to a 30-percent decline in poor children in one State by cutting aid less than 1 percent, while cutting Federal aid by 7 percent to another State that experienced a 30-percent increase in the number of poor children appears to this Senator, at least, to fail any test of fairness.

In truth, we should make no changes without lengthy and thoughtful legislative consideration of the consequences.

Surely we should make no change that diminishes the weight the present formula gives to the numbers of poor children—for it is those poor children we seek to help.

But, if the only way to prevent radical and destructive changes to the present formula is to propose changes that are not so radical or destructive, than I am prepared to take that course of action.

AMENDMENT NO. 1396

Mr. President, the amendment which Senator WEICKER and I have offered—Senator WEICKER has offered it—is in the second degree as a perfecting amendment to the Bumpers amendment. I wish to explain it very briefly.

First, I have offered this amendment with Senator WEICKER because it does less violence to the existing situation and the present distributive formula for chapter I than does, in my judgment, the Bumpers amendment.

Presently, the amount distributed under the basic grant portion of the chapter 1 law is calculated as I suggested earlier, by multiplying the count of children aged 5 to 17 in poverty families times 40 percent of the State average per pupil expenditure. The State per pupil expenditure is often referred to as the cost factor because it reflects the differences in educational costs from State to State.

Yet, for those States below 80 percent of the national average per pupil expenditure, they shall be raised to 80 percent of the national average per pupil expenditure—or p.p.e.—for purposes of the formula. Also, those States which are above 120 percent of the national p.p.e. would have their State p.p.e. reduced to 120 percent. Thus, the formula neither rewards those States with per pupil expenditures considerably above the national average nor penalizes the States who spend the least for education.

The amendment this Senator proposes would simply change the bounds on the cost factor from 80/120 to 70/110. Also, the amendment would provide that no State would receive less than 0.5 percent of the basic grant except that any State receiving additional moneys because of the application of the minimum grant could not

receive an increase greater than 150 percent of its previous year's allotment.

Mr. President, that essentially is the amendment Senator WEICKER and I have offered. By moving the cost factor's bounds down to 70/110, we are not rewarding the State with the highest p.p.e. as much, but at the same time we are not rewarding those States which choose not to spend as much money for the education of their children.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I want to commend the senior Senator from Arkansas on his proposal to amend the distribution formula for chapter I of the Education Consolidation and Improvement Act. I know that much time and effort have gone into the development of his formula and that his concern is to best serve disadvantaged children under chapter I. I am sympathetic to the intent of the amendment. Certainly, I welcome its allocation of additional funds to Utah. Utah has consistently been among the top handful of States in the amount of money it spends on education versus its resources—it has strained itself in the establishment of a quality education system more than have others, and I have long felt that this commitment deserved relief such as that offered by the Bumpers amendment.

However, as the chairman of the committee with jurisdiction over the Education Consolidation and Improvement Act programs, I must object to the consideration of this formula change as an amendment to an appropriations bill. This tactic, of course, denies the Labor and Human Resources Committee its right to hold hearings and deliberate on the matter, and should be avoided for any authorizing legislation. The denial is far more serious in this case, however, because of the importance of the chapter I formula. Chapter I's $3 billion-plus funding makes it far and away the largest Federal education program at the elementary and secondary level. Its formula directly determines the flow of chapter I dollars to local educational agencies. For the Senate to make a change of such magnitude as that proposed here without referral to committee is indefensible.

In this key formula, competing interests and needs must be carefully balanced to give the fairest results for all, and especially for the disadvantaged children served by the program. This can only occur through deliberate and thorough consideration in committee of this and alternative changes to arrive at the best one. Occasions for the restructuring of this formula come rarely, and we have no excuse for not taking the time to make sure the version we pass is the very best and most equitable.

Now it may be that the Bumpers amendment is in fact the best that can be constructed, but we will never be able to verify that here today. It is ridiculous to believe that the just balancing of interests, the resolution of conflicting claims of equity and injustice, can be accomplished by a few minutes' discussion on the floor of the Senate. Instead, without on the spot being able to get to the bottom of the claims to be made for and against this and the substitute amendments, we will today, by-and-large simply vote our pocketbooks. Is this the type of reflection we owe these disadvantaged children?

On the other hand, the reluctance of the sponsors of the amendment to send it into committee as a separate bill cannot spring from any fear of a hostile reception there. This formula change benefits the States of a majority of members both of the Education, Arts and Humanities Subcommittee, and of the full Labor and Human Resources Committee. Senator STAFFORD, the subcommittee chairman, has offered to hold prompt hearings. If the amendment is introduced as a separate bill, I myself am committed not only to making sure we report out of committee a formula which better serves the children of Utah than the present one, but also to making sure this is not accomplished at the unfair expense of children in other States.

For these reasons, I believe it is essential that the Senate safeguard the interests of disadvantaged children and honor the perogatives of the Labor and Human Resources Committee by refusing a vote on the merits of the amendment at this time.

Mr. SASSER. Mr. President, compensatory education is one of the Nation's most important efforts to equalize educational opportunity; chapter I represents the largest single category of Federal aid to elementary and secondary education. The concept of compensatory education stems from the recognition that children from disadvantaged backgrounds frequently do not enjoy the same educational benefits as their peers. Many attend schools in districts that have low overall revenues or high concentrations of disadvantaged families, and such circumstances place special strains on the schools and adversely affect the general development of pupils. Compensatory education is intended to ease those problems by providing disadvantaged children with additional services to help them complete their education on more equal terms.

Congress had three purposes in mind when it enacted title I, now chapter I. First, it sought to provide additional financial assistance to school districts serving large numbers of students from low-income families and to the schools with the greatest number of such students. Second, Congress sought to fund special services for low-achieving children in schools with low revenue levels. And third, Congress intended title I programs to contribute to the cognitive, social, and emotional development of participating students. Recent studies demonstrate that the purposes of chapter I are being accomplished. In its congressionally mandated study, the National Institute of Education reported that elementary school pupils participating in title I gained 7 to 12 months in reading achievement and 11 to 12 months in mathematics achievement for each year in the program and that title I funds are primarily used to provide supplementary instruction in the basic skills of reading and mathematics to eligible educationally disadvantaged pupils. A federally financed study administered by the Educational Commission of the States found—

> Students with poor academic track records made some big gains in reading—and held their own in mathematics and science—over the course of the seventies. . . . [and that] disadvantaged youngsters and low-achieving students made considerable gains . . . especially in elementary school.

Mr. President, I support the Bumpers-Mattingly amendment because it will improve the equity of the chapter I formula by targeting funds to those States with the greatest percentages of children from low-income families.

Since 1965, the chapter I allocation formula has favored wealthier States because the only measure of fiscal effort used in the formula has been each State's average cost of instruction per pupil. Per pupil expenditures correlate positively with the fiscal capacities of the State: States with relatively high per capita personal incomes are usually better able to generate tax revenues to pay for education. The result has been that States with the lowest per capita personal income and highest percentage of children from low-income families are also the States who receive, on the average, the lowest payment rate per pupil. Let me illustrate.

The eight States with the lowest per capita income have an average per capita personal income of $8,278 and their average per pupil expenditures are $1,790. The eight highest per capita income States average per capita income is $11,858 and their per pupil expenditures average $2,702. The national averages are $10,517 and $2,436, respectively.

Under current law, assuming chapter I is fully funded, States at the lower limit of the payment rate would receive about $694 per pupil while States at the upper limit would receive $1,041. The eight highest per capita income States would average about $938 per pupil. Thus, the wealthiest States would receive, at full funding, on the average of $244 more per pupil. Furthermore, the eight States with

the lowest income have, on the average, 22.4 percent of their schoolchildren from low-income families while the eight highest income States have, on the average, only 11.6 percent of their school-age population from this segment of society.

The Bumpers-Mattingly amendment would improve the equity of the chapter I formula by recognizing that States with lower fiscal capacity should be compensated more equitably. Whereas, under the current formula, 19 States with 44 percent of the eligible children would receive 49 percent of the funds, under this amendment, the allocations to these States would decline to 45 percent of the funds. Of the 32 States which benefit under the amendment—those States having 56 percent of the eligible children and now receiving only 49 percent of the funds—their share of chapter I funds will rise to 55 percent.

Mr. President, 21 percent of the schoolchildren in Tennessee are from low-income families. Our State ranks 43d in per capita income. Coupled with over 13-percent unemployment, it is clear that Tennessee is in no position to generate more tax revenue to make up the nearly $3 million decrease in chapter I funds that would result under the current formula—that is $3 million less than the 1982-83 allocation.

In conclusion, I urge my colleagues to support the Bumpers-Mattingly amendment and the commitment it embodies: To equalize educational opportunity.

Mr. PRYOR. Mr. President, I support this amendment, being offered to the supplemental appropriations bill, that would increase the allocation of chapter I funds. In voicing my support, let me add that a total of 32 States would have their funds increased at a time when our educational system in those States needs help more than ever before.

The chapter I program was originally intended to assist the States in providing improved education for educationally deprived children living in low-income areas. The allocation formula has been revised periodically in order to comply with the intent of the law.

The formula now under operation uses the average cost of instruction per pupil in each State as the principal criteria. Naturally this overlooks the fact that a number of States are wealthier than others. We believe the formula should be an accurate reflection of the true needs of each State—and of the students within that State.

Put simply, our amendment would allocate funds to those States with the greatest percentages of children from low-income families. In many States, the total number of school-age children coming from low-income families has dropped in the past decade. But many of them still have large concentrations of children in poverty. And if the present formula continues it is these States that will get a disproportionately small share of the funds.

In Arkansas alone, chapter I funds in fiscal year 1983 were $37,500,000. Under the existing formula, we would receive only $33,800,000 this next year. This is a reduction of over $3.5 million.

Mr. President, there is 100-percent participation by the Arkansas school districts in chapter I funds. In the 926 schools participating, nearly 72,000 students are served by the program. Should funds be reduced further, it does not mean that services would be curtailed. It means that fewer students would receive the services.

Let me quote briefly from the recent report issued by the National Commission on Excellence in Education:

> Some 23 million American adults are functionally illiterate by the simplest tests of everyday reading, writing and comprehension. About 13 percent of all 17-year-olds in the United States can be considered functionally illiterate. Functional illiteracy among minority youth may run as high as 40 percent.

The needs are clear and pressing. Our amendment would not ask for more money to support a bloated Government bureaucracy. It simply asks for a more equitable and fair distribution of the available funds.

Mr. PERCY. Mr. President, I oppose the amendment offered by the distinguished Senator from Arkansas (Mr. BUMPERS) and will vote accordingly. The amendment would change the formula for allocating funds to State and local education agencies under chapter I of the Education Consolidation and Improvement Act, compensatory education for disadvantaged children, by introducing per capita income.

My major reason for opposing this measure is simple. A legislative change of this magnitude should not take the form of a floor amendment without the benefit of the full legislative process. There has not been 1 day of hearings on this proposal before the appropriate committees. Therefore, no one really knows what the impact of it will be. Few matters we debate on the Senate floor are as complicated as formulas of this nature, involving billions of Federal dollars. At the very least, any change ought to be thoroughly studied and weighed by the Education Subcommittee prior to full Senate consideration.

Second, I am concerned about this particular proposal because it introduces per capita income into the formula. Proponents of the new formula contend that per capita income reflects adequately a State's capacity and effort to provide services.

Last year, the prestigious Advisory Commission on Intergovernmental Relations, which has been studying the matter of per capita income as a measure of fiscal capacity, stated the following:

> The Commission finds that the use of a single index, resident per capita income, to measure fiscal capacity seriously misrepresents the actual ability of many governments to raise revenue. Because states tax a wide range of economic activities, other than the income of their residents, the per capita income measure fails to account for sources of revenue to which income is only related in part. This misrepresentation results in a systematic over- and understatement of the ability of many states to raise revenue.

The Commission goes on to recommend to the Federal Government that a new measure of fiscal capacity be utilized, such as the representative tax system developed by ACIR, which reflects the wide diversity of revenue sources which States currently use.

While the Commission does not address tax effort, which is distinct from tax capacity, it would seem that per capita income would be just as lacking a measure as it is with capacity, and perhaps more so.

Mr. President, this theme was also sounded by the General Accounting Office in a March 9, 1983, report to the Congress on the medicaid formula. GAO criticized the formula used to establish Federal reimbursement rates for state medicaid spending as "not as equitable to the States as it could be." This, GAO said, was because per capita income, a key formula factor, does not adequately reflect the greater tax burden of States with a high proportion of the needy and because it is not the best available measure of States ability to finance medicaid from State revenue sources.

These criticisms of per capita income cannot be discounted. And if the purpose of introducing per capita income into the formula is to measure a State's tax capacity and/or effort, I seriously question whether it would accomplish that goal, based on the recommendations just cited.

This underscores my first point about the need for full and thorough review of this proposal prior to its consideration.

Last, I oppose the amendment because while Illinois has experienced an increase in the number of disadvantaged children in the last decade—the children which are the target of chapter I programs—it will lose money under this new formula.

In 1970, Illinois had 310,636 children eligible for chapter I programs. In 1980, that number rose to 341,574. In fiscal year 1983, Illinois will receive $120 million in chapter I funds. Its fiscal year 1984 estimate is $133 million under current law. If the proposed amendment were adopted, Illinois could expect to receive only $123 million, a $10 million cut. The current law increase in funds is due to the fact that Illinois' population of children in

families below the poverty level has also increased.

I fail to see the logic in cutting funds to States that stand to gain funds because their populations of poor children increased. I ask unanimous consent that a letter I sent to Chairman STAFFORD be included in the RECORD, and also a copy of the Chicago Sun-Times editorial about this issue.

Mr. President, for all these reasons I intend to oppose the amendment and urge my colleagues to do likewise, at least until we have had the opportunity to study the full impact of this proposal.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 27, 1983.

Hon. ROBERT T. STAFFORD,
Chairman, Subcommittee on Education, U.S. Senate, Washington, D.C.

DEAR BOB: I am deeply concerned by recent reports that a proposal may be offered on the Senate floor to significantly alter the formula for allocation of funds to the countries under Chapter I of the Education Consolidation and Improvement Act, education for disadvantaged children.

According to estimates prepared by the Illinois State Board of Education, this proposal would reduce my state's allocation by 7.3 percent—almost $10 million in Fiscal Year 1984. As I understand the new formula incorporated in this proposal, the state average per pupil expenditure would be divided by the ratio of state to national average personal income per capita and the resulting amount would be multiplied by the eligible Chapter 1 child population to determine county payments. The present formula, as you know, does not include per capita income.

This proposal has the effect of penalizing states like Illinois. Ironically, those that would lose the most money under this proposed formula are the very states which have the highest concentrations of poor children.

This new formula would make major changes in the allocation of funds to states to assist them in educating disadvantaged children. As such, it should not be undertaken precipitiously. To consider it on the Senate floor without the benefit of full and thorough study by the appropriate Senate committees is a profound injustice to the states which would be adversely affected and a gross disservice to the children this program is intended to serve.

I urge you to oppose any such effort until we have had the opportunity to subject this proposal to the full deliberation of the legislation process. If I can assist you in any way as you study this matter, please don't hesitate to call me.

Warm personal regards,

CHARLES H. PERCY,
U.S. Senator.

[From the Chicago Sun-Times, June 9, 1983]

SUN BELT ROBBERY

Frost Belt senators should beware of a cunning proposal that would rob their states of their fair share of federal education aid for disadvantaged students.

The plan, being pushed by the Senate's Sun Belt bloc, would base the aid partly on a state's per capita personal income. States below the average national income would get more money; high-income states would get less.

It sounds fair on the surface, but it's not.

Per capita income is not a valid measure of a state's ability to tax itself to meet its needs. Many states with relatively low personal income raise huge amounts of money through severance taxes on minerals.

Nor does it measure the cost of providing an education. Minnesota and Texas have the same per capita income, but Minnesota's education costs are 9 percent above the national average, while Texas' are 19 percent below.

The program in question, the Education Consolidation and Improvement Act, was designed to provide supplemental services to the poor, not to redistribute income from state to state. The transfer of wealth from Frost Belt to Sun Belt is progressing rapidly anyway, thanks to private economic decisions and misguided federal policies; it needs no further boost from the government.

The Sun Belt proposal would cost Illinois $10 million next year. Sen. Charles H. Percy (R-Ill.) is trying to beat it back and we hope other senators support him.

Mr. KENNEDY. Mr. President, I rise in opposition to the amendment offered by my good friend, Senator BUMPERS.

I am sorry that this amendment has been offered because it forces the Senate to indulge in one of its most unpleasant activities—a formula fight over the distribution of a multibillion program. My State of Massachusetts is a loser under this formula, to the tune of $2.8 million, in its expected allocation in fiscal year 1984. I suppose that none of my colleagues are surprised at my opposition to the amendment, given these facts. After all, that is the nature of a formula fight: Winners love the formula and losers hate it.

However in this case, that is not the only reason that I am opposing this amendment. It is not even the primary reason for my opposition. I believe that this is quite simply the wrong time and the wrong vehicle to consider the issues raised by this amendment. There are reasons and times to circumvent the established legislative procedures, but this is certainly not one of them.

The proponents of the amendment claim that this is not a major change in the funding formula. They note that this is a change in only one of the several factors that are employed to determine the allocations under chapter I. Nevertheless, this change results in a drastic reallocation of funds under this program. Almost $200 million would be redistributed among the States as a result of this amendment. Under no circumstances could this be considered a minor change.

I have listened today to the arguments made by both the proponents of the change and by its opponents. I listened to the same arguments during two meetings of the Labor and Human Resources Committee. I can sympathize with those Senators who are trying to protect their States from a precipitous loss of funds. I can understand their desire to right what they claim is a longstanding wrong. But I can also sympathize with those Senators whose States are anticipating increases in funds mainly because I am one. The arguments I have heard demonstrate to me that this is a complex issue—with equities weighing in on both sides. It cannot be, nor should it be, resolved after only a brief floor debate, today.

Senator STAFFORD has clearly indicated his willingness to hold hearings on this subject. I believe that this body should defer any action on this matter until the Senator, through his Education Subcommittee, is permitted to fully consider the issues and equities raised by this amendment.

I understand the fear of some Members that their States will, in the interim, suffer the very precipitous loss in funds which they, with their amendment, are attempting to prevent. We faced this same fear last year when the Department of Education tried to choose between using the 1970 census date or the 1980 census data for determining the allocation to the States. We in the Congress crafted a compromise to insure that no State suffered a precipitous loss in funds due to the indecision of the Department. I am hopeful that a similar compromise can be crafted today which protects those States which fear a precipitous loss in funds, but which at the same time leaves chapter I formula unchanged until the Education Subcommittee is able to conduct hearings on the subject.

I urge my colleagues to allow the normal legislative mechanism to run its course.

Mr. D'AMATO. Mr. President, I rise in strong opposition to the amendment offered by the Senator from Arkansas, and urge its rejection by the Senate.

The title I program, now chapter I program, was originally enacted back in 1965 as part of the Elementary and Secondary Education Act of 1965. It is by far the largest single program of Federal assistance to our Nation's elementary and secondary school students, currently providing more than $2.6 billion in funds to over 13,000 school districts. These vital funds are used to increase the educational attainment of economically disadvantaged children.

Specific statutory formulas govern the distribution of these funds to counties and States. These formulas are quite complicated, but essentially are based on two factors. The first is the most recent census count of poverty-level children in a county or State plus a small portion of AFDC children. The formula also includes a cost factor, that is the cost of providing

educational services. Together these two factors—count of poverty-level children and the State per pupil expenditure—succeed in fulfilling the objective of the chapter I program, and, that is to supplement educational programs and services for disadvantaged children.

The amendment before us would change this distribution formula which has stood for many years by adding a per capita income component. This amendment is bad on both procedural and substantive grounds. Procedurally, it simply does not reflect well on the greatest deliberative body in the world to change formulas in such an essential program on an appropriations measure and without the benefit of any hearings on this issue. Changing formulas in this way will set a disastrous precedent for this body.

It is my understanding that the chairman and ranking minority member of the Senate Education Subcommittee has offered the proponents of this amendment hearings on this formula issue, and that is precisely the course which this matter should follow. Interested parties and experts in the field would be able to provide information so that the Senate could make a decision based on informed, intelligent debate, not a 1-page sheet on who wins and who loses. As the National Education Association said in a letter to me dated June 7: "If a formula change is to occur, NEA embraces a procedure that is as fair and above board for all concerned parties."

On the substance side, the current chapter 1 formulas represent a delicate compromise. These formulas are predicated on the count of poverty-level children in a county and State and the State-average-per-pupil expenditure, and as such channel funds to the economically disadvantaged children of this Nation.

Last year, during the court battle over the use of the 1980 census to distribute chapter I funds, an amicus brief filed by several of the Senators who would benefit from this amendment stated that shifting a single block of the formula will unbalance the entire structure. We should heed this advice and not change the formulas in this program.

The Department of Education will now quite correctly use 1980 census data to distribute chapter I funds. The States which have experienced increased levels of poverty-level children will appropriately receive more funds to meet the needs of this increased population. Conversely, those States which have lost poverty-level children will have their funds reduced. These formulas will direct Federal funds to the intended beneficiaries of the chapter I program.

The per-capita-income factor which this amendment seeks to introduce will not further the goals of the chapter I program. The purpose of chapter I is to target funds for supplemental educational purposes, not to redistribute Federal funds based on per-capita-income differences among the States.

Moreover, per-capita income is not a measure of fiscal capacity. As a recent GAO report regarding medicaid stated: "per capita income, which serves as an indicator of the State's needy and as a measure of the State's tax capacity is a poor measure of both."

Fiscal capacity is measured by a State's ability to raise revenue through taxes. Some States have been experiencing growing economies and tax bases. However, these States have not increased their commitment to education. We should not be rewarding this disinclination to put forth the local effort which simply must be put forth. The State-average-per-pupil expenditure factor which exists in the current title I formula recognizes a State's effort and encourages the State to continue that effort.

I might paranthetically note that because of a 120-percent ceiling on this per-pupil-expenditure factor existing in law, my own State does not receive all that it should. Ideally, I would like to lift that cap altogether so that my State would receive its fair share. But I recognize that the formula debate in 1965 resulted in a delicate compromise.

Mr. President, school districts are expecting their chapter I payments for the 1983–84 school year in July. Changing these formulas will cause undue delay in the distribution of these funds and will wreak havoc on the planning and budgeting processes of the Nation's local school districts.

Mr. President, I feel very strongly on both substantive and procedural grounds that this amendment be rejected. I doubt that there are more than a handful of Senators here who understand all of the nuances of this formula debate. I certainly do not profess to be an expert. It is precisely because of the complexity of this issue that hearings should be held and this amendment should be rejected.

I greatly appreciate the efforts of Senator STAFFORD to head off this attempt by the Senator from Arkansas. Let there be no mistake about it, I firmly believe that there should be no changes in the chapter I formulas; however, the Weicker-Stafford amendment does less harm than the Bumpers amendment.

Mr. LEVIN. Mr. President, I am opposed to the amendment offered by my good friend and colleague from Arkansas. The amendment would change the formula for allocating chapter I Elementary and Secondary Education Act funds by shifting money to low per capita income States at the expense of States with large numbers of poor school-age children and high per-pupil costs. This amendment would cost my State of Michigan $2,898,000. It will cost many other deserving States substantial sums of chapter I funding.

Chapter I of the Elementary and Secondary Education Act provides Federal funds for compensatory education for disadvantaged children. Under current law, funds are allocated to States on the basis of the number of school-aged children at or below poverty, using 1980 census data, and on the basis of a State's average per-pupil expenditure, thereby assuring that funding levels correspond to States with the greatest costs and concentrations of poor children. For the purpose of calculating formula allotments, a States' per-pupil expenditure has a floor of 80 percent and a ceiling of 120 percent of the national average, bringing low- and high-spending States closer into line with the national median cost.

The Bumpers amendment would substitute per capita income as the measure of a State's need for chapter I funding—despite the intent of the program to focus funding on poor school-aged children.

Mr. President, chapter I is not an income redistribution program. The purpose of chapter I is to provide supplemental educational programs for poor children. It was not created to be an income redistribution program which equalizes the differences in per capita income among the States.

The current chapter I formula is a result of a delicate, comprehensive compromise. During the litigation on the chapter I formula last year, 50 Senators and Congressmen filed an amicus brief on behalf of the States contesting the use of 1980 census data. The amici, led by our colleague Senator DENTON, stated the following:

> In constructing this compromise in 1978, Congress acted deliberately and carefully to build a balanced package. . . . Congress tried to include something for each geographic region; something for urban areas and for rural areas; something for rich states and for poor states; something for large states and for small states. . . . Thus, shifting even a single building block of the formula will unbalance the entire structure.

Mr. President, the use of the 1980 census directs funds toward the current location of poor children. Some States have smaller numbers of poverty children, as shown by the 1980 census data, and as a result, they will have their chapter I payments reduced. Use of the 1980 census, however, directs Federal program dollars to where the increased numbers of poor children are located. It targets the program to the intended beneficiaries. I simply cannot emphasize this point enough—the funds are appropriately directed where the need is greatest.

Mr. President the current chapter I formula essentially boils down to two elements:

First, directing funds to where the poor children are located; and

Second, providing supplemental funds to school districts based on the average cost of running an education program in that State—40 percent of the average per pupil expenditure in the State.

The application of the per-pupil cost factor corrects for State and regional differences in the cost of providing education services. These two factors taken by themselves adequately channel program funds to meet the stated purpose of the act.

It is important to note that the current cost factor already boosts low effort States. As earlier stated the per pupil expenditure cost factor is modified by raising States whose per-pupil expenditure is below 80 percent of the national average up to 80 percent, and by lowering those whose per-pupil expenditure is above 120 percent of the national average down to 120 percent. Consequently, 13 States which have per-pupil expenditure below 80 percent have their per-pupil expenditure inflated to 80 percent, and 10 States which have a per-pupil expenditure above 120 percent have their per-pupil expenditure reduced to 120 percent.

Additionally, there is a provision in current law which holds school districts harmless at 85 percent of their previous year's allocation. This minimizes the impact of any loss of funds due to use of the 1980 census data for those schools which otherwise would lose even more. In any case, it must again be emphasized that the purpose of the program is to provide funds for programs to serve poor children on the basis of the most recent available count.

Finally, Mr. President, it has been contended that the use of an AFDC child count in the current formula biases the distribution of funds in favor of the wealthier States. The fact is that the AFDC factor includes only those children in families receiving AFDC with incomes above the poverty level for a nonfarm family of four as updated annually by the CPI. As the poverty income level has been increasing with CPI, the number of AFDC children counted in the formula has been decreasing rapidly—minus 79 percent from 1980 to 1984. In 1984, the AFDC count represents only 1.1 percent of the total poverty count for chapter 1. This small percentage, the only poverty count updated annually in chapter 1, can hardly be viewed as a strong bias. Again, I urge my colleagues to join me in opposing the Bumpers amendment. This proposal, calling for the inclusion of per capita income in the chapter 1 formula, would have the effect of redirecting funds to States which are losing poor students, and of making payments at levels unrelated to the actual cost of providing supplemental educational programs in a particular locale.

● Mr. DODD. Mr. President, chapter I of the Education Consolidation and Improvement Act of 1981 continues a categorical program first adopted by Congress in 1965. The sole purpose of which is providing Federal assistance for the education of disadvantaged children.

The formula for distributing chapter I funds among the various States acknowledges this purpose. Since 1965, State allocations have been based on the percentage of needy students in each State. When the formula was changed in 1974, no attempt was made to change that governing philosophy. The change was intended to provide a more accurate count of the disadvantaged children we want to help.

From its inception as title I, then, this program was never intended to reduce State and local responsibilities for education. It was never intended to be a general assistance program. Rather, the purpose of this legislation was, and remains, to help equalize access to quality education for all American children regardless of family income, home address, or national heritage. Its distribution formula reflects that laudable goal.

The amendment under consideration would change the intent of the program by distributing Federal moneys on the basis of per capita income.

The effect of such an amendment would be a significant reduction of Federal support for programs for disadvantaged children in a number of States. More importantly, it would alter the fundamental character of the program itself. Instead of being targeted to needy children, title I would become a form of interstate revenue sharing.

Many of the States and localities which would lose funds because of such an amendment would be hardpressed to make up these losses. They are, for the most part, already paying steep taxes for higher teacher salaries, improved school facilities, and sophisticated materials and equipment necessary to insure a quality education. In essence, they have made every effort to offer sound educational programs for all students within their jurisdiction.

One of the great ironies of such an amendment would be to increase Federal support for education in those areas with declining poverty rates. On the other hand, it would sacrifice programs for disadvantaged children in areas where the poverty rate has not significantly changed, or in many instances, where the poverty rate has increased.

In an effort to comply with this proposed amendment, many States would be forced to reduce the quality of education in one area to compensate for the loss of Federal funds in another. A second alternative, equally as unfortunate, would be to allow an educational caste system to develop. Ultimately this would mean that students lucky enough to live in high-income areas would be able to attend good schools and receive a quality education. Students residing in low-income areas, students residing apart from their parents, and students of limited English-speaking proficiency would be offered educational programs of lesser quality simply because promised Federal funds had been withdrawn.

The record shows that title I has been judged to be highly successful in terms of providing quality programs and services for disadvantaged school children. I strongly support maintaining this program as initially intended. To adopt an amendment which discounts the degree of poverty within each State would be to establish another revenue-sharing program rather than maintain title I's intent—a quality education for educationally disadvantaged students.●

Mr. LAUTENBERG. Mr. President, I want to express my strong opposition to any effort to change the formula for distributing chapter I education aid through an amendment to the supplemental appropriations bill. The Senate floor is not the appropriate place to begin making major changes in a carefully crafted formula.

Chapter I—known for years as title I—provides funds for compensatory education for disadvantaged children. The formula for these funds focuses on the number of disadvantaged children living in a jurisdiction. This seems to me to be the proper factor to consider in distributing the funds. If others disagree with the approach in current law, then the Labor and Human Resources Committee is the proper forum to examine those concerns and consider changes in the formula.

Mr. President, chapter I is the largest single Federal education program. Under current law, my State of New Jersey is scheduled to receive $87.2 million for the 1983-84 school year. These funds are vitally needed to support compensatory education programs for children who live in some of the poorest areas in this country. As I said the other day, Mr. President, when I first addressed this body, we must see to it that all our children have an equal chance to get the education they need to grow and succeed in America today. The main route out of poverty for today's children, as it was for children of my generation, is through education. Chapter I funds have been very helpful in my State, as in others, in stretching limited tax dollars which are devoted to education.

Although I oppose any amendment to this bill which would alter the chapter I funding formula, I will support the compromise which will allow my State to receive its full share of 1984 chapter I funds.

Mr. BRADLEY. Mr. President, we can continue to debate the merits of both of the amendments pending before the Senate. But the fact of the matter is that we should not be debating a formula change on this bill. The underlying first degree amendment offered by the Senator from Arkansas has had no hearings. The sponsors of the amendment have not yet even introduced legislation on the issue. Therefore, I think it appropriate for the Senate to first address whether the underlying first degree amendment is in order prior to any significant debate on the issue.

Therefore, Mr. President, I make the point of order that the underlying first degree amendment is legislation on an appropriations bill.

Mr. BUMPERS. Mr. President, I raise a question of germaneness.

The PRESIDING OFFICER. Under the rules, the question is submitted to the Senate.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. An additional inquiry. Is there any language in the House bill—OK, I raised the point of germaneness. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi will state his parliamentary inquiry.

Mr. COCHRAN. Is there time for debate on the point of order at this time in the proceeding?

The PRESIDING OFFICER. There is not.

Mr. COCHRAN. There is no time for debate at this point?

The PRESIDING OFFICER. No time.

Mr. COCHRAN. I thank the Chair.

The PRESIDING OFFICER. The question before the Senate is whether the Bumpers amendment is germane to the House legislative language. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Carolina (Mr. EAST), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Idaho (Mr. SYMMS) are necessarily absent.

I further announce that, if present and voting the Senator from North Carolina (Mr. EAST), and the Senator from Idaho (Mr. SYMMS) would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from Colorado (Mr. HART) are necessarily absent.

The PRESIDING OFFICER (Mr. SPECTER). Are there any other Senators in the Chamber wishing to vote?

The yeas and nays resulted—yeas 35, nays 60, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—35

Abdnor	Domenici	Melcher
Baker	Exon	Mitchell
Baucus	Ford	Nickles
Bingaman	Grassley	Nunn
Boren	Hawkins	Pressler
Bumpers	Heflin	Pryor
Burdick	Helms	Sasser
Chiles	Hollings	Stennis
Cochran	Huddleston	Thurmond
Cohen	Jepsen	Trible
DeConcini	Johnston	Warner
Denton	Mattingly	

NAYS—60

Andrews	Hecht	Packwood
Armstrong	Heinz	Pell
Bentsen	Humphrey	Percy
Biden	Inouye	Proxmire
Boschwitz	Jackson	Quayle
Bradley	Kassebaum	Randolph
Byrd	Kasten	Riegle
Chafee	Kennedy	Roth
Cranston	Lautenberg	Rudman
D'Amato	Laxalt	Sarbanes
Danforth	Leahy	Simpson
Dixon	Levin	Specter
Dodd	Long	Stafford
Dole	Lugar	Stevens
Durenberger	Mathias	Tower
Eagleton	Matsunaga	Tsongas
Garn	McClure	Wallop
Gorton	Metzenbaum	Weicker
Hatch	Moynihan	Wilson
Hatfield	Murkowski	Zorinsky

NOT VOTING—5

East	Goldwater	Symms
Glenn	Hart	

The PRESIDING OFFICER. The amendment is not germane.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the amendment was ruled to be not germane.

Mr. STAFFORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 1397

(Purpose: To provide for an equitable modification in the grants which local educational agencies are eligible to receive under subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS) proposes an amendment numbered 1397.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 71, between lines 22 and 23, insert the following:

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965, $103 million to be available for the payment of grants to local educational agencies located in a State in which the aggregate amount of grants determined for such agencies from amounts appropriated for fiscal year 1983 prior to the date of enactment of this Act is less than the amount of grants determined for the local educational agencies in that State from amounts appropriated for fiscal year 1982 by reason of the application of the 1980 Census data in order to increase the amount for local education agencies in each such State to the amount determined for that State for fiscal year 1982: *Provided*, That the amount of the increase in any grant which a local education agency in any State shall be eligible to receive by reason of the application of this paragraph shall be determined on a pro rata basis.

It is the intention of the Congress that for each fiscal year ending prior to September 30, 1987, an additional amount will be appropriated, as necessary, for the payment of grants to local educational agencies in all States subject to the provisions of the previous paragraph in order to increase the amount for local educational agencies in each such State for each such fiscal year to the amount determined for that State for fiscal year 1982.

Mr. BUMPERS. Mr. President, a point of order was made a moment ago before the proponents of the amendment had an opportunity to be heard. I am going to be heard on this amendment one way or the other, win, lose, or draw.

But this amendment that I have just offered has a hold harmless clause so that States such as mine would not be severely penalized as we will be if we do nothing.

I have read two or three editorials in the past 2 weeks referring to my efforts, and the efforts of the Senator from Georgia, as a very parochial Southern effort, and that somehow or other the chapter 1 formula is sancrosanct, and that the Senate should not tinker with it.

First of all, I wish to point out that this formula has been changed four times since title I was passed in 1965.

Other editorials and articles have said that Senator McClellan, the Senator from the State of Arkansas, who was chairman of the Appropriations Committee, actually drafted this formula. Let me put Senator McClellan's efforts in context.

What Senator McClellan did was to try to defend the State of Arkansas and a lot of other States similarly situated from what was an inexorable effort to modify the formula coming

from the wealthier States, which would have had an even more devastating effect than the present formula would have had back then, and all he did was to say that no school district would get in any given school year less than 85 percent of its allocation for the previous year. Further, they made sure that the per pupil expenditure used in the formula for each State would be no less than 80 percent of the national average per pupil expenditure. Senator McClellan was simply attempting to protect the poorer States by making sure that the formula contained allocation floors. His effort was merely defensive. He succeeded, but the basic inequities in the formula continued.

I want everyone to know two or three things that they just voted on.

No. 1, by defeating that amendment the 1980 census is going to be used, and the title I funds are going to be distributed under the existing formula without adjustment for State per capita income. A lot of Senators voted against the amendment saying "I think the money ought to go where the poor children are." If that is their concern, then they should have voted in favor of my amendment.

I can tell the Senate that if this formula is not changed—and unless we change it today there is no earthly way to change it before the allocation is made on July 1—will you say the current formula is fair when 56 percent of all the chapter 1 money is going to go to 51 percent of the children? Let me repeat that: 56 percent of all the money under chapter 1 is going to the States that have only 51 percent of the poor children. That is the kind of fairness that Senators just voted for. No. 2, the question is often raised:

> Why do you not make a greater effort, you Southerners, you lethargic Southerners? Why do you not make a greater effort to educate your children?

Well, you will be surprised to know that of the 10 States of this country that have over 20 percent of their children below the poverty line, 8 of them are indeed in the South, and in those 8 Southern States you will also be surprised to know they make a much greater effort in educating their children than the 8 wealthiest States in this country make.

They contribute a greater percentage of all public revenues—local, county, city, and State—than the eight wealthiest States in this country contribute.

So is it fair to penalize some of the poorer States, which are spending a greater proportion of their income to educate their children than the eight wealthiest States in the Nation, is it fair to penalize them further?

I am not asking everybody in this body to be parochial. I do not think the formula that I designed is perfect. But I want you to explain this to me: What is fair about the existing formula that treats the 49th poorest State in the Nation, namely Arkansas, what is fair about giving us $338 in 1983 per child, and cutting us by $33 per child to give us $305 in 1984? Is that fair? If your State was the State I was talking about, would you think it was fair? And neither the existing formula nor my formula even comes close to addressing one of the basic problems, and that is those school districts that have deep pockets of poverty, and God knows I have got plenty of them in my State. The whole point of the Chapter 1 program is to alleviate the education problems created by large concentrations of extremely poor children. This legislative purpose is stated in the first section of the act. Yet the formula in current law does not deal with this problem.

Some of you are from urban areas—I have been in some of those areas in Philadelphia and New York and Detroit—and I am not trying to penalize you. I want you to get every dime you can get and you can have every dime you are scheduled to get under the existing formula. I applaud you. You need it, you are entitled to it, and I will vote for it, but not when you get your share by penalizing the poorer States in the country, and that is what the existing formula does.

I have been nauseated reading some of the editorials about how fair the existing formula is, how it was crafted by a Southerner, and how terrible this is that some of us would tinker with it. Well, it is just a very simple question: Is it equitable to penalize States like mine and even Utah, States like Kentucky, Louisiana, North Dakota, Maine, Vermont, New Hampshire, Arizona, New Mexico—they are not Southern States—and it is not fair to penalize them either.

I do not want to fight the war all over again. I want the urban States to get exactly what they are entitled to get, and so the new amendment I have just sent to the desk, Mr. President, is a hold-harmless clause.

The fact that Arkansas and Mississippi and Louisiana and New Mexico and Arizona and several other States have fewer children below the poverty line now is a source of gratitude to all of us. I could not be happier. But I can tell you we still have deep pockets of poverty, we still have a lot of children on AFDC, and we still have a lot of children in institutional homes. I invite the Senator from Connecticut or the Senator from Vermont or the Senator from any State to tell me why it is fair to take $30 a child, or even more in some States; why would we want to spend less per child in the poorer States and more per child in the richer States when we poorer States are making a bigger effort than you are, as a percentage of our income, to educate our children? That is what this amendment is all about.

I am raising the question here because I do not think it is fair, and I do not think many people within earshot think it is fair. I am not trying to cut the wealthier States. You have your problems, and we have ours. So I have offered this amendment, Mr. President, which will hold each school district 100 percent harmless for the 1983-84 school year; it will cost $103 million, but if the Education Commission report means anything it is that we are not doing a good job of educating the very children we are talking about here today, the poorest children, and we are certainly not going to redress the problem by cutting 32 States back from what they are getting right now.

Does it make any difference whether I have 40,000 children in Arkansas below the poverty line or 20,000? The fact that we have fewer children now means we have done better and, as I say, we are euphoric about it, we are pleased with it, but is that a justification to cut back on the amount of money when most of our poverty is in deep-seated pockets just as it is in Newark, just as it is in the Bronx, and just as it is in a whole host of cities across the country?

Mr. MATTINGLY. Will the Senator yield?

Mr. BUMPERS. I yield.

Mr. MATTINGLY. I do not intend to support this amendment. I want to talk about the original Bumpers-Mattingly amendment. I am extremely concerned about education and the well-being and future of the disadvantaged children in our country. I was up front and honest in my approach.

Just recently, as everybody knows, Secretary Bell released the findings of the National Commission on Excellence in Education. The report brought into focus a fact that we all know is true: the educational system of our country is in serious trouble.

Education has always been the foundation of our country and our society. It affects our democratic way of life, our economy, our well-being, and the health and happiness of our people. Every State must be able to offer quality programs if our Nation is going to be strong and productive. The Mattingly-Bumpers amendment would have corrected a deficiency in the way in which Federal funds for elementary and secondary education programs were going to be allocated to the States.

The fact is that the current formula is biased in favor of the wealthier States and that is because the only measure of fiscal effort used in the allocation formula has been each State's average cost of instruction per pupil.

The problem is that the measure only considers expenditures and not

fiscal capacity. A State's per pupil expenditure correlates highly with the fiscal capabilities of that State, and those States where per capital income is high have a greater ability to generate tax revenues to finance education than do those States where per capita income is low. The result is that when you apply the current formula, those States that are rich get richer and those that are poor get poorer, and I do not mean rich just in terms of dollars. I mean rich in terms of their ability to offer educational programs for their children. That is not right and that is not fair.

The key issue is that the formula change would have put Federal education money where the eligible children are. The 19 States that would have received less funding, under our proposal had 44 percent of the eligible children. Under the current law, they receive 49 percent of the chapter I funds. The 31 States that would have received an increase in chapter I funding have 56 percent of the eligible children under current law. These States now receive only 51 percent of available funds. Under the amendment that Senator BUMPERS and I offered, they would have received 55 percent of those funds.

So it is clear the amendment that was offered would have corrected a tremendous imbalance in the allocation of Federal dollars.

During the past year there have been a lot of discussions on the formula issue. In fact, had chapter I gone through the proper reauthorization process we would be discussing the issue right now. I am not as concerned about procedure as I am about the education of children. I have stood on the floor of the Senate and I have heard at one time or another most Members speak about their concerns for education.

I think if we had been truly concerned about education, we would have adopted the amendment and taken a step forward for education. I regret that we did not because we let the children of our Nation down.

All Senator BUMPERS and I were asking was that you vote to send the money where the children who need help are located. The way to do that is to include per capita income in the distribution formula. The poorer States, the ones least able to raise the money on their own for these educational programs, would only have ended up getting their fair share of the available funds.

My own State of Georgia would have gotten more from this proposal, that is true, along with about 30 other States. I wish it were not so, though. I wish my State were rich enough to be among the small number of States that would have gotten less funds under our amendment. I wish we had as much money as we do good sense and sunshine in Georgia, but we do not.

If we are ever going to see our children catch up we have to make sure that they get their fair Federal share of Federal education dollars. That was the purpose of the Bumpers-Mattingly amendment.

Mr. WEICKER. Mr. President, I am going to be brief before yielding to my distinguished colleague from New York.

First of all, let me say this to my colleague fom Arkansas. I want to make sure he has ample time to expound his views on this subject, but I wish to alert him to the fact that I will probably raise the same point of order against this amendment.

Mr. BUMPERS. Mr. President, I would plead with the Senator not to do that.

Mr. WEICKER. Mr. President, I am giving my colleague a chance to take as much time as he wants, but to alert him as to what is in the back of my mind. I can assure him I have absolutely no intention of depriving him of one sentence of time.

In response to the arguments made here that need to be dealt with to a far greater length and with far more knowledge by the distinguished Senator from New York, since he was one of the original drafters of the original package, very simply, in the present formula the money follows the children.

Now, if we have a redistribution of income proposition out here on the floor, that is fine. But, insofar as the educational purposes are concerned, the money follows the children. It is as simple as that. I cannot think of anything more fair.

I yield to my distinguished friend from New York.

Mr. MOYNIHAN. Mr. President, I cannot expand upon the statement that the distinguished Senator from Connecticut has just made. The principle of the 1965 Elementary and Secondary Education Act, of which the present legislation was originally part, was that the money would follow the children. Mr. President, I will take a moment of the Senate's time to ask: Which children?

Now, there is a specific place and time when this legislation began. Senators will recall it was the first Federal aid to education of a general nature ever to be enacted by the Congress. The history is a simple one.

President Kennedy proposed general legislation. It was not passed by either Congress until after his assassination. He had put into place in the Executive Office of the President a task force to study the issue of poverty, to investigate whether general programs of the kind he was seeking in education would not be more successful if they were focused on a specific problem.

President Johnson, immediately upon taking office, saw the viability of that measure and the justice of it. In 1963, the President of the United States declared war on poverty. The Economic Opportunity Act of 1964 was adopted. Thereafter, children in poverty, aged persons in poverty—persons generally in that circumstance—were to be a special concern of Federal legislation. The Federal Government was henceforth to make such matters its particular concern.

In 1965, consistent with pledges made in the 1964 Democratic platform and the 1964 campaign generally, the administration and the new Congress understood their mandate to be: Adopt aid-to-education legislation. The Presidential campaign of 1964 had been fought on just such issues. And, if memory serves, on April 11, 1965, the new Congress having no more than just come into office, President Johnson had that bill on his desk and signed it, the Elementary and Secondary Education Act of 1965.

Now, to which children was that act directed? It was children with family incomes below the Federal poverty standard, a statistical standard developed in the Department of Health, Education, and Welfare which continues its use in various ways as it ought to do.

The 1960 census was the basis for the allocation at that time. The 1970 census became the basis for the next allocation. Now there is a 1980 census and we find that poverty has diminished, that the very States toward which these programs were directed—and there were many, many derided at great length in this body, I may say—they have had their success. The States that were poorest are less poor. There are relatively, and in many cases absolute, fewer children in poverty. And I come from the second largest State which, although its overall population dropped 3.7 percent in this last decade, showed an absolute increase of 98,000 children in poverty, some 19 percent.

Now, fair is fair. We are dealing not with States, not with school districts, not with counties, but with children. And if we are going to redistribute this money away from the children toward which it was originally directed, have we kept faith with this legislation? Have we kept faith with this commitment?

I would argue it is elementally the case that we have not done so. May I also say that in doing this, we do something dangerous: We reject the successes of our efforts.

It is not the case, as some wish to argue, that there has been no response to Federal education programs. There has been an emphatic response and it has been most conspicuous among the children who find themselves in the

poverty areas and categories. The educational achievement of children up to about the fourth and fifth grade in this Nation has gone up since this legislation was enacted. So there is something to show for it. The number of people living in poverty has gone down. The incidence has shifted. The distribution is not what it was. Yet the commitment ought to remain what it was.

This education legislation, the first of its kind, was directed to poor children. To redirect it now is to break a commitment this Nation made in the name of John F. Kennedy and Lyndon Johnson.

I was there to watch its birth and early progress. I am proud to have been a part of it. I would be ashamed to see this body break that commitment.

I see the Senator from New Jersey, whom I think shares my views in this matter, has risen. I yield.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, the amendment which is before us now is a so-called hold harmless provision offered by the Senator from Arkansas.

It is important that we be clear on the cost of the amendment and on who would actually be held harmless.

Mr. President, under this amendment, every county would be held harmless. The cost is over $100 million.

Mr. President, if we passed a simple hold harmless for the States, it would only cost $60 million. If we passed a 95-percent hold harmless for States, it would cost close to $25 million.

Mr. President, I am not unsympathetic to the interests of the Senator from Arkansas, but I think he has grossly overstepped what is possible for the Senate to support. This hold-harmless provision would deliver more dollars to many States than they would have received if the change in the formula had been enacted.

That brings us, Mr. President, to the question of whether there is a good rationale for the current title I formula. The current formula is based upon two pillars. The first is the use of the most recent census count of poor children in a State. It is true that there has been a shift in the proportion of poor children to many Northern and even some Southern States, such as Texas, since 1970. That movement in the poverty population has to be reflected in the Federal money that goes to educate the children of poor people. That is what the Senator from Connecticut meant when he said that the money follows the poor children.

Mr. President, the second pillar, which is equally important, and was hammered out under great debate and in periods of great compromise in the 1970's, is that the varying costs of educational services should be taken into consideration in determining a State's share of funding. The average per-pupil cost in a State must be taken into consideration.

Mr. President, in the existing formula, there is a so-called 80-120 cap, meaning that no State whose per-pupil costs are less than 80 percent of the national average would receive less than 80 percent and no State whose per-pupil costs are more than 120 percent of the national average would get more than 120 percent.

Mr. President, in my State of New Jersey the average per-pupil cost is 135 percent to the national average. We are brought down under the formula to 120 percent. In the State of the Senator from Arkansas, the average per-pupil cost is 67 percent of the national average. His State is raised 13 percent, while the State of the Senator from New Jersey is dropped 15 percent under present law. The effect of this compromise is to even out high spending and low spending States.

Mr. President, it is clearly important that the costs of educational services be taken into account. In some parts of the country it costs more to educate a child—more for wages, more for energy, more for a variety of factors, all of which are figured into per-pupil costs.

So, Mr. President, the formula must not just be a count of poor children. It must also take into account the effort that the State is making to educate its children, The formula must reflect the varying costs of educating those children. A hold harmless—or a formula change similar to that proposed by the Senator from Arkansas—weakens the current dual purposes of the program.

Mr. President, while I am not unsympathetic to the general direction of this amendment, I think it oversteps by a considerable margin what is possible for me to support, since it delivers more total education dollars to many States than would have flowed to them if the previous formula amendment had been adopted. While I cannot support the amendment offered by the Senator from Arkansas, I believe that we can come to a compromise on this issue. I urge my colleagues to join with me in working toward a compromise.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I know the purpose of every Member of this body would be to do the right thing, the thing that would bring the most results.

I am not an educator, I have never had that privilege, but I do know something about the problems that go with schools. I know something about the schoolrooms, inside the schoolrooms, teaching that is going on now, because I go into those schools. I go in during class hours and visit with the children and the teacher because I want to get the feel of the situation. I want to know the feel, the subject matter, the adequacies, in my opinion, at least of the teachers, the students, the administration, and all that goes with it.

Now to come in here and reduce the amount of money that is going to go to various States because of that artificial State line or because of some change in the situation that still leaves the need there is just downright gross error. We are making a great mistake when we try to do it.

I know that within the last few years my State of Mississippi paid the highest percent of the tax money they collected for education than any other State in the Nation. That does not mean they are any better than anyone else, but it means that they are trying, and they are making a show, and they are willing to apportion this money out where I think it probably belongs more than any other one place, and that is in the teaching and training of those children.

Recently, I think within the last 6 months, figures came out with reference to the quality—I do not know just how the educators gauged that —the quality of the work, the studentship and all that was turned out. According to their formulas, our State was among the very highest.

Somebody is doing a lot of hard work in putting what money they do have to a mighty good use. Why come along here and under this situation let it drop back? With the census that will go into effect soon, that amount will drop from $351 per child to $308. That is a $43 drop in this very critical time when headway is really being made.

I know, too, from my own personal knowledge, that it is up to us to get out there and stay behind the schools. We are already behind them. The Parent-Teacher Association and all kinds of organization are behind them. But we have to get the children in there and find where the talent is, where the aptitudes are, the capacity and the talent, I repeat, and then direct that teaching into those channels where the real payoff is. I think in that way we are doing a mighty good job.

I do not see how anyone could come and just, with all deference, promote the idea when prices are sky-high—promote the idea here that will cause these reductions.

Certainly, we can make up for it in some way with hard money, but it will be a great mistake now to take this step backward.

When I go into those classrooms, I call on them to explain the application of title I money. That is the first place I go. I find these encouraging facts that I have told.

They have not deceived me and they have not tried to crowd me or push me or anything, but they are expecting—we do not expect a whole lot, or everything that comes along. But those people are expecting and those children are expecting the protection, for now and later, in the progress we have made and the plans we are making for the future. This bill will just slap them in the face.

I do not object to anybody else having an increase. I am not envious of any other State. What I am trying to stop is the tendency to decrease the States.

No one has proven any fault at anyone's doorstep. No one said anything about any money being thrown away. I can guarantee that it is not being done in our State; I would know about it if it were.

What we are asking for is do not penalize us because of some change in statistics. We know that we are proven in spots and in the right places. I know those people well enough to know they are going to continue. I deal with all of them, come in daily contact, when I am home, with all kinds, regardless of color, condition, or anything else. I have their confidence. They talk to me. I know. I know what they are planning.

I plead with this body now, let the outcome of this debate and these amendments, take any kind of penalty here in the way of money. This is a money bill. Do not let us take anything away from any State. Let us keep the standard up.

We do not have a lot of money to spare, but we do not leave out many things. I do not see how we can come along now and penalize—and that is what it means—these States that would lose out under this formula.

I am pleased with the leadership of this body in this educational field. I have no complaints to make, but I have this plea to make: Let us get this thing adjusted.

I commend the Senator from Arkansas and the Senator from Georgia and all others who have worked on this problem, even if they did not have my position.

I yield the floor, Mr. President.

Mr. BUMPERS. Mr. President, did the Senator from New York wish to speak further?

Mr. MOYNIHAN. No; I thank the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I withdraw my amendment and send an amendment to the desk.

The amendment (No. 1397) was withdrawn.

AMENDMENT NO. 1398

(Purpose: To provide for an equitable modification in the grants which local educational agencies are eligible to receive under subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965)

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS) proposes an amendment numbered 1398.

Mr. BUMPERS. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 71, between lines 22 and 23, insert the following:

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965, $40,000,000 to be available for the payment of grants to local educational agencies located in a State in which the aggregate amount of grants determined for such agencies from amounts appropriated for fiscal year 1983 prior to the date of enactment of this Act is less than 95 per centum of the amount of the grants for that State from amounts appropriated for fiscal year 1982 by reason of the application of the 1980 census data in order to increase the amount for local educational agencies in each such State to the amount determined for that State for fiscal year 1982: *Provided*, That the amount of the increase in any grant which a local educational agency in any State shall be eligible to receive by reason of the application of this paragraph shall be determined on a pro rata basis.

It is the intention of the Congress that for each fiscal year ending prior to September 30, 1987, an additional amount will be appropriated, as necessary, for the payment of grants to local educational agencies in all States subject to the provisions of the previous paragraph in order to increase the amount for local educational agencies in each such State for each such fiscal year to the amount determined for that State for fiscal year 1982.

Mr. BUMPERS. Mr. President, this is an amendment I have discussed with the distinguished Senator from Vermont (Mr. STAFFORD), the Senator from Connecticut (Mr. WEICKER), and the Senator from New Jersey (Mr. BRADLEY). First, I thank them for agreeing to support this amendment.

I want everybody to know that the amendment provides a 95 percent hold-harmless protection at the State level, and the amendment appropriates an additional $40 million. It is not sufficient to redress a really critical problem in about 20 States including Arkansas. We have, as I said earlier, most of our poverty, most of our children below the poverty line, in certain sections of the State. In the school districts where they are located—this is true of Mississippi, and it is true in a lot of States—I can tell you that the cost of educating children where you have those deep pockets of poverty is very high. The school boards in our State have to know right now whether they are going to be able to keep any of their remedial reading teachers and other teachers that they use and hire with chapter I money, as we call it now. We are going to have to discharge a lot of teachers in Arkansas at a time when the education commission report to the President says that the Nation is at risk because of educational standards.

As I say, Mr. President, I have been around here long enough to take a half loaf when I cannot get a full loaf. But I think here we are, in a sense, shooting ourselves in the foot. Be that as it may, I thank the other Senators for their cooperation in helping me try to work this out. I hope the sponsors and the floor managers will accept the amendment.

Before getting to that, does the Senator from Georgia wish to speak?

Mr. MATTINGLY. Yes, Mr. President, I do.

I regret that we have reached this point in this discussion. What started out as a good-faith effort to provide an equitable method of disburing Federal tax dollars for education has turned into an auction. It reminds me of the TV program, "Let's Make a Deal."

We are hearing once again the old Government solution for the problem: Let us just throw more money at it and it will go away. What we ought to be talking about is fairness and equity in allocating the existing Federal dollars for education. What we end up talking about is increasing the already huge Federal deficit.

Now is not the time to spend more money. The economic recovery is very fragile. The last thing we need to have is an already bankrupt Federal Government going further into debt.

Mr. President, I can understand and appreciate the reasoning behind this recommendation for the increased funding. If we had the money sitting in the Treasury, it would be something we could discuss. But the money is not there.

Mr. President, the question before us is very simple. I hope my colleagues listen to this: Is the current formula for allocating these funds among the States fair? The answer is an emphatic no. Whether we are talking about $5 or $5 billion, the formula now used to decide who gets how much is just not fair. That is what the issue is.

Is it fair that wealthier States get more of these chapter I funds than the poorer States? Absolutely not. Considering the goals of chapter I, this is the reverse, the absolute cockeyed reverse of what should be true.

I thank the Chair.

Mr. MOYNIHAN. Mr. President, I believe we have reached the point of

agreement. It is my wish to thank all the parties to it and to say that it is evidence again of the capacity of this body, as the distinguished Senator from Mississippi has so often said, to reason together here. I think we have done so. I cannot forgo, however, a brief notice that there are many programs which were adopted in the 1960's that are alive and well and of great importance to our people. Without wishing to say any more, I just wish to express my satisfaction in this case, particularly my appreciation to all the participants in the debate.

The Senators from Arkansas and Georgia have made their case with great eloquence and, in the best terminology of the cotton country, if they have to go home with a half loaf, that is a good getting for the day and not the worst thing to get.

Mr. BUMPERS. Mr. President, I modify my amendment to read, after "1965" on line 5, "such sums as shall be necessary but not to exceed $40 million."

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 71, between lines 22 and 23, insert the following:

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965, such sums as may be necessary, but not to exceed $40 million to be available for the payment of grants to local educational agencies located in a State in which the aggregate amount of grants determined for such agencies from amounts appropriated for fiscal year 1983 prior to the date of enactment of this Act is less than 95% of the amount of the grants for that State from amounts appropriated for fiscal year 1982 by reason of the application of the 1980 Census data in order to increase the amount for local educational agencies in each such State to the amount determined for that State for fiscal year 1982: *Provided*, That the amount of the increase in any grant which a local educational agency in any State shall be eligible to receive by reason of the application of this paragraph shall be determined on a pro rata basis.

It is the intention of the Congress that for each fiscal year ending prior to September 30, 1987, an additional amount will be appropriated, as necessary, for the payment of grants to local educational agencies in all States subject to the provisions of the previous paragraph in order to increase the amount for local educational agencies in each such State for each such fiscal year to the amount determined for that State for fiscal year 1982.

Mr. BUMPERS. Mr. President, I ask the adoption of the amendment.

Mr. MATTINGLY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MOYNIHAN. Mr. President, the rollcall has not begun. I wonder if the Senator from Georgia is aware that the managers——

The PRESIDING OFFICER. The rollcall has not been ordered.

Mr. MATTINGLY. I request a rollcall vote, Mr. President.

The PRESIDING OFFICER. The question is pending. Is there a sufficent second?

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. As of this moment, there is not a sufficient second.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. As manager of the bill at this juncture, I have a slight question as to the language proposed, and I would like to discuss that a minute with the Senator from Arkansas.

I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. I think it is important for the legislative RECORD to state that whatever happens with this hold-harmless amendment, all of the allocations under title I due to go out on July 1 should in no way be delayed even by 1 day. The allocations for the eligible States and school districts across this country should not be delayed if this provision is passed. It is conceivable that it may take the Department of Education a few weeks in order to get the additional money out, but it would be, I think, the legislative intent of all the participants in this debate that passsage of this amendment would in no way delay the money going out to the rest of the eligible States and counties around the country.

Mr. STAFFORD. Mr. President, I would like to reiterate what the gentleman from New Jersey (Mr. BRADLEY) just said.

The U.S. Department of Education is to go ahead with its ordinary July 1 distribution of chapter 1 funds and not delay this distribution as a result of this amendment.

These additional hold-harmless funds, if they become law, should be distributed at a later date and the States receiving them should redistribute them on a pro rata basis.

Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. MATTINGLY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), and the Senator from Colorado (Mr. HART) are necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—63

Andrews	Eagleton	Melcher
Baucus	Exon	Metzenbaum
Bentsen	Ford	Mitchell
Biden	Garn	Murkowski
Bingaman	Grassley	Packwood
Boren	Hatch	Pell
Boschwitz	Hatfield	Pressler
Bradley	Hawkins	Pryor
Bumpers	Heflin	Randolph
Burdick	Heinz	Riegle
Byrd	Hollings	Roth
Chafee	Huddleston	Sarbanes
Chiles	Inouye	Sasser
Cochran	Jepsen	Simpson
Cohen	Johnston	Specter
D'Amato	Kennedy	Stafford
DeConcini	Lautenberg	Stennis
Denton	Leahy	Stevens
Dodd	Levin	Thurmond
Domenici	Long	Tsongas
Durenberger	Mathias	Weicker

NAYS—34

Abdnor	Jackson	Proxmire
Armstrong	Kassebaum	Quayle
Baker	Kasten	Rudman
Danforth	Laxalt	Symms
Dixon	Lugar	Tower
Dole	Matsunaga	Trible
East	Mattingly	Wallop
Goldwater	McClure	Warner
Gorton	Moynihan	Wilson
Hecht	Nickles	Zorinsky
Helms	Nunn	
Humphrey	Percy	

NOT VOTING—3

Cranston	Glenn	Hart

So Mr. BUMPERS' amendment (No. 1398), as modified, was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I yield to the Senator from Hawaii (Mr. INOUYE).

AMENDMENT NO. 1399

(Purpose: To assure that certain funds relating to the Commission on Wartime Relocation and Internment of Civilians shall be available until September 30, 1983)

Mr. INOUYE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Hawaii (Mr. INOUYE) proposes an amendment numbered 1399.

Mr. INOUYE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, after line 24, insert the following: Commission on Wartime Relocation and Internment of Civilians

SALARIES AND EXPENSES

Funds appropriated under the heading of Commission on Wartime Relocation and Internment of Civilians in Public Law 97-377 (96 Stat. 1877) shall remain available until September 30, 1983.

Mr. INOUYE. Mr. President, pursuant to Public Law 97-152, the Commission was given until December 31, 1982, to submit its report to Congress. Due to administrative delays and the considerable volume of material which the Commission had to review, as well as the addition of several new subject areas such as economic losses and the psychological impacts of internment, the Commission requested an additional appropriation in fiscal year 1983 and a time extension through June of this year.

Subsequently the sum of $300,000 was appropriated in the continuing resolution to enable the Commission to complete its work in a thorough and comprehensive manner. Language in the continuing resolution states that these funds are "available only until June 30, 1983." Although the Commission's work will be complete prior to June 30, this language appears to preclude them from conducting a 3-month wind-down period with the unexpended funds. For this reason, I would like to request your assistance in adding language to the supplemental appropriations bill to clarify this matter. No further appropriation is necessary.

Mr. President, this amendment has been cleared by all parties involved. It has no budgetary impact. It does not add a dollar. All it does is give the Commission an opportunity to wind down its activities.

Mr. WEICKER. Mr. President, this amendment has been cleared on this side and I imagine also on the other side.

I urge its adoption.

Mr. MATSUNAGA. Mr. President, I am a cosponsor of this amendment.

Mr. President, the continuing resolution passed by Congress in December 1982, appropriated an additional $300,000 for the Commission on Wartime Relocation and Internment of Civilians. Under the provisions of the continuing resolution, the Commission had authority to use these funds until June 30, 1983.

Senator INOUYE's amendment, of which I am a cosponsor, to the supplemental appropriations bill would extend the Commission's authority to use this money until September 30, 1983. The amendment does not appropriate any additional funds for the Commission, but merely gives this body a 90-day period to close its office, testify before Congress if necessary, and handle any other matters pertinent to an orderly phaseout of its existence.

The law which established this body provided for the Commission to have such a 90-day "wind down" period and the Inouye-Matsunaga amendment merely brings the appropriation into line with this provision. I urge the adoption of the amendment.

Mr. KENNEDY. Mr. President, I move the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 1399) was agreed to.

Mr. MATSUNAGA. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WEICKER. Mr. President, I would appreciate it if my colleagues would just give a little attention to the floor because I think we can do away with three or four amendments and I think get very close, with the exception of a major matter which is yet to be resolved, to resolving various issues on the floor. If we could go through this, I would greatly appreciate it if we would have the Senate in order.

I know the Senator from Pennsylvania and the Senator from Minnesota both have amendment which I think will be agreed to in fairly short order, and the same holds true for the Senator from Massachusetts.

What I wish to do at this time is, assuming no opposition, we can probably dispense with the amendment of the Senator from Pennsylvania in several minutes.

Mr. HEINZ. I am hopeful that we can.

Mr. WEICKER. If these Senators will stay on the floor I think we can do all of this in only 5 minues. That will help the scenario.

Mr. President, I ask unanimous consent that the committee amendment be temporarily set aside to permit an amendment by the Senator from Pennsylvania.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered. The amendment is temporarily set aside.

AMENDMENT NO. 1400

(Purpose: To suspend periodic reviews of disability beneficiaries having mental impairments pending regulatory reform of the disability determination process)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. STENNIS. Mr. President, if we do not have quiet we just cannot transact any business.

The PRESIDING OFFICER. The Senate will be in order.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) for himself proposes an amendment numbered 1400.

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new title:

TITLE V—SOCIAL SECURITY DISABILITY PROVISIONS REVISION OF REGULATORY CRITERIA RELATING TO MENTAL IMPAIRMENTS

SEC. 501. (a) The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall revise the criteria embodied under the category "Mental Disorders" in the "Listing of Impairments" in effect on the date of the enactment of this Act under appendix 1 to subpart P of part 404 of title 20 of the Code of Federal Regulations. The Secretary shall also revise the methods and procedures for assessing the residual functional capacity of individuals having mental impairments. The revised listings and residual functional capacity assessments shall individually and together be designed to realistically evaluate the ability of a mentally impaired individual to engage in substantial gainful activity in a competitive workplace environment. The revised listings and assessments required by this subsection shall be completed within 6 months after the date of the enactment of this Act.

(b)(1) The Secretary shall appoint a panel of outside experts to make recommendations with respect to the revisions to be made in accordance with subsection (a), consistent with the requirements of titles II and XVI of the Social Security Act for individualized determinations of disability.

(2) The panel shall consist of individuals who are experts in the field of mental health, and shall include at least one psychiatrist, one rehabilitation psychologist, one medical social worker, and one vocational expert.

(3) Members of the panel shall be appointed without regard to the requirements of title 5, United States Code, and each member of the panel not otherwise in the employ of the United States Government shall receive the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which such member is actually engaged in the performance of the duties of the panel. Each member of the panel shall be allowed travel expenses in the same manner as an individual employed intermittently by the Federal Government under section 5703 of title 5, United States Code.

(c)(1) Until such time as revised criteria have been established by final regulation in accordance with subsection (a), no continuing eligibility reviews shall be carried out under title II or XVI of the Social Security Act with respect to any individual previously determined to be under a disability by reason of a mental impairment.

(2) Paragraph (1) shall not apply in any case where the Secretary determines that fraud was involved in the prior determination, or where an individual is engaged in substantial gainful activity.

(d)(1) Any disability determination or reconsideration or appeal of such determination, and any reconsideration or appeal of a continuing eligibility review, made under title II or title XVI of the Social Security Act after the date of the enactment of this Act and prior to the date on which revised criteria are established by final regulation in accordance with subsection (a), shall be redetermined by the Secretary as soon as feasible after the date on which such criteria are so established, applying such revised criteria.

(2) In the case of a redetermination under paragraph (1) of a prior action which found that an individual was not under a disability, if such individual is found on redetermination to be under a disability, such redetermination shall be applied as though it had been made at the time of such prior action.

(3) Any mentally impaired individual who was found to be not disabled pursuant to an initial disability determination or continuing eligibility review between March 1, 1981 and the date of the enactment of this Act, and who reapplies for benefits under title II of the Social Security Act, shall, only for purposes of determining whether the special insured status for disability is met, be deemed to have reapplied as of the time of the prior determination or continuing eligibility review. Reapplications under this paragraph must be submitted within one year after the date of the enactment of this Act.

REQUIREMENT FOR EVALUATION BY PSYCHIATRIST OR PSYCHOLOGIST

SEC. 502. (a) Section 223(d) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(7) In any case in which an individual alleges to be under a disability by reason of a severe mental impairment (as defined by the Secretary), the determination of whether such individual is under a disability shall be made only after the Secretary has demonstrated that a qualified psychiatrist or psychologist has completed the medical portion of the sequential evaluation and residual functional capacity assessment.".

(b) Section 1614(a)(3) of such Act is amended by adding at the end thereof the following new subparagraph:

"(G) In any case in which an individual alleges to be under a disability by reason of a severe mental impairment (as defined by the Secretary), the determination of whether such individual is under a disability shall be made only after the Secretary has demonstrated that a qualified psychiatrist or psychologist has completed the medical portion of the sequential evaluation and residual functional capacity assessment.".

(c) The amendments made by this section shall apply with respect to applications filed for benefits under title II or XVI of the Social Security Act on or after the date of the enactment of this Act.

Mr. HEINZ. Mr. President, I thank the Senator from Connecticut for setting aside the committee amendment.

This amendment is, I think, well known to most Senators.

On June 1, I informed my colleagues that, when the Senate takes up the repeal of withholding, I intended to offer an amendment relating to social security reviews of the mentally disabled. This amendment, which is basically the same as S. 1144, sponsored by myself and 43 other Senators, would require that the Social Security Administration revise its regulations for evaluating mental disabilities, after receiving the recommendations of a panel of outside mental health experts appointed by the Secretary.

Six days later, on June 7, HHS Secretary Margaret Heckler announced a series of disability initiatives which include, among other things, a moratorium on the reviews of two-thrids of the mentally disabled—those suffering from psychotic disorders. I have let the Secretary know, in a letter which I ask be made part of the RECORD, that while this moratorium is helpful, I can find no fair or scientific rationale for excluding beneficiaries with nonpsychotic disabilities from the moratorium. In one breath, the Secretary admits that the standards are fatally flawed and, for that reason, exempts the psychotic patients from a disability review temporarily; but then the Secretary is willing to continue applying basically the same flawed standards to the nonpsychotic disabilities—standards under which someone is found not to be disabled because he or she wears a clean shirt or blouse, feeds a pet, boils an egg, or bangs a few keys on the piano. I appended to my letter to Secretary Heckler a letter I received from a physician from St. Vincent's Hospital, in Harrison, N.Y., which comments, at length, on the basic illegitimacy of excluding from the moratorium patients with severe, nonpsychotic disorders. After some very detailed reasoning, Dr. Braun concludes—and I quote: "One could go on and on with examples to demonstrate that a diagnostic or psychotic, nonpsychotic method of exempting patients from review will only continue the present injustices and will not accomplish the desired goal."

To illustrate some of the injustices, I am inserting in the record five case studies that the GAO reviewed in preparing its testimony for the Aging Committee. Four of these five cases, all of which involve the so-called nonpsychotic disabilities, are erroneous terminations, in the opinion of the GAO. One of the five—example No. 4—had insufficient evidence in the file on which to base a termination.

SELECTED CASES WHICH MIGHT BE CLASSIFIED AS FUNCTIONAL NONPSYCHOTIC DISORDERS RATHER THAN PSYCHOTIC ILLNESSES—THESE CASES HAVE BEEN TERMINATED BY SSA WITHIN THE LAST 2 YEARS

1. Woman aged 47 years was diagnosed as suffering from a severe anxiety state. The record also stated that she had a depressive neurosis with anxiety and high blood pressure. She also has somatic illnesses. She has had three mini-strokes, severe headaches, peptic ulcers and bowel irritability. She worked from 1967-75 and has had benefits since that time. She has been treated for 2 years at a psychiatric clinic and is on Librium. She is dependent on her husband, does not go out without him, can't stand people and her husband and daughter look after the house when she is unable to. She has been turned down by vocational rehabilitation and staff they were unable to name any jobs she could do. She was seen as depressed, tense, constricted, unable to relate to others, but memory, judgement and orientation were intact.

2. A 56-year-old registered nurse was diagnosed as depressed with paranoid features, complicated by alcoholism and possibly early Alzheimer's disease. She was institutionalized in 1967, 1970, 1979, and July 1982. The Claimant worked as a registered nurse for 29 years until 1977. She was allowed disability in April 1978. A CE physician in 1978 felt the disability was sufficient not to establish a medical diary date. In 1980 the claimant was placed in Goodwill Industries as a nurse's aide. She had a breakdown in October 1981 and has been living in a nursing home. Though active and social and offering a normal appearance, the claimant functions under supervision with constant reminders. The nursing home is her representative payee. The claimant needs help dressing and taking medicine. She needs to be reminded to eat. She has a hobby and goes to yard sales with encouragement. Her treating physician and nursing home personnel say she is deteriorating and cannot function except in a structured supervised environment. When the claimant lived alone, she neglected her home, became depressed, and did not eat and did not keep herself clean.

Disability benefits were terminated in October 1982 on the basis that she is oriented in 3 spheres, has a satisfactory memory, has good contact with reality, is neat and clean in appearance, and functions adequately in daily activities.

It is difficult to judge which depressions will be classified as psychotic and which neurotic.

3. A 29 year old woman was diagnosed as having a Dysthymic Disorder. She has been hospitalized 4 times in 4 years for suicidal attempts. She is depressed, overweight, has no friends, she can't get along with others nor hold a job. She is in outpatient treatment and is on antidepressants and tranquilizers. However, she can dress herself, manage her money and go out by herself. The Consultant Psychiatrist considered her suicidal and homicidal.

4. Male aged 24 diagnosed as mentally retarded, IQ 66 with an organic brain syndrome. He has a long history of poor impulse control and poor interpersonal relationships. He has nightmares, recurrent headaches, has difficulty sleeping. He is irritable, restless and walks all day. He has auditory hallucinations. His recent memory is impaired. He had had 2 head injuries following accidents. His mother is his representative payee. He can understand simple instructions and can dress and feed himself. However, he does not have friends or relate to others outside the family. His disability was denied on the grounds that the behavioral difficulties were part of the mental retardation. No adequate neurological examinations appear to have been taken.

5. Male aged 25 years. Schizophrenic reaction—paranoid type. Has had 9 admissions to the VA between 1974-79. He has done 2 years of unskilled work in his life. He was discharged after 3 months from the VA. He lives with his father and is on medication. He is seen as untidy, manipulative, verbally abusive, with no insight or judgement. He

cannot manage money. The VA considered him to be demanding, dependent, violent, suicidal, self-neglecting. He would not stay in the VA Hospital.

It is not clear whether this individual would be classified as schizophrenic or as a paranoid personality. There are frequent diagnostic problems with these borderline individuals.

In short, this HHS policy distinction between psychotic and nonpsychotic disorders does not seem appropriate—or fair—from a medical standpoint. This group left out of the Secretary's moratorium is being terminated at a staggering 62-percent rate, many—if not most of them—erroneously. In addition, the Secretary's approach also leaves out of the moratorium those who are the most prone to suicide, because of their severe depression. And the Secretary's action also may have an adverse impact on women. Although we do not have hard numbers on this, we know, in general, that women suffer more frequently than men from the anxiety disorders and the nonpsychotic depression that falls in the categories of reviews not halted by the Secretary.

Further, the Secretary's June 7 statement is not at all clear in defining how far the administration intends to go in revising the criteria for judging mental disabilities. Two sets of criteria are really involved: The first is the so-called medical listings, which is a list of medical symptoms and findings. If the beneficiary's condition is as severe as the symptoms on that list of impairments, then the individual is found to be disabled. A second set of criteria is the so-called residual functional capacity. This is for people with impairments not as severe as those in the medical listing, although still considered to be severely impaired. The law and regulations require that SSA assess how much functional capacity that individual has, even though his impairment does not meet the standard contained in the listing. Since SSA data indicate that only 28 percent of decisions are made because the impairment meets or equals the listings, the application of this second set of criteria on residual functional capacity is as important, if not more important, than the medical listings themselves.

Secretary Heckler is apparently willing to revise the medical listings for judging psychotic disorders, but there is still no indication that the Department is willing to revise the second set of criteria, residual functional capacity, for evaluating pyschotic disorders which do not meet the listing. But for those suffering from nonpsychotic disorders, HHS is apparently not willing to revise either the medical listings or the residual functional capacity assessment. My amendment would require that the Secretary appoint a panel of outside experts to consider both the medical listings and the residual functional capacity assessment for all mental impairments—not just the psychotic.

The way in which the Secretary proposes to make changes in the mental disabilities standards is also very different from that proposed in my amendment. SSA apparently wants to set up informal work groups with "compassionate outside personnel"—as they are called in the press document—to help SSA bring its antiquated standards up to date. Well, the groups who should be participating in the process, like the National Mental Health Association, the American Psychiatric Association, and various others, have all written to Secretary Heckler expressing grave misgivings about SSA's motives for wanting these informal groups, as opposed to a panel of experts working out in the open for the public to view. Other administration documents indicate SSA would apparently prefer informal groups as being easier to manipulate than a panel of recognized experts.

Mr. President, the continuing disability reviews need a complete reform; and it would be a tragedy if the administration were to go through the exercise and end up with something that falls short of a remedy. A panel of outside experts would help the Secretary achieve a genuine remedy without tying their hands.

Finally, my amendment requires that a qualified psychiatrist or psychologist participate in the disability determination of people with severe mental disabilities. The GAO, in testimony before the Aging Committee that I entered in the RECORD on April 26, found that one of the major deficiencies in the reviews of the mentally disabled is that decisions are routinely made by individuals with little or no training in psychiatry or psychology.

Mr. President, for all these reasons, I am offering my bill as an amendment.

I would emphasize, again, that this amendment deals with the continuing disability review process, but only for those who are mentally disabled. This is a very small group of people, about 11 percent of all disabled workers, who are particularly vulnerable and defenseless because of the very disability that is under review. It is an amendment that Senator WEICKER, Senator SARBANES, Senator CRANSTON, Senator MOYNIHAN, Senator BOSCHWITZ, Senator JEPSEN, Senator WARNER, Senator COHEN, and Senator GRASSLEY also join me in cosponsoring, and I ask unanimous consent that they be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, let me make it clear that the moratorium on reviews of about two-thirds of the mentally disabled, which Secretary Heckler announced on June 7, was a step I personally welcomed. I am glad it was taken and I salute the Secretary for doing so. It is an improvement.

But, in my judgment, it simply does not go far enough because it leaves out most of those people who are mentally retarded; it leaves out those who are mentally disabled but who are not psychotic, such as people who are suicidally depressed, or people who are inclined toward homicide but for one reason or another are not psychotic. And the purpose of this amendment is to give the Department of Health and Human Services 6 months to come up with new medical listings and a new system of evaluating residual functional capacity, which is, in plain English, the question of whether these people can or cannot work, considering their age, education, and work experience.

Until those new regulations are issued in final form, there will be a moratorium on all reviews of social security and SSI beneficiaries, who were previously awarded benefits because of a mental disability. If the new, final regulations are issued before the 6-month deadline, the moratorium will end at that time. But if HHS takes longer than 6 months to revise, in final form, the regulations specified in this amendment, the moratorium will remain in force until such time as HHS has issued the new regulations.

The problem today is that the Social Security Administration is disallowing benefits to people who clearly cannot work because they are mentally disabled or mentally retarded. The purpose of this Senator's amendment is to put an end to that injustice.

I am advised the cost of the amendment, were the moratorium to be in effect for the full 6 months, is less than $3 million; and it would be my hope that my colleagues would support the amendment.

Mr. WEICKER. Mr. President, I urge adoption of this amendment, to put a moratorium on review of disability cases for mentally impaired persons, until new regulations recommended by GAO and others can be implemented.

Too often in the past mentally impaired persons have been thrown off the disability rolls, even though they are not capable of getting and holding a job. The amendment is needed and I support its adoption.

The PRESIDING OFFICER. The Senator from Mississippi.

The Senator for Kansas.

Mr. DOLE. Mr. President, I will just take 1 minute. I discussed this amendment—in fact, there are a number of Senators on both sides of the aisle who have been working in this general area for the past year: Senator HEINZ, obviously, Senator DURENBERGER, Senator COHEN, Senator LEVIN, Senator METZENBAUM, Senator RIEGLE, a number of Senators, trying to accom-

plish, I think, some legitimate objectives.

First, I would commend the administration for the announcement they made just last week. I mean this is not an anti-administration amendment. I think it is the feeling of the Senator from Pennsylvania that the action, although laudable, did not go far enough.

This is a very minor amendment. The Senator from Pennsylvania has agreed, as I understand it, to put a 6-month limitation on the amendment.

We are told by the Congressional Budget Office that the cost is under $5 million, and that would be zero in the process of the way they round down or up.

So I think it is a good amendment. I know the distinguished Senator from Louisiana (Mr. LONG) may or may not have reviewed the amendment. But what happened in 1980 was there was a law passed by Congress—I think most Members of Congress voted for it—and we started the review in 1981 based on the 1980 law.

There has been some concern that HHS has been moving too quickly, and this is an effort by the distinguished Senator from Pennsylvania to slow down the process; it would temporarily suspend the review of eligibility of the mentally impaired on disability insurance rolls, and it would seem to me that if the Department now acts as the Senator from Pennsylvania hopes they will act, they can do this next week, next month, 2 months from now.

So I think the amendment is satisfactory.

Mr. HEINZ. Mr. President, I want to thank my friend from Kansas, the chairman of our committee, for his kind words on the amendment. I believe the amendment does do what he has said it does. It will cost, hopefully, even less than the $3 million I indicated earlier.

Mr. President, I ask unanimous consent that Senators LEVIN and DURENBERGER be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. LEVIN. Mr. President, I support the amendment offered by the Senator from Pennsylvania. As ranking minority member of the Subcommittee on Oversight of Government Management, of which Senator COHEN is the chairman, I have been active in trying to correct tragic flaws in the social security disability program for the last 2 years.

At the time Congress passed legislation requiring a review at least every 3 years of those persons in the disability program who are not deemed to be permanently disabled, it was estimated by the Social Security Administration that approximately 20 percent of the persons in the program were actually ineligible and should be terminated. That was a pretty large admission of improper management of the program by SSA, and I think it surprised many Members of Congress. However, current figures on the percentage of persons being terminated from the disability program at the State level show 45 percent of the persons being reviewed are being terminated. That is unbelievable. That figure alone tells me that something is very wrong with the current continuing disability review process, particularly, because for those who avail themselves of the appeals process, some 60 percent are being reinstated. That is an enormous waste of administrative resources as well as an unfortunate imposition of anxiety and uncertainty for the persons who are terminated and subsequently reinstated.

The Oversight Subcommittee recently held a hearing on the role of the administrative law judge in the disability review process, and I became convinced through that testimony that SSA has been working very hard to get the administrative law judges to lower allowance rates, so that fewer people who appeal to an ALJ will stand the chance of being reinstated. Most significantly, this pressure by SSA to lower the allowance rate is—by SSA's own admission—not based on any evidence that the decisions by the State disability examiners to terminate are correct, and without that piece of information, reducing the reversal rates of ALJ's is unjustified. At that hearing, I had the following exchange with Louis Hays, Acting Deputy to the Deputy Commissioner for Programs and Policy and Associate Commissioner for Hearings and Appeals:

Senator LEVIN. Do you agree that the trend to more denials is a favorable trend?

Mr. HAYS. It could be a favorable trend.

Senator LEVIN. Could it be an unfavorable trend?

Mr. HAYS. It certainly could indicate that more cases are being properly handled at lower levels of adjudication.

Senator LEVIN. Could it be an unfavorable trend?

Mr. HAYS. I suppose it could be.

Senator LEVIN. We don't know whether it's favorable or unfavorable. It may or may not be in and of itself. We can't determine that it's a favorable trend; would you agree with that?

Mr. HAYS. I think it depends on the quality and accuracy of those decisions. If those decisions that go into an increasing or decreasing allowance rate are accurate, correct decisions, then it's a good trend. If the decisions are not accurate and of good quality, then it's a bad trend.

Senator LEVIN. So in and of itself the trend to lower reversal rates, which means more denials by ALJ's is not a favorable trend; you'd have to look behind it.

Mr. HAYS. Looking solely at an allowance rate tells you very little.

Recently, Secretary Heckler announced six initiatives—those are her words, I believe—to improve the disability program and make it more humane. Little in that announcement was new, and the really important issues about changing the review process itself were not addressed, for example—the fact that there should be a showing of medical improvement before someone can be terminated, the need to pay benefits through the administrative law judge decision, the need to have uniform standards for determining disability made subject to public notice and comment, and the need to reverse SSA's longstanding policy of not complying with decisions rendered by circuit courts of appeal with which SSA disagrees. Senator COHEN and I introduced a bill on February 15 of this year which addresses these important, substantive issues. We now have some 24 cosponsors, and anticipate Finance Committee consideration later this year.

Mr. President, I think Congress was right when it passed the 1980 amendments requiring periodic review of persons in the disability program. We do not want people who are not disabled to receive benefits, and following good management practices, we should make sure that such people do not get into the program in the first place, and if they get there, that they are promptly removed. However, with equal passion, we want those persons who are severely disabled, and are eligible for benefits, to receive them. In concentrating on the former, the Social Security Administration has ignored the equal importance of the later.

And, because the manner in which these reviews are being conducted is so offensive to common standards of due process and fair play, I think it is appropriate for Congress to temporarily halt for those persons most seriously affected, what everybody has agreed conceptually is, otherwise, a good management practice. Senator HEINZ' amendment is directed only at those persons receiving benefits who are mentally impaired, because the record shows that these persons are more likely to be terminated, are being reviewed at a faster rate than the physically impaired, are less able to manage the demands of the review process, and are being judged by standards that haven't been updated for years. I think the suspension of the reviews of these persons until the necessary standards are reviewed and updated is humane public policy, and I am pleased to support Senator HEINZ' amendment today.●

● Mr. COHEN. Mr. President, I am pleased to be a cosponsor of this amendment which would impose a temporary moratorium on further reviews of mentally impaired individuals receiving social security disability benefits.

In my judgment, suspension of the Social Security Administration's re-

views of the mentally disabled is warranted because of the overwhelming evidence indicating that benefits have been wrongly terminated for thousands of severely disabled people. Hearings held by the Aging Committee revealed that the criteria for evaluating the mentally disabled are woefully inadequate and that, in many cases, the decision to terminate benefits is made by personnel with little or no training in psychiatry or psychology. In light of these fundamental deficiencies, I believe that suspending the case reviews is appropriate until the regulations governing the disability determinations—known as the medical listings—are revised to permit an accurate assessment of the individual's ability to work.

Although I strongly support Senator HEINZ' amendment, I want to emphasize my belief that comprehensive legislation reforming the entire social security disability review process is still urgently needed. Much more remains to be done to insure that the reviews are fair to disabled workers, whether they suffer from mental impairments or grave physical ailments.

In this regard, I am pleased to note that Senator HEINZ has cosponsored the comprehensive bill that Senator LEVIN and I introduced in February. It is my hope that Congress will act quickly, not only on the moratorium legislation but also on the long-term bill, so that hardships and injustice inflicted on the severely disabled will finally be eliminated. I commend the Senator from Pennsylvania for his initiative and his contributions to this goal.●

Mr. PRYOR. Mr. President, I rise in strong support of the amendment by my distinguished colleagues from Pennsylvania, the chairman of the Special Committee on Aging, which would insure that individuals receiving social security and supplemental security income by reason of mental disability would receive equitable treatment from the Social Security Administration.

Since implementation of the 1980 amendments to the Social Security Act, which required triannual reviews of the nonpermanently disabled individuals, the disability program has been fraught with controversy. There is not one Member of Congress whose office has not been inundated with calls and letters from constituents who have been terminated from the disability program. Despite GAO estimates that approximately 20 percent of those on the disability rolls were improperly receiving benefits—estimates which precipitated enactment of the triannual reviews—almost half of the disability beneficiaries are being removed. Since the Social Security Administration began these reviews, over 300,000 beneficiaries have been cut off from their benefits.

Mr. President, there is not a Member of Congress who condones the receipt of benefits by those who are undeserving. But in case after documented case it has been discovered that many, many deserving individuals are being terminated only to gain reinstatement after a lengthy and painful appeals process. In some of the more extreme—and not so rare—cases, beneficiaries who have appealed are reinstated only after they have died from the disability which the Social Security Administration deemed not serious enough for the continuation of benefits.

As alarming as some of these reports are, a combined investigation of the GAO and the staff of the Special Committee on Aging has revealed far more appalling facts about reviews of the mentally impaired disabled.

During recent hearings before the committee, we learned that, although about 11 percent of those on the disability rolls have mental impairments, between 24 and 28 percent of the reviews and terminations are of the mentally impaired. And out of 1,400 appeals in such cases, 9 out of 10 terminations were overturned by administrative law judges. In a GAO survey of 40 denial and termination cases reviewed by a staff clinical psychologist, 27 individuals were judged incapable of daily functioning without support and could not work in stressful environments. In 13 other cases she judged that additional medical information was needed. The following are the major weaknesses GAO documented for the Special Committee on Aging regarding disability reviews of the mentally impaired:

First, an overly restrictive interpretation of the criteria to meet SSA's medical listings, resulting principally from narrow assessments of individuals' daily activities;

Second, inadequate development and consideration of a person's residual functional capacity and vocational characteristics;

Third, inadequate development and use of existing medical evidence, resulting in an over-reliance and misuse of consultative examinations; and

Fourth, insufficient psychiatric resources in most state DDS's (Disability Determination Services).

While there have been successful lawsuits filed against the Social Security Administration regarding the mentally impaired, and more are pending, the wheels of justice are grinding far too slowly for the many mentally disabled who are being unfairly stripped of their benefits. It is time for the Congress to act to counter these grave injustices.

Secretary of HHS Margaret Heckler last week announced some new departmental initiatives for reform of the disability program. Among these was one which was directed specifically at the mentally impaired: That reviews of two-thirds of the mentally impaired scheduled for review—those suffering from psychotic disorders—would not be reviewed until SSA's standards have been revised. This action is a subtle admission by the administration that faulty standards have been used, which have resulted in much suffering. Merely placing a moratorium on review of the most severe cases will not fully address the problem we are facing.

In view of SSA's deplorable track record, I believe it is of vital importance that we go further in our efforts to reform this most important program.

While I am hopeful that, in the coming months, the Congress will see fit to further address the problems of the disability program, Senator HEINZ' proposal is a first step toward this aim. He is to be commended for his painstaking and thorough efforts to document some very, very serious flaws in the system. I urge my colleagues to follow his lead and approve the changes he is requesting today.

Specifically, his proposal would: Require SSA to revise applicable criteria for mental disability classification after consultation with an appointed, outside advisory council, the members of which would be chosen by the Secretary and shall have expertise in the field of mental impairments; prohibit SSA from reviewing any new mental disability cases until these criteria are set in place; require SSA to process all new applications and appeals of prior decisions, with the stipulation that these cases be earmarked for redetermination after new regulations are in place; and make SSA responsible for assuring that the medical portion of the evaluation for mental impairment be conducted by a qualified psychiatrist or psychologist.

In view of the administration's admission that there is a problem with determinations of mental impairment, I believe Senator HEINZ' proposal a commonsense approach to dealing with a very important part of the entire disability issue.

Mr. DOMENICI. Mr. President, I rise in support of the amendment offered by my colleague, the senior Senator from Pennsylvania. This amendment would require reform in the adjudication of mental disabilities by the Social Security Administration and would impose a moratorium on disability reviews until new, more fair and humane, standards are implemented.

The controversy in the social security disability program is not new. Congress passed legislation in 1980 requiring the Social Security Administration to review all nonpermanent disabilities once every 3 years. We were concerned about GAO reports that as many as 20 percent of the disability recipients did

not meet the eligibility criteria, and that incorrect payments could exceed $2 to $4 billion per year.

The administration shared our concern and worked hard to implement the review schedule. It became clear, however, that rushing this process led to hardship for many disability recipients. So, in December 1982, Congress passed legislation to protect all disability recipients from an unfair or abrupt termination of benefits. I supported that provision.

Since December of last year, we have become aware of another problem in the review process. It affects only a small minority of disabled workers, those who are mentally impaired. These individuals are a particularly vulnerable and defenseless group and, as such, deserve all of the protections we can provide.

Hearings before the Senate Aging Committee, of which I am a member, provide substantial evidence that the current rules and procedures for judging mental disabilities are flawed. This has resulted in many evaluations that are undependable and inaccurate.

Mr. President, it would be unjust to impose this flawed decisionmaking process on any group of citizens. It is expecially disturbing to find it being imposed on the most vulnerable members of society. Unfair or erroneous disability terminations can swiftly upset the delicate balance of life outside of the mental institution for these recipients.

This amendment would not stop progress in weeding from the program those who are able to work or are collecting benefits fraudulently.

The amendment does three important things. First, it requires the Social Security Administration to revise its regulations for evaluating mental impairments. Diagnosis, treatment and standards of measurement for mental disorders are highly controversial among mental health professionals, but there is agreement that the standards now in use are error prone. Of course mental health experts would be deeply involved in revising the standards.

Second, the amendment would suspend continuing disability reviews for all of the mentally impaired until the new standards are in place, unless fraud or work activity was involved. This insures that the lives of mentally impaired recipients would not be unfairly disrupted.

Third, the amendment would also require that a qualified psychiatrist or psychologist participate in the disability evaluation of people with severe mental disabilities.

As part of this overall effort by congress and the administration, the amendment in question would allow Congress to protect mentally disabled beneficiaries and still move toward a fair periodic review process. We should continue our efforts to eliminate program abuse, but we must not abandon basic human decency in the process.

This amendment is not the only step being taken to improve the disability determination process. The administration recently announced a series of major reforms in the social security disability program. I regard these reforms as equally important as the amendment before us today because they focus on all of the disabled, not just the mentally impaired.

As a result of Secretary Heckler's announcement, fully 1 million of the 2.6 million insured individuals receiving disability benefits are now exempted from continuing disability investigations. They are considered permanently impaired. The administration has thereby added whole new categories for automatic exemption.

The Department is also changing the review process to shorten delays that now occur in appeals due to backlogs of unresolved cases. This means recipients in New Mexico would not have to wait as long for a final determination.

Finally, the administration is accelerating its comprehensive review of all policies which affect those drawing disability benefits. I find all of these developments encouraging.

The PRESIDING OFFICER. Is there further debate?

Mr. STENNIS. Mr. President, I like the amendment, I approve it. I do not know of any opposition here on this side.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment of the Senator from Pennsylvania.

Mr. HEINZ' amendment (No. 1400) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I ask unanimous consent that the committee amendment be temporarily set aside in order that we might have the amendment of the distinguished Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1401

(Purpose: To allow a State to reallocate payments in lieu of taxes)

Mr. DURENBERGER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. Durenberger) proposes an amendment numbered 1401.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, after line 12, insert the following:

(4) A new section 6907 is added as follows:

"(a) Notwithstanding any other provision of this chapter, a State may enact legislation which requires that any payments which would be made to units of general local government pursuant to this chapter be reallocated and redistributed in whole or part to other smaller units of general purpose government that provide general governmental services and contain the entitlement lands within their boundaries.

"(b) Upon enactment of legislation by a State, described in subsection (a), the Secretary shall make one payment to such State equalling the aggregate amount of payments which he otherwise would have made to units of general local government within such State pursuant to this chapter. It shall be the responsibility of such State to make any further distribution of the payment pursuant to subsection (a).".

Mr. DURENBERGER. Mr. President, chapter VII of this bill contains language reported out of the Energy and Natural Resources Committee in H.R. 1213. It amends the Payments in Lieu of Taxes Act of 1976 which compensates local governments for the presence of Federal tax exempt lands within their boundries. The effect of the language is to set aside a recent U.S. circuit court of appeals decision, Meade Township, and others against Andrus in which the court held the Secretary of Interior had exceeded his authority under the act in allocating payments in lieu of taxes to local governments.

The provision of H.R. 3069 at issue here would permit the Secretary of Interior to continue to allocate funds as he has in the past. The report accompanying H.R. 1213 explains the committee's opinion that this change is necessary to insure the timely payment of entitlements under the act.

The amendment I am proposing is very simple. It would permit the payment in lieu of taxes funds to continue to go out exactly as they have since the beginning of the program with one slight change. The amendment would allow a State to pass a law, if it so desired, to reallocate the funds within the unit of government receiving the funds between that unit and other units of local government contained within it. If the State decides to reallocate the funds, all of the funds reallocated must remain within the boundaries of the unit of government to which the Secretary originally made the allocation.

The necessity for this amendment arises from the courts ruling that the Secretary of Interior had erroneously applied the "principle provider of services" criterion to determine which local government received the funds. The court held that the Secretary was required by law to allocate the funds to the smallest unit of local government in which the entitlment lands were located, regardless of which government provided services.

The committee amendment to the act has the effect of setting aside this court ruling to permit the Secretary to continue applying the "principle provider of services" criterion. I have no objection to this. In fact, I think it only makes sense that if the Federal land lies in two overlapping jurisdictions, it should be that jurisdiction providing public services on the land that receives Federal compensation for the land's tax-exempt status. And if both jurisdictions provide a share of the services, it makes sense that the Federal compensation should be split between them in relative proportion to the services each provides.

The problem with the committee amendment is that it does not permit this to occur in a few cases. The Secretary of Interior has said that currently the data are not available on a timely basis to make the determination in States where significant overlapping occurs as to which jurisdictions are providing which exact services. So, the Secretary would be making—and has been in a few cases—an arbitrary determination and sending all of the payment in lieu of taxes to what he determines is the principle provider of services. This is universally the county government except in the New England States where counties do not really provide any services.

The amendment I am proposing would allow the Secretary to continue to make the allocation on the basis of his original regulations, but would simply give the States an opportunity to reallocate those moneys, within the same county, in a manner that fits the unique way services may be provided in that particular county area. This takes Congress out of the business of applying uniform rules across all States and across all local governments within a State when such a rule would distort the intent of the program.

Mr. President, although there is not a lot of money at stake here, this is the essence of the New Federalism debate. At issue here is a dispute between two types of local governments in a few States over who provides the majority of the services. Congress should not be in the business of settling these disputes. We have an obligation to see to it that money is provided in compensation for the presence of tax exempt Federal property. It is ridiculous for Congress to attempt to tailor a Federal program to take account the thousands of idiosyncratic ways local governments throughout the Nation provide public services. But, Mr. President, it is just as ridiculous for Congress to pretend these differences do not exist and to apply a uniform national standard simply for the sake of bureaucratic expendiency.

Let me reiterate that if the State does not pass a law reallocating funds, the Secretary of Interior's allocation will stand. And if the State decides in its wisdom to reallocate the money, it must be redistributed only to local governments within the boundaries of the original recipient. Furthermore, only general purpose local governments as defined by the Bureau of the Census will be eligible to receive funds under the reallocation—that is, only those jurisdictions currently eligible to receive general revenue sharing. Special districts will not be eligible unless the eligible jurisdictions negotiate an agreement with such districts as is currently the case in a few instances.

I have heard that by proposing this amendment I am somehow endangering the entire payment-in-lieu of taxes program. This is simply not true. The quickest way I know of to endanger the program is to whip up a controversy by making a few feel they have been had. The compromise I am offering would diffuse the controversy. It would provide a mechanism for subcounty level government to petition their State legislatures and prove their case.

Perhaps I make to much of New Federalism, but if Congress cannot take itself out of the business of settling local disputes when the issue is clear cut, I do not know how we will ever make progress on sorting out the big responsibilities. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I support this amendment. It is a modification of the amendment which I offered in the committee that deals with the payment in lieu of taxes program.

The need for this amendment lies in the implementation of the original PILT statute which was designed to provide revenues to that smallest unit of local government which provides general public services.

In the original administration of the act, the Department of the Interior wrote regulations and adopted definitions which resulted in the payments going to countries or their equivalents in almost every instance.

The townships in Michigan, among others, felt offended and brought suit. The court said that the regulations which had been adopted by the Department of the Interior were inappropriate. This cast a great deal of doubt on the payment in lieu of taxes program, and would have almost certainly meant that no further payments would have been made until that litigation was finally resolved. It would have also made a tremendous hiatus with respect to the status of payments that had been made under the program since the program began.

As the author of the PILT amendments in the first instance, I can say it was our intention that we create a stream of revenue that would act, in effect, as a substitute for the taxes that would have been generated upon property otherwise subject to taxation. That stream of revenues would go to that unit of government closest to that land that would have normally received those revenues under an ad valorem taxation scheme.

The Department of the Interior has reacted strongly to the Michigan case, saying that they simply are not equipped nor able to make the determinations that might be required beyond what they have done under the regulations that are in effect at the present time.

The amendment offered by the Senator from Minnesota solves that problem by saying that the State legislature must make that determination. If the State statute complies with the requirement that the lands be within the unit of government which provides that service and the revenues go to that unit of government which provides general public services in the areas where the lands are located, then the State will receive a lump sum payment. The State makes the distribution, and the State carries the administrative expense.

I should add that if the State does not make such a determination to reallocate funds, the Secretary of the Interior must continue to make PILT payments in the same manner as in the past.

I think this is an appropriate balancing between the legitimate concerns as to whether the intention of the original statute was being complied with and whether or not the Department of the Interior could be asked to absorb a greater administrative burden in attempting to meet the objections raised by the Michigan court.

This is not a perfect solution, but perhaps there is no perfect solution. I do think, however, that it is a reasonable compromise between two legitimate points of view. Although it detracts slightly from the thrust of the amendment which I had originally offered during committee markup of this bill, I have no objection to this amendment and urge it be adopted.

Mr. DURENBERGER. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota (Mr. DURENBERGER).

The amendment (No. 1401) was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DURENBERGER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I ask that the committee amendment be temporarily set aside for the purposes of the Senator from Massachusetts offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

AMENDMENT NO. 1402

(Purpose: To provide an additional $30,000,000 for summer youth employment and training)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment numbered 1402.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 67, between lines 17 and 18, insert the following:

SUMMER YOUTH EMPLOYMENT AND TRAINING

For an additional amount for part B of title II of the Job Training Partnership Act, relating to summer youth employment and training programs, $30,000,000.

Mr. KENNEDY. Mr. President, my amendment would add $30 million to this bill for the purpose of funding an additional 30,000 jobs for unemployed teenagers this summer.

I offered a similar amendment last March to the emergency jobs supplemental that was moving through the Senate. At the request of Chairman HATFIELD, I agreed to withdraw that amendment to give the chairman and the administration the opportunity to consider a separate initiative for youth that the administration would be forwarding to the Congress.

At that time, the chairman recommended that my amendment be offered instead on the next supplemental. The bill that we are now considering is the first supplemental appropriations bill to come before the Senate since Senator HATFIELD and I had that discussion last March. Senator HATFIELD also indicated that we would even gain the support of the Senator from Oregon if the amendment were postponed. I am pleased that he is still so inclined.

I want to remind my colleagues that while there has been some good economic news lately for the unemployed there has not been much for our young people to cheer about. Unemployment still stands at unprecedented levels for teenagers. One out of every five cannot find work, and for minority youth, one of every two black teenagers are jobless.

My colleagues will recall that the jobs bill we passed last March did very little to create employment for teenagers, and the program promised by the administration has yet to materialize.

We are hearing a lot these days about the importance of education in shaping the future of our youth, but I would point out to my colleagues that many youngsters will not be able to return to school in the fall or go on to college unless they have a job this summer. This amendment is a very modest addition which I think will pay a significant dividend.

I would remind my colleagues that in 1980, 840,000 summer jobs were created. At that time unemployment stood at just over 7 percent. This year, even with the funds provided in the emergency jobs bill last March, we will only employ 813,000 teenagers.

My amendment would mean opportunity for an additional 30,000 youngsters this year.

Now I know some of you will suggest that the summer is upon us and it is too late to get these moneys out to communities in time for them to spend. But I am confident that mayors all across the country will make whatever effort is required to insure that unemployed teenagers in their cities will be hired in productive jobs. I can think of no more important issue for the Senate to act on today than putting our young people to work this summer.

I thank the chairman for his support.

Mr. President, I ask unanimous consent to have a table printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMER JOBS

[Dollar amounts in millions]

	1979	1980	1981	1982	1983 (Administration budget)	Emergency jobs bill	Kennedy amendment
Funding	$785	$725	$839	$700	$725	$825	$855
Youth served	888,000	839,000	766,000	679,000	715,000	813,000	843,000

Mr. STENNIS. Will the Senator yield?

Mr. KENNEDY. Yes.

Mr. STENNIS. That is just a summer program?

Mr. KENNEDY. That is only a summer youth program administered by the mayors. It is a program which is already in place. It is an effective program and this is an extremely modest addition.

Mr. WEICKER. Mr. President, I recommend accepting the amendment. With nationwide unemployment still in excess of 10 percent and with youth unemployment twice that level, there is no doubt about the need for more jobs for our young people this summer. I urge adoption of the amendment.

Mr. STENNIS. Mr. President, we have no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. KENNEDY).

The amendment (No. 1402) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WEICKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRST EXCEPTED REPORTED AMENDMENT, PAGE 6, LINES 14–17

Mr. HATFIELD. Mr. President, I move adoption of the pending committee amendment.

The PRESIDING OFFICER. Is there debate? If not, the question is on agreeing to the pending committee amendment.

The 1st excepted reported amendment, page 6, lines 14–17, was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1403

(Purpose: To make technical corrections in the bill)

Mr. HATFIELD. Mr. President, I call up the committee technical amendments. I send them to the desk and ask for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes an amendment numbered 1403.

On page 70, line 22, before the period insert a comma and the following: "to remain available until September 30, 1984".

On page 87, line 23, strike, "Public Law 97-424" and insert in lieu thereof "Urban Mass Transportation Act of 1964 as amended."

Mr. HATFIELD. Mr. President, these are technical amendments which have been cleared on both sides of the aisle.

The first one extends the date of the availability for handicapped educational funds, and the second one is a matter of changing the citation for the transportation section. These are technical amendments that were omitted by the printer.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1403) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1404

Mr. HATFIELD. Mr. President, I have another technical amendment to be considered.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes an amendment numbered 1404.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the Thurmond amendment No. 1386 at the end of page 30, insert the following:

The project for Cooper River, Charleston Harbor, South Carolina, authorized by the River and Harbor Act of 1968, Public Law 90-483, approved August 13, 1968, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to install a closure structure in the diversion canal between Lake Marion and Lake Moultrie and to construct such measures as the Chief of Engineers determines necessary to improve the seismic stability of the Pinopolis West Dam on the Cooper River, at an estimated cost of $22,000,000: *Provided*, That nothing in this paragraph shall waive any requirements under the Federal Power Act of 1935 (49 Stat. 847): *Provided further*, That in addition to such sums as are otherwise appropriated by this Act there are appropriated and additional $2,000,000, to remain available until expended, for "Construction, general, Corps of Engineers—Civil", for engineering and design studies in connection with the project authorized by this paragraph.

Mr. HATFIELD. Mr. President, this is basically to correct and to bring into appropriate language the amendment offered by the Senator from South Carolina (Mr. THURMOND) last evening. We must conform the text of Mr. Thurmond's amendment adopted last evening with the format of the supplemental appropriations bill. The revised language also makes the $2 million provided by that amendment available until expended as is currently the case with other appropriations for the Corps of Engineers construction account.

I move adoption of the amendment.

The PRESIDING OFFICER. Is this in lieu of the earlier amendment?

Mr. HATFIELD. This is in lieu of Senator THURMOND'S previously offered and adopted amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1404) was agreed to.

Mr. HATFIELD. Mr. President, I believe we have cleared all amendments on our list except the ones dealing with honoraria and the possibility of an amendment by Mr. HUMPHREY.

Mr. BAKER. Mr. President, I have been discussing with Members for some time now as they drifted by the desk if there were going to be any more votes tonight and what time they would be out. I have been telling them that I hoped we would be out by 6:30 p.m. and I was unsure whether there would be other votes or not.

Since then, I have been advised that there is one other amendment, and perhaps two other amendments, and very likely there will be another rollcall vote tonight. I hope Members who hear me in their office will take account of that and will understand that there may be at least one and perhaps two rollcall votes this evening.

It is still my hope that we can finish today's activities by 6:30 p.m. or thereabouts.

In order to do that, Mr. President, in order to leave this bill at a fairly early hour, I think it is essential that we get unanimous-consent agreement that no other amendments would be in order except the pay and honoraria amendments. I think the Senate would be better off to debate that tomorrow rather than tonight. I will not now put such a request, but I am going to later put a request after the Senator from New Hampshire (Mr. HUMPHREY) reaches the floor and offers his amendment or amendments. I plan to put a request that no other amendments will then be in order except the honoraria amendments.

If that order is granted, then I will expect the Senate to go out until tomorrow.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DESIGNATING PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow after the recognition of the two leaders under the standing order, the time remaining from that time until 10 a.m. be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF H.R. 3069 ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that at 10 a.m. the Senate resume consideration of the supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the Appropriations Committee and the Judiciary Committee, I am told, have markups by the full committees tomorrow morning at 10 o'clock. We have an order to go back on this measure, the supplemental appropriations bill, at 10 a.m. What I would like to do is leave that as it is at the moment and assure the chairman of the Appropriations Committee and other Senators that tomorrow, as we need to, we shall adjust those times.

If we are going to finish the supplemental tomorrow, especially if we are going to have a debate on pay and honoraria, and do interest and withholding repeal, we need all the time we can get. I should like to leave it as it is and readjust tomorrow as the circumstances permit.

Mr. President, while we await the arrival on the floor of the Senator from New Hampshire (Mr. HUMPHREY) I ask unanimous consent that I may speak as in morning business for a brief moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATIONS TO SENATOR TOWER

Mr. BAKER. Mr. President, I take this opportunity to call to the attention of my colleagues that today is the 22d anniversary of the swearing in of the distinguished senior Senator from Texas (Mr. TOWER) as a Member of this body. It was 22 years ago today that Senator TOWER arrived from Texas and took his place here, in this Chamber. He has served with distinction since that time and, as one of the senior Members of this body, Senator TOWER, in my view, exemplifies the honor, dedication, and commitment that are the marks of an effective Senator.

For over 20 years now, Senator TOWER has been a powerful watchdog for the concerns of Texas and the Nation and during the last 2½ years, as the distinguished chairman of the Senate Armed Services Committee, he has been most instrumental in assisting President Reagan in his efforts to rebuild our Nation's defenses.

I am most proud to serve alongside JOHN TOWER in the Senate, and I am sure that my colleagues on both sides of the aisle will join me in sending our deepest congratulations to Senator TOWER on this special anniversary of a very special public service career.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS, 1983

The Senate continued with the consideration of the bill (H.R. 3069).

O'NEILL UNIT, ALASKA

Mr. EXON. Mr. President, if I may have the attention of the managers of the bill for just a moment, I thank the chairman of the committee and the ranking minority member for the total cooperation they have given the Senator from Nebraska with regard to our attempts to reduce substantially the construction costs on an important irrigation project in Nebraska. I believe that a colloquy is in order and has been agreed to.

I inquire of the manager of the bill, the distinguished chairman of the committee (Mr. HATFIELD) if this would be an appropriate time to have that in the record.

Mr. HATFIELD. Mr. President, the Senator is correct. It is always somewhat puzzling to me, when Congress acts with such precision and clarity on certain really noncomplex issues, that people in the bureaucracy can find ways to twist or turn it or misinterpret it. The Senator from Nebraska was very concerned about a report in a Nebraska newspaper which I shall include in the record about interpreting an amendment that the Senator offered, which the committee accepted.

The committee adopted a bill provision proposed by the Senator from Nebraska (Mr. EXON), which provides for further study of the Norden Dam, O'Neill unit of the Pick-Sloan Missouri River Basin program.

There have been recent press accounts, as I mentioned, regarding this provision which do not reflect the clear intent of the Senate on this legislation. A Bureau of Reclamation official has been quoted as stating that the agency may not have authority to participate in this study.

Mr. President, the bill language relating to the study of alternatives to the Norden Dam, O'Neill unit, project in Nebraska is clearly intended to authorize and direct the Bureau of Reclamation to participate in a joint study with the State of Nebraska.

It is the committee's intent that the bill provision, together with the report language, directs the Secretary of Interior to participate and help finance this State-led study and to contract with the State if necessary to help undertake the work. We believe that the legislative history on this point is clear.

In addition, the bill provides funds in fiscal year 1983 to initiate this study. Further, report language indicates that the committee expects to provide follow-on funding as required in the appropriations process to continue this effort.

In order to make it more clear, if that is necessary, Mr. President, I ask unanimous consent to have the newspaper article and the documentation printed in the RECORD at this point.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[From the World-Herald Bureau]

BUREAU UNSURE IF IT CAN FUND WATER STUDY

(By Mary Kay Quinlan)

WASHINGTON.—The Bureau of Reclamation hasn't determined whether it could legally give the State of Nebraska cash to help finance a study of cheaper alternatives to the O'Neill Unit water project in Nebraska, of which the Norden Dam is a part.

A bureau official said Tuesday that a Senate supplemental appropriations bill's language is not clear.

"We haven't had it researched," said William C. Klostermeyer, an assistant commissioner of reclamation.

Sate officials have indicated in a memorandum that they want about $100,000 in cash from the bureau.

The funds would be used for a state-led study of ways to irrigate the O'Neill area without building a large dam on the Niagara.

If the provision calling for bureau participation in a state-led study stays in the final version of the bill, bureau lawyers would have to determine whether its legislative history authorizes the agency to give cash to the state, Klostermeyer said.

"I don't know if the language is sufficient to permit it (bureau aid) in the form of cash," he said.

He said the bureau insisted last year that Congress specifically authorize it to make a cash contribution to Nebraska for a Platte River study.

Normally, Klostermeyer said, the bureau provides technical assistance to states for water resources studies.

Or study responsibilities be divided, with the bureau doing part of the work and a state doing part, he said.

Sen. J. J. Exon, who sponsored the language in the Senate bill, has asked the bureau whether it has the authority to give cash, an Exon aide said.

Bureau officials have "totally skirted giving any answer, but they've never said no," he said.

H.R. 3069

[Report No. 98-148]

The Secretary of the Interior shall, under the general investigations authority, engage in a joint, State-led study with the State of Nebraska of cost effective alternatives to the Norden Dam, O'Neill unit of the Pick-Sloan Missouri River Basin program, Nebraska; and shall use available funds to initiate such study. The study period shall not exceed 18 months. No funds shall be expended for any construction activity for the Norden Dam, O'Neill unit prior to the completion of this study.

The Committee has included a provision which directs the Secretary of the Interior to undertake a joint study with the State of Nebraska to investigate cost effectiveness alternatives proposed by the State to the Norden Dam, O'Neill unit of the Pick-Sloan Missouri River basin program, Nebraska. Total Federal costs for this study shall not exceed $100,000, and the Secretary is encouraged to immediately initiate Federal participation in fiscal year 1983. The Committee expects to provide follow-on funding as required in the regular 1984 appropriation process to continue this effort. The Committee further directs the Bureau to make Federal funds available to the State of Nebraska to assist in this joint, State-led study of alternatives.

PUBLIC LAW 97-338—97TH CONGRESS

An Act to authorize the Secretary of the Interior to participate with the State of Nebraska in studies of Platte River water resource use and development, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in a special study to assist the State of Nebraska in establishing water resource conservation and development priorities, consistent with constitutional and statutory provisions of the State of Nebraska, in the Platte River Basin from the western border of the State of Nebraska to the confluence of the Platte and Missouri Rivers.

The purposes of the study shall be to—

(a) determine the availability of water resources within the basin;

(b) identify, define, and quantify the existing and foreseeable intrabasin and interbasin demands on such resources within the State of Nebraska (including irrigation, ground water stabilization and recharge, enhancement of water quality, small community and rural domestic water supplies, management of fish and wildlife habitat, public outdoor recreation, preservation of scenic qualities, flood control, hydroelectric power development, municipal and industrial water supplies, and such other demands as the study may identify);

(c) identify, evaluate, and estimate costs for alternative methods of meeting the identified water demands, including but not limited to withdrawals from the Platte River, ground water pumping, water conservation, and improved water management; and

(d) resolve the identified conflicts by making specific recommendations on the full and best utilization of the available water supply, including a priority ranking for implementing recommended water conservation and development projects.

SEC. 2. The special study authorized by section 1 of this Act shall be a Federal-State study conducted jointly by the Bureau of Reclamation and the Nebraska Natural Resources Commission. The broadly constituted study body responsible for making the recommendations required by section 1 shall consist of such citizens, representatives of agricultural, environmental and development groups, State and lcoal officials, and Federal agency representatives as the Governor of Nebraska and the Secretary shall jointly determine. Federal agencies invited to participate shall include, but not be limited to, the U.S. Geological Survey, the U.S. Fish and Wildlife Service and the Environmental Protection Agency. The special study authorized by section 1 of this Act shall be completed within thirty months after funds are first appropriated under this Act.

SEC. 3. (a) There is hereby authorized to be appropriated the sum of $350,000 to carry out section 1 of this Act. One-half of this sum shall be made available as a grant to the Nebraska Natural Resources Commission and shall be matched equally by direct contribution or inkind services by the State of Nebraska, its political subdivisions, or other non-Federal entities.

(b) The sums expended or services provided by the State of Nebraska, its political subdivisions, or other non-Federal entities after March 9, 1982, for the purposes of this Act shall be considered in the determination of the matching non-Federal share.

Mr. EXON. Mr. President, once again, I thank my distinguished friend and colleague, the manager of the bill, for his usual cooperation, understanding, and leadership.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

AMENDMENT NO. 1405

(Purpose: Relating to a flood control project on the Pearl River, Miss.)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) proposes an amendment numbered 1405:

On page 30, lines 5 and 6, strike out "and construct and undertake".

On page 30, line 11, strike out "at a currently estimated cost of $26,500,000,".

On page 30, beginning with "Expenditures" on line 13, strike out all through the period on line 20.

Mr. HUMPHREY. Mr. President, I think Senators are aware that from time to time the Appropriations Committee makes available for expenditure or obligation funds that have not been authorized in the usual way. By the usual way, I mean formal legislation not having been issued by an authorizing committee.

At the very least, this is a circumvention of the normal process of business. At the worst, it is, if I may say so, a usurpation of authority by the Appropriations Committee at the expense of authorizing committees. It appears to this Senator at least, although I have not conducted any kind of scientific study, that this trend is growing worse all the time, that is, we are seeing more and more cases of the Appropriations Committee providing funding for projects that have not been properly authorized.

I am going to be offering two amendments this evening, the first of which is before us and the second amendment is a general sort of amendment that would apply to all cases within the appropriations bill presently before us where the appropriations are lacking in an ordinary authorization.

But in any case, the first amendment which is now before us is directed specifically at a project called the Pearl River flood control project in Mississippi. I do not choose this one for the reason of making life difficult for my colleagues from Mississippi. I have great respect for both of them. But this particular case seems to me to be one of the worst contained in this bill for the reason that not only is money being authorized in the absence of an authorization from the Committee on Environment and Public Works, which is the normal procedure, but language within this appropriation bill appropriates money for the Pearl River flood control project. So the Appropriations Committee has not only gone beyond usurping the authority of the Public Works Committee to authorize projects but is actually authorizing it. It is not only providing the money but providing the authorization, which is possibly unheard of. I hope it is.

But in any case, here it is before us. The Appropriations Committee is not only making money available for a project not considered and approved by the Committee on Environment and Public Works, but it is also placing authorizing legislation within the body of this appropriations bill.

I have no doubt, Mr. President, that my colleagues from Mississippi will make an appealing and perhaps even a convincing case on the merits for this particular project, the Pearl River flood control project. I am not here to argue in favor of floods, although I might be cast in that light. I am here to argue for regular procedure.

There are some 62 flood control projects presently under review by the Executive in Washington. All projects must go through a number of review stages before construction is authorized. The flood control project for Jackson, Miss., the Pearl River flood control project, funding for which is included in this appropriation, circumvents the entire process. This appropriation, if passed as it is, will place ahead of these 62 projects going through the normal channels of approach in the Executive and then coming before the Committee on Environment and Public Works for review and possible authorization of the Pearl River project. The Pearl River project by means of language in this bill is going to circumvent completely that process. It is going ahead of 62 other flood control projects presently working their way through the process in the Executive and ultimately would come to the legislature, to the Committee on Environment and Public Works.

In summary, Mr. President, my objections are to the Appropriations Committee usurping authority, providing money where there is no authorization from a relevant committee, and in this specific case going beyond providing money when there is no authorization, going beyond that and providing authorizing language itself. Imagine it, the Appropriations Committee providing authorizing language in an appropriations bill. It is a highly objectionable procedure, highly irregular, highly improper. I am not arguing against the merits of the Pearl River flood control project. I am arguing against the procedure involved. I am arguing against placing it ahead of 62 projects with merits just as compelling as the merits behind this one.

I urge my colleagues, Mr. President, to adopt this amendment, to delete the funding for the construction and also the authorization language so as to allow this project to proceed through the normal channels of review in both the executive and legislative bodies of our Government.

Mr. COCHRAN. Mr. President, I rise to strongly oppose the amendment offered by the Senator from New Hampshire.

I have read that the amendment is brought up at this point to challenge the need for the funds that are included in this bill for doing some emergency work in the Pearl River Basin in Mississippi, where recent floods have caused millions of dollars of damage to homeowners and to businessmen and women who have seen, for the fifth time since March 1980, their homes and businesses inundated by floodwaters in this river basin.

What we are confronted with, Mr. President, is an emergency situation. In 1979, this area experienced what was called by the Corps of Engineers and other experts a 500-year flood. As a result of that flood in 1979, under the Government's disaster assistance program, some $36 million in disaster benefits and aid were paid out to flood victims.

We are talking about a $2.3 million appropriation in this supplemental to try to help minimize future flood damage.

After the 1979 flood that I just mentioned, the Corps of Engineers was authorized to proceed with a comprehensive review of the situation, to come up with measures that could be undertaken to help minimize this kind of damage from occurring in the future. That comprehensive plan for flood control has been underway; a study has been underway by the district engineer of the Corps of Engineers in Mobile, Ala., since that time. We understand that a comprehensive plan will be presented to Congress, maybe as early as September of this year, which could include some proposal for a major construction effort.

That is not the subject of this provision in this supplemental appropriations bill. This committee is not recommending to the Senate that it approve a major comprehensive plan for flood control in that area, because the study has not been completed.

However, preliminary findings indicate that some immediate steps could be taken to help minimize damages. Before that could be funded or implemented, another flood, almost as serious as that which occurred in 1979, occurred just this year. As a matter of fact, three floods have occurred this year. The most recent was the most serious, and the national news reporters graphically portrayed the damage and the problems throughout the country, over television and in the newspapers. It is common knowledge in this body that Jackson, Miss., was inundated with floodwaters, that this has become a problem that needs immediate attention.

This provision is necessary in this bill to save the Government money, just in disaster money that it is required to pay out each year. We have seen five different floods occur since 1980. There have been 17 in this century.

My hope is that the Senate will support the findings and the decision of the Senate Committee on Appropriations, which recognized the seriousness of the problem, the emergency nature of the problem. The authorizing committee, while it has been conducting hearings and looking into problems throughout the country, has not reported a bill authorizing any flood control activity in 7 or 8 years, as I understand it.

There probably will be a proposal before the Committee on Environment and Public Works to authorize a major flood control effort in this basin, but that is not the subject of this provision in this bill. This is an emergency, temporary procedure that has been indentified by preliminary studies as feasible and appropriate to take in order to help minimize the damage that will continue to be sustained in this area unless these funds are made available.

Mr. President, the committee took a careful look at this. I met last week with the district engineer and his staff in Mobile to go over this plan for helping us minimize the damage in this area, and I can assure the Senate that this is not something that has not been reviewed or carefully studied by either the Corps of Engineers or a committee of Congress. It certainly has had the close attention of representatives of the Senate and of the Corps of Engineers.

I hope the Senate will reject the amendment.

Mr. STENNIS. Mr. President, I do not mind one bit anyone exercising their constitutional right to come in here and offer amendments. As a practical matter, though, I think it is well to choose a time other than right at the end of the bill, particularly when we are so far behind in the schedule this week. But those are incidental matters.

Mr. President, the rainfall in the area affected there, within the last 30 days, has been without parallel, and it was not peculiar just to that place. It has been an irregular season.

I saw a graph showing that in the last 6 months there was more rainfall in this area served by Pearl River than there had been in the preceding 12 months—just by that gage. Another time in the Pearl River Valley, and more recently, there were 13 inches of rain, I think, within 6 days. The ground becomes full of water, and the streams finally run off and reach the flood stage.

My colleague and I went down there and went through the areas. We did not go together. This was not just looking at the high water and going back and having a drink. We went through those rugged places and waded through water, drove all over the affected part of the city, went into places of business that were victimized, went into residential areas.

The Red Cross and the Salvation Army were there providing food. There was no food in those residences because of the flood, and all the electrical devices for cooking were not operating. There were no groceries, no refrigeration. Little children were standing around, some of them crying. There was a mother with a child in her arms. Water had already come up 3 or 4 feet high in some places inside the houses, ruining everything—carpets, shades, wallpaper.

It was a terrible sight. There was agony by the block. That was not one, two, three, or four houses. It was blocks and blocks, because of this torrential amount of water. There was not enough to hold it.

Talking about waiting until the engineers can complete the project and make a survey and make calculations, that takes weeks and months. Fortunately, the time was here when bills of this type were moving along, and there was a certain amount of fundamental information. The $2.3 million in the bill now is just to pay for some of the preliminary work that has to be done to make a real calculation.

The bill is going to run high. I mean the bill to make an effective installation there that will control this water.

It has a number of extraordinary facts about it that are hard to control. My colleague has already spoken about the flood in 1979 which was bad but not anything like the problem that is presented now by this one. Something on a very large scale is absolutely necessary.

I have been and still am a strong advocate of having the authorization first and then the appropriations. I have been on an authorization bill in the committee and the appropriations bill for a long, long time.

Something along that line is necessary, but there has to be emergency outlets for everything. We cannot have a perfect rule and apply it at all times under all circumstances.

So if there is anything like an emergency ever going to occur this is one of them. Mount St. Helens is another one—just remember 2 or 3 years ago—and that is not all cured yet. There are items in this bill now for Mount St. Helens and there is authorization and money also for things that have more recently developed and studied.

That is true with reference to a current earthquake in California. We better get all those over here now who have had earthquakes and something in the bill for them and also matters like Mount St. Helens or any other flood or anything of that kind.

I do not see how we can improve on our system of work here. We have taken all this time getting these facts together through the guidance of professional men, the engineers, and have taken all this time going through the committees with it.

The Senator from New Hampshire is one of my favorites, but I did not see him at any of these hearings trying to check up on this thing. Here we have been in debate and the bill has been on the floor here almost 10 days, and the Appropriations Committee chairman has been begging for Senators to come on in with their amendments so we could make a study and dispose of them. The floor leader for the majority has been downright pleading and begging over and over in his gentlemanly way for everyone to come on now as fast as you can and get these amendments moving, get in here and offer them, and part of that is to let the other side know what the alleged facts are and have it checked out.

So now here at the last I would not deny him his constitutional right but it is just upside down in method, it seems to me, to come in here at the last moment now and to try to set aside all this work that has been done.

It will make it cost the people more in the long run who have been affected. I am thinking about the flood again now on the Pearl River. This is not strange country to us. My colleague lives there at Jackson. I have been going there a good number of years and up and down this Pearl River all the way to the coastline and up where it rises up near where I live.

So, we are asking our colleagues there now to bear with us a little and make an emergency out of this thing—that is exactly what it is—and give us this little appropriation of $2.3 million for the immediate use, not put it off any more, for the Corps of Engineers that are down there and have been there on duty all the time, and the mayor of Jackson is quite almost an engineer himself now because he has been at it so much day and night.

We need Senators help now. We are not begging for anything for us, but we are begging for Senators to act promptly as they possibly can, and most all the processes of legislation have already been taken care of, and I think now we should have a vote as soon as we can to dispose of these things with dispatch.

Talking about unauthorized matters in the bill again, if we are going to do that there are dozens of them in here and just of necessity or something special about them or they would not get in the bill. There are the Utah mudslides. We went into that. I have already mentioned the California earthquakes and there is something here about Santee-Cooper in Charleston, S.C. We met a condition that was given to us here in the committee yesterday afternoon. It had been thoroughly and exhaustively gone into as an emergency.

We are not begging for anything, but we are asking Senators to help stop this destruction down there and give those people a chance to repair the damage, get back to where they can live in their homes and work in their business places and let this whole thing move along on a scientific basis.

I thank the Chair and I yield the floor.

Mr. HUMPHREY. Mr. President, I do not blame my colleagues from Mississippi for being somewhat exercised that their particular project has been singled out.

The truth is there are scores of projects in this appropriations bill for which there are no authorizations. It is getting worse all the time.

I chose this particular one because it happens to stand out more than others, but I am not arguing against the merits. Let me make clear to my colleagues and in particular my colleagues from Mississippi that my amendment does not strike the $2.3 million requested for design and research. That money is there, I say to Senator STENNIS and Senator COCHRAN. My amendment does not strike that funding. It will be there for research and planning, even though I object frankly to appropriating of money for which there is no authorization. What my amendment does is to strike the language in the bill relating to this project, striking the language which authorizes construction.

Here we have the Appropriations Committee not only appropriating money for which there is not authorization but going beyond that and placing authorization language into an appropriations bill.

I read from page 10:

> The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to design and construct.

There is authorization for construction. It is not just a provision of money without an authorization. It is putting authorization language into an appropriations bill.

The Appropriations Committee is not satisfied with appropriating money for which there is no authorization. Now they are putting authorizing language in the appropriations bill. That strikes me as going much too far.

So my amendment would strike that authorization. It leaves $2.3 million, even though there is no authorization for that appropriation—it leaves it. It would only strike the authorizing language to construct. That is the purpose of my amendment.

The Senator from Mississippi (Mr. STENNIS) has remarked on the upside-down nature of my resorting to an amendment for this purpose. I suggest that I am trying to correct an upside-down situation where a project is not only being funded in the face of a lack of an authorization but the Appropriations Committee is also placing authorizing language into a bill.

That seems to me to be the upside-down situation, and I am trying to rectify that.

I will agree with my friends from Mississippi that it is a little bit unjust for me to pick on this project because in truth there are scores of projects in the appropriations bill for which there is no authorization.

So I urge my colleagues to accept this amendment, Mr. President, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, I do not mean to prolong the debate, but in closing let me just say there has not been an authorization of a flood control project in this Congress for 7 years.

There has been no major construction project approved by the Appropriations Committee for 13 years. The Appropriations Committee has been looked to to provide authority for appropriations for emergency projects that are clearly needed and whose benefits clearly outweigh the costs of those projects.

In 5 years this basin has sustained damages well over $300 million, and we are talking about steps that would clearly save in this most recent flood about $70 million. So I hope the Senate will reject the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON) and the Senator from Kansas (Mrs. KASSEBAUM) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), and the Senator from Colorado (Mr. HART) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 2, nays 93, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—2

Humphrey	Proxmire

NAYS—93

Abdnor	Boren	Cochran
Andrews	Boschwitz	Cohen
Armstrong	Bradley	D'Amato
Baker	Bumpers	Danforth
Baucus	Burdick	DeConcini
Bentsen	Byrd	Dixon
Biden	Chafee	Dodd
Bingaman	Chiles	Dole

Domenici	Kasten	Pryor
Durenberger	Kennedy	Quayle
Eagleton	Lautenberg	Randolph
East	Laxalt	Riegle
Exon	Leahy	Roth
Ford	Levin	Rudman
Garn	Long	Sarbanes
Goldwater	Lugar	Sasser
Gorton	Mathias	Simpson
Grassley	Matsunaga	Specter
Hatch	Mattingly	Stafford
Hatfield	McClure	Stennis
Hawkins	Melcher	Stevens
Hecht	Metzenbaum	Symms
Heflin	Mitchell	Thurmond
Heinz	Moynihan	Tower
Helms	Murkowski	Trible
Hollings	Nickles	Tsongas
Huddleston	Nunn	Wallop
Inouye	Packwood	Warner
Jackson	Pell	Weicker
Jepsen	Percy	Wilson
Johnston	Pressler	Zorinsky

NOT VOTING—5

Cranston	Glenn	Kassebaum
Denton	Hart	

So Mr. HUMPHREY's amendment (No. 1405) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. COCHRAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will please be in order.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I understand the distinguished Senator from New Hampshire has another amendment. Could I inquire of him, for the purpose of scheduling, how long it will take him to present that amendment and whether he will ask for a rollcall vote?

Mr. HUMPHREY. I will ask for a rollcall vote. I would say it would require 20 minutes of discussion at the most.

Mr. BAKER. I thank the Senator. There is one other matter I would hope to have us consider.

Let me outline the plan I would like to suggest that the Senate follow.

It is clear that at least on the issue of pay and honoraria we cannot finish debate and resolve the issue tonight. It is also clear that if we do not finish the supplemental appropriations bill tomorrow, we will never get to interest-dividend withholding, which we simply must do tomorrow.

Mr. President, I would like to get unanimous consent that, after the Humphrey amendment is dealt with, no other amendments be in order except amendments dealing with pay and honoraria. If the minority leader is prepared for me to put that request at this time, I will do so.

Mr. President, I put the request at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. President, there willl be one more rollcall vote tonight. That will be on the Humphrey amendment, the debate on which is about to occur. There wil be no rollcalls after that until tomorrow. The Senate will convene tomorrow at 9:30 a.m. We will be back on the supplemental appropriations bill at 10 a.m. It is the intention of the leadership to ask the Senate to finish this bill tomorrow and also to try to finish the interest-dividend withholding tomorrow. If we can do both of those things, we will not be in session on Friday.

Mr. President, I yield the floor.

Mr. HUMPHREY. Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will be in order.

AMENDMENT NO. 1406

(Purpose: To limit the availability of appropriations to programs not formally authorized)

Mr. HUMPHREY. Mr. President, now that the Senate has gone solidly on record as being opposed to floods, I want to try to address this matter in another way. My point in raising the amendment on Pearl River was not to single out that particular project and certainly not to give my colleagues from Mississippi a dilemma, but to bring up the issue that the Appropriations Committee has included in this bill scores of projects for which there is no authorization. It seems to this Senator, at least, that this is a trend which is going the wrong way. We see this more and more often, where the Appropriations Committee provides money where there is no authorization, where there has been no hearing or consideration of the case by the authorizing committee.

Mr. President, I am going to try to address this matter now in a more general sort of way.

I send an amendment to the desk which I ask to be considered at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) proposes an amendment numbered 1406.

On page 125, between lines 7 and 8, insert the following:

SEC. . Expenditure or obligation of funds appropriated by this Act is restricted to programs for which a formal authorization exists.

Mr. HUMPHREY. Mr. President, may we have order?

The PRESIDING OFFICER. There will be order in the Senate.

Mr. HUMPHREY. Mr. President, the language of this amendment is very brief, very simple, one sentence. It says:

Expenditure or obligation of funds appropriated by this Act is restricted to programs for which a formal authorization exists.

Mr. President, Senators have told me in private that they try and protest against the appropriation of money where there is no authorization, so here is an opportunity to do more than simply protest verbally. Here is an opportunity to cast a vote against a procedure increasingly common in this body, it seems to this Senator. Here is an opportunity to cast a vote against the procedure by which the Appropriations Committee makes money available in the absence of an authorization. It is that simple. There are scores of projects funded in this appropriations bill which are not authorized by the relevant committee, projects which have not been reviewed by that committee.

May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HUMPHREY. It seems to this Senator, Mr. President, that this institution is falling down around us. I do not believe that is an overstatement. We have seen it with respect to the budget process. We have seen it especially with respect to the appropriations process, and increasingly so.

Here is an opportunity, in effect, to strip from the appropriations bill, this appropriations bill, all appropriations for which there is no authorization.

I have reason to believe if a point of order is raised against the amendment the Chair will rule that it is, in fact, in order. I hope that more than two of my colleagues will support this amendment. I believe we must do something. I do not know how it is going to be done. I do not expect to prevail on this vote. But I, for one, am going to continue to register opposition and to oppose in every way I can find the irregularities which are cumulative and which are eating away at the foundations of this body. I believe this place is coming apart because of expedients such as this.

Mr. SYMMS. Will my colleague yield?

Mr. HUMPHREY. I yield.

Mr. SYMMS. I thank my colleague for yielding.

Mr. President, H.R. 3069, the supplemental appropriations bill for fiscal year 1983 contains several provisions which are within the jurisdiction of the Environment and Public Works Committee's Subcommittee on Transportation.

The Subcommittee on Transportation held a long series of hearings during the 97th Congress which culminated in the passage of the Surface Transportation Assistance Act of 1982. This bill made an additional $4 billion available for the Federal-aid highway program in fiscal year 1983, and will increase spending even further in fiscal years 1984 through 1986.

While the Federal Government cannot and should not meet all the highway needs of the States and localities, I believe the STAA of 1982 will

go a long way in addressing the most important national needs of the highway system.

Historically, the Federal-aid highway program has worked on the basis of the Federal Government providing funds in broad categories with the States and localities taking the responsibility for selecting the specific projects for funding. I believe this policy has resulted in one of the most cost-effective Federal grant programs we have ever had.

The Federal-aid highway program is the only large Federal grant program that I am aware of that is funded by contract authority. Highway users pay taxes into the highway trust fund and this money is then available only for expenditures on the Federal-aid highway system. The Committee on Environment and Public Works authorizes the Federal-aid highway program. Because this program is funded by contract authority, the funds authorized can be immediately obligated by the States. The program does not go through the usual appropriations process. Therefore, our committee has both authorizing and spending jurisdiction over this program.

Mr. President, there are several provisions in H.R. 3069 which cause me great concern as chairman of the Subcommittee on Transportation.

First, the bill contains a provision which directs the Department of Transportation to make $5 million available to Georgia from section 144 of title 23 for the Talmadge Memorial Bridge project in Savannah. In the past, appropriations acts have designated bridges as eligible for funds under the discretionary bridge program. Over 75 high-cost bridges now have legislative history and are waiting in line for $200 million in annual assistance. The discretionary bridge program was designed to replace and repair bridges that create a public safety hazard because of their extreme state of disrepair and which are a very high priority within the State.

The STAA of 1982 included a new provision which requires that bridges must meet certain criteria which results in a rating factor to be eligible for these funds.

While there may be very good reasons to replace the Talmadge Bridge because of navigation problems, according to the Department of Transportation, the structural condition of the bridge is very good compared to many other bridges. The bridge has a high sufficiency rating and the problem is primarily functional obsolescence. Under existing law, the bridge would not be eligible for funding under the discretionary bridge program. I do not believe it is fair to take funds away from other projects which are eligible for these funds and which have been waiting in line for them.

Second, H.R. 3069 appropriates $6.5 million for the Vista Boulevard interchange near Sparks, Nev.

The STAA of 1982 increased the level of funds for the Interstate 4R program from $800 million to $1.95 billion in fiscal 1983. This will increase to over $3 billion in fiscal 1986. The Vista Boulevard interchange is eligible for these Interstate 4R funds. Again, according to information from the Department of Transportation, the existing Vista Interchange has no structural problems. The bridge itself has a very high sufficiency rating of 85. The problem appears to be one of poor geometrics and the larger trucks are having some problems negotiating the interchange. This will be a fairly common problem throughout the country particularly with older sections of the interstate. This is one reason additional Interstate 4R funds were provided. If the States expect Federal funds to address this problem over and above the regular Federal-aid highway program, the cost to the Federal Government could be tremendous.

Finally, the Surface Transportation Assistance Act of 1982 provided that for fiscal year 1983, $75 million would be available from the highway trust fund for park roads and parkways. Previously these funds were appropriated from general revenues. The STAA of 1982 also stipulates that this money is to be allocated by the Department of Transportation in cooperation with the Department of the Interior by a formula based on relative needs. The report accompanying H.R. 3069 lists projects which are eligible for these funds. I understand that this list comes from the Department of Transportation and the National Park Service and is their priority listing on the basis of needs as required by Public Law 97-424. I will not object to such a listing, but I believe it must be understood that these funds are to be allocated by formula on the basis of relative needs as required by Public Law 97-424. It must also be understood that these figures which are listed in the report are the Department of Transportation and Department of the Interior's best estimate at this time of what these projects will cost. The actual cost of the project may be somewhat different. As chairman of the Subcommittee on Transportation, I believe it is extremely important that this money continues to be allocated by the formula required in Public Law 97-424.

Mr. President, the Congress passed one of the most significant highway bills in recent history 5 months ago. It greatly increased spending for the program at a time when many other programs have been cut. The program is working well. I believe appropriating funds for highway projects for which there is no authorization is detrimental to this program. As chairman of the Subcommittee on Transportation which has both authorizing and spending responsibility for this program, I believe it is inappropriate to authorize specific highway projects through an appropriations bill.

Mr. President, I doubt if the Senator's amendment will be adopted, but I think he is bringing something to the attention of the Senate that needs to be brought to the attention of the Senate. Somehow this has to be worked out. The entire budget and appropriations process is becoming completely out of hand. I thank the Senator for offering the amendment. I will vote for it.

Mr. HUMPHREY. Mr. President, may we have order?

The PRESIDING OFFICER. There will be order in the Chamber.

Mr. HUMPHREY. I thank the Senator from Idaho for his supporting comments.

As I said, there are scores of projects in this appropriations bill with no authorization. For every one of those projects, there are two Senators who support it. I do not expect to do very well, but I must register a protest, especially as a member of the Committee on Environment and Public Works which has been completely circumvented in this process with respect to water works and other public works projects.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. May we have order in the Senate?

Mr. HATFIELD. Mr. President, I am not going to take a great deal of time, but I do think the record ought to be made in response to the amendment offered by the Senator from New Hampshire.

I certainly want to assure the Senator from New Hampshire that the Appropriations Committee is not interested at all in taking over authorizing responsibilities. We have enough problems just handling the appropriations matters. But I think the Senator from New Hampshire does not see the problem. I think the Senator from New Hampshire has tried to correct an institutional problem on a supplemental appropriations bill. It simply cannot work. We have to address the institutional problem with where we get the authorizing committee actions to precede the Appropriations Committee actions.

Mr. STENNIS. May we have quiet?

The PRESIDING OFFICER. There will be order in the Chamber.

Mr. HATFIELD. You will not solve that problem in this one bill. Let me

say, this is another way to get to the Pearl River project that he was defeated on. He only got two votes.

This is the same kind of approach to get to this same project.

In addition to that, let me say to the Senator, we go to the question of the Pribilof Islands off Alaska; the Justice Department—none of those programs has been authorized in all accounts in the Justice Department. Does the Senator want to close the Justice Department down?

There are the FTC, many projects in NOAA, in the Transportation Act, the Georgia and Nevada bridges; the International Monetary Fund, and all foreign aid.

The B-1 bomber is not specifically authorized in one of the amendments. The water projects including projects in Illinois, Louisiana, Texas, Mississippi, Alabama, Oregon, Washington, California, New York, Florida, Colorado, Wyoming, Oklahoma, Montana, South Dakota—that is basically because there has not been an authorization in 7 years, no major authorization in 12 years.

We also get involved with the Agriculture Subcommittee and all rural water and waste disposal plants.

In the Interior Subcommittee, it involves SPRO and all the Department of Energy—none of the accounts in the Department of Energy.

Consequently, this, as I say, does constitute a real problem for the institution of the Senate. The Senator, I fear, does not really understand or does not see the problem. We are not going to correct that problem here, on this bill, tonight. I urge my colleagues to vote "nay" on this.

Mr. HUMPHREY. Mr. President, I do not want to prolong matters unduly and I shall not. The Senator is right. We have an institutional problem. I do not see how we shall ever get to correction of that problem if we continually accede to these expedients. The Senator from Oregon has read off a list of States accommodated by this bill in the way of appropriating money where there is no authorization. It was quite a lengthy list, even more lengthy than the Senator from New Hampshire had realized. The Senator from Oregon, whether he intended to or not, made my point on that score.

Having totaled up those States and multiplied by two, I can see we are not going to do terribly well on this. I hope I have made a point to some extent. Since I can see the futility of it at this point, unless somebody objects, I shall ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Is there objection?

Without objection, it is so ordered.

The amendment (No. 1406) was withdrawn.

Mr. HUMPHREY addressed the Chair.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I should like in all sincerity to put a question to the chairman of the Committee on Appropriations: How does he propose that we get at this problem?

Mr. HATFIELD. Mr. President, I think this is going to take a matter developed by the leadership as to when and how they want to address it. I have some suggestions I should be very happy to share with the Senator—perhaps combine the authorizing and Appropriations Committee as one. Perhaps we can get rid of the whole authorizing process in that way. There are different ways.

I am not here tonight to try to reform the Senate. I only say there are different ideas that have been expressed to the leadership of the Senate, in the Rules Committee, the caucus, and the policy lunches we attend. When all decide we want to reform it, we will get it reformed.

Mr. HUMPHREY. Mr. President, the situation is simply intolerable. Something must be done. I put a question to the majority leader: What can we do about this? When can we do something? It is feeding on itself. It is cumulative, it is metastasizing. It is a nasty situation that bring disrepute on this body and on ourselves. It is getting worse all the time. What are we going to do about it?

Mr. BAKER. Mr. President, if the Senator will yield, I understand. I do not disagree with the Senator's observations. I have often commented on the fact that, over the years, one way or another, we have sort of rendered the two-tier system a nullity, the authorizing and the appropriating process. One way or another, we need to address that question. It is now a three-tier system. We have authorizing, we have appropriating, we have budget. The very uncertainty of the system cries out for some sort of readjustment.

Congress, however, the Senate may be less well than the House in many ways, has a way of dealing with messy situations. In this case, that is exactly what we have done. For instance, I have tried to take the position that we simply must deal with the authorizing bills before we can take up the four appropriations bills given us by the House. After I had my staff research it, I found out that the authorizing bills did not really deal so much with authorizing appropriations to be made as it did authorizing new programs which were largely entitlements rather than appropriating funds. So it is neither fish nor fowl, really.

The Senator is right: It is a mess. It has sort of grown up into a situation that I know the chairman of the Appropriations Committee is not happy with, nor are the chairmen, I suspect, of the several authorizing committees. Senator DOMENICI is living proof of the fact that he is frustrated over the whole situation.

The only solution to it, I think, is a reappraisal of the whole basic relationship. The distinguished minority leader and I undertook that last year, I believe it was, or the year before last, when we asked two of our former colleagues, Senators Ribicoff and Pearson, to examine the whole situation and make recommendations. These recommendations have now been made and filed with the leadership and the Rules Committee. No doubt the Rules Committee will make recommendations to the full Senate and they will embrace trying to rationalize this whole thing.

In the meantime, we have to keep doing the country's business. So, for the time being, I suspect that what we shall do is keep on passing appropriations bills that are only marginally authorized under the rules of the Senate and statutes and keep passing appropriations bills and bypassing the appropriations bills and keep adopting budget resolutions which have the force and effect of appropriations and authorizations both. I shall sit here and be unhappy with it as the Senator from New Hampshire properly will be. I can pledge him that I recognize the problem he points out and I shall do my best to see that we approach it in a rational and reasonable way.

I commend him for his concern in this respect. I intend to consult with him privately on this matter in the next few days and we shall compare notes.

Mr. HUMPHREY. Mr. President, I thank the majority leader. I can only say that on top of an absolute inability to reach a budget resolution, this adds insult to injury, providing money for new projects that have no consideration in the hearing process, no authorization. I say to my colleagues that I know of several.

Mr. BAKER. Will the Senator yield for just a moment to permit me to announce that there will be no more RECORD votes tonight?

Mr. HUMPHREY. Mr. President, I only say finally that notwithstanding arguments about the emergencies which some of these appropriations address, notwithstanding that, there are quite a number of appropriations in this bill that are simply logrolling, simply favors to members of the Appropriations Committee. I find that not only unjustified but of a nature which does violence to this body and its procedures.

I thank the Chair.

Mr. LEVIN. The people of the State of Michigan have suffered tremendously over the past few years as a result of the deep economic recession

that has gripped the State. In particular, Michigan's unemployment has increased to levels unprecedented since the Great Depression—with 15 percent statewide and upwards of 25 percent in some areas. This has placed a severe financial strain on both the State and local governments as they try to meet this pressing human need.

But in addition to these financial requirements, the financial burdens of certain counties is being compounded by the increased costs associated with operation and maintenance of flood control works within their jurisdiction. Specifically, Bay County has faced significant cost increases related to dredging of the Kawkawlin River flood control project.

Bay County had performed dredging on the Kawkawlin related to flood control prior to 1971. As a precondition to the corps construction of the project, Bay County executed a local cooperation agreement fully intending to continue maintenance dredging.

In 1971, when the Kawkawlin project was completed, the corps estimated that the cost of maintenance dredging would be approximately $25,000 per dredge, which takes place every 4 or 5 years. However, because of inflation and the need to dredge an unanticipated and increased amount of material, the cost of dredging the Kawkawlin is now between $350,000 and $500,000.

In order to ease this burden on the county, Representative TRAXLER offered language in the House-passed fiscal year 1983 supplemental appropriations bill that would authorize the corps to assume the cost of operating and maintaining this flood control project.

I would like to ask the chairman of the Appropriations Committee, if during conference, he might give a sympathetic look at this authorization in the House-passed bill in light of the corps 1971 representations as to costs.

Mr. HATFIELD. I appreciate knowing the Senator's concern over the equities in this matter. I am, of course, concerned about the broader implications of this language, but I will certainly consider as sympathetically as possible the concerns you have raised when reviewing this language during the conference.

Mr. BRADLEY. Mr. President, I am pleased that the supplemental appropriations bill includes funding for the Center for Disease Control and the National Institute of Health for the continued research and study of acquired immune deficency syndrome (AIDS). AIDS has become a subject of deep concern in this Nation and for a very good reason: 80 percent of AIDS patients diagnosed in 1980 are now dead and as of May 2, 1983 there have been 520 deaths caused by the syndrome. New Jersey has reported 110 AIDS patients since July 1981, the third largest State for AIDS cases in the Nation, and more than half of these victims are no longer alive.

While the causal agent behind the AIDS epidemic is unknown, research has shown that individuals affected by AIDS develop opportunistic infections, an "attack" on the patient's immune system; in effect, the immune system "turns off." We do not know why, nor have we had any success in determining whether or how AIDS is transmitted. Although research has not, as of yet, been able to isolate the cause or cure of AIDS, what is known is that the mortality rate for AIDS patients is shockingly high. More deaths have been associated with AIDS than with toxic shock syndrome and Legionnaire's disease combined. Yet, Government expenditures for AIDS has been for less than for either of these other diseases.

Cost for immunological research are significant. Investigators have pointed out that the study of AIDS victims costs $1,000 per person and immunological experiments on animals are approximately $25,000 per animal per year. Although $2 million has already been allocated toward investigation of this disease by the CDC in 1982, these resources had to be shifted from other CDC activities and they pale when compared to the amounts expended on toxic shock and Legionnaire's disease. I do not feel that present resources are sufficient for the research and investigative work that lies ahead.

I urge my fellow Senators to support this appropriation which attempts to squarely combat this most serious threat to the public health of this Nation.

STATEMENT ON WALLOP AMENDMENT NO. 1388

● Mr. GRASSLEY. Mr. President, I support Senator WALLOP's fine initiative to modify the Surface Transportation Assistance Act of 1982. Senator WALLOP's bill, the Highway Use Tax Equalization Act of 1983, repeals the heavy vehicle use tax and replaces it with a 5-cent extra tax on diesel fuel. This "diesel differential" has been advocated by truckers because it taxes trucks which drive a greater number of miles more heavily. Clearly, those trucks which drive the greatest number of miles inflict the heaviest road damage. This measure also exempts passenger vehicles from the extra diesel tax if they weigh less than 10,000 pounds.

This bill responds to some of the concerns raised by members of the trucking community. Not only have truckers persuasively argued that a flat heavy vehicle use tax does not tax trucks with limited mileage fairly, they have also argued that the heavy vehicle use tax creates an added paperwork burden for them. A tax on the pump relieves truckers of this extra paperwork responsibility. Also, it eliminates the piggyback of additional State taxes which are threatening to raise trucking costs to prohibitive levels.

The simplicity of administration and the greater equity of this measure are features which deserve our serious consideration. I am convinced that this new bill will improve this unpopular levy and I am proud to join Senator WALLOP in cosponsoring this measure.●

● Mr. HUMPHREY. I would like to discuss for a moment with the Senator from South Dakota, who is the chairman of the Treasury, Postal Service Subcommittee, a situation which has developed in my State of New Hampshire and which is within the jurisdiction of the subcommittee.

My intent today was to offer an amendment to the supplemental appropriations bill which would issue continued and sufficient customs service for Lebanon Municipal Airport. I understand, however, that the press of committee business combined with severe time constraints make consideration of any new business a difficult proposition. I will then respect the wishes of the committee and submit my amendment at a more appropriate time.

I will, however, take the opportunity to state why customs service should be provided to Lebanon Airport.

In January of 1982, Commissioner von Raab, U.S. Customs Service, wrote me to announce that customs service would be provided to Lebanon Municipal Airport. In his letter, the Commissioner stated:

> I am pleased to advise you that I have decided to provide service to Lebanon from Burlington, Vt. customs office with the use of a part-time—700 hour, when-actually-employed employee.

Unfortunately, this commitment was never fulfilled. Instead, service was provided through the expensive and inconvenient method of oncall service from Derby Line, Vt.

The cost to the Federal Government of this service is unwarranted. Officials of Lebanon Municipal Airport as well as the major beneficiaries of this service are willing to pay the entire cost of providing customs inspection. Bureau of Customs Management Circular 9-0:I:PA written in June of 1973 describes a method of providing service by which the salary and expenses of the customs officer is reimbursed to the Government through a user fee system. The concept described therein is known as a customs station and this is what should be employed at Lebanon Airport.

Finally and most importantly, some of our Federal agencies seem to have forgotten that we are a federal system of government composed of 50 distinct and equal States. I need not remind Senator ABDNOR that South Dakota and New Hampshire are the only two

States in this federal system which currently have no international landing rights or international status airport within their boundaries. This causes businesses with international markets not to locate in our States thus impeding economic development. I take great exception to this discriminatory policy and urge my colleagues to support customs service for New Hampshire.

Mr. ABDNOR. I appreciate the Senator's decision not to offer his amendment at this time. He raises a very important point regarding the need for customs' presence in Lebanon. I want to assure him that the committee shares his concern and will certainly consider steps to provide for continued service in Lebanon during consideration of the fiscal year 1984 bill.●

SIX MILE CREEK

● Mr. BUMPERS. Mr. President, when the Senate began consideration of H.R. 3069, the 1983 supplemental appropriations bill, I intended to offer an amendment similar to the one the House adopted but which was dropped in committee on this side. The jobs bill, Public Law 98–8, included $100 million for the Soil Conservation Service for its watershed and flood prevention operations. The bill states that the funds are to be used "in installing works of improvement and rehabilitation of existing works * * *" as well as for other purposes.

In the justification of the President's request for a 1984 supplemental appropriations was language saying none of these funds were to be used for the rehabilitation of existing projects. This language is, of course, in direct conflict with the language of Public Law 98–8.

This amendment the House adopted on the supplemental appropriations bill directed the Soil Conservation Service to use $17 million of the $100 million for installing works of improvement and rehabilitation of existing works. Of that $17 million, $2 million was to be available for rehabilitation of Six-Mile Creek in Arkansas. This project was constructed between 1954 and 1957 as part of a pilot watershed program which included 54 projects around the country. In the Six-Mile Creek watershed, approximately 25 dams were built by the Soil Conservation Service for flood control, erosion prevention, and related purposes. Many of these dams are in desperate need of repairs, and at the time the pilot program was initiated, local sponsors did not have authority to levy taxes for maintenance activities. The funds included in the jobs bill for the Soil Conservation Service were to help make these needed repairs, and the House language on the supplemental made this clear.

The reason I am not offering an amendment to this bill on Six-Mile Creek similar to the House amendment is that Soil Conservation Service officials have assured me that Six-Mile Creek is that agency's top priority for repairs, and that if funds are made available, the dams on Six-Mile Creek will be repaired.

Since the bill we are considering today includes language directing the Soil Conservation Service to spend $17 million for rehabilitation of these projects, although the Senate amendment deletes earmarking for Six-Mile Creek. I am relying on the assurances of the Soil Conservation Service that this project will be repaired. I want to go on record that these assurances were made, that I accepted them in good faith, and I withheld offering an amendment earmarking $2 million for Six-Mile Creek in reliance upon SCS's assurances.●

● Mr. PRYOR. Mr. President, I want to express my strong support of the effort to restore the Six-Mile Creek watershed project in Arkansas to a safe and functional level. This project, first authorized under Public Law 83–156, was one of 54 projects selected for a pilot watershed program in the 1950's. The plans for this program were designed to demonstrate the practicability of complete protection as a means of conserving soil and water, of reducing floodwater and sediment damages, and of alleviating numerous other upstream land and water problems.

Work on this project in Logan and Franklin Counties was begun in 1954 and completed in 1957, and consisted of 24 earth-filled flood control dams and 15 miles on channel improvements. Mr. President, 26 years later we find that this project, so long a regional asset, may now pose a public hazard because of, among other things, a faulty design. No local sponsor group had ever been formed until recently because none was required on projects of this nature in the 1950's, and therefore local maintenance was strictly voluntary.

It now appears that the engineer's estimates on the necessary repairs will total some $500,000. Mr. President, this is a very small sum in today's dollars to keep a very important Federal public works project from being dismantled. The House has taken note of this demonstrated need and earmarked the project as one requiring attention. Because I am satisfied that the Committee and the Soil Conservation Service share my support for the project and that funds from this bill will be allocated as necessary to restore this project to a safe operational level, no attempt will be made to insist on inclusion of specific language in the Senate version of this bill. I do, however, fully expect that the intentions expressed regarding funding of the project by the Soil Conservation Service will be fulfilled.●

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, since no other amendments are in order except pay amendments, and they are not coming up until tomorrow, I ask unanimous consent that there be a brief period for the transaction of routine morning business to extend not past the hour of 7:15 p.m., in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FORMER SENATOR MILTON YOUNG

Mr. THURMOND. Mr. President, it was with great sadness that I learned of the recent death of my former colleague, Senator Milton Young of North Dakota. To his lovely wife, Pat, and other family members, my wife Nancy and I extend our deepest sympathy.

I am certain that Milton Young will be remembered as one of the most effective Senators in the history of the U.S. Senate. His long and impressive career of public service began in 1924 when he was first elected to various local offices in his small hometown of Berlin, N. Dak. From there, Milton Young went on to become a representative in the North Dakota House and was subsequently elected to the State senate in 1934.

After serving in the North Dakota State Senate as majority leader and president pro tempore, Mr. Young was appointed to the U.S. Senate on March 14, 1945, and was later elected to that post in a special election in 1946. He was reelected in 1950, 1956, 1962, 1968, and 1974, as he completed 34 years of consecutive service in the Senate, a record that no other Republican Senator in history has ever matched.

In addition to that amazing record, Senator Young was never defeated for reelection in his six decades of public service, and in 1968 he received the highest percentage of votes of any Republican Senator having an opponent. The good people of North Dakota did well to select this outstanding man to represent them, and, indeed, he represented them well.

Throughout his tenure in the Senate, Senator Young was one of the most ardent supporters in this country of the small, family farm. In fact, he was often referred to as "Mister Wheat" for his deep and sustaining concern for our country's agricultural needs. Whether in his capacity as ranking member of the Appropriations Committee or in his position on the Agriculture Committee, the family farmer was his most important constitutent.

While many Senators probably remember Milton Young for his work on

behalf of farmers, I also remember him for his commitment to a strong national defense. When considering defense issues, Senator Young always handled himself in a bipartisan fashion, and he believed that America's precious freedoms deserved to be protected. I was and always will be grateful for his strong leadership in this vital area.

Although Senator Young could be steadfast on important issues, he always conducted himself as a kind and considerate gentleman. As secretary of the Republican Conference Committee, from 1946–1971, his concise and evenhanded approach to problems was respected and appreciated. In short, he was a dedicated and able Senator and a good friend who always displayed a friendly smile and an unassuming grace.

Near the close of his Senate career in 1980, Senator Milton Young was selected by the Senate to be President pro tempore for 1 day. My colleagues are to be commended for their nonpartisan spirit in extending this special tribute for the many exemplary contributions and accomplishments of Senator Young.

I am certain that I share the sentiments of many other Senators in saying that Milton Young was a great American, a true patriot, and a statesman who represented what he believed to be best for North Dakota and the United States.

LITHUANIAN DOMINATION BY U.S.S.R.

Mr. PRESSLER. Mr. President, June 15, 1983, marks the 43d anniversary of the forced incorporation of the Baltic States of Estonia, Latvia, and Lithuania into the Soviet Union. I would like to offer a few remarks in honor of the courageous people of Lithuania.

On August 23, 1939, Hitler and Stalin, the leaders of Nazi Germany and the Soviet Union concluded a nonaggression treaty. On June 15, 1940, the results of this infamous Molotov-Ribbentrop Pact were seen as the Soviet Union forcefully invaded the Baltic States of Estonia, Latvia, and Lithuania with 300,000 soldiers supported by planes and armored forces. A mass deportation of hundreds of thousands of Lithuanians to Siberian concentration camps soon followed. Although the people of Lithuania and the other Baltic States have since been living under Soviet rule, they have continued to maintain their nationalistic spirit despite religious persecution and repression of their cultural, political, and language preferences.

The United States rightfully has never recognized the Soviet Union's violent and illegal annexation of Lithuania but continues to recognize the diplomatic corps established by the independent Lithuania. We have repeatedly seen in the many years since 1940 that our nonrecognition policy is a continuing symbol to the people of the Baltic States of hope for the future. It is a constant reminder that we have not forgotten them.

The Lithuanian-American Community of the U.S.A. urges the United States to insist that the following policies be adopted by the Soviet Union:

First. A lowering of the excessive tariffs imposed on parcels to relatives and friends residing in the Baltic States.

Second. An increase in the duration of the current 5-day tourist visa to a more reasonable limit.

Third. Elimination of unreasonable travel restrictions on tourists to Lithuania.

Fourth. Provision for Lithuanians to reunite with their families in other countries as provided by the Charter of the United Nations, which was signed by the U.S.S.R.

In many nations, suppression of human rights is prevalent but nowhere is it more total than in the Baltic States of Estonia, Latvia, and Lithuania. I salute the people of Lithuania and their descendants here in America, all of whom are determined to keep the spirit of freedom alive in their hearts and minds. The American people are aware of their struggles and yearnings for freedom, and we understand and sympathize.

DETROIT REPERTORY THEATRE SILVER SEASON

Mr. LEVIN. Mr. President, later this month the Detroit Repertory Theatre will conclude its silver anniversary season. I would like to take this time to note its achievements. During the past 25 years this company has brought quality theatrical productions, reflecting the concerns and character of the people of Michigan, to my State.

The Detroit Repertory Theatre, originally called the Millan Theatre Company, was founded in 1957 as a touring company of professional actors performing original musical dramas for children. In its first 10 years the company toured extensively, serving not only Michigan, but Indiana, Ohio, and Pennsylvania as well. It built a national reputation for children's drama of superior quality and great originality.

As the needs of the city of Detroit changed in the late 1960's, the company altered its goals, choosing to concentrate on adult theatre, and producing its first play, Moliere's Tartuffe, in 1968. The next 4 years were difficult and discouraging for the company; dispite the quality of the productions, audiences and funding were often meager. The staff developed innovative programs featuring jazz concerts and showings of films to ease these financial difficulties.

In 1972 the repertory received its first Government grant from the National Endowment for the Arts, and began a continuing trend of growth and success, of expansion and renovation. In spite of many obstacles, including a disasterous fire in 1979, the repertory has become nationally known for consistent excellence and creativity in theatre.

In addition to stage productions, the repertory sponsors free acting workshops, and the Michigan playwrights program, which enables Michigan writers to have their works performed by a professional company, and brought to the attention of theater goers throughout the region. Another successful public service sponsored by the repertory is the cultural fellowship program, designed to provide opportunities for handicapped and disadvantaged individuals to attend plays on a regular basis.

The inspiration, vision, and perserverance of artistic director Bruce E. Millan and Detroit Repertory's staff, actors, directors and board have made it a success. Michigan is proud to be the home to such a fine organization and I am proud to salute this outstanding theatrical company in this, their silver season.

EX-CIA HEAD NOW WORKS FOR NUCLEAR FREEZE AND WHY

Mr. PROXMIRE. Mr. President, no one can deny that the nuclear freeze movement has impressive popular support. Last year, American citizens had a chance to vote on the nuclear freeze in nine different referenda. Eight times they supported it, and usually, as in my State of Wisconsin, they supported it overwhelmingly. Thanks to this great popular support, a nuclear freeze resolution has passed the House of Representatives, and it passed decisively.

As I indicated yesterday, the political potency of the freeze was vividly demonstrated in the Wisconsin Democratic convention straw vote when Senator ALAN CRANSTON, armed almost exclusively with his identification as Mr. Nuclear Freeze, defeated an overwhelming Wisconsin favorite, former Vice President Walter Mondale, last Saturday.

In view of the repeatedly demonstrated popular support for this nuclear freeze, is it not a cinch that our country will eventually adopt it? After all, we are a democracy. We are organized to provide rule by the people. So why is not the freeze inevitable? Here is why:

With all this potency, the nuclear freeze movement faces very powerful adversaries. The two newspapers that probably have the greatest clout in

Washington, the New York Times and the Washington Post, both oppose it. The President of the United States and his administration have tried their best at every turn to derail it. A big proportion of the most widely read and most influential newspaper columnists oppose it, and are trying their effective best to give it an extremist, pie-in-the-sky, idealistic caste. And of course the massive military-industrial complex, with its array of admirals, generals, corporation presidents, labor union leaders, and university nuclear-weapons researchers, has been performing right on the cue about which President Eisenhower so wisely warned us in his farewell address.

Is the military-industrial complex really this concerned now? Yes, indeed, and here is why:

New York Times reporter Charles Mohr reported the other day that without a freeze, even if we succeeded in working out a nuclear arms agreement with the Soviet Union, we would still spend an additional $50 billion a year on strategic weapons for each of the next 5 years.

Now, $50 billion per year is not exactly peanuts. That will buy a whale of a lot of jobs. It can make the difference between prosperity and deep, painful recession in a number of States and congressional districts. A nuclear freeze would end all this.

So the freeze had obvious and powerful popular support in this democracy. But it could fail because it does not have the political movers and shakers: the people in and out of Government with the power, and the economic interests who specialize in focusing on the power and winning.

Still, it has some impressive and highly knowledgeable supporters. Many of the retired military officials who no longer feel the tug of a Presidential leash—people such as Admiral Rickover and Admiral Gaylor, for example—have spoken out for stopping the nuclear arms race.

In the judgment of many perhaps the most surprising and the most effective supporter of the freeze is the former Chief of the Central Intelligence Agency, William Colby. Colby is no starry-eyed, unrealistic idealist. He is a tough, anti-Communist, experienced, thoroughly professional cold warrior. He thoroughly understands the cruel, hard, selfish, and opportunistic way in which the Soviet Union operates. Above all, he knows the limits and the possibilities of our intelligence, the extent to which it can inform the President and our military and civilian leaders about any Soviet strategic buildup.

Where does William Colby stand on the nuclear freeze? He is not just for it, maybe, or perhaps with modifications. He is for it—all out and enthusiastically. In fact, he is spending much of this time promoting the cause of the nuclear freeze, rallying support around the country on it.

Would we take too big a gamble with a nuclear freeze because the Soviet Union would cheat, and then would our intelligence be able to detect the cheating and permit us to know about it in detail and on time? Well, what does Colby say? He says the Russians could not violate a freeze in a way that would constitute a serious threat to our security without our timely knowledge.

When Mr. Colby testified to that effect before the Defense Appropriations Subcommittee a month ago, none of the witnesses who appeared could refute him, although many of them disagreed, as did some members of the committee on the freeze itself. Intelligence verification lies at the heart of a successful freeze. Colby's assurance that we can depend on it is a vital reassurance.

Mr. President, the New York Times published an article in its Tuesday, June 14, issue about Mr. Colby's support of the nuclear freeze, and I ask unanimous consent that that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 14, 1983]

EX-CIA HEAD NOW WORKS FOR A NUCLEAR FREEZE

(By Phil Gailey)

WASHINGTON, June 13.—Eight years ago, while this city was undergoing its post-Watergate cleansing, William E. Colby did something unusual for a director of Central Intelligence.

He disclosed the agency's "family jewels," as its dark secrets and illegal activities were called by insiders, before a Senate committee. At the same time he turned over to the Justice Department the findings of an internal inquiry that led to the prosecution of Richard Helms, one of his predecessors, for lying to Congress about C.I.A. activities in Chile.

The agency's old guard reacted with harsh accusations and innuendoes. Some, including James J. Angleton, who had been ousted as head of counterintelligence by Mr. Colby, suggested at the time that he might be a Soviet mole; others accused Mr. Colby of paralyzing the agency's ability to conduct covert operations by kneeling before the Senate Select Committee on Intelligence as if it were, in the words of one former C.I.A. director, "a mourner's bench." President Ford asked for Mr. Colby's resignation in late 1975.

These days Mr. Colby, who practices international law here, is again playing a surprising role for a former director of Central Intelligence. He has joined the public debate on nuclear arms control on the side of the Catholic bishops and the nuclear freeze movement, and this has brought a new round of criticism of Mr. Colby by some of his old C.I.A. colleagues who never forgave him for opening the agency's black bag to the world.

KNOWN AS A "SOLDIER-PRIEST"

"My position is a little incongruous for a former C.I.A. man, and I understand that," he said, adding that, contrary to what some are saying, neither religion nor guilt brought him to his present view.

Still, friends and critics alike, including two former directors of Central Intelligence, suggest privately that Mr. Colby, known around the C.I.A. as the "soldier-priest," may be motivated in part by his deep commitment to his Roman Catholic faith and a sense of guilt from some of the most painful periods of his life.

After he was appointed C.I.A. Director in 1973, antiwar groups tacked up posters in Washington labeling Mr. Colby a "murderer" and war criminal for his role in directing Operation Phoenix, an effort to identify and recruit or imprison leaders of the Vietcong in South Vietnam. Some 20,000 Vietcong "suspects" were killed during the operation. Mr. Colby told a House committee that there had been some "excesses" despite his rules against illegal killings, but he insisted that the program had, on the whole, been successful.

Still, Mr. Colby was shaken by suggestions that he had condoned political assassinations. "How does it feel to be married to a war criminal?" he asked his wife when the posters went up.

His public tribulations were matched by his personal grief. In 1971 his eldest daughter died in Washington after a long illness, and friends say Mr. Colby, who was stationed in Vietnam during the years her health was deteriorating, felt a sense of guilt for not having spent more time with her.

PRACTICAL AND MORAL ASPECTS

Mr. Colby, whose poker player's face rarely betrays his emotions or private thoughts, nodded slightly as a reporter repeated this speculation about why he went from the cold to the freeze.

"If I were taking the other side, nobody would bat an eyebrow about it," he said. "I felt this way long before the bishops' letter came out and, in fact, I helped to some degree in explaining the issue to Catholic groups. I figure the priests can take care of the moral aspects and I'll talk about the practical aspects."

Mr. Colby, who is waging his personal freeze campaign on the speaking circuit and in newspaper columns, contends that his antinuclear activities are "a logical extension of what I was doing in the intelligence business."

He goes on: "At the C.I.A. it became obvious to me that the real function of intelligence is not to win battles but to help with the peace, to avoid the kind of destabilizing surprises that can occur. It is clear to me that the arms race has us on the verge of another one of these terrible destabilizing steps that is moving us toward a hair-trigger world with all this talk of launch under attack. My God, we're talking about the fate of the world."

If Mr. Colby's former colleagues in the intelligence community are perplexed by the latest public role of this man who calls himself "an unreconstructed cold warrior," so are some liberals who have welcomed him into the ranks of the nuclear freeze movement despite his support for the Reagan Administration's policies in El Salvador and his unwavering defense of American involvement in Vietnam.

James R. Schlesinger, a former C.I.A. director, said that the freeze movement, "if anything but a political gesture, could be detrimental to the overall military balance." He said he did not doubt his former colleague's sincerity, but, like some other mem-

bers of the national security community, said he felt that Mr. Colby's words were taking a turn toward stridency.

Mr. Schlesinger, Secretary of Defense in the Nixon and Ford Administrations, said he read with dismay Mr. Colby's recent remarks to an antinuclear group at Georgetown University. Mr. Colby told that audience: "I think it's time for people to take this matter away from the priesthood that has gotten us into this mess and to simply insist that we stop building these things."

In an interview, Mr. Schlesinger said: "I get restless, and I suspect others do too, over firebrand comments about a supposed nuclear priesthood. Bill knows better than that. Discussions regarding nuclear strategy have been quite open, more so than in the intelligence matters, and Bill would properly resent casual remarks about an intelligence priesthood."

Whatever his motivation, Mr. Colby has not come lately to the arms control issue. He did some personal lobbying on Capitol Hill for the second treaty on limiting strategic arms that became a casualty of the Soviet intervention in Afghanistan, trying unsuccessfully to reassure Senator John Glenn, Democrat of Ohio, on his concerns about verification. Looking back, Mr. Colby says Senator Glenn's position had "a very large impact on the failure of Salt II." More recently, Mr. Colby has spoken out against the Reagan Administration's MX missile program.

DESCRIBED AS "ANTICHARISMATIC"

At the age of 63, Mr. Colby still fits his description of the perfect clandestine operative, "the traditional gray man, so inconspicuous that he can never catch the waiter's eye in a restaurant." Mr. Colby, a wiry man with a stern face and pale blue eyes framed by translucent pink glasses, has a reserve and quiet that are difficult to reconcile with the stories of his courage in World War II. His personality has been described as "anticharismatic."

Despite his unassuming physical profile, Mr. Colby has not been a man easily overlooked since he went before the Senate Select Committee on Intelligence in 1975 to confess the misdeeds of his agency.

Mr. Helms, the former C.I.A. director who gave Mr. Colby some key career breaks at the agency, has never forgiven his old colleague for handing over to the Justice Department evidence that forced him to enter into a plea bargain arrangement to avoid a perjury charge. Mr. Helms pleaded nolo contendere to a misdemeanor charge of testifying inaccurately and incompletely on C.I.A. activities in Chile.

Mr. Helms, who says he is proud to be known as the man who kept the secrets, said in a recent interview that he did not want "to reopen old wounds" by expressing an opinion on Mr. Colby's role in the arms control movement. Mr. Helms is a member of the Presidential commission that recently recommended deployment of the MX missile, and that, he said, was the limit of his involvement in the nuclear weapons issue.

"I have preferred to remain independent of politics," Mr. Helms said, letting the contrast speak for itself. "I haven't done a lot of public speaking. When it comes to the intricacies of weapons systems, I believe someone in my position can be humble about his knowledge."

LEVITICUS SUCCESSFUL

Mr. HOLLINGS. Mr. President, as the former chairman, and now ranking minority member of the Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Subcommittee, I have had the opportunity to closely observe our law enforcement efforts. As a nation, we have deliberately decided to distribute law enforcement between Federal, State, and local agencies. As any informed observer knows, this has often led to ultimate forms of creative tension as the various levels pursue the criminals who are unaffected by bureaucratic structures and restrictions. In our highly mobile and sophisticated society, our law enforcement agencies need to cooperate more than ever in order to effectively pursue their common enemy.

Our subcommittee long ago realized the need for greater cooperation, particularly the sharing of intelligence between State and local police units. The junior Senator from Arizona (Mr. DECONCINI) has been the chief spokesman, but the subcommittee, to a man, Democrat and Republican alike, has consistently supported the grants to the joint State and local law enforcement agencies. We have done this in spite of the constant opposition of the Department of Justice.

There are now seven multi-State agencies, including the Regional Organized Crime Intelligence Center which serves the Southeast; the Western State Information Network; the Rocky Mountain Information Network; the Mid-Atlantic-Great Lakes Organized Crime Law Enforcement Network; the New England State Police Administrative Council; the Mid-States Organized Crime Information Center; and Leviticus, a special operation that combats fraud in the coal industry in seven States. These networks were mainly formed to share information on drug trafficking but over the years they have expanded into other areas of law enforcement.

I have recently communicated with the members of the Regional Organized Crime Intelligence Center and am assembling information to report on the cooperation between the local police and our Federal law enforcement agencies. My initial reaction is that we are not getting the cooperation we need and that our local agencies depend on the ROCIC for the intelligence and other support they vitally require.

Mr. President, this week's edition of Newsweek contains an article on the success of the Leviticus operation that I mentioned earlier. I will ask unanimous consent that the article be printed at the conclusion of my remarks.

Leviticus, involving the States of Alabama, Georgia, Indiana, Kentucky, New York, Pennsylvania, and Virginia, is headed by the highly respected assistant district attorney of New York County, Matthew T. Crosson. Leviticus is filling a void in the enforcement of our tax laws that the Department of Justice ignored. With an investment of $2.3 million in grants from the appropriations our subcommittee supplied, Leviticus has uncovered $168 million in fraudulent investments. This article reinforces my strong interest in the multi-State intelligence networks and I am sure will give a lift to all the members of our subcommittee.

I ask unanimous consent that the article to which I referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE EAGLE EYE OF LEVITICUS

Thou shalt not defraud thy neighbor.—Lev. 19:13.

Not long after the federal government sweetened the tax laws to encourage investment in the coal industry, bunko artists took to the hills of Appalachia. They hijacked heavy equipment, sold bogus mineral leases and, most creatively, peddled phony tax shelters. For a time these coal-country criminals had the upper hand because they operated across boundaries that confounded local law-enforcement agencies: a typical scam would move from the hollows of Kentucky to the putting greens of the sun belt to the financial canyons of Manhattan. When the Department of Justice showed less interest in attacking these problems than some local officials thought appropriate, six coal-producing states and New York formed their own strike force. Three years and $2.3 million in federal grants later, the cooperating state prosecutors has charged 209 people, mostly for white-collar crimes. Last week they celebrated their greatest success to date when a state judge in New York sentenced five men for a tax-shelter fraud that may have cost the United States up to $20 million in taxes.

Fines: The states call their project Leviticus, after the third book of the Old Testament. Their computer-assisted experts in white-collar crime have uncovered $168 million in fraudulent investments on which the Internal Revenue Service may seek back taxes and fines. "We have proven that state and local law enforcement can manage collective investigations across state lines," says Matthew Crosson, the project's coordinator and deputy chief of the Manhattan district attorney's frauds bureau.

The men sentenced last week presented one of the most complicated challenges Leviticus has yet faced. Their scheme depended on bending the tax-shelter law, which permits investors to write off losses from their taxes; the catch is that the enterprises involved must stand a sporting chance of succeeding. Financiers Richard Firestone and Milton Dorison—later helped by two lawyers and two salesmen—sold $8.7 million worth of shares in a coal-mining venture but then allocated just 5 percent to actual development for mining operations. The key to the scheme was a presumption that no one would complain: the investors would get their lucrative tax write-offs, the conspirators would split the loot and the Treasury would never know what it missed.

The conspirators' mistake was trying to take advantage of a New York financial consultant named Eugene Foley who ran the Small Business Administration under John Kennedy. At Firestone's request, Foley prepared an opinion letter concerning Firestone's chances of obtaining government

loans for a coal mine. His recommendation was included in Firestone's tax-shelter offering without permission. And when the angry Foley read a news account of the Leviticus project, he brought his suspicions to the Manhattan D.A.'s office.

Investigators traced back through the chain of sales and word-of-mouth recommendations to the venture's chief public official, general partner Peter Gettinger, and then to Firestone and Dorison. A team of New York detectives and accountants paid by Leviticus sifted through mounds of subpoenaed documents. Ultimately the hunt led to a network of offshore banks that, according to the prosecution, the conspirators passed their money through—both to hide it and, at other times, to "create the appearance of funds without there being funds," according to Crosson.

Appeal: The case went to a Manhattan jury on April 15—hardly a day to win sympathy from taxpayers. Defense lawyers stressed that the shelter and its promoters were well within the letter of the law, but the jury found Firestone, Dorison and Gettinger guilty on 25 counts of conspiracy, fraud, larceny and other business violations. Three other defendants were convicted on one or more of those charges. Firestone and Dorison drew the harshest sentences—including fines of $2 million each—but all six men plan to appeal, arguing that they should not have been tried together and that the case was too complicated to be heard by a jury.

Investors in the scheme, meanwhile, aren't sure how much they have lost. John Mienik of Manhasset, N.Y., invested $50,000 in the shelter—which gave him a $100,000 savings on his 1979 taxes. Now, after recalculating his write-offs, paying an interest charge and deducting that, Mienik appears to have lost $26,000. But he thinks he may have made some money with the extra $100,000 he had available to invest for two years. Still, Mienik now gives his tax-shelter work to a Wall Street brokerage less likely to fall prey to the silky blandishments of con men—or run afoul of Operation Leviticus.

BALTIC FREEDOM DAY

Mr. HOLLINGS. Mr. President, I was pleased to sponsor the resolution to proclaim June 14 as Baltic Freedom Day, in mournful observance of the criminal and inhuman transgressions committed against the Baltic peoples by the Soviet Union during and after World War II.

From 1940 to 1951 hundreds of thousands of Lithuanians, Latvians, and Estonians lost their lives and millions more lost their freedom when Stalin's regime overrun the Baltic States and began its reign of terror.

The tragic fate of the Baltic peoples at the hands of their Soviet oppressors should serve as a reminder that our vigilance against tyranny and totalitarianism must never cease.

It should serve as a stark reminder of what we stand for as a nation, of what makes us different in our competition with the Soviets, and why pursing a human rights policy is so important in our fight against repression, whether it be on the left or the right.

If we as Americans stand for anything, it is that all of us—all the world's peoples—should enjoy at least the basic human rights of liberty and freedom from violence and oppression. The grievous suffering and slaughter of the Lithuanians, Latvians, and Estonians is a tragic episode in history. It is a tragedy that continues today. Let this day serve as notice that it is a tragedy we shall never forget.

PLIGHT OF THE ETHIOPIAN JEWS

Mr. PROXMIRE. Mr. President, since the 15th century, the black Jews of Ethiopia have been the target of continuing harassment and torture.

Ethiopian leader after leader gave the black Jews a choice: Convert to Christianity or die.

Sources as diverse as the New York Times and Christian Century have reported that the pressures faced by these Jews have not eased with time. Jews in Ethiopia are the victims of constant and demoralizing attacks. They are sold by their countrymen as slaves, imprisoned for unfounded charges of conspiracy, and raped and beaten. The Ethiopian Government regularly confiscates the lands of the Ethiopian Jews and then forces these landless people to serve as sharecroppers who must turn over 75 percent of their crops to the state. It is no wonder that starvation prevails.

Ethiopian Jews are scattered among 490 small, poverty-stricken and remote villages—villages without any government schools and without doctors and hospitals.

Centuries ago the Ethiopian Jews were a flourishing community in excess of 500,000, and as late as 1900, 100,000 Jews still lived in Ethiopia. Now only 28,000 Jews remain in their Ethiopian homeland, and that number is rapidly declining. The Ethiopian Government seems intent on fulfilling its cruel goal, intent on inflicting more pain on these destitute people.

Despite documented evidence that the black Jews have lived in Ethiopia since the fourth century, most other Ethiopians refuse to acknowledge that these Jews are their countrymen. This is reflected even in the derogatory name the Ethiopians call these Jews—Falashas—which means "strangers" or "intruders" in their native tongue.

The Ethiopian Jews have asked for help from the rest of the world. Unable to emigrate, these Jews are living in a hostile land where they are brutally oppressed.

The U.S. Government and the American people cannot sit by idly while the Ethiopian Jews suffer and are killed.

The first step the United States must take to help the Ethiopian Jews is to ratify the Genocide Convention. Although not a panacea, the International Genocide Treaty, which has already been ratified by over 90 countries, proclaims genocide an international crime and protects mankind's most fundamental right—the right to live.

It is a disgrace that the United States remains the only major nation which has not ratified this treaty. While Americans profess great respect for human rights, when the American Government attempts to defend the rights of oppressed minorities like the Jews in Ethiopia, onlookers and oppressors alike are quick to notice the hypocrisy of our position: We are leading a battle against genocide yet have failed to ratify a vital genocide treaty. U.S. efforts to promote better human rights and curb ever-present genocide cannot and will not be credible until we ratify the convention.

I urge my colleagues to support this document and act on it without delay.

CLOSING OF AGRICULTURAL COOPERATIVE SERVICE FIELD OFFICE IN NORTHERN NEW ENGLAND

Mr. MITCHELL. Mr. President, on May 7, I attended the dedication of a potato growers cooperative storage and packing facility in Fort Kent, Maine. The opening of the Fort Kent facility represents a significant step forward for potato growers in the region for it demonstrates that they can work together to insure both their short- and long-term prosperity. This facility also is a concrete example of the many contributions which the northern New England field office of the Agricultural Cooperative Service has made to the economic well-being of farmers in Maine, Vermont, and New Hampshire.

Since 1980, Mr. Gerald Ely, the cooperative specialist in the field office, has provided valuable assistance to New England farmers in the areas of marketing research, management, and director training, quality control, and financial, and legal aspects of cooperative activity. In Maine, he has helped organize two potato cooperatives which are projected to generate $2 million per year as a result of his efforts to improve quality control and marketing initiatives. He has also worked with the forest product marketing and management cooperative of Dover-Foxcroft and two fisheries organizations in Vinalhaven and Boothbay. Mr. Ely has worked closely with the Merrimack Growers Cooperative in New Hampshire and the Vermont Northern Growers Cooperative in marketing of fresh produce through three seasonal retail vegetable outlets. This work, in short, has helped to establish New England agricultural cooperatives as one of the few vehicles which will enable small family farmers to survive.

Because of these many contributions made by the New England Agricultural Cooperative Service field office, I was distressed to learn that the Department of Agriculture is closing this office. I have received many letters and calls seeking to determine if the office can be saved. I joined with my colleagues from Maine, Representatives SNOWE and MCKERNAN, and with Senators HUMPHREY and LEAHY and Representatives D'AMOURS and JEFFORDS from New Hampshire and Vermont in sending a letter to Secretary Block to see if the office could be maintained. The Maine commissioner of agriculture, Mr. Stewart Smith, has offered to provide office support to help defray the cost of maintaining the field office in Augusta. All of this is to no avail; the USDA has continued to move to close this office.

The rationale for the USDA action is, quite frankly, not convincing. The New England field office has received and granted a significant number of technical assistance requests involving long-term, comprehensive assistance to farmers seeking to establish cooperatives. The New England office fares quite well in comparison to the other offices. In the period from 1980 to the end of 1982, the New England office handled 10 requests for technical assistance from farmer groups. In this same period the Kentucky office has received 10, the North Carolina office received 12, and the California and Arkansas offices received 9 requests each. Last year, a new office was opened in Hawaii. This year, the USDA has proposed to close the California and Arkansas offices along with the New England office leaving open the new office in Hawaii and the Kentucky and North Carolina offices. Clearly, the New England office has generated comparable workload responsibilities as have the other field offices. Furthermore, the costs of operating the New England office is not great in relationship to the benefits which come with maintenance of this office. To keep it open the USDA would need to allocate only about $55,000 per year.

The advantage of having on hand for easy consultation both in person or by phone a qualified cooperative specialist like Mr. Ely is tremendous compared with the requirement of having to contact Washington, D.C., as proposed by the Agricultural Cooperative Service. By removing this office, there will be no specialist in New England available to assist small farmers. And, no matter how anxious the ACS office in Washington is willing to help, it will not be able to devote the same time and individual attention to the problems of New England farmers as can a specialist on hand in the region. Furthermore, Washington is far away both geographically and attitudinally from northern New England.

In my view, the closing of this office is extremely shortsighted. It is a great disappointment to me that the Agriculture Appropriations Subcommittee would not reverse the administration decision to close this office. In a bill of over $15.6 billion, $55,000 cannot be found to support an office which would help the small family farms of northern New England. Such budget cutting is truly penny-wise and pound-foolish. By hurting the small farmer, it hurts the economies of the northern New England States. I will, however, continue in my efforts to find funds to reopen the cooperative office in New England.

WEIRTON ESOP

Mr. LONG. Mr. President, last night, I had the great honor of addressing the annual business meeting of the Weirton, W. Va., Chamber of Commerce. The community of Weirton is in the midst of negotiations with National Steel to utilize an employee stock ownership plan (ESOP) to acquire the Weirton division.

Due to my support of ESOP's, the chamber of commerce asked that I address their membership.

This community has shown great courage and, I think, great foresight in moving forward with their proposal to acquire that facility in Weirton, and I know that my colleagues join me in wishing them the best of luck in their endeavor.

Mr. President, I ask unanimous consent that the text of my remarks be entered into the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR RUSSELL B. LONG TO THE WEIRTON CHAMBER OF COMMERCE, JUNE 14, 1983

You have come a long way since that bleak day back in March of last year when National Steel indicated their intention to cease operations here in Weirton. At that time, the possibility of closing the Weirton facility was very real. And the chances of a successful employee buyout must have seemed extremely remote.

But now—fifteen months later—you are on the verge of success. You are on the threshold of creating something that will not only give new life to the Weirton community but will also serve as a beacon of hope to people in distressed communities all across this nation.

You will be doing more than saving jobs—although that's important. And you will be doing more than keeping your community alive—though that too is a measure of the magnitude of your success.

If you are successful—and I think you will be—your example can prove to others all across this country how a community can pull together to survive and to prosper.

Before leaving Washington this afternoon, I was looking through my files at several photographs taken here in Weirton over these last fifteen months.

One photo from your July 4th parade showed the winning float—a crepe paper halfback charging across the goal line with a football marked "ESOP".

Another was a picture of a local rock and roll band that cut a record titled "We Can Do It" and dedicated the proceeds to the Joint Study Committee.

A third showed a picture of several Weirton children in Halloween costume raising money with a neighborhood parade for the ESOP.

Later today, on the drive in from Pittsburgh, I couldn't help but notice the many references to the ESOP:

Billboards mentioning the ESOP.

Banners praising the ESOP.

Posters supporting the ESOP.

Local merchants with signs in their windows favoring the ESOP.

I think this is great. When it comes to ESOPs, my philosophy is simple: anything you can do is great. And the more you can do the better.

The Weirton community's all-out support for the ESOP reminds me of that great American philosopher, Mae West, who once said, "Too much of anything is simply marvelous."

Over the past ten years, we have had some success at enacting laws designed to encourage ESOPs. And I am proud to have played a part in sponsoring much of that legislation.

I am happy to report that your two fine Senators—Jennings Randolph and Robert Byrd—have been instrumental in helping secure the passage of this ESOP legislation. My good friend Jennings Randolph has announced his retirement effective the end of this Congress.

He has had a long and distinguished career in the Senate, and he will be sorely missed. However, I have every reason to believe that the next West Virginian sent to the Senate will also be an active ESOP supporter.

Your junior Senator—Bob Byrd—has served as the Democratic leader of the U.S. Senate for many years now. Already he has helped overcome environmental problems that stood in your way. He is strongly for what you are doing and I am proud to be his associate in this undertaking.

I am confident that Congress will continue to encourage employee stock ownership. ESOPs are not really a new concept. They are as old fashioned as the idea of people working together.

Employee stock ownership provides a way to bring out the very best that the American worker has to offer.

It offers the employees the opportunity to build for themselves a better life and to own what they have built.

As at Weirton, the United States is blessed with an increasisngly well-educated work force—a work force that is highly skilled and highly trained—and, not surprisingly, a work force that has brought with it an increase in expectations.

Americans want to work and they expect good pay. But they also want a sense of achievement, as well as recognition and challenge. People want—and need—an awareness of their importance to the process.

Today's farsighted managers understand this. They understand that you can't expect people to behave like responsible, dedicated workers unless they are treated as valuable players on the team.

Today's best management also understands that people need to share in the success that they are expected to help create. Certainly those who help to make the eco-

nomic pie are entitled to a slice of it. But they are also entitled to own a piece of the pie-making machinery.

I am convinced of the many benefits that capitalism has to offer. There is no doubt in my mind that free enterprise is better than any other system. But that does not mean it can't be improved upon.

One of the primary improvements we could make is to ensure that as this capitalist system of ours creates more new capital that it creates more new capitalists as well.

It comes as a great surprise to most people to discover just how few capitalists there really are in this great free enterprise economy of ours. Less than one percent of our people own over fifty percent of all individually-held corporate stock. More than 80 percent of Americans own no corporate stock whatever.

For most American families their most important "wealth" is now their entitlements under Social Security. Thus, for most Americans, their most important asset is an assurance that their children will be taxed on their behalf.

That is a long, long way down the wrong road for an economy that prides itself on a heritage of private property.

This ownership issue goes to the very heart of just what sort of economic system we mean to have in the United States—and just what sort of system we intend to leave for future generations of Americans.

For our economic policy to maintain—and encourage—a concentrated pattern of capital ownership is an extraordinarily shortsighted strategy. It is a particularly shortsighted strategy for a nation that hopes to see its way of doing business prevail throughout the world.

We are trying to prevent socialism and communism from taking over Latin America, and from taking over in Asia, Europe and Africa. If we are to be successful, we need to provide a working model of what we would advocate for all to see.

Rather than simply making the rich even richer—and I am sorry to report that that was largely the effect of the huge tax cut enacted in the last Congress—wouldn't we be better off working to see to it that more and more Americans have an opportunity to share in the bountiful potential of this great nation?

If we had such a model—and I think Weirton can be such a model—other nations would be more likely to follow our lead.

Secretary of State Schultz recently suggested that this nation needs programs that will enable us to "get ahead of history." Employee stock ownership is just such a program.

Full employment of our labor resources is important—but that policy should be expanded to include widespread ownership of our capital resources. The combination of those two policies would go a long way in providing a firm foundation for future economic growth that would be fairly shared.

What could be a better answer to the unfulfilled promise of communism?

By moving in the direction of more widespread employee ownership, we would be making good on our promise of a better life for our people while challenging other nations to do likewise. And lesser developed nations would be encouraged to move our way rather than seek the false hope that lies down the socialist path.

ESOPs can change the way in which others view our system. In much of the world, capitalism is portrayed simply as a system in which most of the productive wealth is held by a privileged few.

The solution lies not in destroying private property but in making it possible for everyone to become an owner of some of it.

The ESOP concept is difficult to classify. There are those who will tell you that ESOPs are very conservative. After all, what could be more conservative than "every man a capitalist"? And there are those who will tell you that ESOPs are very liberal. What could be more liberal than cutting the working man in on a piece of the action?

I recall that Adlai Stevenson was once asked whether he was a liberal or a conservative. Governor Stevenson's response seems custom-made for those trying to pigeonhole the Weirton ESOP. Governor Stevenson replied that the issue was not whether he was liberal or conservative. The question, he said, is "Am I headed in the right direction?"

Employee stock ownership is the right direction. You are on the verge of making the right decision in choosing to save your jobs—and save this valley—with an employee stock ownership plan.

Of course, the ESOP alone is not going to save Weirton. The ESOP is a financing technique, and the tax incentives it offers can help to make the acquisition possible.

But you are still going to have to produce a high quality product. And you will still have to meet the competition if you are going to sell what you produce. Fortunately, you have what it takes to make it go. Weirton has a proud hertiage of high quality production. Your fine reputation is widely known and richly deserved.

The Weirton community has shown that it is willing to do whatever it takes to make this a success, so be good to one another. Continue that spirit of cooperation and compromise that has made all this possible. Nourish your new company with dedication and craftsmanship. Prune it of waste and eliminate poor workmanship wherever it appears.

It's going to take that extra effort, and that extra attention to detail that separates the merely good from the truly excellent. We all know that you can make it. Some of the best minds in the financial world think so too.

Finally, let me congratulate everyone who has played a part in this courageous endeavor.

Your efforts are a source of pride and inspiration. The world is going to be watching Weirton. I know that people everywhere join me in wishing you the best of luck in the hope that you will grow and prosper.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:29 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1076. An act to strengthen the domestic water borne commerce of the United States.

The message also announced that the House has agreed to the following resolution:

H. Res. 232. Resolution electing the Honorable Jim Wright as Speaker pro tempore during the absence of the Speaker.

HOUSE MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1076. An act to strengthen the water borne commerce of the United States; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1237. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State transmitting, pursuant to law, copies of international agreements other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-1238. A communication from the Associate Dean for Operations, Uniformed Services University of the Health Sciences, Department of Defense transmitting, pursuant to law, the annual pension report for the Uniformed Services University of the Health Sciences; to the Committee on Governmental Affairs.

EC-1239. A communication from the Director of Nonappropriated Fund Financial Management, Department of the Army transmitting, pursuant to law, the report for the U.S. Army nonappropriated fund (NAF) employee retirement plan for the fiscal year ending September 30, 1982; to the Committee on Governmental Affairs.

EC-1240. A communication from the Executive Director of the President's Commission on Executive Exchange transmitting a draft of proposed legislation to repeal the termination provision on use of participation fees by the President's Commission on Executive Exchange; to the Committee on Governmental Affairs.

EC-1241. A communication from the Acting Administrator of the General Services Administration, transmitting pursuant to law, a report on the cost of travel and of operating privately owned vehicles to Government employees while engaged on official business; to the Committee on Governmental Affairs.

EC-1242. A communication from the United States of America Postal Rate Commission transmitting, pursuant to law, the Opinion and Recommended Decision on

Elimination of the Aggregate Letter Rule; to the Committee on Governmental Affairs.

EC-1243. A communication from the Chairman of the Board of Directors, Washington Metropolitan Area Transit Authority transmitting, pursuant to law, the 16th annual report of the Washington Metropolitan Area Transit Authority; to the Committee on Governmental Affairs.

EC-1244. A communication from the Assistant Secretary for Health, Department of Health and Human Services transmitting, pursuant to law, two copies of a report on a new system of records: Biomedical Research: Records of Subjects in Biomedical and Behavioral Studies of Child Health and Human Development; to the Committee on Governmental Affairs.

EC-1245. A communication from the Administrator of the Veterans' Administration, transmitting, pursuant to law, the semiannual report of the Veterans' Administration Inspector General for the period October 1, 1982 through March 31, 1983; to the Committee on Governmental Affairs.

EC-1246. A communication from the Secretary of Defense, transmitting pursuant to law, the semiannual report on audit, inspection and investigative operations in the Department of Defense for the period ending March 31, 1983; to the Committee on Governmental Affairs.

EC-1247. A communication from the Administrator of the Office of Federal Procurement Policy, transmitting pursuant to law, a report on the major activities of the Office of Federal Procurement Policy for the period October 1, 1980 through December 31, 1982; to the Committee on Governmental Affairs.

EC-1248. A communication from the Inspector General, Department of Health and Human Services, transmitting a report entitled "False identification—The Problem and Technological Options"; to the Committee on Governmental Affairs.

EC-1249. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the abbreviated annual report of the Inspector General for the period January 1 through September 30, 1982; to the Committee on Governmental Affairs.

EC-1250. A communication from the Secretary of the Department of Agriculture transmitting, pursuant to law, the semiannual report of the Inspector General covering the period October 1, 1982 through March 31, 1983; to the Committee on Governmental Affairs.

EC-1251. A communication from the Director of the Office of Personnel Management, transmitting, a draft of proposed legislation to amend section 3109 of title 5, United States Code, to clarify the authority for the appointment and compensation of experts and consultants as Federal employees, and for other purposes; to the Committee on Governmental Affairs.

EC-1252. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the semiannual report of the Inspector General, Agency for International Development for the period October 1, 1982 through March 31, 1983; to the Committee on Governmental Affairs.

EC-1253. A communication from the Secretary of the Department of Health and Human Services transmitting a proposed draft of legislation that would be cited as "Refugee Assistance Amendments of 1983"; to the Committee on the Judiciary.

EC-1254. A communication from the Director of the Federal Prison System, Department of Justice transmitting, pursuant to law, a copy of the 1982 Federal Prison Industries, Inc., Board of Directors' annual report to Congress for calendar year 1982; to the Committee on the Judiciary.

EC-1255. A communication from the Assistant Attorney General, Antitrust Division of the Department of Justice, transmitting, a report on identical bidding in advertised public procurement; to the Committee on the Judiciary.

EC-1256. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation; to the Committee on the Judiciary.

EC-1257. A communication from the Chairman of the National Commission for Employment Policy, transmitting the "Eighth Annual Report; The Work Evolution; to the Committee on Labor and Human Resources.

EC-1258. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, a report of the National Science Foundation Committee on Equal Opportunities in Science and Technology; to the Committee on Labor and Human Resources.

EC-1259. A communication from the Secretary of the Department of Health and Human Services transmitting, pursuant to law, the fifth report to Congress from the National Center for the Prevention and Control of Rape; to the Committee on Labor and Human Resources.

EC-1260. A communication from the Secretary of Education, transmitting, pursuant to law, an annual report on the National Technical Institute for the Deaf for fiscal year 1982; to the Committee on Labor and Human Resources.

EC-1261. A communication from the Office of the General Counsel of the Department of Defense transmitting a proposed draft of legislation to increase the number of Assistant Secretaries in the Department of Defense; to the Committee on Armed Services.

EC-1262. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Review of the Federal Housing Administration Fund's Financial Statements for the Year Ended September 30, 1981"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1263. A communication from the Chairman of the Board of the U.S. Synthetic Fuels Corporation transmitting, pursuant to law, the U.S. Synthetic Fuels Corporation quarterly report for the quarter ended March 31, 1983; to the Committee on Energy and Natural Resources.

EC-1264. A communication from the District of Columbia Auditor, transmitting a report entitled "Allegations Regarding Ticket Fixing and Improper Release From Impoundment by the Department of Transportation Officials"; to the Committee on Governmental Affairs.

EC-1265. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Capital Improvements Program Borrowing"; to the Committee on Governmental Affairs.

EC-1266. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Revenue Report for April 1983"; to the Committee on Governmental Affairs.

EC-1267. A communication from the Director of the Office of Management and Budget, transmitting a draft of proposed legislation to simplify the authorizations for reduced-rate postage supported through appropriated funds, to enable the extent of public support for eligible mailings to be more visible and more easily understood by the public, and for other purposes; to the Committee on Governmental Affairs.

EC-1268. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cummulative report on recissions and deferrals dated June 1, 1983, pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Labor and Human Resources, the Committee on Banking, Housing, and Urban Affairs, the Committee on Energy and Natural Resources, the Committee on Armed Services, the Committee on the Judiciary, the Committee on Foreign Relations, the Committee on Finance, the Committee on Veterans Affairs, the Committee on Governmental Affairs, and the Committee on Small Business.

EC-1269. A communication from the General Counsel of the Federal Emergency Management Agency transmitting a draft of proposed legislation amending the Disaster Relief Act of 1974; to the Committee on Environment and Public Works.

EC-1270. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the "Alcoholic Beverage Control Amendments Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1271. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the "D.C. Municipal Regulations Publication Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1272. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, the "D.C. Election Code of 1955 and Related Election Practices Amendments Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1273. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, the "Cable Television Communications Act of 1981 Amendment Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1274. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, the "Technical and Clarifying Amendments Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1275. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, the "Van Dyke Allen Court Designation Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1276. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, the "Solid Waste Regulations Amendments Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1277. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, the "Day Care Policy Act of 1979 Amendment Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1278. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, the "Firearms Control Regulations Act of 1975 Amendments Act of 1983" and report; to the Committee on Governmental Affairs.

EC-1279. A communication from the Special Counsel of the Merit Systems Protection Board transmitting, pursuant to law, the annual report to Congress covering the activities of the Office of the Special Counsel of the U.S. Merit Systems Protection Board for calendar year 1982; to the Committee on Governmental Affairs.

EC-1280. A communication from the Assistant Secretary for Health, Department of Health and Human Services transmitting, pursuant to law, two copies of a report on an altered system of records; "Clinical Research: Division of Cancer Biology and Diagnosis Patient Trials"; to the Committee on Governmental Affairs.

EC-1281. A communication from the Assistant Secretary for Health, Department of Health and Human Services transmitting, pursuant to law, two copies of a report on an altered system of records: "Participants in Drug Abuse Research Studies, Supporting New Drug Applications"; to the Committee on Governmental Affairs.

EC-1282. A communication from the Architect of the Capitol transmitting, pursuant to law, a report on all expenditures from moneys appropriated to the Architect for the period October 1, 1982 through March 31, 1983; to the Committee on Appropriations.

MEASURE PLACED ON THE CALENDAR

Under the authority of the order of the Senate of April 21, 1983, the Committee on Labor and Human Resources was discharged from the consideration of the following bill, and the bill was placed on the calendar:

S. 724. A bill to authorize the United States Army Corps of Engineers to undertake activities to provide new public works investment, grants to the several States to encourage and foster the construction of necessary public capital investment projects, to assist in creating new and productive jobs, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Lt. Gen. Howard W. Leaf, U.S. Air Force, to be reassigned in the grade of lieutenant general and to be Senior U.S. Air Force Member of the Military Staff Committee of the United Nations and Lt. Gen. Oren E. DeHaven, U.S. Army, (age 58) to be placed on the retired list. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Army there are 26 appointments to the grade of colonel and below (list begins with Armand N. Jalbert) and the Marine Corps there are 49 appointments to the grade of second lieutenant (list begins with David E. Adams II). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be orderd to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of June 7, 1983, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 1474. A bill to amend title 10, United States Code, to authorize the use of post and base exchanges and commissary stores by persons who, but for age, would be entitled to retired pay under chapter 67 of such title; to the Committee on Armed Services.

By Mr. WALLOP (for himself, Mr. BOREN, Mr. GRASSLEY, Mr. PRYOR, Mr. ABDNOR, Mr. BOSCHWITZ, Mr. PRESSLER, and Mr. HUDDLESTON):

S. 1475. A bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States; to the Committee on Finance.

By Mr. JOHNSTON:

S. 1476. A bill to provide for a temporary suspension of the duty on 6-amino-1-naphthol-3-sulfonic acid until January 1, 1986; to the Committee on Finance.

S. 1477. A bill to provide for temporary suspension of the duty on 2-(4-aminophenyl) - 6 - methylbenzothiazole - 7 - sulfonic acid until January 1, 1986; to the Committee on Finance.

By Mr. JOHNSTON (for himself and Mr. LEVIN):

S. 1478. A bill to provide for a 3-year suspension of the duty on B-naphthol; to the Committee on Finance.

By Mr. LONG (for himself and Mr. JOHNSTON):

S. 1479. A bill to provide for the striking of medals to commemorate the Louisiana World Exposition; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY:

S. 1480. A bill to reduce temporarily the duty on caffeine; to the Committee on Finance.

S. 1481. A bill to suspend the duty on sulfanilamide until the close of December 31, 1986; to the Committee on Finance.

S. 1482. A bill to suspend duty on sulfaquinoxaline until the close of December 31, 1986; to the Committee on Finance.

S. 1483. A bill to suspend the duty on sulfaquanidine until the close of December 31, 1986; to the Committee on Finance.

S. 1484. A bill to suspend the duty on sulfamethazine until the close of December 31, 1986; to the Committee on Finance.

S. 1485. A bill to suspend the duty on sulfathiazole until the close of December 31, 1986; to the Committee on Finance.

By Mr. DANFORTH:

S. 1486. A bill relating to the duty-free entry of certain scientific equipment imported for the use of the Ellis Fischel State Cancer Hospital, Columbia, Mo.; to the Committee on Finance.

By Mr. PRESSLER:

S. 1487. A bill to amend title 10 of the United States Code to allow reserve commissioned officers to be promoted to, or recognized in, a higher reserve grade while serving on active duty; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JACKSON (for himself and Mr. MATHIAS):

S. Res. 158. Resolution expressing the sense of the Senate that the President should convene a national bipartisan commission to address the serious long-term problems of security and economic development in Central America; submitted and read.

By Mr. GLENN:

S. Con. Res. 45. Concurrent resolution expressing the sense of the Senate that the Republic of South Africa should cease its "blackspot" policy of forcibly removing black South Africans from their legally acquired residences and relocating them; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES:

S. 1474. A bill to amend title 10, United States Code, to authorize the use of post and base exchanges and commissary stores by persons who, but for age, would be entitled to retired pay under chapter 67 of such title; to the Committee on Armed Services.

EXTENSION OF COMMISSARY PRIVILEGES TO CERTAIN RETIREES

● Mr. SARBANES. Mr. President, I have today introduced legislation designed to make service in the Reserve and Guard components of our Armed Forces more attractive as a secondary career choice. This measure provides for the extension of commissary and base or post exchange access for those members who have completed all statutory requirements for retirement as contained in 10 U.S.C. 67 except for attaining the age of 60.

Under the present retirement system, a member of the Guard or Reserve is mandatorily retired after the completion of 30 years of satisfactory Federal service. Where personnel began their military duty following completion of high school or college, this forced retirement procedure will characteristically take place when the member reaches the age of 50. During the period between the point when the guardsman or reservist completes his

service and the point where he or she is again permitted the use of these base facilities, they are essentially shut out and cut off from the service and a way of life to which they have devoted 30 years. This measure is designed to both increase the incentive to remain in these units and to remedy the unfair situation that now exists. This modification would entail no significant additional costs to the Government nor would it adversely impact upon the present commissary or exchange systems.

Mr. President, our Reserve and Guard components are an integral part of our defense capability. In a time of national emergency, these units will be required to shoulder much of the burden of our defense needs and to provide thousands of experienced and trained personnel to respond to the Nation's call. This legislation will provide an added incentive for people to enter the Reserve and Guard and to complete a full commitment to a Guard or Reserve unit. I feel this measure is an essential element in maintaining a skilled and Ready Reserve and Guard and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1032. Post exchange and commissary store privileges for certain nonregular members of the armed forces

"Subject to such rules and regulations as the Secretary concerned may prescribe, a member of the armed forces who has met all the requirements for retired pay under chapter 67 of this title except for attaining 60 years of age shall be entitled to use the services and facilities of post or base exchanges and commissary stores operated under the jurisdiction of any military department.".

(b) The table of sections at the beginning of chapter 53 of such title is amended by adding at the end thereof the following new item:

"103. Post exchange and commissary store privileges for certain nonregular members of the armed forces.".●

By Mr. WALLOP (for himself, Mr. BOREN, Mr. GRASSLEY, Mr. PRYOR, Mr. ABDNOR, Mr. BOSCHWITZ, Mr. PRESSLER, and Mr. HUDDLESTON):

S. 1475. A bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in heavy trucks; to the Committee on Finance.

HIGHWAY USE TAX EQUALIZATION ACT OF 1983

Mr. WALLOP. Mr. President, today I am introducing the Highway Use Tax Equalization Act of 1983, on behalf of myself, the distinguished Senator from Oklahoma (Mr. BOREN) and others. This proposal would repeal the burdensome heavy vehicle user fees which were heaped on the back of the American trucking industry when the 97th Congress passed the Surface Transportation Assistance Act of 1982.

I do believe truckers and all other classes of highway users should pay their share toward maintaining, repairing, and constructing our Nation's highway network—but only their fair share. Under the Surface Transportation Assistance Act, the Nation's truckers will see their use tax increase by 800 percent, going from $240 to $1,900 per year by 1988. But they, too, believe they should pay their fair share, and indeed our proposal, which would replace the user fee tax concept with a pay-as-you-go system, is enthusiastically supported by the American Trucking Association. It would accomplish this by eliminating the heavy truck use tax and replace it with an increase in the diesel fuel tax imposed only on vehicles weighing over 10,000 pounds, or what is called a diesel differential.

The bill would tax diesel fuel an additional 3 cents on July 1, 1983, and 2 more cents on July 1, 1984. So, in 1983, we would end up with a diesel tax of 12 cents a gallon and in 1984 it would increase to 14 cents a gallon. The tax on gasoline and diesel used in automobiles, pickups, and vans under 10,000 pounds would remain at 9 cents and would not be affected by this proposal.

By reestablishing the pay-as-you-go system, a vehicle traveling 20,000 miles a year on our Nation's transportation network would pay, and should pay more than the truck traveling only 10,000 miles. The Surface Transportation Assistance Act changed the pay-as-you-go system to a tax on the gross weight of the vehicle, or a pay-whether-or-not-you-go system which amounts to not much more than a Federal property tax.

We do not, by this legislation, mean to reduce the financial obligation of the trucking industry with respect to the maintenance of our highway system. And while preliminary revenue estimates for this legislation fall somewhat short of the mark, I do expect that obligation will be fulfilled as the bill progresses through the legislative process. Overall, I believe this measure will provide an equitable solution to maintaining the safety standards for America's highways and bridges while at the same time boosting the fragile financial health of a critical American industry.

Frankly, Mr. President, I stated earlier that all highway users should pay their fair share to the upkeep of our Nation's highways. I did vote against the Surface Transportation Assistance Act, as did many of my colleagues, not because I was against road repairs, but because I believed the trucking industry could not financially stay afloat under the weight of increased heavy vehicle use taxes. If I may, I would like to defer to the wisdom expressed by an old Wyoming rancher that "You can learn very little extra from the second kick of a mule." Our highways need repairing—that is a plain fact. But, to make these repairs on the back of an industry which is still struggling to land feet first on the balance sheet after 3 years of deregulation would be the final kick I am afraid.

To bring this point home, I would like to highlight some rather startling facts about the trucking industry. In 1982, the motor carrier industry suffered its worst financial results in history. Of the top 100 carriers by revenue, 45 had net losses in 1982. The profit margin of those firms was .42 of 1 percent and their return on equity was 2.19 percent compared to 11.10 percent in 1981.

The figures get worse. For example, based on final net income, almost 43 percent of the carriers ended 1982 with a net loss. In the fourth quarter of 1982 specifically, 59 percent of all carriers experienced losses in operating their trucking business. This is in conjunction with 300 major carriers, employing 55,800 which have gone out of business altogether, are in chapter 11 bankruptcy, or have reduced or altered service since July 1980. And, even now, the trucking industry—without the user fee increase contained in the Surface Transportation Assistance Act—pays income taxes at the second highest effective rate of 46.1 percent in a group of 22 industries according to the Joint Committee on Taxation.

Many trucking companies in my State of Wyoming reflect these gruesome financial facts of life. Just yesterday I received the 1982 annual report of a trucking firm in my State which saw a 13.5-percent decrease in revenues. The book value per share of this company's common stock fell from over $3.50 to slightly below 50 cents during this last year. When you compare this value to the pre-deregulation book value of almost $7 in 1978, that is quite a plunge in 4 years time.

In closing, I would like to mention a statement included in a recent issue of the Wyoming Trucker magazine which many truckers believe today. This statement is from a lobbyist in the railroad industry who was quoted as saying:

> We're waiting like a hawk on a barn roof. Rail deregulation has helped the most, but this new law (the Surface Transportation Assistance Act) will help, too.

These words illustrate just how financially fragile the American truck-

ing industry is now, and will continue to be, if the heavy truck taxes remain on the books.

I urge my colleagues to support the Highway Use Tax Equalization Act of 1983. Let us not contribute in hammering home the final nail into the coffin of a truly vital American industry.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Highway Use Tax Equalization Act of 1983".

SEC. 2. REPEAL OF THE HIGHWAY USE TAX.

(a) IN GENERAL.—Subchapter D of chapter 32 of the Internal Revenue Code of 1954 (relating to the tax on the use of certain vehicles) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 6156 of such Code (relating to installment payment of highway use tax) is hereby repealed.

(2) The table of subchapters of chapter 36 of such Code is amended by striking out the item relating to subchapter D.

(3) The table of sections of subchapter A of chapter 62 of such Code is amended by striking out the item relating to section 6156.

(4) Paragraph (2) of section 6601 of such Code (relating to installment payments) is amended—

(A) by striking out ", 6156 (a),", and

(B) by striking out ", 6156 (b),".

SEC. 3. INCREASE IN DIESEL FUEL TAX.

(a) INCREASE IN 1983.—

(1) IN GENERAL.—Paragraph (1) of section 4041 (a) of the Internal Revenue Code of 1954 (relating to diesel fuel) is amended by striking out "9 cents" and inserting in lieu thereof "12 cents".

(2) GASOHOL.—Paragraph (1) of section 4041 (k) of such Code (relating to fuels containing alcohol) is amended to read as follows:

"(1) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of the sale or use of any liquid fuel at least 10 percent of which consists of alcohol (as defined in section 4081 (c) (3))—

"(A) subsection (a) (1) shall be applied by substituting '7 cents' for '12 cents' each place it appears, and

"(B) no tax shall be imposed by subsection (c).".

(b) INCREASE IN 1984.—

(1) IN GENERAL.—Paragraph (1) of section 4041 (a) of such Code, as amended by subsection (a) (1), is further amended by striking out "12 cents" and inserting in lieu thereof "14 cents".

(2) GASOHOL.—Subparagraph (A) of section 4041 (k) of such Code, as amended by subsection (a) (2), is further amended—

(A) by striking out "7 cents" and inserting in lieu thereof "9 cents", and

(B) by striking out "12 cents" and inserting in lieu thereof "14 cents".

(c) SPECIAL RULE FOR DIESEL FUEL USED IN AUTOMOBILES AND LIGHT TRUCKS.—The Secretary shall by regulation prescribe a means whereby the additional tax imposed by this Act shall not apply to fuel otherwise subject to this Act used in a highway vehicle which has a gross vehicle weight rating not in excess of 10,000 pounds.

SEC. 4. EFFECTIVE DATES.

(a) HIGHWAY USE TAX REPEAL.—The amendments made by section 2 shall take effect on July 1, 1983.

(b) INCREASES IN DIESEL FUEL TAX.—

(1) IN GENERAL.—The amendments made by subsections (a) and (c) of section 3 shall take effect on July 1, 1983.

(2) INCREASE IN 1984.—The amendments made by section 3(b) shall take effect on July 1, 1984.

● Mr. BOREN. Mr. President, today, I join with my colleague from Wyoming, Senator WALLOP, in introducing legislation that will replace the heavy-vehicle-use tax with an increase in the diesel fuel tax of 5 cents for heavy vehicles over 10,000 pounds.

This legislation replaces the entire user fee with an increase in the diesel fuel tax imposed on trucks of 3 cents in 1983, and an additional 2 cents in 1984 for a total of 5 cents. It is anticipated that this bill will raise approximately the same amount of revenue as did the heavy-use tax with the burden being placed on those vehicles with the greatest highway use.

As my colleagues will remember, Congress passed the heavy-use tax during the last hectic days of the lameduck session right before Christmas. This legislation was passed without the careful scrutiny that it deserved especially in light of the added burden to our Nation's truckers.

I do not believe that most Members understood the extreme impact on our Nation's truckers when we passed this huge increase in heavy-vehicle-use taxes. Prior law set the maximum use tax on the heaviest trucks at $240 per year. Although the legislation that finally passed raised the maximum tax to $1,900, which is less than the original Department of Transportation proposal of a maximum tax of $2,700, I believe even this much of an increase is too burdensome. An increase in tax from $240 per year to $1,900 per year amounts to almost an 800-percent increase. And this is only the use tax. This does not even take into account the increase in the fuels tax from 4 cents to 9 cents per gallon and the increase in excise taxes on truck tires.

In the rush to create jobs and fix our Nation's highways and bridges, which we can all agree needs to be done, I believe that we created a situation where vast numbers of our Nation's truckers will not be able to continue operating profitably. It is an unrealistic assumption to believe that all these increased taxes can be passed through to the shippers via rate increases. Such huge increases will certainly force the shippers to look for alternatives for moving their goods.

Mr. President, I do not believe that Congress willingly chose to force many truckers out of business in our efforts to rebuild our network of roads and bridges. The 5-cent-a-gallon increase in fuel tax sounded good for raising several billion dollars to do this. However, I do not believe that most of my colleagues knew what a tremendous burden we would be placing on this segment of our Nation's work force.

Unfortunately, by passing this legislation, we have also put a large financial burden on our shippers, especially farmers and small businesses who are already economically hard hit.

Mr. President, passage of this bill will still allow us to raise the revenue needed for the highway trust fund. We would still be able to carry out our objective of repairing and maintaining our roads and bridges, but at the same time, we would not be forcing our truckers out of business.

I urge my colleagues to support the passage of this bill.●

● Mr. PRESSLER. Mr. President, I rise today to join my distinguished colleague from Wyoming in sponsoring this important legislation. It is absolutely essential to the existence of small truckers and the well-being of the thousands of consumers who depend daily on the goods they transport.

The basic goal of this bill is to repeal the heavy-user fee that is scheduled to go into effect in July 1983, and replace the revenue with a 5-cent diesel tax. You may recall that I introduced a similar bill on the first legislative day of this Congress. I am pleased to join in this effort today because my commitment to changing this provision of the Surface Transportation Assistance Act of 1982 remains firm. It is absolutely essential that we in Congress speak with a unified voice in our collective effort to correct the inequities of this provision. I will gladly support any legislation which will achieve that end.

As the situation now stands, truckers will have to pay a flat heavy-use tax of up to $1,600 per rig starting a little over 1 year from today, and up to as much as $1,900 in the years ahead. This figure does not include the existing taxes on diesel fuel, tires, sales tax, the various State taxes, and others. After 1985, almost all trucks weighing 80,000 pounds or more will have to pay. It makes no difference if they travel 10,000 miles, 100,000 miles, or 200,000 miles per year. If you own the truck you pay the tax. I feel this is absurd.

The tax we are trying to repeal is called a use tax. As I have often told my colleagues in the past, it is not a real use tax. A more appropriate name would be an "existence" tax. Truckers would be taxed simply because they exist, regardless of how much they really use the highways. Such a tax will drive thousands of small truckers out of business and cause transporta-

tion rates and consumer prices to rise. This is unfair and it must be changed.

I have talked with hundreds of truckers in my home State of South Dakota. In a rural State like mine, we will be especially hard hit. Many truckers are farmers who drive truck part time just to make ends meet. To assess such a tax increase now would surely wipe them out. Everyone should be aware that the trucking industry is currently going through some of its hardest economic times ever. If we in Congress allow this tax to take effect unchanged, it would make a very bad economic situation much worse. It would certainly be the straw that broke the camel's back for thousands of small operations throughout the country.

I am not opposed to having those who use something pay for it. Neither are the vast majority of the truckers I have spoken with. Everyone who uses our Nation's highway systems know they are in desperate need of repair. But we can certainly assess the damage on a more fair and equitable basis.

Mr. President, I believe this type of legislation goes a long way in doing just that. I urge my colleagues to support its passage. It is in the best interests of all Americans.●

● Mr. BOSCHWITZ. Mr. President, since the passage of the 5-cent gas tax bill, I have been very active in efforts to reduce or repeal the enormous increases in the heavy vehicle use tax.

As you know, prior to the gas tax bill, the maximum heavy vehicle use tax was $240 a year for an 80,000-pound truck. Now, the tax will go to $1,600 next July 1 and will hit $1,900 a year by 1988 for the same truck.

I felt then, as I feel now, that it is absurd to expect an industry as hard hit by the recession and regulation as the trucking industry to absorb tax increases of over 700 percent.

It is because of this high level of taxes and the "too much too soon" concerns I have heard from truckers and trucking companies that I have introduced a bill of my own to lower the use taxes; and I am cosponsoring Senator WALLOP's bill today.

Two issues have been thrown around in the debate on these tax increases. One is fairness: Who pays? The other is accountability: How much should they pay?

The trucking industry does not dispute that they damage roads. Nor do they disagree that heavy trucks cause more damage than autos or lighter trucks. However, they all agree that a flat tax, imposed regardless of miles traveled, is unfair and defeats the idea of accountability.

The bill we are introducing today is probably the best way to solve the two issues, for it replaces the flat heavy vehicle use tax with a pay-as-you-go diesel tax.

This means trucks would only pay the tax if they were on the road, actually working. They would not pay huge taxes for inventory they cannot use during slow periods. The pay-as-you-go approach is also preferable to the lump sum payments required by the heavy vehicle use tax because it allows the tax to be a barometer of actual business, not inventory. And that is what a user fee is supposed to be.

This bill replaces the heavy use tax with a 3-cent diesel tax increase on July 1, 1983, and an additional 2 cents on July 1, 1984, and is probably the fairest users tax we can develop. It also brings in the same revenue and actually creates a tax system whereby those who go the most miles pay the most tax.

I believe most of us here in the Senate understand the importance of a healthy, competitive, trucking industry. Trucks are a vital part of our transportation system, basically responsible for all the first and last stage delivery of bulk commodities. We cannot afford to lose this industry because of tax or user fee policies.

I hope my colleagues on the Finance Committee follow the able leadership of Senator WALLOP and push for rapid consideration of this bill. Some may argue the increases are still a year away, so why hurry? But do not be put off; business plans ahead, even if we here in the Senate do not seem able to.

I urge my colleagues to support this bill, and to work with the authors to insure the bill receives quick action.●

By Mr. LONG (for himself and Mr. JOHNSTON):

S. 1479. A bill to provide for the striking of medals to commemorate the Louisiana World Exposition; to the Committee on Banking, Housing, and Urban Affairs.

MEDALS TO COMMEMORATE THE LOUISIANA WORLD EXPOSITION

Mr. LONG. Mr. President, in May 1984, the Louisiana World Exposition will officially open in New Orleans, La. To honor this event, I have introduced legislation to authorize the striking of national medals appropriate for the event by the Secretary of the Treasury for sale by the Louisiana World Exposition, Inc., a nonprofit corporation. These national medals will commemmorate this exciting international event and will be sought after by both medallion collectors and exposition visitors.

The legislation which I have introduced, and which is cosponsored by Senator JOHNSTON, of Louisiana, allows the U.S. Mint to strike and deliver to the exposition officials no more than 750,000 medals in quantities of not less than 2,000 at times that are required by the exposition officials. To indemnify the United States for full payment of the costs of manufacturing these national medals, satisfactory security must be furnished by the Louisiana World Exposition to the Director of the mint.

This legislation is not intended to cost the U.S. taxpayers any money but merely authorizes this official national medal to be struck by the U.S. Mint and marketed by the exposition. Therefore, the issuance of these medals should result in no net cost to the Federal Government.

The exposition promises to be a successful celebration of its theme, "The World of Rivers—Fresh Water as a Source of Life." Its site on the Mississippi River banks in New Orleans demonstrates the utility as well as the beauty of this great river. Inhabitants along the entire Mississippi River and other great rivers in this country and around the world will find the Louisiana World Exposition both enjoyable and educational. They will be able to remember this event through the national medal which this legislation authorizes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the Louisiana World Exposition to be held at New Orleans, Louisiana, in 1984, the Secretary of the Treasury (hereinafter referred to as the "Secretary") is authorized and directed to strike and deliver to Louisiana World Exposition, Incorporated, a nonprofit corporation, not more than seven-hundred and fifty thousand medals, with suitable emblems, devices, and inscriptions to be determined by the Secretary in cooperation with the Exposition corporation. The medals, which may be disposed of by the corporation at a premium, may be delivered at such times as may be required by the corporation in quantities of not less than two thousand, but no medals shall be struck by the Secretary after December 31, 1984.

SEC. 2. The Secretary shall cause such medals to be struck and delivered at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses. Security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

SEC. 3. The medals authorized to be struck and delivered under this Act shall be struck in gold, silver, or bronze and of such size or sizes as shall be determined by the Secretary in consultation with the corporation.

SEC. 4. The medals, produced by the Secretary, shall be considered to be national medals for purposes of section 5111 of title 31, United States Code.

By Mr. PRESSLER:

S. 1487. A bill to amend title 10 of the United States Code to allow Reserve commissioned officers to be pro-

moted to, or recognized in, a higher Reserve grade while serving on active duty; to the Committee on Armed Services.

PROMOTION OF CERTAIN RESERVE COMMISSIONED OFFICERS

Mr. PRESSLER. Mr. President, today I am introducing a bill to amend title 10 of the United States Code to allow Army Reserve and National Guard commissioned officers to be promoted to, or recognized in, a higher Reserve grade while serving on active duty.

This legislation is needed to correct a fluke in the law which allows such promotions for Air Force, Navy, and Marine Corps Reserve officers while on active duty, but does not permit them in the case of USAR/ARNG officers on active Guard/Reserve duty.

With the enactment in 1980 of the Defense Officers Personnel Management Act, the service criteria of all officers on active duty were unified. However, section 3380 of title 10, United States Code still operates to prevent Army Reserve officers from receiving promotions for which they are otherwise eligible when they are on active duty. The bill I am introducing today will amend section 3380 to remove this inequitable barrier.

Approximately 500 officers currently on active Guard/Reserve duty are prevented from accepting promotions, resulting in as much as 3 years loss of pay in the higher ranks for which they are qualified. The consequence of this situation is that recruitment and retention of essential officers in our Reserve components is threatened. Having served as an officer in the U.S. Army, I am familiar with the value of eliminating or minimizing unnecessary bureaucratic obstacles to prompt recognition and promotion of highly qualified and dedicated members of our Armed Forces. We cannot permit the destruction of officer morale and expect to maintain the world's best All Volunteer Armed Forces.

Mr. President, I met recently with South Dakotans who serve as officers in Guard and Reserve components. They made it very clear that their own desire to continue serving our Nation was hurt by the knowledge that their promotions would have to wait as long as 3 years until their active duty service terminated. We cannot afford to lose these good men from this active duty program just because of a quirk in the law which denies them for 3 years the pay increase which would accompany their deferred promotions.

According to the Army, whatever additional cost would be incurred by the enactment of my legislation would be negligible. This is because, like promotions for their peers in the Air Force, Navy, and Marine Reserves, any promotions would be subject to grade and strength limitations. Identical legislation has been introduced by Congressman SOLOMON in the House of Representatives.

Mr. President, these officers should not be denied their normal promotions simply because a no longer valid provision of law remains unamended. I urge my colleagues to join me in support of this effort to correct a serious inequity which poses negative consequences for key personnel working to maintain the readiness of our national security forces.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3380 of title 10 of the United States Code is amended to read as follows:

"§ 3380. Commissioned officers; promotion of reserve commissioned officers on active duty

"(a) Subject to the limitations contained in section 524, a reserve commissioned officer on active duty (other than for training) who is recommended by a selection board for promotion to, or found qualified for Federal recognition in, a higher reserve grade may be promoted to such higher reserve grade and may continue to serve on active duty, or be ordered to serve on active duty, in such higher reserve grade.

"(b) The date of rank for promotion purposes only of any reserve commissioned officer, who is recommended by a selection board for promotion to, or found qualified for Federal recognition in, a higher reserve grade but whose promotion to, or recognition in, such higher reserve grade is delayed only because of the limitations contained in section 524, is the date such officer would have been promoted to, or recognized in, such higher reserve grade if the limitations contained in section 524 did not exist.".

SEC. 2. The table of sections at the beginning of chapter 337 of title 10 of the United States Code is amended by striking out the item relating to section 3380 and inserting in lieu thereof the following new item:

"3380. Commissioned officers; promotion of reserve commissioned officers on active duty.".

ADDITIONAL COSPONSORS

S. 128

At the request of Mr. ROTH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 128, a bill entitled "The Equal Opportunity Retirement Act of 1983."

S. 249

At the request of Mr. PACKWOOD, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 249, a bill entitled the "Employee Educational Assistance Extension Act."

S. 337

At the request of Mr. PACKWOOD, the name of the Senator from Virginia (Mr. TRIBLE) was added as a cosponsor of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 476

At the request of Mr. LEVIN, the names of the Senator from Tennessee (Mr. SASSER), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 663

At the request of Mr. ARMSTRONG, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 663, a bill to prohibit the payment of certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land.

S. 688

At the request of Mr. HATFIELD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 688, A bill to provide that, unless the Government of El Salvador actively participates in negotiations with all major parties to the conflict which are willing to participate unconditionally in negotiations for the purpose of achieving a cease-fire and an equitable political solution to hostilities, U.S. military support for El Salvador shall be terminated, with military assistance funds to be transferred for use for development and humanitarian assistance.

S. 788

At the request of Mr. QUAYLE, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 788, a bill to amend the Agricultural Act of 1949 to reduce the loan rates for the 1983 through 1985 crops of sugarcane and sugar beets.

S. 1159

At the request of Mr. HATFIELD, the names of the Senator from Ohio (Mr. GLENN) and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 1159, a bill to amend the Export Administration Act of 1979 to extend the provisions relating to the export of domestically produced crude oil.

S. 1165

At the request of Mr. QUAYLE, the names of the Senator from Alabama (Mr. DENTON), and the Senator from California (Mr. WILSON) were added as cosponsors of S. 1165, a bill to provide for the continued operation of overseas schools for dependents of Department of Defense personnel by the Department of Defense.

S. 1244

At the request of Mr. PACKWOOD, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 1244, a bill to amend title XVIII of the Social Security Act to provide for a program of health care for elderly individuals who require long-term care.

S. 1305

At the request of Mr. PACKWOOD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1305, a bill to amend the Internal Revenue Code of 1954 to extend the energy tax credit for investments in certain classes of energy property, and for other purposes.

S. 1348

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. DURENBERGER), the Senator from New Jersey (Mr. BRADLEY), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Tennessee (Mr. BAKER), and the Senator from Washington (Mr. JACKSON) were added as cosponsors of S. 1348, a bill to authorize the President of the United States to present on behalf of Congress a specially struck gold medal to the widow of Roy Wilkins.

S. 1419

At the request of Mr. SARBANES, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1419, a bill to amend title XVIII of the Social Security Act to retain the option of direct reimbursement for all providers under the medicare program.

S. 1469

At the request of Mr. SPECTER, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 1469, a bill to amend title 18 of the United States Code relating to the sexual exploitation of children.

SENATE JOINT RESOLUTION 1

At the request of Mr. LONG, the names of the Senator from Nevada (Mr. LAXALT) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States with respect to fixing the compensation of Members of the Congress.

SENATE JOINT RESOLUTION 50

At the request of Mr. LEVIN, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 50, a joint resolution designating the week beginning September 25, 1983, as National Adult Day Care Center Week.

SENATE RESOLUTION 122

At the request of Mr. MOYNIHAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of Senate Resolution 122, a resolution expressing the sense of the Senate that the President should reduce imports of apparel so that imported apparel comprises no more than 25 percent of the American apparel market.

AMENDMENT NO. 1298

At the request of Mr. CRANSTON, the names of the Senator from Tennessee (Mr. SASSER) and the Senator from Nebraska (Mr. EXON) were added as cosponsors of Amendment No. 1298 intended to be proposed to S. 578, a bill to amend title 38, United States Code, to provide for adult day health care services for veterans, to authorize the Veterans' Administration to administer a community residential care program, to establish a presumption of service connection for former prisoners of war suffering from dysthymic disorder and to revise and clarify eligibility for reimbursement of expenses of travel for Veterans' Administration health care.

SENATE CONCURRENT RESOLUTION 45—RELATING TO THE "BLACKSPOT POLICY" IN SOUTH AFRICA

Mr. GLENN submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 45

Whereas the Government and the people of the United States have recognized inherently and innately, as a natural extension of this Nation's founding principles and objectives, the rights of property owners and of their descendants to possess and occupy land which they have lawfully acquires and maintained;

Whereas violations of these rights within or outside the United States are considered a flagrant abuse of basic assumptions governing the conduct of civilized societies and cannot be condoned by the people or the Government of the United States;

Whereas the Republic of South Africa is systematically and forcibly removing millions of black South Africans from land they owned and farmed for generations, stripping them of their citizenship, and relocating them in racially segregated communities, in violation of the United Nations Charter and the Universal Declaration of Human Rights;

Whereas living conditions in the new black "homelands" are grossly inferior to those enjoyed by white South Africans, for example (1) there is only one doctor for every 400,000 people in the black "homelands", while white South Africans have a doctor for every 350 people, (2) the infant mortality rate in the black "homelands" is 282 per 1,000 births, while in white South Africa the infant mortality rate is 12 per 1,000 births;

Whereas the "blackspot" policy toward blacks prompted Saul Mkhize to oppose the Republic of South Africa's attempts to force him to surrender land his family had owned for three generations;

Whereas this policy moved Saul Mkhize to write South African Prime Minister Botha stating, "We do not wish to be rebellious in any way, but only to continue to live our lives in our own environment."; and

Whereas this policy led to the shooting death of Saul Mkhize by the security police of the Republic of South Africa:

Now, therefore, be it resolved by the Senate, (the House of Representatives concurring), that it is the sense of the Congress that:

(1) the Republic of South Africa should comply with internationally recognized human rights, the UN Charter and its Convention on Human Rights by ending the "blackspot" policy and allowing relocated South Africans to remain in or return to their legally acquired land and residences;

(2) the United States should continue its policy of not recognizing the sovereignty or independence of the so-called "homelands";

(3) at such times that "homeland" officials apply for visas and passports for travel to the United States, the United States should deny travel to these officials under a "homelands" visa;

(4) the President and his representatives should convey to the Republic of South Africa the Congress's concerns expressed in this resolution and

(5) the President should transmit a copy of this resolution to the Ambassador from the Republic of South Africa to the United States and to the Prime Minister of the Republic of South Africa.

Mr. GLENN. Mr. President, today I am submitting a Senate concurrent resolution expressing the sense of the Congress that the Republic of South Africa should cease its "blackspot" policy of removing black South Africans from their legally acquired land and residences and forcibly relocating them in desolate homelands. The spirit behind this concurrent resolution is embodied in the words of Saul Mkhize who was shot to death by the South African police while opposing the Government's attempt to force him to surrender land his family has owned for three generations.

We do not wish to be rebellious in any way, but only to continue to live our lives in our own enviroment.

The philosopher Rosseau wrote that,

The first man who, having fenced in a piece of land, said, "This is mine" * * * that man was the true founder of civil society.

Indeed, Americans have recognized this since the birth of the Republic and have solidified through law and through custom the rights of property owners to possess their lawfully acquired land. That the South African Government has chosen to violate these tenets with respect to its black citizens should not surprise us but neither should we stand idly by and ignore an outrageous abuse of human rights and human dignity which is directed against one racial group. The desolate homelands to which black South Africans are banished are monuments to the callousness of apartheid. In these isolated areas, black South Africans, stripped of their citizenship, struggle to live without electricity, transportation, basic medical treatment, or economic opportunities to achieve self-sufficiency. The

"blackspot"/"homelands" policy of the South African Government is a most repugnant manifestation of apartheid and I hope my colleagues will join me in speaking out forcefully against it.

AMENDMENTS SUBMITTED

SUPPLEMENTAL APPROPRIATIONS, 1983

ARMSTRONG (AND HART) AMENDMENT NO. 1387

Mr. ARMSTRONG (for himself and Mr. HART) proposed an amendment to the bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes; as follows:

On page 35, between lines 5 and 6, insert the following:

"In accordance with the repayment contract for the Dallas Creek participating project of the Upper Colorado River storage project, entered into January 14, 1977, and entitled "Re-Payment Contract Between the United States of America and the Tri-County Water Conservancy District", the portion of the costs of such project, including interest on construction costs, allocated to municipal and industrial use which exceeds $38,000,000 shall not be reimbursable.".

WALLOP (AND SIMPSON) AMENDMENT NO. 1388

Mr. WALLOP (for himself and Mr. SIMPSON) proposed an amendment to the bill, H.R. 3069, supra, as follows:

At the appropriate place, insert the following:

SEC. Notwithstanding the provisions of Section 113, Public Law 97-323, funds appropriated by such public law for study, planning, design, architect and engineer services for the Air Force are available for design of site-specific facilities for the MX Missile system.

MELCHER (AND OTHERS) AMENDMENT NO. 1389

Mr. MELCHER (for himself, Mr. BOREN, Mr. BAUCUS, Mr. ZORINSKY, Mr. JEPSEN, Mr. RANDOLPH, Mr. EXON, Mr. BURDICK, and Mr. GRASSLEY) proposed an amendment to the bill, H.R. 3069, supra, as follows:

At the end of the bill, add the following new section:

For an additional amount for Soil Conservation for the fiscal year 1983, $34,500,000 to remain available until expended, of which $10,000,000 shall be for Resource Conservation and Development, $3,900,000 shall be for the Great Plains Conservation Program, $10,000,000 shall be for Soil Conservation Matching Grants, $10,000,000 for the Agricultural Conservation Program, $600,000 shall be for the Special Areas Conservation Program: *provided further,* that $100,000 from the Special Areas Conservation Program be made available for the "MIDAMERICA" program.

INOUYE (AND MATSUNAGA) AMENDMENT NO. 1390

Mr. INOUYE (for himself and Mr. MATSUNAGA) proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 3, between lines 16 and 17, insert the following new section:

GENERAL PROVISION

None of the funds appropriated by this or any other Act may be used to relocate the Hawaii State office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii.

BUMPERS (AND PRYOR) AMENDMENT NO. 1391

Mr. BUMPERS (for himself and Mr. PRYOR) proposed an amendment to the bill H.R. 3069, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Upon request of the City of Pine Bluff, Arkansas, the Secretary of Commerce shall authorize such city to lease to any person the banquet and kitchen facilities of the Pine Bluff Convention Center, without affecting the Federal assistance provided by a grant under the Public Works Employment Act of 1976 (project number 01-51-00020) or any other law, if such transfer documents provide for the operation of such facilities as kitchen and banquet facilities for at least 25 years after the date of such transfer.

MOYNIHAN (AND OTHERS) AMENDMENT NO. 1392

Mr. MOYNIHAN (for himself, Mr. MATSUNAGA, Mr. RIEGLE, Mr. BRADLEY, Mr. BENTSEN, Mr. KENNEDY, Mr. EAGLETON, Mr. LAUTENBERG, Mr. INOUYE, and Mr. GLENN) proposed an amendment to the bill H.R. 3069, as follows:

On page 69, after line 23, add the following:

HEALTH CARE BENEFITS FOR THE UNEMPLOYED

For payments for health care benefits for the unemployed, $225,000,000, to be available only if a program is enacted into law providing for such benefits under title XX of the Social Security Act or under the Public Health Service Act. Any part of such amount not obligated prior to October 1, 1983 shall remain available for obligation in fiscal year 1984.

QUAYLE AMENDMENT NO. 1393

Mr. QUAYLE proposed an amendment to the bill H.R. 3069, supra; as follows:

At the appropriate place in the bill, insert the following:

AVAILABILITY OF FUNDS FOR DEVELOPING PARKS AND RECREATION AREAS

Notwithstanding any other provision of law or any rule or regulation, any amount appropriated by Public Law 98-8 under the heading "DEVELOPING PARKS AND RECREATION AREAS" shall remain available for grants for projects involving the planting of trees or shrubs until December 31, 1983.

WILSON (AND CRANSTON) AMENDMENT NO. 1394

Mr. WILSON (for himself and Mr. CRANSTON) proposed an amendment to the bill H.R. 3069, supra; as follows:

At the end of the bill insert the following new section:

SEC. —. Upon request of the City of Oakland, California, the Secretary of Commerce shall atuhorize such City to sell or lease to any person the George P. Scotlan Memorial Convention Center building, without affecting the Federal assistance provided under the Public Works and Economic Development Act of 1965 (project numbered 07-01-02471), or any other law, if—

(1) such sale or lease provides, for the operation of such facilities as a Convention Center for at least sixty-five years after such transfer; and

(2) in the event of the sale of such building, the repayment of any grant made pursuant to the Public Works and Economic Development Act of 1965 shall—

(A) be made over a period of thirty years;

(B) provide that no payments shall be made for the first fifteen years of such period; and

(C) be made in equal annual installments over the last fifteen years of such period.

BUMPERS (AND MATTINGLY) AMENDMENT NO. 1395

Mr. BUMPERS (for himself and Mr. MATTINGLY) proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 72, between lines 9 and 10, insert the following:

GENERAL PROVISION

SEC. 101. (a) Section 111(a)(2) of the Elementary and Secondary Education Act of 1965 is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D) and by inserting after subparagraph (A) the following:

"(B) The grant which a local educational agency is eligible to receive under this subpart for a fiscal year shall be further adjusted by dividing the amount of the grant determined under subparagraph (A) by the quotient obtained by dividing the per capita income for the State in which the local educational agency is located by the per capita income for all the States (exclusive of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands), except that the quotient in no case shall be less than .85 nor more than 1.15. The adjustment required by this subparagraph shall not apply to the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.".

(b) Section 111(a)(2)(C) of such Act (as redesignated by subsection (a)) is amended by striking out "subparagraph (A)" and inserting in lieu thereof "subparagraphs (A) and (B)".

(c) Section 111(a) of such Act is amended by inserting "(A)" after "(4)" and by adding at the end thereof the following:

"(B) For the purposes of this subsection, the term 'per capita income' means with respect to a fiscal year, the total personal income in the calendar year ending in the second fiscal year preceding the fiscal year for which the determination is made, divided by the population of the area concerned

in the calendar year preceding such calendar year (or if not available the year for which the most recent satisfactory data are available from the Department of Commerce).".

WEICKER AMENDMENT NO. 1396

Mr. WEICKER proposed an amendment to the bill H.R. 3069, supra; as follows:

Strike all after page 1, line 3, and insert in lieu thereof the following:

SEC. 101. (a) Section 111(a)(2)(A) of the Elementary and Secondary Education Act of 1965 is amended—

(1) by striking out "In" and inserting in lieu thereof "Subject to subparagraph (B), in";

(2) by striking out "80 per centum" each place it appears and inserting in lieu thereof "70 per centum"; and

(3) by striking out "120 per centum" each place it appears and inserting in lieu thereof "110 per centum".

(b) Section 111(a)(2) of such Act is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following:

(B)(i) The aggregate amount of grants determined under subparagraph (A) for all local educational agencies located in a State for each fiscal year shall not be less than one-half of 1 per centum of the amount determined for all local educational agencies under subparagraph (A) for such fiscal year. The amount of the increase in any grant which a local educational agency in any State shall be eligible to receive by reason of the application of this division for each fiscal year shall be determined on a pro rata basis.

"(ii) The aggregate amount of grants which all local educational agencies located in a State are eligible to receive under this subpart may not be increased for any fiscal year in an amount which is greater than 50 per centum of the amount which all such agencies in that State received under this subpart in the fiscal year preceding the fiscal year for which the determination is made.".

(c) Section 111(a)(2)(C) of such Act (as redesignated by subsection (b)) is amended by striking out "subparagraph (A)" and inserting in lieu thereof "subparagraphs (A) and (B)".

(d) Section 111(a)(2)(D) of such Act (as redesignated by subsection (b)) is amended by striking out "32 per centum" in clause (ii) and inserting in lieu thereof "28 per centum".

(e) The amendments made by this section shall take effect with respect to the school year 1983-1984 and thereafter.

BUMPERS AMENDMENT NO. 1397

Mr. BUMPERS proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 71, between lines 22 and 23, insert the following:

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965, $103 million to be available for the payment of grants to local educational agencies located in a State in which the aggregate amount of grants determined for such agencies from amounts appropriated for fiscal year 1983 prior to the date of enactment of this Act is less than the amount of grants determined for the local educational agencies in that State from amounts appropriated for fiscal year 1982 by reason of the application of the 1980 Census data in order to increase the amount for local educational agencies in each such State to the amount determined for that State for fiscal year 1982: *Provided*, That the amount of the increase in any grant which a local educational agency in any State shall be eligible to receive by reason of the application of this paragraph shall be determined on a pro rata basis.

It is the intention of the Congress that for each fiscal year ending prior to September 30, 1987, an additional amount will be appropriated, as necessary, for the payment of grants to local educational agencies in all States subject to the provisions of the previous paragraph in order to increase the amount for local educational agencies in each such State for each such fiscal year to the amount determined for that State for fiscal year 1982.

BUMPERS AMENDMENT NO. 1398

Mr. BUMPERS proposed an amendment to the bill H.R. 3069, supra, which was subsequently modified; as follows:

On page 71, between lines 22 and 23, insert the following:

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965, such sums as may be necessary, but not to exceed $40 million to be available for the payment of grants to local educational agencies located in a State in which the aggregate amount of grants determined for such agencies from amounts appropriated for fiscal year 1983 prior to the date of enactment of this Act is less than 95 percent of the amount of the grants for that State from amounts appropriated for fiscal year 1982 by reason of the application of the 1980 Census data in order to increase the amount for local educational agencies in each such State to the amount determined for that State for fiscal year 1982: *Provided*, That the amount of the increase in any grant which a local educational agency in any State shall be eligible to receive by reason of the application of this paragraph shall be determined on a pro rata basis.

It is the intention of the Congress that for each fiscal year ending prior to September 30, 1987, an additional amount will be appropriated, as necessary, for the payment of grants to local educational agencies in all States subject to the provisions of the previous paragraph in order to increase the amount for local educational agencies in each such State for each such fiscal year to the amount determined for that State for fiscal year 1982.

INOUYE (AND MATSUNAGA) AMENDMENT NO. 1399

Mr. INOUYE (for himself and Mr. MATSUNAGA) proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 10, after line 24, insert the following: Commission on Wartime Relocation and Internment of Civilians

SALARIES AND EXPENSES

Funds appropriated under the heading of Commission on Wartime Relocation and Internment of Civilians in Public Law 97-377 (96 Stat. 1877) shall remain available until September 30, 1983.

HEINZ (AND OTHERS) AMENDMENT NO. 1400

Mr. HEINZ (for himself, Mr. WEICKER, Mr. SARBANES, Mr. CRANSTON, Mr. MOYNIHAN, Mr. BOSCHWITZ, Mr. JEPSEN, Mr. WARNER, Mr. COHEN, Mr. GRASSLEY, Mr. LEVIN, and Mr. DURENBERGER) proposed an amendment to the bill H.R. 3069, supra; as follows:

At the end of the bill add the following new title:

TITLE V—SOCIAL SECURITY DISABILITY PROVISIONS

REVISION OF REGULATORY CRITERIA RELATING TO MENTAL IMPAIRMENTS

SEC. 501. (a) The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall revise the criteria embodied under the category "Mental Disorders" in the "Listing of Impairments" in effect on the date of the enactment of this Act under appendix 1 to subpart P of part 404 of title 20 of the Code of Federal Regulations. The Secretary shall also revise the methods and procedures for assessing the residual functional capacity of individuals having mental impairments. The revised listings and residual functional capacity assessments shall individually and together be designed to realistically evaluate the ability of a mentally impaired individual to engage in substantial gainful activity in a competitive workplace environment. The revised listings and assessments required by this subsection shall be completed within 6 months after the date of the enactment of this act.

(b)(1) The Secretary shall appoint a panel of outside experts to make recommendations with respect to the revisions to be made in accordance with subsection (a), consistent with the requirements of titles II and XVI of the Social Security Act for individualized determinations of disability.

(2) The panel shall consist of individuals who are experts in the field of mental health, and shall include at least one psychiatrist, one rehabilitation psychologist, one medical social worker, and one vocational expert.

(3) Members of the panel shall be appointed without regard to the requirements of title 5, United States Code, and each member of the panel not otherwise in the employ of the United States Government shall receive the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which such member is actually engaged in the performance of the duties of the panel. Each member of the panel shall be allowed travel expenses in the same manner as an individual employed intermittently by the Federal Government under section 5703 of title 5, United States Code.

(c)(1) Until such time as revised criteria have been established by final regulation in accordance with subsection (a), no continuing eligibility reviews shall be carried out under title II or XVI of the Social Security Act with respect to any individual previously determined to be under a disability by reason of a mental impairment.

(2) Paragraph (1) shall not apply in any case where the Secretary determines that

fraud was involved in the prior determination, or where an individual is engaged in substantial gainful activity.

(d)(1) Any disability determination or reconsideration or appeal of such determination, and any reconsideration or appeal of a continuing eligibility review, made under title II or title XVI of the Social Security Act after the date of the enactment of this Act and prior to the date on which revised criteria are established by final regulation in accordance with subsection (a), shall be redetermined by the Secretary as soon as feasible after the date on which such criteria are so established, applying such revised criteria.

(2) In the case of a redetermination under paragraph (1) of a prior action which found that an individual was not under a disability, if such individual is found on redetermination to be under a disability, such redetermination shall be applied as though it had been made at the time of such prior action.

(3) Any mentally impaired individual who was found to be not disabled pursuant to an initial disability determination or continuing eligibility review between March 1, 1981 and the date of the enactment of this Act, and who reapplies for benefits under title II of the Social Security Act, shall, only for purposes of determining whether the special insured status for disability is met, be deemed to have reapplied as of the time of the prior determination or continuing eligibility review. Reapplications under this paragraph must be submitted within one year after the date of the enactment of this Act.

REQUIREMENT FOR EVALUATION BY PSYCHIATRIST OR PSYCHOLOGIST

SEC. 502. (a) Section 223(d) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(7) In any case in which an individual alleges to be under a disability by reason of a severe mental impairment (as defined by the Secretary), the determination of whether such individual is under a disability shall be made only after the Secretary has demonstrated that a qualified psychiastrist or psychologist has completed the medical portion of the sequential evaluation and residual functional capacity assessment.".

(b) Section 1614(a)(3) of such Act is amended by adding at the end thereof the following new subparagraph:

"(C) In any case in which an individual alleges to be under a disability by reason of a severe mental impairment (as defined by the Secretary), the determination of whether such individual is under a disability shall be made only after the Secretary has demonstrated that a qualified psychiatrist or psychologist has completed the medical portion of the sequential evaluation and residual functional capacity assessment.".

(c) The amendments made by this section shall apply with respect to applications filed for benefits under title II or XVI of the Social Security Act on or after the date of the enactment of this Act.

DURENBERGER AMENDMENT NO. 1401

Mr. DURENBERGER proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 55, after line 12, insert the following:

(4) A new section 6907 is added as follows:

"(a) Notwithstanding any other provision of this chapter, a State may enact legislation which requires that any payments which would be made to units of general local government pursuant to this Chapter be reallocated and redistributed in whole or part to other smaller units of general purpose government that provide general governmental services and contain the entitlement lands within their boundaries.

"(b) Upon enactment of legislation by a State, described in Subsection (a), the Secretary shall make one payment to such State equalling the aggregate amount of payments which he otherwise would have made to units of general local government within such State pursuant to this Chapter. It shall be the responsibility of such State to make any further distribution of the payment pursuant to subsection (a).".

KENNEDY AMENDMENT NO. 1402

Mr. KENNEDY proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 67, between lines 17 and 18, insert the following:

SUMMER YOUTH EMPLOYMENT AND TRAINING

For an additional amount for part B of title II of the Job Training Partnership Act, relating to summer youth employment and training programs, $30,000,000.

HATFIELD AMENDMENT NO. 1403

Mr. HATFIELD proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 70, line 22, before the period insert a comma and the following: "to remain available until September 30, 1984".

On page 87, line 23, strike, "Public Law 97-424" and insert in lieu thereof "Urban Mass Transportation Act of 1964 as amended."

HATFIELD AMENDMENT NO. 1404

Mr. HATFIELD proposed an amendment to the bill H.R. 3069, supra; as follows:

In lieu of the Thurmond amendment numbered 1386, at the end of page 30, insert the following: The project for Cooper River, Charleston Harbor, South Carolina, authorized by the River and Harbor Act of 1968, Public Law 90-483, approved August 13, 1968, is hereby modified to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to install a closure structure in the diversion canal between Lake Marion and Lake Moultrie and to construct such measures as the Chief of Engineers determines necessary to improve the seismic stability of the Pinopolis West Dam on the Cooper River, at an estimated cost of $22,000,000: *Provided*, That nothing in this paragraph shall waive any requirements under the Federal Power Act of 1935 (49 Stat. 847): *Provided further*, That in addition to such sums as are otherwise appropriated by this Act there are appropriated an additional $2,000,000, to remain available until expended, for "Construction, general, Corps of Engineers—Civil", for engineering and design studies in connection with the project authorized by this paragraph.

HUMPHREY AMENDMENT NO. 1405

Mr. HUMPHREY proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 30, lines 5 and 6, strike out "and construct and undertake".

On page 30, line 11, strike out "at a currently estimated cost of $26,500,000,".

On page 30, beginning with "Expenditures" on line 13, strike out all through the period on line 20.

HUMPHREY AMENDMENT NO. 1406

Mr. HUMPHREY proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 125, between lines 7 and 8, insert the following:

SEC. — Expenditure or obligation of funds appropriated by this act is restricted to programs for which a formal authorization exists.

EMERGENCY JOB TRAINING FOR VETERANS

SIMPSON (AND CRANSTON) AMENDMENT NO. 1407

Mr. SIMPSON (for himself and Mr. CRANSTON) proposed an amendment to the bill (S. 1033) to amend title 38, United States Code, to establish an emergency job training program for wartime veterans; as follows:

On page 15, between lines 14 and 15, insert "TITLE I—VETERANS' EMERGENCY JOB TRAINING PROGRAM".

On page 15, line 15, strike out "SEC. 2" and insert in lieu thereof "SEC. 101".

On page 32, line 20, strike out "SEC. 3" and "Act" and insert in lieu thereof "SEC. 102" and "title", respectively.

Add at the end of the bill the following new title:

TITLE II—VETERANS' ADMINISTRATION REORGANIZATION

SEC. 201. The requirements of section 210(b)(2)(A) of title 38, United States Code, shall not apply to the planned administrative reorganization at the Veterans' Administration Rehabilitation Engineering Center (hereinafter in this section referred to as "VAREC") at 252 Seventh Avenue, New York, New York, involving—

(1) the transfer to the Veterans' Administration Medical Center, New York, of 24 full-time equivalent employees from the VAREC Special Clinic team, 5 full-time equivalent employees from the VAREC Restoration Laboratory, and 4 full-time equivalent employees from the VAREC Research and Development Service;

(2) the administrative reassignment from the VAREC of 8 employees (in addition to those described in clause (1)) who are orthotists or prosthetists and whose work stations are at nearby Veterans' Administration medical centers to those medical centers; and

(3) the reorganization of elements of the VAREC not providing direct patient services so as to continue them at 252 Seventh Avenue as the "Veterans' Administration Prosthetic Technology and Information

Center", under the direct supervision of the Director, Prosthetic and Sensory Aids Service, Department of Medicine and Surgery, Veterans' Administration Central Office.

NOTICE OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a nomination hearing for Robert Morris to be Deputy Director of the Federal Emergency Management Agency on Wednesday, June 22, at 2 p.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Ms. Margaret Hecht at 224-4751.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water to consider the following bills: S. 482, to provide relief for certain desert land entrymen in the State of Idaho; S. 508, to exempt entities receiving financial assistance from the Rural Electrification Administration from fees under the Federal Land Policy and Management Act of 1976; S. 620, to amend Public Law 89-668 relating to the Pictured Rocks National Lakeshore to require the development of a local land use plan and zoning regulations for the inland buffer zone; S. 600, to amend Public Law 95-244; S. 598, to authorize a land conveyance from the Department of Agriculture to Payson, Ariz.; S. 807, to amend the boundaries of the Cumberland Island National Seashore; S. 864, to amend the Volunteers in the Parks Act of 1969, and for other purposes; and S. 1160, to authorize Douglas County of the State of Nevada to transfer certain land to a private owner.

The hearing will be held on Monday, June 27, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Public Lands and Reserved Water, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. HEINZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 15, at 10 a.m., to hold a hearing on United States-Soviet relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 15, at 4 p.m., to hold a top secret executive session briefing on the revised START proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HEINZ. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 15, in order to receive testimony on the following nominations:

Hector M. Laffitte, of Puerto Rico, to be U.S. District Judge for the District of Puerto Rico;

Francis M. Mullen, of Virginia, to be Administrator, Drug Enforcement Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, June 15, at 4 p.m., to hold a markup on proposed changes in the dairy, tobacco, and target-price programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Pollution, of the Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, June 16, at 2 p.m., to mark up the amendments to the Clean Water Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 16, at 10 a.m., to hold a hearing on foreign diplomats.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 16, at 2 p.m., to hold a hearing on United States-Soviet relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, June 16, at 10 a.m., in closed session to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TERRIBLE JUNE DAYS

● Mr. ZORINSKY. Mr. President, today marks the 43d anniversary of the "Terrible June Days" in Lithuania. Forty-three years ago, under the pretext of an imminent Nazi threat, the Soviet Union invaded Lithuania as it began to draw the infamous Iron Curtain on the Baltic States.

The dawn of Russification in Lithuania initiated a chapter of violent oppression as hideous as any in history. During a 4-day period in 1941, June 14 to 18, over 34,000 Lithuanian men, women, and children were deported or liquidated. Over the decade spanning the years 1941 to 1951, some 700,000 Lithuanians were victimized under a Soviet policy of virtual genocide.

Though the terrorism of the Stalin era has subsided, the more sophisticated methods of domination by terror practiced by today's Soviet regime are every bit as thorough and brutal as those under Stalin. Through four succeeding decades the Soviet strangle hold applied during the "Terrible June Days" has never slackened. Indeed, the rise of Yuriy Andropov to leadership in the U.S.S.R. does not bode well for Lithuania. As head of the KGB, Andropov was an architect of the more sophisticated methods of terrorism employed today by the Soviet Union. If anything, the strangle hold on Lithuania is likely to tighten under the reign of the Andropov regime.

And so the future outlook for Lithuania is as grim as the very memory which we pause to observe today. There is, however, cause for hope on this solemn day of remembrance. The Lithuanians are a courageous people, and contemporary Lithuanians are the heirs of many generations of historical and cultural heritage. The tradition of the Lithuanian nation and culture predates the U.S.S.R. by centuries, and that tradition will endure long after the Soviet epoch in history has passed.

The Soviet Union has sought to extinghish all vestiges of Lithuanian tradition in the effort to completely absorb Lithuania into the U.S.S.R. However, the severity of Soviet domination has in fact steeled the resolve of Lithuanians the world over to embrace and fiercely defend their identity as Lithuanians. People of all nation-

alities draw strength from the example of the Lithuanian people. In the face of four decades of incredible persecution, Lithuanians have refused to deny their bloodlines, their religious faith, their rich tradition.

The legacy of the Lithuanian struggle is nothing short of heroic, and it deserves the support of free people everywhere. It is the United States to which Lithuanians throughout the world look for leadership in the ongoing refusal to officially acknowledge the incorporation of Lithuania into the U.S.S.R. As a paragon of freedom among the nations of the world, the United States must champion the cause of Lithuania in its bid to emerge from the pall of Iron Curtain domination. With the moral support of the United States the Lithuanian people will persevere in their struggle for independence, and, despite the era of oppression at the hands of the U.S.S.R., Lithuania's long and proud tradition will survive.●

B-1 BOMBER

● Mr. GOLDWATER. Mr. President, recently there has been a substantial amount of discussion about the B-1 bomber aircraft as we move into consideration of this year's defense budget. As my colleagues are aware, I have long been a strong supporter of the B-1 bomber and felt that we should have undertaken production several years ago. Nevertheless, that is water over the dam. Now we are moving toward production and the program promises to be every bit as valuable as I had hoped. Nonetheless, some opponents of the B-1 have insisted that Stealth technology is becoming rapidly available and will be so useful as to make the B-1 production unnecessary. Recently I read an article in the May issue of Defense Electronics magazine concerning Stealth. Although there are many useful points in this article, this much is clear. The development of Stealth has not overtaken current technology. Certain Stealth techniques will be valuable and those, in fact, will be included in the production of the B-1.

Mr. President, I ask that the entire article entitled "Stealth Takes Shape" from the May 1983 issue of Defense Electronics magazine be printed in the RECORD at this point in my remarks and I urge my colleagues to read this article.

The article follows:

[From the Defense Electronics Magazine, May 1983]

STEALTH TAKES SHAPE

(By James B. Schultz)

The Air Force is rapidly developing stealth technologies that will significantly reduce bomber and fighter aircraft and cruise missile susceptibility to detection by Warsaw Pact radars and sensors.

Application of radar-absorbing and deflecting materials, advanced ECM systems, radical aerodynamic designs, and low IR signature engines will increase aircraft survivability against an improved Soviet air defense system that includes a look-down/shoot-down capability.

Pentagon officials say stealth techniques will first be introduced in the USAF/Rockwell B-1B bomber and advanced cruise missile program, and later in advanced strategic bomber and fighter aircraft that may be operational by the early 1990's.

According to Air Force spokesman Lieut. Col. Don Brownlee, stealth, or low-observable characteristics, fall into three categories, all aimed at reducing airframe cross section detection from visual and radar systems.

They involve:

Airframe shaping that deflects radar signals.

Use of composite materials that absorb radar signals.

Electronic countermeasures (ECM) that jam or spoof enemy radars and weapons.

New methods of "negating, neutralizing, or confusing the enemy" are also considered part of the overall stealth technology program, Brownlee said. Such techniques may likely include the use of high-energy laser and particle beam weapons to kill Soviet interceptors, and advanced highpower ECM systems to locate and jam enemy radars and guided weapons.

The introduction of stealth technology will be made with a two-bomber plan that will amount to production of 100 B-1B long-range combat aircraft (LRCA), which will be operational in 1986 at a cost of some $20 billion, and 110 stealth, or advanced technology bomber (ATB) aircraft, costing more than $30 billion. The ATB fleet could be operational as early as 1991, sources said.

RADAR CROSS SECTION CUT

Several stealth features are built into the latest version of the B-1. The swing wing aircraft exhibits a radar cross section of less than one square meter when measured head-on, a dramatic improvement over the B-1A, which has a 10-square-meter cross section, and the aging B-52, which produces a signature of more than 100 square meters.

Designers achieved the single-square-meter threshold by removing the EW antenna spine on the back of the bomber, which reflected radar signals, smoothing out flight control leading edges, modifying engine intake ducts, and integrating a highly improved defense avionics suite (the AN/ALQ-161) that can automatically detect and jam enemy radars and missiles (See DE, Jan. 1983, p. 56).

The antenna spine was removed from the bomber as part of an Air Force contract awarded ot Eaton/AIL to intergrate the tail warning system directly into the AN/ALQ-161. Many of the cables and connections on the previous tail warning system, the Westinghouse AN/ALQ-153, were mounted in the bomber's dorsal spine.

Another major upgrade to the B-1B is the Westinghouse phased-array antenna, which employs stealth technologies and replaces the B-1A's dish-shaped radar. The antenna is a modified version of the APG-66 radar on the F-16, and is used for following, low-altitude terrain, and general navigation.

Both Northrop and a team comprised of Rockwell and Lockheed are reportedly developing preproduction models of an advanced technology bomber. While neither company has actually flown an aircraft, wind tunnel tests and target penetration simulations have been conducted since 1980. "We're seeing radar cross sections of less than one-millionth of a square meter. That's incredibly small for a huge airplane," an engineer associated with the project said.

COMPOSITE MATERIALS

Air Force officials indicate ATB concept designs are noteworthy departures from conventional aircraft design and powerplants. Engineers are investigating development of delta wing aircraft made of composite materials that are lighter and stronger than titanium or steel, and do not reflect radar. Several materials are being considered, including carbon and fiberglass structures, fiber-reinforced graphite skins, and special paints that can absorb or deflect radar signals.

Boeing, under a $23 million USAF Wright Aeronautical Laboratory contract, is developing a set of graphite/epoxy composite wings for an F-111 that is expected to be structurally superior to metal because of a higher resistance to cracking and less sensitivity to fatigue. "Composites, however, are considered somewhat more sensitive than metals to extreme temperatures and high moisture environments," a Boeing engineer said. Although, he noted the graphite/epoxy wing should remain pliable to temperatures as low as minus 65 deg. Fahrenheit. Flight tests of the Boeing graphite/epoxy composite wing design are scheduled to start in September at Edwards AFB, CA.

Taking advantage of lessons learned from developing the B-1B, ATB designers will attempt to omit radar-reflecting edges and echo-producing engine nacelles slung under the aircraft wings. Existing concepts show aircraft with large, rounded leading edges, V-shaped delta wings, and engines that are integrated into the wing or fuslage section. Designers are also trying to eliminate the telltale vertical stabilizer by designing winglets or V-shaped tail sections that will give acceptable levels of stability while reducing the radar cross section. Instead of reflecting or absorbing radar signals, the stabilizer, at canted angles, will deflect them out and away from the aircraft.

"Next-generation aircraft will look smoother and be more aerodynamically sound," an industry source said.

Several sources said the ATB must exhibit good handling and produce minimal buffeting at low altitudes near Mach speeds. They say the bomber demonstrates its greatest stealth qualities in terrain hugging at altitudes under 200 ft. where Soviet radars are obscured by hills and other natural obstructions.

One Air Force artist's concept of an advanced bomber depicts a domino-shaped aircraft that flies at supersonic speeds using only two small, vertical stabilizers and twin nose-mounted fins for stability. A large wing would only be used for takeoffs, landings, and low-level flight, and then rotated 90 deg. where it would be locked in a conformal position on top of the aircraft's fuselage.

ENGINE MODIFICATIONS

Modifications to engine intake inlets and development of engines that use denser fuel and increase aircraft range, yet produce a cleaner exhaust, are also being researched. Newly designed intake ducts will incorporate a profound breakthrough in technology—zigzag tunnels. These ducts are designed to bounce radar signals back and forth inside the inlet instead of reflecting them back at the enemy radar.

Although the ATB would be designed to defeat ground-based and airborne threats, other weapon systems will be needed to eliminate Soviet space-based infrared sur-

veillance systems that can detect aircraft. Most Soviet radar and surveillance satellites operate at low altitudes well within the range of the U.S. air-launched ASTA interceptor.

STEALTH FIGHTER

Aside from developing a stealth bomber, the Air Force is pursuing research on a highly classified stealth fighter being developed by Lockheed. Lockheed, which has extensive experience in high-altitude, hard-to-detect aircraft by virtue of its successful U-2 and SR-71 reconnaissance planes has reportedly test-flown three prototypes. Reports indicate the 20,000-lb. class fighters have been flown from airfields in both the Nevada desert and at Eielson AFB, AK. Although Lockheed officials declined to discuss the subject, Air Force sources said two fighters have crashed since flight tests began in 1979. They say neither crash was in any way related to stealth technology.

One Pentagon official said the fighter-size stealth aircraft is "more a test bed for future ATB designs" than a preproduction aircraft. The fighter apparently relies heavily on radar-absorbing and deflecting techniques achieved through use of composite materials. One report suggests the aircraft uses Fibaloy, a composite material (developed by Dow Chemical Company), which has glass fibers woven into a plastic base. Such a design would make the airframe strong, light, and small enough to be tucked inside a transport plane.

ADVANCED CRUISE MISSILE PROGRAM

Last February, the Air Force abruptly cancelled further funding for the Boeing AGM-86B air-launched cruise missile, capping production at 1,499 missiles, in favor of a new stealth, or advanced, cruise missile. Advancements in the Soviets' lookdown radars and development of ALCM stealth technology were leading factors in reducing the planned buy of 3,418 USAF/Boeing ALCM's, officials said.

The ACM will use technology begun in 1980 under a Defense Advanced Research Projects Agency (DARPA) program called Teal Dawn. Sometime this spring, the Air Force is expected to award an initial development contract to one or more contractors competing for the ACM. The competitors are Boeing, Lockheed, and General Dynamics, which is the prime contractor for the ground- and sea-launched versions of the cruise missile.

DARPA RESEARCH

Other reports indicate the DOD is also considering development of a "black curtain program" stealth cruise missile that would use a Williams International engine made of plastic parts. For the last several years, DARPA has evaluated advanced cruise missile engine designs that have lower fuel consumption, greater range, and increased thrust over the current F-107 cruise missile engine.

One such engine is a compound-cycle, turbofan engine with a two-stroke, high-speed diesel engine and an eccentric engine, consisting of a three-spool turbofan with the third spool mounted off-axis to the other two spools. A recuperative engine that uses a coated-carbon material for fabricating high temperature subcomponents is also under investigation by DARPA. Both engines would apparently boost the ACM range to 6,000 miles, compared to 1,500 miles for the AGM-86B. If that standoff range were achieved, the Pentagon could conceivably launch the missile from within the U.S. at targets inside the Soviet Union. Such a capability would eliminate the need to forward-base ground-launched cruise missiles in Europe.

To put stealth in the ACM, contractors are studying several candidate options. Most are focused on altering the missile's external design to reduce its radar signature, developing an advanced guidance system, permitting the missile to penetrate Soviet airspace at low altitude, and evaluating the use of on-board ECM that would allow the missile to detect and evade enemy radars and missiles.

An artist's concept generated by the Air Force shows a missile that more closely resembles flying wings than the current conventional-styled AGM-86B. Presumably, the added dimensions would provide greater lifting capacity, reducing engine output while increasing range.

Although the Soviet air defense radar system has been improved over the past several years, Pentagon officials express confidence that the slow-flying ACM will get to its target. DARPA has conducted a series of cruise missile penetration evaluations to validate the radar masking, clutter, propagation data, and IR background data over target areas.

According to a DARPA FY-1983 summary description report, the data will be used to modify and refine analytical models of defensive system performance and to predict the ACM's survivability rate.

To guide the ACM to its target over such a long distance, the Air Force could place a small Navstar GPS satellite receiver on board. GPS signals could be received continuously throughout the mission, giving the missile a 16-meter accuracy. A combined terminal homing/inertial navigation system that would allow the missile to maneuver around Soviet air defense zones is also being studied for use in the ACM.

The Air Force has not publicly stated how many ACM missiles it intends to purchase; however, some industry analysts are predicting the service will want to buy somewhere between 1,500 and 3,000 missiles over several years, starting in the mid-1980's●

EXPORT OF ALASKAN OIL TO JAPAN

● Mr. LEVIN. Mr. President, I am a cosponsor of S. 1159, extending the prohibition contained in the Export Administration Act that prevents the export of Alaskan oil. I would like to briefly outline why I have supported this legislation.

When the Alaskan pipeline was first proposed, it was argued that the pipeline should be routed to bring oil to the Midwest, thereby assuring that supplies of Alaskan oil would be distributed throughout the United States. Unfortunately, this was not done and the export prohibition was enacted so that this great resource would be available throughout our country. This policy is in the best interests of the United States.

Because of the great distance that Alaskan oil now travels, however, we should remain open to more efficient alternatives. I have talked with several of my colleagues about alternatives to the prohibition and many of us believe that consideration should be given to modifying the prohibition under certain circumstances. If the Japanese made major trade concessions, I would consider supporting modifications to increase the flexibility of the statutorily defined criteria for allowing the export of Alaskan oil to Japan. However, because of our current trade imbalance with Japan and their present commitment to policies that allow them to compete unfairly with us, I cannot at the present time support any proposal that would lower their fuel prices and thereby increase their trading advantage. If they would agree to major changes in their trade policies, I would consider proposals to allow the export of some Alaskan oil to Japan.●

AMERICA'S VIEWS ON U.S. MILITARY

● Mr. GOLDWATER. Mr. President, recently there appeared in the Christian Science Monitor a short article by Lucia Mouat entitled, "America's Views on United States Military." What this article does is to bring into correct focus the new attitude of the American people toward the military as compared to other institutions existing in this country.

It is interesting, I think, at this point to mention to my colleagues that the military is held in much higher esteem than is the body in which we serve. I ask that the article be printed in the RECORD.

The article follows:

[From the Christian Science Monitor, Apr. 28, 1983]

AMERICA'S VIEWS ON U.S. MILITARY

(By Lucia Mouat)

CHICAGO.—Most Americans welcome the increased number of women in the armed services and say they think women should have access to more jobs—such as jet fighter pilots and missile gunners—that now are closed to them, according to a survey by the National Opinion Research Center (NORC) as the University of Chicago.

The survey results also showed that most Americans found the ratio of blacks in the armed forces (about 22 percent) and in the Army (33 percent) "about right." Most, and particularly blacks, also argued that Hispanic representation in the military should be increased.

"The military is probably the most thoroughly desegregated institution in the United States," says James Davis, senior author of the report and chairman of the Harvard University Sociology Department. "On the one hand, there is pride that it is a bellwether, but there is also enormous concerns in some Washington circles that the ethnic mix could one day lead to an all-black military. . . . This survey suggests the American people might not be unhappy about what disproportion there is and would be satisfied to go further before it stops," he says.

Most Americans say they think the all-volunteer system is working well or fairly well. They strongly oppose a return to the draft except in a national emergency. If there were a draft, however, most Americans say women should be included. One-third, espe-

cially working women as opposed to men and housewives, favor hand-to-hand combat duties for women. Although the American military establishment has taken a verbal battering from its critics over the years, the military as an institution ranks a high fifth in the NORC survey—well ahead of the Supreme Court and most other Washington fixtures.

"With the exception of Vietnam, there has hardly been a historical situation where the military has come off badly in popular thinking," Professor Davis notes. "This survey suggests no evidence that Americans have become cynical." NORC's annual public opinion survey for the first time included questions on the military. Those data have just been analyzed with the help of special Ford Foundation funding.●

MIGUEL ALEMAN, FORMER PRESIDENT OF MEXICO

● Mr. GOLDWATER. Mr. President, a great Mexican, former President Miguel Aleman, who was a friend of mine and of the United States and a vigorous supporter of private business, died recently. In honor of him, I should like to have printed in the RECORD a moving eulogy by Willard Andrews, president of the Mexican Chamber of Commerce of the United States and president of the Latin American Division of Becton, Dickinson & Co., as well as a brief profile of President Aleman by the Mexican National Tourist Council, which he headed for many years.

The material follows:

EULOGY TO EX PRESIDENT MIGUEL ALEMAN

Ladies and Gentleman, before I proceed with the introduction of our distinguished speaker, I would like to explain the black sash on the Mexican flag to my left. Last week we lost a honorary director of the Chamber and a good and dear friend.

Miguel Aleman, President of the Mexican National Tourist Council.

President of the Republic of Mexico from 1946 to 1952.

Principal developer of the National University and creator of the fabulous University City.

Founder of Mexico's Industrial Revolution.

Lawyer, teacher, judge, senator, President and diplomat, husband, father, friend. gentleman par excellance.

I will never forget—nor will my wife and my daughter—the miracle we witnessed last year at the Felt Forum on the 15th of September—Mexican Independence Day.

Don Miguel Aleman—dreadfully ill with terminal cancer—there as the representative of President Lopez Portillo—to give the traditional "grito." Supported to the rostrum by his son Miguelito and by Ambassador Garcia Lopez and Ambassador Munoz Ledo—both of whom are here on the dais today—he was a sick, tired old man.

When the uniformed cadets handed him the "Bandera Nacional"—a miraculous metamorphosis took place.

He rose to his full height—a smile lighted his face—and while waving the flag with vigor and love he gave the "GRITO" in the voice of his youth.

Six thousand people in the forum were ecstatic with the joy, the love and the patriotism that radiated from him.

I will tell you that I wept and I was one of thousands equally touched by that magic moment.

I am not going to ask you to stand for a minute of silence for Don Miguel as that would not be his style or his wish.

I will say—God bless him—may he rest in peace.

MIGUEL ALEMAN, 1903–1983

Miguel Aleman's career spanned three major eras in Mexico's history. Born on September 27, 1903 in Sayula, Veracruz, he was a boy of 7 when the revolution broke out in 1910 and during the next 7 years he served under his father, a distinguished General who had joined the Revolution against the dictatorship of Porfirio Diaz, subsequently fought the Huerta regime and later gave his life for the cause of the Revolution.

After completing his schooling in Orizaba, Veracruz, and at the National Preparatory School (the old San Ildefonso College), he attended the National University of Mexico's Law School where he graduated in 1928. Upon graduation he began his professional career in Tampico as Counsel for the mining, petroleum, and railroad workers and during the next six years, he acquired a wide reputation as an advocate of workers' rights, while playing a very active role in agrarian reform and the restructuring of the Institutional Revolutionary Party (P.R.I.), today the leading political party in Mexico.

In 1934 he was appointed Superior Court Judge for the Federal District and two years later was elected Senator for his home State of Veracruz. He was elected Governor of Veracruz that same year, 1936, and served until 1939, when General Manuel Avila Camacho who was a candidate for President, asked him to manage his campaign. General Avila Camacho was elected and he appointed Mr. Aleman his Secretary of "Governación". "Gobernación" is the senior portfolio in the Mexican Cabinet and is a combination of the Interior Department and that of Home Secretary, responsible for law and order and immigration. Mr. Aleman's term as Secretary of Gobernación coincided with World War II and brought him into very close contact with the government of the United States. He was sent by President Avila Camacho to Washington to develop a series of agreements and cooperative plans for continental defense and he played a major role in the Chapultepec Conference which created the Organization of American States.

In 1945 he resigned from the Cabinet in order to conduct his own campaign for the Presidency and thereby succeed President Avila Camacho. He was elected by an overwhelming majority and took office on December 1, 1946 as the first civilian President of Mexico in this century.

President Aleman's administration, 1946–1952, heralded a new era for Mexico. World War II was over; the world's economy was in shambles and a period of tremendous growth and development for Mexico was about to begin. He assigned a very high priority to education and two of his many accomplishments in this field were the construction of University City, on the southern perimeter of Mexico City, the largest university complex in the world at that time, as well as the National Polytechnic Institute, in the northern section of the city. His administration built thousands of schools and teachers' training facilities throughout the country. President Aleman's extensive social services and industrial development programs brought Mexico to the forefront as a dynamic country ready to exploit its enormous resources—oil, minerals, agriculture, a magnificent climate, a tremendous variety of tourist attractions including colonial architectural gems, impressive archaeological zones and thousands of miles of beaches. His administration triggered a rapidly-growing educated middle class.

Under President Aleman, vast housing schemes were completed, a major rural and urban electrification program was initiated and top priority was assigned to agriculture and food production including the creation of a cabinet-level department to develop the country's water resources and establish a national irrigation system. Special emphasis was placed on communications; the Sonora-California and the Southeastern Railroads were completed linking the country's two peninsulas, Baja California and Yucatan; highways were built, including the Mexico City-Acapulco highway, and ports were developed to accept ocean-going vessels. President Aleman was always very conscious of the importance of preserving his country's myriad cultural facets and he founded the Institute of Fine Arts, The National Indigenous Institute, and the Office of Tourism.

The fact that women were totally incorporated into Mexico's public life and have attained some of the highest positions in the land, is a tribute to President Aleman who amended Article 115 of the Constitution thereby granting women total franchise. Extremely concerned about the fate of the Jewish population of Nazi-occupied Europe, Miguel Aleman, as Secretary of Gobernacion during the war years, had set up a system whereby Jews were issued Mexican Salvoconductos/Laissez Passer which enabled them to enter a neutral or friendly country and eventually reach Mexico. Subsequently, when ships carrying Jewish immigrants attempting to reach Israel were prevented from reaching Israeli ports and were barred by most other countries, President Aleman announced to the world that they were welcome in Mexico. The existence of a most progressive Jewish community in Mexico today can be attributed in no small part to President Aleman. His interest in the Jewish people was further highlighted when he became the first Head of State to travel to New York to address the United Nations on behalf of the establishment of the State of Israel and when the 1947 Israeli-Arab war broke out, he supplied Israel with Mexican oil for its tanks and aircraft.

His friendship with U.S. Presidents Franklin Roosevelt and Harry Truman was well-known and relations between Mexico and the United States reached a peak during his administration. He was the first President of Mexico to address a joint session of the United States Congress and he was the first to be received at the White House.

President Aleman always had a deep interest in tourism and in the development of his country's tourist attractions. He was responsible for the rediscovery of Acapulco—today one of the world's most exciting tourist destinations.

In 1961 Mr. Aleman was asked by President Lopez Mateos to accept the Presidency of the National Tourist Council (Consejo Nacional de Turismo), the tourism marketing and promotion Agency of the Federal Government of Mexico. For the next twenty-two years, "Don Miguel", as he was affectionately known to millions of people, devoted his time and energies to traveling throughout the world promoting his coun-

try's many attractions and spreading goodwill among the peoples of all nations.

In his trips throughout the Americas, Europe, Australia and Africa, he stated repeatedly that tourism knows no national boundaries; he was always a fervent believer in the brotherhood of man and he freely expressed his feelings that tourism brought together peoples of many races, languages and ideologies, and that getting to know and understand each other better would help create a world where all people could live in peace and tranquility. He was instrumental in bringing thousands of major international conventions and congresses to Mexico, including world medical conventions, the World Tourism Association, UFTAA, PATA and ASTA—the American Society of Travel Agents—the world's premier professional travel association; he was inducted into the ASTA Hall of Fame in 1974.

His friendly smile, his warm handshake, his gentle manner and his deep interest in people brought Don Miguel honors wherever he went—honorary degrees from leading universities, including Columbia, Temple and Hebrew University in Jerusalem, the highest decorations of many countries in the Americas, Europe, Africa and Asia, honorary membership in cultural organizations both in Mexico and abroad, including the Royal Spanish Academy, the Academy of International Law and various national academies of arts and sciences.

Mexico and the world have lost a leader, beloved by all. He left behind a legacy which will endure for many years; those who were fortunate enough to be inspired by him will not forget and we know that his spirit will live forever.●

HIGHWAY USER FEES

● Mr. ABDNOR. Mr. President, the Surface Transportation Assistance Act of 1982 placed a tremendous tax burden on the trucking industry.

This burden is both unfair and inequitable because a flat user fee is to be assessed on all heavy motor vehicles, regardless of miles traveled. Trucks that travel a mere 5,500 miles a year across our Nation's highway system are to be subject to an identical fee as trucks that travel 200,000 miles on our highways.

One need not be an economist or a scholar to realize the regressiveness and inequity of this approach.

On January 26 of this year I introduced S. 113, to repeal highway user fees for heavy vehicles and replace the fees with a nickel-a-gallon increase in the Federal tax on diesel fuel to be phased in over a 2-year period.

I took the lead in introducing this legislation because I felt a "pay-as-you-go" fee would distribute more equitably the burden of maintaining our Nation's highway system. Under my legislation, heavy vehicles which travel more miles, using more fuel, thereby will pay their appropriate share for the maintenance of our highways.

The American Trucking Association, composed of motor carriers from all 50 States and the District of Columbia, has given its full support to my proposal as an equitable replacement for the user fees imposed by last year's act.

Today, Mr. President, I am happy to join Senators WALLOP and BOREN in their initiative to move a diesel differential fuel tax bill through the Committee on Finance. As members of the Committee on Finance, they can be instrumental in moving the differential fuel tax through Congress.

With combined efforts, I believe we can reach our goal of maintaining our country's vital highway system by justly taxing those who benefit from it the most; and for that reason I am pleased to cosponsor their bill which is virtually identical to my own.●

LATIN AMERICA AND ROBERT F. KENNEDY

● Mr. DODD. Mr. President, 15 years after his death, the words of Robert Kennedy continue to inspire and inform us. Much of what he had to say during a lifetime of distinguished public service remains fresh, relevant, and compelling today. In part, this is a tribute to the acuteness of the man's vision and the quality of his eloquence. But in part, I am afraid, it also reflects our failure to heed some of his warnings years ago.

Robert Kennedy knew that revolution was coming in Latin America, for example, and he knew what our country had to do if that revolution was to be channeled toward just, humane, and constructive ends. Not an insignificant portion of the price being paid in Central America now could have been saved if we had listened more carefully to him.

In the New York Times on June 9, 1983, Anthony Lewis recalled some of Robert Kennedy's wisdom, its applicability to the contemporary world, and the void which his murder has left. I ask that his column be printed in the RECORD.

The column follows:

"THE LAND OF BECOMING"

(By Anthony Lewis)

BOSTON, June 8.—On a visit to Latin America in 1965, Robert Kennedy told a group of Peruvian students that the responsibility of our time was "to lead a revolution—a revolution which will be peaceful if we are wise enough, human if we care enough, but a revolution which will come whether we will it or not." To lead it toward freedom and justice was a formidable task, he said, but not impossible for us in our hemisphere:

"America is, after all, the land of becoming—a continent which will be in ferment as long as it is America, a land which will never cease to change and grow. We are as we act. We are the children and the heirs of revolutions. . . ."

It is 15 years this week since Robert Kennedy was murdered. How far we have moved in that time from his vision of the United States: as a country receptive to change, sensitive to injustice, ready to help victims of oppression struggle against ignorance and poverty. How far especially in our Government's policy toward Latin America.

Senator Kennedy came back from the 1965 trip warning that, "if we allow Communism to carry the banner of reform, then the ignored and the dispossessed, the insulted and injured will turn to it as the only way out of their misery." Yet the leaders of many Latin countries, he said, denounced all efforts for justice as Communist.

"If we allow ourselves to become allied with those to whom the cry of 'Communism' is only an excuse for the perpetuation of privilege," he told the Senate—"if we assist, with military material and other aid, governments which use that aid to prevent reform for their people—then we will give the Communists a strength which they cannot attain themselves."

Today the United States is responding to turmoil in Central America in ways that, to many Latins, seem to align us with the defenders of privilege. In El Salvador the old forces of oppression are now undoing land reform. The military spends much of its time murdering civilians, including peasants and nuns who question the status quo. And the Reagan Administration's answer is to identify us with the regime: to stake our reputation on its murderous ineptitude.

Everywhere in Latin America the policy is "anti-Communism" at any price. Washington winks at official mass murder in Guatemala. It cozies up to torturers in Chile and killers in Argentina. It ignores the appeals of our friends in Mexico and elsewhere for political negotiation.

The result of such a policy will be as Senator Kennedy predicted: to make Communism more attractive to the dispossessed of Latin America, and improve the prospects for a revolution that is not humane. And there is another result, about which he would have cared just as much: the darkening of the vision that we have of ourselves as a nation.

How many of us assume now that our Government acts in the world on moral principle? How many expect it to oppose inhumanity wherever it is found? In this age of cynicism, how many think that real change is possible? How many think that America is the land of becoming?

Robert Kennedy made people believe in the possibility of change. That was his special quality, and it got through to audiences of all kinds: in Tennessee and Peru, in Poland and South Africa. People who had lost hope found it in him.

He did not do it by easy promises. To the contrary, he made a point of saying that there would have to be sacrifices, that life would be uncomfortable. Nor did he offer the usual politician's smooth self-confidence, the packaged simplicities. He made mistakes and admitted them. He was vulnerable, prickly, irreverent. He was a romantic. He was a realist.

He believed in moral concern as public policy, and he believed in power: a combination that we have almost forgotten how to put together. He warned above all against the feeling that nothing can be done. Any man or woman, he said, acting in "courage or belief," can make a difference.

To think about Robert Kennedy is to realize what limp political choices Americans have today. The White House projects the sense not of possibility, of hope, but of fixation. The Democratic candidates offer all the passion of an accountants' convention.

No wonder so many millions of Americans, especially the young, are turned off by politics. I find myself thinking that something has gone fundamentally wrong with our political process, that it is not again going to

produce leadership of vision and courage. But that is the very kind of defeatism that Robert Kennedy rejected.

He would have been celebrating his 35th Harvard College reunion this week. His daughter, Kathleen Kennedy Townsend, spoke to his classmates one night. She talked briefly and affectingly about his concern for human rights, his belief that the privileged have obligations, his insistence that problems made by men can be solved by them. Then she said: "Those dreams are still worth dreaming."●

HONORING JESS GORKIN

● Mr. D'AMATO. Mr. President, it is with special pride that I ask the Nation's thanks be extended, with honor, to a most distinguished citizen, Jess Gorkin of Long Boat Key, Fla., and White Plains, N.Y. Mr. Gorkin recently retired after long service as one of America's most farsighted and courageous editors.

Mr. Gorkin, earlier an editor at Look, served in the U.S. Office of War Information (OWI) during World War II and afterward assumed the editorship of Parade, the Sunday newspaper magazine. Under his editorial leadership, Parade grew from 1 million to 21 million in circulation and attained great national respect: read and consulted by citizens and leaders in many fields.

Retiring from Parade about 5 years ago, Mr. Gorkin took over the editorship of Retirement Living and reshaped it into the vigorous, modern 50 Plus magazine which was still growing rapidly on January 1 of this year, when he finally decided his job had been finished and chose to retire to a more private life.

During 30 years at Parade, Mr. Gorkin proved himself an editor of great courage and insight, investigating national and social problems and always suggesting practical solutions. He faced issues squarely, and associates say he never let partisanship influence his recommendations.

Among the world's journalists he is known as the man who, sensing a critical need for instant communication in a nuclear age, published an "open letter" to President Eisenhower and Soviet Premier Nikita Khruschev proposing a Washington-Moscow hotline. Both nations acted and that hotline is still in effect today.

In national journalism, Mr. Gorkin became famous for his series of "open letters" to the public, the Congress, the White House, and other American leaders. Among other important topics, these letters dealt with health care, highway safety, education, national defense, and justice. He was one of the first to challenge American architects and builders to change their plans so that Americans need no longer be trapped in homes and buildings from which escape is difficult in case of fire.

Among his other significant public service contributions have been:

An open letter to the public urging action to save the Gettysburg Battlefield from unsightly commercial exploitation;

An open letter to President Nixon calling for a Washington-Peking hotline—a project on which he is still at work;

An open letter to educators asking that cardiopulmonary resuscitation (CPR) and the Hemlich maneuver—to rescue choking victims—be made part of the mandatory training in high school physical education courses. Many have done so;

An open letter to President Johnson proposing the first joint United States-Soviet space flight, which became an actuality and earned him a commendation by President Ford;

An open letter to American youth suggesting they "work a day for J.F.K." and raise funds toward the Kennedy Memorial Library—contributions totaled over $5 million; and

As editor of 50 Plus he published a series of "challenges" to business leaders, educators, doctors, and public officials in which he fought for reforms that would assure better treatment and care for America's senior citizens.

Mr. Gorkin has been honored by the American Legion, Veterans of Foreign Wars, the National Safety Council, and the Overseas Press Club—for excellence in foreign reporting. He has been given high honors, too, by the University of Iowa—his alma mater—where he lectures occasionally on journalism, and by other organizations.

Mr. Gorkin married the former Miss Dorothy Kleinberg and they have three sons, Michael, Brett, and Scott. They now maintain a residence at Long Boat Key, Fla.●

RHODE ISLAND'S BRIAN LAWTON: AN AMERICAN ORIGINAL

● Mr. PELL. Mr. President, Rhode Island and the entire Nation were proud last week when a 17-year-old school boy from Cumberland, R.I., became the first American ever selected as the first choice in the National Hockey League amateur draft. Brian Lawton, the son of Richard and Cathy Lawton, had a glittering 4-year high school career at Mount St. Charles School in Woonsocket, R.I., and had graduated from high school just 3 days before learning of his No. 1 selection in the National Hockey League draft. The second of four children, Brian has been an outstanding athlete ever since he began playing hockey at the age of 5. Although he has won almost every honor available to a high school athlete, including Rhode Island Schoolboy Athlete of the Year, he has gone out of his way to make sure that he is treated as an ordinary student despite the intense media attention and professional scouting that have surrounded him. Moreover he has maintained a steady "B" average throughout his high school years.

Whether Brian Lawton decides to pursue a college career or participation in the Olympics before playing professional hockey, it is evident that he has an outstanding career ahead of him. I would like to share with my colleagues an article about this very unique young man which appeared recently in the Woonsocket Call. I ask that the text of the article, entitled "It's Official: Lawton Top Pick," be printed in the RECORD.

The article follows:

[From the Woonsocket Call, June 8, 1983]

IT'S OFFICIAL: LAWTON TOP PICK

(By Larry Berman)

MONTREAL.—The historic announcement came in one simple sentence.

"The Minnesota North Stars select Brian Lawton," blurted Lou Nanne, the team's general manager, as the National Hockey League's amateur draft began this morning at the Montreal Forum.

Lawton, who graduated from Mount St. Charles Academy only three days ago, became the first American ever to be drafted in the number one position in the NHL's 67-year history.

Sitting in the stands with his parents, Richard and Cathy, Lawton came bounding down to the applause of some 1,000 draft watchers. The 17-year-old center was escorted to the North Stars' table on the floor of the arena and shook hands with Nanne and team officials. The Cumberland resident was presented a Minnesota jersey and immediately became engulfed by media members.

"It's great thrill!" said a beaming Lawton. "I'm so honored. And, I'm still a little bit in awe."

The Canadian natives were a bit in awe, too, wondering how an American could have stolen the thunder from a sport it has so long dominated.

Reminded of the significance of such a selection, Lawton said, "It hasn't hit me yet.

"I had hoped that I'd be number one, but I was never really sure until I heard my name called."

Nanne, known for his many trades in past years, listened to numerous offers even until this morning, but he deemed all deals, which included established NHL players, not equal to the potential of Brian Lawton.

Americans continued to steal the spotlight with two other selections in the top five. Center Pat Lafontaine of Detroit was tabbed third by the New York Islanders, and goaltender Tom Barrosso of Acton-Boxboro (Mass.) High was the fifth choice by the Buffalo Sabres.

The Hartford Whalers surprised many by passing over the high-scoring Lafontaine in favor of Sylvain Turgeon, a center from Quebec.

The Boston Bruins, selecting last in the first round, chose Nevin Markwart, a wing from Toronto.

However, none of those players gained the national and international attention of professional scouts as much as one center from a high school power in Woonsocket, R.I.

Lawton has been coveted by NHL scouts since the beginning of his storied Mount

career. He has made his reputation as a complete player—with no weaknesses in any area.

The 6-1, 180-pounder has outstanding size and toughness. He's an excellent skater and an unselfish team player.

He had a glittering career at Mount, earning Call all-star and all-state honors for three consecutive years. The Cumberland resident also played regularly as a freshman and wound up his career by playing integral roles on all four state and national championship teams. He won the Call Scoring Race championship and the state scoring title in each of his last two years.

As the number one choice, he is stepping into some pretty fast company. Among the previous first selections were Denis Potvin, now captain of the four-time Stanley Cup champion New York Islanders; Guy Lafleur, who led the Montreal Canadiens to four consecutive Cups in the 1970s, and Gil Perreault and Dale McCourt, now stars with the Buffalo Sabres.

All of those players were tabbed directly out of the Canadian Junior Leagues, which is the usual route. But now, U.S. high school and college players are coveted just as highly.

"I knew that some day we'd see the top few selections being Americans, but I never thought it would happen so soon," said Nanne. "The Americans have developed rapidly."

Previously, the highest a U.S. native had ever been drafted was third. Two years ago, Bobby Carpenter was tabbed by the Washington Capitals directly out of St. John's Prep in Danvers, Mass.

Carpenter and Lawton played against each other for their respective high schools in an exhibition game (won by Mount). They share other similarities—both had accepted full scholarships at Providence College, although Carpenter skipped a collegiate career and immediately joined the Caps.

Lawton had scored 64 goals and 136 points in his two seasons, proving that American school boys can more than hold their own with their Canadian counterparts.

Lawton may also pass up the opportunity to join the Friars, at least for the upcoming season. If he does not sign right away with the North Stars, he is leaning toward becoming a member of the United States Olympic Team as it defends its gold medal in Yugoslavia next February.

Lawton must first try out for the Olympic squad at the U.S. National Festival in Colorado Springs. That camp is only three weeks away. He hopes to make some sort of decision before then so as not to leave U.S. coach Lou Vairo hanging.

After the Olympics, he could sign with the North Stars and join them immediately (February isn't so far away," Lawton says), or remain an amateur and begin his PC career the following year.

"The Olympics have always been a dream for me," he says.

Of course it will be hard to pass up Minnesota offers, which figure to be in the range of at least a half-million dollars for a three-year period.

"I'm in no hurry to be rich," adds Lawton. "The financial security would be nice, though."

As his big decision comes nearer, Lawton is confident in the fact that he can play with the big boys. "But I'd have to do a lot of hard work over the summer," he adds.

He's already adjusted well to playing with older talent. He was the youngest member on both of his U.S. teams in the past year. At the World Junior Championships in the Soviet Union he was one of the squad's Most Valuable Players, and at the World 'B' Championships in Japan he scored two goals in the team's most important victory, which secured the gold medal for the U.S.

Lawton displayed his potential early in his career and has improved each season. While playing at Mount, he racked up superb totals of 125 goals and 125 assists.

In his final three seasons, his statistics were tremendous—34 goals and 31 assists as a sophomore, 45 goals and 43 assists as a junior, and 37 goals and 46 assists this past winter (despite missing some action due to the Russian trip).

But all the success has not come on natural ability alone . . . although he certainly has plenty of that. He is a tireless worker, always being the last to leave the ice at practice.

And now, all that hard work has been rewarded.

"It's a great honor to be number one," Lawton concluded, "But I'm still going to have to go out and prove myself."●

CHARLES A. HALLECK FEDERAL BUILDING

● Mr. QUAYLE. Mr. President, I am pleased to join with my colleague, Senator LUGAR, in introducing S. 1465, a bill to rename the Federal Building in Lafayette, Ind., in honor of an outstanding Hoosier, Charles A. Halleck.

Throughout his long career, Charles Halleck has exemplified an unfailing devotion to public service. He is a native of Demotte, Ind.; served in the infantry during World War I; attended Indiana University; and practiced law for over 10 years, as a prosecuting attorney on the 30th Judicial Circuit.

On January 29, 1935, Charles Halleck commenced his service in the House of Representatives which was to continue for over 30 years. He served as majority leader in the 80th and 83d Congresses and as minority leader in the 86th, 87th, and 88th Congresses. In 1968, after more than 34 years as a Member of Congress and a leader of the Republican Party, Charles Halleck retired to Rensselaer, Ind., where he continues to reside today.

At the age of 82, Charles Halleck remains an active and vital senior spokesman of Indiana's Republican Party. He enjoys widespread affection and admiration from his neighbors, former constituents, and the judicial officers with whom he served.

I believe that the Charles A. Halleck Federal Building is a fitting tribute to one who enjoys an outstanding record of faithful public service and who serves as an example for all who follow his footsteps.

RHODE ISLAND PLANS FOR THE FUTURE

● Mr. PELL. Mr. President, I call the attention of the Senate to an article describing an extraordinary effort now underway in the State of Rhode Island to identify, analyze, and define the elements of our State's future economic development.

As one of the oldest of the industrial States, Rhode Island is a living laboratory of America's economic evolution and, because of its compact geographical size, it lends itself to the kind of systematic analysis described in the article.

The project is being undertaken by the Rhode Island Strategic Development Council, which brings together the leaders of the business, labor, financial, and educational communities of the State.

The coauthors of the article are especially well qualified to describe this unique venture. J. Terrence Murray, chairman and president of Fleet Financial Group of Providence is chairman of the Rhode Island Strategic Development Commission. Ira Magaziner is president of the international consulting firm, Telesis Inc., which is coordinating research for the commission.

Mr. President, I submit for printing in the RECORD the article entitled "Rhode Island Plans for Future," from the Boston Globe of May 10, 1983.

The article follows:

[From the Boston Globe, May 10, 1983]

RHODE ISLAND PLANS FOR FUTURE

(By J. Terrence Murray and Ira Magaziner)

In a period when almost every state is scrambling to promote economic development, the State of Rhode Island has defined a uniquely comprehensive approach to planning its economic future.

In recent years, Rhode Island's economic development efforts have been quite similar to those of most other states. In addition to a glossy advertising campaign stressing quality of life, Rhode Island offers a standard package of investment incentives, such as industrial revenue bonds, site development and training subsidies and investment tax incentives. Along with 30 other states, Rhode Island provides special assistance to small businesses, and it has an active series of Small Business Administration programs and Urban Development Action Grant programs.

Still more recently, many Rhode Islanders talked up a storm about "high technology," "university-business partnerships" and "venture capital formation." There are now 18 states with high technology advisory councils, 19 programs around the country to foster university-industry technology and well over a dozen states with public, pension fund or public/private efforts aimed at venture capital formation.

Rather than jump on the bandwagon, leaders in Rhode Island have decided to take a more comprehensive approach to plotting Rhode Island's economic future. A commission has been established with representatives from the business, labor, financial, university and public communities in the state to prepare for the future. What distinguishes Rhode Island is the comprehensiveness of the study effort and the sweeping mandate for the commission to implement its work.

The Rhode Island Strategic Development Commission and its Advisory Committee comprise 70 people. The study itself is being conducted by 50 additional people (spending an average 20 hours per week), who have been donated by their companies, unions or universities or who have donated their own time. The study results will provide a more comprehensive look at the economy of a state than has ever been provided in this country. Some specific examples of the 32 separate examinations comprising the study are the following:

Specific information on cost structures, competitive positions, growth prospects, labor force characteristics, investment patterns and company structure will be gathered for almost every company in the state which exports goods or services anywhere outside Rhode Island.

An analysis of every company which has gone out of business or moved from the state (with over 50 employees), or which has reduced employment by more than 100 during the past 10 years, to understand the reasons why.

An analysis of all of the small businesses in the state carried out by direct interview rather than by secondary sources to understand better what constitutes the small business population and the characteristics of small business job creation, markets and growth. This will include a 100 percent analysis of the fate of all incorporations over a period of several years including those no longer in business.

An analysis of 23,000 corporate tax returns to understand the effects of various types of tax incentives (corporate, property, and income) on investment and job creation.

A department-by-department analysis of all the research capabilities in universities, hospitals and other institutions in the state to identify current and potential industry linkages.

When the results of this analysis are completed this summer, there will be a body of agreed-upon facts which will become the basis for a series of comprehensive recommendations for the state's executive authorities.

The majority of the recommendations, however, will be directed at the private sector. Each of the state's economic constituencies (industry, labor, finance, education, etc.) will be called upon to carry out certain recommendations as part of a compact for economic development.

The recommendations will address questions of how to stabilize and selectively expand Rhode Island's current industrial base, how to approach new growth areas selectively, how to improve the state's infrastructure for development without impairing its environment, how to develop its human resources through better training and better use of current know-how to improve the overall business climate.

The unveiling of our recommendations later this year will not end the commission's reason for being. Rather, it will mark the real beginning of our work, because we intend to see the project through to its actual implementation. As with any blueprint for economic development, no matter how well-conceived, we understand that success is not guaranteed. Plans cannot be carried out in a vacuum, free from influences of the world and national economies, politics, changing lifestyles and a host of other important factors.

The Strategic Development Commission will have done its job, we believe, if we succeed in creating a positive atmosphere in Rhode Island for economic growth and full employment. Our goal is to set the stage for a future in which Rhode Island's time has come to enjoy prosperity without fear that a troubled economy will take it away from us due to our own lack of planning or foresight. We feel our citizens deserve that much.●

BALTIC FREEDOM DAY

● Mr. PRYOR. Mr. President, on June 9, 1982, the Senate affirmed its solidarity with the Estonians, Latvians, and Lithuanians by unanimously supporting Senate Joint Resolution 201, naming June 14 as "Baltic Freedom Day." The resolution, which denounces the Soviet Union's illegal annexation of Lithuania in 1940, advocates the freedoms that the Soviet Union has categorically denied the Baltic States: those pertaining to self-determination, sovereignty, and free elections.

Today we should stop to consider the status of the Lithuanian state and the Lithuanian people. We have never and do not now recognize the pro-Soviet Government established after the U.S.S.R. orchestrated the national government's downfall in 1939. Rather, we choose to join with the thousands of Lithuanians who are struggling against the policy of Russification pursued by the Soviet regime. Protesting the hegemony begun under Czarist Russia, the Lithuanian people, at home and abroad, zealously defy attempts to eliminate their culture and national identity.

This Baltic Freedom Day, I encourage the citizens of the United States to examine Soviet actions in both Afghanistan and Poland, bearing in mind the Lithuanian plight. It is essential that we, as a nation, join with the Baltic States in rejecting oppressive regimes and the subsequent violations of human rights.●

COMMITTEE MEETINGS TOMORROW

Mr. McCLURE. Mr. President, I wonder if I may just alert the majority leader and other Members to a question that we may probably have on tomorrow.

We have a long-scheduled markup for the Committee on Energy and Natural Resources on the natural gas bill. We have finally gotten to the point where we are ready to start voting on some of those issues in that scheduled markup tomorrow morning.

At the same time, the distinguished Senator from Oregon has found it necessary to schedule the markup of the full Appropriations Committee on the Energy and Water Subcommittee bill. Therefore, we have a conflict at that time.

The reason I mention it is it will be my hope the Senate will grant unanimous consent that the Committee on Energy and Natural Resources may meet until 12:30 tomorrow, in which event then we could delay the beginning of that meeting and therefore accommodate the needs of Members on both sides of the aisle on those two committees.

Mr. BAKER. Mr. President, I thank the Senator. I assure him that I will start a unanimous-consent request through the clearance process to do that. I support that request, and I hope we can make it shortly.

Mr. President, we have a number of routine matters to be dealt with, and I think we can do them fairly promptly as soon as the minority leader is on the floor and has his material before him. In the meantime, Mr. President, since I see no other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. STEVENS. Mr. President, I inquire of my good friend, the Democratic leader, if it is now possible to proceed to the consideration of Calendar Nos. 133, 163, 165, 166, 167, 207, 208, 209, 211, 212, and 239.

Mr. BYRD. Mr. President, there is no objection on this side.

Mr. STEVENS. I thank the Senator.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MARINE FISHERIES PROGRAM AUTHORIZATION ACT

The Senate proceeded to consider the bill (S. 1099) to consolidate and authorize certain marine fishery programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce.

Mr. PACKWOOD. Mr. President, I am pleased that the Senate will consider this bill and three others that will, for the first time, provide active and comprehensive authorization of the activities of the National Oceanic and Atmospheric Administration (NOAA).

These four new authorization bills, S. 1097, S. 1098, S. 1099, and S. 1100 cover programs within all four of the NOAA budget areas. The four bills are:

S. 1097—A bill to consolidate and authorize certain atmospheric and satellite programs and functions;

S. 1098—A bill to consolidate and authorize certain ocean and coastal programs and functions;

S. 1099—A bill to consolidate and authorize certain marine fishery programs and functions;

S. 1100—A bill to consolidate and authorize program support and certain ocean and coastal programs and functions.

These bills, combined with the other NOAA authorization legislation already on the books, brings 100 percent of the NOAA budget within the annual reauthorization and oversight process. This is a step which is long overdue since NOAA has now existed for over 13 years without a comprehensive system for congressional review of its activities.

NOAA was originally established by Executive order in 1970 to consolidate Federal ocean and atmospheric activities. At that time these activities were scattered throughout a variety of Federal agencies. The need for a unified approach to the exploration and development of the oceans and atmosphere was recognized then, as it is now, as being essential to the maintenance and enhancement of the quality of our lives.

The scope of NOAA's responsibilities has also increased considerably since its formation in 1970. Since its establishment, NOAA has developed into a worldwide leader in ocean and atmospheric research and services. The functions of NOAA are critical for the efficient short-term and long-term forecasting of weather and the sound and productive management of the Nation's ocean and coastal resources. Not only does NOAA serve our national interests, but it provides essential data and services to other nations which assist in the protection of lives and property.

The status of NOAA as a worldwide leader in ocean and atmospheric research must be maintained to insure the continued safety and productivity of our Nation. Thus, it is in the national interest to take whatever steps are necessary to reinforce both NOAA's mission and its ability to carry out that mission.

However, maintaining the leadership status of NOAA has been more difficult in recent years. Budgetary pressure, as well as the proposed termination of certain programs, have confronted the agency during the past 3 years. This situation has threatened the viability of NOAA as an agency.

The reaction of Congress to these threats to NOAA has been to strongly support at least level funding for most NOAA programs. This support is a natural outgrowth of the national concern about the ever-increasing demands on our valuable oceanic and atmospheric resources. Congress feels that NOAA must be given the means to actively respond to this national concern.

The four bills that we are considering today recognize the importance of maintaining a strong national ocean and atmospheric program and provide the necessary authorization of funds for its administration. The Commerce Committee demonstrated its firm support for this comprehensive authorization plan when it unanimously voted to report these four bills on April 21, 1983.

There is another important point which I should make at this time. It is my feeling that a comprehensive authorization for NOAA lays a foundation for the establishment of NOAA as as independent agency within the Federal branch. Such a move has already been endorsed by the Reagan administration as part of a June 1, 1983, announcement. There is also widespread support for such an action within Congress and the ocean and atmospheric communities. By consolidating the legislative and appropriation authority for NOAA we are taking the first step toward the ultimate goal of transferring NOAA from the Commerce Department to a new, much deserved status as an independent organization. Such a transfer will, in my view, serve to bolster the mission and the effectiveness of NOAA.

For all these reasons, I urge Senators to join me in demonstrating Senate support for NOAA by voting in favor of S. 1097, S. 1098, S. 1099, and S. 1100.

Mr. HOLLINGS. Mr. President, this is the first time ever that the full Senate will consider legislation authorizing programs throughout the National Oceanic and Atmospheric Administration. The customary approach has been to enact authorization bills for specific programs covering only a fraction of the agency's activities. I am pleased that we have succeeded in taking a more comprehensive approach, because NOAA is involved in a vast variety of pursuits important to the Nation's present and future. One of the advantages we have seen flow from this tack is a heightened appreciation of NOAA among Commerce Committee members. I hope that comprehensive legislation will become traditional in authorizing the agency's programs in the future.

S. 1097 through S. 1100 provide for authorizations of appropriations for ocean and coastal programs, marine fisheries activities, environmental data and information services, satellite programs, and atmospheric research and services.

The Commerce Committee's hearings in February and March reviewed the administration's proposal to chop NOAA by more than $100 million and some 1,600 personnel. The authorization bills we have before us now reflect the extensive testimony against any effort to carve more flesh and bone from the agency's programs. As a result of many years of looking after NOAA from my vantage point on the Commerce Committee and State-Justice-Commerce Appropriations Subcommittee, I know how conservatively we have nursed its budget. The last several years of cutbacks, inflation, and salary increases have eroded NOAA's fundamental research and services. The bills we consider today do not call for major budget increases, but they do contemplate enabling the agency's activities to proceed without further reduction in fiscal year 1984.

NOAA makes a great contribution to the Nation—in terms of marine resource conservation, coastal zone management, weather services, and oceanic and atmospheric research. In addition, through such programs as sea grant, NOAA is a key factor in the education of scientists, engineers, and other highly skilled technical personnel. Nevertheless, the administration has continued to seek major reductions, including the elimination of the highly successful coastal zone and sea grant programs and a 40-percent decrease in fisheries activities. The bulk of the agency's work constitutes a part of our human and environmental infrastructure, and the administration budget cuts thus attack our future well-being. I hope we will soon see an end to this kind of shortsightedness. These authorization bills take a step in the right direction.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act".

FISHERIES INFORMATION COLLECTION AND ANALYSIS

SEC. 2. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its Fisheries Information Collection and Analysis duties under law, $26,500,000 for fiscal year 1984. These moneys shall be used to fund those duties relating to fisheries information collection and analysis specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Act of May 11, 1938 (16 U.S.C. 755), and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), the Act entitled, "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934 (16 U.S.C. 661 et seq.), and any other law involving such duties. These duties include, but are not limited to, collection analysis and dissemination of scientific data necessary to manage: marine fishery resources, marine mammals, endangered species, and their habitats.

(b) This authorization shall be in addition to any Fisheries Information Collection Analysis moneys authorized under the Magnuson Fishery Conservation and Manage-

ment Act of 1975 (16 U.S.C. 1801 et seq.), the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

FISHERIES CONSERVATION AND MANAGEMENT OPERATIONS

SEC. 3. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its Fisheries Conservation and Management Operations duties under law, $35,000,000 for fiscal year 1984. These moneys shall be used to fund those duties relating to fisheries conservation and management operations specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Act of May 11, 1938 (16 U.S.C. 755), the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), and the Act entitled, "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934 (16 U.S.C. 661 et seq.), and any other law involving such duties. These duties include, but are not limited to, development, implementation, and enforcement of conservation and management measures to achieve continued optimum use of living marine resources; including hatchery operations, fishery management plan activities, habitat conservation, and protected species management.

(b) This authorization shall be in addition to any Fisheries Conservation and Management moneys authorized under the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Salmon and Steelhead Conservation Act of 1980 (16 U.S.C. 3301 et seq.), and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

FISHERIES STATE AND INDUSTRY ASSISTANCE PROGRAMS

SEC. 4. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its Fisheries State and Industry Assistance program duties under law, $10,000,000 for fiscal year 1984. These moneys shall be used to fund those duties specified by the Fish and Wildlife Act of 1956 (16 U.S.C 742a et seq.) and any other law affecting State and industry fisheries assistance. These duties include, but are not limited to, financial assistance for fishing boats and fish processing plants, market development for fishery products, product quality and grants to States for improving management of interstate fisheries and stimulating fishery development.

(b) This authorization shall be in addition to any Fisheries State and Industry Assistance program moneys authorized under the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C 779 et seq.), the Act entitled "An Act to authorize the Secretary of the Interior to initiate with several States a cooperative program for the conservation, development, and enhancement of the Nation's anadromous fish, and for other purposes", approved October 30, 1965 (16 U.S.C 757a et seq.), the Central, Western, and South Pacific Fishery Development Act (16 U.S.C. 758e), and the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.).

PAY INCREASE AUTHORIZATIONS

SEC. 5. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its duties indicated under this Act, such additional sums as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROGRAM SUPPORT AUTHORIZATION ACT

The bill (S. 1100) to consolidate and authorize program support and certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Oceanic and Atmospheric Administration Program Support Authorization Act".

TITLE I—PROGRAM SUPPORT

EXECUTIVE DIRECTION AND ADMINISTRATION

SEC. 101. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its executive direction and administration duties under law, $55,400,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to executive direction and administration specified by the Act entitled "An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes", approved December 31, 1970, as amended (33 U.S.C. 857-1), and any other law involving such duties. Such duties include, but are not limited to, management, administrative support, retired pay of National Oceanic and Atmospheric Administration commissioned officers, and policy development.

MARINE SERVICES

SEC. 102. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its marine services duties under law, $62,400,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to marine services specified by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947, as amended (33 U.S.C. 883a), and any other law involving such duties. Such duties include, but are not limited to, ship operations, maintenance, and support.

AIRCRAFT SERVICES

SEC. 103. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its aircraft services duties under law, $5,000,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to aircraft services specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890, as amended (15 U.S.C. 311-329), and any other law involving such duties. Such duties include, but are not limited to, aircraft operations, maintenance, and support.

TITLE II—SELECTED OCEAN AND COASTAL PROGRAMS

OCEAN DUMPING RESEARCH

SEC. 201. For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under title II of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1401), there are authorized to be appropriated to the Department of Commerce $12,000,000 for the fiscal year 1984, and $12,000,000 for fiscal year 1985.

NATIONAL OCEAN POLLUTION PLANNING ACT OF 1978

SEC. 202. For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the National Ocean Pollution Planning Act of 1978, as amended (33 U.S.C. 1701), there are authorized to be appropriated to the Department of Commerce $3,000,000 for fiscal year 1984, and $3,000,000 for fiscal year 1985.

OCEAN RESEARCH

SEC. 203. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its ocean research duties under law, $34,000,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to ocean research specified by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947, as amended (33 U.S.C. 883a), and any other law involving such duties. Such duties include, but are not limited to, undersea marine resources, air-sea interaction, and ocean and Great Lakes environmental research.

(b) The authorization provided for under subsection (a) shall be in addition to ocean research moneys authorized under the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1401), and the National Ocean Pollution Planning Act of 1978, as amended (33 U.S.C. 1701), for the purpose of carrying out such duties relating to ocean research.

OCEAN SERVICES

SEC. 204. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its ocean service duties under law, $16,200,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to ocean services specified by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947, as amended (33 U.S.C. 883a), and any other law involving such duties. Such duties include, but are not limited to, coordination of interagency research in ocean dumping and marine pollution, provision of tide and current data for the safe and efficient use of

the oceans and Great Lakes by government, commerce, and the private sector.

(b) The authorization provided for under subsection (a) shall be in addition to moneys authorized under the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451), and the National Ocean Pollution Planning Act of 1978, as amended (33 U.S.C. 1701), for the purpose of carrying out such duties relating to ocean services.

MAPPING, CHARTING, AND GEODESY

SEC. 205. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its mapping, charting, and geodesy duties under law, $72,500,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to mapping, charting, and geodesy specified by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947, as amended (33 U.S.C. 883a), and any other law involving such duties. Such duties include, but are not limited to, aeronautical and nautical mapping and charting activities, and geodetic data collection and analysis.

TITLE III—PAY INCREASE AUTHORIZATION

MISCELLANEOUS

SEC. 301. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its duties indicated under this Act, such additional sums as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OCEAN AND COASTAL PROGRAM AUTHORIZATION ACT

The Senate proceeded to consider the bill (S. 1098) to consolidate and authorize certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment:

On page 3, strike line 11, through and including line 17, and insert the following:

(b) Section 3(c) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(c)) is amended by adding immediately after paragraph (3) the following:

"(4) For fiscal years 1984 and 1985, not to exceed $1,000,000 in each fiscal year appropriated pursuant to section 212 of the National Sea Grant College Program Act may be available to carry out this section.".

So as to make the bill read:

S. 1098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Oceanic and Atmospheric Administration Ocean and Coastal Program Authorization Act".

TITLE I—NONLIVING MARINE RESOURCES

AUTHORIZATION

SEC. 101. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its nonliving marine resource duties under law, $1,300,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to nonliving marine resources specified by the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947, as amended (33 U.S.C. 883a), and any other law involving such duties. Such duties include, but are not limited to, research, development, and licensing responsibilities pertaining to ocean thermal energy conversion and the seabed mining of manganese nodules, and polymetallic sulfide analyses and research.

(b) The authorization provided for under subsection (a) shall be in addition to moneys authorized under the Deep Seabed Hard Minerals Resources Act (30 U.S.C. 1401), and the Ocean Thermal Energy Conversion Act of 1980, as amended (42 U.S.C. 9101), for the purpose of carrying out such duties relating to nonliving marine resources.

TITLE II—NATIONAL SEA GRANT COLLEGE PROGRAM ACT

AUTHORIZATION

SEC. 201. (a) For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the National Sea Grant College Program Act, as amended (33 U.S.C. 1131), there are authorized to be appropriated to the Department of Commerce $42,000,000 for the fiscal year 1984, and $46,000,000, for fiscal year 1985.

(b) Section 3(c) of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a(c)) is amended by adding immediately after paragraph (3) the following:

"(4) For fiscal years 1984 and 1985, not to exceed $1,000,000 in each fiscal year appropriated pursuant to section 212 of the National Sea Grant College Program Act may be available to carry out this section.".

TITLE III—OCEAN THERMAL ENERGY CONVERSION ACT

AUTHORIZATION

SEC. 301. For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the Ocean Thermal Energy Conversion Act of 1980, as amended (42 U.S.C. 9101), there are authorized to be appropriated to the Department of Commerce $620,000 for fiscal year 1984, and $620,000 for fiscal year 1985.

TITLE IV—NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE ACT OF 1977

AUTHORIZATION

SEC. 401. For the purpose of enabling the National Oceanic and Atmospheric Administration to carry out its duties under the National Advisory Committee on Oceans and Atmosphere Act of 1977, as amended (33 U.S.C. 857-13), there are authorized to be appropriated to the Department of Commerce $630,000 for each of the fiscal years 1984 and 1985.

TITLE V—PAY INCREASE AUTHORIZATION

MISCELLANEOUS

SEC. 501. There are authorized to be appropriated to the Department of Commerce to evaluate the National Oceanic and Atmospheric Administration to carry out its duties indicated under this Act, such additional sums as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL AERONAUTICS AND SPACE AUTHORIZATION ACT, 1984

The Senate proceeded to consider the bill (S. 1096) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation with amendments, as follows:

On page 2, line 14, strike "$548,600,00", and insert "$558,600,000";

On page 7, line 14, strike "per centum", and insert "percent";

On page 7, line 21, strike "per centum", and insert "percent";

On page 8, line 23, strike "thirty", and insert "30";

On page 10, line 4, strike "thirty", and insert "30";

So as to make the bill read:

S. 1096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1984".

TITLE I

SEC. 101. There is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1983:

(a) For "Research and development", for the following programs:

(1) Space transportation capability development, $2,022,400,000;

(2) Space transportation operations, $1,535,600,000;

(3) Physics and astronomy, $558,600,000;

(4) Planetary exploration, $215,400,000;

(5) Life sciences, $59,000,000;

(6) Space applications, $321,000,000;

(7) Technology utilization, $10,000,000;

(8) Aeronautical research and technology, $328,300,000;

(9) Space research and technology, $138,000,000; and

(10) Tracking and data systems, $700,200,000.

(b) For "Construction of facilities", including land acquisition, as follows:

(1) Space Shuttle facilities at various locations as follows:

(A) Modifications for additional chillers for mission control center, Lyndon B. Johnson Space Center, $2,300,000;

(B) Modifications to mobile launch platform, John F. Kennedy Space Center, $27,300,000; and

(C) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $11,700,000;

(2) Space Shuttle payload facilities at various locations as follows:

(A) Construction of cargo hazardous servicing facility, John F. Kennedy Space Center, $9,000,000; and

(B) Modifications to spacecraft assembly and encapsulation facility for cargo processing, John F. Kennedy Space Center, $3,000,000;

(3) Construction of frequency standards laboratory, Jet Propulsion Laboratory, $2,700,000;

(4) Modifications to space flight operations facility, Jet Propulsion Laboratory, $1,600,000;

(5) Construction of fluid mechanics laboratory, Ames Research Center, $3,900,000;

(6) Construction of aeronautical tracking facility, Hugh L. Dryden Flight Research Facility, $800,000;

(7) Modifications and addition for composite materials laboratory, Langley Research Center, $5,100,000;

(8) Modifications to 30- by 60-foot wind tunnel, Langley Research Center, $4,400,000;

(9) Modifications for small engine component testing facility, Lewis Research Center, $7,000,000;

(10) Modifications to icing research tunnel, Lewis Research Center, $3,600,000;

(11) Relocation of 26-meter STDN antenna, Spain, $1,700,000;

(12) Repair of facilities at various locations, not in excess of $500,000 per project, $19,500,000;

(13) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $24,500,000;

(14) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $4,800,000; and

(15) Facility planning and design not otherwise provided for, $9,200,000.

(c) For "Research and program management", $1,247,500,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection (g), appropriations hereby authorized for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this title may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection (c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections (a) and (c), not in excess of $75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection (a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

(h) Notwithstanding any other provision of law, there shall be transferred to the National Aeronautical and Space Administration three Government-owned tracts of land used by the Administration and improvements thereon (totaling approximately 33.5 acres) at Ellington Air Force Base, Texas, without any transfer of funds therefor.

SEC. 102. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (14), inclusive, of section 101(b)—

(1) in the descretion of the Administrator or his designee, may be varied upward 10 percent, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 103. Not to exceed one-half of 1 percent of the funds appropriated pursuant to section 101(a) hereof may be transferred to and merged with the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to section 101(b) hereof (other than funds appropriated pursuant to paragraph (15) of such section) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in section 101(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of 30 days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (i) the nature of such construction, expansion, or modification, (ii) the cost thereof, including the cost of any real estate action pertaining thereto, and (iii) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 104. Notwithstanding any other provision of this title—

(1) no amount appropriated pursuant to this title may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation,

(2) no amount appropriated pursuant to this title may be used for any program in excess of the amount actually authorized for that particular program by sections 101(a) and 101(c), and

(3) no amount appropriated pursuant to this title may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 105. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore

ways and means of distributing its research and development funds whenever feasible.

SEC. 106. The authorization for Space Transportation Capability Development in section 101(a)(1) provides for the production activities necessary to provide for the fleet of Space Shuttle orbiters, including the production of spares necessary to ensure confident and cost-effective operation of the orbiter fleet. This authorization also initiates in fiscal year 1984 the procurement of a fifth orbiter.

SEC. 107. Any decision and proposed policy by the President or the National Aeronautics and Space Administration to commercialize some or all of the existing expendable launch vehicle technologies and associated facilities and equipment shall be presented to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review and approval. No such decision or policy shall be implemented until such committees have notified the President or the Administration, as appropriate, of their review and approval.

SEC. 108. Title III of the National Aeronautics and Space Act of 1958 (Public Law 85-568; 72 Stat. 426) is amended by adding at the end thereof the following new section:

"MISUSE OF AGENCY NAME AND INITIALS

SEC. 310. (a) No person (as defined by section 305) may (1) knowingly use the words 'National Aeronautics and Space Administration' or the letters 'NASA', or any combination, variation, or colorable imitation of those words or letters either alone or in combination with other words or letters, as a firm or business name in a manner reasonably calculated to convey the impression that such firm or business has some connection with, endorsement of, or authorization from, the National Aeronautics and Space Administration which does not in fact exist; or (2) knowingly use those words or letters or any combination, variation, or colorable imitation thereof either alone or in combination with other words or letters in connection with any product or service being offered or made available to the public in a manner reasonably calculated to convey the impression that such product or service has the authorization, support, sponsorship, or endorsement of, or the development, use, or manufacture by or on behalf of, the National Aeronautics and Space Administration which does not in fact exist.

"(b) Whenever it appears to the Attorney General that any person is engaged in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.".

TITLE II

SEC. 201. There is authorized to be appropriated $29,336,000 for fiscal year 1984 for the purpose of operating the land remote sensing satellite system, including provision for storage of a backup satellite.

SEC. 202. Notwithstanding title II of the National Aeronautics and Space Administration Authorization Act, 1983 (Public Law 97-324; 96 Stat. 1597), the Secretary of Commerce shall not transfer the ownership or management of any civil land, meteorological, or ocean remote sensing space satellite system and associated ground system equipment unless, in addition to any other requirement of law—

(1) the Secretary of Commerce or his designee has presented, in writing, to the Speaker of the House of Representatives and the President of the Senate, and to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a comprehensive statement of recommended policies, procedures, conditions, and limitations to which any transfer should be subject; and

(2) the Congress thereafter enacts a law which contains such policies, procedures, conditions, or limitations (or a combination thereof) as the Congress deems appropriate for any such transfer.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ATMOSPHERIC AND SATELLITE PROGRAM AUTHORIZATION ACT

The Senate proceeded to consider the bill (S. 1097) to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, which had been reported from the Committee on Commerce, Science, and Transportation with amendments, as follows:

On page 2, line 14, strike "1890, as amended", and insert "1890";

On page 2, line 14, strike "311),", and insert "311 et seq.),";

On page 2, line 17, strike "1947, as amended", and insert "1947";

On page 2, line 17, strike "883a),", and insert "883a et seq.)";

On page 2, line 18, strike "1958, as amended", and insert "1958";

On page 2, line 19, strike "1301),", and insert "1301 et seq.)";

On page 3, line 14, strike "1890, as amended", and insert "1890";

On page 3, line 14, strike "311),", and insert "311 et seq.)";

On page 3, line 20, strike "Weather", through and including "330)," on line 22, and insert the following:

On page 3, line 25, strike "Act", through "2901)," and insert "Act (15 U.S.C. 2901 et seq.)";

On page 4, line 14, strike "1890, as amended", and insert "1890";

On page 4, line 15, strike "311),", and insert "311 et seq.)";

On page 4, line 17, strike "(96", and insert "(Public Law 97-324; 96";

On page 4, line 7, strike "1890, as amended", and insert "1890";

On page 4, line 8, strike "311),", and insert "311 et seq.)";

On page 5, line 10, strike "(96", and insert "(Public Law 97-324; 96";

On page 6, line 2, strike "1890, as amended", and insert "1890";

On page 6, line 3, strike "311),", and insert "311, et seq.)";

On page 6, line 12, after "1983,", insert "approved October 15, 1982 (Public Law 97-324; 96 Stat. 1597)";

On page 8, line 16, strike "paragraphs:", and insert "paragraph:";

On page 9, line 12, strike "relate", and insert "relates";

On page 10, line 9, strike "data.';", and insert "data;';";

On page 10, line 18, strike "Such", through and including line 19, and insert "Subsection (e) of such section is amended to read as follows:";

On page 11, line 25, strike "of", and insert "thereof";

On page 12, line 5, strike "is", and insert "are";

On page 12, line 14, strike "VI,", and insert "VI".

So as to make the bill read:

S. 1097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization Act".

TITLE I—PUBLIC WARNING AND FORECAST SERVICE

AUTHORIZATION

SEC. 101. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its public warning and forecast service duties under law, $270,900,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to public warning and forecast specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.), the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.), and any other law involving such duties. Such duties include, but are not limited to, meteorological, hydrological, and oceanographic public warnings and forecasting.

TITLE II—ATMOSPHERIC AND HYDROLOGICAL RESEARCH

AUTHORIZATION

SEC. 201. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric and hydrological research duties under law, $55,500,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to atmospheric and hydrological research specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et

seq.), and any other law involving such duties. Such duties include, but are not limited to, research for developing improved prediction capabilities for atmospheric and hydrological processes.

(b) The authorization provided for under subsection (a) shall be in addition to moneys authorized under the Act of December 18, 1971, entitled "An Act to provide for the reporting of weather modification activities to the Federal Government (15 U.S.C. 330 et seq.), and the National Climate Program Act (15 U.S.C. 2901 et seq.), for the purpose of carrying out such duties relating to atmospheric and hydrological research.

TITLE III—SATELLITE SERVICE

AUTHORIZATION

SEC. 301. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite services duties under law, $75,000,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to satellite services specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), title II of the National Aeronautics and Space Administration Authorization Act, 1983, approved October 15, 1982 (Public Law 97-324; 96 Stat. 1597), and any other law involving such duties. Such duties include, but are not limited to, satellite maintenance and operations and satellite data analysis.

TITLE IV—SATELLITE SYSTEMS

AUTHORIZATION

SEC. 401. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite systems duties under law, $137,600,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to satellite systems specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), title II of the National Aeronautics and Space Administration Authorization Act, 1983, approved October 15, 1982 (Public Law 97-324; 96 Stat. 1597), and any other law involving such duties. Such duties include, but are not limited to, spacecraft procurement, launch, and associated ground station system changes involving polar orbiting and geostationary meteorological satellites and land remote sensing satellites.

TITLE V—DATA AND INFORMATION SERVICES

AUTHORIZATION

SEC. 501. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its data and information services duties under law, $27,800,000 for fiscal year 1984. Moneys appropriated pursuant to this authorization shall be used to fund those duties relating to data and information services specified by the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture", approved October 1, 1890 (15 U.S.C. 311 et seq.), and any other law involving such duties. Such duties include, but are not limited to, environmental data and information products and services in the atmospheric, marine, solid earth, and solar-terrestrial sciences.

TITLE VI—MISCELLANEOUS

LIMITATION ON TRANSFER AUTHORITY

SEC. 601. Notwithstanding title II of the National Aeronautics and Space Administration Authorization Act, 1983, approved October 15, 1982 (Public Law 97-324; 96 Stat. 1597), the Secretary of Commerce shall not transfer the ownership or management of any civil land, meteorological, or ocean remote sensing space satellite system and associated ground system equipment unless, in addition to any other requirement of law—

(1) the Secretary of Commerce or his designee has presented, in writing, to the Speaker of the House of Representatives and the President of the Senate, and to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a comprehensive statement of recommended policies, procedures, conditions, and limitations to which any transfer should be subject; and

(2) the Congress thereafter enacts a law which contains such policies, procedures, conditions, or limitations (or a combination thereof) as the Congress deems appropriate for any such transfer.

WEATHER SERVICE OFFICES

SEC. 602. No weather service station or weather service forecast office of the National Weather Service shall be closed or consolidated until the Secretary establishes appropriate standards, principles, and procedures (including formal hearings, comment periods, public notice, and other appropriate means of presenting evidence, views, and opinions) relating to any proposed closure or consolidation of a weather service facility.

WEATHER MODIFICATION REPORTING ACT

SEC. 603. Section 6 of the Act of December 18, 1971, entitled "An Act to provide for the reporting of weather modification activities to the Federal Government" (15 U.S.C. 330e) is amended—

(1) by striking out "and"; and

(2) by inserting immediately after "1981," the following: "and $100,000 for the fiscal year ending September 30, 1984,".

NATIONAL CLIMATE PROGRAM

SEC. 604. (a) Section 4 of the National Climate Program Act (15 U.S.C. 2904) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) The term 'Board' means the Climate Program Policy Board.".

(b) Subsection (c) of section 5 of the National Climate Program Act (15 U.S.C. 2904(c)) is amended—

(1) by inserting "(1)" "The Secretary",

(2) by designating the third sentence as paragraph, (3), and

(3) by striking out the second sentence and inserting in lieu thereof the following new paragraph:

"(2) The Office shall—

"(A) serve as the lead entity responsible for administering the program,

"(B) be headed by a Director who shall represent the Climate Program Board and shall be the spokesman for the program.

"(C) serve as the staff for the Board and its supporting committees and working groups,

"(D) review each agency budget request transmitted under subsection (h)(1) and submit an analysis of the requests to the Board for its review,

"(E) be responsible for coordinating interagency participation in international climate-related activities, and

"(F) work with the Academy of Sciences and other private, academic, State, and local groups in preparing and implementing the climate plan (described in subsection (d)(9)) and the program.

The analysis described in subparagraph (D) shall include an analysis of how each agency's budget request relates to the priorities and goals of the program established pursuant to this Act.".

(c) Subsection (d) of each section is amended—

(1) by striking out the semicolon at the end of paragraph (7) and inserting in lieu thereof a period and the following: "Such mechanisms may provide, among others, for the following State and regional services and functions:

"(A) studies relating to and analyses of climatic effects on agricultural production, water resources, energy needs, and other critical sectors of the economy,

"(B) atmospheric data collection and monitoring on a statewide and regional basis,

"(C) advice to regional, State, and local government agencies regarding climate-related issues,

"(D) information to users within the State regarding climate and climatic effects, and

"(E) information to the Secretary regarding the needs of persons within the State for climate-related services, information, and data.";

(2) by striking out "biennually" in paragraph (9) and inserting in lieu thereof "at a frequency (not more often than biennially or less often than quadrennially) determined by the Board", and

(3) by striking out "the intergovernmental program under section 6" in paragraph (9) and inserting in lieu thereof "the intergovernmental program described in paragraph (7)".

Subsection (e) of such section is amended to read as follows:

"(e) CLIMATE PROGRAM POLICY BOARD.—The Secretary shall establish and maintain an interagency Climate Program Policy Board, consisting of representatives of the Federal agencies specified in subsection (b)(2) and any other agency which the Secretary believes should participate in the program.

"(2) The Board shall—

"(A) be responsible for coordinating planning and progress review for the program;

"(B) review all agency and departmental budget requests related to climate transmitted under subsection (h)(1) and submit a report to the Office of Management and Budget concerning such budget requests;

"(C) establish and maintain such interagency groups as the Board determines to be necessary to carry out its activities; and

"(D) consult with users and producers of climate data, information, and services regarding the conduct of the program.

"(3) The Board biennially shall select a Chair from among its members. A Board member who is a representative of an

agency may not serve as Chair of the Board for a term if an individual who represented that same agency on the Board served as the Board's Chair for the previous term.".

(e) Subsection (f)(2) of such section is amended by inserting "with the Office" after "shall cooperate".

(f) The first sentence of subsection (g)(1) of such section is amended by inserting before the period at the end thereof the following: "and shall transmit a copy of such request to the National Climate Program Office".

(g) Section 6 of the National Climate Program Act (15 U.S.C. 2905) is repealed.

(h) There are authorized to be appropriated for purposes of carrying out the provisions of the amendments made by this section $1,189,000 for fiscal year 1984, and such sums as may be necessary for fiscal years 1985 and 1986.

TITLE VII—PAY INCREASE

AUTHORIZATION

SEC. 701. There are authorized to be appropriated to the Department of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its duties indicated under titles I through VI such additional sums for each title as may be necessary for increases in salary, pay, and other employee benefits authorized by law.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE REPLACEMENT OF PUMP CASING IN THE ROBERT B. GRIFFITH WATER PROJECT

The bill (S. 818) to authorize the replacement of existing pump casings in the Robert B. Griffith water project pumping plants 1A and 2A (formerly the Southern Nevada water project), and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to procure, and provide for the installation of, twelve new stainless steel casings and minor appurtenant parts to replace twelve existing cast steel pump casings in pumping plants 1A and 2A of the Robert B. Griffith water project, first stage.

SEC. 2. The Secretary is hereby authorized to negotiate with qualified manufacturers for the procurement of the new stainless replacement casings.

SEC. 3. Costs incurred in the procurement of the twelve pump casings and minor appurtenant parts shall be borne by the United States and shall be nonreimbursable and nonreturnable. The State of Nevada shall bear 100 per centum of the costs of installing the twelve stainless steel casings and minor appurtenant parts, all in a manner satisfactory to the Secretary.

SEC. 4. There is hereby authorized to be appropriated beginning October 1, 1983, for procurement of twelve stainless steel pump casings and minor appurtenant parts for the Robert B. Griffith water project pumping plants 1A and 2A the sum of $1,500,000 (July 1980 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in procurement costs as indicated by engineering cost indexes applicable to the type of procurement involved: *Provided,* That except as otherwise may be required by existing contracts, the United States shall incur no further liability with respect to the twelve pumps in pumping plants 1A and 2A of the Robert B. Griffith water project, first stage and no further expenditures or actions by the United States with respect to those pumps are either expressly or impliedly authorized by this Act.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GLADYS NOON SPELLMAN PARKWAY

The Senate proceeded to consider the bill (S. 680) entitled the "Gladys Noon Spellman Parkway," which had been reported from the Committee on Energy and Natural Resources with an amendment:

On page 2, strike line 5, through and including page 3, line 3, and insert the following:

SEC. 2. The parkway, under the jurisdiction of the Secretary of the Interior, in the State of Maryland known as the Baltimore-Washington Parkway, is hereby dedicated to Gladys Noon Spellman in recognition of her efforts to upgrade a most important transportation corridor in the Capital region and more broadly, to recognize her service to people of Maryland and the Nation as a Member of the House of Representatives of the Congress of the United States.

SEC. 3. In order to carry out the provisions of this Act, the Secretary of the Interior is authorized and directed to provide such identification by signs, including, but not limited to existing signs, materials, maps, markers, interpretive programs, or other means as will appropriately inform the public of the contributions of Gladys Noon Spellman.

SEC. 4. The Secretary of the Interior is further authorized and directed to cause to be erected and maintained, at a suitable location adjacent to the Baltimore-Washington Parkway, an appropriate marker commemorating the contributions of Gladys Noon Spellman.

SEC. 5. Effective October 1, 1983, there are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Mr. SARBANES. Mr. President, I rise in support of passing S. 680, a bill to honor Maryland's Congresswoman Gladys Noon Spellman. This bill was introduced by me and cosponsored by my distinguished colleague from Maryland, Senator CHARLES MCC. MATHIAS, JR.

Representative Gladys Spellman spent a lifetime dedicated to public service and is one of the most remarkable people ever to hold public office in the State of Maryland. Her entire career was marked by an extraordinary understanding of and respect for the democratic process. Typical of the letters I received in support of this legislation is one from a resident in the district Gladys represented who wrote, "I am writing to you to ask your support and prompt action on the bill to rename the Baltimore-Washington Parkway in Gladys Spellman's honor. She was a great lady and right there to help the older people. . . ." This woman was speaking for thousands who admire Gladys' record of achievement and her dedicated representation of her constituents.

Mr. President, the bill we have before us today is considerably different from the legislation I originally introduced. It does not rename the Baltimore-Washington Parkway for Representative Spellman; it simply dedicates the parkway to her. I want to make clear that I prefer the language of the original bill; however, I support passage of the amended bill simply because I feel so strongly that the Congress should honor one of its finest members.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill entitled the "Gladys Noon Spellman Dedication."

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ALBEN BARKLEY HISTORIC SITE

The Senate proceeded to consider the bill (S. 886) to designate the Alben Barkley National Historic Site, which had been reported from the Committee on Energy and Natural Resources with an amendment:

On page 2, line 15, strike "1982", and insert "1983",

So as to make the bill read:

S. 886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) That in order to preserve for the benefit, education, and inspiration of present and future generations certain historically significant properties associated with the life of Alben Barkley, the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, the lands and buildings thereon known as "Angles," comprising approximately thirteen acres located near Paducah, Kentucky.

(b) It is the express intent of the Congress that the Secretary should substantially

complete the acquisition program authorized by this Act within one year after the date of enactment of this Act.

(c) Upon the acquisition of the aforesaid property, the Secretary shall establish the same as the Alben Barkley National Historic Site by publication of a notice and boundary map in the Federal Register. The Secretary shall administer the site in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666), as amended.

SEC. 2. Effective October 1, 1983, there are authorized to be appropriated from the Land and Water Conservation Fund not to exceed $700,000 for the acquisition of lands and interests therein.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REHABILITATION OF BELLE FOURCHE PROJECT

The Senate proceeded to consider the bill (S. 448) to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

On page 3, line 22, after "as", insert "of";

On page 4, beginning on line 5, strike "Water and Power Resources Service", and insert "Bureau of Reclamation".

So as to make the bill read:

S. 448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the general plan for the Belle Fourche project, South Dakota, heretofore authorized for construction by the Secretary of the Interior, May 10, 1904, pursuant to the Reclamation Act of 1902 (32 Stat. 388), is modified to include construction, betterment of works, water conservation, recreation, and fish and wildlife conservation and development. As so modified, the general plan is reauthorized under the designation "Belle Fourche unit" of the Pick-Sloan Missouri Basin program.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary"), is authorized to negotiate and execute an amendatory repayment contract with the Belle Fourche irrigation district covering all lands of the existing Belle Fourche project. This contract shall replace all existing contracts between the Belle Fourche irrigation district and the United States.

(b) The period of repayment of the construction and rehabilitation and betterment costs allocated to irrigation and assigned to be repaid by the irrigation water users shall be not more than forty years from and including the year in which such amendatory repayment contract is executed.

(c) During the period required to complete the rehabilitation and betterment program and other water conservation works, the rates of charge to land class in the unit shall continue to be as established in the November 29, 1949, repayment contract with the district, as subsequently amended and supplemented; thereafter, such rates of charge and assessable acreage shall be in accordance with the amortization capacity and classification of unit lands as then determined by the Secretary.

SEC. 3. (a) All miscellaneous net revenues of the Belle Fourche unit shall accrue to the United States and shall be applied against irrigation costs not assigned to be repaid by irrigation water users.

(b) Construction and rehabilitation and betterment costs of the Belle Fourche unit allocated to irrigation and not assigned to be repaid by the irrigation water users nor returned from miscellaneous net revenues of the unit shall be returnable from net revenues of the Pick-Sloan Missouri Basin program within fifty years from and including the year in which the amendatory contract authorized by this Act is executed.

SEC. 4. (a) The provision of lands, facilities, and project modifications which furnish recreation and fish and wildlife benefits in connection with the Belle Fourche unit shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

(b) The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital cost allocated to interest-bearing features shall be determined by the Secretary of the Treasury as of the beginning of the fiscal year in which construction of said interest-bearing features is initiated, on the basis of the computed average interest payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 5. Appropriations heretofore or hereafter made for carrying on the functions of the Bureau of Reclamation shall be available for credits, expenses, charges, and costs provided by or incurred under this Act. The Secretary is authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

SEC. 6. The Secretary is authorized to amend existing contracts and enter into additional contracts as may be necessary to implement and facilitate any future agreement between the Belle Fourche Irrigation District and non-Federal entities involving the sale of Belle Fourche project water for use by such non-Federal interest for other than irrigation purposes: *Provided,* That the net proceeds from such transactions between the Secretary, the Belle Fourche Irrigation District, and such non-Federal interest shall be paid to the United States as reimbursement of the cost of the works authorized by this Act, that such transactions are not in violation of applicable State laws, and that such transactions shall be subject to the consent and conditions of the State of South Dakota to such water use by such non-Federal interest in accordance with the laws of South Dakota and the provisions of the Belle Fourche River Compact between the States of Wyoming and South Dakota to which the consent of Congress was given in the Act of February 26, 1944 (ch. 64, 58 Stat. 94).

SEC. 7. There is hereby authorized to be appropriated beginning October 1, 1983, for the rehabilitation and betterment of the irrigation facilities of the Belle Fourche unit and recreation and fish and wildlife measues as authorized by this Act, the sum of $42,000,000 (based on January 1981 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost indexes applicable to the types of construction involved herein.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SANTA MARGARITA PROJECT, CALIFORNIA

The Senate proceeded to consider the bill (S. 805) to amend the Act of July 28, 1954 (68 Stat. 575), to authorize the Secretary of the Interior to construct, operate, and maintain the Santa Margarita Project, California, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 2, line 9, after "including", insert "the concurrent development of fish and wildlife mitigation measures";

On page 2, line 18, strike "environmental acceptability" and insert "compliance with applicable environmental laws";

On page 3, line 6, strike 'contrary.", and insert the following: "contrary: *Provided,* That the period of repayment for reimbursable construction costs shall be in accordance with the Federal reclamation law."

On page 4, strike line 8, through and including line 16, and insert the following:

"SEC. 4. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Santa Margarita project shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

"SEC. 5. There is hereby authorized to be appropriated beginning October 1, 1983, for construction of the Santa Margarita project the sum of $190,250,000 (January 1982 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved and, in addition thereto, such sums as may be required for operation and maintenance of the works of said project.".

So as to make the bill read:

S. 805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 28, 1954 (68 Stat. 575), is amended by striking all after the enacting clause and inserting the following:

"SECTION 1. (a) The Secretary of the Interior is authorized to construct, operate, and maintain the Santa Margarita project, California, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and in accordance with the plan set out in the report of the Secretary on the project, including the concurrent development of fish and wildlife miti-

gation measures and any changes that may be required by studies in progress. The principal features of the project shall consist of Fallbrook and DeLuz Dams and Reservoirs, pipelines, regulation facilities, or other facilities required to provide water to the Fallbrook Public Utility District and the Marine Corps base at Camp Pendleton.

"(b) Appropriation of construction funds is contingent upon a secretarial determination of economic justification and compliance with applicable environmental laws based on such studies. Such determination shall include an estimate of the construction costs of the Santa Margarita project. Any modifications of, omissions from, or additions to the plan for the purpose of furnishing a supplemental municipal and industrial water supply, supplemental irrigation water supply, flood control, regulation of imported water, recreation, for fish and wildlife enhancement shall be implemented only with the concurrence of the Secretary of the Navy. Repayment of reimbursable construction costs by the Fallbrook Public Utility District or other qualified entity or entities shall be on such terms and conditions as the Secretary of the Interior may determine, notwithstanding any other provision of law to the contrary: *Provided*, That the period of repayment for reimbursable construction costs shall be in accordance with the Federal reclamation law. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of the unit is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from date of issue.

"SEC. 2. The Secretary, prior to commencement of construction, shall enter into contracts with the Department of the Navy, the Fallbrook Public Utility District, or any other qualified entity or entities for delivery of water and for repayment of the reimbursable construction costs. Construction, operation, maintenance, and replacement costs of facilities and portions of facilities allocated to flood control and to the furnishing of a water supply to the Marine Corps base at Camp Pendleton shall be borne by the Department of the Navy.

"SEC. 3. In accordance with section 2481 of title 10, United States Code, proceeds from the sale of any surplus project water entitled to the Department of the Navy shall be credited to the Department of the Navy appropriation currently available for the supply of such water.

"SEC. 4. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Santa Margarita project shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

"SEC. 5. There is hereby authorized to be appropriated beginning October 1, 1983, for construction of the Santa Margarita project the sum of $190,250,000 (January 1982 price levels), plus or minus such amounts, if any, as may be justified by reason of changes in construction costs as indicated by engineering cost indexes applicable to the types of construction involved and, in addition thereto, such sums as may be required for operation and maintenance of the works of said project.".

Mr. WILSON. Mr. President, the legislation that the Senate is considering today, S. 805, will provide badly needed water supplies for southern California. This project will provide flood control and local water supplies for one of our most important defense installations, Camp Pendleton, and for the community of Fallbrook immediately adjoining the base. In addition, the Santa Margarita project will provide water to an increasingly important agriculture region, recreational opportunities and fish and wildlife benefits to the community of Fallbrook.

This project has had a long and complex history. First developed in the late 1940's as a single dam project, Congress authorized its construction in 1954. The principal features of the project shall consist of Fallbrook and DeLuz Dams and Reservoirs, pipelines, recreational facilities, and other facilities required to provide water to the Fallbrook Public Utility District and the Marine Corps Base at Camp Pendleton.

Support for this project is broad based and includes the Governor of California, the administration and many groups in the Fallbrook region. Governor Deukmejian of California believes, as I do, that this proposal will provide adequate water supplies for southern California while preserving our natural resources. The administration, speaking through the Departments of the Interior and the Navy, together with the Fallbrook Public Utility District are urging its approval.

The project is under the direction of the Department of Interior and is for the mutual benefit of the Marine Corps Base at Camp Pendleton and the Fallbrook Public Utility District.

Specific objectives are:

First. To conserve floodflows of the Santa Margarita River system in accordance with existing water rights and permits held for the benefit of Fallbrook Public Utility District and Camp Pendleton by the Bureau of Reclamation.

Second. To provide adequate storage capacity for the purchase, importation, and regulation of supplemental and emergency water supplies.

Three. To provide an adequate water supply to serve existing and projected development, closely coordinated with county and local land use plans.

Four. To provide flood protection in such a way as to conserve a maximum amount of water for use, rather than discharging it into the ocean.

Five. To strengthen the national defense by insuring that an adequate supply of water can be made available to Camp Pendleton at all times.

Six. To encourage and protect the production of high value, permanent specialty crops.

Seven. To promote the retention of lands proposed for long-term agricultural use in agricultural production and minimize urban sprawl and scattered urban development.

Eight. To encourage low-density residential development in rough terrain, and offer a range of choice of alternatives to high-density urban dwellings.

Nine. To provide recreational facilities, to help alleviate the present and projected deficiencies of such facilities in relation to the demand, and to diversify and strengthen the local economy in the Fallbrook area.

Ten. To preserve and enhance the fish, wildlife, natural vegetation, and open space of the project area, and to facilitate their use and enjoyment by people.

The Fallbrook Public Utility District and Camp Pendleton would utilize the water from the Santa Margarita project. The district serves over 16,000 residents and more than 9,000 acres of irrigated agriculture mostly avocado and citrus groves. As imported water deliveries in the future shift more to northern California from the Colorado, lack of storage capacity in the State system increases the risk of shortages in dry years. A serious disruption in the aqueducts serving the district could have a disastrous effect on these permanent crops, not to mention the hardships on the residents.

While the community of Fallbrook has no ground water basins and has had to rely entirely on imported water supplies, Camp Pendleton through a very sound water conservation program utilizing reclaimed wastewater for recharging of ground water acquifers, has been self sufficient. The administration's program to enhance use of the base to develop its mobilization capability and increase training activities must look for new resources. The Santa Margarita River project facilities will provide an alternative source of water supply for the Marine Corps base at Camp Pendleton, the U.S. Naval Hospital, and the Naval Weapons Station, Fallbrook Annex.

This project will provide benefits to an important military installation, Camp Pendleton, to the community of Fallbrook and to a valuable agricultural region.

Mr. President, I urge my colleagues to support this legislation.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL CHILDREN'S LIVER DISEASE AWARENESS WEEK

The Senate proceeded to consider the joint resolution (H.J. Res. 234) designating the week beginning June 19, 1983, as "National Children's Liver Disease Awareness Week."

Mr. D'AMATO. Mr. President, I rise today to urge adoption of House Joint Resolution 234, designating the week of June 19 as "National Children's Liver Disease Awareness Week." House Joint Resolution 234 is identical to Senate Joint Resolution 109, which now has 32 cosponsors. I ask for quick passage of this resolution so it may be signed by the President by June 19.

I want to thank those cosponsors who realized the importance of this legislation. I also want to thank my good friend, Congressman GUY MOLINARI, who secured passage of this resolution in the House. Hopefully, through passage of this legislation, liver disease in children will be recognized as a national problem.

The joint resolution was ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF TIME FOR FILING REPORT ON S. 1230

Mr. STEVENS. Mr. President, I ask unanimous consent that under the unanimous-consent agreement regarding S. 1230, the Armed Services Committee have until June 30, 1983, to report that bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEBANON EMERGENCY ASSISTANCE ACT OF 1983

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 639.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 639) entitled "An Act to authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes", do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Lebanon Emergency Assistance Act of 1983".

ECONOMIC SUPPORT FUND

SEC. 2. (a) It is hereby determined that the national interests of the United States would be served by the authorization and appropriation of additional funds for economic assistance for Lebanon in order to promote the economic and political stability of that country and to support the international effort to strengthen a sovereign and independent Lebanon.

(b) Accordingly, in addition to amounts otherwise authorized to be appropriated for the fiscal year 1983 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, there are authorized to be appropriated $150,000,000 to carry out such provisions with respect to Lebanon.

(c) Amounts authorized by this section may be appropriated in an appropriation Act for any fiscal year (including a continuing resolution) and shall continue to be available beyond that fiscal year notwithstanding any provision of that appropriation Act to the contrary.

MILITARY SALES AND RELATED PROGRAMS

SEC. 3. (a) In order to support the rebuilding of the armed forces of Lebanon, the Congress finds that the national security interests of the United States would be served by the authorization and appropriation of additional funds to provide training for the Lebanese armed forces and by the authorization of additional foreign military sales guaranties to finance procurements by Lebanon of defense articles and defense services for its security requirements.

(b) In addition to amounts otherwise made available for the fiscal year 1983 to carry out the provisions of chapter 5 of part II of the Foreign Assistance Act of 1961, there are authorized to be appropriated for the fiscal year 1983 $1,000,000 to carry out such provisions with respect to Lebanon.

(c) In addition to amounts otherwise made available for the fiscal year 1983 for loan guaranties under section 24(a) of the Arms Export Control Act, $100,000,000 of loan principal are authorized to be so guaranteed during such fiscal year for Lebanon.

UNITED STATES ARMED FORCES IN LEBANON

SEC. 4. (a) The President shall obtain statutory authorization from the Congress with respect to any substantial expansion in the number or role in Lebanon of United States Armed Forces, including any introduction of United States Armed Forces into Lebanon in conjunction with agreements providing for the withdrawal of all foreign troops from Lebanon and for the creation of a new multinational peace-keeping force in Lebanon.

(b) Nothing in this section is intended to modify, limit, or suspend any of the standards and procedures prescribed by the War Powers Resolution of 1973.

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR H.R. 1746 TO BE PLACED ON THE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be discharged from further consideration of H.R. 1746, a bill dealing with the Navajo and Hopi Indian Relocation Commission, and that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS ADMINISTRATION ADJUDICATION PROCEDURE AND JUDICIAL REVIEW ACT

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar No. 196, S. 636.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. No objection.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 636) to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration; and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs with amendments as follows:

On page 5, line 8, strike "subsection", and insert "subsections";

On page 5, after line 8, insert the following:

"(c)(1) When there are sixty-five members of the Board, the Chairman may from time to time appoint from the professional staff of the Board, or reappoint one time within the three-year period following the expiration of the term of the initial appointment, individuals to serve as temporary members of the Board for terms not to exceed one year. Not more than one such member may be appointed to a section of the Board.

"(2) If, as a result of the temporary absence of a member, a section is composed of less than three members, the Chairman may assign an individual from the professional staff of the Board to serve as an acting member of the Board on such section for not to exceed thirty days. An individual so appointed may serve a total of sixty days as an acting member during any fiscal year. Not more than one such member may be assigned to a section of the Board.

"(3) In each annual report to the Congress required by section 214 of this title, the Administrator shall provide detailed descriptions of the activities undertaken and plans made in the fiscal year for which such report is made with respect to the authority provided by paragraph (1) of this subsec-

tion. In each such annual report, the Administrator shall indicate, in terms of full-time employee equivalents, the number of Board members appointed pursuant to paragraph (2) of this subsection.".

On page 6, line 10, strike "(c)", and insert "(d)";

On page 6, line 12, strike "October 1, 1983", and insert "December 31, 1984";

On page 7, strike line 17, through and including line 21, and insert the following:

(2) in subsection (b)—

(A) by striking out "When" and inserting in lieu thereof "(1) Except as provided in paragraph (2), when";

(B) by inserting a comma and "after notice of such additional information is furnished to the claimant and the claimant is provided an opportunity to be heard in connection with such information," after "concerned"; and

(C) by adding at the end thereof the following new paragraph:

"(2) When, without the vote of a member appointed under section 4001(c) (1) or (2) of this title a section would be evenly divided, such member shall not vote.".

On page 10, line 1, strike "fact, law, and", and insert "fact and law and on";

On page 11, line 23, strike "at a", through and including "proceeding," on line 24;

On page 18, after line 16, insert the following:

SEC. 111. Section 3010(i) is amended—

(1) by inserting "(1)" after "(i)"; and

(2) by adding at the end the following new paragraph:

"(2) Whenever any disallowed claim is reopened and thereafter allowed on the basis of new and material evidence in the form of official reports from the proper service department, the effective date of commencement of the benefits so awarded shall be the date on which an award of benefits under the disallowed claim would have been effective had the claim been allowed on the date it was disallowed.".

On page 19, line 10, after "Administrator,", insert "other than rules or regulations pertaining to agency management or personnel or to public property or contracts";

On page 21, line 18, strike "The Administrator shall file, together with", and insert "No later than thirty days after filing";

On page 21, line 20, after "section,", insert "the Administrator shall file";

On page 22, strike line 11, through and including line 17, and insert the following:

"(f)(1) No action may be brought under this section unless (A) the initial claim for benefits is filed pursuant to section 3001 of this title on or before the last day of the fifth fiscal year beginning after the effective date of this section, and (B) the complaint initiating such action is filed not more than one hundred and eighty days after notice of the first final decision of the Administrator rendered after the last day of such fiscal year is mailed to the claimant pursuant to section 4004(d) of this title. If the case is reopened pursuant to section 4004(b)(2)(A) of this title within one hundred and eighty days after such notice is mailed, the next final decision shall, for purposes of this subsection, be considered the first final decision of the Administrator.

"(2) No action may be brought under this section with respect to matters arising under chapters 19 and 37 of this title.".

On page 28, line 9, strike "claimant,", and insert "claimant";

On page 28, line 10, strike "recognized under this section,";

On page 28, line 23, strike "per centum", and insert "percent";

On page 30, line 2, strike "per centum", and insert "percent";

On page 31, line 11, strike "where", through and including "just" on line 14, and insert the following: "in accordance with the provisions of section 2412(d) of title 28, notwithstanding the provisions of section 204(c) of the Equal Access to Justice Act, Public Law 96-481.".

So as to make the bill read:

S. 636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Veterans' Administration Adjudication Procedure and Judicial Review Act".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—ADJUDICATION PROCEDURES

SEC. 101. (a) Chapter 51 is amended by adding at the end of subchapter I the following new section:

"§ 3007. Burden of proof; benefit of the doubt

"(a) Except when otherwise provided by the Administrator in accordance with the provisions of this title, a claimant for benefits under laws administered by the Veterans' Administration shall have the burden of submitting evidence sufficient to justify a belief by a fair and impartial individual that the claim is well grounded. The Administrator shall assist a claimant in developing the facts pertinent to his or her claim.

"(b) When, after consideration of all evidence and material of record in any proceeding before the Veterans' Administration involving a claim for benefits under laws administered by the Veterans' Administration, there is an approximate balance of positive and negative evidence regarding the merits of an issue material to the determination of such claim, the benefit of the doubt in resolving each such issue will be given to the claimant, but nothing in this section shall be construed as shifting from a claimant to the Administrator the burden described in subsection (a) of this section.".

(b)(1) The table of chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part IV of such title are each amended by striking out in the item relating to chapter 51 "Applications" and inserting in lieu thereof "Claims".

(2) The heading of such chapter is amended to read as follows:

"CHAPTER 51—CLAIMS, EFFECTIVE DATES, AND PAYMENTS".

(c)(1) The table of sections at the beginning of such chapter is amended by striking out in the item relating to subchapter I "APPLICATIONS" and inserting in lieu thereof "CLAIMS".

(2) The heading of subchapter I of such chapter is amended to read as follows:

"SUBCHAPTER I—CLAIMS".

(d) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 3006 the following new item:

"3007. Burden of proof; benefit of the doubt.".

SEC. 102. Section 3311 is amended by adding at the end the following new sentences: "Subpenas authorized under this section shall be served by any individual authorized by the Administrator by (1) delivering a copy thereof to the individual named therein, or (2) mailing by registered or certified mail addressed to such individual at such individual's last known dwelling place or principal place of business. A verified return by the individual so serving the subpena setting forth the manner of service, or, in the case of service by registered or certified mail, the return post office receipt therefor signed by the individual so served shall be proof of service.".

SEC. 103. Section 4001 is amended—

(1) by amending the second sentence of subsection (a)—

(A) by striking out "(not more than fifty)" and inserting in lieu thereof "(not more than sixty-five)";

(B) by striking out "associate"; and

(C) by inserting before the period at the end of such sentence "in a timely manner"; and

(2) by adding at the end thereof the following new subsections:

"(c)(1) When there are sixty-five members of the Board, the Chairman may from time to time appoint from the professional staff of the Board, or reappoint one time within the three-year period following the expiration of the term of the initial appointment, individuals to serve as temporary members of the Board for terms not to exceed one year. Not more than one such member may be appointed to a section of the Board.

"(2) If, as a result of the temporary absence of a member, a section is composed of less than three members, the Chariman may assign an individual from the professional staff of the Board to serve as an acting member of the Board on such section for not to exceed thirty days. An individual so appointed may serve a total of sixty days as an acting member during any fiscal year. Not more than one such member may be assigned to a section of the Board.

"(3) In each annual report to the Congress required by section 214 of this title, the Administrator shall provide detailed descriptions of the activities undertaken and plans made in the fiscal year for which such report is made with respect to the authority provided by paragraph (1) of this subsection. In each such annual report, the Administrator shall indicate, in terms of full-time employee equivalents, the number of Board members appointed pursuant to paragraph (2) of this subsection.".

"(d) The Chairman of the Board shall submit a report to the appropriate committees of the Congress, not later than December 31, 1984, and annually thereafter, on the experience of the Board during the prior fiscal year together with projection for the fiscal year in which the report is submitted and the subsequent fiscal year. Such report shall contain, as a minimum, information specifying the number of cases appealed to the Board during the prior fiscal year, the number of cases pending before the Board at the beginning and end of such fiscal year, the number of such cases which were filed during each of the twenty-four months preceding the prior fiscal year and the then current fiscal year, respectively, the average length of time a case was before the Board between the time of the filing of an appeal and the disposition during the prior fiscal year, and the number of members of, and the professional, administrative, clerical, stenographic, and other personnel employed by, the Board at the end of the prior fiscal year. The projections for the current fiscal year and subsequent fiscal year shall in-

clude, for each such year, estimates of the number of cases to be appealed to the Board and an evaluation of the Board's ability, based on existing and projected personnel levels, to ensure timely disposition of such appeals as provided for by subsection (a) of this section.".

SEC. 104. Section 4002 is amended by striking out "associate" wherever it appears.

SEC. 105. Section 4003 is amended—

(1) in subsection (a), by inserting a comma and "after notice of such additional information is furnished to the claimant and the claimant is provided an opportunity to be heard in connection with such information," after "concerned"; and

(2) in subsection (b)—

(A) by striking out "When" and inserting in lieu thereof "(1) Except as provided in paragraph (2), when";

(B) by inserting a comma and "after notice of such additional information is furnished to the claimant and the claimant is provided an opportunity to be heard in connection with such information," after "concerned"; and

(C) by adding at the end thereof the following new paragraph:

"(2) When, without the vote of a member appointed under section 4001(c) (1) or (2) of this title a section would be evenly divided, such member shall not vote.".

SEC. 106. Section 4004 is amended—

(1) in subsection (a)—

(A) by striking out "involving" in the first sentence and inserting in lieu thereof "for"; and

(B) by inserting before the period at the end of the second sentence "after affording the claimant an opportunity for a hearing and shall be based exclusively on evidence and material of record in the proceeding and on applicable provisions of law";

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b)(1) Except as provided in paragraph (2) of this subsection, when a claim is disallowed by the Board, it may not thereafter be reopened and allowed and no claim based upon the same factual basis shall be considered.

"(2) Following such a disallowance, the Board (directly or through the agency of original jurisdiction, as described in section 4005(b)(1) of this title)—

"(A) when new and material evidence is secured, shall, and

"(B) for good cause shown, may

authorize the reopening of a claim and a review of the Board's former decision.

"(3) A judicial decision under subchapter II of chapter 71 of this title, upholding, in whole or in part, the disallowance of a claim shall not diminish the Board's authority set forth in paragraph (2) of this subsection to authorize the reopening of a claim and a review of the former decision."; and

(3) by amending subsection (d) to read as follows:

"(d) After reaching a decision in a case, the Board shall promptly mail notice of its decision to the claimant and the claimant's authorized representative, if any, at the last known address of the claimant and at the last known address of the claimant's authorized representative, if any. Each decision of the Board shall include—

"(1) a written statement of the Board's findings and conclusions, and reasons or bases therefor, on all material issues of fact, law, and fact and law and on matters of discretion presented on the record; and

"(2) an order granting appropriate relief or denying relief.".

SEC. 107. Section 4005(d)(5) is amended by striking out "will base its decision on the entire record and".

SEC. 108. Section 4009 is amended by adding after subsection (b) the following new subsection:

"(c) Whenever there exists in the evidence of record in an appeal case a substantial disagreement between the substantiated findings or opinions of two physicians with respect to an issue material to the outcome of the case, the Board shall, upon the request of the claimant and after taking appropriate action to attempt to resolve the disagreement, arrange for an advisory medical opinion in accordance with the procedure prescribed in subsection (b) of this section. If the Board denies the request of such claimant for such an opinion, the Board shall prepare and provide to the claimant and the claimant's authorized representative, if any, a statement setting forth the basis for its determination. Actions of the Board under this subsection, including any such denial, shall be final and conclusive, and no other official or any court of the United States shall have the power or jurisdiction to review any aspect of any such decision by an action in the nature of mandamus or otherwise, the provisions of subchapter II of chapter 71 of this title to the contrary notwithstanding.".

SEC. 109. (a) Chapter 71 is further amended by adding at the end thereof the following new sections:

"§ 4010. Adjudication procedures

"(a) For purposes of conducting any hearing, investigation, or other proceeding in connection with the consideration of a claim for benefits under laws administered by the Veterans' Administration, the Administrator may administer oaths and affirmations, examine witnesses, and receive evidence.

"(b) Any oral, documentary, or other evidence, even though inadmissible under the rules of evidence applicable to judicial proceedings, may be admitted in a hearing, investigation, or other proceeding in connection with the consideration of a claim for benefits under laws administered by the Veterans' Administration, but the Administrator, under regulations which the Administrator shall prescribe, may provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence.

"(c)(1) In the course of any proceeding before the Board any party to such proceeding or such party's authorized representative shall be afforded opportunity—

"(A) to examine and, on payment of a fee prescribed pursuant to section 3302(b) of this title (not to exceed the direct cost of duplication), obtain copies of the contents of the case files and all documents and records to be used by the Veterans' Administration at such proceeding;

"(B) to present witnesses and evidence, subject only to such restrictions as may be set forth in regulations which the Administrator shall prescribe, pursuant to subsection (b) of this section, as to materiality, relevance, and undue repetition;

"(C) to make oral argument and submit written contentions, in the form of a brief or similar document, on substantive and procedural issues;

"(D) to submit rebuttal evidence;

"(E) to present medical opinions and request an independent advisory medical opinion pursuant to section 4009(c) of this title; and

"(F) to serve written interrogatories on any person, including any employee of the Veterans' Administration, which interrogatories shall be answered separately and fully in writing and under oath unless written objection thereto, in whole or in part, is filed with the Administrator by the person to whom the interrogatories are directed or such person's representative.

"(2) The fee provided for in paragraph (1)(A) of this subsection may be waived by the Administrator, pursuant to regulations which the Administrator shall prescribe, on the basis of the party's inability to pay or for other good cause shown.

"(3) In the event of any objection filed under paragraph (1)(F) of this subsection, the Administrator shall, pursuant to regulations which the Administrator shall prescribe establishing standards consistent with standards for protective orders applicable in the United States District Courts, evaluate such objection and issue an order (A) directing that, within such period as the Administrator shall specify, the interrogatory or interrogatories objected to be answered as served or answered after modification, or (B) indicating that the interrogatory or interrogatories are no longer required to be answered.

"(4) If any person upon whom interrogatories are served under paragraph (1)(F) of this subsection fails to answer or fails to provide responsive answers to any such interrogatories within thirty days after service or such additional time as the Administrator may allow, the Administrator shall, upon a statement or showing by the party who served such interrogatories of general relevance and reasonable scope of the evidence sought, issue a subpena under section 3311 of this title (with enforcement of such subpena to be available under section 3313 of this title) for such person's appearance and testimony on such interrogatories at a deposition on written questions, at a location within one hundred miles of where such person resides, is employed, or transacts business.

"(d) In the course of any hearing, investigation, or other proceeding in connection with the consideration of a claim for benefits under laws administered by the Veterans' Administration, an employee of the Veterans' Administration may at any time disqualify himself or herself, on the basis of personal bias or other cause, from adjudicating the claim. On the filing by a party in good faith of a timely and sufficient affidavit averring personal bias or other cause for disqualification on the part of such an employee, the Administrator shall determine the matter as a part of the record and decision in the case.

"(e) The transcript or recording of testimony and the exhibits, together with all papers and requests filed in the proceeding, and the decision of the Board (1) shall constitute the exclusive record for decision in accordance with section 4004(a) of this title, (2) shall be available for inspection by any party to such proceeding, or such party's authorized representative, at reasonable times and places, and (3) on the payment of a fee prescribed under section 3302(b) of this title (not to exceed the direct cost of duplication), shall be copied for the claimant or such claimant's authorized representative within a reasonable time. Such fee may be waived by the Administrator, pursuant to regulations which the Administrator shall prescribe, on the basis of the party's inability to pay or for other good cause shown.

"(f) Notwithstanding section 4004(a) of this title, section 554(a) of title 5, or any other provision of law, adjudication and hearing procedures prescribed in this title

and in regulations prescribed by the Administrator under this title for the purpose of administering veterans' benefits shall be exclusive with respect to hearings, investigations, and other proceedings in connection with the consideration of a claim for benefits under laws administered by the Veterans' Administration.

"§ 4011. Notice of procedural rights

"In the case of any disallowance, in whole or in part, of a claim for benefits under laws administered by the Veterans' Administration, the Administrator shall, at each procedural stage relating to the disposition of such a claim, beginning with disallowance after an initial review or determination, and including the furnishing of a statement of the case and the making of a final determination by the Board, provide to the claimant and such claimant's authorized representative, if any, written notice of the procedural rights of the claimant. Such notice shall be on such forms as the Administrator shall prescribe by regulation and shall include, in easily understandable language, with respect to proceedings before the Veterans' Administration, (1) descriptions of all subsequent procedural stages provided for by statute, regulation, or Veterans' Administration policy, (2) descriptions of all rights of the claimant expressly provided for in or pursuant to this chapter, of the claimant's rights to a hearing, to reconsideration, to appeal, and to representation, and of any specific procedures necessary to obtain the various forms of review available for consideration of the claim, and (3) such other information as the Administrator, as a matter of discretion, determines would be useful and practical to assist the claimant in obtaining full consideration of the claim.".

(b) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 4009 the following new items:

"4010. Adjudication procedures.
"4011. Notice of procedural rights.".

SEC. 110. (a) In order to evaluate the feasibility and desirability of alternative methods of (1) assuring the resolution of claims before the Administrator of Veterans' Affairs for benefits under laws administered by the Veterans' Administration as promptly and efficiently as feasible following the filing of a notice of disagreement pursuant to section 4005 (as amended by section 107 of this Act) or 4005A of title 38, United States Code, and (2) affording claimants the opportunity for a hearing before or review by a disinterested authority at a location as convenient and on as timely basis as possible for each claimant, the Administrator is authorized to conduct a study, commencing not more than one year after the date of the enactment of this Act, for a period of twenty-four months, involving either or both of the alternative methods described in subsection (b) of this section for resolution of claims.

(b)(1) In not more than three geographic areas, the Administrator is authorized to provide an intermediate-level adjudication process whereby each claimant may, within the time afforded such claimant under paragraph (3) of section 4005(d) or 4005A(b) of title 38, United States Code, to file an appeal, request a de novo hearing at the agency of original jurisdiction (as described in section 4005(b)(1) of such title) before a panel of three Veterans' Administration employees, each of whose primary responsibilities include adjudicative functions but none of whom shall have previously considered the merits of the claim at issue. Following such hearing, such panel shall render a decision and prepare a new statement of the case in accordance with the requirements of paragraphs (1) and (2) of section 4005(d) of such title. Such new statement of the case shall, for all purposes relating to appeals under chapter 71 of such title, be considered to be a statement of the case as required by paragraph (1) of such section 4005(d).

(2) In not more than three other geographic areas, the Administrator is authorized to provide for an enhanced schedule of visits, on at least a quarterly basis each year, by a panel or panels of the Board of Veterans' Appeals to conduct formal recorded hearings pursuant to section 4002 of such title in such areas.

(c) Not later than six months after the completion of such study, the Administrator shall report to the Congress on the results thereof, including an evaluation of the cost factors associated with each alternative studied and with any appropriate further implementation thereof, the impact on the workload of each regional office involved in such study, and the impact on the annual caseload of the Board of Veterans' Appeals resulting from each alternative studied, together with any recommendations for administrative or legislative action, or both, as may be indicated by such results.

SEC. 111. Section 3010(i) is amended—

(1) by inserting "(1)" after "(i)"; and

(2) by adding at the end the following new paragraph:

"(2) Whenever any disallowed claim is reopened and thereafter allowed on the basis of new and material evidence in the form of official reports from the proper service department, the effective date of commencement of the benefits so awarded shall be the date on which an award of benefits under the disallowed claim would have been effective had the claim been allowed on the date it was disallowed.".

TITLE II—VETERANS' ADMINISTRATION RULE MAKING

SEC. 201. (a) Subchapter II of chapter 3 is amended by adding at the end the following new section:

"§ 222. Rule making

"Notwithstanding the provisions of subsection (a)(2) of section 553 of title 5, the promulgation of rules and regulations by the Administrator, other than rules or regulations pertaining to agency management or personnel or to public property or contracts, shall be subject to the requirements of section 553 of title 5.".

(b) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 221 the following new item:

"222. Rule making.".

TITLE III—JUDICIAL REVIEW

SEC. 301. Section 211(a) is amended by striking out "sections 775, 784" and inserting in lieu thereof "sections 775 and 784 and subchapter II of chapter 71 of this title".

SEC. 302. (a) Chapter 71 is further amended—

(1) by inserting after the table of sections the following new heading:

"SUBCHAPTER I—GENERAL"; and

(2) by adding at the end thereof the following new subchapter:

"SUBCHAPTER II—JUDICIAL REVIEW

"§ 4025. Right of review; commencement of action

"(a) For the purposes of this chapter—

"(1) 'final decision of the Administrator' means—

"(A) a final determination of the Board of Veterans' Appeals pursuant to section 4004 (a) or (b) of this title; or

"(B) a dismissal of an appeal by the board of Veterans' Appeals pursuant to section 4005 or 4008 of this title; and

"(2) 'claim for benefits' means—

"(A) an initial claim filed under section 3001 of this title;

"(B) a challenge to a decision of the Administrator reducing, suspending, or terminating benefits; or

"(C) any request by or on behalf of the claimant for reopening, reconsideration, or further consideration in a matter described in clause (A) or (B) of this paragraph.

"(b) Except as provided in subsection (f) of this section, after any final decision of the Administrator adverse to a claimant in a matter involving a claim for benefits under any law administered by the Veterans' Administration, such claimant may obtain a review of such decision in a civil action commenced within one hundred eighty days after notice of such decision is mailed to such claimant pursuant to section 4004(d) of this title. Such action shall be brought against the Administrator in the district court of the United States for the judicial district in which the plaintiff resides or the plaintiff's principal place of business is located, or in the district court of the United States for the judicial district where the principal offices of the Board of Veterans' Appeals (established under section 4001 of this title) are located.

"(c) The complaint initiating an action under subsection (a) of this section shall contain sufficient information to permit the Administrator to identify and locate the plaintiff's records in the custody or control of the Veterans' Administration.

"(d) Not later than thirty days after filing the answer to a complaint filed pursuant to subsection (a) of this section, the Administrator shall file a certified copy of the records upon which the decision complained of is based or, if the Administrator determines that the cost of filing copies of all such records is unduly expensive, the Administrator shall file a complete index of all documents, transcripts, or other materials comprising such records. After such index is filed and after considering requests from all parties, the court shall require the Administrator to file certified copies of such indexed items as the court considers relevant to its consideration of the case.

"(e) In an action brought pursuant to subsection (b) of this section, the court shall have the power, upon the pleadings and the records specified in subsection (d) of this section, to enter judgment in accordance with section 4026 of this title or remand the cause in accordance with such section or section 4027 of this title.

"(f)(1) No action may be brought under this section unless (A) the initial claim for benefits is filed pursuant to section 3001 of this title on or before the last day of the fifth fiscal year beginning after the effective date of this section, and (B) the complaint initiating such action is filed not more than one hundred and eighty days after notice of the first final decision of the Administrator rendered after the last day of such fiscal year is mailed to the claimant pursuant to section 4004(d) of this title. If the case is reopened pursuant to section 4004(b)(2)(A) of this title within one hundred and eighty days after such notice is mailed, the next final decision shall, for purposes of this subsection, be considered the first final decision of the Administrator.

"(2) No action may be brought under this section with respect to matters arising under chapters 19 and 37 of this title.".

"§ 4026. Scope of review

"(a)(1) In any action brought under section 4025 of this title, the court, to the extent necessary to its decision and when presented, shall—

"(A) decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning of applicability of the terms of an action of the Administrator;

"(B) compel action of the Administrator unlawfully withheld;

"(C) hold unlawful and set aside decisions, findings (other than those described in clause (D) of this paragraph), and conclusions of the Administrator found to be—

"(i) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(ii) contrary to constitutional right, power, privilege, or immunity;

"(iii) in excess of statutory jurisdiction, authority, or limitations, or in violation of a statutory right; or

"(iv) without observance of procedure required by law; and

"(D) in the case of a finding of material fact made in reaching a decision on a claim for benefits under laws administered by the Veterans' Administration, hold unlawful and set aside such finding when it is so utterly lacking in a rational basis in the evidence that a manifest and grievous injustice would result if such finding were not set aside.

"(2) Before setting aside any finding of fact under paragraph (1)(D) of this subsection, the court shall specify the deficiencies in the record upon which the court would set aside such finding and shall remand the case one time to the Administrator for further action not inconsistent with the order of the court in remanding the case. In remanding a case under the first sentence of this paragraph, the court shall specify a reasonable period of time within which the Administrator shall complete the ordered action. If the Administrator does not complete action on the case within the specified period of time, the case shall be returned to the court for its further action.

"(b) In making the determinations under subsection (a) of this section, the whole record before the court pursuant to section 4025(d) of this title shall be subject to review, and the court shall review those parts of such record cited by a party, and due account shall be taken of the rule of prejudicial error.

"(c) In no event shall findings of fact made by the Administrator be subject to trial de novo by the court.

"(d) When a final decision of the Administrator is adverse to a party and the sole stated basis for such decision is the failure of such party to comply with any applicable regulation of the Veterans' Administration, the court shall review only questions raised as to compliance with and the validity of the regulation.

"§ 4027. Remands

"(a)(1) In any action brought under section 4025 of this title, the court shall, on motion of the Administrator made before the expiration of the time specified for the filing of an answer to a complaint filed pursuant to subsection (b) of such section, allow a single remand of a case to the Administrator for further review by the Administrator. If such review is not completed within ninety days after the date of such remand, the matter shall be returned to the court for its action.

"(2)(A) At any time after the Administrator files an answer, the court may, in the exercise of its discretion, remand the case to the Administrator for further action by the Administrator.

"(B) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there is good cause for granting such leave, the court shall remand the case to the Administrator and order such additional evidence to be taken by the Administrator.

"(C) In the case of a remand under subparagraph (A) or (B) of this paragraph, the court may specify a reasonable period of time within which the Administrator shall complete the required action.

"(b) After a case is remanded to the Administrator under subsection (a) of this section, and after further action by the Administrator, including consideration of any additional evidence, the Administrator shall modify, supplement, affirm, or reverse the findings of fact or decision, or both, and shall file with the court any such modification, supplementation, affirmation, or reversal of the findings of fact or decision or both, as the case may be, and certified copies of any additional records and evidence upon which such modification, supplementation, affirmation, or reversal was based. Any such modification, supplementation, affirmation, or reversal of the findings of fact or decision shall be reviewable by the court only to the extent provided in section 4026 of this title.

"§ 4028. Survival of actions

"Any action brought under section 4025 of this title shall survive notwithstanding any change in the person occupying the office of Administrator or any vacancy in such office.

"§ 4029. Appellate review

"The decisions of a district court pursuant to this chapter shall be subject to appellate review by the courts of appeals and the Supreme Court of the United States in the same manner as judgments in other civil actions.".

(b) The table of sections at the beginning of such chapter is amended—

(1) by inserting before the item relating to section 4001 the following new item:

"SUBCHAPTER I—GENERAL";

and

(2) by adding after the item (added by section 109(b) of this Act) relating to section 4011 the following new items:

"SUBCHAPTER II—JUDICIAL REVIEW

"Sec.
"4025. Right of review; commencement of action.
"4026. Scope of review.
"4027. Remands.
"4028. Survival of actions.
"4029. Appellate review.".

SEC. 303. Section 1346(d) of title 28, United States Code, is amended by inserting before the period at the end thereof "except as provided in subchapter II of chapter 71 of title 38".

TITLE IV—ATTORNEYS' FEES

SEC. 401. Section 3404 is amended by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The Administrator shall approve reasonable attorneys' fees to be paid by the claimant to attorneys for representation before the Veterans' Administration in connection with a claim for benefits under laws administered by the Veterans' Administration, but in no event shall such attorneys' fees exceed—

"(1) for any claim resolved prior to or at the time that a final decision of the Administrator is first rendered, $10; or

"(2) for any claim resolved after such time, an amount in excess of—

"(A) if the claimant and an attorney have entered into an agreement under which no fee is payable to such attorney unless the claim is resolved in a manner favorable to the claimant, 25 percent of the total amount of any past-due benefits awarded on the basis of the claim; or

"(B) if the claimant and an attorney have not entered into such an agreement, the lesser of—

"(i) the fee agreed upon by the claimant and the attorney; or

"(ii) $500, or such greater amount as may be specified from time to time in regulations which the Administrator shall prescribe based on changed national economic conditions subsequent to the date of enactment of this subsection, except that the Administrator may, in the Administrator's discretion, determine and approve a fee in excess of $500, or such greater amount if so specified, in an individual case involving extraordinary circumstances warranting a higher fee.

"(d)(1) If, in an action brought under section 4025 of this title, the matter is resolved in a manner favorable to a claimant who was represented, by an attorney, the court shall determine and allow a reasonable fee for such representation to be paid to the attorney by the claimant. When the claimant and an attorney have entered into an agreement under which the amount of the fee payable to such attorney is to be paid from any past-due benefits awarded on the basis of the claim and the amount of the fee is contingent on whether or not the matter is resolved in a manner favorable to the claimant, the fee so determined and allowed shall not exceed 25 percent of the total amount of any past-due benefits awarded on the basis of the claim.

"(2) If, in an action brought under section 4025 of this title, the matter is not resolved in a manner favorable to the claimant, the court, taking into consideration the likelihood at the time such action was filed that the claimant would prevail, may determine and allow a reasonable fee not in excess of $750 to be paid to the attorney by the claimant for the representation of such claimant.

"(e) To the extent that past-due benefits are awarded in proceedings before the Administrator or a court, the Administrator shall direct that payment of any attorneys' fee that has been determined and allowed under this section be made out of such past-due benefits, but in no event shall the Administrator withhold for the purpose of such payment any portion of benefits payable for a period subsequent to the date of the final decision of the Administrator or court making such award.

"(f) The provisions of this section shall apply only to cases involving claims for benefits under the laws administered by the Veterans' Administration, and such provisions shall not apply in cases in which the Veterans' Administration is the plaintiff or in which other attorneys' fee statutes are applicable.

"(g) For the purposes of this section—

"(1) the terms 'final decision of the Administrator' and 'claim for benefits' shall

have the same meaning provided for such terms, respectively, in section 4025(a) of this title; and

"(2) claims shall be considered as resolved in a manner favorable to the claimant when all or any part of the relief sought is granted.

"(h) In an action brought under section 4025 of this title, the court may award to a prevailing party, other than the Administrator, reasonable attorneys' fees and costs in accordance with the provisions of section 2412(d) of title 28, notwithstanding the provisions of section 204(c) of the Equal Access to Justice Act, Public Law 96-481.".

SEC. 402. Section 3405 is amended—

(1) by striking out "or" after "title."; and

(2) by striking out "him" and inserting in lieu thereof "such claimant or beneficiary, or (3) with intent to defraud, in any manner willfully and knowingly deceives, misleads, or threatens a claimant or beneficiary or prospective claimant or beneficiary under this title with reference to any matter covered by this title".

TITLE V—EFFECTIVE DATES

SEC. 501. This Act and the amendments made by this Act shall take effect on the first day of the first month beginning not less than one hundred and eighty days after the date of enactment of this Act.

SEC. 502. A civil action authorized in subchapter II of chapter 71 of title 38, United States Code (as added by section 302(a) of this Act) may be instituted to review decisions of the Board of the Veterans' Appeals rendered on or after April 1, 1983.

Mr. SIMPSON. Mr. President, as chairman of the Committee on Veterans' Affairs, it is my pleasure to present to the Senate for its approval S. 636, the proposed Veterans' Administration Adjudication Procedure and Judicial Review Act. This legislation is designed to improve the adjudicative rights of individuals pursuing claims for Veterans' Administration benefits in order to make them more nearly comparable to the rights of claimants for virtually all other Federal benefits.

Mr. President, legislation similar to S. 636 has passed the Senate by voice vote in each of the last two Congresses. In the 96th Congress, S. 330 was favorably reported by the Veterans' Affairs Committee on May 3, 1979, and was passed by the Senate on September 17, 1979. Again, in the 97th Congress, similar legislation—S. 349—was unanimously reported by the committee on April 28, 1982, and was passed by the Senate on September 14, 1982.

S. 636 as it is before the Senate today is identical in most respects to S. 349 in the 97th Congress. The committee held a hearing to consider S. 636 on March 23, 1983, and reported the bill out, with a number of relatively minor committee amendments, on April 12, 1983.

This year's committee amendments would make the following substantive changes: First, authorize the appointment of "temporary" and "acting" members of the Board of Veterans' Appeals under certain circumstances—this provision is derived from language proposed by the VA—second, clarify that, although the rulemaking requirements of the Administrative Procedure Act would apply to matters such as individual benefits determinations by the VA, they need not apply to matters of agency management or personnel or to public property or contracts; third, revise the bill's sunset provision, keeping it at 5 years, but imposing certain time limitations on the filing of Federal court appeals of cases initially filed with the VA within the 5-year limit; and fourth, clarify the circumstances under which an award of attorneys' fees and costs may be made against the Government.

The central components of the bill have not been changed. Judicial review would be permitted—including a limited review of factual issues—where none is permitted under current law. Veterans claimants would be permitted to pay attorneys reasonable fees, within certain limitations, for representation before the VA and in the Federal courts, instead of the flat $10 fee limitation presently in effect. As an adjunct to these two central provisions, the bill would establish and codify certain adjudication procedures, and would, as I have already alluded to, impose certain formal rulemaking requirements on the VA. In order that the Senate might have the benefit of a more thorough description of the provisions of S. 636, I ask unanimous consent that the committee's summary of provisions be printed in the RECORD at the conclusion of my remarks.

Mr. President, I wish to express my deep appreciation for the continuing efforts of my good friend from California (Mr. CRANSTON), the ranking minority member of the Veterans' Affairs Committee, and of the Senator from Colorado (Mr. HART), the distinguished original sponsor of this legislation. Both of these gentlemen have been instrumental in seeing that this legislation moves forward with all possible speed, and future claimants for VA benefits will, I think, owe them a profound debt of gratitude for their good work in this area. I would also like to extend my thanks to the committee staff members who have labored over this legislation—particularly Scott Wallace, Tom Harvey, and Harold Carter of the majority staff, ably supported by Beckey Hucks and Laurie Altemose, and Bill Brew and Jon Steinberg of the minority staff.

Mr. President, the changes made by this bill are very long overdue. I strongly urge that my colleagues join me in supporting this important legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF PROVISIONS

The Committee bill has five titles: Adjudication procedures; Veterans' Administration rule making; Judicial review; Attorneys' fees; and Effective dates, as follows:

Title I: *Adjudication procedures.*—This title would codify and establish various internal procedures of the VA applicable in adjudications of claims for benefits under laws administered by the VA. Included in title I of the Committee bill are provisions that would:

1. Codify the burden of proof and reasonable doubt standards in VA claims adjudication proceedings, currently provided for by regulation (38 CFR 3.102 and 3.103), in order to assure that the VA's present practices of providing claimants all reasonable assistance in the development of claims and construing the evidence liberally in favor of the claimant are not lost in reaction to the provision, in title III of the Committee bill, authorizing judicial review of final decisions denying claims.

2. Specify procedures for the service of subpenas authorized under section 3311 of title 38, United States Code, including procedures for personal service or service by mail.

3. Increase the statutory limitation on the size of the BVA from 50 to 65 in order both to ease existing strains on the BVA's docket and to enhance the Board's ability to deal with workload increases that may be generated by judicial review of VA decisions.

4. Encourage the BVA to dispose of appeals before it in a timely manner.

5. Authorize the appointment of temporary BVA members for a term of not more than 1 year each when all 65 BVA positions are filled, and of acting members, for a period of not more than 30 days, or 60 days total in any single fiscal year, to serve in the temporary absence of regular members.

6. Preclude a temporary or acting member from casting a vote in any case where the votes of the two regular members are split.

7. Require the Administrator to report annually to Congress on the implementation of the provisions authorizing the appointment of temporary and acting BVA members.

8. Require the Chairman to report to the appropriate committees of the Congress annually on the Board's current and future workload and its ability, based on then current and projected staffing, to dispose of appeals in a timely manner.

9. Require the BVA to provide a claimant with notice and an opportunity for a hearing before making a decision based on additional offical information received after the BVA had previously decided the case.

10. Codify a claimant's right to an opportunity for a hearing before the BVA.

11. Require expressly that BVA decisions must be based exclusively on evidence and material of record and on applicable provisions of law.

12. Make a technical correction in the description of the BVA's authority to reopen a claim by deleting (as inconsistent with present practice) the present requirement that new and material evidence sufficient to reopen a claim be in the form of official reports from the proper service department.

13. Specify that a court decision upholding denial of a claim under title III of the Committee bill, shall not diminish the Board's discretionary authority to reopen a claim.

14. Require the BVA to mail a detailed statement of its decision to the claimant and the claimant's authorized representative, if any, at the last known address of the claimant and such representative.

15. Expand the present requirement that BVA decisions be in writing and contain findings of fact and conclusions of law sepa-

rately stated, to require that such decisions include findings and conclusions and reasons and bases therefor, on all material issues of fact, law, and matters of discretion, as well as an order granting or denying relief.

16. Expressly provide a claimant before the BVA, with the right, upon request, to have the Board acquire an independent medical opinion when there is a substantial disagreement between the substantiated findings or opinions of two physicians on an issue material to the outcome of the case. Any Board decision to deny such a request, and the basis for such denial, would have to be provided to the claimant but such decision would not be subject to judicial review.

17. Authorize the Administrator to administer oaths and affirmations, examine witnesses and receive evidence in VA claims adjudication proceedings.

18. Provide for the admission, even if inadmissible under the rules of evidence applicable in court, of all evidence submitted in VA claims adjudication proceedings subject only to such provisions as the Administrator may impose through regulations for the exclusion of irrelevant, immaterial, or unduly repetitious evidence.

19. Provide that, in the course of hearings on a claim for VA benefits following initial denial of the claim, the claimant (or other party) shall have the right to review and, on the payment of a fee (waivable, pursuant to regulations that the Administrator must prescribe, on the basis of inability to pay or for other good cause shown) limited to the costs of duplication, to obtain copies of the case files and all materials to be used by the VA at the hearing, to present witnesses and evidence including medical opinions and rebuttal evidence, to make argument and to submit written contentions, and to submit to any person written interrogatories which must be answered unless written objections thereto are filed. If the person served with interrogatories files an objection thereto, the Administrator must, pursuant to regulations that the Administrator must prescribe, evaluate the objection and issue an order directing that answers be given or stating that they need not be given. If the person served with interrogatories fails to comply with such an order or, in the absence of an objection, to answer the interrogatories, the party who served the interrogatories would have the right, upon a statement or showing of good cause, to have the Administrator issue a subpena (enforceable in Federal district court) for the witness' attendance at a deposition at which the unanswered interrogatories would be asked.

20. Allow, in the course of any claims proceeding, any VA employee to disqualify himself or herself on the basis of personal bias or other cause and a party to challenge such an employee on such basis.

21. Specify the materials that must be included in the record of VA claims adjudication proceedings and provide that the record shall be available for the claimant's inspection and shall be copied for the claimant upon the payment of a fee (waivable, pursuant to regulations that the Administrator must prescribe, on the basis of claimant's inability to pay or for other good cause shown) limited to the costs of duplication.

22. Specify that the adjudication rights contained in title 38 and prescribed thereunder by the Administrator are exclusive.

23. Require the Administrator, at each stage of claims adjudication proceedings before the VA, to provide the claimant with detailed notice, in easily understandable language, of the claimant's procedural rights.

24. Authorize a VA study of alternative methods of ensuring the prompt and efficient resolution of claims and affording claimants the opportunity for a timely and convenient hearing or review by a disinterested authority. Under this provision, the Administrator could study the following two alternative methods of speeding claims resolution at locations convenient to claimants: (A) intermediate review panels which would conduct *de novo* reviews at VA regional offices prior to appeal to the BVA, and (B) an enhanced schedule of BVA traveling board visits (at least four per year). The report on the study, including the Administrator's recommendations for administrative or legislative actions, or both, would be due to be submitted to the Congress within 6 months after completion of the study.

25. Permit retroactive awards for claims reopened and allowed on the basis of new and material evidence in the form of service records.

Title II: *Veterans' Administration rule making.*—This title would require application of the rule making provisions of the Administrative Procedure Act (APA) to all matters other than those involving agency management, personnel, public property or contracts. Matters such as those involving VA benefits and loans would thus be made subject to certain APA requirements, including requirements of notice to the public of proposed regulations and opportunities for comment on such proposed regulations, notwithstanding the exclusion from such provisions in section 553(a)(2) of title 5, United States Code, of matters involving loans, grants, benefits, or contracts.

Title III: *Judicial review.*—This title would permit access to the United States Federal court system for review of decisions of the Administrator on claims for benefits. Included in title III of the Committee bill are provisions that would:

1. Expand the present category of exceptions to the general preclusion of judicial review contained in present section 211(a) of title 38, United States Code.

2. Authorize review of a final decision of the Administrator adverse to a VA benefits claimant in Federal district court (in either the plaintiff's home district or the judicial district where the Board of Veterans' Appeals is located, presently the District of Columbia) instituted by a civil action brought within 180 days of the mailing by the VA of notice of such decision.

3. Define a "final decision of the Administrator", which may be appealed to Federal court, to include a Board of Veterans' Appeals (BVA) final decision on the merits, refusal to reopen a claim, and dismissal of an appeal.

4. Define "claim for benefits" to include not just initial claims, but also subsequent action taken on a claim such as reduction or termination of benefits.

5. Require that a complaint instituting a civil action for court review of a decision relating to a claim for benefits include sufficient information to permit the VA to identify and locate the plaintiff's VA records.

6. Require the VA to file, together with its answer to a complaint, a certified copy of all of the materials that constitute the record or, if the cost of filing all such materials would be unduly expensive, a complete index of all of the materials. In the latter case, the court would, after considering the requests of the parties, order the Administrator to file certified copies of such indexed items as it deemed relevant to its consideration of the case.

7. Authorize a court, in an action for review of a VA denial of a claim for benefits, to enter a judgment on the pleadings and the records.

8. Preclude judicial review, under the provisions added by this title of the Committee bill, unless the initial claim is filed with the Administrator on or before the last day of the fifth fiscal year beginning after the effective date of such provisions and the appeal to Federal district court is filed within 180 days of the first BVA decision adverse to the claimant, as well as with respect to matters arising under chapters 19 (insurance) and 37 (home, condominium, and mobile home loans) of title 38, United State Code.

9. Authorize the reviewing court to decide all relevant questions of law; to interpret constitutional, and statutory provisions as well as other actions of the Administrator, compel action of the Administrator unlawfully withheld; and to hold unlawful and set aside decisions, findings, and conclusions of the Administrator found to be (A) arbitrary, capricious, and abuse of discretion, or not in accordance with law, (B) contrary to constitutional right, power, privilege, or immunity, (C) in excess of statutory jurisdiction, authority, or limitation, or in violation of a statutory right, or (D) without observance of procedure required by law, or (E) in the case of a finding of material fact, so utterly lacking in a rational evidentiary basis that a manifest and grievous injustice would result if the finding were not set aside.

10. Require a reviewing court, before reversing an Administrator's decision on the basis of the court's finding that a factual determination of the Administrator is utterly lacking in a rational evidentiary basis, to specify where it finds the record deficient and remand the matter a single time to the Administrator for further action within a reasonable, specified period of time.

11. Require a court, in making determinations, to review those parts of the administrative record cited by a party and to take due account of the rule of prejudicial error.

12. Preclude a reviewing court from conducting a trial *de novo* on the Administrator's findings of fact.

13. Provide that, in a matter resolved by the VA solely on the basis of a party's failure to comply with a VA regulation, the reviewing court may consider only issues raised as to the validity of or a party's compliance with the regulation.

14. Authorize three different types of remands from the reviewing court to the Administrator: First, a single remand for not more than 90 days, at the Administrator's request before the Administrator files an answer, for the Administrator to reconsider the case; second, a remand in the court's discretion after the administrator has filed an answer; and third, a remand if either party applies for leave to adduce further evidence and the moving party shows "good cause" for the requested remand.

15. Provide that any actions brought under the judicial review provisions added by this title of the Committee bill will survive the tenure of any individual as Administrator.

16. Provide that decisions of the district court pursuant to the judicial review provisions added by this title shall be subject to review in higher Federal courts in the same manner as judgments in other civil actions.

17. Specify that the current-law limitation on the jurisdiction of Federal district courts

in matters involving pensions shall not apply to VA pension matters.

Title IV: Attorneys' fees.—This title would revise the present title 38 limitation of $10 for claimants' attorneys' fees by authorizing reasonable attorneys' fees, within certain limits, for representation of individuals before the VA and for representation in a case appealed to court under the judicial review provisions added to title 38 by this title of the Committee bill, with a specified limitation in cases in which the matter is resolved in a manner unfavorable to the claimant. Included in title IV are provisions that would:

1. Retain the $10 limitation on the amount an attorney may receive for services rendered prior to a final BVA decision, while removing an ambiguity with respect to whether that limitation applies under current law to attorneys "recognized" for practice before the VA.

2. Permit the Administrator to approve a reasonable attorneys' fee for representation within the VA after a final BVA decision (where, for example, a case remains before the VA for reconsideration or for reopening on the basis of "new and material evidence" offered under section 4004(b) of title 38, United States Code, as amended by title I of the Committee bill), up to a maximum of $500 or, if the claimant and attorney have entered into a contingency-fee agreement, no more than 25 percent of any past-due benefits awarded the claimant.

3. Authorize the Administrator to increase the $500 maximum limitation in future years to reflect changed economic conditions.

4. Authorize the Administrator to disregard the $500 limitation in an individual case involving extraordinary circumstances warranting a higher fee.

5. Allow a reviewing court, in a case appealed from the VA, to approve a reasonable attorneys' fee. For cases not resolved in a manner favorable to a claimant, the maximum a court could approve would be $750. For cases resolved in a manner favorable to a claimant, the only limitation on the amount of the fee that a court could approve would be that it must be reasonable, or that, if a claimant and an attorney had entered into a contingent-fee agreement, the fee approved by the court could not exceed 25 percent of the total amount of past-due benefits.

6. Authorize the VA to make payment to an attorney from past-due benefits, but preclude the VA from making payments from benefits received subsequent to the date of the decision entitling the veteran to benefits.

7. Limit the applicability of the attorneys' fee provisions to cases involving claims for benefits.

8. Define, for the purpose of attorneys' fees provisions, a claim as being "resolved in a manner favorable to the claimant" when any or all of the relief sought is granted.

9. Authorize a court to award to a prevailing party, other than the Administrator, reasonable attorneys' fees and costs in accordance with the provisions of the Equal Access to Justice Act, under which such an award may be made unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.

10. Provide criminal penalties for willfully and intentionally defrauding a VA claimant.

Title V: Effective dates.—This title provides for an effective date and authorizes the institution of civil actions, under the judicial review provisions added by title III of the Committee bill, for the review of certain Board of Veterans' Appeals (BVA) decisions prior to such effective date. Included in this title are provisions that would:

1. Provide that the provisions added by the Committee bill would become effective 180 days after the date of enactment.

2. Allow for court review of a BVA decision rendered on or after April 1, 1983.

Mr. CRANSTON. Mr. President, as the ranking minority member on the Veterans' Affairs Committee, I am delighted to join with my good friend from Wyoming, the committee chairman (Mr. SIMPSON), in urging our colleagues to give their wholehearted, unanimous approval to S. 636, the proposed Veterans' Administration Adjudication Procedure and Judicial Review Act, as reported by the committee on May 18. If the Senate acts as we urge, this will be the third time that the Senate has gone on record in support of legislation to eliminate provisions in current law that accord veterans second-class citizenship in the very fundamental area of their relationship with the Federal Government with respect to statutory benefits and services. The first time was during the 96th Congress, on September 17, 1979, when the Senate passed a predecessor measure, S. 330; the second was during the last Congress when the immediate predecessor to the current legislation, S. 349, was passed on September 14, 1982. On each of these two prior occasions, the measure died in the House with the close of that Congress.

I am convinced that the Senate's position on this issue is correct, and I hope that our colleagues in the other body will take notice of our actions and, once this measure reaches that body, give it the full and favorable consideration it deserves. In this regard, I am very pleased to note that the House Committee on Veterans' Affairs has scheduled hearings on this issue for July 20 and 21 of this year.

Mr. President, the basic purpose of S. 636 as reported is to insure that veterans and other claimants before the VA receive all benefits to which they are entitled under law by—

Providing veterans and other claimants with the opportunity for judicial review of final VA decisions denying claims for benefits,

Improving and codifying certain internal procedures of the VA relating to the adjudication of benefit claims,

Requiring that VA rulemaking processes comply with provisions of the Administrative Procedure Act relating to notice and comment, and allowing claimants to pay attorneys reasonable fees for representation before the VA after a decision by the Board of Veterans' Appeals as well as for representation in judicial proceedings.

BACKGROUND

Mr. President, in March of this year, at the time Senators HART and I, joined by Chairman SIMPSON, along with 25 other original cosponsors, introduced S. 636—which was identical to S. 349 as passed by the Senate during the 97th Congress—I made an extended statement in which I discussed the history of consideration of judicial review legislation in the Senate and the reasons supporting the bill we were then introducing. I refer my colleagues and others with an interest in this background to my remarks at the time of introduction which begin on page S1895 of the RECORD for March 1, 1983. In addition, my statements on the predecessor measure in the last Congress, S. 349—which can be found on page S812 of the RECORD for January 30, 1981, at the time of introduction and on page S11421 of the RECORD for September 14, 1982, at the time of Senate passage—provide further background information on this legislation.

The measure as it comes before the Senate today has been through an extended period of development which began in the 94th Congress. During this period, the Committee on Veterans' Affairs has held nine hearings on judicial review legislation, and the Judiciary Committee has held one such hearing. Judicial review legislation has been before both the Veterans' Affairs Committee and the Judiciary Committee, with the Veterans' Affairs Committee three times voting to report the legislation and the Judiciary Committee twice, after referral of the reported bill to it for a limited period of time, allowing the reported measure to go to the full Senate unamended.

Finally, as I just noted, the Senate during the last two Congresses passed legislation quite similar to the pending measure.

In short, it is clear that the Senate has given a great deal of consideration to the issue of providing for judicial review of VA decisions and has indicated its support for providing an opportunity for a veteran aggrieved by a VA decision on a claim for benefits to obtain a carefully limited review of such a decision. I have every expectation that the Senate will go on record again today in support of such a result, and I strongly urge that action.

Mr. President, because, as I noted earlier, I have previously described in some detail the background of this legislation and the general reasons for my support for it, I will limit my remarks today to a brief discussion of the changes made by the Veterans' Affairs Committee to the measure as introduced. In addition, I will briefly discuss my responses to points made by the VA in testimony on S. 636 before the committee earlier this year.

COMMITTEE AMENDMENTS

Mr. President, the committee made two changes of some significance to S. 636 as introduced—one relating to temporary and acting members of the

Board of Veterans' Appeals and one relating to the effective date of awards on certain reopened claims—as well as a number of clarifying amendments to various provisions in the bill.

Mr. President, with reference to the issue of temporary and acting members of the Board of Veterans' Appeals—BVA—S. 636 includes a provision, derived, with modifications I proposed, from S. 887, legislation introduced by the committee chairman (Mr. SIMPSON) at the request of the administration. The provision in the committee bill would provide the BVA Chairman with new authority relating to the membership of the Board. Pursuant to this authority, the Chairman would be authorized to appoint individuals from the Board's professional staff to serve temporarily on the Board in two situations. First, the bill would authorize the Chairman to appoint a "temporary member" to serve for up to a year on a Board section during a period, such as exists at present, when the Board has a full complement of members—at present the statutorily-authorized maximum is 50 but would be increased to 65 under the bill—and is facing a backlog of cases. Second, the Chairman would be authorized to appoint, for periods up to 30 days and no more than 60 days in 1 year, a BVA professional staff member to serve as an "acting" member to take the place of a duly-appointed Board member who is temporarily absent from the three-member section to which he or she is regularly assigned.

Because the committee does not believe that these new appointment authorities should be allowed to alter the fundamental nature of the Board as an independent entity made of individuals appointed by the Adminstrator with the approval of the President, the role of "temporary" and "acting" members would be limited in one significant respect.

Under present section 4003 of title 38, United States Code, unanimous decisions of a BVA section constitute final determinations. When the members of a BVA section are not unanimous, the decision can become a final determination if the Chairman concurs with the majority. Under the provision in S. 636 as reported in any case in which the decision of a section of the Board is not unanimous and the vote of a "temporary" or "acting" member would otherwise form the basis for a "majority of members" of a section with which the Chairman could concur and dispose of the case, the temporary or acting member would not be permitted to vote. That being the case, there would then be an evenly divided panel and the Chairman would expand the section by adding another three-member panel.

Also, as a reflection of the committee's strong intention that these authorities be used only as needed and not result in any deviation from the normal process for appointing members of the Board with the approval of the President, S. 636 would require the Administrator to provide annually detailed information on the use of both authorities, which in turn will enable the committee to monitor their use closely.

Mr. President, with reference to the second change in the legislation as introduced, S. 636 as reported would permit the Board to make retroactive awards for claims reopened and allowed on the basis of new and material evidence, when such evidence takes the form of official reports from the proper service department. This amendment is intended to preserve existing VA practice in light of technical advice from VA staff which indicated that other provisions in S. 636 relating to reopening claims on the basis of any new and material evidence might, contrary to the committee's intention, have negated retroactive awards in cases involving such evidence from the various service departments.

AGENCY POSITION

Mr. President, although the impetus for S. 636 and its predecessor measures has been from the Senate and not from the VA, the agency's involvement with this legislation in prior years has generally been constructive. For example, the VA's testimony and report in 1979 on S. 330 was a thorough and scholarly review of the issues related to judicial review and, indeed, was, in some respects, supportive of that bill. Unfortunately, although the VA staff has continued to provide valuable technical assistance on judicial review legislation, the agency's official testimony at the March 23 hearing was not very helpful—being largely negative on S. 636 and, most regrettably, based in a number of respects on misleading arguments and distortions of the legislation.

I appreciate the fact that the Administration's viewpoint on a particular legislative measure can change over time and were that the only basis for the difference between the VA's testimony on earlier measures and on S. 636, I would not be as concerned as I am about the most recent testimony and its potential for creating confusion about S. 636.

Mr. President, through questions I asked at the committee's March 23, 1983, hearing and in followup to that hearing, I attempted to clarify some of the points relating to S. 636 as to which I believed the VA's testimony had created unnecessary confusion. Rather than repeat all of that material at this time, since it is a matter of public record and will be widely available in the near future when the record of the committee's hearing is published, I will instead touch briefly on just a few points about the legislation that I believe are particularly important and as to which the VA's testimony was particularly confusing.

Mr. President, before addressing these specific points, I want to make one general point in response to the VA testimony. In the agency's testimony, the point was made that "[t]he principal issue raised by [S. 636] is whether judicial review of individual VA benefit decisions is warranted." I believe that the issue should be cast in the obverse—that is, is there any basis for the continued preclusion of judicial review of VA benefit decisions, particularly in light of the availability of judicial review of virtually all other Federal agency decisions on claims for statutory benefits? I do not believe that there is any such basis.

Mr. President, a matter of principle is involved. Denial of judicial review has been justified on the argument that veterans' benefits are gratuities that Congress can give or take away at will. But veterans' benefits, in my judgment, are not mere gratuities. They are important rights and should be so regarded. The availability of these benefits should not be wholly dependent upon the perceptions, judgment, and legal interpretations of executive branch officials. Veterans, too, deserve the protection of the independent judicial branch of our Government. S. 636 would provide such protection.

Mr. President, the first specific point in the VA's testimony that I believe unnecessarily confused matters relates to what type of court review would be available if S. 636 were enacted. In the VA testimony, the point was made that the current adjudication system, which ends with a final, unappealable decision by the Board of Veterans' Appeals, is preferable "to a system involving judicial readjudication of individual benefit decisions." Clearly, S. 636—which expressly precludes a court from conducting a de novo review of a claim for VA benefits, restricts a court's role to a review of the administrative record, and provides a very limited scope of review for factual issues—cannot fairly be said to provide for "judicial readjudication" of VA claims. I do not believe it furthers the debate on this issue to mischaracterize the bill and hope the VA will refrain from doing so in the future.

Mr. President, the second point from the VA's testimony relates to the independence of the Board from the Administrator and the VA in general. In its testimony, the VA noted that "[t]he review provided by the Board is independent and the VA has scrupulously maintained this independence." Putting to one side the question of how independent an entity really is when the entity from which it is supposed to be independent has the power either to maintain or not to maintain

that independence, I believe the reality in the case of the Board—both by virtue of statute and practice—is that it is much less than fully independent of the VA.

During the committee's hearing on S. 636, I posed a number of questions on the issue of the Board's independence. The responses from the VA witnesses make it clear, I believe, that in many key respects the Board is not independent. For example, the VA acknowledged that, unlike a court, the Board cannot look behind an agency regulation to determine its validity but instead must simply apply the regulation to the facts in the claim before it. In a like matter, the Board is bound as a matter of law by instructions of the Administrator and precedent opinions of the VA's General Counsel. The VA witness conceded that these features reduce the Board to the role of being a factfinder, not a true independent entity such as a Federal court.

Answers from the VA witness to other questions demonstrated that Board members, including the Chairman, are not independent in other key respects. Instead of having life tenure or, at a minimum, some specific restrictions on the way in which their employment can be terminated, all Board members are appointed by the Administrator and enjoy no more job security than other permanent VA employees. In a myriad of other respects—including such matters as the BVA budget, the professional and other staff available to BVA, the location and size of its office space, and incentive awards—the Board is dependent upon the Administrator and thus cannot be viewed as having the degree of independence that would truly make it free to make decisions that conflict with important VA policies. It is not inconceivable that this lack of job security and dependence on the agency in other areas could affect the extent to which an individual Board member might be willing to render decisions that are not in accord with general agency policy on an issue at a given time.

Mr. President, another point of confusion about the legislation as a result of the VA's testimony concerns the scope of review that a court would apply in its review of a decision by the Board on a factual issue. The scope of review in S. 636 for such matters is a unique and very restrictive standard. A court would be able to set aside a Board finding of fact only when the court determines that the Board's finding is "so utterly lacking in a rational basis in the evidence that a manifest and grievous injustice would result" if the decision were not overturned. Nevertheless, the VA at numerous points in its testimony referred to this standard as a "rational basis" standard and then suggested that a court could find the standard in S. 636 to be the equivalent of the "arbitrary and capricious" standard under the Administrative Procedure Act. I am unable to believe that such a result could occur, particularly in light of the very clear statements by the committee in the reports accompanying S. 349 in the last Congress—S. Rept. No. 97-466, pp. 45-46—and S. 636 in this Congress—S. Rept. No. 98-130, p. 46—regarding this scope of review provision, and I am confident that the confusion reflected in the VA's testimony would not be shared by reviewing courts.

Mr. President, with further reference to the scope-of-review issue, I note the point made in the VA's testimony that the standard incorporated in S. 636 will not result in fewer VA cases being appealed than would be appealed under a less restrictive standard. The VA attempted to buttress this view with the statement that "attorneys will simply draft their pleadings in conformance with whatever standard is provided" in judicial review legislation. However, it was also stated by the VA witness at the committee's hearing and implicit in the VA's testimony that restricting courts to review of questions of law only would somehow limit the number of VA cases appealed to court. These two statements appear to me to be contradictory. If attorneys would be able to draft pleadings to conform to any scope-of-review provision relating to factual issues, they would be able to a like extent to draft pleadings so as to raise matters of law if the scope of review were to be so limited.

In any event, I do not believe that the question of what scope-of-review standard is appropriate to resolve factual issues should be decided ultimately on the basis of how many cases may be appealed under one standard or another; rather, the scope of review incorporated in the legislation should seek to strike an appropriate balance between permitting a reviewing court to correct egregious decisions on factual issues and maintaining the primacy of the BVA as the expert arbiter of factual issues. I believe the standard in S. 636 meets this goal.

CONCLUSION

Mr. President, approval of S. 636 by the Senate today will, I believe, hold out substantial hope to all our Nation's veterans. This legislation promises to those who served their country the same right of independent review of the fairness with which their Government treats them through the Veterans' Administration that is available to virtually all other citizens.

In closing, I want to express my gratitude to my good friend from Wyoming (Mr. SIMPSON) for moving forward on this legislation of such fundamental importance. He and his staff—especially associate counsel H. Scott Wallace, chief counsel Tom Harvey, and legislative director Julie Susman—have been fair, thorough, and most constructive in approaching S. 636. The chairman is owed a great vote of thanks by all veterans for his leadership on the legislation before the Senate today.

Mr. President, I also congratulate my good friend from Colorado, Senator GARY HART, for his long commitment to the cause of judicial review. He has been well and ably assisted on this issue by Bill Holen, a member of his staff who has maintained a strong interest in this legislation. I also want to express my gratitude to my many colleagues who are cosponsors of the measure. The broad, bipartisan support for this measure is demonstrated by the list of 29 sponsors. Action by the Senate today to ratify this support will send a strong signal that Members of the Senate are strongly committed to removing the archaic bar to judicial review and modifying the nonsensical $10 limit on the amount an attorney can be paid and, in so doing, opening the inner working of the VA to the light of day.

I also note the very hard work on this legislation by members of the minority staff on the committee, including Bill Brew, Ed Scott, Jon Steinberg, Ingrid Post, and Charlotte Hughes.

Mr. President, S. 636 as it comes before the Senate today is a measure worthy of my colleagues' support, and I urge that they give it their unanimous backing.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair lay before the Senate H.R. 2936, the House companion bill, which is held at the desk.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. No objection.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2936) to amend title 38, United States Code, to increase the authorized number of members of the Board of Veterans' Appeals in the Veterans' Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I move that the Senate strike all after the enacting clause of H.R. 2936 and insert in lieu thereof the text of S. 636 as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 2936) was ordered to a third reading, was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TITLE AMENDMENT TO H.R. 2936

Mr. STEVENS. Mr. President, I send to the desk an amendment to the title of H.R. 2936 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Amend the title so as to read:

A bill to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration: and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the title.

The amendment to the title was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar No. 196, S. 636, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS' EMERGENCY JOB TRAINING ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair lay before the Senate Calendar Order No. 200, S. 1033.

The PRESIDING OFFICER. The bill be stated by title.

The legislative clerk read as follows:

A bill (S. 1033) to amend title 38, United States Code, to establish an emergency job training program for wartime veterans.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Veterans' Emergency Job Training Act".

SEC. 2. (a) Title 38, United States Code, is amended by inserting after chapter 43 the following new chapter:

"CHAPTER 44—VETERANS' EMERGENCY JOB TRAINING PROGRAM

"Sec.
"2101. Purpose.
"2102. Establishment of program; administration.
"2103. Eligibility; application; certification.
"2104. Employer job training programs.
"2105. Approval of programs.
"2106. Training establishments.
"2107. Nonqualifying programs of training.
"2108. Payments to employers.
"2109. Discontinuance of approval of employer programs; overpayments; penalties.
"2110. Coordination; information and outreach.
"2111. Inspection of records; investigations.
"2112. Termination of program.
"2113. Authorization of appropriations.

"§ 2101. Purpose

"The purpose of this chapter is to address the problem of severe and continuing unemployment among veterans by providing incentives to employers, in the form of payments to defray the costs of training or retraining, to hire wartime veterans who have been unemployed for long periods of time or have job skills that have been rendered obsolete by advances in technology or other industrial changes, for employment in stable, permanent positions that involve significant training or retraining.

"§ 2102. Establishment of program; administration

"(a) The Administrator and the Secretary of Labor (hereinafter in this chapter referred to as 'the Secretary') shall jointly carry out a program in accordance with the provisions of this chapter to assist eligible veterans in obtaining employment in stable, permanent positions that involve significant training or retraining. Assistance under the program shall be in the form of payments made to employers to assist them in defraying the costs of training or retraining eligible veterans employed in such positions.

"(b) Not later than sixty days after the date of the enactment of this chapter but in no event later than October 1, 1983, the Administrator and the Secretary shall enter into an agreement specifying their respective responsibilities for the adminstration of the provisions of this chapter. The agreement shall include specifications that the Administrator shall be responsible for the determination of whether a veteran meets the service requirements under section 2103 of this title and for payments to employers under section 2108 of this title, and that the Secretary shall be responsible for the determination of whether a veteran meets the unemployment requirements under section 2103 of this title and for job development activities under section 2110 of this title. The term 'administering agency' as used hereinafter in this chapter refers to the Veterans' Administration or the Department of Labor or both as specified in such agreement.

"(c) the Secretary shall carry out responsibilities under this chapter through the Assistant Secretary of Labor for Veterans' Employment established under section 2002A of this title.

"§ 2103. Eligibility; application; certification

"(a) For the purposes of this chapter, an eligible veteran is a veteran who—

"(1) acquired entitlement to educational assistance benefits from the Veterans' Administration under a program enacted by the Servicemen's Readjustment Act of 1944, the Veterans' Readjustment Assistance Act of 1952, or the Veterans' Readjustment Benefits Act of 1966 and who served during a period of war; and

"(2)(A) is unemployed and has been unemployed for at least fifteen of the twenty weeks immediately preceding the date of application for participation in a program under this chapter; or

"(B)(i) is unemployed and has been terminated or laid off from employment and is eligible for or has exhausted entitlement to unemployment compensation, and (ii) has no realistic opportunity to return to employment in the same or a similar occupation in the geographical area where the veteran previously held employment.

For the purposes of clause (2) of this subsection, a veteran shall be considered unemployed when the veteran is without a job and wants and is available for work.

"(b) A veteran who desires to undertake a program of job training under this chapter shall submit to the administering agency an application which shall specify the training objective to be pursued and shall be in such form and contain such information as the administering agency shall prescribe. The administering agency shall approve such application unless the administering agency finds that the veteran is (1) not eligible to participate in a program under this chapter, or (2) already qualified for the specified training objective.

"(c) A veteran who has been determined to be eligible under this section shall be certified as such by the administering agency, and the administering agency shall furnish such veteran with a copy of a certification of eligibility for presentation to an employer offering a program of job training under this chapter.

"§ 2104. Employer job training programs

"(a)(1) Except as provided in paragraph (2) of this subsection, in order to qualify as a program of job training under this chapter, a program of job training of an employer must provide training approved under this chapter for a period of not less than six months in an occupation in a growth industry, an occupation requiring the use of new technological skills, or an occupation for which demand exceeds supply.

"(2) A period of training of between three and six months may be approved where the administering agency determines, in accordance with standards which the administering agency shall prescribe, that the purpose of this chapter would be met.

The maximum period of training for which assistance may be paid on behalf of an eligible veteran under this chapter is twelve months, except that such period may be extended by the administering agency for a period of up to six additional months in the case of a veteran with a service-connected disability rated at (1) 30 percent or more, or (2) 10 or 20 percent if such veteran has been determined under section 1506 of this title to have a serious employment handicap.

"(c) Subject to the provisions of this chapter, an eligible veteran approved for participation in a program under this chapter may accept an approved program of job training offered to the veteran by any employer.

"§ 2105. Approval of programs

"(a) An employer may be paid assistance under section 2106 of this title on behalf of an eligible veteran employed by such employer and participating in a program of job training offered by such employer only if such program is approved in accordance with such procedures as the administering agency may by regulation prescribe and if the program meets the other requirements established under this chapter.

"(b) An employer offering a program of job training that the employer desires to have approved for the purposes of this chapter shall submit a written application for such approval. Such application shall be in such form and contain such information as the administering agency shall prescribe and shall contain a certification by the employer—

"(1) that the employer has planned for the employment of the eligible veteran in a position for which such veteran is to be trained and that the employer has no reason to expect that such position will not be available on a stable, permanent basis to such veteran at the end of the training period;

"(2) that the wages and benefits to be paid to an eligible veteran participating in the employer's program of job training will be not less than the wages and benefits normally paid to other employees participating in a comparable program of job training;

"(3) indicating the total number of hours of training to be offered for each eligible veteran, and describing the training content of the program and the objective of the training;

"(4) that the employment of an eligible veteran under this chapter—

"(A) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits); and

"(B) will not be in a job (i) while any other individual is on layoff from the same or any substantially equivalent job, or (ii) the opening for which was created as a result of the employer having terminated the employment of any regular employee or otherwise having reduced its work force with the intention of hiring a veteran in such job under this chapter;

"(5) that the training content of the program is adequate, in light of the nature of the occupation for which training is to be provided and comparable training opportunities in such occupation, to accomplish the training objective certified under clause (3) of this subsection;

"(6) that the occupation or job for which training is to be provided customarily requires training of not less than an average of thirty hours per week for a period of not less than six months or such other period as may be approved under section 2104(a)(2) of this title;

"(7) that the length of the training period under the proposed program is not longer than the length of programs that employers in the community customarily require new employees to complete in order to become competent in the occupation or job for which training is to be provided;

"(8) that there is in the training establishment or place of employment such space, equipment, instructional material, and instructor personnel as are needed to accomplish the training objective certified under clause (3) of this subsection;

"(9) that the employer will keep records adequate to show the progress made by each veteran participating in the program, and otherwise to demonstrate compliance with the requirements of this chapter; and

"(10) that the program meets such other criteria as may be established by the administering agency.

"(c)(1) Except as provided in paragraph (2) of this subsection, the administering agency shall approve the proposed program of job training unless the administering agency finds that the application does not contain a certification amd other information meeting the requirements of subsection (b) of this section.

"(2) The administering agency may withhold approval pending the outcome of an investigation of any matter under section 2111(c) of this title, and, based on such outcome, may disapprove such program, in accordance with regulations which the administering agency shall prescribe.

"(d) For the purposes of this section, approval of a program of apprenticeship or other on-job training for the purposes of section 1787 of this title shall be considered to meet all requirements for approval of a program of job training under this chapter.

"§ 2106. Training establishments

"Any employer may enter into an arrangement or agreement with an educational institution that has been approved for the enrollment of veterans under chapter 34 of this title in order that such institution may provide a program of job training (or a portion thereof) under this chapter. When such an arrangement or agreement has been entered into, the application of the employer shall so state and set forth a description of the training to be so provided.

"§ 2107. Nonqualifying programs of training

"No assistance under this chapter may be paid on behalf of an eligible veteran participating in a program of job training—

"(1) for employment in a seasonal, intermittent, or temporary job;

"(2) for employment under which commissions are the primary source of income;

"(3) for employment which involves political or religious activities;

"(4) for employment with any department, agency, instrumentality or branch of the Federal Government (including the United States Postal Service and Postal Rate Commission); or

"(5) if the training program will not be carried out in the United States.

"§ 2108. Payments to employers

"(a) Except as provided in subsection (b) and (c) of this section, the administering agency shall make quarterly payments to an employer of an eligible veteran participating in an approved program of job training under this chapter. The amount paid to an employer on behalf of an eligible veteran may not exceed the lesser of—

"(1) 50 percent of the wages paid to the veteran by the employer during the period for which payments are made; or

"(2) an amount for such period calculated on the basis of an annual rate of (A) $9,000 in the case of an eligible veteran with a service-connected disability rated at (i) 30 percent or more, or (ii) 10 or 20 percent if such veteran has been determined to have a serious employment handicap under section 1506 of this title, or (B) $6,000 in the case of any other eligible veteran.

"(b) If an employer to whom payments are made under this chapter is a private, for-profit enterprise employing five hundred or fewer employees, the administering agency may make such payments on a monthly basis.

"(c) Payment may not be made to an employer for a period of training under this chapter on behalf of a veteran until the administering agency has received—

"(1) from the veteran, a certification as to the veteran's actual employment and training with the employer during such period; and

"(2) from the employer, a certification—

"(A) that the veteran was employed, and that the veteran's performance and progress were satisfactory during such period; and

"(B) with respect to the first such certification, indicating the date on which the employment of such veteran began.

"(d) No assistance may be paid on behalf of an eligible veteran under this chapter—

"(1) and to such veteran under chapter 31, 34, and 36 of this title for the same period;

"(2) if the employer is receiving any other form of assistance on account of the training or employment of such veteran, including assistance under the Job Training Partnership Act (96 Stat. 3122; 29 U.S.C. 1501 et seq.); or

"(3) if such veteran has completed a program of job training under this chapter.

"§ 2109. Discontinuance of approval of employer programs; overpayments; penalties

"(a) If the administering agency finds at any time that a program of job training previously approved by the administering agency for the purposes of this chapter thereafter fails to meet any of the requirements established under this chapter, the administering agency may immediately disapprove further participation by eligible veterans under that program. The administering agency shall provide to an employer whose program is disapproved under this section, and to each eligible veteran participating in such program, a statement of the reasons for, and an opportunity for a hearing with respect to, such disapproval. Such employer and such veteran shall be notified of such disapproval, such reasons, and such opportunity by a certified or registered letter, and a return receipt shall be secured.

"(b)(1) Whenever the administering agency finds that an overpayment of assistance under this chapter has been made to an employer on behalf of an eligible veteran as a result of a certification or information contained in an application submitted by an employer which was false or clearly unsupportable in any material respect, the amount of such overpayment shall constitute a liability of the employer to the United States.

"(2) Whenever the administering agency finds that an overpayment of assistance under this chapter has been made to an employer on behalf of an eligible veteran as a result of a certification or information contained in an application submitted by a veteran which was false or clearly unsupportable in any material respect, the amount of such overpayment shall constitute a liability of the veteran to the United States.

"(3) Any overpayment referred to in paragraph (1) or (2) of this subsection may be recovered in the same manner as any other debt due the United States.

"(c) Whenever the administering agency finds that an employer, willfully or with reckless disregard of the facts, has made a false certification under section 2105 or 2108(c)(2) of this title, or any regulation issued thereunder, or has caused the administering agency to make a certification or give approval contrary to such sections, or such regulation, such employer shall be subject to a civil penalty, imposed by the ad-

ministering agency after an adjudication determined on the record after opportunity for a hearing before such agency, of not to exceed $1,000 for each such violation. Such violation shall constitute a separate violation with respect to each individual employed by reason of such wrongful certification or approval. Actions by the administering agency to impose a civil penalty under this subsection shall be reviewable in the district courts of the United States.

"§ 2110. Coordination; information and outreach

"(a) The administering agencies shall provide for an outreach and public information program to inform private industry and business concerns (including small business concerns), educational institutions, trade associations, and labor unions of opportunities under this chapter, and to promote job development by encouraging employers and unions to make training programs available for eligible veterans. The administering agencies shall coordinate such program with those job counseling, placement, job development, and other services provided for under chapters 41 and 42 of this title and with other similar services offered by other public agencies and organizations.

"(b) The administering agencies shall request and obtain from the Administrator of the Small Business Administration a listing of small business concerns, and, on a regular basis, update such listings. Such listings shall be used to identify and promote possible training and employment opportunities for eligible veterans.

"(c) The administering agencies, in consultation and cooperation with the Secretary of Education, shall take appropriate actions to advise educational institutions of the opportunities made available to veterans under this chapter and the opportunity for such institutions to enter into arrangements or agreements with employers pursuant to section 2106 of this title.

"(d) The administering agencies shall assist veterans and employers desiring to participate under this chapter in making application and completing necessary certifications.

"(e) In carrying out responsibilities under this chapter, the Secretary shall make maximum use of the services of State and Assistant State Directors for Veterans' Employment, disabled veterans' outreach program specialists, and employees of local offices appointed pursuant to sections 2003, 2003A, and 2004 of this title. The Secretary shall also use such resources as are available under title IV-C of the Job Training Partnership Act (96 Stat. 1322; 29 U.S.C. 1501 et seq.).

"(f) In carrying out the provisions of this section, the administering agencies shall endeavor to achieve an equitable regional distribution of training opportunities, based on a comparison of regional data concerning the rate of unemployment among veterans of a period of war, and taking into consideration the regional distribution of eligible veterans and approved programs of job training.

"§ 2111. Inspection of records; investigations

"(a) The records and accounts of employers pertaining to veterans on behalf of whom assistance has been paid under this chapter, as well as other records which the administering agencies determine are necessary to ascertain compliance with the requirements established under this chapter, shall be available at reasonable times for examination by authorized representatives of the Federal Government.

"(b) The administering agencies may monitor all participants under this chapter to determine whether they are complying with the requirements established under this chapter.

"(c) The administering agencies may investigate any matter they deem necessary to determine compliance with the requirements established under this chapter. The investigations authorized by this subsection may include examining records (including making certified copies thereof), questioning employees, and entering into any premises or onto any site where any part of a program of job training is conducted under this chapter, or where any of the records of the employer offering or providing such program are kept.

"§ 2112. Termination of program

"Assistance may not be paid to an employer under this chapter—

"(1) on behalf of a veteran who applies for a program of job training under this chapter after September 30, 1984; or

"(2) for any such program which commences after December 31, 1984.

"§ 2113. Authorization of appropriations

"There is authorized to be appropriated to the Administrator $150,000,000 for the purpose of making payments to employers under this chapter.".

(b) The table of chapters at the beginning of such title and at the beginning of part III of such title are each amended by inserting after the item relating to chapter 43 the following new item:

"44. Veterans' Emergency Job Training Program ..... 2101.".

(c)(1) Notwithstanding the provisions of section 2112 of title 38, United States Code (as added by subsection (a)), in the event that funds are not both appropriated under section 2113 of such title (as added by subsection (a)) and made available by the Director of the Office of Management and Budget to the Veterans' Administration on or before October 1, 1983, for the purpose of making payments to employers under chapter 44 of such title (as added by subsection (a)), assistance may be paid to an employer under such chapter on behalf of any eligible veteran if such veteran—

(A) applies for a program of job training under such chapter within one year after the date on which funds so appropriated are made available to the Veterans' Administration by the Director, and

(B) commences participation in such program within fifteen months after such date.

(2) For the purposes of this subsection, the term "eligible veteran" shall have the meaning provided in section 2103(a) of such title (as added by subsection (a)).

SEC. 3. The amendments made by this Act shall take effect on October 1, 1983.

Mr. SIMPSON. Mr. President, I am pleased to present to the Senate for its consideration S. 1033, the Veterans' Emergency Job Training Act. This bill would establish a 1-year program of payments to employers to cover the costs of training unemployed veterans in jobs that are likely to evolve into stable, permanent positions.

S. 1033 was introduced by me on April 12, 1983, and the version that is before the Senate today is a painstakingly worked out combination of the best features of S. 1033 and of S. 992, the Veterans' Emergency Retraining Act of 1983, which was introduced by the distinguished ranking minority member of the Veterans' Affairs Committee (Mr. CRANSTON) on April 6, 1983.

Mr. President, the unemployment rate among wartime veterans rose in February of this year to the highest level since World War II. Unemployment among Vietnam-era veterans remains at levels significantly higher than among nonveterans of the same age. Although recent figures from the Bureau of Labor Statistics in the Department of Labor suggest that the situation is improving, they also show that the problem persists, and that the disparity between veterans and nonveterans remains significant.

In May, some 700,000 veterans were unemployed and looking for work. This bill is designed not only to get veterans working again, but to narrow the unemployment gap between veterans and their civilian counterparts whose education and employment were not interrupted by military service—and to do so on a short-term, emergency basis, in order to ride out the worst of the present economic recession which has contributed so heavily to unemployment nationwide.

Eligibility under this bill would be extended to all wartime veterans of World War II, the Korean war and the Vietnam era who fall into the category of what might be described as "hard-core unemployed," that is, veterans who have either been unemployed for at least 15 out of the last 20 weeks, or who are unemployed and have no realistic opportunity to get another job in the same line of work and in the same geographic area. This no realistic opportunity group would encompass workers whose job skills have been rendered obsolete by advances in technology or other industrial changes, such as steelworkers in a steel-working ghost town. Clearly, there is little point in requiring such a person to collect unemployment compensation for 15 weeks before he can be considered sufficiently unemployed to qualify for training under this program.

An eligible veteran could join up with a job training program offered by any qualified employer for a period of up to 12 months, and certain service-connected disabled veterans could participate for up to 18 months. The rate of payment—which might be referred to as the training subsidy to the employer on behalf of the veteran—would be 50 percent of the wages paid by the employer to the veteran during the period of training, up to a limit of $6,000 a year, or $9,000 in the case of certain service-connected disabled veterans.

The program that would be established under this legislation would be jointly administered by the VA and the Department of Labor, according to their respective experience and abili-

ties. Upon passage of the bill, they would be required to enter promptly into an interagency agreement setting forth the responsibilities of each. In some areas, the bill specifies which agency should get what responsibilities; these are areas where our hearings and other inquiries indicated that a particular function was clearly more appropriate for one agency than the other. But in other areas, where the optimum division of responsibilities was not so clear, the bill would leave it up to the agencies to determine between themselves the issue of which agency is best suited to perform a particular task. The areas which the bill would specifically mandate to one agency or the other include the following: For the VA, the determination of whether the veteran meets all the appropriate wartime service requirements under the bill, and the responsibility for making payments to employers—that is, the actual issuing of the job training payments on a quarterly basis. The Department of Labor's mandated responsibilities include determinations as to whether a veteran meets the various unemployment requirements for eligibility, as well as job development activities. The bill would also mandate that, no matter which agency ends up with primary responsibility for information and outreach efforts, the program should be coordinated with all job counseling, placement, job development, and other services provided for under chapters 41 and 42 of title 38, and that the Department of Labor should make maximum use, in carrying out all of its responsibilities under the program, of the services of State and assistant State directors for veterans' employment, DVOP specialists, and employees of local offices appointed pursuant to sections 2003, 2003(a), and 2004 of title 38. The bill also provides that the Secretary of Labor should take advantage of such resources as may be available under the veterans' training portion—title IV-C—of the Job Training Partnership Act.

Under the program proposed in S. 1033, an interested veteran would be required to submit an application, meeting such requirements as may be specified by the agency in charge of such applications, and a veteran who is determined to be eligible and whose application is approved would then be furnished with a certificate of approval by the agency for presentation to a participating employer offering the program of job training.

An employer offering a program of job training would be required to submit a similar application, but the information furnished in connection with such an application would be considerably more thorough. The application would have to be accompanied by a certification by the employer that the proposed program of training meets 10 separate criteria specified in the bill. The employer would be required to certify, for example, that the employer has made plans for the continuing employment of the veteran after the period of training and that the employer has no reason to expect that an appropriate position will not be available on a stable, permanent basis; that the veteran's wages will be no less than is customary in the business; that the employment of the veteran will not contribute to the unemployment of another employee of that employer; that the training content of the offered program is adequate to achieve the desired effect; that the occupation for which training is to be provided customarily requires full-time training for neither more nor less than the period of training proposed by the employer; and that the employer has all the necessary training facilities and will keep all the appropriate records to carry out the offered training program.

When an application containing all the appropriate certifications is submitted by an employer, the bill requires, in general, that it must be approved. The administering agency would not be required to look behind the application or to conduct any investigation, although it would be authorized to conduct preapproval investigations for either of two reasons: First, where the application appears adequate on its face, but there are surrounding circumstances which suggest a reasonable doubt about a particular employer's ability to comply with all the necessary requirements; and second, where the administering agency chooses to institute a program of random, spot checks, designed in a nondiscriminatory manner to insure compliance with the requirements of the program. One alternative to this approval procedure would be that a training program which has already been approved by the VA for purposes of apprenticeship or on-job-training would be deemed to satisfy all the approval requirements of the bill. The thrust of all these provisions is to minimize the administrative approval time, in order to bring employers and veterans into the program as quickly as possible, while still permitting a reasonable amount of administrative control over the application and approval process.

The bill also contemplates that both employers and veterans would be assisted in making their applications and certifications by the appropriate agency personnel. Again, the emphasis here is on expediting the implementation of the program, but also on making it as attractive as possible to all qualified employers and veterans.

Some other provisions of the bill are aimed primarily at discouraging the possibility of employer abuses of the program. For example, a false certification or application would result in an overpayment, which would be collectable through the normal Federal debt collection machinery, and when an application or certification was intentionally or recklessly false, the employer would be subject to a civil penalty of up to $1,000 for each veteran wrongfully employed. In addition, the records of the employer would be subject to inspection, individual programs could be monitored to verify compliance, and the administering agencies could conduct investigations into any matter they deem necessary to determine compliance, including examining records, questioning employees and entering into the place of training. These last two provisions are essentially similar to provisions contained in the JTPA.

The program that would be established under this bill is authorized at a level of $150 million, and I would emphasize that it is intended to run for a full year—that is, if, for some reason, the money is not appropriated or made available by the start of fiscal year 1984, the program would be open for a full year from the date that funding actually becomes available.

The bill authorizes payments to small businesses on a monthly, rather than quarterly basis. I should stress my expectation that this option be exercised by small businesses, rather than by the VA. I would expect that the VA would approve monthly payments to all qualifying small business employers who choose to exercise that option.

I would also note that S. 1033 speaks in terms of the "training objective" rather than focusing on the completion of a program of training. The purpose of this distinction is to recognize that some programs of training may take longer than the maximum periods of eligibility under the bill—that is, 12 months in the case of any veteran other than a service-connected veteran. Where, for example, a particular occupation requires 2 years of full-time training, our intention is not to discourage participation in such a program, but to encourage veterans to sign up for such training programs and to complete as much as they can of the necessary training under the auspices of this legislation. The expectation is that the full training program will be completed, even though a portion of it is not subject to assistance under the bill. In such a case, the training objective to be certified would be that level of training achievable by the 1-year mark in a 2-year program of training.

Mr. President, the vote on S. 1033 in the Veterans' Affairs Committee was unanimous. There was, however, one particular issue to which the committee devoted considerable attention during the committee markup—that is,

the issue of whether the program should be funded as an entitlement or through an authorization of appropriations. Ultimately, the committee chose the authorization-of-appropriations route, and I believe this was a wise choice for a number of reasons. This is a short-term, emergency program, to be administered in significant part by the Department of Labor—an agency through which we have never before funded an entitlement program for veterans. Moreover, with the prospect of record high deficits continuing indefinitely, and the intense competition for scarce Federal dollars, I strongly believe that we should be extremely reluctant to embark upon new entitlement programs, or to expand old ones, and thus to forsake meaningful congressional control over the level of such spending. I would emphasize that the budget for veterans' benefits and services which is contained in the first concurrent budget resolution for fiscal year 1984 and which is now making its way through the congressional appropriations process, in H.R. 3133, the HUD-independent agencies appropriations bill for fiscal year 1984, is a very substantial one, and represents an increase of approximately $1.3 billion over last year's budget. It is a budget that all of the major veterans' organizations joined in praising before the Veterans' Affairs Committee. Seen in this light, I believe that the $150 million program authorized by this bill, and subject to appropriations, is an excellent program, and represents a very substantial commitment of money to the problem of unemployment among veterans. It is worth remembering that last year, in approving the Job Training Partnership Act, considerable satisfaction and pride was expressed at the earmarking of $9.4 million to address specifically the employment problems of certain Vietnam-era and disabled veterans.

Appropriations for existing VA entitlement programs will total more than $15 billion in fiscal year 1984. It would not be well to add another entitlement fiscal burden at this time.

I would note that the House of Representatives has already passed a similar bill, H.R. 2355, the Emergency Vietnam Veterans' Jobs Training Act of 1983, which is framed as an authorization of appropriations. And I would further note that the Appropriations Committee, in marking up H.R. 3133 2 days ago, adopted an amendment to provide the necessary $150 million funding for this legislation.

Mr. President, I wish to thank the distinguished ranking minority member of the Veterans' Affairs Committee (Mr. CRANSTON) for the excellent spirit of cooperation with which he worked with me on putting together the provisions of this legislation. I would also like to thank the committee staff members that labored so diligently over the formulating and drafting of this legislation—principally Scott Wallace, Tom Harvey, Julie Susman, Harold Carter, Laurie Altemose, Becky Hucks, and Kay Eckhardt of the majority staff, and Babette Polzer and Jon Steinberg of the minority staff. Their efforts have contributed mightily to the very thorough and well-thought-out measure that I present before the Senate today.

Mr. President, I believe that this legislation is timely, necessary, and well drafted to accomplish its intended goals. I strongly urge my colleagues to lend their wholehearted support to it.

Mr. President, I ask that there be inserted in the RECORD at the conclusion of my remarks the committee summary of provisions on S. 1033, as well as a copy of a letter from Senators HATFIELD, GARN, and STENNIS to myself and the Senator from California on the entitlement issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF PROVISIONS

S. 1033 as reported would amend part III of title 38, United States Code, Readjustment and Related Benefits, to add a new chapter 44, entitled "Veterans' Emergency Job Training Act". This new chapter would establish an emergency job training program for wartime veterans.

Included in the new chapter are provisions that would:

1. Address the problem of severe and continuing unemployment among veterans by establishing a job training program under which employers would be provided incentives (in the form of payments to defray the costs of training or retraining) to employ in stable, permanent positions that involve significant training or retraining certain wartime veterans who have been unemployed for long periods of time or whose job skills have been rendered obsolete by advances in technology or other industrial changes.

2. Require the Administrator of Veterans' Affairs and the Secretary of Labor jointly to carry out the new job training program established by the new chapter and to enter into an agreement specifying the responsibilities of the Veterans' Administration and the Department of Labor for the administration of the program.

3. Provide eligibility for the new program to wartime veterans who at any time acquired entitlement to an education assistance benefit (either the so-called World War II, Korean conflict, or Vietnam-era GI Bills) and who are unemployed under specified circumstances.

4. Provide that, in order to be approved as a program of job training for the purposes of new chapter 44, a training program offered by an employer must provide training for a period of not less than six months in an occupation in a growth industry, an occupation requiring the use of new technological skills, or an occupation for which demand exceeds supply, but would permit such programs of between three and six months duration to be approved in certain cases.

5. Limit the maximum period of training during which assistance may be paid to an employer on behalf of an eligible veteran to twelve months, but permit the twelve-month period to be extended for an additional six months in the cases of seriously disabled service-connected veterans.

6. Permit employers to enter into agreements with certain educational institutions for those institutions to provide programs of job training.

7. Provide that payments of assistance on behalf of an eligible veteran shall be made generally on a quarterly basis, upon receipt of certain required certifications from the employer and the veteran, and that such payments shall equal the lesser of 50 percent of the wages paid by the employer to the veteran or an amount based on a $6,000 annual rate (or $9,000 annual rate in the case of seriously disabled service-connected veterans).

8. Permit the payment of assistance to be made on a monthly basis in the case of certain small businesses.

9. Require the conduct of an outreach and public information program, utilizing the services of certain Department of Labor personnel, to maximize training opportunities.

10. Require coordination and consultation with the Secretary of Education and the Administrator of the Small Business Administration to promote maximum job training and employment opportunities under the new program.

11. Prohibit duplication of benefit payments and establish mechanisms to investigate and penalize employers and veterans making false applications or certifications.

12. Prohibit the payment of assistance to an employer on behalf of an eligible veteran if such veteran did not apply for the new chapter 44 program prior to October 1, 1984, and initiate training prior to January 1, 1985.

13. Authorize the appropriation to the Administrator of the VA of $150,000,000 for the purpose of making payments to employers under the new chapter 44 program.

The Committee bill also would provide that, in the event that funds are not made available to the VA for the new program on or before October 1, 1983, assistance may be paid to an employer if an eligible veteran applies for a program of job training within one year after the date on which funds are made available and commences participation in a program within fifteen months after that date.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., May 10, 1983.

Hon. ALAN K. SIMPSON,
Hon. ALAN CRANSTON,
Veterans' Affairs Committee, Washington, D.C.

DEAR AL AND ALAN: We understand that the Veterans' Affairs Committee is currently considering the enactment of additional entitlement legislation in order to provide a new job training program for unemployed veterans. While we endorse the concept of providing training opportunities for unemployed veterans, we do not feel the Congress can afford to establish new entitlement programs which are beyond the spending review of the Congress and which raise the very serious possibility of having to make further cuts in nonentitlement programs.

As you are well aware, the proliferation of entitlement programs have put pressure on the discretionary programs, making it more and more difficult for the Congress to provide appropriate levels of funding for many worthwhile programs. For example, in fiscal year 1980, 24.4 percent of total Federal outlays were associated with nondefense discretionary programs. In fiscal year 1983, this

decreased to 18.1 percent and it is now projected to be reduced to 16.4 percent by fiscal year 1986. As a result of increases in the entitlement programs, worthwhile activities such as the VA's Medical Care, Major Construction, and the Medical and Prosthetic Research will have to compete for a smaller and smaller portion of the Federal budget.

We would also oppose the notion of a "limited entitlement" i.e., one that is limited both in time (by a sunset provision) and in amount (by a dollar cap). We would have to conclude that such a program resembles an appropriated account far more than an entitlement, and bears the label of entitlement primarily to circumvent the appropriations process. Clearly, such a program would set a very questionable precedent in terms of this Committee's responsibility to oversee and coordinate Federal spending.

We would hope that your committee would authorize the program in the traditional manner so that the Congress can weigh the relative priority of this program through the regular appropriation process.

Sincerely,

JOHN C. STENNIS.
MARK O. HATFIELD.
JAKE GARN.

Mr. CRANSTON. Mr. President, as the ranking minority member on the Committee on Veterans' Affairs, I am delighted to join with the distinguished chairman of the Committee (Mr. SIMPSON) in urging the Senate to approve the pending measure—S. 1033, the proposed Veterans' Emergency Job Training Act. This legislation is an excellent measure and well deserves the Senate's support. If enacted, it would provide a carefully designed framework for responding to the very serious, extensive unemployment problems of our Nation's wartime veterans.

The committee, both majority and minority, worked closely together in blending the provisions of the two measures that were pending before it: S. 992, the proposed Veterans Emergency Retraining Act of 1983, which I introduced on April 6, and S. 1033 as it was introduced by the chairman of the committee on April 12. The end result is an example of bipartisanship that serves as a demonstration of the committee's continuing concern for and commitment to our Nation's veterans.

The development of this measure is a direct result of actions taken at the Veterans' Affairs Committee's meeting on March 1 to consider recommendations to the Senate Budget Committee on the fiscal year 1984 budget. At that time, the committee unanimously approved my motion to add $150 million to our recommendations for fiscal year 1984 in order to permit us the latitude to consider either a 15-percent GI bill rate increase, as proposed in S. 9, which I introduced on January 26, or a veterans' employment and retraining initiative, such as that which I had under development at that time and subsequently introduced as S. 992, or a combination of those two items. The Senate Budget Committee approved our committee's recommendation in this area and, consistent with my motion, included in its recommended first concurrent budget resolution for fiscal year 1984 budget authority and outlays for fiscal years 1984, 1985, and 1986 sufficient to accommodate such legislation. The Senate passed a budget resolution on May 19 with those amounts included.

Mr. President, when I introduced S. 992 and at the time of the committee's hearing on jobs legislation on April 20, I set forth three basic elements which I believed were vital for inclusion in any program the committee developed and which I urged that the committee use as the basis for its consideration of legislation in this area.

First, such a program needs to be competitive with other job training and retraining programs conducted by the Federal Government—particularly those conducted under the Job Training Partnership Act. I believe that S. 1033 as reported and presented to the Senate today meets that test.

Second, the program should avoid costly and time-consuming administrative requirements and rigidities so as not to discourage potential employers from participating in it and to keep redtape, delays, and paperwork to a minimum. Again, the committee bill does this.

Indeed, I am pleased that the basic provisions of my measure, S. 992, regarding the level and duration of assistance payments, administrative flexibility for employers and the administering agencies, and joint administration by the VA and the Labor Department—provisions designed to fulfill both the first and second objectives outlined above—were approved by the committee. Likewise, Mr. President, I am pleased that the provisions derived from my measure to provide a special incentive for employers to hire and train seriously disabled, service-connected veterans—by increasing the maximum amount of assistance that may be paid and by permitting an extension of the training period—and to establish a simplified approval process based on employer certifications, rather than investigations, have been incorporated into the committee bill.

The third basic element that I set forth was not met—that is, that the program needed to be established as a temporary, limited entitlement not requiring an appropriation before it could begin, rather than as an authorization of appropriations.

At the time that the committee considered this measure on May 11, I felt strongly that reliance on an authorization of appropriations ran a substantial risk of the program never being funded, or of being funded at a level substantially less than the level approved by the committee. At best, I was concerned that an authorization approach could serve to delay substantially—and perhaps for a protracted period—the implementation of the program authorized by the committee bill.

Despite my efforts in proposing two amendments that incorporated an entitlement approach—amendments which failed on 6-to-6 votes—the measure was reported as an authorization.

However, I am very pleased to report to my colleagues that my concerns have been substantially allayed by action taken just yesterday morning in the Committee on Appropriations in connection with its consideration of H.R. 3133, the proposed HUD-Independent Agencies Appropriations Act, 1984.

On June 8, the distinguished chairman of the Veterans' Affairs Committee joined me in a letter to the chairman and ranking minority member of the Appropriations Subcommittee on HUD-Independent Agencies urging that the full $150 million for the new veterans job program be included in H.R. 3133 contingent on the enactment of the authorizing legislation. Pursuant to our recommendation, the committee approved, by a 15-to-7 vote, a motion made by the distinguished Senator from Arizona (Mr. DECONCINI), who serves on both the Committees on Appropriations and on Veterans' Affairs, to add $150 million to the VA's readjustment benefits account for the purposes of funding this new job training proposal, contingent on the enactment of the legislation we are considering today.

I am delighted by this result, and I congratulate the Appropriations Committee on its sound judgment. It means that, when enacted, the measure before us today will—if the $150 million is retained in conference on H.R. 3133, as seems likely since the House passed the companion bill, H.R. 2355, by a vote of 407 to 10, on June 7—be able to be implemented expeditiously and in a timely fashion. It means that veterans will not be forced to wait out another appropriations cycle before training opportunities are made available.

Mr. President, the need for the pending measure is virtually indisputable. The seriousness of unemployment among veterans is well documented. Indeed, in testimony before the committee in April, the Department of Labor stated that—

> There is a significant employment problem for veterans, particularly for Vietnam-era and disabled veterans and * * * new and effective job training approaches for these veterans must be developed.

The VA agreed with that assessment.

Although official Bureau of Labor Statistics data for veterans generally or disabled veterans are not published, data are available for Vietnam-era veterans. In May, the rates of unemployment among Vietnam-era veterans ex-

ceeded the rates of unemployment among non-Vietnam-era veterans in every age category for which statistics are available, and, with only one exception, the rates in each category were higher in May than they were in April. This is particularly significant since national unemployment dropped by one-tenth of 1 percent in May.

Mr. President, before concluding my remarks, I want to take this opportunity to extend my thanks to the chairman and those members of the committee's majority staff who worked so diligently on this measure as well as my appreciation for the cooperation and courtesy that was extended to the members of the committee's minority staff. In particular, I want to note the efforts of Tom Harvey, Julie Susman, and Scott Wallace of the majority staff and Jon Steinberg, Ed Scott, and Babette Polzer of the minority staff.

Mr. President, this measure is as I noted at the outset, an excellent one, and, by virtue of the fact that it appears likely that appropriations to get the program underway will be made available promptly, enactment of the bill would enable the Federal Government to begin in October of this year to offer much-needed help to veterans who are out of work and lack the skills necessary to compete in today's changing labor market.

I urge the Senate to give this legislation its overwhelming approval.

Mr. President, I ask unanimous consent that a copy of our June 8 letter to which I referred earlier be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., June 8, 1983.

Hon. JAKE GARN,
Chairman,
Hon. WALTER D. HUDDLESTON,
Ranking Minority Member, Subcommittee on HUD-Independent Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR JAKE AND DEE: We are writing to urge you to include in the HUD-Independent Agencies fiscal year 1984 appropriations measure (H.R. 3133) $150 million to fund an emergency jobs training measure for veterans.

As you may know, on May 11, this Committee ordered favorably reported S. 1033, the proposed "Veterans' Emergency Job Training Act of 1983". That measure, which was reported on May 19, would establish a program to combat high umemployment among certain wartime veterans by providing incentives to employers to hire and train wartime veterans for stable, permanent employment. The legislation would authorize the appropriation of $150 million for incentive payments to employers under the program. On June 7, the House of Representatives passed H.R. 2355, the proposed "Emergency Vietnam Veterans' Jobs Training Act of 1983", by a vote of 407 to 10. That measure, which would establish an emergency program of job training assistance for disabled veterans and veterans of the Vietnam era, authorizes the appropriation of $150 million in each of fiscal years 1984 and 1985 as well as $25 million in fiscal year 1983. Thus, it appears almost certain that legislation authorizing the appropriation of $150 million to the Veterans' Administration for a new veterans job training program will be considered and approved by the Congress this year.

In addition, in H. Con. Res. 91, the First Concurrent Resolution on the Budget for FY 1984 as passed by the Senate, provision was made, at our Committee's request, for the funding of such an emergency employment measure.

The seriousness of unemployment among veterans is well-documented. Indeed, in testimony before this Committee, the Department of Labor stated that "there is a significant employment problem for veterans, particularly for Vietnam-era and disabled veterans and . . . new and effective job training approaches for these veterans must be developed." The VA agreed with that assessment. We believe that the $150 million authorization contained in S. 1033 is fully justified in light of the severity of the problem.

We further stress that the strong and clear intention of the authorizing Committees that whatever measure is enacted be considered an emergency measure and be implemented as quickly as possible. To this end, we believe the program should be funded and ready to begin no later than October 1, 1983. In this connection, we note that in a letter dated May 10, 1983, Senators Hatfield, Stennis, and Garn endorsed the concept of providing training opportunities for unemployed veterans but recommended that the Veterans' Affairs Committee report a measure with an authorization of appropriations that would subject the new program to the appropriations process. Both S. 1033 and H.R. 2355 contain such an authorization.

Thus, we strongly urge that, during your Subcommittee's consideration of H.R. 3133, you include $150 million for the new program, to remain available until expended. However, because the authorizing legislation will not be enacted by the time of Subcommittee mark-up, we suggest that the funding be made subject to the enactment of S. 1033/H.R. 2355. Enclosed is a copy of suggested language to accomplish this end.

Thank you for your cooperation in this matter.

With warm regards,
Cordially,

ALAN K. SIMPSON,
Chairman.
ALAN CRANSTON,
Ranking Minority Member.

Mr. PRESSLER. Mr. President, it is with great pleasure that I rise to speak in support of this measure today. An employment program for veterans is a concept that I have promoted for many years. I am glad to see that the time has come for a program of this sort.

The first piece of legislation I introduced in the 97th Congress was S. 26, the Vietnam Veterans' Readjustment, Recruitment, and Retention Assistance Act. This committee held hearings on the bill in July and August of 1981. There are great similarities between the ideas embodied in my bill and those in the bill now before the Senate, and this is very gratifying to note.

As a Vietnam veteran, I have long been concerned about the employment problems of my fellow veterans. At the end of May of this year, the unemployment rate for male Vietnam veterans between 25 and 39 years of age was 10.2 percent. For nonveterans in this same age group, the rate was 9.3 percent. Considering the preferences supposedly given to veterans in hiring, this rate is clearly unacceptable.

One of the big problems with today's unemployment situation is that a large part—50 percent—consists of what is known as structural unemployment. People who fall into this category are out of work because their jobs are being phased out of the national economy. As a result, they have very little chance of getting another job without some retraining. Unless these people are able to find an employer who can afford to train them on the job or they can finance their own retraining, they will have difficulty in finding a job. For this reason, I believe that a large part of our effort to reduce unemployment should focus on retraining. The training opportunities that will be provided to veterans through this legislation will do a great deal in helping our veterans to take their rightful place in the work force.

In the testimony I gave before the Veterans' Affairs Committee with regard to this legislation, I made several suggestions as to changes that might be made in the bill. I am pleased to note that some of these alterations have been made. The version of the bill which we consider today, for instance, provides that the Veterans' Administration has a major role in the administration of the job training program. The original version placed much more authority in the hands of the Department of Labor, which is ill equipped to handle some of the necessary functions of this legislation. This change, which I advocated, will make the program easier to implement and will, consequently, get assistance to our out-of-work veterans sooner.

I offer my thanks to my distinguished colleague from Wyoming, the chairman of the committee, as well as the other members of the committee, for the fine work they have done on this bill. It is an important and timely piece of legislation, and its only fault may be that it is too little, too late. It is sadly evident to me that we owe our veterans much more than we have given them so far. It is my hope that my colleagues will support this measure and that we will soon have an effective jobs program for veterans. It is an idea whose time has come.

AMENDMENT NO. 1407

Purpose: To authorize the administrative reorganization of certain Veterans' Administration offices

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of Senator SIMPSON and Senator CRANSTON.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Senator SIMPSON and Senator CRANSTON, proposes an amendment numbered 1407.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15, between lines 14 and 15 insert "TITLE I—VETERANS' EMERGENCY JOB TRAINING PROGRAM".

On page 15, line 15, strike out "SEC. 2" and insert in lieu thereof "SEC. 101".

On page 32, line 20, strike out "SEC. 3" and "Act" and insert in lieu thereof "SEC. 102" and "title", respectively.

Add at the end of the bill the following new title:

TITLE II—VETERANS' ADMINISTRATION REORGANIZATION

SEC. 201. The requirements of section 210(b)(2)(A) of title 38, United States Code, shall not apply to the planned administrative reorganization at the Veterans' Administration Rehabilitation Engineering Center (hereinafter in this section referred to as "VAREC") at 252 Seventh Avenue, New York, New York, involving—

(1) the transfer to the Veterans' Administration Medical Center, New York, of 24 full-time equivalent employees from the VAREC Special Clinic team, 5 full-time equivalent employees from the VAREC Restoration Laboratory, and 4 full-time equivalent employees from the VAREC Research and Development Service;

(2) the administrative reassignment from the VAREC of 8 employees (in addition to those described in clause (1)) who are orthotists or prosthetists and whose work stations are at nearby Veterans' Administration medical centers to those medical centers; and

(3) the reorganization of elements of the VAREC not providing direct patient services so as to continue them at 252 Seventh Avenue as the "Veterans' Administration Prosthetic Technology and Information Center", under the direct supervision of the Director, Prosthetic and Sensory Aids Service, Department of Medicine and Surgery, Veterans' Administration Central Office.

Mr. SIMPSON. Mr. President, I am pleased to join with my good friend, the ranking minority member of the Veterans' Affairs Committee, Mr. CRANSTON, in submitting a noncontroversial amendment to S. 1033. The substance of this amendment—relating to a staffing reorganization in the Veterans' Administration—is not related to the subject matter of S. 1033. Rather, we are proposing to add it to S. 1033 because of the need to insure early enactment of the provisions of our amendment.

Mr. President, I will ask that a May 12, 1983, letter to me from the VA Chief Medical Director, Donald M. Custis, M.D., be printed in the RECORD at the conclusion of my remarks. In that letter, Dr. Custis explains in some detail the specific organizational and administrative situation that prompts this amendment. Stated very briefly, the VA is seeking to accomplish an interagency transfer of 41 employees between two VA offices in connection with the agency's plans to improve the Department of Medicine and Surgery's efforts to more rapidly meet the challenge of new technology in prosthetics and sensory aids while continuing to provide direct health care services to veterans in this important area.

As Dr. Custis noted in his letter, the reorganization plans for the VA Rehabilitation Engineering Center (VAREC) at 252 Seventh Avenue, New York, N.Y., which would require the personnel administrative reassignments, are based on results from the report of a task force appointed to review and make recommendations for the future mission and organization alinements of VAREC. The personnel transfers would place direct patient care services in VA medical centers and will group nondirect patient care programs into a VA Prosthetic Technology and Information Center under the VA Central Office Director of Prosthetic and Sensory Aids. Under current law—section 210(b)(2) of title 38, United States Code—the VA is generally prohibited from reducing the staff at any of its offices by more than 10 percent in any fiscal year without an advance notice to the Congress submitted not later than the day on which the President submits to the Congress the budget for that fiscal year. The VA notified this committee on January 11, 1983, that this transfer was planned.

The assignment of the VAREC special clinic team to a medical center is especially noteworthy. VAREC was established to provide a national program through which eligible veterans could request directly specialized services and devices without going through the normal slow-moving agency channels. My understanding is that the special clinic team would be charged with facilitating such results. Therefore, it would seem desirable that plans be considered to expand the reach of this important service, perhaps by locating such a team in each medical region in order to enhance the abilities of all medical centers in addressing this particular aspect of direct patient care. This action would also go a long way toward the elimination of past concerns that VAREC's service was directed more toward veterans in the New York metropolitan area rather than veterans throughout the country. I believe that the decision to place the first special clinic team in the Manhattan VA Medical Center was based on statistics which have shown the overwhelming majority of special requests which would be handled by such a team originate in the greater New York metropolitan area.

I would encourage the VA to insure that this move accomplish the purpose for which it has been designed. To accomplish that end, it is important that adequate space for personnel and equipment be provided and that a core number of personnel expert in this area be preserved so that this first team may serve as a training resource to the future special clinic teams which we believe should be established in the various medical districts.

Mr. President, the proposed transfer would promote better organization and delivery of health-care services to our Nation's veterans, and would not require additional appropriations. In order to enable these actions to take place before October 1, enactment of this amendment is necessary. Nothing would be gained by waiting for the clock to run in this case, since the VA has clearly justified the need for and reasons behind the planned reorganization. I know of no opposition to the proposed transfer.

Mr. President, I ask unanimous consent that the letter mentioned earlier from the VA Chief Medical Director, dated May 12, 1983, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS' ADMINISTRATION,
Washington, D.C., May 12, 1983.

HON. ALAN K. SIMPSON,
Chairman, Committee on Veterans' Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to a telephone request of March 21, 1983, by Ms. Julie Susman of your office concerning our Department of Medicine and Surgery's plan for the VA Rehabilitation Engineering Center (VAREC).

The Veterans Administration is determined to regain and expand the leadership role assigned by Congress at the end of World War II in the area of prosthetics and sensory aids. In keeping with that dedication, I have initiated several important actions over the past three years. A new director of the Prosthetic and Sensory Aids Service in VA Central Office was appointed two and one-half years ago. The staff of the Prosthetic and Sensory Aids Service within the Office of Professional Services has been increased by five new positions. Two years ago, I appointed a task force to review and make recommendations for the future missions and organizational alignments of the various program elements of VAREC at 252 Seventh Avenue, New York, New York. I have accepted and approved all of the task force's recommendations with a few caveats or minor modifications. This letter refers to the implementation of those recommendations.

Those program elements that provided direct patient care will be administratively reassigned and physically transferred to appropriate nearby VA medical centers. The

purpose is to place these services in the mainstream of patient care activities. The Special Clinic Team (five employees), those orthotists and prosthetists physically located at 252 Seventh Avenue (24 employees), and the Restoration Laboratory (five employees) will be administratively reassigned to the VA Medical Center, New York, New York, approximately one mile from the location of VAREC. Ward 14 South at the medical center will be renovated to accommodate the move. The anticipated completion date of that project is February 1985. Until that project is completed, these programs would physically remain at 252 Seventh Avenue. They will be administratively reassigned to the VA Medical Center, New York, as soon as possible in compliance with 38 U.S.C. 210(b)(2); i.e., October 1, 1983.

These elements will continue to perform their traditional service functions, whether at 252 Seventh Avenue or after the move to the medical center, providing care for any patients referred to them from any part of the United States. In addition, the Special Clinic Team will serve as the nucleus for development of a special amputee service which will be directed by a physician.

The necessary funds for personal services, equipment and supplies, etc., will be allocated to the VA Medical Center, New York, from the VAREC allocation.

Additionally, the four employees that constitute the research section of the Research and Development Service of VAREC will be administratively reassigned to the Engineering Service at the VA Medical Center, New York. This reassignment is independent of the reassignment of the Special Clinic Team, orthotists/prosthetists and restoration technicians, so it is not dependent upon the renovation project. Consequently, it can be accomplished on October 1, 1983.

Those orthotists and prosthetists administratively assigned to VAREC but whose work station has been at nearby VA medical centers will be administratively reassigned to those medical centers. Those employees are not included in the 24 prosthetist/orthotist employees listed in the Prosthetist/Orthotist Service being moved to VA Medical Center, New York. This is an administrative change and will not involve a move by the personnel since their permanent work stations are at those medical centers. The St. Albans Division of the VA Medical Center, Brooklyn, New York, will receive one employee; the East Orange, New Jersey, Medical Center will receive two employees; the Bronx, New York, Medical Center will receive two employees, and the Castle Point, New York, Medical Center will receive three employees. The necessary funds for personal services costs will be allocated to the respective VA medical centers from the VAREC allocation.

Those elements at VAREC which do not provide direct patient services include the Research Service, the Technology and Performance Evaluation Service (TAPES), the Information and Education Service, the Orthopedic Shoe Service, and the Office of the Director.

These programs will remain at 252 Seventh Avenue but be reorganized as the "VA Prosthetic Technology and Information Center" under the responsibility of the Director, Prosthetic and Sensory Aids Service, VA Central Office. The Prosthetic Technology and Information Center will consist of: Office of the Chief and supporting staff (17 employees); the Technology and Product Evaluation Service (16 employees); the Testing and Standards Service (10 employees); the Footwear Service (34 employees); and the Technical Information Service (16 employees).

The Development Section and the Model Making Lab (tool and die shop) of the Research Service of VAREC have been internally reassigned to Testing and Standards Service in support of their mission. The six TAPES positions detailed to the VA Medical Center, Castle Point, will be physically transferred back to 252 Seventh Avenue as part of the Technology and Product Evaluation Service. (These six positions are included in the above totals.)

The 1984 assigned recurring FTE at VAREC is 139 and the assigned recurring dollars are $9,521,577. The planned changes will result in the following redistribution:

Thirty-eight FTE and funds to support those FTE will be transferred to VA Medical Center, New York; 8 FTE and funds to support those FTE will be reassigned to other nearby VA medical centers as detailed above in paragraph six; 93 FTE and appropriate funds to support the VA Prosthetic Technology and Information Center will be assigned to the Director, Prosthetic and Sensory Aids Service, VA Central Office. The allocation of these funds for individual missions of evaluation, development, testing and information dissemination, as well as continuing the orthopedic shoe service, will be formulated and planned by the Department of Medicine and Surgery in Central Office.

The Office of Personnel Management has concluded that many positions at VAREC are overgraded and that a significant number of downgrades must take place. They have agreed, however, to defer any action until the VA had completed the recommended reorganization. The new organizational and functional charts for the elements moving to VA Medical Center, New York, and the elements being changed to the Prosthetic Technology and Information Center involve basically the same individuals who are already on duty at VAREC. Consequently, there will be a need for only two positions to be eliminated.

Once the Prosthetic Technology and Information Center is established, VA personnel will perform desk audits of each position. Any downgrades initiated by the VA would be based upon these desk audits. The Office of Personnel Management will want to review the VA's actions and take any further action they feel is necessary. Once final decisions are made on personnel changes and downgrades, the appropriate congressional committees will be informed.

The space for the Prosthetic Technology and Information Center at Seventh Avenue will be evaluated by our Construction Office and GSA. A new floor plan will be drawn up after an analysis has been conducted so as to consolidate the Service into the most effective space usage.

The goal of this plan is to continue to make available the direct services to veterans that VAREC has provided. In addition, the reorganization will improve The Department of Medicine and Surgery's efforts to more rapidly meet the challenge of new technology in Prosthetic and Sensory Aids.

Sincerely,

DONALD L. CUSTIS, M.D.,
Chief Medical Director.

Mr. CRANSTON. Mr. President, as the ranking minority member of the Committee on Veterans' Affairs, I join with the chairman of the Veterans' Affairs Committee (Mr. SIMPSON) in urging our colleagues to support our noncontroversial amendment that would authorize the VA to proceed with an administrative reorganization of the VA's Rehabilitation Engineering Center (VAREC) in New York City prior to October 1, 1983. This proposed reorganization is the final action in an extended VA review of the mission and effectiveness of the VAREC and will carry out the recommendation of a VA task force appointed by the VA's Chief Medical Director. However, under a provision of current law applicable specifically to the VA—section 210(b)(2) of title 38, United States Code—the VA is generally prohibited from reducing its staff at any of its offices by more than 10 percent in any fiscal year without advance notice to the Committee on Veterans' Affairs approximately 8 months prior to the beginning of that fiscal year. The Administrator provided such advance notice on January 11, 1983. Thus, because the implementation of the reorganization would involve reducing the staff level at VAREC beyond the degree specified in the law, the VA would not be able to carry out the reorganization until October 1, 1983, the start of fiscal year 1984. The amendment we are proposing would, in effect, upon enactment waive the application of the limitation on reductions of VA personnel at any particular covered facility to the personnel transfers involved in this reorganization, thereby allowing the VA to proceed in a more timely fashion.

Mr. President, I know of no opposition to the overall proposed reorganization. There have been concerns expressed within the veterans' community about some aspects of the reorganization as it affects the VAREC special clinic team. The two principal issues relate to the special clinic team—specifically, the need to provide sufficient space for the team at the Manhattan Veterans' Administration Medical Center prior to the team's being moved and the fulfillment of a previous commitment from officials at VA central office to establish and train within 1 year five additional special clinic teams, similar to the one being transferred from the VAREC, so as to establish such a team in each of the six VA regions, thereby creating a national network of such teams. It is my understanding that these two issues have been sympathetically addressed by appropriate officials in VA central office and that those who have raised the concerns have been reassured. Nevertheless, it is my intention—lest there be any misunderstanding—to secure from the VA written assurances with respect to each of these concerns prior to enactment of this provision.

Mr. President, in light of the fact that the concerns seem to have been addressed at this point, my intention to seek written assurances and the fact

that the VA is ready to proceed with the planned reorganization, I believe the agency should be permitted by the Congress to do so before October 1. I, therefore, urge my colleagues to support the pending amendment that the distinguished committee chairman and I are proposing.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 1407) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. STEVENS. Mr. President, I now ask the Chair to lay before the Senate Calendar No. 236, H.R. 2355, the House companion bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2355) to establish an emergency program of job training assistance for disabled veterans and veterans of the Vietnam era.

The Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I move to strike all after the enacting clause and insert the text of S. 1033, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2355) was read the third time and passed.

The title was amended so as to read:

A bill to amend title 38, United States Code, to establish an emergency job training program for wartime veterans.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent to indefinitely postpone Calendar Order No. 200, S. 1033.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 2477 REFERRED TO THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. STEVENS. Mr. President, I ask unanimous consent that H.R. 2477, entitled the "Sipsey Wilderness Additions Act of 1983", be referred to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BYRD. Mr. President, I am advised there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 9 REFERRED TO THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that H.R. 9, a bill to designate components of the National Wilderness Preservations System in the State of Florida, be referred to the Energy and Natural Resources Committee.

Mr. BYRD. Mr. President, I am advised there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, is there an order for convening tomorrow?

The PRESIDING OFFICER. The Senate is scheduled to convene at 9:30 a.m. tomorrow morning.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess in accordance with that previous order.

There being no objection, the Senate, at 7:37 p.m., recessed until Thursday, June 16, 1983, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 15, 1983:

ENVIRONMENTAL PROTECTION AGENCY

Howard M. Messner, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency, vice John P. Horton, resigned.

FEDERAL ELECTION COMMISSION

Joan D. Aikens, of Pennsylvania, to be a Member of the Federal Election Commission for a term expiring April 30, 1989 (reappointment).

John Warren McGarry, of Massachusetts, to be a member of the Federal Election Commission for a term expiring April 30, 1989 (reappointment).

EXTENSIONS OF REMARKS

FLAG DAY

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. McGRATH. Mr. Speaker, yesterday all Americans celebrated Flag Day, a day set aside by this Congress as a national commemoration of the symbol of our country. It is unfortunate that this day is often overlooked by the Nation, for while its celebration is not marked by a 3-day weekend or parades down Main Street, it is vital for citizens to seize the significance of this day.

On Flag Day we do not honor a historical personality or the importance of our ethnic heritage, but the one symbol which unites all citizens regardless of political or philosophical differences; the one symbol that all Americans stand under, sing about, and salute—The American Flag.

Throughout history, the flag has represented the hopes and aspirations of our Nation. When British ships bombarded Baltimore's Fort McHenry, the courage of our soldiers was symbolized by the continuous flying of this flag. The scene so moved Francis Scott Key that he composed what became our national anthem as a tribute to the heroism displayed under that flag. During the Second World War on the Island of Iwo Jima, the raising of the American Flag on Mount Suribachi by six Marines inspired our Nation and the world. Finally, it is impossible to forget our 1980 Olympic hockey team's triumph over the Soviet Union and the patriotic pride we felt upon hearing our national anthem as our flag was raised in victory.

Mr. Speaker, there are numerous anecdotes and accolades with which we here could salute those 50 stars, and 13 stripes. But our finest tribute would be for all Americans to take time out to salute our national symbol which flies "O'er the land of the free and the home of the brave."●

UNITED STATES-FRENCH RELATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. HAMILTON. Mr. Speaker, I wish to bring to the attention of my colleagues remarks made by Dr. Jacques E. Soustelle before the annual meeting of the Association of Former Members of Congress on May 24, 1983.

A member of the organization of former French deputies (Group des Anciens Deputes), Dr. Soustelle is a prominent scholar who was one of the major architects of the constitution of the Fifth Republic and a Governor General of Algeria. During the Second World War, he was decorated by Supreme Allied Commander Gen. Dwight D. Eisenhower for his important role in the liberation of France.

Dr. Soustelle's remarks are an effective reminder of the democratic heritage the United States and France share. Both Nations' Governments were born through the act of revolution, and both cherish the values of constitutional government. His remarks also refer to the common struggle against tyranny which the United States and France have waged in this century. Although the United States and France have policy differences, the Franco-American relationship, Dr. Soustelle explains, appears stronger today.

His remarks follow:

REMARKS BY DR. JACQUES SOUSTELLE, FORMER MEMBER OF THE FRENCH NATIONAL ASSEMBLY, MAY 24, 1983

Mr. Chairman, Ladies and Gentlemen: First of all I wish to express to you all my heartfelt thanks for the most friendly welcome which has been given me since I came here as your guest in representation of the "Anciens Membres de l'Assemblée Nationale" By the way, "Anciens" in French simply means "Former" and does not carry the meaning of the English word "ancient". Although I am an archaeologist by profession, neither I nor my colleagues should be considered as "antiquities"!

Out of roughly 1,200 former members of the French National Assembly, 700 are members of our Association, which was founded in October, 1979 and merged with a former Association of ex-members of Parliament under the Third Republic. As you know, France, since the great Revolution of 1789, has had thirteen Constitutions, some of which lasted only a few years (one, even, that of 1793, remained on paper). The regime with the longest life was the Third Republic (65 years); and now the Fifth Republic, which ranks second with 25 years, is still going strong. Its constitution was drafted in 1958 by the Cabinet of which I had the honor of being a member, under the chairmanship of Gen. De Gaulle, and was signed by 25 "founding fathers" including myself, and submitted to the people's vote. Out of 36 million voters, 5 millions voted against the proposal, and 31 million in favor.

Napoleon Bonaparte, when he drafted "his" Constitution, said that it should be "short and obscure". Ours is not very short, since it has 92 articles, 16 of which are getting obsolete; but it is not obscure and seems to fulfill the desires to both Right and Left. Our democratic system compares both with the Westminster system of the British and with the American presidential Constitution; it is more presidential than the British and more parliamentary than yours.

However that may be, the French Republic today is a democracy, which means that my country is a member of an honorable minority in the world, but of a minority nevertheless, while totalitarian, one-party, dictatorial, militarist regimes are supreme in many countries, as well as in the UN, the UNESCO and other international bodies.

We belong, therefore, to that part of the world whose ideals we share with the Western democracies, and with the United States.

While you have here two parties, we in the French Parliament have five parties, but as a matter of fact two main blocks, one of the Right and one of the Left. But the common ideal of all French democrats is twofold: freedom and peace.

Freedom, "Liberté, liberté chérie" in the words of our national anthem, La Marseillaise, is the treasure we have fought for, together with you, during the war against Nazi tyranny. Even when differences of opinion may sometimes appear between us and our friends, we know that we are and must remain united to keep this treasure of freedom which our ancestors have bequeathed to us.

Peace. In a world torn by terrorism, local wars, and protracted conflicts, we are conscious of the fact that the free nations have the duty of uniting their efforts. We acknowledge the leading role of America in the defense of world peace, and we are convinced that the democracies of Western Europe must work together for peace in close cooperation with the United States. An important fact concerning France is that, in spite of the internal debates between government and opposition, an overall consensus for the Atlantic Treaty and the NATO appears stronger than ever today.

We former members of the National Assembly intend to do our part by strengthening our links with our European colleagues in Germany, Italy, Britain, and with our American counterparts.

Thank you, Mr. Chairman.

JACQUES SOUSTELLE.●

HOME CARE FOR THE ELDERLY

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mrs. SNOWE. Mr. Speaker, I would like to offer my support for H.R. 2094, legislation which would encourage home care for the elderly. As our elderly population continues to increase,

the need for alternatives to institutionalization becomes increasingly imperative. Many individuals are prematurely institutionalized when acute care is not actually needed because of the lack of funding alternatives to families.

H.R. 2094 is drafted to provide one alternative by offering tax credits to certain families who wish to care for elderly relatives in their home. Elderly individuals have the option, too, of living independently or in the family's home. If passed, this legislation will provide tax credits for a portion of the expenses incurred for support services such as home health aid services, adult day care, respite care, nursing care and medical or health-related equipment and supplies.

H.R. 2094 specifies that families with incomes of $10,000 or less can claim a tax credit for 30 percent of the expenses incurred in the care of an elderly relative, up to a maximum credit of $1,050. Low-income families who do not pay enough taxes to get the full benefit of the credit will have the credit refunded directly to them. Families with adjusted gross incomes in excess of $50,000 will be ineligible for the credit. If the elderly relative's adjusted gross income exceeds $15,000, the caretaker family will not receive a tax credit. This sliding scale tax credit arrangement is to provide an alternative to expensive nursing homes or hospital care to families with lower incomes and who are willing to provide caretaking tasks for their aged relations in nonlife threatening situations.

Moreover, this bill also focuses on a related but equally difficult problem—the care of patients suffering from Alzheimer's disease. These victims are not even nursing home candidates although heartbreakingly disabled. Families of the over 1.4 million Alzheimer's disease victims must bear the burden of long and costly home care for their loved ones because nursing homes often will not accept Alzheimer's disease patients. Unfortunately, there is no known cause or cure of this illness. Victims suffer forgetfulness and severe personality changes over a 3 to 10 year period before losing all bodily functions which finally qualifies them for nursing home care—if the nursing home will have them. Providing 3 to 10 years of home services is emotionally devastating to the sufferer's family, as well as very expensive. This legislation could provide at least some measure of financial relief.

Mr. Speaker, H.R. 2094 would provide older Americans in this country the option of remaining with their families as long as possible. A recent Congressional Budget Office study estimates that 40 percent of the approximately 1.3 million elderly in nursing homes could be cared for at home if they or their families had some financial assistance. Obviously, it is important that we seriously consider alternatives that best serve the health care needs of our senior population as well as alternatives that are cost effective. I recommend passage of this measure with that objective in mind.●

NO, LET US PRAISE FREE TRADE

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. SUNDQUIST. Mr. Speaker, the Washington Post, on June 13, 1983, recently published an article written by the U.S. Trade Representative, Mr. William E. Brock.

Because Mr. Brock is a leading authority regarding our country's trade policies, I urge my colleagues to read the following commentary advocating free trade.

[From the Washington Post, June 13, 1983]

NO, LET US PRAISE FREE TRADE

(By William E. Brock)

During the past year, I have noticed the appearance of several commentaries that challenge the precepts of free trade and make protectionism appear as a logical instrument of bringing order out of economic chaos. One recent effort, "Let Us Now Praise Trade Protectionism" by Wolfgang Hager, appeared in The Post's Outlook section May 15.

The basic assumption of the article is that the continuation of free-trade policies in industrialized countries will leave us nothing more than a few high-tech and service-industry jobs. Heavy industrial sectors will be lost to Third World countries, because the labor differential will leave us forever noncompetitive.

This has been a particularly fashionable argument, especially during a period of economic downturn when the immediate problems of foreign competition seem infinite. But Hager boldly concludes that protectionism is something more than the politically expedient statement made by some presidential candidates—that it is a necessity based on the evolution of the world economy. There are a number of reasons why these conclusions are poorly founded, but perhaps the most important one is that increased protection ensures substantially lower levels of productivity. The result: fewer jobs, less innovation and more inflation. Hardly a logical set of goals.

It is simplistic—and false—to assume that, because of the worldwide availability of state-of-the-art capital equipment, the industrialized countries will never have the chance to make up the labor differential enjoyed by the developing countries. There are many other factors that enter into the competitiveness of national industry, including capital intensity, management competence and creativity, worker training and productivity, the quality of national infrastructure of roads, communication and distribution systems, adequate and flexible financial systems, the willingness of entrepreneurs to take risks, the level of savings, investments and incentives, and the economic environment provided by the government.

In truth, automation and technology, more than imports, may well continue to result in fewer people employed in specific heavy industries, but workers will produce more in a cleaner and safer work place while earning better pay. Can we fairly stop that process? We certainly have fewer people on the farm than we did 50 years ago, yet we produce far more products with lower prices, higher profits and better quality. Would anyone seriously suggest our diet would improve with a return to horse and harness? The same is true today in the plant. If we have the foresight to invest the necessary physical and human capital in our industries, as we must, we can remain competitive.

In fact, the key is productivity. Protection is the worst remedy for a lack of productivity. Modern technology is making possible incredible improvements, and success will go to those countries that have the foresight to build an economic and political system with the incentives to invest in both new technology and better education. Protection removes those incentives and provides an illusion of security while, in reality, the competitive gap becomes larger and larger.

A protected national market will ultimately guarantee non-competitiveness in the global market, and that's the only market that can provide the necessary economies of scale for many industries. To remain competitive in the world market, you have to compete, not hide behind import barriers.

Hager's advocacy of increased protection of industrial-country markets from the flood of goods and services originating in the developing world is particularly disturbing. These are not just friends, they are the largest and fastest growing market for our manufactured exports. We sell more to the developing countries than to Japan and the European Community combined. It is inconceivable that we might continue to create jobs here through our exports if we don't buy their products.

Far tighter controls on less-developed countries' exports to the industrial world would be even more absurd right now in light of the significant debt problems facing many developing countries. Rather, industrial countries need to maintain and increase the access of developing-country exports to their markets. If not, the refusal to buy our goods and, ultimately, the inability to pay their debts won't be simply an emotional response; it will be an economically mandated reality. The stability, and perhaps survival, of our world financial and economic system is threatened by such protectionist rationalization.

But Hager has a plan that purportedly will satisfy Third World foreign exchange needs and stabilize markets generally. All we have to do is enter into a series of understandings that will alter the "terms" of trade, which includes the notion that importing countries will be willing to accept an increase in price overall, perhaps through high tariffs that we would then rebate to them as foreign aid. So, to solve our problem, all we have to do is reduce competition here at home, pay higher prices for that which we import (presumably only those products not available domestically) and snuggle up under the warm blanket of an all-wise and all-caring government. Precedent for this is cited in Eastern Bloc trade, among others. Is massive bureaucracy to be our role model?

The article reminds us again that a significant percentage of world trade is "managed" anyway with the proliferation of textile quotas, agricultural subsidies and steel arrangements. But to acknowledge that we are all sinners does not justify economic sui-

cide. The important thing is to acknowledge protection and to establish policies that discourage its proliferation and lead to its removal.

Then we can take an honest look at remedies and ask the real questions: How good is our educational system, and what are we doing to make it the best in the world? How good is our tax system, and can we remold it to increase savings, incentives and investment? How competitive are our management and labor practices, and can we shape up our R&D? How strong is our self-confidence, and what do we need to do to compete? Or, alternatively, how desperate are we for security, and what degree of stagnation and hopelessness will we impose on our children to achieve it?●

MARYLAND JAYCEES AND JAYCEE WOMEN

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. DYSON. Mr. Speaker, I am pleased to have this opportunity to bring to the attention of my colleagues the activities of the Maryland Jaycees and Jaycee Women.

These organizations, devoted to the community, individual, and managment development, have served a worthwhile purpose for many years. They are always cognizant of the needs of the various communities they serve and take an active role in fostering goodwill and fellowship.

Recently, at their annual convention in Ocean City, Md., the organizations honored those members who excelled during the past year in meeting their own goals and the goals of the group. I am pleased to say that my congressional district is privileged to have the outstanding region, district, and local chapter members in the State of Maryland.

I would like to note some of those chapters that have received special recognition. Region V, composed of the chapters from the Eastern Shore, was named the Outstanding Region in the State of Maryland. District 12, which includes the chapters from the Lower Eastern Shore, was the Outstanding District. The Waldorf Chapter, located in southern Maryland, was the Outstanding Chapter. The Easton Chapter, in Talbot County, was the Outstanding Chapter in Programing, that is, project work. The Federalsburg Chapter, in Caroline County, was the Outstanding First-Year Chapter. The Outstanding Chapter of the Jaycee Women was the Salisbury Chapter, in Wicomico County.

It would be impossible here for me to cite all of the deserving individuals and other chapters which could fairly be commended for the important roles they play in their communities. However, I am happy to recognize these very deserving organizations. I, therefore, urge my fellow Members to be conscious always of the major contributions of Jaycees and Jaycee Women.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. CORCORAN. Mr. Speaker, due to previous commitments, I was unable to be present and voting on several issues debated on the House floor yesterday. Had I been present, I would have voted in the following way:

On agreeing to the approval of the House Journal of Monday, June 13, "yea."

On suspending the rules and passing H.R. 1076, Jones Act Exemption, "yea," (passed by a recorded vote of 373 to 44).

On suspending the rules and passing H.R. 2062, National Marine Sanctuaries, "yea," (passed by a recorded vote of 379 to 38).

On an amendment to the DOD authorization bill (H.R. 2969) that sought to delete $19.4 million in Air Force procurement funds for antisatellite systems, "paired no."

On an amendment to H.R. 2969 that sought to prohibit multiyear procurement of the B-1B bomber, "no."

On an amendment to H.R. 2969 that sought to defer procurement funds for the Bradley fighting vehicle until adequate testing is complete, "no."●

CONGRESSIONAL HONORARIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 14, 1983 into the CONGRESSIONAL RECORD.

CONGRESSIONAL HONORARIA

Much has been said about the perception that political action committees are corrupting the legislative process. However, there is a feeling among observers of Capitol Hill that the less publicized issue of honoraria—payments to Senators and Congressmen for speeches to private groups—also creates the appearance that legislative influence is being bought.

Congress put strict limits on honoraria in 1977. That measure capped legislators' outside earned income—most of it traditionally taking the form of honoraria—at 15 percent of the official salary, and it restricted the payment per speech to $1,000 for a Senator and $750 for a Congressman. The limits were put in place for three reasons: to eliminate the appearance that members of Congress were "cashing in" on their positions, to prevent legislators from spending too much time on outside activities, and to minimize the potential for conflict of interest. Although the measure passed by wide margins in both the Senate and the House of Representatives, there have been several attempts—some of them successful—to dilute it over the years. In 1981, the House ceiling was doubled to 30 percent of official salary and the limit per speech was raised to $2,000 without debate in a skillful parliamentary maneuver. In the Senate, the ceiling never went into effect. The effective date was postponed, and the ceiling eventually was repealed. Last year, the Senate decided that it preferred unlimited outside earned income to a $9,000 per year pay raise. Since then, Senators have earned all they wished outside the Senate, though they have not received more than $2,000 per speech.

Why is there so much concern when members of Congress are paid to give speeches? On its face, the enterprise is quite legitimate. Public education is an integral part of a legislator's job, and the possibility of pay encourages a member of Congress to meet a wider variety of people than he would meet otherwise. No one argues that it is bad for a legislator to receive a few hundred dollars when he speaks to a college audience, a ladies' group, or a public forum.

Unfortunately, that is not the way it has worked out. The first problem is the increasing value of the honoraria received by members of Congress. It has doubled in the past two years, from $2,200,000 to $4,500,000. In the Senate alone, 85 members made some $2,400,000 in honoraria last year, an average of more than $28,000 for each of the 85. A major reform was made last week when the Senate agreed to limit Senators' outside earned income to 30 percent of official salary, the same as in the House. This reform was long overdue.

However, a second problem remains. It is the perception that the honorarium has become just another way for special interests to try to buy favor with influential legislators. Some disturbing patterns are developing. Members of Congress receiving the most honoraria are not generally those who deal with national security, education, or the Constitution, but rather are those who head up the tax- and budget-writing committees. Most honoraria come from business interests, with universities and sponsors of seminars providing only a tiny fraction. Several Senators have income paid by special interests in excess of their official salary. Legislators moving into positions of authority see their outside earned income climb sharply. With 15 of the top 17 recipients of Senate honoraria in the majority party last year, it is evident that much of the money flows to the party in power.

In short, honoraria have lost the look of lecture fees and have taken on the appearance of special interest bounty for the powerful. With this in mind, one of my colleagues aptly dubbed them "dishonoraria." The concerns expressed in 1977 were well-founded: if it is not checked, the practice of paying honoraria could degenerate to the point that virtually everyone would regard it as something little better than bribery. When a small segment of the population is able to secure what seems to be a special relationship with key Senators and Congressmen, the integrity of the legislative process is called into question and the public's confidence in Congress is undermined. We would not want to see a policeman or a judge earning fees larger than his official salary for speeches to groups with special interests in matters handled by his precinct or court. We should expect no less of a member of Congress.

It is clear to me that firm steps must be taken to control abuse of the honorarium. Mere public disclosure of the payments, with ultimate control in the hands of the voter, will not suffice. An election is seldom a referendum on a legislator's outside earned income even if that income is excessive. A voter can show disapproval of his Senators and Congressman alone even though the actions of all members of Congress affect him. We need better safeguards on the books so that key legislators will not have the appearance of selling influence to special interests.

Putting stricter limits on honoraria, or even banning them entirely, is one approach curently under consideration. Another approach would place stricter limits on honoraria with the most potential for abuse. Generally speaking, those are the honoraria paid to a member of Congress by groups with special interests in legislation before his committee. An alternative would leave a legislator free to earn a generous amount of outside income overall, but only a small portion of it could come from sources interested in his committee business. While a member of Congress would be allowed enough compensation to encourage him to speak widely to the public, he would not "get rich" or become financially beholden to special interest groups. Acting voluntarily on their own initiative, several legislators have decided to accept smaller and fewer honoraria from groups with special interests in matters handled by their committees. These ideas are worth considering as a general policy.

Tightening up on congressional honoraria will not be easy, but the evidence of abuse coming in shows that it must be done soon.●

REMEMBERING THE "TERRIBLE JUNE DAYS" IN LITHUANIA

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. YOUNG of Florida. Mr. Speaker, we join today with Lithuanians throughout the world in solemn remembrance of the tragic June days in 1940 and 1941 when the Soviet Union invaded this small Baltic nation, depriving the Lithuanian people of their treasured freedom and individual liberty.

It was on this day 43 years ago that the Soviets marched on Lithuania, Estonia, and Latvia and seized the independence of these nations. One year later, in June 1941, the Soviets compounded this tragedy by beginning a 5-day genocide during which they exiled almost 35,000 Lithuanian men, women, and children to the outer reaches of Siberia.

In remembering these sad days for the Baltic people, which have come to be known as the Terrible Days of June, we pay tribute to the indomitable spirit of these special people. Despite over four decades of repression at the hands of the Soviet Government, they continue to hope and pray for the day when their freedom will be returned.

This tragic chapter in world history, which has been repeated by the Soviets many times since June 1940, reminds us of the means to which Soviet leaders will resort in pursuing their ultimate goal of world domination. The story in nations such as Afghanistan, Hungary, Poland, and Czecholoslovakia is much the same as that of the Baltic nations. In all of these nations, the Soviets have not hesitated to use aggression to impose their form of Communist government on these peace loving people. Such examples of Soviet aggression can only leave us wondering which country will be their next target and when?

Despite the imposition of Communist rule in all of these nations, a spirit of determination remains among the native people who continue to wait for their freedom to be returned. As with the Lithuanian people, who we honor today, the Soviets have stripped them of their land, their businesses, their religion, and their form of government. The Soviets have been unsuccessful, however, in dowsing their desire for independence and freedom which continues to burn brightly within all of these people.●

FREE THE FAMILY OF ILYA KATZ

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. DAUB. Mr. Speaker, for so many people in this world the United States holds the ultimate treasures of life—freedom of speech, freedom of religion, and freedom of travel. The Soviet Union has never embraced these basic doctrines taken for granted by many people in this country.

Today, I would like to bring to your attention the fact that Soviet Jewish emigration has declined precipitously in the last few years. Figures from the Union of Councils for Soviet Jews state that in 1979, a peak year, 51,320 Jews were allowed to leave, while last year only 2,688 were freed; and still this year emigration has amounted to a trickle of about 100 persons a month.

In particular, and in light of this fact, I would like to bring to the special attention of my colleagues the plight of Ilya Katz, who lives with his family of four in Kiev. Mr. Katz, a former attorney, has been denied the right to practice his profession, as have the others in his family, because in 1979, he requested and was denied, permission to leave the Soviet Union, on the grounds of insufficient kinship outside the country.

I therefore have taken it upon myself to begin corresponding with the Katz family and I have adopted, as a personal cause, the plight of Ilya Katz and his family, in the hope of speeding their release and furthering the hope that the Katz family may one day reach freedom.

We in Congress, and those in a position to influence the situation of thousands like Ilya Katz, must not allow these pleas for freedom to fall upon deaf ears. As we in the United States approach our 207th year of freedom, we must renew the fight for freedom commenced by our forefathers.●

TURN ON THE COAL FAUCET

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. OWENS. Mr. Speaker, there has been a great deal of discussion about the use of slurry pipelines. The following editorial from the New York Times of June 14, 1983, reviews the issues which concern us all as we seek a balanced way to utilize resources in this country.

TURN ON THE COAL FAUCET

Transport coal in a pipeline? The idea seems bizarre, but it has long been possible. The coal is pulverized, mixed with water or oil and pumped as a "slurry" hundreds of miles from mine to customer.

It's not clear yet whether slurry lines will be able to compete economically with railroads. But the rails fear that they can, and have thus far managed to block Federal legislation to facilitate construction across state lines. Congress is now taking a fresh look; happily, this time it seems likely to choose free enterprise.

The obstacle to building a slurry pipeline is obtaining the right of way. Opposition from railroads, compounded by indifference on the part of states that would not directly benefit, has made that almost impossible. Only two long coal slurry pipelines have been built. Only one, the Black Mesa line in Arizona, is in operation—and it is owned by the Southern Pacific Railroad. If the ambitious interstate slurry line network now on the drawing boards is ever to be built, the Department of Interior needs the power of eminent domain, the power to condemn and buy property for public purposes.

The railroads oppose that, arguing that slurries would cut rail employment and that such use of Federal eminent domain would violate states' rights. The employment argument is antique. It could as easily have been advanced against the railroads when they displaced wagon drivers and steamboat deck hands. Besides, the demand for coal is expected to grow enough to protect the railroads against any loss of tonnage.

The states' rights argument at first caught the fancy of "new federalists" in the Reagan Administration. But even the White House now quietly acknowledges that the Founding Fathers intended to give the Feds power to regulate interstate commerce.

A more important political debate has arisen over water rights. Much coal comes from arid Western states. And the railroads enlisted support from farmers who didn't want to compete against slurry operators for scarce water. But the current bill, ready

for a Senate vote, generally satisfies farmers by affirming state control over water rights.

Thus the slurry issue has been stripped to the essential question: Does Congress believe in competition or not?●

RELIGIOUS FREEDOM

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. HARTNETT. Mr. Speaker, I would like to share with my colleagues an essay entitled, "Religious Freedom" by Miss Kristin Wohlleben of Charleston, S.C. Each year, the Knights of Columbus in South Carolina sponsor a patriotic essay contest for eighth grade students throughout our State. Miss Wohlleben's winning essay conveys words of truth through the eyes of the innocent. Miss Wohlleben should be commended for her efforts and interest in this regard.

The essay follows:

RELIGIOUS FREEDOM

Religious freedom is an issue which dates far back into time, as far back as the creation of man. This issue has been debated for many centuries, but was somewhat clarified upon the authorization of the United States Constitution. The first amendment of the Constitution states that "all United States citizens have the right of freedom of worship, speech, press, and assembly." Although this implies in one way that all citizens may choose their own religions, many religious groups still feel superior to others. The Jewish religion is definitely one group which has been ridiculed in the past and even during the present. During the Second World War, those of Jewish descent were treated as though they were not worthy to live among those of other religions. I, myself, am a Roman Catholic and feel that discrimination against any religious group is very cruel; most of us do not realize how seriously wrong it really is.

During the settling of the Thirteen Colonies of the United States, many citizens of England were attracted to the "New" Nation of Freedom. Roger Williams, a man of English background, came to the rapidly flourishing United States to establish the State of Rhode Island—one of religious freedom. In those times, it seemed that religious types were much simpler than those of the present.

All religious groups should have their freedom to worship in a way in which they see fit. Placing boundaries on types of religious worship is almost stifling our feelings, hopes and dreams dealing with God, himself. God created us all to be different from one another; this also includes our religious beliefs. Many of us have had to live quite rocky lives due to our beliefs dealing with our religious convictions. Our religious backgrounds are what make the world interesting; there should be no restrictions on religion, for with restrictions, we are not able to reach to goals we have set in life, or live up to our full potential.

I am thankful for the amount of religious freedom we are allowed in the United States. However, in some places throughout the world, people are running most of their lives, not daring to open their mouths for fear of revealing to what religion they belong. These are the unlucky ones—the ones who are only safe talking to God and no one else.●

FEDERAL AUDIOVISUAL POLICY ACT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. ROYBAL. Mr. Speaker, today I am introducing, as I have for the last two Congresses, a bill establishing an Office of Federal Audiovisual Policy within the Office of Management and Budget, and requiring Federal audiovisual productions to be contracted out to qualified, private-sector producers, subject to certain restrictions.

I have supported this legislation basically because I do not believe the Federal Government should be in direct competition with the private sector. And, when it comes to producing and distributing films, that is exactly what is happening. Our tax dollars, to the tune of several hundred million dollars, are being used to produce in-house films in spite of the wealth of talent and technical skills already underutilized by the private sector. It is difficult to ascertain a definite figure, because although almost every independent regulatory agency, almost every Cabinet agency, and almost every military subdivision is making movies and videotapes, there are no line items in the budget for audiovisual expenses.

When we consider that the unemployment rate, excluding actors, in the theater and motion picture industry ranges between 40 to 65 percent across the country, it becomes clear that the Federal Government has no business in the movie business. We are violating the fundamental concept that the Government should utilize the competitive incentives of the private enterprise system to provide the products and services which are necessary to support Government functions.

In 1978, OMB tried to rectify the situation a bit by issuing Circular A-114, containing policies and procedures for improving the management of Federal audiovisual activities. This circular encouraged the contracting out of certain audio visual activities, and did achieve some positive results, such as using professional actors in Government productions and prohibiting the in-house processing of motion picture film.

However, other objectives contained in the circular and its supplemental bulletins were not achieved. For example, Policy Letter 78-5 included regulations to "establish a uniform government-wide system for contracting for motion picture production", and a later letter, 79-4, included regulations for video tape productions. None of this has been accomplished.

In 1980, GAO stepped in to review the situation in response to complaints from several private sector producers who had applied for production contracts with the Government. The investigation determined that certain sections of the OMB documents relating to audiovisual activities were illegal. The small progress that had been made up to this point now ground to a halt with the release of the GAO report.

Obviously, we cannot just let the matter drop. I have substantially revised my Federal Audiovisual Policy Act in order to conform to the GAO findings and still provide for the economical, efficient and effective procurement, production, and distribution of audiovisual material by the Federal Government. I believe my bill would not only accomplish these objectives but would also, if enacted, upgrade the quality of audiovisual products prepared for Government use in adherence to the high standards that have been established by the professional artists, craftsmen, and technicians in the private sector. I urge you all to join with me in support of this worthy effort.●

SOUTHERN ILLINOIS STUDENTS PASS NUCLEAR RESOLUTIONS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. SIMON. Mr. Speaker, students met recently at Southern Illinois University to have a mock U.N. session, and among the resolutions adopted were two on nuclear arms control.

My colleagues will be interested in what those resolutions say simply because they are a reflection of where public opinion in the United States is heading and where it must head in other countries also.

The resolutions follows:

UNITED NATIONS SIMULATION COMMITTEE ON NUCLEAR DISARMAMENT

NUCLEAR DISARMAMENT—RESOLUTION I

Realizing the potential and actual threat to mankind by nuclear weapons, their further build-up must be halted.

In recognition of the national sovereignty and integrity of all member-states, arms control needs to be initiated by the peace-supporting members of this assembly.

This resolution calls for:

The immediate implementation of a unilateral freeze on the development, production and deployment of all nuclear weapons by all member-states of the U.N. who choose to participate. This freeze does not include any non-nuclear arms systems or delivery systems. All member-states must publicly declare before the General Assembly whether or not it choose to participate in the unilateral freeze. This declaration shall be

made within one year after the adoption of this resolution.

If, one year following the adoption of this unilateral freeze, all participating member-states have complied, any member-states who have chosen to participate may begin nuclear arms reductions at any time.

NUCLEAR DISARMAMENT—RESOLUTION II

Immediate implementation of a unilateral, verifiable freeze on the development, production, and deployment of all nuclear weapons by member states who choose to participate. This freeze does not include any non-nuclear arms systems or delivery systems.

It is stipulated that each member state must publicly declare before the General Assembly whether or not it shall unilaterally freeze it's nuclear arms. All declarations must be completed within one year of the adoption of this resolution.

When, upon the adoption of this unilateral freeze, all states possessing nuclear weapon capabilities have complied with the unilateral freeze, the following reductions shall take place:

(A) Dismantling of all delivery systems with a range of less than one thousand miles. This includes all air launched cruise missiles with a range that exceeds twenty-five nautical miles.

(B) Dismantling of all delivery systems with a range of between one thousand and five thousand nautical miles.

(C) Dismantling of all delivery systems with a range in excess of five thousand nautical miles.

(D) Each of the above steps (A, B, and C) shall be completed in a period not to exceed one year.

These preceding steps may be initiated by any member state at any time as long as it is within the alloted time provided above.

The verification teams to inspect the United States shall consist of at least two representatives from the Soviet Union, at least one of whom must be an expert on nuclear technology. The team shall further consist of at least one representative from each of the other states possessing nuclear weapons, as well as at least one representative from each of at least three of the group of seventy. The verification teams to inspect the Soviet Union shall consist of at least two representatives from the United States, at least one of whom must be an expert on nuclear technology; at least one representative from each of the other nuclear powers, plus at least one representative from each of the group of seventy. The verification teams to inspect each of the remaining nuclear powers shall be established in a similar manner to those listed above; at least one representative from the United States and Soviet Union, at least two representatives from any nation that wishes to inspect the facilities; and at least one representative from each of the group of seventy. On each of these teams there shall be at least one expert on nuclear technology. Each team, for any state, shall consist of at least ten members. For the United States and the Soviet Union there shall be at least six verification teams; and for other powers at least two teams. Verification teams for the United States and the Soviet Union will be required to conduct at least five inspections per year. These teams are in no way limited to five inspections; they may conduct as many inspections as they feel necessary, and on whatever time-table they wish. Verification teams for the other states must conduct at least three inspections per year, but they too may conduct as many inspections as they feel necessary, and on whatever time-table they wish. Inspection procedures for each team shall be established by that team's nuclear expert. Time-tables for each team shall be established by each team. Neither the inspection procedures or the time-tables may be modified by anyone outside the teams without prior consent by both the United Nations and that team's leader.

The Inspectors of the United Nations Inspection Service shall have complete freedom of entry into, movement within and egress from the territory of every nation. They shall have the right to use all communication and transportation facilities available within each nation to the extent necessary for the effective exercise of their function. Their United Nations laissez-passer shall be accepted as valid travel documents by the authorities of all nations, and, with respect to them, such authorities shall either dispense with visas or issue long-term visas without charge.

During the preparatory stage and the actual disarmament stage and until the establishment of the licensing system provided, all installations, plants, laboratories and other facilities and places of every description which have been reported in the arms census shall be completely open to inspection by United Nations Inspectors who shall be entitled to enter them without hindrance at any time upon presentation of their credentials, in order to verify the accuracy and completeness of the information furnished by the respective nations.

After the establishment of the licensing system provided, all facilities, establishments and places in which activities licensed are conducted, shall be completely open to inspection by United Nations Inspectors who shall be entitled to enter them without hindrance at any time upon presentation of their credentials. In order to ascertain whether the state of complete disarmament provided is being fully maintained.

In exceptional circumstances, when the Inspection Service deems an aerial survey advisable in addition to the periodic surveys permitted or believes that the purpose of a survey would be defeated if advance notice were given, the Inspection Service may conduct a survey without notice provided that it has first obtained a special authorization from the United Nations regional court within the jurisdiction of which is located the area to be surveyed. Such authorization shall, however, be granted only upon a showing to the court that there is reasonable cause to believe or suspect that there exists within the area to be surveyed an activity prohibited by any law or regulation adopted thereunder.

The General Assembly may, after receiving proposals on the subject from the Inspection Commission and from the Nuclear Energy Commission and the recommendations of the Executive Council as to such proposals, prescribe such special safeguards as it may deem necessary for:

(a) The extracting or processing of raw materials which contain, besides other raw materials, any substantial amount of raw materials which might enter into the production of special nuclear materials; of any special nuclear materials.

(b) The production, storage, transfer, transportation, import or export; of the light arms, ammunition and equipment; of any raw materials which might enter into the production of special nuclear materials; of any special nuclear materials; and of any materials made artificially radioactive.

Appropriate measures shall be taken if a nation shall try to prevent the conduct of an inspection or aerial survey especially authorized by a United Nations regional court or shall in any other manner place any serious obstacle in the way of the United Nations Inspectors.

It will be required of any participating state currently possessing nuclear technology for peaceful purposes, but not currently possessing nuclear weapons, to admit the verification teams as well. Such teams shall be established according to the guidelines established above. Any state which does not possess nuclear technology in the future, will also be subject to these procedures. This action is to insure that no state will acquire any nuclear weapons in the future.●

1983 CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. MINISH. Mr. Speaker, I rise today to participate in the 1983 Congressional Call to Conscience Vigil for Soviet Jews. This is, of course, an important concern not only for us in Congress, but for all people who value personal freedom and liberty. I would like to thank my colleague, the gentleman from Colorado (Mr. WIRTH) for coordinating this worthwhile effort.

Our attention today is on the cases of two men, Aleksandr Magidovich and Grigory Geishis, who have applied, and still await, exit visas from the Soviet Union. These men are former prisoners of conscience who have completed their sentences in Soviet labor camps in late 1982. However, both Magidovich and Geishis remain in our hearts and thoughts as Jews who are still attempting, unsuccessfully, to emigrate to Israel.

Magidovich has been a refusenik since 1973. On May 21, 1980, he was arrested and forcibly admitted to a Moscow psychiatric hospital where he was held for 4 months. When he was tried in a closed courtroom, he was charged with the circulation of fabrication known to be false which defame the Soviet State and social system. For those "crimes," he was sentenced to 2½ years in a labor camp.

Geishis was arrested on July 14, 1980, on the charge of draft evasion. He was subsequently sentenced to 2 years in a labor camp. His problems followed his application for emigration on December 4, 1978—the same day he was expelled from the Leningrad Electrotechnical Institute for Communications, where he was a second year student.

Mr. Speaker, I am pleased that these men have at least survived their ordeals in the Soviet labor camps to be able to return home to their family and friends, but as we ponder their situations today, let us continue to keep

their stories and dreams alive—dreams of living as Jews in Israel, where they can rightfully practice their religious faith freely.●

TOM STEED

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. STOKES. Mr. Speaker, I would like to take this opportunity to thank my distinguished colleague, the gentleman from Oklahoma (Mr. MCCURDY) for reserving this time for Members to memorialize my good friend and former colleague—Tom Steed. As most of my colleagues know, Tom Steed died on June 7, 1983, at the age of 79.

At the outset of my remarks, I extend my condolences to Tom's wife, Hazel, the Oklahoma congressional delegation and the people of that great State. All of the Members who had the opportunity to serve in this body with Tom feel a profound loss on the death of this great American. He made an indelible mark not only on the work of the House of Representatives but also on the lives of all of us who knew him.

Mr. Speaker, many people will remember that Tom Steed had the distinction of serving longer in Congress than any other Oklahoman. At the time of his retirement in 1981, Tom had served a total of 32 years in the House of Representatives. While that was a significant distinction, in my estimation, that was not his greatest honor.

Mr. Speaker, Tom Steed's great honor was his sincerity, unswerving dedication and impeccable honesty. These characteristics earned him the respect and admiration of Members on both sides of the aisle.

During his tenure in the House, Tom Steed won many legislative victories. He was instrumental in the passage of legislation creating our interstate highway system, water development in Oklahoma, school legislation, and military installations in Oklahoma. He was also credited with legislative victories involving postal workers and postal rates.

Additionally, Mr. Speaker, Tom Steed was one of the most well-known and respected chairmen in the House of Representatives.

I had the distinct pleasure of working with Tom during my initial assignment on the House Appropriations Treasury, Postal Service and Government Operations Subcommittee which Tom chaired. Tom proved to be of invaluable assistance to me as a new member of the subcommittee. Through working with him I came to regard him as a man who took his chairmanship very seriously. He was, in all honesty, the driving force behind the accomplishments of that particular subcommittee.

Mr. Speaker, Tom Steed was particularly concerned about the funding for the Office of the President to the degree that this subcommittee had jurisdiction. He worked diligently to insure that the President's office had the necessary funding from Congress to conduct its work effectively.

Mr. Speaker, I also remember Tom as a friendly and sincere human being. There was not a day that went by on the floor that Tom Steed did not have a humorous story to share. If we were in session longer than usual, each time Tom saw you, he had a different story to tell you. This did a lot for the morale of the Members and often helped to make difficult days in Congress more bearable.

I am sure that some of my other colleagues also have fond remembrances of Tom Steed. The one thread that links these varied experiences with Tom Steed was that he was a man dedicated to the well-being of the American people. We shall miss greatly his guidance and commitment.●

TRIBUTE TO TOM STEED

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. MAZZOLI. Mr. Speaker, I would like to add my tribute to a great and former colleague, Tom Steed, who served diligently in the House of Representatives for many years.

Tom was well known for his colorful personality and his storytelling abilities, but he was a dedicated and devoted public servant who rose to an influential position in the Congress.

Tom will be remembered not only for his stories, but the contributions he made to his constituency, his home State of Oklahoma, and his country. He will be missed.●

SUPPLY-SIDE OFFENSIVE CONTINUES

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. WEBER. Mr. Speaker, there has been much criticism of supply-side economics these past months. Most, if not all, has been unfounded. The following article by George Gilder, which appeared in the Wall Street Journal on June 13, 1983, indicates that supply-siders are back on the ideological offensive. The Gilder article further points to specific examples of supply-side economic policies which are working to create a more prosperous America.

I would commend this article to my colleagues:

[From the Wall Street Journal, June 13, 1983]

THE NUMBERS TELL A SUPPLY-SIDE STORY

(By George Gilder)

To close observers of American entrepreneurship and technology, it has been clear at least since the capital-gains tax cut of 1978 that the economy has been moving toward a dramatic and prolonged revival—rushing into the Roaring Eighties. Tax rates at last were dropping on personal income and savings. Venture funds were booming at unprecedented levels. Energy prices were on a long-term descent, as energy efficiencies spread through the system and supplies surged after decontrol. Business starts—at an annual rate of nearly 600,000—maintained a record pace over the last two years.

Although its perceived impact was sharpened by the pangs of economic change and the rise of competition from Japan, the recent recession was in fact the mildest of the postwar era. Employment remained near historic highs, with nearly 58 percent of adults holding jobs compared with 49 percent in the boom years of the 1960s.

New products, mainly based on semi-conductor-industry breakthroughs, emerged in an ever-accelerating flow at ever-declining prices. Immigrants thronged our shores, giving a crucial new stimulus to growth, productivity and cost reduction.

Despite the high interest rates caused by bizarre taxes on savers and a vast system of subsidies for favored borrowing, investment spending dropped less than the cyclical norm. New manufacturing technologies, thanks to the microchip, enhanced the efficiency of capital, relieved the strain of growing federal deficits, and allowed the U.S. alone among the world's major economies, to increase manufacturing jobs over the last decade. Entrepreneurial creativity impelled the U.S. into world leadership in making the heralded transition to the computer age. With the government still baffled at how to tax knowledge, knowledge-intensive industries—from software to consulting—thrived. The U.S. balance of trade in technical goods sharply improved.

MOST PROMISING OF OUR TIME

Yet to leading economists—from Lester Thurow on the left to Alan Greenspan on the right, and Henry Kaufman on Wall Street—all this growth and ferment signaled only the beginnings of a new Great Depression. They found signs of doom in federal deficits (caused by excessive tax rates), in productivity trends (that leave out product innovation), in low capacity-utilization rates (for mostly obsolescent capacity), in bankruptcy statistics (ignoring that business failures are usually highest in rapidly growing economies, from Japan's to Houston's). Thus the economists entirely missed the most massive and promising economic transformation of our time.

Moving on from this intellectual triumph, they are now campaigning to rescind the Reagan revolution in tax policy, which has played such a key role in falsifying their prophecies. Deriding the "charlatans" of supply-side economics who predicted a vigorous recovery, they now urge deferring the tax cuts to reduce the bloated deficit caused by deferring cuts in the past. In particular, the pundits denounce the "extremists" of Reaganomics who believe that tax-rate re-

ductions can bring large increases in revenue.

"Eppure . . . si muove," to quote Galileo's muttered retort to the incumbent experts denying the earth's revolution around the sun: "Still . . . it moves." Yes, the Laffer curve lives. From Japan, Hong Kong and Singapore through much of the 1970s, to Austria after its 30 percent cut in the mid-'70s, to Britain under Margaret Thatcher, to the U.S. in 1982, rate cuts bring revenue growth and rate increases yield disappointing gains for surprising losses.

The most striking recent result came in the U.S. in fiscal 1982, ending in September. Following the drop in the top rate from 70 percent to 50 percent in 1981 and the huge rise in Social Security tax rates the same year, established economists predicted a substantial decline in revenues from the top brackets and a whopping rise in revenues from Social Security. As it happened, the recession lasted longer than forecast, interest rates were lower and unemployment was more severe. Moreover, inflation was a full 20 percent less than expected, thus reducing tax hikes from bracket creep. Within the usual models, all these developments would mean still lower revenues from the top brackets.

Indeed, the prolonged recession and higher rates did cause disappointing revenues from Social Security and other withheld receipts, which came in $15.6 billion less than projected in the president's budget message in early 1982. Nonetheless, nonwithheld receipts, mostly quarterly estimated tax payments from the rich, lurched up from $76 billion in fiscal 1981 to $85 billion in fiscal 1982 (ending Sept. 30) and continued near that level during the first two quarters of fiscal 1983. As funds poured out of tax shelters into taxable forms of activity, the 29 percent tax cut in the top bracket brought nearly an 11 percent increase in revenues from the rich in the midst of an economic downturn. This rise exceeded even the predictions of Michael Evans, a supply-sider who alone among the econometricians foresaw a substantial revenue gain in this category and who now urges a flat-rate tax to eliminate the deficit. In addition, reduced tax rates on gifts and estates brought an 18 percent rise in revenues from this source, increasing total payments from upper income taxpayers by $1.2 billion. The Reagan administration thus administered, contrary to all claims from the media and the academy, a substantial shift of the income tax burden from the lower brackets to the rich.

The supply-side critique of Social Security taxes, moreover, was strongly confirmed in countries around the world, with employers deterred from creating jobs and employees from taking them.

As huge hikes were applied in Germany's payroll taxes, joblessness rose to double digit levels for the first time since the early postwar era and net employment actually dropped by 2 percent over the decade. In Britain a 50 percent rise in national insurance tax rates—to 21 percent from 14 percent in five years—brought an actual decline in real revenues as some favored workers chose to opt out of the system, as allowed in Britain, and joblessness soared. (On the other hand, after Mrs. Thatcher reduced Labor's confiscatory top rates on income tax, revenues went up in real terms for the first time in five years.)

All this evidence refutes the usual view that we now face a choice between higher tax rates and higher government borrowing. Higher tax rates will reliably result in higher deficits and more borrowing as a share of national savings, while tax cuts, if appropriately designed, will expand government revenues and reduce government borrowing.

Supply-siders further charge that interest rates are artificailly raised by America's almost uniquely masochistic tax on interest. This levy has reduced savings and channeled them to tax-exempt institutions, as depositors have learned through a decade of inflation to demand a real return on their money.

Nonetheless, interest rates did drop through most of 1982, as supply-siders predicted and expert economists denied could happen in the face of steadily growning anticipated structural deficits. The economists erred by ignoring the tax-rate change and by supposing that interest rates are set in the financial markets alone rather than in the real economy. Monetary phenomena are always less important than entrepreneurial incentives and technological advances. When rising profits are accompanied by lower taxes on savings and by rising real producitivity and rapidly declining prices, interest rates can drop even in a boom.

It should not be supposed that all economists were confounded by recent events. The current recovery came exactly when David Ransom of H. C. Wainwright Economics and Arthur Laffer predicted: after the 1983 July tax cut took effect on Jan. 1, creating at least a real across-the-board reduction in marginal rates. Tax cuts, as Mr. Laffer has long explained, take place at the beginning of the year, not at their nominal effective date, and they increase work and savings, not initially consumption. Mr. Wainwright actually forecast declining real GNP in 1982 and predicted a near 6 percent leap in 1983.

WORLD OF THE ENTREPRENEURS

Similarly, Arthur Laffer and his colleague Charles Kadlec were among the very few economists who saw that the changes in depreciation and leasing rules in 1981, termed a drastic supply-side tax cut, in fact consisted chiefly of a series of transfer payments to unprofitable or capital-intensive companies. Like most other transfer payments, they led to the shuffling of assets among categories and penalized all relatively unfavored activity.

Eminent economists continue to treat tax cuts in terms of redistributing income rather than in terms of changing the structure of incentives and relative prices. They fail to see that government is not the immovable center of the economic universe, but an economic agent, in a highly competitive arena, governed by the same laws of pricing and performance which apply to individual companies. Just as a company cannot solve a profit problem by raising the prices of its unpopular merchandise, a government which raises taxes in overtaxed welfare states now usually reduces its market, driving taxpayers into tax shelters, the underground economy, leisure pursuits and lower-taxed countries.

Strategic business consultants such as Bain & Co. know that price cuts by both businesses and governments can generate returns far greater than an accountant would predict. Businesses which lower their prices often find their markets expand and their volume increases far more than expected, leading to new economies of scale, advances in learning, breakthroughs in competition and reductions in cost which allow still deeper price cuts in the future. Governments can benefit from a similar spiral of growth if they learn the lessons of supply-side theory and open their eyes to the world of the entrepreneur.●

THE SOCIETY AND ITS PROPERTIES

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. DONNELLY. Mr. Speaker, Dorchester, Mass, was settled 353 years ago. For its first 240 years, it remained an independent community. In 1870, it was annexed by the city of Boston.

Even today, 113 years after it was absorbed by Boston, after witnessing many waves of immigrants since the first settlers, after many changes in its cultural and ethnic makeup, Dorchester maintains its distinctive identity and sense of its history.

Dorchester's pride in its history and sense of community has been due in substantial measure to the efforts of the Dorchester Historical Society, which has chronicled the many passages of the neighborhood and has preserved many significant relics of its past.

This proud native son of Dorchester would like to share with his colleagues a brief history of the society and of its contributions to our community.

The brief history follows:

THE SOCIETY AND ITS PROPERTIES

The Dorchester Historical and Antiquarian Society, founded in 1843, was organized to promote, collect and publish the history of the Town of Dorchester. After Dorchester's Bicentennial Celebration in 1830, Ebenezer Clapp, leading a group of townspeople, declared that only through dedication and action would the early history of Dorchester be preserved for future generations.

On January 27, 1843, concerned Dorchester residents met at the Ebenezer Clapp mansion (c. 1770) and founded what was to be known as the "Dorchester Historical and Antiquarian Society." The success of the Society was insured through incorporation by the General Court of Massachusetts in 1855. The primary activity of the organization concerned lectures on local history, but of lasting importance was the accomplishment of a vast amount of primary publishing. The Society published the following: Memoirs of Roger Clapp (1844), James Blake's Annals (1846), Richard Mother's Journal, and as a major capstone, The History of Dorchester (1859). However, following the Civil War, interest in the Society declined. The group disbanded in the late 1880's with its substantial collections being deposited by William Blake Trask in the care of the New England Historical and Genealogical Society, and the Massachusetts Historical Society.

In 1891, with a reawakened interest in local affairs by many of the old families, in conjunction with new "streetcar suburb" residents, the Society was reorganized. The innovative ways of the Society were evident in a By-Law proposal that "women should be admitted upon equal terms with men," a move which not only lent a liberal and hu-

manistic aspect toward historic preservation, but doubled the organization's membership.

In 1893, the Society was again chartered, with a membership dedicated to promoting, collecting and publishing the history of Dorchester, not only as a town, but as a part of Boston. Dorchester had progressively taken on the aspects of a "streetcar suburb," culminating with its annexation to the city of Boston on January 3, 1870.

Without official headquarters since 1843, the Society was offered the James Blake House (c. 1648) by the City of Boston in 1895. This structures stood on property which had recently been acquired by the City of Boston for eventual use as a vast greenhouse complex. The Society, assisted by the Blake family, raised $1,000 to match the donation of the City of Boston, to move the Blake House to Richardson Park, just east of Edward Everett Square.

The relocation of the house marked one of the first preservation efforts in America on the basis of architectural merit of the house, rather than simply for its historical association. The structure, though not at the time of its moving, is now the oldest in Boston and more importantly the only representative example of West country framing in America. After the house was moved, the Society began its restoration under the direction of the noted architect Charles Hodgdon. Hodgdon restored the Blake House employing concepts architects of the late nineteenth century held as to how a seventeenth century house would have appeared. Though not an absolutely precise historic or architecturally accurate restoration, the house continues to be a widespread source of interest, generating community pride in the early merits and customs of Dorchester.

In 1904, the Society incorporated "Dorcheser Day" which commenorated the settlement of Dorchester in 1630. An annual event, Dorchester Day is a tableau of community events, highlighted by such activities as the Landing Day observance, the great Dorchester Day Parade, and as a grand finale, the Community Banquet.

After many years of meeting in the Blake House, and later in the Dorchester Court House which provided additional meeting and exhibit space, the Soviety was in need of a larger house or building in which to exhibit the vast Dorchester collections.

In 1945, the Society acquired the William Clapp House, the home of a member Frank L. Clapp, great-grandson of William Clapp. Built in 1806, the house is a fine example of a country neo-classical mansion. Mr. Clapp remained in the house as caretaker of the forty odd acre estate until his death in 1953. The purchase of the Clapp Estate, comprised of the mansion, the Lemuel Clapp House (c. 1710, 1765), a carriage house and two barns (one now demolished) was made possible through the generous trust fund of the late Emma M. E. Reed, wife of the late Judge George M. Reed of the Dorchester District Court. Since acquiring the two Clapp Houses, the Society's efforts to catalog and interpret Dorchester history and architecture have been greatly facilitated through the substantial collections in the Robinson-Lehane Library.

Today the Society draws members from every section of Dorchester and beyond, forming a group dedicated to preserving the town's history and insuring that, for future generations, that sense and awareness of the past will be secure. Through the many years of its existence the Dorchester Historical Society has remained committed to these ideals and encourages and welcomes your interest and participation.●

PERSONAL EXPLANATION

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. MAVROULES. Mr. Speaker, I was not present for one vote today.

Had I been there, I would have voted: Rollcall 193: "Nay."●

H.R. 1398

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. MARKEY. Mr. Speaker, the Energy and Commerce Committee of which I am a member, has carefully considered extending daylight saving time. After reviewing the benefits and disadvantages of daylight saving the committee voted to extend daylight saving and reported favorably to H.R. 1398 to the House for consideration. I supported this measure in committee and urge my colleagues to vote for the bill.

Presently we are faced with urgent need to conserve energy. The economical effects of the expansion of daylight saving helps us meet this need. By allowing natural light into the evening hours the American people consume less fuel needed for energy sources.

For too long the people of our Nation have been living by an artificial clock, forcing them to reform to unnatural schedules. Driving in the dark during wintertime jeopardizes lives of pedestrians as well as motorists. Early nightfall presents an even greater danger to motorists during peak hours of traffic. Expanded daylight would eliminate the risk of danger driving home from work.

In addition, expanded daylight could act as a deterrent to crime. Why should the American people fear violent criminal acts on their way home, since crime appears to occur mainly during nighttime hours. Longer daylight could lessen the occurrence of crime.

Finally, the youth of our Nation and those of us who should play with the same riggor our children do, should be able to have an extended amount of recreation time upon their return from school or work. Longer daylight will also allow more time for utilization of national parks and recreational areas.

The General Court of Massachusetts, the State Legislature of the Commonwealth, seeks to encourage Congress to amend the Uniform Time Act of 1966. To advance this goal, the general court recently passed a resolution calling for Congress to amend the Uniform Time Act of 1966 and therefore extend daylight saving time. I share the general court's view that extending daylight saving time would produce immediate conservation and safety gains. I encourage my colleagues to read the Massachusetts General Court's resolution and to follow their recommendation and pass H.R. 1398, extending daylight saving time.

The resolution follows:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT APPROPRIATE LEGISLATION FOR THE UNIFORM AND COORDINATED OBSERVANCE BY THE SEVERAL STATES OF AN EXTENSION OF DAYLIGHT SAVING TIME

Whereas, A uniform system of reckoning time throughout the several states is convenient and necessary for the proper and efficient carrying on of interstate commerce; and

Whereas, By the Uniform Time Act of 1966 (P.L. 89-387; U.S.C. 15 Section 260 et seq.), Congress provided for such a uniform and coordinated system, including the observance of Daylight Saving Time (except in those states which by law omit such observance) during the summer months, from 2:00 A.M. on the last Sunday of April unitl 2:00 A.M. on the last Sunday of October of each year; and

Whereas, The benefits of Daylight Saving Time, in providing an extension of natural light into the evening hours, have been almost universally acknowledged, not only in the United States, but also in many foreign nations; and

Whereas, The return each fall to Standard Time, whereby winter sunset causes an undesirable encroachment of darkness upon the latter part of the active day, requiring an unnecessary and undesirable drain upon valuable and increasingly scarce power resources to supply artificial light, creating conditions hazardous to vehicular and pedestrian traffic during a peak travel period, and offering unduly propitious conditions for violent and predatory criminal acts upon the streets and thoroughfares of many urban areas; and

Whereas, The value of Daylight Saving Time as a conservation measure, reducing the consumption of fuel for power generation (and the concomitant effusion of pollutants), was recognized by the Congress in providing for year-round observance of this time reckoning during the war emergency period from February, 1942 to October, 1945; and in providing for extension of Daylight Saving Time during the energy shortage from 1974 to 1975; and

Whereas, Urgent current needs for conservation of energy sources, control pollution, deterrence of street crime and reduction of the human suffering and property damage due to accidents combine to support the advisability of a permanent extension of Daylight Saving Time; therefore be it

Resolved, That the Massachusetts General Court calls upon the Congress to amend the Uniform Time Act of 1966 (P.L. 89-387; U.S.C. 15 Section 260 et seq.) to provide for observance of Daylight Saving Time from 2:00 A.M. on the last Sunday of February

until 2:00 A.M. on the second Sunday of November each year; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the House of Representatives to the President of the United States, the presiding officer of each branch of the Congess, and to each member thereof from this Commonwealth, and to the presiding officers of the legislative bodies of the several States in the Eastern Time Zone.●

OUR FAILURE TO FOLLOW FOREIGN R&D

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. SIMON. Mr. Speaker, I confess that I do not read the magazine Mechanical Engineering. If I did read it I probably would not understand most of it.

But someone called to my attention an article in the April 1983, edition written by Eugene I. Rivin, professor of mechanical engineering at Wayne State University in Michigan.

In the article entitled "Soviet R&D—the Benefits for U.S. Industry," is an appeal for us to pay more attention to the research and development that is published by other countries.

It is a point I tried to make on the floor of the House when we were considering the math and science bill.

He says for example:

One of the resources grossly underused in this country is foreign technology.

He also states that:

New Russian engineering books are not abstracted or even listed in American publications; in fact, most books are not available from the Library of Congress.

The United States has roughly 200 million people in a world of 4 billion people. That means that we have about 5 percent of the world's population and while it is true that we probably have more than 5 percent of the world's technical expertise and knowledge we are a long way from having all of it and we should be paying much more attention to what is developed in the rest of the world. To continue to ignore the technology developed in other countries is to invite slow growth in the development of our own economy.●

HOW TO REDUCE THE DEFICITS BY $125 BILLION OVER 4 YEARS

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. CAMPBELL. Mr. Speaker, I recently delivered a speech before the House regarding a proposal that I believe deserves careful consideration by my colleagues. In light of the threatening deficits, I suggested that annual adjustments for both entitlement programs and tax indexing be tied to a 3-percent trigger and only that amount over the 3-percent increase in the Consumer Price Index be indexed. In other words, if the inflation rate is 8 percent, entitlement COLA's would be adjusted by 5 percent. This would have minimal impact on most people, but the savings from this adjustment in the COLA's and tax indexing is phenomenal.

Over a 4-year period, from fiscal year 1985 through fiscal year 1988, the savings resulting from the 3-percent trigger applied to tax indexing alone would be $57 billion. The savings over the same period of time for the 3-percent trigger applied to entitlement programs would be $68.5 billion. The total savings from the 3-percent triggers on the revenue and spending sides would be $125.5 billion over a 4-year period. This is the kind of deficit reducer that our Government needs. We need to show the American people that this body is willing and capable of taking definitive and responsible action by reducing these unacceptable deficits, and very frankly, I believe Americans would be willing to accept the impact on them, knowing it is across the board and fairly shared by both recipient and taxpayer.

This proposal recognizes that citizens and taxpayers need to be protected from the ravages of inflation. Inflation has been and may continue to be, a problem confronting our Nation—unless we implement a sound fiscal policy that incorporates lower deficits. Inflation is currently at its lowest level in many years, but based on the inflation projections of the Congressional Budget Office through fiscal year 1988, we can still save $125 billion with this minor adjustment—even with inflation rates averaging in the low 4-percent range.

Without objection, I wish to insert a chart in the RECORD showing the projected savings from this proposal, as estimated by the Congressional Budget Office and the Joint Tax Committee.

Savings when 3-percent adjustment is added to tax indexing (Joint Tax Committee projections)

Fiscal year:	Savings (billions)
1985	$3.6
1986	10.0
1987	17.4
1988	26.0
Savings over 4 years	57.0

Savings from entitlement programs, including social security, when 3-percent adjustment is added to entitlement programs (CBO projections)[1]

Fiscal year:	Savings (billions)
1985	$5.1
1986	13.0
1987	21.1
1988	29.3
Savings over 4 years	68.5

[1] These figures do not include the 6-month delay in the COLA that was recently enacted. If this is factored in these projections, the savings are greater.

Note: Total savings for plan incorporating social security to $125.5 billion (4 years).

Savings from entitlement programs, not including social security, when 3-percent adjustment is added to entitlement programs.

Fiscal year:	Savings (billions)
1985	$1.2
1986	3.8
1987	6.2
1988	8.8
Savings over 4 years	20.0

Note: Total savings for plan not incorporating social security is $77 billion (4 years).

I am sure that every Member of this body would agree with me that the projected budget deficits are excessive, to say the least. It is obvious to me that we must reduce the deficits if we are to have a sustained economic recovery.

There are many examples of how the deficit is damaging our economy. As we all know, the FHA rate for home mortgages was recently raised to 12 percent from 11½ percent because of looming large deficits, and although interest rates have dropped considerably in the last 2 years, consumer loans and home mortgage rates remain at unacceptably high levels because of the projected deficits.

Many concerned citizens, businessmen, associations, and Members of this body have called for a reduction in the projected $200 billion deficits. There has also been an overwhelming amount of debate and literature on the best way to reduce the deficits. In fact, some groups that have traditionally supported large Federal programs and increased Federal spending are reevaluating their policies because of the lopsided Federal balance sheet.

We have made changes in the social security system and other areas that have resulted in budget savings. And while I certainly support a major increase in defense spending, I also believe that we have taken a necessary step by reducing that increase to a real growth rate of 5 or 6 percent. The mistake that was made, I believe, was not applying the savings from this reduction toward the deficit, instead of increasing domestic spending.

Mr. Speaker, it is clear that Congress must reduce the deficits. However, there has been a considerable amount of objection to new taxes, elimination of recent tax reforms, and cuts in Federal spending. In part, I agree with this objection—new taxes through elimination of existing reforms could abort the economic recovery.

I believe that one of the causes of these enormous deficits is the indexing of entitlements which often causes increases that are greater than the wage increases of working Americans. Indexing entitlements has also left little flexibility for Congress to provide adequate funding for important discretionary programs such as rehabilitation, education, and job training—programs which, in my opinion, actually need funding increases. As Congress instituted more and more entitlement programs, we abdicated our control over a vast portion of Federal spending. Adding automatic COLA's exacerbated the problem dramatically. As a former member of the Appropriations Committee, I was continually frustrated by our committee's lack of control over three-fourths of the Federal budget. These so-called uncontrollables must be brought under control for two reasons: One is to reduce the huge deficits, and two, we need to regain control over the Federal budget. If this does not transpire in the near future, Congress will be under even greater pressure to reduce already underfunded discretionary programs.

If entitlement programs were taken off of automatic pilot, then we could target resources better. For instance it might be better to fund a program to help people help themselves instead of merely maintaining them with an entitlement for subsistence as many of our programs do. Programs such as job training, vocational rehabilitation, handicapped programs; these are upward mobility programs that help people become self-sustaining.

Some of my distinguished colleagues would prefer to raise taxes to cover the costs of these programs, while others favor reduced spending. I do not believe we can continue to raise taxes on the already overburdened taxpayer. I strongly support the third-year 10-percent reduction in individual income taxes and tax indexing, and I recognize that it will be difficult to significantly pare spending for programs more than we already have done. However, the budget adopted by the House proposes large tax increases, large domestic spending increases, and large deficits, which in my opinion is not only misguided, but detrimental to the economy.

I am sure that all of my colleagues are aware that tax indexing is scheduled to be implemented in 1985. As a proponent of this concept, I believe that taxpayers need to be protected from inflation just as entitlement beneficiaries are by COLA's. Indexing would provide this same protection by adjusting the tax tables to reflect increases in the inflation rate.

However, I believe that we can reduce the deficits by billions of dollars without cutting 1 cent from Federal programs and without imposing new taxes on the American taxpayer. Presently, all entitlement programs contain a 3-percent threshold on cost-of-living adjustments. In other word, if the inflation rate is 2.9 percent, a COLA is not awarded. However, if the inflation rate is 3.1 percent, the full 3.1-percent increase in benefits is given, since this is over the 3-percent trigger.

Tax indexing does not work in this manner. Under indexing, the tax tables will be adjusted to reflect any increase in the inflation rate.

I believe my suggestion is viable, since it is equitable and it does not raise taxes or cut spending. We need to reassert control over Federal spending and reduce the deficits. This concept of controlling the adjustments for entitlement programs and indexing would accomplish these goals. Mr. Speaker, I ask my colleagues to carefully consider this proposal, and I challenge this body to take definitive action to reduce these excessive deficits by either a reduction in spending or a balanced approach.●

EVELYN NAYLOR

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, I would like to direct my colleagues' attention to an extraordinary individual who has not only touched the hearts of those with whom she came into contact, but also has left behind a practical legacy for those who, though never knowing her, will benefit from her generosity.

The life of Evelyn Naylor of Medford, N.J., may have seemed ordinary, but her deeds reveal extraordinary humanity. Having suffered misfortune, she found it necessary to apply for public assistance. Within a few years her fortunes were dramatically reversed; but rather than remain complacent she repaid every cent of the assistance she had received. And what is more, she left her entire estate to establish a foundation to provide assistance to those who, as did she, require assistance during times of adversity.

Mr. Speaker, this is just one more example of the boundless philanthropy which stems from individual generosity. Government could never provide the kind of caring assistance which comes from the free will of individuals, nor should it every attempt.

Mr. Speaker, I urge my colleagues to join in paying tribute to the Burlington County Welfare Board, who on June 23 will dedicate the Evelyn Naylor Foundation in memory of this remarkable individual.

Mr. Speaker, I request at this point that an article from the Trenton Times, entitled "Dignity and Honor" be included in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered printed.

[From the Trenton (N.J.) Times, June 9, 1983]

DIGNITY AND HONOR

They say in Burlington County that Evelyn Naylor was a very private lady.

Very independent, they say. You could look up to her.

They say that if you traveled the Medford-Mount Holly Road you would see her, an elderly lady working in her garden. Or may be using the old push-type lawn mower. Because she had arthritis she walked with the help of two sticks.

That's how she did her own housework and how she mowed the lawn.

They say that when she was in her sixties she painted her entire house and wouldn't let anybody help her.

And, although she had only two or three years of schooling, she spent her days reading and studying many subjects. And doing needlework.

Jacqui Johnson, a social services worker from the Burlington County Welfare Board, remembers Evelyn Naylor.

"I knew her for about five years before her death," Jacqui Johnson says. "The social security people were always on her, because she'd save part of her check and you can't have savings of more than $1,500 or you'll lose your Medicaid. They'd tell her to spend it, but she never wanted to spend any money."

They're all remembering Evelyn Naylor at the Welfare Board down in Burlington County these days.

On June 23rd, they're having ceremonies at the board on Route 38 and Eayrestown Road, Mount Holly at 4 p.m., for the dedication of the Evelyn Naylor Foundation.

Evelyn Naylor died in April of 1982 at the age of 84.

She left her entire estate to the Welfare Board, more than paying back the benefits she'd received.

Her house was worth $50,000 alone.

She'd only been on welfare for a couple of years before her husband died in 1958. In 1960, when she inherited a small property she completely re-paid welfare and willed all her property to them.

"The welfare director at the time was executor of her estate," Johnson says, "and she requested that each month he give her only the money she would have gotten from welfare payments."

She was Evelyn Johnson when she came to this country as an infant from England. Her mother, Sarah, died shortly afterwards and her father, George Johnson, re-married. At age 10 she was sent out in the Medford area to work as a domestic.

She met and married Frank Naylor but the couple remained childless.

They say, down at the Burlington County Welfare Board, that although she was entitled to receive many benefits and services while on welfare, she refused all but Medicaid.

While she lived out her life in the little house on the Medford-Mount Holly road, her groceries and supplies were delivered by a local store for at least 20 years. She told the delivery lady, Jean Hinchman, where her burial clothes were.

She had made them herself.

The money in the Evelyn Naylor Foundation will be available, they say, to people who come in on emergency situations, who aren't eligible for public assistance, the people who would otherwise fall through the cracks in the system.

Displayed within the premises of the Burlington County Welfare Board are a few items from the life of Evelyn Naylor. One is a framed certificate saying that her husband, Edward, was honorably discharged from his Civil War regiment.

That means he would have been about 30 years older than she, at least. Which is probably why they were childless. It doesn't sound like a very happy life, but she made it a dignified and significant one.

She was proud and independent and self-educated and hard-working. "She was the last of her family," Jacqui Johnson said. Let's hope she's not the last of a breed.●

CONGRATULATIONS TO ST. JOHN HIGH HERALDS

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. ECKART. Mr. Speaker, there was no joy in Miller City last week as the Ashtabula St. John High Heralds blew out the Wildcats in a stunning 10 to 2 victory. For the first time in the team's 10-year history, it lays claim to the highly sought-after State class A championship title.

The game was a true celebration of our national pastime. It was the greatest day of Coach Bill Schmidt's career. And it was a real testimony to the talents of junior righthander Mike Hayes, who went the distance, striking out five and allowing only four hits. In the words of baseball great Willie Keeler, who helped make this sport in the 19th century, the Heralds "hit 'em where they ain't," averaging .355 as a team.

The Heralds did it all last week—they hit, they fielded, they hustled, and fought hard for the title. We in northeast Ohio commend you and congratulate you. And we hope your enthusiasm for a winning record is contagious.

Congratulations on a great game and a terrific season.●

SAKHAROV—HEROIC SYMBOL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. PORTER. Mr. Speaker, every so often a shining beacon of hope emanates from the dark abyss known as the Soviet Union. Andrei Sakharov, Nobel laureate, human rights spokesman, and internal exile, once provided such a light.

But the total darkness of totalitarian tyranny has finally overtaken this noble prisoner of conscience. Isolated and in failing health, Sakharov is trying to emigrate from his land of imprisonment.

As cochairman of the House Human Rights Caucus I commend my colleagues for their joint House resolution requesting the President to proclaim Sakharov's May 21 birthday "National Sakharov Day," and to demand that the Soviet authorities allow this brave man to freely leave in peace.

The truth is found when men are free to pursue it. It is the duty of free men everywhere to allow the Sakharovs amongst us to be able to speak that truth.

As the following letter in the Chicago Sun-Times shows, Pamela Cohen and Marillyn Tallman of Chicago Action for Soviet Jewry have eloquently undertaken that duty.

SAKHAROV—HEROIC SYMBOL

May 21st marked the 70th birthday of Andrei Sakharov, Nobel laureate in physics and an international symbol in the struggle for human rights, who remains in exile within his own country, the Soviet Union.

The oppressors of the world will fade into history, but the spirit of Sakharov and his defense of human rights will remain an inspiration for others. It is unthinkable that the free world would not come to his aid and demand his freedom now. Pamela B. Cohen, Marillyn Tallman Co-chair, Chicago Action for Soviet Jewry.●

MILITARY HONOR STEVEN W. SMITH

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. HARRISON. Mr. Speaker, on Sunday morning, June 12, 1983, Steven W. Smith, an outstanding young man from northeastern Pennsylvania, was honored by serving as the primary wreath presenter at the U.S. Army wreath ceremony at the Tomb of the Unknowns, Arlington National Cemetery, Arlington, Va.

Steven, at the age of 17, has achieved the rank of cadet warrant officer with the Black Forest Composite Squadron 1203-37256 of the Civil Air Patrol. In July 1981, while a trainee at Fort Indiantown Gap, Annville, Pa., he was named Pennsylvania Wing Encampment East Honor Cadet. More than 200 cadets were considered for this designation.

He is a qualified CAP cadet medic and has earned the PAWG search and rescue rank of ranger, first class, and has participated in more than 12 U.S. Air Force authorized emergency search and rescue missions as a cadet team member, medic, and commander. He has completed all the requirements for the Civil Air Patrol/USAF Billy Mitchell Award and has been recommended for it by his squadron commander.

He has served in the capacity of support team member during two U.S. Army wreath ceremonies and during one U.S. Army honor ceremony at the Tomb of the Unknowns.

Recently he joined the U.S. Army Reserve under the "split training program." He joined the 300th Army Field Hospital located in Hanover Industrial Park, Hanover Township, Pa.

It is an honor, Mr. Speaker, for me to commend this outstanding young man for his patriotism and his citizenship, and extend to him my best wishes for his continued success in future years.●

"NATIONAL ATOMIC VETERANS DAY"

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. EDGAR. Mr. Speaker, between 1945 and 1963 235 atmospheric nuclear tests were conducted in the American Southwest and South Pacific. The effects of these tests on the quarter of a million servicemen who witnessed them have recently been the subject of national attention.

In an effort to acknowledge those who may be suffering adverse health effects as a result of their participation in nuclear detonations we are currently seeking 218 cosponsors to House Joint Resolution 210. The bill designates July 16, 1983, a day marking the 38th anniversary of the detonation of the world's first atomic bomb, as "National Atomic Veterans Day." The present list of cosponsors stands at 187. The Senate has already approved an identical resolution.

To further explain the peril of the veterans whose lives have been forever scarred by the fear of atomic radiation poisoning, I respectfully submit into the RECORD the article entitled "Atomic-Test Witness Losing Two Battles," which appears in the Atlanta Constitution on May 26, 1983.

Mr. Speaker, in reading this article I would hope that those of my colleagues who have not yet cosponsored House Joint Resolution 210 would join us in support of this legislation. To cosponsor contact Mark Stevenson at 52011.

[From the Atlanta Constitution, May 23, 1983]

ATOMIC-TEST WITNESS LOSING TWO BATTLES

MULBERRY, Tenn.—The wheelchair that is John Smitherman's anchor to reality purred into gear as he rolled across the living room searching for a copy of an oath he once held sacred.

"We signed an oath before we went there that we wouldn't discuss this," he said as he searched the shelves for a book about the

atomic bomb. "Being from the country, you're brung up that your word is your bond. I wouldn't say anything about it for love or money—never did say anything about it."

He is that sort of man, this coal miner's son who grew up poor in Appalachia and left those mountains to join the Navy at war. He was tall and rock hard at 17, his sailor cap pulled to a jaunty tilt over blue eyes that locked steady to their mark.

Those unflinching eyes and a solid handshake are about all that remains of the man John Smitherman was when he left the mountains to go to war.

He came home again this month to find that a wet spring had arrived in the foothills of rural Tennessee while he lay in the hospital. Hospitals come more often than the spring in his life these days, and with each visit there is less of him to carry home.

First they cut off his left leg, then his right leg: in April the surgeon carved a chunk of flesh from his back. They have offered to take his left hand, swollen to the size of a cantaloupe, whenever he is ready to part with it.

John Smitherman says his government did this to him. His government says it did not.

At 18, he twice saw an expanse of the South Pacific turned into a ball of fire by 20-kiloton atomic bombs. At 54, he has a lymph system somehow gone haywire, and he firmly believes the rain of nuclear waste that peppered his naked chest as he stood on the fantail of a Navy destroyer almost 37 years ago is to blame for his failing health.

There are those who share his belief.

"There is little doubt that the damage to Mr. Smitherman . . . resulted primarily from a large exposure to high-energy beta radiation," wrote Dr. Karl Morgan, an internationally recognized expert in the effects of nuclear radiation who served as a safety officer at the tests in which Smitherman participated.

"Radiation exposure . . . sustained by Mr. John D. Smitherman during his participation in the atomic bomb blasts initiated and caused damage to the lymphatic system," wrote Dr. Thomas Mancuso, another expert in the field of radiation exposure.

But the Veterans Administration and two independent consultants who each received $200 to study his case see things differently.

Five times since 1977, when his failing body rendered him unfit to work, Smitherman has asked the VA to award him disability pay. Five times the VA has rejected his claim, and a decision on his sixth appeal is expected any day.

"I think they're gonna turn me down again," he said last week.

It was a broiling summer day off Bikini Atoll in the South Pacific when a farm boy from Big Stone Gap, Va., saw the most amazing sight that he would ever see.

"They said they were going to drop a bomb and there really wasn't anything to it," John Smitherman remembered. "They told us to make sure that we didn't look directly at the bomb when it exploded."

But the curiosity of youth was overwhelming.

"It was just a huge ball of fire—just looked like a whole section of the ocean was actually on fire—big rolling balls of fire started going up in the air."

The sea welled up and surged forth from ground zero, tossing about the destroyer Allen M. Sumner beneath Smitherman's feet. Hours later, he recalls, the Sumner—one of more than 100 ships taking part in an exercise called Operation Crossroads in 1946—steamed into the lagoon where unmanned target ships had been anchored to test how they would weather the blast and to determine if they could later be rid of nuclear contamination.

"They called me to go help fight a fire on the aircraft carrier Independence, which was one of the target ships. We went up there three times."

Fighting the fire was hot work.

"Right after that, we all went swimming in the lagoon there," Smitherman said. "There were dead fish around there, lots of them, but they said, 'Nothing to worry about, no harmful effects,' and there were no restrictions to us whatsoever."

Later he witnessed a second, and more powerful, blast, from the fantail of the Sumner.

"We got peppered with those little debris," he said, "We were sittin' there—I didn't have a T-shirt on, just shorts and tennis shoes."

John Smitherman is president of the National Association of Atomic Veterans, a group of about 8,000 veterans who participated in the 235 atomic tests staged by the military between 1945 and 1963.

For many of those veterans, it was years before medical problems they blame on that exposure began to surface. For Smitherman, the inklings came early.

"We were still out there when I began to get some burns on my feet and legs, about the size of silver dollars." he recalled.

Doctors on board the Sumner dabbed a little salve on them, but that was not enough. Seven months later he was hospitalized in Hawaii, and seven months after that he received a medical discharge from the Navy. They told Simtherman that kidney problems were causing his legs to swell.

For years—according to Smitherman, his family and acquaintances—the periodic swelling continued. Now the doctors say his lymph system has turned against him.

He traveled to Japan, where doctors in a Hiroshima hospital that specializes in treatment of radiation victims said there was no doubt that the exposure triggered his ills.

But the VA has continued to reject his disability claim. He figures if they granted his disability claim, dating back to 1977, it would mean a single lump-sum payment of about $30,000 and monthly checks slightly in excess of $1,000. More important, it would mean a small pension for his wife of 22 years once he is gone.

"My wife has stood by me in everything," he said, "and she's suffered far more than me from watching me waste away."

Three decades and counting since the country boy went off to war, he retains a boyish faith in his country.

"If they called me tomorrow to help defend my country, I would. I love my country and I love my government. But I don't think there's any compassion at the VA."●

THE 43D ANNUAL COMMEMORATION OF THE INCORPORATION OF THE REPUBLIC OF LITHUANIA INTO THE SOVIET UNION

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. FISH. Mr. Speaker, today commemorates the 43d anniversary of the Lithuanian's loss of independence. Lithuanians throughout the world remember the tragic June days of June 15, 1940, and June 14-18, 1941, as the dates when the Soviet Union invaded the Baltic States of Estonia, Latvia and Lithuania, a criminal act that has yet to be redressed.

On these dates, the Soviet Union rounded up 34,260 men, women, and children and herded them into boxcars and had them deported to Siberia. Nearly 10 percent of the Lithuanian population was either murdered or deported and their country was destroyed in what has proven to be one of the worst acts of genocide in this century. This day of sadness and moral indignation should have been a lesson for us all. Unfortunately, it was not. Genocide against various ethnic groups and cultures had ugly precedents before the Lithuanian tragedy, has reoccured since this infamous event.

Just recently we met in this same Chamber to honor the survivors of the Holocaust. We said the heinous acts committed then would never be forgotten. Indeed, they have not. We have seen so many deeds of mass violence against a particular race, religion, or culture in our recent history, that the horrors of genocide may seem to some as being commonplace. We must never become calloused to genocide. We cannot justify it by claiming it could never happen here to us. Anywhere prejudice exists, potential violence exists. We have only to look at the racial strife of the 1960's for proof.

Although most of those guilty of these abominable acts against the Lithuanians are now dead, their deeds cannot be forgotten. The memory of such acts must live on and constantly remind us of man's capacity for doing evil. Future generations must learn from the mistakes mankind has made, and, unfortunately, can still make.

We must act now in our condemnation of genocide. One important step we can take is the ratification of the Genocide Convention. I have remarked on the necessity of this treaty before. Our country, which believes in human rights so strongly, must be committed to such a valuable piece of legislation.

We must stand together against violations of human rights. The Lithuanian struggle is an example for all of the

denial of basic human rights. The United States has never, and never will, recognize such a denial of personal liberties. The forced Soviet annexation of the Lithuanian nation 43 years ago must still be protested, and the Lithuanians' courage must still be commended.●

KENDALL SCHOOL OF DESIGN IN GRAND RAPIDS, MICH.

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. SAWYER. Mr. Speaker, I want to congratulate the Kendall School of Design in Grand Rapids, Mich., for having recently been accredited by the National Association of Schools of Art and Design. It is my pleasure to join them in celebrating this honor.

Kendall School of Design was founded in 1928 and began as a school of furniture and interior design and gradually included other programs until it developed a broad, comprehensive, liberal arts program.

Recognition is deserved not only for its acceptance on the national level, but for its growing contributions to the local needs of the community. While many young adults hesitate to commit themselves to the standard 4-year academic institutions, Kendall School of Design provides the vocational skills necessary for today's youth concerned with future job opportunities. The Fifth District is fortunate to include a versatile industrial base, an area not dependent on one or two particular industries. Thus, with its broadly based programing, Kendall is able to supply local businesses with competent, skilled and eager employees.

I congratulate them Mr. Speaker. They have received a great honor and are worthy of public notice.●

TO HONOR MRS. MABEL JONES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. LEWIS of California. Mr. Speaker, on June 21, the community service department's community action board will be honoring a very special lady, Mrs. Mabel Jones. Unable to attend this gathering, I would like to take this opportunity to ask the Congress to join me along with her many friends and admirers in expressing our deep appreciation and gratitude to this outstanding human being for her years of dedicated service.

No one could estimate the thousands of hours Mabel has contributed to the elderly and underprivileged in our community. I could go on for sometime describing the tireless efforts of Mrs. Mabel Jones, however, I think they were best summarized in a newspaper article which appeared in the San Bernardino Sun on Janury 11, 1983, and I would like to insert this article for the RECORD.

The article follows:

[From the San Bernardino (Calif.) Sun., Jan. 11, 1983]

A VOLUNTEER WHO GETS THE JOB DONE

For a 72-year-old Yucaipa resident, the highlight of the year just past was being selected "Volunteer of the Year" from among all other volunteers working with the California-Nevada Community Action Association.

And, already in 1983, Mabel M. Jones has again been honored by her appointment by the San Bernardino County Board of Supervisors to serve as a member of the Community Action Board of the Community Services Department.

Her first meeting with other CAB members will be on Jan. 18 at the CSD headquarters, 688 E. Mill St., where she will lend her experience, know-how and seemingly unlimited energy to the group which has for its mutual objective, "the elimination of poverty in San Bernardino County."

Working with the elderly and needy is not new to Mabel Jones. She's been at it for a lot of years and has no intention of quitting or minimizing her efforts during the new year, although she is seven years past the customary retirement age.

In his recommendation for the "Volunteer of the Year" award, Rodolfo H. Castro, executive director of the San Bernardino Community Services, described Jones as "one of the most energetic, enthusiastic, dedicated and hard working of all volunteers in the CSD program network.";

Her priority has always been to improve the condition of the elderly, especially in the area of nutritional needs.

Even before the CSD started the county-wide Nutrition for Seniors program in 1974, establishing nutritional sites throughout the county, Jones was already actively working in behalf of the needy elderly in her own community. Then, through her untiring efforts, a senior nutrition site was finally established in Yucaipa.

In his letter of recommendation, the executive director cited that in 1979, Jones was with a group of other seniors who appeared before the Board of Supervisors and convinced them to purchase 15 vans for use by CSD in its transportation network, for providing rides to the elderly who could not otherwise get to the nutrition sites and also to help deliver meals to shut-ins.

In his recommendation, Castro also pointed out that, during her years of volunteering, advocacy has been only one of her many services.

Jones served as president of the Nutrition Project Council for San Bernardino County for three years. During that time, she traveled from one end of the county to the other, visiting each of the 21 nutrition sites numerous times. She estimates she "wore out three cars and drove almost 150,000 miles."

According to Castro, an analysis of the 12,000-plus participants in the nutrition program for which the CSD is responsible, shows that more than 26 percent are ethnic minorities and 85 per cent are poor. Of the 350 homebound elderly served every day, the average is 80 and all are severely handicapped. "All of Mrs. Jones' efforts directly benefit these low income and ethnic minorities, the handicapped and the frail elderly," Castro pointed out.

For these groups, he added, "Jones has pitched in on every possible task that has needed a pair of willing hands. She has peeled potatoes, cooked and served at the sites on Sundays and holidays, hauled hundreds of pounds of food to emergency cold storage when freezers have broken down and has driven the vans when regular drivers were sick.

"We could not begin to estimate the number of hours she has put in, meetings attended, letters written, telephone calls and personal visits she has made on behalf of the seniors and the poor and frail of San Bernardino County as a CDS volunteer," Castro concluded.

As much time as she devotes to the CDS, Jones still finds time to carry on her duties as president of the Yucaipa American Association of Retired Persons, chapter 156. She is also a member of the Yucaipa Woman's Club, Chamber of Commerce, the Grange and the Retired Persons of Yucaipa, an independent senior club.

Jones, a resident of Yucaipa for 10 years, retired from a career of merchandising and real estate. A widow, she is a mother and grandmother and does her own housework and yardwork, she said.

When her schedule gets too busy, she often drives to her mobile home near Parker Dam where she spends time fishing, boating and relaxing.

Then, it's "back in the harness" again, volunteering her time and energy for others less fortunate.●

COMMEMORATING THE SERVICE OF HENRY J. GONNER TO THE CITY OF RICHMOND

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. BLILEY. Mr. Speaker, it is my extreme honor and pleasure as a former mayor of the city of Richmond and now the Member of Congress representing that great city to bring to the attention of my colleagues the noteworthy achievements of my friend, Mr. Henry J. Gonner.

Henry will be presented the highly coveted Citizenship Award by the Civitan Club of Richmond on Monday, June 20, 1983, in our city.

Henry's list of accomplishments over 25 years of active service to the city, and as executive director of the Central Richmond Association is matched only by his list of friends. Those of us who have the pleasure of knowing Henry and have had the pleasure of working with him hold him and his work in high regard.

The city of Richmond has been served well by this man, and his efforts on her behalf on numerous projects have always been met with praise and thanks. I want to add my best wishes to those.

The Central Richmond Association will no doubt miss Henry sorely, and the city will be sorry to see him retire from his post. Yet, we can all think with pride on Henry Gonner's accomplishments. We know that, even in retirement, Henry will remain an active and esteemed civic leader.●

THE ABE PLOUGH STORY

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. FORD of Tennessee. Mr. Speaker, it is indeed a pleasure and an honor for me to bring to the attention of my colleagues in Congress the outstanding contributions to the betterment of mankind by a distinguished citizen from my home district of Memphis, Tenn. This remarkable person is Abe Plough, one of Memphis' most distinguished leaders, humanitarians, and entrepreneurs.

Abe Plough had embodied, over his 91 years, the pioneering spirit and enthusiasm of creative genius which has been the backbone of our country's business and industrial growth. In 1908, he spawned his world-famous business enterprise in the cradle of the most colorful pages of Memphis' history. This remarkable concern grew from a business located in one small room that manufactured just one product in its first days, to an enterprise with distribution and manufacturering centers which maintain a product list of over 300 different items in 12 cities across the Nation. As one of the world's most respected manufacturers of over-the-counter drugs, the names Plough, Inc., and Schering-Plough Corp., have become synonymous with quality, innovative products, and industrial procedures.

In April of this year, Abe Plough became the first individual to be honored by the U.S. Consumer Product Safety Commission. He received this prestigious award for his farsighted concern for the safety of consumers, and especially for children, when he set early standards for packaging. Memphians from across the entire city gathered at the awards ceremony with national leaders of Government and industry to share in Abe Plough's receipt of this honor, which he so greatly deserved.

The expansion of Plough, Inc., is a reflection of the growth and change of Memphis over the past 65 years, from a country town to an industrial center. It is not just a passive reflection, however. Abe Plough and his organization have played an integral role in this transformation of Memphis. Abe Plough has not only been a positive influence on the business community; but he has also been a generous supporter and contributor to the growth and development of our entire city. His love of nature and respect for all mankind have made him one of Memphis' best loved citizens.

I would like to share a history of the growth of this phenomenal organization and pay tribute to the man who created it, Abe Plough.

THE PLOUGH STORY

The Plough Story began in 1908. It was in mid-March, with the disastrous panic of 1907 slowly loosening its strangle hold on the economic life of the nation. The times seemed to offer small encouragement for the start of a new enterprise. Theodore Roosevelt was in the White House, and the United States had a population of 88 million. Memphis, on the Mississippi, where Abe Plough first started the business now known as Plough, Inc., was an overgrown country town of 100 thousand people, with its economy built on cotton.

In March of 1908, when Abe Plough was 16 years old, he borrowed $125 from his father, Mr. M. Plough, and set himself up in business under the name of Plough Chemical Company. The struggling business occupied one small room on the second floor above the elder Plough's furniture store. Abe Plough did all the work himself. Using a horse and buggy, he sold during the day. At night, he mixed the ingredients and packaged his first product, Plough's Antiseptic Healing Oil. Production totaled 25 packages a day. Significantly, he started his company's unbroken record for continuous advertising by ordering a small newspaper advertisement on this product to appear regularly in The Memphis Commercial Appeal.

In the short space of eight years, the business was on firm ground. Plough Chemical Company now occupied 6,000 square feet in a larger building, and production reached 500 packages a day. By 1917, larger quarters were needed. An entire three-story building was occupied, and production reached 2,500 packages a day. In 1921 Plough began making St. Joseph Aspirin. By 1923 the business was expanding rapidly and, for the first time, required outside capital. Stock was sold to the public. Abe Plough began gathering a group of capable men around him. The product line was expanded. In 1924 the Company entered the foreign market with a sales outlet in Mexico. The name Plough Chemical Company was changed to Plough, Inc., in 1929. Additional stock was sold to the public, and the Company's shares were listed on the New York Curb Exchange in 1936. In order to further diversify, the Company entered the broadcasting field in 1944 with the purchase of Radio Station WMPS, Memphis. In December 1945, Plough shares were listed on the New York Stock Exchange.

The year 1947 was especially significant in the growth of the Company. For several years research work had been conducted to develop and perfect a specialized aspirin tablet for children. The goal was achieved in 1947, and St. Joseph Aspirin For Children won instant acclaim both from the medical profession and the public. It quickly became the leader in its field, and one of America's most popular drug products.

Some years had passed since Plough had become a nation-wide and world-wide organization, with sales outlets in many foreign countries. Operations had expanded into eight different buildings in Memphis. It was clear that great economies would be effected by consolidating operations under one roof. This was accomplished in 1951 when Plough, Inc., moved into its new multi-million dollar plant at 3022 Jackson Avenue, in Memphis. The new building, containing a quarter of a million square feet of floor space, with its automatic equipment, was widely hailed as one of the finest and most modern drug manufacturing plants in the United States. Both in productive capacity and financial resources, Plough was now prepared to undertake a sustained program of sound and rapid expansion.

In 1953, Plough, Inc. purchased its second radio station, WJJD, Chicago.

In 1954 Nujol and Mistol, two drug products long established in this country and overseas were purchased. In 1956 the Company acquired Musterole and Zemo, two of the country's best known drug products. Later the same year, Dr. Edwards' Olive Tablets, another well established drug product, was obtained. Two more radio stations were added to the Plough family, WCAO, Baltimore, and WCOP, Boston. Early in 1957 Plough acquired Coppertone, a recognized leader in the field of suntan products.

Creolin, a household and hospital disinfectant, and SOLARCAINE were purchased in 1958. On July 1, 1959, management acquired three companies: The PAAS Co., in Newark, N.J., Southern Shellac in Memphis, and radio station WPLO, Atlanta.

The Webb Products Companies of San Bernadino, California, and Norcross, Georgia were acquired January 4, 1960. Their nationally famous do-it-yourself household products sold under the Duratite label. Later in 1960, Plough, Inc. acquired Dicks-Armstrong-Pontius, Inc., a Dayton, Ohio manufacturer of household products sold nationally under the brand name DAP. This company along with Webb Products and Southern Shellac were combined to establish the Household Products Division of Plough, Inc. QT by Coppertone developed by Plough, Inc. was introduced in 1960. "Softees" a cotton tipped swab became a Plough product in January 1962.

In 1963 two new proprietary items developed by the Company were introduced: St. Joseph Vitamins For Children, and Royal Blend, a luxury body and suntan lotion.

1964 saw the introduction of Di-Gel which is now one of the leading selling single items in the drug line. The Main Plant was expanded and a new garage and offices for the Transportation Dept. were completed. St. Joseph Baby Powder made its debut in 1965. Again, Packaging and Compounding areas at the Main Plant were enlarged. In 1966, DAP Inc., our Home Products Subsidiary, purchased the John Sunshine Chemical Company adding a line of plumbing products.

The largest transaction in our company history took place in 1967 when Plough, Inc. obtained the Maybelline Company. The following year Plough, Inc. bought the Memphis plant property of Mechanics Universal Joint Division of Borg-Warner Corp. of Chicago. The larger of the two buildings on the 14 acre tract northwest of our Jackson Avenue facility was completely renovated and now houses our Printing Division which is one of the three largest captive Printing Plants in the United States.

Groundbreaking and construction for our Administrative & Research Center began in mid-1969. Master Bronze, a line of specialty paints was added to the DAP list of products in 1970.

On June 23, 1970, W. H. Conzen, president of Schering Corporation, Bloomfield, New

Jersey, and Abe Plough, president of Plough, Inc., Memphis, Tenn., announced that the management of both companies had agreed in principle to a consolidation of the two companies. Under the agreement, Schering Corporation, an international pharmaceutical manufacturer, and Plough, Inc., a producer of proprietary drugs, toiletries, cosmetics and household products, would retain their independent identities as operating subsidiaries of a newly created company, Schering-Plough Corporation.

On January 16, 1971, Plough, Inc., and Schering Corporation reported completion of the consolidation which had been approved by Boards of Directors and shareholders of both companies.

Abe Plough, Chairman of the Board, Plough, Inc. was named Chairman of the Board, and W. H. Conzen, Chairman of the Board, Schering Corporation, was named president and chief executive officer of Schering-Plough Corporation.

Sixty five years have passed since an ambitious young man with an idea mixed and packaged the first drug product which was the beginning of Plough, Inc. In that time, the city of Memphis has grown from a leisurely cotton town to a dynamic industrial, commercial and transportation center of the Mid-South.

Today the various organizations that make up the Plough enterprise manufacture or license over 300 products that are sold nationwide. Its main strengths are in the merchandising and advertising of quality consumer products to mass markets. It is among the top 50 advertisers in the United States. Included in its sales and merchandising program is the St. Joseph Family Almanac Calendar, now in its 51st year. Plough Printing Division prints approximately eight million calendars annually which are sold to retailers who in turn give them to their customers in appreciation of their patronage.

The company's ability to develop new products in its own laboratories has contributed significantly to its success. Recent new products include QT Foam, Solarcaine Foam, Coppertone Tanning Butter, Deep Strength by Musterole—a boom to arthritis sufferers, and Sudden Tan by Coppertone.

The main manufacturing facility (Lab I) has been expanded to 400,000 sq. ft. with the addition of new offices and a new cafeteria. There are now approximately one million square feet under roof in the Memphis complex. Domestic manufacturing and distribution centers are located in Alexandria, Virginia; Carteret, New Jersey; Chicago, Illinois; Dallas, Texas; Dayton, Ohio; Decatur, Georgia; Los Angeles, California; Melrose, Mass.; Miami, Fla.; Milford, Ohio; San Jose, Calif.; Memphis, Tenn., (home office) and a 100,000 sq. ft. DAP manufacturing/shipping facility in Baltimore County, Maryland that is nearing completion and scheduled for operation in early summer, 1983.

This, in brief, is the story of the first 65 years of Plough, Inc., a story that does not end here, but continues into the years ahead.

Mr. Speaker, I am sure you will agree that Abe Plough is truly a remarkable person and a great American. In all of my years of service to this great body, I have never marveled more at accomplishments of anyone more than the successes of Abe Plough. It is my pleasure to be his Congressman and to share his story with the American people.●

JUNETEENTH CELEBRATION

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. WHEAT. Mr. Speaker, this weekend in Kansas City, the Black Archives of Mid-America will hold its second "Juneteenth Day" celebration, a 3-day festival that marks the freeing of the slaves under the Emancipation Proclamation.

"Juneteenth Day" celebrations originated in Texas more than a century ago and occur mainly in Southern States. President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, freeing "all slaves in States still in rebellion."

The proclamation helped slaves in several Confederate States gain their freedom, but it changed little in the lives of Texas slaves. The slaves in Texas were finally freed on June 19, 1865, 2½ years after Lincoln signed the Emancipation Proclamation.

On that day, Union Maj. Gen. Gordon Grander, bolstered by 1,800 troops, arrived in the coastal town of Galveston, and immediately proclaimed Texas under U.S. authority. He then issued a general order declaring that "in accordance with a proclamation from the executive of the United States, all slaves are free." That day, blacks in Galveston held the first "Juneteenth Day" celebrations.

Tales explaining the 2½ year delay in granting Texas slaves their freedom abound. According to legend, the slaveowners were afraid of the disruption to the crops that might occur if they announced to the slaves that emancipation was to take place January 1. Instead they withheld the news until June 19, 1865. By this time, the slaves had broken the ground, planted the seeds, chopped the weeds from the crops and prepared the field for harvest.

Another tale says that a black man riding a mule left Washington on January 1 to carry the news of freedom to Texas, and the traveler did not arrive until June 19.

In Missouri, Emancipation Day has been historically celebrated on August 4. Legend has it that the date was chosen because that was about the time when the slaves stopped working in the cotton fields, a logical cause for celebration.

Traditionally, the holiday has been celebrated by barbeques and baseball games, by festivals and rodeos and by picnics, pageants, and parades. In Kansas City this weekend, "An Evening of Awareness" is being held to honor persons who have made significant contributions to the community in politics, business, education, and other fields. A parade will be held Saturday and the festival will conclude Sunday with a jazz concert.

"Juneteenth Day" festivals are a time for genuine celebration among blacks across our Nation. When blacks from Africa were brought to America as slaves, we not only shackled their bodies, we also shackled their potential. We are fortunate, however, that blacks would not let their souls and ambitions be bound. Although we cannot compensate for past injustices, we must continue to strive for total equality. "Juneteenth" celebrations are a tribute to those black Americans who fought so long and worked so hard to make the dream of equality a reality.●

1984 LOUISIANA WORLD EXPOSITION

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. LIVINGSTON. Mr. Speaker, the city of New Orleans is honored to host the 1984 Louisiana World Exposition. The exposition is scheduled to open May 1984, on the banks of the Mississippi River and the site should provide a dramatic backdrop for its theme, "The World of Rivers—Fresh Water as a Source of Life."

To commemorate this international exposition, I have today introduced legislation which authorizes a national medal to be struck by the U.S. Mint, and I am joined in cosponsorship of this bill by my colleagues from Louisiana, BOGGS, BREAUX, HUCKABY, MOORE, ROEMER, LONG, and TAUZIN.

The official national medal authorized in this legislation will be designed by the mint in cooperation with officials of the Louisiana World Exposition, Inc., a nonprofit corporation.

This bill merely provides the authority through 1984 for the U.S. Mint to strike the medals. It will result in no net cost to the Federal Government. It stipulates that satisfactory security must be furnished by the Louisiana World Exposition to the Director of the Mint, in order to indemnify the United States for full payment of all costs incurred in manufacturing these national medals.

The exposition intends to market the medals on site and through other avenues. These official U.S. medals should be sought by both medallion collectors and exposition visitors, and I urge my colleagues to join in cosponsorship of this legislation which seeks to commemorate a historic national event.●

CYPRESS COMMUNITY COUNTRY FESTIVAL: TRULY A COMMUNITY AFFAIR

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. PATTERSON. Mr. Speaker, the 27th anniversary of the city of Cypress is the occasion for the Third Annual Cypress Community Country Festival. The festival is set for July 23, 1983, at the Cypress Cultural Arts Center, formerly Oxford Junior High School. The day promises to be enjoyable for all those who participate.

Cypress is a growing community of over 40,000 residents. The expansion of the city's business and professional community in recent years has occurred while maintaining a balanced development. The city's residents do indeed have a community of which they can be proud.

The heritage of the city began back during its days as a pastoral dairy town. At that time, Cypress was inhabited by a few ranchers, landowners, and plenty of livestock. One of the area's earliest historical figures was Manuel Nieto, a corporal in the Spanish military, who in 1769 was one of the original European explorers in the area.

Incorporated in 1956, the city of Cypress has had 15 majors: Jacob van Dyke, Thomas Baroldy, Frank Noe, Robert Harvey, Richard Bowen, Delnoe Kanode, John Kanel, Robert Harvey, Otto Lacayo, Henry Roberts, Jr., Alice MacLain, Donald Hudson, Howard Rowan, Vickie Evans, Gerald Mullen, and currently Mayor Otto Lacayo.

Cypress is a charter city, administered under the council-manager system. The city manager, Darrel Essex, has been in that capacity for over 20 years. He has managed the city from its early rural roots to its contemporary urban atmosphere. In addition to Mayor Lacayo, those currently serving on the city council are: Mayor Pro-Tempore Richard Partin, and council members Chuck Coronado, John Kanel, and Gerald Mullen.

Landmarks in the city include Cypress Community College, Forest Lawn Memorial Park, and the Los Alamitos Race Course. Recent industrial development has brought both national and international corporations to Cypress. Notable among these are: Yamaha International Motor Division, Fiat Motor Division, Mitsubishi USA, Panasonic, and McDonnell Douglas. The future and economic viability of Cypress is indeed bright.

Mr. Speaker, let me give special recognition to the organizing committees, without whom this festival would not be an annual success, and to the many dedicated volunteers, whose hard work and careful planning can never adequately be thanked. As the city of Cypress progresses into its second quarter century, I know my colleagues in the House join with me in sending best wishes to the citizens of this fine community.●

LET'S PUT NICARAGUA IN THE PROPER PERSPECTIVE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. BROOMFIELD. Mr. Speaker, I want to share an interesting and revealing article about Nicaragua with all of my colleagues here in the House. The article recently appeared in the Christian Science Monitor. Since this body will soon debate the question of covert activities in Nicaragua, I believe it is important for all of us to hear out someone with a different and more personalized perspective on the Nicaraguan Government and the failings of that revolution.

I believe that the message which the anti-Sandinista groups are sending us here in Washington today exposes the sad reality of Nicaragua. We are witnessing the flailings about of a failed revolution. The totalitariansim of the Somoza regime has been replaced by an equally repressive Sandinista brand of repression. The freedoms denied the masses during the Somoza period are still being denied by the present government. The past critics of the Somoza regime who languished in grim prisons have been replaced by critics of the Nicaraguan Government who dared to speak out against what is transpiring in that country today.

Let us talk about the unfilled promises of the Sandinistas. Where are the free elections and the real participatory government? What about freedom of religion in that conservative Catholic country? Where are the real and effective social and economic reforms that the poor masses were promised? Why are the shelves in downtown Managua bare and basic consumer items so hard to find?

The Sandinistas have radicalized and betrayed the revolution and, in the process, are trying to convince all Nicaraguans that communism is the answer and the panacea which will cure the nation's ills. Well, it has not. The Nicaraguan masses have been sold a bill of goods. Have the leaders of the so-called revolution stopped and asked: "Do the Nicaraguan people really want communism and all that it entails?" Instead of focusing on their own failings, the Nicaraguan regime is exporting its shabby revolution to its neighbors as a smokescreen to draw attention away from its own failings. By focusing on an external enemy, the Nicaraguan Government is hoping the poor in their country will forget about their own desperate situation replete with serious problems.

It seems to me that men everywhere yearn to be free. We all want to enjoy some basic freedoms as electing our own leaders, worshipping God as we please, and having things which we can call our own.

I believe that the present Nicaraguan regime is feeding communism to the poor and unsuspecting peasants in that country. I now understand why the men described in the following article, who formerly served in the Sandinista Government, are now dedicating their lives to bringing down that regime.

With these ideas in mind, I strongly recommend this article to my friends and trust that all of you will agree with the message which Commander Roger and Edén Pastora Gómez are sending to us.

The Christian Science Monitor, June 8, 1983, article entitled "Under Siege, Sandinistas Grapple with Rebels, U.S." follows:

UNDER SIEGE, SANDINISTAS GRAPPLE WITH REBELS, UNITED STATES

WITH THE REBELS IN THE JUNGLE—A BATTLE TO WIN ELECTIONS

(By Steve Fishman)

INSIDE SOUTHERN NICARAGUA.—Roger carries a Soviet-made AK-47 rifle. A United States-made hand grenade is clipped to a strap on his chest. He is a mechanical engineer by profession, educated in part in the United States and for the second time in four years he has taken up arms in the jungle of southern Nicaragua in what he likes to call "liberated territory."

Roger first fought here with the Sandinista rebels against Nicaraguan dictator Anastasio Somoza Debayle, who was overthrown in 1979. This time Roger is fighting to overthrow the Sandinistas.

"On the 19th of July, 1979 [when the Sandinistas took over Nicaragua], I thought I could never again hold a gun in my hands against anybody because I thought we were free, free forever," Roger says.

His only political ambition, he says, is to vote. "I have never voted in my life, really. With Somoza they were never free elections. I came back to Nicaragua with the nine [Sandinista] commanders believing I could vote. I couldn't."

The Sandinistas have promised elections in 1985.

Since May 1, when the Democratic Revolutionary Alliance (ARDE) declared war on the Sandinistas, Roger has directed several hundred men, including his son. Roger is one of six commanders on the southern front inside Nicaragua.

His men, who like Roger will give only their first names, travel along a dirt road on the border with Costa Rica and a jungle trail to an outpost about half a mile inside Nicaragua. The rebels live in makeshift tents—sheets of black plastic draped as canopies over white nylon hammocks. Open cans of sardines, corned beef, and insect repellent litter the ground. Soup with rice is being warmed over a fire.

About a dozen guerrillas take turns keeping watch from a nearby cliff about 30 feet

high. They wait in ambush for Sandinistan traveling to a camp about three miles away.

Most of the guerrillas are in military uniform. Their canteens, spoons, and shoulder straps bear U.S. markings. They wear the red and black kerchief that symbolized the first Sandinista revolution—and the blue and white ARDE armband that stands for what they hope will be the second revolution.

Most of the fighters are Nicaraguan, though Roger says some of his soldiers come from Panama, Venezuela, El Salvador, and Costa Rica. There have been suggestions that the Sandinistas are supported by the peasants, while the middle class has deserted them. Most of the guerrillas say they are campesinos—peasant farmers.

"The last war was a city war. This is strictly a campesino war. It surprises me, but I know exactly why—the repression. They want to make the campesinos communists by force," Roger says.

"A campesino is a free person. They are religious people. They want their own land. They want to be a little capitalistic. They want to have money to buy things. That's why they are here," he says.

Indeed, most of the soldiers talk about Sandinista pressure on them to change their life style. They say the Sandinistas are communists. Many say they have been threatened, and others jailed. Some talk of economic hardships caused by shortages and rationing. In each case, they blame the nine members of the ruling Sandinista junta.

Johnny said his father was held in jail for refusing to join a Sandinista organization. When he was released, his father sent Johnny to join the rebels. "We want to live in a free country," he said. After one month, Johnny sent word to his father, who joined him.

Doni, a farmer and father of 10, is the oldest and newest of the group. He has been with them only one month, just long enough to learn how to fire an automatic weapon. "The hunger among the people, they can't stand it anymore," he says. "We are peasants working the land, but it doesn't serve for anything. There is no sugar, soap, or oil. It all goes for exports. That is why we are fighting."

The Sandinista government, he says, obligates the farmer to sell to the state at a fixed price. Though that price may be higher than four years ago, the money earned buys less today than it used to. For instance, he said, a shirt today costs 10 times as much as it did four years ago. "Things are worse now than under Somoza," Doni said.

Roger said his force would be considerably larger if he had more arms to give the peasants who want them.

The Nicaraguan Democratic Front (FDN)—which is fighting the Sandinistas in the north with 7,000 men and reportedly receives support from the CIA—has offered weapons to ARDE. But ARDE military leader Edén Pastora Gómez, known as Commander Zero during the Sandinista revolution, has publicly refused the offer because of the FDN's association with the late dictator Somoza's followers.

Both Pastora and Alfonso Robelo Callejas, a businessman and ARDE's political leader, served in the Sandinista government after the revolution, and both turned against it after deciding the Sandinista government had betrayed the goals of the revolution.

In an interview, Robelo said that although he hoped ARDE could coordinate some activities with the FDN, the northern group had not supplied any arms to his group. He said ARDE's arms are purchased on the black market.

The guerrillas accompanying Roger are some of about 50 now based at a camp just inside Nicaraguan territory. Their daily routine includes physical and military training, though their arms are not fired for fear of attracting the enemy. Most of the guerrillas have a minimum of training, though those with the movement longer have received infantry training in the Nicaraguan mountains or in hidden and now abandoned camps in Costa Rica.

Since May 1, Roger's men have conducted seven guerrilla missions, including attacks on a Nicaraguan border post and a Sandinista fort, and the ambush of a Sandinista boat on the San Juan River.

"The Sandinistas don't go out. We must obligate them to," said Roger, who surmises that the Sandinistas are conceding a portion of the jungle to the rebels. According to his count, ARDE guerrillas have killed 60 Sandinistas and lost three. ARDE claims to control almost an entire corner of southeastern Nicaragua and part of the San Juan River east of El Castillo, Robelo says. Their immediate goal is to secure a territory from which they can safely operate.

"We're just starting. It's going to take a long time," Roger says.

Roger may seem an unlikely leader for this group composed mainly of peasant farmers. A city dweller from Managua, he speaks excellent English, having studied business at Tulane University in New Orleans. After the Sandinista victory, he was appointed to head the national sugar directorate, which runs Nicaragua's sugar industry. "I was working 24 hours a day if I could. We had so much work to do, the industry was completely down," he says. Then about 50 Cubans were brought in, undermining his authority. "I accepted them as advisers, but they were trying to run the place."

After Pastora left Nicaragua in July 1981, abandoning the post of deputy minister of the interior, Roger was jailed with about 150 others who had fought with Pastora. He was suspected of formenting a movement against the Sandinistas.

The charge is untrue, Roger says, although he admits he was unsatisfied with the direction the government was going. He fled to Costa Rica, where he joined other dissidents, including Pastora.

"We were just a few, less than 10," he said. In October 1982, ARDE was formed. Three months ago he moved into the field.●

PRESIDENTIAL SCHOLARS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. LONG of Maryland. Mr. Speaker, I am honored to recognize two of my constituents, Wendy Leng of Timonium, Md., and Ronald G. Dove, Jr., of Bel Air, Md., who have been selected along with 139 other outstanding high school seniors for distinction as Presidential Scholars.

Wendy Leng, valedictorian of her Dulaney High School class, and a National Merit Scholar, received the award for leadership and academic excellence. A leader in her community and school, she was captain of the Dulaney High "It's Academic" team, Baltimore champions for the 1982-83 school year. She also served as coeditor of the high school's honor society newsletter. In the community, Wendy was active as a volunteer at Johns Hopkins Hospital and served as a tutor for Dulaney students. Her aspirations include becoming a physician and pursuing her interest in piano. Wendy will attend Harvard University in the fall as a biology student.

Ronald G. Dove, Jr., serves as president of the Harford County Regional Association of Student Councils, providing leadership as a moderator among local students, faculty, and administrators. Representing the collective voice of the students of Harford County, he won concessions on several important issues and kept students aware of local and regional educational issues. A talented debater, he has won several awards at the school and district levels in the national "Voice of Democracy" annual speech contests, including third place in the State competition, his senior year at Bel Air High School. A 4-year veteran of the tennis team and school band, Ronald managed to keep his extracurricular activities well balanced. He was also an active member of the Christ Our King Presbyterian Church, serving as a youth deacon, and organizing youth functions. In the fall, he plans to attend Milligan College in Tennessee and major in political science. He is interested in a career in law and politics.

I am sure my colleagues join the President and me in congratulating Wendy and Ron for their accomplishments, and in wishing them all the best in their future endeavors.●

BALTIC FREEDOM DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. BIAGGI. Mr. Speaker, earlier this year I cosponsored a resolution, which became Public Law 98-39, designating June 14, 1983, as "Baltic Freedom Day."

Although its name might suggest otherwise, "Baltic Freedom Day" commemorates one of the darkest occasions in world history; 42 years ago, on June 14, 1941, the Soviet Union began its invasion and takeover of the Baltic States—Estonia, Latvia, and Lithuania.

In one of the great atrocities of modern civilization, the Soviet Union proceeded to execute countless thousands of the Baltic people, in addition to deporting over 1 million others to slave labor camps in Siberia and other parts of the Soviet Union.

Just as significant, however, is that Baltic Freedom Day reminds us that this tragedy has continued now for over 40 years. Each of the Baltic States is, in fact, a captive nation. The Soviet Union has deprived the courageous Baltic people of all basic human rights, including religious and cultural freedoms, as well as the right to self-determination.

Further, Baltic Freedom Day reminds us that as leaders of the free world, we have a responsibility to do everything in our power to thwart the Soviet Union's oppressive policies in the Baltic States and in other captive nations around the world.

Simply put, the Soviet Union's blatant disregard for basic human rights has no bounds. The people of Poland and Afghanistan are some of their most recent victims, along with some 3 million Soviet Jews who have been treated especially harsh, to the point where they have become virtual prisoners in their own homeland.

Clearly, the Soviet Union's oppressive policies will not change without our intervention. We must make the issue of human rights a primary focal point of any future communications between the United States and the Soviet Union, whether it be during trade negotiations, nuclear arms control talks, or even when arranging for athletic competition between the two countries. The brave freedom fighters in the Baltic States and in other captive nations are depending on us.●

KEEPING PHONE RATES DOWN

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. WYDEN. Mr. Speaker, yesterday Mr. SWIFT and I introduced a resolution that I believe is an important first step to insure that all Americans continue to have access to affordable phone service.

As many of my colleagues are aware, experts have predicted that the restructuring of AT&T and recent FCC decisions may lead to a doubling or even tripling of local telephone rates.

Our constituents are concerned about these potential developments, and rightly so. All Americans, especially the elderly, the handicapped, those in rural areas, and the urban poor rely on the telephone as a basic necessity. Fifty years ago, Congress decided that it should be the policy of this country to guarantee universal telephone service at an affordable price to all Americans—and we must not now turn our backs on that commitment.

If telephone rates increase by two or three times, the continued implementation of this policy will be in jeopardy. Some Americans may even be forced to make a painful decision: whether to buy needed food and clothes or keep their telephone.

Given the possible disastrous outcome, one might assume that the Federal Communications Commission had carefully studied the matter and compiled relevant data before issuing its recents rulings. Unfortunately, that is not the case.

No one knows exactly what the impact of these rate increases will be—exactly how many people will be faced with giving up their phones because of the recent judicial and regulatory actions.

Mr. SWIFT and I do not believe Congress should tolerate this situation any longer. That is why our resolution expresses the sense of the House that the FCC should initiate a formal investigation to determine the impact on telephone rates of the restructuring of AT&T and FCC decisions. Once the investigation is complete, the resolution further directs the Commission to provide the House with estimates of how many Americans would suffer economic hardship or would be forced to disconnect their phone as a result of these changes to phone service.

The resolution also requests that the House Subcommittee on Telecommunications, Consumer Protection, and Finance begin consideration of legislation that will assure that basic universal telephone service remains affordable to all Americans.

Finally, recognizing that current exorbitant rate hike requests pending before State regulatory bodies cannot be attributed to the AT&T divestiture or the FCC rulings which will not even go into effect until next year, the resolution goes on to direct the State regulatory commissions to carefully review those rate increase requests.

Mr. Speaker, this resolution will not in itself guarantee affordable and high quality phone service to all Americans. But I believe it is an important first step in that direction—one that will assure Americans that the House of Representatives is committed to universal service and is willing to take the steps necessary to insure it.

I urge my colleagues to join me in cosponsoring the following sense-of-the-House resolution.

H. RES. 231

Expressing the sense of the House of Representatives that the Federal Communications Commission should institute an inquiry to ascertain the impact on telephone rates of regulatory changes and judicial decisions affecting the telephone system, and that the Subcommittee on Telecommunications, Consumer Protection, and Finance of the Committee on Energy and Commerce should begin consideration of legislation that will assure that basic telephone service is affordable to all the people of the United States.

Whereas the people of the United States, especially the elderly, the handicapped, those in rural areas, and the urban poor, rely on the telephone as a basic necessity;

Whereas universal telephone service is essential to the common good;

Whereas the restructuring of the American Telephone and Telegraph Company and its affiliates, and Federal Communications Commission decisions, could cause the rates for basic telephone service and access to the telephone network to double or triple;

Whereas requests for rate increases currently pending before State regulatory commissions cannot be attributed to regulatory changes and judicial decisions that have not yet gone into effect; and

Whereas the goals of affordable, basic telephone service is consistent with a competitive telecommunications industry: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the State regulatory commissions should carefully review the requests for telephone rate increases currently before them;

(2) the Federal Communications Commission should institute an inquiry to ascertain the impact on telephone rates of regulatory changes and judicial decisions affecting the telephone system and should furnish the House of Representatives with an estimate of the number of people of the United States who would suffer an economic hardship or would be forced to disconnect their telephone service as a result of such changes and decisions; and

(3) the Subcommittee on Telecommunications, Consumer Protection, and Finance of the Committee on Energy and Commerce of the House of Representatives should begin consideration of legislation that will assure that basic telephone service is affordable to all the people of the United States.●

FREEDOM FOR THE BALTIC PEOPLES

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mrs. HOLT. Mr. Speaker, this week we commemorate with sadness the 43d anniversary of the Soviet invasion of the three Baltic Republics, Estonia, Latvia, and Lithuania, an event followed by all the usual atrocities of Communist rule, including the deportations and killings of political opponents and the harsh repression that endures to this very day.

The Baltic States have not even been allowed to keep the vestiges of sovereignty which have been permitted for the other Soviet-controlled countries of Eastern Europe. The Baltic nations have been annexed into the Soviet Union.

Mr. Speaker, the character of the Soviet Union has not changed. It remains an aggressive, imperialist power with ambitions far beyond its borders. It supports terrorism, revolution, and surrogate armies on a global basis to serve its imperial ambitions.

But today we remember those Baltic peoples who have suffered so long under Soviet rule. They still long for freedom. Their countries still live in

their hearts and minds. They resist as they can and work to preserve their cultures.

Let us pray for the ultimate freedom of the Baltic peoples and all peoples who endure life in the military-police states of the Soviet empire.●

VOODOO EDUCATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. RICHARDSON. Mr. Speaker, the President's barnstorming tour to get out in front of the education parade is reminiscent of the leader who plaintively cries, "Tell me where my people are going, in order that I may lead them."

He had better hope the American public will pay attention to only what he says, and not what he does.

In Albuquerque, he may renew his calls to improve our public schools, but when he returns to Washington he will resume his actions of weaken the national commitment to education.

In every single budget the President has submitted, he has called for deep cuts in education. And it has been the Congress that has held the line against deeper cuts.

In 1982 he sought a 15-percent cut—over $2 billion eliminated. In 1983, he slashed funds for education by 29 percent—over $4 billion cut. And in his most recent budget he seeks a 13-percent cut of over $2 billion.

Yet astoundingly the President insists that he has not cut the education budget claiming to be committed to a policy of improving American education. Some commitment. Some policy.

The facts are plain for all to see—President Reagan has called for cuts in education of almost $9 billion—almost 20 percent of the Federal education budget since he was inaugurated.

As a direct result of the President's policies, 300,000 students have lost Pell grants and other aid, 350,000 fewer students are receiving guaranteed student loans, and 250,000 have been denied social security student survivor benefits.

A member of the President's own party put it quite succinctly recently—Republican Senator LOWELL WEICKER said, "It galls me to now hear the President say we are spending more on education, when the fact is that he was forced by the Senate to restore funding on virtually every program under the jurisdiction of the Labor and Human Resources Committee," the Senate Committee responsible for education programs.

Education aid to the disadvantaged and the handicapped have been slashed. Bilingual education has been slashed. College aid has been slashed. Incredibly, with unemployment at double-digit figures, he has tried to cut back aid for adult and vocational education by an astounding 30 percent.

These are the facts: Students, teachers, and schools have no friend in the White House. This administration has deservedly earned its reputation as the most antieducation administration in modern history. I say that not to strike a solemn note, but to state the simple truth.

If the President persists in cutting Federal aid to education, misrepresenting the facts, and unfairly blaming the teachers and the Federal Government for all that is wrong with our educational system, he is soon going to have a massive credibility gap on his hands.

It is self-evident that spending more does not always improve education. But what is even more certain is that spending less definitely will not improve it. The American people understand that.

Financing education is still not primarily a Federal responsibility. But we do need a strong Federal role in education—even using more Federal dollars to improve the Nation's education system in the same way it has beefed up the military. Education is one of those domestic crises that the American people want their National Government to deal with forcibly.

Ronald Reagan's frail responses and irrelevant homilies on tuition tax credits, prayer in the schools are simplistic answers to a complicated national situation.

The President's policies and propositions are a prescription for "voodoo education" and they should be viewed with the same skepticism as his earlier plan to balance the budget.●

TRIBUTE TO LOU NIGRELLO

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. BIAGGI. Mr. Speaker, on Friday night June 17 the Congress of Italian American Organizations (CIAO) of Yonkers, N.Y., will hold a very special testimonial dinner honoring a great man, Louis Nigrello. As both a longtime friend of Lou's as well as the Representative in Congress from a large part of Yonkers, I am pleased to pay tribute and extol the many virtues of Lou Nigrello.

Lou has been a mainstay in the Yonkers community for many years. He has lent his considerable talents and energies to a variety of areas ranging from business to government to local civic activities. Lou is the former district manager of the metro region of A&P and in that capacity distinguished himself as an able administrator and leader. Being accessible to the general public on a daily basis afforded Lou the opportunity to make many friends during his years at A&P.

Presently Lou serves as the operations manager of Electra Snacks and has once again proven himself to be most capable and effective in an oft-times highly competitive environment.

Lou has been active in the governmental affairs of the city of Yonkers serving as a member of its Civil Service Commission. He has earned the respect of many for his work on the commission as has emerged as a champion for the rights of civil servants in this city.

Yet in many respects Lou Nigrello is being honored for his outstanding record of community service in Yonkers. It is especially appropriate that CIAO honor Lou Nigrello for he served with special distinction as their chairman. Lou has been an active member of the Sons of Italy. He is especially involved as a trustee of the Enrico Fermi Scholarship Fund, a most worthwhile organization that I am proud to be affiliated with. Lou has also been a vital contributor to the ecumenical breakfast committee involving Agudath Achim and Our Lady of Mount Carmel Church.

Lou Nigrello is also a member of the Frank A. Rea American Legion Post and the Park Hill Residents Association.

Lou Nigrello was a proud graduate of St. Paul of the Cross High School as well as the Syracuse University executive training program and the American Management Association program.

Despite all of his many and time consuming duties, Lou prides himself as a family man. He together with his wife, Francis, their three children, and three grandchildren all share the joy of Lou being honored by his friends and associates.

It is fitting that the Congress of Italian American Organizations honor Lou Nigrello for he is a selfless man giving of himself to organizations and to people to make them better. It is also more of an honor to be saluted by one's friends as will be the case on Friday night in Yonkers. A testimonial is being held for a man whose name is synonomous with service and integrity. I have known Lou for many years and can attest to the many qualities he has as a man and friend. I join with all the participants on Friday night as well as all of those whose lives have been made better through knowing Lou Nigrello in congratulating Lou and wishing him all the best in the future.●

TERRIBLE JUNE DAYS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. LENT. Mr. Speaker, I rise today to join my colleagues and the Lithuanians throughout the world in the solemn observance of the forced, illegal incorporation of the Republic of Lithuania into the Soviet Union and the subsequent mass deportation of hundreds of thousands of Lithuanians to Siberian concentration camps.

June 15, 1940 and June 14-18, 1941, are called the terrible June days by Lithuanians throughout the world. June 15, 1940, marks the day the Soviet Union invaded and occupied the Baltic States of Estonia, Latvia, and Lithuania. June 14-18, 1941, were those tragic days when the Soviets commenced their attempt to eliminate the Lithuanian nation. During these 4 days, 34,260 men, women, and children were rounded up by the Communist authorities and deported in stifling cattle cars to the deepest recesses of Siberia. From 1941 to 1951, the Soviets were responsible for the deportation or liquidation of 700,000 Lithuanians.

Mr. Speaker, recent history has shown the Soviets are still intent on eliminating the Lithuanian people's fiercly independent spirit. But they should know that just as it is impossible to stop the sun from rising, it is impossible to break the spirit of so proud and brave a people as the Lithuanians.

Those who know this best are the members of the Lithuanian American Community of the U.S.A., Inc. This organization has furnished great leadership in insuring that the many Lithuanians who live in the United States know and maintain pride in their great heritage. And, Mr. Speaker, I hope and pray that in the future they will some day see the return of freedom and independence to their homeland of Lithuania.●

REAGAN'S NEW-FOUND EDUCATION "POLICY"

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Ms. OAKAR. Mr. Speaker, 2 months ago, the American public was informed about the rising tide of mediocrity threatening our Nation's public schools. In the course of the last several weeks, we have been subjected to the rising tide of Reagan rhetoric, as the President attempts to convince the American people that he does indeed have an education policy. Those of us who have been involved in the struggle to prevent this administration from drastically reducing the Federal commitment to education know only too well what this policy has been.

The Commission on Excellence in Education appointed by the President noted in its final report that "the Federal Government has the primary responsibility to identify the national interest in education. It should also help fund and support efforts to protect and promote that interest." Unfortunately, Mr. Reagan chooses to read the Commission's report selectively. He filters the report through his ideology, an ideology which maintains that everything the Federal Government does is harmful and really unnecessary. On more then one occasion, he has stated that our educational system began to deteriorate when the Federal Government started interfering in education. The fact is that numerous studies have repeatedly found that Federal educational programs have been highly successful. They have improved student performance and expanded educational opportunities for all.

White House Assistant for Communications, David Gergen, informed us in a recent interview that the Commission's report had "captured the President's imagination in 1981 and 1982 when he proposed a 38 percent cut in outlays for education by fiscal year 1985? Did he imagine that by gutting some of the Federal Government's most successful programs—such as title I, impact aid, and vocational education—he could improve the quality of the Nation's educational services?

The Reagan vision—that if the Federal Government does less, students and schools will do much better—is a simple and appealing one. But halting the rising tide of mediocrity will require more than empty works and simplistic solutions. It will require strong leadership and the concerted effort of Government, the private section, educational institutions, teachers, parents, and students.●

PUBLIC EDUCATION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. ACKERMAN. Mr. Speaker, as I am sure you are aware, the condition of our public education system has come under severe criticism by a number of published reports. It is also quite obvious that a society that is poorly educated suffers a serious handicap. The complexities of our democracy make it necessary that our citizenry be well educated in order to participate in the workings of our Government. Unfortunately, there is no panacea for the sad situation with which we are faced.

This administration is committed to the complete divestiture of the Federal Government's role in public education. If the President would succeed in his crusade to dismantle the Department of Education and slash this Nation's "instructional" budget, the children would not be the only casualties. Our national interest would be irrevocably compromised.

The solution for the inadequacy of education does not rest solely with the local governments, as the President believes. It rests with us, and this Government's ability to address the compelling need for a nationwide plan to improve and enrich the quality of education for our young citizens.

It is extremely interesting to note that one of the most successful education programs has been the Federal title I grants. Those 9-year-olds who were targeted with title I funds showed a marked improvement in their reading scores. In fact, this group's scores reflected a better improvement than the total 9-year-old population. This administration, however, would like to cut the funds to this program. Title I is not at all unique as an object of this administration's budgetary axe. Public and college library programs, financial aid assistance, and other worthy and necessary programs would not be spared.

As a former schoolteacher and as a parent, I implore President Reagan to save his budget axe for other less critical items, and to realize that the enhancement of the Federal role in educating our Nation's youth is this country's national interest.●

PRESIDENTIAL SCHOLAR TO PRESENT NUCLEAR FREEZE PETITION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. MARKEY. Mr. Speaker, I would like to compliment the courageous perseverance of Ms. Ariela Gross in her effort to present a petition in support of a nuclear freeze to President Reagan. Ms. Gross is a 17-year-old from Princeton, N.J. and is one of 141 high school seniors chosen as Presidential Scholars in 1983. For the last several weeks, despite criticism and heavy-handed opposition from the Department of Education, she has pursued her goal of presenting a nuclear freeze petition to the President. I urge all Members of Congress to read the petition and a New York Times article that describes Ariela Gross' struggle to present her views to the President of the United States.

I believe Ms. Gross deserves recognition because she represents the best values and principles of young people

in this country. She deserves to be congratulated.

NUCLEAR FREEZE PROPOSAL

JUNE 16, 1983.

DEAR MR. PRESIDENT: As Presidential Scholars, we feel honored to represent American youth and gratified by your confidence that we will play a part in shaping the future of this country. We cannot, however, accept this high honor without voicing our most profound fears for the future itself. We therefore call upon you, Mr. President, to make every effort to halt the nuclear arms race that endangers the tomorrows in which we hope to fulfill our dreams of today. We, the undersigned, endorse, and urge you to endorse, the nuclear freeze proposal outlined below. Such a proposal, with various amendments and revisions, has already been passed by the United States House of Representatives as Joint Resolution 13, on May 4, 1983.

The Freeze Proposal: To improve national and international security, the United States and the Soviet Union should stop the nuclear arms race. Specifically, they should adopt a mutual freeze on the testing, production, and deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons. This is an essential, verifiable first step toward lessening the risk of nuclear war and reducing the nuclear arsenals.

[From the New York Times, June 13, 1983]

FOR SCHOLAR AND PROTESTER, HARD ROAD TO WHITE HOUSE

(By Douglas C. McGill)

Later this week, Ariela Gross is to meet President Reagan. The President will give her a medallion. In return, Miss Gross plans to give the President a petition urging that he support a proposed Congressional resolution calling for a nuclear freeze.

Miss Gross, a 17-year-old from Princeton, N.J., is one of 141 high school seniors chosen this year as Presidential Scholars, a group of young people honored for high academic and artistic achievement, as well as proven interest in community social issues.

Yesterday, the entire group of scholars met in Washington to begin five days of informal educational meetings with Representatives and Senators, breakfasts and luncheons with high-level political officials and other activities.

If the President accepts Miss Gross's petition Thursday at the White House meeting that culminates the week of activities, it will also be the end of a difficult journey for her.

OUR MOST PROFOUND FEARS

The journey began shortly after Miss Gross received a telegram from President Reagan at the end of April, congratulating her for winning a Presidential Scholarship, which provides a $1,000 cash award. About a month later, she wrote a letter to her fellow winners, asking them to join her in encouraging the President to endorse the proposed freeze on nuclear weapons by both the United States and the Soviet Union.

"We feel honored to represent American youth," the statement said in part, "and gratified by your confidence that we will play a part in shaping the future of this country. We cannot, however, accept this high honor without voicing our most profound fears for the future itself."

Shortly after she sent out the letters, however, her mother, Shula, received a telephone call from Gary Stember, executive director of the Commission on Presidential Scholars, the Education Department panel responsible for the scholarship program.

"'Do you know what your daughter is doing?'" Mrs. Gross recalled Mr. Stember asking. Mr. Stember, she said, told her that several scholarship winners had complained to him about Miss Gross's letter, that the commission could "rescind her scholarship" and that "very likely the White House could react strongly and cancel the ceremonies."

DIDN'T PROMISE ANYTHING

The call upset her and her daughter. "We took his word for it that my scholarship would be revoked," Miss Gross said. "I agreed that it should be revoked if that's what it came to."

The next morning, Mr. Stember called to speak with Miss Gross. "He was much cooler" than in his earlier conversation with her mother, she said. "He wanted me to comment that I would not do anything at the ceremony. I didn't promise anything."

That afternoon, she called Mr. Stember back, and he said that "he had reported it to the Education Department and the White House, and that they would probably revoke the scholarship, or cancel the ceremonies, or discontinue the entire program," Miss Gross said.

Later that day, however, Miss Gross received a reassuring phone call from Thomas C. Anderson, counsel to the Secretary of Education, T. H. Bell. A supervisor of Mr. Stember had told Mr. Anderson about the earlier call. Mr. Anderson, Miss Gross said, told her that her scholarship was not in jeopardy, that Mr. Stember's remarks were unauthorized and that "winning the scholarship didn't mean that we didn't retain our freedom to express our views and share them with others."

Mr. Anderson also told her he had sent Mr. Stember a memo reminding him of the scholarship winners' rights.

"We cannot allow the students and their parents to be intimidated because of their political views," the memo read in part. "By virtue of being designated as Presidential Scholars and accepting the honor, these students obviously retain all of their rights to express their views and seek out others who may share those views."

EDITORIALS ON FREEZE

In a telephone interview, Mr. Stember declined to comment on his telephone conversations with Miss Gross. Mr. Anderson, in another interview, confirmed the substance of Miss Gross's recollection of their telephone call, as well as the text of the memo.

Miss Gross will go to Harvard University in the fall. At Princeton High School, she was in the top 1 percent of her class, ran on the varsity track team for three years and had been captain of the cross-country team. As editor of the school newspaper, The Tower, in her senior year, she wrote many editorials on the nuclear freeze, the situation in El Salvador, budget cuts and education.

At present, Miss Gross said, she has received 50 letters from her 140 fellow Presidential Scholars. Of these, she said, 24 students signed a statement saying, "I believe in the nuclear freeze and will sign the statement." Eight signed a statement saying, "I am interested but need to know more," and 11 said, "I am opposed to the concept of freezing the nuclear arms race."

The other students did not sign because they felt that it would be improper to disrupt the ceremony, Miss Gross said.

"VERY CREDIBLE GROUP"

Miss Gross said she had written the statement because, "if this is going to be looked at as 'Here are the young people who made it through and will lead us to a great future,' I couldn't do that unless I said, 'We'll do that if we have a future.'"

"I think we're a very credible group of people, and according to the President, we're the best and the brightest," she added. "We're not Communists, we're not misguided, and we care. I thought it would be a good time to say that."

Some letters from her fellow scholarship winners gave detailed reasons for their opposition to the nuclear-freeze proposal.

"The Soviet philosophy is one of expediency," one student wrote. "If it is convenient and advantageous to make a treaty on arms or otherwise, it will be done. Later, if it seems advisable to break it, that too will be done."

The student added: "If, in a race, one competitor quits in the middle, he does not win. He loses. Can we afford to lose?"●

EDUCATION: AN EDITOR SPEAKS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. BEREUTER. Mr. Speaker, as more and more people acknowledge their responsibility as citizens to assure the maintenance and continued development of a quality educational system, we may begin the road toward improving and reforming State and local high school educational programs.

I would like to share with my congressional colleagues an editorial appearing in the Norfolk (Nebr.) Daily News. The editor comments upon the need to amend existing requirements for a high school diploma by seriously considering the advice of the National Commission on Excellence in Education. Because national debate is now focusing on the recommendations of this commission, I encourage my colleagues to note this insightful commentary.

[From the Norfolk (Nebr.) Daily News, June 7, 1983]

LOCAL REMEDIES

It will take no national-level debate for local school districts to adopt one of the key recommendations of the National Commission on Excellence in Education. That is the one which declares that state and local high school graduation requirements be strengthened; that, at a minimum, "all students seeking a diploma be required to lay the foundations in the five new basics by taking the following cirriculum during their four years of high school: (A) four years of English; (B) three years of mathematics; (C) three years of science; (D) three years of social studies; and (E) one-half year of computer science."

For the college-bound student, two years of foregin language in high school, in addition to such training taken earlier, was "strongly recommended."

In those schools not now providing or requiring such attention to basics, there may be cost implications. The availability of teachers could be a problem, too, and currently is so far as math and science are concerned. Determination to meet those problems at the local level, however, and a willingness to change priorities and even reduce other present course offerings and extracurricular activities to alter the cost implications must be present. But these are decisions which ought not await some national debate or consideration by state authorities.

The former Norfolkan who served as Nebraska's education commissioner and was one of the members of the national commisson, Anne Campbell, reminded an Omaha audience recently about where educational "reforms" must begin. "The state has a compelling interest in education, but the movement for change must spring from grassroots activism," she said.

Nowhere does that seem more apparent in dealing with the report's recommendations than in the matter of strengthening curricula. Some schools already have such requirements in place; they are clearly within the capabilities of all. As important as this matter is, for the recommendation to become somehow an enforced national requirement is not a satisfactory answer. It is a tempting one because, as Joe Higgins, president of the Nebraska State Education Association, said, a mere 1 cent increase in the amount of money spent on education per-federal-dollar would fund all the reforms included in the commission's report. That might provide the money, but the local commitment that is the key to success would still not follow.

It is important that the lobbying for changes begin not in a statehouse or Washington, but at local school board meetings.●

COMMENDING THE NEW IRELAND FORUM

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. MRAZEK. Mr. Speaker, recent events in Northern Ireland have made clear that if those seeking a peaceful reconciliation of the two traditions should stumble, those who see violence as the only answer are ready to step in to take their place.

On May 30 the New Ireland Forum met for the first time in Dublin Castle. Its stated purpose is to "contribute to the achievement of lasting peace and stability in a New Ireland."

While it is far too early to tell whether these unprecedented discussions will lead to any practical recommendations, the fact that these parties are talking is a positive sign.

I believe that those of us in this body, share my reluctance to counsel other countries on their domestic affairs. Nevertheless, I think that we in the Congress can play a constructive role in helping to solve the problems in Northern Ireland by lending our support and encouragement to the New Ireland Forum. Certainly no event in recent memory holds out as much promise for finding a nonviolent solution within the established political structure as the forum does. Those participating are to be commended. If their efforts fail more violence is a certainty. As one Member I stand ready to help in any way to see that this does not happen.●

EDUCATION PROGRAMS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, only through a well educated public will we be able to achieve a more productive society. A greater commitment must be dedicated toward educating our youth during the upcoming decade. Unfortunately, the current administration has not demonstrated a true concern for improving our educational system and has recently sought to politicize this issue.

As a former teacher myself, I am able to recognize the need for augmenting expenditures for education programs and increasing teachers' salaries. Since President Reagan entered office, there have been continual cutbacks in federally financed education programs. Compared with the $14.5 billion spent for education in fiscal year 1980, President Reagan requested $13.5 billion in fiscal year 1981, $12.4 billion in fiscal 1982, $9.95 billion in fiscal 1983, and $13.2 billion in fiscal 1984. Yet the President's recomendation for defense spending in fiscal year 1984, $245 billion, is more than double the total expenditures made by all levels of Government last year on education, $106 billion. Where are the priorities of the administration when they can justify spending twice as much money on defense than on educating our children.

The funding for various programs such as the Pell grant program for low-income students, the national direct student loan program, the federally supported school lunch program, and the Federal share of excess costs associated with educating handicapped children have all drastically dropped in support from the Federal Government.

President Reagan has repeatedly stated that the prime responsibility for financing education rests not with the Federal Government, but instead, with State and local governments. Primary responsibility will remain with the States and local communities, yet in view of the crisis we face in our country today regarding education, it is essential that the National Government provide the necessary funding to assist the State and local governments with this endeavor. No longer can President Reagan ignore the great need for providing high quality education for our young people.

By making available an education for all citizens, we are enabling ourselves to live in a democratic society. Without education, we would no longer be free. As Lord Brougham once stated, "Education makes a people easy to lead, but difficult to drive, easy to govern but impossible to enslave."●

TRIBUTE TO THE LATE FRED J. KROLL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. RODINO. Mr. Speaker, on May 19, I had the honor of attending a tribute to a great American, the Late Fred J. Kroll. This truly remarkable man left an indelible mark on this country. His strong leadership of the Brotherhood of Railway & Airline Clerks and his membership on the AFL-CIO's Executive Council earned him a well-deserved place as a giant of American labor. And he will certainly be remembered by all of those who knew him, for the contributions he made to the union and the workers he fought for.

But perhaps more significant is the way Fred Kroll will be commemorated by the establishment of a clinical center in his name at Hahnemann University in Philadelphia. For it was there, under the care of Drs. Isadore Brodsky and William Carter, that Fred agreed to become a test case for an experimental treatment for leukemia. After being told that he had 90 days to live in 1976, with the treatment and his incredible strength, Fred lived for 5 more productive years.

Mr. Speaker, there is a great deal more that I can say about Fred Kroll, but instead I will insert into the RECORD some of the remarks which were presented at the 19th luncheon, by Senator EDWARD KENNEDY and by AFL-CIO President Lane Kirkland. Their eloquent thoughts about Fred are a tribute to the man himself. The event was made even more memorable by the lovely remembrance of Fred that his wife gave that day, and I am certain that no one in that audience went away untouched by her unforgettable words.

REMARKS OF SENATOR EDWARD M. KENNEDY AT FRED KROLL MEMORIAL

We gather here today, as a family, to remember one of us. We pay tribute to an extraordinary life, to an extraordinary man. It has been almost two years since Fred Kroll was taken from us. I remember him as a brave friend and a loving spirit.

He was very close to me, and these two years have not diminished my sense of loss. When I needed him, he was there—and I will always be proud of that. His family, his friends, his union, his country, have all suf-

fered from his death. Fred gave us strength; he steeled our commitment and resolve; sometimes he even made us feel that we could accomplish miracles.

There is a quotation from Franklin Roosevelt which describes Fred so well. In 1938, President Roosevelt said: "Remember, always remember, that you and I are descended from immigrants and revolutionists."

Fred didn't have to be reminded—he was always the immigrant, always the revolutionary. His name was German, but three-quarters of his blood was Irish. From his Irish stock, he got more than just his powerful appearance. He got his determination and his incredible stubbornness. He was the proud descendant of immigrants, the proud son of Our Lady of Mercy Parish. He was quintessential Philadelphia. He was born, raised and died in that great city. Without pretension, without haughtiness, no matter how high he went, he was a worker, a father, a husband, and a fighter.

And Fred Kroll truly was a revolutionary. Tough, questioning, he never accepted "no" as an answer when he thought "yes" was within the realm of possibility. My brother Bob is often remembered as saying "some men see things as they are and ask why; others dream things that never were, and ask why not?"

Fred Kroll always asked "why." He asked union officials. He asked union presidents. He asked Presidents of the United States. He didn't hesitate to tell them when he thought they were wrong. And to skeptics and doubters he always said: "why not?".

Fred Kroll, a young and tough local labor official, had the audacity to challenge an incumbent president of an international labor union. I took his example to heart. The difference is that when Fred challenged an incumbent president, he won.

Fred Kroll also had the toughness to challenge a virulent form of leukemia that was supposed to kill him within 90 days. With Isadore Brodsky and the staff of the Orlowitz Institute at Hahnemann Hospital, Fred waged an epoch struggle which may permanently alter the protocol and treatment of leukemia.

Chemotherapy, various forms of experimental interferon—Fred turned to whatever treatment the brilliant creative minds of Dr. Brodsky and his colleagues at Hahnemann could devise—and his treatment had a remarkable success.

Fred Kroll did not live for 90 days. Fred Kroll lived for five years. And what a five years they were.

As he was being racked by disease and by radical, exhausting treatment, almost always in pain, knowing the prognosis, Fred continued to work 18-hour days. Few people knew the ordeal he was suffering. Fred Kroll was too busy being a great leader in a great union to let cancer get in the way. He had too much to do to take time out to rest or ever to pity himself.

Fred Kroll sought the leadership of his union—and despite seemingly insurmountable odds, he won.

Fred Kroll took on the railroads of America. And he not only won a great battle, but the resolution of that conflict became a strikeless model of labor-management relations that has reshaped the entire rail industry of the United States.

Fred Kroll had a dreaded form of cancer—and defying all the odds, he lived far longer than he was expected to.

He is an inspiration, and his presence surrounds us today.

To Frankie, and to Karin, Anita and Michele, I can only say how proud I am to call him my friend, and how better all of us are that we had a place and a part in his life that was all too brief.

Fred and I shared many things. We shared a common Irish heritage. We shared a commitment to the dreams of the working families of America.

We also shared, from time to time, language and rhetoric. On April 29, 1981, Fred delivered his valedictory speech on the steps of the United States Capitol. I was more honored than I can ever say by the words he chose for the message that he left:

"Let us go forward knowing that our work goes on, our cause endures, our hopes still live and our dreams never die."●

HONORING RAYMOND HERTEL

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. AuCOIN. Mr. Speaker, I want to take a few moments to praise a fellow Oregonian who personifies Oregon's pioneer tradition of people helping people, one on one.

Raymond Hertel has been helping others a long time, Mr. Speaker. He will be 71 years old on August 11 of this year. Ray and his wife, Agnes, reside in Hillsboro, the hub city and county seat of my own home, Washington County. Having raised 12 children and farmed prosperously for over 40 years, Ray never considered himself too busy or too preoccupied to help families less fortunate than his own.

Ray began his service to the Washington County community by participating in the founding of the Hillsboro St. Vincent de Paul Conference. Upon retiring from farming in 1972, he became a full-time volunteer for St. Vincent de Paul and Oregon's adult and family services volunteer program.

Using his own pickup truck, Ray has logged thousands of miles throughout Washington County, delivering donated food, furniture, and appliances to low-income families in need.

Ray often spends 50 or more hours a week delivering food to a least 200 families per month and furniture to another 30 families.

He has been instrumental as well in the formation of the Tualatin Valley Food Center, a countywide food bank, and has served two terms as its vice president. During the Christmas season, Ray was active in the Washington County Christmas basket project, which delivered food and toys to more than 2,000 needy families.

On behalf of the people of Washington County, who look to Ray for leadership in meeting the needs of the economically disadvantaged, I want to commend him for his generosity and tireless dedication to the fight against poverty and hunger in my community.

I think it is only fitting that we in the House take this time to honor this outstanding but quiet American, Raymond Hertel, who has done so much to help his countrymen and to inspire his community.●

PATRICK J. O'MALLEY

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Ms. OAKAR. Mr. Speaker, one of Cleveland's finest and most compassionate labor leaders has passed away. Patrick J. O'Malley has been a special leader to so many people and a special friend to me. We will all miss him so very much.

The following is an article about Pat and his many interests:

PATRICK J. O'MALLEY, WAS CITY LABOR LEADER

Patrick J. O'Malley, retired president of the Cleveland AFL-CIO Federation of Labor, at one time was the most powerful labor leader in the city.

He rose through the ranks to become regional director of the United Auto Workers, a post he held for 19 years until his retirement in 1968.

Mr. O'Malley of Fairview Park was admitted to Lakewood Hospital Sunday with congestive heart failure and died there yesterday. He was 80.

He was a farm boy, born in County Mayo, Ireland, who first saw trade unionism at work when he was a coal miner in England at the age of 17.

Four years later he emigrated to Cleveland where his three sisters had preceded him.

Mr. O'Malley brought with him a brogue and a feisty temperament. Both diminished somewhat through the years.

His style as a labor leader was marked by fairness and a give and take. If his temper flared, he was quick to make amends, a longtime colleague said.

He became a naturalized citizen Jan. 22, 1932.

He had been a member of the Irish Republican Army fighting the English but did not like to talk about those early days.

His first job here was in the mailing room of The Plain Dealer. He told a reporter about being fired from that job, and three other jobs soon thereafter because of his quick temper.

In 1928 he got a job with White Motor Co. as an inventory clerk and timekeeper. When the old CIO union organized there five years later, he was one of the first to sign up. That was the start of his long career in labor.

The union at White became Local 32 of the UAW and Mr. O'Malley eventually held every office.

He was Cleveland Federation of Labor president from 1958 to 1968 on a part-time basis. At his retirement as regional director of the UAW in 1968, he became the federation's full-time president.

Ironically, 1968 was the year the UAW withdrew from the national AFL-CIO and Mr. O'Malley became a member of the International Association of Machinists to

keep his eligibility for the top job which he held through the early 1970s.

He had also been vice president of the Ohio AFL-CIO.

In his early days in Cleveland he played soccer for the Celtics and marched in the back of St. Patrick's Day parades, playing the bagpipes in a marching band.

In 1959 he was grand marshal of the parade.

In 1964 he received the Civic Award from the Greater Cleveland Knights of Columbus and in 1968 was named Irish Good Fellow by the Irish Good Fellowship Club.

He had been on the boards of many civic and welfare groups and in 1970 was appointed foreman of the September term of the county grand jury.

In 1967 he received the distinguished service award from the United Appeal of Greater Cleveland.

After his retirement he served five years on the Fairview Park board of zoning appeals.

His wife of 53 years, Mary E., died in 1981.

He is survived by daughters Patricia Rattsy and Nancy McNamara; 10 grandchildren; three great-grandchildren and three sisters.

Services will be at 10 a.m. Friday at St. Angela Merici Catholic Church, 20970 Lorain Rd., Fairview Park.●

FIRST MAN-MADE SPACECRAFT TO LEAVE THE BOUNDARIES OF THE SOLAR SYSTEM

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. MINETA. Mr. Speaker, at approximately 15 hours Greenwich time—8:30 a.m. EDST—on June 13, 1983, the U.S. unmanned but operating spacecraft, Pioneer 10 will cross the orbit of Neptune. This first flight by a spacecraft beyond the planets is an event which will occur only once in human history. Since its launch in 1972, the Pioneer 10 spacecraft's original design life was 21 months but it has performed almost perfectly for more than 11 years. Pioneer 10, which was the first spacecraft to Jupiter, has traversed the asteroid belt, survived Jupiter's punishing radiation belts and operated almost without flaw.

By June 13, 1983, Pioneer 10 will have traveled 3.59 billion miles on its flight path, will have received over 98,900 commands from Earth, and transmitted more than 126 billion bits of scientific data. At Neptune-orbit-crossing, 2.8 billion miles out, rate of travel for Pioneer 10 will be 30,558 miles per hour.

Pioneer 10's accomplishments have exceeded the expectations of NASA management and scientific investigators—a mission that was expected to last just under 2 years, is still sending back a wealth of scientific data about unknown regions of our solar system 11 years later.

This day marks achievement in the course of human events.

It is notable that NASA had planned to turn off this spacecraft on January 1, 1983, to save a few dollars in the fiscal year 1983 NASA budget. Fortunately, the planned shutoff was averted by the public outcry of the scientific community and the actions of the U.S. Congress.

The planned shutoff of the functional spacecraft is an example of the penny-wise but pound-foolish budget decisionmaking of this administration. Do we wonder why the United States is losing its lead in space science and exploration? NASA celebrates its 25th anniversary this year and it has an impressive history of scientific achievement—a history that Americans can be proud of. However, this Nation's future in space research is less optimistic. There is evidence of uncertainty of commitment to space science and exploration by the United States in the face of continued dedication by Europe, Japan, and the U.S.S.R.

As we celebrate NASA's 25th anniversary, it may be appropriate for this great Nation to recommit its resources to scientific research and exploration in space to maintain leadership and excellence. To quote an editorial that appeared in Aviation Week & Space Technology—"Space science should be recognized as a cutting edge in the total technology effort and not left as an orphan to wither away with neglect." I ask that the text of the editorial be entered in the RECORD.

SPACE SCIENCE IN THE DOLDRUMS

After a decade of abundance in the 1960's in the wake of the Sputnik challenge, U.S. space science has gradually eroded from the weathering of difficult economic times and straitened federal budgets. Planetary science, triumphant in unmanned flybys of Mercury, Venus, Mars, Jupiter and Saturn, unmanned landings on Mars, and piggyback trips on six manned lunar landings, is almost moribund. A Voyager 2 flyby of Uranus and Neptune is yet to come, but is the result of a Pioneer/Voyager program begun a decade ago. Some hope lives for a Galileo mission to Jupiter actually to fly. A campaign is under way to sell a Venus mapper for inclusion in the Fiscal 1984 budget, although the Office of Management and Budget zeroed out all new starts in its first cut at the NASA submission. A comet flyby is being salvaged with an ingenius diversion of an existing spacecraft in orbit.

Several Earth orbit missions are in development, or are in the running as new starts, including a gamma ray observatory to push out further into one of the frontiers of astronomy. Much of the science effort, though, is wrapped around the space telescope in assembly for a 1985 launch on the space shuttle. The space telescope is an exciting mission that, by leaping beyond the interference of the Earth's atmosphere and what astronomers call light pollution, could inject new life into optical astronomy. Spacelab 1 and 2 are the homes of various astrophysics and life sciences experiments, which do offset the losses in science-dedicated spacecraft.

DISTURBING WASTE

Space science obviously gets shoved, perhaps unwisely, into the class of a luxury in a country that is as broke as the United States is after a decade and a half of fiscal irresponsbility. There is a disturbing waste even so, a tapestry of unutilized laboratories, of working with data in the bank from past missions, of a failure to infuse new talent into this branch of technology.

More disturbing is the parallel in space science to what is going on in U.S. research and techology. Basic research in universities have been hit hard by the burgeoning of uncapped entitlement programs that have forced cuts in what still is cuttable in the federal budget. Corporations find it hard to justify the kind of research in their laboratories that is intellectually fascinating but has little discernible application. This is the province of the university laboratories, where the frequent misses are part of the process of learning and where the long-term payoffs eventually stem from.

Universities are rich with a generation of scientists that is hitting the retirement bracket and poor in younger talent as replacement. As is true with space science, there are too few jobs in many research areas to attract the generation now maturing in college. This kind of underemployment gets little attention in the economic statistics, but is potentially lethal to U.S. technological health.

Defense research funds are in somewhat more robust condition, but Congress has taken a dim view of what the Pentagon can do in supporting basic research that has no military mission application. Furthermore, there is inherent in any government research effort like that of the National Science Foundation or the Defense Dept. the danger that any increased funds will be passed out only to ever more entrenched constituencies rather than go to independent, unconventional research of the kind that can produce the umpredictable breakthroughs.

IMPORTANT SYMPTOM

When space science was vigorous and innovative in the 1960s, U.S. technology was vigorous and innovative. Its industrial products, particularly in higher technologies, were preeminent in the global marketplace. In the 1980s, space science is subdued and U.S. technology and U.S. industry are puffing and wheezing to match the pace being set by the Germans and the Japanese. The decline in space science effort is important in itself, and more important as a symptom that U.S. technology in general needs a shot of vitamin B1.

Europe has as many economic troubles as Washington, but it is maintaining a modest—but stable—space science program. Europeans tend to look with admiration at the U.S. powerhouse in space technology, but the U.S. could also look at Europe's steady plugging away in the European Space Agency with respect also.

Economic pressure on space science is not all bad. More ingenious, cost-effective ways to do space science in the fashion of the revivified comet missiqn must be found in the kind of economic climate that is going to prevail over the next decade. There may be new avenues to explore, as piggybacking on commercial payloads as spacecraft grow bigger and heavier to take advantage of the freight hauling capability of the space shuttle.

Policymakers at the same time cannot escape the necessity for fostering U.S. technology as they are charged with fostering commerce and industry. The three are inseparable. Space science should be recog-

nized as a cutting edge in the total technology effort and not left as an orphan to wither away with neglect. If space science is neglected, so will other technologies.●

TRIBUTE TO RICHARD HESTER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. BERMAN. Mr. Speaker, I would like to take this opportunity to congratulate Richard Hester, the outgoing president of the San Fernando Chamber of Commerce, on his outstanding service to our community. His volunteer work with the chamber, as well as his support of worthwhile community groups, have had a tremendous positive impact on the San Fernando area.

As a leader among leaders, and the spokesman for the San Fernando business community, Richard Hester patiently orchestrated the transition process between business and a new era of city government. The spirit of cooperation between public and private sector which he helped to foster will benefit the local economy for years to come. His projects include an annual customer exhibition which will revitalize the downtown mall and its merchant's association, the opening of a regional county medical complex, and an ingenious plan for a mass transportation center in San Fernando.

Richard Hester has spent countless hours personally cultivating relationships between the chamber of commerce, elected officials, and community leaders in the area. In addition, during his tenure as president, he directed the day-to-day activities of over a dozen volunteer committees, working on such beneficial projects as the annual combo-auction, the golf tournament, the 1983 Miss San Fernando Contest, the 10-kilometer run, and the 49th annual fiesta parade.

The San Fernando Chamber of Commerce will pay tribute to Richard Hester at their annual installation ceremony on June 22, 1983. It is my pleasure to be able to join with the members of the chamber in commending Richard Hester on completing an outstanding year of service as president, and to wish him the best of luck in the future.●

LEGISLATION TO ASSIST THE NOAA CORPS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. BIAGGI. Mr. Speaker, at a time when our country faces an educational crisis, we should be anxiously seeking ways to assist young people in furthering their education. Such incentives are critical to our future security and intellectual as well as military strength as a Nation.

The Higher Education Act of 1965 stands as the central monument to the Federal Government's commitment to higher education and opportunity for all citizens, regardless of background. Specifically, the guaranteed student loan program has been critical to providing a college education as well as educational choice to students from all income levels and all backgrounds.

Under the guaranteed student loan program, active-duty members of the uniformed services are eligible for deferments on their repayments of their student loans of up to 3 years. Under current law, those personnel eligible for this deferment include members of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, and the Public Health Service Corps. There is another uniformed service—the National Oceanic and Atmospheric Corps—that is not eligible for this deferment.

This small but vital component of our national defense consists of 372 commissioned personnel. As a senior member of the House Education and Labor Committee and one of the key authors of the guaranteed student loan program, I have recognized that the NOAA Corps was indeed overlooked in the drafting of this landmark legislation.

Today I am introducing legislation that will grant the same deferment provisions to the members of the NOAA Corps that are now provided to all commissioned officers of the other six branches of the uniformed service. This bill will include the NOAA Corps as part of this provision in the Higher Education Act in order to correct this oversight in the law.

In my dual capacity as a member of both the House Education and Labor Committee and the Merchant Marine and Fisheries Committee, which has responsibility for the National Oceanic and Atmospheric Administration, I will actively work to insure that the same rights that are now enjoyed by borrowers from the six uniformed services are also enjoyed by the NOAA Corps.

These hard-working and dedicated individuals serve with their talents to merge the aspects of naval service life with the scientific mission of the NOAA. More importantly, these individuals are primarily composed of scientists and engineers who have refined their educational talents so that they can be used as technical managers and supervisors in the field.

My bill will provide a small, but significant opportunity for those motivated individuals who wish to further their education and donate their scientific and mathematical talents in service to our Nation. It is my sincere hope that we can enact this legislation at the earliest possible date.●

BAY CITIES SYNAGOGUE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. LEVINE of California. Mr. Speaker, an article appears in today's Los Angeles Times about a unique synagogue in my district which I very much wanted to share with my colleagues.

The community of Venice is very special. Although it is small, it reflects an amazing cross section of racial, religious, and socioeconomic groups. In addition, the large number of senior citizens and young people living in Venice adds to its special atmosphere. While it would be an exaggeration to say that these disparate groups are never in conflict, the presence of institutions like the Bay Cities Synagogue and people like Michael Medved, Rabbi Daniel Lapin, and Maury Rosen help bring these widely differing groups together and moderate any tensions which might exist.

The article which follows illustrates some of the remarkable accomplishments of these community leaders and provides an example of what make Venice, Calif., a special place to represent here in Washington:

[From the Los Angeles Times]

ORTHODOX SYNAGOGUE SURVIVES IN VENICE

(By Joel Engel)

A typical Saturday morning on the Venice boardwalk: bicyclists, skaters, joggers, musicians and tourists mix in a passing parade.

A few feet away, inside the Bay Cities Synagogue, 200 predominantly young members of the Pacific Jewish Center participate in a traditional Sabbath service that probably looks very much the way services looked thousands of years ago. Only the blare of rock music filtering through the open doors from passing portable stereos reminds a visitor that it is 1983.

That the synagogue seems an anomaly is a perception of which congregant Michael Medved is very proud. The co-author of such books as "What Really Happened to the Class of '65" and "The Golden Turkey Awards," Medved helped to found the Pacific Jewish Center five years ago and is its undeclared president.

TERM A MISNOMER

Although the congregation is generally considered to be Orthodox, the term is a slight misnomer. For one thing, nearly a third of the members do not follow the strict Jewish dietary laws. "Not only that, but the word orthodox literally means conventional," said Medved. "And what could possibly be more unconventional in this day and age? Especially where we are."

To illustrate his point, Medved explained that a baseball bat is kept by the door for protection against the unwanted. Often der-

elicts will wander in and disrupt the services, demanding either money or liquor. Recently, he said, one man stormed in, grabbed a woman and threatened to choke her unless he was given the alcohol that is kept on hand for celebrations. "Max, who's a body builder, threw him out onto the boardwalk."

At least once a weekend there is some sort of incident, Medved said.

A former radical Yale graduate, Medved, 36, moved from New England back to Los Angeles, where he had been raised. By taking up residence in the Ocean Park area of Santa Monica with his wife, Nancy, he intended to fulfill his uncle's dream of reinvigorating that once vibrant Jewish community. At the time, he said, they were the only two Jews on the block.

But the Medveds grew frustrated at being unable to find a nearby (on the Sabbath, Orthodox Jews are not permitted to drive) synagogue that they agreed with philosophically. Then Medved was introduced to South African-born Rabbi Daniel Lapin, who had been working as an investment analyst.

THEIR NUMBERS SWELLED

From a few close friends and acquaintances meeting once a week to pray in the Medveds' living room, their numbers swelled.

About the same time, the Bay Cities Synagogue was in danger of being sold. With only seven or eight elderly members remaining, it was a constant struggle to attract the weekly *minyan* (prayer quorum consisting of at least 10 men). A decaying, leaky building, Bay Cities lacked both a rabbi and the physical divider required by ancient Jewish law to separate male and female worshipers.

Medved and Lapin offered to erect a divider in exchange for assuring the remaining members a *minyan.*

FRIGHTENED AT FIRST

"The old people were frightened at first that their temple would be taken from them and they'd be left out," said Maury Rosen, longtime director of the Israel Levin Center, the senior citizens center a few hundred yards down the boardwalk where the congregants passed their time.

It was Rosen who, concerned about the old people's future and fearing the newcomers to be a band of "young Turks," angrily ripped out the canvas and steel barrier and told Medved and Lapin to stay away. But, realizing that without them the synagogue would undoubtedly be sold, a compromise agreement was struck: The elderly would have priority in attending High Holiday services and were not to be charged more than they could afford; they would be actively involved in running synagogue activities; and the rabbi would come to the center once a week to teach a class.

With the members' voluntary labor, the building was subsequently repaired, although it still appears modest by today's standards. And soon it began to fill with new people, most of whom were well under 40 and successful.

The majority had not come from Orthodox backgrounds. In fact, several have had no religious training whatsoever. A few are even converts to the faith, such as an ex-nun.

Because there are no official membership dues or rolls, it is difficult to accurately determine the exact size of the congregation. Medved estimates the number to be in excess of 300 "and growing all the time."

One is deemed a member by not only attending Sabbath and holiday services, but by devotion to the study of the Torah, the ancient Jewish scriptures.

Rabbi Lapin, 35, a serious but charismatic man, maintains his office in a modest apartment he shares with his wife and two young children. He receives visitors until midnight six days a week and accepts no salary for his work at the Pacific Jewish Center, relying instead on investment counseling for his income.

"In America, the rabbi is usually the employee of the congregation," he said. "Here, I count the members as my friends, which is much more valuable."

He also rarely leads the religious services, leaving that task to alternating members in order to assist their spiritual growth. "A rabbi's role should be that of a teacher," he said. "That is, after all, what the word means." And, unlike other rabbis, Lapin declines to speak of politics during his weekly sermons, preferring to concentrate his words on "how to conduct one's life in a right way."

As a model for the community they hoped to develop, Medved and Lapin looked to the Jewish community that flourished in Frankfurt on the Main, Germany, beginning in the mid-19th Century. From 1842, when oppressive rules that had for hundreds of years governed Jewish life were relaxed, until its ultimate decimation by the Nazis, this closely knit community of 20,000 played a major role in establishing city hospitals, libraries, museums and a university, in addition to building several uniquely Jewish organizations and schools.

"They took care of one another while also sharing the fruits of their labor with the rest of the city," Lapin said. "For us, we are interested in character development, not personality development."

One of the first programs launched by the Pacific Jewish Center was JOLT—Jewish Outdoor Leadership Training—in which the community's teen-agers experience a variety of outdoor activities, such as camping, river rafting and cycling.

However, these excursions are far from luxurious. A trek to Catalina, for example, is a rugged backpacking adventure with fully loaded packs. Visits to the desert become survival training, and a ride to San Diego for the day means the naval base obstacle course.

The rabbi contended that American young people are overprotected and overindulged—they have it too easy. The outings are meant to encourage the kids to make their own decisions in tough situations; to think for themselves outside the home environment.

For adults, there are classes covering a broad range of topics, from beginning Hebrew to the role of women in Judaism. Medved said that the great majority of the synagogue members take advantage of this continuing education opportunity as an adjunct to their obligation to study Torah.

Partly as a response to busing, in 1979 the center began the Emanuel Streisand School, an accredited day school. Named in memory of Barbra Streisand's father, who died when she was young, the school currently has an enrollment of 40.

An infrequent congregant whose son's bar mitzvah was held at the synagogue three years ago, Streisand donated several thousand dollars to the school's development fund and was asked how she could possibly be repaid for her generosity. The naming was her request.

Scheduled to open in September is Pacific's preschool.

It is a community in the truest sense of the word, said attorney Charlie Kaufman, who met his wife at the synagogue. "In the outside world, people are always looking for reasons to be together because they're lonely. . . . Here, we have a very real, fundamental reason to be together. Our values and beliefs are the same. Where else can you have 250 people going absolutely crazy because of a simple wedding announcement?"

Within walking distance of the synagogue, there are six wholly owned community apartment buildings, including the four-unit one in which the rabbi lives and works. And according to Medved, more than 160 families or individuals have bought or rented homes in the area, specifically to be residents of the community. Some, he said, even relocated from other cities after visiting services at Pacific.

Those who do not live within walking distance pack a bag Friday afternoons and drive to a member's home who does. One man who lives several miles away said he has stayed on the floor, a couch, or in a spare bedroom at a different home each of the last 20 consecutive weekends.

Yet, this fervent, community-oriented atmosphere is not for everyone. Many have grown disenchanted with what they feel is a cliquish, elitist attitude. "We do not bend over backwards to make people feel welcome here," conceded the rabbi. "They either do, and stay. Or they do not, and leave."

Some have done just that, creating what Medved admits is a relatively high turnover rate. One loosely structured group, which includes several ex-Pacific members, meets on Sabbath mornings and holidays in a meeting room of Venice's Antioch University. Although they do not have a rabbi, they are affiliated with Young Israel of America.

"Measured against objective standards, we are certainly not utopia," said Lapin. "But measured against the rest of the world, it's wonderful what we're doing here."●

CONGRESSIONAL SALUTE TO THE HONORABLE BEATRICE P. NIELSEN OF NEW JERSEY, DISTINGUISHED CITIZEN, ESTEEMED EDUCATOR, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. ROE. Mr. Speaker, on Tuesday, June 21, the residents of my congressional district and State of New Jersey will join together in a testimonial dinner honoring a distinguished citizen, esteemed educator, and good friend, the Honorable Beatrice P. Nielsen, who has announced her retirement from her professional career as an outstanding teacher of high school students in the city of Paterson.

As Mrs. Nielsen retires from this highly respected office of public trust, I am pleased to participate with her many, many friends and colleagues in expressing our deep appreciation for all of her good works and share great pride in the success of her achievements with her husband Eric.

Mr. Speaker, the cultural, historical, and economic achievements—even the basic health, well being, and longevity of a State and Nation—depend in a large measure upon how well we educate each generation charged with the trust of carrying out its responsibilities and traditions. Beatrice Nielsen has indeed earned the greatest respect and esteem of all of us for her leadership and personal commitment in seeking to improve the quality of education for our young people. Her exemplary record of performance as an educator over the past 48 years has endeared her to all of us.

Beatrice received her B.A. degree from the College of St. Elizabeth and her M.A. degree from Montclair State College. For close to a half century Mrs. Nielsen's highly capable expertise as an educator in many disciplines including mathematics, German, botany, and medieval and ancient history has been utilized to teach the young people of Paterson, N.J.

In 1935 she joined the faculty of Eastside High School teaching mathematics. She was promoted to vice principal and transferred to Central High School in February 1964. When the faculty of Central High School was relocated to John F. Kennedy High School she accompanied them as scheduler for the school in 1967. She was transferred to Eastside High School in September 1982.

Her teaching career was interrupted for 4 years to serve the people of our country with the United States as a member of the highly prestigious WAVES.

Mr. Speaker, in civic and charitable endeavors, Beatrice has extended the richness of her wisdom and versatile talents—always giving willingly and unselfishly of her time—in helping others. She has been the organist and director of choral music at St. Brendan's Church for 17 years.

Mrs. Nielsen has served our people and our country with honor and distinction. She is an outstanding administrator, educator, and good friend whose standards of excellence in her daily pursuits have touched the lives of many, many people in my congressional district. I appreciate the opportunity to publicly acclaim all of her good works and share the pride of her family in her accomplishments and lifetime of dedicated public service which have truly enriched our community, State, and Nation. We do indeed salute a distinguished citizen and great American—Hon. Beatrice P. Nielsen of New Jersey.●

LITHUANIA'S "TERRIBLE JUNE DAYS"

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. HOWARD. Mr. Speaker, today Lithuanians throughout the free world will join in the mournful observance of the forced and illegal incorporation of the Republic of Lithuania into the Soviet Union and the subsequent mass deportation of hundreds of thousands of Lithuanians to Siberian concentration camps.

June 15, 1940, and June 14-18, 1941, are known to Lithuanians as the "Terrible June Days." For on June 15, 1940, the Soviet Union criminally invaded and occupied Lithuania and on June 14-18, 1941, in a most despicable act, the Soviets deported 34,260 Lithuanians to concentration camps in the depths of Russia and Siberia.

The terror and brutality continued throughout the decade as the Soviets continued to practice mass deportation and murder in an effort to dominate Lithuania. Yet Lithuanians are an extraordinarily strong and proud people who will never forget the "Terrible June Days" and the decades of terror.

Today, the Soviet Union employs Russification policies in an effort to absorb Lithuania into its imperialistic empire. However, no matter what techniques it may use, it will never eliminate the Lithuanian peoples' yearning for freedom and self-determination.

Mr. Speaker, let us all pay tribute to the great country of Lithuania and never forget the "Terrible June Days." The strength of the Lithuanian people and the misguided policies of the Soviet system insure that we will one day see an end to Lithuania's totalitarian nightmare.●

TRIBUTE TO LUDWIG "LUD" SHAHBAZIAN, SPORTS EDITOR EMERITUS

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. GUARINI. Mr. Speaker, on Monday, June 20, a group of leaders in the sports field in New Jersey will gather at Stevens Institute of Technology, Hoboken, to pay tribute to Ludwig "Lud" Shahbazian, sports editor emeritus, of the Hudson Dispatch, which is located in Union City, N.J.

"Lud" as he is affectionately called, retired as a sports editor on July 2, 1976, but still writes a Saturday column accompanied by one of his cartoons. Without question he is the dean of that profession and loved by all.

The tribute which is being held on June 20 coincides with the 137th anniversary of the 1st organized game of baseball in America, which was played at Elysian Field on June 19, 1846. Elysian Field is now a city park immediately adjacent to the famous Stevens Institute of Technology where the luncheon is being held.

History tells us that at that first game, the New York Nine Baseball team beat the Knickerbocker Baseball Club by the score of 23 to 1.

On June 19, 1946, baseball Commissioner Happy Chandler dedicated a plaque to mark the anniversary.

At this luncheon Lud will be presented with a blowup of the new Babe Ruth stamp, which was unveiled last February 6, the anniversary of Babe Ruth's birthdate in 1895, at the Babe Ruth's birthplace foundation in Baltimore, Md.

Community leaders will join with me, accompanied by invited sports figures, who include Jersey Joe Walcott, former heavyweight champion; Ed Pranco, All American football great from Fordham University; Jersey City's Charles Mays, member of the U.S. Olympic team; Augie Lio, of the New Jersey Sports' Writers Association; and Carmine Bilotti; and Jerry Malloy, longtime coach at St. Peter's College, in Jersey City, who will be joined by Joseph Coviello, coach of Memorial High School, which has produced outstanding students and athletes in New Jersey's sports history for more than 20 years. Former New York Yankee great Joe Pepitone has been invited through Yankee owner George Steinbrenner.

At the luncheon, Father Gabriel Costa, of Seton Hall University, a friend of Babe Ruth's sister, who lives in Baltimore, will deliver the invocation, after Hoboken Mayor Steve Cappiello extends greetings.

Lud's friends will be breaking bread with him Monday within the shadow of Elysian Field, and within the spirit of Babe Ruth—perhaps America's most loved sports hero.

In my estimation Lud possesses many of the great attributes of Babe Ruth. Both men have been generous with their time for charitable causes, especially when they concern children and youth. Both men have provided inspiration and hope, both men have helped build sound minds and healthy bodies, developing good character for the people of our land. Both men built and maintained firm foundations in friendship, showing love and concern for friends before themselves. Both men have been great patriots in our beloved America, making our great land even greater.

Lud was born in Pawtucket, R.I., on February 2, 1902. On June 20, 1925 he

married his beloved Josephine, who was born in Egypt. They have one son, Haddon Lud "Bob" Shahbazian, who is a vice president for public relations with the American Stock Exchange. He is a former reporter for the Newark Evening News.

Lud's newspaper career started in 1920. While he was preparing to enter Georgetown Law School, he received a job offer from his benefactor Judge Francis McCauley. He began working for the Hudson Dispatch under sports editor Jackie Farrell, the great longtime publicist for the New York Yankees.

On November 11, 1922, at the age of 20, Lud became sports editor succeeding Jackie Farrell as the sports editor. That year he attended the first World Series game, and saw the great Babe Ruth in action.

An excellent tennis player and golfer, Lud also was adventuresome. Soon after Charles A. Lindbergh made his historic journey, in 1923 Lud flew with the famous Clarence Chamberlain, who several years later flew to Europe with one of America's earliest aircraft.

It was in 1923 when the Yankee Stadium opened that he saw Babe Ruth, who accommodated the crowd that day by hitting a home run. In 1927, with the "Babe" hitting 60 home runs, Lud interviewed him at the Hudson Theater in Union City. Lud saw the great and the near greats. It was in 1929 when he followed the career of James J. Braddock of North Bergen, who fought his way to the world's heavyweight championship. Lud's book, "Relief to Royalty," published in 1936, about Jim Braddock, has a forward by Damon Runyon, perhaps our Nation's best known sports writer.

Lud, in addition to being a sports follower and writer, is an excellent cartoonist, founding the North Hudson Art League. He is now a life member of the Art Students League of New York. He is a founder of the New Jersey Boxing Writers' Association, whose leader is Augie Lud, former sports editor of the Herald News of Passaic County.

Lud is an excellent story teller. His description of the Jack Dempsey era is spellbinding. He loves to tell of going to Boyle's 30 Acres in Jersey City to watch the stadium for Dempsey's famous fight. In order to pass through the gate he and other special guests received instructions from Tex Rickard, the promoter: "bite an apple."

Lud rates the greatest athletes in his memory as Babe Ruth, Jack Dempsey, football's Red Grange, and Alex Webster of more recent vintage. He said, "In addition to their prowess on the sports field they gave inspiration to America's youth which is so important."

On the local level, he rated Al Barabas of Columbia University, Al Blozis of football college fame, who was killed in action during World War II, All American Ed Franco, and Guido Baritelli, as some of the best talent produced in Hudson County. He indicates, of course, that the record of Memorial High School coach Joseph Coviello is unsurpassed.

He still talks boxing with his dear friend Al Certo of Secaucus.

I recall many discussions with Lud and my friend, the late Tootie Giordano, when I negotiated to begin the Meadowlands Sports Complex while I was serving as a State senator in Trenton. We all worked to bring the old New York Giants baseball team—now in San Francisco—to the Jersey side of the Hudson River. While we were not completely successful, Lud and I are pleased with the sports complex and look forward now more than ever to having a big league baseball team carrying the banner of New Jersey.

Lud also speaks with fond memory of Bob Edgren, New York World cartoonist, who was his inspiration, encouraging him to develop his love for art and cartooning, which he enjoys to this day, along with playing golf and photography.

Joining me in the unveiling of the Babe Ruth stamp, which will be presented to Lud, will be Bill Dillon, recreation supervisor for west New York and coordinator of perhaps New Jersey's best Babe Ruth League for the past 20 years. A member of the Babe Ruth League team will also be present. He will join in the U.S. postal stamp unveiling by removing a New York Yankees baseball jersey with Babe Ruth's legendary No. 3 on it. It is being provided through the graciousness of Ray Cerrito, owner of Stan's Sport Center in Hoboken, N.J.

Union City Postmaster Anthony George will join us at this ceremony.

There is no doubt that Lud's first love is sports. His second is his love of nature, believing:

Beauty is God's handwriting, welcome it in every fair face, every fair sky, every fair flower.

Lud has earned many accolades in his lifetime but the one I believe to be most fulfilling to me is from his son, Bob, who said:

Often I think of a phase that I have heard my father say many times: "Nothing is for nothing in life. You get out what you put into it." He put everything he had into sports, first as an athlete, then in writing, drawing cartoons, and taking photographs. It was and still is his life. I do not know too many men at the age of 81 still actively enjoying his life's work.●

BALTIC FREEDOM DAY

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. DWYER of New Jersey. Mr. Speaker, one again, on this 43d anniversary of the Soviet invasion of the Baltic States, Members of Congress are raising their voices in support of our compatriots in Estonia, Lithuania, and Latvia who continue their courageous struggle to be free.

The Congress has recently passed a Baltic Freedom Day resolution which I was proud to cosponsor as a signal of our Nation's continuing commitment to the self-determination rights of these countries.

For their unrelenting efforts to assert their fundamental human and civil rights, Baltic citizens face extreme Soviet persecution. And still they fight for the total freedom and independence which they so richly deserve and have earned over and over again.

We receive evidence continually of stepped-up Soviet repression and attempts to deny the people of Estonia, Latvia, and Lithuania their cultural identity, ethnic heritage, and religious freedom. The terror of the Stalinist era of genocide and forced exiles has been replaced with a new totalitarian regime which continues to punish dissent and arrest innocents for their resistance to Sovietization.

We must continue in our strong support of these Baltic freedom-fighters, and our staunch refusal to recognize the forced incorporation of these states into the Soviet Union more than four decades ago.

That occupation was illegal and must continue to be considered as such, imposing upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberties, and religious freedom.

That these brave people still fight this tyranny is an inspiration to those of us who cherish our freedom, just as our support for their struggle, provides vital encouragement and hope to the Baltic Republics that someday they will be free.●

FORTY-THIRD ANNIVERSARY OF SOVIET UNION'S FORCED INCORPORATION OF LITHUANIA

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. DURBIN. Mr. Speaker, more than 60 years ago, my mother came to this country from Lithuania. She left

behind a nation of fertile farms, worked by peace-loving, deeply religious people.

World War II shattered this pastoral land and when the shooting stopped, Lithuania found itself under the unrelenting oppression of the Soviet Union.

This June 15 marks the 43d anniversary of the Soviet Union's forced and blatantly illegal incorporation of Lithuania. Not only was the freedom of the state lost, but hundreds of thousands of citizens of the Republic of Lithuania were deported. Nearly two-thirds of these victims are believed to have died in Siberia and other Soviet provinces far from their native land.

For the past 43 years, the history of Lithuania has been one of bloodshed, repression and a never-ending effort to throttle the free expression of religion. To speak out against this system is to literally put one's life at risk. It is not unusual for dissidents to meet with mysterious accidents in the streets or merely to disappear from sight.

Still the people of Lithuania cling to their religion and the hope that someday their land will once again be their own. During my visit to Lithuania a few years ago, I observed people solemnly and faithfully worshipping in the faith of their fathers and forefathers, resistant to Soviet attempts to blot out their religion.

I was moved and inspired by these noble people, by their love of liberty, by their commitment to their faith, by their never-ending belief in liberty. As one who enjoys the benefits of freedom, I feel an obligation to support those in less fortunate circumstances who aspire to the same liberty that we enjoy in this Nation.

To that end, I believe there are some steps that we, in Congress, can take to ease the plight of Lithuania. We must call upon the Soviets to lower high tariffs that are levied on parcels sent to Lithuania from friends and relatives in other countries. Unreasonable travel restrictions on tourists visiting Lithuania should be lifted and the current 5-day tourist visa should be increased. And at the least, by the standard of common humanity, the Soviet Union should make provisions for Lithuanians to be reunited with their families in other nations. This is provided for under the United Nations Charter, a document signed by the Soviets, but one they have chosen to ignore.

While these steps are small ones, they will provide a measure of improvement in the lives of the people of Lithuania. And, perhaps more importantly, these measures will serve to nourish the fire of freedom that burns in the hearts of these fine people.●

SALUTE TO LITHUANIAN PEOPLE ON THE OBSERVANCE OF THE 43D ANNIVERSARY OF THE SOVIET TAKEOVER OF LITHUANIA

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. ROE. Mr. Speaker, I rise today to join with Lithuanian Americans and all freedom loving peoples around the world to observe the tragic 43d anniversary of the illegal incorporation of the Republic of Lithuania into the Soviet Union.

On this sad day, we are reminded of the history of the brave Lithuanian people. February 16, 1918 is a day that will always be warmly embraced by the Lithuanian people. It was on that date that the Lithuanian nation became free of Soviet rule with a formal declaration of independence. That independence was widely recognized by many nations of the free world, including the United States. At that time, to the surprise of many, the Soviet Union signed a peace treaty with Lithuania formally acknowledging its right to be a free and independent nation.

The proud people of the new nation soon established a strong economic base through the initiation of a series of wide-ranging agricultural and industrial programs.

But the dream was short lived. The advent of World War II found Lithuania in the middle of the Russian and German armies. Despite the strong protests on the part of the Lithuanians, the Russians forced their way onto Lithuanian soil and utilized the new nation as a base for its troops who were preparing attacks against the Germans.

It was on June 15, 1940, that the birth of freedom in the fledgling nation of Lithuania was crushed by the savage Russian boot. Soon after, the Russians set up a rigged election that culminated in Lithuania being illegally incorporated as a part of the Soviet Union.

It was during that sad period that thousands of brave Lithuanians died at the hands of the brutal Russian occupation forces while others were illegally imprisoned or deported.

In spite of that occupation of Lithuanian soil, the Russians were never able to conquer the minds of the Lithuanian people. Strong in their devotion to the religion, language, and traditions of their people, the Lithuanians resisted attempts by the Russians to force them to accept their language and way of life. That resistance and devotion to their homeland still holds true for the Lithuanian people today.

Mr. Speaker, our great Nation stands as a beacon of freedom to the imprisoned peoples of the Baltic States. We must continue our calls and apply economic pressure on the Russians to release their hold on the brave people of those troubled lands.

As a member of the House Ad Hoc Committee on the Baltic States and the Ukraine, I ask all Members of Congress to join with me in reaffirming the resolution sanctioned by the Lithuanian World Congress in 1958 that Lithuanians "have not and will never accept slavery."●

DR. EDMUND ORDON

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. HERTEL of Michigan. Mr. Speaker, today I would like to honor Dr. Edmund Ordon who is retiring after 35 years of teaching at Wayne State University. Dr. Ordon, the former chairman of the department of Slavic languages and literature, and professor of Polish, was instrumental in establishing the Polish language department at Wayne, in 1949. Today, between 50 and 100 students are taking courses in the department. These students have the opportunity to take a range of courses in Polish literature, culture, and folklore. In addition to organizing the Polish language department, Dr. Ordon has assisted many committees in assessing methods of teaching foreign languages to secondary and university level students. His service to education has been invaluable.

As an educator and translator of Polish literature, Dr. Ordon has earned an international reputation. He has published two books, "The Forgotten Battlefield," which gives a series of accounts of the September 1939 Nazi invasion of Poland, and "10 Contemporary Short Stories." He will publish his third book, titled, "The Man in the Window and Other Polish Short Stories," sometime next year. He has also published over 18 articles that have appeared in many publications, specifically, the Literary Review, the Polish Review, American Illustrated, and the Slavic and East European Journal.

Not only has Dr. Ordon been involved in teaching and writing, but he has also been involved in serving his community. For three terms he has served on the Members Council of the International Institute. The institute, a nonprofit organization, helps immigrants adjust to the new way of life in this country. Through the organization of festivals and bazaars, the institute seeks to promote interaction by encouraging ethnic and cultural affairs. The institute also offers English language courses as well as counseling.

From 1958-64, Dr. Ordon was the executive secretary-treasurer of American Association of Teachers of Slavic and East European Languages.

A native of Detroit, Mich., Dr. Ordon received his B.A. from Wayne State University in 1940, his M.A. in English from Wayne in 1941, and his Ph. D. in Slavic studies from the University of Ottawa in 1953.

Dr. Ordon joined the Wayne faculty in 1941 as an English instructor, in 1947 he started teaching Polish. An assistant professor of Polish in 1953, he advanced to associate professor in 1959, and a full professor in 1969.

Dr. Ordon will be honored by his former students and colleagues on Thursday, June 24, 1983, at 7:30 p.m., at the Northfield Hilton Inn.

Mr. Speaker, I rise today to salute this man's career. His outstanding achievements, in and out of the classroom, are a tribute to the work he has done.●

A PRACTICAL STEP TO AVOID ACCIDENTAL NUCLEAR DESTRUCTION

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. WYDEN. Mr. Speaker, I rise today to introduce a resolution to help insure our very survival.

Bernard J. O'Keefe, chairman of EG&G, Inc., a Fortune 500 company, and chairman of the National Association of Manufacturers, posits in his recent book "Nuclear Hostages," a situation in which freelance terrorists secretly introduce a nuclear device into Washington, D.C., or some other strategic area in the United States, and destroy or threaten the machinery of the U.S. Government. He also suggests that a similar act could take place in the Soviet Union.

Mr. O'Keefe correctly points out that in such an event, nuclear terrorists could hold one superpower hostage or could lead one of the superpowers into believing that the other had initiated a first strike. The result could be nuclear retaliation—and, eventually, destruction of our world as we know it.

Mr. O'Keefe's scenario is all too real. Designs for nuclear weaponry and the fissionable materials to develop them are all too easy to come by. The design for a nuclear device can be obtained by reading a popular science publication. As for the materials to build it, Mr. O'Keefe says in his book, "I have heard it said that fissionable material sells on the international black market for about the same price per kilogram as cocaine."

This is also not the first time this danger has been discussed. The lead article in the Saturday Evening Post of June 3, 1961, written by my father, Peter Wyden, was entitled "Could Nuclear War Begin By Accident?" His conclusion—which he discussed with me many times in the 20-plus years since—was that it could.

The possibility of accidental nuclear holocaust by terrorist freelancers is too real—and too horrifying—to ignore. That's why I am introducing this resolution directing the President of the United States to begin taking the necessary steps to negotiate a treaty between the United States and the Soviet Union providing for mutual cooperation to deal with the threat of terrorist caused accidental nuclear war.

I can think of nothing more important that we can do today than to take this practical step to avoid accidental nuclear destruction.

H. RES. 233

Whereas acts of international terrorism can be committed by small and intensively secret groups with parochial grievances, which are not linked to any particular government and do not have the visible or traceable support of the government of any country;

Whereas one of the fears of the nuclear age has been that a terrorist group would obtain or fabricate a nuclear weapon, and either blackmail the government of a country or detonate such a weapon if the government involved did not capitulate;

Whereas a recent study posits a situation in which such terrorists secretly introduce a bomb into the Washington, D.C., area or locations of strategic installations in the United States and destroy or threaten the machinery of the United States Government, and also suggests the possibility of an act of nuclear terrorism taking place within the Soviet Union, resulting in the destruction of the government of that country;

Whereas the destabilizing impact on United States-Soviet relations of either such situation would be grave, especially in light of the probability that the surviving authorities and the people of either country would hold the other country, rather than a small terrorist group, responsible for such an act of nuclear terrorism and might advocate nuclear retaliation; and

Whereas since a nuclear detonation by terrorists, occurring in either the United States or the Soviet Union, could result in accidental nuclear war between the two countries, it is in the best interests of both countries to prevent such an occurrence: Now, therefore, be it

Resolved, That the President should take the necessary steps to negotiate a treaty between the United States and the Soviet Union, either in conjunction with current arms control negotiations or through separate negotiations, providing for mutual cooperation to deal with the threat of accidental nuclear war caused by acts of terrorism.●

REMEMBERING LITHUANIA

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. CORCORAN. Mr. Speaker, I was very pleased that President Reagan signed into law on Monday, June 13, legislation which commemorates June 14 as Baltic Freedom Day. As a cosponsor of this bill, I believe it critical that we in Congress make clear our ongoing commitment to the oppressed people of the Baltic region—Estonia, Latvia, and Lithuania.

On this same Monday, I had the privilege of addressing a rally in Solidarity Square—a site along Lake Michigan in Chicago. This event commemorated the year and a half anniversary of imposition of martial law in Poland. Many Polish-Americans were joined in Solidarity Square by Americans formerly of other captive nations, all gathering to protest their homeland's domination by Communist totalitarianism; 43 years have passed since the Soviets invaded the Baltic countries, killing and relocating thousands, putting an end to their independent governments; 7 years later, in 1947 Poland fell to Communist domination. Poland, Estonia, Latvia, Lithuania—each unique yet fused under the Communist yoke. This rally, and others across the Nation, illustrate the American resolve against Sovietization anywhere.

It is tragic that countless anniversaries exist, all year long, whereby we remember similar Soviet invasions and violations of human freedoms. Today, June 15, marks the date when Lithuanian-Americans observe the Soviet occupation of Lithuania in 1940 and the subsequent deportation of thousands to Siberian concentration camps. I join these Americans and all who treasure freedom throughout our country and around the world in remembering this event and the people who remain captive to the Soviets. We must rally in support of the struggle against Soviet domination and intervention anywhere in the world; those captive need to know we remember, and so do the Soviets.●

JOHN CAFFARO SAVES YOUTH

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. FLORIO. Mr. Speaker, today I am pleased to pay tribute to Mr. John Caffaro of Pennsauken, N.J., for his heroic efforts to save the life of a drowning 12-year-old boy.

An employee of a Mount Laurel hotel, Mr. Caffaro was summoned from his post when the child fell into the deep end of the hotel pool. Seeing that the boy was in convulsions, he immediately leaped into the water and assisted a lifeguard in the rescue. Slipping a backboard under the boy, Mr. Caffaro removed him from the water, checked his pulse, and waited until the first aid squad arrived.

I am very impressed with the courage that Mr. Caffaro exhibited during this brave rescue. Because of his heroic deed, John Caffaro, a 33-year-old Vietnam veteran, prevented what could have been a tragic accident. I am certain that my colleagues will join me in commending John Caffaro for this truly admirable act.●

REMARKS ON THE PASSING OF PAUL REIFSNYDER EYERLY, JR.

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. HARRISON. Mr. Speaker, the people of Columbia County, Pa., and the cause of honest and fair journalism everywhere, suffered a great loss last week. Paul Reifsnyder Eyerly, Jr., the president and chairman of the board of Press Enterprise, Inc., died at the age of 71.

Mr. Eyerly was a veteran newsman whose career spanned more than 50 years. He began working at his family owned Morning Press upon his graduation from Wesleyan University in 1932. He was not content merely to own the newspaper. He was determined to work at it. He became publisher and finally president of the board of the Press Enterprise, which published the Morning Press, the Berwick Enterprise, and the Saturday/Sunday newspapers.

Mr. Eyerly relinquished active control of the newspapers to his son, Paul III, in 1979. He nonetheless remained committed to and active life in his beloved Columbia County. This past March, in recognition of his many activities, he was named Citizen of the Year by the Bloomsburg Chamber of Commerce.

Paul R. Eyerly, Jr., was a man of many causes. He served as chairman of the United Way Campaign and of the Bloomsburg chapter of the American Red Cross blood donor program. He served on the board of the Bloomsburg Public Library, the Bloomsburg Chamber of Commerce, the Columbia-Montour Council of the Boy Scouts of America and was a member of various Masonic groups as well as the Bloomsburg Moose and Elk Lodges. He was a longtime member of St. Paul's Episcopal Church in Bloomsburg.

Mr. Eyerly leaves to the public a career spent in the highest traditions of American journalism and community service. To his family, he leaves a legacy of love and devotion which will, I hope, sustain them in this time of their loss.

I take this time, Mr. Speaker, to extend my sympathy to his widow, Elizabeth Butler Eyerly, and to his children, Paul R. Eyerly III, Paula Gilbert, Elizabeth Pruden, and Hope Morgan as well as to his seven grandchildren.●

ILLEGAL ANNEXATION OF LITHUANIA, LATVIA, AND ESTONIA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. LIPINSKI. Mr. Speaker, today we commemorate not only the 43d year since the Soviet Union illegally annexed the free states of Estonia, Latvia, and Lithuania, but the ongoing struggle of all oppressed peoples to maintain their ethnic and national identities in the face of domination by an outside power. On June 15, 1940, Lithuania, Latvia, and Estonia were annexed by the Soviet Union, and between June 14 and June 18, 1941, over 32,000 men, women, and children were deported to the depths of Russia and Siberia.

Today, these proud people keep up their struggle for national identity and freedom. The Baltic States enjoyed two decades of freedom and liberty between the two world wars, and their love of justice runs deep. It is a tribute to these strong-willed people that the Soviet Union must keep them shackled in oppressive tyranny.

History has shown that an authoritarian regime cannot keep the free instincts of a people at bay. With their fight for Solidarity, the Polish people have led the struggle for freedom in Eastern Europe. The Czechoslovakian people have shown that their will cannot be subjugated. And, in spite of tremendous odds, the valiant people of Afghanistan have managed to hold off the military might of the Soviet Union.

So, as we commemorate the day when 43 years ago, freedom last lived in the Baltic States, let us remember that its spirit has never died. The people of Lithuania, Latvia, and Estonia still look to the United States as an example for freedom and justice the world over. We must not only do all that we can to see that freedom once again lives in Eastern Europe, but also guard our own liberties so that we may be a beacon of hope to oppressed peoples around the world.●

CONTINUED SOVIET OCCUPATION OF LITHUANIA

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. GUARINI. Mr. Speaker, today I am joining the American Lithuanian community and Lithuanians throughout the world in remembering the 43d anniversary of the Soviet military occupation of Lithuania. With the Soviet military occupation came the forcible incorporation of Lithuania into the Soviet Union and a 5-year reign of terror that left hundreds of thousands of Lithuanians dead or deported.

At the same time in June 1940 that the Soviet Union was invading Lithuania, Stalin's troops were also seizing the independent nations of Latvia and Estonia. The Soviet occupation forces were succeeded by the Nazis in World War II. Unfortunately, the violations against human life and dignity continued. From 1940 to 1945, it is estimated that almost 1 million people from the Baltic countries were killed, deported, or forced to emigrate.

The end of World War II did not bring an end to the suffering of the Baltic people. The Soviets reoccupied Lithuania in 1944. For the next 8 years, Lithuanian freedom fighters struggled gallantly againt the Soviet military at a cost of 50,000 Lithuanian lives.

For the past 43 years, the people of Lithuania and the other Baltic countries of Latvia and Estonia have been deprived of their freedom by the Soviet Union. The separate cultural, social, and religious practices of these previously independent and prosperous nations have survived four decades of a Soviet campaign aimed to destroy them.

It is important for us in the United States to realize that there are people in this world who are fighting for their freedom from Soviet oppression. While the world focuses on Soviet misdeeds in Afghanistan, we must also remember the people of the Baltic nations and the Ukraine who long for independence. In this light I was pleased to be a cosponsor of the legislation proclaiming June 14 as Baltic Freedom Day.

Baltic Freedom Day commemorates the continued hope for once again establishing Lithuania, Latvia, and Estonia as independent countries. It also continues to focus attention on the Soviet Union's blatant disregard of human rights and fundamental freedoms. We must continue to do all that we can to make the Soviets accountable to international law.●

TRAGIC JUNE DAYS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. YATRON. Mr. Speaker, it is a privilege to acknowledge the commemoration of the "Tragic June Days" in the Baltic States. Although Lithuanians today are subject to the yoke of unlawful Soviet rule, their brave struggle to regain the independence declared in 1918 merits both our applause and our support.

Their valiant dedication to the cause of freedom is an example to our own country and an inspiration to our efforts to promote human rights and the cause of independence. Freedom of opinion and religion, freedom to enjoy one's own culture, and above all freedom to choose one's own destiny are all basic human rights we take for granted in the United States. Yet precisely these rights have been denied to Lithuanians. Equally fundamental are the rights of national peoples to territorial integrity and self-determination. Soviet domination has deprived the Baltic peoples of these rights as well.

Forcible annexation, history shows, affords no lasting alternative to determined nationalism. Unlawful occupation, as in Afghanistan, can persist only through a policy of oppression; similarly, Soviet attempts at the cultural and political assimilation of the Baltic States rest on coercion.

Hence the great importance of commemorating the Tragic June Days. In June 1940 the Soviet Union invaded the Baltic States, violating both the Peace Treaty of 1920 and the Non-Aggression Pact of 1926. The following year, again in June, the world witnessed the Baltic genocide, mass arrests, deportations to concentration camps, and executions. In the nearly threescore years of occupation which have ensued, Lithuanians throughout the world have courageously resisted the forced, brutal incorporation of their homeland into the Soviet Union.

The United States recognizes Lithuania as a free and independent nation. Today, I welcome this occasion to honor those Lithuanians who risked and gave their lives in defense of this ideal. I am also proud to be the representative to the U.S. Congress of Lithuanian Americans who continue to cherish Lithuania's freedom. These same individuals have earnestly contributed to the improvement of American society.●

PIONEER 10 LEAVES THE SOLAR SYSTEM

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. LEVINE of California. Mr. Speaker, June 13 marks a milestone in the history of space exploration. On that day, Pioneer 10 became the first man-made object ever to pass all of the known planets in our solar system.

Pioneer 10 was designed and built by TRW in Redondo Beach and originally intended to last 5 years. Eleven years after its launching in 1972, however, it is still going strong and is predicted to continue its travel through space for billions of years.

In its 11 years and more than 3.5 billion miles of travel, Pioneer 10 has provided new and invaluable information about our solar system, and scientists look forward to additional contributions as Pioneer 10's flight continues.

The commitment and technical expertise of TRW's Pioneer 10 team has made this milestone in the history of space exploration possible. Through TRW's outstanding work, our country has made another first in space history, and I would like to express my gratitude for all that TRW has accomplished.●

LITHUANIAN STRUGGLE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. STOKES. Mr. Speaker, I am happy to take this opportunity to speak on behalf of American support for the Lithuanian people in their continuing struggle against Soviet oppression.

Over the past 40 years, the United States has continually expressed its outrage against Soviet occupation of the sovereign nation of Lithuania. Just in the last 3 years American concern has been raised at both national and international forums. During the 1980 Madrid Conference the deputy chairman of the U.S. delegation singled out Lithuania as a special case of contravention of international law concerning the territorial integrity of states. In July 1982, 100 Members of Congress sent a letter to Soviet leader Brezhnev demanding the restoration of all Baltic States to their proper place in the international community. Congress, in an effort to give national recognition to the Lithuanian people, established February 16, 1983, as Lithuanian Independence Day.

Mr. Speaker, the world community cannot overlook the harsh attacks made by the Soviet Government on the Lithuanian dissident movement, part of the long tradition of commitment to human freedom in that nation. Dissidents in Lithuania have joined the United States in condemning the Soviet occupation of Afghanistan and in expressing solidarity with striking workers in Poland. A group of 45 brave Lithuanians signed the Baltic Declaration, published in August 1979 and sent to leaders in the Soviet Union, in East and West Germany, and to the United Nations. The declaration denounced the 1939 Molotov-Ribbentrop Pact, calling it "a conspiracy of two of the greatest tyrants of history." Within 10 weeks of the appearance of the declaration, the KGB had arrested and incarcerated many of the signers. In addition, the Lithuanian Helsinki Group, established in 1976 to watchdog Soviet compliance with the Helsinki Accords, documented over 30 cases of human rights violations, but by 1981 all of its leadership had been eliminated.

Mr. Speaker, Soviet oppression of the Lithuanian people extends to the over 1 million Americans of Lithuanian descent through a set of policies restricting interaction between families and friends separated by the Iron Curtain. The Soviet Union imposes a 5-day limit on tourist visas to Lithuania while placing heavy tariffs on parcels sent from the United States. Furthermore, the Soviets have failed to provide sufficient provisions for the reunification of Lithuanians with family in other countries, even though such provisions are called for by the United Nations charter signed by the Soviet Union.

The American people's dedication to the freedom of all people and contempt for all acts of tyranny are mirrored in the hearts of the Lithuanian people. Mr. Speaker, during this commemoration of the tragic June days we must reaffirm our commitment to establishing liberty in all corners on the Earth. As long as the United States remains firm in its support, the hope of all struggling peoples will never die.●

FREEDOM FOR LITHUANIA

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. McGRATH. Mr. Speaker, today I join Lithuanian Americans in the tragic observance of the forced incorporation of the Republic of Lithuania into the Soviet Union. The freedom and independence the Soviet regime snatched away 43 years ago has not died. Instead, the desire for the reestablishment of an independent Lithuanian state which guarantees these

basic human rights, burns deeper each day in the hearts of those who suffered under four generations of Soviet oppression.

The mournful events of that June 15 included the mass deportation of thousands of Lithuanians to Siberian work camps. Over time, the brutal Stalinist tactics have changed to more sophisticated forms of "Russification," but the result remains the same. Dissent against the Soviet Union is punished with terror and physical exploitation.

Therefore, from this floor, a bastion of free speech, it is our obligation to speak for those whose voices have been quelled. I urge my colleagues to join in support of the Lithuanian struggle. I pray that today is the final anniversary of this occasion that we will ever mark. Let us hope that next year we may celebrate the restoration of an independent Lithuania.●

DR. JONATHAN HARRIS

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. MRAZEK. Mr. Speaker, I would like to take this opportunity to extend my congratulations to Dr. Jonathan Harris, who is retiring after an exemplary 21-year teaching career at Paul D. Schreiber High School in Port Washington, N.Y.

Dr. Harris, a social studies teacher, has devoted over two decades to the pursuit of academic excellence on the high school level. At a time when our Nation's quality of education is wanting, Dr. Harris has been a leader and innovator in his chosen profession.

Ten years ago, he created a course entitled "The Holocaust: Focus on Intolerance." Only recently have other educational institutions begun to address this important issue in their curriculum. I have always believed that children must be taught about the horrors of the Holocaust so that it is never forgotten. It is a credit to Dr. Harris that he was able to develop a course which was so clearly ahead of its time. In fact, other Long Island schools now model their own Holocaust courses after the one originated by Dr. Harris.

In the early 1960's, Dr. Harris introduced a course on black history, which was also ahead of its time. Equally as significant was his production of a play entitled "In White America," which brought the black and white communities of Port Washington together during the turmoil of the 1960's.

Dr. Harris is the author of three books, which not only address historical questions but larger, more philosophical questions as well. His most recent work, "The New Terrorism: Politics of Violence," was published in March 1983. It is a worthy successor to an earlier publication, "Hiroshima: A Study in Science, Politics, and the Ethics of War." He has also written a third book entitled "Scientists in the Shaping of America."

I am sure that Dr. Harris will be greatly missed by students, fellow teachers, and parents alike. Though he is retiring, his work and dedication will always remain a part of Schreiber High School and the Port Washington community. I wish Dr. Harris all the best of luck in his future endeavors.●

CHANGES IN THE BUSINESS OF INSURANCE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 15, 1983

● Mr. FLORIO. Mr. Speaker, there have been enormous changes in the business of insurance recently. We have seen new financial institutions, such as banks, become involved in insurance, both by attracting funds once used to purchase life insurance and by selling insurance. We have seen changes in State regulation of insurance, and have had some experience with no-fault plans.

The role of insurance is an enormous one in our society. American consumers pay over $261 billion annually in insurance premiums; 12 percent of disposal income or $4,300 for the average family is spent annually on insurance. The average American worker works over 31 days to pay for insurance.

The dramatic change in the nature of our financial institutions has had an affect on insurance. While the insurance industry has had a history of extraordinary profitability, the explosion in the number of financial options available to consumers has affected insurance practices. Insurance companies have objected to the intrusion of banks into the business of selling insurance.

Not only is the business of insurance changing, but the role of regulating insurance has changed. More and more States have moved toward deregulation, toward what is called open competition. This reduction in regulation is not always accompanied by an actual increase in competition. More and more we see increased competition for a small segment of the market, and avoidance of a large part of the market.

In automobile insurance, despite the reforms of the last 15 years, problems abound. In New Jersey, premiums have jumped dramatically almost every year, to the point where many are unable to afford insurance. A substantial segment of the State is unable to get insurance in the voluntary market and must resort to the assigned risk or joint underwriting plan.

A series of hearings, to begin shortly after the July 4 recess, will look at all facets of the insurance industry.

The first hearing will examine the nature of the insurance industry and the affects of competition from other financial institutions, both for savings dollars and for the business of insurance.

Further hearings will look at State regulation of the insurance industry and the affects of deregulation at the State level on consumers, insurance rates, and competition.

Further hearings will look specifically at auto insurance, and the affects of the reforms of the last several years. Particular attention will be paid to no-fault auto insurance, the experiences of the several States with different no-fault plans, and suggestions for improvements in no-fault auto insurance.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 16, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 17

8:30 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
Taxation and Debt Management Subcommittee
To hold joint hearings on S. 654, to repeal certain IRS Code provisions requiring the apportionment of research and development expenditures made in the United States.
SD-215

10:00 a.m.
Armed Services
Sea Power and Force Projection Subcommittee
Closed business meeting, to further consider those provisions which fall within the subcommittee's jurisdiction of S. 675, authorizing funds for fiscal year 1984 for the Department of Defense.
SR-222

Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 1396, to extend the availability of energy tax credits for solar, wind, geothermal, and biomass renewable energy resources.
SD-215

*Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold hearings to review those programs administered by the Office of the Secretary of Energy.
SD-342

11:30 a.m.
Armed Services
Military Construction Subcommittee
Closed business meeting, to consider those provisions which fall within the subcommittee's jurisdiction of S. 675, authorizing funds for fiscal year 1984 for the Department of Defense.
SR-232A

JUNE 20

9:30 a.m.
Finance
To hold hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women.
SD-215

10:00 a.m.
Energy and Natural Resources
To resume oversight hearings on the geopolitics of strategic and critical minerals.
SD-366

Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed legislation authorizing funds for refugee assistance.
SD-226

2:00 p.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
Closed business meeting, to further consider those provisions which fall within the subcommittee's jurisdiction of S. 675, authorizing funds for fiscal year 1984 for the Department of Defense.
SR-222

JUNE 21

8:30 a.m.
Small Business
To hold oversight hearings on the Small Business Administration's small business development center program.
SR-428A

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 1286, S. 632, and S. 428, bills to establish a program to conduct research and development studies for improved manufacturing technologies.
SR-253

Finance
To continue hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women.
SD-215

Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 520, to remove all noncriminal juveniles from secure detention facilities within the United States.
SD-226

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on Army modernization programs.
SD-192

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Water Resources Subcommittee
To resume hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1256, proposed Emergency School Aid Extension Act.
SD-430

11:00 a.m.
Joint Economic
To hold hearings on Gross National Product estimates and the economic outlook.
2247 Rayburn Building

2:00 p.m.
Joint Economic
To continue hearings on Gross National Product estimates and the economic outlook.
2247 Rayburn Building

JUNE 22

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 1120, to authorize printing of the back side of $1 bills by a method other than the intaglio process.
SD-538

Commerce, Science, and Transportation
To hold hearings on Title IV, to provide for increased coordination between Federal, State and local governments in the transportation of hazardous materials, of S. 1108, proposed Highway Safety Act.
SR-253

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on 1306, to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.
SD-226

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Joint Economic
To resume hearings to review the Administration's perspective on future farm policy.
SD-124

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1984 for the government of the District of Columbia.
SD-192

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on environmental research and development programs.
SD-406

Finance
To resume hearings on the Administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Veterans' Affairs
To hold hearings on S. 374, S. 786, and S. 991, bills to establish a presumption of service connection for certain diseases in veterans caused by exposure to agent orange, herbicides and chemicals during the Vietnam War.
SR-418

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to resume markup of S. 431, authorizing funds for fiscal year ending September 30, 1983, and through fiscal year 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

Governmental Affairs
To hold hearings on the nomination of Robert H. Morris, of Maryland, to be Deputy Director of the Federal Emergency Management Agency.
SD-342

Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 23

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 1286, S. 632, and S. 428, bills to establish a program to conduct research and development studies for improved manufacturing technologies.
SR-253

9:30 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to consider pending calendar business.
SD-538

Governmental Affairs
To hold hearings on operational testing procedures in the Department of Defense.
SD-342

Labor and Human Resources
To hold hearings on the effects of anticancer drugs in the treatment of cancer patients.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act.
SD-406

Finance
To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Judiciary
Business meeting, on pending calendar business.
SD-226

Joint Economic
To continue hearings to review the administration's perspective on future farm policy.
SD-124

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To hold hearings to examine the legal and constitutional ratification process of the Panama Canal Treaty.
SD-562

JUNE 24

9:30 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold oversight hearings on the budget request for the Energy Information Administration, Department of Energy.
SD-366

Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review legislative proposals to combat abusive tax shelters, focusing on charitable contribution tax shelters and the ability of the Internal Revenue Service and courts to process large volumes of tax shelter returns.
SD-215

Judiciary
Courts Subcommittee
To hold hearings to discuss the current bankruptcy situation of the Manville Corp. in Denver, Colo.
SD-562

Judiciary
Juvenile Justice Subcommittee
To hold hearings to discuss proposed Federal assistance to State and local law enforcement agencies in handling child serial murders.
SD-226

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to continue markup of S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act.
SD-406

Joint Economic
To hold hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2255 Rayburn Building

JUNE 27

9:00 a.m.
Finance
Estate and Gift Taxation Subcommittee
To hold hearings on proposals providing for transitional rules for estates and gift tax treatment, including S. 953, S. 1180, S. 1210, S. 1250, S. 1251, S. 1252, S. 309, and S. 310, and Senate Resolution 126, expressing the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified.
SD-215

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538

*Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on airline deregulation.
SR-253

Judiciary
Constitution Subcommittee
To hold hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-226

10:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on miscellaneous public lands bills, including S. 482, S. 508, S. 620, S. 600, S. 598, S. 807, S. 864, and S. 1160.
SD-366

Environment and Public Works
Water Resources Subcommittee
To resume hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.
SD-406

Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed legislation authorizing funds for refugee assistance.
SD-226

JUNE 28

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the International Monetary Fund's gold reserves.
SD-538

*Commerce, Science, and Transportation
Aviation Subcommittee
To continue oversight hearings on airline deregulation.
SR-253

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1173, proposed Federal Mine Safety and Health Amendments.
SD-430

Special on Aging
To hold hearings to review a growing concern of older Americans use and misuse of over the counter prescription drugs.
SD-628

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Water Resources Subcommittee
To continue hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.
SD-406

Finance
To resume hearings on the Administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Labor and Human Resources
Aging Subcommittee
To hold hearings on the impact of crime on the elderly, focusing on victim compensation.
SR-485

2:00 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 1090, to establish the Outdoor Recreation Resources Review Commission.
SD-342

JUNE 29

9:30 a.m.
Judiciary
To hold hearings on S. 737, proposed Joint Research and Development Ventures Act.
SD-226

Labor and Human Resources
To hold oversight hearings on the Department of Labor's law enforcement activities, focusing on the Organized Crime and Racketeering Section of the Department of Labor's Office of Inspector General investigation of allegations involving the International Brotherhood of Boilermakers.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on defense intelligence matters.
S-407, Capitol

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on pending legislation.
SD-406

Finance
To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Small Business
Small Business: Family Farm Subcommittee
To hold hearings on the impact of Canadian agricultural imports and their effect on the small business community.
SR-428A

Veterans' Affairs
Business meeting, to mark up S. 1388, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans, and related measures, and proposed legislation to provide educational assistance for veterans and persons entering the Armed Forces.
SR-418

1:30 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on the proposed Uniform Single Audit Act of 1983.
SD-342

2:00 p.m.
Appropriations
Defense Subcommittee
To continue closed hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on defense intelligence matters.
S-407, Capitol

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226

Labor and Human Resources
To hold oversight hearings on the activities of the Equal Employment Opportunity Commission and the administration's equal employment opportunity policy.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on pending legislation.
SD-406

Finance
Business meeting, to mark up proposed legislation to extend the revenue sharing program for local governments.
SD-215

Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on activities of the Office of Administrative Law Judges.
SD-562

JULY 11

10:00 a.m.
Labor and Human Resources
*Aging Subcommittee
To hold hearings to examine the use of the judicial system by the elderly.
SD-430

JULY 12

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Legal Services Corporation.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To hold hearings on home health care services.
SD-430

JULY 14

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19, to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and related measures.
SD-430

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on future directions in nursing home health care.
SD-430

JULY 19

9:30 a.m.
*Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430

JULY 20

9:00 a.m.
*Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold oversight hearings to explore problems affecting the quality of education.
SD-430

JULY 21

10:00 a.m.
*Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

JULY 25

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 1132, to establish a maximum ceiling on the annual charge to be fixed by the Federal Energy Regulatory Commission for a licensee's use of a Government dam or other structures owned by the United States.
SD-366

JULY 26

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on proposed legislation authorizing funds for nutrition programs of the Older Americans Act.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

SEPTEMBER 8

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the historical perspective and societal implications.
SD-430

SEPTEMBER 15

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

SEPTEMBER 20

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

CANCELLATIONS

JUNE 17

10:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 314, proposed In-Flight Medical Emergencies Act.
SR-253

HOUSE OF REPRESENTATIVES—*Thursday, June 16, 1983*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O Holy God, that You speak to us in the depths of our hearts and that we can confess our faults and place before You our innermost feelings. As You have invited us to pray, so may we place before You our hopes and aspirations, our disappointments and fears, knowing that You will bless that which is noble and forgive that which is selfish or unkind. In the full confidence that Your presence is with us, even to the end of the age, we offer this our prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. CORCORAN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CORCORAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 364, nays 22, answered "present" 7, not voting 39, as follows:

[Roll No. 198]

YEAS—364

Ackerman	Bedell	Bonker
Addabbo	Beilenson	Borski
Akaka	Bennett	Bosco
Albosta	Bereuter	Boucher
Alexander	Berman	Breaux
Anderson	Bethune	Britt
Annunzio	Bevill	Brooks
Archer	Biaggi	Broomfield
Aspin	Bilirakis	Brown (CO)
Badham	Bliley	Broyhill
Barnard	Boehlert	Burton
Barnes	Boggs	Byron
Bartlett	Boland	Campbell
Bateman	Boner	Carney
Bates	Bonior	Carper
Carr	Hamilton	Michel
Chandler	Hance	Mikulski
Chappell	Hansen (UT)	Mineta
Chappie	Harrison	Minish
Cheney	Hartnett	Moakley
Clarke	Hatcher	Molinari
Clinger	Hefner	Mollohan
Coats	Hertel	Montgomery
Coelho	Hightower	Moody
Coleman (MO)	Hiler	Moore
Collins	Hillis	Moorhead
Conable	Hopkins	Morrison (CT)
Conte	Horton	Morrison (WA)
Corcoran	Howard	Mrazek
Coughlin	Hoyer	Murphy
Coyne	Hubbard	Murtha
Craig	Huckaby	Myers
Crane, Daniel	Hughes	Natcher
Crane, Philip	Hunter	Neal
Crockett	Hutto	Nelson
D'Amours	Hyde	Nichols
Daniel	Jeffords	Nowak
Dannemeyer	Johnson	O'Brien
Daschle	Jones (NC)	Oakar
Daub	Jones (OK)	Obey
Davis	Jones (TN)	Olin
de la Garza	Kaptur	Ortiz
Dellums	Kasich	Oxley
Derrick	Kastenmeier	Packard
DeWine	Kazen	Panetta
Dicks	Kemp	Parris
Dixon	Kennelly	Pashayan
Donnelly	Kildee	Patman
Dowdy	Kindness	Paul
Downey	Kogovsek	Pease
Dreier	Kostmayer	Penny
Duncan	Kramer	Pepper
Dwyer	LaFalce	Perkins
Dymally	Lagomarsino	Petri
Dyson	Lantos	Pickle
Early	Latta	Porter
Eckart	Leach	Price
Edwards (AL)	Leath	Pritchard
Edwards (CA)	Lehman (CA)	Pursell
Edwards (OK)	Lehman (FL)	Quillen
English	Leland	Rahall
Erdreich	Lent	Rangel
Erlenborn	Levin	Ratchford
Evans (IL)	Levine	Ray
Fascell	Levitas	Regula
Fazio	Lewis (CA)	Reid
Feighan	Lewis (FL)	Richardson
Ferraro	Livingston	Ridge
Fiedler	Lloyd	Rinaldo
Fish	Loeffler	Ritter
Flippo	Long (LA)	Roberts
Florio	Long (MD)	Robinson
Foglietta	Lott	Rodino
Foley	Lowery (CA)	Roe
Ford (MI)	Lowry (WA)	Rogers
Ford (TN)	Lujan	Rostenkowski
Fowler	Luken	Roth
Frenzel	Lundine	Roukema
Frost	Lungren	Rowland
Fuqua	Mack	Roybal
Garcia	MacKay	Rudd
Gaydos	Markey	Savage
Gekas	Marriott	Sawyer
Gephardt	Martin (IL)	Schaefer
Gibbons	Martin (NC)	Scheuer
Gilman	Martin (NY)	Schneider
Glickman	Matsui	Schulze
Gonzalez	Mavroules	Schumer
Gore	Mazzoli	Seiberling
Gradison	McCain	Sensenbrenner
Gramm	McCandless	Shannon
Gray	McCloskey	Sharp
Green	McCollum	Shaw
Gregg	McCurdy	Shelby
Guarini	McEwen	Shumway
Gunderson	McGrath	Shuster
Hall (IN)	McHugh	Sikorski
Hall (OH)	McKernan	Siljander
Hall, Ralph	McNulty	Simon
Hall, Sam	Mica	Sisisky
Skeen	Tauke	Whitehurst
Skelton	Tauzin	Whitley
Smith (FL)	Taylor	Whittaker
Smith (IA)	Thomas (CA)	Whitten
Smith (NE)	Thomas (GA)	Williams (OH)
Smith (NJ)	Torres	Wilson
Smith, Denny	Torricelli	Winn
Smith, Robert	Towns	Wirth
Snowe	Traxler	Wise
Snyder	Udall	Wolf
Solarz	Valentine	Wolpe
Spence	Vander Jagt	Wortley
Spratt	Vandergriff	Wright
Staggers	Volkmer	Wyden
Stenholm	Vucanovich	Wylie
Stokes	Walgren	Yatron
Stratton	Watkins	Young (FL)
Studds	Waxman	Young (MO)
Sundquist	Weaver	Zablocki
Swift	Weber	Zschau
Synar	Weiss	
Tallon	Wheat	

NAYS—22

Clay	Franklin	Sabo
Dickinson	Gejdenson	Schroeder
Dorgan	Goodling	Solomon
Durbin	Hawkins	Stump
Emerson	Holt	Vento
Evans (IA)	Lipinski	Walker
Fields	Miller (OH)	
Forsythe	Roemer	

ANSWERED "PRESENT"—7

Andrews (NC)	Jacobs	St Germain
AuCoin	Marlenee	
Hammerschmidt	Ottinger	

NOT VOTING—39

Andrews (TX)	Gingrich	Mitchell
Anthony	Hansen (ID)	Nielson
Applegate	Harkin	Oberstar
Boxer	Heftel	Owens
Brown (CA)	Ireland	Patterson
Bryant	Jenkins	Rose
Coleman (TX)	Kolter	Russo
Conyers	Madigan	Slattery
Cooper	Martinez	Stangeland
Courter	McDade	Stark
Dingell	McDonald	Williams (MT)
Edgar	McKinney	Yates
Frank	Miller (CA)	Young (AK)

□ 1015

Mr. RODINO and Mr. TAUKE changed their votes from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 234. Joint resolution designating the week beginning June 19, 1983, as "Na-

tional Children's Liver Disease Awareness Week."

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 639. An act to authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 66. An act to amend the Communications Act of 1934.

The message also announced that the Vice President, pursuant to the provisions of sections 276(d)-276(g), as amended, appointed Mr. DODD as a member, on the part of the Senate, of the Canada-United States Interparliamentary Group, to be held in Kenora, Canada, on June 16-20, 1983.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO MEET TODAY DURING 5-MINUTE RULE

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be permitted to meet while the House is proceeding under the 5-minute rule on today, Thursday, June 16, 1983.

I have been advised that this matter has been cleared with the minority, and I avow that I have spoken directly myself to my friend, the honest gentleman from Kentucky, Mr. SNYDER, about this matter and received his approval.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona.

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON CRIME OF COMMITTEE ON THE JUDICIARY TO SIT TODAY DURING 5-MINUTE RULE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Subcommittee on Crime of the Committee on the Judiciary be permitted to sit today during the 5-minute rule.

Mr. Speaker, I have cleared this request with the ranking minority member.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HONORING THE LATE HONORABLE LEO J. RYAN, FORMER CONGRESSMAN

(Mr. LANTOS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, it is almost 5 years since the tragic death of my distinguished predecessor, Congressman Leo J. Ryan.

He was a brave and compassionate public servant, who died in Guyana trying to obtain information about the People's Temple for his anguished constituents who were afraid their loved ones had been taken there and detained against their will.

He is the only Member of Congress to give his life in the performance of his duties in the Congress. It is only fitting that Leo's sacrifice be commemorated with the highest honor we can bestow—the Congressional Gold Medal. Today, I am introducing legislation that will award that medal to the Ryan family in Leo's memory.

This medal is the oldest of our Republic. It was first given to George Washington by the Continental Congress in 1776, and later to such outstanding individuals as Thomas Edison and Winston Churchill. We should do no less for Leo Ryan.

His life exemplifies the highest ideals of public service. His legacy is a model for all Americans.

I am privileged, Mr. Speaker, to introduce this legislation, with the guidance and encouragement of the distinguished majority leader, the gentleman from Texas, Mr. WRIGHT, and all the members of the California delegation. This award is long overdue, and I know all my colleagues will join us in honoring a courageous public servant, Leo J. Ryan.

EXPRESSING CONCERN ABOUT BAILOUT OF POLAND'S MILITARY REGIME

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, a year and a half ago millions of American families joined with millions of families in Poland protesting the harsh imposition of martial law. As the heavy hand of Communist repression again encompassed the tough Polish people and extinguished the flickering light of democracy, candles of protest were lit in windows from Warsaw to Columbia Heights, Minn.

While those days seem far away in time and human events, two events today should give us pause to remember. American banking and Government officials are today negotiating with oppressive Polish leaders to reschedule $14 billion in loans and thereby prop up that military regime. They expect us to give them interest-free loans and export credits.

The Polish people oppose this bailout. They say that if the regime wants special consideration, Russia should give it to them. The Reagan administration should heed this call.

Also, Mr. Speaker, today Pope John Paul returns home. We hope that, as he did before, he rekindles the flame of freedom and, in the words of a contemporary poet, "Not walk softly into that dark night but rage, rage against the dying of the light."

CONGRATULATIONS TO COACH CLIFF GUSTAFSON AND UNIVERSITY OF TEXAS BASEBALL TEAM

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, if you had arrived in Austin, Tex., late last Saturday night, you would have been struck by the gleaming orange University of Texas tower as a beautiful beacon in the night. The whole tower was lit up with UT's color to celebrate a gleaming victory. The UT Longhorn baseball team won the college world series in Omaha in a 4-3 come-from-behind heartstopper over Alabama.

The statistics are impressive. UT compiled a 66-14 record this year, the winningest team in school history. Texas seems to visit Omaha quite regularly for the world series—this year marked the 22d trip, and Saturday's feat marks the fourth national baseball championship in the team's colorful history.

Texas was ranked No. 1 in the country for 84 of the 112 days this year, and the polls proved accurate. At Omaha, Texas swept five straight games and emerged from the series undefeated, only the 10th team in 37 years to do so.

To Coach Cliff Gustafson, the taste of victory was especially sweet. It is his second NCAA championship in 16 years of coaching, and he said he did it with a team whose members used teamwork and a burning desire to reach the top.

This year, 1983, is the University of Texas' centennial year. It is a special time to exclaim, "Hook 'em Horns!" and to sing "The Eyes of Texas." Winning a national baseball championship is another reason for students and alumni to celebrate our university's significance in American education. We all congratulate Coach Gustafson and his special team.

□ 1030

MERIT PAY TASK FORCE

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I am announcing today the appointment of

the members of the task force which will study and report on merit pay for teachers.

I myself am in favor of a system of merit pay for teachers, since we must encourage the best and brightest teachers to enter and remain in education, in greater numbers than presently.

I also believe that we must increase teachers' salaries in general since the average teacher today makes the least of any profession for which a baccalaureate degree is required.

Of course, the Federal Government has no role in establishing teachers' salaries. These are purely State and local decisions. However, the Federal Government can currently serve in a technical capacity by studying the issue and making recommendations on the best ways to implement merit pay.

That will be the precise role for the task force I am appointing today. This task force will be headed by our distinguished colleague, Congressman PAUL SIMON of Illinois. Its members will be:

MERIT PAY TASK FORCE

Congressmen: Paul Simon, Chairman, Democrat, Illinois; William Goodling, Vice Chairman, Republican, Pennsylvania; E. Thomas Coleman, Republican, Missouri; Ron Wyden, Democrat, Oregon.

Classroom Teachers: LeRoy Hay—1983 National Teacher of the Year, High School English Teacher, Manchester Public Schools, Connecticut; Jaime Escalante—High School Mathematics Teacher, Los Angeles Unified School District.

High School Principal: Frank Tracy—High Point High School, Beltsville, Md.

Private Schools: Robert L. Smith—Executive Director, Council for American Private Education.

Parent: Elaine Stienkemeyer—President, National PTA.

Teacher Organizations: Albert Shanker—President, American Federation of Teachers; Mary Hatwood Futrell—Secretary-Treasurer, National Education Association.

School Boards: James Sanders—President, Illinois School Boards Association.

Administrators: Floretta McKenzie—Superintendent, D.C. Public Schools; Paul Salmon—Executive Director, American Association of School Administrators; Leslie R. Fisher—Superintendent of Public Instruction, Oklahoma State Department of Education; Wilson Riles—Former California State Superintendent of Public Institutions.

Public Officials: Hon. Albert Quie—Former Republican Governor of Minnesota and former Member, House Education and Labor Committee; Senator Bob Martin—State Senator, 22d District, Kentucky.

Higher Education: Dr. Anne Flowers—President, American Association of Colleges of Teacher Education; Dr. Ernest Boyer—President, Carnegie Foundation for the Advancement of Teaching.

This bipartisan, expert panel will conduct hearings during July and issue a final report by September 30. I know that the work of this task force will be of immense assistance to States and local school districts, which have to make the real decisions regarding teachers' pay.

Let us keep one thing in mind when we talk about merit—we are not talking just about money; we are talking about minds; and the future survival of our Nation.

AMAZING NATIONAL DEBATE ON EDUCATIONAL POLICY AND SPENDING

(Mr. SIMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIMON. Mr. Speaker, I am pleased to serve as chairman of the task force that Chairman CARL PERKINS has just announced.

I think all of us, however, have to recognize that to do the job in education, and merit pay is just one small part of that, will take resources. Money alone is not going to solve our problems, but speeches and slogans alone will not solve our problems, either.

I welcome the attention the President is giving to education, but it should be pointed out that in the last 2½ years the request from that President has been for an $11.25 billion cut in educational resources for the Nation. In higher education alone, a $5 billion cut has been requested in the last 2½ years, that if this Congress had approved, and I am pleased to say that Members of both parties rejected this request, would have meant more than 2 million students would have been denied assistance.

Mr. Speaker, I rise to call to the attention of the Members of this House the amazing national debate on educational policy and spending that is taking place today. The President, who for the first 2½ years of his term did nothing but recommend reductions in Federal education programs, is now attempting to convince the people of this country that he cares about education. In the last 2½ years, President Reagan has:

Recommended a total of $11.25 billion in cuts for education programs, including $5 billion in postsecondary education, which would have deprived more than 2 million students of the opportunity to get a college education;

Supported tax-exempt status for schools with racially discriminatory admissions or other policies;

Submitted legislation abolishing the Department of Education.

At the same time that drastic budget cuts have been proposed and other antieducation policies adopted or recommended, the President and others within the administration seek to clothe themselves in the aura of respectability when it comes to educating America's next generation of leaders. This administration offers no vision to improve the quality of education—it simply criticizes teachers and suggest that merit pay or master teacher programs will resolve all of the problems facing education in our Nation's schools. Blaming the shortcomings of our educational system on teachers, on school desegregation or bilingual education, or on educational opportunity programs which have expanded educational horizons for minorities, the disadvantaged and the handicapped is scapegoating.

My colleagues in the House of Representatives, if this Nation does not move forward in education at all levels—providing more opportunities, demanding more in performance from both students and teachers, and encouraging more in terms of quality and excellence—we will most certainly move backward. There is no status quo in a world which presents us with daily challenges to maintain the peace, expand international economic and cultural relationships, and build understanding by promoting the general welfare and providing justice for all here at home.

It is essential that we set a course for progress and that we not settle for the status quo. One of our goals must be the revitalization of American education—public and private, elementary, secondary and postsecondary.

I am pleased that Congress, with leadership from Members of both parties and with the firm direction given by Chairman PERKINS has turned back many of the recommendations and the drastic cuts proposed by the President. I am also pleased to chair the Task Force on Merit Pay, announced this morning by Chairman PERKINS, in order to continue the important leadership role of Congress. The bipartisan group includes representatives who deal daily with the problems in our schools.

I do not see the future as bleak and hopeless. I do see a need for substantial work, commitment, and cooperation to reverse the trends in education which can handicap a generation of young people and handicap economic recovery and social growth.

My colleagues in the House should keep in mind the admonition of President Eisenhower in his special education message to Congress on January 27, 1958:

> If the United States is to maintain its position of leadership and if we are further to enhance the quality of our society, we must see to it that today's young people are prepared to contribute the maximum to our future progress and strength and that we achieve the highest possible excellence in our education.

USER FEE FEVER

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONER of Tennessee. Mr. Speaker, in yesterday's Washington

Post, there is an article describing a proposal under consideration by the National Park Service to install 1,114 parking meters in the Mall area between the Jefferson memorial and the Smithsonian Institution. As chairman of the House Travel and Tourism Caucus, I can only say that this proposal is an example of "user fee fever."

Our Nation's monuments here in Washington draw many millions of visitors from all 50 States and nearly every country. For many families, the trip and visit to Washington is a once-in-a-lifetime experience. Instead of imposing additional hardships on these families when they visit their monuments, the National Park Service should be looking for ways to enhance their visit.

Installing parking meters, when combined with the already long waits to see monuments and exhibits, will turn any holiday into a chore. I cannot imagine the traffic officer, as he fills out the parking violation, being sympathetic to a visitor's story that he and his family spent an hour in line for an exhibit or monument that took 30 minutes of walking to reach from their car. Yet, this is what the National Park Service will be asking the traffic officer to do. In addition, I would anticipate that, if we allow this proposal to be implemented, we will hear reports from the National Park Service of the many thousands of dollars of parking violations that went unpaid. I do not believe we want to make the holiday visitor a criminal.

Mr. Speaker, the National Park Service is adopting the administration's user fee mentality uncritically. Like too many administration officials, they have forgotten to take into account the adverse effect their proposal will have on the quality of the tourist's visit to Washington.

I encourage my colleagues to join me in suggesting to the National Park Service that they drop their proposal to install parking meters on the Mall and, instead, focus their attention on ways to make their fellow citizen's visit to the Nation's Capital a most enjoyable one.

OMINOUS DATE OF JULY 1 LOOMING EVER CLOSER

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the ominous date of July 1 is looming ever closer. On that day the 10-percent withholding tax on interest and dividend income will take effect to the economic detriment of millions of Americans.

I have received numerous calls from my constitutents in the past week advising me that they have been receiving notices regarding the impending withholding tax. These same people inquire—we thought Congress voted to repeal the tax. As we all know they are correct in the sense that the House and Senate separately have passed bills proposing either outright repeal or a delay in the effective date of the new tax. But as we all painfully know—we have not emerged with a final bill for passage.

As one who joined as an original cosponsor of the repeal legislation which passed this House, I am disturbed over the lack of a final bill so close to the effective date of the new tax. Would not it be a tremendous waste of our tax dollars to have millions of notices sent out announcing the new tax only to have a repeal bill supersede this and cause a second notice to be issued. The paperwork costs alone would be staggering.

I implore the leadership in both this body and the other body to take final steps to keep this onerous tax from ever taking effect. To do otherwise would thwart the will of a majority of this body not to mention the millions of our citizens who justifiably take offense at this new tax.

GOOD NEWS ON STRATEGIC PETROLEUM RESERVE

(Mr. SYNAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SYNAR. Mr. Speaker, I rise today to bring good news to the floor of the House. I rise today to discuss the oversight responsibilities of this body and how, in a spirit of cooperation, necessary changes can be made in the operation of an executive agency. The Subcommittee on Environment, Energy, and Natural Resources, which I have the privilege to chair, recently conducted an indepth hearing on the management of the strategic petroleum reserve. As the Members know, the reserve will serve as an emergency supply of oil in the event of a future oil embargo. Based on the testimony of the General Accounting Office, the DOE Inspector General and the Defense Contract Audit Agency, it is clear that the reserve has been plagued by serious financial management problems. This problem is particularly important since the administration has proposed a drastically reduced fill rate for the reserve because of budgetary restraints. As I have said repeatedly, every dollar wasted is a dollar that can buy a barrel of oil.

After the hearing the subcommittee presented to Secretary of Energy Hodel a 10-point remedial plan designed to alleviate many of the problems discussed during the hearing. Within a matter of days, Secretary Hodel approved the plan for implementation, revised the management structure of the reserve and appointed a high-level investigative review to determine the extent of existing problems.

I want to commend Secretary Hodel for his cooperation and leadership in this matter. It is an excellent example of the legislative and executive branches working together in a spirit of bipartisanship to solve a pressing problem.

TEACHERS, EDUCATION, AND EUPHEMISMS

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, as a former science teacher for about 11 years and one that is serving in Congress, I am very concerned about the raging debate that is going on in terms of national education. Who wants their kids to be taught by someone that is incompetent and who wants to be labeled as an incompetent in terms of the work that they do.

I would suggest that none of us want these negative accusations to dominate the debate.

There is an assumption, I guess, that is to say that if a teacher is educated and certified and experienced in terms of what that teacher is doing and has advanced degrees and is subject to continuing education, as most educators and teachers are today, my colleagues, that in fact then that all these particular achievements will have a positive effect upon the kids that we teach and upon those that we work with and upon our society. In fact, I suggest that they very much do.

Now Ronald Reagan says, "Let's abandon this means of compensation" for something euphemistically called merit pay.

In fact, that is what teachers and educators think they are receiving, merit pay based upon objective criteria. What Reagan means by merit pay is any one's guess, unfortunately he is using this as a club to criticize educators.

Clearly it is another grab by Ronald Reagan for an emotional issue without offering any substantial assistance. These recommendations match the Ronald Reagan record, one of continual cuts in education from kindergarten through graduate school.

The answer that Ronald Reagan proposes is that less is more in education funding.

Ronald Reagan proposes to act like the advocate for education, but the basic tenet of an education advocate is to contribute something more than political rhetoric if you want to be part of solving the serious problems and challenges of education in the 1980's.

Parents, teachers and our kids need our support not the conversion of this important subject and issue into a political issue for the 1984 campaign season.

LIVE TV FLOOR COVERAGE BEGUN BY WNVC

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, the House of Representatives is considered the House of the people, and in that regard, I am pleased that the people of the Washington, D.C., metropolitan area are now able to view the proceedings of the House on live television.

Cable television has provided floor coverage for a number of years, but until this month, live, over the air television of the House of Representatives was not available anywhere. This month WNVC, channel 56, in Falls Church, Va., began daily House broadcasts. These broadcasts can be seen in northern Virginia, Washington, D.C., and in the Maryland suburbs. This wide coverage has been brought about by a 689-foot tower built adjacent to the Capital Beltway. The tower is taller than the Washington Monument or the Eiffel Tower.

Channel 56's sister station, WNVT, channel 53, has been broadcasting the House proceedings on a delayed basis for more than a year, but since that station had a smaller transmitter, the House coverage was not available in a large area.

It takes a great deal of courage on the part of Central Virginia Educational Television Corp. to undertake the live House broadcasts. The company has invested a large amount of money in the new transmitter, and has pledged to provide the Washington area with the finest in governmental and public affairs programs.

I salute the president of the company, B. W. Spiller, vice president and general manager, Dan Ward, and operations program manager, Bruce Miller, for their commitment to this project.

Thanks to WNVC, the House of Representatives is now, even more, the House of the people in Washington.

THE PRESIDENT IS DEFICIENT IN HIS BASIC SKILLS

(Mr. FORD of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Michigan. Mr. Speaker, indeed, the President does hit the nail on the head when he says we have to get back to basics in education. Would that there had been some remedial reading available to people on the other end of Pennsylvania Avenue 50 or 60 years ago.

If one listens to the pronouncements emanating from the White House now, it is very clear that when they read the report of the Commission on Excellence in Education, they had a little trouble with the second part of reading, that is comprehensive.

Indeed, in the old days we used to teach children to read by rote, so that they could sound out all the vowels and make all the noises and it sounded very good. The problem was that after they had read a paragraph, they did not understand it.

Somebody down there read but did not comprehend the Commission report, because no one in the country agrees that that Commission said what they are saying it says. What the Commission said was that education is in trouble in this country in terms of its ability to prepare us for the future. It needs more resources, not fewer.

The President's response, shockingly enough, has been to reduce the help from the Federal Government for education. Earlier this year, for example, in his budget message the President pointed with pride to having reduced outlays for education by more than $1 billion from 1981 to 1982. So, on the one hand, the President expects the schools to do a bigger and better job with less resources. On the other hand, the President has now taken to lecturing the States and local governments on how they should spend their money to improve education. In other words, we in Washington will usurp the traditional role of local school boards and State departments of education and tell them how to devise better curriculum and select better teachers, but we will give them no money to help them improve the quality of their schools. His philosophy of education seems to be, pay less but have more dictation from Big Brother in Washington.

In my opinion, the proper role of the Federal Government is to supplement the efforts of the State and local governments with increased Federal resources to enable them to use their creativity and imagination to improve our educational system. Contrary to the President, Washington does not know best but Washington must help meet the challenge.

REPRESENTATIVE ROUKEMA INTRODUCES CHILD SUPPORT ENFORCEMENT LEGISLATION

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I am introducing legislation today, which addresses a shameful problem, one which is reaching epidemic proportions. The problem is that of child support enforcement.

There are approximately 7.1 million women who have custody of minor children. Of these women, 59 percent have been awarded child support. But only 35 percent actually receive any support at all. These statistics are astonishing.

I believe it is now time for the Federal Government to intervene and correct this problem. My legislation seeks to do this through a system of mandatory wage withholding. Once a support order is given through either a court order or an administrative process, the parent assigned to pay support would automatically have such amount withheld by their employer.

My colleagues, Fathers Day will be celebrated this Sunday. This legislation appropriately draws our attention to the plight of these children who are the innocent victims of a system that does not work. I must stress, this legislation in no way effects the State divorce laws, alimony payments, or the judge's determination in the child support decree. But it will help the millions of children who are the victims of parental disregard.

DO NOT CAP THE THIRD YEAR TAX CUT

(Mr. McCANDLESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCANDLESS. Mr. Speaker, the third-year tax cut is the only one that will help middle America, the group that needs it most. If the third-year tax cut were to be limited to $700, those mainly affected would be taxpayers with incomes from $35,000 to $50,000. That sounds like a rather affluent group—since, for many of us, the value of the dollar was formed at a time when everything cost about half of what it does today.

To put this income group in perspective, however, we should remember that, in 1970 dollars, the equivalent salary range would be from $15,000 to $32,000.

Inflation has already hurt this group by placing them in a much higher tax bracket than they had to deal with in 1970.

They will need the entire benefit of the third-year tax cut to just barely get back to where they were, over 10 years ago.

HONORARY U.S. CITIZENSHIP FOR LECH WALESA

(Mr. CORCORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORCORAN. Mr. Speaker, as you can well remember, 4 years ago Pope John Paul II traveled to his native Poland as a champion of the

Catholic Church and as a champion of Polish people everywhere.

Today, somewhat in response to that, but particularly in response to the movement which was generated as a result of the Pope's visit to Poland known as Solidarity and the symbolic leadership which Lech Walesa has provided freedom-loving people all over the world, and particularly Polish people, I am introducing a House concurrent resolution which would give to Lech Walesa honorary U.S. citizenship. Since Pope John Paul II is returning to Poland today I think now is the time to consider my resolution.

Mr. Speaker, I realize that this is a high honor and in fact in our history we have only done it twice before, first to Winston Churchill, the dynamic Prime Minister of Great Britain during World War II, and second to Raoul Wallenberg, the great Swedish humanitarian who helped the Jewish people during their difficulties in World War II.

But I think it is clear that Lech Walesa represents something that strikes a respondent chord in the people of America and freedom-loving people all over the world. He is a champion of freedom. He is an ideal in the democratic process, and I would hope, Mr. Speaker, that the chairman of the House Judiciary Committee, the gentleman from New Jersey (Mr. RODINO) would work with me so that either today or when we convene the House of Representatives next week that we could show the support of the United States for the oppressed people in Poland by making Lech Walesa the third honorary U.S. citizen in our history.

EDUCATIONAL REFORM IS THE ANSWER TO QUALITY EDUCATION

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. WEBER. Mr. Speaker, President Reagan has initiated an historic debate on education but many of his Democratic rivals seem intent on turning that into a narrow debate over Federal spending for education.

I raise for my colleagues' attention today the recommendations of the Task Force on Education for Economic Growth chaired by Gov. James Hunt, a Democrat of North Carolina.

Consider the task force's recommendations which include the following: developing and putting into effect as promptly as possible State plans—State plans—for improving education.

Creating broader and more effective partnerships with the business community.

Drastically overhauling and improving methods for recruiting, training, and compensating teachers by moving toward merit pay.

Increasing both the duration and the intensity of the academic learning time in our schools.

Improving the management of instruction in the schools, and insuring that existing resources are used more effectively, and providing quality assurance in education by establishing systems for measuring the effectiveness of teachers and administrators.

Nowhere in the Hunt commission report, Mr. Speaker, is there a call for increased Federal aid to education. Those who focus solely on that issue are ignoring the major issues that confront us today in the debate over education.

TASK FORCE ON EDUCATION FOR ECONOMIC GROWTH—HUNT REPORT (PUBLIC SCHOOLS)

1. *Develop—and put into effect as promptly as possible—state plans for improving education in the public schools from kindergarten through grade twelve.* Each plan should acknowledge the central role of education in the state's future economic growth and in preparing people for jobs. It should specify how technology shall be used to improve education. Each plan should set specific goals for educational improvement, timetables for achieving those goals—and methods for measuring the results.

2. *Create broader and more effective partnerships with business which are essential to improve education.* Corporate and business leaders should help define the skills needed in the workplace and thus the standards that should be met by the schools. (team teaching using teachers and industry specialists and business recognition of outstanding teachers and principals)

3. *Express a new and higher regard for teachers and the teaching profession.* Drastically overhaul and improve methods for recruiting, training, and compensating teachers.

4. *Make the academic experience more intense and more productive.* Increase both the duration and the intensity of academic learning time in schools. Strengthen the curriculum. Establish firm, explicit and demanding requirements concerning discipline, attendance, homework, grades and other essentials of effective schooling.

5. *Improve the management of instruction in the schools, and ensure that existing resources are used more effectively and efficiently.* Pay for principals should be related to effectiveness. Higher standards for recruiting, training, and evaluating principals.

6. *Provide quality assurance in education.* Establish systems for measuring effectiveness of teachers and administrators be established and outstanding performance rewarded. Examine lifetime tenure. Periodic testing to monitor student progress. Institutions of higher learning should upgrade entrance requirements.

7. *Better serve those students who are at present unserved and underserved.* Identify academically gifted early and provide a challenging curriculum. Energetic program to reduce absenteeism should be launched.

8. *Marshall the resources which are essential if we are to improve the public schools.* Better use of existing resources must be the first priority in improving the public schools.

Rewards of success are improved productivity, sustained economic growth, job and career opportunities for our people, the economic wherewithal to provide sufficiently adequate social programs, and a secure defense.

PROPOSAL FOR $700 CAP ON TAX CUT IS ECONOMICALLY UNSOUND

(Mr. MACK asked and was given permission to address the House of 1 minute and to revise and extend his remarks.)

Mr. MACK. Mr. Speaker, the House leadership, by proposing a $700 cap, on the third year of the tax cut, is considering an option that is not economically sound nor is it fair.

Individuals in the top tax bracket have already received their tax cut, yet revenues collected by the Government from those individuals have increased. A taxpayer earning $50,000 of gross income in 1983 would have experienced a cumulative tax increase of around $7,500, solely due to bracket creep of the previous decade. The third stage of the tax cut will offset less than 10 percent of that hidden tax hike, and if the tax cut is capped, the full burden will remain.

The Treasury Department estimates that half of the taxpayers affected by a $700 cap would have incomes below $50,000 and the marginal tax rate for those earning $35,200 in taxable income would jump from 28 to 37 percent.

The whole tax cap idea is destructive to capital formation. The Treasury Department estimates that 14 million small businesses would be hit by this tax cap. Small business investment would be sharply reduced since about three-fourths of all businesses pay taxes according to the personal income tax schedule. The result, then, of the effort to have the so-called rich pay their share of the burden would hurt everyone by discouraging incentive investment, and saving.

PRESIDENT SHOULD REAPPOINT PAUL VOLCKER

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, it is ironic that the Communist Manifesto proclaims "Workers of the world, unite; you have nothing to lose but your chains." The workers of Poland united and that is what they got from their Communist masters, chains.

On another matter, though my opinion has not been asked, I do hope the President will reappoint Paul Volcker as Chairman of the Federal Reserve Board. In one of the most heat-sensitive jobs in the world, he has performed brilliantly. He has helped wring inflation out of our economy, no small task.

He has the confidence of Wall Street and the rest of the financial community, and that he was not appointed by this President is an asset. It adds to his independence and hence his credibility.

Last, anybody who likes a cigar as much as Paul Volcker cannot be all bad.

SUPREME COURT DECISION IN ROE AGAINST WADE

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, yesterday the Supreme Court, proved again that education does not equal wisdom when they not only reaffirmed their 1973 decision of Roe against Wade, but they decided to expand it.

I think it is ironic that the dissent was written by the only woman to serve on the U.S. Supreme Court, Sandra Day O'Connor, who pointed out the selective judgment and use of evidence by the majority on the Supreme Court. On the one hand, they buttress their expansion of Roe against Wade, and further take away any ability of the States to make decisions, by taking into account medical science and certain new procedures that have been developed for the performance of abortions, but, on the other hand, they refused to realize that medical science has brought us to a point where the viability of the fetus is coming closer and closer to conception.

The problem is that we have nothing to do now except seek a constitutional amendment, not because we want to do so but because it is the only avenue left for those who believe in the tradition of this society that we recognize more and more the protection of those who cannot protect themselves.

It took many years to upset the Dred Scott decision. It is going to take many more years for us to upset Roe against Wade.

WATCH OUT MIDDLE CLASS: THE TAX RATE EQUITY ACT OF 1983 IS SIMPLY A TAX INCREASE

(Mr. KEMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEMP. Mr. Speaker, I just want to warn the American people of what is coming next week as I just received the legislative schedule.

Next Thursday at 10 o'clock, when the House meets, we are going to take up something called the Tax Rate Equity Act. What could that be, I wondered. It turns out to be the rather Orwellian name for TIP O'NEILL's plan to tax the middle class by capping their equal share of the tax cut. People with high incomes got their tax cut last year. People with lower incomes will get theirs on schedule. But this so-called Equity Act in reality is a tax increase, pure and simple, on the middle class. It is a surtax on middle income Americans, especially on working married couples, on people who want to work and save. It also hits 2½ million small business and 350,000 family farms.

I remember in 1982, Mr. Speaker, we had something called the Tax Equity and Fiscal Responsibility Act, a $220-billion tax increase over 5 years. It was also a fancy name for a huge tax increase.

Half of all the taxpayers hit by the Democratic tax increase earn less than $50,000 a year. It would partly equal the marriage penalty relief for working couples—your average policeman and registered nurse.

Single people earning as little as $30,000 a year would have their taxes raised by the Democrats. Do not forget that tax rates were cut as of January 1, 1983, and only the withholding tables change in July. In effect this is going to be a retroactive surtax on those men and women who are working, those people who want to save, and those people who want to invest.

Do not be taken in by that fairness stuff. The only fair tax measure is the equal-percentage tax-rate reduction for all taxpayers enacted in 1981. This is a surtax targeted on middle income people and I think the vast majority of the American people are or hope to be middle income earners in this country.

It is a redistribution of income and it has nothing to do with fairness. TIP O'NEILL's surtax on the middle class is as unfair as you can get.

REPRESENTATIVE BONKER INTRODUCES THE HIGH TECHNOLOGY MORRILL ACT

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, today I am introducing a bill that I believe can serve as the centerpiece of the educational and economic renewal of the United States.

The need to improve our Nation's educational system is clear. The recent report by the National Commission on Excellence in Education warned of a "rising tide of mediocrity."

We are denying today's children of their right to a quality education and depriving American industry of the qualified workforce it needs to compete in the international economy.

My bill, the High Technology Morrill Act, would create a new partnership between the Federal Government, the States, and American business to upgrade our educational system, particularly in the areas of math and science.

The mechanics of the bill are simple. Like the original Morrill Act of 1862, which established the land-grant colleges, the High Technology Morrill Act would make use of America's abundant natural resources to develop our human resources.

The bill would provide Federal grants to local school districts on a competitive basis. These grants would fund 50 percent of the programs, with the remainder to come from the States and the private sector.

Mr. Speaker, this bill is critical to both our children's future, and our Nation's economic future, and I would urge its speedy consideration.

THE $700 CAP IS FAIR

(Mr. SHANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHANNON. Mr. Speaker, it was the 1981 tax bill which was sent to us by the Reagan administration, which has bankrupted the country, created a $200 billion budget deficit, and created the greatest inequities ever foisted upon the American taxpayer. We in the House of Representatives have the constititional responsibility to begin restoring our tax base and that does mean a tax increase. But we are going to do it differently than the Reagan administration would do it.

They have sent us proposals to put energy taxes on every single taxpayer in America, to put surtaxes on every single taxpayer in America, to increase the tax burden on middle income people. We are going to say no. We are not going to allow that to happen anymore.

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Our tax cap will be a tax cap that will rest primarily on people who earn over $50,000 a year. Eighty-eight percent of the tax increase rests on people over $50,000 a year. We all acknowledge that we need to raise taxes. The Reagan administration has sent us the energy tax, and the surtax. The Democratic party says, "No, let us put the tax burden back where it belongs on higher income people, let us protect middle income taxpayers."

TAX CAP WILL AFFECT MAINLY THOSE EARNING OVER $50,000 A YEAR

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, just a moment ago I heard my good friend from upstate New York trying to warn

what he called the middle income people of America about the tax bill that we are about to take on the floor next Thurday.

Well, I would say that that means that my friend from New York is trying to be the Paul Revere of the rich, because the people he is warning are those whose income is above $50,000 a year.

It seems to me that to many in the Republican Party, the middle class are people making between $80,000 and $100,000 a year. That to me is misguided.

We are trying to close the deficit responsibly by putting some of the burden on the people who can most afford to pay. We do not tax many people at all whose income is below $50,000 a year: 88 percent of the tax increase in Thursday's bill goes to people who are making over $50,000 a year. That to me is the only fair way to do it.

If the administration wants to be fair will go along with our tax proposal.

TAX CUTS? A DIABOLICAL SCHEME

(Mr. MITCHELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL. Mr. Speaker, my colleagues, I always have a healthy respect for clever minds; even though they might be diabolically clever, I have to respect them.

We have been confronted with a diabolically clever scheme. A 3-year tax cut was rammed through this House. It was rammed through by the administration. The administration that says "get government off the backs of the people, get rid of HUD programs, get rid of job programs." The tax cut was rammed through in a diabolically clever little scheme, because the administration knew that in the third year revenues will have fallen off to the point where we would be in jeopardy in this country, and therefore the administration is perfectly capable of saying, "Well, we do not have any money for housing, we do not have any money for jobs, we do not have any money for education for children, we do not have any revenues coming in to provide for the well being of our citizens."

I think it is a very cleverly crafted scheme; diabolical, but that is not unusual for certain administrations to put forth a cleverly crafted scheme but we have to prevent that scheme from working.

If we really care about meeting the needs of people, if we really care about providing the best life possible for American citizens then we have to stop that third year of the tax cut or else put a cap on it.

I have a hearty respect for the Members of the House who recognize the necessity of capping the third year in some sort of equitable manner.

I yield back the balance of my time as I cogitate on the diabolical scheme that was behind the tax cut.

TAX CAP WOULD NOT RAISE TAXES OF FAMILIES EARNING MORE THAN $109,000 PER YEAR

(Mr. MARTIN of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN of North Carolina. Mr. Speaker, while the distinguished gentleman from Maryland cogitates further on diabolical schemes, let me say in my view the increasing deficits we are experiencing this year and forecast for the next year are not because taxes are not rising fast enough. We have had taxes rising every year, after every year, after every year; taxes are going up, not going down.

The reason we have deficits is because Federal spending has been growing so fast as to outstrip the revenues that we have.

I want to commend the gentleman from New York Mr. KEMP, who spoke a little bit before about raising to our attention the proposed tax cap of 1983, because he has correctly raised the issue of fairness.

It is going to impact on those families that earn more than $35,000 a year and those individuals who earn over $31,000 a year, but not on all of them.

It will only get those who are in the range between about $31,000 or $35,000 a year and $100,000 a year, because those who make over $109,000 have already gotten their tax cut; they got theirs in the first year. They do not have to wait for the third year.

There was an amendment offered by one of our Democratic colleagues from that side of the aisle that provided that the maximum rate of 70 percent would be dropped down immediately to 50 percent in the first year. They did not wait for the third year for those high-earning individuals. No, they have got theirs; it is just those who are there in the middle that are going to be affected. It seems to me this is not fair. Now the Members ought to also be aware of one other thing—which I will have to present later because my time has now expired.

MINIMAL EFFECT OF TAX CUT ON FAMILIES EARNING $10,000 to $20,000 PER YEAR

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Speaker, the low-income, middle-income people of America are certainly glad that July 1 they are going to get that great 10-percent marginal reduction in their tax rates.

The Joint Committee on Taxation figures as put out by CBO committee staff show that the $10,000 adjusted gross income family of four will save a total of $26 a year from that 10-percent tax cut scheduled for July 1. That is $2.17 a month. That same information reveals a $20,000 adjusted gross income family of four will get back a whopping $3 a week. Is that not a wonderful thing we are doing for the lower income and middle income people of this country?

What about the $100,000 adjusted gross income family of four? They get back approximately $2,200 a year. And what if your income happens to be that of a U.S. Congressman, $69,800. They get back an average taxable income of $53,000, an average of $1,350.

I am sure glad we are concerned about $10,000 and $20,000 adjusted gross income families, so we can keep that 10-percent tax cut.

The great damage of the Reagan-Hance-Conable or if you would old Kemp-Roth tax bill is its devastating increase of the deficit. It is absurd to borrow another $30 billion to give ourselves a tax cut. Who would not like a tax cut, but it is more important to bring future deficits under control.

FURTHER CLARIFICATION OF EFFECTS OF TAX CAP

(Mr. PARRIS asked and was given permission to address the House for 1 minute.)

Mr. PARRIS. Mr. Speaker, I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. I thank my colleague from Virginia for yielding because I was talking about the unfairness of singling out one group that are between $35,000 and $100,000, pointing out that those above $100,000 income have already gotten their tax cut. They got it all in the first year. I wanted to make an additional point that I think the Members and the American public need to be aware of, because this tax cap is just the first installment.

Remember that is forecast to raise something like $6 billion if they could get it enacted, to raise about $6 billion a year.

But the majority party in the House of Representatives has already obligated itself, under the Budget Act, to raise not just $6 billion a year but $30 billion a year.

Now, how are they going to raise the other $24 billion? This tax cap is just the first $6 billion installment. And it is provided by itself because it by itself

does not affect the majority of taxpayers, it only would affect a minority—and hopefully the politics of that situation are that the majority itself will not rebell at something that affects just a few.

That is just $6 billion. Then the next installment will take another group, by repealing indexing. That is one of the things in their catalog of tax-raising measures they want to repeal indexing.

Well, that is going to get the middle-income and low-middle-income people who are depending on that. Then there will be a repeal of a limitation on capital gains. These are just installments that they can bring them out one at a time so thay can divide and conquer without any one of these proposals ever affecting the majority until the entirety is added up.

Watch their new policy: divide and conquer; tax and spend.

ELEVENTH ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Operations.

(For message, see proceedings of the Senate of today, Thursday, June 16, 1983.)

REPORT ON ACTIVITIES SUPPORTED UNDER REHABILITATION ACT OF 1973—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor.

(For message, see proceedings of the Senate of today, Thursday, June 16, 1983.)

ANNUAL REPORT ON FEDERAL ENERGY CONSERVATION PROGRAMS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce.

(For message, see proceedings of the Senate of today, Thursday, June 16, 1983.)

EMERGENCY FOOD ASSISTANCE AND COMMODITY DISTRIBUTION ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 207 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the futher consideration of the bill, H.R. 1590.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1590) to provide emergency food assistance to low-income and unemployed persons and to improve the commodity distribution program, with Mr. BENNETT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Monday, June 13, 1983, all time for general debate on the bill had expired.

Pursuant to the rule, the substitute committee amendment recommended by the Committee on Agriculture now printed in the reported bill shall be considered as an original bill for the purpose of amendment and each section shall be considered as having been read.

The Clerk will designate section 1.

Section 1 read as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Food Assistance and Commodity Distribution Act of 1983".

The CHAIRMAN. Are there any amendments to section 1?

Mr. DE LA GARZA. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The remainder of the bill, H.R. 1590, reads as follows:

SEC. 2. Congress finds that—

(1) Due to high rates of unemployment and the persistence of poverty, there is a serious problem of hunger among many individuals and families in the United States. It is, therefore, necessary to take remedial action, supplementing and complementing current Federal, State, and local food assistance programs, to alleviate this condition.

(2) Because the agricultural abundance of the United States has led to large supplies of Government-owned surplus food commodities, it is appropriate to provide for distribution of greater quantities of these commodities to organizations that feed persons in need on an emergency basis and to other public and private nonprofit organizations that provide nutritional assistance.

(3) It is necessary to provide funding for storage, distribution, and other handling costs to assist State agencies and local emergency programs in assuring the effective distribution of such commodities.

AVAILABILITY OF CCC COMMODITIES

SEC. 3. Section 1114(a) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e) is amended to read as follows:

"SEC. 1114. (a) Notwithstanding any other provision of law—

"(1)(A) Stocks of commodities acquired under the price support programs by the Commodity Credit Corporation (hereinafter in this subsection referred to as 'the Corporation') that exceed quantities thereof likely to be required to meet the Corporation's domestic and foreign commitments shall be made available by the Secretary of Agriculture (hereinafter in this subsection referred to as 'the Secretary') without charge or credit for distribution to—

"(i) food banks, hunger centers, soup kitchens, charitable institutions, and similar public and private nonprofit organizations for the purpose of relieving situations of emergency and distress by providing food to low-income and unemployed needy persons; and

"(ii) public or private nonprofit schools and school food authorities, nonprofit child care institutions, Federal, State, and local penal institutions, disaster relief organizations, public or nonprofit summer camps, the commodity supplemental food program, the summer feeding program, the needy-family program on Indian reservations, congregate nutrition sites under the Older Americans Act of 1965 and providers of home-delivered meals under such Act, Veterans Administration hospitals, and similar organizations and programs designated by the Secretary in consultation with State agencies for purposes other than relieving situations of emergency and distress by providing food to low-income and unemployed needy persons.

"(B) Any stocks of commodities acquired under the price support programs by the Corporation may, without regard to the limitations in subparagraph (A), be made available by the Secretary without charge or credit for distribution to organizations and for the purpose described in subparagraph (A)(i).

"(C) If adequate wheat stocks acquired by the Corporation are not available for purposes of this subsection, a total of not to exceed 300,000 metric tons of wheat designated under section 302(b)(1) of the Food Security Wheat Reserve Act of 1980 may be used for the purposes of this subsection and the Temporary Emergency Food Assistance Act of 1983 (title II of Public Law 98-8). Any quantity of wheat used from the food security wheat reserve for such purposes shall be replenished by an equivalent quantity of wheat under the provisions of section 302(b)(2) of the Food Security Wheat Reserve Act of 1980 by such date as is practicable, but before December 31, 1984. Any stocks of wheat acquired by the Corporation under the price support program after quantities of wheat from the food security wheat reserve are used for such purposes shall be devoted to replenishing the reserve before becoming available for any other use.

"(D) Prior to the beginning of each fiscal year, beginning with the fiscal year ending September 30, 1984, the Secretary shall publish in the Federal Register an estimate of the types and quantities of commodities that the Secretary anticipates are likely to be made available under this subsection during such fiscal year. The Secretary shall also publish, along with such estimates, estimates of the types and quantities of commodities that the Secretary anticipates will

be in Corporation-owned inventories during the applicable fiscal year and the anticipated disposition of such commodities during such year other than under this subsection. The Secretary may publish estimates described in this subparagraph more frequently than once for each fiscal year.

"(2) The Secretary shall, as expeditiously as possible, provide the commodities made available under paragraph (1) to State agencies designated by the Governor or other appropriate State official that shall administer the distribution program under this subsection within the States, except that the Secretary shall provide such commodities directly to eligible organizations to which State agencies are not permitted by any law enacted prior to March 1, 1983, to make distribution, and to private companies as provided in paragraph (8). The Secretary may provide such commodities directly to any organizations. The Secretary shall, in consultation with State agencies, administer any such direct distribution program.

"(3) State agencies to which commodities are provided by the Secretary under this subsection shall, as expeditiously as possible, distribute them to organizations, that, as determined by State agencies and approved by the Secretary, are organizations of the types described in subparagraphs (A)(i) and (A)(ii) of paragraph (1) that will effectively distribute such commodities to those whom they serve. In this subsection, such organizations that are of the types described in subparagraph (A)(i) of paragraph (1) are referred to as 'eligible emergency organizations', such organizations that are of the types described in subparagraph (A)(ii) of paragraph (1) are referred to as 'other eligible organizations', and such organizations collectively are referred to as 'eligible organizations'. If the quantity of commoditie provided to any State agency for distribution under this subsection is not adequate to meet all requests therefor by eligible organizations, preference shall be given to requests from eligible emergency organizations, except that the State agency shall, to the extent practicable, insure that other eligible organizations continue to receive a share of any bonus commodity made available under this subsection approximately equal to their share of such bonus commodity (if any) made available under prior law during the fiscal year ending September 30, 1983.

"(4) The Secretary shall use funds of the Corporation to pay costs of initial processing and packaging of commodities to be distributed under this subsection into forms and in quantities suitable, as determined by the Secretary, for use in individual households when such commodities are to be consumed by such households and for institutional use, as applicable. The Secretary may pay such costs in the form of Corporation-owned commodities equal in value to such costs, except that wheat from the food security wheat reserve may not be used to pay such costs. The Secretary shall insure that any such payments-in-kind, other than in the form of the byproducts of commodities that are processed under this paragraph, will not displace commercial sales of such commodities. The Secretary shall also use funds of the Corporation to pay the costs of delivering the commodities to State agencies and, in cases where the Secretary distributes commodities directly to eligible organizations, delivering the commodities to such organizations.

"(5) The Secretary shall use funds of the Corporation, but not to exceed $50,000,000 in the aggregate in any fiscal year, to—

"(A) pay or make advance payments, upon request, to each State agency, but not in excess of 5 per centum of the fair market value of the commodities provided to the State agency by the Secretary under this subsection, for use by the State agency (i) to cover actual costs it incurs in storing, transporting, handling, and distributing such commodities, and (ii) to pay or make advance payments, upon request, to eligible emergency organizations to cover actual costs incurred by them in storing, transporting, handling, and distributing commodities distributed to them by the State agency under this subsection and in completing paperwork which is necessary only because of their receiving and distributing such commodities: Provided, That if the amounts made available to a State agency by the Secretary are not adequate to cover all cost described in clauses (i) and (ii), preference shall be given to covering such costs incurred by eligible emergency organizations; and

"(B) pay to eligible emergency organizations amounts to cover costs described in the preceding clause (A)(ii) incurred by them with respect to commodities made available directly to them by the Secretary as provided in paragraph (2).

"The State agency may not charge eligible emergency organizations for any of the State agency's costs of storing, transporting, handling, and distributing the commodities made available to them, and the State agency may not charge other eligible organizations for any amount that is in excess of the State agency's direct costs of storing, transporting, handling, and distributing the commodities made available to them minus any amount the Secretary pays the State agency to cover such costs.

"(6) The Secretary shall obtain such assurances and take such precautions as the Secretary deems necessary to insure that eligible organizations and individuals receiving commodities provided under this subsection will not diminish their normal expenditures for food or reduce their purchases of the commodities being distributed by reason of receiving such commodities. Eligible organizations shall request and distribute commodities under this subsection only in quantities which can be consumed without waste.

"(7) In administering the program under this subsection, the Secretary shall minimize, to the greatest extent practicable, the regulatory, recordkeeping, and paperwork requirements imposed by the Secretary on eligible organizations.

"(8) The Secretary shall also encourage consumption of initially processed commodities made available under this subsection by distributing them directly to private companies for further processing into end food products for use by eligible organizations. Eligible organizations shall bear the expense of such further processing, except that the Secretary shall use funds of the Corporation, but not in excess of $10,000,000 in the aggregate in any fiscal year, to pay expenses of such further processing of commodities ordered by eligible emergency organizations. The Secretary shall administer the distribution program under this paragraph, including making determinations, in consultation with State agencies, of the companies and eligible organizations whose participation will effectively result in consumption of the end food products. Any private company that participates in the distribution program under this paragraph shall process into end food products for use by eligible organizations, either the identical initially processed commodities distributed to it by the Secretary or, to the extent approved by the Secretary, initially processed commodities at least equal in quantity, quality, and value to the initially processed commodities distributed to it by the Secretary, who shall insure that any such company fully complies with this provision. When there is substitution as permitted in this paragraph, the initially processed commodities distributed by the Secretary may be utilitzed by the private company in its own commercial product but may otherwise be sold or otherwise disposed of in commercial channels.

"(9) The Secretary shall (A) inform State agencies of the provisions of this subsection not later than August 1, 1983, and (B) commence distribution of commodities for use by eligible organizations on October 1, 1983, and issue regulations governing such distribution not later than October 1, 1983.

"(10) The distribution of commodities under this subsection shall supplement and complement assistance provided by other mandatory Federal, State, and local nutrition programs.

"(11) The provisions of section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)) shall not apply with respect to distribution of commodities under this subsection.

"(12) Commodities distributed under this subsection shall not be considered income or resources for any purpose under any Federal, State, or local law.

"(13) Except as otherwise provided in paragraph (8), none of the commodities distributed under this subsection shall be sold or otherwise disposed of in commercial channels in any form.".

EFFECTIVE DATE

SEC. 4. Except as otherwise provided in section 3 of this Act, the amendments made by this Act shall become effective on October 1, 1983.

EXPIRATION

SEC. 5. Section 1114(a) of the Agriculture and Food Act of 1981, as amended by this Act, shall expire on September 30, 1985.

PENALTIES FOR MISUSE OF COMMODITIES

SEC. 6. Section 4(c) of the Agriculture and Consumer Protection Act of 1973 is amended by striking out "or the Emergency Food Assistance Act of 1983" and inserting in lieu thereof ", the Temporary Emergency Food Assistance Act of 1983, or the Emergency Food Assistance and Commodity Distribution Act of 1983".

NUTRITION SURVEILLANCE

SEC. 7. The Secretary of Agriculture (hereinafter referred to as "the Secretary") shall continue, as elements of the scientific nutrition research performed by the Department of Agriculture (hereinafter referred to as "the Department"), (1) maintaining the nutrient data base established by the Department, and (2) at intervals between the periodic nationwide food consumption surveys made by the Department, conducting nutrition surveillance of subgroups at potential nutritional risk to measure changes over time in dietary or nutritional status, with particular attention to socio-economic factors and participation by individuals in food assistance programs. During January of each year, beginning with January 1984, the Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on nutrition surveillance activities planned, in

progress, and completed during the preceding calendar year.

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DE LA GARZA: On page 5, line 12, insert after the period the following: "If the President releases all of the wheat in the food security wheat reserve for the purposes specified in the Food Security Wheat Reserve Act of 1980, to the extent that stocks of wheat acquired by the Corporation are not adequate fully to replenish (as provided in the preceding sentence) the quantity of wheat from the reserve used for domestic food programs, the Secretary shall, notwithstanding the last sentence of section 302(b)(2) of such Act, use funds of the Corporation to acquire wheat through purchases from producers or in the market to complete such replenishment.".

Mr. DE LA GARZA. Mr. Chairman, the amendment I offer is the product of cooperation and consultation between the Committee on Agriculture and the Committee on Foreign Affairs. As I have stated, H.R. 1590 authorizes use of a limited quantity of wheat from the food security wheat reserve for the domestic food distribution program. The Foreign Affairs Committee has a jurisdictional interest in the reserve, as it was created for humanitarian food assistance abroad should shortages in domestic stocks exist. That committee has conveyed its concern that should the reserve be entirely depleted for its intended purpose, any amounts of wheat from the reserve used domestically would constitute a shortfall for foreign aid. To resolve this concern, our committees have agreed upon an amendment that provides that, in these circumstances, and if Commodity Credit Corporation stocks are not available for replenishing the reserve stocks used for domestic purposes, the Corporation's funds would be used, without prior appropriation, to purchase wheat to replenish any reserve stocks that had been used for the domestic distribution program.

I believe that the amendment constitutes an entirely reasonable and effective resolution of the concerns of the Foreign Affairs Committee. I thank Chairman ZABLOCKI for his cooperation in this matter, and I urge my colleagues to join me in adopting the amendment.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the distinguished chairman of the subcommittee who has worked this legislation to its present stage.

Mr. PANETTA. I thank the gentleman.

Mr. Chairman, we have worked with the Committee on Foreign Affairs on this amendment. It is certainly acceptable to this side of the aisle because it would provide an automatic process for replenishment of the wheat reserve if an international emergency should deplete it. We feel this is extremely important in terms of protecting that reserve, and replenishing at least a portion of that reserve that might be used in this bill.

□ 1115

Mr. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas. This amendment addresses concerns raised by the Committee on Foreign Affairs. That committee was concerned that if the food security wheat reserve needed to be used entirely for its intended purpose any amounts used for H.R. 1590 would result in a shortfall for foreign assistance. The two committees have agreed that should such a situation occur and if CCC stocks are not available for replenishing the reserve—CCC funds will be used to purchase wheat to complete the replenishment of the reserve.

This amendment is consistent with the intent of H.R. 1590—if any wheat is borrowed from the reserve for purposes of this commodity distribution program, replenishment must occur no later than December 31, 1984.

I urge Members to support this amendment.

● Mr. ZABLOCKI. Mr. Chairman, I rise in support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983, and urge its passage by the House.

Notwithstanding that the United States is the greatest agricultural producing country of the world, and among the richest on a per capita basis, we have in our midst poor and needy people who lack the means to get enough food.

H.R. 1590 seeks to take advantage of the Government-owned surplus food stocks now on hand to strengthen our emergency food assistance to low-income and unemployed Americans. I commend the authors of this bill.

It has previously been noted during debate on this measure that it would permit a drawdown of up to 300,000 tons of wheat from the food security wheat reserve. That wheat reserve was established by the Congress in 1980 as a backup for our foreign food aid program in case of acute food emergencies overseas.

The Foreign Affairs Committee has recommended an amendment that would help to protect the original purpose of the food security reserve. It provides for replenishment of the reserve through CCC funding to the extent there has been a drawdown under H.R. 1590, in the event of a global shortage situation requiring use of the full 4 million tons in the reserve.

I wish to express appreciation to the distinguished chairman of the Committee on Agriculture, Mr. DE LA GARZA, for his willingness to accept the amendment and to offer it in our behalf.

May I express appreciation also to the subcommittee chairman, Mr. PANETTA, for his cooperation in this matter, and to the ranking minority member, Mr. EMERSON, who is also a sponsor of this legislation.

H.R. 1590 is a worthy measure which I hope will win the full support of the House.●

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to associate myself with the colloquy delivered earlier this week by my distinguished colleagues, the gentleman from Texas, the chairman of the Agriculture Committee (Mr. DE LA GARZA); the gentleman from California, the chairman of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition (Mr. PANETTA); and the gentleman from South Dakota, a member of the Agriculture Committee (Mr. DASCHLE).

As a member of the Committee on Foreign Affairs and as one of the sponsors of legislation to establish the food security reserve, I am pleased that my colleagues have reiterated that the primary purpose of the reserve is to respond to humanitarian food needs in developing countries, and that the authority to tap into the reserve is a one-time option only, and not a permanent change in policy with respect to the reserve.

Accordingly, I support the amendment, offered by the gentleman from Texas, that assures that replenishment of wheat used from the reserve for domestic purposes will be automatic in the event that emergency food needs in developing nations require full utilization of the 4 million metric tons earmarked by the Food Security Act of 1980 for such purposes.

Mr. DASCHLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by Mr. DE LA GARZA and Mr. ZABLOCKI. I am pleased this amendment is being offered because it does strengthen the replenishment provision of the bill with regard to the international wheat reserve.

As my colleagues know, I remain opposed, despite the strong replenishment provisions, to the domestic use of the international wheat reserve. I have made my views known in some detail both in the Agriculture Committee markup of the bill, in my supplemental views to the committee report on H.R. 1590, and in the debate this past Monday on the House floor. In addition, I engaged in a colloquy on

behalf of myself and the gentleman from New York (Mr. GILMAN) with Mr. DE LA GARZA and Mr. PANETTA about our commitment to the international wheat reserve.

So while I will certainly vote for the de la Garza amendment and for the bill, I do want the record clear regarding my position on the provision which authorizes a drawdown for domestic uses of the international wheat reserve.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the gentleman from Texas.

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Chairman, I want to again express my appreciation to the gentleman from South Dakota for his understanding and his diligence in seeing that we vote to do what we have committed ourselves to do for our brethren throughout the world but that we address also the needy in our own country and that we afford, as we did with the amendment, the necessary protection so that we might achieve both ends within the means that we have available.

The gentleman from South Dakota (Mr. DASCHLE) has certainly been a standard bearer in this effort, and I commend and thank him for his cooperation.

Mr. DASCHLE. Mr. Chairman, it is a good amendment, and I am sure that, as a result of having offered the amendment, and as a result of our colloquy the other day on the floor, we are in a position to generate a great deal of support on both sides of the aisle. I think it merits that kind of support, and I hope the House will pass it overwhelmingly.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. DE LA GARZA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DE LA GARZA: Page 6, line 16, after the period insert "The Secretary shall not limit the types of commodities that are made available, upon request, to State agencies under paragraph (1) on the basis of the types of eligible organizations requesting such commodities.".

Page 8, strike out line 16 and all that follows through page 9, line 15, and insert in lieu thereof the following:

"(A) pay or make advance payments, upon request, to each State agency, but not in excess of 5 per centum of the fair market value of the commodities provided to the State agency by the Secretary under this subsection, for use by the State agency (i) first, to pay or make advance payments, upon request, to eligible emergency organizations to cover actual costs incurred by them in storing, transporting, handling, and distributing commodities distributed to them by the State agency under this subsection and in completing paperwork which is necessary only because of their receiving and distributing some commodities, and (ii) then, to cover, in the most equitable and non-preferential manner, actual costs it incurs in storing, transporting, handling, and distributing commodities that are to be distributed to eligible organizations, without regard to whether they are eligible emergency organizations or other eligible organizations: *Provided*, That if the amounts made available to a State agency by the Secretary are not adequate to cover the costs described in clauses (i) and (ii), preference shall be given to covering the costs described in clause (i); and

"(B) pay to eligible emergency organizations amounts to cover costs described in the preceding clause (A)(i) incurred by them with respect to commodities made available directly to them by the Secretary as provided in paragraph (2).".

Mr. DE LA GARZA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DE LA GARZA. Mr. Chairman, as the Committee on Agriculture worked to fashion an effective program for emergency food assistance to the needy, it has on a continuing basis consulted with the Committee on Education and Labor on matters within its jurisdictional interest. Primarily, this involved the possible impact of H.R. 1590 on the ongoing food assistance programs such as those for children and the elderly. H.R. 1590 contains various provisions designed to meet the concerns of that committee. We have, however, jointly concluded that an additional amendment is desirable.

The first part of the amendment would make clear that commodities required to be released under the act because they exceed Commodity Credit Corporation (CCC) commitments would be made available at the request of the eligible organizations, and that the Secretary may not limit the availability of surplus commodities on the basis of the type of eligible organizations requesting them. The amendment is the result of the concern that unless specific statutory directives are given, the Secretary's decision on how much and what commodities to release may turn on his determination of which type of eligible recipient organizations request them, rather than upon how much is actually available for distribution. This concern has been generated by the Secretary's decision to limit the release of certain commodities made available under the jobs bill. In effect, the amendment would make clear that the bill contemplates that the release of surplus commodities would be based on the requests of the eligible recipient organizations, not on the type of eligible organization.

As to the balance of the amendment, while emergency organizations will continue to have priority for funds for their local distribution costs, under the amendment the balance of administrative funds made available to the States will be required to be used without preference for the States' costs of distributing commodities to the emergency and traditional types of organizations on an equitable basis. Our committees believe that this will insure that much needed administrative funding will be made available to enhance the effort of State agencies to get commodities to food banks, soup kitchens, and the like, as well as to other organizations operating ongoing programs such as those assisting children and elderly Americans.

I appreciate the collegial spirit with which Chairman PERKINS and his committee have worked with our committee on these matters. I believe our joint efforts, as contained in H.R. 1590 and this amendment, merit and deserve the support of the House.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, again this is an amendment that we have worked out in cooperation with the Committee on Education and Labor. Incidentally the Education and Labor Committee has been very much involved in this issue, and in fact, reported out a commodities distribution bill of its own. Committee members have been very cooperative with this member and other members of the Committee on Agriculture in trying to develop a final product which is now before the House.

This particular amendment would provide that once operating expenses for local emergency feeding centers have been satisfied, the remaining administrative funds could be generally applied by the State to the costs of delivery commodities to emergency and nonemergency recipient organizations alike. It therefore, allows for these costs to be distributed in a broader way.

And to that extent, having worked with the cooperation of the Education and Labor Committee, this amendment is certainly acceptable to me as chairman of the subcommittee.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Kentucky (Mr. PERKINS), the chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Chairman, I rise in support of H.R. 1590 and urge its adoption.

This legislation addresses the urgent problem of hunger among the unemployed and destitute in our society. It

would establish a 2-year program (fiscal years 1984 and 1985) for the distribution or surplus agricultural commodities to emergency food centers and other sites to assist the needy in finding sufficient food to survive. I am pleased to support the bill and commend Chairman DE LA GARZA and Chairman PANETTA of the Nutrition Subcommittee for their leadership in moving this legislation.

My own committee, the Committee in Education and Labor, has a long history of legislative action on measures requiring the use of surplus commodities to feed the hungry. In keeping with this tradition, on March 18 of this year we reported H.R. 1513, a bill introduced by Congressman BIAGGI, myself, Mr. FORD of Michigan, and Mr. MILLER of California, to require the Secretary of Agriculture to distribute unused surplus commodities to emergency feeding centers and other feeding sites. That bill would have also provided administrative expense funding to State and local units so that they could make immediate use of these emergency commodities.

Since H.R. 1513 had been jointly referred to both the Committee on Education and Labor and the Agriculture Committee, it was subsequently considered by the Agriculture Committee when they wrote the bill before us today. In order to expedite the legislative process, the Committee on Education and Labor did not insist on its own bill being brought to the floor. Rather, we have been working with the Agriculture Committee, and especially with Mr. DE LA GARZA and Mr. PANETTA, in trying to jointly fashion the best possible bill to deal with this problem. That bill is before us today as H.R. 1590.

Chairmen DE LA GARZA and PANETTA have described the purposes of H.R. 1590 in the debate on the bill which occurred last Monday. I will not repeat their arguments in favor of the bill since I wholeheartedly concur with them. However, I would like to make several points peculiar to programs within the jurisdiction of the Committee on Education and Labor.

First of all, while these emergency feeding outlets have been established to provide food to the unemployed and destitute, we must not lose sight of the fact that there are many ongoing programs which make use of surplus commodities to feed the needy. For instance, the national school lunch program provides meals to over 12 million needy children. The elderly feeding programs authorized under the Older Americans Act also provide food to the elderly using surplus commodities.

Therefore, we must be sensitive to the way these programs operate while we fashion this new program of assistance for emergency feeding sites; otherwise, we may find ourselves taking food from some needy to give to others, which is certainly not our intent.

To meet this concern the Agriculture Committee has adopted a provision in H.R. 1590 which assures that ongoing programs, such as the school lunch and elderly feeding programs, shall continue to receive their proportionate share of surplus commodities as measured by what they were receiving in the previous fiscal year. This provision is necessary so that there will not be a radical shift in the distribution of surplus commodities from ongoing programs to these emergency feeding sites.

Three million children, of whom over 1 million are poor, have already dropped out of the national school lunch program within the last 3 years due to the Reagan administration's achievement of a deep funding cut in that program in 1981. Many more children would have dropped out if the Department of Agriculture had not made available extra commodities to local school districts. Local school districts have used those commodities to moderate the increased meal charges which they were forced to make because of the budgetary cutbacks. These schools must continue to receive as much commodity support as possible or we will see further dropouts from the school lunch program.

The second point I would make is that the States ought to be required to use some of the new administrative money provided under this bill to pay for the costs of distributing surplus commodities to schools and other feeding sites. Again, the purpose is to strike a balance between meeting the urgent needs of the hungry through these emergency outlets while still meeting the urgent needs of ongoing programs serving the needy.

The bill before us authorizes the States to use Federal funds to pay for distribution of commodities to schools and other feeding sites after the needs of the emergency outlets have been met.

It is my understanding that Chairman DE LA GARZA will offer clarifying amendments to these two provisions. The purpose of his amendments will be to assure that the States treat emergency feeding outlets and schools and other sites evenhandedly in using Federal funds to pay State costs of commodity distribution. The emergency feeding sites would still be entitled to direct payments for their local administrative expenses before the State can use this administrative money for paying its own costs of distributing commodities. However, when the State uses Federal money for its own costs, it must use this money in an evenhanded way for both emergency outlets and traditional outlets. This will assure that emergency feeding sites are relieved of any local costs and that the State will use Federal funds to meet the needs both of those sites and of the more traditional agencies serving the needy.

An additional clarifying amendment requires the Secretary of Agriculture to be evenhanded in distributing surplus commodities to emergency outlets and schools and other sites that request them. The Secretary would not be permitted to limit the types of commodities that are made available according to the types of agencies requesting them. Additionally, the Secretary would have to respond to the requests of the recipient agencies. He cannot limit the types of commodities he distributes as he is trying to do under this year's emergency feeding program.

I fully support Chairman DE LA GARZA's clarifying amendments and I also support the entire legislation and urge its adoption. It makes simple logic for us to meet the needs of the destitute while eliminating some of the huge overabundance of surplus commodities.

Mr. DE LA GARZA. Mr. Chairman, I thank the distinguished chairman of the committee and I appreciate his cooperation in this endeavor.

Mr. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas, the chairman of the committee. This amendment clarifies the committee intention to make sure that commodities that the Secretary determines to exceed foreign and domestic commitments will be made available based upon the request of eligible organizations. Additionally, further clarification is provided concerning administrative funding for State costs of transportation, storage, and handling of these surplus commodities. Priority will still be given to pay the costs of emergency organizations and the remainder of administrative funds will be available to pay State costs of storing, handling, transporting, and distributing commodities to all eligible organizations.

As the chairman has said, this amendment was designed to meet the concerns expressed by the Committee on Education and Labor. This amendment continues and strengthens the provisions of H.R. 1590 by insuring that the funds provided for State and local administrative costs will be used in an effective and efficient manner.

I urge Members to support this amendment.

Mr. BIAGGI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to lend my support to H.R. 1590—the Emergency Food Assistance and Commodity Distribution Act—which is essential to the poor and hungry of this Nation if

we are to continue to provide surplus Government commodities to them in future years. As the author of companion legislation which was considered and passed by the House Education and Labor Committee—H.R. 1513—I am pleased that my bill is in large part reflected in the bill before us today.

Mr. Chairman, I would like to take this opportunity to thank the chairman of the subcommittee, the gentleman from California (Mr. PANETTA) for his cooperation and the chairman of the full committee, the gentleman from Texas (Mr. DE LA GARZA) for offering this amendment and his cooperation.

We would not be in this situation today if we faced a more hospitable Department of Agriculture that was amply committed to alleviating hunger in this Nation. We face a genuine crisis in this country among our poorest citizens. There are upwards of 20 million people out of work. As testimony to this crisis, last year, 10 million people stood in line to receive a single block of Government cheese. In 1982, the Department handed out 220 millions of pounds of cheese and 20 million pounds of butter under this giveaway program. Estimates for this year's distribution are approximately 500 million pounds of cheese and 125 pounds of butter. Despite this seemingly large quantity of food which had been sitting in Government warehouses instead of in the homes of America's poor and needy prior to its release by USDA—there still remain large quantities of additional foodstuffs which are suffering the same fate. Under H.R. 1590, USDA would be required to expand its distribution of surplus commodities to include wheat, corn, soybeans, peanuts, and dairy products such as nonfat dry milk. These commodities would be provided to emergency outlets, such as the Red Cross and to food banks, as well as to schools and senior citizens centers. It is estimated that some 5 billion dollars' worth of commodities are potentially available for donation, including 2.46 billion pounds of dairy products.

In testimony before our House Education and Labor Committee as well as before the House Agriculture Committee, the key factor that deterred a number of States from participating fully in the first round of the cheese giveaway was the lack of funds to administer the program. The bulk of the organizations which work with those who need these commodities the most are the very same nonprofit or public organizations which lack added money to store, process, transport, and distribute these commodities to the people they serve.

My bill, H.R. 1513, insured that all who needed these foods, would get them by providing Federal funds to all eligible organizations to assist in all phases of distribution. Under the bill before us today, a State could use the funds under this bill to pay for the administrative expenses of emergency relief organizations but at the same time, not provide any funds to nonemergency organizations, such as schools and senior centers, which serve a disproportionate number of poor and needy through their own federally supported nutrition programs.

I am pleased that an amendment which is to be offered by the distinguished chairman of the Agriculture Committee and my good friend, KIKA DE LA GARZA, in tandem with my own chairman of the Education and Labor Committee, CARL PERKINS, will address this inequity between these two groups. Both clearly serve large numbers of needy. Both need to receive the benefits of this legislation, the amendments—which I intend to strongly support—insures that nonemergency outlets will be assisted in their delivery costs. Thus, States could not use all the funds provided to them under H.R. 1590 for emergency outlets at the expense of our Nation's schoolchildren and senior citizens.

We further assist these outlets for the needy in this bill by requiring the Government to bear the burden of processing all commodities which are requests by States in forms suitable for home and institutional use. I am pleased that such a provision will be helpful in assisting the large number of Jewish New Yorkers which were excluded from the initial cheese giveaways because kosher cheese was not available for them and the State could not bear the costs associated with the initial processing of the order. Under H.R. 1590, USDA is required to demonstrate some sensitivity to ethnic and religious food preferences. Kosher commodities should be made available to States, with the processing cost borne by the Federal Government, to meet local demand. In speaking with a number of foodbanks across the country, this kosher problem was certainly not unique to New York. A number of urban centers, such as Philadelphia, Baltimore, Chicago, and Detroit had received requests for kosher commodities that they could not fill. I am pleased that the distinguished subcommittee chairman and key author of this bill, Mr. PANETTA, was able to accommodate this problem. In sum, the major provisions of this bill include:

First, authorization of a commodity distribution program through fiscal year 1985;

Second, requires USDA to distribute Government owned commodities domestically after our national and international program requirements are met;

Third, protecting the international wheat reserve by requiring USDA to purchase more wheat to replenish stocks if the donation program under this bill depletes stocks; and

Fourth, provides an added $10 million for additional processing in addition to the authorized $50 million which shall be given to States to offset local distribution costs. States would be provided funds at a level of 5 percent of the value of commodities given to the State agency for distribution.

The bill also provides that USDA publish annual lists of available commodities so that States can play accordingly.

In sum, Mr. Speaker, with this bill before us today, we are taking an important step in helping those who cannot help themselves. We have put into place a small safety net which cannot eradicate hunger in America but it can certainly help stop it.

Commodities will not avert the tragic consequences of a recession that has left this country's poor and needy with little resources. However, H.R. 1590 will certainly provide small relief to the million who are asking for a handout, but need a helping hand. I urge my colleagues to join with me in support of this vital piece of legislation.

PARLIAMENTARY INQUIRY

Mr. DE LA GARZA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DE LA GARZA. Mr. Chairman, I would like to verify that the amendment now before us includes page 6, line 16 and page 8, line 16.

□ 1130

The CHAIRMAN. The gentleman is correct. Both portions of that amendment are before us at this time.

Mr. DE LA GARZA. I thank the Chair.

Mr. MADIGAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the bill before us today proposes a 2-year program to expand, accelerate, and make more effective the current surplus commodity distribution program of the Department of Agriculture.

The need for such an effort is clear. The recession which began in 1979 has created an unprecedented need for temporary food assistance. Even with the economy on the rebound the permanent closing of plants and factories caused by a shifting industrial base has displaced thousands of workers who may need the commodities made available by this program. These workers can and will be retrained for other jobs but that will take time. This program will help them get by until they can again provide for themselves and their families.

Food banks, churches, and other community service groups are working tirelessly to meet the current demand

for food assistance. However, many are unable to keep up with the demand or do not have the facilities or the financial resources to transport, store, and distribute commodities such as butter and cheese.

It should be noted that President Reagan and Secretary of Agriculture Block have been sensitive to the increased need for temporary food relief and have moved to expand the Department's distribution efforts. In 1982, the first full year of the Department's current surplus commodity distribution program, 86 million pounds of cheese were given to needy families and individuals. This year the Department estimates that it will make available 291 million pounds of cheese, 60 million pounds of butter, and 11 million pounds of nonfat dry milk to States and local agencies for distribution to families and individuals. H.R. 1590 will make the current distribution program even more effective by expanding the variety of commodities available for distribution and providing much needed financial assistance for in-State transportation, handling, and storage. The Department expects to distribute rice, cornmeal, and wheat flour in addition to the butter, cheese, and nonfat dry milk which they are already distributing.

Funds made available under this bill will insure that States can get surplus commodities to every community that has a need. There have been situations under the current program where, due to a lack of funds, small rural towns and communities have not been able to obtain commodities. In addition to covering the cost of getting commodities to the local agencies, funds will be available to those agencies to cover the cost of transporting, handling, and storing commodities provided by the Department of Agriculture. However, these funds are not unlimited. An overall cap of $50 million per fiscal year is included in the bill as well as a provision limiting payments to 5 percent of the fair-market value of the commodities distributed to a particular State.

As I previously stated, this bill establishes a 2-year program. It will expire on September 30, 1985. With the economy on the upswing and unemployment rates beginning to fall I think by the time this program expires food banks and other private providers of emergency food assistance will once again be able to meet the more normal demand for such assistance. This program was designed to meet a temporary problem and should expire when that problem disappears.

This bill was conceived and drafted with the full cooperation of both Democrats and Republicans. I wish to commend the chairman of the subcommitte which handled this bill, Mr. PANETTA, and the ranking member, Mr. EMERSON, for their hard work on this bill. They bring before us today an excellent bill which I strongly support.

Thank you Mr. Chairman.

Mr. PEASE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief. I rise merely to commend the Committee on Agriculture for bringing this bill to the House floor and for devising this approach to expand the commodity program.

A couple of years ago the gentleman from Vermont (Mr. JEFFORDS) and I offered an amendment on the House floor to encourage the distribution of surplus cheese to food banks, and relatively shortly after that, I think as a result of the worsening in the economy, the Department of Agriculture not only followed that instruction but went on from there with a major program for distribution of surplus cheese, butter, and nonfat dry milk.

This bill would encourage an expansion of that program to make other commodities available as well to unemployed and needy families across the country.

I can report that in my district in Ohio, which has suffered a great deal of unemployment, an average rate of 17 percent or more over the last couple of years, the program of distribution of surplus commodities has been received very well. It has been administered with relatively few hitches and it has benefited a great many people.

I look forward to the expansion of the program, and I extend my congratulations to the Committee on Agriculture for its good work.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983.

As you know, Mr. Chairman, the Education and Labor Committee, on which I serve as the ranking minority member of the Subcommittee on Elementary, Secondary, and Vocational Education, also favorably reported a similar bill, H.R. 1513, the Emergency Commodity Distribution Act of 1983.

I believe that the legislation before us today addresses the problems encountered in insuring that excess Government-owned surplus food commodities are provided on an expedited basis to various organizations and programs which furnish food assistance to low-income and unemployed individuals and families.

Let me take this opportunity to commend my colleague from California, (Mr. PANETTA), as well as the distinguished chairman of the House Agriculture Committee (Mr. DE LA GARZA) and the gentleman from Kentucky, Chairman PERKINS, for their untiring efforts to bring before this body a humanitarian measure designed to share our agricultural abundance with those in severe need.

Mr. Chairman, I strongly urge my colleagues on both sides of the aisle to join me in supporting H.R. 1590.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to my chairman, the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I want to rise at this point to thank the gentleman from Pennsylvania (Mr. GOODLING) for his cooperation and his interest in this legislation and always for his understanding in the areas which we deal with, not only in this legislation, but other pieces of legislation that come from our committee. I certainly appreciate, and I am sure that the other members of our committee appreciate the gentleman's interest and always his sense of fairness but, most of all, his cooperation.

Mr. GOODLING. I thank the Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. DE LA GARZA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DE LA GARZA: On page 14, after line 2, insert the following new section:

"COMMODITY SUPPLEMENTAL FOOD PROGRAM

"SEC. 8(a). Effective on October 1, 1983, section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c, note) is amended by striking out, in subsection (a), 'amount appropriated for the provision of commodities to State agencies' and inserting in lieu thereof 'sum of (1) the total amount appropriated for the commodity supplemental food program, and (2) the value of bonus commodities, as defined by the Secretary, which are included in food packages distributed to program participants.'

"(b) The provisions of this section shall become effective on October 1, 1983.".

Mr. DE LA GARZA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DE LA GARZA. Mr. Chairman, this amendment would revise the authorization for funding administrative expenses for the commodity supplemental food program. Such funding is, under the 1981 farm bill, authorized at a level not to exceed 15 percent of the amount appropriated for the purchase of food for this limited but valued food assistance program. Since all food distributed under the program formerly was purchased with appropriated

funds, this base provided an adequate amount for administrative funding for program purposes. More recently, however, the Secretary has also made more nonfat dry milk available from Commodity Credit Corporation stocks for the food packages under the program, rather than purchasing it. As a result, program administrative funds were effectively reduced, as a percentage of the value of the food made available.

Title II of the 1983 jobs bill, Public Law 98-8, addressed this problem for fiscal 1983. My amendment would likewise address the problem, beginning with fiscal 1984, by authorizing administrative expense funding equal to 15 percent of the sum of the total amount appropriated for the program plus the value of bonus commodities donated for the program.

The amendment uses the language recommended by the administration. It is technical in nature and not controversial, and I hope my colleagues will support it.

□ 1140

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, again, this is a technical amendment. Indeed, the administration requested that we correct this technical problem with regard to the commodity supplemental food program.

It is an amendment that we have developed with others concerned about this program and we are, therefore, very supportive of it and ask the House to adopt it.

Mr. CARR. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the distinguished gentleman from Michigan.

Mr. CARR. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of Representative DE LA GARZA's technical amendment to H.R. 1590. This amendment would simply permit commodity supplemental food programs (CSFP) to receive funding for the distribution of donated commodities in the same manner in which CSFP's receive purchased goods.

Focus:HOPE, a food prescription program in Michigan, is the Nation's largest supplemental food program for malnourished infants, children, and pregnant and postpartum women. It receives and distributes USDA commodities to over 50,000 low-income people monthly, on prescription from 420 cooperating clinics, hospitals, and health service agencies. As a volunteer organization, Focus:HOPE coordinates over 1,000 private-sector volunteers monthly who provide various forms of assistance to needy mothers and children.

The 1981 farm bill authorized funding for administrative expenses at a level not to exceed 15 percent of the amount appropriated for the purchase of food for this excellent food-assistance program. The Department of Agriculture has since provided for donated goods under CSFP but has not provided the necessary administrative funds to distribute these donated goods. This has threatened the ability of Focus:HOPE and other such programs in the country to provide food to our Nation's needy.

The jobs bill addressed this problem for fiscal year 1983. This amendment would provide the necessary administrative funding for fiscal year 1984. I urge my colleagues to support this amendment and the passage of H.R. 1590.

I am a cosponsor of the Emergency Food Assistance and Commodity Distribution Act, H.R. 1590. This bill will have a far-reaching effect on the hungry citizens of our Nation. I am dismayed at the administration's opposition to this bill and urge my colleagues to help those needy individuals by passing H.R. 1590.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the distinguished gentleman from Arkansas.

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this amendment, in support of the bill, and congratulate the chairman.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to my distinguished colleague, the gentleman from Michigan.

Mr. TRAXLER. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment and the bill and congratulate the distinguished chairman, the gentleman from California, (Mr. PANETTA), and also the distinguished minority member of the full committee and also the subcommittee. It is an outstanding bill.

Mr. Chairman, I rise in support of the amendment offered by the distinguished chairman of the House Agriculture Committee, (Mr. DE LA GARZA). I want to thank the gentleman for his generosity in responding with Mr. PANETTA, the chairman of the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, so promptly to my request for a legislative modification to the administrative funding formula for the commodity supplemental feeding program.

In essence, Mr. Chairman, the problem has been that the value of donated commodities has not been included in the basis for administrative funds since the farm bill was passed in 1981. This is a technical and unforeseen problem, because prior to that date all food items for CSFP were purchased. If all food items were purchased, the change made in the 1981 farm bill would be no problem.

But the way in which the legislation was drafted means that administrative funds are provided only if a commodity is purchased, and no funds are provided if the commodity is donated.

This amendment resolves this problem once and for all. Administrative support will no longer vary depending upon the source of the food. Rather, funds will be provided equal to 15 percent of the value of the food—whether it is purchased or donated.

I am happy to say that we already resolved this problem for fiscal 1983 under the terms of the jobs bill, and we are in the process of resolving the fiscal 1982 supplemental that is before the Senate. With this amendment, the situation will be resolved once and for all.

Mr. Chairman, the commodity supplemental food program has been a very successful and very important food program for its recipients. It has grown over the past several years, and it will continue to grow with the support of my colleagues in the House. It is unfortunate that changes in commodity procurement policies created an unintended problem, but since the language before us in this amendment has been drafted by the administration and represents an understanding that bonus commodities are those that are provided without charge against the appropriation for this specific feeding program, we can return to the business of serving the needy while avoiding unnecessary administrative difficulties.

Once again, I thank the gentlemen from Texas and California for their support in this effort, and I urge adoption of the amendment.

Mr. AKAKA. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to our distinguished colleague, the gentleman from Hawaii.

Mr. AKAKA. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this bill. I also want to congratulate and praise Chairman DE LA GARZA and subcommittee Chairman PANETTA for their work on this bill.

It certainly will help the people of our country and this points out that there is a need for a distribution system and the funds that have been provided here will certainly help the people of our country.

Mr. DE LA GARZA. I thank the gentleman from Hawaii for his contribution and always his assistance in matters such as we handle today.

Mr. Chairman, I yield back the balance of my time.

Mr. EMERSON. Mr. Chairman, I rise in support of this amendment concerning the commodity supplemental food program. This amendment continues the provision contained in the jobs bill so that administrative funding for the commodity supplemental food program will be based on both the amount appropriated for this program and the value of bonus commodities in the CSFP food package. Previously, the 15 percent administrative funding was based only on the amount appropriated.

The language of this amendment is acceptable to the administration and in fact is contained in their package of legislation recently sent up.

I urge Members to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. DE LA GARZA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BURTON

Mr. BURTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON: On page 12, between lines 17 and 18, insert the following new paragraph:

(14) Commodities provided under this Act shall be distributed by means of a system developed by the Secretary of Agriculture and State agencies.

Mr. BURTON. Mr. Chairman, I think we all want to help the truly needy, but we also want to make sure we do not at the same time hurt the private sector.

I think all of my colleagues received a letter which they may or may not have had an opportunity to read, so I would like to read just a little of it to you. It is from the National Cheese Institute. It says:

We do not oppose giving away reasonable amounts of surplus cheese as a way to help the truly needy. However, we believe distributing larger quantities than the needy can consume causes retail sales to decline and at the same time Government purchases through the Commodity Credit Corporation will increase.

Through 1981, commercial sales of natural and processed cheese grew at an annual rate of approximately 4 percent. That was an increase of 4 percent. In 1982, the first full year of the giveaway program, the Government distributed an average of 17 million pounds of cheese a month and commercial sales of processed cheese declined by 1.6 percent. That is a 5.6 percent drop in one year.

During the first quarter of 1983, Government distribution increased sharply to an average of 52.7 million pounds per month and processed cheese sales declined by a disastrous 6.6 percent.

That is about a 10.6-percent drop since the giveaway program started, and that means that the dairy industry, the cheese industry, is losing a tremendous amount of money which is going to be made up in large part by the Federal Government, by the taxpayers of this country, through purchases of these products by the Commodity Credit Corporation. So we are in a vicious circle here.

The reason I introduced this amendment is because we have a lot of people who are not entitled to welfare assistance getting these products; cheese in particular, right now. It is my belief, my conviction, that only those who are truly needy should be getting help from the Federal Government in the form of subsidies, in the form of food stamps, in the form of cheese or any other commodity that we may be talking about.

What my amendment does is, it says that we are going to make sure that those who are truly needy are the ones who are going to get it. It does not affect the schools, it does not affect VA institutions or senior citizens centers. What it does do, however, is provide that those who are getting food stamps, those who are at the poverty level or below—130 percent of the poverty level or below—who are getting food stamps, would get coupons along with their food stamps, which would entitle them to commodities such as rice, cornmeal, honey, and cheese. Before they could get a 5-pound block of cheese, wherever the distribution center happens to be, they would have to present that coupon.

What that is going to do is cut out this fraud and it is going to save the taxpayers of this country millions of dollars, because if we do not do this, the sale of cheese commercially is going to decline, and as it declines, the Commodity Credit Corporation is going to have to continue to increase the amount of purchases that they are making. Right now, 10 to 20 percent of all cheddar cheese, which is 50 percent of the cheese produced in the country, is bought by the Commodity Credit Corporation. That means the taxpayers are buying it. That will increase the surplus, which in turn we are going to have to store or give away, and we are going to have to increase the giveaways, and as we increase the giveaways, the amount of cheese that is sold commercially is going to decline, and as it declines, we are going to have to buy it back through the Commodity Credit Corporation.

So what I am saying is, let us help those who are truly needy, and this amendment will set up a mechanism to do that. It will be administered the same way as the food stamp program. It will be a commodity coupon, and when a person goes to get honey, rice, meal, or cheese, they will have to produce this coupon and give it to the person at the distribution center, and that will eliminate people who are not entitled to Government assistance from getting it.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, as I understand the gentleman's amendment, what he would do is set up an entirely new commodity coupon system that would be tied to the food stamp program.

Mr. BURTON. Mr. Chairman, it is not a new system. I know what you are driving at: A new system would cost the taxpayers of this country a great deal of money because there would be a great deal of additional paperwork and bureaucracy.

Mr. PANETTA. Exactly.

Mr. BURTON. That is why I purposely decided to run it through the food stamp program. The only additional expense that I can see is that we would have to print the coupons, which would be a one-time expense, and it would be printed right along with the food stamps.

The reason that I wanted to do this is because it will not cost the taxpayers any additional money. We will be saving the taxpayers money because we will not have people who are not entitled to food stamps or cheese under the giveaway program getting it, as they are right now.

Mr. PANETTA. If the gentleman will yield further, the fact is that we would have to print additional commodity coupons, and there would have to be a system of accounting for those separate commodity coupons that would be involved here. I do not see how we can get away from the additional bureaucracy and the additional expense argument.

Mr. BURTON. I do not see that we would have to have a separate agency doing it. We have an agency that administers the food stamp program and is accountable as far as making sure those food stamps are used and adequately accounted for. It would be done right along with that.

Let me just explain how I envision it working. Right now a person takes a food stamp to a grocery store, they exchange that for food, and the food stamp then goes through the process and gets back, I believe, to the Department of the Treasury.

□ 1150

The same thing would happen with the commodity coupon. It would go to the distribution center. They would have to accept that receipt or that coupon. That would go back to the same channels, so there would not be any additional accounting.

The CHAIRMAN. The time of the gentleman from Indiana, Mr. BURTON, has expired.

(On request of Mr. PANETTA, and by unanimous consent, Mr. BURTON was allowed to proceed for 3 additional minutes.)

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, is the gentleman saying that only those recipients who are on food stamps would qualify for commodity distribution?

Mr. BURTON. Mr. Chairman, those who are getting the 5-pound blocks of cheese or the jars of honey or the meal or rice, whatever it happened to be—yes; they would have to be the people who qualify for food stamps.

Mr. PANETTA. Mr. Chairman, I do not know if the gentleman is aware of it but, for example, one-half of the elderly in this country who qualify for food stamps and who do not participate in the food stamp program because they do not want to participate in the food stamp program would be kept from receiving commodities if the gentleman's amendment is enacted.

Mr. BURTON. Mr. Chairman, those senior citizens who go to senior citizen centers or lunch programs and that sort of thing would not be affected because the products which are sent to those senior citizen centers would still be sent there, and they would get it in the food. Now, if they are going to obtain a block of cheese, like any other person who is getting assistance from the Federal Government, then there should be some mechanism to prove that they are entitled to it.

I do not want to sound callous, because I am very concerned about the senior citizens of this country, as much as anybody else, but I think, whether a person is 5, 10, 30, 50, or 70 years old, if they are eligible for Government assistance, they should be entitled to it, but they should go through the same procedures as any other individual. So senior citizens, if they need assistance from the Government, could go down and sign up for it, in my opinion, along with the rest of the population, and then they would be entitled to this commodity coupon and they could get the cheese or whatever commodity they wanted that was approvable under the program.

Mr. EMERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the amendment as read by the Clerk does not conform with the amendment that was delivered to me. I wonder if the Clerk might read the amendment again so that we know what we are talking about.

The CHAIRMAN. Without objection, the Clerk will re-report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. BURTON: On page 12, between lines 17 and 18, insert the following new paragraph.

(14) Commodities provided under this Act shall be distributed by means of a system developed by the Secretary of Agriculture and State agencies.

Eligible organizations must acknowledge receipt of such commodities. Eligible individual recipients shall be provided such commodities by means of commodity coupons distributed under the food stamp program pursuant to rules and regulations issued by the Secretary of Agriculture as authorized by the Food Stamp Act of 1977, as amended.

Mr. EMERSON. I thank the Chair.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield to me?

Mr. EMERSON. I yield to the chairman of the committee.

Mr. DE LA GARZA. Mr. Chairman, I appreciate the fact the amendment has been read, but there is some confusion here. Is this a re-reporting of the amendment or just a re-reading of the amendment?

The CHAIRMAN. The Chair will state that it is a re-reporting. The Clerk did not report the entire amendment.

Mr. DE LA GARZA. Mr. Chairman, I make that inquiry because, as the gentleman from Texas recollects, there was no unanimous consent to dispense with further reading. Therefore, the amendment was not read in its entirety, and I would have raised a point of order at that time had the amendment been correctly read.

Mr. Chairman, I will inquire, is it proper at this point, if the amendment has been re-reported, to raise a point of order?

Mr. Chairman, since there was some confusion, I felt obligated to bring the matter before the House, but I will state now that I would not raise a point of order at this time, and we may proceed on the amendment.

Mr. Chairman, I thank the gentleman for yielding to me.

The CHAIRMAN. For what purpose does the gentleman from California, Mr. PANETTA rise?

Mr. PANETTA. Mr. Chairman, I rise in opposition to the amendment.

Mr. EMERSON. Mr. Chairman, I thought that I still had the time.

The CHAIRMAN. The Chair did not realize that the gentleman wished to use the remainder of his time.

Mr. EMERSON. Yes, Mr. Chairman, I did reserve my time.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri, Mr. EMERSON.

Mr. EMERSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I believe that the concerns that the gentleman from Indiana has raised are able to be addressed within H.R. 1590. First of all neither I nor, I believe any member of the committee wants to see surplus commodities go to any one who is not in need. That concern has been woven throughout this bill and all of our deliberations on it.

As to the bill itself, H.R. 1590 provides that certain commodities will be made available to organizations that serve needy people—the focus is on organizations that are already established to help the poor. These organizations are divided into two categories—organizations that serve persons in emergency situations, people who are unemployed and have low income, and organizations such as school lunch programs, disaster relief organizations, and veterans hospitals. The Secretary of Agriculture and the States are charged with the responsibility to determine which organizations may receive the surplus commodities—the organizations must meet the criteria set forth in this bill and must be able to distribute commodities in an efficient manner.

These provision continue the current practice set up by the Secretary of Agriculture. States are given the authority to set eligibility criteria and determine which organizations can participate in this program, with the approval of the Secretary. I believe that is the appropriate place at which criteria should be set for this commodity distribution program.

I am glad that the gentleman from Indiana raised this issue. I certainly intend that the surplus commodities go only to organizations that serve poor people. There is no disagreement on that issue. I believe that the Secretary—right now, under his own discretionary program and that set up by the jobs bill—can require States to pay closer attention to who receives surplus commodities. I have heard complaints about cheese and butter going to people who are not in need. While the Secretary has given States the authority to determine who receives surplus commodities, I believe that it is his responsibility to make sure that abuses do not occur. I think that practice should be going on now and should continue under a program such as that authorized by H.R. 1590.

I do not believe that another bureaucracy should be set up for this commodity distribution program. I would be concerned about the cost, the paperwork and the additional personnel required to run this 2-year program.

The concept behind H.R. 1590 is clear—take surplus commodities and provide them to organizations that serve needy people. The Secretary and States are given the responsibility and the authority to determine which organizations fall into this category. If they both exercise this authority appropriately—surplus commodities will go only to people in need.

Mr. PANETTA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I want to heartily endorse the excellent statement by my colleague and ranking minority member of the subcommittee, the gentleman from Missouri, Mr. EMERSON. I

think he has hit all of the points that are important in terms of the amendment.

First of all, we do sympathize with the concerns of the gentleman from Indiana; there is no question of that. We are interested in these commodity foods going to the needy. But in the process of doing that, we want to provide maximum flexibility to the States and the localities so that they can indeed determine who the needy are within their communities.

That is the point here: Maximum flexibility for an emergency program.

This is not a new program. This is a program that is ongoing right now. It has been implemented by the secretary. It was put into effect by the jobs bill. We are simply expending on that program at the present time, so we want to allow the communities and the localities to determine who the needy are.

We do target the needy in this bill. We state that it should flow to the low-income people and to the unemployed. Those are the basic people we are trying to target for assistance here.

Indeed the States and localities have made that determination. They are in the process of doing that. They have made distributions, and indeed the program has worked very well to try to provide those foods to people who are in need.

Let me tell the Members what I have found after having had hearings across this country with my colleague, the gentleman from Missouri, Mr. EMERSON. We have gone to the food pantries, we have gone to the soup kitchens, and we have gone to the Salvation Army distribution centers. We have seen these people who receive these commodity products. These are not people who decided to just walk in off the street to get some cheese. These are people who are in need, they are people who are hungry, and overall this program is targeted toward those who are deserving.

In addition to that, there is adequate enforcement provided by the bill now. The Secretary of Agriculture is mandated to be sure that this food does go to the needy. If by chance abuses are found, the Secretary of Agriculture has the authority now to act against those abuses.

□ 1200

Let me also state without question in terms of the draftsmanship of this amendment, there is just no question we are talking about an additional level of bureaucracy that would have to be imposed here. We are talking about commodity coupons. Now, commodity coupons are going to have to be printed. Somebody is going to have to pay for the printing. Somebody is going to have to pay for those who distribute the coupons. Somebody is going to have to pay for those who have to then audit the coupons.

We also are limiting this only to people who are entitled to food stamps. Believe me, there are a lot of needy people in this country who do not participate in the food stamp program.

As I said, up to one-half of the elderly in this country who qualify and could get food stamps today say, "We don't want to participate," but at the same time they are in need. If they can qualify for this commodity distribution program, as they do now, why should they not? Why should we cut them off? Why should we make them go into food stamp offices if they do not want to?

So I think for a number of reasons that have been stated—the fact that the bill is presently targeted and adequately targeted, the fact that the States and localities now make the determination of who the needy are and the fact that we do not want to impose a whole new level of bureaucracy and redtape and regulations, the kind of thing the Federal Government has done program after program and, indeed, has been condemned by many of those who say this is the wrong way to do it—for all of these reasons, this amendment should be defeated.

This is a program that says to distribute commodities to the States, distribute them to the localities, and allow them to make a determination of who the needy are.

I urge the Members to reject this amendment.

Mr. BURTON. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

There was no objection.

Mr. BURTON. Mr. Chairman, I think the whole point that I am trying to make is that we must have accountability. We must know that the fraud that is involved in a lot of these programs, and as we expand these programs as we are doing today, ceases to exist or at least is held to a minimum.

Now, last week, as I understand it, on NBC they had a program that talked about the fraud in the cheese program, the cheese giveaway program.

I have talked to people in my district, businessmen, who have had people who were not below the poverty level coming in with a 5-pound block of cheese and trading it for another commodity or selling it because they did not need it or did not want it, but because it was given away and it was available to them, they took it. This is going on all across this country.

All I am saying is that we want to help those who are truly needy and those who are entitled to Government assistance.

The only way to police that is through some kind of a receipt mechanism. When they get the commodity, there is a receipt for it.

It is said that we are setting up a new bureaucracy. I say that is baloney. We are certainly not setting up a new bureaucracy. We have a food stamp program. All we are going to do is print a coupon that is distributed along with the food stamps, a commodity coupon, and when that coupon is distributed, the people take it in to the distribution center and if they get the cheese, they have to present a coupon.

I do not see where that is creating additional bureaucracy. The accounting will be done right along with the food stamp program, so there is not a new bureaucracy. I think that is a red herring that we are throwing into the ointment here.

Does anybody doubt that there is fraud that exists? Of course, it exists. How are we going to get a handle on that? Today we are expanding this program to include not only cheese and butter, but we are going to include rice, honey, and cornmeal. If people have a commodity coupon and they go to this distribution center and they want honey, they can get it. If they are below the poverty level or if they are eligible for assistance, all they have to do is go down and sign up for it and they can get their commodity coupon.

My concern is that if we do not have accountability, we are going to continue to see an expansion of fraud and people who are not entitled getting these things. What happens when that occurs is that we see a decline in honey sales. We see a decline in commercial cheese sales. We will see a decline in commercial cornmeal sales and rice sales. When that happens, the Commodity Credit Corporation is going to have to get involved and to buy these products, which is going to increase the stockpile and we are going to be in a vicious cycle and the taxpayer is going to bear the brunt of it.

The whole purpose of this amendment is to help the truly needy, but to make sure that we are not helping those who are just greedy and who are going to make a buck off the taxpayer.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes, I yield.

Mr. EMERSON. Well, I do not know how stringent the gentleman wants to be on enforcing the fraud provisions. I think the provisions of this act are pretty tough on fraud.

I would like to read from the committee report which sets out the penalties here:

The Temporary Emergency Food Assistance Act of 1983, or the Emergency Food Assistance and Commodity Distribution Act of 1983, whether received directly or indirectly from the United States Department of Agriculture, or whoever receives, conceals, or retains such commodities, products, funds, assets, or property for personal use or gain, knowing such commodities, products, funds, assets, or property have been embezzled, willfully misapplied, stolen, or obtained by fraud shall, if such commodities, products funds, assets, or property are of a value of $100 or more, be fined not more than $10,000 or imprisoned not more than five years, or both, or if such commodities, products, funds, assets, or property are of value of less than $100, shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

* * * * *

Now, that is a pretty tough penalty for stealing less than $100.

Mr. BURTON. Mr. Chairman, if I may reclaim my time, I am not questioning that there are severe penalties in the statute for those who commit fraud. The fact of the matter is that there is no way to police it. If there is a coupon that is necessary to get that commodity in the first place, you are going to cut down the likelihood of fraud to an absolute minimum.

How many people have been convicted of fraud, can the gentleman tell me that?

Mr. EMERSON. Well, I do not know how many people have been convicted of fraud.

Mr. BURTON. I do not think anybody has.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes, I yield.

Mr. DE LA GARZA. The gentleman just does not have the facts. He has not read the bill.

Yes, people have been convicted of fraud throughout the United States and the U.S. attorneys work very diligently on that.

Mr. BURTON. How many people have been convicted?

Mr. DE LA GARZA. I cannot give the gentleman the number, but I can supply it for the record.

Let me tell the gentleman that the people who have worked with food stamps, the previous chairman and ranking member and this chairman and this ranking member have worked tirelessly to prevent fraud and abuse. I can categorically state to the gentleman that food stamps have become the litany of the right, that they complain about food stamps.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

(At the request of Mr. DE LA GARZA, and by unanimous consent, Mr. BURTON was allowed to proceed for 1 additional minute.)

Mr. BURTON. Mr. Chairman, if the gentleman is only giving me 1 minute, I will not have time to respond. Can the gentleman give me 3, so I can respond to what the gentleman is going to say?

Mr. DE LA GARZA. I will help the gentleman get some more time.

Mr. BURTON. I thank the gentleman.

Mr. DE LA GARZA. I just want to make this one point. I can categorically state that if any person in the United States of America is receiving food stamps who is not entitled to them, either of two things happen. The person lied or someone made a mistake. Otherwise, we have tightened the program to such an extent that it is impossible for someone to receive food stamps who are not entitled to them. The gentleman keeps using the litany of fraud, fraud, fraud.

Mr. BURTON. May I regain my time?

I am not talking about fraud in the food stamp program. I did not say the food stamp program. I do not know where the gentleman got that. What I am saying is that there has been fraud in the cheese giveaway program and it was on television just last week on NBC. What I am saying, the only way to get a handle on that kind of fraud is to handle these commodities like the food stamp program.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

(At the request of Mr. DE LA GARZA, and by unanimous consent, Mr. BURTON was allowed to proceed for 2 additional minutes.)

Mr. BURTON. It is like the food stamp program, that we have a commodity coupon, that people will have to produce to get that commodity. I think it will keep fraud to a minimum and really help those who are truly needy. The taxpayers of this country then will not have to bear the brunt of the fraud that takes place.

Mr. DE LA GARZA. I agree with the gentleman about fraud, but I just want to make my personal viewpoint that being on NBC does not make it right or factual or the truth.

Mr. BURTON. Oh, I agree with that.

Mr. DE LA GARZA. But I said the gentleman has not read the bill, because we are dealing with public and private nonprofit schools. We are dealing with penal institutions and relief organizations.

Mr. BURTON. May I regain my time? My amendment does not affect those. It only affects individuals who are going to get a 5-pound block of cheese or any of those other commodities and when they go to get it, they are going to have to produce a coupon.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield further?

Mr. BURTON. Yes.

Mr. DE LA GARZA. The other commodity the gentleman is talking about, cheese, is given to the Salvation Army. It is given to the Red Cross.

Mr. BURTON. This does not affect them.

Mr. DE LA GARZA. Well, it is given to them and if you are in Salt Lake City, Utah, and you have a soup kitchen, the gentleman's amendment says you have to bring a coupon.

Mr. BURTON. No; it does not say that.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. BURTON. Yes, I yield.

Mr. PANETTA. I think that is a very important thing. If the gentleman says in his amendment, as I read it, that eligible individual recipients——

Mr. BURTON. Individual recipients, if the gentleman will read the first line, it says eligible organizations, such as the soup kitchens to which the gentleman alludes, must acknowledge receipt of such commodities. They sign a receipt. They do that right now.

Mr. PANETTA. Mr. Chairman, if the gentleman will yield further, the second sentence says eligible individual recipients then have to go through this commodity coupon distribution process. Now, if an organization like the Salvation Army is in turn then providing the surplus commodities to individuals, as they do in food pantries and in food kitchens, then the gentleman is saying that every one of those people has to have a coupon.

□ 1210

Mr. BURTON. I do not think that is a proper interpretation of the amendment and I do not think it can be expressed that way. What we are talking about is the commodity itself.

Mr. MADIGAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this is a very temporary program. We are talking about something that is only going to last 2 years.

The gentleman from California (Mr. PANETTA), has pointed out that what the gentleman from Indiana's amendment would do is to set up a requirement for the Government to retain permanent employees for what is going to be a very temporary program. What are these people going to do 2 years from now when this program has expired?

What is so magic about these coupons, anyway? Some commodities may get into the hands of the wrong people. There is nobody arguing about that. It is very possible that that can happen.

But the coupons can get into the hands of the wrong people, too. The coupons can be lost. The coupons can be stolen. The coupons can be counterfeited.

What we are talking about is a program to address the fact that the Government this year will spend $499 mil-

lion just to store some of these commodities. What the members of this committee want to do is to take these commodities out of storage, save those storage costs, and give these commodities to people that are hungry, to people that are needy.

Why make that any more complicated than it has to be? Why create this coupon thing for a very temporary program that is designed ultimately to save the Government some money?

If 5 pounds of cheese gets to the wrong person the coupon can get to the wrong person just as easily, and perhaps more easily.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I will be happy to yield to the gentleman.

Mr. BURTON. What is happening is retail sales of these commodities of cheese in particular is being cut drastically; it has gone down. There was a 4-percent increase 2 years ago and now it is down 6.6 percent, which is a drop of 10.6 percent. So you are seeing the private sector lose sales because a lot of people are getting these products and they do not have to pay for them.

Mr. MADIGAN. If the gentleman will allow me to reclaim my time, the coupon is not going to change that. If your coupon idea was established, and I do not yield to the gentleman, I do not yield, if your coupon idea was established and these people get these coupons and they can take the coupons and go and get the cheese, obviously they are not going to buy the cheese.

So the impact that you are talking about can occur whether you have coupons or not.

Now I will yield to the gentleman and caution the gentleman to learn his manners here on the floor very carefully and to ask people to yield and not to interrupt people when they are talking.

I now yield to the gentleman.

Mr. BURTON. I apologize to the gentleman if I interrupted.

The commodity coupon would be for whatever commodity was under the program and they would take a commodity coupon and they would have to produce it to get that commodity. I just wanted to answer, if I may.

Mr. MADIGAN. Nevertheless, if the gentleman will allow me to reclaim my time, that does not alter the fact that that person then is not any longer a potential buyer of something that they have just been given. They are not going to go buy 5 pounds of cheese if we have just given them 5 pounds of cheese.

So the market for cheese is going to be reduced by that 5-pound gift. Your coupon is not going to change the economics of that situation.

Mr. BURTON. May I respond?

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I appreciate the gentleman yielding and I rise because I think there is something that needs to be understood about the facts that are being used here in regards to what the cheese sales in this country are and what caused the decrease in cheese sales.

The fact is that people who receive the commodity distributions are not the people in this country who are going to buy that cheese in the first place. I come from the largest cheese production district in the country but I tell you, cheese is expensive. It is not the kind of thing that you buy if you do not have any money.

Yes; there have been decreases in cheese sales in the country but for the same reasons that there have been decreases in car sales and a lot of other sales, because we have been in a recession. That is why cheese sales are down, not because people who could not afford to buy cheese in the first place are getting surplus cheese from the Government.

I think we need to understand that and I appreciate the gentleman yielding.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from Missouri.

Mr. EMERSON. I do not know of anyone who can speak with greater authority on cheese than the gentleman from Wisconsin (Mr. GUNDERSON), and I want to thank him for his comments.

But we had very extensive hearings on this subject and we did not hear from the Cheese Institute in the course of our hearings about their problem with the declining sales in cheese related to the commodity distribution program. The Secretary already has ample authority to limit interference with the domestic market and I think that the concerns that are here and now being expressed should have been presented to the committee.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN. I will be happy to yield.

Mr. STANGELAND. I just want to commend the gentleman from Wisconsin and say that I come from perhaps the second largest State in production of cheese. I think the gentleman may have misstated just a little bit that cheese was expensive.

Cheese is not expensive. It is a good, cheap food.

I would like to remind the gentleman from Indiana that we have discovered that after giving people cheese and they find out the versatility of cheese and the good uses it can be put to, that those people who have not been buying cheese now become cheese buyers. So there has been that additional benefit from the program, and I thank the gentleman for yielding.

Mr. MADIGAN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The amendment was rejected.

Mr. STANGELAND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to take this opportunity to express my strong support for H.R. 1590, the Emergency Commodity Distribution Act.

This legislation follows and builds upon the earlier dairy distribution program implemented by the U.S. Department of Agriculture involving surplus cheese, butter, and nonfat dry milk, as well as the provisions of the recently enacted emergency jobs bill, Public Law 98-8, which expanded this distribution effort to include other Government-owned surplus commodities.

The concept involved in all of these programs is clear—the Government is currently storing surplus commodities at considerable expense to the taxpayer which can more appropriately be distributed to America's needy.

H.R. 1590 also contains a number of specific provisions which maintain and improve upon the existing food distribution program. H.R. 1590 directs the Secretary of Agriculture to use Commodity Credit Corporation funds to pay for the processing and packaging of commodities into forms which are suitable for home or institutional use.

The bill also directs the Secretary to use up to $50 million annually in CCC funds to pay the costs incurred by State agencies and emergency organizations in distributing the surplus commodities.

This particular provision addresses a concern that has been expressed by those responsible for distributing surplus foods in my State of Minnesota.

An additional $10 million per year is authorized in this bill to permit further processing into end products for use by emergency organizations.

H.R. 1590 also contains stiff criminal penalties to discourage individuals from stealing, embezzling, or obtaining by fraud any agricultural commodities under this program.

Judging from the response of those needy recipients who have already received distributed commodities, as well as from the increased demand we have seen from State agencies who have been administering these distribution efforts, there clearly is a need out there that this program should continue helping to meet.

In my mind, everyone benefits from this bill. The impoverished are able to receive direct assistance that helps meet their nutritional needs. Farmers are helped by the reduction in Gov-

ernment-owned surplus stocks which otherwise would continue to hang over the market and depress farm prices. And the taxpayer benefits by the reduction in Government storage costs incurred by holding on to these surplus stocks.

I commend the members of the Domestic Marketing, Consumer Relations, and Nutrition Subcommittee, particularly the chairman and ranking minority member, for the hard work they have done in putting this legislative proposal together. I believe that H.R. 1590 exemplifies a fiscally responsible, commonsense approach that addresses both our current commodity surplus problem and the need to provide food for our Nation's hungry and undernourished.

H.R. 1590 provides the vehicle necessary to continue for another 2 years the food distribution effort enacted in the emergency jobs bill and I strongly urge my colleagues to support this important legislation.

Mr. BIAGGI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to pose a question to the distinguished chairman of the committee, KIKA DE LA GARZA, regarding the sanctions in the bill for those who abuse the commodities provided under this legislation.

I was most distressed to learn that in my own city of New York last week, several people were caught by Federal agents trying to resell donated commodities for a price to local dealers. Naturally, these individuals will be brought to justice for such a heinous crime. However, I would like to know to what specific provisions exist in the bill for people caught in this stype of situation?

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I will be privileged to yield.

Mr. DE LA GARZA. Mr. Chairman, as the gentleman is aware, this legislation contains several safeguards to insure that the commodities distributed under H.R. 1590 go to the low income and unemployed needy for whom they are intended. This bill specifically states that should participants embezzle, willfully misapply, steal, or obtain such commodities by fraud, appropriate penalties must be assessed. These penalties for the violations cited are a fine or not more than $10,000 or imprisonment for not more than 5 years, or both, if such commodities, products, funds, assets, or property are of a value of $100 or more. If such commodities or property are of a value of less than $100, the penalty is a fine of not more than $1,000 or imprisonment for not more than 1 year, or both.

It is also the committee's intent that the commodities distributed are protected against misuse by private companies that participate in the private sector inventory program. Whereas we strongly support USDA's efforts to allow private companies to take surplus commodities and process them into food products for use by eligible organizations, H.R. 1590 clearly prohibits companies from selling or otherwise disposing through commercial channels the initially processed USDA commodities. State governments and eligible organizations will also be prohibited from misusing or selling such commodities.

These protections and penalties are included in H.R. 1590 to make sure that surplus commodities distributed go to only those in need and provide appropriate punishment for those who misuse such commodities.

Mr. BIAGGI. I thank the gentleman for this information and commend him for his attention to this very important matter. Clearly we do not want to accommodate profiteering in this donated program and these provisions will be an obvious deterrent.

● Mr. ERDREICH. Mr. Chairman, I would first like to commend LEON PANETTA, chairman of the House Agriculture Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, for bringing attention to the plight of so many jobless Americans who are hard pressed to feed their families, and to one solution to the problem that is already in the hands of the Federal Government if only we will grasp it. I am grateful that Mr. PANETTA allowed me the opportunity to be the leadoff witness last March when his subcommittee held a field hearing in Birmingham on the topic of hunger and malnutrition.

I would also like to thank the chairman of the House Committee on Agriculture, E DE LA GARZA, for ultimately helping to bring H.R. 1590 to the full House.

The response of this Congress to the problem of hunger in this country must be no less than the challenge that stands before us of helping to reduce it.

Back in March, when I testified before the House Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, I told subcommittee members how vital it was that we use every available resource, particularly those surplus commodities being held in storage by the U.S. Department of Agriculture, to be sure that our citizens do not go hungry. At that time, thousands of tons of surplus Government commodities, which could have been used to help fight this problem, were sitting in storage at tremendous expense to the taxpayer.

I also wrote a letter to Agriculture Secretary John Block last February, urging him to make additional commodity food supplies available to my constituents in Jefferson County, where the unemployment rate at that time stood at 16½ percent.

While the 1983 jobs bill set up an emergency food distribution program to assist the unemployed who are served by food banks and other facilities, authorization of the program is set to expire on September 30, 1983. Passage of H.R. 1590 is essential to assuring the basic necessities of life for the families of the jobless in Alabama and across the Nation.

The bill would not only assure the continuance of emergency food assistance for another year, but would also authorize the distribution of surplus commodities beyond cheese and butter.

Poor economic conditions have placed a tremendous burden on many hard-working Americans who currently find themselves without a substantial means of support. It is my sincere hope that this bill, H.R. 1590, will be approved by the House and receive swift passage in the Senate to provide a mechanism for the Department of Agriculture to move food from storage onto the tables of those in need.●

● Mr. COYNE. Mr. Chairman, I rise in strong support of H.R. 1590, the Emergency Food Assistance and Commodity Act of 1983.

Those of us who have the luxury to eat when we are not hungry or to drink when we have no thirst can easily forget that there is hunger in America.

It is not so easy for many residents of our urban areas to forget. The president of the U.S. Conference of Mayors, Mayor Coleman Young of Detroit, terms the problem of hunger "probably the most prevalent and most insidious" one cities must face.

According to officials at the Pittsburgh food bank, more than 100,000 people now go hungry daily in Allegheny County. These are people who miss more than just one meal a day on occasion. Many go 1 or 2 days without nourishment. While we see no monthly report on hunger statistics, as we do for unemployment, it is certain that the rise in unemployment in western Pennsylvania contributes to the increased number of persons going without food. The Hunger Action Coalition in Pittsburgh reports that their emergency food assistance hotline is jammed with calls. The Salvation Army has experienced an increase in the number of cases involving food needs. In October 1982, these cases numbered 458. By December, food cases totaled 705. In January 1983, the Salvation Army handled 744 food cases in 1 month.

This story is repeated all too many times in urban areas of America. The Emergency Food Assistance and Commodity Act alone will not solve the hunger problem. As the committee indicates, the measure is:

* * * A relatively small and probably temporary supplement to the country's most

basic and efficient feeding program, the food stamp program. It will partially fill some of the significant gaps left by the food stamp program, assisting those in need who either do not qualify for food stamps or those whose benefits run out before the end of the month. It will also provide some short-term assistance to various child nutrition programs.

H.R. 1590 provides emergency food assistance to those in need by passing on surplus, Government-owned commodities not otherwise needed for domestic or international commitments. According to the General Accounting Office, Government-held surpluses at the end of 1982 included dairy products, rice, oilseed products, honey, sugar, and vegetable oil.

I am pleased the measure provides limited funds to help communities distribute the commodities to emergency food centers and other outlets, such as VA hospitals, schools, and meal centers for the elderly. Some of the localities which need this assistance the most are so hard pressed for cash that relatively minimal distribution costs can be prohibitive.

I urge a yes vote on H.R. 1590. It is my hope that we can act swiftly on the measure, send the bill to the President for his signature, and begin the business of routing these commodities to people who need them.

At this point, I would like to include in the RECORD a summary of a report, "Hunger in Southwestern Pennsylvania," prepared by the Health and Welfare Planning Association of Pittsburgh.

The material follows:

HUNGER IN SOUTHWESTERN PENNSYLVANIA—EXECUTIVE SUMMARY

This report is not meant to be a definitive study of the problem of hunger in Southwestern Pennsylvania, which would take many months to complete. It is an analysis of certain indicators of need including information gathered from agencies experiencing the brunt of greatly increased emergency requests for food.

The additional data gathered since the preliminary report of January 27, 1983 confirms HWPA's original impression that many people are experiencing difficulty in obtaining adequate food for themselves and their families, and that this difficulty is likely to continue for some time. Following are some of the general conclusions:

THE PROBLEM

The number of people who face the immediate problem of how to obtain sufficent food has dramatically increased due to high unemployment, loss of benefits, and changes in eligibility for public assistance and food stamps.

INDICATORS OF NEED

Unemployment has increased by 4.6 percent in Pennsylvania, 6.7 percent in Allegheny County, and 8.2 percent in the Pittsburgh SMSA since 1980.

A 1977 study by the Hunger Action Coalition found that 3 percent of the population of Allegheny County or 112,000 persons endured hunger occasionally. At that time unemployment was 6 percent. It is now over 12 percent. Also, since that time, welfare and food stamp eligibility requirements are stricter.

Many public and private organizations and groups in our community have responded to the problem of hunger and their continuing efforts are to be commended.

The Regional Office of Unemployment Compensation, Pennsylvania Department of Labor and Industry reports that during the first two months of 1983, 16,000 persons in the Pittsburgh four-county labor market area exhausted their unemployment benefits. Thirty-eight thousand persons exhausted unemployment benefits for the calendar year 1982. There is no tracking of these people, therefore, no estimate on how many may have found employment.

Although some economic indicators show signs that a slow national recovery is beginning, unemployment is a complex problem and indications are that it will continue to be high in Southwestern Pennsylvania for some time. The $1.7 million City of Pittsburgh Jobs Program to provide 170 jobs for six months is to be applauded, but actual impact on unemployment will be minimal as far as total figures are concerned. It should also be noted a Federal multi-billion dollar jobs bill has passed both the House and Senate and will now go to committee for resolution. Pennsylvania, due to its high unemployment rate, will be one of the target areas; however, it is not known how much will trickle down to Southwestern Pennsylvania and when, or what its impact on unemployment here will actually be. It is safe to say it will be some months before it would have any impact.

In April 1983, 9,143 persons will lose their cash benefits from the Department of Public Welfare.

The Pittsburgh Community Food Bank reports dramatic increases in requests for food. It has distributed over three times more food in 1982 than in 1981 and cannot keep up with agency requests for food. Other providers of service indicate similarly large increases.

More food pantries are needed.

Agencies need funds to purchase more food, equipment, transportation, space and the hiring of more staff.

The need for food is only one of the problems being faced by those suffering the impact of unemployment and changing welfare eligibility. Others are utilities, shelter needs, and loss of health care benefits.

The network for providing food is somewhat fragmented. Agencies in the network express a desire to develop better coordination.

The evidence is strong enough to suggest that there is a hunger problem which requires the attention and financial support of the top community leadership, including corporations, labor, city and county government, utilities, banks, human service agencies and the United Way.●

● Ms. SNOWE. Mr. Chairman, I rise in strong support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983. As an original cosponsor of H.R. 1590, I believe this legislation will not only serve the needs of the truly disadvantaged in our country, but will also reduce our agriculture surpluses which will enhance prices to farmers and eliminate costly Government storage expenditures.

No time in our recent history, Mr. Speaker, have we faced a paradox of an abundance of agricultural commodities amidst Americans suffering from hunger and malnutrition. The survey findings by the Center of Budget and Policy Priorities on the state of our emergency food programs in the United States were quite disturbing. Due to the high level of unemployment in our country, we have seen the number of individuals served at soup kitchens double from February 1982 to February 1983, with many food agencies forced to turn away needy individuals as a result of insufficient food supplies. The current plight of the economically disadvantaged necessitates prompt action by Congress, and I commend my colleagues on the Agriculture Committee and the Educational and Labor Committee for producing worthwhile legislation.

I particularly support the provisions for State and local assistance in H.R. 1590, which would provide up to $50 million a year to States and emergency feeding organizations to defray administrative costs incurred in the operation of the commodity distribution programs. In Maine, the special dairy distribution program has been very popular and well received. In 1982, the State received 808,030 pounds of surplus cheese and 151,488 pounds of surplus butter under the dairy program to assist more than 66,000 Maine households.

Many times as a result of the costs associated with the distribution of the cheese, however, State and county officials have had to significantly reduce the number of distribution sites. While State officials rely heavily upon the National Guard and the community action program to distribute the cheese to the needy, these voluntary efforts are not enough to sustain the successful operation and the State's continued participation in the special dairy program. Therefore, I wholeheartedly support the Federal assistance that will be provided to the States and localities under this legislation to pay for storage, warehouse facilities, and office equipment.

I also believe this legislation will serve to lessen the financial burden of the Federal Government for the storage of excess commodities. Storage of farm commodities cost the Federal Government $12 billion in fiscal year 1982, with Federal outlays for this current fiscal year expected to rise to $21 billion. The Federal Government cannot afford to continue to absorb these tremendous expenditures in the face of large deficits. An acceptable alternative to this dilemma is to provide these surplus commodities to the economically disadvantaged who are truly in need of assistance.

Mr. Chairman, we can no longer ignore the problems faced by those in need. By allowing a wide spectrum of surplus commodities to be distributed

to emergency food centers, charitable institutions, schools, and child care institutions, this legislation will go far toward addressing the needs of the disadvantaged in our country. H.R. 1590 offers a sensible response to an important problem, and I urge its support.●

● Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 1590, the Emergency Commodity Distribution Act now being considered by this body. The measure would direct the Commodity Credit Corporation to distribute surplus foodstuffs to eligible emergency organizations providing food to the needy and unemployed and other organizations which operate general purpose feeding programs.

Although traditionally, the CCC engaged only in dairy products, in the last few years their role has expended to include cornmeal, rice, honey, and flour. Distribution of these commodities is widely needed, and should not remain dormant if there is demand for them.

This legislation enables a wide variety of organizations to become eligible; food banks, soup kitchens, child-care centers, penal institutions, and the much-heralded Meals-on-Wheels program for senior citizens are among the many groups who will be able to distribute our Nation's surplus commodities. Mr. Chairman, this proposal is meant to complement existing nutrition programs, whether provided for by Federal, State, or local governments, and further stipulates that those receiving food under this program are exempt from these commodities being considered part of their income. Our intent here today is to insure that the suplus crops grown by our farmers are utilized to the maximum extent possible, for the benefit of the people most in need. That the measure stipulates that such commodities cannot be sold commercially highlights the committee's intent that no monetary profit be gained from such distribution. While this legislation will not solve the problem of hunger in America, it will certainly help in alleviating some of the pangs. I reiterate my support of this legislation, Mr. Chairman, and urge its adoption by my colleagues.●

● Mrs. KENNELLY. Mr. Chairman, today we consider H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983, which will make very clear that Congress wants to see surplus U.S. food supplies distributed to people in need after October 1, 1983, with provisions made for State and local administrative costs.

In today's summer Sun, with a few favorable trends in the economic indicators, it is easy for us to forget unprecedented numbers of Americans are going hungry. Malnutrition is on an alarming increase, yet the Federal Government holds enough food in its warehouses to give each of the 32 million people living in poverty: 13 pounds of butter, 26 pounds of cheese, 43 pounds of nonfat dry milk, and 62 pounds of rice.

Voluntary organizations are strained past their limits: in Hartford, the Salvation Army, facing a 400-percent increase in demand, has had to limit its services to families with children, and turn away single men.

There are officials in our States who care deeply about this crisis of hunger; there are volunteers who will again make enormous efforts to find solutions. In Connecticut, particularly, we have a Feed-A-Friend program in place which can distribute additional surplus commodities whenever they are released. What this program needs is cooperation from the Federal Government. What it needs is enactment of this emergency food distribution legislation, H.R. 1590, and I urge my colleagues to support its passage.●

● Mr. FRENZEL. Mr. Chairman, I rise today to express my nervous approval of H.R. 1590 which would provide for additional commodity distribution measures when the distribution provisions in the jobs bill runs out in October of this year.

During a time of large commodity surpluses, and 10 percent unemployment it is reasonable to distribute some of these surpluses to those who need it.

However, I have always been skeptical that a large portion of the food distributed in these programs ends up somewhere else than in the hands of the needy. I note that there is consideration given to providing for safeguards. I hope they are adequate. It is further noted that nearly two-thirds of the authorized funding for this act is destined to help meet State and local administrative expenses, which is often where the shortfalls come and administrative failings begin.

Mr. Chairman, the cost of this bill is substantial. The Congressional Budget Office estimates that the program will cost $73 million and $79 million in 1984 and 1985 respectively. However, when compared to the costs of food stamp and other programs, this is an expense that looks affordable considering the specific group at which it is targeted.

Mr. Chairman, as long as the USDA takes the responsibility to oversee the distribution of these commodities, and to put some safeguards into place to insure that the emergency food goes to the targeted beneficiaries, I will vote in favor of this bill, and urge its passage.●

● Mr. RAHALL. Mr. Chairman, today I wish to express my strong support for H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983. This most urgently needed legislation addresses a problem that one of this country's big city mayors termed "probably the most prevalent and most incidious" facing our Nation—hunger.

At a time when unemployment for the long-term jobless is increasing, Congress must act to feed those in our Nation who bear the brunt of this recession. While there are those in the administration who claim recovery is at hand, for too many West Virginians and Americans, recovery means an empty stomach and contemplating how to feed one's family.

Under this bill, the Secretary of Agriculture would be required to publish, once a year in the Federal Register, an advanced estimate of the type and quantities of surplus commodities the Secretary anticipates will be available under this program. The purpose of this bill is to distribute the excess commodities the Nation does not need for its foreign and domestic reserves. A 1982 report by the General Accounting Office found that the Government had surpluses in the following commodities: Dairy products, rice, oilseed products, honey, sugar, and vegetable oil.

H.R. 1590 directs that surplus commodities be given to the appropriate State agency for distribution within each State. Should there not be enough commodities to meet the needs of all organizations applying in each State, this legislation gives preference to those groups serving people that have an emergency need such as food banks, soup kitchens, or other charitable groups.

Fifty million dollars would be authorized each year to help States and emergency feeding groups defray the administrative costs they incur storing, transporting, handling, and distributing surplus commodities under this act. State and local agencies will be reimbursed for only those expenses they acquire carrying out the provisions of this legislation. Money appropriated under this bill cannot be used for normal operating costs. Nonemergency organizations such as schools, elderly feeding programs, and hospitals would not be eligible for administrative funds from H.R. 1590.

Ten million dollars is authorized each year to process the commodities into suitable forms for individual use. It is my understanding that under the current surplus food program a backlog has developed at the processing level. This authorization of money will help to correct that problem.

The provisions in this bill would become effective on October 1, 1983, and expire on September 30, 1985. As with any program, Congress must protect this one from abuses. H.R. 1590 establishes penalties and jail sentences for violations of this act.

Again, I wish to express my strong support for H.R. 1590 and I urge its adoption by the House of Representatives. Mr. Speaker, it is a shame when

this Nation, the agricultural leader of the world, cannot feed its citizens who are hungry.

I would like to commend the Committee on Agriculture, particularly the Subcommittee on Domestic Marketing, Consumer relations, and Nutrition and its chairman, Congressman LEON PANETTA, for their fine efforts in drafting this legislation to address an urgent need facing America today. This bill does not create a new bureaucracy and is simply an attempt to feed those who have suffered the most during these trying times.●

● Mr. JEFFORDS. Mr. Chairman, I rise in strong support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983.

This bill will help to ameliorate a truly tragic paradox in our country. We have more food in our warehouses than we know what to do with and more hungry people in our streets than we can feed.

There is no reason whatsoever that a country as rich as ours cannot feed its people. Unemployment remains high, and other economic maladies persist. But our difficulties in no way relieve us of the obligation to care for the needs of the least fortunate people of our society. No amount of twisted logic can explain away this obligation.

One need not be a member of the Agriculture Committee to know that our warehouses are bulging with surplus commodities. These surpluses obviously raise many questions of policy, questions currently under discussion. But regardless of one's thoughts on the origins of or proper remedy for the surpluses, there should be no question that these surpluses ought to be used to alleviate hunger in this country.

In the Great Depression, people could not understand why food was withheld and destroyed even as people went hungry. They still cannot understand it, and neither can I. I simply do not know how to explain why milk, cheese, and other staples lie idle, and soon may rot, while people go without.

My colleagues who have looked into this issue, who have talked to purchasing and distribution people in their districts, or who have looked at the testimony received by the subcommittee on nutrition, know that commodity distribution is a tremendous undertaking. Processing, storage and distribution are costly and complicated. Though States and volunteers have done an admirable job, I think it is time we gave them more than verbal support. I urge my colleagues to adopt H.R. 1590.●

● Mr. DONNELLY. Mr. Chairman, in March, Congress approved an emergency jobs bill, Public Law 98-8 that in addition to creating jobs, established an emergency food distribution program designed primarily to assist the needy and unemployed who are served by emergency relief agencies. Today, I would like to rise in support of the bill, H.R. 1590 that would, through fiscal year 1985, require the continued distribution of bonus commodities to food banks, hunger centers, and soup kitchens; in addition to other nonprofit relief organizations.

The Agriculture Department currently has potential access to nearly 5 billion dollars' worth of price-supported commodities yet has made little use of its authority to release Commodity Credit Corporation bonus commodities. Given the poor economy and number of people needing emergency food aid, we must take immediate action to stimulate the USDA to release surplus commodities to the people who need them the most.

According to a report released by our Nation's mayors at their annual conference here. There has been a dramatic increase in the number of city dwellers going hungry. The problem has been cited as "one of the most prevalent and the most insidious facing cities." They also reported that "a rapid proliferation of soup kitchens, food pantries, and emergency telephone hot lines has failed to keep up with the demand for food." It is only with Federal assistance that our States and cities stand any chance of stopping further growth of hunger in America. While commodity distribution programs alone are not enough to cope with the acute problems created by recession, they are a useful and timely method of providing food assistance to the needy.

I sincerely hope that my colleagues will support speedy passage of commodity distribution legislation for the sake of the millions in this Nation who are suffering.●

● Mr. LEVIN of Michigan. Mr. Chairman, I rise in support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983, and urge my colleagues to vote for this bill. This vital legislation will furnish surplus commodities to emergency and nonemergency organizations in order to provide urgent relief to the needy and unemployed. I commend the diligent efforts of the volunteer and charitable organizations in this country who have worked so hard to eliminate the pains of hunger and economic hardship suffered by so many Americans. Unfortunately, their efforts are jeopardized because the problem has become so great that they do not have enough resources to feed all those in need.

The Federal Government's surplus distribution programs have moved us closer to realizing our national goal to alleviate hunger, both domestically and abroad. However, current domestic economic conditions are calling for stepped-up efforts; States and surplus food distributors are not able to meet the needs of the growing numbers of hungry Americans. Focus:HOPE, a nonprofit service organization in Michigan, operates the Nation's largest commodity supplemental food program for pregnant mothers, infants, and preschool children, and senior citizens. This organization distributes USDA commodities to over 50,000 low-income persons monthly in the Detroit area, but sadly is faced with a waiting list of 10,000 hungry senior citizens.

The critical nutritional needs of the poor and hungry in our States and cities ironically exist at a time of robust, Government surpluses of food items. We are all aware of the billions of Government dollars' spent to store excess commodities; and in addition to the existing surplus dairy products, the Government also has stockpiled amounts of wheat, honey, rice, and nonfat dry milk. This is food that has already been purchased by the Government: billions of dollars' worth of food costing billions to store.

H.R. 1590 will allow for the immediate distribution of 1 billion dollars' worth of surplus commodities, saving the Government millions in storage cost. The Emergency Food Assistance and Commodity Distribution Act effectively bridges the gap between exorbitant Government expenditures on surplus food storage and the urgent nutritional needs of the Nation's poor and unemployed. I encourage speedy passage of H.R. 1590.●

● Mr. STARK. Mr. Chairman, I rise in support of the bill H.R. 1590. The problem of hunger in this country is well-documented, yet it seems to me that most people either ignore the hunger that exists in the United States or simply cannot believe that it does exist here. This legislation addresses the hunger problem in the most direct fashion possible: It gives surplus Government food to those who need it.

The urgent need for this food and the reality of the hunger that exists has been most recently documented in a report from the U.S. Conference of Mayors. Entitled, "Hunger in American Cities," the report details the hunger problem in eight American cities. One of the cities that the report deals with is Oakland, Calif. I would like to include at the end of my remarks that portion of the report that outlines Oakland's situation.

One of the major problems with other Government food assistance programs has been the cost of distribution. In the past, most of this cost has been borne by local organizations or volunteers. The committee report on H.R. 1590 documents clearly that these organizations cannot continue to bear the burden of distribution and storage costs. The committee provides for up to $50 million annually to reimburse States and other organizations distributing food. I congratulate the

committee in recognizing this need for funds and acting on it.

H.R. 1590 is legislation designed to last for a 2-year period. I would like to see it happen, Mr. Chairman, but I do not believe that hunger will be eliminated in 2 years. Distribution costs will become a problem again. Also, H.R. 1590 only provides money for the distribution of Government commodities. Many private firms have and are willing to donate large amounts of food. However, as with Government food giveaway programs, the cost of distribution can be and is a serious impediment to getting the food to those who need it.

I would like to take this opportunity to remind my colleagues of H.R. 1585, a bill to provide that certain contributions of transportation services will be treated as charitable deductions, introduced by Mr. ECKART, Mr. HALL, and myself. This legislation would allow a tax deduction for transportation services that are used to distribute donated food. The deduction would be equal to the cost of providing the transportation services plus one-half of the fee normally charged for providing such service.

There exists in current tax law a similar provision to encourage the donation of private food. The deduction has helped to increase food donations. I strongly believe that we need a concomitant law to get that food to the people who need it.

Mr. Chairman, I think that H.R. 1590 is a timely piece of legislation. It is one that is needed to help the hungry and help reduce surpluses that are choking our farmers. But I hope that my colleagues will examine H.R. 1585 which though not a complete solution, will provide a timely approach to the problem of distributing food to the needy and hungry.

The following material was submitted for the RECORD:

OAKLAND

Mayor: Lionel Wilson.
Population: 339,337.
Population in Poverty: 24 percent.
Minority Population: 71.4 percent.
Official Unemployment Rate: March 1983—12.7 percent; March 1982—12.1 percent.

PROBLEMS

The demand for food assistance programs in Oakland has increased substantially recently:

During 1982 the number of Oakland residents participating in emergency food programs increased by one-third from 15,000 to 20,000 people.

Since the surplus commodities program began in Oakland in September, 1982, the number of participants has increased rapidly and there are now, about 35,000 people taking advantage of it.

During 1982 the number of food stamp recipients in Oakland increased by 7.5 percent, despite more stringent eligibilility guidelines.

City officials attribute the growth in demand to a high rate of unemployment, due primarily to plant closures, lack of economic growth and a large unskilled labor force. The people in need of assistance are unemployed or low income. Eighty percent are Black, 10 percent White, and 10 percent Hispanic. The majority of the participants in the programs are young mothers and their children. City officials estimate that approximately 50,000 low income Oakland residents could use emergency food services. At present less than half of these, or 20,000, can be served.

RESPONSES

Oakland's Mayor Lionel Wilson has established a Task Force on Emergency Shelter and Hunger to coordinate efforts to address the programs of increasing hunger and homelessness. Its membership includes representatives of city and county governments, churches, and community-based organizations. To coordinate food distribution, establishment of congregate meal sites, public information, and other activities, community agencies, churches and voluntary organizations have formed the Alameda County Emergency Food Coalition.

Emergency food facilities are operated primarily with County revenue sharing funds, which constitute 98 percent of the funding, or $279,948. Private, charitable donations account for the other 2 percent. Thirty percent of the program staff are paid employees; 70 percent are volunteers. Food is purchased wholesale through a local food company and distributed at 13 sites throughout Alameda County, six of them in Oakland. The Alameda County Social Services Agency refers applicants to the emergency food programs. Applicants must be current or prospective welfare recipients. One-hundred percent of the applicants request emergency food assistance; 20 percent request shelter. The several voluntary and religious agencies which provide food services include Bay Area Community Services, the Salvation Army, St. Vincent de Paul, and the Red Cross.

Efforts are now underway in Oakland to locate additional resources or donated food, involve community based non-profit organizations in the USDA surplus commodities program, and develop a plan for a food bank. The City is working to involve churches, community based non-profit organizations and voluntary agencies in dealing with the problem and to coordinate their efforts in order to increase the resources available. To increase public awareness of the problem there have been public service announcements on television, newpaper articles, and the distribution of brochures and fliers. Fund rasing has been done by telephone and through speeches made to business organizations and social clubs.

UNMET NEEDS

Services are clearly not available to meet the current needs in Oakland. Thirty thousand people are in need of emergency food services and cannot now be served. Additional facilities and food are needed; existing facilities need to be expanded.●

● Mr. HALL of Ohio. Mr. Chairman, I rise in support of H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983. I am proud to be an original cosponsor of this important legislation to relieve hunger in America.

The Emergency Food Assistance and Commodity Distribution Act requires the Department of Agriculture to distribute Government-owned surplus food to food banks and other emergency feeding centers. It also authorizes funds to assist local food relief organizations with some of the burdensome administrative costs of the program.

This measure continues and expands for 2 years to food distribution efforts created under the jobs bill passed earlier this year, which are scheduled to expire at the end of September.

Hunger is not a problem of the past. Nor is it a problem confined to isolated spots in the country. Hunger is here, today, in the United States. It is in the heart of our cities and in our towns. It is growing.

Unless Federal, State, and local governments join with private relief agencies in a united fight against hunger in America, we will witness the increase of its symptoms, malnutrition, and disease.

In my district, the Montgomery County Hunger Coalition, one of the food providers in the Dayton area, offers a 3-day emergency food ration. During the first quarter of 1982, 10,314 applicants received assistance. One year later, this number has more than doubled to 25,547.

In addition, the coalition has found it necessary to expand the program to provide additional food to recipients unable to feed themselves once the 3-day food supply has been exhausted.

Montgomery County is fortunate to have one of the most extensive systems of food relief agencies for an area its size. In addition to the Montgomery County Hunger Coalition, about 35 food pantries serve the needy. Many of these pantries as well as other nonprofit food distribution programs in the area are coordinated by the Emergency Resource Bank, on which I serve as a board member.

But even with our network, food is not easy to come by. Moreover, the cost of operating the system, even with volunteer assistance, remains high. The hunger task force in Columbus, Ohio, which distributed 185,000 pounds of cheese, has been forced to quit primarily because of the expense and staff time required.

Therefore, I am particularly pleased to note that in addition to providing food for the needy, the legislation pending before the House will also offer financial assistance for storing, transporting, and processing the food.

It is unconscionable for us to let our food storehouses grow fat when our people are hungry. I urge speedy adoption of this bill.●

● Mrs. JOHNSON. Mr. Chairman, I want to express my support for H.R. 1590, the Emergency Food Assistance and Commodity Distribution Act of 1983. We are all well aware of the enormous outpouring of concern and support displayed by many caring Americans in recent months in response to the need to address the

problem of hunger in this country. This bill will assist both States and emergency feeding organizations to continue their efforts to help the growing number of individuals who are literally flocking to these centers for help. At the same time, it will efficiently and easily dispose of surplus agricultural commodities such as cornmeal, rice, honey, flour, and wheat, which are now needlessly stored in our Nation's warehouses at great expense.

Of great importance in this bill is the provision to permit States and agencies to receive reimbursements for the cost of handling, storing, transporting, and distributing commodities. I am confident that this will accelerate and broaden the distribution of surplus commodities and make them available in many areas where they are desperately needed, but have been unavailable due to the prohibitive administrative costs of distribution.

It is my belief that H.R. 1590 could not be more timely. The recent reports of the thousands of individuals who are in need of assistance, and the dramatic increase in the number of programs for those whose budgets do not leave them enough for food for their children and families are alarming. According to one recent study, more than one-third of the existing soup kitchens and similar emergency food programs have doubled in size. Most of the cities I represent have opened soup kitchens in recent months, using volunteers, church facilities on very little money. The same survey found that three-fourths of the programs reported serving more families with children than 1 year earlier. One-fourth of the agencies reported having to turn people away over the course of the preceding year.

In this period of prolonged recession, hunger and inadequate nutrition have become a growing problem in this Nation. Hunger and poverty are inextricably linked, and although no one knows precisely how many Americans are going hungry or how many are malnourished, there is evidence that, as poverty is increasing, so is hunger. I am particularly concerned about the effect this is having on our children, and look to emergency programs such as ones addressed in H.R. 1590 to help alleviate the problem of malnutrition in children, which unfortunately has not improved over the course of the past 10 years. As recovery gains strength, such temporary help is critical for preserving our health and vitality as a nation.

I am especially pleased that this legislation will be put to good use by innovative groups like one in my district. Ron Canciani, local grocer, has written to 22 churches and social service agencies in his area, suggesting that a food bank be set up to help four neighboring towns. The bank would make the food available to unemployed people, to those on fixed incomes, and to families lacking the income needed to feed themselves properly.

I commend to my colleagues' attention the following article which appeared in the May 9 Waterbury Republican:

[From the Waterbury Republican, May 9, 1983]

FOOD BANK PLANNED FOR LITCHFIELD AREA

(By Robert Miller)

LITCHFIELD.—A local grocer is going ahead with plans to open up a food bank to help the needy from four area towns.

Ron Canciani of Harwinton, owner of the Big Value Supermarket in Bantam, wrote to about 22 churches and social service agencies in the area in March, suggesting that a food bank be set up to serve Litchfield, Morris, Washington and Warren.

Canciani's letter asked if the churches and agencies felt there was a need for the bank and if they would be willing to provide volunteers, food or money for the project.

"Any cash would be used to purchase additional food, at cost, from Allied Grocers Cooperative, of which I am a member," Canciani's letter said.

Canciani said Friday that the response to his inquiry has been positive, and that he is continuing to work with other organizers. He said he hopes to be able to discuss the project in detail by the end of the month.

"I do have something in the works on this," he said. "I won't be the person running it, but I will have some contributions I'd like to make to it. Also, being in the food business, I'll know of surpluses that distributers have."

The bank would make the food available to unemployed people, to those on fixed incomes, and to families lacking the income needed to feed themselves properly.

Currently, the unemployment rate in town is about 10 percent.

In neighboring Torrington, where the unemployment rate has been substantially higher, requests for food from a food bank run by FISH have increased drastically.

"We serve Torrington, Goshen, Harwinton and New Hartford," said Joyce Reitmann, executive director of FISH. "We've gotten requests from Winsted, and from Litchfield, but we just can't stretch that far. I would think that a food bank in that area would be used."

"In 1982, we fed just under 1,000 people," she said. "In the last six months, not counting holidays, we've fed 1,200."

"I don't have any hard and fast evidence on this," said the Rev. Janna Steed, pastor of the United Methodist Churches in Litchfield and Bantam, "but I'm sure that with the unemployment rate the way it is, there must be a need for a food bank in the area. I know that eight to 12 families in our two churches have been affected in the past year by unemployment."

"It sounds like something any community could always use," she said. "I think if you started one up, you'd find people who could use the help. There's always someone who needs food, even if it's someone passing through town who could be given some staples to take with him."

Proponents of the plan also point to the local distribution of federal surplus cheese and butter. In the year that the town has been distributing surplus cheese, it has given away 1,686 five-pound blocks, or four tons and 430 pounds of cheese. In five months of distributing butter, it has given away 2,016 pounds. About 100 people a month now receive the two staples.

Catherine Spear, chairman of the town's Social Services Commission, pointed out Friday that an agency already exists in town to help families with neither food, nor the money to buy it.

"In a real emergency," she said, "We can fall back on the Litchfield Community Services, which is a private organization. It's not bound by state law, so it can respond much more quickly to get food to a family, or to get them money to buy food."

"It's a question of terms," she said of the food bank. "I'm sure that there are many people who could use surplus food on a regular basis. For people on a low or fixed income, the bank might be like the cheese program—I don't think the people who get the cheese would starve if they didn't get it, but it's an extra that's nice for them."

"A lot of people think that a city-type food bank is good, but that in a rural setting, it's not necessary," Canciani said. "I think people are quieter about this type of thing in rural towns, but I think they could use the help. By actually setting a bank up, we'll be able to see if it's really needed."●

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The CHAIRMAN. Are there further amendments to the bill? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BIAGGI) having assumed the chair, Mr. BENNETT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 1590, to provide emergency food assistance to low-income and unemployed persons and to improve the commodity distribution program, pursuant to House Resolution 207, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PANETTA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 389, nays 18, not voting 25, as follows:

[Roll No. 199]

YEAS—389

Ackerman	Dixon	Hoyer
Addabbo	Donnelly	Hubbard
Albosta	Dorgan	Huckaby
Alexander	Dowdy	Hughes
Anderson	Downey	Hunter
Andrews (NC)	Duncan	Hutto
Annunzio	Durbin	Hyde
Anthony	Dwyer	Ireland
Applegate	Dymally	Jacobs
Archer	Dyson	Jeffords
Aspin	Early	Jenkins
AuCoin	Eckart	Johnson
Barnard	Edwards (AL)	Jones (NC)
Barnes	Edwards (CA)	Jones (OK)
Bates	Edwards (OK)	Jones (TN)
Bedell	Emerson	Kaptur
Beilenson	English	Kasich
Bennett	Erdreich	Kastenmeier
Bereuter	Erlenborn	Kazen
Berman	Evans (IA)	Kemp
Bethune	Evans (IL)	Kennelly
Bevill	Fascell	Kildee
Biaggi	Fazio	Kindness
Bilirakis	Feighan	Kogovsek
Bliley	Ferraro	Kolter
Boehlert	Fiedler	Kostmayer
Boggs	Fields	Kramer
Boland	Fish	LaFalce
Boner	Flippo	Lagomarsino
Bonior	Florio	Lantos
Bonker	Foglietta	Latta
Borski	Foley	Leach
Bosco	Ford (MI)	Leath
Boucher	Ford (TN)	Lehman (CA)
Breaux	Forsythe	Lehman (FL)
Britt	Fowler	Leland
Brooks	Frank	Lent
Broomfield	Franklin	Levin
Brown (CA)	Frenzel	Levine
Brown (CO)	Frost	Levitas
Broyhill	Fuqua	Lewis (CA)
Bryant	Gaydos	Lewis (FL)
Byron	Gejdenson	Lipinski
Campbell	Gekas	Lloyd
Carney	Gephardt	Loeffler
Carper	Gibbons	Long (LA)
Carr	Gilman	Long (MD)
Chandler	Glickman	Lott
Chappell	Gonzalez	Lowery (CA)
Chappie	Goodling	Lowry (WA)
Clarke	Gore	Lujan
Clay	Gradison	Luken
Clinger	Gray	Lundine
Coelho	Green	Lungren
Coleman (MO)	Gregg	MacKay
Coleman (TX)	Guarini	Madigan
Collins	Gunderson	Markey
Conable	Hall (OH)	Marlenee
Conte	Hall, Ralph	Marriott
Conyers	Hall, Sam	Martin (IL)
Corcoran	Hamilton	Martin (NC)
Coughlin	Hammerschmidt	Martin (NY)
Coyne	Hance	Matsui
Craig	Hansen (ID)	Mavroules
Crockett	Hansen (UT)	Mazzoli
D'Amours	Harrison	McCandless
Daniel	Hatcher	McCloskey
Daschle	Hawkins	McCollum
Daub	Hefner	McCurdy
Davis	Hertel	McEwen
de la Garza	Hightower	McGrath
Dellums	Hiler	McHugh
Derrick	Hillis	McKernan
DeWine	Holt	McNulty
Dickinson	Hopkins	Mica
Dicks	Horton	Michel
Dingell	Howard	Mikulski
Miller (OH)	Rinaldo	Stokes
Mineta	Ritter	Stratton
Minish	Roberts	Studds
Mitchell	Robinson	Sundquist
Moakley	Rodino	Swift
Molinari	Roe	Synar
Mollohan	Roemer	Tallon
Montgomery	Rogers	Tauke
Moody	Rose	Tauzin
Moore	Rostenkowski	Taylor
Moorhead	Roth	Thomas (CA)
Morrison (CT)	Roukema	Thomas (GA)
Morrison (WA)	Rowland	Torres
Mrazek	Roybal	Torricelli
Murphy	Rudd	Towns
Murtha	Russo	Traxler
Myers	Sabo	Udall
Natcher	Savage	Valentine
Neal	Sawyer	Vander Jagt
Nelson	Schaefer	Vandergriff
Nichols	Scheuer	Vento
Nowak	Schneider	Volkmer
O'Brien	Schroeder	Vucanovich
Oakar	Schulze	Walgren
Oberstar	Schumer	Walker
Obey	Seiberling	Watkins
Olin	Sensenbrenner	Waxman
Ortiz	Shannon	Weaver
Ottinger	Sharp	Weber
Oxley	Shaw	Weiss
Packard	Shelby	Wheat
Panetta	Shuster	Whitehurst
Parris	Sikorski	Whitley
Pashayan	Siljander	Whittaker
Patman	Sisisky	Whitten
Pease	Skeen	Williams (MT)
Penny	Skelton	Williams (OH)
Pepper	Slattery	Wilson
Perkins	Smith (FL)	Winn
Petri	Smith (IA)	Wirth
Pickle	Smith (NE)	Wise
Porter	Smith (NJ)	Wolf
Price	Smith, Robert	Wolpe
Pritchard	Snowe	Wortley
Pursell	Snyder	Wright
Quillen	Solarz	Wyden
Rahall	Solomon	Wylie
Rangel	Spence	Yatron
Ratchford	Spratt	Young (FL)
Regula	St Germain	Young (MO)
Reid	Staggers	Zablocki
Richardson	Stangeland	Zschau
Ridge	Stenholm	

NAYS—18

Badham	Dannemeyer	McDonald
Bartlett	Dreier	Paul
Burton	Gramm	Ray
Cheney	Hartnett	Shumway
Crane, Daniel	Mack	Smith, Denny
Crane, Philip	McCain	Stump

NOT VOTING—25

Akaka	Gingrich	Nielson
Andrews (TX)	Hall (IN)	Owens
Bateman	Harkin	Patterson
Boxer	Heftel	Simon
Coats	Livingston	Stark
Cooper	Martinez	Yates
Courter	McDade	Young (AK)
Edgar	McKinney	
Garcia	Miller (CA)	

□ 1240

Mr. DENNY SMITH changed his vote from "yea" to "nay."

Mr. MATSUI and Mr. GIBBONS changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PANETTA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2668, CONSUMER PRODUCT SAFETY ACT AMENDMENTS OF 1983

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 227 and ask for its immediate consideration.

H. RES. 227

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2668) to amend the Consumer Product Safety Act to extend it for five fiscal years, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 227 is a straightforward open rule providing for the consideration of H.R. 2668, the Consumer Product Safety Amendments of 1983. There are no waivers of points of order.

During consideration of the matter before the Committee on Rules, Representative SHELBY of Alabama presented an amendment in the nature of a substitute which would provide a straight 3-year reauthorization of the Consumer Product Safety Commission at funding levels lower than the committee bill. Under this completely open rule any germane amendment including Mr. SHELBY's substitute could be offered to this bill when it is considered for amendment under the 5-minute rule.

Mr. Speaker, most of us recognize the need for a strong independent regulatory agency to protect the public against potentially dangerous consumer products. However, the Committee on Rules is keenly aware of the controversy surrounding the funding

levels for this agency and the scope of its regulatory authority. To guarantee Members the opportunity to voice their concerns on these issues, House Resolution 227 provides two hours of general debate.

Upon conclusion of consideration of the bill for amendment, one motion to recommit would be in order.

Mr. Speaker, in the atmosphere of budgetary constraints of the last 2 years the budget of the CPSC has been cut by 25 percent to $32 million and its staff reduced by 29 percent to 636 personnel. Recent cuts in personnel and funding have caused a dramatic decrease in product safety in the marketplace, reduced inspections by 44 percent reduced recall checks by 64 percent and reduced investigations by 14 percent.

H.R. 2668 reauthorizes the Consumer Product Safety Commission for 5 years. The fiscal year 1984 authorization is $47 million, which is equivalent to the agency's budget in fiscal year 1981. The authorization will be incrementally increased each fiscal year until it reaches $57 million in fiscal year 1988. The bill also establishes a minimum personnel level of 650 employees and amends the agency's statutory authority to make it more responsive in fulfilling its mandate to protect the public health and safety.

The bill requires the agency to treat Freedom of Information Act requests in the same manner as other health and safety agencies and permits release of the documents with a disclaimer designed to protect companies from disclosures of inaccurate or misleading information. The Consumer Product Safety Commission's recall activities have had a dramatic impact in reducing injuries and saving lives.

Mr. Speaker, I would like to commend the gentleman from California (Mr. WAXMAN), and the gentleman from Illinois (Mr. MADIGAN) for their efforts in bringing this legislation to the floor. It is important that we restore public confidence in our commitment to safeguarding the health and well-being of our citizens in the marketplace.

Mr. Speaker, I urge adoption of House Resolution 227 so that we can proceed to the consideration of this legislation which is vital to restoring the effectiveness of the Consumer Product Safety Commission.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I know of no controversy on the rule, however, there is controversy on the bill. When the bill was presented to the Rules Committee the committee granted 2 hours of general debate to accommodate those who were offering a substitute, the gentleman from Alabama (Mr. SHELBY), joined by the gentleman from North Carolina (Mr. BROYHILL). This will give ample time to present the opposing views during the general debate. In addition, amendments may be debated under the 5-minute rule.

The Consumer Product Safety Act amendments are important and should be thoroughly considered on the floor of the House.

Since there is no controversy on the rule, Mr. Speaker, I have no requests for time.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OXLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 390, nays 2, not voting 40, as follows:

[Roll No. 200]

YEAS—390

Ackerman	Clinger	Feighan	Hightower	Mica	Sensenbrenner
Addabbo	Coelho	Ferraro	Hiler	Mikulski	Shannon
Albosta	Coleman (MO)	Fiedler	Hillis	Miller (OH)	Sharp
Andrews (NC)	Coleman (TX)	Fields	Holt	Mineta	Shaw
Annunzio	Collins	Fish	Hopkins	Minish	Shelby
Anthony	Conable	Flippo	Horton	Mitchell	Shumway
Applegate	Conte	Florio	Howard	Moakley	Shuster
Archer	Conyers	Foglietta	Hoyer	Molinari	Sikorski
Aspin	Coughlin	Foley	Hubbard	Mollohan	Siljander
AuCoin	Craig	Ford (MI)	Huckaby	Montgomery	Sisisky
Badham	Crane, Daniel	Ford (TN)	Hughes	Moody	Skeen
Barnard	Crane, Philip	Forsythe	Hunter	Moore	Skelton
Barnes	Crockett	Fowler	Hutto	Moorhead	Slattery
Bartlett	D'Amours	Frank	Hyde	Morrison (CT)	Smith (FL)
Bates	Daniel	Franklin	Ireland	Morrison (WA)	Smith (IA)
Bedell	Daschle	Frenzel	Jacobs	Mrazek	Smith (NE)
Beilenson	Daub	Frost	Jeffords	Murphy	Smith (NJ)
Bennett	Davis	Fuqua	Jenkins	Murtha	Smith, Denny
Bereuter	de la Garza	Gaydos	Johnson	Myers	Smith, Robert
Berman	Dellums	Gejdenson	Jones (NC)	Natcher	Snowe
Bethune	Derrick	Gekas	Jones (OK)	Neal	Snyder
Bevill	DeWine	Gephardt	Jones (TN)	Nichols	Solarz
Biaggi	Dickinson	Gibbons	Kaptur	Nowak	Solomon
Bilirakis	Dicks	Gilman	Kasich	O'Brien	Spence
Billey	Dingell	Glickman	Kastenmeier	Oakar	Spratt
Boehlert	Dixon	Gonzalez	Kazen	Oberstar	St Germain
Boland	Donnelly	Goodling	Kemp	Obey	Staggers
Boner	Dorgan	Gore	Kennelly	Olin	Stangeland
Bonior	Dowdy	Gradison	Kildee	Ortiz	Stenholm
Borski	Downey	Gramm	Kindness	Ottinger	Stokes
Bosco	Dreier	Gray	Kogovsek	Oxley	Stratton
Boucher	Duncan	Green	Kolter	Packard	Studds
Breaux	Durbin	Gregg	Kostmayer	Panetta	Stump
Britt	Dwyer	Guarini	Kramer	Parris	Sundquist
Brooks	Dymally	Gunderson	LaFalce	Pashayan	Swift
Broomfield	Dyson	Hall (OH)	Lagomarsino	Patman	Synar
Brown (CA)	Early	Hall, Ralph	Lantos	Paul	Tallon
Brown (CO)	Eckart	Hall, Sam	Latta	Pease	Tauke
Broyhill	Edwards (AL)	Hamilton	Leach	Penny	Tauzin
Bryant	Edwards (CA)	Hammerschmidt	Leath	Pepper	Taylor
Burton	Edwards (OK)	Hance	Lehman (CA)	Perkins	Thomas (GA)
Byron	Emerson	Hansen (ID)	Lehman (FL)	Petri	Torres
Campbell	English	Hansen (UT)	Leland	Pickle	Torricelli
Carney	Erdreich	Harrison	Lent	Porter	Towns
Carper	Erlenborn	Hartnett	Levin	Price	Traxler
Carr	Evans (IA)	Hatcher	Levine	Pritchard	Udall
Chandler	Evans (IL)	Hawkins	Levitas	Pursell	Valentine
Chappie	Fascell	Hefner	Lewis (CA)	Quillen	Vander Jagt
Clay	Fazio	Hertel	Lewis (FL)	Rahall	Vandergriff
			Lipinski	Rangel	Vento
			Lloyd	Ratchford	Volkmer
			Loeffler	Ray	Vucanovich
			Long (LA)	Regula	Walgren
			Long (MD)	Reid	Walker
			Lott	Richardson	Watkins
			Lowery (CA)	Ridge	Waxman
			Lowry (WA)	Rinaldo	Weaver
			Lujan	Roberts	Weber
			Luken	Robinson	Weiss
			Lundine	Rodino	Wheat
			Mack	Roe	Whitehurst
			MacKay	Roemer	Whitley
			Madigan	Rogers	Whittaker
			Markey	Rose	Whitten
			Marlenee	Rostenkowski	Williams (MT)
			Marriott	Roth	Williams (OH)
			Martin (NC)	Roukema	Wilson
			Martin (NY)	Rowland	Winn
			Matsui	Roybal	Wirth
			Mavroules	Rudd	Wise
			Mazzoli	Russo	Wolf
			McCain	Sabo	Wolpe
			McCandless	Savage	Wortley
			McCloskey	Sawyer	Wright
			McCollum	Schaefer	Wyden
			McCurdy	Scheuer	Wylie
			McEwen	Schneider	Yatron
			McGrath	Schroeder	Young (FL)
			McHugh	Schulze	Young (MO)
			McKernan	Schumer	Zablocki
			McNulty	Seiberling	Zschau

NAYS—2

Dannemeyer	McDonald

NOT VOTING—40

Akaka	Cheney	Gingrich
Alexander	Clarke	Hall (IN)
Anderson	Coats	Harkin
Andrews (TX)	Cooper	Heftel
Bateman	Corcoran	Livingston
Boggs	Courter	Lungren
Bonker	Coyne	Martin (IL)
Boxer	Edgar	Martinez
Chappell	Garcia	McDade

McKinney	Owens	Thomas (CA)
Michel	Patterson	Yates
Miller (CA)	Ritter	Young (AK)
Nelson	Simon	
Nielson	Stark	

□ 1300

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1310

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of Transportation and Related Agencies and other purposes for the fiscal year ending September 30, 1984.

Mr. COUGHLIN reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ALTERATIONS IN MEMBERS' REMARKS IN TRANSCRIPTS OF COMMITTEE HEARINGS

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. BROOKS. Mr. Speaker, on Tuesday of this week, I brought to the attention of the House the fact that serious alterations had been made in the printed transcript of a joint hearing held last year by a Government Operations Subcommittee, two Science and Technology Subcommittees, and two Energy and Commerce Subcommittees. I assured the Members of the House that the Committee on Government Operations appreciated the seriousness of the probelm and that we were making every effort to determine the facts. So far, we have been unable to determine how the alterations occurred and who is responsible, but we are continuing that effort. We have made available to staff representatives of our minority members everything we know about the situation at this time.

Yesterday afternoon, the committee chairmen of the three committees involved, Chairman JOHN DINGELL, Chairman DON FUQUA, and myself, agreed to ask the House Committee on Standards of Official Conduct to undertake a vigorous, full, and complete investigation of the matter and that it be given the highest priority. We believe that an investigation by the Ethics Committee is the proper mechanism in order to assure an independent, objective, and credible review of this entire matter. The Committee on Standards of Official Conduct was established by this Congress for that very purpose. Its membership is evenly divided between majority and minority; its rules provide for all the necessary investigatory procedures to conduct this kind of investigation; its procedures are carefully designed to protect the rights of members and staff; it is experienced at conducting this kind of investigation; and, above all, the committee is respected for its objective, nonpartisan approach.

The chairmen of the three committees invited the ranking minority members to join us in this request. For reasons known only to them, they have chosen not to do so at this time though we are hopeful they will eventually join in our request.

The committee chairmen have proposed a responsible course of action, and we hope that reason will prevail and that all Members of Congress, majority and minority alike, will rise above partisan politics and realize that what is ultimately at stake here is the effective functioning of the Congress as an institution.

Mr. Speaker, I ask unanimous consent to include a copy of our letter to Hon. LOUIS STOKES, chairman of the House Committee on Standards of Official Conduct.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 15, 1983.

Hon. LOUIS STOKES,
Chairman, Committee on Standards of Official Conduct, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to request that the Committee on Standards of Official Conduct undertake an investigation into the circumstances involving the alteration of a transcript published as "EPA Oversight: One-Year Review".

Joint hearings were held on July 21 and 22, 1982, by certain subcommittees of the Committee on Government Operations, Committee on Energy and Commerce, and Committee on Science and Technology. The original transcript of the hearing was altered during the process which led to publication.

Inasmuch as the alterations resulted in substantially changing the meaning of testimony of Members of Congress, we believe that an investigation of the matter can be most appropriately carried out by your Committee. We respectfully request that a vigorous, full, and complete investigation be undertaken immediately and that it be given the highest priority and completed with all possible speed.

We pledge our total cooperation and that of the majority and minority staffs of our committees and subcommittees.

Sincerely,

JACK BROOKS,
Chairman, Committee on Government Operations.

DON FUQUA,
Chairman, Committee on Science and Technology.

JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce.

ALTERATIONS IN MEMBERS' REMARKS IN TRANSCRIPTS OF COMMITTEE HEARINGS

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, some of us who were among the parties who had our remarks changed in the document referred to by the chairman of the Government Operations Committee appreciate the remarks of the chairman just a few minutes ago and understand that there are some aspects of this case that need to go to the Ethics Committee ultimately; however, we also feel that there are broader based questions than those that can be addressed by the Ethics Committee and we think that some of those particular questions need to have a forum over and above a simple referral to the Ethics Committee.

For example, under the rules by which we operate, a referral to the Ethics Committee would mean that they could investigate so long as an officer, Member, or employee of the House was involved; however, if we got to some point where there was no longer involvement by an employee of the House because they had been fired or because they had quit, the Ethics Committee could no longer go forward with the investigation and the investigation would stop.

Now, that is a problem, because we have an issue before us which goes to the integrity of this House as a whole. Members' statements were changed. There was a conscious distortion of a public record. We had malicious intent involved, in my opinion.

I think that we have got to have the kind of a public forum that will allow us to get to some of the basic questions. One of those questions may be, Is this a singular incident or do we have involved here just one isolated incident we found out about? Has there been an overall pattern of this kind of behavior for a period of time? That cannot be dealt with by the Ethics Committee.

We also have questions about whether or not these same subcommittees that have been involved in EPA investigations up until now may have distorted other public records. That is another question which cannot be dealt with in an Ethics Committee only investigation.

So I hope that the membership would understand that this matter is something which goes far beyond what the Ethics Committee can deal

with and I would hope that we would have the cooperation of all the Members of the House in seeing to it that we have public hearings and that we have the kind of investigation which is broadly enough based to answer all the questions.

PUBLIC VISIBILITY DEMANDED ON TRANSCRIPT TAMPERING

(Mr. GREGG asked and was given permission to address the House for 1 minute.)

Mr. GREGG. Mr. Speaker, just a few minutes ago a member of the Government Operations Committee, the chairman of the committee, rose to the House and suggested that on an issue that has been raised relative to the alterations of Members' statements that this issue should be referred to the Ethics Committee.

Mr. Speaker, as one of the Members who has been involved in this matter, since my language and the terms and purpose of my statements were altered, I would very much oppose at this time that decision. This is an issue which should be heard in an open forum. It is an issue which goes to the fundamental integrity of this House, it goes to the fundamental integrity of the democratic process, for when staff members unilaterally without any authorization change the language and intent and purposes of remarks made by Members, clearly Members who are participants in that action and who find themselves the victims of that action should have the right to participate in an open forum in determining what happened, when it happened, and who did it.

A transfer of this matter to the Ethics Committee at this time would essentially place the matter in a cocoon and it would mean that the matter would end up without any public visibility. This is an issue which demands public visibility if this institution is going to retain its integrity.

PROVIDING FOR CONSIDERATION OF H.R. 2972, MILITARY CONSTRUCTION AUTHORIZATION, FISCAL YEAR 1984

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 229 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 229

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2972) to authorize certain construction at military installations for fiscal year 1984, and for other purposes, the first reading of the bill shall be dispensed with, and all points of order against the bill for failure to comply with the provisions of clause 5, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be considered for amendment under the five-minute rule by titles instead of by sections, and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 229 is an open rule providing for the consideration of H.R. 2972, the fiscal year 1984 military construction authorization.

The rule provides for 2 hours of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services and provides that the bill shall be read for amendment under the 5-minute rule by titles rather than by sections. Further, the rule provides one motion to recommit. This is a straightforward rule and only provides one waiver against consideration of the bill. That waiver is of clause 5 of rule XXI which prohibits appropriations in an authorization bill.

Mr. Speaker, H.R. 2972 authorizes $7.9 billion for military construction activities in fiscal year 1984. This funding level represents an 8.2-percent real growth rate over the fiscal year 1983 authorization level and in combination with committee cuts and committee add-ons is $578 million below the administration's request.

The reductions in the administration request were made by the Armed Services Committee in order to meet the requirements of the House-passed first budget resolution. Among the reductions was a $400.3 million reduction in the MX missile program. As originally submitted by the administration, the funding request for $449 million was based on the construction requirements of the Dense Pack basing mode. Since submission of the original request, the administration has adopted the recommendations of the Scowcroft Commission and subsequently reduced their request to $72 million. The Armed Services Committee recommends $48.7 million in fiscal year 1984 moneys and $23.3 million from prior year authorizations which total the entire amount requested by the administration in the amended budget request.

In addition, the committee reduced the administration request for facilities for the ground launched cruise missile program by $101.2 million. This represents a $34 million deferral for facilities in a fifth country because negotiations have not yet been completed with the host nation and a $67.3 million, 1-year deferral for facilities that would be associated with accompanied tours for U.S. personnel. These deferrals will in no way stop the beddown of the missile system.

In general, the cuts made by the committee will in no way affect defense readiness nor will they postpone badly needed construction projects on our military installations at home or overseas. Rather, the Committee on Armed Services has been prudent in authorizing appropriations for those projects that are necessary for the strengthening of our military capabilities and for the morale of our fighting forces.

Mr. Speaker, the Armed Services Committee has reported an authorization which meets the requirements of the House-passed budget resolution and the requirements of our military forces. The Rules Committee has reported a rule which will allow the Members of the House to work their will on the amounts contained in the bill. I recommend that my colleagues adopt this resolution so that we may proceed to the consideration of the military construction authorization.

□ 1320

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 229. This rule would make in order consideration of H.R. 2972, the military construction authorization, which would authorize construction at military installations inside and outside the United States for fiscal year 1984.

House Resolution 229 provides for an open rule with 2 hours of general debate. In addition, the rule waives all points of order against the bill for failure to comply with clause 5 of rule 21, which prohibits appropriations in a legislative bill.

After general debate, the rule provides that the bill be open to amendment under the 5-minute rule and be considered by titles instead of sections. After the committee has risen, the rule provides for no other motion except one motion to recommit. This is a fair and open rule which should allow all Members the opportunity to work their will upon this legislation.

The bill authorizes appropriations for a total of $7,970,085,000 for the construction of various projects including housing for those who serve this country in the military. Although

there is some reduction in the levels of funding, I would like to commend the members of the Armed Services Committee for making these reductions in a fair and equitable manner. The administration supports passage of this bill as consistent with their defense objectives.

As I said before, I support this rule and urge my colleagues to do likewise.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. I thank the gentleman for yielding.

This bill does contain I think some money for siting funds for the MX missile. I am aware that this bill is to be up in the next couple of weeks. I am also aware that the leadership has scheduled the MX portion of the DOD authorization bill next month, in July, and I am wondering if perhaps either the gentleman from Texas (Mr. FROST) or the chairman of the subcommittee, the gentleman from California (Mr. DELLUMS) can tell us if you are going to do the same thing in this bill, which is bracket or make on a contingency basis the MX funds in this bill, pending what the House decides to do on the procurement bill later in July.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from California.

Mr. DELLUMS. I would say to my colleague first of all the Armed Services Committee, in its markup of its 1984 authorization bill, placed all of the consideration of the MX missile in one title. Subsequently the leadership has deferred the decision on the question of the authorization of the MX missile until after the July break.

The gentleman is correct, there are funds in the military construction authorization bill that will be considered next week prior to the consideration of the authorization bill.

This gentleman, as subcommittee chairman of the subcommittee reporting the bill, will at the appropriate time offer the exact same language used in the appropriations bill to bracket those funds until such time as the House has worked its will on the authorization bill for 1984 with respect to the MX missile.

Does that answer the gentleman's question?

Mr. GLICKMAN. I thank the gentleman, and that does answer my question.

Mr. LOTT. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WEISS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 35, as follows:

[Roll No. 201]

YEAS—397

Ackerman	Daub	Hall, Ralph
Addabbo	Davis	Hall, Sam
Albosta	de la Garza	Hamilton
Alexander	Dellums	Hammerschmidt
Andrews (NC)	Derrick	Hance
Annunzio	DeWine	Hansen (UT)
Anthony	Dickinson	Harrison
Applegate	Dicks	Hartnett
Archer	Dingell	Hatcher
Aspin	Dixon	Hawkins
AuCoin	Donnelly	Hefner
Badham	Dorgan	Hertel
Barnes	Dowdy	Hightower
Bartlett	Downey	Hiler
Bateman	Dreier	Hillis
Bates	Duncan	Holt
Bedell	Durbin	Hopkins
Beilenson	Dwyer	Horton
Bennett	Dymally	Howard
Bereuter	Dyson	Hoyer
Berman	Early	Hubbard
Bethune	Eckart	Huckaby
Bevill	Edgar	Hughes
Biaggi	Edwards (AL)	Hunter
Bilirakis	Edwards (CA)	Hutto
Bliley	Edwards (OK)	Hyde
Boehlert	Emerson	Jacobs
Boland	English	Jeffords
Boner	Erdreich	Jenkins
Bonior	Erlenborn	Johnson
Bonker	Evans (IA)	Jones (NC)
Borski	Evans (IL)	Jones (OK)
Boucher	Fascell	Jones (TN)
Breaux	Fazio	Kaptur
Brooks	Feighan	Kasich
Broomfield	Ferraro	Kastenmeier
Brown (CA)	Fiedler	Kazen
Brown (CO)	Fields	Kemp
Broyhill	Fish	Kennelly
Bryant	Flippo	Kildee
Burton	Florio	Kindness
Byron	Foglietta	Kogovsek
Campbell	Foley	Kolter
Carney	Ford (MI)	Kostmayer
Carper	Forsythe	Kramer
Carr	Fowler	LaFalce
Chandler	Frank	Lagomarsino
Chappie	Franklin	Lantos
Cheney	Frenzel	Latta
Clarke	Frost	Leach
Clay	Fuqua	Leath
Clinger	Garcia	Lehman (CA)
Coelho	Gaydos	Lehman (FL)
Coleman (MO)	Gejdenson	Leland
Coleman (TX)	Gekas	Lent
Collins	Gephardt	Levin
Conable	Gibbons	Levine
Conte	Gilman	Levitas
Conyers	Glickman	Lewis (CA)
Corcoran	Gonzalez	Lewis (FL)
Coughlin	Goodling	Lipinski
Coyne	Gore	Lloyd
Craig	Gradison	Loeffler
Crane, Daniel	Gramm	Long (LA)
Crane, Philip	Gray	Long (MD)
Crockett	Green	Lott
D'Amours	Gregg	Lowery (CA)
Daniel	Guarini	Lowry (WA)
Dannemeyer	Gunderson	Lujan
Daschle	Hall (OH)	Luken
Lundine	Penny	Snowe
Mack	Pepper	Snyder
MacKay	Perkins	Solarz
Madigan	Petri	Spence
Marlenee	Pickle	Spratt
Marriott	Porter	St Germain
Martin (IL)	Price	Staggers
Martin (NC)	Pritchard	Stangeland
Martin (NY)	Pursell	Stenholm
Matsui	Quillen	Stokes
Mavroules	Rahall	Stratton
Mazzoli	Rangel	Studds
McCain	Ratchford	Stump
McCandless	Ray	Sundquist
McCloskey	Regula	Swift
McCollum	Reid	Synar
McCurdy	Richardson	Tallon
McDonald	Ridge	Tauke
McEwen	Rinaldo	Tauzin
McGrath	Ritter	Taylor
McHugh	Roberts	Thomas (CA)
McKernan	Robinson	Thomas (GA)
McNulty	Rodino	Torres
Mica	Roe	Torricelli
Michel	Roemer	Towns
Mikulski	Rogers	Traxler
Miller (OH)	Rose	Valentine
Mineta	Rostenkowski	Vander Jagt
Minish	Roth	Vandergriff
Mitchell	Roukema	Vento
Moakley	Rowland	Volkmer
Molinari	Roybal	Vucanovich
Mollohan	Rudd	Walgren
Montgomery	Russo	Walker
Moody	Sabo	Watkins
Moore	Savage	Waxman
Moorhead	Sawyer	Weaver
Morrison (CT)	Schaefer	Weber
Morrison (WA)	Scheuer	Weiss
Mrazek	Schneider	Wheat
Murphy	Schroeder	Whitehurst
Murtha	Schulze	Whitley
Myers	Schumer	Whittaker
Natcher	Sensenbrenner	Whitten
Neal	Shannon	Williams (MT)
Nelson	Sharp	Williams (OH)
Nichols	Shaw	Wilson
Nowak	Shelby	Winn
O'Brien	Shumway	Wirth
Oakar	Shuster	Wise
Oberstar	Sikorski	Wolf
Obey	Siljander	Wolpe
Olin	Simon	Wortley
Ortiz	Sisisky	Wright
Ottinger	Skeen	Wyden
Oxley	Skelton	Wylie
Packard	Slattery	Yatron
Panetta	Smith (FL)	Young (FL)
Parris	Smith (IA)	Young (MO)
Pashayan	Smith (NE)	Zablocki
Patman	Smith (NJ)	Zschau
Paul	Smith, Denny	
Pease	Smith, Robert	

NOT VOTING—35

Akaka	Ford (TN)	McKinney
Anderson	Gingrich	Miller (CA)
Andrews (TX)	Hall (IN)	Nielson
Barnard	Hansen (ID)	Owens
Boggs	Harkin	Patterson
Bosco	Heftel	Seiberling
Boxer	Ireland	Solomon
Britt	Livingston	Stark
Chappell	Lungren	Udall
Coats	Markey	Yates
Cooper	Martinez	Young (AK)
Courter	McDade	

□ 1340

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I ask for this time for the purpose of learning of the schedule for the balance of the day and the week and for next week.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the distinguished majority leader.

Mr. WRIGHT. I thank the distinguished acting minority leader for yielding.

We expect immediately to go into the Department of Defense authorization bill and continue with that debate until 4:30 today. We expect the committee would rise at 4:30 today.

There is no session tomorrow.

And at the conclusion of this colloquy, I will be asking unanimous consent that when we adjourn today we adjourn until Monday, noon.

On Monday, we will have three suspensions, and general debate on two bills.

The suspensions are the National Parks Protection Act, the Ground Water Recharge Authorizations, and H.R. 1492 the Christopher Columbus Quincentenary Jubilee Act.

We will not vote on those on Monday. There will be no votes Monday. We will put the votes over, if any are required, until next Tuesday.

We will complete general debate, however, on the Consumer Products Safety Commission amendments and on the military construction authorizations for fiscal 1984.

On Tuesday we meet at noon. We do not expect any bills on suspensions. There will be a Private Calendar. There will be recorded votes on the suspensions that we debate on Monday. We want to conclude the military construction authorizations. We want to do the military construction appropriations as well.

On Wednesday, Thursday, and Friday of next week we will meet at 10. We will do the transportation appropriations bill on Wednesday.

On Thursday, we have scheduled the Tax Rate Equity Act of 1983. That is the $700 cap on the third year income tax reduction which we expect to be reported out of the Ways and Means Committee this afternoon.

On Friday we would expect to return to the Consumer Products Safety Commission amendments and complete that bill, if we have not earlier done so.

Members ought to be advised of the possibility of a conference committee report on the budget. If we are able to achieve agreement, we will expect to bring the budget conference to the House floor whenever we can.

The House will adjourn by 3 o'clock on Friday. We will announce adjournment times for the other days from day to day as we meet. Any other program will be announced later and everything is subject to change.

Mr. LOTT. Let me ask for clarification on that. Everything just announced is subject to change; is that correct?

Mr. WRIGHT. I think that if there were ever any doubt about that, that should be removed from the gentleman's mind.

Mr. LOTT. We appreciate that specificity.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

If the majority leader would give me his attention. I realize that things are subject to change because as the gentleman was kind enough to announce yesterday we would take up two rules, that we just voted on, after we had started work on the authorization bill today, but they came up first.

Now in hearing the gentleman relate what we might expect next week, I can only infer from that that when we conclude today's action on the authorization bill that this bill will not be called up again until sometime after the Fourth of July; is that correct?

Mr. WRIGHT. I think that is a fairly reasonable assumption. However, I am not absolutely certain that would be the case. I think the gentleman can be certain that we will not take it up next week. We have no plan to return to this.

□ 1350

Mr. DICKINSON. At the end of next week we go into recess until after the Fourth of July; do we not?

Mr. WRIGHT. There will be 1 additional week following next week. We are going to recess on the 30th.

Mr. DICKINSON. Is there any reasonable hope—and this is not just an idle inquiry—that we might return to this bill and conclude it, all but title III, before we take our work break and go to the district for the Fourth of July?

Mr. WRIGHT. There is that possibility. We have not yet planned the final week before the Fourth of July recess, and I would not want to preclude any possibility.

Mr. DICKINSON. Just let me urge on the majority leader and emphasize the problem. In talking with the Appropriations Committee, for the Defense, they are more or less in a holding pattern, and by agreement they were not to appropriate until we authorize, and if we cannot finish our authorization bill until after the Fourth of July, then it gets us up close to August before they can have their mark, unless they were to go ahead of us, which I certainly hope would not be the case.

Mr. WRIGHT. No, no; we do not expect the Appropriations Committee to get ahead of the authorizing committee on the defense appropriation. I do not think the gentleman has any fear there. The gentleman is on track, and we expect to follow the regular procedure, which is to conclude the authorization bill first.

Mr. DICKINSON. There has been speculation in the press and also discussion among some of the Members, myself included, as to title III of this bill, which deals with the so-called Scowcroft recommendations, that is, the MX missile, the small mobile and the hardening, and that this particular title could be dealt with out of order and out of sequence, at the discretion of the Chair. Has there been any time set or any agreement as to this, as far as the gentleman is aware?

Mr. WRIGHT. I think it is generally understood that we will not come to title III until after the Fourth of July recess. We would not want to preclude all other titles if there is a possibility we could complete them. But the title to which the gentleman refers, that which includes the MX missile and the other recommendations of the Scowcroft Commission, will be taken up following that recess period.

Mr. DICKINSON. We can take that as a commitment, then, as to title III?

Mr. WRIGHT. That it will be taken up——

Mr. DICKINSON. Only after the recess?

Mr. WRIGHT. I think that is exactly right.

Mr. DICKINSON. Could the gentleman perhaps give us some feeling as to how much further after the recess? Would it come up as soon as practicable after we return, so that we can conclude action on this bill?

Mr. WRIGHT. As soon as practicable is a pretty good way to put it.

Mr. DICKINSON. I hope that that means the same to the gentleman as it does to me. We would like to conclude this.

Mr. WRIGHT. There is no intention on our part to delay it.

As the gentleman knows, this bill always takes more time than most bills do, and I suppose reasonably it should; it contains more money than most bills do. It is vitally important to the Nation. So we do not try to hurry it; we do not try to rush it through. By the same token, we do not try to delay it. So, I think reasonably soon after the recess we would try to get back to it and conclude consideration of the bill. There is no reason for delaying it.

Mr. DICKINSON. I thank the gentleman. I am sure that all parties can readily appreciate there are many, many things contingent upon the happening of this bill, such as the test firing, perhaps, of the MX missile. If it is in a state of readiness now, should they delay, and delay, and delay, or would they have to go forward with the testing, and any number of things

are contingent upon this, and by interminable delay we would put ourselves at a disadvantage, in the long run. I thank the gentleman for his candor.

Mr. LOTT. Mr. Speaker, I would like to ask just a couple of questions, too.

On Friday next, which would be June 24, the Members can expect the House to be in session and votes to occur on that date; is that correct?

Mr. WRIGHT. If the gentleman will yield, I think we ought to expect that there would be votes on that Friday if for no other reason than the fact that we may have another appropriations bill which we might be able to consider. There is a possibility we may have three appropriation bills available for us next week, and I surely would not want the Members to have the impression now that they can make a commitment for next Friday and safely and securely go away with the thought that we were not going to have votes. I think the reasonable expectation is that we will have a session and that there will be votes.

Mr. LOTT. That is 1 week from tomorrow, the 24th. I did want to clarify that so that the Members will plan to be here, in view of what the gentleman is saying.

I note that we will consider the transportation appropriations bill but we have not scheduled the Treasury-Postal Service, or State-Justice-Commerce appropriations bills. Do we expect those to come up in another week or so?

Mr. WRIGHT. Well, I would like to hope that the problem involving them, as the gentleman realizes, involving the rules under which they would come, could be resolved. But I am inclined to think that perhaps the gentleman from Mississippi may be better advised on that at the moment than I am. He is serving on the Rules Committee.

Mr. LOTT. I think it probably will be a while longer before State-Justice-Commerce comes up, but I did not have a feel on Treasury-Postal Service, since we did defeat that appropriation last week.

Mr. WRIGHT. I think the Treasury-Postal bill must go through the committee again, and it depends upon the action of the committee as to when we will be able to take that bill.

Mr. LOTT. One final question: Since the gentleman said everything here is subject to change, I wonder if we could get an unanimous-consent request on the bill scheduled for Thursday, June 23, to change the title to the "Middle Income Soaking and Taxing Act." Would that be in order at this point?

Mr. WRIGHT. Well, a unanimous-consent request would be in order, but so would an objection. I suppose if no other Member were constrained to object, the majority leader would be so constrained. Amendments are in order, of course, to the bill, to the title, and if the gentleman is of a mood to offer that, I am sure he would enjoy doing so.

Mr. LOTT. There would be a lot of support for it.

Mr. WRIGHT. We could enter into all sorts of sloganeering, but I think it would serve no useful purpose.

Mr. LOTT. We will do the sloganeering, I am sure, on both sides, next week.

Mr. WRIGHT. I have no doubt there will be an amplitude of it.

ADJOURNMENT TO MONDAY, JUNE 20, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule he dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

The SPEAKER pro tempore. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2969.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2969, to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

Mr. ROSTENKOWSKI. When the Committee of the Whole rose on Wednesday, June 15, 1983, title I was open to amendment.

Are there further amendments to title I?

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: Page 2, line 12, strike out "$2,990,900,000" and insert in lieu thereof "$2,558,100,000, none of which shall be available for the Pershing II missile system".

□ 1400

Mr. DELLUMS. Mr. Chairman, I hope that this amendment will lead to a stimulating debate. I think the question of the deployment of the Euromissile is terribly important for my colleagues on both sides of the aisle. I realize that the issue of the deployment of the Pershing missile for the most part has been an invisible issue here in this body, and for the most part around the country.

There are a number of comments that I would make with respect to the deployment of the missile.

First, this amendment specifically will strike $432.8 million in title I for the procurement of the Pershing II missile. I realize that my colleagues have a number of chores and duties and responsibilities here and they are not always able to read the reports that are the accompanying documents to the legislation, and as a beginning basis for my debate in support of my amendment, I would like to read to you that portion of the Committee on Armed Services committee report that is in support of this authorization. Pershing II surface-to-surface missile system, and I would now read from the report.

The budget request contained $407.7 million for procurement of 95 Pershing II surface-to-surface missiles and $25.1 million for initial parts, for a total of $432.8 million. The Pershing II missile is a follow-on to the Pershing I and IA missile systems and will provide greater range, higher accuracy, and permit the use of lower-yield warheads to reduce collateral damage.

The fiscal year 1984 request would support the third year of production. The Pershing II missile program would fulfill the United States commitment to our NATO Allied Decision of December 1979 to modernize and improve NATO's nuclear deterrent forces unless successful negotiations with the Soviet Union result in a treaty that substantially reduces Soviet intermediate range nuclear weapon threat. If the current intermediate range force (INF) negotiations with the Soviet Union are unsuccessful, deployment of the Pershing II system will begin in December of 1983.

Because the Pershing II missile system is of paramount importance to the relationship of the United States and the NATO Alliance, and also provides the incentive for the Soviet Union to negotiate on nuclear arms limitations, the committee recommends that the amount requested be authorized.

Now, that is the basis, Mr. Chairman and Members of the Committee, for the Committee on Armed Services support of the procurement figure of

$432.8 million to procure 95 Pershing II missiles.

The 1979 decision that was referred to is the so-called two-track decision that says we will deploy Pershing missiles in December 1983 if the negotiation with the Soviet Union on intermediate range nuclear force are not successful.

I would also add in my opening remarks that the Secretary of Defense and the President and a number of other officials in this administration have suggested that the Soviet Union will not negotiate until there is a deployment. There is some controversy as to the interpretation of this two-track decision. In the course of my remarks, Mr. Chairman and Members of the Committee, I will attempt to make the following points.

Mr. Chairman and Members of the Committee, I will make a number of arguments.

There is no military rationale for the Pershing II missile. Second, to deploy this missile is extremely dangerous. Third, deployment will undermine—not enhance—United States-European relations rather than enhance NATO solidarity. And finally, I would address the so-called SS-20 argument.

To the question, Mr. Chairman, of a military rationale for the Pershing II, targets can be hit by existing U.S. nuclear weapons assigned to NATO, as well as those weapons targeted by the French and the English nuclear forces. So in that sense, this is a redundant weapons system. The targets that we are focusing upon with the Pershing II can be hit with other forces.

Second, to the question of this weapon being extremely dangerous, I would like to make this point: I believe that to deploy the Pershing missile is to create a permanent Cuban missile crisis in Europe.

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, if the Pershing II missile is deployed, it will be deployed in West Germany. I mentioned that this is a highly accurate weapon. It can travel between 1,000 and 1,200 nautical miles, and it is considered to have the most accurate warhead that we have designed, that we have done research and development upon and procured in our entire arsenal.

There is some question with respect to how much time it takes for this missile to travel from West Germany to the Soviet Union, but all the documentation that I have seen, read, or heard, indicates that the traveltime of a weapons system, the Pershing missile, from West Germany to the Soviet Union is between 6 and 8 minutes. Now, consider this: If in some insane moment a weapon would travel either from the Soviet Union to this country, or from this country to the Soviet Union, the traveltime is somewhere between 25 and 40 minutes.

There have been a number of occasions, Mr. Chairman, when our computers, the American computers, have malfunctioned indicating that the United States was under imminent attack from the Soviet Union. We at least had 10, 15, maybe 20 minutes to evaluate whether or not that computer was indeed malfunctioning or whether that computer was actually telling the truth and the United States was indeed under imminent attack from the Soviet Union.

Now, 15 or 20 minutes is an incredible amount of time when we consider the possibility of a decision affecting 100 million human beings' lives. But what would happen, Mr. Chairman and Members of the Committee, if the Soviet Union's computer malfunctioned and our missiles were not stationed 25 to 40 minutes away, but 6 to 8 minutes away?

Now, consider that. If we deploy missiles 6 to 8 minutes from the Soviet Union, there will be no time to evaluate a computer malfunction or a computer mistake. Therefore, if we deploy this weapon, I guarantee my colleagues the Soviet Union then would have to begin to move toward the concept of launch-on-warning and to place nuclear missiles in a launch-on-warning situation which is highly irrational, incredibly dangerous, and obviously destabilizing.

It is also very interesting, Mr. Chairman and Members of the Committee, that we rank the United States and Japan as the two leading nations in the computer field. But I think one can argue persuasively that if you deploy the Pershing missile 6 to 8 minutes from the Soviet Union, perhaps the world would hang on the balance of the integrity and the competency of the Soviet computer system, which is not considered one of the best computer systems in the world.

It is also interesting to note, Mr. Chairman, that our President is not interested in seeing to it that this kind of technology goes to the Soviet Union. So we are talking about inferior computer technology maybe determining the destiny of the world. Six to eight minutes is a miniscule amount of time to talk about plunging the world into a nuclear holocaust, and I believe to deploy this weapon is incredibly dangerous. We threaten their command and control silos. These Pershing missiles will be placed in what we euphemistically refer to as a vulnerable, soft-target mode, which means that this would not be a hardened silo.

Now, in the case of a crisis, we have pressure on both sides. We have pressure on the side of the Soviet Union looking at a weapons system, a land-based missile, 6 to 8 minutes away from them. They have to go after that system because it is dangerous. People on our side, understanding the principle of use them or lose them, will be under incredible pressure to press that button to use those weapons.

So I am saying to my colleagues in unequivocal terms, to deploy the Pershing missile is incredibly dangerous, and my voice cries out to you not only for myself but millions of human beings in this country and millions on this planet who do not want to plunge the world into nuclear disaster, and I believe the Pershing missile, even beyond the MX I would say to my colleagues, is more imminently dangerous and destabilizing than any weapon that we can deploy at this moment.

□ 1410

Mr. Chairman, I would now like to take a moment to quote a number of sources on the issue of the danger of the deployment of the Pershing missile. First, Herbert Scoville, formerly Deputy Director of the Central Intelligence Agency, and formerly with the Arms Control Agency. This is Herbert Scoville, and I quote:

> The Pershing II deployment provides a vulnerable target which is a direct threat to the survival of their (meaning the Soviet Union) "command and control, and it provides them with a strong incentive to launch a preemptive strike, perhaps even in advance of any large-scale conflict in Europe."

The CHAIRMAN. The time of the gentleman from California, has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, I would now quote Paul Warnke on the issue of the danger of the deployment of the Pershing missile. Paul Warnke was with the agency negotiating the SALT Treaty.

> I am totally against developing weapons with the idea that you can fight and win a nuclear war. But it is important to have survivable weapons, weapons that cannot be readily destroyed by a first strike. It is also important that we not have weapons that threaten the survivability of the Soviet Union.

This quote was in testimony dealing directly with the issue of the deployment of the Pershing missile.

I would now like to quote Professor Emeritus Owen Chamberlain, Nobel Laureate, who was on the Manhattan project that gave rise to the atomic bombs that we dropped on Hiroshima and Nagasaki. Prof. Owen Chamberlain on the Pershing missile:

> If the Soviets suffered the same kind of computer error after our Pershing II missiles were installed, they might be forced to make a four-minute decision to launch their nuclear missiles, thus destroying, say, 20 cities, not in Europe but from San Francisco to Washington, D.C., in retaliation to an

imagined U.S. attack. This feature alone on the Pershing II constitutes a frightening threat to our security. To protect our real national security, Congress should withhold appropriation for Pershing II.

Mr. Chairman, I would now like to go to the third argument that I would advance to my colleagues, and that is that we will not enhance NATO solidarity with the deployment of the Pershing missile in December. I believe we will undermine European relations.

First, let us go back to the so-called two-track, double decision in 1979 on the part of NATO to deploy the Pershing and cruise missiles if, indeed, the talks at Geneva broke down on the issue of the intermediate nuclear force.

I would ask my colleagues to look back to 1979 in their minds. It was not the Reagan administration at that time; it was the Carter administration, and at that time, when our European allies, primarily our German allies, pushed for the two-track decision, what was taking place in 1979? Everyone in the world thought that the United States was about to ratify the SALT II Treaty, and they thought we were prepared then to move expeditiously to the negotiation of the SALT III Treaty. They thought that there would at least be at the strategic weapons level some stability in the world.

This was the 1979 backdrop within which the two-track decision was made. But these are not ratified agreements. We do not have a ratified SALT II Treaty. We have not moved to a SALT III Treaty. We do not, indeed, have stability in our strategic forces at this moment. There is great calamity in the world. So the backdrop of the decision of 1979 has radically changed, the situation is different, and the premises of that decision have indeed changed.

Therefore, I am suggesting to my colleagues that we rethink this incredible desire to deploy this weapon.

Mr. Chairman, the decision was prompted by the Germans, who saw a growing gap between the NATO and Warsaw Pact theater nuclear weapons, and they sought in this two-track approach to try to get the United States and the Soviet Union, the Warsaw Pact and NATO forces, to come together to link the issue of intermediate range weapons with strategic weaponry.

It never was, Mr. Chairman, the desire or the intent of NATO to seek a theater nuclear weapons balance. Otherwise they would not have asked for just 572. The Soviet Union had well over 1,000 weapons. So there was never any desire for balance, and my colleagues who project this notion of balance are not really dealing with reality. That was not NATO's desire. It was clearly anticipated that the Soviets' reaction to a proposed deployment would be a reduction in their forces. NATO believed that the Soviets would move toward reduction on the threat of deployment, not on deployment itself. But this administration has decided that the only way we can bring the Soviets to the table is to deploy, but the NATO allies who asked for this decision never thought deployment itself would be the negotiating impetus, but that the threat of deployment would.

Mr. Chairman, indeed when we threatened to deploy, the Soviet Union did say to the United States, "We are prepared to reduce our SS-20's." But remember, the President at that time was clinging tenaciously to the so-called zero option. This was the holier-than-thou position, and so we turned down the first effort on the part of the Soviet Union based upon the threat of deployment to begin reduction of their SS-20's, coupled with a promise not to deploy SS-21's, SS-22's, and SS-23's if we did not deploy the Pershing or the cruise missile.

Parenthetically, Mr. Chairman, NATO has always included the United Kingdom and the French nuclear forces as part of its theater nuclear weapons count.

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has again expired.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. DICKINSON. Mr. Chairman, reserving the right to object, I just wish to make an inquiry.

I wonder if the gentleman from California (Mr. DELLUMS) could advise the House about how long his statement will take.

Mr. DELLUMS. Mr. Chairman, I would say to my colleague, if he will yield, that it will take about 10 minutes.

Mr. DICKINSON. Mr. Chairman, I thank the gentleman, and I withdraw my reservation of objection.

The CHAIRMAN. The Chair will inquire, does the gentleman wish to have 10 additional minutes?

Mr. DELLUMS. Yes, I do, Mr. Chairman, and I thank my colleague, the gentleman from Alabama (Mr. DICKINSON) for inquiring. This is a new weapons system, and I think it is terribly important that we have time enough to debate it.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. DELLUMS) is recognized for 10 additional minutes.

Mr. DELLUMS. Mr. Chairman, former Minister Genscher, in June 1981, argued in his article entitled "Arguments for the NATO Double Track Decision"—as a matter of fact it is on page 72 of that report—that the United Kingdom and France must be counted in the theater nuclear weapons count because they are not counted in the SALT talks.

The Germans had held that the theater nuclear weapons ratio should be between NATO and the Warsaw Pact, not between the United States and the Soviet Union. That, I think, is a terribly important point because if the ratio is between the Warsaw Pact and NATO, then we must count the United Kingdom and French nuclear forces.

Mr. Chairman, the allies in 1979 foresaw a strategic arms control agreement would be in place at this time. As I said, it is not. They sought to create stability by reducing the theater nuclear imbalance by coupling theater and strategic forces, but it is interesting that we are not doing that. As a matter of fact, we have got two different talks going on in two different places rather than bringing these talks around the very same table. Certainly, without SALT in place, the whole question of strategic limitations and balance is indeed in doubt.

The Soviets see, in my estimation, the general United States escalation as requiring a reaction. This makes the Soviet reduction in theater nuclear weapons, in my humble opinion, very unlikely.

Mr. Chairman, we should delay deployment of the Pershing missile. The present framework of negotiation does not present an opportunity for agreement. The incentive for the U.S. reduction works only if we have not deployed the weapon.

If it were legal to bet on the floor of Congress, I would wager the following: If we deploy the Pershing missile, the Soviet's response would not be to reduce SS-20's. It will be either to increase SS-20's, or to deploy SS-21's, SS-22's, and SS-23's, which are more modern versions of this weapon.

Our allies in Western Europe are going to see the response not being reduction on the part of the Soviet Union but increase, and I guarantee that that is going to split Europe asunder and we are going to see people on both sides of that issue split very powerfully. In that context there is going to be not a solidarity of our NATO allies but a weakening that will be communicated throughout the world. So the very desire and goal that we seek to achieve by the deployment of these weapons is not going to be achieved.

I do not believe in any way that the Soviet Union is going to reduce by virtue of our deployment. The impetus of reduction is in the threat of deployment, not in the deployment.

□ 1420

Mr. Chairman, the Soviet Union has coupled their offer in the past with reduction of SS-20's and promise not to deploy these new weapons if we do not deploy ours. There is increasing opposition in Europe to these weapons. I truly believe that all our European allies would breathe a sigh of relief if we did not walk in lockstep toward deployment of this weapon in Western Europe.

Mr. Chairman, I would like to now address briefly the discussion of the SS-20's and quote a few people on the issue of the Pershing missile being a response to the Soviet deployment and buildup of the SS-20. As former National Security Adviser McGeorge Bundy has pointed out:

The SS-20 did not and does not give the Soviet Union any nuclear capacity against Europe alone that you did not have in overflowing measure before a single SS-20 was deployed

As Raymond Garthoff, former U.S. Ambassador to Bulgaria and senior fellow at the Brookings Institute has asked, "Why should the Soviet leaders be prepared to eliminate all their weapons, new and old, in exchange for non-deployment of certain U.S. new weapons systems if no limits are on other weapons?"

If, for example, the United Kingdom and France can continue to expand their weapons without any limitations, think rationally and logically, what makes anyone believe that they are going to reduce just because we deploy when there are other forces out there that can increase?

He further stated:

From the Soviet perspective, it is one thing to accept equal global force levels with the United States, but quite another to dismantle or even limit their European theater nuclear weapons without taking into account the whole strategic forces of the western alliance they face.

Mr. Chairman, the intermediate range force talks obviously need more time if a truly mutually satisfactory agreement is going to be achieved between the Soviet Union and the United States.

I believe that the Soviet's deployment of the SS-20 was wrong and I believe that there ought to be a significant reduction, ultimately a removal, not only of the SS-20's, but all of the insane nuclear weapons from the face of this Earth; but that is not going to be accomplished by the deployment of the Pershing missile.

I think that this rigid adherence to a deployment schedule is not what is going to bring the SS-20's down. That will come in the negotiations around the table, and I suggest that we must negotiate in good faith and negotiate powerfully and I believe we ought to fold both of these talks into one, so that there is only one table.

In summary, Mr. Chairman, this is going to be a Cuban missile crisis in reverse. This is a war-fighting weapon. It is not a deterrent weapon. If you want to talk about bargaining chips, I would ask my colleagues the rhetorical question: Once a weapons system has been deployed that started off as a bargaining chip, you name one that has been dismantled. A bargaining chip ceases to be a bargaining chip when you take it off the drawing board and you deploy it. At that point it becomes a weapons system aimed at your adversary. You then have to deal with it around the negotiating table.

In conclusion, Mr. Chairman, I make the following points: There is no military rationale for the deployment of the Pershing missile. It is extremely dangerous and crisis destabilizing and in my estimation will take the world in a quantum fashion closer to the brink of nuclear disaster. It will, indeed, undermine our relationships with our NATO allies. It will not bring us closer together. It is not a constructive response to the deployment of the SS-20. The better way to go is to negotiate.

Mr. Chairman, I believe for all the reasons that I have enunciated, and I have taken some time to present them to you because I believe this is a significant weapons systems and a significant issue before us. I know that a number of my colleagues say, "Well, RON, we can only deal with one system at a time. Let us deal with the MX and then maybe sometime down the road we can deal with these other weapons."

We are talking about the deployment of this weapon in December and once it is deployed, we will set in motion dynamics that we will either live or perhaps die to regret.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to my distinguished colleague, the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I thank my brother Don Quixote. The gentleman and I have been indissoluably bound together with Mr. Jack Anderson's description of us being Don Quixotes.

Mr. DELLUMS. I am proud to be a Don Quixote, I say to my friend.

Mr. GONZALEZ. A Don Quixote tilting at windmills, they have said.

I rise to ask a question and I thank the gentleman for yielding and also to adhere myself to the thread of reasoning of his presentation.

I think the gentleman is preeminently correct in his analysis. Unfortunately, it is a situation where I believe, observing, that the gentleman is cast in the role of a Don Quixote tilting at windmills; but the question I have has to do with a very important point the gentleman made, that I think has not penetrated the level of consciousness of either our leaders or our fellow Congressmen, our national leaders, and that is, the gentleman describes the fact that the deployment of the Pershing II would destabilize and would, in effect, bring about a devisive situation with respect to our "allies."

The gentleman is a member of the committee and, therefore, I assume would be knowledgeable beyond my capacity; but what is the status of the Germans, for instance, the French, and even the English? Is it not a fact that they are greatly disturbed by our intent and announced intention to deploy the Pershing II because as in the case of the cruise missile, if I understand the news reports correctly, even England wants to have the finger, so to speak, on the bomb trigger if and when a decision is ever made to use these weapons. Is this not the big issue now even in England about the so-called cruise missile? Is this not the raging issue in England?

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. GONZALEZ, and by unanimous consent, Mr. DELLUMS was allowed to proceed for an additional 5 minutes.)

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield further?

Mr. DELLUMS. Yes.

Mr. GONZALEZ. Mr. Chairman, does the gentleman have information with respect to that?

Mr. DELLUMS. Mr. Chairman, I thank my colleague for the question and I thank him very much for his characterization of the argument that we are trying to make.

I would first say to the gentleman that I realize that my colleague and I are at times cast as the Don Quixotes of the Congress tilting at windmills. I simply believe that this is not a windmill. This is a dangerous weapon that may very well bring the end to human life on this planet, because I assert unequivocally that I think the deployment of this weapon may take us in a quantum fashion closer to nuclear war.

Now, with respect to our NATO allies, first, in West Germany, the Social Democratic Party is in opposition to this system. The Christian Democrats are now beginning to raise significant questions.

In the Netherlands and other countries, they have taken votes in opposition to the deployment of these weapons.

We are having difficulty in some countries getting negotiated agreements for the deployment of these weapons.

In England, one of the issues is, "We don't want the deployment of the cruise missile in England, in Greenham Commons, and other places."

The gentleman is indeed correct. There are a number of people in England who are saying, "Wait a minute. The United States wants to deploy nuclear weapons in England, in Europe, ostensibly to protect Europe that may end up destroying it, and you would have your finger on the button? It's going to be in our country and we don't have that right?"

So these issues are being raised.

I think the bottom line of the gentleman's question is this, that there is, indeed a serious questioning on the part of our NATO allies with respect to the deployment of not only the Pershing missile, but the cruise missile as well. I am saying that I believe our NATO allies will breathe a sigh of relief. I think once we deploy, you are going to split Western Europe asunder and you are going to see demonstrations in opposition like you have never seen before, once the Soviet Union responds, as I think they will, and that is going to be to escalate the number of SS-20's and escalate the deployment in Eastern Europe of a number of more sophisticated weapons systems, theater nuclear weapons.

Mr. GONZALEZ. Mr. Chairman, I thank the distinguished gentleman and add additionally that his observations, in my mind, are very correct, most perceptive. It has been most courageous on the gentleman's part to be outspoken and present his case, which I think is meritorious of very serious consideration; in fact, at this point, of adoption.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman.

In conclusion, I would simply say to my colleagues that one of the frustrating problems of going out in front on these kinds of issues is that oftentimes you spend weeks and months developing your analysis and presenting arguments on the floor of the Congress that no one ever really addresses. If these arguments are incorrect, then let us have it out on the floor of the Congress. Show point for point that the arguments that the gentleman from California and the gentleman from Texas assert are not appropriate, but do not just gloss over it as if it did not exist.

□ 1430

These are rational, intelligent, easily communicated ideas and if they are inappropriate then I will go back and reconsider my position. But at least give us the integrity and the honor of dealing with the arguments.

We are not arguing in a vacuum here. I am not only arguing for myself or for 500,000 residents in California. I am arguing on behalf of human life in this country and human life on this planet, millions of people who oppose the insanity of an ever-increasing military budget and an out-of-control arms race and efforts that are taking us closer and closer to war.

Finally, I find it interesting that the women in this body, or at least a number of women in this body, seem to understand this issue perhaps better than the men. They see this macho mentality. One of my colleagues referred to it as Andropov envy. Someone referred to it as missile envy.

They understand that this is macho. This is beyond deterrence. What we are doing now is engaging in an arrogant and egotistical thing.

I believe when you are talking about destroying life on this planet you must be extremely humble. It is a very arrogant act to assume that we know best what is necessary in deploying these weapons that have the threat of destroying human life.

I am saying let us be humble in this rather, and let us go slow in this regard, and let us not engage in a macho, arrogant activity that may destroy us and our children and our children's children.

I yield back the balance of my time.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is one of several amendments that our good friend and colleague from California, Mr. DELLUMS, has suggested in a "Dear Colleague" letter dated May 19.

This amendment by itself, and in conjunction with the other amendments that the gentleman is expected to offer based on his letter, would do two things:

First of all, they would amount to a unilateral disarmament on the part of the United States; and, second, these amendments would absolutely kill the INF arms control talks now going on in Geneva.

If these amendments were to pass, Ambassador Rowny and Ambassador Nitze might as well come home. There could be no reason to try to negotiate with a Soviet delegation that had been given the full support of a majority of the Members of the House of Representatives.

The gentleman from California is a very genial and persuasive Member, but these are the basic nuclear deterrent systems that this gentleman's amendment, not only the one amendment he has been expounding this afternoon, but the others included in his list that would be stricken: the Pershing II missile, the ground-launched cruise missile, the B-1 bomber, the sea-launched cruise missile, research and development for the MX missile, and civil defense. This particular amendment which we have before us now would strike all of the funds for the Pershing II missile.

I have heard the gentleman from California say on several occasions, and he indicated more or less the same this afternoon, that the Pershing II can rain down nuclear warheads on the Soviet Union within 5 minutes or 8 minutes.

As a matter of fact, the Pershing II cannot even reach Moscow from its launchers in West Germany.

But within the range of the Pershing II there are located 350 Soviet SS-20 launchers capable of landing 1,000 nuclear warheads on NATO and even have the capability to send those destructive missiles well beyond the NATO area.

While the existence and the threat of these missiles do not seem to concern some Members, the 350 or more SS-20's greatly concern Western Europe. I can say that because, like the gentleman from Wisconsin, Mr. ZABLOCKI, I too had the privilege of being on hand for the North Atlantic Assembly meetings last week in Copenhagen. There was a great concern about these missiles at that session and there is still some considerable concern about whether the United States intends to field the Pershing missile.

But our colleague from Georgia, Mr. LEVITAS, took the rostrum in the closing moments of that NATO assembly session and promised our NATO allies that we were going to fund the MX missile, we were going to fund the Pershing missile, we were going to support them solidly in their concerns.

Indeed it is the threat of the SS-20 that brought about the intermediate ranged nuclear force negotiations in Geneva, and the joint NATO plans to deploy the Pershing II and the ground-launched missiles if those talks failed to produce results.

One of the important subjects that was discussed in those meetings informally as well as formally was the fact that the German electorate under Chancellor Kohl had voted overwhelmingly to support the Pershing missiles, and the German Government is determined to put them into place unless there is some agreement on different deployment at Geneva in the INF talks.

As we were meeting there in Copenhagen the results came in from Great Britain where the Thatcher government was again overwhelmingly swept into office based on its pledge to support the placement of these missiles by its firm and solid ally, the United States of America.

This amendment would prevent the United States from carrying out a solid commitment to its NATO partners. If this amendment were adopted we would destroy what remains of the credibility of the United States as a reliable ally.

If we were to accept the doctrine of the gentleman from California a successful balance of power in terms of international intermediate-range nuclear weapons would be 1,000 to zero,

1,000 warheads on the Soviet side; zero for ourselves.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. STRATTON) has expired.

(On request of Mr. DELLUMS and by unanimous consent Mr. STRATTON was allowed to proceed for 5 additional minutes.)

Mr. STRATTON. Mr. Chairman, the statements that I am making have been fully backed up by officials of the U.S. Government. I think it is important, although I am sure the gentleman from California is aware of them, but it is important that they go into the record.

The Ambassador in charge of the INF negotiations, the Hon. Paul Nitze, said on November 22 of last year that "the deployment of the Pershing II and the ground-launched cruise missiles are essential to balance the massive Soviet deployment of Soviet SS-20 missiles."

In the INF negotiations the United States has put forward a program under which we would forgo our deployment provided the Soviets forgo theirs. There is no prospect that the Soviets will seriously negotiate on the basis of our proposal if they conclude that support of the Congress for our deployment may be withdrawn or weakened.

In April it was said a delay in funding the program would have an adverse effect upon any prospects for a favorable outcome of the INF issue.

Here in the Current News, duplicated by the Pentagon, in the early bird edition on June 11, the Washington Post reports that the NATO Ministers in Paris reaffirm the plan to deploy missiles. NATO is behind this deployment, and if we were to accept the Dellums amendment we would wipe out our credibility and, in my judgment, destroy the NATO alliance for all time.

So I think a word to the wise is sufficient. We certainly cannot damage these negotiations and we have to reject the Dellums amendment.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I will be glad to yield to the gentleman from California.

Mr. DELLUMS. I thank my colleague for yielding.

As I have said on more than one occasion, I respect the fact that my colleague and I have very different perceptions in this regard. But I would like to make several quick comments.

First of all the gentleman has mistakenly quoted this gentleman as saying that our Pershing missile can reach Moscow. I have never said that and I think a correct reading of the record would indicate that that weapon can travel between 1,000 and 1,200 nautical miles and reach into the Soviet Union. I did not use the term "Moscow" and I would hope that my colleague would correct that part of the record.

Second, irrespective of what this gentleman's political views are, I believe that nuclear war is insane. The gentleman is correct, I would like to get rid of all of these weapons. But to characterize my argument as one of unilateral disarmament is to burlesque the gentleman's argument.

□ 1440

No. 2, we are not here to challenge each other's personal political views. What we are here to do is to debate policy and whatever my views are on other weapon systems I have argued and tried to argue as persuasively as possible against this particular weapon system and I made a number of arguments against this particular weapon system. I think the debate ought to occur in that regard.

Mr. STRATTON. If I may respond to the gentleman on the time that he has graciously extended for me, the fact is that the gentleman has proposed in his letter of May 19 not just the elimination of the Pershing but also the elimination of all of these other weapons that are vital to our nuclear deterrent. And if the gentleman were to succeed in getting all of his amendments passed, that would indeed be unilateral nuclear disarmament on the part of the United States. I do not think the gentleman expects that they are going to be passed by this House. But if they were, this is actually what the gentleman's program adds up to. And I think the gentleman ought at least to face up to the consequences of his particular views.

Mr. DELLUMS. Would the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. DELLUMS. I thank the gentleman.

I appreciate the fact that the gentleman is going to make his own characterization. I do not believe it is unilateral disarmament. I think if we stopped all these nuclear weapons maybe we will start to break out in unilateral peace; that would be an important issue. Let us go to something else. The gentleman said in his remarks, he quoted on this two-track decision that we would deploy the weapons; the weapons would be deployed unless there was agreement at Geneva on the intermediate nuclear force talks. But what this administration is suggesting, and I think what the gentleman is suggesting and if I am wrong then I stand corrected; the gentleman is saying the Soviet Union would not negotiate until the deployment and that in my estimation is a radical point of departure from what the original two-track decision was.

Our European allies never said, "Deploy the weapons and then the Soviets may negotiate."

Mr. STRATTON. Let me respond to that.

Mr. DELLUMS. So, I think the gentleman has distorted that argument.

Mr. STRATTON. The fact is that the INF——

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. STRATTON was allowed to proceed for 3 additional minutes.)

Mr. STRATTON [continuing]. The INF negotiations have in fact been going on in Geneva for some 1 year and 9 months, and they are still in progress, as Mr. Nitze has made clear.

The negotiations have been continuing. What has not happened is that there has been any agreement. The Armed Services Committee, during our visit to Paris, a couple of weeks ago, met with Mr. Nitze and he reaffirmed to us that there is still no agreement, but negotiations continue. The Soviets have simply not come up with any responsible, reasonable offer that we can take seriously.

The only thing that was floating around was the so-called walk in the woods agreement but the Soviet Government turned that down and then the United States Government turned it down.

No one has said that negotiations have been terminated until the Pershing missiles have been deployed. What the gentleman has referred to is a misunderstanding. What has been said has been a conviction on the part of many of our allies—and the Germans, I think, probably are much smarter about what the Russians are up to than we are—they say we are not likely to find the Soviets negotiating responsibly on the INF matter until we finally deploy those weapons in Germany. That is exactly what we found with regard to the ABM. Once Congress voted the money for the ABM then Mr. Kosygin reconsidered and proceeded to negotiate a treaty about the ABM, and such a treaty was ratified.

Mr. DELLUMS. Would the gentleman yield briefly to me?

Mr. STRATTON. I yield to the gentleman.

Mr. DELLUMS. I thank the gentleman.

First of all, I think deploying the Pershing missile is very, very different than the ABM situation. Let me ask the gentleman this question: What does the gentleman believe the Soviet Union's response would be if indeed we deploy the Pershing and the cruise missile on time in December, what would their response be?

Mr. STRATTON. Well, I do not take the Soviet threats as being gospel truth. I think the Soviets feel that

with the sentiment of the various peace movements and the demonstrators here and in Europe and those who are trying to knock out the MX and trying to knock out the Pershing in the Congress, that the American people will somehow demand that Congress refuse to let these weapons be deployed.

And I think that when they see, that in spite of those efforts the Americans, the Germans, and the British are still behind the deployment of these weapons, they will then talk a different tune. That has been the experience of our negotiators in the past.

Mr. DELLUMS. I thank my colleague for yielding and we respectfully disagree on this issue.

Mr. STRATTON. I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment.

Mr. DELLUMS. Will my colleague yield briefly before you begin?

Mrs. SCHROEDER. I yield to the gentleman.

Mr. DELLUMS. I thank my colleague.

My colleague from New York suggested that we are talking about unilateral disarmament. Well, what about the 10,000 strategic nuclear weapons that we already have in our arensal? What about the 15,000 tactical nuclear weapons that we already have in our arsenal? We assume if you knock out these new and very exotic weapon systems that in some way the United States does not have nuclear capability.

We have 25,000 nuclear weapons, what are we talking about, disarmament? What we are saying is let us not go forward with nuclear technology that will go from deterrence to war fighting, from verifiability to nonverifiability and finally let us not deploy weapons that will take us in a quantum fashion closer to the brink of nuclear war. This is not unilateral disarmament. We have enough weapons to destroy ourselves and everybody living on the planet. I think that is a gross distortion of the position when we talk about challenging these new and more dangerous weapon systems. I thank my colleague.

Mrs. SCHROEDER. I thank the gentleman from California for making that statement because I think that is a very important part of what I would like to address as I speak for this amendment.

First, this is not the first purchase we have ever made of nuclear strategic weapons. I think it is terribly important to realize we have a phenomenal stockpile out there which many people think is too large already.

The second part is that we have had many people lately, like Adm. Stansfield Turner who used to be head of the CIA, pointing out that one of the mistakes we tend to make over and over again is that we treat strategic weapons just like we do conventional weapons. And in conventional weapons it makes a phenomenal amount of sense to say they have 10 tanks so we had better have 10 tanks or we could get caught a little short or what have you; looking at numbers on both sides is important.

Strategic weapons are of an entirely different order. And yet we take the lessons from the conventional side and apply them to the strategic side like the same thing applies on both sides. And I think that is part of what we are doing with the Pershing II missile system.

I think it is very clear to people that even though this was named after Pershing and he was a general in World War I, this is not a World War I weapon, this is a strategic weapon of today. And it is to be deployed in Europe.

There are many, many issues that I think we just have not looked at closely enough.

First, there has been some movement all over Europe by women; women have mentioned it for years: Men have been leaving home to wage war and they are now leaving home to wage peace. Whether it is in England or Italy, whether it is in any number of places, they are very worried about this phenomenal strategic build up that they are seeing in their backyard or at their front door, depending on where they happen to live. And I think that is a serious, serious action that is going on.

Many Americans women will be joining and protesting during the summer on this very same issue.

Second, as we keep talking about the Pershing missile and how important it is to Europe, let me ask you a question: If it is so important to Europe, why do the Europeans keep reducing their number of troops in the field? They are cutting back on their number of troops that they deploy and their contributions in many areas. They have never beefed up their effort in conventional weapons.

It seems to me the whole world would be much safer if they met the Soviet threat with a conventional buildup rather than falling back and letting us pick it up with the Pershing. I think that is a very serious question this body should be asking.

We should be equal partners, we should be doing everything we can to bring down the level of nuclear terrorism rather than increasing it by letting the conventional things fall short.

Mr. STRATTON. Mr. Chairman, would the gentlewomen yield?

Mrs. SCHROEDER. I will be delighted to yield.

Mr. STRATTON. I thank the gentlewoman.

The gentlewoman said a moment ago that the traditional pattern was that men go off to wage war and women sit home and hope that they will come back alive.

I would point out to the gentlewoman that it was a female Prime Minister of England who waged the Falkland Islands war and very successfully and got reelected with an overwhelming majority.

I would remind her that it was a woman in the person of Golda Meir who successfully waged the Yom Kippur war.

□ 1450

And I would also point out that it was a woman, Mrs. Gandhi, who waged the war against Pakistan.

I think those chauvinistic, sexist statements are not supported by history.

Mrs. SCHROEDER. I am not sure whether the gentleman is saying I am a sexist or whether the gentleman is saying I could get reelected easier if I go out and wage a war somewhere. I really do not intend to start a war to make my political career easier. And I do not think we want to advocate war, even to women as much as I want to see more women in office, I certainly would not be one to go and advocate to women that they go start wars and that is how they could get reelected easily.

Nevertheless, I think that it is a little off the track and I would like to get back to what we are talking about.

We hear that this is really to catch the shortfall in the conventional buildup. And we hear how important this is to our European allies and yet if they are so worried, I keep wondering why they are not increasing their contributions to NATO in a much more significant manner.

This is not 1945. This is almost 1984, 1983 to be exact, but let us face it, it is a long, long time after the war. They have rebuilt, they are on their own feet and of course they are worried about their area. They ought to be worried.

The CHAIRMAN. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has expired.

(By unanimous consent, Mrs. SCHROEDER was allowed to proceed for 5 additional minutes.)

Mrs. SCHROEDER. The Soviet Union is not going to be considered lightly and I would be the last to say that, but I am only saying I think our NATO partners need to do more for themselves. I think they need to do more conventionally so we do not keep relying on this nuclear tripwire in the area, which only destabilizes the entire world.

Which gets me to the next part. I am not sure as a European, that I would feel very secure with an Ameri-

can weapons system and American fingers on the buttons of those American weapons systems. The question to me would be: When would they be willing to push it to protect me? It is very clear that if we push the button to send off those Pershing missiles our whole continent is then in jeopardy. I think they would feel better if they had built up their own conventional forces much more. I would feel better if they had built up their own conventional forces much more and the world would be safer.

So it seems to me we would do much better to encourage them to do that rather than slipping in the Pershing which I think only makes the situation much worse.

Let me also deal with the whole bargaining chip area because we hear this over and over and over again. Unfortunately, I think too many of us have bought the argument that the road to arms control is paved with more weapons. You do not pave the road to arms control with weapons. That is the wrong way to go.

I have never seen a bargaining chip that ever got deployed then decommissioned. Once it is out, it is no longer negotiable. And it is over with.

I also spent a lot of time in college studying Chinese culture. One of the things that you learn as you get into that culture, if you are going to do face-saving, you find a way for everybody to change course together. You do not get one or the other to back down, to take down the things that they have already put out. People cannot do that in human relations and I think we have to be realistic enough to know that.

So once it is there, it is there.

So what I am saying is I wish in the worst way we could find a way for our allies to pick up more of the slack there. If I looked at NATO, the part of NATO that worries me the most is the southern flank. It is down in the southern flank where we have so many problems, we do not have as many troops, we do not have as much equipment down there as up north.

It seems to be the northern part is terribly prosperous, they are very, very competitive in the civilian areas all over and they really ought to be able to take better care of themselves. And I am not sure that putting the Pershing in that scenario does anything more than destabilize it, and cause internal trouble. It really does not add to defense in the north and I certainly do not think it adds to getting us any kind of an arms control agreement.

I think that is how we have to look at it and I think somehow we have to turn this course around. I really compliment the gentleman from California for bringing this amendment up at this time and discussing this before the cat is out of the bag.

Mr. DELLUMS. Mr. Chairman, will the gentlewoman yield to me.

Mrs. SCHROEDER. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentlewoman for yielding.

I appreciate the remarks of my distinguished colleague and I think that we have tried to raise a number of issues, present a number of arguments in opposition to the deployment of these weapons.

I would simply like to offer one, because the gentlewoman mentioned economics and it prompted me to consider this. When we held hearings on our subcommittee, one of the witnesses raised a very interesting point. He said:

> You know, this weapon can travel between 1,000 and 1,200 nautical miles. It is an ICBM that we can indeed manufacture, but if we manufacture it and leave it in the United States, it is a useless weapon; 1,000, 1,200 nautical miles, it cannot hit the Soviet Union.

Mrs. SCHROEDER. Unless you want to hit fish.

Mr. DELLUMS. Exactly. So you have an economic motivation for the deployment of this weapon. You have got to put it somewhere it can be used.

So there is a great motivation to place this weapon in Europe. To have it sitting in the United States, from some people's vantage point, is a useless thing.

So here is the technology that the United States can obviously advance, but it is a technology that it is useless to us in the continental limits of the United States. So there is greater impetus to deploy this weapon closer to the Soviet Union.

I am simply saying that by deploying this weapon in West Germany, 6 to 8 minutes from the Soviet Union, we are going down a very frightening and very dangerous road. And if that computer ever malfunctions on the Soviet side, we may very well start down the road toward thermonuclear war.

Mrs. SCHROEDER. I thank the gentleman from California for mentioning that.

I think there is one other piece of that. If we are sitting in their country with our missile and our finger on it, would we want the Europeans having their finger on our ICBM's in our country, deciding whether to fire those?

And I think that is a very interesting thing about the partnership and equal access and all that. And I do not think we would find that acceptable. And I really think we are going to find the Europeans do not find that acceptable and are not going to buy into that economic argument of well, we can make it, but we just do not have any place to put it back home, so we will put it over here, but since it is ours we have to control it. I do not like any of that. I think we have to be much more careful and much more sensitive about where we are going to be 5 years from now.

Mr. GEKAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my point in rising to participate in this particular debate is to reaffirm the thesis that was propounded by the gentleman from New York (Mr. STRATTON) on the importance of the NATO alliance in this debate.

It is absolutely dangerous for our country to remove from consideration the posture taken by the NATO alliance in this whole matter. Not only because historically have those countries that make up the NATO alliance, not only historically have they stood between us and an ultimate foe in world conflict and so there is historic basis for us to give attention to those countries, but in the context of the present danger, the one now posed by the Soviet Union, where they not only have maintained economic and political ties with our Nation, but are in the forefront of interposing themselves between us and the Soviet danger by insisting that they allow the deployment of the Pershing and the other systems to go into place.

I think that it would be extremely dangerous for America's best interest to ignore them, to shunt them aside and to say, "You don't know what you are talking about, only the Congress of the United States knows the danger of the Soviets." When the West German Government, the English Government, the French Government, all of them are insisting that we need now to deploy, we need now to bolster our defense and to demonstrate to the Soviet Union that we are aimed to deterring nuclear war and we need your help. We cannot ignore that.

Mr. WHITEHURST. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Virginia.

Mr. WHITEHURST. I thank the gentleman for yielding.

I want to commend the gentleman for his comments. The gentleman from New York (Mr. STRATTON) and I were in Copenhagen this past weekend attending the midyear meeting of the North Atlantic Assembly. I am a vice chairman of the Military Committee of the Assembly, as a matter of fact. The gentleman from New York (Mr. STRATTON) made a very sincere contribution to the deliberation that we held on Friday. Much of the dialog on Friday in the committee, among the various parliamentary representatives of the very countries that the gentleman is mentioning, brought up this point and defended the placing of the Pershing II and cruise missiles in Europe. They said, "Everyone talks about the danger of placing the mis-

siles there, but nobody is talking about the impact of the missiles from the other side coming here."

I think this point needs to be made. I just cannot imagine what the reaction would be among the principal allies in Western Europe if we adopted the amendment of the gentleman from California.

□ 1500

Now, they are asking us to hold firm. They, who are on the firing line, want us to put these missiles there because they know, as the gentleman has correctly identified it, it is an effective deterrent to the Soviets, and if we, on our part, in this House, at this point, knock those funds out and do not deploy Pershing II, believe me, I cannot think of any act that we would take that would more quickly convince them that we were a totally unreliable ally.

Mr. GEKAS. I thank the gentleman for pointing those matters out in which he was intimately involved over the weekend. I just cannot understand how we, as a body, in an action such as this, give a demonstration of a return to the very type of isolationism that has always tended to get us into world trouble. And when we have a built-in body of countries in Western Europe eager to be our buffer, how can we say no to them? We should say no to the amendment on the floor.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from California.

Mr. DELLUMS. I thank my colleague for yielding.

Mr. Chairman, I tried to listen as intently as possible to the gentleman's argument, and I make the following observations:

First of all, the gentleman suggested that a number of our NATO allies are pleading for deployment of the weapon.

I would suggest to my colleague that we go back to the two-track decision made in the fall of 1979. It was two tracks, not one track. They said: Deploy if the negotiations on intermediate nuclear forces break down.

I would suggest to my colleague that they are not demanding deployment of the weapon. What they are suggesting is that we go forward as aggressively as possible with the negotiation. That is why every one of our NATO allies, including West Germany, challenged President Reagan's zero-zero option. They said that while we all want ultimately the zero-zero option, none of the NATO allies believe that that zero-zero option was indeed an appropriate place to start the negotiation.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GEKAS) has expired.

(On request of Mr. DELLUMS and by unanimous consent, Mr. GEKAS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. So that if our NATO allies really wanted the deployment, then why did they ask this administration to change their negotiation position if they wanted deployment? They would have stayed with zero-zero and demanded the deployment. But instead, they demanded negotiation and a good-faith effort on our part to shift away from these zero-zero options.

How does my colleague respond to that?

Mr. GEKAS. Easily. There is not anyone on the floor of this Chamber or who eventually will vote on this amendment who does not want to proceed with negotiations and to give full vent to any effort on the part of our negotiators and the President of the United States and any Member of Congress who wants to speak up on it, on these negotiations, on every level. We are not talking about that.

Mr. WHITEHURST. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Virginia.

Mr. WHITEHURST. Mr. Chairman, the gentleman may or may not know that the dual-track decision and the zero-zero option was actually the brainchild of Helmut Schmidt, the head of the SBD Party and Chancellor of Germany at that time.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from California.

Mr. DELLUMS. As my colleague knows, Helmut Schmidt backed off the zero-zero option and said to the President of the United States, Mr. Reagan:

> Look, we want desperately for these talks in Geneva to go forward, and we do not believe that zero-zero option is the appropriate basis. We all want to remove the weapons. But let us have a better starting point for the negotiations.

Mr. GEKAS. If I may reclaim some of my time, the fact that he backed off zero option did not imply that he was backing off negotiations.

There are negotiations and there are negotiations. There are zero options and there are zero minus X options and there are other kinds of things.

All that the NATO Alliance is saying is:

> In order to continue to negotiate and force good-faith negotiations, we are not going to at the same time jeopardize our defenses. We have to deploy.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, the point that I think that the gentleman from Virginia was making was that the gentleman from California said that there is not a single one of our NATO allies who believes in the zero-zero option. And the fact of the matter is that it was recommended by Chancellor Schmidt, it was endorsed by the German Government of which he was the head, and it was endorsed by everyone of the allies.

It was only when the allies found that the Russians would not accept it that they then began to accuse the President of being the author of the zero-zero option and tried to make a big story that this was some kind of a trap that he had set for the Soviets.

So I think we are getting some garbled history from our good friend from California.

Mr. DELLUMS. If my colleague will yield, in the usual cantankerous effort, my colleague has again distorted our perspective. But I think my colleague has made the point, and that is that our NATO allies may very well have indeed, as my distinguished colleague from Virginia pointed out, been the authors and supporters of the zero-zero option. But they did challenge this President to move beyond it.

And all I am saying is that to read that position is simply to say in my estimation that they did not want to go forward lockstep toward this rigid abherence to a deployment schedule.

I think if you want to oppose the SS-20's, then let us do it around the negotiation table.

If my colleague will yield briefly further, I will make this comment: We are all here dealing in perceptions. You know, "the great powers that be" do not speak to me personally, so I am trying to make judgments, as we are all trying to make judgments here. But I actually believe that if we deploy the Pershing missile, the Soviet Union is not going to reduce SS-20's. They may increase them. But I certainly believe that they are going to increase deployment. And If they increase deployment, our Western allies are going to see that the deployment of the Pershing missile did not reduce tension but increased tension. You talk about public opinion being split asunder in Western Europe, and it is going to make the Alliance perceived to be very weak in the international community, it is not going to achieve the results the gentleman thinks it is going to achieve. But we may disagree on that, and we may do that for time immemorial.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GEKAS) has again expired.

(By unanimous consent, Mr. GEKAS was allowed to proceed for 1 additional minute.)

Mr. GEKAS. Mr. Chairman, in that regard, the people of Western Europe have spoken out in a way that we ourselves foster speaking out. The people

of the United Kingdom have spoken out in the election of Margaret Thatcher; the people of West Germany have spoken out in their recent election, and so on and so forth.

Concerning that perception the gentleman is talking about, my own perception is that support of the gentleman's amendment would be a betrayal of the NATO alliance.

Mr. DELLUMS. If my colleague will yield briefly, there have been a great deal of interpretations of what the elections in Great Britain and in Germany really meant. I think as professional elected officials here, as all of us are, we all know that perception is in the eye of the beholder. And how one interprets an election is not gospel. You may interpret it the way you want to see it. A number of people think that the West German election or the British election turned on the deployment of the Pershing and the cruise missile. I believe that is a gross misreading. I may be as wrong as you are, but I certainly do not believe that these elections hinge on one issue, just as I do not believe that the present President of the United States has a mandate to rewrite history. But that is my conclusion.

Mrs. BYRON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

This amendment will have very important foreign policy and arms control implications. This amendment, if approved, will demonstrate the lack of the will of the House to do what is necessary to protect our own interests and to support our allies.

Two items in this bill that have been controversial in the past but which have a great bearing on our prospects for achieving some measure of arms control in Europe are the Pershing II missile and the ground-launched cruise missile (GLCM) systems. We should remember that the very existence of Pershing II is the result of weaknesses, failures, and omissions in previous arms control agreements, particularly SALT I and SALT II. Had those agreements been more comprehensive, there would be no need for these weapon systems.

Previous arms control agreements concentrate on long-range intercontinental ballistic missiles (ICBM's) and sea-launched ballistic missiles (SLBM's). The Soviet Union strongly resisted any effort to include intermediate-range systems such as the Backfire bomber or the SS-4, SS-5, and SS-20 missiles. They also refused to negotiate reductions in intermediate-range submarine-based missiles.

Taking advantage of this gaping hole in the arms control process, the Soviets augmented their Backfire bomber and intermediate-range SS-4 and SS-5 missiles with 351 SS-20 missiles that can deliver 1,250 nuclear warheads on targets within the NATO area. This occurred even as SALT II was being negotiated. The SS-20 is mobile and its launchers can be reloaded with a similar number of warheads. There are no intermediate-range nuclear missiles deployed within NATO to deter possible nuclear blackmail or use of this overwhelming capability of the Soviet Union.

In the face of this overwhelming threat, the Western European NATO countries became concerned, and rightly so. Arms control negotiations between the United States and the Soviet Union at that time did not deal with the intermediate-range threat. The NATO allies also became concerned that the U.S. strategic deterrent would never be used as a shield against a Soviet nuclear attack on Europe. As a result, the NATO ministers, on December 12, 1979, agreed to modernize NATO's nuclear deterrent through the deployment of 108 Pershing II missiles and 464 ground-launched cruise missiles in Europe. This decision was coupled with a commitment to arms control negotiations between the United States and the Soviet Union on theater nuclear forces.

The NATO decision to deploy an intermediate-range nuclear deterrent, while seeking an arms control agreement, is the only basis for the Intermediate-Range Nuclear Forces—or INF—negotiations that began in November 1981. It is only the determination of the United States and NATO countries that brought the Soviet Union to the bargaining table, and it is only that determination that keeps the Soviet Union at the bargaining table. If the United States unilaterally backs down from its promise to deploy the Pershing II, the NATO Alliance will become just another scrap of paper and the United States will, in fact, become an unreliable ally.

The President has asked for a treaty that would ban intermediate-range missiles worldwide. The Soviets have rejected that concept and some have said that a "zero" option is unachievable. NATO, on the other hand, has insisted on the maintenance of parity in intermediate-range nuclear weapons and has expressed a willingness to establish parity at whatever level is suitable to the Soviet Union.

In deciding whether to vote for or against this amendment, I would urge those on both sides of the aisle to remember that we cannot turn our NATO allies on and off like a lamp. In the interests of diplomacy and arms control, I urge that the committee's position on the Pershing II be supported.

● Mr. MARKEY. Mr. Chairman, I rise in support of the amendment to cut $432.8 million for procurement of the Pershing II missile.

Mr. Chairman, there will be a great debate in this Congress over what might be called the king of the destabilizing weapons systems, the MX missile. But I think the weapon that poses the most immediate threat to world stability is the Pershing II missile.

For arms control reasons alone, the Pershing II is a weapons program this country should never have gotten involved with.

As we all know, the Pershing II was part of a two-track decision the United States agreed to implement with our European allies in 1979. One track was negotiations with the Soviets on an INF agreement that dealt with their deployment of SS-20's. The other track was deployment of the Pershing II and ground-launched cruise missiles if the INF talks failed.

Also implicit in this two-track decision was the European belief that the United States and the Soviet Union would continue implementing strategic arms treaties, that the United States would approve SALT II and that we would be negotiating SALT III.

But as we all know, the two-track decision has ended up being a one-track decision. The INF talks are dead in the water. The Reagan administration has refused to push for ratification of SALT II even though it recognizes that the treaty is valuable and has pledged to abide by it. And even the latest START proposal looks like it is going nowhere.

So it looks like the United States is painting itself into a corner with the Pershing II.

If we deploy this destabilizing weapon, here is the situation we are placing this country in.

The Pershing II has a hard-target kill capability. Therefore, it can be used as a first-strike weapon.

But even more disturbing, the Pershing II deployed in Europe would be capable of reaching and destroying Soviet hard targets deep within the Soviet Union in less than 10 minutes.

How will the Soviets react to this?

Well how do you think the United States would react if the Soviets put hard-target-kill weapons in Cuba that could hit the outskirts of Washington in less than 10 minutes?

Installing Pershing II's in Europe will put a hair trigger on deterrence.

The Soviets would have only 10 minutes to decide whether the blips on their radar are incoming warheads or false alarms.

This would induce them to adopt a launch-on-warning posture, to use their missiles rather than lose them in an attack.

Launch on warning, as we all know, is a dangerous posture to take. Computers can fail. A false alarm could accidentally set off a nuclear war.

The arms control implications should be enough to sink this dangerous weapon.

But what I do not think has been too carefully considered in the Congress is the fact that deployment of the Pershing II and the ground-launched cruise missile in Europe represents a waste of our military resources.

And that is not my opinion. That is the opinion of a high-ranking Pentagon official. According to a June 2 report in the Boston Globe, none other than Richard Perle, Assistant Secretary of Defense for International Security Policy, told a group of reporters and editors that the United States made a mistake when it decided in December 1979 to deploy the Pershing II and the GLCM's.

According to the Globe, Mr. Perle told the reporters and editors that the Pershing II's and the GLCM's never have had much military utility mainly because they are vulnerable to attack. Mr. Perle went on to say that the Pershing II's and the GLCM's have caused far more political damage within the NATO Alliance than they are worth.

Now there is very little Richard Perle and I agree on. But in this case, I could not agree more with his conclusion that the Pershing II's and the ground-launched cruise missile have no political utility in Europe.

The only reason we are deploying them is to stick to a bad decision that was made 3 years ago, according to Mr. Perle, and I agree with him wholeheartedly.

That is why we need to cancel this project before we box ourselves into a situation nobody wants.

The deployment of the Pershing II's and the GLCM's in Europe has been justified to correct an asymmetry in land-based, intermediate-range ballistic missiles based in Europe. The Soviets have 600 SS-4's, SS-5's and SS-20's, while we have no comparable systems.

But what has largely gone unnoticed is the fact that the United States in the past has not only accepted this asymmetry but has intentionally created it.

For example, in the 1960's, then Secretary of Defense Robert MacNamara did not try to match Soviet superiority in intermediate land-based missiles Europe.

Far from it. MacNamara withdrew comparable U.S. systems such as the Thor and Jupiter ballistic missiles and the Mace and Matador cruise missiles from the European theater.

In other words, MacNamara intentionally expanded the asymmetry and he did so for sound military reasons.

He removed those land-based missiles in favor of less vulnerable submarine-launched Polaris missiles.

In other words, the asymmetry the administration is so worried about now was emphasized in the 1960's as part of a sound defense plan.

And as Mr. Perle has noted, trying to correct that asymmetry now with the installation of Pershing II's and GLCM's represents an unsound military decision, because it would involve putting missiles back into a vulnerable basing mode on land.

I therefore strongly urge my colleagues to support the amendment to cut $432.8 million for the Pershing II.

It is a missile that not only is dangerous to arms control, it is a missile that fails the test of sound military planning.●

□ 1510

The CHAIRMAN pro tempore (Mr. MURTHA). The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 73, noes 319, not voting 40, as follows:

[Roll No. 202]

AYES—73

Ackerman	Goodling	Sabo
Addabbo	Gray	Savage
AuCoin	Hall (OH)	Scheuer
Bedell	Hawkins	Schroeder
Beilenson	Kastenmeier	Schumer
Bonior	Kennelly	Seiberling
Bosco	Kildee	Shannon
Brown (CA)	LaFalce	Sikorski
Carr	Lehman (CA)	Stokes
Clay	Lehman (FL)	Studds
Collins	Lowry (WA)	Swift
Conte	Lundine	Torres
Conyers	Markey	Torricelli
Coyne	Mavroules	Towns
Dellums	Mitchell	Vento
Dixon	Moakley	Waxman
Downey	Moody	Weaver
Dymally	Morrison (CT)	Weiss
Early	Oberstar	Wheat
Edgar	Ottinger	Williams (MT)
Edwards (CA)	Paul	Wirth
Forsythe	Penny	Wolpe
Frank	Rangel	Wyden
Garcia	Rodino	
Gonzalez	Roybal	

NOES—319

Akaka	Bliley	Chappell
Albosta	Boehlert	Chappie
Anderson	Boggs	Cheney
Andrews (NC)	Boland	Clarke
Annunzio	Boner	Clinger
Anthony	Bonker	Coelho
Applegate	Borski	Coleman (MO)
Archer	Boucher	Conable
Aspin	Breaux	Corcoran
Badham	Britt	Coughlin
Barnard	Brooks	Craig
Barnes	Broomfield	Crane, Daniel
Bartlett	Brown (CO)	Crane, Philip
Bateman	Broyhill	D'Amours
Bennett	Bryant	Daniel
Bereuter	Burton	Dannemeyer
Berman	Byron	Daschle
Bethune	Campbell	Daub
Bevill	Carney	Davis
Biaggi	Carper	de la Garza
Bilirakis	Chandler	Derrick
DeWine	Kazen	Pritchard
Dickinson	Kemp	Pursell
Dicks	Kindness	Quillen
Dingell	Kogovsek	Rahall
Donnelly	Kolter	Ratchford
Dorgan	Kostmayer	Ray
Dowdy	Lagomarsino	Regula
Dreier	Lantos	Reid
Duncan	Latta	Richardson
Durbin	Leach	Ridge
Dwyer	Leath	Rinaldo
Dyson	Lent	Ritter
Eckart	Levin	Roberts
Edwards (AL)	Levine	Robinson
Edwards (OK)	Levitas	Roemer
Emerson	Lewis (CA)	Rogers
English	Lewis (FL)	Rostenkowski
Erdreich	Lipinski	Roth
Evans (IA)	Livingston	Roukema
Evans (IL)	Lloyd	Rowland
Fascell	Loeffler	Russo
Fazio	Long (LA)	Sawyer
Feighan	Long (MD)	Schaefer
Ferraro	Lott	Schulze
Fiedler	Lowery (CA)	Sensenbrenner
Fields	Lujan	Sharp
Fish	Luken	Shaw
Flippo	Lungren	Shelby
Foglietta	Mack	Shumway
Foley	MacKay	Shuster
Ford (MI)	Madigan	Siljander
Ford (TN)	Marlenee	Sisisky
Fowler	Marriott	Skeen
Franklin	Martin (IL)	Skelton
Frenzel	Martin (NC)	Slattery
Frost	Martin (NY)	Smith (FL)
Fuqua	Matsui	Smith (IA)
Gaydos	Mazzoli	Smith (NE)
Gejdenson	McCain	Smith (NJ)
Gekas	McCandless	Smith, Denny
Gephardt	McCollum	Smith, Robert
Gibbons	McCurdy	Snowe
Gilman	McEwen	Snyder
Gingrich	McGrath	Solarz
Glickman	McHugh	Solomon
Gore	McKernan	Spence
Gradison	McKinney	Spratt
Gramm	McNulty	Staggers
Green	Mica	Stangeland
Gregg	Michel	Stenholm
Guarini	Mikulski	Stratton
Gunderson	Miller (OH)	Stump
Hall, Ralph	Mineta	Synar
Hall, Sam	Minish	Tallon
Hamilton	Molinari	Tauke
Hammerschmidt	Mollohan	Tauzin
Hance	Montgomery	Taylor
Hansen (UT)	Moore	Thomas (CA)
Harrison	Moorhead	Thomas (GA)
Hartnett	Morrison (WA)	Traxler
Hatcher	Mrazek	Valentine
Hefner	Murphy	Vander Jagt
Hertel	Murtha	Vandergriff
Hightower	Myers	Volkmer
Hiler	Natcher	Vucanovich
Hillis	Neal	Walker
Holt	Nelson	Weber
Hopkins	Nichols	Whitehurst
Horton	O'Brien	Whitley
Howard	Oakar	Whittaker
Hoyer	Obey	Whitten
Hubbard	Olin	Williams (OH)
Huckaby	Ortiz	Wilson
Hughes	Oxley	Winn
Hunter	Packard	Wise
Hutto	Panetta	Wolf
Hyde	Parris	Wortley
Jacobs	Pashayan	Wright
Jeffords	Patman	Wylie
Jenkins	Pease	Yatron
Johnson	Pepper	Young (FL)
Jones (NC)	Perkins	Young (MO)
Jones (OK)	Petri	Zablocki
Jones (TN)	Pickle	Zschau
Kaptur	Porter	
Kasich	Price	

NOT VOTING—40

Alexander	Courter	Heftel
Andrews (TX)	Crockett	Ireland
Bates	Erlenborn	Kramer
Boxer	Florio	Leland
Coats	Hall (IN)	Martinez
Coleman (TX)	Hansen (ID)	McCloskey
Cooper	Harkin	McDade

McDonald	Rose	Udall
Miller (CA)	Rudd	Walgren
Nielson	Schneider	Watkins
Nowak	Simon	Yates
Owens	St Germain	Young (AK)
Patterson	Stark	
Roe	Sundquist	

□ 1520

The Clerk announced the following pairs:

On this vote:

Mrs. Boxer for, with Mr. Cooper against.

Mr. Leland for, with Mr. Patterson against.

Mr. Miller of California for, with Mr. Florio against.

Mr. Stark for, with Mr. McDonald against.

Mr. Crockett for, with Mr. Andrews of Texas against.

Messrs. MARRIOTT, RALPH M. HALL, and DONNELLY changed their votes from "aye" to "no."

Mr. WAXMAN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1530

The CHAIRMAN pro tempore. The Committee will rise informally in order that the House may receive a message.

FURTHER MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore. (Mr. ADDABBO) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

A further message in writing from the President of the United States was communicated to the House by Mr. Saunder's, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO: Page 7, after line 14, insert the following new subsection:

(e) No funds authorized under this title may be used in connection with the European Distribution System Aircraft unless, after preliminary selection of a contractor for production of such Aircraft but before final selection and announcement of the contractor selected, the Inspector General of the Department of Defense certifies to the Secretary of the Air Force that—

(1) the employment practices of the contractor selected meet all applicable United States laws regarding discrimination on the basis of religion or race; and

(2) the selection of that contractor was not determined by prior foreign sales of United States-produced defense equipment.

Mr. STRATTON (during the reading). Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from New York reserves a point of order against the amendment.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. STRATTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will continue to read.

The Clerk concluded the reading of the amendment.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. STRATTON. Mr. Chairman, I would like to hear the explanation of the amendment.

The CHAIRMAN. The gentleman from New York will be protected.

The gentleman from Minnesota is recognized for 5 minutes to explain his amendment.

Mr. VENTO. Mr. Chairman, the amendment seeks to insure that the program, the European distribution system aircraft, that is designed for foreign manufacturers, is procured according to the basic standards we expect from U.S. manufacturers.

Although I have significant questions regarding this defense authorization as a whole, there are some programs whose concept one can wholeheartedly support. One such program is the European distribution system aircraft program, as a concept of endforce multiplication.

As a concept of endforce multiplication, this program, the EDSA program, is outstanding. For an investment of some $36 million, we can purchase off the shelf cargo aircraft from our European allies. Over a year's procurement, as well as American lives would be saved, without nuclear war in the event of massed Soviet advance do advance.

It was the hope that promoting such cost-effective concepts in the last Congress, I joined the Military Forum Caucus, this proposal is basically a proposal of the gentleman from Virginia (Mr. WHITEHURST) from that group and from the distinguished committee.

Despite its small size and quite small cost, the program has become controversial because it is centered around two aspects; one, of course, is the proposed purchase from Short, Ltd., of Northern Ireland, a firm that has come under the cloud of both religious discrimination and, of course, the purpose of this amendment, to make it very short to my colleague, the gentleman from New York who is straining to hear me, is, in fact, to have the Inspector General make a determination as to the discrimination with regard to that and also, Mr. Chairman, dealing with another issue, the issue of offsets to insure that the agreement that is entered into is not a condition of an offset agreement. In other words, that we will get the best break in terms of purchasing these off-the-shelf aircraft for this European distribution system from our NATO or from our European allies, be it as it may.

So I would be happy to yield to the gentleman from New York for further inquiry, pending his point of order.

POINT OF ORDER

Mr. STRATTON. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. STRATTON. Mr. Chairman, I make a point of order that the amendment is not germane to the subject matter of the bill.

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The amendment deals with the employment practices of foreign contractors not under the jurisdiction of U.S. law and as such the amendment deals with matters not within the jurisdiction of the House Armed Services Committee.

The amendment, Mr. Chairman, also requires a determination as to whether the selection of a foreign contractor was determined by prior foreign sales of U.S.-produced defense equipment.

Foreign military sales issues are also not within the jurisdiction of the Armed Services Committee.

The CHAIRMAN pro tempore. Does the gentleman from Minnesota (Mr. VENTO) wish to be heard on the point of order?

Mr. VENTO. Mr. Chairman, I would like to be heard on the point of order.

Mr. Chairman, the precedents of the House indicate that this amendment is germane and should be ruled in order as a legitimate limitation on the authority of the Secretary of the Air Force to procure certain aircraft.

The amendment would require the Department to make certain certifications before selecting a final contractor for an aircraft specifically authorized by this legislation. The amendment on its face does not attempt to expand the applicability of law regarding nondiscrimination in employment to new areas, instead it conditions the use of the authorized funds upon a certification of the employment practices of the selected contractor. Precedence is found for this in Deschler's Procedure, chapter 28, section 23.6 ruling of the Chair, August 5, 1970. In that instance, the Chair ruled that, to a bill providing for an annual ceiling on subsidies for crop producers, an amendment prohibiting those payments unless the Secretary of Labor certified such producers to be in compliance with applicable health and safety laws was germane.

In addition, this amendment limits the authority granted under this legislation. General direction on this can be found in Deschler's Procedure, chapter 28, section 25.1. A ruling of the Chair on July 17, 1978, Deschler's Procedure, chapter 28, section 26.1 relates more specifically to the pending amendment.

* * * an amendment limiting the exercise of a discretionary power conferred in a bill may be germane even though it incorporates as a term of measurement a qualification or condition applicable to entities beyond the scope of the bill.

Finally, the restriction contained in the amendment relates solely to funds authorizing in this bill and does not apply to another category of funds, or funds authorized in other bills or in previous years. Generally, this is stated in Deschler's Procedure, chapter 28, section 27.1. A ruling of the Chair on July 26, 1979, Deschler's Procedure, chapter 28, section 27.8 more specifically parallels this situation.

For these reasons, Mr. Chairman, I would urge that this amendment is germane and places a legitimate condition and restriction on the use of funds authorized in this bill.

Mr. STRATTON. Mr. Chairman, may I be heard further on the point of order?

The CHAIRMAN pro tempore. The gentleman from New York is recognized.

Mr. STRATTON. Mr. Chairman, I would draw the attention of the Chair to the fact that the amendment deals with the purchase of foreign equipment and it requires the Department of Defense to examine employment practices of a foreign contractor and also to make certain considerations and determinations with regard to foreign sales of U.S.-produced defense equipment.

I suggest to the Chair that on a number of occasions within the last few years any such addition to the Armed Services authorization legislation which refers to foreign sales has been ruled nongermane because that is the distinct jurisdiction of the Committee on Foreign Affairs.

The CHAIRMAN pro tempore. Does the gentleman from Minnesota wish to be heard further?

Mr. VENTO. Mr. Chairman, I would like to reiterate my earlier arguments.

The fact is that the Secretary of Defense, the Air Force, does indeed make such agreements and contracts. In fact, this particular bill authorizes him to do the same and we are simply seeking a limitation on a measure that already authority is granted in the legislation that is before us.

The CHAIRMAN pro tempore. The Chair would suggest to the gentleman from Minnesota, the precedents that he read apply to domestic recipients who are already covered by applicable U.S. law rather than foreign recipients to whom U.S. laws are not applicable. The Chair would under the precedents be constrained to sustain the point of order by the gentleman from New York.

Mr. STRATTON. I thank the Chair.

The CHAIRMAN pro tempore. Are there further amendments to title I?

Mr. PRICE. Mr. Chairman, I move to strike the last word.

I would like to state regarding the schedule for the rest of the afternoon that I have made a commitment that the Committee will rise at 4:30, and numerous Members have made their plans accordingly. Therefore, I wish to state that I will make the motion to rise at 4:30, regardless of whether we have finished the pending amendment at that time.

● Mr. FAUNTROY. Mr. Chairman, I rise in support of the amendment in the nature of a substitute offered by my distinguished colleague from California, Congressman RONALD V. DELLUMS, the leader in the Congressional Black Caucus on issues of national defense.

Mr. Chairman, I am supportive of this amendment, not because it will carry the day, but because it embodies moral principles and correct strategic analysis. This amendment also deserves support on fiscal grounds because it would eliminate approximately $50 billion of wasteful destabilizing, dangerous, and security useless weapons systems.

This amendment would cut active duty levels by 3 percent, restore the full 4 percent pay increase, eliminate several major "new generation" weapons systems, eliminate funding for the Rapid Deployment Force, and add $5 billion for costs associated with the conversion of factories presently engaged in weapons production. Specifically, the amendment would eliminate research and development funding for the MX missile, funds for the procurement of ground launched and sea launched cruise missles, the B-1B bomber, research and development and procurement of the Pershing II missile, and would delay deployment of ground launched cruise and Pershing II missiles in Western Europe for 1 year.

This debate on H.R. 2969 and this amendment in the nature of a substitute is crucial to our Nation and I congratulate my colleague from California for inviting our participation in such a debate. It is a debate about strategic matters but it is also a debate about moral principles and national priorities. Implicit in this debate is the issue of what our defense policy should have as its objectives: The legitimate defense of the United States or the domination of the world. Also involved in this debate is the question of whether or not the escalation in the production and deployment of these new weapons systems brings humankind closer to the ultimate sin of nuclear holocaust.

I thank my colleague for bringing his amendment to the floor and for providing our Nation and we who represent it, the opportunity to debate these fundamental, strategic, and moral issues.●

● Mr. FRENZEL. Mr. Chairman, I rise in opposition to H.R. 2969 in its present form. I must point out that, as usual, the Armed Services Committee has done a very good job in dealing with the enormous complexities and technical details involved in constructing the authorizations bill. However, the bill calls for $187.8 billion in new defense spending, which represents a 6-percent real increase over fiscal year 1983 spending. Although the committee cut $10.2 billion from the President's original request, I feel that this bill, and overall defense spending, is still much too expensive.

In my judgment, a growth rate nearer to the 4-percent recommended by the House Budget Resolution is more appropriate, especially when we face potential deficits for fiscal year 1984 reaching $200 billion. A 4-percent growth figure, however, would require $4.86 billion in reductions in this bill.

For that reason, Mr. Chairman, I shall vote for several of the amendments offered to this bill. In general, my votes for amendments to defer or eliminate weapons are more a statement against the spending total than an informed indictment of the specific weaponry.

Thus far in the consideration of the bill, I have voted for an amendment to require complete testing of the Bradley fighting vehicle, a program with a $891 million price tag in fiscal year 1984 alone, before production of the weapon commences. I also have voted for an amendment to delete the DIVAD (division air defense gun), which will cost $671 million in fiscal year 1984, and is of dubious worth. I also voted for an amendment to delete funding for the B1-B bomber aircraft, saving $6.2 billion, and an amendment to prohibit multiyear procurement of the B1-B pending more effective cost control measures. Unfortunately, Mr. Chairman, these amendments did not pass.

I also voted for an amendment to prohibit the production of chemical weapons. Fortunately this amendment did pass. I feel that production of new chemical weapons is dangerous and unnecessary. Moreover, it would have cost American taxpayers $115 million.

Mr. Chairman, other amendments will be offered in further consideration of this bill. Among these, I intend to vote for funding of the MX missile in support of the new Arms Control and Security Policy which has been forged by the President and a bipartisan group of concerned Members

of Congress. The President has followed through on his pledge to support the arms control initiatives commended to him by many Members, some of whom previously opposed his defense and arms control policies. I want to continue and encourage this consensus policy.

I also will oppose amendments to this bill which would prohibit or defer deployment of Pershing II and cruise missiles in Europe. In my estimation, the Soviets are playing a dangerous game in testing the political winds in Western Europe, hoping that antinuclear pressures will force unilateral cancellation of these missiles, maintaining their near monopoly on nuclear forces in Europe. I feel that there is very little chance that the Soviets will agree to dismantle their 350 SS-20 missiles now deployed, short of an agreement between the United States and the U.S.S.R. to limit these weapons. Unilateral cancellation of Pershing II or cruise missiles, I feel, would destroy the chances for such an agreement.

I am hopeful that other amendments to this bill will bring spending down to a more reasonable level. If not, the alternative is to support across-the-board spending caps to the authorization bill which reduce the available spending for defense. The result of these measures is often to produce inefficient defense programs, potentially increasing the costs of entire programs. An even less desirable alternative is to apply caps on the appropriations bills.

I recognize, Mr. Chairman, that a strong defense is essential. But we cannot rebuild our whole Defense Department at the same time. My stand on the B-1, for example, has been provisional on what is done with other defense programs. Since Congress seems committed to the MX missile program, the need to modernize our airborne nuclear deterrent ought to be defended for a while.

Mr. Chairman, I oppose the high spending this bill entails, and urge my colleagues to accept responsible amendments which restrain defense spending.●

The CHAIRMAN pro tempore. Are there additional amendments to title I?

If not, the Clerk will designate title II.

Title II reads as follows:

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for the use of the Armed Forces for research, development, test, and evaluation in amounts as follows:

For the Army, $4,204,552,000.

For the Navy (including the Marine Corps), $7,604,385,000.

For the Air Force, $9,730,141,000.

For the Defense Agencies, $3,048,422,000, of which $50,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1984 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

LIMITATIONS ON FUNDS FOR THE ARMY

SEC. 202. (a) Of the amount authorized in section 201 for the Army—

(1) $7,650,000 is available only for 75-millimeter and 90-millimeter guns for light armored vehicles;

(2) $7,000,000 is available only for neutral particle beam research as part of the ballistic missile defense advanced technology program;

(3) $28,000,000 is available only for integration (including qualification) of the Hellfire missile on the UH-60 helicopter;

(4) $50,160,000 is available only for the Joint Tactical Missile System and for selection of either the Patriot T-16 or Lance T-22 as the delivery vehicle for such system; and

(5) $12,561,000 is available only for the Mobile Protected Gun System.

(b) None of the amount appropriated pursuant to the authorization in section 201 for the Army may be used for full-scale engineering development of the Military Computer Family System until the Secretary of Defense provides to the Committees on Armed Services of the Senate and House of Representatives a plan for the introduction and integration of advanced microelectronic computers into weapons systems.

LIMITATIONS ON FUNDS FOR THE NAVY

SEC. 203. (a) Of the amount authorized in section 201 for the Navy (including the Marine Corps)—

(1) $24,000,000 is available only for continued development of the Rankine Cycle Energy Recovery (RACER) system for installation on the DDG-51 lead ship;

(2) $20,000,000 is available only for the antiradiation projectile program;

(3) $60,593,000 is available only for the Mark 92 fire control system;

(4) $18,000,000 is available only for a derivative of the Standard Missile II to be used for the Navy outer air battle mission; and

(5) $1,470,000 is available only for the evaluation of a wing-lift system for Navy utility craft.

(b)(1) None of the amount appropriated pursuant to the authorization in section 201 for the Navy may be used for full-scale engineering development of the AN/UYK-43 and AN/UYK-44 computers until the Secretary of Defense provides to the Committees on Armed Services of the Senate and House of Representatives a plan for the introduction and integration of advanced microelectronic computers into weapons systems.

(2) None of the amount appropriated pursuant to the authorization in section 201 for the Navy may be used for the Navy Mid-Infrared Advanced Chemical Laser program.

LIMITATIONS ON FUNDS FOR THE AIR FORCE

SEC. 204. (a) Of the amount authorized in section 201 for the Air Force—

(1) $80,000,000 is available for the Air Force Space Command only for the development of the visible/ultraviolet short wavelength laser with the objective of demonstrating as early as practicable an antisatellite capability against low-orbit satellites;

(2) $350,000,000 is available only for a competitive advanced fighter/attack aircraft program;

(3) at least $20,000,000 is available only for development of an Advanced Joint Tactical Information Distribution Derivative System that provides interoperability among Navy, (including and Marine Corps) and Air Force aircraft; and

(4) $20,000,000 is available only for the development of terminally guided and sensor-fused submunitions for the Air Force deep strike mission.

(b) None of the amount appropriated pursuant to the authorization in section 201 for the Air Force may be used for the airborne Laser Laboratory program or for the Low Altitude Navigation and Targeting Infrared, Night (LANTIRN) system.

LIMITATIONS ON FUNDS FOR THE DEFENSE AGENCIES

SEC. 205. (a) Of the amount authorized in section 201 for the Defense agencies—

(1) not less than $65,000,000 is available only for research, development, test, and evaluation of free-electron and other short wavelength (including blue-green) lasers;

(2) $48,100,000 is available only for the particle-beam technology program, including modifications to the advanced test accelerator required for free-electron laser research;

(3) $20,000,000 is available only for a joint Defense Advanced Research Projects Agency and Department of Energy project for research, development, test, and evaluation of third-generation defensive weapons; and

(4) $30,000,000 is available only for the Defense Nuclear Agency for research, development, test, and evaluation of third-generation defensive weapons.

(b) None of the amount appropriated pursuant to the authorization in section 201 for the Defense Agencies may be used for research, development, test, and evaluation for the program for fifth-generation artificial intelligence computers until the Secretary of Defense submits to Congress a comprehensive plan for the manner in which such program will be carried out.

The CHAIRMAN pro tempore. Are there amendments to title II?

If not, the Clerk will designate title IV.

Title IV reads as follows:

TITLE IV—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. (a) ARMY.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $17,598,890,000 for expenses, not otherwise provide for, for the operation and maintenance of the Army as follows:

(1) For general purpose forces, $6,369,187,000.

(2) For intelligence and communications, $1,034,389,000.

(3) For central supply and maintenance, $5,065,237,000.

(4) For training, medical, and other general personnel activities, $3,872,421,000.

(5) For administration, $1,148,958,000.

(6) For support of other nations, $108,698,000.

(b) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1984 in

the total amount of $22,253,888,000 for expenses, not otherwise provided for, for the operation and maintenance of the Navy and the Marine Corps as follows:

(1) For strategic forces, $1,931,861,000.

(2) For general purpose forces, $10,581,807,000.

(3) For intelligence and communications, $1,063,889,000.

(4) For central supply and maintenance, $6,011,933,000.

(5) For training, medical, and other general personnel activities, $2,008,832,000.

(6) For administration, $652,566,000.

(7) For support of other nations, $3,000,000.

(c) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $1,555,400,000 for expenses, not otherwise provided for, for the operation and maintenance of the Marine Corps as follows:

(1) For general purpose forces, $895,201,000.

(2) For central supply and maintenance, $353,123,000.

(3) For training, medical, and other general personnel activities, $211,073,000.

(4) For administration, $96,003,000.

(d) AIR FORCE.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $18,364,248,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air Force as follows:

(1) For strategic forces, $3,093,181,000.

(2) For general purpose forces, $3,967,778,000.

(3) For intelligence and communications, $1,801,922,000.

(4) For airlift and sealift, $1,187,935,000.

(5) For central supply and maintenance, $5,750,311,000.

(6) For training, medical, and other general personnel activities, $2,019,042,000.

(7) For administration, $536,902,000.

(8) For support of other nations, $7,177,000.

(e) DEFENSE AGENCIES.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $6,636,835,000 for expenses, not otherwise provided for, for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments) as follows:

(1) For general purpose forces, $279,700,000.

(2) For intelligence and communications, $2,238,359,000.

(3) For central supply and maintenance, $1,536,966,000

(4) For training, medical, and other general personnel activities, $2,164,599,000.

(5) For administration, $417,211,000.

(f) ARMY RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $678,400,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army Reserve as follows:

(1) For mission forces, $401,234,000.

(2) For depot maintenance, $8,810,000.

(3) For other support, $268,356,000.

(g) NAVY RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $660,200,000 for expenses, not otherwise provided for, for the operation and maintenance of the Navy Reserve as follows:

(1) For mission forces, $370,648,000.

(2) For depot maintenance, $116,838,000.

(3) For other support, $172,714,000.

(h) MARINE CORPS RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $53,229,000 for expenses, not otherwise provided for, for the operation and maintenance of the Marine Corps Reserve as follows:

(1) For mission forces, $27,453,000.

(2) For depot maintenance, $1,589,000.

(3) For other support, $24,187,000.

(i) AIR FORCE RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $801,000,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air Force Reserve as follows:

(1) For mission forces, $540,218,000.

(2) For depot maintenance, $127,749,000.

(3) For other support, $133,033,000.

(j) ARMY NATIONAL GUARD.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $1,153,600,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army National Guard as follows:

(1) For training operations, $225,508,000.

(2) For logistical support, $836,162,000.

(3) For headquarters and command support, $83,228,000.

(4) For medical support, $8,702,000.

(k) AIR NATIONAL GUARD.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $1,778,900,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air National Guard as follows:

(1) For mission forces, $1,335,413,000.

(2) For depot maintenance, $330,246,000.

(3) For other support, $113,241,000.

(l) NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY.—There is hereby authorized to be appropriated for fiscal year 1984 the amount of $899,000 for the expenses of the Secretary of the Army, upon the recommendation of the National Board for the Promotion of Rifle Practice, under section 4308 of title 10, United States Code, and the expenses of the Secretary of the Army under sections 4309 and 4313 of such title.

(m) CLAIMS, DEFENSE.—There is hereby authorized to be appropriated for fiscal year 1984 the amount of $222,900,000 for payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions).

(n) COURT OF MILITARY APPEALS, DEFENSE.—There is hereby authorized to be appropriated for fiscal year 1984 the amount of $3,372,000 for salaries and expenses for the United States Court of Military Appeals.

GENERAL AUTHORIZATION OF APPROPRIATIONS FOR PAY RAISES, FUEL COSTS, AND INFLATION ADJUSTMENTS

SEC. 402. There are authorized to be appropriated for fiscal year 1984, in addition to the amounts authorized to be appropriated in section 401, such sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in section 401;

(2) for unbudgeted increases in fuel costs; and

(3) for increases as the result of inflation in the cost of activities authorized by section 401.

AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE FOR 1984 GAMES OF THE XXIII OLYMPIAD

SEC. 403. (a) Notwithstanding any other provision of law, the Secretary of Defense is authorized—

(1) to provide logistical support and personnel services to the 1984 games of the XXIII Olympiad;

(2) to lend and provide equipment in support of the 1984 games of the XXIII Olympiad; and

(3) to provide such other services in support of the 1984 games of the XXIII Olympiad as the Secretary may consider advisable.

(b) There is authorized to be appropriated to the Department of Defense for fiscal 1984 an amount not to exceed $50,000,000 for the purpose of carrying out subsection (a). Except for funds used for pay and nontravel related allowances for members of the Armed Forces (other than members of the reserve components called or ordered to active duty to provide support for the XXIII Olympiad), no funds may be obligated for such purpose unless specifically appropriated for such purpose. The costs for pay and nontravel related allowances of members of the Armed Forces (other than members of the reserve components called or ordered to active duty to provide support for the XXIII Olympiad) may not be charged to appropriations made pursuant to this authorization.

PROHIBITION OF USE OF VESSELS WITH FOREIGN-BUILT MAJOR COMPONENTS UNDER CERTAIN LEASES OR SERVICE CONTRACTS

SEC. 404. (a)(1) None of the funds appropriated pursuant to the authorizations of appropriations in section 401 may be obligated or expended for the lease of a vessel, or for the provision of a service through use by a contractor of a vessel, under a contract which will be for a long term or under which the United States will have a substantial termination liability and under which the vessel involved will have a main propulsion system or other major component not built in the United States.

(2) None of the funds appropriated pursuant to the authorizations of appropriations in section 401 may be obligated or expended for a contract that is an agreement to lease or an agreement to provide services and that is (or will be) accompanied by a contract for the actual lease or provision of services if the contract for the actual lease or provision of servicies is (or will be) a contract described in paragraph (1).

(b) For purposes of subsection (a)—

(1) a contract shall be considered to be for a long term if the term of the contract, including all options under the contract, is for more than five years or is for a period longer than one-half the useful life of the vessel; and

(2) the United States shall be considered to have a substantial termination liability under a contract if, as determined under regulations prescribed by the Secretary of Defense, the sum of—

(A) the present value of the amount of the termination liability of the United States under the contract as of the end of the term of the contract (exclusive of any option to extend the contract), and

(B) the present value of the total of the payments to be made by the United States under the contract (excluding any option to extend the contract) attributable to capital-hire,

is more than one-half the price of the vessel involved.

(c) Subsection (a) does not apply with respect to a contract entered into before the date of the enactment of this Act.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I am sorry, but I did not hear the last request.

The CHAIRMAN pro tempore. Are there any amendments to title IV?

Mr. DICKINSON. I did not hear as to title II. Have we passed title II?

The CHAIRMAN pro tempore. We are past title II. Title III has been put off, and we are now on title IV.

Mr. DICKINSON. Mr. Chairman, I did not hear that, and I would like to ask unanimous consent. There was an amendment that was to be offered by our colleague, Mr. COURTER. I would like to reserve the right for the gentleman from New Jersey (Mr. COURTER)—his mother died and he is attending the funeral—I told him I would protect his right to offer an amendment under title II. I did not understand we had passed that point.

The CHAIRMAN pro tempore. Does the gentleman from Alabama have a request?

Mr. DICKINSON. I have asked unanimous consent to reserve the right for the gentleman from New Jersey (Mr. COURTER) to offer an amendment to title II at a subsequent period in the deliberations of this bill.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. DICKS. Mr. Chairman, I reserve the right to object, and I will not object.

I was just going to inquire of the distinguished chairman, are we now on title IV of the bill?

The CHAIRMAN pro tempore. Title IV has been designated and is open for amendments.

Mr. DICKS. I thank the Chairman.

Mr. DICKINSON. Parliamentary inquiry, Mr. Chairman. Did the gentleman object to my unanimous-consent request?

The CHAIRMAN pro tempore. The Chair will inquire. Does the gentleman from Washington (Mr. DICKS) object to the unanimous-consent request?

Mr. DICKS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. The gentleman does not object. The gentleman withdraws his reservation of objection.

Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN pro tempore. Title IV is now open for amendment.

Mr. BADHAM. Mr. Chairman, I would like to ask unanimous consent. I was out of the Chamber, and I am having language prepared. I would like to ask unanimous consent to return to title II. I have an amendment.

The CHAIRMAN pro tempore. There is a request to return to title II. Is that for the gentleman's amendment only?

Mr. BADHAM. That is correct, Mr. Chairman.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. DICKS. Mr. Chairman, I would like to reserve the right to object. The committee told me, I was under the impression, that the gentleman from California (Mr. DELLUMS) had an amendment, and I missed my opportunity to offer my amendment to title I, as well, and I would like the opportunity to return to offer my amendment.

I was in the cloakroom, prepared to offer the amendment.

I ask unanimous consent that I be able to return to offer that amendment.

The CHAIRMAN pro tempore. There is one request pending.

Is there objection to the request of the gentleman from California (Mr. BADHAM)?

Mr. DICKS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California (Mr. BADHAM)?

There was no objection.

The CHAIRMAN pro tempore. Does the gentleman from Washington have a request?

□ 1550

Mr. DICKS. Mr. Chairman, I ask unanimous consent to raise my amendment on dual sourcing.

Mr. DICKINSON. Will the gentleman restate his unanimous-consent request?

Mr. DICKS. Yes. Mr. Chairman, I ask unanimous consent to return to title I to offer my amendment.

Mr. DICKINSON. I object to going back to title I. We finished that, we knew where we were.

Mr. DICKS. Mr. Chairman, we just granted it to the gentleman from California (Mr. BADHAM).

Mr. DICKINSON. All right. I withdraw my objection.

The CHAIRMAN pro tempore. The gentleman withdraws his objection.

Is there objection to the request of the gentleman from Washington (Mr. DICKS)?

There was no objection.

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKS: Page 8, line 22, strike out the period and insert in lieu thereof "until the Secretary of the Army certifies to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives (1) that a second source for the production of the M-1 tank engine is affordable and is cost competitive with the existing contract for production of that engine, and (2) that the award of such a contract is in the interest of national defense to meet surge and mobilization requirements in case of a national emergency.".

Mr. DICKS. Mr. Chairman, this amendment simply allows the Army to proceed with second sourcing the M-1 tank engine if the Secretary of the Army certifies to the Congress that such an action is affordable, cost effective, and needed to meet mobilization requirements.

Unlike section 107 of the bill as reported, which flatly prohibits introducing this management tool to promote competition, my amendment does not mandate anything. It simply gives us the flexibility to take whatever action shows promise of providing the greatest reward.

Most of us in this body are all too familiar with the problems we have experienced over the years with this tank, and particularly its engine. While progress has been made we are not out of the woods yet. As the House Appropriations Committee surveys and investigations staff report of March 11, 1983 notes:

Problems continue to persist. Foremost are those related to timely engine deliveries. Other problems such as power train durability and spare parts availability with potential for creating difficulties are also not yet fully resolved.

The report goes on to note that between July of last year and this February engine deliveries for the M-1 were 45 behind schedule. As a result, tanks coming off the production line had to be "slaved," that is have their engines pulled and put into other tanks on the assembly line to avoid production disruption.

I am not here today to argue that no progress has been made on the engine problems, indeed we are beginning to move in the right direction. But I strongly feel that we are nowhere near far enough down that road to have the confidence that section 107 displays in prohibiting introduction of competition to the engine line.

Study after study demonstrates the value of competition in defense procurement for controlling costs and improving the product we receive. The Congress has consistently urged increased competition in arms purchases. On this very issue, the report on the fiscal year 1983 Defense appropriations bill approved by the House included a statement urging the Army to examine the feasibility of second sourcing the M-1 engine on a competitive basis.

While all too often in the past the services have resisted efforts to increase competition, the Army has followed this congressional directive and is now evaluating proposals from three bidders. Their bids are now under evaluation with congressional notification expected by July 31. Based on these

bids the Army is extremely optimistic that second sourcing will prove economically beneficial.

While I do not prejudge the results of the Army evaluation, I believe there are a number of persuasive arguments that suggest that second sourcing may well prove to be in the Army's and the Nation's best interest.

First, the very nature of competition increases incentives for better cost and quality performance. With the threat of competition the incumbent contractor has now come forward with a 5-year multiyear contract proposal, and is offering other terms to the Army more favorable than the present contract. In the words of Under Secretary of the Army Ambrose in hearings before the Defense Appropriations Subcommittee just last week:

We saw no signs of such movement until the prospect of competition was raised.

Even without the advantages of competition on cost, which can only be quantified over the life of the program, second sourcing will be affordable and cost competitive based on Army testimony to date. General Ball, the program manager on the M-1 has advised me that he is convinced there will be no cost penalty over the life of the program and that there is a very good chance that second sourcing will save us $36 million or more.

The bottom line from the program manager from his testimony before the Defense Subcommittee states his position very clearly:

There is no stronger advocate in a green suit on second sourcing the engine. . . . I have a recommendation. The Army's desire and intent to pursue second source, which I believe very strongly, is in our very long term best interest.

Finally, perhaps the most important benefit from second sourcing relates to improving the ability of our industrial base to improve the capacity to meet mobilization requirements. The current producer, a very good company by most standards, manufactures not only the M-1 engine sole source, but also makes the turbine engines for three Army helicopter programs, the CH-47D, the UH1H, and the AH1's. It is the only source of turbine engines for ground combat vehicles.

While this may not create a problem at peacetime production rates, it could present serious problems in event surge production was needed in a crisis or in the event of mobilization. This issue has been one of particular concern over the years to the Armed Services Committee.

(By unanimous consent, Mr. DICKS was allowed to proceed for 4 additional minutes.)

Mr. DICKS. As General Ball testified—

When we look to our surge requirements of at least 150 engines per month, and beyond that to very substantial requirements in the event of mobilization, which could go all the way up to 568, we are tied to one contractor as the sole source of engines for our tank, for the Huey and the Chinook helicopters. I think a very likely course for the Army would be to need more tank engines at a time when we would also need new helicopter engines in a wartime situation.

I see little potential for that contractor to go to 150 a month without opening a new production facility. So whether we go second source or stay with the same one, to meet surge requirements you would have to produce engines somewhere else than the present plant.

In conclusion, there is without question enough potential for benefit by second sourcing that we should not be prohibited from following that course. There will be further opportunities, including this year's appropriations bill, to insure that we are not blindly pursuing sourcing, and the required certification from the Army will give us the information on which to base a judgment on whether or not it is cost effective.

□ 1600

Let me end with the words of Secretary Ambrose in response to my question on this issue last week before the Defense Appropriations Subcommittee:

We have every hope that the House will see fit to rescind that provision. The results appeared quite favorable, even after giving effect to some potential future reduction of production rate on the part of the current contractor. . . . We need, if you will, a competitive hotfoot there to both improve our future prospects for further price reductions and for continued improvement of quality in that product. I don't know what is in the mind of the committee to produce such a proposition. After as many times as the same committee, and, of course, other committees in the Congress, have pressed on us to get competition and to get second sourcing, this seems a very strange act.

I must say to my good friends on the Armed Services Committee, who I have a great deal of respect for, that I think one of the fundamental things that this Congress must stand for is competition through the procurement cycle.

We have seen it time after time. When we came in with the F-101X as a potential competitor of the F-100, all of a sudden in comes Pratt-Whitney with a willingness to make warrantees and offering a new deal to the Government. Every time we have competition in the procurement phrase, this country does better.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I thank the gentleman for yielding.

I have a question in light of what the gentleman just stated. Is the gentleman saying in effect that this committee, by any chance, is trying to suppress competition? Did the gentleman make that statement, by any chance?

Mr. DICKS. All I am saying is that this provision would eliminate a competition that is underway at this very moment. Three proposals have been received and the Army would like to evaluate those proposals. And it just seems to me that if they can come back and certify to the Congress that a second source would be cost effective that we should not prohibit that by putting into the law a provision that would stop——

Mr. MAVROULES. If my friend would yield further, I am not going to have a colloquy with the gentleman at this point, but when I do get my own time, I think I will try to demonstrate and I will demonstrate the reasons why the committee voted the way it did.

Mr. DICKS. Let me go on just a second further.

One of the misunderstandings here is that there are only 3,000 engines left to be produced. I have been told by the Army that they intend to procure around 10,000 engines and that there would in a sense then be 6,000 to 7,000 engines available for competition, which is a substantially greater number.

All I am saying to my good friend is, why not let the Army receive these bids and make a judgment about whether it makes any sense to have a second source. To put a provision in that stops that, looks like they are trying to keep the contract for the existing company.

Mrs. BYRON. Mr. Chairman, I ask unanimous consent that title II be open for an amendment that I have.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Maryland?

Mr. DICKINSON. Mr. Chairman, reserving the right to object, I am sorry but things are moving so fast I cannot keep up. Would the gentlewoman restate her unanimous-consent request?

Mrs. BYRON. I asked unanimous consent to open title II for an amendment that I have.

Mr. DICKINSON. Limited to yours only?

Mrs. BYRON. Mine only.

Mr. DICKINSON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Maryland (Mrs. BYRON)?

There was no objection.

The CHAIRMAN pro tempore. The time of the gentleman from Washington (Mr. DICKS) has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, basically my amendment would allow the Army to continue to review the three bids that they have received. I think there is a very good chance that we can save

some money here for the taxpayer, that we can insure competition through the procurement phase, which I think will save us additional money, and that it will allow us to have a second source for engines that will give us both surge capacity and mobilization capacity and will squarely put Congress behind the concept of providing competition in the procurement phase. Where we have done this we have saved the taxpayers a lot of money. Where we have wound up with a sole-source situation, we find that until competition is introduced, it is almost an historic fact that we cannot get management's attention. In fact, there are things that are being offered today by the engineer manufacturer that they would not even talk about a couple of months ago, until there was the threat of some competition.

In fact, competition or even the fear of competition has already produced a substantial result.

Mr. MAVROULES. Mr. Chairman, I move to strike the requistite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment and I want to point out that the author has created a phony issue. It is being argued that the committee is trying to suppress competition.

The fact is that second sourcing will not produce competition for the simple reason that the Army realizes that a second source cannot compete with the current contractor. The Army plan does not even call for competition. It simply provides that production will be divided evenly between the two contractors.

Let me quote to you from a memorandum to the Army Deputy Chief of Staff for Research, Development and Acquisition from the M-1 project manager, Maj. Gen. Duard Ball dated December 10, 1982:

> The determination and findings for second source engine negotiating authority is justified on the basis of enhancing the capability of the supplier base to produce engines which would be required in the event of mobilization. We have been advised by Headquarters, TACOM, that the Army's current mobilization requirement is 568 M-1 Abrams tanks per month.

That is the Army justification for second sourcing—some flaky dream world requirement to build 568 tanks per month.

There is nothing in that determination and findings about the need for competition or the potential for saving money. In fact, that memo from the M-1 project manager openly admitted that second sourcing would cost at least $109.8 million—an estimate that the Defense Department later termed "optimistic."

So, the point is that the proponents of the Dicks amendment are using this phony competition issue as a smokescreen. The Army could not justify second sourcing on the basis of competition because there is not any under their plan. They could not justify it on the grounds of cost savings because there will not be any under their plan. They just want to spend money for more unneeded capacity. And in this case, they reached the point of absurdity by arguing a requirement for 568 tanks per month.

My colleagues, if you want to waste money then vote for the Dicks amendment. If you are serious about cutting out waste in the military budget then vote to defeat the amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I strongly disagree with the assertion by my good friend that this is a phony argument. We have the Army, Mr. Ambrose, and the project manager who have testified that they feel very strongly this competition is in the national interest, that we need a second manufacturer for surge requirements at or above 150, beyond that the 568, if we had a war and a mobilization requirement.

And this is a very serious amendment. And I object to the gentleman suggesting it is some kind of a phony agreement.

Mr. MAVROULES. Let me say to the gentleman, do not take it on a personal basis because I think the gentleman knows me better than that. I have the greatest respect for the gentleman.

What I am saying is when the gentleman was talking here in the well, the gentleman was talking about the savings. The same person that the gentleman referred to and the same Army people the gentleman referred to are stating it would cost an additional $110 million.

Mr. RATCHFORD. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Connecticut.

Mr. RATCHFORD. I thank the gentleman for yielding.

The gentleman is absolutely correct. This is being portrayed as an amendment that will save cost. That is inaccurate. We are not talking something on the drawing board. We are not talking something theoretical. We are not talking something in the development stage. This project is online.

Second, this issue has been totally debated by the gentleman's committee and debated extensively.

Third, as a result of a number of requests, I think the operation is a strengthened one, is a modern one and is a progressive one.

□ 1610

I have been onsite. I know the facility that this particular company has in Stratford, Conn. They are highly organized. They are a group of people who are highly skilled, and they are producing a product which I think is now totally up to par.

There were difficulties. No one denies that. There were schedule problems. No one denies that. But all of that is behind us.

They have met schedule demands. In fact, they are ahead of schedule. They have met cost demands. In fact, costs are down.

The second-sourcing issue is a good one in theory, but we are beyond the theoretical point. We are at the very real point, 4 years down the line, where we have a good product, it is on schedule, it is coming in under cost, and to delay it or to deter it now will not save money. I think in the long run it will cost the taxpayer millions and millions of dollars.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. MAVROULES) has expired.

(By unanimous consent, Mr. MAVROULES was allowed to proceed for 5 additional minutes.)

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Virginia.

Mr. DANIEL. Mr. Chairman, let me, if I may, address this matter of competition.

There is really, Mr. DICKS, no additional competition here. The competition was held about 4 years ago and Avco won. What they are trying to do now is split a contract which has already been competed. I do not have to tell anyone here what it costs to start up a production line. I have started up one. I know what it costs.

So we really are not increasing competition. If we were, I believe we would find most Members on the gentleman's side, but this simply splits the contract. That is all it does.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. Only to respond.

Mr. DICKS. If everyone is so confident that this is not going to be cost effective, then why do they not just go along with my amendment, because all my amendment says is that there can be a second source if the Secretary of the Army, a distinguished former Member of this body, will certify that in fact it is cost effective.

Mr. MAVROULES. Let me try to respond to that.

Mr. Chairman, I think it is a hard hit. When we talk about the contractor today who at one time had certain problems, they have admitted to those problems, they took their own funds, which ran into the millions of dollars, they corrected the problem, they are on schedule. As a matter of fact, they are producing now more than before and they can gear up, if necessary, to 150 tank engines per month.

What do we do here? Do we hurt people who invest their own funds and come up with a qualitative product? I do not think that is the intent of the Congress.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Connecticut.

Mr. McKINNEY. I thank the gentleman for yielding.

Mr. Chairman, I have lived with this project since 12,500 people in my district and the district of my colleague, Mr. MORRISON, make these engines, and for a long time with our former colleague, Bob Giaimo.

I totally agree with the gentleman from Virginia. Competition in this project has already taken place. What we now have is a company and a group of workers who have struggled and struggled and struggled to take every single bug out of this project, who have brought this project in, and even with all of the improvements that have been made to the tank in other areas, it is still well within the $72 price range that was originally thought of.

This company has invested millions of its own dollars. It has retooled its plant, put in automatic machine tools, all of the latest state of the art. I have known personally men and engineers in that plant that have worked 14 and 16 hours a day. I have sat down at the same table and talked to the Army people who have worked with them. They have done everything to make this project ongoing and successful, and it is now.

To turn around and to say that we are going to take Avco Lycoming's work and we are just going to let someone else have a part of it, that is going to be unfair not only to the company, but it is not going to be cost effective, because, in fact, if anyone else did get a part of this contract, then the Army has got to put in the same kind of supervisory personnel that it now has at Avco Lycoming, and this is a second overlay of expense to the Department of Defense.

I think, yes, competition is great. The guy who can make the original project the best should get it for the least amount of money. But this project has been gone over, over and over again, and I would daresay it is simply going to cost more. Not only is it going to cost more, but what the Department of Defense or the Congress would be denying is the original competition that took place for the project.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from South Carolina.

Mr. CAMPBELL. I thank the gentleman for yielding.

Mr. Chairman, I certainly want to associate myself with the gentleman's remarks. The competition has taken place and someone has won. The point has been made that this was one area. We talked about Connecticut. We have not discussed the fact that they have gone out and opened another plant that happens to be in Greer, S.C. It is, in fact, on schedule to pick up part of the AGT-1500.

So the capacity expansion has already taken place. The competition has taken place. This is going to cost more if we go the way the gentleman's amendment has us going. It is not an issue of quality. Avco delivered 85 engines with zero defects last year. As a matter of fact, Avco offered the Army a zero defect contract, long term. It was not even asked for by the Army.

It is not a capacity issue. We have already established that. And it is not a competition issue. It is the splitting of a contract.

I just think that the gentleman's amendment would do nothing but cost the taxpayers money, slow down the possible production at a time we need to be proceeding along, and the last time I recall this taking place with the Army undertaking it, they got 2 years behind and had 400 tanks sitting outside waiting for engines.

I would point out that, quite frankly, they have the ability to produce.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. MAVROULES) has again expired.

(On request of Mr. DANIEL and by unanimous consent, Mr. MAVROULES was allowed to proceed for 4 additional minutes.)

Mr. CAMPBELL. Mr. Chairman, if the gentleman would continue to yield for 1 more minute, they have a surge capacity of 150 engines a month. No other tank components can be produced in a greater quality. Why do we need to go out and do this if we cannot produce the other components at the same time? It just absolutely makes no sense.

Mr. MAVROULES. I thank the gentleman for a very poignant point.

Mr. CHAPPELL. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Florida.

Mr. CHAPPELL. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment and I commend the gentleman in the well for his remarks.

I want to make one point, if I might. It stands to reason that there may have been a time when second-sourcing should have been considered, but this is certainly not the time. It might have been earlier. There may be a time in the future. But at a time when we are trying to produce engines, trying to produce tanks, at the rate of 70, 80, 90, and ultimately more per month, it is only commonsense that if we divide that manufacturing schedule between two companies, we are going to drive that cost up, and that is one of the things that has been driving the cost of our equipment now. We do not buy them in cost effective buys.

All this will do is just cost the taxpayers more money. A new company would certainly have to spend at least $160 million just to get ready, and that would certainly have to be carried into the cost, too. So I hope we defeat the amendment.

Mr. MAVROULES. I thank the gentleman from Florida.

Mr. DANIEL. Mr. Chairman, will the gentleman yield to me for just 30 seconds?

Mr. MAVROULES. I yield to the gentleman from Virginia.

Mr. DANIEL. The gentleman is so right. Today I took the time to research what the percentage of overhead is to start up this type of line. Eighteen percent. Eighteen percent has to be added up front for overhead if you start up with another company, if we split it and go the way the gentleman now is advocating. Eighteen percent.

Mr. MORRISON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. I thank the gentleman for yielding.

Mr. Chairman, I commend the committee for having looked at this issue not in some theoretical way about the value of second sources, which obviously has a value in its place. But looking at it in detail, looking at the specifics of this case, the interest that we all have is the production of an effective engine in sufficient quantity to meet the need at the lowest possible cost.

The committee, having looked at that question, has recognized that what the Army has proposed in terms of a second source has nothing in it in terms of improving the quality or in terms of production of a reasonable quantity of these engines at a reasonable cost.

We have a contract here which, when it had problems, as the gentleman from Massachusetts so ably pointed out, has gone to its own well, come up with its own funds, and corrected the problem. New facilities have been built for both production and maintenance of this engine.

I have visited this facility, and it is clear that they are now producing engines of superlative quality. Last month, they delivered 85 engines above their 60-engine quota, and zero defects with respect to those 85 engines.

If we were to adopt this amendment, we would be going down the road to increasing costs and injecting back into a program that had troubles before new troubles as new contractors

attempted to achieve what this contractor has already done.

I urge a no vote on the amendment.

□ 1620

Mr. MAVROULES. Mr. Chairman, I thank the gentleman from Connecticut, (Mr. MORRISON), for his remarks.

I might say to the gentleman that they are now ready, at the request of the military, to gear up to 50 engines a month, if necessary.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. MAVROULES), has expired.

(By unanimous consent, Mr. MAVROULES was allowed to proceed for 3 additional minutes.)

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, I would like to point out to the gentleman in the well that I agree with everything he says, and I commend him on his statement.

I would also like to compliment my colleague on the other side of the aisle, the gentleman from South Carolina, for pointing out that this should not in any way be considered a regional issue. The company that has built the engine has built it efficiently. It has built it at the proper cost. It has corrected all the malfunctions that exist at any system, and this has a surge capability superior to any other component of the tank.

But furthermore, I would challenge the proponents of this amendment to point out one single time in which they can show that a single-source, multiyear contract has not proved to be a cost saver for the Government when properly monitored, as the Army has properly monitored this one.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman from Texas, Mr. WILSON.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I would also like to commend the gentleman from Massachusetts, Mr. MAVROULES.

I think that what we have to take a look at here is that we are not simply not taking a contract and handing it to one contractor, because historically, when we have this limited amount of production, if we double the capital investment by forcing two companies to invest in the tooling up to build this tank, with such a limited amount of production, we are simply going to drive up the cost.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman from Connecticut, Mr. GEJDENSON.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman form Missouri.

Mr. EMERSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am not a member of the committee, but I have listened to this debate with great interest. I rise to associate myself with the remarks of the gentleman from Massachusetts, Mr. MAVROULES.

If I understand correctly, I deduce that both the Army and the Defense Department seem to agree that we are not going to save money, and that we will be injecting a schedule risk into the program if we go ahead with second sourcing on this engine. So I wonder really, if we are not going to save money, if we already have twice as much capacity as we can use, and if quality is not the problem, why in the world we want to waste $150 million to $200 million on something that is not needed?

Mr. MAVROULES. Mr. Chairman, I thank the gentleman from Missouri, Mr. EMERSON.

Mr. ROBINSON. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Virginia.

Mr. ROBINSON. Mr. Chairman, I thank the gentleman for yielding, and I want to congratulate him on the statement he has made and support him in what he says.

I do believe that this is a nonissue, and I support that belief with the statements we have had before our Subcommittee on Defense in terms of hearing from Secretary Marsh and Secretary Ambrose, specifically, their statements regarding the quality of equipment that is being delivered.

Further than that, visiting our troops in the field where the tank is now deployed and seeing their enthusiasm with the way the engine performs gives one real confidence in the workmanship that is going into it and in the company that is delivering it. I do not believe that additional competition at this stage of the game is going to save us a dime.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman from Virginia (Mr. ROBINSON) very much.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. MAVROULES), has again expired.

(On request of Mr. SKELTON, and by unanimous consent, Mr. MAVROULES was allowed to proceed for 2 additional minutes.)

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I would like to clarify a few things, if I may.

Normally a second source situation creates competition and it creates a lower cost. Now, let me ask the gentleman, Is quality a problem in this case? Is the quality of the product being produced a problem?

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I understand the gentleman is asking me the question?

Mr. SKELTON. Yes.

Mr. MAVROULES. I would be glad to yield to the gentleman from Washington, Mr. DICKS, later if I have some time.

First, Mr. Chairman, in answer to the question, at one time, they had certain problems. The people in the company took it upon themselves, at their own expense, to correct the problems, and I think the gentleman heard the Members from Connecticut, the delegation from Connecticut, stating the great expense they went to, and all those problems today are behind them. They now have an end product with a quality engine.

Mr. SKELTON. Mr. Chairman, let me ask this question of the gentleman: Is cost a problem?

I heard a few minutes ago that a second-source would actually cost the Government additional dollars. Would the gentleman explain that to me?

Mr. MAVROULES. In the opinion of those who are looking into a second source or a second-source system, it is their opinion, and as stated by the gentleman who spoke here a few moments ago, that it could cost up to $109.8 million.

Mr. SKELTON. To have a second source?

Mr. MAVROULES. Exactly.

Mr. SKELTON. Mr. Chairman, I thank the gentleman.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts, Mr. MAVROULES, be allowed to proceed for 5 additional minutes.

The CHAIRMAN pro tempore. The gentleman has time remaining.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I would like to read something.

Mr. PRICE. Mr. Chairman, before the gentleman from Washington, Mr. DICKS, proceeds, will the gentleman yield?

Mr. MAVROULES. I yield to the chairman of the committee.

Mr. PRICE. Mr. Chairman, I would like to make a statement at this point.

Mr. Chairman, it is now about 4:30, and I stated earlier that I would move that the Committee rise at that point. I would ask, therefore, if we are prepared to vote on this amendment. If not, I will have to make a motion to rise, in keeping with my earlier promise to members of the committee.

Mr. STRATTON. Mr. Chairman, I ask for a vote.

Mr. DICKS. I object, Mr. Chairman. We still have time.

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr. MAVROULES) still has time remaining, and then the Chair will put the question if there are no other Members who wish to speak. The gentleman from Massachusetts has the time.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I will yield, and I hope that we can bring this to a good conclusion so we can vote on the amendment. I am pleased to yield to the gentleman from Washington.

Mr. DICKS. I would like to point out one thing that was just raised that was very significant.

This is General Ball's testimony before our subcommittee:

General BALL. Yes, sir. It was achieved in March when 88 engines were delivered. I expect it to be achieved in April.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. MAVROULES) has expired.

Mr. DICKS. Mr. Chairman, I ask for 5 additional minutes by unanimous consent.

The CHAIRMAN pro tempore. The gentleman has asked unanimous consent that the gentleman from Massachusetts (Mr. MAVROULES) be allowed to proceed for 5 additional minutes.

Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DICKS. Then, Mr. Chairman, we come down to this:

Mr. DICKS. The S&I Staff found that of 530 engines received from AVCO over the past ten months, 139—26 percent—required repair work before passing inspection at the tank plants. What would be considered an acceptable percentage and when is the contractor expected to get to that level?

General BALL. Sir, I would think 5 percent at the plants is a realistic figure. Zero is not pragmatically obtainable. I cannot draw a trendline that says we are going to get there in the foreseeable future. We have had great intensity on the quality aspects at the engine plant, but we still——

Mr. DICKS. Basically what is the problem they are having?

General BALL. The easy answer is in quality control, but that is not your question. Your question is why is quality control a problem in that particular plant?

Mr. DICKS. Yes. Is it a management problem? What are they trying to do?

General BALL. If I had a precise answer, we wouldn't have the problem because we have put a great deal of effort into this program.

So, Mr. Chairman, they still have quality problems, and the fact that they have gotten a little bit better in the last few months is a direct result of the fact that they think there is going to be competition, and competition is now there.

Mr. MAVROULES. Mr. Chairman, if I may reclaim my time so I can answer the gentleman, I would appreciate it.

Mr. DICKS. Surely, I would be delighted to have an answer.

Mr. MAVROULES. I have a statement by Mr. Ambrose, the Under Secretary, and he gave that special attention. He said, "We think those quality problems are resolved."

Mr. DICKS. But was Mr. Ambrose talking about competition?

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me?

Mr. MAVROULES. I yield to my chairman.

Mr. STRATTON. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, conclude in 3 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

Mr. MICA. I object, Mr. Chairman.

The CHAIRMAN pro tempore. Objection is heard.

Mr. STRATTON. Mr. Chairman, I move that all debate on this amendment, and all amendments thereto, conclude in 3 minutes.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from New York (Mr. STRATTON).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I request a recorded vote, and pending that, I would suggest the absence of a quorum.

The CHAIRMAN pro tempore. The Chair will count for a quorum.

Mr. PRICE. Mr. Chairman, may I be recognized?

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Illinois (Mr. PRICE).

Mr. PRICE. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SABO) having assumed the chair, Mr. MURTHA, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, had come to no resolution thereon.

□ 1630

THE UNITED STATES-NORWAY AGREEMENT ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-69)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means, and ordered to be printed.

(For message, see proceedings of the Senate of today, Thrusday, June 16, 1983.)

REQUEST TO CONSIDER HOUSE RESOLUTION 234, PROVIDING FOR APPOINTMENT AND EDUCATION OF HOUSE PAGES

Mr. MINISH. Mr. Speaker, I send to the desk a resolution (H. Res. 234) providing for appointment and education of House pages, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. DINGELL. Reserving the right to object, Mr. Speaker, I did not hear that. Could the Clerk re-report that, please?

The SPEAKER pro tempore. Without objection, the Clerk will re-report the title of the resolution.

There was no objection.

The Clerk re-read the title of the resolution.

Mr. DINGELL. Continuing to reserve the right to object, Mr. Speaker, has this bill been printed?

I yield to the gentleman.

Mr. MINISH. No.

Mr. DINGELL. It has not?

Mr. MINISH. It is not a bill. It is a House resolution.

Mr. DINGELL. Has the resolution been printed?

Mr. MINISH. No. I will be happy to give the gentleman a copy.

Mr. DINGELL. I would be delighted to receive it. I never seem to receive copies of bills that relate to the appointment and education of House pages.

Continuing to reserve the right to object, Mr. Speaker, is this a successor piece of legislation to the bill previously, which was brought up the same day it was introduced and never made available to the Members, never printed, never noticed in the official processes of the House?

I yield to my good friend.

Mr. MINISH. This is a successor bill.

Mr. DINGELL. It is not noticed? Has there been any notice given to the

Members that this matter was going to be coming to the House?

I yield to the gentleman.

Mr. MINISH. This has been legislation that we have been dealing with for the last several months to try to improve the school system of the pages.

Mr. DINGELL. Was any notice given to the membership that this would be coming up today?

Mr. MINISH. Today?

Mr. DINGELL. Yes.

Mr. MINISH. No; that is why we asked to bring it up under unanimous consent. I notified the gentleman from Michigan.

Mr. DINGELL. Yes; I am delighted and I thank the gentleman for notifying me. The gentleman did not notify me when similar legislation came up on the floor before.

Mr. MINISH. I did not notify the gentleman because the gentleman was notified like everyone else of what we were doing and I did not know that the gentleman had a special interest in it.

Mr. DINGELL. Oh, I do.

Mr. MINISH. Well, now that the gentleman does, I notified the gentleman today.

Mr. DINGELL. I thank the gentleman.

I will yield further to the gentleman if the gentleman will tell us what this does.

Mr. MINISH. This resolution merely repeats the substance of H.R. 3034, previously passed by the House, except for one provision providing that the Page Board will arrange for the education of pages.

The resolution implements the decisions that the House Page Board has reached concerning new conditions for page employment and page education.

This resolution responds to the concerns raised on these issues by the Speaker's Commission on Pages.

The resolution provides that pages must be in 11th grade. Pages would be required to serve 1 full academic year.

The resolution removes the current permission for minor employees of Members or committees to attend the page school.

This legislation should improve both the service of the pages to Congress and the education these pages receive while here.

Mr. DINGELL. Further reserving the right to object, Mr. Speaker, have any of the Members who appoint pages been notified about this legislation?

Mr. MINISH. I am not aware of the Members who appoint pages.

Mr. DINGELL. Were any of the Members who appoint pages notified of the earlier action of the Page Board in bringing up the legislation which was considered here earlier?

Mr. MINISH. I assume that all the Members who have pages are aware of what we are doing.

Mr. DINGELL. Beg pardon?

Mr. MINISH. I am sure that the Members who have pages, with maybe some exceptions, are aware of what we are doing.

Mr. DINGELL. I was notified of it today just a few minutes ago.

Mr. MINISH. We have notified both personnel committees.

Mr. DINGELL. Beg pardon?

Mr. MINISH. The personnel committees have been notified.

Mr. DINGELL. I see. Does the gentleman know whether the Members have been notified of this matter?

Mr. MINISH. I think there is enough information around that the Members should make themselves available of what we are trying to do, to improve the life, the quality, and the education of the pages.

Mr. DINGELL. Well, I applaud that.

Mr. MINISH. I am sure the gentleman does.

Mr. DINGELL. I have been appointing pages for better than 20 years. Is the gentleman aware of any defects in the character of the pages that I have been appointing?

Mr. MINISH. I did not realize that anybody had all that quality to be appointing pages for 20 years. I congratulate the gentleman.

Mr. DINGELL. The pages I have been appointing have been of excellent quality.

Mr. MINISH. I am sure that they have been.

Mr. DINGELL. There has never been any question raised as to their behavior.

Mr. MINISH. Well, will the gentleman yield further?

Mr. DINGELL. Of course.

Mr. MINISH. Would the gentleman admit that we did have some problems with pages?

Mr. DINGELL. No; I never had any problems with pages.

Mr. MINISH. The gentleman may not have had any, but the Page Board Commission is aware that we have had some problems and we are trying to improve them.

Mr. DINGELL. Well, would the gentleman inform me, will I be able to continue appointing the excellent quality pages that I have been appointing for 2 months at a time?

Mr. MINISH. Positively not.

Mr. DINGELL. Can the gentleman inform me why?

Mr. MINISH. Because the Task Force on Education and the Page Board has decided that no page can get a reasonable education by only attending school 2 months at the school.

Mr. DINGELL. Well, I want to fully agree with that, but I would inform the gentleman that the pages that I appoint attend school here 2 months and continue their education before and after that back home.

Mr. MINSH. I am sure they do.

Mr. DINGELL. I am not aware of anything in that that would contribute to a deficiency in the education of the pages that I have been appointing.

Mr. MINISH. That may very well be with the gentleman's pages, but we have had other problems. There are other Members that appoint pages and some of them probably have not done as well as the pages of the gentleman from Michigan.

Mr. DINGELL. Well, I want my colleagues in the House to understand that I have the greatest respect and affection for the gentleman from New Jersey. He is a valuable Member of the body and he is a dear friend of mine. He has served here long and well. I regret that I have differences with the gentleman about this matter.

I want to observe that this action would deny five of the young people from my district that I appoint as pages each year an opportunity to serve here, without any showing that there has been any deficiency either in my appointment of those pages or that there has been any deficiency in their behavior either as pages or as students in school.

I am unaware of any need for this kind of change.

I am also unaware that there has been proper notice to the Members, either as regards consideration of this matter or as regards consideration of prior legislation that was offered by the Page Board.

I would observe that that legislation was introduced. It was never heard. There was never any notice through the whips or any other mechanism and that matter was brought immediately to the floor, was considered; there was no record vote, there was no opportunity for debate or discussion on that matter.

I just want to observe that this is an intolerably bad way for this body to proceed with regard to pages and an opportunity to afford youngsters to learn about their Government and an opportunity for those youngsters to derive the advantages they would achieve by serving here as pages.

Mr. MINISH. Mr. Speaker, will the gentleman yield further?

Mr. DINGELL. Yes, I yield.

Mr. MINISH. There was a "Dear Colleague" letter sent to every Member when this was taking place.

Let me say this. I do not know the quality of education that the pages of the gentleman from Michigan receive, but there is no doubt in my mind and in the top educators that we have brought in, that the system that we are trying to put into effect now will improve their education tremendously, the education of the pages.

Mr. DINGELL. I have no objection to improving the educational opportunities of the pages. I just see no reason why we ought to tinker around with a system that has been successful. I have appointed something on the order of 120 pages and in those appointments there has never been a complaint about their behavior, their educational undertakings, their performance in school. Their parents have been delighted. The youngsters have grown into positions of responsibility.

This would deny me the opportunity to appoint five pages a year. It would deny five youngsters in my district each year the opportunity to come down here and to learn about the Congress and to participate in the great educational opportunities that a youngster here has.

Now, I served in this body as a page and as a Member of the House. I understand the benefits that can be derived from proper service as a page.

I also know that in 2 months a kid cannot get in very much trouble, but he can learn a great deal. If you let him serve longer than that, he is going to get in trouble.

I will just tell my good friend, the gentleman from New Jersey, if this body brings kids down here for 1 year, you are going to have much more trouble with them than you are by bringing them in for 2 months at a time, because they have time enough after that 2 months to commence learning some bad habits.

I am just going to tell my good friend that if he thinks he has had trouble with pages before this time, and I do not think the troubles have been very large. I have observed that a lot of the charges made about the pages have been made by persons who appear to be pathological or at least chronic liars and that most of the charges that have been made about pages and misbehavior about pages have been deliberate, malignant falsehoods, told by persons who were guilty of substantial wrongdoing themselves.

I will yield to the gentleman to concur in that statement.

□ 1640

Mr. MINISH. There is no question about that. We found that out.

But there is no question in my mind and in that of the Page Board and the task force that something had to be done in terms of where the pages lived.

Mr. DINGELL. I applaud what was done with regard to where the pages lived and I salute the gentleman and the Page Board for what they did there. That is excellent and I would have supported that and I do support that.

But I do not know why under this procedure we are having this situation inflicted on this body.

Mr. MURTHA. Mr. Speaker, I ask for regular order.

The SPEAKER pro tempore. Regulat order is demanded.

The gentleman from Michigan has reserved the right to object. Does the gentleman object?

Mr. DINGELL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

OLDER AMERICANS MONTH IN DADE COUNTY, FLA.

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on May 11, 1983, the United Way Area Agency on Aging held a senior showcase in conjunction with the commemoration of Older Americans Month in Dade County, Fla., with some 5,000 senior citizens in attendance. At this showcase a forums summary report covering 45 countywide forums attended by more than 4,000 participating seniors was issued. This summary report included some outstanding recommendations relating to things that need to be done for the service of senior citizens. It is an excellent list setting out the program that the elders recommended and I submit it for the RECORD for the information of my colleagues who I think will find it most interesting and I believe most of you will join me in supporting these recommendations:

SENIOR SHOWCASE 1983—"A CELEBRATION OF LIVING AND GIVING"

FORUMS SUMMARY REPORT

This is an overview of the results of 45 separate County-wide forums conducted by 20 agencies and/or organizations, and attended by over 4,000 participating seniors. These seniors identified the following issues (in alphabetical order) as being of major concern to them:

ISSUES THAT CROSS ALL GOVERNMENTAL LINES—LOCAL, STATE, NATIONAL

Affordable health care: (fill the gaps in Medicare-covered services; stop health care providers' abuses of Medicare; enforce Cost Containment; develop National Health Security; provide more preventive care; support Adult Day Care).

Affordable housing: (increase housing supply for low and moderate income families, especially public housing for elderly; support adequate security for residents).

Affordable transportation: (increase the availability of local public transportation; traffic and personal safety in public and private vehicles).

Food stamps: (adjust National and State eligibility requirements to serve more poor people; make management of program at local level more people-oriented).

Nutrition/meals: (not only for nutritional needs, but because the socialization enriches their lives).

Safety/crime prevention: (more visibility of and familiarity with neighborhood police officers; stricter enforcement of laws with support of whole judicial system; provide more jobs for youth).

Social services: (continued support for in-home care and social group services; support for companionship, telephone reassurance and information and referral; support sufficient professional case workers to facilitate appropriate care to families and individuals).

ISSUES THAT ARE THE PARTICULAR RESPONSIBILITY OF STATE AND/OR LOCAL GOVERNMENT

Affordable housing: (allow more adult congregate living facilities (ACLF); establish rent control; improve maintenance; provide adequate security; help to increase housing supply).

Affordable nursing homes: (increase supply; maintain stringent regulations, properly enforced and monitored to ensure good care).

Silver-haired legislature: (re-establish an adequately funded effort).

Unmet needs: (provide services to unserved and underserved areas i.e. North Shore of Miami Beach, South Dade, and . . . isolated areas).

Utilities: (closely regulate, lower rates).

ISSUES IDENTIFIED AS BEING CREATED BY THE PRESENT NATIONAL POLICIES

Disarmament.

Federal aid to oppressive regimes vs support for social services.

Defense spending vs support for social services.

Social security: (cost of living delayed while rents increased and food stamp allotments decreased or ceased).

Special concern—Being called "Seniors" or "Senior Citizens" puts older people in a group by themselves. They feel and want to consider themselves a part of the mainstream of society, and would like to be treated that way.

PARTICIPATING AGENCIES, CLUBS, AND ORGANIZATIONS

Amalgamated Clothing and Textile Workers Union Miami Beach Club and North Miami Beach Club.

Catholic Community Services Senior Center.

Community Action Agency.

Contemporaries of Temple Beth Am.

Elderly Services Division Advisory Council.

Federation Gardens—JCC South Dade.

Gray Panthers of South Dade.

HUD Elderly Housing Sites.

Jack Orr Senior Center.

JESCA.

Jewish Vocational Services Nutrition Program.

Little Havana Activities Center.

Miami Beach Jewish Community Center.

Michael-Ann Russell Jewish Community Center.

Musa Isle Senior Center.

North Miami Foundation, Inc.

North Shore Activity Center.

Senior Centers of Dade County, Inc.

PERMISSION TO REOPEN TITLE II OF DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984, FOR THE PURPOSE OF OFFERING AN AMENDMENT

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that, in connection with the bill we just considered, I be permitted to reopen title II for the purpose of one amendment

that was printed in the RECORD at page 15842.

I have consulted with the chairman of the committee and he has no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. LEWIS of Florida. Mr. Speaker, reserving the right to object, I ask the gentleman: Has this been cleared with the minority?

Mr. SEIBERLING. Will the gentleman yield?

Mr. LEWIS of Florida. I yield to the gentleman.

Mr. SEIBERLING. I have not discussed this with the minority but it is an amendment that was printed in the RECORD. I discussed it with Chairman PRICE and he has no objection.

Mr. LEWIS of Florida. Mr. Speaker, I would like to ask the gentleman to withhold his request temporarily.

Mr. SEIBERLING. I will be glad to discuss it with the gentleman. I am sure there would not be any objection. It is an amendment that deals with the antisatellite system and would have an effect on the flight testing.

Mr. LEWIS of Florida. Mr. Speaker, we would like to ask that the gentleman from Ohio withhold his request.

Mr. SEIBERLING. Mr. Speaker, I withdraw my request. I will withhold the request.

The SPEAKER pro tempore. The gentleman withholds his request.

Have the gentleman from Florida (Mr. LEWIS) and the gentleman from Ohio (Mr. SEIBERLING) arrived at an agreement before we move on to special orders?

Mr. SEIBERLING. Mr. Speaker, I renew my request that I be permitted to reopen title II of the military authorization bill for the purpose of offering one amendment that is printed in the RECORD at page 15842.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

EUROPEAN SECURITY AND COOPERATION MEETING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 30 minutes.

Mr. PEPPER. Mr. Speaker, I have asked for this special order so that delegates to the recent meeting of the Interparliamentary Union devoted to European security and cooperation can present their views on the activity and outcome of this important conference. This meeting that occurred 2 weeks ago in Budapest was the fifth such conference held under the auspices of the Interparliamentary Union, an organization that can take great credit for improving understanding and cooperation among European states. Since its founding in 1889, the IPU has promoted efforts toward regional conflict resolution and confidence building in Europe. It has worked actively to reestablish links of cooperation following the World Wars and has facilitated establishment of procedures for peaceful resolution of interstate conflict. Most recently in the last decade, the IPU stimulated activity that played a role in the negotiation of the 1975 Helsinki Final Act on security and cooperation in Europe, an act that has held tremendous implications for human rights and humanitarian contacts in Europe and for arms control.

Mr. Speaker, as Members are well aware, this is a particularly crucial moment for U.S. relations with countries across the North Atlantic. Because of the important security matters that U.S. negotiators are discussing in Geneva and Vienna in the arms talks, because of the pending NATO decision to deploy Pershing II and cruise missiles in Europe, because of the serious economic difficulties and responsibilities of the industrialized countries of North America and Europe, just to highlight some of the more obvious issues, it is extremely important that we deal honestly, seriously and frequently with our counterparts in Europe. Europeans look to the United States for leadership and accomplishments. They expect us to negotiate in the arms discussions in good faith and fulfill our commitments under the alliance.

And we keep asking, particularly of our adversaries in Europe, that they give evidence of performance so that we may have confidence that future agreements and undertakings will yield results. Given the sensitivity of the trans-Atlantic situation and the importance of dialog, participants at the recent IPU meeting on European security and cooperation deserve particular acknowledgement.

The United States was represented at this meeting by Representatives DAN MICA (Florida) and ELLIOTT LEVITAS (Georgia). In their respective interventions in the conference, they made very clear the overriding concern in the United States about human rights and human contacts and about arms control. Moreover, they were able to ask, particularly the Soviet Union, to turn the high-minded words of the Helsinki final act into deeds. They also provided rebuttals to statements about American positions. I would like to insert in the RECORD at the end of my remarks the entire statements made by these two distinguished Representatives of the United States.

Among the results of this meeting, the entire attendance from 28 European countries endorsed unanimously a call for a meeting between President Reagan and Secretary General Andropov in the near future in order to develop a common approach to the most pressing security problems. The IPU has requested that I transmit a letter from the IPU to President Reagan to communicate this desire directly to the President. This I have done. In like manner, a similar communication has been sent to the Soviet leader, Yuriy Andropov.

Mr. Speaker, I look forward to learning in more detail the views of the delegates who participated at the recent IPU meeting on European security and cooperation that was held in Budapest, Hungary, between May 30 and June 4.

I also include the final resolutions adopted by the special conference on European security and cooperation in the RECORD.

STATEMENT OF REPRESENTATIVE ELLIOTT LEVITAS

Mr. President, fellow delegates, traveling to the heart of Europe here in Budapest, it is difficult to avoid recalling how often conflict and bloodshed have occurred on this continent. Worse, we have already seen twice in this century how the conflicts in this region can easily expand into global war of devastating proportions. Given the sophistication of modern arms and their deployment, future battles in Europe would not be limited to one theater. Therefore, such conflicts must not be allowed to occur. Full implementation of the Helsinki Final Act is a way to help assure this result.

When we last met in Brussels, our concluding resolutions were replete with pious invocations to respect the spirit and letter of the Helsinki Final Act. We now assemble with distance and hindsight, where it is our duty to review what has been accomplished and what has not. We do this not to condemn, but to account. We do not speak harshly, but we let the facts speak for themselves. However, if we fail to review performance, our repetition of pious words will become an increasingly hypocritical irrelevancy.

Unfortunately, the record of the past three years has been one of repeated violations of and disregard for basic tenets of the Final Act. These violations have made the work of the long-protracted Madrid meeting more difficult and have significantly burdened efforts to negotiate a balanced and substantive result there. We should also not underestimate how much these violations lower confidence in other international and bilateral negotiations in other places, on other subjects.

What then is the record:

Since the Madrid meeting began two and a half years ago, over 500 human rights activists have been arrested in the Soviet Union. Fifty-two members of the various Helsinki Monitoring Groups in the Soviet Union are in prison, including Anatoly Shcharansky and Yuri Orlov and others not so prominently known but equally valued. In sad testimony to non-implementation of the Final Act, the Moscow Helsinki Monitoring Group was forced to call a formal halt to its activities in September, 1982 . . . as I was told would happen last year when I visited the Soviet Union.

Again, I urge, as my distinguished colleague from Norway urged yesterday, that the parliamentarians here from the Soviet

Union tell their government to let Dr. Sakharov go. His experience as a Nazi Death Camp survivor gives eloquent testimony to his understanding of freedom.

Moreover, despite Soviet support for the activities of peace groups in the West, eight members of two independent peace groups in the Soviet Union have been imprisoned. Emigration from the Soviet Union has been reduced to a trickle. Foreign journalists are harassed and expelled while in legitimate pursuit of their profession.

Three years ago in Brussels, we marked the 1979 Soviet invasion and occupation of Afghanistan. That aggression has escalated in the intervening years, and Soviet troops continue their massacre of civilians using more sophisticated weaponry and greater vengeance. Could it be that the injustice of the Soviet position in Afghanistan has even reached the newsroom of the radio Moscow World Service from which last week came the report on the airwaves that, and I quote, "the population of Afghanistan plays an increasing role in defending the country's territory against occupants," and certain "tribes" "have joined the struggle against the Soviet invaders"?

Frankly I had originally planned to cite this broadcast as a positive example of improvement in the Soviet Union of freedom of communication. Alas, regretfully, I cannot, having learned that the radio announcer, Vladmir Danchev, who spoke these words has been repudiated and disciplined.

The imposition of martial law in Poland and outlawing of the free trade union Solidarity cut to the heart of the Helsinki Accords. The decision of the Polish military authorities to destroy Solidarity, a symbol of the aspirations of the Polish people, was a blow to the very essence of the Final Act and in violation of several international conventions.

As we meet this week, the Madrid meeting continues its own deliberations. Despite the various diversions delivered yesterday by some of the speakers in this chamber, the United States remains committed to a substantive result of that meeting. We feel confident that a resolution will occur that will give balanced emphasis on needs for human rights observance as well as security. The result of Madrid must be substantive, not just more words that will again be ignored by some parties.

The latest drafting effort of the neutral and non-aligned countries at Madrid is a good basis for completing the Madrid meeting. My government and other western states have proposed a short list of reasonable, yet essential, improvements to this draft document necessary to bring it more in line with current realities. Of particular importance is the need to promote a meeting of experts to discuss human contacts. In view of the sorry state of implementation of the relevant Final Act provisions, a meeting on human contacts would be an important means of translating our solemn pledges into living reality.

The western effort at Madrid is not an effort to delay an agreement, but rather one to make the result of Madrid meaningful. I fully and optimistically believe there will be a favorable result in Madrid and in the near future.

Beyond Madrid, my country strongly supports the concept of a post-Madrid conference on confidence, security building and disarmament in Europe, as part of a balanced outcome. Let me turn now to the matter of nuclear weapons.

The reduction of the threat of nuclear war should be the goal of all people on this earth. Surely this can be a common ground between the people of the United States and of the Soviet Union and of all nations. No sane person can believe that a nuclear war is winnable by either side. Civilization as we now know it will certainly not survive no matter who launches the first strategic nuclear attack. To prevent that horror, which we cannot even fully imagine, we must end the nuclear arms race and sharply reduce nuclear arsenals through mutual, equitable and verifiable efforts.

In recent months, we in the United States Congress, from both our major political parties, have been working with the President to establish new arms control policies that can achieve nuclear arms reductions through the Geneva negotiations. New proposals which will be made by the United States, I believe, should provide the basis for progress in these vital talks, if the Soviet Union is really interested in seeking reduction of nuclear forces.

However, as I see recent developments in the nuclear arms buildup by the Soviet Union, I once again ask for performance, not mere words. Instead of peaceful efforts, we see the large deployment of SS-20 missiles aimed at Europe or readily deployable in that direction, the modernization of SS-18 and SS-19 forces and the retrofitting and hardening of their silos, the launching of Typhoon class submarines, the development of new missiles and bombers, all at a pace that indicates high priority. These developments intensify my doubts about Soviet intentions. At whom are the SS-20's aimed and why? What is the threat to which the recent rapid Soviet nuclear buildup responds?

And now we hear that if NATO deploys the cruise and Pershing II missiles in response to the Soviet SS-20 missiles and the other theater advantages of the Soviet Union, they will increase again their own military threat to western Europe by deploying more SS-20's in eastern European countries. This recent Soviet annoucement is especially revealing about the way the world is. The proposed deployment in eastern Europe was not even made in terms of the sham of a Warsaw Pact decision, but was simply announced unilaterally by Moscow.

I will watch to see how democratically the Soviet leadership will go about deploying more SS-20 missiles in eastern Europe. What free public discussion will be heard? What anti-nuclear demonstrations will be tolerated? What parliament, in the Soviet Union or in its allied countries, will call for a halt and freeze on their deployments? I ask my colleagues—both from eastern and western Europe—to think about these questions as they compare systems and negotiation positions.

The CSCE process and the IPU do not exist in a vacuum. Events have vividly shown that well-meaning declarations and resolutions have no value when not accompanied by the deeds which give them fulfillment. We should remember that the Helsinki Accords represent a living, continuing process which can flourish only through actions. Promises, without performance, can only result in disappointment and growing cynicism. If there is performance, movement toward peace and security will progress, and all humankind can bless us for our efforts.

In the last analysis, if we succeed we shall have moved away from the principle of power and will establish the power of principle. In that peaceful context, I have no doubt that those nations which respect human values, which respect individual rights and which respect freedom shall prevail.

STATEMENT OF REPRESENTATIVE DANIEL MICA

Mr. President, fellow delegates; as my colleague from the American Congress has said earlier, we sincerely appreciate the hospitality of the Hungarian people and are enjoying this majestic city of Budapest.

As a member of the Foreign Affairs Committee of the U.S. Congress, I am privileged to participate in my first meeting of the Inter-Parliamentary Union. I must say, it seems ironic that I have an opportunity to present what might be called the American position at this conference. I say ironic because my family came from this part of central Europe, not far from here, and from Italy. I think my heritage—which is not unlike that of many who serve in the U.S. Congress—indeed like most Americans, is just one more reason why we Americans have such a sincere interest in European peace and security.

Not only is it a matter of international security—strategic interest, but of families, of cultural and historical ties that bind and focus American concerns throughout the world and particularly Europe.

You have heard already of our concerns over Poland and the imposition of martial law there, Afghanistan and the continued refusal of the Soviet Union to respond to peace initiatives there, nuclear weapons and human rights. They are real and legitimate concerns. They have been articulated verbally, included in documents, treaties, accords and communiques. More important, they have been carried out by actions and deeds. Let me give you just one example: The American Congress, both political parties, just concluded an historic debate, lasting more than 50 hours, and passed a resolution setting forth a *goal* of a mutual and verifiable freeze on nuclear weapons. A free and open debate occurred on this. I am proud to have supported and played a part in this historic debate. But I ask you what is the fate of those who even dared to publicize dissent on such an issue in the Soviet Union?

If we are serious about the agreements upon which this organization was established, we must demand answers to this question and many more. Are peace and labor activists being imprisoned, are advocates for human rights harassed, do ethnic groups face discrimination, and are religious beliefs being persecuted? Security and confidence require more than progress in arms control, they also require progress in respecting fundamental human rights, rights we ostensibly all support as set forth in the Helsinki Final Act.

Still, arms control measures are necessary. The United States has taken the lead in this area, historically and recently, and both the major political parties in our system have made contributions to progress. Arms control talks are now underway and some have made substantive progress. U.S.-U.S.S.R. bilateral strategic talks are proceeding as are the talks on limiting long range intermediate range nuclear forces. Despite the misinformation offered by certain delegates yesterday, the United States has constructively offered two opportunities for arms reductions of these intermediate systems: either the total elimination of the systems or reductions that would lead to equal U.S. and Soviet levels of warheads on launchers at

substantially reduced levels. We encourage the Soviet Union to come up with a recommended level most acceptable to them.

In this regard, let me say that I am particularly offended by some of the intentional distortions made in statements here concerning the NATO decision to modernize the intermediate range nuclear forces. We are accustomed to the Soviet propaganda attempt either to beguile western Europe or frighten it in order to prevent the scheduled modernization of systems essential for maintenance of deterrence on this continent.

As a parliamentarian, I am particularly disappointed that a Swedish delegate in this chamber seems to have joined the Soviet chorus, particularly disappointed when he also chooses to distort facts. The NATO decision was not one taken suddenly and impulsively. It is a decision taken through deliberation as an intentional response to the large and long term deployment of Soviet forces such as the SS-20 missiles and the far superior ground forces the Warsaw Pact could direct toward west Europe. Is one-sided nuclear and conventional military advantage in Europe really preferred by the people of Europe instead of mutual force reductions?

Both the ongoing Vienna talks on mutual and balanced force reductions and the prospective conference on arms control in Europe under the CSCE have strong support and can bring the kind of threat reduction that, in my view, could be even more meaningful than the more publicized nuclear talks. The Madrid meeting needs to be completed, if for no other reason, so that the Stockholm conference can proceed.

The United States sends delegations to talks in Geneva, Vienna, Madrid and hopefully Stockholm because we understand that our own national security depends upon tangible outcomes from these negotiations. We gain nothing by the current situation with negotiations unconcluded and arms deployed with only modest limitations. The history of use of arms in Europe provides a particular incentive for us all to urge these negotiations toward conclusion.

CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

(The contribution of parliaments of states participating in the Conference on Security and Cooperation in Europe (CSCE) to the further promotion of universal détente and to genuine progress in the disarmament field, through, i.e. the continued implementation of the Helsinki Final Act, the conclusions of the subsequent followup meetings, as well as the resolutions of the previous interparliamentary conferences on European Co-operation and Security, in particular by discussing:)

(a) Questions relating to security in Europe, in particular détente and disarmament;

(b) Co-operation in the field of economics, science, technology and environment problems;

(c) Co-operation in humanitarian and other fields; and

(d) Follow-up to the Conference.

GENERAL PART

Draft resolution adopted by the working group

Rapporteur: Mr. M. Rönnholm (Finland).

The Vth Inter-Parliamentary Conference on European Co-operation and Security:

Reaffirming the principles and recommendations of the documents of the previous four Inter-Parliamentary Conferences on European Co-operation and Security,

Deeply disturbed by the steady erosion of trust and confidence between the Great Powers, the further increase in tension in Europe, the continued accumulation and deployment of weapons, the violation of a number of the principles set forth in the Final Act of Helsinki, and the stagnation of economic and other co-operation between European [1] States,

Convinced that the settlement of European problems and the strengthening of security and co-operation can only be realized by way of negotiations, and through strict and unreserved respect for and application of all the ten principles and of the provisions of the Final Act of Helsinki;

Willing to support all new efforts to make détente an effective as well as a continuing, increasingly viable and comprehensive process, universal in scope, as agreed by the CSCE signatory States in the Final Act; and convinced that such détente is the only way to preserve peace among European nations, and that it would contribute to the checking of mounting armaments to the promotion of confidence and security, and to the initiation of the process of disarmament,

Bearing in mind the intimate connection between world peace and international security on the one hand, and peace and security in Europe on the other, as well as the fact that the détente process and the disarmament process mutually complement and strengthen one another,

Emphasizing the importance of observing basic human rights and freedoms, and reaffirming the pertinent provisions of the Helsinki Final Act,

Regarding the Final Act of Helsinki as a basic document for security and co-operation in Europe and the CSCE process as a principal instrument of multilateral communication between participating States,

Expressing the conviction that CSCE meetings contribute to an improvement of relations between those States,

Stressing the significance of the on-going CSCE Follow-up Meeting in Madrid which provides an opportunity for giving new impetus to a positive development of relations between participating States through the adoption of a substantial and balanced Concluding Document,

Emphasizing that all CSCE participating States have to strive to ensure that the Madrid CSCE Meeting concludes its work with the adoption of a substantive and balanced Concluding Document aimed at continuing the process of consolidating co-operation and security in Europe,

Expressing its gratitude to the group of neutral and non-aligned States for submitting a draft concluding document (Conference Document RM. 39 rev.) to the Madrid Meeting on 15 March 1983, and noting that these proposals represent a major contribution to a successful and rapid conclusion of that Meeting,

1. Expresses its expectation that détente will be extended to the military aspects of security and that genuine efforts will be made to contain the increasing arms build-up, strengthen, confidence and security, and promote disarmament;

2. Reaffirms that Governments, institutions, organizations and persons have a relevant and positive role to play in contributing towards the achievement of the aims of co-operation between participating States;

3. Encourages Parliaments and their members to commit themselves to the furtherance of the Helsinki process through new unilateral, bilateral and multilateral efforts;

4. Urges the Parliaments and Governments of the countries participating in the CSCE:

(a) To act resolutely in order to halt the growing confusion of the international situation and to promote the policy of détente and co-operation in Europe and throughout the world;

(b) To respect fully, without exception or restriction, all the commitments undertaken in the Helsinki Final Act;

(c) To attach the utmost importance to considering and establishing effective confidence-building and disarmament measures with the participation on an equal footing of the States signatories to the Helsinki Final Act;

(d) To promote co-operation in the fields of economy, science, technology, environment, culture, education, information and human contacts, which are important elements in the process of building security and developing co-operation in Europe;

5. Supports the convening of the various meetings of experts of the CSCE participating States provided for in the document presented by the neutral and non-aligned States at the Madrid Meeting (RM. 39 rev.);

6. Appeals to the Governments of the States participating in the CSCE to work in a constructive spirit for an early, successful outcome of the Follow-up Meeting in Madrid on the basis of the draft Concluding Document submitted by the neutral and non-aligned States on 15 March 1983;

QUESTIONS RELATING TO SECURITY IN EUROPE, IN PARTICULAR DÉTENTE AND DISARMAMENT

Draft resolution adopted by committee I

Rapporteur: Mr. H. Klein (Federal Republic of Germany).

The Conference:

1. Reaffirms solemnly the absolute validity of the ten principles of the Helsinki Final Act listed below which constitute for the States participating in the CSCE a code of conduct and a basis for democratizing their mutual relations and their relations with all other States:

I. Sovereign equality, respect for the rights inherent in sovereignty;

II. Refraining from the threat or use of force;

III. Inviolability of frontiers;

IV. Territorial integrity of States;

V. Peaceful settlement of disputes;

VI. Non-intervention in internal affairs;

VII. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief;

VIII. Equal rights and self-determination of people;

IX. Co-operation among States;

X. Fulfilment in good faith of obligations under international law;

2. Recalls the provisions of the CSCE Final Act in which all States participating in the CSCE express an interest in exerting efforts aimed at lessening military confrontation and promoting disarmament;

3. Calls upon all Parliaments to support the convening of a Conference on Confidence- and Security-Building Measures and Disarmament in Europe, as a substantial and integral part of the multilateral process initiated by the Conference on Security and Co-operation in Europe, with the participation of all States signatories to the CSCE

[1] The words "Europe" and "European" as used in this text imply, where appropriate, the inclusion of Canada and the United States of America as participating countries.

Final Act, to undertake, in stages, new, effective and concrete actions designed to make progress in strengthening confidence and security and in achieving disarmament, so as to give effect and expression to the duty of States to refrain from the threat or use of force in their mutual relations;

4. Recommends to Parliaments and Governments that the first stage of the conference be held in Stockholm as soon as possible and that it be devoted to negotiations and the adoption of a set of mutually complementary confidence- and security-building measures designed to reduce the risk of military confrontation in Europe, and lead as soon as possible to the second phase, devoted to disarmament measures;

5. Recommends that the mandate for the first stage of this conference be based on document CSCE/RM. 39 rev., presented by neutral and nonaligned countries at the Madrid Meeting;

6. Calls upon the Parliaments and Governments of the participating States, in accordance with their respective competences, to take effective steps towards halting the arms race, to facilitate the adoption of concrete measures for military disengagement in Europe, and to intensify their efforts at the regional level with a view to progressing towards disarmament under international control:

7. Urges that a summit meeting of the leaders of the United States of America and the Union of Soviet Socialist Republics be held in the near future in order to develop a common approach to the most pressing security problems;

8. Calls on the two major nuclear-weapon States to make the utmost efforts in their negotiations on the limitation and reduction of nuclear weapons in a constructive manner and with a view to arriving at a positive solution as soon as possible;

9. Calls upon Parliaments and Governments of the States participating in the Vienna talks on the reduction of the armed forces and armaments in Central Europe to contribute in every way to the earliest achievement of tangible results;

10. Reaffirms the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among the participating States, as among all States;

11. Recalls the right of the individual to know his rights and duties in the field of human rights and fundamental freedoms, and to act accordingly, and urges Parliaments and Governments to work out, whenever this has not yet been done, appropriate measures so as to ensure for citizens of their countries a greater knowledge of their rights and duties in this field;

12. Underlines the importance of the commitments concerning particularly the right of the individual to freedom of conscience, religion or belief, the equal rights of men and women, the rights of persons belonging to national minorities, as well as the right of trade union freedom, referred to in document RM.39.Rev., presented by neutral and non-aligned countries at the Madrid Meeting on 15 March 1983;

13. Recommends that the States participating in the CSCE take practical measures to give effect to their commitment to strive jointly or separately, inter alia in conjunction with the United Nations, to promote the effective and universal respect for human rights and fundamental freedoms;

14. Calls upon all Parliaments and Governments, in their struggle against acts of terrorism;

To refrain from giving direct or indirect assistance to terrorist or subversive activities and other activities directed towards the violent overthrow of the regime of another participating State, as well as from financing, encouraging, fomenting or tolerating any such activities;

To do their utmost to ensure the necessary security for all official representatives and persons who participate on their territories in activities within the scope of diplomatic, consular or other official relations;

15. Recalls that, as stated in the Helsinki Final Act, security in Europe is closely linked with security in the Mediterranean region as a whole;

COOPERATION IN THE FIELDS OF ECONOMICS, SCIENCE, TECHNOLOGY AND ENVIRONMENT PROBLEMS

Draft resolution adopted by the Committee II

Rapporteur: Mr. J. Bognar (Hungary).

The Conference:

1. Bears in mind that respect for and implemenatation of all provisions of the CSCE Final Act by all participating States represent an essential basis for the development of mutual cooperation in the fields of ecomomics, science, technology and environment;

2. Is convinced that cooperation in these fields is of benefit to all CSCE participating States and that it contributes significantly to the reinforcement of peace and security in Europe and in the world as a whole;

3. Takes into account the positive experience acquired by the members of the Inter-Parliamentary Union in the development of cooperation between member countries without regard to their social and economic systems, including in the above-mentioned fields;

4. Recognizes the relevance of the provisions set forth in the Final Act of Helsinki concerning the protection and improvement of the environment as one of the tasks of major importance to the well-being of people and the economic development of all countries;

5. Is convinced of the necessity to develop a common strategy to implement the Convention on Long-Range Transboundary Air Pollution;

6. Calls upon Parliaments and Governments:

(a) To implement fully the provisions of the CSCE Final Act and to adhere in mutual contacts to the principles adopted in the CSCE Final Act, which represents an essential basis for the development of broad international co-operation among the CSCE participating States in the above-mentioned fields, irrespective of their economic and social systems;

(b) To support broad and unhindered economic and technical-scientific co-operation—from which all States in the region should profit in the spirit of the Helsinki Final Act—and the further development of co-operation in industry, agriculture, transportation, trade, environmental protection and other fields;

(c) To intensify efforts for the creation of adequate conditions in order to promote further the dynamic development of trade and industrial co-operation;

(d) To exert efforts and undertake measures at the unilateral, bilateral and multilateral levels in order to accelerate the process of progressive elimination of all kinds of political and economic obstacles to trade, and particularly to prevent the creation of new obstacles to economic co-operation;

(e) To exert efforts aimed at reducing or gradually eliminating the various existing obstacles in the way of trade development, including East-West trade, which can play an important role in stabilizing international relations and in promoting balanced economic growth;

(f) To encourage and support the substantial contribution made by the United Nations Economic Commission for Europe (ECE) and other competent international organizations to the multilateral implementation of the Final Act regarding co-operation in the fields of economics, science, technology and environment problems;

(g) To make full use of the potentialities of the ECE and other bodies, existing mechanisms and resources as an effective instrument for development of multilateral co-operation in the region;

(h) To make efforts and create conditions to enable business negotiations and activities to be carried out more efficiently and expeditiously, as well as to undertake measures for improving working conditions for representatives of foreign firms and organizations on their territory, including telecommunications facilities, as well as to promote other conditions for the successful performance of their work;

(i) To promote and further expand bilateral and multilateral industrial co-operation, on the basis of their mutual interest, and contribute to the further development and diversification of their economic relations and to a wider utilization of modern technology;

(j) To continue efforts for the development of co-operation in the field of energy, including energy saving and environmental protection;

(k) To promote co-operation in the field of science and technology, fostering in particular questions regarding the study and transfer of, as well as access to, scientific and technical achievements, as well as different contacts among scientists and specialists;

(l) To encourage the development of co-operation in the field of agriculture, bearing in mind the relevant part of the report of the "Scientific Forum";

(m) To give appropriate attention to the position of migrant workers in host countries, whose situation has been particularly affected by the world economic crisis, and to undertake necessary measures aimed at improving further the general situation of migrant workers and their families, inter alia through the protection of their human, economic, social and cultural rights, while taking particularly into account the problems of second generation migrants;

(n) To support co-operation between States, to implement, monitor and evaluate the European Strategy for Health for All by the year 2000 adopted by the Regional Committee for Europe of the World Health Organization (WHO) in order that all citizens will attain a level of health permitting them to lead a socially and economically productive life;

(o) To contribute actively to the efforts made within the framework of WHO to strengthen European collaboration in the health field, including medical and health systems research;

Cooperation in the Field of Environment

7. Calls upon Parliaments and Governments:

(a) To promote actively the implementation of:

(i) The resolutions and decisions adopted by the Session of a Special Character of the United Nations Environment Programme (Nairobi, 10 to 18 May 1982) and the resolution on the state of the world environment adopted by the 69th Inter-Parliamentary Conference (Rome, September 1982);

(ii) The provisions on environmental questions contained in the Concluding Resolutions of the IVth Inter-Parliamentary Conference on European Co-operation and Security (Brussels, May 1980);

(iii) The Findings of the Inter-Parliamentary Symposium on Environment in Europe (Geneva, October 1979) and the recommendations of that meeting on the subjects of transboundary air and water pollution;

(b) To accede to and to ratify the ECE Convention on Long-Range Transboundary Air Pollution;

(c) To adopt concrete strategies against transboundary air pollution at the inaugural session of the Executive Body of the Convention (Geneva, 7 to 10 June 1983);

(d) To base their strategies on the principle of reducing emissions of air pollutants at source, in particular those of automobiles, by applying the best available technology, and to reach this goal by concerted national actions;

(e) To intensify, in this regard, the exchange of scientific information and to develop relevant technologies on a national and international basis;

(f) To ensure that, despite the economic situation, due attention is given to the allocation of budgets for the protection of the environment and that this is not regarded as a luxury;

(g) To develop general and binding rules of conduct for States in order to avoid ecological damage to neighbouring countries at their borders by reducing emissions of air, water and soil pollutants, and to ensure the protection of soil, river and sea bed;

(h) To develop principles of international law concerning the early and timely provision of information on private and public projects close to borders which could have detrimental effects on the environment of neighboring countries, and to encourage their competent national authorities to promote and expand co-operation;

(i) To take every opportunity to promote agreements between nations in the field of public infrastructure, including traffic projects, enlargement of industrial areas and major reserves and other important public and private projects;

(j) To be guided, when planning private or public projects with major environmental effects for the territory of neighboring States, by the principle that such projects should only be undertaken after thorough environmental impact assessment studies have been carried out and should not be executed without the consent of the State concerned;

Cooperation in the Field of World Economy

8. Calls upon Parliaments and Governments:

(a) To engage in the promotion of stable and equitable economic relations in the mutual interest of all States and, in this spirit, to participate equitably in promoting and strengthening economic co-operation with the developing countries, particularly the least developed ones;

(b) To take into consideration the specific interests of the developing countries in Europe, ensuring:

(i) Their improved access to scientific gains;

(ii) The facilitation of the transfer of technology and of the sale of their products on the markets of the developed European countries;

(c) To recognize the important task which UNCTAD VI has to fulfil in overcoming the crisis in the world economy and in reducing the disparities between national economies in this critical period, and to offer active support to the formulation and implementation of concrete actions adopted by the Conference;

(d) To contribute to joint efforts towards the establishment of a new international economic order and the implementation of the International Development Strategy for the Third United Nations Development Decade, as well as to support the launching of global negotiations relating to international economic co-operation for development, thus making an increased contribution to overcoming the present economic crisis;

(e) To bear in mind that the establishment of an international political climate with a view to the recovery of the world economy and the reduction of disparities between national economies can be achieved only through halting the arms race and preventing armed conflicts;

Questions Relating to Security and Cooperation in the Mediterranean

9. Calls upon Parliaments and Governments:

(a) To take positive steps towards lessening tensions and strengthening stability, security and peace in the Mediterranean and, to this end, to intensify efforts towards finding just, viable and lasting solutions, through peaceful means, to outstanding crucial problems, without resort to force or other means incompatible with the principles of the CSCE Final Act, and by implementing the relevant UN resolutions so as to promote confidence and security and make peace prevail in the region;

(b) To take measures designed to increase confidence and security;

(c) To develop good neighborly relations with all States in the region;

(d) To support the convening of a seminar in Venice to review the initiatives already undertaken or envisaged in all the sectors outlined in the report of the Valletta Meeting.

COOPERATION IN HUMANITARIAN AND OTHER FIELDS

Draft resolution adopted by Committee III

Rapporteur: Mr. F. König (Austria).

The Conference:

1. Reaffirms the value of, and need for, the integral implementation of the provisions of the CSCE Final Act concerning co-operation in the humanitarian field and in the fields of culture, education and science;

2. Recalls document CSCE/RM.39/Revised;

3. Calls upon Parliaments and Governments:

A. Human contacts:

(a) To consider in a spirit of good will the convening of a meeting of experts on human contacts in the not too distant future;

(b) To examine appropriate measures to be taken for the promotion of contacts and regular meetings on the basis of family ties, reunification of families and marriage between citizens of different States;

To undertake the following measures in order to facilitate travel and movement of individuals or groups to other States:

(i) The gradual elimination of administrative and financial obstacles as regards the issuing of passports;

(ii) The progressive decrease, where necessary, of fees charged in connection with the issuing of visas and official travel documents, so that these fees are brought to a moderate level in relation to the average monthly income in the relevant State participating in the CSCE;

B. Information:

(a) To encourage, in order to facilitate the dissemination of printed information, contacts and negotiations between their competent firms and organizations with a view to concluding long-term agreements designed to increase the quantities and number of different newspapers and other publications imported from other participating States, and to ensure that the retail prices of foreign publications are not excessive in relation to prices in their country of origin;

(b) To contribute to the further expansion of co-operation among the mass media and their representatives, a more regular exchange of news, articles, supplements and radio and TV broadcasts as well as the exchange of editorial staff; to improve on the basis of reciprocity the material and technical facilities provided for permanently or temporarily accredited television and radio reporters; to decide without undue delay upon visa applications from journalists and to reexamine within a reasonable timeframe applications which have been refused; to ensure that journalists wishing to travel for personal reasons and not for the purpose of reporting enjoy the same treatment as other visitors from their country of origin; to grant permanent correspondents and members of their families living with them multiple entry and exit visas valid for one year; to examine the possibility of granting accreditation and related facilities to journalists from other participating States who are permanently accredited in third countries; to facilitate travel by journalists from other participating States, within their territories, to afford them opportunities to travel more extensively, with the exception of areas closed for security reasons, and to inform journalists in advance, whenever possible, if new areas are closed for security reasons, and, where necessary, to facilitate the establishment and operation, in their capitals, of press centres or institutions performing the same functions, open to the national and foreign press, with suitable working facilities for the latter; to reaffirm that the legitimate pursuit of their professional activity will neither render journalists liable to expulsion nor otherwise penalize them; they will further increase the possibilities and, where necessary, improve the conditions for journalists from other participating States to establish and maintain personal contacts and communication with their sources;

(c) To take fully into account that the Helsinki Final Act notes the expansion in the dissemination of information broadcast by radio and expresses the hope for the continuation of this process, so as to meet the interest of mutual understanding among peoples and the aims set forth in the Helsinki Final Act;

C. Culture, education and science:

(a) To undertake measures to make the relevant information concerning possibilities offered by bilateral cultural agreements and programmes available to interested persons, institutions and non-governmental organizations, thus facilitating their effective implementation; further to encourage wider

dissemination of and access to books, scientific journals, films and other forms and means of cultural expression from other participating States improving, to this end, by appropriate means the conditions for international commercial and non-commercial exchange of their cultural productions, inter alia by gradually lowering customs duties on these items; to encourage their radio and television organizations to continue developing work on the presentation of the cultural and artistic achievements of other participating States, exchanges of information on productions, broadcasting of shows and programmes from other participating States, co-productions, invitations to guest conductors and directors, as well as provisions of mutual assistance to cultural film teams;

(b) To encourage the translation, publication and dissemination of works in the sphere of literature and other fields of cultural activity from other participating States, especially those produced in less widely spoken languages, by facilitating cooperation between publishing houses, in particular through the exchange of lists of books which might be translated as well as of other relevant information;

(c) To promote the establishment of governmental and nongovernmental arrangements and agreements in education and science, to be carried out with the participation of educational or other competent institutions; to contribute to the further improvement of exchanges of students, teachers and scholars and their access to educational, cultural and scientific institutions in the other participating States; to facilitate travel by scholars, teachers and students within the receiving States and the establishment by them of contacts with their colleagues, and also to encourage libraries, higher education establishments and similar institutions in their territories to make catalogues and lists of open archival material available to scholars, teachers and students from other participating States; to encourage a more regular exchange of information about scientific training programmes, courses and seminars for young scientists, and facilitities wider participation in these activities by young scientists from different participating States; to intensify exchange, among them and within competent international organizations, of teaching and scientific materials, school textbooks, maps, bibliographies and other educational material in order to promote better mutal knowledge and facilitate a fuller presentation of their respective countries;

(d) To contribute to the development of contracts, co-operation and joint projects among the participating States regarding the protection, preservation and recording of historical heritage and monuments;

(e) To widen the possibilities of teaching and studying less widely spread or less widely studied European languages, and, to this end, to stimulate, within their competence, the organization of and attendance at summer university and other courses, the granting of scholarships for translators and the reinforcement of linguistic faculties, including, in case of need, the provision of new facilities for studying these languages;

(f) To ensure the preservation of the cultural identity of individuals belonging to national minorities and ethnic groups in countries where such minorities or groups exist;

(g) To support the successful organization of the "Cultural Forum";

(h) To support the programmes of UNESCO in the various fields referred to above.

FOLLOWUP TO THE CONFERENCE

Draft resolution adopted by the Working Group

Rapporteur: Mr. M. Rönnholm (Finland).

The Conference:

Wishing national Parliaments to contribute to détente and the strengthening of security in Europe and to give a new impetus to European co-operation,

1. Recommends that the National Groups convey these Concluding Resolutions to their Parliaments and Governments, and give them maximum publicity in all the participating States, thus making a significant contribution to the propagation of the spirit of Helsinki;

2. Requests the Secretary General of the Inter-Parliamentary Union to convey these Concluding Resolutions to the Executive Secretary of the Madrid Meeting for distribution to all the delegations;

3. Invites the National Groups of the participating States to make the necessary provisions with a view to implementing the recommendations contained in these Concluding Resolutions;

4. Calls on the National Groups to continue reporting, in accordance with established practice, on progress in implementing the CSCE Final Act, the Concluding Document of the Belgrade Conference, the Concluding Resolutions of the four Inter-Parliamentary Conferences on European Co-operation and Security, and also the present Concluding Resolutions;

5. Recommends to the National Groups of the European countries, Canada and the United States of America to continue the practice of meeting on the occasion of the annual sessions of the Inter-Parliamentary Union, and to promote broad parliamentary contacts:

6. Urges the National Groups to continue to strengthen and create bilateral sections, as well as to develop bilateral contacts, with particular regard to the implementation of the provisions of the CSCE Final Act;

7. Requests the National Guards to communicate the results of this work to the Secretariat of the Inter-Parliamentary Union, which will transmit the information to the other National Groups of the European countries, Canada and the United States of America;

8. Recommends that a further Inter-Parliamentary Conference on European Co-operation and Security be organized by the Inter-Parliamentary Union on dates and in a place to be decided by consensus by the European National Groups and those of Canada and the United States of America;

9. Recommends that the National Groups of the European countries encourage, in accordance with the procedures of their respective Parliaments, contacts between parliamentary committees dealing with foreign affairs and military and defence matters;

10. Supports the organization, by the Inter-Parliamentary Union, of symposia of a regional and sub-regional nature for studying problems of common interest.

□ 1650

GENERAL LEAVE

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Now, Mr. Speaker, I have said we were ably represented at this conference by two of our distinguished colleagues. They made a fine report. They did a fine job. At this conference they were heard from by the people who participated in that conference very favorably by the clarity and strength of the presentations they made for our country.

I yield now to my distinguished colleague from Florida, the Honorable DAN MICA.

Mr. MICA. I thank my colleague and the distinguished chairman of the Rules Committee.

I would like to take a few minutes and tell this body and our colleagues about the IPU and its importance.

Mr. Chairman, I cannot thank you enough for allowing me to be the vice chairman of this delegation and to see really an opportunity for the United States, Members of this body, the Congress, to deal with our colleagues from Europe, from East bloc and West bloc nations.

That is very important. I do not think many Members realize and I must admit I did not realize what a tremendous opportunity this is when they have these IPU meetings.

Nearly 30 nations from Europe and East bloc nations joined together and colleagues from parliaments discussed problems of mutual concern.

You know, so often in this country we point the finger and yell about human rights but we do not have a chance to have an even-handed exchange and a discussion of views between people who make policy in other nations, in Europe and in the Soviet Union.

This was an opportunity for American Congressmen to sit down at the table, to met in a chamber and to discuss sincerely what we mean when we say human rights, to look the Russians in the eye.

My colleague, Mr. LEVITAS did a fantastic job to look the Russians in the eye and say, "What do you mean about being invited into Poland?"

Right there in the same room, "Were you invited or was it an invasion?" And have the rest of Europe, all the delegates from nearly 30 nations stand and watch for the response, listen to the Soviet response and make a judgment for themselves.

So, we raised Poland, we raised it in the appropriate forum, we raised human rights where others could make a judgment on our sincerity.

Nuclear arms, a great deal is being written in European press on what this country, what this Congress, what the citizenry really wants in the way of world peace.

Mr. LEVITAS and I were able to express at least we think certainly on our own behalf and Members of this

Congress that we are sincere, we really do want to see arms reductions; indeed, the Russians who were in the same room, were they as sincere? And ask other delegates, our colleagues from around the world, "What do you think of our proposals? We think we have been reasonable."

We raised the question of Afghanistan.

"Were they invited into Afghanistan or was that an invasion?" But again, the point I think that was driven home to me: The Secretary came up to me and said, "You know, you Americans every few years, a few Congressmen may or may not come and oftentimes some different ones will come, but the Soviets send the same delegates, educated, primed, and tuned to be played like a fiddle, the Soviet line before all of these delegates who represent the parliamentary bodies of Europe. And you Americans are shy about taking this trip, about being criticized for going abroad; and the Soviets literally have an agency designed to teach their people to stand before this body and to put forth the Soviet line so that all of our colleagues, all of our peers in Europe will go back hearing primarily what the Soviets have to say."

No wonder we have such a difficult time convincing our allies in Europe when so often these types of conferences are so overwhelmed in the appearances and speeches and discussions by professionals from the Soviet Union who not only give the exact Soviet line, from the best I can tell they are not allowed to deviate from the line.

This conference, the Interparliamentary Union that you chair has been in existence for 94 years. It served as a conduit and a channel for communications between nations during two world wars. Oftentimes, I was told when diplomatic channels failed, when heads of state failed, Congressmen, parliamentarians from around the world, who had become friends, were able to pick up the phone or write a letter or call one another with information that was of tremendous value during these most difficult times in our nation's history.

So, Mr. Chairman, I would say this, that any Member of Congress certainly should be honored, pleased, and privileged to attend one of these functions. But more than that, this function, the Interparliamentary Union, allows a U.S. Congressman to sit, elbow to elbow, with their peers from every parliament in Europe and indeed often the world, and exchange views in a way that is never ever available through the media, through the press and through the written communication that often have to go there, and I might add, and definitely not through the State Department channels. It is helpful, it is a way to get the message across. The message that I bring back personally from the Secretary General is, "Please, Mr. Chairman, Congressman, Senator PEPPER, send a delegation, send a strong delegation, have them there every year and let us have an effective voice when we have these East-West confrontations so that others may know what we really are thinking in this Congress."

I thank the chairman.

Mr. PEPPER. I thank the able gentleman for his fine statement and excellent work in representing with distinction our House and our Congress and our country.

I yield to the distinguished gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. I thank my good friend and colleague from Florida for yielding to me and I want to express my appreciation to him for giving me the opportunity once again to serve as a delegate from the United States to the Interparliamentary Union and in particular to this extremely important conference on security and cooperation in Europe which was recently held in Budapest.

□ 1700

The Interparliamentary Union plays such a vital role in the interchange of ideas between parliamentarians around the world that it is frequently a matter of amazement to me that our Congress does not play a more vigorous role in providing the leadership and taking advantage of the opportunity of this forum to get across our views.

The parliamentarians who attend these meetings, Mr. Speaker, from various parts of the world are leaders in their respective countries. And certainly in the democratic countries of the world, their leadership is translated into public opinion. And it is a golden opportunity for the United States as a free and democratic society to be able to come there with representation and express the real views of our Nation face to face to our fellow parliamentarians.

And yet, we do not take full advantage of that and, indeed, we have permitted the Soviet Union and some of the Eastern bloc nations because of their professional longstanding staff of people who attend these meetings, to play a very strong role and the consequences of that, I do not think, are fully appreciated by our country, and indeed by the leadership of this body and the other body, in order to make it possible for strong delegations to attend these meetings and represent the people of the United States.

This particular meeting in Budapest, Mr. Speaker, as the gentleman well knows, had to do with an evaluation of the progress that has been made under the terms of the Helsinki Final Act, that instrument which has embodied in it so much of the aspirations of the entire world for human rights, for security, for confidence building measures to afford surprise attack.

And this was the fifth such meeting of review by the Interparliamentary Union. And it coincided with the discussions that are going on in Madrid at this point, which have been going on in Madrid for 2½ years, to evaluate what progress has been made and what further steps should be taken to assure that the solemn understanding, that the signatories to the Helsinki Final Act were putting into existence as compared to the words they utter what performance was occurring.

And it was a very critical time for this meeting to be held, because all indications are that the Madrid meeting is reaching a very crucial stage in its discussions. And it is hoped that within the next 3 or 4 weeks the last remaining points at issue may be resolved and an instrument come out of Madrid that will reaffirm and reassert and improve and strengthen and enhance the final act in a balanced way, giving full emphasis both to human rights and to security issues and very likely will also lead to a conference on disarmament in Europe from the Atlantic to the Urals so that we can diminish the opportunities of surprise attack and give additional security to the people, not just in Europe, but throughout the world, because no longer is there any such thing as a limited war in a theater of Europe.

Twice in this century wars starting in Europe have spread worldwide and there is no likelihood that another conflict in Europe, particularly given the types of weapons that exist today, would be confined to that area.

The consensus that came out of the Budapest meeting I think will give emphasis and impetus to the governmental positions that are being set forth at Madrid right now and hopefully will reach consummation and I am sure that if the Soviet Union will demonstrate by performance in the next few weeks their respect for human rights, that that Madrid meeting can reach a successful conclusion.

Mr. Speaker, one great fear that many people have about the Budapest meeting, given its relationship to the Madrid conference, was that if the Budapest meeting adopted positions which were greatly at variance with those which we in the United States are asserting at Madrid, it could undercut our position in Madrid. I am happy to report that that was not what occurred indeed. The position of the United States and the position taken by the Western allies at Madrid was significantly endorsed by the final resolutions which were adopted in the Madrid meeting. In fact, I think from our point of view, one of the most important outcomes of this meeting was the fact that it demonstrated unity

amongst the Western nations with respect to the matters under the Helsinki Final Act.

As the gentleman knows, I was privileged to participate in the premeeting at Vienna, Austria, of what is known as the Ten-Plus Group, which are the Western nations of Europe, plus Canada and the United States. At that meeting, while we had differences, and as democratically elected parliamentarians were free and forthright in discussing our differences, what we came to realize was that we did have that common basis of shared values in respect for the individual, in respect for freedom, in respect for human dignity and because of that we were able to go from Vienna to Budapest and set forth a common position which was largely that embodied in the final decisions of the Budapest meeting.

With renewal of the START talks and the continuation of the INF in Geneva and the resumption of the mutual balance force reduction talks in Vienna, as well as the CSCE process going on in Madrid, I am absolutely convinced that the meetings we had in Budapest will enhance our position and our yearning and striving for peace.

Mr. Speaker, again I want to thank the gentleman for the opportunity he afforded me. As my colleague, the gentleman from Florida (Mr. MICA) said, we were very forthright in stating our positions. We spoke frankly about how we view the failure of the Soviet Union to perform. It is one thing to say you are going to do something, it is altogether another thing to do it.

We made the point that how should we as Americans want to enter into new agreements with the Soviet Union if they were not living up to their present agreements. We pointed out what was happening in Poland and Afghanistan and even in the Soviet Union and other Eastern bloc countries in terms of suppression of human rights in violation of the Helsinki agreement.

I was very pleased that following my intervention the Soviet delegates addressed me in their intervention by name and took exception engaging in a debate on these important issues, but the people who were there assembled, both from the East and the West, knew exactly where the truth lay.

I would hope in the future we will see more consistent representation by the United States with the support of the leadership of this body and the other body.

I would just like to read, if I may, a letter I received from the Secretary of State, George Shultz.

The Secretary of State writes me as follows, just prior to my departure. He says:

THE SECRETARY OF STATE,
Washington, D.C., May 31, 1983.

Hon. ELLIOTT H. LEVITAS,
House of Representatives.

DEAR MR. LEVITAS: I want to congratulate you on your appointment by the Speaker as U.S. representative to the Inter-Parliamentary Union's special meeting in Budapest on European Cooperation and Security.

The Inter-Parliamentary Union has played an active and important part in the CSCE process. This is in keeping with the Union's principal purposes of advancing the cause of representative government and international cooperation. As I wrote to the Speaker of the House last August, I believe the democratic forces of the world should join together in a positive offensive which combines our ideals and our strengths. Parliamentarians—especially like-minded parliamentarians—have a central role to play in this process.

At Budapest, the IPU will discuss the important issues of European security and cooperation. These discussions will take place while the participating governments are meeting in Madrid. As a result, your work and the recommendations that may be made in Budapest could help to encourage progress in the Madrid talks.

I appreciate your willingness to work for a constructive outcome to the important work the Union will be doing.

Sincerely,

GEORGE P. SHULTZ.

Our Secretary of State recognizes the importance of our role in this meeting and in similar meetings and I hope that the leadership of this House will do no less.

□ 1710

Mr. Speaker, I want to commend the gentleman for his leadership of the IPU delegation, and on a personal note, I will tell the gentleman that many of the Members of the Parliaments from around the world came to me and asked me to express their good wishes to you. They commented fondly on your participation in the meeting at Helsinki, and the amount of good will and respect which you have brought to that meeting and inspired and engendered in the minds and hearts of your colleagues from all across the world was an inspiration to me.

I think you are at least as much beloved in the halls of the IPU as you are in these Halls and in your won congressional district, and I just wanted to convey that message to you.

Mr. PEPPER. I warmly thank my dear friend for those very generous and kind words.

On behalf of the IPU group of the United States of which I have the honor to be the head at the present time, I want to express very great gratitude to you and to the Honorable DAN MICA for going to this conference at a personal sacrifice. I know that you had to miss some votes in order to attend this conference, because unfortunately, it was being held at a time when the House was in session. Yet, had you not been there to speak up as you did for American interests, we would have lost prestige among our allies and we would have lost the position that we needed to assert in the world, a position of leadership.

So I just want the House to know that we all extend our deep gratitude to you not only for the fine job you did, because you wonderfully accredited yourself there, but also for going at a sacrifice to serve your country in this critical matter.

FATHER'S DAY AND DEADBEAT DADS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, and to revise and extend her remarks, and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, Sunday is Father's Day, and in most of us that kindles a real feeling about how we should thank our fathers who gave so much and in return we tended mainly to give them gray hair.

But I think there is a shadow cast over Father's Day that a lot of us in this House would like to deal with and confront, and I hope others will join me in doing that. I refer to the tremendous lackadaisical approach that has been taken in this country to child support enforcement.

I have the honor of chairing the Economic Task Force on the Economic Security of Children, and I think we have all seen the horrifying statistics. I am pleased that the lead editorial today in the Washington Post deals with the subject, and I will include that at the end of my remarks.

Mr. Speaker, I would also ask many of my colleagues to join me on this child support legislation because I think its enforcement is long overdue. The Congress must move into this area, get it cleared up, and get some real momentum going.

Mr. Speaker, the editorial to which I referred is as follows:

[From the Washington Post, June 16, 1983]

DEADBEAT DADS

Sunday is Father's Day, and most American children will be doing something special for dear old dad. It's a useful occasion for children to remember that the old man works hard to keep a roof over their heads and that, for all his faults, he's not such a bad fellow to have around the house. But Father's Day will be only an unhappy reminder for millions of children that their fathers no longer care enough about them even to help pay for their upbringing.

The failure of fathers to contribute to support of their children is no longer a problem confined to a substrata of American families. More than 8 million families now lack a male parent, and with 1.2 million new divorces every year, the number continues to grow. Experts estimate that one-half of American children—from all income levels—will live apart from their fathers for part of their childhood. For the great majority of them, the departure of the father will mean a steep and often permanent drop in their living standards.

Fewer than three of every 10 fatherless families receive regular child support payments from the absent father, and the payments received average less than $2,500 a year. Even when fathers are under court order, less than half pay regularly, and perhaps as many as a third never make a single payment. Contrary to popular belief, many of these delinquent fathers have substantial incomes. A California study showed, moreover, that a year after divorce, while the wife's income typically dropped by 73 percent, the husband's rose by 42 percent.

For most women, pursuing a recalcitrant ex-mate is a bleak and expensive process. Courts have huge backlogs of child-support cases, and even if a judgment is won and arrears are collected, the victory is usually temporary. It is especially easy for fathers to avoid further payments by moving to a different state or, in some cases, even a different country.

In recent years the federal government's Child Support Enforcement program has helped states crack down on absent fathers whose families have been forced onto welfare rolls. The program has already produced significant welfare savings in many states, and the Reagan administration is preparing legislation to strengthen provisions for withholding wages and tax refunds from delinquent parents and helping states coordinate collection efforts. These are sensible proposals. But they do little to help either the families involved—since collections simply offset the typically low welfare benefits—or the equally large numbers of deserted families that have avoided welfare but still scrape by on relatively meager incomes.

As more and more families have become exposed to the weakness of the child-support system, Congress has become increasingly interested in additional measures that would have broader impact. Child support is one issue that appeals—rightly—to all parts of the political spectrum. A prospective welfare saving is only one small part of that concern. A society that cares about its future will make every effort to see that its children are not raised in deprivation and that their parents recognize that the decision to have children entails lifelong responsibilities.

PEACE IN CENTRAL AMERICA

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extent his remarks and include extraneous material.)

Mr. ALEXANDER. Mr. Speaker, Ambassador Stone returned from Central America yesterday with hopeful news. He voiced strong administration support for negotiations, as proposed by the Contadora countries: Mexico, Venezuela, Colombia, and Panama. At every stop on his trip, he emphasized, he stressed, and he reiterated the administration's strong support for the Contadora initiative.

Having recently returned from meetings with three of the four Contadora foreign ministers, I am very encouraged by Ambassador Stone's comments.

□ 1045

The Contadora countries oppose military escalation, favor bilateral and regional negotiations, and support long-term economic development.

President Magana of El Salvador has arrived in Washington. I call upon President Magana and President Reagan to emphasize, stress, and reiterate their support for a negotiated end to the bloodshed in Central America.

Ambassador Stone's comments may open the door to truly bipartisan support for Latinizing a peace rather than Americanizing a war. Should the two Presidents move toward negotiations it will send a signal to all Latin Americans that the United States supports democratic institutions for all Americans and opposes a return to oligarchy and repression.

[From the Washington Post, June 15, 1983]

WEINBERGER LINKS SECURITY OF UNITED STATES TO THE FUTURE OF EL SALVADOR

(By Joanne Omang)

Defense Secretary Caspar W. Weinberger yesterday linked the security of the continental United States to the future of El Salvador, speaking of that country as being "on the mainland of the United States."

Defending the mainland ranks "over and above all other priorities," Weinberger told a National Press Club audience.

At the same time, special presidential envoy Richard B. Stone returned to the United States from a 12-day tour of Central America.

In Mexico City, he promised that the Reagan administration would not "impose our own agenda" on that region.

Weinberger, in response to questions, said one reason for continued U.S. aid to El Salvador is that it "is on the mainland of the United States, and we do have a responsibility for the defense of the continental United States, over and above all other priorities."

That defense, he continued, "conceivably can be made more difficult if further inroads are obtained on the mainland by forces that are demonstrably unfriendly to, and have aggressive intentions against, the United States."

Officials said the comment referred to possible increases in Nicaraguan and Cuban leverage among Central American nations.

Weinberger also denied that the United States is helping rebel forces try to overthrow the government of Nicaragua. "We are trying to interdict the flow of arms designed to overthrow the government of El Salvador," he said.

Stone, a former Florida senator, accused Salvadoran rebels of "seeking a propaganda advantage" by making public their offer last week to meet with him.

Returning to Andrews Air Force Base, Stone declined to say whether he would accept the offer, delivered to the American Embassy in Mexico City.

And he warned that further breaches of confidentiality "might well ruin" peace efforts.

The Salvadoran guerrilla group, the Farabundo Marti National Liberation Front, said in its offer to talk to Stone that it was still willing to hold unconditional talks with the Salvadoran government on ending the 3-year-old civil war. The government has agreed only to talks on conditions for participating in upcoming elections, an offer the front has rejected as insufficient.

The issue of structuring negotiations is expected to be high on the agenda when President Reagan meets with Salvadoran President Alvaro Magana in Washington on Friday.

On leaving Mexico City, Stone voiced the strongest administration support yet for a regional peace initiative by four Latin countries known as the Contadora group.

"I want to emphasize and stress that we support the efforts of the countries of the Contadora group to bring peace to Central America," he said. "We want to support their agenda rather than trying to impose our own agenda."

The Contadora group—made up of Mexico, Panama, Colombia and Venezuela, and named for the Costa Rican city where they first conferred—opposes any U.S. troop deployment in the area, has called for region-wide talks and the withdrawal of all foreign forces and has offered to mediate among warring guerrillas and governments in Nicaragua and El Salvador.

Stone said he had, reiterated his support for those proposals at every stop on his 10-nation trip. "Although we have had good and fruitful discussions—we really have—still it is for them to find the agenda and the style and the procedures that they believe can most effectively get us to a peaceful and a justifiable solution," he said.

He declined to give details of his talks until he meets with Reagan. Besides Mexico, Stone visited El Salvador, Costa Rica, Guatemala, Nicaragua, Panama, Colombia, Venezuela, Honduras and Belize

LEGISLATION PROVIDING HOMEOWNERS WITH TAX CREDIT FOR PURCHASING SECURITY DEVICES FOR HOMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

● Mr. PORTER. Mr. Speaker, today my colleague DAN MARRIOTT and I are introducing legislation to provide homeowners with a tax credit for purchasing security devices for their homes.

Under our proposal, individuals will receive a tax credit of 15 percent, up to $400 a year, for purchasing and installing security devices such as locks for doors and windows, burglar alarms and other antitheft devices, as well as smoke and fire alarms.

Criminal activity touches all income levels and geographic areas in our country. Although the statistics are staggering, they only explain part of this serious situation, since they cannot account for the fear experienced by many Americans, particularly the elderly, on a daily basis.

During 1981 there were 70,000 household fires claiming 5,400 lives and causing over $3 billion worth of damage. Nearly 50 percent of the fatal house fires occur at night, and often in unoccupied rooms, and are thus able to blaze uncontrollably without detection. However, by installing detector systems, homeowners are able to

greatly reduce the damage caused by fires.

The National Fire Protection Agency credits smoke alarm systems for explaining recent decreases in fire death rates. Between 1978 and 1981, there was a 37-percent decrease in deaths in residential home fires.

In 1981, almost 25 million American homes were afflicted by criminal activity including rape, robbery, assault by strangers and household burglaries. Although the crime rate has not increased in recent years, it has stayed at a very high level. Two of the most prevalent types of criminal activity are unlawful entry and burglary. The value of property stolen each year is estimated at $9 billion. Yet, by installing security alarms and safety devices, homeowners can cut back on this large loss.

Case studies show that criminals are reluctant to attack premises protected by alarm systems. A study tracking residential burglaries over several years in a New York suburb provides documentation of the success of security devices in deterring crimes. From 1976 to 1981, the police department kept track of every residential burglary. In a town of 5,000 homes, 860 burglaries were reported. Of the burglarized homes, 90 percent did not have alarm systems. Statistically, in that town, homes without alarm systems were four times more likely to suffer a burglary. In addition to deterring criminal activity by fear of detection, alarms assist law enforcement officers in apprehending thousands of criminals each year.

By encouraging the use of a variety of safety devices our legislation will aid homeowners by discouraging criminal activity and the fear it instills. Many local police and firefighting units are faced with lower available funds requiring them to cut back on the services they can provide. These security devices are capable of making a substantial contribution to fire and crime fighting programs throughout the country.

I urge my colleagues to show their concern for the safety of their constituents and join me in cosponsoring this important measure.●

HONORARY CITIZENSHIP FOR LECH WALESA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 10 minutes.

● Mr. CORCORAN. Mr. Speaker, 4 years ago Pope John Paul II's visit to his Polish homeland inspired the Solidarity movement. Today, the Pope returns to Poland, and the whole world's eyes are turned anxiously toward this European nation. Much has been written about how the Pope's visit might affect the Polish people, the Solidarity movement, and Soviet/Polish relations with the free world. Many fear that the Government will use the Pope's visit as propaganda, illustrating that things are not so bad for the Polish citizen now that martial law has been partially lifted, and that the people of Poland are free to gather throughout the country to worship with the Pope.

This freedom is not necessarily applied uniformly, however, as Lech Walesa, at last report, will not be allowed to visit with the Pope. While others have been excused from work to see the Pope, he has been denied permission to leave his job. The Government has now provided him security guards, which they claim are for his protection. It is not clear who they are protecting him from.

Today I have introduced a House Joint Resolution proclaiming Lech Walesa to be an honorary citizen of the United States. In doing so I realize that this is a great honor, one bestowed only twice before in the history of our Nation. Winston Churchill and Raoul Wallenberg were awarded this honor, and I believe Lech Walesa similarly represents democratic ideals and beliefs as well as freedom for the individual. Prime Minister Churchill lead Great Britain through the darkest hours of World War II, and was a great friend and ally of the United States. Raoul Wallenberg, at the behest of the United States, worked to save nearly 100,000 people, largely Hungarian Jews, during World War II. His heroic actions cost him his freedom and possibly his life, as the Soviet Union seized and imprisoned him in 1945 without explanation. His fate has yet to be determined.

Lech Walesa, leader of the outlawed Solidarity movement, has given hope to his fellow countrymen and women, courageously standing up to the Communist government without concern for himself. Imprisoned, harassed, regularly detained for long hours of questioning, this man's leadership has given Polish people the will to struggle against the repressive Polish Government. No speeches in Congress or actions by our Government could do more to inspire democratic ideals and anti-Communist feelings for people around the world.

Our conferring honorary citizenship on Lech Walesa will, however, not only distinguish an extremely deserving leader, but will also express to the Soviets and the Polish Government our resolve against their acts of aggression and repression. His honorary citizenship will serve as a clear message to the world that the United States stands firmly behind the efforts of Lech Walesa and all Polish people who are struggling for freedom against totalitarianism. We must let the Soviets and the Polish Government know that simply allowing the Pope to tour Poland will not assuage our deep concern and disgust for their repressive policies toward the Polish people.

The following members also support this effort on behalf of Lech Walesa: Mr. BROOMFIELD, Mr. KEMP, Mr. LIPINSKI, Mr. LOTT, and Mr. LUNGREN.●

FEDERAL, STATE AND LOCAL PARTNERSHIP WILL IMPROVE QUALITY OF EDUCATION IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. PENNY) is recognized for 5 minutes.

Mr. PENNY. Mr. Speaker, the Commission on Excellence in Education recently reported that the educational foundations of our society are being eroded by a rising tide of mediocrity that threatens our very future.

President Reagan responded by calling on State legislatures, school boards, and parents to implement the Commission's recommendations. It is clear that the majority of the recommendations will require increased funding. Teacher salaries that are competitive with the private sector, a lengthened school day and school year all will mean increased costs.

The State of Illinois alone estimates that enactment of the Commission's recommendations would cost the State $1.4 billion and result in property tax increases of 33 percent. And yet, State legislatures are already plagued with revenue shortfalls, deficits, and red ink. Local property taxes across America are already too high and, as always, regressive.

The President emphasizes that increased Federal support for education is not needed. He claims that the Federal education budget has grown dramatically in the last two decades while education quality has continuously declined. His conclusions are misleading. The Federal role to promote access and equal opportunity in education has been successful.

Examine the programs which receive Federal funding. Reading achievement gains for title I participants have been dramatic. Handicapped individuals are now able to receive the education and training they need to become productive members of our society. Our Nation's young adults are able to attend institutions of higher education in numbers that would have been unimaginable 20 years ago.

To allow State and local governments to better focus their resources on quality in the classroom, the President and Congress must maintain a commitment to fund special education programs. Instead, this President has recommended, for the third year in a row, massive cuts in education funding.

This is the time to reaffirm a national commitment to provide quality edu-

cation for all Americans, not to shift added responsibility onto already financially strapped State and local officials. Adequate financing for Federal initiatives will release additional State and local funds for classroom, curriculum, staff, and equipment purposes.

I submit for the record a recent article from the National Journal which gives the President an "F" for facts. I call on officials at the Federal, State, and local level to respond to the needs of American education with an "A" for action.

A Federal, State, and local partnership will improve the quality of education in America.

The article follows:

[From the National Journal, June 4, 1983]

AN "F" FOR FACTS

(Education Focus by Rochelle L. Stanfield)

It's a beguiling point of view: that the quality of our public schools began going down when federal aid to education began going up. What makes it so appealing to President Reagan is that it offers the easiest solution to today's educational problems: if the federal government does less, the schools will do better.

A recent flood of reports painting a grim picture of elementary and secondary education has given the President his opportunity. Probably the most devastating criticism came from Reagan's excellence commission, whose report, "A Nation at Risk: the Imperative for Educational Reform," concluded that "the educational foundations of our society are being eroded by a rising tide of mediocrity that threatens our very future." Critics particularly deplore the students drift away from tough science and mathematics courses.

The President has pounced on this report to support his goal of a dramatically reduced federal role in education. While the quality of education was declining over the past two decades, Reagan said in his April 30 radio broadcast, "the federal presence in education grew and grew. Parental control over local schools shrank. Bureaucracy ballooned until accountability seemed lost."

At his May 17 news conference, Reagan responded to a question about the decline by saying, "I think you can make a case that [education] began to deteriorate when the federal government started interfering in education." And on May 21, Reagan told the graduating class of Seton Hall University in New Jersey that the nation will not get its money's worth out of elementary and secondary education until "we reverse some of the dangerous trends of recent years. And that means restoring parents and local government to their rightful role in the educational process."

As political rhetoric, that might be fine. But it is not so fine as a reflection of the history of federal education policy.

The so-called federal instrusion into elementary and secondary education has been limited almost exclusively to enforcement of civil rights laws—access to equal education for minorities and the handicapped—and federal aid to help give the disadvantaged an equal educational footing. It has had nothing to do with the education of the average kid—the focus of most of the recent concern.

Most of the "intrusion" in the civil rights area resulted from court mandates that school districts provide all children with their constitutional rights. Most of the money whose growth Reagan so roundly disparages goes to the disadvantaged and handicapped—$4.5 billion of the $6.5 billion for elementary, secondary and vocational education in fiscal 1983—and the regulations that govern its use have been applied over the years after school districts failed to use the funds properly.

Not even Reagan's Education Secretary, Terrel H. Bell, denies the great success achieved by those programs. "I can testify to this committee that our Title I programs [for the disadvantaged] are successful," Bell told the House Education and Labor Committee in May 1981.

Surveys by the National Assessment of Educational Progress in 1970, 1974 and 1979 showed that minority and poor urban children were narrowing the reading and math gap with all other students. Most education experts say Title I of the 1965 Elementary and Secondary Education Act was the major reason.

Other statistics show the over-all success of the federal "intrusion." Between 1970 and 1980, while the proportion of high school dropouts rose from 8 per cent to 8.8 per cent for all 16 and 17-year-olds, it dropped for black youths from 12.8 per cent to 6.9 per cent. Between April 1960 and March 1981, the median amount of school for the 25-to-29-year-old population rose slightly from 12.3 to 12.8 years, while blacks and other non-white races nearly caught up, jumping from 10.8 to 12.7 years, according to the National Center for Education Statistics.

The President may want to do away with this federal intrusion, but the National Commission on Excellence in Education does not. It specifically called on the federal government to "help meet the needs of key groups of students such as . . . the socioeconomically disadvantaged, minority and language minority students and the handicapped" and to protect "constitutional and civil rights for students and school personnel."

What about the average kids who opted for "the history of movie making" instead of chemistry? They have never been the concern of the federal government. With almost no exceptions, their schooling has been financed, governed and regulated by state and local governments. Over the years, the states let high school science and math requirements slip, for example, while the local school districts let teachers' salaries lag behind competing professions. There is plenty of blame to heap on them.

Reagan calls for a return of parent and local government power in education. It has always been there. In fact, part of the problem has been that state and local voters—including parents—mounted the property tax revolts in the 1970s that denied schools the financing they needed to keep up.

The excellence commission, along with other recent groups studying educational reform, recommend a variety of steps to reverse the slide. They are correctly addressed to state and local governments, where the responsibility lies. Among the recommendations are more stringent graduation requirements, longer school days and school years and more competitive, market-sensitive salaries for teachers. Most states have initiated educational reforms or are looking into the problem this year.

The problem is the cost. Graduation requirements can be changed with the stroke of a pen, but almost everything else requires cash. Denis P. Doyle, director of education policy studies for the American Enterprise Institute for Public Policy Research, conservatively estimates a $13.5 billion price tag just to extend the school day to seven hours and the school year to 11 months and to pay teachers enough to make the profession attractive in the market place. Do Reagan and the commission members really expect the states and localities, already drowning in red ink, to come up with that kind of money?

LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ), is recognized for 30 minutes.

TRIBUTE TO CONGRESSIONAL PAGES

Mr. GONZALEZ. Mr. Speaker, first it has been brought to my attention and, of course, I have been aware that today is the end of the period of work for most of the regular Pages who have been in the service of the House for this term. I think there are times when we are remiss in not recognizing the achievements of these young men and young ladies.

I want to take special note of a young man, David Schaefer, who has impressed the staff that is entrusted with the opening and the closing and the conduct of the work that the House must do in pursuit of its business because, and I am quoting one of the staff members:

David Schaefer has turned out to be one of the if not the best documentarians that they have had as a Page.

Then I would like to take special note of the fact that a young man that I am responsible for in his selection as a Page, young Reuben Carlyle, also rounds out his period of service here.

In the case of Mr. Schaefer, he will be entering soon Indiana University, and in the case of Mr. Carlyle, he will be entering a university in Massachusetts.

So this is the caliber, the capacity, the character of what I consider to be the overwhelming preponderance of our youth in America. I think that here in the House, where they are expected to perform under very special circumstances, it has not been until lately that they have even had the housing facilities that perhaps we should have had available all along. On top of that they have a rigorous discipline. They have to go to school every day beginning early in the morning, at 7:00, and then perform their chores here that can become complex and difficult of accomplishment. Unless they had a high standard of achievement, not only scholastically, intellectually, but by way of character and discipline and commitment and motivation, they would not be able to do the job.

So I want to congratulate these two young men specifically, make record of their achievements, as well as con-

gratulating the others who will be rounding out their period of service at this time. I wish them Godspeed in all future endeavors.

Mr. Speaker, the reason for the special order is that I have today introduced a joint resolution pursuant to the War Powers Act, which I have been discussing, directing the President to withdraw U.S. Armed Forces from Lebanon.

I am taking this action because the President has never properly reported the information required by the War Powers Act concerning the need for our troops to be in Lebanon, what their mission is, what dangers they confront, or how long they are expected to remain.

When the President was asked this ever last year, he said he did not know; that it would be up to the Lebanese Government.

Further, Congress has never conducted a thorough and a thoughtful discussion on the Lebanon deployment, which is what the War Powers Act contemplates and what the Constitution itself requires that the Congress do.

□ 1720

Finally, I am taking this action because the Lebanon situation falls in a gray area of the law, an area that ought to be discussed. It ought to be understood, and it is absolutely necessary that it be clarified. The situation in Lebanon is one of neither war nor peace, but something in between. If it is peace, there is no need for our troops to be there; if it becomes war, the war powers resolution clearly applies. But it is precisely at this point in time, when there is no actual immediate crisis, when there has been no outright attack on our troops, that we should thoroughly understand the whole purpose of their deployment.

We have to ask ourselves now, before there is any crisis, what is the cause in Lebanon, and whether it is a cause that our own countrymen and constituents feel is worth American lives, and also whether this is a situation that involves our most fundamental national interests. And we should ask whether there are any alternatives to the deployment and exposure of our troops to hostile action.

After the guns have fired, which God forbid, it is too late for Congress to play any meaningful role in the question of having those troops in Lebanon. Once the trigger is pulled, we are committed.

I pointed out last week the history of the Gulf of Tonkin resolution. I was here, and this is the reason I am speaking now. This is what we should have learned, as I say and repeat, in that case and generally in the Vietnam situation, where, my colleagues will recall, our aggressive patroling in the Gulf of Tonkin resulted in what was reported to us in a crisis environment as attacks on U.S. naval vessels. This was followed at once by the resolution, which was the functional equivalent of a declaration of war, but which passed without any discussion, without any pause, and without our raising the question of what the consequences might ultimately be.

Once the crisis is at hand, thoughtful and informed discussion becomes impossible, and yet that is precisely what is required when we are about to approve a long-term commitment of troops in what amounts to civil, religious, factional or revolutionary war situations. If we put off any serious discussion about our role in Lebanon until some crisis takes place, we will have forfeited any meaningful use of the war powers resolution. We will, instead, be confronted with a request or an outright demand for a resolution of national solidarity and determination, not unlike those passed in an earlier Lebanon crisis or the Berlin crisis or indeed the Tonkin crisis itself.

And, I can tell the Members now, it would be next to impossible to have any kind of dissidence to that request for that type of resolution.

It is precisely because there is no crisis, precisely because there has been no organized attack on our troops, that this is the proper time to discuss our role, what our alternatives are, and whether we would, in calm and rational times, be willing to run the risks that are involved in this long-term commitment of our troops in one of the most troubled, bedeviled places in the world. It is now, in a time of relative calm, that we should be asking what the alternatives are.

Not every question has a military solution, but that is the first thing we seem to resort to, when times become troubled. We should be asking questions like this: If what our troops are doing is to provide police-type security, why cannot the Lebanese be assisted in creating their own police force? Or this: If what Lebanon requires is a reconstituted army, why would it not be worthwhile to request European powers, which have great experience in Lebanon on an historical basis, far more than we, to provide the security while the United States provides training assistance to the Lebanese Army? Or this: If U.S. forces are handed an expanded role—which, as I said last week, in my mind is the definite decision already made, and we will foresee an expanded role of our military in Lebanon; I hope I am wrong, but I do not think I am—now, if the United States is in fact involved in such an expansion, does this mean that the danger of hostile action against them increases?

This is a serious matter, because we know that attacks against Israeli troops in Lebanon are now a common, almost daily experience. We can assume, then, that expansion of the U.S. role in Lebanon would result in greater dangers to our forces there.

Further, we can assume that the danger is there, and this danger is enhanced the longer our Marines are there, and the more likely they are to become the targets of resentment and later of outright attack.

Is this something we are willing to risk? These are questions to be addressed now, when there is time and the opportunity for thought and foresight, when we can think things through and not merely react to the heat of the moment.

It is vital to understand that while the President has submitted reports pursuant to the war powers resolution, these reports have not been regular, full, nor responsive. They do not ask for any congressional finding. They merely in substance report that our forces are participating in a peacekeeping—that is, so-called peacekeeping—mission in Lebanon. The fact is that these peacekeepers are armed for combat. They are not on a training mission, and their deployment represents a new and an indefinite commitment of American forces in a foreign country.

Since there is not a shooting war going on now and since we know of no imminent likelihood of these forces being attacked, section 4(a)(1) of the resolution does not apply; that is, Congress is not required to make any findings or required to take any action that would explicitly approve or disapprove of the deployment.

On the other hand, the resolution gives Congress the power and the right to recall any deployment. That right is what applies to the present case, and it exists not merely because the resolution intends to eliminate so-called Presidential wars, but because it intends to have Congress understand, participate in, and control all troop deployments in all foreign countries.

That is the precise case with regard to the Lebanon deployment. There is no war going on at the moment, but neither is there peace, and the question we must resolve is whether and under what conditions and for what purposes we want our forces committed there. This is precisely the kind of discussion that would be demanded if, for example, the President suddenly dispatched 1,000 more armed American troops to Honduras, to Central America, or decided otherwise to change the mission or policy of the United States in that section of the world.

We jealously guard the number of troops that can be assigned to El Salvador. There is close scrutiny of every jot and tittle of law and policy applying there. Why do we not also give the same kind of thoughtful attention to the Middle East, where the arma-

ments are infinitely greater, the factions and enmities vastly more complex, and the ultimate stakes incalculably higher?

The President is obliged to give the Congress more information than he has concerning Lebanon, but he will not volunteer it. As a matter of fact, even the papers have reported secret agreements of about 2 weeks ago. I know of no Member of Congress who has been informed as to the nature or content of these secret agreements. I happen to believe, from reading European press accounts that they have to do with an enhanced and increased responsibility on the part of our Government and a commitment to furnish additional troops in Lebanon in order to conduct the purposes for which the secret agreement was entered into.

If we are going to be true to our constitutional duties, our responsibility is to ask for that information, understand what is taking place, and then act accordingly.

I do not believe that it is necessary or in the national interest for the United States to have committed our Armed Forces to Lebanon. I offer this resolution calling for withdrawal of these forces because of that belief. I think the risks are real, that there has not been thought or planning about this commitment, and that we will come to regret it unless the Congress rescinds it. But beyond that, I am asking that we come to grips with the issue, and that we discharge the responsibilities that we have abdicated—not just in the case of Lebanon, but in Vietnam before that, in the case of Korea before that, and with respect to the so-called secret war in Cambodia.

□ 1730

Those were engagements that our people did not support and that we came later to regret in one degree or another; yet we have not learned enough from those episodes to foresee the possibility of them happening again, nor do we understand that such situations are more than not likely to happen again, unless Congress awakens to its duty.

If we want to preserve the real meaning of the war powers resolution, we have to be aggressive and resolute and consistent in our application of it. We might or might not resolve to order the withdrawal of our forces from Lebanon; but the time to discuss it, the time to understand it, and the time to discharge our responsibilites is now—before, and not after, some tragic crisis occurs. It is better, far better, to discover how much we are willing to pay, before the tocsin sounds, than after. The President might protest that we would appear to lack unity and determination, but we should have learned in Vietnam that the time to make that discovery is before the troops land and not later.

I ask you, my colleagues, to think. I ask you to consider. Most of all, I ask you to join me in carrying out our most fundamental responsibility, our heaviest burden, to decide when, where, and for what purposes we are willing to run the risk of war. Today, everyone minimizes the possibility of danger to our forces in Lebanon; that is, everyone in an official capacity; but I remind you that these marines are armed for combat. They have already been assaulted. This reveals the difference, inasmuch as their counterparts, for instance, in Central America are not. If there were no danger, there would be no need for these marines to be fully armed, to wear personal armor, or to be supported by tanks. There is danger to these men, very great and grievous danger, and I do not think that we can deny that fact.

For myself, I see no reason to expose our forces in that situation to that danger. I see no political gain to be made from their entanglement in the world's oldest, longest, and most complex political, religious, geographical, ethnic, and factional dispute.

I urge withdrawal of our forces in Lebanon.

INSANITY DEFENSE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

● Mr. CONYERS. Mr. Speaker, on May 25, 1983, the Subcommittee on Criminal Justice ordered H.R. 1280, modifying the Federal insanity defense, reported favorably to the full Judiciary Committee, with an amendment in the nature of a substitute. The legislation was ordered reported in the form of a clean bill. I have the pleasure today of joining my colleagues on the subcommittee—Messrs. EDWARDS of California, SEIBERLING, and BERMAN—in introducing that clean bill.

Like H.R. 1280, the reported legislation changes Federal law in four major ways. First, it narrows the insanity defense by eliminating the so-called irresistible impulse test, which allows defendants to be acquitted because of an inability to control behavior they knew to be wrong. Second, it requires defendants to prove a claim of insanity. Currently, the prosecution must disprove such a claim beyond a reasonable doubt. Third, the bill limits psychiatric testimony. Finally, it establishes for the first time Federal procedures for committing to mental hospitals persons acquitted by reason of insanity, and reforms procedures for dealing with persons incompetent to stand trial.

This bill, reported by voice vote, is the product of 5 days of hearings last Congress and 5 additional days this Congress. It incorporates proposals and suggestions of the Department of Justice, the American Bar Association, the American Psychiatric Association, the American Psychological Association, the National Commission on the Insanity Defense, and others. As a bill proposing significant but responsible reform, it enjoys widespread support. I hope that this legislation will continue to move expeditiously through Congress.

A summary of the bill follows:

SUMMARY OF INSANITY LEGISLATION

Section 1 of the bill modifies the insanity defense used in Federal courts by adding new section 16 to title 18 of the United States Code.

Subsection (a) of new section 16 would establish a uniform definition of the insanity defense for Federal courts. The majority of Federal courts currently use the American Law Institute test, providing a defense of insanity when the defendant, because of "mental disease or defect," "lacked substantial capacity to appreciate" the wrongfulness of conduct or to conform the conduct to the requirements of the law. The legislation would remove the ambiguity of this language and narrow it by requiring for the defense that a defendant "did not understand" the wrongfulness of the conduct, essentially returning to the M'Naghten test. It also emphasizes that the test is legal—rather than medical—by replacing the term "mental disease or defect" with a common sense description of the serious mental disorders required to establish the defense.

Subsection (b) of new section 16 would require the defendant to prove insanity by a preponderance of the evidence. Current law requires the government to prove sanity beyond a reasonable doubt.

Subsection (c) of new section 16 would exclude voluntary intoxication from the mental disorders that may give rise to the defense.

Subsection (d) of new section 16 would prevent case law development of new definitions of legal insanity.

Subsection (e) of new section 16 would establish a new verdict for a case in which insanity has been proven as a defense: "not responsible only by reason of insanity."

Section 2 of the bill amends the Federal Rules of Evidence to preclude expert witnesses (e.g., psychiatrists) from offering opinions as to the ultimate question of whether the defendant understood the wrongfulness of the conduct or possessed a mental state required as an element of the crime, and the ultimate question of whether the defendant should be committed.

Section 3 of the bill revises Federal procedures for dealing with persons who are mentally incompetent to stand trial. Some of the provisions are necessary to comport with recent court decisions. Chapter 313 of title 18, United States Code, is amended as follows:

Section 4241 would allow the court to order a screening examination whenever any party alleges incompetence to stand trial. The court could also order a screening examination on its own motion.

Section 4242 would provide for a more complete mental examination regarding competence if the screening examination suggests that the defendant is incompetent, or if the court wishes to omit the screening examination. A defendant may demand a

hearing on the need for a more complete examination if the court initially decides against such further examination. The examination would be conducted on an in-patient basis only if the defendant is dangerous, already in custody, or likely to flee; and in a hospital only if in-patient testing is necessary. A report on the test must be filed, and the contents of the report are specified. Statements made by the defendant during the examination are not usable against the defendant in criminal proceedings.

Section 4243 would provide for a hearing on the issue of competence. Provision is made for additional examination by a mental health examiner of the defendant's choice if so requested. If, after the hearing, the court determines that the defendant is incompetent, then there is a hearing on the likelihood of the defendant's recovery and appropriate treatment. The defendant must be ordered to be treated unless treatment has already exceeded 360 days, or there is no substantial probability of recovery. In such a case, non-serious charges are dismissed. The court is also given the discretion to dismiss charges rather than order treatment when the seriousness of the charges or the likelihood of conviction would not justify the burden of the particular treatment required. In any case where treatment is omitted or terminated, the court may make an order for commitment proceedings under section 4245.

Section 4244 would provide for treatment following an order under section 4243. The court must specify the facility for treatment, which may be inpatient only when the defendant is dangerous, likely to flee, or otherwise in custody, or when in-patient treatment is necessary. The Secretary of Health and Human Services is required to issue regulations ensuring that specified controversial treatment techniques be used only after the informed consent of the patient, the patient's guardian, or the court. The section also provides for the resolution of certain issues while the defendant remains incompetent, and for trial while the defendant is receiving medication.

Section 4245 would provide for the transfer to State authority of, or commencement of commitment proceedings under chapter 310 regarding, persons who have received the maximum treatment for incompetence to stand trial, have not recovered, and are appropriate for civil commitment. It also provides for the transfer to State authority of convicted persons whose prison terms are about to expire and who appear dangerous due to a mental disease or defect.

Section 4246 would restate current law regarding the Board of Examiners.

Section 4247 would restate current law regarding incompetence undisclosed at trial.

Section 4248 would provide for transfer of a prisoner to a mental institution upon a showing by clear and convincing evidence that the prisoner is in need of treatment.

Section 4249 provides definitions of terms used in chapter 313.

Section 4 of the bill establishes Federal commitment procedures for persons found not responsible only by reason of insanity. Current Federal law has no procedures for dealing with such persons. A new chapter 310 would be added to title 18 of the United States Code as follows:

Section 4171 would provide for the mandatory examination of persons found not responsible by reason of insanity for violent felonies and persons regarding whom orders have been made under section 4245; and discretionary examination of all persons found not responsible only by reason of insanity.

Section 4172 would provide for conducting the examination, which would be in-patient only when the defendant was dangerous, likely to flee, or otherwise in custody, or where in-patient testing was necessary. The contents of the report, and the time limitations upon the examination are specified.

Section 4173 would provide for a hearing on the defendant's dangerousness following a report under section 4172, or following a report on the defendant's treatment under section 4174. (A defendant may request an additional examination by an examiner of his or her choice.) Following the hearing, the court must order the defendant committed or recommitted for treatment if it finds that the defendant presents a likelihood of danger to any person (including the defendant) or to property sufficiently substantial to justify commitment. The finding must be clear and convincing evidence, except in the case of persons found not responsible by reason of insanity who have been treated for a period less than the statutory maximum for the offense of acquittal, in which case the finding need only be by a preponderance of the evidence. A defendant found not guilty only by reason of insanity of a violent felony is presumed dangerous for a period equal to the maximum imprisonment provided for such felony; such defendant must prove nondangerousness by a preponderance in order to avoid commitment. In addition, if the treating facility (following treatment) finds that the defendant is still a danger, then continued treatment is ordered unless the court finds nondangerousness by a preponderance of the evidence. A court may order conditional release if the degree of dangerousness justifies supervision or treatment but not commitment. A person released following treatment may only be released conditionally.

Section 4174 would provide for treatment of a person found not responsible only by reason of insanity. The court must specify the facility at which treatment is to occur and the conditions of such treatment, such as whether and when furloughs are permitted. A report on the person's condition must be made to the court each year, or whenever it appears that the person no longer presents a danger. The section also requires the Secretary of Health and Human Services to provide regulations to ensure that controversial treatment techniques be used only after informed consent.

Section 4175 would provide that a person conditionally released under section 4173 will be supervised by a probation officer. At a minimum, a person conditionally released must receive treatment (including psychotherapy), report to the probation officer, permit reasonable home and work visits and obtain approval before leaving the jurisdiction. In addition, a court may require such persons to receive medication as a further condition of release. The arrest of a conditionally released person is authorized if there is probable cause to believe that the person has violated a condition of release or again constitutes a danger to others. Once a person has been arrested, the court must order an examination and hearing in accordance with sections 4172 and 4173(a). If the court finds by a preponderance of the evidence that the person presents a sufficient likelihood of danger to any person or substantial damage to the property of another to justify commitment, the court must recommit the person for treatment under section 4174. In any other case, the court must reinstate conditional release. It may modify the conditions, if the court finds by a preponderance of the evidence that the person violated a condition ore that in the absence of such a new condition commitment would be justified.

Section 4176 would provide general provisions for chapter 310.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes.

● Mr. MARKEY. Mr. Speaker, on Thursday, June 16, I was unavoidably detained and failed to make the rollcall vote on agreeing to House Resolution 229, the rulemaking in order of consideration of H.R. 2972, the Military Construction Authorization Act of Fiscal Year 1984. Had I been present, I would have voted "yes."

Mr. Speaker, my explanation follows:

Yesterday, Mr. Speaker, the will of the American people was blocked.

Dilatory tactics once again stopped a House committee from moving forward on legislation important to consumers everywhere.

Mr. Speaker, I am addressing the vote taken yesterday in the Energy and Commerce Subcommittee on Fossil and Synthetic Fuels to postpone consideration of natural gas legislation until, in essence, July 12. As a member of the subcommittee, the only New England member, I want to call the attention of my colleagues to the dilatory tactics pursued by some members of the subcommittee.

The subcommittee took this delay action because some members feared a vote on the fundamental issue in the natural gas debate: the fate of old gas. Some members, representing oil and gas interests better than consumer interests, were afraid that the amendment offered by my colleague from Ohio, (Mr. LUKEN), and myself to continue controls on old gas would win. These forces were afraid of a vote on old gas control. They knew that the most important issue to consumers—control of old gas prices—had the requisite 10 votes to pass. These subcommittee members, knowing they would lose a vote on old gas price controls, chose to block the subcommittee from further consideration of any natural gas legislation until the middle of July.

I regret to report that these oil and gas forces were successful in delaying subcommittee consideration of natural gas legislation and all pending amendments. These forces were successful partly due to their new found willingness to negotiate on old gas price controls. Earlier in the year these were the same forces who, thinking they had the votes, were not willing to sit down at the table and discuss old gas control. Now that it appears old gas price control—the primary consumer

issue—had the votes to carry the day, my colleagues more inclined to represent oil and gas interests have found a desire to negotiate on old gas price control.

I am encouraged that some members on the subcommittee will now take serious our amendment on keeping old gas forever controlled. I regret, however, that consumers will have to wait until July 15 for a positive vote on old gas price control. Let me assure my colleagues, nonetheless, that the vote on old gas price controls will come. And the vote will be a resounding victory for consumers everywhere: old gas prices forever under Government control. Whether that vote comes next month, or next winter in the full Energy and Commerce Committee, the final result will be a victory for consumers. I regret that certain members of the subcommittee chose to postpone the inevitable question on natural gas: Who controls? Let me assure my colleagues, however, that although the consumer vote was postponed today, the day will come when consumer interests will not be blocked. And then this body will answer for the people in their favor the fundamental question on natural gas: Who controls?●

MOBILE TEACHERS RETIREMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, the recently released report of the National Commission on Excellence in Education, "A Nation at Risk," presents some starling conclusions about the state of education in this country. The Commission's report goes so far as to say that:

> If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. . . . We have, in effect, been committing an act of unthinking, unilateral educational disarmament.

Some of the Commission's most important findings concern the quality of teaching available in our public schools. The Commission reported that "not enough of the academically able students are being attracted to teaching; * * * that the professional working life of teachers is on the whole unacceptable; and that a serious shortage of teachers exists in key fields." The Commission went on to suggest several methods of making teaching "a more rewarding and respected profession."

Along these lines, I introduced legislation last week to correct a serious inequity which affects the retirement benefits of teachers throughout the country. This legislation, the Mobile Teachers Retirement Act, has been introduced several times in the past. I hope that the 98th Congress will finally act to eliminate the current system which denies hard-earned retirement benefits to many teachers who move across State lines. By addressing this problem, we can help to attract and retain qualified individuals to the teaching profession.

We have recently become aware of the critical shortage of math and science teachers, and of the inadequate qualifications of many of the teachers who are available. By its recent enactment of the Emergency Math and Science Education Act, the House showed its concern over his alarming situation and its belief that the Federal Government can play a part in reversing the trend. Nevertheless, current law in many States effectively penalizes teachers who move across State lines by denying them retirement credit for their years of service out of State. The result is to impede the free flow of teachers in math, science, and other fields to the areas where they are needed most.

In California alone, past estimates have indicated that over 100,000 elementary, secondary, and community college teachers had teaching service in other States. Nationally, the most recent evidence is that at least one in six of America's teachers have lost retirement credits by changing teaching employment across State lines. That loss of credits means reduced pensions, and cannot help but discourage teachers from going where their talents are most in demand.

Many States have attempted to alleviate this problem by providing some type of credit for out-of-State service. However, the intrastate nature of the issue clearly points to Federal involvement. In order to preserve State jurisdiction over teacher retirement policies, my legislation would simply provide Federal assistance to States whose teacher retirement systems meet certain requirements. These include allowing teachers to purchase at least 10 years of credit for out-of-State teaching service not vested in another retirement system, and providing for vesting of retirement rights after not more than 5 years of service. For States that meet these conditions, the Federal Government will help to meet the costs of crediting out-of-State service. The Federal contribution will thus provide an incentive for States to accommodate teachers who move across State lines.

At this time of crisis in our Nation's educational system, passage of this legislation can have a significant impact on the quality of teaching available to our schoolchildren. I hope my colleagues will take quick action to approve this bill.

At this point, I would like to include the text of the legislation for my colleagues' reference:

H.R. 3235

A bill to permit teachers to change employment across State lines without substantial loss of retirement benefits

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mobile Teachers' Retirement Assistance Act".

FINDINGS AND STATEMENT OF PURPOSE

SEC. 2. The Congress finds that the transfer of qualified teaching personnel between schools operated by public educational agencies in one State and schools operated by public educational agencies in another State is seriously impeded because of the possibility of forfeiture of retirement benefits in the system from which a teacher transfers and that the resulting immobility of teachers impeded the mobility of the Nation's work force by hindering the growth and development of new communities. It is therefore the purpose of this Act to protect commerce by facilitating the interchange of teaching personnel from a public educational agency in one State to a public educational agency in another State by providing Federal financial assistance in the transfer of credits from one State to another State.

REQUIREMENTS FOR PARTICIPATION

SEC. 3. (a) In order to participate in the program provided for in this Act, a State retirement system must—

(1) provide for payment of retirement benefits on account of out-of-State service by a covered teacher as required in section 4(c);

(2) allow covered teachers at least ten years of out-of-State credit for public teaching service not covered by the system which is not vested under another State retirement system, upon payment by the covered teacher by the date of retirement of a portion of the cost involved and payment from public funds of the remainder;

(3) require no more than one year of in-State service for each year of out-of-State service credit granted;

(4) provide that the teacher's payment for out-of-State service credit shall not exceed 25 percent of the total cost of the out-of-State service credit;

(5) provide for vesting after not more than five years of creditable service in the State retirement system; and

(6) provide for making such reports, in such form and containing such information, as the Secretary may reasonably require to carry out his functions under this Act, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such report.

(b) If the Secretary determines a State retirement system meets the requirements of subsection (a), he shall approve it for participation in the benefits of this Act.

OUT-OF-STATE CREDIT PROVISIONS

SEC. 4. (a) The Secretary shall, as soon as practical after the end of each calendar year, make a Federal contribution to each State retirement system which he has approved under section 3(b) on account of each covered teacher who is a member of the system who retired during the fiscal year (or other 12-month period designated by the system) which ended in such calendar year with credited out-of-State service as a teacher. The Federal contribution on account of each year of each such teacher's credited out-of-State service as a teacher shall be an amount equal to 50 percent of the total cost as determined by the retire-

ment system at such teacher's age on date of retirement, except that if the teacher has not reached age 60, the cost shall be determined as if the teacher were age 60.

(b) The Federal contribution under this section to a State retirement system shall be limited to the reserve required to provide not more than ten years of out-of-State service credit, except that the Secretary may determine maximum reserve factors at each age, beginning at age sixty, for purposes of the Federal contribution.

(c) The Federal contribution under this section to a State retirement system shall be used for the same purposes, and subject to the same terms and conditions, as are funds of the system derived from other sources. Retirement benefits under such system attributable to service credited under this section shall not be paid on a basis less favorable to the retired teacher than the payments made under such system which are attributable to service other than that so credited.

COST OF ADMINISTRATION

SEC. 5. The Secretary shall each fiscal year make a grant to each State retirement system which is approved to participate in this Act. Each such grant shall be an amount equal to 2 per centum of the Federal contribution made under section 4.

APPROPRIATIONS AUTHORIZED

SEC. 6. For the purpose of making such Federal payments, there is hereby authorized to be appropriated for the fiscal year ending September 30, 1984, and for each succeeding fiscal year the amount necessary to effectuate the provisions of this Act.

DEFINITIONS

SEC. 7. For purposes of this Act:

(1) The term "State retirement system" means a State retirement system established under State law or local public retirement system recognized or established by State law, in which teachers participate.

(2) The term "teacher" means an individual who is employed in a professional educational capacity by a board of education.

(3) The term "covered teacher" means a teacher who is a member of a State retirement system.

(4) The term "board of education" means any board, committee, commission, or agency authorized by State law to direct a public educational system, school, or institution of higher education.

(5) The term "State" includes the District of Columbia and Puerto Rico, and any other territory of the United States which has a public retirement system which includes teachers.

(6) The term "Secretary" means the Secretary of Education.

(7) The term "out-of-State service" means public teaching service performed in another State or in elementary or secondary schools operated by the United States Department of the Interior and the United States Department of Defense and recognized by the system in which the teacher is a member for the purpose of service credit under the terms and conditions of the law governing the operation of such system.

(8) The term "vesting" means a right of a teacher who separates from covered employment after having at least the mimimun years of credited service required under the State retirement system, and has left his contributions in the retirement fund of such system, to a retirement benefit upon reaching an age specified in the law governing the terms and conditions of the system, which benefit is based at least in part on public contributions.

EFFECTIVE DATE

SEC. 8. This Act shall become effective October 1, 1983, and shall apply to teachers who retire on or after such date.●

CUYAHOGA VALLEY NATIONAL RECREATION AREA

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. SEIBERLING. Mr. Speaker, on Monday, June 6, on the National Public Broadcasting System, a program was aired which I believe did a great disservice to the National Park Service and to the Public Broadcasting System as well. The program, "Frontline," concerned the effect on local property owners of a unit of the national park system in Ohio, the Cuyahoga Valley National Recreation Area.

It was supposedly a documentary. However, instead of presenting a balanced and factual account of the issues relating to the park, the program dramatized—in a deliberately distorted and highly emotional way—certain allegations made by a handful of property owners. Indeed, there were so many factual errors and misstatements, that I was shocked that it would appear on public television.

As one of the original authors of the act establishing the Cuyahoga Valley National Recreation Area and as the chairman of the subcommittee with jurisdiction over the National Park Service, I would like to set the record straight for the benefit of the Members and others who may have seen the program.

To do so, I would like to provide a little background on the legislation establishing the park and the protections built in for the property owners, as well as to point out some of the more glaring errors in the program. At the end of my statement, I would like to insert an editorial which appeared in the Akron Beacon Journal on the program, entitled "Distorted Picture on the Park," which highlights a number of other specific issues.

PURPOSE OF THE PARK

Like most units of the national park system, the Cuyahoga Valley National Recreation Area was established by an act of Congress—in this case, Public Law 93-555, which was signed into law on December 27, 1974. The purpose of the park was to preserve, for public use and enjoyment, a largely undeveloped pastoral area containing great scenic, historic, archeological, natural, and recreational resources.

Prior to the establishment of the park, the Cuyahoga Valley faced increasing threats from urban and industrial development—not surprising, since this was the last large expanse of open space left between Akron and Cleveland, Ohio. It became clear that without protective legislation, the valley would soon be overrun with developments that would destroy it. Thus the goal of the legislation was twofold: first, to preserve the many natural and cultural resources of the valley, and, second, to provide for public use and enjoyment of these resources.

Lastly, it should be emphasized that, of the 32,000 acres presently within the authorized park boundary, only 18,000 are slated for possible Federal acquisition. The remainder includes many private homes and farms, as well as other public parks, such as Cleveland's Brecksville Reservation, or compatible privately owned cultural and recreational facilities such as the Blossom Music Center, Girl and Boy Scout camps, the historic Hale Homestead and Western Reserve Village, et cetera.

All of these other facilities are within the Cuyahoga Valley National Recreation Area although they are not federally owned or managed. The purpose was to link them together geographically and to give them a greater national focus, under the umbrella of the National Park Service.

PROPERTY OWNERS PROTECTED

It was never intended that every acre of the Cuyahoga Valley National Recreation Area be acquired, and the Park Service has not done so. Even privately owned residential property, it was intended, would not all be acquired in fee title, but would be protected, when necessary, through the purchase or donation of scenic easements that restrict future developments and preserve the scenic character of the area.

Of the 18,000 acres that are possibly subject to eventual Federal acquisition, over 13,000 had been acquired as of June 1, 1983, totaling 792 tracts or ownerships. Of the total tracts, 379 were residentially improved properties purchased in fee and 84 were placed under scenic easement. Only slightly more than 15 percent of the total tracts were acquired through condemnation, and many of the condemnation cases were friendly, meaning the owner was willing to sell but simply differed over the purchase price or needed to clear the title.

Important protections for private property owners were built into the Cuyahoga enabling act. For example, the act specifically provides that homeowners whose property the Park Service wishes to buy must be allowed to remain for life or up to 25 years, at their option, even after their property is purchased by the National Park Service. The only exception to this is for homes built after January 1, 1975; that is, after the legislation was enacted; the purpose of the cutoff date was to prevent speculators from profit-

ing from the park at the expense of the taxpayers.

The implication, therefore, in the "Frontline" show that people were being forced from their homes was simply false.

Furthermore, "Frontline" neglected to point out the many other benefits that property owners receive as a result of Federal land purchases. The Uniform Relocation and Real Property Assistance Act of 1970 requires, among other things, that a Federal agency must offer an owner no less than the approved appraisal of the fair market value of the property. The agency also pays for most, if not all, of what it may cost to convey the title of the property, including recording fees, transfer taxes, penalty costs for prepayment of preexisting mortgage, and pro rata portion of real property taxes paid to cover the period after title was vested in the United States.

In addition, the Relocation Act provides both owners and renters with payment for moving expenses. In the case of residential owners, the agency will also make a payment of up to $15,000 as a differential payment resulting from higher interest rates or if the owner is unable to obtain a comparable replacement home outside of the area. In the case of qualified renters, rental assistance is provided in addition to moving expenses; included is a rental supplemental payment of up to $4,000. In the case of business owners, payments of up to $10,000 in lieu of moving expenses—or 100 percent of moving charges—may be paid. Payments are also made to business owners to assist in their search for a new business location.

All of these relocation payments are, moreover, not taxable income for the purposes of Federal taxes.

PROGRAM DISTORTS THE FACTS

As the Akron Beacon Journal editorial points out, the "Frontline" film is not only one-sided but contains many gross distortions of the facts. Let me just mention a few.

"Frontline" asserts that the cost of acquiring the land has already escalated from the 1974 estimate of $36 million to $166 million and is still growing. It charges an overrun of $130 million. In fact, the original Cuyahoga Valley National Recreation Area was expanded by subsequent acts of Congress in 1976 and 1978, which doubled the estimated cost to $70 million. To date, $81.5 million has been spent or obligated, and the eventual total cost is estimated now at under $100 million. The overrun is $30 million, not $130 million, and is mainly the result of rapid escalation in real estate prices during the period.

"Frontline" asserts that at field hearings in 1974, I promised that no more than 30 residences would have to be acquired in fee. While that was the National Park Service estimate at that time, it was based on a considerably smaller acreage inside the Cuyahoga than Congress eventually included in the 1974 act, which was further expanded by the 1976 and 1978 acts.

"Frontline" implied that 425 families have been forced by the National Park Service to leave their homes. Actually, no one was forced to leave his or her home, nor, under the law, could they be. Specifically, of the 379 homes that have been acquired in fee, 206 elected to remain for life or a fixed term of years, and 173 chose not to do so. Many, if not most, of the owners chose to sell to the National Park Service.

About 300 more residential properties remain in the park presently unacquired and it is unlikely that most of these will ever be acquired. In addition, nearly 300 will remain under retained rights or scenic easements.

"Frontline" showed a house being burned, and implied that was typical of Park Service actions. In fact, the house burning was at the request of the local fire department. The house had been slated for demolition, because it was extremely dilapidated when acquired by the Park Service.

One of the businessmen featured on the program as being a local mechanic and handyman actually operated a junkyard which had long been a controversial eyesore and was located conspicuously in the heart of the national recreation area and was clearly incompatible with the purpose of the act. Why was not the junkyard shown?

The town of Peninsula, which was used as the backdrop for discussions of how the park was destroying the community is not within the boundaries of the park and will not be acquired by the Park Service.

Despite the claims of the program, most of the farms and small communities within the boundaries remain and are still viable, and are expected to remain.

I would also like to set the record straight about my own property, which is located in the Cuyahoga Valley National Recreation Area. It was initially included in the boundaries by the National Park Service professional park planners who drafted the original boundaries. I had repeatedly told them to ignore my position as a Congressman and to treat me as any other property owner. Prior to the establishment of the recreation area and to avoid any possibility that my support for the park would appear to benefit me personally, my wife and I—at a considerable financial loss—donated a scenic easement on all our property to the Akron Metropolitan Park District.

Because of subsequent allegations concerning the donation, I asked the General Accounting Office over 3 years ago to investigate the charges. After a thorough investigation, the GAO reported in August 1980, "On the basis of our review, it does not appear to us that the Park Service has given or plans to give you preferential treatment." The creators of the "Frontline" program were aware of this report, yet chose to continue making these unfounded allegations.

The assertion of "Frontline" that the residence of a former newspaper editor got a scenic easement rather than fee acquisition as a result of my intercession in his behalf is equally false. Not only has it been publicly denied by him and by me, but if "Frontline" had bothered to examine Park Service records they would have found that none of the residences in that area had been slated for fee acquisition. Moreover, Secretary Watt's own Inspector General reported in 1982, after a thorough audit, that he found no evidence that the use of scenic easements was inconsistent with the enabling legislation, nor did he cite any instances of preferential treatment.

Some of the distortions in the "Frontline" program were simply the result of slick editing. For example, after Ms. Savitch remarked, as I recall, that my residence, unlike those of some demonstrators, was not acquired in fee, the film immediately cut to a videotape of me saying to the demonstrators, "That's democracy." This caused the Arkon Beacon Journal's TV critic to refer to this statement as showing my "flippancy when questioned about seemingly arbitrary land acquisitions." The full tape would have shown that I was speaking in support of the demonstrators' rights to voice their grievances, which I defended by saying, "That's democracy" —quite different than the twist given by "Frontline."

Another distortion: "Frontline" showed Mr. Stein-Sapir testifying before a bored looking Representative RALPH REGULA, but failed to even mention the caustic criticism Representative REGULA leveled at Stein-Sapir for his tactics and his distorted statements.

Similary, juxtapositions of Ms. Savitch's commentary and clips of interviews of the late Superintendent William Birdsell tended to distort the plain meaning of his straightforward responses. Unfortunately, being dead, he cannot defend himself. I will say that no more decent, warm-hearted, kindly, patient person could have been found for the difficult job of starting a new park. He wore himself out in hundreds of hours of explaining and listening to residents throughout the area, and his memorial service was an impressive outpouring of people all expressing respect and affection for a truly fine human being. If ever I met anyone dedicated to serving his fellow human beings, it was Bill Birdsell.

PUBLIC BENEFITS FROM THE PARK

The "Frontline" program gave short shrift to the many benefits that the Cuyahoga Valley National Recreation Area has offered to the public. Yet the value of this park increases many times over every year, and it will become even more significant in the years to come.

Over 700,000 people used the national park facilities in Cuyahoga last year and nearly 1 million are expected this year. These figures do not include several million more—over 6 million in 1981—who used the other public and privately owned recreation facilities in the valley.

Historic properties are being preserved, such as an historic locktender's house along the Ohio Canal, the Stanford house and the "Jaite" complex. The hamlet of Everett is slated to be restored as funds become available. Trails are being developed and natural areas restored.

Last year, $250,000 was appropriated to study sedimentation problems in the Cuyahoga River. Funds in the 1984 appropriations are being proposed for $1 million in other new developments that would otherwise not have been available.

Special activities are also increasing. This summer, the National Folk Festival will be held in the CVNRA, moving from Washington, D.C., and the new Oakhill recreational area will be opened for picnicing and other day-use activities.

Dozens of cultural and educational activities are being conducted throughout the year, including environmental education programs and cooperative research with various educational institutions.

This is, in fact, a year round park, with winter activities such as tobogganing and cross country skiing as well as traditional summer park programs. The response from the public has been tremendous. Next year the Cuyahoga Valley National Recreational Area will celebrate its 10th anniversary. It will be a happy occasion, one that we can all look forward to with anticipation and pride. It truly is a park "for the good of all."

One of the reasons why this particular program was so distorted and one sided was because it was, I am advised, not produced by Ms. Savitch or her staff. Rather, production was financed by a former resident who has espoused the cause of the dissident property owners and was produced by two individuals who intended it to be a brief for their point of view. Of course, they have a perfect right to do that. However, "Frontline" should have clearly stated the auspices under which the film was made, instead of allowing it to be presented as though it were an objective documentary.

Ironically, "Frontline" has opened itself to the same kind of criticism leveled by another PBS program, "Inside Story," against CBS for CBS's unfair and one-sided program on General William Westmoreland's actions during the Vietnam war.

HEARINGS ON LAND ACQUISITION

Finally, I would like to point out that the Interior Committee has continued to be responsive to the legitimate problems of property owners within our national parks.

Most recently, the Subcommittee on Public lands and National Parks this spring held a series of hearings on the issue of the National Park Service's land acquisition program and the impact of acquisition delays on park lands and resources.

The hearings were initiated because the Interior Department had virtually called a halt to the Park Service's program for buying land within existing units of the national park system. Most new purchases have been limited to a few hardship and emergency cases. The authority of the Park Service to decide which properties to buy has been withdrawn; now each tract, regardless of how small, must be reviewed by the Assistant Secretary of the Interior. Acquisitions are routinely being turned down because the parks have not prepared so-called land protection plans.

What does all this mean to our parks? That has been the subject of our oversight hearings. Our purpose is to look into the effects of acquisition delays on both the private property owners who want and need to sell their land, and on the resources of the parks themselves, which face damaging activities such as mining, timber cutting, and housing construction if the lands are not purchased.

On April 21, we had testimony from representatives of national and local organizations and from private individuals, including landowners, who are knowledgeable about the Interior Department's policies and the problems caused by delays in park acquisition. Their testimony was not merely informative, it was shocking. In instance after instance, owners who want to sell their land to the Park Service have been turned down, often despite documented hardships they have faced and despite possible damage to the park resources that could result if the lands are not acquired promptly.

On April 22 and May 5, we heard from the Director of the National Park Service, who gave an overview of the Park Service's land acquisition program, and from professional land acquisition staff in Washington and the superintendents of 12 national park areas: Appalachian National Scenic Trail, Cuyahoga Valley National Recreation Area, Indiana Dunes National Lakeshore, Manassas National Battlefield Park, New River Gorge National River, Santa Monica Mountains National Recreation Area, Olympic National Park, Delaware Water Gap National Recreation Area, Antietam National Battlefield, Apostle Islands National Lakeshore, Point Reyes National Seashore, and Grand Teton National Park.

On May 19 we also heard from the deputy to the Assistant Secretary for Fish, Wildlife and Parks and from the director of the Midwest Region of the National Park Service.

I have also requested the testimony of Secretary Watt and Assistant Secretary Arnett, the date yet to be scheduled.

Meanwhile, I have recently directed the subcommittee staff to further review a number of issues relating to the Service's land acquisition program, and to prepare a report summarizing this information. This should be available later this summer.

SAVING OUR PARKS

That our subcommittee's efforts have already been successful in resolving some of the park land acquisition issues is attested to by the number of properties that have been acquired since we scheduled the first hearing in April. Many property owners who had been left in limbo for weeks and months were finally able to get approval by the Interior Department for the purchase of their land.

Unfortunately, other issues remain, such as the Department's failure to purchase certain park lands for which Congress has specifically appropriated funds. Development threats remain and many willing sellers face a hardship in trying to dispose of their property.

Of course, we must continue to protect individual property owners' rights and we must help the National Park Service in its efforts to carry out its responsibilities with sensibility.

But the fundamental issue is whether the public interest as defined in the acts of Congress creating the national parks is going to be carried out. Our national parks are important to the people of the United States. We are saving them not just for ourselves but for future generations. If we all keep this in mind, I think we can find some mutually acceptable solutions to the problems we've been addressing.

[From the Akron Beacon Journal, June 8, 1983]

DISTORTED PICTURE ON PARK

Jessica Savitch's Frontline on PBS television did an effective job of dramatizing the pain experienced by some people through the National Park Service's approach to acquiring the land for the Cuyahoga Valley National Recreation Area.

The show did not purport to be a balanced, overall report on what has been done in the park. And it was not.

Some of the facts omitted and mistaken impressions left uncorrected have a real bearing on the truth.

The late William Birdsell, the park's first superintendent, was depicted as a bureau-

crat bent on "total destruction" of human habitation and non-park activity in the park.

In fact, there were at the outset about 1,400 privately owned tracts in the park area as now defined.

Of these, 379 parcels with residences have been sold outright to the government, in most cases at prices amicably agreed on. Some, it is true, have been bulldozed out of existence or burned, as the show indicated.

But in 208 of the 379 cases—55 percent—the owners elected to accept arrangements in which they could remain in their homes, in effect "renting" from the Park Service.

They could choose to stay on for a fixed term of years from one to 25. The prices were then scaled down by 2 percent of the agreed market values for each year of continued tenancy—a good rental bargain by comparison with the open market.

Or owners could elect life tenancy. In this case the purchase price was cut on the basis of actuarial tables on the life expectancy of the owners. (In one case, with owners over 90, the adjustment was zero; they were paid the full market price.)

In 84 cases in addition to the 379, the Park Service bought scenic easements, leaving owners in permanent possession but forbidden to make substantial changes on their property.

This has left more than 800 other tracts in the park—some with residences, some without—untouched. Their ultimate status is uncertain. Because of the cost and concern about debatable disruption of people's lives, the service is considering discontinuing purchase of developed parcels—except perhaps in cases where owners press to sell, pleading hardship.

Any yes, acquisition costs have risen far beyond the $35 million figure called for when creation of the park was authorized in 1974—both through rapid inflation of prices through the 1970s and through enlargements of the park.

But not to say "$166 million," as the show indicated. To date, the acquisition costs have come to just under $81.5 million. The ultimate cost, still estimated by park superintendent Lew Albert at under $100 million on the basis of present conditions, is of course uncertain. It depends on what additional property is acquired and when and how, and how much inflation continues.

In a mention, the show left the impression that the Szalay farm was to be put out of business. Not so. The Szalays are still there, raising and marketing their renowned sweet corn.

In an operation this large mistakes were undoubtedly made. There were more outright purchases and fewer scenic easements than originally expected. And some people undeniably remain bitter about what they feel was done to them.

But the overall picture, warts and all, is hardly the one presented by this show wryly entitled "For the good of all."

It has indeed been for the good of many. Last year there were 700,000 recreational visits to facilities on federal land in the park.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. WRIGHT), for today, on account of illness.

Mrs. BOXER (at the request of Mr. WRIGHT), for today, on account of attending the graduation of her son.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEWIS of Florida) to revise and extend their remarks and include extraneous material:)

Mr. PORTER, for 5 minutes, today.
Mr. CORCORAN, for 10 minutes, today.
Mr. WALKER, for 60 minutes, June 21.
Mr. GREGG, for 60 minutes, June 21.
Mr. HILER, for 60 minutes, June 21.
Mr. CONABLE, for 60 minutes, June 21.

(The following Members (at the request of Mr. PENNY) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.
Mr. PENNY, for 5 minutes, today.
Mr. CONYERS, for 5 minutes, today.
Mr. DASCHLE, for 5 minutes, today.
Mr. MARKEY, for 5 minutes, today.
Mrs. KENNELLY, for 60 minutes, today.

(The following Member (at the request of Mr. GONZALEZ) to revise and extend his remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LEWIS of Florida) and to include extraneous matter:)

Mr. SOLOMON in two instances.
Mr. BOEHLERT.
Mr. LENT.
Mr. DANNEMEYER in two instances.
Mr. HILER.
Mr. SENSENBRENNER.
Mr. MICHEL in two instances.
Mr. MARRIOTT in three instances.
Mr. GUNDERSON in two instances.
Mr. ERLENBORN in three instances.
Mr. LAGOMARSINO.
Mr. LUJAN.
Mr. FIELDS.
Mr. GREEN.
Mrs. ROUKEMA in two instances.
Mr. CORCORAN.
Mr. ZSCHAU.
Mr. GOODLING.
Mrs. HOLT.
Mr. SMITH of New Jersey.
Mr. KEMP.
Mr. MOORHEAD.
Mr. CAMPBELL.
Mr. SCHAEFER.
Mr. LEWIS of California.

(The following Members (at the request of Mr. PENNY) and to include extraneous material:)

Mr. VALENTINE in two instances.
Mr. RICHARDSON in two instances.
Mr. STARK.
Mr. GEJDENSON.
Mr. HOYER.
Mr. BEDELL.
Mr. DIXON.
Mr. ROE.
Mr. DYSON in two instances.
Mr. AUCOIN.
Mr. FLORIO.
Mr. FOLEY.
Mr. MARKEY in three instances.
Mr. LANTOS in two instances.
Mr. ROSTENKOWSKI.
Mr. SHANNON in two instances.
Mr. MICA.
Mr. DASCHLE in 10 instances.
Mr. VENTO.
Ms. KAPTUR.
Mr. BEVILL.
Mr. GARCIA.
Mr. TALLON.
Mr. LEHMAN of Florida.
Ms. MIKULSKI.
Mr. ECKART.
Mr. WAXMAN.
Mr. BONKER.
Mrs. COLLINS.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 66. An act to amend the Communications Act of 1934; to the Committee on Energy and Commerce.

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore announced his signature to an enrolled bill of the Senate of the following title:

S. 639. An act to authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee has examined and found truly enrolled a joint resolution of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.J. Res. 234. Joint resolution designating the week beginning June 19, 1983, as "National Children's Liver Disease Awareness Week."

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes

p.m.), under its previous order, the House adjourned until Monday, June 20, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1371. A letter from the Secretary of Energy, transmitting the seventh semiannual report on alternative fuels production, pursuant to title II of Public Law 96-126; to the Committee on Appropriations.

1372. A letter from the Chairman, National Advisory Council on International Monetary and Financial Policies, transmitting two special reports on the proposed replenishments and capital increases for the Asian Development Bank and the Inter-American Development Bank; to the Committee on Banking, Finance and Urban Affairs.

1373. A letter from the Chairman, Board of Governors, Federal Reserve Board, transmitting the annual report on the activities of the Depository Institutions Deregulation Committee, pursuant to section 206 of Public Law 96-221; to the Committee on Banking, Finance and Urban Affairs.

1374. A communication from the President of the United States, transmitting a report on progress toward conclusion of a negotiated solutions of the Cyprus problem, pursuant to section 620(c) of the Foreign Assistance Act of 1961, as amended; [H. Doc. 98-70]; to the Committee on Foreign Affairs and ordered to be printed.

1375. A letter from the Comptroller, Department of State, transmitting the semiannual report on the activities under the international narcotics program, pursuant to section 481(b)(2) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1376. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to title I United States Code; to the Committee on Foreign Affairs.

1377. A letter from the Executive Secretary, Office of the Secretary of Defense, transmitting a report on the Department of Defense procurement from small and other business firms for October 1982 through February 1983, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

1378. A letter from the Comptroller General of the United States, transmitting a report on the Department of Agriculture's administration of its import meat and poultry inspection program (RCED-83-81, June 15, 1983); to the Committee on Government Operations and Agriculture.

1379. A letter from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to authorize the Architect of the Capitol to relocate certain greenhouse and nursery facilities presently located at Poplar Point in the District of Columbia to another location in the District of Columbia, to direct the Secretary of the Interior to permit the District of Columbia to construct, maintain, and operate certain transportation improvements on land that will revert to the Secretary at Poplar Point, and for other purposes; jointly, to the Committees on House Administration and the District of Columbia.

1380. A letter from the Acting Staff Director, U.S. Civil Rights Commission, transmitting a report on Federal civil rights enforcement in education, pursuant to section 104(c) of Public Law 85-315; jointly, to the Committee on the Judiciary and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEHMAN of Florida: Committee on Appropriations. H.R. 3329. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-246). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEHMAN of Florida:

H.R. 3329. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

By Mr. ARCHER (for himself and Mr. PICKLE):

H.R. 3330. A bill to amend the Tariff Act of 1930 to exempt from duties equipments and repairs to certain vessels, and for other purposes; to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. BEILENSON, Ms. FIEDLER, Mr. LEVINE of California, and Mr. WAXMAN):

H.R. 3331. A bill to authorize the exchange of certain lands between the Bureau of Land Management and the city of Los Angeles for purposes of the Santa Monica Mountains National Recreation Area; to the Committee on Interior and Insular Affairs.

By Mr. APPLEGATE:

H.R. 3332. A bill to prohibit Conrail from taking actions to damage its rail facilities and equipment before final disposition or sale of the interest of the United States in the Corporation; to the Committee on Energy and Commerce.

By Mr. DAUB:

H.R. 3333. A bill to amend the Internal Revenue Code of 1954 to allow individuals to compute the amount of the deduction for payments into retirement savings on the basis of the compensation of their spouses; to the Committee on Ways and Means.

By Mr. BONKER:

H.R. 3334. A bill to establish a national technology education grants program to provide matching Federal assistance to joint initiatives by private industry, educational institutions, and State government to strengthen science, engineering, and technical education, and for other purposes; jointly, to the Committees on Education and Labor, Science and Technology, and Interior and Insular Affairs.

By Mr. CAMPBELL (for himself, Mr. DERRICK, Mr. HARTNETT, Mr. SPENCE, Mr. SPRATT, and Mr. TALLON):

H.R. 3335. A bill to provide Federal disaster assistance to producers of peaches and apples; to the Committee on Agriculture.

By Mr. CONYERS (for himself, Mr. EDWARDS of California, Mr. SEIBERLING, and Mr. BERMAN):

H.R. 3336. A bill to amend title 18 of the United States Code to modify the insanity defense in the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE:

H.R. 3337. A bill to amend title 39, United States Code, with respect to the qualifications of soil and water conservation districts for reduced postage rates; to the Committee on Post Office and Civil Service.

By Mr. ERLENBORN (for himself, Mr. GUNDERSON, and Mr. NIELSON of Utah):

H.R. 3338. A bill to amend the Federal Mine Safety and Health Act of 1977; to the Committee on Education and Labor.

By Mr. ERLENBORN (for himself and Mr. CLAY):

H.R. 3339. A bill to provide for the development of a single national policy with regard to fostering the orderly growth and maintenance of employee benefit plans, protecting effectively the interests of participants and beneficiaries in such plans, and establishing of effective mechanisms for providing adequate retirement income for greater numbers of persons, by consolidating in a single, independent agency the administration of laws relating to employee benefit plans; jointly, to the Committees on Education and Labor, and Ways and Means.

By Mr. ERLENBORN (by request):

H.R. 3340. A bill to repeal the Community Economic Development Act of 1981 and the Community Services Block Grant Act; to the Committee on Education and Labor.

By Mr. EVANS of Iowa (for himself, Mr. JONES of Tennessee, Mr. STANGELAND, Mr. DAUB, Mr. BARNARD, and Mr. EMERSON):

H.R. 3341. A bill to amend the Internal Revenue Code of 1954 to provide an investment tax credit for certain soil and water conservation expenditures; to the Committee on Ways and Means.

By Mr. FLIPPO (for himself, Mr. BEVILL, Mr. SHELBY, Mr. DUNCAN, Mr. RAHALL, Mr. ERDREICH, Mr. EDWARDS of Alabama, Mr. NICHOLS, Mr. MURTHA, Mr. ROE, Mr. MOLLOHAN, Mr. BROWN of Colorado, and Mr. MARRIOTT):

H.R. 3342. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment of reserves for mining reclamation and for the deduction of amounts added to such reserves; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 3343. A bill to amend the Internal Revenue Code of 1954 to provide that certain orphanges will not be treated as private foundations; to the Committee on Ways and Means.

By Mr. GRAMM:

H.R. 3344. A bill to amend the National Labor Relations Act to explicitly apply the right-to-work laws of a State to Federal enclaves within the boundaries of that State; to the Committee on Education and Labor.

By Mrs. HALL of Indiana (for herself, Mr. UDALL, Mr. FORD of Michigan, Mr. CLAY, Mrs. SCHROEDER, Mr. GARCIA, Mr. LELAND, Ms. OAKAR, Mr. DELLUMS, Mr. MITCHELL, Mr. RANGEL, Mrs. COLLINS, Mr. DIXON, Mr. GRAY, Mr. OWENS, and Mr. TOWNS):

H.R. 3345. A bill to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday; to the Committee on Post Office and Civil Service.

By Mr. HAMMERSCHMIDT:

H.R. 3346. A bill to amend the Prompt Payment Act to require expedited payments by the Federal Government for poultry and poultry products; to the Committee on Government Operations.

By Mr. HUGHES (for himself, Mr. SAWYER, Mr. FEIGHAN, Mr. SMITH of Florida, and Mr. SENSENBRENNER):

H.R. 3347. A bill to amend title 18 of the United States Code with respect to extradition, and for other purposes to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. WRIGHT, Mr. EDWARDS of California, Mr. BOSCO, Mr. CHAPPIE, Mr. MATSUI, Mr. FAZIO, Mrs. BOXER, Mr. MILLER of California, Mr. DELLUMS, Mr. STARK, Mr. ZSCHAU, Mr. MINETA, Mr. SHUMWAY, Mr. COELHO, Mr. PANETTA, Mr. PASHAYAN, Mr. LEHMAN of California, Mr. LAGOMARSINO, Mr. THOMAS of California, Ms. FIEDLER, Mr. MOORHEAD, Mr. BEILENSON, Mr. WAXMAN, Mr. ROYBAL, Mr. BERMAN, Mr. LEVINE of California, Mr. DIXON, Mr. HAWKINS, Mr. MARTINEZ, Mr. DYMALLY, Mr. ANDERSON, Mr. DREIER, Mr. TORRES, Mr. LEWIS of California, Mr. BROWN of California, Mr. MCCANDLESS, Mr. PATTERSON, Mr. DANNEMEYER, Mr. BADHAM, Mr. LOWERY of California, Mr. LUNGREN, Mr. PACKARD, Mr. BATES, and Mr. HUNTER):

H.R. 3348. A bill to honor Congressman Leo J. Ryan and to award a special congressional gold medal to the family of the late honorable Leo J. Ryan; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LUKEN (for himself, Mr. WYDEN, and Mr. TAUKE):

H.R. 3349. A bill to amend the Communications Act of 1934 to limit the government use of frequencies for radio broadcast stations; to the Committee on Energy and Commerce.

By Mr. MCNULTY:

H.R. 3350. A bill to provide compensation to States for costs incurred to confine certain Cuban nationals who were allowed to enter the United States in 1980 and who are imprisoned for violations of State law; to the Committee on the Judiciary.

By Mr. MARRIOTT:

H.R. 3351. A bill to amend the Small Business Act to reduce interest rates on disaster loans with respect to disasters occurring on or after March 31, 1983, and to increase the maximum amounts of such loans for homeowners on account of losses of real and personal property; to the Committee on Small Business.

By Mr. PORTER (for himself and Mr. MARRIOTT):

H.R. 3352. A bill to amend the Internal Revenue code of 1954 to provide a refundable tax credit for qualifying security devices; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. DUNCAN, Mr. MURTHA, and Mr. RAHALL):

H.R. 3353. A bill to amend the Internal Revenue Code of 1954 to repeal the 15-percent reduction in percentage depletion for iron ore and coal; to the Committee on Ways and Means.

By Mrs. ROUKEMA (for herself, Mrs. MARTIN of Illinois, Ms. SNOWE, Mrs. JOHNSON, Mr. CONABLE, Ms. OAKAR, Mr. PRITCHARD, Mrs. BOGGS, and Mr. DUNCAN):

H.R. 3354. A bill to amend part D of title IV of the Social Security Act to require each State to develop, implement, and enforce a system of mandatory wage withholding for the collection of child support payments; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SCHEUER (for himself, Mr. ANDREWS of Texas, Mr. MACKAY, and Mr. TORRICELLI):

H.R. 3355. A bill to establish the National Oceanic and Atmospheric Administration; to provide for the management, protection, conservation, development, and study of ocean, coastal, and atmospheric resources; to provide for the delivery of ocean and atmospheric related services; and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, and Science and Technology.

By Mr. SEIBERLING (for himself and Mr. LEHMAN of California):

H.R. 3356. A bill to establish the Mono Basin National Forest Scenic Area in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SHANNON:

H.R. 3357. A bill to amend the Internal Revenue Code of 1954 to provide that the discharge of home mortgage loans will not be treated as income; to the Committee on Ways and Means.

By Mr. SHANNON (for himself, Mr. LEWIS of California, Mr. FLIPPO, Mr. D'AMOURS, Mr. BOLAND, Mr. SCHEUER, Mr. SMITH of Florida, Ms. KAPTUR, Mr. FAZIO, and Mr. WOLPE):

H.R. 3358. A bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain energy property for the energy tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.J. Res. 298. Joint resolution to call for the removal of U.S. Armed Forces from Lebanon; to the Committee on Foreign Affairs.

By Mr. CORCORAN:

H. Con. Res. 135. Concurrent resolution expressing the sense of the Congress that the United States and Canada should enter into formal treaty negotiations with the objective of resolving the issue of acidic deposition; to the Committee on Foreign Affairs.

By Mr. MINISH (for himself and Mr. FAZIO):

H. Res. 234. Resolution providing for appointment and education of House pages; to the Committee on House Administration.

By Mr. BIAGGI:

H. Res. 235. Resolution to designate the week of June 19, 1983, through June 25, 1983, as "Multi-Housing Laundry Industry Week"; to the Committee on Post Office and Civil Service.

By Mr. FOGLIETTA:

H. Res. 236. Resolution expressing the sense of the House of Representatives that the President should convene a national bipartisan commission to address the serious long-term problems of security and economic development in Central America; to the Committee on Foreign Affairs.

By Mr. FRENZEL:

H. Res. 237. Resolution providing for preservation in the Library of Congress of video recordings of the proceedings of the House of Representatives; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

192. By the SPEAKER: Memorial of the Senate of the State of Washington, relative to Senate Concurrent Resolution 73 which condemned the Iranian persecution of the Baha'i community; to the Committee on Foreign Affairs.

193. Also, memorial of the Assembly of the State of New York, relative to peace in North Ireland; to the Committee on Foreign Affairs.

194. Also, memorial of the Legislature of the Commonwealth of Pennsylvania, relative to the coordination of activities between the Veterans' Administration and the State Vietnam Herbicides Information Commission; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of Tennessee:

H.R. 3359. A bill for the relief of Emmanuel A. H. Pangilinan, Ana Amalia L. Pangilinan, and John Alfred A. L. Pangilinan; to the Committee on the Judiciary.

By Mr. PANETTA:

H.R. 3360. A bill for the relief of Althea Williams Self McQueen; to the Committee on the Judiciary.

PRIVATE RESOLUTION

By Mr. CORCORAN:

H.J. Res. 299. Joint resolution proclaiming Lech Walesa to be an honorary citizen of the United States of America; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 233: Mr. SAVAGE.

H.R. 283: Mr. WEISS, Mr. MURPHY, Mr. MARKEY, Mr. SMITH of Iowa, Mr. OTTINGER, Mr. MITCHELL, Mr. BONIOR of Michigan, Mr. TOWNS, Mr. LOWRY of Washington, Mrs. COLLINS, Mr. BIAGGI, Mr. MINISH, Mr. DIXON, Mr. SMITH of Florida, Mr. EDGAR, Mr. DWYER of New Jersey, Mr. RATCHFORD, Mr. KOGOVSEK, Mr. MCHUGH, Ms. OAKAR, Mr. DELLUMS, Mr. SAVAGE, Mr. SOLARZ, Mr. FRANK, Mr. BARNES, Mr. ADDABBO, Mr. SCHEUER, Mr. CLAY, Mr. CONYERS, Mr. ACKERMAN, Mr. ROE, and Mr. FORD of Michigan.

H.R. 674: Mr. MARLENEE.

H.R. 800: Ms. OAKAR, Mr. WIRTH, Mr. LUKEN, Mr. RAHALL, Mr. OBERSTAR, Mr. BONIOR of Michigan, and Mr. CARPER.

H.R. 865: Mr. SAVAGE.

H.R. 872: Mr. SAVAGE.

H.R. 943: Mr. PARRIS.

H.R. 1083: Mr. BORSKI and Mr. CARR.

H.R. 1183: Mr. SIMON.

H.R. 1226: Mr. KINDNESS.

H.R. 1405: Mr. HAMMERSCHMIDT, Mr. GOODLING, and Mr. DANIEL B. CRANE.

H.R. 1693: Mr. CLAY and Mr. WEAVER.

H.R. 1955: Mr. SENSENBRENNER.

H.R. 1961: Mr. BOLAND, Mr. CAMPBELL, Mr. MINISH, and Mr. FUQUA.

H.R. 1978: Mrs. SCHNEIDER, Mr. BILIRAKIS, Mr. RIDGE, Mr. HANCE, Mr. LUJAN, Mr. DAUB,

Mr. EMERSON, Mr. WORTLEY, Mr. ST GERMAIN, Mr. MURTHA, Mr. FORSYTHE, Mr. SWIFT, Mr. YATRON, and Mr. EVANS of Iowa.

H.R. 2053: Mr. FUQUA and Mr. TALLON.

H.R. 2168: Mr. SMITH of New Jersey and Ms. OAKAR.

H.R. 2263: Mr. ACKERMAN, Mr. NIELSON of Utah, and Mr. RITTER.

H.R. 2264: Mr. TALLON.

H.R. 2288: Mr. MCCAIN and Mr. SHELBY.

H.R. 2468: Mr. MITCHELL, Mr. CLINGER, Mr. HUGHES, and Mrs. KENNELLY.

H.R. 2584: Mr. IRELAND, Mr. YOUNG of Missouri, Mr. BEDELL, and Mr. HUBBARD.

H.R. 2651: Mr. ACKERMAN, Mr. AKAKA, Mr. BARNES, Mr. BEILENSON, Mrs. BOXER, Mr. CROCKETT, Mr. DYMALLY, Mr. DYSON, Mr. EDGAR, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. FRENZEL, Mr. GUARINI, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LOWRY of Washington, Mr. MAVROULES, Mr. MITCHELL, Mr. MOLLOHAN, Mr. NEAL, Mr. OWENS, Mr. RANGEL, Mr. ROE, Mr. SIMON, Mr. STOKES, Mr. STUDDS, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WHITTAKER, Mr. WYDEN, and Mr. TOWNS.

H.R. 2652: Mr. ACKERMAN, Mr. AKAKA, Mr. BARNES, Mr. BEILENSON, Mrs. BOXER, Mr. CROCKETT, Mr. DYMALLY, Mr. DYSON, Mr. EDGAR, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. FRENZEL, Mr. GUARINI, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LOWRY of Washington, Mr. MAVROULES, Mr. MITCHELL, Mr. MOLLOHAN, Mr. NEAL, Mr. OWENS, Mr. RANGEL, Mr. ROE, Mr. SIMON, Mr. STOKES, Mr. STUDDS, Mr. WAXMAN, Mr. WEISS, Mr. WHITTAKER, Mr. WYDEN, Mr. TOWNS, Mr. WEAVER, Ms. SNOWE, and Mrs. SCHNEIDER.

H.R. 2691: Mr. OLIN.

H.R. 2747: Mr. CARR and Mr. GOODLING.

H.R. 2766: Mr. GOODLING.

H.R. 2841: Mr. BARNARD, Mr. BIAGGI, Mr. CORRADA, Mr. CROCKETT, Mr. DWYER of New Jersey, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. HORTON, Mr. LOWRY of Washington, Mr. KOSTMAYER, Mr. OWENS, Mr. RAHALL, Mr. ROYBAL, Mrs. SCHROEDER, Mr. SWIFT, Mr. SMITH of Florida, Mr. WEISS, and Mr. TOWNS.

H.R. 2928: Mr. STANGELAND and Mr. ROBERTS.

H.R. 2965: Mr. DANNEMEYER.

H.R. 2988: Mr. TAUKE.

H.R. 2991: Mr. PEPPER, Mr. LEVIN of Michigan, Mr. SOLARZ, Mr. FRANK, Mr. GARCIA, Mr. MINETA, Mr. SEIBERLING, Mr. NOWAK, Mr. EDGAR, Mr. MURPHY, Mr. COYNE, Mr. DOWNEY of New York, Mr. DASCHLE, Mr. GORE, Mr. RODINO, Mr. VENTO, Mr. STARK, Mr. SIMON, Mr. LOWRY of Washington, Mr. FISH, Mr. KILDEE, Mr. HAWKINS, Mr. FORD of Michigan, Mr. SCHUMER, Mr. AUCOIN, Mr. TRAXLER, Mr. PEASE, Mr. CROCKETT, Mr. WOLPE, Mr. HERTEL of Michigan, Mr. ECKART, Mr. BARNES, Mr. CARR, Mr. MCKINNEY, Mr. HOWARD, Mr. KOGOVSEK, Mr. ALBOSTA, Mr. DWYER of New Jersey, and Mr. OTTINGER.

H.R. 3072: Mr. HUGHES.

H.R. 3141: Mr. BEILENSON, Mr. RICHARDSON, Mr. YATES, Mr. STOKES, Mr. ROE, Mr. FRANK, Mr. DELLUMS, Mr. SMITH of Florida, Mr. SOLARZ, Mr. SUNIA, Mr. BARNES, Mrs. BOXER, Mr. D'AMOURS, Mr. WON PAT, Mr. FAZIO, Mr. RANGEL, Mr. ROYBAL, Mr. FAUNTROY, Mr. DIXON, Mr. FROST, Mr. CROCKETT, Mr. OTTINGER, Mr. DWYER of New Jersey, Mr. TORRICELLI, Mr. HERTEL of Michigan, Mr. OWENS, Ms. FERRARO, Mr. EDGAR, Mr. BONIOR of Michigan, Mr. LUKEN, Mr. GEJDENSON, Mr. MCKERNAN, and Mr. MINISH.

H.R. 3176: Mr. DUNCAN and Mr. NEAL.

H.R. 3193: Mr. VANDER JAGT.

H.R. 3230: Mr. LELAND, Mr. SUNIA, Mr. STOKES, Mr. MITCHELL, Mr. FORD of Tennessee, Ms. KAPTUR, Mr. LUNDINE, Mr. HARRISON, Mr. BARNES, Mr. EVANS of Illinois, Mr. MOLLOHAN, Mr. FRENZEL, Mr. MOODY, Mr. BEDELL, Mr. FOGLIETTA, Mr. LEVINE of California, Mr. MCHUGH, and Mr. GRAY.

H.R. 3245: Mr. PERKINS, Mr. MURPHY, Mrs. BOGGS, Mr. OBEY, Mr. BARNES, Mr. FROST, Mr. AKAKA, Mr. HARRISON, Mr. SUNIA, Mr. FORD of Michigan, Mr. FAZIO, Mr. ACKERMAN, Mr. WON PAT, Mr. KOGOVSEK, Mr. WIRTH, Mr. CORRADA, Mr. GARCIA, Mr. LOWRY of Washington, Mr. ECKART, Mr. SIKORSKI, Mr. ALEXANDER, Mr. FOLEY, Mr. DASCHLE, and Mr. RANGEL.

H.J. Res. 29: Mr. MILLER of California, Mrs. BOXER, Mr. ANDREWS of Texas, and Mr. LOWERY of California.

H.J. Res. 101: Mr. ANDREWS of Texas, Mr. ANTHONY, Mr. BARTLETT, Mr. BEDELL, Mr. BETHUNE, Mr. BONER of Tennessee, Mr. BROOMFIELD, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. BRYANT, Mr. CHAPPELL, Mr. CHENEY, Mr. CLINGER, Mr. COATS, Mr. COELHO, Mr. CONABLE, Mr. COUGHLIN, Mr. CORCORAN, Mr. COURTER, Mr. CRAIG, Mr. DAVIS, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. EMERSON, Mr. FEIGHAN, Ms. FIEDLER, Mr. FIELDS, Mr. FOLEY, Mr. GILMAN, Mr. GINGRICH, Mr. GRADISON, Mr. GRAMM, Mr. GREEN, Mr. GREGG, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HILER, Mr. HILLIS, Mrs. HOLT, Mr. HOPKINS, Mr. HUNTER, Mr. HYDE, Mr. MACKAY, Mrs. JOHNSON, Ms. KAPTUR, Mr. KINDNESS, Mr. KOGOVSEK, Mr. LAFALCE, Mr. LELAND, Mr. LENT, Mr. LEVITAS, Mr. LIVINGSTON, Mrs. LLOYD, Mr. LOEFFLER, Mr. LUNDINE, Mr. LUNGREN, Mr. MARKEY, Mr. MARRIOTT, Mr. MARTIN of North Carolina, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCCURDY, Mr. MCKERNAN, Mr. MCKINNEY, Mr. MOAKLEY, Mr. MOORHEAD, Mr. O'BRIEN, Mr. OTTINGER, Mr. PARRIS, Mr. OXLEY, Mr. PETRI, Mr. PORTER, Mr. PRITCHARD, Mr. PURSELL, Mr. QUILLEN, Mr. REGULA, Mr. RICHARDSON, Mr. RINALDO, Mr. ROBERTS, Mr. ROEMER, Mr. ROTH, Mrs. ROUKEMA, Mr. SHARP, Mrs. SCHNEIDER, Mr. SHELBY, Mr. SHUMWAY, Mr. SHUSTER, Mr. SIKORSKI, Mr. SILJANDER, Mr. SKELTON, Mr. SLATTERY, Mr. SMITH of New Jersey, Mr. SMITH of Iowa, Mr. SOLOMON, Mr. STUMP, Mr. SWIFT, Mr. SYNAR, Mrs. VUCANOVICH, Mr. WHITEHURST, Mr. WHITTAKER, Mr. WOLF, Mr. WOLPE, Mr. WYDEN, Mr. WYLIE, Mr. ZSCHAU, Mr. BIAGGI, Mrs. BOXER, Mr. COLEMAN of Missouri, Mr. DASCHLE, Mr. DIXON, Mr. DICKINSON, Mr. DUNCAN, Mr. DREIER of California, Mr. FAZIO, Mr. FRANK, Mr. HAMMERSCHMIDT, Mr. MOODY, Mr. MYERS, Mr. PANETTA, Mr. PASHAYAN, Mr. PATMAN, Mr. RAHALL, Mr. ROGERS, Mr. SHAW, Mr. SISISKY, Mrs. SMITH of Nebraska, Mr. SPENCE, Mr. SUNIA, Mr. THOMAS of California, Mr. TOWNS, Mr. WEBER, and Mr. WILLIAMS of Ohio.

H.J. Res. 139: Mr. ROSE, Mr. AUCOIN, Mr. CORCORAN, Mr. DYSON, Mr. WON PAT, Mr. SMITH of Iowa, Mr. MARRIOTT, Mr. ANDREWS of Texas, Mr. TAUZIN, Mr. ROEMER, Mr. MAVROULES, Mr. DONNELLY, Mr. TRAXLER, Mr. VANDER JAGT, Mr. CROCKETT, Mr. STANGELAND, Mr. BOLAND, Mr. LOTT, Mr. SKELTON, Mr. HUTTO, Mr. MCCURDY, Mr. CONTE, Mr. CHAPPELL, Mr. FUQUA, Mr. PRICE, Mr. LEWIS of Florida, Mr. DURBIN, Mr. HYDE, Mr. SAVAGE, Mr. WOLPE, Mr. EVANS of Illinois, Mr. MONTGOMERY, Mr. WAXMAN, Mr. TORRES, Mr. JENKINS, Mr. MADIGAN, Mr. BILIRAKIS, Mr. ERDREICH, Mr. THOMAS of California, Mr. FORD of Tennessee, Mr. LEVITAS, Mr. HUCKABY, Mr. DICKINSON, Mr. MINETA, Mr. ADDABBO, Mr. LEVINE of California, Mr. WIRTH, Mr. CLINGER, Mr. DICKS, Mr. SABO, Mr. BEVILL, Mr. KOSTMAYER, and Mr. KOLTER.

H.J. Res. 168: Mr. CRAIG, Mr. BARNARD, Mrs. SCHNEIDER, and Mr. MARTINEZ.

H.J. Res. 210: Mr. DONNELLY, Mr. MILLER of California, Mr. WALGREN, Mr. LOWERY of California, Mr. D'AMOURS, Mr. KILDEE, Mr. HARRISON, Mr. DANIEL B. CRANE, Mr. MARTIN of New York, Mr. DUNCAN, Mr. JACOBS, Mr. BONER of Tennessee. Mr. BRITT, Mr. YATES, Mr. MCGRATH, Mr. SLATTERY, Mr. SISISKY, Mr. SCHEUER, Mr. LENT, Mr. AKAKA, Mr. LIPINSKI, Mr. PERKINS, Mr. PRICE, Mr. CRAIG, Mr. DE LA GARZA, Mr. LOEFFLER, Mr. COYNE, Mr. ZABLOCKI, Mr. ALBOSTA, Mr. BARNARD, Mr. SEIBERLING, Mr. OTTINGER, Mr. COUGHLIN, Mr. HEFTEL of Hawaii, Mr. SABO, Mr. BERMAN, Mr. JENKINS, and Mr. KOLTER.

H.J. Res. 240: Mr. STOKES, Mr. DYMALLY, Mrs. SCHROEDER, Mrs. BOXER, Mr. MCKINNEY, Mr. FRANK, Ms. KAPTUR, Mr. TOWNS, and Mr. WALGREN.

H.J. Res. 241: Mrs. SCHROEDER, Mrs. BOXER, Mr. MCKINNEY, Mr. FRANK, Ms. KAPTUR, Mr. TOWNS, and Mr. WALGREN.

H.R. Res. 273: Mr. FAUNTROY, Mr. YOUNG of Alaska, Mr. BEVILL, and Mr. HORTON.

H.J. Res. 283: Mr. ALBOSTA, Mr. BERMAN, Mr. BILIRAKIS, Mr. BROYHILL, Mr. CARNEY, Mr. DWYER of New Jersey, Mr. EMERSON, Mr. HAMMERSCHMIDT, Mr. LOEFFLER, Mr. MADIGAN, Mr. MARRIOTT, Mr. MCHUGH, Mr. MCKERNAN, Mr. MOORHEAD, Mr. MRAZEK, Mr. NEAL, Mr. NICHOLS, Mr. OAKAR, Mr. OBERSTAR, Mr. OTTINGER, Mr. OWENS, Mr. PERKINS, Mr. ROBERTS, Mr. ROEMER, Mr. ROGERS, Mr. ROWLAND, Mr. SABO, Mr. SILJANDER, Mr. SIMON, Mr. SISISKY, Mr. SKEEN, Mr. SKELTON, Mr. SLATTERY, Mr. DENNY SMITH, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. SOLOMON, Mr. SPENCE, Mr. STANGELAND, Mr. THOMAS of Georgia, Mr. TRAXLER, Mr. WEAVER, Mr. WIRTH, Mr. WOLF, Mr. WORTLEY, and Mr. YOUNG of Alaska.

H.J. Res. 293: Mr. EMERSON, Mr. VOLKMER, Mr. CORCORAN, Mr. LAGOMARSINO, Mr. GRAY, Mr. CORRADA, Mr. DIXON, Mr. SAM B. HALL, JR., Mr. ANDREWS of Texas, Mr. VANDER JAGT, Mr. MONTGOMERY, Mr. ROE, Mr. HATCHER, Mr. WAXMAN, Mr. KASICH, Mr. FAUNTROY, Mr. WINN, Mr. DANNEMEYER, Mr. WOLF, Mr. STOKES, Mr. MCDONALD, Mr. FROST, Mr. SEIBERLING, Mr. LUNDINE, Mr. WON PAT, Mr. MCNULTY, Mr. DANIEL B. CRANE, and Mr. DWYER of New Jersey.

H. Con. Res. 107: Mr. ROE, Mr. WILLIAMS of Ohio, and Mr. ARCHER.

H. Con. Res. 112: Mr. EDGAR, Mr. FRANK, and Mrs. SCHROEDER.

H. Con. Res. 129: Mr. MITCHELL.

H. Con. Res. 130: Mr. FIELDS, Mr. TAYLOR, and Mr. WILLIAMS of Ohio.

H. Res. 15: Mr. ALBOSTA, Ms. FIEDLER, Mr. HARRISON, Mr. HATCHER, Mrs. KENNELLY, Mr. LUKEN, Mr. MACKAY, Mr. MOLLOHAN, Mr. MORRISON of Washington, Mr. SABO, Mr. SUNIA, Mr. WALGREN, and Mr. WHITEHURST.

H. Res. 17: Mr. EARLY and Mr. SKELTON.

H. Res. 155: Mr. ANDERSON, Mr. ANDREWS of Texas, Mr. BIAGGI, Mr. BOLAND, Mrs. BOXER, Mr. CHAPPELL, Mr. DE LA GARZA, Mr. EARLY, Mr. EVANS of Illinois, Mr. FRENZEL, Mr. GREEN, Mr. HOYER, Mr. LAFALCE, Mr. LEVINE of California, Mr. LOWERY of California, Mr. MOLLOHAN, Mr. PURSELL, Mr. RICHARDSON, Mr. ROBINSON, Mr. ROSE, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SHELBY, Mr. SUNIA, Mr. SWIFT, Mr. TAUKE, Mr. VANDERGRIFF, Mr. VANDER JAGT, Mr. WALGREN, Mr. WIRTH, Mr. WORTLEY, and Mr. YATRON.

H. Res. 186: Mr. MINISH, Mr. DWYER of New Jersey, Mr. MOLLOHAN, Mr. MCDADE, Mr. DICKS, Mr. FEIGHAN, Mr. GEJDENSON, Mr. WILLIAMS of Montana, Mr. HERTEL of

Michigan, Ms. KAPTUR, Mrs. BOXER, Mr. DONNELLY, Mr. LEHMAN of California, and Mr. BERMAN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2969

By Mr. BROWN of Colorado:

—Page 69, after line 18, add the following new section:

BENEFITS FOR WIDOWS OF CERTAIN RETIRED RESERVISTS

SEC. 1043. (a) The Secretary concerned shall pay an annuity to any individual who is the surviving spouse or a dependent child of a member or former member of the uniformed services who—

(1) died during the period beginning on Setpember 21, 1972, and ending on September 30, 1978; and

(2) at the time of his death would have been eligible for retired pay under chapter 67 of title 10, United States Code, but for the fact that he was under 60 years of age.

(b) An annuity under subsection (a) shall be paid under the provisions of subchapter II of chapter 73 of title 10, United States Code, in the same manner as if the member or former member had died after September 30, 1980, and had elected under section 1448(a)(2)(B) of such title to participate in the Survivor Benefit Plan established by such subchapter and had made a designation under section 1448(e) of such title to provide an annuity to become effective on the first day after his death.

(c) If an individual entitled to an annuity under this section is also entitled to an annuity under subchapter II of chapter 73 of title 10, United States Code, based upon a subsequent marriage, the individual may not receive both annuities but must elect which to receive.

(d) As used in this section:

(1) The term "uniformed services" means the Armed Forces and the commissioned corps of the Public Health Service and of the National Oceanic and Atmospheric Administration.

(2) The term "surviving spouse" has the meaning given the terms "widow" and "widower" in section 1447 of title 10, United States Code.

(3) The term "dependent child" has the meaning given such term in section 1447 of title 10, United States Code.

(4) The term "Secretary concerned" has the meaning given such term in section 101(8) of title 10, United States Code, and includes the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration, and the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service.

(e) This section shall apply to annuity payments payable for months after September 1984. No benefit shall accure to any person by virtue of the enactment of this section for any period before October 1, 1984.

SENATE—*Thursday, June 16, 1983*

(Legislative day of Monday, June 13, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer this morning will be offered by the Reverend Dr. J. T. Bagby, Founder and Rector of St. Martin's Episcopal Church, Houston, Tex. Dr. Bagby is the pastor of the Vice President and also Jim Baker III in the White House.

PRAYER

The Reverend J. T. Bagby, D.D., offered the following prayer:

O God, the fountain of wisdom, whose will is good and gracious, and whose law is truth: We beseech Thee so to guide and bless our Vice President and Senators in Congress here assembled, that they may enact such laws as please Thee, to the glory of Thy name and the welfare of this people.

Grant to all people in our country the wisdom to rely on Thy strength and to accept our responsibilities to our fellow citizens.

For Thine is the kingdom, O Lord, and Thou art exalted as head above all. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE REVEREND J. T. BAGBY, D.D.

Mr. BAKER. Mr. President, I join with other Senators, I am sure, in welcoming Dr. Bagby as our visiting chaplain today. We are delighted to have him on the recommendation of the Vice President.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today, after the expiration of the time allocated to the two leaders under the standing order, there will be a period for the transaction of routine morning business which will last until 10 a.m. At 10 a.m., the Senate will resume consideration of the supplemental appropriations bill. By an order entered last evening, no amendments can be proposed to that bill except those pertaining to pay and honoraria. That is the only issue remaining.

We must finish this bill today, Mr. President. I assume we can do so at a reasonably early hour and then go on to the bill proposing to repeal the dividend-interest withholding. On this side, we would like to finish both of those measures today and do so by a reasonable hour, say 6 p.m. If we can do that, we will not be in tomorrow. If we cannot do it by 6 p.m., we will be in tomorrow.

Mr. President, I reserve the remainder of my time under the standing order.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. D'AMATO). The minority leader is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, I reserve the remainder of my time.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I wonder if the minority leader would be willing for us both to yield back our remaining time and to go into morning business until 10 a.m.

Mr. BYRD. That will be fine with me, yes.

Mr. BAKER. Mr. President, there is already an order for the Senate to go into a period for the transaction of routine morning business.

Mr. BYRD. I would like to reserve 5 minutes of my time for the Senator from Wisconsin and yield back any remaining time.

Mr. BAKER. Mr. President, I yield back the remainder of my time and I ask the Chair to execute the order for the period for the transaction of routine morning business.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 10 a.m., with statements therein limited to 2 minutes each.

REV. J. T. BAGBY, D.D.

Mr. TOWER. Mr. President, we are honored to have as our guest chaplain today a native Texan whose many years of ministry have been distinguished by his compassionate service, not only to his parishioners, but also to the entire community.

The Reverend Doctor James Thomas Bagby is the founder and rector of St. Martin's Episcopal Church in Houston. This church has grown to be the largest Episcopal Church in the diocese of Texas, and one of the five largest in the United States. Dr. Bagby is also the senior active priest of the Episcopal Church in the United States.

Next month, Dr. Bagby will retire after completing 48 years as an active minister in three churches in the city of Houston—St. Mary's, St. James', and St. Martin's. Dr. Bagby has served the diocese of Texas in many capacities including deputy to the general convention, president of the standing committee of the Diocese of Texas and as a member of the executive board. He has also served as trustee of the Bishop Quin Foundation, the St. Luke's Episcopal Hospital, the Episcopal Theological Seminary of the Southwest and the Episcopal Foundation of Texas.

Dr. Bagby's service to his fellow man has extended beyond the church door. He was a pioneer in the establishment of the Alcoholics Anonymous program in Houston. For many years he has been the moving force in sustaining an endowed scholarship program for college students, as well as a program for funding the extraordinary needs of patients at St. Luke's Hospital in Houston.

Dr. Bagby's service to the Seminary of the Southwest began in 1966 when he was executive trustee on the original board, and has continued to serve the seminary in an official capacity for more than 17 years. During his ministry, Dr. Bagby's example has moved 17 young men to seek ordination to the priesthood.

Dr. Bagby's Texas roots run deep. In fact, though his great-grandfather was an Alabaman, as a Senator from that State he actively supported the admission of Texas to the Union in 1846. Dr. Bagby was born in 1911 in Austin, the son of Arthur Pendelton Bagby and Daisy Shindler Bagby. He was graduated from Austin High School and the University of Texas at Austin. He took his divinity degree from the Virginia Episcopal Seminary in Alexandria, Va. He is married to the former Mary Louise Tips of San Antonio, and they have two children, James Thomas Bagby, Jr. and Mary Louise Hansen.

We are fortunate to have Dr. Bagby with us today. He is a man who has

touched many lives, and who will continue to enrich all whom he meets in the years to come.

It is a pleasure, on behalf of my colleagues, to welcome him here to the Senate.

REV. JAMES THOMAS BAGBY

Mr. BENTSEN. Mr. President, it is my pleasure to welcome the Reverend Doctor James Thomas Bagby to the U.S. Senate. Dr. Bagby is a citizen of the city of Houston, where he has ministered the faithful for 48 years. He is the founder and rector of St. Martin's Episcopal Church, which is the largest Episcopal Church in the Texas diocese, and one of the five largest in the Nation.

As a servant of God, Dr. Bagby has generously given his time and energy to the improvement of the Houston community: He pioneered the establishment of Alcoholics Anonymous, sustained scholarship programs for Houston's youth, and funded the extraordinary needs of patients at St. Luke's Hospital. The leadership posts he has held in the Texas diocese are too numerous to list here today, but suffice to say that the Texas diocese would not be as robust, vigorous, or devout without his strong, guiding hand.

The distinguished minority leader, who has done so much to enlighten the Senate about its own history, will be pleased to learn that Dr. Bagby's great-grandfather, Arthur Pendleton Bagby, was a Senator from Alabama from 1841 to 1848, during which time he actively supported the admission of Texas to the Union.

Dr. Bagby will take retirement in July. I wish him well, and pray that the blessings he has given the vulnerable and less fortunate among us will be returned to him tenfold.

SHOULD CONGRESS BE A FULL-TIME OR PART-TIME JOB?

Mr. PROXMIRE. Mr. President, I rarely disagree with my good friend the majority leader, Senator HOWARD BAKER. He is such a marvelous man and so friendly. Yesterday, I understand he put into the RECORD a statement saying that "pay puts congressional Members out of touch, BAKER warns." The distinguished majority leader is just plain wrong on this issue.

Let me say why I think he is wrong. He argues that we should not be full-time legislators, we ought to be part-time legislators and spend some time back in our State. I agree we ought to spend a lot of time in our State. As a matter of fact, last year, I spent 200 days in our State, although I did not miss a rollcall. I think our job is to go back and talk with our people, see our people, walk with our people, rub elbows with them, talk with them, not gaze at them passively, as the Senator says here, but, find out what their problems are, have meetings with them.

The distinguished majority leader implies we would be better legislators if we had other jobs, full-time jobs, of one kind or another. The kind of jobs Members of the Senate would have would be as lawyers, businessmen, corporation executives of various kinds. I could probably get a job at J. P. Morgan & Co., the company I used to work with.

But I do not think that would permit us to be as close to our people, as representative of our people, as understanding of our people as we would be if we did what so many of us do now, go back at every opportunity, as the Senator from Tennessee does, stay with our people, see them, meet with them, find out what their problems are, on occasions work with them. I have worked over the past 4 or 5 years at a different job each time, all day long.

I just want to say there is another side to this question. I think he expressed very well that we ought to be part time. But I think that should be answered and strongly answered. I hope we do not look forward to Members of the Senate who will also work part time for United States Steel or part time for J. P. Morgan or part time for a law firm and think that we represent the people better than if we are full-time representatives of the people of our country.

I ask unanimous consent that an article on Senator BAKER's position on this matter be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 15, 1983]

PAY PUTS CONGRESS MEMBERS OUT OF TOUCH, BAKER WARNS

(By David Shribman)

WASHINGTON.—Howard H. Baker Jr. of Tennessee, the Senate majority leader, warned today that members of Congress had become "elected bureaucrats" who had lost contact with the world beyond Washington.

Mr. Baker, who is not seeking re-election in 1984, said in remarks prepared for delivery on the floor Thursday that the members had abandoned their "citizen-legislator" roles. He also said Congress was in session far too long and was out of touch with the rest of the country, its interests and its desires.

"We will not in our lifetime really know what the range of those desires and demands and dissent may be if we stay on the banks of the Potomac 12 months of the year," he said.

Mr. Baker's remarks came as the Senate prepared to address once again the issue of its own pay and to decide whether to retain the lid on outside income it voted last week and whether to raise its salary.

LIMIT ON HONORARIUMS

The Senate last Thursday voted, 51 to 41, to limit members' honorarium income to 30 percent of their $60,652 salaries, or about $18,000. Members of the House of Representatives are not paid $69,800 and are permitted to accept about $21,000 in honorariums, while senators have no limit on honorarium income.

Mr. Baker proposed that Congress lower its pay, a change that would force members to earn their income outside politics. At the same time, he urged that all caps on outside income be removed and that "stern and stringent conflict-of-interest laws" be enacted that would require "absolute, full disclosure" of earned and unearned income.

The majority leader said Congress would not be able to resolve the issue of its own pay "as long as we think of ourselves as permanent full-time employees of the Federal Government instead of the elected representatives of the people of our districts and states."

He proposed a constitutional amendment to provide for the establishment of an independent pay commission to set salaries for members of Congress.

Mr. Baker said current salary rules served only to encourage legislators to consider their role in Congress as their careers. He said Congress had passed "silly rules and regulations and statutes that say we are forbidden to do anything except come up here and legislate 12 months out of the year."

He urged that members instead serve in Washington for only about half the year, then return to their families, their home communities and their careers.

"I would like to see us once more to be an aggregation of lawyers and doctors and farmers and architects," he said. "I would like to see us once again immersed in the business of our country so that we understand what it is about and what we are legislating about. I would like to see us encouraged rather than prohibited from taking an active role in our communities' affairs."

Mr. Baker, whose father was elected to the House in 1950 and served until his death in January 1964, said the change in the role of Congress had occurred in the last half of this century. He said his father never considered moving to Washington and abandoning his role in his home community.

"He was a Tennessean, temporarily in Washington to speak for the people of his Congressional district," he said.

Now Mr. Baker added, the rhythm of life of Congress is far different.

"I still go home almost every weekend for a hurried gazing pass at the people of my state, masquerading in the guise of a man trying to find out what is going on," he said. "Who in the world can find out what is going on in the people's minds on a Saturday or Sunday when people would rather not be talking to politicians to begin with?"

Mr. BAKER. Mr. President, it is not often that I get a chance to say to a good friend and colleague in the Senate that he is absolutely right, we flatly disagree. I think really, what we have here is a clear distinction between two different points of view about what our role is in Congress.

I do not think Congress was ever intended to be a full-time job. I think that we were intended to be the policy-setting agency of Government. I think we are supposed to be the voice of the people of this Nation. We are, indeed, the people's branch. I think that it was always contemplated that

Congress would be an aggregation of farmers, doctors, lawyers, businessmen, and whatever it may be.

I think, Mr. President, my dad was absolutely right when he said years ago that the downfall of the Republic would be measured from the day they air-conditioned the Capitol, because that is the time when we started staying here all day long.

I know how I feel. I am home no more than 24 hours before I start talking about those folks in Washington. I also know that after I am here for 4 or 5 days, I am so immersed in the daily activity of Congress that it is difficult for me to quickly comprehend the delicacy and the nuances of the problems that confront my constituents.

There is no substitute for living in your community, being part of your community, being part of the mainstream of its economic, social, civic, and political life.

I must say to my friend from Wisconsin, there are two sides to this question. I have a hunch that, over the next few months and years, he and I may contribute to the debate on this issue because it is not going to be decided by one speech, and it is not going to be decided today. But I can promise the Senator from Wisconsin that I am going to put my money where my mouth is. I am going to leave this place. I am going to leave the Senate after 18 years, and I am going to go back and preach this sermon to everybody I can find that what Congress needs to do is be an aggregation of citizens, a citizen Congress, who understand what in the world it is all about, who know the pain that goes with 21.5 percent prime, who know the frustration of a Federal Register that looks like the Encyclopaedia Britannica, who know what it is to have a Government that grows like topsy and know the people do not want that.

I have the highest respect for my friend from Wisconsin. I want to say right now, he is wrong in my judgment, and I intend to make that case in the months to come.

Mr. TOWER. Mr. President, will the Senator yield for just a moment?

Mr. BAKER. Yes; I yield.

Mr. TOWER. Mr. President, I want to applaud what was said by the distinguished majority leader. He is absolutely right. The Senator from Wisconsin would suggest that the Founding Fathers did not know what they were doing when they put forward the concept in the Constitution, the notion of the citizen legislator. It is impossible for us to view things through the eyes of our constituents. We can talk to them, yes, but, as the Senator from Tennessee has pointed out, we no longer really live in the community with them, work at jobs on the economy. We are up here salaried by the Federal Government. We do not see things through their eyes.

I think it is high time we returned to the concept of the Founding Fathers; that is, the concept of the citizen legislator, who is identified with the citizens and understands them.

You can demagog all you want to about working for United States Steel or J. P. Morgan. Some of us might go back to work as schoolteachers for $10,000 or $12,000 a year as well. As a matter of fact, that is what I would prefer to do if I were given the opportunity to go back to my community and live in it and work in it.

I think we miss a great deal here because we can no longer see things through the eyes of our citizens.

Mr. BYRD. Mr. President, will the Senator yield to me?

Mr. PROXMIRE. Yes, Mr. President.

Mr. BYRD. I agree with the Senator from Wisconsin. I strongly disagree with my friend, the majority leader. He has a right to his opinon; he is sincere in it. I would like to see it made to work.

I have been here 30 years, going on my 31st year. I think the first year we were here, we adjourned around August 2. But with the increasing load that is put on Congress, I think it is very impractical to think in terms of whatever it was—6 months in session—and have all these other holidays, and in view of the increased workload of the Congress. I think it could lend itself to exactly what the Senator from Wisconsin has said.

I do not intend to argue this point all day, but the majority leader has expressed his opinion strongly and I express my opinion just as strongly as he does. I think he is wrong. Just as he said he thought the Senator from Wisconsin is wrong, I think the majority leader is wrong.

I think our business is a full-time job, and I think we do have to get back to our constituents. I get back to mine. The Senator from Tennessee gets back to his. I think his suggestion sounds good on paper. I do not think it will work. But if the majority leader will show me that it can work this year and next, then I shall certainly reevaluate my opinion of the idea.

Mr. BAKER. Mr. President, I shall not take long, because there are others who perhaps want to speak. Let me just flesh out the balance of my statement.

First, it is perhaps presumptuous to say, but I believe that the one major structural flaw in the Constitution that the Founding Fathers did not address was the fundamental pattern of conflict of interest that exists in Members of Congress setting their own salaries. I introduced, with the distinguished Senator from Louisiana (Mr. LONG), a proposed constitutional amendment that would remedy that, that would provide for creation of constitutional pay commissions in order to set the salary of Members of Congress. I hope the Judiciary Committee will report that so we can take it up.

Second, I am convinced that Congress was never intended to be a full-time job, that indeed, we were supposed to be representatives of every shade of opinion in every endeavor of society and that the basis on which we should be compensated should be to protect us against loss, not to gain our livelihood from the Federal Treasury. I think, rather than raising our salary, in fact, we ought to reduce our salary commensurate with the time we are here.

Then, Mr. President, I think we should have the most stringent sort of conflict-of-interest standards, which we already have but which we can improve, no doubt, to make absolutely sure there is no direct dealing between Members of Congress and the Federal Government. Goodness knows, there are still some things we can do that the Federal Government is not involved in.

Finally, Mr. President, there should be full disclosure by Members of Congress, not only of earned income—on which, by the way, there should be no limitation—but on unearned income, as well, so that a political judgment can be made on whether or not that person is tainted, affected, swayed, or influenced by his or her income, whether it is earned or unearned.

Some say, "Well, it is bad to make $2,000 for making a speech to the American Bar Association." Somebody else says, "Well, it is bad to get $50,000 worth of dividends from a bank." I am not going to argue that point. All I am going to say is either one of them is legal and it ought to be a political judgment to make, rather than a legal judgment by this Congress.

Mr. President, that is sketchy, but I wanted to lay that out, because I think what we see right here today is something we do not often see in Congress. I think we see the emergence of an issue that is going to grow in importance and on which people will be sharply divided, on which there are two sides, and men and women of good will and good judgment will disagree. I wanted to state now and clearly that I think we are barking up the wrong tree.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I thank my good friend, the minority leader. I appreciate very much what he said. He certainly has greatly reinforced what I have said.

But, Mr. President, what I think my good friend, the majority leader, overlooks is that the world is changing.

This is not the same country that the Founding Fathers confronted in 1789 when there were 3 million people in this country. This is not the same country when it was possible for the Congress to convene for 3 months and to do the country's business, and do it very well.

This is a far more complicated, complex kind of an operation. No matter where you work, if you work full time, any kind of job that most Senators would have, there would be a clear conflict of interest. There is no question about that. No matter what kind of job you would have, that would almost always tend to be true.

It is very important that we are full-time legislators. But what I want to emphasize is that when you are a full-time representative, it is not a matter of staying in Washington. It is a matter of going home, as the Presiding Officer, the distinguished Senator from New York, does so well and so often, to see your constituents, talk to your constituents, understand your constituents full time, not work as a lawyer, not work as a teacher, not work as a banker but work full time representing your people, talking to your people, meeting with your people, having town meetings with your people, as many Senators and Congressmen do.

That is what we have to do. This is a full-time job and then some.

I can remember so well, as both Senators can, when we were in session all but about 6 days of the year back at the time of the assassination of President Kennedy because the country was in such an emergency. That could happen again this year or next year. There is no way, it seems to me, that we can assume this is going to be a part-time job where we can go home in July. If we were to try that, I predict the President would have to call us back. He would do so reluctantly, I am sure, but he would have to call us back and we would have to and should put preference on our work as Senators. It is a full-time job. It should be.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, before the Senator does that, I agree with Mr. PROXMIRE except as to the population number in 1789. I think it was a little over 4 million. The Founding Fathers could not possibly perceive the changes that would occur in America 194 years into the future. They had no television, no telephones, no automobiles, no airplanes, and the problems were not as great. Those were much simpler times in which they lived.

I believe the first 2 years I was in the House we adjourned early. I believe it was August 2 or some such date. But then the civil rights debates came on, and the Senate filibustered and we began to be in until September, and then it became October. Then it was December.

Now, we have all the recess breaks that our Members insist on which allow them to get back home to talk with their constituents. With 230 million people and the problems that have grown since 1789, I cannot conceive that our Founding Fathers could have possibly perceived the complexities of the late 20th century. The growing problems are so many: social security problems, problems of war and peace, health and highway programs, problems that come with legislation that has been enacted, legislation that has been demanded by the people of the United States. So the suggestion that the Founding Fathers did not mean this, or did not mean that, I do not quarrel with the person who takes that position, but it seems to me, practically speaking, that we have to be here almost all the year around. It is a full-time job.

I would like to see us get out this September. The majority leader, I believe not long ago, was saying that we obviously would not get out until December. I have been majority leader and the Senator from Tennessee is majority leader. I do not think his suggestion will work. I do not think it can be made to work. If it can, I would like to see it. I would like to be back home 6 months out of the year.

Mr. BAKER addressed the Chair.

Mr. BYRD. I know the majority leader wants the last word, and I think he is entitled to it. I will leave it to him.

Mr. BAKER. I thank the Senator. I will not prolong this debate unduly except to observe that what we see here is a debate of most fundamental importance—that is the institutional nature of the Congress itself. It is a debate that I believe—I hope—will continue for a long time.

But on the issue of whether or not the complexity of our era and the increased population of this country requires a change, let me suggest that I do not think that is so, because I do not think that was ever meant to be the role of the Congress. I think we are supposed to be the policy setting agency of Government. If we have a hundred times more population now—and I suppose we have 50 times more population—does that mean that you should have 50 Presidents or 450 Members of the Supreme Court? I do not think they have changed. The bureaucracy has changed and the number of Federal district courts has changed, but the fundamental department of Government, the President and the Court, has not changed.

There are many ways that the Congress can address the multitude of issues that are present without remaining in session constantly.

I will not belabor that. I have written on that subject, and I will again. I speak on that subject when people will listen, and I will again. But I think, Mr. President, that what you hear and see right now is the beginning of an important debate on the institutional arrangements of Government. My friend from Wisconsin and I are on opposite sides of the issue by 180 degrees. My friend, the minority leader, and I have perhaps a special insight into the problems of this place, but perhaps we have a fundamental disagreement on what the role of the Congress should be at this time. But none of the three of us are diminished in our respect and affection for each other in expressing somewhat energetically and enthusiastically our fundamental disagreement. I think it ought to change, and I am going to try to change it, but I have no illusions about being able to do it on the supplemental appropriations bill in this session of the Congress or in the remaining 18 months of my tenure as a U.S. Senator. But I am going to talk about this, Mr. President, because it is more than an academic exercise. I think it is important to the future of this country, and the question of whether or not we can effectively govern a complex society.

I think both the Senator from Wisconsin and the Senator from West Virginia in particular for engaging in this conversation with me because, as they can tell I am sure, it is something I wanted to get off my chest for a long time.

Mr. BYRD. I will perhaps have the last word after all, and that is to say to the distinguished majority leader that I will be listening with great interest to what he has to say in the future dicussions.

NUCLEAR WAR CONSEQUENCE—WORLD HEALTH ORGANIZATION REPORT

Mr. PROXMIRE. Mr. President, what should we, as U.S. Senators, make our No. 1 priority? Economic prosperity? Environmental protection? A reversal in the decline of American education? An effective program to bring Federal spending under control? A Federal tax system based on fairness and ability to pay that will yield enough to reduce our monstrous deficits? A sharp improvement in America's science and technology? Most of us would rate each of these objectives high in any listing of priorities. But there is one objective that, in the judgment of this Senator, greatly surpasses all the others combined. It is: Ending the nuclear arms race. If we fail to achieve this objective, all the other priorities sink from sight and disappear. A nuclear war between the United States and the Soviet Union would destroy this country we love. Half our population would be dead or

dying. Our cities would be reduced to teeming composts of radioactive rubble. Our food supply would so sharply dwindle that many surviving Americans would die of starvation. And above all, the constitutional freedom we so cherish would promptly vanish as an absolute military dictatorship would almost certainly take command as the only, desperate means of holding this battered and dying country together.

Unfortunately, few Americans have really thought about the full consequences of nuclear war—for obvious reasons. None of us likes to dwell on any unpleasant prospect, whether it is the sure certainty of our own eventual death, the possible death of our loved ones, or the grim possiblility we may suffer some day from an agonizing illness. Who wants to be morbid? But, Mr. President, because we have failed to consider what nuclear war would cost, most of us have done what people have done throughout history. We have assumed that if there is a war between the superpowers, it will be like previous massive conflicts, such as World War II, only a lot worse. We reason something like this: Russia lost 20 million dead in World War II. They would lose 100 million dead in a nuclear war. We would, too. That would make World War III five times as bad for Russia and terrible for us too. But—the scenario goes on—one side would win. One side would lose. We would rebuild our lives and civilization would go on. Well, Mr. President, any scenario is possible. But the scenario I have described, terrible as it is, would be rosily optimistic and very, very unlikely. In all likelihood, a superpower nuclear war would be nothing like human beings have ever experienced in human history. Nothing. Civilization, as we know it, would simply cease to function. Those who survived would—overnight—find themselves plunged back into the dark ages. What would be left of life would be literally a living hell on Earth.

There is literally nothing human beings cannot do in human relations if we make up our minds to do it. We can very possibly achieve peace if we have the courage and the will to make the sacrifices and take the risks that will require. But let us face it, for the American people to make those sacrifices and take those risks, they will first have to take a clear-eyed look at what a nuclear war would mean. Over the next several days, I expect to bring to the attention of the Senate a remarkable study made by the World Health Organization on just one of the terrible consequences of nuclear war: The effect on human life and health. The Director General of the United Nations earlier this year reported the findings of a committee of international experts who specialized in medical fields concerned with the kind of damage to human health that would grow out of a nuclear war. Those specialists represented many countries. That committee established a number of working groups and collected, reviewed, and summarized the most recent effects on the possible effects of nuclear weapons explosions on health and health services. Mr. President, I hope our colleagues will read and ponder the monstrous consequences of nuclear war which these experts found. The report makes no political recommendations. After all, political recommendations are our job. It did make one finding. It was this:

The only approach to the treatment of the health effects of nuclear explosions is primary prevention of such explosions; that is, the prevention of atomic war.

The committee does find that in the event of nuclear war, our health care facilities would be virtually useless. Hospitals, clinics, doctors, nurses, would be overwhelmed in the first minutes of a nuclear exchange with the Soviet Union. The 1 billion human beings whom the committee estimates would die in such a war, would die in agonizing pain, without any significant medical assistance or relief. The additional 1 billion who would be seriously injured, likewise would suffer their agonies almost entirely without any doctors, hospitals, or nurses and without any medicines or pain-killing drugs, and that would only be the beginning of the hell on Earth a nuclear war would bring.

Mr. President, I ask unanimous consent that the summary of the report of the World Health Organization to which I have referred be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

1. "Conventional" wars are continually becoming more destructive. However, the introduction of nuclear weapons has added totally new dimensions to warfare.

2. A single thermonuclear bomb has the explosive power of millions of the largest conventional bombs and the present stockpiles of nuclear weapons have an explosive power thousands of times greater than all the explosives detonated during the Second World War. In addition to the effects of blast and heat, the radiation and nuclear fallout of a nuclear explosion can have devastating effects, both immediate and long-term.

3. The Committee has considered three possible scenarios:

(1) The detonation of a one-megaton bomb over a large city would kill more than 1½ million people and injure as many.

(2) "Limited" nuclear war with smaller tactical nuclear weapons totalling 20 megatons, aimed at military targets in a relatively densely populated area, would exact a toll of about nine million dead and seriously injured, of whom more than eight million would be civilians.

(3) An all-out nuclear war using at least half of the estimated present stockpiles of nuclear weapons (an approximate total of 10,000 megatons) would result in more than 1,000 million deaths and 1,000 million injured people.

4. It is obvious that no health service in any area of the world would be adequate to deal adequately with the hundreds of thousands of people seriously injured by blast, heat or radiation from even a single one-megaton bomb. Even the death and disability that could result from an accidental explosion of one bomb from among the enormous stockpiles of weapons could overwhelm national medical resources.

(5). It is difficult to comprehend the catastrophic consequences and the human suffering that would result from the effects of nuclear explosions in the second and third scenarios. Whatever remained of the medical services in the world could not alleviate the disaster in any significant way.

6. To the immediate catastrophe must be added the long-term effects on the environment. Famine and diseases would be widespread, and social and economic systems around the world would be totally disrupted.

7. Therefore the only approach to the treatment of the health effects of nuclear explosions is primary prevention of such explosions, that is, the prevention of atomic war.

8. It is not for the Committee to outline the political steps by which this threat can be removed and the preventive therapy implemented.

9. However, WHO can make important contributions to this process by systematically distributing information on the health consequences of atomic warfare and by continuing and expanding international cooperation in the field of health.

TRIBAL TORTURES IN INDIA

Mr. PROXMIRE. Mr. President, a recent edition of the Economist reported on two massacres in India's northeastern state of Assam—the site of riots, murder, and massacres following recent elections. Over 1,000 people have died.

This small area contains a wide variety of tribal populations, as well as a clash of two major cultures, Hindu and Moslem, and conflicts between Bengali speakers and those speaking lesser tongues, overcrowding and poverty have prevented any semblance of peaceful coexistence between these different groups.

Assamese militants are angered by the presence in the region of Bengalis, whom they consider to be outsiders. The militants are even more embittered because the Bengalis would not vote for the Assamese parties in the elections.

Moslems in Assam have also been victimized, and for the same reason—they were different from the majority.

The heinous events in Assam, while not amounting to genocide in themselves, raise the specter of genocide. Ethnic and religious groups are being senselessly murdered, solely for being different.

Mr. President, the United States, a leading advocate of human rights, must make every possible effort to prevent future instances where acts

are committed with the intent to destroy a national, ethnical, racial, or religious group. I strongly urge my colleagues to join this international effort by ratifying the Genocide Convention. While such an action will not prevent all incidents which raise the specter of genocide, it would certainly strengthen our position in the future.

REPRESENTATIVE TOM STEED

Mr. BOREN. Mr. President, last week, the Nation and, in particular, my own State of Oklahoma, lost one of its most loyal citizens. In the passing of former U.S. Representative Tom Steed, we all lost not only a friend, but an outstanding statesman. During his 32 years of service in Congress, from 1949 until his retirement in 1981, Thomas Jefferson Steed rose to hold a position of tremendous power and influence in Washington. Yet, he remained, first and foremost, an Oklahoman. He truly loved the people of Oklahoma, and they loved him in return. As he said upon announcing his intent to retire: "I intend to spend my declining years in the State I love among the people I love. When this term is over, I will assure you that I will return to Oklahoma to pick up life as a private citizen."

During his 16-year congressional career, Tom Steed grew to hold the most powerful position regarding Federal appropriations of anyone from Oklahoma to serve in the U.S. House of Representatives. He also held the record for length of service in Congress for any Oklahoman. He became chairman of the Treasury-Post Office-General Government Appropriations Committee, handling $90 billion annually. He also was a member of the Subcommittee on Transportation and Subcommittee on Military Construction, which led to approval of dozens of projects that kept Federal funds flowing to military bases in his district located at Fort Sill in Lawton, Tinker in Oklahoma City, and Altus, and the Federal Aviation Administration Center in Oklahoma City. As Tom Steed would say: "I can make things happen and I can keep them from happening. I like to be the guy who can do a good turn for the country now and then, and I go home at night and I feel good." He would candidly report how he steered money to Oklahoma military bases to make the investment sufficient that it would be uneconomical to abandon them. He said that the bases had to be built somewhere and there was no place better and more economical for the Nation than in Oklahoma.

Some of his more important legislative accomplishments were in helping to create the Nation's vast Interstate Highway System, the Federal impact aid to schools programs and the Small Watersheds Act.

Tom Steed is probably best remembered not only for his ability to get things done, but for his candor. No one ever doubted where Tom Steed stood on an issue, and all respected and admired his courage to speak out when others found it easier to remain silent. He was an outstanding example of a public servant, and he drew on his years of experience to assist me, and many other new members of the Oklahoma delegation, as we entered Congress.

He was a key figure in an Oklahoma congressional dynasty which arose after World War II. That dynasty grew to include, among others, such men as the late Senators Robert S. Kerr and Mike Monroney, and former House Speaker Carl Albert, for whom Steed served as a close friend and ally for Albert's 30 years in the House.

His congressional career was preceded by a successful 20-year career as a newspaperman in Oklahoma. Also, during the administration of President Franklin D. Roosevelt, he served as administrative assistant to three Oklahoma Congressmen, P.L. Gassaway, R.L. Hill, and Gomer Smith. He served under seven different Presidents—Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, and Carter.

Tom Steed will be greatly missed. He was a loyal friend to Oklahoma, and to his country. In reading the reactions of the countless public figures and citizens of our State who have commented on Tom Steed's loss, I was particularly struck by one tribute to him, written by a constituent, Bob Blackstock, now of Bristow, Okla. I request, at the conclusion of my remarks, that Mr. Blackstock's tribute to Tom Steed be printed in the RECORD.

I know that all of my colleagues in the Senate join me in offering sincere sympathy to Mrs. Hazel Steed, and to their son, Richard, during this time.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TRIBUTE TO TOM STEED

(By Robert Blackstock)

The dawn broke bright on the early morning of Wednesday, the 8th of June, 1983. It was refreshing.

The Oklahoma landscape was alive in all of its springtime glory. This is the way Tom Steed would want it. This is the land he loved, in all its beauty. This is the morning that Tom Steed died and joined his departed kinsmen: Jefferson, Washington, Lincoln, The Roosevelts and Kennedys; men who loved and served their countrymen so well, so faithfully, so courageously.

Tom Steed loved this beautiful land. But he loved his fellow Americans even more. Tom was forever loyal to his friends, but always tolerant of those who disagreed with his view.

Even though he tried to conceal it, he was keen of intellect and quick of wit. He had the courage of his convictions. He had good sense to know the right thing to do and the courage to do it.

He was considerate of those whose lot it was to toil, to weep and to sustain defeat, as he was of the most powerful of the earth.

He was loyal to the leadership when the leadership was correct, whether it be democratic or republican. However, he had the courage to say "no", even to the most powerful, when his good and well considered judgment told him that that leader was on the wrong course.

He had the abiding respect of the leadership of both parties, and the good sense to engage diplomatically in handling powerful, opposing forces.

No one could doubt Tom Steed's loyalty to his country. He forever sought the light to lead him to do right.

He possessed the courage, tenacity and devotion to his country in the finest tradition of all great American patriots, who, from the time of our country's inception have come eyeball to eyeball with her enemies in differences that only cold steel and red blood could resolve.

Unflinching, but with a heavy heart, he saw his first-born, Roger, sacrificed on the altar of freedom.

If you were a member of the party of the opposition, he tried to represent you as well as those who elected him.

He walked and talked with the greatest of our nation, but he was never over-awed by them. He served with Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, Carter and Ford. His allies were the giants of the day, from Robert S. Kerr, Mr. Sam Rayburn, Carl Albert, Mike Monroney, McClellan, Fulbright and Mills. He also counted among his friends those of the opposition whom he admired and he proved that he could work well with them in spite of some differences of opinion. He was a good friend to Republican Speaker Joe Martin and the Republican Senate Leader Taft.

Although many and massive efforts were made to gerrymander Tom Steed out of the United States Congress, the people of Oklahoma continued to elect him from whatever district political fate placed him.

We are the beneficiaries of his good works. If Tom Steed could leave one last parting message to us, the people that he loved and served so loyally and so exceedingly well, he might select the words of Longfellow:

Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all its hopes of future years,
Is hanging breathless on thy fate!

Yes, the dawn broke brightly upon Oklahoma this beautiful June day. We are saddened by Tom Steed's departure but we are better because he lived.

SPECIALTY STEEL

Mr. TOWER. Mr. President, it is a very healthy sign that so many of my colleagues are expressing such deep concern for the plight of the specialty steel industry in this country. This is an industry that is absolutely essential to our national defense and to our national economy.

The American specialty steel industry is currently suffering a precarious drop in market share, and the last several years have seen the withdrawal of several key firms from the industry.

This attrition is not the result of a lack of innovation or competitiveness—the U.S. specialty steel industry has maintained its world leadership in both technology and productivity, and is the most cost efficient specialty steel industry in the world. The loss of market share for the U.S. specialty steel industry instead has largely resulted from an ever increasing flood of imports which have resulted in injury to our domestic industry.

Mr. President, I am tremendously concerned about this attrition in our specialty steel capacity. Our national economy depends heavily upon the products made by this industry. Oil and gas production, electric power generation, telecommunications, and transportation, to name but a few, are dependent upon the metals made by our specialty steel industry.

Moreover, our national defense capability depends in a very substantial way upon specialty steels and the more sophisticated alloys produced by this industry. All of our missiles and aircraft depend upon these metals for their construction. The guidance systems and other components of virtually all our weapons sytems need these metals. Navigational equipment and other critical items used by our Navy require various kinds of specialty steel.

In short, we would not have a modern defense capability without the specialty steel industry. We cannot place our aircraft makers, our shipbuilders, and missile manufacturers at the mercy of foreign suppliers whose supplies could be cut off in the event of an emergency. Mr. President, many of the things I am saying now were brought out in a report by a Subcommittee of the Senate Armed Services Committee a decade ago. That Subcommittee on General Legislation entitled its report, "Essentiality of Specialty Steels to National Security." I commend this report to my colleagues and to the executive branch. For it is just as true today as it was when it was first approved. In a word, specialty steel is essential to national defense.

In considering recommendations regarding appropriate action to be taken on this matter, I urge the President to consider the factors I have discussed, and I am confident he will do so. I look forward to hearing of his decision, and will analyze it in light of my concerns just expressed.

PARKSTON-TRIPP NATIONAL GUARD RECEIVES ITSCHNER AWARD

Mr. PRESSLER. Mr. President, the Parkston-Tripp National Guard, Company C, 153d Engineer Battalion has recently been recognized as the best Engineer Company National Guard unit in the United States. The Parkston-Tripp unit received the Itschner Award at Fort Belvoir, Va., in May for their outstanding performance. Being a former Army officer myself, I fully realize the diligent and dedicated efforts that are needed to achieve an honor such as this. Each member of this unit is to be congratulated on a job well done.

The work of National Guard personnel, such as those of the Parkston-Tripp unit, many times gets overlooked. In time of domestic turmoil or calamity, the National Guard is often called on to aid their civilian counterparts in alleviating the problem. These activities cover a wide diversity of situations such as floods, blizzards, prison unrest, riots, and tornadoes, to mention a few. The National Guard's timely work in periods of duress have saved countless lives and much property from damage.

In quieter times many National Guard units are active in community activities. It is noted that the Parkston-Tripp National Guard engaged in such projects as working at the local baseball and softball fields, cleaning the James River Ranch area, remodeling the American Legion Hall, starting a 3 to 5 year channelization and cleaning of Pony Creek, and many more that are too numerous to mention here.

Another important function of the National Guard is to serve our country in time of war. Over 40 percent of our Armed Forces now consist of national guardsmen and reservists. It is, therefore, imperative that these soldiers be well prepared in the event they are needed in time of conflict. The C-1 readiness rating that the Parkston-Tripp National Guard received—the highest possible—attests to their excellence in readying themselves for any military situation that might arise.

Mr. President, South Dakota is extremely proud of the successful endeavors of the Parkston-Tripp National Guard. The winning of the Itschner Award, after intense competition against top-notch National Guard units from across the country, is a testimonial to the high standards they have achieved. We wish them well as they work to maintain the standards that have made them the best National Guard Engineer Company in the United States.

Mr. President, I would also like to share with my colleagues an article by Randy Dockendorf and a proclamation by the mayor of Parkston that appeared in the May 18, 1983, Parkston, S. Dak. newspaper. I ask unanimous consent that they be included as part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GUARD UNIT RECEIVES COVETED ITSCHNER AWARD

(By Randy Dockendorf)

The Parkston-Tripp National Guard, Company C, 153d Engineer Battalion, has been recognized as the best Engineer Company National Guard unit in the United States and was recognized Sunday afternoon at the Armory lot by its commanding officer and the mayors of Parkston and Tripp.

The Parkston-Tripp unit is the 1982 recipient of the Itschner Award, which was named after the former chief of engineers. The award, over 25 years old, goes to the top National Guard unit in the nation, based on the criteria of 100 percent or better strength (Parkston is presently at 104 percent); a high rating (Parkston is C-1, the highest possible rating); and a superior unit award.

The unit was cited for reaching or surpassing all training goals, high test scores, a high state of training and mobilization readiness, a long list of domestic activities, no reportable motor vehicle accidents in the past year, and percentage of assigned strength in various areas.

Local projects of the unit include work at the baseball and softball fields, cleaning of the Jim River Ranch area, remodeling of the American Legion Hall, starting a three to five year channelization and clearing of Pony Creek, and work at the industrial park, public school parking lot, and Fourth Street project.

Work at neighboring communities included tree removal at Milltown; the Lake Hanson project at Alexandria; Douglas County bridge projects; American Legion Hall, tennis court, and Hutchinson County fairgrounds at Tripp; and renovating a five to six acre lake near Armour.

A large boost to the unit's credentials was its work last summer at Custer State Park in the Black Hills, where it reinforced bridges to accommodate log truck traffic, and at Camp Rapid near Rapid City.

The Parkston company sponsors the annual National Guard Ball, conducted an open house, and organized and supports a junior rifle team, Boy Scouts, as well as a blood donor program in coordination with the local hospital.

First Sergeant Hurrl Welch learned of the guard's selection three weeks ago. Parkston had advanced through several phases of stiff competition. After the initial letter of application, the local unit won at the battalion headquarters level in Huron, the group headquarters in Rapid City, confirmation from the state headquarters in Rapid City, the Readiness Region in Colorado, and the 6th Army Headquarters in San Francisco. The last level covers an area west of a line drawn from the North Dakota-Minnesota border south through Texas, about half of the United States. That brought Parkston to the final phase, where they were chosen as the top National Guard unit in America.

Representing Parkston at the awards ceremony Friday night at Fort Belvoir, Virginia, were Welch, Terry Grajkowske, Arthur Hagg, Edward June, Lawrence Thuringer, Wayne Tiede, and Dennis Ziebart. First Lieutenant Hagg, who lives in Parker, is commander of the Company C, 153rd Engineer Battalion of Parkston and Tripp.

Welch, who has been with the Parkston-Tripp unit since it began in October, 1956, said that the awards ceremony was an exciting experience in itself. "The 116th Engineer Dinner was held at Fort Belvoir be-

cause it is the engineer center. There were 450 people at the dinner, with all sorts of generals, colonels, and other officers there. The award was presented by Lt. General Bratton of the Chief of Engineers. That office is with the Pentagon and is the No. 1 engineering position in the country. I only wish all of the unit could have been there to share the honor," he said. The trip included a Saturday tour of Washington, D.C., with stops at such points of interest as the Washington Monument and the White House.

Then it was homeward bound with arrival Saturday evening. The next afternoon brought assembly on the Armory parking lot, where the 140 guardsmen gathered in formation for the welcome home and recognition by state and local officials as well as family and friends. The traveling Eisenhower state trophy which the Parkston guardsmen won almost two months ago was also on display.

First Lieutenant Hagg opened the program by reading the Itschner award citation: "Company C, 153rd Engineer Battalion (Combat), South Dakota Army National Guard, is cited for exceptionally meritorious service throughout Calendar Year 1982. During Annual Training '82, they successfully completed an ARTREP and achieved a FORSCOM IR rating of C-1. The high state of readiness of the unit was also reflected in the very high SQT scores produced by the unit. The large number and wide variety of civic action projects undertaken by Company C are indicative of the initiative and spirit of the unit. This has made Company C a highly respected member of the community. In addition to significant contributions to the surrounding community, attendance and strength—figures for the unit were at, or in excess of, 100 percent which typifies the morale and enthusiasm of the individual soldiers. The performance of this unit is a direct result of strong leadership, and effective chain of command, and an active recruiting program. The personnel of Company C, 153rd Engineer Battalion (Combat) are justly deserving recipients of The Society of American Military Engineers' Itschner Award for 1982."

Hagg went on to congratulate the men, recognizing not only the officers and commanders but also the senior NCOs and the guardsmen. "Thank you for a job well done. You earned a C-1 rating, which is seldom done in the active army. I urge you to keep it up. I would like to see you shoot for two in a row," he said.

Emcee Allan Schilling congratulated the guardsmen on behalf of the community and introduced Parkston mayor Norb Hohn. "On behalf of myself, the city council, and the citizens, we commend you on coming back from Washington, D.C., with the award. You are very deserving. There is only one award like it in the United Stats and it comes to Parkston, South Dakota," said Hohn. In recognition of the unit's achievement, Hohn proclaimed May 28, 1983, as National Guard Day.

Tripp mayor Doug Deffenbaugh said that as a member of the unit in its infancy, it brought out a deep seated feeling to see the Parkston-Tripp unit win such an award. He encouraged the men to win the traveling state trophy again, and extended his congratulations on behalf of the city of Tripp.

Schilling, also a member of the unit at its infancy, recalled some of the early days of the unit including a shortage of training manuals. He contrasted that time to the national honors of today's guardsmen. Paraphrasing a well-known commercial, he said that "You've come a long way, guardsmen." Those in attendance had an opportunity following the program to view the plaque and trophy, take pictures, and visit with the guardsmen. KDLT-TV of Mitchell wrapped up its coverage of the event.

A later meeting in the Armory allowed Welch and Hagg to reflect on the honors gathered by the Parkston-Tripp unit and the strides which the National Guard has made over the years.

Hagg said that "I can't stress enough the work of those who have been here a number of years such as Sergeants Tiede, Ziebart, and Thuringer. They have been the backbone of the unit, working with recruiting and training. But it was a whole group effort to make this all possible. It was no certain person, but the whole unit. I only wish they could all have gone to Washington."

For Welch, the award continues a process of upgrading the National Guard in general and the Parkston-Tripp unit in particular. "The equipment and facilities are so much better now than when the unit started in 1956. We were short on training manuals and equipment. The regular army always had better, but now the National Guard has improved drastically. We moved into the new Armory the first of December, 1977, which gave us a real boost. We were formerly in the Legion Hall, but now we have a place to train and store things. We can do a decent job," he said.

Welch said that since the end of the Vietnam war the equipment has gotten better for the National Guard. The guard's manpower numbers have also picked up dramatically. The figure stood at 88 percent of strength at Parkston before a recruiting drive began in the fall of 1981. That figure has shot up to as high as 108 percent and is presently at 104 percent. Welch credits that figure to hard work by a lot of people, the state of the economy, and the softening of anti-military attitudes.

The drive for excellence is a never ending affair, as Welch turns his attention to the upcoming summer training camp. They will travel to Jefferson June 4-7 for training exercises before going on work detail at Mitchell until June 17. Their performance at the summer gathering will go a long way towards deciding if they will win awards for a second year in a row. But Welch is confident.

"I always knew that we were good, but I never really thought that we had a chance (of winning the Ischner). But afterwards, I thought—why not? We're just as good as anybody else. I think that it's something which has been building up over the past four or five years." he said.

Welch pointed out the fact that "thousands of units competed for the Ischner Award. Even though a unit from Germany won the active army category, Welch said that the National Guard comprises 70 percent of the nation's engineer units.

"No one man won it. It's not 'I', 'he', or 'they,' but 'we.' And if we meet the criteria, we'll go for it again next year," he concluded.

In recognition of individual excellence, the members of the Company C, 153rd Engineer Battalion are listed:

PFC Bradley P. Andera, SP4 Alan H. Andresen, SP5 David D. Bartel, SGT Joel W. Baumiller, PFC Lee A. Behl, PFC Robert J. Berg, PFC Ernest W. Bertram, PFC Joel J. Boehmer, PFC George H. Bosma, PV1 Donald L. Busch, SGT Richard A. Dant, SSG Lowell W. DeVries, SGT Darwin D. Dubs, SGT Jerry G. Fischer, PFC Mark T. Garry, PV2 Steven D. Geidel, SSG Terry L. Grajkowske, PFC John F. Grosz, 1LT Arthur J. Hagg, SP4 Michael F. Hauck, PFC Dale L. Hayen, PFC Lynn A. Heisinger, SP5 Thomas L. Heisinger, SGT Gaylen G. Henke, SP4 William D. Hoffman, 2LT Brent K. Hohbach, SGT Lee J. Horstman, SSG Dale D. Hovaldt, SP4 Allen R. Huber.

SP5 William D. Huey, SP4 Patrick J. Janish, SP4 Wayne A. Juhnke, SFC Edward G. June, PFC Kenny L. Kayser, SGT Clarence B. Kee, PFC Roger L. Koch, SP5 Lyle, E. Kummer, SP4 Phillip K. Landreth, PFC Gary A. Lang, PFC Ronald D. Larson, SGT Kenneth R. Marquardt, SP4 James P. Massey, SGT Allen J. Mayer, SGT Darrell J. Mehlhaf, SP4 Mark A, Meidinger, Jr., PFC John W. Mimmack, PV2 Kelly J. Mogck, SP4 Kerry J. Murtha, SP4 Louis J. Murtha, SP4 Lynn E. Murtha, PV1 Kevin R. Mutchelknaus, SSG James M. Neugebauer, PFC Kevin S. Neugebauer, SGT Leonard D. Nolz, PV1 Scott D. Petersen, SGT Guy T. Peterson, PFC Jake L. Prickett, SP4 Daniel W. Roth, SSG James J. Roth, SGT Michael C. Roth, PV1 Timothy J. Roth, PFC Timothy T. Schaeffer, SSG Lorin J. Schmidt, PFC Timothy P. Schmidt.

SFC Joseph R. Schmig, SSG David A. Schoenfelder, SSG Gerald J. Schoenfelder, SGT Steven E. Schoenfelder, SP4 Trevis H. Schuh, SP4 Daniel W. Scott, PFC Terrance L. Semmler, PV1 Glen J. Sommer, 2LT Bradley R. Stewart, SSG James M. Thuringer, SFC Lawrence J. Thuringer, SGT Steven W. Thuringer, PFC Vincent J. Thuringer, PSG Wayne K. Tiede, SSG Edmond E. Trautmann, SSG Philip J. Uhrich, Jr., PFC Kevin J. Van Zee, PFC Richard P. Van Zee, PFC Douglas S. Vilhauer, PFC Walter E. Villmow, PFC Duane E. Walters, SGT Timothy L. Walz, PV1 Ronald J. Weiss, SP4 Gerald C. Welch, PFC Gregg A. Welch, 1SG Hurrl F. Welch, PFC Thomas J. Wempe, PV1 Todd D. Whitlock, PV1 Darwin K. Wilkins, PV2 Jon A. Wollmann, SP4 Michael D. Wollmann, SGT Robert L. Wuertzer, SP4 Jeffrey K. Yusten, PSG Dennis E. Ziebart, PFC Darwin J. Zirpel.

NATIONAL GUARD DAY

PROCLAMATION

Whereas Company C of the 153rd Engineer Battalion located in Parkston, South Dakota has been awarded a citation designating it as the outstanding Engineer Company in the whole nation.

Whereas Company C has been located in Parkston, South Dakota since 1956 and whereas over the years the unit has contributed to the local community in countless ways such as flood duty and construction of public facilities.

Therefore, in honor of being awarded the national honor and in appreciation of the countless tasks performed in the local community, I Norbert Hohn, Mayor of the city of Parkston, South Dakota do hereby designate May 28, 1983 as National Guard Day and ask all of our citizens to join me in expressing both our congratulations and appreciation to Company C of the 153rd Engineer Battalion.

Given under my hand and seal as Mayor of the city of Parkston, South Dakota this 15th day of May, 1983.

RELIGIOUS REPRESSION IN CASTRO'S CUBA

Mr. PRESSLER. Mr. President, in the world today there is widespread violation of human rights. Nowhere is the absence of human rights protection more apparent than in Cuba under Fidel Castro. In fact, in the area of religious freedom, Castro's government and party have accumulated one of the worst records of abuse of this fundamental human right.

In view of this problem, Mr. President, I would like to share with my distinguished colleagues and the American people a statement prepared by the Most Rev. Agustin A. Roman, auxiliary bishop of the Roman Catholic Church in Miami, Fla. Bishop Roman's statement includes important testimony relating to extensive restrictions on religious freedom in Cuba, particularly affecting the 80 to 85 percent of the Cuban population who are Catholics.

I ask unanimous consent that this statement be included together with my remarks at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE MOST REV. AGUSTIN A. ROMAN, AUXILIARY BISHOP OF MIAMI, FLA.

The House of Representatives Committee on Foreign Affairs has just published its findings on religious persecution as a violation of human rights. The report covers repression of religious believers in many parts of the world.

For me it is disappointing and disturbing that those who testified about the religious repression in Latin America failed to mention the sad condition of the churches and religious believers in Cuba. As a priest I was witness of this repression when I was in Cuba. Now as a Bishop in the United States I continue to be a witness through the testimony of thousands of Cubans arrived in this country with whom I have contact.

I would like to quote below the words of Dr. Jose I. Lasaga in his address to the members of the Interamerican Commission on Human Rights of the Organization of American States, regarding religious freedom in Cuba particularly with respect to the Catholic Church.

"In order to reach an objective judgment regarding religious freedom in Cuba, the following facts should be taken into consideration:

"(1) In accordance with the present Cuban Law, it is not possible to open Catholic schools. The only Catholic schools tolerated by the government (same as in the Soviet Union) are the two seminaries—one in Havana and the other in Santiago de Cuba.

"(2) The Church cannot have any radio or television time.

"(3) The Church cannot use the media to communicate with its faithful, with the exception of a very modest flyer, with limited circulation, which is printed by some parishes.

"(4) In theory, the law gives the priests the right to freedom of expression. However, in practice it is well known that a priest who would dare in a sermon to express a discrepancy from any point of the indoctrination given by the government would be accused of committing a crime against the revolution.

"(5) There is not an open persecution against the people who go to church; but everyone knows that when a person is publicly known as being religious, there will always be a member of the Committee for the Defense of the Revolution or a co-worker stressing to him or her the fact that such conduct is endangering his/her possibilities of improving or keeping the job he/she has in the socialist society.

"(6) People whose religious convictions are well known are accepted in some university schools such as the Veterinary School. However, their admittance to other schools such as philosophy, psychology, history or social sciences is totally blocked.

"(7) The government tolerates the presence of some Catholic teachers for certain non-conflictive subjects such as mathematics; but it is most difficult for a practicing Catholic to teach in an elementary school or to teach history in a secondary school.

"(8) The same is true with respect to jobs as with admission to the university. Sometimes exceptions are made, but very few, to the established rules in order to use them as part of the propaganda for foreign visitors.

"(9) The teaching imparted in all the schools, from the first grade of the elementary school to the last year of the university, is based on a philosophy which is explicitly materialistic and atheistic. In a variety of ways children and young adults are taught the idea that God does not exist and that the human being is nothing but a piece of matter in an advanced level of evolution. Mockery to the religious feelings of the student is an integral part of school life at all levels of education.

"(10) Although in some of the parishes the government permits Catholic associations with a strictly local and strictly religious character (that is, without any social content), it is impossible to organize larger associations with a more extensive outreach because they would immediately be labeled and condemned as counter-revolutionary.

"(11) Inside the churches and in parish halls it is possible to give lectures and talks on strictly religious themes (referring to the supernatural life). However, any discrepancy with the government or the system should be rigorously excluded.

"(12) The major traditional holidays of the Christian calendar have been abolished. Christmas has disappeared to give place to the celebrations of the anniversary of the triumph of the revolution. The week of the Bay of Pigs coincides every year with the Holy Week so that the people, who are compelled to attend several civic events, find it very difficult to participate in the Catholic liturgies.

"(13) The number of priests has considerably diminished since the present regime has been in power. At the present time there is an official assurance that there is no objection to the entry of foreign priests, or Cuban priests who have studied abroad, into the country. But the fact is that when a priest requests to be admitted he finds so many difficulties that his possibilities of being able to find work in Cuba are practically zero.

"(14) At the present time there is no priest in Cuban prisons. However, any priest who would stand out as a youth leader runs the risk of being accused of counter-revolutionary activities and attempting to compete with the leaders of official institutions, as has happened in the past.

"(15 The real political power does not reside in the people, as in the truly democratic countries, but in the Communist Party. According to principles clearly expressed by the regime, Catholics cannot be admitted to the Party."

I hope that the realities expressed above will serve to clarify the truth of the Cuban government policy with regard to freedom of religion.

FORMER SENATOR HARRY F. BYRD, JR., URGES MODERNIZATION OF OLD BATTLESHIPS

Mr. TRIBLE. Mr. President, I would like to bring to the attention of my colleagues an article written by the former Senator from Virginia, the Honorable Harry F. Byrd. In it, he argues for the completion of the program to reactivate our *Iowa* class battleships.

We have undertaken the task of building a Navy adequate to meet our global commitments, and the battleships are an integral part of this effort. These formidable fighting ships massively increase our capability at minimal cost.

My colleagues will recall that Senator Byrd was one of this body's leading authorities on maritime strategy and a thoughtful advocate of rebuilding our defenses. I commend this article to them. Mr. President, I ask that Senator Byrd's article appear immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Newport News Daily Press]

MODERNIZATION OF OLD BATTLESHIPS MAKES DOLLAR AND DEFENSIVE SENSE

(By Harry Byrd, Jr.)

WINCHESTER.—In expanding the United States Navy, would it be wise or unwise to modernize and reactivate four battleships built during the early 1940s? The battleship reactivation program has been controversial and the subject of lengthy debate in the Congress and among the general public.

When the program was proposed less than three years ago, I had grave doubts. I was persuaded, however, to go to the Philadelphia Naval Yard and take a look at the USS *Iowa* which had been in "moth balls" for 25 years. This ship was commissioned in 1943 and was one of only four battleships to be built during World War II, the others being the *New Jersey* the *Wisconsin*, and the *Missouri*, all being virtually identical.

The Iowa appeared in excellent condition, and was so judged by naval experts. Her 16-inch guns were as good as new. So I changed my position and as a member of the United States Senate I supported the modernization program for two, the *Iowa* and the *New Jersey*, the latter berthed at Long Beach, California.

My support was conditioned on a firm assurance by the Secretary of the Navy that the total cost of the renovation of the *New Jersey* would not exceed $326 million.

The modernization of the *New Jersey* was accomplished within the figure to which Secretary Lehman committed himself and was ready for active duty last month. I went to sea with her and was most impressed with the ship and her capabilities.

The *New Jersey*, along with her three sister ships, is not only one of the most powerful ships ever built, but perhaps the most survivable. With her 17-inch armour plate it is a ship that really cannot be duplicated today.

In addition to the superior survivability features in conventional warfare (obviously, no ship or airfield or anything else can survive a nuclear attack) the *New Jersey* and the other three ships of her class possess endurance and speed that allows them to be assigned to any task force, conventional or nuclear. their speed approximates that of our newest carriers.

These 58,000-ton ships can be reconditioned and put into service at a cost approximately equal to a 3,600-ton frigate, yes, a 3,600-ton frigate. And of much importance, too, is that the work can be accomplished in less than two years, as compared to four years for a new warship.

While built 40 years ago, the four battleships have an average active service age of only 12 years.

Although the hulls and the guns are of battleship quality, the purpose of the modernized ship is entirely different. It has become a missile-carrying ship and is equipped with 32 Tomahawk and 16 Harpoon cruise missiles.

In addition, this is a ship whose 16-inch guns (nine of them) are capable of providing heavy fire-power in support of forces ashore; a ship capable of maintaining a startling presence with Third World nations; a ship that can provide significant enhancement to carrier battlegroups; and a ship capable of being the central element of a surface action group.

The public naturally is skeptical about renovating 40-year-old battleships, believing that battleships are outmoded. I, too, shared that skepticism.

But the excellent condition of the ships themselves and the changed mission to a platform for our most modern and most powerful cruise missiles convinces me that the Navy is on sound ground in advocating the battleship reactivation program. It makes sense—in both dollars and time.

This program provides a near-term partial solution to our over-extended Navy. From my observations of the *New Jersey*, these ships surpass expectations in quality and capability.

ORDER FOR STAR PRINT OF H.R. 3133 AND REPORT 98-152

Mr. GARN. Mr. President, it will be necessary to have a star print of H.R. 3133 and Report 98-152, and I ask unanimous consent to have this done.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SUPPLEMENTAL APPROPRIATIONS, 1983

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now resume consideration of the unfinished business, H.R. 3069, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 1408

(Purpose: Relating to pay and receipt of honoraria by Senators)

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 1408:

At the appropriate place in the bill, insert the following new section:

SEC. . (a)(1) Notwithstanding any other provision of law, the annual rate of pay for a United States Senator shall be $100,000, and the annual rate of pay for the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate shall be $110,000.

(2) The provisions of this subsection shall take effect on the first day of the first calendar month which begins after the date of enactment of this section.

(b)(1) Notwithstanding any other provision of law, no United States Senator shall accept any honorarium.

(2) For purposes of this subsection, the term—

(A) "honorarium" means a payment of money or anything of value to a United States Senator for an appearance, speech, or article, by such Senator.

(3) The provisions of this subsection shall take effect upon the date of enactment of this Act.

(4) Nothing in this section shall prohibit the receipt of actual and necessary travel expenses by Members of the Senate, including transportation costs and the cost of meals and lodging while away from the metropolitan area of Washington, District of Columbia.

(c) During the period which begins on September 1, and ends with the close of September 15, of each even-numbered year, commencing with the year 1986, the Select Committee on Ethics of the Senate shall submit to the Senate a report on the matter of the annual rate of pay for United States Senators, which report shall specify the annual rate of pay for United States Senators. The annual pay rate for United States Senators so specified by such Select Committee in its report to the Senate shall take effect immediately and shall remain in effect until a different rate of pay is fixed by such Select Committee pursuant to this subsection or a different rate of pay is otherwise established by law.

(d) Notwithstanding the provisions of section 225 of the Federal Salary Act of 1967, the salaries of United States Senators, and the salaries of the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate shall not, after the date of enactment of this section, be subject to adjustment under the provisions of such Act.

(e) The provisions of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) shall not, after the date of enactment of this section, be applied to adjust the salaries of United States Senators, or the President pro tempore of the Senate, or the Majority or Minority Leaders of the Senate.

Mr. WEICKER. Mr. President, the current system for congressional pay is a pretzel of political posturing. We have two pay scales, one for the House and one for the Senate, and until last week, two outside earned income standards. Instead of a rational means for making adjustments in the salaries of Senators, each supplemental or continuing resolution has been an occasion for another session of meatball surgery on our salary scale. Now we have the salaries of the legislative branch of Government being paid in part by taxpayers' moneys and in part by special interests.

Let me explain very simply what this amendment does. I do not intend to talk at length on this amendment.

No. 1, it sets the pay at $100,000. For those who are looking for substantiation for that figure, all you have to do is take a look at what is being recommended in the House and recommended in the Senate.

In effect, what the House is recommending is almost $100,000—it is about $98,000—and the same holds true in the Senate. So both bodies agree as to the total compensation. My amendment say that the entire $100,000 comes out of the U.S. Treasury—not part of it out of the Treasury and part of it out of the corporate treasuries.

Many of my colleagues say it is a good amendment but the figure is too high. It is no higher—perhaps by a thousand dollars—than what is already being proposed and probably what will pass on the floor of the Senate. It establishes the pay at $100,000, paid for by all the citizens of this Nation.

No. 2, it eliminates completely honoraria—no more honoraria. I am not here to intimate the impropriety of accepting honoraria. I want to make that point clear. Last year, I earned about $22,000; the year before that, about $32,000. I expect to exceed both those figures this year. So nobody is saying that anything wrong has happened. It is, however, a corruption waiting to happen.

We do ourselves the greatest honor, as we try once again to regain the credibility which this body should

have, to do away with honoraria. The perception is just as important as the law. No honoraria.

Point No. 3, it delegates to the Senate Ethics Committee the responsibility of reviewing salary scales and making a final recommendation on what the salary of the Senate should be, once in the biennial.

This provision would not take hold until 3 years from now. The level of salary in the amendment will go through this Congress and the next Congress. At that stage, biennially, the Senate Ethics Committee shall take final action, by vote of the committee, on what the salary should be.

This gets around the constitutional problem we presently have, whereby an outside recommendation is made. Since it is an outside recommendation, it has to be brought into the Senate and voted on, or can be an should be voted on by the Senate itself.

The Ethics Committee is an entity of the Senate. There is no reason why committee action could not be final and indeed the Senate Ethics Committee is appointed by the leadership. Therefore, it would be possible for the leadership to appoint Members to it who are not up for reelection and, therefore, it does not become a demagogic issue within the Senate Ethics Committee.

Lastly, all of these provisions would become law upon enactment of this legislation, and that means if it were enacted tomorrow anyone who has any honoraria signed up that goes down the chute and the salary becomes effective tomorrow.

I do not know how to come at it in a more clean-cut way. There is no question in my mind that probably right now the proposition will attract few votes, with some saying the salary is too much and others saying, "I do not want to go ahead and give up my honoraria," none of which are particularly good reasons and all of which lend to the image that we cannot make up our minds on this or indeed any other issue and do it in a clean-cut way.

I remember several years ago sitting right here and offering a simple amendment to the establishment of the new Ethics Code of the U.S. Senate. In essence, my proposition rather than set up an Ethics Committee and the thousands of advisory opinions that have flowed therefrom and the confusion that exists as to what can or cannot be done, I said:

> Let every Senator make his income tax return public. Every Senator will file a statement of net worth, all assets and liabilities over $1,000. And then let our constituency decide what is ethical and unethical.

It only got a few votes. I can tell you right not it was not more than a couple weeks after we passed the ethics legislation when Senator after Senator came up and said, "My God, I wish we had gone ahead and voted for your proposition," having it all out there on the table in a simple way to avert this contortion that we go through in the sense of implying ethics to this body.

And I might add as to the financial reports that have come forth, there is no way anyone can completely understand them. They are general at best. They are not full disclosure.

What is needed is simplicity of solution. That is what is being offered here today.

The men and women I serve with and have served with in this body have nothing to apologize for, or to make jokes about or deride. They have come through the filtering process of this profession and gone right to the top as indeed a chief executive officer of a corporation has or the dean of a college or a university. These men and women are the finest there is in America in this profession, and they deserve to be paid on that basis.

Oh, I know the sort of locker room talk, you know, all politicians are corrupt, all politicians are inept, and all politicians are this, that, and the other thing. It is sort of fun to talk that way, except I remind those who do talk that way that this is a representative democracy so when people say that, we demean ourselves as a nation.

All politicians are not corrupt, and all politicians are not inept, and so on. What you see in this Chamber and the one across the way and in the town halls of our Nation and in the State legislatures is the finest, and it is the finest in the sense of men and women who are willing to sacrifice greatly in terms of resources and time to do something on behalf of someone else.

Mr. President, if a Member tries, as one of our former colleagues did, to take this whole profession into the gutter and says everyone does it, then believe me, it will also reflect the humanity that is in this Chamber. Maybe we are not the most honest. Maybe we are not the most caring. Maybe we are not the most sharing. Maybe we are not the most courageous in the world. But we think we are and so every day some portion of that comes true. If you wake up every morning saying everyone is corrupt and everyone is no good some portion of that comes true.

I am not naive. I am 52 years of age. I have been through all the chairs of this business, mayor, State legislator, Member of the House of Representatives, Member of the U.S. Senate. I know whereof I talk as to the quality of persons who serve, and it is no different than anything else in this world—you get what you pay for and the $100,000 is adequate, not overly adequate. It is adequate. It is commensurate with the quality of what sits in this Chamber.

How can anyone accept any portion of these salaries being paid by special interests? Now I move to honoraria. How can you do it?

We set up an Ethics Committee on one hand, and we agree to this type of arrangement on the other. That is not leadership. It is an invitation to disaster.

Counsel gives me the statistics that the average Senator earned 30 percent of his income in 1982 from honoraria, $25,800. One-quarter of the Senate earned between 36 and 67 percent of their income from honoraria in 1982. There was a 47-percent increase in honoraria earned by Senators between 1981 and 1982; in 1981 $1.6 million, and in 1982 $2.4 million.

Where do you think this is going to end?

I have already told you of my own experience. Two years ago I earned $32,000 in honoraria. Last year I earned $22,000 because I was in the middle of an election campaign. This year I will earn more than last year or the year before.

It is wrong. And the best way to get rid of the evil is to get rid of the perception of it.

Now, everyone thought we had a politically immune system set up when we had outside commissions make recommendations. Someone figured a way to get around that and make a political issue out of it for his own election purposes when it came to the floor. I am not saying you still cannot change the law, if we pass this. That is perfectly possible. You can go ahead and change it. But I at least tried to cut down the logistical gap which permits for political demagoguery on the issue and to put a system into place which should work smoothly, fairly, and constitutionally.

I have little else to say on this subject. I am well aware that probably the votes are not here. I will tell you why they are not here. It is the fact for some reason or another we care to come at this in little bits and pieces. You know cowards die a 1,000 deaths; the brave only one. And believe me we have died a 1,000 deaths, I do not know how many times, on this floor in the past year on this issue.

Let us bite the bullet. Let us get to what needs to be done. I have no apologies for myself or my 99 colleagues. This is quality here. This is class out here. This is courage out here. There is nothing to be ashamed of. I might add the same holds true for those who serve with us in terms of our staff.

Now, do we want the U.S. Senate, a group of millionaires, or on the other side those who are being paid by honoraria. Is that what you want? That is what we are getting. Do you want to know why 25 percent of the voters is now a majority to elect a U.S. Senator, on the average; 25 percent has now become a majority in the United

States to elect a U.S. Senator? Because nobody cares, nobody can relate.

I do not think we want a Chamber of millionaires or those who are stuck at the trough of honoraria. There is a far better posture for all of us.

So I ask my colleagues to support the amendment. I am going to ask for the yeas and nays. I repeat for those who are not in this Chamber but listening on their squawk boxes, a straight $100,000 salary, no honoraria, salary levels to be reviewed biennially by the Senate Ethics Committee, that could not start until 1986, and committee action by the Senate Ethics Committee would be final, and whatever that recommendation, it would go into effect on the day of the vote by the committee.

I think if we do this we will hear no more of it. If we do not we not only will hear more of it today, we will be right back at this situation 6 months from now, 12 months from now, 12 months later.

Just because I seem to enjoy sticking my head in the cannon does not mean I expect that to happen for everybody else and, quite frankly, if I were running for election this year I would not be sticking it there. But there ought to be 33 people out here who can vote against this, but sooner or later 67 had better get together and make sense out of this pretzel of political posturing, and I think this amendment does just that.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Mr. President, will the Senator withhold?

Mr. WEICKER. Yes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. RUDMAN. Mr. President, I just wish to speak very briefly on the amendment offered by the Senator from Connecticut.

I think that politically what he is doing, of course, is very difficult, very difficult for many people. But the fact is that what the Senator from Connecticut has pointed out is so true that in the long run this body will be dominated either by people of enormous personal wealth or by people of mediocre ability who will be willing to serve and subject their families to the financial deprivation that the salary now paid subjects most of us to who have no appreciable wealth.

I know that is very hard for many people to understand. But in talking to several Members of this body over the past week, it is rather interesting to note that on what seems to many of our constituents to be an adequate compensation—namely, $60,000 a year—that maintaining two homes, educating children, there are many Members of this body who have probably less than $15,000 a year of disposable income after maintaining a home in their home State, a home in this inflated real estate market here in the District, paying their fair share of Federal income taxes, and educating their children.

It seems to me, Mr. President, that if this situation is allowed to continue, it is this Nation that will suffer, because talent and drive and ability are not necessarily commensurate with one's net worth. It would be a shame if the thousands of able young people in this country, who aspire to serve in this body and in the other body, would find it in the near future impossible and still maintain any kind of a standard of life.

Mr. President, I do not think it is a question of paying Members of Congress what they are worth, because quite frankly I am intimately familiar with the personal backgrounds of a number of my colleagues and our colleagues in the other body. An enormous number of them have made enormous amounts of personal income because they are very talented in their professions, in business, and in a variety of ways. That is not the question. If you want to serve here in the U.S. Senate, it is a public service, and you ought to be able to serve and sacrifice.

All that one should ask for here is compensation that will enable that Member and his family to live a reasonably decent life. That is all anybody ought to ask. If people want to make a great deal of money, they ought not to run for the U.S. Senate. They ought to stay in private life.

The Senator from Connecticut is quite correct. Although I agree with many who say let each home State voter decide on the appropriations of honorariums, the fact of the matter is that our compensation should come from the citizens of this country, should be paid by the Treasurer of the United States.

I do not think we can pay lipservice privately in saying we are not paid what we ought to be paid, on the one hand, and then come out here and vote against this amendment. No doubt there are many people in New Hampshire that will not understand this vote. I will try to explain it to them as I understand it. If they do not understand, then I fail as a leader.

I will support the Senator from Connecticut because I think he is right.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Connecticut (Mr. WEICKER). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. ARMSTRONG) would vote "nay."

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON) and the Senator from Colorado (Mr. HART) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 6, nays 89, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—6

Goldwater	Rudman	Stevens
Murkowski	Stafford	Weicker

NAYS—89

Abdnor	Garn	Melcher
Andrews	Glenn	Metzenbaum
Baker	Gorton	Mitchell
Baucus	Grassley	Moynihan
Bentsen	Hatch	Nickles
Biden	Hatfield	Nunn
Bingaman	Hawkins	Packwood
Boren	Hecht	Pell
Boschwitz	Heflin	Percy
Bradley	Heinz	Pressler
Bumpers	Helms	Proxmire
Burdick	Hollings	Pryor
Byrd	Huddleston	Quayle
Chafee	Humphrey	Randolph
Chiles	Inouye	Riegle
Cochran	Jackson	Roth
Cohen	Jepsen	Sarbanes
D'Amato	Johnston	Simpson
Danforth	Kassebaum	Specter
DeConcini	Kasten	Stennis
Denton	Kennedy	Symms
Dixon	Lautenberg	Thurmond
Dodd	Laxalt	Tower
Dole	Leahy	Trible
Domenici	Levin	Tsongas
Durenberger	Long	Wallop
Eagleton	Lugar	Warner
East	Matsunaga	Wilson
Exon	Mattingly	Zorinsky
Ford	McClure	

NOT VOTING—5

Armstrong	Hart	Sasser
Cranston	Mathias	

So Mr. WEICKER's amendment (No. 1408) was rejected.

AMENDMENT NO. 1409

(Purpose: Relating to pay and receipt of honoraria by Senators)

Mr. JACKSON. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated. The assistant legislative clerk read as follows:

The Senator from Washington (Mr. JACKSON) proposes an amendment numbered 1409.

Mr. JACKSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. .(a)(1) Notwithstanding any other provision of law, the annual rate of pay for a United States Senator shall be $80,100, and the annual rate of pay for the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate shall be $90,100.

(2) The provisions of this subsection shall take effect on the first day of the first calendar month which begins after the date of enactment of this section.

(b)(1) Notwithstanding any other provision of law, no United States Senator shall accept any honorarium.

(2) For purposes of this subsection, the term—

(A) "honorarium" means a payment of money or anything of value to a United States Senator for an appearance, speech, or article, by such Senator.

(3) The provisions of this subsection shall take effect upon the date of enactment of this Act.

(4) Nothing in this section shall prohibit the receipt of actual and necessary travel expenses by Members of the Senate, including transportation costs and the cost of meals and lodging while away from the metropolitan area of Washington, District of Columbia.

(c) During the period which begins on September 1, and ends with the close of September 15, of each even-numbered year, commencing with the year 1986, the Select Committee on Ethics of the Senate shall submit to the Senate a report on the matter of the annual rate of pay for United States Senators, which report shall specify the annual rate of pay for United States Senators. The annual pay rate for United States Senators so specified by such Select Committee in its report to the Senate shall take effect immediately, and shall remain in effect until a different rate of pay is fixed by such Select Committee pursuant to this subsection or a different rate of pay is otherwise established by law.

(d) Notwithstanding the provisions of section 225 of the Federal Salary Act of 1967, the salaries of United States Senators, and the salaries of the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate shall not, after the date of enactment of this section, be subject to adjustment under the provisions of such Act.

(e) The provisions of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) shall not, after the date of enactment of this section, be applied to adjust the salaries of United States Senators, or of the President pro tempore of the Senate, or the Majority or Minority Leaders of the Senate.

(f) Any honorarium paid by or on behalf of a Member to a charitable organization shall be deemed not to be accepted for the purposes of subsection (b).

Mr. JACKSON. Mr. President, this is a very plain, simple, straightforward amendment. What it does is this: it gives to Members of the Senate and the House the same salary that is now received by Members of the Cabinet, $80,100. No honoraria would be permitted under this amendment.

My colleagues may recall that a Member of the President's Cabinet, by Executive order and regulation, is not permitted to receive any honoraria. What we are doing here is giving Members of Congress parity with the executive branch. It used to be that way some time ago.

I might say, Mr. President, should my colleagues be unaware, the salary scales currently in effect for the judiciary and for the Vice President are as follows: Federal district judges get $73,100; judges of the courts of appeals get $77,300; Associate Justices of the Supreme Court get $96,700; the Chief Justice gets $100,700 and the Vice President gets $91,000.

So I must say that, addressing this question that we now have before us on the basis of equality and laying down conditions that are similar, I believe it is the equitable and fair approach. I urge my colleagues to vote for this amendment which places the House and the Senate on a more equal basis with the judicial and executive branches both as to salary and as to the honorarium problem.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I will discuss this later, but I think there is a difference between Members of the Cabinet and elected Members of the Senate. I do not quarrel about their pay. I am not in a position to. But it does seem to me that we still have not addressed the general question, and that is whether Members of the Congress somehow are influenced because they make speeches and may receive honoraria on the one hand and the same Members of Congress may accept millions of dollars in campaign contributions from the same interest groups and not be influenced.

That is hard to reconcile. And so it would seem to this Senator that before we start casting stones on some of our colleagues who might be accepting honoraria for speaking, we ought to examine the whole campaign contribution law. If we can reform that law, then we also ought to reform everything else. What we ought to do is come back and undo what we did the other day which now puts us in a lower pay position than the House on both the pay and the honoraria that we might receive in the Senate. We ended up with the worst of both worlds. It is my hope that we might set that aside and have the leadership on both sides, plus two or three Members on each side, try to work out some reasonable program that would address not only pay but campaign contributions and submit it to the Senate for a vote in 30 to 60 days.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Washington. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. EXON (when his name was called). Present.

Mr. ZORINSKY (when his name was called). Present.

Mr. BAKER. I announce that the Senator from Maryland (Mr. MATHIAS) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON) and the Senator from Colorado (Mr. HART) are absent on official business.

I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of illness.

The PRESIDING OFFICER (Mr. PRESSLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 9, nays 84, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—9

Chiles	Jackson	Rudman
Goldwater	Kennedy	Stafford
Gorton	Lautenberg	Weicker

NAYS—84

Abdnor	Ford	Metzenbaum
Andrews	Garn	Mitchell
Armstrong	Glenn	Moynihan
Baker	Grassley	Murkowski
Baucus	Hatch	Nickles
Bentsen	Hatfield	Nunn
Biden	Hawkins	Packwood
Bingaman	Hecht	Pell
Boren	Heflin	Percy
Boschwitz	Heinz	Pressler
Bradley	Helms	Proxmire
Bumpers	Hollings	Pryor
Burdick	Huddleston	Quayle
Byrd	Humphrey	Randolph
Chafee	Inouye	Riegle
Cochran	Jepsen	Roth
Cohen	Johnston	Sarbanes
D'Amato	Kassebaum	Simpson
Danforth	Kasten	Specter
DeConcini	Laxalt	Stennis
Denton	Leahy	Symms
Dixon	Levin	Thurmond
Dodd	Long	Tower
Dole	Lugar	Trible
Domenici	Matsunaga	Tsongas
Durenberger	Mattingly	Wallop
Eagleton	McClure	Warner
East	Melcher	Wilson

ANSWERED "PRESENT"—2

Exon Zorinsky

NOT VOTING—5

Cranston Mathias Stevens
Hart Sasser

So Mr. JACKSON's amendment (No. 1409) was rejected.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PRESSLER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DENTON). Without objection, it is so ordered.

Mr. BAKER. Mr. President, Senators who may hear these remarks in their offices should know that shortly there will be an amendment offered, I anticipate, by the distinguished Senator from Washington dealing with pay and honorariums as an amendment to the supplemental appropriations bill. I believe that I am not exceeding my authority to say that it will be offered by the Senator from Washington on behalf of the joint leadership.

Mr. JACKSON. Mr. President, the majority leader is correct.

Mr. BAKER. Now, Mr. President, let me say to Members that this is an issue that has plagued the Senate, I suspect, since the day the Republic was founded, and I have no illusions about this being the last word we are ever going to speak on this subject. Until we can make a change in the institutional arrangements for establishment of pay for Members, it will always be difficult and there will always be differences of opinion on how we should proceed. It will always be a sensitive and delicate issue for us to deal with because in the final analysis setting our own pay is an unpleasant chore and a constitutionally mandated conflict of interest of sorts, but still it is a constitutional provision and we have to do it.

Now, Mr. President, this amendment will come with the supplemental appropriations bill, and I hope that it will take care of this issue for a while. I will support the amendment that is about to be offered by the Senator from Washington. It will be made to what we have come to call Jackson 1, that is, the first amendment offered by Senator JACKSON to the supplemental appropriations bill a few days ago, and that in effect is to put the House and the Senate on the same level on pay scale and to impose an honorarium limitation of 30 percent but provide that that 30-percent limitation would take effect on January 1, 1984, instead of during this year.

That appears to be a highly desirable variation simply because many Members have already made commitments that they wish to keep, should keep and should be permitted to keep, not knowing that this limitation would be in effect during the course of this calendar year.

Now, once again, Mr. President, this is not a perfect solution. It is perhaps not even a solution that I would personally prefer, but it is my opinion that this is the best we can do. It is also my opinion that this is what we ought to do to resolve this issue at this time and get on with the country's business.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. Yes; I yield.

Mr. BYRD. Mr. President, I associate myself with the remarks of the majority leader. The unpleasant duty of enacting our own compensation was placed upon us by the Founding Fathers. The majority leader and I were talking about the Founding Fathers this morning. But in the Constitution it says "compensation to be ascertained by law." When it says "by law," that means Congress has to take the action. It is not something that I relish supporting or voting for; I have an unemployment rate in my State of 19 percent, which has come down from 20 percent, but this amendment, supported by the Republican and Democratic leadership is the only way to approach this matter. I speak from my own personal viewpoint and I do not find any fault with any Senator who disagrees, because every Senator has different circumstances and different situations to consider. Fortunately, I was able to put my two daughters through school back when the costs were not so great.

I do have five grandchildren, and I want to see them through college. So I do have an empathy with Senators who feel that a cap on the honoraria is going to put them into very difficult situations. My grandchildren will pay a very, very much higher cost for a college education than did my two daughters.

I have joined in supporting this amendment. We have canvassed the membership on my side of the aisle time and time again, and the majority leader has done the same on his side of the aisle.

It is an issue that is not going to go away. I say that in view of the fact, especially, that the press has for quite some time had a good deal to say about excessive honoraria. The honoraria that is being earned, in some cases, is in considerable excess of what the situation was just a few years back.

I do not criticize any Senator for accepting honoraria. I feel that he does what he thinks he needs to do. That is his business. But I do feel that it is vitally important that a cap be placed on the honoraria. It is for that reason, in the main, that I support this amendment.

The two Houses are not together with respect to the salaries of the Members. I have read enough of the history of the Senate to know that this is not the first time such a differential has occurred. There was a time when Senators received $3 a day and House Members $2 a day, and that was forced upon the House by the Senate; but the Senate was soon forced to back off.

I think this issue of excessive honoraria is going to continue to be criticized and the press and the people are going to continue to be concerned about it. If we attempt to put it off to another day, I believe we are simply prolonging the agony. The criticism will grow.

For these reasons and others, I support the amendment. It does have the joint support of the leadership of the two parties, and I feel it incumbent upon me to state my position for the benefit of my colleagues on my side of the aisle. If it is not done in this bill, there will be continuing efforts to adopt this type of amendment in other appropriations bills, and I think we should get on with a resolution of the matter now.

I yield the floor.

AMENDMENT NO. 1410

(Purpose: To equalize the pay for and place limitations on honoraria of Members of Congress beginning January 1, 1984)

Mr. JACKSON. Mr. President, I have an amendment at the desk which I call up at this time.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Washington (Mr. JACKSON), for himself, Mr. BAKER, and Mr. BYRD, proposes an amendment numbered 1410.

Mr. JACKSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 82, after line 3, insert the following new section:

SEC. . (a) For the purposes of this section—

(1) "charitable organization" means an organization described in section 170(c) of the Internal Revenue Code of 1954;

(2) "honorarium" means a payment of money or anything of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for the purposes of this section any actual and necessary travel expenses incurred by the Member, and spouse or an aide to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed;

(3) "Member" means a United States Senator, a Member of the House of Representatives, a Delegate to the House of Represent-

atives, or the Resident Commissioner from Puerto Rico; and

(4) "travel expenses" means, with respect to a Member, and spouse or an aide the cost of transportation, and the cost of lodging and meals while away from his or her residence or the metropolitan area of Washington, District of Columbia.

(b)(1) Notwithstanding any other provision of law, except as provided in paragraph (2), on and after January 1, 1984, a Member shall not accept honoraria which are attributable to any calendar year and total more than the amount that is equal to 30 percent of the aggregate salary paid to such Member for service as a Member during such calendar year.

(2) An individual who becomes a Member on a date after the first day of a calendar year shall not accept honoraria which are attributable to the remaining portion of that calendar year on and after the date such individual becomes a Member and total more than the amount that is equal to 30 percent of the aggregate salary paid to the Member for service as a Member during such calendar year.

(3) For the purposes of this subsection, an honorarium shall be attributable to the period or calendar year in which payment is received.

(c) Any honorarium, or any part thereof, paid by or on behalf of a Member to a charitable organization shall be deemed not to be accepted for the purposes of subsection (b).

(d) Notwithstanding any other provision of law, in the case of a Member who is serving in the office or position of Senator, President pro tempore of the Senate, Majority Leader of the Senate, or Minority Leader of the Senate during a calendar year, the annual rate of pay that is paid to such Member for such service shall not be less than the annual rate of pay payable for such position on December 17, 1982, increased by 15 percent and rounded in accordance with section 5318 of title 5, United States Code.

(e) The Commission on Executive, Legislative, and Judicial Salaries shall include in the first report required to be submitted by it after the date of the enactment of this Act a recommendation for an appropriate salary for Members, which recommendation shall assume a prohibition on the receipt of honoraria by Members.

(f) Subsection (d) of this section shall take effect with respect to service as a Member performed on or after July 1, 1983.

Mr. JACKSON. Mr. President, I express my appreciation to the joint leadership in joining in this amendment—Senator BAKER and Senator BYRD. I believe it is a sensible compromise. It is not necessarily what I would like to have.

As we try to find a solution on a problem as sensitive and as delicate and as difficult as this one, we are not going to get a simple majority by taking a rigid position. I think we have taken a sensible position.

Basically, this amendment provides two things: First, comparability with the House will occur on pay on July 1. Senate pay will be the same as the House as of that date.

Second, a 30-percent cap on honoraria will take effect on January 1, 1984. I believe this is a sensible compromise.

The amendment I offered previously stipulated that the cap on honoraria would occur on July 1. We have extended it to January 1.

I may say that not only the joint leadership supports this amendment, but also Common Cause—I have talked with them—and they support this compromise amendment.

I appeal to my colleagues on both sides of the aisle, as the leaders have demonstrated their desire to obtain a solution, to support the amendment that is now before the Senate.

I yield the floor.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

Mr. STENNIS. Mr. President, will the Senator withhold that?

Mr. BAKER. I withhold that suggestion.

Mr. STENNIS. Mr. President, this is a subject that has concerned me to some degree since I have been here. I have been more and more concerned that it has become a matter we have to go through all the time. I think the people are stirred up about it, concerned about it. They do not know just what interpretation to put on it.

When my children were in college, I regularly made some speeches to get the benefit of the honoraria I needed. I know that others coming along have the same situation. At the same time, I do not impugn any bad faith to any Member.

The matter should be settled. I have decided that we should come to something firm. I have gradually reached the conclusion that some kind of compromise was the only way to get it done, and I commend our leaders for joining in this effort.

I commend the Senator from Washington again for what he has done about it. He took the lead and worked hard and has gone to a lot of trouble. I told him 2 or 3 weeks ago that I would change my vote if he could get an equal amount for each Member of the House and the Senate and a cap on the honoraria—the same for each House. That is something people understand.

There is a matter of equality in it, a certain amount of fairness, and it meets the situation better, as I see it, than anything else. I wish it could be put just that way, as a final settlement of the matter.

I have decided that for this matter to become settled, we will have to have a commission of competent people to set up a suggested level of salary and such additional allowances, if any, that they might recommend, and then the final responsibility should come back to the membership to say yes or no.

So, in this spirit of compromise, with an effort to get this matter settled, to get it settled before the people, I have changed my position and I am going to vote for this amendment. Again, I thank those who have worked on it.

I yield the floor.

The PRESIDING OFFICER. Does the majority leader wish to persist in his quorum call?

Mr. TOWER. Mr. President, I had hoped that the Senator from Washington State would be in the Chamber during consideration of this.

Mr. BYRD. May I state to the Senator that the Senator from Washington State has been here. He stopped to tell me he had to leave the Chamber for a couple minutes and wanted me to protect him if need be and he will be right back.

Mr. TOWER. I did have some questions to ask him.

I wish to just get that Senator's impression of why honoraria should be limited. In other words, that motivates us to limit honoraria or any other type of so-called earned income because I fail to fully appreciate or understand the distinction between earned and unearned income. I wish to ask the Senator from Washington State, if I may, why he does not apply this to any kind of outside income rather than just confine it to honoraria.

Mr. JACKSON. Mr. President, I must say that I question the constitutionality of a lid on unearned income.

Suppose a Senator has some Treasury bonds. Is he to be denied getting interest on those bonds? We are supposed to be patriotic and buy defense bonds. I just cite that as an illustration.

I think we get ourselves into a real, real problem. What we are trying to do is to make the rules equitable and fair, and I believe this is a sensible compromise. We have worked long and hard on it. The limitations on outside income which apply to the House, the judicial branch and the executive branch recognize the distinction between earned income and unearned or investment income. We are merely seeking to apply the same rules to the Senate.

Mr. TOWER. Again, I fail to see the constitutionality distinction between earned and unearned income.

Mr. JACKSON. What would the Senator do? What would a person be required to do with his unearned income? If he rents his house out, he would have to include the rental income in the ceiling. He would have to give up his property.

Now if you want to provide that a Member of the Senate cannot serve if he has certain assets—it would not affect me—but I wish to ask the Senator how would he handle it? You are going to say that you are ineligible to serve in the Senate if you own certain property?

Mr. TOWER. I still do not quite understand the stigma that attaches to honoraria.

Mr. JACKSON. Pardon me?

Mr. TOWER. Would the Senator explain the stigma that attaches to honoraria that does not attach to unearned income?

Mr. JACKSON. I think there is a serious problem when one accepts for himself or herself a payment that comes from people who have interests in legislation before this body, to be very blunt.

Mr. TOWER. What that suggests to me is that if the Senator collects, say, $2,000 for addressing the American Bankers Association he is more likely to be corrupted than if he owns bank stock that yields him a dividend of, say, $50,000 a year. Would we not be somewhat better in the public eye if we applied this to all income because there are Senators here who derive a great deal of income from sources that are either partially or wholly federally funded or partially or wholly federally regulated?

Mr. JACKSON. Let me say to the Senator, as chairman of the Armed Services Committee, he knows that we require persons serving in the Defense Department to dispose of the income producing property, where there is a conflict of interest, do we not?

Mr. TOWER. That is true, but we do not require it of members of the Armed Services Committee.

Mr. JACKSON. I agree. If the Senator wants, I will support him in a conflict of interest amendment applying these conflict of interest rules to Member of Congress. If the Senator is willing, I will join him. That has never been done and, as the Senator knows. A member of the President's Cabinet cannot get any honoraria——

Mr. TOWER. I understand that.

Mr. JACKSON [continuing]. Because there are provisions in Executive orders, regulations and even the criminal code that are really rough on the executive branch. It would be a violation of Federal law if honoraria were received from someone who they do business with.

Now, we do business in Congress with everyone. If the Senator wants to apply the conflict of interest statute that now applies to members of the Cabinet and all Presidential appointees by Executive order to the Congress we can, but we have not gone that far.

Mr. TOWER. What if we required all Members of the Senate to put all of their assets that yield income in a blind trust?

Mr. JACKSON. I think the blind trust is a great fiction. It gives the impression that somehow you divorce yourself from reality.

Would you require that those who have a blind trust give the income from the trust away in order not to have outside income in excess of 30 percent of the Senate salary. How would the Senator handle it?

Mr. TOWER. How about another approach? How about applying this limitation to all income that is derived from any source that is either partially or fully federally subsidized or funded or any source that is federally regulated? Would that not then make us purer than pure and like Caesar's wife? Why is it that a Senator who collects a small honoraria from a trade or professional association is more suspect than a Senator who derives a great deal of income from an organization that belongs to that trade or professional association? I do not quite see the distinction.

Mr. JACKSON. Let me say to the Senator if I had my way the salaries would be up at a proper level like we tried to do in the other branches of Government and no honoraria would be permitted.

I made a decision 30 years ago not to accept honoraria for personal use. I have never talked about it in this Chamber. I made that personal decision.

I do not dispute the right of others in conscience to go another way. That is why I am supporting this compromise.

But I do think there is a fundamental problem when the income from honoraria exceeds the official salary of a Senator. That is not consistent with the job we hold.

That is all I am saying.

Mr. TOWER. What if the income from, say, stock in a corporation that is regulated by acts of Congress exceeds that of the Senator's salary?

Mr. JACKSON. I think you raise the fundamental question of applying the conflict of interest statute that you do and I do on the Armed Service Committee to all the appointees of the Department of Defense.

I am willing, and I would be delighted to support an amendment to the conflict of interest statute making it applicable directly to Members of the Senate.

Mr. TOWER. I had thought about offering one.

Mr. JACKSON. I will join the Senator in that if he wishes.

Mr. TOWER. I thought about offering an amendment to the amendment of the Senator from Washington. I think I will consider the prospect of offering a freestanding amendment. I will not try to clutter up the amendment of the Senator from Washington because I know are a number of Members who want a straight vote on the proposition advanced by the Senator from Washington.

Mr. JACKSON. I appreciate it.

Mr. TOWER. The Senator from Washington is one of the most honorable men in this body, and may I add in this colloquy that I do not question any motives of Senator JACKSON who has been my longtime friend and colleague and a great patriot.

Mr. JACKSON. I thank the Senator from Texas.

Mr. TOWER. I get, I must confess, a little tired of what I conceive as a double standard of morality around here and that is if you are wealthy, if you have had time to accumulate something in this world before you came to the Senate, if you came from the business community, you can derive as much income as you want from sources that are for the most part federally regulated and sources whose financial fortunes are influenced by what the Senate does.

Yet, somehow, some kind of stigma is attached to a small fee for speaking to a trade or professional association.

I, personally, do not understand the distinction. I still do not and will not regardless of what the action of the Senate is here today.

Mr. BAKER. Mr. President, have the yeas and nays been ordered on the amendment?

The PRESIDING OFFICER. The Chair is informed they have not been ordered.

Mr. BAKER. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment of the Senator from Washington.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I think that perhaps one thing we should do is require more meticulous reporting of unearned income.

I will say that honoraria income is meticulously reported and the precise amounts are reported, but income that comes from other sources is only reported in a very general way without specific amounts, and I think that if we are going to impose this limit, to be entirely consistent, we ought to provide for much more detailed reporting requirements from Members of unearned income so that there will be a more precise indication, just as there is now precise indication on honoraria income, for all other forms of income.

Mr. GARN. Mr. President, I suggest that absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WEICKER. Mr. President, earlier today——

The PRESIDING OFFICER. The Senator from Connecticut has the floor, and he cannot be heard. Let us have order in the Senate, please.

Mr. WEICKER. Mr. President, earlier today, I suggested that the body face up to the decision that has to be made and do it today. Obviously, it was not a very popular suggestion, only getting some six votes.

Now, just so we have it written in stone as far as the future is concerned, I notice in this "compromise" that the cap on honoraria does not go into effect until January 1984, if I am correct.

I will wager anything with anybody inside or outside this Chamber that come January 1, 1984, there will not be any cap and we are just postponing the problem once again.

The reason I rise to make this statement is, I will vote against the compromise for that reason. I repeat that I think in terms of principle and dollars the decision ought to be made now, adequate pay given for the duties performed, and no perception and no possibility of impropriety through the honoraria route is concerned. I would far rather we had done our duty out here today and have this matter behind us. As it is now, it still sits out there in front, and I will repeat my prediction: The cap on honoraria will be nonexistent next year.

Mr. GARN. Mr. President, will the Senator yield for a question?

Mr. WEICKER. Yes; I will yield for a question.

Mr. GARN. I only ask the question out of consideration for some of our colleagues on both sides of the aisle.

The reason for putting that particular delay is, this is the third year the honorarium cap has been off. In 1981, 1982, and 1983, despite the press which many times says we did it quietly, there were four record votes on the issue over those 2 years, and this came as a surprise. People thought the issue had been settled on four different occasions.

There are some people who have made commitments—not this Senator as far as this year, but there are some great difficulties on both sides of people who have made commitments—one Senator has just purchased a home on the basis of a certain amount of income.

I hope the Senator will realize that the delay until January 1 might let people go on the assumption they started this year to give a little planning time for some of them, and that is the reason for that particular request.

Mr. WEICKER. In response to the point the Senator raises, which is a valid one, that is why the amendment I proposed this morning, both the increase in pay to $100,000 and the prohibition on honoraria, came into play immediately upon enactment of that law. Therefore, whatever they lost in terms of honoraria commitments they could not make, they would have picked up on the salary side, at least to some degree.

What bothers me is, I know that come January 1984, everybody is going to be agonizing all over this floor again. I was just hoping today we could put the matter to rest, and I think if we put it to rest in that fashion, this would result in there not being any criticism. As it is, believe me, the point I brought to the attention of my colleagues is not going to be missed out there with the public.

Mr. GARN. The Senator is correct. All he needed were 47 more votes.

Mr. WEICKER. I admit it, from the time I proposed it to the time I suffered my defeat, the votes were not there. But sometimes the numbers of the votes really have very little to do with the rectitude of legislation.

WITHHOLDING TAX ON INTEREST AND DIVIDENDS

Mr. DOLE. Mr. President, while we are waiting, I am willing to speak without any charge about another matter that is going to be coming up later this afternoon, and that is the action on withholding.

I guess we could probably dispose of that rather quickly. As far as I know, there will be a vote on the committee amendment and then, hopefully, there will not be any amendments offered if that is accepted, and then a vote on final passage.

I know a number of Members who have longtime commitments, some even out of the country. So I would say that, as soon as we can dispose of this, we will move on very quickly to repeal withholding. I even have a letter from the American Bankers Association supporting our compromise position.

I have thought about hiring their PR firm to handle this honoraria problem. I think they could probably take care of it.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1410 of the Senator from Washington. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. HART), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of illness.

The PRESIDING OFFICER (Mr. WARNER). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—49

Andrews	Gorton	Packwood
Baker	Hatch	Percy
Bentsen	Hatfield	Quayle
Bingaman	Hawkins	Randolph
Burdick	Jackson	Roth
Byrd	Kassebaum	Rudman
Chafee	Kennedy	Sarbanes
Chiles	Lautenberg	Stafford
D'Amato	Laxalt	Stennis
DeConcini	Long	Stevens
Denton	Lugar	Thurmond
Dole	Mathias	Tower
Durenberger	Matsunaga	Trible
Eagleton	Melcher	Tsongas
Garn	Metzenbaum	Wallop
Glenn	Moynihan	
Goldwater	Murkowski	

NAYS—47

Abdnor	Ford	Mitchell
Armstrong	Grassley	Nickles
Baucus	Hecht	Nunn
Biden	Heflin	Pell
Boren	Heinz	Pressler
Boschwitz	Helms	Proxmire
Bradley	Hollings	Pryor
Bumpers	Huddleston	Riegle
Cochran	Humphrey	Simpson
Cohen	Jepsen	Specter
Danforth	Johnston	Symms
Dixon	Kasten	Warner
Dodd	Leahy	Weicker
Domenici	Levin	Wilson
East	Mattingly	Zorinsky
Exon	McClure	

NOT VOTING—4

Cranston	Inouye
Hart	Sasser

So Mr. JACKSON's amendment (No. 1410) was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER and Mr. JACKSON addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, there are no amendments in order now—I am sorry. There is another step to be taken. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, I move to recommit H.R. 3069 with instructions to report back forthwith containing all amendments thus far adopted with the exception of amendment No. 1330.

Amendment No. 1330 was the amendment that was adopted which put a 30-percent ceiling on all honoraria. There is no need for the amendment, and it should not be included in the bill lest there be confusion in the conference. I was the author of that amendment. The amendment is included in effect in the amendment that was just adopted. It is the 30-percent provision.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Now, Mr. President, I report the bill back to the Senate.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

The Senate resumed consideration of the bill.

Mr. HATFIELD. Third reading.

The PRESIDING OFFICER. There are no amendments after third reading.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 1411

(Purpose: To clarify treatment of honoraria paid on behalf of a Member to a charitable organization)

Mr. DOLE. Mr. President, I have a technical amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 1411.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 82, immediately before line 4, insert the following:

(a) Subsection (b) of Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i(b)) is amended to read as follows:

(b) Any honorarium, or any part thereof, paid by or on behalf of an elected or appointed officer or employee of any branch of the Federal Government to a charitable organization shall be deemed not to be accepted for the purposes of this section.

Mr. DOLE. Mr. President, the amendment of the Senator from Washington provides, very properly, that honorarium paid by or on behalf of a Member to a charitable organization shall be deemed not to be accepted for the purpose of the honoraria cap. A little history and clarification may be in order on this.

The Senator from Kansas was concerned about this area a few years ago, and offered an amendment which was adopted by the Congress that if an honorarium paid to a person is paid instead at his request to a charitable organization, it is not honoraria for purposes of the pay cap—but only if the Member provided a list of five or more charitable organizations to the payor, and the payor was allowed to select from among those five organizations.

Experience has shown that there is really no good reason why we have to go through the facade of selecting five charities. Furthermore, since we would be entitled to take a charitable contribution for this up to the limits found in section 170 of the Internal Revenue Code—we also have to declare it as income—problems in substantiation would arise if the sponsoring organization did not make clear the designee. The Senator from Washington has addressed this by simply leaving out reference to the "pick five charities" scenario.

By amending section 323 of the Federal Election Campaign Act of 1971 so that it tracks with the language used by the Senator from Washington, it will be clear that the "five charity" scheme is no longer required, either for Members, or for all those covered by the campaign act.

Mr. JACKSON. Mr. President, may I say that I support the amendment. It is purely a technical amendment and what is required at the present time is not at all necessary. This amendment relates to the question of making a charitable donation of an honorarium without having to go through a list of five designees from which the charity would have to be selected.

Mr. HATFIELD. Mr. President, the committee supports the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

Mr. HATFIELD. The amendment has been discussed and described. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1411) was agreed to.

Mr. BAKER. I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. Mr. President, I intended to offer an amendment concerning unearned income, and solely at the request of the majority leader and my respect for him I will not. But I want this Chamber to know that it will be offered another day on another bill. We have never seen the Senate at its worst than we have in the last week, Senators so concerned about their own individual positions in their own States that they are not willing to let us be judged by our own colleagues. The whole procedure is incredibly offensive to me and brings discredit on this body for the way we have acted. There is a great double standard.

I repeat, I only voted for this compromise for one reason only—because the majority leader asked me to. It is not proper, and it is out of personal friendship and respect for his leadership that I do not offer this amendment. But we will discuss unearned income another day, and the rich boys will have an opportunity to see if they want to limit their income as they have imposed on us who were not fortunate enough to either inherit great wealth or have businesses before we came here.

Mr. TOWER. Will the Senator yield?

Mr. GARN. I would be happy to yield.

Mr. TOWER. I had intended to offer an amendment, and at the behest of the leadership I will not, but I join my distinguished friend from Utah in saying that this matter of unearned income will come up again. We have established a double standard, one that holds, I guess, that wealthy men are incorruptible but those of modest means are very corruptible, indeed.

Now, that is precisely what we said in the way we have legislated. I believe the Senator from Utah has in mind perhaps limiting the income of all Senators in excess of 30 percent of their salary. That seems eminently fair. What is going to happen is that inflation is going to overtake what the Congress is institutionally capable of doing to keep their income at a rate that will prevent serious attrition on their income to sustain themselves. I hope that we will at some point have the nerve to deal with this matter honestly. I do not suspect that will be in the near future, but in fact what we must remember is that Members of this body have lost purchasing power over the years, not gained it but lost it. We actually had more purchasing power when we were making $27,500 than now.

We are fast becoming a body in which only the very affluent can serve. Is that what the American people want? I say we should have affluent people in the Congress of the United States, but we should have those that come out of professions like

teaching or the clerical profession or any other, where the remuneration is not great and there has been no opportunity to accumulate wealth if we are to have a balanced body. We are going in the direction of a Congress of wealthy men.

Mr. JACKSON. Mr. President, several Senators have asked me questions personally involving matters of interpretation concerning my amendment on pay and honoraria. In an effort to clarify the intended purpose and effect of my amendment I would like to made a few additional remarks.

First let me say that my amendment, if it becomes law, will exist side by side with provisions of the Federal Election Act relating to honoraria. As I understand it, the principal remaining provision of the Federal Election Campaign Act relating to honoraria is the $2,000 per appearance limitation. That limitation and exceptions for honoraria donated in whole or in part to qualified charitable organizations would continue to exist. I would point out that for the purposes of my amendment there is a separate section which provides that honoraria donated by or in behalf of a Member to a qualified charitable organization do not count toward the overall cap on the aggregate amount of honoraria established by my amendment. Under my amendment honoraria donated by or on behalf of a Member to a qualified charity pursuant to the terms of my amendment would not count toward the cap regardless of whether they may be deemed accepted by the Member for purposes of the Federal Election Campaign Act because the Member did not follow the procedure described in 2 U.S.C. 441i(b) of providing the donor with a list of five charities from which the donee charity may be selected. An honoraria might be "accepted" for purposes of the Federal election law because the list of five procedure was not followed but it would not count toward the aggregate cap on honoraria in my amendment because of the specific language of subsection (c) of my amendment which states that honoraria donated by or on behalf of a Member to a qualified charity are not "accepted" for purposes of the aggregate cap. The definition of "accepted" in the Federal election law simply does not apply to my amendment but it would continue to exist and apply to the Federal election law provisions.

I would note that if the Conference Committee accepts Senator DOLE's technical amendment, the procedure described in 2 U.S.C. 44li(b) would be modified so that honoraria would be deemed not accepted if they ultimately were donated to a qualified charity. There would no longer be the requirement that the recipient provide the donor with a list of five charities from which the ultimate donee may be selected by the payor of the honorarium.

Second, let me say that because my amendment does not incorporate any penalty provisions I think that the issue of enforcement of the limitation on honoraria by an executive branch agency is moot. It is my intent that each body—the Senate and the House—would each enforce the provisions of my amendment through their own internal mechanisms.

I understand that Senate Resolution 338, 88th Congress provides at section 2 certain duties to the Select Committee on Ethics, including at subsection (a)(3) the duty to recommend to the Senate by report or resolution such additional rules or regulations as the select committee shall determine shall be necessary or desirable to assure proper standards of conduct by Members of the Senate and by officers or employees of the Senate in the performance of their duties and the discharge of their responsibilities. Senate Resolution 110, 95th Congress, which amended Senate Resolution 338 provided at section 206 that the select committee is authorized to issue interpretive rulings explaining and clarifying the application of any law, the code of official conduct, or any rule or regulation of the Senate within its jurisdiction.

I believe that these provisions would operate to give the Select Committee on Ethics authority to interpret and enforce the provisions of my amendment and to adopt any rules or regulations necessary to do so.

While I cannot say just how the Ethics Committee may interpret this amendment in any specific instance, I do want to make it clear that it is not my intent in proposing this amendment that there is any need to change the present honoraria regulations in any substantive way. They were promulgated by the Federal Election Commission in accordance with its understanding of the intent of Congress and that interpretation was upheld by Congress when it reviewed and approved those regulations. All of those subject to the current law have become familiar with the interpretations set forth in the present regulations and have become used to working within those guidelines. In view of these circumstances. I would expect that any regulations proposed by the Ethics Committee would be substantially the same as those in effect under current law.

Mr. HATFIELD. Third reading.

FEDERAL COAL EXCHANGES

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, I have an explanation and colloquy I want to engage in. It will take about 3 or 4 minutes.

Mr. President, I am very concerned about several proposed Federal coal exchanges currently under review between the railroads and the United States through the Department of the Interior. These are land-grant railroads in the West, and the exchange of coal lands are to block up the alternate sections of coal lands owned by the railroads and the Federal Government. One of the exchanges is the so-called Meridian exchange which is in McCone County, Mont.

The question of Federal coal exchanges becomes a controversial issue that raises a number of legal questions as to whether such exchanges comply with existing Federal policies.

The crux of my concern is whether the Government should carry out exchanges of coal between railroads and the Department of the Interior. Section 2(c) of the Mineral Lands Leasing Act expressly prohibits railroads from acquiring Federal coal leases. While I realize that this section does not explicitly prohibit coal land exchanges with railroads, I believe that the intent of the section is very clear. As a matter of public policy, the Congress decided under 2(c) of the Minerals Lands Leasing Act that railroads would not be able to mine Federal coal.

The obvious reason is that it is public policy that the railroads be prohibited from both mining and selling coal and also transporting coal, because it makes for a monopoly that is contrary to the public interest and violates sound antitrust policies.

Mr. Coldiron, Solicitor of the Department of the Interior, has ruled that under section 206 of the Federal Land Policy and Management Act of 1976, the Secretary is authorized to dispose of coal, and title to the lands containing it, through exchange.

Mr. Coldiron tells me that the Department of the Interior will not move or make a decision on the Meridian Coal Exchange in Montana for several weeks. The reason is that they want to establish their own thinking on whether or not there should be restraints on whether, once the land is traded, the railroad could actually mine and sell the coal, in competition to coal companies. Under current law acquiring Federal coal leases is prevented by section 2(c). The swapping of coal lands can be seen as a way to get around that prohibition. The Union Pacific and Santa Fe railroads have similar swaps pending.

I believe it behooves Congress to take note of this action that is developing and to review what we think should be public policy on coal that is swapped to railroads.

I ask the chairman of the Committee on Energy and Natural Resources

whether he feels that hearings might be in order for possible consideration of legislation that might develop at those hearings to establish policy to prevent railroads from gaining control of Federal coal in this way to mine and sell coal and transport it forming a monopoly harmful to competition.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. MELCHER. I am delighted to yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, the Senator from Montana has a justifiable concern with respect to the land and natural resources management decision that affects lands within his State.

The Senator correctly states that section 2(c) of the Mineral Leasing Act prohibits railroad companies or their wholly owned subsidiaries from bidding on Federal coal on either Federal lands or where they have a mineral interest. That question has been the subject of hearings and some preliminary deliberations by the Committee on Energy and Natural Resources last year, but we have not conducted any such hearings this year.

The issue of the exchange is not exactly the same, because FLPMA does permit, under its terms, the exchange of lands and mineral rights. Under current law, if that exchange were completed and the ownership of coal thus consolidated in the hands of a single owner, as the exchange would do, that coal could be mined, even though it was mined or owned by a railroad company or its wholly owned subsidiary.

So from my perspective, at least, I think the Department is certainly on sound ground so far as the legality is concerned. I believe that, from my standpoint at least, they are correct on the policy question. Section 2(c) does not directly affect it. So we do have a policy consideration which is wholly appropriate for Congress to address.

I think that if we can arrange the opportunity in a timely manner, the Senator is fully justified in bringing that to the attention of the Senate and to the attention of the Committee on Energy and Natural Resources. I will work with him in order to try to get that opportunity in a timely manner.

Mr. MELCHER. I thank my friend from Idaho, the chairman of the Committee on Energy and Natural Resources.

Mr. President, Congress does need to clarify its policy on Federal coal land exchanges. The Secretary of the Interior should impose conditions on patents which would prohibit railroad companies from mining the coal themselves. Instead, railroad companies could lease or sell coal to nonrailroad coal companies. The whole issue should be reviewed by Congress.

The granting of a large number of exchanges promotes a situation whereby western railroads are allowed to use their monopoly over transportation and their vast coal holdings to compete unfairly with other coal producers.

I believe having a series of committee oversight hearings on the land exchange issue would be beneficial at this time, prior to any action by the Secretary of the Interior on the pending coal land exchanges.

SUPPLEMENTAL APPROPRIATIONS, 1983

The Senate continued with the consideration of H.R. 3069.

Mr. DOMENICI. Mr. President, I commended the distinguished chairman of the Appropriations Committee (Mr. HATFIELD) when this fiscal year 1983 appropriations bill was reported by the committee.

As reported by the Senate Appropriations Committee, this bill provided $15.7 billion in new budget authority for fiscal year 1983. Outlays associated with the new budget authority in the bill were estimated to be $4.7 billion. Together with spending actions already taken for fiscal year 1983, this placed us $1.6 billion in budget authority and $0.1 billion in outlays above the total fiscal year 1983 spending ceilings, assuming enactment of the fiscal year 1984 first budget resolution passed by the Senate. I viewed this as an acceptable overage, due to the fact that the House-passed resolution contains higher fiscal year 1983 ceilings than that passed by the Senate. It was one that could be accommodated in the budget conference.

In the past days, however, a number of amendments have been approved by the Senate that would further increase total spending in fiscal year 1983 above the Senate-reported bill levels.

Mr. President, I will vote in favor of final pasage of this fiscal year 1983 appropriations measure today, but with reservations. It is my hope that in striking a conference agreement with the House on this measure, the Senate conferees will pay heed to the need to apply fiscal restraint and that the conference agreement will be more in line with the spending levels contained in the Senate-reported bill.

Mr. President, I ask unanimous consent that two tables showing the relationship of the Senate-reported bill, to House Concurrent Resolution 91, as passed by the Senate, and the President's budget request be printed in the RECORD at the conclusion of my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

H.R. 3069, FISCAL YEAR 1983 SUPPLEMENTAL AS REPORTED IN THE SENATE COMPARED TO H. CON. RES. 91, AS PASSED BY THE SENATE

[Spending totals in billions of dollars]

	Budget authority	Outlays
H. Con. Res. 91 as passed by the Senate	875.9	807.3
Current level consistent with assumptions and estimates in H. Con. Res. 91 as passed by the Senate	865.2	806.2
Amount remaining	10.8	1.1
H.R. 3069 as reported in the Senate	15.7	4.7
Less offsetting receipts affected by appropriation action	−2.3	−2.3
Less items already in current level	−1.2	−1.4
Plus entitlements not fully funded in reported bill	+0.2	+0.2
Total bill with adjustments	12.4	1.2
Amount over resolution assuming enactment of H.R. 3069 as reported in Senate	+1.6	+0.1
Amount remaining assuming enactment of H.R. 3069 as passed by the House	−7.9	−0.1
Senate-reported bill over (+) under (−) House-passed bill	+9.5	+0.2

Note.—Details may not add to totals due to rounding.

H.R. 3069, FISCAL YEAR 1983 SUPPLEMENTAL AS REPORTED IN THE SENATE COMPARED TO H. CON. RES. 91, AS PASSED BY THE SENATE

[Credit totals in billions of dollars]

	New direct loan obligations	New loan guarantee commitments
H. Con. Res. 91 as passed by the Senate	55.4	94.5
Current level consistent with assumptions and estimate in H. Con. Res. 91 as passed by the Senate	54.1	94.6
Amount current level over (+) under (−) H. Con. Res. 91	−1.3	+0.1
H.R. 3069 as reported in the Senate	0.9	5.1
Amount over (+) under (−) resolution assuming enactment of H.R. 3069 as reported in the Senate	−0.4	+5.2
Amount over (+) under (−) resolution assuming enactment of H.R. 3069 as passed by the House	−1.0	+0.2
Senate-reported bill over (+) under (−) House-passed bill	+0.6	+5.0

Note.—Details may not add to totals due to rounding.

ROCKY MOUNTAIN LAB

Mr. BAUCUS. Mr. President, the committee report for this supplemental appropriations bill includes language that directs the National Institutes of Health to continue funding research at the Rocky Mountain Laboratory in Hamilton, Mont. I asked the committee to include this language because the President's private-sector survey on cost control, also known as the Grace Commission, has made a preliminary recommendation that the lab should be closed.

I completely disagree with that recommendation.

The Rocky Mountain Lab has been an important biomedical research facility for many years. The cause of Rocky Mountain spotted fever was discovered there after years of research, for instance. However, the lab is not resting on its laurels. Important research breakthroughs have been made recently in diseases like lyme disease, an inflammatory arthritis that afflicts many Americans, especially during the summer months.

In addition, the National Institute of Allergy and Infectious Diseases

(NIAID) has recently announced that the new push to research acquired immune deficiency syndrome, or AIDS, will be centered at the Rocky Mountain Laboratory. This move clearly contradicts the conclusion reached by the Grace Commission evaluators that NIAID considers the lab an inferior facility.

Mr. President, one thing about the Grace Commission's report particularly bothered me: the assumption that quality scientific research can only be done in large urban areas. The record of the Rocky Mountain Lab during this century contradicts that assumption. And with recent developments in computers and communication technologies, it is clear that remote scientific laboratories are more practical every day.

I have discussed this situation with Dr. Richard Krause, the director of NIAID. He has assured me that he fully supports the continued operation of the Rocky Mountain Laboratory, and he has provided evidence that contradicts both the negative evaluation of the lab and the estimated savings to the Government of closing it.

My staff also met with staff of the Grace Commission to discuss their recommendations. I do believe that the commission is acting in good faith to help the administration find ways to improve Federal operations and save money. But I also believe that in this case the commission's evaluation and recommendation is wrong, and I have urged commission members to reconsider this recommendation.

Mr. President, I ask unanimous consent that the letter sent by me and my distinguished colleague Representative PAT WILLIAMS be printed in the RECORD.

I have received letters from distinguished scientists and researchers from around the country in support of the important work being done now at the Rocky Mountain Lab. I ask unanimous consent that the following letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 6, 1983.

Mr. J. PETER GRACE,
Chairman, Executive Committee, President's Private Sector Survey on Cost Control in the Federal Government, Washington, D.C.

DEAR MR. GRACE: We disagree with the recommendation made by the HCFA and PHS Task Force of the President's Private Sector Survey to close the Rocky Mountain Laboratory in Hamilton, Montana.

We are particularly offended by the assumption made by the Task Force that scientific research should be restricted to large urban areas, or "centers of excellence operating in close concert with academia or like private sector endeavors." In fact, current trends nationwide indicate that facilities like the Rocky Mountain Lab are becoming more practical and more feasible all the time. With the development of nationwide computer networks, researchers at research centers and universities can communicate with each other almost instantaneously. Scientists at opposite ends of the country can collaborate on projects and papers without leaving their offices.

In the past five years, the federal government has made significant investments in the Rocky Mountain Laboratory to upgrade the facilities and personnel. Research efforts are expanding and continuing. This investment would be lost if the Laboratory were closed.

When doing a cost survey, we think you must also consider the costs of achieving savings from closing a facility. The economic impact on the Hamilton area from closing the Lab would be catastrophic. It would affect far more people than just the scientists who would lose their jobs or be relocated. While this may not be a factor considered by the Commission, it is certainly one that will be considered by Congress.

We ask that the Subcommittee reconsider the recommendation contained in the draft report. This center, "remote" though it may seem to analysts on the East Coast, is an important research center which produces and inspires important scientific research.

We will do everything in our power to keep funding intact for the Rocky Mountain Lab, because we believe that it is a worthwhile operation. If the Commission wants to suggest ways to improve the Lab and operate it more efficiently, we would welcome those recommendations. We hope we can work together on this matter.

Sincerely,
Congressman PAT WILLIAMS.
Senator MAX BAUCUS.

THE NATIONAL FOUNDATION FOR INFECTIOUS DISEASES,
Washington, D.C., May 19, 1983.

Hon. MAX BAUCUS
Hart Senate Office Building, Washington, D.C.

DEAR SENATOR BAUCUS: The National Foundation for Infectious diseases has received word of the recommendation of the Private Sector Task Force on Cost Control regarding the Rocky Mountain Laboratory (RML) in Hamilton, Montana. We take strong issue with a number of the Task Force findings on the following grounds:

1. The RML is well known in the scientific community for its contributions to infectious disease research including, of course, Rocky Mountain Spotted Fever. The Laboratory, because of its location—not in spite of its location—is an attractive place for many scientists who prefer it as a place to live and work.

2. Because of lower cost-of-living in Montana, it should be less costly for NIAID to attract personnel and promote research at RML.

3. Over recent years, the median age of scientists at the RML through retirements and new appointments has been lowered. An opportunity has been appropriately utilized for adding new talent and vigor to the scientific staff.

4. Isolation (quarantine) has always been a sensible precautionary measure in dealing with pathogenic agents. Since Fort Detrick has been converted to a cancer research center, the RML becomes proportionately more valuable as a national resource for infectious disease research.

We hope that the Task Force recommendation that RML be closed can be reconsidered. The Foundation stands ready to provide expert testimony through infectious disease experts from across the nation. We want to be constructive and hope that you will call on us.

Sincerely,
ROBERT F. ACKER,
Executive Director.

THE UNIVERSITY OF UTAH, COLLEGE OF MEDICINE, DEPARTMENT OF CELLULAR VIRAL AND MOLECULAR BIOLOGY,
Salt Lake City, Utah, May 11, 1983.

Senator MAX BAUCUS,
Federal Building, Helena, Mont.

DEAR SENATOR BAUCUS: I have recently learned that a subgroup of the President's Private Sector Survey on Cost Control had occasion to briefly visit the Rocky Mountain Lab (RML) of the National Institutes of Health, and as a result of that brief visit by two members of the survey group it was proposed the lab be closed. I have not read the original report of the subgroup, but I have read the NIH comments on the in report which were largely drafted by Dr. Kenneth Sell of NIAID. I find the conclusions of the Task Force members inaccurate, uninformed and unrealistic, (HHS-PHS8-2) I am in complete agreement with the NIH summary.

First, the RML has been reviewed in depth twice in the last four years. These reviews were conducted by knowledgeable biomedical scientists of international stature from Yale, Harvard, Cornell, Rockefeller Univ., Texas, Walter Reed, etc. Their conclusions and recommendation overlapped very little with those of the Task Force, and their perception of the research achievements of the senior staff (Drs. Chesebro, Swanson, Philip and Garon) and the reorganization of RML under Drs. Krause and Sell, was that RML should be commended and sustained.

The Task Force commented that RML would have difficulty in attracting and holding prominent scientists. This is clearly not true. The staff of well-established junior and senior scientists speaks for itself. We here at the University of Utah Medical School interact frequently and productively with the RML staff. The community of scholars interested in infectious diseases was well aware of the stellar work of a junior staff member at RML in solving the cause and epidemiology of Lyme arthritis.

The Task Force statement that there has been no substantial increase in the number of scientists at RML over the past five years is indeed sadly accurate. Over the past several years funding for biomedical research has suffered severe set backs. These restraints have affected RML and the entire biomedical community. This is despite major advances, or more accurately explosions, in the areas of biomedicine, bioengineering, genetics, etc. The United States has been without question the leader in these advances, but that advantage will quickly dwindle if we fail to recognize and support our important national strengths.

During my formative years I spent three years at NIH which was then a facility unique in the world. The staff of dedicated scientists was truly outstanding. Because of the recent withdrawal of solid consistent support, the staff at NIH is being severly eroded and in parallel the number of MD's seeking careers in research is down by 95 percent!

I urge you to take a strong rational approach to correct what I perceive as a disastrous government policy to diminish support for biomedical research a policy reflected in this recent proposal to close RML. This area of research has always been within the public sector and has, because of adequate support, maintained a position as world-leader. I would hate to see this position eroded and our unique fund of bright creative young scientists turned away.

Thank you very much for your attention.

Sincerely,

DONALD F. SUMMERS,
Professor and Chairman.

DEPARTMENT OF MEDICAL MICROBIOLOGY, STANFORD UNIVERSITY SCHOOL OF MEDICINE,
Stanford, Calif., June 7, 1983.

Senator MAX BAUCUS,
SH-706, Hart Office Building,
Washington, D.C.

DEAR SENATOR BAUCUS: I am writing you with regard to the President's Private Sector Survey on Cost Control; reference recommendation HHS-PHS 8-1, which suggests closure of the Rocky Mountain Laboratories (RML), a component of the National Institute of Allergy and Infectious Diseases, NIH. I believe that implementation of this recommendation would not be in the best interest of the nation. The RML has provided a nucleus of strong research effort for a variety of important health problems. There is no question that the RML is the major national health resource for research on tick-borne diseases. This was shown once again recently by the discovery of the Lyme arthritis agent by RML scientists. Moreover, during the past few years the scientific staff of the RML has grown considerably in its interest and international stature. The RML now conducts very strong research programs dealing with sexually-transmitted diseases, the slow viruses and their relation to neurological disorders, autoimmune diseases, and basic mechanisms of vital and bacterial infections of man and livestock.

It is important, I think, in considering the viabililty of the RML to consider the consequences of its closure on our national research efforts towards conquering infectious diseases. Modern medical research requires a multi-disciplinary approach towards unravelling a problem. One requires the concerted cooperation among bacterologists, virologists, physicians, epidemiologists, immunologists, biochemists and geneticists. The RML has this mixture of expertise and they can effectively approach a number of research problems on several fronts simultaneously. If you disband this group of investigators, it cannot be easily duplicated. It seems unlikely to me that the Bethesda campus can accommodate so large a group of scientists at this time. Transfer of the Universities would be costly and I doubt very much if any single institution could accommodate the large number of experts that would be displaced by closing the RML. In essence then, years of investment would be lost. The research problems would remain. No suitable effective alternative would be provided.

I perceive the recommended closure of the RML as a highly disruptive action that would seriously hinder our national research effort towards understanding better the nature of infectious diseases, immunological disorders and the prevention of disease. I hope you will study this issue and come to believe, as I do, that the recommendation to close the RML is not in the best interest of the nation.

With every best wish,

Sincerely,

STANLEY FALKOW,
Professor and Chairman.

Mr. BAUCUS. I am grateful to my colleagues on the Senate Appropriations Committee for including the report language I requested. The Grace Commission recommendation is, of course, only a recommendation. The administration has not proposed any change in the status of the lab or its funding. However, this preliminary recommendation has had a profound effect on morale among scientists and other employees of the Rocky Mountain Lab, and has also caused much consternation in the community.

And, this preliminary recommendation threatens the ability of NAIAD to recruit top scientists to work at RML. One top professional from a major university had intended to come to RML next year but in light of what he perceives as RML's uncertain status, he has at least temporarily withdrawn.

I realize that this appears to be a small matter which only affects my State. But I think the basic assumption made by the commission, that a remote scientific facility is not viable, is of great national import. I think we in Congress should be more attentive to the pervasiveness of this assumption when funding national programs. The States that lie between the two coasts have a great deal to offer. We need not limit our pursuit of academic or scientific excellence to concentrated urban centers.

Again, Mr. President, I thank my colleagues on the committee for their assistance in this matter.

Mr. GRASSLEY. Mr. President, as with most appropriations bills, and specifically supplementals, there are some desirable elements and some not desirable, from the standpoints of necessity and fiscal restraint.

In the case of this supplemental, it is once again a budget-busting measure. Though it only modestly transgresses the Senate-passed budget ceiling for fiscal year 1983, it transgresses a ceiling which was already much too high and which I did not support. Furthermore, the manner in which that ceiling was established was hardly equitable.

Since the beginning of this year's budget process, and carried over from last year's process, I have argued for an across-the-board freeze of Federal spending. There are two compelling reasons why a spending freeze is desirable. First, only dramatic action by Congress will have the kind of impact on the budget that is necessary to correct its critical state. And second, such dramatic action can be achieved only if the Congress is willing to display the moral leadership necessary to win the support of the American people. And that moral leadership can only come from Congress demonstrated willingness to deal fairly with all elements of the budget.

Absent an across-the-board budget freeze, it is my belief that meaningful spending restraint cannot be accomplished, and that a budget resolution is more difficult to achieve. In such an event, Congress would continue to display timidity and lack of resolve.

Beyond the fiscal impact of this bill, Mr. President, there is a more fundamental reason to oppose it. It is the same reason why I have generally opposed supplemental bills throughout my political career. And that is the question of discipline.

As a member of the Budget Committee, my responsibility includes more than setting budget guidelines and seeking confinement to those parameters. It includes attempts to institute structural changes in the process of budgetmaking. My efforts on the Budget Committee have been to heighten the awareness of the importance of long-term consequences resulting from present-day decisions. The Budget Committee and the Congress must make better use of historical spending data which would give us better insight into what might be a more realistic estimate of the costs of Government programs. With more realistic estimates, a more disciplined yet flexible budget could be constructed, and there would be less of a need for supplemental bills, except in cases of true emergencies.

Finally, supplemental bills are a disincentive to budgetary discipline. As long as supplementals are the rule rather than the exception, the decisions we make during the budget process become meaningless.

The Congress needs to establish institutional disincentives to ignoring budget decisions and passing supplementals. For instance, recissions of equal dollar amounts could accompany emergency supplementals. It is a well-known fact in this town that bureaucratic pressure to spend money rather than save it is enormous. There is no reason why recissions cannot accompany supplementals.

Structural changes to the spending process can accomplish only so much of its desired goal. The real driving force behind disciplining the process is the will to do it. Without will, the best of intentions and reforms rarely bear fruit. My opposition to this bill and other supplementals is in the spirit of establishing a common will to invoke discipline in the budget process.

● Mrs. KASSEBAUM. Mr. President, a comparison of the Senate and House appropriations committee reports on H.R. 3069 shows that the House recommended a prohibition against any security assistance to Guatemala due to that Government's human rights violations. The Senate Appropriations Committee, on the other hand, while

agreeing to the zero level recommended by the House for Guatemala, did not recommend prohibiting any of the ESF funds in the bill for that country. The Senate, therefore, would allow possible reprograming of these funds for Guatemala. As a member of the Foreign Relations Committee, I would like to speak to the decision of the Appropriations Committee.

I have not been supportive of military assistance to Guatemala. It has not been clear to what uses such aid would be put by repressive elements in the Government there. Indeed, I continue to have these concerns. Although the levels of violence in Guatemala have decreased dramatically, compared to last year, nevertheless killings, disappearances, torture, and other abuses continue, and the human rights situation cannot be considered to be acceptable.

At the same time, the Rios Montt government has taken important steps that may help to stimulate a political process in Guatemala and open avenues for orderly change. Among the most relevant are the following:

The creation of an independent and autonomous Electoral Tribunal, whose members have been chosen by the Supreme Court of Justice from a list of candidates provided by a nomination committee. The members of the new Electoral Tribunal are highly respected citizens and distinguished attorneys. Their selection lends credibility to the electoral tribunal.

The renewal of the system of registration of voters. New identity cards will be issued to every Guatemalan citizen. Records of the previous system were destroyed in many rural villages by terrorist attacks. Also, the thousands of false identity cards that made frauds possible in the past will now be useless.

The lifting of the state of seige, effective since March 23, 1983.

The new regulations which have been enacted for the organization of political parties. The new regulations have eased the requirements for the organization of political parties. This move is designed to stimulate the emergence of new political organizations. The Government has declared, furthermore, that Socialists and Communists are welcome to participate in the political process.

The announcement that elections of a Constituent Assembly will be called for next March 23, 1984.

Although Guatemala is far from reaching a political climate that we in the United States would consider to be free and open, the above efforts are impressive and should be encouraged. I would like to commend those in Guatemala whose dedication has made possible this progress toward a political climate which would make national reconciliation possible. In addition, I hope that other Members will speak out to convey strong support for these efforts now when it matters. Soon, it may be too late to prevent escalation of today's violence into full-scale civil war such as we are seeing in El Salvador.

Among future developments which I would welcome are the following three:

First, strong efforts to improve human rights, with special attention to violations by the civil patrols. In recent weeks, distressing violence has occurred. There have been unconfirmed reports of a massacre in El Quiche last May, where reportedly close to 100 persons were killed. In addition, a Christian Democratic leader, Mr. Benito Morales Mul—former mayor of Cantel, Quetzaltenango—was kidnapped on May 19, with his brother and son. The three were found dead on the following day. These and other deplorable incidents may develop into a new wave of violence unless strong measures are taken now.

Second, although March 23, 1984, has been named as the date for elections of a Constituent Assembly, no date has been discussed for Presidential elections. The date for Presidential elections should be announced soon in order to dissipate the present uncertainty and confusion and permit political parties to make their plans.

Third, as advocated by many responsible lawyers and leaders from other sectors in Guatemala, the special tribunals should be ended. The existence of the special courts has been opposed by the Guatemalan Bar Association, by political parties, and by popular organizations. The practice of having secret judges conduct secret proceedings is abhorrent and uncivilized. Other ways, that can guarantee due process of law, should be devised to deal with the problem of the security of judges.

Such steps as the Guatemalan Government might take in these three areas should certainly be considered in connection with future requests for reprograming of ESF funds. In conclusion, let me say again that I commend the Guatemalan Government for its recent attempts to move toward a nonviolent reconciliation of disputes there. Additionally, I believe that the recommendation of the Senate Appropriations Committee not to prohibit aid to Guatemala is an appropriate acknowledgment of these good faith efforts by the Rios Montt government.●

Mr. GORTON. Mr. President, it is with extreme reluctance that I register my opposition to this bill, both because of the important social and physical needs which it addresses and because of the Appropriations Committee in crafting it and managing it on the floor. The distinguished senior Senator from Oregon has also fought skillfully against floor additions to the bill, sometimes successfully and sometimes not. I also appreciate the commitment of the distinguished chairman of the committee to attempt to reduce, or hold to its present levels, the spending allowed by this bill as he leads the Senate conferees in negotiating with the House of Representatives.

Nevertheless I am constrained to vote against the entire bill by reason of its impact on the budget.

The question before us is fundamentally one of fiscal self-discipline.

Let us review the facts. If this measure passes, budget authority for fiscal year 1983 will exceed the level to which the Congress agreed in last year's second budget resolution by some $60 billion. Even before consideration of this bill, we had exceeded the target of that resolution by some $46 billion, to which this bill adds approximately 30 percent.

I recognize, obviously, that much of this increase in budget authority is justified. The social security reform measure, the Surface Transportation Act, and the emergency jobs bill were all measures for which I voted, however reluctantly in the last case. Even so, there comes a time at which we must decline to spend money which we do not have.

Perhaps more alarming is the proposition that this bill adds some $2 billion in budget authority for fiscal year 1983 to the level to which the Senate agreed only a few weeks ago in Senate Concurrent Resolution 27, the current budget resolution.

The problem faced by every Member of Congress is not that the items addressed by this bill are unworthy of the attention of Congress and of Federal spending. With relatively few exceptions, they all have highly worthy social or physical goals. Nevertheless, they can be financed only by borrowing and by adding to an already huge and almost uncontrolled Federal deficit. That borrowing, in turn, places heavy pressures on interest rates, rates which ceased to decline several months ago, and now are beginning to inch upward again.

Increased Federal spending, however, worthy the object, can thus contribute directly to cutting off what is now a welcome and relatively strong economic recovery. The growth, health and length of that recovery is, I must say, more important to the United States as a whole than are any of the spending programs contained in this bill. Because I fear that we are not paying enough attention to the steps which are necessary to encourage economic, growth and the creation of jobs in the private sector, and because I am afraid that this bill will be distinctly unhelpful to those goals, I must oppose it.

● Mr. RIEGLE. Mr. President, I rise to commend members of the Appropriations Committee for their fore-

sight in providing additional essential funds for the commodity supplemental food program administered by the Food and Nutrition Service of the Department of Agriculture.

I am pleased that this supplemental appropriations bill provides for a $585,000 transfer of funds from the Commodity Credit Corporation to the commodity supplemental feeding program to repay fiscal year 1982 administrative expenses incurred because for the first time donated commodities were used in the CSFP. Because of a change in the USDA's method of obtaining food items in fiscal year 1983, an unintended loss in administrative funding was incurred by several CSFP's nationwide. Detroit's exemplary program, Focus:HOPE, the largest CSFP in the Nation, incurred a staggering $431,536 operating deficit in fiscal year 1982—a deficit incurred through no mismanagement on their part and one they are finding increasingly difficult to carry. Fortunately, as a result of the effort and cooperation of Senators DOLE, HELMS, HATFIELD, and LEVIN, Congress adopted language in the emergency jobs bill (Public Law 98-8) to resolve the problem in fiscal year 1983 by changing the method used to calculate administrative funding. Senators DOLE, HELMS, and others are working in the authorizing committee to find a permanent solution to this problem—a solution I am confident we will all be able to agree upon. The $585,000 transfer provided in this bill will wipe out the fiscal year 1982 deficits for these worthwhile programs.

Also contained in this supplemental appropriations bill is $750,000 in new funds to permit Focus:HOPE to expand into Oakland and Macomb Counties, two counties which contain some of the most depressed communities in Michigan. Study after study has shown that the commodity supplemental feeding program is effective in meeting the essential nutritional needs of its participants at the least possible cost to the Government. I am gratified that Congress is providing the funds necessary to allow Focus:HOPE to expand and meet the nutritional needs of 15,000 more low-income pregnant and post-partum women, infants, and preschool children in counties where there at least 36,000 eligible recipients.

Congress has a long and impressive record of support for the CSFP and I commend the members of the Appropriations Committee and all my colleagues for voting to continue this essential support.●

● Mr. LEVIN. Mr. President, I intend to vote in favor of final passage of the supplemental appropriations bill for fiscal year 1983. I am doing this in spite of the fact that it includes an increase in the pay for Members of the Senate. I voted against such a pay increase during the debate on the bill every time an amendment to increase the pay was offered. I do not think it is responsible to give ourselves a pay increase while so many millions of our fellow citizens are still unemployed.

However, I do not think it is responsible to ignore the many essential programs which this bill finances and which are in need of funds if they are to continue. Included in this bill is money for unemployment compensation, food stamps, food for the elderly, education for the handicapped, and assistance for rebuilding Lebanon. It also includes a provision which places a moratorium for 6 months on the continuing disability reviews for all persons in the Federal disability program with mental impairment. I think that the suspension of the reviews of these persons is necessary in order for there to be time to develop reasonable and workable standards of review.

On balance, then, I support this package, even though it contains some provisions, such as the pay raise, which I oppose.●

Mr. WARNER. Mr. President, as I have done since first coming to the U.S. Senate, I will return to the U.S. Treasury every dollar over and above the salary I received when I entered the Senate in 1979. It is my intent that these funds be used to retire the national debt.

Mr. PERCY. Mr. President, I voted for the Jackson-Baker-Byrd amendment, but I did so reluctantly. By passing this amendment the Senate brings its pay scale into line with that which currently exists in the House of Representatives. Both Senators and Representatives will now be paid the same amount. In addition, a cap on outside earnings will also be reimposed on the Senate, bringing it again in line with the cap which exists in the House of Representatives.

This was a difficult decision for me because I have voted consistently since this issue was raised once again against a pay increase for Senators. I realize, however, that my colleagues here in the Senate have not had a pay raise in over 4 years. In fact, if Senate salaries were indexed for inflation, Senators salaries would be well over $100,000, by now. I know for a fact that without some pay adjustment this body would lose some of its most respected and hardest working Members out of economic necessity. The Nation would end up being the loser if this were to happen. On the other hand, I also realize that in these economic times it is extraordinarily difficult for many Americans to understand why present salaries are not sufficient for Members of the Congress to live on.

Last year the Senate decided not to take the pay raise the House voted and instead capped salaries, but lifted the cap on outside earnings. We then saw what happened. A number of our colleagues made as much, if not more, making speeches than they did as a Senator. I do not believe this practice brought much credit to this body. But, I understood fully why certain Senators felt it necessary to earn this extra money. They have families to feed, children to send through college, and two homes to maintain. I, myself, earned some honoraria last year. But, my charitable contributions have always exceeded anything I have earned making speeches.

So, Mr. President, I voted for this amendment. I did so only because I feel my colleagues deserve to be paid at this level and also because it will reimpose the reasonable limit of 30 percent on additional outside income.

For myself, however, I intend to donate the additional increase in my own salary to charities and educational institutions in Illinois. I am fortunate to have had a business career before entering public service which has provided for me and my family an adequate living without my Senate salary. I do not need this pay increase therefor. But, I also realize that other Senators do, some urgently.

The Constitution gave the Congress the responsibility for setting its own compensation. We have not handled the issue very well in the past several years. I have heard a number of plans discussed for transferring this responsibility to some other entity. I believe this is an idea worth pursuing. Our institutional gridlock on this issue I suppose reflects the uneasy economic times we find ourselves in. Perhaps, with an improved economy this function will become less difficult. I hope so. We do ourselves and this institution a great disservice by failing to face up to this issue squarely and responsibly.

Mr. STENNIS. Mr. President, before we vote, I highly commend the chairman of our Appropriations Committee. This bill and others he has handled have become almost too much of a physical burden. But he has the physical and mental ability and the willpower to deal with this subject matter, and it makes the world of difference. I thank him on behalf of all the other Members of the Senate.

Mr. HATFIELD. I thank the Senator from Mississippi for his kind remarks. He has been an able comanager of this bill and has been very helpful.

Mr. President, this bill is a prime target for a veto at this point. We are $1 billion over. We came to the floor with a bill that was $635 million over, and we have added that much to make it more than $1 billion in excess.

We will have to work diligently in conference to remove the veto threat over this bill.

As of this moment, we have spent almost 31 hours on this bill—6 days—in consideration.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of illness.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Are there any Senators in the Chamber wishing to vote who have not done so?

The result was announced—yeas 64, nays 33, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—64

Abdnor	Goldwater	Moynihan
Andrews	Hart	Murkowski
Baker	Hatfield	Packwood
Bentsen	Hawkins	Pell
Bingaman	Heinz	Percy
Boschwitz	Huddleston	Quayle
Bumpers	Jackson	Randolph
Burdick	Johnston	Riegle
Byrd	Kassebaum	Rudman
Chafee	Kasten	Sarbanes
Chiles	Kennedy	Stafford
Cochran	Lautenberg	Stennis
D'Amato	Laxalt	Stevens
Danforth	Levin	Symms
DeConcini	Long	Thurmond
Dixon	Lugar	Tower
Dole	Mathias	Tsongas
Domenici	Matsunaga	Wallop
Durenberger	Mattingly	Weicker
Eagleton	McClure	Wilson
Exon	Melcher	
Glenn	Metzenbaum	

NAYS—33

Armstrong	Gorton	Nickles
Baucus	Grassley	Nunn
Biden	Hatch	Pressler
Boren	Hecht	Proxmire
Bradley	Heflin	Pryor
Cohen	Helms	Roth
Denton	Hollings	Simpson
Dodd	Humphrey	Specter
East	Jepsen	Trible
Ford	Leahy	Warner
Garn	Mitchell	Zorinsky

NOT VOTING—3

Cranston	Inouye	Sasser

So the bill (H.R. 3069), as amended, was passed.

Mr. HATFIELD. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Madam President, I move that the Senate insist on its amendments to H.R. 3069 and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to.

Mr. BAKER. Madam President, I will not take but a moment. I want to express my deep appreciation to the chairman and the ranking minority member for the management of this supplemental appropriations bill.

When we first called it up I thought it was going to take a day or two, maybe 3 days at the most. Once more I was proven wrong. It took 6 days to take care of this matter; and as of 3 p.m. this afternoon we have spent 31 hours on deliberations on the supplemental appropriations bill.

During that time there were 21 rollcall votes, 75 amendments were considered, of which 52 were agreed to, 9 were rejected, and 9 were withdrawn.

Madam President, I think once again the Senate owes a debt of gratitude to the distinguished chairman of the Appropriations Committee and the ranking member for their excellent handling of a difficult matter.

Mr. BAKER. Madam President, may I inquire of the Chair is there an order for the Senate to proceed to the next item of business?

The PRESIDING OFFICER. There is such an order.

REPEAL OF WITHHOLDING TAX ON INTEREST AND DIVIDENDS

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2973) to repeal the withholding of tax from interest and dividends.

The Senate proceeded to consider the bill.

Mr. BAKER. Madam President, it is my hope that we can finish this bill in a fairly brief time this afternoon. It is now 10 after 3. I suggest, in order to facilitate that, that the Senate consider a unanimous-consent agreement, which I do not now make and which I would like to put Senators on notice of so they can consider, a unanimous-consent agreement that no amendment to this bill be in order except a committee amendment.

Let me explain what I think is in prospect here. Everybody knows pretty much where they stand on the dividend and interest withholding issue. This is the bill passed by the House of Representatives repealing that. To that, I expect a committee amendment will be offered by the distinguished chairman of the committee, Senator DOLE. I fully anticipate that the distinguished ranking minority member, Senator LONG, will make an effort to table that committee amendment. I do not know what the result of that effort will be. It may well be that Senator LONG will succeed in tabling the committee amendment, in which event the matter would be over.

If he does not succeed in tabling it, I hope the Senate would go immediately to the consideration of the committee amendment. But, one way or the other, I would like to see the Senate handle this matter with dispatch.

Madam President, I will not put that request at this time. I will confer further with the managers and the minority leader. But, once again, I hope the Senate would agree to the unanimous-consent request that no amendments would be in order except the committee amendment.

Mr. LONG. Will the Senator yield?

Mr. BAKER. Yes.

Mr. LONG. Mr. President, I have discussed this matter with the majority leader, and I have discussed it with the distinguished manager of the bill.

Let me make it clear that as far as this Senator is concerned, and anyone who is supporting his position, we want to vote on just one thing. We want to vote to repeal withholding on interest by voting to approve the House bill, period. Our purpose would be achieved if we could table the committee amendment.

Now if the committee amendment is not tabled, it could be subject to hundreds of amendments that could drag on for days, because it involves several different subjects, some of which contain controversial language and various provisions people might want to change. In view of the fact that there are several different provisions wrapped up in one in the committee amendment, none of which is germane to the House bill, it invites the opportunity for people to make a Christmas tree out of this bill, and that could lead to a very long discussion.

I hope that Senators would agree to the leader's unanimous-consent request. I hope he will include in his request that the committee amendment will not be subject to further amendment, because if it is going to be subject to further amendment, I may be compelled to offer amendments to it, and if I do, I feel others will feel compelled to offer amendments.

That being the case, as far as this Senator is concerned, we could settle my part of it with one vote, provided that other Senators are willing to agree to the same conditions.

Mr. BAKER. Mr. President, if the Senator would permit me, I meant

that and I did not state it very clearly. But when I said an order that no amendments would be in order except the committee amendment, I should have said no amendment except the committee amendment and no amendments to the committee amendment, so that really we have the issue sharply focused.

We spent days on this debate before. This is the opportunity to speak on this issue that I promised the Senate we would have before the 1st of July, and I do not think we need to extend it. I think we need to focus now on just that issue. I agree with the Senator from Louisiana and I hope other Senators will, also.

Madam President, I see the Senator from Wisconsin is here and on the floor. I discussed this with him previously. I hope he is in general accord with that statement of the situation.

Mr. KASTEN. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. KASTEN. Madam President, I am hopeful that the Senate will agree to the unanimous-consent request. I think we debated this issue certainly longer than it needed to be debated already. I am hopeful we can have a relatively brief period of debate, a vote up or down on Senator LONG's motion to table, and then move to final passage immediately. Any effort we can make in terms of the unanimous-consent request that would facilitate that kind of progress I would be enthusiastically in favor of.

Mr. BAKER. I thank the Senator.

Madam President, I am about to yield the floor to the chairman of the committee, who I believe is prepared to proceed. But let me say it would be my intention, then, at 3:30 p.m. to propound the unanimous-consent request that I have just suggested, absent other circumstances.

Madam President, I yield the floor.

Mr. DOLE. Madam President, I am going to send a modified committee amendment to the desk. It will contain, as outlined, in addition to compliance provisions, provisions on the Caribbean Basin, provisions on enterprise zones, reciprocity legislation, and also removal of the sunset from the mortgage revenue bond provision.

With consideration of H.R. 2973, the Senate has an opportunity to put to rest the controversy over withholding of taxes on interest and dividends and, at the same time, advance several items in the tax legislative agenda that deserve attention. I urge my colleagues to do just that by approving the Finance Committee amendment to the pending legislation and sending the bill to the House with the Senate changes.

Madam President, we have had a lot of debate on withholding. There has been a lot of misinformation about withholding. In the view of this Senator, it is good tax policy.

But, after all the debate and after all the votes, it was obvious to this Senator that we were going to lose. I think what we attempted to do then, and I believe successfully, was to try to salvage something at least on the compliance side that did have the broad support of my colleagues, hopefully on both sides of the aisle. I wish to say, on the compliance provisions that are now in the bill, the vote in the Senate Finance Committee was 15 to 1 supporting the compliance provisions.

I also suggest that I have a letter of support from the American Bankers Association, and I will be receiving a letter from the Treasury Department soon. I am told it is in the car, but I do not know where the car is.

In any event, we have a letter from the American Bankers Association supporting the compromise position. Now, let us face it, I do not know of anybody who wants people not to pay taxes they owe. That is certainly the clear statement from Mr. Kennedy of the ABA.

I will quote a portion of the letter:

The ABA continues to support the goal of improved taxpayer compliance and will work to achieve this goal with respect to interest and dividends without regard to the outcome of the contest between supporters of straight repeal and supporters of the committee amendment. The committee amendment imposes significant cost and operational burdens on financial institutions, but should result in increased compliance.

In summary, the American Bankers Association supports the enactment of title I of the Senate Finance Committee amendment (relating to interest and dividend tax compliance) modified so as to restore the 1984 effective date for back-up withholding. Our support is materially influenced by your personal commitment and that of Senator Kasten to secure prompt administrative relief from the July first starting date for withholding in order to provide a reasonable time for resolution of the differences between the House bill and the Senate amendment.

I am also advised that the National Association of Federal Credit Unions support the compromise.

Madam President, I ask unanimous consent that the letters from the American Bankers Association and the National Association of Federal Credit Unions be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN BANKERS ASSOCIATION,
Washington, D.C., June 15, 1983.

Senator ROBERT DOLE,
U.S. Senate, Hart Senate Office Building, Washington, D.C.

DEAR SENATOR DOLE: Prompt action by the Senate is necessary to avoid further public confusion over the repeal of interest and dividend withholding and to halt the unnecessary implementation of withholding procedures by corporations and financial institutions triggered by the approach of the July first starting date. The American Bankers Association is concerned that the inclusion of matters in the Senate Finance Committee amendment to H.R. 2973 that have nothing to do with taxpayer compliance or with the repeal of withholding will result in even further delay of a resolution of this issue. We take no position as to when and how the Congress addresses those other issues, except to ask that the repeal of withholding be accomplished as soon as possible. If a conference on H.R. 2973 is necessary, the Treasury must provide a blanket undue hardship exemption until the differences between the two Houses are resolved.

We understand that the committee has agreed to modify its amendment to restore the original January 1, 1984, starting date for back-up withholding provided by TEFRA. This should provide the time necessary for financial institutions to obtain correct taxpayer identification numbers for accounts where the number is missing or obviously incorrect. This will thereby avoid back-up withholding on most accounts except upon specific notification from the IRS as to individuals who fail to report interest and dividends or file tax returns.

The ABA continues to support the goal of improved taxpayer compliance and will work to achieve this goal with respect to interest and dividends without regard to the outcome of the contest between supporters of straight repeal and supporters of the committee amendment. The committee amendment imposes significant cost and operational burdens on financial institutions, but should result in increased compliance.

In summary, the American Bankers Association supports the enactment of title I of the Senate Finance Committee amendment (relating to interest and dividend tax compliance) modified so as to restore the 1984 effective date for back-up withholding. Our support is materially influenced by your personal commitment and that of Senator Kasten to secure prompt administrative relief from the July first starting date for withholding in order to provide a reasonable time for resolution of the differences between the House bill and the Senate amendment.

Sincerely,

WILLIAM H. KENNEDY, Jr.

NATIONAL ASSOCIATION OF
FEDERAL CREDIT UNIONS,
Washington, D.C., April 28, 1983.

Hon. ROBERT DOLE,
Chairman, Senate Finance Committee, Washington, D.C.

DEAR MR. CHAIRMAN: On behalf of the National Association of Federal Credit Unions, I would like to extend our appreciation to you and your staff for the fine work done on the Dole-Kasten withholding compromise.

This Association has respected your position on withholding from the beginning, and although we have disagreed along the way, we can accept the compromise that has been worked out by you and your colleagues in the Senate. We feel that this compromise will go a long way toward reaching the goal of increased taxpayer compliance. We have all shared the goal of every taxpayer paying what is rightfully due and have done so confidently.

Although we realize this issue is far from being resolved, it is our belief that without the Senate's first step toward a compromise, there would be little progress on this highly emotional issue.

Thank you again for your diligent work in this matter. This Association looks forward to working with you in the future on issues of concern to Federal credit unions.

Sincerely yours,

JOHN J. HUTCHINSON, *President.*

Mr. DOLE. Madam President, I wish to discuss this for about 5 or 10 minutes and then I will be happy to yield the floor to others who may want to discuss this issue.

I know of no amendments that have to be offered to this committee amendment. I know people would like to offer amendments. I know the Senator from Minnesota has an amendment he would like to offer.

But I must say about the enterprise zones legislation that we practically renamed it after the distinguished Senator from Minnesota, Senator BOSCHWITZ, because of his great effort in this area. I hope the Senator from Minnesota would not feel constrained to press his amendment, but would, instead, perhaps just discuss the amendment.

There is no reason we cannot complete action on this entire matter in the next hour or hour and 30 minutes. I say that not because we are trying to hasten consideration but because I really believe that we have had a rather adequate discussion, certainly of the withholding portion.

I am going to discuss briefly some of the other provisions, then I hope that we might get on with whatever the distinguished Senator from Louisiana may have in mind—I think a motion to table—and then we can hopefully go to final passage unless somebody feels compelled to offer additional amendments. I hope that will not be the case, because it seems to me that with so many Members having commitments we ought to move quickly to dispose of this bill.

There are compelling reasons for proceeding in this way on the withholding issue and on the associated issues I have just mentioned as contained in the Finance Committee amendment.

I would strongly suggest that Members agree to limit this package to these items and only these items. We all have preferred projects and amendments in the revenue area that we would like to see move. There will be other opportunities this year to try to do that because there are other revenue items that we will have to address. But we should resist the temptation to make H.R. 2973 carry too much of a load because that would defeat our goal of disposing of the withholding issue.

There are two major advantages to moving the committee amendment and only the committee amendment. First, adopting the compliance measures contained therein demonstrates our good faith concern with the compliance gap in interest and dividends and saves a good portion of the revenue that will be forgone as a result of repealing withholding.

I believe by 1988 we will recover about 68 percent of the revenue we would have recovered had we left withholding in place. So it is not just an idle gesture. It is a salvation, in my view, of strong compliance measures that will pick up a lot of revenue from those Americans who fail to report their interest and dividend income. So I suggest it is a meaningful amendment and it ought to be preserved. It ought to be done now. It should not be delayed or postponed until a later time.

If we want to finish the withholding issue, we ought to try to avoid a veto battle with the President who has stated his strong feelings on the withholding question. Compliance on interest and dividends coupled with several priority items on the President's legislative agenda can make this an attractive proposition from the administration's point of view.

I would just suggest that all bets are off if we try to load this bill up.

It has been suggested that this would be a good vehicle for tuition tax credits. I support tuition tax credits but not on this legislation. If we want to set off a full-scale debate, we can bring up tuition tax credits.

I assume there are other matters that Members may feel have a great deal of merit and that they would like to bring up on this legislation. But I would say in fairness to those who are on the other side of withholding, those who want it repealed, those who want it settled, I think those of us on the losing side should accept defeat and go to conference and try to work out the differences so that the banks, the S&L's, the credit unions, and the others concerned about withholding are going to know we were acting in good faith.

I just suggest that one way to demonstrate that good faith means not loading up the bill.

I would also suggest, having been around here for some time, that I am under no illusion that the House is going to accept everything in the committee amendment. I am not certain how much the House will accept. I feel quite certain they will accept the compliance. I hope they may accept more. They have already passed the Caribbean Basin provision. They have not passed the enterprise zones. They have not passed trade reciprocity. I am not certain what their attitude will be on removing the sunset on mortgage revenue bonds.

I do know that the House plans to mark up the Caribbean Basin issue next week and may take it up the following week. So there is some chance that we might be able to resolve that in the conference and hopefully some of the other legislation. But they have not moved nearly as swiftly as the Senate has on enterprise zones and on the trade reciprocity legislation introduced by Senators DANFORTH and BENTSEN and passed by this body unanimously.

It has been said that if we are going to have to go to conference, what we are really doing is trying to keep withholding. I have suggested to the chairman of the Ways and Means Committee, and he has made a commitment, that we will go to conference and try to work out any differences we have. On that basis, I hope that our word is good in that area. I feel certain the chairman of the Ways and Means Committee meant it when he told me he was willing to go to conference and try to work out something.

Let us face it: the support for total repeal is just as strong or stronger on the House side as it is on the Senate side. It would seem to me to be rather unusual if the chairman of the committee, in the face of a 382-to-41 vote, decided just to ignore the will of the House of Representatives.

I will describe the compliance provisions in detail at a later time, maybe after the motion to table is considered I would like later to discuss some of the particular provisions of the committee amendment.

Let me now read a letter from the Secretary of the Treasury, dated June 16, 1983, which says:

THE SECRETARY OF THE TREASURY,
Washington, June 16, 1983.

Hon. ROBERT DOLE,
Chairman, Committee on Finance, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In light of the impending effective date for withholding on interest and dividends and the repeal measure having passed the House and now under consideration in the Senate, you have asked whether the Internal Revenue Service would grant extensions for undue hardship to payors of interest and dividends so that they would not have to comply with the withholding requirement beginning July 1.

If the Senate adopts the Senate Finance Committee amendment that repeals withholding on interest and dividends and provides expanded backup withholding and other compliance measures, the Internal Revenue Service will provide a one-month extension for undue hardship to all payors of interest and dividends.

I hope that this matter can be resolved quickly in order to avoid unnecessary confusion and expense on the part of payors as well as recipients of interest and dividends.

Sincerely,

DONALD T. REGAN.

Let us face it. Some of the corporations have a very real problem. There is no doubt about it. We are going to repeal interest and dividend withholding. We should not put banks and S&L's at a further expense. I hope that this letter will demonstrate the good faith of the administration which does support withholding but does recognize the facts of life.

I am prepared, Mr. President, to first have the vote on the tabling motion and then, if the tabling motion is defeated, of course, the committee amendment would be adopted and the committee amendment would be open to amendment.

I will yield to the Senator from Minnesota for a question.

Mr. BOSCHWITZ. At an appropriate time can we talk about the amendment I would have offered but I will not offer?

Mr. DOLE. I think the orderly procedure would be for the distinguished Senator from Louisiana to make whatever statement he wants and then move to table the committee amendment.

AMENDMENT NO. 1412

(Purpose: To repeal the withholding of tax from interest and dividends, and for other purposes)

Mr. DOLE. Madam President, I do offer the committee amendment. I sent the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 1412.

Mr. DOLE. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of amendment No. 1412 is printed in routine morning business under amendments submitted.)

Mr. DOLE. I would say to those who have amendments, there is nothing up there to amend yet.

If the committee amendment is adopted, then it is open to amendment. I hope there are no amendments but it will be open for amendment.

Mr. LONG. Madam President, I ask for the yeas and nays on the committee amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Madam President, it is almost 3:30 p.m. now. I wish to report to the Senate that Senator WEICKER said he had an amendment he was going to offer. He will be here shortly.

What I would like to do is to have a moment for him to describe that amendment and not languish around a unanimous-consent request.

Mr. ARMSTRONG. Will the Senator yield?

Mr. BAKER. Yes.

Mr. ARMSTRONG. Madam President, I am familiar with the unanimous-consent request the majority leader is about to make. There are some very, very serious reservations about such a procedure, in fact, packing up three or four very important bills, precluding anybody from amending, and sort of hotrailing them through. In consideration of those requests which have already been discussed, I agreed I would not object to that unanimous-consent request. I will stand by my commitment not to do so, even though I have several amendments which I wish to offer.

I want to offer an amendment, and discuss at some length, to the IDB section. I have some reservations about, in its present form, the urban enterprise proposal, which is an interesting proposal but needs to be cleaned up a little.

Notwithstanding that, I will stick to my commitment. But if Senator WEICKER or others are going to offer amendments, then I would be constrained to also seek recognition for amendments.

Mr. BAKER. Madam President, I understand.

Mr. BOSCHWITZ. Madam President, I join the Senator from Colorado. I, too, have offered an amendment. I am willing to join in the unanimous-consent proposal and will not object, but I do not think we ought to start on the amendment again, because there are going to be people who feel the way the Senator from Colorado does and I might join them in that.

Mr. METZENBAUM. Madam President, I feel the same way as do the Senator from Colorado and the Senator from Minnesota, but I do not have any intention of not objecting. I intend to object and I intend to offer such amendments as I deem advisable. Whether they be one or seven in number, I cannot say at this moment. The facts are that I see no reason to have a unanimous-consent agreement precluding any amendments on this measure.

I advise my good friend, the majority leader, that I do object.

Mr. BAKER. Madam President, I am sorry—I think I am sorry I did not hear, but I may not be.

Mr. METZENBAUM. The Senator would probably be sorry that he heard, because I indicated that I intend to object. I have one to six or seven amendments, I am not sure, but I know that I have amendments that are substantive in nature and would not want to preclude myself from having the right to offer them. I think that I have advised the Senator from Kansas that I did intend at the appropriate time to offer amendments.

Mr. BAKER. Madam President, I think I was right, I was happier before I asked.

In view of that, Madam President, there is no need to make a unanimous-consent request at this moment. I suggest to the managers that they just get at it.

Mr. LONG. If the Senator will yield, I just want to make it clear that so far as the Senator from Louisiana is concerned and so far as those who are supporting his position are concerned, to the best of my knowledge, every one of us is willing to agree to have merely two votes, one on the motion to table and the other on passing the bill with the committee amendment if the motion fails. So if the bill begins to bog down, please understand that our hands are clean in this matter. We came here prepared to vote just twice and have it over with.

I am sorry the leader could not get his consent request. I think he did his best.

Mr. BAKER. I thank the Senator.

Mr. STENNIS. Madam President, will the Senator yield to me?

Mr. BAKER. Yes; I yield.

Mr. STENNIS. I reserve the right to object, but I do not intend to object. It just came to my attention there is something in this bill on revenue bonds. I am interested in industrial revenue bonds. My inquiry is directed just to what we call industrial revenue bonds. Is that kind of bond affected by this bill?

Mr. DOLE. It is not affected. This would affect mortgage revenue bonds.

Mr. STENNIS. Just mortgage revenue bonds. I thank the Senator. It ought to be shown in the record anyway. I have no objection.

Mr. BAKER. Madam President, I think it is clear that there would be no good purpose served now by making the request. I continue to hope that we can get that order later. I shall not make it now, and I hope the managers will go ahead with the matter.

Mr. DOLE. Madam President, while we are waiting for the distinguished Senator from Connecticut to arrive——

Mr. LONG. Madam President, will the distinguished chairman of the committee yield to me?

Mr. DOLE. Yes.

Mr. LONG. Madam President, I want to make this statement for all who are interested in the committee amendment and the withholding issue. The Senator from Lousiana intends to make a statement in favor of tabling the committee amendment. At the end of this statement, he expects to make a motion to table. I invite those who are for or against the motion to table, especially those who want to speak against it, to come take a look at my statement, because it is going to be brief. If they want to take a look at it or express opposition to it, they had better get here and look at it in advance, because the Senator from Louisiana intends to move to table. I do not want that to come as a suprise.

What I am going to say is right here in front of me. I have shown it to the chairman of the committee. Anybody who wants to see it before I make my presentation, here it is. At the completion of the presentation of the chairman, I intend to make my statement.

Mr. DOLE. Madam President, while we are waiting for the Senator from Connecticut—I hope the Senator from Connecticut will let us proceed. He has one amendment to one provision of the bill that affects about 100 people in the Virgin Islands.

Mr. LONG. Madam President, if anyone else wants to speak in favor of the Dole amendment, I welcome them to do so, because at the close of my statement, I am going to make a motion to table. I just want to invite all of those who may want to speak to come to the floor right now, because if my motion carries, they are not going to have the opportunity to amend the Dole amendment. I want them to have an opportunity to make their statement, to make it now before I explain my position.

Hearing none, Madam President, I am going to proceed.

Madam President, I oppose the committee amendment.

The House has sent us a bill which repeals withholding on interest and dividends. This bill received the overwhelming support of the House of Representatives. I believe that if the Senate were permitted to vote on the provision the House sent us, a large majority of the Senate would also approve this measure.

The pending committee amendment contains five major provisions. Each represents a significant legislative measure in its own right. None of the five measures bears any relationship to any of the others. At an appropriate time, some of these measures will be enacted. Some should be enacted. But in my view, Madam President, none of them should be enacted on this bill.

The urgent need today is for us to repeal the interest and dividend withholding provisions before the July 1 effective date. If these provisions are not repealed by that date, savers will be confused and financial institutions will be subject to substantial penalties—for not implementing a provision which even the pending committee amendment would repeal. It will only barely be possible to dispose of the withholding issue by July 1 even if we pass the House bill without amendment. But we will have no chance of doing so if we send the bill back to the House with other matters that the House has never considered. In fact, I have ample reason to believe that these additional provisions may make it impossible for this bill even to survive conference.

I am confident that the best way to settle the withholding issue is to send the House bill to the President without amendment, to dispose of as he wishes. If he should veto the bill, I believe the votes can be found to override the veto.

Let me just make clear that the position I have taken has a great deal of support, Madam President. The Senator from Kansas, the chairman of the committee, placed in the RECORD a letter he had from a Mr. Kennedy, speaking for the Washington hierarchy of the American Bankers Association. I say the Washington hierarchy, because they do not speak for the Louisiana banks. All you have to do is contact the banks in my State, which I have done, and you will find they are strongly in support of my position that we ought to pass the House bill as is and have a straightforward, direct repeal.

Here is a letter from the Credit Union National Association. They support the position I take for a direct, straightforward repeal of withholding.

There are other letters that I have here that take the view that they are perfectly happy to support a reasonable compliance provision, but that matter should be taken up later, after we get through with the withholding issue, so we will know whether we are going to have withholding or not.

Here is a letter from the National Savings & Loan League, which I shall ask to have printed in the RECORD with the previous letter. They support my position for a direct, straightforward repeal, reserving the right to enact compliance measures later on.

Here is a letter from the Independent Bankers Association of America supporting the same position.

I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CREDIT UNION NATIONAL ASSOCIATION, INC.,
Madison, Wis., June 9, 1983.

Hon. RUSSELL B. LONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR LONG: The Credit Union National Association Inc. (CUNA) strongly supports your efforts to enable the Senate to have the opportunity to vote on a clean bill to repeal the interest and dividend withholding provisions of TEFRA. As you are well aware, such a repeal bill (H.R. 2973) passed the House last month by an overwhelming margin. However, this bill as reported by the Senate Finance Committee contains a number of amendments that we believe unnecessarily cloud and complicate the repeal issue. This is true even of the proposals to improve reporting of interest and dividend income and to incease taxpayer compliance.

While credit unions favor stricter compliance measures aimed at making certain that all citizens pay their fair share of taxes, we believe that these compliance proposals should be examined separately from repeal. They have been put together quickly without benefit of hearings to gather testimony from the Internal Revenue Service or industry groups on whether these proposals are practical, what their revenue effects might be and what potential impact they would have on credit unions and their members. Since credit unions are member-owned financial cooperatives, the cost of any regulations are ultimately borne by our members.

Because the cost of regulatory compliance is a very real burden for credit unions, generally small and medium-sized institutions, we feel that new interest and dividend reporting proposals should be examined thoroughly before they become law. We look forward to the opportunity of working with the appropriate committees of Congress and the Treasury Department to fashion effective, efficient and equitable methods of improving taxpayer compliance, but as a practical matter we have run out of time. Less than a month remains before the withholding provisions of TEFRA are slated to go into effect. Meanwhile, public confusion and uncertainty over this issue continues to mount. The phones are ringing off the hook in CUNA offices with calls from credit union managers wanting to know whether they should withhold 10 percent of their members' dividends or whether they will have to gear up to comply with a new and unrefined set of interest and dividend reporting procedures.

The best resolution to this situation is for the Senate to consider the withholding repeal bill (H.R. 2973) as it was passed by the House. CUNA endorses your efforts to make this possible.

HAROLD T. WELSH,
Chairman.

NATIONAL SAVINGS & LOAN LEAGUE,
Washington, D.C., June 9, 1983.

Hon. RUSELL LONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR LONG: This is to inform you that the National Savings and Loan League supports legislation as passed by the House for repeal of the law requiring withholding on interest and dividends. We believe that this is the best approach given the time constraints of the July 1, 1983 implementation date of withholding and the complexities of achieving workable compromise compliance measures.

The National League recognizes the importance of achieving increased compliance for payment of taxes on interest and dividends. We will be pleased to work with you, the Finance Committee and the Treasury Department to achieve the results we all know are necessary. We do not believe the compliance measures recently reported by the Finance Committee are practical and workable as currently written. Time is needed to improve the provisions if they are to prove successful in achieving increased compliance.

July first is fast upon us. The most practical and desirable action for the Senate to take at this time is, in our opinion, the adoption of the House-passed repeal bill.

Sincerely yours,

JIM COUSINS,
Senior Vice President, Governmental Affairs.

INDEPENDENT BANKERS ASSOCIATION OF AMERICA,
Washington, D.C., June 10, 1983.

Hon. RUSSELL LONG,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR LONG: The Independent Bankers Association of America, which represents 7,000 smaller community banks throughout the nation, has opposed withholding on interest and dividends because of the tremendous operational burden it will impose on financial institutions, the difficulties it will create for our customers, and the negative impact it will have on savings and investment in this country. We are sym-

pathetic to the need for Congress to address the problem of the small percentage of taxpayers who fail to properly report their interest and dividend income. However, the compliance procedures approved by the Senate Finance Committee for the full Senate's current consideration go far beyond the fundamental improvements in the information reporting system needed to accomplish this goal and instead seem almost punitive in effect towards the banking industry. Of even greater concern to us, the withholding provision has been enveloped into a package of controversial and unrelated provisions that appear destined to slow final Congressional consideration of the entire package, including withholding. Since both Houses have already expressed overwhelming opposition to the withholding concept, it would be senseless now for Congress to delay final action past the July 1 start-up date. Such delay would mean that tens of thousands of financial institutions must choose either to go through the meaningless expense of implementing withholding on a temporary basis or risk severe penalties for noncompliance.

Because the compliance provision approved by the Senate Finance Committee is needlessly burdensome and is linked to a legislative package that threatens to delay prompt action to resolve the withholding question, the IBAA supports Senate action which would result in a straight repeal of withholding at source prior to the July 1 deadline. After this pressing problem has been addressed, we would be glad to lend our support to a separate legislative initiative which would responsibly deal with the issue of taxpayer compliance.

Sincerely,

JAMES D. HERRINGTON,
President.

Mr. LONG. I have already submitted letters of support from the Independent Bankers Association, the credit unions, the savings and loans institutions.

This is a matter where letters were received from the people of the United States. I have visited with people all over Louisiana, I have visited with people in Texas, I have visited with people all around this country. Madam President, I am not of the opinion that people are stupid or poorly informed, as some would have us believe. I have discussed this issue with those people and they know this is not a new tax. They understand they have to pay taxes on interest and dividends.

But they do not think that the bank ought to be the policeman to collect those taxes, and the bank does not think it ought to be the policeman. They do not think the banks and the credit unions ought to have to be the tax collector or the sheriff. They are willing to pay their share of the taxes, but they do not think that the banks should be required to do the job for the Treasury.

I have answered the letters of 60,000 people by now from Louisiana and elsewhere. I told them I was going to vote against withholding. I said I was going to vote to repeal. I did not say I was going to make a deal. I did not say I was going to make a compromise. I did not say I was going to vote for backup withholding. I said I was going to vote to repeal.

Senators can, if they want, vote for this so-called compromise Mr. DOLE thinks he has made with the Washington hierarchy of the American Bankers Association. He certainly has not made any deal with the Louisiana members of the American Bankers Association. Senators ought to check and see if he has made a deal with your bankers, because he does not have a deal with the bankers in Louisiana. I do not plan to go home to 60,000 people whose letters I answered more times than once saying I was going to vote for repeal, and say to them that instead, I made the best deal that could be made. If I tell that to straightforward constituents from Louisiana, they are going to say:

Hold on just a minute. Did you not tell us you were going to vote to repeal withholding on interest and dividends? We thought that is how you were going to vote. Now, tell us, what is this thing you voted for, this backup withholding?

Here we have 20-percent backup withholding provisions, and all sorts of compliance provisions that will cost hundreds of millions of dollars a year for people to comply with, imposing untold burdens on honest taxpayers that they should not have to contend with.

I have a mimeographed sheet here which I will ask be placed on every Senator's desk explaining just what is in this committee amendment that I hope we are going to vote to table, and the burden that it would place on taxpayers and on those who would have to do the job for the Internal Revenue Service.

Let me just read this statement because I think it makes very clear what the situation is.

The Finance Committee amendment to H.R. 2973 would establish a new system to backup withholding—this is a measure to repeal withholding, so the committee amendment would repeal the 10-percent withholding and replace it with a 20-percent backup withholding. You would not be voting for the 10-percent withholding now, you would be voting for a 20-percent withholding on interest and dividends earned by persons the IRS identified as underreporters of such income.

Backup withholding would also apply to accounts where the bank or corporation either had no taxpayer identification number for the account, or had been notified by the IRS that the number it had was incorrect. Depositors and investors opening accounts or buying stock after 1983 would have to give sworn statements that they were not subject to backup withholding; otherwise, backup withholding would apply immediately.

The committee amendment would also require banks, corporations, and stockbrokers to obtain sworn declarations of tax numbers from their new customers and investors, and to conduct mail campaigns to obtain sworn tax number statements from their old customers and investors. Failure to take these actions would result in potentially substantial penalties which could not be waived for reasonable cause.

Let me explain the reasons why I oppose the backup withholding.

First. Inactive accounts affected. There are millions of bank accounts, especially inactive accounts, with missing tax numbers. Under the committee amendment, 20-percent withholding on all these accounts would commence 45 days after enactment, without any requirement of prior notice. In order to stop this type of withholding, a depositor would have to file a sworn declaration of his taxpayer identification number with his bank. He could recover the 20 percent already withheld only through filing a tax return and claiming a credit or refund. This is sure to cause problems for elderly and low-income savers whose accounts lack tax numbers.

Second. Inefficient use of new funds. IRS implementation would require massive additional funds—in the range of $350 million per year—and 6,000 to 7,000 additional employees, representing increases of about 10 percent. If we are willing to increase IRS funds by this amount, we do not need backup withholding. The same amount for increased audits and collections under current law would be likely to increase tax compliance at least as much, without creating a cumbersome new system of selective withholding.

Third. Meaning of IRS withholding notice. Unless a taxpayer acts within 90 days of receiving an IRS notice and convinces the IRS that he should not be subject to withholding, the IRS will notify each bank and corporation paying dividends or interest to that person that withholding should begin. This notice may well be interpreted by employees of these banks and corporations as an IRS declaration that the person named in the notice is a tax cheater even though millions of persons in this category will not be cheaters.

Fourth. New tax statements. The amendment would require banks and brokers to secure two different sworn tax statements from each new customer. For old customers, as many as three mailings to request sworn tax number statements in 1983 alone would be required. One mailing a year would be required for all future years. Postage paid return envelopes would be required for one mailing in 1983 and one in 1984.

Fifth. New stockbroker procedures. The amendment creates a complex series of new requirements and penal-

ties for brokers and publicly traded corporations. If a publicly traded corporation fails to receive a taxpayer identification number from a broker on a stock purchase, or fails to receive a sworn backup withholding statement on the purchase, the corporation must withhold 20 percent on dividends paid. Furthermore, brokers would be subject to a $50 penalty for failing to obtain a sworn declaration of a customer's tax number and a $500 penalty for failing to obtain, and transmit to the corporation, a sworn backup withholding statement from a customer.

Sixth. Unusual penalty features. The IRS would have no authority to waive the new penalties on banks and corporations for reasonable cause. A new "undue hardship" standard would apply, with the only examples of undue hardship given in the committee explanation being an earthquake, a flood, or a civil disturbance.

That is the only basis upon which they could be excused. The new hardship standard would apply, with the only example of undue hardship being an earthquake, a flood, or a civil disturbance, such as a war.

The penalties would also be "self-assessing." This means that, unlike most penalties where the IRS must detect an action and choose to penalize it, banks and corporations would have to audit their own failures to make appropriate tax filings and volunteer the penalties along with their regular income tax.

ECONOMIC ENTERPRISE ZONE

Mr. STEVENS. Mr. President, I rise to express my appreciation to the chairman and ranking member of the Finance Committee for incorporating my amendment into the enterprise zone section of the committee amendment.

The present draft of the economic enterprise zone legislation requires that a geographic area meet four requirements before being designated as an enterprise zone:

First, it must be within the jurisdiction of a local government and have a continuous boundary;

Second, it must contain a population of 1,000 people, unless located on an Indian reservation, or contain 4,000 people if located in an urban area.

Third, it must be UDAG eligible; and

Fourth, finally, it must meet special economically distressed area criteria.

In Alaska, the areas that would qualify are almost all Alaska Native villages, most of which have been recently incorporated as second class cities and which are also UDAG qualified. These UDAG cities (see A-1) would also meet requirements (a) and (d), but none exceed a population of 1,000. Therefore, since almost every one of these cities is primarily composed of Alaska Natives anyway, this amendment would create a special rule for Alaska that would qualify under the population requirement all cities that exceeded 50 percent in Native population (see A-2 and A-3). Additionally, for unincorporated Alaska Native villages that do not qualify as an Indian reservation (because there is only one Indian reservation in Alaska) language has been provided which could qualify them under the population requirement if they met the definition of an Indian tribal government pursuant to 26 U.S.C. § 7701(a)(40).

In summary, the main purpose of this amendment is to insure that Alaska UDAG areas, which are primarily Native villages, will be eligible for the program, even though they do not fit into the technical definition of being located on an Indian reservation.

I thank the chairman and ranking member for their consideration of my amendment and ask that a series of tables associated with my amendment be made a part of the RECORD.

The tables follow:

[From the Federal Register, vol. 48, No. 41, Mar. 1, 1983]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

(Docket No. N-83-1209)

URBAN DEVELOPMENT ACTION GRANTS; REVISED MINIMUM STANDARDS FOR SMALL CITIES

Agency: Department of Housing and Urban Development.

Action: Notice.

Summary: In accordance with 24 CFR 570.452(b)(1), the Department is providing Notice of the most current minimum standards of physical and economic distress for small cities for the Urban Development Action Grant.

II. The following small cities meet the current minimum standards of physical and economic distress appropriate to their class.

ALASKA

Akhiok, Akiak, Akoimiut, Akutan, Alakamuk, Allakaket, Anaktuvuk Pass, Angoon, Anvik, Atmautluak, Brevig Mission, Buckland, Chefornak, Chevak, Chuathbaluk, Clark's Point, Deering, Diomede, Eagle, and Eek.

Ekwok, Ehm, Emmonak, Fort Yukon, Fortuna Ledge, Gambell, Golovin, Goodnews Bay, Gravling, Haines, Holy Cross, Hughes, Huslia, Kaltag, Kivalina, Kobuk, Koyuk, Koyukuk, Kwethluk, and Lower Kalskag.

Mekoryuk, Napakiak, New Stuyahok, Newtok, Nightmute, Nikolai, Nondalton, Noorvik, Nulaton, Old Harbor, Pilot Station, Port Alexander, Port Lions, Quinhagak, Russian Mission, Savoonga, Scammon Bay, Selawik, Shageluk, and Shaktoolik.

Sheldon Point, Shishmaref, St. Michael, St. Paul, Stebbins, Tanana, Teller, Tenakee Springs, Togiak, Toksook Bay, Tuluksak, Tununak, Unalakleet, Upper Kalskag, Wales, White Mountain, and Yakutat.

III. The following list contains the names of those small cities which meet the current minimum standards of physical and economic distress but which did not meet the standards as of the June 8, 1982 Notice.

ALASKA

Akutan, Atmautluak, Buckland, Clark's Point, Diomede, Egal, Haines, Hughes, Huslia, Koyuk, Koyukuk, Nulato, Port Alexander, Port Lions, Russian Mission, St. Paul, Tanana, Unalakleet, and Yakutat.

IV. The following list contains the names of those small cities which met the minimum standards of physical and economic distress as of the June 8, 1982 Notice but which do not meet the current minimum standards. The final date for submission of an application by the cities listed below is August 31, 1983.

ALASKA

Akiachak, Aleknagik, Ambler, Aniak, Hoonah, Hooper Bay, Hydaburg, Kake, Kiana, Klawock, Kotlik, Mountain Village, Nome, Ouzinkie, Pelican, Platinum, Port Heiden, Ruby, St. Mary's, and Wainwright.

TABLE 1.—SUMMARY OF GENERAL POPULATION CHARACTERISTICS: 1980—THE STATE, STANDARD METROPOLITAN STATISTICAL AREAS, BOROUGHS AND CENSUS AREAS, INCORPORATED PLACES

	Persons														
		Percent					Race								
	Total	Female	Age			Median age	White	Black	American Indian, Eskimo, and Aleut	Asian and Pacific Islander [1]	Spanish origin [2]	In group quarters	Households	Persons per household	Families
			Under 5 yr	18 yr and over	65 yr and over										
The State	401,851	47.0	9.7	67.5	2.9	26.1	309,728	13,643	64,103	8,054	9,507	16,260	131,463	2.93	95,564
SMSA's															
Anchorage, Alaska	174,431	48.1	9.4	68.5	2.0	26.3	148,650	9,258	8,953	4,043	5,222	4,848	60,470	2.80	43,314
BOROUGHS AND CENSUS AREAS															
Aleutian Islands	7,768	37.2	8.1	75.2	1.4	24.5	4,775	329	1,934	580	297	2,548	1,598	3.27	1,307
Anchorage	174,431	48.1	9.4	68.5	2.0	26.3	148,650	9,258	8,953	4,043	5,222	4,848	60,470	2.80	43,314

TABLE 1.—SUMMARY OF GENERAL POPULATION CHARACTERISTICS: 1980—THE STATE, STANDARD METROPOLITAN STATISTICAL AREAS, BOROUGHS AND CENSUS AREAS, INCORPORATED PLACES—Continued

	Persons														
		Percent					Race								
	Total	Female	Age			Median age	White	Black	American Indian, Eskimo, and Aleut	Asian and Pacific Islander [1]	Spanish origin [2]	In group quarters	House-holds	Persons per household	Families
			Under 5 yr	18 yr and over	65 yr and over										
Bethel	10,999	47.1	11.6	58.5	3.9	22.0	1,661	26	9,247	30	61	118	2,684	4.05	2,043
Bristol Bay	1,094	34.7	5.2	78.1	2.3	26.6	660	47	360	5	30	339	246	3.07	178
Dillingham	4,616	47.2	9.7	61.4	3.7	23.3	1,066	1	3,520	7	23	.....	1,214	3.80	958
Fairbanks North Star	53,983	46.2	10.1	69.0	2.4	25.8	46,106	3,006	2,987	816	1,546	3,339	18,224	2.78	13,029
Haines	1,680	47.2	8.2	66.8	4.6	28.8	1,430	3	214	5	13	5	572	2.93	426
Juneau	19,528	48.7	8.6	69.7	3.9	28.1	16,459	142	2,190	504	383	273	7,035	2.74	4,796
Kenai Penninsula	25,282	47.0	9.7	65.9	3.3	26.8	23,099	41	1,738	200	358	320	8,546	2.92	6,350
Ketchikan Gateway	11,316	47.8	8.8	68.8	5.7	27.9	9,479	46	1,406	285	206	332	3,985	2.76	2,780
Kobuk	4,831	46.3	11.8	58.1	5.2	21.6	683	7	4,113	6	15	48	1,140	4.20	882
Kodiak Island	9,939	44.2	9.9	69.3	2.6	25.9	7,046	72	1,884	795	304	681	3,027	3.06	2,224
Matanuska—Susitna	17,816	48.1	10.2	64.0	4.1	26.9	16,844	90	688	61	224	378	5,699	3.06	4,495
Nome	6,537	45.6	11.2	61.1	5.2	23.4	1,278	22	5,174	32	27	88	1,741	3.70	1,310
North Slope	4,199	43.2	9.9	65.1	3.5	24.7	914	22	3,225	24	32	365	980	3.91	735
Prince of Wales—Outer Ketchikan	3,822	44.0	10.3	64.9	4.0	25.6	2,080	11	1,651	19	31	176	1,121	3.25	903
Sitka	7,803	47.3	10.2	67.0	4.6	26.4	5,768	44	1,669	235	108	367	2,440	3.05	1,849
Skagway-Yakutat—Angoon	3,478	47.2	11.0	65.2	5.5	26.6	1,941	5	1,462	21	41	92	1,087	3.11	795
Southeast Fairbanks	5,676	44.2	11.2	64.6	2.5	24.6	4,473	284	725	94	199	399	1,666	3.17	1,364
Valdez—Cordova	8,348	44.4	8.8	69.0	3.5	27.4	6,915	58	1,060	177	198	702	2,689	2.84	1,901
Wade Hampton	4,665	47.7	12.0	54.7	3.8	20.0	296	3	4,347	8	10	55	947	4.87	816
Wrangell—Petersburg	6,167	46.3	9.5	68.2	5.7	27.3	4,812	9	1,190	86	89	173	2,072	2.89	1,524
Yukon—Koyukuk	7,873	42.5	10.0	65.1	3.9	25.4	3,293	117	4,366	21	90	614	2,280	3.18	1,585
INCORPORATED PLACES															
Akhiok City	105	43.8	11.4	61.0	2.9	20.5	2	.....	101	2	.....	.....	27	3.89	20
Akiochak City	438	51.1	13.7	59.1	5.5	21.9	40	.....	398	.....	.....	.....	87	5.03	77
Akiak City	198	48.0	11.1	62.1	5.1	22.7	7	.....	191	.....	.....	.....	36	5.50	30
Akolmiut City	641	51.2	12.6	54.8	5.9	20.1	18	.....	620	.....	.....	.....	129	4.97	111
Akutan City	169	32.0	4.7	87.6	5.3	27.2	68	.....	67	31	15	100	17	4.06	15
Alakanuk City	522	49.4	13.4	49.8	2.5	17.9	30	.....	491	1	.....	.....	105	4.97	95
Aleknagik City	154	44.2	9.1	59.1	5.8	25.0	16	.....	138	.....	.....	.....	38	4.05	34
Allakaket City	163	42.3	12.3	58.9	4.3	21.5	5	.....	158	.....	.....	.....	46	3.54	35
Ambler City	192	49.0	9.9	54.2	3.6	19.7	33	1	155	.....	3	.....	48	4.00	38
Anaktuvuk Pass City	203	50.2	16.3	58.1	2.0	21.2	10	.....	191	.....	6	.....	51	3.98	47
Anchorage City	174,431	48.1	9.4	68.5	2.0	26.3	148,650	9,258	8,953	4,043	5,222	4,848	60,470	2.80	43,314
Anderson City	517	38.3	6.8	70.0	.8	27.5	481	16	16	3	1	127	118	3.31	100
Angoon City	465	51.0	11.8	59.8	6.2	23.7	45	.....	412	.....	10	.....	110	4.23	96
Aniok City	341	44.0	12.6	64.8	2.6	24.1	121	2	218	.....	3	.....	111	3.07	71
Anvik City	114	49.1	10.5	57.9	7.0	22.8	20	3	91	.....	.....	.....	36	3.17	26
Atmoutlook City	219	47.0	15.1	54.3	2.7	20.3	11	.....	206	.....	.....	.....	47	4.66	36
Barrow City	2,207	46.2	9.3	64.1	3.5	24.1	455	10	1,720	15	5	3	607	3.63	413
Bethel City	3,576	48.0	11.7	61.9	2.0	23.6	1,110	13	2,417	26	46	49	1,083	3.26	718
Brevig Mission City	138	44.2	13.0	60.9	5.8	21.0	.....	.....	138	.....	1	.....	32	4.31	27
Buckland City	177	42.9	11.9	52.5	2.8	19.1	13	.....	161	.....	.....	.....	39	4.54	32
Chefornak City	230	46.5	14.3	50.4	6.5	18.5	9	.....	221	.....	.....	.....	38	6.05	35
Chevok City	466	46.1	13.7	53.6	2.8	19.3	21	.....	445	.....	1	.....	92	5.07	75
Chuathboluk City	105	44.8	13.3	56.2	4.8	20.4	12	.....	93	.....	.....	.....	26	4.04	22
Clark's Point City	79	41.8	15.2	59.5	.....	23.5	9	.....	70	.....	.....	.....	22	3.59	17
Cordovo City	1,879	44.7	8.4	72.0	5.1	27.2	1,446	8	286	97	53	126	657	2.67	436
Craig City	527	46.1	8.3	67.9	4.9	26.6	352	.....	170	2	6	11	176	2.93	125
Deering City	150	46.7	12.7	56.0	2.7	20.0	12	.....	138	.....	.....	.....	35	4.29	28
Delta Junction City	945	46.2	11.5	70.6	1.4	25.8	808	68	27	27	38	.....	348	2.72	279
Dillingham City	1,563	48.4	9.7	63.5	3.3	24.9	660	1	891	4	2	.....	467	3.35	339
Diomede City	139	42.4	12.2	54.0	2.2	20.5	3	.....	136	.....	.....	.....	30	4.63	22
Eagle City	110	45.5	2.7	71.8	8.2	32.0	103	.....	7	.....	.....	.....	48	2.29	26
Eek City	228	43.4	11.4	64.0	5.7	23.4	8	.....	220	.....	.....	.....	56	4.07	44
Ekwok City	77	42.9	5.2	64.9	6.5	23.5	5	.....	71	.....	.....	.....	20	3.85	18
Elim City	211	41.7	13.7	58.3	7.6	22.8	8	.....	203	.....	.....	.....	48	4.40	41
Emmonak City	567	47.8	11.8	54.3	3.7	20.3	43	.....	517	.....	1	3	127	4.44	108
Fairbanks City	22,645	46.5	10.2	71.1	4.0	25.9	18,085	1,991	1,596	424	801	1,481	8,145	2.60	5,352
Fortuna Ledge City	262	47.7	12.2	61.1	4.6	25.0	16	.....	246	.....	.....	.....	64	4.09	55
Fort Yukon City	619	43.6	12.8	65.6	5.3	25.4	167	2	442	3	1	33	187	3.13	132
Galena City	765	30.7	6.8	75.9	1.3	25.4	344	53	350	4	15	302	145	3.19	94
Gambell City	445	42.0	13.5	57.1	4.5	21.4	20	.....	425	.....	.....	.....	103	4.32	89
Golovin City	87	46.0	10.3	64.4	9.2	26.6	2	.....	85	.....	.....	.....	31	2.81	22
Goodnews Bay City	168	44.0	5.4	64.9	6.5	23.9	7	.....	161	.....	1	.....	42	4.00	30
Grayling City	209	49.3	15.3	47.8	2.4	17.3	80	.....	129	.....	2	.....	52	4.02	47
Haines City	993	47.1	8.3	66.7	4.8	28.6	788	3	188	4	9	.....	336	2.96	253
Holy Cross City	241	44.8	10.4	57.3	5.8	21.3	20	.....	221	.....	.....	.....	63	3.83	44
Homer City	2,209	46.9	9.0	69.6	4.7	27.8	2,076	9	66	38	39	49	812	2.66	551
Hoonah City	680	46.6	12.5	59.0	5.3	23.7	106	1	543	1	12	5	169	3.99	147
Hooper Bay City	627	45.8	11.2	57.4	5.3	21.0	28	.....	598	1	1	.....	125	5.02	104
Houston City	370	46.5	10.8	64.3	3.2	27.2	347	2	15	4	12	.....	129	2.87	97
Hughes City	73	42.5	16.4	63.0	2.7	24.4	2	.....	71	.....	.....	.....	22	3.32	14
Huslia City	188	44.1	17.6	57.4	4.8	22.8	10	.....	178	.....	.....	.....	59	3.19	43
Hydaburg City	298	44.3	11.1	61.7	8.7	26.4	45	.....	253	.....	.....	.....	97	3.07	70
Juneau City	19,528	48.7	8.6	69.7	3.9	28.1	16,459	142	2,190	504	383	273	7,035	2.74	4,796
Kochemak City	403	47.1	7.7	64.5	4.7	29.6	384	.....	15	4	2	.....	129	3.12	108
Kake City	555	47.6	11.2	57.5	4.7	23.0	75	2	467	.....	3	7	146	3.75	118
Kaktovik City	165	45.5	4.8	64.8	3.6	24.5	17	.....	148	.....	1	.....	38	4.34	30
Kohog City	247	43.3	13.8	56.7	3.6	20.3	10	1	236	—	—	—	58	4.26	43
Kosoon City	25	44.0	12.0	64.0	16.0	38.0	9	—	14	1	—	—	9	2.78	9
Kenai City	4,324	48.8	9.1	66.2	2.2	26.2	3,935	6	265	49	74	8	1,506	2.87	1,125
Ketchikan City	7,198	49.0	8.4	69.7	6.6	28.3	5,816	34	1,050	226	159	178	2,644	2.66	1,736
Kiono City	345	46.7	15.7	54.2	4.6	20.0	20	—	325	—	2	—	75	4.60	59
King Cove City	460	49.3	12.4	63.5	2.8	24.2	84	2	367	6	2	1	114	4.03	99
Kivalina City	241	47.3	11.6	54.8	3.3	20.1	2	—	237	—	—	—	37	6.51	34
Klawock City	318	45.9	10.4	58.2	2.5	23.0	81	—	210	—	1	—	79	4.03	65
Kobuk City	62	54.8	17.7	43.5	9.7	14.0	3	—	59	—	—	—	16	3.88	11
Kodiak City	4,756	46.0	8.7	71.4	3.4	27.4	3,337	26	666	663	196	192	1,535	2.97	1,064
Kotlik City	293	48.5	9.2	60.4	4.4	22.1	13	—	280	—	3	—	59	4.97	53
Kotzebue City	2,054	47.2	11.4	59.9	5.5	23.1	471	3	1,574	5	4	8	565	3.62	413
Koyuk City	188	45.7	11.7	56.9	6.9	20.5	7	—	180	1	—	—	48	3.92	34
Koyukuk City	98	45.9	10.2	65.3	4.1	22.6	5	—	91	—	—	—	26	3.77	19
Kupreanof City	47	40.4	2.1	85.1	—	31.3	45	—	2	—	—	—	21	2.24	9
Kwethluk City	454	47.8	12.3	55.9	5.5	21.0	11	1	441	—	1	—	88	5.16	80
Larsen Bay City	168	44.0	14.3	60.1	3.0	26.8	41	2	120	5	1	24	41	3.51	29
Lower Kalskog City	246	46.3	15.0	57.3	5.3	20.4	6	—	237	—	—	—	55	4.47	46

TABLE 1.—SUMMARY OF GENERAL POPULATION CHARACTERISTICS: 1980—THE STATE, STANDARD METROPOLITAN STATISTICAL AREAS, BOROUGHS AND CENSUS AREAS, INCORPORATED PLACES—Continued

	Persons															
		Percent					Race									
	Total	Female	Age			Median age	White	Black	American Indian, Eskimo, and Aleut	Asian and Pacific Islander [1]	Spanish origin [2]	In group quarters	House-holds	Persons per household	Families
			Under 5 yr	18 yr and over	65 yr and over										
McGrath City	355	47.3	9.6	62.5	4.5	25.8	187	1	165	2	6	—	129	2.75	74
Manokotok City	294	49.0	11.9	51.7	2.0	18.6	20	—	273	1	—	—	57	5.16	52
Mekoryuk City	160	37.5	8.1	63.8	9.4	24.5	5	—	153	1	—	—	44	3.64	32
Mountain Village City	583	48.0	10.6	49.9	2.9	18.0	43	—	539	—	1	—	107	5.45	96
Napakiak City	262	51.5	9.9	58.8	6.9	23.5	4	—	254	—	4	—	60	4.37	55
Napaskiak City	244	45.1	11.1	52.5	4.9	18.9	5	—	239	—	—	—	49	4.98	41
Nenana City	470	45.1	10.4	66.2	5.1	27.9	250	5	214	—	1	—	163	2.88	110
Newhalen City	87	37.9	11.5	55.2	2.3	20.5	5	—	82	—	—	—	18	4.83	16
New Stuyahok City	331	48.6	10.9	56.8	5.4	20.6	20	—	311	—	—	—	65	5.09	60
Newtok City	131	51.1	17.6	52.7	3.1	21.4	4	—	124	—	—	—	28	4.68	25
Nightmute City	119	47.1	10.9	56.3	9.2	22.6	3	—	116	—	—	—	24	4.96	22
Nikolai City	91	47.3	11.0	60.4	3.3	22.9	9	—	82	—	—	—	22	4.14	21
Nome City	2,301	47.2	9.0	65.2	5.8	26.0	900	14	1,347	20	19	43	697	3.24	476
Nondalton City	173	46.8	9.2	63.0	5.8	23.0	11	—	161	—	5	—	42	4.12	33
Noorvik City	492	44.3	10.8	57.1	3.9	20.3	24	—	467	—	1	—	91	5.41	77
North Pole City	724	49.6	10.6	65.9	1.2	24.2	673	31	15	1	21	—	249	2.91	200
Nunisut City	208	48.6	12.5	59.1	3.4	23.0	26	1	181	—	—	—	50	4.16	45
Nulato City	350	50.6	11.7	57.1	3.7	20.9	18	1	329	—	1	—	71	4.93	55
Old Harbor City	340	49.1	13.8	58.5	2.1	21.1	24	—	315	—	3	—	88	3.86	70
Ouzinkie City	173	45.7	6.4	66.5	6.9	29.7	10	—	163	—	5	—	57	3.04	43
Palmer City	2,141	50.7	12.7	65.3	8.8	25.8	1,998	40	75	11	40	98	725	2.82	537
Pelican City	180	43.9	10.6	76.1	3.9	29.2	147	—	33	—	1	8	64	2.69	46
Petersburg City	2,821	46.2	10.0	69.8	6.1	27.2	2,418	3	312	57	52	38	979	2.84	718
Pilot Station City	325	49.8	15.7	52.6	3.4	19.2	14	2	306	1	.....	5	61	5.25	57
Platinum City	55	41.8	5.5	58.2	7.3	25.8	11	.....	44	.....	.....	.....	14	3.93	10
Point Hope City	464	46.3	12.9	58.0	5.0	20.5	28	1	434	.....	5	.....	98	4.73	83
Port Alexander City	86	45.3	12.8	67.4	5.8	27.2	79	.....	5	.....	3	.....	37	2.32	17
Port Heiden City	92	42.4	6.5	68.5	3.3	23.7	31	.....	59	.....	.....	.....	29	3.17	22
Port Lions City	215	42.8	12.1	63.7	7.0	25.6	52	.....	158	1	3	.....	66	3.26	55
Quinhogak City	412	47.6	13.3	56.1	3.6	20.8	10	.....	402	.....	.....	.....	82	5.02	78
Ruby City	197	43.7	14.7	60.4	6.1	24.3	25	.....	171	1	.....	.....	63	3.13	41
Russian Mission City	169	49.1	17.2	49.7	1.8	17.9	7	.....	159	3	.....	.....	41	4.12	31
St. Mary's City	382	49.7	7.9	60.2	4.2	21.8	44	.....	336	1	1	28	72	4.92	62
St. Michael City	239	47.3	15.5	53.1	3.3	19.4	12	.....	227	.....	.....	.....	57	4.19	48
St. Paul City	551	42.8	11.4	61.0	3.4	22.2	61	.....	483	3	2	24	126	4.18	113
Sand Point City	625	45.6	9.1	68.5	2.2	24.1	241	.....	357	13	11	48	186	3.10	126
Savoongo City	491	46.4	12.0	58.2	3.7	21.8	27	.....	463	1	.....	.....	109	4.50	94
Saxman City	273	44.7	8.4	61.2	7.3	23.7	67	.....	194	3	4	15	66	3.91	55
Scommon Bay City	250	47.6	15.6	52.0	6.0	19.0	9	.....	241	.....	1	.....	47	5.32	42
Selawik City	361	44.6	14.4	56.8	6.4	20.7	8	.....	352	1	.....	.....	69	5.23	62
Seldovia City	479	48.0	5.6	67.4	4.8	28.4	334	.....	117	19	8	.....	175	2.74	102
Seward City	1,843	45.0	6.9	75.7	7.8	28.7	1,564	7	238	16	34	166	670	2.50	415
Shageluk City	131	46.6	9.2	63.4	4.6	25.8	11	.....	120	.....	.....	.....	35	3.74	29
Shaktoolik City	164	49.4	15.2	57.9	4.3	22.0	5	.....	159	.....	.....	.....	43	3.81	35
Sheldon Point City	103	41.7	8.7	45.6	1.0	16.5	4	.....	98	1	.....	.....	20	5.15	17
Shishmoref City	394	45.9	13.5	54.8	2.8	19.6	25	.....	369	.....	.....	.....	86	4.58	71
Shungnak City	202	46.0	11.9	57.4	5.9	20.8	14	.....	179	.....	.....	.....	47	4.30	39
Sitka City	7,803	47.3	10.2	67.0	4.6	26.4	5,768	44	1,669	235	108	367	2,440	3.05	1,849
Skogway City	768	47.3	10.8	67.3	4.3	27.4	722	.....	35	8	2	.....	289	2.66	195
Soldotna City	2,320	48.4	9.4	65.8	1.7	25.9	2,216	1	72	18	25	.....	808	2.87	600
Stebbins City	331	49.8	17.5	49.2	3.3	17.5	11	1	316	.....	.....	.....	69	4.80	59
Tanana City	388	46.1	10.1	62.6	5.7	23.9	76	2	307	.....	3	12	118	3.19	78
Teller City	212	43.4	13.2	67.5	7.1	24.6	15	1	196	.....	.....	.....	65	3.26	46
Tenokee Springs City	138	47.8	3.6	79.7	22.5	33.9	127	1	7	3	.....	.....	70	1.97	32
Togiak City	470	48.7	8.1	60.4	3.4	22.2	26	.....	443	1	.....	.....	101	4.65	86
Toksook Bay City	333	48.0	9.6	50.2	3.0	18.1	21	.....	312	.....	.....	.....	65	5.12	58
Tuluksok City	236	52.5	13.6	53.0	4.7	20.2	5	.....	228	.....	2	.....	42	5.62	39
Tununak City	298	46.6	11.1	56.4	3.7	20.1	13	1	283	1	.....	.....	68	4.38	54
Unolokleet City	623	46.5	10.8	60.0	5.0	22.8	75	.....	546	.....	1	.....	158	3.94	128
Unalaska City	1,322	35.1	3.5	86.1	.9	26.8	848	19	200	220	42	600	304	2.38	156
Upper Kalskog City	129	48.1	6.2	62.8	6.2	23.2	21	.....	108	.....	.....	.....	34	3.79	26
Voldez City	3,079	44.1	8.4	70.1	1.5	27.0	2,745	38	175	63	92	324	957	2.88	691
Wainwright City	405	44.0	14.3	58.3	4.7	21.9	33	.....	372	.....	1	.....	93	4.35	82
Wales City	133	41.4	6.8	69.2	6.0	24.9	5	.....	122	6	.....	.....	37	3.59	27
Wasilla City	1,559	49.3	8.8	63.3	3.9	26.9	1,466	6	74	4	22	.....	507	3.07	394
White Mountain City	125	40.8	8.0	67.2	9.6	25.2	9	.....	116	.....	.....	.....	36	3.47	26
Whittier City	198	46.0	10.1	72.2	3.0	28.9	175	3	17	2	5	13	77	2.40	41
Wrangell City	2,184	47.6	8.2	68.0	6.7	28.2	1,737	4	390	29	15	50	758	2.82	551
Yokutat City	449	47.7	10.9	64.1	5.8	25.4	164	.....	279	6	9	.....	139	3.23	99

[1] Excludes "Other Asian and Pacific Islander" groups identified in sample tabulations.
[2] Persons of Spanish origin may be of any race.

ECONOMIC ENTERPRISE ZONE

Mr. ABDNOR. Mr. President, I rise in support of the pending legislation and particularly at this time in support of the Enterprise Zone Act of 1983 as it authorizes the Secretary of Housing and Urban Development to designate enterprise zones that may be nominated by Indian tribes or "an Indian governing body"—to use the language of the committee amendment.

It is most appropriate for the legislation to make provision for enterprise zones within Indian reservations since its stated purpose is "to provide for the establishment of new jobs, particularly for disadvantaged workers and long-term unemployed individuals * * *." It is indisputable, Mr. President, that many thousands of Indians fall within the category of disadvantaged workers and long-term unemployed. To quote a recent congressional report, "* * * unemployment and poverty is the norm on most Indian reservations. The overwhelming majority of Indian families exist at or below the poverty level and unemployment rates of 50 percent or more are common." Indeed, Mr. President, in my home State of South Dakota the Rosebud, Pine Ridge, and Yankton Reservations each has an unemployment rate in excess of 80 percent.

So by any measure of need and fairness Indian tribes should be included in this vital enterprise zone legislation.

As originally drawn, the measure would permit an Indian qualified enterprise zone only if the zone were entirely within the Indian reservation—as determined by the Secretary of the Interior. On first impression that would seem to be a reasonable require-

ment or limitation. I would point out, however, Mr. President, that it is not practicable in many situations to restrict the enterprise zone to the boundaries of a given Indian reservation. The economic conditions that exist on the reservation giving rise to persistent high rates of unemployment, abject poverty, and lack of opportunity constitute the very reason business enterprises will not enter the reservation or, having entered, cannot survive. In view of such conditions, I feel sure the incentives provided by the legislation now before us, important as they are, will not be sufficient to induce competent business people to risk their capital, know-how, and reputation in building and operating new business enterprises within the boundaries of such reservations.

I therefore commend the distinguished chairman and members of the Committee on Finance in accepting my proposal that under certain specified conditions an Indian enterprise zone may be off the reservation. While I have no specific situation in mind and none has been brought to my attention, the changes proposed might well permit Indian participation in constructing and operating a forest product manufacturing plant close by the reservation on which there is a large self-sustaining stand of timber. Or in another situation, a recreation center or complex could be successfully built and operated with Indian participation near a reservation which enterprise would have little chance of success if it were located entirely on that reservation. In each instance the members of the Indian tribe would have substantial benefits from and participation in the cooperative venture.

The proposed changes which now are contained in the amendment provide in effect that:

An Indian enterprise zone is not required to be entirely within the boundaries of the reservation, but in order to qualify the Indian reservation must meet the eligibility requirements spelled out in the act.

In order to qualify, the off-reservation enterprise zone must be nominated by the Indian tribal government in conjunction with the local government and the State in which such area is located.

The off-reservation enterprise zone must be located within a radius of 50 miles from one of the boundaries of the reservation.

The off-reservation enterprise zone may be designated only if the Secretary of Housing and Urban Development determines that a substantial portion of the benefits of such designation will accrue to the members of the Indian tribe.

So in conclusion, Mr. President, I am hopeful that this legislation as it pertains to Indian tribes will open new opportunities to the building of substantial business enterprises both on and off the reservations to the long-term benefit of all members of the Indian tribes. It can be a most important beginning in improving the distressed economic conditions that exist on our Indian reservations.

Mr. CHAFEE. Mr. President, for over 3 years I have been working on legislation to create enterprise zones for reversing economic decline in our severely distressed inner cities and rural towns. As we turn to consideration of the committee amendment, I am encouraged that we finally have the opportunity to put this badly needed program in place.

The enterprise zone language included in the committee amendment represents years of careful study and revision. With the help of Senators BOSCHWITZ, HEINZ, and DANFORTH, and the Reagan administration, virtually every provision has been debated.

The Finance Committee devoted several days of hearings to enterprise zones during which we heard the suggestions of Governors, mayors, and business leaders from across the Nation. There have been countless enterprise zone field hearings, conferences, commissions, and seminars. Needless to say, this proposal is more than ready for our approval.

The objectives of the enterprise program are to spark investment and business activity in targeted distressed areas, to create jobs, especially for disadvantaged individuals in the areas, and to revitalize the geographic zone areas themselves. This would be accomplished by providing relief from Federal, State, and local taxes and regulations, and by improving some local services.

The combination of all these elements—the municipality, the State, the Federal Government, and the private sector—will create the environment necessary to revive rundown areas. Because enterprise zones are based on removing Government burdens rather than providing Government grants, there will be no Federal appropriations.

Eligibility of an area for enterprise zone designation will be based on criteria of poverty, unemployment, and economic distress. However, this would not be an automatic entitlement. Rather, an eligible area must be nominated by the city and the State, and then officially designated by the Department of Housing and Urban Development. The Federal designation process will be competitive, with 75 zones selected over 3 years. The purpose of this is to move ahead slowly, to make sure we are on the right track before we start on a full-blown program with enterprise zones all across the Nation.

Mr. President, the enterprise zone program is not a miracle cure for all our urban and rural problems, nor is it proposed as a replacement for existing programs. This is an experimental and limited program. It is intended to be a complement to existing economic development tools, such as community development block grants, UDAG, and job training.

The local response to enterprise zones has been overwhelming. This legislation is endorsed by Republicans and Democrats, by government officials, community leaders, civil rights groups, and businessmen from all parts of the country. Eighteen States have already enacted their own enterprise zone legislation; some have even started designating areas eligible for State and local incentives. At least 14 other States have legislation pending.

Mr. President, the people who live with urban and rural blight want us to enact this program. I hope that today we can help them help themselves by passing this legislation.

● Mr. BOSCHWITZ. Mr. President, today the Senate is considering the provisions of the Enterprise Zone Employment and Development Act, legislation which I believe responsibly deals with the problems of joblessness by enlisting the help of the private sector.

Today, the Senate can take a major step on the road to enacting this bill. I am pleased to have the support of 40 of my colleagues, who have cosponsored this bill, along with the support of President Reagan. The enterprise zone concept has gathered impressive bipartisan support over the past 3 years and has the support of many State and local governments.

I first introduced the enterprise zone concept to the Senate, roughly 3 years ago. Since that time, the legislation has been refined with the help of business groups, local governments, and urban groups. In 1981, enterprise zone legislation was first discussed on the Senate floor and, as a result, some important modifications were made. Last year it was reported by the Finance Committee, but unfortunately there was not time to act on it in the lame-duck session. This year, however, we are moving faster and are ahead of the game. This year, we do have time to act.

In this time of double-digit unemployment, we need enterprise zones more than ever. As the economy turns around, more and more Americans will go back to work, but the need for enterprise zones will be increasingly evident in areas of structural unemployment—where jobs have been lost to changing industries more than to a sagging economy. Areas such as Minnesota's iron range where the jobless have been stung by the ravages of structural unemployment, can use the boost the enterprise zones can provide.

In simple terms, the supporters of enterprise zones view the problem of joblessness like this: there are no jobs because there are not enough opportunities in the areas that need them the most. Enterprise zones would encourage job creation through a Federal/local package of tax breaks and other incentives for businesses which locate in a designated zone.

There are many problems faced by businesses wishing to locate in enterprise zones that cannot be corrected by the Federal Government alone. Such problems as crime, weak infrastructure support, and city taxes remain barriers to business development. These serve as a double whammy when you consider that a prospective business already faces the usual problems of tax burdens, startup capital, and technical expertise.

Enterprise zones address these problems by combining incentives provided by the Federal Government with those of local governments. That an area shows signs of high unemployment, poverty, or outmigration is not enough to qualify it for an enterprise-zone designation. The local government must also assemble a package of tax and other incentives that meet the particular problems of the area. Moreover, the award of an enterprise zone will be granted on a competitive basis to test local commitment. That could include any number of things, such as improved infrastructure support, reduction of local taxes, relaxation of local regulations, managerial assistance, and technical help.

These local contributions are then matched by Federal tax breaks, such as the elimination of capital gains taxes for business investment in the area, significant reductions in income taxes, and tax credits for wages paid to previously unemployed workers. This local/Federal package addresses the problems that all small businesses face as well as the particular problems of a business located in a depressed area.

Enterprise-zone legislation should be aimed primarily at small business because it creates the vast majority of new jobs. In the past 10 years nearly 20 percent of new private-sector employment has come from businesses with 20 or fewer employees. Eighty percent of new jobs have been created by businesses with less than 100 employees.

My faith in business goes much deeper than statistics. My experience as a businessman has shown me that small businesses offer an increased opportunity for rapid advancement when compared with larger corporations. People at the lower end of the wage scale are not so easily lost in the shuffle; the small businessman is far more involved with the lives of his employees. A worker's qualities, problems, family, and ambitions do not easily escape the boss' notice. Getting in on the ground floor of a small business is a very effective method of advancement, but most important, it stands in stark contrast from welfare.

But, to get in on the ground floor, a small business must have a foundation. This legislation provides small businesses with many advantages which will enable them to build a solid foundation. Some of these advantages are: tax credit for zone employers; investment tax credit for zone property; elimination of capital gains taxation; industrial development bonds; and tax simplification and regulatory flexibility. These and other incentives contained in the legislation, will give small business good reasons to locate in an enterprise zone.

Our Nation long ago accepted the responsibility of taking care of those who cannot take care of themselves. We have spent a lot of money doing just that. Unfortunately, we have not been as wise as we have been generous in meeting this responsibility. Today, our social welfare obligations cost the Government nearly half of the Federal budget. One economist estimates that if we would just give to the poor all the money we spend on programs for them, we would raise all Americans above the poverty level.

Clearly we need a new approach in assisting our poor and jobless. The current antipoverty programs do provide crucial services but they do not, on their own, appear to achieve any lasting good. They are for the most part stopgap policies that address the symptoms but not the causes of poverty. They have failed to provide any meaningful opportunity for advancement.

In fact, the present system has trapped many of our poor in a self-perpetuating cycle of poverty. Instead of offering the poor a chance to pull themselves and their families out of poverty, the present programs unwittingly trap recipients in a self-perpetuating quagmire of poverty from which even the most enterprising have trouble emerging.

The answer is not spending more Government money. The answer is jobs—jobs in the private sector. Although that remedy is easily prescribed, the method toward that cure is not. One means is through enterprise zones.

I do not contend that enacting the enterprise zone legislation alone will solve our present unemployment problems. But it can and should be a part of the solution.

Mr. President, I believe it is important to take note of the fact that State and local governments have already exhibited remarkable enthusiasm for the enterprise zone idea; 18 States have already enacted enterprise-zone legislation, 7 so far this year, and 14 additional States currently have legislation pending. State and local governments have already displayed considerable creativity in their freestanding enterprise zone efforts. I am submitting a list of this State activity for the RECORD.

These States have also provided a wide variety of incentives in their zone legislation:

Connecticut legislation provides venture capital loans, corporate income tax credits, sales tax exemption, employment training vouchers, and $1,000 for each manufacturing job.

Florida provides loans and grants to community development corporations in State enterprise zones.

Kentucky has a vehicle for providing residents with equity interest in a zone through neighborhood enterprise associations, and allows exemptions from certain sales and use taxes.

Within some 480 zones, Louisiana exempts purchase of plant and equipment from State income, sales, and franchise taxes for approved businesses.

Maryland offers loan guarantees from a venture capital guarantee fund and tax credits on local property taxes and wages paid to employees.

Minnesota abates 50 percent of the taxes on building expansion or new construction for the first 12 years.

Ohio provides sales tax exemptions and business income and unemployment tax credits, and allows unemployment tax credits and property tax abatement.

The Enterprise Zone Employment and Development Act encourages these efforts. It not only provides an important and necessary complement to such State and local activities, but acts as a synergistic ingredient in that mix of activities essential to making enterprise zones successful. This is an excellent opportunity to demonstrate both intergovernmental and public-private partnerships in action. This is a fresh, promising approach to dealing with problems of structural unemployment and revitalizing distressing areas in our Nation's cities and rural towns.

I am very pleased that the Senate is considering this enterprise zone legislation, and I urge my colleagues to support it as part of the Finance Committee amendment. We have had quick action on this legislation this session, and now that it is in our grasp, let us make sure we do not lose our momentum.

We in the Senate have shown how important we feel this piece of legislation is—41 Members of this body have sponsored it. Let this be a message to Members of the House. We have started the ball rolling, let us hope it does not get held up.

I urge the conferees to be strong advocates for enterprize zones in the conference with the House, so it can be sent to the President and signed into law.●

Mr. KASTEN. Mr. President, the Senator from Louisiana, Mr. LONG, has offered some interesting arguments against the Finance Committee amendment to H.R. 2973. I would like to clarify a few points.

It is true that this amendment includes various compliance measures designed to get interest and dividend tax cheaters. Specifically, it includes backup withholding at 20 percent for individuals not filing tax returns or not reporting more than $50 in interest and dividend income. The effective date for this provision has been changed to January 1, 1984. Now, it is essentially the same as the backup withholding called for in current law. In other words, even if the motion/amendment of the Senator from Louisiana passes today, backup withholding would still go into effect next January. There really is very little difference between the backup withholding in the committee amendment and what we would have if the Long motion/amendment succeeds. Both the American Bankers Association and the U.S. League of Savings Institutions recognize this fact, and support the Dole-Kasten compliance measures.

The Senator from Louisiana also argues that if the committee amendment passes, withholding will go into effect on July 1. That is simply not true. The Secretary of Treasury has written a letter pledging that if the committee amendment passes, the effective date for withholding will be delayed by 30 days. This will allow more than enough time for a House-Senate conference to work out the differences between these 2 versions of the repeal bill—H.R. 2973.

The Treasury letter pledges that the Secretary of the Treasury will use the authority in TEFRA to grant a blanket hardship exemption for all payors of interest and dividends. TEFRA states that the Secretary has the authority to do this for institutions that would have undue hardship in meeting the provisions of mandatory withholding. It is clear that Congress intends to repeal withholding. The problem is one of timing. The worst thing in the world would be that withholding go into effect on July 1, and 10 days later the President signs the repeal law. I believe—and so does the Secretary of Treasury—that this would be an undue hardship for banking institutions, and a 30-day exemption is necessary.

Mr. President, it has been almost 1 year since I first attempted to strike withholding on interest and dividend income from the law. More than anyone else in this Chamber, I would like to see this issue resolved. And I strongly believe that it will be resolved if we all join together and support the Finance Committee amendment here today.

Mr. ROTH. Mr. President, the legislation before us today presents us with an opportunity to take action to extend the mortgage revenue bond program. In January, I introduced legislation, S. 137, the Housing Finance Opportunity Act of 1983, to repeal the sunset provision for the mortgage revenue bond program. Since that time this legislation has garnered an impressive array of support, having 76 cosponsors. I ask unanimous consent that their names be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COSPONSORS OF S. 137

Senators Roth, Mitchell, Sasser, Durenberger, Danforth, Heflin, Dodd, Tsongas, Melcher, Abdnor, Packwood, D'Amato, Stafford, Cochran, Levin, Trible, Riegle, Wallop, Cranston, Murkowski, Pell, Huddleston, Specter, Ford, Zorinsky, Warner, Heinz, Tower, Exon, Leahy, Dixon, Randolph, Sarbanes, Pressler, Baucus, Mattingly, Eagleton, Nunn, Burdick, Thurmond, Hart, Stevens, Chafee, Laxalt, Jackson, Hecht, Denton, Biden, Stennis, DeConcini, Andrews, Lautenberg, Kasten, Matsunaga, Hollings, Mathias, Bingaman, Inouye, Jepsen, Bentsen, Helms, Hawkins, Boren, Simpson, Glenn, Boschwitz, Garn, Byrd, Wilson, Quayle, Pryor, Kennedy, Lugar, Rudman, Percy, Johnston, and Chiles.

Mr. ROTH. Mr. President, this list is broadly bipartisan and constitutes a majority of the members of the Finance Committee, the Banking, Housing, and Urban Affairs Committee, and the Budget Committee. In addition, this legislation has the support and endorsement of a number of public interest groups, including the National Governors' Association, the Conference of Mayors, the National Conference of State Legislatures, the Council of State Housing Agencies, the National Association of Homebuilders, and the National Association of Realtors, among others. I ask unanimous consent that a letter I have received from these groups be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 24, 1983.

Hon. WILLIAM V. ROTH,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR ROTH: The undersigned organizations support your efforts to gather support for legislation to eliminate the December 31, 1983 "sunset" on the issuance of single family mortgage revenue bonds.

State and local governments have effectively used mortgage revenue bonds to meet local and national housing needs. These bonds reduce the cost of single family homeownership for low and moderate income families by lowering mortgage interest rates and by allowing smaller downpayments than required by conventional lenders. Although interest rates have decreased somewhat we believe the availability of the mortgage revenue bond program must continue especially in light in light of the very realistic possibility that interest rates will again shoot upward.

Mortgage revenue bonds contribute to the creation of jobs in the construction industry. The Council of State Housing Agencies has estimated that the construction of new housing units *directly* financed with 1982 mortgage revenue bond proceeds have created 76,00 to 89,000 new jobs, resulting in an additional payment of $1.4 billion to $1.6 billion in wages. Further, it has been estimated that $640 million to $740 million in taxes was generated as a result of the construction of these new units, of which $550 million to $640 million was payable to the Federal Treasury.

We believe the elimination of the sunset is one of the most important issues before the Congress this year. We look forward to working with you to maintain the mortgage Revenue Bond Program, ensure the continued viability of the American housing industry, and provide decent and affordable housing for all.

Sincerely,

City of Oakland, California; National Association of Housing and Redevelopment Officials; National Governors' Association; Association of Local Housing Finance Agencies; Council of State Housing Agencies; National Association of Realtors; Public Securities Association; Council of State Community Affairs Agency; National Conference of State Legislatures; United States Conference of Mayors, American Institute of Architects; National Association of Home Builders; National Lumber and Building Materials Dealers Association.

Mr. ROTH. Mr. President, on May 13, hearings were held in the Subcommittee on taxation and debt management of the Finance Committee on S. 137. These hearings gave the critics and advocates of the program an opportunity to air their views on the mortgage revenue bond program. We had an impressive array of witnesses from all over the country who gave testimony as to the need and effectiveness of the program. These witnesses came from Delaware, Oregon, Maine, Florida, Arkansas, New York, Minnesota, and Virginia and left no doubt in this Senator's mind that we must continue the mortgage revenue bond program. This hearing record also counters the recent General Accounting Office preliminary report on "The Costs and Benefits of Single Family Mortgage Revenue Bonds." I ask unanimous consent that a detailed response to the charges of the GAO report prepared by the Council of State Housing Agencies be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COUNCIL OF STATE HOUSING AGENCIES RESPONSE TO THE GENERAL ACCOUNTING OFFICE STUDY "THE COSTS AND BENEFITS OF MORTGAGE REVENUE BONDS: PRELIMINARY REPORT"

HIGHLIGHTS

GAO draws conclusions about the mortgage revenue bond (MRB) programs based on a study of loans made over the first three

quarters of 1982. Given the high rates of interest during this period, one can hardly call 1982 typical of mortgage bond program experience. Yet GAO makes no attempt to explain its findings in this context. It implies that these programs failed to serve the goal of low income housing assistance, withour acknowledging the equally important purpose served in 1982—to provide critically needed support to a devastated housing industry.

GAO presents an estimate of the cost of mortgage bond subsidies that is exaggerated not only by the time period studied, but also by the assumptions used in calculating that cost. Different assumptions result in cost estimates that range from 25 to 75 percent of GAO's figure. The report does not present these lower estimates.

Comparing the cost of the mortgage bond subsidy with the interest reduction to the homebuyer, GAO concludes that cost exceeds benefits. It bases this conclusion, however, on a significantly smaller interest rate subsidy than was actually available in 1982. Similarly, it understates the cost of possible alternatives to MRBs, which appears to increase the gap between mortgage bonds and other program costs. More realistic assumptions lead to the conclusion that MRBs are highly cost effective and less expensive than other subsidy mechanisms.

Much of the report is devoted to showing that mortgage bonds in 1982 served "middle and upper income" families. By this, GAO means families with incomes over 80 percent of median; on a national basis, this means families with incomes over $20,000. GAO also makes the extraordinary—and unsupported—claim that families with incomes over $20,000 could have bought without subsidy in 1982.

The GAO report claims that the incomes of homebuyers under revenue bond programs "were similar to those of buyers" borrowing with FHA unsubsidized mortgage insurance. In fact, the median FHA homebuyer had an income some $10,000 or 43 percent higher than the median income in state housing bond programs.

GAO found that half of the borrowers in mortgage bond programs had incomes less than $25,000 in 1982 and 85 percent had incomes less than $35,000. In a year when it took about $38,000 in income to afford the median priced used home at market interest rates, this suggests that mortgage bonds were highly successful in serving a market that otherwise could not have bought in 1982.

A recent survey of state housing finance agencies shows that, from 1978 to 1981, the median borrower income for mortgage bond programs ranged between 79 and 85 percent of national median income. During the same period, the median sales price of homes financed by these programs fell between 59 and 66 percent of the national median. In 1982, borrower income increased to 96 percent of median, while the purchase price remained at 66 percent of the national median. This result confirms common sense: that 1982 was not a typical year and that it simply took more income to afford a moderately priced home at 1982's high interest rate.

Executive Summary

This analysis was prompted by the GAO report REED-145, April 28, 1983 entitled "The Costs and Benefits of Single-Family Mortgages: Preliminary Report." This report was requested by the Chairman of the Senate Finance Committee in order to receive the preliminary findings of a study of mortgage bonds that had been self-initiated by GAO. Although we believe the objective of the study—to review the mortgage bond program in advance of the "sunset" hearings—was potentially useful, the report itself is often inaccurate, misleading and based on incomplete data. To supply a more reasoned, accurate and useful report on the issues associated with the "sunset", this report responds to GAO on an issue by issue basis.

GAO APPROACH

We have two general comments on the GAO's approach to the issues and their presentation:

GAO chose to limit its investigation to bonds issued from December 1981 through July 1982, a period of record high interest rates. This unrepresentative period distorts the analysis for budget purposes and provides a misleading picture of program beneficiaries. Despite this flaw in its approach, GAO does not attempt to balance its work with a perspective from past years, nor is the role played by State housing agencies in providing capital in 1982 to a severely depressed housing industry put into context.

GAO presents conclusions which are unsupported by the data. For example, GAO's Figure 1, which compares MRB and FHA homebuyer incomes—however obscurely—is stated to show that incomes in these groups are essentially similar. In fact, the FHA homebuyer has a median income of $10,000 above the State agency buyer and the comparison shows that MRBs have a far greater share of borrowers in the lower income levels.

NOTE ON FUTURE BUDGET PROJECTIONS

The issue of future tax expenditures for post sunset years must be clarified. GAO uses 1982 interest rate assumptions for its cost analyses. Because the estimates of the cost of bond programs are based on overall interest rates, 1982's high rates dramatically—and improperly—inflate the revenue impact of tax-exempt financing, regardless of the methodology used.

In attempting to project tax expenditures for future years, the Joint Committee on Taxation uses reasonable estimates of interest rates for those years. The following chart, based on economic assumptions used by the Joint Committee in projecting revenue losses shows estimates of the cost of tax-exempt financing programs in a more normal year. We believe this to be a more accurate portrayal of the range of costs under all methods, both on a gross and per unit basis.

MORTGAGE REVENUE BONDS: PROJECTED COSTS, 1984 [1]

Estimating method	Revenue loss per $1 billion in MRB's (millions)	Cost per mortgage per year	Total subsidy cost per mortgage
GAO	$31.5	$1,568	$8,681
Joint tax	22.7	1,057	6,255
Kormendi/Nagle	7.5	349	2,065

[1] The methodology and sources for the various tables contained in this Executive Summary are set forth in the body of this response.

I. COST/BENEFIT ANALYSIS

1. Cost of tax-exempt financing

Beyond its misleading use of 1982 data, GAO overstates the costs of tax-exempt financing:

The report estimates the cost of mortgage bond programs based on the traditional method used by the Joint Committee on Taxation. However, it fails to include, as does the Joint Committee, increased revenue resulting from lower tax deductions taken by homebuyers using this financing.

GAO assumes only 87 percent of the funds raised by bonds will be used for mortgages. Since the 1980 Mortgage Subsidy Bond Tax Act, a 13 percent setaside tends to be the maximum, not the average.

Most importantly, GAO fails to acknowledge alternative—and more realistic—explanations of how tax-exempt issues affect federal revenues, such as a University of Chicago (Kormendi/Nagle) model which bases its estimates of revenue loss on actual investor behavior patterns and produces cost estimates substantially below those GAO uses.

The following table summarizes alternatives to the GAO revenue loss estimates, based on 1982 interest rates:

REVENUE LOSS ESTIMATES (1982 BASE)

Method	Cost per $43,000 mortgage	Cost per $1 billion of bonds (millions)
GAO	$13,300	$45.0
GAO (7-percent set-aside and joint committee offset)	10,155	36.9
Kormendi/Nagle	5,699	19.3
Kormendi/Nagle (7-percent set aside and offset)	3,231	11.7

Thus, the GAO estimate exceeds other, more plausible estimates of the cost of tax-exempt financing by anywhere from 30 to 400 percent.

2. Benefits to home purchasers

As GAO overstates the cost of revenue bond financing, so does it understate the benefit to home purchasers. It does so by understating the conventional mortgage rates and overstating the tax exempt mortgage rates that existed in 1982.

The following table illustrates the costs and benefits of tax-exempt financing using more realistic assumptions:

COSTS AND BENEFITS OF TAX-EXEMPT FINANCING (1982 BASE)

Method	Cost per unit	Savings to purchaser
GAO	$13,300	$8,533
GAO (7 percent set-aside and offset)	10,155	8,533
Kormendi/Nagle	5,699	8,533
Kormendi/Nagle (7 percent set-aside and offset)	3,231	8,533

3. Cost of alternative programs—1982

GAO compares bond programs with the cost of theoretical alternative homeownership subsidy programs. As with the estimates of the cost of MRBs, more realistic interest rate assumptions greatly change the projected cost of these alternatives:

ALTERNATIVE COST ESTIMATES

[1982 base]

Program	Cost per mortgage— GAO assumptions	Alternative assumptions
Mortgage revenue bonds	$13,300	$5,699
Taxable bonds	10,400	8,835
Mortgage grants	3,400	8,680
Tax credits	3,500	9,112

4. Credit market effect of MRB's

GAO states that MRB's drive up the cost of other municipal bond issues. To support

this claim, GAO uses figures that overstate the percentage of the market that MRB's held in 1982, which was about 10 percent, not 14 percent, of total issues, and less than 3 percent of total outstanding tax-exempt bonds. Moreover, the volume of MRB issues is capped, so that arguments based upon an expectation of unrestrained growth are no longer relevant.

The volume of tax-exempt bond issues is only one of many factors that affect municipal rates, as market experience has demonstrated. Other factors include the reduction in federal income taxes, the withdrawal of financial institutions from the market because of profitability problems, and competition from other credit users, including the federal government.

5. Policy considerations

The GAO report focuses on monetary costs and benefits of tax exempt financing. In doing so, it neglects other benefits and advantages which cannot be so easily quantified:

Local and state agencies can tailor programs to local needs.

Mortgage bond programs provide a source of mortgage funds to rural and urban areas which are traditionally capital short. They also have been particularly helpful as a tool of urban revitalization and neighborhood improvement.

Special programs such as home improvement loans are ignored by GAO.

There is no mention of the importance of these State and local programs in the face of reduced Federal support for housing and for housing program administration.

GAO ignores the role Congress and the Administration designated for MRB's in 1982 as a countercyclical support for the housing industry.

II. BENEFICIARIES OF REVENUE BOND PROGRAMS

The picture of mortgage bond beneficiaries presented by GAO is distorted, and its conclusions are unsupported by the data it presents or chooses not to present.

1. Use of 1982 data misleads

The use of 1982 data is misleading because of high interest rates. Agencies had to go beyond the predominantly lower income homebuyers that they had served in the past in order to keep programs running at a time when the housing market needed support. The following table puts the 1982 experience into historical perspective.

MRB HOME BUYER INCOMES: HISTORICAL PERSPECTIVE

	1978	1979	1980	1981	1982
MRB borrower median income (State agencies)	$14,725	$15,441	$17,794	$18,068	$23,243
National median income	$17,640	$19,587	$21,023	$22,388	$24,200
MRB borrower as percent of national median	83	79	85	81	96

2. Even in 1982, the MRB program served the lowest segment of the home purchase market

According to GAO, the incomes of the MRB homebuyers "were similar to those of buyers" under the FHA unsubsidized mortgage programs. The actual picture is quite different:

MRB and FHA homebuyer median incomes: 1982

FHA 1982 median income	$33,166
MRB 1982 median income (State agencies)	$23,243
Percent difference	43

What is true for medians is equally true across the board. Fully 50 percent of revenue bond program homebuyers in 1982 had incomes of less that $25,000 compared with only 23 percent of FHA buyers. Only 15 percent of MRB buyers had incomes over $35,000, compared to 41 percent of FHA buyers.

GAO states the "typical mortgage revenue bond homebuyer in 1982" had an income "between $20,00 and $40,000." In fact, the typical buyer had income of less than $25,000 and, as GAO's own data indicates, 72 percent were below $30,000.

GAO states the program serves the "more affluent half of the families in their states." What this means is that during a period of unprecedented high interest rates, nearly half the MRB buyers had incomes below the median income. In fact 23 percent had incomes at or below the eligibility level for the Section 8 "deep subsidy" program.

3. Revenue bond program beneficiaries could not have purchased homes without this assistance

GAO asserts that "three quarters of buyers had incomes above $20,000" and would have bought in the absence of revenue bond assistance. No data is given to support this conclusion and if it were accurate, the housing industry would not have been paralyzed in 1982.

At the interest rates prevailing for most of the year, it would have taken an income of $38,000 to buy a median priced existing home. Fewer than 10 percent of MRB buyers had incomes at this level. Even at 75 percent of the median priced existing home, fewer than 50 percent of MRB buyers had incomes sufficient to support a mortgage. Thus, the date supports the conclusion dictated by common sense and experience: the moderate income homebuyer served by MRBs would otherwise have been priced out of the market.

4. Further income restraints and purchase price limits are unnecessary

The experience of 1982 shows clearly that flexibility at the state and local level was essential to the value of mortgage bond programs. Arbitrary income limits would have precluded a countercylical role for MRBs. Thus, experience validated the judgment of Congress in rejecting such limits.

GAO also contends that the purchase price ceiling does not limit, indeed, actually "encourages" participation of "upper income people." This ignores the actual results seen in 1982. GAO in its own sample found the average purchase price to be $48,000—hardly luxury housing. Revenue bond programs helped finance modestly priced housing in 1982, just as they have over the past several years. It simply took more income in 1982 for homebuyers to be able to afford modestly priced housing.

MRB MEDIAN HOME SALES PRICES VS. NATIONAL MEDIAN

	1978	1979	1980	1981	1982
MRB median sales price	$35,866	$37,515	$42,438	$43,233	$43,791
National median sales price	$55,700	$62,900	$64,600	$68,900	$69,300
MRB median as percent of national	64	59	66	63	63

5. Federal policies and State agency practices effectively target revenue bond benefits

As GAO acknowledges, Congress intended revenue bonds to serve those households that could not afford to purchase homes without assistance. Despite record high interest rates and the worst housing depression since World War II, State and local bond programs served precisely this function in 1982. As economic conditions continue to improve, their ability to aid the lowest end of the spectrum of first-time homebuyers will grow and their record of achievement should improve even further.

PART I.—COST/BENEFIT ANALYSIS

The GAO report attempts to assess the cost effectiveness of mortgage revenue bonds by estimating their cost to the government in terms of lost tax revenues. It then compares that loss, first, with estimates of the financial benefit provided to borrowers and, second, with projected costs of several hypothetical alternative means of providing comparable levels of assistance to first-time homebuyers.

As the following will demonstrate, GAO (1) used an inappropriate methodology to compute the costs of tax-exempt bonds and (2) chose a number of assumptions that were inaccurate, internally inconsistent or otherwise invalid in making its estimates of the benefits of revenue bond programs and the costs of its suggested alternatives. As a result of these faulty assumptions and calculations, the cost/benefit analysis presented in the GAO report cannot withstand serious scrutiny and should not be used by the Congress as a basis for decision making.

It must be emphasized from the outset that this discussion of the cost of homeownership subsidy programs is based on the extreme high interest rates of 1982. Under more normal economic conditions, even the most exaggerated estimates of the cost of tax-exempt financing programs fall dramatically, as shown in section 4 below.

1. Costs of Tax-Exempt Financing.

GAO bases its cost estimates on the traditional tax expenditure methodology used by the Department of the Treasury and the Joint Committee on Taxation. This method of estimating Federal revenue losses assumes that an issue of tax exempt bonds "replaces" an equal volume of fully taxable instruments. The taxes lost are computed as those which otherwise would have been collected on the taxable securities.

GAO assumes a taxable security rate of approximately 15 percent [1] and a marginal tax bracket for security purchasers of 30 percent. Finally, GAO assumes that "only 87 percent of funds raised will be available to lend for home mortgages," thereby requiring $49,770 to be raised for each average mortgage of $43,300. Using these assumptions and methodology, GAO estimates a total revenue loss for the average tax-exempt mortgage in 1982 to be $13,300.

The GAO methodology and assumptions grossly overstate the actual costs of tax-exempt financing for first-time homebuyers. First, the GAO approach, while *based on* the method used by the Joint Committee on Taxation, varies from it in a critical respect: it fails to include the increased tax revenues that result from lower mortgage interest deductions taken by homebuyers using this financing. Thus, while GAO computes the reveune loss for its hypothetical 1982 mortgage as $13,300, the Joint Committee on Taxation would compute a revenue loss in the same year, for the same size mortgage, as approximately $11,013.[2]

[1] Although the taxable instrument rate is not stated in the report, we derive 15 percent from GAO's calculations.

[2] Calculations for this and all subsequent estimates using alternative methodologies or assumptions are shown in the Appendix.

A second flaw in GAO's analysis is its assumption that no more than 87 percent of the funds raised will be used for mortgages. In fact, many issuers now use well over 90 percent of bond proceeds for home mortgages. Consequently, of GAO had assumed that 93 percent of bond proceeds went to homebuyers, costs under the GAO approach would drop to $12,397. By the Joint Committee method costs would drop further to $10,155.

Implicit in GAO's estimates of the revenue cost of mortgage bonds is the use of the 30 percent tax bracket from which to calculate tax loss. Some may argue that this is too low, given the fact that these tax-exempt securities are largely purchased by high income investors. However, the goal is to estimate the taxes that these investors otherwise would have paid. Given the availability of alternative tax sheltered investments and the presence of financial institutions in the market, it seems that 30 percent may well be overstating the potential revenue collection.

Most importantly, the proper method of estimating revenue losses associated with tax-exempt financing is a matter of substantial disagreement among analysts. University of Chicago professors Roger Kormendi and Thomas Nagle, for example, argue that the traditional Treasury/Joint Committee approach is based upon an unrealistic view of investor behavior. Kormendi and Nagle offer their own estimates, based upon actual holding patterns revealed in Federal Reserve Board data, which yield revenue loss estimates significantly below those which result from the Treasury/Joint Committee method.

By the Kormedi/Nagle method, assuming GAO's estimate of a 15 percent taxable bond rate and a 13 percent set-aside of bond proceeds, the total revenue loss from 1982's average mortgage would amount to $5,699. Correcting GAO's assumptions further to incorporate only a 7 percent set-aside (93 percent of funds loaned) and to take account of the Joint Committee offset for reduced homeowner interest deductions, the revenue loss per average mortgage is reduced further to $3,231.

The following table summarizes the more accurate alternatives to the GAO revenue loss estimates:

REVENUE LOSS ESTIMATES

[1982 base]

Methodology	Cost per mortgage of $43,300	Revenue loss per $1 billion of mortgage bonds (millions)
GAO	$13,300	$45
GAO, with offset (7 percent set-aside)	10,155	36.8
Kormendi/Nagle (7 percent set-aside; no offset)	5,699	19.35
Kormendi/Nagle (7 percent set-aside; with offset)	3,231	11.7

Thus, the GAO overstates revenue losses per mortgage by anywhere from 30 percent to 400 percent.

GAO further exaggerates the cost of tax-exempt financing by including the gratuitous assertion that the "actual cost per targeted household" could be four times the cost estimated in the report. This statement is based on GAO's assumption that since three out of four purchasers under revenue bond programs in 1982 had incomes above $20,000, they could have purchased homes without assistance. As is explored in detail later on, this assertion defies both common sense and actual experience in 1982 and is simply unworthy of serious consideration.

2. Benefits to Home Purchasers.

As GAO overstates the costs of revenue bond financing, so does it understate the benefit to home purchasers. GAO's estimate of benefits is based upon the assumption that tax-exempt financing provided homebuyers "with an average interest rate reduction of about two percentage points" in 1982. Based on the assumed 13.75 percent tax-exempt mortgage rate, we believe that GAO would compute the average benefit to a home purchaser as $4,904.

The GAO assumptions are directly contrary to experience and consequently understate the benefit to homebuyers. While GAO assumes a tax-exempt mortgage rate of 13.75 percent, state housing finance agencies actually provided mortgage funds at an average rate of 12.32 percent in 1982. Using this figure and taking into account discount points, we can estimate that the average tax-exempt mortgage cost a homebuyer 12.5 percent in 1982.

This tax-exempt mortgage rate should be contrasted with a market mortgage rate of approximately 16 percent. The 16 percent figure can be reached in a variety of ways. These include:

The substantial majority of FHA mortgages were made at rates ranging from 15 percent to 16.5 percent. Assuming 4 to 6 points on the mortgage, an average interest cost of 16 percent seems appropriate.

GAO's own estimate of a mortgage rate under taxable bonds is 16.18 percent.

While rates fluctuated widely, fixed-rate, 30-year conventional mortgages tended to cost between 15 and 17 percent for most of the year. The 16 percent estimate seems conservative for the first three quarters of 1982.

Based on a spread of 3.5 percent between taxable and tax-exempt rates, the benefit to the homebuyer receiving GAO's average mortgage in 1982 would be computed as $8,533.

Rates reported by the Federal Home Loan Bank Board support the use of a 3.5 percentage point spread between mortgage bond and market rates. For 1982, the FHLBB shows an average effective interest rate of 16.7 percent for 90 percent, conventional mortgages (16.6 percent for 80 percent loans). A 3.5 percentage point spread would put tax-exempt rates at 13.2 percent.

The following table illustrates the costs and benefits of tax-exempt financing to purchasers using the rectified numbers discussed above:

COSTS AND BENEFITS OF TAX-EXEMPT FINANCING

[1982 base]

Method	Cost/unit	Savings to purchaser
GAO	$13,300	$8,533
GAO, with offset (7 percent set-aside)	10,155	8,533
Kormendi/Nagle	5,699	8,533
Kormendi/Nagle (7 percent set-aside, with offset)	3,231	8,533

3. Cost of Alternative Programs.

GAO supplements its analysis of the costs and benefits of revenue bond programs with an exploration of possible alternative means of providing comparable benefits. Here, too, the GAO analysis suffers from a series of incorrect assumptions and inappropriate methodologies. Before considering these alternative approaches, therefore, it is necessary to review GAO's assumptions and make such corrections as are needed.

As noted above, GAO assumes a rate on mortgages financed with tax-exempt bonds as 13.75 percent. This rate should be projected at 12.5 percent.

GAO assumes that taxable mortgage funds for use in a Mortgage Grant or Tax Credit program could have been obtained at a rate of 15.18 percent (although the report also assumes that MRB loans at 13.75 percent provided an average two percentage point subsidy from market rates). Implicit in this assumption is the expectation that such funds would be raised through federally insured mortgages and federally guaranteed securities. Yet, as noted above, effective interest rates on these mortgages were closer to 16 percent in 1982.

GAO assumes that the interest rate on tax-exempt mortgage revenue bonds averaged 12.5 percent in 1982. But the weighted average of state housing finance agency single-family bond issues in 1982 was about 12 percent. (The spread between bond and mortgage rates was reduced by large state contributions).

The GAO estimates include no projection of administrative costs for the alternative programs. This omission further prejudices the analysis against tax-exempt bond programs, since these programs pay their own administrative expenses. In the following estimates, therefore, a modest projection of the administrative costs of non-bond financed programs is included.

Unchanged from GAO's assumptions are (a) an average mortgage amount of $43,300; (b) 30-year, fixed-rate loans; (c) the 12-year prepayment assumption; and (d) a 13 percent discount rate for present value computations.

a. Taxable bond option.

GAO's first alternative proposes that taxable bonds be issued by the same agencies which would otherwise issue tax-exempt bonds. The federal government would then pay an interest reduction subsidy to the issuer "so that its borrowing costs (are) equivalent to those incurred with tax-exempt securities."[1] GAO estimates the cost of such a program at $10,400 per unit. This cost is derived, according to GAO, by multiplying the bond principal amount by the difference between taxable and tax-exempt interest rates for each of the 12 years in which mortgages are outstanding.[2]

Using the corrected assumptions set forth above, we have computed the cost of the taxable bond option at $8,835 per unit. Note that this etimate assumes that 87 percent of the bond proceeds will be loaned for mortgages. If the 93 percent assumption is used, the proper subsidy cost would be $8,267 per unit.

b. Mortgage grant option.

Under GAO's second option, the federal government would pay an up-front cash discount to mortgage lenders to provide the desired reduction in homebuyers' mortgage interest rates. GAO projects the cost of this cash grant at $3,400 per average unit, based upon the amount needed to reduce the payments on a 15.18 percent loan to the level required at a 13.75 percent interest rate. If these assumptions are corrected as explained above, the cost of the mortgage grant program rises to $8,533 per unit, representing the capitalized value of reducing

[1] Such a program is authorized by Section 802(c)(2) of the Housing and Community Development Act of 1974.

[2] We have not been able to duplicate the GAO calculation for this option, and believe there may have been an error in computation.

payments on a 16 percent mortgage to those on a 12.5 percent loan.

An estimate of administrative costs must be added to projections for the mortgage grant and tax credit programs. While any such estimate must necessarily be highly conjectural, we have attempted to provide one based upon HUD's staff costs in administering the Section 235 program. HUD estimates that 100,000 units of Section 235 housing require a total of 458 staff years of personnel time in the first year that a unit receives subsidy. It further estimates that those 100,000 units require 17 staff years annually in subsequent years. Considering only the first year costs, and assuming (as HUD does) a cost of $32,000 per staff year, first year administrative costs amount to $147 per Section 235 unit. If the Mortgage Grant option has the same administrative costs as the Section 235 program, the total cost should be increased by $147 per unit to $8,680.

c. Tax credit option

GAO's last approach would use an annual tax credit to reduce the effective interest rate on the loan. Essentially similar to HUD's Section 235 program, this option would substitute a tax credit to the homebuyer for the "interest reduction payment" that would go to the lender under Section 235. GAO estimates the cost of this approach at $3,500 per unit, using the assumption of a taxable mortgage rate of 15.18 percent and a tax-exempt rate of 13.75 percent. As with the previous estimate, if we correct these assumptions on interest rates to 16 percent and 12.5 percent, the program cost amounts to $8,965. Adding an administrative cost of $147 per unit to the foregoing produces a total program cost for the Tax Credit option of at least $9,112.

The following table summarizes the comparative costs of tax-exempt bond financing and the various options posed by GAO:

ALTERNATIVE COST ESTIMATES

[1982 base]

Program	Cost per mortgage: GAO assumptions	Cost per mortgage: Alternative assumptions
Mortgage revenue bonds	$13,300	$5,699
Taxable bonds	10,400	8,835
Mortgage grants	3,400	8,680
Tax credits	3,500	9,112

4. Effect of Changed Assumptions.

As this report has demonstrated, estimates of the cost of alternative homeownership subsidy programs will vary greatly with the interest rate assumptions used. Estimates of the cost of mortgage revenue bond subsidies will depend greatly on the overall level of interest rates, while the three alternatives will depend more on the differential between subsidized and unsubsidized rates. Consequently, limiting the analysis to one high interest rate year will necessarily bias the results against tax-exempt financing programs.

In calculating the cost of mortgage bond programs, GAO has assumed a taxable bond rate of 15 percent. But in a lower interest environment—say 13 percent—the estimated cost per subsidy for MRBs drops almost $2,000, to $11,486. At 10 percent, GAO's estimate falls to $8,835.

The cost of the proposed alternatives to tax-exempt financing depends on the spread between subsidized and unsubsidized mortgages. Taking GAO's least cost alternative as an example, we have shown that the mortgage grant program carries a per mortgage subsidy cost of $8,533 (not including administrative costs) when market rates are 16 percent and MRB loan rates are 12.5 percent. Narrowing that spread to 13.25 and 16 percent, the per unit subsidy falls to $6,733. With a larger spread—say 12.5 and 16.7—the subsidy increases to $10,272.

From this comparison of estimates across interest rate assumptions, it becomes clear that this kind of analysis will have dramatically different outcomes in different years. To illustrate the table below compares cost estimates using GAO interest rate assumptions along with assumptions recently used by the Joint Committee on Taxation in projecting a cost of MRBs in 1984:

REVENUE LOSS ESTIMATES: 1982 VERSUS 1984

	Cost per mortgage—	
	MRB's	Mortgage grants
GAO method—1982 [1]	$13,300	$3,500
Joint committee method—1982 [1]	11,013	NA
GAO method—1984 [2]	9,279	8,042
Joint committee method—1984 [2]	6,686	NA

[1] GAO interest rate assumptions, includes no offset.

[2] Based on interest rate assumptions used by Joint Committee on Taxation in recent revenue loss estimates for fiscal year 1984–88: for 1984, 10.5 percent taxable bond rate, 12 percent conventional mortgage rates and MRB mortgage rate of 70 percent of taxable bond rate plus 1.125 percent (8.475).

In short, had GAO undertaken its study in 1984, the results of its cost analysis would have looked considerably different.

5. Credit market effects.

In addition to the dollar cost of a mortgage bond subsidy, GAO also claims that these financing programs impose a cost on the municipal bond market by driving up interest rates. They base this charge on the view that an increase in the volume of tax exempts will have a significant effect on interest rates relative to the taxable bond market.

Much of the concern about the credit market effects of MRBs stems from the rapid increase in the volume of these bonds experienced in the late 1970s. The proliferation of housing bonds gave rise to the fear that these issues would grow to overwhelm the market. But in fact, MRBs make up only a small portion of the total tax-exempt market. In 1982, MRBs totaled approximately $8 billion, which represents only about 10.5 percent of total long-term tax-exempt debt issued in that year—not 14 percent, as reported by GAO. The total was less than 2 percent of the total municipal bonds outstanding.

Furthermore, the Mortgage Subsidy Bond Tax Act of 1980 capped annual MRB activity on a state-by-state basis. As a result, total yearly volume cannot exceed approximately $14 billion nationwide. Whatever the effect that volume has on tax-exempt interest rates, it must be remembered that housing bonds make up only a limited portion of that market.

As evidence of credit market effects, GAO cites a 1979 study by George Peterson and Brian Cooper of the Urban Institute, "Tax Exempt Financing of Housing." The Peterson estimate rests on the assumption that increases in tax-exempt volume must be purchased by taxpayers in successively lower marginal tax brackets. Since the exemption is of less value to these taxpayers, tax-exempt rates must rise to attract the new bondholders, or so the argument goes.

University of Chicago professors Roger Kormendi and Thomas Nagle again provide an alternative view, based on a much broader perspective of capital markets. They reason that, because the bulk of new tax-exempt issues are purchased by high bracket investors, the increase in interest rates required to attract purchasers is much lower than that estimated by Mr. Peterson.

The evidence supports the claim that volume is not the controlling factor in determining tax-exempt interest rates relative to the taxable market. The table below shows how, from 1972 to 1982, the spread between tax-exempt and taxable interest rates moved up and down relatively independent of changes in volume:

RATIO OF TAX-EXEMPT TO TAXABLE INTEREST RATES (1972–82) [1]

	Long-term municipal volume (billions) [2]	AAA bonds (percent)		Ratio municipals to corporates
		Municipal	Corporate	
1972	$23.7	5.27	7.21	0.731
1973	23.8	5.18	7.44	.696
1974	23.6	6.09	8.57	.711
1975	30.7	6.89	8.83	.780
1976	35.4	6.49	8.43	.770
1977	46.7	5.56	8.02	.693
1978	48.2	5.90	8.73	.676
1979	43.3	6.39	9.63	.663
1980	48.4	8.51	11.94	.713
1981	47.7	10.43	14.17	.736
1982	77.3	10.88	13.79	.789

[1] Source: Board of Governors Federal Reserve System.

[2] Source: Public Securities Association.

Volume is only one of many factors that affects interest rates. Equally as important are changes in the demand for tax-exempt securities, such as (1) the reduction in federal income tax rates in the 1981 tax act, which narrows the market for tax-exempts; (2) the withdrawal of financial institutions from the market because of profitability problems; and (3) competition from other demanders of credit—most notably the federal government.

These factors, which affect the demand for tax-exempt securities, appear to have a greater impact on interest rates in recent years than has the volume of new issues. Thus, the implication that restricting the use of tax-exempt financing for housing—which is already limited in volume—will dramatically affect interest rates is an unfounded conclusion.

6. Policy considerations.

The General Accounting Office analysis focuses on the monetary costs and benefits of tax-exempt financing. In doing so it neglects to consider a range of benefits and advantages of this type of financing which cannot easily be quantified. Similarly it ignores, indeed refuses even to consider, the range of practical and policy objections that might be lodged against the various options that it poses.

A primary advantage of revenue bond financing is that it operates through independent, largely self-supporting state and local agencies which can develop and implement programs tailored to the particular needs of their areas. For example, the New Jersey Mortgage Finance Agency targets its homeownership program as a revitalization tool for the state's urban centers, while the Wyoming Community Development Authority uses its program to serve areas affected by energy-related development. In many states, outreach by the state agenices is the primary source of mortgage capital for areas underserved by private financial institutions, particularly rural areas.

Similarly, housing finance agency programs can be targeted to local development objectives and to specific groups with difficulty in meeting their housing needs. As the federal presence in the delivery and support of housing diminishes, it is all the more important for independent, self-supporting state and local agencies to be able to fill the gap.

The GAO report also excludes from consideration home improvement and rehabilitation loan programs run by tax-exempt bond issuing agencies. While these activities do not directly affect the cost/benefit analysis with regard to home purchase assistance, they re-emphasize the flexibility and responsiveness of housing finance agencies.

What is most ironic about the GAO analysis is that it willfully ignores the role which the Congress expressly intended for tax-exempt home purchase finance programs in 1982—to serve as countercyclical support for a devastated housing industry. By raising home purchase price limits and easing the first-time homebuyer requirement in the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), Congress relied explicitly upon the capacity of the housing finance agencies to bridge an unprecedented "affordability gap" with tax-exempt financing. Further, housing bond programs provided fixed-rate, level-payment mortgage financing at a time when such mortgages were extremely hard to find.

While state and local agencies successfully served the Congrssionally-established objective of providing support to the housing industry in 1982, at the same time they maintained their focus on the moderate income, first-time homebuyer. GAO's own data on the beneficiaries of revenue bond programs in 1982 illustrates this point, as shown in Part II of this response.

PART II: BENEFICIARIES OF REVENUE BOND PROGRAMS

As with its work on cost effectiveness, GAO's analysis of the beneficiaries of revenue bond programs is both flawed and misleading. However, unlike the previous case, in which incorrect assumptions produced faulty data, GAO's conclusions with regard to homebuyers under tax-exempt programs are simply unsupported by the data which it presents or chooses not to present. Thus, GAO finds that "most subsidized home loans were not made to low and moderate income households in need of assistance, but rather to those who probably could have purchased homes without assistance." In fact, as the following analysis will demonstrate, state housing finance agencies did a remarkable job of targeting assistance to low and moderate income homebuyers who would have been priced out of the 1982 market without such help.

1. Use of 1982 Data Misleads. GAO draws its beneficiary data exclusively from 1982, a year in which tax-exempt interest rates averaged over 12 percent—a level which had not been reached even in the conventional or FHA market, prior to 1980. As a result of these high interest rates, state agencies had to reach beyond the predominantly lower income homebuyers they had served in the past. At the same time, the even higher rates in the conventional market greatly expanded the pool of borrowers in need of assistance.

In the face of these conditions, state agencies were forced to choose between serving higher income borrowers or shutting down operations. As public agencies, they chose to maintain the flow of affordable mortgage capital to homebuyers. They were encouraged to do so by both the Administration, which provided regulatory relief, and by the Congress in its TEFRA amendments to the Mortgage Subsidy Bond Tax Act of 1980.

The following table puts the 1982 experience into historical perspective. It compares the median income of borrowers under state agency programs with the national median. Note that in years prior to 1982, median borrower incomes did not exceed 85 percent of the national median. In 1982, however, borrower median incomes had to increase by nearly 30 percent and rise to 96 percent of the national median income simply in order to keep up with the unprecedented interest rates that prevailed. As interest rates return to more normal levels, state agencies will be able to shed their countercyclical role and focus once again on the lower income households which are their primary concern.

MRB HOMEBUYER INCOMES: HISTORICAL PERSPECTIVE

	Borrower median income [1]	National median income [2]	Borrower median as percent of national median income
1978	$14,725	$17,640	83
1979	15,411	19,587	79
1980	17,794	21,023	85
1981	18,068	11,388	81
1982	23,243	24,200	96

[1] Council of State Housing Agencies membership survey; 24 States reporting.
[2] Department of Housing and Urban Development (derived from Bureau of Census data).

2. Even in 1982, Revenue Bond Programs Served the Lowest Segment of the Home Purchase Market. GAO states that the incomes of homebuyers under revenue bond programs "were similar to those of buyers" under the FHA unsubsidized mortgage insurance programs. The actual data for 1982, however, presents quite a different picture.

According to HUD, the median family income of the FHA unsubsidized homebuyer in 1982 was $35,556 in new homes and $32,938 in existing homes, for a weighted average of $33,166. The median income of borrowers in state housing agency programs during the same year, based on a sample of 24 states, was $23,243. In other words, the median FHA homebuyer had an income some $10,000 or 43 percent higher than the median revenue bond homebuyer. GAO does not present its findings in this form.

What is true for the median incomes of bond program and FHA buyers, is equally true across the board. The following table, illustrates the distribution of mortgage revenue bond (MRB) program and FHA homebuyers by category.

COMPARISON OF MRB AND HFA HOMEBUYER INCOMES
1982

[In percent]

	MRB	FHA
Less than $15,000	10	2
$15,000 to $25,000	40	21
$25,000 to $35,000 ($35,999 for FHA)	35	36
$35,000 to $40,000 ($36,000 to $39,999 for FHA)	14	11
$40,000 to $44,999	14	11
$45,000 to $54,999	14	19
$55,000 to $75,000	1	19
Over $75,000	0	19
Number of loans	20,471	27,158

Source: MRB homebuyer incomes from table 5 of GAO report; FHA homebuyer incomes from annual report of FHA insurance programs for 1982.

The foregoing table illustrates that fully 50 percent of revenue bond program homebuyers—in 1982—had incomes of $25,000 or less; only 23 percent of FHA buyers had incomes below this level. Further, only 15 percent of revenue bond program buyers had incomes over $35,000, compared to 41 percent of FHA buyers. Given the dramatic drop in interest rates during the last quarter of 1982, which enabled lower income buyers to enter the FHA program, the inclusion of loans made during this period in the FHA distribution tends to understate the difference in borrower incomes.[1]

Beyond the FHA/revenue bond home purchaser comparison, GAO simply misrepresents the data with regard to incomes of bond program participants. Thus, GAO states that "the typical mortgage revenue bond homebuyer in 1982" had an income "between $20,000 and $40,000." In fact, the "typical" revenue bond homebuyer had an income below $25,000 and, as GAO's own data indicates, 72 percent of these buyers had incomes below $30,000.

A similar distortion is contained in GAO's statement that "53 percent of the subsidized borrowers were among the more affluent half of the families in their States." What this statement means, of course, is that in a period of unprecedented high interest rates, nearly half the revenue bond program homebuyers had incomes below the area median income and, as GAO points out later, 64 percent of buyers had incomes below 115 percent of median. Finally, GAO's data indicates that 23 percent of homebuyers receiving bond financed loans had incomes at or below 80 percent of the state median income, the level of eligibility for Section 8 "deep subsidy" housing assistance.

In any year, the performance of state agencies as described by GAO would be most commendable for their success in reaching the lower segment of the homebuying public. Under the conditions which prevailed in 1982, this achievement is nothing short of remarkable.

3. Revenue Bond Program Beneficiaries Could Not Have Purchased Homes Without This Assistance. GAO asserts that "three quarters of (bond program) buyers had incomes above $20,000 and could likely have purchased homes anyway," i.e. without revenue bond assistance. No data is offered in support of this novel proposition, and any reasonable analysis leads to quite a different conclusion.

According to the National Association of Home Builders, the median sales price of existing homes in 1982 was $67,800 ($69,300 for new homes). At interest rates of 15.5 percent or higher, which prevailed for most of 1982, an income of more than $38,000 would be required to purchase such a house.[2] Fewer than 10 percent of revenue bond home buyers had incomes at this level.

[1] Two additional, perhaps offsetting, factors may be considered with regard to the FHA/MRB comparison. First, a substantial number of FHA insured loans may have been made through revenue bond programs, most likely those loans at the lower end of the FHA distribution. GAO dismisses this fact with a brief statement but no data. On the other hand, GAO asserts that the presence of previous homeowners in the FHA simple, compared to the revenue bond program's first time homebuyers, may drive up incomes for the FHA buyers. It is equally plausible, however, that because previous homeowners have accumulated equity for larger down payments, they can purchase a particular house at a lower income level than a comparable first time homebuyer who can not make an equivalent down payment.

[2] Assumes 90% mortgage, 30-year term, 25% of income allocated to principal and interest pay-

Of course, affordability problems would be eased for families willing to buy homes priced below the median. However, 1982's high interest rates made even modestly priced homes unaffordable to the kind of buyer served by the revenue bond programs. Thus, a home priced at $50,850—75 percent of the median sales price for existing homes in 1982—would require a homebuyer income of over $28,999 at an interest rate of 15.5 percent.[3] Far fewer than 50 percent of revenue bond program homebuyers had incomes at this level.

"How much home" could the average revenue bond program homebuyer have afforded in 1982 without a bond financed mortgage? At a 15.5 percent interest rate, a household with an income of $23,243 could afford a home costing $41,200. According to the National Association of Realtors data for June 1982, only 15 percent of existing homes sold nationwide cost $40,000 or less. In the West, only 3.4 percent of homes sold in this range and in the South, the most active home building section of the country, only 13.3 percent of homes would have been affordable to the typical revenue bond homebuyer if he or she had been unable to obtain tax-exempt financing. The following table explores the relationship among affordability, revenue bond program beneficiaries, incomes and home sale prices in greater detail.

HOUSING AFFORDABILITY AND AVAILABILITY (1982)

Income	Affordable home at 15.5 percent FHA rate [1]	Percent of homes within price range [2]	Affordable home at 12.0 percent MRB rate [1]	Percent of homes within price range [2]
$15,000	$26,600	([3])	$33,700	([4])
$20,000	35,500	([5])	45,000	21
$23,246 (MRB median)	41,200	16	52,300	30
$25,000	44,300	21	56,200	33
$30,000	53,200	31	[6] 67,500	[6] 48
$38,000	[6] 67,400	[6] 48		

[1] Assumes 30 year, level payment mortgage; 25 percent ratio between principal and interest payment and gross income.
[2] NAR data for June 1982, interpolated within $10,000 price intervals.
[3] Below 6 percent.
[4] Below 11 percent.
[5] Below 12 percent.
[6] Median existing home.

In summary, analysis of the available data supports the conclusion dictated by both common sense and experience: the moderate income homebuyers served by revenue bond programs would otherwise have been priced entirely out of 1982's housing market by high interest rates and sales prices.

4. Further Income Restraints and Purchase Price Limits Are Unnecessary.

GAO asserts that Federal home purchase price ceilings and state or locally set income limits "have been ineffective" in targeting revenue bond mortgages to low and moderate income households. Thus, GAO states that "income celings allowed" and "purchase price ceilings encouraged" use of the program "by middle- and upper-income households." Here, again, GAO ignores both the substantial affordability problems faced by issuers under 1982's interest rates and the remarkable degree of targeting to below median households that was actually achieved.

With regard to income limits, GAO acknowledges that all but two state agencies and two local jurisdictions established income ceilings for home purchasers. GAO was evidently concerned, however, that the majority of the ceilings were "in the $30,000 to $40,000 range" and only "a few set income requirements below $20,000 for a portion of the bond funds."

Under the interest rate and purchase price conditions which prevailed in 1982, state and local issuers had to make their programs available to a somewhat higher income group if they were going to continue to operate. Particularly in the view of the need for a broad range of potential homebuyers and eligible homes within the scope of any bond issue, an arbitrary income limit would simply have prevented issuers from playing the countercyclical role which Congress and the Administration allotted to them in 1982.

In 1980, Congress specifically rejected rigid national income limits for the revenue bond program precisely because such limits were meaningless, even destructive, if established without regard to interest rates and to local market conditions. Thus, in 1979, with conventional interest rates around 10 percent and tax-exempt rates between 7 and 8 percent, Congress contemplated an income cap of 115 percent of median. Under those conditions, such a cap would have permitted the great majority of state programs to continue to operate. However, in 1982, with interest rates more than 50 percent higher than those in 1979, a 115 percent of median income limit would have shut down many, if not most, programs. Although, as GAO points out, only one-third of homes purchased under the revenue bond programs actually went to households above 115 percent of median, the ability to market to this group undoubtedly played a major role in enabling issuers to sell bonds and achieve satisfactory interest rate levels.

Had an income limit been set at the 80 percent of median level, which GAO appears to believe to be desirable and which has been the income limit in the deep subsidy Section 8 program, it is virtually certain that no bond programs could have functioned in 1982, at least without substantial additional federal or state subsidy.

Further, GAO's analysis of income limits ignores the actual targeting to lower income households that was achieved in 1982. As was explored above in detail, the median revenue bond program homebuyer had an income below the national median and approximately $10,000 below that of the median FHA homebuyer—the lowest income unsubsidized buyer in the housing market. It is plainly unreasonable to suggest that a higher degree of targeting could have or should have been achieved under 1982's conditions.

GAO further contends that the purchase price ceilings did not limit, indeed actually "encouraged", participation by "upper income people." As evidence it offers analysis showing that "buyers would have needed annual incomes of at least $30,000 and $25,000 respectively to purchase new and existing homes" at the average ceilings which existed in 1982. This analysis, of course, reemphasizes the significance of 1982's interest rates. Homes selling at the average price in an area were simply beyond the reach of the media income homebuyer, even at tax-exempt interest rates. Nonetheless, in order to permit issuers to serve a countercyclical role, Congress increased purchase price ceilings in mid-1982.

As with income limits, the discussion of purchase price ceilings ignores the actual results obtained in 1982. GAO found the average purchase price of mortgage revenue bond financed houses in its sample to be $48,800, hardly luxury priced housing. National Association of Realtors data shows that only 25 percent of the existing homes sold in the United States in June 1982 would have fallen within this price range. Only 10 percent of the homes financed by state agencies in 1982 had a sales price over $60,000—a price still well below the national average.

Revenue bond programs financed modestly priced housing in 1982, they have over the past several years. The following table illustrates that fact:

MRB HOME SALES PRICES: HISTORICAL PERSPECTIVE

	MRB median sales price [1]	National median sales price [2]	MRB median as percent of national
1978	$45,866	$55,700	64
1979	37,515	62,900	59
1980	42,438	64,600	66
1981	43,233	68,900	63
1982	43,791	69,300	63

[1] Source: Council of State Housing Agencies membership survey; 24 States reporting.
[2] Source: Department of Housing and Urban Development (derived from Bureau of the Census data).

Thus, there is no evidence to support the claim that purchase price limits "encouraged" the participation of higher income households in revenue bond programs. Rather, it simply took more income in 1982 for homebuyers to be able to afford modestly priced housing.

5. Federal Policies and State Agency Practices Effectively Target Revenue Bond Benefits.

As GAO acknowledges, Congress intended the revenue bond program to serve those households that could not afford to purchase homes without assistance. GAO's misrepresentation of its data cannot disguise the fact that—despite record high interest rates and the worst housing depression since World War II—state and local bond programs served precisely this function in 1982. As economic conditions continue to improve, their ability to aid the lowest end of the spectrum of first-time homebuyers will grow and their record of achievement should improve even further.

APPENDIX

TAX-EXEMPT MORTGAGE REVENUE BONDS: COST

1. Alternative assumption: offset for lower mortgage interest tax deduction

Cost
=bond principal × taxable interest rate × marginal tax bracket of investors.
=$1 bil × 0.15 × 0.30.
=$45 mil.
Offset
=bond principal × % lendable × difference between MRB & market mortgage rates × tax bracket of homebuyer.
=$1 bil × 0.87 × %0.6 − 0.125) × 0.25.
=$7,612,500.
Net cost per $1 bil/number of loans originated = $37,387,500/20,092 = $1,861 per mortgage per year.
Subsidy cost per mortgage = $11,013.

2. Alternative assumption: 93 percent of bond proceeds originated as mortgages

Cost per $1 bil/number of loans originated = $45 mil/21,478 = $2,095 per mortgage per year.
Subsidy cost per mortgage = $12,397.

ments. While some lenders used higher payment to income ratios in 1982, these normally included taxes and insurance in the payment and a "net" rather than a "gross" measure of income.
[3] Same assumptions in the previous example.

3. Alternative assumptions: 93 percent lendable proceeds and offset for lower mortgage interest deductions

Offset
=bond principal × % lendable (93%) × difference between MRB and market rates × tax bracket of homebuyer.
=$8,137,500.
Net cost per $1 bil/number of loans originated = $36,862,500/21,478 = $1,716 per mortgage per year.
Subsidy cost per mortgage = $10,155.

4. Alternative assumption: subsidy cost per mortgage based on Kormendi/Nagle revenue loss estimate

Cost per $1 billion/number of loans originated = $19.35 mil[1]/20,092 = $963 per mortgage per year.
Subsidy cost per mortgage = $5,699.

5. Alternative assumptions: Kormendi/Nagle revenue loss estimate, 93 percent lendable proceeds, and offset for lower tax deduction

Kormendi/Nagle estimated cost per $1 billion = $19.35 mil.
Offset per $1 billion = $7,612,500.
Net cost per $1 billion/number of loans originated = $11,737,500/21,478 = $546 per mortgage per year.
Subsidy cost per mortgage = $3,231.

TAX EXEMPT MORTGAGE REVENUE BONDS:
BENEFITS

1. Alternative assumptions: 16 percent market mortgage rate and 12.5 percent tax-exempt mortgage rate

Monthly payment on 30-year, $43,300 mortgage at 16 percent = $582.
Monthly payment on 30-year, $43,300 mortgage at 12.5 percent = $462.
Annual savings on reduced rate mortgage = $1,442.
Average subsidy value = $8,533.

TAXABLE BOND OPTION

1. Alternative assumptions: 15 percent taxable bond rate and 12 percent tax-exempt bond rate

Cost
=bond principal × taxable bond rate − tax-exempt bond rate.
=$1 bil × (0.15 − 0.12).
=$30 mil.
Cost per $1 bil/number of loans originated = $30 mil/20,092 = $1,493 per mortgage per year.
Subsidy cost per mortgage = $8,835.

2. Alternative assumptions: 15 percent taxable bond rate, 12 percent tax-exempt bond rate, and 93 percent lendable proceeds

Cost per $1 bil/number of loans originated = $30 mil/21,478 = $1,397.
Subsidy cost per mortgage = $8,267.

MORTGAGE GRANTS

1. Alternative assumptions: 16 percent market mortgage rate and 12.5 percent tax-exempt mortgage rate

Monthly payment on 30-year, $43,300 mortgage at 16 percent = $582.
Monthly payment of 30-year, $43,300 mortgage at 12.5 percent = $462.
Annual savings on reduced rate mortgage = $1,442.

[1]Based on 10 percent taxable bond rates, the Kormendi/Nagle analysis yields an estimate of $13 million per billion (43 percent of the standard estimate); at 14 percent, Kormendi/Nagle estimate a loss of $18 million (again, 43 percent of the standard estimate). For the purpose of analysis at 15 percent, we have assumed the Kormendi/Nagle estimate at 43 percent of $45 million—or $19.35 million.

Subsidy cost per mortgage (does not include administrative costs) = $8,533.

TAX CREDITS

1. Alternative assumptions: 16 percent market mortgage rate and 12.5 percent tax-exempt mortgage rate

Cost
=mortgage amount × market mortgage rate minus tax-exempt mortgage rate.
=$43,400 × (0.16 minus 0.125).
=$1,515 per mortgage per year.
Subsidy cost per mortgage (does not include administrative costs) = $8,965.

Mr. ROTH. Mr. President, essentially, the testimony presented gave evidence that notwithstanding the period of the GAO investigation, the first 6 months of 1982, which as everyone knows was one of the worst in memory for the housing industry, the average income of those utilizing the program was $23,000 a year and three-quarters of the people using the program had incomes below $30,000. By way of comparison, people using the FHA program had incomes $10,000 greater than those serviced in the MRB program and the median income of the homebuyer receiving conventional financing was $39,000. In addition, though the average price of homes during this period was in the neighborhood of $70,000, the average purchase price of a home financed by mortgage revenue bonds was $48,000. This is impressive given the testimony of the National Association of Homebuilders which indicated that only 66,000 new homes were built in 1982 for under $50,000 and only 16.4 percent of all existing homes sold for less than $40,000.

Shortly after the hearings on mortgage revenue bonds, the Finance Committee met on May 25 to consider a committee amendment which Senator DOLE intended to propose to H.R. 2973, a bill to repeal the withholding provision. I offered the language of S. 137 to the committee amendment and it was adopted by a vote of 14 to 3 in the Finance Committee. As my colleagues are aware, without action prior to December 31, the authority for State and local governments to issue mortgage revenue bonds will expire. I think it is important that we take the first opportunity to allow the program to continue.

Let me turn to why I think there has been such strong support for the mortgage revenue bond program. I think it is because it is a people program which attempts to address the problem of housing affordability and enables people to purchase their own homes—a longtime national goal. The program accomplished this objective by providing capital for mortgages at below-market rates. This differential can provide enough of a savings on a homeowner's monthly payment to make homeownership possible. It is a program which has been targeted. Bond proceeds are limited primarily to first-time homebuyers and cannot be applied to homes greater than 110 percent of the average area purchase price. Additionally, the mortgage revenue bond program gives States and localities great flexibility in responding to their own unique housing needs without cumbersome Federal intervention and control.

There still is a need for the MRB program. The past decade saw a dramatic increase in the price of homeownership. The average cost of a home jumped from $25,000 to nearly $70,000 today. Simultaneously, in the late seventies interest rates began a dramatic climb upward culminating in record heights in the first 6 months of 1982. The monthly mortgage payments required to purchase a home under these circumstances effectively made homeownership an unattainable dream for a great number of American people—especially the first-time home buyer. Interestingly enough, the mortgage revenue bond program evolved as a private market response to bridge the gap in housing affordability, and bond issues of this type became increasingly popular in the late seventies. The proliferation of issues caused some alarm in Congress and thus there was movement to restrict the program—which was done for the first time in the Omnibus Reconciliation Act of 1980 through the Mortgage Subsidy Bond Tax Act. This vehicle restricted the volume of the bonds, the interest rate which could be charged for mortgages made through bond proceeds, established purchase price limitations and targeted bond proceeds to first-time home buyers. It also provided for a sunset of the program on December 31, 1983. Last year it became apparent that these restrictions were overly severe and could not sustain a self-supporting and workable program and so some small modifications were made through the enactment of the Tax Equity and Fiscal Responsibility Act of 1982. Having thus fine tuned the program, we find that it will now be terminated without repeal of the sunset provision. While there has been a significant decline in interest rates from the record rates of a year ago, they are still high by historical standards—with a conventional mortgage rate being in the neighborhood of 13 percent. Significant progress has also been made on the inflation front which affects the cost of housing—however, we can assume that there will continue to be a rise in the price of housing even if it is more moderate than the recent past experience. This occurs during a time period when there are most first-time homebuyers entering the marketplace than at any other time in our Nation's history as a result of the maturation of the baby-boom generation. It is estimated that the demand generated by this phenomena will result in 1½ million addi-

tional first time home buyers a year in the marketplace. The mortgage revenue bond program can help meet this increased demand for affordable housing opportunities.

As I mentioned earlier, the hearing record clearly demonstrated that the program has been effective in meeting the stated objective of providing homeownership opportunities. The operation of the program in my own State of Delaware is a typical example.

In the past 3 years the Delaware State Housing Authority has assisted more than 3,500 low and moderate income Delaware families through mortgage revenue bond financing. According to the authority their typical borrower is 28 years old, married with one child, with an income of $19,300 and is purchasing a $41,600 home. This accomplishment was made possible in spite of the worst downturn in the history of the housing industry.

As a final comment, I should like to make some mention of the cost of the mortgage revenue bond program, a detailed analysis of which is presented in the inclusion of the Council of State Housing Agencies response to the GAO. The Joint Tax Committee estimated that the revenue loss through fiscal year 1988 would be $2.1 billion. I should like to point out, however, that this figure does not include any offset for Federal revenues generated through job creation caused by mortgage bond activity. For example, in 1982, when there were $8.2 billion in bonds issued, 35,000 units financed were new housing starts. This new construction activity generating jobs would bring $320 million in Federal revenues to the Treasury in 1982 alone. In addition, questions have been raised about the methodology used to determine revenue loss for mortgage revenue bonds in that a basic assumption is that tax-exempt investment displaces investment that would be made in taxable securities. Changes in this basic assumption made by those who dispute the current cost esimates, lowers revenue loss for MRB activity by as much as 50 percent or $10 million for every $1 billion of mortgage revenue bonds. I think it is important that we review program costs in light of our budget restraints, but I think it is equally important that we allow proven and worthwhile programs to continue when they achieve a desirable public benefit.

Mr. President, what we have here is a program of proven effectiveness which is meeting a need to provide affordable homeownership opportunities for first-time home buyers. To my knowledge no other program has had such scrutiny and borne up so well. There is nothing in place which could accomplish the same objective. I urge my colleagues to support taking action now to preserve the mortgage revenue bond program.

REPEAL OF INTEREST AND DIVIDENDS

● Mr. DOMENICI. Mr. President, I am supporting the Finance Committee amendment. The compliance provisions provide a good balanced approach to the problem of unpaid taxes on interest and dividends. The problem of noncompliance is a serious and substantial one and the action that we take here today should not be interpreted otherwise.

The compliance provisions require the cooperative effort of everyone involved. It calls for better, and more efficient enforcement on the part of the IRS. The financial institutions are required to file the 1099's on magnetic tape so that it is more readily usable by the IRS. People who are caught underreporting interest and dividends or who do not report will come under the backup withholding provisions requiring 20 percent withholding from their accounts. There are stiffer penalties too. The compromise requires a little extra effort from everyone so that hopefully there will be no impact on the honest taxpayer.

ENTERPRISE ZONES

Enterprise zones is a concept that addresses joblessness and related urban problems by enlisting the help of the private sector. The success of the idea depends on creating a productive, free market environment in economically depressed areas by reducing taxes, regulation, and other government burdens on economic activity.

For an enterprise zone to be successful, cooperation among the Federal and local government as well as the business community is necessary. Each commitment is a vital component. The enterprise zone proposal requires local governments to assemble a package of tax and other incentives which address the problems of that area and meet their localities needs. State and local contributions to these zones will be critically important in the selection of the zones and probably determine whether individual zones will succeed or fail. In this respect, the program is very flexible and local officials will play a vital part in its implementation. Moreover, the award of an enterprise zone will be granted on a competitive basis by Federal tax breaks, elimination of capital gains taxes for business investment in the area, significant reductions in income taxes, and a refundable tax credit for wages paid to previously unemployed workers.

Enterprise zones offer us a fresh new idea in urban development and seeks to provide an atmosphere which will encourage inner-city residents to depend upon themselves instead of upon Government assistance.

The purpose of the enterprise zone program is twofold. One objective is to create jobs in the Nation's depressed areas, particularly jobs for disadvantaged workers. But another objective is to redevelop and revitalize the geographic zone areas themselves.

The legislation is aimed primarily at small businesses because they create the majority of new jobs. In the past 10 years, nearly 20 percent of the new private sector employment has come from businesses with 20 or fewer employees; 80 percent of new jobs have been created by businesses with less than 100 employees.

The program will remove Government as a barrier and will create a favorable environment where entrepreneurs can create jobs and economic growth and prosperity. It will tap the unused talents and abilities already in existence in our Nation's most depressed areas. The new concept deserves to be given a chance.

MORTGAGE REVENUE BONDS

Mr. President, I rise to speak in favor of mortgage revenue bonds. I would like to tell you briefly how important I think this program is and why I think the Congress should extend it. I also would like to indicate why I think we should extend the program for a limited period of time, rather than indefinitely, and to comment on a number of issues pertaining to the program.

The mortgage revenue bond program is one of the most important Federal programs that addresses the issue of housing affordability today. The program's role has been vital to the housing industry, and the home buying public. Inflation raised the price of houses and high interest rates increased the monthly payments to the point where many low- and moderate-income families could not qualify for a home mortgage.

The baby boom generation will be in the prime home buying ages of 25 to 45 during the 1980's. One and one-half million prospective first time home buyers will be entering the marketplace each year during the 1980's. The demand for mortgage originations during 1983 has been estimated at $150 billion—not including refinancing. The need for the remainder of the decade has been estimated by FNMA at approximately $1.6 trillion. I do not see how Congress would justify letting this tremendous demand go unmet.

This administration has made encouraging progress. Inflation is under control and interest rates are dropping. However, there is still a vital need for mortgage revenue bonds. Deregulation of the financial institutions has raised questions of how the mortgage credit needs, especially for low and moderate housing, will be met in the 1980's.

I like this program's approach because it is based on New Federalism principles. It allows every State to respond to its particular housing demands. I think this is an excellent way to address housing needs.

One of the virtues of the program is flexibility. Each State's program is different because each is tailored to meet the housing needs of its citizens and to respond to its capital availability and secondary market access.

In addition, the mortgage revenue bond authorization allows the States to modify their housing finance agency's charters to meet changing situations and to respond to local problems. A recent example in my State comes to mind. Many financial institutions in New Mexico have low-interest-bearing mortgages which are adversely affecting their liquidity. They wanted to sell these mortgages, but could not sell them to FNMA or Freddie Mac because they did not conform to the Federal guidelines. The financial institutions needed an intermediary to package and sell these mortgage backed securities to private investors. The flexibility of this mortgage revenue bond program allowed the legislature to meet this need. The legislature granted additional powers to the New Mexico Mortgage Finance Authority to act as a secondary market facility for these passthrough mortgage-backed securities. Once the mortgages are sold, the lending institutions can take the proceeds, make more mortgages, and serve more home buyers. This is a good example of how this Federal authorized program can be customized to meet the local housing needs.

The single-family mortgage revenue bond program has reduced the cost of homeownership for first-time home buyers. Since the passage of the Mortgage Subsidy Bond Tax Act of 1980, State and local governments have issued approximately $10 billion in mortgage revenue bonds to finance the purchase of nearly 200,000 newly constructed and existing homes at interest rates 2 to 3 percent lower than conventional mortgage rates available during that period.

In my own State of New Mexico, the program has provided mortgages for close to 12,000 home buyers at rates of 7.5 to 12.12 percent. Banks, savings and loans, and mortgage bankers throughout the State have participated by disbursing the authority's funds through their branches.

The average income for families receiving a mortgage under the New Mexico program is $23,582 and the average purchase price for existing homes is $42,391 and $48,916 for new homes. The program has provided 3,298 new jobs in my State since 52 percent of the loans have been for new construction. In addition, the program has generated $25,541,733 in tax revenues based on figures provided by the mortgage finance authority in New Mexico.

I would prefer that Congress would only temporarily, rather than permanently extend the program. I have several reasons for advocating a temporary extension. The first is simply that I believe that it is good public policy to require the Congress to review all Federal programs periodically. Keeping a sunset on mortgage revenue bonds will enable us to evaluate the program after additional experience and make changes in it if any are necessary.

The second reason for a limited extension is the fact that we do not know the outcome of the revolution now occurring in our country's mortgage finance system. I feel that because the secondary market is undergoing a major change, and because there are some questions as to the efficiency and targeting capability of this program, that we should continue to look for ways to improve its efficiency or to find more efficient alternates or supplements.

Deregulation of interest rates and the secondary market is also a consideration. As traditional intermediaries such as thrifts and banks experience higher average costs and shorter average maturities on their retail deposits because of interest rate deregulation, long-term mortgage lending may seem less and less attractive as an outlet for those funds. This factor will require secondary market investors to play an increasingly greater role in mortgage finance if affordable capital is to remain available for housing.

I hope that in the next few years the private sector will be able to attract pension funds and other investors who have not invested much money in mortgages in the past to put a much larger percentage of their assets into housing.

I support mortgage revenue bonds, however, I believe we must reevaluate their role vis-a-vis other options that may evolve as a result of deregulation and restructuring of the secondary market.

INTERNATIONAL TRADE AND INVESTMENT ACT

Mr. President, I would like to speak in specific support of the International Trade and Investment Act. This measure gives the President added authority and updates our trade laws to address the current world trading environment. It also brings high tech-, foreign direct investment and services under the trade laws and puts these three vital sectors of our economy on the same footing as manufactured goods.

We are experiencing a new industrial revolution based on information processing. The computer is the symbol of this transformation, but the semiconductor has been greatly responsible for it and its application goes much farther than just computers.

High-tech is strategically vital for communications, instrumentation, transportation, and military systems. In New Mexico, Signetics, Intel, Digital Equipment, and Honeywell are all playing key roles.

Right now our high-tech industries are the best in the world, but they need open world markets to maintain that superiority and to continue to grow. This legislation fosters economic growth and full employment. It expands competitive U.S. exports by achieving commercial opportunities in foreign markets that are substantially equivalent to the environment enjoyed by foreign firms competing in the United States.

No economic legislation will be considered during this Congress without the consideration of jobs. This legislation represents not the exception but the opportunity to talk about international trade in the context of high-tech and jobs. It has been predicted that 75 percent of all jobs by 1985 will involve computers in some way. Two trillion dollars' worth of goods and services are currently being traded internationally and the potential is unlimited.

To fully understand why we need this legislation we need to recognize that the United States is firmly linked with other nations in the global economy. We are all mutually benefited by international trade.

However, this free trade concept is being encroached upon by our trading partners. Superstringent rules on safety or health standards, or insistence that all customs documents be in one language or lengthy dockside inspections are increasingly prevalent, nontariff barriers hurting our exports. In the high-tech area direct protection of Government procurement, industrial promotion and regulation of competition are other examples. Because of the world recession we have seen a proliferation of such nontrade barriers.

There is a need for this legislation because our high-tech industries are increasingly being denied access to world markets. Governments of developed and advanced developing countries alike have recognized the importance of their high-technology industries, and are increasingly protecting them. For example, a Joint Economic Committee study concluded that the Japanese market for semiconductors has an oligopolistic structure and does not function as an open market. The Government of Japan tolerates and even encourages the formation of cartels.

The Japanese Government acts as a doorkeeper, controlling access to Japanese markets and as a promoter of Japanese industry by providing cheap capital, tax breaks to assure cash-flow liquidity, R&D support and help in promoting exports.

Through most of the 1970's Japanese Government policies limited U.S. access to the Japanese market and insured that the advantages of rapid domestic growth would accrue mostly to

Japanese firms. Growth was underwritten partly through public subsidies and through a stable access to capital market. At the same time, they have aggressively competed in our domestic market.

Until the very end of the 1970's NTT-Nippon Telephone & Telegraph's procurement was completely closed to U.S. and other foreign markets. Moreover, NTT did not allow the big four Japanese telecommunication firms to use imported semiconductors in the equipment they supplied to NTT.

Japan is not the only problem. Canada requires that all foreign banks maintain and process data within Canada. Australia forbids the screening of television commercials filmed abroad and Norway has not licensed a foreign insurance company in 40 years.

This legislation is designed to address these and countless other similar problems. It will clarify the President's authority to react to unfair trade practices.

I like this legislation because it is flexible in approach. Not all trade barriers damage U.S. industries to the same degree. This bill is written to allow discretion which should achieve an appropriate response to a wide spectrum of problems.

Trade is an increasingly important component in our economy as illustrated by the following numbers:

Two of every five acres of farmland produce food for export, one of every eight jobs in manufacturing depends on overseas markets, four out of every five new U.S. jobs in manufacturing have been created by international trade. Exports account for more than 16 of the total value of all goods produced in this country.

Despite high volume of our international trade, we still are far from matching the internationals sales efforts of our leading trading competitors. Only 10 percent of our firms export, and only 7 percent of our gross national product finds its way into foreign markets—less than half the percentage of our major trading partners.

This bill is a good tool to increase trade opportunities by guaranteeing equal access to foreign markets.

REPEAL OF WITHHOLDING

Mr. DECONCINI. Mr. President, I am fed up. And it is my reasoned estimation that most of my colleagues in the Senate are fed up with the protracted debate and parliamentary wranglings that have surrounded the withholding issue. Let us face facts, an overwhelming majority of Senators favor outright repeal of the withholding provisions of the Tax Equity and Fiscal Responsibility Act of 1982. An overwhelming majority of the Members of the House of Representatives favor repeal of withholding. And, most certainly, an overwhelming majority of the American people favor repeal. I ask my good friend, the chairman of the Senate Finance Committee, why must we continue to waste time. Let us vote. Let us vote for outright repeal. The time for delaying tactics has passed. Mr. President, here is no doubt in my mind that many of the amendments that the chairman of the Finance Committee will raise are worthwhile. However, this is the wrong time for these amendments. Time is running out on the withholding issue. The financial institutions of this country are on a collision course with July 1. What this vote will come down to, is not whether you are for or against the Caribbean Basin Intitiative, or Urban Enterprise Zones. This vote is on whether or not you truly want to repeal the withholding of taxes on interest and dividends.

Many of my colleagues have argued and will continue to argue that the Senate has every right to amend legislation which the House sends over and that we do not want the House telling us what we can and cannot do. I agree completely. However, I cannot help but notice that the very Senators propounding this argument are the same ones who have been fighting repeal since the beginning. So let us be frank. The issue is repeal of withholding. And everything else is extraneous.

Mr. President, we must repeal the withholding of interest and dividend provisions of TEFRA. The fundamental problems with withholding clearly outweigh the benefits. The goal is increased tax compliance, and this Senator certainly supports efforts to increase tax compliance so long as the efforts meet the goal at a reasonable cost. The withholding provisions do not pass this test.

I am concerned that the adverse effects of these withholding provisions on the elderly, and low- and middle-income Americans, outweigh the benefits. It is these people—the low and middle income and the elderly—that are often most unfamiliar with complicated tax laws and procedures. Certainly, exemptions are provided, but that requires filing a form for each investment. This added step may well result in the wrong people's money being withheld because of a failure to file and errors in filing. Furthermore, all these forms and requests will create yet another unnecessary administrative burden for the IRS to contend with.

At a time when we are seeking to encourage savings, this measure will discourage savings. In the past, we rewarded deferred consumption, now we are punishing investors. The withholding tax will actually affect the amount being paid because of the compounding of interest. It is the loss of cashflow that will be a problem for the taxpayer.

It is not just the investors who will suffer, it is the sponsoring institutions as well. Peat, Marwich, Mitchell & Co. estimates the cost of compliance to the commercial banking industry alone will be $2.98 billion to $5.8 billion. This estimate excludes the costs to mutual funds, brokerage houses, and insurance companies. Ultimately, the increased costs to institutions and corporations will become costs to consumers through reduced returns on investments and higher rates for loans. The estimated $16 billion withheld from all private savings and credit sources will not be available for housing and equipment at a time when this Government already commands an enormous share of net private savings to finance its deficits.

Withholding is not the answer. I continue to be convinced that the IRS already has at its disposal adequate means to catch the tax evaders it seeks to reach through withholding.

Mr. President, I hope that shortly we will proceed to a vote. I hope that we will vote for outright repeal and against the package of committee amendments. We have spent far too much time debating and debating this issue, when in truth the matter is very clear. By my estimation, we have discussed this issue 83 times in the Senate since the first of the year. Ten bills and eight amendments have been introduced in the Senate with over 58 cosponsors. On 36 of the 76 days that this Senate has been in session, we have discussed withholding. The time for procrastination is over. Let us vote, let us vote now and let us vote for outright repeal.

Mr. BENTSEN. Mr. President, I find it hard to believe that in mid-June we are once again debating the fate of withholding on interest and dividends. Several times in recent months the people of this Nation and both bodies of Congress have expressed their will to repeal this burdensome tax provision. Now the effective date of withholding is 2 weeks away and the Senate of the United States continues to block final action on this issue.

I opposed withholding when it was proposed in 1975, and I voted against this measure when it was enacted last summer. Consequently, I support full repeal of this measure. The Finance Committee amendments offered to this repeal measure today are meritorious issues, but they do not belong on this bill. These amendments seriously jeopardize our efforts to expedite repeal and get this measure to the President before July 1.

We cannot overemphasize that time is of the essence; further delay only confuses the public and creates additional burdens for the financial institutions and corporations who have no choice but to comply with the withholding law as it now stands. This action reflects poorly on the ability of this body to act quickly and efficiently

on legislation of importance to millions of Americans.

Let me briefly address why I have consistently opposed withholding, and support the current repeal effort. Taxpayer compliance in interest and dividend income is second only to compliance on wages. Almost 90 percent of interest and 85 percent of dividend income is now reported to the Internal Revenue Service. The remainder of that income most likely is received by individuals, such as widows, children, and the elderly, who have little or no taxable income to report in any event. The withholding law only increases the paperwork burden on these individuals and discourages them from saving.

The withholding provision makes a nod toward the low income and elderly reporting problems by providing an exemption clause. Yet this clause is scarcely workable and has already become an administrative nightmare. Last summer when I was fighting this tax bill on the floor of the Senate, I predicted that Congress would receive countless letters and complaints regarding the exemption nightmare. In 1983 alone, I have heard from over 200,000 Texans—by letter, postcard, and phone—who oppose withholding and are confused by the exemption clauses. While I support the intent of the exemption clause, I am firmly convinced that it is extremely difficult to determine which passbook interest, bond interest, stock dividend, or money market fund payment qualifies for exemption from this cumbersome withholding provision.

Supporters of withholding argue that, by clamping down on people who avoid paying taxes on interest and dividends, it will increase Federal revenues some $14 billion through 1986, without increasing taxes. The fallacy of these revenue estimates has already been proven.

Surely, though, we can improve compliance with this country's tax laws without making every brokerage house, bank, credit union, and thrift institution a tax collecting agent of the IRS. Understandably, these private institutions resent the Federal Government imposing on them the responsibility, paperwork and expense of withholding 10 percent of the interest and dividends they pay their customers. Obviously, the increased expense would finally be passed on to the customer.

In fact, the IRS has the information it needs to catch tax cheaters. Financial institutions are already required to report how much interest they pay and to whom they pay it. And starting next year, taxpayers will be required to attach the form 1099—which lists interest payments received—to their tax returns. Claims that this new withholding provision will add billions of dollars to Federal coffers are suspect for other reasons, too.

First, the prospect exists that currently unreported dividend and interest payments are not taxable anyway because they go to low income and elderly taxpayers who have little taxable income. Second, the substantial cost to financial institutions of establishing and maintaining the required elaborate police mechanism is a tax-deductible expense. The cost of developing and expanding computer capacity, and of providing exemption forms and other documents will be high. Since this expense is deductible, it will significantly offset any gain in tax receipts from withholding.

For the above reasons, I oppose withholding on interest and dividends. Mr. President, I also want to emphasize that I do not oppose the committee amendments discussed here today. In fact, I am cosponsoring the mortgage revenue bonds legislation, I am one of the principle authors of the trade bill, and I support the intent of the backup compliance provisions. Nonetheless, I strongly believe that adoption of these amendments today will kill our repeal efforts.

WITHHOLDING MUST BE REPEALED

Mr. BIDEN. Mr. President, I voted today to table the Finance Committee amendment to the House bill repealing withholding. I did so because the basic issue before the Senate today was the repeal of withholding. The Finance Committee amendment added several conditions to the repeal of withholding. In addition it added several new provisions to the Tax Code that were unrelated to withholding. I voted against the inclusion of withholding in last year's Tax Equity and Fiscal Responsibility Act. I voted for straight repeal earlier this year. I felt that I must vote today in such a way as to carry out my original intent to prevent the initiation of withholding.

My vote for tabling the committee amendment, however, does not reflect my position on one aspect of that amendment—the repeal of the sunset provision in current law for mortgage revenue bonds. I am a cosponsor of the bill introduced by Senator ROTH to repeal that sunset provision. The mortgage revenue bond program was the only thing that made it possible for thousands of families to buy homes in Delaware while interest rates have been at record highs over the past several years. The program served the people of Delaware well then, and it should be available to serve them again should interest rates rise again. For that reason I cosponsored Senator ROTH's bill, and under other circumstances would have voted for it.

But I believe that the overwhelming priority today must be the repeal of withholding. Thus I voted against adding extraneous provisions to that repealer.

Mr. THURMOND. Mr. President, I rise today in support of the Finance Committee amendment to H.R. 2973, a bill to repeal the 10-percent withholding requirement on interest and dividend earnings. After extensively studying the problems of implementing this new requirement and reviewing information not available to the Senate last year about more desirable alternative tax collection methods, I have concluded that the withhholding provision should be repealed.

The withholding requirement is simply too confusing, complicated, and burdensome for individual savers. Since the public lacks confidence in the fairness or necessity of this procedure, I am concerned that it has the potential for discouraging savings, which would undermine long-term recovery.

The withhholding requirement essentially makes tax collectors out of our financial institutions—a responsibility that properly rests with the Internal Revenue Service—and it unduly burdens honest taxpayers in order to collect taxes from those who do not comply with the law. Through improved reporting requirements on interest and dividend income, better computer-aided matching of form 1099's with tax returns, and stepped up collection procedures (as proposed in part of the Finance Committee amendment), I believe the previously substantial problem of tax cheating on interest and dividend income can be alleviated.

Mr. President, I know many individual savers and those in the financial community feel that the portions of the Finance Committee proposal unrelated to the withholding issue will unduly complicate and delay repeal of mandatory withholding prior to the scheduled July 1, 1983, implementation date. I do not feel this will be the case, and I am confident that withholding will be repealed in a timely manner. Even those who have heretofore supported withholding and who have fought to retain it, such as the distinguished chairman of the Finance Committee, Mr. DOLE, have recognized that repeal is inevitable. The only question is a matter of strategy, and that strategy realistically should include providing the President with sufficient incentives to sign the bill. Since the unrelated portions of the Finance Committee proposal are, for the most part, important components of the President's program and highly meritorious proposals in their own right, I believe this is a sound, effective way to proceed.

Mr. President, the Finance Committee amendment adds several provisions to this bill which are strongly deserving of enactment. I wish to briefly comment on the merits and need for each of these important proposals.

TRADE RECIPROCITY

A key part of the Finance Committee amendment is designed to promote a U.S. policy of trade reciprocity. The reciprocity language has as its purpose the increase of American exports and export-related jobs through stronger enforcement and expansion of domestic and international rules dealing with foreign unfair trade practices.

The legislation requires that an annual report be made to Congress regarding major foreign barriers to U.S. exports. It would encourage international negotiations to achieve fair and open trade agreements, and direct the President of the United States to take effective action to remove trade restrictions.

Mr. President, I feel that these proposals are necessary to adequately address the trade problems and substantial balance of trade deficits America faces today.

ENTERPRISE ZONES

Mr. President, this legislation also would implement an experimental new program of enterprise zones. This proposal would allow cities to designate areas of high unemployment and poverty as special enterprise zones. Within those zones, the Federal Government would provide major tax incentives for job creation and small business growth.

This incentive program is a well-thought-out concept which offers hope for revitalizing America's inner cities without huge Federal expenditures. In my opinion, it is far better to encourage business growth in these areas through tax incentives, rather than to continue massive Federal expenditures to welfare recipients unable to find employment in the inner city.

CARIBBEAN BASIN INITIATIVE

Mr. President, the legislation we debate today also promotes the administration's Caribbean Basin Initiative. This much-needed initiative will help achieve economic revitalization and facilitate expansion of economic opportunity in the Caribbean region and Central America.

Mr. President, on numerous occasions, I have stood before this body and advocated the implementation of this type of program. If we are ever to stabilize this vital region of our hemisphere, we must first help establish a sound economic base for our neighbors to the south. I am confident that, if this economic foundation had been in place, Nicaragua would not have succumbed to a Marxist-Leninist type government, El Salvador would not be confronted with Communist takeover, and the rest of Central America and the Caribbean would not be prime breeding grounds for Communist intervention.

MORTGAGE REVENUE BONDS

I also want to express my support for the section of the amendment which will repeal the "sunset" provisions for mortgage revenue bonds. I am pleased to be a cosponsor, along with many of my distinguished colleagues, of S. 137, a bill which will make permanent the mortgage revenue bond program.

Unless we act promptly, this most valuable housing assistance program, which provides lower interest loans to families who could not otherwise afford to purchase a home, will terminate on December 31, 1983. This program has proven its effectiveness and should be maintained.

Mr. President, all of these proposals encompassed in the Finance Committee amendment, along with the provisions to improve compliance on interest and dividend reporting, are urgently needed and in the public interest. I, therefore, strongly support the Finance Committee package, and I hope the House will promptly agree to these additions. There is no good reason that final congressional approval of this legislation cannot be obtained next week. Moreover, if presented with an attractive, vitally important legislative package such as this, I am optimistic that President Reagan would promptly sign the bill. That would, of course, accomplish the objective of repealing interest and dividend withholding by the July 1 deadline.

FINANCE COMMITTEE AMENDMENT TO H.R. 2973

Mr. DOLE. Mr. President, with consideration of H.R. 2973, the Senate has an opportunity to put to rest the controversy over withholding taxes due on interest and dividend income, and at the same time advance several items on the tax legislative agenda that deserve attention. I would urge my colleagues to do just that by approving the Finance Committee amendment to the pending legislation, and sending the bill to the House with the Senate changes.

The withholding controversy has consumed an inordinate amount of time in the Congress this year, and it is time to be done with it. The votes and the head counts we have had, over and over, clearly demonstrate that it is the will of the Congress to eliminate the mandatory withholding device as a means of improving tax compliance in the area of interest and dividend income. No one wants to thwart that will, nor is there any clear way to prevent repeal even if that were desired. What we do ask—and what the Finance Committee agreed to in its amendment—is that, in conjunction with repeal, we take realistic and meaningful steps that will help the IRS do better in collecting taxes due on interest and dividend income.

At the same time, we, in the Finance Committee, agreed that this is an appropriate vehicle for expediting passage of several items of longstanding interest to the administration and the Congress: Specifically, the Caribbean Basin Initiative, enterprise zones, and trade reciprocity. The Finance Committee also included in its package amendment a provision that eliminates the sunset on mortgage revenue bonds for single-family housing, which would otherwise take effect at the end of this year.

PROCEDURE

Mr. President, there are compelling reasons for proceeding in this way on the withholding issue and on the associated issues I have described as contained in the Finance Committee amendment. However, I would strongly suggest that Members agree to limit this package to these items, and only these items. We all have preferred projects and amendments in the revenue area that we would like to see move. There will be other opportunities this year to try to do that, because there are other revenue items that we will have to address. But we should resist the temptation to make H.R. 2973 carry too much of a load, because that would defeat our goal of disposing of the withholding issue.

There are two major advantages to moving the committee amendment, and only the committee amendment. First, adopting the compliance measures contained therein demonstrates our good-faith concern with the compliance gap in interest and dividends, and saves a good portion of the revenue that will be forgone as a result of repealing withholding. Second, including these compliance provisions, plus the Caribbean Basin, trade reciprocity, and enterprise zones, makes for a much more attractive package from the President's point of view. If we want to have done with the withholding issue, we ought to try to avoid a veto battle with the President, who has stated his strong feelings on the withholding question. While no one can guarantee how President Reagan will react to any particular package, there is no doubt that improving compliance on interest and dividends, coupled with several priority items on the President's legislative agenda, can make this an attractive proposition from the administration's point of view.

All bets are off, however, if we turn this bill into an omnibus package incorporating everyone's favorite amendment. We lose credibility not only with the President, but with the House leadership and the Ways and Means Committee. Now we all know that the House cannot dictate to the Senate the content of revenue legislation—our very consideration of the Finance Committee amendment proves that is not so. But we do have to deal with the House Members on an equal basis, and respect their prerogatives.

The chairman of the Ways and Means Committee, DAN ROSTENKOWSKI, has assured me that the House will go to conference on this bill if the Senate approves the Finance Committee amendment. I would add that this is an unusual commitment from Chairman ROSTENKOWSKI in a case where the Senate is adding matter that has not been reviewed yet in the House, such as enterprise zones. There is no guarantee what the final legislative outcome will be. But if we want a chance to at least move these particular issues to the President's desk, we ought to confine ourselves to the subjects of the committee amendment. These issues have had extensive hearings in the Finance Committee, this year and last—that have been marked up before, and our Members are familiar with their content. In addition, both the Caribbean Basin Initiative and enterprise zones were approved in the Finance Committee by strong bipartisan votes, indicating a high level of Member interest and support that should be persuasive to the Ways and Means Committee. Our committee approved the Caribbean Basin proposal by a vote of 15 to 3, and approved the enterprise zone proposal by a vote of 14 to 2. We have put together a strong and balanced package, and it ought not to be weakened with further amendments that may not have this kind of support.

COMPLIANCE PROVISIONS

Mr. President, the compliance provisions of the committee amendment repeal withholding, like the House bill, also do something positive in this area by including new provisions to improve the information reporting system. These new compliance provisions will save a substantial portion of the revenues that would otherwise be lost because of tax noncompliance.

The Senator from Kansas would point out that the committee amendment takes the approach taken by the Dole-Kasten amendment approved last April in the Senate by a vote of 91 to 5. However, the provisions were refined by the committee in light of comments from the financial services industry and others. In addition, the Treasury Department strongly endorses these provisions as a realistic and meaningful approach to improving tax compliance.

LEGISLATIVE HISTORY

Mr. President, I would point out that there is some history and precedent for the approach taken by the Finance Committee: During consideration of the Revenue Act of 1962, the House of Representatives adopted a Kennedy administration proposal to require withholding on most interest, dividend, and patronage dividend payments, at a 20-percent rate. The House Ways and Means Committee report explained that withholding was expected to collect over 80 percent of an estimated $800 million annual revenue loss attributable to unreported interest and dividend income.

Instead of the House-passed withholding provisions, the Revenue Act of 1962 adopted the provisions of the Senate bill requiring expanded information reporting on dividends, interest, and patronage dividends. The report of the Senate Finance Committee explaining the Senate provisions stated:

> . . . your committee strongly endorses the concept that everyone must pay his full share of the income tax liability. Moreover, it recognizes that the underreporting of dividends and interest on tax returns is a serious problem which needs correction. However, it has concluded that an improved reporting system is preferable to a provision for withholding.

But by 1981, the annual revenue loss from unreported interest and dividends was estimated by the IRS to be in excess of $8 billion despite the existence of an improved information reporting system. Accordingly, in 1982, the administration proposed withholding on interest and dividends, at a 5-percent rate, to close this compliance gap. In addition to the administration's withholding proposal, other legislation was proposed to improve compliance without withholding, by improving the accuracy and reliability of information returns, and extending information reporting requirements to Treasury obligations and corporate bearer obligations. That was the initial approach taken by the Senator from Kansas and the Senator from Iowa in the so-called Dole-Grassley bill.

In the Tax Equity and Fiscal Responsibility Act of 1982, Congress enacted the administration's withholding proposal, at a 10-percent rate, together with provisions improving and expanding the information reporting system. These and other provisions of TEFRA were enacted in order to satisfy the requirement of the 1983 congressional budget resolution that Federal revenues be increased by $98.3 billion through fiscal year 1985.

As we know, the TEFRA withholding provisions, which were enacted to take effect on July 1, 1983, became the subject of controversy, and in April 1983, the Senate voted to delay implementation of withholding.

I would point out that the House bill would repeal withholding without enacting any improvements in information reporting beyond those provided by TEFRA. In light of the large current and projected Federal budgetary deficits, and the serious fiscal and social problems posed by tax noncompliance, many Senators believe repeal of withholding requires a careful strengthening of other compliance provisions of the Internal Revenue Code, a thorough review of Internal Revenue Service enforcement practices and increases in the level of IRS funding. The Finance Committee believes the information reporting system for interest and dividends should be made more reliable. The IRS should be required to follow up significant discrepancies disclosed by the information reporting system, and the IRS should be given adequate legal and financial resources to enforce the tax law.

COMMITTEE PROVISIONS DESCRIBED

In general, the committee amendment provides for increased penalties on payors failing to file accurate information returns and temporary "backup" withholding on taxpayers who refuse to supply their correct taxpayer identification numbers, or who refuse, after notice, fully to report interest and dividends as required by law.

In addition, the committee amendment requires the IRS to follow up expeditiously all significant discrepancies disclosed by information reporting on interest and dividends, and authorizes the appropriations necessary to satisfy this requirement.

GENERAL EXPLANATION OF COMPLIANCE PROVISIONS

According to Treasury Department and IRS estimates, in the absence of the compliance provisions enacted in TEFRA, $25 billion of interest and dividend income required to be reported on 1983 tax returns would not be reported. This figure excludes interest and dividends properly exempt from the TEFRA withholding and reporting rules, such as interest paid by individuals. This annual reporting gap has been estimated by the IRS to result in lost tax revenues in excess of $8 billion.

The TEFRA withholding provisions were controversial because of a number of concerns, including the perception that withholding might impose undue burdens on conscientious taxpayers. This concern was aggravated by uncertainty as to whether the Congress had authorized, enabled, and directed the IRS to pursue diligently alternative approaches to closing the compliance gap. In addition, it was seen that the 10-percent withholding continued to rely on the information reporting system to collect taxes on unreported income earned by taxpayers with tax rates higher than 10 percent. Accordingly, measures to improve the IRS's ability to pursue underreported income were increasingly viewed as an appropriate response to the compliance problem. The committee identified several problem areas in the current information reporting and enforcement system, and approved provisions intended to address these problems.

EXPANSION OF INFORMATION RETURNS MATCHING

Although the IRS receives information returns on most interest and dividend payments, it does not currently

match all the information returns it receives against individual tax returns. The committee understands that this problem is largely attributable to the absence of correct taxpayer identification numbers on many information returns, and the IRS's inability to process many of the information returns it receives from payers on paper, rather than in a machine-readable format.

Even where processing is feasible, the committee understands that computerized matching cannot disclose apparent discrepancies until 17 months after the end of a taxable year. Moreover, in the case of filers with underreported income, up to 9 months more time is required to process returns manually, in order to insure that apparently unreported interest or dividends have not simply been reported in the incorrect place on an individual tax return.

The committee amendment addresses these problems by requiring virtually all interest and dividend returns to be filed on machine-readable format, with strict penalties for payers who negligently fail to obtain correct taxpayer identification numbers. In addition, the committee amendment requires the IRS to complete its annual matching program within 15½ months of the end of the taxable year, in order to be able to notify by that time all taxpayers identified by the matching program as having underreported more than $50 of interest or dividends. The committee amendment authorizes the appropriations necessary to accelerate and expand the matching program, and requires the Secretary to report to the Congress on the level of annual appropriations required for this program.

The Secretary is excused from compliance with the directive to complete the matching program within 15 months, only if the Congress fails to appropriate the amount specified by the Secretary's report, and the Secretary determines that, absent the additional resources so specified, it would not be cost-effective to devote IRS resources to interest and dividend matching at the expense of other enforcement activities. An annual report to the Congress is required if the Secretary determines, on these grounds, that he will not comply with the accelerated matching requirement.

EXPANDED FOLLOWUP OF DISCREPANCIES DISCLOSED BY IRS MATCHING

Current IRS enforcement procedures collect only a small fraction of the more than $8 billion in taxes due on unreported interest and dividend income. In part, this is attributable to the IRS's failure to identify and contact all underreporters and nonfilers. It is also attributable, in part, to the absence of appropriate legal tools and financial resources to collect the taxes due from the taxpayers who are identified and contacted.

The committee amendment requires the Secretary to identify and notify all taxpayers with more than $50 of underreported interest or dividends disclosed by the matching program. After notification and a reasonable opportunity to correct or clear up the discrepancy, the committee amendment requires the Secretary to notify payers of interest and dividends to such taxpayers to begin withholding on interest and dividends at a 20-percent rate. Generally, this backup withholding will continue until the taxes, interest, and penalties due with respect to the underreported income have been paid.

As with the requirement to expand and accelerate the matching program, the committee amendment authorizes the appropriations necessary to implement backup withholding, and requires the Secretary to report to Congress on the annual appropriations needed for this program.

Present law contains a number of provisions to encourage compliance in reporting and paying tax on payments that are not subject to withholding. For certain payments that are not subject to mandatory withholding, so-called "backup withholding" is required starting on January 1, 1984. Under these rules, withholding is required at the rate of 15 percent on certain payments to taxpayers who fail to furnish the payer with a taxpayer identification number. Thus, if the Internal Revenue Service cannot verify that income has been reported because the correct taxpayer identification number has not been provided, the law assures the collection of at least 15 percent of the payment through backup withholding.

The committee amendment imposes backup withholding, after notice, at a 20-percent rate on payments of interest, dividends, or patronage dividends to taxpayers who the Internal Revenue Service determines have either underreported interest, dividend, and patronage dividend income by an amount in excess of $50 or failed to file a Federal income tax return which was required to show any amount of interest and dividend income in excess of $50.

Before backup withholding with respect to payments of interest, dividends, and patronage dividends to nonfilers or underreporters may be imposed, the Internal Revenue Service must provide at least 90 days' written notice to the taxpayer. This notice must inform the taxpayer of the Secretary's determination and of the requirement that, if notified, the taxpayer's payers must institute backup withholding. The 90-day period enables the taxpayer to respond, under procedures prescribed by the Secretary, to the notice and correct or clear up the problem. If the taxpayer fails to establish grounds which would prevent commencement of backup withholding, notice may be sent, beginning on the 90th day after the taxpayer was notified of the determination of underreporting or failure to file, to persons known to have made interest, dividend, or patronage dividend payments to the taxpayer. Such payers will probably be identified by comparing the names and identification numbers of delinquent taxpayers against the most recently filed information returns. Subsequent payer notifications will be based on later filed information returns.

Once notice is given, the payer has a 15-day grace period to implement withholding. Thus, backup withholding on underreporters and nonfilers will not begin for at least 90 days after the taxpayer has failed to properly report interest, dividend, or patronage dividend income. Any payer required to withhold because of a taxpayer's failure to report interest, dividend, or patronage dividends, must notify the payee of such withholding at the time withholding begins.

The committee amendment provides that backup withholding will not be required if the Secretary determines that first, the failure to report income did not occur; second, the failure has been corrected, third, the imposition of backup withholding would cause an undue hardship on the payee and that it is unlikely that any such failure will occur again, or, fourth, there is a bona fide dispute as to whether that failure to report or file exists. The Secretary might relieve a payee of backup withholding under the hardship provision if, for example, the taxpayer is unable to pay the past-due tax immediately and withholding at the 20-percent rate would result in significant overwithholding of current taxes.

When the Secretary determines that backup withholding is no longer required with respect to a particular taxpayer, he is required first, to promptly notify any payers who received notice to commence backup withholding and, second, to promptly provide the taxpayer with a written certification that he or she is not subject to backup withholding.

To prevent improper use of information about which persons are subject to backup withholding, the committee amendment provides that any person receiving backup withholding information (including payers, payer's agents and independent contractors) may use that information solely for satisfying the backup withholding requirement. Use of this information for any other purpose is a misuse of confidential taxpayer information. Thus, for example, a payer would not use this information, including a payee's inability to certify that he is not subject to backup withholding, in deciding whether to extend credit to the payee or whether to surcharge an account, to

close an account, or to refuse to open an account.

MAGNETIC TAPE FILING

The committee amendment also requires that taxpayers filing more than 40 information returns with the Secretary for any calendar year with respect to payments of interest, dividends, or patronage dividends must file these returns on magnetic media. This requirement applies with respect to returns filed in 1984. However, where the Secretary determines that application of the provision would cause undue hardship, he may extend the application of this provision until 1985.

The committee amendment also requires the Secretary of the Treasury, in consulation with the Secretary of Health and Human Services, to study and report to the Congress by January 1, 1984, on the feasibility of requiring wage statements (W-2's) to be filed on magnetic media.

ATTACHMENT OF INFORMATION RETURNS TO INDIVIDUAL TAX RETURNS

The committee amendment also requires that payees be furnished a duplicate of any interest, dividend, or patronage dividend information return filed with respect to them. Statements and copies must be in an official form and must be attached to the taxpayer's income tax return for the relevant taxable year.

INCREASED PENALTIES

Finally, the committee amendment imposes increases in the penalties relating to information reporting and provisions designed to accelerate the matching of information returns and income tax returns so that appropriate compliance action may be taken.

Mr. President, the amendment to H.R. 2973 approved by the Finance Committee also contains the provisions of the Enterprise Zone Tax Act of 1983, as embodied in S. 863 with some modifications made by our committee. This is an important initiative, because it demonstrates our determination to find new ways to approach the problems of economic development in distressed areas. As economic recovery proceeds, the problems of towns, cities, and rural areas that lag in development will become even more visible. Now is the time to put in place an experimental program to harness private sector initative, led by local and State efforts to reduce burdens that inhibit development and to harness the resources of local communities and their residents in a common endeavor. The enterprise zone proposal can do that.

Mr. President, most Federal Government programs directed at the unemployed and distressed local areas have emphasized financial aid for the individuals and communities. Generally, the belief has been that basic support would suffice until economic activity in these areas was revived.

Some programs to stimulate local enterprise and farming have been put into effect, and loans have been made available through the Small Business Administration and Farmers Home Administration. In addition, grants to local governments have been made so that they can initiate community development programs that would stimulate local business.

These approaches, however, have not overcome the inertia of distress, and a new approach has been developed that will place primary emphasis on the abilities of private enterprise to create employment and economic activity. The idea is to select a limited number of distressed urban and rural areas in which private enterprise could expand after being relieved of as much Government restraint as possible. These new areas are called enterprise zones, and they are designed to create jobs in depressed areas, with an emphasis on jobs for disadvantaged workers, and also to redevelop and revitalize these geographic areas themselves.

Mr. President, the intent of the program is to create a freer environment in which new businesses can start and prosper. The target is to stimulate business that would not have been started anywhere else rather than to encourage relocations of existing businesses. Instead, it is intended that the market will decide what activities should take place in the enterprise zones. Thus, the enterprise zone concept involves the commitment of Federal, State, and local governments and local private organizations to create a freer economic environment in which new private business may prosper in depressed areas.

Mr. President, under the committee amendment, up to 75 enterprise zones could be designated by the Secretary of the Department of Housing and Urban Development, beginning on July 1, 1983, over a period of 3 years. At least one-third of the designated zones would be in rural areas. Each enterprise zone would be eligible for Federal tax and regulatory relief. The duration of each zone would be 20 years, plus a 4-year phaseout period. Areas would be nominated for enterprise zone designation by one or more local governments and the State in which the area is located. Areas nominated for such a designation would have to meet certain criteria of economic distress, and designations would be made through a competitive process weighing suggested plans for developing the area through tax and regulatory relief, improved services, and involvement of neighborhood and community organizations and private entities in development efforts.

The following Federal tax incentives would be available in enterprise zones: A 3-percent or 5-percent investment tax credit for investments in personal property in the zone; a 10-percent investment credit for real property in the zone; a 10-percent credit to employers for increases in payroll to qualified zone employees and a credit for hiring disadvantaged workers for zone employment; eliminating capital gains tax with respect to property used in a zone trade or business; allowing full cost recovery deductions for facilities in zones financed by industrial development bonds under ACRS, despite the limitation of such deductions for comparably financed facilities elsewhere; and the continued availability of the small issue exemption for industrial development bonds in zones after December 31, 1986, despite its termination on that date elsewhere. These tax incentives would be effective as of January 1, 1984.

The following modifications of the Enterprise Zone Tax Act of 1983 were agreed to by the Finance Committee:

First. The definition of rural areas for purposes of the one-third rural setaside would be changed so that a rural area would be any area outside a standard metropolitan statistical area, or any area within an SMSA with a population of 50,000 or less, or any area determined to be rural by the Secretary of HUD in consultation with the Secretary of Commerce.

Second. Another item would be added to the list of possible areas to be addressed in a course of action suggested in the legislation that a State and local government could propose. The additional item would be to provide mechanisms to increase equity ownership for zone residents and employees.

Third. HUD would be authorized to establish a procedure for allowing modification of governmental commitments made in securing zone designation. Such modifications would be subject to limitations such as replacing a commitment with one of equal value and protection for existing businesses operating under the original commitment.

Fourth. An inventory of historic properties in designated enterprise zones would be required to be completed not later than 60 days after the date of designation.

Mr. President, the enterprise zone provisions of the committee amendment make this an attractive proposition for the Senate, and hopefully for the House as well.

CARIBBEAN BASIN INITIATIVE

Title II of the committee amendment consists of S. 544, as amended, which is legislation to implement President Reagan's Caribbean Basin Initiative. This legislation reflects the extensive work of the House of Representatives and the Finance Committee on the President's original proposal in the 97th Congress, and additional work of the Finance Committee this year. The committee approved S. 544,

with amendments, on May 12. I believe it is time for this Congress to pass an important program designed to assist our southern neighbors to develop economically and to join in a new, mutually beneficial relationship with the United States.

Title II contains two subtitles. The first would extend for 12 years duty-free status to articles for eligible beneficiary countries. There are several exceptions for import-sensitive products, and imports will be subject to safeguards to protect domestic industries against injurious import surges. The exceptions are those voted by the House and Finance Committee last year, and include textiles and apparel articles subject to textile agreements; footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel not currently eligible for GSP; tuna; and petroleum and petroleum products. Subtitle A also contains the eligibility requirements for the beneficiary countries; generally, the countries must be engaged in constructive self-help measures that will enable them to benefit fully from the program.

Subtitle B offers a tax incentive to boost development in the tourist and service industries of the beneficiary nations. Instead of the investment tax credit first proposed by the President, the subtitle includes the convention business expense deduction passed by the House of Representatives last year. This would allow U.S. taxpayers to deduct necessary and proper business expenses associated with attending conventions in Canada, Mexico, and Jamaica. In order for the deduction to be available, however, a beneficiary nation must agree to exchange data with U.S. officials as necessary and appropriate for the enforcement of tax laws, and the beneficiary nation's tax laws must not discriminate against conventions held in the United States. The revenue loss from this provision is expected to be negligible.

Finally, both subtitles include some of the measures the President intends to implement to promote the growth of Puerto Rico and the Virgin Islands, and to protect them from significant competitive harm arising from the duty-free trade arrangement. Puerto Rico and the Virgin Islands long have enjoyed preferential market access to the United States that has enabled them to develop economically much faster than their similarly situated Caribbean neighbors. The one-way duty-free trade area may diminish this competitive advantage. The President therefore will undertake a number of compensatory and protective measures, not all of which will require legislative action. Included in subtitle A, however, is authority to remove duty-free treatment of rum from the beneficiary countries when it threatens the revenues Puerto Rico and the Virgin Islands now derive from rebates of Federal excise taxes on rum to them. Subtitle B further provides that excise taxes on rum from other nations will be transferred over to Puerto Rico and the Virgin Islands. In addition, the President proposes to increase the maximum foreign content permissible for duty-free entry of products from the insular possessions; to treat producers there as domestic industry for purposes of import relief; and to exempt effluent discharges associated with the manufacture of Virgin Islands rum from certain provisions of the Federal Water Pollution Control Act.

THE PROFOUND U.S. INTERESTS IN THE CARIBBEAN

Mr. President, this is the time to demonstrate to our Caribbean friends the leadership that will show them the way out of their economic malaise and strengthen their democratic institutions. The beneficiary nations of the CBI are widely divergent in cultures, histories, languages, economies, and governments. But they share some common characteristics: Most are suffering severe economic hardships; they are increasingly oriented economically, politically, and socially to the United States—and together they form our southern border. Too long has this country failed adequately to comprehend our national interests in this integrated region, and to take full advantage of the mutual opportunities greater cooperation offers. These interests are profoundly important.

In a region suffering a history of conflict, the 15 recently emergent nations of the Caribbean Basin offer in their nascent states a tempting target for Soviet troublemaking. Events in Nicaragua, the announcement last year of a Soviet aid package to Granada, and recent reports of Cuban interference in Surinam provide timely examples of real concerns for our borders, our sealanes, and the Panama Canal.

The United States has great economic ties to the region. Despite their colonial past, the CBI countries import more from the United States than any other country. Last year this amounted to over $8 billion—nearly half again what we imported from them, excluding petroleum. U.S. direct investment reached nearly $10 billion in 1981. We import over 90 percent of our industrial requirements of bauxite and alumina from the Caribbean countries, and rely on them to a significant degree for nickel. It seems clear that the region offers a vast new market for American products, if only greater economic and political stability can be brought about there.

Besides the economic and security interests, the United States is bound by an increasing web of social ties with the Caribbean Basin countries. Some estimate that, excluding Mexicans, over 250,000 illegal immigrants now enter the United States yearly from the countries of the Caribbean Sea and Central America. Their desperate desire to seek political or economic emancipation in this country is perhaps matched only in magnitude by the strain on the services that our national and State governments provide them once they are here. I note that for the entire region in fiscal year 1982 the United States targeted about $475 million in developmental aid; the Federal Government and the State of Florida have spent over twice that on Cuban and Haitian refugees since the Cuban boatlift.

The ability of the United States to exploit these increasingly strong ties to the Caribbean Basin countries rests on their own stability. As the nations of Central America struggle to end armed conflict among themselves and with Communist guerrillas, as the Caribbean nations attempt to restructure their economies away from centuries of dependency on transfers from their former colonial sovereigns, a historic opportunity presents itself to the United States to aid in placing them on a firm, permanent path to growth and stability. The President's Caribbean Basin Initiative embodies a sound plan to that end.

THE CBI: AN OPPORTUNITY FOR BOLD LEADERSHIP

In a Washington Post column last year, international economist Gustav Ramis of Yale University stated well the need for a "credible, nonpaternalistic framework" for facilitating economic reform and development in developing countries. He said in part:

> Receipt of an annual aid allocation is clearly not a country's birthright to be extended automatically, just because it is poor and we are rich; at times the effective use of aid, in fact, means the courage to be passive and bankerlike vis-a-vis some developing countries for some years on end. But it also means that we must be able to respond when and if such countries do come forward with a package of policy changes that make sense and ask our help in cushioning the inevitable pain of getting from here to there.

By offering market incentives in the form of trade, tax, and other measures, and by extending aid to ease the transition to stable, competitive economies, the CBI demonstrates that this country is able to respond positively to vital needs—and opportunities.

Twenty of the CBI countries could fit within the boundaries of the King Ranch in Texas; the CBI, even if successful beyond all expectations, cannot begin to engender economic growth that will seriously threaten any of our domestic interests, and for those few industries that feel threatened, the legislation provides ample safeguards against injury. But by adopting appropriate free-market programs, and with the CBI's incentives, these small beneficiary nations are capable of signifi-

cant self-improvement. None of the beneficiaries claim the benefits of the CBI as a matter of right; the success of the program is of great mutual interest.

This legislation has been introduced in the House with bipartisan leadership support. It passed the House last year in essentially the same form as contained in title II. It has been approved by the Finance Committee by a wide margin. I believe it is appropriate to take this opportunity to obtain its early passage.

INTERNATIONAL TRADE AND INVESTMENT ACT—TRADE RECIPROCITY PROVISIONS

Title IV of the committee amendment contains the substance of S. 144, as amended, the International Trade and Investment Act. This bill, principally sponsored by Senators DANFORTH and BENTSEN with 42 cosponsors, has already passed the Senate once this year, on April 21 when it was amended with the compromise bill to repeal withholding on interest and dividends. Members will recall that because S. 544 was considered to be a revenue-raising measure, the House of Representatives refused to accept it for consideration. That excuse does not apply to the bill to which the committee amendment is now directed. I believe we should take this opportunity to send S. 144 again to the House for its consideration.

Title IV (S. 144) includes a number of provisions designed to restore a greater measure of overall reciprocity to our trading relationships and to encourage the expansion of trade agreements to cover economic sectors not now subject to significant international discipline. In sum, title IV would make the following changes to the Trade Act of 1974:

First. A new section 104A would be added provided specific negotiating objectives with respect to trade in services, advanced technology products, and restrictions on foreign direct investment. The USTR will develop and coordinate U.S. policy on trade in services and the Department of Commerce will establish a service industry development program. In addition, the President would be given a 5-year authority to negotiate tariff reductions on certain advanced technology products;

Second. Section 135, which establishes a procedure through which trade negotiating advice is received from the private sector, would be amended to authorize the establishment of intergovernmental advisory committees;

Third. A new section 181 would be added requiring annual national trade estimates on significant barriers to the exportation of U.S. goods and services and restrictions on U.S. foreign direct investment and consultations with the Committees on Finance and Ways and Means regarding trade policy priorities to enhance market opportunities;

Fourth. Section 301 would be amended to authorize the President to retaliate against any goods or sector, whether or not involved in the act retaliated against and the President would specifically be authorized to retaliate against a good or service notwithstanding the authority of regulatory agencies to deal with the same matters;

Fifth. Section 301 would be amended to authorize the President to retaliate against restrictions on foreign direct investment by U.S. persons with implications for trade in goods and services, or otherwise to carry out the objectives of 301, by proposing "fast track" legislation under the authority of sections 102 and 151 of the Trade Act of 1974;

Sixth. Section 301 would be amended by statutorily defining the terms "unreasonable", "unjustifiable", and "discriminatory", which currently exist in section 301 but are not defined;

Seventh. Section 302 would be amended to provide for the self-initiation of Section 301 investigations by USTR;

Eighth. Section 303, which currently provides that international consultations must be initiated on the same date as an investigation is instituted under section 301, would be amended to provide for a delay of up to 90 days before the initiation of consultations for the purpose of verifying or improving the petition; and

Ninth. Section 305 would be amended to provide for a specific exemption from the Freedom of Information Act for information received during an investigation on the use of such information.

Since enactment of the Reciprocal Trade Agreements Act of 1934, U.S. trade policy has been founded on the twin principles of mutual, reciprocal reductions in trade barriers and vigorous efforts to protect U.S. firms and workers against unfair trade practices distorting the increased trade opportunities reciprocal trade agreements are intended to provide. The International Trade and Investment Act is designed to meet new challenges within this traditional framework. It will clarify the President's retaliatory authority against unfair trade practices, while authorizing and encouraging negotiations in the areas of services, investment-related trade restrictions, and advanced technology products. The act has previously received Senate approval, and I believe it properly should be given another chance for acceptance by the House.

MORTGAGE SUBSIDY BONDS

The committee amendment also includes a provision repealing the sunset provision of the Mortgage Subsidy Bond Tax Act of 1980. That sunset provision would have precluded issuance of tax-exempt mortgage bonds for single family mortgages after December 31, 1983. The committee's agreement to this provision indicates the very strong support in the committee for continued Federal assistance to first-time home buyers and the homebuilding industry. Extension of the mortgage bond program, together with declining market interest rates for home mortgages, should enable more Americans to afford homeownership, and should also help the recovery of the homebuilding industry.

THE MODIFIED COMMITTEE AMENDMENT

Mr. President, I would like to explain the modifications contained in the revised Finance Committee amendment to H.R. 2973.

COMPLIANCE PROVISIONS

As the Members know, the original version of the so-called Dole-Kasten compliance provisions passed the Senate by a vote of 91 to 5. Those provisions would have delayed withholding generally, but would have required payers, once the bill was enacted, to commence so-called backup withholding on accounts and investments without social security numbers or taxpayer identification numbers.

The Finance Committtee amendment, which repeals withholding, modified the backup withholding rule to permit a grace period of 45 days after enactment before that requirement would take effect. In addition, up to 90 days would have been permitted for institutions facing undue hardship complying within 45 days of enactment.

The modified committee amendment provides that the backup withholding requirement will not be effective until January 1, 1984. This is the original effective date contained in TEFRA for backup withholding on accounts without identifying numbers.

The committee is of the opinion that this change is warranted for two reasons.

First, as far as the payors are concerned, the committee was advised that a grace period of at least 90 days would probably be needed for the payors to comply.

Second, we concluded that a somewhat longer grace period would allow time for payors to send a number of mailings to depositors and investors, advising them that unless a taxpayer identification number was provided, backup withholding would commence. Allowing sufficient time for these mailings is desirable so that we can achieve our goal of obtaining correct identification numbers for all accounts and investments. If we can make progress toward this goal in the next 6 months, fewer people will be subject to backup withholding next January for having failed to provide an identification number. This change is con-

sistent with the philosophy of the Finance Committee compliance provisions, that backup withholding is a tool intended to produce voluntary compliance, not a goal in and of itself.

I should also point out that it is the committee's expectation that payers will exercise due diligence in attempting to obtain correct numbers during this grace period, and that the backup withholding rules will take effect and be complied with on January 1, 1984, for accounts without identification numbers. As the printed report on the original committee amendment explains, if either of these conditions are not met for any reason, then payers filing information returns without taxpayer identification numbers in 1984 will incur the penalties for missing numbers provided by the committee amendment.

Finally, there is a purely technical correction to the effective date for certain broker requirements and penalties with respect to new accounts.

MODIFICATION OF COMMITTEE AMENDMENT—TITLE III

In addition, the proposed modification of the committee amendment would make the following changes in the enterprise zone portion of the amendment (title III). The changes are in regard to Indian reservations, tribal governments, and Alaska municipalities with predominantly Native American populations.

First. The modified committee amendment would provide that any area in Alaska within the jurisdiction of an Indian tribal government could be nominated for zone designation in the same way as an area that is entirely within an Indian reservation (that is, there is no independent population requirement for such areas). This is to deal with the situation that tribal governments in Alaska are not situated on reservations.

Second. The modified committee amendment would allow areas to be nominated for zone designation that are within an Alaska municipality whose population is 50 percent or more American Indian, Eskimo, or Aleut. Such areas would still have to meet all the other criteria for nomination (economic distress, and so forth) but would not have to meet the independent population requirements. This is to meet the concern that UDAG-eligible areas in Alaska are largely populated by Native Americans but do not meet the minimum population requirements (1,000 for most areas, 4,000 if the area is located in an SMSA with population 50,000 or more).

Third. The modified committee amendment would allow the nomination of an area within a 50-mile radius of an Indian reservation by a tribal government and the State and local government having jurisdiction over the nominated area, even though the area is not within the reservation. Such an area need not meet the other criteria for eligibility for zone designation provided that the Indian reservation itself does, and the Secretary of HUD would have to determine that the tribe would benefit substantially from designation of such an area as an enterprise zone. This is designed to meet the concern that while Indian tribes can benefit from economic development in enterprise zones, in some cases the reservation itself may not be a productive area for development, whereas an adjacent area could be fruitfully developed to provide jobs for tribe members.

Mr. LONG. Madam President, I move that the committee amendment be laid on the table.

I ask for the yeas and nays, Madam President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of illness.

The PRESIDING OFFICER (Mr. DURENBERGER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—46

Baucus	Glenn	Metzenbaum
Bentsen	Goldwater	Mitchell
Biden	Hart	Moynihan
Bingaman	Hawkins	Nunn
Boren	Heflin	Pell
Bradley	Hollings	Proxmire
Bumpers	Huddleston	Pryor
Burdick	Jackson	Randolph
Byrd	Johnston	Riegle
Chiles	Kennedy	Sarbanes
DeConcini	Lautenberg	Stennis
Dixon	Leahy	Tsongas
Dodd	Levin	Weicker
Eagleton	Long	Zorinsky
Exon	Matsunaga	
Ford	Melcher	

NAYS—51

Abdnor	Grassley	Packwood
Andrews	Hatch	Percy
Armstrong	Hatfield	Pressler
Baker	Hecht	Quayle
Boschwitz	Heinz	Roth
Chafee	Helms	Rudman
Cochran	Humphrey	Simpson
Cohen	Jepsen	Specter
D'Amato	Kassebaum	Stafford
Danforth	Kasten	Stevens
Denton	Laxalt	Symms
Dole	Lugar	Thurmond
Domenici	Mathias	Tower
Durenberger	Mattingly	Trible
East	McClure	Wallop
Garn	Murkowski	Warner
Gorton	Nickles	Wilson

NOT VOTING—3

Cranston	Inouye	Sasser

So the motion to table the committee amendment (No. 1412) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was rejected.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 1413:

At the appropriate place in the committee amendment, insert a new paragraph as follows and change subsequent subparagraph enumerations accordingly:

103(b)(3) bulk rum (as classified under item 169.14 of the Tariff Schedules of the United States (19 U.S.C. § 1202)) valued at or below $3.50 per proof gallon: *Provided*, That, notwithstanding any other provisions of law, any rebate, in whole or part, of, or other decrease in, the price actually paid or payable which is made or otherwise affected with respect to or in respect of the sale of such rum after the date of the importation of the bulk rum into the United States shall be taken into account in the determination of the value of the bulk rum.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Connecticut suspend so that we may have order? The Senate will be in order.

Mr. WEICKER. Mr. President, I wonder if I might have the attention of the Senator from Kansas.

This amendment deals with bulk packaged rum as that is a part of the CBI. At no time was either the Virgin Islands or Puerto Rico included in discussions relative to the development of the CBI. When we attempled to exercise joint jurisdiction as between the Committee on Energy and Natural Resources and the Committee on Finance that was thrown aside, and for the past week my staff has tried to go ahead and work out an agreement between the proponents of this legislation and the interests of the Virgin Islands and Puerto Rico, with no success.

It is my understanding that there is a possibility of a compromise being arrived at. I apologize to my colleagues for taking this amount of time. This should all have been done weeks, indeed months, ago and I am still not certain that we have arrived at an agreement.

What I would suggest at this juncture, in order to accommodate those to whom time is of the essence, is that my amendment, having been read, be temporarily laid aside until such time as we can determine whether or not it

is possible to agree on this subject. If it is, then indeed I hope the proponents of the bill will accept the measure. We do not have to go to any great further explanations or a detailed vote. That is entirely dependent, however, on agreement being arrived at.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. WEICKER. Yes.

Mr. DOLE. What I understand the Senator has proposed is a compromise which was include in the House-passed bill of last year. If that is the case, and I understand that is in the process of being drafted, then I will not have any problem with that.

Mr. MOYNIHAN. Will the Senator from Connecticut yield?

Mr. WEICKER. Yes.

Mr. MOYNIHAN. I am sorry I was not here for all of the conversation. We did discuss this matter in the Finance Committee. We did not make specific provisions for the Virgin Islands with respect to the one distillery they do have. Could I ask what the Senator does propose?

Mr. METZENBAUM. Mr. President, would it be possible for the Members of the Senate to use their microphones so that we might be able to hear what this debate is all about?

Mr. WEICKER. Mr. President, in response to my distinguished colleague from New York, there are really two industries of any size, and only two, in the Virgin Islands: The Hess Refinery and rum, and that is it.

The greatest amount of rum coming from the Virgin Islands is of the bulk, unaged variety. What we are attempting to do is to set limits within this bill, in terms of price, that would indeed protect that aspect of the rum business—that is, bulk, unaged rum—and, therefore, protect the rum industry in the Virgin Islands.

This amendment, I might add, has the support, even though it is not as necessary to them, of Puerto Rico. But they care to support their brethren in the Virgin Islands. The principal purpose of their business is not in the bulk rum variety.

Mr. MOYNIHAN. Mr. President, it is my understanding that the Delegate of the Virgin Islands, RON DE LUGO, is supportive of the measure that the Senator has before us.

Mr. WEICKER. Mr. President, I have been carrying the water here not for myself—and, indeed, Connecticut has no interest in the industry and I do not individually. I have tried to go ahead and give the Virgin Islands some representation in this matter.

As I indicated to you, and it was all in my speech, I find it rather unique that we have a Caribbean Basin initiative without having consulted with our own citizenry, either in the Virgin Islands or Puerto Rico. And, as is known on the committee, when we attempted to achieve a joint jurisdiction with the Finance Committee, that was denied.

I held hearings last week which were attended by the Virgin Islands, by RON DE LUGO and by the Lieutenant Governor Julio Brady, and a representative of Puerto Rico. They explained their reservations as to the Caribbean Basin Initiative to the committee. I might say the other reservations they had that will obviously hurt the CBI is the tourism and the special tax status which now will be lost. But that is neither here nor there. They are willing to sacrifice.

But I do not think it would be fair to have one of the two industries that Virgin Islands has wiped out.

So the answer is, I am presenting this proposal, in effect, on behalf of those representatives of the Virgin Islands who have testified before our committee.

Mr. MOYNIHAN. Mr. President, might I simply say for the RECORD that the Senator from New York, in whose district the regional headquarters that deal with the Virgin Islands and Puerto Rico are located, was in very close contact with Governors of both Puerto Rico and the Virgin Islands. There are provisions in this law which it was our understanding that they not only approved of, but were well satisfied with.

If the Senator from Connecticut can satisfy them even more, I am happy to do that. But I wish it would be a matter of record that the Finance Committee did discuss this matter and did consult with those persons.

Although I agree with you of the fact that they are not represented in this body, I would like to say I have discussed with a number of Members the possibility of there being a forum of some kind in the Senate that would deal with this repeated question of in what way do the laws we pass here affect the lives of the persons who are citizens in the Virgin Islands and in Puerto Rico, but are not represented and cannot speak in this body as they can in the other body.

Mr. JOHNSTON. Will the Senator yield?

Mr. WEICKER. I yield.

Mr. JOHNSTON. Mr. President there is at present a protective tariff for Caribbean rum other than that which is produced in the Virgin Islands and Puerto Rico. Does the Senator's amendment preserve that protective tariff for bulk rum from the Virgin Islands? Is that the mechanism?

Mr. WEICKER. Mr. President, I wonder if the Senator would further refine his question. I am only referring to the tariff as it relates to bulk, unaged rum. Nothing else is affected.

Mr. JOHNSTON. The Senator is retaining that for bulk rum?

Mr. WEICKER. That is right.

Mr. JOHNSTON. As I understand it, that is the position of RON DE LUGO on this question.

Mr. WEICKER. There is no question about that. That is not something this Senator raised. This is in close consultation with Delegate DE LUGO and officials of the Virgin Islands government.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that I may be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. It is not only a good amendment but it is necessary. Really, I think it would be nonsensical to do anything other than that, because if we do not have this protection, then all the rum industries are going to move to Jamaica and other areas that do not have the minimum wage or clean water and clean air act. It is a lot cheaper to do business in those other areas.

Why we want to abolish, as I recall—is it 400 jobs or something like that?

Mr. WEICKER. Closer to 200 jobs.

Mr. JOHNSTON. Well, several hundred jobs in the Virgin Islands when they have very high unemployment. I do not know why we would intentionally do that. It is an excellent amendment and I hope it can be worked out.

Mr. WEICKER. Mr. President, I ask unanimous consent that my amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I just wish to rise today for just a couple of brief moments and pay my respects to the distinguished Senator from Wisconsin for his leadership on this issue. I think that not only does Senator KASTEN deserve our commendation but I think, in this case, the American people have demonstrated quite properly that if they perceive that Congress has made a mistake, which is what the public perceived after the passage of the withholding that was contemplated to go into effect as of the 1st of July, the public perceived that they did not want this and they made their voices heard in the United States and we are now in the process of changing that.

I think it is quite appropriate that we are going to correct what was a mistake that was made in the passage of past legislation. I compliment the distinguished Senator from Wisconsin for his efforts and his persistence and his tenacity in it.

I think also that the chairman of the committee, although he opposed the original repeal of this matter, certainly has shown his statesmanship in now bringing this to us in a fashion in

which it will be passed and I believe signed into law. I believe the American people really can look at this day as a day for all those people who say it does not make any difference what you do about Washington, D.C., that it really does not matter if you send those cards and letters down to Washington, I think today really shows that it does make a difference and that people still do have the ability to exercise their sovereignty and get some response from Washington.

I am very happy that we finally have achieved this. I look forward to seeing this passed today and I look forward to seeing the President sign this bill into law—I hope that he will; I think he should—then this burdensome, unnecessary withholding will not actually go into effect and, for all practical purposes, that is what is going to happen here today.

I also think that it is important that we pass the Caribbean Basin Initiative. I am glad to see it coming forward. But I think it goes without saying that no matter what we do in terms of passing the Caribbean Basin Initiative and passing legislation which should help to enhance investment in that region of the world, that it will not be successful unless there is a perception that the Caribbean Basin and Central America is not going to be communized.

I think we should consider that also with the passage of this legislation we must recognize that our efforts with respect to our military, our diplomatic, and the entire power of the United States may be necessary to bring to bear to guarantee the freedom of those people in that region of the world, and also to assure that there will be a safe haven for people to make investments in and that no tax incentive or no trade incentive will be successful if the perception is in the future that the Communists are going to take over some region of the world or confiscate all of the private property of the citizens in those regions.

So I think this is very important legislation today. I am happy to see that the withholding issue will be laid to rest, but I think that the other legislation such as the Caribbean Basin issue is very important, and it is still part of the problem. We, as a nation, will have to make a clear-cut decision announcing the intention of the grand strategy for the United States for that region of the world and then carry it to a victory so that it will be an area of the world where people will be encouraged to invest money and provide jobs and economic opportunities for those people who live in that region.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, we are having discussions with the Senator from Connecticut to see if there is any way we can resolve those problems. I hope there will not be other amendments. I know the Senator from Minnesota wants to discuss an amendment. There are a lot of people who have commitments. The Senator from Arizona has an illness in his family that he wants to attend to. I am prepared now to work out something on the amendment which is pending, and which has been temporarily laid aside.

AMENDMENT NO. 1414

(Purpose: To eliminate the percentage method of determining additions to the bad debt reserves for bank losses)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 1414.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

SEC. . ELIMINATION OF THE PERCENTAGE METHOD OF DETERMINING ADDITIONS TO BAD DEBT RESERVES FOR BANK LOSSES.

(a) IN GENERAL.—Subsection (B) of section 585 of the Internal Revenue Code of 1954 (relating to addition to reserves for bad debts) is amended—

(1) by striking out "1988" in paragraphs (1)(A) and (3) and inserting in lieu thereof "January 1, 1984,", and

(2) by striking out "1987" in paragraph (3) and inserting in lieu thereof "December 31, 1983,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

Mr. METZENBAUM. Mr. President, in 1981, this country's 20 largest banks earned $1.9 billion in U.S. income and paid $53 million in taxes. That is a tax rate of 2.7 percent. Six banks having incomes ranging from $8 million to $154 million paid no taxes, and received either tax refunds or credits to reduce future tax liabilities. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order so the Senator from Ohio can be heard.

Mr. METZENBAUM. I thank the Chair.

Therefore, the Nation's second largest bank, Bank America, had income of $154 million, but they will either receive $18 million in refunds or reduce their future years' tax bills by that amount.

Here we have a bill today that has to do with the banks' responsibilities as far as sending out notices and withholding taxes in connection with interest on bank deposits.

What more appropriate vehicle is there than this particular piece of legislation to attach to it an amendment which would provide that the banks do that which all other people in business do. That is to pay their taxes based upon a bad debt reserve in accordance with reality, not in accordance with some artificial figure.

As a matter of fact, Mr. President, the proposal that is before us, in my amendment, ties in with the action the Finance Committee has heretofore taken. I commend them for doing so. Prior to 1969 there was an artificial figure of 2.4 percent of outstanding loans that could be used as a deduction on the banks' income tax returns whether or not they needed it. So nobody had any misunderstanding about it, I have no problem about the banks maintaining whatever the reserve is or should be. That is fine with me. But it is the artificiality that the banks are permitted to use in their income tax returns as compared to every other business in this country that I find objectionable.

The 1969 Tax Reform Act reduced that figure by about 25 percent through 1975 and reduced it another 25 percent from 1976 to 1981.

In all fairness, the 1981 tax bill moved into this situation and kept the rate at a specified figure for 1982, instead of permitting it to drop to the 0.6 of a percent that was provided for in the law, but then provided that it would phase out in 1988.

All my amendment does is accelerate the time period. But my amendment does something else. It would pick up $4.2 billion from the banks between now and 1988 which they rightfully should be paying and which they are certainly in a position to pay.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. METZENBAUM. Congress has enacted various provisions throughout the years for the banks: a bad debt deduction based upon an artificial figure, a foreign tax credit, net operating loss carryovers, and other provisions that at the time seemed to make sense.

But in combination with one another, these tax provisions are today operating to reduce, and in many cases eliminate, the legitimate tax liability of the Nation's largest banks. Again, I repeat that the 20 largest banks earned $1.9 billion in 1981 and paid taxes at the rate of 2.7 percent.

Since 1951, financial institutions have enjoyed this excess bad debt deduction and no other businesses have it. General Motors does not have it. General Electric does not have it. United States Steel does not have it. The smallest local business person

does not have it. Only the banks. If other businesses have bad debts, they write them off. That is in accord with the way it ought to be. But under this special provision, banks and other financial institutions are permitted to compute and deduct amounts far in excess of their actual losses.

What does it cost the Federal Treasury? I have already mentioned that. Between now and 1988, that one bad debt item will reduce Federal revenues by $4.2 billion.

Last year's Senate Budget Committee report on tax expenditures indicated that this artificial bad debt reserve, which is scheduled to expire in 1988, is one of the most important reasons, one of the major reasons, why the banks paid such low effective tax rates. A year ago, however, the Treasury Department supported efforts to permanently keep the deduction at the 1981 level.

Is that still the administration's position? It is pretty hard to find out because the only answer I could obtain when Secretary Regan was before the Budget Committee was "maybe."

When Secretary Regan testified before the Budget Committee I asked him if the administration would favor retaining the bad debt reserve. His answer: "I do not know. We have not made up our mind on a position."

I submit, Mr. President, that it is amazing to me that the Secretary of the Treasury does not know what their position is, they have not made up their minds, when there are $4.2 billion involved, that has no rhyme nor reason nor logic to it. It is amazing. This administration had no trouble concluding that we need a 5-cent-per-gallon tax on gasoline, had no trouble concluding that we ought to double the cigarette tax, triple the telephone tax, have a standby $5 per barrel excise tax on oil, an income surcharge, and new taxes on employer-provided health care; but they cannot quite make up their minds as to whether the bank bad debt reserve, the artificial bank bad debt reserve, should remain in the law.

The bad debt reserve is only one of the special tax breaks tailored for the banking industry. In 1969, when Congress decided to phase out the bad debt reserve through 1988, the industry obtained for itself a new loophole. What we took away with one hand we gave back with the other. Let me explain how that provision works.

All companies which accumulate more tax writeoffs than they can use in a given year may apply these tax breaks against taxes paid in the 3 previous years to obtain a tax refund. That is the law. It is applicable to everybody in business. But there is a different rule for banks. There is no reason for a different rule, but there is a different rule. Banks are special. Banks have good lobbyists. Banks have friends around the Congress of the United States. So, as a consequence, they can receive funds for taxes paid during the prior, not 3 years, but during the prior 10 years.

What rationale can exist for that kind of special treatment? The only one that I can find is that they knew the right people and the right people were in the right place at the right time for them. They decided that if the banks were going to lose the artificial bad debt reserve, they should get a new loophole to take its place. That is exactly what they did.

Financial institutions enjoy even more special interest tax breaks. The Tax Code says that taxpayers may not deduct interest on obligations used to finance the purchase of tax-exempt securities. But the tax laws have a different provision for banks. Tax laws exempt banks from this requirement. So the banks can go out and borrow $100 million or $1 billion, pay the interest on that borrowing, invest the money, and then pay no tax if part of that investment is in tax-exempt securities.

The tax rules for foreign earned income also benefit banks. These rules make certain foreign loans more attractive than U.S. loans, and they operate to reduce the U.S. income tax burden on U.S. income.

I shall give another one. Banks are exempt from the rules governing straddle. Many of us in Congress are not familiar with what the term "straddle" relates to, but it has to do with the situation where you are both buying and selling the same stock. Banks have special exemptions that pertain to their straddles in the marketplace.

I am not unmindful of the financial problems which confront many of our Nation's thrift institutions. I am concerned about them, but that does not have a thing to do with the amendment pending before the Senate at this moment. Those thrift institutions that are ailing should not be saddled with additional tax burdens, and I would not be one to suggest it. There is nothing in this amendment that would do that.

The fact is that the majority of our financial institutions are thriving. They are paying few taxes or none at all. Some are even getting tax refunds. There is nothing in this amendment that will hurt those small thrift institutions, because you do not have bad debt reserves to deduct unless you have profits, and the thrift institutions have not been operating at a profit.

Mr. President, the revenues lost to these special tax breaks do little or nothing to create jobs, improve productivity, or spur economic growth. What these special tax breaks do accomplish is to further reduce the corporate taxes of banks and further shift the tax burden to individuals.

My amendment would repeal the artificial bad debt deduction that has no logic to it, that financial institutions enjoy, and require them to write off bad debts in the same manner as all other taxpayers. As previously mentioned, it would produce $4.2 billion in revenue over the next 5 years.

Mr. President, I am not going to kid the Senate. I do not believe that my amendment totally corrects the special favorable treatment accorded banks by our tax laws. I know that the Finance Committee and the Ways and Means Committee are looking at a number of tax reforms in this area.

I would like to say at this point that I publicly commend the chairman of the Senate Finance Committee, who has just recently seen fit to write an article in the Washington Post with respect to tax loopholes, with respect to more effective tax collection. He certainly has not hesitated to move into areas of this nature in order to pick up the revenue that should properly be in the U.S. Treasury. But until the committees of the Congress act, Mr. President, I believe that my amendment makes sense, that it begins to address some of the inequities, and that it should be adopted by the Senate.

Mr. President, I might say that I offer this amendment as the first of what may be a number of other amendments, but I am not certain exactly how many amendments I shall offer with respect to tax loopholes that presently exist. I hope that the Senate sees fit to look favorably upon this amendment this evening.

Mr. DOLE. Mr. President, I hope the Senator from Ohio will not press this amendment or the other amendments. Let me suggest that the Senator from Kansas has been characterized unfairly as somebody who is out to get the banks. In fact, we had hearings on March 11, in the Finance Committee on the effective tax rates of banks and we had not only banks but savings and loans and thrift institutions. We heard testimony on various provisions including the one just referred to, the amendment just offered by the Senator from Ohio, dealing with the bad debt reserve. There may be some changes warranted, but I hope we would not do it on this legislation.

As I understand it, the Budget Committee is about to report a budget resolution that is going to tell us to come up with $12 billion in 1984. That responsibility will fall to the Congress, the Senate, and the House of Representatives, and their tax writing committees. In the Finance Committee, we are having hearings on the 28th and 29th of this month—to look at tax preference or tax expenditures. I hope that this tax break discussed by the

Senator from Ohio, and others that he might want to discuss can be taken up at that hearing.

Certainly, we have a responsibility to take a look at some of these loopholes. Certainly the Senator from Ohio just pointed one out. I hope we have been fulfilling our responsibility.

It seems to me, though, that what we need to do now is get this withholding issue behind us. The best way to get the issue behind us is to go ahead and have a final vote here, if we can work it out and then go to conference. We shall have other revenue bills on the floor. I can promise the Senator from Ohio that I am certainly going to be working with him in a number of these areas. I am not certain I am in full agreement on this amendment, but I am certain that it should not be a part of this package.

It seems to me that we need to sort of stand back and take a look now, after we repeal withholding on interest and dividends, let everything cool a little bit and let the Senate Finance Committee take a look at a lot of the sectors of the economy that enjoy special tax provisions. This may be in that category. It may be in the list of priorities. I hope the Senator from Ohio will let us proceed.

It is not as if we have not been working to close loopholes. We had hearings just this past week on property and casualty insurance companies. We are working now with life insurance companies, trying to tighten up some of the provisions. I just hope the Senator from Ohio will not press the amendment.

I know he is sincere, I know he is concerned. I appreciate his view of withholding. In my view, that is still good tax policy.

This is not really a Christmas tree yet; it is just a little bush. We do not want to get it into a big, big Christmas tree, because it is so early. I know the Senator from Ohio would like to press on, but I hope we might work this out together sometime.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I make no bones about it; I find myself on the horns of a dilemma. We are going to lose some money, I think about—will the Senator from Kansas yield to a question for a moment? How many billion dollars will we lose by not putting into effect the withholding as compared to the procedures that are provided for under this bill?

Mr. DOLE. We will lose about $8.5 billion over the next 5 years, but at that point I must say with the backup withholding and the other compliance provisions, by 1988 we should be picking up about 68 percent of the revenue we would have picked up with withholding.

Mr. METZENBAUM. By coincidence, my amendment picks up half of that amount, $4.2 billion, but that does not necessarily prove my case.

The dilemma I find myself in is that I feel very strongly this amendment should be adopted, but the Senator from Kansas, the chairman of the Finance Committee, has indeed indicated his concern about this loophole as well as others. I am realist enough to recognize that if I should happen to be successful with this amendment, there are those who would probably interpret it as the Senator from Kansas trying to get even with the banks, notwithstanding the fact that it is my amendment but it is still his bill. I know that is not his attitude. I know his attitude is one of trying to pick up revenue wherever it should be picked up for the Federal Treasury. Indeed, if the Budget Committee comes back with a $12 billion figure, it will require the matter, I would hope, of picking up much of it by closing loopholes rather than new taxes on the public.

I have found it possible to work with the Senator from Kansas on this subject. In fact, without his support, I would not have been successful in the last couple of days in connection with the matter of the leases and the indemnification clause in connection therewith. I appreciate that support, and so I am going to withdraw this amendment, not because I think that it does not have merit but because I think that in some ways it might serve to embarrass the chairman of the Finance Committee if I should happen to prevail, which I am frank to confess I somewhat doubt.

Since the chairman of the Finance Committee will be holding hearings on this subject June 28 and 29—and he has already invited me to testify and to speak at those hearings, and I will do so in connection with this loophole as well as a number of other—I will not press the amendment.

Mr. President, I withdraw the amendment.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Ohio.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DOLE. Mr. President, I frankly believe that there are some areas on which we should focus. We may have a different view of what happens in the third year and all those other good things, but it seems to me we owe it to the taxpayers to take a look at all the loopholes—some define them as loopholes and some define them in other ways—but at least take a look at the Tax Code. There are about $296 billion lost this year from provisions that some characterize as preferences. There are about $100 billion a year in taxes that ought to be paid that are not paid due to noncompliance. So, in my view, we ought to take a look at all of it.

We are in the process of doing that. I appreciate the help of the Senator from Ohio who from time to time in the past I have referred to in a friendly way as the assistant commissioner. I know it does not increase his pay, but he has been very helpful. I appreciate him withdrawing the amendment today.

It seems to me that we can take care of the repeal, because I think there is a feeling among some people that we are going to horse around and never repeal withholding. As far as I am concerned, the withholding battle is over. There will be other battles. That may be one. So I am prepared to move on.

I think the only remaining amendment is the pending amendment of the distinguished Senator from Connecticut. I am not certain as to the status of that. Is there now a modification that has been proposed?

AMENDMENT NO. 1413, AS MODIFIED

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Connecticut.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I ask unanimous consent that I might modify my amendment, and I send the modification to the desk.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The amendment is so modified.

The question is on agreeing to the amendment of the Senator from Connecticut, as modified.

The amendment (No. 1413), as modified, was agreed to.

Mr. WEICKER. I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I have been contacted by one other Senator.

Let me say to the Senator from Michigan I am not going anywhere tonight, but there are about 19 Senators trying to leave town by 5:30 p.m., so I am trying to work it out with everybody.

Mr. LEVIN. I would certainly like to work with the Senator. I note the absence of a quorum to see if we can make that possible.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I should like to have a colloquy with the chairman on two matters, one involving an amendment to the reciprocity bill.

I understand that the RECORD is going to be left open for colloquys after the vote on the bill itself. I am going to try to work out a colloquy with Senator DANFORTH on this matter so that everybody can get out of here.

Am I correct that the RECORD will be kept open for colloquy?

Mr. DOLE. Mr. President, in response to the first question of the Senator, we are now preparing the colloquy. We think the reciprocity amendment does what the Senator suggests. To make certain, we are going to emphasize that in an exchange between the Senator from Missouri and the Senator from Michigan, and we hope to have that prepared before final passage.

Mr. LEVIN. I understand that we will be able to insert two after final passage.

Mr. DOLE. Mr. President, I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the other amendment relates to the unemployment problem, and it is a bloody tragedy. The State with the second highest unemployment in the country, which is my State, and a number of other States with very high unemployment rates have triggered off extended benefits because of the formulas used. We have used the insured unemployment rate formulas, and they are highly discriminatory against States that have longstanding unemployment and high total unemployment rates.

My question to the Senator from Kansas is this: Would he be willing to convene a hearing on the problem which has been created by the triggering off of States such as Michigan, off the extended benefit program, which has caused such horrendous upset and uproar in States such as mine?

Mr. DOLE. The answer is an absolute yes. There is a special problem in that area. It is one we will be happy to address, and we hope we can do it in the next couple of weeks. We have a couple of hearings scheduled, but we will work it out with the Senator from Michigan and others from his State who wish to testify. I believe I can secure the cooperation of Members on each side to be there.

Mr. LEVIN. I thank the Senator.

Mr. DOLE. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, are there other amendments?

Mr. LONG. Mr. President, I have been informed that there are other amendments that will be offered by Senators on this side of the aisle. I do not know who those Senators may be, but I am compelled to suggest the absence of a quorum, in order that they might have a chance to make their way to the Chamber.

Mr. DOLE. Mr. President, I should like to place in the RECORD a response to the statement of the distinguished Senator from Louisiana on backup withholding. We feel a little differently, and I thought if I could include a response following Senator LONG's discussion, someone reading the RECORD would at least see that there was a difference of opinion. I ask unanimous consent that that statement be made part of the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I should like to suggest that the Senator's statement on backup withholding not appear prior to the vote.

Mr. DOLE. All right.

Mr. LONG. I think the RECORD will show that the Senator from Louisiana did invite all Senators to see his statement, including the chairman of the committee. I think it would not be appropriate to have it appear before the vote, in view of the fact that the Senators were not aware of it before the vote.

Mr. DOLE. The Senator is correct. I ask that it be inserted at this point in the RECORD.

The PRESIDENG OFFICER. Without objection, it is so ordered.

RESPONSE TO SENATOR LONG ON BACKUP WITHHOLDING

Mr. DOLE. Mr. President, my reply to Senator LONG with respect to backup withholding is as follows:

INACTIVE ACCOUNTS

These accounts have a very low compliance rate.

Backup withholding, under the modified committee amendments, will not commence until January 1, 1984.

Backup withholding, would apply to many of these accounts which lack social security numbers under present law backup withholding.

Under the committee amendment, taxpayers must furnish a social security number under penalty of perjury. Under present law, a taxpayer must already furnish an identification number. The result has been 45 million information returns that have missing or incorrect numbers and cannot be processed by the IRS.

INEFFICIENT USE OF FUNDS

Without the compliance changes of the committee amendment, it would take 30,000–40,000 agents and $1 to $2 billion. That is, five times as many agents and four to seven times as much cost.

Backup withholding is the second most efficient means to collect the unpaid taxes on interest and dividends. Withholding is the most efficient method. But if we do not have mandatory withholding, backup withholding is the best option we have.

IRS NOTICES

The committee amendment merely extends the backup withholding rules of present law. Indeed, the notice provisions have been extended.

Procedural safeguards—including personal review by an IRS agent—will prevent errors. The IRS believes few if any individuals will be misidentified as nonfilers or underreporters.

SWORN STATEMENTS

Over 45 million information returns are filed with missing or incorrect numbers.

Taxpayers are already subject to a $50 penalty if they fail to provide a number.

This provision will reduce the number of penalties paid by taxpayers.

STOCKBROKER REQUIREMENTS

This targeted provision applies only to those taxpayers who have not complied with the information reporting system.

The $500 penalty applies only to stockbrokers who intentionally violate their reporting duties.

SELF-ASSESSMENT OF PENALTIES

Our tax system is one of self-assessment. We do not wait for the IRS to send us a bill to pay the tax we owe.

This provision merely extends the general rule of self-assessment to the penalties on information reports.

Mr. METZENBAUM. Mr. President, I have sat here and waited for someone to speak up to address the other aspects of this bill that have not been debated at all.

I do not rise to do anything more than point out that this amendment has a lot of meat in it: the whole question of the enterprise zones and the extent to which those enterprise zones goes.

The point, as I understand it, is that in some instances, corporations get more than 100 cents on the dollar by tax deductions and that they might use their additional deductions for the purpose of other profits they make.

The whole impact of this enterprise zone amendment is tremendous. Everyone in the Senate is concerned about seeing that we have additional developments in poverty areas, but this amendment goes overboard.

I had assumed that I would hear some debate on that subject. I do not

claim to be an authority on the issue, but I had read about it, and just reading the language convinces me that it goes too far.

The one saving grace, I am told, is that in conference, the House probably will not take it. Well, I hope that the House saves us from the error of our own wrongs, because it is pretty obvious at this moment that the Senate is about to take it.

There has been no debate whatsoever on the Caribbean Basin Initiative. That is a pretty important amendment. Originally, it was an important piece of legislation, and it was very controversial. All of a sudden, we come to the floor, and I hear no words at all spoken about it. Yet, anybody in his right mind would know that it relates very directly to the issue that the Senator from Michigan just talked about, and that is the unemployment that exists in his State and the unemployment that exists in my State and throughout this country.

Little as I know about the Caribbean Basin Initiative, I know that it will cost American jobs. I know it will mean that we will make it possible for more imports and thereby cut down the amount of production and the amount of production that Americans will have. And there is no debate.

There is another provision in this bill, as I understand it, having to do with making permanent the tax exemption as pertains to mortgage revenue bonds. There is some merit to that subject. But whether or not that amendment does everything it should do or whether it goes too far or whether it will be abused, as every other exemption we provide in the tax laws is, I do not know at this moment. But I assumed I would hear some debate on that subject as well.

We find ourselves in a situation where it is Thursday afternoon at 10 after 5 and a number of Members of this body are anxious to get away for various and sundry reasons, and I respect them for whatever those reasons may be. But I must say that it is a disappointment to this Senator to be in the Chamber and not find those who supposedly are expert in this particular area who have dealt with them in committee, understand their implications, realize what they will do to employment situations throughout the country, and recognize the negative impact that it will have on the tax revenues of this country not say one word about anything along that line.

This may be a bill that started off to get behind us the whole question of the matter of withholding on interest and dividends, but it has gone further than that.

All I can say is that I sure hope that the House of Representatives will insist upon dumping all of the Finance Committee amendments so that at some appropriate time those Finance Committee amendments may be discussed and debated in the Chamber based upon their merits.

These amendments go too far without any debate whatsoever in the Chamber of this body.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. QUAYLE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I understand basically we are waiting for someone to show up with amendments.

I wish to take just a minute or two to share with my colleagues a few thoughts on the experience we have lived through with the underlying bill which is included along with some very important pieces of legislation, such as mortgage revenue bond financing, the CBI, and enterprise zones.

It was about a year ago, I believe, that the members of the Finance Committee closeted themselves to try to raise $99 billion over a 3-year period of time in order to balance the budget, restore the economy, return our faith to supply-side economics, and Lord knows what else we were doing those very late evenings.

The linchpin in the final settlement became withholding, a tax principle, if you will, that Republicans abhored for centuries, literally, at least for decades in this country, and yet, after a long battle, it became law.

There were a number of Senators in this body who were not on the Finance Committee who had, we thought, temerity at the time to take on the President and to take on their colleagues and tell us that what we were doing may have raised money but it was not good legislation.

A number of us, on the other hand, who did not believe in the principal of withholding but believed in trying to bring this economy around and believed in what we were doing in tax equity and financial responsibility, took these people on over a long period of time, and here we are at the end of the road and everyone will end up patting each other on the back for the wisdom that brought us to a successful conclusion.

Mr. President, I wish at this point to put in the RECORD a two-page article which comes from a journal which is put out by an institution that has probably been much maligned over the course of the last several months. It is entitled "A Message From ABA," and that is not the American Bakers Association. It is the American Bankers Association. It comes from the recent issue of the American Banking Journal and happens to be written by a young man who used to be a Hill staffer on the other side of the Hill and is currently a smalltown banker in a town called Fergus Falls, Minn. Without trying to defend the Banking Association, he makes several points that I say the Senator from Wisconsin and several other people probably were more sensitive to than were some of the rest of us starting back last summer.

Just to highlight these very quickly, without reading the article, one of the first points that was made was that the majority of the people in this country do not care to be treated like cheats.

Now, I answered on my CMS letters by saying we have to get at tax cheats by the vehicle of withholding. But somehow despite the fact that I got elected as the first Republican in 30 years in a Democratic State and I saw Ronald Reagan and all of these Republicans being elected all over the country, I somehow forgot along the line that people do not like their Government telling them that they are going to be used to go after someone else.

While we were right in going after tax cheats and we were right, I believe, in the basic concept of withholding, and I will strongly support the compromise that has come up here, the fact of the matter is that many of the 235,000 Minnesotans who wrote to me did not feel like being treated as though they were tax cheats.

Maybe a couple of years from now they will not feel like that any more, but right now, given their attitude toward their government, they do not like it.

The second point this makes is that people believe income taxes are too high. In a general sense, taxes in this country are not high relative to Sweden or lots of other places, or local government or Michigan or Minnesota. The Federal tax is not too high. But my taxes are much too high because the taxes of the guy next door are much lower. Whether you are at the lower end of the scale and do not pay any taxes or the upper end and you are the beneficiary of all these tax loopholes we created in this country, you know the folks in the middle think their taxes are too high, and that was the whole theory of the Tax Equity and Financial Responsibility Act of 1982.

It is the great theory. It unfortunately has not been well understood. Hopefully we will have a TEFRA II, a TEFRA III, a TEFRA IV, and a TEFRA V, and the people in this country will come to understand that we are really on their side.

A couple of other points that were made I thought were important. We

have talked about these a lot. One is the expectation on the part of the American people that getting ahead in this country is giving way to a constant struggle to stay even, that people have an increasingly lack of control over their present and future earnings, and that Government is constantly intervening in their lives.

The bottom line message on the whole thing was simply this in this very short article, which I commend to all of you: The message is lower taxes, which really is the message that says make them fair and equitable, I will pay my fair share if the person next door pays his. Get better performance out of Government and a more responsible Government.

So, while we all were dealing with the pros and cons of what we did in the Finance Committee in this bill, I think the people of this country were dealing in the kind of issues that were laid out in that article.

So I am here as one who opposed the Senator from Wisconsin all the way through this process to say that I have not changed my mind and I agree with him. I still think the chairman of the Finance Committee was right in everything he did and so were all the rest of us right in the technical sense. I think the Senator from Wisconsin and those people on both sides of the aisle who associated with his efforts were probably just a little bit more sensitive to what the American people were saying to us over this issue.

Mr. President, I ask unanimous consent to have printed in the RECORD this article from the ABA Journal, and for those who need reminding from time to time that our constituents are usually smarter than we are I commend it to all of my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A MESSAGE FROM ABA: WHY WITHHOLDING IS A "PEOPLE" ISSUE

PUBLIC'S HEAVY OPPOSITION IS ONLY A SYMPTON OF MUCH DEEPER OBJECTIONS

(By Mark W. Olson and Robert L. Sadler)

In our national life, minor events often signaled major changes. A protest over a tea tax indicated that the British Crown would soon have trouble keeping the colonies in line. Almost two centuries later, a local bus boycott forshadowed a civil rights movement that would dominate domestic politics for more than a decade.

At the time both events happened, many considered them isolated incidents, partially because they could not see the underlying forces that drove the people involved to act.

Looked at in the context of other national concerns—East-West relations, international trade policy, and nuclear disarmament come to mind—the debate over tax withholding on interest and dividends appears minor. For this reason, once the issue is resolved, there is a danger that the political establishment will interpret the public outcry on the law as merely a temporary spasm.

If the officials do so, they risk again becoming what they were throughtout the withholding debate: the target of citizens trying to send Washington a message. For withholding has been, from the very beginning, a people issue, with roots far deeper than the law that prompted it. Americans' overwhelming opposition to withholding reflected grievances gnawing away at them for years.

A RESENTED SYMBOL

Once withholding began to make its way through the legislative process in 1982, the banking community recognized that the public, when told of the law, would protest not only what it was, but also what it symbolized. Yet even bankers knew little how strong the underlying concerns were.

The battle over withholding has been frought with ideas. The rhetoric that the Administration and other supporters used to defend the plan—that the public and congressional reaction to it resulted from slick public relations—threatens to obscure why withholding repeal was a people issue in the first place. Clearly, the public was dissatisfied with something more than what for most people would be a temporary loss of the use of funds. That "something more" was government and taxation in general. The withholding law irritated nerves in the American public rubbed raw over two decades.

In 1960, public opinion polls found that about 76 percent of the nation believed the federal government could be trusted to "do what was right" at least regularly. By 1980, only about 30 percent believed so.

In 1960, polls also found about 48 percent of the public considered their income taxes "too high." Twenty years later, that group had grown to about 70 percent.

Had the withholding law been intentionally designed to bring these two frustrations together over one issue, the resulting explosion could not have been louder.

"I'M NO CHEAT"

The forerunner of tax withholding on interest and dividends—withholding on wages and salaries—won Americans' initial acceptance because they trusted the government's motives. The original withholding law was an emergency measure, designed to improve federal cash flow during World War II.

From the very beginning, withholding on interest and dividends could not be justified by the same type of overriding necessity. Its goal has been merely to increase the effectiveness of the government's tax collection system by forcing financial institutions to provide backup support to the Internal Revenue Service. Beyond this goal, the supporters of withholding could make only abstract arguments as to why the measure was needed.

Because they could not use the argument of overriding necessity, the supporters of withholding sought to justify the law as a measure to trap tax cheats. The problem: The vast majority who pay their taxes don't care to be treated like tax cheats.

In an environment where more than two-thirds of the public said the government could not be trusted, a government that acts as if it can no longer trust the vast majority of its citizens is asking for a symbolic vote of confidence.

In withholding, it received one—a vote of "no confidence."

ECONOMY'S ROLE

There is also the matter of the growing percentage of people who say they believe that federal income taxes are "too high."

Until recently, the growth in this measure suggested that while change has occurred, there did not appear to be any massive transformation of public opinion going on. In the last few years, however, there appeared what seemed to be a fundamental shift in the public's assessment—not so much in the long-term trend itself, but in how the level of taxation has affected individuals.

The trend of tax resentment continued to grow on its upward path, but the results of public opinion polls suggest that the reasons why people believe taxation is too high have changed.

America grew on the idea of progress—that living standards would rise year by year and generation by generation.

Recent public opinion data, however, indicated that more and more people find the concept of progress, of upward mobility, less and less realistic. Primarily because of the inflation and recession experienced in the last 15 years, the expectation of getting ahead is giving way to a constant struggle to stay even.

NO IMPROVEMENT?

More ominous still is the rising fear that today's listless economic environment may be the norm for the future, not a temporary aberration.

A major survey last year found that 70% of the respondents felt that they were better off than their parents—but only half thought that their children would be able to say the same thing.

Furthermore, many, perhaps most, people appear to believe that this situation arises from an increasing lack of control over their present and future earnings. Were the responsibility for this loss of control placed on an abstraction like "economics," it would have little relevance to the withholding issue.

Much of the blame, however, is placed on government for exercising too much control over the individual's financial life. Thus, the government is the target of the anxiety, disappointment, anger, and resentment that frustrated economic expectations engender.

Only if we view the public opposition to the withholding plan in this light can its political significance be judged. In their reaction to withholding, the American people have been protesting increased government intervention they perceive to have eroded both the promise of the future and the belief that the decisions made in Washington are legitimate expressions of the popular will.

However, it must be stressed that, while support of the government on the basis of its performance and competence has declined drastically, the underlying loyalty to the country and the commitment to its basic political system has declined very little.

In other words, while the vast majority of people say they believe the system is not representing their views very well, they also say they believe that it has the potential to work well.

FOCUS IS ALL

The vital difference between public opinion in polls and public opinion that affects policymaking is focus. Public opinion must be organized toward a specific goal—or it will dissipate.

The role that bankers and their counterparts at S&Ls and credit union played in the withholding drama was to provide that focus. In short, they defined the provisions of the withholding law, described its implications, and directed the public's attention to the institution responsible for the law—Congress.

The mission of communicating the withholding message was given to the ABA staff in this resolution approved by the ABA Board last October:

"Move that ABA continue to articulate banking's opposition to withholding and that support be given to any politically valid opportunities to repeal the law.

"Further move that the initial emphasis of the association be on a campaign to inform its members, and through their efforts and others, to inform the public of the withholding issue and the impact it will have on them."

How did bankers and the ABA staff accomplish this task?

Withholding was a small provision in a very large and very complex tax law. The staff and bankers had to take this distant and diffuse provision and bring it home to the American people.

Two organizational characteristics of the ABA Communications Group gave it the resources to carry out its part of the mission. The first characteristic was that all the communications functions of the ABA are concentrated in the group.

The second characteristic was that, through the foresight of past members of the ABA Communications Council, a national communications network had been developed that allowed the ABA and its members to be in constant touch, and the network had the potential to deliver the message to the public in every state and congressional district.

The response to the information was an estimated 12 million cards and letters of protest to Congress. The legislators heard that explicit message clearly.

LESSON FOR LAWMAKERS

The question for the future, however, is whether they heard the implicit message contained in the protest: that the American people want lower taxes; that they want the government to perform better than it has; and that they want it to be more responsible.

If legislators tune out the greater message, they do so at their peril, because the withholding protest also revealed that the American people are quite willing to hold their legislators personally responsible for their actions.

AMENDMENT NO. 1415

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas (Mr. BUMPERS) proposes an amendment numbered 1415.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 213(b) on substitute, add a new subsection (5), as follows:

"(5) watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which TSUS column 2 rates of duty apply; and

Mr. BUMPERS. Mr. President, this is a very simple amendment. It extends an amendment the Senate agreed to last year. Last year the Senate adopted an amendment that said watches may not be funneled through the Virgin Islands to the United States through any Communist nation.

This simply extends that to the entire Caribbean region.

I discussed this with the distinguished Senator from Kansas and I believe it is acceptable to him because, as I say, it is only an extension of what we have already done.

Mr. DOLE. As I understand, this will prevent duty-free parts from coming from Communist countries.

Mr. BUMPERS. The Senator is correct.

Mr. DOLE. We have no objection.

Mr. BUMPERS. I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

Mr. BUMPER'S amendment (No. 1415) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1416

(Purpose: To exclude from gross income any discharge of a mortgage debt on a principal residence occurring in 1982, and for other purposes)

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona (Mr. DECONCINI) proposes an amendment numbered 1416.

Mr. DECONCINI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . EXCLUSION FROM GROSS INCOME OF CERTAIN MORTGAGE DISCHARGES MADE IN 1982

(a) EXCLUSION FROM GROSS INCOME.—

(1) IN GENERAL.—For purposes of applying the Internal Revenue Code of 1954, gross income of an individual shall not include income from any discharge of qualified mortgage indebtedness which occurred in calendar year 1982.

(2) LIMITATION.—The amount excludible from gross income under paragraph (1) shall not exceed the adjusted basis of the taxpayer (as of the close of the taxable year in which the discharge of indebtedness occurred) in the principal residence with respect to which the qualified mortgage indebtedness was incurred.

(b) REDUCTION OF BASIS IN PRINCIPAL RESIDENCE.—For purposes of applying the Internal Revenue Code of 1954, the basis of the taxpayer in this principal residence shall be reduced (but not below zero) by the amount of any discharge of qualified mortgage indebtedness incurred with respect to such residence which is excluded from gross income by reason of subsection (a).

(c) GAIN TREATED AS ORDINARY INCOME.—Notwithstanding any provision of the Internal Revenue Code of 1954, any gain recognized from the disposition of the principal residence of the taxpayer shall be treated, for purposes of such Code, as ordinary income to the extent such gain does not exceed the amount of the reduction made to the basis of the taxpayer in such residence (or to the basis of the taxpayer in any other residence that is taken into account in determining the basis of the taxpayer in such residence) by reason of subsection (b).

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED MORTGAGE INDEBTEDNESS.—The term "qualified mortgage indebtedness" means indebtedness incurred by an individual in—

(A) acquiring the principal residence of such individual (within the meaning of section 1034), or

(B) making improvements to such principal residence (but only if the costs of such improvements are taken into account in determining the basis of the taxpayer in such principal residence).

(2) PRINCIPAL RESIDENCE.—The term "principal residence" has the meaning given to such term by section 1034.

SEC. . TEMPORARY SUSPENSION OF REVENUE RULING 82-202.

The Internal Revenue Code of 1954 shall be applied with respect to any discharge of qualified mortgage indebtedness (withing the meaning of section 1(d)(1)) which occurs in calendar year 1983 or 1984 without regard to—

(1) Revenue Ruling 82-202, or

(2) any other revenue ruling, regulation, or decision reaching the same result as, or a result similar to, the result set forth in Revenue Ruling 82-202.

SEC. . LEGISLATION CONCERNING DISCHARGE OF QUALIFIED MORTGAGE INDEBTEDNESS.

It is the sense of the Congress that legislation be enacted during the Ninety-eighth Congress which—

(1) addresses the Federal income tax consequences presented by any discharge of qualified mortgage indebtedness (within the meaning of section 1(d)(1)) that results from prepayment of a portion of such indebtedness, and

(2) applies with respect to any discharge of qualified mortgage indebtedness that occurs after December 31, 1982.

Mr. DECONCINI. Mr. President, the amendment I propose would correct an inequity in the Tax Code which unfairly captured unsuspecting taxpayers during the 1982 period. Furthermore, my amendment calls for congressional oversight on the tax treatment of mortgage forgiveness. As we all know, Mr. President, financial institutions are coming off a dangerous period, a period in which a record number of these institutions failed.

The basic reason for this was simple: A large proportion of their investments——

Mr. DOLE. As I understand, this is not repeal, it is simply a stay?

Mr. DECONCINI. That is correct. This stays it.

Mr. DOLE. It stays it for 1983 and 1984?

Mr. DECONCINI. Well, it repeals it for 1982 and stays it until 1984.

Mr. METZENBAUM. Mr. President, will the Senator yield for a question?

Mr. DECONCINI. Yes.

Mr. METZENBAUM. What is the cost?

Mr. DECONCINI. We cannot determine the cost. I asked the Treasury Department and Internal Revenue and they are unable to state it.

Mr. METZENBAUM. Are we talking about something in the area of $10 million, $100 million, $1 billion?

Mr. DECONCINI. No; the Senator asks me a question and I cannot give him an answer. I think we are talking about a figure in the millions, but I do not want to leave the Senator with the impression that I have knowledge of what it amounts to.

As the Senator knows, what it does is if you pay off the mortgage at a discount instead of that discount being applied to your capital gains basis, which has been the case, the Internal Revenue ruling in 1982 said that it is ordinary income to you, so a lot of people who paid off low interest mortgages, because mortgage companies and banks wanted the money since interest rates were up, are now faced with this ruling of having to pay income tax on that forgiveness of mortgage.

Mr. METZENBAUM. Would they not have to pay any income tax or pay tax as capital gains?

Mr. DECONCINI. It would go back to the way it was before it would be built into the basis of your property for capital gains purposes when you sold it.

Mr. METZENBAUM. So that you would be paying tax but it is a question of how the tax would be calculated.

Mr. DECONCINI. That is correct.

Mr. DOLE. I might say we have been advised by the joint committee that it is not a substantial amount of money at all.

Mr. METZENBAUM. Not substantial?

Mr. DOLE. We have had hearings on the provision, and I am prepared to accept the amendment on that basis.

Mr. DECONCINI. I thank the chairman and I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

Mr. DECONCINI's amendment (No. 1416) was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DANFORTH. Mr. President, I commend the Senator from Arizona, (Mr. DECONCINI) on his amendment dealing with the tax treatment of mortgage debt forgiveness. He has made a very clear statement of the problem. His amendment, offered as a solution to the problem, is similar to a bill introduced by Mr. TSONGAS and me, S. 1147, on April 26, 1983.

Hearings on S. 1147 were held in the Finance Committee on May 27, 1983. Considerable favorable testimony was given on the bill. The Treasury Department, while expressing concerns about the retroactivity of the provisions of the bill, testified that the administration is generally in sympathy with the objectives of the bill.

Mr. President, I would like to describe briefly the differences between the amendment of the Senator from Arizona and S. 1147.

Both my bill and this amendment would allow the income from mortgage debt forgiveness to be excluded from income, and, as a tradeoff, to serve to reduce the cost basis of the taxpayer's residence. The effect of this is to defer the recognition of income, not forgive it. However, the amendment agreed to today applies only to 1982. The provisions of S. 1147 are retroactive, to take care of those situations where taxpayers unknowingly incurred this tax liability. S. 1147 also applies to mortgage discounts which occur in the future.

The amendment adopted today does not resolve the treatment of these transactions for years after 1982. It prohibits the IRS from enforcing Revenue Ruling 82-202. However, it is my belief that the ruling is an accurate interpretation of existing law. Therefore, the IRS would not technically be dependent on the use of Revenue Ruling 82-202 to require taxpayers to recognize this income.

For this reason, my bill, S. 1147, provides for the treatment of these transactions for this and later years. I do not believe we need 2 years to study this issue to determine the correct treatment of mortgage discounts. I believe the treatment we have agreed to for 1982 is appropriate and correct.

By requiring the homeowner to reduce his basis in his residence by the amount of the debt forgiveness, rather than forcing income recognition, we accord these transactions the same treatment that current law accords to similar transactions. For example, if the debt which is forgiven is business debt, the taxpayer does not recognize income; rather, he reduces his basis in his business assets. Similarly, if property, whether business or personal, is purchased with debt extended by the seller, and part of that debt is later forgiven, the taxpayer, under current law, reduces his basis in the property.

It seems to me that this is the appropriate way to deal with the mortgage debt forgiveness transactions. Therefore, it would be my hope that, if the amendment we have agreed to today clears the conference and becomes law, we will take another look at applying this principal for future, as well as past, years.

If it does not become law, I hope that we will have another opportunity to deal with this issue in the near future, and that we will be able to reach an agreement on a permanent resolution of the problem.

CARIBBEAN BASIN INITIATIVE

Mr. FORD. Mr. President, will the distinguished floor manager yield for a question?

Mr. DOLE. Yes.

Mr. FORD. In the Caribbean Basin Initiative that is part of this package of at least four major pieces of legislation, I notice there are sections that exempt certain products from the duty-free provisions of the bill. Tobacco is not included and I am concerned about the bill as it relates to tobacco.

Let me ask, Is there any kind of agricultural development assistance in the Caribbean Basin Initiative?

Mr. DOLE. What was the last——

Mr. FORD. Agricultural development assistance.

Mr. DOLE. So far as the Senator from Kansas is concerned there is nothing on that in this bill. Last year I think the administration did get Congress to approve a supplemental aid fund for that purpose.

Mr. FORD. Is there provision in the CBI that is either partly in effect or will go into effect to give agricultural development assistance to these countries?

Mr. DOLE. Not in the legislation that is before us today.

Mr. FORD. I am under the impression, and I cannot find it in the fine print that there will be agricultural development assistance, and that this could have a longer term impact on agricultural production in that area particularly tobacco production. Tobacco imports from this area have doubled in the last 10 years and I am concerned that we not give assistance to these countries so they can compete against American farmers.

Mr. DOLE. So far as I know there is no direct assistance. I understand there is a provision that the administration, whatever administration might be in office, might help these countries develop the land. But so far as any direct aid—and the Senator may have some information that can be shared with us and maybe we can nail it down even more——

Mr. FORD. If the manager tells me there is none then I accept his word that there will be no agricultural assistance particularly as it relates to the production of tobacco in these countries.

These countries have problems producing tobacco; they have inadequate irrigation and persistent severe infestation of tobacco disease-blue mold—but they lack the fertilizers and other chemical inputs to control it. I am concerned that this administration not provide the technical assistance as part of its Caribbean Basin Initiative to enable these countries to greatly increase their tobacco production capabilities in competition with American tobacco farmers. If agriculture development assistance is provided, it should be to assist these nations in feeding their own populations.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I have had my staff further discuss this issue with the distinguished Senator from Kentucky (Mr. FORD). I believe that there is a section, section 103(c), that requires the submission by countries designated as CBI beneficiaries of a stable food production plan. Section 103(c) and the plan it requires are intended to assist beneficiary countries in maintaining basic food production, given the climatic, geographic, and other limiting characteristics of designated Caribbean countries. The committee considers the expanded production of so-called cash crops such as sugar, beef, and tobacco, to be inconsistent with the objective of maintaining and enhancing a Caribbean country's basic food production capability. Therefore, the committee believes that the President should insure that the stable food production plan as finally approved for each Caribbean country prevents such an adverse effect.

Mr. FORD. Mr. President, I say to my distinguished colleague that I understand we have already given $350 million to those countries. I understand it is not in this legislation but that it was part of a supplemental appropriations bill last year.

Mr. DOLE. Mr. President, I know of no further amendments.

The PRESIDING OFFICER. Are there further amendments?

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I had announced earlier to a number of Members that we would be out of here by 5:30 or 6. I do not think so, but I think we ought to stay until we are finished. Therefore, I think Senators should make plans to be here a little later than that.

Mr. STEVENS. Is there any way at all to get an indication of how many votes we will miss if we do keep our appointments with our Canadian neighbors?

Mr. BAKER. Mr. President, I have no idea. I thought we were ready to go. I am sorry I cannot give a more definite answer.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE AGENDA

Mr. BAKER. Mr. President, I thought I might take this opportunity to advise Senators what the situation is and about how long it will take to finish this bill. As I said a moment ago, I do not think we will finish it tonight though I am prepared to ask the Senate to remain to do so.

Mr. President, assuming we can finish tonight, we will not be in tomorrow. If we cannot finish tonight, late, we will be in tomorrow in a continuing effort to pass the repeal. It is not my intention to be in tomorrow unless necessary, and not on Saturday, absent extraordinary circumstances. It is my plan to ask the Senate to adjourn tonight or tomorrow with the usual boilerplate language until Monday.

Let me take this opportunity to give an outline of the situation for next week as I see it.

The two housing bills, the housing authorization and the housing appropriations bill are both on the calendar and are eligible to comply with the 3-day rule. Therefore, early next week, perhaps Monday or Tuesday, it will be my hope that the Senate will turn its attention to either or both of those measures. I ordinarily do not like to go to an appropriation bill before an authorization bill, but in this case I am advised that it might be better to go ahead with the appropriation bill in advance of the authorization bill, being the less controversial of the two measures.

Also, I am determined to get as many appropriations bills out of the way and through the Senate as soon as possible before the July 4th break. Therefore, I anticipate that we will be addressing either the appropriations bill on housing or the authorization bill on Monday, going over to Tuesday.

The budget conference report, if there is a budget conference report, is highly privileged, and if it is available next week we will turn to the consideration of that matter as well. It is also possible that we can reach another appropriations bill next week. I know some Members here are very anxious to get on with some of them.

For instance, we have the Agriculture appropriations bill that may be available next week. We will almost surely have the energy and water resources appropriations bill that will be here and available next week. In addition, we have the legislative appropriations bill that may be available.

Mr. President, Members will recall that last year before we went out I promised that some time this year, before summer, we would have one more debate on abortion and particularly on the Hatch constitutional amendment dealing with abortion. I feel compelled to honor that commitment. Summer is just about here. Judging from the temperature outside, I think it is time I performed on that promise.

Therefore, I suggest to Members that beginning the following week, which is the 27th or the 28th, we will turn to the Hatch constitutional amendment on abortion.

In addition to that, Mr. President, I hope before the Fourth of July recess we can take up Radio Marti.

I had hoped to take up the Department of Defense authorization bill before we go out but I think most Members would agree that we have a full plate with this, plus one or two other matters that may or may not come over from the House of Representatives that should be dealt with. Therefore, it is my present plan to ask the Senate to turn to the consideration of the Department of Defense authorization bill after the Fourth of July break rather than before the Fourth of July break.

Mr. BUMPERS. Will the Senator yield?

Mr. BAKER. Yes.

Mr. BUMPERS. Does the Senator anticipate getting the supplemental appropriations back next week?

Mr. BAKER. The conference report on the matter just passed?

Mr. BUMPERS. Yes.

Mr. BAKER. I guess I ought to add that any conference reports on appropriations bills we receive I will be anxious to take up as we receive them.

Mr. GOLDWATER. Will the Senator yield?

Mr. BAKER. Yes.

Mr. GOLDWATER. I have been hoping all day that we could come to the end of this bill. My wife, unfortunately, is in an emergency situation in Arizona. My airplane is waiting for me and I do have to leave. I want to be recorded as in favor of the bill. I apologize.

Mr. BAKER. Mr. President, I understand, and I am sure every Member understands, the predicament of the Senator from Arizona. We wish him well.

Mr. President, I hope Senators now have an overview of the situation for the next couple of weeks. I do not know if this is a good time or bad time to do it, but I thought I would use this time.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. It is my understanding that the Ways and Means Committee in the House today reported out a bill that would put a cap on the income tax cut. I further understand, after talking to the Speaker, that the House will have a bill over here probably by the middle of next week. The majority leader and I discussed this before, and I believe I am correct in saying that he indicated to me that he would do everything he could to get that measure up soon after its arrival in this Chamber.

That naturally was not in the enumeration of measures that he has laid out, and it was not there because he probably did not realize that the House committee had reported that bill out. He certainly did not know that the Speaker had told me it would be sent over here by the middle of the week.

Mr. BAKER. I did not know that. However, in my remarks I believe I said there may be one or two other matters that the House may send us which would require attention. Indeed, that is what I had in mind. The minority leader knows that I assured him that if such a measure did reach us from the House of Representatives, while I would oppose it, vote against it and work against it, it would be my intention to try to schedule it for action.

Mr. BYRD. I thank the majority leader. I would feel obligated to do the best I could do to get it up. I understand his opposition to the bill. Of course, I would support a clean bill. But that is another measure that would have to be put into the calendar because July 1 is coming on pretty fast. After July 1 the matter would probably become moot.

I thank the majority leader for his assurance to try to work that out.

Mr. BAKER. What that may do, Mr. President, is to not make possible for us to do all of the appropriations bills that I have enumerated, but that is a matter we will address if it comes over.

Mr. BURDICK. Will the Senator yield?

Mr. BAKER. Yes.

Mr. BURDICK. Will there be record votes on Monday?

Mr. BAKER. Yes, I do anticipate record votes on Monday.

REPEAL OF WITHHOLDING TAX ON INTEREST AND DIVIDENDS

The Senate continued with the consideration of the bill (H.R. 2973).

Mr. EXON. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. EXON. I wonder if we might be able to make one more appeal and hopefully move onto the business at hand. I happen to feel that the Senate and the Congress looks a little bit silly because of the vast amount of time and indecision we have had with respect to withholding.

It is overwhelmingly supported in the House, overwhelmingly supported here. Yet, we continue to play games. I do not mind playing games if we get the game over with. I suggest to the majority leader that what we ought to do is either vote up or down on the bill. Certainly, I think it is clear, anyone can see that the amendments presently on the bill are essentially killer amendments. From what I know of what the House is likely to do, they are likely to reject all of these amendments. We are getting closer and closer to that important date of July 1. It seems to me—why can we not act?

I think we made a mistake in accepting the committee amendments, but that is the will of the Senate. Why do we not vote up or down now on the committee amendments and go ahead with the ridiculous, silly, delaying process of sending it back to the House so they can look a little silly and somehow or other, we might be able to stall this off and we will not have a chance to repeal that. Could we have an appeal once more from the majority leader for an up or down vote, as silly as we might look in taking that action?

Mr. BAKER. Mr. President, the chairman of the committee, the manager of the bill, is in a position to address this better than I can. I have used up about all the energy I have today. I think I shall yield the floor so the Senator from Kansas can respond to my friend from Nebraska.

Mr. DOLE. Mr. President, I say to the Senator from Nebraska that I am certainly willing to vote up or down on the committee amendment or on the bill. But I assure the Senator from Nebraska, as I have said many times in the past couple of weeks, the withholding battle is over. I have just read a letter from the Secretary of the Treasury saying that if, in fact, the conference does not finish action on it in time, there will be a 30-day extension. So we are not playing games in that sense.

There are a number of Members on both sides of the aisle who have been cosponsors of the Caribbean Basin Initiative, and of the enterprise zone legislation. The reciprocity legislation passed the Senate with a unanimous vote. That is one of the committee amendments. The mortgage revenue bonds provision is one I do not like, but it passed the committee by a vote of 15 to 2, removing the sunset on bonds for single-family housing.

I suggest what we are arguing about here is whether we want to do anything on the Caribbean Basin Initiative or on enterprise zones. We have already had one vote on repeal of withholding. I understand there will be another vote on repeal. How many times do we have to vote on repeal? We are repealing withholding on interest and dividends, there is no question of that.

Mr. DECONCINI. Mr. President, my question of the chairman of the Finance Committee is these are major pieces of legislation. I could vote on them if I had a little more knowledge, particularly on Caribbean Basin Initiative. Why is it necessary, in the Senator's judgment, that these be lumped together? Why can we not have a separate bill on repeal and have a vote on it? Why can we not have a separate bill on Caribbean Basin and have a vote on it? Unless there is something hidden here, which is what some of us are fearful of.

It seems to me with the expression the Senator from Kansas has made, it ought to be possible to split these out and have a vote on them and send them over one by one rather than have a vote on all of them lumped together.

Mr. DOLE. The problem is we do not get many revenue bills from the House. They do not send much over to the Republican Senate, so we have to do the best we can with what we have. Right now, we have a revenue bill from the House. We have some measures that are very important to the administration and to many people on both sides. There are a number of sponsors of the Caribbean Basin Initiative on both sides, and a number of sponsors of enterprise zone legislation. The chief proponent of the Caribbean Basin Initiative is the distinguished Representative from Florida, SAM GIBBONS. It was passed by the House last year. We have patterned our bill after the House-passed bill.

The only other revenue bill we are going to get that we know of is one that would cap the third year of the tax cut. I assume that bill will not pass the Senate. We might be able to sub-

stitute some of these things for capping the third year.

I am very happy to discuss these separate parts of the amendmant. We are not trying to put anything over on anybody in the Senate. We have issued a committee report. It has been available, maybe not as long as it should have been, but for 8 days.

If the question is on withholding, that issue has been settled. What we are trying to do is save some compliance. This vote in our committee was 19 to 1 for compliance.

If we do not want that for those who are not going to pay their taxes on dividends that they have even any possibility of paying, then I suppose we kick out compliance. But the reciprocity legislation, which is a committee amendment that passed the Senate without a record vote, is cosponsored by the distinguished Senator from Texas (Mr. BENTSEN) and the distinguished Senator from Missouri (Mr. DANFORTH). It is pretty much the same with the others.

Mr. DECONCINI. Mr. President, the Senator is telling me that the reason for all these matters being lumped together is that it is the only vehicle we have to date. Is that right?

Mr. DOLE. That is essentially it.

Mr. DECONCINI. I am not familiar with the Finance Committee enough to know if there are any other bills——

Mr. DOLE. There are none.

Mr. DECONCINI. The Senator from Kansas does agree that there is a good opportunity of another revenue bill coming over from the House next week. Why could not the Caribbean Basin Initiative and the enterprise zone be attached to that, and let us have our vote on repeal? This is the paramount thing that has been on some of our minds. This is the thing that the Senator from Wisconsin has worked so hard for. Why he has agreed to this is beyond me. It seems to me we know where the focus is and the attention of this body. That is to do something about repeal. I implore the Senator from Kansas to let that go by itself.

Mr. DOLE. I am sorry I cannot accommodate the Senator from Arizona. This is the only revenue bill we have had, and I do not expect many more to come. We had only one tariff bill last year. A lot of Members on both sides had tariff bills, and they kept saying, "Why don't we have a tariff bill?" We never had a tariff bill. There is something in the Constitution that says those matters originate in the other body.

There are a lot of Senators on each side interested in this legislation. I hope that we might just vote on it as the Senator from Nebraska suggests and if we lose, we lose. Why not just vote on them?

The Senator from Louisiana was prepared this afternoon to enter a unanimous-consent agreement to have just two votes, one to strike and one on passage. We did not do that.

Mr. BUMPERS. Mr. President, will the Senator yield?

Mr. DOLE. Yes, I yield.

Mr. BUMPERS. Mr. President, I think we have an amendment ready to be offered, an amendment to strike. I think we could resolve a lot of things if we offer an amendment to strike and vote on it, and then if we lose, we lose.

Mr. PRYOR. Mr. President, in a few moments, I am going to propose an amendment which will strike all after the withholding provision. Basically what this will do, of course, is separate the Caribbean Basin Initiative and the urban enterprise zone program, trade reciprocity legislation, and the mortgage revenue bond extension from the repeal bill and postpone them either to a later time or for a separate vote.

Once again, I am not arguing withholding, I am not talking about the American Bankers Association, I am not talking about previous votes that we have had, except this body has spoken loudly and clearly that it supports the repeal of withholding. The other body has spoken very loudly and clearly on this issue. I am just speaking to a matter of principle, that I think we have included in this omnibus bill, I say to the distinguished chairman, everything except the nuclear freeze and a few other items. They have absolutely nothing to do with withholding, they do not relate to each other, and if the wrath of the country comes down upon our heads in this institution, frankly, it is justified if we legislate in a manner such as this. I think it is that simple.

I think we should accept the withholding provision, we should strike the remainder of this legislation. I am keeping compliance, I say to the distinguished chairman, in this particular striking amendment. I think it is a very proper, commonsense approach for us to pursue at this time.

I yield to my colleague.

Mr. BUMPERS. Mr. President, I just want to say the amendment has not been offered yet and I assume the Senator from Arkansas is going to offer it in just a moment. But I want to get my 2 cents' worth in and tell my colleague that I could not agree with him more.

I thank the Senator from Arkansas. He seems perfectly willing to vote on this and decide it. For me personally, if this loses or wins, I think we ought to go to final passage then because everybody wants to vote on this repealer. Everybody thinks it is going to pass overwhelmingly when we do vote. But there are three items involved, as my distinguished colleague has pointed out, that are major pieces of legislation. I assume that the President, who would like to veto a simple repealer, would be much more reluctant to do so with these three pieces of legislation on this bill, at least one of which I know he wants very badly, maybe all three. I think I favor all three of them. I think I favor urban enterprise zones. I know I favor the tax-free bond issues that my State is able to issue to provide lower interest rate housing. A lot of people in my State have been able to buy homes as a result of that who could never own a home without it, so I can tell you categorically I favor that. Now, I voted against the Caribbean Initiative issue last year. I feel so strongly that our policy is probably wrong in the Caribbean that we ought to be trying to do more than impose some sort of a military solution there, because I do not think we are ever going to be able to do that. But I think it is worthy of more debate than we have had on the Caribbean Initiative and the urban enterprise zones.

There are a lot of revenues involved in all three of those matters. They have not been debated, and they ought to be. Everybody here knows that those three measures ought not to be on this bill. We ought to be voting on a simple repealer. I had a banker call me this morning who said, "Please call me every hour on the hour and report to me what is going on because I have people busily engaged in programing our computers on the assumption that you all are going to goof around and not get that repealer passed." Well, I am still just a little bit apprehensive on whether we are going to do it or not.

But I just wanted to get in my 2 cents' worth. I would prefer to vote on a simple repealer. I am going to vote for the bill, if that is the only choice I have, but I hope that I have a better choice than that. I hope the Senate will decide that it needs a little better information than it now has on the other items that are on the bill.

So I strongly urge my colleagues to support the striking amendment of my distinguished colleague from Arkansas and let us vote just on that. If you want to bring the others up next week and have a healthy debate on each one, I will decide then how I feel about those.

Mr. FORD. On a time agreement.

Mr. BUMPERS. I am willing to enter into a time agreement—it is not my amendment. I am talking about on passage—if we can get one.

Mr. CHILES. Will the Senator from Arkansas yield to me?

Mr. PRYOR. I am glad to yield.

Mr. CHILES. To go in the direction of the amendment that the Senator is proposing to offer seems to me to make a lot of sense when I think of all of the debate that we had on the repeal of the withholding tax, all of the mail that we received on that subject, and all of the concern there was

on both sides of the aisle when we had the repeal. I was one who had some great concern that we were giving up some income and that there should be somewhere to replace that income, and if as part of this legislation we were providing a way of making up the income or if it was just the compliance, boy, I would be all for that. I think that makes sense. But to attach these other items is hard for me to understand. I will have to say that we discussed some in our caucus a motion to table. I really thought that motion to table would carry. I guess I just did not think through this thing very much, knowing how many people were committed to repeal and how many people on both sides of the aisle, especially our Republican friends, were going to vote to repeal and had written all those letters as many of us had in answer. I did not think that they would take a chance of putting a lot in the way of this bill. I just thought it would be repealed. Then to find that that motion to strike did not carry, and here we have these major initiatives, I am kind of like the Senator from Arkansas (Mr. BUMPERS). I am a cosponsor I think of the urban initiative. I have supported the Caribbean Basin Initiative. I am certainly for extending the mortgage bonds. The Caribbean Basin Initiative is an issue that would normally take 3 or 4 days on the floor, a day of opening statements; you would talk about it. I have had a lot of concerns expressed in my State about making sure that we have some items taken care of in regard to our citrus and vegetable people. I hope those are taken care of. I cannot say that I am absolutely sure that they are going to have a chance to let us know because normally that bill would run 3 or 4 days. You would have a chance to hear from people. You would have a chance to know what the setup was.

I think the Senator from Arkansas is making a good move. If we are concerned about repealing the withholding tax provision, we should go along with this motion and then, goodness knows, I think we could enter into a time agreement on these other initiatives. I think they are important. But it seems that they ought to be taken up in an orderly way and that they should not be placed on this bill where at this hour of the day we are having to take all of this legislation at one time.

Mr. DeCONCINI. Will the Senator yield?

Mr. PRYOR. I am glad to yield.

Mr. DeCONCINI. I thank my friend from Arkansas, first of all, for putting this amendment together and express to him and my colleagues that I agree with this approach.

It seems to me that we are at the period of time of whether or not we are dedicated and interested in what we have all been talking about for a long time, and that is repeal of the interest and dividend withholding. Here is the opportunity to do it by supporting the amendment of the Senator from Arkansas. I hope that we do that. We can play the games as Senator EXON said and go ahead and vote for the whole package, and I expect I will. Because I feel so committed to repeal interest and dividend withholding, if I have to I will vote for it. But it is not what we are here to take up, and it is not the understanding that we had when we took if off the jobs bill and the social security bill. We were going to have an opportunity to vote on it up or down. The closest we are coming to a vote on it now is the amendment of the Senator from Arkansas. I urge my colleagues to support the amendment.

Mr. PRYOR. I thank the distinguished Senator from Arizona.

Mr. FORD. Will the distinguished Senator from Arkansas allow me a minute or two?

Mr. PRYOR. I am happy to yield.

Mr. FORD. I thank my distinguished colleague. I want to note my approval of what has been said up to now. The Caribbean Basin Initiative worries me. I think we need some debate on these major items. I have, as most of my colleagues have said, endorsed the major issue, but when you find that we have already given $350 million in ecomomic assistance to these countries covered under the Caribbean Basin Initiative to improve their ability to produce, and that we are now giving them the right to sell to this country at zero rates of tariff, we must begin to look at the impact this will have on the agricultural community and other areas of employment in the United States.

I am very concerned about the Caribbean Basin Initiative. I would like to have more time to debate it. I hope that the amendment to strike by the distinguished Senator from Arkansas is agreed to.

I think our Republican friends who do not want any changes in the committee amendment are making a mistake, they are making a bad mistake, because it is clear they are playing games. What we have here is a bill that will not clear conference. It will not clear conference, and as a result we will not be able to repeal 10-percent withholding.

So if you do not vote to support the Senator from Arkansas, then you are voting for interest withholding.

Mr. PRYOR. I thank my distinguished colleague from Kentucky.

In conclusion, Mr. President, I might say that if we pass this legislation this afternoon as it is written, encompassing CBI, enterprise zone, international trade, mortgage revenue bonds, plus the issue on withholding—if we do all this, what we are really doing is digging ourselves deeper into a grave of precedents that really makes this institution look very bad.

Should this legislation prevail, any legislation we have could stack up on the desk and, about once every 30 days, we could come to the Senate Chamber and say, "That looks like a pretty good stack of bills to pass this month, so we will vote up or down on that particular stack of legislation, without any really significant debate, without really knowing what is in the legislation."

We all go back home and talk about not starting any new programs. How many of us have said that? Well, we are starting some new programs here. I am not saying that they are bad programs. I am not saying that they are evil programs. But they are new and costly.

The Finance Committee, for example, heard, relative to the enterprise zone issue, the amount of money this was going to take from the Treasury of the United States, when we are facing a frightening deficit. But I do not think that this new program has been brought to this floor today, as it should be under normal debate conditions, with the rules of fairness and full debate being applied.

This is a matter, once again, of not whether you are for repeal of the 10-percent withholding, for or against CBI, and the other items in this particular legislation.

AMENDMENT NO. 1417

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. PRYOR) proposes an amendment numbered 1417:

Amendment to the Dole amendment to H.R. 2973:

Beginning with page 34, line 1, strike out all through the end of the amendment.

Mr. DeCONCINI. Mr. President, will the distinguished Senator from Arkansas yield?

Mr. PRYOR. I yield.

Mr. DeCONCINI. Not having had an opportunity in the last 8 days to read the report—and I am sure it is there, so I take full guilt for slowing up the Senate for a few moments—does it say in the report how much the Caribbean Basin Initiative will cost? If we vote to strike, what kind of money are we talking about saving and adding to the national deficit, if we elect not to support the Senator's amendment?

Mr. PRYOR. I cannot answer that right now, I say to the distinguished Senator from Arizona. The Senator's question relates to the Caribbean Basin Initiative?

Mr. DeCONCINI. It does. I should like to know what the estimated cost is, if there is any.

Mr. PRYOR. I do not think we have actual testimony on that in the committee print. We are talking about a $2 billion figure.

Mr. DECONCINI. Per year?

Mr. PRYOR. I want to apologize. I was looking at the wrong figure. For 1984, $10 million; 1985, $10 million; and $10 million, basically, into perpetuity, I guess.

The issue I had raised before in my remarks related to enterprise zones.

Mr. DECONCINI. The next question is, What is the cost of the enterprise zone?

Mr. PRYOR. There is no real indication of cost, because the department presenting the issue before the Finance Committee did not have anything more than a concept of enterprise zones, which may be very good and very helpful, but still a costly program to the Treasury of the United States and an increase in the deficit that now exists.

I might have a figure here.

Mr. DOLE. It is $100 million.

Mr. PRYOR. It is $100 million.

Mr. DECONCINI. It is $100 million for the enterprise zone?

Mr. PRYOR. We are getting a little mixed up here on enterprise zones and CBI.

I will be glad to supply for the RECORD the CBI figures. It is in the committee print, page 51.

On the enterprise zones, I do not think they can predict with certainty. The distinguished chairman of the Finance Committee said a moment ago that it was in the neighborhood of $100 million.

Mr. DECONCINI. I ask the Senator from Kansas: Is that $100 million in 1984?

Mr. DOLE. That is the estimate, yes.

Then, $400 million, and $800 million the third year.

Mr. DECONCINI. So we are talking about a $1 billion program here?

Mr. DOLE. We are talking about losing $8 billion if people do not pay their taxes on interest and dividends, which the Senator from Arizona wants to repeal.

Mr. DECONCINI. We have debated that many times. I do not think we are talking about losing anything.

I thank the Senator.

Mr. PRYOR. I appreciate the Senator from Arizona pointing out these facts.

Page 71 of the committee print indicates:

> However, these assumptions are not mandated by the provisions of this amendment, and thus, these figures may either underestimate or overestimate the actual revenue loss by a considerable degree.

In other words, we do not know what we are doing, but we are about to pass a very major piece of legislation—in fact, several major pieces of legislation—without adequate debate. It is this Senator's opinion that this is a very poor way to run the Senate of the United States.

Mr. President, I believe the amendment has been read; it is at the desk. I have no further requests for time.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. SARBANES. Mr. President, will the Senator from Kansas yield for a question?

Mr. DOLE. I yield.

Mr. SARBANES. On the Caribbean Basin Initiative, many of these countries involved are former colonies of European countries. What protections are there in the legislation that would assure that they are not used as a conduit for tariff——

Mr. DOLE. Will the Senator repeat the question? What about colonies? I do not quite follow that.

Mr. SARBANES. In the very brief report that accompanies these committee amendments—I take it that the only document from the committee explaining this legislation is contained in the small committee print that embraces all the legislation. Is that correct?

Mr. DOLE. As I understand, there is a rule of origin which is very detailed in the bill. I will be happy to read that section of the bill.

On page 41 on the document:

> Articles imported from the insular possessions, because they are outside the U.S. customs territory, are subject to MFN duty rates if they contain greater than 50 percent foreign value. A special rule increases this limit to 70 percent for watches and watch movements. If these value-added rules are not exceeded, the products enter duty-free. Puerto Rico is part of U.S. customs territory, and duties are not imposed on products arriving in the United States directly from there.

That is the first section.

And on the rule of origin, it is on page 34.

> This subsection sets forth rules to determine whether any particular article for which duty-free treatment is sought qualifies as a product sourced in the eligible countries. The rules of origin are (1) that the article must be imported directly from a beneficiary country, and (2) it must contain at least 35 percent cumulative local value-added within the eligible Basin countries (plus Puerto Rico and the Virgin Islands), 15 percent of which can be of U.S. origin. This percentage is the same percent rule as in the Generalized System of Preferences, except for the allowance for U.S. value and for cumulation. The qualifying cumulative value is the sum of the cost or value of materials produced in the beneficiary countries (defined to include Puerto Rico and the Virgin Islands) plus the direct costs of processing there. "Direct costs of processing operations" further is defined to include actual labor and equipment costs directly allocable to the specific merchandise, and to exclude indirect costs such as profits and general business expenses.

Mr. SARBANES. I ask the chairman of the committee what he is reading from. Is he reading from the amendment?

Mr. DOLE. I am reading from the Finance Committee report on page 34.

Mr. SARBANES. Is a copy of the amendment available for this legislation?

Mr. DOLE. He has that.

Mr. SARBANES. Is a copy of the Caribbean Basin Economic Recovery Act available?

Mr. DOLE. Right here. It is on the way. Right here. It is here and published in the RECORD in full.

Mr. SARBANES. It is not printed. There is not the usual printed version of legislation that we are able to work with on the floor.

Mr. DOLE. No; the printing was dispensed with but it was included in the RECORD. It is under the new rule adopted by the Senate. That rule dispenses with the printing of amendments to bills. So we did, in accordance with that new rule, publish the entire bill in the RECORD so that the text would be readily available for Members to examine.

Mr. SARBANES. Are we departing from the usual procedure of having a piece of legislation in this form that we can work with on the floor?

Mr. DOLE. It was included in the RECORD in full on June 8.

Mr. BAKER. Mr. President, does the Senator from Maryland have the floor?

Mr. SARBANES. The Senator from Maryland is trying to get a copy of the RECORD of June 8 so I can look at the legislation.

I will be happy to yield to the majority leader.

Mr. BAKER. All I was going to do is see if we can get some sort of idea about when we are going to vote.

I do not know who is going to make that decision. Could I inquire of anyone prepared to answer? Are we about ready to vote on the pending motion to strike?

Mr. SARBANES. I have no intention of taking very much time. I do want to pursue this point for a moment and then I am ready to vote as far as this Senator is concerned.

I have now the RECORD. Would the chairman indicate to me where he made reference?

Mr. DOLE. That is on page 34 of the committee report, section 213, subsection (a): rule of origin. It is the language contained in the amendment offerd by the chairman of the committee earlier.

Mr. SARBANES. Where is the language in the RECORD?

Mr. DOLE. Let me find the page.

Mr. SARBANES. Mr. President, I am prepared to vote. I just think this exchange sort of demonstrates rather clearly a very strong reason to support the amendment offered by the Senator from Arkansas.

We have two major new pieces of legislation that have not been dealt with on the floor of this body contained in these amendments. They are not printed up in the normal and ordinary form.

I have not yet located the particular statutory provision. I see the reference in the report which talks about it but it is not the language itself.

It seems to me that it would be wise and prudent to support the motion.

Mr. DOLE. It is on page 15004 of the RECORD of June 8. It is on the second column about halfway down.

Mr. SARBANES. I thank the Chair.

Mr. DOLE. I say to the Senator from Maryland as I understood we were following the new procedure which the Senate agreed to put it in the RECORD so it is available to every Senator and every Senator's office rather than have the bill reprinted; and it is also less expensive.

Mr. SARBANES. Mr. President, I am prepared to yield the floor. I strongly support the pending motion. I think it would be wise and prudent on the part of the Members of the Senate to support the motion of the Senator from Arkansas.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the amendment of the Senator from Arkansas.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Alabama (Mr. DENTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Maryland (Mr. MATHIAS), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HEINZ) would vote "yea."

Mr. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. CRANSTON), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of illness.

The PRESIDING OFFICER. Are there other Senators in the Chamber wishing to vote?

The result was announced—yeas 50, nays 40, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—50

Abdnor	Hatfield	Percy
Andrews	Hawkins	Pressler
Armstrong	Hecht	Quayle
Baker	Helms	Roth
Chafee	Humphrey	Rudman
Cochran	Jepsen	Simpson
Cohen	Kassebaum	Specter
D'Amato	Kasten	Stevens
Danforth	Laxalt	Symms
Dole	Lugar	Thurmond
Domenici	Mattingly	Tower
Durenberger	McClure	Trible
East	Moynihan	Wallop
Garn	Murkowski	Warner
Gorton	Nickles	Weicker
Grassley	Packwood	Wilson
Hatch	Pell	

NAYS—40

Baucus	Ford	Melcher
Bentsen	Glenn	Metzenbaum
Bingaman	Hart	Mitchell
Boren	Heflin	Nunn
Bradley	Hollings	Proxmire
Bumpers	Huddleston	Pryor
Burdick	Jackson	Randolph
Byrd	Johnston	Riegle
Chiles	Kennedy	Sarbanes
DeConcini	Lautenberg	Stennis
Dixon	Leahy	Tsongas
Dodd	Levin	Zorinsky
Eagleton	Long	
Exon	Matsunaga	

NOT VOTING—10

Biden	Goldwater	Sasser
Boschwitz	Heinz	Stafford
Cranston	Inouye	
Denton	Mathias	

So Mr. BAKER's motion to lay on the table Mr. PRYOR's amendment (No. 1417) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. WARNER. Mr. President, I commend the Senator from Kansas (Mr. DOLE) and the Senator from Wisconsin (Mr. KASTEN) for their extraordinary efforts in bringing this issue to the Senate for, I am hopeful, final passage.

While this issue has proven to be one of the most difficult and controversial to come before Congress, the fact remains that our Nation faces a growing taxpayer compliance problem.

That compliance problem is creating a huge gap between the revenues the Federal Treasury is legally owed and the revenues it actually receives. And while in the short term that means less income to operate the myriad of Federal programs authorized by Congress, in the long term it means that every law-abiding taxpayer—the majority of taxpayers—must pay more.

When Congress passed the Tax Equity and Fiscal Responsibility Act of 1982, many Members of both Houses of Congress and, indeed, the President honestly and sincerely believed that one way to begin putting an end to this tax cheating was to require an across-the-board withholding procedure on interest and dividends.

But the bulk of the taxpayers, who are conscientious and diligent about reporting and paying all their taxes on interest and dividends rose up in consternation, saying to Congress, "We are law abiding citizens and we will not be penalized for the transgression of others."

And their consternation was justified. That is why I cosponsored Senator KASTEN's repeal bill. That is why I have supported every effort to repeal this onerous law. And that is why I am delighted that we have this bill before us today. It repeals interest and dividend withholding for citizens who perform their legal duties, and it exacts stiffer penalties from those who fail to report and pay their taxes on interests and dividends.

In 1981, one-third of the taxes owed but not paid the U.S Treasury were taxes owed on interest and dividends. These unpayed or underpayed taxes have been estimated by the Internal Revenue Service to equal $26 billion.

Clearly, underpayment or nonpayment of taxes on interest and dividends comprise the largest share of taxes owed, but not paid the Federal Government. But they do represent an area of taxpayer noncompliance which can, and—with the bill we adopt today—will be addressed in an efficient, cost effective manner.

It is the hope of many, and I share this hope, that with the implementation of the compliance procedures outlined in the bill Congress will successfully send a signal to those who put an unfair burden on law abiding taxpaying citizens by taking unfair advantage of the voluntary nature of Federal tax compliance provisions.

Our Nation faces an appalling situation. The total revenue lost by the Treasury due to taxpayer noncompliance is estimated to be as much as $120 billion a year. If one-tenth of this total uncollected tax income were paid there would not be this talk of putting a cap on the third year of the tax cut that we hear bubbling over in the House of Representatives. If we had all of this uncollected tax income, our Federal debt would be almost nonexistent this year.

Nonetheless, this bill before us is a good measure. It is a step in the right direction. It is a realistic, fair and well-reasoned approach to a very sticky problem. And it, once and for all, gets the Government out of the pockets of the 90 percent of the taxpayers who conscientiously and diligently pay their legally owed taxes on interest and dividends.

The people of Virginia and all Americans thank Congress for relieving them of the unfair and onerous burden of withholding on interest and dividends and placing the burden

where it belongs, with those who willfully break the law.●

Mr. BOSCHWITZ. Will the manager of the bill yield?

Mr. DOLE. I yield to the Senator from Minnesota.

Mr. BOSCHWITZ. I wish to inquire of the Senator's understanding and intention concerning one provision of the Enterprise Zone legislation. Specifically, my question relates to the alternative eligibility requirement that the population of the area has decreased by 20 percent or more between 1970 and 1980. Is it the Senator's intention and understanding that this requirement means that the population in the total area nominated has decreased by 20 percent?

Mr. DOLE. That is correct.

Mr. BOSCHWITZ. Is it further the Senator's understanding that in computing the population decrease, the computation can be based on only those portions of census tracts that actually lie within a nominated area? So that a nominated area could include entire census tracts, portions of census tracts, or a combination of the two, so long as the total decrease in population in the nominated area is 20 percent or more?

Mr. DOLE. That is my understanding and intention.

Mr. President, I understand the Senator from Hawaii has a technical amendment. There is no objection to that amendment.

AMENDMENT NO. 1420

(Purpose: To eliminate the consideration of the contracting out of local services from the designation of enterprise zones)

Mr. MATSUNAGA. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii (Mr. MATSUNAGA) proposes an amendment numbered 1420.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 63 of the matter proposed to be inserted, strike out lines 1 through 3 and insert in lieu thereof "example, crime prevention,".

Mr. MATSUNAGA. Mr. President, the amendment which I am offering would merely strike out 10 words enclosed in parenthesis in the committee substitute. The words are "(particularly through experimentation with providing such services by nongovernmental entities)."

While the provision appears harmless, since it merely suggests an example by which the level of efficiency of services within an enterprise zone may be increased, there is the hidden danger that it may be misinterpreted by the overenthusiastic as a mandate or authority to replace civil servants with private contractors and their employees—in effect contracting out of public services—within an enterprise zone.

Our own experience with contracting out has shown that too often it results in higher costs, poorer services, and a loss of public control. When services are contracted out to private entities, governmental units must continue to bear the costs of contract administration, including preparation of the contract and monitoring of a contractor's performance. In addition, expenses of private companies for services can be greater than governmental expenses since these companies must make a profit and pay taxes in order to remain in business. As a direct consequence of this profitmaking objective, private companies are often looking to cut costs in the more unprofitable service areas, thereby causing a decline in the quality and quantity of services. Increased governmental monitoring is necessary to detect such a decline, which further increases the costs of such contracting out.

Finally, when the local government contracts out for a public service, the principle of accountability is frequently set aside. A barrier is imposed between the citizen and the service provider, since the service provider bears no responsibility to the citizenry through the electoral process. A lack of public control and poor communications between the contracting entity and the monitoring agency can often result in the misuse of a substantial amount of public funds.

The amount of objective data on contracting out of public services indicates that such a practice is not a panacea for the problems associated with Government services. In many cases contracting out has not led to cheaper and more efficient services but has had the opposite effect on such services. Local governments should not be encouraged to experiment with providing such services through the use of nongovernmental entities in enterprise zones. I respectfully urge the adoption of my amendment to remedy any misconception which may lead to unintended disastrous results.

Mr. DOLE. Mr. President, that provision has the word "example" and it strikes that out. It is a technical amendment. I am prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1420) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATSUNAGA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate is not in order. The Senate will please be in order.

Mr. LEVIN. As cosponsor of S. 144, the so-called reciprocity trade bill, I am extremely concerned that special attention be given by the USTR to foreign countries where existing trade barriers represent a substantial impediment to U.S. exports. This is particularly evident with respect to countries such as Japan where the United States has had a consistently large and growing current account deficit. Are there provisions in the reciprocity bill that would enable the USTR to address these special cases which have a particularly adverse impact on our own economy?

Mr. DANFORTH. I share the concerns expressed by the Senator from Michigan. It is for this very reason that the reciprocity bill, now known as the International Trade and Investment Act, has special provisions regarding efforts to eliminate these foreign unfair trade practices. The annual report required by the legislation includes national trade estimates that are designed to focus attention on those foreign barriers with the greatest impact on the U.S. economy. Moreover, the USTR will be required to report on action being taken by our Government to eliminate the acts, policies, or practices identified in the annual report; with additional emphasis placed on keeping the Congress informed with respect to trade policy priorities for the purposes of expanding market opportunities for U.S. exports.

Mr. LEVIN. Would these reports and consultations go so far as to allow for the enunciation of a comprehensive plan of action with respect to major problem countries to insure that we can take effective measures to rectify major trade imbalances resulting from foreign unfair trade practices. Only by taking strong and effective measures to lower foreign barriers can the United States benefit fully from its export potential, thereby increasing the number of jobs in our economy.

Mr. DANFORTH. I think that the legislation includes key provisions that can be used to address the Senator's concerns. It would certainly allow for the formulation of the kind of specific plan of action for problem countries anticipated by the Senator. In fact, one of the key purposes of the annual reporting requirement is to force this and future administrations to adopt a comprehensive, rather then ad hoc, approach to reducing foreign trade barriers and the deficits which they excerbate.

Mr. LEVIN. I thank the Senator for clarifying what this means. I appreciate his efforts to open markets for

American exports and enhance export-related employment in our country.

Mr. President, I had intended to offer an amendment to H.R. 2973 dealing with the IRS's use of the powers of lien, levy and seizure. This amendment is based on S. 1032, the Taxpayer's Bill of Rights, introduced by Senator COHEN and myself. This amendment would have taken several important steps in protecting the American taxpayer from the excesses of overzealous IRS bureaucrats. Briefly, it would have circumscribed the IRS's use of its lien, levy and seizure power by:

First, requiring the IRS to discharge property under lien that is greater than the amount of liability plus interest, penalties, and administrative costs;

Second, requiring the IRS to partially discharge, where feasible, liened property once partial payment has been made;

Third, requiring the IRS to abide by installment payment plans unless the taxpayer violates it;

Fourth, prohibits the IRS from making "no equity" seizures;

Fifth, requiring the IRS to give fair notice of impending levies; and

Sixth, creating a cause of action against the IRS for the intentional wrongful levy or lien against property.

However, I am willing to withdraw the amendment to the bill in light of the discussions that I have had with Senator GRASSLEY from Iowa, the chair of the Senate Finance Committee's Subcommittee on the Oversight of the Internal Revenue Service. I understand that the subcommittee will continue to look at how to protect taxpayer's rights in their dealings with the IRS. In particular, I am interested as to whether the subcommittee will be holding hearings on the IRS's power to lien, levy, and seize property for tax delinquencies and on proposed changes to the current law, including S. 1032?

Mr. GRASSLEY. I thank my friend from Michigan (Senator LEVIN) for raising this issue at this time. I assure the Senator that I share his keen interest in the subject of the IRS's use of its lien, levy, and seizure powers. Making the IRS work for Americans rather than against them has long been a legislative goal of mine, and has also been the object of my subcommittee's hearings throughout this session.

I assure the Senator of my interest in, and my desire to pursue this issue farther. When the subcommittee convenes hearings on this topic, the Senator from Michigan can be sure that S. 1032 will be among the legislative proposals that we consider.

Mr. DOLE. Mr. President, as I understand, there are no further amendments. I am going to ask for the yeas and nays on the committee amendment. Have they been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. LONG. Mr. President, I asked for the yeas and nays on the committee amendment when it was first offered.

The PRESIDING OFFICER. The Chair is advised that the yeas and nays were ordered on the bill but not on the committee substitute.

Mr. LONG. Mr. President, I recall as though it were just an hour ago when I stood here and asked for the yeas and nays on the committee amendment. If not, I will join in asking again.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

● Mr. NICKLES. Mr. President, the interest and dividend withholding repeal bill, H.R. 2973, which is before us corrects serious problems that have been found in the law which requires withholding as of July 1, 1983. The Finance Committee amendment to that bill provides such a solution to the problem. The amendment represents considerable debate and formulation in deriving a proposal which does not penalize the honest taxpayer. Instead, it is targeted to those who intentionally avoid payment of their tax liability on interest and dividend income.

It also reassures me that the needs of the people in this country can be heard by their elected representatives as was displayed by the outpouring of communication made during the past several months. As a result of that input, Members of Congress were made aware of the adverse impact this would have on those who would be forced to comply.

In addition to targeting withholding only to those who are found not to comply, it requires the IRS to match information returns with income tax returns. This will allow the IRS to step up its matching effort, thereby avoiding any additional efforts to impose mandatory withholding assuming compliance is satisfactory.

The committee amendment would also require the IRS to give proper notice to those taxpayers who have been found not to comply and also provide allowance for those determined to be hardship cases. This provision is imperative in order to allow for those cases where the taxpayer made unknowing or unintentional errors in filing and reporting his income.

I commend my colleagues, Senators DOLE and KASTEN, for their hard work in fashioning a proposal that not only removes the onerous burden of withholding from millions of honest taxpayers but also provides for the collection of taxes from those who have intentionally failed to do so.●

THE CARIBBEAN BASIN INITIATIVE

● Mr. JOHNSTON. Mr. President, in February 1981 President Reagan, in an address before the Organization of American States, unveiled a creative plan to promote stability and economic growth in the Caribbean. In my view, attention to this vital part of the world is long overdue and I commend the President for placing this region at the forefront of his foreign policy concerns.

There is no doubt that many of the small nations in the Caribbean are in desperate need of special assistance to further their efforts to raise the standard of living for their citizens. Many of the island nations have been especially hard hit by rising energy costs over the last decade and their subsequent economic problems have been exacerbated as a result of the continuing world recession. With appropriate assistance to develop the necessary infrastructure and provide for health and education, these nations will be able to follow the path set by Puerto Rico and the Virgin Islands in developing stable democratic governments with rising standards of living for those who live there. It seems to me that a program such as the Caribbean Basin Initiative must be pursued aggressively for long-term stability in the region.

In consideration of this initiative, however, the Congress has a special responsibility to assess the potential impact of the proposal on the U.S. territories. The Constitution places the responsibility for the territories in the Congress, and it is a responsibility which we must not ignore. Our responsibility, however, is not limited to insulating the territories from potential harm from proposed legislation, but extends to seeking to develop their economies aggressively such that our fellow citizens residing there will be able to enjoy the full quality of life which we seek to insure for all Americans, without regard to where they reside. The territories of Puerto Rico and the Virgin Islands are centrally located within the Caribbean region. They provide an opportunity for the United States to reach out to our Latin American and Caribbean neighbors and demonstrate to them the values and ideals of our Government. Our fellow citizens in Puerto Rico share a particular Spanish heritage with their neighbors in the region and similarly the Virgin Islands shares a particular history with the English-speaking nations of the eastern Caribbean. The Caribbean Basin Initiative must actively involve both Puerto Rico and the Virgin Islands and strengthen the ties and relations which these two territories have with the neighbors in the region. In this respect, I was particularly gratified when the President prominently mentioned his support

for the Eastern Caribbean Center to be located at the College of the Virgin Islands. It is precisely that type of educational and cultural interchange which will provide the basis for dialog and a forum to avoid minunderstandings in the future. I was keenly disappointed when the administration did not follow its statement of support with a budget request, but I was pleased that initial funding for the Eastern Caribbean Center was provided by the Congress in last year's appropriation to the Department of the Interior.

I am concerned, however, over the potential impact of the present legislation on the fragile economies of Puerto Rico and the Virgin Islands. The significant strides which have been made in achieving local self-reliance and self-government should not be jeopardized, but I fear they may be. Of specific concern to me is the question of rum.

The administration has noted, quite correctly, that rum is of great symbolic importance to the nations of the Caribbean. What the administration has failed to note is that rum is also of great importance both symbolically and psychologically to Puerto Rico and the Virgin Islands. Moreover rum is of enormous economic importance to Puerto Rico and the Virgin Islands because a considerable portion of each of the territories budget depends on the transfer of Federal excise taxes presently collected on the rum produced in these territories and returned to the territories for basic government operations. The administration claims that it has provided protection for the extremely price sensitive bulk rum industry of the Virgin Islands, but its assurances fail to withstand even minimal scrutiny. For example, the administration proposes to include industries in the insular possessions within the definition of industry for the purposes of relief under the Trade Act of 1974, but it is not willing to define the bulk unaged rum industry of the Virgin Islands as a separate and distinct industry entitled to relief. Furthermore the administration has indicated that it is questionable whether the Virgin Islands, even with standing under this legislation, could demonstrate injury to the rum industry since the Virgin Islands commands such a small portion of the present U.S. rum market. The adminstration has indicated that the U.S. International Trade Commission could find that the Virgin Islands industry is a distinct industry entitled to relief, but it appears unwilling to do so in legislation. The administration asserts that no one is interested in reducing the amount of the present product being produced in the Virgin Islands, but they are unwilling to protect that product either by definition of industry, by definition of injury, or by provision of mandatory fast track relief. In short, the administration admits that the bulk unaged rum produced in the Virgin Islands is extremely price sensitive, but is unwilling to protect that price sensitive product from predatory activities.

In lieu of protection of an indigenous industry which provides employment and revenues to the Virgin Islands, the administration has proposed a new Federal transfer payment relying on the excise taxes collected on foreign imported rum. The administration apparently prefers that the U.S. citizens residing in the territories become dependent on domestic consumption of foreign production rather than developing local industries. I find this very curious. Moreover, the proposed fund will not even provide the assurance of a continued revenue base to the Virgin Islands. In testimony before the House Ways and Means Committee the Assistant Secretary of the Treasury testified that the Secretary of the Treasury proposed to allocate revenues under this new fund based upon the relative market share which Puerto Rico and the Virgin Islands had in fiscal year 1982. Such a formula would result in a total transfer to the Virgin Islands over the 12-year life of the Caribbean Basin Initiative of only $14 million. However, even a 10-percent reduction in present revenues to the Virgin Islands over 12 years would exceed $40 million. In addition, in responses to questions posed by the Committee on Energy and Natural Resources, the administration indicated that the existence of this new fund would be used in lieu of any Federal assistance to meet the water and power needs of the Virgin Islands, which are estimated at $40 million over the next 4 years, or to offset the immediate revenue loss in the Virgin Islands as a result of the recent tax reduction legislation.

The proposal from the administration is mischievous in the extreme. It would provide the Secretary of the Treasury unfettered discretion of a fund which, based on conservative CBO estimates, would total $120 million over the life of the Caribbean Basin Initiative. The Secretary of the Treasury could allocate a portion or all of the funds in any given year to either Puerto Rico or the Virgin Islands based on any considerations which he finds to be appropriate at the given time. As proposed by the administration, there is neither provision for congressional oversight nor criteria for the allocation of these funds. In a given year, the Secretary of the Treasury could use the existence of the fund to coerce support from Puerto Rico on revisions to section 936, and in the next year use the fund as leverage against the Virgin Islands for revisions to the mirror system of taxation. At a time when the Federal budget deficit is reaching astronomical proportions, and the administration remains adamantly opposed to minimal assistance in providing the basic water and power infrastructure in the Virgin Islands, I find it alarming that it would propose such an unstructured slush fund.

Mr. President, there are real, immediate, and justified needs in Puerto Rico and the Virgin Islands which could and should be addressed. The administration has repeatedly noted its concern over the airport being constructed in Grenada, but seems to have great difficulty in completing the necessary airport expansion on St. Thomas and St. Croix in the Virgin Islands. The administration has noted its concern for the economic development of the region, but cannot find the wherewithal to provide basic water and power in the Virgin Islands. The administration has noted its intention to promote and strengthen relations between the United States and the nations in the Caribbean, but could not find the ability to request $150,000 last year to begin the planning for the Eastern Caribbean Center in the Virgin Islands.

As the Senator from Connecticut's amendment shows, it is not difficult to construct and enact a Caribbean Basin Economic Recovery Act which will assist the developing nations in the Caribbean and protect existing territorial industries and strengthen and enhance the local territorial economies. A simple limitation on rum as proposed by the Senator to exempt all rum valued above $3.50 a proof gallon will permit the free and unfettered access to the U.S. market which the Caribbean nations have indicated they desire and which the administration has indicated is the market which they are interested in. Such a limitation will also protect the extremely price sensitive bulk unaged rum produced in the Virgin Islands.

This amendment recognizes the important and vital role which Puerto Rico and the Virgin Islands can and should play in the peaceful, stable, and democratic growth of the Caribbean region. Puerto Rico and the Virgin Islands are perhaps this country's greatest assets in the region. It is important that as we address the real and pressing needs of the developing nations, we also commit ourselves to the full development of Puerto Rico and the Virgin Islands as a basic commitment of this Government to its citizens and as symbols of our concern for the peoples of the Caribbean regions. As this amendment demonstrates, it is possible to do both.

I have several other concerns which I hope the Congress will address as this and other pertinent legislation is considered. I hope that we will direct our foreign assistance to the provision of basic infrastructure in health and education to improve the quality of

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life for the residents of the region and to foster the economic growth which the trade preferences will allow. I hope that we will encourage and fully support the educational, cultural, and technical interchange which institutions like the Eastern Caribbean Center will foster. I sincerely hope that the Caribbean Basin Initiative, taken as a whole, will form an important and positive new direction in the U.S. relations in the region and that it will form a basis for stability and peaceful growth and improvement in the quality of life. I hope that this initiative will, as the President has indicated that he intends it to, also be of benefit to our fellow citizens in Puerto Rico and the Virgin Islands. I hope that the administration will work closely with the Congress to improve and refine its proposals. I support the Caribbean Basin Initiative although I may disagree on particular details. I congratulate the President on the attention which he has directed to this region and I hope that the Congress will continue to make needed changes to assure that the goals of the CBI are achieved.●

THE INTERNATIONAL TRADE AND INVESTMENT ACT

● Mr. DANFORTH. Mr. President, today we are again considering the International Trade and Investment Act, legislation introduced by Senator BENTSEN and myself and cosponsored by 41 of our colleagues from both sides of the aisle. As S. 144, this legislation was approved by the U.S. Senate in April of this year.

The legislation is the product of extensive consultations within the Congress and discussions with the administration, labor, and the private sector. Although based on the original language and concepts contained in S. 2094, introduced in February of last year, the legislation contains major provisions based on bills introduced in the 97th Congress by Senators BENTSEN, ROTH, CHAFEE, BRADLEY, HEINZ, HART, and INOUYE.

Although some of these bills employed the term and the concept of reciprocity more emphatically than others, they shared a common denominator; namely, that the United States must do more to expand its access opportunities in markets overseas. I believe the sponsors of the legislation under consideration share a conviction that the United States must seek nothing more, and nothing less, than the opportunity to compete on an equal footing in world markets. In its current form, the reciprocity trade bill was twice approved and reported out of the Finance Committee in the 97th Congress. In March of this year, the bill received the unanimous approval of the Committee on Finance.

The result is legislation that should serve to further the objectives we all share; namely, the maintenance and expansion of market opportunities abroad for U.S. exports of goods and services, and for foreign investment of the United States. The legislation builds on the broad concept of reciprocity of market access that is fundamental to U.S. trade policy. It strengthens enforcement of the legal rights of the United States under existing trade agreements and it sets the stage for the expansion of those international rights through the negotiation of agreements in the service and investment areas. Finally, the bill addresses itself to the problems encountered by high technology industries as a result of Government intervention that distorts international trade in such high growth sectors.

Overall, the bill is designed to liberalize international trade and to curb protectionist pressures in the United States by demonstrating that we will enforce our rights under international agreements. The idea is to close the credibility gap created when we consistently refuse to take protectionist action in spite of the widespread perception that we are the only country practicing what everyone else preaches; namely, free trade.

Specifically, the bill provides for:

First, a systematic procedure whereby the administration would identify and analyze key barriers to U.S. trade in products, services, and investment.

The required annual report to Congress would include major foreign barriers and distortions to U.S. exports of products—including agricultural commodities—services, and investment, including estimates of their impact on the U.S. economy and efforts to achieve their elimination.

It is my expectation, and that of others involved in the evolution of this bill, that these national trade estimates will be used by this and subsequent administrations to identify the most onerous barriers to U.S. trade and investment and thereby set comprehensive market enhancement priorities for U.S. trade policy.

In this regard, we would expect the administration to go beyond its current role as recipient of petitions under section 301 of the Trade Act and to make use of the provisions for self-initiated 301 cases, as well as the bill's negotiating authority to broaden the scope of existing international agreements.

Second, section 301 of the Trade Act of 1974 would be amended to broaden its scope and to clarify and enhance Presidential authority to retaliate against foreign unfair trade practices.

In this regard, unfair trade practices for which relief is available under U.S. law would be broadened to cover performance requirements and other trade-distorting barriers to investment, as well as violations of intellectual property rights.

Foreign barriers not removed through negotiation or enforcement of the GATT (General Agreement on Tariffs and Trade) could be offset by the United States through withdrawal of prior U.S. concessions, imposition of duties and other restrictions available under present law as clarified by this legislation. Of particular interest is the clarification of the President's authority to impose fees and restrictions on foreign services or suppliers of those services. While the role of regulatory agencies is recognized with respect to trade in services, I am firmly convinced that the Congress never intended regulatory agencies to make trade policy.

Finally, where U.S. retaliatory options are not currently available to the President, he would be given new authority to propose legislation which would enjoy accelerated consideration by the Congress.

Third, finally, the legislation provides for major negotiations to achieve international agreements that encourage fair and open trade in services, investment flows, and high technology.

Knowing that other Senators may wish to speak in some detail regarding negotiations in the services and high technology sectors, I would like to address the investment portion of the legislation. In fact, barriers to foreign direct investment have major implications for international trade in both products and services.

In developed and developing countries alike, restrictions on foreign investment are being put into place which severely distort access opportunities. The impact on international trade has never been measured and should be of immense concern in the development of U.S. trade policy. The United States has always maintained a liberal investment policy, to the benefit of our economy as well as to those of foreign investors. The administration must be prepared to move forward with all due speed to reach bilateral and multilateral agreements with our trading partners—designed to reduce, eliminate, or prevent restrictions on the flow of investment throughout the world.

Mr. President, taken as a whole, the International Trade and Investment Act is designed to increase American exports and export-related jobs through stronger enforcement and expansion of domestic and international rules dealing with foreign unfair trade practices. It is intended to move us beyond the largely rhetorical approach that now characterizes our efforts to achieve greater market access abroad—into a straightforward mechanism for sorting through and dealing with these foreign actions.

SUPPORT AND COSPONSORSHIP

Since its introduction in January, S. 144 has gained the cosponsorship of

almost half of the U.S. Senate. In addition to Senator BENTSEN and myself, the following Senators are cosponsors of S. 144: ANDREWS, BOREN, BRADLEY, CHAFEE, CHILES, COCHRAN, COHEN, CRANSTON, D'AMATO, DECONCINI, DOLE, DOMENICI, EXON, FORD, GLENN, GORTON, GRASSLEY, HART, HEFLIN, HEINZ, HELMS, HOLLINGS, INOUYE, KASTEN, LEVIN, MATTINGLY, MELCHER, MITCHELL, MOYNIHAN, PERCY, PRESSLER, PROXMIRE, RANDOLPH, RIEGLE, ROTH, SIMPSON, SPECTER, SYMMS, THURMOND, TSONGAS, and WILSON.

The dedication and diversity of this bipartisan coalition of Senators, alone, indicates the depth of feeling in the Congress that international trade must be conducted on a fair basis.

In addition, the International Trade and Investment Act enjoys the support of the administration and of a diverse group of business and agricultural organizations. The following companies and associations have been particularly active in support of S. 144:

Aerospace Industries Association of America.
American Council of Life Insurance.
American Electronics Association (AEA).
American Express Company.
American Farm Bureau (AFB).
American Trucking Associations (ATA).
Asia-Pacific Council of American Chambers of Commerce (APCAC).
Business Round Table.
California Almond Growers.
California-Arizona Citrus League.
Chamber of Commerce.
Chemical Manufacturers Association (CMA).
Cling Peach Advisory Board.
Coalition of Service Industries.
Computer and Business Equipment Manufacturers Association (CBEMA).
Data General Corporation.
DuPont Company.
Electronics Industries Association (Communications Division).
Emergency Committee for American Trade (ECAT).
FMC Corporation.
International Anti-Counterfeiting Coalition.
International Business Machines (IBM).
Miller National Federation.
Monsanto Company.
Motion Picture Association of America.
Motorola Inc.
National Agricultural Chemical Association (NACA).
National Association of Manufacturers (NAM).
National Cattlemen's Association (NCA).
National Council of Farmer Cooperatives (NCFC).
National Foreign Trade Council (NFTC).
The National Grange.
Poultry and Egg Institute.
R. J. Reynolds.
Scientific Apparatus Makers Association (SAMA).
Semiconductor Industry Association (SIA).
Sporting Goods Manufacturers Association (SGMA).
Sun-Diamond Growers of California.
Tanners' Council of America (TCA).
TRW Inc.
United Technologies Corporation.
Warner Communications Inc.

THE NEED FOR RECIPROCITY LEGISLATION

Mr. President, the International Trade and Investment Act is a sensible, timely piece of legislation that should be enacted into law.

Since the last round of multilateral trade negotiations and the passage of the Trade Agreements Act of 1979, American policy has largely consisted of reacting to a flood of imports. I do not denigrate the importance of this effort, yet, in the process, attempts to expand market access for American-produced goods have proceeded in an ad hoc manner at best.

It is time for us to embark on a comprehensive effort to assure fair treatment for American exports in foreign markets. The International Trade and Investment Act is designed to do just that.

The U.S. balance of trade in merchandise went into deficit in 1971 for the first time in more than three-quarters of a century. Last year that deficit reached close to $40 billion, including significant bilateral deficits with a number of our major trading partners. This year we can expect a merchandise trade deficit well above $50 billion.

These deficits, in and of themselves, are not so much the problem as the extent to which they result from inequitable market access between the United States and its trading partners rather than the market forces of comparative advantage and exchange rates.

Through the GATT system, the industrialized world has benefited from over 30 years of relative peace in international trade, along with the gradual reduction of traditional tariff and nontariff barriers to imports. The two fundamental principles of the GATT—the mutual extension of national and most-favored-nation treatment—remain essential elements in the GATT's formula for success.

The United States has, since the inception of the GATT, taken the leadership role in lowering international barriers to trade. Pushing and cajoling our trading partners into accepting each new liberalizing guideline, America has taken pains to employ the GATT's dispute settlement provisions. We have been in the forefront of any negotiations aimed at the reduction of tariff and nontariff barriers.

This leadership role has prompted the United States to set domestic policies relating to trade that are in conformity with GATT and to hope for similar action from our trading partners. The result is an American market with comparatively few important barriers while foreign markets are protected by a wide variety of restrictions. This has put us in a weak position to bargain for mutual concessions by other countries, for there are few American import restrictions left to trade away for market access abroad.

Of our major developed trading partners, Japan retains the most severe barriers to competitive American exports. Protection of the Japanese market is maintained in a variety of ways—some clearly illegal, some not. But regardless of whether these impediments are formal or informal, legal or illegal, the fact is they work. Moreover, it is clear even to the casual observer of American driving, viewing, and listening habits that Japan has ample access to our market in areas where Japanese firms are competitive.

Our largest single trading partner, Canada, continues to focus its attention on the investment and service areas for its Canadianization efforts. Although not traditionally considered under the general GATT framework, these barriers are not only harmful in and of themselves, but also have a significant impact on trade in goods. Investment restrictions imposed by the Foreign Investment Review Agency (FIRA), discriminatory tax practices, and similar government policies have already begun to impede our access to their market.

Finally, the European Community gives one the impression that they are ever on the lookout for new ways of closing their markets. These efforts have been directed at Japan for some time and may well affect our exports in the future. Meanwhile, we are still groping for the means to deal with the impact of EC agricultural export subsidies on competitive U.S. exports to third market countries.

The problem we face with respect to market access abroad are equally, if not more, severe in the case of developing nations. Many of these nations continue to benefit from developed country MFN concessions in the past 30 years without being accountable in GATT for reducing their own barriers. Of particular concern are barriers to trade and investment maintained by the newly industrialized countries (NIC's) such as Mexico—not even a GATT member—and Korea and Brazil, which have no desire to graduate from their LDC status in GATT terms.

It cannot be surprising then that many believe the GATT, however essential it is, is not alone sufficient to provide the basis of truly free international trade. It has become clear that national and MFN treatment are inadequate in some circumstances to provide the benefits of the system to the United States, when our market access is so disproportionately greater than others.

Further, while the GATT may work well to combat many traditional barriers to merchandise trade, it still fails to address some of the more sophisticated impediments found in the world today.

For example, the GATT offers no guidance whatever with regard to the free flow of investment and services—an integral part of international trade in today's world. Barriers in these sectors, such as performance requirements, continue to grow abroad in the absence of any firm international guidelines.

Therefore, while the GATT may be necessary to maintain equilibrium in the international trading system, it is by no means sufficient to achieve equitable access for U.S. trade and investment.

Mr. President, the bill under consideration today is designed to set the course for American trade policy that will accomplish our market access objectives by building upon and expanding the international trading system as we know it.

To achieve this goal, the United States must be prepared to force the issue. The International Trade and Investment Act is a clear mandate for the administration to seek equitable market access abroad for competitive American products, services, and investment, backed up by a credible threat to redress restrictions on American exports through the imposition of offsetting measures.

I will be the first to admit that this act is not a panacea for all of our economic woes. It does, however, fill a gap in our trade policy. If enacted, it will focus our Government's attention on those generic barriers to U.S. trade and investment that place limits on our full export potential. The bill strengthens the administration's hand without forcing it and offers an opportunity for us to move forward in the search for innovative solutions to expand markets for U.S. exports. Moreover, it not only reaffirms but also seeks to extend existing rules governing international trade.●

Mr. LEVIN. Mr. President, I intend to vote for H.R. 2973 because on balance I believe that it represents a step foward on a number of issues.

However, I cannot give my wholehearted support to it. With respect to the underlying issue of withholding, my preference would have been to delay the implementation of withholding until there was more time to explore how effective alternate mechanisms could be to collect the interest and dividend income which is currently being unreported. But the choice we were presented with was one of outright repeal accompanied by some increased measures to encourage compliance or one of implementation of withholding. In this case my preference was for repeal.

I also object to the manner in which the Carribean Basin Initiative was considered. I have serious concerns as to the impact that this legislation will have on jobs in this country at a time of still much too high unemployment.

In spite of these objections, however, I found much in this bill worth supporting and reason enough for final passage. The removal of the sunset provision on mortgage revenue bonds and the reciprocity provision represent measures which can improve housing opportunities for our citizens and opportunities for our exports. These are worthy objectives, and H.R. 2973 can help us to realize them.

CARIBBEAN BASIN INITIATIVE

Mr. GRASSLEY. Mr. President, I take a few moments to speak on the Caribbean Basin legislation before us here today.

My vote today on this bill does not come easy or without a great deal of study on the issue both in the Finance Committee and privately. I am aware that this legislation must deal with the critical relationship between economic development and political stability in the region. The Caribbean is an unfenced neighborhood that we share with 27 island and coastal nations and their security and economic well-being have a direct impact on our own strategic and economic interest.

Yet, knowing all this, experience has taught me that the search for economic progress, social justice, and human dignity can only succeed through collective strengths that create an agenda for cooperation.

Mr. President, I stress here that I did not offer an amendment to CBI in the committee relative to the designation of beneficiary countries when I was given assurance from the State Department that they would not designate countries a beneficiary to this legislation that had expropriated U.S. property and did not take steps to provide prompt, adequate, and effective compensation. While most expropriation cases in the region are being settled or have been settled with little difficulty, at least two have been outstanding for an inordinately long period. Both of these cases involve the Government of Panama. The State Department has assured me that should this legislation pass and the problem not be resolved by then, they will send a high level team to Panama to work on this problem. It is also my understanding that should it not be resolved by the time the President is ready to list the beneficiary countries, that they will recommend that he not list Panama eligible under this legislation until the problem no longer exists.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the letter from the State Department to me addressing this matter, along with a followup letter I sent to Deputy Assistant Secretary Michel, clarifying this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
Washington, D.C., May 1983.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRASSLEY: In the mark-up of the Caribbean Basin Initiative legislation, you raised the question of outstanding investment disputes and the Department of State promised to provide a letter clarifying how the CBI legislation might help us resolve outstanding disputes.

The Administration has acted strongly to encourage a settlement of US citizen claims in the Boston Panama and Citricos de Chiriqui, S.,A. cases. In the Boston-Panama case, Department of State officials obtained commitments at the highest level from the Panamanian Government that they would proceed to settle the claim. Although the Government of Panama has not yet settled the matter as promised, it has established a commission to review the case.

While awaiting the results of the review, we continue to express high-level interest in all outstanding cases and have linked these outstanding investment disputes to the bilateral investment treaty, to the designation process in the Caribbean Basin Initiative legislation and to other issues.

As soon as the CBI legislation is passed, the Department will send a high-level team to each country to discuss the designation process. First on the agenda of the team to visit Panama will be discussion of all outstanding investment disputes. We will advise the Panamanians that should it be established that the properties were nationalized, expropriated or otherwise seized, and if good faith efforts to resolve these disputes as they promised can no longer be expected, then we would not recommend to the President that he grant a waiver under 102(b).

Sincerely,

JAMES H. MICHEL,
Deputy Assistant Secretary for Inter-American Affairs.

U.S. SENATE,
Washington, D.C., May 26, 1983.

Mr. JAMES H. MICHEL,
Deputy Assistant Secretary for Inter-American Affairs, U.S. Department of State, Washington, D.C.

DEAR MR. MICHEL: This refers to your recent letter to me wherein you discussed the Department of State position regarding outstanding expropriation disputes of U.S. citizens with Panama and the circumstances under which Panama may not benefit by passage of the Caribbean Basin Initiative.

It is my understanding that there is no question over the fact that the properties of Boston Panama Company and Citricos de Chiriqui, S.A. were taken by the Government of Panama and the United States citizen owners were never compensated. Furthermore, these two claims have been outstanding for over eight years. In your letter you state that, "if good faith efforts to resolve these disputes as they (Panamanians) promised can no longer be expected," the Department would recommend against a Presidential waiver to include Panama as a beneficiary country. In view of the inordinate amount of time which has passed without Panama resolving these outstanding claims, I understand that if the Caribbean Basin Initiative legislation is passed and the two outstanding claims are not resolved, then the Department will not recommend a waiver for Panama under 102(b) and Panama will not be designated a beneficiary country. If your understanding is different

from mine, I would appreciate your letting me know immediately.

Very truly yours,

CHARLES E. GRASSLEY,
U.S. Senator.

Mr. GRASSLEY. Mr. President, I asked in the last paragraph of that letter that if his understanding is different from mine, that I would appreciate his letting me know immediately. Since 22 days have elapsed since my correspondence and I have not heard from Mr. MICHEL, I am concluding that he has agreed with my assumptions I stated in the May 26 letter. And based on that conclusion, I have decided not to offer my amendment.

Although I have singled out Panama because of the long standing problem, I would be remiss if I did not say I am as concerned with other problems of a similar nature as well. For as I said earlier, the search for economic progress, social justice, and human dignity can only succeed through collective strengths that create an agenda for cooperation. The United States, I believe must be willing to work with our friends and allies on trade and economic matters, but at the same time we must look at that relationship in the context of how it affects this country and its people either directly or indirectly.

We all know we live in a troubled world and that the United States as a great nation must face up to these troubles and do its part to resolve them. We can reinforce our individual effects by working together with our Caribbean neighbors and our example will give hope to others around the world. Our interdependence can be a source of strength and our diversity can become a source of unity.

Let us therefore measure our progress in international trade and economic matters with this legislation in the context of what it does to the economic and social stability of the region without undermining the economic and social fiber of this great Nation and its people.

This is a 12-year program. It is my ardent hope that this administration and all succeeding administrations will honor the commitment to the American people not to issue a waiver to any country for economic and security reason on political grounds, but rather make this and any future agreements a two-way mutually beneficial agreement. The CBI offers beneficiary countries a unilateral, one-way trade preference program as an incentive for their economic development. It is appropriate to seek in return good faith actions with respect to U.S. trade interest.

WITHHOLDING

Mr. President, the genesis of withholding has been torturous during the 97th and 98th Congress. The withholding provision contained within the Tax Equity and Fiscal Responsibility Act of 1982 was added during the Republican caucus on the composition of the bill. Withholding was not contained within the original Dole-Grassley compliance bill. Senator DOLE and I adopted a series of compliance measures designed to remedy the underreporting of interest and dividend income. During our drafting deliberations, both Senator DOLE and I rejected universal withholding as a viable option on both philosophical and political grounds. Both of us sought a solution which was more precisely tailored to the specific compliance problems in interest and dividend reporting.

During the Republican Caucus on TEFRA, the Finance Committee Senators had come approximately $15 billion short of their reconciliation goal. The Republican members on the committee unanimously decided to impose a 5 cent gasoline tax to be placed in the highway trust fund for road repair as the best source of revenue. After this position was adopted, we were advised that a gas tax was strongly opposed by the President and that its inclusion in TEFRA would provoke a veto. the only remaining revenue option of sufficient magnitude to comply with the budget act was the imposition of withholding on interest and dividends, unless the committee decided to repeal the third year of the tax cut or repeal indexing. Neither of these options was acceptable to the committee.

Clearly, enacting such a measure to hit reconciliation totals was a difficult and unpopular task for all of the Republicans on the Finance Committee. However, the members of the committee took their budget instructions seriously and reconciled. Finance, unlike its sister committees, did achieve its reconciliation totals.

Although withholding was not a new tax, it turned out to be an extremely unpopular revenue collection device. Many Senators responded to the justifiable concern of their constitutents and urged the repeal of this measure. These Senators overlooked the immediate revenue shortfall caused by the repeal of this measure.

Budget and revenue decisions are difficult to make. As a member of both the Finance and Budget Committees, I can sympathize with my colleagues as they agonize over difficult budget choices. Yet, if the budget act is to have any meaning and if the current deficit crisis is to be remedied, political courage will be needed. Twenty years of failing to make these hard choices has put us in the spot we are trying to ignore today. All of us have a responsibility to educate our constitutents that their immediate displeasure with withholding or the curtailment of the medical expense deduction or whatever the source of their complaint, should be tempered by their desire to see Congress achieve a balanced budget.

After voting for a series of revenue increase bills in the past 2 years to comply with the budget, while I watch other committees submit additional authorizing or appropriating language, I must admit I am discouraged. For my own part, I will not continue to vote for tax increases until Congress exercises some fiscal restraint. I do not intend to put myself in the position of defending unpopular tax provisions designed to achieve revenue totals while spending goes unchecked.

I support this compromise package because it incorporates many of the ideas contained within the original Dole-Grassley compliance bill. It is narrowly drawn to remedy specific areas of noncompliance. To elect to repeal withholding and ignore the compliance problem, is to sanction tax avoidance by wealthy taxpayers who have enough capital to save and invest. A 15-percent noncompliance rate for recipients of passive investment income should not be tolerated by the Congress while the wage-earners of America have achieved a 99-percent compliance rate. The backup provisions have the potential to achieve a substantial amount of the revenue which would have been generated by mandatory withholding after a number of years. It is important to the integrity of the American tax system that all taxpayers pay their fair share. To ignore the compliance problem will contribute to the demise of our revenue system and signal to our Nation's workers that a different set of rules applies to our wealthier taxpayers. I do not intend to sanction this type of different justice and will support the committee amendment.

Mr. MURKOWSKI. Mr. President, I rise today in support of that part of the Finance Committee amendment relating to withholding on interest and dividend payments. I believe that the best approach that we can take is to both repeal withholding, and adopt a package of measures to improve tax compliance with respect to interest and dividend income.

It is clear that there is a substantial problem with tax compliance in this area. As the distinguished Senator from Kansas has pointed out, 20 million taxpayers file returns that understate dividend and interest income, and another 5 to 6 million people do not file returns at all. In this time of outrageous budget deficits, we cannot afford to ignore an annual tax revenue loss of $8 billion due to unreported interest and dividend payments. Before we consider raising taxes to reduce those deficits, we should make a greater effort to insure that those who owe taxes pay them.

In the view of this Senator, the committee amendment is an eminently

reasonable approach to the problem of underreporting and underpayment of interest and dividend payments. It repeals withholding on interest and dividend payments, thereby removing this onerous burden on honest taxpayers and the financial institutions and businesses of this country. In its place, the amendment takes a three-pronged approach to the tax compliance problem in this area. It strengthens other compliance measures; it provides for a thorough review of existing Internal Revenue Service compliance measures; and it authorizes an increase in Internal Revenue Service funding so that it can implement the new tax compliance measures. In essence, the committee amendment contains the basic elements of the Dole/Kasten compromise that I helped negotiate in April.

The closer we get to the startup date of withholding, the more money businesses and the Government spend to implement it. It is my hope that, should the Senate adopt the amendment, the House will also see the wisdom of the Senate Finance Committee approach, and accept H.R. 2973 as amended. It is time to act decisively and resolve this matter. I urge my colleagues to support the committee amendment.

The PRESIDING OFFICER. Are there further amendments? If not, the question is on agreeing to the committee amendment in the nature of a substitute, as amended. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Alabama (Mr. DENTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from North Carolina (Mr. HELMS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. BOSCHWITZ) would vote "yea".

Mr. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. CRANSTON), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. SASSER), is absent because of illness.

The VICE PRESIDENT. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 48, nays 41, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—48

Abdnor	Cochran	Domenici
Andrews	Cohen	Durenberger
Armstrong	D'Amato	East
Baker	Danforth	Garn
Chafee	Dole	Gorton
Grassley	Mattingly	Simpson
Hatch	McClure	Specter
Hatfield	Moynihan	Stevens
Hawkins	Murkowski	Symms
Hecht	Nickles	Thurmond
Humphrey	Packwood	Tower
Jepsen	Percy	Trible
Kassebaum	Pressler	Wallop
Kasten	Quayle	Warner
Laxalt	Roth	Weicker
Lugar	Rudman	Wilson

NAYS—41

Baucus	Ford	Melcher
Bentsen	Glenn	Metzenbaum
Bingaman	Hart	Mitchell
Boren	Heflin	Nunn
Bradley	Hollings	Pell
Bumpers	Huddleston	Proxmire
Burdick	Jackson	Pryor
Byrd	Johnston	Randolph
Chiles	Kennedy	Riegle
DeConcini	Lautenberg	Sarbanes
Dixon	Leahy	Stennis
Dodd	Levin	Tsongas
Eagleton	Long	Zorinsky
Exon	Matsunaga	

NOT VOTING—11

Biden	Goldwater	Mathias
Boschwitz	Heinz	Sasser
Cranston	Helms	Stafford
Denton	Inouye	

So the committee amendment in the nature of a substitute (No. 1412), as amended, was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the committee amendment, as amended, was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Third reading.

The VICE PRESIDENT. The question is on the engrossment of the committee amendment, as amended, and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. LONG. Yeas and nays, Mr. President.

The VICE PRESIDENT. The yeas and nays are requested on the bill.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

Mr. BAKER. Mr. President, there will be no more votes tonight.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from North Carolina (Mr. HELMS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. BOSCHWITZ) would vote "yea."

Mr. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. CRANSTON), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. SASSER) is absent because of illness.

The PRESIDING OFFICER (Mrs. HAWKINS). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 86, nays 4, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—86

Abdnor	Glenn	Nickles
Andrews	Gorton	Nunn
Armstrong	Grassley	Packwood
Baker	Hart	Pell
Baucus	Hatch	Percy
Bentsen	Hatfield	Pressler
Bingaman	Hawkins	Proxmire
Boren	Hecht	Pryor
Bradley	Heflin	Quayle
Bumpers	Hollings	Randolph
Burdick	Huddleston	Riegle
Byrd	Humphrey	Roth
Chafee	Jackson	Rudman
Chiles	Jepsen	Sarbanes
Cochran	Johnston	Simpson
Cohen	Kassebaum	Specter
D'Amato	Kasten	Stennis
Danforth	Laxalt	Stevens
DeConcini	Leahy	Symms
Denton	Levin	Thurmond
Dixon	Long	Tower
Dole	Lugar	Trible
Domenici	Matsunaga	Tsongas
Durenberger	Mattingly	Wallop
Eagleton	McClure	Warner
East	Melcher	Weicker
Exon	Mitchell	Wilson
Ford	Moynihan	Zorinsky
Garn	Murkowski	

NAYS—4

Dodd	Lautenberg
Kennedy	Metzenbaum

NOT VOTING—10

Biden	Heinz	Sasser
Boschwitz	Helms	Stafford
Cranston	Inouye	
Goldwater	Mathias	

So the bill (H.R. 2973), as amended, was passed.

Mr. DOLE. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. KASTEN. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Madam President, I also wish to thank members of our committee and my distinguished colleague from Louisiana, Senator LONG, and the others, for helping us expedite the procedure, and I can say, as I said before the vote, that we do intend to go to conference. We do understand that a clear majority in the Senate and the House of Representatives want to repeal withholding on interest and dividends. It is my hope, though, that we can salvage a compliance provision which will preserve about half the revenue and ultimately about 68 percent of the revenue by 1988.

Having mentioned that, I certainly would not want to close this debate without thanking my distinguished colleague from Wisconsin, Senator

KASTEN, who has done an outstanding job and performed, I think, exceptionally well, and he is the winner and I am the loser. But he did it in the right way and the fair way, and I certainly extend him congratulations.

I suggest that it never was a personal matter as far as who won or who lost. It is a matter of policy. He saw it one way; I saw it another way. Many Members saw it in different ways.

But in the final analysis we found ourselves supporting efforts for compliance because I firmly believe that most Americans expect us to collect taxes that are due.

Without the strong support of the Senator from Wisconsin, we would not have had compliance. So I certainly extend the credit where credit is due.

I only finally say I wish to thank the leadership, the distinguished majority leader, and minority leader.

I believe that there are a number of good provisions in this bill, and I regret, in a sense, there was not more time for debate or discussion, but we did make every effort, and I would have had a full bill available, I assume, had it not been the fact that the bill was held at the desk and we called it up today. But we did print the entire bill on June 8 and a report has been available since that time.

This Senator is not certain what may come out of conference, but I am certain of one thing. It will repeal withholding, and I hope its compliance and some of the other provisions that we have adopted by a vote of 86 to 4 is an indication of the strong support not just for the withholding area but I hope reflects a strong bipartisan support for the other provisions in the committee substitute as modified.

Madam President, I move that the Senate insist on its amendments and ask for a conference with the House of Representatives and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. DOLE, Mr. PACKWOOD, Mr. ROTH, Mr. DANFORTH, Mr. LONG, Mr. MATSUNAGA, and Mr. BENTSEN conferees on the part of the Senate.

Mr. KASTEN. Madam President, I simply wish to respond to my friend, the Senator from Kansas, and say there are not any winners or losers in this effort. I think that we can all call ourselves winners, and certainly the Senator from Kansas is a winner. We have compliance. We have the direction that we are trying to go in, and I thank and congratulate him for his efforts in working along with all of us, and I really believe that all of us have won and the administration, hopefully, is going to adopt this compromise. We have compliance. We have a way of finding the people who are not presently complying with the law on reporting of income on interest and dividends.

I think that all of us can call ourselves winners and certainly the Senator from Kansas is a winner.

I told him earlier before it is sure more fun to be on the same side than against him, and I have enjoyed the last several days a whole lot more than I enjoyed the several days a few weeks ago.

Mr. DOLE. Madam President, if the Senator will yield, I think we omitted the important group, and that is members of our staff who have been struggling with this while we were off doing other things, not only members of Senator KASTEN's staff and my staff and the committee staff, but the joint committee staff as well as Mr. Kaplan of Treasury and Don Regan himself, and Ken Duberstein at the White House. We had a lot of people trying to work out the problems, and I really want the record to show we are very grateful to those who helped us on a daily basis.

Mr. KASTEN. Madam President, I agree with the Senator. All of our staffs working together, I think, have produced a result in which I guess not only some of us elected officials can say we are all winners but also the staffs, all of our staffs can be proud of the efforts that we put together, and I certainly thank them for their dedicated work.

Mr. BAKER. Madam President, I will not take but a moment. I wish to congratulate the distinguished chairman of the Finance Committee and the ranking minority member once again for their excellent work in handling this matter and bringing it to the Senate so the Senate may work its will on this sensitive issue.

I congratulate as well the Senator from Wisconsin who has shown competence, skill, determination, and success in an important issue, and he did it with grace and style.

Madam President, once again, I extend my appreciation to the minority leader for his unfailing cooperation and efforts to make the Senate work and without his cooperation it would not be possible to accomplish the rather prodigious amount of work that we have done in the Senate this week. I wish to express my appreciation to him.

Mr. BYRD. Madam President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. I thank him for his comments.

I express my thanks to Mr. DOLE and Mr. LONG, who were the managers of the bill, and they have demonstrated their usual skill and courtesy.

There were some parts of the package amendment that I was opposed to, but it was a matter of accepting the whole package or no package, and there were some parts of it that I supported. Of course, we made our efforts repeatedly to knock out the package. We failed and consequently our only course was to vote for or against the bill. I felt that the good outweighed the bad so I voted for the bill.

I thank the majority leader again for his kindness to me.

ROUTINE MORNING BUSINESS

Mr. BAKER. Madam President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 7:50 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The following statements were delivered or submitted during the day:)

THREATENED VETOES OF FISCAL YEAR 1984 APPROPRIATIONS BILLS

Mr. HATFIELD. Mr. President, I am extremely dismayed by recent news accounts that report of a congressional willingness to sustain Presidential vetoes of fiscal year 1984 appropriation bills when those bills do not meet the President's specification. Most of these bills have not yet even been considered by our Appropriations Committee and none has been debated on the floor of this body, much less been sent to the President for his signature.

Are our colleagues going to prejudge the work of the Appropriations Committee and find it wanting before the first 1984 bill is even ordered reported in this body?

Shall the Appropriations Committee accept at face value every request made by every administration, invite no outside witnesses to testify before it, and simply rubber-stamp for Senate action whatever gets sent up here from OMB?

Shall the Appropriations Committee ignore the views of members concerning specific line items in the administration estimates and simply report the administration numbers without changing one jot or one tittle?

This Senator has held the naive view of our Federal process that—the President proposes; Congress disposes.

The President proposes a budget request that meets the priorities and objectives as perceived by that one person. The legislative branch, a separate but equal part of Government, then considers that request and, through the appropriations process, recommends to the President for his signature a series of bills that set forth the needs of this Nation as determined by the collective wisdom of 535 Members of Congress.

Mr. President, I do not denigrate or belittle the difficulties of preparing Presidential estimates of the appropri-

ate level of Federal spending provided in annual appropriations bills.

Each of us must balance his view of the amounts necessary for each worthwhile program with the need for maintaining fiscal restraint and reducing Federal spending. But each of us would go about this in a different way.

I am quite certain that I can prepare a personal budget that substantially reduces the deficits projected in the President's request. But I am also certain that my budget would not match the President's spending priorities; and would not achieve a majority vote on the floor of this body.

While I regret that, I also understand that this body does not work that way. The framers of our Constitution did not expect us to hold, neither within Congress or between Congress and the Executive, a homogenous single view of what was best for our country. The framers demonstrated a remarkable talent, that we should strive to emulate, for resolving conflict through compromise and consensus. The appropriations bills we report to the floor embody this consensus approach.

Without doubt, Mr. President, there is no unanimity in this body about the best way to reduce the burgeoning deficits contained in the President's budget projections. Some prefer smaller increases in the growth of defense spending, limitations on the scheduled tax reductions, or entitlement changes. Few seem to support further reductions in nondefense discretionary spending. I point out to my colleagues that the fiscal year 1984 budget resolution reported by the Budget Committee and passed by the Senate provided in the aggregate for additions to, not subtractions from, the nondefense discretionary spending amounts of the President's request.

Of the three amendments agreed to on the floor of this body during consideration of the budget resolution, all were additions to the reported resolution levels for nondefense spending. Not one amendment reducing nondefense spending was accepted by this body.

This stands to reason, Mr. President, for whatever the problems may be with projected budget deficits, the problem does not lie with nondefense discretionary spending. Compared to actual fiscal year 1981 levels, the Senate-passed budget resolution anticipates an 88-percent increase in national defense spending by 1989, a 42-percent increase in spending for mandatory items, a 56-percent increase in net interest costs, and a decline in all other spending.

Mr. President, I ask unanimous consent that a table setting forth these projections of outlays by major spending category be placed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPOSITION OF THE BUDGET

[In billions of dollars]

Category	Actual			Senate-passed resolution			
	1980	1981	1982	1983	1984	1985	1986
National defense	135.9	159.8	187.4	214.3	241.6	269.6	299.8
Mandatory items	267.5	309.2	344.1	389.8	389.0	413.7	440.5
Net interest	52.5	68.7	84.7	87.6	95.9	104.2	107.0
All other spending, net [1]	120.9	119.6	112.2	115.6	123.2	123.3	118.6
Total spending	576.7	657.2	728.4	807.3	849.7	910.8	966.0
Revenues	517.1	599.3	617.8	603.3	671.1	743.1	835.9
Deficit	59.6	57.9	110.6	204.0	178.6	167.7	130.1

[1] Includes spending from prior-year budget authority.

Mr. HATFIELD. Mr. President, some might argue that budget resolution projections are just statements of political "good intentions." For them, I provide information in the above table on actual, not projected, spending. Let us look at the figures for the fiscal year 1980–82 period. Total spending increased from $576.7 billion to $728.4 billion. National defense spending increased $51.5 billion or 38 percent. Spending on mandatory items such as social security, medicare, medicaid, veterans compensation and pensions increased by $76.6 billion or 29 percent. Net interest costs rose $32.2 billion or 61 percent. All other spending, contained in annual appropriations acts, declined by $8.7 billion or 7 percent.

it is evident from these figures that it has not been the appropriations process, at least not the nondefense bills, that have caused the burgeoning Federal deficit. The $200 billion deficits we now face have been caused by an appalling increase in defense spending, excessive tax reductions, entitlement growth, and revenue losses due to a struggling economy. It is also evident from these figures that all nondefense spending in each of the fiscal years 1983 to 1985 could be totally eliminated and the projected deficit would not go away.

Threatening to veto all nondefense appropriations bills over the President's request, therefore, strikes me as more of a political exercise than prudent fiscal policy aimed at reducing deficits. A more responsible benchmark, it seems to me is the budget resolution. Here again the Appropriations Committee has shown remarkable restraint.

In the March views and estimates presented by the Appropriations Committee to the Budget Committee for its consideration during fiscal year 1984 budget deliberations 8 of the 10 appropriatons subcommittees with domestic spending jurisdiction projected "high estimates" of fiscal year 1984 budget authority spending that are below the Senate Budget Committee assumptions for those subcommittees in the Senate passed budget resolution. I ask unanimous consent that a table setting forth the Senate appropriations "low and high estimates" plus House-passed and Senate-passed budget resolutions be placed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1984 ESTIMATES

[In billions of dollars]

Subcommittee	Mar. 15 estimates				President [1]		Budget resolutions			
	Low		High				Senate passed		House passed	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Agri	34.0	21.4	36.2	24.4	34.3	21.6	34.1	23.1	38.0	24.8
CJ	10.2	11.0	10.2	11.1	9.9	11.0	10.9	11.5	10.8	11.2
DE	263.5	231.2	263.5	231.2	265.3	231.2	256.0	228.3	249.7	222.4
DC	.6	.6	.6	.6	.6	.6	.6	.6	.6	.6
EW	14.5	14.4	15.1	14.8	14.4	14.7	15.2	14.9	15.3	14.9
FO	11.6	9.4	12.1	9.9	11.7	9.4	11.9	9.7	12.0	9.6
HUD	46.2	57.4	55.4	58.4	49.6	57.9	57.7	58.4	66.2	60.1
Int	6.7	8.0	8.3	9.0	6.7	8.2	8.7	9.4	8.7	9.2
LHHS	97.1	103.9	105.2	109.0	95.8	105.1	105.5	108.7	117.6	118.7
LB	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
MilCon	8.2	7.2	8.7	7.2	8.7	7.3	8.2	7.2	8.1	7.1
TR	11.0	24.8	13.2	26.5	10.9	25.0	10.9	25.4	11.5	25.6
TPO	11.6	11.5	12.0	11.9	11.6	11.5	12.3	12.3	12.5	12.7
Unassigned			4.9	4.8	.9	.9	.6	.6	1.4	1.4
Total	516.7	502.3	546.9	520.3	521.8	506.0	534.0	511.5	553.8	520.0

[1] BA from CSBA's; outlays from CBO.

Note: Detail may not add to total due to rounding.

Mr. HATFIELD. I pledge to my colleagues that the Appropriations Committee will continue to conform to the aggregate numbers of the budget resolution in reporting the 13 appropriations bills. I expect I will continue to enjoy the full cooperation of Chairman DOMENICI in that pursuit.

In closing, let me reiterate my firm belief that the President would be most ill-advised, for political and fiscal reasons, to veto appropriations bills that meet guidelines established by this body and Congress as a whole in the budget process, and I will strenuously oppose any such vetoes if they do occur.

U.S.-SOVIET RELATIONSHIP IN A NUCLEAR AGE

Mr. PERCY. Mr. President, yesterday, Secretary of State George Shultz appeared before the Foreign Relations Committee to open one of our most important series of hearings on the U.S.-Soviet relationship in a nuclear age.

The Secretary's opening statement was a comprehensive description of the Reagan administration's Soviet policy. In his introduction, Secretary Shultz said that the President had personally read the statement in its entirety, had made some suggestions, and had "signed off" on it. For this reason, and because I found it a realistic, if not hopeful, statement, I would like to share it in full with my colleagues.

Let me highlight just a few passages:

A peaceful world order does not require that we and the Soviets agree on all the fundamentals of morals or politics. It does, require, however, that Moscow's behavior be subject to the restraint appropriate to living together on this planet in the nuclear age.

A little later on,

. . . we must leave Moscow no opportunity to distort or misconstrue our own intentions. We will defend our interests if Soviet conduct leaves us no alternative; at the same time we will respect legitimate Soviet security interests and are ready to negotiate equitable solutions to outstanding political problems.

And finally,

There is no certainty that our current negotiations with the Soviets will lead to acceptable agreements. What is certain is that we will not find ourselves in the position in which we found ourselves in the aftermath of detente. We have not staked so much on the prospect of a successful negotiating outcome that we have neglected to secure ourselves against the possibility of failure.

Mr. President, I ask unanimous consent that the full text of Secretary Shultz's comprehensive statement on United States-Soviet relations be inserted in the RECORD.

There being no objection, the statement is ordered to be printed in the RECORD, as follows:

UNITED STATES-SOVIET RELATIONS IN THE CONTEXT OF U.S. FOREIGN POLICY

(Statement by the Honorable George P. Shultz)

Mr. Chairman, distinguished members of this committee, I welcome the opportunity to discuss with you our approach to US-Soviet relations in the context of our broader foreign policy.

The management of our relations with the Soviet Union is of utmost importance. That relationship touches virtually every aspect of our international concerns and objectives—political, economic, and military—and every part of the world.

We must defend our interests and values against a powerful Soviet adversary that threatens both. And we must do so in a nuclear age, in which a global war would even more thoroughly threaten those interests and values. As President Reagan pointed out on March 31: "We must both defend freedom and preserve the peace. We must stand true to our principles and our friends while preventing a holocaust."

It is, as he said, "one of the most complex moral challenges ever faced by any generation."

We and the Soviets have sharply divergent goals and philosophies of political and moral order; these differences will not soon go away. Any other assumption is unrealistic. At the same time, we have a fundamental common interest in the avoidance of war. This common interest impels us to work toward a relationship between our nations that can lead to a safer world for all mankind.

But a safer world will not be realized through good will. Our hopes for the future must be grounded in a realistic assessment of the challenge we face and in a determined effort to create the conditions that will make their achievement possible. We have made a start. Every postwar American president has come sooner or later to recognize that peace must be built on strength; President Reagan has long recognized this reality. In the past two years this nation—the President in partnership with the Congress—has made a fundamental commitment to restoring its military and economic power and moral and spiritual strength. And having begun to rebuild our strength, we now seek to engage the Soviet leaders in a constructive dialogue—a dialogue through which we hope to find political solutions to outstanding issues.

This is the central goal we have pursued since the outset of this Administration. We do not want to—and need not—accept as inevitable the prospect of endless, dangerous confrontation with the Soviet Union. For if we do, then many of the great goals that the United States pursues in world affairs—peace, human rights, economic progress, national independence—will also be out of reach. We can—and must—do better.

With that introduction, let me briefly lay out for this Committee what I see as the challenge posed by the Soviet Union's international behavior in recent years and the strategy which that challenge requires of us. Then I would like to discuss steps this Administration has taken to implement that strategy. Finally, I will focus on the specific issues that make up the agenda for US-Soviet dialogue and negotiation.

Together, these elements constitute a policy that takes account of the facts of Soviet power and of Soviet conduct, mobilizes the resources needed to defend our interests, and offers an agenda for constructive dialogue to resolve concrete international problems. We believe that, if sustained, this policy will make international restraint Moscow's most realistic course, and it can lay the foundation for a more constructive relationship between our peoples.

I. THE SOVIET CHALLENGE

It is sometimes said that Americans have too simple a view of world affairs, that we start with the assumption that all problems can be solved. Certainly we have a simple view of how the world should be—free peoples choosing their own destinies, nurturing their prosperity, peaceably resolving conflicts. This is the vision that inspires America's role in the world. It does not, however, lead us to regard mutual hostility with the USSR as an immutable fact of international life.

Certainly there are many factors contributing to East-West tension. The Soviet Union's strategic Eurasian location places it in close proximity to important Western interests on two continents. Its aspirations for greater international influence lead it to challenge these interests. Its Marxist-Leninist ideology gives its leaders a perspective on history and a vision of the future fundamentally different from our own. But we are not so deterministic as to believe that geopolitics and ideological competition must ineluctably lead to permanent and dangerous confrontation. Nor is it permanently inevitable that contention between the United States and the Soviet Union must dominate and distort international politics.

A peaceful world order does not require that we and the Soviet Union agree on all the fundamentals of morals or politics. It does require, however, that Moscow's behavior be subject to the restraint appropriate to living together on this planet in the nuclear age. Not all the many external and internal factors affecting Soviet behavior can be influenced by us. But we take it as part of our obligation to peace to encourage the gradual evolution of the Soviet system toward a more pluralistic political and economic system, and above all to counter Soviet expansionism through sustained and effective political, economic, and military competition.

In the past decade, regrettably, the changes in Soviet behavior have been for the worse. Soviet actions have come into conflict with many of our objectives. They have made the task of managing the Soviet-American relationship considerably harder, and have needlessly drawn more and more international problems into the East-West rivalry.

To be specific, it is the following developments which have caused us the most concern:

First is the continuing Soviet quest for military superiority even in the face of mounting domestic economic difficulties.

In the late 1970's the allocation of resources for the Soviet military was not only at the expense of the Soviet consumer. It came even at the expense of industrial investment on which the long-term development of the economy depends. This decision to mortgage the industrial future of the country is a striking demonstration of the inordinate value the Soviets assign to maintaining the momentum of the relentless military buildup underway since the mid-1960's. This buildup consumed an estimated

annual average of at least 12 percent of Soviet GNP throughout this entire period, and has recently consumed even more as a result of the sharp decline in Soviet economic growth. During much of this same period, as you know, the share of our own GNP devoted to defense spending has actually declined.

The second disturbing development is the unconstructive Soviet involvement, direct and indirect, in unstable areas of the Third World. Arms have become a larger percentage of Soviet exports than of the export trade of any other country. The Soviets have too often attempted to play a spoiling or scavenging role in areas of concern to us, most recently in the Middle East.

Beyond this, the Soviets in the 70's broke major new ground in the kinds of foreign military intervention they were willing to risk for themselves or their surrogates. This has escalated from the provision of large numbers of military advisers, to the more extensive and aggressive use of proxy forces as in Angola, Ethiopia, and Indochina, and finally to the massive employment of the Soviet Union's own ground troops in the invasion of Afghanistan. In this way, the Soviet Union has tried to block peaceful solutions and has brought East-West tensions into areas of the world that were once free of them.

Third is the unrelenting effort to impose an alien Soviet "model" on nominally independent Soviet clients and allies. One of the most important recent achievements in East-West relations was the negotiation of the Helsinki Final Act, with its pledges concerning human rights and national independence in Europe. Poland's experience in the past two years can be considered a major test of the Soviet Union's respect—or lack of it—for these commitments. Moscow clearly remains unwilling to countenance meaningful national autonomy for its satellites, let alone real independence.

Elsewhere in the world, the coming to power of Soviet-supported regimes has usually meant (as in Afghanistan) the forcible creation of Soviet-style institutions and the harsh regimentation and repression of free expression and free initiative—all at enormous human, cultural, and economic cost.

Fourth is Moscow's continuing practice of stretching a series of treaties and agreements to the brink of violation and beyond. The Soviet Union's infringement of its promises and legal obligations is not confined to isolated incidents. We have had to express our concerns about Soviet infractions on one issue after another—human rights and the Helsinki Final Act, "yellow rain" and biological warfare. We are becoming increasingly concerned about Soviet practices—including the recent testing of ICBMs—that raise questions about the validity of their claim of compliance with existing SALT agreements. Little else is so corrosive of international trust as this persistent pattern of Soviet behavior.

II. THE AMERICAN RESPONSE: BEYOND CONTAINMENT AND DÉTENTE

This assessment of Soviet international behavior both dictates the approach we must take to East-West relations, and indicates the magnitude of the task.

If we are concerned about the Soviet commitment to military power, we have to take steps to restore the military balance, preferably on the basis of verifiable agreements that reduce arms on both sides, but if necessary through our own and allied defense programs.

If we are concerned about the Soviet propensity to use force and promote instability, we have to make clear that we will resist encroachments on our vital interests and those of our allies and friends.

If we are concerned about the loss of liberty that results when Soviet clients come to power, then we have to ensure that those who have a positive alternative to the Soviet model receive our support.

Finally, if we are concerned about Moscow's observance of its international obligations, we must leave Moscow no opportunity to distort or misconstrue our own intentions. We will defend our interests if Soviet conduct leaves us no alternative; at the same time we will respect legitimate Soviet security interests and are ready to negotiate equitable solutions to outstanding political problems.

In designing a strategy to meet these goals, we have, of course, drawn in part on past strategies, from containment to detente. There is, after all, substantial continuity in US policy, a continuity that reflects the consistency of American values and American interests. However, we have not hesitated to jettison assumptions about US-Soviet relations that have been refuted by experience or overtaken by events.

Consider how the world has changed since the Truman Administration developed the doctrine of containment. Soviet ambitions and capabilities have long since reached beyond the geographic bounds that this doctrine took for granted. Today Moscow conducts a fully global foreign and military policy that places global demands on any strategy that aims to counter it. Where it was once our goal to contain the Soviet presence within the limits of its immediate postwar reach, now our goal must be to advance our own objectives, where possible foreclosing and when necessary actively countering Soviet challenges wherever they threaten our interests.

The policy of detente, of course, represented an effort to induce Soviet restraint. While in some versions it recognized the need to resist Soviet geopolitical encroachments, it also hoped that the anticipation of benefits from expanding economic relations and arms control agreements would restrain Soviet behavior.

Unfortunately, experience has proved otherwise. The economic relationship may have eased some of the domestic Soviet economic constraints that might have at least marginally inhibited Moscow's behavior. It also raised the specter of a future Western dependence on Soviet-bloc trade that would inhibit Western freedom of action towards the East more than it would dictate prudence to the USSR. Similarly, the SALT I and SALT II processes did not curb the Soviet strategic arms buildup, while encouraging many in the West to imagine that security concerns could now be placed lower on the agenda.

Given these differences from the past, we have not been able merely to tinker with earlier approaches. Unlike containment, our policy begins with the clear recognition that the Soviet Union is and will remain a global superpower. In response to the lessons of this global superpower's conduct in recent years, our policy, unlike some versions of detente, assumes that the Soviet Union is more likely to be deterred by our actions that make clear the risks their aggression entails than by a delicate web of interdependence.

Our policy is not based on trust, or on a Soviet change of heart. It is based on the expectation that, faced with demonstration of the West's renewed determination to strengthen its defenses, enhance its political and economic cohesion, and oppose adventurism, the Soviet Union will see restraint as its most attractive, or only, option.

Perhaps, over time, this restraint will become an ingrained habit; perhaps not. Either way, our responsibility to be vigilant is the same.

III. PROGRAMS TO INCREASE OUR STRENGTH

In a rapidly evolving international environment, there are many fundamental ways the democratic nations can, and must, advance their own goals in the face of the problem posed by the Soviet Union. We must build a durable political consensus at home and within the Atlantic Alliance on the nature of the Soviet challenge. We must strengthen our defenses and those of our allies. We must build a common approach within the Alliance on the strategic implications of East-West economic relations. And we must compete peacefully and even more effectively with the USSR for the political sympathies of the global electorate, especially through the promotion of economic dynamism and democracy throughout the World. Finally, we must continue rebuilding America's moral-spiritual strength. If sustained over time, these policies can foster a progressively more productive dialogue with the Soviet Union itself.

Building Consensus. From the beginning of this Administration, the President recognized how essential it was to consolidate a new consensus, here at home and among our traditional allies and friends.

After fifteen years in which foreign policy had been increasingly a divisive issue, he believed we had an opportunity to shape a new unity in America, expressing the American people's recovery of self-confidence. After the trauma of Vietnam, he sought to bolster a realistic pride in our country and to reenforce the civic courage and commitment on which the credibility of our military deterrent ultimately rests.

The President also felt that the possibility of greater cooperation with our allies depended importantly on a reaffirmation of our common moral values and interests. There were, as well, opportunities for cooperation with friendly governments of the developing world and new efforts to seek and achieve common objectives.

Redressing the Military Balance. President Reagan also began a major effort to moderize our military forces. The central goal of our national security policy is deterrence of war; restoring and maintaining the strategic balance is a necessary condition for that deterrence. But the strategic balance also shapes, to an important degree, the global environment in which the United States pursues its foreign policy objectives. Therefore, decisions on major strategic weapons systems can have profound political as well as military consequences.

As Secretary of State I am acutely conscious of the strength or weakness of American power and its effect on our influence over events. Perceptions of the strategic balance are bound to affect the judgments of not only our adversaries but also our allies and friends around the world who rely on us. As leader of the democratic nations, we have an inescapable responsibility to maintain this pillar of the military balance, which only we can maintain. Our determination to do so is an important signal of our resolve, and is essential to sustaining the confidence of allies and friends and the co-

hesion of our alliances. This is why the Congress's support of the Peacekeeper ICBM program has been such a valuable contribution to our foreign policy, as well as to our defense.

At the same time, we have begun an accelerated program to strengthen our conventional capabilities. We are pursuing major improvements of our ground, naval, and tactical air forces; we have also added a new Central Command in the Middle East that will enhance our ability to deploy forces rapidly if threats to our vital interests make this necessary. To deter or deal with any future crisis, we need to maintain both our conventional capabilities and our strategic deterrent.

We are also working closely with our allies to improve our collective defense.

As shown in the security declaration of the Williamsburg Summit and in the North Atlantic Council communique of just the other day, we and our allies are united in our approach in the INF negotiations in Geneva and remain on schedule for the deployment of Pershing II and ground-launched cruise missiles. That deployment will take place as planned unless we are able to reach a balanced and verifiable agreement at Geneva which makes deployment unnecessary.

Upgrading NATO's conventional forces is, of course, a collective Alliance responsibility. At the NATO summit in Bonn a year ago, the President and the leaders of the Atlantic Alliance reaffirmed that a credible conventional defense is essential to ensuring European security. We and our allies will continue our efforts toward this goal. At the same time, we have taken steps to ensure a more equitable sharing of the burden of that defense. As a measure of the value of such steps, we estimate that last year's agreement with the FRG on host-nation support will cost about 10 percent of what it would cost to provide the same capability with US reserves or 3 percent of what it would cost to provide that capability with active forces.

The Soviets apparently believe they can weaken or divide the Western Alliance if they can dominate outlying strategic areas and resources.

To deter threats to our vital interests outside of Europe, we are developing our ability to move forces, supported by our allies, to key areas of the world such as Southwest Asia. The allies are also working with us to contribute to stability and security in certain volatile areas, including Lebanon and the Sinai.

In Asia we are modernizing our forces and are working with our allies, especially Japan and Korea, to improve their ability to fulfill agreed roles and missions.

Reassessing the Security Implications of East-West Economic Relations. The balance of power cannot be measured simply in terms of military forces or hardware; military power rests on a foundation of economic strength. Thus, we and our allies must not only strengthen our own economies but we must also develop a common approach to our economic relations with the Soviet Union that takes into account our broad strategic and security interests. In the past, the nations of the West have sometimes helped the Soviets to avoid difficult economic choices by allowing them to acquire militarily relevant technology and subsidized credits. Possible dependence on energy imports from the Soviet Union is another cause for concern.

In the past year, we have made substantial progress toward an allied consensus on East-West trade. The Williamsburg Summit declaration stated clearly:

"East-West economic relations should be compatible with our security interests." The NATO communique two days ago made a similar statement. Our allies agree with us that trade which makes a clear and direct contribution to the military strength of the Soviet Union should be prohibited. There is also general agreement that economic relations with the USSR should be conducted on the basis of a strict balance of mutual advantages.

Studies undertaken under NATO and OECD auspices have for the first time laid the groundwork for common analyses. We expect in time to draw common policy conclusions from these studies. The communique of the OECD ministerial meeting on May 9-10 declared that "East-West trade and credit flows should be guided by the indications of the market. In the light of these indications, Governments should exercise financial prudence without granting preferential treatment." The United States seeks agreement that we not subsidize Soviet imports through the terms of government credits. Beyond this, we urge other Western governments to exercise restraint in providing or guaranteeing credit to the Soviet Union, allowing the commercial considerations of the market to govern credit.

Similarly, at the IEA ministerial meeting in Paris on May 8, it was agreed that security concerns should be considered among the full costs of imported energy, such as gas; it was agreed that countries "would seek to avoid undue dependence on any one source of gas imports and to obtain future gas supplies from secure sources, with emphasis on indigenous OECD sources."

The fruitful cooperative discussions of these issues at the OECD, IEA, Williamsburg, and NATO are only a beginning. Economic relationships are a permanent element of the strategic equation. How the West should respond economically to the Soviet challenge will and should be a subject of continuing discussion in Western forums for years to come.

Peace and Stability in the Third World. Since the 1950's, the Soviet Union has found in the developing regions of the Third World its greatest opportunities for extending its influence through subversion and exploitation of local conflicts. A satisfactory East-West military balance will not by itself close off such opportunities. We must also respond to the economic, political, and security problems that contribute to these opportunities. Our approach has four key elements:

First, in the many areas where Soviet activities have added to instability, we are pursuing peaceful diplomatic solutions to regional problems, to raise the political costs of Soviet-backed military presence and to encourage the departure of Soviet-backed forces. Our achievements in the Middle East, while far from complete, are addressed to this goal; we are actively encouraging ASEAN efforts to bring about Vietnamese withdrawal from Kampuchea; we strongly support the worldwide campaign for Soviet withdrawal from Afghanistan; and we have made considerable progress toward an internationally acceptable agreement on Namibia. In our own hemisphere, we are working with other regional states in support of a peaceful solution to the conflict and instability in Central America.

Second, we are building up the security capabilities of vulnerable governments in strategically important areas. We are helping our friends to help themselves and to help each other. For this purpose, we are asking the Congress for a larger, more flexible security assistance program for FY 84.

Third, our program recognizes that economic crisis and political instability create fertile ground for Soviet-sponsored adventurism. We are seeking almost $4 billion in economic assistance to help developing countries lay the basis for economic and social progress. We are seeking congressional approval to raise IMF quotas and broaden IMF borrowing arrangements to address critical financial needs of some of the largest Third World nations. We urge the Congress to approve the full amount requested by the Administration toward meeting the US commitment to the IDA.

Finally, there is the Democracy Initiative, an effort to assist our friends in the Third World to build a foundation for democracy. It is patronizing to assume that the peoples of the developing world do not have the same aspirations for liberty and democracy that peoples in the industrialized West are fortunate enough to enjoy. Therefore we are seeking ways to assist unions, political parties, journalists and other groups that are striving to build pluralistic societies and democratic institutions. As we pursue critical security goals in areas as close to home as Central America, we continue to encourage, indeed to insist, that democratization and respect for human rights be part of the process.

To the extent that our involvement there is constrained by Congressional action, I must say, these very objectives are harmed the most.

IV. NEGOTIATION AND DIALOGUE: THE U.S.-SOVIET AGENDA

Together these programs increase our political, military and economic strength and help create an international climate in which opportunities for Soviet adventurism are reduced. They are essential for the success of the final element of our strategy—engaging the Soviets in an active and productive dialogue on the concrete issues that concern the two sides. Strength and realism can deter war, but only direct dialogue and negotiation can open the path toward lasting peace.

In this dialogue, our agenda is as follows:

To seek improvement in Soviet performance on human rights;

To reduce the risk of war, reduce armaments through sound agreements, and ultimately ease the burdens of military spending;

To manage and resolve regional conflicts; and

To improve bilateral relations on the basis of reciprocity and mutual interest.

This is a rigorous and comprehensive agenda, and our appoach to it is principled, practical, and patient. We have pressed each issue in a variety of forums, bilateral and multilateral. We have made clear that the concerns we raise are not ours alone, but are shared by our allies and friends in every region of the globe. We have made clear that each of our concerns is serious, and the Soviets know that we do not intend to abandon any of them merely because agreement cannot be reached quickly, or because agreement has been reached on others.

Let me briefly review the state of our dialogue in each of these areas.

Human rights is a major issue on our agenda. To us it is a matter of real concern that Soviet emigration is at its lowest level since the 1960's, and that Soviet constriction

of emigration has coincided with a general crackdown against all forms of internal dissent. The Helsinki monitoring groups have all been dispersed and their leaders have been imprisoned or expelled from the country. And the Soviet Union's first independent disarmament group has been harassed and persecuted.

We address such questions both multilaterally and bilaterally. In such forums as the UN Human Rights Commission, the International Labor Organization, and especially the Review Conference of CSCE, we have made clear that human rights cannot be relegated to the margins of international politics. Our Soviet interlocutors have a different view; they seek to dismiss human rights as a "tenth-rate issue", not worthy of high-level attention.

But our approach will not change. Americans know that national rights and individual rights cannot realistically be kept separate. We believe, for example, that the elements of the postwar European "settlement" that were adopted by the parties to the Helsinki Final Act in 1975 form an integral whole; no one part will survive alone. Guided by this conviction, we and our allies have held at the Madrid Review Conference that movement in one "basket" of this settlement—such as the convening of a European disarmanent conference—must be matched by progress in other "baskets," especially human rights.

We insist on this balance because we believe that international obligations must be taken seriously by the governments that assume them. But there is also a deeper reason that directly concerns the question of security.

In Europe, as elsewhere, governments that are not at peace with their own people are unlikely to be on good terms with their neighbors. The only significant use of military force on the continent of Europe since 1945 has been by the Soviet Union against its East European "allies." As long as this unnatural relationship continues between the USSR and its East European neighbors, it is bound to be a source of instability in Europe.

We have been just as concerned about human rights issues on a bilateral as on a multilateral basis. The need for steady improvement of Soviet performance in the most important human rights categories is as central to the Soviet-American dialogue as any other theme. Sometimes we advance this dialogue best through public expressions of our concerns, at other times through quiet diplomacy. What counts, and the Soviets know this, is whether we see results.

Arms Control. We believe the only arms control agreements that count are those that provide for real reductions, equality, verifiability, and enhanced stability in the East-West balance. Success in our negotiations will not, of course, bring East-West competition to an end. But sustainable agreements will enable us to meet the Soviet challenge in a setting of greater stability and safety.

The United States is now applying these principles in an ambitious program of arms control negotiations including INF, START, MBFR, and the on-going discussions in the UN Committee on Disarmament in Geneva. If we can reach a balanced agreement in the CSCE at Madrid, we would be prepared to participate also in a conference on disarmament in Europe.

No previous administration has put so many elements of the East-West military equation on the negotiating table. You are aware of the US position in the various talks, so I need not go into great detail. I will, however, touch on the main points.

In the Strategic Arms Reductions Talks (START), the United States has focused on the most destabilizing strategic systems—land-based ballistic missiles. Our objective is to strengthen deterrence while enhancing strategic stability through reductions. The President has proposed reductions in ballistic missile warheads by one-third. In presenting a comprehensive proposal, he has indicated that all strategic weapons are "on the table." Although our respective positions are far apart, the Soviets apparently accept the proposition that an agreement must involve significant reductions. This is progress. We have recently undertaken a full review of the US position, which included an assessment of the Scowcroft Commission's recommendations and some thoughtful suggestions from the Congress.

One week ago, the President announced that he is willing to raise the deployed-missile ceiling in accordance with the Scowcroft recommendations. He also announced that he has given our negotiators new flexibility to explore all appropriate avenues for achieving reductions. It is now up to the Soviet Union to reciprocate our flexibility.

We have also tabled a draft agreement on confidence-building measures that calls for exchange of information and advance notification of ballistic missile launches and major exercises. We want to move forward promptly to negotiate separate agreements on these very important measures, which would enhance stability in a crisis as well as symbolizing the common interest in preventing war. Yet another effort to prevent misperception of military activities on either side, and thus to lower the risk of war, is the President's recent proposal to expand and upgrade crisis communications between Washington and Moscow. Here, too, we hope for early agreement.

In the negotiations on Intermediate-Range Nuclear Forces (INF), "equal rights and limits" between the United States and the Soviet Union is one of our key principles. President Reagan's proposal of November 1981 sought to achieve the complete elimination of those systems on each side about which the other side has expressed the greatest concern—that is, longer-range, land-based INF missiles.

We still regard this as the most desirable outcome. Yet after more than a year of talks, the Soviets continue to resist this equitable and effective solution. In fact, their position has not substantially changed since it was first put forth nearly a year ago. The proposal made by Mr. Andropov last December would allow the Soviet Union to maintain its overwhelming monopoly of longer-range INF missiles while prohibiting the deployment of even one comparable US missile.

In an effort to break this stalemate, the President has proposed an interim agreement as a route to the eventual elimination of LR INF systems. Under such an agreement, we would reduce the number of missiles we plan to deploy in Europe if the Soviet Union will reduce the total number of warheads it has already deployed to an equal level. This would result in equal limits for both sides on a global basis. Reflecting the concerns of our Asian allies and friends, we have made it clear that no agreement can come at their expense. We hope that in the current round of negotiations the Soviets will move to negotiate in good faith on the President's proposal, which was unanimously supported by our partners at the Williamsburg Summit.

In the Mutual and Balanced Force Reductions (MBFR) talks in Vienna, NATO and the Warsaw Pact are discussing an agreement on conventional forces in Central Europe, the most heavily armed region of the world, where Warsaw Pact forces greatly exceed NATO's.

Last year, the President announced a new Western position in the form of a draft treaty calling for substantial reductions to equal manpower levels. Although the Soviets and their allies have agreed to the principle of parity, progress has been prevented by inability to resolve disagreement over existing Warsaw Pact force levels and by problems of verification.

In the 40-nation Committee on disarmament in Geneva, the United States has introduced a far-reaching proposal for a comprehensive ban on chemical weapons—an agreement which would eliminate these terrible weapons from world arsenals. This initiative has been vigorously supported by our allies and friends, as well as many nonaligned nations. Our emphasis on the importance of mandatory on-site inspections has been widely applauded. An independent, impartial verification system, observed by and responsive to all parties, is essential to create confidence that the ban is being respected.

In other areas, we have proposed to the Soviet Union improvements in the verification provisions of two agreements to limit undergound nuclear testing. So far the Soviet response has been negative. We have also initiated a dialogue with the Soviets in one area where our respective approaches very often coincide: nuclear non-proliferation.

We should not anticipate early agreement in any of these negotiations. The Soviets have their own positions, and they are tough, patient negotiators. But we believe that our positions are fair and even-handed and that our objectives are realistic.

Regional Issues. Important as it is, arms control has not been—and cannot be—the dominant subject of our dialogue with the Soviets. We must also address the threat to peace posed by the Soviet exploitation of regional instability and conflict. Indeed, these issues—arms control and political instability—are closely related: the increased stability that we try to build into the superpower relationship through arms control can be undone by irresponsible Soviet policies elsewhere. In our numerous discussions with the Soviet leadership, we have repeatedly expressed our strong interest in reaching understandings with the Soviets that would minimize superpower involvement in conflicts beyond their borders.

The list of problem areas is formidable, but we have insisted that regional issues are central to progress. We have made clear our commitment to relieve repression and economic distress in Poland, to achieve a settlement in Southern Africa, to restore independence to Afghanistan, to end the occupation of Kampuchea and to halt Soviet- and Cuban-supported subversion in Central America.

In each instance, we have conveyed our views forcefully to the Soviets in an attempt to remove the obstacles that Soviet conduct puts in the way of resolving these problems.

Last year, for example, Ambassador Hartman conducted a round of exploratory talks on Afghanistan between U.S. and Soviet officials in Moscow. Any solution to the Af-

ghanistan problem must meet four requirements: complete withdrawal of Soviet forces, restoration of Afghanistan's independent and non-aligned status, formation of a government acceptable to the Afghan people, and honorable return of the refugees. This is not the view of the United States alone. These principles underlie the discussions now underway under the auspices of the UN Secretary General, which we support.

On Southern African problems, Assistant Secretary Crocker has held a number of detailed exchanges with his Soviet counterpart. Southern Africa has been a point of tension and periodic friction between the United States and the Soviet Union for many years. We want to see tensions in the area reduced. But this more peaceful future will not be achieved unless all parties interested in the region show restraint, external military forces are withdrawn, and Namibia is permitted to achieve independence.

If the Soviets are at all concerned with the interests of Africans, they should have an equal interest in achieving these objectives.

As in our arms control negotiations, we have made it absolutely clear to the Soviets in these discussions that we are not interested in cosmetic solutions. We are interested in solving problems fundamental to maintenance of the international order.

It is also our view that Soviet participation in international efforts to resolve regional conflicts—in Southern Africa or the Middle East, for example—depends on Soviet conduct. If the Soviets seek to benefit from tension and support those who promote disorder, they can hardly expect to have a role in the amelioration of those problems. Nor should we expect them to act responsibly merely because they gain a role. At the same time, we have also made it clear that we will not exploit, and in fact are prepared to respond positively to, Soviet restraint. The decision in each case is theirs.

Bilateral Relations. The final part of our agenda with the Soviets comprises economic and other bilateral relations. In our dialogue, we have spelled out our view of these matters in a candid and forthright way.

As we see it, economic transactions can confer important strategic benefits and we must be mindful of the implications for our security. Therefore, as I have already indicated, we believe economic relations with the East deserve more careful scrutiny than in the past. But our policy is not one of economic warfare against the USSR. East-West trade in non-strategic areas—in the words of the NATO communique—"conducted on the basis of commercially sound terms and mutual advantage, that avoids preferential treatment of the Soviet Union, contributes to constructive East-West relations."

Despite the strains of the past few years in our overall relationship, we have maintained the key elements in the structure for bilateral trade. We have recently agreed with the USSR to extend our bilateral fisheries agreement for one year and have begun to negotiate a new long-term U.S.-Soviet grain agreement. Our grain sales are on commercial terms and are not made with government-supported credits or guarantees of any kind.

As for contacts between people, we have cut back on largely symbolic exchanges, but maintained a framework of cooperation in scientific, technical, and humanitarian fields. A major consideration as we pursue such exchanges must be reciprocity. If the Soviet Union is to enjoy virtually unlimited opportunities for access to our free society, U.S. access to Soviet society must increase.

We have made progress toward gaining Soviet acceptance of this principle as is indicated by the airing in Moscow this past weekend of an interview with Deputy Secretay Dam.

Eight bilateral cooperative agreements are now in effect, and exchanges between the Academies of Science continue, as do exchanges of young scholars and Fulbright fellows. America Illustrated magazine continues to be distributed in the Soviet Union in return for distribution here of Soviet Life, in spite of the absence of a cultural exchanges agreement. Toward the private sector we have maintained an attitude of neither encouraging nor discouraging exchanges, and a steady flow of tourists and conference participants goes on in both directions. The number of US news bureaus in Moscow has actually increased in the last year.

V. PROSPECTS

It is sometimes said that Soviet-American relations are "worse than ever." Certainly the issues dividing our two countries are serious. But let us not be misled by "atmospherics," whether sunny or, as they now seem to be, stormy.

In the mid-50's, for example, despite the rhetoric and tension of the Cold War—and in the midst of a leadership transition—the Soviet Union chose to conclude the Austrian State Treasury. It was an important agreement, which contributed to the security of Central Europe, and it carries an important lesson for us today. The Soviet leadership did not negotiate seriously merely because Western rhetoric was firm and principled, nor should we expect rhetoric was firm and principled, nor should we expect rhetoric to suffice now or in the future. But adverse "atmospherics" did not prevent agreement; Soviet policy was instead affected by the pattern of Western actions, by our resolve and clarity of purpose. And the result was progress.

There is no certainty that our current negotiations with the Soviets will lead to acceptable agreements. What is certain is that we will not find ourselves in the position in which we found ourselves in the aftermath of detente. We have not staked so much on the prospect of a successful negotiating outcome that we have neglected to secure ourselves against the possibility of failure. Unlike the immediate post-war period, when negotiating progress was a remote prospect, we attach the highest importance to articulating the requirements for an improved relationship and to exploring every serious avenue for progress. Our parallel pursuit of strength and negotiation prepares us both to resist continued Soviet aggrandizement and to recognize and respond to positive Soviet moves.

We have spelled out our requirements—and our hope—for a more constructive relationship with the Soviet Union. The direction in which that relationship evolves will ultimately be determined by the decisions of the Soviet leadership. President Brezhnev's successors will have to weigh the increased costs and risks of relentless competition against the benefits of a less tense international environment in which they could more adequately address the rising expectations of their own citizens. While we can define their alternatives, we cannot decipher their intentions. To a degree unequaled anywhere else, Russia in this respect remains a secret.

Her history, of which this secrecy is such an integral part, provides no basis for expecting a dramatic change. And yet it also teaches that gradual change is possible. For our part, we seek to encourage change by a firm but flexible US strategy, resting on a broad consensus, that we can sustain over the long term whether the Soviet Union changes or not. If the democracies can meet this challenge, they can achieve the goals of which President Reagan spoke at Los Angeles: both defend freedom and preserve the peace.

DR. HERMAN BRUSON

Mr. DODD. Mr. President, the United States has been blessed with an abundance of natural resources. Of these by far the greatest are the talent, ingenuity, and creativity of the American people. For many years, my State of Connecticut was fortunate to number among its residents the late Herman Bruson, a brilliant chemist and inventor, who embodies those outstanding qualities.

In a lifetime that spanned most of the first eight decades of this century, Dr. Bruson was granted more than 400 patents. Dyes for polyester fiber, flame-resistent polyurathane foam, various pesticides and bacteriocides were only a few of the areas in which he did pioneering work. His peers acknowledged his achievements with a number of prestigious awards. They included the American Institute of Chemists, Chemical Pioneer Award in 1966, the American Chemical Society Gold Medal in 1971 and Eli Whitney Award of the Connecticut Patent Law Association in 1981.

Dr. Bruson's career also evidenced the fact that, in the modern era, wars are won just as much in the laboratory as on the battlefield. Allied commandos used a special fast-burning powder of his invention to destroy German coal-carrying freights. He even played a vital role in perhaps the single most decisive battle of World War II, Stalingrad. At the request of our military leaders, Dr. Bruson perfected a low viscosity oil additive capable of functioning in extremely low temperatures. It arrived in time to free the operation of Russian tanks and machineguns when their panzer opponents remained locked in icy immobility.

Dr. Bruson's life exemplified the contributions which inventors have made to America's quality of life—contributions which while often not well-known are invaluable and deserve our lasting gratitude.

THE LATE SENATOR MILTON YOUNG

Mr. STEVENS. Mr. President, it is with the highest regard that I reflect back on the life of a man we all admired and respected, the late Senator Milton Young. Senator Young was an example to all of us, for he represents

dedication and devotion not only in regard to his service as a U.S. Senator but in all aspects of his life.

I knew Milt Young on a professional as well as personal level. He befriended me when I was appointed to the Senate in 1968, and was a great inspiration in the shaping of my career in the Senate. He was always willing to assist me when I was in need of guidance.

Our friendship developed due to our close association on the Appropriations Committee. He and his wife Pat were close family friends.

It was during our work on the Appropriations Committee that, on a daily basis, I observed his honesty and genuine concern for the people of North Dakota. Milt Young did what he thought was best rather than what was politically expedient.

Having been born and raised on a farm in Berlin, N. Dak., Milt remained an avid supporter of the American farmer throughout his long career in public office which began in 1924. He continued farming until his appointment to the Senate in 1945.

Milt was a major influence in shaping virtually every major piece of farm legislation for the 35 years he served in the Senate. He was the principal contributor in establishing the farm support program. He sponsored both the Public Law 480 food-for-peace program and the Rural Telephone Act which brought a major new source of communication to all rural areas, including parts of North Dakota and Tennessee. In addition, he was a major factor in inaugurating the target price concept for the American farmer. The legislation he supported, however, was not just aimed at helping the farmer but also directed at protecting the interest of both consumers and producers.

Milt Young had the trust of the people of North Dakota. He was reelected to six full terms in the Senate. In addition, Senator Young had the respect of those who worked with him in this body. He developed a model approach to legislation which included a keen ability to advocate a position and the skill to reach resourceful compromises. This valued legislative ability was certainly missed when he retired from Senate in January 1981, however, it has not been forgotten.

Milt Young's wife, Pat, is a wonderful woman who was truly devoted to her husband. She has always had many friends in the Senate that I know join me in extending their sympathies. Our hearts are all with her at this time.

Those of us who were privileged to serve with Milt Young as a colleague can hold nothing but tremendous admiration for him and his accomplishments. We in the Senate are proud to have had such a man of conviction and principal to serve in this body.

CENTRAL AMERICAN COMMISSION

Mr. JACKSON. Mr. President, I ask unanimous consent that the resolution which is at the desk, Senate Resolution 158, sponsored by myself and Senator MATHIAS, may remain at the desk through Wednesday of next week for additional cosponsors.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

ALASKA STATEHOOD

Mr. STEVENS. Mr. President, I would like once again to remind the Senate of the excitement that gripped the entire Nation on the eve of the Alaska statehood debate in the Senate 25 years ago. Newspapers from Woonsocket, R.I., to Seattle urged the Senate to add a 49th star to the flag.

The Hearst newspapers wrote that my good friend Senator HENRY JACKSON was assuming—

> The biggest role of his Senate career . . . one that may put his name indelibly in the history books.

As floor manager of the bill.

When debate finally began on June 23, 1958, Alaska supporters were confident we had the votes for a final victory but less sure we could pass the House bill without amendments. Sending the bill back to the House meant it might end in the Rules Committee and die there.

Statehood opponents tried to block the bill with the tired arguments that Alaska's population was too small, that the land grant in the bill was a giveaway, or that the territory lacked the resources to support itself.

A number of supporters, such as Senators James Murray, Mike Mansfield, Frank Church and Tommie Kuchel spoke out forcefully in support of the simple justice of Alaska's cause.

At this time, I ask unanimous consent to have printed a number of newspapers articles on the statehood bill's progress which appeared at that time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Seattle Post Intelligencer, June 20, 1958]

JACKSON'S JOB

Senator Henry M. Jackson is visiting Seattle and his home state today but he can't stay long, not even to engage himself in the very personal problems of his campaign for reelection.

The Alaska statehood bill is coming up in the Senate probably Monday and the Senator's task is not only to cast a vote but to provide the leadership to give the country the first new state in 46 years.

Senator Jackson has worked hard to make Alaska a state to fulfill America's 90-year-old commitment to do so and to fulfill the Democratic Party's 1956 platform pledge.

Now he assumes the biggest role of his Senate career, one with significance to the whole nation and in truth to the whole world free or fettered, one that may put his name indelibly in the history books.

The Senator is to be the floor leader for the bill and thus its passage depends upon his skill, his tactics and his leadership.

It was passed in the House by an impressive vote but with such parliamentary procedure that it faces jeopardy from amendments by opponents hopeful of killing it by any means.

Senator Jackson has the experience, the courage and the conviction for his role. His associates in the Senate are confident that he can achieve passage.

The people of all 48 states will be watching him and they, too, are hopeful that he can—hopeful 12 to one, public opinion polls show.

The Hearst Papers wish you success, Senator Jackson.

[From the Seattle Post Intelligencer, June 22, 1958]

FOR STATEHOOD: WHY I FAVOR ALASKA

(By Fred A Seaton, Secretary of the Interior)

As a territory of the United States, Alaska has long had orderly and lawful government in the tradition of the American system. But one thing—a tremendously important and intrinsically valuable thing—has been missing. And it is something in which every American, wherever he may be, believes with all his heart and soul.

Yes, there is a plentitude of government in Alaska. There is government for her fisheries and her minerals, for her mountains and lakes, islands and tidal flats. There is government for her waterfowl and caribou, seals and walruses, for taxes and tax collectors and her courts and criminals. A government for transportation and communications systems and for her Aleuts, Eskimos and Indians.

As is the case everywhere, there is government enough and, perhaps, even some to spare.

What Alaska does not have outweighs all else in the scales of human justice. That is government of the people, by the people, for the people.

That omission, in essence, is why I so strongly support statehood.

God willing, we now are near the end of the long struggle to accomplish our mission.

As an incorporated territory of the United States, Alaska, this giant area of 375 million acres of land and water, has the body and the strength, and the loyalty to pull her weight and do her part as a full-fledged member state of the Republic.

All she lacks is a voice and vote in the halls of Congress and the rights of full and free suffrage. Anything else would be a travesty and a violation of simple justice.

[From the New York Times, June 22, 1958]

ALASKANS WEIGH THE BENEFITS OF STATEHOOD

ANCHORAGE, ALASKA, June 21—An undercurrent of excitement, remarkably well controlled, is gripping Alaskans as they await the Senate's decision on adding a forty-ninth star to the flag.

Every item from the States bearing on statehood for Alaska is page one news.

Down in the southeastern Alaska panhandle, which for long was lukewarm, if not downright hostile, to statehood, some newspapers are still against it. Among these, The Ketchikan Daily News asserted, just before

the favorable House vote, that "most voters here know that Alaska is in no condition . . . to take on the added costs which statehood would impose at the present time."

Papers like The Fairbanks News-Miner and The Anchorage Daily Times, leaders in the pro-statehood fight, have been contending that statehood is the forerunner of new industries, of the pouring of venture capital into an area that would gain stability with its new status.

The Anchorage Times asserted also: "Minds and understanding grow as a result of the perpetual challenge of the great northland. ['Alaskans'] mental, spiritual and cultural growth of the past generation and their mastery of problems that often seemed unsurmountable are eminent qualifications for full citizenship."

The traditional man-in-the-street often reflects the attitude of the newspapers. Sometimes, as in the case of the hotel bell hop, he is like those territorial papers that are content to operate without an editorial page.

"Many people, like myself, haven't studied statehood carefully enough," he said.

The Fourth Avenue barber, however, was all for statehood.

"It will bring us in more business," he said while collecting $2.50 for a haircut.

Individually, Alaskans say statehood would raise their taxes and perhaps cost them more to live. But great numbers of them seemed willing and even eager to accept this situation because they believe, to be citizens of America's farthest north state would give them a great psychological lift.

[From the Washington Post, June 14, 1958]

ALASKA STATEHOOD DEBATED IN SENATE

(By Robert C. Albright)

The Senate late yesterday called up the House-approved Alaska statehood bill and opened a bipartisan push for passage in an atmosphere more favorable to statehood than at any time in recent years.

Acting Democratic Leader Mike Mansfield (Mont.) motioned up the bill and Sen. James E. Murray (D-Mont.) led off the debate.

Mansfield appealed for passage of the House measure without a single modifying change, in order to assure final clearance.

Mansfield said the Senate will convene early and sit late for the balance of the week in an effort to speed passage, possibly before this weekend.

Murray, chairman of the Senate Interior Committee and longtime advocate of statehood, told the Senate failure to pass the bill would break "the historic pattern under which our Nation has expanded and grown great."

Murray said statehood for Alaska would extend the American system to the very edge of the Soviet empire.

"We would end colonialism and establish freedom and equality at the very door to totalitarianism," he argued. "It would show to all of the peoples of all the world that we practice what we preach."

Sen. Thomas H. Kuchel (Calif.), GOP manager of the bill, joined Democrats in a round of optimistic statements on the bill, and in commending Murray for his leadership. Sens. Dennis Chavez (D-N. Mex.), Henry M. Jackson (D-Wash.), Frank Church (D-Idaho) and Mansfield also joined in the round robin.

Jackson, chairman of the Senate Interior Subcommittee which drafted the Senate bill, later told newsmen:

"My only concern right now is that it looks too good for the bill."

What chiefly worries Jackson, and other Democratic and Republican supporters of the legislation, is that the Senate might approve some perfectly meritorious amendment, and by so doing jeopardize statehood.

The parliamentary situation is such that any change in the House bill might place it once again at the mercy of House opponents. If the Senate on the other hand passes the legislation unchanged, it will go directly to the President for signature.

Southern opponents of the bill, teaming up with some Republican opposition, will try to kill the bill outright or amend it to death. But no all-out filibuster is planned and most Southerners concede privately that they lack the votes to block passage.

The once formidable threat of tying the Hawaii statehood bill to the Alaska measure, and thus dooming House acceptance, appeared to have dwindled since Sen. William F. Knowland (R-Calif.) opposed such a move.

The chief danger now appears to be coming from Senators who say they support statehood but seek to cut back on the amount of land and other resources that resource rich Alaska would receive from the Federal Government.

The bipartisan leadership drive to pass the bill this week is inspired at least in part by what amounts to a deadline written into the House bill. The House measure directs the President "not later than July 3" to notify the Governor of Alaska of the bill's enactment.

[From the Washington Post, June 25, 1958]

TIRED ARGUMENTS

We hope opposition in the Senate to Alaskan statehood will prove, when the roll is called, to be as deficient in numbers as it is in sound arguments.

"The population is too small," complains one Senator. But of course many states entered the Union with fewer residents. "Alaskan voters would carry more weight than the average voter," another avers. But this is true of South Dakotans, Nevadans and most Westerners because of the nature of our electoral system. "Alaskan resources have not been developed to the point where they can support adequate local government." But the territory has in fact run a budget surplus, and if resources are underdeveloped, Alaska's enforced subservience to distant bureaucrats has had something to do with it. "Alaska is so far away its population cannot become 'a homogeneous unit' of the Union." But is not the political genius and the economic and social strength of America its great diversity of customs, habits and ways of life, cemented by a common love of freedom?

"No incorporated territory ever has had any destiny other than statehood in American history," observed Senator Murray during the debate. This seems to overlook the territory status of the District of Columbia in 1871. But, in any case, statehood is Alaska's destiny and the time is now.

[From the Anchorage Daily Times, June 25, 1958]

PUSH ALASKA OVER THE STATEHOOD THRESHOLD

The House of Representatives did the right thing when it voted, 208 to 166, to admit Alaska as the 49th state. Now it remains to be seen what fate the bill will have in the august Senate.

President Eisenhower is in favor of having a 49th star on our flag. He flatly stated at a recent press conference that he was elected on a platform promising to seek acceptance of Alaska as a state and that he desires to honor that pledge.

The House accepted the President's cue and voted in favor. But a rough trip lies ahead in the Senate, especially with such an avowed opponent as Sen. Eastland of Mississippi leading the fight.

For years, both Alaska and Hawaii have been clamoring to join the Union. They have met the qualifications necessary for statehood. The old argument of remoteness is no longer valid.

Bills for statehood for Alaska have been before Congress since 1916. A Hawaiian statehood measure was introduced in 1919.

At one time or another since 1947 each chamber of Congress has approved statehood for both territories. But the two branches have failed to act concurrently for a number of reasons, mostly political. Southern congressmen have been reluctant to add votes in the Senate from areas unsympathetic to segregation.

At the moment, only Alaska is being considered for statehood. Before the lapse of many years, this nation will benefit from and be as proud of Alaska as we are of all the other Pacific Coast states.

Alaska has played and continues to play an important role in the cold war. She was of great importance to us in World War II.

It is to be hoped that Congress will get on with the admission of Alaska, and then act with equal favor toward the question of Hawaii's statehood.

[From the Washington Star, June 25, 1958]

ALASKA STATEHOOD BILL BESET BY TWIN DANGERS

(By J. A. O'Leary)

Unlimited debate and the possibility of amendments that would send it back to the House were twin dangers in the path of the Alaska statehood bill in the Senate today.

Although backers are confident they have the votes to pass it, there were no indications how soon the opposition would permit a vote.

Senator Thurmond, Democrat of South Carolina, spoke against the bill for several hours last night, and gave notice he will speak at length again before the debate is over.

On the civil rights bill last year, Senator Thurmond set a new endurance record by holding the floor for 24 hours and 18 minutes. But his office said he has no thought of trying to equal or better that record on this occasion.

ASKS SELF-RULE

As a substitute for statehood, Senator Thurmond advocated commonwealth status, which he said would give Alaska a full measure of self-government, short of voting representation in the House and Senate.

The South Carolina Senator also is understood to have an amendment to require congressional approval of the establishment by the President of military reservations in the proposed State.

Supporters will try to pass the House version of the bill by Saturday without any change, because they fear that if it must go back to the House for action of any kind it may be sidetracked again, as it has been for more than 40 years.

But if the opponents keep the debate going until next week, it may be impossible to avoid changing it, because of a deadline

provision which the House inadvertently left in the bill.

This provision requires the President to notify the Governor of Alaska of the bill's enactment not later than July 3. There is some difference of opinion among the bill's backers as to whether this date would be a vital weakness if the bill passed in that form after July 3.

One of the first Senate decisions may come on three points of order raised yesterday by Senator Eastland, Democrat of Mississippi, chairman of the Judiciary Committee.

He notified the presiding officer he will challenge the constitutionality of provisions that would:

1. Confer on the President the right to take back land for national defense purposes.

2. Confer power on the President to evacuate the inhabitants of such areas without declaring martial law.

LENGTH OF SENATE TERMS

3. Permit the new State to elect its first two Senators for a short and a long term, instead of allowing the Senate to determine when the terms of the first Senators would expire. Senators are divided into three classes, with the terms of one-third of the membership expiring every two years.

Senator Jackson, Democrat of Washington, in charge of the bill, indicated he would counter with a point of order that the Eastland points are not in order.

Senator Jackson said that under Senate procedure constitutional questions raised against a bill must be decided by the Senate, rather than the presiding officer. In any event, an appeal from the decision of the chair by either side would enable a majority of the Senate to decide these technical issues.

SPECIALTY STEEL SECTION 201 CASE

Mr. D'AMATO. Mr. President, allow me to speak today about the technology and the competitiveness of our domestic specialty steel industry. We have heard it said that the steel industry in the United States has failed to advance and implement new technologies as rapidly as some of our foreign trading partners. However, nothing could be further from the truth. The U.S. specialty steel industry has led the world in developing new specialty steel alloys, methods of production, and the implementation of technological advances.

The President's November 16 memorandum on the section 301 specialty steel case explicitly noted the domestic industry's continuing efforts to compete and its record of technological leadership. He said, "The specialty steel industry is an efficient, technologically up-to-date and export-oriented branch of the specialty steel industry." This language is clear, and a substantial body of documentation supports the President's conclusion.

The International Trade Commission has stated that, "the U.S. industry has long been a leader in developing new processes for production of specialty steel." That report also noted specific technological changes that U.S. firms have instituted in order to increase productivity, such as process improvement and replacement of older equipment, as well as actions taken to reduce energy costs and develop new specialty alloys.

There should be no doubt in our minds that the domestic specialty steel industry is a model of a modern, efficient, technology advanced, and still advancing, industry. They continue to invest large proportions of their return into research and development and capital investment to retain their leading edge. This industry has been exemplary in reducing costs through organization changes and closer controls.

The results of these efforts are powerfully documented in the study of the U.S. steel industry issued by the Office of Technology Assessment in June 1980. This study repeatedly refers to the highly competitive nature of the specialty steel industry in comparison to other industries in general as well as other segments of the U.S. steel sector. The study emphasizes this industry's energetic approach to technological innovations. The report also states that the U.S. specialty steel industry has "a relatively strong technical base and probably a commanding advantage over foreign competitors in product development and secondary processing," and that the U.S. specialty steel industry has "modernized considerably during the past several years, but even before this period they were more technology and research oriented than the rest of the domestic steel industry."

Such actions portray an industry well aware of the needs of its customers and willing to make considerable financial investment in order to efficiently produce its goods with the best equipment and processes available. In order to continue this thrust, the domestic industry must have fair and effective relief for at least a 5-year term from the onslaught of unfair imports which have been capturing so much of the U.S. market and so severely depressing prices.

I join my colleagues in urging the President to take effective long term action as quickly as possible in order to preserve this modern, efficient industry.

FORMER SENATOR MILTON YOUNG

Mr. DURENBERGER. Mr. President. There are public servants who come to Washington ready to take on the world—every piece and every inch of it. And there are others who come with the single goal of improving life in every way for the State he or she calls home. Both are good, both are necessary.

Milton Young was the latter, preferring to take an inch and make it a mile, and he did. He once said that his public service in the Senate would be dedicated to the needs of North Dakota and that he would focus on improving life for the people of his State.

The Senate well may never see such a vigorous and successful approach to such a task again.

For 36 years, Milton Young's name was synonymous with every piece of legislation which could help farmers and North Dakotans. During that time, seven major Federal research projects found their home in North Dakota, and seven major water projects beneficial to North Dakota found funding—thanks to Milton Young.

He held public offices for 57 years—from school board member to Senator. That he never lost an election in all of those 57 years is testimony to just how good and dedicated a public servant he was.

His wife, Patricia, said he wanted to be remembered as a "good Senator, a good legislator."

Most deservedly, most memorably and with great fondness, he will.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

ANNUAL REPORT ON FEDERAL ENERGY CONSERVATION PROGRAMS—MESSAGE FROM THE PRESIDENT—PM 55

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

Transmitted herewith for your consideration is the annual report on Federal Energy Conservation Programs required by Section 381(c) of the Energy Policy and Conservation Act (42 U.S.C. 6321(c)).

The report covers the implementing activities undertaken by Federal agencies during FY 1981 to fulfill the requirements of section 381 (a) and (b)

of the act. The report describes actions within the Federal Government, implementing energy conservation and efficiency standards in procurement activities and progress toward developing a 10-year plan for improving the energy efficiency of federally-owned or leased buildings. It also describes programs for carrying out public education activities to encourage energy conservation and efficiencies and to promote carpooling and vanpooling arrangements.

RONALD REAGAN.

THE WHITE HOUSE, *June 16, 1983.*

ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES—MESSAGE FROM THE PRESIDENT—PM 56

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the Federal Advisory Committee Act, I am pleased to transmit the Eleventh Annual Report on Federal Advisory Committees.

In 1982, advisory committees afforded a unique opportunity for over 19,000 private citizens of all backgrounds to provide valued and needed counsel to Federal officials in establishing policies and improving operations of the government.

In keeping with the strong commitment of this Administration to promote voluntary citizen participation in government, by year end the number of chartered advisory committees increased by 3 percent over the previous year, reaching the highest level since 1976. At the same time, government agencies utilizing these committees achieved a further overall reduction in committee operating costs. In 1982, committee operating costs totaled $74 million, 7.5 percent lower than in 1981, and 15.2 percent below comparable 1980 levels.

In 1983, the opportunity exists for additional improvements in the management and cost-effectiveness of advisory committees. New guidance and information prepared by the General Services Administration and contained in this report will provide agency management with the ability to realize this opportunity.

Consistent with my belief that the strength of this Nation flows from the talent and resourcefulness of its people, we shall foster and support the continued active use of advisory committees in the government decision-making process.

RONALD REAGAN.

THE WHITE HOUSE, *June 16, 1983.*

ANNUAL REPORT ON ACTIVITIES UNDER THE REHABILITATION ACT—MESSAGE FROM THE PRESIDENT—PM 57

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 13 of the Rehabilitation Act of 1973, as amended, I am pleased to transmit the enclosed report to the Congress. The report, prepared by the Department of Education, covers activities supported under the Act in fiscal year 1982.

RONALD REAGAN.

THE WHITE HOUSE, *June 16, 1983.*

SOCIAL SECURITY AGREEMENT BETWEEN THE UNITED STATES AND NORWAY—MESSAGE FROM THE PRESIDENT—PM 58

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act as amended by the Social Security Amendments of 1977 (P.L. 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement between the United States of America and the Kingdom of Norway on Social Security, the Final Protocol to the Agreement, and the Administrative Agreement for the Implementation of the Agreement, all signed on January 13, 1983.

These United States-Norway agreements are similar in objective to the social security agreements already in force with Italy, the Federal Republic of Germany, and Switzerland. Such bilateral agreements, which are generally known as totalization agreements, provide for limited coordination between the United States and foreign social security systems to overcome the problems of gaps in protection and of dual coverage and taxation for workers who move from one country to the other.

I also transmit for the information of the Congress a comprehensive report prepared by the Department of Health and Human Services, which explains the provisions of the Agreements and provides data on the number of persons affected by the Agreements and the effect on social security financing as required by the same provision of the Social Security Act.

The Department of State and the Department of Health and Human Services join with me in commending the United States-Norway Social Security Agreement and related documents.

RONALD REAGAN.

THE WHITE HOUSE, *June 16, 1983.*

MESSAGE FROM THE HOUSE

At 4:16 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2062. An act to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker pro tempore (Mr. WRIGHT) has signed the following enrolled bill and joint resolution:

S. 639. An act to authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes; and

H.J. Res. 234. Joint resolution designating the week beginning June 19, 1983, as "National Children's Liver Disease Awareness Week".

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. THURMOND).

HOUSE MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2062. An act to amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972; to the Committee on Commerce, Science, and Transportation.

ENROLLED BILL PRESENTED

The Secretary reported that on today, June 16, 1983, he had presented to the President of the United States the following enrolled bill:

S. 639. An act to authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes.

SENATE RESOLUTION 158 FURTHER HELD AT THE DESK

The following resolution was further held at the desk until the close of business on June 22, 1983, by unanimous consent:

S. Res. 158. Resolution expressing the sense of the Senate that the President should convene a national bi-partisan commission to address the serious long-term problems of security and economic development in Central America.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and

documents, which were referred as indicated:

EC-1283. A communication from the assistant Secretary of the Navy, Department of Defense transmitting, pursuant to law, a report on the conversion of the shelf stocking function at the Commissary Store, Naval Station, Seattle, Wash., to contractor performance; to the Committee on Armed Services.

EC-1284. A communication from the Assistant Secretary of the Navy, Department of Defense transmitting, pursuant to law, a report on the study of the conversion of the shelf stocking function at the Commissary Store, Naval Air Station, Alameda, Calif., to contractor performance; to the Committee on Armed Services.

EC-1285. A communication from the Assistant Secretary of the Navy Department of Defense transmitting, pursuant to law, a report on the study of the conversion of the custodial services function at the Naval Regional Medical Center, Newport, R.I., to contractor performance; to the Committee Armed Services.

EC-1286. A communication from the Acting Assistant Secretary of the Army, Department of Defense transmitting a draft of propose legislation relating to periods of original enlistments and reenlistments in Regular components of the Armed Forces; to the Committee on Armed Services.

EC-1287. A communication from the General Counsel of the Department of Defense transmitting a proposed draft of legislation relating to the elimination from entitlement to variable housing allowance of those members of the Reserve components serving short terms of active duty; to the Committee on Armed Services.

EC-1288. A communication from the Chairman of the National Advisory Council on International Monetary and Financial Policies, Department of the Treasury transmitting, pursuant to law, two special reports on the proposed replenishments and capital increases for the Asian Development Bank and the Inter-American Development Bank; to the Committee on Foreign Relations.

EC-1289. A communication from the Deputy Assistant Secretary of Defense, Department of Defense transmitting, pursuant to law, two copies of a report on a new record system submitted by the Defense Audiovisual Agency: "DAVA Office Personnel Locator Files"; to the Committee on Governmental Affairs.

EC-1290. A communication from the Comptroller General of the United States transmitting a report describing and assessing Federal drug interdiction efforts and recommendations on ways to improve effectiveness; to the Committee on the Judiciary.

EC-1291. A communication from the Executive Secretary of the Office of the Secretary of Defense transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for October 1982 through February 1983; to the Committee on Small Business.

EC-1292. A communication from the Assistant Secretary of the Army (Civil Works) transmitting a draft of proposed legislation to provide for the recovery of certain capital and operation and maintenance expenditures assignable to commercial waterway transportation for certain Tennessee Valley Authority and Army Corps of Engineers inland waterway projects, and to authorize construction in specified circumstances; to the Committee on Environment and Public Works.

EC-1293. A communication from the Acting Administrator of the General Services Administration transmitting, pursuant to law, a report summarizing and analyzing the reports submitted by executive agencies showing the amount of personal property furnished to non-Federal recipients; to the Committee on Governmental Affairs.

EC-1294. A communication from the Mayor of the District of Columbia transmitting a draft of proposed legislation to authorize the Architect of the Capitol to relocate certain greenhouses and nursery facilities, located at Poplar Point, and to direct the Secretary of the Interior to permit the District of Columbia to construct and operate certain transportation improvements; to the Committee on Rules and Administration.

EC-1295. A communication from the Administrator of the Veterans' Administration transmitting a draft of proposed legislation providing for the exclusion of residents and interns from coverage under the Federal labor-management relations statute; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-247. A concurrent resolution adopted by the General Assembly of the State of Iowa; to the Committee on Energy and Natural Resources:

"HOUSE CONCURRENT RESOLUTION 9

"Whereas, the Natural Gas Policy Act of 1978 calls for the gradual decontrol of natural gas prices through 1984; and

"Whereas, the president of the United States has considered the acceleration of the decontrol of natural gas prices completely; and

"Whereas, President Reagan is currently involved in negotiations with members of congress, citizens' groups and producer groups on a program for decontrol of natural gas supplies which was begun by President Carter and was designed to decontrol natural gas prices by January 1, 1985; and

"Whereas, the five-member Federal Energy Regulatory Commission is charged with administering the Natural Gas Policy Act which is the basis for the current regulation of the industry; and

"Whereas, all of the current members of the commission are from warm weather states, including several of the big energy exporters whose economies are supported by the industry, and whose citizens have not faced winter heating bills of two hundred dollars per month which are projected to rise twenty percent to fifty percent annually depending on the schedule of decontrol of natural gas; and

"Whereas, Iowans spent nine hundred million dollars on natural gas in 1982 and natural gas prices have increased almost one hundred percent over the last three years; and

"Whereas, the current natural gas contract problem between gas producers and pipeline companies is just an extension of the major problem, which is decontrol; and

"Whereas, escalating natural gas prices have resulted in declining economic activity, a less productive and profitable industrial and agricultural base, and the loss of a substantial number of jobs; and

"Whereas, the continued increase of natural gas prices will result in inflationary increases in the consumer prices for food, clothing, housing, medical care and other household necessities and in agricultural prices for fertilizers, pesticides, and herbicides: Now therefore, be it

"Resolved by the House of Representatives, the Senate concurring, That this general assembly supports national legislation that would:

"1. Eliminate unjust and onerous take-or-pay, indefinite price escalator and most favored nation clauses in pipeline company-producer contracts, and require market-out clauses.

"2. Direct the federal energy regulatory commission to investigate the reasonableness and prudence of natural gas contracts and purchase gas adjustment clauses.

"3. Prevent the federal energy regulatory commission from implementing "backdoor" decontrol actions by eliminating any commission authority to raise old gas prices; and be it further

"Resolved, That the Iowa general assembly urges the President of the United States to appoint a commission member from a northeastern or midwestern state to represent those consumers and states who are feeling the economic pinch of escalating winter fuel bills which will continue to rise; and be it further

"Resolved, That the Iowa general assembly opposes any legislation, with or without a windfall profits tax, to accelerate the decontrol of natural gas; and be it further

"Resolved, That copies of this resolution be transmitted to the members of Iowa's congressional delegation and to the President of the United States, the Speaker of the United States House of Representatives, and to the President of the United States Senate, with the request that they lay this resolution before their respective bodies; and be it further

"Resolved, That the Iowa general assembly requests a written response from those persons who receive copies of this resolution which may be sent to the Speaker of the Iowa House of Representatives and the Lieutenant Governor.

"We, Donald D. Avenson, Speaker of the House and Robert T. Anderson, President of the Senate, and Joseph O'Hern, Chief Clerk of the House and K. Marie Thayer, Secretary of the Senate, hereby certify that the above and foregoing Resolution was adopted by the House of Representatives and the Senate of the Seventieth General Assembly."

POM-248. A resolution adopted by the House of Representatives of the State of Iowa; to the Committee on Veterans Affairs:

"HOUSE RESOLUTION 14

"Whereas, the needs of Vietnam-era veterans were recognized on January 12, 1980 when the first Iowa-based veterans center was opened in Des Moines, Iowa; and

"Whereas, The veterans centers were established to recognize the sacrifices made by these American veterans and to help those veterans having psychological and readjustment problems, in order to assist them in their efforts to become productive members of society; and

"Whereas, the veterans centers are staffed by Vietnam-era veterans who are qualified in all areas to serve the needs of fellow Vietnam-era veterans; and

"Whereas, over ten thousand Vietnam-era veterans and their family members have utilized the facilities of the veterans centers in Des Moines and Sioux City; and

"Whereas, a crucial need exists for the continuation of the veterans centers beyond the scheduled funding expiration date of September 30, 1984; Now therefore, be it

"Resolved by the House of Representatives, That the Iowa House of Representatives urges the Congress of the United States to continue the federal funding of veterans centers; and be it

"Further resolved, That copies of this resolution be sent to members of the Iowa Congressional Delegation, the President of the United States, the President of the United States Senate, and the Speaker of the United States House of Representatives.

"We, Donald D. Avenson, Speaker of the House and Joseph O'Hern, Chief Clerk of the House, hereby certify that the above and foregoing Resolution was adopted by the House of Representatives of the Seventieth General Assembly."

POM-249. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION

"Whereas, The steel pipe and tube industry provides thousands of jobs in Texas and other states; and

"Whereas, A reliable domestic supply of specialty pipe and tube products, including oil country tubular goods is essential to U.S. energy exploration and production; and

"Whereas, Rapidly increasing imports of steel pipe and tube products are a substantial cause of serious injury to steel pipe and tube producers in Texas and other states; and

"Whereas, This injury will be compounded by the diversion of steel imports from the European Community to pipe and tube products as a result of recently negotiated restrictions on the importation of other types of European steel products; and

"Whereas, The provisions of a separate arrangement between the United States and the European Community on the importation of steel pipe and tube products cannot be adequately enforced to prevent such diversion without federal legislation; now, therefore, be it

"Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby respectfully memorialize the Congress of the United States to enact legislation to prevent the unwarranted diversion of European steel exports to the United States to pipe and tube products by empowering the Secretaries of Commerce and the Treasury to enforce the terms of the October 21, 1982, steel pipe and tube arrangement between the United States and the European Community; and, be it further

"Resolved, That a copy of this resolution shall be forwared by the Texas Secretary of State to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the United States Congress, and all members of the Texas delegation to the Congress with the request that this resolution be officially entered into the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America."

POM-250. A resolution adopted by the American Philosophical Association supporting a mutual United States-Soviet Union nuclear weapons "freeze," and urging the United States to propose to the Government of the Soviet Union that both countries immediately agree to a mutual verifiable halt of all further testing, production, and deployment of nuclear warheads, missiles, and delivery systems as a first step toward mutual, balanced reduction of same; to the Committee on Foreign Relations.

POM-251. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Energy and Natural Resources:

"SENATE JOINT MEMORIAL No. 110

"Whereas, The Columbia River Gorge is the home of forty-one thousand residents of the states of Washington and Oregon who live in the location by choice, and as free and responsible citizens have managed their area in a prudent, conservation-minded manner; and

"Whereas, The Columbia River Gorge is a vital transportation corridor and economic link between the Northwest and the products and markets of the nation and the world; and

"Whereas, Congressional proposals have been made to place the Columbia River Gorge under centralized federal control, which proposals conflict with the sentiments expressed by the people in votes and polls in overwhelming opposition to the federal control; and

"Whereas, The Senate and House of Representatives of the State of Washington oppose imposition of any further federal control over nonfederal land in the Columbia River Gorge;

"Now, Therefore, Your Memorialists respectfully pray that Congress refrain from considering legislation imposing further federal control over nonfederal land in the Columbia River Gorge.

Be It Resolved, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-252. A joint resolution adopted by the legislature of the State of Nevada; to the Committee on Energy and Natural Resources:

"ASSEMBLY JOINT RESOLUTION No. 17

"Whereas, The Wild Free-roaming Horses and Burros Act of 1971, 16 U.S.C. §§ 1331 et seq., protects wild horses and burros from destruction, capture or sale by any person or governmental entity except when authorized by the Secretary of the Interior or the Secretary of Agriculture in connection with public lands administered by the Bureau of Land Management and the Forest Service; and

"Whereas, The Wild Free-roaming Horses and Burros Act has been overly successful and has allowed once-threatened populations of wild horses and burros in Nevada to increase to the extent that approximately 40,000 wild horses and 2,000 wild burros currently inhabit public lands in this state; and

"Whereas, The populations of wild horses and burros are increasing at an annual rate between 12 and 18 percent and will, absent stronger measures to control their numbers, double in the next 5 years; and

"Whereas, The Wild Free-roaming Horses and Burros Act requires the Secretarty of the Interior and the Secretary of Agriculture to manage the wild horse and burro populations in a manner that protects the natural ecological balance of all species of wildlife inhabiting the public lands; and

"Whereas, Wild horses and burros are already so numerous that they are destroying the habitat used by other species of wildlife; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the legislature of the State of Nevada strongly urges the Congress of the United States to enact legislation which:

"1. Requires the Secretary of the Interior and the Secretary of Agriculture to control strictly the populations of wild horses and burros on public lands; and

"2. Authorizes additional or more effective methods for the capture, sale, donation, transfer or other removal of wild horses and burros from public lands in Nevada; and be it further

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Agriculture, the Director of the Bureau of Land Management, each chairman and each member of the appropriate congressional committees and each member of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-253. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION No. 21

"Whereas, After many years of negotiation, the states of California and Nevada reached final agreement in 1971 on the California-Nevada Interstate Compact; and

"Whereas, In developing the Compact the Joint California-Navada Interstate Compact Commission met 62 times between 1956 and 1968, and separately the Nevada Compact Commission held 137 meetings and the California Compact Commission held 75 meetings between 1955 and 1972; and

"Whereas, Several special committees were formed to consider special problems, including the Joint Truckee River Committee, which met 22 times, the Joint Carson River Committee, which met 31 times, the Joint Walker River Committee, which met 26 times, the Joint Lake Tahoe Committee, which met 16 times, and the Joint Engineering-Legal Committee, which met 10 times; and

"Whereas, Other special committees included those on drafting, definitions and water rights, and committees to consider comments received from federal agencies and to explain the compact to interested persons; and

"Whereas, The Nevada Compact Commission expended $387,000 from the state general fund between 1956 and 1972 and the California Compact Commission was appropriated $857,000 between 1956 and 1969 and spent additional money to employ consultants; and

"Whereas, Under section 10 of Article 1 of the Constitution of the United States, and as provided in article 22 of the compact, ratification by the Congress of the United States is required before the compact may become effective; and

"Whereas, Valuable natural resources would be conserved and important agricultural interests would be benefited by congressional ratification; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the

Nevada legislature urges the Congress of the United States to ratify the California-Nevada Interstate Compact; and be it further

"Resolved, That copies of this resolution be immediately transmitted by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives, and to all members of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-254. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources:

"ASSEMBLY JOINT RESOLUTION No. 22

"Whereas, the Pershing County Water Conservation District entered into a 'repayment contract' on the 1st day of October, 1934, (Contract Nos. 11r-774, 14-06-400-429 and 14-06-200-919A) with the Bureau of Reclamation of the Department of the Interior to provide for the construction of Rye Patch Dam (known as the 'Humboldt Project'); and

"Whereas, 29,884 acres, more or less, were purchased to secure the water rights to provide seasonal and long-term regulation of the Humboldt River; and

"Whereas, The Pershing County Water Conservation District in 1978 repaid the United States all of the money for the 'Humboldt Project'; and

"Whereas, The 29,884 acres, more or less, are required to continue to provide seasonal and long-term regulation of the Humboldt River and as a community pasture; and

"Whereas, The enabling legislation for the 'Humboldt Project' (45 Stat. 195, et seq.), provided that title to 29,884 acres, more or less, was to remain in the name of the United States until further act of Congress; and

"Whereas, The board of directors of the Pershing County Water Conservation District and the county commissioners of Lander County, Nevada, have adoped resolutions requesting that all right, title and interest in and to the 29,884 acres, more or less, be conveyed to the Pershing County Water Conservation District; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the legislature calls upon the Congress of the United States to enact legislation directing the Secretary of the Interior to transfer all right, title and interest of the United States in and to some 29,884 acres, more or less, to the Pershing County Water Conservation District; and be it further

"Resolved, That copies of this resolution be transmitted forthwith to the Vice President of the United States as President of the Senate, to the Speaker of the House of Representatives, and to each member of the congressional delegation of the State of Nevada; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-255. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION No. 24—
ASSEMBLYMEN DINI, GETTO AND JEFFREY

"Whereas, The United States imports many goods; and

"Whereas, The United States Congress has enacted standards to ensure that the goods produced in this country are safe to use; and

"Whereas, The same reason for enacting those domestic standards for safety equally apply when foreign goods are imported and used; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the legislature of the State of Nevada urges the Congress of the United States to enact legislation which requires that imported foreign goods meet the domestic standards for safety; and be it further

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives and to all members of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-256. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Veterans Affairs:

"ASSEMBLY JOINT RESOLUTION No. 28

"Whereas, there are approximately 250,000 veterans in the United States who were exposed to atomic radiation during the occupation of Japan and in conjunction with at least 235 atmospheric tests of nuclear weapons conducted up to as recently as 1962; and

"Whereas, these veterans are now suffering myriad health problems including cancer, degenerative bone and nerve diseases, intestinal disorders, blood and respiratory diseases, emotional problems, and birth defects in children and grandchildren; and

"Whereas, recent medical evidence indicates that all of these ailments are associated with exposure to atomic radiation; and

"Whereas, these veterans have typically been hesitant to come forward for fear of prosecution under secrecy statutes, possible loss of medical benefits and diminished potential for employment; and

"Whereas, regulations published by the Veterans' Administration on December 2, 1981, pertaining to the provision of health care to veterans exposed to atomic radiation do not address health problems other than cancer; and

"Whereas, current regulations of the Veterans' Administration have been used to deny 98 percent of the claims by veterans for health care and compensation for health problems related to exposure to atomic radiation; and

"Whereas, under these regulations a veteran must prove that he was exposed to atomic radiation through his own initiative in securing records that often are incomplete or missing entirely; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the Nevada legislature respectfully memorializes the President and the Congress of the United States to direct the Administrator of Veterans' Affairs to revise the current regulations of the Veterans' Administration regarding the provision of health care to veterans exposed to atomic radiation to fully recognize the body of medical evidence associating exposure to atomic radiation with a wide range of health problems; and be it further

"Resolved, That the Nevada legislature respectfully requests that other appropriate agencies and resources of the United States be brought to bear in an investigation of the health and genetic complaints of veterans exposed to atomic radiation and of the apparent loss of records and documentation pertaining to exposure of persons and military units; and be it further

"Resolved, That copies of this resolution be prepared and transmitted forthwith by the legislative counsel to the President and Vice President of the United States, the Speaker of the House of Representatives, each United States Senator and Representative in Congress from Nevada and the Administrator of Veterans' Affairs; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-257. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION No. 14—
COMMITTEE ON NATURAL RESOURCES

"Whereas, grade crossings of railroads are potentially hazardous and disruptive to the development of commercial, agricultural and urban interests; and

"Whereas, the Congress of the United States has recognized this problem and funded a project to relocate railroads in Elko, Nevada, which would be beneficial if applied to other urban areas in this state; and

"Whereas, the Federal Government administers 49.1 million acres of public domain in this state of which approximately 3.5 million acres was granted by Congress to the railroads in the 19th century and remains as a 40-mile strip of land across northern Nevada in an unmanageable 'checkerboard' pattern of alternating sections of public and private land; and

"Whereas, the Bureau of Land Management has designated the public lands within this area for eventual disposal; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the legislature of the State of Nevada memorializes the Congress of the United States to sell the public lands within this area, excluding the mineral interests, to the State of Nevada for $2.50 per acre, for subsequent sale (except for those lands identified by state and local planning agencies as being desirable for parks, wildlife or recreational and other public purposes), the proceeds of which are to be used to eliminate grade crossings of railroads over highways in this state; and be it further

"Resolved, That copies of this resolution be immediately transmitted by the legislative counsel to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the director of the Bureau of Land Management and each member of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-258. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION NO. 15—COMMITTEE ON NATURAL RESOURCES

"Whereas, the United States Government, after more than 118 years have elapsed since Nevada became a state, still retains 86.8 percent of the land in Nevada; and

"Whereas, the growth in population within this state and the resulting change in the use of the land has placed a heavy demand on the state and local governments to provide additional facilities for governmental services while abandoning existing facilities which have been rendered ineffective by changes in population; and

"Whereas, these vast federally owned areas create a major tax burden on the owners of private property in this state to meet the needs of children for public schooling and other services; and

"Whereas, intermingled ownership of land among private persons and federal governmental agencies severely restricts proper practices for the conservation of this state's natural resources and the preservation of recreational, wildlife and environmental areas which are best suited for management by the state and local governments; and

"Whereas, the federal ownership of a majority of the land in this state prohibits the orderly expansion of landlocked cities on a planned basis, without an adverse effect on the existing economy of local areas; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Nevada legislature memorializes the Congress of the United States to review the 1970 report of the Nevada state committee of federal land laws and Bulletin No. 83-8 of the select committee on public lands and, pursuant thereto, grant to Nevada an additional 6,205,522 acres of public land for the benefit of the public schools; and be it further

"Resolved, That copies of this resolution and the publications referred to in this resolution be immediately transmitted by the legislative counsel to the President of the United States, the Vice President as presiding officer of the Senate, the secretary of the Interior, the Speaker of the House of Representatives and to each member of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-259. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 20

"Whereas, the Nevada legislature in 1981 responded to the desire of property owners in this state for relief from local property taxes by substantially reducing those taxes; and

"Whereas, the reduction in property taxes necessitated increasing the city-county relief tax, enacted as chapter 377 of NRS, and making its imposition mandatory, where previously this tax on retail sales was imposed at the option of each county; and

"Whereas, local sales taxes which are required by the state to be imposed have not been included as a tax imposed by local government for the purposes of calculating allocations of money to those local governments in the program of revenue sharing; and

"Whereas, the state does not specify the purposes for which a county or the local governments within its territory may spend the revenues derived from this tax; and

"Whereas, this result as between the state and the counties is closely analogous to the situation treated in 31 U.S.C. § 1228(e)(2)(B) where a county sales tax collected within the geographic area of a local government and transferred to that local government is treated as a tax of that local government and not of the county; and

"Whereas, exclusion of the city-county relief tax will significantly change federal allocations to Nevada's local governments at a time when the financial needs of these local governments and their ability to raise revenue have not changed proportionately in the current period of entitlement over prior periods; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Nevada legislature urges the Congress of the United States to enact promptly appropriate legislation to provide that in determining the adjusted taxes for local governments in the State of Nevada for the purposes of allocating money to them under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512) for the fiscal year ending June 30, 1982, and for each fiscal year thereafter, the city-county relief tax, imposed under chapter 377 of NRS, be classified and treated as a locally imposed tax and not as revenue provided by the state in aid of its local governments; and be it further

"Resolved, That a copy of this joint resolution be transmitted by the legislative counsel to the President of the United States, the Vice President as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-260. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 24

"Whereas, the United States Internal Revenue Service has a substantial lien for estate taxes against property owned by the Redfield estate in and near the Lake Tahoe Basin; and

"Whereas, if this property were sold for taxes it would be subject to private development which could destroy its scenic beauty, interfere with the ecology, impair recreational use and place severe demands on the resources of the Lake Tahoe Basin; and

"Whereas, it is imperative that the scenic beauty, natural resources and recreational opportunities of the Lake Tahoe Basin be preserved perpetually; now, therefore, be it

"Resolved by the Senate and Assembly of the State of Nevada, jointly, That the Nevada legislature respectfully memorializes the Congress of the United States to recognize the importance of preserving the scenic beauty, ecology and recreational opportunities of the Lake Tahoe Basin by enacting appropriate legislation to accept land from the Redford estate in payment of the remaining taxes due on the estate; and be it further

"Resolved, That copies of this resolution be immediately transmitted by the legislative counsel to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Treasury, and each member of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-261. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Commerce, Science, and Transportation:

"SENATE JOINT MEMORIAL NO. 118

"Whereas, the three-county area of Whatcom, Skagit, and San Juan counties has grown to nearly one hundred eighty thousand residents, a twenty-eight percent ten-year growth, making it one of the fastest growing areas in Washington State; and

"Whereas, public television is not readily available to over seventy percent of the households in this area; and

"Whereas, the State of Washington has recognized the service of public television; and

"Whereas, the residents of this area have occasionally attempted to group their personal resources in order to build their own receivers for public television; and

"Whereas, Channel 9/KCTS, in its efforts to expand its broadcast signal, has an application pending with the Federal Communications Commission to locate a transmitter on Mt. Constitution on Orcas Island; and

"Whereas, this pending application, under current procedure, cannot receive approval of a grant through the National Telecommunications and Information System, without a percentage of matching funds from state and local sources; and

"Whereas, the current economic conditions in the three-county area and in the State of Washington generally are not conducive to raising funds for any purpose;

"Now, therefore, your Memorialists respectfully pray that the administration reexamine its practice of requiring matching funds at a level which makes it impossible to complete the Mt. Constitution transmitter, commonly known as the Bellingham Project, so that the eighty thousand two hundred thirty-five households in the affected area might be enabled to receive free public television through the pending National Telecommunications and Information System grant.

"Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-262. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Foreign Relations:

"SENATE JOINT MEMORIAL NO. 106

"Whereas, the unleashing of nuclear weapons would cause death, injury, and destruction on a scale unprecedented in human experience, and a major nuclear war would end civilized human existence throughout the world; and

"Whereas, both the United States and the Soviet Union now have enough nuclear weapons in their arsenals to destroy every population center in both nations and in all nations with which they are allied; and

"Whereas, the technology of nuclear weaponry is rapidly being disseminated, and more countries have or will soon gain the technical proficiency to develop nuclear weapons; and

"Whereas, the history of the nuclear arms race demonstrates that the continued and unrestrained development of new weapons

will overtake arms control agreements before the agreements have been negotiated; and

"Whereas, the enormous cost of nuclear weapons has caused the reallocation of funds from programs that improve the quality of life for people in many countries, has contributed in our own country to continued high budget deficits and borrowing costs, and has caused the redeployment of technical resources, scientists, engineers, and the capital investment necessary for the improved productivity of our civilian economy;

"Now, therefore, your Memorialists respectfully pray that the President and Congress of the United States immediately propose to the Soviet Union a mutual and verifiable freeze on the testing, production, and further deployment of nuclear weapons and of the systems designed primarily to deliver nuclear weapons, and upon agreement, to jointly seek negotiation of a permanent, international, and multilateral nuclear weapons ban subject to rigid verification; and

"Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Honorable John Spellman, Governor of the State of Washington, and each member of Congress from the State of Washington."

POM-263. A resolution adopted by the Council of the city of Arlington, Tex., opposing Senate bill 66, the cable television legislation; to the Committee on Commerce, Science, and Transportation.

POM-264. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on the Judiciary:

"SENATE JOINT MEMORIAL No. 116

"Whereas, the Columbia Basin Project has furnished the state of Washington and its citizens with countless benefits through the irrigation of arid lands, the generation of electricity, the creation of habitat for fish and wildlife, protection from floods, and numerous positive secondary impacts on the economy of our region, all of which constitute and incalculable contribution to the general welfare of the people; and

"Whereas, These great works were the product of uncommon vision and ingenuity, implemented with extraordinary skill in reconnaissance, planning, engineering, and construction, and they stand as s special tribute to the many dedicated people, from the President of the United States to the people of the Big Bend and sagebrush country, who fought for so many years to make the dam a reality; and

"Whereas, all this has been accomplished, in cooperation with the federal government, with a long-time and continuing commitment of support from the state of Washington through legislative enactments and financial assistance; and

"Whereas, July 16, 1983, will mark the fiftieth anniversary of the official start of construction of the project's major facility, the Grand Coulee Dam; and

"Whereas, the legislature of the state of Washington, in recognition of the project's vital role in improving the quality of life in this state, hereby designates July 16, 1983, as a special day of commemoration and celebration of the initiation of construction of the Grand Coulee Dam and extends congratulations and compliments to all who have participated in the magnificent achievement of bringing the project into being;

Now, therefore, your Memorialists respectfully pray that the United States Congress take similar action by designating July 16, 1983, as a special national day of commemoration and celebration of the initiation of construction of the Grand Coulee Dam as well as providing suitable funds to the United States Department of the Interior to join with the state of Washington in commemorating and celebrating this important occasion.

"Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the Secretary of the Interior, the Secretary of Energy, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations, with amendments:

H.R. 3132. An Act making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-153).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Leonard D. Wexler, of New York, to be United States District Judge for the Eastern District of New York;

Gene Carter, of Maine, to be United States District Judge for the district of Maine;

Lois H. Herrington, of California, to be an Assistant Attorney General; and

D. Lowell Jensen, of Virginia, to be Associate Attorney General.

By Mr. DOLE, from the Committee on Finance:

Charles E. Clapp II, of Rhode Island, to be a Judge of the United States Tax Court for a term expiring fifteen years after he takes office.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FORD:

S. 1488. A bill for the relief of Patty Jean Tipton and her husband Ronald Tipton; to the Committee on the Judiciary.

By Mr. DOLE:

S. 1489. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment and taxation of education savings accounts; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. DOLE):

S. 1490. A bill entitled the "Fraternal Lodge Tax Bill."; to the Committee on Finance.

By Mr. KASTEN:

S. 1491. A bill for the relief of Tsun-lit Poon; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 1492. A bill to provide Federal disaster assistance to producers of peaches and apples; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PACKWOOD:

S. 1493. A bill for the relief of Chong Hui Schrein; to the Committee on the Judiciary.

By Mr. PACKWOOD (for himself and Mr. HATFIELD):

S. 1494. A bill for the relief of Kok Djen Su and Grace Su, husband and wife; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. HOLLINGS, Mr. CHILES, Mr. PELL, Mr. BRADLEY, Mr. MATSUNAGA and Mr. PRYOR):

S. 1495. A bill to provide for a National Summit Conference on Education; to the Committee on Labor and Human Resources.

By Mr. TSONGAS (for himself and Mr. BAUCUS):

S. 1496. A bill to amend the Internal Revenue Code of 1954 to encourage investment in new business ventures; to the Committee on Finance.

By Mr. HUMPHREY:

S. 1497. A bill to defer congressional pay adjustments until the first March 1 following the beginning of the Congress next following the Congress during which certain actions with respect to pay rates are taken, to require a recorded vote in each House for annual congressional pay adjustments, to provide that appropriations of funds for congressional pay be considered separately, and for other purposes; to the Committee on Government Affairs.

By Mr. HUDDLESTON (for himself, Mr. HELMS, Mr. COCHRAN, Mr. LEAHY, Mr. BOREN, Mr. BOSCHWITZ, Mr. DIXON, Mr. DOLE, Mrs. HAWKINS, Mr. HEFLIN, Mr. JEPSEN, Mr. LUGAR, Mr. PRYOR, Mr. ZORINSKY, Mr. EAST, Mr. PROXMIRE, Mr. BENTSEN, Mr. DOMENICI, Mr. SYMMS, Mr. COHEN, Mr. D'AMATO, Mr. MATSUNAGA, Mr. HUMPHREY, Mr. CRANSTON, Mr. NUNN, Mr. RIEGLE, Mr. BRADLEY, Mr. STENNIS, Mr. TSONGAS, Mr. DECONCINI, Mr. RANDOLPH, Mr. BUMPERS, Mr. CHAFEE, Mr. BAKER, Mr. MATTINGLY, Mr. STEVENS, Mr. BURDICK, and Mr. MCCLURE):

S.J. Res. 117. Joint resolution to authorize and request the President to designate July 15, 1983, as "National Ice Cream Day."; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. HEINZ, Mr. GORTON, Mr. SARBANES, Mr. KASTEN, Mr. DIXON, and Mr. JEPSEN):

S.J. Res. 118. Joint resolution to establish the Abraham Lincoln 175th Anniversary Commission; to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. HATCH, Mr. HOLLINGS, Mr. BAUCUS, Mr. SASSER, Mrs. HAWKINS, Mr. RUDMAN, Mr. COCHRAN, Mr. PRESSLER, Mr. DANFORTH, Mr. MATSUNAGA, Mr. LUGAR, Mr. RANDOLPH, Mr. RIEGLE, Mr. PROXMIRE, Mr. PELL, Mr. KENNEDY, Mr. HEFLIN, Mr. STAFFORD, Mr. GARN, Mr. BURDICK, Mr. BYRD, Mr. HUDDLESTON, Mr. DECONCINI, Mr. QUAYLE, Mr. GORTON, Mr. BOSCHWITZ, and Mr. DENTON):

S.J. Res. 119. Joint resolution to designate the week of December 11, 1983, through De-

cember 17, 1983, as "National Drunk and Drugged Driving Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for himself, Mrs. KASSEBAUM, Mr. INOUYE, Mr. BUMPERS, Mr. CRANSTON, Mr. HUDDLESTON, Mr. PRESSLER, Mr. ANDREWS, Mr. DURENBERGER, Mr. SPECTER, Mr. BOREN, and Mr. MATHIAS):

S. Res. 159. Resolution expressing the sense of the Senate that the United States should propose a mutual pause in flight tests of new MIRV'd ICBM's and seek an arms control agreement in the START talks incorporating the recommendations of the Scowcroft Commission; to the Committee on Foreign Relations.

By Mr. DOLE (for himself, Mr. STEVENS, Mr. ABDNOR, Mr. ARMSTRONG, Mr. KASTEN, Mr. MURKOWSKI, Mr. TRIBLE, and Mr. GRASSLEY):

S. Con. Res. 46. Concurrent resolution expressing the sense of the Congress regarding negotiations for the reduction and control of nuclear arms; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE:

S. 1489. A bill to amend the Internal Revenue Code of 1954 to provide for the establishment and taxation of education savings accounts; to the Committee on Finance.

EDUCATION SAVINGS ACCOUNT ACT OF 1983

● Mr. DOLE. Mr. President, today the Senator from Kansas is pleased to introduce the administration's education savings account legislation providing tax-preferred treatment for amounts set aside to fund a child's higher education. This is a concept and policy I have favored for some time, having introduced similar legislation in each of the last three Congresses. This Senator is gratified that the President shares the view that this type of legislation is both necessary and appropriate and included this proposal as part of his 1984 budget. With the active support of the President, I am confident that the time will soon come when we will favorably consider the policy of encouraging our citizens to plan ahead for their children's higher education.

THE NEED FOR BETTER EDUCATION

The National Commission on Excellence in Education has recently focused attention on the need to provide a higher level of quality education to assure that individuals in our society will be able to compete in the world economy. Our world has become increasingly complex and the skills necessary to allow an individual to function effectively in a productive manner have become correspondingly greater. Yet, we are finding that our children are less well educated today than their counterparts were only 20 years ago.

THE ECONOMIC BARRIER

There is little question in my mind that we need to improve our children's education both for their benefit and for the benefit of our society as a whole. However, a major barrier to higher education is the substantial cost involved. According to the College Board, the total cost of attending college at a private 4-year institution in the 1982–83 school year was $7,475. The comparable cost at a public institution averaged $4,388. These costs are high, but perhaps even more disturbing, is that these costs average over 11 percent more than the costs for the prior year at private colleges and 13 percent more at public colleges. I would remind my colleagues that this increase comes at a time when inflation was less than 4 percent.

Clearly, the costs of higher education have reached such a magnitude that few families can pay these costs out of current income. Similarly, it would be unreasonable to expect that loans alone will be sufficient to breach this gap between costs and ability to pay. Finally, increasing competition for a finite amount of aid in the form of scholarships will have the inevitable result that a large number of potential students will have insufficient resources to pursue their studies.

THE ROLE OF PRIVATE SAVINGS

There is a role for student loans and a role for scholarship aid. However, they cannot be relied upon to the exclusion of private savings. The costs of higher education are primarily the responsibility of the student and his or her family. A student and his or her family can rely upon scholarship grants and loans, which can spread the costs out over years after graduation at the additional cost of interest payments. But the most cost-efficient way to fund these costs is to save in the years prior to college and earn interest on the savings.

Unfortunately, our society in recent years has placed little premium on savings. Perhaps that is a result of pervasive societal pressures favoring current consumption, ranging from product advertising to incentives for consumption in our Tax Code and high inflation rates over the last decade. It may be unfortunate that individuals do not plan far enough in advance for their children's higher education, but that does seem to be the situation which exists today.

THE PROPRIETY OF AN EDUCATION SAVINGS TAX INCENTIVE

For that reason alone it seems to this Senator that a tax incentive to encourage education savings is appropriate. We have found that incentives of this kind are effective. For instance, the expansion of the individual retirement account provisions as part of the Economic Recovery Tax Act has led to a much greater usage of IRA's than anyone expected at the time. If education savings accounts are used in the manner intended, they will encourage long-term savings similar to the long-term retirement savings encouraged by IRA's.

The policy promoted by this bill is very similar to the policy underlying IRA's—to encourage people to save ahead of time for an event, whether it be college costs or living expenses after retirement, which could be impossible to fund if a person waits too long. A similar tax incentive would seem to be appropriate.

TAX-PREFERRED EDUCATION SAVINGS ACCOUNTS

The bill I am introducing today contains several features which differ from S. 16 which I introduced in January. This proposal allows up to $1,000 per child to be set aside annually in a tax-exempt account on a nondeductible basis, contains an income limitation which limits the tax advantage to those making less than $60,000 a year, and includes a novel penalty for withdrawals of funds from the account for noneducational purposes which is intended to approximate the tax advantage of these accounts.

On the other hand, S. 16 allows a deduction for contributions of up to $750 per child annually, contains a penalty similar to the penalty that applies to premature withdrawals from an IRA, and provides that the amount used for educational purposes would be included as income to the student over a 10-year period beginning at age 25.

The variations in the two bills should provide a basis for an instructive discussion of how best to structure these accounts to combine maximum incentive with the lowest revenue impact.

However, the concept of providing a tax-preferred savings vehicle to help families give their children the opportunity of a college education is shared by both bills and is sound. Recently, there has been a lot of rhetoric about improving the education of our children. This is a proposal which will provide a constructive way to implement this rhetoric.

I ask unanimous consent that the text and a general and technical explanation of this measure be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Savings Account Act of 1983".

SEC. 2. EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically ex-

cluded from gross income) is amended by redesignating section 132 as section 133 and by inserting after section 131 the following new section:

"SEC. 132. EDUCATION SAVINGS ACCOUNTS.

"(a) DEFINITIONS.—For purposes of this section—

"(1) EDUCATION SAVINGS ACCOUNT.—The term 'education savings account' means a trust created or organized in the United States for the exclusive benefit of the one individual creator of the trust, but only if the written governing instrument creating the trust meets the following requirements:

"(A) The trustee is a bank (within the meaning of section 401(d)(1)) or such other person who demonstrates to the satisfaction of the Secretary that the manner in which such other person will administer the trust will be consistent with the requirements of this section.

"(B) No part of the trust funds will be invested in life insurance contracts.

"(C) The interest of an owner in the balance of the trust is nonforfeitable.

"(D) The assets of the trust will not be commingled with other property except in a common trust fund or a common investment fund.

"(E) The books and records of the trust will be kept in accordance with this section using the taxable year of the owner, which year is specified.

"(F) The trust is created to be an education savings account with respect to a specified named child other than the creator of the account, whose date of birth is specified.

"(G) Contributions will be accepted only from the individual who created the trust.

"(H) Contributions will be accepted only in cash.

"(I) Contributions will be accepted in a taxable year of the owner in a maximum amount equal to the sum of—

"(i) $1,000, plus

"(ii) the amount of any rollover contribution (as described in subsection (e)(2)) made to the trust in such year.

"(J) A contribution will be accepted as a rollover contribution only if the owner of the trust furnishes to the trustee a written statement from a trustee of another education savings account with the same named child as the trust to which the contribution is to be made that complies with this section and the date of distribution shown on such statement is within 60 days prior to the day of the contribution.

"(2) NAMED CHILD.—The term 'named child' means an individual so specified in the written governing instrument of an education savings account, as described in paragraph (1)(F).

"(3) CERTIFIED ELIGIBLE EDUCATION EXPENSES.—The 'certified eligible education expenses' of a taxpayer with respect to a named child for the taxable year are the sum of—

"(A) the amount of eligible education expenses with respect to such named child that are paid by the taxpayer during such year to a qualified educational institution, as reflected in a written certification from such institution; plus

"(B) the lesser of—

"(i) the qualified off-campus housing expenses with respect to such named child for such year, or

"(ii) the amount of cash provided by the taxpayer to such named child (or, if the taxpayer is the owner of the account, the amount spent by the taxpayer on room and board) during such year.

"(4) ELIGIBLE EDUCATION EXPENSES.—The amount of 'eligible education expenses' with respect to a named child is the sum of—

"(A) amounts charged for tuition for, and room and board provided by a qualified educational institution to such named child in connection with, the full-time enrollment of such named child in one or more terms of qualified education; plus

"(B) amounts charged for tuition for the part-time enrollment of such named child in one or more terms of qualified education.

"(5) QUALIFIED OFF-CAMPUS HOUSING EXPENSES.—The 'qualified off-campus housing expenses' with respect to a named child for the taxable year are:

"(A) If such named child is covered by section 482(d)(3) (C) or (D) of the Higher Education Act of 1965 with respect to such year, the amount referred to in such section with respect to such named child for such year, to the extent attributable to the full-time enrollment of such named child in one or more terms of qualified education during such year, as reflected in a written certification from the qualified educational institution that the child attends; otherwise,

"(B) Zero.

"(6) QUALIFIED EDUCATION.—The term 'qualified education' means a program leading to a degree or certification at a qualified educational institution.

"(7) QUALIFIED EDUCATIONAL INSTITUTION.—The term 'qualified educational institution' means an institution—

"(A) that is—

"(i) a vocational school (within the meaning of section 435(c) of the Higher Education Act of 1965) or a proprietary institution of higher education (within the meaning of section 481(b) of such Act), or

"(ii) any other eligible institution (within the meaning of section 435(a) of such Act) or institution of higher education (within the meaning of section 481(a)(1) of such Act) that is exempt from taxation under section 501(a) as an organization described in section 501(c)(3), including church-operated schools to which subsections (a) and (b) of section 508 do not apply, and

"(B) that includes in any published bylaws, advertisements, admission application forms, and other such published materials, a statement (in such form and manner as the Secretary may by regulations prescribe) that it does not discriminate against student applicants or students on the basis of race.

"(8) QUALIFIED DEPENDENT.—The term 'qualified dependent' means any individual—

"(A) who is a dependent of the taxpayer (other than an individual described in paragraph (4), (5), (7), or (8) of section 152(a)),

"(B) with respect to whom a deduction under section 151 is allowable to the taxpayer for the taxable year.

"(b) GENERAL RULE.—No amount shall be included in the income of a taxpayer with respect to an education savings account owned by such taxpayer except as otherwise provided in this section. Notwithstanding any other provision of this title, no deduction shall be allowed to the owner of an education savings account with respect to such account except for any deduction allowable on account of the termination of such account (other than in connection with a rollover contribution described in subsection (e)(2)).

"(c) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, a taxpayer owning an education savings account during the taxable year shall include in income an amount equal to the taxable percentage with respect to such account for such year (as determined under paragraph (3)) of the taxable distributions from such account in such year (as determined under paragraph (2)).

"(2) TAXABLE DISTRIBUTIONS.—The taxable distributions from an education savings account in the taxable year are the amount by which the distributions from such account to the taxpayer in such year exceed the certified eligible education expenses of the taxpayer with respect to the named child of such account for such year.

"(3) TAXABLE PERCENTAGE.—The taxable percentage with respect to an education savings account for the taxable year is the percentage of—

"(A) the distributable total balance (as determined under subsection (h)(1)) of such account on the last business day of such year (or, if such account was closed during such year, on the day so closed), that is represented by

"(B) the distributable income balance (as determined under subsection (h)(2)) of such account on such day.

"(4) EXCESS CONTRIBUTIONS RETURNED BEFORE DUE DATE OF RETURN.—In determining the distributions from an education savings account for purposes of paragraph (2), there shall be excluded any one distribution on account of a taxable year received on or before the day prescribed by law (including extensions of time) for filing the return of the taxpayer for such year of an amount equal to the sum of—

"(A) the excess of the aggregate amount of contributions made in such year to such account over the qualified contribution amount with respect to such account for such year (as determined under subsection (e)(1)), plus

"(B) the amount of gross income attributable to such amount of excess contributions, as reflected in a written statement from the trustee.

For purposes of section 61, the portion of such a distribution described in subparagraph (B) shall be included in the income of the owner of such account in the taxable year in which the contributions were made. The Secretary shall prescribe regulations for determining the amount of gross income described in subparagraph (B).

"(5) ROLLOVER DISTRIBUTIONS.—Paragraph (1) does not apply to a distribution in connection with a rollover contribution (as described in subsection (e)(2)).

"(6) DISTRIBUTION IN KIND.—For purposes of this title, a distribution in kind from an education savings account (other than a distribution described in paragraph (5)) shall be treated as, on the day of distribution, a sale of the distributed property by such account to the owner at the fair market value of the property on such day, followed by a distribution by such account to the owner of cash in an amount equal to such value.

"(d) ELIGIBLE EDUCATION EXPENSES DO NOT INCLUDE AMOUNTS FOR EDUCATION AT RACIALLY DISCRIMINATORY INSTITUTIONS.—

"(1) DECLARATORY JUDGMENT ENTERED—

"(A) IN GENERAL.—Certified eligible education expenses do not include expenses with respect to the participation of a named child in a term of an educational program at an educational institution if—

"(i) prior to the enrollment of such named child in such program—

"(I) a judgment has been entered by a district court of the United States under sec-

tion 7408 (regardless of whether such judgment is appealed) declaring that such educational institution follows a racially discriminatory policy, or

"(II) an order by any United States Court of Appeals has been made which, by its terms, requires the district court to enter such a judgment, and

"(ii) no order described in section 7408(f)(2) with respect to such educational institution is in effect as of the first day of such term.

"(B) REVERSALS OF DECLARATORY JUDGMENTS OR ORDERS.—

"(i) IN GENERAL.—A judgment or order described in subparagraph (A)(i) entered in an action brought with respect to an educational institution shall not be taken into account under subparagraph (A) if, after all appeals in such action have been concluded or the time for filing such appeals has expired, the declaration contained in such judgment, or required to be entered under the terms of such order, that such institution has followed a racially discriminatory policy is negated (other than by reason of an order described in section 7408(f)(2)).

"(ii) WAIVER OF LIMITATIONS.—Notwithstanding section 6511(a) or any other period of limitation or lapse of time, a claim for credit or refund of overpayment of the tax imposed by this chapter which arises by reason of this subparagraph may be filed by any person at any time within the 1-year period beginning on the earlier of—

"(I) the date on which all appeals with respect to the judgment or order described in subparagraph (A)(i) have been concluded, or

"(II) the date on which the time for such appeals has expired.

Section 6511(b) and 6514 shall not apply to any claim for credit or refund filed under this subparagraph within such 1-year period.

"(C) STAY OF DECLARATORY JUDGMENT.—

"(i) IN GENERAL.—Any judgment or order described in subparagraph (A)(i) shall not be taken into account under subparagraph (A) during any time period for which such judgment or order is stayed.

"(ii) REMOVAL OF STAY.—If a stay entered against a judgment or order described in subparagraph (A)(i) is vacated—

"(I) this subparagraph shall not apply with respect to such judgment or order for any time period preceding the date on which such stay is vacated, and

"(II) notwithstanding any other provision of this title or of any other law, the statutory period for the assessment of a deficiency attributable to the inclusion in income of amounts as a result of distributions from an education savings account under this section by reason of this clause shall not expire before the date which is 3 years after the close of the calendar year in which such stay is removed.

"(D) WAIVER OF LIMITATIONS IF INSTITUTION CEASES TO DISCRIMINATE.—Notwithstanding section 6511(a) or any other period of limitation or lapse of time, a claim for credit or refund of overpayment of the tax imposed by this chapter which arises by reason of a reversal of any order denying a motion under section 7408(f)(1)(A) may be filed by any person at any time within the 1-year period beginning on the date on which such reversal is made. Sections 6511 (b) and 6514 shall not apply to any claim for credit or refund filed under this subparagraph within such 1-year period.

"(2) ENFORCEMENT RESPONSIBILITY.—The Attorney General shall have exclusive authority under this subsection to investigate and to determine whether an educational institution is following a racially discriminatory policy.

"(3) RACIALLY DISCRIMINATORY POLICY.—For purposes of this subsection—

"(A) IN GENERAL.—An educational institution follows a racially discriminatory policy if such institution refuses, on the basis of race, to—

"(i) admit applicants as students;

"(ii) admit students to the rights, privileges, programs, and activities generally made available to students by the educational institution; or

"(iii) allow students to participate in its scholarship, loan, athletic, or other programs.

"(B) QUOTAS, ETC.—The term 'racially discriminatory policy' shall not include failure of any qualified educational institution to pursue or achieve any racial quota, proportion, or representation in the student body.

"(C) RACE.—The term 'race' shall include color or national origin.

"(e) CONTRIBUTIONS TO EDUCATION SAVINGS ACCOUNTS.—

"(1) IN GENERAL.—The qualified contribution amount with respect to an education savings account for the taxable year is:

"(A) If the named child of such account is not a qualified dependent of the taxpayer for such year, the amount of any rollover contribution (as described in paragraph (2)) made to such account in such year;

"(B) If such named child is over 18 years of age at the close of such year, the amount of any rollover contribution (as described in paragraph (2)) made to such account in such year; otherwise,

"(C) The sum of—

(i) the excess of $1,000 over 5 percent (10 percent in the case of a married individual who does not file a joint return) of the amount by which the adjusted gross income of the taxpayer for such year exceeds $40,000 ($20,000 in the case of such married individual), plus

(ii) the amount of any rollover contribution (as described in paragraph (2)) made to such account in such year.

"(2) ROLLOVER CONTRIBUTIONS.—A contribution is described in this paragraph as a rollover contribution if it meets the requirements of subparagraph (A) or (B).

"(A) IN GENERAL.—A contribution satisfies this subparagraph if—

"(i) the entire amount of the contribution (including money and any other property) represents the distribution to the taxpayer of an entire education savings account, as reflected in a statement from the trustee of such account furnished to the trustee of the education savings account described in clause (ii);

"(ii) the contribution (including money and any other property) is made to an education savings account that has the same named child as the account described in clause (i) on or before the earlier of the beginning of the taxable year of the taxpayer in which such named child becomes 26 years of age or the date 60 days after the day on which the distribution described in clause (i) occurs; and

"(iii) no rollover contribution described in this paragraph was made to the education savings account described in clause (i) during the one year period ending on the day on which the distribution described in clause (i) occurs.

"(B) ROLLOVERS WITH RESPECT TO A DECEASED OWNER.—A contribution satisfies this subparagraph if—

"(i) the entire amount of the contribution (including money and any other property) represents the distribution to the taxpayer of an entire education savings account that was acquired as a result of the death of the owner or such account, as reflected in a statement from the trustee of such account furnished to the trustee of the education savings account described in clause (ii); and

"(ii) the contribution (including money and any other property) is made to an education savings account that has the same named child as the account described in clause (i)—

"(I) on or before the later of the date 1 year after the day of death of the owner of the education savings account described in clause (i) or the date 60 days after the day on which such account was transferred to the taxpayer,

"(II) on or before the earlier of the beginning of the taxable year of the taxpayer in which such named child becomes 26 years of age or the date 60 days after the day on which the distribution described in clause (i) occurs, and

"(III) at a time when such named child is a qualified dependent of the taxpayer.

"(3) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a contribution to an education savings account on the last day of a taxable year if the contribution is made on account of such year and is made not later than the time prescribed by law for filing the return for such year (including extensions thereof).

"(4) EXCESS CONTRIBUTION TREATED AS CONTRIBUTION FOR SUBSEQUENT TAXABLE YEAR.—In a taxable year, the amount by which—

"(A) the contributions by the taxpayer to an education savings account in the preceding taxable year (other than a rollover contribution as described in subsection (e)(2)), exceed—

"(B) the sum of—

"(i) the qualified contribution amount with respect to such account for such preceding year (as determined under paragraph (1)), plus

"(ii) the excess of the distributions from such account (determined without regard to subsection (f)) for the taxable year (other than any distribution described in subsection (c)(4)) over the taxable percentage with respect to such account for such year (as determined under subsection (c)(3)) of such distributions, plus

"(iii) the amount described in subsection (c)(4)(A) with respect to any distribution described in subsection (c)(4) on account of such preceding year,

shall be treated as a contribution to such account on the first day of the taxable year.

"(5) FORM OF CONTRIBUTIONS.—Contributions to an education savings account, except for rollover contributions (as described in paragraph (2)), shall be made only in cash. Any contribution to an education savings account made in violation of the preceding sentence shall result in the owner that made such contribution continuing to be treated as the owner of the contributed property (as if held other than in an education savings account) for purposes of this title.

"(f) TAX TREATMENT OF ACCOUNTS.—

"(1) EXEMPTION FROM TAX.—An education savings account is exempt from taxation under this subtitle unless it has ceased to be an education savings account by reason of paragraph (2) or (3). Notwithstanding the preceding sentence, an education savings account is subject to the taxes imposed by section 511 (relating to imposition of tax on

unrelated business income of charitable, etc., organizations).

"(2) TERMINATION OF STATUS AS EDUCATION SAVINGS ACCOUNT.—

"(A) NAMED CHILD REACHES 26 YEARS OF AGE.—An education savings account shall cease to be an education savings account as of the first day of the taxable year of the owner of such account in which the named child of such account becomes 26 years of age.

"(B) ACCOUNT TRANSFERS.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, if, during any taxable year of the owner of an education savings account, the owner transfers (including transfers by operation of law) any ownership interest therein, such account shall cease to be an education savings account as of the first day of such year.

"(ii) TRANSFER TO NAMED CHILD ON DEATH OF OWNER.—Clause (i) shall not apply to a transfer of an education savings account, as a result of the death of the owner, to the named child of such account or to the estate of the deceased owner (in order that the estate may transfer such account to such named child pursuant to the will of the deceased owner).

"(iii) OTHER TRANSFERS ON DEATH.—Clause (i) shall not apply to a transfer of an education savings account, as a result of the death of the owner, to another individual or to the estate of the deceased owner (in order that the estate may transfer such account to another individual pursuant to the will of the deceased owner) if such individual makes a rollover contribution (as described in subsection (e)(2)(B)) with respect to such account.

"(iv) TRANSFER IN DIVORCE.—Clause (i) shall not apply to a transfer of an education savings account pursuant to the divorce of the owner of such account if the transferee is required by law to use such account for the purpose of paying the certified eligible education expenses of the named child of such account.

"(C) PROHIBITED TRANSACTIONS.—If, during any taxable year of a taxpayer who owns an education savings account, the taxpayer engages in any transaction prohibited by section 4975 with respect to such account, such account shall cease to be an education savings account as of the first day of such year.

"(D) ACCOUNT TREATED AS DISTRIBUTING ALL ITS ASSETS.—In any case in which any account ceases to be an education savings account by reason of subparagraph (A), (B), or (C) on the first day of any taxable year, this section applies as if there were a distribution of all of the assets of such account on such first day.

"(3) EFFECT OF PLEDGING ACCOUNT AS SECURITY.—If, during any taxable year of the owner of an education savings account, such owner uses such account or any portion thereof as security for a loan, the portion so used shall be treated as distributed to such owner on the first day of such year.

"(4) INVESTMENT IN COLLECTIBLES TREATED AS DISTRIBUTION.—The incurrance by an education savings account of a cost to acquire any collectible (within the meaning of section 408(n)(2)) shall be treated as a distribution from such account to the owner of an amount equal to such cost on the first day of the taxable year of the owner in which such cost is incurred.

"(g) ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the tax liability of the taxpayer during the taxable year with respect to an education savings account owned by the taxpayer shall be increased by an amount equal to the sum of—

"(A) 5 percent of so much of the income with respect to such account subject to tax under subsection (c)(1) for such year as does not exceed 30 percent of the taxable distributions from such account in such year (as determined under subsection (c)(2)), plus

"(B) 15 percent of so much of such income as exceeds 30 percent of such distributions but does not exceed 50 percent of such distributions, plus

"(C) 30 percent of so much of such income as exceeds 50 percent of such distributions but does not exceed 65 percent of such distributions, plus

"(D) 50 percent of so much of such income as exceeds 65 percent of such distributions but does not exceed 75 percent of such distributions, plus

"(E) 75 percent of so much of such income as exceeds 75 percent of such distributions.

"(2) DISTRIBUTIONS TO PAY MEDICAL EXPENSES.—

"(A) IN GENERAL.—For purposes of paragraph (1), the taxable distributions from an education savings account for the taxable year shall be reduced by the amount of qualified medical expenses of the taxpayer with respect to the named child of such account for such year (as determined under subparagraph (B)), and the income subject to tax with respect to such account shall be reduced by the taxable percentage with respect to such account for such year (as determined under subsection (c)(3)) of such amount.

"(B) QUALIFIED MEDICAL EXPENSES.—The qualified medical expenses of the taxpayer with respect to a named child for the taxable year are the lesser of—

"(i) the expenses paid or incurred by the taxpayer during such year with respect to such named child that are described in section 213(a), not taking into account—

"(I) the requirement that such expenses exceed 5 percent of adjusted gross income,

"(II) any amount paid or incurred for insurance, and

"(III) section 213(b); or

"(ii) the deduction under section 213 for such year that the taxpayer would have been allowed—

"(I) not taking into account any amount paid or incurred for insurance, and

"(II) assuming that the taxpayer made an election under section 63(g) to itemize deductions for such year notwithstanding any limitation on the right to make such election otherwise applicable.

In a taxable year in which the taxpayer has both income with respect to an education savings account subject to the additional tax imposed by paragraph (1) and expenses described in clause (i) with respect to the named child of such account as to more than one education savings account owned by the taxpayer, the amount of qualified medical expenses of the taxpayer with respect to all such accounts for such year under this subparagraph shall not exceed an amount determined by applying the first sentence of this subparagraph as if all the expenses for such year described in clause (i) with respect to the named children of such accounts had been paid or incurred with respect to one named child. The amount determined under the preceding sentence shall be allocated among such accounts in proportion to their respective expenses described in clause (i) for such year.

"(3) DISTRIBUTION ON DEATH OF NAMED CHILD OR OWNER.—Paragraph (1) does not apply to a distribution of an entire education savings account made as a result of the death of the named child, or the owner, of such account.

"(4) EXCESS CONTRIBUTIONS.—Paragraph (1) does not apply to a distribution described in subsection (c)(4).

"(h) SPECIAL RULES.—

"(1) DISTRIBUTABLE TOTAL BALANCE.—The distributable total balance of an education savings account on a day is the balance of such account (determined without regard to subsections (e)(3), (e)(4), and (f)) at the close of such day plus the amount of distributions (determined without regard to subsection (f)) from such account during the taxable year of the owner that includes such day.

"(2) DISTRIBUTABLE INCOME BALANCE.—The distributable income balance of an education savings account on a day is the total income earned by such account prior to the close of such day less the income carried out by distributions (determined without regard to subsection (f)) in taxable years of the owner ending prior to such day. Distributions in a taxable year carry out income equal to the taxable percentage with respect to such account for such year (as determined under subsection (c)(3)) of the distributions except that distributions described in subsection (c)(4) carry out the amount of income described in subsection (c)(4) carry out the amount of income described in subsection (c)(4)(B).

"(3) OTHER ACCOUNTING RULES.—The Secretary shall prescribe regulations for the application of this section and section 4973(d) to:

"(A) an education savings account that receives a rollover contribution (as described in subsection (e)(2));

"(B) an education savings account transferred in a transfer described in subsection (f)(2)(B)(ii), (iii), or (iv);

"(C) a taxpayer that owns more than one education savings account with respect to the same named child during the taxable year;

"(D) a taxable year in which a named child attends more than one qualified educational institution; and

"(E) the limitation of the certified eligible education expenses of all taxpayers with respect to a named child for a taxable year so that the total amount with respect to off-campus room and board used in determining the total amount of such expenses in such year does not exceed the qualified off-campus housing expenses with respect to such named child for such year.

"(4) LIMITATION ON CREATION OF ACCOUNTS.—Any trust created with respect to a named child by a taxpayer at a time when the taxpayer owns another education savings account with respect to such named child (other than an account acquired in a transfer described in subsection (f)(2)(B)(ii), (iii), or (iv)) shall not be treated as an education savings account. Any trust created with respect to a named child by a taxpayer at a time when such named child is not a qualified dependent of the taxpayer under 18 years of age shall not be treated as an education savings account. The preceding sentence shall not apply if the first contribution made to such account is a rollover contribution (as described in subsection (e)(2)).

"(5) LIMITATION ON BASIS OF CERTAIN TRANSFERS.—Notwithstanding any other provision of this title, the basis of an education savings account transferred in a transfer described in subsection (f)(2)(B)(ii), (iii), or

(iv) immediately after such transfer shall be the basis of such account in the hands of the transferor immediately prior to such transfer.

"(i) COMMUNITY PROPERTY LAWS.—This section shall be applied without regard to any community property laws.

"(j) CUSTODIAL ACCOUNTS.—For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (within the meaning of section 401(d)(1)) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which he will administer the account will be consistent with the requirements of this section, and if the custodial account would, except for the fact that it is not a trust, constitute an education savings account. For purposes of this title, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

"(k) REPORTS, STATEMENTS, AND CERTIFICATIONS.—

"(1) TRUSTEES.—

"(A) REPORTS.—

"(i) DISTRIBUTIONS.—The trustee of an education savings account that makes distributions (determined without regard to subsection (f)) during a taxable year of the owner shall make a report to the Secretary showing the name and address of the owner of such account, the amount of such distributions, and the distributable total balance and the distributable income balance of such account (as determined under paragraphs (1) and (2) of subsection (h)) on the last business day of such year (or, if the account was closed during such year, such balances on the day so closed) within 45 days of the end of such year.

"(ii) TERMINATION OF ACCOUNT.—The trustee of an education savings account shall, within 45 days after the date the named child becomes 26 years of age, make a report to the Secretary showing the name and address of the owner of such account, the fact that such named child became 26 years of age and the date thereof, and the distributable total balance and the distributable income balance of such account (as determined under paragraphs (1) and (2) of subsection (h)) on the first business day of the taxable year of the owner that includes such day.

"(B) CUSTOMER STATEMENTS.—The trustee of an education savings account required to make a report to the Secretary under subparagraph (A) shall furnish the owner of such education savings account, within the same time period such report is required to be made, a statement of the distributions, the distributable income balance, and the distributable total balance required to be reported to the Secretary pursuant to subparagraph (A).

"(C) FURTHER REPORTS AND STATEMENTS.—The trustee of an education savings account shall make such reports and furnish such statements (including the statements described in subsections (c)(4)(B), (e)(2)(A)(i), and (e)(2)(B)(i)) regarding such account, to the Secretary or to the owner of such account, with respect to contributions, distributions, and such other matters, as the Secretary may require under regulations.

"(D) ADDITIONAL REQUIREMENTS.—The reports and statements required by this paragraph shall be furnished or made at such time and in such manner as may be required by the Secretary in regulations and shall contain such additional information as the Secretary may by form or regulation require.

"(2) QUALIFIED EDUCATIONAL INSTITUTIONS.—A qualified educational institution certifying eligible education expenses and qualified off-campus housing expenses shall do so in such manner as the Secretary may by regulation require and such certifications shall contain such additional information or the Secretary may by form or regulation require.

"(l) REGULATIONS.—The Secretary shall prescribe regulations pursuant to this section after consultation with the Secretary of Education.".

(b) TAX ON EXCESS CONTRIBUTIONS.—Section 4973 of such Code (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, certain individual retirement annuities, and certain retirement bonds) is amended—

(1) by inserting "education savings accounts," after "accounts," in the caption of such section,

(2) by redesignating paragraphs (2) and (3) of subsection (a) as (3) and (4), and by inserting after paragraph (1) the following:

"(2) an education savings account (within the meaning of section 132(a)(1)),", and

(3) by adding to the end thereof the following new subsection:

"(d) EXCESS CONTRIBUTIONS TO EDUCATION SAVINGS ACCOUNTS.—For purposes of this section, in the case of an education savings account, the term 'excess contributions' means the amount by which—

"(A) the contributions (as determined under section 132) made by the owner of such account to such account in the taxable year of the owner (other than a rollover contribution as described in section 132(e)(2)), exceed

"(B) the sum of—

"(i) the qualified contribution amount with respect to such account for such year (as determined under section 132(e)(1)), plus

"(ii) the amount described in section 132(c)(4)

"(A) with respect to any distribution described in section 132(c)(4) on account of such year.".

(c) TAX ON PROHIBITED TRANSACTIONS.—Section 4975 of such Code (relating to prohibited transactions) is amended—

(1) by adding to the end of subsection (c) the following new paragraph:

"(4) Special rule for education savings accounts.—An owner of an education savings account shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, such account ceases to be an education savings account by reason of the application of section 132(f)(2)(C) to such account.", and

(2) by inserting "or an education savings account described in section 132(a)(1)" in subsection (e)(1) after "described in section 408(a)".

(d) DISCLOSURE OF INFORMATION TO ATTORNEY GENERAL.—Section 6103 of such Code (relating to confidentiality and disclosure of returns and return information) is amended—

(1) by adding at the end of subsection (h) thereof the following new paragraph:

"(6) CERTAIN INVESTIGATIONS AND PROCEEDINGS REGARDING RACIALLY DISCRIMINATORY POLICIES.—Upon the request of the Attorney General or on the Secretary's own motion, the Secretary shall disclose any return or return information which is relevant to—

"(A) any investigation conducted by the Attorney General under section 132(d) with regard to whether an educational institution is following a racially discriminatory policy (within the meaning of section 132(d)(3), or

"(B) any proceeding which may be brought under section 7408, to any officer or employee of the Department of Justice who is directly and personally involved in such investigation or in preparation for such a proceeding.",

"(2) by inserting 'subsection (h)(2), (h)(6),' in lieu of 'subsection (h)(2),' in paragraph (4) of section 6103(p), and

"(3) by inserting 'subsections (h)(1), (h)(6),' in lieu of 'subsections (h)(2),' in clause (ii) of section 6103(p)(4)(F).

(e) FAILURE TO PROVIDE REPORTS ON EDUCATION SAVINGS ACCOUNTS.—Section 6693 of such Code (relating to failure to provide reports on individual retirement accounts or annuities) is amended—

(1) by inserting "or education savings accounts" after "annuities" in the caption of such section, and

(2) by adding at the end of subsection (a) the following: "The person required by section 132(k) to make a report or furnish a statement regarding an education savings account at the time and in the manner required by such section shall pay a penalty of $100 for each failure to do so unless it is shown that such failure is due to reasonable cause.".

(f) DECLARATORY JUDGMENT PROCEEDING.—Subchapter A of chapter 76 of such Code (relating to civil actions by the United States) is amended by redesignating section 7408 as section 7409 and by inserting after section 7407 the following new section:

"SEC. 7408. DECLARATORY JUDGMENT RELATING TO RACIALLY DISCRIMINATORY POLICIES OF SCHOOLS.

"(a) IN GENERAL.—Upon filing of an appropriate pleading by the Attorney General under subsection (b), the district court of the United States for the district in which an educational institution is located may make a declaration with respect to whether such institution follows a racially discriminatory policy. Any such declaration shall have the force and effect of a final judgment of the district court and shall be reviewable as such.

"(b) FILING OF PLEADING.—

"(1) IN GENERAL.—The Attorney General is authorized and directed to seek a declaratory judgment under subsection (a) against any educational institution upon—

"(A) receipt by the Attorney General within the previous 1-year period of any allegation of discrimination against such institution, and

"(B) a finding by the Attorney General of good cause.

"(2) ALLEGATION OF DISCRIMINATION.—For purposes of this section, the term 'allegation of discrimination' means an allegation made in writing by any person which alleges with specificity that—

"(A) a named educational institution has committed a racially discriminatory act against a named student applicant or student within 1 year preceding the date on which such allegation is made to the Attorney general, or

"(B) the educational institution made a communication, within 1 year preceding such date, expressing that the institution follows a racially discriminatory policy.

"(3) NOTICE OF ALLEGATIONS OF DISCRIMINATION.—Upon receipt of any allegation of discrimination made against an educational institution, the Attorney General shall

promptly give written notice of such allegation to such institution.

"(4) OPPORTUNITY TO COMMENT.—Before any action may be filed aginst an educational institution by the Attorney General under subsection (a), the Attorney General shall give the institution a fair opportunity to comment on all allegations made against it and to show that the alleged racially discriminatory policy does not exist or has been abandoned.

"(5) AVAILABILITY OF CERTAIN INFORMATION TO COMPLAINANT.—

"(A) IN GENERAL.—If an allegation of discrimination against an educational institution is made to the Attorney General and the Attorney General—

"(i) declines to bring an action under subsection (a) against such institution, or

"(ii) enters into a settlement agreement with such institution under subsection (d) before such an action is brought,

the Attorney General shall make available to the person who made such allegation the information upon which the Attorney General based the decision not to bring such an action or to enter into such settlement agreement. The Attorney General shall promptly give written notice to such person that such information is available for his inspection.

"(B) PRIVACY LAWS.—Nothing in this paragraph shall be construed to authorize or require the Attorney General to disclose any information if such disclosure would violate any applicable State or Federal law relating to privacy (including section 6103).

"(c) REQUIREMENTS FOR A FINDING OF FOLLOWING A RACIALLY DISCRIMINATORY POLICY.—A district court may declare that an educational institution follows a racially discriminatory policy in an action brought under subsection (a) only if the Attorney General establishes such action that—

"(1) the institution has, pursuant to such policy, committed a racially discriminatory act against a student applicant or student within the 2 years preceding commencement of such action;

"(2) the institution has, within the 2 years preceding commencement of such action, made a communication expressing that it follows a racially discriminatory policy against student applicants or students; or

"(3) the institution has engaged in a pattern of conduct intended to implement a racially discriminatory policy, and that some act in furtherance of this pattern of conduct was committed within two years preceding commencement of such action.

"(d) SETTLEMENT.—

"(1) IN GENERAL.—Prior to, and in lieu of, filing an action under subsection (a), the Attorney General may, at his discretion, enter into a settlement agreement with the educational institution against which an allegation of discrimination has been made if the Attorney General finds that the institution has been acting in good faith and has abandoned its racially discriminatory policy.

"(2) VIOLATION OF SETTLEMENT AGREEMENT.—If the Attorney General has entered into a settlement agreement with an educational institution under paragraph (1) and the Attorney General finds that such institution is in violation of such agreement, the Attorney General may—

"(A) notwithstanding subsection (b)(1)(A), bring an action under subsection (a) without having received any allegation of discrimination against such institution, or

"(B) bring an action to enforce the terms of such agreement.

"(3) COPY OF SETTLEMENT AGREEMENT TO COMPLAINANT.—The Attorney General shall give a copy of any settlement agreement which is entered into with an educational institution under paragraph (1) to any person from whom the Attorney General has received an allegation of discrimination against such institution.

"(e) RETENTION OF JURISDICTION.—Any district court which makes a declaration under subsection (a) that an educational institution follows a racially discriminatory policy shall retain jurisdiction of such case.

"(f) DISCONTINUANCE OF RACIALLY DISCRIMINATORY POLICY.—

"(1) MOTION.—

"(A) IN GENERAL.—At any time after the date which is 1 year after the date on which a judgment is entered in an action brought under subsection (a) declaring that an educational institution follows a racially discriminatory policy, such institution may file with the district court a motion to modify such judgment to include a declaration that such institution no longer follows a racially discriminatory policy.

"(B) AFFIDAVITS.—Any motion filed under subparagraph (A) shall contain affidavits—

"(i) describing with specificity the ways in which the educational institution has abandoned its previous racially discriminatory policy;

"(ii) describing with specificity the ways in which such institution has taken reasonable steps to communicate its policy of nondiscrimination to students, to faculty, to school administrators, and to the public in the area it serves;

"(iii) averring that such institution has not, during the preceding year—

"(I) committed a racially discriminatory policy,

"(II) made a communication expressing that it follows a racially discriminatory policy against such applicants or students, or

"(III) engaged in a pattern of conduct intended to implement a racially discriminatory policy, and committed some act in furtherance of this pattern of conduct; and

"(iv) averring that such institution has complied with the requirements of section 132(a)(7)(B).

"(2) ORDER.—If a motion is made under paragraph (1), the district court shall issue an order modifying the judgment entered in the action to include a declaration that the educational institution no longer follows a racially discriminatory policy unless the Attorney General establishes that—

"(A) any affidavit provided by the institution under paragraph (1)(B) is false;

"(B) the institution has, during the preceding year, committed any act, made any communication, or engaged in any pattern of conduct described in paragraph (1)(B)(iii); or

"(C) the institution has not, in fact, complied with the requirements of clauses (ii) and (iv) of paragraph (1)(B).

"(3) APPEAL OF ORDERS.—Any order of the district court granting or denying a motion made under paragraph (1) shall be reviewable.

"(g) ATTORNEYS' FEES.—If an educational institution prevails in an action under this section, the court may award the institution costs and reasonable attorneys' fees in such action.

"(h) DEFINITIONS.—For purposes of this section—

"(1) RACIALLY DISCRIMINATORY POLICY.—The term 'racially discriminatory policy' has the meaning given to such term by section 132(d)(3).

"(2) RACIALLY DISCRIMINATORY ACT.—

"(A) IN GENERAL.—An educational institution commits a racially discriminatory act if such institution refuses, on the basis of race, to—

"(i) admit any applicant as a student;

"(ii) admit any student to the rights, privileges, programs, and activities generally made available to students by the educational institution; or

"(iii) allow any student to participate in its scholarship, loan, athletic, or other programs.

"(B) QUOTAS, ETC.—The term 'racially discriminatory act' shall not include the failure of such institution to pursue or achieve any racial quota, proportion, or representation in the student body.

"(C) RACE.—The term 'race' shall include color or national origin.

"(i) REPORT.—Within 90 days of the close of each calendar year, the Attorney General shall submit a report to the Congress concerning the disposition during such calendar year of—

"(1) any allegations of discrimination received by the Attorney General, and

"(3) any actions brought under this section.".

(g) CONFORMING CHANGES.—

(1) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 132 and inserting in lieu thereof the following:

"Sec. 132. Education savings accounts.
"Sec. 133. Cross references to other Acts.".

(2) The table of sections for chapter 43 of such Code is amended by striking out the item relating to section 4973 and inserting in lieu thereof the following:

"Sec. 4973. Tax on excess contributions to individual retirement accounts, education savings accounts, certain section 403(b) contracts, certain individual retirement annuities, and certain retirement bonds.".

(3) The table of sections for subchapter B of chapter 68 of such Code is amended by striking out the item relating to section 6693 and inserting in lieu thereof the following:

"Sec. 6693. Failure to provide reports on individual retirement accounts or annuities or education savings accounts.".

(4) The table of sections for subchapter A of chapter 76 of such Code (relating to civil actions by the United States) is amended by striking out the item relating to section 7408 and inserting in lieu thereof the following:

"Sec. 7408. Declaratory judgment relating to racially discriminatory policies of schools.
"Sec. 7409. Cross references.".

EDUCATION SAVINGS ACCOUNTS: GENERAL EXPLANATION

CURRENT LAW

There is no exclusion from gross income and no deduction is allowed for payments by a parent of a child's education expenses.

REASONS FOR CHANGE

The costs of post-secondary education have increased substantially in recent years. Providing for the payment of education expenses often can be done most effectively if a savings program for such purpose is established when the child is young. In order to improve a child's opportunities to secure valuable learning, it is desirable to encour-

age parents to establish such savings programs.

PROPOSAL

Parents will be permitted to make nondeductible contributions to tax-exempt Education Savings Accounts to pay for the post-secondary education of their children. The maximum amount that may be contributed per child in any year is $1,000 reduced by 5 cents for each dollar by which the adjusted gross income of the parents exceeds $40,000, so that no contribution may be made in a year in which the parents' adjusted gross income exceeds $60,000. Contributions are permitted only when the child is under 18 years of age. An Education Savings Account may not be kept open when the child is 26 years of age.

No tax is imposed on withdrawals by an account owner in order to pay for tuition and room and board expenses of the child. Other withdrawals of earnings will be included in the parent's income. In addition, a penalty will be imposed on withdrawals for noneducational purposes except under certain circumstances. The proposal will be effective for taxable years beginning after December 31, 1983.

EFFECTS OF PROPOSAL

The effect of the proposal will be to exempt earnings on amounts contributed to an Education Savings Account from Federal income tax if the amounts in the account are spent for certain educational purposes. The tax savings resulting from exclusion of such earnings from a taxpayer's income will permit the taxpayer to accumulate additional savings for the education of a dependent. For example, if a family with two children has $25,000 to $30,000 of adjusted gross income, is subject to tax at the 26 percent marginal tax bracket, and deposits $1,000 for each child in accounts earning interest at the rate of 10 percent per annum, then $200 of income will be excluded from taxation in the first year, yielding a tax reduction of $52. These amounts will accumulate. If deposits are made for six years, about $18,700 will be in the accounts in the seventh year, or $2,000 more than could be saved in taxable accounts earning interest at the same rate.

Revenue estimate

Fiscal years	*Billions*
1984	Negligible
1985	−0.2
1986	−0.3
1987	−0.4
1988	−0.6

EDUCATION SAVINGS ACCOUNTS—TECHNICAL EXPLANATION

SUMMARY OF THE PROPOSAL

Parents will be permitted to make nondeductible contributions to tax-exempt Education Savings Accounts to pay for the post-secondary education of their children. The maximum amount that may be contributed per child in any year is $1,000 reduced by 5 cents for each dollar by which the adjusted gross income of the parents exceeds $40,000.

DETAILED DESCRIPTION

Under the proposal, an individual with a dependent under the age of 18 may set up an Education Savings Account to fund the post-secondary education costs of the dependent. Such accounts may be established with the same financial institutions with which IRAs may be established under current law. The creator of the account retains complete control over the account and may withdraw the account at any time, subject to the taxes and penalties described below. The account will be exempt from taxation.

The owner of the account may make nondeductible contributions for each year in which the dependent is under 18 years of age. The maximum annual contribution with respect to a dependent is $1,000 reduced by 5 cents for each dollar by which the adjusted gross income of the owner (including the income of any spouse) exceeds $40,000, so that no contribution may be made in a year in which the adjusted gross income of the owner (and any spouse) exceeds $60,000. Contributions for a year may be made until the time the tax return for that year is due. Only cash contributions are permitted.

Income earned by an account is not subject to tax as earned. A withdrawal from an account is treated as a withdrawal of a prorata share of the income and principal in the account and the income withdrawn is taxable unless used to pay eligible education expenses of the dependent for whom the account was established. Eligible education expenses generally are tuition and room and board with respect to the full-time enrollment of the dependent in a post-secondary program leading to a degree or certification (including graduate school). As to part-time students in such a program, only withdrawals for tuition qualify.

Eligible education expenses do not include amounts paid to schools that follow racially discriminatory policies.

Withdrawals will be reported to the IRS by the financial institution with which the account is kept. The amount by which the withdrawals exceed the total eligible education expenses will be treated as withdrawals that are not used to pay eligible education expenses. The educational institution the dependent attends will certify the exact amount of eligible expenses paid by the account owner to the institution and, for a full-time student that lives off campus, the institution's estimate of the cost of off-campus room and board. The total eligible education expenses is the amount paid to the institution, as certified, and the amount of money the account owner provides to the dependent up to the certified estimate of off-campus room and board.

In order for the costs of education to qualify as eligible education expenses, the school the student attends, with one exception, must be a tax-exempt organizaiton described in section 501(c)(3). The single exception to the requirement of section 501(c)(3) status is for certain vocational and similar for-profit educational institutions that generally are not tax-exempt.

The transfer of an account generally results in the owner being taxed on the retained earnings in the account and the account losing its tax-exempt status. An exemption is provided for certain transfers pursuant to the divorce or death of the owner where the account continues to be maintained as an Education Savings Account for the same child. Accounts may be rolled over tax free to a different institution.

An Education Savings account loses its tax-exempt status and the owner is taxed on all retained earnings in the year in which the dependent becomes 26 years of age. Pledging an account or engaging in a prohibited transaction with an account terminates the tax-exempt status of the account and results in the owner being taxed on the retained earnings in the account.

Education Savings Accounts are subject to many of the same restrictions as IRAs. Accounts may be invested only in the same types of assets in which IRAs may be invested. An excise tax is imposed on excess contributions and certain transactions between the account and the owner or related persons.

Taxable withdrawals and terminations are subject to a penalty in most cases. Exceptions to the penalty rule apply in the case of death of the dependent for whom the account was established, death of the account owner, or use of funds for certain medical expenses of the dependent.

EFFECTIVE DATE

The proposal would become effective for taxable years beginning after December 31, 1983.●

By Mr. GRASSLEY (for himself and Mr. DOLE):

S. 1490. A bill entitled the "Fraternal Lodge Tax Bill"; to the Committee on Finance.

FRATERNAL LODGE TAX BILL

● Mr. GRASSLEY. Mr. President, I am pleased to offer a bill today which would amend the Internal Revenue Code of 1954 to allow a tax deduction for charitable contributions for fraternal organizations for the purpose of constructing and maintaining their buildings.

The Internal Revenue Code defines a fraternal organization in section 501(c)(10), as a domestic fraternal beneficiary association which does not provide for the payment of life, sick, accident, or other benefits to its members, and devotes its net earnings exclusively to religious, charitable, scientific, literary, education, and fraternal purposes.

I feel that the solution to the majority of the problems facing our country today can be found at the local level where it is possible to detect and address the problems in a timely manner. Fraternal organizations, such as the Knights of Columbus, the Masons, and the Shriners, to name but a few, are responsible for many community services which would otherwise not be undertaken. Many of the resources needed to assist localities in addressing community needs are provided by fraternal organizations and funded by charitable contributions. Some of the services provided to the communities include: hospitals, health research laboratories, youth programs, homes for the aged, widowed, and orphans, scholarships, relief for the underprivileged, libraries, and museums. Over $1.5 million per day is contributed to community charitable enterprises by fraternal organizations.

By passing this measure, incentives will be provided for the construction and maintenance of fraternal lodges and assembly halls. This, in turn, will encourage new membership and continued support of these fine organizations' efforts on behalf of the needy in our country. It is a matter of civic and fraternal pride to have a meeting hall, lodge, or temple, in which to gather

for meetings. Because deductible contributions to fraternal organizations for the purpose of constructing and maintaining their meeting halls has not been allowed under our past and present tax laws, these assembly halls have been allowed to deteriorate, or have not been constructed where they are needed. In many communities, the appearances of the meeting facilities discourages new membership. In larger cities, the population has moved away from the downtown area, to the suburbs; hence, it is often necessary for members of fraternal organizations to travel a considerable distance in order to conduct their meetings. This also discourages new membership, thus diminishing the truly community-oriented projects of fraternal organizations.

By providing an incentive to construct or maintain their meeting halls, many new buildings and restoration projects would be initiated. New jobs for skilled laborers would be created, both in rural and urban communities, where there are many unemployed workers just waiting for a chance to work again. This would increase revenues to the Treasury and reduce the number of individuals receiving unemployment benefits. My bill would also encourage charitable service projects to be undertaken.

It is important that we find the solution to the social ills plaguing our Nation today. Fraternal organizations provide many of the badly needed services to our communities, and should be encouraged to continue to do so. I urge my colleagues to join with me in this effort. This measure would provide the incentive for the construction and maintenance of fraternal meeting halls, create many needed jobs in the construction industry, and be a starting block for solving many local problems before they become problems for the entire Nation.●

● Mr. DOLE. Mr. President, the Senator from Kansas is pleased to join the distinguished Senator from Iowa in the introduction of legislation that would allow tax deductions for contributions to a section 501(c)(10) organization for the purpose of construction or maintenance of a building which is principally used to house a fraternal lodge organization. This legislation will assist these organizations in performing their noble goals.

ROLE OF FRATERNAL ORGANIZATIONS

Mr. President, a section 501(c)(10) organization is a domestic fraternal society, order or association that operates under the lodge system, the net earnings of which are devoted exclusively to religious, charitable, scientific, literary, educational, and fraternal purposes.

These nonprofit groups are exempt from taxation in recognition of their significant contributions to community life. Although these contributions are considerable, they unfortunately are often unnoticed.

These organizations are most well-known for their support of hospitals throughout the Nation; they also raise funds for emergency and disaster relief, and for the underprivileged and disadvantaged. Indeed, the combined Masonic contributions to charities in the United States exceed $1 million a day!

Lodge members and others are firm in their financial support to such organizations. However, all of the funds donated to such organizations are used for the projects and activities of the organization that serve to enhance the community. In the meantime, the fraternal lodges cannot use donated funds for the repair or maintenance of their lodge buildings—many of which are in a deteriorating state—or for the construction of new lodge buildings in a site that would better serve the members and the community. These buildings are where the members meet to plan fundraising and other projects to better the localities that they serve. The limitations on raising funds to construct or repair the lodge buildings increase the difficulties of the members in raising funds for their worthwhile purposes.

CHARITABLE DEDUCTIONS

Mr. President, this legislation allows a charitable deduction for contributions to these organizations for the purpose of construction or maintenance of a building which houses the organization.

We, in Congress, realize that we must encourage private initiatives to provide relief for the less fortunate of our society. I believe that this legislation will encourage private donations to groups like these organizations that demonstrate such initiative, and will in turn reward our Nation with the fruits of their labor.●

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 1492. A bill to provide Federal disaster assistance to producers of peaches and apples; to the Committee on Agriculture, Nutrition, and Forestry.

PEACH DISASTER ASSISTANCE

Mr. THURMOND. Mr. President, I rise today to introduce the Peach and Apple Disaster Payment Act of 1983. The purpose of this legislation is to include peaches and apples in the disaster payment program administered by the Agricultural Stabilization and Conservation Service (ASCS).

Under this program, the ASCS is directed to make disaster payments to growers of certain crops who have suffered a natural disaster beyond their control, with the result that they are prevented from planting their crop or harvest an abnormally low yield.

Mr. President, for the second consecutive year, peach and other fruit-growers in South Carolina and throughout the Southeast have suffered massive losses due to unusual subfreezing spring weather. The South Carolina Peach Council estimated that, in the past year alone, crop losses reached $50,000,000 statewide. This disaster has dealt a severe blow to the economy of my State. The freeze has left 340 full-time peach farmers without their main source of income. The destroyed crop will prevent 10,300 seasonal workers, a good portion of whom are high school students, from obtaining summer employment in the peach orchards and packing sheds. South Carolina is the second largest producer of peaches nationwide, and peaches are the State's third largest cash crop.

Mr. President, this tragedy only compounds the problems that face farmers today in the Southeastern United States. Adequate assistance programs are needed to keep growers who have suffered from natural disasters beyond their control from going out of business.

Mr. President, my original home of Edgefield, S.C., is located in the heart of one of the main peach-growing regions in the State, and I have first-hand knowledge of the great damage to this industry in that area as well as the Piedmont section of South Carolina. I cannot idly stand by while this industry suffers through its most severe crisis in recent history. In that vein, I offer this legislation in an attempt to provide assistance to those peach and apple growers in my region of the country who are faced with this grim situation over which they have no control. I hope that this legislation will receive full and expeditious consideration by the Senate Agriculture Committee, and that it will be favorably acted upon by the full Senate in the near future.

By Mr. KENNEDY (for himself, Mr. HOLLINGS, Mr. CHILES, Mr. PELL, Mr. BRADLEY, Mr. MATSUNAGA, and Mr. PRYOR):

S. 1495. A bill to provide for a national summit conference on Education; to the Committee on Labor and Human Resources.

NATIONAL SUMMIT CONFERENCE ON EDUCATION

Mr. KENNEDY. Mr. President, when the Senate began consideration of the supplemental appropriations bill, I offered an amendment to convene a national summit conference on education that would develop a blueprint for restoring excellence to education. Unfortunately, that amendment was rejected on a party-line vote. However, I believe that my colleagues on the other side of the aisle will support this proposal once they fully understand it.

The bill that I am introducing today will give them a chance to change their minds. This bill incorporates the

proposal I offered last week as an amendment—with one change. The conference would not be funded through an additional appropriation. Instead, it would be funded from existing education funds controlled by the Secretary of Education.

This bill is sponsored by Senators HOLLINGS, CHILES, PELL, BRADLEY, MATSUNAGA, and PRYOR. Like my amendment of last week, this bill has received the endorsement of the National Education Association, the American Federation of Teachers, the National School Boards Association, the National Parent-Teacher Association, the American Association of School Administrators and the chief State school officers.

Rather than to repeat my previous summaries of this proposal, I would just like to cover four points in response to the concerns raised during the debate last week.

First, my bill does not call for "another study"—duplicative of past examinations regarding the conditions of American schools. Rather, this conference would develop a plan to restore excellence to this Nation's education system. The National Commission on Excellence in Education and its private counterparts eloquently identified the problems in the schools and illuminated the direction we must go to restore excellence. The conference would pick up where these reports left off. It would be the first step in implementing these recommendations.

Second, the activities of the conference are not being duplicated by the regional forums currently being held by the Department of Education. The Department claims that these forums are designed to elicit methods for implementing the National Commission's recommendations. The reality belies that claim. Rather than a search for solutions, these forums are a platform for President Reagan's public relations campaign. We do not need finger-pointing or distorted facts. We need a common, bipartisan, nationwide effort to restore excellence in education. My proposal is the first step.

Third, the conference will not lead to a nationalized education system. National leadership does not mean national domination. The conference can act as a catalyst to nationwide Federal, State, local, and private efforts to improve the schools. It would not impose national standards on local school districts—it will simply provide guidance to local school districts for addressing problems afflicting the schools. But that guidance can be enough to begin the process in cities and towns across the country. Let me also say that I would hope that the national summit conference will encourage States and communities to hold similar conferences to develop local blueprints to improve their own schools.

Fourth, and finally, the problems of our schools are urgent. The challenges to our Nation are immediate. I offered my amendment to the supplemental appropriations bill because I believe that we cannot afford to wait for the conventional legislative process. There are few situations when I believe this is justified, but I definitely believe this is one of those.

America faces a difficult future. That future will demand the best of our citizens. Only a national effort will succeed in producing a well-educated citizenry capable of meeting that challenge. This bill is the first step in that effort.

By Mr. TSONGAS (for himself and Mr. BAUCUS):

S. 1496. A bill to amend the Internal Revenue Code of 1954 to encourage investment in new business ventures; to the Committee on Finance.

NEW VENTURE INVESTMENT INCENTIVE ACT

● Mr. TSONGAS. Mr. President, today, I am pleased to offer on behalf of myself and Senator BAUCUS, the New Venture Investment Incentive Act of 1983. This legislation is designed to provide tax incentives to encourage the individual to invest in new and innovative small businesses.

This bill creates a new form of tax-favored stock, to be called opportunity stock, which may be offered by qualifying new ventures. New business ventures are the wellspring of innovation and new job opportunities for our economy. They are the major source of new products and services that generate continued economic growth. A recent estimate shows that 75 percent of new jobs are created by small emerging companies.

Yet, the high risks associated with creating new products or services makes it difficult for small new business to find affordable sources of capital. Recent changes in the tax law have fueled a major expansion in the venture capital market that provides necessary capital for enterprises with the potential for a relatively quick return.

The individual investor, however, remains the primary source of seed money for developing and refining products and services with larger lead times and high risk. It is precisely this type of activity our economy should foster. The U.S. economy currently faces great structural change created by emerging new technologies and new competition from abroad. The need to innovate and respond to these changes makes it more important than ever to encourage the availability of financing for new innovative ventures.

This legislation will make it possible for qualified new ventures to offer up 250,000 dollars' worth of special opportunity stock that will provide the individual investor significant tax advantages. The investor may deduct the full amount invested in opportunity stock during the year up to $15,000, or $30,000 for those filing a joint return. The stock must then be held by the investor for at least 3 years.

When the stock is sold, any gain up to the amount of the original deduction is taxed as ordinary income. Any income above that amount is taxed as capital gain. In effect, this bill only calls for a timing change in current tax law. Individuals already receive deductions for small business investments that fail. This bill simply gives a positive incentive by allowing the deduction up front. Those investments that succeed as a result of the additional incentive will add significant revenues to the Treasury as a consequence.

Several provisions of the bill assure that these incentives are targeted in a manner that maximizes new enterprise formation with accompanying new jobs and economic opportunity. Only those corporations which have been organized within the last 5 years to offer a new product or service are eligible to issue opportunity stock. To qualify a corporation must meet the definition of a small business corporation that subchapter s corporations face. They may engage in any active trade or business except for certain financial, brokerage, and professional services.

There are several provisions included in the bill to avoid having this stock used simply to minimize the tax exposure of individuals. Only new shareholders are allowed to claim the deduction, and no one may purchase opportunity stock if it results in their holding 50 percent of the stock of the corporation.

Reciprocal stock purchase agreements where owners of two firms agree to purchase stock in each other's firm in order to realize tax savings is not allowed.

No dividends or other distributions can be made to the opportunity stockholder during the 3 years the stockholder is required to hold the stock without transfer.

If the stock purchase plan under which opportunity stock will be issued fails to meet these requirements during the 3-year holding period, the tax benefits claimed by the investors will be recaptured by the Treasury with interest.

All of these protections insure that opportunity stock does not become a mechansim for simply sheltering income. The bill will bring in new individual investors with new capital for enterprises striving to bring innovations to market. Estimates of revenue loss under this proposal are less than $50 million for fiscal year 1984, and less than $100 million in future years. This investment in the entrepreneuri-

al economy will surely return this investment many times over.

I urge my colleagues to join with me in sponsoring this proposal.

Mr. President, I ask unanimous consent that the bill be printed in its entirely at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Venture Investment Incentive Act".

SEC. 2. DEDUCTION FOR PURCHASES OF STOCK OF NEW VENTURE CORPORATIONS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

"SEC. 223. PURCHASES OF STOCK OF NEW VENTURE CORPORATIONS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction the amount paid or incurred during the taxable year for the purchase of opportunity stock under a qualified stock purchase plan.

"(b) LIMITATIONS.—

"(1) MAXIMUM DOLLAR AMOUNT.—The amount allowable to the taxpayer as a deduction under subsection (a) for any taxable year shall not exceed $15,000 ($30,000 in the case of a joint return).

"(2) RECIPROCAL PURCHASE AGREEMENTS.—No deduction shall be allowed under subsection (a) with respect to any purchase by the taxpayer of stock in a corporation controlled by another person if such other person purchases stock in another corporation controlled by the taxpayer.

"(c) OPPORTUNITY STOCK.—For purposes of this section—

"(1) IN GENERAL.—The term 'opportunity stock' means any share of stock of a new venture corporation.

"(2) NEW VENTURE CORPORATION.—The term 'new venture corporation' means any corporation—

"(A) which—

"(i) was incorporated in the United States less than 5 years prior to the date on which the taxpayer purchases opportunity stock of such corporation, or

"(ii) commenced business less than 5 years prior to such date, and

"(B) which is a small business corporation (within the meaning of section 1361(b)), and

"(C) which conducts a qualifying business on such date or within 1 year of such date.

"(3) QUALIFYING BUSINESS.—The term 'qualifying business' means any trade or business other than a trade or business whose principal activities consist of—

"(A) dealing in commodities, securities, or real estate,

"(B) banking, insurance, money-lending, debt factoring, hire-purchase financing, or other financial activities,

"(C) leasing (including letting ships on charter or other assets on hire) or receiving royalties or license fees, or

"(D) providing any professional service including legal, accounting, or medical services.

"(d) QUALIFIED STOCK PURCHASE PLAN.—The term 'qualified stock purchase plan' means any plan of a corporation which meets the following requirements:

"(1) AGGREGATE VALUE OF STOCK SOLD.—The aggregate value of all stock of the corporation sold under the plan shall not exceed $250,000.

"(2) MAJORITY SHAREHOLDER INELIGIBLE.—No person may purchase stock of the corporation under the plan if, as a result of the purchase, such person would own more than 50 percent of the combined voting power of all classes of stock of the corporation.

"(3) ONLY NEW SHAREHOLDERS MAY PURCHASE STOCK.—No person may purchase stock under the plan if such person was at any time a shareholder of such corporation other than by reason of stock purchased under the plan.

"(4) PROCEEDS USED FOR A QUALIFYING TRADE OR BUSINESS.—The proceeds from the sale of the stock under the plan must be directly invested in the new venture corporation and used in conducting a qualifiying business.

"(5) CASH PURCHASES.—Stock of the corporation may be purchased under the plan only with cash.

"(6) NO DISTRIBUTIONS WITH RESPECT TO STOCK FOR 3 YEARS.—No distribution shall be made by the corporation with respect to any stock purchased under the plan for a period of three years after the date on which the stock was purchased under the plan.

"(7) LIMITATION ON TRANSFER OF STOCK FOR 3 YEARS.—Stock purchased under the plan may not be transferred (other than by reason of death) to any other shareholder of the corporation at any time during the 3-year period beginning on the date on which the stock was purchased under the plan.

"(8) NO REDUCTION OF CORPORATE INDEBTEDNESS TO OFFICERS OR SHAREHOLDERS.—Any corporate indebtedness to officers or shareholders existing on the date any stock is issued under the plan may not be reduced for three years after such date.

"(e) DISPOSITION OF OPPORTUNITY STOCK.—

"(1) GAIN TREATED AS ORDINARY INCOME.—Notwithstanding any other provision of this title, any gain from the disposition of opportunity stock shall be recognized and treated as ordinary income to the extent such gain does not exceed the amount of the reduction made to the basis of the taxpayer in such stock by reason of paragraph (2).

"(2) ADJUSTMENT OF BASIS IN STOCK.—

"(A) IN GENERAL.—For purposes of this title, the basis of the taxpayer in any opportunity stock shall be reduced by the amount of any deduction allowed the taxpayer under subsection (a) with respect to the purchase of such stock.

"(B) ALLOCATION OF BASIS ADJUSTMENT.—If the aggregate amount paid or incurred during the taxable year for the purchase of opportunity stock under qualified stock purchase plans exceeds the limitation imposed by subsection (b), the reduction in the basis of such stock required under subparagraph (A) shall be allocated among the shares of such stock in proportion to the respective costs of each share of such stock.

"(f) RECAPTURE OF TAX BENEFIT.—

"(1) IMPOSITION OF ADDITIONAL TAX.—If at any time during the taxable year in which the taxpayer is allowed a deduction under subsection (a) with respect to the purchase of opportunity stock under a qualified stock purchase plan and the three succeeding taxable years—

"(A) such plan fails to meet the requirements of subsection (d),

"(B) the corporation issuing such stock—

"(i) fails to conduct a qualifying business before the date that is 1 year after the latest date on which such opportunity stock was purchased by the taxpayer,

"(ii) ceases to be a small business corporation (within the meaning of section 1361 (b)),

"(iii) no longer conducts a qualifying business, or

"(iv) acquires property (other than cash or inventory purchased in the normal course of such corporation's business) from the taxpayer or any person related to the taxpayer,

then there is hereby imposed an additional tax on the income of the taxpayer which shall be in an amount determined with respect to such opportunity stock.

"(2) AMOUNT OF ADDITIONAL TAX.—

"(A) IN GENERAL.—The amount of the additional tax imposed by paragraph (1) with respect to any opportunity stock shall be equal to the sum of—

"(i) the excess of—

"(I) the income tax liability of the taxpayer for the taxable year in which the deduction under subsection (a) was allowed with respect to the purchase of such stock (determined without regard to the portion of such deduction attributable to such stock), over

"(II) the income tax liability of the taxpayer for such taxable year; plus

"(ii) interest on the excess described in clause (i) at the annual rate established under section 6621 for the period beginning on the date on which the return of the tax imposed by this chapter for such taxable year was required to be made and ending on the date on which payment of such additional tax is made.

"(B) INCOME TAX LIABILITY.—For purposes of this paragraph, the term 'income tax liability' means the tax imposed by this chapter reduced by any credit allowable against such tax.

"(3) ONLY 1 ADDITIONAL TAX IMPOSED ON ANY SHARE OF STOCK.—No additional tax shall be imposed by paragraph (1) with respect to any share of stock if an additional tax has previously been imposed by paragraph (1) with respect to such share of stock.

"(4) DUE DATE.—The additional tax imposed by paragraph (1) shall become due and payable on the date which is 6 months after the date such tax is imposed.

"(5) STATUTE OF LIMITATIONS.—If an additional tax is imposed under paragraph (1)—

"(A) the statutory period for the assessment of such additional tax shall not expire before the expiration of 3 years from the date the Secretary is notified (in such manner as the Secretary may by regulations prescribe) of the occurrance which gives rise to the imposition of such additional tax; and

"(B) such addtional tax may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

"(g) CONTROL OF CORPORATION.—

"(1) IN GENERAL.—For purposes of this section, a person has control of a corporation if such person owns more than 50 percent of the combined voting power of all classes of stock of such corporation.

"(2) INDIRECT OWNERSHIP.—For purposes of paragraph (1)—

"(A) IN GENERAL.—Stock owned, directly or indirectly, by or for a corporation, partnership, or trust shall be treated as being owned by or for its shareholders, partners, or beneficiaries in proportion to their ownership or interest in such corporation, partnership, or trust.

"(B) MEMBERS OF FAMILY.—Stock owned directly or indirectly by the members of the family (within the meaning of section 267 (c)(4)) of a person shall be treated as being owned by such person.

"(C) SUCCESSIVE APPLICATION.—Stock treated as owned by a person by reason of the application of subparagraph (A) shall be treated as owned by such person for purposes of again applying subparagraph (A) in order to treat another person as the owner of such property.

"(D) BENEFICIARY.—For purposes of this paragraph, a person shall be treated as a beneficiary of any trust only if such person has a present interest in the trust.".

(b) DEDUCTION ALLOWED FROM GROSS INCOME.—Section 62 of such Code (defining adjusted gross income) is amended by inserting after paragraph (16) the following new paragraph:

"(17) PURCHASES OF STOCK OF SMALL BUSINESS CORPORATIONS.—The deduction allowed by section 223.".

(c) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 1016 of such Code (relating to adjustments to basis) is amended—

(A) by striking out "and" at the end of paragraph (24),

(B) by striking out the period at the end of paragraph (25) and inserting in lieu thereof ", and", and

(C) by adding at the end thereof the following new paragraph:

"(26) to the extent provided in section 223(e)(2), in the case of stock with respect to the purchase of which a deduction has been allowed under section 223.".

(2) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 223. Purchases of stock of new venture corporations.

"Sec. 224. Cross references.".

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply to purchases made after the date of enactment of this Act in taxable years ending after such date.●

By Mr. HUMPHREY:

S. 1497. A bill to defer congressional pay adjustments until the first March 1 following the beginning of the Congress next following the Congress during which certain actions with respect to pay rates are taken, to require a recorded vote in each House for annual congressional pay adjustments, to provide that appropriations of funds for congressional pay be considered separately, and for other purposes; to the Committee on Governmental Affairs.

CONGRESSIONAL PAY REFORM ACT OF 1983

● Mr. HUMPHREY. Mr. President, the dilemma of congressional salary increases is a difficult problem indeed. Despite several legislative efforts to dilute congressional hold of its Members' salaries, we still maintain ultimate control over pay increases and benefits. To a public wrestling with high interest rates, and high unemployment, how we conduct this responsibility is a subject of some attention and concern. We should approach this task with a sensitivity to the economic crises that has enveloped this country for some time now.

However, we have not. Usually, congressional pay provisions are included in major omnibus bills, buried in amongst numerous major items. We have witnessed this just this week with the supplemental appropriations bill, where we dealt with honoraria and salary increases along with multiyear procurement for the B-1B, the Bureau of Indian Affairs, foreign aid, and education for the handicapped, to name just a few.

We have dealt with such issues in this fashion before. Then we reacted with surprise to the public's and press' accusations that we have dealt with the issue in a backhanded way. Realistically, you cannot blame them. This hardly invokes trust in us among our constituents.

This is why I am introducing today the Congressional Pay Reform Act of 1983. This bill has three major provisions: First, any legislation affecting Members' salaries will be a separate piece of legislation, a concurrent resolution. Second, all votes on such legislation will be rollcall votes. Finally, any salary increases will become effective March 1 of the Congress following the Congress during which the increase became law.

I believe that the logic behind this bill is self-evident. The truth is that we are responsible for our salary increases. We must act responsibly and must each be ready to be held accountable for all salary changes despite the obvious sensitivity of the issue. This is the only way we can earn our constituents' respect and insure responsible decisions on our part.●

By Mr. HUDDLESTON (for himself, Mr. HELMS, Mr. COCHRAN, Mr. LEAHY, Mr. BOREN, Mr. BOSCHWITZ, Mr. DIXON, Mr. DOLE, Mrs. HAWKINS, Mr. HEFLIN, Mr. JEPSEN, Mr. LUGAR, Mr. PRYOR, Mr. ZORINSKY, Mr. EAST, Mr. PROXMIRE, Mr. BENTSEN, Mr. DOMENICI, Mr. SYMMS, Mr. COHEN, Mr. D'AMATO, Mr. MATSUNAGA, Mr. HUMPHREY, Mr. CRANSTON, Mr. NUNN, Mr. RIEGLE, Mr. BRADLEY, Mr. STENNIS, Mr. TSONGAS, Mr. DECONCINI, Mr. RANDOLPH, Mr. BUMPERS, Mr. CHAFEE, Mr. BAKER, Mr. MATTINGLY, Mr. STEVENS, Mr. BURDICK, and Mr. MCCLURE)

S.J. Res. 117. Joint resolution to authorize and request the President to designate July 15, 1983, as "National Ice Cream Day"; to the Committee on the Judiciary.

NATIONAL ICE CREAM DAY

● Mr. HUDDLESTON. Mr. President, I am pleased to introduce a joint resolution to designate July 15, 1983, as "National Ice Cream Day".

Ice cream is a nutritious and wholesome food that is the favorite dessert of many Americans.

The ice cream industry uses nearly 10 percent of the milk produced by U.S. dairy farmers, thereby contributing substantially to the economic well-being of the Nation's dairy industry. And, with annual sales of over $3 billion, the ice cream industry provides jobs for thousands throughout the Nation.

By designating July 15, 1983, as National Ice Cream Day, we will be saluting this important agricultural product and honoring the dairy farmers and others responsible for making ice cream available to us for our enjoyment.

Mr. President, a national ice cream celebration has been held for the past 5 years by our Nation's dairy farmer-owned cooperatives. The celebration this year will be held during the week of July 10 through 16. The theme of the celebration will be "America Loves Ice Cream."

Ice cream has been enjoyed by Americans throughout our Nation's history. It is said that George Washington enjoyed ice cream so much that he had ice creammaking equipment installed at Mount Vernon. Dolly Madison served ice cream at State dinners, including President Madison's second inaugural banquet and, it is reported that Thomas Jefferson had his own favorite recipe for vanilla ice cream.

In 1846, Nancy Johnson of New Jersey invented the handcranked ice cream freezer. Five years later, the first ice cream manufacturing facility was established in Baltimore. And in 1904, at the St. Louis World's Fair, the ice cream cone was introduced.

Ice cream continues to be a favorite dessert of many Americans. Last year alone, we consumed more than 3 billion quarts of it.

I believe it appropriate that Congress pay special tribute to this important agricultural product and I urge my colleagues to join me in supporting this joint resolution.●

By Mr. CHAFEE (for himself, Mr. HEINZ, Mr. GORTON, Mr. SARBANES, Mr. KASTEN, Mr. DIXON, and Mr. JEPSEN):

S.J. Res. 118. Joint resolution to establish the Abraham Lincoln One Hundred Seventy-Fifth Anniversary Commission; to the Committee on the Judiciary.

ABRAHAM LINCOLN ONE HUNDRED SEVENTY-FIFTH ANNIVERSARY ACT

● Mr. CHAFEE. Mr. President, today I am introducing a resolution establishing a Commission to commemorate the 175th anniversary of the birth of Abraham Lincoln. This anniversary will occur on February 12, 1984.

The Commission would work closely with State and local governments, his-

toric or civic groups, and other Federal agencies to coordinate, conduct, and promote activities marking this anniversary. Commission members would be appointed by Congress and the President and would serve without pay. The Commission would sunset in August 1984.

The life and writings of Abraham Lincoln can offer much inspiration to people of all generations. While most people remember the events of his Presidency—for example, the "Gettysburg Address" and the "Emancipation Proclamation"—it is often forgotten that Lincoln also worked as a lawyer, surveyor, postmaster, storekeeper, and State legislator.

Some people say that an individual elected President grows in stature until he meets the demands of that office. In Lincoln's case, I believe that his tenure as President brought to public view the principles, values, and personal character that he had lived by throughout his life.

The Commission my resolution would establish would be a simple, yet efficient and cost-effective way of focusing public discussion on these events and on Lincoln's life and achievements. I ask that a copy of this resolution be printed in the RECORD and urge my colleagues to join me in support of it.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 118

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "Abraham Lincoln One Hundred Seventy-Fifth Anniversary Act".

DECLARATION OF POLICY

SEC. 2. The Congress declares that as the Nation approaches the one hundred seventy-fifth anniversary of the birth of Abraham Lincoln, it is the policy of the United States to celebrate and commemorate the birth of Abraham Lincoln through local and national observances and activities planned, encouraged, coordinated, and conducted by a national commission.

ESTABLISHMENT; COMPOSITION

SEC. 3. (a) There is established a commission to be known as the Abraham Lincoln One Hundred Seventh-Fifth Anniversary Commission (hereinafter referred to as the "Commission"). The Commission shall plan, encourage, coordinate, and conduct activities to commemorate the birth of Abraham Lincoln.

(b) The Commission shall be composed of twenty-one members, as follows:

(1) The President pro tempore of the Senate (or the designee of the President pro tempore).

(2) The Speaker of the House of Representatives (or the designee of the Speaker).

(3) Six appointed by the President of the United States.

(4) Six appointed by the President pro tempore of the Senate upon the joint recommendation of the Majority Leader of the Senate and the Minority Leader of the Senate.

(5) Six appointed by the Speaker of the House of Representatives.

(6) The Director of the National Park Service of the Department of the Interior, or the designee of the Director.

(c) The Director of the National Park Service of the Department of the Interior shall call the first meeting of the Commission. At that meeting, the Commission shall elect a Chairman and Vice Chairman from among the members of the Commission.

(d) Eleven members of the Commission shall constitute a quorum.

(e) Appointments provided for in paragraphs (4), (5), and (6) of subsection (b) shall be made within ninety days after the date of the enactment of this joint resolution. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

DUTIES

SEC. 4. (a) The Commission shall prepare a comprehensive program to commemorate the one hundred seventy-fifth anniversary of the birth of Abraham Lincoln, and to plan, encourage, coordinate, and conduct observances and activities commemorating events which took place during the life of Abraham Lincoln.

(b) Not later than 120 days after the date of the enactment of this joint resolution, the Commission shall submit to Congress a comprehensive program report incorporating its recommendations for appropriate activities to commemorate the one hundred seventy-fifth anniversary of the birth of Abraham Lincoln. Such activities may include the issuance of commemorative proclamations, certificates, or medals to individuals and organizations for outstanding accomplishments in commemorating the writings and ideals of Abraham Lincoln or in preserving historical locations connected with the life of Abraham Lincoln.

COORDINATION OF EFFORTS

SEC. 5. In carrying out the purposes of this joint resolution, the Commission shall consult, cooperate with, and seek advice and assistance from appropriate Federal departments and agencies, State and local public bodies, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations. Such Federal departments and agencies shall cooperate with the Commission in planning, encouraging, coordinating, and conducting appropriate commemorative activities.

DONATIONS

SEC. 6. (a) The Commission is authorized to accept donations of money, property, or personal services.

(b) All books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials relating to Abraham Lincoln and donated to the Commission may be deposited for preservation in national, State, or local libraries or museums or be otherwise disposed of by the Commission after consultation with the Librarian of Congress, the Secretary of the Smithsonian Institution, the Archivist of the United States, and the Administrator of General Services.

ADMINISTRATION

SEC. 7. Subject to such rules and regulations as may be adopted by the Commission, the Commission is authorized to—

(1) appoint and fix the compensation of such personnel as it considers advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at such rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title;

(2) appoint such advisory committees as it deems necessary;

(3) procure services authorized by section 3109 of title 5, United States Code;

(4) procure supplies, services, and property, and make contracts without regard to the laws and procedures applicable to Federal agencies; and

(5) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of General Services.

COMPENSATION

SEC. 8. The members of the Commission shall serve without compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

NATIONAL WEEK OF RECOGNITION

SEC. 9. (a) The week of February 12, 1984, through February 18, 1984, is designated as "National Recognition of Abraham Lincoln Week".

(b) The President is authorized and requested to issue a proclamation calling upon all Government agencies and people of the United States to observe the anniversary of the birth of Abraham Lincoln with appropriate programs, ceremonies, and activities.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 10. There are authorized to be appropriated not more than $200,000 to carry out the provisions of this joint resolution. Amounts appropriated under this section shall remain available until August 1, 1984.

TERMINATION

SEC. 11. (a) The Commission shall prepare and transmit a final report to the Congress no later than August 1, 1984. The Commission shall terminate on such date.

(b) Any property acquired by the Commission remaining upon its termination may be used by the Secretary of the Interior for purposes of the National Park Service, or may be disposed of in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).●

By Mr. HUMPHREY for himself, Mr. HATCH, Mr. HOLLINGS, Mr. BAUCUS, Mr. SASSER, Mrs. HAWKINS, Mr. RUDMAN, Mr. COCHRAN, Mr. PRESSLER, Mr. DANFORTH, Mr. MATSUNAGA, Mr. LUGAR, Mr. RANDOLPH, Mr. RIEGLE, Mr. PROXMIRE, Mr. PELL, Mr. KENNEDY, Mr. HEFLIN, Mr. STAFFORD, Mr. GARN, Mr. BURDICK, Mr. BYRD, Mr. HUDDLESTON, Mr. DECONCINI, Mr. QUAYLE, Mr. GORTON, Mr. BOSCHWITZ, and Mr. DENTON):

S.J. Res. 119. Joint resolution to designate the week of December 11, 1983, through December 17, 1983, as "National Drunk and Drugged Driving

Awareness Week"; to the Committee on the Judiciary.

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

● Mr. HUMPHREY. Mr. President, today I am pleased to join with 27 of my colleagues in introducing a joint resolution designating "National Drunk and Drugged Driving Awareness Week." Last year many joined me in introducing a similar joint resolution. The week, which took place right before the Christmas and New Year holiday season, proved enormously successful. According to the National Safety Council, the number of traffic fatalities over the 3-day New Year holiday last year was the lowest since 1949, with 282 deaths as compared to 338 deaths for the same period in 1981.

Although this reduction can be attributed to many things including increased enforcement, stiffer laws, and reduced driving, some credit must go to to the hundreds of volunteers who participated in the programs and activities of National Drunk and Drugged Driving Awareness Week. Activities during the week included the issuance of parallel proclamations by 44 Governors, introduction of new drunk driving legislation in various States, the appointment of task forces, increased enforcement efforts as well as candlelight vigils, a Speak Out For Safety Campaign, and voluntary efforts to provide rides from holiday parties. All of the groups involved in this effort have asked that once again we have such a week right before the holidays this year.

Traffic accidents result in more violent deaths each year than any other cause, over 44,000 in 1982. The National Highway Traffic Safety Administration estimates that over 50 percent of all drivers killed each year are legally drunk and this figure rises to over 65 percent in single-vehicle crashes. The cost to society of drunk driving is estimated to be over $24 billion a year, which does not include the needless pain and suffering caused by drinking and driving.

In addition, we are continuing to hear reports of driving after drug use and accidents involving drivers who have used marihuana or other illegal drugs. Scientists are just beginning to collect data on the concentrations of various drugs in the blood of fatally injured drivers and to conduct studies of the effects of drugs on driving ability.

Of increasing concern is the combination of drugs and alcohol and its impact on the incidence of traffic accidents. Surveys of our young people show that drinking and driving often accompany marihuana use. We have also been made aware that driving after the use of therapeutic drugs, either alone or in combination with alcohol, counter to the advice of physician, pharmacist, or manufacturer, may create safety hazards on the roads. Clearly we need more research to determine the effect of drugs, both alone and in combination with alcohol, on the incidence of traffic accidents and we must alert the public to the risks of combining alcohol and drugs with driving.

In large part due to the volunteer efforts of citizens groups such as Mothers Against Drunk Drivers (MADD) and Remove Intoxicated Drivers (RID) the public has been demanding changes in the Nation's approach to the problem of drunk driving. It is important that we press forward with current efforts to develop new and creative approaches by combining the expertise of Government, community groups, and voluntary organizations and bringing the unique talents of each to bear on this devastating national problem.

I believe we should designate 1 week annually as National Drunk and Drugged Driving Awareness Week to insure that the momentum does not slip away as society turns its attention toward other pressing problems. It is my hope that this week will each year be marked by radio and TV programs, articles in the print media, and local initiatives such as dial-a-ride or roadblocks, all aimed at raising the public awareness of the risks of drunk and drugged driving. This will provide an annual opportunity to focus attention on the problem, assess our progress, and address the question of further measures needed. It will guarantee we do not forget the enormous costs in human suffering and dollars caused by the combination of alcohol, drugs, and driving.

I urge all my colleagues to join me in sponsoring this Senate joint resolution to designate the week of December 11 through December 17, 1983, as "National Drunk and Drugged Driving Awareness Week."

Mr. President, I ask unanimous consent that the text of the legislation I have introduced today be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 119

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas traffic accidents result in more violent deaths in the United States than any other cause, over 44,000 in 1982;

Whereas traffic accidents cause thousands of serious injuries in the United States each year;

Whereas more than 65 percent of drivers killed in single vehicle collisions and over 50 percent of all drivers fatally injured have blood alcohol concentrations above the legal limit;

Whereas the Surgeon General has reported that life expectancy has risen for every age group over the past seventy-five years except for those fifteen to twenty-four years old, whose death rate, the leading cause of which is drunk driving, is higher now than it was twenty years ago;

Whereas the total societal cost of drunk driving has been estimated at over $24,000,000,000 per year, which does not include the human suffering that can never be measured;

Whereas there are increasing reports of driving after drug use and accidents involving drivers who have used marijuana or other illegal drugs;

Whereas driving after the use of therapeutic drugs, either alone or in combination with alcohol, contrary to the advice of physician, pharmacist, or manufacturer, may create a safety hazard on the roads;

Whereas more research is needed on the effect of drugs, either alone or in combination with alcohol, on driving ability and the incidence of traffic accidents;

Whereas an increased public awareness of the gravity of the problem of drugged driving may warn drug users to refrain from driving and may stimulate interest in increasing necessary research on the effect of drugs on driving ability and the incidence of traffic accidents;

Whereas the public, particularly through the work of citizens groups, is demanding a solution to the problem of drunk and drugged driving;

Whereas the President has appointed a Commission on Drunk Driving to heighten public awareness and stimulate the pursuit of solutions, and this Commission has provided vital recommendations for remedies for the problem of drunk driving in an interim report in December 1982;

Whereas many States have appointed task forces to examine existing drunk driving programs and make recommendations for a renewed, comprehensive approach, and in many cases their recommendations are leading to enactment of new laws, along with stricter enforcement;

Whereas the best defense against the drunk or drugged driver is the use of safety belts and greater safety belt usage would increase the number of surviviors of traffic accidents;

Whereas an increase in the public awareness of the problem of drunk and drugged driving may contribute to a change in society's attitude toward the drunk or drugged driver and help to sustain current efforts to develop comprehensive solutions at the state and local levels;

Whereas the Christmas and New Year holiday period, with more drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem;

Whereas designation of the week of December 12, 1982, through December 18, 1982 as National Drunk and Drugged Driving Awareness Week stimulated many activities and programs by groups in both the private and public sectors aimed at curbing drunk and drugged driving in the high-risk Christmas and New Year holiday period and thereafter;

Whereas the number of traffic fatalities over the three-day New Year holiday in 1982 was the lowest since 1949, with 282 deaths as compared to 338 deaths for the same period in 1981;

Whereas the activities and programs during National Drunk and Drugged Driving Awareness Week in 1982 heightened the awareness of the American public to the danger of drunk and drugged driving and contributed to the decrease in traffic fatalities; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 11, 1983, through December 17, 1983, is designated as "National Drunk and Drugged Driving Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate activities.●

ADDITIONAL COSPONSORS

S. 453

At the request of Mr. WARNER, the names of the Senator from Washington (Mr. GORTON), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of S. 453, a bill to amend the Tariff Schedules of the United States to impose a one-tenth of 1 percent duty on apple and pear juice.

S. 512

At the request of Mr. NICKLES, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 512, a bill to repeal the Powerplant and Industrial Fuel Use Act of 1978.

S. 764

At the request of Mr. WARNER, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Alabama (Mr. HEFLIN) were added as cosponsors of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 863

At the request of Mr. BOSCHWITZ, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 863, a bill entitled "The Enterprise Zone Employment and Development Act of 1983."

S. 914

At the request of Mr. MCCLURE, the names of the Senator from Indiana (Mr. QUAYLE) and the Senator from Nevada (Mr. HECHT) were added as cosponsors of S. 914, a bill to protect firearms owners' constitutional rights, civil liberties, and rights to privacy.

S. 1004

At the request of Mr. D'AMATO, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1004, a bill to amend the Federal employees health benefits plan provisions of chapter 89, title 5, United States Code to assure adequate mental health benefit levels and otherwise limit benefit reductions.

S. 1080

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Arizona (Mr. DECONCINI), the Senator from Louisiana (Mr. LONG), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

S. 1133

At the request of Mr. EAGLETON, the names of the Senator from Colorado (Mr. HART), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1133, a bill to extend the authorization of appropriations for the Legal Services Corporation and to improve the provisions relating to operation of the Corporation and legal services programs.

S. 1285

At the request of Mr. HATCH, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 1285, an original bill to improve the quality of mathematics and science teaching and instruction in the United States, and for other purposes.

S. 1306

At the request of Mr. MATHIAS, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1306, a bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

S. 1350

At the request of Mr. LUGAR, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 1350, a bill to amend the Federal Election Campaign Act of 1971 to increase the role of political parties in financing campaigns under such act, and for other purposes.

S. 1359

At the request of Mr. METZENBAUM, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1359, a bill to amend the Internal Revenue Code of 1954 to increase the amount of the credit for household and dependent care services, and for other purposes.

SENATE JOINT RESOLUTION 86

At the request of Mr. TOWER, the names of the Senator from South Carolina (Mr. THURMOND), and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of Senate Joint Resolution 86, a joint resolution to designate the week of June 12, 1983, through June 16, 1983 as "National Brick Week."

SENATE JOINT RESOLUTION 93

At the request of Mr. EAST, the name of the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of Senate Joint Resolution 93, a joint resolution to designate the month of September each year as "National Sewing Month."

SENATE JOINT RESOLUTION 97

At the request of Mr. BOSCHWITZ, the name of the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Alabama (Mr. DENTON) were added as cosponsors of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE JOINT RESOLUTION 105

At the request of Mr. RUDMAN, the names of the Senator from Nebraska (Mr. ZORINSKY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from New York (Mr. MOYNIHAN), the Senator from Colorado (Mr. HART), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Arkansas (Mr. BUMPERS), the Senator from North Dakota (Mr. BURDICK), the Senator from Tennessee (Mr. SASSER), the Senator from Illinois (Mr. DIXON), the Senator from Arkansas (Mr. PRYOR), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of Senate Joint Resolution 105, a joint resolution calling upon the Department of Justice and all other appropriate Federal agencies to enforce Federal antitrust laws including the prohibition against vertical price restraints.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. SPECTER, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Kansas (Mrs. KASSEBAUM) were added as cosponsors of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of the Congress concerning the legal minimum age for drinking and purchasing alcohol.

SENATE RESOLUTION 130

At the request of Mr. GORTON, the name of the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of Senate Resolution 130, a resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom to Barney Clark, to be presented to his family in his memory.

SENATE RESOLUTION 158

At the request of Mr. JACKSON, the names of the Senator from California (Mr. CRANSTON), the Senator from Montana (Mr. BAUCUS), the Senator from Texas (Mr. BENTSEN), the Senator from Ohio (Mr. GLENN), the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Hawaii (Mr. INOUYE), the Senator from Illinois (Mr. DIXON), the Senator from Rhode Island (Mr. PELL), and the Senator from Mississippi (Mr. STENNIS) were added as cosponsors of Senate Resolution 158, a resolution expressing the

sense of the Senate that the President should convene a national bipartisan commission to address the serious long-term problems of security and economic development in Central America.

AMENDMENT NO. 1400

At the request of Mr. HEINZ, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of amendment No. 1400 proposed to H.R. 3069, a bill making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

SENATE CONCURRENT RESOLUTION 46—RELATING TO NEGOTIATIONS FOR THE REDUCTION AND CONTROL OF NUCLEAR ARMS

Mr. DOLE (for himself, Mr. STEVENS, Mr. ABDNOR, Mr. ARMSTRONG, Mr. KASTEN, Mr. MURKOWSKI, Mr. TRIBLE, and Mr. GRASSLEY) submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 46

Expressing the sense of the Congress regarding negotiations for the reduction and control of nuclear arms.

Whereas the most effective deterrent to aggression remains a strong defense on the part of the United States and its allies;

Whereas the United States must, therefore, prudently rely upon nuclear weaponry as long as such weaponry is essential to deter any potential aggressor that is similarly armed;

Whereas the deployment of intermediate-range nuclear weapons by the Government of the Union of Soviet Socialist Republics aimed towards Europe must evoke effective counter-deployment unless substantial or full reductions of such weapons are effected;

Whereas, however, all humanity stands to gain from reduced nuclear force levels that are mutual and verifiable;

Whereas, furthermore, the dangers of miscalculation or accident increase as nuclear weapons increase and proliferate;

Whereas, in consideration of the above and in consultation with allies of the United States, President Reagan has put forth innovative proposals for nuclear arms reduction in the intermediate-range nuclear forces (INF) negotiations, as well as proposals for substantial reductions in the strategic arms reduction talks (START);

Whereas such proposals, if adopted, would eliminate the need for certain planned deployments of nuclear weapons and could lead to further agreements on lower nuclear force levels, thus furthering the cause of peace; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) the Congress hereby expresses its support for the policy initiatives of the President in proposing to the Government of the Union of Soviet Socialist Republics substantial reductions in the levels of nuclear forces of the United States and the Union of Soviet Socialist Republics and urges that special attention should be given to making proposals for deep reductions in those nuclear weapons which are the most destabilizing.

(b) It is the sense of the Congress that the President should propose to the Government of the Union of Soviet Socialist Republics—

(1) a mutual and verifiable freeze of nuclear forces at such reduced levels and in such a manner that the United States is not limited to nuclear forces inferior to those provided for the Union of Soviet Socialist Republics;

(2) in formulating the freeze and successor agreements, relevant developments in nonnuclear military technology should be borne in mind;

(3) the freeze should be a long-term agreement with provisions for renewal and with provisions for periodic interim reviews looking to equal and even lower nuclear force levels.

(c) It is also the sense of the Congress that the President should propose to the Government of the Union of Soviet Socialist Republics discussions on practical measures to reduce the danger of nuclear war by accident or miscalculation, including agreed measures of crisis management, and on practical measures to deter the proliferation of nuclear weapons and their use by third parties.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. DOLE. Mr. President, I rise to state that, as has been the case with many of our colleagues, the Senator from Kansas has been greatly concerned about the linked problems of national defense and arms control. We need a strong national defense that is second to none, and at the same time we must proceed with an arms control policy that is realistic, farsighted, and suited to the needs of our country. How can these goals best be reconciled, Mr. President?

Nuclear weapons must be the servants of our national defense—we cannot afford the view that they are an end in themselves. More weapons are not the answer if they simply mark guideposts in an ever spiraling arms race. At the same time, we must take into account that for 38 years the nuclear deterrent has worked. We have in fact managed to avoid war through a strong and determined preparation. And let nobody imagine that the world would be a safer place if the United States did not maintain its credible nuclear deterrent.

However, our nuclear arms are more and more costly, eating up resources that we would like to spend for other needs, or not have to spend at all. But over the past dozen years, the Soviet Union has engaged in a huge buildup of nuclear weapons. Specially, their intermediate-range missiles now threaten our European allies in unprecedented numbers. Our nuclear weapons therefore need modernizing to match that Russian buildup, and to add further stability to our defense posture, and continued credibility to the NATO alliance.

NATIONAL SECURITY CONSIDERATIONS

Our nuclear defenses depend upon our triad of manned bombers, submarine-launched missiles, and land-based ICBM's. That triad provides both flexibility, and a measure of survivability, for no potential aggressor should ever be under the illusion that a first strike could demolish our nuclear triad. Our defense must remain secure and strong. We are therefore considering ways to update both the submarine and the manned-bomber portions of the triad.

The crucial third leg of the triad is the land-based ICBM, on which the Soviets have lavished attention in recent years. They have built and deployed system after system. We have therefore had to upgrade our own ICBM's. The MX and its proposed basing mode certainly is not a perfect solution, but it does provide a needed upgrading. The challenge to our arms control policy is to develop a proposal that is based on this triad structure.

However, I believe that there are simply too many nuclear weapons and warheads—some 9,500 on our side and at least 8,500 on the Russian side, just including strategic weapons, plus thousands of shorter range theater weapons such as the cruise missiles that we are developing, and the SS-4's, SS-5's and SS-20's that the Soviets have already deployed. When will this spiral end? Will we just keep modernizing our weapons while the nuclear stockpiles continue to mount? Or, should we just stop building weapons now, or freeze them at current deployment?

THE CURRENT ARMS CONTROL SETTING

Mr. President, taking all of these matters under consideration, I have formulated a resolution which addresses these concerns. And let me say at the outset that I support the President's efforts to negotiate realistic arms control agreements at both the intermediate-range nuclear forces (INF) talks, and the START negotiations at Geneva. At the INF talks, we seek to have the Russians remove their SS-4's, SS-5's and mobile SS-20's that now threaten Europe, the Far East and parts of the Middle East. To the extent that we cannot negotiate these drawdowns, we will have to deploy Pershing II's and ground-launched cruise missiles, with the full consent of our NATO allies. At START, we are attempting to negotiate some limits to strategic weapons, and in particular, we hope to reduce the Soviet preponderance in land-based ICBM's.

In particular, the Senator from Kansas welcomes the flexibility that forms part of our arms control efforts, as set forth by the President on June 8. With that flexibility in mind, I would pursue two notions—a nuclear freeze, and a comprehensive arms control proposal that includes all strategic and intermediate range nuclear forces, including those under development.

Here is my six-point program set forth in my resolution that addresses both of these points.

I believe that the President should propose to the Soviet Union a mutual and verifiable freeze of nuclear forces at level substantially reduced from those that currently exist;

The precise proposal must not limit the United States to nuclear forces inferior to those provided the Soviet Union.

The freeze will be of all types of strategic and theater nuclear weapons and warheads, along the lines of the nuclear triad itself;

If agreed to, the freeze would be a long-term agreement with provisions for reviews from time to time, looking to even lower nuclear force levels;

Special attention must be paid to weapons that are the most destabilizing, and to technological breakthroughs of all sorts;

We should also explore with the Russians nuclear nonproliferation, and the best ways to reduce the dangers of nuclear war by accident.

FREEZE OR BUILD-DOWN?

To be realistic, arms control efforts must reflect the security that our nuclear triad is designed to achieve. We have heard of the freeze and the builddown, and both are good faith attempts to get control over the nuclear genie. And yet, a freeze of current weapons would reward the Soviet buildup in ICBM's, and leave us with an unacceptable situation in Europe, given the Soviet focus on theater nuclear weapons there. As usually proposed, it would also not allow for force modernization. My freeze proposal would allow for needed modernization, while driving down overall nuclear weapons totals.

The builddown is a useful notion, and one that has received some support, in principle, from the White House. Strictly applied, since a number of our systems represent yesterday's technology, we would have to build down two weapons for every one newly deployed for the privilege of catching up to the Russians. In the areas of air-launched cruise missiles alone, our present triad defense would have to be virtually dismantled in order to deploy these missiles. And there would be no obligation on the Russian part to build down any weapons until they wanted to deploy new ones.

ARMS CONTROL AND THE REAL WORLD

It is more productive in my view to preserve our nuclear defenses while offering the Soviets something that both sides can agree to. With an eye to what these weapons are supposed to do—rather than to a rigid formula—we can best see how to limit them. Let us put arms control in the real world of nuclear defenses, and let us make it work.

To summarize, I believe that the President should propose that all strategic and intermediate range nuclear forces should be reduced below today's deployment figures for both the United States and the Soviet Union. The proposal should parallel our present nuclear triad force structure. Then nuclear force levels should be frozen at that lower, reduced level—which would then become the ceiling for a new round of negotiations. Special attention should be paid to weapons that are the most destabilizing, to verification procedures, and to nonnuclear technological breakthroughs that could affect the nuclear defense.

The negotiations would be hard and long—but I know of no subject that more deserves our full commitment and attention. I believe that the resolution that I offer today will be an important step in controlling nuclear weapons and reducing their numbers.

I urge the Senate to adopt this resolution, Mr. President.

SENATE RESOLUTION 159—RELATING TO IN-FLIGHT TESTING OF ICBM'S

Mr. LEVIN (for himself, Mrs. KASSEBAUM, Mr. INOUYE, Mr. BUMPERS, Mr. CRANSTON, Mr. HUDDLESTON, Mr. PRESSLER, Mr. ANDREWS, Mr. DURENBERGER, Mr. SPECTER, Mr. BOREN, and Mr. MATHIAS) submitted the following resolution; which was referred to the committee on Foreign Relations:

S. RES. 159

Whereas the U.S. and the U.S.S.R. should expeditiously conclude an arms control agreement designed not only to reduce the number of existing and planned nuclear weapons, but also to move toward more stable and less vulnerable systems which will decrease the likelihood of nuclear war; and

Whereas the President has agreed to the principle of mutual build-down as a means to achieve these objectives: Now, therefore, be it

Resolved, That it is the sense of the Senate of the United States of America that—

(1) the United States should announce its willingness to pause in the testing of new ICBMs with more than one warhead while strategic arms negotiations proceed if the U.S.S.R. agrees to such a pause; and

(2) the United States should propose to the U.S.S.R. in the START talks an arms control agreement which implements the President's Commission on Strategic Forces' recommendations to reduce the number of ICBMs with more than one warhead on both sides and encourage the development of small, single warhead ICBMs, with limitations and reductions on overall strategic nuclear forces formulated in terms of warheads rather than launchers.

SEC. 2. The President shall report to the appropriate committees of the Congress on the text and presentation of such proposal.

SEC. 3. As used in this resolution, the term "new ICBM" means either an ICBM flight-tested after May 1, 1979, or a variant of an ICBM flight-tested as of that date.

AMENDMENTS SUBMITTED

SUPPLEMENTAL APPROPRIATIONS, 1983

WEICKER AMENDMENT NO. 1408

Mr. WEICKER proposed an amendment to the bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a)(1) Nothwithstanding any other provision of law, the annual rate of pay for a United States Senator shall be $100,000, and the annual rate of pay for the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate shall be $110,000.

(2) The provisions of this subsection shall take effect on the first day of the first calendar month which begins after the date of enactment of this section.

(b)(1) Notwithstanding any other provision of law, no United States Senator shall accept any honorarium.

(2) For purposes of this subsection, the term—

(A) "honorarium" means a payment of money or anything of value to a United States Senator for an appearance, speech, or article, by such Senator.

(3) The provisions of this subsection shall take effect upon the date of enactment of this Act.

(4) Nothing in this section shall prohibit the receipt of actual and necessary travel expenses by members of the Senate, including transportation costs and the cost of meals and lodging while away from the metropolitan area of Washington, District of Columbia.

(c) During the period which begins on September 1, and ends with the close of September 15, of each even-numbered year, commencing with the year 1986, the Select Committee on Ethics of the Senate shall submit to the Senate a report on the matter of the annual rate of pay for United States Senators, which report shall specify the annual rate of pay for United States Senators. The annual pay rate for United States Senators so specified by such Select Committee in its report to the Senate shall take effect immediately and shall remain in effect until a different rate of pay is fixed by such Select Committee pursuant to this subsection or a different rate of pay is otherwise established by law.

(d) Notwithstanding the provisions of section 225 of the Federal Salary Act of 1967, the salaries of United States Senators, and the salaries of the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate shall not, after the date of enactment of this section, be subject to adjustment under the provisions of such Act.

(e) The provisions of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) shall not, after the date of enactment of this section, be applied to adjust the salaries of the United States Senators, or of the President pro tempore of the Senate, or the Majority or Minority Leaders of the Senate.

JACKSON AMENDMENT NO. 1409

Mr. JACKSON proposed an amendment to the bill H.R. 3069, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a)(1) Notwithstanding any other provision of law, the annual rate of pay for a United States Senator shall be $80,100, and the annual rate of pay for the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate shall be $90,100.

(2) The provisions of this subsection shall take effect on the first day of the first calendar month which begins after the date of enactment of this section.

(b)(1) Notwithstanding any other provision of law, no United States Senator shall accept any honorarium.

(2) For purposes of this subsection, the term—

(A) "honorarium" means a payment of money or anything of value to a United States Senator for an appearance, speech, or article, by such Senator.

(3) The provisions of this subsection shall take effect upon the date of enactment of this Act.

(4) Nothing in this section shall prohibit the receipt of actual and necessary travel expenses by members of the Senate, including transportation costs and the cost of meals and lodging while away from the metropolitan area of Washington, District of Columbia.

(c) During the period which begins on September 1, and ends with the close of September 15, of each even-numbered year, commencing with the year 1986, the Select Committee on Ethics of the Senate shall submit to the Senate a report on the matter of the annual rate of pay for United States Senators, which report shall specify the annual rate of pay for United States Senators which shall be in effect for the period commencing on the first day of October of such year. The annual rate of pay for United States Senators so specified by such Select Committee in its report to the Senate shall take effect immediately and shall remain in effect until a different rate of pay is fixed by such Select Committee pursuant to this subsection or a different rate of pay is otherwise established by law.

(d) Notwithstanding the provisions of section 225 of the Federal Salary Act of 1967, the salaries of United States Senators, and the salaries of the President pro tempore of the Senate, and the Majority and Minority Leaders of the Senate shall not, after the date of enactment of this section, be subject to adjustment under the provisions of such Act.

(e) The provisions of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) shall not, after the date of enactment of this section, be applied to adjust the salaries of United States Senators, or of the President pro tempore of the Senate, or the Majority or Minority Leaders of the Senate.

(f) Any honorarium paid by or on behalf of a Member to a charitable organization shall be deemed not to be accepted for the purposes of subsection (b).

JACKSON (BAKER AND BYRD) AMENDMENT NO. 1410

Mr. JACKSON (for himself, Mr. BAKER, and Mr. BYRD) proposed an amendment to the bill H.R. 3069, supra; as follows:

On page 82, after line 3, insert the following new section:

SEC. . (a) For the purpose of this section—

(1) "charitable organization" means an organization described in section 170(c) of the Internal Revenue Code of 1954;

(2) "honorarium" means a payment of money or anything of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for the purposes of this section any actual and necessary travel expenses, incurred by the Member, and spouse or an aide to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed;

(3) "Member" means a United States Senator, a Member of the House of Representatives, a Delegate to the House of Representatives, or the Resident Commissioner from Puerto Rico; and

(4) "travel expenses" means, with respect to a Member, and spouse or an aide, the cost of transportation, and the cost of lodging and meals while away from his or her residence or the metropolitan area of Washington, District of Columbia.

(b)(1) Notwithstanding any other provision of law, except as provided in paragraph (2), on and after January 1, 1984, a Member shall not accept honoraria which are attributable to any calendar year and total more than the amount that is equal to 30 percent of the aggregate salary paid to such Member for service as a Member during such calendar year.

(2) An individual who becomes a Member on a date after the first day of a calendar year shall not accept honoraria which are attributable to the remaining portion of that calendar year on and after the date such individual becomes a Member and total more than the amount that is equal to 30 percent of the aggregate salary paid to the Member for service as a Member during such calendar year.

(3) For the purposes of this subsection, an honorarium shall be attributable to the period or calendar year in which payment is received.

(c) Any honorarium, or any part thereof, paid by or on behalf of a Member to a charitable organization shall be deemed not to be accepted for the purposes of subsection (b).

(d) Notwithstanding any other provision of law, in the case of a Member who is serving in the office or position of Senator, President pro tempore of the Senate, Majority Leader of the Senate, or Minority Leader of the Senate during a calendar year, the annual rate of pay that is paid to such Member for such service shall not be less than the annual rate of pay payable for such position on December 17, 1982, increased by 15 percent and rounded in accordance with section 5318 of title 5, United States Code.

(e) The Commission on Executive, Legislative, and Judicial Salaries shall include in the first report required to be submitted by it after the date of the enactment of this Act a recommendation for an appropriate salary for Members, which recommendation shall assume a prohibition on the receipt of honoraria by Members.

(f) Subsection (d) of this section shall take effect with respect to service as a Member performed on or after July 1, 1983.

DOLE AMENDMENT NO. 1411

Mr. DOLE proposed an amendment to the bill H.R. 3069, supra; as follows:

(a) Subsection (b) of Section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i(b)) is amended to read as follows:

(b) Any honorarium, or any part thereof, paid by or on behalf of an elected or appointed officer or employee of any branch of the Federal Government to a charitable organization shall be deemed not to be accepted for the purposes of this section.

REPEAL OF WITHHOLDING ON INTEREST AND DIVIDENDS

DOLE AMENDMENT NO. 1412

Mr. DOLE proposed an amendment to the bill (H.R. 2973) to repeal the withholding of tax from interest and dividends; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—INTEREST AND DIVIDEND TAX COMPLIANCE

SEC. 101. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This title may be cited as the "Interest and Dividend Compliance Act of 1983".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 102. REPEAL OF WITHHOLDING ON INTEREST AND DIVIDENDS.

(a) IN GENERAL.—Subtitle A of title III of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to withholding of tax from interest and dividends) is hereby repealed.

(b) CONFORMING AMENDMENT.—Except as provided in subsection (c), the Internal Revenue Code of 1954 shall be applied and administered as if such subtitle A (and the amendments made by such subtitle A) had not been enacted.

(c) ESTIMATED TAX PAYMENTS.—

(1) IN GENERAL.—For purposes of determining the amount of any addition to tax under section 6654 of such Code with respect to any installment required to be paid before July 1, 1983, the amount of the credit allowed by section 31 of such Code for any taxable year which includes any portion of the period beginning July 1, 1983, and ending December 31, 1983, shall be increased by an amount equal to 10 per centum of the aggregate amount of payments—

(A) which are received during the portion of such taxable year after June 30, 1983, and before January 1, 1984, and

(B) which (but for the repeal made by subsection (a)) would have been subject to withholding under subchapter B of chapter 24 of such Code (determined without regard to the exemption for exempt individuals).

(2) SUBSECTION TO APPLY ONLY IF TAXPAYER INCREASES AMOUNT OF NEXT INSTALLMENT.—This subsection shall not apply to any taxpayer unless such taxpayer in determining the amount of the first installment required to be paid after June 30, 1983, includes the amount which the taxpayer would have

been required to include in any installment required to be paid before July 1, 1983, if subtitle A of title III of the Tax Equity and Fiscal Responsibility Act of 1982 had not been enacted.

(d) TECHNICAL AMENDMENTS.—

(1) Subsection (a) of section 6049 (relating to returns regarding payments of interest) is amended—

(A) by inserting "or" at the end of paragraph (1),

(B) by striking out "or" at the end of paragraph (2),

(C) by striking out paragraph (3), and

(D) by striking out ", tax deducted and withheld, and the name and address of the person to whom paid or from whom withheld", and inserting in lieu thereof "and the name and address of the person to whom paid".

(2) Subsection (b) of section 6049 (defining interest) is amended—

(A) by amending subparagraph (C) of paragraph (2) to read as follows:

"(C) except to the extent otherwise provided in regulations—

"(i) any amount paid to any person described in paragraph (4), or

"(ii) any amount described in paragraph (5),", and

(B) by adding at the end thereof the following new paragraphs:

"(4) PERSONS DESCRIBED IN THIS PARAGRAPH.—A person is described in this paragraph if such person is—

"(A) a corporation,

"(B) an organization exempt from taxation under section 501(a) or an individual retirement plan,

"(C) the United States or any wholly owned agency or instrumentality thereof,

"(D) a State, the District of Columbia, a possession of the United States, any political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing,

"(E) a foreign government, a political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

"(F) an international organization or any wholly owned agency or instrumentality thereof,

"(G) any other person specified in regulations,

"(H) a foreign central bank of issue,

"(I) a dealer in securities or commodities required to register as such under the laws of the United States or a State, the District of Columbia, or a possession of the United States,

"(J) a real estate investment trust (as defined in section 856),

"(K) an entity registered at all times during the taxable year under the Investment Company Act of 1940,

"(L) a common trust fund (as defined in section 584(a)), or

"(M) any trust which—

"(i) is exempt from tax under section 664(c), or

"(ii) is described in section 4947(a)(1).

"(5) AMOUNTS DESCRIBED IN THIS PARAGRAPH.—An amount is described in this paragraph if such amount—

"(A) is subject to withholding under subchapter A of chapter 3 (relating to withholding of tax on nonresident aliens and foreign corporations) by the person paying such amount, or

"(B) would be subject to withholding under subchapter A of chapter 3 by the person paying such amount but for the fact that—

"(i) such amount is income from sources outside the United States,

"(ii) the payor thereof is exempt from the application of section 1441(a) by reason of section 1441(c) or a tax treaty, or

"(iii) such amount is original issue discount (within the meaning of section 1232(b)(1)).".

(3) Paragraph (1) of section 6049(c) (relating to statements to be furnished to persons with respect to whom information is furnished) is amended—

(A) by inserting "and" at the end of subparagraph (A),

(B) by striking out ", and" at the end of subparagraph (B) and inserting in lieu thereof a period, and

(C) by striking out subparagraph (C).

(e) STUDY BY COMPTROLLER GENERAL.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study with respect to the collection of taxes on interest, dividends, and patronage dividends, including an analysis of—

(A) existing efforts of the Internal Revenue Service with respect to such collection, and

(B) alternative methods to improve such collection, including mandatory withholding of such taxes.

(2) DETERMINATION OF PERCENTAGE OF COMPLIANCE.—In connection with the study under paragraph (1), the Comptroller General shall compute the percentage determined by dividing—

(A) the amount of interest, dividends, and patronage dividends which the Comptroller General reasonably estimates was shown on returns of tax imposed by subtitle A of the Internal Revenue Code of 1954—

(i) which were required to be filed by individuals for taxable years which begin in 1985, and

(ii) which were filed within the time prescribed by law (determined with regard to any extension) and before August 15, 1986, by

(B) the aggregate amount of interest, dividends, and patronage dividends which the Comptroller General reasonably estimates was required to be shown on returns described in subparagraph (A) (without regard to clause (ii) thereof).

(3) REPORT TO CONGRESS.—Not later than January 1, 1988, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study conducted under paragraph (1) and the percentage determined under paragraph (2).

SEC. 103. APPLICATION OF BACKUP WITHHOLDING RULES TO CERTAIN PAYMENTS.

(a) IN GENERAL.—Chapter 24 (relating to collection of income tax at source) is amended by inserting after section 3405 the following new section:

"SEC. 3406. SPECIAL RULES FOR BACKUP WITHHOLDING PAYMENTS.

"(a) REQUIREMENT TO DEDUCT AND WITHHOLD.—

"(1) IN GENERAL.—If, in the case of any backup withholding payment—

"(A) the payee fails to furnish his taxpayer identification number to the payor,

"(B) the Secretary notifies the payor that the number furnished by the payee is incorrect,

"(C) the Secretary notifies the payor of a failure under subsection (b)(1), or

"(D) the payee fails to provide the payor with the certification described in subsection (c),

then the payor shall deduct and withhold from such payment a tax equal to 15 percent of such payment.

"(2) WITHHOLDING AT 20 PERCENT IN FAILURE INVOLVING INTEREST, DIVIDENDS, OR PATRONAGE DIVIDENDS.—In the case of any withholding required under—

"(A) subparagraph (C) or (D) of paragraph (1), or

"(B) subparagraph (A) or (B) of paragraph (1) to the extent the taxpayer identification number involved relates to a return described in clause (iii), (iv), or (vi) of subsection (e)(1)(A),

paragraph (1) shall be applied by substituting '20 percent' for '15 percent'.

"(b) SPECIAL RULES FOR BACKUP WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS NOT REPORTED ON RETURN.—

"(1) IN GENERAL.—If the Secretary determines that any payee failed—

"(A) to include in any return of tax required to be filed for any taxable year any backup withholding payment which—

"(i) is described in clause (iii), (iv), or (vi) of subsection (e)(1)(A), and

"(ii) is required to be included in such return, or

"(B) to file the return of tax in which such payment is required to be included,

the Secretary shall, subject to the provisions of paragraphs (2) and (3), notify payors of payments described in subparagraph (A)(i) with respect to such payee of the requirement to deduct and withhold under subsection (a)(1)(C) (but not the reasons therefor).

"(2) MINIMUM AMOUNT OF FAILURE.—Subparagraph (A) or (B) of paragraph (1) shall not apply unless the aggregate amount of failures under such subparagraph for any taxable year exceeds the lesser of—

"(A) $50, or

"(B) any amount which may be specified by the Secretary.

"(3) NOTICE TO PAYEE.—

"(A) NOTICE BY SECRETARY.—At least 90 days before the Secretary notifies the payor under paragraph (1), the Secretary shall notify the payee of—

"(i) the Secretary's determination under paragraph (1) (and the reasons therefor), and

"(ii) the fact that the payor may be required to deduct and withhold tax under this section if notified by the Secretary.

"(B) OPPORTUNITY TO RESPOND AND CORRECT.—The Secretary shall prescribe procedures which allow the payee the opportunity to provide information with respect to a determination under paragraph (5).

"(4) NOTICE OF WITHHOLDING TO PAYEE BY PAYOR.—Any payor required to withhold any tax under paragraph (1)(C) shall, at the time such withholding begins, notify the payee of such withholding.

"(5) DETERMINATION BY SECRETARY NOT TO BEGIN OR TO END WITHHOLDING.—

"(A) IN GENERAL.—If the Secretary determines that—

"(i) there was no failure to which this subsection applies,

"(ii) any such failure (including the payment of any tax, penalty, or interest with respect to such failure) has been corrected,

"(iii) withholding under subsection (a)(1)(C) would cause undue hardship to the payee and it is unlikely that any such failure will occur again, or

"(iv) there is a bona fide dispute as to whether there is any such failure,

then the Secretary shall take the action described in subparagraph (B).

"(B) ACTIONS TO BE TAKEN BY SECRETARY.—For purposes of subparagraph (A), if at the time of the determination under subparagraph (A)—

"(i) no notice has been given under paragraph (1) to any payor with respect to the failure, the Secretary shall not give any such notice, or

"(ii) if such notice has been given, the Secretary shall—

"(I) provide the payee with a written certification that withholding under subsection (a)(1)(C) is to cease, and

"(II) notify the applicable payors that such withholding is to cease.

"(C) CORRECTION PERMITTED AT ANY TIME.—For purposes of subparagraph (A)(ii), any determination as to whether a failure has been corrected shall be made without regard to whether the assessment or collection of such tax, penalty, or interest is prevented by the operation of any law.

"(6) NOTICE OF PAYORS FROM PAYEE.—For purposes of this section, the Secretary may require any payee of backup withholding payments described in clause (iii), (iv), or (vi) of subsection (e)(1)(A) to notify the Secretary of all payors from which the payee receives payments of such type.

"(c) PAYEE MAY CERTIFY BACKUP WITHHOLDING NOT IN EFFECT.—

"(1) IN GENERAL.—Any payee of any backup withholding payment described in clause (iii), (iv), or (vi) of subsection (e)(1)(A) which is paid or credited on accounts, stock, instruments, memberships, or contracts described in section 6676(b)(4) established, acquired, or entered into after December 31, 1983, who is not subject to withholding under subsection (a)(1)(C) may certify under penalty of perjury to the—

"(A) payor, or

"(B) in the case of any disposition of any readily tradeable instrument involving a retail broker (who is not the payor with respect to such instrument), the retail broker,

that such payee is not subject to withholding under subsection (a)(1)(C).

"(2) NOTIFICATION TO PAYOR BY RETAIL BROKER.—Within 15 days of the disposition of a readily tradeable instrument (or of the settlement date in the case of a sale or exchange), any retail broker to whom a certification may be provided under paragraph (1)(B) shall notify the payor of such instrument of any payee who did not provide a certificate under paragraph (1).

"(d) PERIOD FOR WHICH WITHHOLDING IS IN EFFECT.—

"(1) FAILURE TO FURNISH NUMBER.—In the case of any failure described in subparagraph (A) of subsection (a)(1), subsection (a) shall apply to any backup withholding payment made during the period during which the taxpayer identification number has not been furnished.

"(2) NOTIFICATION OF INCORRECT NUMBER.—In any case where there is a notification described in subparagraph (B) of subsection (a)(1), subsection (a) shall apply to any backup withholding payment made—

"(A) after the close of the 15th day after the day on which the payor was so notified, and

"(B) before the payee furnishes under penalty of perjury (in the form provided in section 6676(b)(5)) another taxpayer identification number.

"(3) FAILURE TO INCLUDE CERTAIN AMOUNTS IN INCOME.—In the case of any failure described in subparagraph (C) of subsection (a)(1), subsection (a) shall apply to any backup withholding payment made—

"(A) after the close of the 15th day after the day on which the payor was so notified, and

"(B) before the earlier of the day on which—

"(i) the Secretary notifies the payor under subsection (b)(5)(B) to cease withholding, or

"(ii) the payee presents to the payor the certificate provided by the Secretary under subsection (b)(5)(B).

"(4) FAILURE TO PROVIDE CERTIFICATION.—

"(A) IN GENERAL.—In the case of any failure described in subparagraph (D) of subsection (a)(1), subsection (a) shall apply to any backup withholding payment made during the period during which the certification described in subsection (c)(1) has not been furnished to the payor.

"(B) SPECIAL RULE FOR READILY TRADEABLE INSTRUMENTS.—In the case of any disposition of a readily tradeable instrument, the period described in subparagraph (A) shall begin with payments to the payee involved in the failure made after the close of the 15th day following the date of such disposition (or of the settlement date in the case of a sale or exchange).

"(5) 15-DAY GRACE PERIODS.—

"(A) AFTER CORRECTION.—Unless the payor otherwise elects, subsection (a) shall also apply to any backup withholding payment made after the close of the period described in paragraph (1), (2), (3), or (4) (as the case may be) and before the 16th day after the close of such period.

"(B) AFTER NOTIFICATION.—If the payor so elects, subsection (a) shall also apply to any backup withholding payment made during the 15-day period described in paragraph (2)(A) or (3)(A).

"(e) BACKUP WITHHOLDING PAYMENT DEFINED; AGGREGATION.—

"(1) BACKUP WITHHOLDING PAYMENT.—

"(A) IN GENERAL.—For purposes of this section, the term 'backup withholding payment' means any payment of a kind, and to a payee, required to be shown on a return required under—

"(i) section 6041 (a) or (b) (relating to certain information at source),

"(ii) section 6041A(a) (relating to returns regarding payments to nonemployees),

"(iii) section 6042(a) (relating to payments of dividends),

"(iv) section 6044 (relating to returns regarding patronage dividends) but only to the extent of payments of money,

"(v) section 6045 (relating to returns of brokers),

"(vi) section 6049(a) (relating to payments of interest), or

"(vii) section 6050A (relating to reporting requirements of certain fishing boat operators), but only to the extent of payments of the proceeds of the catch.

"(B) SPECIAL RULE.—For purposes of this section, the determination of whether any payment is of a kind required to be shown on a return described in subparagraph (A) shall be made without regard to any minimum amount which must be paid before a return is required.

"(2) PAYMENTS MUST AGGREGATE $600 BEFORE WITHHOLDING REQUIRED FROM PAYMENTS DESCRIBED IN SECTION 6041(A) OR 6041A(a).—In the case of any payment which is of a kind required to be shown on a return required under section 6041(a) or 6041A(a) and which is made during any calendar year, no amount shall be deducted and withheld with respect to such payment unless—

"(A) the aggregate amount of such payment and all previous such payments to the payee involved during such calendar year equals or exceeds $600,

"(B) the payor was required under section 6041(a) or 6041A(a) to file a return for the preceding calendar year with respect to payments to the payee involved, or

"(C) during the preceding calendar year the payor made backup withholding payments to the payee with respect to which amounts were required to be deducted and withheld under subsection (a).

"(f) FORM OF NOTICE; CONFIDENTIALITY.—

"(1) FORM OF NOTICE.—

"(A) IN GENERAL.—The Secretary may prescribe regulations which require payors to submit to the Secretary the tax identification number or name of any payee to enable the Secretary to compare such number or name with a confidential list of taxpayer identification numbers or names maintained by the Secretary and with respect to which withholding is required under this section.

"(B) INFORMATION ON LIST TREATED AS NOTICE.—If a payor submits a taxpayer identification number or name which is on the list described in subparagraph (A), the Secretary shall so notify the payor and such notice shall constitute notice for purposes of subparagraph (B) or (C) of subsection (a)(1), whichever is appropriate.

"(C) TERMINATION OF CERTIFICATION REQUIREMENT.—If the Secretary prescribes regulations under subparagraph (A), the Secretary may terminate the requirement of any payee to provide a certificate under subsection (c).

"(2) CONFIDENTIALITY OF INFORMATION.—

"(A) IN GENERAL.—No person may use any information obtained under this section (including any failure to certify under subsection (c)) except for the purpose of meeting any requirement under this section.

"(B) CIVIL DAMAGES TO APPLY.—For purposes of section 7431, any unauthorized use under subparagraph (A) shall be treated as a violation of section 6103.

"(g) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) OBVIOUSLY INCORRECT NUMBER.—A payee shall be treated as failing to furnish his taxpayer identification number if the number furnished does not contain the proper number of digits.

"(2) PAYEE FURNISHES 2 INCORRECT NUMBERS.—If the payee furnishes a payor 2 incorrect numbers, the payor shall, after receiving notice of the second incorrect number, treat the payee as not having furnished another taxpayer identification number under subsection (d)(2)(B) until the day on which the payor receives notification from the Secretary that a correct taxpayer identification number has been furnished.

"(3) EXCEPTION FOR PAYMENTS TO CERTAIN PAYEES.—Subsection (a) shall not apply to any payment made to—

"(A) the United States (as defined in section 6049(b)(4)(C)),

"(B) any State (as defined in section 6049(b)(4)(D)),

"(C) an organization which is exempt from taxation under section 501(a),

"(D) any foreign government (as defined in section 6049(b)(4)(E)) or international organization (as defined in section 6049(b)(4)(F)), or

"(E) any other person specified in regulations.

"(4) TAXPAYER IDENTIFICATION NUMBER.—The term 'taxpayer identification number' means the identifying number assigned to a person under section 6109.

"(5) AMOUNTS FOR WHICH WITHHOLDING OTHERWISE REQUIRED.—No tax shall be deducted or withheld under this section with respect to any amount for which withholding is otherwise required by this title.

"(6) EXEMPTION WHILE WAITING FOR NUMBER.—The Secretary shall prescribe regulations for exemptions from the tax imposed by subsection (a) during periods during which a person is waiting for receipt of a taxpayer identification number.

"(7) NOMINEES.—In the case of a backup withholding payment described in clause (i) or (v) of subsection (e)(1)(A) to a nominee both the nominee and the ultimate payee shall, in the manner provided in regulations, be treated as the payee.

"(8) REQUIREMENT OF NOTICE TO PAYEE.—Whenever the Secretary notifies a payor under subsection (a)(1)(B) that the taxpayer identification number furnished by any payee is incorrect, the Secretary shall at the same time furnish a copy of such notice to the payor, and the payor shall promptly furnish such copy to the payee.

"(9) REQUIREMENT OF NOTICE TO SECRETARY.—If the Secretary notifies a payor under subsection (a)(1)(B) that the taxpayer identification number furnished by any payee is incorrect and such payee subsequently furnishes another taxpayer identification number to the payor, the payor shall promptly notify the Secretary of the other taxpayer identification number so furnished.

"(10) READILY TRADEABLE INSTRUMENT AND RETAIL BROKER DEFINED.—The terms 'readily tradeable instrument' and 'retail broker' have the same meanings as when such terms are used in section 6676.

"(11) PAYOR DEFINED.—The term 'payor' means, with respect to any backup withholding payment, the person required to file a return described in subsection (e)(1)(A) with respect to such payment.

"(12) COORDINATION WITH OTHER SECTIONS.—For purposes of section 31, this chapter (other than section 3402(n)), and so much of subtitle F (other than section 7205) as relates to this chapter, payments which are subject to withholding under this section shall be treated as if they were wages paid by an employer to an employee.

"(13) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) ADDITIONAL PENALTY FOR FAILURE TO IMPLEMENT BACKUP WITHHOLDING.—

(1) IN GENERAL.—Subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end thereof the following new section:

"SEC. 6705. FAILURE TO IMPLEMENT BACKUP WITHHOLDING OR PROVIDE NOTICE.

"(a) IN GENERAL.—Any payor who fails to deduct and withhold a tax which is required to be deducted and withheld under section 3406(a)(1) shall pay a penalty of $100 for each such failure unless such failure is due to reasonable cause and not to willful neglect.

"(b) FAILURE BY RETAIL BROKER TO PROVIDE NOTICE OR NUMBER.—Any person who intentionally disregards the requirement to provide a payor with—

"(1) the notice described in section 3406(c)(2), or

"(2) the number described in section 6676(c)(2)(A),

shall pay a penalty of $500 for each such failure.

"(c) PENALTY IN ADDITION TO OTHER PENALTIES.—Any penalty imposed by this section shall be in addition to any other penalty provided by law.".

(2) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 68 is amended by adding at the end thereof the following new item:

"Sec. 6705. Failure to implement backup withholding or provide notice.".

(c) CONFORMING AMENDMENTS.—

(1) Section 3402 (relating to income tax collected at source) is amended by striking out subsection (s).

(2) The table of sections for chapter 24 is amended by inserting after the item relating to section 3405 the following new item:

"Sec. 3406. Special rules for backup withholding payments.".

SEC. 104. RETURNS ON MAGNETIC TAPE.

(a) CERTAIN RETURNS MUST BE ON MAGNETIC TAPE.—Subsection (e) of section 6011 (relating to regulations requiring returns on magnetic tape, etc.) is amended—

(1) by inserting "(1) IN GENERAL.—" before the first sentence thereof, and

(2) by adding at the end thereof the following new paragraph:

"(2) CERTAIN RETURNS MUST BE FILED ON MAGNETIC MEDIA.—In the case of any person who is required to file more than 50 returns under section 6042(a), 6044(a), or 6049(a) for any calendar year, all returns under such sections shall be on magnetic media and shall be filed with the Secretary not later than January 31 of the following calendar year.".

(b) STUDY OF WAGE RETURNS ON MAGNETIC TAPE.—

(1) STUDY.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall conduct a study of the feasibility of requiring persons to file, on magnetic media, returns under section 6011 of the Internal Revenue Code of 1954 containing information described in section 6051(a) of such Code.

(2) REPORT TO CONGRESS.—Not later than January 1, 1984, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study conducted under paragraph (1).

SEC. 105. PENALTY FOR FAILURE BY PAYORS TO MEET CERTAIN REPORTING REQUIREMENTS.

(a) FAILURE TO SUPPLY TAXPAYER IDENTIFICATION NUMBERS.—Section 6676 (relating to failure to supply identifying numbers) is amended to read as follows:

"SEC. 6676. FAILURE TO SUPPLY IDENTIFYING NUMBERS.

"(a) IN GENERAL.—If any person who is required by regulations prescribed under section 6109—

"(1) to include his taxpayer identification number in any return, statement, or other document,

"(2) to furnish his taxpayer identification number to another person, or

"(3) to include in any return, statement, or other document made with respect to another person the taxpayer identification number of such other person,

fails to comply with such requirement at the time prescribed by such regulations, such person shall, unless it is shown that such failure is due to reasonable cause and not to willful neglect, pay a penalty of $5 for each such failure described in paragraph (1) and $50 for each such failure described in paragraph (2) or (3), except that the total amount imposed on such person for all such failures during any calendar year shall not exceed $50,000. Paragraph (3) shall not apply to any failure with respect to a return or statement required to be filed under section 6042, 6044, or 6049.

"(b) PENALTIES INVOLVING FAILURES ON INTEREST AND DIVIDEND RETURNS.—

"(1) IN GENERAL.—If any payor—

"(A) is required to include in any return or statement required to be filed under section 6042, 6044, or 6049 with respect to any payee the taxpayer identification number of such payee, and

"(B) fails to include such number or includes an incorrect number,

then the payor shall pay a penalty of $50 for each such failure.

"(2) INCREASED PENALTY FOR SUBSTANTIAL NONCOMPLIANCE.—

"(A) IN GENERAL.—In the case of a payor who is described in subparagraph (B) for any calendar year, paragraph (1) shall be applied with respect to returns or statements relating to such calendar year by substituting '$100' for '$50'.

"(B) SUBSTANTIAL NONCOMPLIERS.—A payor is described in this subparagraph if, with respect to such payor, the sum of the number of failures under this subsection, section 6652(a)(3), and section 6678(b) for any calendar year exceeds the lesser of—

"(i) 10,000, or

"(ii) 5 percent of the aggregate number of returns or statements which are required to be filed under sections 6042, 6044, and 6049 by such payor with respect to such calendar year and in which is required to be included a taxpayer identification number.

"(3) NO PENALTY IN CERTAIN CASES.—No penalty shall be imposed under this subsection—

"(A) if the taxpayer identification number included on the return or statement is the number provided by the payee to the payor under penalty of perjury (in the form provided in paragraph (5)), unless such number is obviously incorrect,

"(B) if, in the case of a failure described in paragraph (4), the payor establishes to the satisfaction of the Secretary that the payor exercised due diligence in seeking to obtain the correct taxpayer identification number,

"(C) if, in the case of any failure involving the taxpayer identification number of any payee of interest or dividends on a readily tradeable instrument, the payor meets the requirements of subsection (c)(2) or (c)(3), or

"(D) except as otherwise provided, and subject to any conditions, in regulations prescribed by the Secretary, for any period during which the payee is waiting for receipt of a taxpayer identification number from the Secretary.

"(4) FAILURE INVOLVING EXISTING ACCOUNTS.—A failure is described in this paragraph if it involves any return or statement under section 6042, 6044, or 6049 with respect to interest, dividends, or patronage dividends which are paid or accrued—

"(A) in the case of interest on obligations, deposits, accounts, certificates, shares, or other instruments described in section 6049(b)(1) which were established or acquired before the 31st day after the date of the enactment of this paragraph,

"(B) in the case of dividends, on stock or other instruments which were acquired before such 31st day, and

"(C) in the case of patronage dividends, with respect to memberships acquired, or contracts entered into, before such 31st day.

"(5) FORM OF PERJURY STATEMENT.—For purposes of this subsection, any statement

under penalty of perjury shall be in substantially the following form:

'I hereby certify or affirm under penalty of perjury that the social security number or taxpayer identification number I am providing is correct.'

"(c) SPECIAL RULES FOR READILY TRADEABLE INSTRUMENTS.—

"(1) IMPOSITION OF PENALTY ON RETAIL BROKERS.—In the case of any disposition after the 30th day after the date of the enactment of this subsection of any readily tradeable instrument involving a retail broker, such retail broker shall pay a penalty of $50 if such broker fails to obtain from the purchaser of such instrument the purchaser's taxpayer identification number provided under penalty of perjury in the form described in subsection (b)(5).

"(2) PAYOR NOT SUBJECT TO PENALTY FOR RELYING ON NUMBER PROVIDED.—

"(A) BROKER TO PROVIDE NUMBER.—A retail broker shall provide to the payor of interest or dividends with respect to any readily tradeable instrument to which paragraph (1) applies the taxpayer identification number such broker is required to obtain under paragraph (1).

"(B) NO PENALTY IMPOSED IF NUMBER PROVIDED INCLUDED ON RETURN.—No penalty shall be imposed under subsection (b) with respect to any return or statement involving the payee of any readily tradeable instrument to which paragraph (1) applies if the payor includes in such return or statement the taxpayer identification number of such payee received—

"(i) under subparagraph (A), or

"(ii) to the extent not prohibited in regulations prescribed by the Secretary, in the case of any disposition of such an instrument (other than a disposition involving a retail broker or directly by the payor), from a party to such disposition.

"(3) PENALTY ON PAYOR WHERE NO NUMBER RECEIVED.—If a payor—

"(A) does not receive a taxpayer identification number from a retail broker or other person as required under paragraph (2)(B), or

"(B) receives an obviously incorrect number, a penalty shall be imposed on such payor under subsection (b) for any failure to include such number on a return or statement, unless the payor establishes to the satisfaction of the Secretary that the payor exercised due diligence in seeking to obtain such number.

"(d) PROCEDURES RELATING TO ASSESSMENT OF PENALTY.—

"(1) SELF-ASSESSMENT.—

"(A) IN GENERAL.—Any penalty imposed under subsection (b) or (c) on any person shall, for purposes of this title, be treated as an addition to tax on the return of tax under chapter 1 of such person for the first taxable year the due date for which (without regard to any extension) is more than 30 days after the due date (without regard to any extension) for the return or statement to which the penalty relates is required to be filed.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any failure to which subsection (b) applies which involves the inclusion of an incorrect taxpayer identification number (other than an obviously incorrect taxpayer identification number) unless, before the due date (without regard to extension) for the return or statement on which such number is required to be included, the Secretary has notified the person that such number is incorrect.

"(C) PASSTHROUGH OR TAX-EXEMPT ENTITIES.—The Secretary shall provide regulations for the application of this paragraph in the case of any person which is a passthrough entity or an entity which is exempt from taxation under this title.

"(2) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a) or (b) unless paragraph (1) applies to such penalty.

"(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) READILY TRADEABLE INSTRUMENT.—The term 'readily tradeable instrument' means—

"(A) any instrument which is part of an issue any portion of which is traded on an established securities market (within the meaning of section 453(f)(5)), or

"(B) except as otherwise provided in regulations prescribed by the Secretary, any instrument which is regularly quoted by brokers or dealers making a market.

"(2) RETAIL BROKER.—The term 'retail broker' means, with respect to the sale or exchange of any readily tradeable instrument, any person (other than the payor with respect to such instrument) who, acting in the ordinary course of his trade or business—

"(A) receives instructions to purchase such instrument from the purchaser thereof, and

"(B) either—

"(i) participates in the purchase of such instrument as agent for the purchaser, or

"(ii) sells (in his capacity as a dealer) such instrument from his inventory.

"(3) PAYOR.—The term 'payor' means a person required to include another person's taxpayer identification number on a return or statement described in section 6042, 6044, or 6049.

"(4) PAYEE.—The term 'payee' means the person whose taxpayer identification number is required to be included on such return or statement.

"(5) OBVIOUSLY INCORRECT NUMBER.—A number shall be treated as obviously incorrect if it does not contain the proper number of digits.

"(6) TAXPAYER IDENTIFICATION NUMBER.—The term 'taxpayer identification number' means the identifying number assigned to a person under section 6109.

"(7) ABATEMENT AUTHORITY.—The Secretary may abate any penalty under subsection (b) or (c) if the Secretary determines that the failure could not have been prevented without undue hardship.".

(b) FAILURE TO FILE STATEMENTS.—

(1) SECTION 6652.—Subsection (a) of section 6652 (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock) is amended—

(A) in paragraph (1)(A)—

(i) by striking out clauses (ii), (iii), and (iv) and by redesignating clauses (v) and (vi) as clauses (ii) and (iii), and

(ii) by striking out "6042(e), 6044(f), 6049(e), or" in clause (iii), as so redesignated, and

(B) by adding at the end thereof the following new paragraph:

"(3) FAILURE TO FILE CERTAIN STATEMENTS.—

"(A) IN GENERAL.—In the case of any person who fails to file 1 or more returns or statements under section 6042(a)(1), 6044(a)(1), or 6049(a) on the date prescribed therefor (determined with regard to any extension of time for filing), such person shall pay a penalty of $100 for each such failure.

"(B) INCREASED PENALTY FOR SUBSTANTIAL NONCOMPLIANCE.—In the case of a person who is described in section 6676(b)(2)(B), subparagraph (A) shall be applied by substituting '$200' for '$100'.

"(C) ABATEMENT AUTHORITY.—The Secretary may abate any penalty under subparagraph (A) if the Secretary determines that the failure could not have been prevented without undue hardship.

"(D) SELF-ASSESSMENT.—Any penalty under this paragraph shall be treated as an addition to tax in the same manner as a penalty is so treated under section 6676(d)(1).".

(2) SECTION 6678.—Section 6678 (relating to failure to furnish certain statements) is amended—

(A) by inserting "(a) IN GENERAL.—" before "In the case of",

(B) by striking out "6042(c), 6044(e), 6045(b), 6049(c)," in paragraph (1) of subsection (a) and inserting in lieu thereof "6045(b),",

(C) by striking out "6042(a)(1), 6044(a)(1), 6045(a), 6049(a)," in paragraph (1) of subsection (a) and inserting in lieu thereof "6045(a),", and

(D) by adding at the end thereof the following new subsection:

"(b) FAILURE TO FILE INTEREST AND DIVIDEND STATEMENTS.—

"(1) IN GENERAL.—In the case of any person who fails to furnish a statement under section 6042(c), 6044(e), or 6049(c) on the date prescribed therefor to a person with respect to whom a return has been made under section 6042(a)(1), 6044(a)(1), or 6049(a), respectively, such person shall pay a penalty of $100 for each such failure.

"(2) INCREASED PENALTY FOR SUBSTANTIAL NONCOMPLIANCE.—In the case of a person who is described in section 6676(b)(2)(B), paragraph (1) shall be applied by substituting '$200' for '$100'.

"(3) ABATEMENT AUTHORITY.—The Secretary may abate any penalty under paragraph (1) if the Secretary determines that the failure could not have been prevented without undue hardship.

"(4) SELF-ASSESSMENT.—Any penalty under this subsection shall be treated as an addition to tax in the same manner as a penalty is so treated under section 6676(d)(1).".

SEC. 106. DUPLICATE STATEMENTS REQUIRED TO BE FURNISHED ON RETURN.

(a) INTEREST.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6049(c) (relating to statements regarding payment of interest) is amended by adding at the end thereof the following new paragraph:

"(4) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under paragraph (1) shall—

"(A) in the case of a person whose taxable year is the calendar year, be included with the return of the person receiving such statement for the taxable year which ends with the calendar year to which the statement relates, and

"(B) in the case of a person whose taxable year is not the calendar year, with the return provided in regulations prescribed by the Secretary.".

(2) FORM AND METHOD OF MAILING STATEMENT.—Section 6049(c)(2) (relating to time statement must be furnished) is amended to read as follows:

"(2) TIME AND FORM OF STATEMENT.—The written statement under paragraph (1) shall—

"(A) be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and

"(B) shall be in such form as the Secretary may prescribe by regulations.".

(b) DIVIDENDS.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6042 (relating to returns regarding payments of dividends) is amended by adding at the end thereof the following new subsection:

"(e) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under subsection (c) shall—

"(1) in the case of a person whose taxable year is the calendar year, be included with the return of the person receiving such statement for the taxable year which ends with the calendar year to which the statement relates, and

"(2) in the case of a person whose taxable year is not the calendar year, with the return provided in regulations prescribed by the Secretary.".

(2) FORM AND METHOD OF MAILING STATEMENT.—The second sentence of section 6042(c) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall be in such form as the Secretary may prescribe by regulations.".

(c) PATRONAGE DIVIDENDS.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6044 (relating to returns regarding payment of patronage dividends) is amended by adding at the end thereof the following new subsection:

"(f) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under subsection (e) shall—

"(1) in the case of a person whose taxable year is the calendar year, be included with the return of the person receiving such statement for the taxable year which ends with the calendar year to which the statement relates, and

"(2) in the case of a person whose taxable year is not the calendar year, with the return provided in regulations prescribed by the Secretary.".

(2) FORM AND METHOD OF MAILING STATEMENT.—The second sentence of section 6044(e) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall be in such form as the Secretary may prescribe by regulations.".

(d) PENALTIES FOR FAILURE TO INCLUDE STATEMENT ON RETURN.—

(1) IN GENERAL.—Section 6678 (relating to failure to furnish certain statements), as amended by this Act, is amended—

(A) by adding at the end thereof the following new subsection:

"(c) FAILURE TO ATTACH STATEMENT TO A RETURN.—In the case of each failure to attach a statement to a return under section 6042(e), 6044(f), or 6049(c)(4), unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid (upon notice and demand by the Secretary and in the same manner as tax) by the person failing to attach such statement $50 for each such failure.", and

(B) by inserting "OR ATTACH" after "FURNISH" in the heading thereof.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 68 is amended by inserting "or attach" after "furnish" in the item relating to section 6678.

SEC. 107. PENALTIES ON PAYEES.

(a) WILLFUL ATTEMPTS TO EVADE OR AVOID.—

(1) IN GENERAL.—Subchapter A of chapter 68 (relating to additions to the tax and additional amounts) is amended by redesignating section 6662 as section 6663 and by inserting after section 6661 the following new section:

"SEC. 6662. ADDITIONAL PENALTY ON TAXPAYERS WHO WILLFULLY ATTEMPT TO EVADE OR AVOID TAX ON INTEREST, DIVIDENDS, OR PATRONAGE DIVIDENDS.

"(a) CIVIL PENALTY.—If for any taxable year—

"(1) any taxpayer fails to include on a return of tax the amount of any interest, dividends, or patronage dividends required to be included in such return, and

"(2) the Secretary establishes that the taxpayer willfully attempted to evade or avoid Federal tax on such interest, dividends, or patronage dividends,

then there is imposed on such taxpayer for such taxable year for each such failure a penalty of $1,000.

"(b) PENALTY IN ADDITION TO OTHER PENALTIES.—The penalty imposed by subsection (a) shall be in addition to any other penalty imposed by law.".

(2) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 68 is amended by striking out the item relating to section 6662 and inserting in lieu thereof the following new items:

"Sec. 6662. Additional penalty on taxpayers who willfully attempt to evade or avoid tax on interest, dividends, or patronage dividends.

"Sec. 6663. Applicable rules.".

(b) FALSE CERTIFICATIONS.—

(1) IN GENERAL.—Section 6702 (relating to frivolous income tax returns) is amended—

(A) by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) FALSE CERTIFICATION.—If any individual willfully makes—

"(1) false certification or affirmation on any statement specifically required to be in the form described in section 6676(b)(5), or

"(2) a false certification under section 3406(c),

then such individual shall pay a penalty of $1,000.",

(B) by inserting "or (b)" after "subsection (a)" in subsection (c), as so redesignated, and

(C) by inserting "; FALSE CERTIFICATIONS" after "RETURN" in the heading thereof.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 68 is amended by inserting "; False Certifications" after "Return" in the item relating to section 6702.

SEC. 108. TIME FOR PROCESSING OF INFORMATION RETURNS BY THE SECRETARY OF THE TREASURY.

(a) TIME FOR PROCESSING OF INFORMATION.—With respect to taxable years beginning after December 31, 1982, the Secretary of the Treasury or his delegate shall implement a program which provides for the processing of information received by the Secretary under section 6042(a)(1), 6044(a)(1), or 6049(a) of the Internal Revenue Code of 1954 within such period as is necessary to notify taxpayers within 15½ months of the close of the calendar year to which the information relates that such taxpayer may be subject to withholding under section 3406(a) of the Internal Revenue Code of 1954 by reason of section 3406(a)(1)(C) of such Code.

(b) REPORT ON AVAILABILITY OF RESOURCES.—Not later than June 15, 1983, the Secretary of the Treasury or his delegate shall report to the Congress on the amount of additional appropriations necessary to carry out the program described in subsection (a) and to carry out the other provisions of, and amendments made by, this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the program described in subsection (a) and to carry out the other provisions of, and amendments made by, this Act, and it is the sense of the Congress that such sums be appropriated.

(d) FAILURE TO PROVIDE SUFFICIENT APPROPRIATIONS.—

(1) IN GENERAL.—If sufficient funds are not appropriated for such fiscal year pursuant to the authority under subsection (c) expressly to carry out the program under subsection (a) the Secretary of the Treasury shall implement such program only to the extent warranted by a managerial decision as to costs and benefits of alternative uses of resources.

(2) REPORT TO CONGRESS.—The Secretary of the Treasury shall report to the Congress for each fiscal year to which paragraph (1) applies as to the decision described in paragraph (1) and the reasons therefor.

(e) FAILURE TO PROVIDE SUFFICIENT APPROPRIATIONS.—

(1) IN GENERAL.—If sufficient funds are not appropriated pursuant to subsection (c) expressly to carry out the provisions (other than subsection (a) of this section) of, and amendments made by, this Act for any fiscal year, the Secretary of the Treasury shall implement such provisions and amendments in accordance with managerial decisions as to costs and benefits of alternative uses of resources.

(2) REPORT TO CONGRESS.—The Secretary of the Treasury shall report to the Congress for each fiscal year to which paragraph (1) applies as to the allocation of resources under such paragraph and the reasons therefor.

SEC. 109. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in this section, the amendments made by this title shall apply to taxable years beginning after December 31, 1982.

(b) SPECIAL RULES.—

(1) The amendments made by section 103 shall apply to payments made after December 31, 1983, except that the provisions of section 6705(b)(2) of the Internal Revenue Code of 1954, as added by section 103(b)(1), shall apply to numbers required to be provided after the 30th day after the date of the enactment of this Act.

(2) The amendments made by section 104 shall apply to returns the due date for which (without regard to extensions) is after December 31, 1983, except that the Secretary of the Treasury or his delegate may provide that such amendments shall not apply to any person for any return the due date for which (without regard to extensions) is before January 1, 1985, in any case where application of such amendments would cause undue hardship to such person.

(3)(A) Except as provided in subparagraph (B), the amendments made by sections 105 and 106 shall apply to returns or statements the due date for which (without regard to extensions) is after December 31, 1983.

(B) The amendments made by sections 105 and 106 shall not apply to any return or statement on which there is not required to be included any payment of interest, dividends, or patronage dividends which is paid or credited after the date which is 30 days after the date of the enactment of this Act.

TITLE II—CARIBBEAN BASIN INITIATIVE

SEC. 201. SHORT TITLE.

This title may be cited as the "Caribbean Basin Economic Recovery Act".

Subtitle A—Duty-Free Treatment

SEC. 211. AUTHORITY TO GRANT DUTY-FREE TREATMENT.

The President may proclaim duty-free treatment for all eligible articles from any beneficiary country in accordance with the provisions of this title.

SEC. 212. BENEFICIARY COUNTRY.

(a)(1) For purposes of this title—

(A) The term "beneficiary country" means any country listed in subsection (b) with respect to which there is in effect a proclamation by the President designating such country as a beneficiary country for purposes of this title. Before the President designates any country as a beneficiary country for purposes of this title, he shall notify the House of Representatives and the Senate of his intention to make such designation, together with the considerations entering into such decision.

(B) The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(C) The term "TSUS" means Tariff Schedules of the United States (19 U.S.C. 1202).

(2) If the President has designated any country as a beneficiary country for purposes of this title, he shall not terminate such designation (either by issuing a proclamation for that purpose or by issuing a proclamation which has the effect of terminating such designation) unless, at least sixty days before such termination, he has notified the House of Representatives and the Senate and has notified such country of his intention to terminate such designation, together with the considerations entering into such decision.

(b) In designating countries as "beneficiary countries" under this title the President shall consider only the following countries and territories or successor political entities:

Anguilla	Grenada
Antigua and Barbuda	Guatemala
Bahamas, The	Guyana
Barbados	Haiti
Belize	Honduras
Costa Rica	Jamaica
Dominica	Nicaragua
Dominican Republic	Panama
El Salvador	Saint Lucia
Saint Vincent and the Grenadines	Saint Christopher-Nevis
Surinam	Turks and Caicos Islands
Trinidad and Tobago	Virgin Islands, British
Cayman Islands	
Montserrat	
Netherlands Antilles	

In addition, the President shall not designate any country a beneficiary country under this title—

(1) if such country is a Communist country;

(2) if such country—

(A) has nationalized, expropriated or otherwise seized ownership or control of property owned by a United States citizen or by a corporation, partnership, or association which is 50 per centum or more beneficially owned by United States citizens,

(B) has taken steps to repudiate or nullify—

(i) any existing contract or agreement with, or

(ii) any patent, trademark, or other intellectual property of,

a United States citizen or a corporation, partnership, or association which is 50 per centum or more beneficially owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property so owned, or

(C) has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property, unless the President determines that—

(i) prompt, adequate, and effective compensation has been or is being made to such citizen, corporation, partnership, or association,

(ii) good-faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or such country is otherwise taking steps to discharge its obligations under international law with respect to such citizen, corporation, partnership, or association, or

(iii) a dispute involving such citizen, corporation, partnership, or association, over compensation for such a seizure has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum, and

promptly furnishes a copy of such determination to the Senate and House of Representatives;

(3) if such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of United States citizens or a corporation, partnership or association which is 50 per centum or more beneficially owned by United States citizens, which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their dispute;

(4) if such country affords preferential treatment to the products of a developed country, other than the United States, which has, or is likely to have, a significant adverse effect on United States commerce, unless the President has received assurances satisfactory to him that such preferential treatment will be eliminated or that action will be taken to assure that there will be no such significant adverse effect, and he reports those assurances to the Congress;

(5) if a government-owned entity in such country engages in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent;

(6) if such country does not take adequate steps to cooperate with the United States to prevent narcotic drugs and other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812)) produced, processed, or transported in such country from entering the United States unlawfully; and

(7) unless such country is a signatory to a treaty, convention, protocol, or other agreement regarding the extradition of United States citizens.

Paragraphs (1), (2), (3), and (5) shall not prevent the designation of any country as a beneficiary country under this Act if the President determines that such designation will be in the national economic or security interest of the United States and reports such determination to the Congress with his reasons therefor.

(c) In determining whether to designate any country a beneficiary country under this title, the President shall take into account—

(1) an expression by such country of its desire to be so designated;

(2) the economic conditions in such country, the living standards of its inhabitants, and any other economic factors which he deems appropriate;

(3) the extent to which such country has assured the United States it will provide equitable and reasonable access to the markets and basic commodity resources of such country;

(4) the degree to which such country follows the accepted rules of international trade provided for under the General Agreement on Tariffs and Trade, as well as applicable trade agreements approved under section 2(a) of the Trade Agreements Act of 1979;

(5) the degree to which such country uses export subsidies or imposes export performance requirements or local content requirements which distort international trade;

(6) the degree to which the trade policies of such country as they relate to other beneficiary countries are contributing to the revitalization of the region;

(7) the degree to which such country is undertaking self-help measures to promote its own economic development;

(8) the degree to which workers in such country are afforded reasonable workplace conditions and enjoy the right to organize and bargain collectively;

(9) the extent to which such country prohibits its nationals from engaging in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent; and

(10) the extent to which such country is prepared to cooperate with the United States in the administration of the provisions of this title.

(d) general headnote 3(a) of the TSUS (relating to products of the insular possessions) is amended by adding at the end thereof the following paragraph:

"(iv) subject to the provisions in section 213 of the Caribbean Basin Economic Recovery Act, articles which are imported from insular possessions of the United States shall receive duty treatment no less

favorable than the treatment afforded such articles when they are imported from a beneficiary country under such Act.".

(e) The President shall, after complying with the requirements of subsection (a)(2), withdraw or suspend the designation of any country as a beneficiary country if, after such designation, he determines that as the result of changed circumstances such country would be barred from designation as a beneficiary country under subsection (b).

SEC. 213. ELIGIBLE ARTICLES.

(a)(1) Unless otherwise excluded from eligibility by this title, the duty-free treatment provided under this title shall apply to any article which is the growth, product, or manufacture of a beneficiary country if—

(A) that article is imported directly from a beneficiary country into the customs territory of the United States; and

(B) the sum of (i) the cost or value of the materials produced in a beneficiary country or two or more beneficiary countries, plus (ii) the direct costs of processing operations performed in a beneficiary country or countries is not less than 35 per centum of the appraised value of such article at the time it is entered.

For purposes of determining the percentage referred to in subparagraph (B), the term "beneficiary country" includes the Commonwealth of Puerto Rico and the United States Virgin Islands. If the cost or value of materials produced in the customs territory of the United States (other than the Commonwealth of Puerto Rico) is included with respect to an article to which this paragraph applies, an amount not to exceed 15 per centum of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (B).

(2) The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out this subsection including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this title, an article must be wholly the growth, product, or manufacture of a beneficiary country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary country; but no article or material of a beneficiary country shall be eligible for such treatment by virtue of having merely undergone—

(A) simple combining or packaging operations, or

(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

(3) As used in this subsection, the phrase "direct costs of processing operations" includes, but is not limited to—

(A) all actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training and the cost of engineering, supervisory, quality control, and similar personnel; and

(B) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

Such phrase does not include costs which are not directly attributable to the merchandise concerned or are not costs of manufacturing the product, such as (i) profit, and (ii) general expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions or expenses.

(b) The duty-free treatment provided under this title shall not apply to—

(1) textile and apparel articles which are subject to textile agreements;

(2) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

(3) tuna, prepared or preserved in any manner, in airtight containers; or

(4) petroleum, or any product derived from petroleum, provided for in part 10 of schedule 4 of the TSUS.

(c)(1) As used in this subsection—

(A) The term "sugar and beef products" means—

(i) sugars, sirups, and molasses provided for in items 155.20 and 155.30 of the TSUS, and

(ii) articles of beef or veal, however provided for in subpart B of part 2 of schedule 1 of the TSUS.

(B) The term "Plan" means a stable food production plan that consists of measures and proposals designed to ensure that the present level of food production in, and the nutritional level of the population of, a beneficiary country will not be adversely affected by changes in land use and land ownership that will result if increased production of sugar and beef products is undertaken in response to the duty-free treatment extended under this title to such products. A Plan must specify such facts regarding, and such proposed actions by, a beneficiary country as the President deems necessary for purposes of carrying out this subsection, including but not limited to—

(i) the current levels of food production and nutritional health of the population;

(ii) current levels of production and export of sugar and beef products;

(iii) expected increases in production and export of sugar and beef products as a result of the duty-free access to the United States market provided under this title;

(iv) measures to be taken to ensure that the expanded production of those products because of such duty-free access will not occur at the expense of stable food production; and

(v) proposals for a system to monitor the impact of such duty-free access on stable food production and land use and land ownership patterns.

(2) Duty-free treatment extended under this title to sugar and beef products that are the product of a beneficiary country shall be suspended by the President under this subsection if—

(A) the beneficiary country, within the ninety-day period beginning on the date of its designation as such a country under section 212, does not submit a Plan to the President for evaluation;

(B) on the basis of his evaluation, the President determines that the Plan of a beneficiary country does not meet the criteria set forth in paragraph (1)(B); or

(C) as a result of the monitoring of the operation of the Plan under paragraph (5), the President determines that a beneficiary country is not making a good faith effort to implement its Plan, or that the measures and proposals in the Plan, although being implemented, are not achieving their purposes.

(3) Before the President suspends duty-free treatment by reason of paragraph (2)(A), (B), or (C) to the sugar and beef products of a beneficiary country, he must offer to enter into consultation with the beneficiary country for purposes of formulating appropriate remedial action which may be taken by that country to avoid such suspension. If the beneficiary country thereafter enters into consultation within a reasonable time and undertakes to formulate remedial action in good faith, the President shall withhold the suspension of duty-free treatment on the condition that the remedial action agreed upon be appropriately implemented by that country.

(4) The President shall monitor on a biennial basis the operation of the Plans implemented by beneficiary countries, and shall submit a written report to Congress by March 15 following the close of each biennium, that—

(A) specifies the extent to which each Plan, and remedial actions, if any, agreed upon under paragraph (4), have been implemented; and

(B) evaluates the results of such implementation.

(5) The President shall terminate any suspension of duty-free treatment imposed under this subsection if he determines that the beneficiary country has taken appropriate action to remedy the factors on which the suspension was based.

(d) For such period as there is in effect a proclamation issued by the President pursuant to the authority vested in him by section 22 of the Agricultural Adjustment Act (7 U.S.C. 624) to protect a price-support program for sugar beets and sugarcane, the importation and duty-free treatment of sugars, syrups, and molasses classified under items 155.20 and 155.30 of the TSUS shall be governed in the following manner:

(1)(A) For all beneficiary countries, except those subject to subparagaph (B) and paragraph (2), duty-free treatment shall be provided in the same manner as it is provided pursuant to title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.), at the time of the effective date of this title; except that the President upon the recommendation of the Secretary of Agriculture, may suspend or adjust upward the value limitation provided for in section 504(c)(1) of the Trade Act of 1974 on the duty-free treatment afforded to beneficiary countries under this section if he finds that such adjustment will not interfere with the price support program for sugar beets and sugarcane and is appropriate in light of market conditions.

(B) As an alternative to subparagraph (A), the President may at the request of a beneficiary country not subject to paragraph (2) and upon the recommendation of the Secretary of Agriculture, elect to permit sugar, sirups, and molasses from that country to enter duty-free during a calendar year subject to quantitative limitations to be established by the President on the quantity of sugar, sirups, and molasses entered from that country.

(2) For the following countries whose exports of sugar, sirups, and molasses in 1981 were not eligible for duty-free treatment because of the operation of section 504(c) of the Trade Act of 1974, the quantity of sugar, sirups, and molasses which may be entered in any calendar year shall be limited to no more than the quantity specified below:

Metric tons:	
Dominican Republic	780,000
Guatemala	210,000
Panama	160,000

Such sugar, sirups, and molasses shall be admitted free of duty, except as provided for in paragraph (3).

(3) The President, upon the recommendation of the Secretary of Agriculture, may suspend or adjust upward the quantitative limitations imposed under paragraph (1)(B) or (2) if he determines such action will not interfere with the price support program for sugar beets and sugar cane and is appropriate in light of market conditions. The President, upon the recommendation of the Secretary of Agriculture, may suspend the duty-free treatment for all or part of the quantity of sugar, sirups, and molasses permitted to be entered by paragraphs (1)(B) and (2) if such action is necessary to protect the price-support program for sugar beets and sugar cane.

(4) Any quantitative limitation imposed on a beneficiary country under paragraph (1)(B) or (2) shall apply only to the extent that such limitation permits a lesser quantity of sugar, sirups, and molasses to be entered from that country than the quantity that would be permitted to be entered under any other provision of law.

(e)(1) The President may by proclamation suspend the duty-free treatment provided by this title with respect to any eligible article and may proclaim a duty rate for such article if such action is proclaimed pursuant to section 203 of the Trade Act of 1974 or section 232 of the Trade Expansion Act of 1962.

(2) In any report by the International Trade Commission to the President under section 201(d)(1) of the Trade Act of 1974 regarding any article for which duty-free treatment has been proclaimed by the President pursuant to this title, the Commission shall state whether and to what extent its findings and recommendations apply to such article when imported from beneficiary countries.

(3) For purposes of subsections (a) and (c) of section 203 of the Trade Act of 1974, the suspension of the duty-free treatment provided by this title shall be treated as an increase in duty.

(4) No proclamation which provides solely for a suspension referred to in paragraph (3) of this subsection with respect to any article shall be made under subsections (a) and (c) of section 203 of the Trade Act of 1974 unless the United States International Trade Commission, in addition to making an affirmative determination with respect to such article under section 201(b) of the Trade Act of 1974, determines in the course of its investigation under section 201(b) of such Act that the serious injury (or threat thereof) substantially caused by imports to the domestic industry producing a like or directly competitive article results from the duty-free treatment provided by this title.

(5)(A) Any proclamation issued pursuant to section 203 of the Trade Act of 1974 that is in effect when duty-free treatment pursuant to section 101 of this title is proclaimed shall remain in effect until modified or terminated.

(B) If any article is subject to import relief at the time duty-free treatment is proclaimed pursuant to section 211, the President may reduce or terminate the application of such import relief to the importation of such article from beneficiary countries prior to the otherwise scheduled date on which such reduction or termination would occur pursuant to the criteria and procedures of subsections (h) and (i) of section 203 of the Trade Act of 1974.

(f)(1) If a petition is filed with the International Trade Commission pursuant to the provisions of section 201 of the Trade Act of 1974 regarding a perishable product and alleging injury from imports from beneficiary countries, then the petition may also be filed with the Secretary of Agriculture with a request that emergency relief be granted pursuant to paragraph (3) of this subsection with respect to such article.

(2) Within fourteen days after the filing of a petition under paragraph (1) of this subsection—

(A) if the Secretary of Agriculture has reason to believe that a perishable product from a beneficiary country is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported product and that emergency action is warranted, he shall advise the President and recommend that the President take emergency action; or

(B) the Secretary of Agriculture shall publish a notice of his determination not to recommend the imposition of emergency action and so advise the petitioner.

(3) Within seven days after the President receives a recommendation from the Secretary of Agriculture to take emergency action pursuant to paragraph (2) of this subsection, he shall issue a proclamation withdrawing the duty-free treatment provided by this title or publish a notice of his determination not to take emergency action.

(4) The emergency action provided by paragraph (3) of this subsection shall cease to apply—

(A) upon the proclamation of import relief pursuant to section 202(a)(1) of the Trade Act of 1974,

(B) on the day the President makes a determination pursuant to section 203(b)(2) of such Act not to impose import relief,

(C) in the event of a report of the United States International Trade Commission containing a negative finding, on the day the Commission's report is submitted to the President, or

(D) whenever the President determines that because of changed circumstances such relief is no longer warranted.

(5) For purposes of this subsection, the term "perishable product" means—

(A) live plants provided for in subpart A of part 6 of schedule 1 of the TSUS;

(B) fresh or chilled vegetables provided for in items 135.10 through 138.42 of the TSUS;

(C) fresh mushrooms provided for in item 144.10 of the TSUS;

(D) fresh fruit provided for in items 146.10, 146.20, 146.30, 146.50 through 146.62, 146.90, 146.91, 147.03 through 147.33, 147.50 through 149.21 and 149.50 of the TSUS;

(E) fresh cut flowers provided for in items 192.17, 192.18, and 192.21 of the TSUS; and

(F) concentrated citrus fruit juice provided for in items 165.25 and 165.35 of the TSUS.

(g) No proclamation issued pursuant to this title shall affect fees or quantitative limitations imposed pursuant to section 22 of the Agricultural Adjustment Act (7 U.S.C 624).

SEC. 214. MEASURES FOR PUERTO RICO AND UNITED STATES INSULAR POSSESSIONS.

(a) Effective with respect to articles entered on or after the effective date of this Act, general headnote 3(a) of the TSUS is amended—

(1) by amending clause (i)—

(A) by striking out "50 percent" and inserting in lieu thereof "70 percent", and

(B) by inserting after "total value", "(or more than 50 percent of their total value with respect to articles described in section 213(b) of the Caribbean Basin Economic Recovery Act)"; and

(2) by amending clause (ii) by striking out "50 percent" and inserting in lieu thereof "70 percent".

(b) Item 813.31 of the TSUS is amended by striking out "4 liters" and inserting in lieu thereof "5 liters", and by inserting after "United States,", "and not more than 4 liters of which shall have been produced elsewhere than in such insular possessions,".

(c) If the sum of the amounts of taxes covered into the treasuries of Puerto Rico or the United States Virgin Islands pursuant to section 7652(c) of the Internal Revenue Code of 1954 is reduced below the amount that would have been covered over if the imported rum had been produced in Puerto Rico or the United States Virgin Islands, then the President shall consider compensation measures and, in this regard, may withdraw the duty-free treatment on rum provided by this title. The President shall submit a report to the Congress on the measures he takes.

(d) Section 1112 of the Trade Agreements Act of 1979 (19 U.S.C. 2582) is repealed.

(e) No action pursuant to this title may affect any tariff duty imposed by the Legislature of Puerto Rico pursuant to section 319 of the Tariff Act of 1930 (19 U.S.C. 1319) on coffee imported into Puerto Rico.

(f) For purposes of chapter 1 of title II of the Trade Act of 1974, the term "industry" shall include producers located in the United States insular possessions.

(g) Any discharge from a point source in the United States Virgin Islands in existence on the date of the enactment of this subsection which discharge is attributable to the manufacture of rum (as defined in paragraphs (3) of section 7652(c) of the Internal Revenue Code of 1954) shall not be subject to the requirements of section 301 (other than toxic pollutant discharges), section 306 or section 403 of the Federal Water Pollution Control Act if—

(1) such discharge occurs at least one thousand five hundred feet into the territorial sea from the line of ordinary low water from that portion of the coast which is in direct contact with the sea, and

(2) the Governor of the United States Virgin Islands determines that such discharge will not interfere with the attainment or maintenance of that water quality which shall assure protection of public water supplies, and the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities, in and on the water and will not result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity (including carcinogenicity, mutagenicity, or teratogenicity), or synergistic propensities.

SEC. 215. INTERNATIONAL TRADE COMMISSION REPORTS ON IMPACT OF THIS ACT.

(a) The United States International Trade Commission (hereinafter in this section referred to as the "Commission") shall prepare, and submit to the Congress and to the President, a report regarding the economic impact of this Act on United States industries and consumers during—

(1) the twenty-four-month period beginning with the date of enactment of this Act; and

(2) each calendar year occurring thereafter until duty-free treatment under this title is terminated under section 216(b).

For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States shall be considered to be United States industries.

(b)(1) Each report required under subsection (a) shall include, but not be limited to, an assessment by the Commission regarding—

(A) the actual effect, during the period covered by the report, of this Act on the United States economy generally as well as on those specific domestic industries which produce articles that are like, or directly competitive with, articles being imported into the United States from beneficiary countries; and

(B) the probable future effect which this Act will have on the United States economy generally, as well as on such domestic industries, before the provisions of this Act terminate.

(2) In preparing the assessments required under paragraph (1), the Commission shall, to the extent practicable—

(A) analyze the production, trade and consumption of United States products affected by this Act, taking into consideration employment, profit levels, and use of productive facilities with respect to the domestic industries concerned, and such other economic factors in such industries as it considers relevant, including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production; and

(B) describe the nature and extent of any significant change in employment, profit levels, and use of productive facilities, and such other conditions as it deems relevant in the domestic industries concerned, which it believes are attributable to this Act.

(c)(1) Each report required under subsection (a) shall be submitted to the Congress and to the President before the close of the nine-month period beginning on the day after the last day of the period covered by the report.

(2) The Commission shall provide opportunity for the submission by the public, either orally or in writing, or both, of information relating to matters that will be addressed in the reports.

SEC. 216. EFFECTIVE DATE OF SUBTITLE AND TERMINATION OF DUTY-FREE TREATMENT.

(a) EFFECTIVE DATE.—This subtitle shall take effect on the date of the enactment of this Act.

(b) TERMINATION OF DUTY-FREE TREATMENT.—No duty-free treatment extended to beneficiary countries under this subtitle shall remain in effect after September 30, 1995.

SUBTITLE B—TAX PROVISIONS

SEC. 221. PAYMENT OF EXCISE TAXES COLLECTED ON RUM TO PUERTO RICO AND THE UNITED STATES VIRGIN ISLANDS.

(a) IN GENERAL.—Section 7652 of the Internal Revenue Code of 1954 (relating to shipments to the United States) is amended by inserting after subsection (b) the following new subsection:

"(c) SHIPMENTS OF RUM TO THE UNITED STATES.—

"(1) EXCISE TAXES ON RUM COVERED INTO TREASURIES OF PUERTO RICO AND VIRGIN ISLANDS.—All taxes collected under section 5001(a)(1) on rum imported into the United States (less the estimated amount necessary for payment of refunds and drawbacks) shall be covered into the treasuries of Puerto Rico and the Virgin Islands.

"(2) SECRETARY PRESCRIBES FORMULA.—The Secretary shall, from time to time, prescribe by regulation a formula for the division of such tax collections between Puerto Rico and the Virgin Islands and the timing and methods for transferring such tax collections.

"(3) RUM DEFINED.—For purposes of this subsection, the term 'rum' means any article classified under item 169.13 or 169.14 of the Tariff Schedules of the United States (19 U.S.C. 1202).

"(4) COORDINATION WITH SUBSECTIONS (a) AND (b).—Paragraph (1) shall not apply with respect to any rum subject to tax under subsection (a) or (b).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles imported into the United States after June 30, 1983.

SEC. 222. TREATMENT OF CARIBBEAN CONVENTIONS, ETC.

(a) GENERAL RULE.—Subsection (h) of section 274 of the Internal Revenue Code of 1954 (relating to attendance at conventions, etc.) is amended by adding at the end thereof the following new paragraph:

"(5) TREATMENT OF CONVENTIONS IN CERTAIN CARIBBEAN COUNTRIES.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'North American area' includes, with respect to any convention, seminar, or similar meeting, any beneficiary country if (as of the time such meeting begins)—

"(i) there is in effect a bilateral or multilateral agreement described in subparagraph (C) between such country and the United States providing for the exchange of information between the United States and such country, and

"(ii) there is not in effect a finding by the Secretary that the tax laws of such country discriminate against conventions held in the United States.

"(B) BENEFICIARY COUNTRY.—For purposes of this paragraph, the term 'beneficiary country' has the meaning given to such term by section 212(a)(1)(A) of the Caribbean Basin Economic Recovery Act; except that such term shall include Bermuda.

"(C) AUTHORITY TO CONCLUDE EXCHANGE OF INFORMATION AGREEMENTS.—

"(i) IN GENERAL.—The Secretary is authorized to negotiate and conclude an agreement for the exchange of information with any beneficiary country. Except as provided in clause (ii), an exchange of information agreement shall provide for the exchange of such information (not limited to information concerning nationals or residents of the United States or the beneficiary country) as may be necessary or appropriate to carry out and enforce the tax laws of the United States and the beneficiary country (whether criminal or civil proceedings), including information which may otherwise be subject to nondisclosure provisions of the local law of the beneficiary country such as provisions respecting bank secrecy and bearer shares. The exchange of information agreement shall be terminable by either country on reasonable notice and shall provide that information received by either country will be disclosed only to persons or authorities (including courts and administrative bodies) involved in the administration or oversight of, or in the determination of appeals in respect of, taxes of the United States or the beneficiary country and will be used by such persons or authorities only for such purposes.

"(ii) NONDISCLOSURE OF QUALIFIED CONFIDENTIAL INFORMATION SOUGHT FOR CIVIL TAX PURPOSES.—An exchange of information agreement need not contain a provision requiring the exchange of qualified confidential information which is sought only for civil tax purposes if—

"(I) the President determines that requiring the inclusion of such a provision in such agreement would not be in the national security interest of the United States, and

"(II) the Secretary of the Treasury determines that such agreement would, without such a provision, provide assistance in administering and enforcing the tax laws of the United States.

"(iii) QUALIFIED CONFIDENTIAL INFORMATION DEFINED.—For purposes of this subparagraph, the term 'qualified confidential information' means information which is subject to the nondisclosure provisions of any local law of the beneficiary country regarding bank secrecy or ownership of bearer shares.

"(D) COORDINATION WITH SECTION 6103.—Any exchange of information agreement negotiated under subparagraph (C) shall be treated as an income tax convention for purposes of section 6103(k)(4).".

"(E) DETERMINATION AND FINDINGS PUBLISHED IN THE FEDERAL REGISTER.—Any determination by the President under subparagraph (C)(ii) (including the reasons for such determination) and any finding by the Secretary under subparagraph (A)(ii) (and any termination thereof) shall be published in the Federal Register.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to conventions, seminars, or other meetings which begin after June 30, 1983.

SUBTITLE C—SENSE OF THE CONGRESS REGARDING SUGAR IMPORTS

SEC. 231. SUGAR IMPORTS.

It is the sense of the Congress that sugar from any Communist country in the Caribbean Basin or in Central America should not be imported into the United States.

TITLE III—ENTERPRISE ZONES

SEC. 301. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This title may be cited as the "Enterprise Zone Act of 1983".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 302. PURPOSES.

It is the purpose of this title to provide for the establishment of enterprise zones in order to stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and to promote revitalization of economically distressed areas primarily by providing or encouraging—

(1) tax relief at the Federal, State, and local levels;

(2) regulatory relief at the Federal, State, and local levels; and

(3) improved local services and an increase in the economic stake of enterprise zone residents in their own community and its development, particularly through the increased involvement of private, local, and neighborhood organizations.

SUBTITLE A—DESIGNATION OF ENTERPRISE ZONES

SEC. 311. DESIGNATION OF ZONES.

(a) GENERAL RULE.—Chapter 80 (relating to general rules) is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER D—DESIGNATION OF ENTERPRISE ZONES

"Sec. 7891. Designation.

"SEC. 7891. DESIGNATION.

"(a) DESIGNATION OF ZONES.—

"(1) DEFINITIONS.—For purposes of this title, the term 'enterprise zone' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as an enterprise zone (hereinafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Housing and Urban Development, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget; and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior, designates as an enterprise zone.

"(2) LIMITATIONS ON DESIGNATIONS.—

"(A) PUBLICATION OF REGULATIONS.—Before designating any area as an enterprise zone and not later than 4 months following the date of the enactment of this section, the Secretary of Housing and Urban Development shall prescribe by regulation, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area under paragraph (1)(A),

"(ii) the parameters relating to the size and population characteristics of an enterprise zone, and

"(iii) the manner in which nominated areas will be compared based on the criteria specified in subsection (d) and the other factors specified in subsection (e).

"(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development shall designate nominated areas as enterprise zones only during the 36-month period beginning on the later of—

"(i) the first day of the first month following the month in which the effective date of the regulations described in subparagraph (A) occurs, or

"(ii) October 1, 1983.

"(C) NUMBER OF DESIGNATIONS.—

"(i) IN GENERAL.—The Secretary of Housing and Urban Development may not designate more than 75 nominated areas as enterprise zones under this section.

"(ii) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated under clause (i), at least one-third must be areas—

"(I) which are within a local government jurisdiction or jurisdictions with a population of less than 50,000 (as determined under the most recent census data available),

"(II) which are outside of a metropolitan statistical area (within the meaning of section 103A(l)(4)(B)), or

"(III) which are determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

"(D) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designation under paragraph (1) unless—

"(i) the local government and the State in which the nominated area is located have the authority—

"(I) to nominate such area for designation as an enterprise zone,

"(II) to make the State and local commitments under subsection (d), and

"(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

"(ii) a nomination therefor is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe,

"(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate, and

"(iv) the State and local governments certify that no portion of the area nominated is already included in an enterprise zone or in an area otherwise nominated to be an enterprise zone.

"(3) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—In the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local governments with respect to such area.

"(4) NOMINATION PROCESS FOR CERTAIN AREAS LOCATED OUTSIDE RESERVATIONS.—An Indian tribal government may nominate an area described in subsection (c)(2)(C)(iii), in conjunction with the local government and the State in which such area is located, for designation as an enterprise zone.

"(b) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

"(1) IN GENERAL.—Any designation of an area as an enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31 of the 24th calendar year following the calendar year in which such date occurs,

"(B) the termination date designated by the State and local governments as provided for in their nomination pursuant to subsection (a)(2)(D)(ii), or

"(C) the date the Secretary of Housing and Urban Development revokes such designation under paragraph (2).

"(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development, after consultation with the officials described in subsection (a)(1)(B), may revoke the designation of an area if the Secretary of Housing and Urban Development determines that the local government or the State in which it is located is not complying substantially with the State and local commitments pursuant to subsection (d).

"(3) DESIGNATION SHALL NOT TAKE EFFECT UNLESS INVENTORY OF HISTORIC PROPERTIES.—Notwithstanding paragraph (1)—

"(A) within 60 days after the date of the designation of an area as an enterprise zone (determined without regard to this paragraph), the State or local government of such area shall submit to the Secretary of Housing and Urban Development an inventory of historic properties within such area, and

"(B) the date of such designation shall not be earlier than the date on which such inventory is submitted.

"(c) AREA AND ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may make a designation of any nominated area under subsection (a)(1) only if it meets the requirements of paragraphs (2) and (3).

"(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of the local government,

"(B) the boundary of the area is continuous, and

"(C) the area—

"(i) has a population, as determined by the most recent census data available, of at least—

"(I) 4,000 if any portion of such area (other than a rural area described in subclause (I) or (III) of subsection (a)(2)(C)(ii)) is located within a metropolitan statistical area (within the meaning of section 103A (1)(4)(B)) with a population of 50,000 or more, or

"(II) 1,000 in any other case, or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(iii) is—

"(I) nominated by the local government and State government of such area and by an Indian tribal government; and

"(II) located entirely within a radius of 50 miles from any point on the border of the reservation over which such Indian tribal government has jurisdiction;

"(iv) is located in Alaska—

"(I) within the jurisdiction of an Indian tribal government, or

"(II) within a municipality at least 50 percent of the resident population of which (as determined by the 1980 census of the United States) consists of Indians, Eskimos, or Aleuts.

"(3) ELIGIBILITY REQUIREMENTS.—For purposes of paragraph (1), a nominated area meets the requirements of this paragraph if the State and local governments in which it is located certify and the Secretary of Housing and Urban Development, after such review of supporting data as he deems appropriate, accepts such certification, that—

"(A) the area is one of pervasive poverty, unemployment, and general distress,

"(B) the area is located wholly within the jurisdiction of a local government which is eligible for Federal assistance under section 119 of the Housing and Community Development Act of 1974, as in effect on the date of the enactment of this section, and

"(C) one of the following criteria is met—

"(i) the unemployment rate, as determined by the appropriate available data, was at least 1½ times the national unemployment rate for that period, or

"(ii) the poverty rate (as determined by the most recent census data available) for each populous census tract, (or where not tracted, the equivalent county division as defined by the Bureau of the Census for the purpose of defining poverty areas) within the area was at least 20 percent for the period to which such data relates, or

"(iii) at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974), or

"(iv) the population of the area decreased by 20 percent or more between 1970 and 1980 (as determined from the most recent census available).

"(4) SPECIAL AREAS OUTSIDE RESERVATIONS.—For purposes of this section, any area described in paragraph (2)(C)(iii) which is designated by an Indian tribal gov-

ernment shall be treated as meeting the requirements of paragraph (3) if any area within the reservation over which such tribal government has jurisdiction meets the requirements of paragraph (3).

"(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

"(1) IN GENERAL.—No nominated area shall be designated as an enterprise zone unless the local government and the State in which it is located agree in writing that, during any period during which the area is an enterprise zone, such governments will follow a specified course of action designed to reduce the various burdens borne by employers or employees in such area.

"(2) COURSE OF ACTION.—The course of action under paragraph (1) may be implemented by both such governments and private nongovernmental entities, may be funded from proceeds of any Federal program, and may include, but is not limited to—

"(A) a reduction of tax rates or fees applying within the enterprise zone,

"(B) an increase in the level or efficiency of local services within the enterprise zone, for example, crime prevention (particularly through experimentation with providing such services by nongovernmental entities),

"(C) actions to reduce, remove, simplify, or streamline governmental requirements applying within the enterprise zone,

"(D) involvement in the program by private entities, organizations, neighborhood associations, and community groups, particularly those within the nominated area, including a commitment from such private entities to provide jobs and job training for, and technical, financial or other assistance to, employers, employees, and residents of the nominated area, and

"(E) mechanisms to increase the equity ownership of residents and employees within the enterprise zone.

"(3) LATER MODIFICATION OF A COURSE OF ACTION.—The Secretary of Housing and Urban Development may by regulation prescribe procedures for modifying a course of action under paragraph (1) following designation.

"(f) PRIORITY OF DESIGNATION.—In choosing nominated areas for designation, the Secretary of Housing and Urban Development shall give special preference to the areas with respect to which the strongest and highest quality contributions described in subsection (d)(2) have been promised as part of the course of action, taking into consideration the fiscal ability of the nominating State and local governments to provide tax relief. The Secretary shall also give preference to—

"(1) the nominated areas with respect to which the strongest and highest quality contributions (other than those described in subsection (d)(2)) have been promised as part of the course of action,

"(2) the nominated areas with respect to which the nominating State and local governments have provided the most effective and enforceable guarantees that the proposed course of action under subsection (d) will actually be carried out during the period of the enterprise zone designation,

"(3) the nominated areas with high levels of poverty, unemployment, and general distress, particularly the areas—

"(A) which are near areas with concentrations of disadvantaged workers or long-term unemployed individuals, and

"(B) with respect to which there is a strong likelihood that residents of the area described in subparagraph (A) will receive jobs if the area is designated as an enterprise zone,

"(4) the nominated areas the size and location of which—

"(A) will primarily stimulate new economic activity, and

"(B) minimize unnecessary tax losses to the Federal Government,

"(5) the nominated areas with respect to which private entities have made the most substantial commitments in additional resources and contributions, including the creation of new or expanded business activities, and

"(6) the nominated areas which best exhibit such other factors determined by the Secretary of Housing and Urban Development as are—

"(A) consistent with the intent of the enterprise zone program, and

"(B) important to minimizing the unnecessary loss of tax revenues to the Federal Government.

"(f) DEFINITIONS.—For the purposes of this title—

"(1) GOVERNMENTS.—If more than one government seeks to nominate an area as an enterprise zone, any reference to, or requirement of, this section shall apply to all such governments.

"(2) STATE.—The term 'State' shall also include Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other possession of the United States.

"(3) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State,

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development, and

"(C) the District of Columbia.".

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 80 is amended by adding at the end thereof the following new item:

"SUBCHAPTER D—DESIGNATION OF ENTERPRISE ZONES"

SEC. 312. EVALUATION AND REPORTING REQUIREMENTS.

Not later than the close of the fourth calendar year after the year in which the Secretary of Housing and Urban Development first designates areas as enterprise zones under section 7891 of the Internal Revenue Code of 1954, and at the close of each fourth calendar year thereafter, the Secretary of Housing and Urban Development shall prepare and submit to the Congress a report on the effects of such designation in accomplishing the purposes of this Act.

SEC. 313. INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) TAX REDUCTIONS.—Any reduction of taxes under any required program of State and local commitment under section 7891(d) of the Internal Revenue Code of 1954 shall be disregarded in determining the eligibility of a State or local government for, or the amount or extent of, any assistance or benefits under any law of the United States.

(b) COORDINATION WITH RELOCATION ASSISTANCE.—The designation of an enterprise zone under section 7891 of the Internal Revenue Code of 1954 shall not—

(1) constitute approval of a Federal or Federally assisted program or project (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601)), or

(2) entitle any person displaced from real property located in such zone to any rights or any benefits under such Act.

(c) COORDINATION WITH ENVIRONMENTAL POLICY.—Designation of an enterprise zone under section 7891 shall not constitute a Federal action for purposes of applying the requirements of the National Environmental Policy Act (42 U.S.C. 4341) or other provisions of Federal law relating to the protection of the environment.

SUBTITLE B—FEDERAL INCOME TAX INCENTIVES

PART I—CREDITS FOR EMPLOYERS AND EMPLOYEES

SEC. 321. CREDIT FOR ENTERPRISE ZONE EMPLOYERS.

(a) CREDIT FOR INCREASED ENTERPRISE ZONE EMPLOYMENT AND EMPLOYMENT OF DISADVANTAGED WORKERS.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowable) is amended by inserting immediately before section 45 the following new section:

"SEC. 44I. CREDIT FOR ENTERPRISE ZONE EMPLOYMENT.

"(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 10 percent of the qualified increased employment expenditures of the taxpayer for the taxable year, and

"(2) the economically disadvantaged credit amount of the taxpayer for such taxable year.

"(b) LIMITATIONS BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed by subsection (a) for a taxable year shall not exceed the tax imposed by this chapter for such taxable year, reduced by the sum of the credits allowable under any section of this subpart having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43. For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a).

"(2) CARRYBACK AND CARRYOVER OF UNUSED CREDIT.—

"(A) ALLOWANCE OF CREDIT.—If the amount of the credit determined under this section for any taxable year exceeds the limitation provided by paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an enterprise zone employment credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(ii) an enterprise zone employment credit carryover to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit by this section for such years. If any portion of such excess is a carryback to a taxable year beginning before January 1, 1984, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 18 taxable years to which (by reason of clauses (i) and (ii)) such credit may be carried, and then to each of the other 17 taxable years to the extent that, because of the limitation contained in subparagraph (B), such unused credit may not be added for a prior taxable

year to which such unused credit may be carried.

"(B) LIMITATION.—The amount of the unused credit which may be added under subparagraph (A) for any preceding or succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of

"(i) the credit allowable under this section for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(C) SPECIAL RULE IF PERIOD OF ZONE EXTENDS MORE THAN 15 YEARS.—If the number of taxable years during the period—

"(i) beginning with the taxable year after the unused credit year, and

"(ii) ending with the taxable year in which the designation of the enterprise zone to which the credit under subsection (a) relates expires under section 7891,

exceeds 15, then subparagraph (A) shall be applied by substituting such number for '15', such number plus 3 for '18', and such number plus 2 for '17'.

"(c) QUALIFIED INCREASED EMPLOYMENT EXPENDITURES DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified increased employment expenditures' means the excess of—

"(A) the qualified wages paid or incurred by the employer during the taxable year to qualified employees with respect to all enterprise zones, over

"(B) the base period wages of the employer with respect to all such zones.

"(2) LIMITATIONS AS TO QUALIFIED WAGES TAKEN INTO ACCOUNT.—

"(A) DOLLAR AMOUNT.—The amount of any qualified wages taken into account under paragraph (1) for any taxable year with respect to any qualified employee may not exceed 2.5 times the dollar limitation in effect under section 3306 (b)(1) for the calendar year with or within which such taxable year ends.

"(B) APPLICATION WITH ECONOMICALLY DISADVANTAGED CREDIT AMOUNT.—Qualified wages shall not be taken into account under paragraph (1) if such wages are taken into account in determining the economically disadvantaged credit amount under subsection (d).

"(3) BASE PERIOD WAGES.—

"(A) IN GENERAL.—The term 'base period wages' means, with respect to any enterprise zone, the amount of wages paid to employees during the 12-month period preceding the earlier of—

"(i) the date on which the enterprise zone was designated as such under section 7891, or

"(ii) the date on which the enterprise zone is designated under any State law enacted after January 1, 1981,

which would have been qualified wages paid to qualified employees if such designation had been in effect for such period.

"(B) RULES OF SPECIAL APPLICATION.—For purposes of subparagraph (A)—

"(i) subsection (f)(1) shall be applied by substituting '12-month period' for 'taxable year' each place it appears, and

"(ii) the dollar limitation taken into account under paragraph (2) in computing qualified wages shall be the amount in effect for the taxable year for which the amount of the credit under subsection (a) is being computed.

"(d) ECONOMICALLY DISADVANTAGED CREDIT AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'economically disadvantaged credit amount' means the sum of the applicable percentage of qualified wages paid to each qualified economically disadvantaged individual.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means, with respect to any qualified economically disadvantaged individual, the percentage determined in accordance with the following table:

"If the qualified wages are paid for services performed:	The applicable percentage is:
Within 36 months of starting date .	50
More than 36 months but less than 49 months after such date.	40
More than 48 months but less than 61 months after such date.	30
More than 60 months but less than 73 months after such date.	20
More than 72 months but less than 85 months after such date.	10
More than 84 months after such date.	0

"(3) STARTING DATE; BREAKS IN SERVICE.—For purposes of this subsection—

"(A) STARTING DATE.—The term 'starting date' means the day which the qualified economically disadvantaged individual begins work for the employer within an enterprise zone.

"(B) BREAKS IN SERVICE.—The periods described in the table under paragraph (2) (other than the first such period) shall be extended by any period of time—

"(i) during which the individual is unemployed, and

"(ii) by any period of time before the designation of the area as an enterprise zone under section 7891 during which the individual is employed by a taxpayer while the area is designated as an enterprise zone under State law enacted after January 1, 1981.

"(e) QUALIFIED WAGES DEFINED.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified wages' has the meaning given to the term 'wages' by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

"(2) REDUCTION FOR CERTAIN FEDERALLY FUNDED PAYMENTS.—For purposes of this section the wages paid or incurred by an employer for any period shall not include the amount of any federally funded payments the employer receives or is entitled to receive for on-the-job training of such individual for such period.

"(3) SPECIAL RULES FOR AGRICULTURAL AND RAILWAY LABOR.—Under regulations prescribed by the Secretary, rules similar to the rules of section 51(h) shall apply with respect to services described in subparagraphs (A) and (B) of section 51(h)(1).

"(f) QUALIFIED EMPLOYEE DEFINED.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified employee' means an individual—

"(A) at least 90 percent of whose services for the employer during the taxable year are directly related to the conduct of the employer's trade or business located in an enterprise zone, and

"(B) who performs at least 50 percent of his services for the employer during the taxable year in an enterprise zone.

"(2) EXCEPTION FOR INDIVIDUALS WITH RESPECT TO WHOM CREDIT IS ALLOWED UNDER SECTION 44B.—The term 'qualified employee' shall not include an individual with respect to whom any credit is allowed the employer for the taxable year under section 44B (relating to credit for employment of certain new employees).

"(g) QUALIFIED ECONOMICALLY DISADVANTAGED INDIVIDUAL.—

"(1) For purposes of this section, the term 'qualified economically disadvantaged individual' means an individual—

"(A) who is a qualified employee,

"(B) who is hired by the employer during the period a designation under section 7891 is in effect for the area in which the services which qualify such individual as a qualified employee are performed, and

"(C) who is certified as—

"(i) an economically disadvantaged individual,

"(ii) an eligible work incentive employee (within the meaning of section 51(d)(9)), or

"(iii) a general assistance recipient (within the meaning of section 51(d)(6)).

"(2) ECONOMICALLY DISADVANTAGED INDIVIDUAL.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'economically disadvantaged individual' means any individual who is certified by the designated local agency as being a member of a family that had a combined family income (including the cash value of food stamps) during the 6 months preceding the month in which such determination occurs that on an annual basis, was equal to or less than the sum of—

"(i) the highest amount which would ordinarily be paid to a family of the same size without any income or resources in the form of payments for aid to families with dependent children under the State plan approved under part A of title IV of the Social Security Act for the State in which such individual resides, plus,

"(ii) the highest cash value of the food stamps to which a family of the same size without any income or resources would be paid aid to families with dependent children under such State plan in the amount determined under clause (i).

Any such determination shall be valid for the 45-day period beginning on the date such determination is made.

"(B) SPECIAL RULE FOR FAMILIES WITH ONLY ONE INDIVIDUAL.—For purposes of clause (i) of subparagraph (A), in the case of a family consisting of only one individual, the 'highest amount which would ordinarily be paid' to such family under the State's plan approved under part A of title IV of the Social Security Act shall be an amount determined by the designated local agency on the basis of a reasonable relationship to the amounts payable under such plan to families consisting of two or more persons.

"(3) CERTIFICATION.—Certification of an individual as an individual described in paragraph (1)(C) shall be made in the same manner as certification under section 51.

"(h) SPECIAL RULES.—For purposes of this section—

"(1) APPLICATION TO CERTAIN ENTITIES, ETC.—Under regulations prescribed by the Secretary, rules similar to the rules of subsections (f) and (i) of section 51, section 52, and section 44F(f)(3) shall apply.

"(2) PERIODS OF LESS THAN A YEAR.—If designation of an area as an enterprise zone under section 7891 occurs, expires, or is revoked on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a taxable year of less than 12 months—

"(A) the limitation specified in subsection (c)(2)(A), and the base period wages deter-

mined under subsection (c)(3), shall be adjusted on a pro rata basis (based upon the number of days), and

"(B) the reduction specified in subsection (e)(2) and the 90 percent and 50 percent tests set forth in subsection (f)(1) shall be determined by reference to the portion of the taxable year during which the designation of the area as an enterprise zone is in effect.

"(i) PHASEOUT OF CREDIT.—In determining the amount of the credit for a taxable year under subsection (a) with respect to qualified wages paid or incurred for services performed in an enterprise zone—

"(1) the following percentages shall be substituted for '10 percent' in subsection (a)(1):

"(A) 7.5 percent in the earlier of—

"(i) the taxable year which includes the date which is 21 years after the date on which such enterprise zone was designated under section 7891, or

"(ii) the taxable year which includes the date which is 4 years before the date (if any) on which such enterprise zone ceases to be a zone under section 7891(b)(1)(B),

"(B) 5 percent in the next succeeding taxable year,

"(C) 2.5 percent in the second next succeeding taxable year, and

"(D) zero thereafter, and

"(2) the amount determined under subsection (a)(2) shall be reduced by—

"(A) 25 percent in the case of the taxable year described in paragraph (1)(A),

"(B) 50 percent in the next succeeding taxable year,

"(C) 75 percent in the second next succeeding taxable year, and

"(D) 100 percent thereafter.

"(j) EARLY TERMINATION OF EMPLOYMENT BY EMPLOYER IN CASE OF QUALIFIED ECONOMICALLY DISADVANTAGED INDIVIDUALS, ETC.—

"(1) GENERAL RULE.—Under regulations prescribed by the Secretary, if the employment of any qualified economically disadvantaged individual with respect to whom qualified wages are taken into account under subsection (a) is terminated by the taxpayer at any time during the 270-day period beginning on the date such individual begins work for the employer, the tax under this chapter for the taxable year in which such employment is terminated shall be increased by an amount (determined under such regulations) equal to the credit allowed under subsection (a) for such taxable year and all prior taxable years attributable to qualified wages paid or incurred with respect to such employee.

"(2) Subsection not to apply in certain cases.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to—

"(i) a termination of employment of an employee who voluntarily leaves the employment of the employer,

"(ii) a termination of employment of an individual who, before, the close of the period referred to in paragraph (1), becomes disabled and therefore is unable to perform the services of such employment, unless such disability is removed before the close of such period and the employer fails to offer reemployment to such individual,

"(iii) a termination of employment of an individual, if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual, or

"(iv) a termination of employment of an individual due to a substantial reduction in the trade or business operations of the employer.

"(B) CHANGE IN FORM OF BUSINESS, ETC.—For purposes of paragraph (1), the employment relationship between the employer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies, if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer, if the employee continues to be employed in such trade or business and the employer retains a substantial interest in such trade or business.

"(3) SPECIAL RULE.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under this subpart.".

(b) NO DEDUCTION ALLOWED.—Section 280C (relating to disallowance of deductions for that portion of wages for which credit is claimed under section 40 or 44B) is amended by adding at the end thereof the following new subsection:

"(d) RULE FOR SECTION 44I CREDITS.—No deduction shall be allowed for that portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable under section 44I (relating to the employment credit for enterprise zone businesses). This subsection shall be applied under a rule similar to the rule under the last sentence of subsection (b).".

(c) TECHNICAL AMENDMENTS RELATED TO CARRYOVER AND CARRYBACK OF CREDITS.—

(1) CARRYOVER OF CREDIT.—

(A) Subparagraph (B) of section 55(c)(3) (relating to carryover and carryback of certain credits) is amended—

(i) by striking out "or 44F" in clause (i) and inserting in lieu thereof "44F, or 44I", and

(ii) by inserting "44I(b)(1)," after "44F(g)(1)," in clause (ii).

(B) Subsection (c) of section 381 (relating to items of the distributor or transferor corporation) is amended by adding at the end thereof the following new paragraph:

"(31) CREDIT UNDER SECTION 44I.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 44I, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of section 44I in respect to the distributor or transferor corporation.".

(C) Section 383 (relating to special limitations on unused credits and capital losses), as in effect for taxable years to which the amendments made by the Tax Reform Act of 1976 apply, is amended—

(i) by inserting "to any unused credit of the corporation under section 44I(b)(2)," after "44G(b)(2)," and

(ii) by inserting "ENTERPRISE ZONE EMPLOYMENT CREDITS," after "EMPLOYEE STOCK OWNERSHIP CREDITS," in the section heading.

(D) Section 383 (as in effect on the day before the amendments made by the Tax Reform Act of 1976) is amended—

(i) by inserting "to any unused credit of the corporation which could otherwise be carried forward under section 44I(b)(2)," after "44G(b)(2)," and

(ii) by inserting "ENTERPRISE ZONE EMPLOYMENT CREDITS," after "EMPLOYEE STOCK OWNERSHIP CREDITS," in the section heading.

(E) The table of sections for part V of subchapter C of chapter 1 is amended by inserting "enterprise zone employment credits," after "employee stock ownership credits," in the item relating to section 383.

(2) CARRYBACK OF CREDIT.—

(A) Subparagraph (C) of section 6511(d)(4) (defining credit carryback) is amended by striking out "and employee stock ownership credit carryback" and inserting in lieu thereof "employee stock ownership credit carryback, and enterprise zone employment credit carryback."

(B) Section 6411 (relating to quick refunds in respect to tentative carryback adjustments) is amended—

(i) by striking out "or unused employee stock ownership credit" each place it appears and inserting in lieu thereof "unused employee stock ownership credit, or unused enterprise zone employment credit carryback;"

(ii) by inserting ", by an enterprise zone employment credit carryback provided by section 44I(b)(2)," after "by an employee stock ownership credit carryback provided by section 44G(b)(2)" in the first sentence of subsection (a);

(iii) by striking out "or employee stock ownership credit carryback from" each place it appears and inserting in lieu thereof "employee stock ownership credit carryback, or enterprise zone employment credit carryback from;" and

(iv) by striking out "research and experimental credit carryback)" in the second sentence of subsection (a) and inserting in lieu thereof "research and experimental credit carryback, or in the case of an enterprise zone employment credit carryback, to an investment credit carryback, a new employee credit carryback, or an employee stock ownership credit carryback).".

(d) OTHER TECHNICAL AND CLERICAL AMENDMENTS.—

(1) Subsection (b) of section 6096 (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 44G" and inserting in lieu thereof "44H and 44I".

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting before the item relating to section 45 the following new item:

"Sec. 44I. Credit for enterprise zone employment.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

SEC. 322. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowable), as amended by section 221, is amended by inserting immediately before section 45 the following new section:

"SEC. 44J. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

"(a) IN GENERAL.—In the case of a qualified employee, there is allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 5 percent of the qualified wages for the taxable year.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED EMPLOYEE.—The term 'qualified employee' means an individual—

"(A) who is described in section 44I(f)(1), and

"(B) who is not an employee of the Federal Government, of any State or local government, or any political subdivision of a State or local government.

"(2) QUALIFIED WAGES.—

"(A) IN GENERAL.—The term 'qualified wages' has the meaning given to 'wages' under subsection (b) of section 3306, attributable to services performed for an employer with respect to whom the employee is a qualified employee, in an amount which does not exceed 1½ times the dollar limitation specified in such subsection.

"(B) EXCEPTION.—The term 'qualified wages' does not include any compensation received from the Federal Government, any State or local government, or any political subdivision of a State or local government.

"(c) PHASEOUT OF CREDIT.—In determining the amount of the credit for the taxable year under subsection (a) with respect to qualified wages paid to qualified employees for services performed in an enterprise zone, the following percentages shall be substituted for '5 percent' in subsection (a):

"(1) 3¾ percent in the taxable year in which the date which is—

"(A) 21 years after the date on which such enterprise zone was designated under section 7891 occurs, or

"(B) if earlier, the date 4 years before the date the zone designation is to expire;

"(2) 2½ percent in the next succeeding taxable year;

"(3) 1¼ percent in the second next succeeding taxable year; and

"(4) zero thereafter.

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for a taxable year shall not exceed the tax imposed by this chapter for such taxable year, reduced by the sum of the credits allowable under a section of this subpart having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43. For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a).".

(b) REPORTING REQUIREMENTS.—Subpart C of part III of subchapter A of chapter 61 (relating to information regarding wages paid employees) is amended by adding at the end thereof the following new section:

"SEC. 6054. REPORTING OF ENTERPRISE ZONE EMPLOYEE CREDITS.

"Every employer shall furnish to each employee who is a qualified employee of the employer (within the meaning of section 44J(b)(1)) a written statement showing the amount of qualified wages (within the meaning of section 44J(b)(2)) paid by the employer to such employee. The statement required to be furnished pursuant to this section shall be furnished at such time, shall contain such other information, and shall be in such form as the Secretary may by regulations prescribe. When required by such regulations, a duplicate of any such statement shall be filed with the Secretary.".

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6652(a)(1) (relating to failure to file information returns) is amended—

(A) by striking out "or" at the end of clause (v), and

(B) by inserting after clause (vi) the following new clause:

"(vii) section 6054 (relating to reporting of enterprise zone employee credits),".

(2) Section 6674 (relating to fraudulent statement or failure to furnish statement to employee) is amended by striking "or 6053(b)" each place it appears and inserting in lieu thereof ", 6053(b) or 6054".

(3) The table of sections for subpart C of part III of subchapter A of chapter 61 is amended by adding at the end thereof the following:

"Sec. 6054. Reporting of enterprise zone employee credits.".

(4) The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting immediately before the item relating to section 45 of the following new item:

"SEC. 44J. CREDIT FOR ENTERPRISE ZONE EMPLOYEES."

(5) Subsection (b) of section 6096, as amended by section 201, is amended by striking out "and 44I" and inserting in lieu thereof "44I, and 44J".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years after December 31, 1983.

PART II—CREDITS FOR INVESTMENT IN TANGIBLE PROPERTY IN ENTERPRISE ZONES

SEC. 331. INVESTMENT TAX CREDIT FOR ENTERPRISE ZONE PROPERTY.

(a) AMOUNT OF CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 46(a)(2) (relating to amount of investment tax credit) is amended by striking out "and" at the end of clause (iii), by striking out the period at the end of clause (iv) and inserting in lieu thereof ", and", and by adding at the end thereof the following new clause:

"(v) in the case of enterprise zone property, the enterprise zone percentage.".

(2) ENTERPRISE ZONE PERCENTAGE DEFINED.—Paragraph (2) of section 46(a) is amended by adding at the end thereof the following new subparagraph:

"(G) ENTERPRISE ZONE PERCENTAGE.—

"(i) IN GENERAL.—

"For purposes of this paragraph—

"In the case of enterprise zone expenditures with respect to:	The enterprise zone percentage is:
Zone personal property (within the meaning of section 48(r)(3))	5
New zone construction property (within the meaning of section 48(r)(4))	10

"(ii) PHASEOUT OF CREDIT AS ENTERPRISE ZONE ENDS.—Clause (i) shall be applied by substituting the following percentages for 5 percent and 10 percent, respectively:

"(I) For the taxable year described in section 44I(i)(1)(A), 3.75 and 7.5.

"(II) For the next succeeding taxable year, 2.5 and 5.

"(III) For the second next succeeding taxable year, 1.25 and 2.5.

"(IV) For any subsequent taxable year, zero.

"(iii) REGULAR PERCENTAGE NOT TO APPLY TO CERTAIN PROPERTY.—For purposes of this paragraph, the regular percentage shall not apply to any enterprise zone property which, but for section 48(r)(1), would not be section 38 property.".

(3) ORDERING RULES.—That portion of paragraph (7) of section 46(a) (relating to special rules in the case of energy property) which precedes subparagraph (B) is amended to read as follows:

"(7) SPECIAL RULES IN THE CASE OF ENERGY PROPERTY OR ENTERPRISE ZONE PROPERTY.—Under regulations prescribed by the Secretary—

"(A) IN GENERAL.—This subsection and subsection (b) shall be applied separately—

"(i) first with respect to so much of the credit allowed by section 38 as is not attributable to the energy percentage or the enterprise zone percentage,

"(ii) second with respect to so much of the credit allowed by section 38 as is attributable to the application of the energy percentage to energy property, and

"(iii) third with respect to so much of the credit allowed by section 38 as is attributable to the application of the enterprise zone percentage to enterprise zone property.".

(4) CONFORMING AMENDMENT.—Section 48(o) (defining certain credits) is amended by adding at the end thereof the following new paragraphs:

"(9) ENTERPRISE ZONE CREDIT.—The term 'enterprise zone credit' means that portion of the credit allowable by section 38 which is attributable to the enterprise zone percentage.".

(c) DEFINITIONS AND TRANSITIONAL RULES.—Section 48 (relating to definitions and special rules) is amended by redesignating subsection (r) as subsection (s) and by inserting after subsection (q) the following new subsection:

"(r) ENTERPRISE ZONE PROPERTY.—For purposes of this subpart—

"(1) TREATMENT AS SECTION 38 PROPERTY.—In the case of enterprise zone property—

"(A) such property shall be treated as meeting the requirements of subsection (a), and

"(B) paragraph (3) of subsection (a) shall not apply to such property.

"(2) The term 'enterprise zone property' means property—

"(A) which is—

"(i) zone personal property, or

"(ii) new zone construction property,

"(B) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 168(e)(4)(D)), and

"(C) acquired and first placed in service by the taxpayer in an enterprise zone during the period the designation as a zone is in effect under section 7891.

"(3) ZONE PERSONAL PROPERTY DEFINED.—The term 'zone personal property' means property which is—

"(A) 3-year property;

"(B) 5-year property;

"(C) 10-year property; and

"(D) 15-year public utility property,

which is used by the taxpayer predominantly in the active conduct of a trade or business within an enterprise zone. Property shall not be treated as 'zone personal property' if it is used or located outside the enterprise zone on any regular basis.

"(4) NEW ZONE CONSTRUCTION PROPERTY DEFINED.—The term 'new zone construction property' means 15-year real property which is—

"(A) located in an enterprise zone,

"(B) used by the taxpayer predominantly in the active conduct of a trade or business within an enterprise zone, and

"(C) either—

"(i) the construction, reconstruction, or erection of which is completed by the taxpayer during the period the designation as a zone is in effect under section 7891, or

"(ii) acquired during such period if the original use of such property commences with the taxpayer and commences during such period.

In applying section 46(c)(1)(A) in the case of property described in subparagraph (C)(i), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection during such period.

"(5) REAL ESTATE RENTAL.—For purposes of this section, ownership of residential, commercial, or industrial real property within an enterprise zone for rental purposes shall be treated as the active conduct of a trade or business in an enterprise zone.

"(6) DEFINITIONS.—For purposes of this subsection, the terms '3-year property,' '5-year property,' '10-year property,' '15-year real property,' and '15-year public utility property' have the meanings given such terms by section 168(c)(2).".

(d) RECAPTURE.—Subsection (a) of section 47 (relating to certain dispositions, etc., of section 38 property) is amended by adding at the end thereof the following new paragraph:

"(9) SPECIAL RULES FOR ENTERPRISE ZONE PROPERTY.—

"(A) IN GENERAL.—If, during any taxable year, property with respect to which the taxpayer claimed an enterprise zone credit—

"(i) is disposed of, or

"(ii) otherwise ceases to be section 38 property with respect to the taxpayer, or

"(iii) is removed from the enterprise zone, converted, or otherwise ceases to be enterprise zone property (other than by the expiration or revocation of the designation as an enterprise zone),

the tax under this chapter for such taxable year shall be increased by the amount described in subparagraph (B).

"(B) AMOUNT OF INCREASE.—The increase in tax under subparagraph (A) shall equal the aggregate decrease in the credits allowed under section 38 by reason of section 46(a)(2)(A)(v) for all prior taxable years which would have resulted solely from reducing the expenditures taken into account with respect to the property by an amount which bears the same ratio to such expenditures as the number of taxable years that the property was held by the taxpayer bears to the applicable recovery period for earnings and profits under section 312(k).".

(e) BASIS ADJUSTMENT TO REFLECT INVESTMENT CREDIT.—

(1) IN GENERAL.—Paragraph (3) of section 48(q) (relating to basis adjustment to section 38 property) is amended to read as follows:

"(3) SPECIAL RULE FOR QUALIFIED REHABILITATION AND ENTERPRISE ZONE EXPENDITURES.—In the case of any credit determined under section 46(a)(2) for—

"(A) any qualified rehabilitation expenditure in connection with a qualified rehabilitated building other than a certified historic structure, or

"(B) any expenditure in connection with new zone construction property (within the meaning of section 48(r)(4)),

paragraphs (1) and (2) shall be applied without regard to the phrase '50 percent of'.".

(2) CONFORMING AMENDMENT.—The heading for subsection (c) of section 196 (relating to deductions for certain unused investment credits) is amended by striking out "rehabilitated buildings" and inserting in lieu thereof "rehabilitation and enterprise zone expenditures".

(f) INVESTMENT CREDIT CARRYOVER PERIOD EXTENDED.—Paragraph (1) of section 46(b) (relating to carryover and carryback of unused credits) is amended by adding at the end thereof the following new sentence: "If the number of taxable years during the period beginning with the taxable years following the unused credit year and ending with the taxable year in which the designation of the enterprise zone to which the unused credit relates expires under section 7891 exceeds 15, then the preceding sentence shall be applied by substituting such number for '15,' such number plus 3 for '18,' and such number plus 2 for '17'.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1983, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954.

PART III—REDUCTION IN CAPITAL GAIN TAX RATES

SEC. 341. CORPORATIONS.

(a) GENERAL RULE.—Subsection (a) of section 1201 (relating to alternative tax for corporations) is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) a tax of 28 percent of the excess (if any) of—

"(A) the net capital gain for the taxable year, over

"(B) the qualified enterprise zone net capital gain.".

(b) DEFINITION OF QUALIFIED ENTERPRISE ZONE NET CAPITAL GAIN.—Section 1201 is amended by redesignating subsections (b) and (c) as subsections (c) and (d) and by inserting after subsection (a) the following new subsection:

"(b) QUALIFIED ENTERPRISE ZONE NET CAPITAL GAIN.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified enterprise zone net capital gain' means the amount of net capital gain for any taxable year determined by taking into account only gains and losses from the sale or exchange of capital assets which are gain which is—

"(A) attributable to the sale or exchange of qualified enterprise zone property, and

"(B) properly allocable only to periods during which such property is qualified enterprise zone property.

"(2) SPECIAL RULES RELATING TO INTERESTS IN BUSINESSES.—

"(A) CERTAIN GAINS AND LOSSES NOT TAKEN INTO ACCOUNT.—In determining the amount of qualified enterprise zone net capital gain for any taxable year under paragraph (1), there shall not be taken into account any gains or losses attributable to the sale or exchange of an interest in a qualified enterprise zone business to the extent such gain or losses are attributable to—

"(i) any property contributed to such qualified enterprise zone business during the 12-month period before such sale or exchange,

"(ii) any interest in any business which is not a qualified enterprise zone business, or

"(iii) any intangible property to the extent not properly attributable to the active conduct of a trade or business within an enterprise zone.

"(B) PERIODS FOR WHICH GAINS AND LOSSES ALLOCABLE.—For purposes of determining under paragraph (1)(B) gains or losses properly allocable to an interest in a qualified enterprise zone business, there shall only be taken into account the taxable years of such business during which it meets the requirements of paragraph (3)(B).

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) The term 'qualified enterprise zone property' means—

"(i) any tangible personal property used by the taxpayer predominantly in an enterprise zone in the active conduct of a trade or business within such enterprise zone,

"(ii) any real property located in an enterprise zone used by the taxpayer predominantly in the active conduct of a trade or business within such enterprise zone, and

"(iii) any interest in a corporation, partnership, or other entity if, for the two most recent taxable years of such entity—

"(I) ending before the date of disposition of such interest, and

"(II) beginning after the date of the designation as an enterprise zone of the area in which such entity is engaged in the active conduct of a trade or business,

such entity was a qualified enterprise zone business.

"(B) QUALIFIED ENTERPRISE ZONE BUSINESS.—The term 'qualified enterprise zone business' means, with respect to any taxable year, any person—

"(i) actively engaged in the conduct of a trade or business within an enterprise zone during such taxable year,

"(ii) with respect to which at least 80 percent of such person's gross receipts for such taxable year are attributable to the active conduct of a trade or business within an enterprise zone, and

"(iii) substantially all of the tangible assets of which are located within an enterprise zone during such taxable year.

"(C) REAL ESTATE RENTAL.—For purposes of this subsection, ownership of residential, commercial, or industrial real property within an enterprise zone for rental shall be treated as the active conduct of a trade or business in an enterprise zone.

"(D) PROPERTY REMAINS QUALIFIED AFTER ZONE DESIGNATION CEASES TO APPLY.—

"(i) IN GENERAL.—The treatment of property as qualified property under subparagraph (A) shall not terminate when the designation of the enterprise zone in which the property is located or used expires or is revoked.

"(ii) EXCEPTIONS.—Clause (i) shall not apply after the first sale or exchange of property occurring after the designation expires or is revoked.".

SEC. 342. TAXPAYERS OTHER THAN CORPORATIONS.

Subsection (a) of section 1202 (relating to deduction for capital gains) is amended to read as follows:

"(a) DEDUCTION ALLOWED.—

"(1) IN GENERAL.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(A) 100 percent of the lesser of—

"(i) the net capital gain, or

"(ii) the qualified enterprise zone net capital gain (as defined in section 1201(b)), plus

"(B) 60 percent of the excess (if any) of—

"(i) the net capital gain, over

"(ii) the amount of the net capital gain taken into account under subparagraph (A).".

SEC. 343. MINIMUM TAX.

Paragraph (9) of section 57(a) (relating to tax preference for capital gains) is amended by adding at the end thereof the following new subparagraph:

"(E) For purposes of this paragraph, gain attributable to qualified enterprise zone net capital gain (within the meaning of section 1201(b)) shall not be taken into account.".

SEC. 344. EFFECTIVE DATE.

The amendments made by this part shall apply to sales or exchanges after December 31, 1983.

PART IV—RULES RELATING TO INDUSTRIAL DEVELOPMENT BONDS

SEC. 351. INDUSTRIAL DEVELOPMENT BONDS.

(a) LIMITATION ON ACCELERATED COST RECOVERY DEDUCTION NOT TO APPLY TO ENTER-

PRISE ZONE PROPERTY.—Subparagraph (C) of section 168(f)(12) (relating to limitations on property financed with tax-exempt bonds) is amended—

(1) by striking out "or" at the end of clause (iii),

(2) by striking out the period at the end of clause (iv) and inserting in lieu thereof ", or", and

(3) by adding at the end thereof the following new clause:

"(v) as enterprise zone property (within the meaning of section 48(r)).".

(b) TERMINATION OF SMALL ISSUE EXEMPTION NOT TO APPLY.—Subparagraph (N) of section 103(b)(6) (relating to termination of small issue exemption after December 31, 1986) is amended by adding at the end thereof the following new sentence: "This subparagraph shall not apply to any obligation which is part of an issue substantially all of the proceeds of which are used to finance facilities within an enterprise zone if such facilities are placed in service while the designation as such a zone is in effect under section 7891.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 1983, in taxable years ending after such date.

PART V—SENSE OF THE CONGRESS WITH RESPECT TO TAX SIMPLIFICATION

SEC. 361. TAX SIMPLIFICATION.

It is the sense of the Congress that the Secretary of the Treasury should in every way possible simplify the administration and enforcement of any provision of the Internal Revenue Code of 1954 added to, or amended by, this Act.

SUBTITLE C—REGULATORY FLEXIBILITY

SEC. 371. DEFINITION OF SMALL ENTITIES IN ENTERPRISE ZONES FOR PURPOSES OF ANALYSIS OF REGULATORY FUNCTIONS.

Section 601 of title 5, United States Code, is amended by—

(1) striking out "and" at the end of paragraph (5); and

(2) striking out paragraph (6) and inserting in lieu thereof the following: "(6) the term 'small entity' means—

"(A) a small business, small organization, or small governmental jurisdiction within the meaning of paragraphs (3), (4), and (5) of this section, respectively; and

"(B) any qualified enterprise zone business; any governments which designated and approved an area which has been designated as an enterprise zone (within the meaning of section 7891 of the Internal Revenue Code of 1954) to the extent any rule pertains to the carrying out of projects, activities, or undertakings within such zone; and any not-for-profit enterprise carrying out a significant portion of its activities within such a zone; and

"(7) the term 'qualified enterprise zone business' means any person, corporation, or other entity—

"(A) which is engaged in the active conduct of a trade or business within an enterprise zone (within the meaning of section 7891 of the Internal Revenue Code of 1954); and

"(B) for whom at least 50 percent of its employees are qualified employees (within the meaning of section 44I(f) of such Code).".

SEC. 372. WAIVER OR MODIFICATION OF AGENCY RULES IN ENTERPRISE ZONES.

(a) Chapter 6 of title 5, United States Code, is amended by redesignating sections 611 and 612 as sections 612 and 613, respectively, and inserting the following new section immediately after section 610:

"§ 611. Waiver or modification of agency rules in enterprise zones

"(a) Upon the written request of the governments which designated and approved an area which has been designated as an enterprise zone under section 7891 of the Internal Revenue Code of 1954, an agency is authorized, in order to further the job creation, community development, or economic revitalization objectives of the zone, to waive or modify all or part of any rule which it has authority to promulgate, as such rule pertains to the carrying out of projects, activities or undertakings within the zone.

"(b) Nothing in this section shall authorize an agency to waive or modify any rule adopted to carry out a statute or Executive order which prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, marital status, national origin, age, or handicap.

"(c) A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the enterprise zone. If a request is made to an agency other than the Department of Housing and Urban Development, the requesting governments shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

"(d) In considering a request, the agency shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitalization within the enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area which would be affected by the change. The agency shall approve the request whenever it finds, in its discretion, that the public interest which the proposed change would serve in furthering such job creation, community development, or economic revitalization outweighs the public interest which continuation of the rule unchanged would serve in furthering such underlying purposes. The agency shall not approve any request to waive or modify a rule if that waiver or modification would—

"(1) directly violate a statutory requirement (including any requirement of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U.S.C. 201 et seq.)); or

"(2) be likely to present a significant risk to the public health, including environmental health or safety, such as a rule with respect to occupational safety or health, or environmental pollution.

"(e) If a request is disapproved, the agency shall inform the requesting governments in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

"(f) Agencies shall discharge their responsibilities under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

"(g) A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of this title. To facilitate reaching its decision on any requested waiver or modification, the agency may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The agency shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section.

"(h) In the event that an agency proposes to amend a rule for which a waiver or modification under this section is in effect, the agency shall not change the waiver or modification to impose additional requirements unless it determines, consistent with standards contained in subsection (d), that such action is necessary.

"(i) No waiver or modification of a rule under this section shall remain in effect for a longer period than the period for which the enterprise zone designation remains in effect for the area in which the waiver or modification applies.

"(j) For purposes of this section, the term 'rule' means (1) any rule as defined in section 551(4) of this title or (2) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of this title.".

(b) The table of sections for such chapter is amended by redesignating "Sec. 611." and "Sec. 612." and "Sec. 613.", respectively, and inserting the following new item immediately after "Sec. 610.":

"Sec. 611. Waiver or modification of agency rules in enterprise zones.".

(c) Section 601(2) of such title is amended by inserting "(except for purposes of section 611)" immediately before "means".

(d) Section 613 of such title, redesignated by subsection (a) of this section, is amended by—

(1) inserting "(except section 611)" immediately after "chapter" in subsection (a); and

(2) inserting "as defined in section 601(2)" immediately before the period at the end of the first sentence of subsection (b).

SEC. 373. COORDINATION OF HOUSING AND URBAN DEVELOPMENT PROGRAMS IN ENTERPRISE ZONES.

Section 3 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsection:

"(d) The Secretary of Housing and Urban Development shall—

"(1) promote the coordination of all programs under his jurisdiction which are carried on within an enterprise zone designated pursuant to section 7891 of the Internal Revenue Code of 1954;

"(2) expedite, to the greatest extent possible, the consideration of applications for programs referred to in paragraph (1) through the consolidation or forms or otherwise; and

"(3) provide, whenever possible, for the consolidation of periodic reports required under programs referred to in paragraph (1) into one summary report submitted at such intervals as may be designated by the Secretary.".

SUBTITLE D—ESTABLISHMENT OF FOREIGN-TRADE ZONES IN ENTERPRISE ZONES

SEC. 381. FOREIGN-TRADE ZONE PREFERENCES.

(a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-TRADE ZONES IN REVITALIZATION AREAS.—In processing applications for the establishment of foreign-trade zones pursuant to an Act entitled "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of

the United States, to expedite and encourage foreign commerce, and for other purposes," approved June 18, 1934 (48 Stat. 998), the Foreign-Trade Zone Board shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a foreign-trade zone within an enterprize zone designated pursuant to section 7891 of the Internal Revenue Code of 1954.

(b) APPLICATION PROCEDURE.—In processing applications for the establishment of ports of entry pursuant to an Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes," approved August 1, 1914 (38 Stat. 609), the Secretary of the Treasury shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a port of entry which is necessary to permit the establishment of a foreign-trade zone within an enterprise zone.

(c) APPLICATION EVALUATION.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with enterprise zones, the Foreign-Trade Zone Board and the Secretary of Treasury shall approve the applications to the maximum extent practicable, consistent with their respective statutory responsibilities.

TITLE IV—TRADE ACT OF 1974 AMENDMENTS

SEC. 401. SHORT TITLE; AMENDMENT OF TRADE ACT OF 1974.

(a) SHORT TITLE.—This title may be cited as the "International Trade and Investment Act".

(b) AMENDMENT OF TRADE ACT OF 1974.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Trade Act of 1974.

SEC. 402. STATEMENT OF PURPOSES.

The purposes of this title are—

(1) to foster the economic growth of, and full employment in, the United States by expanding competitive United States exports through the achievement of commercial opportunities in foreign markets substantially equivalent to those accorded by the United States;

(2) to improve the ability of the President—

(A) to identify and to analyze barriers to (and restrictions on) United States trade and investment, and

(B) to achieve the elimination of such barriers and restrictions;

(3) to encourage the expansion of international trade in services through the negotiation of agreements (both bilateral and multilateral) which reduce or eliminate barriers to international trade in services; and

(4) to enhance the free flow of foreign direct investment through the negotiation of agreements (both bilateral and multilateral) which reduce or eliminate the trade distortive effects of certain investment-related measures.

SEC. 403. ANALYSIS OF FOREIGN TRADE BARRIERS.

(a) IN GENERAL.—Title I (19 U.S.C. 2111 et seq.) is amended by adding at the end thereof the following new chapter:

"CHAPTER 8—BARRIERS TO MARKET ACCESS

"SEC. 181. ACTIONS CONCERNING BARRIERS TO MARKET ACCESS.

"(a) NATIONAL TRADE ESTIMATES.—

"(1) IN GENERAL.—Not later than the date on which the initial report is required under subsection (b)(1), the United States Trade Representative, through the interagency trade organization established pursuant to section 242(a) of the Trade Expansion Act of 1962, shall—

"(A) identify and analyze acts, policies, or practices which constitute significant barriers to, or distortions of—

"(i) United States exports of goods (including agricultural commodities) or services, and

"(ii) foreign direct investment by United States persons, especially if such investment has implications for trade in goods or services; and

"(B) make an estimate of the trade-distorting impact on United States commerce of any act, policy, or practice identified under subparagraph (A).

"(2) CERTAIN FACTORS TAKEN INTO ACCOUNT IN MAKING ANALYSIS AND ESTIMATE.—In making any analysis or estimate under paragraph (1), the Trade Representative shall take into account—

"(A) the relative impact of the act, policy, or practice on United States commerce;

"(B) the availability of information to document prices, market shares, and other matters necessary to demonstrate the effects of the act, policy, or practice;

"(C) the extent to which such act, policy, or practice is subject to international agreements to which the United States is a party; and

"(D) any advice given through appropriate committees established pursuant to section 135.

"(3) ANNUAL REVISIONS AND UPDATES.—The Trade Representative shall annually revise and update the analysis and estimate under paragraph (1).

"(b) REPORT TO CONGRESS.—

"(1) IN GENERAL.—On or before the date which is one year after the date of the enactment of the International Trade and Investment Act, and each year thereafter, the Trade Representative shall submit the analysis and estimate under subsection (a) to the Committee on Finance of the Senate and to the Committee on Ways and Means of the House of Representatives.

"(2) REPORTS TO INCLUDE INFORMATION WITH RESPECT TO ACTION BEING TAKEN.—The Trade Representative shall include in each report submitted under paragraph (1) information with respect to any action taken (or the reasons for no action taken) to eliminate any act, policy, or practice identified under subsection (a), including, but not limited to—

"(A) any action under section 301, or

"(B) negotiations or consultations with foreign governments.

"(3) CONSULTATION WITH CONGRESS ON TRADE POLICY PRIORITIES.—The Trade Representative shall keep the committees described in paragraph (1) currently informed with respect to trade policy priorities for the purposes of expanding market opportunities.

"(c) ASSISTANCE OF OTHER AGENCIES.—

"(1) FURNISHING OF INFORMATION.—The head of each department or agency of the executive branch of the Government, including any independent agency, is authorized and directed to furnish to the Trade Representative or to the appropriate agency, upon request, such data, reports, and other information as is necessary for the Trade Representative to carry out his functions under this section.

"(2) RESTRICTIONS ON RELEASE OR USE OF INFORMATION.—Nothing in this subsection shall authorize the release of information to, or the use of information by, the Trade Representative in a manner inconsistent with law or any procedure established pursuant thereto.

"(3) PERSONNEL AND SERVICES.—The head of any department, agency, or instrumentality of the United States may detail such personnel and may furnish such services, with or without reimbursement, as the Trade Representative may request to assist in carrying out his functions.".

(b) CONFORMING AMENDMENT.—The table of contents for title I is amended by adding at the end thereof the following:

"CHAPTER 8—BARRIERS TO MARKET ACCESS

"Sec. 181. Actions concerning barriers to market access.".

SEC. 404. AMENDMENTS TO TITLE III OF THE TRADE ACT OF 1974.

(a) PRESIDENTIAL ACTION IN THE CASE OF UNFAIR TRADE PRACTICES.—Section 301(a) (19 U.S.C. 2411(a)) is amended to read as follows:

"(a) DETERMINATIONS REQUIRING ACTION.—

"(1) IN GENERAL.—If the President determines that action by the United States is appropriate—

"(A) to enforce the rights of the United States under any trade agreement; or

"(B) to respond to any act, policy, or practice of a foreign country or instrumentality that—

"(i) is inconsistent with the provisions of, or otherwise denies benefits to the United States under, any trade agreement, or

"(ii) is unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce;

the President shall take all appropriate and feasible action within his power to enforce such rights or to obtain the elimination of such act, policy, or practice.

"(2) SCOPE OF ACTION.—The President may exercise his authority under this section with respect to any goods or sector—

"(A) on a nondiscriminatory basis or solely against the foreign country or instrumentality involved, and

"(B) without regard to whether or not such goods or sector were involved in the act, policy, or practice identified under paragraph (1).".

(b) OTHER ACTION BY PRESIDENT.—Section 301(b) (19 U.S.C. 2411(b)) is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) in paragraph (2)—

(A) by inserting "notwithstanding any other provision of law," before "impose";

(B) by striking out "products" and inserting in lieu thereof "goods"; and

(C) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(3) propose legislation where necessary and appropriate to carry out the objectives of subsection (a).

Any legislation proposed under paragraph (3) shall be treated as an implementing bill pursuant to the provisions of section 151, except that, for purposes of section 151(c)(1), no trade agreement shall be required and the day on which the imple-

menting bill is submitted shall be treated as the day on which the trade agreement is submitted. The President shall notify Congress, and publish notice in the Federal Register, of his intention to propose legislation under paragraph (3) at least 90 days before the implementing bill is submitted.".

(c) INITIATION OF INVESTIGATIONS BY OR ON MOTION OF TRADE REPRESENTATIVE.—

(1) IN GENERAL.—Section 302 (19 U.S.C. 2412) is amended to read as follows:

"SEC. 302. INITIATION OF INVESTIGATIONS BY UNITED STATES TRADE REPRESENTATIVE.

"(a) FILING OF PETITION.—

"(1) IN GENERAL.—Any interested person may file a petition with the United States Trade Representative (hereinafter in this chapter referred to as the 'Trade Representative') requesting the President to take action under section 301 and setting forth the allegations in support of the request.

"(2) REVIEW OF ALLEGATIONS.—The Trade Representative shall review the allegations in the petition and, not later than 45 days after the date on which he received the petition, shall determine whether to initiate an investigation.

"(b) DETERMINATIONS REGARDING PETITIONS.—

"(1) NEGATIVE DETERMINATION.—If the Trade Representative determines not to initiate an investigation with respect to a petition, he shall inform the petitioner of the reasons therefor and shall publish notice of the determination, together with a summary of such reasons, in the Federal Register.

"(2) AFFIRMATIVE DETERMINATION.—If the Trade Representative determines to initiate an investigation with respect to a petition, he shall initiate an investigation regarding the issues raised. The Trade Representative shall publish a summary of the petition in the Federal Register and shall, as soon as possible, provide opportunity for the presentation of views concerning the issues, including a public hearing—

"(A) within the 30-day period after the date of the determination (or on a date after such period if agreed to by the petitioner) if a public hearing within such period is requested in the petition; or

"(B) at such other time if a timely request therefor is made by the petitioner.

"(c) DETERMINATION TO INITIATE BY MOTION OF TRADE REPRESENTATIVE.—

"(1) DETERMINATION TO INITIATE.—If the Trade Representative determines with respect to any matter that an investigation should be initiated in order to advise the President concerning the exercise of the President's authority under section 301, the Trade Representative shall publish such determination in the Federal Register and such determination shall be treated as an affirmative determination under subsection (b)(2).

"(2) CONSULTATION BEFORE INITIATION.—The Trade Representative shall, before making any determination under paragraph (1), consult with appropriate committees established pursuant to section 135.".

(2) CONFORMING AMENDMENTS.—

(A) Section 141(d) is amended—

(i) by striking out "and" at the end of paragraph (6),

(ii) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon and "and", and

(iii) by adding at the end thereof the following new paragraph:

"(8) provide, where authorized by law, copies of documents to persons at cost, except that any funds so received shall be credited to, and be available for use from, the account from which expenditures relating thereto were made.".

(B) Section 303 (19 U.S.C. 2413) is amended—

(i) by striking out "with respect to a petition";

(ii) by inserting "or the determination of the Trade Representative under section 302(c)(1)" after "in the petition"; and

(iii) by inserting "(if any)" after "petitioner".

(C) Section 304 (19 U.S.C. 2414) is amended by striking out "issues raised in the petition" and inserting in lieu thereof "matters under investigation" in paragraph (1) of subsection (a).

(D) The item relating to section 302 in the table of contents is amended to read as follows:

"Sec. 302. Initiation of investigations by United States Trade Representative.".

(d) EXTENSION OF TIME FOR REQUESTS FOR CONSULTATIONS.—Section 303 (19 U.S.C. 2413) is amended—

(1) by inserting "(a) IN GENERAL.—" before "On"; and

(2) by adding at the end thereof the following new subsection:

"(b) DELAY OF REQUEST FOR CONSULTATIONS FOR UP TO 90 DAYS.—

"(1) IN GENERAL.—Notwithstanding the provisions of subsection (a)—

"(A) the United States Trade Representative may delay for up to 90 days any request for consultations under subsection (a) for the purpose of verifying or improving the petition to ensure an adequate basis for consultation, and

"(B) if such consultations are delayed by reason of subparagraph (A), each time limitation under section 304 shall be extended for the period of such delay.

"(2) NOTICE AND REPORT.—The Trade Representative shall—

"(A) publish notice of any delay under paragraph (1) in the Federal Register, and

"(B) report to Congress on the reasons for such delay in the report required by section 306.".

(e) DEFINITIONS.—

(1) COMMERCE DEFINED.—Paragraph (1) of section 301(d) (19 U.S.C. 301(d)) is amended to read as follows:

"(1) DEFINITION OF COMMERCE.—The term 'commerce' includes, but is not limited to—

"(A) services associated with international trade, whether or not such services are related to specific goods, and

"(B) foreign direct investment by United States persons with implications for trade in goods or services.".

(2) UNREASONABLE, UNJUSTIFIABLE, AND DISCRIMINATORY DEFINED.—Section 301(d) (19 U.S.C. 2411(d)) is amended by adding at the end thereof the following new paragraphs:

"(3) DEFINITION OF UNREASONABLE.—The term 'unreasonable' means any act, policy, or practice which, while not necessarily in violation of or inconsistent with the international legal rights of the United States, is otherwise deemed to be unfair and inequitable. The term includes, but is not limited to, any act, policy, or practice which denies fair and equitable—

"(A) market opportunities;

"(B) opportunities for the establishment of an enterprise; or

"(C) provision of adequate protection of intellectual property rights.

"(4) DEFINITION OF UNJUSTIFIABLE.—

"(A) IN GENERAL.—The term 'unjustifiable' means any act, policy, or practice which is in violation of, or inconsistent with, the international legal rights of the United States.

"(B) CERTAIN ACTIONS INCLUDED.—The term 'unjustifiable' includes, but is not limited to, any act, policy, or practice described in subparagraph (A) which denies national or most-favored-nation treatment, the right of establishment, or protection of intellectual property rights.

"(5) DEFINITION OF DISCRIMINATORY.—The term 'discriminatory' includes where appropriate any act, policy, or practice which denies national or most-favored-nation treatment to United States goods, services, or investment.".

(3) CONFORMING AMENDMENT.—Section 301(d) (19 U.S.C. 2411(d)) is amended by striking out the heading and inserting in lieu thereof:

"(d) DEFINITIONS; SPECIAL RULE FOR VESSEL CONSTRUCTION SUBSIDIES.—For purposes of this section—".

(f) AMENDMENTS TO SECTION 305.—Section 305 of the Trade Act of 1974 (19 U.S.C. 2415) is amended by adding at the end thereof the following new subsection:

"(c) CERTAIN BUSINESS INFORMATION NOT MADE AVAILABLE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding any other provision of law (including section 552 of title 5, United States Code), no information requested and received by the Trade Representative in aid of any investigation under this chapter shall be made available to any person if—

"(A) the person providing such information certifies that—

"(i) such information is business confidential,

"(ii) the disclosure of such information would endanger trade secrets or profitability, and

"(iii) such information is not generally available;

"(B) the Trade Representative determines that such certification is well-founded; and

"(C) to the extent required in regulations prescribed by the Trade Representative, the person providing such information provides an adequate nonconfidential summary of such information.

"(2) USE OF INFORMATION.—The Trade Representative may—

"(A) use such information, or make such information available (in his own discretion) to any employee of the Federal Government for use, in any investigation under this chapter, or

"(B) may make such information available to any other person in a form which cannot be associated with, or otherwise identify, the person providing the information.".

SEC. 405. NEGOTIATING OBJECTIVES WITH RESPECT TO INTERNATIONAL TRADE IN SERVICES AND INVESTMENT AND HIGH TECHNOLOGY INDUSTRIES.

(a) NEGOTIATING OBJECTIVES.—

(1) IN GENERAL.—Chapter 1 of title I is amended by inserting immediately after section 104 the following new section:

"SEC. 104A. NEGOTIATING OBJECTIVES WITH RESPECT TO TRADE IN SERVICES, FOREIGN DIRECT INVESTMENT, AND HIGH TECHNOLOGY PRODUCTS.

"(a) TRADE IN SERVICES.—Principal United States negotiating objectives under section 102 shall be—

"(1) to reduce or to eliminate barriers to, or other distortions of, international trade in services (particularly United States serv-

ice sector trade in foreign markets), including barriers that deny national treatment and the rights of establishment and operation in such markets; and

"(2) to develop internationally agreed rules, including dispute settlement procedures, which—

"(A) are consistent with the commercial policies of the United States, and

"(B) will reduce or eliminate such barriers or distortions and help ensure open international trade in services.

"(b) FOREIGN DIRECT INVESTMENT.—Principal United States negotiating objectives under section 102 shall be—

"(1) to reduce or to eliminate artificial or trade-distorting barriers to foreign direct investment, to expand the principle of national treatment, and to reduce unreasonable barriers to establishment; and

"(2) to develop internationally agreed rules, including dispute settlement procedures, which—

"(A) will help ensure a free flow of foreign direct investment, and

"(B) will reduce or eliminate the trade distortive effects of certain investment related measures.

"(c) HIGH TECHNOLOGY PRODUCTS.—Principal United States negotiating objectives shall be—

"(1) to obtain and preserve the maximum openness with respect to international trade and investment in high technology products and related services;

"(2) to obtain the elimination or reduction of, or compensation for, the significantly distorting effects of, foreign government acts, policies, or practices identified in section 181, with particular consideration given to the nature and extent of foreign government intervention affecting United States exports of high technology products or investments in high technology industries, including—

"(A) foreign industrial policies which distort international trade or investment;

"(B) measures which deny national treatment or otherwise discriminate in favor of domestic high technology industries;

"(C) measures which impair access to domestic markets for key commodity products; and

"(D) measures which facilitate or encourage anticompetitive market practices or structures;

"(3) to obtain commitments that official policy of foreign countries or instrumentalities will not discourage government or private procurement of foreign high technology products and related services;

"(4) to obtain the reduction or elimination of all tariffs on, and other barriers to, United States exports of high technology products and related services;

"(5) to obtain commitments to foster national treatment;

"(6) to obtain commitments to—

"(A) foster the pursuit of joint scientific cooperation between companies, institutions or governmental entities of the United States and those of the trading partners of the United States in areas of mutual interest through such measures as financial participation and technical and personnel exchanges, and

"(B) ensure that access by all participants to the results of any such cooperative efforts should not be impaired; and

"(7) to provide effective minimum safeguards for the acquisition and enforcement of intellectual property rights and the property value of proprietary data.

"(d) DEFINITION OF BARRIERS AND OTHER DISTORTIONS.—For purposes of subsection (a), the term 'barriers to, or other distortions of, international trade in services' includes, but is not limited to—

"(1) barriers to the right of establishment in foreign markets, and

"(2) restrictions on the operation of enterprises in foreign markets, including—

"(A) direct or indirect restrictions on the transfer of information into, or out of, the country or instrumentality concerned, and

"(B) restrictions on the use of data processing facilities within or outside of such country or instrumentality.".

(2) CONFORMING AMENDMENT.—The table of contents for chapter 1 of title I is amended by inserting after the item relating to section 104 the following new item:

"Sec. 104A. Negotiating objectives with respect to trade in services, foreign direct investment, and high technology products.".

SEC. 406. PROVISIONS RELATING TO INTERNATIONAL TRADE IN SERVICES.

(a) COORDINATION OF UNITED STATES POLICIES.—

(1) IN GENERAL.—The United States Trade Representative, through the interagency trade organization established pursuant to section 242(a) of the Trade Expansion Act of 1962 or any subcommittee thereof, shall, in conformance with other provisions of law, develop (and coordinate the implementation of) United States policies concerning trade in services.

(2) FEDERAL AGENCIES.—In order to encourage effective development and coordination of United States policies on trade in services, each department or agency of the United States responsible for the regulation of any service sector industry shall, as appropriate, advise and work with the United States Trade Representative concerning matters that have come to the department's or agency's attention with respect to—

(A) the treatment afforded United States service sector interests in foreign markets, or

(B) allegations of unfair practices by foreign governments or companies in a service sector.

(3) NO ALTERATION OF EXISTING AUTHORITY.—Nothing in this section shall be construed to alter any existing authority or responsibility with respect to any specific service sector.

(b) SERVICE INDUSTRIES DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce is authorized to establish a service industries development program. Such program shall be designed to—

(A) promote the competitiveness of United States service firms and American employees through appropriate economic policies;

(B) promote actively the use and sale of United States services abroad and develop trade opportunities for United States service firms;

(C) develop a data base for policymaking pertaining to services;

(D) collect and analyze, in consultation with appropriate agencies, information pertaining to the international operations and competitiveness of United States service industries, including information with respect to—

(i) United States regulation of service industries;

(ii) tax treatment of services, with particular emphasis on the effect of United States taxation on the international competitiveness of United States firms and exports;

(iii) antitrust policies as such policies affect the competitiveness of United States firms;

(iv) treatment of services in international agreements of the United States; and

(v) adequacy of current United States export promotion activities in the service sector. For purposes of the collection and analysis required by this subsection, and for the purpose of any reporting the Department of Commerce makes to the Congress of the United States, such collection and reporting shall distinguish between income from investment and income from noninvestment services;

(E) provide, together with other appropriate agencies, staff support for negotiations on service-related issues by the United States Trade Representative and the domestic implementation of service-related agreements;

(F) collect such statistical information on the domestic service sector as may be necessary for the development of governmental policies toward the service sector;

(G) conduct sectoral studies of domestic service industries;

(H) collect comparative international information on service industries and policies of foreign governments toward services;

(I) develop policies to strengthen the export competitiveness of domestic service industries;

(J) conduct a program of research and analysis of service-related issues and problems, including forecasts and industrial strategies; and

(K) provide statistical, analytical, and policy information to State and local governments and service industries.

(2) AVAILABILITY OF FUNDS.—The Secretary of Commerce shall carry out the program under this subsection from funds otherwise made available to him which may be used for such purposes.

(c) COORDINATION WITH STATES.—

(1) STATEMENT OF POLICY.—It is the policy of Congress that the President shall, as he deems appropriate—

(A) consult with State governments on issues of trade policy affecting the regulatory authority of non-Federal governments, or their procurement of goods and services; and

(B) establish one or more intergovernmental policy advisory committees on trade which shall serve as a principal forum in which State and local governments may consult with the Federal Government with respect to the matters described in subparagraph (A).

(2) ESTABLISHMENT OF NON-FEDERAL GOVERNMENTAL TRADE ADVISORY COMMITTEES.—Section 135 (19 U.S.C. 2155) is amended—

(A) by inserting "and the non-Federal governmental sector" after "private sector" in subsection (a),

(B) by adding at the end of subsection (c) the following new paragraph:

"(3) The President—

"(A) may establish policy advisory committees representing non-Federal governmental interests to provide, where the President finds it necessary, policy advice—

"(i) on matters referred to in subsection (a), and

"(ii) with respect to implementation of trade agreements, and

"(B) shall include as members of committees established under paragraph (2) representatives of non-Federal governmental interests where he finds such inclusion appropriate after consultation by the Trade Representative with such representatives.";

(C) by inserting "or non-Federal government" after "private" each place it appears in subsections (g) and (j);

(D) by inserting "government," before "labor" in subsection (j); and

(E) by adding at the end thereof the following new subsection:

"(m) NON-FEDERAL GOVERNMENT DEFINED.—The term 'non-Federal government' means—

"(1) any State, territory, or possession of the United States, or the District of Columbia, or any political subdivision thereof, or

"(2) any agency or instrumentality of any entity described in paragraph (1).''; and

(F) by inserting "or Public" after "Private" in the heading thereof.

(3) CONFORMING AMENDMENTS.—

(A) Section 104(c) (19 U.S.C. 2114(c)) is amended by inserting "or non-Federal governmental" after "private".

(B) Sections 303 (19 U.S.C. 2413) and 304(b)(2) (19 U.S.C. 2414(b)(2)) are each amended by striking out "private sector".

(C) The table of sections for chapter 3 of title I is amended by inserting "and public" after "private" in the item relating to section 135.

SEC. 407. NEGOTIATING AUTHORITY WITH RESPECT TO FOREIGN DIRECT INVESTMENT.

Paragraph (3) of section 102(g) (19 U.S.C. 2112(g)(3)) is amended to read as follows:

"(3) the term 'international trade' includes—

"(A) trade in both goods and services, and

"(B) foreign direct investment by United States persons, especially if such investment has implications for trade in goods and services.".

SEC. 408. NEGOTIATION OF AGREEMENTS CONCERNING HIGH TECHNOLOGY INDUSTRIES.

(a) AUTHORIZATION TO ENTER INTO AGREEMENTS.—The President may enter into such bilateral or multilateral agreements as may be necessary or appropriate to achieve the objectives of this section and the negotiating objectives under section 104A(c) of the Trade Act of 1974.

(b) MODIFICATION OR CONTINUANCE OF DUTIES.—

(1) IN GENERAL.—Chapter 2 of title I is amended by inserting at the end thereof the following new section:

"SEC. 128. MODIFICATION AND CONTINUANCE OF TREATMENT WITH RESPECT TO DUTIES ON HIGH TECHNOLOGY PRODUCTS.

"(a) In order to carry out any agreement concluded as a result of the negotiating objectives under section 104A(c), the President may proclaim, subject to the provisions of chapter 3—

"(1) such modification, elimination, or continuance of any existing duty, duty-free, or excise treatment, or

"(2) such additional duties,

as he deems appropriate.

"(b) The President shall exercise his authority under subsection (a) only with respect to the following items listed in the Tariff Schedules of the United States (19 U.S.C. 1202):

"(1) Accounting, computing, and other data processing machines provided for in item 676.15.

"(2) Data processing machines provided for in item 676.30.

"(3) Transistors provided for in item 687.70.

"(4) Monolithic integrated circuits provided for in item 687.74.

"(5) Integrated circuits provided for in item 687.77.

"(6) Electronic components provided for in item 687.81.

"(c) TERMINATION.—The President may exercise his authority under this section only during the 5-year period beginning on the date of the enactment of the International Trade and Investment Act.".

(2) CONFORMING AMENDMENT.—The table of contents of chapter 1 of title I is amended by adding at the end thereof the following new item:

"Sec. 128. Modification and continuance of treatment with respect to duties on high technology products.".

SEC. 409. STUDY ON HONEY IMPORTS.

(a) The Congress finds that—

(1) in 1976 the International Trade Commission found that honey imports threatened serious injury to the domestic honey industry and recommended action to control honey imports,

(2) the domestic honey industry is essential for production of many agricultural crops,

(3) a significant part of our total diet is dependent directly or indirectly on insect pollination,

(4) it is imperative that the domestic honey bee industry be maintained at a level sufficient to provide crop pollination.

(b) It is the sense of the Congress that the Secretary of Agriculture should promptly request the President to call for an International Trade Commission investigation of honey imports, under section 22 of the Agriculture Adjustment Act.

TITLE V—MORTGAGE SUBSIDY BONDS

SEC. 501. REPEAL OF TERMINATION DATE OF MORTGAGE SUBSIDY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 103A(c) (defining qualified mortgage bond) is amended to read as follows:

"(1) QUALIFIED MORTGAGE BOND DEFINED.—For purposes of this title, the term 'qualified mortgage bond' means an obligation which is issued as part of a qualified mortgage issue.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after December 31, 1983.

WEICKER (AND JOHNSTON) AMENDMENT NO. 1413

Mr. WEICKER (for himself and Mr. JOHNSTON) proposed an amendment to amendment No. 1412 proposed by Mr. DOLE to the bill H.R. 2973, supra (which was subsequently modified); as follows:

On page 41, line 17, strike out "or".

On page 41, line 19, strike out the end period and insert ", or".

On page 41, between lines 19 and 20, insert the following:

(5) any rum imported from a foreign country the value of which is equal to or less than $3.00 per proof gallon, except that this paragraph shall not apply to the first 200,000 gallons imported from such country during any calendar year, and further provided that any amounts greater than 200,000 gallons shall be treated in the following manner:

If the President determines, with respect to calendar year 1987 or any year thereafter, that—

(A) the total quantity of rum produced in the United States Virgin Islands and exported to the United States during that year equalled at least 95 percent of the total quantity of rum that was produced in that insular possession and exported to the United States in 1982.

then for purposes of applying this paragraph during the year after the year for which such determination was made, the President may increase the quota amount in this paragraph to an amount not to exceed more than 10 percent of the quota amount that was applied under this paragraph during the year for which such determination was made.

METZENBAUM AMENDMENT NO. 1414

Mr. METZENBAUM proposed an amendment to amendment No. 1412 proposed by Mr. DOLE to the bill H.R. 2973, supra; as follows:

At the appropriate place add the following:

SEC. . ELIMINATION OF THE PERCENTAGE METHOD OF DETERMINING ADDITIONS TO BAD DEBT RESERVES FOR BANK LOSSES.

(a) IN GENERAL.—Subsection (b) of section 585 of the Internal Revenue Code of 1954 (relating to addition to reserves for bad debts) is amended—

(1) by striking out "1988" in paragraphs (1)(A) and (3) and inserting in lieu thereof "January 1, 1984,", and

(2) by striking out "1987" in paragraph (3) and inserting in lieu thereof "December 31, 1983,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

BUMPERS AMENDMENT NO. 1415

Mr. BUMPERS proposed an amendment to amendment No. 1412 proposed by Mr. DOLE to the bill H.R. 2973, supra; as follows:

The section 213(b), add a new subsection (5) as follows:

"(5) watches and watch parts (including cases, bracelets and strips), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which TSUS column 2 rates of duty apply; and

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DeCONCINI AMENDMENT NO. 1416

Mr. DeCONCINI proposed an amendment to amendment No. 1412 proposed by Mr. DOLE to the bill H.R. 2973, supra; as follows:

At the end of the bill, add the following:

SEC. . EXCLUSION FROM GROSS INCOME OF CERTAIN MORTGAGE DISCHARGES MADE IN 1982.

(a) EXCLUSION FROM GROSS INCOME.—

(1) IN GENERAL.—For purposes of applying the Internal Revenue Code of 1954, gross income of an individual shall not include income from any discharge of qualified mortgage indebtedness which occurred in calendar year 1982.

(2) LIMITATION.—The amount excludible from gross income under paragraph (1) shall not exceed the adjusted basis of the taxpayer (as of the close of the taxable year in which the discharge of indebtedness oc-

curred) in the principal residence with respect to which the qualified mortgage indebtedness was incurred.

(b) REDUCTION OF BASIS IN PRINCIPAL RESIDENCE.—For purposes of applying the Internal Revenue Code of 1954, the basis of the taxpayer in his principal residence shall be reduced (but not below zero) by the amount of any discharge of qualified mortgage indebtedness incurred with respect to such residence which is excluded from gross income by reason of subsection (a).

(c) GAIN TREATED AS ORDINARY INCOME.—Notwithstanding any provision of the Internal Revenue Code of 1954, any gain recognized from the disposition of the principal residence of the taxpayer shall be treated, for purposes of such Code, as ordinary income to the extent such gain does not exceed the amount of the reduction made to the basis of the taxpayer in such residence (or to the basis of the taxpayer in any other residence that is taken into account in determining the basis of the taxpayer in such residence) by reason of subsection (b).

(d) DEFINITIONS.—For purposes of this section—

(1) Qualified mortgage indebtedness.—The term "qualified mortgage indebtedness" means indebtedness incurred by an individual in—

(A) acquiring the principal residence of such individual (within the meaning of section 1034), or

(B) making improvements to such principal residence (but only if the costs of such improvements are taken into account in determining the basis of the taxpayer in such principal residence).

(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the meaning given to such term by section 1034.

SEC. . TEMPORARY SUSPENSION OF REVENUE RULING 82-202.

The Internal Revenue Code of 1954 shall be applied with respect to any discharge of qualified mortgage indebtedness (within the meaning of section 1(d)(1)) which occurs in calendar year 1983 or 1984 without regard to—

(1) Revenue Ruling 82-202, or

(2) any other revenue ruling, regulation, or decision reaching the same result as, or a result similar to, the result set forth in Revenue Ruling 82-202.

SEC. . LEGISLATION CONCERNING DISCHARGE OF QUALIFIED MORTGAGE INDEBTEDNESS.

It is the sense of the Congress that legislation be enacted during the Ninety-eighth Congress which—

(1) addresses the Federal income tax consequences presented by any discharge of qualified mortgage indebtedness (within the meaning of section 1(d)(1)) that results from prepayment of a portion of such indebtedness, and

(2) applies with respect to any discharge of qualified mortgage indebtedness that occurs after December 31, 1982.

PRYOR AMENDMENT NO. 1417

Mr. PRYOR proposed an amendment to the amendment No. 1412 proposed by Mr. DOLE to the bill H.R. 2973, supra; as follows:

Beginning with page 34, line 1, strike out all through the end of the amendment.

AUTHORIZATION FOR CERTAIN HOUSING PROGRAMS

NICKLES (AND ARMSTRONG) AMENDMENT NOS. 1418 AND 1419

(Ordered to lie on the table.)

Mr. ARMSTRONG (for himself and Mr. NICKLES) submitted two amendments intended to be proposed by them to the bill (S. 1338) to authorize appropriations and extend authorities for housing development and rehabilitation, community development, and mortgage insurance, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new section:

DAVIS-BACON ACT AMENDMENTS

SEC. . (a) Subsection (a) of the first section of the Act of March 3, 1931, commonly known as the Davis-Bacon Act (40 U.S.C. 276a (a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Secretary of Labor shall base his determination of the wages prevailing for the corresponding classes of laborers, mechanics, and helpers under paragraph (1) on—

"(A) the wage paid to 50 per centum or more of the corresponding classes of laborers, mechanics, and helpers employed on projects of a character similar to the contract work in the urban or rural civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there; or

"(B) if the same wage is not paid to 50 per centum or more of the laborers, mechanics, and helpers in the corresponding classes, the weighted average of the wages paid to the corresponding classes of laborers, mechanics, and helpers employed on projects of a character similar to the contract work in the urban or rural civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there.".

(b) The first section of such Act is further amended by striking out "$2,000" and inserting in lieu thereof "$100,000".

(c)(1) The first section of such Act is further amended—

(A) by striking out "mechanics and/or laborers" in subsection (a)(1) and inserting in lieu thereof "laborers, mechanics, helpers, or any combination thereof";

(B) by striking out "laborers and mechanics" wherever it appears and inserting in lieu thereof "laborers, mechanics, and helpers";

(C) by striking out "mechanics and laborers" in subsection (a)(1) and inserting in lieu thereof "laborers, mechanics, and helpers"; and

(D) by striking out "laborer or mechanic" in subsection (b) and inserting in lieu thereof "laborer, mechanic, or helper".

(2) Section 2 of such Act (40 U.S.C. 276a-1) is amended by striking out "laborer or mechanic" and inserting in lieu thereof "laborer, mechanic, or helper".

(3) Section 3 of such Act (40 U.S.C. 276a-2) is amended by striking out "laborers and mechanics" wherever it appears and inserting in lieu thereof "laborers, mechanics, and helpers".

At the appropriate place in the bill, add the following new section:

"SEC. . The following sections are repealed: Section 110 of the Housing act of 1974, section 12 of the Housing Act of 1937, section 202(c)(3) of the Housing Act of 1959, section 212 of the National Housing act, and section 516(f) of the Housing Act of 1949.".

REPEAL OF WITHHOLDING ON INTEREST AND DIVIDENDS

MATSUNAGA AMENDMENT NO. 1420

Mr. MATSUNAGA proposed an amendment to the bill amendment No. 1412 proposed by Mr. DOLE to the bill H.R. 2973, supra; as follows:

On page 63 of the matter proposed to be inserted, strike out lines 1 through 3 and insert in lieu thereof "example, crime prevention,".

CONSUMER PRODUCT SAFETY ACT AMENDMENTS

KASTEN AMENDMENT NO. 1421

Mr. BAKER (for Mr. KASTEN) proposed an amendment to the bill (S. 861) to amend the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to provide authorization of appropriations, and for other purposes; as follows:

On page 2, strike all from line 6 through line 15 on page 3.

On page 3, line 17, strike "SEC. 4." and insert in lieu thereof "SEC. 3.".

On page 3, line 22, strike "SEC. 5." and insert in lieu thereof "SEC. 4.".

On page 4, strike all from line 8 through line 15.

On page 4, add the following immediately after line 7:

CONGRESSIONAL VETO

SEC. 5. (a) Section 36 of the Consumer Product Safety Act (15 U.S.C. 2083) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any rule transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended final rule to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same rule from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

(b) Section 17 of the Flammable Fabrics Act (15 U.S.C. 1204) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any regulation transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended regulation to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same regulation from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

(c) Section 21 of the Federal Hazardous Substances Act (15 U.S.C. 1276) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any regulation transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended regulation to which such resolution relates, it shall be in order to move to discharge the

committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same regulation from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

McCLURE (AND HATCH) AMENDMENT NO. 1422

Mr. BAKER (for Mr. McCLURE and Mr. HATCH) proposed an amendment to the bill (S. 38) entitled the "Longshoremen's and Harbor Workers' Compensation Act"; as follows:

S. 38, as reported, is amended as follows:

On page 38, line 21, insert "recreational operation," after "camp,"; and on page 39, line 24, insert "recreational operations," after "camps,".

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Water and Power to consider S. 752, to authorize certain additional measures to assure accomplishment of the objectives of title II of the Colorado River Basin Salinity Control Act, and for other purposes.

The hearing will be held on Tuesday, July 19, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Water and Power, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Russell Brown of the subcommittee staff at 224-2366.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet until the hour of 12:30 p.m., on Thursday, June 16, to mark up the natural gas bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, June 16, until the hour of 12:30 p.m. to continue the markup on proposed changes in the dairy, tobacco, and target-price programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT

● Mr. DANFORTH. Mr. President, my colleague, Senator EAGLETON, and I were prepared to offer an amendment to the fiscal 1984 NASA authorization bill to add $60 million to the authorization for NASA's university research programs. This NASA amendment is part of a larger inititative we are undertaking: It is one of a package of amendments we intend to offer to increase Federal support and to revitalize the basic science research capacity and advanced education programs of our Nation's universities. Senator EAGLETON and I believe that a larger and sustained Federal investment in basic science research at our universities is needed, and the amendments we intend to offer as part of our initiative are all carefully targeted on priority needs of our Nation's research universities—needs appropriately addressed within the present missions of six agencies: NASA, NSF, NIH, DOD, DOE, and USDA.

The first focus of our efforts was intended to be an amendment to the NASA authorization that would add $60 million to the budget of this agency. This amount, which is less than 1 percent of the total budget for NASA, would be a high-leverage investment in the future of our Nation, with benefits far exceeding the costs. Of this amount, $10 million would have gone to the planetary exploration research program. This program, once vigorous in the 1960's and early 1970's, is currently languishing. This augmentation would have enhanced the university research capacity of the planetary sciences community and restore it to a viable level of activity. Among other things, it would have provided access to and analysis of the wealth of data returned from previous planetary missions.

Our amendment also would have added $20 million, on a matching basis, for, university research laboratory rehabilitation. Many of these laboratories now require modernization if they are to meet the Nation's research and technological needs in the years ahead, and we believe that this funding is necessary for NASA to undertake a special initiative addressing the requirements of the university research facilities in which their research programs are conducted.

In addition, $20 million would have been provided for updating, remodeling, and replacing university research equipment and instrumentation. We believe that such a program is necessary because NASA, unlike many other research agencies, has not addressed in a significant way the critical

problem of obsolete research equipment in university laboratories that carry out the agency's basic research programs.

Finally, our amendment would have provided $5 million for graduate fellowship awards to individuals and university departments engaged in space research activities, and $5 million for faculty development awards. We believe that these fellowships and awards are necessary incentives to assure the availability of sufficient numbers of highly trained and talented research scientists, teachers, and scholars at our universities, who are working in space science fields.

Mr. President, while Senator EAGLETON and I remain committed to the objectives of this amendment, it did not appear appropriate to go forward with this proposal at this time, when we already have gone so far in the authorization and appropriation processes for fiscal 1984. Moreover, we noted that the distinguished chairman of the Senate Commerce Committee and the Subcommittee on Science, Technology and Space have provided effective and responsible leadership in reporting to the Senate a NASA authorization that does attempt to address some of our concerns by increasing funding for research activities at NASA research centers and universities.

More needs to be done—if not this year, then in fiscal 1985. Senator GORTON has assured me that the concerns we have raised about the NASA research program and the capacity of our university research facilities will be given serious attention by his Subcommittee on Science, Technology and Space. It is my hope that Senator GORTON along with our other colleagues will join our overall effort to strengthen the basic science capacity and advanced education programs of our Nation's universities.

Mr. President, we recognize that this is a long-term project. We will seek to accomplish what we can this year and continue in the year ahead with this initiative. Senator EAGLETON and I also intend to outline soon in greater detail the other elements of this university research program and we hope to build broad bipartisan support for this effort so vital to the future of our country.●

● Mr. GORTON. Mr. President, I concur with Senator DANFORTH on the problems that exist in basic scientific research and advanced scientific education at many of our best universities and colleges. Additional support is needed to correct these problems to restore a strong, continued effort in basic research and education of scientific and technical leadership for our Nation.

I assure Senator DANFORTH that my Subcommittee on Science, Technology and Space will take up these issues, with particular attention to research laboratory rehabilitation, academic research instrumentation, graduate training, faculty development, and basic research support, in developing the fiscal year 1985 National Aeronautics and Space Administration (NASA) authorization.

In developing the fiscal year 1984 NASA authorization, a major concern of the subcommittee and the full committee was the space science portion of the NASA program. It is from this comparatively modest portion of the NASA budget that extremely ambitious undertakings in physics, astronomy, planetary exploration, and Earth and solar observations are derived. For the most part, space science projects are conceived, organized, conducted, and analyzed by or with university scientists along with, very significantly, promising students.

Some $30 million was added to the administration's request for data analysis and research and analysis. Another $50 million was added for the space telescope, which is the most ambitious scientific technical challenge yet attempted in the Nation's space program.

These additions, almost totally benefiting academic space science, were recommended and endorsed by the Space Science Working Group, an affiliate of the American Association of Universities. The membership of the Space Science Working Group is composed of the leading academic space scientists and educational institutions in the country.

I will continue to support efforts in Congress responding to this critical need in basic scientific research and advanced scientific education in our Nation's universities and colleges.●

● Mr. HEFLIN. Mr. President, the Senate yesterday passed S. 1096, the NASA Authorization Act for fiscal year 1984. The bill as reported by the Senate Committee on Commerce, Science, and Transportation is a good one, balancing opportunities in the areas of space transportation, science, applications, and aeronautics. I wish we could have done more because I believe each dollar invested in NASA provides a great return to the U.S. taxpayer. Given the budget constraints, however, we have made very prudent investments.

In particular, I wish to compliment the distinguished chairman of our Subcommittee on Science, Technology and Space, the Senator from Washington, Mr. GORTON, for his effective role. As the ranking Democrat on the subcommittee, I can say he has been deliberate, farsighted, and fair in how he has approached the NASA bill. I look forward to working with him in our conference with the House and on future science, technology, and space issues.

I have reviewed an amendment that Senators DANFORTH and EAGLETON considered introducing to S. 1096, and along with Senator GORTON support the intent of that amendment. We do face critical problems in our universities with regard to their research and education capabilities. This is a problem we need to address, and I share Senator GORTON's desire to pursue this matter actively in the next NASA authorization bill.

In the meantime, I am hopeful that NASA will begin to take steps to address the needs of universities and colleges for modern research laboratories, instruments, equipment, student fellowships, and faculty development. One prudent step NASA could take would be to provide small planning grants to various universities to begin to identify their needs and the shortfall in their capability to meet the space science and technology opportunities of the future, including the various roles of universities, industry, and Government. Then next year the committee would be in a much better position to look at targeted areas of need. I hope to work with my colleagues in this effort.●

THE NEW INTERCIRCUIT TRIBUNAL

● Mr. DECONCINI. Mr. President, the Courts Subcommittee will shortly be marking up a comprehensive court reform bill which I strongly support. However, title VI of the S. 645, has been a cause of great concern to me and other commentators on the Federal courts. I have received a number of adverse comments to title VI, which creates a new Intercircuit Tribunal interposed between the Supreme Court and the regional courts of appeal.

The bench and bar of my home State have reservations about the need for this new court and question who it is designed to help. Serious concern also exists with many judges of the ninth Circuit Court of Appeals, the circuit which stretches from Arizona to Alaska to Guam. Among the most eloquent statements setting forth the pros and cons of the proposed Intercircuit Tribunal is a set of comments prepared by Judge Sneed of the ninth circuit. I commend them to my colleagues and ask that they be placed in the RECORD.

The material follows:

COMMENTS ON H.R. 1970 AND S. 645

(By Judge Joseph T. Sneed)

My text is simple. H.R. 1970 and Title VI of S. 645 constitute improperly designed solutions to an indistinctly perceived set of problems.

Before developing my text let me acknowledge quickly that the federal judiciary confronts an enormous set of problems arising from the mounting case load. Each level of the judiciary is under enormous pressure to devise the means by which its specific problems can be solved. District courts seek more

judges, more courtrooms, expanded powers for magistrates, larger staffs, and more sophisticated office equipment. Circuit courts similarly seek more judges, increased numbers of chambers, devices by which the time devoted to individual appeals may be reduced, larger staffs, etc. And, as H.R. 1970 and S. 645 indicate, the Supreme Court also seeks to design the means by which it can deal with the growing number of cases that deserve review. The instrument chosen is a body called the Intercircuit Tribunal.

Let me also acknowledge that as a circuit judge I am uncomfortable in addressing myself to a proposal that Justices of the Supreme Court believe would provide assistance to them. My plea easily could be attributed either to ignorance, officiousness, or envy. I believe that this is not the case. I write only in the public interest as I perceive it.

I. WHAT PROBLEMS MIGHT THESE BILLS SOLVE?

The problems these bills are designed to solve are indistinct. It is true that a cluster of objectives have been identified by those who support these measures, but it is also true that the structure necessary to accomplish a particular objective most effectively very often does not function nearly as well with respect to another objective. For example, a structure to relieve the Supreme Court of a portion of its burden to resolve intercircuit conflicts might not be suitable as the means to relieve the Supreme Court of its entire burden other than to decide only approximately one hundred cases a term. Or a structure designed to do the latter might not be the best way to relieve it of its burden of deciding cases involving such special areas as tax law, environmental law, administrative law, etc. And a structure designed to be an additional tier in the appellate structure of the federal judiciary would not be the most efficient means of resolving intercircuit conflicts or being a helpmate by relieving the Supreme Court of a substantial part of its burden.

II. DO THESE BILLS SOLVE ANY OF THESE PROBLEMS?

A. Specialist court or helpmate court?

The possible objectives just described, as well as others that might be imagined, constitute a spectrum ranging from a tribunal having the narrow function of a specialist court, somewhat similar to the new Federal Court of Appeals, to the broad function of serving as a general helpmate to the Supreme Court. Considering these extremes for a moment, it is obvious that the Intercircuit Tribunal as designed by these bills serves neither objective well. A specialist court, properly constructed, would neither be drawn from existing circuit judges nor be staffed with judges having a tenure of only five years. However, this is what these bills provide. The same can be said of the helpmate function. To serve this end well would require a fixed body of judges having limited tenure, appointed to that court by the Chief Justice with the consent of the Supreme Court. An ad hoc body of circuit judges, selected by circuit judicial councils obviously is unsuited for this function.

B. A court of last resort?

The Intercircuit Tribunal also is not clearly designed to be a court of last resort. Its decisions are reviewable by way of a petition for certiorari by the Supreme Court. Judges with life tenure appointed by the President with the consent of the Senate would be appropriate for a court of last resort. A court of last resort, of course, would create a "three-and-a-half-tier" judiciary with a body similar to the Intercircuit Tribunal functioning as does a dead end siding for railroads.

C. Resolving unimportant circuit conflicts?

The function as Tribunal, such as H.R. 1970 and S. 645 envision, most effectively would serve as probably that of resolving such relatively unimportant intercircuit conflicts as the Supreme Court might refer to it. John Frank recognizes this and has recommended that the work of the Tribunal be limited to this function. Assuming that such assistance is needed, an issue about which many have serious doubts, the proposed tribunal is nonetheless both malformed and unnecessary. Because it is staffed by two circuit judges from each circuit, it under-represents the larger circuits, and is not necessary because circuit conflicts can be more easily resolved.

Let me expand on this last point. The solution to intercircuit conflicts that do not merit Supreme Court attention can be left to the circuits in conflict. This could be done by a statute that authorizes the Supreme Court to certify conflicts to a panel drawn from the regular active judges of the conflicting circuits in a manner that fairly, although not equally in all instances, represents the circuits involved. The certification would state the issue, or issues, in conflict and the circuits perceived to be in conflict. The resolution of the conflict by the intercircuit panel would be binding on the circuits certified by the Supreme Court as being in conflict. In this manner the lesser conflicts would be eliminated. Review by the Supreme Court of this resolution would be by certiorari. A draft of a statute authorizing this procedure appears as an appendix to this statement.

D. Choice of function is delegated to Supreme Court

Because of the east by which aid to the Supreme Court in resolving lesser conflicts between circuits can be extended, it appears likely that some additional functions are intended to be given the proposed Intercircuit Tribunal. What these are, as already pointed out, is unclear. One might suppose that these bills would carefully delineate the functions that the proposed tribunal would perform. Rather than do this, H.R. 1970 and S. 645 in effect delegate this task to the Supreme Court by vesting it with authority to refer such cases as it wishes to the Tribunal. No one, other than possibly the Justices of the Supreme Court, can describe the intended functions of this body.

HOW THE HELPMATE COURT MIGHT FUNCTION

A. Early steps

A few guesses about how a helpmate court might function, however, perhaps would be useful. It is likely one Justice or another has pondered about the utility of such a court. Rather simple statutory interpretation cases as well as conflicts of lesser importance between circuits very likely would make up the Tribunal's initial business. Should these pass muster with the Supreme Court (which they might not should the Tribunal consist of judges not jurisprudentially in sympathy with the majority of the Supreme Court) more important cases very likely would appear on the Tribunal's docket. These cases probably would be ones about which the Supreme Court is either indifferent as to the results, sufficiently uncertain about the proper result to wish to defer final action on the issue until it has received additional guidance, or sufficiently certain about how the Tribunal would decide the case to permit it to act as the Supreme Court's surrogate. In any event, the Supreme Court would not surrender to the Tribunal constitutional cases of a major magnitude.

B. The helpmate court should help, not hinder

Thus, it is fair to say that the Tribunal would function best were it in harmony with the majority of the Supreme Court and had referred to it only those cases just described. A lack of jurisprudential harmony, as well as bickering, between the Supreme Court and the Tribunal would seriously impair its usefulness.

Consider, for example, petitions for certiorari referred to the Tribunal by the Supreme Court. Many of these would not be reviewed by the Tribunal because both H.R. 1970 and S. 645 permit the Tribunal either to accept or deny a petition unless the Supreme Court directs that a decision be reached. A rebellious Tribunal might be inclined to accept those petitions that the Supreme Court thought it should reject and to reject those the Court thought it should accept. The latter possibility could be forestalled, of course, by the Court directing that a decision be reached. The substance of such direction, however, would be for the Supreme Court to grant the petition for certiorari and to assign the writing of the opinion to the Tribunal subject, of course, to the Court's final review by way of certiorari. Under these circumstances the Tribunal in fact would function as a group of highly talented, long-term law clerks to the Justices of the Supreme Court.

The importance of compatibility explains S. 645's creation of the position of Chancellor who would be appointed by the Chief Justice and would preside over the Tribunal. The interests of compatibility, on the other hand, are not served well by the process by which circuit judges are selected to serve on the Tribunal. Both the Senate and House versions, as already mentioned, provide that the judicial council of each circuit would appoint two judges to serve on the Tribunal. Compatibility in the sense here being discussed would be little better than accidental with the body selected in this manner. Aside from other defects of this method of selection (such as its under-representation of larger circuits, its failure to provide for additional circuit judges to replace those placed on the Tribunal, and the absence of a clear reason for placing the duty of selection on the councils, where district judges serve in varying proportions, rather than on the circuit courts) it is undeniable that it serves poorly the helpmate function. Selection by the Chief Justice, with the consent of the entire Court, would best serve that function.

C. The bills' compromise between helping and hindering

The failure of either version of the Tribunal structure to provide for selection by the Chief Justice and the Court reflects uncertainty about the purpose, or purposes, the Tribunal should serve. The roots of this uncertainty are not difficult to discover. They lie amidst one's views concerning the Supreme Court as it has functioned since World War II. Those quite satisfied with the work of the present Court, at least in a broad jurisprudential sense, and convinced that the Court needs help, will tend to favor a Tribunal in which its jurisdiction, its work and the selection of its personnel would be subject to strict Supreme Court control. To such proponents the issue is simple. Help is needed. The best help comes from those in

whom trust can be placed. Structure should promote this end. Those less content with the present Court, but happier with the Warren Court, or distrustful of all Courts since World War II, will not embrace a structure that maximizes the control of the Tribunal by the Supreme Court—at least not at the present time, if ever. Not only will those less content require substantial proof that the Supreme Court needs help but they also will not permit the Supreme Court to select the judges of the Tribunal and will tend to favor reduced control of the Tribunal's work by the Supreme Court. Thus, they very well might favor some combination of assigning by law specific areas of jurisdiction to the Tribunal and limiting the power of the Supreme Court to review decisions of the Tribunal in certain areas. John Frank's recommendation, referred to earlier, is instructive. An intercircuit body fashioned in this manner to some degree would leave us with two courts of last resort, one lesser, the other greater.

IV. IS A TRUE HELPMATE COURT DESIRABLE?

The structures of H.R. 1970 and S. 645, nonetheless, reflect a balance that favors Supreme Court control. Assuming that this control is necessary to serve the helpmate function and that it can be made operational over time, the question then becomes whether it would serve the public interest. A strong argument can be made that it would not. A "responsible" helpmate court, I suggest, could evolve over time to become a court that handled substantially all the non-constitutional litigation. The Supreme Court, under these assumptions, would become a true constitutional court. No one can be certain, of course, but my strong belief is that this would be an unfortunate development. Others, such as Professor Arthur Hellman, have taken this position. The authority of the Supreme Court rests in large measure on the fact that it is a court, not an unrepresentative constitutional convention in perpetual session. To be a court it must take and decide all sorts of cases. To fail to do so would imperil its authority and very few want this to occur.

Even a "true" helpmate court, therefore, would have to be employed very carefully and only to a limited extent. When this constraint is fully appreciated, and it is further realized that the creation and maintenance of such a court will be extremely difficult, the wisdom of creating a body to serve that function becomes highly questionable. The risks incurred to obtain some increased appellate capacity at the national level suggest that other means to provide assistance to the Supreme Court be found wanting or non-existent before either H.R. 1970 or S. 645 is enacted. Others, including Chief Judge Feinberg of the Second Circuit, and Milton Handler, have suggested some means that should be explored.

V. SHOULD WE EXPERIMENT?

To all of this some will say that these bills are mere "experiments" and that their enactment will permit us to learn how a helpmate court will function. This is a beguiling but essentially spurious argument. This is true because, first, the participants, aware that an "experiment" is in progress, will behave somewhat abnormally (Tribunal judges will be more docile and Supreme Court Justices will be more tolerant), and, second, the time of the "experiment" is too short to permit its thorough evaluation. At the end of the five year "experimental" period little will be known that is not already at hand. True, some decisions will have been rendered by the Tribunal, referred petitions of certiorari will have been denied, and perhaps a few decisions will have been reviewed and reversed by the Supreme Court and almost certainly there will have been a dissent by an individual Justice or two to the failure to review a Tribunal decision. Also, it is predictable that within the footnotes of a few Supreme Court decisions will be seen sniper fire directed at either a Tribunal decision, or its use by another Justice, or both. These fairly easily foreseeable developments will contribute little to our ability to determine whether an Intercircuit Tribunal functioning as a helpmate is a good idea. Therefore, analysis of H.R. 1970 and S. 645 should not be suspended pending an "experiment."

Finally, it should be noted that the Federal Judicial Center, at the request of Chief Justice Burger, undertook a study on the subject of experimentation on the law. That study was completed nearly two years ago and recommended that the decision-maker consider four questions when proposing experiments. These four questions are:

1. Do the circumstances justify the experiment?
2. What experimental design will be adequate to produce the required information?
3. What ethical problems might these experimental designs present and how can they be resolved?
4. What authority and procedures are necessary for undertaking the experiment?

These factors, particularly the second, have not been adequately addressed by the proponents of the two bills.

VI. THE NEED FOR COMMISSION STUDY

When all is said and done the crisis the federal judiciary confronts is generated by an enormous increase in federal jurisdiction, inflicted in some instances by the Supreme Court itself, and increased case filings at all levels. We need to restructure both jurisdiction and the entire federal judiciary in a comprehensive and compatible manner. This would be the task of a Commission, such as is proposed by Title V of S. 645. Ad hoc adjustments, but which, as said before, are improperly designed solutions to an indistinctly perceived set of problems, are not the answer.

APPENDIX

DRAFT INTERCIRCUIT PANEL STATUTE

I

When a petition for certiorari asserts a conflict in the interpretation of applicable law between or among the circuit courts on a particular issue or issues, the Supreme Court of the United States may certify the issue or issues to an intercircuit panel for resolution. The panel shall be composed of judges from the circuits having ruled on the disputed issue or issues, and the panel's decision shall be binding only on the circuits certified as being in conflict.

II

The intercircuit panel shall consist of two regular active judges from each of the circuits in conflict, and one additional judge from the circuits involved. The two judges serving on the panel from each circuit shall be chosen by lot from the regular active judges of their respective circuits, and the additional judge shall be chosen by lot from the regular active judges of all circuit involved.

III

In the event the panel fails to arrive at a majority decision, the holding will not be binding upon the circuit courts represented.

IV

Review of the intercircuit panel's decisions by the Supreme Court shall be by writ of certiorari.●

GARRISON: COUNTING THE COSTS

● Mr. HUMPHREY. Mr. President, in my RECORD entry of June I noted that some of the strongest opposition to the Garrison project comes not from Canada or Washington-based environmental organizations, but from North Dakota and some of the very dry land farmers the project is supposed to benefit. Today I would like to focus on the burden this project poses to the Nation as a whole.

The project's proponents, of course, claim that the project will prove to be a net plus for the Nation, that it will produce a net return on investment from irrigation, hydropower and municipal water sales. In reality, the project costs exceed all benefits and the project requires heavy subsidies that will not be repaid. Thus,

In 1965 when the project was first authorized, project planners optimistically assumed that the project would cost $207 million. Now, however, the project's costs exceed $1 billion and the project is only 15 percent complete.

As a result, the proponents now concede that the direct cost-benefit ratio of the project has dropped from 1:1.7 to 1:1.3.

Even this cost-benefit ratio, however, overstates the project's benefits because it assumes continued use of 1965 discount rate of 3 percent.[1]

Using the official Water Resources Council's 1982 discount rate of 7⅞ percent, which is currently in use for water projects, Garrison's costs clearly exceed benefits. Rather than a return of even $1.30 for every dollar invested, only 58 cents of benefit is returned.

The Department of Interior's current cost-benefit estimate, moreover, assumes the project's irrigation—responsible for 60 percent of the Department's estimated total project benefits—will produce $186.68 of benefits per irrigated acre each year. Yet, the latest independent estimates make it clear that this estimate is far too high, that the net profits one could expect to make annually from irrigation corn in the project areas is only $73 per acre.

According to the Department of Interior's own project data sheets, the Federal subsidy per project-irrigated acre is $3,800. Yet, repayment by the benefited farm in set at $77.

[1] The discount rate is a measure of the return that the capital invested in a project would otherwise make if it were simply left in the bank (or some other attractive investment vehicle). Only projects with rates of return higher than their assigned discount rate will prove profitable. A high interest rate implies a high discount rate.

Proponents admit that over $3,700 of the $3,800 cost per acre will be repaid not from user fees or the sale of project benefits, but from the sale of nonproject electricity at increased prices to citizens served by the Western Area Power Administration, most of whom live outside the State of North Dakota. Although this technically is not a Federal tax; it is a massive direct subsidy solely attributable to Federal action.

Even this repayment when added with all the other user fees associated with the project, is only partial—these fees only repay principal component of the project's construction cost. All of the interest on this principal—nearly $750 million assuming annual repayments for 50 years at 9.5 percent—must be paid by Federal taxpayers.

As for the sale of water from the project for municipal use, two-thirds of the municipalities that could potentially receive water are located in the Hudson Bay drainage basin and therefore may never receive Garrison water. More important, half of the communities have already found alternative water supplies or do not need additional water. Additional communities now say they will not be able to afford Garrison water. Only one community since 1965 has contracted for Garrison water.

At most, no more than 500 to 1,200 farms will benefit from Garrison irrigation. Conservatively, this means 800,000 Federal dollars will be spent to help irrigate each benefited farm.

Meanwhile, per capita, North Dakota has the largest number of participants in the Federal payment-in-kind (PIK) program. What the Federal Government is now trying to do is give away the very surpluses it bought from these farmers to keep them from adding to the surpluses the Federal Government already has. Garrison, like subsidized Federal farm loans and Federal price supports, though, will only aggravate this problem by encouraging the production of water-dependent crops that are already in surplus.

If Canadian objections to the project continue, only phase I—the first 85,000 acres of irrigation—of the total Garrison project—250,000 acres of irrigation—according to the Department of Interior, will be built. Under these circumstances the project's cost-benefit ratio will be clearly negative only a 92-cent return using the Department's egregiously low 1965 discount rate and only 43 cents using a 7⅞-percent rate.●

FUNDING FOR THE AFRICAN AMERICAN MEETING HOUSE IN BOSTON

● Mr. TSONGAS. Mr. President, I had planned to offer an amendment to the National Park Service construction appropriation in H.R. 3069 to provide $1,580,000 for the restoration and the rehabilitation of the Boston African American Meeting House. I could not get agreement for inclusion of the Senate bill, but I hope that the Senate conferees will recede to the House on this issue. These funds are needed in order to complete badly needed structural and preservation work on the meeting house by 1988, which will be the 350th anniversary of the arrival of the first blacks in the Commonwealth of Massachusetts.

The meeting house was severely damaged by fire in 1973, and has further deteriorated since that time. Lack of a heating system further damages the historic fabric of the house with each succeeding winter, and several interior walls and a major staircase have been declared unsafe.

While the Park Service has placed this project on its projected funding list for 1990, and has no objection to the merit of project, we are very concerned that we cannot wait any longer to correct the damage and go forward with the work. If we wait for the normal funding cycle, we will risk losing the entire building, which is of great historic significance to black Americans, and is indeed an important landmark of our Nation's early history. The funds will allow us to save the oldest black church in New England and one of the oldest in the Nation, and the birthplace of the abolitionist movement in New England.●

ANNIVERSARY OF LITHUANIAN REPRESSION

● Mr. LUGAR. Mr. President, these several days in mid-June mark the anniversary of Soviet repression of Lithuania. They are a time of commemoration for Lithuanians everywhere, and a time as well of inspiration to free men who remember the example of Lithuania's enduring love of freedom.

On June 15, 43 years ago, the Soviet Union forcibly and illegally annexed the free and independent Republic of Lithuania. A year later, Soviet secret police rounded up over 30,000 Lithuanian men, women, and children in 4 terrible days, deporting them to Stalin's dreaded camps deep in the Soviet interior.

Ever since, Lithuania has endured a policy of forced russification. The Lithuanian national heritage has been systematically repressed.

Lithuania remains a captive part of the Soviet empire. But the spirit of free Lithuania lives on, kept alive by brave Lithuanians inside that sad land who resist Soviet tyranny, and by Lithuanian exiles throughout the world. To the Lithuanians among them who have found a new home in America, I would like to pay special tribute today for their many splendid contributions to our commerce and communities.●

RESPONSE TO THE PRESIDENT'S ADDRESS ON THE ENVIRONMENT

● Mr. MITCHELL. Mr. President, last Saturday, June 11, 1983, President Reagan gave a radio address on the subject of the environment. He said:

I think it's time to clear the air and straighten the record on where my Administration stands on environmental and natural resources management matters.

The President's statement did not clear the air nor did it even discuss the record of his administration on the environment.

I held a press conference yesterday with 12 environmental groups for the purpose of responding to the President's address. We felt that it was essential to set the record straight, as this was not done by the President. I ask that the statements delivered at our press conference be inserted in the RECORD at this point, along with a list of the groups which participated in the press conference.

The material follows:

LIST OF PARTICIPATING GROUPS

Wilderness Society.
National Clean Air Coalition.
Friends of the Earth.
National Wildlife Federation.
Izaak Walton League.
Environmental Defense Fund.
Audubon Society.
Natural Resources Defense Council.
Environmental Action.
Sierra Club.
Trout Unlimited.
Environmental Policy Center.

THE REAGAN ENVIRONMENTAL RECORD

(Statement by Senator George J. Mitchell)

Last Saturday the President spoke to the American people about the environment. He praised his Administration's record on environmental matters, saying that "We have made a commitment to protect the health of our citizens and to conserve our nation's natural beauty and resources".

There is such a wide gap between the President's words and his actions that a response is necessary. Indeed, there is not just a gap, there is a Grand Canyon between what the President has said about the environment and what he has done.

Until Ronald Reagan became President, protection of our environment was not a partisan issue. Responding to the demands of the overwhelming majority of the American people, Republicans and Democrats worked together for over a decade to enact and enforce national laws to protect the very basis of healthy life: Clean air, pure water and unpoisoned land.

These laws were not the result of a passing fad or partisan politics. They respond to the intense concern of the American people about pollution that causes injury, sickness and death. They represent our commitment to leave to future generations the heritage of a clean land.

Ronald Reagan has not kept that national commitment. He has shattered the biparti-

san consensus in support of a healthy environment.

Let me be specific:

1. Since taking office, the President has tried to cut the operating budget of the Environmental Protection Agency by 40%, at a time when that agency's responsibilities are rapidly increasing.

2. He has proposed amendments to weaken our basic environmental laws, the Clean Air and Clean Water Acts.

3. He reduced the Environmental Protection Agency to chaos and ineffectiveness. Since 1981, eleven top EPA officials have been fired or withdrawn, and the FBI has been asked to investigate two of them. Every person involved was chosen by President Reagan.

4. It has been estimated by some scientists that dioxin, a highly toxic man-made chemical, is much more widespread in our environment than anyone has realized. After Love Canal and Times Beach, at a time when the dangers of toxic chemicals and hazardous wastes are growing, the President proposed to cut the EPA's budget for the programs which regulate hazardous waste sites and which review new, potentially toxic chemicals. The President has also proposed to cut the EPA's budget for research and development by 55%.

5. Six months after the town of Times Beach was recognized as a dangerously contaminated community, the Administration has not even listed dioxin as a chemical whose disposal must be regulated. The Administration proposed for the first time to add it to the list this April.

6. Two and a half years into the President's term, the EPA has done nothing to improve protection against toxic substances—known poisons—entering the air that we must all breathe. Only four hazardous air pollutants are now regulated, despite the known or suspected danger of dozens of substances. And those four were regulated before Mr. Reagan took office. Not a single new toxic substance has been regulated during his term.

7. The Reagan Administration has actually relaxed pollution control standards. Since taking office this Administration has approved requests from industries to relax pollution control requirements, as a result of which one and a half million more tons of sulfur dioxide will poison our atmosphere each year, even though the level of sulfur released into our air is already dangerously high.

8. That high level of sulfur emissions—now about 24 million tons a year in the Eastern United States—is the source of acid rain, which is causing serious damage to our nation's water resources. The major obstacle to dealing with this serious problem has been the President.

9. The President cited American leadership in the international environmental field. It is a leadership we once had and could be proud of; but it is a leadership role this President has abandoned.

In his Administration, the United States has obstructed a workable acid rain agreement with Canada. The U.S., alone of all the world's nations, voted to allow countries to export substances that are banned within their borders as poisons. And the President has tried for three years to slash our contributions to the UN environmental program by two-thirds.

It is almost incredible that the President can describe this sorry record as one "we can be proud of". It is not.

Actions speak louder than words. And the actions of this Administration have been a disaster for the American environment, a disaster which no amount of rhetoric can obscure.

STATEMENT OF GAYLORD NELSON, CHAIRMAN OF THE WILDERNESS SOCIETY

The President's defense of Secretary Watt in his Saturday radio address is remarkable on two counts.

First, the President stands alone in his defense of Secretary Watt's environmental record in the sense that not a single recognized spokesman for environmental causes from any walk of life shares the President's view of Watt's record. If, indeed, there were a record to defend, surely some Republican environmental leader, in or out of Congress, some letter from the conservation movement, some respected conservationist from academic or elsewhere, would step forward to defend Watt's record. On the contrary, representatives from all of these groups have condemned his record.

Second, the President's defense was remarkable for the paucity of evidence he could cite in praise of Watt's record. That evidence consisted of two examples. In his first example of Watt's achievements, the President praised Watt for increasing the capital budget for park roads and visitor facilities. While that is a modest achievement at best, it is inconsequential when matched against Watt's all-out campaign to destroy that Land and Water Conservation Fund, prevent additions to the National Park System and stop funding the acquisition of some 65 parks, sea shores and wild rivers which have been authorized by several Congresses and signed into law by four previous presidents.

In the President's second example, his facts and his conclusion were simply wrong. In an effort to justify Watt's decision to drop 800,000 acres of wilderness study areas from any further consideration for wilderness designation, the President attempted to equate that action with the elimination of lands from consideration for wilderness which were not recommended for wilderness study because they did not qualify under the law. The President charged that when Watt dropped these 800,000 acres, the environmentalists raised a "firestorm," but they were not alarmed when 150 million acres were dropped from wilderness consideration by the Carter administration. The answer is simple. These dropped lands did not qualify for wilderness study. These lands were evaluated by career professionals who concluded they did not meet congressional criteria for wilderness consideration.

However, the 800,000 acres eliminated by Secretary Watt were of a vastly different nature. They were outstanding natural and pristine areas, many adjacent to national parks or existing wilderness areas. More important, each and every parcel summarily removed by the Secretary last December had been properly identified by resources professionals in the field as having significant wilderness values and deserving of further study. In fact, in many cases the agency had already recommended them for wilderness designation. Yet before these studies had been completed—or in some cases even begun—Secretary Watt cavalierly dropped them from the wilderness study program and released them to development. By doing so, he usurped Congress' right to ultimately decide which lands should be included in the nation's wilderness system and prevented the public from participating in this important decision. This is the first time since the Wilderness Act was passed 19 years ago that any Secretary of Interior eliminated from consideration lands recommended for wilderness study.

The President praised our 74-million-acres National Park System, our 7,000 miles of wild and scenic rivers, and our wildlife refuges, implying that his administration deserved considerable credit for it all. The facts show otherwise. Of the 334 units in our magnificent National Park System, how many were added during the Reagan administration? Twenty? Fifteen? Ten? The answer is one—the Mary McLeod Bethune house—compared to 40 units added during the Carter administration and nearly 50 added during the Nixon and Ford years.

And let's look at the wilderness issue, since the President chose to highlight this aspect of his administration's record. While Secretary Watt has repeatedly asserted that he is a champion of wilderness protection, his deeds do not square with his words. Soon after taking office, Watt issued a memorandum directing the Interior Department Solicitor to find ways to "open wilderness areas" to development. A year ago Watt proposed legislation which would have terminated protections for the Wilderness System in 17 years. He could get no support in Congress for his bill. He then asserted that under his interpretation of the law, he was required to issue leases in wilderness areas. All previous Republican and Democratic Interior Secretaries had reached the opposite conclusion. Then, finally, when Congress overwhelmingly adopted legislation prohibiting Watt from issuing leases, he stated, "I gave my best shot at it; Congress' wisdom will prevail." Hardly the words of one attempting to protect the wilderness.

It is in the context of this history with regard to wilderness that Secretary Watt's latest BLM decision must be analyzed. Slapped down by Congress from attempting to develop the nation's wilderness areas, the Secretary is now doing his utmost to assure that as little potential wilderness as possible remains. The war is the same; only the front on which it will be waged has changed.

The President claimed to be a friend of the wilderness, saying his administration had proposed 57 wilderness areas encompassing 2.7 million acres. The best way to test achievement is to look at results. Under the Carter administration, 64.9 million acres of wilderness were designated and signed into law—8.9 million acres in the lower 48 states and 56 million in Alaska. Under the Reagan administration, 83,000 acres of wilderness have been designated and signed into law.

STATEMENT OF RAFE POMERANCE, PRESIDENT, FRIENDS OF THE EARTH

Ronald Reagan told us a fairy tale on Saturday. He did not describe his environmental record.

Instead of changing his anti-conservation record, the President is trying to change American's perception of it.

There is a widening gulf between the President's words and his deeds. The President cannot back-up his environmental claims. He did not point to one major accomplishment in his Administration. Mr. Reagan now risks eroding the trust and confidence which the American people have in him—perhaps the President's greatest personal asset.

While he unleashes a barrage of rhetoric, serious environmental problems continue unabated: toxic dumps that threaten mil-

lions will go uncleaned because of the mismanagement of Superfund, the give-away of public resources will continue to threaten our public lands, and so on.

On Saturday the President told us he was environmentalist. Yesterday he and his Administration lobbied successfully to defeat the addition of money needed to begin to restore the Environmental Protection Agency to health. Now EPA must confront the pollution challenges of 1983 with a budget that is equivalent in constant dollars to what the Agency had in 1974.

The President claims that he believes in wise stewardship of our resources. Yet has tried to destroy Agencies entrusted with these responsibilities: the Council on Environmental Quality, the Office of Coastal Zone Management, the Office of Surface Mining, the solar and conservation programs and the Land and Water Conservation Fund.

Yesterday in the Senate, the Reagan Administration vigorously and successfully defended Watt's coal leasing policies.

The President claims that his Administration is a friend of the National Parks. Yet he opposes additions to the National Parks System; he opposes the purchase of lands needed to complete the Parks; he cut the budget for trail maintenance and interpretation; and he's ignored the massive threats on the borders of crown jewels like Yellowstone and Canyonlands.

The President says that he supports wilderness. Yet he's tried to industrialize existing wilderness areas. He's endorsed proposals to end protection for wilderness study areas and to end the wilderness system in the year 2000. He's fought the addition of new wilderness areas.

Finally, while claiming to be an environmentalist, the President has ignored the worsening acid rain problem. We may be the only industrialized country in the world that has stepped backwards in its efforts to deal with acid rain over the last few years. While Ronald Reagan delivers speeches, the lakes, ponds, and rivers throughout vast portions of the country are slowly dying.

Yet, in one way the President's Saturday speech was accurate. Before the American people, the President embraced James Watt as his soulmate.

STATEMENT OF PATRICK A. PARENTEAU, VICE PRESIDENT FOR RESOURCES CONSERVATION, NATIONAL WILDLIFE FEDERATION

Several weeks ago, when word of an impending Presidential Message on the Environment first leaked out of the White House, the National Wildlife Federation developed a list of twelve priority issues and urged the President to address them in detail. Copies of this document are available here today. As you will see, the topics cover a wide spectrum of complex and pervasive environmental problems, as well as recommended changes in the Administration's current approach to them

It came as something of a disappointment, then, when the President chose his weekly 5-minute radio broadcast as the forum to defend the policies of Interior Secretary James Watt, and to downplay the very serious errors that have been made by this Administration in its approach to environmental protection and natural resource management. You have heard Senator Mitchell and the other speakers talk about some of these misguided policies—the wasting of EPA, the assault on the Wilderness System, the shirking of responsibility to abate the acid rain hazard. I intend to focus on a set of Administration policies—policies which in some cases have directly involved White House staff—that deal with the management of our public lands and the resources they contain, including some of the most unique fish and wildlife habitat found anywhere in the country.

Stated simply, this Administration is pursuing a course of action designed to reduce the size of the Federal resource estate, and in the process divest the public, both present and future, of a wide array of uses and benefits derived from public ownership of and access to these resources. Proof of this is found in three major programs initiated or expanded by this Administration: (1) the land sales program operating under the euphemism of the "Asset Management Program"; (2) the accelerated mineral leasing program under the principal direction of Secretary Watt; and, (3) the water rights transfer program being carried out by the Bureau of Land Management. Following is a brief description of each program.

ASSET MANAGEMENT PROGRAM

Created by President Reagan's Executive Order 12348, this effort is overseen by the Property Review Board housed in the White House. It sets land sale quotas based on maximizing the dollar return to the Federal Treasury regardless of resource values or public benefits from retention of the lands in question. Federal land management agencies are expected to meet these quotas. For example, the quota for fiscal year 1984 is $1 billion (the original proposal called for $13 billion over 5 years). The Forest Service, which needs Congressional authority to sell large tracts, has proposed the sale of over 6 million acres of national forests, most of it in the eastern United States, where public recreation lands are at a premium. The BLM proposes to sell an additional 4.2 million acres, some of which contains scarce wildlife habitat. For example, in Montana, BLM has proposed a 16,000 acre sale in the Dillon resource area, half of which, according to the State Department of Fish, Wildlife and Parks, has "high public values as wildlife habitat or recreation use in their present location."

The Administration's land sale program has generated a firestorm of opposition from state and local officials throughout the country. Nowhere has the opposition been stronger than in the West, where the Administration had been counting heavily on support from the so-called Sagebrush rebels. It seems the President had badly misread the mandate he thought he received from his Western constituents. Indeed, the Asset Management Program seems to have done for President Reagan what the "Water Projects Hit List" did for President Carter.

MINERAL LEASING PROGRAM

The Administration's mineral leasing program represents a more subtle but no less harmful effort to shift public resources into the hands of private speculators. Though mineral leasing covers a variety of fuel and nonfuel minerals, including oil and gas (both onshore and offshore), oil shale, phosphate, and molybdenum, perhaps the most notorious example of this Administration's approach to leasing is Secretary Watt's giveway policy on Federal coal reserves. Over the next 18 months, in a soft market, the Department of Interior has proposed to lease 20 billion tons of coal, much of it overlain by wildlife habitat, agricultural land, historic and archaeological sites and public recreation areas. To meet this industry-oriented goal, the Department must leapfrog over the land use planning and environmental analysis requirements of Federal law. Yet, there is no need for this pell-mell rush to sell all this coal at bargain basement prices. There are already over 16 billion tons of Federal coal under lease. The Office of Technology Assessment estimates that 95% of this is recoverable consistent with environmental safeguards. This means that, at existing rates of use, industry already has enough coal under lease to last us for over 100 years. The obvious question: why not wait for environmental planning to catch up with coal leasing so that sensitive areas (i.e., those that cannot be reclaimed) can be excluded or given special protection from the not-so-gentle impacts of stripmining?

The old maxim "You don't have to own it to control it," applies with special force to the effects of the Administration's expanded and accelerated leasing programs. Unless it is redirected—and soon—the real Watt legacy will be firmly in place, and present and future generations will have lost critical options for using and conserving public land resources.

WATER RIGHTS TRANSFERS

One of the least discussed aspects of the Administration's approach to public resource management is its Federal water rights policies. In the West, where water is king, over 61% of the rivers, streams and springs rise on Federal land. The semi-arid conditions make water a life or death factor for many species of fish and wildlife as well as for human populations. Historically, western state water laws did not consider wildlife to be a "beneficial use" and failed to provide any protection for instream flows. Though that is changing, it is still true that in many western watersheds, the only real protection for fish and wildlife habitat lies in the exercise of various Federal claims for water. Yet this Administration is moving in exactly the opposite direction. The Department of Interior has all but halted the effort to quantify and assert Federal Reserved Water Rights, and it has sought to exclude fish and wildlife from the protection of these rights wherever possible. It has also disavowed any authority to assert so-called "non-reserved water rights" (despite an Attorney General's Opinion that sanctions the exercise of some Federal water use prerogatives over state objections). And it has adopted a policy of transferring stockwatering rights to holders of grazing permits on BLM land. This last change in policy may pose the most serious long-term threat to public lands management since he who owns the water controls the land.

These policies are not only unfortunate from an environmental standpoint, they are unnecessary and shortsighted from an economic standpoint as well. Evidence is mounting that, just as in the energy conservation field, there are strong economic arguments to be made for making better use of existing water supplies through pricing and technology improvement and dedicating minimum streamflows for recreational, fish and wildlife, and water quality benefits. In its rush to turn over as much control over public water resources to private interests as possible, the Administration is missing a golden opportunity to provide leadership in an area of public policy that is approaching crisis proportions.

In conclusion, the Federation calls upon the President to reconsider his blanket endorsement of the misguided policies of James Watt, to take seriously the construc-

tive criticisms and suggestions that have been made for redirecting the Administration's environmental policies, and to deliver a comprehensive Environmental Message to the American people laying out a positive program to address the public health and resource conservation issues that we have been discussing today.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., April 14, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your recently announced intention to deliver a comprehensive Environmental Message within the next few months is welcome news. In light of recent events at the Environmental Protection Agency and other controversies surrounding the actions of certain Administration officials, the public is anxious to hear your personal views on the role of government in maintaining public health, conserving natural resources, and safeguarding our natural heritage. We hope you will take the opportunity to spell out the policies and principles that guide your Administration's environmental and conservation programs.

Attached to this letter are twelve priority issues that we urge you to address in your message. These are certainly not the only environmental issues facing us, but they are a representative sample of the concerns of our over 4 million members and supporters. To date, we have heard only from your appointed officials on these topics. Our members are very anxious to learn firsthand of your position on these key issues.

We look forward to your Environmental Message and would welcome any opportunity to discuss the issues raised in the attached document with you or with members of your staff in greater details.

Sincerely,

JAY D. HAIR,
Executive Vice President.

Attachment.

TWELVE TOPICS FOR THE PRESIDENT'S 1983 ENVIRONMENTAL MESSAGE, APRIL 1983

SALE OF PUBLIC LANDS

The vast increase in public land sales proposed under this Administration's Asset Management Program is not scientifically based and threatens valuable wildlife habitat. Certainly, some federally-owned property retains little public value and should be sold. The Federal Land Policy and Management Act of 1976 (FLPMA) explicity sanctions such disposal, but only after the proper development and implementation of Resources Management Plans as provided in the Act.

Unfortunately, vast land disposals are being proposed by your Administration based on political, not resource, considerations. Insead of a "bottoms up" approach to disposal, the Real Property Review Board and OMB have decreed from the top that $1 billion must be raised from land sales in FY 1984, whether or not this means selling off some of our most productive wildlife habitat. The U.S. Forest Service presently plans to seek Congressional authorization to sell over 6 million acres of national forest based on criteria that have nothing to do with the intrinsic value of the resources.[1] The Bureau of Land Management presently plans to sell an additional 4.2 million acres, much of it outside of the Congressionally-mandated FLPMA planning process. The General Services Administration is also trying to dispose of over 60,000 acres of property without assessing the natural resource value of these holdings.

No. 1. We request that your environmental message explicitly abandon the present policy of basing public land sales on predetermined monetary targets and reinstitute a disposal program based on the contribution of public lands to multiple-use values and sound management principles.

COAL LEASING

The Department of the Interior plans to lease 20 billion tons of coal in the next eighteen months. This plan was established without due regard for the actual demand for coal or the potential adverse environmental effects. The plan threatens valuable public resources, including (1) critical wildlife habitat, (2) rangeland that is very difficult and costly to reclaim, (3) rich archaeological areas, and (4) unique fossil beds. The environmental analysis and land-use planning needed to identify such resources and develop effective measures for their protection has not been conducted. The Department has simply skipped over the planning and analysis stage to meet self-imposed lease sale deadlines. Yet, there is no need to push billions of tons of new coal onto the current soft market. More than 80 percent of existing federal coal leases remain out of production and present estimates are that more than half of these existing leases will remain out of production through 1991. Interior's coal leasing plans will simply turn over another million acres of public lands to coal speculators, decades before the coal is needed and for a fraction of its real value.

No. 2. We request that your environmental message declare an immediate suspension of all coal leasing through fiscal year 1984, and direct that future lease sales be conducted only after the Department of Interior has completed the environmental analyses and land-use planning necessary to protect wildlife habitat and other resources in prospective coal lease areas.

RENEWABLE RESOURCE MANAGEMENT

The Department of Interior has the dual responsibility to both conserve and develop our public lands. Historically, the Department has met this dual responsibility by providing almost equal funding and staff for (1) conservation and (2) commercial exploitation of public resources. Under your Administration, however, this delicate balance has been destroyed. Your proposed fiscal year 1984 budget reduces Bureau of Land Management renewable resource programs 47 percent from their Congressionally approved fiscal year 1981 levels,[2] while the commodity production programs have received substantial increases over fiscal year 1981 levels.[3] Similarly, the total U.S. Fish and Wildlife Service budget has been cut 12 percent since fiscal year 1981, although threats to refuges from development have substantially increased.[4] This imbalance makes it impossible for the Department to sustain an adequate renewable resources program in the face of accelerated public land development. With over 55 percent of our existing public rangeland and grasslands already categorized as overgrazed and overused,[5] this persistent underfunding and understaffing of resource management activities will unnecessarily destroy millions of acres of habitat.

No. 3. We request that your environmental message direct the Department of Interior to reprogram the Department's budget to assure that total resources devoted to renewable resource management programs—in full time staff and dollars—be no less than total resources devoted to the commodity production programs.

WETLANDS PROTECTION

The nation's wetlands are an enormously valuabe natural and economic resource. Wetlands improve water quality, reduce flooding, limit shoreline erosion, and provide food and shelter for many species of fish, shellfish and wildlife. The Nation's multibillion-dollar recreational and commercial fishing industry depends on the fish and shellfish produced in wetlands. Nevertheless, our wetlands are disappearing at an alarming rate. We have already lost over 50 percent of our wetlands and continue to lose them at a rate of 450,000 acres per year.[6] In the upper Midwest alone, 50 percent of the prairie potholes were lost by 1950, with losses continuing at 48,000 acres per year.[7]

Much of this destruction is federally subsidized, primarily through agricultural support programs. Although wetlands are protected by law, your Administration has failed to enforce these protections. Secretary Watt has attempted to impose a moratorium on the use of the Land and Water Conservation Fund for wetland acquisition. He has also steadfastly refused to use funds available under the Wetlands Loan Act to purchase wetlands essential to the nation's migratory waterfowl. Meanwhile, officials of the Department of the Army, under the guise of "regulatory reform," are attempting to exempt a majority of the nation's remaining wetlands from site-by-site permit requirements under the Clean Water Act, the only effective federal regulatory program to protect wetlands. While not endorsing legislative action to restrict the program, your Cabinet Council on Energy and Natural Resources has given the Department of the Army the "green light" to seek such action on its own. Secretary Watt's proposed wetland conservation legislation (called Protect Our Wetland and Duck Resources or "POWDR") exempts over 90 percent of the causes of wetland losses and provides only token financial assistance for acquisition.

No. 4. We request that your environmental message (1) support a comprehensive legislative program to protect our remaining wetlands, (2) direct your officials to request funds from Congress to purchase critically threatened wetlands, and (3) direct the Department of the Army to withdraw its regulations, issued in July 1982, emasculating the wetland permit program.

MANAGEMENT OF NATIONAL FORESTS

Federal law requires that National Forests be managed for multiple uses including outdoor recreation, rangeland, timber, watershed, wildlife and fisheries. Unfortunately, the U.S. Forest Service has adopted a "top-down" management system that keys forest management to predetermined targets for sale of timber. These targets now call for about 11 billion board feet to be sold in fiscal year 1983, rising to over 13 billion board feet in fiscal year 1985. These targets will require that areas critically important to fish and wildlife be cut to meet inflated timber sale goals set in Washington. These high timber sale targets are totally unnecessary since about 35 billion board feet remains sold, but uncut.

One class of areas now facing pressure for cutting is old growth forests, which are of unique importance to many wildlife species as well as to commercial and other fisheries.

Footnotes at end of article.

Cutting will drastically reduce the ability of the land to sustain wildlife, and it is uncertain whether commercial timber can ever be regrown in some of these areas. These high timber sale targets will also require forest supervisors to shift resources away from forest management to timber sale preparation, further ignoring the multiple-use mandate of the U.S. Forest Service. Your fiscal year 1984 proposed budget reflects this fact, showing increased funds for timber sale preparation activities, while funds for fish, wildlife, and threatened and endangered species habitat improvement all decline.

No. 5. We request that your environmental message abandon existing plans for increasing timber sales and reduce annual cuts to less than 10 billion board feet to accommodate responsible environmental and fiscal management of our National Forests.

STRIP MINING

The federal Surface Mining Control and Reclamation Act of 1977 requires the Department of the Interior to protect the nation from the environmental impacts of the strip mining of coal. The heart of this program is a series of so-called "permanent program regulations" that set minimum environmental standards. These standards are established by the Department of Interior and implemented by state surface mining regulators through federally approved state mining programs. Until recently, these standards consisted of specific environmental design criteria requiring states to, among other things, (1) protect state-listed threatened or endangered species, (2) fence toxic waste ponds, (3) prohibit the use of most persistent pesticides, (4) protect nationally significant cultural properties, (5) assure safe construction of coal waste piles, (6) control road construction and design, and (7) restore strip-mined land to its approximate original contour. Unfortunately the Department of Interior is now seeking to replace these and other important design criteria with more vague "performance standards" that are difficult to review for effectiveness before they are implemented and difficult to police after they are implemented. In addition, both state implementation and federal supervision are being made more difficult through budget cuts. Indeed, the Department of Interior's own records indicate that the majority of major coal states are not now in full compliance with the federal Surface Mining Act.

No. 6. We request that your environmental message explicitly support the need for strong federal environmental design criteria aimed at minimizing the environmental impacts of coal production.

ACID RAIN

Over 50 million tons of sulfur dioxide and nitrogen oxide are emitted into the air we breathe in the United States each year—primarily from coal-fired power plants and automobiles—and return to earth as acid rain. Highly respected scientific panels that have studied the effect of these emissions on our environment (including the National Commission on Air Quality, the Committee on the Atmosphere and Biosphere of the National Academy of Sciences, and the United States-Canada Acid Rain Work Group) have concluded that acid deposition is responsible for the acidification of sensitive surface waters in the United States and Canada, and that reductions from present levels would reduce further damage. Evidence is also mounting that sulfur deposition is injuring crops, forests and public health. Yet the United States is unique among industrialized nations in not only ignoring the acid rain/acid deposition problem, but making it worse. Your Administration (1) wants more studies before doing anything to solve the problem, (2) has opposed control legislation, and (3) has granted relaxations in state air quality plans that will increase sulfur dioxide levels 1.5 million tons over formerly projected levels. Last year, your Administration also supported changes in the Clean Air Act that would have allowed a doubling of nitrogen oxide emissions from new cars.

No. 7. We request that your environmental message (1) support legislation introduced by Senator Stafford requiring a 10-million-ton reduction in annual sulfur dioxide emissions in the eastern 31 states by 1993, (2) declare a moratorium on State Implementation Plan (SIP) relaxations or other administrative actions or legislative initiatives that would increase sulfur dioxide and nitrogen oxide emissions over previously projected levels, and (3) support field testing of innovative pollution control technologies to control acid rain.

PUBLIC WATER RIGHTS

In our western states, he who owns the water owns the land. Until recently, the Bureau of Land Management (BLM) exercised its right to appropriate water for use on public land in the same manner and to the same extent that private landowners appropriate water for use on their own lands. BLM uses water for floodwater and sediment detention, waterfowl habitat, recreation, wildlife and livestock drinking, and other multiple-use purposes. Protection of these rights is crucial to effective multiple-use management of 341 million acres of BLM land, an area twice the size of Texas, most of which is located in the arid West.

Unfortunately, under a policy adopted by BLM under your Administration, permittees or lessees of public lands are being encouraged to file either as exclusive holders or co-holders (along with BLM) of water rights for improvements on BLM lands used for stockwatering.[8] By encouraging private ownership of water rights on public land, this policy transfers effective control of public rangelands subject to such water rights to private interests. In addition, the Department of Interior has declared that the federal government has no authority to protect instream flows—flows critical to the health of fish and wildlife on public lands—on non-reserved federal lands.[9] Finally, the Department has recently announced that the federal water rights it has not given away can only be used for human and livestock consumption, not for fish and wildlife.[10] The living resources of our federal lands are being literally squeezed dry to accommodate private energy, grazing, and agricultural interests.

No. 8. We request that your environmental message repudiate this give-away of federal water, and that an aggressive program of quantification and assertion of federal water rights for multiple purposes (including fish and wildlife protection) be announced.

GROUNDWATER CONTAMINATION

Groundwater is an essential but vulnerable national resource. More than 90 percent of citizens living in rural areas, and 50 percent of all Americans, depend on groundwater for domestic use. Groundwater is very easily contaminated and, once contaminated, is very often economically or technologically impossible to clean up. Yet a recently released report of the Office of Technology Assessment found that 29 percent of the groundwater drinking water supplies of 954 U.S. cities with populations over 10,000 is contaminated.[11] EPA announced last year that organic chemicals, many of which are believed to cause cancer and other diseases in humans, have been detected in 45 percent of the public water systems that draw on groundwater and serve populations over 10,000. These chemicals have been detected in extremely high concentrations which exceed by several orders of magnitude those found in surface drinking water sources.

Despite the seriousness of the situation, the present Administration has failed to adequately implement existing laws to prevent contamination of groundwater or to develop a comprehensive policy on groundwater contamination. It has (1) failed to vigorously implement the Superfund program completing clean-up at only four of 419 EPA-identified "high priority" abandoned hazardous waste sites and conducting precleanup remedial investigation/feasibility studies at 32 more sites over the last two years, (2) failed to set uniform national standards for site clean-up, (3) allowed existing landfills to continue operating without taking remedial steps to comply with new standards designed to control groundwater pollution, (4) exempted small surface impoundments, "small" generators that produce 1,000 kilograms of waste per month, and hazardous waste burned in boilers from regulation, (5) failed, as required by law, to establish Underground Injection Control ("UIC") programs in states which do not have them, thus allowing continued direct injection of hazardous waste into aquifers, and (6) failed to test for, or regulate, organic constituents in drinking water,[12] although organics pose a much more serious threat to public health than inorganic constituents. Moreover, EPA has proposed to grant lifetime permits to many existing hazardous waste facilities, most of which are land disposal facilities, and has failed to take any enforcement action against 70 of the 109 facilities that it has found do not comply with existing regulations.[13]

No. 9. We request that your environmental message announce the adoption of a comprehensive policy on groundwater contamination that includes (1) a policy of nondegradation of existing aquifers (2) a commitment to complete, within three years, the requisite remedial investigation/feasibility studies for all 419 high-priority hazardous waste sites, plus all federal facilities that meet EPA's high priority criteria, (3) a substantial tightening of existing hazardous waste site regulations, including the elimination of land disposal where treatment is technically feasible, (4) drinking water standards for organic as well as inorganic constituents, and (5) an immediate ban on the direct injection of hazardous wastes into all aquifers that are hydrologically connected to drinking water supplies.

FEDERAL WATER RESOURCES POLICY

America is blessed with bountiful water supplies—about 675 billion gallons of usable fresh water from lakes, rivers, and streams per year. In contrast, we use only about 110 billion gallons per year, of which 82 percent is for agricultural irrigation. Domestic and commerical consumption represents only about 8 percent of our water budget. Nevertheless, water shortages exist, primarily because water is not always available when and where it is needed. Public authorities have addressed this problem by building

large physical structures to reduce the risks of droughts and floods, and to bring water and power to distant markets. However, much of our federal water investment has been demonstrated to be (1) economically inefficient, (2) inequitable in its distribution of water costs and benefits, and (3) unnecessarily destructive of the environment. Coordinated action is vitally needed to make sure our federal water investments are efficient, equitable, and compatible with environmental goals. Because most river basins overlap state boundaries federal technical, planning, and management assistance is essential.

Your Administration, to its great credit, has tackled the thorny issue of cost and benefit distribution by supporting the application of "user fees" to federally-supported projects, and by developing a draft policy that would require non-federal interests to pay a significant share of project costs. These measures should reduce political pressure in support of marginal projects that are simply a waste of taxpayers' money. However, your Administration has dismantled efforts to coordinate federal/state water planning by (1) abolishing all federally-funded River Basin Commissions, (2) eliminating the Office of Water Research and Technology in the Department of Interior, (3) stripping the U.S. Water Resources Council of its power to evaluate water projects, (4) rescinding the rules federal agencies use to plan and evaluate water projects, and (5) dropping the promotion of environmental quality as a co-equal objective of water resources planning. These actions assure that federally assisted or federally constructed water projects will continue to be ill-conceived, poorly planned, inefficient, and politically motivated.

No. 10. We request that your environmental message announce a coordinated water policy that includes (1) a commitment to environmental quality and water conservation as key elements of water policy at all levels of government, (2) reinstatement of rules to guide federal agencies in their evaluation of water projects, (3) non-federal cost-sharing of future resource development projects, and (4) user fees, pricing, and repayment schedules that will repay the costs of federal investments in water resource projects.

SOIL EROSION

Thomas Jefferson once observed that "civilization itself rests upon the soil." Since the Jeffersonian era the United States has moved from an agricultural to an industrial society, but our economic dependence on the soil remains. Our exportable surplus of grain grew from 5 million metric tons in the 1930's to 131 million metric tons in 1980, while the rest of the world (with the exception of Australia and New Zealand) became net grain importers. Yet increased soil erosion threatens the continued productivity of our cropland. Despite federal assistance, soil erosion is estimated to be 25 percent worse today than in the "dust bowl" days of the 1930's. With farm income currently at the lowest level since the depression, farmers cannot afford to implement expensive soil conservation measures themselves. To the contrary, even greater concentrations of agricultural chemicals are now applied to our cropland to produce bigger harvests in an attempt to squeeze short-term profits from a fast disappearing resource.

A principle reason for the failure of our federal soil conservation programs is the fact that most federal assistance, administered by the Soil Conservation Science (SCS), is devoted to "structural" solutions such as flood control dams, irrigation systems, and drainage projects.

These "solutions" often inflict extensive damage to wetlands and riparian habitat, natural systems that themselves help to reduce flood damage and soil erosion if protected. Other "non-structural" solutions such as shelter-belts, no-till farming, and the elimination of agricultural subsidies are ignored.

No. 11. We request that your environmental message (1) direct the Small Watershed Program of the SCS to emphasize soil erosion control and de-emphasize environmentally damaging flood control and drainage activities, and (2) direct the payment-in-kind (PIK) program to target wetlands, highly-erosive lands, and riparian flood plains as high-priority lands to be taken out of production under the program.

U.S. LEADERSHIP ON GLOBAL ENVIRONMENTAL PROBLEMS

Until 1981, the United States set the standard for the world on issues relating to the conservation and wise use of natural resources. The force of our example has inspired many other countries, developed and developing alike, to tackle their own problems of pollution and natural resources degradation. Throughout the 1970's, the United States championed efforts to convince other nations to join with us in negotiating international agreements addressing global environmental issues and, through our demonstrated interest, vastly increased global awareness of the connection between environmental and economic progress.

Unfortunately, your Administration has effectively removed the United States from any leadership role on international environmental issues. One of your very first actions in office was to rescind a farsighted Executive Order (E.O. 12264) designed to discourage the sale overseas of toxic and other hazardous substances banned from use in the United States. Instead of working with other industrial nations to address problems posed by toxic chemicals, the United States is now actively opposing (1) an initiative proposed by the Organization for Economic Cooperation and Development (OECD) to harmonize procedures among industrialized countries concerning the testing and control of toxic chemicals, (2) negotiations which seek protection of the earth's vital ozone layer, and (3) a moratorium on ocean dumping of low-level radioactive wastes, a stand inconsistent even with U.S. law.[14] The United States was also the only country in the world to vote against UN resolutions calling for (1) controls on hazardous exports, and (2) adoption of a World Charter for Nature.

Collection of data on global environmental and natural resources trends has also stagnated under your Administration and the U.S. has even pressured OECD to drop its work in this area. Important scientific research and conservation programs are being threatened with elimination because your proposed fiscal year 1984 budget zeroes out funds for (1) the Man and the Biosphere program, (2) Antarctica research, and (3) implementation of the Western Hemisphere and World Heritage Conventions. Your Administration is also trying to cut the United States' contribution to the United Nations Environmental Programme (UNEP), the environmental conscience of the UN, to $3 million, a 70-percent reduction from the 1980 level. Finally, your Administration has taken no action to carry out the recommendations of its own Strategy Conference on Biological Diversity held in 1981, or the Global 2000 Report to the President issued in 1980.

No. 12. We request that your environmental message reverse these actions and commit this Administration to restoring the United States to a position of responsible leadership on international environmental issues.

FOOTNOTES

[1] For example, one criteria for sale is whether more than 50 percent of the land within a forest is federally owned. Several national forests in the eastern part of the U.S. are not more than 50 percent federally owned because they were authorized by Congress for acquisition, not withdrawn from public land holdings, and this Administration has attempted to freeze new acquisitions. This is like selling a house solely because construction is only 40 percent complete.

[2] These programs are (1) wildlife habitat management, (2) rangeland improvement, (3) soil, water and air management, and (4) recreation management. Operational funds for these programs fell from $158.9 million in FY 1981 to a proposed $85.2 million in FY 1984.

[3] These programs are (1) energy minerals programs and (2) non-energy mineral development. The exact amount of these increases cannot be determined from available information since some activities within this classification have been transferred to the Minerals Management Service.

[4] Total U.S. Fish and Wildlife Service appropriated funds in FY 1981 were $300.1 million. The Administration's FY 1984 request was $265.4 million, including no funds for refuge acquisition.

[5] "Overgrazed" is defined as rangeland in which the quality of vegetation and soil is 20 percent or less of site potential.

[6] Status and Trends of Wetlands and Deepwater Habitats in the Coterminous United States, 1950's and 1970's, U.S. Department of Interior, Fish and Wildlife Service, Office of Biological Services (1982).

[7] Statement of Robert A. Jantzen Before the House Committee on Merchant Marine and Fisheries, Subcommittee on Fish and Wildlife Conservation and the Environment, November 20, 1981.

[8] Memorandum from Director, Bureau of Land Management, to Secretary, December 3, 1981. Subject: BLM Water Rights—Stockwatering.

[9] Solicitor Opinion of September 11, 1981. Non-reserved lands are BLM lands that have not been designated for a particular use, such as wilderness or national recreation areas.

[10] Solicitor Opinion of February 16, 1983.

[11] Technologies and Management Strategies for Hazardous Wastes, Office of Technology Assessment (March, 1983), p. 5.

[12] The one exception is the existing regulation of trihalomethanes.

[13] "EPA to OMB: Massive Noncompliance Found with Groundwater Monitoring," Inside EPA, April 1, 1983, at 1.

[14] A 1982 Amendment to the Ocean Dumping Act established such a moratorium.●

SAFE HAVEN FOR CENTRAL AMERICAN REFUGEES

● Mr. KENNEDY. Mr. President, for more than 2 years, I have been pressing the administration to alter its policies toward Salvadoran and other Central American refugees who are fleeing the escalating violence in the region—especially toward those who have reached the United States.

Despite strong representations from many quarters, especially the voluntary agencies, but also the U.N. High Commissioner for Refugees, the administration has closed our doors to those Salvadorans who do not want to return to their country during this time of violence and spreading conflict. The administration has turned its back on the past practice of grant-

ing such persons extended voluntary departure and has set about upon a policy of systematically deporting and denying asylum to Salvadorans.

The evidence of this has been painfully clear for many months. Since I wrote to then-Secretary of State Haig on April 6, 1981, the administration has consistently refused to acknowledge the severity of conditions in El Salvador that would justify the granting of extended voluntary departure.

Not surprisingly, this record of indifference toward the plight of Salvadorans came to the attention of the Office of the U.N. High Commissioner for Refugees. Representatives from the Washington liaison office made an extensive tour in October 1981 throughout the Southwest, reviewing the treatment of Salvadorans by the Immigration Service.

Their report, which I inserted into the RECORD last February 11, was an extraordinarily discouraging one for those of us who have noted with pride America's uninterrupted tradition of welcoming and assisting those fleeing violence or persecution. At the time, the UNHCR staff recommended that:

UNHCR should continue to express its concern to the U.S. Government that its apparent failure to grant asylum to any significant number of Salvadorans, coupled with continuing large-scale forcible and voluntary return to El Salvador, would appear to represent a negation of its responsibilities assumed upon its adherence to the Protocol.

Mr. President, things have not improved since that shocking conclusion was reached by representatives of the UNHCR over a year ago. Only a handful of asylum cases have received favorable action, and extended voluntary departure continues to be denied. We are deporting hundreds of Salvadorans back to an uncertain fate every month.

This continued policy of rejecting the appeals for help from Central American refugees has understandably alarmed many Americans, especially those serving in America's voluntary agencies.

Last week, the American Council of Voluntary Agencies for Foreign Service unanimously issued a statement calling for a safe haven policy toward Central American refugees—particularly those from El Salvador and Guatemala. It is an eloquent and accurate statement, Mr. President, and I ask that it, along with a recent editorial from the New York Times, be printed in the RECORD.

The material follows:

STATEMENT ON SAFE HAVEN FOR CENTRAL AMERICAN REFUGEES

We feel compelled to express our concern over current national policy towards certain Central Americans arriving in the United States.

We are particularly concerned over the expulsions of Salvadorans and Guatemalans from this country and the possible consequences which they may face upon return to their homelands. We believe that the concept for "safe haven" from persecution and warfare established in the traditional principles of this nation must be reaffirmed and immediately extended to Central Americans arriving in the United States as a country of first asylum.

Large numbers of Salvadoran and, recently, Guatemalan nationals have arrived in the United States over the last three years. Some estimates indicate that over 250,000 Salvadorans alone have entered the United States since early 1980. Many, if not most, of these nationals and others from Central America are arriving as refugees fleeing conditions of generalized civil warfare and widely acknowledged, pervasive human rights abuse in their homelands.

Since early 1980, international observers have frequently characterized the internal situation in El Salvador as one of widespread civil warfare. The acknowledged level of human rights violations has been extremely high, with most sources indicating at least 30,000 civilian deaths since the beginning of 1980. More recently, well-documented reports indicate killings throughout rural Guatemala, primarily of indigenous peasants.

Salvadorans and Guatemalans entering or seeking entry into the United States have, according to American government pronouncements and practice, been treated as "ordinary" undocumented aliens on the explicit presumptions that their motives for entry are economic. Large numbers of Salvadorans and Guatemalans continue to be apprehended and deported or encouraged to return voluntarily to their homelands each month by U.S. authorities, despite reports that some of those returned have been persecuted or even killed.

Extended voluntary departure, an existing remedy for temporary safe haven applied in other similar situations to protect nationals from being returned to countries in which their lives would be threatened, has not been made available, nor is the existing asylum determination process meeting the need for provision of protection.

Member agencies of the Migration and Refugee Affairs Committee of the American Council of Voluntary Agencies, reflecting both religious and secular perspectives and heritages, strongly reaffirm the right of these Central American refugees to remain in safe haven in the United States.

The agencies recognize the government's concern to avoid blanket consideration of groups seeking safe haven. However, the agencies firmly believe that the United States cannot depart from its long historical tradition of responding to humanitarian emergencies. It must not establish a system which precludes such responses.

In denying individual requests for asylum and in dismissing consideration of extended voluntary departure protection, the government has argued that many Salvadorans fleeing are merely innocent neutrals caught in a crossfire and that most are motivated primarily by economic considerations. As a consequence, Central American refugees are treated as undocumented aliens and simply part of the larger illegal immigration problem.

It is clear, however, that the situations of El Salvador and Guatemala, like so many others in the world, are precisely those which motivate refugee flight. That flight is a natural and predictable response by people to escape crossfire and the danger of pervasive random violence. These are situations from which refugees must be protected.

The office of the United Nations High Commissioner for Refugees has declared that all Salvadorans who have left their country since early 1980 are in a refugee-like situation and should be provided the protection from refoulment afforded refugees recognized under the United Nations Convention and Protocol Relating to the Status of Refugees. UNHCR explicitly based this determination on the internationally-recognized conditions of civil warfare and the impossibility of making individual refugee determinations on a case-by-case basis given the large numbers fleeing and the presumption of collective danger.

The other nations through which refugees travel to reach the United States—Honduras, Guatemala and Mexico—have not signed or ratified the UN Convention and Protocol Relating to the Status of Refugees. Legal protection from refoulment is not assured even in Mexico, let alone Guatemala or Honduras. Nonetheless Mexico alone currently harbors over two hundred thousand Salvadoran and Guatemalan refugees according to UNHCR estimates, despite its economic inability to meet even their most minimal needs. The current minimal levels of international refugee assistance to the region must be substantially increased if even more are not to be forced to seek refuge in the United States.

The argument that Central American refugees should stay in Mexico as their first country of asylum is based on the presumption that the refugee knows in advance where one should or should not go. However, the nature of rapid flight precludes such premeditation. It is overwhelmingly the case that those coming have family relatives here in the United States. We cannot deny the logic of people going to where their relatives are. therefore, while supporting other first asylum countries in their efforts to cope with refugees, the United States must recognize that it has also become a country of first asylum. It must thus be prepared to offer protection to those fleeing persecution and civil war as our neighbors are doing both to the south and the north.

Through the daily work done by our local affiliates directly with Salvadoran and Guatemalan nationals and in the face of countless testimonies of families and lives destroyed by violence, we have been convinced of the validity of their claim to and need for protection. We have also heard with increasing frequency reports of persecution, disappearances and deaths of individuals expelled from the United States and returned to El Salvador and Guatemala. While it may be true that some of those returned face no more danger than those who stayed, as has been argued by our government in justifying deportations, this is precisely the point. The entire populations are subject to terrorization and randome killings.

The understanding our constituencies have reached through their direct responses to the needs of those refugees has led some groups to make increasingly dramatic gestures challenging current U.S. policy towards them, namely offering "Sanctuary" to Central Americans fleeing the violence of their homelands. The voluntary agencies, because of who we are, do not like to see our own constituencies forced to question the legitimacy of government policy.

Current national policy is counterproductive. Continuing this policy will not discourage those compelled to flee their homelands from seeking safe haven in this country.

In conclusion, we ask that extended voluntary departure be granted on a comprehensive basis to Salvadoran and Guatemalan nationals seeking safe haven in the United States. We believe that this will meet the humanitarian and legally compelling need to provide protective safe haven and that for most it will be temporary. They want to go home. This status has been implemented in the past in similar circumstances and persons granted this safe haven here returned home when conditions permitted.

CONCERNED AGENCIES

American Council for Nationalities Service.
American Friends Service Committee.
American Fund for Czechoslovak Refugees.
American Jewish Joint Distribution Committee.
Buddhist Council for Refugee Rescue and Resettlement.
Church World Service of the National Council of Churches of Christ in the U.S.A.
HIAS (Hebrew Immigrant Aid Society).
International Rescue Committee.
Lutheran Immigration and Refugee Service.
Migration and Refugee Services, United States Catholic Conference.
Polish American Immigration and Relief Committee.
The Presiding Bishop's Fund for World Relief/The Espiscopal Church.
Tolstoy Foundation.
World Relief of the National Association of Evangelicals.

[From the New York Times, May 31, 1983]

WHY POLES BUT NOT SALVADORANS?

This is a story about a case of bureaucratic doubletalk, which is harmless, and a double standard, which is not. The doubletalk is "extended voluntary departure," which means giving visitors to this country a port in a sudden storm. The double standard is that the United States gives such refuge to people from most of the world, but not to people from El Salvador. Why not?

There are refugees and there are refugees. Some come here precisely to find a permanent haven from persecution—Jews fleeing Hitler in the 30's, boat people fleeing Vietnam in the 70's. But others come here as visitors and are turned into refugees, while here, by events at home. To force them to return before the turmoil ends might be a death sentence.

The Ugandans, for example, who were here during Idi Amin's bloody last days . . . or the Iranian students in colleges across the country when the Ayatollah came to power . . . or the Poles visiting in this country when martial law was declared in theirs . . . or, now, the Salvadorans.

Some societies provide for temporary safe haven by law. American law makes no such provision but this country has evolved an informal one, under the Attorney General's prosecutory discretion: extended voluntary departure. That means if you are in a class of people found to need temporary haven in an emergency, you can stay. Even if your visa expires tomorrow morning, you have an extra six months, say, to wait out the storm back home, maybe longer.

For instance, if you are a Pole who was caught here when martial law was declared in your homeland in December 1981, your extended voluntary departure deadline is about to be extended yet again, to December 1983. Over the years, the Government has granted this kind of haven to other nationalities, too—Cubans, Czechs, Chileans, Ethiopians, Nicaraguans, Ugandans and Afghans. Why does this Administration refuse to grant such safe haven to Salvadorans?

One explanation concerns danger. State Department officials contend that the violence in El Salvador is not sufficiently intense or widespread to justify extended voluntary departure. It's a puzzling argument, coming just at the time the Administration wants Congress to spend much more to help end the Salvadoran violence.

It would appear to be precisely in our foreign policy interest to affirm that conditions in El Salvador are dangerous, not to deny it. Nor would acknowledging the violence disparage the Government that the United States wishes to assist.

A second, more plausible explanation is numbers. There are only about 5,000 Poles affected by extended voluntary departure but probably 100,000 Salvadorans—or more. Not many Poles are able to sneak into this country to take advantage of the grant of temporary haven. But officials fear that a great many Salvadorans would try sneaking in if they became eligible for it, turing it into a de facto amnesty for illegals.

Perhaps so, but what does that have to do with peril? If El Salvador is dangerous, as the State Department reports in other contexts, then forcing Salvadorans to return home may subject them to danger and death. Why does the Reagan Administration err on the side of peril? Why not, temporarily, err on the side of safety? Why let Poles stay but not Salvadorans?

Fairness, not to mention humanity, calls for a better answer.●

SUPPORT FOR NASA FISCAL YEAR 1984 AUTHORIZATION BILL

● Mr. RIEGLE. Mr. President, yesterday the Senate approved the 1984 NASA authorization measure. The committee bill, which represents a 6.4-percent increase over fiscal year 1983 NASA authorization levels, will allow a number of key programs to continue.

We all take great pride in the success of the U.S. space shuttle program, but we must not overlook the fact that other elements of our space program have been greatly hindered by funding reductions. Last year, Congress reversed a negative trend by increasing Federal support of space science research and exploration, particularly at the university level. Although recent congressional actions are a positive sign, I believe that the funding levels are still inadequate if the United States hopes to maintain its role as a leader in space. Countries such as Japan, Germany, France, and the U.S.S.R. appear more willing to commit national resources to space science research and exploration. This issue is more than simply one of national pride. University research activities serve as the training ground for the future generations of scientists and engineers which are in such great demand by all sectors of our economy.

In many cases, the action of the Commerce Committee merely allows a number of NASA programs to keep pace with inflation. In other programs significant investments have already been made and require continued funding if project benefits are to be realized. NASA's upper atmosphere research satellite program (UARS) is a specific example of a program which would be crippled by the administration's current budget recommendation. The UARS satellite, scheduled for launch in 1988, will provide the first global measurements of stratospheric ozone, temperatures, and winds valuable for improving weather prediction as well as for assessing global environmental conditions. Research teams at the University of Michigan, who have been actively involved in the UARS program since its inception, informed me that the administration's budget recommendation will seriously jeopardize the program's success. Office of Management and Budget budget cutters often fail to consider the fact that even small budget reductions at critical project phases can result in project delays of multiple years or even cancellations. U.S. scientific teams cannot operate effectively or even survive in the on-again- off-again budgetary policies of the administration. The $4 million addition to the UARS fiscal year 1984 budget being recommended by the Commerce Committee, although below full project needs, will allow minimum project needs to be met. The true measure of the Federal commitment to the UARS program awaits fiscal year 1985 budget deliberations which will discuss required funding for spacecraft development.

I hope that the fiscal year 1985 NASA budget recognizes both the social and economic benefits which result from space research and exploration activities. I would like to commend my colleagues on the Commerce Committee for their responsible actions, and I urge all Senate Members to support this legislation.●

THE TRAVESTY OF LEGALIZED MURDER CONTINUES

● Mr. HUMPHREY. Mr. President, yesterday, the highest Court in the land handed down a decision which serves to facilitate the tragic process through which our Constitution is used to protect and defend the right to destroy the unborn. In essence, the Court struck down laws established in several States which sought to provide safeguards to protect the health of the mother, and which sought to insure that informed consent will accompany any abortion decision.

This Senator continues to believe to the depth of his being that abortion is simply the unjustifiable taking of innocent human life, and that the tragic 1973 Roe against Wade decision deprived an entire class of human beings of basic constitutional protections which the rest of us take so casually

for granted. My particular sense of regret over this most recent Court decision rests in the fact that it serves to broaden the Roe decision and curtail even further limited rights that remain in the States to express the will of their citizens through elected representatives with respect to the abortion issue.

In the absence of specific constitutional language on abortion, the 1973 Court found itself in the position of having to balance apparently conflicting rights of the States and of women on the authority to terminate a pregnancy. The die was cast overwhelmingly in favor of privacy and personal liberty, the most tragic consequence of which was the fact that, in the midst of the progress of defining constitutional rights, the most fundamental right of all—that of preborn children to continue living—fell to the wayside where it has lain ever since.

Mr. President, the Senate will have the opportunity later this month to make a firm statement on this issue. Senate Joint Resolution 3, cosponsored by our distinguished colleagues Senators HATCH and EAGLETON, will at long last come to the floor for debate and a vote. If passed by the Congress and ratified by the States, this resolution would amend the Constitution to address specifically the abortion issue. By stating that the Constitution does not secure a right to abortion, the error of Roe and subsequent decisions would be reversed, and our States would once again hold the rightful authority they possessed to legislate with respect to abortion before the Supreme Court usurped that authority in 1973.

In a minority opinion to yesterday's decision, Justices O'Connor, White, and Rehnquist address the issue of the right of State legislatures to act in the matter of abortion:

> In determining whether the state imposes an "undue burden," we must keep in mind that when we are concerned with extremely sensitive issues, such as the one involved here, "the appropriate forum for their resolution in a democracy is the legislature. We should not forget that 'legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts.'" This does not mean that in determining whether a regulation imposes an "undue burden" on the Roe right that we defer to the judgments made by state legislatures. "The point is, rather, that when we face a complex problem with many hard questions and few easy answers we do well to pay careful attention to how other branches of government have addressed the same problem . . ."

Mr. President, my point, and the very essence of the Hatch-Eagleton amendment, is that we must defer to the judgments of State legislatures in deciding how we will regard the rights of preborn children. Judicial interpretations of ambiguous constitutional intent on the abortion question have led us to a state of affairs in which the real losers are the living human beings around whom the entire issue revolves.●

FEDERAL ELECTION COMMISSION REGULATIONS

● Mr. LUGAR. Mr. President, a number of people have contacted me to express concern about changes the Federal Election Commission plans to make to several of its regulations. These proposed changes were originally submitted to the Congress for its approval on March 1 of this year but without previous opportunity for public comment on certain key provisions. Together with the Senator from Nevada (Mr. LAXALT) and the Senator from New Hampshire (Mr. HUMPHREY), I introduced a resolution which would have prevented certain of these regulations from going into effect. The FEC subsequently voted to reconsider the entire package of regulations.

During this period of reconsideration, a great number of people have written the Commission protesting various aspects of these proposals. Much of the opposition has centered on those parts of the proposed regulations affecting voter guides. I concur with these protests, and urge my fellow Senators to join me in opposing their adoption.

Voter guides are pamphlets reporting candidates' stands on selected issues. These guides typically contain the candidates' responses to questions posed by the sponsoring organization and sometimes include specifics from an incumbent's voting record. Organizations of all kinds prepare and distribute these guides, which usually appear around election time. Their publication contributes to the kind of robust and vigorous debate on issues and candidates that is so much a part of our electoral process.

Current FEC regulations bar corporations and labor unions from preparing their own voter guides. The FEC bases its regulation on section 441(b) of the Federal Election Campaign Act. This section, which descends from the original Corrupt Practices Act of 1907, prohibits unions and corporations from spending moneys from their general treasury "in connection with" any Federal election. An exception is made, however, for certain nonpartisan activities such as voter registration and get-out-the-vote drives.

The FEC now proposes to include within this exception the issuance of voter guides. Unions and corporations will thus be free to prepare voter guides. To insure that these guides qualify under the nonpartisan exception, the proposed regulations contain a set of criteria that the FEC will use to determine whether a particular guide meets the test of "nonpartisanship."

The danger in these proposals resides in the possibility that the FEC intends to apply these guideline regulations to nonprofit corporations, as well as to businesses and unions. Many groups organized to promote debate on public policy issues have incorporated as nonprofits and publish voter guides and similar materials as a fundamental part of their activities. An FEC attempt to impose voter guide regulations on these groups could seriously interfere with their activities and would raise very substantial first amendment concerns.

Mr. President, it is not credible to assert that section 441(b), a statute first enacted 75 years ago to prevent large, for-profit corporations from corrupting elections, should be used to hamper the activities of small, nonprofit corporations. It is neither good policy nor sound constitutional law. The FEC can solve the problem by making it clear in their regulations that they do not apply to nonprofit corporations.

Generally speaking, I favor opening up the political process, and I support giving unions and for-profit corporations the freedom to prepare their own voter guides and distribute them as they see fit. But if the result is a loss of freedom for issue-oriented groups of all political persuasion to contribute to vigorous public debate on the issues, it is too great a price to pay.●

DRUG ABUSE

● Mr. BIDEN. Mr. President, Monday and Tuesday of this week the Washington Post carried reports about the increasing problem of drug abuse that is occurring across this country. The stories document that the availability of purer high-grade heroin on American streets has resulted in a 63-percent increase in overdose deaths and a 48-percent increase in emergency room admissions nationally, since 1980. The articles also indicate a rise in heroin use by the middle class.

I have spoken about this issue on numerous occasions on the Senate floor. The tragedy and pain that results to those who are addicted, their families, and friends, and those that become victims of crimes committed by the addict have been documented before. However, I find these recent accounts about increased use by the middle class to be another indicator that the problem is truly getting worse.

I must commend the President for his laudable efforts this year to devote more resources to drug enforcement and interdiction efforts. However, in my opinion, his administration, like those before him, will fail if there is not one central figure in the Federal Government with the authority to coordinate and direct what is currently a

fragmented and bureaucratic approach for our antidrug program.

The President must understand that as he creates more task forces and hopefully agrees to commit more resources to this problem, coordination and single direction become even more important. The General Accounting Office has documented the need for central control and stronger management of our drug interdiction and enforcement effort in their recently released report entitled "Federal Drug Interdiction Efforts Need Strong Central Oversight."

Mr. President, I ask that the following two news stories from the Washington Post, entitled "Cheaper Heroin Resulting in More Deaths" and "Deaths From Heroin Use Increasing," and a newsstory appearing in the Los Angeles Times concerning the General Accounting Office report be inserted in the RECORD.

I also ask that the executive summary of the General Accounting Office report to which I just referred be inserted in the RECORD as well.

The articles follow:

[From the Washington Post, June 13, 1983]

DEATHS FROM HEROIN USE INCREASING

MIDDLE-CLASS ADDICTION ON RISE

(By Ronald Kessler)

Deaths and emergency room admissions from heroin overdoses have increased dramatically in the past three years both nationally and in the Washington area, according to federal figures, and many experts say the increases are caused in part by a rise in heroin use by the middle-class.

Deaths from heroin overdoses since 1980 have risen 63 percent nationally and 96 percent in the Washington area, the figures show. Heroin-related emergency room admissions have risen 48 percent nationally and 16 percent locally.

In all, there were 11,538 emergency room admissions and 771 deaths nationwide related to heroin use in 1982. In the Washington area, there were 865 heroin-related emergency room admissions and 133 deaths attributed to heroin last year.

"The [heroin] problem is back to the way it was in the 1970s, when it was epidemic," said Dr. Robert L. DuPont, president of the American Council for Drug Education. "What is new is the big increase in the use by middle-class people, which had never happened before."

"There's been a dramatic increase in the past three years in deaths from heroin overdoses," said Dr. James L. Luke, the District's medical examiner until last month. Since the city first began recording the statistics in 1971, he said, there has never been such a high level of deaths.

The federal figures from the National Institute on Drug Abuse also show that since 1975, whites entering programs for treatment of newly acquired heroin habits have exceeded blacks. Although total hospital admissions and deaths from heroin overdoses are not as high nationally as they were in the peak years of 1974 through 1976, they have exceeded those years in the eastern part of the country.

The relationship between heroin usage and deaths and hospitalizations attributable to its use cannot be firmly established since overdoses can occur because of changes in the purity of the drug sold to addicts and other factors. The national heroin problem, experts also emphasize, continues to be concentrated among the urban poor.

"What is clear is that there has been an increase in middle-class heroin addicts," says Dr. William Pollin, director of the National Institute on Drug Abuse. In part, he says, that increase can be attributed to those who as teen-agers used marijuana and LSD in the 1970s and have now moved on to heroin. In addition, he said, it has become stylish for cocaine users to level-off the high they achieve from that stimulant with heroin, a depressant.

"I have consulted with a number of physicians, captains of industry and attorneys who use heroin on a very regular basis, even daily. Most got into it through their use of cocaine," says Dr. Ronald K. Siegel, a psychopharmacologist at the University of California School of Medicine. "It [heroin] appealed to them as a euphoriant."

Locally, Dr. Tom Stair, assistant director of the Georgetown University Hospital emergency room, says one to two dozen middle-class heroin users come to his center each year with overdoses.

The apparent spread of heroin use was highlighted last month by the arrest and guilty plea of Eric M. Breindel, a staff member of the Senate Select Committee on Intelligence, on charges that he bought $150 of heroin from an undercover police officer in a Holiday Inn in Northeast Washington.

A magna cum laude graduate of Harvard College with a Harvard Law School degree, the 27-year-old Breindel acknowledged to prosecutors he had been taking heroin sporadically since undergraduate days, sources familiar with the case say.

"Some argue our society is falling apart," says Dr. Donald R. Jasinski, scientific director of the Addiction Research Center in Baltimore. "Others will argue we have a youth movement and a breakdown of morality. But people have been taking narcotics in this country for 100 years. The bottom line is nobody knows why people take heroin."

Says a Washington businessman now undergoing heroin treatment at the Psychiatric Institute's Drug Rehabilitation Center in Washington: "You don't say to yourself, 'I am going to be an addict and ruin my life.' It's a gradual thing that starts with snorting, then the needle . . . . I don't know why I did it. It was something else to do."

"The critical thing is it works," says DuPont. "It makes you feel good. The question is, do you cross the threshold [to trying it]."

All heroin users do not become immediately addicted, experts say. Some may "chip" the drug for years, taking it just on weekends. Others, however, take it daily and become addicted within a matter of weeks.

Once physically addicted, a person cannot get off the drug without experiencing severe withdrawal symptoms—explosive vomiting, extreme contractions of the intestines, weakness, shaking, sweating, dilation of the pupils and abdominal pain.

What many people do not realize, DuPont says, is that addicts often continue to function in their jobs for some time before any impact becomes evident. "Once a skill is acquired, it is amazing how long it can go before the heroin has an effect, he says. "Other things—personal relationships, for example—will fall apart first. It could go on for years."

For the casual and addicted user alike, heroin is an expensive diversion. A bag, or "quarter" of heroin—named for the quarter of a teaspoon it equals—costs about $35 to $40 in Washington and $100 to $200 in Virginia. Each bag is good for one shot, and a typical drug addict takes from one to four shots a day.

Says a 31-year-old Washington area banker trying to get off a $150-a-day habit at the Psychiatric Institute, "I did it just for the kicks."——

[From the Los Angeles Times, June 14, 1983]

DRUG CRACKDOWN LARGELY INEFFECTIVE, GAO SAYS

DESPITE TRIPLED SPENDING, ONLY 10 PERCENT OF SUPPLIES ARE SEIZED

(By Ronald J. Ostrow)

WASHINGTON.—Despite a tripling between 1977 and 1982 of federal spending to cut off the flow of illicit drugs into the United States, authorities are seizing less than 10% of dangerous drugs entering the country, a highly critical report by congressional investigators concluded Monday.

The General Accounting Office study found that "program fragmentation," with three Cabinet agencies responsible for interdicting drugs, is hampering the effort, which the GAO said would cost "billions" of additional dollars to succeed. In 1982, $277.9 million was earmarked for interdiction, up from $83 million in 1977.

"The low percentage of the drug supply seized, decreasing street drug prices and increasing drug purity indicate that drug availability, the primary target of interdiction, the primary target of interdiction, has not been seriously affected," the study said.

"Although federal agencies have seized large drug quantities, a seemingly inexhaustible supply offsets that being seized."

Justice Department officials, noting that the report is based on 1977-1982 data, dismissed the criticism as outdated. They said it did not take into account the interdiction work of the Administration's South Florida task force and President Reagan's creation of 12 regional drug task forces last October that cross agency lines to attack the link between narcotics and organized crime.

"Major work on the report was done over a year ago." Stanley E. Morris, deputy associate attorney general, said. The fight against illegal drugs is the centerpiece of the Reagan Administration's war against crime.

GAO investigators said that they had not been able to obtain from the Drug Enforcement Administration an assessment it had done of the South Florida operation and thus were unable to evaluate it.

NOBODY IN CHARGE

In addition, Edward H. Stephenson, the main GAO investigator assigned to the report, said the GAO already has begun evaluating the 12 regional task forces and is finding that "nobody is really in charge, and they are being run by committee."

Instead of additional resources going to 12 task forces, they actually are being divided among 70 of the nation's 93 U.S. attorney's offices. Stephenson contended. A full report on the task forces is expected by the end of the year, he said.

The creation of the task forces and the involvement since January, 1982, of the FBI in the drug war "make it all the more important that someone have clear authority to oversee these (anti-drug) efforts," the GAO study said.

In the report, the GAO renewed its call for creating central oversight of federal

drug enforcement. In January, Reagan vetoed a crime package that included creation of a Cabinet-level "drug czar," contending that it would add an unnecessary layer of bureaucracy and cause confusion.

As examples of the kind of problems produced by lack of central coordination, the GAO cited "double counting" of drug seizures by the agencies involved that makes it "impossible to get an accurate count of drugs seized" and lack of information on why prosecutions are declining and how courts finally dispose of cases.

In the New Orleans region, the U.S. Customs Service, the Coast Guard and the Drug Enforcement Administration each counted separately five drug seizures that totaled 200 tons of marijuana, the GAO found. As a result, there was a 400-ton overstatement of marijuana seized in fiscal 1981 in the region, according to the report.

Cheaper Heroin Resulting in More Deaths

(By Ronald Kessler)

Increasing supply, diminishing price, and greater purity have contributed to a dramatic increase in deaths and emergency room admissions for heroin overdoses in the past three years, according to Drug Enforcement Administration officials.

Paul D. Newland, chief of the strategic heroin unit of DEA's office of intelligence, said yesterday that the average price of a milligram of heroin has dropped nationally from $2.34 in 1980 to $2.22 in the first quarter of this year, despite a 19 percent rise in consumer prices overall.

At the same time, he said, the average purity of heroin sold on the street has increased from 4 percent to 5.6 percent.

"There is an increase in availability," Newland said. "We've seen a big movement towards increasing purity, which means greater supply."

Like any commodity, heroin is subject to price changes based on supply and demand. In the heroin economy, officials said, a drought in the poppy fields of Afghanistan, a drug crackdown in Mexico, or more efficient laboratory processing methods can influence the supply and therefore the price and average purity of the bitter, white, oderless powder.

Over the years, the chief sources of supply of the opium poppy needed to make the morphine base that, in turn, is made into heroin have varied. Currently, according to DEA officials, roughly 55 percent of heroin used in the United States comes from Southwest Asia, primarily Pakistan and Afghanistan.

About 85 percent of heroin bought and sold in the Washington area comes from the Southwest Asia region, officials said.

The DEA's Newland attributed those percentages to diminished availability of heroin from Mexico because of that government's program of spraying the poppy crop with poisons. Also, there has been a drought in Southeast Asia, and there was a crackdown on farming of the crop by Turkey beginning in the 1970s.

Federal Drug Interdiction Efforts Need Strong Central Oversight

SUMMARY

Despite increasing resources for drug interdiction, only a small percentage of drugs entering this country are seized. The authority and responsibility for federal drug interdiction efforts are split among three executive departments (Justice, Treasury, and Transportation), each with different programs, goals, and priorities. The current administration has emphasized joint task forces to improve coordination. Although the establishment of these groups has improved operational coordination, no one individual has the information or responsibility to evaluate Federal drug efforts and recommend corrective actions.

GAO makes recommendations to the President to strengthen central oversight of the Federal drug enforcement program. Also, interdiction efforts can be further enhanced by improving the quality and timeliness of intelligence data and through well planned and coordinated use of military assistance.

DIGEST

Drug abuse in this country is a persistent and growing problem. Interdiction of illegal drugs, one component of Federal efforts to reduce the drug supply, has had limited impact on the drug flow. Despite increasing resources for interdiction, only a small percentage of drugs entering this country are seized.

WHY THE REVIEW WAS MADE

GAO conducted this review because of the significant increases in resources devoted to drug interdiction programs and because of the continuing vast amounts of drugs smuggled into the country. GAO's objectives were to evaluate the results of interdiction programs, the extent of cooperation and coordination among the various agencies, the role of intelligence in interdiction efforts, and the ability of the military to assist in drug interdiction.

INTERDICTION—ONE PART OF THE FEDERAL DRUG STRATEGY

Federal efforts to attack the supply of illegal drugs have three major components: international programs aimed at drug-producer countries, interdiction of drugs at the border, and domestic law enforcement.

Federal interdiction efforts include inspections of international travelers and cargo by the U.S. Customs Service inspectors, air and marine interdiction efforts of Customs patrol officers, and sea interdiction by the U.S. Coast Guard. The Drug Enforcement Administration (DEA) supports interdiction through the provision of intelligence and by investigating and presenting interdiction cases to U.S. attorneys.

INTERDICTION RESULTS REMAIN LIMITED

Federal resources devoted to drug interdiction more than tripled from 1977 to 1982—from $83 million to $278 million. The Coast Guard's drug interdiction program comprises the majority of this increase. Meanwhile, funds for other facets of the Federal drug supply reduction program—international drug activities and domestic law enforcement—remained relatively constant.

Despite these increases, only 16 percent of the marijuana and less than 10 percent [1] of heroin, cocaine, and dangerous drugs that are entering this country are seized through total drug enforcement efforts. Also, 95 percent of the individuals arrested in interdiction cases are low level violators and when convicted usually spend less than a year in jail.

Joint special projects conducted by two or more agencies have proven especially effective in attacking drug smuggling. Of particular note are special DEA investigations that involve Customs and the Coast Guard resources.

PROGRAM FRAGMENTATION LIMITS EFFECTIVENESS OF INTERDICTION EFFORTS

The authority and responsibility for Federal drug interdiction efforts are split among three separate agencies in three executive departments. Each agency has different programs, goals, and priorities. And, although the level of cooperation is increasing, especially in South Florida, such fragmentation has a certain amount of inefficiency and interagency conflict built in.

Congressional oversight and executive branch resource allocation decisions relative to drug interdiction are difficult under these circumstances. The budgets of the three agencies are developed in separate departments, reviewed by different OMB branches, and funds are authorized and appropriated by separate congressional committees. Also, very little information is available, either by agency or in the aggregate that can be used as a basis for evaluating program results. Aggregate seizure statistics are sometimes overstated when there is more than one participating agency, and very little case disposition information on arrestees is maintained.

Another issue related to program fragmentation is the lack of a definitive policy regarding followup investigations of interdiction cases. Under the current division of responsibilities, DEA conducts followup investigations on the Coast Guard's or Customs' arrestees. DEA usually performs followup investigations only if the cases (less than 40 percent) will be prosecuted by a U.S. attorney. Consequently, information which could be of value to future investigations is not being obtained on the majority of the interdiction cases.

Fragmentation of Federal efforts has long been recognized as a major problem. To help remedy this situation, Congress passed legislation in 1972 and 1976 that requires the President to develop a comprehensive national drug strategy and to appoint a drug abuse policy coordinator. While various drug strategies have been prepared over the years, the most recent in October 1982, none has adequately defined the various agencies' drug interdiction roles. Furthermore, the drug abuse policy coordinator has never had the authority to exercise the necessary policy and priority-setting oversight of Federal drug efforts.

The current administration has organized or proposed several new groups to help coordinate Federal drug efforts. The South Florida Task Force, under the direction of Vice President Bush, was an excellent example of a cooperative effort by all the major Federal agencies involved in drug enforcement efforts. While these efforts have certainly improved operational coordination among the various agencies, these coordination mechanisms still do not provide a composite picture of all Federal resources devoted to drug enforcement or provide a basis for allocating these resources in terms of budgetary priorities.

BETTER, MORE TIMELY INTELLIGENCE NEEDED

The effectiveness of Federal interdiction efforts depends a great deal on intelligence support capabilities. Statistics on the use of prior intelligence to support interdiction, as well as certain special projects, indicate the value of good, timely intelligence.

Drug source and transit countries are valuable sources of intelligence that can be

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[1] These and other such estimates in the report were developed by GAO analysis of Customs, DEA, and National Narcotics Intelligence Consumers Committee data.

used to support interdiction efforts. However, Customs and Coast Guard must rely on DEA to provide this intelligence. Yet, the international programs of DEA and the Department of State do not place a high priority on supporting interdiction efforts. For example, a stronger intelligence program is needed in the Caribbean, a major transit area for drug smuggling.

DEA, Customs, and the Coast Guard all have domestic intelligence programs, and some intelligence processing and analysis has been centralized at the El Paso Intelligence Center. The Center can be more effective if better supported and utilized by the agencies involved in drug interdiction. Moreover, certain Customs and Coast Guard intelligence analysis functions should be transferred to the Center.

MILITARY ASSISTANCE INCREASING

The military departments have provided some limited assistance to drug enforcement agencies over the last several years. Changes to the Posse Comitatus Act in December 1981, which further defined the extent of allowable military involvement in support of civilian law enforcement, have resulted in a greater role for military resources in drug interdiction.

Although military assistance can be beneficial, it is also necessarily limited because major long-term commitments of military assistance can adversely impact the military's primary mission; military equipment is expensive to operate and, for the most part, reimbursement is beyond the financial capabilities of law enforcement agencies; and disclosure of classified military systems in court might be required and this could compromise national security.

RECOMMENDATIONS

GAO recommends that the President direct the development of a more definitive Federal drug strategy that stipulates the roles of the various agencies with drug enforcement responsibilities and make a clear delegation of responsibility to one individual to oversee Federal drug enforcement programs.

This report also contains a number of recommendations to the Director, Office of Management and Budget; the Attorney General; and the Secretaries of Treasury, Transportation, and State to accumulate drug enforcement budgeting data, develop a management information system, and strengthen drug interdiction intelligence efforts.

AGENCY COMMENTS AND GAO'S EVALUATION

The Departments of Justice, Treasury, Transportation, State, and Defense provided written comments on the draft report. The draft report was discussed with OMB officials. The White House Office of Policy Development and the Office of Drug Abuse Policy elected not to comment on the draft.

With respect to GAO's recommendations to the President, the Department of Transportation concurred with the recommendations; the Departments of Treasury, State, and Defense did not specifically comment on the recommendations; and the Department of Justice disagreed.

The Department of Justice pointed out a series of actions taken by the Administration toward achieving a coordinated national drug investigative effort. The Department stated that current efforts by the Administration, such as the South Florida Task Force and the President's creation of 12 new Drug Enforcement Task Forces, are intended to foster even closer Federal agency coordination. The Department of Justice also noted that legislation to create on "Office of the Director of National and International Drug Operations and Policy" was passed by the 97th Congress. President Reagan withheld his approval of this legislation noting that such a drug program manager would create a new bureaucracy in the Executive Branch and compound the problems of coordination.

GAO believes, however, that the current arrangements do not provide a mechanism for optimizing coordination and implementing priorities for the allocation of limited Federal drug enforcement resources within and across all components of the Federal drug effort. Giving one individual the responsibility to oversee the entire Federal drug program, as GAO has recommended, would be an extension of the efforts to increase coordination already begun by the agencies. Such responsibility, however, should not extend to the day-to-day operations of the individual agencies, because each agency is best capable of managing its particular functions within the context of its overall agency mission.

Legislation to establish a drug operations and policy office, similar to that passed by the Congress last year, has been introduced in the 98th Congress (S. 406). Although GAO has not specifically analyzed this legislation, GAO's findings support the concept of central drug oversight, which is a major objective of the legislation.

The Department's of Justice and Transportation supported GAO's recommendation to develop a management information system. The Department of the Treasury did not specifically comment on this recommendation. The Department of Transportation concurred with GAO's recommendation to accumulate drug enforcement budgetary data. Other agencies and departments did not comment on this recommendation. The Departments of Treasury, Transportation, Justice, and State pointed out in their comments that development of intelligence is important to an interdiction program. However, some of these agencies disagreed on how to improve the intelligence programs.

The agencies' detailed comments on all of GAO's recommendations are included in appendixes VIII through XII and GAO's analysis is presented in relevant sections of the report and at the ends of chapters 2, 3, 4, and 5.●

ALTERNATIVE FINANCING FOR CLINCH RIVER—UTILITY REGULATORS UNENTHUSIASTIC

● Mr. HUMPHREY. Mr. President, as I mentioned in my RECORD entry of June 13, the alternative financing proposals that proponents of the Clinch River breeder reactor project have presented are by the Department of Energy's (DOE's) own admission "simply moving money around in time." Again, as the Assistant Secretary for Nuclear Energy at DOE has emphasized, the only way to find out if industry is truly interested in supporting the Clinch River project is to have them put much more of their own money on the line in the form of contributions.

Getting the nuclear industry to do this now when they face so many financial problems and have so many more attractive ways to spend their money is a tall order. Indeed, given industry's repeated admission that it has no desire to contribute any more money than it has already pledged to the project—$257 million—increased industry contributions seem highly unlikely.

The point that has not yet been made, however, is that the future of alternative financing is not simply up to the nuclear industry, that even if the utility industry should change its mind and try to contribute more to the Clinch River project, the State regulatory utility commissions have the final say.

According to a formal reply to an inquiry of mine, the National Association of Regulatory Utility Commissioners (NARUC), though, has serious reservations about approving any sort of alternative financing for the project. Specifically, it does not see how utilities could justify increased contributions to the project when so many have increased their rates and are strapped for cash. Also, it does not believe that Federal tax benefits to those that might invest in the project is any plus for the ratepayer. As NARUC makes clear, the ratepayers already carry a heavy load through rates for utilities' deferred income taxes and investment credits.

Given these difficulties, NARUC believes that the Federal Government should assume all funding for the Clinch River breeder reactor project. As NARUC notes:

> It would appear more appropriate for the Federal government to finance the Clinch River Breeder Reactor in its entirety than to burden the electric utility industry with a portion of its cost. If the project is worthwhile, then it should receive no less Federal support than the billions spent for domestic synthetic fuels technology.

Mr. President, I will not go into the unworthiness of the Clinch River project here much less that of the synthetic fuels program. But if NARUC, the key national organization representing public utility commissions, questions the wisdom of any cost sharing plan for Clinch River, I think it is important that the Senate understand the reasons. Indeed, without the support and approval of the Nations' State utility commissions, alternative financing or any sort of utility contributions will run into serious trouble no matter what the utility industry itself decides.

Mr. President I ask that the full text of my correspondence with NARUC on this issue be printed in the RECORD.

[The material follows:]

IOWA STATE COMMERCE COMMISSION,
Des Moines, Iowa, June 13, 1983.

HON. GORDON J. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: Your letter concerning questions public utility commissions might have to proposals to increase the util-

ities' investment in the Clinch River Breeder Reactor sent to Paul Rodgers, General Counsel of the National Association of Regulatory Utility Commissioners, has been referred to me for consideration. As Chairman of both the NARUC Committee on Electricity and the Iowa State Commerce Commission, Andrew Varley informs me that no official position on the issues concerning Clinch River has been taken; however, I can relay to you several questions and problems that occur to me as a state regulator with the conclusions formulated by the Department of Energy and Breeder Reactor Corporation regarding alternative financing possibilities.

Many regulatory agencies, by state law or regulatory precedent, either limit or do not allow utilities under their jurisdiction to recover from current ratepayers the cost of plant held for future use or construction work in progress. Some of these same jurisdictions are facing the issue of how to cope with the current and future costs of existing excess capacity and abandonment or termination of power projects that will still be a problem at the projected in-service date of the breeder reactor. To ask the nation's utilities (and ultimately the ratepayers) to invest an additional $800 million in the project during this period of financial uncertainty seems harsh.

Other concerns that state regulatory agencies may have about the Clinch River Breeder Reactor project involve uncertainties as to proper licensing safeguards, efficient construction methods, high construction costs, specific completion date, level of capacity factor, proper level of operation and maintenance expense to be charged, and market potential for energy produced. In addition, while it has been suggested that the Federal government offer enhanced tax benefits to utilities for financing the project, the fact is that the nation's utility customers already carry a heavy load through rates for deferred income taxes and investment credits.

It would appear more appropriate for the Federal government to finance the Clinch River Breeder Reactor in its entirety than to burden the electric utility industry with a portion of its cost. If the project is worthwhile, then it should receive no less Federal support than the billions spent for domestic synthetic fuels technology.

Thank you for asking for the opinions of state regulators on this important issue. If Chairman Varley and I can be of further assistance to you on this matter, do not hesitate to ask.

Sincerely,

JAMES E. WILSON,
Director, Public Utilities Division.

U.S. SENATE,
Washington, D.C., April 6, 1983.

Mr. PAUL RODGERS,
General Counsel, National Association of Regulatory Utility Commissioners, ICC Building, Washington, D.C.

DEAR MR. RODGERS: I know that your Association has no formal position on constructing the Clinch River Breeder Reactor but I hope you might give me guidance on the sorts of questions public utility commissions might have to proposals to increase utilities' investment in Clinch River.

As you know, the Department of Energy and the Breeder Reactor Corporation recently completed studies on how the utilities might be induced to increase their investment in the project (see the enclosed conclusions of the Breeder Reactor Project). The key idea emphasized in these studies is that the utilities should invest some $800 million more dollars now to secure the benefits of the electricity sales that will be made from the plant's operation later. To encourage such investment, the studies suggest that the U.S. government guarantee that the Clinch River Project will be completed, that it will operate at projected capacity factors, and that its electricity will sell at projected prices. In addition, the studies suggest that the government offer the utilities enhanced tax benefits for investing in the project.

Would the public utility commissions challenge the utilities if they came to ask permission to participate in such a scheme? If so, what sort of concerns might the commissions have?

If you could write to us supplying answers to these questions, it would be much appreciated. My assistant, Henry Sokolski at 224-8766 is working this issue. Please feel free to call him for additional background.

With best regards, I am

Sincerely yours,

GORDON J. HUMPHREY.

NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS,
Washington, D.C., April 22, 1983.

Re Investment in the Clinch River breeder reactor.

Hon. GORDON J. HUMPHREY,
U.S. Senator, Hart Senate Office Building, Washington, D.C.

DEAR SENATOR HUMPHREY: Thank you very much for your correspondence of April 6, 1983, inquiring as to State regulatory attitudes toward utility investment in the Clinch River Breeder Reactor.

Due to the subject, I am referring your correspondence for consideration and response by the NARUC Committee on Electricity, which is chaired by The Honorable Andrew Varley of Iowa. His address and telephone number are as follows:

Hon. Andrew Varley, Chairman, Iowa State Commerce Commission, Lucas Building, Des Moines, Iowa 50319 (515) 281-5167.

We deeply appreciate your thoughtfulness in soliciting the State viewpoint in this important issue.

With warm personal regards and best wishes I am

Sincerely yours,

PAUL RODGERS,
General Counsel.●

CONGRESSIONAL VIGIL FOR SOVIET JEWERY

● Mr. RIEGLE. Mr. President, the most basic human right of family members scattered throughout the world—to live together sharing in the day-to-day joys, sorrows, and experiences of daily life—has been assured through the Helsinki Accords, signed by 35 nations.

One of those signatories, the Soviet Union, has chosen to blatantly ignore this basic right of family reunification. The fact that the basic human rights of Soviet Jews are being denied is evidenced by the declining numbers of those permitted to emigrate over the past few years. Only 125 Soviet Jews emigrated in February 1983—fewer than would have left on an average day in 1979. The implications of these denials for visas are ominous. Naum Meimann, a distinguished physicist and human rights activist, is quoted in the March 20th issue of the New York Times as saying, "The total freeze on emigration only proves that Jews are seen as a commodity."

As part of the Congressional Vigil on behalf of Soviet Jewry, I wish to call attention to the plight of the following families who are but three of the thousands who have felt the pain of the Soviet Union's inhumane emigration policies.

Mr. Semyon Livshits of Taylor, Mich., has been separated from his wife, Tamera Tretyakova, and his 5-year-old son, Mark, for nearly 6 years. Mrs. Livshits and Mark have applied for exit permission more than seven times since their initial application in February 1979, without success. Semyon has never seen his young son, has never been able to read to him, play with him, and guide him through his early developing years because the Soviet Union has refused to allow this family to be reunited. This refusal has caused them severe personal pain and tremendous hardship.

Mr. Grennady Khasin, his wife, Natasha, and their daughters, Aloyona and Judith, wish to join his elderly mother in Israel where he could exercise freely his deep religious beliefs. Grennady, once a prominent professor of mathematics, is now unemployed and nearly destitute as a result of his request to be reunited with his mother in Israel. He has been repeatedly harassed, threatened with prosecution for parasitism, and has had his personal letters, Hebrew language books, and tape recorder confiscated when his house was searched. His mother, Adela Khasin, wants very much to have the comforting presence of her son with her in Israel.

Mr. Feliks Kochubievsky, a recipient of the Soviet Order of Merit for his patriotic work, has been denied the right to live with his children in Israel. Mr. Kochubievsky and his wife, Valentina, have suffered not only this painful separation, but additionally have been harassed and arrested by the Soviet KGB. Mr. Kochubievsky's attempts to establish a Soviet-Israel friendship society were denounced by the Soviet Union as counterrevolutionary. This man and his wife wish only to be reunited with their children in Israel as assured them under the Helsinki accords.

I, along with other individuals throughout the free world, will continue this solemn vigil of prayer, public speeches, and commentary urging the Soviet Union to pursue a more humane immigration policy with respect to all of its citizens.●

BALTIC FREEDOM DAY

● Mr. DOLE. Mr. President, this year, June 14 marked the 43d anniversary of the brutal occupation by the Soviet Union of the Baltic nations of Estonia, Latvia, and Lithuania. On this day, Baltic Americans also mournfully observe the 42d anniversary of the massive deportation of tens of thousands of Estonian, Latvians, and Lithuanians to Siberian concentration camps.

There was a time when the Baltic nations flourished. The governments guaranteed to their citizens the kinds of political and religious freedoms we in the United States, and all free nations, are committed to. National pride, as well as religious and political liberty, fostered cultural and intellectual prosperity.

Unfortunately, geography and world events conspired against the hard-won independence of the Baltic nations. Caught between the Stalinist Soviet Union and the rampaging Nazi war machine, the Baltic nations were relegated to the Soviet sphere of influence by the infamous Molotov-Ribbentrop pact. Almost immediately thereafter followed the Nazi blitzkreig against Poland, and the Soviet Union imposed mutual assistance treaties upon the tiny Baltic nations, taking advantage of their strategic location on the Baltic Sea.

It was not long before the Soviet Union annexed the Baltic nations and instituted a policy of Russification. A program of terror began, in which mass deportation and imprisonment were used in an attempt to destroy the culture and freedom of the Baltic peoples. Over 48,000 Estonians, Latvians, and Lithuanians suffered the horror of being kidnapped from their homes, separated from family members, and loaded into cattle cars, without any notice of where they were being sent. Between 1944 and 1949, another half million were sent to Siberian labor camps. Eighty percent of these never returned, and those few that did had suffered greatly.

OPPRESSION CONTINUES TODAY

To this day, the Soviet Union has continued its oppression of the Baltic peoples, now relying on the more sophisticated terror of the KGB, including psychiatric and psychological intimidation. Resistance has been continuous and vigorous. We must not forget the suffering of the Baltic people, just as we must never relent in our efforts to remove the yoke of Soviet oppression from these proud nations.

As cochairman of the Commission on Security and Cooperation in Europe, I have worked to monitor the conditions in Estonia, Latvia, and Lithuania, and to enforce the provisions of the Helsinki Final Act. The Soviet Union, a signatory nation, continues to violate the Final Act by its illegal occupation of the Baltic nations, by its attempts to obliterate the rich national heritage of these proud peoples, and by its repressive actions against Baltic national, religious and human rights activists. The United States is committed to the freedom of the Baltic nations. In commemoration of the 42d anniversary of the first mass deportation of the Baltic peoples, we proclaim to the world that our efforts will not cease until the Baltic nations once again stand sovereign and free among the family of nations.●

AN URGENT MESSAGE FROM OUR CHILDREN

● Mr. BUMPERS. Mr. President, there is no more urgent task facing the world's leaders today than to find a way of reducing the prospects of nuclear war. Thousands of hours have been spent in this Chamber alone considering what policies our Government should follow in order to maintain nuclear peace. Unfortunately, most of our discussions have focused on narrow technological and diplomatic issues. We also tend to couch our arguments in the sterile jargon of strategic theory, which permits us to pretend that we are not talking about the potential destruction of hundreds of millions of human beings.

For these reasons, Mr. President, I found it both refreshing and rewarding to read an open letter from Kenneth L. Howard, Jr., to parents throughout the country, that appeared in the Arkansas Gazette on May 25, 1983. Ken has provided us with a uniquely insightful and personal reflection on how the specter of nuclear war is affecting our Nation's youth. I would like to submit this letter for the record, and I commend it to my colleagues' attention.

Ken, who has just graduated magna cum laude from St. Louis University, makes the fundamental point that unless our generation moves quickly to bring the nuclear arms race under control, there may not be a world left to save by the time our children would be ready to assume the reins of leadership. Our generation let the nuclear genie out of the lamp and, for the sake of our children and our childrens' children, it is our responsibility to put the genie back. Ken reminds us that not only is it totally unfair for us to mortgage the fate of future generations, but also that without hope our children will become apathetic and demoralized. Mr. President, such a situation would be the worst of all possible worlds. We have the power to escape this fatal trap, and if we follow the advice of Ken and other leaders of the next generation, we may yet exercise enough wisdom to save the world from nuclear destruction.

The letter follows:

AN URGENT MESSAGE TO THE PARENTS OF 1983

(By Kenneth Howard)

This is an open letter to the parents of 1983. This is the voice of your children:

Our crying parents tell their children,
"If you survive, don't do as we did,"
Their sons exclaim, "There'll be nothing to do to,"
Their daughters say, "We'll be dead with you."
While foreign affairs are screwing rotten
Life morale has hit rock botton
Dying embers stand forgotten
And talks of peace are being trampled . . .
Stand or Fall! State your peace tonight!
—*The Fixx.*

These words, taken from a popular hit song by a new wave rock group, The Fixx, reflect the desperation and hopelessness of my generation. They are the words of an age that has been deprived of the most precious of gifts—its future. They carry a sense of urgency that is perhaps incomprehensible to your generation—or to any other for that matter.

SAPPED OF HOPE

Without a future my generation, your children, is demoralized and apathetic. We are sapped of the greatest strength—hope. Where lies the greater weakness, in your military or your children? Which can you afford to tolerate?

There are those in your generation who recognize the foolhardiness in our current defense policy. But they are complacent and willing to submit to the Powers That Be by saying, "We realize disarmament must come some day but in the meantime, what can one person do?" and they go back to sleep.

There has never been a generation of humanity that has had to come face to face with total death! That fact makes us unique in all the world's history and it explains much in our attitude.

Is this the value of our existence?
Should we proclaim with such persistence?
Our destiny really lies unconscious.
Red or blue, what's the difference?

Some try to assuage our fears by explaining to us that other ages have faced difficult periods and survived. They believe that by making this statement they can relieve the urgency we feel as the knife of oblivion presses at our necks. They seek to justify the desolation before us by labeling the current nuclear policy a matter of strength versus weakness, when we know all along that the real choice is: Life versus death.

ISSUE IS LIFE

They cannot understand how we could insist that all ideological options are subordinate to the greatest of issues, our survival. Something more basic is involved here than even that "greatest of ideological conflicts," communism versus capitalism. That issue is life, purely and simply. Without life, there can be no tomorrow in which to resolve our conflict of ideas.

The justification for supporting the senseless and immoral buildup of nuclear weapons is that we cannot afford the weakness. This age is likened to Pearl Harbor and a thousand other days when weakness and complacency invited attack.

They mortgage our future to pay for their comfort and lack of desire to sweat against the societal inertia of present government policy. They rely on their future, our generation, to find an answer to their problems. They have confidence that we can find a solution and save the day. In effect, they ask

us to manufacture our own destiny, preserve our own posterity.

We are indeed willing to earn our own future (although for every generation before us, it has been a birthright). We are learning new ways to solve old problems and, more than any other age, we are willing to take chances to accomplish something greater. We are bright and we are dedicated. But we have two counts against us.

First, we are often disheartened by the strong possibility that there may not be a world to save by the time we assume the reins of leadership in 15 or 20 years.

DEMANDS TOUGH ANSWERS

Second, we are not the leaders now, *you* are. And unfortunately, the arms race is not waiting for us to reach maturity in 1995 or 2000. It is exacting pressure upon us all now and demanding some tough answers.

That means that *you*, our parents, must seize the opportunity *now* to keep Earth from blowing apart. All we ask is that you work to keep the peace as we finish the process of growing up. Support of a nuclear freeze is a very small investment in the future but it can make all the difference in the world. Each one of you, by stating your peace, can fuel the fires of life that much more and help us to keep the deepest darkness from us.

For our sake, give us a chance.●

ORDER OF BUSINESS

Mr. BAKER. Madam President, first, it is my intention, if this unanimous-consent order is granted, to ask the Senate to adjourn today until Monday, June 20. Let me say, by the way, that this request has been consented to by the minority leader, and I will state it now for his consideration and other Members.

ORDERS FOR MONDAY, JUNE 20, 1983

ORDER OF PROCEDURE

Mr. BAKER. I ask unanimous consent that when the Senate convenes on Monday, June 20, 1983, the reading of the Journal be dispensed with, no resolutions come over under the rule, and the call of the Calendar be dispensed with.

ORDER FOR THE RECOGNITION OF SENATOR PROXMIRE ON MONDAY

Madam President, following the recognition of the two leaders under the standing order, that the Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Upon the expiration of the time for the recognition of Mr. PROXMIRE, that there be a period for the transaction of routine morning business of not to exceed 1 hour with Senators permitted to speak therein for not longer than 10 minutes each; and further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY NEXT

Mr. BAKER. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of noon on Monday, June 20, 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Madam President, I have a number of routine matters that appear to have been cleared by the minority leader which I will state now as rapidly as I can since it is late and there are other matters to be attended to this evening, I expect, by both the minority leader and myself.

ORDER AUTHORIZING THE FILING OF BUDGET CONFERENCE REPORT DURING ADJOURNMENT OF THE SENATE OVER UNTIL MONDAY NEXT

Mr. BAKER. First, on the question of the filing of the budget conference report if indeed the conferees can agree, I ask unanimous consent that during the adjournment of the Senate over until Monday, June 20, the managers on the part of the Senate on the conference committee on the first budget resolution for fiscal year 1984 may be authorized to file the conference report to accompany House Concurrent Resolution 91.

THE PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE COMMITTEE ON RULES TO HAVE AN ADDITIONAL 30 DAYS TO REPORT H.R. 3034

Mr. BAKER. Madam President, I ask unanimous consent that the Rules Committee have an additional 30 days to report H.R. 3034, a bill relating to congressional pages.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 723 JOINTLY REFERRED TO THE COMMITTEE ON FINANCE AND THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAKER. Madam President, I ask unanimous consent that S. 723, a bill to amend the Employee Retirement Income Security Act of 1974, be jointly referred to the Committee on Finance and the Committee on Labor and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 918 JOINTLY REFERRED TO THE COMMITTEE ON FINANCE AND THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAKER. Madam President, I ask unanimous consent that S. 918, a bill entitled the "Private Pension Reform Act of 1983," be jointly referred to the Committee on Finance and the Committee on Labor and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1227 JOINTLY REFERRED TO THE COMMITTEE ON FINANCE AND THE COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAKER. Madam President, I ask unanimous consent that S. 1227, a bill to enact the Single-Employer Pension Plan Termination Insurance Improvements Act of 1983, be jointly referred to the Committee on Finance and the Committee on Labor and Human Resources.

Mr. BYRD. Madam President, reserving the right to object, and I will not, I state for the Record that on these last three requests the majority leader has made, both Mr. LONG and Mr. KENNEDY have jointly expressed their consent and jointly asked that this be done. I make that statement for the Record in each of the three cases.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER PRODUCT SAFETY COMMISSION AUTHORIZATION ACT OF 1983

Mr. BAKER. Madam President, may I say to the minority leader that I propose to ask the Senate to turn to the consideration of S. 861 at this time, if there is no objection.

Mr. BYRD. That matter has been cleared on this side.

Mr. BAKER. I thank the Senator.

Madam President, I ask the Chair to lay before the Senate Calendar Order 86, S. 861.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 861) to amend the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to provide authorization of appropriations, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 1421

Mr. BAKER. Madam President, I send to the desk an amendment on behalf of the distinguished junior Sen-

ator from Wisconsin and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) for Mr. KASTEN proposes an amendment numbered 1421.

Mr. BAKER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike all from line 6 through line 15 on page 3.

On page 3, line 17, strike "SEC. 4." and insert in lieu thereof "SEC. 3.".

On page 3, line 22, strike "SEC. 5." and insert in lieu thereof "SEC. 4.".

On page 4, strike all from line 8 through line 15.

On page 4, add the following immediately after line 7:

CONGRESSIONAL VETO

SEC. 5. (a) Section 36 of the Consumer Product Safety Act (15 U.S.C. 2083) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any rule transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended final rule to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same rule from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

(b) Section 17 of the Flammable Fabrics Act (15 U.S.C. 1204) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any regulation transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended regulation to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit

debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same regulation from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

(c) Section 21 of the Federal Hazardous Substances Act (15 U.S.C. 1276) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any regulation transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended regulation to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same regulation from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 1421) was agreed to.

The PRESIDING OFFICER. Are there any further amendments? If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time. The bill was read the third time and passed, as follows:

S. 861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Product Safety Commission Authorization Act of 1983".

DISCLOSURE TO CONTRACTORS

SEC. 2. Section 6(a)(8) of the Consumer Product Safety Act (15 U.S.C. 2055(a)(8)) is amended by striking "or employees" and inserting in lieu thereof ", employees or representatives of the Commission (including contractors)".

CHRONIC HAZARD ADVISORY PANEL

SEC. 4. Section 28(b)(1) of the Consumer Product Safety Act (15 U.S.C. 2077(b)(1) is amended by inserting "that may be the subject of the Panel's investigation" immediatley after "product".

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. Section 32(a) of the Consumer Product Safety Act (15 U.S.C. 2081(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following:

"(10) $35,000,000 for the fiscal year ending September 30, 1984; and

"(11) $35,000,000 for the fiscal year ending September 30, 1985.".

CONGRESSIONAL VETO

SEC. 5. (a) Section 36 of the Consumer Product Safety Act (15 U.S.C. 2083) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any rule transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended final rule to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made

after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same rule from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

"(b) Section 17 of the Flammable Fabrics Act (15 U.S.C. 1204) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any regulation transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended regulation to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such a resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same regulation from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

(c) Section 21 of the Federal Hazardous Substances Act (15 U.S.C. 1276) is amended by adding at the end thereof the following:

"(e) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions under this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(f) Except as provided in subsection (i) of this section, resolutions regarding any regulation transmitted under subsection (a) of this section shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(g)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which such a resolution has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended regulation to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which such a resolution transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after such a resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(h)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of such a resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of such a resolution, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on such a resolution shall be limited to not more than two hours (except that when one House has debated its resolution, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(i) If such resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution with respect to the same regulation from the other House, the resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of one House, that House receives the companion resolution from the other House, the vote in the first House shall occur on the resolution of the other House.".

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AMENDMENTS OF 1983

Mr. BAKER. Madam President, I propose, if the minority leader has no objection, to ask the Senate to proceed to the consideration of S. 38.

Mr. BYRD. I have no objection.

Mr. BAKER. Madam President, I ask the Chair to lay before the Senate Calendar Order No. 134, S. 38.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 38) entitled the "Longshoremen's and Harbor Workers' Compensation Act.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources with an amendment to strike out all after the enacting clause, and insert the following:

That (a) this Act may be cited as the "Longshoremen's and Harbor Workers' Compensation Act Amendments of 1983".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Longshoremen's and Harbor Workers' Compensation Act.

DEFINITIONS

SEC. 2. (a) Section 2(3) is amended to read as follows:

"(3) The term 'employee' means any person engaged in maritime employment, including any longshoreman or other person engaged in longshoring operations, and any harbor worker including a ship repairman, shipbuilder, and ship-breaker, but such term does not include—

"(A) any ship repairman, shipbuilder, or ship-breaker engaged by employers described in section 2(4)(B)(iii);

"(B) employees exclusively performing office clerical, secretarial, security, or data processing work;

"(C) club, camp, restaurant, museum, retail outlet, and marina personnel;

"(D) personnel of suppliers, transporters, or vendors temporarily doing business on the premises of employers described in section 2(4)(A);

"(E) aquaculture workers;

"(F) any person engaged in operating an independently or cooperatively owned grain elevator and who is not engaged in the loading or unloading of a vessel;

"(G) any person employed to build or repair any recreational vessel under sixty-five feet in length;

"(H) a master or member of a crew of any vessel; or

"(I) any person engaged by a master to load or unload or repair any small vessel under eighteen tons net;

if employees described in clauses (A) through (G) are subject to coverage under a State workers' compensation law.".

(b) Section 2(4) is amended to read as follows:

"(4)(A) The term 'employer' means an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used by an employer in loading, unloading, repairing, building, or breaking a vessel).

"(B) The term employer does not include—

"(i) clubs, camps, restaurants, museums, retail outlets, or marinas;

"(ii) aquaculture farms;

"(iii) employers or operations of employers who otherwise would be described by subparagraph (A) of this paragraph—

"(I) solely and exclusively because they are in the business of building, repairing, or dismantling—

"(aa) commercial barges under nine hundred lightship displacement tons but no other vessel which is one thousand six hundred tons gross or more;

"(bb) commercial tugboats, towboats, crew boats, supply boats, or fishing vessels under one thousand six hundred tons gross but no other vessel which is one thousand six hundred tons gross or more; or

"(cc) any recreational vessel under sixty-five feet in length but no other vessel which is sixty-five feet in length or more;

while upon any pier, wharf, building way, marine railway, graving dock, shop, or any other facility or area over land customarily used in ship repairing, shipbuilding, or shipbreaking; and

"(II) if the operations of employers described in subdivision (I) do not receive Federal maritime subsidies.".

(c) Section 2(13) is amended to read as follows:

"(13) The term 'wages' means the money rate at which the service rendered by an employee is compensated by an employer under the contract of hiring in force at the time of the injury, including the reasonable value of any advantage which is received from the employer and included for purposes of any withholding of tax under subtitle C of the Internal Revenue Code of 1954 (relating to employment taxes). The term wages does not include fringe benefits, including but not limited to employer payments for or contributions to a retirement, pension, health and welfare, life insurance, training, social security or other employee or dependent benefit fund or trust for the employee's or dependent's benefit, or any other employee's dependent entitlement.".

COVERAGE

SEC. 3. Section 3(a) is amended to read as follows:

"(a) Compensation shall be payable under this Act in respect of disability or death of an employee, but only if the disability or death results from an injury occurring upon the navigable waters of the United States (including any adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used by the employer in loading, unloading, repairing, or building a vessel). No compensation shall be payable in respect of the disability or death of—

"(1) any employee described in section 2(3)(A) through (I) of this Act; or

"(2) an officer or employee of the United States or any agency thereof or any State or foreign government, or of any political subdivision thereof.".

(b) Section 3 is amended by adding the following new subsection:

"(c) Notwithstanding any other provision of law, any amounts paid by any employer for the same injury, disability, or death for which benefits are claimed under this Act pursuant to any other workers' compensation law or section 20 of the Act of March 4, 1915 (38 Stat. 1185, chapter 153; 46 U.S.C. 688) (relating to recovery for injury to or death of seamen) shall be credited against any liability imposed by this Act.".

EXCLUSIVENESS OF REMEDY AND THIRD PARTY LIABILITY

SEC. 4. (a) Section 5(a) is amended by inserting after the word "liability" the second time it appears the following: "including any liability imposed by or arising out of any other workers' compensation law or section 20 of the Act of March 4, 1915 (38 Stat. 1185, chapter 153; 46 U.S.C. 688)".

(b)(1) The third sentence of section 5(b) is amended to read as follows: "If such person was employed to provide ship building, re-

pairing, or breaking services and such person's employer was the owner, owner pro hac vice, agent, operator, or charterer of the vessel, no such action shall be permitted, in whole or in part or directly or indirectly, against the injured person's employer (in any capacity, including as the vessel's owner, owner pro hac vice, agent, operator, or charterer) or against the employees of the employer.".

(2) Section 2(21) is amended by striking out "The" and inserting in lieu thereof "Unless the context requires otherwise, the".

(c) Section 5 is amended by adding at the end thereof the following new subsection:

"(c) In the event that the negligence of a third party causes injury to a person entitled to receive benefits under this chapter by virtue of section 4 of the Outer Continental Shelf Lands Act (43 U.S.C. 1333), then such person, or anyone otherwise entitled to recover damages by reason thereof, may bring an action against such third party in accordance with the provisions of section 33 of this Act. Nothing contained in this chapter, or in any otherwise applicable State law, shall preclude the enforcement according to its terms of any written agreement under which the employer has agreed to indemnify such third party in whole or in part with respect to such action.".

COMPENSATION

SEC. 5. (a) Section 6(b)(1) is amended to read as follows:

"(b)(1) Compensation for disability or death shall not exceed an amount equal to 200 per centum of the applicable national average weekly wage, as determined by the Secretary under subsection (b)(3).".

(b) Section 6 is amended—

(1) by striking out subsection (c) and redesignating subsection (d) (and any references thereto) as subsection (c); and

(2) by striking out "under this subsection" in subsection (c) (as redesignated) and inserting in lieu thereof "under subsection (b)(3)".

MEDICAL SERVICES AND SUPPLIES

SEC. 6. (a) The penultimate sentence of section 7(b) is amended by inserting before the period the following: "or where the charges exceed those prevailing within the community for the same or similar services".

(b) Section 7(c) is amended to read as follows:

"(c)(1)(A) The Secretary shall annually prepare a list of physicians in each compensation district who are not authorized to render medical care under this Act. The names of physicians contained on the list required under this subparagraph shall be made available to employees and employers in each compensation district through posting or in such form as the Secretary may prescribe.

"(B) The Secretary may refuse to authorize any physician who, in accordance with the provisions of subsection (j)(1) of this section, and shall refuse to authorize any physician who, in accordance with the provisions of subsection (j)(2) of this section, has been found ineligible to receive payments under this Act. A physician not authorized under this Act shall not be entitled to reimbursement for any service, appliance, or supply or to recover any amount with respect to any such service, appliance, or supply from any employee.

"(2) Whenever the employer or carrier acquires knowledge of the employee's injury, through written notice or otherwise as prescribed by the Act, the employer or carrier shall forthwith authorize medical treatment and care from a physician selected by an employee pursuant to subsection (b). An employee may not select a physician who is on the list required by paragraph (1) of this subsection. An employee may not change physicians after his initial choice unless the employer, carrier, or deputy commissioner has given prior consent for such change. Such consent shall be given in cases where an employee's initial choice was not of a specialist whose services are necessary for and appropriate to the proper care and treatment of the compensable injury or disease. In all other cases, consent may be given upon a showing of good cause for change.".

(c) Section 7(d) is amended to read as follows:

"(d) An employee shall not be entitled to recover any amount expended by him for medical or other treatment or services unless he shall have complied with subsections (b) and (c) and the applicable regulations or unless the employer shall have refused or neglected to furnish such services, or unless the nature of the injury required such treatment and services and the employer or his superintendent or foreman having knowledge of such injury shall have neglected to provide or authorize same; nor shall any claim for medical or surgical treatment be valid and enforceable against such employer, unless within twenty-one days following the first treatment the physician giving such treatment furnishes to the employer and the deputy commissioner a report of such injury or treatment, on a form prescribed by the Secretary. The Secretary may excuse the failure to furnish such report within the twenty-one-day period whenever he finds it to be in the interest of justice to do so. The Secretary may, upon application by a party in interest, make an award for the reasonable value of such medical or surgical treatment so obtained by the employee. If at any time the employee unreasonably refuses to submit to medical or surgical treatment, or to an examination by a physician selected by the employer, the Secretary or administrative law judge may, by order, suspend the payment of further compensation during such time as such refusal continues, and no compensation shall be paid at any time during the period of such suspension, unless the circumstances justified the refusal.".

(d) Section 7 is amended by adding at the end thereof the following new subsection:

"(j)(1) Notwithstanding any other provisions of this Act, no liability shall arise under this Act for a service, appliance, or supply furnished by an individual or entity where the Secretary determines under this subsection that a provider—

"(A) has knowingly and willfully made, or caused to be made, a false statement or representation of a material fact in connection with any services provided under this Act;

"(B) has submitted, or caused to be submitted, a bill or request for payment under this Act containing a charge which the Secretary finds to be substantially in excess of the charge for the service, appliance, or supply prevailing within the community unless the Secretary finds there is good cause for the bill or request containing the charge; or

"(C) has furnished a service, appliance, or supply which is determined by the Secretary to be substantially in excess of the need of the recipient thereof or to be of a quality which fails to meet professionally recognized standards.

"(2) Liability shall not arise for a service, appliance, or supply furnished by a provider—

"(A) indicted or convicted under a criminal statute (without regard to pending appeal thereof) for fraudulent activities or (as determined by regulation of the Secretary) related activities, in connection with a program under which payments are made to providers for similar services, appliances, or supplies; or

"(B) otherwise excluded from participation in a program under which payments are made to providers for similar services, appliances, or supplies.

"(3) A provider of a service, appliance, or supply shall provide to the Secretary such information and certification as the Secretary may require to assure that this subsection is enforced.

"(4)(A) A determination made by the Secretary under paragraphs (1) and (2) shall be effective—

"(i) in connection with any request for payment by a provider, upon notice consistent with paragraph (5); or

"(ii) in connection with a request for payment by anyone claiming benefits under this Act, only with respect to payment of expenses incurred after receipt of notice of the determination by such person.

"(B) A determination shall remain in effect until the Secretary finds and gives notice to the public that the basis for the determination has been removed, and that there is reasonable assurance that the basis for the determination will not reoccur.

"(5) The Secretary may make rules and regulations and establish procedures which are necessary or appropriate to carry out this subsection, including notice and opportunity for a hearing to the provider of a service, appliance, or supply, subject to a determination made by the Secretary under paragraphs (1) and (2) of this subsection.".

(e) Section 7 (as amended by subsection (d)) is further amended by adding at the end thereof the following new subsection:

"(k) (1) Nothing in this Act prevents an employee whose injury or disability has been established under this Act, from relying in good faith, on treatment by prayer or spiritual means alone, in accordance with the tenets and practice of a recognized church or religious denomination, by an accredited practitioner of such recognized church or religious denomination, and on nursing services rendered in accordance with such tenets and practice, without suffering loss or diminution of the compensation benefits under this Act. Nothing in this subsection shall be construed to except the employee from all physical examinations required by this Act.

"(2) If an employee refuses to submit to medical or surgical services solely because, in adherence to the tenets and practice of a recognized church or religious denomination, the employee relies upon prayer or spiritual means alone for healing, such employee shall not be considered to have unreasonably refused medical or surgical treatment under subsection (d) or to have unreasonably refused to undergo vocational rehabilitation under section 8(g)(3).".

COMPENSATION FOR DISABILITY

SEC. 7. (a) Section 8(a) is amended to read as follows:

"(a) Permanent total disability: In the case of total disability determined to be permanent, 66⅔ per centum of the average weekly wages of the employee shall be paid to the employee during the continuance of the disability, except that compensation

paid to the injured employee shall be subject to section 6(b)(1) and shall be reduced by 50 per centum of the amount of old-age insurance benefits to which the employee is entitled under title II of the Social Security Act. Loss of both hands, both arms, both feet, both legs, both eyes, or any combination of two such body parts, shall constitute permanent total disability in the absence of conclusive proof to the contrary. In all other cases, permanent total disability shall be determined in accordance with the facts.".

(b) Section 8(c)(13) is amended to read as follows:

"(13) Loss of hearing:

"(A) Compensation for loss of hearing in one ear, fifty-two weeks.

"(B) Compensation for loss of hearing in both ears, two hundred weeks.

"(C) An employer shall be liable to the employee only for the loss of hearing attributable to employment by the employer.

"(D) An audiogram shall be conclusive evidence of the amount of hearing loss sustained as of the date thereof, unless contrary audiograms made at that time are produced.

"(E) Within ninety days of the date of enactment of this Act, the Secretary shall promulgate regulations to define the term 'loss of hearing' in accordance with the American Medical Association Guides for the Evaluation of Permanent Impairment.".

(c) Section 8(c)(20) is amended by striking out "$3,500" and inserting in lieu thereof "$7,500".

(d) Section 8(c)(21) is amended to read as follows:

"(21) Other cases: In all other cases in this class of disability, the compensation shall be 66⅔ per centum of the difference between the average weekly wages of the employee and the employee's wage-earning capacity thereafter in the same employment or otherwise payable during the continuance of the partial disability.".

(e) Section 8(d) is amended by striking out paragraph (3) and redesignating paragraph (4) (and any references thereto) as paragraph (3).

(f) Section 8(f) is amended—

(1) by striking out "one hundred and four weeks" wherever it appears and inserting in lieu thereof "two hundred and eight weeks"; and

(2) by adding at the end thereof the following new paragraph:

"(3) Any request for second injury fund apportionment in accordance with section 8(f) must be presented to the deputy commissioner and the Conservator prior to consideration by an administrative law judge.".

(g) Subsections (g) through (i) of section 8 are amended to read as follows:

"(g) Compensation for employees undergoing vocational rehabilitation:

"(1) An employee who as a result of an injury is undergoing vocational rehabilitation for remunerative employment under the supervision of the deputy commissioner, pursuant to section 39(c), or with the approval of the employer, shall receive continued temporary total or partial compensation during the period of rehabilitation.

"(2) An award for permanent disability may not be entered before the deputy commissioner determines, or the employer and employee agree, that vocational rehabilitation is unnecessary or until after vocational rehabilitation has been completed.

"(3) If an employee unreasonably refuses to undergo vocational rehabilitation or to participate in a reasonable plan offered and financed by the employer to return the injured employee to work, the employee shall not be eligible to receive compensation payments that would otherwise be payable for the period of the refusal.

"(h) The wage-earning capacity of an injured employee in cases of disability shall be determined by his actual earnings if such actual earnings fairly and reasonably represent his wage-earning capacity: Provided, however, That if the employee has no actual earnings or his actual earnings do not fairly and reasonably represent his wage-earning capacity, the deputy commissioner may, in the interest of justice, fix such wage-earning capacity as shall be reasonable, having due regard to the nature of his injury, the degree of physical impairment, his usual employment, and any other factors or circumstances in the case which may affect his capacity to earn wages in his disabled condition.

"(i)(1) Whenever the parties to any claim for compensation, including survivors benefits, under this Act agree to a settlement, the deputy commissioner or administrative law judge shall approve the settlement within thirty days unless it is found to be inadequate or procured by duress. No liability of any employer, carrier, or both for disability or death benefits shall be discharged unless the application for settlement is approved by the deputy commissioner or administrative law judge. If the parties to the settlement are represented by counsel, then agreements shall be deemed approved unless specifically disapproved within thirty days after submission for approval.

"(2) If the deputy commissioner disapproves an application for settlement under paragraph (1), the deputy commissioner shall issue a written statement within 30 days containing the reasons for disapproval. Any party to the settlement may request a hearing before an administrative law judge in the manner prescribed by this Act. Following such hearing, an order shall be issued approving, rejecting, or modifying the deputy commissioner's decision. If the parties to the settlement are represented by counsel, then agreements shall be deemed approved unless specifically disapproved within thirty days after submission for approval.

"(3) A settlement approved under this section shall discharge the liability of the employer, carrier, or both. Such settlement may include future medical benefits if the parties so agree and the deputy commissioner approves. Settlements may be agreed upon at any stage of the proceeding including after entry of a final compensation order.".

(h) Section 8 is amended by adding at the end thereof the following new subsection:

"(j)(1) The employer may inform a disabled employee of his obligation to report to the employer not less than semiannually any earnings from employment or self-employment, on such forms as the Secretary shall specify in regulations.

"(2) An employee who—

"(A) fails to report the employee's earnings under paragraph (1) when requested, or

"(B) knowingly and willfully omits or understates any part of such earnings,

and who is determined by the deputy commissioner to have violated clause (A) or (B) of this paragraph, forfeits his right to compensation with respect to any period during which the employee was required to file such report.

"(3) Compensation forfeited under this subsection, if already paid, shall be recovered by a deduction from the compensation payable to the employee in any amount and on such schedule as determined by the deputy commissioner.".

COMPENSATION FOR DEATH

SEC. 8. (a) The matter preceding the colon in section 9 is amended to read as follows:

"SEC. 9. If the injury causes death, the compensation therefor shall be known as a death benefit and shall be payable in the amount and to or for the benefit of the persons following".

(b) Section 9(a) is amended by striking out "$1,000" and inserting in lieu thereof "$3,000".

(c) Section 9(e) is amended to read as follows:

"(e) In computing death benefits, the average weekly wages of the deceased shall not be less than the national average weekly wage as prescribed in section 6(b), except that the total weekly benefits shall not exceed the lesser of the average weekly wages of the deceased or the benefit which the deceased employee would have been eligible to receive under section 6(b)(1).".

DETERMINATION OF PAY

SEC. 9. Section 10(f) is amended to read as follows:

"(f) Effective October 1 of each year following the date of enactment of this Act, the compensation or death benefits payable for permanent total disability or death arising out of injuries subject to this Act shall be increased—

"(1) by a percentage equal to the percentage (if any) by which the applicable national weekly wage for the period beginning on such October 1, as determined under section 6(b), exceeds the applicable national average weekly wage, as so determined, for the period beginning with the preceding October 1; or

"(2) by 5 per centum, whichever percentage is less.".

NOTICE OF INJURY OR DEATH

SEC. 10. (a) Section 12(a) is amended to read as follows:

"(a) Notice of an injury or death in respect of which compensation is payable under this Act shall be given within thirty days after the date of such injury or death, or thirty days after the employee or beneficiary is aware or by reason of medical advice should have been aware of a relationship between the injury or death and the employment. Such notice shall be given (1) to the deputy commissioner in the compensation district in which the injury or death occurred, and (2) to the employer. Each employer shall designate those agents or other responsible officials, including first line supervisors, to receive such notice, in accordance with regulations prescribed by the Secretary and shall notify his employees of such designation in a manner prescribed by the Secretary in regulations.".

(b) Section 12(d) is amended by deleting "(or his agent in charge of the business in the place where the injury occurred)" and inserting in lieu thereof the following: "(or his agent or agents or other responsible official or officials designated by the employer as designated under subsection (a))".

PAYMENT OF COMPENSATION

SEC. 11. (a) Section 14(b) is amended by striking out "employer" and inserting in lieu thereof "employer's agent or agents as designated under section 12(a)".

(b) Section 14 is amended by striking out subsection (j) and by redesignating subsections (k) and (l) (and any references thereto) as subsections (j) and (k), respectively.

PRESUMPTIONS

SEC. 12. Section 20 is amended as follows:

(1) by inserting before the period in subsection (b) a comma and the following: "except when the agent or agents or other responsible official or officials designated by the employer in section 12 (a) and (d) have not received actual or constructive notice", and

(2) by adding at the end of the section the following new sentence: "The mere existence of a physical impairment is insufficient to establish a claim under this Act.".

REVIEW OF COMPENSATION ORDER

SEC. 13. Section 21 is amended by adding the following new paragraph at the end of subsection (b):

"(5) Notwithstanding paragraphs (1) through (4), upon application of the Chairman of the Board, the Secretary may designate up to four Department of Labor administrative law judges to temporarily serve on the Board. Any party aggrieved by the decisions of a panel or division of the Benefits Review Board may, within thirty days after the decision, petition the entire Board (permanent plus temporary members) for a rehearing en banc. Upon affirmative vote of the majority of the Board sitting en banc, the petition shall be granted. If a petition for a rehearing en banc is granted, and the vote of the Board sitting en banc results in a tie, the decision of the panel or division of the Board shall be affirmed. The Benefits Review Board shall amend its Rules of Practice to conform with this paragraph. Temporary members shall be compensated at the same rate of compensation as they were receiving prior to such temporary designation. Except when sitting en banc, and for the purpose of carrying out its adjudicative functions under this Act, two members of the Board shall constitute a quorum of a panel or division and official adjudicative action can be taken only on the affirmative vote of at least two members of a division or panel.".

MODIFICATIONS OF AWARDS

SEC. 14. Section 22 is amended by striking all after "the deputy commissioner may" through "rejection of a claim".

FEES FOR SERVICES

SEC. 15. (a) Section 28(a) is amended to read as follows:

"(a) A claim for legal services or for any other services provided to or on account of a person with respect to a claim for or award of compensation under this Act is not valid unless approved by the deputy commissioner, an administrative law judge, the Board, or a court which is reviewing an order of an administrative law judge.".

(b) Section 28(e) is amended to read as follows:

"(e) A person who receives a fee, gratuity, or other consideration on account of services rendered as a representative of a claimant, unless the consideration is approved by the deputy commissioner, administrative law judge, Board, or court, or who makes it a business to solicit employment for a lawyer, or for himself, with respect to a claim or award for compensation under this Act, shall, upon conviction thereof, for each offense be punished by a fine of not more than $1,000 or be imprisoned for not more than one year, or both.".

REPORTS

SEC. 16. (a) Section 30(a) is amended—

(1) by inserting after the word "injury" a comma and the following: "which would cause loss of one or more shifts of work", and

(2) by adding at the end thereof the following new sentence: "Notwithstanding the requirements of this section, each employer shall keep a record of each and every injury regardless of whether such injury results in the loss of one or more shifts of work.".

(b) Section 30(e) is amended to read as follows:

"(e) Any employer, insurance carrier, or self-insured employer who willfully fails or refuses to send any report required by this section shall be subject to a civil penalty not to exceed $25,000 for each such failure or refusal.".

PENALTY FOR MISREPRESENTATION—PROSECUTION OF CLAIMS

SEC. 17. Section 31 is amended to read as follows:

"PENALTY FOR MISREPRESENTATION—PROSECUTION OF CLAIMS

"SEC. 31. (a)(1) A person who willfully makes a false statement or representation for the purpose of obtaining a benefit or payment under this Act shall be guilty of a felony, and on conviction thereof shall be punished by a fine not to exceed $25,000, by imprisonment not to exceed three years, or both.

"(2) The United States attorney for the district in which the injury is alleged to have occurred shall make every reasonable effort to promptly investigate each complaint made under this subsection.

"(b)(1) A person may not prosecute or defend a claim other than his own under this Act other than a claimant, an attorney, a representative licensed by the Secretary, or an employee designated by an employer or carrier.

"(2) A person may not prosecute or defend a claim other than his own under this Act if the person—

"(A) is convicted of or pleads guilty to a crime in a State or Federal court;

"(B) gives false or substantially inaccurate information in an application for a license to prosecute or defend a claim under this Act;

"(C) conceals or attempts to conceal material facts with respect to a claim under this Act;

"(D) solicits or procures false testimony with respect to a claim under this Act; or

"(E) misappropriates funds or documents entrusted to the person with respect to a claim under this Act.

"(3) The Secretary shall issue such rules and regulations as are necessary to carry out this subsection.

"(c) A person including, but not limited to, an employer, his duly authorized agent, or an employee of an insurance carrier who willfully makes a false statement or representation for the purpose of denying or terminating benefits to an injured employee, or his dependents pursuant to section 9 if the injury results in death, shall be punished by a fine not to exceed $25,000, by imprisonment not to exceed three years, or by both.".

SECURITY FOR COMPENSATION

SEC. 18. Section 32(a)(2) is amended by inserting "based on the employer's financial condition, the employer's previous record of payments, and other relevant factors," after "in an amount determined by the Secretary,".

COMPENSATION FOR INJURIES WHERE THIRD PERSONS ARE LIABLE

SEC. 19. (a) Section 33(b) is amended to read as follows:

"(b) Acceptance of such compensation under an award in a compensation order filed by the deputy commissioner, an administrative law judge, or Board shall operate as an assignment to the employer of all rights of the person entitled to compensation to recover damages against such third person unless such person shall commence an action against such third person within six months after such award. For the purpose of this subsection, the term 'award' with respect to a compensation order means a formal order issued by the deputy commissioner, an administrative law judge, or Board; if the employer fails to commence an action against such third person within a reasonable time after the cause of action is assigned under this section, the right to bring such action shall revert to the person entitled to compensation.".

(b) Section 33(f) is amended to read as follows:

"(f)(1) If a person entitled to compensation under the Act institutes proceedings within the period described in subsection (b), the employer shall be required to pay, as compensation under this Act, a sum equal to the excess of the amount which the deputy commissioner, an administrative law judge, or Board determines is payable on account of the injury or death above the amount recovered in the proceedings against a third person.

"(2) Any amount recovered by the person entitled to compensation on account of the proceedings by judgment or settlement, whether or not the settlement is approved by the employer in accordance with subsection (g), shall be distributed as follows:

"(A) The person entitled to compensation shall pay to the employer an amount equal to the sum of—

"(i) the cost of all benefits furnished to the person by the employer under section 7; and

"(ii) all other amounts payable as compensation or benefits under this Act.

"(B) The person entitled to compensation or the person's representative shall retain the amount remaining after the payment required by subparagraph (A).".

(c) Section 33(g) is amended to read as follows:

"(g)(1) If the person entitled to compensation (or the person's representative) enters into a settlement with a third person referred to in subsection (a) for an amount less than the compensation to which the person (or the person's representative) would be entitled under this Act, the employer shall be liable for compensation as determined under subsection (f) only if written approval of the settlement is obtained from the employer and the employer's carrier, before the settlement is executed, and by the person entitled to compensation (or the person's representative). The approval shall be made on a form provided by the Secretary and shall be filed in the office of the deputy commissioner within thirty days after the settlement is entered into.

"(2) If no written approval of the settlement is obtained and filed as required by paragraph (1), or if the employee fails to notify the employer of any settlement obtained from or judgment rendered against a third person, all rights to compensation and medical benefits under this Act shall be terminated, regardless of whether the employer or the employer's insurer has made payments or acknowledged entitlement to benefits under this Act.

"(3) Payments by the special fund established under section 44 shall be a lien upon the proceeds of any settlement obtained from or judgment rendered against a third person referred to under subsection (a). Notwithstanding any other provision of law, such lien shall be enforceable against the

employee, regardless of whether the Conservator on behalf of the special fund has agreed to or has received actual notice of the settlement or judgment.".

ANNUAL REPORT

SEC. 20. The Act is amended by inserting the following new section after section 42:

"ANNUAL REPORT

"SEC. 43. The Secretary shall make to Congress at the beginning of each regular session a report of the administration of this Act for the preceding fiscal year, including a detailed statement of receipts of and expenditures from the funds established in sections 44 and 45, together with such recommendations as the Secretary deems advisable.".

SPECIAL FUND CONSERVATION COMMITTEE—FUND CONSERVATOR

SEC. 21. Section 45 is amended to read as follows:

"SPECIAL FUND CONSERVATION COMMITTEE—FUND CONSERVATOR

"SEC. 45. (a)(1) There is established the Special Fund Conservation Committee (hereinafter in this section referred to as the 'Conservation Committee'). The Conservation Committee shall be responsible for protecting the financial integrity of the special fund established under section 44 (hereinafter in this section referred to as the 'special fund') by insuring that all distributions from the special fund are made in accordance with this Act.

"(2)(A) The Conservation Committee shall be composed of five members appointed by the Secretary, who shall be representatives of carriers authorized under section 32, including self-insurers and representatives of employers.

"(B) The terms of office of the members of the Conservation Committee shall be three years, except that of the members first appointed, one member shall be appointed for a term of one year, two members shall be appointed for a term of two years, and two members shall be appointed for a term of three years, as determined by the Secretary at the time of appointment.

"(C) A vacancy on the Committee shall be filled in the manner in which the original appointment was made. A member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of the term. A member may serve after the expiration of the member's term until the member's successor has taken office.

"(D) Members of the Conservation Committee shall serve without pay and may not be reimbursed for any travel or transportation expenses.

"(E) The Chairman shall be elected by the members of the Conservation Committee.

"(F) The Conservation Committee shall meet at the call of the Chairman or a majority of its members.

"(G) Upon request of the Conservation Committee, the Secretary shall provide such administrative services as the Committee shall require.

"(3)(A) The Conservation Committee may secure, directly from the Secretary of Labor, the Secretary of the Treasury, the Board, and a deputy commissioner, information necessary to enable it to carry out this section, including copies of all official records and reports. Upon request of the Chairman of the Conservation Committee, the appropriate Secretary, the Chairman of the Board, or the deputy commissioner shall furnish the information to the Committee.

"(B) The Conservation Committee may provide (by contract) for the auditing of the account of the special fund. The Conservation Committee may secure directly from the Comptroller General of the United States information derived from an audit conducted pursuant to section 44(g). Upon request of the Chairman of the Conservation Committee, the Comptroller General shall furnish the information to the Conservation Committee.

"(4) The Conservation Committee may establish such policies and procedures as may be necessary to carry out this section.

"(5) The Conservation Committee shall transmit to the Secretary of Labor, the Secretary of the Treasury, and to each House of Congress a report, not later than one year after the date of enactment of this Act, and each year thereafter. The report shall contain a detailed statement of the findings and conclusions of the Conservation Committee with regard to the financial integrity of the special fund, together with its recommendations for such legislative and administrative actions as it considers appropriate.

"(b)(1)(A) To carry out its responsibilities under this section, the Conservation Committee shall appoint a Fund Conservator (hereinafter in this section referred to as the 'Conservator').

"(B) The Conservation Committee may authorize the Conservator to take any action which the Conservation Committee is authorized to take under this section.

"(2)(A) The Secretary shall cause notice to be given to the Conservator whenever a payment from the special fund is ordered by the Secretary or whenever an administrative or judicial proceeding in which a party to the proceeding seeks to establish a liability of the special fund is scheduled to convene. A proceeding on an application for apportionment under section 8(f) of this Act may not be convened less than thirty days after notice of the proceeding has been given to the Conservator, unless the Conservator waives the limitation in writing to the Secretary.

"(B) Except as provided in subparagraph (C), the Conservator shall be a party in an administrative or judicial proceeding in which a party to the proceeding seeks to establish a liability of the special fund. The Conservator shall have the same rights in the proceeding as any other party, including the right to participate in a settlement of a claim brought against the fund.

"(C) The Conservator may withdraw as a party from a proceeding described in subparagraph (B), after giving written notice to the Secretary and the officer or judge presiding over the proceeding, if the Conservator determines that there is a substantial likelihood that the liability of the fund will be established in the proceeding.

"(D) The Conservator may participate as a party in a case where the liability of the special fund is already established and a proceeding is convened to establish the amount of the liability, including a proceeding to review a compensation award under section 22.

"(E) The functions and responsibilities of the Conservator established under subparagraphs (B) through (D) shall extend to all proceedings described in such subparagraphs which are pending on the date of enactment of this Act.

"(3)(A) When medical questions or questions relating to the vocational rehabilitation of a claimant are raised in a case in which the Conservator is a party pursuant to paragraph (2), the Conservator may order an examination or evaluation of the claimant in the proceeding by a physician whose services have been procured by the Conservator under paragraph (5)(B)(ii).

"(B) If a claimant refuses to comply with an order under subparagraph (A), the proceeding relating to the claimant's case shall be suspended and, in appropriate cases, the Secretary may suspend benefits, unless the physician or other individual who would be responsible for administering the examination or evaluation determines that the administration of the examination or evaluation would constitute a risk to the health of the claimant.

"(4)(A) Subject to such rules as the Conservation Committee may prescribe and to subparagraph (B), the Conservator may appoint and fix the pay of such professional and clerical personnel as the Conservator considers appropriate.

"(B) The staff of the Conservator may be appointed without regard to the provisions of title 5, United States Code (governing appointments in the competitive service), and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).

"(5)(A) Subject to such rules as the Conservation Committee may prescribe, the Conservator may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(B) Subject to such rules as the Conservation Committee may prescribe, the Conservator may procure the services of—

"(i) counsel, subject to subparagraph (C), to represent the interests of the special fund in an administrative or judicial proceeding described in paragraph (2); and

"(ii) medical, vocational, and other experts and witnesses to defend a claim against the special fund.

"(C) The Conservator shall establish standards for the selection of a counsel under subparagraph (A) which will ensure the selection of individuals who are specially qualified to serve by virtue of their education, training, or experience, including experience in the field of worker's compensation law.

"(c) All administrative expenses incurred by the Conservation Committee and the Conservator under this section shall be paid from the special fund.".

APPROPRIATION

SEC. 22. Section 46 is repealed.

AVAILABILITY OF APPROPRIATIONS

SEC. 23. Section 47 is repealed.

DISCRIMINATION AGAINST EMPLOYEES WHO BRING PROCEEDINGS

SEC. 24. (a) Section 49 is amended by inserting after the first sentence the following new sentence: "The discharge or refusal to employ a person who has been adjudicated to have filed a fraudulent claim for compensation is not a violation of this section.".

(b) The second sentence of section 49 is amended—

(1) by striking out "$100" and inserting in lieu thereof "$1,000"; and

(2) by striking out "$1,000" and inserting in lieu thereof "$5,000".

EFFECTIVE DATE

SEC. 25. The provisions of this Act and the amendments made by this Act shall be effective for an injury, disability, or death which occurs or commences on or after the date of enactment of this Act, except that (1) there shall be no liability for deaths from causes other than the injury, as provided in sec-

tions 8(d)(3) and 9 of the Longshoremen's and Harbor Workers' Compensation Act, as amended by Public Law 92-576, for any such deaths occurring on or after the date of enactment of this Act, and (2) the amendments made by section 14 of this Act relating to the modification of awards shall not apply to payments of compensation under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

AMENDMENT NO. 1422

Mr. BAKER. Madam President, I send to the desk an amendment on behalf of Senators McCLURE and HATCH, and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. McCLURE and Mr. HATCH, proposes an amendment numbered 1422.

Mr. BAKER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

S. 38, as reported, is amended as follows:

On page 38, line 21 insert "recreational operation," after "camp,"; and on page 39, line 24 insert "recreational operations," after "camps,".

Mr. McCLURE. Madam President, I rise today to offer an important amendment to S. 38, the Longshoremen's and Harbor Workers' Compensation Act Amendments of 1983.

I would like to commend Senator NICKLES and Senator HATCH for their hard work on this issue. While most of us are not directly involved with the complexities of this act, we are still aware of the problems associated with its interpretation. For the most part, in 1969, coverage was limited to employees working on navigable waters with the certainty of this coverage carrying a large price tag for the worker. The amendments of 1972 updated some of these rules of coverage by taking into account modern technology advances. It was the desire of the Congress to achieve the twin goals of equality in benefit payments and a uniform compensation system. Unfortunately, a decade of experience under the 1972 amendments shows us that a price was paid while attempting to meet these two goals.

The proposed solutions to these problems encompassed both ends of the spectrum. One side wanted to extend jurisdiction shoreward to workers well beyond navigable waters and adjacent areas. The other side wanted to return jurisdiction to its pre-1972 limits by covering only those workers situated seaward from the waters edge. The committee showed a great deal of leadership by directing their attention to specific activities which had been singled out for criticism.

By dealing with the situation on a case-specific basis it was easy to determine which activities do not merit coverage under the act, and that employees involved are more aptly covered under appropriate State compensation laws. I support this approach but I feel that the situation of one set of employees was overlooked.

As many of you know, Idaho's economy benefits a great deal from tourism. One of the most popular tourist activities is a float trip down many of our beautiful rivers and streams. Unfortunately, the Longshoremen's Act has been interpreted to apply to boatmen who are employed on navigable streams in Idaho. Because statutory benefits under the Federal act are considerably higher than those covered by the State act, the costs for this insurance under the Federal act are considerably higher.

I do not think that it was ever the intent of Congress to have the activities of these employees interpreted in that way. Instead, I think this interpretation was made because of the confusion associated with the jurisdiction of the Longshoremen's Act. The amendment I am introducing today simplifies this complex problem. It simply adds the term "recreational operations" to the list of employers who should not come under the terms of the law allowing these employees to be covered by State workman's compensation laws.

Mr. HATCH. Madam President, it is with a great deal of satisfaction that I bring this bill to the floor today for expeditious action by the Senate. S. 38, which would enact much needed reforms to the Longshoremen's and Harbor Workers' Compensation Act, passed the Senate in the last Congress on July 27, 1982 (S. 1182). Significantly, final passage here came by unanimous consent. Unfortunately, however, the Education and Labor Committee in the other body, after hearings and many, many hours of negotiations with interested parties, did not conclude action on the measure before the sine die adjournment.

I am hopeful that by repassing the reform bill today, we can pick up where we left off late last year and can work diligently with the Education and Labor Committee toward enactment within the coming months.

I take this opportunity to congratulate the distinguished chairman of the Labor Subcommittee, Mr. NICKLES. It was only through his tireless and persistent leadership that this bill emerged as a truly consensus measure, enjoying wide bipartisan sponsorship. Aside from myself and Mr. NICKLES, the bill's sponsors include Mr. NUNN, Mr. KENNEDY, Mr. HELMS, Mr. EAST, Mr. SYMMS, Mrs. HAWKINS, Mr. DENTON, Mr. WARNER, and Mr. MATTINGLY. I would also acknowledge a special thanks to Mr. NUNN, whose leadership on the Permanent Subcommittee on Investigations of the Governmental Affairs Committee established a convincing record of how the current law rendered this program susceptible to waste, fraud, and abuse. He made valuable contributions in the shaping of several provisions designed to restore the integrity of the program. In addition, Mr. KENNEDY deserves special recognition and thanks as ranking minority member of the Labor and Human Resources Committee. I can say quite candidly that without his help a consensus would not have achieved on this bill, now bears the endorsement of representatives of affected employers and businesses as well as the AFL-CIO. Moreover, by letters of May 17 and May 25, 1983, Secretary of Labor Donovan and OMB respectively informed the committee of the administration's support for the bill.

The Longshoremen's and Harbor Workers' Compensation Act was last amended over a decade ago, in 1972. At that time the act with the new amendments was heralded as a "model of enlightened benefit." It is no doubt true that the 1972 amendments did bring about an improvement. Prior to 1972, 20 States had surpassed the Longshore Act in terms of wage loss benefits. Moreover, a very unsatifactory state of affairs existed with respect to third-party liability suits involving covered employers. The principle that workers' compensation should be an employer's sole liability to injured employees had been seriously eroded. However, the experience of the last 10 years has demonstrated severe deficiencies with the act.

So beginning in 1977, the respective labor committees of the Senate and the House conducted a series of oversight hearings. During the 95th Congress, the House committee held 17 days of hearings, and they continued in both the House and the Senate in the 96th Congress. As might be expected, employers, insurance carriers, unions, and employee representatives presented varying views. Employers and carriers complained about the vagaries over jurisdiction and coverage, and they were highly critical of the benefits levels, the unrelated death benefits provision, and the unrestrained annual adjustments in compensation. They were also critical of the special fund's growing liability as well as the delays and backlogs encountered in the administration and adjudication of claims. On the other hand, employee representatives expressed overall support for the current law, but indicated concern over inadequate administration by the Department of Labor.

At the beginning of the 97th Congress, the Permanent Subcommittee on Investigations of the Senate Committee on Governmental Affairs held 6 days of hearings on waterfront corrup-

tion and the influence of organized crime in a number of east and gulf coast ports. The hearings were the culmination of an investigation commenced the previous year by Senator NUNN and the Department of Justice's operation UNIRAC.

Soon after the conclusion of the Permanent Subcommittee on Investigations hearings, Senators NICKLES and NUNN on May 14, 1981, introduced the comprehensive longshoremen's and harbor workers' compensation reform bill, S. 1182. This committee's Subcommittee on Labor held 4 days of hearings on S. 1182 and developed a hearing record of 1,241 pages. Interested parties from labor, management, and Government again presented their views.

The following criticisms emerged from these hearings:

First, jurisdiction: It was alleged that the extension to adjoining areas leave vague and unclear just what operations on land are covered. The small recreational boatyards, in particular, are in a state of uncertainty as to the status of their employees working at locations which are not geographically adjacent to navigable waters. The small boat and barge builders expressed concern about their employees who may be involved in nonmaritime construction during extensive periods of the year.

Second, unrelated death benefits: The law provides that if a claimant receives compensation benefits for either permanent partial or permanent total disability and then dies from any cause, his widow and/or survivors would be entitled to certain benefits. It is contended this has the effect of adding a life insurance policy to a workers' compensation law.

Third, annual escalation of benefits: It has been contended that the unpredictability of future, annual escalation of benefits makes insurance premium assessment equally unpredictable, resulting in higher insurance costs.

Fourth, no limitation on weekly benefits to widows and/or survivors in case of death: Since there is a maximum payable for total permanent disability, it is alleged that, in certain instances, a widow could receive higher benefits from the death of the employee than if he was receiving total permanent disability benefits.

Fifth, procedure for establishing loss of wage-earning capacity: It has been stated that in some cases a claimant receives compensation in excess of his take-home wages prior to injury.

Sixth, employers' access to an independent physical examination: It has been alleged that in certain district offices, the deputy commissioners are unwilling to order an independent medical examination of a claimant at the request of an employer.

Seventh, settlements: It has been alleged that the administrative law judges have no authority to approve settlements, which results in excessive litigation.

Eighth, waste, fraud, and abuse: During the course of the hearing before the Permanent Subcommittee on Investigations as well as the committee's consideration of the bill, testimony was received concerning the potential for abuse of this act. It has now been clearly established that, in certain instances, the provisions of the act have been abused by corrupt individuals so that corrective action to eliminate this potential is necessary.

The bill, as reported by the committee last year and again this year, goes a long way in rectifying many of these problems. I hasten to add that it does not address all the matters raised during the hearings. Nor does it solve some of the problems to everyone's complete satisfaction. But that is typically the nature of compromise legislation. I will not take time to detail all the aspects of the reported bill. An explanation is adequately set forth in the committee report. I would nevertheless like to single out several matters for discussion. In addition, I would like to comment briefly on a floor amendment which Mr. MCCLURE and I have cosponsored and which has been cleared on both sides of the aisle.

First, I note that the bill contains a jurisdictional exclusion for certain small-vessel builders and repairers. Although there are a number of limitations on the availability of the exclusion, the result nonetheless should provide needed relief to that segment of the shipbuilding industry.

Generally, the exclusion applies only to small-vessel operations in the business of building, repairing, or dismantling commercial barges, tugboats, towboats, crewboats, supply boats, or fishing vessels, or recreational vessels, all of which are subject to certain size limitations as specified in the legislation. A small-vessel operation may qualify for the exclusion by relying upon one or more of the specific exception categories contained in the bill.

One of the exception categories addresses commercial barges under 900 lightship displacement long tons. The best example of the application of this exception is the case of a shipyard facility in the business of building and repairing barges only. If the facility is in the business of building, repairing, or dismantling commercial barges under 900 lightship displacement long tons, it will qualify for exclusion from Longshore Act coverage so long as it is not engaged in building, repairing, or dismantling any other vessel which is 1,600 tons gross or more.

The second general work boat exception addresses shipyard facilities in the business of building or repairing commercial tugboats, towboats, crewboats, supply boats, or fishing vessels under 1,600 tons gross. If a shipyard operation is in the business of building, repairing, or dismantling any one or more of these vessels, it will qualify for exclusion from Longshore Act coverage so long as it is not engaged in building, repairing, or dismantling any other vessel which is 1,600 tons gross or more. An example of the application of this exception is the case of a shipyard facility in the business of building and repairing commercial towboats under 1,600 tons gross among work on other vessels, such as patrol boats, utility vessels, ferries, Corps of Engineers dredges, or pressure barges; provided, however, that none of these vessels may be 1,600 tons gross or more—except commercial barges which, under the first exception discussed, may also be up to 900 lightship displacement tons. The third exception category deals with recreational vessels under 65 feet in length.

If the shipyard operation is engaged in work on a vessel larger than the sizes specified in the bill, the exclusion from Longshore Act coverage is inapplicable and the otherwise excluded "small vessel" activity as well would be subject to Longshore Act coverage during the entire period the shipyard facility is engaged in work on the "large" vessel; for example, a motorized utility boat more than 1,600 tons gross. In the case of repair activity, this period would run from the time the "large" vessel arrives at the shipyard for repair until the repair work is completed. In the case of new construction, it would run from the time the construction first takes on the characteristics of a vessel; that is, the keel is laid—until the construction is completed.

Finally, a shipyard operation may qualify for exclusion from Longshore Act coverage under more than one of the exceptions discussed above depending upon the types and sizes of vessels involved. A shipyard facility may, for instance, be in the business of building and repairing commercial barges under 900 lightship displacement tons (long) and towboats under 1,600 tons gross and qualify for exclusion from Longshore Act coverage.

A significant additional limitation on the small vessel builder and repairer exclusion from coverage is that the exclusion applies only with respect to work on areas landward of the navigable waters. The exclusion does not apply to work conducted "over-the-water" and such work will continue to be subject to Longshore Act coverage. The legislation thus essentially returns the LHWCA jurisdictional line for these shipyards back to where it was prior to the 1972 amendments. For the purpose of resolving coverage questions about those workers who literally may walk in and out of LHWCA coverage, the pre-1972 amendments

case law and rules will thus be relevant and applicable.

I now would like to call attention to some developments which have intervened since the Senate first passed this bill last July.

Section 2 of the reported bill contains a revised definition of the term "wages." The revision was prompted by the decision of the Circuit Court of Appeals for the District of Columbia in *Hilyer* v. *Morrison-Knudsen Construction Company,* 670 F. 2d 208 (D.C. Cir. 1981). The court held that employer contributions to union trust funds for health and welfare, pensions, and training were "wages" for purpose of computing compensation benefits under the Longshore Act. The committee last year and again this year expressly rejected that holding. Recently, 2 weeks following the reporting of S. 38 by the committee, the Supreme Court reversed the circuit decision in *Hilyer (Morrison-Knudsen Construction Company* v. *Director, OWCP,* No. 81-1891 (May 24, 1983)). The Court thus concurred with the committee's view that the Congress heretofore had not intended the term "wages" to be given such an expensive interpretation so as to include fringe benefits.

In another recent case, the Supreme Court had occasion to review another facet of the troublesome jurisdictional provisions of the act. As the committee report observes, the 1972 amendments adopted rules of coverage that have been the source of much litigation in the lower courts and before the Benefits Review Board. Over the past decade the Supreme Court itself has wrestled with divining congressional intent as to coverage. Last January, just as the 98th Congress was getting underway, the Court ruled on the question of whether a marine construction worker who was injured while performing his job upon actual navigable waters and who would have been covered by the act before 1972 was now covered by the act. It held in *Director, OWCP* v. *Perini North River Associates,* 103 S. Ct. 634 (1983) that such a person was so covered.

It will be evident from reading the committee report, which was filed on May 10, that the committee has not given any consideration to the *Perini* decision. Instead, the committee report reiterates the position adopted in the preceding Congress as to jurisdictional changes. Briefly, the committee did not attempt an overall evaluation or rationalization of the existing body of statutory and decisional law. Rather the committee singled out certain activities which is believed did not merit coverage under the act, and it identified the employees involved who more aptly should be covered under appropriate State compensation laws. Except for these limited changes, the committee decided not to endorse or reject, explicity or implicitly, a large body of decisional law relative to traditional maritime employment. I emphasize this point simply because the Supreme Court in other contexts has viewed congressional silence, in connection with amending a statute, as ratification of an administrative or judicial interpretation of the unamended portion of the statute. See, for example, *Merrill Lynch, Pierce, Fenner* v. *Smith,* 456 U.S. 353, 379-82 (1982); *United States* v. *Rutherford,* 442 U.S. 544, 544 N. 10 (1979). In my view, the committee's intentionally nondecisive stance clearly should not be construed as presumptive adoption of *Perini.*

Finally, I would like to comment briefly on the floor amendment which Senator MCCLURE and I are cosponsoring. This amendment has been cleared with the minority, and I know of no objection to it.

The amendment carves out an exemption from coverage under the act for employers engaged in recreational operations. The impetus for the amendment is the position of the Department of Labor that employees of professional river trip outfitters are deemed covered under the act if they are injured upon the navigable waters of the United States. This is plainly an unfair extension of the act.

Professional river trip outfitters enjoy an excellent safety record for both their clients and employees, and from that position of responsibility obviously need and desire adequate workers' compensation coverage. Most occupational exposures for the industry's several thousand professional boatmen/guides occur on nonnavigable rivers where such coverage is unquestionably the province of a State. In a few instances, however, river float trips of scenic or whitewater character traverse stretches of river declared "navigable" by the U.S. Coast Guard, which exercises little or no presence or responsibility on those waters, whatever its statutory authority may otherwise be. In other cases river trips on nonnavigable rivers terminate by traversing several miles of "navigable" water at the head of large reservoirs such as where the Colorado River enters the head of Lake Mead or Lake Powell. Indeed in similar circumstances—not the above-cited examples—there may, in spite of the best intentions of program administrators, insurers, and employers, be a jurisdictional lapse of coverage simply because an outfitter employer does not realize he operates on waters where the question of Federal compensation coverage, if posed at all, is unclearly resolved. In good faith an outfitter applying for State program coverage may believe he operates only on navigable waters, and in routine response to what he considers just one more bureaucratic paperwork requirement, he may file an affidavit to that effect without any intent to circumvent the law and without fully understanding the jeopardy in which he may find himself if by some remote chance a claim is someday brought against him for compensation benefits under Federal law. In all fairness it should be noted that some States like Arizona have addressed the uncertainty of this situation by providing a comprehensive Federal and State coverage which assures the river trip outfitter adequate coverage for all employees, whatever their job responsibility, wherever they float or work within that State.

But, in other States, statutory constraints may preclude such an extension of Federal coverage under the State program and an employer may be required to obtain coverage for different categories of employees from entirely different sources, or to cover the same employees under different plans according to where they work on particular days or trips, or according to their duties of the moment, that is, camp cook, truckdriver, boat repairman.

The amendment is intended to obviate such complications and uncertainties by exempting all employees of the professional river outfitting industry from LHWCA coverage. As with the other specific exemptions provided in the bill, this exemption is conditioned upon coverage being available to such employees under State workers' compensation.

Mr. DANFORTH. Madam President, I am pleased to rise in support of S. 38, the Longshoremen's and Harbor Workers' Compensation Act Amendments of 1983. I wish to commend my distinguished colleagues, Senators HATCH, KENNEDY, and NICKLES, for engaging in the successful bipartisan effort to bring this measure before the Senate today. It is gratifying that the committee has been able to resolve the many difficult issues inherent in the consideration of this matter and to report a bill such as this by unanimous vote.

I am particularly pleased that the bill provides an exclusion from Longshoremen's Act coverage for small vessel shipbuilding and repairing operations. These operations are general fabricators as well as shipyards and they have, since 1972, found it difficult to compete with other general fabricators not subject to coverage under the Longshoremen's Act. Some of these facilities are in Missouri and I have been increasingly concerned by their declining economic activity and the consequent loss of job opportunities. In 1980, Senator EXON and I offered an amendment to a maritime bill to exclude these shipyards from Longshoremen's Act coverage. The amendment was unanimously agreed to and became a part of the underlying legis-

lation which was sent to the other body for consideration. Largely because we were confronting adjournment and some complicating committee jurisdictional problems on the other side, that amendment was not enacted into law. I am pleased to note, however, that it obviously has served as a basis from which the Committee on Labor and Human Resources drafted and incorporated a similar exclusion from Longshoremen's Act coverage for these shipyards. Indeed, the only material respect in which S. 38 differs from the objective of the original Danforth-Exon small vessel amendment is by imposing a size limitation on barges. Beyond that, the exclusion in the bill looks the same as the original Danforth-Exon proposal in every material respect.

The exclusion provided by the bill will enable these shipbuilders to be more competitive and thereby to secure existing job opportunities in the declining shipbuilding market while opening up additional opportunities in other areas not now economically viable and attainable. Additionally, it will insure that our Nation's commerce—especially at this critical economic juncture—is able to depend upon the availability of the work boats, and other small vessels, such as utility boats, patrol boats, dredges, ferries, tugboats, barges, and other general purpose small work vessels so important to the unfettered flow of commerce.

The bill essentially excludes from Longshoremen's Act coverage those small shipyards that are in the business of building, repairing, or dismantling small vessels as specified in the legislation. The exclusion does not apply with respect to work conducted over the water, and such work will be covered by the Longshoremen's Act as it was before the 1972 amendments. It is fortunate that the agencies responsible for administering this law, as well as the courts which are called upon to resolve questions arising thereunder, will have the benefit of the experience with the pre-1972 law in order to resolve some of the difficult coverage questions that inevitably will occur with respect to employees who are engaged in employment both on land and over the water.

One of the significant limiting features to the availability of the exclusion is that all of the shipbuilding, repairing, or dismantling activity at the shipyard facility must be associated with small vessels as described by the bill. For instance, if a shipyard is engaged in building or repair work on a vessel larger than the relevant size specified by the legislation, the shipyard operation may not avail itself of the exclusion from Longshoremen's Act coverage until such time as work on the disqualified vessel is concluded. Thus, the provision essentially contains a rolling all or nothing clause which looks to current work activity at the shipyard facility in order to ascertain whether work on a large vessel is taking place which would deny this exclusion from Longshoremen's Act coverage to the facility during the period of building or repair work activity on the larger vessel.

The vessels which may qualify a shipyard for exclusion under this provision include commercial barges, tugboats, towboats, crewboats, supply boats, or fishing vessels, or recreational vessels. Under one test, commercial barge size is limited to 900 lightship displacement tons. Under another test, the work vessels are subject to a 1,600 tons gross test. The recreational vessel exception contains a length qualification. A shipyard may qualify for exclusion from coverage by meeting any one of the specific exception categories contained in the bill. This, I believe, is a desirable and necessarily flexible means of taking into account the different product mix among these shipyards that are located throughout the United States.

In conclusion, it strikes me as remarkable that the Committee on Labor and Human Resources was able unanimously to put this bill before us, and I again would like to compliment those Senators I mentioned earlier as well as all members of the committee who obviously expended considerable effort and attention to offering these improvements to a very important Federal law.

Mr. NICKLES. Madam President, once again today the Longshoremen's and Harbor Workers' Compensation Act, S. 38, is before the U.S. Senate. This bill passed the Senate unanimously in the 97th Congress as S. 1182.

Time ran out last Congress before the House Subcommittee on Labor Standards of the Committee on Education and Labor took any action on the longshore amendments. The subcommittee did hold a hearing but amendments were never proposed to the subcommittee for a markup. There were extensive negotiations on the House side and I am hopeful that the House will take prompt action this Congress.

The need for amendments to the Longshore Act has been well documented. The Labor Subcommittee of the Committee on Labor and Human Resources, which I chair, held a 4-day hearing on this legislation during the 97th Congress. Longshore originally mandated workers' compensation benefits for employees injured over navigable waters. These individuals were ruled ineligible to receive State workers' compensation benefits by the Supreme Court so the Federal program was enacted in 1927.

Amended in 1972, jurisdiction has been expanded dramatically to include many workers otherwise eligible to receive State benefits. Just how far coverage has been extended is unclear under current law. For example, small recreational boatyards are in a state of uncertainty as to the coverage status of their employees working at locations not geographically adjacent to navigable waters. The amendments clarify this by exempting from coverage any person building or repairing a recreational vessel under 65 feet in length who is covered by State workers' compensation. Other groups of employees and employers are exempted from coverage by the amendments.

Insurability has become a major longshore problem. The act mandates private employers to provide workers' compensation benefits to covered employees. These benefits normally are provided through insurance companies. Uncertainty as to coverage and benefit levels has forced many insurance companies out of the longshore market and thereby forces many employers to self insure. Several changes have been made to add certainty.

First, under current law, benefits for death or permanent total disability escalate annually with the national average weekly wage. In 1972 when the longshore amendments were enacted, the maximum benefit was $70.00. Today, that figure is $524.70, an increase of almost 750 percent. Certainty as to future benefits is a key factor in determining insurance rates. Therefore, the annual escalation of benefits is capped at a maximum of 5 percent.

Also, longshore currently provides a life insurance factor which is inconsistent with a workers' compensation system. If a claimant receives compensation benefits for either permanent partial or permanent total disability, his survivor is entitled to benefits. As the Wall Street Journal put it so aptly on May 21, 1981:

> Say a hapless worker is hugged to death by a grizzly while hiking through Yellowstone. The surviving spouse collects death benefits until age 70 or remarriage, even though the death was unrelated to work.

This feature is removed by S. 38.

At the beginning of the 97th Congress, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs held a 6-day hearing on waterfront corruption. This hearing was the culmination of an investigation commenced the previous year by Senator NUNN and the Department of Justice's Operation UNIRAC. This investigation concluded that, in certain instances, the provisions of the act have been abused by corrupt individuals. S. 38 takes several corrective steps to eliminate this potential.

Included among these steps are changes in section 7 of the act, medical services and supplies. Throughout, however, the right of a claimant to choose an attending physician has

been retained as under current law. S. 38 does require the Secretary of Labor to refuse authorization for physicians for purposes of treatment where the particular medical provider has been indicted or convicted of criminal fraud or has violated Federal regulations in connection with medical care programs such as medicaid or its equivalents. Other factors which will lead the Secretary to disallow a physician from providing longshore medical services also are provided.

There are a number of other antifraud provisions as well. For example, the present sanction for misrepresentation in order to receive compensation is increased from a misdemeanor to a felony. The Secretary is authorized to license persons representing parties claiming benefits under the act and to deny this right. A disabled employee who fails to furnish the Secretary with accurate periodic statements of earnings will forfeit compensation under the act. Additionally, the employer is authorized to discharge or refuse to hire a person who has filed a fraudulent claim.

I want to thank Senator NUNN for his efforts and dedication to reforming these provisions of the Longshore Act. His hearing provided much impetus to seek reform and his cooperation has greatly facilitated the negotiations which have led to this bill.

I want to state in closing that these provisions which I have discussed are only a portion of the areas addressed by S. 38. Even with these amendments, however, longshore still remains one of the most generous workers compensation statutes in the Nation. These amendments are not designed to and indeed do not delay prompt delivery of generous compensation benefits and medical treatment to injured employees.

Mr. NUNN. Madam President, I fully endorse and urge the Senate's approval today of S. 38, the Longshoremen's and Harbor Workers' Compensation Act. I joined Senator NICKLES in introducing that legislation before the Senate on January 26, 1983, in an attempt to fairly and effectively remedy serious and proven shortcomings in our present system of workmen's compensation for waterfront workers. With minor technical changes, this bill is identical to S. 1182 which passed the Senate on July 27, 1982, but which failed to be considered by the House during the 97th Congress. I commend Senator NICKLES, as chairman of the Senate Labor Subcommittee, and Senator HATCH, as chairman of the Senate Committee on Labor and Human Resources, as well as their staffs, for the many long hours they have spent working on this legislation during both the 97th and 98th Congresses.

S. 38 is a comprehensive revision of the current provisions of the Federal Longshoremen's and Harbor Workers' Act. The act has come under increasingly strong criticism in recent years for the extremely high insurance costs which the act has generated as opposed to costs under other workmen's compensation systems. In the light of those criticisms, the reforms suggested in S. 38 are undoubtedly long overdue.

My own particular interests in this bill stem from my work as ranking minority member and former chairman of the Permanent Subcommittee on Investigations. In that capacity, I had the occasion to become especially familiar with the problems of the American waterfront and, moreover, factual evidence which I believe in part demonstrates the need for the provisions of S. 38.

Under my direction, the subcommittee staff conducted an extensive investigation of corruption in American waterfront industries. Our efforts concentrated in ports on the eastern seaboard, particularly New York and Miami, and culminated in 5 days of public hearings before the subcommittee in February 1981. Those hearings included testimony which detailed the ease with which the act could be fraudulently manipulated at the expense of the honest longshoreman, his employer, as well as the American consumer. We heard of the skyrocketing costs of insurance and workmen's compensation claims under the act of the New York/New Jersey waterfront. Those costs were the direct result of a fraudulent claims racket which flourished under the statutory loopholes in the current act. During the course of the hearings, we learned that the astronomical costs of claims filed under the act had indeed driven some stevedoring companies out of business, had rendered others literally uninsurable, and posed a continuing threat to the economic survival of many more.

As a result of such testimony, Senator RUDMAN and I, at the close of the hearings, strongly recommended that the Longshoremen's and Harbor Workers' Act be amended to prevent future abuse and restore cost levels under the act to reasonable and fair levels. Also included were recommendations which formed the basis for S. 336, the Labor Management Racketeering Act of 1983, which I introduced in the Senate on February 1, 1983. That bill has also received approval from the Committee on Labor and Human Resources and hopefully will be before the full Senate for consideration in the very near future. Taken together, these two pieces of legislation can make great strides in helping eliminate fraud and corruption on the waterfront.

In today urging Senate approval of S. 38, I commend this legislation as one way in which Congress can effectively act to eliminate the type of abuse we saw in our waterfront hearings. Although the bill includes comprehensive revisions of the entire act, there are several sections directly responsive to problems confronted in our hearings. The need for each of those sections was specifically and amply established by the testimony and evidence produced at our hearings.

One such feature of the bill is revision in the procedures for physician selection, designation of ineligible physicians by the Secretary, examinations and reexaminations of questioned claimants and other medical evaluations designed to insure payment for valid claims only. By requiring monitoring of periodic medical reports and providing for debarment of participating physicians by the Secretary, the bill will serve to insure the integrity of the treating physician.

In another area, our hearings identified the automatic presumption of validity for any claim filed now in the act as one of the main factors contributing to the success of the fraudulent claims racket. Time and again we heard that the presumption, sometimes triggered by the mere existence of a physical injury, presented a nearly insurmountable hurdle for an employer who attempts to dispute the validity of an apparently fraudulent claim. The bill will apply that presumption on a far more selective basis, by specifically providing that the mere existence of a physical impairment alone is insufficient to establish a claim and the accompanying presumption.

The bill also raises the criminal penalty for misrepresentation in the submission of a claim from a misdemeanor to a felony punishable by up to 3 years imprisonment, a fine of $25,000, or both. Again this change was specifically and repeatedly recommended and justified during the course of our hearings.

Lastly, the bill amends the current antidiscrimination section of the act to prevent the levy of a penalty against any employer who dismisses an employee for the filing of a claim shown to have been fraudulent. As the act now stands, such an employer is subject to a penalty of up to $1,000 and reimbursement of lost wages of the employee. No distinction is currently made between the dismissal of an employee who had filed a valid claim and one who had filed an obviously fraudulent claim. The unfairness to the employer of the present provision is obvious.

In addition to sections dealing directly with the problem of fraud, S. 38 offers a number of other legislative revisions of the act which our hearings did not specifically deal with. The Senate Labor Subcommittee, as well as the Senate Committee on Labor and Human Resources, has given careful review and consideration to those pro-

posals. Based on that careful review, the bill is now before us with appropriate and well-reasoned committee approval.

The facts are clear that significant and disturbing problems exist as a result of certain current provisions of the Longshoremen's and Harbor Workers' Act. I believe that S. 38 is a fair and well-reasoned response to those problems. Congress should act now by passage of this bill to correct those problems and to arrive at a statutory solution which will fairly serve the interests of both labor and management.

Mr. President, in closing I wish to personally thank Senator NICKLES for taking a lead in this area and for his fine and persistent efforts on this most important issue.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 1422) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. If there are no further amendments, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time, was read the third time and passed.

Mr. BAKER. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VITIATION OF ORDER FOR STAR PRINT ON THE REPORT TO ACCOMPANY THE HUD APPROPRIATIONS BILL, H.R. 3133

Mr. BAKER. Madam President, my final request is for the vitiation of the order for the star print on the report to accompany the HUD appropriations bill, H.R. 3133. I will say to the minority leader that I am prepared to make that request if he has no objection.

Mr. BYRD. I have no objection.

Mr. BAKER. I thank the minority leader.

Madam President, I ask unanimous consent that the order for the star print on the report to accompany the HUD appropriations bill, H.R. 3133, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EXECUTIVE CALENDAR

Mr. BAKER. Madam President, on today's executive calendar are certain items which are cleared for action by unanimous consent on this side. I refer specifically to the nominations on page 3 under Air Force and Army and the nominations on the Secretary's desk in the Army, Coast Guard, and Marine Corps on page 4. Is the minority leader in a position to consider all or any part of those nominations at this time?

Mr. BYRD. Madam President, this side of the aisle is ready to proceed to those nominations.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Madam President, I ask unanimous consent that the Senate go into executive session for the purpose of considering the nominations just identified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, I ask unanimous consent that the nominations be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following-named officer under the provisions of Title 10, United States Code. Section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601 and additional duty as Senior United States Air Force Member of the Military Staff Committee of the United Nations, under the provisions of Title 10, United States Code, Section 711:

To be lieutenant general

Lt. Gen. Howard W. Leaf, [redacted] FR, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Oren E. DeHaven, [redacted] (Age 58), U.S. Army.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE ARMY, COAST GUARD, MARINE CORPS

Army nominations beginning Armand N. Jalbert, and ending Eldra D. Carson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1983.

Coast Guard nominations beginning John D. Flewelling, and ending Hugh D. Campbell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1983.

Marine Corps nominations beginning David E. Adams, II, and ending Perry A. Puccetti, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1983.

Mr. BAKER. Madam President, I move to reconsider en bloc the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Madam President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Madam President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Madam President, when the Senate completes its business today it will stand in adjournment to the hour of 12 noon on Monday next. After the recognition of the two leaders under the standing order, there is a special order in favor of the distinguished Senator from Wisconsin (Mr. PROXMIRE) of not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business not to exceed 1 hour in length in which Senators may speak for not more than 10 minutes each.

Madam President, it is anticipated that on Monday the Senate will turn to the consideration of S. 336, Calendar Order No. 139, which is referred to, I believe, as the racketeering bill.

There is a unanimous-consent agreement already entered in connection with the consideration of that matter. There will be a rollcall vote, it is anticipated, on Monday on that measure. I also expect that the time for that rollcall vote will be established on Monday to suit the convenience of the greatest number of Senators. No effort will be made to do that at this time.

Madam President, if the minority leader has no objection, I would like to provide for the consideration of that measure at this time. I will now put a unanimous-consent request.

ORDER FOR THE CONSIDERATION OF S. 336 ON MONDAY

Mr. BAKER. I ask unanimous consent, Madam President, that after the period for the transaction of routine morning business, the Chair lay before the Senate S. 336, Calendar Order No. 139.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Madam President, will the distinguished majority leader yield?

Mr. BAKER. Yes.

Mr. BYRD. Madam President, I understand that there is a time limit of 1 hour on the bill. It was my earlier un-

derstanding that a vote would occur somewhere in the neighborhood of 3 or 4 p.m. The time limitation would expire prior to that.

Mr. BAKER. Madam President, the minority leader is, of course, correct. I think we better vitiate that order and establish a time perhaps by adjusting the time for debate or adjusting the time for the transaction of routine morning business on Monday after we see what the circumstances might be.

VITIATION OF ORDER TO CONSIDER S. 336 ON MONDAY

Mr. BAKER. Madam President, I will now ask unanimous consent that the order for the Chair to lay down S. 336 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I may say, however, that it is the intention of the leadership on this side to proceed to the consideration of that matter. I do anticipate a rollcall vote on Monday, the time to be set for that rollcall vote to meet the convenience of the maximum number of Senators. I would anticipate the rollcall vote will occur somewhere between 3 and 4 p.m.

ADJOURNMENT UNTIL MONDAY, JUNE 20, 1983

Mr. BAKER. Madam President, I have no further business to transact. I wonder if the minority leader has anything further?

Madam President, I gather there is no further business to be brought before the Senate. Therefore, I move, in accordance with the order previously entered, that the Senate now stand in adjournment until the hour of 12 noon on Monday next.

The motion was agreed to; and the Senate, at 7:45 p.m., adjourned until Monday, June 20, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 16, 1983:

DEPARTMENT OF STATE

Robert E. Fritts, of Maryland, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ghana.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Richard K. Saxer, xxx-xx-xxxx xxx-... FR, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Julius W. Becton, Jr., xxx-xx-xxxx xxx-... (age 56), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Charles W. Bagnal, xxx-xx-xxxx xxx-... U.S. Army.

IN THE NAVY

The following-named lieutenant commanders of the Staff Corps of the Navy for promotion to the permanent grade of commander, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Abbott, David John
Aleta, Elenita Farro
Angrabanes, Jose Cio
Arribas, Ignacio
Artnak, Edward J., Jr.
Baez, Stephen Albert
Banaag, Carolina D.
Benton, Philip C.
Boitano, Marilyn Ann
Brasted, Edward David
Brook, Itzhak
Carter, William Thomas
Chiong, Lolita Ebuenga
Cho, Michael Min Woo
Chung, In Kook
Clements, Joseph C.
Creutz, Robert E.
Crittenden, Jacob Keith
Crowley, Michael L.
Daggett, Robert B.
Detriquet, John Michel
Ebbeling, William L.
Eil, Charles
Eninger, Larry A.
Feldman, Bruce David
Feldman, Herbert O.
Flandry, Robert E., Jr.
Foerster, Robin S.
Fraley, John Everett
Freedland, Philip N.
Girton, Fred Scheerer
Goodin, Thomas Elliott
Grimsley, William A., Jr.
Gross, Gary Peter
Gueco, Vicente A., Jr.
Hall, Lee Davis
Hastay, Peter Chandler
Hastedt, Randall C.
Hedges, John Charles
Henken, Dale Preston
Hicks, James Mackey
Higgins, Michael James
Hilder, Richard J., Jr.
Hufstader, Robert D., Jr.
Hutton, Patrick Michael
Kennedy, Bobby Joe
Khandheria, Manoj Pravi
Kull, Robert Joseph
Labow, Joel C.
Lacey, Hugh Lake
Larocque, James C.
Lazarus, Angeline
Leonard, Dale F.
Leonard, Howard Ensign
Licht, Jeffrey H.
Liu, Lawrence T. K.
Lytle, Gary Scott
Manalaysay, Alvin Rene
McCamley, Gordon Dale
McDarby, James Vincent
McMahon, Merri M.
Miller, Marvin
Miller, William I.
Murphy, Robert Bernard
Navins, John Paul
Negronrivera, Luis A.
Oldfield, Edward C., III
Olivier, Richard Marcel
Page, William Robert
Patel, Usha Thakorbhai
Ramos, Huberto I.
Robb, Geoffrey Lawrence
Rowe, John T.
Ruel, Theodore Arthur
Rutherford, Robert C.
Sarmiento, Roberto C.
Schneider, Jonathan A.
Shale, John Horace
Sisco, Kenneth Lee
Skye, Harry William
Sloas, Harold Andrew, Jr.
Snyder, David Allen
Steenbarger, John R.
St. John, Thomas A., Jr.
Sweet, John Paul
Terrell, Ernest Buford
Thompson, Tommy Clay
Tomzak, Thomas Joseph
Traquina, Alvaro Dacruz
Tuluri, Samuel Jayaraj
Vensel, Lee Howard
Weinberg, Stephen Allen
Weiss, Regis John
Wiley, Arthur Sloan
Worthman, John F.
Xanthopoulos, John T.
Yang, William N.
Young, Robert Ellsworth

SUPPLY CORPS

Achenbaugh, Dennis Allen
Anastasi, Richard
Arcuri, Louis Edward
Bassi, Felix Joseph
Beaty, Richard Moore
Benefiel, William Philip
Blood, Roger John
Bollman, Terry Lee
Brooks, Ted Edward
Burgess, Roy H.
Carney, David G.
Casey, Michael Wayne
Chandler, Brian J.
Cogswell, Peter M. L.
Conner, Terrence A.
Cook, David Michael
Cook, Glover Hardy, Jr.
Difranco, Steven Joseph
Easton, Frederick Bigelow
Engelmann, Robert Aron
Fantroy, Ward Keith
Faucher, David Paul
Felts, Warren T.
Finefrock, Carl George
Flanagan, John Edward, Jr.
Fuller, Dana Adelfered, Jr.
Gianfagna, William Louis
Gibbons, Lawrence Brady
Gibbs, David Michael
Gillespie, Daniel Doherty
Gorman, Howard Paul, Jr.
Gulliford, Steven R.
Hankins, Stanley E.
Harder, Larry D.
Hargrove, James Wiley, Jr.
Haskett, William Blair, III
Hastings, Richard G. III
Hickman, William Allen
Higgins, Thomas Patrick, Jr.
Hinson, Kenneth Earl
Hodges, James V.
Holcombe, James Othol
Howdyshell, Robert J.
Johnson, Jay Carter
Johnson, Mark Scott
Keller, David Paul
Kline, Richard W.

Lewis, Richard E.
Machado, Bruce Mervin
Madaio, Paul Frank
Malcolm, Nathaniel D., Jr.
Mansfield, David Kay
Marchetti, Ronald Andrew
McCarthy, Justin D.
McCulloch, John William
Mitchell, Colonus, Jr.
Oreilly, Patrick J.
Parham, James Luis
Pendarvis, Daniel, III
Pettersen, Alan John
Reed, Ronald Passmore
Rich, Bruce Bailey
Roach, Leonard Thomas
Rogers, Robert William
Schaedel, John Gordon
Schimpf, Barry John
Shapack, Arnold Robert
Smith, Emmett Wilson
Stokes, David V.
Tarver, James Edward
Tissier, Robert Joseph
Turpie, James Alastair G.
Vellis, John Demetrius, II
Walsh, Robert Arthur, II
Watkinson, Lyle Patrick
Wieczorek, Richard Joseph
Woodward, George Gage, Jr.
Young, Charles K.

CHAPLAIN CORPS

Bunce, Bobby Gene
Condon, Edwin Daniel, Jr.
Craycraft, John David
Ellison, Floyd C.
Flick, Richard H.
Gibson, William H.
Gilbert, Leroy
Gundlach, John F., III
Hill, Robert Selden, Jr.
Izac, Carroll Andre
Kennedy, Michael H.
Kimokeo, Samuel August
Kincl, Robert L.
Mattie, Richard Michael
Murphey, Paul Warren
Passero, Ernest Felice
Sharpe, Jack Larry
Smith, Victor Hunt
Williams, Norman C.

CIVIL ENGINEER CORPS

Allen, Charles Edward
Anderson, William John, Jr.
Bell, Kenneth Hodges
Brubeck, Gregory William
Bruckner, William Lee, Jr.
Carl, James William
Ching, Clayton Yuke Kee
Cordes, Edward Jack, Jr.
Corsanc, Arthur
Delker, James Leo
Dempsey, Richard Michael
Dillon, Terry Michael
Fehlic, Charles Jerome
Gibb, Thomas Wilson, Jr.
Hein, Gary Wayne
Horne, Dennis Eugene
Hudson, Ronald Richard
Jones, John Eugene
Kaleba, Frank
Kiesling, Robert Franklin
Knowlton, Robert Dana
Lewis, Ronald Corey
McEride, Robert Norman
McNeil, Oscar Newby, Jr.
Palomaki, Donald William
Penell, Joseph Charles
Pollard, Charles Hardin, Jr.
Puncke, Frederick Dewey, Jr.
Roussos, George James
Rushing, Ernest Charles, Jr.
Saebatini, Julian
Scarborough, William Lang
Wright, James Christopher

JUDGE ADVOCATE GENERAL'S CORPS

Abbate, Guy Robert, Jr.
Babington, William R.
Beachy, Ronald James
Beall, Bradley Stuart
Bowman, Marion Eugene
Clifford, William J.
Froman, Floyd David
Mopartlin, Paul Edward
Morrison, Thomas Allen
Newman, Richard Carson
Smith, Ronald Scott
Wright, Steven Earl

DENTAL CORPS

Arthur, James Stephen
Berude, John A.
Caron, John V.
Caruso, John Anthony
Creal, Albert Franklin
Faull, Thomas W.
Fitzharris, Timothy P.
Flatley, James Patrick
Guman, Richard Andrew
Hey, Ernest George A.
Judkins, James T.
Kilfoil, Barry Martin
Kippa, Terry Lee
Kuhel, Raymond F., Jr.
Larson, Mark Paul
Massler, Charles F., Jr.
McCall, Robert W.
Mitchell, Douglas E.
Mullen, Michael P.
Quintero, George
Ralls, Stephen Alden
Ramsey, Thomas J.
Roahen, James O.
Rogers, Peter V.
Rounsaville, George A.
Simpson, James William
Walton, Martin Luther
Watto, Terrence L.
Weeda, Lawrence Warren
Whitehouse, Michael J.

MEDICAL SERVICE CORPS

Adams, Robert Wallace
Anderson, Richard Lelan
Arnold, Anthony Ray
Auld, John Nelson
Baker, Charles Warren
Baltimore, Daniel Lewis
Bason, Robert
Bawden, Monte Paul
Beasley, William Joe
Benson, Milton Junior
Bolshazy, Robert Stephen
Bolton, Herbert Thomas
Carroll, Norman Eugene
Casper, Arthur W., Jr.
Christiansen, Richard A.
Contreras, Thomas Jose
Cooper, James Melvin
Decicco, Joseph Enrico
Delviks, Uldis Albert
Ehrhardt, Douglas Alan
Farnham, John Erett
Flor, William John
Foro, Bradley Roger
Fraser, Llewellyn M.
Gerhard, John Charles I.
Glover, Wayne Paul
Gordon, Charles Vance J.
Greenfield, Donald Euge
Grout, Edward Joseph, Jr.
Hanrahan, James Edward
Harrington, Cary Robert
Harris, William Baxter
Henderson, Charles, III
Hilderbrand, Richard L.
Irving, John
Johnson, John Lawrence
Kayler, Robert Samuel
Kelley, David Bruce
Knight, Paul Lercy
Kubal, John Lawrence
Lane, Coy B.
Lindsay, Richard John
Makris, Kenneth Anthony
McDermott, Donald S.
McKee, Roland Edmond
Meegan, James Michael
Mendenhall, Karl George
Mitchell, Michael L.
Monaghan, William Patri
Nelson, Dennis Pershing
Patee, Jerry Curtis
Peterson, Henrik Vang
Petroski, Joseph Willia
Power, Danny Edwin
Reichman, David Alan
Rittmeyer, Terry Lee
Sandall, Vernon Pat
Scaramozzino, James Ant
Schlagel, Charles John
Schoeneck, Harry Joseph
Simmons, Larry Oliver
Skurja, Michael, Jr.
Snook, Darrell Fred
Snyder, Stephen Laurie
Sparks, Buddy Tom
Vonstuck, Murlowe Leon
Wadsworth, Thomas S.
Weathersby, Paul Kirby
Welch, Richard Roy
Wilson, Don Dewayne
Wolf, Richard
Zeman, Gary H.

NURSE CORPS

Ault, Sally Barras
Benson, Teri Anne
Brake, Barbara Deck
Burns, Jesse Paul, Jr.
Carter, Eileen
Deprima, Alicia Gail
Doyle, Wanda,
Edgar, Marilyn Anne
Elliott, Iris Ann
Feris, Michael Leeroy
Fox, Patricia Michele
Goetz, Mary Elizabeth
Gump, Margaret Lungren
Hart, Elizabeth Kunc
Haskins, Carol Callan
Haynes, Janice Klaiber
Hyatt, Carol Susan
Jackson, Donna Jeane
Johnson, Joe Hormon
Labelle, Carson Verne
Laplant, Michele Ann
Leppanen, Margaret
Lewisbrown, Shirley Dea
Mahaffey, Betty Jeanne
Malone, Diane
Matula, David Louis
Moser, Suzanne Marie
Muehling, Janet Marie
Mullinix, Margaret Berg
Prather, Caren Joell
Riordan, Patricia Trump
Rowell, Margaret Elinor
Sant, Jeanne Paulette
Sessions, Patricia M.
Soppe, Wilfred Edward J.
Stirk, Lawrence Donald
Taylor, Ruth Ann
Tynan, James Francis, Jr.
Underwood, Earma Jean
Wallace, Blair Harrison
Wooldridge, Robert Thom
Zettler, Marcella Rose

LIMITED DUTY OFFICER (SUPPLY)

Frial, Ernesto Fabillon
Verbic, Alan Robert

LIMITED DUTY OFFICER (CIVIL ENGINEER CORPS)

Davis, William Leighton

CONFIRMATIONS

Executive nominations confirmed by the Senate June 16, 1983:

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601 and additional duty as senior U.S. Air Force member of the Military Staff Committee of the United Nations, under the provisions of title 10, United States Code, Section 711:

To be lieutenant general

Lt. Gen. Howard W. Leaf, [redacted] FR, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Oren E. DeHaven, [redacted] (age 58), U.S. Army.

IN THE ARMY

Army nominations beginning Armand N. Jalbert, and ending Eldra D. Carson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1983.

IN THE COAST GUARD

Coast Guard nominations beginning John D. Flewelling, and ending Hugh D. Campbell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1983.

IN THE MARINE CORPS

Marine Corps nominations beginning David E. Adams, II, and ending Perry A. Puccetti, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 7, 1983.

(1059) O-87-27 (Pt. 12)

EXTENSIONS OF REMARKS

ON PIONEER 10

HON ED ZSCHAU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ZSCHAU. Mr. Speaker, man has truly reached the stars.

Last Monday, June 13, 1983, the U.S. spacecraft Pioneer 10 (traveling at 30,600 m/h) crossed the orbit of Neptune. With that crossing, the spacecraft is now farther from the Sun than any known planet, a distance of 2.8 billion miles. Pioneer 10 is truly a pioneer. It has left our solar system and entered interstellar space.

The Pioneer 10 and 11 spacecraft, launched in 1972 and 1973 respectively, were well named. Through them, we felt our way through the asteroid belt and struck out into the uncharted ocean of the outer solar system. The excitement of the first flybys on Jupiter and Saturn were unique experiences. The spacecraft survived the fierce radiation belts of Jupiter and surveyed the spectacular rings of Saturn enabling us to replace the spectaculative images of Jupiter and Saturn with real pictures.

The Pioneers have traveled enormous distances and have operated effectively for extended periods. The engineering accomplishments have matched the scientific ones. The Pioneers truly initiated a new stage in space exploration, blazing a trail for other spacecraft yet unnamed or even imagined.

The Pioneer program began in 1957 before NASA was created. The first Pioneer was launched on October 1, 1958, traveled 72,765 miles from Earth, and returned scientific data for 48 hours. Pioneers 6-9, launched by NASA during 1965-68, explored interplanetary space in a band extending several million miles inside and outside the Earth's orbit.

A mission to Jupiter was officially approved by NASA in February 1969 and subsequently authorized by Congress. The two identical spacecraft for this mission were identical. The first, Pioneer 10, was to blaze the trail. If the asteroid belt of Jovian magnetosphere had proven hazardous for Pioneer 10, Pioneer 11 would have been used as a backup. However, Pioneer 10's mission to Jupiter was so successful that Pioneer 11 was retargeted to encounter Jupiter in a new way that provided it with the capability of reaching Saturn. This spacecraft redesignated Pioneer Saturn, reached Saturn in September 1979, after 6 years in flight.

Pioneer 10's accomplishments are impressive:

First NASA spacecraft to use all nuclear electrical power;

First crossing of the asteroid belt and finding that it presents little hazard to spacecraft;

First trip to Jupiter, arriving November 1973;

Discovery that Jupiter is a liquid planet;

First model of Jupiter's huge, pulsating magnetosphere and powerful radiation belts;

First accurate measurements of mass and densities of Jupiter's planet-sized moons;

First closeup pictures of Jupiter's great red spot and belts and zones showing details of atmospheric circulation;

Proof of origin of the gegenschein and zodiacal light—interplanetary dust.

Pioneer 10 continues to function well, and is currently engaged in defining the extent and behavior of the Sun's extended atmosphere or heliosphere. The picture now emerging seems to show that the heliosphere is enormous, far larger than had been predicted. The heliosphere—created by the million-mile-per-hour solar wind, blowing out from the Sun in all directions—appears to be a tear-shaped magnetic bubble. The bubble is streamlined by the motion of the solar system through the interstellar gas. Pioneer is traveling down the tail of the heliosphere drop. The spacecraft is seeking the skin of this heliospheric bubble, the boundary between the Sun's atmosphere and true interstellar space. Scientists think this boundary region may lie between 5 and 10 billion miles from the Sun.

Pioneer 10 data is also being used to seek a possible dark star companion to the Sun which would explain the deviation in the orbits of Neptune and Uranus.

By June 13, 1983, Pioneer had traveled 3.59 billion miles, from which the Earth would be seen as a pinpoint of light, never more than 2.2 degrees from the Sun. Throughout its mission, the capabilities of the ground-receiving systems have improved faster than the strength of the signals from the spacecraft have decreased. Pioneer can be commanded from tremendous distances and, by use of the 1,000-foot diameter radio telescope in Arecibo, Puerto Rico, data can be received from the spacecraft up to a distance of 8.2 billion miles. Pioneer has now received more than 98,900 commands from Earth and transmitted more than 126 billion bits of scientific data. NASA's Ames Research Center, in my congressional district, is the primary command center.

When Pioneer 10 flew by Jupiter, the spacecraft acquired sufficient kinetic energy to carry it completely out of the solar system. Over the next 850,000 years, Pioneer's closest approach to any star system will probably be the star Ross 248. This will take place 32,610 years from now, when Pioneer 10 will come within 3.27 light-years of the star.

Pioneer carries with a message to any intelligent life which might find the spacecraft on its interstellar wanderings. This message is a drawing and a map, engraved on an anodized aluminum plaque. The plaque on the spacecraft tells of how, where, and when the species lived, and its biological form. The plaque represents at least one intellectual cave painting, a mark of man, that might survive not only all the caves of Earth, but also the solar system itself.

Mr. Speaker, Pioneer 10 is not just an incredible scientific achievement for which NASA and all the companies and people who worked on this project are to be commended. It is also a dramatic example of man's desire and ability to learn about his universe and of how much there is to know.

We have only begun.●

CANADA MUST DO ITS FAIR SHARE ON ACID RAIN

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. CORCORAN. Mr. Speaker, I am today introducing a House concurrent resolution which would encourage the United States and Canada to enter into formal treaty negotiations with the objective of resolving the issue of acid rain. We, in the United States, have made significant progress in reducing air pollution, and we must continue those efforts. But we must take into full account the economic consequences of acid rain control legislation, especially in Midwestern States like Illinois. I also believe that we must approach this issue on a bilateral basis with Canada so that we can insure that the costs are equitably distributed between the two countries.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. Speaker, for the benefit of our colleagues, the text of my resolution follows:

H. CON. RES. —

Whereas the United States and Canada have a long and friendly relationship and the longest unfortified border in the world;

Whereas acidic deposition is an important bilateral issue between the United States and Canada;

Whereas scientific evidence on the issue of acidic deposition is inconclusive;

Whereas United States air pollution control requirements are among the most stringent in the world;

Whereas the United States has already made substantial reductions in sulfur dioxide emissions;

Whereas the United States currently has in place emissions control standards that will further reduce emissions of sulfur dioxide by new facilities;

Whereas massive reductions in sulfur dioxide emissions by existing facilities would be costly and disruptive to the citizens of the United States and Canada without guaranteeing an equal reduction in acidic deposition; and

Whereas an effective response to the issue of acidic deposition requires bilateral cooperation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the United States and Canada should enter into formal treaty negotiations with the objective of resolving the issue of acidic deposition.●

THE 25TH ANNIVERSARY OF THE EXECUTION OF PRIME MINISTER IMRE NAGY OF HUNGARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. LANTOS. Mr. Speaker, at dawn, 25 years ago today, in a grim prison yard in Budapest, Hungary, a short, stocky man was led to the gallows together with two companions. He was former Prime Minister Imre Nagy, returned to office just 20 months before by the groundswell of popular sentiment during the 1956 revolution. At that dawn the executioner also took the life of Pal Maleter, Minister of Defense in the revolutionary government and Miklos Gimes, a close aid of Prime Minister Nagy. Another member of the Nagy cabinet, Jozsef Szilagyi, had been dead for 3 months by then, also a victim of the terror unleashed on Hungary by its Soviet captors. Minister of State Geza Losonczy had been suffocated in the prison the previous December when his torturers shoved a pipe in his lungs on the pretext of force-feeding him during a hunger strike. These were but five of the most prominent victims among the thousands killed to take a bloody revenge on the Hungarian people for its courageous attempt to gain its freedom and independence. It must strain the credulity of some of my colleagues that the events I described did not occur amidst the palace powerplays of some benighted medieval court but in civilized central Europe in the middle of the 20th century. Instead of the glorious and prosperous future promised by Marxism-Leninism, what the Red Army brought back for the unfortunate peoples of eastern Europe was indeed the barbarism of the Dark Ages.

Prime Minister Imre Nagy has been one of the most tragic figures of modern history. He was a committed Communist who joined the movement because he truly believed that it was the road leading to mankind's brightest future. His personal qualities, however, humanism, integrity, respect for national traditions and human dignity soon began to conflict with the rigid Stalinist system established in Hungary by Moscow in the late 1940's. As a result of the temporary relaxation following Stalin's death Imre Nagy was nominated Prime Minister for the first time. His short incumbency is remembered for the release of thousands of political prisoners and the liquidation of the most infamous concentration camps of the Stalinist era in Hungary. For the Soviet overlords, however, he went too far; he had to leave office in a few months and he was expelled from the Communist Party as "revisionist."

Nevertheless, the Hungarian people did not forget this modest, uncharismatic man, who first tried to seriously infuse the Communist ideas with humanism. On October 23, 1956, when hundreds of thousands took to the streets of Budapest to demand freedom, national independence, and dignity, only one name was on the lips of the demonstrators, that of Imre Nagy.

He answered the call and undertook the hopeless task. During the next 12 days, as the Prime Minister of the revolutionary government, he tried to steer a cautious course between the fervor of the revolutionary masses and the growing signs of a Soviet determination to extinguish the flickering flame of freedom in Eastern Europe. On November 4, when the tanks of the Red army began to break through the defenses of Budapest, Prime Minister Nagy went on the national radio. He reaffirmed the declaration of independence of the nation, its denounciation of the Warsaw Pact and asked the protection of the United Nations and the nations of the world. The answer was deafening silence.

With his last official act, he called for nonresistance to the invaders. His concern for the innocent blood of the nation's youth was much stronger than his inclination to take a spectacular but futile last stand. This was the only order of Premier Nagy that was disobeyed by the freedom fighters.

Mr. Speaker, the tragedy of Imre Magy lies in the hopelessness of his effort to reconcile Communists doctrine and practice with the ideas of freedom, national independence, and humanism. To the former he devoted his life, for the latter he sacrificed it. He quietly struggled with this insolvable contradiction for years. When finally, however, the collision was inevitable, he did not hesitate to side with his own people and its aspiration to rid itself of the Soviet Communist yoke.

He gave his life for his nation the way he lived, calmly and with utter serenity. He refused to request mercy from his murderers. According to fellow inmates who heard his execution he hailed the freedom and independence of Hungary with his last words. May he rest in peace.●

AMERICAN FILM INSTITUTE PROCLAIMS A DECADE OF PRESERVATION—1983-93

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. WAXMAN. Mr. Speaker, the American Film Institute is an independent, nonprofit organization founded in 1967 to increase the recognition and understanding of the moving image as an art form, preserve this art form, identify, develop, and encourage new talent, and establish the necessary financial resources to achieve these goals. At the time, it was clear that important parts of this Nation's film history were lost forever and only a devoted, intense effort could save what was left. As a result the AFI established its preservation program with the support of the National Endowment for the Arts.

The program's goals are to encourage and stimulate preservation programs at institutions with significant film archives. These institutions include the George Eastman House, the Library of Congress, the Museum of Modern Art, the UCLA Film, Television and Radio Archives, and the National Archives.

Since 1969, the AFI preservation program has rescued more than 18,000 films and has placed them in the AFI collection at the Library of Congress. Such landmark works as "Citizen Kane" and the original "Lost Horizon" are now safeguarded for posterity. The process of transferring films made on nitrate film stock, a highly unstable and combustible material, onto long-lasting acetate (safety) film stock is an expensive and time-consuming task. When one considers that, until 1951, all movies were made on nitrate, one can imagine how much more preservation work there is to be done before these nitrate films crumble to dust, melt, or burst into flames and are lost to us forever.

New projects to plan for the preservation of impermanent early color films and videotapes are being undertaken by the American Film Institute. AFI coordinates projects and exchanges information with other archivists through the Film Archives Advisory Committee (FAAC) and its member organization, the Television Archives Advisory Committee.

To inaugurate the Decade of Preservation, I ask the Members to join with me in saluting the members and friends of the American Film Institute for their efforts and devotion to the preservation for all time of the truest record of our time—the moving images of film and television.●

THE NATIONAL CHILD SUPPORT ENFORCEMENT ACT

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mrs. ROUKEMA. Mr. Speaker, I am today introducing the National Child Support Enforcement Act. I have developed this legislation because I believe that we need a national response to what has become a national problem. This need is best understood through the perspective of 50 years of Federal concern for the welfare of our children.

The aid to families with dependent children (AFDC) program began in 1935 to provide welfare to those families in which one parent was deceased, absent, disabled, or unemployed. The composition of the AFDC caseloads has changed dramatically since the program began. In the 1930's the majority of cases involved families where there was a deceased parent. By 1940 this had changed to 42 percent of all cases, in 1979 those children eligible for assistance due to death was only 2.2 percent, and 44.3 percent were eligible because of the parent's absence from home.

Although the problem of child support and its collection had been viewed strictly as a State and local one, the Federal Government became involved as AFDC program costs escalated. Unfortunately with Federal costs as the impetus, the gulf between help for welfare mothers and nonwelfare mothers widened. In 1975, the Congress enacted title IV-D of the Social Security Act—Public Law 93-647—to establish a program to assist in child support enforcement. The program requires States to provide services to locate absent parents, establish paternity, and assist in the establishment and collection of court ordered, administratively ordered, and voluntarily assigned child and spousal support payments. This legislation was enacted as an attempt to require absent parents to support their children, thus reducing the spending for cash welfare under Federal-State AFDC programs. Non-AFDC mothers can use these programs, after paying a fee. But in both cases the State uses a portion of support collected to defray administrative costs.

Today these programs have proven to be of minimal success in actually collecting child support payments, and with nonpayment at epidemic levels, literally millions of women in all economic situations are unable to provide for the basic needs of their children.

There are currently 1.2 million children parents divorce each year. Single parent families increased by 97 percent in the 1970's. Of these single parent families 90 percent were headed by women, and half of these families received some kind of public assistance. At the same time, while 59 percent of all women with minor children were awarded child support, only 35 percent received any.

I firmly believe that the time has come for the Federal Government to take action. My bill would require automatic withholding of wages from those individuals who owe child support. My bill would not wait for the noncustodial parent to become delinquent in his payment, rather collection of support would begin at the moment of court order or administrative order. It would not create a labyrinthine bureaucracy nor would it encourage endless repetitive court appearances with their soaring legal fees. Finally it does not differentiate between welfare and nonwelfare mothers.

I urge my colleagues to review the hundreds of cases in their own districts—every one with children as the innocent victims—and join me in cosponsoring this badly needed legislation.●

INCENTIVES FOR GOOD SOIL MANAGEMENT

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. EVANS of Iowa. Mr. Speaker, today along with Mr. JONES of Tennessee, Mr. STANGELAND, Mr. EMERSON, Mr. BARNARD, and Mr. DAUB, I am introducing the Soil and Water Conservation Incentives Act of 1983. This legislation would allow investment tax credits on those conservation expenditures which may not be deducted under current law. Soil and water conservation expenditures would be added to the definition of section 38 property. The Internal Revenue Code currently prohibits this deduction in cases where the expenditures exceed 25 percent of gross farm income or because the person incurring such expenditures has no income from farming.

We must provide more incentives at the national level to encourage farmers and landowners to take seriously their stewardship of the soil resources of this Nation. This bill, which adds that kind of incentive, is the same as the measure I introduced in the last session of Congress, that was included in an early draft of the Tax Equity and Fiscal Responsibility Act of 1982.

The problems we face with respect to the deterioration of our land resources is more than a passing one. It has tremendous long-term implications for our ability to produce record harvests and thus for the ability of this country to meet the food needs of people around the world and to contribute favorably to the U.S. balance of trade. And we are not moving fast enough to solve these problems.

Through service as a Commissioner of the soil conservation district in my home county, and as someone who operates 1,400 acres of productive farmland, I have seen firsthand the urgent need for farmer incentives to make the changes necessary to conserve our soil. Because of intensive cropping practices in Iowa, the average topsoil loss is 10 tons per acre per year due to erosion. In comparison, only 5 of those 10 tons of soil are annually replaced through natural processes. If that difference is not balanced soon, we are headed for serious problems.

The rich agricultural lands of this Nation represent one of our most valuable assets, but like our other natural resources they require careful management on our part if their quality and quantity are to be maintained. This bill will provide additional incentives for good soil management and I urge my colleagues to join me in supporting this measure in the interest of all regions of the country and in the interest of producers and consumers alike.●

AMERICAN COMPANIES DOING BUSINESS IN SOUTH AFRICA SHOULD BE COMPELLED TO OBSERVE FAIR EMPLOYMENT STANDARDS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. RANGEL. Mr. Speaker, I rise today to voice my strong disagreement and disappointment with an editorial published in the June 15 edition of the New York Times. I submit this editorial for insertion into the CONGRESSIONAL RECORD.

My colleague, STEPHEN SOLARZ, has introduced a bill which will mandate fair employment standards for nonwhites employed by American firms in South Africa. The New York Times

advocates voluntary compliance with these standards, and feels that my colleague's bill "is probably the wrong way to press our values."

This editorial is an exercise in nearsighted journalism that is at best naive, and at worst soft on the terrible system of apartheid that is indirectly strengthened by American companies.

Perhaps the editorial board is sincere in its faith that American companies will voluntarily implement fair employment standards. Unfortunately, the policy advocated by the Times is completely unrealistic. Less than one-half of the companies in South Africa now comply with voluntary guidelines already established by Rev. Leon Sullivan. The conditions which the vast majority of South Africans must endure have not abated one iota under the present voluntary system.

It is the duty of the U.S. Government to send a message of disapproval to the South Africans, and the Solarz bill is just the kind of communication that might make them come to their senses.

The racist regime is unique, and requires a unique response. Why does the Times question the precedent which will be set? Singularly brutal regimes should be condemned by the United States. I see no danger of a slippery slope precedent in this instance.

Passage of the Solarz bill is absolutely necessary if the United States wants to maintain a reasonable degree of credibility in Africa. There are many nations in Africa, and every one of them is watching us in South Africa.

[From the New York Times, June 15, 1983]

DOING BUSINESS WITH RACISTS

Uniquely among modern governments, South Africa's white regime employs all the instruments of state to subjugate a racial majority. Having chosen to be a nation apart, it invites special contempt. Americans, as well as most other peoples, want nothing to do with South Africa.

Yet South Africa is a bountiful market for American enterprise: $2.3 billion in direct investments, $1.1 billion in private bank loans, nearly $6 billion in yearly trade. Some think this economic relationship supports racism, others contend it mitigates the condition of South African blacks. Periodically, Americans ask how this market leverage might be better used against injustice.

It's a hard question, and Brooklyn's Stephen Solarz, leading a score of Congressmen, proposes a hard new answer. They would legislate fair employment standards for all American companies that operate in South Africa with more than 20 employees. Though a justifiable response to the inhumanity of South Africa's system, that would be a sizable leap onto untested terrain.

This much has been tested: About half the American concerns trading in South Africa adhere to a voluntary code drawn up by the Rev. Leon Sullivan of Philadelphia. It calls for nonsegregated work facilities, equal pay for blacks and whites doing equal work and the training of nonwhites for supervisory and technical jobs. The Sullivan code offends South Africa's custom, but not its laws or pretensions. The benefits to blacks, though uneven, seem to have been considerable. And by blunting demands for stiffer sanctions, the code also benefits white South Africans and all American traders.

But the code is voluntary. Some companies object to any interference. Some resist for bottom-line reasons. The New York Times declines to sign because even if that were consistent with objective news gathering, the code is not applicable to small operations involving only Americans.

The Solarz bill would require larger American operations to observe the Sullivan code. Desirable as that sounds, it raises troublesome questions:

Who would monitor compliance? Turning American diplomats in South Africa into plant inspectors, as the bill proposes, is unwise. If an embassy official is diligent, he becomes embroiled in domestic affairs. If not, the law goes unenforced.

Who would judge compliance? As legal cases develop, American courts would have to interpret another country's laws and weigh its citizens' petitions, And if Pretoria retaliated by limiting access to plant inspectors, the measure might be less effective than the voluntary plan.

What precedent would thus be created? Though South Africa's racism is peculiarly offensive, the proposed response would create a new American standard for economic relations. Why should Congress not then legislate similarly against injustice to, say, women in Saudi Arabia?

Americans' frustrations should be obvious. They are exacerbated by the Reagan Administration's bland, unfruitful policy of "constructive engagement" with South Africa. Even hard-boiled European traders now talk of adopting Sullivan-style restrictions on dealings there.

The Solarz bill is probably the wrong way to press our values, and it may dismiss the voluntary program too readily. But South Africans should heed the anxiety it represents. Even Mr. Sullivan, the author of the voluntary code, now supports making it legally binding. Multiracial America will not forever "engage" South Africa if doing so appears to condone and uphold its racist doctrines.●

TVA 50TH ANNIVERSARY CELEBRATION AT GUNTERSVILLE

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. BEVILL. Mr. Speaker, last Friday, June 10, I had the privilege of attending a celebration in Guntersville, Ala., marking the 50th anniversary of the creation of the Tennessee Valley Authority.

TVA is America's premier economic developer. Fifty years ago, the Tennessee Valley region faced a bleak future, but the newly created TVA harnessed the water of the area, creating low-cost power and eliminating the annual deluge of floodwaters. TVA's resource management and development have brought economic prosperity to millions of Americans living in the region. TVA has established a solid record of getting things done. That is what makes them stand out and that is why leaders from all over the world come to this country to see what TVA is doing and what it has accomplished.

I especially commend TVA for its outstanding leadership today in helping to make this Nation energy independent. In October 1980, I attended the dedication of the pilot ammonia-from-coal plant at Muscle Shoals, Ala., a project which is showing the fertilizer industry how to derive urea for nitrogen fertilizer from plentiful southeastern coal rather than from expensive natural gas. TVA has developed the fertilizer technology from which three-fourths of the Nation's fertilizer is produced and has made this technology available to all who need it in the world. Efficient fertilizer production is a most important energy savings activity.

TVA also has underway a number of national energy demonstrations, in solar energy, electric cars, wood heaters, solar water heaters, commerical and industrial biomass, solar homes, heat pump water heaters, small hydroelectric power projects, renewable energy programs, and waste heat utilization, to name a few.

It is the Nation's leader, as a utility and as a Federal agency, in promoting the conservation of energy through weatherization of homes, commercial buildings, and factories.

In another aspect of energy independence, as the Nation's largest consumer of coal—up to 30 million tons a year—TVA leads in demonstrating how to burn coal both cleanly and efficiently. It has improved the technology for scrubbers, baghouses, and coal-washing plants. And it has substantially improved the heat rates at its generating plants.

Out of this experience in the technology for burning coal cleanly and economically, TVA also developed and built, with the support of the Congress, the utility industry's pilot plant for the atmospheric fluidized-bed combustion of coal. The 20-megawatt pilot plant, now operating near Paducah, Ky., is the forerunner of a planned commerical-sized demonstration plant. This technology offers great hope for utilizing our eastern coal reserves in an environmentally sound manner, without expensive scrubbers.

As I have said at Energy and Water Development Appropriations Subcommittee hearings, I wish we had more TVA's in this country and I wish other agencies of the Government did as good a job. TVA is appropriately described, in its unofficial motto, as "Shaping Tomorrow Today."●

VOLUNTEERISM STILL LIVES

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. TALLON. Mr. Speaker, I would like to have a copy of a letter I wrote to the President inserted in the RECORD.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 15, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In light of your views on volunteerism, I would like to bring to your attention a most successful volunteer effort by the people of Conway, South Carolina.

Conway, like many other cities across the country, had more than its share of potholes in its streets. However, funds were not available to repair the streets. During Student Day activities at Conway High School, a student Mary Parler, suggested getting the community involved in dealing with this problem.

City officials took Mary's idea and turned it into "Pothole Saturday" which was held on May 28, 1983. On that day, 80 volunteers worked from 8:00 a.m. to 12:30 p.m. to fill 585 potholes. Trucks, asphalt and other equipment were donated by the City and State of South Carolina and local businesses donated funds to purchase tee-shirts and provide lunch for the volunteers.

The event was a tremendous success—the condition of the streets was improved and a great deal of civic pride was generated. The City of Conway plans to make "Pothole Saturday" an annual event.

Sincerely,

ROBIN TALLON,
Member of Congress.●

SUPPORT FOR H.R. 1796

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, the bill H.R. 1796, which would give Federal retirees a 1-year opportunity to modify their survivor benefits has received support from congressional Members and the general public.

My office has received many letters from the general public which are supportive of H.R. 1796. This is a sampling of their letters:

Due to misinformation and varied other reasons, many Civil Service retirees, failed to take advantage of the Survivor Benefits program. I am one of those retirees.

I am writing you, thanking you for introducing H.R. 1796. When I retired [on] June 1, 1968, I did not think . . . it was necessary to elect my spouse for a retirement benefit in case of my death. But due to the change in the economy and increased cost of living, it would be necessary for my spouse to have this retirement benefit.

I retired from Civil Service on August 12, 1978, but failed to designate my wife for survivor benefits. I have been trying to correct this mistake, without success, for the last five years.

It is my hope that hearings on this important legislation will be held at the earliest possible time.

Currently the bill is pending before the Subcommittee on Compensation and Employee Benefits of the House Post Office and Civil Service Committee with no hearings scheduled.

Current law provides that a Federal employee must decide about his or her survivor benefits at the time of retirement, or if not married at the time, then within 1 year from the date of a marriage that occurs after retirement.

H.R. 1796 would give Federal retirees who did not choose to receive survivor benefits or who wish to modify their election, 1 year from the date of the bill's enactment or date of retirement to change the election. Under this legislation, Federal retirees who are no longer satisfied with their survivor benefit decision may choose to increase, but not to revoke or lower, their benefits. The bill provides that the Office of Personnel Management would have to notify all affected employees and retirees of these changes.

This legislation has widespread support among Federal retirees and I am hopeful that hearings will be held and that Congress will consider and pass H.R. 1796.●

BALTIC FREEDOM DAY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. GEJDENSON. Mr. Speaker, I would like to take this opportunity to thank my distinguished colleague, Mr. DONNELLY, for his sponsorship of House Joint Resolution 201, which designates June 14, 1983, as "Baltic Freedom Day."

This issue is of special concern to me because my parents were forced to flee Soviet-occupied Lithuania. This month marks the 43d anniversary of the illegal incorporation of Lithuania into the Soviet Union. It also marks the 42d anniversary of the massive deportation to Siberia of 30,000 members of the Lithuanian intelligentsia, which took place June 14–18, 1941. This was the first of many such mass deportations. It is estimated that, during the years of Stalinist occupation, between 1945 and 1951, 340,000 Lithuanians, approximately 10 percent of the present population, were arrested and deported. Since 1953, some of these have been allowed to return to Lithuania; most, however, are believed to have died in labor camps and internal exile.

The injustices inflicted on the Baltic people continue today in other forms. The Soviet Government continues a systematic attempt to undermine the national identities and cultures of the Baltic States, which they perceive as a threat to their complete control of the region. Among other invidious policies, there appears to be an ongoing resettlement of Russians into the Baltic States, restrictions on the use of native languages, and harassment and arrest of those who participate in spontaneous demonstrations of national sentiment.

The United States have never recognized the forced annexation of the Baltic States into the Soviet Union. It is my hope that the Soviet Government will realize the folly of its inhumane and illegitimate policies in this region, which run counter to humanitarian considerations and which contribute to the gulf between our two nations. In the meantime, it is important that we continually remember and reaffirm our commitment to the eventual independence of these repressed people, as we did last week in passing House Joint Resolution 201.●

THE 50TH ANNIVERSARY OF THE GLASS-STEAGALL ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. MARKEY. Mr. Speaker, today we celebrate the 50th anniversary of the Glass-Steagall Act. What a 50 years it has been.

Under the act, we have seen an unprecedented level of investor and depositor confidence in our financial institutions. This has created in the United States one of the healthiest and most successful capital formation systems in the world. Though we have had our problems, and though we will continue to have our difficulties, the separation of commercial and investment banking stands as one of the great financial-legislative acomplishments of the New Deal period.

Today, many suggest repeal of the act. Some wish to see Congress do this task, others are content to let regulators step far beyond their bounds and break down the "Great Wall" that the Congress build 50 years ago. In the months ahead, the House Subcommittee on Telecommunications, Consumer Protection, and Finance, of which I am a member, will consider a variety of proposed legislative and regulatory modifications of the act. It is my hope that we in the Congress can be guided by the same wisdom that Senator Carter Glass and Representative Henry Steagall showed when they drafted and stood by their act in 1933.

No regulatory structure can ignore changes which make it obsolete. But at the same time, no policymaker can ignore lessons well learned from the

past. The lesson we should have all learned from the Great Depression is this one: When investor confidence goes, so, too, does the capital formation market. Indeed, the structures—of lack thereof—that some propose today in the place of Glass-Steagall should not be acclaimed for their newness but instead should be decried for their failure to adequately learn from the dark days of the 1920's.

On its 50th birthday, the creators of the "Great Wall" have much to be proud of. I hope that our successors can say the same of us 50 years from now.●

FAILURE OF ADMINISTRATION'S POLICY TOWARD SOUTH AFRICA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. FRANK. Mr. Speaker, as a member of the Arms Control and Foreign Policy Caucus, I would like to express my concern over the present human rights crisis in South Africa. The practice of apartheid in South Africa is reaching new proportions daily. Just last week, moves were made in the South African Parliament to increase the use and stringency of the homelands policy. Over the last month violent incidents in the illegally occupied country of Namibia have increased drastically. There are not signs of increasing stability, which is the purpose of the administration's "constructive engagement," but of increasing instability. The administration has failed and it is now time to consider a new course of action.

I would like to commend to the attention of my colleagues, the testimony of my esteemed colleague HOWARD WOLPE, before the House Banking Committee's Subcommittee on Financial Institutions Supervision, Regulation, and Insurance. These remarks, dated June 8, 1983, give a clear picture of the present situation in South Africa, with particular emphasis on the United States association with the South African Government's policies. The following are excerpts from that statement:

CURRENT U.S. POLICY: "CONSTRUCTIVE ENGAGEMENT"

For nearly two and a half years, the current Administration has been pursuing its policy of "constructive engagement" towards South Africa. This policy is based on the premise that quiet diplomacy and closer American association with the South African regime would encourage fundamental internal change and lead South Africa to end its illegal occupation of Namibia and develop peaceful, productive relations with its neighbors. Thus the Administration has increased the number of military attaches in our respective embassies, provided visas to high-ranking military and intelligence personnel, permitted U.S. companies to broker nuclear fuel deliveries to South Africa which refuses to sign the Nuclear Non-Proliferation Treaty, permitted the sale to a government-aided research firm of a computer that can model a nuclear explosion, loosened restrictions on U.S. exports of non-military items to the South African military and police, and vetoed, without support from any of our Western allies, a U.N. Security Council resolution condemning a South African invasion of Angola—all in the name of "constructively engaging" the South Africans to do something positive.

Unfortunately, the only tangible result of this policy has been to implicate us even more in South Africa's repressive and aggressive policies. In the first place, the South African government has moved to consolidate rather than dismantle its apartheid system. While undertaking extremely modest reforms to try and co-opt a non-white middle class (such as constitutional proposals giving Asians and coloreds, but not black Africans, a measure of autonomy within apartheid and, 99 year housing leases, freer movement, increased commercial and educational opportunities, and official recognition of trade unions for urban blacks), it has:

Established another so-called "independent homeland" and threatened to transfer other black South Africans to neighboring Swaziland,

Pursued even more vigorously its forced "resettlement" and "influx control" policies to keep black Africans in their homeland prisons,

Permitted educational expenditures for the two thirds of black African children who live in the so-called "independent homelands" to fall further behind those for urban blacks and whites,

Maintained per capita educational spending and teacher pupil ratios between black and white at levels below those of 1949 when the National Party regime took power,

Vowed never to give up "white domination" of the political structure and to exclude black Africans from any participation forever, detained hundreds of union leaders, journalists, and students,

Continued to use torture on political detainees leading to new deaths in prison, including that of the first white victim, Neil Aggett, a labor organizer for the African Food and Canning Workers Union,

Enacted new restrictions on freedom of the press, and

Proposed a constitutional reform that increases the potentiality for a Presidential dictatorship.

Secondly, South Africa continues to block a settlement of the Namibia conflict, successfully using the American insistence on linking Namibia's independence to the removal of Cuban troops from Angola as a way of prolonging its domination of that embattled territory.

Thirdly, South Africa has dangerously escalated its destabilizing military and economic aggression against its black-ruled neighbors. At this very moment, South Africa occupies Angolan soil, and gives support to dissident groups in Angloa and Mozambique. It has invaded Lesotho. It has sought to overthrow the Seychelles Government, and it has not hesitated to use economic sabotage against Zimbabwe and Mozambique as an added stick in the bargain.

In short, "constructive engagement" has been an utter failure. The South Africans either missed the signals sent by the Reagan team or cynically decided to manipulate them to their own ends. It is clear that the options this Administration has embraced, in hopes of alleviating a worsening situation in Southern Africa, have in fact merely made matters worse. Not only is there more upheaval and violence in the Southern African region today, but now—for the first time and as a direct consequence of construction engagement, the U.S. has become directly implicated in these developments. And it is critical that we Americans understand the enormous damage that "constructive engagement" has done to American interests throughout the continent. For the U.S., in African eyes, is now viewed as colluding with the South Africans in delaying Namibia's independence, in fostering regional instability, and in perserving the abhorrent system of apartheid.

ECONOMIC RESTRICTIONS ON SOUTH AFRICA FOR NATIONAL SECURITY REASONS

It is against this backdrop of the serious threat to our national security interests in Southern Africa and the Administration's persistence on a diplomatic path that exacerbates this threat that I strongly support the Solarz amendment of the Export Administration Authorization for fiscal year 1984. By enacting a government-enforced code of fair employment principles for employees of U.S.-controlled companies in South Africa, a ban on bank loans to the South African Government (except for loans for educational, health and housing facilities available on a non-discriminatory basis in areas open to all population groups), and a prohibition on the importation of krugerrands and other South African Government-minted or solid gold coins, the U.S. would demonstrate to the South African Government that the U.S. is unalterably opposed to apartheid and will never countenance policies aimed at reinforcing a beseiged apartheid regime. It will also send a clear political message to the black majority of South Africa, as well as other African and Third World nations, that our country is allied with their legitimate aspirations and disassociates itself from the South African regime. Instead of procrastinating in this difficult situation until it is too late to act effectively in behalf of U.S. national interests—as we have too frequently done in the past—we need to act now.

Actually, the Solarz amendment is mild medicine next to the restrictions the U.S. has adopted on private banking and trade relations with other countries when important foreign policy interests have been at stake. The Solarz amendment merely restricts new bank loans to the Government and the importation of new Government-minted or solid gold coins. But under the UN Participation Act, the U.S. maintained a complete embargo on economic relations with the white minority government of Rhodesia beginning in the late 1960's. This House reaffirmed that policy by separate legislation in 1980, in response to foreign policy arguments similar to the ones I have presented today.

In 1978 the Congress enacted a total trade embargo with Uganda because of the brutal human rights violations of President Idi Amin. Under the International Economic Emergency Powers Act, the U.S. maintains a complete embargo on economic relations with Cuba, Vietnam, Cambodia, and North Korea, and it implemented a similar embargo against Iran because it seized American hostages during 1979–81. Under the Export Administration Act, we maintain restrictions on exports of non-military goods and technology to numerous countries, includ-

ing South Africa, on grounds of national security, human rights anti-terrorism, nonproliferation of nuclear weapons, and other foreign grounds.●

H.R. 1590 ADDRESSES THE HUNGER PROBLEM

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ECKART. Mr. Speaker, I rise in support of H.R. 1590, the emergency commodity distribution bill. With unemployment hovering around 20 percent in my district in northeast Ohio, hunger has become more and more of a reality for increasing numbers of people. In a field hearing in northeast Ohio earlier this year, I was appalled to learn that we do not have an adequate safety net to prevent against hunger and malnutrition.

The figure for people showing up to get surplus food and for those resorting to soup kitchens are startling. In Ashtabula, the gentleman who runs the senior citizen center said he gave away 120 5-pound packages of cheese in 20 minutes. When it was all distributed, he was forced to turn away 80 to 100 more seniors who were hoping to get a share. Across the street on the same morning, the Catholic Services Agency distributed 2,300 pounds of cheese in 1½ hours. That works out to 126 pounds a minute. Fortunately, none of the 750 people who turned out for that distribution left emptyhanded. But several of the food bank staffers and community workers have expressed alarm at the rrising emotional level as such giveaways, particularly when there is not enough food to distribute.

The more I look at hunger in northeast Ohio, the more concerned I become. Community leaders and hunger project staffers paint a picture of a band-aid approach to nutrition and relative health care. The WIC program Ashtabula is servicing 1,000 people per month. Yet the administrator said that 500 to 1,000 additional women whose health have been identified as being at risk are not being helped. This lack of adequate nutrition is already showing itself in anemia, height and weight development problems, and retardation in children. Babies suffer from what is known as failure to thrive, a bureaucratic way of saying that they do not grow as a result of poor prenatal and nutritional care.

It is important to note that the hunger problem extends beyond our traditional stereotype of the needy person. The people standing in line at the Salvation Army soup kitchen are not homeless derelicts but entire families who have been victimized by unemployment and the sagging economy. The hunger problem also extends to the "working poor," people who are making an effort to support themselves, yet who often cannot afford to eat right.

H.R. 1590 is an innovative, affordable way to address the hunger problem. It is an eminently reasonable approach because it is actually easier and less expensive for the Federal Government to distribute surplus foods than it is to store them. As a cosponsor of this proposal, I will do everything possible to urge the U.S. Department of Agriculture to carefully target this bill when it becomes law. I applaud the House's action on H.R. 1590 and hope to see the Senate soon pass a companion proposal.●

RIVERSIDE HOSPITAL CELEBRATING 100TH ANNIVERSARY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to Riverside Hospital in Toledo, Ohio, which is celebrating the 100th anniversary of its founding this month. This special institution has played a significant role in improving the quality of life in the Toledo area since its founding as "The Retreat: A Home for Friendless Girls" in 1883.

For the past century, Riverside Hospital has proudly and skillfully adopted a leadership role in providing quality health care to its patients. It was the first hospital in the Toledo area to provide a coronary care unit and an outpatient clinic. It was also the first to allow fathers in the delivery room, as well as to provide continued care to high-risk newborns through its designation as a district perinatal center.

Beyond its valuable role in area health care delivery, Riverside Hospital is an integral part of the community's economy. The facility is the largest employer in north Toledo and has worked closely with business and community leaders for the betterment of its neighborhood. Through its school of nursing and recently instituted patient education programs, Riverside Hospital is a pillar of the community's health care education systems as well.

Riverside Hospital's progressive spirit, innovative leadership, community involvement, and dedicated staff and volunteers are an inspiration to all of us committed to quality health care in our Nation. I know my colleagues in the House of Representatives join me in congratulating Riverside Hospital and wishing it every success in the future.●

EMPLOYEE BENEFIT ADMINISTRATION ACT OF 1983

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. CLAY. Mr. Speaker, I am pleased today to join with the distinguished ranking minority member of the Education and Labor Committee, Mr. Erlenborn, in cosponsoring the Employee Benefit Administration Act of 1983.

Members of our committee on a bipartisan basis have long advocated the establishment of the Employee Benefit Administration, a single, independent agency whose sole focus is to safeguard the pensions of American workers and their dependents.

In the years since the passage of the Employee Retirement Income Security Act of 1974 (ERISA), the Subcommittee on Labor-Management Relations has held numerous oversight hearings documenting the confusion, duplication of efforts and needless expense borne by pension plans resulting from the patchwork quilt of ERISA administration and regulation.

The purely political jurisdictional compromise embodied in ERISA which authorized tripartite administration of the pension law by the Departments of Treasury and Labor, and the Pension Benefit Guaranty Corporation has proved over time to be unwise, unworkable, inefficient and, at times, antithetical to Congress objective in enacting ERISA: the protection of workers' pensions.

Any reasonable person could have foreseen that because Treasury and Labor have widely divergent missions and policy objectives, their approach to the pension issues would quite naturally be different. But unfortunately Congress sometimes substitutes political expediency for rationality. It should come as no surprise to anyone that since 1974, no coherent national policy concerning retirement income security has emerged.

Nor has there been any real attempt at formalizing a process to assure interagency coordination, even though everyone in the employee benefit community agrees that that would be desirable. The last attempt to bring some coherence to ERISA administration was undertaken by the Carter administration as reorganization plan No. 4. While that plan attempted to more clearly delineate the jurisdictional responsibilities of the Treasury and Labor Departments, the issue of who makes retirement income policy and how such policy ought to be developed has never been adequately addressed.

By carving out of Treasury and Labor the functions and responsibilities with respect to employee benefit

plans, and by moving the PBGC to the single agency as an independent agency within the EBA, this bill provides a framework for the orderly development of retirement income policy.

Although this proposal has been introduced in every Congress since ERISA's enactment, the need to establish an EBA is even greater today than it was in any prior Congress. Under the mantle of the need to control tax expenditures, ERISA changes have been made and are being proposed with little consideration as to their impact on the private pension system as a whole. In addition, rumors abound of administrative changes and proposed reorganizations at the Department of Labor which would have the effect of dramatically reducing the priority given to the pension program. Clearly retirement income issues need to be given the highest possible priority. A system of safeguarding workers' pensions which leaves them at the mercy of budget cutters and intradepartment rivalries is neither good public policy nor fair to our workers and retirees.

I believe the only reasonable solution is to establish a single independent agency devoted solely to assuring a decent retirement income for all Americans.●

LET'S BUILD SOME BRIDGES, NOT BURN THEM BEHIND US

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SKELTON. Mr. Speaker, recently, an editorial appeared in the Independence Examiner by Gary Edwards that very correctly points out how education should take advantage of the electronic media rather than condemning it. I commend the reading of this article to the Members of this body.

LET'S BUILD SOME BRIDGES, NOT BURN THEM BEHIND US

(By Gary Edwards)

The same week a national commission announced its highly critical report on American Education, I attended a lecture given by a prominent Kansas City area educator. During the talk he said something that left me thunderstruck.

This respected college official said the electronic media—radio and television—do not engage the intellect. I bring this up because I think there is a connection between what the local educator said and the commission's findings.

If you are expecting me to say that radio and TV are responsible for our declining educational standards, you're wrong. The bias of that college official points up what I believe is a major reason American education is suffering. The electronic media are not to blame for poor reading habits, poor math scores and poor grades. We as parents and teachers are to blame for not understanding how radio and TV are affecting our children so we can use this new media environment as a link between their electronic world and our print dominated world.

Today your child enters school with the universe stored in him. He has absorbed more information from radio, TV screens, stereos and movies than any school could ever give him. This means the role of the teacher must be changed. He should no longer cram facts into the student, but should organize the existing information in ways that encourage reading and math studies. The first step is up to us, the adults. We must shed our old print bias. I'm not suggesting we abandon print. Certainly not. I'm saying we must accept changes that are taking place and use them to our advantage.

We tend to forget that print is a fairly new form of communication. As a mass medium, it's only about 500 years old. Before then, most people communicated by the spoken word, yet it did not stop sophisticated civilizations from flourishing. Radio, television and the other electronic media are only taking us back to that simpler form of communication.

Today's teacher must not use the printed word to go inside the heads of our media children and organize the knowledge placed there by stereos, radio and TV. It has to be done with skillful audio-visual classroom techniques.

You will not find these techniques here in Independence. For that matter, you will not find them many places in this nation.

Current audio-visual education is not only technologically primitive, it's usually nothing more than an extension of print. If we want to communicate with our students, we must understand the new media grammar and begin building bridges between the two worlds.

It's easy to criticize TV and radio programming because much of it, or even most of it, deserves criticism, but there is much more going on in these media than just the programming. That's our challenge. That's what we must learn.

The challenge of using audio-visual techniques is not as impossible as it may seem. University of Missouri at Kansas City professor Dr. Shirley Hill had an interesting experience in Nicaragua during the mid-1970s. She had to teach math by radio. She said when you can't rely on print, it makes you change the way you look at teaching. As her work progressed, she found these radio math students became very good at following oral instructions, which is a lost skill, she believes, in many American classrooms. She also found that oral instructions in a subject as complex as math forced the students to become very good at mental mathematics.

Hill says this project emphasized to her that we do far too little in the oral medium in this country. I'm not suggesting we teach math by radio, but I am pointing out that Hill broke an important barrier. She shed her old print biases. That's what we have to do if we ever wish to reach our media children, and lead them to better reading and math skills. Otherwise, we will continue forcing our students and teachers to be in separate worlds—electronic media and print.●

FEDERAL MINE SAFETY AND HEALTH AMENDMENTS OF 1983

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. GUNDERSON. Mr. Speaker, as the ranking minority member of the House Health and Safety Subcommittee, I am pleased today to join with the other minority members of the subcommittee introducing legislation to amend the Federal Mine Safety and Health Act of 1977.

As my colleagues know, the House has frequently debated whether or not to transfer jurisdiction over stone, sand, and gravel operations from the Mine Safety and Health Administration (MSHA) to the Occupational Safety and Health Administration (OSHA).

And, as in any debate, we must look to the congressional intent of legislation before we rush to amend it to insure that the amendment is consistent with that intent.

The Mine Safety and Health Act is the congressional response to the various mine disasters and resulting loss of life that have occurred through the years in the United States. Its purpose is to provide the regulatory framework necessary to prevent such disasters from happening in the future.

The legislation we introduce today is in keeping with that congressional concern. At the same time, through the use of greater industry and miner consultations and assistance, it should no longer be necessary to consider the transfer of stone, sand, and gravel operations from MSHA to OSHA.

Accordingly, I commend this innovative legislation to my colleagues and hope that they will join us in cosponsoring it.●

DR. MALCOLM C. TODD, OUTGOING PRESIDENT OF THE LONG BEACH CHAMBER OF COMMERCE AND RENOWNED BELLWETHER OF THE MEDICAL PROFESSION

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ANDERSON. Mr. Speaker, many of us in the Congress lead extraordinarily busy lives but few of us could eclipse the memberships and achievements of the reigning president of the Long Beach Chamber of Commerce, Dr. Malcolm C. Todd. Malcolm will be honored during the evening of June 24 and, before he steps down, I would like to share with our colleagues

some of the many notable accomplishments of this erudite man.

A professor of clinical surgery at the University of California at Irvine, Malcolm has had an ongoing private surgical practice in Long Beach since 1946. He currently serves as a member of the National Advisory Committee on Health Manpower; diplomat to the American Board of Surgery; member of the board of directors to the California division of the American Cancer Society; and as a member of the board of trustees for the Southern California Blue Cross. Remarkably, Malcolm still finds time to lend his wisdom as a fellow of the Pan Pacific Surgical Association, the American College of Surgeons, the International Medical Association, and the American College of Gastroenterology.

During his more formative years, Malcolm earned his bachelor of arts degree from the University of Illinois and later was graduated from the Northwestern University Medical School. As a distinguished surgeon, he has represented the United States as a three-time delegate to the World Health Organization in Geneva, Switzerland; and he also led an American Medical Association delegation to the People's Republic of China in 1975. The American Medical Association had the benefit of his leadership as their 129th president.

Most recently, Malcolm and I had a discussion about the state of medical care in this country. He offered some very practical insights to the causes of escalating health care costs, and pointed out some areas of critical importance with which our society inevitably will have to come to grips. Clearly, Malcolm exudes an understanding of medicine and medical care that is based upon practical knowledge gained through invaluable experience. An eminent scholar, leading surgical practitioner, and distinguished civic leader, Malcolm has contributed immensely to our city of Long Beach, and to all humankind.

Mr. Speaker, my wife, Lee, joins me in thanking and congratulating Dr. Malcolm Todd for all that he has done for the people of our community and in extending our wishes for continued happiness and success to him, his wife, Ruth, and their son, Doug.●

FIRMS BLOOM IN ENTERPRISE ZONE

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. GARCIA. Mr. Speaker, in spite of the lack of any Federal enterprise zone legislation, State-designated enterprise zones are beginning to flourish, aiding the unemployed, bringing businesses and people back into depressed areas, and rebuilding our worn-out cities.

I would like to insert a recent article from the Washington Report on the success of Toledo's enterprise zone. I would like to add that although Toledo and other cities have made significant strides, Federal legislation is long overdue.

[From the Washington Report, June 6, 1983]

FIRMS BLOOM IN ENTERPRISE ZONE

(By Kathy Root)

TOLEDO, Ohio.—Despite the lack of long-promised federal legislation, an enterprise zone is blooming here this spring.

On 23 acres in the city's worst neighborhood sits a new industrial park that is home to several businesses and factories employing more than 500 residents.

Toledo's Warren-Sherman neighborhood, composed of 60 blocks of run-down warehouses and burned-out houses only 12 blocks from downtown, is the first enterprise zone certified under Ohio's recently enacted Inner Cities Tax Bill.

Companies taking advantage of the tax breaks in that law by locating in Warren-Sherman include Control Data Corp., Owens-Illinois Inc. and a number of smaller firms committed to helping the area make a comeback.

Enterprise-zone laws enacted in 15 states are aimed at encouraging the private sector to invest in economically distressed areas through tax breaks and exemptions from certain types of laws, such as zoning. Since 1979, about $55 million has been spent on the Warren-Sherman area, with another $8 million to $10 million expected to be spent this year. About $32 million of that total has come from the private sector.

Federal legislation designed to offer additional tax breaks and regulatory relief to such inner-city areas as Warren-Sherman has been in the works for nearly three years, with little prospect for passage.

Although the Senate Finance Committee approved the enterprise-zone legislation last year and again last month, the House has yet to hold a hearing on the issue, chiefly because Ways and Means Chairman Dan Rostenkowski (D-Ill.) is uninterested in the proposal. The full Senate has not yet scheduled a vote on the legislation.

But Toledo began the revitalization process, including the search for new businesses, long before an Ohio enterprise-zone law was available for Warren-Sherman.

Under the federal Urban Renewal and Model Cities programs of the 1960s, Warren-Sherman was supposed to be the first neighborhood in Toledo to be rehabilitated. But through a switching of priorities, Warren-Sherman came up 16th—and last—on the list of the city's revitalization projects when President Nixon placed a ban on those programs in early 1973.

That move, unpropitious as it seemed, actually made Warren-Sherman an ideal target for the enterprise-zone project, city leaders now say.

Wayman Palmer, executive director of the Toledo Economic Planning Council and a leader in the Warren-Sherman revitalization, attributed the tenacity of the project, from the early 1960s to the present, to the character of the neighborhood.

"This was the most disadvantaged neighborhood in the city, by any measure you'd want to use," Palmer said. "But a group of cohesive property owners hung in there, determined not to let the neighborhood go all the way down."

The city invited City Venture Inc. to look at the area to see what could be done. Formed in 1978 by 12 shareholders, including Control Data Corp., City Venture specializes in helping a city and its residents revitalize a neighborhood themselves. Toledo's Warren-Sherman neighborhood was the second revitalization project City Venture tackled, after beginning in its home city of St. Paul, Minn.

Also backing the future in Warren-Sherman was—and still is—Toledo Trust, the city's major bank. Much of the backing for the $55 million that has been spent so far has come from the bank, whose president has been committed to the Warren-Sherman project for the last five years.

The bank's involvement in the Warren-Sherman project, and its subsequent enterprise zone, Palmer added, has been crucial.

"In the process, we realized that we must have the backing of the city government, but equally important, we must have a bank or combination of banks and savings and loans that are willing to put their money at risk," Palmer said.

Although the state enterprise-zone designation came rather late in the ball game, Palmer said its advantages of complete exemption from personal and real-estate taxes for 10 years have sparked more interest in the industrial park. Two more companies are considering building factories on parcels within the Warren-Sherman industrial park. A decision from them, Palmer said, is expected within a few weeks.

If two more companies were to locate in Warren-Sherman, they would be joining a host of other firms already operating there. A brand new Owens-Illinois boxboard packaging plant employing 20 Warren-Sherman residents has been producing printed corrugated containers for about six weeks.

And Control Data's new Business & Technology Center, located in an $8 million rehabilitated factory building, houses several small companies and Magnetic Peripherals Inc., a Control Data subsidiary employing 150 Warren-Sherman residents who make wiring harnesses for computers.

"This in one of the real urban success stories in the nation," said Toledo Mayor Douglas DeGood, reflecting on the Warren-Sherman project. "It puts Toledo on the map . . . we have a track record here, so there's a reasonable likelihood that other cities can do the same thing. But federal [enterprise-zone] legislation would clearly be beneficial for us—it would increase the success of our program."●

A TRIBUTE TO FLORENCE SMALL DRURY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. DYSON. Mr. Speaker, I would like to take a moment to commend the extraordinary contributions of Mrs. Florence Small Drury, a caring, dedicated community servant and leading educator, who for 42 years has taught and guided the children of Maryland.

Beginning her teaching career in Oakley, Md., Florence Small Drury

has given unselfishly of herself in her effort to blend teaching with concern, discipline, and most especially with love. She has lived as an example to her students, bringing her wisdom to all. She has utilized this combination in molding the future of Maryland's children and has earned the respect and admiration of students, parents, and associates alike.

As an administrator she was instrumental in the upgrading of current curriculum and pioneering of new programs. Under her leadership, she has cultivated the interest of students and developed their talents and produced fine quality leaders of this State.

Mrs. Drury has devoted her life to teaching. Her perspective and wisdom will be missed by those who will not be fortunate enough to be taught by her, but remembered by those who were.

This is our way of saying thank you for 42 years of dedicated community service in so ably guiding the intellectual development of our young.●

STRATEGY FOR AFRICA

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mrs. HOLT. Mr. Speaker, I am anxious to share with the House a very profound analysis of the dilemma confronting the United States and the free world in our relations with southern Africa, notably the Republic of South Africa.

I refer to an article written by Dr. Rocco M. Paone, professor emeritus of the U.S. Naval Academy, who states that our revulsion at the racial policies of the Republic of South Africa must not cause us to ignore the strategic importance of South Africa to our national security.

Dr. Paone said that—

The two richest treasure houses of modern industry are located in the Persian Gulf and southern Africa, particularly the Republic of South Africa. The former furnishes the major source of the world's petroleum energy without which Western economies could not exist, and in the latter region are found the rich strategic nonfuel minerals without which modern industry could not survive.

The professor said, "It is reasonable to assert that what Saudi Arabia is to oil, the Republic of South Africa is to strategic minerals." The article by Dr. Paone emphasizes the grave danger to the free world if we ignore the aggressive designs of the Soviet Union to seize control of the oil riches of the Persian Gulf and mineral riches of southern Africa. "It would be a fatal error on the part of the United States to view problems in the Republic of South Africa and other areas of southern Africa as purely local rather that interpreting them from global and strategic perspectives," he said.

Professor Paone notes Soviet successes in southern African countries such as Angola, Ethiopia, and Mozambigue, where Marxist governments have been established, and the expanding Soviet effort to extend its control over other countries in the region.

I would remind the House that approximately 70,000 Cubans supported by the Soviet Union are active in 14 African countries in both military and civilian capacities.

Professor Paone stresses that southern Africa is important because of the sea route around the Cape of Good Hope, controlled by the Republic of South Africa.

He said:

The Cape route has become the jugular aortic artery of most of the United States and Western Europe's oil and strategic mineral supply. Some 80 percent of NATO's oil, 70 percent of NATO's strategic raw materials, 30 percent of United States oil, and more than 90 percent of the most critical minerals required by U.S. industry are transported via the Cape route.

Much of the Mideast oil en route to the West passes around the Cape of Good Hope. South Africa has the only ports capable of refueling and repairing the supertankers, which are too large for the Suez Canal, he said.

Professor Paone's article was prepared for the summer issue of the American Journal of Intelligence, and I would encourage my colleagues to obtain that publication to read the article in full.●

SUSAN KNOLL, VOICE OF DEMOCRACY WINNER, EXPRESSES AMERICA'S STRENGTH

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SOLOMON. Mr. Speaker, the Voice of Democracy is an oratorical contest sponsored by the Veterans of Foreign Wars. It seeks to challenge young speakers to use their talents in the search for an eloquent expression of America's strengths and values.

Among the winners of the Voice of Democracy contest this year was Susan Knoll of Valatie, N.Y. At a time when the media is filled with gloomy news on the state of American education, I think this exemplary and moving address makes worthwhile reading, Mr. Speaker, because it gives us another perspective on the earnestness and sincerity of our young people.

[The essay follows:]

THE WINNING ESSAY

America, remember me as the cornerstone of your strength, me as the foundation of your greatness!

Who am I, America?

True, I am not the mighty grey industries, whose smokestacks reach to the heavens to belch and pump alive with the sounds of hammer and chisel . . .

Nor am I the ores and timbers, and abysmal glades and fertile valleys that sweep across the land to feed and provide for our people.

I am not the marching mass of millions who crowd your cities. Nor a farmer, worker, business man or politician or any single institution or gathering am I, for I am more powerful and far more essential to you than any of these single things could ever be!

No, America . . .

I am only a child, or a child not yet born . . . a sweet, innocent newborn being. Yet I am mightier than all of the arsenals in this country!!

For what purpose, America, are the very exhaulted fibers of our nation, our industries, the rich fruits of the land, our sacred institutions, all of these most precious things, if they are not assured of a tomorrow? What will become of them if there is no one to inherit them, to use them, to improve on them?

How plainly then the survival of all of our yesterdays, however great and enduring we think them to be, depend on a future in which to exist in.

I am that future!

I am hungry, and desperate to know everything you have learned, to have everything you have built these many years, I want to be everything you have been! I want this all! And I want . . . to give back more than you have given me and to add my mark along side of yours. Where you have been defeated and exhausted by time, I will be behind you, to pick up the torch where you have dropped it, and I will start anew.

Exalt me, America! As the very hope of your continuation!

I came out of the womb of time, empty and naked, and I place myself in your care.

Educate me to the chronicles of your history! Show me your great patriots and veterans, the heros of days dead, and perhaps I shall be inspired to become one of them.

Read to me the pride of your authors, the literature you love and I will create new ones for you.

Teach me to be alive, America! To be free and independent, and to respect the laws that have built his land, and I will carry these lessons with me someday into the houses of our government.

Dare me to question life, inspire me to explore, I beg you, ignite the very fire of my soul so that someday when you are gone, I will delve into yet un-explored territories, seek always to know and always to build anew.

My minds, and my hands . . . so small yet, will hammer the steel of tomorrow, will reap the lands, cure the sick and care and uphold the workings of your government, and above all other duties, they will take upon themselves the density to carry this country one step further.

It will not be your mighty armies of factories that will carry you to tomorrow, America, It will be I!●

BILL GREEN HONORS DR. GILBERT STORK OF COLUMBIA UNIVERSITY

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. GREEN. Mr. Speaker, I would like to take this opportunity to congratulate Gilbert Stork, professor of chemistry at Columbia University, who was honored last month by President Reagan with the National Medal of Science. I was proud to witness the ceremony at the White House in which this medal, the Nation's highest award for scientific achievement, was bestowed upon the 12 individuals who, in the judgment of the President, have made outstanding contributions to the sciences.

Professor Stork was cited as "one of the world's most innovative and productive synthetic organic chemists." His discovery of new methods "has made possible the synthesis of some of the most complicated and important biologically active compounds," including organic molecules used in the treatment of heart disease and other major illnesses. He has invented various methods for molecular synthesis, including the "enamine alkylation," which has found such wide usage that it is referred to as "the Stork reaction." This great teacher has trained hundreds of organic chemists who are among the most productive and influential chemists in the world today.

Dr. Stork was born in Brussels, Belgium, in 1921. He came to America in 1939, and received a B.S. from the University of Florida and a Ph. D. from the University of Wisconsin. He was an instructor in chemistry at Harvard University for 2 years, and he began teaching at Columbia in 1953.

Dr. Stork has received honorary degrees from Lawrence University, the University Pierre et Marie Curie in Paris, and the University of Rochester. He is the recipient of the American Chemical Society's Award for Creative Work in Synthetic Organic Chemistry, and Arthur C. Cope Award, the Roussel Prize, the Edgar Fahs Smith Award, the Willard Gibbs Medal, and the National Academy of Sciences Award in Chemical Sciences. Dr. Stork is a member of the National Academy of Sciences and a fellow of the American Academy of Arts & Sciences. He has served as a visiting professor and guest lecturer at many universities both in America and abroad.

Dr. Gilbert Stork was named Eugene Higgins Professor of Chemistry in 1967, and he is the seventh member of the Columbia University faculty to receive the National Medal of Science. I ask my colleagues to join me in recognition of this man's outstanding achievements and his great contribution to science.●

ANDROPOV—PRESIDENT OR ANGEL OF DEATH?

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. GOODLING. Mr. Speaker, now that Comrade Yuriy Andropov has been made President of the Soviet Union, let us hope that he will learn to exercise the virtue of Presidential clemency. I am referring in general to the plight of Soviet Jewry, and in particular, to the plight of Anatoly Scharansky. I would like to enclose for the RECORD an article from today's New York Times which details the worsening condition of Scharansky, who is being punished for the crime of being born a Jew and wanting to go to Israel. Vladimir Bukhovsky, an exiled dissident, has referred to Mr. Andropov as "the man who has had his hands around our throats for 15 years." Bukhovsky was referring, of course, to Mr. Andropov's 15-year tenure as head of the KGB. I appeal to Mr. Andropov: show yourself as a President rather than an angel of death. Let Scharansky, Ida Nudel, and the thousands of other Soviet Jews, who long to go to Israel, go.

[From the New York Times, June 16, 1983]

IS THERE NO MERCY?

(By Anthony Lewis)

Anatoly Shcharansky, the imprisoned Soviet Jew, is suffering from what appears to be a grave heart condition. The authorities have not hospitalized him. But he has been given various medicines in prison, and now he has had a severe allergic reaction to those.

A medical picture of Mr. Shcharansky's condition has just been sketched by an authority in this country. His wife, Avital, on a visit from her home in Israel, took some of his letters to Dr. Allan M. Ross, director of cardiology at the George Washington University Medical Center in Washington, and asked him for an opinion. The letters mentioned specific kinds of chest pain and other symptoms.

"My presumptive diagnosis," Dr. Ross wrote to Mrs. Shcharansky, "must be acute and chronic coronary insufficiency resulting in angina pectoris." He said it was especially worrying that minimal exertion frequently gave her husband palpitations, and "ominous" that his letters spoke of an irregular heartbeat. He said the case "should be considered with the highest level of concern," starting with hospitalization.

I learned about all this when I met Mrs. Shcharansky in New York. The circumstances were grim. She had just completed a telephone call to Moscow in which her husband's latest letter, to his family there, had been read to her. The letter, dated May 25, reflected his new physical torment.

"It was very short," Mrs. Shcharansky said. "Anatoly says he cannot write because his hand is so swollen. He has sores all over his body, his face, his lips. They break."

Dr. Ross, when I telephoned him, said the swelling and sores indicated "a diffuse allergic systemic reaction" to the medicines. Mr. Shcharansky has been given. His letters mentioned eight kinds of pills and injections. Dr. Ross identified them by talking with Russian émigrés and checking old texts.

"None of the medicines is highly appropriate," Dr. Ross said, "and some are definitely contraindicated. I think he is getting them from fellow prisoners with medical training, and they must just be giving what they can find. It's a mess."

Dr. Ross had no connection with the Shcharansky case before he was asked for his views. His diagnosis should be of wide concern, to Soviet authorities among others. For the Shcharansky case is not just an individual tragedy. It has political consequences.

Anatoly Shcharansky was a leading figure among Soviet Jews seeking the right to emigrate. He was convicted in 1978 on grotesque charges of treason and sentenced to 13 years in prison and labor camp.

In confinement, Mr. Shcharansky has been repeatedly punished, held in solitary, deprived of the right to have his family visit him twice a year. He went on a protest hunger strike from last Sept. 27 until Jan. 14.

The savagery of the treatment inflicted on a man whose "crime" was really to want to emigrate has made him a powerful symbol to the outside world. Even the French Communist leader, Georges Marchais, wrote to Yuri Andropov about the case. He announced last Jan. 24 that Mr Andropov had replied with an assurance that Mr. Shcharansky's "state of health is satisfactory."

Why the relentless persecution of Anatoly Shcharansky? By all indications the purpose is internal—to discourage the movement for Jewish emigration. Soviet authorities have cut that emigration to a trickle: only 421 persons in the first four months of 1983. But they are still working to intimidate those who have been refused exit visas, and thus to quiet the whole issue.

Newspapers in Leningrad and Vilnius have recently carried anti-Zionist polemics of a vicious character. An official Anti-Zionist Committee was established, and it held a press conference in Moscow last week to say that Jewish emigration was down because few Jews wanted to leave. The chairman, Col. Gen. David A. Dragunsky, said, "The past year has made perfectly clear that Zionism is increasingly modeled on the ideas and methods of Hitler."

Whatever the internal effects, decent opinion in the outside world will be repelled by a campaign that looks more and more like plain old anti-Semitism. If Anatoly Shcharansky were to die in prison, even those in the West who most urgently want to improve relations with the Soviet Union would turn away from doing business with such a government.

Moving the Soviet leadership on an individual human rights case often seems a hopeless business. But if you meet Avital Shcharansky—a 32-year-old woman who has not seen her husband for nine years—you know there is no alternative to trying. She has passed Dr. Ross's advice on, and Anatoly's mother has actually gone to try to persuade prison authorities near Chistopol in the Tatar Republic, where he is held, to put him in a hospital.

What can it profit the Russians to hold Anatoly Shcharansky any more? The risk

must by now exceed any benefit of intimidating example. It is time to let him go.●

JULIAN SMITH WAS A GOOD CITIZEN

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. FUQUA. Mr. Speaker, Tallahassee, Fla., has lost one of its finest citizens and I have lost a dear friend. The passing of Julian Smith last Friday saddened the community, for he was a truly remarkable leader.

I first met Julian when I served in the Florida legislature, and for some reason, he, as we say, "took a likin' to me." From that day forward, he was a valued friend and adviser. Let it be said that his advice was always sound and given in a gentle manner which typified the man.

In making that statement, I know that I am just one of many who would echo those sentiments.

To his wife, Elaine, and his truly remarkable family, all of us who knew and loved Julian share their bereavement.

The Tallahassee Democrat of June 9, 1983, had a very moving editorial which I would like to share.

[From the Tallahassee Democrat, June 9, 1983]

SMITH WAS A GOOD CITIZEN

He didn't look like a banker, at least not the way our society thinks bankers should look. His appearance and his demeanor were more what we used to expect of the family doctor or a revered school teacher—that of a kindly and caring friend.

Julian Smith, who died last Friday at age 67, had a career in banking that spanned five decades. But to many people he will be remembered not as the founder of Industrial Savings Bank in 1940 and not as one of the leaders in the formation of the Capital City Bank Group but as a friend, a person who extended a helping hand in time of need.

DuBose Ausley, chairman of the board of Capital City First National Bank, said Smith "was absolutely one of the most caring and feeling people I ever knew. He had a tremendous sensitivity for people who were less fortunate than him, whether it be financially or in health."

His brother Godfrey remembered that he "always had time to stop and talk and to help someone. He had a lot of friends, many that nobody knew about but him, people whom he had helped . . . people to whom he loaned money when no one else would."

Julian Smith grew with Tallahassee. He entered banking when the town was still small enough that a person could know almost everyone. Even after Tallahassee became a city, he did not lose his personal interest in people and in knowing as many as possible.

Tallahassee has lost a good citizen.

Knowing Julian, he could have no more fitting epitaph than that last sentence.●

THE CONTINUED SOVIET OCCUPATION OF LITHUANIA, LATVIA, AND ESTONIA

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. LENT. Mr. Speaker, I rise today to join my colleagues in calling attention to the events which took place during this week, 43 years ago. I refer, of course, to the 43d anniversary of the tragic Soviet invasion of Estonia, Lithuania, and Latvia.

Before World War II, these three Baltic nations were free and independent countries with their own languages, traditions, and histories. As Europe was thrown into turmoil during Hitler's rise to power, the Soviets took cruel advantage of these troubled times to invade and conquer Estonia, Lithuania, and Latvia, in June 1940.

Following the collapse of Stalin's peace treaty with Hitler, these three nations were taken over by Hitler's invading armies. After the defeat of Hitler, the Soviets again took over these independent nations and have not relaxed their grip to this day.

Knowing the Russian way of life would be rejected by the people of these Baltic States, the Soviets have shipped Russians into the area to overwhelm the original population. Russians control the government, the police, and all major industries. Only by the sheer use of power and force are the Soviets able to continue their domination of these brave men and women.

Mr. Speaker, the long suffering, but courageous, people of Estonia, Lithuania, and Latvia continue to fight the efforts of Sovietization. Our words today stand forth as a symbol of hope and a signal that no amount of time will ever lessen our commitment to their struggle.●

THE REAGAN APPROACH TO AFDC

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. VENTO. Mr. Speaker, one of the saddest and most tragic ironies of the Reagan recession has been that several million Americans who receive AFDC—aid to families with dependent children—have become locked into dependence on this program because they cannot work in certain jobs for fear of losing their limited benefits.

A constituent of mine summarized this situation in a nutshell recently when she wrote, "The system is now designed to keep people dependent, with no incentives for working." This constituent's comments were also echoed in a recent conversation which I had with Ramsey County Commissioner Diane Ahrens who suggested that the Reagan administration's rules on AFDC actually create a disincentive for people to get off from public assistance and go back to work—if indeed they are fortunate enough to find a job. This situation is illustrated by the experience of my constituent.

She had a bachelor of science degree and had secretarial background. She soon learned that in today's job market she was either overqualified because of her educational level or was underqualified by virtue of the fact that she was but one more person among many seeking employment. She was anxious to work and was happy to accept a part-time bookkeeping and apartment management job. My constituent was aware of the sad irony of her predicament when she wrote, "I earned more with welfare and my afternoon part-time job and had full medical and dental benefits, too."

Under the Reagan administration's new AFDC rules, anyone working can keep $30 and up to one-third of what they make each month for only the first 4 months. If you work over 100 hours per month, regardless of how much you earn for your hours, you are subject to being summarily cut off from AFDC.

William Craig and Ira Moscovice of the University of Minnesota's Center for Urban and Regional Affairs are currently studying the impact of the Reagan administration's AFDC rules on Minnesota AFDC families. Although their study is not yet completed, their initial findings are reason for concern. Among these; with the cutbacks in AFDC, more parents began working. The Reagan cutbacks, however, eliminated work-incentive aids as well as outright payments. Under the former work-incentive programs, AFDC clients could collect some Federal assistance even though they held jobs—the amount of assistance declined as the salary increased. With work incentive eliminated, "there appears to be little incentive remaining for those on AFDC to start or continue working," according to Craig and Moscovice.

Health care is also a serious problem for AFDC recipients. Most of those eliminated from AFDC who are working have no health insurance, resulting in sizable out-of-pocket expenses for health care by AFDC recipients.

The use of daycare services by AFDC clients is also declining as those clients are moving their children out of daycare centers that provide special programs and into care with babysitters, neighbors, and relatives. In some cases, the alternative to daycare is no care at all. Food shortages and utility

shutoffs are also serious problems for more than one-half of the low-income population.

Mr. Speaker, I want to commend my consituent, Ramsey County Commissioner Ahrens, and William Craig and Ira Moscovice for focusing attention on this peculiar situation. Something is seriously wrong in our system when a person is faced with the choice of working part time at regularly low wages and losing all of their AFDC benefits or continuing to receive full benefits while remaining unemployed and uninspired to search for employment. The "30 and a third" provision of the Reagan administration's AFDC rules works to discourage AFDC recipients from becoming self-sustaining, independent individuals who will be taxpayers rather than welfare recipients. These rules should be reconsidered and changed so that they reward initiative rather than punish it. I ask unanimous consent that the preliminary findings of the study by William J. Craig and Ira Moscovice of the University of Minnesota's Center for Urban and Regional Affairs be published at this point in the RECORD.

The article follows:

[From the CURA Reporter, University of Minnesota, May 1983]

WORKING AND ON AFDC: THE IMPACT OF RECENT FEDERAL CUTBACKS

(By William J. Craig and Ira Moscovice)[1]

One of the most important roles of a modern university is to help government create and alter programs to the benefit of society. An opportunity to evaluate the impact of a major alteration of public policy was created when the 1981 Congress revamped the formulas affecting benefits of working AFDC recipients. This change was of particular importance to Minnesota where the proportion of welfare recipients earning money at a job was among the highest in the nation.

Two University of Minnesota organizations, CURA and the Center for Health Services Research, have joined in an evaluation of this policy change.[2] The evaluation is based on a longitudinal survey of 615 families who in January 1982 were on AFDC while the head of household was working. The families were selected from five Minnesota counties where a total of 3,515 families were affected by the federal cutbacks because they were both working and on AFDC. The study focuses on the human impacts and reactions to the cutbacks in AFDC funding. A series of interviews with these families was initiated in early 1982 asking questions about their lives in January, just before the new rules were implemented. Surveys have followed at six-month intervals. This article presents preliminary results based on the July 1982 survey.

[1] William J. Craig is director of CURA's Research Services Office. Ira Moscovice is an associate professor with the Center for Health Services Research at the University of Minnesota.

[2] Additional funding has come from the Bush Foundation; Hennepin County; the Minneapolis Foundation; the Minnesota Department of Energy, Planning and Development; the Minnesota Department of Public Welfare; and the United Way of the Minneapolis Area.

FEDERAL CUTBACKS

AFDC (Aid to Families with Dependent Children) has been in existence as long as Social Security, since 1935. It has the same purpose: to protect those who cannot fend for themselves. In this case, the beneficiaries are children who are inadequately provided for. Most often this is the result of the continued absence from the home of a parent who has the economic ability to care for the family. This absence may be due to death, separation, divorce or abandonment. In Minnesota, and in most states, households with two parents are also eligible for AFDC when the bread winner is incapacitated or has exhausted unemployment compensation.

Until all children are six years old, the AFDC program provides little pressure on the parent to work. Thereafter, work for parents was, until recently, promoted through two mechanisms: a requirement that parents register with WIN, a job placement and training program (now significantly reduced) and the benefit of financial incentives for working parents. Once the youngest child is 18 years, all benefits end. For those who do work, their earnings reduce the AFDC cash benefits. Until the new rules were implemented, however, those who worked were better off financially; there was a clear financial incentive to work.

The new rules affected two groups of AFDC recipients in different ways. For those with higher earnings, all benefits were suddenly terminated. Along with cash benefits, these people also lost their medical coverage from the medicaid program. For those with lower earnings, cash benefits were reduced, perhaps eliminating all financial incentives to continue working.

The crux of the new rules was a restructuring of the cash payment formula. For a given family size and structure, each state specifies a dollar "standard of need" which is paid to AFDC recipients. For those families where the parent is working and on AFDC, that payment is reduced by the amount of earned income after adjustments for work expenses and for a work incentive allotment. It is these adjustments which were altered by the Reagan administration in early 1982:

Size of Earnings: Any family with gross earnings exceeding 150 percent of the standard of need (based on family size and composition) was terminated regardless of the amount of work expenses. Thus, for example, a mother working full-time at the minimum wage ($3.45 per hour) with one child is no longer eligible.

Work Expenses: Formerly work expenses were reimbursed in the amounts incurred. Now there are upper limits on these expenses. The limit for child care is $160 per child each month. And for all other expenses (including union dues, uniforms, transportation, and taxes) the limit is $75 per month.

Work Incentive: The financial work incentive has been eliminated. Prior to the change, cash benefits included an incentive which disregarded $30 plus one-third of gross income when calculating recognized earnings. Now that disregard is applied only for the first four months of work and is based on net earnings rather than on gross earnings.

These rules had an immediate impact on all AFDC families where a parent was working. For the 615 families in this study, nearly two-thirds (62.3 percent) were terminated from AFDC, another one-third (34.5 percent) had their grant reduced, and a small minority (3.3 percent) benefited through a small increase in their grant.

THE PREDICTED RESPONSE

For the Reagan Administration, these changes were a cost containment strategy. The administration expected financial savings for government as people with a proven ability to hold a job are required to support themselves.

Critics of the changes countered that the mix of AFDC and work was an indispensable program for poor women confined to working in a low-wage market. They predicted that bad results would outweigh the good. They saw people quitting work and overwhelming AFDC with new expenses when their incentives were withdrawn. They hypothesized other negative impacts as well. Critics predicted negative changes in seven areas of life for those who were working and on AFDC:

Labor Force Participation: Many will cut back on the hours they work or quit work altogether and collect their sole support from AFDC. Others will work more hours or take on a second job, trying to make up for lost income.

Economic Status: Net income will decline and basic needs will consume a larger portion of that income.

Health Care: Those who leave AFDC will not be able to afford replacement health insurance and will delay seeing physicians and dentists except for acute conditions.

Day Care: Fewer day care services will be used, and the arrangements will be more informal and less satisfactory.

Household Composition: Many changes may occur including: sharing housing, moving back with parents, or remarriage.

Housing: People will move more frequently, looking for less expensive quarters, and they will be willing to accept lower quality housing and less space.

Financial Emergencies: There will be a greater incidence of repossessions, evictions, utility shut-offs, and food shortages.

This study was designed to analyze how accurate these predicted responses were. What effects have the federal cutbacks actually had on people who were both working and on AFDC in January 1982?

THE UNIVERSITY OF MINNESOTA STUDY

Telephone interviews have been held with a random sample of people affected by the new federal rules. Because of confidentiality constraints, officials in the five counties wrote to each potential participant requesting permission to give their name to the University study team. Twenty-eight percent in Hennepin County and 38 percent in the rural counties responded to this request. Analysis of county records showed little difference between those who responded and those who did not. A random 63 percent sample was drawn from Hennepin respondents, but all rural respondents were contacted in the first survey. Over ninety percent of those in the original sample have been retained on each succeeding wave of interviews. At the end of the second wave in July, 615 families remained in the study: 558 in Hennepin County and 57 in the rural counties.

The survey questions, twenty-six pages long, were formulated by the two authors and modified slightly on each wave. Designed to address the hypotheses about changes in the seven life aspects already noted, the questions were very fact oriented—for example, how many hours did you work last week? They were supplemented.

however, by questions of perception. Respondents were contacted and interviewed by a professional survey research firm, Mid-Continent Surveys, Inc. Each interview took about forty minutes to complete. Respondents were paid a $10 stipend.

Preliminary results are presented here based on an analysis of the first two surveys. The third survey was completed in mid-March, but those data have not yet been analyzed.

WHO WAS WORKING AND ON AFDC?

The typical respondent in this study was a 31 year old white woman with a high school diploma and two children. Out of the total sample of 615 respondents, 98 percent were women, 87 percent were white, and 86 percent had at least a high school degree. The average family consisted of 3.1 members including 1.8 children. Three-quarters of the parents worked in clerical or service occupations. Their overall average gross earnings from work in January 1982 were $633 per month; in rural counties average earnings were much lower ($532).

SOURCES OF INCOME AFTER THE CUTBACK

By July, the people in the study were suporting themselves in one of four ways based on their AFDC and employment status. The groups, ordered by size, were: off AFDC and working (63.3 percent), on AFDC and working (16.7 percent), and on AFDC and not working (15.6 percent). A very small fourth group (4.4 percent) were off AFDC and not working. The paths to their status in July were various, as illustrated in Figure 1. People were affected by the change in a variety of ways and by July had begun to make income adjustments.

Those who were off AFDC and working attempted to make up for lost income by working more hours, taking a second job, or upgrading jobs. Still, they were able to makeup for only half the income they had before they were terminated from AFDC; they remained just above the poverty line. Partly because of the increase in work and partly because of summer vacation from school, these people were using more day care. However, by switching their day care arrangements to less expensive options, they were able to reduce their cash outlays for this service. More devastating was their loss of Medicaid. In Hennepin County a significant number had not replaced this public support: 21 percent of the parents and 37 percent of the children had no health insurance. In rural counties the figures were 31 and 29 percent respectively. As a whole, this group was paying half its medical expenses out-of-pocket and therefore delaying trips to the doctor and dentist. Yet, this group felt most able to "make it on their own."

Those still on AFDC and working remained covered by Medicaid so medical insurance was not a problem for them. In Hennepin County their average monthly net income was not a problem for them. In Hennepin County their average monthly net income (from work and public subsidies) had dropped slightly to $769 which was only $58 lower than those off AFDC and working but $131 above those on AFDC and not working. They had slightly increased the number of hours worked to 25.2 hours per week, but average pay had dropped to $4.16 per hour. In outstate counties much the same pattern existed. Though the small number of cases in these counties makes results less reliable, the fact is that the average monthly net income for outstate families, when counting earned income and public subsidies, was actually $13 higher than for outstate families off AFDC and working.

Those on AFDC and not working had the lowest net income. Their medical expenses were met and they had no need for day care. Most had lost their jobs rather than quitting them. More than those in the other two groups, they had low perceptions about their financial situation now and in the future, including job opportunities for their children. They had become totally dependent upon public subsidies for their survival.

CHANGES IN LIFESTYLE

Bearing these different situations in mind, we can now examine the seven life aspects that critics had predicted would change. Below are the preliminary findings based on an analysis of the first six months of living with the AFDC cutbacks.

Labor Force Participation: A substantial number of parents have increased their labor force participation as they strive to maintain independence from public subsidies. However, there appears to be little incentive remaining for those on AFDC to start or continue working.

Economic Status: Net income declined for all groups and basic needs consumed a larger portion of income despite lower energy costs in July. There is a large group of working recipients who were terminated from AFDC and who have maintained their independence from the program. However, half of those remaining on AFDC who were working previously are no longer working and are now totally dependent on public subsidies for their survival.

Health Care: A significant portion of those off AFDC and working, and an even larger portion of their children, had no health insurance in July. This has resulted in over half their health care bills being paid out-of-pocket and in increased delays in their seeing physicians and dentists. The ability to get health care, when necessary, has become a major problem for those no longer on AFDC.

Day Care: Those not working eliminated day care. Those working were using more hours of day care (partly because they were working more hours and partly because their children were not in school in July), but they had found less expensive sources of care. There are a growing number of respondents dissatisfied with the day care their children are getting and a growing number of children needing, but not getting, day care.

Household Composition: Contrary to expectations, no substantial changes were made in household composition. Fewer households consist solely of a parent and children, but the percentage change was well under 10 percent.

Housing: No substantial changes occurred in the area. In fact, people moved less frequently than in the six months prior to the cutbacks. For those who did move, cost savings had increased in importance as the major reason for moving.

Financial Emergencies: Food shortages continued to be a problem for nearly one-half of this low-income population. Threats of utility shutoffs or actual shutoff increased, burdening nearly one-third of the respondents.

CONCLUSIONS

These results must be viewed as preliminary. The fact that the surveys were completed in different seasons is part of the reason for viewing the results with caution. More important is the short period between the first and second surveys. Six months is too short a period for people to react to a major shift; many people will try to carry on as usual until this path becomes impossible. They will not have made the final adjustment to their new circumstances. The time period is certainly too short to measure the impact of the expiration of the four-month income disregard incentive. Finally, within six months, people will not have experienced any of life's minor crises which can add up to major problems for those of limited means.

Nevertheless, this first look at the new federal rules indicates some potential future problems. Former AFDC recipients have shown a willingness to support themselves yet they are left in the most precarious situation with regard to health care and day care. They are less willing and able to see a doctor or dentist when necessary, which could lead to debilitating problems. Children have been moved out of formal day care centers that provide programs and into situations with babysitters, neighbors, relatives, or no care at all. The long run implications of these cutbacks could be devastating both for the individual and the public social service budget.

Those still on AFDC have reduced incentives to work. As seen in Figure 1, only one-third of those who received reduced grants in February were still on AFDC and working in July. The rest had either worked their way off AFDC to independence or were totally dependent on AFDC. If there were a ladder on which one could begin working for extra money and eventually climb off AFDC altogether, the new federal rules have eliminated some key rungs. Again, long term problems have been ignored in favor of short run savings.

These preliminary conclusions will be tested, expanded, and refined based on the third wave of interviewing which collected data one year after the cutbacks. Those data are being analyzed and initial results will be available by early summer. More comprehensive analysis will be completed by fall. Results will be available in reports and summarized in a future issue of the Reporter.●

INTERNATIONAL DAY OF NUCLEAR DISARMAMENT OBSERVANCE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. RICHARDSON. Mr. Speaker, on Monday, June 20, International Day of Disarmament observances will be celebrated in the United States and throughout the world.

This international observance will not go unnoticed by the people in my Third Congressional District in New Mexico. In Santa Fe, N. Mex., businesses ranging from bookstores, clothing stores, restaurants, and automotive repair shops will temporarily close their doors to demonstrate their support for nuclear disarmament.

Mr. Speaker, one of the key organizers and national coordinators of the project is Michael Stewart. Mr. Stew-

art is one of the operators of Project Lighthawk, a flying service based in Santa Fe that offers air tours of scenic areas throughout the West. Mr. Stewart's goal is to encourage local businesses to show their employees, their customers, and their neighbors that they are deeply concerned about nuclear war.

Twenty-three other Santa Fe businesses will join Mr. Stewart in his efforts of raising the consciousness of people in their community regarding the nuclear arms race.

Mr. Speaker, I want to commend the efforts of Michael Stewart and all the other business people of Santa Fe who will take time out of their business day to make a public statement and to share with the people in their community their sentiments and concerns on the observance of the International Day of Nuclear Disarmament.●

"SENATOR" DAVID BRODY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. HOYER. Mr. Speaker, I would like to take this opportunity to share with my colleagues an interesting profile that appeared in the New York Times about my good friend David Brody. As the article suggests, Dave is the most able Washington representative of B'nai B'rith's Anti-Defamation League. His active concern for the cause of Israel and for the civil rights of the people of this Nation is truly laudable. His work here on Capitol Hill in furthering those objectives is certainly commendable, and I am pleased to be able to present this article here today.

The article follows:

[From the New York Times, May 26, 1983]

AN "UNELECTED MEMBER" OF THE SENATE

(By Martin Tolchin)

WASHINGTON, May 25.—"Senators Only" said the sign in front of the Capitol subway, but David Brody was waved aboard by Senator Charles E. Grassley, Republican of Iowa, whom he thanked for signing a resolution opposing the sale of advanced weaponry to Jordan.

"Senators Only" said the sign above the elevators in the Capitol, but Mr. Brody was escorted onto the car by Senator Jesse Helms, Republican of North Carolina, whom he congratulated on North Carolina State's N.C.A.A. basketball championship.

"Dave Brody is the unelected member of the U.S. Senate," said Senator Charles McC. Mathias Jr., Republican of Maryland, who is an old friend.

Mr. Brody, who will be 67 years old next month, is a short, kinetic institution who seems to know just about everyone in Government. He is the Washington representative of B'nai B'rith's Anti-Defamation League, and, like those of many other lobbyists his office walls are lined with signed photographs of Presidents and other White House notables. "What would we do without friends?" wrote Vice President Bush, and James A. Baker 3d, the White House chief of staff, called Mr. Brody "oftentimes a strong ally, occassionally a worthy adversary, but always a friend."

It is the Senate, however, where Mr. Brody presses his campaigns, which focus on aid to Israel and support of civil rights legislation. Some other lobbyists for Jewish organizations consider him a loner because of his failure to coordinate his activities with them, and some Capitol Hill people regard him as overly persistent. But most consider him effective.

STRATEGY ON AID TO ISRAEL

"Dave Brody can get in and out of more senators' offices quicker than any person I have ever met in my life," said former Vice President Walter F. Mondale.

Mr. Brody's present concerns include the foreign aid authorization bill, which contains an increase in aid to Israel, and legislation that would put teeth into a fair housing bill. On aid to Israel, Mr. Brody tells senators, "You can't win over the Arabs by weakening Israel. If Israel receives the aid it needs, it's in a better position to compromise; a weakened Israel cannot." On the fair housing bill he tells them, "Without effective enforcement, the bill doesn't mean very much."

Mr. Brody is a full-service lobbyist. He introduces senators to constitutents, fundraisers, reporters and "people I think they should meet." He gives personal advice. He suggests positions on a wide range of subjects, including those in which his organization is disinterested.

"I don't come around only when I need something," Mr. Brody said. "I come around to chat on a general exchange of views. I don't have a heavyhanded, demanding style."

OF FRIENDS AND AWACS

"He's given me valuable advice," said Senator Howell Heflin, an Alabama Democrat. "He has a broad range of interests."

Mr. Brody doesn't seem to care if a senator is a Democrat or Republican, liberal or conservative. Some of his closest friends in the Senate voted for the sale of Awacs to the Saudis, which Mr. Brody lobbied hard, and unsuccessfully, to defeat. "Somebody can be against you on one issue, and with you on the next," he said.

His manner can be direct. When Senator Lloyd Bentsen, the Texas Democrat, told him that Israel needed another Golda Meir, Mr. Brody replied, "Senator, if you have the power to resurrect Golda Meir, that's fine with me, but Golda Meir also had problems with our government."

Mr. Brody does considerable entertaining at home, often bringing senators together with the Israeli Ambassador. Rolf Pauls, former German Ambassador to Washington, once quipped that he had seen more senators at Mr. Brody's home than on the Senate floor.

Mr. Brody, a native New Yorker who is a graduate of City College and Columbia Law School, came to Washington in 1940 to work for the Department of Agriculture, and joined the league in 1949. He was promoted to chief Washington representative in 1965.

His style has evolved over the decades. "Maybe I am a loner," he said. "I have my own style. You have to be able to relate to people, even when you find yourself in disagreement. You have to deal with members as individuals, and know what their concerns are. I'd have a very narrow range of friends if we had to agree on every issue."●

OREGONIAN NEW PRESIDENT OF NATIONAL IMAGE, INC.

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. AuCOIN. Mr. Speaker, I rise today to commend to the attention of my colleagues, and to my fellow Oregonians, the election of Annabelle Jaramillo, a resident of Philomath, Oreg., as president of National Image, Inc., a national organization concerned about the employment needs of Hispanic Americans.

Coming from Oregon, Mr. Speaker, a State ravaged by unemployment, Annabelle Jaramillo knows from very close range of the damage to human lives wrought by the deepest recession in half a century.

She knows, too, that the suffering of unemployment and of the hunger has been disproportionately inflicted among Americans. Though the national unemployment rate dropped to 10.1 percent in May, the rate for Hispanics was 18.4 percent.

As the new president of National Image, a volunteer organization with more than 100 chapters in 40 States, the District of Columbia, and Puerto Rico, Annabelle Jaramillo is already speaking out.

"It may appear that an economic recovery is right around the corner," she said on assuming leadership of National Image, "but for the Hispanic community this has not been a reality."

Amid encouraging signs of an upturn in the economy and renewed hope among jobless Americans of returning to work. I urge my colleagues to heed her words.

Neither a bullish mood on Wall Street nor ascending lines on money supply charts define economic recovery. Until the pain of joblessness felt by millions of Americans is substantially relieved, economic recovery will be a hollow term.

Under the leadership of Annabelle Jaramillo, I look forward to working with National Image in Congress for education, training, and unemployment policies that will, in her words, make eonomic recovery a reality for all Americans.●

A NEEDED PERSPECTIVE ON ARMENIAN TERRORISM

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SOLOMON. Mr. Speaker, I commend to the attention of the Members a recent article in the Washington Times that provides an impor-

tant perspective on the activities of Armenian terrorists. As is often the case, an American ally, in this instance, Turkey, bears the brunt of international condemnation while the active complicity of the Soviet Union in the issue goes unnoticed. I ask that the article appear at this point in the RECORD.

[From the Washington Times, May 31, 1983]

A NEEDED PERSPECTIVE ON ARMENIAN TERRORISM

(By Z. Michael Szaz)

Armenian terrorists are "one of the most dangerous and neglected" of the movements dedicated to such terrible tactics. So said Under Secretary of Defense Fred W. Ikle recently. That recognition is beginning to attract needed congressional attention.

Sens. Steven D. Symms and Jeremiah Denton, and Reps. Marjorie Holt, Mark Siljander and Charles Wilson are among those on the Hill who have begun to worry publicly about the Armenian terrorists, who have struck repeatedly against Turkish officials, both within the United States and in other parts of the world.

Symms, in a speech, analyzed the common objectives of the Armenian terrorist groups and the Soviet Union, which renders moot the question of whether the Secret Army for the Liberation of Armenia (ASALA) is under direct control of Moscow or not.

It was Denton, however, who put things into perspective by stating that the Armenian tragedy of 1915-16 is not the cause of, but the excuse for, the ASALA attempts to create a Marxist revolutionary movement among the Armenian youth of Lebanon, France, Canada and the United States, where most of the Armenians in the Free World live.

Denton pointed out that the ASALA, openly pro-Soviet and Marxist-Leninist, wants to attach the eastern provinces of Turkey to Soviet Armenia. He also added that, while ASALA has only a few hundred hard-core members, it must have thousands of sympathizers in the various Armenian communities in order to be able to perpetrate its assassinations and bombings.

Between 1973 and 1983, 26 Turkish diplomats or their family members were murdered by ASALA and the Justice Commandos of Armenian Genocide, and more than 66 bombings were carried out.

Terrorist acts have been committed in the United States (four murders and eight bombings), Canada, Australia, Denmark, France, Switzerland, Italy, Portugal, Yugoslavia and Lebanon. Denton listed the names of all the Turkish diplomats killed, including that of Galip Balkar, who on March 9 this year was gunned down in Belgrade, Yugoslavia.

The most interesting facet is not the pro-Soviet character of the ASALA or the extreme nationalist, Montoneros-type commitment of the Justice Commandos, for left and right wing often complement each other in the shadowy game of international terrorism. The number of terrorists is small enough that, given the cooperation of the Armenian communities, their murderous deeds could be stopped by law enforcement agencies.

Neither is the desire of the average Armenian to have Turkey "recognize the genocide" the unique aspect. Of course, Turkey recognizes that large-scale deaths occurred by starvation, exposure and epidemics during the deportations during World War I, and that intercommunal killings did take place. But they also complain of the large number of Turks who were killed by Armenian guerrillas. Yet, whatever the rights and wrongs of the actions of the Ottoman Empire in 1915-16, the Republic of Turkey is not persecuting the 60,000 Armenians living there today. The tragedy that befell the Armenians of the Ottoman Empire cannot justify the criminal actions of their grandchildren and great-grandchildren against Turkish diplomats some 68 years later.

The most singular element remains, rather, the silence of the Armenian community in the United States about the fate of the Armenians in the Soviet Union. More than 3 million Armenians live in the Armenian Soviet Socialist Republic and another million in other parts of the U.S.S.R. only about 1 million live in the West, 600,000 of them in the United States, the rest mostly in France and the Lebanon.

Yet I have failed to find in the moderate and conservative Armenian Observer for several years any condemnation of the Soviet Union's denial of human rights to Armenians in the Soviet Union. I understand the delicate situation of an ethnic group, 80 percent of whom live in the Soviet Union, and the nostalgic pull of the Armenian "culture" in the Armenian S.S.R., despite the double shackles of atheistic communism and toleration of Soviet rather than Armenian nationalism there. Nobody who retains cultural ties to his ethnic unit behind the Iron Curtain is immune to overcaution and nostalgia.

Still, the Armenian community is being grossly unfair to its brethren in the Soviet Union when it remains silent about abuse of human rights and the intolerance of their demand for an independent Armenia, which now is controlled by the Soviets, not the Turks.

Instead, the Armenian communinty focuses exclusively on Turkish non-recognition of the "genocide". If the Soviets had tried to create a diversion so that the problems of the Soviet Armenians would be forgotten, they could not have devised a better plan than this Turkish non-recognition.

The opinion, therefore, is sackcloth or terrrorist revenge on the Turkish government. Small wonder that even a compromise formula on the 1915-16 tragedy is impossible so long as the Turks are faced with assassination of their diplomats and bombings of their embassies and consulates.

I realize I am dealing with highly emotional issues. Often, I have tried to argue with my Armenian friends, but to no avail.

Last week, Maryland Rep. Holt published a short article, "Terrorism Against Turks," in the Washington Times. In "Letters to the Editor," a reader of Armenian descent lectured her that the ASALA and the Justice Commandos are not fighting to "Liberate" Armenia (although both groups are on record as doing so), but to force the Turks to admit the "genocide."

Does he really think killing Turkish diplomats will make the Turkish government more willing to change its historic interpretation of the 1915-16 deportations? Nonsense!

In the meantime, the U.S.S.R. remains the tertius gudens when conservative Armenian-American leaders openly condemn our friendship with our NATO ally, Turkey, which fields the largest land army in NATO and ties down 27 Soviet and six Bulgarian divisions.

Coming from Hungary, a country whose inhabitants also experienced deportation (500,000 Hungarians to Czechoslovakia in 1946) and persecution (2.5 million Hungarians in Romania) and which still chafes under the yoke of Soviet occupation, I sympathize with persecuted minorities.

But this sympathy cannot encompass Marxist-Leninist or ultranationalist terrorism and/or espousing a cause which would wreak havoc on U.S. national interests and promote Soviet designs in the eastern Mediterranean.

(Former Associate Professor of Political Science, Seton Hall and Troy State Universities, and Executive V.P., National Confederation of American Ethnic Groups, Inc. Native of Hungary.)●

CAMDEN HEALTH CARE PIONEER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. FLORIO. Mr. Speaker, today I would like to pay tribute to Sister Elizabeth Corry, O.S.F. of Our Lady of Lourdes Medical Center in Camden, N.J.

A member of the order of the Franciscan Sisters of Allegheny, N.Y., Sister Elizabeth has been the driving force in providing adequate health care to the residents of southern New Jersey. I am proud to say that I have had the opportunity to work with Sister Elizabeth during her 17 years of service to the Camden community. One of her many projects that brought us together was an effort to coordinate hospital services and enhance communication lines between the city of Camden and the surrounding region.

One of many in a legacy of accomplishments, this project helped Camden to become recognized as the health care center of southern New Jersey. Sister Elizabeth's pioneering efforts in medical care have resulted in a plan to build a new $6 million nursing home within the city.

Because Sister Elizabeth is leaving Camden and being reassigned to another area, I feel it is an appropriate time to express my gratitude to her for all her fine work in south Jersey. I am certain my colleagues will join me in honoring Sister Elizabeth Corry, and wishing her the very best in the years ahead.●

A TRIBUTE TO LEROY A. BEAVERS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. DIXON. Mr. Speaker, I would like to take this opportunity to pay

tribute to LeRoy A. Beavers, Jr., a fellow Los Angelean and friend who on June 22, 1983, will retire from agency management with the Equitable Life Assurance Society of the United States. On June 22, family members, friends, and insurance colleagues, will join LeRoy at the Century Plaza Hotel in Los Angeles to pay homage to this pioneer in the insurance industry for his many years of hard work and selfless determination. As one who has known this exceptional gentleman for many years and admired his numerous contributions to the citizens of Los Angeles, I would like to take just a few moments to share some of his accomplishments with my distinguished colleagues.

A lifelong resident of Los Angeles, LeRoy graduated with honors from Jefferson High School. He attended the University of California at Berkeley, where he pursued studies in prelaw; served as a member of the freshman football team and, was the school's heavyweight boxing champion.

LeRoy volunteered for service with the U.S. Air Force and 2½ years later, was discharged as a staff sergeant. His climb up the ladder of success began as a part-time canvassing agent with Golden State Mutual Life Insurance Co.—the largest black-owned and operated insurance company in the West—as a full-time debit agent. He was subsequently named district manager of Golden State's eastside office.

Even though, LeRoy's career progressed with Golden State, his one desire was to see the removal of color barriers by becoming the first black agent with a leading insurance company. After enduring 25 interviews, he was finally hired as an agent with the Equitable Assurance Society of the United States in the Beverly Hills office with no beginning salary. LeRoy quickly rose through the ranks however, and in little or no time was not only justly compensated, but went on to become the Equitable's first black district manager. For his distinguished performance LeRoy earned the National Citation Award in 1965, 1966, and 1967.

In June 1968, LeRoy was named Equitable's first black agency manager and began his own agency with four integrated agents. For his outstanding service he received the Presidential Citation Award in 1969, 1970, 1971, 1974, 1976, 1977, 1978, 1979, and 1980.

The Beavers Agency emerged as the leading casualty and life producing agency in the Equitable. Under LeRoy's auspices, in 1980, the agencies best year, more than $1 million in premiums were written.

Aside from his duties as an insurance agent, LeRoy serves as a member of the National Association of Life Underwriters and General Agents and Managers Association, the Urban League, the NAACP, and the YMCA.

On June 22, 1983, LeRoy will retire from agency management, but will continue to work as an insurance agent. A man of firsts, he remains as a major force in the insurance business and an inspiration for those who wish to achieve excellence in the workplace. I extend my heartfelt congratulations to LeRoy, for his 15 years of distinguished service as an agency manager, and wish him, along with his lovely wife, Jessie Mae, the best that life has to offer.●

OPINIONS OF THE BEST OF THE CLASS OF 1983

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. BEDELL. Mr. Speaker, I wish to bring to the attention of my colleagues the results of a special opinion poll of 135 high school valedictorians from a three-State area. Iowa, Nebraska, and South Dakota are the States included in what I believe is a most interesting and informative overview of what our young leaders think on many issues.

The poll is a result of a program called salute to the best of the class of 1983. This public service project was cosponsored by KCAU-TV of Sioux City, Iowa, and General Motors. These seniors were video taped and the resulting series of 60-second public service announcements focused on the achievement of being selected valedictorian of their respective graduating classes. It is hoped that this special poll and the public service announcements will highlight the scholastic achievements of these talented students.

It is a pleasure for me to share with you some of the results of a questionnaire completed by these seniors, tomorrows leaders. The questionnaire consisted of two question types, one set concerned with the quality of their education and the other dealing with their perceptions on current domestic and world problems.

Contrary to the recent Commission on Excellence in Education report, these seniors felt they received a good education; 98 percent of these seniors rated their teachers good, excellent, or outstanding and 81 percent felt they were challenged by their schools curriculum. On a scale of 1 to 10, with 1 being lousy and 10 superior, 86 percent rated the quality of their education as an 8 or better.

In other issues of domestic and world concern, these seniors were very outspoken in their opinions; 81 percent of these seniors are in favor of a varifiable freeze on the testing and deploying of nuclear weapons between the United States and the Soviet Union; 87 percent feel that penalties for drunk driving should be made tougher; 83 percent feel that some type of control on the sale and ownership of handguns is necessary. When asked: "Should the minimum wage of $3.35 per hour be reduced?" 93 percent replied "No." Finally, it is interesting to note that while only 14 percent wear seatbelts, 56 percent are in favor of a law which requires the use of seatbelts in cars.

Mr. Speaker, I think we can all be proud of the achievements of these young Americans and I urge the Members of Congress to continue to keep the views of young constituents like these in mind.●

DON FRASER: HUMAN RIGHTS IN U.S.-U.S.S.R. RELATIONS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. STARK. Mr. Speaker, it is simple to write clever editorials such as the one the Wall Street Journal published June 3 about private efforts to come to grips with the issues dividing the U.S. and the U.S.S.R., but it is difficult for individuals to do something about these issues which are central to the future of our planet. The WSJ editorial took notice of a symposium held in Minneapolis and hosted by our former colleagues and present mayor of Minneapolis, Don Fraser.

The event brought together 25 Soviet scholars and Government officials and 30 U.S. citizens including past and present Government officials.

I am sure my colleagues in this House are concerned about the human rights violations that take place in the U.S.S.R. We are also proud that dissent can be openly expressed in this country and we regret that Soviet citizens have little or no opportunity to challenge the conventional wisdom of that society. But many of us are also deeply concerned about the nuclear sword of Damocles hanging over our collective and individual heads and are determined to do what we can to alleviate the dangers we face.

That is why I am pleased to place in the RECORD Don Fraser's thoughtful paper, "Human Rights in U.S.-U.S.S.R. Relations" presented to those attending the Minneapolis meeting.

Don Fraser deserves a great deal of credit for putting on the national agenda concern for international human rights violations. During his years in Congress he provided leadership in this area as chairman of the Foreign Affairs International Organizations Subcommittee and devoted a

lot of his time as an active member of human rights organizations to thinking about and working on these sticky and important issues. I hope that those people in Minneapolis who vocally exercised their first amendment rights also took a few quiet moments to read or listen to Don Fraser's remarks. They are concisely summarized in his final paragraph:

The Human rights practices of both the U.S. and the U.S.S.R. bear on the possibility of achieving a full range of constructive relationships between them. However, in the near term the urgency of the nuclear threat forces the arms control issue to the top of the agenda. Unless we make progress on this question all other questions may well become moot.

The complete text of Don Fraser's paper follows:

HUMAN RIGHTS IN U.S.-U.S.S.R. RELATIONS

INTRODUCTION

Writing a paper about human rights for a meeting of U.S. and USSR citizens is a challenging task. The treatment of human rights issues between the two countries in the past has left an understandable legacy of suspicion and hostility. Raising these issues in this meeting runs the risk of renewing this suspicion and hostility.

Nonetheless it is better to raise these issues in a constructive way than to ignore them because of that risk. As this paper seeks to show, when discussing the nuclear arms race the perceptions of each country about the other's human rights practices are a relevant subject.

No one will agree with all of the statements in this paper. But it is hoped that the paper can encourage a frank, open discussion of issues which make more difficult improved relations between our countries.

DEFINING HUMAN RIGHTS

For purposes of this paper human rights are defined as those rights which are set forth in the Universal Declaration of Human Rights adopted by the U.N. General Assembly in 1948, and the two implementing Covenants: The Covenant on Economic, Social and Cultural Rights, and the Covenant on Civil and Political Rights. It is recognized that the USSR has ratified both implementing covenants and the U.S. has not. Nonetheless all three documents represent international standards of human rights, especially since the implementing Covenants by 1976 had received sufficient ratifications by the nations of the world to be in force. There are many other international conventions on human rights such as those which address the rights of women and of labor and the subjects of genocide, torture and racial discrimination. However, it is not essential for purposes of this paper to trace out the full range of internationally defined human rights and their status. We will have a full plate if we stay with the primary documents.

THE STATUS OF HUMAN RIGHTS IN THE TWO COUNTRIES

At the outset it must be acknowledged that both countries fail to live up to all of the standards set forth in the three documents referred to above. In the U.S. the failures include continued discriminatory treatment of minorities and women, and significant gaps in meeting the economic needs of many of the poor people in the United States. In the USSR (from a U.S. perspective) the failures include lack of freedom of expression, the use of psychiatric hospitalization for dissenters, restrictions on emigration, and a political system which effectively limits popular choice in electing public officials.

No attempt will be made here to demonstrate all of the shortcomings of each country, nor is the accuracy of these observations important for purposes of this paper, only that such observations exist on each side about conditions in the other country.

THE EFFECT OF EXTERNAL CONDUCT BY THE TWO COUNTRIES ON HUMAN RIGHTS IN THIRD COUNTRIES

Another important element in the perceptions of each country about the other is the consequences of external policy on the fate of people in third countries. For example, some see the U.S. as a colonial power in its control over Puerto Rico. The U.S. is also seen as abetting human rights violations in many countries by its active support of governments which commit serious violations of human rights against their own citizens, such as torture, disappearances, and the lack of free elections.

Similarly, the USSR is perceived as continuing to impose governmental systems in Eastern Europe which lead to the same kind of human rights problems as exist in the USSR.

It is noted that both countries freely intervene in other countries (directly or indirectly) when in those countries regimes come to power, or threaten to come to power, which the intervening country sees as a problem for itself or its allies. This observation is relevant in that such intervention often is not only in violation of the UN Charter, but more to the point, the intervention is often made without reference to the human rights consequences of such interventions.

THE EFFECT OF HUMAN RIGHTS PERCEPTIONS IN RELATIONS BETWEEN THE TWO COUNTRIES

An assumption which is widely shared in the U.S. is that the character of another government can be determined in part by observing the way in which it treats its own people. If a government is seen to treat its people poorly it is assumed that such a government would not hesitate to treat other governments or peoples badly if it has the power to do so.

The perception that each country imposes or tolerates human rights violations against its own people thus becomes a part of the larger perception about the character and intentions of the other government.

It is probably impossible to separate perceptions about human rights practices from the larger tensions which exist between the U.S. and the USSR. From a U.S. perspective, the USSR is seen as a nation governed by a political party driven by an intense ideology, one which tolerates little internal opposition, and which is intent on extending its ideology throughout the world while maintaining ideological control over Eastern Europe through the presence of the Soviet army.

It is more difficult to appreciate the perceptions which the USSR has of the U.S., but it is safe to assume that the USSR does not have a high level of confidence in the intentions or tactics which it attributes to the U.S.

Criticism of each other's human rights record is often labeled as an inacceptable interference in the internal affairs of the other country. However, both countries freely criticize human rights practices in 3rd countries. Moreover, criticism of each other has a constructive value insofar as it helps to identify some of the obstacles to a closer relationship. However, when human rights criticisms are employed as ideological clubs with which to hit the other country then the result is simply to exacerbate tensions between them.

THE IMPACT OF HUMAN RIGHTS ISSUES ON THE ARMS RACE

Suspicions of the motives and intentions of each country tend to fuel the arms race. Observations about human rights practices contribute to those suspicions. And so long as either country is seen by the other as seeking to extend its influence or power to the detriment of the other, the resulting suspicion and concern will encourage the other to strengthen its arms.

The nuclear arms race is simply an extension of the overall arms race. There is little doubt that U.S. policy in Western Europe, for example, has relied upon the possible use of tactical nuclear weapons in the event Warsaw Pact forces moved against NATO forces. The maintenance of retaliatory strategic nuclear forces by each side is justified by the fear that without such a retaliatory capability the other country might attack with its own nuclear forces.

After the ABM treaty was signed it was no longer rational to consider the use of such forces since both countries effectively agreed to leave their populations at risk in the event of a nuclear exchange. Unfortunately, the idea that the use of strategic nuclear forces was no longer rational has not led to a slowing of the strategic arms race, much less to a reduction in the numbers of weapons or warheads. Suspicion and distrust remain strong, especially within the current U.S. administration which has refused to ratify the SALT II treaty (even though agreeing to abide by its terms for the time being).

THE PLACE OF HUMAN RIGHTS CONSIDERATION IN ARMS CONTROL TALKS

While an improvement in human rights practices by either country might improve the way in which it is perceived by the other, this alone cannot solve our difficulties. Here's why: (a) Fundamental change in human rights practices ordinarily comes gradually and mostly through change initiated from within each society; (b) gradual changes in human rights practices will not, in the short run, bring significant changes in the perceptions of the motives or intentions of each country toward the other sufficient to have an affect upon the arms race.

HUMAN RIGHTS PRACTICES ARE RESISTANT TO CHANGE

Most human rights violations come from governments which have concluded that the practices complained of are necessary in order to govern, or that the practices complained of are so rooted in tradition that they are impossible to change. Historically we have had national leaders in some countries who have been so irrational as to deprive persons of their lives or freedom capriciously. But for the most part in the world today the failure of governments to live up to international standards is claimed to be justified by circumstances.

There is little prospect of a quick fix with respect to human rights violations. There is hope for gradual improvement over time. Change may come from a new government, from changing circumstances, or by the altered tolerance or expectations of the society being governed. With the exception of

changes of government, changes tend to come slowly.

In the U.S. today it is hard to remember that only 30 years ago it was legal to separate students by race in our schools. Yet even that change came slowly. The Supreme Court decision outlawing such segregation followed nearly a century of discussion and protest.

Occasionally modest changes are produced by outside pressures. But fundamental changes in human rights practices are resistant to external pressure. A good example is the intransigence of the government of South Africa despite the universal condemnation of apartheid. The long-term effect of external pressure is more difficult to predict, although there is reason to believe that over time such pressures may make an important difference.

GRADUAL CHANGES IN HUMAN RIGHTS PRACTICES WILL NOT QUICKLY LEAD TO SIGNIFICANT CHANGES IN U.S.-U.S.S.R. RELATIONS

The tensions between the U.S. and the USSR are grounded on far deeper concerns than those which flow from failures to observe human rights standards. As noted earlier, a current perception in the U.S. is that the USSR seeks to alter the world political environment to the detriment of the West. Presumably the USSR harbors similar concerns about the U.S. And both are clearly suspicious of the reasons for the arms buildup which each perceives taking place in the other country.

There is nothing in this dismal picture which is likely to be significantly altered by gradual improvements in human rights practices in the short run.

However, over time, changes in human rights practices which accompany progress in easing other tensions between the two countries could significantly strengthen prospects for further cooperation and arms reduction. But the nuclear arms race cannot await these hoped-for improvements in our relations.

THE GROWING RISK OF NUCLEAR WAR PRESENTS A HUMAN RIGHTS CHALLENGE OF ITS OWN

A strong argument can be made that both the use and the threat of use of strategic nuclear weapons violate human rights standards. At the heart or center of all human rights is the assumption that life continues and that the question of rights remains relevant. Without life all other rights lose meaning. So national policies which alone, or in some synergistic relationships with other nations, place the continuation of life at increasing risk are themselves violative of human rights.

The human rights questions arising out of nuclear arms are raised in at least three separate contexts:

(i) That the international rules of war effectively forbid the use of nuclear weapons through the following language:

"(1) Belligerants will leave non-combatants outside the area of operations and will refrain from attacking them deliberately.

"(2) Attacks are only legitimate when directed against military objectives, that is to say whose total or partial destruction would constitute a definite military advantage . . . (; and)

"(3) Weapons and methods of warfare likely to cause excessive suffering are prohibited."

(ii) That the international conventions and covenants speak repeatedly of the inherent dignity of the person, of the inalienable rights of all members of the human family, and that these "natural rights" make sense only if individual and collective survival is assured. Indeed, the Universal Declaration of Human Rights provides that "everyone is entitled to a social and international order in which the rights and freedoms set forth in (the) Declaration can be fully realized". Clearly this requires that government not contravene such entitlement through national policies.

(iii) That the legal formulations and judgments emerging from Nuremberg with its emphasis on personal accountability raise important questions concerning the culpability of individuals who manufacture, deploy or maintain weapons of mass destruction such as nuclear weapons. The argument made here is that persons responsible for these weapons under Nuremberg principles cannot escape liability for their actions. This formulation of the issue may offer new opportunities for concerned citizens to have the question raised or adjudicated in legislative or judicial fora before a nuclear holocaust occurs. This argument might be stronger after a holocaust and the survivors are attempting to establish culpability. But with more discussion perhaps there will emerge a new right predicated on the need for survival, a right to challenge individual conduct which makes possible the destruction of a large part of life on this planet.

CONCLUSION

Human rights remain as the fundamental protection which citizens need in order to realize the fullest potential that life has to offer. Moreover, so long as significant human rights violations continue anywhere in the world they will remain a source of tension and often of conflict which can lead to war.

The evolution of this planet into a more peaceful community of nations must ultimately be grounded upon the universal respect for and substantial adherence to the standards of human rights accepted by the international community.

The opportunity to make progress in this direction is threatened by the growing arsenal of nuclear weapons. This threat takes the form of a possible intentional or accidental nuclear exchange which may end life for most human beings on this planet.

The growth of the nuclear threat thus poses its own human rights challenge. So the first order of business must be to seek limits on the growing arms race and find ways to reduce the risk of a nuclear holocaust.

The human rights practices of both the U.S. and the USSR bear on the possibility of achieving a full range of constructive relationships between them. However, in the near-term the urgency of the nuclear threat forces the arms control issue to the top of the agenda. Unless we make progress on this question all other questions may well become moot.●

AL SWEATT

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. VALENTINE. Mr. Speaker, for three decades Al Sweatt has served as executive vice president of the Rocky Mount, N.C., Merchants Association. During that long period of time, many changes have come to Rocky Mount, not the least of which has been a twelvefold increase in annual sales, due in part to the leadership of involved citizens like Mr. Sweatt. The distinction he has shown in his community has had a substantial impact on the prosperity of the area.

Mr. Speaker, a recent editorial in the Rocky Mount Evening Telegram notes Al Sweatt's record of accomplishment, and I insert it in the RECORD.

[From the Rocky Mount Evening Telegram, June 8, 1983]

'30'—AND COUNTING

In the newspaper field, the number "30" is used to indicate the end of a story, and it also sometimes is employed to note the passing of an editor, like the Navy uses the term "slipped his cable" or getting the "deep six."

With Al Sweatt, executive vice president of the Rocky Mount Merchants Association, "30" has a different meaning.

For it was 30 years ago, on June 1, 1953, when Sweatt assumed the Rocky Mount post.

Furthermore, he's still at it after 30 years, and while nature may have seasoned him he remains as energetic as he was when he took the position.

At Sweatt also can look back upon significant milestone attained during his long tenure and one of the major sources of satisfaction for him is the fact that annual sales in Rocky Mount have soared from the $37 million figure in 1953 to an impressive $445 million last year.

Sweatt calls his experience in Rocky Mount "exhilarating" and "most rewarding" and he has no hesitation in declaring that he wouldn't have stayed at the post for such an impressive period "unless I really liked it here."

Let those job jumpers take heed. For quite a few of them a change has been for the best, but there are countless others whose job changes have meant jumping from the frying pan into the fire.

Even today we still find those who abandon job after job in order to examine the grass which seems greener on the other side of the fence.

For Al Sweatt, however, he long ago decided that it was more important to help improve life for the businessmen than concentrating upon personal gains.

And if you have any idea that he isn't wrapped up in his business as securely as any store's prize Christmas package, you would probably have little difficulty in locating him at many times other than normal working hours because Sweatt will be found in his office "sweatting" over problems he feels need to be ironed out for the benefit of those he serves.

Despite his devotion to duty, it is interesting to note also that the still youthful appearing executive finds time to participate in civic projects which mean much to Rocky Mount's progress.●

REPORT OF PRESIDENT'S COMMISSION ON EXCELLENCE IN AMERICAN EDUCATION

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mrs. BOXER. Mr. Speaker, in the aftermath of the recently released report on the President's Commission on Excellence in American Education, a rather sober document indeed, I would like to introduce a refreshingly optimistic note of hope into the CONGRESSIONAL RECORD. I have been spurred to take this step by a personal and professional interest in a very successful development in education that, although already 33 years old, has been catching fire across this land. I speak of the model United Nations, appropriately begun at Stanford University in 1951, in my home State where the United Nations Charter was signed.

Each year, teachers all over this country have a dream about a very special kind of educational experience, a dream that materializes in the spring, after months of study, research practice, and the hard work of fundraising. Students gather together on campuses where they study the history, culture, economics, politics, and political position of their country on issues and problems before the United Nations which are the agenda topics at the conference held in their geographical area.

What is the secret of the tremendous success of the model United Nations program among students everywhere, a program that involves so much dedication and serious work? Not only must the student have a thorough knowledge of the country he is representing, but also he must be familiar with the various aspects of the conference topics, develop the art of debate, caucusing, and compromise, learn to speak well publicly, write policy statements or position papers and resolutions, and learn the parliamentary procedures or rules used in conducting the sessions. Perhaps a partial answer lies in the opportunity the organization offers students to put into practice the knowledge they have researched and learned. In the process, they widen their horizons, enrich their lives, contribute in a positive and practical way to their future careers and lives, and perhaps even play a small part in history—and they do this within a framework of high ideals, humanitarian motives, and practical educational achievement.

I believe that such a worthwhile program deserves our acknowledgement and support.●

VOLUNTEER ASSISTANCE TO REFUGEES DESERVING OF COMMENDATION

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. DANNEMEYER. Mr. Speaker, America has traditionally been a haven for refugees fleeing political and/or military oppression and never has that been more true than it is today. Not only have we welcomed hundreds of thousands of Vietnamese, Cuban, and other refugees in recent years, but Vietnamese and others fleeing the tyranny of communism keep coming to our shores. Making them welcome and helping them get started in a new land with a different language and customs has not always been easy, but thanks to thousands of Americans who have generously given of themselves and their resources, these refugees have made truly remarkable strides. Many have started businesses, found jobs, built homes, and begun raising families in the true American tradition but with a flair distinctly their own. Still others are seeking to follow in their footsteps with the volunteer assistance of various individuals, civic groups, church congregations and charitable organizations. True, some of these refugees have benefited from governmental programs as well, but the contribution of these volunteer private sector groups cannot be underestimated. Not only is this assistance frequently more immediate and personal, but it has encouraged the self-reliance that is so essential if refugees are to successfully integrate themselves into our society.

Thanks to its climate and its location, southern California has attracted more of these refugees than most areas. But rather than view that as a burden, many of those living in that part of the country have chosen to view it as a challenge. Hundreds of individuals and groups have emerged with offers of assistance. Some have taken refugees into their homes and helped them get started. Others, less well equipped with living space, have provided food, clothes, and other supplies. In some cases, entire church congregations have taken responsibility for helping refugees get settled. For example, five congregations of the southern California District of the Lutheran Church, Missouri Synod have undertaken to sponsor Indochinese refugee families in recent years. Those congregations, from the First Luthern Church of Los Angeles, Rev. Carl Lutz; the First Luthern Church in Venice, Rev. James Johnson; Christ Lutheran Church of La Mesa, Rev. Arthur Puls; St. Marks Lutheran Church of Encinitas, Rev. Lloyd Powers, and University Lutheran Church of Los Angeles, Rev. William Bennett, have taken it upon themselves to sponsor five refugee families—13 people in all—and are looking forward to continuing their efforts in the future. Their example is not only an act of faith but it should be an inspiration to us all. For theirs is truly the gift of sharing and for that gift they deserve to be commended.

Mr. Speaker, let me just add one more thing. All of us deplore the conditions in other parts of the world that cause people to give up all that they have to come to our shores. But thanks to the perserverance of those people coupled with the unstinting assistance of volunteer sponsors and others, we are the richer for their having come. To both refugees and sponsors alike, one can only say "Thanks" and "Keep up the good work."●

PRESIDENTIAL SCHOLARS

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. LUJAN. Mr. Speaker, the issue of the education of our young people is fast emerging as one of, if not the priority topic of our national consciousness.

Today, the President of the United States is in my district, in Albuquerque, N. Mex., addressing the National Conference of the Parent-Teachers Association. The topic of education will be in the forefront of our national debate in the days ahead.

Mr. Speaker, my purpose today is to point with pride to examples of the positive and good results of our educational system. I was pleased to attend a lunch, here in the Capitol, honoring the 1983 Presidential scholars. Miss Paula Walker of Albuquerque, N. Mex., was honored to be in the top 20 Presidential scholars in the arts for her music and writing.

In the recent International Science and Engineering Fair, Miss Laura Trauth of Moriarity, N. Mex., won the top international competition award. Another New Mexican from Fort Sumner, Mr. Shawn Bishop was a top winner also in the International Science and Engineering Fair.

The National Spelling Bee Champion for 1983 is Mr. Blake Giddens of Alamogordo, N. Mex.

Mr. Speaker, while we so often hear of the failures of our educational system, I think that it is right and proper that we take the time and effort to recognize the successes. And some of these successes are truly remarkable achievements.

We are in an age when high technology and computer sciences are dominating our life and our future. We must indeed make certain that all of

our citizens are adequately prepared to meet the challenges of life today and in the future. The young people that I have mentioned today, are facing that future with optimism, which is hope for us all.●

ALBUQUERQUE MUSEUM TO HIGHLIGHT SPANISH HERITAGE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. RICHARDSON. Mr. Speaker, in the year 2000 the Hispanic population is expected to make up the single largest minority in the United States. We are a diverse people ranging from recent Mexican, Cuban, and South American immigrant all the way back to early Hispanic families whose roots are tied to the colonization of the New World by 16th century Spanish explorers.

Mr. Speaker, that early history will be shared with all Americans on June 25, when the Albuquerque Museum in New Mexico opens a permament installation on the history of Albuquerque and the Middle Rio Grande Valley.

The exhibition will be unique. It will contain a collection of artifacts from this important period of American history, representing the exploration and colonization of America which took place a century before the pilgrims landed on Plymouth Rock—all the way up to Albuquerque's entry into the atomic age.

Mr. Speaker, this exhibit presents a unique opportunity for all Americans to learn the cultural background of early Hispanic settlers. I wish to draw my colleagues attention to the history of Albuquerque, as compiled by Albuquerque Museum Curator Byron A. Johnson. I hope my colleagues will take the time to read this thoughtful piece:

ALBUQUERQUE HISTORY, 1539 TO 1982

(By Byron A. Johnson and Kathryn Dysart)

In 1539 when the first group of Spanish explorers arrived in New Mexico they were greeted by several thousand Indians and some of the most dramatic landscape in the world. They came in search of gold . . . the fabled Seven Cities of Cibola. They carried with them a papal sanction giving them the responsibility of "converting the heathen peoples." As a search for mythical riches, the expedition was a terrible failure. The entradas of Fray Marcos de Niza and Francisco Vasquez de Coronado, however, marked the beginning of an Hispanic tradition that would shape the cultural and ethnic fabric of the entire Southwestern United States.

The first actual settlement in New Mexico by colonists came in 1598. The promise of land, a measure of wealth in the New World, lured the hardy into a belief that the marauding Indians and inhospitable environment could be harnessed. There was, no doubt, still a glimmer of hope that the fantastic treasures were yet to be found. Nothing could have prepared them for what they were to find. The provinces, having fallen under neglect by the Spanish government in Mexico City, were offered to protection from the raids of the Apache and Navajo. Cyclical famine and disease took their toll. None prospered. Deserters were hanged. In 1680, the Pueblo Indians had had their fill of the demanding and evangelistic colonists. The great Pueblo Revolt drove the conquerors back to the borders of Mexico; all encroachment into the land of the Tigua was stopped.

The Spaniards were not to be so easily rebuffed. Then too, there was the issue of the uncoverted souls. With urging from the once landed colonials and the church, the province of New Mexico was reconquered by the Spanish in 1692-3. This time the plan was a little different. Instead of spreading out to cover as much land as possible, the colonists grouped together. They continued to farm their "ranchos" up and down the Middle Rio Grande Valley, but they congregated around settlements with small plazas and mission churches. Farm land, wood and water were abundant. Still, the population grew slowly. The indigenous community of Albuquerque counted only 2000 people by 1780. For two hundred years farming and weaving comprised the means of livelihood for New Mexicans. The beginning of change was marked by the opening of the Santa Fe Trail. From then on, Albuquerque would be rewarded and suffer the consequences of its location as a crossroads of America.

The Spanish had held their colonies under tight rein. Goods brought into the provinces were allowed to enter only from New Spain. In 1821, Mexico won its independence from the Spanish monarchy, and it was eager for contact with the rest of the world as were neighboring settlements of the middle Rio Grande. The trade of the Santa Fe Trail encouraged the production of goods beyond those necessary for the subsistance of the colony. New Mexico was about to catch up with the modern civilizations of the world.

In 1846 U.S. Army Dragoons marched into Albuquerque and claimed the village for the United States. The U.S. war against Mexico brought more than a change of command. A military post was built on the west side of the plaza. Albuquerque became a supply depot for the soldiers up and down the river valley. As such, it was the focus of attack by Confederate troops who wanted a solid block of slave states throughout the south. In April of 1862, victory by Union forces at the battle of Albuquerque hastened the retreat of the Confederate troops to Texas.

The goods and communications brought over the Santa Fe Trail into Albuquerque were miniscule compared to those which would be brought into the town by the iron rails. The coming of the railroad permanently linked New Mexico to the eastern and western United States. When the railroad came through, however it did not come directly to Albuquerque. It came instead to New Town, a mile and a half east of the old Spanish plaza. The railroad brought with it Victorian architecture, education and a logging industry. It brought gambling halls, saloons and women of easy virtue. Albuquerque was suddenly a frontier town, a boom town, a rough and tumble Horatio Alger town that would double in population seven and a half times in less than a century. The economy shifted from agricultural barter to wage earners, most of whom worked for the railroad. Albuquerque became the wholesale distribution point for goods headed west of Kansas City. Then came tuberculosis.

TB was the single largest health concern in the United States at the turn of the century. Although a cure for the disease would not be found until the mid-twentieth century, the treatment was rest, sunshine and dry air. Albuquerque civic leaders actively compaigned for tuberculors to move to New Mexico, and many did. The health seekers brought with them eastern ways in education and social convention. They became the city's mayor, senator and primary business leaders. In 1902 the first sanatorium for tuberculosis was built. It was to be followed by a dozen others and paved the way for Albuquerque to become a major medical center in the Western United States.

Albuquerque was truly a boom town when the Great Depression hit the rest of the world. Due to political advantage, the city received the largest number of public works projects of any city its size in America. Two of those projects, a major airport and the completion of Route 66, insured that Albuquerque would continue to be a major crossroads for the nation. The airport would assume astounding importance with the beginning of World War II. The nation's most top secret atomic research effort, the Manhattan project, would develop in Los Alamos barely one hundred miles from Albuquerque. Albuquerque was the only secure military airfield that serviced this area. As a transit point for atomic research, Albuquerque was also the obvious locale for a training base for bomber pilots, crews and mechanics. After the explosion of the first atomic bomb at Trinity Site in southern New Mexico, components of the secret base were moved to Albuquerque's Kirkland Field. Project Z, as it was called, latter became Sandia National Laboratory.

The interlaced economic factors which would sustain Albuquerque's growth were now in place. Agriculture, transportation, medical and atomic research supported by strong federal government funding pushed population expansion to record setting climbs. Currently Albuquerque is a sprawling city of 418,000 people. Its ethnic fabric is still strongly Hispanic, but new populations have brought traditions of many cultures to enliven the political, social, and economic life of the city. While Albuquerque faces many of the problems of urban sprawl associated with growing cities, it is also a dynamic cultural, research, and educational center that continues to foster a stimulating and creative environment. It is precisely this attractive ambience that holds such promise for the future.●

CONGRATULATIONS TO THE SENIOR CLASS OF THE GREENSVILLE, VA., HIGH SCHOOL

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SISISKY. Mr. Speaker, I would like to take this opportunity to offer my congratulations to the senior class of Greensville County High School in Greensville, Va. It gave me great pleasure to be with them for their commencement exercises on June 12, 1983. I wish each of the members of this outstanding class much success in

their future endeavors. It is with great pride that I submit the names of these graduates, including those receiving special recognition, for inclusion in the RECORD.

HONOR GRADUATES

Cheryl Denise Andrews, Joseph Franklin Barnes III, Rodney Clarke Bradley, Theresa Hill, Beverly Yolanda Hines, Christine Joy Scheer, Dwayne Elvis Tillar, and Joan Elisabeth Wyatt.

MEMBERS OF THE CLASS OF 1983

Jean A. R. Adams, Jovair Thomas Adams, Leonard Antonio Adams, Cheryl Denise Andrews,[1] Carolyn Jean Avent, Alex L. Bailey, Jr., Lawarna Renee Banks, Joseph Franklin Barnes III,[1] Edwin Vincent Belmonte, Vanessa P. Bennett, Adrian Lorenzo Boone, Robert K. D. Boone, Darryl Cochise Bourn, Rodney Clarke Bradley,[2] Richard A. Brown, Sylvia Brown, Timmy Byers, Randy L. Bynum.

Cameron F. Caines, Patty Jean Clark, Gregory Curley, Annette Marshell Davis, Larry Nathaniel Davis, Suzanne Diefert, John Sylvester Easter, Aronda Jurienne Edwards, Dorothy Epps, Gerald Preston Faison, Thomas Felton, Jr., Charlotte Fleming, Audrey Brendolyn Grant, Curtis Green, Sheila Delois Green, Janet Gwendolyn Greening.

April Annett Harding, Cynthia Dolores Harrell, Christopher Warren Harrison, Lisa Yvette Hawthorne, Bertha Lynn Hicks, Betty Jean Hicks, Tracy Renee Hicks, Robert Earl High, Mary Hollis Hill, Regina Ann Hill, Sharon Denise Hill, Theresa Hill,[1] Beverly Yolanda Hines,[1] Michael J. Hines, Rosiland Denise Hines, Thalis A. Hurdle.

William D. Jarratt, Eugenia Rence Jefferson, Perry Orlandus Jefferson, Alvin Jasper Johnson, Lisa Renee Johnson, Anthony W. Jones, Arthur Lee Jones, Cynthia L. Jones, Geneva B. Jones, Mitchell Randall Jones, Mozelle Jones, Charlene Denise Jordan, Sandra Alison Kei, Pamela Fay Kientz, Marion Ann King, Yolanda Darnetta King.

Felicia Elena Lawson, Terry Denise Lee, Erma Leen Lundy, Edwin Lyneal McBeth, Terry Anita Manning, Angela Deneen Maryland, Michelle Anne Maryland, Lorenzo Mason, William Miles, Stephanie D. Mincey, Cathy Renae Moody, Adrienne Matorsha Moore, Dennis Lee Moore, Wanda Lynette Moore, Wayne Moseley.

Milton Maurice Nichols, Valerie Ann Pair, Pamela Jean Pegram, Kristie Lynn Phillips, Gertrude Delores Phipps, Jennifer Theresa Powell, Lorraine Powell, Steven Wayne Rice, Mamie Lee Ricks, Alfonza Julius Riley, Cora Jean Robinson, Jerome W. Robinson, Marcia Yvette Robinson, Christine Rose, John DeForest Ross.

Linda Gayle Sasser, Christine Joy Scheer,[2] John Herleslee Seaborne, Jr., Yvonne Seldon, Debora Sirles, Randy G. Sirles, Keith E. Spates, Robin Lynne Spraker, Nathaniel Spruill, Danny Wayne Staton, James A. Stukes, Robert K. Taylor, Andrew Cornelius Tillar, Dwayne Elvis Tillar,[2] Kenneth Rae Tonlimson, Natalie Lezon Tucker, Roderic Lionel Tuell, George Turner, Jacquelyn Turner, Quinton Lee Turner, Randall Fitzgerald Turner.

T. Scott Vincent, Lillian Edwina Watts, Carol Yvonne Webb, Billie Kay Wendell, Delphine Deloris Wilks, Josephine Deloris Wilks, James David Williams, Theresa Williams, Vernon Oliver Winstead, Jr., Catherine T. Wrenn, William Lewis Wrenn, Joan Elisabeth Wyatt.[1]

[1] Denotes students with 3.49-3.00.
[2] Denotes students with 4.00-3.50.●

FEDERAL MINE SAFETY AND HEALTH AMENDMENTS OF 1983

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ERLENBORN. Mr. Speaker, today I am introducing (together with Mr. GUNDERSON and Mr. NIELSON of Utah) a bill to amend the Federal Mine Safety and Health Act of 1977 in an effort to further promote safety and health in our Nation's mines.

Assistant Secretary Ford B. Ford recognizes the need for this reform, as did his predecessor. Also, the Subcommittee on Health and Safety, of the Committee on Education and Labor, held numerous hearings on the Mine Safety and Health Act during the 96th and 97th Congresses. These printed hearings, if perused, will reinforce the need for the changes in the statute this bill calls for.

Because the 1977 Mine Act merged coal and metal/nonmetal mines into one statute without the benefit of previous experience, the impact of that merger on the smaller surface nonmetal mining operations could not have been foreseen. It is now our intention to rectify the situation.

Our bill is not a major overhaul of the Mine Safety and Health Act but is more analogous to—to use the automotive vernacular—a tuneup. Briefly, the bill fine tunes the provisions of the statute dealing with (1) mandatory inspections, (2) mandatory penalties, (3) mandatory training, and (4) training and education. Further, the bill exempts mine sites owned or operated by a State or political subdivision of a State.

A similar bill (S. 1173) has been introduced in the Senate.

It is hoped that this bill will alleviate many of the problems of the stone, sand, and gravel industry and be viewed by the chairman of the full Education and Labor Committee and the chairman of the Health and Safety Subcommittee "as an attempt to work out, in a substantive piece of legislation, a viable and permanent resolution to the * * * problems," to quote my colleagues.

I look forward to working with the subcommittee chairman in advancing this legislative initiative.

Accompanying these remarks is a section-by-section analysis of the bill.

FEDERAL MINE SAFETY AND HEALTH AMENDMENTS OF 1983

SECTION-BY-SECTION ANALYSIS

SEC. 1. (SHORT TITLE; GENERAL REFERENCE).—This Act may be cited as the "Federal Mine Safety and Health Amendments of 1983."

SEC. 2. (COVERAGE).—Sections 3 and 4 are amended, where appropriate, to exempt mine sites owned or operated by a State or political subdivision of a State.

SEC. 3. (INSPECTIONS).—Section 104 is amended to require the Secretary to establish criteria to determine the number of inspections to be made at surface coal or other mines. Such criteria shall require, with respect to a particular mine, consideration of, but not limited to, the rate of injuries, the incidence of fatalities, the nature of the mining operation, and the number of miners employed at such mine.

SEC. 4. (NOTICES OF VIOLATION, CITATIONS, AND ORDERS).—(a) Section 103 is amended to allow the Secretary to issue a "notice of violation" (without a penalty) for a violation that could not significantly and substantially contribute to the cause and effect of a coal or other mine safety and health hazard.

(b) Section 3 is amended by adding at the end thereof a definition of "significant and substantial":

"(p) 'significantly and substantially contribute to the cause and effect of a coal or other mine safety or health hazard' means a violation of this Act, or any mandatory health or safety standard, rule, order, or regulation promulgated pursuant to this Act, that based on the particular surrounding facts, constitutes a condition or practice which is reasonably likely to result in an injury or illness of a reasonably serious nature.".

SEC. 5. (TRAINING). Section 115(a) is amended to provide—

(1) that each training program shall be approved by the Secretary if the program complies with established regulations, or if the Secretary determines that the manner in which the program achieves the training purposes is at least as effective as a program which complies with the regulations;

(2) that miners having no surface mining experience, or its equivalent, shall receive such training as the Secretary determines is necessary and appropriate for the particular jobs performed by the miners and the conditions existing at the particular mine;

(3) that all miners shall receive refresher training at such intervals as the Secretary determines is necessary and appropriate for the particular jobs performed by the miners and the conditions existing at the particular mine; and

(4) that on-the-job training conducted during actual production and under the close and continuous supervision of an experienced miner may be included as a part of the miner's required training time.

SEC. 6 (INDUSTRY CONSULTATION AND ASSISTANCE). Section 502 is amended by adding a new subsection which allows the Secretary to provide consultation and assistance to any coal or other mine operator in meeting the requirements of this Act. Such consultation and assistance may be conducted at the initiative of the Secretary or upon request by the operator.

The Secretary shall, within a reasonable time following such consultation, make written recommendations to the operator with respect to the elimination of any condition or practice disclosed during such visit that may constitute a violation of this Act.

These consultation visits shall not be considered an inspection or investigation, nor shall the issuance of a notice of violation or a citation result from such visit. The Secretary shall endeavor to ensure that miners or their representatives have an opportunity to

participate in any such consultation or assistance effort.

Nothing in this subsection shall affect the responsibilities and duties of the Secretary in counteracting an imminent danger as set forth in section 107.

Advice given in the course of a consultation visit at any mine pursuant to this subsection shall not be binding on the Secretary in the event of any subsequent action at such mine.

SEC. 7 (EFFECTIVE DATE). The provisions of this Act, except for those of section 5, shall take effect sixty (60) days after the date of enactment.

The provisions of section 5 shall take effect 180 days after the date of enactment, and any training plan approved by the Secretary prior to the effective date of section 5 shall remain in effect until any new plan that may be submitted under the provisions of that section is approved.●

PRESIDENT REAGAN'S SOVIET POLICY IS WORKING

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. MICHEL. Mr. Speaker, one of the things we learn in politics is that we often do not find out the results of a policy until years after its beginning. Nowhere is this more true than in the field of foreign affairs. A President's policy does not change things overnight. But ultimately a sound policy, based on valid principles, is going to work.

It is gradually becoming evident that President Reagan's policy toward the Soviet Union—one based on firmness but open to negotiations—is working. A recent article in the Wall Street Journal states that the President's firm stand in defense of freedom and our NATO allies' willingness to join us in the deployment of Pershing missiles have given the Soviet leaders good reason to believe it is time for them to stop posturing and start serious negotiations in many vital areas. The cliches of "cold war" and "détente" no longer apply. President Reagan—his critics to the contrary notwithstanding—has created a new workable policy for the 1980's that deals realistically with the fact—and the purpose—of Soviet power.

At this point I wish to insert into the RECORD an article from the Wall Street Journal, "U.S.-Russian Hostility Called Likely To Ease, Giving Reagan a Boost," Thursday, June 16, 1983.

U.S.-RUSSIAN HOSTILITY CALLED LIKELY TO EASE, GIVING REAGAN A BOOST—SUMMIT TALKS, A GRAIN DEAL, ARMS PACT HELD POSSIBLE, BUT NOT ANOTHER DÉTENTE—TURBULENCE WON'T GO AWAY

(By Karen Elliott House)

WASHINGTON.—The steady decline in U.S.-Soviet relations may be bottoming out, raising the possibility that Ronald Reagan will win his gamble that being tough, not tractable, is the surer path to peace.

Kremlin-watchers in and out of government say that while superpower relations are at their worst since the Cold War of three decades ago, some change for the better—both in tone and in substance—appears likely over the next 18 months. They see several forces at work:

With elections coming, President Reagan's political interests now nudge him toward improving relations with Moscow. More important, Soviet leaders, after a series of political mistakes and policy miscalculations, are beginning to anticipate two unhappy prospects that may encourage their eventual flexibility. First, despite heavy Soviet pressure, a surprisingly solid Western alliance will evidently begin deploying new U.S. medium-range missiles in Europe next December. Second, a politically resurgent Ronald Reagan appears increasingly likely to run for reelection and win.

"The Soviets believe President Reagan will win in '84 and therefore they must deal with him," says Seweryn Bialer, a Soviet expert at Columbia University who is just back from Moscow.

PRESSURES ON LEADERS

With surprising unanimity, U.S. policy makers and outside experts, including those who hope for improved relations and those who fear them, agree that the underlying pressures on Mr. Reagan and Yuri Andropov could move them toward compromise. At the very least, this brightens prospects for bilateral relations ranging from a new long-term grain-sale pact to a Reagan-Andropov summit. Beyond that, it could lead to genuine progress on arms control.

"We do not want to—and need not—accept as inevitable the prospect of endless, dangerous confrontation with the Soviet Union," Secretary of State George Shultz said yesterday before the Senate Foreign Relations Committee. (For an account of Mr. Shultz's testimony, see story on page 10.)

Of course, with so many uncertainties surrounding U.S.-Soviet relations, chances for improvement could be derailed by anything from a flare-up in the Middle East to leadership changes in Moscow—or in Washington. If Mr. Reagan decides this summer not to seek reelection, the experts say, the Kremlin will go into neutral and wait to see what happens in 1984. Even assuming movement toward compromise, no one is predicting a new era of detente with tensions relaxed across the board. The consensus is that relations will remain periodically turbulent, particularly if the new U.S. nuclear missiles are deployed in Western Europe late this year as scheduled.

NEW REALISM EXPECTED

Still, the experts do look for a new realism in U.S.-Soviet relations. Like two old gamblers, Mr. Reagan and Mr. Andropov have passed through a period of bluff and bluster. Neither has won a bluff nor kicked over the table in frustration. Having taken the measure of each other's hands, they now are left to play out their cards. And neither holds any aces.

The President, who opened by vowing to shun arms-reduction talks until the U.S. rebuilt its military strength, has been pushed by concerned congressmen and Western allies toward a more accommodating stance. That pressure now is being reinforced by White House political advisers, who want to portray him as a man of peace in 1984.

Moscow's plans, too, have gone awry. At first, Kremlin leaders hoped Mr. Reagan would be another Richard Nixon—tough but eager to deal. Then they feared he would test them aggressively. Neither the hope nor the fear proved true. Now they are simply "confused," says Lawrence Eagleburger, an undersecretary of state.

"Ronald Reagan appears tough, though unpredictably so," says James Schlesinger, a former secretary of defense who now is a senior adviser at Lehman Brothers Kuhn Loeb Inc. "So the Soviets treat the U.S. with a degree of respect, and that is an advantage."

KREMLIN'S PROBLEMS

Mr. Andropov's regime also continues to be plagued by internal problems, both economic and political. Although he is the general secretary of the Communist Party, he "hasn't yet consolidated his hold on power," says William Hyland, a Soviet expert at the Carnegie Endowment for International Peace. This week Mr. Andropov is engaged in important party and government meetings. The Supreme Soviet, convening today, may name a new president, a position vacant since Leonid Brezhnev died last fall. U.S. officials are intently watching these meetings for clues to Mr. Andropov's political dominance and direction.

The biggest force pushing him toward compromise, U.S. experts say, is Moscow's miscalculation in Europe. Since 1979, the overriding priority of Soviet foreign policy has been to split Western Europe from America. The reluctance of this country's European allies to increase defense spending, their desire to expand trade with the East and their nervousness about American reliability led Moscow to believe that Europe could be wooed away from the U.S., especially if Soviet-American relations worsened. "The Soviets believed that deterioration in US.-Soviet relations could, if properly managed, produce a compensating crisis in the alliance," says Arnold Horelick, senior Soviet analyst at the Rand Corporation in Los Angeles, who formerly held the comparable job at the Central Intelligence Agency.

Things haven't worked as Moscow hoped. While the alliance is far from solid, Western Europeans haven't jumped ship and the trend for now is toward cohesion. The election of Helmut Kohl in West Germany and the reelection of Margaret Thatcher in Britain make these allies firmer backers of Reagan-administration policies, although the nuclear-freeze movement remains active in both countries. Even France's Socialist president, Francois Mitterrand, supports deployment of new U.S. missiles in Europe, and so do Italy's revolving-door governments.

"European neutralism has bottomed out," says Zbigniew Brzezinski, who as President Carter's national-security adviser often gloomily predicted doom for the alliance.

Soviet mistakes are probably more responsible for the change in Europe than any thing that Mr. Reagan has done. Heavy-handed interference in West Germany's election backfired; the Russians openly endorsed Mr. Kohl's opponent. And the Soviets have alarmed all of Scandinavia by repeated submarine intrusions into neutral Sweden's waters.

Nonetheless, Mr. Reagan is given some credit for swaying the Europeans. He has shown a determination and ability to save his defense programs, even the controversial MX missile, from rejection by a critical Congress; this display of political consistency is as reassuring to West European leaders as it is disconcerting to Moscow. Also, he has

pleasantly surprised Western Europe with a new flexibility in U.S. arms-control positions—favoring reduction of both medium-range missiles in Europe and intercontinental nuclear weapons. Despite this softening, however, few experts seriously expect any arms-control agreements until more military cards have been played by both sides.

The combination of Soviet blunders and American skill (some critics call it luck) for the first time has made it likely that the Western alliance will hold together and go ahead with the scheduled deployment of U.S. missiles beginning in December. Because this deployment represents a political defeat as well as a military threat to the Soviets, they almost surely will retaliate.

"COUNTERMEASURES" VOWED

Moscow has repeatedly threatened to respond by installing more medium-range nuclear missiles in European Russia, by adding new missiles in Eastern Europe and by "countermeasures having the territory of the United States itself in view."

This last threat, U.S. officials say, doesn't mean Soviet missiles will be planted in Cuba or Nicaragua, precipitating a new Cuban-missile crisis. Instead, Moscow is more likely to install SS-20s with a 3,000-mile range in northeastern Siberia, thereby threatening cities all along the northern tier of the U.S. Or the Kremlin could decide to expand and upgrade its Atlantic submarine fleet and perhaps patrol closer to the U.S. East Coast.

To blunt the political impact of these anticipated Soviet moves, Reagan-administration officials already are playing down their military significance. They point out that since Moscow now has nuclear missiles aimed at Western Europe from both the Soviet Union and its East European satellites, these additional weapons won't significantly increase the military threat. The same is true, they say, for deployments that would be aimed at the U.S.

After a dicey period of military moves and countermoves, serious talks on arms reduction may begin. Or at least Mr. Reagan would bear less blame for a failure to conclude an arms pact. From the president's point of view, the prospects thus look far better now than at any previous time in his term. A year ago he appeared in a no-win situation where neither the planned missile deployment nor serious arms-reduction negotiations seemed attainable. Now his advisers see him in a no-lose position: The beginning of deployment is a victory in itself and could force the Soviets to talk seriously about mutual arms reduction. But because the deployment of 572 Pershing II and cruise missiles is scheduled to stretch over three years, it is too early to declare total victory.

TALKS ON TROUBLE SPOTS?

Heightened confidence in the Reagan administration, as well as hopes for the 1984 election, is leading some presidential advisers to urge serious talks with the Soviets not just on arms control but also on such trouble spots as Afghanistan, the Middle East and Central America.

"We have their attention," says a top State Department official. "They know we're different from the Carter crowd. Now we need a loosening-up. I think they would be receptive to a dialogue with us on a broad range of subjects because they want to be seen as equals."

Those both in and out of government who make this argument suggest that the Kremlin may be unusually receptive now, beset as it is with various difficulties. The Soviets are bogged down in a messy war in Afghanistan and must contend with continuing political resistance in Poland. The Soviet economy remains plagued with shortages, mismanagement and other problems. And Moscow's elderly leadership is in transition.

"They're on the defensive," says Mr. Bialer of Columbia University. "In this transition period they are more in the mood to negotiate seriously than in a few years when they put their house in order and go on the offensive."

Besides, Mr. Bialer and others point out, the people now ruling in the Kremlin may be more inclined to deal with the West than their successors might be. Mr. Andropov, Foreign Minister Andrei Gromyko and Defense Minister Dimitri Ustinov all were elevated to the ruling Politburo in 1973 to bolster the late Mr. Brezhnev's plunge into detente.

How the president will handle this opening remains to be seen. But a dialogue was begun between Secretary Shultz and Soviet Ambassador Anatoly Dobrynin. Since October the two men, sometimes joined by aides to Mr. Shultz, have been meeting every few weeks. So far these talks aren't believed to have been particularly significant, though they could evolve into something more serious.

Like the president, Secretary Shultz wants any summit meeting to be well-prepared and to yield tangible results. "It's not how many glasses of vodka you can drink but how well we can advance our goals," he says.

Mr. Reagan's national-security adviser, William Clark, agrees that there is no magic in a summit meeting. "Some are getting the cart before the horse," he tells associates. "There has to be some predetermination of issues before a summit. And our sense of priorities is much broader than just arms reductions."

With or without a summit and with or without a breakthrough in arms talks, there seems to be a consensus among foreign-policy experts that both the Russians and Americans are viewing each other more realistically—and perhaps respectfully—these days. While relations may be tense at times, both sides now seem more anxious to avoid a confrontation.●

FOREIGN MINISTER D'ESCOTO ATTACKS U.S. POLICY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. LAGOMARSINO. Mr. Speaker, the increasingly anti-Jewish nature of the Nicaraguan regime has become very apparent in recent weeks as a result of reports and commentaries issued by noted authorities on the subject.

A new and very disturbing report appeared in a recent Arabic periodical containing an interview with Nicaraguan Foreign Minister Miguel d'Escoto, a Catholic priest who continues to carry out a political role in the Nicaraguan revolution. The interview with d'Escoto includes a quote in which d'Escoto says, "There is without a doubt a real danger in Latin America, and particularly in Central America, actually stemming from Zionist infiltration and intrusion."

The entire interview is worth reading for its perspective of the Sandinistas in attempting to deceive the character of their activities in Central America. I urge my colleagues to take the opportunity to review this interview.

FOREIGN MINISTER D'ESCOTO ATTACKS U.S. POLICY

[Interview with Nicaraguan Foreign Minister Miguel d'Escoto Brockman by Raghidah Dirgham; in New York "during Security Council debate of Nicaragua's complaint against the United States"; date not given]

[Excerpt] Question: Obviously Nicaragua and the United States disagree over the UN role in resolving the present crisis between the two countries.

You want an effective UN role, while the United States insists on keeping the issue outside the United Nations and in the hands of the OAS. The "Contadora" Group is trying to find a compromise between the two stands, provided the United Nations has a role directly linked to the Contadora Group. Is the Contadora attempt plausible, and can it be implemented? What if this attempt fails?

Answer: There is no doubt the United States does not feel confident, and its position is shaken every time Nicaragua brings its case to the Security Council. Every time we bring our case against the U.S. invasion of our country to be condemned, the United States is aware that it cannot control the debate or the resolution that is to emanate from the council. Every time it has tried to prevent a resolution from being adopted it has had to use the veto again and again, and that is still the case. This will lead to weakening confidence in the United States and will undermine the U.S. reputation. Consequently, the Americans prefer not to use the veto, or at least to avoid using it as much as possible. On the other hand, the Americans have realized that their influence on world countries in general has receded, but they are still capable of influencing and controlling the OAS states. The roots of this organization lie deep in U.S. interests in Latin America. It is a strange regional organization since its membership does not include all the countries of the area. It is under the control of the area's enemy, that is, the United States, which exploits it in promoting its own interests.

Question: The United States believes for its part that Nicaragua's policy provides the political arguments it seeks in order to defend its own policy toward Nicaragua and El Salvador. Let us take two U.S. arguments: one is what Washington describes as the spread of Soviet influence in Central America through Nicaragua, and the other is Washington's accusation against Managua that you support the revolution in El Salvador and provide it with arms.

Answer: Let me tell you that the argument and the accusation that Nicaragua is serving as an arms channel for El Salvador is an excuse; it is an excuse and nothing else. We must recall that this is not the first time in a century that the United States has invaded Nicaragua. We were under U.S. military occupation for a long time, from 1912 to 1933. The U.S. excuse then was that Nicaragua was about to become another "Mexico" and that Washington could not

allow this because it threatened U.S. national security.

Their excuse now is that they imagine that we are about to become a foothold for another big power. The fact is that they have always and historically moved against national efforts in Latin America to change the decadent sociopolitical structures that have imposed subjugation on our people. The existing tyrannical internal situations are the cause of the present distrubances in Latin America. This was also confirmed recently by the heads of two important states in the area, namely Brazil and Mexico. There is no East-West involvement or conflict. The Contadora Group has affirmed this. The Nonaligned Movement also said the same thing, namely that such a view is arbitrary and tyrannical. The United States imagines Eastern (Soviet) interference everywhere.

Question: The Americans point to actual and active aid being given to you by Cuba.

Answer: Yes Cuba, does support us, and we support Cuba. Cuba and Nicaragua are linked by friendship. Cuba is not alone in supporting us; we are supported by several world countries such as France, Sweden, and particularly Mexico more than any other country. What does this mean? It means that Nicaragua as a government is indeed trying to represent its people and to serve them.

Question: The Americans' excuse is that Cuba's support represents a Soviet danger and interference in Nicaragua through Cuba, so that it is a danger threatening the United States through its back door.

Answer: Of course they say so. It is unfortunate that they have this deep concern and these confused ideas. Indeed, they need pyschiatric help. That is what I believe. They have fallen victim to a phobia and are unable to put forward any positive suggestion. They behave with the obsession of people wanting to protect interests which they imagine are threatened by everyone who does not submit to the American will.

For our part in Nicaragua, we will not submit to the U.S. will under any circumstances. We do not want the kind of democracy which Reagan applauded in his recent speech; Reagan's democracy is rejected in Nicaragua. He speaks about the former dictator Somoza's royal guards as freedom fighters. Yes, they are freedom fighters of the Somoza type. The kind of "freedom" Reagan wants in Nicaragua is the type we knew under Somoza's domination, the kind we have disavowed and will never allow to return to our country or to be imposed on us. We want genuine freedom and democracy and not the "democracy" which the United States loved so much during Somoza's rule.

But we should not be surprised by this, for those who sympathized and agreed with Somoza's rule cannot accept a real national democratic government. Those who support Zionist agression against Lebanon and the Palestinians, who prevented the Security Council from shouldering its responsibilities toward the Zionist crimes, who support South Africa's racist regime, who loved the former shah and Somoza—what can be expected of them? Can we expect them to follow the course of real democracy?

Question: But "those" people are not necessarily the Reagan administration. You mentioned the shah and Somoza, who were in office during the Carter and not the Reagan administration. Is your problem with the Reagan administration, with the United States, or with both?

Answer: Unfortunately, we have always suffered at the hands of the U.S. Government. The situation now, with the present administration, that is Reagan's, is the worst.

Question: Did you mean what you said before about Reagan's need for a psychiatrist because of obsessive suspicion of the Soviets and everything connected with them?

Answer: He needs many things. He should come down to earth. He needs someone to make him understand that he cannot halt the march of history or the peoples, regardless of imperialist trends. We want a better world. He will never be able, whether through violence, browbeating, aggression, or invasion, to suppress the people's will in their world and their quest for a better life.

Question: During the past year and immediately following Reagan's visit to some Central American countries, the Israeli defense minister went to Guatemala to coordinate certain military matters and sell arms to Honduras . . . .

Answer: Yes, Honduras . . . .

Question: Is there a military link between Israel and some Central American states that actually influences the development of events in the area?

Answer: There is absolutely no doubt of that. What is the Zionist regime if not an embodiment of the U.S. infiltration and the domination that Washington intends to impose on the Middle East? They have previously used the Zionist government to carry out what the U.S. Government could not do directly. Under the Somoza regime it was difficult for the U.S. Administration to back him, so it relied on its client, Israel, to send arms to Somoza on its behalf. Now history is repeating itself. And for this reason that "horror," Sharon, visited Honduras. At the end of his visit he announced that he had agreed to sign a military cooperation agreement of unprecedented magnitude with the Honduran government.

Question: You mean that Israel's role in Central America is that active . . .?

Answer: There is without a doubt a real danger in Latin America, and particularly in Central America, actually stemming from Zionist infiltration and intrusion.

Question: How great is the Israeli military involvement?

Answer: I cannot pretend to know the figures or the extent of involvement at this moment, because I don't have them available. But I can affirm that military aid and cooperation with some Central American countries known for their repressive regimes have been and still are large in proportion. At this time in particular the proportion of such aid is greater than ever before.

Question: U.S. Ambassador Jeane Kirkpatrick, one of the bulwarks of the Reagan administration's policies in Central America, said 2 weeks ago that Washington can concentrate on food aid to Central America when the Soviet Union stops shipping arms on Libyan planes flown to Nicaragua by PLO pilots. What is your reaction to this?

Answer: First, nobody in the world can object to Nicaragua's desire to develop. For the first time in history Nicaragua is establishing a professional Army for legitimate self-defense. We wanted to buy U.S. arms. We need their arms, but the United States, as is well known, refused to sell us arms. If the United States thinks that by refusing to sell us arms it can curb our right to acquire arms from any place we can get them, it is wrong. We are one of the world's small countries, suffering from extreme poverty. We are now suffering from interference and military aggression against us by the United States.

Question: You mean through the U.S. training of the remnants of Somoza guards in Florida?

Answer: I am not referring only to training. I am using the term invasion, I repeat, invasion. Why do I call this invasion?

Because it is directly organized and coordinated by the United States. War is no less a fact simply because the United States has not officially declared it. You cannot say to peoples: Do not die, simply because this is not a declared war. The United States is waging war and the war is no less American because it is using mercenaries instead of its own forces, U.S. forces. Why is this war American? Because the Americans have prepared it and organized it; they arm the fighters in it and they manage it. U.S. media have themselves published such information and facts on a large scale. I am referring here to TIME magazine, which cited the existence of three command levels directing this war. The planners behind what are known as or alleged to be rebels are a U.S. intelligence (CIA) team and the U.S. Southern Command in Panama. The second level consists of Honduran officers, and the third level is Somoza's former National Guard. It is an American war. Even U.S. congressmen have classified U.S. interference an immoral action and not only a violation of the principles that the United States defends but also a direct violation of the political principles of international relations and the UN Charter. So, under the present circumstances, who in the world can deny us our rights to obtain what arms we need to defend ourselves against such a savage aggression?

Question: Do you mean to say that you will seek to secure military aid even if that may lead you to become largely dependent on the Soviet Union in confronting U.S. aggression?

Answer: We will seek aid everywhere. If your question alludes only to the Soviet Union, I must assert once again that we obtain arms not only from the Soviet Union but from several countries. Indeed, as the United States knows, we obtain arms from various countries, and I wish we could obtain larger quantities.

Question: Let me ask you an embarrassing, though practical, question: Can Nicaragua, the newly independent state that is ruled by the young Sandinista revolution, face a giant like the United States in a war such as you just mentioned?

Answer: An important question. You have put your finger on the sore point. The question is precisely: Where does the United States stand? Its excuse, or its allegations, that we supply arms to El Salvador is groundless because the United States, as is known, has the most advanced electronic equipment and yet has so far been unable to prove or to show evidence to support its allegation. What is its problem? Its problem is that little Nicaragua has been able to strike its own independent course, free of the grip of U.S. domination. So it has become a kind of alarm or incentive for other Latin American peoples that also want to be free of U.S. control and domination but are afraid to approach that dream, thinking it unattainable. But, while we are actually proving that this is possible and that the dream is not impossible, we become the incentive and the alarm, and so the Reagan administration finds this a threat to its interests. Consequently, it has decided not to allow Nicara-

gua to succeed in continuing in its course and its new existence. For this reason it has decided to destroy the popular Sandinist revolution so that the peoples of the area will learn a lesson of the futility of trying to free themselves from the U.S. hold.

Question: It is also said, Mr. Minister, that the opposition to the Sandinist government includes one of the principal figures who helped in the revolution's success against Somoza. They refer to the man known then as "Commander Zero," or Pastora. He was a freedom fighter. Is he a traitor or a fighter?

Answer: Without a doubt, he is a traitor. Judas was also a traitor. Jesus Christ chose 12 disciples but did not avoid choosing one who had the qualities of a traitor. We have also done the same thing, with one exception. That is the fact that Pastora was absolutely not one of the principal mainstays of the Sandinist front. He is an individual whom the American press built up and portrayed as a "great" man, probably because they had foreknowledge of the way and method in which they would use him later, that is, now. The CIA probably built up his image. In any case, he is a traitor. There is no doubt about that. We should not be surprised by it. As I have already said, a traitor was even found among Christ's 12 disciples. Treason is an ancient and unfortunate phenomenon.

Question: Will you accept UN observation forces on your borders with neighboring countries?

Answer: This is not being proposed at present. What we are demanding now is much simpler than that. With the Almighty's help our efforts will succeed and peace will prevail in our country. Let the United States abandon its plans to overthrow our government. The proof of the U.S. despair in its attempt to allege that the people in Nicaragua are against U.S. is in the fact that it has been forced to use the old guard of a former dictator whose hands are stained with the blood of genocidal massacres. They have been forced to use them because they found nobody else ready to fight against the legitimate government in Nicaragua.

Question: It appears to me that, despite your strong disagreement with the United States, you want the U.S. Government to recognize the Sandinist government with its ideology and its existing structure.

Answer: It is obliged to do so. That is its duty. It must respect us just as we respect it. We do not necessarily like Reagan, but we consider the matter to be up to the Americans, not us.

Question: Since it is unlikely at present that Washington will recognize the Sandinist government and give it credibility, what other options are open to you?

Answer: Of course the United States is big and powerful and can go on killing and annihilating my people. But I ask the Americans to think of something else—their dignity. They can kill us, but by continuing to kill us they will drown their dignity in the swamp of our blood. ●

LITHUANIAN FREEDOM

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SENSENBRENNER. Mr. Speaker, June 15, 1940, marked the beginning of the forced incorporation of the state of Lithuania into the Soviet Union. This day is remembered by all people of Lithuanian descent as well as by those familiar with the region's history. On this day 43 years ago, the Soviet Union began its well-planned, unconscionable crime against the Lithuanian people, robbing them of their human rights, culture, and heritage.

When the deportation of Lithuanians to Siberian work camps had ended, it was estimated that 1.25 million people had died from this atrocious action.

The United States still recognizes the reign of terror which the Soviet Union holds over Lithuania. As Antanas Butkus, president of the Lithuanian-American Community of the U.S.A., stated recently:

Hypodermic needles and psychiatric terror have replaced the knout and lash of Stalin; calculated utilization of human energy has replaced the brutal chain-gang and Gulag system of the past. Yet the results are the same. The Soviet regime punishes all dissent with terror and physical exploitation.

The United States has never recognized the incorporation of Lithuania into the Soviet Union, and condemns the Soviet Union for their illegal actions.

Today we honor these brave people in their gallant struggle for freedom. I join my colleagues and all the free people of the world in my sincere hope and prayer that freedom will soon return to Lithuania.●

"NO, LET US PRAISE FREE TRADE": A RESPONSE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. DANNEMEYER. Mr. Speaker, even as the Nation moves forward toward fuller economic recovery, we continue to face demands from various domestic industries for protection from foreign imports. This protectionism takes many forms, including quotas, tariffs, and domestic content requirements.

In each case, we would be responding to the symptoms of the problem rather than to the problem itself. While trade barriers are justified in response to a proven case of an unfair trade practice or after a finding of import injury by the International Trade Commission, protectionism in general is not a solid strategy for U.S. competitiveness in world markets.

Some observers have suggested that the United States has no choice but to pursue the protectionist path because we cannot compete with those countries that have lower wages without lowering our own standard of living.

Ambassador William E. Brock, the U.S. Trade Representative, responded to this proprotectionist line of thinking in an excellent guest article on the op-ed pages of the Washington Post on June 13, 1983. Brock refuted the labor differential argument by outlining the many components of productivity and our ability to increase productivity to remain competitive.

The Washington Post echoed Brock's presentation with an editorial of its own on the same day under the heading, "A Dubious Case for Protection." I wholeheartedly agree with the Post's conclusion that—

The main reason for this country's poor trade performance at the moment is a huge budget deficit that keeps interest rates high, in turn lifting the dollar's exchange rate and making it harder to sell American goods abroad. The 1930's demonstrated more than adequately that pulling up the drawbridge won't remedy mistakes in domestic economic policy.

At the conclusion of his article, Ambassador Brock raised a number of important questions that each of us must face as we work to restore America's competitive edge. Brock asked,

How good is our educational system, and what are we doing to make it the best in the world? How good is our tax system, and can we remold it to increase savings, incentives and investment? How competitive are our management and labor practices, and can we shape up our R&D? How strong is our self-confidence, and what do we need to do to compete? Or, alternatively, how desperate are we for security, and what degree of stagnation and hopelessness will we impose on our children to achieve it?

The solution to our economic competitiveness problem will come from answers to the above questions and not from the protectionist placebos embodied in domestic content legislation and similar approaches. Ambassador Brock and the editorial board of the Washington Post are to be commended for their insightful contributions to the trade debate.

Mr. Speaker, I ask permission to inset the Brock op-ed piece and the Post editorial at this point in the RECORD:

[From the Washington Post, June 13, 1983]

NO, LET US PRAISE FREE TRADE

(By William E. Brock)

During the past year, I have noticed the appearance of several commentaries that challenge the precepts of free trade and make protectionism appear as a logical instrument of bringing order out of economic chaos. One recent effort, "Let Us Now Praise Trade Protectionism" by Wolfgang Hager, appeared in The Post's Outlook section May 15.

The basic assumption of the article is that the continuation of free-trade policies in industrialized countries will leave us nothing more than a few high-tech and service-industry jobs. Heavy industrial sectors will be lost to Third World countries, because the labor differential will leave us forever noncompetitive.

This has been a particularly fashionable argument, especially during a period of economic downturn when the immediate problems of foreign competition seem infinite. But Hager boldly concludes that protectionism is something more than the politically expedient statements made by some presidential candidates—that it is a necessity based on the evolution of the world economy. There are a number of reasons why these conclusions are poorly founded, but perhaps the most important one is that increased protection ensures substantially lower levels of productivity. The result: fewer jobs, less innovation and more inflation. Hardly a logical set of goals.

It is simplistic—and false—to assume that, because of the worldwide availability of state-of-the-art capital equipment, the industrialized countries will never have the chance to make up the labor differential enjoyed by the developing countries. There are many other factors that enter into the competitiveness of national industry, including capital intensity, management competence and creativity, worker training and productivity, the quality of national infrastructure of roads, communication and distribution systems, adequate and flexible financial systems, the willingness of entrepreneurs to take risks, the level of savings, investments and incentives, and the economic environment provided by the government.

In truth, automation and technology, more than imports, may well continue to result in fewer people employed in specific heavy industries, but workers will produce more in a cleaner and safer work place while earning better pay. Can we fairly stop that process? We certainly have fewer people on the farm than we did 50 years ago, yet we produce far more products with lower prices, higher profits and better quality. Would anyone seriously suggest out diet would improve with a return to horse and harness? The same is true today in the plant. If we have the foresight to invest the necessary physical and human capital in our industries, as we must, we can remain competitive.

In fact, the key is productivity. Protection is the worst remedy for lack of productivity. Modern technology is making possible incredible improvements, and success will go to those countries that have the foresight to build an economic and political system with the incentives to invest in both new technology and better education. Protection removes those incentives and provides an illusion of security while, in reality, the competitive gap becomes larger and larger.

A protected national market will ultimately guarantee non-competitiveness in the global market, and that's the only market that can provide the necessary economies of scale for many industries. To remain competitive in the world market, you have to complete, not hide behind import barriers.

Hager's advocacy of increased protection of industrial-country markets from the flood of goods and services originating in the developing world is particularly disturbing. These are not just friends, they are the largest and fastest growing market for our manufactured exports. We sell more to the developing countries than to Japan and the European Community combined. It is inconceivable that we might continue to create jobs here through our exports if we don't buy their products.

Far tighter controls on less-developed countries' exports to the industrial world would be even more absurd right now in light of the significant debt problems facing many developing countries. Rather, industrial countries need to maintain and increase the access of developing-country exports to their markets. If not, the refusal to buy our goods and, ultimately, the inability to pay their debts won't be simply an emotional response; it will be an economically mandated reality. The stability, and perhaps survival, of our world financial and economic system is threatened by such protectionist rationalization.

But Hager has a plan that purportedly will satisfy Third World foreign exchange needs and stabilize markets generally. All we have to do is enter into a series of understandings that will alter the "terms" of trade, which includes the notion that importing countries will be willing to accept an increase in price overall, perhaps through high tariffs that we would then rebate to them as foreign aid. So, to solve our problem, all we have to do is reduce competition here at home, pay higher prices for that which we import (presumably only those products not available domestically) and snuggle up under the warm blanket of an all-wise and all-caring government. Precedent for this is cited in Eastern Bloc trade, among others. Is massive bureaucracy to be our role model?

The article reminds us again that a significant percentage of world trade is "managed" anyway with the proliferation of textile quotas, agricultural subsidies and steel arrangements. But to acknowledge that we are all sinners does not justify economic suicide. The important thing is to acknowledge protection and to establish policies that discourage its proliferation and lead to its removal.

Then we can take an honest look at remedies and ask the real questions: How good is our educational system, and what are we doing to make it the best in the world? How good is our tax system, and can we remold it to increase savings, incentives and investment? How competitive are our management and labor practices, and can we shape up our R&D? How strong is our self-confidence, and what do we need to do to compete? Or, alternatively, how desperate are we for security, and what degree of stagnation and hopelessness will we impose on our children to achieve it?

[From the Washington Post, June 13, 1983]

A DUBIOUS CASE FOR PROTECTION

Rapid economic growth is disruptive, uncomfortable and sometimes frightening. Its benefits are great, but it forces people to live differently and earn their livings differently from the way they are accustomed to doing. Nothing pushes growth faster than foreign trade, and the United States is now in the process of coming to terms with the enormous expansion of trade in the 1970s. The political reaction is expressed in the rising campaign for protection against imports.

Several weeks ago, this newspaper published a vigorous defense of protectionism by Wolfgang Hager, a visiting professor at Georgetown University. Today, on the opposite page, we offer a rebuttal by William E. Brock, the U.S trade representative.

The case for protectionism comes down to wages. It argues that there's an endless supply of low-wage labor in the world that threatens to destroy the high-wage economies. But the actual experience of the past four decades, with decreasing trade barriers and rising prosperity, suggests precisely the opposite.

The protectionist position argues that in the postwar years the Atlantic countries with their high standards of living had a sort of self-protective monopoly that has now been broken by Latin American and Asian industry. In response, it's useful to recall that in the 1950s industrial wages in West Germany and France were as far below the American level as wages in Brazil and Mexico are today. As trade expanded across the Atlantic in the 1960s, according to protectionist theory, American wages should have dropped under competitive pressure. In fact, they kept rising steadily, while European wages soared and are now—allowing for the swings in exchange rates—in the same ranges as they are here.

Japan's wages are about half the American average. But wages in Brazil are less than half as high as Japan's. Both have automobile industries. Why isn't Brazil the stronger competitor?

A long recession and a strong dollar are currently giving the protectionist cause a plausibility that it doesn't deserve. The main reason for this country's poor trade performance at the moment is a huge budget deficit that keeps interest rates high, in turn lifting the dollar's exchange rate and making it harder to sell American goods abroad. The 1930s demonstrated more than adequately that pulling up the drawbridge won't remedy mistakes in domestic economic policy. Mr. Brock does an important service by reminding the country of the real sources of its competitive strength.●

LEGISLATION TO REPEAL THE COMMUNITY ECONOMIC DEVELOPMENT ACT AND THE COMMUNITY SERVICES BLOCK GRANT ACT

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ERLENBORN. Mr. Speaker, I am today introducing, by request, legislation to repeal the Community Economic Development Act and the Community Services Block Grant Act.

The Community Services Block Grant Act was enacted 2 years ago as part of the Omnibus Budget Reconciliation Act, Public Law 97-35. At that time, it was felt that the community action programs, especially the existing network of Community Action agencies (CAA's) in the States, needed their own block grant to help them compete with other programs funded under the social services block grant (CSBG). Supporters felt that the immediate transition of the Community Action program from Federal administration under the independent Community Services Administration to State administration would result in CAA's receiving a much smaller share of social service resources.

Congress also realized in 1981 that the CAA's were playing a valuable role as local administrative agencies for several important social service programs, including Head Start, Low Income Energy Assistance, and the Department of Energy's weatheriza-

tion program. Supporters of these programs feared that the possible sudden collapse of the community action agency network would have an adverse effect on their activities.

Now that most States have had 2 years of administrative experience with funding CAA's through a block grant, the administration is proposing that CAA funding be provided through the $2.5 billion social service block grant. The administration believes that the community action program should now be evaluated on its own merits and compete for social service block grant funding with other organizations and entities serving low-income people.

Placing the community action program in the social service block grant allows the States the flexibility to decide whether the CAA network is the most effective means of meeting the needs of the low-income community. I would anticipate that in most States, CAA's will continue to receive funding as under existing law. Only Federal bureaucracy and paperwork would be reduced. In some other States, I anticipate that CAA's will receive less funding and that resources will be used for other programs serving low-income communities. In these cases, I except that low-income communities will be better served than is the case under existing law.

This legislation also repeals the Community Economic Development Act of 1981. This program, like the community services block grant, succeeded the old Community Services Administration in 1981. Prior to this time, the worth of the program as an efficient means of spreading the benefits of economic development to low-income communities had been repeatedly questioned. Since 1981, nothing has occurred to indicate that the basic problems with this program have been corrected.

I also note that funding for Community Development Corporation will continue to be available through several Federal sources, most notably the Department of Commerce.

In introducing this legislation, I am aware of the concerns of many persons familiar with this history of the Nation's effort against poverty—that repeal of these two programs will "hurt" poor people. I believe that these concerns should be fully explored by the Committee on Education and Labor and the Congress before this bill is enacted. In this regard, the testimony of Governors, mayors, existing grantees, and low-income communities will be essential.

If the testimony provided by these groups confirms my belief that the CAA network is ready to stand on its own, I hope Congress will have the courage to withstand the temptation to give in to special interests and preserve unneeded programs. Continuation of these two acts in this circumstance would undermine our shared goal of eliminating wasteful bureaucracy and would ultimately result in less, rather than more, funding being available for community action agencies.

A copy of the legislation follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Community Economic Development Act of 1981 (42 U.S.C. 9801-9822) is repealed.

(b)(1) Moneys in the Rural Development Loan Fund and moneys in the Community Development Loan Fund, established in section 623 of the Community Economic Development Act of 1981, shall be covered into the general fund of the Treasury as miscellaneous receipts.

(2) Any funds received by the Secretary of Health and Human Services as a repayment made in connection with any loan made or guaranteed under part 3 of subchapter A of chapter 8 of subtitle A of title VI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9812-9813) shall be covered into the general fund of the Treasury as miscellaneous receipts.

SEC. 2. The Community Services Block Grant Act (42 U.S.C. 9901-9912) is amended—

(1) by striking out sections 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, and 682, and

(2) in section 683(c)—

(A) in paragraph (1) by striking out "defined in section 673(2)" and inserting in lieu thereof "determined under section 652",

(B) by striking out paragraph (2), and

(C) by redesignating paragraph (3) as paragraph (2).

SEC. 3. This Act and the amendments made by this Act shall take effect on October 1, 1983.●

AFGHANISTAN: THE FORGOTTEN WAR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. MICHEL. Mr. Speaker, "selective outrage"—this is the way a recent newspaper editorial described the manner in which some human rights activists have used their moral energies in recent months. We never see mass rallies protesting Soviet atrocities in Afghanistan; we rarely hear human rights advocates speaking out against the Soviet occupation of that land. Sometimes I get the feeling that these self-appointed guardians of international morality prefer to express their well-publicized outrage only in areas where their ideological prejudices will benefit.

At this point, I wish to insert in the RECORD, "The Forgotten War" an editorial from the Washington, D.C., Catholic Standard, May 26, 1983:

THE FORGOTTEN WAR

Afghanistan is a lesson in selective outrage.

When the Soviet Union invaded that country in December 1979, the international repercussions were widespread and prolonged. Nations throughout the world recognized the action for the blatant aggression that it was. At the United Nations the Security Council condemned the Soviets and demanded the immediate withdrawal of their troops. So did the UN General Assembly.

The Soviet Union, of course, paid not the slightest attention. Its leaders figured that this storm would pass, other crises would arise, some with their help, and that they soon would be able to continue their policy of global mischief with only sporadic and easily deflected criticism. And they figured right.

Today the Soviet Union is still at war with Afghanistan. Its troops still occupy that country. The carnage goes on. There have been reports of chemical warfare being used as part of a concerted effort to pound the Afghan people into submission. A fierce but primitive opposition is delaying the Soviet goal of conquering the nation and making its people unwilling members of a Soviet empire.

So where are the demonstrations protesting such wholesale bloody injustice? Where are the marching crowds in this country and in England, Germany, France and Holland? Where are the leaders of Third World countries? Where is the United Nations where the Soviet Union sits and lectures on morality and respect for human rights to the Free World? Where are the editorial writers and TV commentators?

The answer is that they all have other concerns now, other perceived injustices that require their attention. By ignoring Afghanistan, world opinion made it a little easier for the Soviet to clamp down on the people of Poland. The reaction to that aggression was longer and more intense, but that too has faded.

Regarding the Soviet Union's war on Afghanistan as not worth anyone's attention, much less outrage, only helps to cement a global double standard. Free World countries, especially the United States, are held strictly accountable for even the slightest transgression; the Soviet Union can wage war and pursue a policy of aggression comfortable in the knowledge that if criticism comes at all, it will be brief and half-hearted. That leaves little incentive for an aggressor-nation to mend its ways.—T.R.●

THE DILEMMA OF COLLECTIVE RATEMAKING AND ANTITRUST IMMUNITY IN OUR NATION'S TRUCKING INDUSTRY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ROE. Mr. Speaker, as Vice Chairman of the Motor Carrier Ratemaking Study Commission, I wanted to call to the attention of my colleagues here in the Congress an editorial that appeared in the Traffic World on May 9, 1983, which brings into sharp focus the nub of the problem before the Commission in making its recommendations to Congress relating to the continuation of the collective ratemaking system and motor carrier antitrust immunity particularly for the small- and medium-sized

truckers of our Nation. This editorial reads, as follows:

[From Traffic World Magazine, May 9, 1983]

A MISUNDERSTOOD AND CONTROVERSIAL TOPIC

Dr. Grant M. Davis, the Oren Harris professor of transportation in the College of Business Administration of the University of Arkansas, Fayetteville, and recipient of the Delta Nu Alpha "Transportation Man of the Year" award in 1971, has performed a public service by writing a scholarly assessment (published elsewhere in this issue) of the report of the Motor Carrier Ratemaking Study Commission that was recently made public (T.W., Feb. 28, p. 9, and March 7, p. 49).

Dr. Davis places proper emphasis on his finding that the conclusions stated by the Study Commission in its report to Congress are not supported by the evidence put before the Study Commission in the hearings it conducted. He made the comment that collective ratemaking is "a misunderstood and controversial topic."

"The sheer weight of evidence when viewed in terms of the shipper/buyer of transportation services," Dr. Davis writes, "clearly reveals the salient conflicts existing between the agency's report and the record compiled during 1981 and 1982."

He stated that the Study Commission essentially directed its attention to the major issues of collective ratemaking as *perceived by Congress* (italics ours), including rate levels, discrimination, cross-subsidization, monopoly profits, and the need for continuing antitrust immunity in the industry. Ancillary issues, such as national policy, infrastructure development, monopsony shippers, and the validity of the common carrier concept were not directly mandated, "even though they are extrememly important to our transportation system," Dr. Davis wrote. As to each of those issues, he added, "evidence was submitted by over 1,000 witnesses supporting collective ratemaking, as opposed to 27 witnesses who appeared in opposition to continuing the collective ratemaking process." These witnesses include the uncounted membership of associations favoring collective ratemaking. In all, Dr. Davis said, 500 submissions were made and presented by 460 different entities and individuals.

American citizens have a right to assume, we believe, that investigations instituted or ordered by Congress will be premised on the principles of fairness, or giving ample opportunity to opponents and proponents of controversial issues to present pertinent evidence, without refusal by the investigators to hear or receive "pro" and "con" arguments. But those principles were apparently ignored by the Study Commission.

For the stated purpose of gaining some insight into the magnitude and the affiliations of witnesses supporting collective ratemaking in actual appearances before the Study Commission, Dr. Davis included in his assessment of the commission's report a tabulation of the number of witnesses supporting, disapproving, or assuming neutral positons regarding the collective ratemaking process.

The tabulation shows that 80 per cent of the shippers who testified favored collective ratemaking, while only 18 per cent opposed it and 2 per cent took no position; that 88 per cent of the associations heard by the Study Commission favored and only 10 per cent were against collective ratemaking, while 2 per cent were neutral; that 99 per cent of the carriers were for and only 1 per cent against collective ratemaking; that 76 per cent of the individuals who testified and 77 per cent of the traffic consultants heard by the MCRSC supported collective ratemaking (5 per cent of the individuals being neutral), and that government witnesses were 60 per cent for and 40 per cent against collective ratemaking. The record of the hearing held by the Study Commission in Cambridge, Mass., in March 1982, Dr. Davis noted, clearly revealed a continuing need for antitrust immunity by both carriers and shippers. He added that "past studies, moreover, certainly support this observation."

One of the various findings set forth in the Study Commission report to which Dr. Davis takes exception is that the ICC can continue to meet its statutory obligations in the area of motor rate regulation when antitrust immunity is eliminated. This, Dr. Davis observes, clashes dramatically with testimony presented in Cambridge before the Study Commission. There, he said, the antitrust legal experts who testified questioned seriously the wisdom of eliminating antitrust immunity and any subsequent reliance on the antitrust laws for recourse to shippers and carriers in matters involving rate litigation.

The "conclusions" stated by Professor Davis include the following:

"By accepting a highly questionable report, together with contested maneuverings in terms of commissioner votes and membership qualifications, the Study Commission has not rendered a public service to the American public in this debate. . . . By either purposefully ignoring the evidence or assigning disproportionate weights to testimony rendered, the commission has elected to ignore or minimize past studies which clearly reveal the nature of the evidence which would be presented. . . . Tests of hypotheses regarding shippers' perceptions of collective ratemaking over time certainly indicate that most shippers believe efficiency was attainable under collective ratemaking.

"It is unfortunate that a needed public commission such as the Motor Carrier Ratemaking Study Commission has issued such a tainted report which is as controversial as the various issues it addresses. Unfortunately, future reliance on commission reports as accurate indicators of issues and the intensity of feelings associated with these issues may well be seriously discounted by future students seeking the true issues and the positions of various groups associated with the collective ratemaking debate."

Mr. Speaker, the differences among members of the Commission itself had initially ended in a 5-to-5 vote rejecting a motion that antitrust immunity for single-line and joint-line ratemaking be phased out on July 1, 1984, and immunity for general rate increases be eliminated on January 1, 1986.

In a subsequent compromise vote, Members of the House, including myself, and some of the public members offered through our colleague, Congressmen JOHN F. SEIBERLING of Ohio, an amendment to the motion which would have extended collective ratemaking in single-line carrier service until July 1986 giving Congress the time to properly evaluate the entire situation. That substitute motion was defeated but the motion offered by public member, Commissioner Michael Thometz, was approved. This motion recommended complete elimination of antitrust immunity for collective ratemaking for all rates, for freight classification, and for related activities in the motor carrier industry. The Commission's report was issued on a 6 to 4 vote.

Mr. Speaker, it is important to point out that the overwhelming majority of persons expressing their views to the Motor Carrier Ratemaking Study Commission on both the hearing and nonhearing record favored continuation of collective ratemaking, including single-line and released value rates.

The record shows that, in the real world, collective ratemaking is essential to the maintenance of a coordinated national system of transportation. Our Nation's motor carrier system is a network of thousands of different carriers with different sets of routes. An individual carrier conducts operations over its own routes alongside joint routes with connecting carriers that are necessary to permit shipments to move from origin to destination regardless of the number of carriers required to complete the movement.

No carrier is able to structure operations to transport over its exclusive routes all shipments tendered to it. It must enter into joint arrangements with other carriers to be able to provide a service from origin to destination. Numerous small carriers presented evidence of interline arrangements with up to as many as 200 or more connecting carriers with larger route systems. In many of these instances the authorized routes of the larger carriers overlap the smaller carriers. Yet, the larger carriers need the interline arrangements for the efficiencies of maximum utilization and best routing of equipment, considering other demands for their service. By consolidating deliveries to isolated points the single small carrier achieves better load factors than would several large carriers providing the services without consolidation. Thus, regardless of liberalized entry guaranteeing route expansion, there will always be a need for interlining that improves service and conserves costs.

As a consequence of these interline arrangements, carriers may be competitors over their exclusive routes while, at the same time, they are partners with connecting carriers over parallel joint routes. Without antitrust immunity there is no prudent way that carriers who are competitors as well as service partners can get together to establish rates for their joint services.

Mr. Speaker, the foregoing are some of the reasons that I along with my colleagues on the Commission: Congressmen JOHN SEIBERLING of Ohio and BUD SHUSTER of Pennsylvania have joined together in introducing H.R. 3260, the "Single Line Prohibi-

tion Extension Amendment—Motor Carriers of Property," which would extend the date on which antitrust immunity is eliminated for discussion of or voting upon single-line rates by motor common carriers of property to July 1, 1986. Through this vehicle we hope to bring this critically important problem so vital to the economic vitality and survival of our small- and medium-sized truckers to the attention of Congress and provide additional time to seek an equitable resolution to this highly complex issue.●

DISASTER LOAN AMENDMENTS

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. MARRIOTT. Mr. Speaker, today I am introducing a bill to amend the Small Business Act to reduce interest rates on disaster loans and to increase the maximum amounts on disaster loans for homeowners to repair or replace property damaged or destroyed by a declared disaster on or after March 31, 1983.

For homeowners who are unable to obtain a loan from other sources, my bill will provide an equal interest rate to one-half of the cost of money to the Federal Government but not to exceed 4 percent.

My bill will also increase the current $50,000 maximum ceiling on homeowner disaster loans to $100,000 on account of damage to real estate. My bill further raises the present maximum amount of $10,000 for personal property damage or loss to $25,000.

For businesses which are unable to obtain a loan from other sources, my bill will provide an interest rate not to exceed 4 percent and for businesses able to obtain loans from other sources, an interest rate which is the lowest of the following will be granted:

First, the interest rate prevailing in the private market for similar loans;

Second, the maximum rate for SBA guaranteed business loans; or

Third, 8 percent.

Mr. Speaker, this is not a Federal handout. My bill provides interest rates which are bearable to borrowers and it further authorizes loan ceilings to borrowers which will alleviate a great deal of their financial hardships.

In lieu of the catastrophic flooding and mudslides the State of Utah is currently experiencing, this is but a paltry amount the Federal Government will be authorizing.●

THE EMPLOYEE BENEFIT ADMINISTRATION ACT OF 1983

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ERLENBORN. Mr. Speaker, the bill I am introducing today with my colleague and chairman of the Subcommittee on Labor-Management Relations, Representative WILLIAM CLAY, provides for the establishment of the Employee Benefit Administration (EBA), a single independent agency to consolidate Federal regulation with respect to employee pension and welfare benefit plans. The EBA is charged to carry out a newly stated national policy under ERISA (the Employee Retirement Income Security Act of 1974) to encourage, first, the establishment and growth of employee benefit plans and, second, savings to meet the needs of employees and their families in the event of death, disability, or retirement.

The key to the successful implementation of a rational retirement income policy is the consolidation of Federal pension regulation under a single agency. If the principal objective of ERISA; namely, assuring that workers receive entitled benefits, is to be fully realized, a single agency must administer the law. Evidence shows that the unnecessary expense, confusion, and delay under ERISA's multiple administration have in the past caused an alarming number of employers to terminate existing employee benefit plans or refrain from establishing new ones. In this respect, multiple administration has thwarted the principal intent of ERISA.

During the development of ERISA, four legislative committees agreed, after considerable effort, to a complex arrangement by which agencies and departments would administer various parts of the law. Regulatory responsibilities in the areas of reporting, disclosure, vesting, funding, and plan termination insurance were divided among the Department of Labor (DOL), the Internal Revenue Service (IRS), including the Treasury Department, and the Pension Benefit Guaranty Corporation (PBGC). Although a good-faith effort was made to set forth the exact boundaries of each agency's responsibilities, many of us who were most closely involved in ERISA's development expected problems to arise.

After nearly 9 years of ERISA oversight experience, it is quite clear that this administrative design has not worked. ERISA has been repeatedly included in a list of Government programs known for excessive bureaucracy. It earned this reputation through well-documented examples of duplication and waste, confusion and delay, complexity and lack of inter- and intra-agency coordination. Each of ERISA's three administrative agencies has pursued its own individual and distinct policy, leaving ERISA without a consistent policy of its own.

The bill would correct these shortcomings by consolidating all of ERISA's functions under the Employee Benefit Administration whose charter would be to foster the orderly growth and maintenance of employee benefit plans.

The EBA would be headed by a full-time three-member Board of Directors consisting of a liaison officer from both the Labor and Treasury Departments and the Executive Director of the EBA who would serve as Chairman. The PBGC would retain its present corporate character within the EBA with the membership of the EBA and the PBGC Board of Directors being identical—to prevent any future conflict in EBA and PBGC policies or operations.

By also serving as the Executive Director, the EBA Chairman of the Board would be able to implement the policies set by the Board both efficiently and expeditiously.

The representation on the Board of the Departments of Labor and the Treasury by their liaison officers provides assurance that pertinent labor law and tax law policies will be given due consideration.

The ERISA functions of the Secretaries of Labor and the Treasury would be transferred to the EBA, as would the functions of all other agencies and departments relating to employee benefit plans, subject to the direction of the President. All regulations and rulings previously issued by the Treasury, IRS, DOL, and the PBGC would remain in effect. Any other Federal agency or department issuing regulations affecting employee benefit plans would be required to consult with the EBA to avoid duplication and inconsistency.

The functions and duties of the Secretary of the Treasury transferred are those under titles I, II, and IV of ERISA; and those under Internal Revenue Code sections 401, 406 (a) and (b), 407 (a) and (b), 410, 411, 412, 413, 414, 415, 416, 418, 418A, 418B, 418C, 418D, 418E, 4971, 4975, 6057, 6058, 6059, 6690, 6692, and 7476; and those under the provisions of the Internal Revenue Code—for example, sections 219, 220, 404, et cetera—which relate to the formulation of retirement income policy or to plan qualification and disqualification.

The enforcement functions under both title I and title II of ERISA would be transferred to the EBA. As a result, the enforcement remedies under title II—for example, plan disqualification, exercise taxes and other penalties—would be exercised solely by the EBA in a coordinated fashion with

the other civil remedies under title I of ERISA. The conflicting or duplicative enforcement activities under present law would be eliminated. Importantly, in order to better protect participants, any action by the EBA leading to the disqualification of a plan would be taken as a last resort only after all other remedies authorized under ERISA or the Internal Revenue Code have been exhausted.

Such officers and employees would be transferred to the EBA as may be necessary to maintain and improve administration of the functions transferred and to assure a competent and qualified field force. In order that the present level of effort and expertise not be diminished, the President is directed to transfer officers and employees in the national and field offices of the Department of Labor and the Department of the Treasury—including the Internal Revenue Service—as may be necessary to accomplish this purpose. The President and the Board are granted the authority needed to accomplish the reorganization without causing disruption to the present level of effort or to employee's careers.

The existing Advisory Council on Employee Welfare and Benefit Plans would be transferred to advise the administration. As the terms of existing members expire, the President would appoint new members to the Council.

The Joint Board for the Enrollment of Actuaries would become the Acturary Enrollment Board, an entity under the jurisdiction of the EBA.

The EBA would be established not later than 2 years after the date of enactment, although the President could delay the transfer of any function which may be necessary to provide for a smooth transition.

The EBA will provide the necessary framework to deal, in a timely fashion, with emerging pension issues.

The creation of the EBA will finally give proper recognition to the vast significance of this Nation's 1.8 million private pension and welfare plans and their 70 million-plus participants.

In summary, our national pension system is at a crossroads. The present means of delivering retirement income will be faced with far greater demands in the future. Each of the three major components in the delivery of retirement income—employer sponsored pension plans, social security, and individual savings, and investment—will be hard pressed to meet the retirement income needs of our Nation's working men and women. If employee interests under ERISA are to be adequately protected and the private pension system is to continue to play its important role in the three-legged stool approach to providing retirement income, then the establishment of the Employee Benefit Administration is a condition necessary to the fulfillment of these goals. Only then will the EBA's charter—to encourage the establishment and growth of employee benefit plans—become a reality.●

CONGRATULATIONS TO THE SENIOR CLASS OF WINDSOR, VA., HIGH SCHOOL

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SISISKY. Mr. Speaker, it was a great honor for me to give the commencement address to the 1983 graduating class of Windsor High School, in Windsor, Va., on June 9, 1983. In honor of these outstanding graduates, I am submitting a list of their names, including those outstanding students who received special recognition for their scholastic achievements. I wish each of these graduates much success in their future endeavors.

SENIOR CLASS OFFICERS

Thomas Fitzgerald Green, President.
Teresa Lee Taylor, Vice-President.
Daisy Mae Johnson, Secretary.
Karen Ivette Ruffin, Treasurer.
Carla Lynette Duck, Reporter.

MEMBERS OF THE CLASS OF 1983

Irvin Ray Ashburn,[1] Valedictorian.
Lisa Gayle Burden,[1] Co-Salutatorian.
Ronda Michele Thacker,[1] Co-Salutatorian.

Ida Patricia Allmond, Douglas Marvin Arnette, Jr., Jack Ivan Arrington, Tawana Nichelle Ashburn, Tammy Louise Blount, Osceola Lawrence Booker, Jr., John Wesley Boothe, Shelton Basial Bradshaw, Clarence Waylon Britton, Jr., Gregory Eric Brown.

Phillip Godwyn Carr, John Fitzgerald Carter, Matthew Wade Caswell, Sylvia Denise Clary,[1] Tina Elizabeth Creasman, Robin Majel Davenport, Tamula Jean Dawson, Carla Lynette Duck, Jason Fitzterald Duck.

Michael Leon Eaton, Carol Leticia Edwards, Larry Thomas Edwards, Steven Ray Eggleston, Charles Henry Eley, Helen Carttia Ellis, Trevor Wesley Fawcett, Phylis Yvette Fentress, Eunicea Flythe, Patricia Faye Gay, Thomas Fitzgerald Green,[1] Bredna LaVerne Greene, Joseph Chistopher Griffin.

Donna Jean Harrell, George Franklin Hasty, Judy Fisk Hawkins, Russell Earl Hedgepeth, Sidney Gordon Hedgepeth, Patricia Ann Holland, Florence Annettee Horton, Deborah Leigh Hughes, Sarah Melissa Denise Ihlefield.

Daisy Mae Johnson, Raymond Warren Johnson, Tracy Allen Jones, Reginald Leonard Joyner, Lora Ann Kindred, Karen Michele Kiracofe, Linda Cheryl Lamb, Lisa Michele Lankford, Sharon Annettee Luter, Hannah Diana Melton, Lori Rena Meyers,[1] Rebecca Lynn Morgan.

Carlton Kevin Outland, Lisa Gail Parker, Roy Junious Parker, Mary Maria Perkerson, Louise Teresa Perry, Margaret Burnette Porter, Karl Blake Presson, Michael Lorenzo Randall, Carlton Pernell Rogers, Karen Ivette Ruffin, Walter Everett Rutledge, Jr.,

[1] Outstanding scholastic achievers.

Rebecca Anzella Shaw, Frederick Ryland Shipp, Jr., Robert Leslie Spence, Minnie Denise Spivey, Catherine Louise Stiles, Christopher David Stowe, Sherrie Jenkins Strawhand, Teresa Lee Taylor, Deronda Chelsea Turner.

Tina Anne Wade, William Larry Weaver, Jr., Allen Cornelious Wellons, Glenda Joan Whitely, LaMonte Williams, Lynette Carol Williams, Richard Williams, Jr., Laurie Lee Willis, Shannon Kay Wunder.●

THE SOCIAL SECURITY "STING"

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. MICA. Mr. Speaker, I offer the following article on social security by George DuBato and Irving Seitz, members of Florida's Silver-Haired Legislature, for inclusion in the CONGRESSIONAL RECORD.

THE SOCIAL SECURITY "STING"

(By George S. DuBato)

A "sting" is a clever operation planned and perpetrated by smooth con artists, whereby innocent pigeons are separated from some of their money or common sense, through an attractive appeal to their base motives of greed, or hopes of getting something for nothing, often without realizing that they have been "stung."

Many older citizens have allowed themselves to become the willing pawns of opportunists who misleadingly claim they are out to "save" the Social Security System from the mythical "enemy" who would "destroy" it.

Many older citizens have allowed their personal greed, or hopes to get something for nothing, to blind them into accepting the unsubstantiated claims and charges of some of the self-styled "saviours" of the Social Security System, by supporting them with their money and their loyalty.

Many older citizens have unwittingly permitted their selfish instincts to temporarily deprive them of their ability to exercise sound, critical judgment, common sense, clear logic, and an innate sense of equity and fair play.

You have been stung, if you believe those who say that there are "demons", or "bad guys" in Washington who are intent on "destroying" the Social Security System.

You have been stung, if you have contributed money out of your pocket to support the so-called "saviours" of the Social Security System.

You have been stung, if you have been led to believe that the only way to "save" the Social Security System is for the present Social Security recipients to give up none of their benefits, while the younger generation (including anyone still working, and not yet receiving Social Security benefits) must pay more, and more, and more in payroll taxes.

You have been stung, if you have been led to believe that the Social Security System can or will be saved without compromise, without all of us giving up a little to get a lot—the survival of the Social Security System.

You have been stung, if you have been led to believe that any changes in the Social Security System should be regarded as "tampering" or "broken promises", to be avoided

at all costs. While it is true, as in life, that some changes can be bad, it is also true, as in life, that some changes can be good. Almost all the changes in the Social Security System since its inception in 1937 have been good for the Social Security recipients, in most cases beyond original promises, hopes, or expectations. It is generally recognized by all experts that, unless there are changes in the Social Security System, it will not survive.

You have been stung, if you have been led to believe it will take you more than three years to get back every penny you may have put into the Social Security System through payroll taxes even if you had contributed to the system for a lifetime from 1937 through 1982.

You have been stung, if you have been led to believe that postponing the cost-of-living adjustments (COLA) should be avoided it will hurt ". . . most those (elderly poor) who can least afford to give up a few dollars . . ."

You have been stung, if you have been led to believe that a sharp increase in Social Security payroll taxes will not hurt severely ". . . those (young family workers) who can least afford to give up the many dollars which they will have to lose . . ."

You have been stung, if you have been led to believe that the younger generation (anyone still working and contributing to the Social Security System) will ever have faith in the Social Security System, unless it is placed on a sound financial basis, wherein everyone gives a little to get a lot.

You have been stung, if you have been led to believe that any interruption, postponement, or reductions in Social Security payments will "punish" the elderly, the frail, the sick, or the infirm.

And finally, you have been stung, if you have been led to believe that the Social Security System can ever be put on a sound financial basis for future, and present, generations, without some interruption, postponement, and reductions in payments to present and future recipients.

Honest differences of opinion exist among honorable people about what is good and bad about the Social Security System, and about what can and should be done to save the System so that it will continue to pay benefits to the end of this century and well into the next century. But there is a sharp difference between opinion and indisputable fact, which is sometimes overlooked.

The fact is, that the responsible leaders in both the Democratic and Republican Parties, including Speaker Tip O'Neill and President Reagan, have agreed on a compromise plan to salvage the Social Security System for the foreseeable future. The fact is, that the United States Congress has passed a compromise plan to save the Social Security System, even though few, if any, could be found who liked or approved every part of the plan.

The fact is, that no responsible organization in the United States is actively working to "destroy" the Social Security System, not even the National Taxpayers Union.

The fact is, that until March 1983, the Social Security System was in serious trouble. Because of the Reform Bill, passed by the 98th Congress, and soon to be signed into law by the President, it has been given a reprieve, or a new lease on life, for years to come.

The fact is, that the experts will always know what can be done to save the Social Security, even if they will not personally like any of the proposals offered by the other experts. An "expert" is anyone who has an opinion about what is "good" for the Social Security System.

The fact is, that the Social Security System is a contract between generations, between those who work and those are retired, between young and old.

That fact is, that the longer Social Security decisions are postponed, the worse the problems will become, and the more unpalatable the remedies will be to everyone.

The fact is, that the Social Security System is not, never was, and never will be, intended to provide a full or comfortable retirement pension income to anyone.

The fact is, that the money paid into the Social Security System through payroll taxes was never intended to be invested for our retirement. It is, and always has been, a pay-as-you-go system with the payroll taxes paid by the young and given immediately to the elderly, on the assumption and trust that their young will do the same for them. This is the way the Social Security System was and is designed, for better or worse.

The fact is, the Social Security System was not meant to be a welfare, charity, or giveaway program to provide benefits to anyone who has not paid into the System through payroll taxes.

The fact is, that the most anyone could have paid into the Social Security System in a lifetime, from 1937 through 1982, is $16,937.

The fact is, that while a retiree today will earn back from Social Security the equivalent of accrued contributions plus interest, in less than three years, a "Baby Boom" retiree will earn it back in fifteen years.

The fact is, that in 1949, 16.5 workers paid into Social Security for every retiree or retiring spouse; while today, in 1983, 3.2 workers are supporting each retiree; and thirty years from now, in 2013, barely 2 workers will be supporting each retiree or retiring spouse.

In conclusion, the fact is, that the Social Security System can be made permanently sound by the honest recognition that: (1) there are limits that workers can and should be expected to pay into the system through payroll taxes, and ; (2) there are limits that recipients can and should be expected to be paid in Social Security benefits, commensurate with the original intent of the Social Security Act.

The Social Security System has been "saved," for a few years, at least. The reform bill has been passed by the 98th Congress as a bipartisan effort of the Democratic and Republican parties. It will soon be signed by the President of the United States. It will soon be the law of the land. So, let's stop beating the issue to death, there's no one listening right now, anyway. Let us put aside the rhetoric, or empty words, and the petty, partisan, party politics, that serve only to pit the retirees against the workers, the old against the young. Don't let them sting you again. It's not good for you. It's not good for the country.●

MEXICO: THE ULTIMATE COMMUNIST TARGET

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. FIELDS. Mr. Speaker, the recent escalation of the revolutionary struggle in South Africa prompted Houston Chronicle writer Max Lerner to make some interesting observations in his May 29, 1983, commentary. After reviewing recent Communist takeovers, Mr. Lerner explored the possibility of Mexico being the next Communist target in the West.

Time and again Marxist activities have surfaced in nations that only months earlier seemed incapable of Communist penetration. Although there are presently no signs of Communist activity in Mexico, its financial instability, and political unrest may very well lead to crises. Recent Soviet/Cuban insurgency in Central America adds credibility to this concern.

If the ultimate target of Communist design in Central America is Mexico, then Mr. Lerner's words could indeed be prophetic in nature. As Congressman for the 8th District of Texas, I express concern not only for the area I represent, but for the eventual security of our Nation and preservation of our free society.

I commend Mr. Lerner's comments to the attention of my colleagues:

[From the Houston Chronicle, May 29, 1983]

MEXICO AND SOUTH AFRICA ARE THE PRIZED TARGETS

(By Max Lerner)

The bombing in Pretoria—a major violent escalation of the revolutionary struggle in South Africa—sent me back to some history of the fateful revolutions and power takeovers of our time.

In the 1940s Eastern Europe was subjected to communist military power, and the triumph of the Chinese revolution also changed the course of world history.

In the 1950s it was the Cuban revolution, while the Soviets consolidated their hold on their European satellites.

In the 1960s it was the Vietnamese civil war, and America's fatal involvement in it.

In the 1970s it was the Iranian revolution and the consolidation of the Khomeini regime.

Will something comparable come in the 1980s?

Jimmy Carter's national security adviser, Zbigniew Brzezinski—who had the ill-fortune to wrestle with the Iranian revolution—says that the next casualty for the West may well be Mexico. It is an anxiety expressed, never very openly, in the corridors of power at Washington.

Whether in geopolitical terms or psychological influence, the ultimate target of the communist design in Central America is its true heartland—Mexico.

It is not currently in revolution and it has an able and determined new president. But it is in deep financial distress, and sensitive to the revolutionary commitment of many

of its left-intellectuals. El Salvador and Nicaragua are part of an obstacle course for world communism: Mexico is the high ground.

The idea of an inevitable and irreversible revolutionary wave is being nourished not only by Marxist writers and activists in the Americas to the south but by the U.S. left as well. It moves from the universities and left-wing reviews and journals to the media pundits and the congressional staffs, in a shabby hand-me-down descent.

Historically and logically it is dangerous nonsense, but that doesn't keep it from becoming the true faith for many who have made themselves part of a self-fulfilling prophecy of revolution.

This applies even more to a second and more turbulent area. South Africa, with its fabulous mineral wealth and its technology, and its position as the southern gateway to Africa, is an even more highly prized communist target than Mexico. When Woodrow Wilson came up with the idea of national self-determination as the 20th century goal, he may have written the epitaph for the white minority in South Africa.

After years of relative non-violence, the African National Congress has taken a quantum leap into urban terrorism, which will polarize South Africa and plunge an extremist underground into a revolutionary struggle.

That the heirs of Lenin might someday become the chief beneficiaries of the vision and passion of Wilson is an ultimate absurdity of history, but it may well happen.

There are many political analysts who believe that Marxism as a doctrine has had its hour, and that the danger for the West lies primarily in Soviet military power. This needs some amending.

It is true that the military is used in the final crunch, as currently in Poland and Afghanistan. Elsewhere the Soviets use surrogates like the Cubans. But strangely the real propulsive force for communist revolution is the Western liberal doctrines, exploited by the Soviets, misunderstood and misused by Western intellectuals who have become the gravediggers of their own traditions and dreams.●

MORTGAGE DEBT FORGIVENESS ACT OF 1983

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SHANNON. Mr. Speaker, today, I am introducing the Mortgage Debt Forgiveness Act of 1983. This bill responds to a ruling of the Internal Revenue Service (Rev. Rul. 82-22), which provided that a taxpayer realizes income at the time that he or she prepays the mortgage on a personal residence at less than the outstanding principal balance. My bill would amend that ruling so that income is realized, with present exceptions in place, only when the taxpayer disposes of the principal residence in a taxable sale or exchange. In this case, any gain realized would be taxable as ordinary income to the extent of the excluded amount. Rather than complete forgiveness, the bill defers the recognition of income realized on the prepayment of a home mortgage loan at a discount until such time as that income is realized in a taxable sale or exchange.

The asset structures of thrift institutions are heavily concentrated in long-term fixed rate mortgage loans acquired over a number of years. Three-fourths of mortgages held by these institutions bear rates below 10 percent, over half below 9 percent. The recent period of high interest rates effectively squeezed the assets of these institutions to a breaking point. This legislation would go far in helping stabilize institutions which deal primarily in mortgages, and keep the market open for new mortgages.

In the absence of this legislation, prepayment of mortgages would be minimal, guaranteeing a minimal revenue effect. In addition, the increase in prepayment foreseen with this proposal would reduce the single largest individual tax deduction, mortgage interest, and hasten the day when thrift institutions will again pay taxes to the Treasury.

This bill makes sense for both consumers and for the thrift industry. It is fair to hard-working people who want to retire their mortgages early. And it will help our thrift institutions—especially if interest rates hit the roof again.●

LEGISLATION TO CORRECT A PROBLEM

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. DASCHLE. Mr. Speaker, today I am introducing legislation to correct a problem that has the potential to severely hamper the vital work that conservation districts throughout the country are presently doing. These soil and water conservation districts—identified in some States as soil conservation districts, natural resource conservation districts, resource conservation districts, and conservation districts—have, during recent months been having their applications for special bulk postal rates denied. The reasons for denial have varied. However, the basic reason appears to be a finding by the postal authorities that these districts are not governmental organizations engaged primarily in agricultural activities.

While anyone who has worked with conservation districts knows that they are, in fact, primarily agricultural in nature, the confusion over this issue is working a real hardship on the effective, efficient delivery of information that these districts supply. The legislation I am introducing today will simply make it very clear that these organizations do, indeed, qualify for the bulk postal rates presently available to primarily agricultural organizations.

To further clarify the nature of this situation, I ask permission to include in the RECORD the following two letters, both directed to Postmaster General William Bolger. Both Secretary of Agriculture John Block and National Association of Conservation Districts President Bud Mekelburg make a strong case for the need for this legislation. I urge my colleagues to examine their statements, and to support this needed clarifying legislation.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., May 17, 1983.

MR. WILLIAM F. BOLGER,
Postmaster General, Washington, D.C.

DEAR MR. BOLGER: It has come to my attention that many soil and water conservation districts throughout the country have been unable to obtain or renew a permit for bulk mailing privileges for carrying out district activities. The reason given for the rejection is that in the opinion of postal authorities, districts do not come within the meaning of Section 623.4 of the Postal Regulations, since they are not primarily "agricultural" in character.

The National Association of Conservation Districts has asked that I advise you of the views of this Department as to the relation of the soil and water conservation districts to agriculture, and I am pleased to do so.

The National Soil and Water Conservation Program had its beginning in the Soil Conservation Act of 1935, which established the Soil Conservation Service in USDA. In the next few years, each of the States and possessions enacted enabling laws to establish conservation districts through which local people could participate in, and put into effect, this national conservation program. From that time on, USDA has considered the conservation districts to be an integral part of our service to agriculture in the United States.

Conservation districts have been called on since the 1930's to assist USDA in carrying out such programs as the Agricultural Conservation Program, the Great Plains Conservation Program, and the Small Watershed Program. In 1981, the Congress again directed the USDA to carry out some of its programs through conservation districts. Two new programs which involve participation by districts are the Special Areas Conservation Program and the Grants Program.

There appears to be abundant evidence, and there is no doubt in my mind, that conservation districts, whether they are identified as soil conservation districts, soil and water conservation districts, natural resource conservation districts, or natural resource districts, are agricultural in character. It is true that districts' activities have an important beneficial impact, both locally and nationally, on our environment. However, those broader benefits of the districts' work are incidental to their main purpose, which is protection and improvement of the Nation's agricultural base.

Sincerely,

JOHN R. BLOCK,
Secretary.

NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS,
Washington, D.C., May 11, 1983.

Mr. WILLIAM F. BOLGER,
Postmaster General, Washington, D.C.

DEAR MR. BOLGER: In recent months the nearly 3,000 conservation districts of the Nation have been encountering a serious problem due to their inability to obtain or renew a permit for bulk mailing privileges for use in carrying out district activities. We are deeply concerned about this matter as it is having a serious impact on the work of the Nation's soil and water conservation effort.

Without the benefit of the bulk mailing privileges, the districts are under a serious handicap since the cost of mailing their newsletter and other informational material at regular postage rates is restrictive and, in some cases prohibitive. The interruption of the districts' communication with district cooperators is having a serious adverse effect on the districts in carrying out one of their major responsibilities, namely, educational and informational services to the agricultural community. This adverse effect is not only on those working directly in agricultural production, but will ultimately have a damaging impact on the national welfare if there is a dimunition in the effectiveness of agricultural production. For example, the employment of new developments in conservation tillage is one of the central features of the U.S. Department of Agriculture's conservation program, and the conservation districts are a basic link in disseminating new information to landusers so that they will be able to use this effective new technology.

The principal reason for rejection of these applications appears to be that in the opinion of the postal authorities the districts do not come within the meaning of Section 623.4 of the Postal Regulations, since they are not primarily "agricultural" in nature.

I think this problem arises because of a lack of familiarity with the origin and functions of conservation districts on the part of the postal authorities to whom these applications have been submitted, and, no doubt, also on the failure of the applying districts to present adequate evidence of the origin of the conservation program as being directly related to agriculture, as well as of the continuing agricultural character of district purposes and activities.

I, along with several of the NACD staff, met with Mr. Charles Smith of the Domestic Mail Classification Division on March 23, 1983. After a discussion of the matter at some length, Mr. Smith suggested that we meet with Mr. Harvey K. Altergott, General Manager, Domestic Mail Classification Division, Rates and Classification Department. We now have an appointment with Mr. Altergott set for May 19. I appreciate and look forward to the opportunity for representatives of our Association to discuss this problem with Mr. Altergott.

We will pursue this matter diligently since it is one which affects not only districts and agricultural interests, but also will ultimately affect the national welfare. We are grateful for the cooperation your Service is extending to us.

Sincerely,

MILTON E. "BUD" MEKELBURG,
President.●

MULTI-HOUSING LAUNDRY INDUSTRY WEEK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. BIAGGI. Mr. Speaker, today I am introducing a resolution designating the week of June 19 to 25, 1983, as "Multi-Housing Laundry Industry Week." Simply put, our Nation's multihousing-laundry industry has made an important contribution to our Nation in the form of services, jobs, and a successful model for other small businesses to replicate. Clearly, the multihousing-laundry industry deserves this special recognition.

History reveals that this industry was started soon after World War II when the first fully automated washing machine was developed in the 1940's. A group of enterprising Americans saw the potential for this product and began installing coin-operated washers in the basements of apartment buildings. Since few families could afford their own washing machine, the coin-operated washer offered most persons their first exposure to such a device.

Today, the industry provides Americans with professionally designed and operated laundry facilities in all types of multifamily housing, including military housing.

Mr. Speaker, the multihousing-laundry industry provides a shining example of what the hard work and entrepreneurial spirit of small businessmen can accomplish. Those small businessmen who created and have sustained the multihousing-laundry industry should serve as an inspiration to all Americans, particularly the youth of our country. I am hopeful this resolution will help to achieve that purpose.●

MINERAL MINING RECLAMATION RESERVE ACT OF 1983

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. FLIPPO. Mr. Speaker, today I am introducing with Representatives, Mr. BEVILL, Mr. SHELBY, Mr. DUNCAN of Tennessee, Mr. RAHALL, Mr. ERDREICH, Mr. EDWARDS of Alabama, Mr. NICHOLS, Mr. MURTHA, Mr. ROE, Mr. MOLLOHAN, Mr. MARRIOTT, and Mr. BROWN of Colorado, the Mineral Mining Reclamation Reserve Act of 1983.

This legislation is the same as a bill introduced in 1981, H.R. 4815. The purpose of this legislation is to clarify existing law with respect to when, under Federal and State law requirements, a taxpayer is entitled to deduct the surface mining reclamation expenses incurred to reclaim land that is disturbed by a surface mining process.

For an accrual method taxpayer, an expense may be deducted in the year in which all events have occurred which determine the fact of the liability and the amount of the expense can be determined with reasonable accuracy. This is often referred to as the all events test. The mining industry and the IRS disagree as to when reclamation expenses may be deducted under the all events test.

Surface mining operators are required by Federal and State law to reclaim land that has been disturbed by the mining process. A comprehensive reclamation plan must be approved before an operator permit is issued and the mining operator can begin mining. The operator must post a performance bond, in the amount of the estimated reclamation expenses, to guarantee that the reclamation plan will be implemented.

Our bill would permit the accrual of estimated reclamation expenses ratably over the life of the mine. Furthermore, to provide equal treatment for similarly situated taxpayers, cash basis taxpayers would be allowed to accrue reclamation expenses. Taxpayers could elect to use this new provision on a property-by-property basis, consistent with the present rules relating to development expenditures. However, once elected, the consent of the Secretary of the Treasury would be required to revoke the election.

The Internal Revenue Service has expressed concern that, since estimates of future expenses are inherently uncertain, a rule which permits current deductions for future expenses would be difficult to administer. In response to this concern, we believe that the requirements of the reclamation plan itself provide a basis for a reasonably accurate estimate. Reclamation plans include geological and engineering reports that specify the extent of future reclamation and thus a measure of the liability incurred. This does not preclude the Service, however, from challenging the accuracy of estimated expenses.

I ask unanimous consent that a technical explanation of the bill be printed in the RECORD at this point.

TECHNICAL EXPLANATION OF H.R. 3342, THE MINERAL MINING RECLAMATION RESERVE ACT OF 1983

The bill would allow a taxpayer engaged in surface mining to elect, on a property-by-property basis, to deduct in computing its taxable income a reasonable addition to reserves established for the estimated expenses of surface mining land reclamation. Estimated expenses would be allocated on the basis of the minerals extracted. Thus, the accrued reclamation expenses would be deducted ratably over the life of the mine. Under the bill, cash basis taxpayers would

be allowed to use this reserve method for reclamation costs. The tax treatment of expenditures for the extraction of oil or gas, or for the extraction of minerals from brines or seawater, would not be affected by the bill.

Estimated expenses of surface mining land reclamation are amounts deductible by the taxpayer under the income tax rules that (1) are attributable to qualified reclamation activities (as defined in the bill) to be conducted in future taxable years, (2) are subject to estimation with reasonable accuracy, and (3) are allocable to minerals extracted before the end of the taxable year.

Qualified reclamation activities are defined as land reclamation activities conducted under a reclamation plan submitted as part of a surface mining permit application under the Surface Mining Control and Reclamation Act of 1977 or under a plan submitted pursuant to a Federal or State law imposing substantially similar surface mining land reclamation requirements. Thus, a qualifying plan would have to be submitted in order to obtain a surface mining permit and would include the items specified in section 508 of the Surface Mining Control and Reclamation Act of 1977. If the reclamation plan were to be revised, only the activities described in the revised plan would be subject to the reserve for mining reclamation expenses provision. The tax treatment of nonqualified land reclamation expenses (i.e., expenses for reclamation activities other than those described in the plan) would be prescribed by regulations.

The bill also provides that if the amount in any reserve for estimated expenses of surface mining land reclamation is determined to be excessive at the close of any taxable year, then the excess shall be taken into account in computing taxable income for that year. Thus, if at the conclusion of reclamation activities the reserves were not entirely expended, the excess would be included in the taxpayer's income for that year. However, if the excess resulted from an unreasonable addition to the reserve in a prior year, the prior year's income would be increased.

The provisions of the bill are elective on a property-by-property basis. A taxpayer may elect reserve accounting without the consent of the Secretary if the election is made not later than the time for filing the income tax return of the first taxable year ending after enactment in which the taxpayer is engaged in surface mining on the property and for which there are estimated expenses of surface mining land reclamation. Consent of the Secretary is required to elect reserve accounting beginning in any taxable year after the first post-enactment taxable year in which the taxpayer is engaged in mining on a property and has estimated reclamation expenses. The consent of the Secretary is also required to terminate the reserve accounting election.

The bill provides transition rules. Estimated expenses of surface mining and reclamation that are attributable to mining activities occurring before the first taxable year for which reserve accounting is elected and which have not been previously deducted are treated as deferred expenses and may be deducted ratably over a 60-month period beginning the first month of the first taxable year for which reserve accounting is elected. If mining of a property with respect to which there are deferred expenses will be completed in less than 60 months, then the expenses can be deducted ratably over that shorter period. If any amount deducted under this 60-month rule is determined to be excessive, then under the general rules, that amount will be taken into account in computing the taxpayer's taxable income for the year in which the excess is determined. The bill provides that if a taxpayer elects reserve accounting for the first taxable year ending after enactment and (1) has used an accrual method of accounting for a continuous period of one or more taxable years ending before enactment, which (2) resulted in a deduction for the reclamation expenses prior to the taxable year in which the expenses were paid, then the taxpayer may elect to have that method treated as a valid method of accounting for that period. This election can be made with respect to only one such continuous period.

The provisions of this bill would apply to taxable years ending after the date of enactment.●

AUTOMOTIVE CAUCUS

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. HILLIS. Mr. Speaker, on June 7 Jerry Greenwald, vice chairman of the Chrysler Corp., spoke before the Congressional Automotive Caucus about several issues affecting the U.S. auto industry.

I believe Mr. Greenwald's comments represent an excellent analysis of the world auto industry and deserves our careful consideration. In order that the entire membership of the House may benefit from Mr. Greenwald's appearance, I am placing a copy of his comments in the RECORD at this point.

Along with Congressman TRAXLER, who cochairs the caucus with myself, I want to thank Mr. Greenwald for his time and comments. I am sure that the Members of the House will find Mr. Greenwald's comments of great interest and value.

The material follows:

GERALD GREENWALD, CONGRESSIONAL AUTOMOTIVE CAUCUS

I'm glad to be the first guest of the Automotive Caucus. You've taken on a very important assignment for yourselves.

Need is clear for a united front in Congress to address the severe problems that plague the auto industry.

Industry that employs, either directly or indirectly, one out of every six Americans. I'm not saying what's good for auto industry is necessarily good for America—but surely some of our remedies will help basic industries generally.

I'm happy to report that life is looking up in Detroit these days. Car sales are picking up. Some plants are working overtime.

Chrysler is making money again. (And to your relief, also paying off a third of its loan guarantees seven years ahead of schedule!)

But we shouldn't get too euphoric. Imported cars are still taking about a quarter of U.S. auto market. The economic recovery in the auto industry has been modest at best, and it is very fragile. There are still a quarter of a million autoworkers in this country on indefinite layoff. Chrysler has 36,000 of them.

And even those huge numbers understate the real pain. The base employment level of the auto industry has been eroded drastically since 1978.

More like 1.1 million jobs lost when you count workers in auto and related industries who have switched from full-time to part-time, or who have left the workforce altogether.

Put those 1.1 million people back to work, and the unemployment rate drops a point.

American consumers do appear to be ready to lead the country to a sustained recovery. The latest University of Michigan Consumer Sentiment Survey shows that 66 percent of Americans think that now is a good time to buy a new car.

And recent polls by Louis Harris, J.D. Power, and Newsweek all show that Americans are now more willing to buy American products, including American cars, than Japanese products.

But to keep this recovery going, I think we all have to address some very basic priority items. I'd like to talk briefly this morning about what I see as the priority items from the auto industry's point of view, and then see if we can reconcile those with Congress's priorities.

My three major priorities are: getting the federal budget deficit under control, establishing a national energy policy, and establishing a national trade policy. Let's look at them one at a time.

First, the deficit. I know this is a priority for all of us. The high cost of credit and the volatility of the money supply froze consumers and businesses in their tracks in this last recession, and the same thing could happen all over again if the deficit isn't brought under control.

Spread between inflation rate and consumer loan rate is still much too large. Success of recent interest-rate financing programs offered by the auto companies prove just how sensitive people are to interest costs.

Another bout of see-saw interest rates could kill off the recovery for the housing and auto industries. A realistic compromise has to be reached.

If you need a model, why not use Chrysler? You might recall that it wasn't just loan guarantees that saved us. It wasn't just our management team. It wasn't a fluke. It was a little bit of common sense coupled with the principle of equality of sacrifice.

Everybody bled about equally: the federal government, state governments, management, labor, dealers, suppliers, lenders.

At the risk of sounding presumptious, let me suggest that maybe a little bit of common sense and a little bit of equality of sacrifice is the way to attack the budget—the Republicans give a little, the Democrats give a little, the President gives a little.

Maybe some of you saw the article in the New York Times last Thursday where Deputy Secretary of Defense Paul Thayer criticized defense contractors and told them they could cut their costs 10 to 30 percent just by building the weapons and equipment right the first time.

Argue if you want about the numbers, but the fact is that unless the deficit is cut, and cut quickly, high interest rates will come roaring back, inflation will come roaring back, and this whole recovery could be thrown into a cocked hat.

Next priority: Energy Policy.

Without a concerted energy policy that keeps consumers pointed in the direction of fuel efficiency, this country will remain at

the mercy of OPEC—as we were in 1974 and 1979.

The auto industry spent an unprecedented $80 billion retooling for small fuel-efficient cars, and now, with falling gas prices, it's big cars that are selling again. GM and Ford are having to use credits from previous years to avoid paying huge fines because they can't meet CAFE standards.

And now Congress is considering easing up on the CAFE standards. I think dropping fuel economy standards at this stage in the game would be to put both Congress's and the auto industry's integrity at stake. And I think it's wrong for any of us to advocate that.

The only way out of this problem is to up the tax on gasoline and to add one on oil.

A 25-cent-a-gallon gas tax and an excise tax on imported oil would have two immediate benefits: ease our dependence on OPEC, and cut the deficit by $25 billion or so.

If you are looking for a way to raise revenues, this is how to do it. Remember, a penny tax at the pump equals a billion dollars in federal revenue.

And if you added the tax now, as gas prices are down, people wouldn't feel so much of the pinch.

Third major priority: Trade Policy. On this issue, I'm not asking for an advantage, I'm just asking for fairness. It doesn't take much to tell you that something is out of whack when you look at the Commerce Department Report and see that three-quarters of this country's trade deficit with Japan lies in just cars and trucks. That's a $13 billion hole we're in as a nation.

In effect, the Japanese are just exporting their unemployment to us.

If you're looking for an issue with industry-wide consensus, this is it. Two Saturdays ago, in the New York Times, Phil Caldwell of Ford joined the chorus in attacking Japan's methods of subsidizing its auto exports with tax rebates and currency exchange.

It's sad to contemplate, but these two items—tax differentials and the yen/dollar exchange rate—are enough to wipe out all the productivity gains Chrysler has made in the last four years. We can compete head-to-head with the Japanese in the business of manufacturing cars and trucks, but that only takes care of about a third of their $2,000 per-car cost advantage. Only our government working with their government can take care of the other two-thirds of the pie.

If the yen were to go back up to 275 and stay there, the Japanese cost advantage would jump to over $2,650.

Chrysler is neutral on local content. We are for free, non-restricted trade with the Japanese—but not until the unfair items of taxes and exchange rates are cleared up. Until that happens, I'm afraid the only answer is legislated quotas—15 percent of the market, or 1.5 million vehicles, whichever is higher. And here's why legislated quotas are needed:

I call this the "disaster scenario." On April 1, 1984 voluntary Japanese quotas come to an end. From all reports, the Japanese, with their tax and currency advantages, will be poised to grab 40 percent of the U.S. market. What does that mean to America? It would mean the loss of 1.7 million domestic car sales. It would mean the loss of another 435,000 auto-related jobs.

It would mean the loss of more than 1 million American jobs total. And it would mean a net loss to the Federal Government of more than $38 billion.

Clearly, we can't let this disaster scenario come to pass. What kind of country would we be leaving behind for the next generation of Americans? I think we should think about that.

You might ask, if the auto industry gets quotas, won't they get sloppy and inefficient again?

Well, why not tie the quotas to some specific guidelines within the industry: wage restraint, productivity increases, reinvestment in plant and products. Sound familiar? That's the Chrysler turnaround scenario.

It's time we adopted an industrial policy that promotes our basic industries the way Japan promotes theirs. The question is not will we have a policy—we already have a de facto policy today. The real question is will we have a policy that caters to the whims of the merger moguls and the fat cats, or one that guides the growth of basic industries and the creation of jobs? Frankly, I'd rather have the Congress making those kind of decisions.

And we have too many precedents out there—Chrysler's success, the success of U.S. agricultural policy—to say that such a common-sense approach wouldn't work.

This caucus can provide enormous capability and leadership, if you're willing to set out and act upon the important priorities. It won't work if each of you goes off on your own and introduces parochial legislation that does nothing to address the priorities as they are.

But it will work if this caucus leads the Congress in developing meaningful legislation along the lines of trade, energy, and the budget. Only then can we get on with everybody's number one consensus item: putting those 1.1 million Americans back to work.●

HELPING FARMERS HELP THE HUNGRY

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ALEXANDER. Mr. Speaker, for millions of hungry Americans, desperately searching for their next meal, this is a time of crisis. For millions of farmers, assaulted by subsidized foreign competition, urgently looking for markets, it is a time of crisis as well.

For over 2 years we have endured a recession. Hunger has returned to America as a tragic and immediate problem. Soup lines have returned to America. At the same time, many American farmers, in Arkansas and throughout the farm States, have been suffering from depression conditions. They pay an outrageous cost to borrow. They receive low prices when they sell. Having worked for years, sometimes for generations, to build their farms, they must struggle just to survive. They are facing intense foreign competition, not just from farmers in other lands, but from foreign governments as well.

Today we can help the hungry in America and the farmers of America. We can help those who need food and those who grow it.

I urge my colleagues to join me in supporting the Emergency Food Assistance and Commodity Distribution Act. It would require the Department of Agriculture to distribute surplus stocks to food banks and other emergency programs, after meeting its commitments to domestic and foreign programs.

This legislation would authorize the program for fiscal years 1984 and 1985. It would use commodities owned by the Agriculture Department's Commodity Credit Corporation.

The program emphasizes providing food for those in need, those who have been hard hit by the recession. Organizations serving emergency needs would be given priority consideration in the receipt of surplus commodities and administrative funding.

This legislation directs the Agriculture Department to provide up to $50 million, annually, to be made available to States, to cover the costs of local emergency programs providing commodities to needy people, and to cover costs the State incurs in delivering commodities to emergency and non-emergency organizations.

The bill before us today is important to the farmers of America and the hungry among us. I strongly support its passage and urge my colleagues to join me.●

STATEMENT ON THE VISIT OF THE POPE TO POLAND

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Ms. MIKULSKI. Mr. Speaker, we, of Polish background, and all who cherish freedom, must unite behind the efforts of the Polish people to be free from martial law. We pray for the Pope's safety and the success of his journey.

Today, Pope John Paul II makes his second visit to Poland. This trip is especially important since it comes at a time when Polish hopes for real improvement in their condition are being steadily eroded by Soviet-imposed martial law. But we, in this country, must understand that any real improvement in the Polish condition must be based on more than hope.

Since the last visit of the Pope in 1979, Poland has seen the rise of Solidarity and the subsequent repression and harassment of its leaders. Lech Walesa has been jailed and placed under house arrest. Other members of the union have gone underground and continue to conduct the activities of Solidarity.

Martial law in Poland has been imposed by an outside aggressor. The Polish people alone, despite their fervent hopes, and nonviolent protests, are unable to shed its oppression. What is needed now is a renewed

effort on the part of the United States and other democratic nations to end military rule in Poland. Until the Soviet Union is convinced or pressured to recognize Solidarity and to lift martial law, conditions in Poland will not change.

The visit of Pope John Paul II will once again raise the hopes and spirit of the Polish people. Let us build on those hopes and redouble our efforts to end martial law in Poland.●

U.S. CHILDREN AND THEIR FAMILIES: CURRENT CONDITIONS AND RECENT TRENDS

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. MARRIOTT. Mr. Speaker, I rise to share with my colleagues my remarks with regard to the Select Committee on Children, Youth, and Families first committee print entitled, "U.S. Children and Their Families: Current Conditions and Recent Trends." I urge that my colleagues take a few moments to read these facts affecting the youth and families of our Nation.

U.S. CHILDREN AND THEIR FAMILIES: CURRENT CONDITIONS AND RECENT TRENDS

The economic and emotional status of children has clearly deteriorated for several reasons. The statistics of our report signal trends that may well be at the root of the problem.

First, the proportion of children living with one parent has nearly doubled in the last decade. Twenty-five percent of our children live in single-parent homes. Almost half of all black children, and one in five white children, live with only one parent (page 9).

Secondly, the quadrupling of out-of-wedlock births since 1950 is equally disheartening. Note also, that the number of children living with unmarried mothers increased by more than 431 percent from 1970 to 1982 (page 10). Unfortunately, additional research in this area tells us that nearly half of these births are to teenage mothers.

Because of the enormous human and public costs of these two trends alone, it must be our committee's priority to give close scrutiny to the forces behind them.

A description of the human toll of these trends, and others that lead to parental absence, is best offered by Dr. Armand Nicholi of the Harvard Medical School and former Chairman of the Massachusetts Governor's Commission on Children and the Family. Dr. Nicholi, a congressional witness at both House and Senate hearings, testified that, "If one factor influences the character development and emotional stability of a person, it is the quality of the relationship he experiences as a child with both of his parents."

Another trend noted by Dr. Nicholi that may be making it more difficult for parents to attain this important relationship with their children is the shifting of child care from parents to other agencies. There has been a dramatic change in the child care arrangements for children whose mothers are working. In 1958, 43.4 percent of those children received care outside their home and family. In 1977, that number had increased to 71.3 percent (page 4).

Much of the research on the dynamics of family attachment compels us to reflect upon the crucial role that both parents play in the healthy development of young children. Likewise, we must recognize the desire and economic need for many women to work outside their homes. We should go beyond the polarizing rhetoric that too often dominates the public debate over these often competing needs as we seek to strike a balance which fosters sound child development.

The statistics presented today do not portray the full dimension of human costs associated with teenage child bearing. Further research tells us that the consequences of children bearing children are: reduced educational attainment; high medical risks—with evidence suggesting that these risks to young mothers and their low birth weight babies cannot be entirely eliminated; subsequent early marriages with a high probability for divorce; jobs of lower prestige and earnings, and a disproportionate representation in our Federal welfare system.

We must face these complex issues and their consequences with the understanding that the Federal Government cannot reasonably duplicate the irreplaceable role of the family, either emotionally or economically. This is particularly true when we look at the extent to which these two populations are both currently and potentially dependent upon our Federal support.

The statistics of our report show that among those circumstances contributing to Aid to Families with Dependent Children (AFDC) eligibility, divorce and separation and out-of-wedlock births rank highest and are increasing. Specifically, divorce and separation represented 27.4 percent of family eligibility in 1969, increasing to 44.7 percent in 1979. For the same two years, family eligibility on the basis of out-of-wedlock births was 27.9 percent and 37.8 percent, respectively. So, in total, 82.5 percent of the AFDC population is a reflection of these two trends (page 18). The percentage of children receiving AFDC benefits has increased 310 percent since 1960 (page 18); the costs of the program in constant (1981) dollars has increased 370 percent, from $4.8 billion to $13 billion (page 51).

The six other "Selected Government Programs Affecting Children," cited in our report are non-cash programs. They too, have increased dramatically—in constant dollars, from $18 billion in 1970 to $46.5 billion in 1982—an overall increase of 390 percent.

Underscoring the point I want to make, Bruce Chapman, Director of the Bureau of the Census, testified before our committee that, ". . . poverty is increasingly a function of family composition rather than economic condition alone." And the data we are presenting here today raises the question of the future of children in our society and how their interests can best be addressed.

To do justice to the work we face on behalf of our children, youth, and families we must look beyond the negative statistics for guidance. In this area our job is far from done. Before we take further steps to formulate policies we must research and disseminate information about strong, healthy families. We will never learn enough by continuing to look only at the tragic side of family life in America. What is it that does work? The next priority of this committee should be to examine family strengths so that we can develop policies that build on the inherent abilities of all families.

I have been spending a great deal of time talking with young people. I have been visiting all the places that try to help our children, the child abuse treatment centers, juvenile detention and drug abuse treatment homes, runaway shelters and our schools. Virtually all the troubled young people I met were the products of broken homes and absent parents. Few had had a one on one with another adult. When asked who their best adult friends were none said their parents. They did not feel good about themselves or seem to have a sense of self worth. With very few exceptions all of the children could have been motivated and inspired if they had been put in a different environment. As a general rule, none of them were so called "bad kids," they were kids who had had a bad break. Our objective should be to strengthen the homes and families. We must always keep in mind these children who do suffer, often because of their family situation.

It is my challenge, not only to the Members of this committee, but to all Americans, that indeed our children and families need our personal attention. And to whatever extent I can promote federal policies to foster that attention, I am very gratified to give my service. Thank-you, I'd be most happy to answer your questions.●

LITHUANIA'S TERRIBLE JUNE DAYS ANNIVERSARY

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mrs. COLLINS. Mr. Speaker, I would like to call your immediate attention to the 42d anniversary of the Terrible June Days in Lithuania. I regard the June 15, 1983, observance as a symbol of the constant struggle for liberation and religious freedom.

I share the view of the estimated 100,000 Lithuanians living in Chicago and have been an active participant in praising the courageous actions of Lithuanians and others who have resisted the invidious oppression of the Soviet Union. Our actions here in Congress must pursue the interests of those held under Russia's grasp and we must continue to be the vanguard of freedoms and self-determination entitled to all.

Accordingly, let us join other freedom-loving peoples throughout the world in support of the successful efforts of the Lithuanian people in resisting Soviet control and celebrate today in the spirit and solemnity of these proud people. The strength and perseverance of their struggle should be an inspiration to us all.●

BALTIC FREEDOM DAY

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 9, 1983

● Mr. DASCHLE. Mr. Speaker, I am pleased to join with Congressmen RITTER and DONNELLY to commemorate June 14 as Baltic Freedom Day. The brutal repression which has occurred in the Baltic States since the Soviet invasion in 1940 has not nor will be forgotten.

Despite continued Soviet occupation the Baltic people maintain their language, culture, and pride of national heritage. The United States has been fortunate in that many survivors of the original invasion and many others who have since escaped have found their way and settled throughout our Nation. I am proud to say that many have found their way to South Dakota where they have established themselves as outstanding citizens in communities throughout the State and carry on the proud traditions of their native countries.

An example of the strength and character of the Baltic people occurred recently when the Soviet press acknowledged that simultaneous to the outbreak of civil strife and protest in Poland during the emergence of the Solidarity Trade Union, similar protests occurred in Estonia. this remarkable fact, which was only recently reported, indicates that efforts to throw off the Soviet yoke continue to this day. The bravery and courage shown by the citizens in Estonia, Poland, Latvia, and Lithuania serves as an inspiration to rededicate ourselves to their struggle.●

NICHOLAS KITCHEN

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. VALENTINE. Mr. Speaker, I was proud today to attend the White House awards ceremony for Presidential scholars—proud because one of the recipients is a very talented young man from my district.

Nicholas Kitchen, a 16-year-old violinist from Durham, N.C., is one of only four young people to be named a Presidential scholar in music. His citation culminates a visit to Washington that included a performance last night at the Kennedy Center.

My colleagues may be interested to know what future plans this outstanding young musician has, and I ask that an article from the Raleigh News & Observer about Nicholas Kitchen be inserted in the RECORD.

[From the Raleigh News & Observer, June 14, 1983]

YOUNG VIOLINIST TUNES UP FOR EUROPEAN TOUR

Sixteen-year-old Nicholas Kitchen, whose skills with the violin will take him to the Kennedy Center and the White House later this week, soon will be taking his music to Europe.

The young virtuoso, a Durham resident, will tour Germany and Italy with a chamber orchestra. The June 23-Aug. 18 trip is a program of the N.C. School of the Arts in Winston-Salem.

It's another of a long line of honors for Nicholas, who a few weeks ago was named a Presidential Scholar in music, an award that went to only four young people in the United States. As a result of that award, he will perform in the Kennedy Center Wednesday night and formally receive his citation at the White House Thursday.

The week will be a busy one for him, said his father, Joseph Kitchen—but then, the entire summer will be. Nicholas currently is at Davidson College preparing for the European tour and later must prepare for his first year of study at the Curtis Institute of Music in Philadelphia. He just finished his senior year at Carolina Friends Upper School in Durham.●

MARYLAND STATE LEGISLATURE'S JOINT RESOLUTION ON REVENUE SHARING

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. DYSON. Mr. Speaker, I am pleased to have this opportunity to bring to the attention of my colleagues a joint resolution recently adopted by the Maryland State Legislature.

The principles which produced the concept of fiscal federalism and revenue sharing—a program barely 10 years old—have in fact resonated throughout the history of this Republic. These are, first, that public authority has the inescapable responsibility for the performance of essential community services. Inseparable from this is the principle that citizenship requires direct participation in the deliberation and execution of these services.

Our political history has been wrung from the demanding and successful effort to harmonize national responsibilities and the prerogatives of local government.

Nowhere has this effort had greater success than in the program known as revenue sharing.

Legislation is now before the House Rules Committee that would reauthorize the revenue sharing program for 5 years. This has come to the attention of the State of Maryland, and they have passed a joint resolution expressing their conviction that revenue sharing is a vital program combining local flexibility and minimum regulation. Unless it is continued, local property and sales taxes must be increased to finance services. This in itself will serve to stifle any recovery. And as we all know, economic development inevitably brings with it the demand for additional services. Sales and property tax revenues only gradually increase enough to finance these services and without such services, development is again stymied. For these reasons the legislature recently adopted their resolution. I hope and trust my colleagues will share their resolve.

HOUSE JOINT RESOLUTION 36

A House Joint Resolution concerning Federal General Revenue Sharing for the purpose of urging the United States Congress to again reauthorize the general revenue sharing program.

Whereas, The sharing of revenue with local governments has been recognized by both the Maryland General Assembly and the United States Congress as an effective means of strengthening federalism, and as a vital program which incorporates local flexibility and minimum regulation; and

Whereas, Since its enactment by the United States Congress, the general revenue sharing program has returned more than one billion dollars of federal tax revenue to local governments in Maryland, over $82 million to Maryland counties, and over $6.5 million for Maryland municipalities in fiscal year 1982; and

Whereas, Citizen participation in local government decision making has directed general revenue sharing funds to provide many basic services which otherwise could not have been performed; and

Whereas, Given reductions in many federal aid programs for local governments, the loss of general revenue sharing funds would result in local tax increases and severe reductions in the delivery of basic services; and

Whereas, The general revenue sharing program, enacted in 1972 and reauthorized by the United States Congress in 1976 and 1980, will expire on September 30, 1983; now, therefore, be it

Resolved by the General Assembly of Maryland, That the United States Congress is urged to again reauthorize the general revenue sharing program at-current-funding-levels-or-higher; and be it further

Resolved, That a copy of this Resolution be sent to the Maryland Congressional Delegation: Senators Charles McC. Mathias, Jr. and Paul S. Sarbanes, Senate Office Building, Washington, D.C.; and Representatives Roy P. Dyson, Clarence D. Long, Barbara A. Mikulski, Marjorie S. Holt, Steny H. Hoyer, Beverly B. Byron, Parren J. Mitchell, and Michael D. Barnes, House Office Building, Washington, D.C.●

RULE ON LEGISLATION TO CAP INDIVIDUAL INCOME TAX REDUCTIONS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on

Ways and Means today favorably ordered reported H.R. 1183, the Tax Rate Equity Act of 1983. This legislation would amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Ecomonic Recovery Tax Act of 1981.

I wish to serve notice, pursuant to the rules of the Democratic Caucus, that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration of this bill by the full House of Representatives.●

ENERGY SECURITY TAX INCENTIVES ACT OF 1983

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SHANNON. Mr. Speaker, today I am introducing, along with Mr. LEWIS of California, Mr. FLIPPO, Mr. D'AMOURS, Mr. BOLAND, Mr. SCHEUER, Mr. SMITH of Florida, Ms. KAPTUR, Mr. FAZIO, and Mr. WOLPE, the Energy Security Tax Incentives Act of 1983. This legislation would provide an affirmative commitments provision for solar, wind, and geothermal energy properties which would otherwise qualify for the existing tax credits.

The energy tax credits for qualifying solar, wind, and geothermal energy property will expire on December 31, 1985. Although the expiration date is over 2 years in the future, it is becoming a critical factor for projects which are not on the drawing board. Many of these projects require significant leadtimes and large amounts of up-front financing prior to actual construction of the project. Many project developers have spent, and plan to spend prior to the end of 1985, significant amounts of time, efforts, and funds in commercializing these renewable energy resource technologies. Although the Congress has given them initial encouragement, they cannot be built overnight.

In addition to the long leadtimes that these projects require, fluctuations in the highly volatile energy markets and the recession in the economy have not only caused delay in project planning, but also made the feasibility of these projects even more critically dependent on the availability of the energy tax credits.

The legislation that we are introducing would provide project sponsors with some breathing room. Although I personally have supported and continue to support a more comprehensive approach to encouraging renewable energy projects through the enhancement and extension of the energy tax credits, I feel that this more limited proposal must be considered immediately to assure that project planners do not cease work on meritorious projects while Congress debates the issues associated with the energy tax credits. The proposal would simply provide an affirmative commitments provision for solar, wind, and geothermal energy property which otherwise qualifies for the existing energy tax credits. The proposed affirmative commitments provision, which is similar to one made available by Congress in 1980 for certain other property eligible for energy tax credits, would provide that if the following tests are met by a project sponsor, the energy tax credits for a solar, wind, or geothermal powered energy project would be available for property placed in service on or before December 31, 1995:

1. By January 1, 1986, feasibility studies to commence construction of the project have been completed and all environmental and construction permits required by law have been applied for; and

2. By January 1, 1988, binding contracts have been signed for at least 50 percent of the reasonably estimated cost of all equipment for the project or at least 50 percent of the reasonably estimated cost of that equipment specially designed for the project.

This amendment does not extend the effective date of the existing energy tax credits—December 31, 1985—but merely allows those projects underway and for which significant work has been done before the close of 1985 to remain eligible for the tax credits beyond 1985 if good-faith efforts are made which show the existence of an ongoing project by the close of the current expiration date.

The revenue impact of this provision should be minimal. Some of these projects were already accounted for when the revenue estimates were originally made upon the enactment of the existing energy tax credits. Additional revenue impact, if any, would result from the initiation of new projects which, as a result of adopting the affirmative commitments provision, are begun after enactment of this bill but prior to the end of 1985. Because the tax credits will be taken only after significant expenditures of funds, there will be positive revenue impacts in the early years of project development as funds are expended and jobs are created to design and build the projects. In light of the substantial commitment of funds that Congress has previously provided to develop these renewable energy technologies, it would appear that any additional revenue losses will be worth the cost of encouraging additional solar, wind, and geothermal energy production projects and the jobs and tax revenues created thereby.

If projects are encouraged by this amendment, jobs will be created for U.S. workers. If technologies are commercialized because of the incentive created by this provision, not only will future projects be developed without the need for energy tax credits, but there will also be significant opportunities to export these technologies abroad. In the development of these technologies, the United States is in direct competition with foreign companies which may be receiving significant subsidies from their governments. I cannot stress enough the need for us to continue our support for these technologies through enactment of this legislation so that we can encourage jobs at home, exports abroad, and energy self sufficiency through the use of renewable resources.

Mr. Speaker, the development of renewable energy sources as an alternative to the fossil fuels upon which we have relied so heavily is essential to the future security and prosperity of our country. It would be unfortunate indeed if worthwhile projects that might help accomplish this goal were lost simply because of a problem of timing. I hope that my colleagues will join me in supporting legislation to make sure that this does not happen.●

"THE MOULDERS OF THEIR DREAMS"

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SMITH of New Jersey. Mr. Speaker, on Tuesday, June 21, the Lawrence Township Board of Education, in cooperation with the Lawrence Township Education Association, will sponsor Project Pride III. For one very special evening, the community of Lawrence Township, N.J., will join together in honoring all staff members of the Lawrence schools who have served the district for at least 25 years, and those employees who will retire at the completion of this school year.

Our teachers and school staff members are some of the most important professionals in our society. It is unfortunate, Mr. Speaker, that we rarely take such an opportunity to recognize these individuals.

I take great pride that the people of Lawrence Township have decided to sponsor Project Pride. As I stated last year on the House floor, Project Pride is a people-to-people program that recognizes the significant contributions that have been made by members of the Lawrence public schools.

By recognizing the dedication of our teachers and staff members, Project Pride attempts to bring a sense of pride, achievement, and unity to the school system and the entire community. There is little doubt, Mr. Speaker, that the Lawrence Township Board of Education has achieved this goal.

In closing, I want to share with all of my colleagues a poem written by Clark Mollenhoff, a Pulitzer Prize-winning journalist and a professor at Washington and Lee University in Lexington, Va. I believe that this poem speaks not only of teachers, but of all the staff members of our schools who have dedicated so much of their lives to our children.

(By Clark Mollenhoff)

You are the moulders of their dreams—
Heroes who build or crush their young beliefs in right or wrong.
You are the spark that sets afire a poet's hand,
Or lights the flame in some great singer's song.
You are the idols of the young—the very young.
You are their models, by profession set apart.
You are the guardians of a million dreams.
Your every smile or frown can heal or pierce a heart.
Yours are one hundred lives—one thousand lives.
Yours is the pride of loving them, the sorrow, too.
Your patient work, your touch, make them the source of hope,
That fills their souls with dreams, and make those dreams come true.

Congratulations to all those who are being honored at Lawrence High School on June 21, and best wishes for many more years of success.●

AN URGENT MESSAGE TO THE CONGRESS

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SCHAEFER. Mr. Speaker, earlier this week a joint hearing of the House Subcommittee on Energy Development and Applications and House Subcommittee on Energy Research and Production heard compelling testimony from Dr. James A. Hill, the president and chief executive officer of Denelcor, Inc., regarding our Nation's super computer industry and its future.

I am pleased to note that Denelcor, one of the few super computer companies in the United States, is located in the Sixth Congressional District of Colorado. I have the distinct pleasure of serving as the Congressman for most of the company's employees and, in addition to calling to the attention of my colleagues Dr. Hill's excellent testimony, I would also like to take this occasion to commend the fine work of the entire company and its employees and the important contribution they are making to the industry as a whole.

Mr. Speaker, Dr. Hill aptly notes the urgent need for our Nation to maintain its lead in the super computer industry. Foreign competition for dominance in the field is stiff and carries with it profound implications for our national security. I commend this testimony to the attention of my colleagues and urge your thoughtful consideration of the points that Dr. Hill makes in his presentation.

TESTIMONY BY JAMES A. HILL, PRESIDENT AND CHIEF EXECUTIVE OFFICER, DENELCOR, INC.

Mr. Chairman, Madam Chairperson, distinguished members of the House Subcommittees on Energy Development and Applications and Energy Research and Production, ladies and gentlemen, good afternoon.

I am James A. Hill, President and Chief Executive Officer of Denelcor, Inc., a publically-held Aurora, Colorado company which designs and produces large-scale, high performance computers for scientific and technical application. On behalf of Denelcor's computer scientists, engineers and business associates, I would like to express our appreciation of your interest and foresight in conducting these timely hearings on significant Department of Energy matters. It is a pleasure to have this opportunity to testify before you on one of the most important issues facing our nation today: America's continued pre-eminence in super computer technology.

The United States has been the leader in large scale computing systems since they were first created in the post war years of the 1950's. Development accelerated during the 1960's when our nation gave high priority to scientific achievement as we set out to land a man upon the moon. During the 1970's, however, support for scientific and technological advancement declined in the U.S. Efforts intensified in other countries such as Great Britain, West Germany, France, and Japan to achieve predominence in high speed computers.

Today, as you are well aware, the Japanese have embarked on an ambitious program to surpass America in the area of supercomputers. To date, most discussion has centered on the so called "Fifth Generation" project, a joint government, business and education program, aimed at establishing an artificial intelligence industry by the mid-1990's. Less attention, however, has been focused on Japan's other supercomputer project—the one aimed at developing an ultra high speed computing system for scientific and technological application. The stated Japanese objective is to produce a supercomputer by 1989 which would be 1,000 times as fast and as powerful as any scientific computing system currently on the market.

While some observers have dismissed the Japanese super-speed computer project as unrealistic, we at Denelcor believe that development of such a system is eminently feasible, particularly since we understand that the Japanese plan envisions the creation of a parallel processing architecture, similar to the high-performance architecture we have been successfully developing for the past seven years.

As computer engineers and businessmen, we also recognize that development of an ultra high speed computer system by Japan or any other country represents a serious threat to the United States—to our national security, our economic viability and our scientific and technological leadership in the world. The prospect of U.S. dependence on foreign scientific supercomputer technology has far more serious ramifications than any previous U.S. dependency on OPEC.

This afternoon I would like to address this pressing issue and direct my brief remarks to the strategic, economic and scientific importance of maintaining American leadership in the development, manufacture and use of large scale high performance scientific computing systems, and the vital roles that government can play in assuring American supercomputer pre-eminence in the future.

Scientific supercomputers are the most advanced computing systems in the world. Our so called "Number Crunchers" are fundamentally different from the more familiar data processing computers. They have different architectures and are significantly faster than the general purpose business machines.

Scientific supercomputers are specifically designed to handle the most computationally intensive problems, such as those encountered in nuclear physics. They are problems which involve constantly changing variables, many unknowns, and often require millions of different instructions and billions of different computer calculations for solutions.

To help you gain a better understanding of the complexity and importance of scientific supercomputers, let me outline the role they play, for example, in weather forecasting, something that affects all of us on a daily basis.

To make an accurate weather forecast, a meteorologist attempts to take into account every available piece of information he can obtain on weather around the globe. He receives reports from world-wide observation stations which are constantly being revised and updated, and he reviews this information in light of his own knowledge of the dynamics and basic physical laws of atmosphere. As he becomes more sophisticated, he extends his understanding of basic fluid dynamics to include geophysical rotational effects and specific problems of turbulence later, he begins considering other physical phenomenon, such as evaporation and condensation of water, solar heating, infra-red cooling and surface friction and drag. Before too long, he's adding three-dimensional cloud physics, with variable droplet size and charge spectra, into his computations while still attempting to make the most accurate forecast he can manage by a time-critical deadline.

How can he possibly assimilate all that information? He can't—unless he has use of a scientific supercomputer, a computing system powerful enough to process billions of pieces of information and fast enough to make all those millions of calculations, timely and worth while.

Thus speed and performance become critical to a scientist's specific solutions to complex scientific problems:

Solutions to problems of national security, including ballistic missile trajectories, defense systems, preparedness, nuclear weapons development and simulation of non-atmospheric intelligence data analysis and cryptography;

Solutions to complex problems of economic and commercial importance to the United States, such as the aerodynamic design and simulation testing of a jet aircraft before it is built, the discovery of petroleum and mineral deposits from two, and possibly three-dimensional seismic data, the investigation of our oceans without disruption to the ecology, the solution to questions concerning electronic circuitry, electric power distribution systems, structural engineering models, robotics, and many other problems of com-

mercial and economic significance to this country.

And the solution of complex problems of safety and health, including the development of safety systems to prevent nuclear reactor accidents, the creation of microbiotic organisms to contain and eliminate hazardous wastes, the development of future generations of cat scanners, to assist in medical diagnosis, and the solution of hundreds of biomedical, genetic, molecular and contagious disease problems.

In short, scientific supercomputers have become tremendously valuable in solving complex problems vital to our national security, our economic and commercial leadership in the free world and the health, safety and well-being of our citizenry. It would be distressing, to say the least, if America lost its supercomputer leadership.

At Denelcor, we have no intention of giving up our leadership position to the Japanese or anyone else. We may not be as well known as some others in the industry, but I am proud to report to this distinguished panel that recently we made what may be the most substantial "break through" in the history of supercomputer technology.

When the Japanese embarked on the so-called national super-speed computer project 18 months ago, we were already four years ahead of them in the parallel processing architecture and were in the process of manufacturing our first parallel processor computing system for the U.S. Army Ballistics Research Laboratory at Aberdeen Maryland, under the dedicated sponsorship of Dr. Eichelberger. Installed last fall, our 4-processor "HEP", system is now recognized as the world's fastest scalar computer, with a capacity to process 40 million instructions per second.

In developing the "HEP" system, Denelcor effectively overcame the traditional problem encountered in multiple unit systems, namely the loss of a linear increase in speed and performance when each processor unit is added to the system. Our successful application of parallel process architecture has enabled us to put multiple units together and achieve a direct linear increase in speed and performance. A 16-unit HEP today makes Denelcor's system significantly faster and more powerful than any existing supercomputer of its type on the market.

Recently, we completed the basic design study of Denelcor's HEP 2 system, and in that process we made a monumental breakthrough. Our new system, in its largest configurations, will be capable of processing in excess of 12 billion instructions per second. That is about 500 times faster and more powerful than any currently available supercomputer, and about half the projected level that the Japanese are striving to reach by the end of the decade. Denelcor will have its HEP 2 system on the market by early 1986, and expects to continue the natural evolution of its architecture to exceed the stated Japanese national goal.

We achieved these results largely through our own internally financed research and development activities and without government assistance or funding. We believe there is tremendous potential for the use of our supercomputer systems.

This brings me to the most important remarks I'd like to make today—comments concerning the role government can play in maintaining American pre-eminence in supercomputer technology. As a businessman and computer developer, I am less concerned about the danger of losing our leadership in the design of supercomputers than I am about the dangers of losing our leadership in supercomputer usage.

Small companies like Denelcor are in an excellent position to develop ideas—new concepts and innovative designs—through the private investment. But if our good ideas are to be of any lasting value, they must be exploited fully, and full exploitation is generally beyond the means or even the primary interests of companies such as ours.

During the 1950's and 1960's the government placed a high priority on the exploitation of scientific ideas, and we believe this commitment should be renewed in the 1980's. Let us look beyond our present interests in production computers, essential as they may be, and begin preparing for the future.

The most effective way government can fully exploit our present supercomputer pre-eminence is to put our machines to use in solving the immensely complex problems our nation and world face today. In short, I urge government to renew the national commitment to research and development.

I urge all of you in government to provide the leadership our nation needs to keep America in the forefront of scientific and technological advancement, and to encourage and train new generations of scientists and engineers who can maximize the problem-solving capabilities of our advanced scientific computing systems.

Specifically, we at Denelcor urge you to:

(1) Take the leadership role into formulating a national plan to achieve specific scientific and technological objectives over the next one or two decades, and grant the Department of Energy responsibility for directing a coordinated, yet distinctly independent, government, business and educational effort to implement our national plan. If we in business know what our national priorities are, we can achieve them.

(2) Increase funding for research and development projects, enhanced supercomputer capacity and staffing at the national laboratories of the Department of Energy, the research facilities of the Department of Defense, the National Aeronautics and Space Administration, National Science Foundation and in the intelligence community. Government support of our nation's most talented, capable and sophisticated supercomputer scientists is the most expedient and least expensive way to provide support to complex problem solution through supercomputer research.

(3) Open your doors and provide supercomputer access to other interested scientists and engineers by establishing research, development and problem solving networks reaching out from the national laboratories to regional government facilities and beyond to private research agencies and our nation's universities.

(4) Encourage the development of component and packaging technology for U.S. supercomputers of the 1980's and 1990's to alleviate our present and projected dependence on foreign suppliers of computer components.

(5) Stimulate development of software for high performance computing systems, including the design of alogrithms, numerical analysis and computational mathematics to maximize the performance potential of new generation supercomputers, and

(6) Spark the imagination of young scientists and engineers by providing opportunities for training and real-time use of supercomputers through the establishment of fellowships, loans, and special work programs between government agencies and universities.

By taking these actions today, you in government will secure American supercomputer leadership in the years ahead. We in industry can maintain America's lead in the design and manufacture of super scientific computing systems if you in government can provide the lead in putting our supercomputers to work in scientific and technological research and development. Together we can solve the complex problems of our times.

Thank you very much.●

GOSPEL LIGHT PUBLICATION'S GOLDEN ANNIVERSARY

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. MOORHEAD. Mr. Speaker, 1983 marks the golden anniversary of Gospel Light Publications, an organization that is well known in the Christian community, especially in California where it is located.

Dr. Cyrus N. Nelson, chairman of the board, and William T. Greig, Jr., president, are personal friends of mine. Gospel Light was in my district until recently when it moved into a new facility in Ventura, Calif.

In the past five decades, these men and their organization have played an important role in the development of fine Christian literature. It has been a leader in Bible study curriculum, family studies, religious books, and international outreach.

Gospel Light will celebrate its 50th anniversary in Washington, D.C., at the International Convention of the Christian Booksellers in mid-July.

Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues in the House of Representatives this memorable occasion for a very worthy organization.

In addition, I would like to congratulate Gospel Light for many years of effective, inspirational service and to extend my gratitude for its many and continuing gifts to the human family.●

FOR THE RELIEF OF ALTHEA WILLIAMS SELF McQUEEN

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. PANETTA. Mr. Speaker, today I am introducing a private bill for the relief of Ms. Althea Williams Self McQueen. Ms. McQueen is a constituent of my congressional district who in 1949 as an employee of a private construction firm on Guam, was hurt by an Army truck driven by an Army cor-

poral who was off duty and alleged to have been intoxicated. As a result of this accident, medical determinations have concluded that injuries suffered as a result of this accident have left her with a disability limiting her to light activities and have caused her difficulty using and manipulating her left hand because of residuals of a cerebral concussion.

Since the occurence of the accident on Guam, Ms. McQueen has pursued legal remedies through the courts which resulted in a reversal by the Supreme Court of one decision affecting her. However, in the end, no relief was provided through the courts. In addition, the Labor Department has provided Ms. McQueen with some compensation, but much less than that which has been required to simply cover her medical treatment.

Therefore, Mr. Speaker, I am introducing this private bill to provide Ms. McQueen with compensation which can hopefully begin to repay her for some of the physical and emotional damage she has experienced since the accident on Guam in 1949. I trust that this bill will receive the support of my colleagues.

Following is the text of this bill:

H.R. 3360

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That (a) the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Althea Williams Self McQueen of Monterey, California—

(1) the sum of $100,000, plus

(2) interest on such sum computed in accordance with subsection (b),

in full settlement of all claims of Althea Williams Self McQueen against the United States arising out of the injuries suffered by Mrs. McQueen as a result of being struck by a vehicle operated by United States Army personnel in Agana, Guam, on March 3, 1949.

(b) The interest to be-paid under subsection (a)(2) shall be computed at the rate of 12 percent per annum, compounded annually, from the date of the accident described in such subsection.

SEC. 2. No amount in excess of 10 percent of the payment authorized in the first section of this Act shall be transferred or received by any agent or attorney for services rendered in connection with such payment. Any person violating this section shall be fined not more than $1,000.●

CONSTRUCTIVE DIALOG

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. FRANK. Mr. Speaker, Secretary of State George Schultz made an important announcement on Wednesday before the Senate Foreign Relations Committee. He testified that the Reagan administration was seeking to engage the Soviet leadership in a constructive dialog. He further added that the United States need not accept as inevitable the prospect of endless, dangerous confrontation with the Soviet Union. I hope he is sincere in these intentions.

To all of us who have been disturbed by the combination of harsh rhetoric, arms build-up, and deteriorating relations which have marked United States-Soviet relations in the Reagan era, Secretary Shultz's policy statement is as welcome as the current Washington heat wave is not. The possible fruits of any future constructive dialog are very compelling: progress in arms control, increased cooperation and trade, greater prospects for world peace, and easing of cold war tensions, and heightened respect and sensitivity to international agreements and human rights.

On the last point, the most important item on the Secretary's agenda must be the continuing tragedy of Soviet Jewry. Mr. Shultz makes reference to the broader contours of this volatile problem which is so corrosive to our relations. He refers to Moscows continuing practice of stretching a series of treaties and agreements to the brink of violation and beyond, and later, to the Soviet infractions on one issue or another—human rights and the Helsinki Final Act.

It is my profound hope that the State Department will raise the issue of Soviet Jewry as an integral component of the constructive dialog ahead. For many of us who believe it is time to resuscitate United States-Soviet relations, there is a comparable dedication to the cause of justice and freedom for Soviet Jews.

As Anthony Lewis reminds us in his discouraging piece on Anatoly Shcharansky in Thursday's New York Times, which I urge my colleagues to read, moving the Soviet leadership on an individual case often seems a hopeless business. But we persist because we have seen the positive results of direct pressure. Secretary Shultz's latest policy statement offers further hope that the Reagan administration is prepared to go beyond rhetoric and to engage in serious negotiations. For everyone concerned with the plight of Anatoly Shcharansky and all other victims of Soviet repression, constructive dialog offers new hope to go with the old frustration. I hope Secretary Shultz capitalizes on the opportunity.

IS THERE NO MERCY?

Anatoly Shcharansky, the imprisoned Soviet Jew, is suffering from what appears to be a grave heart condition. The authorities have not hospitalized him. But he has been given various medicines in prison, and now he has had a severe allergic reaction to those.

A medical picture of Mr. Shcharansky's condition has just been sketched by an authority in this country. His wife, Avital, on a visit from her home in Israel, took some of his letters to Dr. Allan M. Ross, director of cardiology at the George Washington University Medical Center in Washington, and asked him for an opinion. The letters mentioned specific kinds of chest pain and other symptoms.

"My presumptive diagnois," Dr. Ross wrote to Mrs. Shcharansky, "must be acute and chronic coronary insufficiency resulting in angina pectoria." He said it was especially worrying that minimal exertion frequently gave her husband palpitations, and "ominous" that his letters spoke of an irregular heartbeat. He said the case "should be considered with the highest level of concern," starting with hospitalization.

I learned about all this when I met Mrs. Shcharansky in New York. The circumstances were grim. She had just completed a telephone call to Moscow in which her husband's latest letter, to his family there, had been read to her. The letter, dated May 25, reflected his new physical torment.

"It was very short," Mrs. Shcharansky said. "Anatoly says he cannot write because his hand is so swollen. He has sores all over his body, his face, his lips. They break."

Dr. Ross, when I telephoned him, said the swelling and sores indicated "a diffuse allergic systemic reaction" to the medicines Mr. Shcharansky has been given. His letters mentioned eight kinds of pills and injections. Dr. Ross identified them by talking with Russian emigres and checking old texts.

"None of the medicines is highly appropriate," Dr. Ross said, "and some are definitely contra-indicated. I think he is getting them from fellow prisoners with medical training, and they must just be giving what they can find. It's a mess."

Dr. Ross had no connection with the Shcharansky case before he was asked for his views. His diagnosis should be of wide concern, to Soviet authorities among others. For the Shcharansky case is not just an individual tragedy. It has political consequences.

Anatoly Shcharansky was a leading figure among Soviet Jews seeking the right to emigrate. He was convicted in 1978 on grotesque charges of treason and sentenced to 13 years in prison and labor camp.

In confinement, Mr. Shcharansky has been repeatedly punished, held in solitary, deprived of the right to have his family visit him twice a year. He went on a protest hunger strike from last Sept. 27 until Jan. 14.

The savagery of the treatment inflicted on a man whose "crime" was really to want to emigrate has made him a powerful symbol to the outside world. Even the French Communist leader, Georges Marchais, wrote to Yuri Andropov about the case. He announced last Jan. 24 that Mr. Andropov had replied with an assurance that Mr. Shcharansky's "state of health is satisfactory."

Why the relentless persecution of Anatoly Shcharansky? By all indications the purpose is internal—to discourage the movement for Jewish emigration. Soviet authorities have cut that emigration to a trickle: only 421 persons in the first four months of 1983. But they are still working to intimidate those who have been refused exist visas, and thus to quiet the whole issue.

Newspapers in Leningrad and Vilnius have recently carried anti-Zionist polemics of a vicious character. An official Anti-Zionist Committee was established, and it held a press conference in Moscow last week to say that Jewish emigration was down because few Jews wanted to leave. The chairman,

Col. Gen. David A. Dragunsky, said, "The past year has made perfectly clear that Zionism is increasingly modeled on the ideas and methods of Hitler."

Whatever the internal effects, decent opinion in the outside world will be repelled by a campaign that looks more and more like plain old anti-Semitism. If Anatoly Shcharansky were to die in prison, even those in the West who most urgently want to improve relations with the Soviet Union would turn away from doing business with such a government.

Moving the Soviet leadership on an individual human rights case often seems a hopeless business. But if you meet Avital Shcharantky—a 32-year-old woman who has not seen her husband for nine years—you know there is no alternative to trying. She has passed Dr. Ross's advice on, and Anatoly's mother has actually gone to try to persuade prison authorities near Chistopol in the Tartar Republic, where he is held, to put him in a hospital.

What can it profit the Russians to hold Anatoly Shcharansky any more? The risk must by now exceed any benefit of intimidating example. It is time to let him go.●

NOAA'S RESPONSIBILITIES

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1982

● Mr. SCHEUER. Mr. Speaker, the National Oceanic and Atmospheric Administration is our lead civil agency for oceanic and atmospheric services and related research, conducting essential activities in a wide variety of areas from weather forecasting and tornado and hurricane warnings to fisheries management and protection of fragile ocean habitats. Yet, despite these major and ever increasing responsibilities, NOAA has operated throughout its 13-year history without a comprehensive congressional charter specifying its missions and responsibilities. I rise today to introduce legislation which would establish NOAA as an independent agency and provide that agency with a long overdue, statutory charter.

NOAA was created by Reorganization Plan No. 4 of 1970. The reorganization plan, an outgrowth of the report of the Stratton commission in 1969, combined several oceanic and atmospheric activities of the Federal Government within one agency under the Department of Commerce. The reorganization was not accompanied by detailed legislation; and the various components of the new agency, notably the National Ocean Survey (formerly the U.S. Coast and Geodetic Survey), the National Weather Service (formerly the U.S. Weather Service), and the National Marine Fisheries Service (combining elements of the former Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife in the Department of the Interior), continued to operate under existing statutory frameworks which, in some cases, dated from before the turn of the century.

Since NOAA's formation, significant evolution has occurred in the functions the agency performs, and in the organizational forms the agency has assumed to meet its responsibilities. In the years following 1970, Congress has assigned new responsibilities to NOAA under nine major pieces of environmental legislation. These are:

One. The Marine Mammal Protection Act of 1972.

Two. The Marine Protection, Research, and Sanctuaries Act of 1972.

Three. The Coastal Zone Management Act of 1972 (amended 1976).

Four. The Endangered Species Act of 1973.

Five. The Fishery Conservation Management Act of 1976.

Six. The 1976 Amendments to the National Sea Grant College and Program Act.

Seven. The National Climate Program Act of 1978.

Eight. The National Ocean Pollution Planning Act of 1978.

Nine. The National Climate Program Act (1978).

NOAA additionally has been assigned significant responsibilities under three major energy measures. These are:

One. Title VII, Energy Security Act of 1980 (acid precipitation).

Two. The Deep Seabed Hard Minerals Resources Act (1980).

Three. The Ocean Thermal Energy Conversion Act of 1980.

Finally, in 1979 President Carter assigned to NOAA full responsibility for the planning and operation of a U.S. civil Earth remote-sensing satellite system (LANDSAT). This responsibility complemented NOAA's existing operational program in civil weather satellites.

NOAA's responsibilities under these statutes and executive assignments are exceedingly diverse. Functions traditional to NOAA, such as independent research and development activities in the marine and atmospheric areas, have been built up and intensified; while new responsibilities, such as resource management, enforcement, and development of environmental assessment capabilities, have been added. These changes, together with accompanying operational budget increases—from $250 million in 1970 to over $800 million today—have called for increased coordination and more efficient allocation of resources. From a loose congregation of agencies, NOAA has evolved into an integrated line organization with the goal of achieving greater management flexibility and control.

Comprehensive legislation is needed to reflect and combine NOAA's many new functions and authorities, and status as an independent agency, as well as to allow NOAA flexibility in responding to new responsibilities as they arise. The proposed NOAA organic Act (the act) would achieve these ends by providing a comprehensive statutory basis for the functioning of an integrated oceanic and atmospheric agency, and by providing the NOAA Administrator with an appropriate degree of flexibility in managing and allocating the resources of that agency.

Title I of the act contains congressional findings, purposes and policies. These emphasize congressional awareness of the value of marine and atmospheric resources and the stress on these resources that may develop from their improper management and conservation. The title recognizes the importance of a coordinated Federal approach to oceanic and atmospheric policies, and of proper interaction between Federal, State, and local governments; and declares the congressional purpose to be the establishment of NOAA "as an independent agency and the agency principally responsible for providing civil oceanic and atmospheric services and supporting research, and for formulating, in consultation with other agencies, civil oceanic and atmospheric policy. * * *"

Title II of the act establishes NOAA as an independent agency, provides for its principal offices and sets out the functions and responsibilities of the Administrator. In addition to the Administrator, provision is made for a Deputy and an Associate Administrator—as now is the case—and from five to eight Assistant Administrators—NOAA currently has five—as well as a general counsel. The responsibilities of the Administrator, as set out in section 203 of the act, include responsibilities assigned, delegated, or transferred to him under the act, as well as those which may be assigned or delegated by the President. The functions of the Administrator, set out at section 204, describe generally the Administrator's current responsibilities under applicable statutes and directives, but also are intended to clarify the authorities for certain NOAA activities which presently are extrapolated from existing law. The balance of title II sets out specific authorities which should enhance the Administrator's ability to carry out his responsibilities.

Under title III of the act, NOAA would play a consultative role, with the Department of State, in interacting with other nations in areas with respect to which NOAA has domestic responsibilities. NOAA also would be responsible for insuring that duplicative or inconsistent regulatory requirements are not placed on regulated industries or individuals.

Title IV of the act contains provisions intended to enhance NOAA's

ability to carry out its law enforcement responsibilities, such as a comprehensive statement of the powers of enforcement officers and the role of the courts; and new provisions for the issuance of citations, for the seeking of injunctive relief, and for the disposition of seized property.

Title V of the act contains housekeeping provisions, such as providing for the transfer of authorities from the existing Administration to the Administration established by the act, the transfer of personnel, the survival of administrative proceedings and suits at law, et cetera.

Passage of this legislation would occur at an important turning point in NOAA's history and in the Nation's approach to oceanic and atmospheric policy. With the development of new technologies, such as remote-sensing satellites and deep-seabed mining facilities, the Nation is entering a period of unprecedented opportunities for understanding and utilizing the marine and atmospheric environment. The need for development of sound and coordinated policies for the provision of services and for the management and preservation of the environment has never been greater.

Mr. Speaker, organic legislation would provide an opportunity for Congress and the Administration to express their views on the functions and goals of NOAA. Further, such legislation would clarify those present authorities of NOAA that overlap or appear to overlap those of other agencies and, for the first time, provide an opportunity to establish a comprehensive authorization process by which Congress can periodically review NOAA programs and assess goals and priorities. The net result of this organic legislation would be to strengthen NOAA's role as the central civil agency for oceanic and atmospheric affairs. I am hopeful that the Committee on Merchant Marine and Fisheries and the Committee on Science and Technology will work expeditiously to bring this legislation to the floor, and I urge all my colleagues to support this important environmental bill.●

ALEX H. BEANUM "BUSINESS PERSON OF THE YEAR" BY THE CERRITOS CHAMBER OF COMMERCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ANDERSON. Mr. Speaker, Alex H. Beanum was recently proclaimed "Business Person of the Year" by the Cerritos Chamber of Commerce, in recognition of his outstanding leadership and success as an entrepreneur. Yet this distinguished honor also was conferred upon him because of his unremitting involvement in and devotion to the well-being of our community.

A registered civil engineer, Alex is president of AHB Associates, Inc., a consulting firm with special emphasis on transportation and infrastructure matters. As chairman of the House Subcommittee on Surface Transportation, I have found his counsel invaluable in addressing many issues deliberated on by the subcommittee. Alex is also a highly regarded councilman for the city of Cerritos and served as the city's mayor from 1981 until 1982. As a leader both in the private sector and in local government, he is one of a select few who has been instrumental in expanding business and employment opportunities, while also nurturing the improvement of such things as local crime prevention and educational programs. He has served as a captain in the U.S. Army Corps of Engineers, and has held positions with the State Department of Transportation.

It is sometimes noted that Alex is confined to a wheelchair. But I do not mention this here to evoke anyone's sympathy or pity; for if one is wont to expressing sympathy, then it should properly be shed in behalf of all those who, unlike Alex, when called upon by their fellow man, have found some way to say "I can't." During the years that my wife, Lee, and I have held Alex and his wife, Vicki's, friendship, I can attest to never knowing him to have deferred to someone else even the most arduous challenge. I believe his dossier puts it rather succinctly: "physically handicapped; no limitations." His indefatigable energies are recognized and felt by nearly everyone residing in Cerritos.

Mr. Speaker, Lee and I are very proud of Alex, and we are happy the Cerritos Chamber of Commerce is honoring him as "Business Person of the Year." We would also like to congratulate Alex, and wish him and his wife, Vicki, and their children, Felicia and John, the very best during their many years to come.●

NUCLEAR PROLIFERATION OR SOCIAL PROGRAMS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mrs. COLLINS. Mr. Speaker, I would like to call to your immediate attention an issue of tantamount importance—that of defense appropriations. Why, when millions of Americans have already voiced their distain and horror regarding nuclear proliferation, do we continue to fatten our defense budget with hard-earned tax dollars as exemplified in the recent approval of money for the MX missile? Are all of our people properly fed? Do all of our children go to school? Are we all employed—with clothes on our backs, heat in our homes, and proper medical treatment? The $625 million for the MX missile could go a long way in solving these problems.

The present administration cannot even get a grip on what definitions to use when addressing the nuclear weapons issue. Take the "unit" of measure used by the Defense Department when speaking of the arms race, for example. First they claim that accuracy was the key indicator in determining military might and funds were appropriated.

Second, they implored that the United States had military inferiority because of the MIRV (multiple independently targetable reentry vehicles) imbalance. Again, the funds came through.

Now, Secretary Weinberger insists that throw-weight is our "true" determinant. Is it not clear that, by now, using any measure which displays our imbalance is done solely to appropriate funds in an already financially bloated program?

We must not continue this blatant misuse of money. There are viable alternatives such as the Dellum's defense appropriations for fiscal year 1984. It is a thorough and verifiable plan which places emphasis on the preservation of an adequate defense.

Concurrently, it infuses moneys into programs which desperately need it: our education, our health, and urban development programs, to name just a few.

Mr. Speaker, I would like to introduce excerpts from statements made by various individuals at a hearing by the Chicago Peace Council on April 23, 1983. Their views reflect my consummate fear that our monies is not going where it is best used—in our social programs.

I. TESTIMONY BY RALPH SCOTT, CHAIR, METROPOLITAN TENANTS' ORGANIZATION

My name is Ralph Scott, Chair of the Metropolitan Tenants' Organization which represents tenants from many neighborhoods and cities throughout the Chicago area. The Reagan Administration has proposed cutting federal housing programs for below the already-inadequate levels of recent years. Virtually all low-income housing programs—including subsidized housing, public housing and rehab programs—may be wiped out, and several billion dollars already appropriated for low-income housing may be rescinded.

This amounts to a complete abandonment of a long-standing national policy goal: decent, affordable housing for all Americans.

Only a small amount of subsidized housing will be funded this year, and—if Reagan has his way—almost none in the following years. * * *

II. TESTIMONY FROM STEVEN PIETSCH

I am Steven Pietsch, a research engineer, member of the Board of Directors of the

Chicago Peace Council and co-author of the "Chicago Peace Budget."

There is a common thread bringing us all together today, and I believe that thread is a common sense of crying human and social needs going unmet, and a common sense that the general welfare of our nation demands that we seriously analyze our national spending priorities. Symptomatic of the massive public sentiment in support of questioning our governments military priorities is the overwhelming victory of Nuclear Freeze Resolutions in 44 states, counties and cities in the 1982 general election, versus only four defeats of Freeze Resolutions.

Based on U.S. labor Department Statistics, $1 billion of expenditures generates:

14,000 jobs in guided missiles and ordinance.
16,000 jobs in fabricated metals.
28,000 jobs in apparel manufacture.
48,000 jobs in hospitals.
62,000 jobs in education.
65,000 jobs in retail trade.

III

I am Thelma Ford speaking for Chicago's Grey Panthers. We Gray Panthers protest the direction which our country's leadership is taking us. With its preoccupation of bombers, MX missiles, chemical weapons, Trident nuclear machines, et cetera, that leadership opts for death rather than life. That leadership subordinates promoting the general welfare to subsidizing munition makers. This is gross misuse of national resources. Even the leadership's own budget man, David Stockman, says the military budget contains, "a swamp of $10 to $30 billion worth of waste."●

PERSONAL EXPLANATION

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. LIVINGSTON. Mr. Speaker, earlier today I was unavoidably detained and was not able to record my votes on rollcall 199, rollcall 200, and rollcall 201.

Had I been present I would have voted "yes" on rollcall 199, final passage of the Emergency Food Assistance and Commodity Distribution Act, H.R. 1590, and I would have voted "yes" on rollcall 200 and 201.

I ask that my indications of support on these votes appear in the RECORD directly following the recorded votes on each rollcall.●

BUFFALO EVENING NEWS: CONGRESS SHOULD REJECT $700 LIMIT ON TAX CUT BECAUSE IT WILL HURT THE WORKING MIDDLE-INCOME TAXPAYERS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. KEMP. Mr. Speaker, the evidence continues to mount that your plan to limit the third year of the tax cut to $700—which will hit middle-income Americans—is a poor idea.

In an excellent editorial today, the Buffalo Evening News observes:

The O'Neill alternative, which radiates as much politics as economics, is an unpersuasive alternative that amounts to a tax increase of the wrong kind at the wrong time. The wrong time because tax increases are no cure for sluggish economies. Far better that the $6 billion go to taxpayers who can then spend it on goods and services—cars and refrigerators, mortgage payments and college tuitions—that would bolster the fragile economic recovery now under way and, in the process, preserve and create new jobs.

The editorial continues:

If the O'Neill proposal is mistimed, it is also misdirected. It will only modestly affect the very rich. The big reduction for those earning more than $110,000 a year occurred in 1982, when maximum tax rates on income were sliced from 70 percent to 50 percent.

Those the proposal would adversely affect most are millions of American families with taxable incomes of from around $35,000 to $110,000. This means that many two-income families (where one spouse might be an auto worker or accountant and the other a teacher or nurse, for example) with combined incomes of $35,000 to $50,000 a year would lose any tax savings above the $700 ceiling.

The editorial urges Congress to "scuttle the O'Neill alternative as misconceived, inequitable, and harmful to economic recovery." I agree, and I commend this concise article to my colleagues.

The article follows:

[From Buffalo Evening News, June 16, 1983]

CONGRESS SHOULD REJECT $700 LIMIT ON TAX CUT

Democratic opposition to the third year of President Reagan's three-year program of tax cuts has now crystallized in House Speaker Thomas "Tip" O'Neill's proposal that no taxpayer should receive more than $700 from the reduction scheduled to take effect July 1.

Speaker O'Neill claims that this cap would raise $6 billion in added revenues in the new budget year, thus helping to close a cavernous federal deficit. He adds that these cutbacks assist the rich and "it is time that the burden of Reaganomics is shared by those in the upper-income groups."

President Reagan has sensibly pledged to veto any changes in the coming 10 percent reduction in income tax rates approved by Congress in 1981 as part of an overall 25 percent reduction package.

The O'Neill alternative, which radiates as much politics as economics, is an unpersuasive alternative that amounts to a tax increase of the wrong kind at the wrong time.

The wrong time because tax increases are no cure for sluggish economies. Far better that the $6 billion go to taxpayers who can then spend it on goods and services—cars and refrigerators, mortgage payments and college tuitions—that would bolster the fragile economic recovery now under way and, in the process, preserve and create new jobs. The $200 billion deficits looming in the future are admittedly dangerous, as Speaker O'Neill says. Tax increases, and especially caps on future federal spending growth, will probably be needed to close them in the years ahead. For the moment, however, the imperative must be to keep a young recovery from deep recession on track.

If the O'Neill proposal is mistimed, it is also misdirected. It will only modestly affected the very rich. The big reduction for those earning more than $110,000 a year occurred in 1982, when maximum tax rates on income were sliced from 70 percent to 50 percent.

Those the proposal would adversely affect most are millions of American families with taxable incomes of from around $36,000 to $110,000.

This means that many two-income families (where one spouse might be an auto worker or accountant and the other a teacher or nurse, for example) with combined incomes of $35,000 to $50,000 a year would lose any tax savings above the $700 ceiling.

There is, moreover, the matter of simple equity. Congress in 1981 approved a 25 percent reduction in tax rates for everyone. Speaker O'Neill's proposal would virtually spare the rich and those generally with incomes of up to $35,000 or so, but hit countless productive families in between.

"A cap on the third year of the tax cut at $700," protests Rep. Jack Kemp, an architect of the three-year program, "would mean taxpayers earning between $35,000 and $100,000 in taxable income would get an overall tax cut of only 15 percent instead of the full 25 percent planned now."

Congress has not done its job in shaving rates of spending growth in entitlement programs, business and farm subsidies and military outlays. It is even repealing a plan to withhold 10 percent of interest and dividend income, which would combat tax cheating while bringing in new revenues. The least it could do is scuttle the O'Neill alternative as misconceived, inequitable and harmful to economic recovery.●

TRIBUTE TO STEVE POPE, PRESIDENT OF THE CERRITOS CHAMBER OF COMMERCE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ANDERSON. Mr. Speaker, on June 25 Steve Pope will be stepping down as president of the Cerritos Chamber of Commerce. On this occasion, I would like to honor Steve for his contributions to the Cerritos community.

Steve has been a member of the chamber of commerce since 1980. He served as a director 1980–81 and a vice president 1981–82. He had also been a member of the California Chamber of Commerce since 1981.

Steve has also been the director of the Cerritos-Bellflower YMCA since 1981. In the past, he has served as president of the New Mexico-Colorado Circulation Managers Association in 1978 and as president of the Santa Fe, N. Mex., Jaycees in 1978.

Somehow, after all of his commitments to community organizations, Steve has found time to pursue a successful career in press circulation. He began at the bottom, joining the Riv-

erside Press-Enterprise as a carrier in 1962. From there, Steve quickly moved up the ladder, serving as city home delivery manager for the Escondido Times-Advocate 1971-72, county sales manager for the San Bernardino Sun-Telegram 1972-76, circulation manager for the Santa Fe New Mexican from 1976 to 1978, and as home delivery division manager for the Santa Monica Evening Outlook in 1978. Steve has worked for the Long Beach Press Telegram since 1979, and his present position is circulation director.

Steve received his associate of arts degree in 1969 from Riverside City College and his bachelor of science degree in 1972 from California State College in San Bernardino. He is presently enrolled in the M.B.A. program at California State University in Long Beach. Steve also makes time to pursue his hobbies of photography, volleyball, football, raquetball, and cabinetmaking. He and his wife Elizabeth Anne are residents of Long Beach.

My wife, Lee, joins me in commending Steve for his years of service to his community, and we wish him and his wife Elizabeth Anne the very best in all of their future endeavors.●

TEXAS STATE LEGISLATURE CALL FOR FAIR TRADE IN STEEL PIPE PRODUCTS

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. SAM B. HALL, JR. Mr. Speaker, the Texas State Legislature has passed a resolution asking Congress to enact legislation to provide a more equitable arrangement with the European Community on the importation of oil country tubular goods. I have introduced such a bill with the cosponsorship of most of the Members of the Texas congressional delegation and with the endorsement of the executive committee of the Congressional Steel Caucus.

It is good to have the support of the Texas Legislature for this legislation and I would like to include their resolution as a part of my remarks as follows:

HOUSE CONCURRENT RESOLUTION 97

Whereas, The steel pipe and tube industry provides thousands of jobs in Texas and other states; and

Whereas, A reliable domestic supply of specialty pipe and tube products, including oil country tubular goods is essential to U.S. energy exploration and production; and

Whereas, Rapidly increasing imports of steel pipe and tube products are a substantial cause of serious injury to steel pipe and tube producers in Texas and other states; and

Whereas, This injury will be compounded by the diversion of steel imports from the European Community to pipe and tube products as a result of recently negotiated restrictions on the importation of other types of European steel products; and

Whereas, The provisions of a separate arrangement between the United States and the European Community on the importation of steel pipe and tube products cannot be adequately enforced to prevent such diversion without federal legislation; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the 68th Legislature hereby respectfully memorialize the Congress of the United States to enact legislation to prevent the unwarranted diversion of European steel exports to the United States to pipe and tube products by empowering the Secretaries of Commerce and the Treasury to enforce the terms of the October 21, 1982, steel pipe and tube arrangement between the United States and the European Community; and, be it further

Resolved, That a copy of this resolution shall be forwarded by the Texas Secretary of State to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the United States Congress, and all members of the Texas delegation to the Congress with the request that this resolution be officially entered into the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.●

"FALLING IN LOVE AGAIN"

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. ACKERMAN. Mr. Speaker, I would like to enter into the RECORD a most important column by William Safire which appeared on today's op ed page of the New York Times. Entitled "Falling in Love Again," Mr. Safire's column is one of the most astute interpretations of the state of American-Israeli relations that I have read in a very long time and exemplifed journalism at its finest.

Mr. Safire makes one point which I believe must be the crux of our Middle East policy and which bears repetition: "There is no ally like an old democratic ally." That is exactly what Israel has proven itself to be over and over again. It is about time that Mr. Reagan recognized that. Let us hope he is not fickle.

[From the New York Times, June 16, 1983]

"FALLING IN LOVE AGAIN"

(By William Safire)

WASHINGTON, June 15.—After two frustrating years of unrequited ardor for the Arabs, the Reagan Administration has suddenly fallen passionately in love with Israel.

At George Shultz's State Department, where only yesterday the West Bank was being treated as territory to be disposed of by imposition of an American fiat, the theme song is now "Lavie en Rose," a ballad about a special relationship in a fighter plane. Under Secretary Larry Eagleburger wooed the American Israel Public Affairs Committee this week with a speech that practically treated September 1 of last year as a non-day.

At Cap Weinberger's Pentagon, where not so long ago pistol-packing and obtuse-tooting Marines were hailed for badmouthing Israelis, the gentle lowings of "MOU"—for "memorandum of understanding"—can now be heard. New ways to knock out SAM-5 missiles are jointly being explored. Our Secretary of Defense writes his counterpart that our military is "very enthusiastic about the quality and importance" of intelligence information being shared. Under Secretary Fred Iklé, on the banquet circuit welcoming the new Israeli Ambassador to Washington, has just set the record for kosher meals consumed in one week by one Pentagonian.

In Ronald Regan's White House, where senators used to be spun around on Awacs votes, the red light barring a visit to Washington by Menachem Begin has just been switched to bright green. Although William Clark's Mideast man, Geoffrey Kemp, still pumps out the anti-Israel leaks, the new official White House line is to treat Israel as the strategic ally described by candidate Reagan in 1980.

What caused this re-reassessment? Certainly 1984 politics is a part of the flop-flip, but if that were all, Mr. Reagan would still have had six more months of Begin-bashing before having to fall in love for the campaign. Here are some other reasons for the second 180-degree turn in Mideast policy:

1. The overtures to the Arabs produced nothing. George Shultz was assured that King Hussein would come to the peace table if the U.S. demanded that Israel hand over the West Bank; that turned out to be dead wrong. Caspar Weinberger was certain that Awacs and F-15 enhancement would buy active Saudi cooperation; he, too, was double-crossed and made to look the fool—and continued Saudi financial support of the P.L.O. is especially galling.

2. Mr. Reagan is fearful that the Israelis may leave part of Lebanon too soon. If Israel pulls back from the Shuf mountains to reduce casualties, as both Ariel Sharon and the Labor Party now urge, we face the danger of having U.S. marines attacked or becoming witnesses to massacres. The President now realizes that only Israel's military presence is keeping Lebanon from internal chaos and Syrian-P.L.O. invasion.

3. We may soon be negotiating with the Syrians and want to reassure Israel that we have no more surprises—such as that sprung in our "Sept. 1 initiative"—in mind. Philip Habib's confidence that Syria would quickly agree to withdraw after Israel agreed was, as usual, misplaced. The Syrians could post a new price for leaving Lebanon: They want the U.S. to get them back the Golan Heights, saving them the embarrassment of dealing directly with Israel. We want the Israelis to know that we do not intend to step into that trap.

4. The Reagan men are more comfortable with the new Israeli leader they deal with most. With Mr. Sharon out of power, and with Prime Minister Begin curiously (or shrewdly) passive, our channel to Israel is the direct and trustworthy Moshe Arens, the original Begin choice for Defense Minister. He made George look good on the Lebanon agreement and made Cap look good on intelligence sharing. He is uninterested in a memorandum of understanding, preferring an ability to use U.S. aid funds to encourage Israeli industry—reducing the requirement to purchase from U.S. defense contractors. His nonabrasive style may make this possible.

5. At long last, Mr. Reagan and his advisers have reached the conclusion that the Begin Government is profoundly serious about Palestinian autonomy-without-sovereignty on the West Bank. The "comprehensive" scales have fallen from Mr. Reagan's eyes; he has stopped kidding himself about forcing Israel away from the Camp David formula of self-government for the inhabitants concurrent with Israeli claims on the land. Since that is the way it is going to be, we should be encouraging Egypt to get on with the peacemaking process.

As a result of these belated realizations, Mr. Reagan has made an about-face, placing himself in the position he was when he started. With his Mideast-midterm-midlife crisis out of his system, and with the understanding that there is no ally like an old democratic ally, perhaps he can now begin to march forward. At least until 1985.●

EDUCATION—OUR MOST PRESSING NATIONAL NEED

HON. DON BONKER
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. BONKER. Mr. Speaker, today I am introducing a bill that I believe can serve as the centerpiece of the educational and economic renewal of the United States.

My bill, the High Technology Morrill Act, would create a new partnership between the Federal Government, the States, and American business to upgrade our educational system, particularly in the fields of math and science.

The need to improve our Nation's educational system is clear. The recent report by the National Commission on Excellence in Education warned of a "rising tide of mediocrity." This steady erosion of our schools is denying our children their right to a quality education and depriving American industry of the qualified workforce it needs to compete in the international economy.

Like the original Morrill Act of 1862, which establishes the land grant colleges, my bill would make use of America's abundant natural resources to develop our human resources. Three percent of the annual Federal revenues derived from the lease of energy and mineral rights on Federal lands would be earmarked for a special trust fund under the direction of the National Science Foundation. This money, not to exceed $500 million annually, would be paid into the fund over a 5-year period.

Local school districts and universities would receive money from the fund on a competitive grant basis over a period of 7 years. The Federal contribution in any local program would not exceed 50 percent of the total cost. At least 30 percent of the individual project costs would come from the private sector participants, with any remainder to come from the States.

Mr. Speaker, this legislation would represent a substantial Federal investment in the American workforce and in America's future. But the most important feature of this bill is not the money, though money is indeed sorely needed. What sets this bill apart is its recognition that regional economic development is inextricably linked to the education of the local population and that the business community must assume a more active role in the development of academic programs insuring that the educational needs of the local economy are matched by the educational curricula of the local and regional schools.

To insure this public/private cooperation, grant applications must be made jointly by academic institutions, State agencies, and for-profit businesses.

Too often our schools ignore local job markets. This problem is most acute in technology-related curricula. While our economy has become increasingly dependent on workers who have a solid foundation in math, science, computers, and engineering, or schools have failed to improve or expand sufficiently their programs in these fields. Indeed, in many instances the quality of education in these academic areas has actually deteriorated.

Just a few satistics bear out the problems confronting our Nation in the area of technical education:

Only one-third of America's high schools require students to take more than 1 year of math or science.

Only 10 percent of the Nation's student population studies physics; fewer still study calculus.

As the demand for engineers has expanded, American universities have not increased their production of qualified engineering graduates.

Japan, a country whose population is only about half that of the United States, turns out 40 percent more electrical engineers per year than we do.

Unusually high vacancy rates exist among undergraduate and graduate faculties in the area of engineering, as teaching salaries and research opportunities offered by universities have been overshadowed by lucrative careers in the private sector.

Math, science, and other technical skills are no longer necessary only for engineers and scientists. In our highly complex and technological society, these skills are increasingly required for jobs at all levels and in all types of business activity. Any serious effort to improve American productivity and competitiveness over the long term must include a comprehensive program to upgrade our educational system, particularly in the areas of technical skills.

Despite the pressing need to improve education in America, the Reagan administration has continued its unfortunate assault on Federal support for education. The administration's fiscal year 1984 budget proposal recommends a cut in budget authority for elementary, secondary, and vocational education of over $370 million. Federal assistance to higher education would be cut by over $240 million under the plan. In addition, the administration has called for a cut in Federal funding for research and educational aids of more than $155 million. All told, the administration's fiscal year 1984 budget proposal would cut Federal assistance to education by $770 million. These budget proposals, if adopted, would foster economic and academic ruin, rather than renewal.

In the absence of sound leadership from the White House, Congress must assume the responsibility for restoring excellence to American education. The High Technology Morrill Act represents an important initiative in pursuit of this goal. It would also provide resources for retraining of current employees and teachers, to help them adjust to the rapidly changing demands of their careers.

Earlier this year, the House passed H.R. 1310, the Emergency Mathematics and Science Education Assistance Act. The High Technology Morrill Act is similar in several respects to title II of that bill.

Title II of H.R. 1310 would establish a special engineering and science personnel fund under the direction of the National Science Foundation. As in the High Technology Morrill Act, money from this fund would be disbursed on a competitive grant basis with the Federal contribution not to exceed 50 percent of a project's cost. The concept of business/government partnership is also included in H.R. 1310. By incorporating these fundamental principles, H.R. 1310 represents an important step toward educational revitalization in American schools, and I endorse it heartily.

My legislation does not represent an alternative to H.R. 1310; rather, it is the next step in an evolutionary process to improve American education. The High Technology Morrill Act goes significantly further than H.R. 1310 in assuring cooperation among State governments, academic institutions, local school boards, the Federal Government, and for-profit businesses. It also provides the National Science Foundation with greater discretion in the awarding of grants and authorizes substantially more money for this purpose.

Mr. Speaker, the High Technology Morrill Act alone is not the final answer to the technological needs of our society. As a stimulant to expanded cooperation among business, Government, and our schools and universities, however, it could become the foundation for the human capital de-

velopment that is so vital in our increasingly knowledge-based economy.●

HONORING POLISH FREEDOM FIGHTERS

HON. JOE KOLTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 16, 1983

● Mr. KOLTER. Mr. Speaker, I would like to take this opportunity, on the occasion of the Pope's visit to Poland, to honor Polish freedom fighters of the past and present. The love of freedom is a strain that runs strong in the hearts of all Poles. It is an honor for me to place into the RECORD the words of Jerzy Patejak who is a scholar from my congressional district. Mr. Patejak speaks of the struggle for freedom that was fought in 1944 and which lives on in the hearts of many of us today.

REMARKS BY JERZY (GEO.) PATEJAK

I wish to set few historical facts on the Warsaw uprising straight, which the press and other media of mass communication, by design or ignorance, are reporting incorrectly. There were two uprisings in Poland during the German occupation. The one which we commemorate now was "The Jewish Warsaw Ghetto Uprising" where free men decided rather to die with dignity, than march obediently into the ovens of Treblinka or Oswiecim (Auschwitz). The second, historically known as "The Warsaw Uprising" began on August 1st, 1944, when the Red Army reached Praga, the suburb of Warsaw, located on the east side of the Vistula River. The Polish underground army, known as "The Polish Home Army (AK)", independent of Polish forces fighting in Africa, Italy and France, rose up to liberate Warsaw, the capital of Poland, to establish a government independent of the liberators Russian style. For 63 days, valiant, poorly armed Poles engaged a large segment of the German Army, with its heavy artillery, in almost hand to hand battle. Molotov cocktails against one of the crack German tank (Panzer) divisions, a division which was pulled out of front line defense against the advancing Red army. Each house was a fortress and each retreat was soaked with the blood of its defenders. Outnumbered, exhausted, with a shortage of ammunition, the Poles had to capitulate and join their colleagues in arms of the 1939 campaign as prisoners of war.

The casualties of this uprising were enormous. Germany paid with 17,000 dead and numerous wounded, which represented 25% of the total German losses during this period of the war.

Polish losses, both in men and property, were staggering. The beloved city, badly damaged, was not aware of a German decision to obliterate her completely. So great was the German fury and need for revenge that the whole population of Warsaw was driven out and a special German demolition unit was ordered to raze the whole of Warsaw.

All through this struggle, the Red Army watched from across the river and deliberately allowed the Polish patriots to die, denying the allies even landing rights on the Soviet side for refueling, absolutely necessary for a successful drop of medical and military supplies to the Warsaw Freedom Fighters. The resumption by the Red Army of the offensive after the capitulation of Warsaw saved the city from total obliteration. Only 3 cities in the history of the world ignited the hatred of the conquerors to such a degree that destruction was carried out systematically house to house: Jerusalem, Carthage and Warsaw. So great was the destruction of Warsaw that Stalin's imposed government in Poland contemplated abandoning of the city, but before it had time to make its decision known, half a million Warsaw residents returned to their beloved city and began with bare hands the reconstruction, removing the rubble and reclaiming what was reclaimable, attesting to the world that the city was not dead, forcing the government to decide to rebuild the city as a symbol of the victory of spirit over the matter. So Warsaw as the legendary Phoenix rose from the ashes.

Next year will be the 50th anniversary of the Warsaw uprising. Hopefully the media of mass communication will bring to the world's attention the heroic struggle of the Polish people which goes on even now and will continue until Poland free will join the family of free nations.●

SENATE—*Monday, June 20, 1983*

The Senate met at 12 noon, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Praise the Lord! Blessed is the man who fears the Lord, who greatly delights in His commandments.—Psalm 112: 1.

Lord God of Heaven and Earth, all powerful, all wise, knowing all things past, present, and future, we pray for Thy guidance in all Senate deliberations. Thou art acquainted with all our ways. For Thee no plans are classified. Lead us in a way that corresponds to reality. Spare us from wasted effort, from unfruitful ideas and unproductive labor. Keep us from spinning our wheels, from jousting at windmills, from shadow boxing, from following delusive dreams.

Free us dear Lord, from human pride which refuses to submit to Thee, which will not seek Thy wisdom, which stubbornly pursues futility. Gracious God, whose ways are perfect, forgive us for playing God and lead us in the way of everlasting truth and light. In the name of Him who is the Light of the World we pray. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

ORDER OF PROCEDURE

Mr. TOWER. Mr. President, under the order of June 16, 1983, the reading of the Journal has been dispensed with; the call of the calendar has been dispensed with; and no resolution should come over under the rule. The morning hour has been deemed to have expired. I make that comment for the benefit of Senators.

Mr. President, I shall reserve the remainder of my time at the moment and defer to the distinguished minority leader if he has any comment to make.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished minority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair. I thank the distinguished acting Republican leader.

GEORGE WASHINGTON DREAMT HERE

Mr. BYRD. Mr. President, today is West Virginia's official birthday. On this day 120 years ago—June 20, 1863—by an act of Congress and by the approval of President Abraham Lincoln—West Virginia became the 35th State of the Union. Thus, by deliberate decision, Virginia—up until then the largest State east of the Mississippi—was torn in two, the northwestern portion staying in the Union and the eastern part becoming the essence of the confederacy.

Some thoughtful people still regret Virginia's dismemberment. But the dynamics for a new State between the Allegheny Mountains and the Ohio River were rooted in the pre-Revolutionary War era, and many authorities believe that West Virginia's birth was inevitable.

In 1770, for example, Virginia planter-warrior-scout George Washington led an expedition from Fort Pitt down a de-Frenchified Ohio River and up the Kanawha. On his return to Mount Vernon, Washington filed legal claims to about 34,000 acres of present-day West Virginia. Included in those claims was a Kanawha Valley plantation site of nearly 11,000 acres downstream from today's Charleston, the present capital. On the banks of the Kanawha River, Washington envisioned and launched a small but thriving settlement—the nucleus for a new Virginia enterprise across the mountains from the gracious Tidewater and the industrious Piedmont. Often ahead of his contemporaries, Washington saw that, with the French threat gone, Virginia's mountain wilderness encompassed a vast and promising potential.

Washington was not alone in seeing the possibilities of Virginia's mountain expanses. In the brief lull between the French and Indian War and the American Revolution, two proposals were made to establish a "Fourteenth Colony" in what is modern West Virginia. Those proposals would have called the new colony respectively "Indiana" and "Vandalia." The Vandalia proposal has even been accepted by King George III, and a Vandalia charter was in preparation when the brooding Revolution caused His Majesty's ministers to halt the new project. Subsequent to the Declaration of Independence, however, some American 14th colony proponents petitioned the Continental Congress to create a 14th State—Westsylvania—to embrace most of current West Virginia, and much of western Pennsylvania, southwestern Virginia, and eastern Kentucky. Alarmed eastern Virginians, however, defeated the Westsylvania plan, and West Virginia's birth was delayed for nearly another century.

During that interim northwestern Virginia grew in ways often at odds with its eastern neighbors toward Richmond and Fredricksburg. Since the Alleghenies were so forbidding, east-west travel in the Old Dominion was difficult. As a result, northwestern Virginia was largely settled by New Englanders, New Yorkers, and Pennsylvanians who emigrated into Virginia by way of the Ohio River tributaries. Except for West Virginia's now-eastern panhandle and southeastern counties, slavery was not widespread in the mountains, either. Budding coal, iron, and chemical industries likewise set northwestern Virginians apart from their predominantly agrarian eastern compatriots. Again, where eastern Virginia lent itself to large and sprawling plantations, the coves and crags of the Trans-Allegheny region invited mainly small farms and modest holdings. And while many James River cavaliers and belles looked to London for the latest books and music and to Paris for up-to-date fashions, northwestern Virginians looked mainly to themselves for most entertainment and to their spinning wheels for the clothes on their backs.

In spite of such cultural and economic differences, however, northwestern Virginians played an active role in Virginia's antebellum political life. Allied with like-minded reformers from the Great Valley of Virginia, the northwesterners helped force the 1829-30 Virginia Constitutional Convention. Again in 1850, the same alliance brought together the "Reform Convention" to equalize representation for the counties beyond the Blue Ridge and those of the slaveholding east. And in 1851, Joseph Johnson of Clarksburg was elected Virginia's only Governor from west of the Alleghenies.

But the Virginia Secession Convention of 1861 posed a dilemma too deep for most northwestern Virginians to ignore, and the Union and the "Old Flag" won the struggle for their allegiance. In 1863, West Virginia became an independent State, and the 1865 Appomattox cease-fire could not heal the breach.

After Lee and Grant shook hands, however, thousands of Confederate western Virginians instinctively turned homeward to start new lives. During the Reconstruction years, Unionist and Confederate West Virginians set

their differences largely aside, and created de facto the West Virginia that in 1863 Congress and President Lincoln had created de jure. Out of that new understanding grew my home State.

Mr. President, I am proud of West Virginia, her heritage, and her people. We are noted for our high mountains, spectacular scenery, rushing streams, and vast forests—for "Wild, Wonderful West Virginia," as it were. Our neighbors know us as coal miners and steelworkers. Our native music helped nourish and still fuels interest in the music known worldwide as "blue grass," the old-time music passion. West Virginians are renowned as brawny, sturdy, independent, friendly, and resourceful people. We are an exciting mixture of Anglo-Saxon, Scot, Irish, Black, German, Slavic, Jewish, Hungarian, Arab, Italian, Hispanic, Greek, and Oriental people and cultures. We are Daniel Boone, "John Henry," and "Devil Anse" Hatfield. And we are proud of that diversity and that strength.

I know that my colleague is on the floor and that he is prepared to—he has not told me so but I am sure he is going to make some reference to our State's birthday today.

I wish for West Virginia and for all West Virginians a future that will not only vindicate but outstrip George Washington's dreams for that wilderness empire across the mountains—America's first frontier where the promise began and has never faded away.

I thank the Chair for his indulgence.

The PRESIDING OFFICER (Mr. RUDMAN). Does the minority leader wish to yield some of his leadership time to the senior Senator from West Virginia?

Mr. BYRD. Yes, if I have some.

Mr. TOWER. And I will be delighted to yield some of my time to the senior Senator.

Mr. BYRD. I thank the Senator from Texas.

Mr. RANDOLPH. I am grateful to the minority leader and the acting majority leader. May I ask how much time is actually yielded to me?

The PRESIDING OFFICER. Eleven minutes remain if that is yielded by the leadership.

Mr. RANDOLPH. That will be the combination time?

The PRESIDING OFFICER. The Senator is correct.

THE 120TH ANNIVERSARY OF WEST VIRGINIA STATEHOOD MARKS THE RICH HERITAGE OF ITS PEOPLE

Mr. RANDOLPH. I am appreciative of the opportunity provided for me to join with the minority leader, Senator BYRD and discuss the State of West Virginia on our 120th anniversary.

I shall chat, rather than make a speech, as if we were sitting around the table where a group of people were talking about their States. When I speak of West Virginia, I do want to make us glad.

I begin in a rather unusual way by referring to that first time when I was a candidate in 1930 for the House of Representatives from the Second District of West Virginia. I was 28 years of age. I was successful in the primary, but I lost in the general election. I remember being in Jefferson County, W. Va., and as you would know, Jefferson County in West Virginia is in memory, of course, of Thomas Jefferson, who loved that section, the eastern panhandle, of our State, and said from what is known as Jefferson's Rock, that the view is worth crossing the Atlantic Ocean to see.

Jefferson said:

> The passage of the Potomac through the Blue Ridge is, perhaps, one of the most stupendous scenes in nature. You stand on a very high point of land.

He continued:

> On your right comes up the Shenandoah, having ranged along the foot of the mountain a hundred miles to seek a vent.
>
> On your left approaches the Potomac, in quest of a passage also.
>
> In the moment of their junction, they rush together against the mountain, rend it asunder, and pass off to the sea. The first glance of this scene hurries our senses into the opinion that this earth has been created in time, that the mountains were formed first, that the rivers began to flow afterwards, that in this place they have been dammed up by the Blue Ridge of mountains and have formed an ocean which filled the whole valley; that continuing to rise they have at length broken over this spot, and have torn the mountains down from its summit to its base.
>
> The piles of rock on the Shenandoah, the evident marks of their disruptive and avulsion from their beds by the most powerful agents of nature, corroborate the impression.
>
> For the mountain being cloven asunder, she presents to your eye, through the cleft, a small catch of smooth blue horizon, at an infinite distance in the plain country, inviting you from the riot and tumult roaring around, to pass through the breach and participate of the calm below. Here, the eye ultimately composes itself. It is a scene worth a voyage across the Atlantic.
>
> But the distant finishing which nature has given to the picture is of a very different character. It is as placid and delightful as that is wild and tremendous.

I was going through the apple orchards. West Virginia apples, you know, are even better apples than those from Virginia and from Washington and other States. I remember our dear friend, the former senior Senator Harry Flood Byrd. He had more acreage in his apple orchards in West Virginia than he did in the Commonwealth of Virginia. While he was a Member of the Senate, there also was another Senator from the Commonwealth of Virginia, A. Willis Robertson, also a native West Virginian.

I often think of that trip that I took through the countryside shaking hands with the apple pickers. I was working my way southward late in the afternoon, and I remember a gentleman who was very kind to me. He said,

> Mr. Randolph, we are very happy to have you here and to shake hands with you and to greet you, but I think I should say that you are about a quarter of a mile into the State of Virginia.

I responded:

> I know that all of you have friends and relatives in West Virginia and that hopefully you will say a good word for me to them on Election Day.

There is a gladness, there is a joy, there is a happiness that exists between these two States.

Recently, we have had many comments about the legality of the State of West Virginia. We are the only State of the Union that was signed into our statehood by the signature of a President of the United States. That, of course, was the signature of Abraham Lincoln, affixed on June 20, 1863. And so we are 120 years young as a State today. We are a State youthful, of course, in our outlook, although there are difficulties from the standpoint of unemployment, which has been mentioned by Senator BYRD during his appropriate remarks. But we must remember that in our State of West Virginia there is a youthfulness which is not because it is 120 years young but because the citizens believe in the future and we are going to live our lives in that future, not only of course to discuss the past, the problems of the present, but to know that there are good years ahead.

I felt a few days ago that I should write a letter to an interesting columnist of the Washington Post—I read the columns of Jack Eisen. He was writing on June 9 about this subject matter of whether West Virginia came into statehood in a legal or a sublegal or an extralegal or a pseudolegal way—whatever you want to call it. It was a very amusing, a rather interesting column. I decided to write him a letter over the weekend and I will send the letter today.

> Today, June 20, is West Virginia Day, the 120th anniversary of statehood. I thought that it would be appropriate to comment on your column of June 9 and the question of our legality by the process by which we became a State. I certainly am not going to comment or for a moment really concede that West Virginia's separation from Virginia was constitutionally flawed—

Using his language—

> That has been suggested over the years but has never been tested in the courts, fortunately for us, according to some authorities-

Other authorities, of course, feel differently.

The question of legality is moot after 120 years. The passage of time and events in the last century have

given a certain, let us say, legitimacy, to whatever nit-picking questions have been raised.

Since our difference of opinion 120 years ago, the States of Virginia and West Virginia have been good neighbors. It is obvious from the comments of our two Governors, Jay Rockefeller and Chuck Robb. Chuck Robb's father was born in the State of West Virginia, in the town of Elkins, where I am a resident.

These two Governors have no problems. Because West Virginians have given not only Senators by birth but also Governors of Virginia and other officials serving in Virginia but born in West Virginia.

So there is a joy of friendship and understanding and faith between the peoples of our two States.

We are quite satisfied, both of us.

So, legality aside, West Virginians and Virginians will live together, as we have lived most of these 120 years, not only as neighbors but also as goods friends.

Mr. President, I ask unanimous consent to have printed in the RECORD the article by Jack Eisen and my letter to him, dated June 20, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 9, 1983]

SETTING THINGS STRAIGHT

(By Jack Eisen)

There is little doubt in my mind that West Virginia was created illegally—or, if one wants to draw a distinction, extralegally—during the Civil War. Whether, as the license tags claim, the state is "almost heaven," West Virginia's split from parental Virginia in 1863 was—as I read history—constitutionality flawed. And, let's admit, I'm philosophically on the Yankee side.

But West Virginia's sovereign existence has become a habit, not subject to reverse. Or is it?

Eben Barnette, president of the West Virginia Taxpayers Association, wrote Virginia Gov. Charles S. Robb in March promoting reunification. Not only that, but suggesting Staunton, a charming small Virginia city in the Shenandoah Valley, as the capital of the reunified state. Staunton Mayor Thomas E. Roberts, picking up the cue, wrote Robb and the governor of West Virginia asserting the city's cause.

The replies:

From West Virginia Gov. John D. (Jay) Rockefeller IV—West Virginians "would never give up the statehood that they have justifiably earned." (Earned? They stole it!).

From Virginia Gov. Robb—"You make a very strong case for Staunton and I share your high regard for the 'Queen City of the Shenandoah Valley.' I don't expect the Capitol to be moving, however." (The Capitol sure isn't going to be moved. But the capital, maybe?)

Robb also wrote to Barnette that reunification "does not appear to me to be a practical possibility." (Not even practicable?)

JUNE 20, 1983.

Mr. JACK EISEN,
The Washington Post,
Washington, D.C.

DEAR JACK: Today, June 20, is West Virginia Day, the 120th anniversary of statehood. I thought it appropriate to comment on your column of June 9 and the question of the legality of the process by which we became a state.

I do not concede that West Virginia's separation from Virginia was "constitutionally flawed". That ill conceived logic has been suggested over the years but has never been tested in courts. The question of legality is moot after all these years.

Since our difference of opinion 120 years ago, the States of Virginia and West Virginia have been good neighbors. It is obvious from their comments that our two governors, Rockefeller and Robb, are quite satisfied with the present arrangement and feel no need to remerge into one state.

I can understand why Virginia might want us back. The people of our mountains have made many contributions to the welfare of the Old Dominion in the past century or so. The legendary Senator Harry F. Byrd, Sr. was born in West Virginia as was Governor Robb's father. Their West Virginia roots have served them well as leaders of Virginia.

So, the status quo seems to be quite satisfactory to both states. Legality aside we will continue to live together as friends and neighbors.

I enjoy your writing on all subjects.

Truly,

JENNINGS RANDOLPH,
Ranking Minority Member.

COMMUNICATION TO THE SENATE—VETO MESSAGE ON S. 973

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read as follows:

JUNE 20, 1983

Hon. GEORGE H. W. BUSH,
President of the Senate,
Washington, D.C.

MY DEAR MR. PRESIDENT: On Saturday, June 18, 1983, the President of the United States sent by messenger a message addressed to the Senate, dated June 18, 1983, giving his reasons for not approving S. 973, an Act to make technical amendments to the Indian Self-Determination and Education Assistance Act and other Acts. The Senate not being in session on the last day which the President had for the return of this bill under the provisions of the Constitution of the United States, in order to protect the interests of the Senate so that it might have the opportunity to reconsider the bill, I accepted the message, and I now present to you the President's veto message, with the accompanying papers, for disposition by the Senate.

Respectfully,

WILLIAM F. HILDENBRAND,
Secretary of the Senate.

ORDER FOR VETO MESSAGE ON S. 973 TO BE HELD AT THE DESK

Mr. TOWER. Mr. President, I ask unanimous consent that the veto message on S. 973, together with the accompanying bill, be held at the desk and be called up by the majority leader after consultation with the minority leader.

Mr. BYRD. Mr. President, there is no objection on this side. If there were an objection, it would cause the message to be immediately put before the Senate and a vote to be taken.

It should be the majority leader's decision as to when to bring it up. The order is for his doing so after consultation with the minority leader, and there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The veto message is as follows:

To the Senate of the United States:

I am returning, without my approval, S. 973, "an Act to make technical amendments to the Indian Self-Determination and Education Assistance Act and other Acts." I have no objection to these technical amendments.

However, section 5 of the bill, added by an amendment on the Senate floor, would allow a particular school to transfer to taxable investors tax benefits attributable to a building that it refurbished with Federal funds. Without this legislation, the proposed transaction would result in the school being required to repay the Federal funds used to refurbish the building.

Recently there has been a great deal of concern about the sale of tax benefits by tax-exempt entities through leasing transactions. Leasing transactions similar to the one contemplated by this legislation present tremendous potential for abuse and could result in billions of dollars of revenue loss to the Federal Government. The transaction that this legislation would condone would permit a school that has already received tax deductible contributions and Federal grant money to sell certain tax benefits to outside investors. This case is particularly offensive in that the tax benefits being sold are attributable to property that was paid for with Federal grant money. In addition to receiving money for selling tax benefits, the school, as a tax-exempt entity, would be able to invest the proceeds of the sale and receive the income from such investment tax-free.

The propriety of leasing transactions involving the sale by tax-exempt organizations of tax benefits needs to be scrutinized very carefully. Where the tax benefits being sold are attributable to expenditures of Federal funds, the transaction becomes totally unjustifiable. We cannot condone the sale by a tax-exempt entity of tax benefits produced through the use of Federal funds.

As I have noted, the Indian-related amendments contained in this bill are not objectionable. Accordingly, I urge the Congress to reenact sections 1-4 of S. 973 without delay.

RONALD REAGAN.

THE WHITE HOUSE, *June 17, 1983.*

RECOGNITION OF SENATOR PROXMIRE

Mr. TOWER. Mr. President, it is my understanding that there is only one special order.

The PRESIDING OFFICER. The Senator is correct.

Mr. TOWER. Fifteen minutes to Senator PROXMIRE.

Am I correct, Mr. President, that the period for the transaction of routine morning business has already been ordered?

The PRESIDING OFFICER. The Senator is correct.

Mr. TOWER. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

SHOULD THE SENATE BE A PART-TIME JOB?

Mr. PROXMIRE. Mr. President, Majority Leader HOWARD BAKER has made the case for part-time U.S. Senators about as well as anyone could make it. On Thursday, June 16, we debated this issue briefly on the floor. If this proposition were coming from anyone except the majority leader of the Senate, it would be ignored. But HOWARD BAKER is not only No. 1 in this body; he is recognized for what he is: An extraordinarily wise man of good judgment. He has thought and written on this issue at length. His thoughts merit an answer.

Senator BAKER would have the Senate in session no more than 6 months per year. Senators would receive half pay, which the majority leader would set at something like $35,000 annually, down from the approximately $70,000 we have just voted. And Senators would be expected to spend those 6 months in full-time private employment in their home States.

There is a whole series of problems with this proposal. But the biggest problem is that it overlooks the most important function of a U.S. Senator or a Member of the House of Representatives. Senator BAKER sees the job from one massive but still a single perspective. It is this: We work here in Washington to draft and pass legislation, to review, criticize, and generally oversee the operations of the executive branch, to advise and consent to the President's appointments of top personnel, and to the ratification of treaties. We have a critical constitutional responsibility to check and balance the power exerted by the more than 2 million employees of the executive branch. We also appropriate the more than $700 billion a year to run the Government of the United States, and we raise the taxes or authorize the borrowing to pay for those hundreds of billions of dollars of expenditure.

This work, Senator BAKER says, we should do in 6 months every year and be paid for 6 months of work, no more. Senator BAKER argues that we do that work far better, with a much better representation of the people of this country, if we join the people in our respective States as working, private citizens 6 months every year.

What is wrong with that? Plenty. The majority leader assumes that the best way we can understand our peoples' needs and wants is to reclaim our identity as private persons with full-time immersion in the non-Federal segment of the private work force for half our time. This is certainly not the best way to represent the people of this country. No single private job—whether lawyer, or doctor, or assembly line worker, or teacher, or newspaper editor, or banker, or construction worker—can permit a representative of the people to understand the needs and problems of the people he represents. How do we win that understanding? We win it by getting out in the State on weekends and during our frequent recesses to meet with the infinite variety of persons we represent. We talk with them, literally by the thousands. We hold town hall meetings. We hold farm meetings. We speak at union meetings and to chamber of commerce meetings. We talk with women and men, students and retired people, day after day—all day.

No private sector job permits this kind of comprehensive access to the huge variety of people each of us finds in all sections of our States. For example, what Wisconsin job would pay me to spend months every year walking up and down the main street in literally hundreds of small Wisconsin towns, or talking with hundreds of workers morning after morning who are going to work at factory gates, or meeting personally with the wonderful variety of people that go to football and baseball and basketball games in our State? This kind of work makes the typical day a Senator spends in his State an opportunity to get to know and understand his State's problems as no lawyer, no doctor, no banker, no construction worker, no teacher possibly can.

Why would a Senator who could be enjoying the glamor and power of Washington do this kind of homework? Why would he do it? Is it not often gruelling, exhausting, and monotonous? Yes. But consider why we do it:

We want to represent our constituents, and we know we can do so only if we meet with them, listen to them, understand their problems.

Second, to be realistic about it, a Senator will know that even more important than money in any reelection success he may achieve will be his personal—I stress personal—association with literally hundreds of thousands of voters in his State. Anyone who wonders why incumbents of both parties win reelection between 75 and 90 percent of the time, here is your real answer.

Third, a Senator finds that his constituents are much more likely to come to him with their problems and their convictions if they feel he is accessible to them.

And nothing will make a constituent feel personally closer to a Senator than actually meeting him, shaking his hand, hearing a direct personal word from him, in this age of impersonal television.

For these reasons and others, a Senator who spends the time that he is not required to be in Washington back in his State meeting day after day with his constituents, will be a far better representative than a part-time Senator who spends 6 months in Washington and then comes home to work full time in a law office, a bank or with a construction company, as a teacher, or in any other kind of occupation that will focus day after day on a relatively few fellow workers and clients in single part of a single city in his State.

Mr. President, in preparation for this speech, I have just made a survey of 15 Senate offices—9 Republican and 6 Democratic—and I have found in every case the Senators stay in close and constant touch with their constituents. All attend many regular meetings with their constituents. One, for example, holds town meetings in every one of the cities and towns in his State every year.

I have also made a survey of the entire Wisconsin congressional delegation. The delegation includes five Democratic and four Republican Congressmen and a Democratic and Republican Senator. All systematically return to the State, some virtually every weekend. One Congressman has held more than 200 town meetings in the past 4 years. Others have regular office hours at home; one uses a mobile van for office hours.

Conceivably some of this kind of work could be done by a Senator or Congressman who spent half his time on his congressional job and the other half working full time as a lawyer or farmer or doctor or banker. But I very much doubt it. Let us face it, Mr. President, this job requires a full time, constant attention to the concerns and interests of literally thousands of people back home. No part time, business or professional or workingman would possibly do the justice that a full time representative can and should give to this critical job both of making the laws and representing the people of this democracy, and both making laws and representing the people of our State are critically important.

I do not mean to demean for a single minute the lessons we could learn in the private sector meeting payroll, paying Federal taxes, dealing with what can be a maze of Federal regulations and arbitrary bureaucratic decisions from Washington, negotiating as members of organized labor or as members of management. Many of us in Congress have learned these lessons before we came here. Many who have not had that experience have become very sympathetic with the problems of the people we represent from having consulted and worked with businessmen and farmers and workers in our home States on a myriad of problems imposed by Federal Government activity. In some ways, we learn more when we deal with these problems from both sides—helping the harassed businessmen, for instance, on the one hand, and working out a solution with the regulating Federal bureaucracy, on the other, than if we spent 6 months every year working as a doctor or as a lawyer, and 6 months on Senate business.

The majority leader's proposal of dividing our time between full-time jobs at home and in Washington is a variation on another theme many push; that is, that we should limit Senators to a maximum of two full terms, that is 12 years. In that way, the argument runs, we can constantly refresh this body with a whole new infusion of blood from those who have been living as private citizens. They can come to Washington. They can serve a couple of terms. They can then return before they have become captives of this Federal Government that rides herd on our country with its mammoth budget that is rapidly approaching $1 trillion a year in spending. Frankly, I think such a forced infusion of rookie Senators is an illusion. A Senator or Congressman does not lose touch with his district by serving here 13 or 30 years.

He does not lose touch because he serves here full time without holding a full-time job in his State. Then how does a Senator lose a sense of reality? He loses touch if he fails to do the often tough, grinding work back in the State—the time away from family and friends that he must spend to leave his wife and family weekend after weekend and recess after recess to go back to the State to talk and listen and work and help. The solution for Senators to truly represent their constituents is not a part-time Senate job shared with 6 months in a law office or a bank back in Peoria, but to return from Washington to the State 30 or 40 or 50 times a year for however many years the Senator stays in this job.

Mr. President, finally I do not blame those who overlook the intensely time consuming nature of full at-home representation by Senators. The focus, understandably, by the press and other observers has been on the Washington job. And the Washington job is, of course, critical. But if we are going to do that job as genuine representatives of our State, then, during the time we are not required to be in Washington, we should be working with our constituents, all of our constituents, as their full time representatives in this most powerful legislative body in the world.

THE WORLD HEALTH ORGANIZATION TELLS HOW NUCLEAR WEAPONS DIFFER FROM PREVIOUS WEAPONS

Mr. PROXMIRE. Unfortunately, Mr. President, many Americans, including many Members of Congress do not fully appreciate how overwhelmingly different a nuclear war would be from any war that has ever taken place on this planet. The World Health Organization recently looked into the effect of a nuclear war on human health with the help of the world's outstanding experts. In the process of this inquiry they first spelled out the deadly and I mean deadly power involved.

I am convinced there is nothing this country cannot accomplish if we first take the time and have the patience to thoroughly understand what we are up against and what options we have. I am convinced that Americans will do whatever they believe is required to maintain their freedom and protect this country we love and, of course, that includes what thousands of Americans have done throughout our history—sacrifice our lives. At the same time I am convinced that a nuclear war between the superpowers is simply not an option.

We must recognize this and act promptly and vigorously to stop a nuclear holocaust. That does not mean unilateral disarmament. It does not mean relinquishing one iota of our freedom or sovereignty. It does mean using every bit of negotiating resource at our command to stop further testing, production or deployment of nuclear weapons mutually; that is, by both sides. Both the United States and the Soviet Union say they oppose nuclear war. Both contend that a nuclear war would leave no winner, but would leave a devastated world with untold dead and dying. And yet both of our nations continue to pour precious resources into this arms race. A few weeks ago the New York Times estimated that even if the present arms control talks—the START talks—reach a successful conclusion we; that is, the United States alone will spend a mammoth $50 billion a year for each of the next 5 years, for additional nuclear weapons. And this would come on top of an arsenal of nuclear weapons that already would totally pulverize the Soviet Union with immense deadly power left over, even if they should strike us first and knock out every vulnerable nuclear weapon we have.

As the wise and experienced American diplomat George Kennan has said, this is utter madness. This country and the Soviet Union are like lemmings rushing to the sea to drown as swiftly as possible.

Mr. President, let me read at this point the introduction of the World Health Organization's report on the effect of nuclear war on the health and health services. Last Thursday I put a summary of this report into the RECORD. Today I follow up with the introduction. Here it is:

1. The introduction of nuclear weapons has added entirely new dimensions * * * to warfare. Quantitatively it has brought an enormous increase in explosive power over that of conventional weapons. Whereas atom bombs of the type used in Hiroshima and Nagasaki represented an increase from tons of TNT to the equivalent weight of thousands of tons (kilotons), hydrogen bombs, developed about a decade later, represented an increase from kilotons to millions of tons (megatons). During the last two decades nuclear weapons have been amassed to an estimated total of nearly 20,000 megatons. Such is the increase in destructive potential that a single thermonuclear bomb can have an explosive power greater than that of all the explosives used in all wars since gunpower was invented. The explosive power of the nuclear arsenals of the world is now about 5,000 times greater than that of all the explosives used in the Second World War.

2. The weight of nuclear material needed to produce a 20-megaton bomb is less than 10 tons. With present-day technology nuclear bombs can be projected to any place in the world. To produce the same blast effect with dynamite would require material weighing more than the Great Pyramid of Egypt.

3. The qualitative difference between nuclear and conventional weapons is of even greater significance than the quantitative difference. The two most lethal agents in conventional weapons are blast and heat. Both cause death and injury when nuclear weapons are used, but to an extent thousands of times greater. Nuclear weapons, however, also produce new lethal effects by radiation. Furthermore, the radioactive fallout can affect people at great distances from the explosion. The radiation from the fallout can have lethal effects long after the explosion and is also an obstacle to rescue operations and to effective medical care of the injured. And its deleterious effects may continue to be felt in future generations, long after hostilities have ended.

4. Less quantifiable effects of nuclear war include atmospheric changes detrimental to agriculture and the economy in all parts of the earth. Moreover, since mankind has never experienced a global nuclear war, other unpredictable direct and indirect effects cannot be excluded. Any assessment of the effects of thermonuclear war must therefore be attended by a measure of uncertainty and speculation. However, on the basis of the information derived from the explosions in Hiroshima and Nagasake, from nuclear weapons tests, from research in radiation physics and radiation biology, and from earthquakes and other catastro-

phes, it is possible to predict the main effects on populations as a whole and on their environment.

Mr. President, I expect to continue to read into the record and to provide for the Senate further observations from the World Health Organization report subsequently.

DOCUMENTING THE CAMBODIAN KILLINGS

Mr. PROXMIRE. Mr. President, when one person sets out to shape history, instead of letting history shape him, when he defies the conventional attitude that one person cannot make a difference, he commands the attention of every one of us.

Gregory Howard Stanton is such an individual.

A native of my home State of Wisconsin, Mr. Stanton has taken the initiative to single-handedly document the deaths of 2 million Kampucheans—a quarter of the Cambodian population—with the eventual hope of bringing the Communist government of Pol Pot to justice before the World Court.

Stanton thinks that Pol Pot's systematic execution of 1 million undesirables, his institution of slave labor, his forced evacuations of whole cities—including those hospitalized—and his separation of children from their parents cannot be ignored in a world we claim is civilized.

Stanton knows the argument that genocide is inevitable and unpreventable, but he remains undaunted by these voices of defeatism. Stanton is puzzled, however, as to why the United States, the world's leader is preserving human rights, will not ratify the Genocide Convention under which Stanton would press his charges.

Government, Mr. President, is supposed to both reflect and augment the best characteristics of its people. In this case, Mr. Stanton's courage, conviction, and deep sense of justice receives no encouragement, and is, in fact, stifled by this body. Gregory Stanton's story, told in an excellent article by Michael Matza in Student Lawyer magazine, is an important reminder that the American people often run ahead of their Congress. I urge my colleagues to follow Mr. Stanton's lead and give its consent to the Genocide Convention. A native of Racine, Wis., Stanton grew up as the oldest son of a father who is a pastor of the Presbyterian Church and a mother who is an English teacher.

Mr. President, I ask unanimous consent that Michael Matza's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Student Lawyer magazine, February 1983]

HIS BROTHERS' KEEPER

(By Michael Matza)

There is a compelling sense of mission about 35-year-old Gregory Howard Stanton, a 1982 graduate of Yale Law School. This past April, Stanton launched a one-man effort he calls the Kampuchean Genocide Project, through which he hopes to raise $300,000 to send researchers and scientists to Southeast Asia to gather evidence that would document—precisely and for posterity—the crimes of the Pol Pot government in Democratic Kampuchea (Cambodia) from April 1975 through the end of 1978.

Although it was thrown out of power by a Vietnamese-backed invasion in 1979, the government that was named for Khmer Rouge leader Pol Pot still represents Kampuchea as part of a united front in the United Nations. That is does so belies a past that survivors of Khmer Rouge brutalities remember with dread. In the three and a half years that it was in power, the Pol Pot regime is said to have intentionally murdered at least one million Kampucheans and to have imposed conditions of slave labor, starvation, and forced evacuation that resulted in the deaths of more than one million others. In a country of approximately eight million people, one quarter of the population was systematically exterminated through a maniacal program that seemed like the Final Solution writ small.

For Greg Stanton, such mind-boggling carnage imposes a personal obligation. "There are people who can become numb to the killing. People who see one mass grave and can't go to another," the founder and director of the Genocide Project told the New York Times in April when he announced his plan to raise private funds to finance the project. One of his aims to have the evidence—and the murderers—tried before the World Court in The Hague, Netherlands. "But part of it is that after you've gotten to know people in Kampuchea and heard their stories—and everyone has lost someone—you begin to realize how personal mass murder is. Impersonal to the murderer, but personal to the victim. You hear enough, to the point where the stories add up to a duty."

While still at Yale, Stanton began to wonder how he could bring what he was learning in law school to bear on the tragedy of Kampuchea. He discussed his thoughts with his law professors. "What we had here was a case of massive violation of international law that once again was going to go unpunished," Stanton recalls thinking. "A world government of laws—not just naked power—doesn't let mass murderers escape scot free."

Stanton knew that evidence would be the backbone of any campaign to have other countries recognize and officially deplore what happened under Pol Pot. Stanton decided the project should be an independent one so that it could be free of bureaucratic delays or political influence. He is, therefore, single-handedly contacting foundations and private donors. Stanton says talks with foundations are in the "negotiation phase," but he hopes to reach his goal of $65,000 for 1982–83, which would make it possible for fact gathering to begin in Kampuchea. The funds will pay small salaries and expenses for historians, who will interview survivors to gather stories about the events of 1975–78, and forensic pathologists and other scientists, who will examine bodies and mass graves to establish the way in which people died.

Once the evidence is gathered—he hopes by 1984—Stanton plans to make use of it in several ways: He hopes to publicize the information (after having its credibility established by distinguished international jurists) and to have a country that is a signatory to the International Genocide Convention bring the charge of genocide against the Pol Pot regime before the World Court. Hearings before the World Court would probably begin within the same year.

To be sure, there is more than the average sense of duty in Stanton, who describes himself as a committed Christian and whose every undertaking is rooted in "the belief that God is the ultimate reality and that God's love is the most powerful force if we want to use it." A native of Racine, Wisconsin, Stanton grew up as the oldest son of a father who is a pastor of the Presbyterian church and a mother who is an English teacher. From them he learned respect for the "powers of the mind" and a "commitment to racial justice." It was the kind of education that one picks up from a father who organized an Oberlin, Ohio, sit-in in 1945 to integrate a barber shop and from a mother who was dedicated to teaching family values to children who included an adopted daughter from Nicaragua and a son from the Netherlands.

Stanton's parents inspired his formal education, too. Both are 1943 graduates of Oberlin College, and their son enrolled there in 1964. He combined scholarship with activism, earning a Phi Beta Kappa key in government in his junior year and a position in the student senate, from which he denounced American involvement in the then escalating war in Vietnam. But his views were liberal, not radical. In an April 1968 article published in Oberlin Alumni Magazine, an article based on a speech Stanton gave to the Cleveland Human Rights Day Institute the previous December, he made his views plain.

"Yes, many of today's students are in revolt," he wrote. "We are rebels in a society full of injustice; rebels in a society which not only fails to locate even one public hospital in Cleveland's Hough ghetto, but also bombs a North Vietnamese leprosarium to the ground. We are rebels against a war in which bombers carrying the name of our country drop flamming napalm on men, women, and children, and sear the flesh from human bones; rebels against the arrogance of a powerful nation which has intervened in a civil war halfway around the world; rebels to change a society in which 40 percent of black families have an income of less than $3,000 a year, where 20 percent live in substandard housing; rebels against a national policy which spends $30 billion a year to burn cities and villages in Vietnam at the same time our own cities are burning with hatred and frustration. We are rebels with a cause and the name of our cause is human rights."

A few paragraphs later, Stanton moderated his rhetoric: "We students can make all the 'Support our boys; Bring them home now' posters we want, but when we demonstrate violently nobody's listening. If our aim is political realism, rather than emotional catharsis, our tactics must be aimed to convince, not alienate, the American 'Middle.' I don't believe there is going to be a violent revolution in the United States, nor do I think that if there could be one that it would bring a change for the better. Our nation does need a continuing 'revlou-

tion' in social justice—a continuing 'revolution' for racial equality; continuing progress against poverty. But this kind of 'revolution' will come about only by continuing political evolution. . . . Senator [Eugene] McCarthy has shown that the way to reform is not through alienation but through participation in the political process. Those of us who oppose the war should rally around men like Senator McCarthy, not around the cars of military recruiters."

Idealism tempered by pragmatism. In Stanton's life, the two traits combine to form something of a leitmotif. It was idealism that led him into the Peace Corps in 1969— to a post in a small village in west Africa's Ivory Coast—and pragmatism that led him to turn his experiences there into the themes for a master's thesis in anthropology from the University of Chicago in 1973, and a doctorate for which he hopes to complete a thesis this year.

"I was a B.A., a generalist, health planner, you know, one of the kind of people that the Peace Corps used to recruit. I was expected to go in and do health education with a team. One of the objectives was to introduce planning and organizational methods to the team chief and to the people on the team. But, of course, I learned a great deal more than I ever could teach them," Stanton recalls. What he learned became the subject of his doctoral dissertation: "Religion and Health Among the Ebrié of the Ivory Coast." It was in Africa that Stanton met the woman to whom he was wed in 1973, an American nurse-midwife who was working in a Biafran refugee camp.

Stanton's passion for scholarship and religion came together again at Harvard Divinity School, from which he received a master's degree in theologiy in 1974. He's the kind of a person who says, "I'll pray about that," at times when others might say, "I'll think about that," and he admits his decision to seek a career in the law had deep religious overtones. "I guess I felt for some time I should try to apply my life to working for justice. I think that's central to the biblical tradition," he says. "Of course, the prophets told us that justice does not always happen through law. But the more that I looked at my interests, the more I came to the conclusion that legal training would give me the tools I would need to take some of the faith commitments that I have toward serving God—and Loving people—and apply them in a practical way." After completing his first year at the University of Chicago Law School, Stanton transferred to Yale in 1979. His wife, Mary Ellen Stanton, took a teaching position at Yale-New Haven Hospital. The peripatetic Stantons had settled down. Or so it seemed.

Stanton—an avid student who won a Woodrow Wilson Fellowship in 1968 and a Fulbright-Hays Fellowship in 1975—blossomed in the competitive atmosphere of Yale. Among the electives in which he took great interest was international law, a subject he studies under nationally prominent professors Berk Marshall and Michael Reisman. In many ways, international law was the perfect specialty for Stanton, a well-traveled citizen of the world, whose style stresses common humanity over national distinctions. Indeed, prior to enrolling at Yale Stanton had already visited exotic parts of the globe that many of his younger classmates had only read about. There was the Ivory Coast of course, and a vacation during which he hitchhiked north across the Sahara Desert. There was the trip to Scotland and the summer of 1973 spent in Israel—at Hebrew University in Jerusalem—studing archaeology. In 1978, he began a year's study of Indian constitutional law at the Indian Law Institute in New Delhi, a field placement of the Program for Professional Studies in India for the University of California, Berkeley.

Stanton's first year at Yale was coming to an end when he received a call from New York. The Stantons, it seemed, were destined to be on the road again. On the phone was a friend who knew Greg Stanton well, knew of his trips to Africa and India, of his fluency in French, and of his deep faith in Christianity. He was recruiting Stanton in the name of a New York-based group called Church World Service, one of the first American relief organizations to be allowed into Kampuchea by the new Vietnamese-backed government that had overthrown Pol Pot only a year earlier.

"They came to me and asked me to direct their relief program," Stanton recalls. It was the first week of January 1980, and Stanton was in the middle of his second year of law school. "I said, 'Look, you know, I just got back from India three months ago, my wife's got a job as an assistant professor at Yale, she's just started that, we were hoping this year we would start a family, please let me pray about this.' " He did pray about it and, as he remembers, "I came to the strong conclusion that if they did want me to go, that I should. I don't believe in voices coming our of the heavens, or anything like that, but I had a very strong feeling that if they wanted me to go I should go." After only a few months in the States, the Stantons were packing their bags again. Greg left first; Mary Ellen followed soon after.

In Kampuchea, Stanton did comprehensive program planning in the areas of agriculture, health care, and community needs. He rushed emergency rice shipments to areas where people were starving. He made formal recommendations to the government for long-term rehabilitation of the agricultural system and reconstruction of the economy. He recruited specialists from socialist countries—because the new socialist government would more readily allow these people to work with the native population—to teach modern planting and cattle-raising techniques. He rode herd on a $12 million budget drawn from donations from Church World Service, CARE, Lutheran Relief, and Meals for Millions/Freedom from Hunger.

Stanton's relief work in Kampuchea lasted six months, but it opened his eyes to the suffering of a lifetime. As director of Church World Service relief efforts in Phnom Penh, he heard from survivors about a regime that had come to power in 1975 amidst cheers and high hopes that turned—almost overnight—into cries for mercy and nightmares of butchery.

As he learned more about the country, Stanton realized that the conditions that permitted the victory of the Khmer Rouge had not been created overnight—they had been a long time in the making. Although it is the smallest country in Southeast Asia, Cambodia has had more than its share of turmoil. There was, of course, the late 1960s, under Prince Norodom Sihanouk, when the country strived to maintain its neutrality in the escalating war in Vietnam. But U.S. military advisers at the time suspected that border areas of Cambodia were being used as sanctuaries by the National Liberation Front and its North Vietnamese allies.

The election of Richard Nixon radically altered U.S. policy in the region. Under Nixon, the United States secretly began to bomb the sanctuaries. As the bombing increased, the Viet Cong moved farther into Cambodia, bringing the war with them. What happened next was well summarized by Michael Rezendes, writing in the Boston Phoenix in December 1981: "In increasingly desperate attempts to preserve his nation's neutrality, Sihanouk continued to play the Americans against their Vietnamese adversaries (themselves, historically, enemies of Cambodia), angering United States policymakers. In a short time, the growing war destabilized his government. In 1970, a year after the American bombing of Cambodia had begun, Sihanouk was replaced by General Lon Nol, who immediately allied his government with the U.S., committing Cambodia to fight against two enemies: the North Vietnamese and the growing forces of the Khmer Rouge."

Lon Nol's troops opposed the mountain-based Khmer Rouge for five bitter years. On April 15, 1975, the Khmer Rouge rolled into Phnom Penh, declaring victory over Lon Nol and bringing what many hoped would be an end to the dying. But the people quickly learned that the horrors had just begun. Within days, Khmer Rouge troops began a forced evacuation of the city. Telling people that the Americans planned to bomb Phnom Penh (a suggestion that was not unthinkable after long years of war), armed troops marched city people into the countryside. Despite the primitive nature of the communication system, word spread quickly that no U.S. bombing of Phnom Penh was expected and that the Khmer Rouge victors were up to no good. The presence of the heavily armed, teenage soldiers—described by New York Times Cambodia correspondent Sydney Schanberg as "universally grim, robotlike, brutal," with weapons that "drip from them like fruit from trees"—heightened the tension.

As the people learned, there was much to be apprehensive about. The revolution was destined to be a bloody one; anyone who did not fit into Pol Pot's new order was quickly killed. And the new order was nothing if not bizarre. It was based on eradicating "foreign influence" and on returning Cambodia to a simple, agrarian, almost feudal economy of country rather than city people. Although they were educated in France, the Pol Pot leaders eschewed the sophistication and 20th-century innovations of the West, and were determined to remove these influences from Cambodia.

"From our small window on their revolution—the [French] embassy's front gate—we can see glimpses of their 'peasant revolution,' " wrote Sydney Schanberg. "There is no doubt that the Khmer Rouge are turning Cambodian society upside down, remaking it in the image of some earlier agrarian time, casting aside everything that belongs to the old system, which has been dominated by the consumer society of the cities and towns. Some of the Khmer Rouge soldiers we talk to speak of destroying the colonial heritage and use phrases like 'purification of the people' and 'returning the country to the peasant.' "

It quickly became clear that the revolution would not be bogged down by humanitarianism. "They took the people and they just marched them at gunpoint out into the countryside. The result, of course, was many many deaths," says Stanton, describing what he learned from the survivors. "They evacuated hospitals. They made people who had literally just had an operation get out of the hospital. Of course they died. There

was one whole ward of sick children at a combat hospital. They were little. They couldn't walk. Nobody picked them up. Nobody took them out. The whole ward died. They became a mass grave."

The logic of the new order was grotestque. As Schanberg has written, "The Draconian rules of life turned Cambodia into a nationwide gulag. The Khmer Rouge imposed a revolution more radical and brutal than any other in modern history—a revolution that disturbed even the Chinese, the Cambodian Communists' closest allies. Attachment to home village and love of Buddha, Cambodian verities, were replaced by psychological reorientation, mass relocation and rigid collectivization. Families were separated, with husbands, wives and children all working on separate agricultural and construction projects. They were often many miles apart and did not see each other for seasons at a time. Sometimes children were separated completely from their parents, never to meet again. Work crews were sex-segregated. Those already married needed special permission, infrequently given, to meet and sleep together. Weddings were arranged by the Khmer Rouge, en masse; the pairings would simply be called out at a commune assembly. Waves of suicides were the result of these forced marriages."

Of course, the majority did not die at their own hands. The new order also produced unprecedented famine. "In Dam Dek," writes Schanberg, "the rice ration was eventually reduced to one spoonful per person per day. The villagers, desperate, ate snails, snakes, insects, rats, scorpions, tree bark, leaves, flower blossoms, the trunk of banana plants; sometimes they sucked the skin of a water buffalo." To the west of Dam Dek the famine was even more severe. Reportedly, some people were digging up bodies of the newly executed and cooking the flesh.

Pol Pot had effectively muzzled a free press. Not until years later—primarily through books such as Cambodia Year Zero by Francois Ponchaud and Murder of a Gentle Land by John Barron and Anthony Paul—would the horrible truth be widely known.

"There are an awful lot of unexcavated mass graves. All over the country. It is really amazing," says Stanton, who was present when one mass grave was opened at Chung Ek. "It actually has an effect on the vegetation. And people know, because a lot of the people who lived in the area are still living nearby, and they say, 'Oh, the killing ground is over there.' If you go out to a village in Kampuchea and ask, 'Where's the killing ground?' you'll find that nearly every commune had one." Who would be executed? "Anyone who could be conceived of as independent or threatening in any way. It was a systematic extermination of all former intellectuals, teachers, anybody connected with the former military—officers especially—even people who complained about short rice rations," Stanton continues. "Oh, they were ridiculous things. People were killed because they had broken a hoe. Capital punishment was invoked as a terror mechanism. They didn't use bullets, because that wasted bullets. People were mostly hit in the back of the head with hoes. They were bludgeoned to death."

It was not unusual for the killing fields to hold the bones of thousands of bodies. Often the bodies were barely covered by a layer of earth or disposed of in some other way. "In the water wells, the bodies were like soup bones in broth. And you could always tell the killing grounds because the grass grew taller and greener where the bodies were buried," Schanberg writes.

If Stanton's experiences of a once gentle land are tainted by stories of death, they are also colored by an event that he views as something of a miracle—the adoption of his daughter, Elizabeth Chantana Stanton. She is a Cambodian child, and the middle name Greg and Mary Ellen chose for her means "gift of God" in Khmer. Given the circumstances under which she came to the Stantons, it is not hard to see why her father has become obsessed with the history of her homeland. Although they are meant to be widely disseminated, the results of the Genocide Project's investigation will also be something of a legacy to a daughter who will one day want to know about the world from which she came.

The story of how Chantana came to the Stantons is a touching one. "She was abandoned at the entrance to the National Pediatric Hospital on the sixteenth of November, 1980, the date of her birth. We know it was the date of her birth because my wife is a midwife and the umbilical cord was fresh and the first stool she had was the kind of stool that a newborn baby has," Stanton recounts. "You know, you should not leave a newborn, health baby at the hospital; that's where all the kids are sick. And the doctor in charge didn't want to take the baby to the orphanage, because at the orphanage about fifty percent of the kids died who were under three months old. It's a very difficult place for a newborn baby. They can't get the kind of holding, and total devotion they need."

What the doctor in charge did was turn the baby over to the Stantons, the only married couple in the relief community. The circumstances could not have been more dramatic. It was a Sunday morning, the Stantons were at a prayer service singing the old Christian hymn "Just As I Am," and the doctor carried the baby into the room at the end of the final verse. "The doctor put her in my wife's arms and asked us to take care of her until the government decided what should be done," Stanton recalls. Almost immediately the Stantons contacted, then visited, the Foreign Ministry and asked if it would be possible to adopt her. Since no foreigner had adopted a Khmer child since 1975, the decision was deemed of such importance that it was referred to the president and his Revolutionary Council while the Stantons waited, they took care of the baby. They had six diapers, a couple of undershirts, a few bottles, and formula that was brought in a couple of times a week in the Red Cross mail pouch. Chantana weighed six pounds and slept between them at night. Five weeks later, the secretary to the president signed the papers making her adoption final.

"Despite all these barriers—nationality, ideology, race, religion, you name it, every single barrier known to man—they understood that we would love that child and that she needed us," says Stanton, his eyes filling with tears. A week later, Stanton flew to Singapore—site of the nearest American embassy—to arrange for a passport for his daugher. On Christmas Eve, Greg, Mary Ellen, and their "gift of God" flew to the United States. He returned to Yale, and after graduation this past summer worked as an intern with the Milwaukee firm of Foley and Lardner. Presently, Stanton is a law clerk to Judge Alfred P. Goodwin of the Ninth Circuit Court of Appeals in Portland, Oregon. When he finishes his clerkship in September this year, he hopes to return to Foley and Lardnet to specialize in international and commercial law.

For deeply personal and broadly humanitarian reasons, Stanton is committed to seeing that the world does not ignore the depredations of the Pol Pot years. He plans to disseminate the project's findings through several avenues: international law journals, magazines, and newspapers; through international human rights groups; and through the U.N. Commission on Human Rights, which has been soliciting information on Cambodia since 1978, when Norway initiated a formal complaint against Pol Pot.

During a visit to Kampuchea last March to do preliminary work on the project, Stanton secured permission from government officials to send several teams—including forensic pathologists, photographers, Khmer interpreters, microfilm technicians, and international-law experts (recruited mainly from academe and international human rights organizations)—into the country to gather testimony and physical evidence. Stanton has chosen the two people who will live in Kampuchea and direct the investigation: Ben Kiernan, a professor affiliated with Monash University in Melbourne, Australia, and Kiernan's wife, Chantou Bova, a Khmer economist. Stanton met and worked with them during his relief stint.

"It is urgent that the evidence be gathered now. The mass graves are turning to dust and the memories of the witnesses are fading. Documents are disintegrating. If these massive crimes are not to be forgotten or left in a limbo of conflicting propaganda charges, documentation must be undertaken immediately," Stanton said in announcing the aims of his project.

The similarities to the period after the Nazi holocaust are implicit. The importance of quick action in cases of this type was reinforced recently by Patricia Clough, writing in the Boston Globe on August 22, 1982. "Four decades after the holocaust, the life span of both persecutors and persecuted is running out. Many of the Nazi tormenters, the survivors and witnesses are already dead, others are too old or frail to stand trail or give evidence. Those who do are often unable to remember clearly what happened. Proof is increasingly difficult to establish. The Madjanek case, the last big extermination camp trial, which ended last year, was dogged by such problems. The nine accused were only a tiny fraction of the 1,300 of the camp—the others were either dead, unfit, convicted in other courts, had fled to the safety of South American countries, or were simply untraceable. The court knew perfectly well what horrors took place at Madjanek, where at least 200,000 and possibly one million Jews were slaughtered. The difficulty was finding irrefutable evidence to convict each individual accused. . . . West German justice is now paying the price for having started seriously prosecuting Nazi criminals very late and not pressing the cases fast enough."

To be sure, Kampuchea has had its "show" trials. In 1979, a trial in absentia was held for Pol Pot and his terror tactician Ieng Sary: both men were convicted of mass murder by the current Vietnamese-backed government. But Pol Pot is safe in exile, and Ieng Sary often speaks for him at the United Nations in New York.

"We haven't the resources nor the political purpose to organize a tribunal of any kind—a Nuremburg kind of a thing—that isn't our purpose. That has to be done by

governments. But what we would like—and this is a long-term goal—is that if the evidence proves genocide, and I think that there's a pretty strong case, then a government that is a signatory to the Genocide Convention can, under Article Nine of that convention, which has never been invoked, never been used, take the case to the World Court and get the World Court to declare [that genocide occurred]," Stanton explains. He believes that the teams he plans to send to Kampuchea will make the case. Of course, the authority of the World Court is not absolute—Iran pointedly ignored its censure during the hostage crisis—and Stanton admits he is as unsure as anyone about the punitive value of negative world opinion.

But Stanton, the pragmatic idealist, believes he's got to start somewhere. "We are in the area of building international law, where nation states were, in the area of building national law, several centuries ago. . . . The only way that law gets built and that legal institutions become viable is by using them and by exercising them. . . . If the Genocide Convention is going to be taken seriously by anyone, it damned well ought to be applied where there is genocide."

If Gregory Howard Stanton has his way, it damned well will.

Mr. PROXMIRE. Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for a period not to exceed 1 hour, with statements therein limited to 10 minutes.

IMPRISONMENT OF FOUR CHINESE PRIESTS IN THE PEOPLE'S REPUBLIC OF CHINA

Mr. SPECTER. Mr. President, I rise today because I am deeply troubled to learn from a May 2 article published in the New York Times that the People's Republic of China has imprisoned four aged Roman Catholic priests, for terms ranging from 2½ to 15 years. who have reportedly been charged, because of their loyalty to the Vatican, with colluding with foreign countries, collecting intelligence reports, and subversively endangering the sovereignty and safety of the Chinese state.

This human tragedy, involving devoted men of God, is reported to have stemmed from efforts of the Chinese Government to impose upon some 3,000 Chinese Catholics oppressive conformity to the authority of the state-approved Catholic Patriotic Association.

It is my understanding from the article that the Chinese Catholic Church broke with the Vatican in 1979 by direction of the Government and began ordaining its own priests and bishops. It has also been reported that the Catholic Patriotic Association has accused the Vatican publicly of interference in China's internal affairs and has criticized Pope John Paul II for his "slanderous remarks" last year that the Chinese Catholics were being persecuted like early Christians.

The Times told of the plight of these four elderly men of the cloth, Fathers Chen Baishun, 80; Zhen Yutang, 75; Zhu Hongshen, 67; and Stephen Chen, 66. According to the May 2 article, all are from Shanghai and are members of the Society of Jesus. Fathers Zhu and Zhen reportedly spent 24 years in prison, from 1955 to 1979, then were released with warnings to refrain from unsanctioned religious activities.

The report further stipulates the following: Fathers Zhu and Zhen were rearrested in 1981; Fathers Chen Baishun and Stephen Chen were also taken into custody. After 16 months in prison, the four Jesuits were convicted. Their sentences, according to the Times, were: Father Zhu, 15 years; Father Zhen, 11 years; Father Chen, 10 years; and Father Stephen Chen, 2½ years.

Mr. President, I have learned from the Country Reports on Human Rights Practices for 1982, submitted to Congress by the Department of State, that the new constitution of the People's Republic of China stipulates that all citizens enjoy freedom of religion and should not be compelled to believe or disbelieve, nor should they be discriminated against for belief or disbelieve in religion. In actual practice, religious activities have reportedly increased significantly in the past 4 years. Over 200 churches are said to be open. According to some official estimates, there are as many as 4 million Christians in China. Unofficial estimates are markedly higher. The Country Reports also stated the following:

A Catholic seminary opened in Shanghai in 1982, joining the already established Protestant siminary in Nanjing; there are several hundred mosques for over 13 million Muslims; and in addition, Buddhist monastaries have resumed activities and have ordained small groups of novice monks and nuns on several occasions since 1979.

I am pleased to learn of this partial lifting of restrictions on religious activities in the People's Republic, but continue to be appalled by the reported outright denial of basic human rights to many strong adherents. The stated aim of the eight patriotic officially sanctioned religious organizations, according to the Country Reports, is to insure that all religious organizations accept the leadership of the Communist Party and the State. It is my understanding from the State Department reports that Chinese authorities continue to monitor and control contacts between Chinese and foreign religious organizations. Based on available information it seems clear that the four elderly Catholic priests were imprisoned because of their dedication to their church and to their faith, and because of their refusal to sever ties with the Vatican. Such action, without question, would be blatant discrimination and persecution based upon religion. Surely, these four priests can pose no threat to the sovereignty of the People's Republic of China.

I firmly believe that it is incumbent upon this Nation to speak strongly and clearly on behalf of those whose basic human rights have been, and continue to be, denied. I have therefore written to the Secretary of State, requesting that he urge the Government of the People's Republic of China to free these four priests, as well as any other individuals imprisoned on account of faith.

WHAT AMERICA CAN DO TO PROMOTE WORLD DEVELOPMENT

● Mr. PERCY. Mr. President, I was privileged recently to introduce Under Secretary of State for Economic Affairs W. Allen Wallis at a Conference on World Development, sponsored by the International Development Conference. On that occasion, Secretary Wallis presented an address on "American Policy To Promote World Development," which made a number of noteworthy points which deserve attention. He emphasized in particular the lessons from America's own development—the contributions made by individual initiative, freed from undue restriction and dogmatic preconceptions, and contributions made by individuals organized into voluntary groups with similar objectives—which became the hallmark of this country's unique success in economic development.

It has also been my privilege to observe and to support the extraordinary contributions which groups of Americans continue to make to economic development. In that spirit which has also distinguished this country, many such groups are now devoting their talents and energies to assisting those countries and groups of individuals less fortunate than we. Perhaps the Peace Corps is best known for its efforts in the developing world. But there are an extraordinary number of other American organizations which make similar contributions in such varied fields as health, population, agriculture, cooperatives, technology transfer, refugee and disaster assistance, and education, to name only the main categories.

The other special attribute of these people-to-people contributions is that they meet the most basic and urgent human needs of developing nations, with the kind of practical, experienced, personalized expertise for which Americans are noted.

So that this message of America's development lessons may receive more attention, I ask unanimous consent

that the full text of Under Secretary Wallis' address on "American Policy To Promote World Development" be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF UNDER SECRETARY WALLIS

Senator Percy, ladies and gentlemen, I am honored to have this opportunity to address you. Clearly the focus of this Conference—"World Development in Perspective What Can America Do? is significant and, judging from the size of this evening's group, generates considerable interest. It is also particularly timely, since the Williamsburg Economic Summit and the UNCTAD VI Conference are fast approaching.

Many people respond to the question, what can America do about world development, by talking only of the tangible things we do, especially emphasizing foreign aid. It is easy to make that mistake if one sees development only in terms of money. Others make the mistake of relating it only to compassion, and believe that aid will cause deserts to bloom, industries to spring up, commerce to flourish, and well-being to rise miraculously. Still others see the only path to rapid development in collectivism, through which they can impose social, religious, or national goals, regardless of the cost in individual liberty and cultural traditions.

The real essence of development is different from all of these things. The foundation of development lies in the meaning, aspirations, and worth of each individual. Its realization is in human fulfullment, in the opportunity for all men and women to realize freely their full potential—to make the most of their Godgiven talents. President Reagan put it this way in his October 1981 speech to the Philadelphia World Affairs Council:

"We Americans can speak from experience on this subject. When the original settlers arrived here, they faced a wilderness where poverty was their daily lot, danger and starvation their close companions. But through all the dangers, disappointments, and setbacks, they kept their faith. They never stopped believing that with the freedom to try and try again, they could make tomorrow a better day—free people build free markets that ignite dynamic development for everyone; and that's the key, but that's not all. Something else helped us create these unparalleled opportunities for growth and personal fulfillment. A strong sense of cooperation; free association among individuals, rooted in institutions of family, church, school, press, and voluntary groups of every kind. Government too played an important role. It helped eradicate slavery and other forms of discrimination. It opened up the frontier through actions like the Homestead Act and rural electrification. And it helped provide a sense of security for those who, through no fault of their own, could not support themselves."

What President Reagan was saying was that government properly does those things that open up opportunities for individuals, and that allow natural incentives to operate in freedom. That is quite different from a government that tries to compel and command people to fit into a pre-conceived mold, keeping them in submission and dependence. It is no accident that those countries that have allowed free play for personal initiative and economic rewards for success now produce more than one-half of the world's product. Furthermore, those developing countries in the Third World that have recently been growing the fastest are precisely those that have increased the economic freedom of their people.

Thus the most important contribution that the United States can make to world development is to carry to the governments and peoples of the less-developed countries the message of our experience—to explain to them its lessons. The sooner they turn their backs on the false claims and real failures of socialism, the sooner they reject the philosophy of compulsion, coercion, and command, the sooner will they open the way to accelerated, meaningful development. This message is the foundation of a program that helps other countries help themselves.

In ensuring development, possessing resources for growth is not enough. The resources must be effectively used. Unfortunately there are far too many cases in which countries have squandered precious resources in questionable investments or in subsidizing consumption. In other cases the most precious resource of all, human initiative, has not been given the freedom to make the kinds of economic decisions which can lead to dynamic and prosperous economic growth. The most critical contribution these countries can make to their development lies in pursuing appropriate domestic economic policies. This, I may add, is equally true for the United States.

Accordingly, U.S. policy to stimulate economic growth in the developing world must encourage countries to adopt market oriented policies. We focus attention on the role of the private sector, domestic as well as foreign, for mobilizing and effectively utilizing resources for development. Fortunately there appears to be increased recognition in both developed and developing nations of the role of appropriate economic policies. We are continuing to encourage movement in this direction, directly through bilateral discussions and indirectly through the international financial institutions.

Building on these basic principles, there are tangible steps the United States is taking, and can enlarge upon, to facilitate world development. No country has a better record than our own for positive measures, public and private, that contribute to the strength of the world economy and to growth in the less-developed countries.

In discussing positive U.S. measures to promote development in the third world, I begin from a basic premise: in addressing the economic difficulties and prospects of the developing world, restoring sustained non-inflationary economic growth in the United States is the single most significant contribution we can make. The reason for that can be seen from a few statistics.

In 1981 the United States purchased more than $120 billion in goods and services from developing countries. To be sure, a significant amount of this is accounted for by petroleum products. Nevertheless, U.S. purchases amounted to nearly 20 percent of all the exports to those LDC's that do not export oil, and to 35 percent of all their exports to developed nations. The growth in U.S. imports of manufactured goods from the developing countries has been impressive. During the 1970's these imports grew at an average rate of 27 percent per year; in other words, they doubled every 32 months, on the average. The United States now absorbs over half of all the manufactured exports that non-oil LDC's sell to the OECD countries, even though the U.S. market is only one third of the total OECD market. That means that we take fifty percent more than our proportionate share. When you consider the billions of dollars of imports from the developing world by the U.S. alone, not to mention the imports from the other developed countries, direct aid pales by comparison.

In the long run, it is only through trade that the developing world will be able to earn the external resources it needs for its development. In view of the magnitudes we are dealing with, and of the U.S. role as the developing world's largest customer, we have a responsibility to the rest of the world, as well as to ourselves, to ensure that there is sustained real economic growth in the United States. Correspondingly, as the world's largest trading nation, we must make every effort to ensure that the global trading system is open, so that the developing world and the developed world will benefit from, and contribute to, each other's growth.

Fortunately the United States appears to be well on the road to sustained non-inflationary growth—"SNIG", for short. For the past two decades our Government has overspent, overtaxed, and over-regulated. Our growth rate declined. Inflation began to creep, then to run, and then to gallop. Interest rates rose to almost unprecedented heights. The bold measures of the Reagan administration have now turned the tide. For a while it appeared to some Doubting Thomases that Ronald Reagan would prove to be another King Canute. But, as the President says, he knows that his policies are turning the tide because the press no longer refers to his policies as "Reaganomics." The short-term costs of turning the tide were high, but now inflation and interest rates are down, the leading economic indicators are up, and investor and consumer confidence are returning. The United States is doing its part in ensuring a long-term global economic recovery. Furthermore, despite the economic difficulties of the past few years, and the pressure for protectionist trade measures, the United States remains an essentially open market.

The United States is unique in being the world's largest free trade area, and one of the most open to world markets; a number of other countries have discovered the same ingredient of success. Like the U.S., these countries—advanced developing countries and newly-industrialized countries—also contribute through trade to the growth of less-developed countries. Their recent growth has been the fastest in the world, and their growing imports are a spur to growth in the other countries they trade with.

Closely related to trade in terms of long-term U.S. impact on development is private investment. In addition to providing additional financial resources to developing countries foreign investment promotes long term growth by providing technology, management know-how, and access to international markets. Here, too, the U.S. has an excellent record. In the 1970's U.S. investment in developing countries accounted for more than half of total investment by OECD countries in these nations. In the latter half of the past decade, U.S. direct private investment in the developing countries grew at approximately 20 percent per year. In 1981, investment abroad dropped, but still continued at around 5 percent. By the end of 1981 U.S. direct investment in developing countries had reached the impressive level of $56 billion.

Up to now I have discussed the developing countries as if they were all alike. Clearly, however, these countries differ greatly among themselves. Any effective and realistic policy must differentiate among countries, and tailor development strategies to the needs and potentials of individual countries and regions.

While classification is always somewhat arbitrary, we have frequently found it useful in Washington to recognize several groups of developing countries. The first group consists of the oil exporting countries, which have capital surpluses. To achieve their ambitious plans for development, these countries need prosperity in the industrial economies so they can sell their oil and invest their surpluses there.

Then there are the so-called newly industrialized countries, nicknamed NIC's. These nations through their own efforts and a favorable economic climate, which has permitted great increases in exports and substantial inflows of capital, have achieved dramatic growth.

Next there is a larger group of countries, sometimes referred to as middle-income developing countries, which have achieved some progress but still have widespread poverty. These countries, which in most cases are dependent on exports of one or two commodities, have suffered as the global recession has reduced their exports in both quantity and price. More than renewed growth in the industrial countries is required, however, if these countries are to prosper. Signficant adjustments in their economies also are needed.

The fourth group contains the very poorest developing countries. These suffer widespread poverty and play only a minor role in the global economy. They lack the basic infrastructure to compete effectively in world markets, so cannot attract investment and financing. If self-sustaining growth is to be achieved within a reasonable time, they need charity. Frequently their economic and governmental policies are so bad that charity, or "aid" is simply futile. In our assistance to these countries we concentrate in three areas where over the years the United States has developed special competence, namely; food and agriculture, energy, and health and education. We try to use our aid in ways which encourage economic reforms, which in turn attract private investments.

Of course, I would mislead you if I let it seem that aid to the poorest developing countries is the most important help we can give them. On the contrary, in their case as in others, trade is more important than aid, because trade helps them to help themselves. We have a special program by which their goods come to the U.S. market duty-free, called the generalized system of preferences or GSP. Although the amount of trade affected by this program is small in terms of the U.S. market, it is a large and important spur to development in those countries that export to us with its stimulus.

Even these groupings of countries are partly misleading, however, because they mask the individuality and uniqueness of each country. We base our specific programs on careful study and consultation with the government and people of each country itself. We listen, we learn, we identify problems, and we work out solutions jointly with them.

A few comments on direct aid are in order. Despite the economic upturn that is under way in the United States and some other countries, the outlook for substantial increases in direct aid is not bright. It is unlikely that the decade of the 1980's will see increases in foreign aid comparable to those of the 1970's. Calls by some developing nations for massive gifts are completely unrealistic. Budgetary conditions in the United States and in other major donor nations simply preclude it.

This makes it all the more important that we focus our limited funds on those countries where it will do the most good. How much good our aid does depends not so much on how badly the recipients need it as on how well they use it. Aid, to be effective, must open the way to expand trade and attract investment. It cannot do that in the face of unsound governmental policies that do not support free markets, protect private property, and maintain a rule of law and political stability.

This means that the relative role of concessional aid is diminishing. In fact this aid is increasing, but trade and borrowing in private markets are increasing much faster. These latter two contributions to development deserve the emphasis that I gave them, but I would be negligent if I failed to mention the way that direct aid fits into the picture. In line with what I have just been saying, the U.S. works closely with host governments on economic policy problems important to development. We encourage sound agricultural policies on pricing, credit, and freedom of enterprise.

Furthermore, about half of our development aid goes to food and agriculture. Besides encouraging more private initiative, we contribute to the fundamental research and to the development of new applied technology, in the role that government is most qualified to fill. A major part of our aid also goes to public health and population control programs. By concentrating our aid in recent years on the activities in which government makes a unique contribution, we have made its effectiveness grow rapidly even though its amount grew relatively slowly.

The United States has also concentrated its aid increasingly where it is most needed, in the least developed countries, as I noted earlier. Our contributions to multilateral development banks in Asia, Latin America, and Africa are permitting growth rates of lending of 14 percent to 15 percent per year. The United States continues to be the largest provider of official development aid, and over two-thirds of our aid goes to the poorest countries.

No discussion of Third World development can ignore the serious debt problems which a number of developing nations now face. During the past decade borrowing on private capital markets became an increasingly important source of financing for many developing countries, particularly the middle and upper income ones. As the borrowing climate changed and the world slipped into a prolonged recession, a number of nations came face to face with serious debt problems.

Several steps must be taken if these debt problems are to be resolved in a durable way:

First, sound economic policies must be pursued in the debtor countries. These should include sound debt monitoring and management. The World Bank and the IMF provide valuable assistance in this. It is, obviously, important that neither developed nor developing nations impose new barriers to trade.

Second, financial resources must continue to be provided by the international community to support the adjustment of borrowing countries to sound policies. Here the IMF plays a major role. The increases in IMF quotas that are now being considered by Congress are essential.

Third, the governments and central banks of lending countries must be prepared to provide short-term, transitional financing to fill the gap until IMF programs are in place.

Fourth, commercial banks and export credit agencies must continue a flow of finance to debtor countries that are undertaking sound, IMF-supported adjustment programs.

Finally, sustained non-inflationary economic growth—SNIG—must take place in developing nations.

Now I would like to outline for you what the United States hopes to accomplish with regard to development at the May 28-30 economic summit in Williamsburg and during the June UNCTAD VI conference in Belgrade.

First, we hope that the summit will confirm that the west's major economies are working effectively towards a restoration of sustainable non-inflationary growth. We hope also that the participating countries will commit themselves to a roll back of restrictions on trade which they have introduced in response to the difficult world economic situation. If these developments occur it will be a major step towards achieving a healthier world economy. In turn, the developing countries will have an opportunity in Belgrade to take similar actions that will restore confidence in global recovery.

Second, we expect that Williamsburg will heighten awareness of the interrelations among trade, finance, and development. The specific relations I refer to are four:

Between an open international trading system and sustainable non-inflationary economic growth;

Between open international markets and solution of the debt problems of developing countries, and specifically the link between their ability to export and their ability to service debt;

Between short term financing needed to maintain essential imports, and the economic adjustments they must make, in many developing countries;

And, finally, between growth in developed countries and growth in developing countries.

As for UNCTAD VI, the United States, drawing on the discussions at the Williamsburg summit, will emphasize the linkages I have mentioned earlier and draw the attention of the developing world to the fact that effective north-south economic relations hinge on mutual responsibilities and benefits in sustaining and improving an open international trading and financial system. We will focus attention also on the indispensable role of free markets in mobilizing energies and resources, and more generally on the importance of sound economic policies.

The United States views UNCTAD as a significant major forum for discussions of development issues. We do not, however, generally regard UNCTAD as a suitable forum for negotiating in detail specific development measures. In our view negotiations of measures to ameliorate current economic difficulties or strengthen the existing trade or financial system are more properly handled within the specialized independent international agencies designed to address these issues; for example the IMF, the GATT and the World Bank.

Our discussions with less-developed countries and with others at UNCTAD can make

significant progress toward the solutions of real problems if there is genuine dialogue and a willingness to listen to each others' points of view. Therefore, in our preliminary discussions with other governments in preparation for UNCTAD we are working hard to assure that the conference will take place in a cooperative atmosphere, rather than one of needless polarization, which would sacrifice the opportunity for agreement. We emphasize that progress lies through recognition of the principle of mutual benefit through general growth and developmental discussions will achieve the most when they have a practical orientation, aimed toward finding and correcting the real obstacles to development, case-by-case, or toward discovering unexploited opportunities. Cooperative efforts can then remove those obstacles or open up those opportunities. It is also important to recognize that as a general rule, the international specialized agencies such as the IMF and the World Bank can make important contributions in their areas of expertise.

In summary, the most important single source of growth and development is the talents of individuals, allowed to develop fully and freely by free institutions. Government provides the framework—the protection of law and the assurance of opportunity—within which individuals can reach their full potential and contribute to national development. This framework permits trade to flourish, both domestic and international. When many countries have open, free economies, they reinforce each other while sharing the benefits of growth and development. Thus, open economies with free-flowing trade and private investment, both in developed and developing countries, provide the one sure route to rapid development of the less-developed countries. Because of the difficult adjustments now necessary in the developing world, because of the heavy debts and the hangover from the binge of inflation in the past decade, open economies and free-flowing private investment are especially important to recovery and to the resumption of rapid development. Direct aid between countries also will play an important, though secondary, role.

The most important thing is to keep our economies free—both developed and less-developed—and to support and maintain the sound international institutions that play a supporting role during this period of adjustment. Keeping to this sound course will permit the recovery now firmly under way to have the maximum effect on the welfare of our people and of people in the developing world.

REMEMBRANCE OF MILTON YOUNG

Mr. HATFIELD. Mr. President, Epicurus noted that "We cannot live pleasantly without living wisely and nobly and righteously." Milton Young was pleasantly at peace with himself and his environment because of his awareness of this truth.

His passing leaves us less noble. The memory of his faithfulness to his family, this institution, his political party and constituents in over 50 years of public service continues to be an inspiration to me, as I know it is to all who knew him.

There is no greater gift than to end the earthly pilgrimage with reputation intact. Senator Young's kindliness and always honorable treatment of all those he encountered assures that gift and his family's comfort. In St. Paul's classic teaching on gifts in Romans 12 he seemed to have Milton Young in mind when he spoke of the law of love * * * "Let love be genuine; hate what is evil, hold fast to what is good; love one another with brotherly affection; outdo one another in showing honor." (Romans 12:9-10)

Milton Young's unequalled record of being elected to a leadership position for longer than any other Republican Senator is a sign of his rigorous care in living out the law of love.

My prayerful condolences to Patricia and the children are sincere. Antoinette and I are genuinely grateful to have had the pleasure of service during the Milton Young era.

TRIBUTE TO FORMER SENATOR MILTON R. YOUNG

Mr. WALLOP. Mr. President, it is with deep sadness and respect that all those who knew Milton Young note his passing. For me, this quiet, yet dedicated, man came to epitomize the essence of a U.S. Senator. Milton Young was one of those rare individuals who did not rise to meet just the standard, but set that standard which many of us in this body today still attempt to follow.

As a public servant, in its truest definition, he served for over half a century in elective offices. Beginning at the local level, Senator Young became actively involved in State government prior to coming to Washington, D.C., in 1945. And, even at the national level his allegiance remained with those in North Dakota whom he represented at all times on Capitol Hill. For nearly 36 years, Milton Young was an unparalleled champion of the farmer, his own chosen profession in private life. In this role, he served as a national leader and won the respect of all inside and outside of the agricultural community during some very difficult times for our country's farmers.

Senator Young's interests and concerns, however, were never limited to just American farmers or to the State of North Dakota. He demonstrated his concern by promoting a strong national defense for our Nation during his years as a member of the Appropriations Committee. And, in so doing, he typified that quality of dual-mindedness which enabled him to simultaneously advance both the interests of the citizens who elected him and those of our entire country.

At this time, I would like to extend my condolences to his wife and children, and assure them that the memory of this former Senator from North Dakota shall remain treasured by those of us who had the good fortune to serve with him and benefit from his guidance and wisdom. He will be sorely missed by all.

ILLNESS OF SENATE FINANCIAL CLERK, STUART F. BALDERSON

Mr. THURMOND. I was saddened to learn of the illness and hospitalization of the Senate financial clerk, Mr. Stuart F. Balderson.

I reached Mr. Balderson by telephone at his home last Friday, and he informed me that he expects to have surgery tomorrow morning to repair two ruptured disks.

Mr. Balderson has served the Senate well for some 20 years, and I am sure all Senators join me in wishing for him successful surgery and a speedy recovery.

ARMS CONTROL

Mr. STEVENS. Mr. President, the concept of arms control is one for which the United States strives. In order to achieve such a goal without unilaterally increasing our own vulnerability will take some extremely cautious steps.

During his recent trip to Alaska, the Senator from Kansas (Mr. DOLE) unveiled a very attractive proposal in the area of arms control. In his address to the World Affairs Council in Anchorage, Senator DOLE suggested that the key to arms control is in a mutual comprehensive review of the array of nuclear arms on both sides.

I was pleased to note an article in the June 19, 1983, edition of the New York Times written by the Senator from Kansas on this very subject. The idea of arms control is one which we must not abandon. I believe Mr. DOLE accurately assesses the problem and I urge the Senate to read his remarks.

I ask unanimous consent that the article referenced be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 19, 1983]

TOWARD ARMS CONTROL

(By Bob Dole)

WASHINGTON.—Is there any doubt that there are simply too many nuclear weapons and warheads in the hands of the superpowers? There are about 9,500 strategic weapons on our side and at least 8,500 on the Soviet side. Will we just keep modernizing our weapons while the nuclear stockpiles continue to mount? Or should we just stop building weapons now, or freeze them at current deployment?

Our nuclear arms are more and more costly, eating up resources that we would like to spend elsewhere, or not have to spend at all. Yet we have an obligation to mount a defense that remains second to none, and specifically to counter the numerous Soviet intermediate range missiles that now threatens our European allies.

In my view, the key to arms control lies in a mutual comprehensive review of the staggering array of nuclear forces on both sides.

Our nuclear defenses depend upon our triad of manned bombers, submarine-launched missiles and land-based intercontinental missiles. That three-pronged force provides both flexibility and a measure of survivability, for no potential aggressor should ever be under the illusion that a first strike could demolish our nuclear triad.

The crucial third leg of the triad is the land-based intercontinental missiles. In recent years, the Russians have lavished attention on such missiles. Their intercontinental missile warhead arsenal now is three times our own total.

The challenge to arms control then is to correct this imbalance by developing a proposal that reflects the dynamics of the triad structure so that retained forces on both sides would not longer be disproportionate to national defense needs.

The President deserves full support for his efforts to negotiate realistic arms control agreements at the talks on intermediate range missiles in Europe and on strategic arms reductions. The President has gone the extra mile in giving our Geneva negotiators the necessary "flexiblity" to meet our goals there. This will test whether the Soviet Union is serious about arms control.

And with that flexibility in mind, we should pursue two further ideas—a nuclear freeze and a comprehensive arms control proposal that includes all strategic and intermediate-range nuclear forces, among them those under development. But we must realize that there are thousands of warheads on both sides that have not been specifically addressed in detail at either set of negotiations going on in Geneva. By including them all, we can get down to comparing out relative weapons to see where reductions can best be made—that is the essence of my "triad plan."

The President should propose to the Soviet Union a mutual and verifiable freeze of nuclear forces at levels substantially reduced from those that currently exist. The plan would include all types of strategic and theater nuclear weapons and warheads, along the liens of the nuclear triad itself.

The precise proposal must not limit the United States to nuclear forces inferior to those that the Russians would have.

If agreed upon, the triad plan would be a long-term accord with provisions for reviews from time to time looking to even lower nuclear force levels.

Special attention must be paid to weapons that are the most destabilizing, and to technological breakthroughs of all sorts.

With the Russians, we should also explore nuclear nonproliferation and the best way is to reduce the dangers of nuclear war by accident.

We have heard of the freeze and the build-down—both good-faith attempts to get control over the nuclear genie. And yet a freeze of current weapons would reward the Soviet Union's buildup in land-based intercontinental missiles and leave us with an unacceptable imbalance in Europe. As usually proposed, it would also not allow for modernization of forces. A triad proposal would allow for needed modernization while driving down overall totals of nuclear weapons.

The build-down is a useful idea, but because a number of our systems represent yesterday's technology, we would have to build down two weapons for every one newly deployed for the privilege of catching up to the Russians. In the area of air-launched cruise missiles alone, our present triad defense would have to be virtually dismantled in order to deploy these missiles. And there would be no obligation on the Russians' part to build down any weapons until they wanted to deploy new ones.

It is more productive to preserve our nuclear defenses while offering the Soviet Union something that both sides can agree upon. With an eye to what these weapons are supposed to do—rather than to a rigid formula—we can best see how to limit them. Let's put arms control in the real world of nuclear defenses and let's make it work.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:23 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1590. An act to provide emergency food assistance to low-income and unemployed persons and to improve the commodity distribution program.

HOUSE MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1590. An act to provide emergency food assistance to low income and unemployed persons and to improve the commodity distribution program; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 34. Joint resolution designating "National Reye's Syndrome Week."

By Mr. DOLE, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 528. A bill to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for tuition (additional views filed) (Rept. No. 98-154).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

Ex. E, 96-1. The Revised Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, done at Geneva on May 13, 1977 (Ex. Rept. No. 98-10).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mr. HEINZ, Mr. DODD, Mr. HUMPHREY, and Mr. MITCHELL):

S. 1498. A bill to amend title 23, United States Code, to modify the apportionment formula for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System; to the Committee on Environment and Public Works.

By Mr. WEICKER (for himself and Mr. DODD):

S. 1499. A bill to settle certain claims of the Mashantucket Pequot Indians; to the Select Committee on Indian Affairs.

By Mr. HART:

S. 1500. A bill to improve the regulation of civilian nuclear powerplants and provide economic incentives for their safe operation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MELCHER:

S. 1501. A bill to amend section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 to clarify the use and application of bidding rights issued thereunder and to clarify the use of these bidding rights with respect to certain specified lands; to the Committee on Energy and Natural Resources.

By Mr. HART:

S. 1502. A bill to amend title I of the Reclamation Project Authorization Act to 1972 (Public Law 92-514; 86 Stat. 964) as amended by Public Law 96-375 (94 Stat. 1507); to the Committee on Environment and Public Works.

By Mr. ROTH (for himself and Mr. BIDEN):

S. 1503. A bill to release the reversionary clause by the Federal Government on 6.21 acres in the deed to the land conveyed to the State of Delaware September 24, 1954; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENTSEN (for himself and Mr. TOWER):

S. 1504. A bill to provide for protection of historic shipwrecks, structures, and artifacts located on a seabed or in the subsoil of the lands beneath waters of the United States; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. HEINZ, Mr. DODD, Mr. HUMPHREY, and Mr. MITCHELL)

S. 1498. A bill to amend title 23, United States Code, to modify the ap-

portionment formula for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System; to the Committee on Environment and Public Works.

INTERSTATE SYSTEM RESURFACING, RESTORATION, REHABILITATION, AND RECONSTRUCTION AMENDMENTS OF 1983

Mr. SPECTER. Mr. President, I rise today to introduce the Interstate Resurfacing, Restoration, Rehabilitation and Reconstruction Amendments of 1983, joined by Senators HEINZ, DODD, HUMPHREY, and MITCHELL. Passage of the Surface Transportation Assistance Act of 1982 left the issue of a funding formula for the interstate 4R program unresolved. Instead, the act mandated that a study be undertaken to identify appropriate factors for the apportionment of these funds. This study, due last month, will analyze factors such as volume and mix of traffic, weight and size of vehicles, environmental, geographical, and meteorological conditions in various States.

It is generally accepted that the adverse effects of these factors contribute most to the deterioration of our highways. The relative importance of the interstate 4R account among the other programs funded through the highway trust fund has grown, and will continue to expand over time. In 1976, Congress recognized the need to preserve its investment in the Interstate Highway System and established the interstate 3R program, authorized at $175 million annually. Two years later, Congress increased this level to $275 million. At that time, the interstate construction program was redefined to address the need and desirability to complete the interstate system by 1990. Modernization work previously done out of the construction account was reassigned to the interstate 3R program; hence, a new "R" was born—Reconstruction. In 1981, reflecting the larger dimensions of the program, Congress increased the authorization substantially to $800 million. Most recently, the STAA increased the 1984 level to $1.95 billion.

The results of the Department of Transportation's study of factors will not be available until at least midsummer. The increasing commitment to the Interstate 4R program, totaling $10.3 billion over the life of the STAA, requires that discussion of the alternative formulas begin immediately. Given the factors under study, the Pennsylvania Department of Transportation has carefully reviewed the docket and, after extensive consideration, developed a formula that reflects those factors causing the greatest damage to the highway system.

The formula we introduce today consists of lane miles, diesel fuel consumption, and bridge needs on the interstate system. Interstate lane miles is used in the current apportionment formula and is indicative of the size and extent of a State's interstate system. Since no other accurate measure exists, diesel fuel consumption serves as a surrogate for truck traffic, the single most contributor to the deterioration of the interstate system. The third factor, composed of data on deficient bridges and bridge needs on the interstate system, represents the culmination of the department's research of the formula. This new factor marks the development of the first reliable, quantifiable surrogate for terrain and severe weather. More bridges are required in rugged terrain. Furthermore, the bridge needs factor reflects the impact of weather since the use of melting agents on bridge decks adds to system deterioration and is manifested in the cost to improve deficient bridges.

The formula we proposed today has been unanimously endorsed by the Northeast Association of State Highway and Transportation Officials, and is supported by the Coalition of Northeastern Governors. It is generally agreed that the current formula is inadequate; I urge the Environment and Public Works Committee to hold hearings on this matter imminently, and to develop a more equitable formula for the distribution of Interstate 4R funds.

Mr. President, I ask unanimous consent that the resolution of the Northeast Association of State Highway and Transportation Officials and a letter of the Coalition of Northeastern Governors in support of this legislation be included in the RECORD.

I further ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interstate System Resurfacing, Restoration, Rehabilitation, and Reconstruction Amendments of 1983".

SEC. 2. Subparagraph (B) of section 104 (b)(5) of title 23, United States Code, is amended to read as follows:

"(B)(i) For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System:

"One-third in the ratio that diesel fuel used by motor vehicles on highways in each State bears to the total of diesel fuel used by motor vehicles on highways in all States; one-third in the ratio that lane miles on the interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such lane miles in all States; and one-third in the ratio (not to exceed 10 per centum) that the total cost to improve deficient bridges on the Interstate System in each State bears to the total cost to improve deficient bridges on the Interstate System in all States. Notwithstanding the preceding sentence, no State shall receive less than 1 per centum of the total apportionment made by this subparagraph for any fiscal year.

"(ii) For purposes of clause (i) the total cost to improve deficient bridges shall be determined by the square footage of bridges on the Interstate System, including bridges on toll interstate highways, eligible for replacement and rehabilitation multiplied by the respective unit price on the State-by-State basis, as determined by the Secretary under section 144 of this title.".

SEC. 3. The amendment made by this Act shall apply to fiscal years beginning on or after October 1, 1983.

COALITION OF NORTHEASTERN GOVERNORS,
June 9, 1983.

A key priority for the Coalition of Northeastern Governors during last year's debate on the Surface Transportation Assistance Act was to secure changes in the formula for the interstate highway "4R" program. This program provides vitally needed support for the rehabilitation and restoration of major stretches of the aging interstate highway system. Unfortunately, the current allocation formula, which is based on a combination of "lane miles" and "vehicle miles" fails to take account of other factors such as weather and truck use which contribute to pavement deterioration.

The Northeastern Association of State Highway and Transportation Officials (NASHTO) has developed a formula change proposal which is more responsive to actual state needs for interstate repair and rehabilitation. This formula proposal was unanimously approved by the state transportation officials at the recent NASHTO conference, and has the full support of the CONEG Transportation Committee. A detailed explanation of the proposed formula is enclosed for your review and information.

Senator Arlen Specter of Pennsylvania has agreed to introduce legislation to make this formula change. We believe this formula represents a substantial improvement over the current "4R" formula, and we urge you to join with Senator Specter as an original co-sponsor of this bill.

Sincerely,

Gov. William A. O'Neill, Vice-Chairman,
Gov. Dick Thornburg, Lead Governor for Transportation,
Gov. Thomas H. Kean, Chairman.

NORTHEAST ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS

RESOLUTION—INTERSTATE 4R APPORTIONMENT FORMULA

Whereas NASHTO is previously on record supporting a usage-based formula to apportion Interstate 4R funds (through adoption of the NGA/AASHTO position on new Federal highway legislation);

Whereas the passage of the 1982 Surface Transportation Assistance Act left unresolved the issue of a more equitable distribution of Interstate 4R funds;

Whereas the adverse effects of truck traffic, extreme weather, and the particular geography of an area, combined with the size and extent of the system have the greatest impact on states' abilities to maintain their Interstate highways;

Whereas current apportionment factors such as vehicle miles of travel do not reflect the weight and size of vehicles (trucks);

Whereas diesel fuel usage should be considered as a reasonable surrogate for truck traffic, since no credible national data base for truck traffic exists;

Whereas bridge data, including data on deficient bridges and bridge needs, serve as a surrogate for environmental and geographical (terrain) conditions as well as for the impact of meteorological conditions;

Whereas lane miles, another current apportionment factor, is an adequate measure of the size and extent of the Interstate Highway System;

Now therefore be it resolved that: NASHTO supports the following formula for the apportionment of Interstate 4R funds: one-third Lane Miles, one-third Diesel Fuel Consumption, one-third Bridge Needs;

Be it further resolved that: the recommended formula ensures that no state, including the District of Columbia, receives less than 1.0 percent of the total apportionment.

By Mr. WEICKER (for himself and Mr. DODD):

S. 1499. A bill to settle certain claims of the Mashantucket Pequot Indians; to the Select Committee on Indian Affairs.

MASHANTUCKET PEQUOT LAND CLAIMS SETTLEMENT ACT

● Mr. WEICKER. Mr. President, I am pleased to join my colleague from Connecticut, Senator DODD, in introducing, again, the Mashantucket Pequot Land Claims Settlement Act.

This bill would settle the claim of the Mashantucket Pequot Tribe to 800 acres of land in eastern Connecticut. It would authorize the appropriation of $900,000 for purchase of the land and extend Federal recognition to the Pequots as part of the settlement. It would credit the State of Connecticut with a contribution of $450,000 based on the provision of past services to the tribe, a contribution of 20 acres of land and extensive road work on the reservation by the Connecticut Department of Transportation.

The legislation presents an agreement negotiated among the Pequot Tribe, the 14 affected property owners and the State of Connecticut. The settlement has the support of all those parties and is cosponsored by the entire Connecticut delegation.

As my colleagues may recall, the settlement passed the Senate by unanimous consent on February 23 and the House by unanimous consent on March 22. Unfortunately, it was vetoed by the President on April 5.

Since the veto, however, at the urging of the majority leader, extensive discussions have taken place between Congress and the administration over this legislation. As a result of those discussions, the State of Connecticut has agreed to increase its contribution to the settlement by pledging $200,000 worth of road construction on the reservation. This road work would have been the responsibility of the Bureau of Indian Affairs upon passage of the settlement.

The Select Committee on Indian Affairs has agreed to hold hearings on this measure to provide the administration with the opportunity to testify on several points in the bill which are of particular interest to the Bureau of Indian Affairs.

It is our understanding that this action will satisfy the concerns of the administration and that the settlement continues to meet the approval of the State, the tribe, and the Connecticut delegation.

I would like to express my gratitude to Senator BAKER and his staff for their continuing assistance in our efforts to reach a settlement for the Mashantucket Pequot Tribe and the affected property owners in Ledyard, Conn.●

● Mr. DODD. Mr. President, I join with my colleague from Connecticut (Mr. WEICKER) in reintroducing legislation to settle the first outstanding Indian land claim in the State of Connecticut. The settlement is the result of years of negotiations between the Mashantucket Pequot Tribe and private landowners in Ledyard, Conn. It provides for a Federal trust fund of $900,000 which the tribe will use to purchase 800 acres of land that the affected owners have voluntarily agreed to sell. The bill extinguishes all aboriginal title to the land and subjects the tribe to the laws of the United States. Finally, in order that the settlement will be made final, the bill makes the Pequots a federally recognized tribe.

This bill was approved by the Congress earlier this year without dissent and subsequently vetoed by the President. The veto message argued essentially that this settlement did not conform to a rigid formula that this administration intends to have applied to these matters. Such arguments were not only specious in light of the lack of prior administration involvement in the negotiations, but fail to comprehend the fact that the very history and circumstances of these claims differ and do not lend themselves to a single formula response.

Since the veto, we considered the possibility of either an override attempt or negotiations with the administration. We have chosen the latter course so as not to further politicize what is a bipartisan bill and an existing local settlement. This bill differs from the earlier proposal in that it recognizes an increase in the State contribution to the settlement in the form of roadwork in the area. With this change, I am informed that this measure will be acceptable to the administration. I want to express my deepest appreciation to Senators ANDREWS and MELCHER and the staff of the Select Committee on Indian Affairs for this support and assistance on this matter and, in particular, for their efforts in pursuing an accommodation with the administration.

In addition, I want to thank my colleagues for the many expressions of support we received for a possible override of this veto. I regret that this matter must once again take the time of the Senate, but I trust that this bill can be considered without objection and will be approved as expeditiously as possible.●

By Mr. HART:

S. 1500. A bill to improve the regulation of civilian nuclear powerplants and provide economic incentives for their safe operation, and for other purposes; to the Committee on Environment and Public Works.

CIVILIAN NUCLEAR POWER REGULATION IMPROVEMENT AND SAFETY INCENTIVES

● Mr. HART. Mr. President, today I am introducing a bill that will enhance the safety of nuclear power in this country—the Civilian Nuclear Power Regulation Improvement and Safety Incentives Act of 1983. Representative JOHN SEIBERLING is introducing an identical companion bill in the House. Our bill makes three simple, but fundamental, modifications in the so-called Price-Anderson Act:

It removes the current $560 million limitation on total liability for damages to the public caused by an accident at a nuclear powerplant;

It makes the nuclear industry strictly liable for the damages caused by all accidents, regardless of severity. Injured persons would not have to prove negligence in the design, construction, or operation of a plant in order to receive compensation for any injuries they might sustain;

And it eliminates the current 20-year statute of limitations on recovering damages caused by a nuclear accident. Instead, it would permit injured persons to recover for damages if they sue within 3 years after they discover, or reasonably could have discovered, their injuries.

This bill does not in any way alter the other provisions in the Price-Anderson Act, particularly those requiring that a nuclear utility, as a condition of its operating license, maintain either the maximum available private insurance or some other form of financial protection and contribute to a retrospective premium pool should an accident cause damages exceeding that financial protection.

LIMITATION ON LIABILITY

Mr. President, in perhaps its most important—and most controversial—provision, the Price-Anderson Act insulates the nuclear industry—utilities, designers, vendors, and contractors—from liability for any damages caused by a nuclear accident exceeding $560 million. For 25 years, this provision has served as an umbilical cord for the nuclear industry.

By relieving the nuclear industry of the cost of insuring itself against the full range of damages caused by a nuclear accident, this statutory limita-

tion on liability offers perhaps the largest single subsidy granted any industry.

Those favoring the limitation on liability base their argument on an irreconcilable—and fatal—contradiction. On the one hand, they maintain that removal of the limitation would foreclose the nuclear power option, presumably because the risk of a serious accident is too great for the nuclear industry to bear without this protection. Yet, they also argue there is only a slight risk that a nuclear accident ever would cause damages exceeding the statutory limitation. Therefore, they say, the public likely will recover for all the unjuries it may suffer, the limitation notwithstanding.

The defenders of this limitation on liability cannot have it both ways. They cannot describe the risks of a serious accident as so slight that the public need not worry, but then suggest the risks are so great that the nuclear industry cannot survive without it.

Mr. President, the time has come for us to cut this umbilical cord and wean the nuclear industry.

First, any justifications for this limitation on liability that may have existed 25 years ago, when it was enacted, do not exist now.

Although originally intended as a temporary measure to nuture the infant nuclear industry, the liability limitation in the Price-Anderson Act has a survival record rivalling that of Rasputin.

In 1957, the Congress first enacted the Price-Anderson Act to remove what many say as the major roadblock to commercial development and use of nuclear power. Without the liability limitation, investors, vendors, engineers, and utilities refused to risk involvement in a dangerous, unproven technology. The act was to expire in 10 years when the fledgling nuclear industry presumably could survive on its own.

But apparently 10 years was not long enough. In 1965, the nuclear industry sought another 10-year extension, arguing that it has not compiled an operating record sufficient to assess the true risks of nuclear power. Congress acceded.

Another 10 years passed, and the nuclear industry again petitioned the Congress for a further 10-year extension. Congress once again agreed.

Few temporary laws have proven so permanent.

Mr. President, if the Congress accedes to the nuclear industry's latest request for an extension of the liability limitation, it will wind up nurturing a 40-year-old infant industry. One need only look at its size to realize we are not talking about a babe in arms. The nuclear industry represents billions of dollars of assets and thousands of jobs. It has 80 reactors built and operating, and has accumulated more than 700 reactor-years of operating experience. An additional 70 reactors are under construction.

In addition, the nuclear industry seems so confident in its current technology that it seeks to graduate into a new generation of reactors. It annually requests hundreds of millions of Federal dollars for developing breeder reactors, high-temperature gas-cooled reactors, and magnetic fusion. This hardly sounds like an infant industry that requires a crib of liability limitation.

Compare this industry to another risky industry. In 1957, few Americans traveled by air and space exploration was the stuff of science fiction. Today, we fly on supersonic Concordes and Boeing 767's, air transportation is a multibillion-dollar industry, our space probes have explored the far reaches of the solar system, and use of the space shuttle soon may become a commerical enterprise.

If the air transportation industry—with its risk of accidents causing potentially great damages—survives without a limitation on its liability, why cannot the nuclear industry?

Mr. President, the nuclear industry undoubtedly will argue that it would buy additional private insurance if the private insurers would sell it. But currently the private insurers will only make available for each reactor $160 million of insurance against off-site damages. The reason for this minimal amount of insurance is simple: The liability limitation in the Price-Anderson Act removed all incentive for the nuclear industry to buy additional insurance, and for private insurers to sell it.

Consider the response of the private insurers to the accident at Three Mile Island. The nuclear industry always has had to absorb the on-site property damages caused by an accident—and particularly damage to the reactor itself. Prior to the Three Mile Island accident, private insurers offered only $300 million of insurance for on-site property damages. The utility, contractor, or plant vendor had to pay for any damages in excess of $300 million.

Three Mile Island showed, however, that a nuclear accident causing little off-site damage could still cause substantial damage to the utility's powerplant and other on-site property—in this case over $1 billion.

Because the nuclear industry naturally wanted to minimize the exposure of its assets to such damages, it successfully encouraged the private insurers to increase from $300 million to $1 billion the amount of insurance they would make available for on-site property including the powerplant itself.

If the private insurers can respond with such remarkable speed to the needs of the nuclear industry, surely when the liability limitation has been removed they will respond with equally remarkable speed to the needs of the potential public victims of nuclear accidents.

This disincentive for private insurers to write coverage for injuries to the public caused by a nuclear accident underscores a second reason for removing the liability limitation: The limitation transfers the risk of nuclear power from those who profit from the technology to those who could suffer from it. If the public were given the opportunity to recover fully for injuries from an accident, the companies who design nuclear powerplants, the contractors who build them, and the utilities who operate them would have far greater incentive to protect the health and safety of the public. This is precisely the type of economic incentive for safety that the Reagan administration would like to see replace direct Federal regulation.

Indeed, the Heritage Foundation, in supporting elimination of this liability limitation, has said:

> Safety would be improved because the insuring companies would have an incentive to work with the utility to improve design and operational safety. This has been the case in numerous industries; the nuclear industry would not likely be an exception.

There is a final reason for removing the liability limitation. This hidden subsidy distorts the market that allocates our energy resources. By enabling it to enjoy below-market insurance, the Price-Anderson Act relieves the nuclear industry of a significant cost of doing business.

The Reagan administration has a penchant for applying a free market test to other energy technologies—particularly when it cuts funding for conservation, solar and renewable energy technologies. Surely, consistency demands it apply the same test to nuclear power. The liability limitation for nuclear power has caused serious inefficiency and waste in the allocation of our energy resources. If nuclear power cannot survive in a market free of hidden subsidies, then we should allocate our energy resources to other technologies that can.

STRICT LIABILITY

Mr. President, although removing the limitation on aggregate public liability may seem the most significant change this bill makes in the Price-Anderson Act, the other two provisions are equally important.

The second provision eliminates the distinction between an "extraordinary nuclear occurrence" (ENO) and a "nuclear incident"—two of the most creative euphemisms imaginable. Currently, if the Nuclear Regulatory Commission (NRC) determines, based on the amount of radiation released and the damage to persons and property off-site, that an accident is serious enough to constitute an ENO, then

the nuclear industry cannot defend against a damage suit by arguing either that it was not at fault or that it enjoyed some special immunity. The nuclear industry is strictly liable for the damages caused by an ENO.

By contrast, if the NRC determines, based on its criteria, that an accident was not serious enough to constitute an ENO, then regular State laws of tort liability and immunity would apply. The nuclear industry would be strictly liable for damages caused by a nuclear incident only if the State law so provides. Since State laws generally apply strict liability to ultrahazardous activities—and presumably for many States nuclear power would fall within this category—strict liability would often apply even to an accident not deemed an extraordinary nuclear occurrence.

Why, then, should not the Price-Anderson Act mandate strict liability for all nuclear accidents regardless of the State in which they occur?

The ENO distinction implies that victims of "less serious" nuclear accidents should have to meet tougher conditions in order to recover than should victims of more serious accidents. To a person suffering substantial property damage or serious radiation injury, however, it makes no difference whether the NRC finds that an accident was an ENO. The pain, suffering, and other damage remain the same, regardless of the injury caused to the surrounding community. By removing the ENO distinction and applying strict liability to accidents of any severity, the provision redresses this inequity.

STATUTE OF LIMITATIONS

Mr. President, the third, and final, provision of this bill replaces with a so-called discovery rule the existing 20-year statute of limitations on suits to recover damages.

Currently, the 20-year statute of limitations applies only to an ENO, while State statutes of limitations apply to less severe nuclear incidents. Since the second provision in this bill eliminates altogether the ENO distinction, this third provision would apply a discovery rule to all nuclear accidents—victims could recover damages caused by an accident if they file suit within 3 years after they discovered, or reasonably could have discovered, their injuries.

Many injuries caused by a nuclear accident are latent. They may not manifest themselves for decades, and often for periods longer than 20 years. Genetic damage caused by radiation may take one or even several generations to appear. Fairness dictates that we not preclude, with an arbitrary limitation, these victims of a nuclear accident from recovering damages simply because they were unlucky enough to suffer latent injuries. This new statute of limitations enables all victims of a nuclear accident to seek recovery for their injuries regardless of whether apparent or latent.

Mr. President, the modifications of the Price-Anderson Act contained in this bill are long overdue. This bill does not pass judgment on the nuclear industry or its prospects. Indeed, conservative groups such as the National Taxpayers Coalition and the Heritage Foundation have also argued for removal of the liability limitation in the Price-Anderson Act.

We must reject arguments used in the 1950's, at the dawn of the nuclear age to justify preserving and extending the Price-Anderson Act today. Ultimately, enactment of the Civilian Nuclear Power Regulation Improvement and Safety Incentives Act should benefit the nuclear industry because it will enhance public confidence in nuclear power. If the nuclear industry can survive in the free market without the Price-Anderson subsidy and obtain sufficient private insurance to protect the public, it deserves to survive. If it cannot, then we should invest our energy dollars elsewhere.

There has been a lot of talk recently about reforming the process for licensing nuclear powerplants. I cannot imagine any reform more important than removing the liability limitation and creating a powerful economic incentive for safe design, construction and operation of nuclear powerplants.

Before we worry about reforming the process for licensing new plants that may never be ordered or built, we should reform the current rules of financial protection to insure safer operation of the plants we now have. This bill does just that. And I will seek to have it included as an important element of any licensing reform discussion.

Mr. President, I urge the Committee on Environment and Public Works promptly to consider, and the Senate to pass, this bill.

I ask unanimous consent that the text of the bill appear in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Civilian Nuclear Power Regulation Improvement and Safety Incentives Act of 1983".

LIMITATION ON LIABILITY

SEC. 2. Section 170 of the Atomic Energy Act of 1954, as amended, is amended by striking out subsection 170e., and relettering the subsequent subsections as necessary.

EXTRAORDINARY NUCLEAR OCCURRENCE

SEC. 3. (a) Section 11 of the Atomic Energy Act of 1954 is amended—

(1) by striking out subsection j.; and

(2) in subsection q. by striking out ", including an extraordinary nuclear occurrence,".

(b) Section 170n. of the Atomic Energy Act of 1954 is amended by striking out "extraordinary nuclear occurrence" and substituting "nuclear incident" in each place it appears.

STATUTE OF LIMITATIONS

SEC. 4. Section 170n.(1) of the Atomic Energy Act of 1954 is amended in the first sentence—

(a) by striking out the clause immediately following subparagraph (c) up to but not including "(i)", and inserting in lieu thereof the following: "the Commission must incorporate provisions in indemnity agreements with licensees and contractors under this section, and must require provisions to be incorporated in insurance policies or contracts furnished as proof of financial protection, which waive"; and

(b) by inserting in clause (iii) a period after "thereof" and striking out the remainder of the sentence.●

By Mr. HART:

S. 1502. A bill to amend title I of the Reclamation Project Authorization Act of 1972 (Public Law 92-514; 86 Stat. 964) as amended by Public Law 96-375 (94 Stat. 1507); to the Committee on Energy and Natural Resources.

CLOSED BASIN DIVISION WATER PROJECT

● Mr. HART. Mr. President, today I am introducing legislation to amend the authorizing statute for the Closed Basin Division water project in the southwestern corner of my State. Specifically, this legislation will authorize the establishment of the Russell Lakes Waterfowl Management Area as a replacement for the presently authorized and proposed Mishak National Wildlife Refuge.

The Closed Basin project, authorized in 1972 and presently under construction, is designed to pump groundwater from an unconfined acquifer in the Closed Basin of Colorado to the Rio Grande River to help the State of Colorado meet its obligations for water delivery to the States of New Mexico and Texas under the Rio Grande Compact of 1939 as well as to help the United States meet its water obligations to Mexico under the Rio Grande Convention of 1906. The project, developed in stages over a 10-year period, will pump groundwater presently lost to evaporation through a conveyance channel to the Rio Grande River.

As originally authorized, Closed Basin provided for certain specific features to mitigate the effects of the project on existing fish and wildlife. These included the Alamosa National Wildlife Refuge, Blanca Wildlife Habitat Area, establishment of the Russell Lakes Waterfowl Management Area, stabilization of the water level in existing lakes and development of recreation facilities at San Luis Lake. In addition, the original authorization included plans for the Mishak National Wildlife Refuge which was to be pro-

vided with 12,500 acre-feet of water annually to sustain wildlife and wetland habitat.

At the time of authorization and filing of the final environment statement, specific impacts upon wetlands due to the project were not known. Project features needed to mitigate impacts of the project on wetlands could not be determined. The 1979 final environmental statement stated that a supplement to the final ES would be prepared prior to beginning stage three of the project, and the mitigation needs would be included in the supplement.

Since the project was originally designed and authorized, annual surface water flows into the Mishak National Wildlife Refuge have been reduced to as little as 500 acre-feet through more efficient irrigation practices upstream of the project. This is considerably less than the 12,500 acre-feet needed to sustain the Mishak National Wildlife Refuge. In order to retain the Mishak Refuge, waterflows would have to be supplemented with groundwater pumping which will decrease the total amount of water delivered to the Rio Grande River.

Proposed development and management of the Russell Lakes Waterfowl Management Area as a replacement for the Mishak National Wildlife Refuge has resulted from reanalysis of the projects impacts on existing wetland habitat and actual surface waterflows necessary to sustain the originally authorized Mishak Refuge. The Bureau of Reclamation believes that, in conjunction with the revised fish and wildlife enhancement and mitigation plan, the development and management of Russell Lakes will adequately compensate for the projects effects on fish and wildlife resources in this part of our State.

The Bureau of Reclamation, Colorado Division of Wildlife, Colorado Water Conservation Board and commissioners in the local counties where Closed Basin is located all support Russell Lakes as a replacement for the Mishak Refuge and the legislation needed to amend the existing authorizing statute. In addition, Congressman KOGOVSEK, who represents Colorado's Third District where Closed Basin is located, has introduced identical legislation in the House of Representatives. This legislation is needed to bring the original authorizing statute in line with actual conditions and needs at the project site.

Mr. President, preliminary work on the next stage of the Closed Basin project is contingent on enactment of this legislation. I believe this amending legislation necessary to maintain both our water obligations to Mexico and Colorado's water obligations to the States of Texas and New Mexico, in accordance with the original authorizing statute. I look forward to working with the Senate Energy and Natural Resources Committee on this in coming months.●

By Mr. BENTSEN (for himself and Mr. TOWER):

S. 1504. A bill to provide for protection of historic shipwrecks, structures, and artifacts located on a seabed or in the subsoil of the lands beneath waters of the United States; to the Committee on Energy and Natural Resources.

HISTORIC SHIPWRECKS LEGISLATION

Mr. BENTSEN. Mr. President, today I am introducing, together with Senator TOWER, a bill to protect historic shipwrecks. Just as Congress has wisely protected our physical historical heritage by enacting laws including the Antiquities Act of 1906, the Historic Sites and Buildings Act of 1935, the National Historic Preservation Act of 1966, and the Archaeological Resources Protection Act of 1979, so too I believe we should extend protection to historic shipwrecks which are a source of future understanding of our cultural heritage.

It is commonly recognized that the physical presence of the past is valuable, and that its wanton destruction should not be tolerated. It is upon that believe that the legislation I have just referred to rests. Several recent decisions by Federal courts, however, have placed historic shipwrecks under the salvage provisions of maritime law, which allows salvors to freely search, and often destroy, valuable abandoned property. Federal and State efforts to protect these historic shipwrecks from looting by organized commercial treasure hunters have thereby been thwarted. This bill seeks to address the problem by removing shipwrecks which are eligible for inclusion on the National Register of Historic Places from the salvage provisions of maritime law.

There are many historic shipwrecks, whose historical and archeological importance mandate protection. Few States have made detailed inventories, but examples from Texas and North Carolina are revealing. In Texas, over 1,700 wrecks of all periods have been discovered, 653 of which have been designated historic landmarks. In North Carolina the State Marine Archaeologist's office has recorded over 700 wrecks, of which about 500 are historic. In addition, the U.S. Bureau of Land Management estimates that there are 2,000 more historic wrecks off the east coast north of Cape Hatteras. There are an equal number in the Gulf of Mexico.

The looting of historic shipwrecks by professional firms is a significant problem. In Florida, where most of the actual Spanish treasure ships were lost, these firms destroyed whole fleets of vessels. Because specific wrecked vessels are difficult to identify, almost all older or woodenhulled wrecks have been severely damaged by treasure hunters searching for the relatively few treasure ships among them. When treasure hunters for example finished looting the San Jose, the remains of that ship were destroyed by being left exposed to the currents and creatures of the sea, from which the overlying deposits had protected them for centuries.

It is not the purpose of the bill to restrict access to submerged lands by scuba divers and other members of the public, not to punish those who may find a stray coin or artifact on the floor of the ocean. It is intended only to enable the States and the Federal Government to prohibit the looting and destruction of historic shipwrecks for the profit of a few individuals under the guise of "salvage".

A similar bill has been introduced in the House by Mr. JONES of North Carolina, chairman of the Committee on Merchant Marine and Fisheries. The legislation has the support of the Society for American Archeology, which adopted a resolution on April 29, 1983, calling for its enactment, by the Texas Antiquities Committee, and by the National Conference of State Historical Preservation Offices. I ask unanimous consent that the bill's text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1504

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds that—

(1) historical shipwrecks, structures, and artifacts on the seabed and in the subsoil of the lands beneath waters of the United States are cultural resources that are an irreplaceable part of the Nation's heritage;

(2) these resources are increasingly endangered because of their commerical attractiveness;

(3) existing Federal law creates a barrier to adequate protection from the loss and destruction of these resources resulting from uncontrolled salvage operations;

(4) some of the States have laws which would adequately protect these resources, but for the barrier created by existing Federal law; and

(5) the power to prescribe rules of law to be applied to such resources should rest with the respective States.

(b) The principal purpose of this Act is to protect, for the present and future benefit of the American people, historical shipwrecks, structures, and artifacts on the seabed and in the subsoil of the lands beneath navigable waters within the boundaries of the respective States.

SEC. 2. For the purposes of this Act—

(1) the term "historical shipwrecks, structures, and artifacts" includes sunken and abandoned ships and wrecks of the sea and any part of the cargo and other contents of such ships and wrecks, and sites, structures (including wharfs and bridges), objects, buildings, artifacts, and implements of historical archeological, scientific, or educational interest on the seabed or in the sub-

soil of the lands beneath navigable waters and which are eligible for or are listed on the National Register of Historic Places;

(2) the term "salvage" means the compensation or reward allowed by maritime law to persons by whose voluntary assistance a ship or wreck at sea or her cargo have been saved or recovered in whole or in part from marine peril;

(3) the term "lands beneath navigable waters" has the meaning given such term in section 2(a) of the Submerged Lands Act (67 Stat. 29; 43 U.S.C. 1301(a)), and includes the beds and subsoil of all navigable lakes, reservoirs, rivers and streams, except those excluded by section 2(f) of such Act (43 U.S.C. 1301(f));

(4) the term "boundaries" has the meaning given that term in section 2(b) of the Submerged Lands Act (43 U.S.C. 1301(b)); and

(5) the term "State" means a State of the United States.

SEC. 3. Except as otherwise reserved in section 5, the United States releases and relinquishes to the respective States all right, title, and interest, if any it has, in historical shipwrecks, structures, and artifacts on the seabed or in the subsoil of the lands beneath navigable waters within the boundaries of the respective States.

SEC. 4. (a) The United States maritime law of salvage shall not apply to any historical shipwrecks, structures, and artifacts located on the seabed or in the subsoil of the lands beneath navigable waters within the boundaries of the respective States or other waters of the United States.

(b) All historical shipwrecks, structures, and artifacts located on the seabed or in the subsoil of the lands beneath navigable waters of each State shall be subject to the laws of such State.

SEC. 5. Except as provided for in this Act, nothing in this Act is to be construed as affecting or amending any of the rights reserved by the United States in—

(1) sections 3, 4, 5, 6, and 8 of the Submerged Lands Act (43 U.S.C. 1311-1315);

(2) sections 4238 through 4241 of the Revised Statutes (46 U.S.C. 721-724), the Act entitled "An Act to aid vessels wrecked or disabled in waters coterminous to the United States and the Dominion of Canada", approved June 19, 1878 (20 Stat. 175; 46 U.S.C. 725), the Act entitled "A Joint Resolution for the reporting, marking, and removal of derelicts", approved October 31, 1893 (28 Stat. 13; 46 U.S.C. 726), the Act entitled "An Act to harmonize the national law of salvage with the provisions of the international convention for the unification of certain rules with respect to assistance and salvage at sea, and for other purposes", approved August 1, 1912 (37 Stat. 242; 46 U.S.C. 727-731), and the Act entitled "An Act to promote safety at sea in the neighborhood of ice and derelicts, and for other purposes", approved June 25, 1936 (49 Stat. 1922; 46 U.S.C. 738-738d); and

(3) Sections 7361-7367 of title 10, United States Code.

SEC. 6. Nothing in this Act shall be construed to preempt or modify the laws relating to the ownership and control of ground and surface waters of the States which lie wholly or in part westward of the ninety-eighth meridian.

SEC. 7. Historical shipwrecks, structures, and artifacts beneath waters of the United States not subject to State control pursuant to section 3 or 6 is subject to the supervision and control of the Department of the Interior.

Mr. TOWER. Mr. President, famed historian, Kenneth Clarke, asserts in his book "Civilization" that the true record of any group lies in its art, buildings, and artifacts. His implication is that those remaining bits of eras past should be preserved for future generations to learn from. Americans generally share this sentiment. As an expression of their will, Federal legislation has long aided the preservation of our historic resources.

Recently, however, several Federal court decisions have placed historic shipwrecks under the salvage provisions of maritime law, and have frustrated Federal and State efforts to protect these historic shipwrecks from looting by commerical treasure hunters. The legislation introduced today would remove shipwrecks that are eligible for inclusion in the National Register of Historic Places from the salvage provisions of maritime law.

In the territorial waters of the United States, there are many historic shipwrecks. In Texas, over 1,700 wrecks of all periods have been recorded; 635 are designated historic landmarks. In the Gulf of Mexico area of the United States, the Bureau of Land Management has estimated 2,000 historic shipwrecks exist. About the same number are known in the northeast region, stretching from the Bay of Fundy to Cape Hatteras.

The problem of looting these historic shipwrecks is a significant nationwide problem. For instance, in Florida, where most of the actual Spanish treasure ships were lost, organized treasure hunters have destroyed dozens of vessels. Further, looters frequently expose these artifacts by digging through the layers of sediment that have protected them for centuries; the remains are then destroyed by being left exposed to the currents and creatures of the sea.

Almost every State with navigable waters has other examples of historic wrecks destroyed or severely damaged by looters. Texas lost the *Espiritu Sancto*, which sank in 1554; Louisiana lost the *Nuevo* and the *Constante*, which sank in 1766; North Carolina lost two Civil War-era vessels, the *Modern Greece* and the *Ranger*. These are only a few of many examples of the needless destruction of these vessels.

The legislation introduced today recognizes the unique significance of these shipwrecks to our historic heritage. It places these shipwrecks under the care of the States in whose coastal waters they occurred. it will permit the States and the Federal Government to exercise their responsibility to protect these resources for the benefit of the public as a whole. It is not the purpose of the legislation to restrict access to submerged lands by scuba divers or other members of the public, nor to punish those who may find a stray coin or artifact on the ocean floor. It is intended only to enable the States and the Federal Government to prohibit the looting and destruction of historic shipwrecks for the profit of a few individuals under the guise of "salvage."

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. KASTEN, the names of the Senator from Oklahoma (Mr. BOREN), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of S. 44, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 53

At the request of Mr. SPECTER, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 53, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968.

S. 454

At the request of Mr. BYRD, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 454, a bill to provide for an accelerated study of the causes and effects of acidic deposition during a 5-year period, and to provide for grants for mitigation at sites where there are harmful effects on ecosystems resulting from high acidity.

S. 873

At the request of Mr. LUGAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 783, a bill to help insure the Nation's independent factual knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 1113

At the request of Mr. D'AMATO, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 113, a bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed.

S. 1144

At the request of Mr. HEINZ, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 1144, a bill to suspend periodic reviews of disability beneficiaries having mental impairments pending regulatory reform of the disability determination process.

S. 1176

At the request of Mrs. HAWKINS, the name of the Senator from Missouri

(Mr. EAGLETON) was added as a cosponsor of S. 1176, a bill to authorize the appropriation of funds for preventive health service programs for tuberculosis.

S. 1245

At the request of Mr. THURMOND, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1245, a bill to amend chapter 157 of title 10, United States Code, to authorize the Secretary of Defense to provide transportation for next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia.

S. 1434

At the request of Mr. D'AMATO, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1434, a bill to amend the Internal Revenue Code of 1954 to provide that a spouse having compensation shall not be disqualified from having a spousal individual retirement account.

S. 1448

At the request of Mr. BYRD, the names of the Senator from Nebraska (Mr. EXON), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 1448, a bill to designate the square dance as the national folk dance of the United States.

S. 1469

At the request of Mr. SPECTER, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 1469, a bill to amend title 18 of the United States Code relating to the sexual exploitation of children.

SENATE JOINT RESOLUTION 9

At the request of Mr. HELMS, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 9, a joint resolution to amend the Constitution of the United States to protect the right to life.

SENATE JOINT RESOLUTION 11

At the request of Mr. ROTH, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Joint Resolution 11, a joint resolution entitled "National Safety in the Workplace Week."

SENATE JOINT RESOLUTION 14

At the request of Mr. HELMS, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 14, a joint resolution to amend the Constitution of the United States to protect the right to life.

SENATE JOINT RESOLUTION 93

At the request of Mr. EAST, the names of the Senator from Louisiana (Mr. JOHNSTON), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Nevada (Mr. HECHT) were added as cosponsors of Senate Joint Resolution 93, a joint resolution to designate the month of September each year as "National Sewing Month."

SENATE JOINT RESOLUTION 102

At the request of Mr. SPECTER, the names of the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Tennessee (Mr. SASSER), the Senator from Arkansas (Mr. BUMPERS), the Senator from Georgia (Mr. NUNN), the Senator from Hawaii (Mr. INOUYE), the Senator from Missouri (Mr. EAGLETON), the Senator from Michigan (Mr. LEVIN), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Nevada (Mr. LAXALT), the Senator from Florida (Mr. CHILES), the Senator from Washington (Mr. JACKSON), the Senator from Michigan (Mr. RIEGLE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Kansas (Mr. DOLE), the Senator from Maine (Mr. MITCHELL), the Senator from North Carolina (Mr. HELMS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Ohio (Mr. GLENN), the Senator from North Dakota (Mr. BURDICK), the Senator from New York (Mr. D'AMATO), the Senator from Arizona (Mr. DECONCINI), the Senator from Idaho (Mr. MCCLURE), the Senator from Mississippi (Mr. STENNIS), the Senator from Idaho (Mr. SYMMS), the Senator from South Carolina (Mr. THURMOND), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from California (Mr. CRANSTON) were added as cosponsors of Senate Joint Resolution 102, a joint resolution to designate the week of October 16, 1983, through October 22, 1983, as "Lupus Awareness Week."

AMENDMENTS SUBMITTED

HOUSING AND COMMUNITY DEVELOPMENT ACT

GARN (AND TOWER) AMENDMENT NO. 1423

(Ordered to lie on the table.)

Mr. GARN (for himself and Mr. TOWER) submitted an amendment intended to be proposed by them to the bill (S. 1338) to authorize appropriations and extend authorities for housing development and rehabilitation, community development, and mortgage insurance, and for other purposes; as follows:

AMENDMENT No. 1423

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Housing and Community Development Act of 1983".

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TITLE I—RENTAL REHABILITATION

RENTAL REHABILITATION AND DEVELOPMENT GRANTS

SEC. 101. (a) Title I of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following:

"RENTAL REHABILITATION AND DEVELOPMENT GRANTS

"SEC. 122. (a)(1) The Secretary is authorized—

"(A) to make rental rehabilitation grants to States and units of general local government to help support the moderate rehabilitation of privately owned real property to be used for primarily residential rental purposes;

"(B) to make available sufficient contract authority as provided by section 8(b)(3)(B) of the United States Housing Act of 1937 (hereinafter referred to as 'modified certificates'), in addition to that authorized by section 5(c) of that Act, to minimize the displacement of very low-income tenants and other lower income tenants of structures undergoing rehabilitation with assistance under this section, to assist very low-income tenants and other lower income tenants of these structures who are displaced by activities under this section, to assist other very low-income tenants in obtaining decent, safe, and sanitary housing in relation to the particular needs of the applicant, but no greater than the amount needed to assist the estimated number of units to be so rehabilitated; and

"(C) to make rental development grants to States and units of general local government to help support the substantial rehabilitation or new construction of privately owned real property to be used for primarily residential rental purposes.

"(2) To carry out the purposes of this section, there are authorized to be appropriated for fiscal year 1984, not to exceed $850,000,000, of which—

"(A) $30,000,000 or 4 per centum of the amount appropriated, whichever is less, shall be available to meet special needs in substantial rehabilitation or new construction projects, as determined by the Secretary;

"(B) not less than $1,000,000 shall be available for technical assistance in connection with activities assisted under this section; and

"(C) not more than $550,000,000 shall be available for annual contribution contracts for assistance under section 8(d) of the United States Housing Act of 1937;

subject to adjustments under subsection (b)(6).

"(b)(1) Of the amount available in any fiscal year for grants under subparagraphs (A) and (C) of subsection (a)(1), after deducting the amount provided for in subsection (a) (2) (A), the Secretary shall allocate amounts for grants to cities having populations of fifty thousand or more, urban counties, and States for use as provided in subsection (e), on the basis of a formula which shall be contained in a regulation proposed by the Secretary not later than sixty days after the effective date of this section. Such regulation shall be accompanied by the specific fund allocation for fiscal year 1984 for individual cities, urban counties, and States which would result from the proposed formula and any adjustments under paragraph (2)(A). The formula contained in the regulation shall take into account such factors as low income renter population, rental housing market conditions, overcrowding of rental housing, the condition of the rental housing stock, and such other objectively measurable conditions as the Secretary deems appropriate to reflect the need for assistance under this section, but excluding data relating to such factors which pertain to areas eligible for assistance under title V of the Housing Act of 1949.

"(2) Before an allocation determined under paragraph (1) for any fiscal year is made available for use, the Secretary may adjust the allocation as follows:

"(A) The Secretary is authorized to establish minimum allocation amounts for cities and urban counties, representing program levels below which, in the Secretary's determination, conduct of a rental rehabilitation or development program would not be feasible. The amount of any allocation which is below this minimum shall be added to the allocation for the State in which the city or county is located and shall be available in accordance with subsection (e).

"(B) Beginning with fiscal years after fiscal year 1984, the Secretary is authorized to adjust the allocation for a city, urban county, or State administering a rental rehabilitation or development program as provided in subsection (e)(1), by up to 15 per centum above or below the amount of such allocation, based on an annual review of performance in carrying out activities under this section in a timely manner and in achieving the result that at least 80 per centum of the rents for units rehabilitated with assistance under this section in all program years are and remain lower than the applicable payment standard for the area, as determined under section 8(d)(1) of the United States Housing Act of 1937. The last sentence of subparagraph (A) shall not apply to an allocation which is below the minimum amount described therein by reason of an adjustment under this subparagraph. The Secretary shall establish by regulation performance criteria for purposes of this subparagraph.

"(3)(A) Assistance under this section shall be made available on the basis of satisfactory information provided in a program description which shall be submitted by the grantee at such time and in such manner as the Secretary may prescribe and which shall contain—

"(i) a description of the grantee's proposed rental rehabilitation or development program, which shall consist of the activities each grantee proposes to undertake for the fiscal year (including a specification of the amount of moderate rehabilitation, of new construction and substantial rehabilitation, and of modified certificates proposed, and the grantee's anticipated schedule in

carrying out those activities) or, in case of a State distributing resources as provided in subsection (e)(1)(B), its proposed method of distributing the resources, which shall have been made available to the public;

"(ii) a certification that the grantee's program was developed after consultation with the public;

"(iii) evidence of the grantee's capacity to undertake the proposed program in a timely manner, including the accomplishments under any prior program grants;

"(iv) an analysis of the financial feasibility of the proposed program including the availability of non-Federal and private resources and including evidence that the projects selected for rehabilitation are located in neighborhoods where rents are generally affordable to lower income families and that the character of the neighborhood indicates that such rents will not materially change over an extended period;

"(v) a statement of the procedures and standards which will govern selection of proposals by the grantee, which procedures and standards shall take into account the extent to which the proposal represents the efficient use of Federal resources and the extent to which the housing units involved will be adequately maintained and operated with rents maintained at the levels proposed, and in the case of a project proposed involving substantial rehabilitation or new construction, such procedures and standards shall accord a priority to proposals in which some or all of the assistance will be recaptured by the grantee and proposals which involve projects that exceed the requirements of subsection (d)(2)(B);

"(vi) an estimate of the effect of the proposed program on neighborhood preservation;

"(vii) a certification that the applicant will comply with Public Law 88-352 and Public Law 90-284; and

"(viii) such other information as the Secretary shall prescribe.

"(B) Assistance with respect to substantial rehabilitation or new construction may be provided only pursuant to an application which shall include such information in addition to that required by subparagraph (A) as the Secretary may require. Such assistance may only be provided if the Secretary finds that—

"(i) the area is experiencing a severe shortage of rental housing;

"(ii) the area has extremely low vacancy rates or meets other requirements specified by the Secretary; and

"(iii) a program of other than moderate rehabilitation is necessary—

"(I) to improve rental opportunities; or

"(II) to advance a neighborhood preservation program.

"(C) The amount of a rental rehabilitation or development grant under this section shall be determined by the Secretary, but may not exceed 120 per centum of the allocation under paragraph (1), as adjusted pursuant to paragraph (2).

"(D) Not less than 100 per centum of the amount of assistance provided under subparagraph (A) or (C) of subsection (a)(1) shall be used by the grantee for the benefit of lower income families, except that the Secretary may reduce such 100 per centum requirement to not less than 70 per centum where the grantee determines, in accordance with standards prescribed by the Secretary, that the grantee cannot develop a proposed program which complies with such requirement, after consultation with the public regarding the inability to develop a program which complies with such requirement.

"(4)(A) The Secretary shall allocate the contract authority for modified certificates referred to in subsection (a)(1)(B) for use by each grantee in relation to its needs, but in no case does this section require the Secretary to allocate to a grantee more authority than is necessary to provide assistance with respect to the number of units to be moderately rehabilitated.

"(B) The annual contributions contract covering the contract authority referred to in subparagraph (A) shall permit the grantee to retain such authority for a period up to one year to provide assistance with respect to units in structures rehabilitated or developed with assistance under this section and shall contain such other terms and conditions as the Secretary deems appropriate to carry out the purposes of this section, including provisions to assure that the appropriate public housing agency makes such authority available to all very low-income tenants of structures rehabilitated with assistance under this section, and at the grantee's discretion, and notwithstanding any other provision of law limiting the eligibility for such certificates, to other lower income tenants of such structures.

"(5) After the allocation of rental rehabilitation and development grant amounts and contract authority for modified certificates determined pursuant to the preceding paragraphs of this subsection have been made available for use, the Secretary is authorized to reallocate such amounts and authority among grantees, on the basis of the Secretary's assessment of the progress of grantees in carrying out activities under this section. Reallocations under this paragraph shall be designed to encourage use of these resources expeditiously, consistent with the sound development and administration of the grantee's rental rehabilitation and development programs.

"(6) Each grantee at its own discretion may commit up to 20 per centum of the funds allocated to it for the purposes of subsection (a)(1)(A) (rehabilitation) or (a)(1)(C) (new construction and substantial rehabilitation) to provide modified certificates under subsection (a)(1)(B), and may expend up to 20 per centum of the budget authority allocated to it for the purpose of subsection (a)(1)(B) to carry out rehabilitation or development under subsection (a)(1)(A) or (a)(1)(C) if there is sufficient assistance available for each unit rehabilitated or developed.

"(7) Each grantee shall submit to the Secretary, at a time determined by the Secretary, a performance report concerning the use of resources made available under this section. The Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

"(A) where the grantee is a unit of general local government or a State carrying out its own program as provided in subsection (e)(1)(A), whether (i) the grantee has carried out its activities in a timely manner and in accordance with the requirements of this section and of section 107(d), and has a continuing capacity to carry out those activities in a timely manner, and (ii) the modified certificates made available under this section have been administered in accordance with the requirements of the United States Housing Act of 1937 and of this section; and

"(B) where the grantee is a State distributing resources made available under this section to units of general local government as provided in subsection (e)(1)(B), whether the State (i) has distributed such resources in a timely manner and in accordance with the requirements of this section and of section 107(d) and (ii) has made such reviews and audits of the units of general local government as may be necessary or appropriate to determine whether they have satisfied the performance criteria described in subparagraph (A)(i) of this paragraph.

In addition to the adjustments based on performance authorized by subsection (b)(2)(B), the Secretary may adjust, reduce, or withdraw resources made available to States and units of general local government receiving assistance under this section, or take other action as appropriate in accordance with the findings of these reviews and audits, except that resources already expended on eligible activities shall not be recaptured or deducted from future resources made available to the grantee. Any amounts which become available as a result of actions under this paragraph or section 111 shall be reallocated in the year in which they become available to such grantee or grantees as the Secretary may determine.

"(8) Any rental rehabilitation or development grant amounts which are not obligated at the end of any fiscal year shall be added to the amount available for allocation for such grants for the succeeding fiscal year.

"(c) A rental rehabilitation or development program assisted under this section shall provide that—

"(1) grants shall only be used to rehabilitate or develop real property (A) located in neighborhoods where the median income does not exceed 80 per centum of the median income for the area, and (B) to be used for primarily residential rental purposes;

"(2) moderate rehabilitation assisted under this section shall only be that which is necessary to correct substandard conditions, to make essential improvements, and to repair major systems in danger of failure;

"(3) grant assistance provided under this section for any structure shall not exceed 50 per centum of the total costs associated with the rehabilitation or development of that structure, as determined by the Secretary, except that where the Secretary determines that refinancing costs and the special nature of the project require a greater amount of assistance, the grant amount shall be limited to not to exceed 50 per centum of the development cost including acquisition;

"(4) in the case of a project involving moderate rehabilitation, the amount of rental rehabilitation assistance provided under this section for any structure shall not exceed $5,000 per unit except as otherwise determined by the Secretary in areas of high material and labor costs where the grantee demonstrates that every appropriate step has been taken by the grantee to contain the amount of assistance within the limit set by this paragraph and that an exception is necessary to conduct a rehabilitation program while not exceeding the rehabilitation standards of subsections (c)(2);

"(5) requirements imposed by or agreements made with States and units of general local government regarding rents shall not apply to a structure which is assisted under this section, except as provided in subsection (d)(6);

"(6) an owner of a structure rehabilitated or developed with assistance under this section shall not refuse to rent a dwelling unit

in the structure to a family solely because the family is receiving rental assistance under section 8 of the United States Housing Act of 1937;

"(7) financing for a structure assisted under this section shall, to the maximum extent practicable, require that the borrower shall be personally liable for repayment of all such financing in the event of default;

"(8) a project may be assisted under this section only if the rehabilitation of such project will not cause the displacement of very low-income families by families who are not very low-income families; and

"(9) a priority shall be given to projects containing units in substandard condition which are occupied by very low-income families.

"(d)(1) Where the application approved under this section provides for substantial rehabilitation or new construction, the amount of a grant provided under this section shall be not more than the allocation for the grantee under subsection (b)(1), as adjusted pursuant to subsection (b)(2)(B) (plus any amount provided pursuant to subsection (a)(2)(A)), and shall not be more than that amount which will provide decent rental or cooperative housing of modest design which is affordable for families and individuals without other reasonable and affordable housing alternatives in the private market, including an amount necessary to make rents for units described in paragraph (2)(B) affordable for lower income persons and families.

"(2) A grant under this subsection may be provided with respect to a project only if—

"(A) the owner of each property to be assisted has entered into such agreements with the grantee as may be necessary to assure compliance with the requirements of this subsection, to assure financial feasibility of the project, and to carry out the other provisions of this subsection;

"(B) the owner agrees that, during the ten-year period beginning on the date on which 50 per centum of the units available for occupancy in the project are occupied, at least 20 per centum of the units the development of which is provided for under the application shall be occupied by lower income persons and families;

"(C) the owner agrees—

"(i) to pass on to the tenants any reduction in the debt service payments or other costs resulting from the assistance provided under this subsection;

"(ii) not to refuse to rent to a family solely because the family is receiving rental assistance under section 8 of the United States Housing Act of 1937; and

"(iii) not to convert the units to condominium ownership (or in the case of a cooperative, to condominium ownership or to a form of cooperative ownership which does not have a membership resale structure which enables the cooperative to maintain affordability for lower income families as required under subparagraph (B));

during the ten-year period beginning on the date on which the units in the project are available for occupancy;

"(D) any mortgage secured by the property—

"(i) has a principal amount which is not more than the amount which could be insured for the project under section 207 of the National Housing Act; and

"(ii) bears a rate of interest and contains such other terms and conditions as the grantee determines are reasonable; and

"(E) the project is newly constructed or substantially rehabilitated, contains five or more dwelling units, and is to be used for primarily residential purposes.

"(3)(A) The grantee shall provide that if the owner or his or her successors in interest fail to carry out any agreement described in subparagraph (A), (B), or (C) of paragraph (2) during the applicable period, the owner or his or her successors in interest shall make a payment to the grantee in an amount which equals the total amount of a grant under this subsection with respect to such project, plus interest thereon (without compounding), for each year and any fraction thereof beginning with the year the grant was made, at a rate determined by the Secretary taking into account the average yield on outstanding marketable long-term obligations of the United States during the month preceding the date on which the grant was made available. Any amount received by a grantee under this subparagraph shall be available for use in carrying out this section.

"(B) Notwithstanding any other provision of law, any assistance provided by the grantee under this subsection to the project owner shall constitute a debt, payable in the case of any event described in subparagraph (A), secured by the security instruments given by the mortgagor to the grantee.

"(4) As used in section 11(b) of the United States Housing Act of 1937, the term 'lower income housing projects' includes housing assisted with grants under this section.

"(5) A mortgage on a project assisted under this subsection may be insured under title II of the National Housing Act.

"(6)(A) Rents charged for units described in paragraph (2)(B) in any such project shall be approved by the grantee. In approving such rents, the grantee shall provide that the rents of such units are not more than 30 per centum of the income of a family whose income equals 50 per centum of the median income for the area. Not less than thirty days prior written notice of any increase in rents shall be provided to such tenants.

"(B) Any schedule of rents submitted by an owner to the grantee for approval shall be deemed to be approved unless the grantee informs the owner, within sixty days after receiving such schedule, that such schedule is disapproved.

"(C) Except as otherwise provided in subparagraphs (A) and (B), requirements imposed by or agreements made with States and units of general local government regarding rents shall not apply to a structure which is assisted under this section.

"(e)(1) Except as provided in paragraph (2), the State shall administer resources made available under subsection (b)(2)(A) for any fiscal year. These resources shall only be used to carry out activities under this section in cities with populations of less than fifty thousand and in urban counties and cities whose allocations are less than the minimum allocation amount established under subsection (b)(2)(A), but may not be used in areas which are eligible for assistance under title V of the Housing Act of 1949. The State may use all or part of these resources (A) to carry out its own rental rehabilitation or development program, or (B) to distribute them to units of general local government. A city with a population over fifty thousand may, with the agreement of the State government, elect to contract with the State to administer the grant program under this section in any given fiscal year.

"(2) States may elect not to administer resources made available under this section. This election shall be made in such manner and before such time as the Secretary may prescribe. The Secretary shall administer the resources available to any State exercising such an election in accordance with regulations and procedures prescribed by the Secretary, including the administration of grant programs of cities with populations over fifty thousand which elect not to administer their own program. Such regulations shall, to the maximum extent practicable, be comparable to those for cities and urban counties receiving resources under subsection (b).

"(f) The Secretary shall by regulation establish such standards governing relocation payments and other related assistance as the Secretary determines to be appropriate.

"(g) States and units of general local government receiving assistance under this section shall not deduct therefrom any amounts to cover administrative expenses incurred by them in carrying out their responsibilities under this section.

"(h)(1) The Secretary shall establish procedures which support national historic preservation objectives and which assure that, if any rehabilitation or development proposed to be assisted under this section would affect property which is included on the National Register of Historic Places or which is eligible for inclusion on the National Register of Historic Places, such activity shall not be undertaken unless (A) it will reasonably meet the standards issued by the Secretary of the Interior and the appropriate State historic preservation officer is afforded the opportunity to comment on the specific rehabilitation plan, or (B) the Advisory Council on Historic Preservation is afforded an opportunity to comment on cases for which the grantee of assistance, in consultation with the State historic preservation officer, determines that the proposed activity cannot reasonably meet such standards or would adversely affect historic property as defined therein.

"(2) The Secretary's award and grantee's use of resources made available under this section shall be subject to section 104(f) of this Act.

"(i) For purposes of this section—

"(1) the term 'real property to be used primarily for residential rental purposes' includes cooperative or mutual housing which has a resale structure which enables the cooperative to maintain affordability for lower income families; and

"(2) the term 'grantee' means—

"(A) any city or urban county receiving resources under subsection (b);

"(B) any State administering a rental rehabilitation or development program as provided in subsection (e)(1); and

"(C) any unit of general local government which receives assistance from the Secretary as provided in subsection (e)(2).

The Secretary shall encourage cooperation by units of general local government in the administration of grants under this section by permitting consortia of geographically proximate units of general local government to apply for assistance on behalf of their members, including establishment of eligibility under subsection (b) for consortia whose combined populations exceed fifty thousand and which can otherwise meet the requirements of such subsection. Any amounts made available to such a consortium shall be deducted from the allocation to the State in which the units of general local government are located.

"(j) Prior to the beginning of fiscal year 1985 and each fiscal year thereafter, each

grantee shall submit to the Secretary a performance report concerning the activities carried out pursuant to this section, together with an assessment by the grantee of the relationship of these activities to the objectives of this section. Such report shall contain an analysis of the program's cost effectiveness, the type and income levels of tenants who benefit from the rehabilitation program, any tenant displacement resulting from the program, and any other information the Secretary may require. To facilitate this reporting requirement, each grantee shall require owners of property rehabilitated under the section to provide verified income data and other pertinent tenant demographic information as prescribed by the Secretary (to include household size and race) or to otherwise arrange for the collection of such information on an annual basis. The Secretary shall stipulate the format for such data collection to assure that such information can be aggregated at the national level to allow congressional oversight.

"(k) Prior to the beginning of fiscal year 1985 and each fiscal year thereafter, the Secretary shall provide a report to the Congress as to the overall progress of the grantees in meeting the objectives of this section. Such report shall include an analysis of program costs, services delivered, beneficiaries, and the extent to which lower income tenants have been displaced as a result of rehabilitation assisted under this section.".

(b) Section 105(a) of such Act is amended—

(1) by striking out "and" at the end of clause (16);

(2) by striking out the period at the end of clause (17) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(18) the rehabilitation or development of housing assisted under section 122.".

(c) Section 107(d) of such Act is amended—

(1) by striking out "unless the applicant" in paragraph (1) and inserting in lieu thereof the following: "and no assistance may be made available under section 122 unless the grantee"; and

(2) by inserting "grantee or" before "applicant" in paragraph (3).

(d) Section 244 of the National Housing Act is amended by adding at the end thereof the following:

"(h) Notwithstanding any other provision of this section, in the case of a mortgage insured under section 223(f) secured by property which is to be rehabilitated or developed under section 122 of the Housing and Community Development Act of 1974, such coinsurance may include provisions that—

"(1) insurance benefits shall equal the sum of (A) 90 per centum of the mortgage on the date of institution of foreclosure proceedings (or on the date of acquisition of the property otherwise after default), and (B) 90 per centum of interest arrears on the date benefits are paid;

"(2) the mortgagee shall remit to the Secretary, for credit to the General Insurance Fund, 90 per centum of any proceeds of the property, including sale proceeds, net of the mortgagee's actual and reasonable costs related to the property and the enforcement of security;

"(3) payment of such benefits shall be made in cash unless the mortgagee submits a written request for debenture payment; and

"(4) the underwriter of coinsurance may reinsure 10 per centum of the mortgage amount with a private mortgage insurance company or with a State mortgage insurance agency.

No commitment for insurance pursuant to this subsection may be issued on or after October 1, 1985.".

(e) Section 223(f) of such Act is amended by adding at the end thereof the following:

"(5) In the case of any purchase or refinancing under this subsection involving property to be rehabilitated or developed under section 122 of the Housing and Community Development Act of 1974, the Secretary may—

"(A) include rehabilitation or development costs of not to exceed $20,000 per unit, except that the Secretary may increase such amount by not to exceed 25 per centum for specific properties where cost levels so require;

"(B) permit subordinated liens securing up to the full amount of mortgage financing provided by State or local governments or agencies thereof; and

"(C) pay such benefits in cash unless the mortgagee submits a written request for debenture payment.".

(f) Section 817 of the Housing and Community Development Act of 1974 is amended—

(1) by striking out "and" after "1966,"; and

(2) by inserting after "and 1972" the following: ", and section 122 of the Housing and Community Development Act of 1974".

TITLE II—COMMUNITY AND NEIGHBORHOOD DEVELOPMENT

AUTHORIZATIONS

SEC. 201. (a) The second sentence of section 103 of the Housing and Community Development Act of 1974 is amended to read as follows: "There are authorized to be appropriated for these purposes not to exceed $3,966,000,000 for each of the fiscal years 1984, 1985, and 1986.".

(b) The first sentence of section 107(a) of such Act is amended to read as follows: "Of the total amount approved in appropriation Acts under section 103 for each of the fiscal years 1984, 1985, and 1986, not more than $100,500,000 for each such year may be set aside in a special discretionary fund for grants under subsection (b), of which $50,000,000 for each such year shall be available for grants to Indian tribes under subsection (b)(3).".

(c) The second sentence of section 119(a) of such Act is amended to read as follows: "Of the total amount approved in appropriation Acts under section 103 for each of the fiscal years 1984, 1985, and 1986, not more than $440,000,000 for each such year shall be available for grants under this section.".

OBJECTIVE OF PROGRAM AND USE OF FUNDS

SEC. 202. (a) Section 101(c) of the Housing and Community Development Act of 1974 is amended by inserting "and of each grantee's program" after "The primary objective of this title".

(b) Section 104(b)(3) is amended by inserting before the semicolon at the end thereof the following: "so long as the use of funds taken as a whole, over a period specified by the grantee of not more than three years, will principally benefit persons of low and moderate income".

STATE SMALL CITIES PROGRAM

SEC. 203. (a) Section 104(b) of the Housing and Community Development Act of 1974 is amended by—

(1) redesignating clause (4) as clause (5);

(2) striking out "and" at the end of clause (3); and

(3) inserting immediately after clause (3) the following:

"(4) in the case of grants to States made under section 106(d), the grantee, with respect to units of general local government in nonentitlement areas—

"(A) engages or will engage in planning for community development activities;

"(B) provides or will provide technical assistance to units of general local government in connection with community development programs; and

"(C) has consulted with local elected officials from among units of general local government located in nonentitlement areas of that State in determining the method of distribution of funds; and".

(b)(1) Section 106(d)(2)(A)(i) of such Act is amended—

(A) by striking out "the State" and inserting in lieu thereof "a State which has elected, in such manner and at such time as the Secretary shall prescribe; and

(B) by inserting after clause (ii) the following: "Any election to distribute funds made after the close of fiscal year 1984 is permanent and final.".

(2) Section 106(d)(2)(B) of such Act is amended by striking out all after the word "where" and inserting in lieu thereof the following: "the State has not elected to distribute such amounts.

(c) Section 106(d)(2)(C) of such Act is repealed.

(d) The second and third sentences of section 106(d)(3)(A) of such Act are amended to read as follows: "The State shall pay from its own resources all administrative expenses incurred by the State in carrying out its responsibilities under this title, except that from the amounts received for distribution in nonentitlement areas, the State may deduct an amount to cover such expenses not to exceed the sum of $100,000 plus 50 per centum of any such expenses in excess of $100,000. Amounts deducted in excess of $100,000 shall not exceed 2 per centum of the amount so received.".

(e) Section 106(d)(3) of such Act is amended by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) Any amounts allocated for use in a State under paragraph (1) which are not received by the State for any fiscal year because of failure to meet the requirements of section 104 (a) or (b), or which become available as a result of actions against the State under section 104(d) or 111, shall be added to amounts allocated to all States under paragraph (1) for the succeeding fiscal year.

"(D) Any amounts allocated for use in a State under paragraph (1) which become available as a result of actions under section 104(d) or 111 against units of general local government in nonentitlement areas of the State or as a result of the closeout of a grant made by the Secretary under this section in nonentitlement areas of the State (i) shall be added to amounts allocated to the State under paragraph (1) for the fiscal year in which the amounts become so available, or (ii) if the State does not receive a grant in such year, shall be added to amount allocated to all States under paragraph (1) for the succeeding fiscal year.".

PUBLIC SERVICES

SEC. 204. Section 105(a)(8) of the Housing and Community Development Act of 1974 is amended by inserting before the semicolon at the end thereof the following: ", except that a unit of local government which,

during fiscal year 1983 exceeded the limit contained in this paragraph (excluding any amount of funds made available by Public Law 98-8) may, at its discretion, allocate in any fiscal year thereafter for activities under this paragraph an amount not to exceed the greater of the dollar amount or the percentage of the grant which was so allocated in fiscal year 1983 (excluding any amount so allocated pursuant to Public Law 98-8)".

AMENDMENTS TO STATEMENTS OF ACTIVITIES

SEC. 205. Section 104(a)(2) of such Act is amended by adding at the end thereof the following: "Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same procedures required by this paragraph for the preparation of such statements.".

LUMP SUM DRAWDOWN

SEC. 206. (a) The second sentence of section 104(g)(1) of the Housing and Community Development Act of 1974 is amended by inserting "and substantial disbursements from such fund must begin within one hundred and eighty days after receipt of such payment" after the word "payment".

(b) Section 104 of such Act is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

"(h) Units of general local government receiving assistance under this title may, at their discretion, receive funds in one payment, in an amount not to exceed the amount such units of local government determine is necessary to help finance, make feasible, or accelerate implementation of a specific project which—

"(1) is included in the current statement of activities in subsection (a);

"(2) is eligible under section 105(a)(14); and

"(3) will require actual expenditure of such funds for an eligible activity within two years and any interest earned on such funds to be expended for that eligible activity.

The Secretary shall advance any amounts determined pursuant to the preceding sentence promptly after an applicant submits a request which includes a statement describing why the payment is necessary.".

REVIEW AND EVALUATION

SEC. 207. Section 104(d) of the Housing and Community Development Act of 1974 is amended—

(1) by inserting "and evaluation" after "performance" in the first sentence;

(2) by inserting "and to the requirements of subsection (b)(3)" after "subsection (a)" in the first sentence; and

(3) by inserting after the first sentence the following: "Such report shall also be made available to the citizens in each grantee's jurisdiction in such manner and at such times as the grantee may determine. The grantee's report shall indicate its programatic accomplishments, the nature of and reasons for changes in the grantee's program objectives, indications of how the grantee would change its programs as a result of its experiences, and an evaluation of the extent to which, its programs benefited low- and moderate-income persons, including consideration of those who were directly benefited. The Secretary shall encourage and assist national associations of grantees eligible under 106(b) or 106(d)(2)(B) and national associations of States to develop and recommend to the Secretary, within one year after the date of enactment of the Housing and Community Development Act of 1983, uniform recordkeeping, performance reporting, and evaluation reporting requirements for entitlement grantees and States, respectively. Based on the Secretary's approval of these recommendations, after consultation with program beneficiaries, the Secretary shall establish such requirements for use by grantees.".

GUARANTEE PROGRAM

SEC. 208. Section 108(a) of the Housing and Community Development Act of 1974 is amended by inserting between the first and second sentence the following new sentence: "A guarantee under this section shall be used to assist a grantee in obtaining financing under circumstances where the grantee has made efforts to obtain such financing without the use of the guarantee and cannot complete such financing consistent with the timely execution of the program plans.".

URBAN DEVELOPMENT ACTION GRANTS

SEC. 209. (a) Section 119 of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following:

"(p) Of the funds appropriated annually for this section, up to $2,000,000 may be used by the Secretary to make technical assistance grants to States or their agencies, municipal technical advisory services operated by universities, or State associations of municipalities, to assist cities of less than fifty thousand population develop, apply for assistance, and implement programs eligible for assistance under this section.".

(b) Section 119(i) of such Act is amended at the end by adding the following: "The Secretary shall encourage cooperation by geographically proximate cities of less than fifty thousand population by permitting consortia of such governments, which may also include county governments that are not urban counties, to apply for grants on behalf of their members. Any grants awarded to such consortia shall be administered in compliance with eligibility requirements applicable to individual cities.".

(c) Section 119(d)(1) of such Act is amended in the first sentence by adding after the word "criteria" where it first appears: "for a national competition".

(d) Subparagraphs (A) and (B) of section 119(b)(2) are each amended by inserting "neighborhood statistics areas," after "enumeration districts,".

(e) Section 119 of such Act is amended by adding at the end thereof the following:

"(p) An unincorporated portion of an urban county which is approved by the Secretary as an identifiable community for the purpose of this section is eligible for a grant under subsection (b)(2) if such portion meets the eligibility requirements contained in the first sentence of subsection (b)(1) and the requirements of subsection (b)(2)(B) (applied to the population of the portion of the urban county) and if it otherwise complies with the provisions of this section.".

ELIGIBLE ACTIVITIES

SEC. 210. (a) Section 105(a) of the Housing and Community Development Act of 1974 is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) the acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation which promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements;"; and

(2) inserting after "public facilities" in paragraph (14) "(except for buildings for the general conduct of government)".

(b) Section 102(a) of such Act is amended by adding at the end thereof the following:

"(20) The term 'buildings for the general conduct of government' means city halls, county administrative buildings, State capital or office buildings or other facilities in which the legislative or general administrative affairs of the government are conducted. Such term does not include such facilities as neighborhood service centers or special purpose buildings located in low- or moderate-income areas which house various nonlegislative functions or services provided by government at decentralized locations.".

(c) Section 105 of such Act is amended by adding at the end thereof the following:

"(c) The Secretary may issue an advisory opinion that a proposed individual activity or use of funds which is innovative or prototypical and is not explicitly defined as eligible under subsection (a) is an eligible activity. The eligibiity of an activity covered by such an advisory opinion may not be challenged in review of the grantee's program unless the activity is conducted in a manner materially different than that proposed by the Secretary.".

REPEALERS

SEC. 211. (a)(1) Section 312 of the Housing Act of 1964 is hereby repealed. All sums in and assets of the revolving fund established by such section shall continue to be available for necessary expenses of servicing and liquidating loans made pursuant to section 312, including reimbursement or payment for services and facilities of the Government National Mortgage Association and of any public or private entity for the servicing or liquidation of such loans. Any sums in excess of the amount required for the purpose of the preceding sentence shall be available to carry out section 122 of the Housing and Community Development Act of 1974.

(2) Any loan which, before the effective date of this subsection, was obligated under and governed by section 312 of the Housing Act of 1964 shall continue to be governed by the provisions of section 312 as they existed immediately before such effective date.

(b)(1) Section 414 of the Housing and Urban Development Act of 1969 is hereby repealed.

(2) Notwithstanding paragraph (1) of this subsection, the Secretary of Housing and Urban Development and the Secretary of Agriculture may dispose of Federal surplus real property pursuant to the terms of section 414 of such Act if, prior to the effective date of this Act, either Secretary had requested the Administrator of General Services to transfer such property for such disposition.

(3) Notwithstanding paragraph (1) of this subsection, subsection (b) of section 414 of such Act shall continue to apply, where applicable, to all property transferred by either Secretary pursuant to section 414 of such Act, including properties transferred pursuant to paragraph (2) of this subsection.

(c)(1) Section 106(g) of the Housing Act of 1949 is hereby repealed.

(2) Section 703(d) of the Housing and Urban Development Act of 1965 is hereby repealed.

(3) Section 704 and the second sentence of section 706 of the Housing Act of 1961 are hereby repealed.

MISCELLANEOUS AMENDMENTS

SEC. 212. (a) Section 102 of the Housing and Community Development Act of 1974 is amended by striking out "Department of Commerce" each place it appears in paragraphs (3), (4), and (9) of subsection (a) and in subsection (b) and inserting in lieu thereof "Office of Management and Budget".

(b) Section 102(a)(4) of such Act is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1984".

(c) The last sentence of section 102(b) of such Act is amended—

(1) by striking out "(1)"; and

(2) by striking out all after "section 106" and inserting in lieu thereof a period and the following: "No revision to the criteria for establishing a metropolitan area or defining a central city of such an area published after January 1, 1980, and no designation or withdrawal of designation of a metropolitan area or a central city of such an area shall be taken into account for purposes of this title prior to one year after that metropolitan area or central city is notified of the revision or designation, except that any area or city which would newly qualify as a metropolitan area or central city of such an area by reason of any such revision shall be so considered.".

(d) The last sentence of section 102(d) of such Act is amended by inserting before the period the following: ", except where the population of the unit of local government falls below fifty thousand during such period".

(e) Section 104(a)(1) of such Act is amended by adding at the end thereof the following: "In all cases, beginning in fiscal year 1984, the statement required by this subsection shall include a description of the use of funds made available under section 106 in fiscal year 1982 and thereafter (or, beginning in fiscal year 1985, such use since preparation of the last statement prepared pursuant to this subsection) together with an assessment of the relationship of such use to the community development objectives identified in the statement prepared pursuant to this subsection for such previous fiscal years and to the requirements of section 104(b)(3).".

(f) Section 106(b) of such Act is amended by adding at the end thereof the following:

"(6) Where data are available, the amount determined under paragraph (1) of this subsection for a metropolitan city which has been formed by the consolidation of one or more metropolitan cities with an urban county shall be equal to the sum of the amounts which would have been determined under paragraph (1) for the metropolitan city or cities and the balance of the consolidated government, if the consolidation had not occurred. This paragraph applies only to consolidations which—

"(A) included all metropolitan cities which received grants under this section for the fiscal year preceding the consolidation and which were located within the urban county;

"(B) included the entire urban county which received a grant under this section for the fiscal year preceding the consolidation; and

"(C) took place on or after January 1, 1983.

The population growth rate of all metropolitan cities referred to in section 102(a)(12) of this Act shall be based on the population of (i) metropolitan cities other than consolidated governments the grant for which is determined under this paragraph, and (ii) cities which were metropolitan cities before their incorporation into consolidated governments. For purposes of calculating the entitlement share for the balance of the consolidated government under this paragraph, the entire balance shall be considered to have been an urban county.".

(g) Section 106(c)(1)(B) of such Act is amended to read as follows:

"(B) in reallocating amounts resulting from an action under section 104(d) or section 111, a city or county against whom any such action was taken in a fiscal year shall be excluded from a calculation of share for purposes of reallocating, in the succeeding year, the amounts becoming available as a result of such action; and".

(h) Section 106(f) of such Act is amended to read as follows:

"(f) If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section is insufficient to provide the amounts to which metropolitan cities and urban counties would be entitled under subsection (b) and funds are not otherwise appropriated to meet the deficiency, the Secretary shall meet the deficiency through a pro rata reduction of all amounts determined under subsection (b). If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section exceeds the amounts to which metropolitan cities and urban counties would be entitled under subsection (b), the Secretary shall distribute the excess through a pro rata increase of all amounts determined under subsection (b).".

(i) Section 107(b)(4) of such Act is amended to read as follows:

"(4) to States, units of general local government, Indian tribes, or areawide planning organizations for the purpose of providing technical assistance in planning, developing and administering assistance under this title; to groups designated by such governmental units to assist them in carrying out assistance under this title; to qualified groups for the purpose of assisting more than one such governmental unit to carry out assistance under this title; and to States and units of general local government for implementing special projects otherwise authorized under this title. The Secretary may also provide technical assistance, directly or through contracts, to such governmental units and groups.".

(j) Section 112 of such Act is amended by adding at the end thereof the following:

"(c) Any unit of general local government may retain any program income that is realized from a grant made by the Secretary pursuant to subsection (a) or by a State if such income was realized after the initial disbursement of the grant funds by such unit of general local government and such unit has agreed to utilize the program income for eligible community development activities in accordance with the provisions of this Act.".

(k) Section 116(b) of such Act is amended by—

(1) striking out "(in that fiscal year)"; and

(2) striking out "in that year" and inserting in lieu thereof "for that year".

(l) Section 119(i) of such Act is amended by inserting before the period at the end thereof the following: ", except that after September 1, 1983, funds made available to such cities which remain unobligated after two fiscal years may be made available for grants to metropolitan cities and urban counties".

URBAN HOMESTEADING

SEC. 213. (a) The first sentence of section 810(h) of the Housing and Community Development Act of 1974 is amended—

(1) by striking out "and (g)" and inserting in lieu thereof ", (g), and (j)"; and

(2) by striking out "and not to exceed $13,467,000 for the fiscal year 1983" and inserting in lieu thereof "not to exceed $17,000,000 for the fiscal year 1984, and such sums as may be necessary for the fiscal year 1985".

(b) Section 810 of such Act is amended—

(1) in the first sentence of subsection (a), by striking out "without payment" and by inserting immediately before "any real property" the following: "for such consideration (if any) as may be mutually agreed upon";

(2) by striking out "without payment" in clause (D) in the second sentence of subsection (a) and inserting in lieu thereof the following: ", offset by any consideration to be received";

(3) by striking out "without any substantial consideration" in subsection (b)(1) and inserting in lieu thereof the following: "for such consideration, if any, as may be agreed upon by the entity and the individual or family";

(4) by striking out "and" the first time it appears in subsection (b)(2) and inserting in lieu thereof a comma;

(5) by inserting immediately before the semicolon at the end of subsection (b)(2) the following: ", and ability to pay any consideration required in connection with conveyance of the property";

(6) by striking out "and" at the end of subsection (b)(3)(C) and inserting "and" after the semicolon at the end of subsection (b)(3)(D);

(7) by adding the following new subparagraph at the end of subsection (b)(3):

"(E) pay the agreed-upon consideration for the property;";

(8) by striking out "without consideration" in subsection (b)(5); and

(9) by inserting the following before the last sentence of subsection (b): "Any unit of general local government, State, or agency designated by a State or unit of general local government, which receives consideration in connection with the conveyance of a property to an individual or family under this section in an amount exceeding any consideration paid to the Secretary in connection with the transfer of the property to any such entity, shall remit to the Secretary, in such manner and at such time or times as the Secretary may prescribe, 50 per centum of the amount of such excess, less such deductions and allowances as the Secretary may prescribe. Any amount retained by an entity pursuant to the preceding sentence shall be used by the entity in furtherance of its urban homesteading activities.".

(c) Section 810 of such Act is amended—

(1) by adding "or (h)" immediately after "subsection (b)" in subsection (c);

(2) by redesignating subsection (h) as subsection (k); and

(3) by inserting after subsection (g) the following:

"(h) Notwithstanding any other provision of law, including any other provision of this section, the Secretary shall undertake a program to demonstrate the feasibility and desirability of using a variety of homesteading and related techniques to facilitate the reuse for homeownership purposes of prop-

erties which are owned by the Secretary and contain five or more dwelling units. The Secretary shall convey properties which the Secretary determines are suitable for the demonstration to a unit of general local government or a State, or an agency or instrumentality of a unit of general local government or a State, for such consideration (if any) as may be agreed between the Secretary and the transferee, and upon such terms and conditions as the Secretary deems appropriate, including provisions to assure that the subsequent transfer of the property to private ownership will result in a reuse which is primarily residential, with dwelling units in the project owned by individuals under a cooperative or condominium form of ownership. In carrying out this demonstration, the Secretary shall, to the maximum extent feasible, minimize the displacement of residents of properties to be used in the program. To reimburse the housing loan funds for properties transferred under this subsection, the Secretary is authorized, to the extent provided in appropriation Acts, to use amounts appropriated under subsection (k).

"(i) The Secretary shall use not more than $4,400,000 of the budget authority made available under section 8 of the United States Housing Act of 1937 for fiscal year 1983 to undertake a program to demonstrate the feasibility of providing assistance in order to assist lower income families in rehabilitating a property conveyed under this section. The amount of any assistance under this section shall be based on the payment standard under section 8(d) of such Act applicable in the area, and shall be applied to reduce the debt service payable on a rehabilitation loan. In no case may a family assisted under this subsection make a monthly payment for the assisted loan, any debt secured by the property, and such amount as the Secretary may allow for other housing costs, which is less than the minimum payment such family would make under section 8(d)(2) of such Act.

"(j) The Secretary shall use not more than $5,000,000 of the amounts appropriated under this section for fiscal year 1984 to undertake a program to demonstrate the feasibility of providing assistance to State or local governments or their agencies for the purchase of any real property which is—

"(1) improved by one- to four-family residence;

"(2) not occupied; and

"(3) designated by a State or general unit of local government for use in a single family homestead program;

and which will be conveyed in such program to a low- or moderate-income individual or family upon condition that the recipient agrees to repair all defects in the property which pose a substantial danger to health or safety within one year of the date of the initial conveyance and agrees to make repairs or improvements necessary to meet applicable local building code standards and to occupy the property as a principal residence for a period of not less than five years. The Secretary shall give a preference to demonstrations involving the acquisition of properties which become available in satisfaction of public liens such as tax liens. The Secretary shall evaluate the success of the demonstration under this subsection as a method of increasing the stock of housing available for the homesteading program, shall submit a report on the demonstration, along with his recommendations to the Congress not later than March 1, 1985.".

NEIGHBORHOOD DEVELOPMENT DEMONSTRATION

SEC. 214. (a) For the purposes of this section, the term—

(1) "Secretary" means the Secretary of Housing and Urban Development;

(2) "Council" means the Neighborhood Development Advisory Council established by this section;

(3) "eligible neighborhood development organization" means—

(A) an entity organized as a private, voluntary, nonprofit corporation under the laws of the State in which it operates;

(B) an organization that is responsible to residents of its neighborhood through a governing body not less than 51 per centum of the members of which are members of the area served;

(C) an organization that has conducted business for at least three years prior to the date of application for participation;

(D) an organization that operates within an area which meets the requirements for Federal assistance under section 119 of the Housing and Community Development Act of 1974; and

(E) an organization which conducts one or more eligible neighborhood development activities which have as their primary beneficiaries low- and moderate-income people; and

(4) "eligible neighborhood development activity" means—

(A) creating permanent jobs in the neighborhood;

(B) establishing or expanding businesses within the neighborhood;

(C) developing or rehabilitating neighborhood housing stock;

(D) developing delivery mechanisms for essential services that have lasting benefit to the neighborhood; or

(E) planning, promoting, or financing voluntary neighborhood improvement efforts.

(b)(1) The Secretary shall carry out, in accordance with this section, a three-year demonstration program to determine the feasibility of supporting eligible neighborhood development activities by providing Federal matching funds to eligible neighborhood development organizations on the basis of the monetary support such organizations have received from individuals, businesses, and religious institutions in their neighborhoods prior to receiving assistance under this section.

(2) The Secretary shall accept applications from eligible neighborhood development organizations for participation in the demonstration program. Eligible organizations may participate in more than one year of the program, but shall be required to submit a new application and to compete in the selection process for each program year. Not more than 30 per centum of the grants may be for multiyear awards.

(3) From the pool of eligible neighborhood development organizations submitting applications for participation in a given program year, the Secretary shall select participating organizations in the appropriate number through a competitive selection process which reflects the recommendations of the Neighborhood Development Advisory Council. To be selected, an applicant shall—

(A) have demonstrated measurable achievements in one or more of the activities specified in subsection (a)(4);

(B) specify a business plan for accomplishing one or more of the activities specified in subsection (a)(4); and

(C) specify a strategy for achieving greater long term private sector support.

(4) The Secretary shall establish a Neighborhood Development Advisory Council for each program year to review and rank applications and to make recommendations for selection based on objective criteria. The Secretary shall attach great weight to the recommendations of the Advisory Council. The Council shall consist of five representatives of eligible neighborhood organizations. No organization represented on the Council shall be eligible to submit an application for participation in a given program year. In selecting participating organizations, the Council and the Secretary shall also seek balanced representation based on population size, economic condition, and geographic location of neighborhoods to provide the fullest and fairest test of the new mechanism for Federal funding.

(c)(1) The Secretary shall assign each participating organization a defined program year, during which time voluntary contributions from individuals, businesses, and religious institutions in the neighborhood shall be eligible for matching.

(2) Subject to paragraph (3), at the end of each three-month period occurring during the program year, the Secretary shall pay to each participating neighborhood development organization the product of—

(A) the aggregate amount of voluntary contributions which such organization certifies to the satisfaction of the Secretary it received during such three-month period; and

(B) the matching ratio established for such test neighborhoods under paragraph (4).

(3) The Secretary shall pay not more than $50,000 under this Act to any participating neighborhood development organization during a single program year.

(4) For purposes of paragraph (2), the Secretary shall, for each participating organization, determine an appropriate ratio by which monetary contributions made to participating neighborhood development organizations will be matched by Federal funds. In determining that ratio, the Secretary shall take into account the economic conditions and the number of households and businesses in the neighborhood. The highest ratios shall be established for neighborhoods with the smallest number of households or the greatest degree of economic distress. In no case shall the ratio be set lower than one Federal dollar for every dollar of voluntary contributions, nor higher than ten Federal dollars for every dollar of voluntary contributions.

(5) The Secretary shall insure that—

(A) grants and other forms of assistance may be made available under this section only if the application contains a certification by the unit of general local government within which the neighborhood to be assisted is located that such assistance is consistent with, and supportive of the specific objectives of that unit of government including housing and community development, economic development, and neighborhood conservation or revitalization activities being carried out by such unit; and

(B) eligible neighborhood development activities comply with all applicable provisions of the Civil Rights Act of 1964.

(6) To carry out this section, the Secretary—

(A) may issue regulations as necessary;

(B) shall utilize, to the fullest extent practicable, relevant research previously conducted by Federal agencies, State and local governments, and private organizations and persons;

(C) shall disseminate information about the kinds of activities, forms of organizations, and fund-raising mechanisms associated with successful programs;

(D) shall undertake any other activity the Secretary deems necessary to carry out this section, which shall include an evaluation and report to Congress on the demonstration and may include the performance of research, planning, and administration, either directly, or when in the Secretary's judgment such activity will be carried out more effectively, more rapidly, or at less cost, by contract or grant; and

(E) may use not more than 5 per centum of the funds appropriated for administrative or other expenses in connection with the demonstration.

(d) The Secretary shall submit to the Congress—

(1) not later than three months after the end of each fiscal year in which payments are made under this section, an interim report containing a summary of the activities carried out under this section during such fiscal year and any preliminary findings or conclusions drawn from the demonstration program; and

(2) not later than March 15 of the year after the end of the last fiscal year in which such payments are made, a final report containing a summary of all activities carried out under this section, the evaluation required by subsection (c)(6)(D) and any findings, conclusions, or recommendations for legislation drawn from the demonstration program.

(e) For purposes of carrying out this section, the Secretary may utilize from the amounts available under section 107 of the Housing and Community Development Act of 1974—

(1) not to exceed $2,500,000 for fiscal year 1984;

(2) not to exceed $5,000,000 for fiscal year 1985; and

(3) not to exceed $7,500,000 for fiscal year 1986.

TITLE III—HOUSING ASSISTANCE PROGRAMS

ALLOCATION AND USE OF ASSISTED HOUSING AUTHORITY

SEC. 301. (a)(1) Section 213(a)(1) of the Housing and Community Development Act of 1974 is amended by adding at the end thereof the following: "Upon receiving an application for such housing assistance, the Secretary shall assure that funds made available under this section shall be utilized to the maximum extent practicable to meet the needs and goals identified in the unit of local government's housing assistance plan.".

(2) Section 213(d) of such Act is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) The Secretary shall allocate assistance referred to in subsection (a) (other than assistance approved in appropriation Acts for use under sections 14 and 17 of the United States Housing Act of 1937) the first time it is available for reservation on the basis of a formula which is contained in a regulation prescribed by the Secretary, and which is based on the relative needs of different States, areas, and communities as reflected in data as to population, poverty, housing overcrowding, housing vacancies, amount of substandard housing, and other objectively measurable conditions specified in such regulation. Any amounts allocated to a State or areas or communities within a State which are not likely to be utilized within a fiscal year shall not be reallocated for use in another State unless the Secretary determines that other areas or communities within the same State cannot utilize the amounts within that same fiscal year.

"(2) Not later than sixty days after approval in an appropriation Act, the Secretary shall allocate authority for assistance under section 8(d) of the United States Housing Act of 1937 for use as determined by the Secretary of Agriculture in connection with section 532 of the Housing Act of 1949 during the fiscal year for which such authority is approved, except that the amount of such authority so allocated during fiscal year 1984 may not exceed the amount necessary to provide assistance with respect to two thousand dwelling units.

"(3) After making allocations pursuant to this section, the Secretary shall accommodate the desires of States and units of general local government regarding the types of housing assistance if the total contract and budget authority available to be allocated is sufficient to provide assistance with respect to the types of housing assistance desired. In any case where a State or unit of general local government determines that assistance allocated to it under this subsection would be more effectively used in connection with existing public housing, the Secretary may approve the use of all or part of such assistance in accordance with the provisions of section 14 or 17 of the United States Housing Act of 1937.".

(3) Section 213(d) of the Housing and Community Development Act of 1974 is amended by adding at the end the following:

"(5) From the amounts authorized to be set aside under paragraph (4) of this subsection, there are authorized to be appropriated not to exceed $100,000,000 for fiscal year 1984 for the Secretary to make grants to units of general local government and Indian tribes, and nonprofit organizations which will operate programs on behalf of such units of general local government and Indian tribes, for the provision of shelter and essential services for individuals who are subject to life-threatening situations because of their lack of housing. Such grants shall be awarded on the basis of the extent of the need for emergency housing in the area where the project is, or will be, located. Such grants may be used to rehabilitate existing structures in order to provide basic shelter, to maintain structures providing such shelter, to pay for utilities and the furnishing of such shelters and for any activity described in section 105(a) of the Housing and Community Development Act of 1974 that is consistent with the purposes of this subsection.".

(b) Section 5(c) of the United States Housing Act of 1937 is amended—

(1) by striking out the last sentence of paragraph (1);

(2) by striking out paragraphs (2) and (3) and redesignating the remaining paragraphs accordingly; and

(3) by adding at the end thereof the following:

"(5) During fiscal year 1984, the Secretary may make commitments to enter into contracts for annual contributions for public housing aggregating not more than $21,670,000 per annum. The aggregate amount which may be obligated over the life of such contracts may not exceed $650,000,000.

"(6) During fiscal year 1984, the Secretary may reserve authority to enter into contracts for annual contributions aggregating not to exceed $504,061,000 per annum, and not to exceed an aggregate amount of $7,651,476,000 over the duration of the contracts. For the purposes of this paragraph, the Secretary shall utilize any balances of authorities which are or become available in fiscal year 1984 and such additional amounts as may be provided by appropriation Acts. Of the aggregate authority to make such reservations during such fiscal year, the Secretary may not make reservations for annual contributions contracts aggregating more than—

"(A) $230,425,000 per annum for existing units under section 8(c), for amendments under section 236(f) of the National Housing Act, and for amendments under section 101(g) of the Housing and Urban Development Act of 1965;

"(B) $51,908,000 per annum for existing units under section 8(d) for families displaced by any activities assisted under this Act or title I of the Housing and Community Development Act of 1974 or any other Federal housing or community development program;

"(C) $120,228,000 per annum only for housing developed under section 202 of the Housing Act of 1959 to be assisted under section 8, and for commitments made prior to October 1, 1983, for newly constructed or substantially rehabilitated housing to be assisted under section 8; and

"(D) $81,500,000 per annum only for amendments to commitments made prior to October 1, 1983, for public housing, and for assistance under section 14 and section 17;

subject to such adjustments as may be made under section 213(d)(3) of the Housing and Community Development Act of 1974.".

(c) Section 6 of such Act is amended by adding at the end thereof the following:

"(h) On or after October 1, 1983, the Secretary may enter into contracts involving new construction only if—the public housing agency demonstrates to the satisfaction of the Secretary that new construction is less costly than acquisition or acquisition and rehabilitation would be.

"(i) On or after October 1, 1983, the Secretary may make commitments to enter into contracts for public housing only if the public housing agency will give a priority to occupancy by large families in housing so provided.

"(j) The Secretary may, upon application by a public housing agency, in connection with the acquisition of housing for use as public housing, establish and set aside for use for major repairs to such housing a reserve fund in an amount not to exceed 30 per centum of the acquisition cost.".

MODIFIED SECTION 8 EXISTING HOUSING ASSISTANCE PROGRAM

SEC. 302. (a) Section 8(b) of the United States Housing Act of 1937 is amended by adding at the end thereof the following:

"(3) Assistance contracts entered into under this section shall provide for either (A) assistance payments under subsection (c) of this section based upon the maximum monthly rent which the owner is entitled to receive for each dwelling unit with respect to which the payments are to be made, or (B) assistance payments under subsection (d) of this section based upon a payment standard which is used to determine the maximum monthly assistance which may be paid for any family. Assistance contracts using a payment standard shall only be en-

tered into pursuant to annual contributions contracts which are executed after the effective date of the Housing and Community Development Amendments of 1983, and which provide for [modified certificate] assistance with respect to existing dwelling units.".

(b) Section 8(c) of such Act is amended—

(1) by striking out the first sentence of paragraph (1) and inserting in lieu thereof the following: "Assistance contracts using a maximum monthly rent shall be subject to this subsection and shall establish the maximum monthly rent, including utilities and all maintenance and management charges, which the owner is entitled to receive for each dwelling unit with respect to which such assistance payments are to be made.";

(2) by inserting after the third sentence of paragraph (1) the following: "The maximum monthly rent shall be the same as the payment standard established under subsection (d)(1).";

(3) by striking out the second sentence in paragraph (3);

(4) by striking out "under this section" in paragraph (8) and inserting in lieu thereof "for newly constructed or substantially rehabilitated units"; and

(5) by adding the following new paragraphs at the end thereof:

"(9) Contracts to make assistance payments entered into by a public housing agency with an owner of existing housing units shall be for a term of not less than one month nor more than the term of the contract with HUD and shall provide (with respect to any unit) that—

"(A) the selection of tenants for such units shall be the function of the owner, subject to the provisions of the annual contributions contract between the Secretary and the agency, except that the tenant selection criteria shall give preference to families which, at the time they are seeking assistance, occupy substandard housing, are paying more than 50 per centum of their incomes as rent, or are involuntarily displaced;

"(B) the lease between the tenant and the owner shall be for at least one year or the term of such contract, whichever is shorter, and shall contain other terms and conditions specified by the Secretary;

"(C) the owner shall not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, for violation of applicable Federal, State, or local law, or for other good cause;

"(D) maintenance and replacement (including redecoration) shall be in accordance with the standard practice for the building concerned as established by the owner and agreed to by the agency; and

"(E) the agency and the owner shall carry out such other appropriate terms and conditions as may be mutually agreed to by them.

"(10) Notwithstanding any other provision of law, with the approval of the Secretary the public housing agency administering an assistance contract with respect to existing housing units may exercise all management and maintenance responsibilities with respect to those units pursuant to a contract between such agency and the owner of such units.

"(11) An annual contributions contract entered into under subsection (c) or (d) shall permit the public housing agency to adjust the assistance payments to an owner of existing housing by up to 20 per centum from the maximum monthly rent or payment standard for categories of families or units or, in hardship cases, for individual families. Any such adjustments may not require additional funds to be provided under the contract and shall be made only after the public housing agency certifies to the Secretary that it has consulted with the unit of general local government and the public and that the adjustments are required, after taking into account local housing costs, the need to serve the largest number of families, and the goal of expanding housing opportunities for those receiving assistance.

"(12) A contract between the Secretary and a public housing agency under this subsection shall be for a period of 60 months except where the Secretary determines a longer term is necessary. In no case may such term exceed 180 months.".

(c) Section 8(d) of such Act is amended to read as follows:

"(d)(1) Assistance contracts using a payment standard shall be subject to this subsection and shall provide that the Secretary shall establish payment standards for dwelling units of various sizes and types in the market area, excluding units which do not meet the quality standards for decent, safe, and sanitary housing established by the Secretary for the purpose of this section. The payment standard shall be used to determine the monthly assistance which may be paid for any family, as provided in paragraph (2) of this subsection. The payment standard shall be established at least annually by the Secretary for dwelling units of various sizes and types in the market area on the basis of a formula and procedure contained in a regulation prescribed by the Secretary not later than sixty days after the date of enactment of the Housing and Community Development Amendments of 1983. Such regulations shall provide that the payment standard—

"(A) is designed to assist families of various sizes in securing decent, safe, and sanitary housing;

"(B) is established on the basis of the most recently available data regarding rents in recently rented units, excluding units which do not meet the quality standards for decent, safe, and sanitary housing and excluding units in public housing;

"(C) is established at the forty-fifth percentile of units as determined under subparagraph (B) unless the Secretary finds that such level is excessive on the basis of factual information regarding the rents in standard quality units which are available for rent;

"(D) shall be adjusted by the Secretary based on factual information provided by the public housing agency including information regarding excessive time required for a significant portion of categories of families to find and rent standard quality units; and

"(E) shall include an amount reasonably necessary for normal usage of utilities.

Allowable rents for an area shall be published in the Federal Register.

"(2) The monthly assistance payment for any family shall be the amount by which the payment standard for the area exceeds 30 per centum of the family's monthly adjusted income, except that such monthly assistance payment shall not exceed the amount by which the rent for the dwelling unit (including the amount allowed for utilities in the case of a unit with separate utility metering) exceeds 10 per centum of the family's monthly income. In addition, if the family is receiving payments for welfare assistance from a public agency, the monthly assistance payment shall not exceed the amount by which the lower of such rent or the payment standard exceeds the portion of the welfare assistance payments (but not to exceed 30 per centum thereof) which is identified by the Secretary who shall take into account the relative cost for standard housing in the area, with such adjustments as the Secretary shall prescribe. To encourage public housing agencies to assist families in finding the lowest cost, standard quality housing, the agency may, at its option, retain up to one-half the amount by which the fair market rent for the unit exceeds the actual rent of the unit. The agency shall use any amounts retained to provide additional assistance under the subsection.

"(3) Assistance payments may be made only for (A) a family determined to be a very low income family at the time it initially receives assistance, or (B) a family previously assisted under this Act. In selecting families to be assisted, preference shall be given to families which, at the time they are seeking assistance, occupy substandard housing, are involuntarily displaced, or are paying more than 50 per centum of family income for rent.

"(4) The Secretary is authorized, without regard to the first sentence of section 213(d)(1) and section 213(d)(3) of the Housing and Community Development Act of 1974 and the preference contained in the preceding paragraph, to use all or any of the authority to enter into contracts under section 5(c) to make assistance payments under this subsection for families (A) previously assisted under this Act, (B) eligible for assistance in connection with a project subject to section 203 of the Housing and Community Development Amendments of 1978, or (C) residing in dwellings to be rehabilitated or constructed with assistance under section 122 of the Housing and Community Development Act of 1974.

"(5) If a family vacates a dwelling unit before the expiration of a lease term, no assistance payment may be made with respect to the unit after the month during which the unit was vacated.

"(6) A contract with a public housing agency for annual contributions under this subsection shall be for an initial term of sixty months. The Secretary shall require (with respect to any unit) that (A) the public housing agency inspect the unit before any assistance payment may be made to determine that it meets housing quality standards for decent, safe, and sanitary housing established by the Secretary for the purpose of this section, and (B) the public housing agency make annual or more frequent inspections during the contract term. No assistance payment may be made for a dwelling unit which fails to meet such quality standards, unless any such failure is promptly corrected by the owner and the correction verified by the public housing agency.

"(7)(A) The amount of assistance payments under this subsection may, in the discretion of the public housing agency, be adjusted as frequently as annually during any five-year period where necessary to assure continued affordability. The aggregate amount of adjustments pursuant to the preceding sentence may not exceed the amount of any excess of the annual contributions provided for in the contract over the amount of assistance payments actually paid (including amounts which otherwise become available under the contract period).

"(B) For the purpose of subparagraph (A), each contract with a public housing agency

for annual contributions under this subsection shall provide annual contributions equal to 110 per centum of the estimated aggregate amount of assistance required during the first year of the contract.

"(C) Any amounts not needed for adjustments under subparagraph (A) may be used to provide assistance payments for additional families.

"(D) Before making such adjustments the public housing agency shall consult with the public and the general local government regarding the impact of such adjustments on the number of families that can be assisted.

"(8) A public housing agency may utilize not to exceed 5 per centum of the amount of authority available under this subsection to provide assistance with respect to cooperative or mutual housing which has a resale structure which maintains affordability for lower income families where the agency determines such action will assist in maintaining the affordability of such housing for such families.".

(d) Section 8(j) of such Act is amended by redesignating paragraph (8) as paragraph (9) and by inserting after paragraph (7), the following:

"(8) Assistance contracts entered into under this subsection pursuant to annual contributions contracts executed after the effective date of the Housing and Community Development Amendments of 1983 with respect to any family which rents real property on which is located a manufactured home which is owned by such family or any family which rents an existing manufactured home and the real property on which it is located shall provide for assistance payments based upon a payment standard as referred to in subsection (b)(3)(B). Paragraphs (2) through (7) of this subsection shall not apply to assistance contracts referred to in the previous sentence. The provisions of subsection (d) shall govern payments for families renting manufactured home spaces or manufactured homes and spaces under contracts based upon a payment standard, except that (A) the Secretary shall have discretion to modify the amount of the standard as appropriate for application to the rental of manufactured home spaces and manufactured homes and spaces, (B) the term 'rent' in subsection (d)(2) shall include the monthly payment to amortize the cost of purchasing the manufactured home, where the assisted family owns the home, and (C) with respect to any family renting real property on which is located a manufactured home which is owned by the family, the monthly assistance payment under subsection (d)(2) shall in no event exceed the actual cost of renting such real property.".

(e) Section 6(c)(4)(A) of such Act is amended by inserting "or are paying more than 50 per centum of family income for rent" after "under this Act".

(f) Section 7(o)(6)(C) of the Department of Housing and Urban Development Act is amended by inserting before the period at the end thereof the following: "or the establishment of the specific amounts for fair market rentals or payment standards pursuant to section 8 of the United States Housing Act of 1937".

AMENDMENTS AFFECTING TENANT RENTS FOR CONTRIBUTIONS

SEC. 303. (a) Section 3(a) of the United States Housing Act of 1937 is amended—

(1) by inserting the following immediately after the first sentence: "Reviews of family income shall be made at least annually."; and

(2) by inserting after "under this Act" in the final sentence the following: "(other than a family assisted under section 8(d))".

(b) Section 3(b) of such Act is amended by striking out the period at the end of paragraph (2) and inserting in lieu thereof the following: ", except that the Secretary may establish income ceilings higher or lower than 50 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.".

(c) Section 3(b)(4) of such Act is amended by inserting after "from all sources of each member of the household" the following "excluding the value of food stamps".

(d) Section 3(b)(5) of such Act is amended by inserting after the first sentence the following: "There shall be excluded from the income of an elderly family medical expenses in excess of 3 per centum of annual family income.".

(e)(1) Section 3(a)(3) of such Act is amended to read as follows:

"(3) if the family is receiving payments for welfare assistance from a public agency, the portion of such payments (but not to exceed 30 per centum thereof) which is identified by the Secretary who shall take into account the relative cost for standard housing in the area, with such adjustments as the Secretary shall prescribe.".

(2) Clause (C) of the second sentence of section 236(f)(2) of the National Housing Act is amended to read as follows:

"(C) if the family is receiving payments for welfare assistance from a public agency, the portion of such payments (but not to exceed 30 per centum thereof) which is identified by the Secretary who shall take into account the relative cost for standard housing in the area, with such adjustments as the Secretary shall prescribe.".

(e)(1) The following provisions of this paragraph apply to determinations of the rent to be paid by or the contribution required of a tenant occupying housing assisted under the authorities amended by this section or subsections (a) through (h) of section 322 of the Housing and Community Development Amendments of 1981 (hereinafter referred to as "assisted housing") on or before the effective date of regulations implementing sections 302 and 303 of the Housing and Community Development Act of 1983:

(A) Notwithstanding sections 302 and 303 of the Housing and Community Development Act of 1983 or subsections (a) through (h) of section 322 of the Housing and Community Development Amendments of 1981, the Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") may provide for delayed applicability, or for staged implementation, of the procedures for determining rents or contributions, as appropriate, required by such provisions if the Secretary determines that immediate application of such procedures would be impracticable, would violate the terms of existing leases, or would result in extraordinary hardship for any class of tenants.

(B) The Secretary shall provide that the rent or contribution, as appropriate, required to be paid by a tenant shall not increase as a result of the amendments made by sections 302 and 303 of the Housing and Community Development Act of 1983 and subsections (a) through (h) of section 322 of the Housing and Community Development Amendments of 1981, and as a result of any other provision of Federal law or regulation, by more than 10 per centum during any twelve-month period, unless the increase above 10 per centum is attributable to increases in income which are unrelated to such amendments, law, or regulation.

(2) Tenants of assisted housing other than those referred to in paragraph (1) shall be subject to immediate rent payment or contribution determinations in accordance with applicable law and without regard to the provisions of paragraph (1), but the Secretary shall provide that the rent or contribution payable by any such tenant who is occupying assisted housing on the effective date of any provision of Federal law or regulation shall not increase, as a result of any such provision of Federal law or regulation, by more than 10 per centum during any twelve-month period, unless the increase above 10 per centum is attributable to increases in income which are unrelated to such law or regulation.

(3) In the case of tenants receiving rental assistance under section 521(a)(1) of the Housing Act of 1949 on the effective date of this section whose assistance is converted to assistance under section 8 of the United States Housing Act of 1937 on or after such date, the Secretary shall provide that the rent or contribution payable by any such tenant shall not increase, as a result of such conversion, by more than 10 per centum during any twelve-month period, unless the increase above 10 per centum is attributable to increases in income which are unrelated to such conversion or to any provision of Federal law or regulation.

(4) The limitations on increases in rent contained in paragraphs (1)(B), (2), and (3) shall remain in effect and may not be changed or superseded except by another provision of law which amends this subsection.

(5) As used in this subsection, the term "contribution" means an amount representing 30 per centum of a tenant's monthly adjusted income, 10 per centum of the tenant's monthly income, or the welfare assistance amount designated by the Secretary, whichever amount is used to determine the monthly assistance payment for the tenant under section 8(d)(2) of the United States Housing Act of 1937.

(6) The Secretary's actions and determinations and the procedures for making determinations pursuant to this subsection shall not be reviewable in any court. The provisions of subsections (a) through (h) of section 322 of the Housing and Community Development Amendments of 1981 shall be implemented and fully applicable to all affected tenants no later than five years following the date of enactment of such amendments, except that the Secretary may extend the time for implementation if the Secretary determines that full implementation would result in extraordinary hardship for any class of tenants.

(f) Notwithstanding any other provision of law, assistance made available under any provision of the United States Housing Act of 1937 shall not be treated as income to the tenants to whom or with respect to whom such assistance is provided for the purpose of any provision of Federal law.

(g) Section 322(i) of the Omnibus Budget Reconciliation Act of 1981 is repealed.

PUBLIC HOUSING PERFORMANCE STANDARDS

SEC. 304. (a) The United States Housing Act of 1937 is amended by adding at the end thereof the following:

"PUBLIC HOUSING PERFORMANCE STANDARDS

"SEC. 17. (a)(1) There is established within the Department of Housing and Urban Development a Public Housing Performance Standards Advisory Commission (hereinafter referred to as the 'Commission') which shall consist of thirteen members to be appointed by the Secretary as follows:

"(A) four from a list submitted by the Council of Large Public Housing Authorities;

"(B) four from a list submitted by the National Association of Housing and Redevelopment Officials;

"(C) two from a list submitted by the Public Housing Agency Directors Association;

"(D) one from a list submitted by the National League of Cities and United States Conference of Mayors; and

"(E) two from a list submitted by the National Low Income Housing Coalition.

Each member of the Commission shall serve until the work of the Commission is completed as determined by the Secretary. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

"(2) The initial appointments under this subsection shall be made not later than sixty days after the date of enactment of this section.

"(3) Not later than thirty days after all the members of the Commission are appointed, the Commission shall hold its initial meeting and elect from among its members a chairman of the Commission.

"(b) The Commission shall establish rules of procedure, appoint such committees, and establish schedules of and procedures for calling meetings as may be required in the exercise of its functions. All meetings of the Commission shall be open to the public.

"(c) The functions of the Commission shall be—

"(1) to identify and recommend standards of performance for the efficient and professional management and operation of public housing agencies in the operation of lower income housing projects and in the administration of lower income housing assistance under section 8;

"(2) to identify and recommend procedures for the evaluation of public housing agencies in accordance with such standards;

"(3) to identify opportunities for the improved management and maintenance of the Nation's public housing stock; and

"(4) to make recommendations, from time to time, to the Secretary on specialized training of education and counseling for public housing management and policymaking officials, on the distinction between ongoing and preventive maintenance funding under section 9(a)(4)(G) and major systems replacement funding under section 9(h), and on such other topics as the Secretary may request.

"(d) In developing its recommendations regarding the standards for performance and the evaluation procedures, the Commission may distinguish among classes of public housing agencies on the basis of such criteria as past performance, receipt of operating assistance under section 9, age of public housing stock, number of units under management, location of projects, or character of the families served.

"(e) The Commission shall report its findings and recommendations to the Secretary not later than 12 months after its first meeting. The Secretary shall forward such findings and recommendations, along with the Secretary's comments, promptly to the Congress.

"(f) The Secretary shall make available not more than $1,000,000 from the funds established under section 213(d)(5) of the Housing and Community Development Act of 1974 for use by the Commission to cover its expenses during the period in which it develops its recommendations to the Secretary. The Commission may include among such available expenses (1) the cost of obtaining the services of experts and consultants, professional or clerical staff, and evaluators as may be required in the exercise of its functions, and (2) compensation for members of the Commission at a rate not to exceed the equivalent of the daily rate for an individual occupying a position at GS-18 of the General Schedule for each day they are engaged in the business of the Commission and to reimburse them for expenses incurred in attending meetings of the Commission.".

INCREASED AUTHORITY FOR MANAGEMENT FLEXIBILITY AND FOR PAYMENTS FOR OPERATION OF LOWER INCOME HOUSING PROJECTS

SEC. 305. (a) Section 9(c) of the United States Housing Act of 1937 is amended—

(1) by striking out "and" after "October 1, 1980,"; and

(2) by inserting before the period at the end thereof the following: ", and not to exceed $1,500,000,000 on or after October 1, 1983,".

(b) Section 9(a) of such Act is amended—

(1) by striking out the last sentence of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

"(2) The Secretary is authorized to enter into contracts with appropriate organizations to provide technical assistance and associated services to public housing agencies in order to carry out the purpose of this section."; and

(4) by adding at the end thereof the following:

"(4) For the purpose of making payments under this section, the Secretary shall utilize a performance funding system which establishes standards for costs of operation and reasonable projections of income, taking into account the character and location of the project and characteristics of the families served, in accordance with a formula representing the operations of a prototype well-managed project. Such performance funding system shall be established in consultation with public housing agencies and their associations, be contained in a regulation promulgated by the Secretary prior to the start of any fiscal year to which it would apply, and remain in effect for the duration of such fiscal year without change. Under the performance funding system—

"(A) allowable expense levels shall be regularly adjusted to reflect the actual costs of operating the prototype project;

"(B) adjustments shall be made annually to reflect the difference between estimated and actual inflation rates;

"(C) public housing agencies shall share equally with the Secretary any cost changes due to the differences between projected and actual energy rates or consumption levels attributable to increased operating efficiencies or other management actions taken by the agency which lead to the change of such rates or levels;

"(D) funds received by the public housing agency from sources other than tenant contributions to rent or income earned on such contributions shall not be counted as income in computing the allowable subsidy nor shall prior receipt of any such funds affect the allowable expense level;

"(E) no assistance will be provided for units that are vacant or deprogramed, except that vacancies of 2 per centum of units in fiscal year 1984 and of 1 per centum of units in fiscal year 1985 shall be allowed;

"(F) payments to all agencies may only be ratably reduced if sufficient funds are not available, and, if excess funds are available, they shall be retained by the Secretary for use in the next fiscal year; and

"(G) beginning in fiscal year 1985, an agency which is approved by the Secretary will receive payments for a repair and maintenance fund equal to 15 per centum of its nonutility allowable expense level.".

(c) Section 9 of such Act is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) The Secretary, in consultation with the Commission shall establish a major systems replacement fund (hereinafter referred to as the 'fund'). The fund shall be available to the Secretary for making grants to public housing agencies, based on the recommendations of the Commission under section 17(c)(4), for expenditures for major repairs to or the replacement of building systems or major management system improvements which are not covered by annual contributions contracts under this section. The Secretary shall require that all expenditures made from grants under this subsection are made in the least costly manner which assures long-term viability.".

COMPREHENSIVE IMPROVEMENT ASSISTANCE

SEC. 306. (a) Section 14 of the United States Housing Act of 1937 is amended by adding at the end thereof the following:

"(k) The Secretary shall provide the maximum amount of assistance available under this section to public housing agencies prior to October 1, 1985, in order to assure that all housing units meet habitability standards.".

(b) Effective October 1, 1985, section 14 of the United States Housing Act of 1937 is repealed, except that such section shall remain in effect for those agencies which have not completed improvements contemplated to meet standards for the physical quality of its housing projects.

DEMOLITION AND DISPOSITION OF PUBLIC HOUSING

SEC. 307. (a) The United States Housing Act of 1937 is amended by adding the following new section at the end thereof:

"DEMOLITION AND DISPOSITION OF PUBLIC HOUSING

"SEC. 18. (a) The Secretary may approve an application by a public housing agency for permission, with or without financial assistance under this Act, to demolish or dispose of public housing projects or portions of public housing projects only in accordance with the provisions of this section.

"(b) Approval of an application under this section may not be given and assistance may not be made available under this Act unless the Secretary has determined that—

"(1)(A) in the case of an application proposing demolition of a public housing project or a portion of a public housing project, the project or portion of the project is obsolete as to physical condition, location or other factors, making it unusable for housing purposes, and no program of modifications is feasible to return the project or portion of the project to useful life; and

"(B) in the case of an application proposing demolition of a portion of a project, the demolition will help to assure the useful life of the remaining portion of the project; or

"(2) in the case of an application proposing disposition of real property of a public housing agency by sale or other transfer—

"(A)(i) the property's retention is not in the best interests of the tenants or the public housing agency because developmental changes in the area surrounding the project adversely affect the health or safety of the tenants or the feasible operation of the project by the public housing agency, because disposition allows the acquisition, development, or rehabilitation of other properties which will be more efficiently or effectively operated as lower income housing projects and which will preserve the total amount of lower income housing stock available in the community, or because of other factors which the Secretary determines are consistent with the best interests of the tenants and public housing agency and which are not inconsistent with other provisions of this Act; and

"(ii) for property other than dwelling units, the property is excess to the needs of a project or the disposition is incidental to, or does not interfere with, continued operation of a project; and

"(B) the net proceeds of the disposition will be used for (i) the payment of development cost for the project and for the retirement of outstanding obligations issued to finance original development or modernization of the project, and (ii) to the extent that any proceeds remain after application in accordance with clause (i), the provision of housing assistance for lower income families through such measures as modernization or operation of lower income housing, the provision of rental assistance, or the acquisition, development, or rehabilitation of other properties to operate as lower income housing.

"(c) Approval of an application under this section may not be given and assistance may not be made available under this Act unless the application from the public housing agency—

"(1) has been developed in consultation with tenants, if any, who will be affected by the demolition or disposition and with appropriate local government officials; and

"(2) provides that tenants to be displaced as a result of the demolition or disposition will be given assistance by the public housing agency to relocate to other decent, safe, sanitary, and affordable housing, which is, to the maximum extent practicable, housing of their choice, including housing assisted under section 8 of this Act.

"(d) Notwithstanding any other provision of law, the Secretary is authorized to make available financial assistance for applications approved under this section using available annual contributions authorized under section 5(c).

"(e) The provisions of this section shall not apply to the conveyance of units in a public housing project for the purpose of providing homeownership opportunities for lower income families capable of assuming the responsibilities of homeownership.".

(b) Section 6(f) and section 14(f) of such Act are repealed.

FINANCING LIMITATIONS

SEC. 308. The United States Housing Act of 1937 is amended by adding at the end thereof the following:

"FINANCING LIMITATIONS

"SEC. 19. On and after October 1, 1983, the Secretary—

"(1) may only enter into contracts for annual contributions regarding obligations financing public housing projects authorized by section 5(c) if such obligations are exempt from taxation under section 11(b); and

"(2) may not enter into contracts for periodic payments to the Federal Financing Bank to offset the costs to the Bank of purchasing obligations (as described in the first sentence of section 16(b) of the Federal Financing Bank Act of 1973) issued by local public housing agencies for purposes of financing public housing projects authorized by section 5(c) of the United States Housing Act of 1937.".

OPERATING ASSISTANCE FOR TROUBLED MULTIFAMILY HOUSING PROJECTS

SEC. 309. (a) Section 201 of the Housing and Community Development Amendments of 1978 is amended—

(1) by striking out paragraph (1)(A) of subsection (c) and inserting in lieu thereof the following:

"(1)(A)(i) is covered by a mortgage insured or formerly insured under the National Housing Act and is assisted under section 236 of the National Housing Act or under section 101 of the Housing and Urban Development Act of 1965, or (ii) is assisted under the proviso of section 221(d)(5) of the National Housing Act; or"; and

(2) by striking out ", together with the mortgagee in the case of a project not insured under the National Housing Act," in subsection (d)(3).

(b) Section 236(f)(3) of the National Housing Act is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1985".

HOUSING FOR THE ELDERLY AND HANDICAPPED

SEC. 310. (a) Section 202 of the Housing Act of 1959 is amended by adding at the end thereof the following:

"(i)(1) In the process of selecting projects for loans under this section, the Secretary shall assure the inclusion of special design features and congregate space if necessary to meet the special needs of elderly and handicapped residents.

"(2) The Secretary shall encourage the provision of small and scattered site group homes and independent living facilities for nonelderly handicapped persons and families.

"(j) Nothing in this section authorizes the Secretary to prohibit any sponsor from voluntarily providing funds from other sources for amenities and other features of appropriate design and construction suitable for inclusion in such project if the cost of such amenities is (1) not financed with the loan, and (2) not taken into account in determining the amount of Federal subsidy or of the rent contribution of tenants.".

(b) Section 202 of such Act is amended—

(1) by striking out "and to $5,752,500,000 on October 1, 1981" in subsection (a)(4)(B)(i) and inserting in lieu thereof "to $5,752,500,000 on October 1, 1981, and to $6,420,300,000 on October 1, 1983"; and

(2) by striking out "$850,848,000 may be approved in appropriation Acts for such loans with respect to fiscal year 1982" in subsection (a)(4)(C) and inserting in lieu thereof "$667,800,000 may be approved in appropriation Acts for such loans with respect to fiscal year 1984, except that the Secretary may not approve the construction or rehabilitation under this section of more than fourteen thousand units for fiscal year 1984".

(c) Section 411(a) of the Congregate Housing Services Act of 1978 is amended to read as follows:

"SEC. 411. (a) To carry out the provisions of this title, there are authorized to be appropriated—

"(1) $10,000,000 for fiscal year 1984;

"(2) $10,000,000 for fiscal year 1985; and

"(3) $10,000,000 for fiscal year 1986.".

REPEAL OF NEW CONSTRUCTION AUTHORITY

SEC. 311. (a) The United States Housing Act of 1937 is amended as follows:

(1) Section 8(a) is amended by striking out ", newly constructed, and substantially rehabilitated".

(2) Section 8(b)(2) is repealed.

(3) Section 8(e) of such Act is amended by striking out paragraphs (1), (2), and (3) and by redesignating paragraphs (4) and (5) as paragraphs (1) and (2), respectively.

(4) Section 8(i) of such Act is repealed.

(5) Section 8 of such Act is amended by striking out subsections (l) and (m).

(b) The amendments made by subsection (a) shall take effect on October 1, 1982, except that the provisions repealed shall remain in effect—

(1) in the case of obligations entered into prior to such date; and

(2) with respect to any project financed under section 202 of the Housing Act of 1959.

HOUSING DEMONSTRATION

SEC. 312. (a) This section may be cited as the "Older Americans' Housing Demonstration Act of 1983".

(b) The Congress finds that—

(1) older Americans face unique housing problems created by their often lower, fixed incomes and today's tight housing market;

(2) many older Americans live in dwellings which have more space than they need, want, or can afford, and some wish to sell their large homes and move to smaller, more manageable units, but cannot;

(3) other older Americans wish to remain living in their homes but find themselves "house rich" and "cash poor" and cannot unlock their home equity to help pay ever spiraling utility, tax, repair, and maintenance bills;

(4) housing assistance programs now available do not address the special needs of these older Americans; and

(5) programs should be designed and implemented so that those senior citizens who wish to remain in their homes can convert home equity into income through such means as deferring property taxes, and those senior citizens who wish to sell their homes can buy or rent smaller units thereby making the large homes vacated available for younger, lower income families.

(c) It is the purpose of this section to provide for a demonstration and evaluation of programs to meet the housing needs of older homeowners.

(d)(1) The Secretary of Housing and Urban Development shall promptly initiate and carry out during the fiscal year beginning on October 1, 1983, a program for the development, demonstration, and evaluation of improved methods, concepts, and techniques which will assist older homeowners who (A) wish to sell their homes but are unable to purchase or rent a smaller unit without assistance, or (B) wish to stay in their homes but are unable to pay the utility, tax, repair, and maintenance costs.

(2) In selecting groups of homeowners and projects to receive assistance under this section, the Secretary shall assure that a broad

spectrum of senior citizens, localities, and project types is represented.

(e)(1) The housing assistance methods, concepts, and techniques to be demonstrated under this section shall include—

(A) a demonstration of the feasibility of implementing procedures to assure the availability of large homes which are vacated by older homeowners to nonelderly, lower income families receiving assistance under section 8 of the United States Housing Act of 1937; and

(B) a study and demonstration of ways for older homeowners who do not wish to relinquish residency to convert their home equity into income.

(2) In carrying out the provisions of this section, the Secretary shall coordinate and jointly target resources with appropriate other agencies such as the Administration on Aging of the Department of Health and Human Services.

(f)(1) Not later than May 1, 1984, the Secretary shall transmit to the Congress proposed regulations to carry out the demonstration program authorized by this section. The Secretary may not enter into any contracts or other obligations pursuant to this section prior to the expiration of thirty days following the transmittal of the report required by this subsection.

(2) Not later than December 31, 1984, the Secretary shall transmit to the Congress a final report on the activities undertaken pursuant to this section.

(g) Of the authority available under section 213(d)(4) of the Housing and Community Development Act of 1974 for the fiscal year beginning on October 1, 1983, the Secretary may utilize not to exceed $10,000,000, to the extent approved in an appropriation Act, in that fiscal year to carry out the older Americans housing demonstration program authorized by this section.

SECTION 236 ASSISTANCE

SEC. 313. Section 236(f) of the National Housing Act is amended by adding at the end thereof the following:

"(4) To ensure that tenants occupying that number of units with respect to which assistance was being provided under this subsection immediately prior to the date of enactment of the Housing and Community Development Act of 1983 continue to receive the benefit of assistance contracted for under paragraph (2) the Secretary shall offer annually to amend contracts entered into under this subsection with owners of projects assisted but not subject to mortgages insured under this section to provide sufficient payments to cover necessary rent increases and changes in the incomes of those tenants, subject to the availability of authority for such purpose under section 5(c)(5)(A) of the United States Housing Act of 1937. The Secretary shall take such actions as may be necessary to ensure that payments, including payments that reflect necessary rent increases and changes in the incomes of tenants, are made on a timely basis for all units covered by contracts entered into under paragraph (2).".

RENT SUPPLEMENT PROGRAM

SEC. 314. Section 101(g) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following: "To ensure that tenants occupying that number of units with respect to which assistance was being provided under this section immediately prior to the date of enactment of the Housing and Community Development Act of 1983 continue to receive the benefit of assistance contracted for under this section, the Secretary shall offer annually to amend contracts entered into with owners of projects assisted under this section but not subject to mortgages insured under title II of the National Housing Act to provide sufficient payments to cover necessary rent increases and changes in the incomes of those tenants, subject to the availability of authority for such purpose under section 5(c)(5)(A) of the United States Housing Act of 1937. The Secretary shall take such actions as may be necessary to ensure that payments, including payments that reflect necessary rent increases and changes in the incomes of tenants, are made on a timely basis for all units covered by contracts entered into under this section.".

AMENDMENT TO SECTION 214 OF THE 1980 ACT

SEC. 315. Section 214 of the Housing and Community Development Act of 1980 is amended to read as follows:

"LIMITATION ON HOUSING ASSISTANCE

"SEC. 214. (a) Notwithstanding any other provision of law, the Secretary may not make financial assistance available for the benefit of any family unless the head of the family or a majority of its members are citizens or aliens who are residents of the United States and are—

"(1) aliens lawfully admitted for permanent residence as immigrants as defined by sections 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) and 8 U.S.C. 1101(a)(20)), excluding, among others, alien visitors, tourists, diplomats, and students who enter the United States temporarily with no intention of abandoning their residence in a foreign country;

"(2) aliens who entered the United States prior to June 30, 1948, or such subsequent date as is enacted by law, continuously maintained residence in the United States since then, and are not ineligible for citizenship, but who are deemed to be lawfully admitted for permanent residence or eligible for adjustment of status as a result of exercise of discretion by the Attorney General pursuant to section 249 of the Immigration and Nationality Act (8 U.S.C. 1259);

"(3) aliens who are lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) or pursuant to the granting of asylum (which has not been terminated) under section 208 of such Act (8 U.S.C. 1158);

"(4) aliens who are lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); or

"(5) aliens who are lawfully present in the United States as a result of the Attorney General's withholding deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C 1253(h)).

"(b) For purposes of this section—

"(1) the term 'financial assistance' means financial assistance made available pursuant to the United States Housing Act of 1937, sections 235, 236 of the National Housing Act, section 101 of the Housing and Urban Development Act of 1965, or title V of the Housing Act of 1949; and

"(2) the term 'Secretary' means the Secretary of Housing and Urban Development or the Secretary of Agriculture, as the case may be.

"(c) The Secretary may continue to provide assistance to households for up to six months after a finding of ineligibility in order to permit adjustment of status or appropriate documentation of eligibility or, failing that, time in which to obtain suitable alternative housing.".

PETS IN ELDERLY HOUSING

SEC. 316. (a) No owner or manager of any federally assisted rental housing for the elderly or handicapped may—

(1) as a condition of tenancy or otherwise, prohibit or prevent any tenant in such housing from owning common household pets or having such pets living in the dwelling units of such tenant in such housing; or

(2) restrict or discriminate against any person in connection with admission to, or continued occupancy of, such housing by reason of the ownership of common household pets by, or the presence of such pets in the dwelling accommodations of, such person.

(b) Not later than the expiration of the twelve-month period following the date of the enactment of this Act, the Secretary of Housing and Urban Development and the Secretary of Agriculture shall each issue such regulations as may be necessary to ensure compliance with the provisions of this section.

(c) Nothing in this section may be construed to prohibit any owner or manager of federally assisted rental housing for the elderly or handicapped, or any local housing authority or other appropriate authority of the community where such housing is located, from requiring the removal from any such housing of any pet whose conduct or condition is duly determined to constitute a nuisance or a threat to the health or safety of the other occupants of such housing or of other persons in the community where such housing is located.

(d) For purposes of this section, the term "federally assisted rental housing for the elderly or handicapped" means any rental housing project which is designated for occupancy by the elderly or handicapped, and

(1) is assisted under section 202 of the Housing Act of 1959; or

(2) is assisted under the United States Housing Act of 1937, the National Housing Act, or title V of the Housing Act of 1949.

COLLEGE HOUSING

SEC. 317. Section 401 of the Housing Act of 1950 is amended—

(1) by striking out "College Housing Amendments of 1955" and inserting in lieu thereof "Housing and Community Development Act of 1983" in subsection (c)(1);

(2) by striking out "lower" and inserting in lieu thereof "greater" in subsection (c)(1);

(3) by striking out "College Housing Amendments of 1955" and inserting in lieu thereof "Housing and Community Development Act of 1983" in subsection (e); and

(4) by striking out all that follows "which shall not be more than" in subsection (e) and inserting in lieu thereof "the average current yield on outstanding obligations of the United States of comparable maturities in the month preceding the month in which the contract for such loan is made.".

TITLE IV—INSURANCE PROGRAMS

CRIME AND RIOT INSURANCE

SEC. 401. (a) Section 1201(b)(1) of the National Housing Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1983".

(b) Section 1201(b) of such Act is amended by adding at the end thereof the following:

"(3) The Administrator shall notify participating insurers under sections 1223 and 1231 of this Act that the powers under this

title shall terminate as of September 30, 1983.".

TECHNICAL AMENDMENTS

SEC. 402. (a) Section 1370(a)(6) of the National Flood Insurance Act of 1968 is amended to read as follows:

"(6) the term 'Director' means the Director of the Federal Emergency Management Agency.".

(b) Section 3(a)(6) of the Flood Disaster Protection Act of 1973 is amended to read as follows:

"(6) 'Director' means the Director of the Federal Emergency Management Agency.".

(c) Section 1304(a) of the National Flood Insurance Act of 1968 is amended by striking out "Secretary of Housing and Urban Development" and inserting in lieu thereof "Director of the Federal Emergency Management Agency".

(d) Except for any reference to the Secretary of a Department other than the Department of Housing and Urban Development—

(1) wherever the term "Secretary" is used in the National Flood Insurance Act of 1968 or in the Flood Disaster Protection Act of 1973, it is changed to the term "Director"; and

(2) wherever the term "Secretary's" is used in the National Flood Insurance Act of 1968 or in the Flood Disaster Protection Act of 1973, it is changed to the term "Director's".

(e) Section 15(e) of the Federal Flood Insurance Act of 1956 is amended by striking out "Secretary" the first and third places it appears and inserting in lieu thereof "Director of the Federal Emergency Management Agency".

(f) Section 1201(c) of the National Housing Act is amended by adding at the end thereof the following:

"(c) As used in this title, the term 'Director' means the Director of the Federal Emergency Management Agency.".

(g) Title XII of the National Housing Act is amended by striking out the term "Secretary" wherever it appears and inserting in lieu thereof "Director".

(h) Section 1340(a)(2) of the National Flood Insurance Act of 1968 is amended by striking out "officers and employees of the Department of Housing and Urban Development, and".

(i) Section 1232(2) of the National Housing Act is amended by striking out "officers and employees of the Department of Housing and Urban Development, and".

(j) Section 1247 of the National Housing Act is amended by inserting "of the Secretary of Housing and Urban Development" after the second parenthetical phrase.

EXTENSION OF FLOOD INSURANCE AUTHORITIES

SEC. 403. (a) The National Flood Insurance Act of 1968 is amended—

(1) by striking out "May 20, 1983" in section 1319 and inserting in lieu thereof "September 30, 1985";

(2) by adding at the end of section 1336(a) the following: "The expiration of authority under this subsection shall not affect the continued availability of insurance to communities participating in the program authorized under this subsection or to owners of property who had, immediately prior to such expiration, a contract of flood insurance in effect with respect to that property.";

(3) by adding at the end of section 1307 the following:

"(f) The Secretary shall estimate the risk premium rate for an area, where appropriate, on the basis of an assessment of the flood-risk zones as established by the flood hazard boundary map for that area."; and

(4) by adding at the end of section 1360 the following:

"(d) The Secretary shall conduct studies pursuant to section 1307 where necessary, and establish not later than August 1, 1983, the risk premium rates for the types and classes of properties insured pursuant to section 1336(a).".

JUDICIAL REVIEW

SEC. 404. (a) Section 1333 of the National Flood Insurance Act of 1968 is amended by inserting "original exclusive" before "jurisdiction".

(b) Section 1341 of the National Flood Insurance Act of 1968 is amended by inserting "original exclusive" before "jurisdiction".

STUDY OF SINKHOLE INSURANCE

SEC. 405. The Federal Emergency Management Agency is authorized to make a grant to a nonprofit organization, educational institution or affiliated agency or entity, or State or local agency to finance a study of the feasibility of expanding the national flood insurance program to cover damage or loss arising from sinkholes. There are authorized to be appropriated not to exceed $1,000,000 to carry out the provisions of this section.

TITLE V—RURAL HOUSING

SHORT TITLE

SEC. 501. This title may be cited as the "Rural Housing Amendments of 1983".

DEFINITIONS

SEC. 502. Section 501(b)(4) of the Housing Act of 1949 is amended to read as follows:

"(4) For the purpose of this title, the terms 'low income families or persons' and 'very low-income families or persons' means those families and persons whose incomes do not exceed the respective levels established for lower income families and very low-income families by the Secretary of Housing and Urban Development under the United States Housing Act of 1937.".

SECTION 502 AMENDMENTS

SEC. 503. (a) Section 502 of the Housing Act of 1949 is amended by adding at the end thereof the following:

"(d) On and after the effective date of the Rural Housing Amendments of 1983—

"(1) not less than 40 per centum of the dwelling units financed under this section shall be available only for occupancy by very low-income families or persons; and

"(2) not less than 30 per centum of the dwelling units in each State financed under this section shall be available only for occupancy by very low-income families or persons.

"(e) A loan which may be made or insured under this section with respect to housing shall be made or insured with respect to a manufactured home or with respect to a manufactured home and lot, whether such home or such home and lot is real property, personal property, or mixed real and personal property, if—

"(1) the manufactured home meets the standards prescribed pursuant to title VI of the Housing and Community Development Act of 1974; and

"(2) the manufactured home, or the manufactured home and lot, meets the installation, structural, and site requirements which would apply under title II of the National Housing Act.".

(b) Section 527 of such Act is repealed.

(c) Section 502(a) of such Act is amended by striking out all after "making of the loan with interest" and inserting in lieu thereof a period and the following: "The Secretary may accept the personal liability of any person with adequate repayment ability who will cosign the applicant's note to compensate for any deficiency in the applicant's repayment ability.".

(d) Section 502(b)(3) of such Act is amended by striking out "except for guaranteed loans,".

(e) Section 501(f) of such Act is amended by striking out ", insured, or guaranteed" and inserting in lieu thereof "or insured".

REHABILITATION LOANS

SEC. 504. The first and second sentences of section 504 (a) of the Housing Act of 1949 are amended to read as follows: "The Secretary may make a loan, grant, or combined loan and grant to an eligible very low-income applicant in order to improve or modernize a rural dwelling, to make the dwelling safer or more sanitary, or to remove hazards. The Secretary may make a loan or grant under this subsection to the applicant to cover the cost of repairs, improvements, or additions such as repairing roofs, providing sanitary waste facilities, providing a convenient and sanitary water supply, repairing or providing structural supports, or making similar repairs, additions, improvements, including all preliminary and installation costs in obtaining central water and sewer service. The maximum amount of a grant, a loan, or a loan and grant shall not exceed such limitations as the Secretary determines to be appropriate".

TECHNICAL SERVICES AND RESEARCH

SEC. 505. Section 506(b) of the Housing Act of 1949 is amended by adding at the end thereof the following: "In carrying out this subsection, the Secretary may permit demonstrations involving innovative housing units and systems which do not meet existing published standards, rules, regulations, or policies if the Secretary finds that in so doing, the health and safety of the population of the area in which the demonstration is carried out will not be adversely affected, except that the aggregate expenditures for such demonstrations may not exceed $12,000,000 in any fiscal year. The Secretary shall report to the Congress at the close of each fiscal year on the results of such demonstrations.".

STANDARDS FOR ADEQUATE HOUSING

SEC. 506. (a) Section 509(a) of the Housing Act of 1949 is amended by adding at the end thereof the following:

"The Secretary shall approve a residential building as meeting such standards if the building is constructed in accordance with (1) the minimum standards prescribed by the Secretary, (2) the minimum property standards prescribed by the Secretary of Housing and Urban Development for mortgages insured under title II of the National Housing Act, (3) the standards contained in any of the voluntary national model building codes, or (4) in the case of manufactured housing, the standards referred to in section 502(e) of this Act. Nothing in the preceding sentence precludes the Secretary from refusing to finance a building which exceeds living space, amenity, design, or other limitations which the Secretary may prescribe for the purpose of avoiding unnecessary or excessive costs. To the maximum extent feasible, the Secretary shall promote the use of energy saving techniques through standards established by such Secretary for newly constructed residential housing assisted under

this title. Such standards shall, insofar as is practicable, be consistent with the standards established pursuant to section 526 of the National Housing Act and shall incorporate the energy performance requirements developed pursuant to such section.".

(b) Section 529 of such Act is repealed.

GENERAL AUTHORITY OF THE SECRETARY

SEC. 507. Section 510(e) of such Act is amended by adding before the semicolon at the end thereof the following: "and the authority of the Secretary under this paragraph includes the authority to transfer section 502 inventory properties for use as rental or cooperative units under section 515 with mortgages containing repayment terms with up to fifty years to private nonprofit organizations or public bodies. Where the Secretary determines the transfer will contribute to the provision of housing for very low-income persons and families, the transfer may be made at the lesser of the appraised value or the Farmers Home Adminstration's investment".

AMENDMENT TO SECTION 511

SEC. 508. The second sentence of section 511 of the Housing Act of 1949 is repealed.

REPEAL OF SECTION 512

SEC. 509. Section 512 of the Housing Act of 1949 is repealed.

AUTHORIZATION

SEC. 510. (a) Section 513 of the Housing Act of 1949 is amended to read as follows:

"PROGRAM LEVELS AND AUTHORIZATIONS

"SEC. 513. (a) To the extent approved in appropriation Acts, the Secretary may make loans and insure loans under this title during fiscal year 1984 in an aggregate amount not to exceed $3,262,000,000, of which—

"(1) not more than $2,300,000,000 shall be available for loans under section 502;

"(2) not more than $10,000,000 shall be available for loans under section 504 and section 532;

"(3) not more than $12,000,000 shall be available for loans under section 514; and

"(4) not more than $940,000,000 shall be available for loans under section 515.

"(b) There are authorized to be appropriated for fiscal year 1984—

"(1) not to exceed $105,000,000 for grants pursuant to section 504 and section 532;

"(2) not to exceed $1,000,000 for the purposes of section 509(c);

"(3) such sums as may be necessary to meet payments on notes or other obligations issued by the Secretary under section 511 equal to (A) the aggregate of the contributions made by the Secretary in the form of credits on principal due on loans made pursuant to section 503, and (B) the interest due on a similar sum represented by notes or other obligations issued by the Secretary;

"(4) not to exceed $10,000,000 for financial assistance pursuant to section 516;

"(5) not to exceed $10,000,000 for the purposes of section 523; and

"(6) such sums as may be required by the Secretary to administer the provisions of sections 235 and 236 of the National Housing Act and section 8 of the United States Housing Act of 1937.

"(c) The Secretary may enter into rental assistance contracts aggregating not more than $230,000,000, to the extent approved in appropriation Acts, under section 521(a)(2)(A) during the fiscal year ending on September 30, 1984.".

(b) Section 515(b)(5) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1984".

(c) Section 517(a)(1) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1984".

(d) Section 521(a)(2)(D) of such Act is repealed.

(e) Section 523(f) of such Act is amended—

(1) by striking out the first sentence; and

(2) by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1984".

(f) Section 523(g) of such Act is amended—

(1) by striking out "fiscal year 1982" in the second sentence and inserting in lieu thereof "fiscal year 1984"; and

(2) by striking out the first sentence.

SECTION 515 AMENDMENTS

SEC. 511. (a) Section 515 of the Housing Act of 1949 is amended by adding at the end thereof the following:

"(g) In determining the income of a person or family occupying housing financed under this section, the Secretary shall consider the value of that person's or family's assets in the same manner as the Secretary of Housing and Urban Development considers such value for the purpose of the United States Housing Act of 1937.

"(h) To increase housing opportunities for very low-income families and persons, the Secretary shall assure that newly constructed housing to be financed under this section is modest in design, and does not exceed the amount of living space necessary for the expected number of occupants.

"(i) The Secretary shall not enter into any contract with respect to a newly constructed project under this section if the sizes of the units in such project exceed the sizes specified in the applicable construction standards established by the Secretary.

"(j) The Secretary shall limit increases in contract rents for newly constructed or substantially rehabilitated projects assisted under this section to the lesser of the actual operating cost increases incurred or the amount of operating cost increases incurred with respect to comparable rental dwelling units of various sizes and types in the same market area which are suitable for occupancy by families and persons assisted under this section. Where no comparable dwelling units exist in the same market area, the Secretary shall have authority to approve such increases in accordance with the best available data regarding operating cost increases in rental dwelling units.

"(k) After selection of a proposal involving newly constructed or substantially rehabilitated units under this section, the Secretary shall limit cost increases to those approved by the Secretary. The Secretary may approve those increases only for unforeseen factors beyond the owner's control, design changes required by the Secretary or the local government, or changes in financing approved by the Secretary.

"(l) For the purpose of achieving the lowest cost in providing units in newly constructed projects assisted under this section, the Secretary shall give a preference in entering into contracts under this section for projects which are to be located on specific tracts of land provided by States, units of local government, or others if the Secretary determines that the tract of land is suitable for such housing, and that affording such preference will be cost effective.

"(m) The Secretary shall assure that management fees are not excessive when a project developed under this section is managed by the developer or an affiliate of the developer.

"(n)(1) To the extent assistance is available under section 521(a)(2), not more than 10 per centum of the dwelling units which were available for occupancy under this section prior to the effective date of the Rural Housing Amendments of 1983, and which will be leased on or after such effective date shall be available for leasing by low income persons and families other than very low-income persons and families.

"(2) To the extent assistance is available under section 521(a)(2), not more than 5 per centum of the dwelling units which become available for occupancy under this section on or after the effective date of the Rural Housing Amendments of 1983 shall be available for leasing by low income persons and families other than very low-income persons and families.

"(3) In no event may units which become available for occupancy under this section after the effective date of the Rural Housing Amendments of 1983 be occupied by persons and families other than low income persons and families.".

(b) Section 515 of such Act is amended—

(1) in subsection (b)—

(A) by striking out "and" at the end of clause (5);

(B) by striking out the period at the end of clause (6) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following:

"(7) loans may be made to owners who are otherwise eligible under this section to purchase and convert single-family residences to rental units of two or more dwellings.".

(c) Section 515 of such Act is amended—

(1) by striking out subsection (a)(2);

(2) by redesignating subsections (a)(3) and (a)(4) as subsections (a)(2) and (a)(3), respectively;

(3) by striking out subsection (b)(2); and

(4) by redesignating subsections (b)(3), (b)(4), (b)(5), (b)(6), and (b)(7) as subsections (b)(2), (b)(3), (b)(4), (b)(5), and (b)(6), respectively.

(d) Section 515(c) of such Act is amended by adding at the end thereof the following: "A loan may be made or insured under subsection (a) or (b) with respect to detached units, including those on scattered sites, for cooperative housing.".

(e) Section 515(c) of such Act is amended by adding at the end thereof the following: "No loan shall be made or insured under this section unless the borrower submits to the Secretary a market survey which indicates a need for very low- and low-income rental housing in the community where the project is to be located and which meets the requirements specified by the Secretary. In the case of any applicant whose project is contingent on the allocation of rental assistance payments under section 521, the Secretary shall only require such applicant to demonstrate that a market exists for persons and families eligible for such rental assistance payments, and upon such demonstration shall allocate the amount necessary to make the project feasible, subject to the availability of authority for such rental assistance payments.".

(f) Section 515(d)(1) of such Act is amended by inserting before the first semicolon the following: ", and such term also means manufactured home rental parks where either the lots or both the lots and the homes are available for use by occupants eligible under this section".

INSURED RURAL HOUSING LOANS

SEC. 512. (a) Section 517 of the Housing Act of 1949 is amended—

(1) by striking out all after "insured" in subsection (a) and inserting in lieu thereof a period and the following: "The amount of such a loan to a low income person or family shall not exceed the amount necessary to provide adequate housing which is modest in size, design, and cost (as determined by the Secretary). No loan under this subsection shall be made or insured after September 30, 1984, except pursuant to a commitment entered into before that date.";

(2) by striking out "(b)(4)" in subsection (b) and inserting in lieu thereof "(b)(3)"; and

(3) by striking out subsection (d) and the second sentence of subsection (e).

(b) Section 517(k) of the Housing Act of 1949 is amended to read as follows:

"(k)(1) From the amounts made available to the fund, the Secretary shall establish and maintain as part of the fund a reserve against losses on loans insured by the Secretary.

"(2) Upon the submission of the Budget of the United States, the Secretary shall transmit to the Congress, with respect to the fiscal year commencing on October 1 of that year, a report setting forth—

"(A) the amount proposed to be set aside as a reserve as required by paragraph (1); and

"(B) the amount which the Secretary estimates will be required to provide interest credits during the remaining life of all outstanding loans already made from the fund and during the full life of loans proposed to be made from the fund.

"(3) Any transactions pertaining to Certificates of Beneficial Ownership issued under this title shall be treated in accordance with generally accepted budget and accounting practices for participation certificates for purposes of chapter 11 of title 31, United States Code.".

(c) Section 517(n) of such Act is repealed.

(d) Section 517(o) of such Act is repealed.

(e) Section 517 of such Act is amended by adding at the end thereof the following:

"(n) The Secretary shall promulgate rules which encourage the rehabilitation or purchase of existing buildings for the purpose of providing housing which is economical in cost and operation.

"(o) In providing assistance under this title, the Secretary shall prescribe criteria to assure that assistance is first provided to persons and families with the greatest need residing in areas which are the most rural in character.".

RENTAL ASSISTANCE TENANT CONTRIBUTION

SEC. 513. (a) Section 521(a) of the Housing Act of 1949 is amended by adding at the end thereof the following:

"(3) In the case of loans under sections 514 and 515 approved prior to the effective date of the Rural Housing Amendments of 1983 with respect to which rental assistance is provided, the rent for tenants receiving such assistance shall not exceed 30 per centum of adjusted income. In the case of a section 515 loan approved prior to the effective date of the Rural Housing Amendments of 1983 with respect to which interest credits are provided, the tenant's rent shall not exceed the greater of 30 per centum of adjusted income or the rent level established on a basis of a 1 per centum interest rate on debt service. No rent for a unit financed under section 514 or 515 shall be increased as a result of this subsection or other provision of Federal law or Federal regulation by more than 10 per centum in any twelve-month period, unless the increase above 10 per centum is attributable to increases in income which are unrelated to this subsection or other law, or regulation.

"(4) In the case of a loan with respect to the purchase of a manufactured home with respect to which rental assistance is provided, the monthly payment for principal and interest on the manufactured home and for lot rental and utilities shall not exceed 30 per centum of income.".

(b) Section 521(a)(2)(A) of such Act is amended—

(1) by striking out "25 per centum of income." and inserting in lieu thereof "the highest of (i) 30 per centum of monthly adjusted income, (ii) 10 per centum of monthly income; or (iii) if the person or family is receiving payments for welfare assistance from a public agency, the portion of such payments identified by the Secretary of Housing and Urban Development under section 3 of the United States Housing Act of 1937. Any rent or contribution of any recipient shall not increase as a result of this section or any other provision of Federal law or regulation by more than 10 per centum during any twelve-month period, unless the increase above 10 per centum is attributable to increases in income which are unrelated to this subsection or other law or regulation."; and

(2) by striking out the last two sentences.

(c) Section 530 of such Act is amended by striking out "25" and inserting in lieu thereof "30".

(d) Section 521 of such Act is amended by adding at the end thereof the following:

"(d)(1) In entering into contracts for assistance under this section, the Secretary shall assure that expiring contracts are extended for those units occupied by low-income persons and families. Remaining funds shall be used for contracts which assist very low-income persons and families occupying projects receiving commitments under sections 514, 515, and 516 after fiscal year 1983. To the extent additional funds are available, the Secretary shall provide additional assistance to existing projects which would become occupied and affordable by very low-income persons and families.

"(2) The Secretary shall transfer rental assistance contract authority under this section from projects where such authority is unused and not needed to projects where such authority is needed.".

RURAL TRAINEES

SEC. 514. Section 522 of the Housing Act of 1949 is repealed.

TECHNICAL AND SUPERVISORY ASSISTANCE

SEC. 515. (a) The last sentence of section 525(b) of the Housing Act of 1949 is amended by striking out all after "sooner" and inserting in lieu thereof a period.

(b) Section 525(c) of such Act is repealed.

CONDOMINIUM HOUSING

SEC. 516. (a) Section 526 of the Housing Act of 1949 is amended—

(1) by striking out "in his discretion" in subsection (a); and

(2) by striking out "in his discretion" in subsection (c).

(b) Section 526 of such Act is amended by adding at the end thereof the following:

"(e) The Secretary shall not refuse to make or insure a loan under this section unless he determines that the project or units to be financed are higher in cost on a per unit basis than single family detached units in the same area, taking into account management and other condominium fees, or if the project or units do not otherwise meet the requirements of this title.

"(f) The Secretary may not provide financing under this section which would result in the displacement of low- or very low-income persons or families unless provision is made for relocation assistance for such persons or families.".

FHA INSURANCE

SEC. 517. Title V of the Housing Act of 1949 is amended by adding at the end thereof the following:

"FHA INSURANCE

"SEC. 531. (a) The Secretary is authorized to act as an agent of the Secretary of Housing and Urban Development to recommend insurance of any mortgage meeting the requirements of section 203 of the National Housing Act.

"(b) The Secretary may also utilize funds available under section 521 of this Act to assist mortgagors under this section who are low-income persons and families in reducing their required downpayments or monthly mortgage payments on loans, subject to such loan limits as the Secretary may establish for the purpose of this section. The Secretary may provide such assistance by providing a lump-sum principal payment or credit at the time of purchase rather than through periodic payments.".

RURAL HOUSING PRESERVATION GRANT PROGRAM

SEC. 518. Title V of the Housing Act of 1949 is amended by adding at the end thereof the following:

"HOUSING PRESERVATION GRANTS

"SEC. 532. (a) The purpose of this section is to authorize the Secretary to make grants to eligible grantees including private nonprofit organizations, Indian tribes, general units of local government, counties, States, and consortia of other eligible grantees, in order to—

"(1) rehabilitate single family housing in rural areas which is owned by low- and very low-income persons and families, and

"(2) rehabilitate multifamily rental properties in rural areas serving low- and very low-income occupants.

The Secretary may also provide rental assistance payments as provided by section 8(b)(3)(B) of the United States Housing Act of 1937 upon the request of grantees in order to minimize the displacement of very low-income tenants residing in units rehabilitated with assistance under this section.

"(b) Of the total amount approved in appropriations Acts under section 513(b)(1) for the fiscal years 1984, 1985, and 1986, not more than $100,000,000 shall be available for rehabilitation grants under this section. Amounts appropriated for grants under this section shall remain available through the end of the fiscal year after the fiscal year in which they were originally made available.

"(c)(1) The Secretary shall allocate rehabilitation grant funds for use in each State on the basis of a formula contained in a regulation prescribed by the Secretary using the average of the ratios between—

"(A) the population of the rural areas in that State and the population of the rural areas of all States;

"(B) the extent of poverty in the rural areas in that State and the extent of poverty in the rural areas of all States; and

"(C) the extent of substandard housing in the rural areas of that State and the extent of substandard housing in the rural areas of all States.

Any funds which are allocated to a State but uncommitted to grantees will be transferred to the State office of the Farmers Home Administration in a timely manner and be used for authorized rehabilitation activities under section 504.

"(2)(A) The Secretary shall receive statements of activities from grantees participating in the rural housing preservation grant program, and allocate the contract authority made available for housing payment certificates based on the amount of rental rehabilitation undertaken by each grantee which would cause the displacement of very low-income residents.

"(B) The annual contributions contract covering the contract authority referred to in subparagraph (A) shall contain such terms and conditions as the Secretary deems appropriate to carry out the purposes of this section, including provisions to require the appropriate grantee to make such authority available to eligible tenants residing in structures to be rehabilitated with assistance under this section.

"(d)(1) Eligible grantees may submit a statement of activity to the Secretary at the time specified by the program administrator, containing a description of its proposed rehabilitation program. The statement shall consist of the activities each entity proposes to undertake for the fiscal year, and the projected progress in carrying out those activities. The statement of activities shall be made available to the public for comment.

"(2) In preparing such statement, the grantee shall consult with and consider the views of responsible local officials.

"(3) The Secretary shall evaluate the merits of each statement on the basis of such criteria as the Secretary shall prescribe, including the extent to which the program proposed would—

"(A) serve very low-income persons and families;

"(B) leverage available funds to supplement the rural housing preservation grant program;

"(C) minimize displacement of very low-income persons and families;

"(D) alleviate overcrowding in rural residences inhabited by low- and very low-income persons and families; and

"(E) minimize the use of grant funds for administrative purposes,

and shall assess the demonstrated capacity of the grantee to carry out the program as well as the financial feasibility of the program.

"(e) Rehabilitation programs assisted under this section shall—

"(1) be used to provide loans or grants to owners of single family housing in order to cover the cost of repairs and improvements;

"(2) be used to provide loans or grants to owners of multifamily housing, except that rental rehabilitation assistance provided under this subsection for any structure shall not exceed 50 per centum of the total costs associated with the rehabilitation of that structure;

"(3) benefit low- and very low-income persons and families in rural areas, without causing the displacement of current residents;

"(4) raise health and safety conditions to meet those specified in section 509(a); and

"(5) require that the owner of a rental structure rehabilitated with assistance under this section shall not refuse to rent a dwelling unit in the structure to a family solely because the family is receiving rental assistance under section 8 of the United States Housing Act of 1937.

"(f) The Secretary shall, at least on an annual basis, make such review and audits as may be necessary or appropriate to determine whether (1) the grantee has carried out its activities in a timely manner and in accordance with the requirements of this section, and has a continuing capacity to carry out those activities in a timely manner, and (2) the housing payment certificates made available under this section have been administered in accordance with the requirements of the Secretary pursuant to the United States Housing Act of 1937 and of this section. The Secretary may adjust, reduce, or withdraw resources made available to grantees receiving assistance under this section, or take other action as appropriate in accordance with the findings of these reviews and audits, except that resources already expended on eligible activities shall not be recaptured or deducted from future resources made available to the grantee. Any amounts which became available as a result of actions under this subsection shall be reallocated in the year in which they become available to such grantee or grantees as the Secretary may determine.

"(g) The Secretary is authorized to prescribe such rules and regulations and make such delegations of authority as he deems necessary to carry out this section within ninety days after the date of enactment of this section.

"(h) The Secretary shall establish procedures which support national historic preservation objectives and which assure that, if any rehabilitation proposed to be assisted under this section would affect property that is included or is eligible for inclusion on the National Register of Historic Places, such activity shall not be undertaken unless (1) it will reasonably meet the standards for rehabilitation issued by the Secretary of the Interior and the appropriate State historic preservation officer is afforded the opportunity to comment on the specific rehabilitation plan, or (2) the Advisory Council on Historic Preservation is afforded an opportunity to comment on cases for which the recipient of assistance, in consultation with the State historic preservation officer, determines that the proposed rehabilitation activity cannot reasonably meet such standards or would adversely affect historic property as defined therein.

"(i) Not later than one hundred and eighty days after the close of each fiscal year in which assistance under this section is furnished, the Secretary shall submit to the Congress a report which shall contain—

"(1) a description of the progress made in accomplishing the objectives of this section; and

"(2) a summary of the use of such funds during the preceding year.

The Secretary is authorized to require grantees under this section to submit to him such reports, and other information as may be necessary in order for the Secretary to make the report required by this subsection.".

MISCELLANEOUS

SEC. 519. Title V of the Housing Act of 1949 is amended by adding at the end thereof the following:

"REVIEW OF RULES AND REGULATIONS

"SEC. 533. (a) Notwithstanding any other provision of law, no rule or regulation pursuant to this title may become effective unless it has first been published for public comment in the Federal Register for at least sixty calendar days.

"(b) The Secretary shall transmit to the chairman and ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House, all rules and regulations at the time they are sent to the Federal Register for purposes of subsection (a).

"(c) The provisions of this section shall not apply to a rule or regulation which the Secretary certifies is issued on an emergency basis.".

TITLE VI—PROGRAM AMENDMENTS AND EXTENSIONS

EXTENSION OF FEDERAL HOUSING ADMINISTRATION MORTGAGE INSURANCE PROGRAMS

SEC. 601. (a) Section 2(a) of the National Housing Act is amended by striking out "May 21, 1983" in the first sentence and inserting in lieu thereof "October 1, 1985".

(b) Section 217 of such Act is amended—

(1) by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1985";

(2) by inserting "section 222," after "section 221,"; and

(3) by inserting "made on or" before "before".

(c) The fifth sentence of section 221(f) of such Act is amended—

(1) by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1985"; and

(2) by inserting "made on or" before "before".

(d) Section 222 of such Act is amended by adding a new subsection at the end thereof as follows:

"(h) No mortgage may be insured under this section after May 20, 1983, except pursuant to a commitment to insure made before that date.".

(e) Section 232 of such Act is amended by adding a new subsection at the end thereof as follows:

"(j) No mortgage may be insured under this section after September 30, 1985, except pursuant to a commitment to insure made before that date.".

(f) Section 235 (m) of such Act is amended by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1984".

(g) Section 242 of such Act is amended by adding a new subsection at the end thereof as follows:

"(i) No mortgage may be insured under this section after September 30, 1985, except pursuant to a commitment to insure made before that date.".

(h) Section 242 of such Act is amended—

(1) by inserting "public facility," in subsection (b)(1)(C) after "which is a", and

(2) by inserting the following before the period at the end of subsection (f): ", and, in the case of public hospitals, to encourage programs which are undertaken to provide essential health care services to all residents of a community regardless of ability to pay".

(i) The first sentence of section 244(d) of such Act is amended—

(1) by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1985"; and

(2) by inserting "on or" before "before".

(j) The second sentence of section 1002(a) of such Act is amended—

(1) by striking out "May 20, 1983" and inserting in lieu thereof "September 30, 1985"; and

(2) by inserting "on or" before "before".

AUTHORIZATION FOR APPROPRIATIONS TO COVER LOSSES TO THE GENERAL INSURANCE FUND

SEC. 602. Section 519(f) of the National Housing Act is amended—

(1) by inserting "such sums as may be necessary" immediately after "appropriated"; and

(2) by striking out all that follows "Fund" and inserting in lieu thereof a period.

RESEARCH AUTHORIZATIONS

SEC. 603. The second sentence of section 501 of the Housing and Urban Development Act of 1970 is amended by striking out "and" each time it appears, and inserting immediately after "1982" the following: ", not to exceed $18,000,000 for the fiscal year 1983, not to exceed $18,000,000 for the fiscal year 1984, and not to exceed $18,000,000 for the fiscal year 1985".

SPECIAL ASSISTANCE AND EMERGENCY MORTGAGE PURCHASE ASSISTANCE FUNCTIONS OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SEC. 604. (a) Sections 305 and 313 of the Federal National Mortgage Association Charter Act and section 3(b) of the Emergency Home Purchase Assistance Act of 1974 are hereby repealed.

(b) Any purchase or commitment to purchase any mortgage pursuant to section 305 or 313 of the Federal National Mortgage Association Charter Act made before September 30, 1983, and the servicing and disposition of any such mortgage, shall continue to be governed by the provisions of such sections as they existed immediately before the effective date of this section.

ELIMINATION OF REQUIREMENT THAT FEDERAL HOUSING ADMINISTRATION INTEREST RATES BE SET BY LAW

SEC. 605. (a) Sections 3 and 4 of Public Law 90-301 are hereby repealed.

(b) The National Housing Act is amended in the following respects:

(1) Section 2(b)(5) is amended to read as follows:

"(5) No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it unless the obligation has such maturity, bears such insurance premium charges, and contains such other terms, conditions, and restrictions as the Secretary shall prescribe, in order to make credit available for the purpose of this title. Any such obligation with respect to which insurance is granted under this section shall bear interest at such rate as may be agreed upon by the borrower and the financial institution.".

(2) Section 203(b)(5) is amended to read as follows:

"(5) Bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee.".

(3) Section 203(k)(3)(B) is amended to read as follows:

"(B) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee;".

(4) The first sentence of the first undesignated paragraph of section 207(c)(3) is amended to read as follows: "The mortgage shall provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and shall bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee.".

(5) The first sentence of section 213(d) is amended to read as follows: "Any mortgage insured under this section shall provide for complete amortization by periodic payments within such term as the Secretary may prescribe but not to exceed forty years from the beginning of amortization of the mortgage, and shall bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee.".

(6) The second sentence of section 220(d)(4) is amended to read as follows: "The mortgage shall bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee and contain such terms and provisions with respect to the application of the mortgagor's periodic payment to amortization of the principal of the mortgage, insurance, repairs, alterations, payment of taxes, default reserves, delinquency charges, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Secretary may in the Secretary's discretion prescribe.".

(7) Section 220(h)(2)(iii) is amended to read as follows:

"(iii) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee;".

(8) Section 221(d)(5) is amended by striking out "(exclusive" and all that follows through "mortgage market" and inserting in lieu thereof the following: "at such rate as may be agreed upon by the mortgagor and the mortgagee".

(9) Section 231(c)(6) is amended to read as follows:

"(6) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee; and".

(10) Section 232(d)(3)(B) of such Act is amended to read as follows:

"(B) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee.".

(11) The first sentence of section 234(f) is amended to read as follows: "Any blanket mortgage insured under subsection (d) shall provide for complete amortization by periodic payments within such terms as the Secretary may prescribe but not to exceed forty years from the beginning of amortization of the mortgage, and shall bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee.".

(12) Section 235(i)(3) is amended—

(A) by striking out "and" at the end of subparagraph (D);

(B) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof "; and" and

(C) by adding the following new subparagraph at the end thereof:

"(F) bear interest at a rate not to exceed such per centum per annum on the amount of the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market, taking into consideration the yields on mortgages in the primary and secondary markets.".

(13) Section 240(c)(4) is amended to read as follows:

"(4) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee;".

(14) Section 241(b)(3) is amended to read as follows:

"(3) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee;".

(15) Section 242(d)(3)(B) of such Act is amended to read as follows:

"(B) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee.".

(16) Section 1002(d)(2) is amended to read as follows:

"(2) bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee: *Provided*, That the Secretary may agree to a reasonable extension of the term of a mortgage, the maturity of which is limited by this paragraph to not more than ten years, if the Secretary determines that unusual or unforeseen circumstances make such extension necessary to avoid undue hardship to the mortgagor;".

AMENDMENT TO SECTION 367(b)(2)(A) OF THE MULTIFAMILY MORTGAGE FORECLOSURE ACT OF 1981

SEC. 606. Section 367(b)(2)(A) of the Multifamily Mortgage Foreclosure Act of 1981 is amended by inserting before the period at the end thereof the following: ", or the Secretary shall assist tenants in finding housing and for such purpose shall provide housing assistance under section 8(d) of the United States Housing Act of 1937 for such tenants".

TREATMENT OF FEDERAL HOUSING ADMINISTRATION SINGLE FAMILY PREMIUMS

SEC. 607. (a) Section 203 of the National Housing Act is amended by inserting the following new subsection immediately after subsection (c):

"(d) Notwithstanding any provision of this title governing maximum mortgage amounts for insuring a mortgage secured by a one- to four-family dwelling, the maximum amount of the mortgage determined under any such provision may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured.".

(b)(1) The first sentence of section 203(b)(2) of such Act is amended by striking out the following: ": *Provided*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured".

(2) Section 213(b)(2) of such Act is amended by striking out the following: ": *Provided further*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured".

(3) Section 221(d)(2)(A) of such Act is amended by striking out the following: ": *Provided further*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured".

(4) Clause (A) of the third sentence of section 234(c) of such Act is amended by striking out the following: ": *Provided*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured".

(5) Section 235(i) of such Act is amended—

(A) by striking out in paragraph (3)(B) the following: ": *Provided*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured";

(B) by striking out in paragraph (3)(C) the following: ": *Provided*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured"; and

(C) by striking out in paragraph (3)(D) the following: ": *Provided*, That the foregoing maximum mortgage amounts may be increased by the amount of the mortgage insurance premium paid at the time the mortgage is insured".

(c) The amendments made by this section may be implemented only if the Secretary determines that the program of advance payment of insurance premiums, with specific regard to the effect of the provisions authorized by the amendments made by such sections, is actuarially sound.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION AND FEDERAL HOUSING ADMINISTRATION LIMITATIONS

SEC. 608. (a) Section 306(g) of the National Housing Act is amended by adding at the end thereof the following:

"(3) During fiscal year 1984, the Association may not enter into commitments to issue guarantees under this subsection in an aggregate amount in excess of $68,250,000,000.".

(b) Section 531 of the National Housing Act is amended—

(1) by inserting "(a)" after "SEC. 531."; and

(2) by adding at the end thereof the following:

"(b) During fiscal year 1984, the Secretary may not enter into commitments to insure loans and mortgages under this Act in an aggregate principal amount in excess of $46,000,000,000.".

REPEAL OF REQUIREMENT TO PUBLISH PROTOTYPE HOUSING COSTS FOR ONE- TO FOUR-FAMILY DWELLING UNITS

SEC. 609. The Housing and Community Development Act of 1977 is amended by striking out section 904.

INCREASED LOAN LIMITS FOR MANUFACTURED HOMES AND LOTS UNDER TITLE I OF THE NATIONAL HOUSING ACT

SEC. 610. (a) Section 2(b)(1) of the National Housing Act is amended—

(1) by striking out "$22,500" and all that follows through "modules)" in subparagraph (C) and inserting in lieu thereof "$40,500";

(2) by striking out "$35,000" and all that follows through "modules)" in subparagraph (D) and inserting in lieu thereof "$54,000"; and

(3) by striking out "such an amount as may be necessary, but not exceeding $12,500," in subparagraph (E) and inserting in lieu thereof "$13,500".

(b) Section 2(b)(2) of such Act is amended by striking out the second sentence and inserting in lieu thereof the following: "In other areas, the maximum dollar amounts specified in subsections (b)(1)(D) and (b)(1)(E) may be increased on an area-by-area basis to the extent the Secretary deems necessary, but not to exceed the percentage by which the maximum mortgage amount of a one-family residence in the area is increased by the Secretary under section 203(b)(2) of this Act.".

REFINANCING MANUFACTURED HOMES UNDER TITLE I OF THE NATIONAL HOUSING ACT

SEC. 611. Section 2(b)(6) of the National Housing Act is amended by adding at the end thereof the following new subparagraph:

"(C) The owner-occupant of a manufactured home or a home and lot which was purchased without assistance under this section but which otherwise meets the requirements of this section may refinance such home or home and lot under this section if the home was constructed in accordance with standards established under section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974.".

CHANGE IN MAXIMUM LOAN-TO-VALUE RATIO FOR MODESTLY PRICED SINGLE FAMILY HOMES

SEC. 612. (a) Section 203(b)(2) of the National Housing Act is amended—

(1) by striking out "(except as provided in the next to the last sentence of this paragraph)" in the first sentence and inserting in lieu thereof the following: "(except as otherwise provided in this paragraph)"; and

(2) by inserting after the first sentence the following: "If the mortgage to be insured under this section covers property on which there is located a one- to four-family residence to be occupied as the principal residence of the owner, and the appraised value of the property, as of the date the mortgage is accepted for insurance, does not exceed $50,000, the principal obligation may be in an amount not to exceed 97 per centum of such appraised value.".

(b) The amendment made by subsection (a) shall take effect only if the Secretary finds and reports to the Congress that such amendment, taking into account the higher loan-to-value ratio resulting from the advance payment of mortgage insurance premiums, will not adversely affect the actuarial soundness of the Federal Housing Administration mortgage insurance program.

NONOCCUPANT SINGLE FAMILY MORTGAGORS

SEC. 613. Section 203(b)(8) of the National Housing Act is amended by striking out all that follows "an amount equal to" through "subsection:" and inserting in lieu thereof the following: "the lesser of (A) the otherwise applicable maximum dollar amount prescribed under paragraph (2) of this subsection, or (B) 85 per centum of the appraised value of the property as of the date the mortgage is accepted for insurance:".

PREMIUM CHARGES FOR INSURANCE OF ALTERNATIVE MORTGAGE INSTRUMENTS

SEC. 614. The first proviso in section 203(c) of the National Housing Act is amended by inserting after "fixed for insurance" the following: "(1) under section 245, 247, 248, or 249, or any other financing mechanism providing alternative methods for repayment of a mortgage which is determined by the Secretary to involve additional risk, or (2)".

SHELL HOME CONSTRUCTION

SEC. 615. (a) Section 203(k)(1) of the National Housing Act is amended—

(1) by striking out "The Secretary may, in order to assist in" in the first sentence and inserting in lieu thereof the following: "In order to assist in (A)";

(2) by striking out all that follows "purposes," in the first sentence and inserting in lieu thereof the following: "or (B) the purchase, construction, and completion of one-family shell homes, the Secretary is authorized to insure and make commitments to insure rehabilitation loans and shell home mortgage loans made by financial institutions, including advances made during rehabilitation or shell home purchase, construction, and completion."; and

(3) by adding at the end thereof the following: "The number of shell home mortgages which may be so insured in any fiscal year may not exceed thirty thousand.".

(b) Section 203(k)(2) of such Act is amended—

(1) by striking out "and" at the end of subparagraph (A)(iii);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding the following new subparagraph at the end thereof:

"(C) the term 'shell home mortgage' means a mortgage loan made for the purpose of financing the costs (including the provision of any necessary materials, appliances and specialized labor) of the purchase and development of a site; the purchase and construction on the site of a one-family shell home, as defined by the Secretary; and the completion of the shell home, which shall be owner-occupied.".

(c) Section 203(k)(3) of such Act is amended—

(1) by striking out "a rehabilitation loan shall" and inserting in lieu thereof "a loan shall";

(2) by inserting after "(A)" the following: "(i) in the case of a rehabilitation loan,"; and

(3) by inserting the following immediately after subparagraph (A):

"(ii) in the case of a shell home mortgage loan, involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve) not exceeding the amount specified in subsection (b)(2), except that the Secretary shall establish as the appraised value of the property an amount not to exceed the sum of the appraised value of the site, the estimated costs of site development, and the estimated costs of purchase, construction and completion of the one-family shell home;".

(d) Section 203(k)(4) of such Act is amended by striking out "rehabilitation loan" and inserting in lieu thereof "loan or mortgage".

(e) Section 203(k) of such Act is amended by adding at the end thereof the following:

"(6) For the purpose of making one-family shell homes insured under this subsection more affordable to borrowers, the Secretary shall, to the maximum extent feasible, encourage borrowers to contribute the value of their labor as equity in the property.".

PAYMENT OF CLAIMS WITHOUT ACQUISITION OF TITLE

SEC. 616. (a) Section 204(a) of the National Housing Act is amended—

(1) by striking out "Upon such conveyance and assignment" in the second sentence and inserting in lieu thereof the following: "The Secretary is also authorized, in accordance with such regulations as the Secretary may prescribe, to make the benefit of the insurance as hereinafter provided available to the mortgagee, notwithstanding any provision of this section requiring conveyance of title to the property to the Secretary, (1) upon sale of the insured property at foreclosure, where such sale is for at least the fair market value of the property (with appropriate adjustments), as determined by the Secretary, and (2) upon the assignment to the Secretary of all claims referred to in clause (2) of the preceding sentence. The payment of benefits under the preceding sentence may be made for any mortgage insured pursuant to a commitment to insure issued on or after the effective date of the Housing and Community Development Act of 1983 and, with the approval of the mortgagee, for any mortgage insured pursuant to a commitment issued before that date. Upon the conveyance and assignment referred to in the first sentence of this section or the sale and assignment referred to in the second sentence of this subsection,"; and

(2) by striking out "and any amount" and all that follows through the colon immediately preceding the first proviso of the final sentence and inserting in lieu thereof the following: "any amount received as rent or other income from the property, less reasonable expenses incurred in handling the property, after either of such dates, and, in

the case of insurance benefits paid in accordance with the second sentence of this section, any amount received upon the foreclosure sale of the property:".

(b) Section 204(j) of such Act is amended by inserting after "under section 203" the following: "(other than a mortgagee receiving insurance benefits under the second sentence of subsection (a))".

DISCRETIONARY AUTHORITY TO REGULATE RENTS OR CHARGES

SEC. 617. (a) Section 207(b)(2) of the National Housing Act is amended—

(1) by striking out "any other mortgagor approved by the Secretary" and all that follows through "reasonable return on the investment." and inserting in lieu thereof the following: "any other mortgagor approved by the Secretary. The Secretary may, in the Secretary's discretion, require any such mortgagor to be regulated or restricted as to rents or sales, charges, capital structure, rate of return, and methods of operation so as to provide reasonable rentals to tenants and a reasonable return on the investment. Any such regulations or restrictions shall continue for such period or periods as the Secretary, in the Secretary's discretion, may require, including until the termination of all obligations of the Secretary under the insurance and during such further period of time as the Secretary shall be the owner, holder, or reinsurer of the mortgage.";

(2) by striking out "render effective the regulations or restrictions" and inserting in lieu thereof "render effective any such regulations or restrictions"; and

(3) by striking out "and directed" in the second sentence of the first undesignated paragraph.

(b) Section 234(d)(2) of such Act is amended—

(1) by striking out "shall be regulated or restricted by the Secretary" and inserting in lieu thereof "may, in the Secretary's discretion, be regulated or restricted"; and

(2) by striking out "the regulation and restriction" and inserting in lieu thereof "any such regulation or restriction".

MORTGAGE INSURANCE FOR MANUFACTURED HOME PARKS FOR THE ELDERLY

SEC. 618. The first sentence of the second undesignated paragraph of section 207(b) of the National Housing Act is amended by striking out "no mortgage shall be insured hereunder" and inserting in lieu thereof the following: "the Secretary shall not insure any mortgage under this section (except a mortgage with respect to a manufactured home park designed exclusively for occupancy by elderly persons)".

REMOVAL OF REFINANCING LIMITATIONS ON CERTAIN MULTIFAMILY PROJECTS

SEC. 619. (a) Section 220(d)(3)(B)(ii) of the National Housing Act is amended by striking out "*Provided further,*", the first time it appears, and all that follows through "property or project:".

(b) Section 221(d)(3)(iii) of such Act is amended—

(1) by striking out "*Provided,* That" and all that follows through "property or project:"; and

(2) by striking out "*further*" the first time it appears.

(c) Section 221(d)(4)(iv) of such Act is amended—

(1) by striking out "*Provided,* That" and all that follows through "property or project:"; and

(2) by striking out "*further*" the first time it appears.

ASSIGNMENT OF SECTION 221(g)(4) MORTGAGES TO GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SEC. 620. Section 221(g)(4) of the National Housing Act is amended by inserting "(A)" after the paragraph designation "(4)" and by adding the following new subparagraph at the end thereof:

"(B) In processing a claim for insurance benefits under this paragraph, the Secretary is authorized to direct the mortgagee to assign, transfer, and deliver the original credit instrument and the mortgage securing it directly to the Government National Mortgage Association in lieu of assigning, transferring, and delivering the credit instrument and the mortgage to the Secretary. Upon the assignment, transfer, and delivery of the credit instrument and the mortgage to the Association, the mortgage insurance contract shall terminate and the mortgagee shall receive insurance benefits as provided in subparagraph (A). The Association is authorized to accept such loan documents in its own name and to hold, service, and sell such loans as agent for the Secretary. The mortgagor's obligation to pay a service charge in lieu of a mortgage insurance premium shall continue as long as the mortgage is held by the Association or by the Secretary. The Secretary shall have the same authority with respect to mortgages assigned to the Secretary or the Association under this subparagraph as provided by section 223(c).".

TERMINATION OF SECTION 221 BUY-BACK PROVISION

SEC. 621. The first sentence of section 221(g)(4)(A) of the National Housing Act, as redesignated by section 620 of this Act, is amended by inserting immediately after "this section" the following: "pursuant to a commitment to insure entered into before the effective date of the Housing and Community Development Act of 1983".

FEDERAL HOUSING ADMINISTRATION INSURANCE FOR CONDOMINIUM UNITS

SEC. 622. (a) The first sentence of section 234(c) of the National Housing Act is amended by striking out "(2)" and all that follows up to the period at the end thereof and inserting in lieu thereof "and (2) at least 80 per centum of the units in the project covered by mortgages insured under this title are occupied by the mortgagors or comortgagors".

(b) The third sentence of section 234(c) of such Act is amended by striking out clause (A) and inserting in lieu thereof the following: "(A) involve a principal obligation in an amount not to exceed the maximum principal obligation of a mortgage which may be insured in the area pursuant to section 203(b)(2),".

(c) Section 234 of such Act is amended by adding at the end thereof the following:

"(k) With respect to a unit in any project which was converted from rental housing, no insurance may be provided under this section unless (1) the conversion occurred more than one year prior to the application for insurance, (2) the mortgagor or comortgagor was a tenant of that rental housing, or (3) the conversion of the property is sponsored by a bona fide tenants' organization representing a majority of the households in the project.".

GRADUATED PAYMENT MORTGAGES FOR MULTIFAMILY AND SINGLE FAMILY HOUSING

SEC. 623. Section 245 of the National Housing Act is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) The Secretary may insure under any provision of this title mortgages and loans with provisions of varying rates of amortization corresponding to anticipated variations in family or, as appropriate, project income, to the extent the Secretary determines such mortgages or loans (1) have promise for expanding housing opportunities or meet special needs, (2) can be developed to include any safeguards for mortgagors, tenants or purchasers that may be necessary to offset special risks of such mortgages, and (3) have a potential for acceptance in the private market. A mortgage or loan may not be insured pursuant to this section after September 30, 1985, except pursuant to a commitment entered into on or before that date.

"(b) Notwithstanding any other provision of this title, the principal obligation of a mortgage or loan insured pursuant to this section involving property upon which there is located a dwelling designed principally for occupancy by one to four families—

"(1) shall not initially exceed the percentage of the initial appraised value of the property specified in section 203(b) of this title as of the date the mortgage or loan is accepted for insurance; and

"(2) thereafter (including interest to be deferred and added to principal) (A) shall not at any time be scheduled to exceed 97 per centum, or, if the mortgagor is a veteran, such higher percentage as is provided under section 203(b)(2) for veterans, of the projected value of the property, and (B) shall not exceed 113 per centum of the initial appraised value of the property.

"(c) Notwithstanding any other provision of this title, the principal obligation of a mortgage or loan insured pursuant to this section involving property upon which there are located five or more dwelling units—

"(1) shall not initially exceed the percentage of value or replacement cost required by the provision under which the property is insured; and

"(2) thereafter (including all interest to be deferred and added to principal) shall not at any time be scheduled to exceed 100 per centum of the projected value of the property.

"(d) For purposes of this section, the Secretary shall calculate the projected value of the property by increasing the initial value of the property, as determined by the Secretary, at a rate not in excess of 2½ per centum per annum.".

ADJUSTABLE RATE MORTGAGES FOR SINGLE FAMILY HOUSING

SEC. 624. Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"ADJUSTABLE RATE SINGLE FAMILY MORTGAGES

"SEC. 247. (a) The Secretary may insure under any provision of this title a mortgage involving property upon which there is located a dwelling designed principally for occupancy by one to four families, where the mortgage provides for periodic adjustments by the mortgagee in the effective rate of interest charged. These interest rate adjustments may be accomplished through adjustments in the monthly payment amount, the outstanding principal balance, or the mortgage term, or a combination of these factors, except that in no case may any extension of a mortgage term result in a total term in excess of forty years. Adjustments in the effective rate of interest shall correspond to a specified national interest rate index approved in regulations by the Secre-

tary, information on which is readily accessible to mortgagors from generally available published sources. Adjustments in the effective rate of interest shall (1) be made on an annual basis; (2) be limited, with respect to any single interest rate increase, to no more than 1 per centum on the outstanding loan balance; and (3) be limited to a maximum increase of 5 percentage points above the initial contract interest rate over the term of the mortgage. A mortgage may not be insured pursuant to this section after September 30, 1985, except pursuant to a commitment entered into on or before that date.

"(b) The Secretary shall issue regulations requiring that the mortgagee make available to the mortgagor, at the time of loan application, a written explanation of the features of the adjustable rate mortgage, including, but not limited to, a hypothetical payment schedule which displays the maximum potential increases in monthly payments to the mortgagor over the first five years of the mortgage term.

"(c) The number of mortgages and loans insured pursuant to this section in any fiscal year may not exceed one hundred and twenty-five thousand mortgages.".

SHARED APPRECIATION MORTGAGES FOR SINGLE FAMILY HOUSING

SEC. 625. Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"SHARED APPRECIATION MORTGAGES FOR SINGLE FAMILY HOUSING

"SEC. 248. (a) Notwithstanding any provision of this title which is inconsistent with this section, the Secretary may insure, under any provision of this title providing for insurance of mortgages on properties upon which there is located a dwelling designed principally for occupancy by one to four families, a mortgage secured by a first lien on such a property or on the stock allocated to a dwelling unit in a residential cooperative housing corporation, which—

"(1) provides for the mortgagee to share in a predetermined percentage of the property's or stock's net appreciated value;

"(2) bears interest at a rate which meets criteria prescribed by the Secretary;

"(3) provides for amortization over a period of not to exceed thirty years, but the actual term of the mortgage (excluding any refinancing) may be not less than ten nor more than thirty years, and contains such provisions relating to refinancing of the principal balance of the mortgage and any contingent deferred interest as the Secretary may provide; and

"(4) meets such other conditions as the Secretary may require by regulation.

"(b) The mortgagee's share of a property's or stock's net appreciated value shall be payable upon sale or transfer (as defined by the Secretary) of the property or stock or payment in full of the mortgage, whichever occurs first. For purposes of this section, the term 'net appreciated value' means the amount by which the sales price of the property or stock (less the mortgagor's selling costs) exceeds the value of the property or stock at the time the commitment to insure is issued (with adjustments for capital improvements stipulated in the loan contract). If there has been no sale or transfer at the time the mortgagee's share of net appreciated value becomes payable, the sales price for purposes of this section shall be determined by means of an appraisal conducted in accordance with procedures approved by the Secretary and provided for in the mortgage.

"(c) In the event of a default, the mortgagee shall be entitled to receive the benefits of insurance in accordance with section 204(a) of this title, but such insurance benefits shall not include the mortgagee's share of net appreciated value. The term 'original principal obligation of the mortgage' as used in section 204 shall not include the mortgagee's share of net appreciated value.

"(d) Mortgages insured pursuant to this section which contain provisions for sharing appreciation or which otherwise require or permit increases in the outstanding loan balance which are authorized under this section or under applicable regulations shall not be subject to any State constitution, statute, court decree, common law, rule, or public policy limiting or prohibiting increases in the outstanding loan balance after execution of the mortgage.

"(e) In carrying out the provisions of this section, the Secretary shall give a priority to low and moderate income tenants who may be affected by the conversion of rental housing to condominium or cooperative ownership.

"(f) The Secretary shall prescribe adequate consumer protections and disclosure requirements with respect to mortgages insured under this section, and may prescribe such other terms and conditions as may be appropriate to carry out the provisions of this section.

"(g) The number of mortgages insured pursuant to this section in any fiscal year may not exceed fifty thousand.

"(h) A mortgage may not be insured pursuant to this section after September 30, 1985, except pursuant to a commitment entered into before that date.".

SHARED APPRECIATION MORTGAGES FOR MULTIFAMILY HOUSING

SEC. 626. (a) Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"SHARED APPRECIATION MORTGAGES FOR MULTIFAMILY HOUSING

"SEC. 249. (a) Notwithstanding any provision of this title which is inconsistent with this section, the Secretary may insure, under any provision of this title providing for insurance of mortgages on properties including five or more family units, a mortgage secured by a first lien on the property which (1) provides for the mortgagee to share in a predetermined percentage of the property's net appreciated value, and (2) meets such other conditions, including limitations on the rate of interest which may be charged, as the Secretary may require by regulation.

"(b) The mortgagee's share of a property's net appreciated value shall be payable upon maturity or upon payment in full of the loan or sale or transfer (as defined by the Secretary) of the property, whichever occurs first. The term of the mortgage shall not be less than fifteen years, and shall be repayable in equal monthly installments of principal and fixed interest during the mortgage term in an amount which would be sufficient to retire a debt with the same principal and fixed interest rate over a period not exceeding thirty years. In the case of a mortgage which will not be completely amortized during the mortgage term, the principal obligation of the mortgage may not exceed 85 per centum of the estimated value of the property or project. For purposes of this section, the term 'net appreciated value' means the amount by which the sales price of the property (less the mortgagor's selling costs) exceeds the value (or replacement cost, as appropriate) of the property at the time the commitment to insure is issued (with adjustments for capital improvements stipulated in the loan contract). If there has been no sale or transfer at the time the mortgagee's share of net appreciated value becomes payable, the sales price for purposes of this section shall be determined by means of an appraisal conducted in accordance with procedures approved by the Secretary and provided for in the mortgage.

"(c) In the event of a default, the mortgagee shall be entitled to receive the benefits of insurance in accordance with section 204 of this title, but such insurance benefits shall not include the mortgagee's share of net appreciated value. The term 'original principal obligation of the mortgage' as used in section 204(a) shall not include the mortgagee's share of net appreciated value.

"(d) The Secretary shall establish by regulation the maximum percentage of net appreciated value which may be payable to a mortgagee as the mortgagee's share. The Secretary shall also establish disclosure requirements applicable to mortgagees making mortgage loans pursuant to this section, to assure that mortgagors are informed of the characteristics of such mortgages.

"(e) Mortgages insured pursuant to this section which contain provisions for sharing appreciation or which otherwise require or permit increases in the outstanding loan balance which are authorized under this section or under applicable regulations shall not be subject to any State constitution, statute, court decree, common law, rule, or public policy limiting or prohibiting increases in the outstanding loan balance after execution of the mortgage.

"(f) The number of mortgages insured pursuant to this section in any fiscal year may not exceed fifty thousand.

"(g) A mortgage may not be insured pursuant to this section after September 30, 1984, except pursuant to a commitment entered into before that date.".

(b) The first sentence of the first undesignated paragraph of section 207(c)(3) of such Act is amended by inserting immediately after "periodic payments" the following: "(unless otherwise approved by the Secretary)".

(c) Section 220(d)(4) of such Act is amended by inserting after "periodic payments" the following: "(unless otherwise approved by the Secretary)".

(d) Section 221(d)(6) of such Act is amended by inserting after "periodic payments" the following: "(unless otherwise approved by the Secretary)".

(e) Section 231(c)(5) of such Act is amended by inserting after "periodic payments" the following: "(unless otherwise approved by the Secretary)".

DEMONSTRATION AUTHORITY TO INSURE HOME EQUITY CONVERSION MORTGAGES FOR ELDERLY HOMEOWNERS

SEC. 627. (a) Title II of the National Housing Act is amended by adding at the end thereof the following new section:

"DEMONSTRATION AUTHORITY TO INSURE HOME EQUITY CONVERSION MORTGAGES FOR ELDERLY HOMEOWNERS

"SEC. 250. (a) The purpose of this section is to authorize a demonstration mortgage insurance program designed to—

"(1) meet the special needs of elderly homeowners by reducing the effect of economic hardship caused by the rising costs of meeting health, housing and subsistence needs at a time of reduced income, through

the insurance of home equity conversion mortgages to permit the conversion of a portion of accumulated home equity into liquid assets;

"(2) encourage and increase the involvement of mortgagees and secondary market participants (lenders and investors) in the making and servicing of home equity conversion mortgages for elderly homeowners; and

"(3) require the evaluation of data to determine—

"(A) the extent of the need and demand among elderly homeowners for insured and uninsured home equity conversion mortgages;

"(B) the types of home equity conversion mortgages which best serve the needs and interests of elderly homeowners, the Federal Government and lenders; and

"(C) the appropriate scope and nature of participation by the Secretary in connection with home equity conversion mortgages for elderly homeowners.

"(b) For purposes of this section—

"(1) The terms 'elderly homeowner' and 'homeowner' mean any homeowner (or homeowners) at least sixty-five years old or such higher age as the Secretary may prescribe.

"(2) The term 'home equity conversion mortgage' means a loan, secured by a first lien on the property, which provides for periodic and/or lump-sum payments to the homeowners based upon accumulated equity and which may provide for a fixed or variable term or for future sharing, between the lender and the homeowner, of the equity or appreciation in the value of the property. Such mortgages shall provide that—

"(A) the loan becomes due on the earlier of a specified date after disbursement of the full principal amount or when a specified event occurs, such as sale of the property or death of the homeowner;

"(B) periodic payments, if provided for in the mortgage instrument, are made directly by the lender or are made through purchase of an annuity from an insurance company authorized to engage in such business and supervised by the State in which it is incorporated; and are made monthly or upon such terms as agreed to by the parties;

"(C) lump sum payments, if provided for in the mortgage instrument, are used by the homeowner to purchase a deferred annuity or to pay for major housing or other needs as determined by the homeowner;

"(D) prepayment in whole or in part may be made without penalty at any time during the term of the loan; and

"(E) the interest rate may be fixed or adjusted periodically as may be agreed upon by the mortgagor and the mortgagee.

"(c) The Secretary is authorized, upon application by the mortgagee, to insure as hereinafter provided any home equity conversion mortgage which is eligible for insurance as hereinafter provided, and, upon such terms and conditions as the Secretary may prescribe, to make commitments for the insurance of such mortgages prior to the date of their execution or disbursement thereon to the extent that the Secretary determines such mortgages—

"(1) have promise for improving the financial situation or otherwise meeting the special needs of elderly homeowners;

"(2) can be developed to include any safeguards for mortgagors that may be necessary to offset the special risks of such mortgages; and

"(3) have a potential for acceptance in the private market.

"(d) To be eligible for insurance under this section, a mortgage shall—

"(1) have been made to, and be held by, a mortgagee approved by the Secretary as responsible and able to service the mortgage properly;

"(2) have been executed by a mortgagor who qualifies as an elderly homeowner and meets requirements prescribed by the Secretary;

"(3) be secured by a property which is designed principally as a one-family residence and which is occupied by the mortgagor;

"(4) involve a principal obligation (including such initial service charges, appraisal, inspections, and other fees as the Secretary shall approve, and all interest to be deferred and added to the principal) which does not exceed the lesser of the maximum area dollar limitation for a one-family residence set forth in section 203(b)(2) of this Act and 90 per centum of the appraised value of the property as of the date the mortgage is accepted for insurance;

"(5) permit an interest rate to be fixed or adjusted periodically as may be agreed upon by the mortgagor and the mortgagee;

"(6) contain provisions for full satisfaction of the obligation satisfactory to the Secretary; and

"(7) contain such terms and provisions with respect to insurance, repairs, alterations, payment of taxes, default reserve, delinquency charges, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Secretary may prescribe.

"(e) The mortgagee shall be eligible to receive the benefits of insurance as provided in section 204(a) of this Act with respect to mortgages insured under this section (except that in the case of a mortgage providing for shared appreciation, the insurance benefits shall not include the mortgagee's share of net appreciated value and the term 'original principal obligation of the mortgage' as used in section 204 shall not include the mortgagee's share of net appreciated value), and the provisions of subsections (b), (c), (d), (e), (f), (g), (h), (j), and (k) of section 204 of this Act shall be applicable to such mortgages insured under this section, except that all references therein to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the General Insurance Fund and all references therein to section 203 shall be construed to this section.

"(f) The Secretary shall require that the mortgagee make available to the homeowners, at the time of loan application, a written explanation of the features of the home equity conversion mortgage. The explanation shall include, but is not limited to, its effect on tax and estate planning and homeowner eligibility for governmental benefits and other assistance.

"(g) No mortgage may be insured under this section after September 30, 1986, except pursuant to a commitment to insure issued on or before that date. The total number of mortgages insured under this section may not exceed one thousand.

"(h) The Secretary is authorized to (1) enter into such contracts and agreements with Federal, State, and local units of government, public and private entities and others as the Secretary determines to be necessary or desirable to carry out the purposes of this section, and (2) make such investigations and studies of data and publish and distribute such reports, as the Secretary determines to be appropriate.

"(i) Mortgages insured and authorized under this section and applicable regulations which contain or set forth provisions pertaining to (1) sharing appreciation, (2) increases in the outstanding balance after execution of the mortgage (including but not limited to adding deferred interest to principal), (3) disbursement of mortgage proceeds over an extended term, or (4) setting of a due date in relation to the earliest of a specified event shall not be subject to any State constitution, statute, court decree, common law, rule or public policy (1) limiting or prohibiting (A) sharing appreciation, (B) increases in the outstanding balance after execution of the mortgage, or (C) disbursement of mortgage proceeds over an extended time, or (2) requiring that the term of the mortgage be fixed.

"(j) Notwithstanding any other provisions of law, and in order to further the purposes of the demonstration program authorized by this section, the Secretary is authorized to take any action necessary to provide the mortgagor with funds to which he or she is entitled under the insured mortgage or ancillary contracts but has not received because of the default of the party responsible for payment, and to obtain repayment of such disbursements so provided from any source. Such actions may include, but are not limited to: (1) disbursing such funds to the mortgagor from the General Insurance Fund; (2) accepting an assignment of the insured mortgage notwithstanding that the mortgagor is not in default under its terms, and calculating the amount and making the payment of the insurance claim on such assigned mortgage; (3) requiring a junior mortgage from the mortgagor at any time in order to secure repayments of any funds advanced or to be advanced to the mortgagor; (4) requiring a subrogation to the Secretary of the rights of any parties to the transaction against any defaulting parties; (5) imposing premium charges; and (6) preempting any State or local law which may prohibit or limit any of the actions enumerated in items (1) through (5) of this subsection.".

(b) The Secretary of Housing and Urban Development shall evaluate the program authorized by section 250 of the National Housing Act and report thereon to the Congress not later than by March 1, 1986. Such report shall specify—

(1) the types of mortgages appropriate for inclusion in the program;

(2) any State or local law restrictions which need to be preempted by subsection (i) or (j) of section 250 of the National Housing Act in order to continue the program;

(3) any changes in Federal Housing Administration insurance or other Federal regulatory provisions deemed appropriate; and

(4) any risk to the Federal Housing Administration or mortgagors of such programs.

Such report shall specifically evaluate whether the program—

(A) has improved the financial situation or otherwise met the special needs of participating elderly homeowners;

(B) included any safeguards for mortgagors to offset the special risks of such mortgages; and

(C) has a potential for acceptance in the private market.

PREPAYMENT

SEC. 628. Title II of the National Housing Act is amended by adding at the end thereof the following:

"PREPAYMENT

"SEC. 251. (a) During any period in which an owner of a multifamily rental housing

project is required to obtain the approval of the Secretary for prepayment of the mortgage, the Secretary shall not accept an offer to prepay the mortgage on such project unless—

"(1) the Secretary has determined that such project is no longer meeting a need for rental housing for low income people in the area or that the needs of lower income families in such project can more efficiently and effectively be met through other Federal housing assistance taking into account the remaining time the project could meet such needs;

"(2) the Secretary (A) has determined that the tenants have been notified of the owner's request for approval of a prepayment, (B) has provided the tenants with an opportunity to comment on the owner's request, and (C) has taken such comments into consideration; and

"(3) the Secretary has ensured that there is a plan for providing relocation assistance for adequate, comparable housing for any lower income tenant who will be displaced as a result of the prepayment and withdrawal of the project from the program.

"(b) In the case of a project assisted under section 236 or the proviso to section 221(d)(5) of this title, section 101 of the Housing and Urban Development Act of 1965, or section 202 of the Housing Act of 1959 where the owner has the right to prepay the mortgage covering the assisted project without the Secretary's approval, the Secretary shall give a priority for additional assistance under section 8 of the United States Housing Act of 1937 and section 201 of the Housing and Community Development Amendments of 1978 to tenants and applicants to become tenants of the project, if—

"(1) funds to provide such additional assistance are available; and

"(2) the Secretary determines that making such additional assistance available to the project is necessary to prevent the owner from prepaying the mortgage.

"(c) Any owner of a multifamily rental housing project referred to in subsection (b) who receives additional assistance under section 8 of the United States Housing Act of 1937 under the priority established by subsection (b) shall—

"(1) fully utilize the assistance which is available;

"(2) grant a priority to applicants to become tenants who have the lowest incomes; and

"(3) maintain the low-income character of the project for a period at least equal to the remaining term of the project mortgage to the extent that assistance is provided.".

STRUCTURAL DEFECTS IN VETERANS' ADMINISTRATION-APPROVED, FEDERAL HOUSING ADMINISTRATION-INSURED NEW HOMES

SEC. 629. Section 518(a) of the National Housing Act is amended by striking out "approved for mortgage insurance prior to the beginning of construction which he finds" and inserting in lieu thereof the following: "which, before the beginning of construction, was approved for mortgage insurance under this Act or for guaranty, insurance, or a direct loan under chapter 37 of title 38, United States Code, and which the Secretary finds".

TIME OF PAYMENT OF MORTGAGE INSURANCE PREMIUMS

SEC. 630. Section 530 of the National Housing Act is amended—

(1) by striking out "promptly upon their receipt from the borrower" and inserting in lieu thereof the following: (1) in the case of loans or mortgages respecting one- to four-family residences, promptly upon their receipt from the borrower, and (2) in any other case, promptly when due to the Secretary";

(2) by inserting "or due date, as appropriate," immediately after "such receipt"; and

(3) by inserting "or after the due date, as appropriate," immediately before "and ending".

NEIGHBORHOOD REINVESTMENT CORPORATION

SEC. 631. Section 608 (a) of the Housing and Community Development Amendments of 1978 is amended—

(1) by striking out "and" after "1981,"; and

(2) by inserting the following before the period at the end thereof: ", not to exceed $15,512,000 for fiscal year 1983, not to exceed $15,512,000 for fiscal year 1984, and not to exceed $15,512,000 for fiscal year 1985".

COOPERATIVE HOUSING

SEC. 632. Section 203(n) of the National Housing Act is amended—

(1) by inserting the following before the period at the end of the second sentence of paragraph (1): "or, if the Secretary has examined and does not disapprove any underlying financing, a project the construction of which was completed more than a year prior to the application for the mortgage insurance"; and

(2) by striking out "nonprofit" in paragraph (2)(A).

NATIONAL INSTITUTE OF BUILDING SCIENCES

SEC. 633. Section 521 of the National Housing Act is amended by adding at the end thereof the following new sentence: "In carrying out this section, the Secretary is authorized to contract with the National Institute of Building Sciences to adopt and implement procedures for the review and acceptance of building systems, components, products, and materials.".

REINSURANCE DEMONSTRATION PROGRAM

SEC. 634. (a) Title II of the National Housing Act is amended by adding at the end thereof the following:

"REINSURANCE CONTRACTS

"SEC. 252. (a) The purpose of this section is to authorize a demonstration mortgage reinsurance program designed to test the feasibility of entering into reinsurance contracts with private mortgage insurers in order to reduce Government risk and administrative costs, and to speed mortgage processing. The Secretary shall limit the demonstration under this section to not more than two regions of the Department of Housing and Urban Development, and shall assure that the program is in the financial interest of the Government and will not result in loss of employment by any employees of the Department of Housing and Urban Development.

"(b) Notwithstanding any other provision of this Act inconsistent with this section, the Secretary is authorized to provide mortgage insurance with respect to one- to four-family dwellings under sections 203(b), 234, and 245 through reinsurance contracts with private mortgage insurance companies which have been determined to be qualified insurers under section 302(b)(2)(C) of this Act. Such contracts shall require private mortgage insurance companies to—

"(1) assume a percentage of loss on any mortgage insured pursuant to sections 203(b), 234, or 245 of this Act covering a one- to four-family dwelling, which percentage of loss shall be set forth in the reinsurance contract; and

"(2) carry out (under appropriate delegation) such credit approval, appraisal, inspection, commitment, claims processing, property disposition, or other function as the Secretary pursuant to regulations, shall approve as consistent with the purposes of this section.

"(c) Any contract of reinsurance under this section shall contain such provisions relating to the sharing of premiums on a sound actuarial basis, establishment of insurance reserves, manner of calculating claims on such insurance, conditions with respect to foreclosure, handling and disposition of property prior to claim or settlement, right of assignees, and other similar matters as the Secretary may prescribe pursuant to regulations. Pursuant to a contract under this section, a private mortgage insurance company shall endorse loans for insurance and take such other actions on behalf of the Secretary and in the Secretary's name as the Secretary may authorize.

"(d) The Secretary shall require any private mortgage insurance company participating in the program under this section to provide reinsurance for those mortgages offered by the Secretary for inclusion in the program.".

(b) The Secretary of Housing and Urban Development shall evaluate the reinsurance program under section 252 of the National Housing Act and shall report thereon to the Congress not later than March 1, 1985. The report shall include an evaluation of the possible effect of a reinsurance program on the characteristics of the pool of mortgages remaining wholly under the General Insurance Fund and the actuarial soundness of the Fund under those conditions.

CANCELLATION OF DEBT OWED THE TREASURY AND LIQUIDATION OF NEW COMMUNITIES PROGRAM

SEC. 635. (a) In order to provide for the management and orderly liquidation of the assets, and discharge the liabilities, acquired or incurred in connection with the new communities program authorized pursuant to title IV of the Housing and Urban Development Act of 1968 and title VII of the Housing and Urban Development Act of 1970 (referred to in this section as "title IV" and "title VII", respectively), the assets and liabilities of the revolving fund authorized under section 717 of title VII are authorized to be transferred to the revolving fund (liquidating programs) established pursuant to title II of the Independent Offices Appropriations Act, 1955. The liquidation of the new communities program shall be carried out pursuant to the provisions of law applicable to the revolving fund (liquidating programs) upon enactment of this section and the approval in an appropriation Act of such transfer. The Secretary shall report to the Congress not less than sixty days prior to taking any action with respect to the disposition of real property (other than a purchase money mortgage) which involves any further potential liability of or assistance from the Department of Housing and Urban Development with respect to any property so transferred.

(b) In carrying out the purposes of subsection (a), all moneys in the revolving fund (liquidating programs) shall be available for necessary administrative and other expenses of servicing and liquidating obligations guaranteed pursuant to section 403 and section 713 of title IV and title VII, respectively, including costs of services (in-

cluding legal services) performed on a contract or fee basis, and to discharge any other liability acquired or incurred in connection with the new communities program. Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real and other property by the United States, the Secretary of Housing and Urban Development shall also have power, for the protection of the interests of the revolving fund (liquidating programs), to pay out of any moneys in such fund all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by the Secretary either prior or subsequent to the enactment of this section as a result of recoveries under security, subrogation, or other rights in connection with the new communities program.

(c) After making the transfer authorized in subsection (a), the Secretary of Housing and Urban Development may issue obligations to the Secretary of the Treasury in an amount sufficient to enable the Secretary of Housing and Urban Development to satisfy any guarantee made pursuant to section 403 or 713 of title IV or title VII, respectively, and otherwise carry out the functions authorized by this section. The obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations so issued, and for that purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under that Act are extended to include purchases of the obligations hereunder.

(d) Upon enactment of this section and the approval in an appropriation Act of the transfer authorized in subsection (a), each obligation issued by the Secretary of Housing and Urban Development to the Secretary of the Treasury pursuant to section 407(a) or 717(b) of title IV or title VII, respectively, together with any promise to repay the principal and unpaid interest which has accrued on each obligation, and any other term or condition specified by each such obligation, is canceled.

(e) Title IV, except for sections 408, 411, 413, 414, and 416, and part B of title VII, except for sections 724, 725, 726, and section 727 (b) through (e), are hereby repealed. Section 717 of title VII shall remain in effect until the enactment of this section and the approval in an appropriation Act of the transfer authorized in subsection (a). Any actions taken, prior to repeal, under the authority of any of the sections which are repealed by this section shall continue to be valid. Nothing in this subsection shall impair the validity of any guarantees which have been made pursuant to title IV or title VII and any such guarantees shall continue to be governed by the provisions of title IV or title VII, as applicable, as they existed immediately before the effective date of this section.

NATIONAL HOUSING PARTNERSHIPS

SEC. 636. (a) Section 906(a)(1) of the Housing and Urban Development Act of 1968 is amended—

(1) by striking out "or" after "building" and inserting in lieu thereof a comma; and

(2) by inserting after "rehabilitation" the following ", acquisition, and financing".

(b) Section 906 of such Act is amended by adding at the end thereof the following:

"(e) The corporation is also authorized to engage in the design, development, and manufacture of products and services for use in connection with housing and related facilities which it has produced or acquired. For the purpose of generating income to support the production and preservation of housing primarily for the benefit of families and individuals of low and moderate income, the corporation may also engage in the development of commercial or retail facilities which are ancillary to housing projects or which are developed in partnership with builders or developers with whom the corporation has engaged in other ventures for the construction or rehabilitation of housing. Not more than 15 per centum of the corporation's activity may occur in connection with facilities described in the preceding sentence. Notwithstanding any other provision of this subsection, the development and preservation of housing for families and individuals of low and moderate income shall be the primary activity of the corporation.".

(c) Section 907(c) of such Act is amended by adding at the end thereof the following: "The partnership is also authorized to engage in the design, development, and manufacture of products and services for use in connection with housing and related facilities which it has produced or acquired. For the purpose of generating income to support the production and preservation of housing primarily for the benefit of families and individuals of low and moderate income, the partnership may also engage in the development of commercial or retail facilities which are ancillary to housing projects or which are developed in partnership with builders or developers with whom the partnership has engaged in other ventures for the construction or rehabilitation of housing. Not more than 15 per centum of the partnership's activity may occur in connection with facilities described in the preceding sentence. Notwithstanding any other provision of this subsection, the development and preservation of housing for families and individuals of low and moderate income shall be the primary activity of the partnership.".

TITLE VII—INDIAN HOUSING

SHORT TITLE

SEC. 701. This Act may be cited as the "Indian Housing Act of 1983".

COMPREHENSIVE INDIAN HOUSING GRANTS

SEC. 702. The United States Housing Act of 1937 is amended by adding at the end thereof the following:

"COMPREHENSIVE INDIAN HOUSING GRANTS

"SEC. 20. (a) The Secretary is authorized to make grants to Indian tribes—

"(1) to assist in the development or purchase of new housing and the repair or rehabilitation of existing housing and the provision of infrastructure for the benefit of very low-income families who are members of the tribes residing on trust or otherwise restricted land, and

"(2) at the option of a tribe, to make rental units in such housing affordable by very low-income families who are members of the tribes in accordance with the provisions of section 8(d) relating to assistance with respect to existing housing units.

"(b) Dwelling units assisted under subsection (a)—

"(1) may be owned by a tribe or by an Indian housing authority, or may be privately owned, and leased to very low-income families; and

"(2) must meet an applicable tribal or national model building code.

"(c) To receive a grant under this section, an Indian tribe shall submit a statement of activities, in accordance with rules and regulations of the Secretary, describing the proposed housing program of the tribe. The Secretary shall make grants based on—

"(1) the need for grants under this section, as evidenced by such factors as the extent of substandard housing, the number of very low-income families who are members of the tribe and who are living on trust land, and the extent to which the tribe is targeting housing assistance under the proposed program to areas of concentrated populations of the very low-income families; and

"(2) the capacity of the tribe to carry out the proposed program.

An Indian tribe may amend its statement of activities from time to time in accordance with procedures prescribed by the Secretary to reflect changes in its housing program.

"(d) Assistance under this section shall be utilized in a manner which avoids displacement and which promotes community participation in the planning and execution of Indian housing programs and plans, and in a manner which will utilize grant funds provided in the most expeditious manner.

"(e) An Indian tribe or Indian housing authority designated under subsection (k) may retain any repayments, recaptures, or rents for reuse for the purposes of this section.

"(f) The Secretary may not require, or accord a priority on the basis of, the payment of a minimum rent for housing assisted under this section.

"(g) As used in this subsection—

"(1) the term 'Indian tribe' means any Indian or Alaska native tribe, band, nation, or other organized group or community of Indians or Alaska Natives which is recognized as eligible for the services provided to Indians or Alaska natives by the Secretary of the Interior because of its status as such an entity, or which is an eligible recipient under chapter 67 of title 31, United States Code;

"(2) the term 'very low-income families' means those families whose incomes do not exceed 50 per centum of the median income of all families in the United States, with adjustments for smaller and larger families as determined by the Secretary except, in the case of families in Alaska, whose incomes do not exceed 50 per centum of the median income of all families in that State; and

"(3) the term 'trust or otherwise restricted lands' means (A) that area of land, as defined by the Secretary of the Interior, over which an Indian tribe is recognized by the United States as having governmental jurisdiction, (B) land held in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation, or (C) land acquired by Alaska Natives under the Alaska Native Claims Settlement Act or any other land acquired by Alaska Natives pursuant to statute by virtue of their unique status as Alaska Natives.

"(h)(1) In order to assure that assistance under this section is made available in a timely and expeditious manner, the Secretary shall adhere to the schedule prescribed in this subsection.

"(2) Not later than December 31, 1983, the Secretary shall publish proposed regulations implementing the provisions of this section.

"(3) Not later than February 1, 1984, the Secretary shall make appropriate technical assistance available to Indian tribes which have indicated a desire to receive assistance under this subsection in order to develop applications for assistance under this section. For the purpose of this paragraph, the Secretary may utilize, not to exceed $5,000,000 of the funds available to carry out this section during each of the fiscal years 1984, 1985, and 1986.

"(4) Not later than April 1, 1984, the Secretary shall publish final regulations implementing the provisions of this section, taking into account the comments received during the publication period.

"(5) Not later than June 1, 1984, Indian tribes shall submit final statements of activities to the Secretary. Assistance under this section shall be made available as soon as practicable after the receipt of the final applications.

"(i) Not later than 180 days after the close of each fiscal year in which assistance under this section is furnished, the Secretary shall transmit to the Congress a report containing—

"(1) a description of the progress made in accomplishing the objectives of this section; and

"(2) a summary of the use of such funds during the preceding fiscal year.

In order to carry out the purpose of this subsection, the Secretary is authorized to require applicants for assistance under this section to submit such reports and information as may be necessary, including information which the Secretary deems necessary to determine that the tribes are meeting the objectives for the program under this section, are complying with the statement of activities, and, in particular, are providing housing and related infrastructure for the benefit of very-low-income families.

"(j) The consent of the Congress is hereby given for any two or more Indian tribes to enter into agreements or compacts not in conflict with any law of the United States, and for Indian tribes to enter into agreements with States or units of local government not in conflict with any law of the United States. Any agreement or compact entered into under this subsection shall be limited to establishing cooperative efforts and mutual assistance in support of housing planning and programs carried out under this section as they pertain to interstate areas and localities within such States or units of local government, and to establish agencies, joint or otherwise, as may be appropriate for making such agreements or compacts effective.

"(k) An Indian tribe may designate an Indian housing authority as its agent for the program under this section. Where an Indian tribal government elects not to participate in the program under this section by resolution of the tribal council, the Indian housing authority may participate as if it were the Indian tribe.

"(l) There are authorized to be appropriated for grants under subsection (a) not to exceed $101,000,000 for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986.".

SINGLE FAMILY MORTGAGE INSURANCE

SEC. 703. Title II of the National Housing Act is amended by adding at the end thereof the following:

"SINGLE FAMILY MORTGAGE INSURANCE ON INDIAN RESERVATIONS AND HAWAIIAN HOME LANDS

"SEC. 247. (a) The Secretary, subject to such special conditions as the Secretary may prescribe, is authorized to insure under any provision of this title which authorizes such insurance, a mortgage covering a property upon which there is located a one- to four-family residence, without regard to limitations in this Act relating to marketability of title or any other statutory restriction which the Secretary determines is contrary to promoting the availability of such insurance on Indian reservations or Hawaiian home lands if—

"(1) the mortgage (A) is executed by an Indian tribe and the property is located on trust or otherwise restricted lands; (B) is executed by a member of an Indian tribe who will use the property as a principal residence and the property is on trust lands or otherwise restricted land; or (C) is executed in connection with a property assisted under section 17 of the United States Housing Act of 1937; or

"(2) the mortgage is executed by a native Hawaiian on property located within Hawaiian home lands covered under a homestead lease issued under section 207(a) of the Hawaiian Homes Commission Act, 1920 where such property will be used as the mortgagor's principal residence and the Department of Hawaiian Home Lands of the State of Hawaii is a comortgagor or guarantees to reimburse the Secretary for any mortgage insurance claim paid in connection with a property on Hawaiian home lands or offers other security acceptable to the Secretary.

"(b) Notwithstanding any other provision of this Act, with respect to mortgages covering a property upon which there is located a one- to four-family residence—

"(1) the Secretary may insure and make commitments to insure under title II of this Act pursuant to this section advances made during construction where the Secretary determines that the proposed construction is otherwise acceptable and meets an applicable tribal or national model building code, and that no feasible financing alternative is available;

"(2) the applicable percentage limitation on the amount of the principal obligation of a mortgage based on the appraised value or replacement cost, as appropriate, of a one- to four-family owner-occupied residence contained in this title shall apply in the case of all mortgages insured pursuant to this section without regard to whether the residences are owner-occupied where the residences are owned by the tribe; and

"(3)(A) the Secretary may require an Indian tribe, only as a condition of insurance made under this title pursuant to this section, to pledge income from tribal resources or income from tribal assets or pledge grants under title I of the Housing and Community Development Act of 1974, section 17 of the United States Housing Act of 1937, or any other Federal grant program to be used to reimburse the Secretary for any mortgage insurance claims paid in connection with residences insured pursuant to this section; or

"(B) in the case of an individual Indian mortgagor, the Secretary may require a pledge of his or her share of income from tribal resources or income from tribal assets, excluding any Federal grants received by the tribe.

"(c) The Secretary may not refuse to insure a mortgage under this section to an individual home purchaser because there is no distributed tribal or trust fund income attributable to that purchaser.

"(d) Before making any commitment to insure a mortgage under this section with respect to property located on tribal or trust land, the Secretary shall require a showing by the tribe that it has adopted eviction procedures to be used in the event of a default.

"(e) A mortgage insured under this section may be assumed, subject to credit approval by the lender and the consent of the tribe to an assumption of the existing lease or the grant of a new lease, without an adjustment of the interest rate. Any other sale of a property subject to a mortgage insured under this section may be made only if a new lease is granted, except that a sale following a foreclosure may be accompanied by an assumption of the lease with the consent of the tribe.

"(f)(1) The Secretary shall make information regarding the status and payment history of loans insured under this section available to local credit bureaus and prospective creditors. Prior to accepting assignment of a mortgage, the Secretary shall require mortgagees to submit documentation that mortgagors have been counseled in a face-to-face interview, informed of the provisions of this subsection or other available assistance, and provided with the names and addresses of officials of the Department of Housing and Urban Development to whom further communications shall be addressed.

"(2) Notwithstanding the requirement for conveyance of title under section 204, a mortgagee under this section shall be entitled to receive the benefit of insurance under this section in the case of a mortgage which is more than 90 days in default upon conveyance of the lease agreement and the mortgage documents.

"(3) In the event that any default is cured, the Secretary shall seek to reinstate the loan with the mortgagee or another mortgagee. For the purpose of this paragraph, the Secretary may provide appropriate financial incentives to reinstate the loan commensurate with sound management of the insurance fund.

"(4) If the Secretary determines that a mortgagor is not making a good-faith effort to cure a default, and that trust fund or tribal income is available, the Secretary shall commence proceedings for the garnishment of the mortgagor's distributed share of tribal or trust fund income in order to collect loan payments which are past due. Proceedings under this paragraph may be instituted in a tribal court, court of competent jurisdiction designated by the tribe, or Federal district court.

"(5) If the Secretary determines such action is necessary to protect the insurance fund from undue loss, the Secretary may initiate foreclosure proceedings with respect to any mortgage acquired under this subsection. Such proceeding may take place in a tribal court, a court of competent jurisdiction, or Federal district court. Any such court shall have jurisdiction to convey to the Secretary the remaining life of a lease on the real property and to order eviction of the delinquent mortgagor.

"(g) In the administration of this section, the Secretary shall establish a premium charge for insurance which will be sufficient to cover the full costs of the mortgage insurance program under this section, except that such charge may not exceed 3 per centum per annum of the principal amount of the mortgage outstanding at any time. Not later than September 30, 1994, the Sec-

retary shall determine and report to the Congress on the feasibility of eliminating any excess amount of the premium under this section over the premium under section 203. In the event such premiums are not sufficient to cover the full costs of the mortgage insurance program under this section, the Secretary shall make recommendations to the Congress about changes to the program.

"(h) As used in this section—

"(1) the term 'Indian tribe' means any Indian or Alaska native tribe, band, nation, or other organized group or community of Indians or Alaska natives recognized as eligible for the services provided to Indians or Alaska natives by the Secretary of the Interior because of its status as such an entity, or which is an eligible recipient under section 67 of title 31, United States Code;

"(2) the term 'trust or otherwise restricted land' means (A) that area of land, as defined by the Secretary of the Interior, over which an Indian tribe is recognized by the United States as having governmental jurisdiction, (B) land held in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation, or (C) land acquired by Alaska Natives under the Alaska Native Claims Settlement Act or any other land acquired by Alaska natives pursuant to statute by virtue of their unique status as Alaska natives;

"(3) the term 'native Hawaiian' means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778; and

"(4) the term 'Hawaiian home lands' means all lands given the status of Hawaiian home lands under the provisions of section 204 of the Hawaiian Homes Commission Act, 1920.".

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

SEC. 704. Section 105(a) of the Housing and Community Development Act of 1974 is amended—

(1) by striking out "and" at the end of clause (16);

(2) by striking out "; and" at the end of clause (17) and inserting in lieu thereof a period; and

(3) by adding at the end thereof the following:

"(18) in the case of a grant under section 107(b)(3), the development or purchase of housing for use by an Indian tribe on trust or otherwise restricted land.".

Mr. TOWER. Mr. President, I would like to describe the substitute amendment that Senator GARN and I will offer to S. 1338. Let me initially indicate that this substitute is the same as S. 1338, as reported by the Banking Committee, except for the seven specific changes which we have concluded are necessary to attract sufficient support to get this bill on the floor for consideration. We do not lightly pursue such a procedure given the time and effort on the part of all members of our committee to arrive at a bipartisan document. Yet sometimes it becomes necessary to take extraordinary steps to achieve progress and that is the case here.

In order to have all parties, including individual Members of this body and the administration agreeable to that progress, changes were necessary. Adoption of this substitute certainly will not deny any Senator his or her right to propose amendments. But its existence has convinced the majority leader to schedule the bill on the floor now and given us reason to believe that we can pass it in the time available to us.

The seven changes are as follows:

First. Deletes title VII of S. 1338—the "Unemployed Homeowners Relief Act of 1983."

Second. Changes section 304 of S. 1338 to delete provisions creating a system of public housing agency accreditation and substituting creation of a public housing performance standards advisory commission.

Third. Makes certain changes to the rental rehabilitation and development program (title I) as follows:

Increases targeting of assistance to benefit very-low-income families to 100 percent of the assisted units with grantees able to reduce to 70 percent under standards established by the Secretary of HUD.

Requires that any unit occupied by a very-low-income family and rehabilitated under this program must be subsequently occupied by a very-low-income family.

Limits rehabilitation of units to that which is necessary to correct substandard conditions, make essential improvements, and repair major systems in danger of failure.

Limits grant funds for rehabilitation to no more than $5,000 per unit except under certain high cost circumstances.

Requires HUD to provide Congress with an evaluation of the program.

Fourth. Authorizes 5,000 units of public housing ($650 million in BA), with requirement that new construction is permitted only when city can demonstrate that new construction is cheaper than acquiring and rehabilitating existing units; establishes priority for acquiring projects to housing authority to set aside up to 30 percent of a project's cost for rehabilitation subsequent to acquisition—repairs when required approach.

Fifth. Adds compromise Indian housing program.

Sixth. Reduces authorization for public housing modernization by $400 million to $1.6 million.

Seventh. Requires that any modified section 8 existing certificates not dedicated to other purposes shall be used to assist very-low-income persons or families displaced from their housing by other HUD programs or activities.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of public hearings before the Senate Subcommittee on Public Lands and Reserved Water, on Tuesday, August 9, 1983, in Boise, Idaho, and on Thursday, August 11, 1983, in Idaho Falls, Idaho, and on Tuesday, August 16, 1983, in Coeur D'Alene, Idaho, and on Wednesday, August 17, 1983, in Lewiston, Idaho.

The subcommittee will hear testimony on the U.S. Forest Service wilderness and nonwilderness recommendations in the State of Idaho and the need for sufficiency and release legislation concerning the Forest Service recommendations made pursuant to the roadless area review and evaluation (RARE II) studies and the recommendations to Congress.

The August 9 hearing will be held at the Boise City Hall, 150 North Capitol Boulevard, Boise, Idaho, from 9 a.m. to 5 p.m. Testimony will be received on the Boise, Payette, Sawtooth, and Challis National Forests recommendations. Those wishing to testify in Boise should contact the office of Senator MCCLURE, 304 North 8th Street, room 149, Boise, Idaho, phone (208) 334-1560. Those wishing to testify must sign up in advance no later than Monday, August 1, 1983.

The August 11 hearing will be held at the Eagle Rock Junior High School Auditorium, 202 Pancheri Drive, Idaho Falls, Idaho, from 9 a.m. to 5 p.m. Testimony will be received on the Caribou, Targhee, Salmon, and Challis National Forests recommendations. Those wishing to testify in Idaho Falls should contact the offices of Senator MCCLURE, P.O. Box 657, Idaho Falls Idaho 83402, phone (208) 523-5541 or at room 216, Federal Building, 250 South 4th Avenue, Pocatello, Idaho 82301, phone (208) 236-6817. Those wishing to testify must sign up in advance no later than Monday, August 11, 1983.

The August 16 hearing will be held in the Seiter Hall Auditorium, North Idaho College, 1000 West Garden Avenue, Coeur D'Alene, Idaho, from 9 a.m. to 5 p.m. Testimony will be received on the Idaho Panhandle Forests recommendations. Those wishing to testify in Coeur D'Alene should contract the office of Senator MCCLURE, 307 Federal Building, Coeur D'Alene, Idaho, phone (208) 664-3086. Those wishing to testify must sign up in advance no later than Monday, August 1, 1983.

The August 17 hearing will be held in the Spalding Hall, Lewis and Clark State College, Lewiston, Idaho, from 9 a.m. to 5 p.m. Testimony will be received on the Clearwater and Nez Perce National Forest recommendations. Those wishing to testify in Lewiston should contact the office of Senator MCCLURE, Park Place—Lewis and Clark State College, Lewiston, Idaho 83501, phone (208) 743-3579. Those wishing to testify must sign up

in advance no later than Monday, August 1, 1983.

Oral testimony will be limited to not more than 5 minutes and possibly less depending on the number of witnesses who wish to testify. Witnesses may be placed in panels. Because of the number of witnesses expected to testify, individuals are requested to select the forests in which they have an interest and testify on the appropriate day.

For further information regarding these hearings, please contact Senator McCLURE's offices at the above listed numbers or Mr. Tony Bevinetto of the subcommittee staff at (202) 224-5161.

Witnesses are requested to bring 15 copies of their testimony with them to the hearing.

SUBCOMMITTEE ON LABOR

Mr. NICKLES. Mr. President, the Subcommittee on Labor will hold a hearing on July 28, 1983, at 9:30 a.m., in room SD-430 of the Dirksen Senate Office Building to discuss S. 19, the Retirement Equity Act of 1983, S. 918, the Private Pension Reform Act of 1983, and other women's issues. Persons desiring to testify should submit written requests to Hon. DON NICKLES, chairman, Subcommittee on Labor, Washington, D.C. 20510. Requests to testify must be submitted no later than July 7. If you have any questions concerning the hearing, please contact Rick Lawson at 202-224-5546.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will hold a Senate-House Conference on S. 272, a bill to Improve Small Business Access to Federal Procurement Information, and S. 273, a bill to amend section 8(a)(1) of the Small Business Act, on June 22, 1983, at 10 a.m. in room 428A of the Senate Russell Office Building. For further information, please contact Mike Haynes of the committee staff at 224-5175.

Mr. President, I would like to announce that the hearing for the Senate Small Business Committee on Oversight of the Small Business Development Center Program scheduled for June 21, 1983, has been rescheduled for July 19, 1983, in room 428A, Senate Russell Office Building. There will be a morning session which will begin at 8:30 a.m. and an afternoon session which will begin at 2 p.m. For further information, please contact Mary Meyers of the committee staff at 224-5175.

ADDITIONAL STATEMENTS

URANIUM MILL TAILINGS STANDARDS

● Mr. HART. Mr. President, there has been quite some discussion recently about the final standards issued by the Environmental Protection Agency for inactive uranium mill tailings sites and the proposed standards for active sites.

Some of this discussion centers on modifications to the Uranium Mill Tailings Regulation and Control Act of 1978 that were contained in the Nuclear Regulatory Commission Authorization Act for fiscal years 1982 and 1983. In particular, there are questions about the extent to which the Congress intended for the EPA, in setting it standards, to consider the cost of compliance.

To shed additional light on this question, I ask that the transcript of the August 19, 1982, conference on the NRC authorization bill be inserted in the RECORD at this point, along with an April 28, 1982, letter from the EPA, referred to in the transcript.

The material follows:

JOINT HOUSE-SENATE CONFERENCE, NRC AUTHORIZATION CONFERENCE, AUGUST 19, 1982

The joint conference met at 3:10 p.m. room EF-100, the Capitol. Hon. Morris K. Udall (chairman of the joint conference) presiding.

Present: Senators Simpson, Domenici and Hart

Representatives Udall, Ottinger, Lujan, Bingham, Seiberling, Marriott and Markey.

Representative UDALL. The conference will resume its session.

I had hoped that we could have one last session today and wind this thing up, but I'm not sure that is in the cards. But it seems to me we ought not lose our momentum, to keep going and make some modest progress today. And then I hope we can set a date in September for a final meeting, what will be a final meeting and then wrap it up.

I think we ought to go first today to the Uranium Imports issue.

At our previous session Senator Simpson circulated to all members a proposal for handling this, and then I circulated a proposal for which differed in some considerable degree.

Those proposals are before the members of the conference, we can discuss them today if there is any inclination to do so.

I just indicated to Senator Domenici that I have been looking at it further to see if there are further areas for modification on my own part I could recommend to my House colleagues, but I'm not prepared to present anything very comprehensive today.

Is there any discussion on the Import question from the conferees?

Senator DOMENICI. Mr. Chairman, the only thing I would say is that with your statement, I wanted to state to you and the other members that I do intend—I agree with your general statement as to how we should proceed, and I certainly am pleased that you are going to give us additional time to try to work the matter out. I want you to know that I am going to attempt to visit with the Commerce Department and the President's Special Trade Secretary and some of the domestic counsel. I will do that immediately upon my return, which will be a day or two before we convene; if you would like to have somebody from your staff attend, I would invite them and let them know in advance. I will circulate in the meantime to the staff background papers on how we control imports under the previous law. It was basically based on a written capacity, and we were the sole ones in the world, and it was very easy for us to relate the use of uranium to enrichment in the United States.

As it turns out now, we are only one-third of the enrichment in the world, so that would not work even if we had somebody willing to find the industry in a state of conformability, which was the test.

Just by way of background, I would circulate that so that everyone would know we had that kind of policy for an awful long time. I will also circulate the best evidence we have of a Canadian policy, because I don't want to misspeak, but they have outdone us every way by ingenuity.

Their mining industry and nuclear industry are by statute in a partnership, and it has some very significant goals, one of which is a preservation of an adequate reserve capacity of domestic uranium. As I read it the way they interpret it, they make it rather clear that they have to buy a certain amount of domestic to get the best kind of credit for their reserve demand, and that's interesting.

I'm not asking this committee to write anything as good as that, because we would have to start from scratch. But they have sure taught us a lesson how they treat their mining industry and their nuclear industry in the same kind of concern and put it in the same economic boat.

With that, I appreciate your giving us additional time, and I will try to work with you and the others.

Representative UDALL. The enrichment approach has some merit, in fact I have been kicking it around, so we would be glad to explore that with your people.

Mr. Lujan?

Representative LUJAN. Just one comment on the proposal that has been circulated, and I know we won't talk about this until next month sometime. But there are a couple of comments that should be taken into consideration in considering the proposal, and that is, first, that the proposal does not acknowledge that there is a problem. That is what we have been saying, that there is a problem, but there is no knowledge in the proposal of that.

Second that it mandates a study, but even after the study finds that the International Trade Commission who will investigate whether there is a problem, even after that it mandates the President—or authorizes the Secretary to undertake additional investigation, and it is one investigation after another.

We are convinced that the investigation of course is not necessary, we are willing to concede certain investigations, but that something happened if in fact the Secretary finds there is a problem, not simply kick in another study.

Representative UDALL. Anything else on the Imports before we move on?

Senator DOMENICI. Mr. Chairman, may I correct the record? As I described the Canadian's very effective and innovative approach I used the word "statute," and that is in error. It is a policy implemented by their counterpart to a Secretary of Energy, so it is not a statute law but policy implemented through the administration that has jurisdiction in that.

Thank you.

Representative UDALL. Senator Hart?

Senator HART. What is the parliamentarian situation here, how do you intend to proceed on this?

Representative UDALL. Well, we have resolved everything in the conference with the exception of the Mill Tailings, which Mr. Ottinger reserved the right to go back. Apart from that, the only issue is the Import question.

Before you came in I had indicated that Senator Domenici and I both circulated a proposal at the last meeting. Some attempt was made to find an agreement. We didn't.

I have indicated that we probably ought to pass that for now, and Senator Domenici is going to go to the White House and talk to the Commerce Department between now and September, and try to get some changes made there in their posture, which has been pretty strong factors against reaching agreement.

I will have my staff participate in that and hope we can come back here the second week of September with a proposal.

Senator HART. So that issue will not be resolved——

Representative UDALL [continuing]. Today. I wish we could, but my best judgment is that we set it aside.

Senator SIMPSON. I agree, Mr. Chairman, and I leave it to the chairman and to—I think a date certain would be good to deal with it so that we are sure we don't stretch it out any further, and I admire both of you for pressing the conferees to a vote on each of those amendments and hope that you can reach an accord and set a date certain where we can trot off and deal with it.

Representative UDALL. Before we get blocked in, I was thinking of Thursday after we return to the House, which is a Wednesday—Thursday the 9th of September I think it is. Is that agreeable?

Senator SIMPSON. It's all right with me.

Senator DOMENICI. Fine with me.

Representative UDALL. I will make every effort in terms of preparing the groundwork, so that you will all be alerted.

Representative BINGHAM. May I ask a question. To what extent is the Secretary of Energy, the Department of Energy involved on this executive branch side? I would think many of the arguments that you make would resound in the same as the Department of Energy. Have they weighed in on that?

Senator DOMENICI. Yes, they have weighed in heavily. The problem is they weighed in with some people in the Department insisting that viability has some special meaning that they like to attach to it. Factors—a huge fight going on in the administration with reference to the experts who are looking at viability, because that is in the law now, and the Secretary's office—I think it's kind of common knowledge that those who have done the study work are not in very good graces—for that reason and others—have found it is not viable now. But I have not been able to sit down and talk with them about it.

I am willing to take another shot with proper criteria at making somebody determine that rather quickly, because I think they are going to find that it has been—since December of last year and on even a further path toward—I don't think even "viability" fits, I think it is on a path toward nonexistence.

So they are looking at it, but they are looking at it with a notion that free trade is the only concept around, and good luck, as I see it.

Representative BINGHAM. You say "they," you are referring to the Department of Energy as well as others?

Senator DOMENICI. Yes indeed.

Representative UDALL. Mr. Marriott?

Representative MARRIOTT. I would like to make one point here. On the proposal you're going to be offering, it appears it calls for a study when you have very few teeth in the proposal. In 1977 this phaseout began of import restrictions, and my understanding is that that level was 30 percent in 1980, 40 percent in 1981, and now it's going to keep going, 60 percent in 1982. We can fiddle around here with just the study type things and wind up with no restrictions at all, no import restrictions at all.

I am wondering if you considered getting into this, in putting some teeth in your bill by holding the import restrictions at the 1981 level of 40 percent until we get this study over with, so we don't keep jumping it up, but give some of us who are in-between the Senator's and your proposal a chance to go with the House proposal.

Representative UDALL. Yes, we are moving in that direction; in fact I thought it was kind of a legitimate complaint. I was originally talking about a study, and everybody knows a study is the greatest way to dodge an issue we have devised around here.

But what I will be aiming at is to use existing law, the 1974 trade law, and laws that give the International Trade to make findings and go to work; we would use that existing machinery and maybe have some kind of a trigger brought into effect here. And I'm also looking, as I said earlier, about the possibility of using the enrichment capacity factor for the control. But there is some serious differences, not only in this conference, but in the administration.

I think Senator Domenici is trying to——

Representative MARRIOTT. I would certainly urge we keep some kind of a temporary 40 percent on until we get the study done and find out where we are going.

Representative UDALL. Anything further?

Let's move now to the Mill Tailings and see if we can't finalize it for the second time.

I had submitted a Udall substitute which was laid before the conference the last time, and a number of amendments were offered and some of them adopted. And this document here dated August 19 shows the amendments that were adopted and the changes.

I have been asked by Chairman Dingell and Mr. Ottinger who were in another conference at that time trying to give us clean air, they wanted the right to be heard before we finally closed out that section of the conference, so I would ask Mr. Ottinger if he or Mr. Dingell has any——

Representative OTTINGER. Yes, Mr. Chairman, I have three amendments.

Representative UDALL. Mr. Ottinger has distributed a proposal marked No. 1, which makes changes on page 3 and page 4.

The gentleman is recognized in support of his suggestion.

Representative OTTINGER. Mr. Chairman, this is an amendment that we have reached agreement on with the Senate staff, I understand. The first part of it is designed to make clear that the Commission is not given statutorily economic responsibilities, but is concerned as its prime responsibility public health and safety, and that is underlined by the statement in paragraph 4 that "Nothing in this subsection may be construed as affecting the authority or responsibility of the Commission under section 84 to promulgate regulations to protect the public health and safety and the environment."

I don't think it ought to be a controversial amendment, and I urge its adoption.

Representative BINGHAM. Well, I think the first reference is wrong. The line reference is wrong at the beginning.

Representative OTTINGER. That is because there was a new proposal made after we made our proposal.

Ms. DRAVO. It's line 24. It should be line 24 instead of line 23.

Representative UDALL. Mr. Ottinger?

Representative OTTINGER. I am finished.

Representative UDALL. This amendment is consistent with the intent of the Udall-Simpson Mill Tailings proposal in my judgment. It does not change existing law, but clarifies the commission's regulatory support. The base proposal suspends the authority between the time the current—the NRC experts in October and the time NRC can review EPAs new proposed standards in January.

There is no intention on my part to cast doubt on the Commission's authority to promulgate regulations. Suspension is only a housekeeping action to ease the transition between regulatory changes resulting from actions beyond the Commission's control. I have no objection to the amendment.

Would anyone like to be heard?

Senator SIMPSON. Mr. Chairman, I just want to be certain of what Congressman Ottinger was saying; he presented this amendment and was discussing some of the issues of cause with regard to the NRC, and that is not part of what you are presenting at this point, is it?

Representative OTTINGER. I have another amendment which addresses that.

Representative UDALL. We will dispose of Ottinger No. 1.

Anything further?

Senator SIMPSON. If we could divide that, yes——

Representative OTTINGER. I have a separate amendment.

Senator SIMPSON. Let me address the ones you have submitted.

Representative OTTINGER. Strike out "investment" and insert in lieu thereof "action." What you are doing is telling—you know you have not set the precedence of telling the Commission that it has to consider economic factors.

Senator SIMPSON. I hear you, thank you.

Mr. Chairman, that amendment, by that insertion then is "any NRC requirement that would approve major commitment by the licensee that is necessary if EPA standards were in fact the final standards that would be suspended until April 1, 1984."

I think that is a reasonable change, and I would ask that we might make it clear in the statement of manager's language that the word "commitment" includes a financial investment, and I'm prepared to recommend that the Senate conferees would support that amendment.

Representative OTTINGER. So long as it is also made clear that public health and safety is paramount.

Senator SIMPSON. That is the principal mission.

Representative OTTINGER. Then I have no quarrel with that.

Senator SIMPSON. That is fine.

Representative UDALL. If there is no objection, Ottinger No. 1 with these amendments will be approved.

Page 9, line 9.

Senator SIMPSON. Mr. Chairman, may I put into the record a statement with regard to the change on page 4, line 19. I have no objection to that, but I want to be sure it does not alter the two-tier suspension of regulations, and that we make certain the

record is clear there is the statement of managers clarifying the intent of that provision, and making it very clear that while it reaffirms the Commission's authority to promulgate regulations under that section 84, any authority it implements in force would be suspended in accordance with the language of Subsections F 1, 2 and 3. And with that understanding I would certainly support that amendment.

Representative UDALL. Understood.

Mr. Ottinger, do you want to proceed on No. 2?

Representative OTTINGER. On No. 2 we don't have agreement. It would strike out, on page 9, line 9, after the last comma, and all that follows through "appropriate" on line 12. It is really, as I see it, the same issue that we have just addressed, and I don't know why my good friends in the Senate have more trouble with it here than they would have with it where we just dealt with it.

What we don't want is to fuzz up the statutory requirements of the NRC and their prime role in protecting public health and safety in the environment, and this would add the words "the environment and economic costs of applying such standards and such other factors as the Commission determines to be appropriate." And there we got into a big hassle the last time about what those factors would be.

I think you are much better off just leaving those off, having the same report language apply as we have just agreed would apply earlier, that it is understood that the Commission in applying its public health and safety standards will in fact consider the feasibility of those standards, but not have it in statutory language that they got to weigh economic on equal basis with public health and safety and the environment. And I urge adoption of the amendment.

Representative LUJAN. Mr. Chairman, this is the matter that was discussed before and we took a vote on it. The problem now is the administration has no authority to take into consideration anything but the public health and safety, and if someone raises the problem of economic impact, they are prohibited from even looking at that factor. And that's why we decided that we would put it in the last time.

Representative OTTINGER. Well, I left that language in when the administrator of the EPA down below, on the next paragraph——

Representative LUJAN. Well, I see——

Representative OTTINGER [continuing]. Puts forward their standards. It seems it is appropriate for the EPA to consider.

But NRC's function is to protect public health and safety, and I don't think it is appropriate there, and I think it is particularly inappropriate to list the things that the NRC has responsibility over as if it was all, they were all of equal import, because they are not.

Representative LUJAN. My feeling is it needs to be in both sections if it is to be effective. Right now they can't even apply reasonable economic standards to it, and that is the reason that we put it in there. There is no sense of putting it in the EPA section and not in the NRC. As a matter of fact, I don't think it makes sense not to put it in both.

Representative OTTINGER. There is no statutory prohibition from the NRC considering the costs of what they are doing.

Representative LUJAN. But it has been interpreted that way.

Representative OTTINGER. But they are not any place in any other statute given the responsibility to consider risk to the health, safety and environment and economic cost as if all those things were equal factors, which they clearly are not. They are things that are going to cost a lot of money that are necessary for public health, and the economic factors simply cannot be put on an equal basis.

Representative LUJAN. You are directing that there are no specific prohibitions against considering environmental and economic costs, but there is the interpretation on their part—we've been told often they cannot take those things into consideration because the law says you will take into consideration public health and safety, and that they interpret that to mean "and only public health and safety." This is just a reasonableness approach.

Representative UDALL. Mr. Bingham?

Representative BINGHAM. Do they have the qualifications to judge the economic sides of it, and do they have the staff to do that?

Representative LUJAN. I would think anybody does. If you're looking at 2 feet on earth to mitigate adverse impact, very, very limited amount, you don't need to be an economist to know the difference between the 2 feet and 10 feet of earth——

Senator SIMPSON. I understand what is being attempted here, and the language as we discussed it the last time, and how we excised that out at that point; and I'm sympathetic with the thing you asked, I hear this thing. This would be the first time that we would specifically direct the NRC to consider the "environment and economic costs" of the regulations that it promulgates.

I can only assure you that in any time as chairman of the Subcommittee on Nuclear Regulation, when I was ranking member under Senator Hart, that I have no desire, and never have had a desire to suggest that any way economics would be the sole consideration or overleaning consideration for NRC in regulating anything with regard to nuclear power. You will never find that in my background, nobody would give credence to it. I always felt the protection of the public safety is the mission of the NRC, and I believe in this area of mill tailings regulations, that that is the same.

Just quickly, three reasons why I think I would resist what you are trying to do in that amendment, and why I think what we proposed last week was necessary.

I think there's not one here that would not agree that we all agree that environment and economic costs are appropriate factors for the NRC to consider, because right now they have indeed been doing that under the Atomic Energy Act for some time. I think if we could all agree on that, and that is what is happening in this country and has happened in this country, we could eliminate some of the confusion whether in the mill tailings area here alone they consider these factors by simply putting them into the statute. I think that is an important thing.

And by directing EPA to consider these factors as we have already done, but if we remain silent on whether NRC is to consider those factors, I think we leave an unfortunate but a clear impression that EPA is to consider environment and economic costs, but NRC is not. And the only way to do that is to include a specific direction for anyone who believes there is some possibility that NRC will give an undue attention to cost, I would hope we might remedy that by including in the statement that manager's language clearly indicating that the protection of the public health and safety is to be the very paramount condition, the paramount mission, and only within that context then is the issue of cost even to be considered.

Based upon my experience with the NRC under two administrations, I think it is highly unlikely based upon the language that was originally proposed last week, that they are going to construe that any way to be an indication of any kind of congressional intent; the costs should somehow supplant the protection of the public welfare and safety as their principal concern.

In fact, in their letter to the conferees, they didn't propose deletion of the Senate language on the ground it would end up in a fundamental change. All they commented was on "all relevant factors."

So for those reasons, Mr. Chairman, I recommend we stay with the language I thought we had adopted at the last meeting which specifies those factors to be considered, and would urge the Senate conferees to support that language.

Thank you.

Representative UDALL. Does anyone else have anything?

Representative OTTINGER. Mr. Chairman, there is another factor you should take into consideration, and that is that the NRC already promulgated under the Mill Tailings Act and the standards established in the Act. And to add this additional factor at this time might require them to go back and reconsider their regulation. And also these regulations have been approved and considered by the court, and it might upset the court decision.

I think we would be far better to take out the language and put in report language saying that we intend feasibility should be taken into account, and the environment and economic costs are a part of those considerations, rather than trying to change the statute at this point, which could well upset not only the existing regulations, but also the court rulings with respect to them.

So I would much rather have it the other way around, that is, to get rid of the language and put what we want in terms of weighing these factors in the report than to change the statutory language, and I would hope I could persuade my colleagues to go along.

I yield to my friend from Ohio.

Representative SEIBERLING. I would like to ask Mr. Lujan, is it your feeling that the language without the environmental and economic costs will mean that the Commission will not consider the costs if there is any risk at all, they will impose restrictions regardless of cost? Is that your position, is that what they do now?

Representative LUJAN. As a matter of fact, I have been told—and not from the NRC, but from EPA—that they could not at all under the old wording, the wording as Dick wants to have it now, they could not consider at all the economic factors; and I think what we are doing is just saying that that is one of the considerations that you must take into account.

Representative OTTINGER. But it is not just one of the considerations. Public health and safety is the thing that they are primarily empowered and directed to protect, and it certainly is not on the same——

Representative LUJAN. I agree with you.

Representative OTTINGER [continuing]. On the same level of concern which is what is done here. And that is what disturbs me.

Representative UDALL. Let's get to Mr. Seiberling.

Representative SEIBERLING. There is a genuine dilemma here. Obviously it makes no sense to require the NRC to mitigate any risk, however small, and regardless of the cost. At the same time, if we just add this additional language in, then I think we are somewhat on an unchartered sea in that we are not clear in fact how they are going to weigh those two elements, the risk versus the cost.

I note parenthetically that the word "environmental" is redundant, since they are already required to take risk in the environmental risk, and I assume environmental risk and environmental cost are the same thing.

But the economic question is the crucial one, and I wonder if we could not come up with some kind of language that makes it clear that economic considerations are not ruled out, but at the same time, the fact that something might be very costly does not mean that it should not be undertaken if the risk is substantial, and that is really what we are trying to achieve.

Representative OTTINGER. I am willing to put that in report language just as you have said it; you have said it very well.

Representative SEIBERLING. But neither language in the legislation itself does that.

Representative UDALL. Senator Domenici?

Senator DOMENICI. Mr. Chairman, I think we have done just what you are suggesting, and let me tell you why. Because the statute will now read "the Commission. . ." it talks about managing this, and in paragraph 1 of Section 84 it says: "The Commission deems appropriate to protect the public health and safety and the environment from radiological . . ." et cetera.

Now that alone is their charge. They are supposed to do that.

Now what this amendment does is exactly what you asked, and it says in doing that, since that is their responsibility to appropriately protect public health and safety; we have not changed that, that is their charge. In doing that, they take into account the risk to the public health, safety and the environment, and these other items.

I don't think we can write it any better. That is precisely what we want in it. They are charged in protecting the public health, but in doing that, they don't—they assess the risk to the public health. They may find none.

So I think it is exactly a kind of clarification we need. If you look at this statute, that is precisely the charge. The charge is not to take—not to give economics more consideration than anything else. The charge is to protect the public health, safety and environment, and in doing that, you assess risk, and risk to the public health, safety and economic costs are their charge in looking at public health.

Representative SEIBERLING. Well, I think you are right. When we add the language "and economic costs," we put kind of a new twist on the charge, and my only feeling is that as written, if—you would have to go to the legislative history to find out what we meant, and I would feel a lot better if you stayed with the managers were explicit that some kind of a statement along the lines that I have previously mentioned that where the risk is in any way substantial, then the costs are not material to their obligation.

Representative LUJAN. I think that is what Senator Simpson said.

Senator SIMPSON. That is so clear, Mr. Chairman, I have no——

Representative SEIBERLING. My only question is how do we make that clear?

Representative UDALL. We are all saying the same thing, the only question is the report language, and I'm going along with what the Senator and what you just said, and with that we would not need the amendment. I think that is about where we came out the last time.

Representative SEIBERLING. I think we need to see the report language before we can resolve this, but that to me would be one way to go.

Representative BINGHAM. Could I ask a question about the language as it appears now. It appears the term "economic costs of applying such standards." As I look at Section 84(a)1, I don't know what the reference to "such standards" is. There is a reference to standards in 81(a)2, but not reference in (a) up to that point.

Representative SEIBERLING. That is probably taken right in the same form from the EPA part of it.

Representative BINGHAM. But it does not make sense.

Representative SEIBERLING. May I make a suggestion as to style. I think the word "environment" is irrelevant, because you already have the requirement to take into account the risk to the environment, and I don't know what the environmental costs add to that.

Then you don't need to say "applying such standards," but just say "the environment as well as the economic costs."

Representative OTTINGER. No, that would not do it. I would prefer not to see "economic costs" put in the statute, but put it in report language; and of course making their determination with respect to public health and safety, they are to consider feasibility, including economic costs of applying them.

Representative SEIBERLING. Dick, I agree with you in what you are trying to accomplish, but I think if you only have a public health and safety environment, they have no occasion to resort to the statement of the managers to see what we meant. Whereas, if you put it in the statute, then somebody has got to see where the weight is to be placed.

Representative OTTINGER. You've got this other factor, and that is if you do change the statute, you are likely to mess with the court decisions that were put in under the act. I think it is better to explain what you mean in applying health and safety in the report than to try to put economic factors on an equal plane with the public health and safety in the statute. I think that really is going to cause a good deal of mischief.

Representative UDALL. Mr. Markey.

Representative MARKEY. I would like to ask, what does that mean? Would that change require reopening on mill tailings that were deemed reasonable because Congress has spoken on the subject?

Representative OTTINGER. That is my concern, or one of my concerns in the cases heard and decided on the basis of one set of rules, if we change the statutory rules, those cases could be subject to challenge, and it seems to me that is unwise.

Representative UDALL. The manager should indicate there is no intent to change the meaning of that, and with that, Dick, I suggest you withdraw it and we get language you have a chance to look at from the statement of managers. I think that is a better ways to handle it.

Representative OTTINGER. If you feel that way, I might consider changing the language to make it clear that might satisfy this, you will have to follow along with me. Starting at line 8, "taking into account," I put in "primarily the risk to public health, safety, and the environment, and also consideration of the economic cost of applying such standards."

Representative SEIBERLING. I think that would be much better.

Representative OTTINGER. Does that satisfy the concerns?

Senator SIMPSON. Well Mr. Chairman, that is nothing that has been discussed in any effort with my staff, and I would prefer to stay away from those. I would rather be open and responsive to anything expressed, but I'm not aware that that has been.

Representative OTTINGER. I am trying to resolve your problem. If you don't want it, I will call for a vote on the language on this side and we will see where the votes lie since this is House proposed language.

Senator SIMPSON. Just hang on for a second here. The reason we ended up in this is because under the preamble of the mill tailings law it says "in order to prevent or minimize radon infusion into the environment," they have taken that onto themselves to read as a very strict consideration with no reference at all to economic costs. Now that is what has happened. That is how we got to this point, and I know it is difficult for someone to realize what uranium mill tailings are and radon gas, and I know as we wander around in the wilderness in Wyoming that the uranium levels and the radon levels on the top of the ground are more than you would ever find in the mill tailings deposit. I know that is difficult to believe, and when you get into environmental costs—and I think that language that John is discussing is very important, because you might be talking about revegetation and other things that have to do with that.

As far as the continual references to the court cases, it seems to me that last week we covered that very thoroughly, that we said nothing we would do, and that is in our effort to this point, nothing we would do would affect the court proceeding.

So I just want to kind of draw the cue ball back every once in a while as to how we got to this point. I'm not interested in whether it is up or down, but I say let's have some clarity and thought, because I thought we handled this the last time, but apparently we didn't. And I say here is the chance to do it, let's do it right, because I think my proposal—so I know where we are—is that we leave the language the way it was at the last time, and have the report language that would say what John Seiberling said, what the Chairman said, and that would seem to be quite appropriate, because I have no desire to be involved in some kind of caper that says now we're going to disregard the public health and safety and go to costs. I would not have any part of that.

Thank you.

Representative OTTINGER. Mr. Chairman, do you want to have a vote on my amendment, or my amended amendment?

Representative SEIBERLING. Might I offer a suggested substitute for your amendment, and I'm talking now about your written amendment, not the oral one; that we strike out the language after the word "environment" in line 9, and substitute with: "due consideration of the economic costs and such other factors as the Commission determines to be appropriate."

That way we are still leaving there primary charge—public health, safety and environment, but you are saying they are to give appropriate consideration to the costs.

And that way, then, you would be thrown back to the statement of the managers for

further explanation, which is what we intended a long time ago. But it seems to me that would be a way out of this impasse.

Representative BINGHAM. Would you yield?

It seems to me that is a very good—if I might have the gentleman's attention—it seems that is a good solution, because if you look at your solution, to take out all after the word "environment" would leave the paragraph of the law as just totally redundant. It says, if I may read it: "shall ensure the management—and so forth, as one, the Commission deems appropriate to protect the public health and safety and environment." These are the words that Senator Simpson read a minute ago, "associated with processing and possession . . ." et cetera, and you would add the words "taking into account the public's health, safety and environment" that would make no sense at all, because you just said public safety and environment.

The purpose of the addition was to make some reference to the economic cost, and it seems to me that Mr. Seiberling's formulation does what you want to do. I could not support your amendment in the form it is in because I think——

Representative OTTINGER. It is better to strike all the language?

Representative BINGHAM. Right.

Representative UDALL. Is that agreeable?

Representative OTTINGER. Read it again.

Representative SEIBERLING. I'll read it, "Taking into account the risk to the public health, safety and the environment with due consideration of the economic costs and such other factors as the Commission determines to be appropriate."

Senator SIMPSON. I think that would be appropriate if we might say that there will be environmental costs that might not be the same as environmental risk. In other words, we prepare the ground, that would not be an environmental risk, but it will be an environmental cost, that the managers would reflect that would be considered when we are talking about such other factors there.

Representative SEIBERLING. I'm sorry we don't have Senator Hayakawa here. But I see no difference, but if you do——

Senator DOMENICI. I will give you an example. The present requirements will require that New Mexico, just 37 square miles of surface ten foot deep to accomplishment the requirement, and that's an environment cost as he describes it, and it is impossible to do.

Therefore, we think we ought to take it into consideration.

Representative SEIBERLING. I think that would help get us into the statement by the managers.

Representative UDALL. We will agree on that.

Representative SEIBERLING. Did you consider we strike out the words "of applying such standards"?

Representative UDALL. The President wants us to raise taxes soon, we have a quorum call. Let's see if we can't take Ottinger No. 3.

Representative MARKEY. If I might just add, in the 10th Circuit decision, which causes some concern here, the court did not speak about environmental costs, it spoke of feasibility, and I was just wondering if when you put together the Conference Committee Report, that that could be reflected so that the words we used are in consert with the court's decision so that we are in no way reversing all these?

Representative UDALL. Can we take Number 3 now?

Representative OTTINGER. Number 3 is to strike out from page 6, line 22 through line 2 on page 8, even though it says 1 on page 8.

Representative UDALL. Could we have some order here?

Where is No. 3?

Representative OTTINGER. We discussed this the last time, Mr. Lujan. What we actually did was to strike this, and I take it that Mr. Lujan really only desired to strike the second paragraph.

We are informed by the parliamentarian, however, that the first paragraph beyond the scope of the conference is to subject the entire conference report to a point of order, if we give licensees a new right to have alternatives considered, if they don't have under existing law, which was not in the Senate or the House bill, and I think it is probably not a good idea at any rate.

For that reason, we have done what we thought we did in the first place, and that is strike out the entire section.

Representative UDALL. This is marked number 2, but I call it number 3. It says page 6 "strike out line 22 and all that follows through page 8 line 2."

Representative OTTINGER. They don't have the right, I'm told, under the regulations of the Commission as a discretionary right to establish a statutory right that is not within either the Senate bill or the House bill.

Representative UDALL. Does anyone want to join in the discussion here?

Mr. Lujan?

Representative LUJAN. Mr. Chairman, this is the issue that I thought was cleared up finally the last time, and the reason for not wanting to delete that first portion was because this gives an opportunity, the first portion, to a licensee who is on the ground and knows the specific problems associated with it, allows then the licensee to propose to the Commission certain alternatives, and then it goes on to say that if the Commission finds that they are proper, or that they are more stringent than those that the Commission has, then the Commission would approve them.

So that is the portion of my amendment that we left in the last time, the one we took out, and I assume you agree with that because of the dates we would have a problem as to the pre- and post-October 3rd.

Representative OTTINGER. Yes.

Representative LUJAN. So I won't address that because we are both agreed——

Representative OTTINGER. Under Section 1, and I think it is primarily what we are talking about is a technicality here, they cannot at the present time apply, and the Commission can entertain their applications. This creates a statutory obligation upon the Commission, and I don't think the end result will be much different, but we do get ourselves into trouble according to the parliamentarian——

Representative LUJAN. Before we go vote, we all agree that second second should be out?

Representative OTTINGER. Yes.

Representative LUJAN. Could we make that proposal and then we will agree on that?

Representative SEIBERLING. May I make one other suggestion. Line 14, page 7, I don't understand what the words "to the extent practicable" are doing in there. It seems that adds complete confusion in what we are doing there, and I suggest taking those out.

Representative UDALL. Let's go a point at a time. It has been suggested we knock out sub 2. Is there any objection to striking that?

Hearing none, both sides agree.

Representative SEIBERLING. Before you go, could you tell me what the words "to the extent practicable" mean?

Senator DOMENICI. They are in the existing law.

Representative SEIBERLING. I still don't know what they mean. If it's in the existing law, I suppose we will let well enough alone, but I still don't like it. I submit it makes no sense.

Representative UDALL. The pending motion would take out the whole section including the language.

Representative SEIBERLING. But I'm suggesting as an alternative we take out the words "to the extent practicable."

Representative OTTINGER. John, that does not address the problem. "Creating an obligation that the Commission shall treat such alternatives," and so forth, eliminates the present statutory situation where the Commission has discretion and makes it mandatory. It is beyond the scope of the conference so that you would subject the whole conference to a point of order. Why do it? I don't think it's that important.

It goes beyond the scope of the conference, it is worse than being non-germane, and I don't think substantially it makes that much difference, so why not leave it as it is?

Representative SEIBERLING. That being the case, I guess we have no choice.

Senator SIMPSON. Just one thing, and you've been in it longer than I, but what we are trying to do here is to recognize this licensee and the non-agreement states should have similar authority that is already available in the agreement states. I happen to come from a non-agreement state. Pete is from an agreement state. There is a difference.

Without this provision, if one were to come out, we are essentially saying that only the agreement state licensees may meet the NRC requirements in a manner that may be less expensive or more efficient, but that the non-agreement state licensees then must meet the NRC requirements only because specified in the NRC requirements. This is intended to place the two types of licensees and two types of states on the same equal footing, and that is why one should remain there.

Representative OTTINGER. I have no problem with the substance of what you say. We get ourselves into a parliamentarian pickle, but I think that is unnecessary. Why don't we put in report language saying it already is in the language and we hope the Commission will excercise it in this kind of a manner?

Representative BINGHAM. Do you think anybody would object to the conference——

Representative OTTINGER. There are people that might not like it at all in other respects, not because of this provision, but anything else they didn't like.

Representative SEIBERLING. Would you yield, please.

If the word "shall" on page 8 were changed to "may" would that——

Representative OTTINGER. Then you have no problem.

Representative SEIBERLING. How offensive would that be? Would that help the situation here, would that be satisfactory?

Representative OTTINGER. My counselor tells me under the agreement states, Alan, it is the state regulatory body that has the discretion, the licensee is not given the stat-

utory right under the agreement states, which is being given here; so we would not be equalizing, we would be giving the licensee something that is not here under the agreement state.

Representative SEIBERLING. It seems if you have "may" you could do that.

Senator SIMPSON. Mr. Chairman, either in agreement of non-agreement states, the licensee submits material to the NRC.

Representative OTTINGER. It is extraordinarily unexciting, substantially. I'm just trying to see if we can avoid——

Senator DOMENICI. It seems to me—I'm not familiar with your rules, and I know both as to scope and germaneness that we have a different rule in both cases. We have a more generous interpretation, but there is some language in this bill that is before us that addresses non-agreement states, and it seems to me that to make it clear that we intend to both be treated the same with reference to this should be the intent of the conferees. I would think if somebody wants to raise that and you all really don't have the ability to call your parliamentarian into a room and talk to him—we do that occasionally—then it would seem to me that——

Representative OTTINGER. You're in a position of greater influence with your parliamentarian than I am with ours.

Why don't we put a statement that we intend the two shall be treated the same by the Commission, and take out the language? That is perfectly acceptable by me.

Senator SIMPSON. But Mr. Chairman, if you take out Number 1, you have negated that thought, because Number 1—the sole purpose of it is to bring a concurrence with the agreement states and non-agreement states.

Representative OTTINGER. As I understand it, the licensees may do this at the present time, and the only difference is discretion, rather than a mandate. If we say it is the intention that the Commission shall follow these guidelines in exercising its discretion, I think we have accomplished virtually the same thing.

Representative UDALL. Would you be willing to accept Mr. Seiberling's change, "shall" to "may" and have the rest approved?

Representative SEIBERLING. I will so move.

Representative UDALL. On page 7, line 8, change "shall" to "may" and otherwise approve it.

Representative SEIBERLING. I want to take out the words "to the extent practicable." I won't fight too arduously on that.

Representative OTTINGER. I accept that. I will accept Mr. Seiberling's change, taking out "to the extent practicable" and taking out "shall."

Senator SIMPSON. No, I won't go along with that. I'm willing to accept Mr. Seiberling's line proposal to change "shall" to "may" with report language that what we are trying to do when we are seeking discretion, or whatever, that the agreement states and non-agreement states are treated the same.

Representative SEIBERLING. I think that is sufficient, I will withdraw "to the extent practicable."

Representative UDALL. Any disagreement?

Representative OTTINGER. I will go along.

Representative UDALL. I think that covers all of the matters left except the Import question now, and if we can, we will close out the conference on all those issues except imports, and then come back here on Thursday, September 9th.

Senator SIMPSON. Mr. Chairman, did we now remove this section here?

Representative UDALL. Yes, Section 2 is out, Section 1 was modified. "Shall" to "may" the only change, and everything is closed out except imports.

We will adjourn until September 9th.

(Whereupon, at 4:15 p.m. the Joint House-Senate Conference adjourned, to reconvene on Thursday, September 9, 1982.)

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., April 28, 1982.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is to provide the views of the Environmental Protection Agency on H.R. 2330 (S. 1207), the Nuclear Regulatory Commission Authorizations. The Agency would oppose enactment of the Senate-passed version of H.R. 2330 without certain changes discussed below.

Section 206 of the bill is the primary focus of interest to the Agency. This section amends both the Atomic Energy Act of 1954, as amended, and the Uranium Mill Tailings Radiation Control Act of 1978, by changing some Federal and State responsibilities and requirements for remedial action at uranium mill tailings sites.

New deadlines would be set for EPA to promulgate standards for the protection of the public health, safety, and environment for the cleanup of by-product materials at the mill tailings sites. Promulgation and implementation of technical requirements by the Nuclear Regulatory Commission (NRC) would take place only after promulgation of EPA's final standards. EPA would be authorized to expend such funds as necessary to meet the new deadlines for promulgating standards. EPA and NRC would both be required to consider the economic costs and other impacts of applying the Federal regulatory requirements in the process of devising those requirements. Agreement States under section 274 of the Atomic Energy Act would no longer be mandated to adopt Federal requirements that they determined were not practicable for State application. Existing agreement State regulatory programs for remedial action at mill tailings sites would not be subject to automatic termination by NRC without notice and hearing.

We have several concerns about these amendments. Section 206(a)(1) of the bill would amend section 275 of the Atomic Energy Act by inserting April 1, 1982 as the new deadline for EPA standards for cleanup of inactive uranium mill tailings sites. Because this date has already passed and to insure a complete and thorough review within the Agency, we propose a change in that deadline to June 30, 1982. We would also change the bill's time limit for promulgating standards for active tailings sites, in section 206(a)(4), from six months after proposal to twelve months after proposal. We believe these are the minimum reasonable times for compliance. We support the sequential promulgation of standards and rules by EPA and NRC, required by section 206(a)(6).

Another concern of EPA is the new subsection 206(a)(5)(B), which calls for the Administrator to consider, in establishing standards, all relevent factors including the economic cost and other impacts of applying Federal requirements. We generally agree with the intent of this requirement, and are presently taking costs into consideration. We can do cost effectiveness studies that would compare the control levels obtained versus necessary expenditures. Cost affordability studies could also be done, but that would require a great deal of additional information and take up to two years to complete. We do not recommend that the cost affordability studies be done.

We are concerned, though, that the proposed language: "the Administrator shall consider . . . all relevant factors . . ." may be too broadly stated. This language could provide a specific legal basis to challenge an Agency regulation whenever a plaintiff could find for a court a "relevant factor" which we had not considered. Instead we suggest section 206(a)(5)(B) be revised to state: by inserting the following after the final sentence in paragraph (1) of subsection b: "The Administrator shall consider, in establishing the standards, the risks to the public health, safety, and the environment, the economic costs of applying applicable Federal standards or requirements, and any other factors the Administrator determines are relevant."

Finally, we object to the changes discussed above which sections 206 (f) and (g) would make in the requirements and responsibilities of agreement States. These provisions could seriously diminish and perhaps eliminate the uniformity of adherence to basic Federal standards for protection of public health, safety and the environment as applied to by-product material. This heretofore has been a primary justification of the "agreement State" concept under the Atomic Energy Act. We question the precedent-setting aspects of these changes in the "agreement States" provisions, and recommend that the bill make clear that "adequate protection of public health, safety and the environment" is defined in section 206(g) as the basic health standards established by EPA.

We appreciate the opportunity to provide EPA's views on this bill. The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the President's program.

Sincerely yours,

ANNE M. GORSUCH,
Administrator.●

A "NEW BEGINNING" ON ENVIRONMENTAL MATTERS

● Mr. STAFFORD. Mr. President, it was slightly less than 1 month ago—May 18, to be exact—that President Reagan presided at the swearing-in of William Ruckelshaus and promised us a "new beginning" on environmental matters.

Last week, the Senate was presented two indications of the direction in which the "new beginning" would take the country. One was the presentation of the administration's views on the Clean Water Act; the other was the presentation of a revised budget request for the Environmental Protection Agency.

The Clean Water Act testimony is well described in an article which appeared in the New York Times, which I ask to be printed in the RECORD at this point.

The article follows:

[From the New York Times, June 15, 1983]

RUCKELSHAUS ENDORSES CLEAN WATER ACT PROPOSALS

(By Philip Shabecoff)

WASHINGTON, June 14.—William D. Ruckelshaus, in his first appearance before a Congressional committee as Administrator of the Environmental Protection Agency, today largely endorsed proposals made by his predecessor, Anne McGill Burford, for revising and extending the Clean Water Act.

Mr. Ruckelshaus, testifying before the Senate Environment and Public Works Committee's Environmental Pollution Subcommittee, said he still had an open mind about some of the Administration's proposals for changing the water law. The proposals, some of which are opposed by environmental groups, were prepared by the agency under Mrs. Burford and reaffirmed by President Reagan's Cabinet Council on the Environment in April.

HE SAYS ACT "HAS WORKED"

But his testimony tended to back the proposals, which include extending deadlines for industries that discharge pollutants to begin using "best available technology" to combat pollution, and giving the agency and the states more flexibility in setting and meeting standards for maintaining clean water.

Mr. Ruckelshaus did not call for any major overhaul of the Clean Water Act, commenting that the strategy for cleaning the nation's waters adopted when it was passed in 1972 and amended in 1977 "has worked."

The Clean Water Act, one of the landmark environmental laws passed in the 1970's, expired last year but the law is still enforced under a continuing resolution of Congress. Senator John H. Chafee, Republican of Rhode Island, chairman of the subcommittee, said the subcommittee would start to draft an extension bill Thursday. Staff officials said the bill could come to the Senate floor in July. Similar legislation has been introduced into the House.

Spokesmen for environmental groups said today that while there were some positive elements to Mr. Ruckelshaus's testimony, they were generally disappointed that he did not disavow the legislation proposed by the Administration before he arrived in Washington.

CRITICS SAY PROPOSALS WEAKEN LAW

"He is supporting a dirty water bill," said Sharon Newsome of the National Wildlife Federation, the nation's largest conservation group.

She and other environmentalists said the Administration proposal would weaken some of the protections for clean water afforded by the law as now enforced.

Mr. Ruckelshaus endorsed the Administration's proposals to impose severe criminal penalties on polluters who knowingly discharged wastes into waters in violation of the law. He also supported changes that would enable the agency to deal with pollution that came from water running off urban streets and rural fields, as opposed to pollution from specific sources. Such "nonpoint source" water pollution is not addressed in current legislation.

In response to a question by Senator Daniel Patrick Moynihan, Democrat of New York, Mr. Ruckelshaus said he expected the agency to have a report on contamination of the Hudson River by PCB's, or polychlorinated biphenyls, by August.

Mr. STAFFORD. What I would like to discuss briefly, Mr. President, is the other event of Wednesday; namely, the budget proposal.

Through the process of preparing for confirmation hearings for Mr. Ruckelshaus and additional oversight hearings, I reached the conclusion that increased funding for Environmental Protection Agency operations in fiscal year 1984 was essential. Based on a detailed review of the Agency's past budgets and present responsibilities, I concluded that returning the operating budget to the levels provided in fiscal year 1981 would provide the new Environmental Protection Agency Administrator with the minimum resources necessary to do the job.

Consequently, I joined with 18 Members from both sides of the aisle and filed, on May 11, an amendment that was to be offered to the Senate-reported budget resolution to increase the operating budget to $1.35 billion. However, the substitute budget offered by Senator GORTON for myself and others adopted by the Senate provided those very levels for EPA. I presented that information to my distinguished colleague, Senator GARN, and the other members of the HUD-Independent Agencies Appropriations Subcommittee myself during the hearings for this bill.

Before Mr. Ruckelshaus submitted this budget, I wrote to him urging that he seek to restore the Agency to its 1981 funding levels. I believe this is important, both symbolically and intrinsically. Whether or not Mr. Ruckelshaus agreed on that point, he seems to have disagreed as to the level itself. The Office of Management and Budget has cleared, and he requested, not the actual 1981 level of $1.35 billion, but a more modest level of $1.117 billion. I ask that the letter submitted to the Office of Management and Budget by Mr. Ruckelshaus and Mr. Stockman's letter to Mr. Garn be printed in the RECORD at this point.

The letters follow:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., June 13, 1983.

Hon. DAVID A. STOCKMAN,
Director, Office of Management and Budget, Old Executive Office Building, Washington, D.C.

DEAR DAVE: My review of the budget has brought me to a point where I can recommend increases that can be utilized effectively in fiscal year 1984.

We are requesting an increase of $265.5 million over the budget previously submitted, a total increase of 21 percent. Although these are substantial increases, I believe they are necessary to fund an aggressive environmental cleanup effort.

One hundred million dollars and up to 300 workyears of the increase will be directed toward fundamentally changing the pace and nature of the operation of the Superfund program. These resources will allow us to remove hazardous substances from substantially more sites in 1984, and to make rapid progress against our ultimate goal of cleaning up the most hazardous sites. The additional resources also reflect our policy of taking actions to initiate clean up immediately and to determine who pays later.

The other $165.5 million and up to 800 workyears would fund critical needs in a range of programs. We would plan to divide these funds between our appropriation accounts with $34.5 million for Salaries and Expenses, $100 million for Abatement, Control and Compliance, and $31 million for Research and Development.

As you know, I have had very little time to review the 1984 budget. Therefore, to meet critical needs effectively, it is extremely important that I receive as much flexibility in the final appropriations bill as possible. Lack of flexibility will not only hamper current operations, but will limit my ability to formulate sound programs for 1985 and subsequent years.

I believe the proposals I have recommended, coupled with flexibility, will provide me with adequate resources to do the job that the President wants done.

Sincerely yours,

WILLIAM D. RUCKELSHAUS.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., June 13, 1983.

Hon. JAKE GARN,
U.S. Senate,
Washington, D.C.

DEAR JAKE: Soon after his selection as EPA Administrator, Bill Ruckelshaus promised the President that he would carefully review the pending fiscal year 1984 EPA budget request to ensure that the agency had sufficient funding to carry out its statutory mandate of protecting the environment.

At your request, this review was put on a schedule that would enable the Senate to have the results available during the deliberations on the fiscal year 1984 HUD-Independent Agencies appropriations bill.

We have received and reviewed the enclosed letter from Bill Ruckelshaus recommending an increase of $265.5 million in the fiscal year 1984 budget request that was transmitted last January.

Because of the very limited time available, we are not able to transmit a formal budget amendment to the Congress prior to the Senate Appropriations Committee markup. However, I wish to assure you that the President has approved Bill Ruckleshaus' recommendations. We will accordingly transmit an amendment increasing the fiscal year 1984 request in the amounts specified in the Ruckelshaus letter within a matter of days.

With all best wishes,

Yours very truly,

DAVID A. STOCKMAN,
Director.

Mr. STAFFORD. It is a measure of the high regard in which Mr. Ruckelshaus is held by the Congress that his recommendation was quickly adopted by the Appropriations Committee even though in real terms it would provide the smallest budget for EPA since Mr. Ruckelshaus' last tenure as Administrator of the Agency.

To place this budget level in its proper perspective, I ask that a table prepared by the Library of Congress be printed in the RECORD at this point. This table compares the operating budgets for the Environmental Protec-

tion Agency since 1972 in constant, 1972 dollars.

The table follow:

THE ENVIRONMENTAL PROTECTION AGENCY'S OPERATING PROGRAM BUDGET

Fiscal year	Current dollars	Constant 1972 dollars
1972	454	454
1973	477	452
1974	528	462
1975	700	546
1976	771	568
1977	784	542
1978	999	649
1979	1,203	740
1980	1,269	701
1981	1,350	662
1982	1,086	516
1983	1,040	468
1984	949	407
	(1,117)	(478)

Note.—Prepared by the Congressional Research Service. Utilizes the implicit price deflator, nondefense sector. Fiscal years were matched against calendar years, and fiscal year 1983 and fiscal year 1984 projections used CEQ outlook figures for inflation.

Mr. STAFFORD. It is important to note, Mr. President, that since Mr. Ruckelshaus last headed the Environmental Protection Agency, a number of important environmental laws have been enacted. These include the following:

The Toxic Substances Control Act, under which the Agency has cataloged roughly 50,000 existing chemicals and reviews requests for the marketing of new ones every day;

The Resource Conservation and Recovery Act, under which the Environmental Protection Agency is to establish a program to regulate the generation, transportation, and disposal of hazardous wastes;

The 1977 amendments to the Clean Air Act, which established a statutory program to prevent degradation of air quality in areas where the air was clean, as well as to hasten progress toward achievement of healthier air in areas where it is now dirty;

The 1977 amendments to the Clean Water Act, which committed the Nation to the eventual elimination of toxic water pollution, and,

Finally, the Superfund law, which was passed in 1980 to help the millions of men, women, and children whos lives are threatened by the releases of toxic chemicals.

In addition to these five major laws, a multiplicity of little noticed, but nevertheless important statutes have been enacted as well. These include programs for environmental research and development, noise control, recycling of waste oil, assistance to the domestic steel industry, proscriptions on ocean dumping, cleanup of Outer Continental Shelf oil spills, and so on.

All of these laws, and others, have been enacted since 1976, when the budget for the Environmental Protection Agency was $568 million, in terms of 1972 dollars. The request of Mr. Ruckelshaus—and the request adopted by the Appropriations Committee—is a full $90 million less than what the Agency had in 1976, before any of these laws were placed on the books. In effect, the committee has approved a request which, when compared to the 1976 levels, leaves no room for these newer major laws—nothing for toxic substances, nothing for preventing significant deterioration, nothing for hazardous waste regulation, nothing for steel industry assistance, and nothing for any of the other laws enacted since then—and $90 million less for the laws which were then in existence.

In addition, the administration has not provided detailed information on the anticipated use of the additional funds they have requested for fiscal year 1984. They have not provided the Congress with any information on the program distribution of their new funding request. While additional personnel have been requested, we do not know if it is the agency's intent to use these individuals for increased enforcement or research.

As my letter makes clear, it is this Senator's personal belief that the appropriate funding level for the Environmental Protection Agency's operating programs is $1.35 billion for fiscal year 1984.

Despite my personal beliefs, however, it is clear that the Appropriations Committee and the Senate are of a mood to defer to Mr. Ruckelshaus. In such a climate, it serves neither the interests of the public nor the Senate for this Senator to force a vote on an amendment to increase the Agency's budget. In my view, the outcome of the vote is quite clear. Forcing it would only add to the increasingly polarized debate on the present and future state of affairs at the Environmental Protection Agency.

Therefore, what I intend to do is not to offer an amendment at this time, but to prepare to offer one before the beginning of the fiscal year on October 1. In the meantime, I have instructed the staff of the Committee on Environment and Public Works to undertake a detailed analysis of the workplan contemplated under the proposed appropriations. If it is this Senator's conclusion, based on such detailed information, that the level is too low, he will offer an amendment to increase it to whatever seems necessary. If, on the other hand, the proposed level is adequate—or if the administration has submitted a request for a supplement—then it would not be my intention to offer an amendment.

Mr. President, I ask that my letter to Mr. Ruckelshaus be reprinted in the RECORD at this point.

The letter follows:

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, D.C., June 10, 1983.

Hon. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR BILL: I know that one of your first priorities as Administrator of the Environmental Protection Agency is to review the Agency's budget for fiscal year 1984 and recommend to the President and to Congress funding levels that will enable the Agency to carry out its statutory duties. Your decision on the budget is, I believe, one of the most important decisions you will make as Administrator, as it will set the tone for the remainder of your term of office and can go a long way toward restoring the public's faith in the commitment of this Administration to environmental protection.

For that reason I want to take this opportunity to share with you my views on appropriate levels for the Agency budget for operations and for Superfund—views arrived at after extensive oversight by the Environment and Public Works Committee of the Agency's performance and budgets for the past several fiscal years.

First, the operating budget for the Agency for 1984 should be at a level no less than that provided in 1981, the last year before major—and what I have come to believe were crippling—reductions began. Restoring the budget to the 1981 level, using 1984 dollars, does not, of course, bring actual Agency resources back to 1981 levels because of inflation during the intervening years. Providing $1.35 billion for the operation of the Agency would permit more expeditious inspection and regulation of hazardous waste sites, identification of and, where necessary, enforcement against polluting industrial facilities in the nonattainment areas of the country, better and earlier scientific support for regulatory decisions, and faster processing of permit applications under several statutes administered by the States and by the Agency.

With respect to the last two functions mentioned above, I want to emphasize my belief that substantial increases in resources are needed for the Agency's research and development program and for grants to States. The research and development budget for 1984 proposed by the Administration is 53 percent below the 1981 level, with substantial cuts in virtually all programs.

Support for the development of pollution control technology has been virtually eliminated, including funding to develop one of the most promising means to reduce emissions of sulfur dioxide and oxides of nitrogen. Radiation and noise research have been entirely eliminated as has basic long term research. Funds for health effects research have been sharply reduced. Funding for development of disposal technologies for hazardous waste is clearly inadequate.

While I would not presume to recommend specific funding levels for individual programs, I am convinced that very substantial increases—at least to 1981 levels—in funds and personnel are needed if the Agency is to provide a sound scientific basis for its regulatory decisions and fulfill its mission of identifying and protecting against environmental and health hazards.

State grants were reduced 33 percent in real terms between 1981 and 1983. State officials and organizations testified before our Committee this year that reductions proposed by the Administration for 1984 would reduce the ability of States to determine the

amount and sources of pollution because of cut-backs in ambient monitoring and source inspections. Reductions would also impair the assessment of compliance with regulations and would delay permit reviews, thus increasing industry costs.

With respect to the Superfund program, my Committee's recent oversight hearing on the program convinced me that the Agency has the ability to accelerate the hazardous waste cleanup program. By fiscal year 1984, a total of $768 million in tax receipts will be available in the Superfund for Agency use. Clearly then, there are the resources as well as the need to accelerate cleanup. I therefore strongly urge you to recommend no less than $383 million for 1984 for funding under the Superfund program.

By all accounts you have been making good progress in restoring the morale of the Agency, especially in the Superfund program. Indeed, recent policy decisions have presented the appearance of a changed Agency and Administration. In my view, however, the first real measure of change will be the revised budget submission for fiscal year 1984.

A substantial increase in the Agency's budget above that originally requested is important not only programmatically but symbolically. President Reagan observed several months ago that this Nation's commitment to national defense could be measured by the amount of money the Congress appropriated. While I do not believe that funding alone demonstrates commitment, certainly the resources allocated provide one measure of our commitment to any goal, including that of protecting the environment.

I urge you to use every means within your authority to see that your Agency receives the substantial increase in resources it needs to carry out its critically important and extensive mission.

Sincerely yours,

ROBERT T. STAFFORD,
Chairman.●

TRUTH AND BUDGET POLITICS

● Mr. MELCHER. Mr. President, people say that politics should not be discussed with friends because it could lead to an argument or because it is confusing or causes bad feelings. By Webster's definition, politics is the "art or science of government or the art or science concerned with guiding or influencing governmental policy." I can understand why there can be arguments and might be some bad feelings concerning governmental policies, but if people at the grassroots are not going to discuss it and take a hand in guiding or influencing governmental policy, you had better believe that what is a now sad situation will become a very bad situation.

For instance, I have in mind the talk coming from the White House that "if Congress would only spend less money there would be more assurance of economic recovery, a drop in interest rates, and we could get close to a balanced budget."

Politics should be truthful, and those statements from the White House and in the President's speeches are not true and cover up the facts. The President's budget is in the same range as those of the House and Senate. In my judgment, all three of these proposed Federal budgets are too high, but the fact is that the President's budget would spend even more in the years to come. The reason: The President believes that more should be spent on military hardware and foreign aid than does Congress.

Economic recovery, with lower interest rates, would mean more jobs and better demand for agricultural and manufactured products, with more people contributing to the Treasury and social security. That has to be our No. 1 concern and would offset much of the huge Federal deficits that have been building up over the past several years but have reached over $100 billion last year and will exceed $200 billion this year. And the President's budget chief says that "deficits nearly as great will continue in the years to come, for as far as the eye can see." That is not good governmental policy. It is also bad politics.

The only logical answer is to reduce the Federal deficits, either by cutting spending or increasing taxes. Until the recession is over, most economists advise against increasing taxes, but all recommend trimming spending. That we can do. Spending has grown the most in military hardware and foreign aid. That spending is contributing to the $200 billion Federal deficit and must be examined carefully to see where money can be saved.

With inflation dropping, the spending increases for entitlement programs should come down to more manageable levels. Domestic Federal programs have been cut and further curbs of waste and fraud can assure that the expenditures are properly used. But good politics—and good governmental policy—require that the overall Federal deficits be trimmed. I do not believe any of us argue that point.●

NATIONAL ICE CREAM DAY—SENATE JOINT RESOLUTION 117

● Mr. D'AMATO. Mr. President, I rise today to cosponsor a resolution to designate July 15, 1983, as "National Ice Cream Day." This resolution honors our dairy farmers and salutes this important and universally loved agricultural product.

The importance of the ice cream industry must not be overlooked, for it uses 10 percent of the milk produced by U.S. dairy farmers. Ice Cream contributes substantially to the profits of our Nation's dairy industry.

Ice cream is a symbol of American culture; it, along with apple pie, represents our favorite foods. Ice cream brings a smile to the face of children and adults alike. The ice cream parlor can be found in every town across our Nation.

Every since Dolly Madison served ice cream in the White House, this product has stood as a representative of Americana. Ice cream is a nutritious and wholesome food enjoyed by millions of people throughout the United States. Any American will attest that on a hot summer day there is nothing more appealing than a scoop of ice cream.

Futhermore, "National Ice Cream Day" would celebrate not only this favorite food, but it would honor all those related to its production. Mr. President, I urge the adoption of this resolution.●

SOVIET SPONSORED ANC TERRORISM IN SOUTH AFRICA

● Mr. DENTON. Mr. President, international terrorism is a societal cancer of our time. Like a tumor, the malignancy, if unchecked, feeds on and destroys healthy tissue until at last the body of society, debilitated by the ravages of the disease, collapses. Moreover, the decision to combat the disease is not without its own costs. Even as chemotherapy and treatment by radiation affect normal tissue when employed to check the spread of cancer, so reprisals by the authorities of societies whose citizens are threatened and victimized by acts of terrorism may create or exacerbate tensions already present in those societies.

That of course, is the goal of the terrorist. Having forsworn the road of moderation, reason and accommodation, he seeks to generate a sense of siege and crisis in the society on which he has set his sights. Often politically motivated, many such terrorist groups display a fanatical belief in the morality of their causes, which enables them to disregard or view as inevitable, in the interest of the revolution, the misery and tragedy they cause.

Modern history is littered with examples of callous butchery. The names and acronyms of the most frequent perpetrators—the PLO, the IRA, the Red Guard, the Black September, the Faribundo Marti group in El Salvador and SWAPO in Namibia—have become household words. Moreover, each of those groups receives large amounts of support from the Soviet Union, either directly or through Soviet surrogates such as Cuba. The pattern of their activities is distressingly familiar to those, such as I, who are familiar with what happened in Vietnam. Contact with military units is avoided or is restricted to an occasional ambush, often associated with the planting of a land mine or some other form of booby trap.

The preferred activity of the groups I mentioned is pure and simple terrorism, directed at the innocent civilian population. Terrorist activities embrace the whole spectrum: Targeted kidnapping, mutilation and other forms of "hard intimidation" of indi-

viduals; abduction of groups, often children; and wanton slaughter and destruction of the sort undertaken by the PLO, Black September, and the Provisional IRA during previous decades.

When the Subcommittee on Security and Terrorism conducted hearings in March 1982 to investigate the role of the Soviet Union, East Germany and Cuba in fomenting terrorism in Southern Africa, we found incontrovertible evidence of Soviet penetration and control of the two major terrorist organizations in the region, the African National Congress and the Southwest Africa People's Organization. A chilling tale of Soviet manipulation emerged from the testimony of former members of the organzations and the documents included in the RECORD. The subcommittee reported, however, that unlike SWAPO, which routinely engages in murder and brutal intimidation of political opponents, the ANC had ". . . not yet undertaken terrorist activity on (the same) scale, and most incidences of sabotage have been directed at installations, rather than persons." The report continued:

Mr. Mfalapitsa (one of the witnesses—an ex-ANC member) has testified, however, about plans to assassinate President Mangope of Bophutatswana, the Tswana homeland in Southern Africa. He also testified that Joe Modise, the Chief of Umkonto We Sizwe, the terrorist wing of the ANC, proposed a second phase of sabotage in which mines would be laid on farm roads near the Botswana border, presumably with the same horrible consequences that we have seen in Namibia, and farmhouses, single vehicles and small police stations would be attacked. Umkonto We Sizwe has already claimed credit for bombing an urban shopping center and automobile showrooms and for attacks on small police stations manned by South African blacks.

Shortly after the publication of the record of those hearings, I had the painful duty of informing the Senate that one of the witnesses, Mr. Bartholomew Hlapane, and his wife were murdered in their home in Soweto on December 16, 1982, by an ANC assassin armed with an AK–47 assault rifle. Mr. Hlapane, a former member of the National Executive of the ANC and of the central committee of the South African Communist Party, had testified before the subcommittee about the clandestine role of the South African Communist Party in the ANC and in the formation and direction of Umkonto We Sizwe.

At 4:21 p.m. on Friday, May 20, 1983 Umkonto We Sizwe struck again, detonating a bomb concealed in an automobile in a busy street in downtown Pretoria, South Africa's capital city, at a time when office workers were on their way home for the weekend, The blast killed 19 persons and injured 212. In a statement issued in Dar Es Salaam on May 23, the ANC proudly took credit for its cowardly act of terrorism, claiming that it constituted an attack on the South African military machine.

What are the facts? Although some officers and administrative personnel of the South African Air Force have offices in one of the buildings damaged in the blast, and some of them were indeed among those killed and wounded, no fewer than 8 of the 19 persons killed and 54 of those seriously injured were black South Africans who were in the street, in a restaurant, and in a bank and other offices nearby. Two of the 19 dead were women, as were 71 of the injured. I have learned that three of the injured persons have suffered serious brain damage, at least one was blinded in both eyes, and another has lost a leg. One person is still in critical condition. People who are capable of planning such a heinous crime, let alone executing it, have no claim whatsoever to speak for freedom or common decency.

That the ANC should perpetrate such a deed, however, should not surprise us, although our revulsion should be no less. Soviet instigation of and support for terrorist activity in Asia, Africa and Latin America has no relationship to the liberation of peoples. Rather, Moscow's calculated strategy derives from Lenin's theory of imperialism, which holds that the advanced capitalist nations are structurally obliged to rely on the states of the third world for the provision of the raw materials and markets essential to the economic health of their industrialized societies. Given that strategy, South Africa is a particularly important and attractive target.

In September 1980, former Secretary of State Alexander Haig, at the time a private citizen, noted in testimony to the House Subcommittee on Mines and Mining that:

Should future trends, especially in Southern Africa, result in alinement with Moscow of this critical resource area, then the U.S.S.R. will control as much as 90 percent of several key minerals for which no substitutes have been developed, and the loss of which could bring the severest consequences to the existing economic and security framework of the free world.

The Soviet goal toward South Africa itself has been expressed with admirable clarity by a prominent American Marxist-Leninist theoretician, Mr. Rod Bush, associate editor of Contemporary Marxism. Writing in a special issue of that journal (No. 6 of spring 1983) devoted to "proletarianization and class struggle in Africa," Mr. Bush said:

Revolutionary change in South Africa will change not only the face of Southern Africa as a region, but also the balance of forces on the entire continent and among the core powers of the world system. A revolutionary government in South Africa could use the country's highly developed industrial base to provide significant material support to Angola, Mozambique, and Guinea-Bissau, as well as to revolutionary governments in Zimbabwe and Namibia. A block of such revolutionary nation states in Southern Africa would greatly maximize the possibility of Socialist construction in those states and in other parts of the world system.

A revolutionary Marxist Southern Africa would reduce the penetrability of the whole area by the core powers of the world system. Even though such a victory would not remove the region from the capitalist world economy it would change the quality of its participation in the world economy and the interests on whose behalf that participation is directed. Revolutionary leadership in South Africa would end the use of that country's work force as cheap labor for transnational capital, change the terms on which transnational corporations extract the country's resources and close off the country as an outlet for direct investment.

The ANC and Umkonto We Sizwe are the Kremlin's primary instruments in its attempts to bring about a Communist revolution and a Soviet dependency in South Africa. People who support organizations, on the basis of the seductive, but wholly inaccurate, premise that they constitute a liberation movement seeking freedom for black South Africans, are contributing not only to terrorism and carnage in Southern Africa, but also to the Soviet Union's international offensive against the United States. That is a sobering thought that ought to give pause to all of us.●

DR. DONALD W. HAYNES: A PRAYER FOR LIBERTY

● Mr. HELMS. Mr. President, one of my closest friends, Jack Bailey of Rocky Mount, N.C., has sent me the text of prayer delivered on March 16 by Dr. Donald W. Haynes, pastor of Christ United Methodist Church in High Point, N.C.

As I read the message of this prayer, I felt a renewed sense of gratitude to our Creator for the blessings we enjoy in our land today—and an inspiration to do as much as I can, as long as I can, as one grateful American to preserve and restore the liberties bequeathed to us by our Founding Fathers.

We live at a time when those liberties are too often taken for granted—which is the most certain way to lose them.

Dr. Haynes' prayer was delivered on March 16 at a meeting of North Carolina Citizens for Business and Industry. I ask, Mr. President, that a transcript of this prayer be printed in the RECORD at the conclusion of my remarks.

The prayer follows:

Prayer offered by Dr. Donald W. Haynes

O Lord of hosts, be with us yet . . . lest we forget . . . lest we forget.

We gather this night to celebrate, to applaud, to acknowledge, and to praise. We feel meet and right to do so. Yet we meet also to read the signs of our times. The judgment of history is that the lamp of freedom has always burned precariously, but today we fear the lamp flickers. Remind

us anew that eternal vigilance *really* is the price of freedom.

O Lord, you gave us freedom; liberty is natural in your created order. Let us not forget its several expressions in our heritage and in our own generation.

We remember our *political* freedom and know that this was a thirsting in the hearts of our ancestors that could not be quenched until this state was born in which the government that governed best governed least. We are constantly tempted to sacrifice our political freedom on the altar of expedience, or security, or special interest pressure. Save us from such resignation; stir us on to high resolve. Give us the strength to preserve our right to work, our right to pray, our right to earn a profit, and our right to utter a dissent. Let us not squander these jewels of the ages bought at such a high price. O Lord of host, be with us yet . . . let we forget . . . lest we forget.

We remember our economic freedom and give humble thanks for that conucopia of our heritage of which this well spread board is a fitting symbol. Our hearts are heavy for those suffering job dislocations in the shifting sands of economic and social change. Inspire us anew to extend a voluntary hand of help to those in genuine distress. Many of us here were once in that lot. O Lord of hosts . . . may we not forget. Yet we know O Lord, that the road to affluence is not made of arbitrary prices, unnatural wages, and legislated jobs. Command economics is but an octopus that ultimately chokes prosperity at all levels. We know that only free markets, hard work, and ingeniused vision will diminsh the plight of the poor and justify the risks of development and investment. Show this generation anew that all that glitters isn't gold, and save us from killing the geese that laid our golden eggs. O Lord of host, be with us yet; lest we forget . . . lest we forget.

We remember our spiritual freedom and acknowledge that it did not come through the benevolence of ensconced religious bureaucracy nor state religion. We celebrate a breath of free spirit that comes from the quiet piety of the Quakers, the moral rectitude of the Presbyterians, the evangelical fervor of the Methodists, and the rugged individualism of the Baptists—all built on the older foundations of Catholicism, Lutheranism, Angelicanism, and Judaism. Let us not be deluded by false prophets who speak of the "benign" Marxian analysis or who trust a totalitarian olive branch. Remind us of the plight of those short-sighted activists who believed that Robinhood ethics led to social justice. O Lord, of host, be with us yet . . . lest we forget . . . lest we forget.

With a quickened conscience, a glance over our shoulder, and our hand to the plow; let us enjoy this food and fellowship as we pledge anew our corporate and personal investments in every dimension of freedom in our time to prevent new shackles for posterity. Inspire us to pay the price for freedom's holy light, Great God our King.

We pray in the spirits of that faith which came through Abraham, the law that came through Moses, and the saving grace which came through Jesus Christ.

Amen.●

APSA'S CONGRESSIONAL FELLOWSHIP PROGRAM

● Mr. HART. Mr. President, I want to take this opportunity to recognize the American Political Science Association's congressional fellowship program, which celebrates its 30th anniversary this year. This program place journalists, political scientists, Federal executives, and foreign professionals in congressional offices for 9 months as legislative assistants. It is an invaluable exchange: Congressional offices benefit from the expertise of these professionals while the fellows learn firsthand about the legislative process.

Since I was first elected to the Senate in 1974, I have had APSA congressional fellows in my office almost continuously. One of the first fellows to work for me was James Cheek, a Federal fellow from the State Department. He went on to become Deputy Assistant Secretary in the State Department's Bureau of Latin American Affairs. Another State Department fellow, Genta Hawkins, worked on the issue of the Panama Canal treaties for me. She went on to become Acting Director of the Agency for International Development under President Carter. Doug Wilson, a fellow from the U.S. Information Agency in the 1981-82 fellowship program, has remained on my staff and is now foreign policy adviser and national political trip director for my Presidential campaign.

These and the many other fellows that have worked in my office have made significant contributions by sharing their unique perspectives and expertise. And I trust they have left Capitol Hill with a better understanding of Congress, and taken this back to their professions and communities.

The program has grown from 6 fellows in 1953 to nearly 50 in 1983. Over those 30 years, more than 1,000 fellows have participated in the program. For many, it was their first contact with Washington; for most, it was a first experience with legislative government.

I am grateful to have had the opportunity to share in this program and I would like my colleagues to recognize the important contribution of APSA's congressional fellowship program.●

MR. RABB'S GOOD JOB

● Mr. LUGAR. Mr. President, many of our colleagues are aware of the outstanding job which our ambassador to Italy, Max Rabb, is doing. Several of us who traveled to Italy recently on a Senate delegation had the opportunity to see first-hand the fine representation which Ambassador Rabb is providing. Our relationship with Italy at the present time is as strong as it has ever been. We have every reason to be appreciative of the leadership which Italy has shown on many vexing issues of Western security, and reason to be grateful for Max Rabb's contribution to our continuing close relationship with Italy.

A recent editorial in the Daily American testifies to Ambassador Rabb's effectiveness. I commend it to my colleagues and ask that it be printed in full in the RECORD.

The editorial follows:

RABB'S CHOICE

If there's something to be said for the low profile approach—known in Washington circles as quiet diplomacy—U.S. Ambassador to Italy Maxwell Rabb fits the bill. On June 1, some three weeks before Italy's election campaign, a few words about Mr. Rabb are in order. As conserative West Germany and most of northern Europe struggle uneasily with the prospect of installing Pershing II and cruise missiles, Italy seems as prepared as ever to go ahead with the deployment of 116 cruise missiles in Comiso, Sicily. The reasons for the Italian flexibility are not as obvious as they may first appear, but no small part of the success of American policy in this part of southern Europe has been due to Mr. Rabb's keen sense of restraint. Instead of waving the American flag or flirting with the Italian political establishment, he has stood back and let that same establishment come to its own conclusions. Though the Communist Party will never embrace U.S. missiles, it has not lobbied against them forcefully, nor do the missiles stand to become an issue in the coming election. The same is true for the Socialists, who are busy honing domestic strategies and unrolling cryptic political charts.

In short, Mr. Rabb has managed not to awaken the sleeping Italian giant. And that is no small feat.

Among recent ambassadors to Italy, he has proven himself the first capable of underplaying his Italian hand. His predecessors, enchanted by the attention usually paid to the American envoy, used that spotlight to espouse statements of strategy and preference which usually did more harm than good. American ambassadors were either left or right of center, president's men or free thinkers. At a time of great delicacy, Mr. Rabb has different observers either confused, uninterested or sure. This is fine indeed, since to lack a label is a strong suit in Italy.

Though the ultimate wisdom of installing U.S. missiles in foreign soil may be open to question on political and ethical grounds, there is no denying Mr. Rabb's craftmanship and dignity in the months of maneuvering since the missile issue took center stage. And in a country that lends itself to shouting, the virtues of quiet diplomacy are all the more apparent, and effective.●

SENATE JOINT RESOLUTION 102—LUPUS AWARENESS WEEK

● Mr. D'AMATO. Mr. President, today I am pleased to cosponsor Senate Joint Resolution 102, a joint resolution introduced by my good friend, Senator SPECTER, to designate the week of October 16 through 22, 1983, as "Lupus Awareness Week." With approximately half a million people currently suffering from this relatively unfamiliar disease, it is vital to make the public more aware of its existence. Lupus Awareness Week should aid in eliminating the naivete of the medical profession as well as the general public.

Lupus is a chronic inflammatory disease which takes the lives of 5,000 people each year. Mr. President, it is because of the seriousness of this dis-

ease, that I ask my colleagues to join me in cosponoring this joint resolution.●

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. TOWER. Mr. President, there appears to be no other morning business to be transacted. Therefore, I ask unanimous consent that the period for the transaction of routine morning business be terminated.

The PRESIDING OFFICER. Without objection, it is so ordered.

LABOR MANAGEMENT RACKETEERING ACT OF 1983

Mr. TOWER. Mr. President, under the previous order, is the Senate now to turn to the consideration of S. 336?

The PRESIDING OFFICER. No formal order exists on the calendar.

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate turn to the consideration of S. 336.

Mr. BYRD. Mr. President, reserving the right to object.

ORDER FOR RECESS UNTIL 2 P.M. TODAY

Mr. TOWER. Mr. President, in addition to my request that we turn to the consideration of S. 336, Calendar Order No. 139, I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m. and, at the hour of 2 p.m., the Senate will return to the consideration of S. 336.

It is my understanding that there already is an order entered to the effect that no amendments are in order, except the committee reported amendments; debate on any debatable motion, appeal, or point of order is limited to 10 minutes, equally divided; and debate on final passage is limited to 1 hour, equally divided between Mr. HATCH and Mr. NUNN.

The PRESIDING OFFICER. The Senator is correct.

Is there objection?

Mr. BYRD. There is no objection.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 336) to increase the penalties for violations of the Taft-Hartley Act, to prohibit persons, upon their convictions of certain crimes, from holding offices in or certain positions related to labor organizations and employee benefit plans, and to clarify certain responsibilities of the Department of Labor.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources with amendments, as follows:

On page 5, line 16, strike "and", and insert "or";

On page 6, strike line 9, through and including "plan" on line 11, and insert "in any position proscribed in clauses (1) through (3) of this subsection";

On page 9, line 9, after "capacity,", insert "other than in his capacity as a member of such labor organization";

On page 10, line 7, after "place", insert "or permit";

On page 11, beginning on line 3, strike "or employee benefit plan";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Labor Management Racketeering Act of 1983".

SEC. 2. (a) Subsection (d) of section 302 of the Labor Management Relations Act, 1947 (29 U.S.C. 186) is amended to read as follows:

"(d)(1) Any person who participates in a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or to a joint labor-management trust fund as defined by clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industrywide labor-management committee that is received and used by such labor organization, trust fund, or committee, which transaction does not satisfy all the applicable requirements of subsections (c)(4) through (c)(9) of this section, and will fully and with intent to benefit himself or to benefit other persons he knows are not permitted to receive a payment, loan, money, or other thing of value under subsections (c)(4) through (c)(9) violates this subsection, shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.

"(2) Except for violations involving transactions covered by subsection (d)(1) of this section, any person who willfully violates this section shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.".

(b) Subsection (e) of such section is amended to read as follows:

"(e) The district courts of the United States and the United States courts of the territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of rule 65 of the Federal Rules of Civil Procedure (relating to notice to opposite party), over—

"(1) suits alleging a violation of this section brought by any person directly affected by the alleged violation, and

"(2) suits brought by the United States alleging that a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or a joint labor-management trust fund as provided for in clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industrywide labor-management committee violates this section,

to restrain such violations without regard to the provisions of section 6 of the Clayton Act (15 U.S.C. 17), section 20 of such Act (29 U.S.C. 52), and sections 1 through 15 of the Act entitled 'An Act to amend the Judicial Code to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (29 U.S.C. 101-115).".

SEC. 3. (a) So much of subsection (a) of section 411 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111) as follows "the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401)," is amended to read as follows: "any felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment, or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve—

"(1) as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, employee, or representative in any capacity of any employee benefit plan,

"(2) as a consultant or adviser to an employee benefit plan, including but not limited to any entity whose activities are in whole or substantial part devoted to providing goods or services to any employee benefit plan, or

"(3) in any capacity that involves decisionmaking authority or custody or control of the moneys, funds, assets, or property of any employee benefit plan,

during or for the period of ten years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least five years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in paragraphs (1) through (3) would not be contrary to the purposes of this title. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice to such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this subsection. Notwithstanding the preceding provisions of this subsection, no corporation or partnership will be precluded from acting in any position proscribed in clauses (1) through (3) of this

subsection without a notice, hearing, and determination by such Parole Commission that such service would be inconsistent with the intention of this section.".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Any person who intentionally violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section:

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) The term 'consultant' means any person who, for compensation, advises, or represents an employee benefit plan or who provides other assistance to such plan, concerning the establishment or operation of such plan.

"(3) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in an employee benefit plan as a result of a conviction, and

"(2) has filed an appeal of that conviction,

any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of that person's conviction on appeal, the amounts in escrow shall be returned to the individual or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

SEC. 4. (a) So much of subsection (a) of section 504 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504) as follows: "or a violation of title II or III of this Act" is amended to read as follows: "any felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment, or conspiracy to commit any such crimes, shall serve or be permitted to serve—

"(1) as a consultant or adviser to any labor organization,

"(2) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, employee, or representative in any capacity of any labor organization,

"(3) as a labor relations consultant or adviser to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee of any group or association of employers dealing with any labor organization, or in a position having specific collective bargaining authority or direct responsibility in the area of labor-management relations in any corporation or association engaged in an industry or activity affecting commerce.

"(4) in a position which entitles its occupant to a share of the proceeds of, or as an officer or executive or administrative employee of, any entity whose activities are in whole or substantial part devoted to providing goods or services to any labor organization, or

"(5) in any capacity, other than in his capacity as a member of such labor organization, that involves decisionmaking authority concerning, or decisionmaking authority over, or custody of, or control of the moneys, funds, assets, or property of any labor organization,

during or for the period of ten years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least five years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in clauses (1) through (5) would not be contrary to the purposes of this Act. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place or permit any other person to serve in any capacity in violation of this subsection.".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section:

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgement of the trial court, regardless of whether that judgment remains under appeal.

"(2) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section 504 is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in a labor organization as a result of a conviction, and

"(2) has filed an appeal of that conviction,

any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual employer or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of such person's conviction on appeal, the amounts in escrow shall be returned to the individual employer or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

SEC. 5. (a) The first paragraph of section 506 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by striking out "In order" and inserting in lieu thereof the following:

"(a) COORDINATION WITH OTHER AGENCIES AND DEPARTMENTS.—In order".

(b) Such section is amended by adding at the end thereof the following new subsection:

"(b) RESPONSIBILITY FOR DETECTING AND INVESTIGATING CIVIL AND CRIMINAL VIOLATIONS OF EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS.—The Secretary shall have the responsibility and authority to detect and investigate and refer, where appropriate, civil and criminal violations related to the provisions of this title and other related Federal laws, including the detection, investigation, and appropriate referrals of related violations of title 18 of the United States Code. Nothing in this subsection shall be construed to preclude other appropriate Federal agencies from detecting and investigating civil and criminal violations of this title and other related Federal laws.".

(c) The title of such section is amended to read as follows:

"COORDINATION AND RESPONSIBILITY OF AGENCIES ENFORCING EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS".

SEC. 6. (a) The amendments made by section 3 and section 4 of this Act shall take effect with respect to any judgment of conviction entered by the trial court after the date of enactment of this Act, except that that portion of such amendments relating to the commencement of the period of disability shall apply to any judgment of conviction entered prior to the date of enactment of this Act if a right of appeal or an appeal from such judgment is pending on the date of enactment of this Act.

(b) Subject to subsection (a) the amendments made by sections 3 and 4 shall not affect any disability under section 411 of the Employee Retirement Income Security Act of 1974 or under section 504 of the Labor-Management Reporting and Disclosure Act of 1959 in effect on the date of enactment of this Act.

Mr. BYRD. Mr. President, further reserving the right to object, I do so to make an inquiry of the acting majority leader. I take it that the time consumed by the recess will not be charged against the time for the bill.

Mr. TOWER. Mr. President, I ask unanimous consent that the time consumed by the recess not be charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 12:55 p.m., recessed until 1:59 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ANDREWS).

LABOR MANAGEMENT RACKETEERING ACT OF 1983

The Senate resumed consideration of the bill (S. 336).

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. Under whose time?

Mr. STEVENS. I ask unanimous consent it be charged to both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, may I ask what the pending business is?

The PRESIDING OFFICER. The pending business is S. 336.

Mr. HATCH. Mr. President, today we are considering one of the most important pieces of labor legislation that we will vote on in this Congress, S. 336, the Labor Management Racketeering Act of 1983. If nothing else, the diversity of its sponsorship demonstrates not only the importance of this legislation but also its inherent fairness. Due to the cooperation of those who have participated in the bill's evolution, S. 336 is truly a bill worthy of its purpose—to protect the rights of the thousands of honest union members and officials from organized crime and corrupt labor and management representatives.

First, I would like to give special recognition to Senators NUNN and RUDMAN. The comprehensive hearing record exposing union corruption as it exists on our waterfronts was compiled by the vigorous leadership of the Permanent Subcommittee on Investigations.

I believe Senator NUNN, in particular, has been the guiding force on this particular piece of legislation. He has had very vigorous and more than adequate support from Senator RUDMAN, as well. I think if any single person deserves credit for what has gone on up to this point, and hopefully what will go on as we pass this bill through the Congress, I would have to single out that person as Senator SAM NUNN.

I also wish to thank the chairman of the Subcommittee on Labor, Mr. NICKLES, and the ranking minority member of our subcommittee, Mr. KENNEDY. Their mutual concern with the Labor Management Racketeering Act has enabled the Labor and Human Resources Committee to move the bill expeditiously. Without them, we would not have had the bill on the floor today.

I might also add that they both have worked long and hard to try to make sure that this bill represents a tone and exactness needed to accomplish what all of us who are its principal sponsors would like for it to do.

Special thanks should also be given to Lane Kirkland, the president of the AFL-CIO. While Mr. Kirkland and I have not always seen eye to eye on labor and economic policy, his commitment to an honest trade union movement has been courageous and praiseworthy. It is not every elected individual who is willing to admit that those he represents are in trouble and his work on behalf of S. 336 is an important reminder that the majority of union members and officials support this bill and what it stands for.

I might also mention that I just spent a little time with Mr. Kirkland over this past weekend. He reiterated as late as last Saturday his belief in this bill, his belief in having honest union practices, and his dedication to seeing S. 336 becomes law. I have great respect for him and, of course, I appreciate the work and the courage that he has shown in supporting this piece of legislation.

There are other union leaders, as well, who deserve some credit. I cite with particularity Mr. Presser, who is the newly elected president of the Teamsters Union. As we all know, in last year's battle for this bill, his predecessor was an avowed opponent. Although Mr. Presser did express some reservations, he said, that he supports the general principles of this bill. I suspect before this bill becomes law that we will have a good chance of getting him to support the bill completely.

There are other union leaders, as well, who stand for honesty, integrity, and stand ready to combat corruption in any way, shape, or form in the union movement in America and I compliment them, as well.

Without question, corrupt union officials and management representatives pose one of the most sinister threats to the health and well-being of the trade union movement and I might add, to our industrial democracy. The existence of corruption undermines the integrity of the collective bargaining process; it taints the hard work of thousands of honest, committed union officers and members. Labor racketeers rob the American public of millions of dollars each year through bribes, kickbacks, and payoffs, sapping the economic resources we so desperately need to increase productivity and generate employment opportunities.

Some have contended that union corruption is more a cliche than fact, that unions are being unfairly categorized in the press and in Congress because of the criminal activities of only a handful of corrupt officials. It is true that the majority of union members and union officials are honest men and women, committed to the principles of collective bargaining and our economic system. Unfortunately, it is also true that there are officials who are not so committed. I am speaking of those who look upon labor management relations as a field ripe for manipulation and abuse for their own personal gain and profit. Moreover, they perceive Government enforcement as being lax at best, and the penalties if one is actually caught as being more of a minor, temporary nuisance than true punishment.

The Justice Department recently reported that a cursory review of its records show that in a 2-year period from 1981 to 1982, 136 union officials were convicted in Federal labor racketeering cases. Obviously, labor racketeering is not a cliche but a distressing, undeniable fact.

We have laid out in hearings, on the floor, and elsewhere the seriousness of the problem of labor corruption and the correlative abuse of our Federal labor statutes. The point today is not to belabor those issues once again. Instead, it should be obvious to all that to combat the corruption that plagues labor relations today, we need both strong statutes and committed enforcement.

S. 336 will provide the statutory basis for this effort by strengthening three key statutes: the Labor Management Relations Act of 1947, known as the Taft-Hartley Act; the Employee Retirement Income Security Act of 1974, known as ERISA; and, the Labor Management Reporting and Disclosure Act of 1959, known as the Landrum-Griffin Act.

First, the buying and selling of labor peace, which is prohibited in the Taft-Hartley Act, is raised from a misdemeanor to a felony, subject to imprisonment of up to 5 years and a fine of $15,000 or both. Testimony received by the committee has made it clear that existing penalties have not served as an effective deterrent.

Second, S. 336 expands the list of positions an individual is barred from holding in a union or with an employee benefit plan if he is convicted of committing a disqualifying crime. Convicted officials will no longer be able to circumvent the intent of these statutes by taking allegedly clerical positions or serving as consultants during the disqualification period, only to resume their previous positions of authority and influence once this period has ended. The bill also expands the list of disqualifying crimes contained in these two statutes.

Third, the bill extends the disqualification period from 5 to 10 years, in order that a union or benefit plan can thoroughly rid itself of the influence of convicted officials. This provision does provide for judicial discretion in application of the ban, however. As I understand, this discretion is included

to accommodate the occasions where a 10-year ban might be considered too harsh.

Fourth, S. 336 redefines "date of conviction" so that once an individual is found guilty of a disqualifying crime, he is immediately barred from holding a series of specific positions with a union or employer, regardless of whether he has appealed his conviction. This provision will end the blatant abuse of our appellate procedures by union officials who are continuing to engage in the very prohibited activities which led to their conviction simply because they have appealed the trial court judgment. Members of a union or participants in a benefit plan are entitled to have their interests and rights protected from those found guilty in a court of law.

To protect the rights of an individual who has appealed his conviction, the bill provides that his salary will be paid into an escrow account which will be turned over to the official if the conviction is overturned. I believe that this procedure represents and equitable treatment of two competing interests—the interest of the convicted official on appeal and the interests of union members or participants in a pension plan in having their organizations free of criminal influence.

Fifth, S. 336 will increase the maximum term of imprisonment for intentional violations of ERISA and the Landrum-Griffin Act from 1 to 5 years. years.

Sixth, S. 336, makes it clear that the Department of Labor has not only the authority but also the responsibility for detection, investigation, and referral of civil and criminal violations of the appropriate Federal labor laws to the Department of Justice.

This is perhaps, in my opinion, the most important provision in S. 336. Unless the Department of Labor is committed to the principles of this legislation and to ridding the labor movement of organized crime and other criminal elements, our efforts today to strengthen these three statutes may prove fruitless.

S. 336 makes clear that it is the intent of Congress that the Department of Labor enforce these statutes aggressively. The Department has repeatedly testified that it needs stronger statutes and penalties if it is to accomplish the task Congress has given it. S. 336 provides the Department with many of the amendments it has requested and will give it the statutory basis and authority it needs to effectuate the purpose of this legislation—the elimination of corruption and criminal elements from the field of labor management relations. That is the goal of what we are trying to do today.

Finally, the bill would make retroactive one of its provisions—the commencement of the disqualification mechanisms of section 411 of the Employee Retirement Income Security Act and section 504 of the Labor-Management Reporting and Disclosure Act at the time of the trial court conviction.

Currently, an individual who is found guilty of an act prohibited under these two statutes is disqualified from holding certain specified positions in a union or employee benefit plan for a period of 5 years. The disqualification period begins on either the date of the trial court judgment or the date of the final sustaining of such judgment on appeal, whichever is later. S. 336 amends these two statutes to read that the commencement of the disqualification period begins on the date of the trial court judgment, regardless of whether that decision is appealed.

The bill also makes it clear that nothing in it can be construed as authority to overturn a conviction or to terminate prematurely a disqualification period in existence prior to the effective date of the legislation.

Testimony received by the Senate Labor and Human Resources Committee indicated that the present alternative standard has allowed union officials, who have been convicted of disqualifying crimes such as fraud and embezzlement, to retain their union offices or positions of control over pension plans while their convictions were being appealed, a period which can exceed 2 years. The testimony made it clear that in several instances, these officials continued to engage in the same prohibited activity during the appeals process that led to their trial court conviction. While the bill will end this abuse, it would only apply to those convicted subsequent to the effective date of the legislation unless the new commencement provision is made retroactive. Those individuals convicted prior to the passage of the bill who have appealed their decision will be able to continue to take advantage of this procedural loophole.

As a result, language has been included in S. 336 to prevent further abuse of appellate procedures from occurring. This addition will promote the overall purpose of the bill—to provide union members and participants in a pension plan immediate and effective protection from convicted officials and other criminal elements.

Whenever a bill contains a retroactivity clause, it is important that the necessary steps are taken to insure that the clause is fashioned in a manner which insures that it is not unconstitutional.

When the Labor-Management Reporting and Disclosure Act was passed by Congress in 1959, it contained a section which stated that the disqualification mechanism established in the statute applied to convictions regardless of whether the conviction occurred before or after the effective date of the statute. Moreover, this retroactivity clause applied to all of the disqualification procedures contained in the statute.

The constitutionality of this retroactive clause was raised in *Postma* v. *International Brotherhood of Teamsters*, 337 F.2d 609 (2d Cir. 1964). The appellant alleged that the application of the 1959 statute to a previous conviction violated the constitutional prohibition against bills of attainder and ex post facto laws.

The court rejected this argument summarily, citing the Supreme Court's decision in *DeVeau* v. *Braisted*, 363 U.S. 144 (1960). At issue there was a similar disqualification mechanism established under State law; namely, section 8 of the New York Waterfront Commission Act of 1953. It too applied to convictions which preceded the enactment of the statute. Addressing the constitutionality of such a retroactive provision, the Court stated:

> The Distinguishing feature of a bill of attainder is the substitution of a legislative for a Judicial determination of guilt. Clearly, § 8 embodies no further implications of appellant's guilt than are contained in his 1920 judicial conviction; and so it manifestly is not a bill of attainder. The mark of an ex post facto law is the imposition of what can fairly be designated punishment for past acts. The question in each case where unpleasant consequences are brought to bear upon an individual for prior conduct, is whether the legislative aim was to punish that individual for past activity, or whether the restriction of the individual comes about as a relevent incident to a regulation of a present situation, such as the proper qualifications for a profession. No doubt is justified regarding the legislative purpose of § 8. The proof is ovewhelming that New York sought not to punish ex-felons, but to devise what was felt to be a much-needed scheme of regulation of the waterfront, and for the effectuation of that scheme it became important whether individuals had previously been convicted of a felony (363 U.S. at 160, citations omitted).

The retroactive provision in S. 336 meets these standards. As the Supreme Court noted, the distinguishing feature of a bill of attainder is that it substitutes a legislative determination of guilt for a judicial determination. The provision in S. 336 simply applies the disqualification period to those who have already been convicted. It contains no legislative determination of guilt, nor does it deprive any individual of a constitutionally guaranteed right to a judicial procedure. It only affects those who already have been convicted of a disqualifying crime in a court of law. Thus, it is not a bill of attainder.

The Supreme Court also stated in the DeVeau decision that the mark of an ex post facto law is the imposition of what can be designated as punishment for past acts. The Court then went on to clarify this statement by establishing the following standard: Was the legislative aim to punish an

individual for past acts or does the restriction come about as an incident to the regulation of a present situation, such as the proper qualifications for a profession?

The purpose of the retroactive provision in S. 336 is not to inflict new punishment. It is intended to bring immediate relief to the union rank and file from abuse by convicted officials.

The legislative aim is to establish qualifications for certain key labor-related positions, such as benefit plan trustee or union officer; it is regulatory in nature, not punitive. Consequently, any punishment inherent in the operation of this amendment is incidental to its purpose—the need to protect the rights of union members and pension plans from abuse by convicted officials, a need well established in the numerous congressional hearings which led to the drafting of S. 336.

Mr. President, I believe that S. 336 is an important first step in our effort to eliminate corruption from unions and employee benefit plans. It may not be as strong as some would have liked, and it may be stronger than others had hoped. That is the nature of a consensus bill. Nonetheless, it is an important and I hope, encouraging signal to the working men and women of this country that the presence of organized crime and other criminal elements will not be tolerated on the waterfronts, in union halls, or in pension plans. I look forward to the day when this bill is signed into law, because it will afford unions and employee benefit plans with the means to operate free of the influence or fear of corrupt union and management officials.

It is no secret that S. 336 is the same bill that was unanimously passed by the Senate on two separate occasions last year. I only hope that this year, the other body will see fit to act upon this important piece of legislation. The working men and women of this country deserve such action. They deserve our reassurance that the law is not simply an option or a suggestion to be accepted or rejected with impunity.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, first, let me commend my friend and colleague (Mr. HATCH), chairman of the Committee on Labor and Human Resources, for his handling of this legislation, in this Congress and the last Congress, and for making it a priority item for him and his committee.

I also commend the chairman of the subcommittee (Mr. NICKLES) for his prompt, diligent, consistent, and persistent attention to this legislation, again making it a priority in his subcommittee and supporting it fully in the full committee and on the floor.

Senator HATCH and Senator NICKLES have both done everything they could do in their leadership position in the majority in pushing this legislation to the forefront and in getting it passed here. The fact that the bill did not pass in the House last Congress was not through any lack of diligence on their part. I commend Senator HATCH and Senator NICKLES for an excellent job.

Mr. President, I intend to yield in just a moment to my colleague from South Carolina (Mr. THURMOND). Before I do that, I would like to commend a few key people on my staff and on the staff of other Members as well as the committee for the excellent role they played in developing the record on which this legislation is based, including considerable testimony during a considerable number of days of hearings in the Permanent Subcommittee on Investigations. The former chief counsel of that subcommittee, Marty Steinberg, spent hundreds and hundreds of hours working on the hearings which led to this legislation. In addition, we have Eleanore Hill, who is now chief counsel, who was then with the subcommittee, who spent numerous hours and continues to work diligently on this legislation. Also, John Sopko; Terry Bostic; Ray Maria, who was assigned to the subcommittee and is now with the Federal Bureau of Investigation; Jack Key; Fred Asselin; Greg Baldwin; Glenn Fry; Kitty Dias; and Mary Robertson.

In addition to my own staff, I am also indebeted to Senator NICKLES' staff, headed by Rick Lawson, who spent hundreds and hundreds of hours working on this legislation, along with other important legislation in this general field. The same could be said of Kevin McGuiness with Senator HATCH'S staff, Mike Forscey of Senator KENNEDY'S staff, Phil Ward of Senator RUDMAN'S staff, Rick Farrell and Pat Dunn of Senator CHILES' staff, and Cass Weiland of Senator ROTH'S staff. All of these staff people have put in yeoman duty on this legislation—first, basing it on a record of considerable hearings and second, making this legislation into a consensus package that enjoys broad support on both sides of the aisle.

Mr. President, I strongly urge passage of S. 336, known as the Labor Management Racketeering Act of 1983. This bill, which I introduced in the last Congress and again on February 1, 1983, has been favorably reported out of the Senate Labor and Human Resources Committee. Senator CHILES has been a prime coauthor of this legislation and has worked hard on it as well as the considerable and lengthy hearings we had leading up to it. As I have already mentioned, Senators HATCH, NICKLES, ROTH, RUDMAN, KENNEDY, PRYOR, DECONCINI, STENNIS, JOHNSTON, HOLLINGS, and EAST joined me in introducing this legislation. This bill passed the Senate unanimously on two occasions in the last Congress.

Mr. President, this bill will revise current Federal labor laws to more effectively combat the problem of labor corruption. The bill will increase the criminal penalties for violations of the Taft-Hartley Act, prohibit immediately upon conviction of certain crimes persons from holding certain positions in unions or employee benefit plans, and clarify, as Senator HATCH has already pointed out, the Department of Labor's responsibilities to investigate and refer allegations of criminal activity.

This legislation has received enthusiastic support from a wide range of interests. It has been endorsed by the Department of Labor, the Department of Justice, Lane Kirkland of the AFL-CIO, as well as George Lehr of the Teamster Central States Pension Fund.

Of particular note was Lane Kirkland's endorsement of the bill in his testimony before the Permanent Subcommittee on Investigations in October 1981 and his written testimony submitted to the House Subcommittee on Labor-Management Relations of the Committee on Education and Labor in December 1982. We have worked very closely with Mr. Kirkland as well as Larry Gold of the AFL-CIO in ironing out possible difficulties in the bill. Their cooperation and support has undoubtedly added significantly to the merits of this legislation and greatly increased the prospects of it finally being enacted into law.

Additionally, the major provisions of this bill have recently been incorporated into two judicially monitored consent decrees entered into between the Department of Labor and the Teamsters Central States Pension and Health and Welfare Funds.

The bill attempts to remedy serious problems concerning the infiltration of some unions and some employee benefit plans by corrupt officials who have no real concern for the well-being of the honest rank-and-file union members they pretend to represent. Those problems were graphically illustrated in public hearings on waterfront corruption before the Permanent Subcommittee on Investigations in February 1981. The legislation which is now before us is a direct result of those hearings. As ranking minority member and former chairman of the subcommittee, I had the opportunity to direct an extensive staff investigation of criminal activity within both the International Longshoremen's Association, the ILA and the American shipping industry.

The hearings followed a very extensive investigation of the waterfront and the corruption on the waterfront

by the U.S. Department of Justice and the FBI. They did a superb job.

In 1975 the Justice Department launched a nationwide investigation of racketeering on our waterfronts. This sweeping inquiry culminated in the criminal convictions of more than 100 high-level ILA officials and shipping company executives. These persons were charged with a variety of offenses ranging from violating the Taft-Hartley Act to extortion, payoffs, kickbacks, threats, intimidation, obstruction of justice, and income tax evasion.

Spurred by the success of the Department of Justice's UNIRAC investigation, the subcommittee staff interviewed numerous witnesses and reviewed countless other items of evidence in order to convey to the American public an accurate portrait of the American waterfront in the 1980's. That portrait, as presented in 2 weeks of hearings in February 1981, is, unfortunately, a dismal one. Witness after witness described the struggle for economic survival in some ports which are riddled with a pervasive pattern of kickbacks and illegal payoffs to union officials.

My colleagues and I heard of payoffs to insure the award of work contracts, payoffs to maintain contracts already awarded, payoffs to insure labor peace, payoffs to allow management circumvention of labor strikes, payoffs to prevent the filing of fraudulent workmen's compensation claims, payoffs to expand business activity into new ports, and payoffs to accord certain companies the freedom to circumvent ILA contract requirements with impunity.

Especially disturbing is the fact that the evidence clearly suggests that, through that system of payoffs, recognized leaders of the traditional organized crime families influence and effectively dominate the International Longshoremen's Association and large segments of the American shipping industry. Again this year and last year our subcommittee, in public hearings on the Hotel Employees and Restaurant Employees International Union, received evidence of the corrupt influence of organized crime in labor-management relations in other industries. It is a sobering event, indeed, to learn that substantial portions of our national economy have fallen prey to the influence of organized crime.

In the case of the waterfront industries, we were told that a payoff is commonly treated as a mere cost of doing business which can be, and is, routinely passed on as an added cost to the consumer. Our traditional and cherished notions of free enterprise have become nearly nonexistent in some ports of this country.

These payoffs, though illegal under current law, are punishable only as a misdemeanor.

The bill makes any such violation involving an amount of money greater than $1,000 a felony, punishable by up to 5 years imprisonment or a fine of up to $15,000, or both.

I want to emphasize, Mr. President, that this applies to not only union officials but also management officials. In almost all of these cases it usually involves not just union leaders but also management leaders.

Our proposal also attempts to rid labor organizations and employee benefit plans of the influence of persons convicted of criminal offenses. Current disbarment provisions—29 U.S.C. 504 and 29 U.S.C. 1111—are expanded in several significant ways: enlarging the categories of persons affected by the disbarment provisions; increasing the time barred from office or position from 5 to a possible maximum of 10 years, and providing for disbarment immediately upon conviction rather than after lengthy appeal.

The portion of the bill relating to the commencement of the period of disqualification shall apply to any judgment of conviction entered prior to the date of enactment of this act if a right of appeal for an appeal from such judgment is pending on the date of enactment of this act. In other words, this narrow portion of the act is retroactive. This does not affect the constitutionality of the act. I agree with the analysis set forth a few minutes ago by the Senator from Utah on that question. The act does not substitute a legislative determination of guilt for a judicial determination and therefore does not constitute a bill of attainder. Nor does the bill impose punishment for past acts in violation of the prohibition of ex post facto law. Based upon court decisions in these two areas, specifically *DeVeau* v. *Braisted*, 363 U.S. 144 (1960) and *Postma* v. *International Brotherhood of Teamsters*, 337 F.2d 609 (2d Cir. 1964), this area of the bill stands upon firm constitutional ground.

The bill does provide that any salary otherwise payable shall be placed in escrow pending final disposition of any appeal.

Our hearings strongly indicated that corruption within the leadership of the ILA, as documented by the conviction of numerous ILA officers, is depriving the average longshoreman of the full benefits of his union membership. Not only did the ILA itself fail to act to remove those officials and prevent further corruption, but ILA President Teddy Gleason himself testified, with apparent lack of concren, that the ILA "will have to * * * run a rehabilitation center." The provisions of this bill will protect the union member where corrupt officials have failed to do so.

I might add that there are numerous other convicted persons out on appeal that are still in key union positions, in unions other than the ILA, including but not limited to the Teamsters Union.

Finally, our hearings examined more than the ways and means of criminal corruption itself. We also explored the adequacy of law enforcement's response to this corruption. As for the waterfront, several things quickly became obvious: First, that the Department of Justice, through a massive assignment of resources and manpower in UNIRAC, had had great success in the short run; second, that, if we are to eliminate such corruption on a permanent basis, continuous monitoring and enforcement efforts are required; and third, that the Department of Labor had generally failed to participate in criminal law enforcement efforts in this area. To correct this problem and to maximize available law enforcement resources in this area, the bill clearly delineates the responsibility and authority of the Department of Labor to actively and effectively investigate and refer for prosecution criminal activities on the waterfront.

In sum, I want to stress again that the provisions of this bill are designed to protect the best interests of labor and management, as well as the American consumers. In working toward that goal, the bill fairly and nondiscriminately protects the rank and file from corruption, whether it be generated by union or management officials. The intent of the bill is to insure the integrity of the collective-bargaining process. In doing so, the bill treats convicted management and union officials alike, barring both from positions of influence in collective bargaining and labor-management relations. Specifically, this would bar convicted management personnel from serving as a labor relations consultant; as an officer, director, agent, or employee of any group or association of employers dealing with labor organizations; from serving in a corporation or association in an industry affecting commerce which has collective bargaining authority or labor management relations responsibility; and, in or representative of any employee benefit plan or as a consultant or adviser to any employee benefit plan.

Mr. President, the record is clear that the vast majority of union officers, employee benefit plan officials, and rank-and-file union members are honest, hard-working, law-abiding citizens. Our Nation can and should be justifiably proud of the enormous contribution our unions have made to the economic and social strength of the United States. But our hearings have shown that a small group of parasites have fastened themselves onto the body of the labor movement. These parasites are perverting the true interests of the union members they claim

to represent through a pattern of payoffs and extortion.

Most unions have labored to shed themselves of these people, but in many cases they have been unable to do so alone. I believe that union members need our help here in Congress. This bill is a major step forward in providing the extra assistance needed for the unions to finally rid themselves of those corrupt officials who are motivated not by the welfare of the American worker but by their own greed. I ask the Senate to, again, give its approval to this bill and work toward its early passage in the House.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. NUNN. I am glad to yield to the Senator from Florida (Mr. CHILES), who has been very involved in this bill from its inception, having played a key role in hearings relating to the ILA and the Teamsters Union, and who has been a prime author of this bill.

Mr. CHILES. I thank the distinguished Senator from Georgia.

Mr. President, I join the Senator from Georgia and the Senator from Utah in urging passage of this bill.

I compliment both Senators. I know how long and hard the Senator from Georgia has worked on this particular measure and how many hearings he has held as well as the lead he has played in the Permanent Committee on Investigations. I know that the Senator from Utah has also done similar yeoman work, together with Senator NICKLES.

This bill has twice passed the Senate, and it is hoped that it will fare better in the House.

Twice last year the Senate passed this same legislation. In doing so the Senate acted to protect rank-and-file workers, to shield their pensions from fraud and mismanagement.

The bill was endorsed by the Department of Labor; the Department of Justice; Lane Kirkland of the AFL-CIO; and George Lehr, executive director of the Teamsters Central Pension Fund. That was the first time that a major union and the administration jointly supported such a measure.

S. 336 has the same solid backing. It evolved from a background of intensive investigations by the Permanent Subcommittee on Investigations. The subcommittee hearings in 1981 underscored the critical need for such legislation. During the course of those waterfront corruption hearings, evidence was presented which described a truly disturbing picture. Testimony repeatedly confirmed the fact that illegal payoffs and criminal corruption had become nearly a way of life in many American ports.

I was especially disturbed by the evidence of criminal extortion and illegal payoffs in the south Florida area, particularly at the Port of Miami. Apparently payoffs and illegal kickbacks were widespread and increasingly acceptable among waterfront businessmen and labor leaders. They were viewed as nothing more than the cost of doing business, an expensive cost passed on to the consumer and a grisly cost passed on to society. The steady growth of the Port of Miami brought an increasing involvement of organized crime illegally manipulating waterfront businesses in the area.

Disturbing, too, was the evidence that convictions for these crimes were no deterrent. People who had been convicted of embezzlement, bribery, and other very serious violations were still holding—and continue to hold to this day—high union offices in key waterfront industries in the State of Florida. People who were found by the judicial process to be less than trustworthy are still in a position of trust over employee benefit plans. As of January of this year, there were five officials of the International Longshoremen's Association still at union posts in Miami even though they were duly convicted in 1979 of racketeering and extortion. These five men are not unique. They are joined by at least 10 others across the country.

Recent testimony from the Labor Department also revealed similar cases. For example, one official, according to the Department, was convicted of embezzling from six labor organizations and funds. While his convictions were being appealed, he maintained positions of trust during which time he committed additional offenses unlawfully taking an estimated $1 million. The Department said that this was not an isolated case by any means. This fact alone justifies the need for Congress to act quickly. Infiltration of some unions and some employee benefit plans by corrupt officials who care nothing for the well-being of the rank-and-file worker needs to be stopped.

I believe that this legislation gives us the means we need. The bill, as amended by the Committee on Labor and Human Resources—

Increases the penalties for violating the Taft-Hartley Act, ERISA, and the Landrum-Griffin Act, the three major statutes that protect the American worker;

Provides for the immediate removal from positions of responsibility within labor unions and employee benefit plans of persons convicted of criminal offenses;

Extends to Federal district courts jurisdiction of civil suits alleging violations of the Taft-Hartley Act;

Adds grounds for disqualification to hold certain positions and extends the maximum periods of disqualification;

Expands the list of positions to which disqualification applies to include employer representatives, management as well as labor; and

Clarifies the responsibility of the Department of Labor to actively root out abuses and to follow through on referral of such cases to the Department of Justice.

I agree with the Committee on Labor and Human Relations when they declare that our "intent is to ensure that any person who feloniously aggrandizes himself or others to the detriment of those he has the obligation to serve is removed from his position." Our intent with this bill is also to assure the millions and millions of people who are depending on employee benefit plans for retirement that their funds will be wisely and legally invested, controlled, and used by the individuals entrusted with the responsibility. We must assure the workers of this country that the management of their unions is being directed by persons who have only the best interests of the workers in mind.

Mr. President, I gladly join Senator NUNN and the other cosponsors of S. 336 in urging the Senate to pass this important legislation for the American worker.

Mr. HATCH. Mr. President, I compliment the distinguished Senator from Florida for the efforts he has put forth and the excellent statement he has made, as well as for the work he has performed not only on the floor of the Senate, but during the Permanent Subcommittee on Investigation hearings on labor racketeering.

Mr. President, one of the allegations that has been made against this bill is that it discriminates against union officials. This assessment is not true, and I think it deserves and merits some response on the floor today.

The bill affects labor officials and management representatives alike. In fact, it discriminates in favor of union officials in one instance by providing that upon conviction by the trial court, a union officer is automatically barred from office, but his salary is paid into an escrow account during the appellate process. This protects the interests of the union and of the convicted official if he should choose to appeal his conviction. There is no such provision for management officials.

It is true the bill bars a convicted union official from working in any capacity for a union and that the bar against an employer official runs only to the field of collective bargaining.

This was done because:

One. Our purpose was to clean up labor relations. An employer engages in a multitude of other activities.

Two. I do not feel that it is appropriate for Congress to be dictating what profession an individual can choose in the private sector.

Three. A union is not the equivalent of a company. It gets special treatment in a variety of areas such as in taxes. A company has other functions than representing union members.

I believe that these arguments put the allegation that the bill discriminates against unions to rest.

There is much more that could be said about this allegation, but what we are interested in providing is the most fair approach to collective bargaining that we can have. We can achieve this objective, it seems to us, by refusing to allow corruption to exist in labor relations.

I also join in Senator NUNN's excellent statement and particularly his praise of various members of the staffs and various Senators who have worked on this particular matter. In particular, I will mention his own excellent staff member who did a tremendous job on this bill. Eleanore Hill has done a terrific job on this bill and many of the concepts it incorporates reflect the excellent work that she has done.

I also want to compliment my own staff members, Kevin McGuiness, Jim Stephens, and Ron Docksai, who have worked on this matter. I appreciate all their efforts as well as those of the Members of the Senate who have put their names on this bill as cosponsors.

I really believe that every Senator should vote for this bill. I also believe every Member of the House of Representatives should vote for this bill. S. 336 represents a major step in the right direction. It takes into consideration the numerous ramifications of existing labor law and the concerns and questions that have been raised by union representatives with whom we have worked.

Finally, I again would like to pay specific and special tribute to Lane Kirkland.

He has had the guts to stand up and do what is right because of his sincere belief that the union movement is one of the greatest movements this world has ever known. I am talking about the union movement in America. He is the leader of the largest coordinated group of union members and union leaders and I think his endorsement of this bill lends a great deal of significance, prestige, and impetus to this particular bill.

I am sure, speaking for all of those who are cosponsoring this bill and have worked so hard for its passage, that we owe him a debt of gratitude.

I think we also owe a debt of gratitude to those union members who have supported him in his present position because they have had the courage to support a man who has the ability to stand up when it is counted.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. NUNN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Utah has 2 minutes and 17 seconds and the Senator from Georgia has 4 minutes and 52 seconds remaining.

Mr. NUNN. Mr. President, I will take only a moment to reiterate what has just been said by the Senator from Utah on the fairness of this bill.

This bill does not in any way discriminate against organized labor. The purpose of the bill is indeed to protect rank-and-file union members from the influence and control of corrupt officials, whether they are union officials or management representatives. In providing for the immediate debarment of certain convicted officials from office, the bill includes representatives from both labor and management. Convicted management personnel would be barred from any position as a labor relations consultant or adviser. They would be barred as an officer, director, agent, or employee of any group or association of employers dealing with labor organizations. They would be barred from any position in a corporation or association in an industry affecting commerce which has collective bargaining authority or labor management relations responsibility. And they would be barred from any position in or representative of any employee benefit plan or as a consultant or adviser to any employee benefit plan.

Given the coverage of management by these provisions, I believe the bill fairly and nondiscriminately protects the rank and file from corruption whether it be generated by union or corporate officials. It is true that the bill will not bar convicted individuals from holding a corporate office which does not afford him any influence over the collective bargaining process. However, neither would the bill bar convicted officers from holding a corporate office which did not affect again the collective bargaining process.

The intent of the bill is to protect the integrity of the collective bargaining process itself. In protecting that interest, the bill treats management and union officials alike, and I believe that can be attested to by the enthusiastic and strong support of Lane Kirkland, president of the AFL-CIO.

I share the admiration for the responsibility, courage, and integrity of Lane Kirkland in coming forth at an early stage and endorsing this legislation because he sees it, in his own words, as being in the rank and file's best interest.

Mr. THURMOND. Mr. President, I sent word for the Senator to add me as a cosponsor. I do not know whether he got the message. If not, I would appreciate it if he would ask unanimous consent that I be so added.

Mr. NUNN. Mr. President, I knew the Senator sent that message. It was an oversight. The Senator should have been listed previously.

Mr. President, I ask unanimous consent that Senator THURMOND be listed as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. I thank the Senator from South Carolina for his support in bringing this bill to the floor and in urging its passage.

Mr. THURMOND. Mr. President, I am pleased to join Senator NUNN and others in cosponsoring S. 336, the Labor Management Racketeering Act of 1983. S. 336 is identical to S. 1785, which Senator NUNN introduced in the 97th Congress and was twice passed by the Senate, first in July 1982, and then as an amendment to H.R. 1029 in December 1982. This measure is a sorely needed step in the direction of law and order, and fair dealing in labor management relations.

Thirty-six years ago, Congress enacted the Labor Management Relations Act, which has come to be known as Taft-Hartley. The key objective of Taft-Hartley was to promote the effective flow of commerce through a balancing of the rights and interests of organized labor and management. That act included enforcement provisions which, at that time, were thought sufficient to discourage the lawlessness that sometimes occurs during dealings between labor and management.

Mr. President, this bill is an entirely appropriate response to the kind of illicit activity which has been occurring with alarming frequency in recent years. It is now clear that the penalties originally set forth under Taft-Hartley are too lenient. They do not serve the purpose of deterring bribery, coercion, violence, and other illegal forms of influence.

Under the provisions of this bill, a violation of the Taft-Hartley Act involving bribery or similar coercion in an amount greater than $1,000 will now be a felony, punishable by a fine of up to $15,000 and/or imprisonment of up to 5 years.

The bill imposes harsher sanctions on individuals holding positions of responsibility under the Employee Retirement Income Security Act who are convicted of any of a list of crimes, and adds to the list any felony involving misuse or abuse of a position of responsibility on any ERISA plan. To prevent a convicted official from retaining his position with a pension plan during his appeal, S. 336 sets the conviction date as the date of judgment by the trial court, instead of the date the appeal is completed. This bill also further limits the positions which a person convicted under the statute may hold. The list of barred positions will be expanded to include any position having specific collective bargaining authority or direct responsibility in the area of labor-management relations.

If we are to have a viable, fair system of labor-management relations,

then we must make it absolutely clear to those who would employ illegal tactics, that such conduct will not be tolerated. By enacting these tough new penalties, we will make it unprofitable and undesirable for anyone to engage in such activity.

Mr. President, I offer my most ardent support to this measure, and I hope it can soon be enacted into law.

Mr. President, I wish to especially commend Senator NUNN for his leadership in this matter, and also Senator HATCH, the chairman of the Labor Committee, Mr. NICKLES, and many others who worked so hard on this bill. It is my hope that it will pass forthwith.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the first committee amendment.

Mr. HATCH. Mr. President, I suggest the absence of a quorum with the time to be equally divided.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I yield such time as he needs to the distinguished Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank my colleagues, Senator NUNN and also Senator HATCH, for their cooperation and assistance to me and the Labor Subcommittee staff so that we have been able to work out these agreements on the Labor Management Racketeering Act.

I also wish to thank and compliment Senator KENNEDY and his staff for their assistance in making it possible to work with management and labor and all interested parties in seeing this legislation come to enactment today.

The subject matter of this bill has been discussed by both Senator HATCH and Senator NUNN over the last couple of years. I think its enactment will be a positive influence for the working men and women of this country.

Its passage is in conjunction with another bill which we have been working on side-by-side, the Longshoreman Reform Act, which this body passed last Thursday.

Together, both of them, are very positive, very much needed reforms in the labor-management area.

So I compliment my colleagues and their staffs for their persistence, patience, and willingness to work together to make some very much needed and I think positive reform.

Today is the third time that the Labor Management Racketeering Act has come before the U.S. Senate. Twice before in the 97th Congress it passed unanimously. I am confident that today it will pass for the first time in the 98th Congress.

The need for this legislation has been well established; 2 days of hearings have been held on this bill by the Labor Subcommittee of the Committee on Labor and Human Resources, which I chair. The first hearing was conducted during the 97th Congress on February 3, 1982; and the second, during the 98th Congress on March 15, 1983.

These 2 days of hearings, however, do not mark the extent of hearings on S. 336, the Labor Management Racketeering Act of 1983. This bill is the direct outgrowth of public hearings on waterfront corruption held by the Permanent Subcommittee on Investigations of the Senate Committee on Governmental Affairs in February 1981. Again, I want to congratulate Senator NUNN for his efforts in introducing the initial legislation and for his diligence since then in obtaining its passage. Mr. Lane Kirkland, president of the American Federation of Labor and Congress of Industrial Organizations, deserves special recognition and thanks for his continued support for this legislation.

The hearings before the Labor Subcommittee this Congress clearly indicated that current laws are inadequate to remove immediately an individual convicted of certain crimes from positions of trust within an employee benefit plan or a labor organization. For example, under current law, an individual convicted of embezzling pension funds is allowed to stay in the same position of trust with that fund while the conviction is being appealed. This process can easily last 2 years and provide the time for more funds to be misappropriated. S. 336 would remove this individual on the day of the trial court conviction rather than the date of last appeal. Escrow provisions for salary would protect this removed person during the appeals process.

Further details of S. 336 are provided in the Senate report. This report, number 98-83, was negotiated by the offices of Senators NUNN, KENNEDY, HATCH, and myself and is a comprehensive analysis of this legislation.

Again, Mr. President, I am pleased to continue to support this vital piece of legislation. My only disappointment is that it has reached the floor of the Senate on three separate occasions and yet has never been brought to a vote before the House. This Congress there is ample time for them to consider this bill and I strongly urge them to take prompt action in enacting this bill into public law.

Thank you.

Mr. NUNN. Mr. President, let me again express, as I did before the Senator arrived in the Chamber, my deep admiration and thanks to the Senator from Oklahoma for the tremendous leadership he displayed in this legislation and for his staff, Rick Lawson, and others, who have worked very hard on this.

Without the Senator from Oklahoma both supporting this legislation but also assigning it a very high priority, in his own subcommittee, we would not be able to have made the progress we have made thus far.

So I thank my colleague and friend from Oklahoma.

Mr. HATCH. Mr. President, I associate myself with the remarks of the distinguished Senator from Georgia with regard to our friend and colleague from Oklahoma.

Mr. ROTH. Mr. President, I want to lend my strong support for S. 336, the Labor Management Racketeering Act of 1983. Passage of the legislation signifies a tremendous victory for the millions of rank and file in the American labor movement. Responsible union officials have backed this bill from the moment it was introduced—it is labor protective.

Years of probing by the Permanent Subcommittee on Investigations, which I now chair, amply document the need for a change in the law. Our investigation of the International Longshoremen's Association yield numerous instances where convicted union leaders retained positions of fiduciary responsiblity and power long after a court finding of guilt. Extortion, kickbacks, obstruction of justice, or embezzlement convictions pose little or no deterrent to continued control of union operations. Such control necessarily includes pension funds, health and welfare funds, insurance funds, and medical/dental service plans. Nor was it uncommon for a convicted official to come back to the union as a clerical employee or a consultant, drawing a large salary and controlling union operations through nominees.

In many instances management was just as corrupt. Payoffs were made to buy labor peace, to assure the award of work contracts, to expand business activity to new ports, and to afford certain companies freedom to circumvent lawful union contract requirements without penalty. Corruption spans both sides of the bargaining table. In many places these practices are so entrenched that it is regarded as a normal cost of doing business.

This corrupt attitude undermines the integrity of the collective bargaining process and blemishes the reputation of decent, hard-working union members. Hard-won retirement benefits for the average worker may never

be realized if union officials with criminal records are permitted to associate with the pension funds in any capacity. Strong evidence also suggests the penetration and control of longshore labor by organized crime.

But such dishonesty is by no means limited to the waterfront. The Permanent Subcommittee on Investigations, in its continuing investigations of union-management problems, has focused on the Hotel and Restaurant Workers Union where we have seen numerous irregularites and have heard evidence of direct links between organized crime and union leadership. This may be a vivid instant replay of waterfront corruption. Our hearings in 1982 and 1983 further underscore the need for the Labor Management Racketeering Act of 1983.

Not withstanding our enthusiasm for the bill, its bipartisan spirit and the backing of labor, I remind my colleagues that the other body failed to act after we passed a similar bill twice during the last Congress.

We owe this legislation to labor rank and file. And in this connection I would like to mention a recent letter I received from a constituent, who is a union member. The writer revealed in simple and straightforward language that convicted union officials still controlled the union. Furthermore, those same officials were jeopardizing the pension and benefit fund for their own benefit. A criminal conviction, even for violation of labor laws, means nothing. In closing, the writer asked that I vote for S. 336. Today I am delivering on that commitment not only for my constitutents, but for all of labor rank and file, as well as responsible union officials who have worked with us in shaping this bill.

Mr. RUDMAN. Mr. President, the Labor Management Racketeering Act is offered in response to problems brought to light during hearings before the Permanent Subcommittee on Investigations. As vice chairman of that subcommittee, I have seen numerous examples of union officials convicted of crimes—often against their own membership—remaining in office for extended periods of time during the pendency of their appeals. This is a problem which is most definitely not of recent origin. In fact, during hearings before the Permanent Subcommittee on Investigations held in Chicago on March 4, 1983, we heard testimony regarding many of the same people who were the subject of testimony before Senator McClellan over 20 years ago.

At the outset I want to make clear that the overwhelming majority of unions in this country are actively pursuing the best interests of their membership. They are not the problem. The problem is a small number of corrupt union officials who control vast resources and affect a great many union members and businesses. The most recent example involves the conviction of the president of the International Brotherhood of Teamsters, Roy Lee Williams, whose extensive ties to organized crime were brought out during both his trial and sentencing hearing.

Through criminal means these corrupt union officials insulate themselves from the rank and file, thus permitting their engagement in a variety of illegal activities, including racketeering, extortion, and illegal bribes and payoffs. The costs of these activities are enormous and are borne by society. The result is a cancer on our economy which feeds off consumers, legitimate businesses, and union members alike.

The problem is not a case of inadequate law enforcement effort. During recent years we have witnessed extremely successful prosecution of leading union officials. However, efforts by the Departments of Labor and Justice are largely nullified because our present laws are inadequate; they fail to rid unions of corruptive influence. While their appeals are pending, convicted officials remain in office, continue their illegal activities, and groom others to take their place should their appeals fail. Furthermore, while their appeals are pending, convicted union officials sometimes have an opportunity to punish those who testified against them. During our hearings we heard testimony concerning courageous business owners who testified against union officials and then were forced to continue meeting and bargaining with the same officials they helped to convict.

The Labor Management Racketeering Act would go a long way toward freeing labor unions from the tight grip of corrupt officials. The meat of the legislation would prohibit convicted union officials from holding a union office. I think this is the best and indeed perhaps the only way of cleansing unions of corruptive influence and breaking the existing ties with organized crime.

Beyond this there are a number of other important changes proposed by the legislation. The bill would enlarge the number of union positions subject to disbarment, extend the period of disbarment from 5 to 10 years, increase the penalties for crimes involving more than $1,000, and broaden the scope of crimes which subject officials to disbarment. Also, more as a reaction to past Department of Labor policies than to the present ones, the bill would clearly delineate the responsibility and authority of the Department of Labor to actively and effectively investigate and refer for prosecution criminal activities in unions. These important changes will help tighten up existing laws and help insure that law enforcement efforts are not made in vain.

Mr. President, I believe this is an extremely appropriate time to adopted this legislation. The Nation is witnessing a major decline in the number of union members, and I suspect that a major factor behind that decline is the corrupt, crime-ridden reputation of some of our major unions. It is clearly in the interest of American labor to purge the unions of corrupt influences spread by the insidious activities of organized crime. Those who recognize the problem, such as the leaders of the AFL–CIO and the Teamsters Central States Pension Fund, are already moving to garner support for this position. They recognize that there is a need to protect the rank and file and maintain the trust of their workers. The Labor Racketeering Act will go a long way toward keeping union members safe from the illegal influence and practices of greedy individuals who would steal their hard-earned dollars and break the trust that must be the heart of any labor organization.

Mr. KENNEDY. Mr. President, the achievements of the American labor movement rank among the truly historic landmarks of economic progress and social justice in the history of the United States. Millions of American workers live better today because we have strong, dynamic, and free trade unions in this country.

Unfortunately, that great tradition has been marred over the years by a handful of corrupt individuals who have used union office for their own purposes rather than to promote the great and noble goals on which the movement was founded. These few have not only harmed the reputation of the vast majority, they have weakened labor's ability to achieve worthy goals and comforted the enemies of a strong American trade union movement.

In the last Congress, I joined AFL–CIO President Lane Kirkland and Senators NUNN, NICKLES, and HATCH in developing the Labor Management Racketeering Act because I believed it essential to remove any suggestion that illegality and corruption is tolerated by American labor and because I was convinced steps could be taken to eliminate corrupt elements in a manner that was fair to honest, hard-working trade unionists across this country. S. 336 is the product of lengthy discussions and negotiations which, in my judgment, achieves those twin goals.

Many individuals have worked on this legislation. Senator HATCH, Senator NICKLES, and particularly Senator NUNN were both tireless and fair throughout. But one individual deserves special mention. We are here today primarily because Lane Kirkland had the vision and courage to

commit the prestige of his office to this effort. I am proud to have worked with him on it and believe that S. 336 will in time, be seen as an act of singular statesmanship on his part and an important step forward for the American labor movement.

Mr. President, this legislation was passed twice by the Senate during the 97th Congress. It once again deserves the support of every Senator and I look forward to action by the House in the very near future.

Mrs. HAWKINS. Mr. President, I rise in support of S. 336, the Labor Management Racketeering Act. I believe this legislation is an important step in the fight against criminal infiltration of our Nation's unions.

I have noticed that the history of the American labor movement presents something of a paradox. The movement, born out of the necessity of protecting American workers, has been sometimes corrupted and used for personal gain by certain unscrupulous union officials. For instance, the Senate's Permanent Subcommittee on Investigations has detailed widespread corruption among waterfront locals. Just 2 years ago, the subcommittee revealed that, despite the efforts of the Justice Department, the powers of organized crime and other criminal elements still held sway over much of our Nation's waterfront unions.

The majority of union members and union officials are good men and women, committed to honest representation and the collective bargaining process. Unfortunately, their contributions are often overshadowed by the wholesale corruption of a minority of labor officials. I believe it is vitally important to remove these convicted criminals so that the efforts of these honest workers may triumph.

Perhaps the most disturbing aspect of this problem is the failure of Federal and union officials to remove proven criminals from union positions. Some people still scoff at claims of embedded criminal elements in American unions. To these skeptics, I present these facts:

Roby Smith, business agent of Teamsters Local 299 in Detroit, was convicted of violations of the Hobbs' Anti-Extortion Act. He spent 43 months past his date of conviction in union office.

William Soltero, Sr., secretary/treasurer and business manager of Laborers Local 383 in Phoenix, was convicted of embezzlement of union funds. He spent 26 months past his date of conviction in union office.

James Conover, secretary/treasurer of the Law Enforcement and Security Officers' Local 40B in Atlantic City, was convicted of embezzlement of union funds. He spent 15 months past his date of conviction in union office.

These are only a few examples of many similar cases.

The problems are not limited to the well-publicized troubles of the International Brotherhood of Teamsters and the International Longshoremen's Association. Convicted labor officials have continued to control such disparate unions as the Southern Nevada Culinary Workers and the International Boilermaker's Union. With this evidence, I think it is fair to say that current statutes have not been sufficiently successful in removing criminals from the collective bargaining process.

To combat the corruption in the modern labor movement, stronger statutes are required. I believe that S. 336 is such a measure. First, it increases from a misdemeanor to a felony certain crimes involved with the buying and selling of labor peace. This increased penalty will act as a greater deterrent to organized crime. Second, and I think more important, S. 336 will prohibit more convicted criminals from holding union positions while their appeals are pending. Thus, this practice, whereby racketeers, extortionists, and other kickback artists can continue to prey on unions and their pension funds, will be eliminated and the blatant abuse of our appellate process will finally cease.

Although I fear S. 336 will not eliminate corruption in our Nation's unions, I believe that the Labor Management Racketeering Act is an important step in the battle against the crime that plagues American unions. The bill is also a signal to the country; a sign to the honest working men and women of the United States that the corruption of our unions can no longer be tolerated.

Mr. President, I am pleased that this bill has reached the floor, and I urge my colleagues to join me in support of this important act.

● Mr. QUAYLE. Mr. President, I would like to take this time to voice my support for S. 336, the Labor-Management Racketeering Act of 1983. The Senate twice passed this bill during the last Congress, and I am pleased that we have lost no time during the 98th Congress in bringing this much needed legislation up for consideration. I know that both Senator NICKLES and the distinguished Senator from Georgia, Mr. NUNN, have worked diligently and in a truly bipartisan spirit to bring this legislation before us.

This bill is important because it will afford greater protection to employee benefit plans by removing from office those individuals within labor and management who seek to corrupt or compromise the labor organizations and union funds essential to the working men and women of this country. I want to underscore what I regard to be the most important aspects of this legislation.

First, for decades, violations of the Taft-Hartley Act have been misdemeanors despite the very serious nature of some of these offenses. Hearings held by the Subcommittee on Labor and investigations conducted by the Permanent Subcommittee on Investigations have clearly demonstrated that the level of corruption in some unions continues to be serious. This bill will raise certain violations of the act from a misdemeanor to a felony. Penalties for violations will also be raised. The bill amends the Landrum-Griffin and Employee Retirement Income Security (ERISA) Acts to disqualify from serving as administrators or consultants anyone convicted of a felony involving abuse or misuse of a position with a pension or employee benefit plan. To be quite specific—any position involving collective bargaining authority or direct responsibility in the area of labor management relations with a corporation or association will be barred to a convicted felon. The bill extends the disqualification period from 5 to 10 years in order that a union or benefit plan can thoroughly rid itself of the influence of convicted officials. This provision does provide for judicial discretion in the application of the ban, however. The discretion is included to accommodate the rare occasions where a 10-year ban might be considered too harsh.

In addition, S. 336 redefines the "date of conviction" so that once an individual is found guilty of a disqualifying crime, he is immediately barred from holding a series of specific positions with a union or employer, regardless of whether he has appealed his conviction.

Members of a union or participants in a benefit plan are entitled to have their interests and rights protected from those found guilty in a court of law. To protect the rights of an individual who has appealed his conviction, the bill provides that his salary will be paid into an escrow account which will be turned over to the official if his conviction is overturned.

S. 336 further improves labor law because it will increase the maximum term of imprisonment for intentional violations of ERISA and the Landrum-Griffin Acts from 1 to 5 years.

Finally, S. 336 confers on the Secretary of Labor direct responsibility to investigate civil and criminal violations of the Federal pension laws and related statutes.

I believe that S. 336 is an important first step in the effort of the Congress to eliminate corruption from unions and employee benefit plans. I look forward to the day when this bill is signed into law and I urge my colleagues to support this most important legislation.●

Mr. DOLE. Mr. President, I am pleased to join my colleagues today in support of S. 336, the Labor Management Racketeering Act. Corruption within union management continues to pose a sinister threat to the health and well-being of the trade union movement by undermining the integrity of the collective bargaining process and unfairly tainting the hard work of honest union members. This legislation, to strengthen penalties and bar individuals from continuing to hold office while their conviction is appealed, is a strong step toward eliminating corruption from unions and employee benefit plans.

Mr. President, this legislation is long overdue. It is a direct outgrowth of hearings held by the Permanent Subcommittee on Investigations, over 2 years ago. It has wide bipartisan support and was passed unanimously by the Senate twice last year.

Mr. President, the Senator from Kansas can sympathize with the sponsors and managers of this legislation. This Senator is all too familiar with legislation passed by the Senate which the other body refuses to consider. I recall a bankruptcy bill we passed five times last year to no avail. The record shows a strong need for this legislation. I hope the House will give it the consideration it warrants.

Mr. GRASSLEY. Mr. President, last year this Chamber not once, but twice, passed the predecessor of this bill. Today, the Senator reaffirms its conviction that individuals convicted of serious crimes will be outlawed from holding positions of power and influence in labor unions and employees benefit plans.

Essentially the legislation improves the current situtation in three crucial areas: One, it bars persons convicted of specified crimes from holding any union or benefit fund position; two, it increases the time period for which persons convicted of certain crimes are barred from office; three, it provides for disbarment from union positions immediately upon conviction rather than after appeal.

Congressional efforts to rid unions of the influences of organized crime and other criminal elements have been neither easy nor successful. This bill is in fact a direct outgrowth of hearings on waterfront corruption begun some 20 years ago. Testimony during the latest series of hearings indicated that normal union operating procedures include a variety of offenses ranging from Taft-Hartley Act violations to extortion, payoffs, kickbacks, threats, intimidation, obstruction of justice, and income tax evasion.

We are not alone in our strong support of this legislation. Certainly the vast majority of union officials, employee benefit plan officials, and rank-and-file union members are 100 percent behind this legislation. They recognize, as we recognize, that there is much to be gained from a bill that furthers both the public interest and the interests of collective bargaining. This is an important step in purging labor unions of an intolerable minority. I enthusiastically support this piece of legislation.

Mr. HATCH. Mr. President, at this time I move that the committee amendments be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agree to.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HATCH. I yield back such time as I have.

Mr. NUNN. I yield back my time.

The PRESIDING OFFICER. Is all time yielded back? The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and to be read a third time and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Carolina (Mr. EAST), the Senator from Utah (Mr. GARN), the Senator from Georgia (Mr. MATTINGLY), the Senator from Illinois (Mr. PERCY), the Senator from South Dakota (Mr. PRESSLER), the Senator from Indiana (Mr. QUAYLE), and the Senator from Idaho (Mr. SYMMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. CHAFEE) and the Senator from North Carolina (Mr. EAST) would each vote "yea."

Mr. BYRD. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from New Jersey (Mr. BRADLEY), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Michigan (Mr. LEVIN), the Senator from Louisiana (Mr. LONG), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Maine (Mr. MITCHELL), the Senator from New York (Mr. MOYNIHAN), the Senator from Tennessee (Mr. SASSER) are necessarily absent.

I also announce that the Senator from West Virginia (Mr. RANDOLPH) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Michigan (Mr. LEVIN), the Senator from Louisiana (Mr. LONG), the Senator from New York (Mr. MOYNIHAN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Tennessee (Mr. SASSER) would each vote "yea."

The PRESIDING OFFICER (Mrs. KASSEBAUM). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 75, nays 0, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—75

Abdnor	Gorton	Murkowski
Andrews	Grassley	Nickles
Armstrong	Hatch	Nunn
Bentsen	Hatfield	Packwood
Biden	Hawkins	Pell
Bingaman	Hecht	Proxmire
Boren	Heflin	Pryor
Bumpers	Heinz	Riegle
Burdick	Helms	Roth
Byrd	Hollings	Rudman
Chiles	Humphrey	Sarbanes
Cohen	Jackson	Simpson
D'Amato	Jepsen	Specter
Danforth	Johnston	Stafford
DeConcini	Kassebaum	Stennis
Denton	Kasten	Stevens
Dixon	Kennedy	Thurmond
Dodd	Lautenberg	Tower
Dole	Laxalt	Trible
Domenici	Leahy	Tsongas
Durenberger	Lugar	Wallop
Eagleton	Mathias	Warner
Exon	McClure	Weicker
Ford	Melcher	Wilson
Goldwater	Metzenbaum	Zorinsky

NAYS—0

NOT VOTING—25

Baker	Glenn	Moynihan
Baucus	Hart	Percy
Boschwitz	Huddleston	Pressler
Bradley	Inouye	Quayle
Chafee	Levin	Randolph
Cochran	Long	Sasser
Cranston	Matsunaga	Symms
East	Mattingly	
Garn	Mitchell	

So the bill (S. 336), as amended, was passed, as follows:

S. 336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Labor Management Racketeering Act of 1983".

SEC. 2. (a) Subsection (d) of section 302 of the Labor Management Relations Act, 1947 (29 U.S.C. 186) is amended to read as follows:

"(d)(1) Any person who participates in a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or to a joint labor-management trust fund as defined by clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industrywide labor-management committee that is received and used by such labor organization, trust fund, or committee, which transaction does not satisfy all the applicable requirements of subsections (c)(4) through (c)(9) of this section, and willfully and with intent to benefit himself or to benefit other persons he knows are not permitted to receive a payment, loan, money, or other thing of value under subsections (c)(4) through (c)(9) violates this subsection, shall, upon conviction thereof, be guilty of a felony and be subject

to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.

"(2) Except for violations involving transactions covered by subsection (d)(1) of this section, any person who willfully violates this section shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both.".

(b) Subsection (e) of such section is amended to read as follows:

"(e) The district courts of the United States and the United States courts of the territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of rule 65 of the Federal Rules of Civil Procedure (relating to notice to opposite party), over—

"(1) suits alleging a violation of this section brought by any person directly affected by the alleged violation, and

"(2) suits brought by the United States alleging that a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or a joint labor-management trust fund as provided for in clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industrywide labor-management committee violates this section,

to restrain such violations without regard to the provisions of section 6 of the Clayton Act (15 U.S.C. 17), section 20 of such Act (29 U.S.C. 52), and sections 1 through 15 of the Act entitled 'An Act to amend the Judicial Code to define and limit the jurisdiction of courts sitting in equity, and for other purposes', approved March 23, 1932 (29 U.S.C. 101-115).".

SEC. 3. (a) So much of subsection (a) of section 411 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111) as follows "the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 401)," is amended to read as follows: "any felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment, or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve—

"(1) as an administrator, fiduciary, officer, trustee, custodian, counsel, agent, employee, or representative in any capacity of any employee benefit plan,

"(2) as a consultant or adviser to an employee benefit plan, including but not limited to any entity whose activities are in whole or substantial part devoted to providing goods or services to any employee benefit plan, or

"(3) in any capacity that involves decisionmaking authority or custody or control of the moneys, funds, assets, or property of any employee benefit plan,

during or for the period of ten years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least five years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in paragraphs (1) through (3) would not be contrary to the purposes of this title. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice to such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this subsection. Notwithstanding the preceding provisions of this subsection, no corporation or partnership will be precluded from acting in any position proscribed in clauses (1) through (3) of this subsection without a notice, hearing, and determination by such Parole Commission that such service would be inconsistent with the intention of this section.".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Any person who intentionally violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section:

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) The term 'consultant' means any person who, for compensation, advises, or represents an employee benefit plan or who provides other assistance to such plan, concerning the establishment or operation of such plan.

"(3) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in an employee benefit plan as a result of a conviction, and

"(2) has filed an appeal of that conviction,

any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of that person's conviction on appeal, the amounts in escrow shall be returned to the individual or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

SEC. 4. (a) So much of subsection (a) of section 504 of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 504) as follows "or a violation of title II or III of this Act" is amended to read as follows: "any felony involving abuse or misuse of such person's labor organization or employee benefit plan position or employment, or conspiracy to commit any such crimes, shall serve or be permitted to serve—

"(1) as a consultant or adviser to any labor organization,

"(2) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, employee, or representative in any capacity of any labor organization,

"(3) as a labor relations consultant or adviser to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee of any group or association of employers dealing with any labor organization, or in a position having specific collective bargaining authority or direct responsibility in the area of labor-management relations in any corporation or association engaged in an industry or activity affecting commerce,

"(4) in a position which entitles its occupant to a share of the proceeds of, or as an officer or executive or administrative employee of, any entity whose activities are in whole or substantial part devoted to providing goods or services to any labor organization, or

"(5) in any capacity, other than in his capacity as a member of such labor organization, that involves decisionmaking authority concerning, or decisionmaking authority over, or custody of, or control of the moneys, funds, assets, or property of any labor organization,

during or for the period of ten years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least five years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in clauses (1) through (5) would not be contrary to the purposes of this Act. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place or permit any other person to serve in any capacity in violation of this subsection.".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.".

(c) Subsection (c) of such section is amended to read as follows:

"(c) For the purpose of this section:

"(1) A person shall be deemed to have been 'convicted' and under the disability of 'conviction' from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

"(2) A period of parole shall not be considered as part of a period of imprisonment.".

(d) Such section 504 is amended by adding at the end thereof the following:

"(d) Whenever any person—

"(1) by operation of this section, has been barred from office or other position in a labor organization as a result of a conviction, and

"(2) has filed an appeal of that conviction,

any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual employer or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of such person's conviction on appeal, the amounts in escrow shall be returned to the individual employer or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.".

SEC. 5. (a) The first paragraph of section 506 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by striking out "In order" and inserting in lieu thereof the following:

"(a) COORDINATION WITH OTHER AGENCIES AND DEPARTMENTS.—In order".

(b) Such section is amended by adding at the end thereof the following new subsection:

"(b) RESPONSIBILITY FOR DETECTING AND INVESTIGATING CIVIL AND CRIMINAL VIOLATIONS OF EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS.—The Secretary shall have the responsibility and authority to detect and investigate and refer, where appropriate, civil and criminal violations related to the provisions of this title and other related Federal laws, including the detection, investigation, and appropriate referrals of related violations of title 18 of the United States Code. Nothing in this subsection shall be construed to preclude other appropriate Federal agencies from detecting and investigating civil and criminal violations of this title and other related Federal laws.".

(c) The title of such section is amended to read as follows:

"COORDINATION AND RESPONSIBILITY OF AGENCIES ENFORCING EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS".

SEC. 6. (a) The amendments made by section 3 and section 4 of this Act shall take effect with respect to any judgment of conviction entered by the trial court after the date of enactment of this Act, except that that portion of such amendments relating to the commencement of the period of disability shall apply to any judgment of conviction entered prior to the date of enactment of this Act if a right of appeal or an appeal from such judgment is pending on the date of enactment of this Act.

(b) Subject to subsection (a) the amendments made by sections 3 and 4 shall not affect any disability under section 411 of the Employee Retirement Income Security Act of 1974 or under section 504 of the Labor-Management Reporting and Disclosure Act of 1959 in effect on the date of enactment of this Act.

Mr. STEVENS. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, there will be no further votes today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY

ORDER FOR RECOGNITION OF SENATOR HECHT AND SENATOR MOYNIHAN TOMORROW

Mr. STEVENS. Madam President, I ask unanimous consent that on tomorrow the Senator from Nevada (Mr. HECHT) be granted a special order for not to exceed 15 minutes. I call attention of the Senate to the fact that this will be the first speech of the Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I make a similar request for the Senator from New York (Mr. MOYNIHAN), for a special order, not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I ask that those two special orders follow the time under the standing order for the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. STEVENS. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS TOMORROW

Mr. STEVENS. Madam President, I ask unanimous consent that following the time for the two leaders tomorrow and the two special orders, there be a period for the transaction of routine morning business, not to extend beyond 12 noon, in which Senators may speak for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TOMORROW BETWEEN 12 NOON AND 2 P.M.

Mr. STEVENS. Madam President, I ask unanimous consent that the Senate stand in recess tomorrow between the hours of 12 noon and 2 p.m. for the caucuses of the two parties.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME FOR FILING CONFERENCE REPORT ON FIRST BUDGET RESOLUTION

Mr. STEVENS. Madam President, I ask unanimous consent that the Budget Committee have until midnight today to file its conference report on the first budget resolution for the fiscal year 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Madam President, I say to the Senate that we are working on securing an agreement to take up either the housing authorization bill or the housing appropriations bill. There still is a possibility that we may arrange for the consideration of the Pacific island treaties in the afternoon. No agreement is possible at this time concerning the item that will be the pending business at 2 p.m. tomorrow, when the caucuses are over.

It is our hope that the majority leader will be able to confer with the minority leader and make an announcement concerning the schedule for the remainder of the day sometime prior to noon.

Mr. BYRD. Madam President, will the distinguished acting majority leader yield?

Mr. STEVENS. I am happy to yield.

Mr. BYRD. Is it also a possibility that the act making appropriations for energy and water resources could very well be a likely candidate for tomorrow?

Mr. STEVENS. Madam President, my good friend has conferred with me concerning that bill. It is one of the items that could be a likely candidate for tomorrow. I have not yet had an opportunity to confer with the distinguished chairman of the Appropriations Committee, the Senator from Oregon (Mr. HATFIELD). As soon as we are able to do so, we will be in a position to further respond to my good friend. I cannot at this time indicate that it would be taken up tomorrow. It is one of the bills to which we would give consideration for tomorrow.

Mr. BYRD. I thank the Senator.

RECESS UNTIL 11 A.M. TOMORROW

Mr. STEVENS. Madam President, if there be no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 3:57 p.m. recessed until tomorrow, Tuesday, June 21, 1983, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 20, 1983:

North Atlantic Treaty Organization

David M. Abshire, of Virginia, to be U.S. permanent representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Ambassador

Millicent Fenwick, of New Jersey, for the rank of Ambassador during the tenure of her service as U.S. representative to the Food and Agriculture Organizations in Rome.

In the Air Force

The following-named officer, under the provisions of title 10, United States Code, sections 9333 and 9335, to be dean of the faculty, U.S. Air Force Academy:

To be dean of the faculty, U.S. Air Force Academy

Col. Erwin J. Rokke [redacted] FR, United States Air Force.

Department of State

Langhorne A. Motley, of Alaska, to be an Assistant Secretary of State, vice Thomas O. Enders, resigned.

The Judiciary

James F. Merow, of Virginia, to be a judge of the U.S. Claims Court for a term of 15 years (reappointment).

Robert J. Yock, of Virginia, to be a judge of the U.S. Claims Court for a term of 15 years (reappointment).

HOUSE OF REPRESENTATIVES—*Monday, June 20, 1983*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. GEPHARDT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GEPHARDT) laid before the House the following communication from the Speaker pro tempore (Mr. WRIGHT):

WASHINGTON, D.C.,
June 16, 1983.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on Monday, June 20, 1983.

JIM WRIGHT.
Speaker pro tempore,
House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We reach out to You, O God, and ask that Your blessing be upon us. By ourselves we are limited and our perspective is narrow, and we pray that Your presence will help give our lives meaning and greater purpose. Remind us, O God, that we do not walk alone along the road of life, but Your spirit is always with us—teaching and forgiving, sustaining and giving hope. Keep us in Your grace this day and every day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2355. An act to establish an emergency program of job training assistance for disabled veterans and veterans of the Vietnam era;

H.R. 2936. An act to amend title 38, United States Code, to increase the authorized number of members of the Board of Veterans' Appeals in the Veterans' Administration, and for other purposes;

H.R. 2973. An act to repeal the withholding of tax from interest and dividends;

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2973) entitled "An act to repeal the withholding of tax from interest and dividends," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOLE, Mr. PACKWOOD, Mr. ROTH, Mr. DANFORTH, Mr. LONG, Mr. MATSUNAGA, and Mr. BENTSEN to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 448. An act to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes;

S. 680. An act entitled the "Gladys Noon Spellman Dedication";

S. 805. An act to amend the act of July 28, 1954 (68 Stat. 575), to authorize the Secretary of the Interior to construct, operate, and maintain the Santa Margarita project, California, and for other purposes;

S. 818. An act to authorize the replacement of existing pump casings in the Robert B. Griffith water project pumping plants 1A and 2A (formerly the southern Nevada water project), and for other purposes;

S. 886. An act to designate the Alben Barkley National Historic Site;

S. 1096. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes;

S. 1097. An act to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce;

S. 1098. An act to consolidate and authorize certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce;

S. 1099. An act to consolidate and authorize certain marine fishery programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; and

S. 1100. An act to consolidate and authorize program support and certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce.

CONSENT CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

AUTHORIZING CONVEYANCE OF CERTAIN LANDS IN OREGON

The Clerk called the bill (H.R. 1062) to authorize the Secretary of the Interior to convey, without consideration, certain lands in Lane County, Oreg.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WORTLEY. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR PER CAPITA PAYMENTS TO INDIANS BY TRIBAL GOVERNMENTS

The Clerk called the Senate bill (S. 419) to provide that per capita payments to Indians may be made by tribal governments, and for other purposes.

There being no objection, the Clerk read the Senate bill, as follows:

S. 419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds which are held in trust by the Secretary of the Interior (hereinafter referred to as the "Secretary") for an Indian tribe and which are to be distributed per capita to members of that tribe may be so distributed by either the Secretary or, at the request of the governing body of the tribe and subject to the approval of the Secretary, the tribe. Any funds so distributed shall be paid by the Secretary of the tribe directly to the members involved or, if such members are minors or have been legally determined not competent to handle their own affairs, to a parent or guardian of such members or to a a trust fund for such minors or legal incompetents as determined by the governing body of the tribe.

SEC. 2. (a) Funds distributed under this Act shall not be liable for the payment of previously contracted obligations except as may be provided by the governing body of the tribe and distributions of such funds shall be subject to the provisions of section 7 of the Act of October 19, 1973 (87 Stat. 466), as amended.

(b) Nothing in this Act shall affect the requirements of the Act of October 19, 1973 (87 Stat. 466), as amended, or of any plan approved thereunder, with respect to the use or distribution of funds subject to that Act: *Provided,* That per capita payments made pursuant to a plan approved under that Act may be made by an Indian tribe as provided in section 1 of this Act if all other provisions of the 1973 Act are met, including but not limited to, the protection of the interests of minors and incompetents in such funds.

(c) Nothing in this Act, except the provisions of subsection (a) of this section, shall apply to the Shoshone Tribe and the Arapahoe Tribe of the Wind River Reservation, Wyoming.

SEC. 3. (a) The Secretary shall, by regulation, establish reasonable standards for the

approval of tribal payments pursuant to section 1 of this Act and, where approval is given under such regulations, the United States shall not be liable with respect to any distribution of funds by a tribe under this Act.

(b) Nothing in this Act shall otherwise absolve the United States from any other responsibility to the Indians, including those which derive from the trust relationship and from any treaties, Executive orders, or agreements between the United States and any Indian tribe.

SEC. 4. (a) The following provision of section 1 of the Act of June 10, 1896 (29 Stat. 3360), is repealed: "That any sums of money hereafter to be paid per capita to individual Indians shall be paid to said Indians by an officer of the Government designated by the Secretary of the Interior.".

(b) Section 19 of the Act of June 28, 1898 (30 Stat. 502), is repealed.

With the following committee amendment:

Page 2, line 1, change "of" to "or".

The committee amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Consent Calendar.

TRUMAN HOME MAKES THE CASE AGAINST WATT

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, the home and grounds of President Harry S. Truman have finally been declared a national historic site after a protracted battle with Secretary of Interior James Watt. In light of Mr. Watt's persistent protestations that our public lands have been expanded and improved under his care, I am compelled to point out that, in fact, the Truman home is the only new unit to be added to the national park system since this administration has been in office.

In this instance, the property was given, free of charge, to the U.S. Government in the will of Mrs. Bess Truman. Despite this gift, the Interior Department refused to assume custody of the property because it did not want to spend money on running the place. It took an act of Congress to force the Secretary to accept this gift and to provide funds for its preservation.

We are privileged, as a nation, to have an opportunity every now and then to preserve a moment of history, to set aside a pristine parcel of land, or to protect a vanishing species. I do not believe the Secretary can appreciate the legacy that has been left him, or his responsibility to provide for our descendants. If he did, he would not be making such a mockery of our public lands.

THE NEED FOR A BALANCED AIRPORTS POLICY FOR WASHINGTON

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, National Airport is by far the smallest in land area of the three Washington metropolitan area airports with its 680 acres, one-fifteenth the size of Dulles' 10,000 acres and one-fifth the size of Baltimore-Washington International's 3,200 acres. Yet National Airport last year served 13.5 million passengers, while only 2.5 million passengers moved through Dulles and 4.5 million at BWI.

Clearly, National Airport is overcrowded and congested and it is time future air traffic growth began moving to the underused Dulles and BWI airports where growth can be accommodated.

In 1981, the Department of Transportation issued rules designed to channel future growth away from National and toward Dulles and BWI. The Federal Aviation Administration is now proposing to make modest adjustments to the DOT airports policy to meet the timeframe as set in the original policy. These adjustments in the passenger ceiling are part of the ongoing administrative rulemaking process and would not cut a single flight now operating at National. But a provision in the fiscal year 1984 DOT appropriations bill circumvents that process by denying funds to DOT to implement the change.

The administrative rulemaking process is the best means to achieve a balanced airports policy for the Washington area and to give all interested parties—from the airlines to the community—a chance to comment. This is a question of balance, of air and ground congestion and most importantly—of safety. I am sure my colleagues would feel as strongly as I do about this issue if airports in your districts were a part of such a rulemaking. In fairness, I urge my colleagues to consider this issue carefully and to allow this rulemaking to go forward instead of overriding that process through legislation.

NEED TO CONTINUE FIGHT FOR LOWER NATURAL GAS PRICES

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, I yield to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, even though we are in the midst of summer when all of us are looking for ways to stay cool during these hot days, I cannot forget the previous winters when the price of natural gas increasingly skyrocketed out of sight. It left behind many people faced with the decision of heating their homes or putting food on their tables. I am, and we all must be, gravely concerned about where the price of natural gas is headed as we plan ahead for the upcoming cold months.

Recent action in the subcommittee handling this important issue has been hampered by continued pressure from natural gas producers and supporters of the decontrol of natural gas. The subcommittee, on the brink of striking down the decontrol of old, cheap gas, adjourned until after the 1st of July. This breakthrough against decontrol and in favor of lower prices, was believed to have the support of a majority of the subcommittee. It would have significantly hampered the administration's and the natural gas producers' planned decontrol and would have set congressional action in motion.

Mr. Chairman, the people of Missouri and the United States cannot bear the burden of trying to heat their homes with these high prices in effect another winter. I urge my fellow colleagues to join me in assuring that these roadblocks by producers and decontrol supporters are knocked down. Action to curb these prices must continue during these summer months when the thought of heating our homes this upcoming winter is in the back of our minds. We must not and cannot wait until the cold weather is upon us before we take strong action against the ever-rising price of natural gas.

WHAT DOES RED CHINA MEAN BY "NORMALIZATION OF RELATIONS"?

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, ABC News has reported that the People's Republic of China has revoked Pan Americans landing rights in Peking because of the airline's decision to fly into Taipai, on the island of Taiwan. Mr. Speaker, I think it is time for the President and the Congress to ask what Red China means when it seeks normalization of relations. Does it mean unilateral actions against American businesses who trade or do business with our longtime ally, Taiwan? Does Red China mean by normalization that it will ban Taiwan from multilateral Asian organizations, such as the Asian Development Bank, which they are now insisting on.

If this is indeed what Red China seeks to do, then we must tell them forcefully and directly that normalization is impossible. It is a violation of our sacred ties to our Taiwanese allies. And it is a clear violation of the Taiwan Relations Act. Mr. Speaker, section 2 of the act, Public law 96-8, states clearly that we have an obligation "to maintain our capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system of the people of Taiwan." Section 3 goes on to emphasize "that the President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to such danger."

Mr. Speaker, I rise today to call upon Congress, the State Department, and the President to decide on what action we will take in the wake of Red China's threat to the economic security of our age-old ally, Taiwan.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, D.C., June 10, 1983.

Hon. THOMAS P. O'NEILL, *The Speaker, House of Representatives, Washington, D.C.*

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects on May 25, 1983:

LEASES

A modified resolution authorizing the Communications Center of the United States Information Agency be located in their new leased headquarters building at 400 C Street, S.W., Washington, D.C.

1776 Pennsylvania Avenue, NW, Washington, D.C.

Central Business District, White Plains, New York.

Indiana Building, 633 Indiana Avenue, NW, Washington, D.C.

Aronov Building, 474 South Court Street, Montgomery, Alabama.

Pershing Point, 1365-1375 Peachtree Street, Atlanta, Georgia.

One North Wacker Drive, Internal Revenue Service, Chicago, Illinois.

Mid-Continental Plaza, 55 East Monroe Street, Chicago, Illinois.

O'Hare Lake Office Plaza, 2300 East Devon Avenue, Des Plaines, Illinois.

Washington Bicentennial Building, 300 W. Washington Street, Springfield, Illinois.

Office Building No. 1, 800 Elkridge Landing Road, Linthicum, Maryland.

100 Summer Street, Boston, Massachusetts.

150 Causeway Street, Boston, Massachusetts.

12 New England Executive Park, Burlington, Massachusetts.

One Gateway Center, Newton, Massachusetts.

Two World Trade Center, New York, New York.

Western Union Building, 60 Hudson Street, New York, New York.

One Astor Plaza, 1515 Broadway, New York, New York.

Social Security Administration, One Lafrak City Plaza, Queens, New York.

Northshore Building, 1111 Northshore Drive, Knoxville, Tennessee.

500 South Ervay, Dallas, Texas.

One Allen Center, 500 Dallas Avenue, Houston, Texas.

Matomic Building, 1717 H Street, Washington, D.C.

Pennsylvania Building, 425 13th Street, NW, Washington, D.C.

Paramount Building, 1735 Eye Street, NW, Washington, D.C.

Architect Building, 1400 Wilson Boulevard, Arlington, Virginia.

Rosslyn Plaza Building C, 1601 North Kent Street, Arlington, Virginia.

Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland.

Silver Spring Plaza, 8757 Georgia Avenue, Silver Spring, Maryland.

Rockwall Building, 11400 Rockville Pike, Rockville, Maryland.

Melpar Building, 7700 Arlington Boulevard, Falls Church, Virginia.

1919 M Street Building, 1919 M Street, NW, Washington, D.C.

Thomas Circle South, 1121 Vermont Avenue, Washington, D.C.

1201 E Street Building, 1201 E Street, NW, Washington, D.C.

719 13th Street Building, 719 13th Street, NW, Washington, D.C.

Center Building No. 1, 6505 Belcrest Road, Hyattsville, Maryland.

Woodmont Complex, 8120 Woodmont Avenue, Bethesda, Maryland.

Broyhill Building, 1000 N. Glebe Road, Arlington, Virginia.

Crystal Square No. 4, 1745 Jefferson Davis Highway, Arlington, Virginia.

Crystal Square No. 34, 2121 Jefferson Davis Highway, Arlington, Virginia.

Sills Building, 5285 Port Royal Road, Springfield, Virginia.

CONSTRUCTION

Federal Archives and Records Center, Waltham, Massachusetts.

Warehouse Demolition, Los Angeles, California.

Federal Archives and Records Center, Seattle, Washington.

DESIGN OF FISCAL YEAR 1985 REPAIR AND ALTERATION PROJECTS

Asheville, NC—Grove Arcade FB.
New Orleans, LA—Hebert FB.
Forth Worth, TX—Warehouse No. 5.
Los Angeles, CA—Ct.
Los Angeles, CA—FB, 300 N. LA.
Washington, D.C.—West Heating Plant.
Washington, D.C.—Steam Complex.
Washington, D.C.—ICC—Customs.
St. Louis, MO—CT—Customs.

The original and one copy of the authorizing resolutions are enclosed.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

□ 1215

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken on Tuesday, June 21.

GROUND WATER RECHARGE AUTHORIZATIONS

Mr. KAZEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 71) to authorize and direct the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the High Plains States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 71

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "High Plains States Ground Water Demonstration Program Act of 1983".

SEC. 2. The Secretary of the Interior (hereinafter referred to as the "Secretary"), acting through the Bureau of Reclamation (hereinafter referred to as the "Bureau"), shall, in two phases, conduct an investigation of and establish demonstration projects for ground water recharge of aquifers in the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming (such States to be hereinafter referred to as the "High Plains States") and in the other States referred to in section 1 of the Reclamation Act of 1902 (hereinafter referred to as "other Reclamation Act States"), as provided by this Act. The Bureau shall consult with the United States Geological Survey and other appropriate agencies and departments of the United States and of the High Plains States and other Reclamation Act States in order to carry out this Act.

SEC. 3. (a) During phase I, the Bureau, in consultation with the High Plains States and other Reclamation Act States and other appropriate departments and agencies of the United States, including the United States Geological Survey, shall develop a detailed plan of demonstration projects the purpose of which is to determine whether various recharge technologies may be applied to diverse geologic and hydrologic conditions represented in the High Plains States and other Reclamation Act States. In the preparation and development of such plan, the Bureau shall make maximum use of data, planning studies and other technical resources and assistance available from State and local entities: *Provided,* That contributions of such technical resources and assistance may be counted as part of the inkind services or other State contribution, but shall otherwise be provided without compensation to the State or local entity. This plan shall contain the selection of not less than a total of twelve demonstration

project sites in High Plains States and not less than a total of nine demonstration project sites in other Reclamation Act States. Demonstration project sites shall be confined to areas having a declining water table, an available surface water supply, and a high probability of physical, chemcial, and economic feasibility for recharge of the groundwater reservoir. The plan shall provide for demonstration of the application of recharge technology and the selection of water sources, determination of necessary physical works and the operation of water replacement systems, formulation of a monitoring program, identification of any economic, legal, intergovernmental, and environmental issues and projection of planning problems associated with such systems, and recommendation of legislative and administrative actions as may be necessary to carry out phase II.

(b) During phase I the Bureau is authorized and directed to recommend demonstration projects to be designed, constructed, and operated during phase II.

(c) Within six months, after the enactment of an appropriation Act to carry out phase I, the Secretary shall make a preliminary selection of projects to receive further planning and development and shall initiate such further planning and development for those selected projects.

(d) Within twenty-four months after the date of enactment of an appropriation Act to carry out phase I, the Secretary shall transmit a report to Congress containing the recommendations made pursuant to subsection (b) and a detailed statement of his findings and conclusions.

SEC. 4. (a) During phase II, and subject to State water laws and interstate water compacts, the Bureau is authorized and directed to design, construct, and operate demonstration projects in the High Plains States and other Reclamation Act States to recharge ground water systems as recommended in the report referred to in section 4(c).

(b) During phase II the Secretary, acting through the Bureau, shall contract with the various High Plains States and other Reclamation Act States to conduct a study to identify and evaluate alternative means by which the costs of ground water recharge projects could be allocated among the beneficiaries of the projects within the respective states and identify and evaluate the economic feasibility of and the legal authority for utilizing ground water recharge in water resource development projects.

(c)(1) Within twelve months after the initiation of phase II, and at annual intervals thereafter, the Secretary shall submit interim reports to Congress. Each report shall contain a detailed statement of his findings and progress respecting the design, construction, and operation of the demonstration projects referred to in subsection (a) and the study referred to in subsection (b).

(2) Within five years after the initiation of phase II, the Secretary shall submit a final report to Congress. The final report shall contain—

(A) a detailed evaluation of the demonstration projects referred to in subsection (a);

(B) the results of the studies referred to in subsection (b);

(C) specific recommendations regarding the location, scope, and feasibility of operational ground water recharge projects to be constructed and maintained by the Bureau; and

(D) an evaluation of the feasibility of integrating these groundwater recharge projects into existing reclamation projects.

SEC. 5. There is authorized to be appropriated $500,000 for fiscal years beginning after September 30, 1983, to carry out phase I. Amounts shall be made available pursuant to the authorization contained in this section in a single sum for all demonstration project sites, and it shall be within the discretion of the Secretary to apportion such sum among such sites.

SEC. 6. There is authorized to be appropriated for fiscal years beginning after September 30, 1983, $20,000,000 (October 1983 price levels) to carry out phase II. Amounts shall be made available pursuant to the authorization contained in this section in a single sum for all demonstration project sites, and it shall be within the discretion of the Secretary to apportion such sum among such sites.

SEC. 7. The funds authorized to be appropriated pursuant to section 6 of this Act shall match on a four-to-one basis funds made available by the States, their political subdivisions, or other non-Federal entities to meet the cost of phase II: *Provided*, That, inkind services or other contributions by the States their political subdivisions, or other non-Federal entities shall be considered in the determination of the matching non-Federal share. The Secretary is authorized to enter into memoranda of agreement with any appropriate agencies or departments of the High Plains States and other Reclamation Act States to share the costs of phase II.

SEC. 8. Any new spending authority described in subsection (c)(2) (A) or (B) of section 401 of the Congressional Budget Act of 1974 which is provided under this Act (or under any amendment made by this Act) shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. KAZEN) will be recognized for 20 minutes, and the gentleman from Colorado (Mr. BROWN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, many of our Midwestern and Western States are experiencing serious ground water overdraft problems.

Some of the largest urban areas in the reclamation States are totally dependent upon ground water. The cities of San Antonio, Tex., and Tucson, Ariz., are both dependent upon ground water for all of their water supplies. Although Tucson will eventually receive a share of the water delivered from the Colorado River by the central Arizona project, it will still depend to a large degree on ground water.

One of the most extensive and famous of aquifers is the Ogallala in the High Plain States. This aquifer underlies an area of 156,000 square miles which runs from the edge of South Dakota into Texas. It is the largest single example of what is called the mining of ground water; that is, removing more than is being replaced.

Unless methods are developed to augment present ground water supplies, both the urban and rural areas presently dependent upon ground water will suffer. In the rural areas, it may be necessary to remove substantial acreages of now fertile lands from crop production.

While conjunctive use, conservation, and better management of existing ground water supplies are most important, one of the tools available in areas faced with declining water tables is artificial ground water recharge.

The technical aspects of artifical recharge through such methods as injection wells, percolation ponds and spreading basins have been extensively studied, but known techniques have been actually tested only on an extremely limited basis.

We have been told by the experts, including the Commissioner of Reclamation, that, in certain favorable situations, the depletion of ground water aquifers and basins could be alleviated to a significant degree by artificial recharge.

Enactment of H.R. 71 would involve the Federal Government in a cooperative program with the States, local governments, and private entities which would move beyond the study stage into the actual testing of recharge techniques.

H.R. 71 authorizes the Secretary of the Interior to conduct an investigation and establish demonstration projects for ground water recharge in the High Plains States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming, as well as in the other reclamation States of Arizona, California, Idaho, Montana, Nevada, North Dakota, Oregon, Utah, and Washington.

During the investigation stage, the Bureau of Reclamation will develop a detailed plan of demonstration projects to determine whether various recharge techniques can be applied to diverse geologic and hydrologic conditions in the areas involved.

Twelve demonstration projects in the High Plains States and nine in the other reclamation States will be indentified during the investigation stage.

The second phase will involve the actual design, construction, and operation of demonstration projects.

The first phase of the program is to be completed within 24 months of the enactment of a law appropriating money for the investigation. The second phase is to be completed within 5 years after its initiation at the end of the investigation phase. The bill requires periodic reports to Congress and a final report with recommendations at the end of the second phase.

The bill authorizes an appropriation of $500,000 for the first phase and $20 million for the demonstration projects. It is not anticipated that the entire amount for the second phase will be appropriated in a single year, but that the required amounts will be appropriated on an annual basis, affording both the authorizing committee and the Appropriations Committee an opportunity for continuous oversight of the program.

Mr. Speaker, this is not solely a Federal program. The bill requires the involvement of the States, local governments and, where appropriate, private organizations or individuals. The Secretary will draw on the expertise available from these sources. Additionally, the funds which are authorized to be appropriated must be matched on a 1-to-4 basis by non-Federal sources.

Mr. Speaker, this is a program which will benefit not only the West, but other parts of the Nation. Some of the States in the eastern part of the Nation are experiencing problems related to the mining of ground water. Subsidence, for example, is a major problem in some areas which may be alleviated through artifical recharge of aquifers. The techniques developed by this program will be of benefit to every area which relies in whole, or in part, upon underground water resources.

Mr. Speaker, this is a modest program which anticipates and seeks to forestall a foreseeable future crisis in water supply.

Mr. Speaker, I urge approval of H.R. 71, as amended, and I reserve the balance of my time.

Mr. BROWN of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 71. This bill authorizes a cooperative program between the Federal Government, State and local governments, and private entities for the actual testing of methods of ground water recharge.

H.R. 71 directs the Secretary of the Interior to conduct an investigation of ground water recharge technologies (phase I); and to design, construct, and operate not less than 21 demonstration projects in the 17 reclamation States, to determine if various recharge methods can be used under diverse geologic and hydrologic conditions (phase II).

The bill authorizes the appropriation of funds in two phases to carry out the investigation and demonstration projects: $500,000 for phase I planning and a total of $20 million for the fiscal years beginning after September 30, 1983, to carry out phase II design, construction, and operation.

As part of the cooperative arrangement, the bill also requires a 20-percent matching share by the States involved, their political subdivisions, or other non-Federal entities, including in-kind services or other contributions.

Many of the reclamation States, especially those in the high plains, are experiencing the depletion of their ground water supplies. The levels of water tables are dropping steadily as water is withdrawn faster than it is replaced.

For many areas in the West, underground water is the only available source of supply.

Beneath 220,000 square miles of the Great Plains is the Ogallala Aquifer, a large underground reservoir of water trapped in porous rock. Farmers in eight States obtain their irrigation water for crops from the aquifer. In 1950, less than 7 million acre-feet of water were withdrawn from the Ogallala. By 1980, more than 21 million acre-feet were being pumped out annually.

Unlike rivers and streams that are replenished annually from snowmelt and natural precipitation, the Ogallala Aquifer is essentially a closed system. It receives very little runoff. As this vital water resource is depleted, significant amounts of acreage may be removed from crop production.

A rapid decline in irrigation, unless offset by other activity, would have serious economic and social consequences for the Nation. For example, eliminating irrigation from the Ogallala Aquifer in Colorado, alone, would reduce the State's irrigated acreage by 18 percent and could cause a reduction of as much as $500 million annually in the State's economy.

The Department of the Interior believes that under certain conditions, the depletion of ground water aquifers such as the Ogallala can be significantly alleviated by ground water recharge. The technical aspects of recharge have been studied, but tested on only a very limited basis. As a result, it is not know whether or not a technique shown to be successful in one region might also be successful in another.

H.R. 71 provides a cooperative means for the Federal Government, State and local governments, and private entities to work together on the actual testing of artificial recharge methods. I urge my colleagues' support of it.

Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. LUJAN).

□ 1230

Mr. LUJAN. Mr. Speaker, I rise in support of H.R. 71. I was an original cosponsor of H.R. 71, because I strongly believe that it is needed to deal with one of the most pressing water problems facing the Western States—the problem of ground water supply.

THE PROBLEM

The high plains region as a whole made ground water withdrawals of over 20 million acre-feet in 1975. More than 94 percent of the irrigation water is withdrawn from the Ogallala Aquifer. Although irrigation accounts for about 85 percent of all water pumped, the large majority of municipalities and rural households also rely on ground water as their source of supply. Ground water mining—that part of ground water withdrawals which exceed recharge—has been extensively practiced. At the present rate of use, the Ogallala Aquifer theoretically contains enough water to meet the average annual amount being mined for about 150 years. However, the water is not equally distributed and often not economically available.

WHAT H.R. 71 DOES

The purpose of H.R. 71 is to authorize and direct the Secretary of the Interior to engage in a special study of the potential for ground water recharge in the High Plains States

The committee report on H.R. 71 found:

According to the Commissioner of Reclamation, it is believed that, in certain favorable situations, the depletion of ground water aquifers and basins could be alleviated to a significant degree by artificial recharge of such ground water areas. Enactment of H.R. 71 is needed in order to involve the Federal Government in a cooperative program with the States, local governments, and private entities which would move beyond the study stage and into the actual testing of artificial recharge methods which will have national benefits.

Artificial recharge techniques have already been employed to add water to aquifers. A variety of methods have been developed including water spreading, recharging through pits, excavations, wells and shafts, and pumping to induce recharge from surface water bodies. For example, Nassau County on Long Island. New York has been using water recharge as a successful water conservation practice since the 1930's. Ground water recharge has the potential for supplying water to affect the ground water mining now taking place. In the southern high plains there are numerous playas, or depressions, in which storm water collects. Because of their large areas and shallow depths, as much as 98 percent of the accumulated water is lost to evaporation. It is estimated that between 2 and 6 million acre-feet annually are wasted in this way, and some part of this could be incorporated in a ground water recharge program.

The demonstration projects mandated in this legislation will provide the experience in the Western States, for the country as a whole to begin to deal on a prudent basis with the increasingly serious problem of ground water recharge. By limiting the authorization to a realistic level, and providing for local participation, the committee has

established the program on a sound basis, and I believe it deserves the support of all my colleagues.

Mr. BROWN of Colorado. Mr. Speaker, I yield 8 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I rise in support of a resolution of which I am a cosponsor, H.R. 71, and I urge my colleagues to join me in authorizing a new and innovative approach to water management and development: ground water recharge.

I want to offer special thanks and commendation to the gentleman from Texas (Mr. KAZEN), chairman of the subcommittee, who has been so forceful in his leadership in bringing this bill to the floor, and thank him for the hearing, I think a very successful hearing that the committee held in San Antonio on this issue during the previous Congress.

I also appreciate the support of the chairman of the full committee, the gentleman from Arizona (Mr. UDALL), and the ranking minority member of the committee, the gentleman from New Mexico (Mr. LUJAN), as well as the gentleman who spoke previously, the gentleman from Colorado (Mr. BROWN), and the gentleman from Wyoming (Mr. CHENEY).

I think the comments about the importance of this legislation to the States of the West have been made by all previous speakers and they are very appropriate. I think, however, I might also emphasize what the gentleman from Texas has stated, that this legislation will provide benefits for the entire United States.

Mr. Speaker, we all recognize the critical water problems which are facing the entire Nation. From contaminated water supplies and antiguated delivery systems in the East, to severe shortages of water for domestic, municipal and industrial, and agricultural uses in the West, we stand poised on the verge of a national water crisis. While we have, by necessity, made some progress in the conservation and management of our water resources, much remains to be done. This bill will provide us with a valuable new tool in our efforts to address our national water problems, and I urge its passage.

We are all familiar with the serious shortages of water in the semiarid and arid areas of the Midwest and West. It is likely that some areas of the High Plains will have totally exhausted their available ground water supplies by the turn of the century. Because of this projected depletion of ground water, it is estimated that more than 5 million acres in the high plains will revert to dryland farming practices or rangeland by the year 2020. In addition, the chronic water shortages which the State of California and other Western States have suffered, and which have become even more serious in recent years, serve to further emphasize the need for a new approach to water management and development.

In some areas of the country, abundant supplies of surface water exist which could be utilized to recharge underground aquifers which are being depleted at ever-increasing rates. While the Federal Government, the States, and other water-related agencies have studied the concept of using artificial ground water recharge to rejuvenate these declining water tables, these studies have consisted of theoretical analyses of the concept, computer modeling of the limited data which is available, and hypothetical suggestions as to its possible application. Very little concrete data exists. What is needed as the next logical step is the actual construction of a number of research and demonstration projects, so that we can actually observe and quantify the benefits of artifical ground water recharge. In the event that this concept proves workable, as I believe it would, the empirical data developed as a result of this research effort can then be applied to the construction of new types of water storage and management projects which would be much more efficient, less costly, and less environmentally damaging. Furthermore, additional ground water recharge features can also be added to existing projects, making them more efficient and cost effective.

Mr. Speaker, I believe that further research and exploration of this concept could result in a feasible and cost-effective alternative to the economic disaster which will certainly accompany the depletion of our ground water supplies. If we do nothing to reverse the trend of declining water tables, whole areas of the country will face drastically altered conditions. The impact of inadequate water supplies upon agricultural production, industrial development, and energy production will be staggering. Economic development will come to a standstill without water.

The modest program which would be authorized in this bill would target those areas of the worst declines and the best possibility for a successful recharge project for further testing of the concept. The bill would authorize a minimum of 21 artificial ground water recharge demonstration projects throughout the arid and semiarid States of the Great Plains and West.

A 24-month planning phase would be followed by a 5-year demonstration phase, with positive findings and recommendations for construction of full-scale projects if the concept proves feasible.

The bill also mandates the development of a method of assessing benefits and costs of ground water recharge to project beneficiaries. It provides for cooperation between the States and the Federal Government in developing meaningful research and demonstration projects. It contains adequate protection for the water rights and the existing water compacts of the individual States. It includes an extensive reporting and monitoring requirement which will facilitate the active oversight of these projects by the appropriate House and Senate committees.

Mr. Speaker, I believe that this bill has new significant positive long-range implications for the future of water resources management of any water legislation in many years. Perhaps since the original 1902 reclamation act, ground water recharge is a relatively new concept, but an exciting one for all of us who are concerned about a continuing supply of water in the Great Plains and Western States. It is a concept that has the potential to breath new life into various areas of the arid and semiarid West. The time has come for an expanded, conjunctive approach to water development projects. This bill offers the vehicle to further explore what I believe to be a most promising course upon which to embark, and I urge my colleagues to support this progressive and innovative approach to water management.

Mr. Speaker, I think for purposes of legislative history it might be important to clarify a couple of points. I would ask the chairman of the subcommittee, the gentleman from Texas (Mr. KAZEN) as well as the gentleman from Colorado (Mr. BROWN) to respond to a couple of points in a colloquy if they would.

Section 7 of H.R. 71 indicates that cost-sharing shall apply only to phase II of the study. House Report 98-167, on lines 4-5 of page 5, does not distinguish whether the 4-to-1 cost-sharing formula applies only to phase II. Is it, therefore, your understanding that no cost-sharing is contemplated for phase I activities?

I would ask the gentleman from Texas first.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Texas.

Mr. KAZEN. The gentleman is correct. It does not apply to phase I, only to phase II.

Mr. BROWN of Colorado. Will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Colorado.

Mr. BROWN of Colorado. I certainly concur with the chairman's comments. I think very clearly the answer is yes.

Mr. BEREUTER. I thank the gentleman.

My second point, section 4(c)(2)(D) of the bill refers to "an evaluation of the feasibility of integrating these ground water recharge projects into existing reclamation projects." Is it

your understanding that projects need not refer only to actual constructed infrastructure but may refer to the techniques demonstrated in such projects?

I yield first to the gentleman from Colorado in this instance.

Mr. BROWN of Colorado. The gentleman's understanding is correct.

Mr. BEREUTER. I thank the gentleman. Would the chairman have the same reply?

Mr. KAZEN. Yes, I agree with the gentleman from California.

Mr. BEREUTER. I thank the gentleman.

A final question for the chairman related to the same point: It is my understanding that the intent of the committee is to integrate ground water recharge features or techniques into existent and future reclamation projects wherever feasible and cost effective. Is my understanding correct?

Mr. KAZEN. The gentleman is correct in the interpretation of the committee's intent.

Mr. BEREUTER. I thank the chairman.

I would yield to the gentleman from Colorado (Mr. BROWN) for the purposes of a response.

Mr. BROWN of Colorado. I would also concur in the chairman's observation. I believe that is correct.

Mr. BEREUTER. I thank the gentleman and I thank him in general for the assistance that he has provided on this bill and special thanks again to the chairman of the committee, the gentleman from Texas (Mr. KAZEN.)

Mr. Speaker, I yield back the balance of my time.

● Mr. RICHARDSON. Mr. Speaker, I strongly support H.R. 71, the ground water recharge authorizations. This bill, which is authored by the gentleman from Nebraska, Mr. BEREUTER, passed the Interior and Insular Affairs Committee by voice vote.

Mr. Speaker, H.R. 71 is an important first step toward our preservation of our Western aquifers, which have been drained to dangerously low levels during the last several decades, due to increased reliance on ground water by agricultural, industrial, and municipal water users. The bill directs the Department of the Interior to study ground water recharge technologies and to design, construct, and operate demonstration projects. The bill also requires the Department to identify at least 12 demonstration projects in the High Plains States, including my State of New Mexico, and at least 9 projects in other Western reclamation States. The legislation authorizes $20 million for the design, construction, and operation of these demonstration projects and provides $500,000 for a preliminary ground water study.

Mr. Speaker, if we are going to prevent further deterioration of our Western aquifers, we desperately need this legislation. In California, the aquifers have already collapsed as a result of excessive drainage. When that happens, the aquifer cannot be revived. Therefore, I think it is imperative that we move now to identify and demonstrate technologies designed to recharge declining aquifers before it is too late to save them.

Mr. Speaker, I fully realize that Members from other parts of the country may label this legislation as pork barrel. However, I must point out that unlike most other reclamation legislation, this bill contains an explicit requirement that States, local governments and private sources meet the cost of 20 percent of the Federal funds to be allocated for demonstration projects. Since the local users will be forced to pay in this instance, the danger of wasteful spending has been eliminated.

I urge my colleagues to vote to suspend the rules and pass this important water bill.●

Mr. BROWN of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KAZEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. KAZEN) that the House suspend the rules and pass the bill, H.R. 71, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONSUMER PRODUCT SAFETY AMENDMENTS OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 227 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2668.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2668, to amend the Consumer Product Safety Act to extend it for 5 fiscal years, and for other purposes, with Mr. SKELTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California, Mr. WAXMAN, will be recognized for 1 hour, and the gentleman from California, Mr. DANNEMEYER, will be recognized for 1 hour.

The Chair recognizes the gentleman from California, Mr. WAXMAN.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 2668, the Consumer Product Safety Amendments of 1983, authorizes appropriations for the Consumer Product Safety Commission (CPSC) for 5 fiscal years.

CPSC is an independent regulatory agency charged with protecting the public against dangerous consumer products. It has jurisdiction over 15,000 separate products and over 1 million manufacturers and retailers.

Although the smallest health and safety agency, CPSC is the only Government body to receive a positive rating from the public in a recent Lou Harris poll. This is not surprising. In its brief 10-year existence, the agency has recalled over 300 million dangerous products averting millions of serious injuries. CPSC safety packaging rules for dangerous household substances prevent hundreds of child deaths and thousands of poisonings each year. Its crib standard saves the lives of 50 infants each year and protects hundreds more from serious injury usually involving brain damage.

Although the life-saving accomplishments of CPSC are many, the Lou Harris poll tells us that the American people want even greater protection against dangerous products. Approximately half of those polled want CPSC to do more about dangerous products. Almost 90 percent want the agency to do more about dangerous toys.

If CPSC is to do the job the American people expect, then it must have adequate funding and resources. During CPSC's last reauthorization, the administration and the business community joined forces in an attempt to abolish the agency. When that failed, they tried to bury it in the Department of Commerce—a fate equivalent to abolition. Although that effort failed too, the administration and the business community were successful in imposing unprecedented funding and personnel cuts.

In fiscal year 1981, the agency had a budget of $42.2 million and a staff of 889. In fiscal year 1982, its budget was cut 25 percent to $32 million and its staff reduced by 29 percent to 636 positions. The cuts have cost CPSC 32 percent of its scientific and technical staff.

The effect of these cuts is a dramatic decrease in product safety in the marketplace. Agency inspections have declined by 44 percent, recall checks by 64 percent, and investigations by 14 percent. Most disturbing of all, companies are no longer reporting dangerous products to the agency for recall as required by law. Apparently, the companies recognize that CPSC's scarce resources make it unlikely they will be caught. Consequently, reports regarding such dangerously defective products have plummeted 52 percent.

H.R. 2668 responds to the public demand for greater product safety. It reauthorizes CPSC for 5 years beginning at $47 million. This level of funding is the equivalent of the agency's budget in fiscal year 1981. It is also the level of funding adopted by the House in the first budget resolution. The agency is extended for 5 years to permit it to make the most efficient use of its resources.

The bill also establishes a minimum personnel level for the agency. This is necessary to halt the war of attrition being waged by the Office of Management and Budget (OMB) on CPSC. Although GAO reports that the agency has lost 32 percent of its scientific staff, OMB has proposed still deeper cuts in the agency's personnel levels.

As recently reported by the Washington Post, OMB is exploring the use of staff reductions as a means of gaining control over independent agencies. With respect to CPSC, OMB has not been successful in changing the law to its likening so it has cut staff to prevent the law from being enforced.

H.R. 2668 also amends the agency's statute to require it to treat requests for information under the Freedom or Information Act in the same manner as they are handled at other health and safety agencies. The bill permits the agency to release information in response to an FOIA request with a disclaimer explaining that the agency has not reviewed the accuracy of the information. Disclosure or reports, studies, and tests by the agency must continue to be verified and summaries sent to manufacturers for comment. Thus, companies are still protected from disclosures by the agency of inaccurate or misleading information.

In addition, H.R. 2668 reforms the agency's rulemaking authority. The reforms permit the agency to amend rules to ease the compliance burden of industry. The revisions encourage the agency to use labeling rules when regulation is necessary. Labeling rules should be encouraged because they are the least burdensome form of regulation. However, these provisions do not expand the agency's authority to write mandatory safety standards.

The bill applies the agency's recall authority to all dangerously defective products under its jurisdiction including toys. Under current law, it is easier for the agency to recall a dangerous toaster than a hazardous toy. The bill responds to the demand for greater toy safety by correcting this anomaly.

Next, the bill clarifies the agency's authority to assess civil penalties in an administrative proceeding. In the 1981 reauthorization of the agency, the Congress amended the statute to require the agency to consider certain factors in determining the size of a civil penalty. Two courts have subsequently misinterpreted that language as denying the agency administrative authority to assess civil penalties. The bill clarifies the agency's authority.

Finally the bill restores partial jurisdiction to the agency over amusement rides located in fixed site amusement parks. This will enable the agency to collect information regarding amusement rides, investigate accidents involving such rides, and order corrective action be taken regarding defective rides which pose a risk of injury to the public.

Mr. Chairman, this is an important bill reported by the Energy and Commerce Committee with bipartisan support.

CPSC is the only Federal health and safety agency charged with reducing the 36 million injuries and 30,000 deaths involving products which occur each year in the United States.

Product safety is a form of preventive medicine—for the public and for industry. It is no less important to public health than immunization programs to protect our children from infectious diseases. It saves industry millions each year by averting expensive litigation resulting from unsafe products.

I urge all Members to support the committee's bill.

Thank you.

□ 1245

Mr. DANNEMEYER. Mr. Chairman, I yield 30 minutes to the gentleman from Alabama (Mr. SHELBY).

Mr. SHELBY. I thank the gentleman for yielding.

Mr. Chairman, I rise today in opposition to H.R. 2668, a bill to reauthorize the Consumer Product Safety Commission. I strongly believe that the Commission should be reauthorized. As the chairman of the subcommittee has affirmed, this agency serves an important purpose of government, which is, namely, to protect the public against unreasonable risks of injury associated with consumer products. Its statutory mandate to administer the Consumer Product Safety Act, the Federal Hazardous Substance Act, the Poison Prevention Packaging Act, and the Refrigerator Safety Act deserves the full support of Congress.

Yet, at the same time I support reauthorization of the CPSC, I do not think that 5-year authorization providing a 58-percent aggregate increase in funding is needed. Nor do I think the other substantive changes to existing law in H.R. 2668 are necessary or justifiable. Mr. Chairman, I intend to offer an amendment in the nature of a substitute to H.R. 2668. My amendment would reauthorize the Consumer Product Safety Commission for a period of 3 years. For the years 1984 through 1986 funding levels would be established at $35,700,000, $37,485,000, and $39,360,000, respectively. Operating from a 1983 baseline level of $34 million these figures represent year-to-year increases of 5 percent, which would take into account projected inflation rates.

I offered this amendment in committee markup of this bill where it gained the support of 19 members of the Energy and Commerce Committee, just 3 short of a majority. There is a broad, bipartisan consensus not only in this body, but the other body as well, that the changes contemplated in H.R. 2668 go beyond reasonable justified bounds. As a matter of fact, just last week the other body approved a more narrow Consumer Product Safety Commission reauthorization bill than my substitute even considers. As a 2-year reauthorization, that measure contains lower dollar levels than my substitute, at $35 million for each fiscal year, making minor, technical changes in current statutes.

I would like to briefly address some of the concerns I have about the many changes proposed in H.R. 2668.

Section 3 of the bill, which establishes minimum employment levels and doubles the number of regional field offices from 5 to 10 ill-advisedly interjects Congress into management functions which are best left to the agency working in consultation with the Office of Management and Budget.

Section 4 of the bill relating to public disclosure of information completely vitiates the U.S. Supreme Court decision of CPSC against GTE-Sylvania and the amendments adopted by Congress in 1981, both of which were intended to balance the rights of consumers to information in the possession of the CPSC and the rights of business to be protected from the disclosure of false and misleading information. As I interpret the proposed changes to section 6(b) of the Consumer Product Safety Act, this needed balance would be completely undone.

Section 5 of the bill proposed repeal of procedural safeguards now applicable to the release of inaccurate regulatory impact analysis and other procedural safeguards in connection with material amendments to consumer product safety rules and rules specifying warning labels. This action will result in regulation by fiat without cost-benefit underpinning.

Section 5 also repeals certain formal rulemaking procedures required of the CPSC when it seeks to ban a household substance as hazardous. This particular section was discreetly inserted into the bill and strips from current law adjudicatory type procedural safeguards designed to prevent errors on the part of the CPSC and thereby protect the interests of consumers and business. The safeguards to be eliminated permit opponents of the rule at least one hearing to air their side of the issue, the right to cross-examine witnesses, the application of formal rules of evidence, and the right to an automatic stay of regulation pending judicial review. In my judgment the substitution of these safeguards with informal notice and comment rulemaking as called for in the committee bill does not serve the consumer, as has been recently proven by the unanimous fifth circuit court of appeals decision vacating an ill-founded Commission ban on urea-formaldehyde. When a regulatory action is proposed, such as the absolute banning of a product from the marketplace, more formal procedures are entirely justified. They insure the integrity of the rulemaking proceeding and without them it is questionable whether due process of law is observed.

Section 6 of the bill repeals the statutory standards for cellulose insulation. This proposed change is totally contrary to the best interests of consumers and is sure to create havoc in the marketplace by inviting inconsistent State and local regulation.

Section 10 of the bill curiously allows the toxicological advisory board to remain on the books forever despite the Commission's recommendation that this is unnecessary.

Section 11 of the bill repeals as a means of compliance with the guaranty provisions of the Flammable Fabrics Act the right of a manufacturer to file a continuing guaranty with the Commission rather then having to go through the costly process of providing a guaranty on each invoice or providing a continuing guaranty to each buyer of fabric or related material. The cost to administer the continuing guaranty program is miniscule—$21,000 annually—and the benefits to manufacturers and consumers far exceed this amount.

Sections 12, 13, and 14 incorporated into the original bill in subcommittee also pose serious questions as to their necessity. I have strong reservations about section 12 which grants the agency jurisdiction over fixed site amusement rides. Lengthy debate on this amendment in subcommittee bore out the folly of extending CPSC jurisdiction over fixed site amusement rides. Questionable statistics provided Congress by the CPSC did not illustrate the need for CPSC investigation of ride accidents and only cast doubts as to the ability of the CPSC to adequately and responsibly carry out this new mandate. It is highly doubtful that the consumer will be well-served by this new use of CPSC money and manpower.

Mr. Chairman, these comments are only a few of my concerns with H.R. 2668. I would just conclude that I firmly believe the Commission should be reauthorized, but without the unjustified amendments H.R. 2668 includes.

Mr. Chairman, I yield back the balance of my time to the gentleman from California, Mr. DANNEMEYER.

□ 1300

Mr. DANNEMEYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to speak in opposition to the bill and in favor of the amendment which will be offered by the gentleman from Alabama. I do so for two basic reasons—one, because I believe that the Consumer Product Safety Commission should be reauthorized for the time and dollars specified in the amendment, and two, because, and I feel more deeply about this reason, I believe the bill sponsored by the gentleman from California is so bad that it falls under its own weight and deserves to be defeated. In fact, in all my years serving on the Energy and Commerce Committee, I have never seen a piece of legislation with which there was so little I could agree.

I will touch on some of the problems that I have with the bill before us in just a moment, but before I do I would like to make two basic observations which are intended to enlighten my colleagues here today. First of all, I want to point out that there is no other Federal agency which has the kind of jurisdictional reach as that of the CPSC. In this regard, it should be of interest to know that over 15,000 products fall under the jurisdiction of the Commission and that over 2.5 million manufacturers—or approximately one-half of all manufacturers in the entire country make goods which are subject to CPSC jurisdiction. I mention this to underscore the importance of making sure that what we do as legislators has logical underpinning because in this lacking there is great potential to wreak havoc in the marketplace, which will serve absolutely no one and especially consumers. Quite frankly, I do not think much if any of the bill has such logical underpinning.

Second, I do want to remind all of the Members that just 2 years ago Congress made sweeping changes to the various acts the CPSC administers. All of these changes were intended to address what were perceived as regulatory excesses by the Commission. In fact, the concern about regulatory abuses by CPSC was so great that an amendment in the Health and the Environment Subcommittee to abolish the CPSC and transfer its functions to the Department of Commerce fell just one vote short of passing. Furthermore, during the 1981 budget reconciliation fight, my colleagues will recall that the Jones budget included the subcommittee-passed bill which made all of these sweeping changes. It was included I presume because the gentleman from California was in agreement with the provisions of the bill. At no time during the legislative reauthorization of CPSC in 1981 did the gentleman express his opposition to these changes. Nor did he suggest that other changes such as the ones that are proposed in his bill were necessary.

Well, what has happened in the 2 years since the 1981 amendments? For one, the Commission has not implemented the amendments that were made and in fact has openly resisted many of them. And, even worse from my point of view, the Commission has worked, along with consumer groups, to persuade the gentleman from California to make changes now which not only vitiate the 1981 reforms, but go much further.

What is really wrong with the bill before us? From my perspective, practically everything. It unwisely interjects Congress into management functions by establishing minimum employment levels and statutorily doubling the number of field offices. There are virtually no other health and safety agencies with which I am familiar that are accorded such treatment.

The bill completely guts current law protections offered manufacturers and consumers against the release of false and misleading information where FOIA requests are involved. It is true that CPSC does have certain burdens placed on it with regard to information released under FOIA that are not applicable to other agencies, but as I mentioned earlier, no other agency has as broad a jurisdictional reach and corresponding power to do irreparable harm by releasing inaccurate information. All that current law requires is that CPSC takes reasonable steps to assure that the information to be disclosed is accurate, that its release is fair in the circumstances and that its release is reasonably related to effectuating the purposes of the act. What is so possibly wrong with that? I would suggest nothing at all.

The bill, without reason, says that material amendments to consumer product safety rules and rules requiring warning labels will no longer be treated the same way as original rules in terms of procedural and substantive necessities such as regulatory impact analysis. I can think of absolutely no justification for this change. Furthermore, the bill unwisely changes the

Federal Hazardous Substances Act to permit the CPSC to take regulatory action such as banning on the basis of simple notice and comment rulemaking, which does great violence to the notion of due process of law and precludes the opportunity for the development of an adequate record to support regulatory action.

Mr. Chairman, I could go on and on, but in the interests of time, I will stop here and hope that other Members will touch on the various other shortcomings of this bill. It would be my hope that a vigorous debate might ensue for I do not think that the gentleman from California has been put squarely to the test of defending his bill. Unless he can pull a rabbit out of his hat and come with a rationale for the various provisions of the bill I am constrained to vote for the amendment offered by the gentleman from Alabama and urge my colleagues to do likewise.

Another concern I have is that this measure would extend the jurisdiction of the Consumer Product Safety Commission over fixed site amusement park rides. Back in 1981, the Congress removed these rides from the jurisdiction of the CPSC because it believed that there was little justification for CPSC oversight of these rides and because such oversight was beyond the capability of the CPSC even if it were justified. Nothing has happened since then to change the situation, yet this bill would overturn the wisdom of the 97th Congress. Indeed, the statistical case presented by the CPSC during the committee hearings and markups on this bill brings into question the competence of the CPSC generally and on this issue in particular.

One problem with the 40-percent increase in injuries alleged to have resulted from fixed site rides is that those statistics include those mechanical bulls that were popular several years back and still may be found in some places. However, those bulls are already under the jurisdiction of the CPSC. Second, the estimates of amusement park ride accidents are really guesstimates based on hospital emergency room statistics. Not only do they fail to distinguish between accidents caused by mechanical faults and those resulting from horseplay, but independent studies dispute their findings. Figures compiled by both the University of Southern California and the Wharton School at the University of Pennsylvania suggest the accident rate for fixed site amusement park rides is about 1 injury for every 5.9 million rides. Are we going to suggest that, at that level of risk, we are going to expend the resources of the CPSC on additional oversight.

It should also be mentioned, in this context, that 21 States already have ride safety laws already on the books and 9 States, including five locking ride safety laws, are considering new or additional ride safety legislation. Moreover, four States do not even have a fixed ride amusement park within their borders, so what we are really talking about is a situation which is largely covered already. Moreover, the legislation to be voted on later this week by this body would likely confuse the legal picture and result in a spate of lawsuits, just as it did before Congress removed CPSC jurisdiction over these rides back in 1981.

Mr. Chairman, I also want to mention the defect in the bill wherein it reauthorizes this legislation for the next 5 years at increasing amounts totaling over the base year of 1983 an increase of 58 percent over the 5-year span.

That is a ridiculous expansion of authorization for any commission in government today considering the deficit which exists at the Federal level.

The amendment by the gentleman from Alabama (Mr. SHELBY) I think rightly places the reauthorization for 3 additional years in increases in amounts of 5 percent for each year, which is a modest and reasonable increase.

I would also like to point out to my colleagues that we have in the private sector in our country organizations that publish periodically Consumers Digest, published six times a year, based in Chicago, Ill. Maybe some of my colleagues have seen this. It talks about different products. Just to name a few. This publication was published in March-April, 1983. "New Hope for Heart Patients," "Social Security—A Billion Dollar Bailout," "Computers in the Home," "Home Insurance," "How Much is Enough?" "Designer Dresses You Can Afford," "Europe on a Budget," and so on. It does not purport to cover everything, but it gives an indication to a consumer what the interests of the consumer are and where they will be protected. You can go to a library to get one if you cannot afford the $2 purchase price.

Another publication called Consumer Reports has been in business in New York since 1936. They publish 12 times a year. This publication lists, this one particularly for June 1983 deals with sunscreens, power lawn mowers, "How to Dig Out the Lowest Airfares," "Four Small Sporty Cars," low-priced stereo receivers, thermos bottles and picnic jugs among others.

Also Consumer Reports publishes an annual publication, "Buying Guide Issue." It covers many of the products available on the market in this country. And here again, if you cannot afford the $3.50 purchase price, you can go to the public library and read it at your leisure in that public facility.

The point is that these organizations exist to evaluate products used by consumers. Somebody may say, "What about those cases where products prove to be dangerous to people and cause injury?"

Let me suggest to my colleagues that we have in place in our system a fundamental redress of grievances for excesses on the part of manufacturers in placing negligent products into the flow of commerce in the form of a product liability lawsuit. You do not have to tell imaginative lawyers what to do or when to do it if a consumer has sustained an injury. Lawyers are prone to rush to the courthouse with a filing fee and bring the builder or the developer or entity that places products into the flow of commerce to the bar of justice and compel them to compensate a person who has been injured.

It does not take a great deal of imagination for any of us to realize that the potential of that product liability lawsuit acts as a deterrent to a manufacturer before they place a product into the flow of commerce and what is more important, perhaps, to what we see in those product liability suits is what we do not see in terms of the ability of that manufacturer to obtain product liability insurance to cover the possibility of a lawsuit being filed.

Many insurance companies require a review of products that are placed into the flow of commerce before they will write that product liability insurance and I would submit that the availability of this type of remedy to a consumer is not going to cover every risk, of course. There is nothing that we can produce in this country that is going to be absolutely safe under every circumstance, but the point is that this existing remedy to bring relief to consumers is something that all consumers should be aware of in evaluating whether we should reauthorize this Commission in future years for up to $57 million in 1988.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 2668 has broad support with the public; 24 individual consumer, aging, and labor organizations have written Members urging the House support for the legislation and opposition to a substitute offered by Messrs. SHELBY and BROYHILL. These organizations include the Consumer Federation of America, Consumers Union, the International Association of Machinists and the International Ladies Garment Workers Union.

I include in the RECORD at this point a copy of a letter dated June 20, 1983, from these organizations:

CONSUMER FEDERATION OF AMERICA,
Washington, D.C., June 20, 1983.

DEAR MEMBER: As representatives of consumer, labor, health, senior citizen and cooperative organizations representing several

million Americans, we write to urge you to support H.R. 2668 when it comes to the House floor this week. This legislation, which reauthorizes the Consumer Product Safety Commission and restores its ability to do its job, will send a clear message that Congress is committed to a genuine effort to rid the marketplace of dangerous products. In contrast, a vote for the Shelby substitute amendment endorses the idea that an underfunded, weak and demoralized product safety agency is sufficient. Accordingly, this substitute and all other weakening amendments must be defeated.

As you know, the Commission is a small agency with a huge mandate. Its jurisdiction extends to over 15,000 consumer products which are involved in 25,000 deaths and 30 million injuries each year. The CPSC faces this staggering job with a budget of only $33 million and a staff of less than 650 full-time employees.

The Commission's current funding level is a result of a one-third cut mandated by the 1981 Reauthorization. That cut has produced very damaging consequences. Thirty-two percent of the CPSC's scientific and technical personnel have left the agency. Field inspections, investigations and recall checks have been reduced dramatically. The Commission even lacks the resources to revise a thirty-year-old clothing flammability standard that, according to a recent court decision, a common newspaper could meet. The implications of these budget reductions are not lost on industry. Sensing a weakened policing function by the CPSC, businesses have cut back on voluntary reporting of possible product hazards by 52 percent.

What these facts suggest is that the Commission simply cannot do an adequate job given its current level of resources. While it is clear that a weak CPSC hurts consumers and the overall level of product safety, it should also be clear that the lack of funding damages industry as well. Lacking the contract dollars, staff time and scientific expertise to proceed with mandatory and voluntary rulemaking expeditiously, the Commission will be forced to draw out its activities over a period of several years. During that process, industry will remain uncertain of the outcome and will be unable to plan its production and marketing with any degree of precision.

H.R. 2668 will remedy these problems by restoring the CPSC budget to realistic levels and by giving the Commission a sufficient reauthorization period to plan and carry out long-term product research and investigations. The legislation will also put the CPSC's ability to disclose safety information and to fine safety violators on the same footing with other health and safety agencies. Overall, H.R. 2668 will put the Commission on firm ground for the first time since 1980.

In stark contrast, the Shelby substitute would lock the CPSC into a position of weakness for another three years, leaving it with inadequate budgetary authority, vulnerable to further OMB interference with personnel levels and unable to get important safety information to the public.

Only by opposing this amendment and voting for the strong bill sponsored by both Subcommittee Chairman Henry Waxman and Committee Chairman John Dingell will Congress give product safety the vote of confidence it sorely requires. Such a vote will mirror the public's demonstrated support for the CPSC. For the Commission was the only federal agency to receive an overwhelmingly positive response in the recent Harris Poll, "Consumerism in the 1980's". A vote for H.R. 2668 will send the same message from the House of Representatives.

Sincerely,

David Greenberg, Consumer Federation of America; Arnold Mayer, United Food and Commercial Workers; Bill Holayter, International Association of Machinists; Jacob Clayman, National Council of Senior Citizens; Barbara Warden, National Consumers League; Janet Hathaway, Congress Watch; Ann Brown, Americans for Democratic Action; Lee Richardson, Maryland Citizens Consumer Council; Dermit Shea, Association of Massachusetts Consumers; Nell Weekly, Louisiana Consumers League; Rebecca Lightsey, Texas Consumer Association; Ken McEldowney, San Francisco Consumer Action.

Evelyn Dubrow, International Ladies Garment Workers Union; Mark Silbergeld, Consumers Union; Ellen Haas, Public Voice for Food and Health Policy; John Brown, International Union of Operating Engineers; Mel Zelenak, American Council on Consumer Interests; Joe Tuchinsky, Michigan Citizens Lobby; Jean Ann Fox, Pennsylvania Citizens Consumer Council; Al Luzi, Milwaukee Concerned Consumer League; Helen Nelson, TURN, San Francisco; Tom Ryan, Missouri Public Interest Research Group; Stanley Yarkin, Greenbelt Consumer Cooperative; Bill Wynn, North Carolina Consumers Council.

Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. WYDEN).

Mr. WYDEN. Mr. Chairman, I rise in support of this bill, which I believe is critical if we are to protect the American public from unsafe products.

Recent polls have shown that the American public supports basic consumer protection services of Government.

A Louis Harris poll conducted for the Atlantic Richfield Co. earlier this year showed that 94 percent of the public thinks that the Government should approve new drugs before they are sold. According to that poll, some 88 percent also think that Government should examine the safety of toys—before those toys wind up seriously injuring our children—while 67 percent believe Government should decide if advertisements are misleading.

Yet despite these surveys—which clearly show that the public objects to a dismantling of basic consumer protections this administration has, since 1982, mounted a systematic attack on the budget and personnel levels of the Consumer Product Safety Commission.

These attacks have severely curtailed the CPSC's ability to protect the American public: inspections by the agency are down 44 percent, recall checks by 64 percent and investigations by 14 percent.

H.R. 2668 would modestly restore some of the CPSC's mandated abilities to protect American consumers.

Included in this bill is a provision which restores the CPSC's jurisdiction over fixed site amusement park rides. There have been a number of gross distortions by opponents to this section that I would like to clear up.

First, there is a clear and compelling need for CPSC jurisdiction over these rides. Presently, less than half the States—21—have done anything to protect the safety of our families in this area—with still fewer dealing specifically with fixed site rides.

And although additional States are considering legislation to address amusement ride hazards, there is a big difference between considering legislation and actually enacting it.

According to newspaper reports, Pennsylvania legislators recently voted down amusement ride legislation for the fifth time in 12 years. In addition, legislation dealing with this area has been killed in Colorado, Georgia, and Indiana, and pending legislation in Missouri and New Hampshire faces strong industry opposition.

In 1982, according to CPSC's estimate, some 5,000 persons were injured on fixed site amusement rides. Another 2,000 were injured on fixed site water slides.

Given injury trends on amusement rides, these figures represent a dramatic increase in the number of injuries over the past 2 years.

Opponents would also have us believe that the CPSC does not have the expertise to regulate products as complex as amusement rides.

This is simply not true. The CPSC employs competent mechanical, electrical, and structural engineers to deal with product hazards, many of which are substantially more complex than amusement rides.

The agency also has experts who have specific knowledge regarding amusement rides, including staff who have participated extensively in corrective actions on amusement rides. And to the extent that the CPSC does not have in-house expertise, it can turn for assistance to technical bodies like the National Bureau of Standards.

In conclusion, the case for denying the CPSC a modest role in overseeing fixed site amusement rides does not stand up under scrutiny. The provision contained in the committee bill will require absolutely no new paperwork or impose any new recordkeeping burdens on the industry—but it will provide a big payoff in terms of lives saved and injuries prevented.

I certainly do not contend that the CPSC, with its limited budget, can prevent all injuries on fixed site rides. However, I do believe that it can prevent a significant number of them—especially where there is no other au-

thority to deal with amusement ride hazards.

Mr. Chairman, I urge my colleagues to vote for their constituents and for consumer safety by supporting H.R. 2668 and rejecting any crippling amendments or substitutes.

□ 1315

Mr. WAXMAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DANNEMEYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing my remarks, I want to say just a few comments.

This organization is 10 years old, having been initially authorized in 1973. I want to remind my colleagues that the votes by which this measure came out of the Energy and Commerce Committee was very close, 23 to 19. That certainly does not appear to this Member from California to be a mandate and I think augurs well for the possibility for an amendment by the gentleman from Alabama (Mr. SHELBY) that it would be the sense of the House to adopt that alternative in the form that it will be presented.

Mr. Chairman, in closing, I insert in the RECORD an article which is an excellent example of the excesses of the abuse of power of this CPSC, published in 1983 by James J. Kilpatrick, relating to the controversy that developed over urea-formaldehyde foam insulation, otherwise known as UFFI, and the action taken by the CPSC on very skimpy evidence which was found to be deficient by a circuit court of appeals, and the terrible damage that was done to this industry and the country without proper justification of what that has meant to the hundreds of businesses that were adversely affected:

AN OUTRAGEOUS ABUSE OF POWER

(By James J. Kilpatrick)

Back in November 1980, you may recall, the Consumer Product Safety Commission issued a dramatic press release. The handout warned that urea-formaldehyde foam insulation (UFFI) carries a risk of causing cancer in humans. Some 500,000 homes had been so insulated, and more than a thousand small businesses were then engaged in UFFI installation.

The businessmen protested bitterly—indeed, desperately—that there was no convincing evidence to justify such a warning. The commission had acted in large part upon the basis of a study involving rats that had been exposed to massive doses of formaldehyde fumes. The installers said the study was flawed. They begged the commission to act, if at all, under the Federal Hazardous Substance Act, which would give them an opportunity in a formal hearing to challenge the evidence.

The Consumer Product Safety Commission proved adamant. Months went by. The bottom dropped out of the UFFI business. Dozens of installers went into bankruptcy. Finally, in April 1982, the commission issued a rule banning formaldehyde insulation in schools and homes. The surviving installers brought suit, and now, almost exactly a year later, the makers and installers of UFFI have been vindicated. On April 7, the Fifth U.S. Circuit Court of Appeals vacated the rule.

It is hard to tell the story calmly, for the sequence of events provides an outrageous example of the abuse of bureaucratic power. In retrospect, it is clear that there never was any justification for the actions taken by the commisison. This was zealotry, pure and simple.

As the court pointed out, formaldehyde is among the most universal of all chemical compounds. It has been in widespread commercial use for almost a century. It turns up in shampoo, toothpaste, cosmetics, paper towels, plywood, particle board and textiles. "It is present in every cell in the human body and in the atmosphere." No study ever has demonstrated that persons regularly exposed to formaldehyde—notably the workers in plants producing 7 billion pounds of the chemical every year—have any unusual incidence of cancer.

In the study chiefly relied upon by the commission, the test animals were subjected for two years to "average" levels of 14.3 parts per million formaldehyde for six hours a day, five days a week. Because rats breathe only through their noses, it could not have been surprising that 103 of the rats developed nasal carcinomas. But this "average" was deceptive. The rats in fact were exposed regularly to much higher doses. "The average daily high was a near-lethal 32.4 per million." By contrast, a University of Iowa study found an average level of 0.059 parts per million in UFFI homes.

The commission also relied upon tests of simulated wall panels, but these fabricated panels bore only a superficial resemblance to actual houses. The commission said it had investigated 350 homes whose occupants had complained of sneezing, coughing and wheezing after UFFI had been installed, but on careful examination it appeared that little cause-and-affect proof had been adduced. Some of the commission's evidence as to irritants, said the court, "is worth exactly nothing."

The commission's ban covered not only homes but also schools. But only one complaint ever was received about UFFI in a school, and that complaint was never investigated. "The ban in schools was completely unsubstantiated. . . . The record clearly demonstrated that the commission never made any real attempt to address the risk of UFFI in buildings other than homes."

The commission is expected to appeal the unanimous decision of the three-judge court, but such further litigation would smack more of vindictiveness than of hope for reversal. The palpable truth is that the commission acted from the beginning on little more than suspicion and surmise, unsupported by substantial evidence. Not a single case of UFFI cancer in humans ever was cited. About all the bureaucracy has demonstrated in this dismal case, as the bankrupted installers can attest, is that the power to regulate involves the power to destroy.

● Mr. DINGELL. Mr. Chairman, today the House is considering legislation to authorize appropriations for the Consumer Product Safety Commission. The legislation would also restore CPSC manpower levels and counteract the disastrous impact of the 33-percent cut in funding the administration forced upon the Commission in the 1981 reauthorization. This bill is a reasonable response to the public's desire for a greater commitment to remove dangerous products from the marketplace.

This is a consumer vote, perhaps the most important consumer vote facing Members this session. In February, Lou Harris released a poll in which the CPSC was the only Government agency to receive a positive rating from the public. America not only supports CPSC, it wants to strengthen it. The committee bill, H.R. 2668, responds to the public demand for a return to product safety.

The Shelby substitute was rejected by the committee because it denies CPSC adequate funding, staff, and authority.

The committee bill restores the CPSC budget. In fiscal year 1982, CPSC was cut by one-third, more than any other health and safety agency. These cuts have resulted in a dramatic reduction in consumer safety. Agency inspections are off by 44 percent, recall checks by 64 percent and investigations by 14 percent. Industry feels comfortable that available consumer protection is spread too thin. Voluntary compliance is way down. The number of reports by industry about products which may contain substantial hazards has dropped by 52 percent. H.R. 2668 assures the agency adequate funding and reverses this trend. The Shelby substitute would continue it by cutting authorized funding by over $60 million.

The committee bill stops further RIF's. CPSC has lost 32 percent of its scientific and technical staff. OMB plans further cuts. H.R. 2668 stops OMB from crippling the agency with further cuts.

A recent "Dear Colleague" letter in support of the Shelby substitute claims that our provisions for minimum employment levels and a minimum number of field offices interject Congress into what are clearly managment or executive branch functions. But the administration has been legislating through the budget process for over 2 years now. The committee bill is a clear signal to the White House and OMB that this will no longer be tolerated. The Shelby substitute would continue to permit OMB to function as a surrogate legislature and abolish CPSC a little bit at a time.

The committee bill permits the agency to respond to requests for information under the Freedom of Information Act in the same manner as other health and safety agencies. Currently, CPSC may not respond to FOIA requests until the manufacturer has had 30 days to censor the agency's response. H.R. 2668 strikes this provision in order to obtain a fair balance between the public's right to informa-

tion and business' right to be protected from the disclosure of false and misleading information. The Shelby substitute would continue to gag the CPSC and frustrate the public's right to know about dangerous products.

The committee bill makes a number of reforms in CPSC rulemaking procedures. Perhaps most important are the simplified procedures for amending a standard to reduce the compliance burden on industry. The Shelby substitute does not reform the agency's rulemaking authority in any way.

Although the CPSC is the smallest health and safety agency in the Federal Government, it is one of the most effective. In its 10-year existence, it has recalled over 300 million dangerously defective products averting millions of serious injuries to consumers and countless expensive lawsuits against industry. The committee bill assures the continuance of that proud tradition.

Therefore, I urge my colleagues to support the bill H.R. 2668 and reject the Shelby substitute.●

● Mr. CORCORAN. Mr. Chairman, I rise in opposition to H.R. 2668, the Consumer Product Safety Amendments of 1983 and in support of the amendment in the nature of a substitute which will be offered by our colleagues, the gentleman from Alabama (Mr. SHELBY) and the gentleman from North Carolina (Mr. BROYHILL). While I support the need for a strong Consumer Product Safety Commission, I do not believe that a 5-year extension of the Commission with an aggregate increase in funding of 58 percent is necessary and warranted to assure the health and vitality of the CPSC. I believe that the Shelby-Broyhill substitute, which extends the Commission's authorization for 3 years at a reduced funding level, will not make the substantive changes to the CPSC administered statutes—coming on the heels of the numerous changes made in the reconciliation process in 1981—that H.R. 2668 will make.

Furthermore, I believe that section 12 of the committee-passed bill unwisely reverses action taken by Congress 2 years ago denying CPSC jurisdiction over fixed site amusement parks. At that time, Congress was persuaded that the States can sufficiently regulate such parks and that the Commission is ill-equipped to so regulate. This is another example of the Federal Government meddling in affairs best managed by the several States. I am unaware of any facts that have occurred to conclude that the present law should be modified in this regard.

I believe that a vote for the Shelby substitute is pro-CPSC, proconsumer, and proregulatory reform, and I intend to support it when it is offered later this week. The substitute's reauthorization of the Commission for 3 years with year-to-year funding level increases of 5 percent is much more in keeping with our efforts to reduce the growth in Federal spending and, therefore, reduce already-high Federal budget deficits.●

● Mr. BROYHILL. Mr. Chairman, I rise in opposition to the bill and in support of the amendment (H.R. 3015), which will be offered to the bill by our distinguished colleague from Alabama (Mr. SHELBY). In doing so, I would like to associate myself with the remarks of both the gentleman from Alabama and the gentleman from California (Mr. DANNEMEYER). I think each has done a commendable job highlighting the very real deficiencies with the legislation before us, which will lead them and me to vote for the Shelby substitute when it is offered in the Committee of the Whole later this week.

At this time, I will not belabor the Members' time by reciting my concerns with the bill, although I do intend to go through them when the bill is open for amendment. However, I would like to provide a brief bit of history about the Consumer Product Safety Commission in order to indicate part of the reason I oppose H.R. 2668. In 1972, I was the ranking minority member of the subcommittee which drafted the bill establishing the CPSC. I worked very hard with the chairman of the subcommittee at that time, John Moss, to secure passage of the legislation.

Believe me, it was a very painstaking process, which involved much compromise and the balancing of legitimate interests. At the time the original CPSC legislation was drafted we knew very well that the agency would have vast jurisdictional reach with accompanying power to seriously affect competition in the marketplace. Accordingly, we were very careful to insure that CPSC's regulatory powers were clearly defined.

Since the agency opened for business in 1974, it has done some very positive things on behalf of the consumers of this country. In this regard, the agency can take pride in the fact it has removed nearly 300 million potentially hazardous product units from the marketplace. Yet, as we all should be aware, the Commission throughout its history has come under heavy criticism from nearly everyone, including consumer groups, industry, other Government agencies, and the Congress itself.

Reflecting this criticism, in the 1981 reauthorization of the CPSC, several significant changes were made to the statutes within CPSC jurisdiction, all of which were intended to deal with perceived regulatory abuses which accumulated since the establishment of the Commission. These changes were well founded. In 1981, I was a member of the Health and the Environment Subcommittee, which heard a litany of complaints from regulated industry over the way the Commission had performed and which originated the reform legislation that ultimately passed the Congress and was signed by the President.

In the 2 years since the 1981 amendments became law the number of horror stories about the Commission have decreased and to its credit, the Commission has made some progress in developing cooperative relationships with industry to address unsafe products in the marketplace, instead of pursuing adversarial relationships which serve no one's interest and, in particular, those of the consumer.

Mr. Chairman, against this historical background, I read the bill before us as seriously undermining both the carefully balanced CPSC enabling legislation and the 1981 reform amendments. Quite frankly, it is my judgment that if H.R. 2668 were to be enacted in its present form we would be inviting a return to the pre-1981 horror stories which prompted the changes made in the 1981 reauthorization of the Commission. So, I will vote for the Shelby substitute, which offers a reasonable pro-CPSC, proconsumer and proregulatory reform alternative to H.R. 2668, and urge my colleagues to do likewise.●

Mr. DANNEMEYER. Mr. Chairman, I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GEPHARDT) having resumed the chair, Mr. SKELTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 2668, to amend the Consumer Products Safety Act to extend it for 5 fiscal years, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 2668.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MILITARY CONSTRUCTION AUTHORIZATION ACT, 1984

The SPEAKER pro tempore. Pursuant to House Resolution 229 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2972.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2972) to authorize certain construction at military installations for fiscal year 1984, and for other purposes, with Mr. KILDEE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California (Mr. DELLUMS) will be recognized for 1 hour, and the gentleman from Virginia (Mr. WHITEHURST) will be recognized for 1 hour.

The Chair recognizes the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the Committee on Armed Services brings to the House H.R. 2972, the fiscal year 1984 military construction authorization bill.

In presenting this legislation, I want to express my appreciation to the distinguished gentleman from Colorado (Mr. KRAMER), the ranking Republican member of the Subcommittee on Military Installations and Facilities, for his leadership and help during our consideration of the bill. Also, I want to thank the other members of the subcommittee for their diligent work on this bill, particularly at a time when we face such severe budgetary constraints.

Overall, the committee believes that H.R. 2972 is a good bill. It represents a balanced effort to meet both the fiscal constraints that face us and to respond to the most pressing military construction requirements of the military services.

While I did not vote for the bill because of certain policy issues as indicated in my additional views in the report accompanying H.R. 2972, it is my responsibility as chairman of the subcommittee to serve as floor manager of the legislation. In doing so, I want to point out that this bill does have the overwhelming support of the full Committee on Armed Services.

For the Members' benefit, I want to briefly review the development of this legislation.

The purpose of the bill is to provide new military construction authorization and related authority in support of the military departments, defense agencies, and Guard and Reserve Forces. Its enactment is necessary before appropriations can be provided to finance these activities.

The Department of Defense originally requested new authority in the amount of $8,547,586,000 for fiscal year 1984. On May 11, by a 40-to-2 vote, the Committee on Armed Services approved H.R. 2972 providing for $7,970,085,000 in authorization for the new fiscal year. This amount is $577,501,000 below the requested level.

The full committee's actions followed extensive hearings and review by the Subcommittee on Military Installations and Facilities. Because of budgetary constraints, as dictated by House action on the first concurrent budget resolution, the committee adopted certain procedures as outlined in the committee report that resulted in a number of reductions being made and some projects being deferred that may otherwise be considered valid requirements.

As a result of these actions, the committee was able to reduce the $8.5 billion request by $977.5 million. At the same time, because of their relative priority in terms of contributing to readiness, morale and operational capabilities, some $400 million in projects were added. In taking this action, the committee also took into consideration the current favorable bidding climate, lower inflation rates, and the serious unemployment conditions facing the construction industry. Thus, with the add backs the final reduction in the administration's request totals some $577.5 million.

In the interest of time, I will not detail the actions taken by the committee. The committee report fully explains those actions. Briefly, I will, however, highlight some of the major adjustments made by the committee:

One. A $400.3 million reduction in the MX construction program. This action is consistent with the administration's decision to house the MX missile in existing Minuteman silos. Also, it is consistent with Armed Services Committee action on H.R. 2969, the defense authorization bill.

At the appropriate time, I intend to offer an amendment that would preclude the obligation of any of the funds for construction of MX facilities until the procurement of the MX missile is authorized by law. This amendment is in order since the House has not taken final action on the question of procuring the MX missile. As my colleagues will recall, the House is not scheduled to consider title III of H.R. 2969, the defense authorization bill, until after the Independence Day district work period. Title III provides for authorization of appropriations for the procurement of the MX missile.

Two. A $101.2 million reduction in the ground-launched cruise missile program (GLCM). The decrease reflects the committee's decision to defer $34 million for supporting facilities in the fifth country where the GLCM system would be based. This action is recommended since negotiations have not been completed with the host nation in question.

Also, $67.3 million has been deferred for 1 year for facilities that would be associated with accompanied tours for U.S. military personnel. Because of the uncertainty with the current negotiations at Geneva, the committee determined that a 1-year deferral would be appropriate. This action will not stop the beddown of the missile system and it should not cause undue hardships for Air Force personnel since their scheduled arrivals at the various bases would be at staggered intervals.

Three. A $95.9 million reduction for projects eligible for NATO funding. Included in this action is a reduction of $47.2 million for the improvement of selected airbases in Europe and for naval support facilities in Iceland. In addition, the administration had requested $66.7 million for NATO-eligible work to upgrade Turkish airbases. The committee agreed to authorize $18 million for the program and apply it to the NATO infrastructure program. This amount represents the 27.4-percent share that the United States contributes to the NATO program. The U.S. share would become available when the other NATO countries provide their share.

Also, the committee adopted language that establishes a requirement for the Secretary of Defense in consultation with his NATO counterparts to develop a precise schedule for the recoupment of U.S. funds that have been used to prefinance NATO eligible projects before any funds authorized in fiscal year 1984 could be used for such purposes. The Secretary of Defense, however, may waive this requirement for projects that are certified to be of vital national security interests to the United States.

Four. A $70.1 million reduction in projects in Greece and the Philippines where U.S. base rights issues had not been resolved at the time the committee marked up the bill.

At the same time, the committee authorized some $45 million in additional authority for the Guard and Reserve construction program. This action is consistent with the committee-approved defense authorization bill, H.R. 2969, that emphasized greater utilization of the Guard and Reserve Forces and deferred the requested increases in the end strengths of the Active Forces.

In the general provisions, the committee approved the following major items:

One. New housing assurance and leasing programs that are designed to provide needed housing in high-cost areas and meet the needs of the lower enlisted personnel ranks.

Two. The housing assurance program would be conducted as a pilot program for 2 years. The service secretaries would be authorized to negotiate agreements with private developers.

That would guarantee up to 97 percent occupancy by military families of

new housing built near military installations. Any such agreements, subject to the availability of appropriations, would be submitted to the appropriate committees for review.

Three. In the case of the leasing provision, the service secretaries would be authorized to obtain new or existing housing at or near a military installation. Subject to the availability of appropriations, leases could be executed for up to 20 years in the continental United States, may not exceed the current cost limitations on annual leases and would be limited to 300 units per installation. The service secretaries would be required to submit the proposed leases, along with certified life-cycle cost analyses, to the appropriate committees for review. The analyses would have to demonstrate that it would be more cost effective to lease the housing than to build it through conventional military family housing construction.

Four. Also, the committee approved three fair and equal market value land exchanges and two land conveyances.

In conclusion, Mr. Chairman, the committee believes that it has fashioned a good product that deserves favorable consideration by the House.

□ 1330

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I would be very pleased to yield to my distinguished colleague.

Mr. SKELTON. I thank the gentleman for yielding.

Mr. Chairman, first I wish to compliment the chairman, the gentleman from California, and the other members of his subcommittee. you did a difficult job. You came in a little more than half a billion dollars under the administration's request. This was not easy to do, and I compliment you on the painstaking, tedious, hard work that this result is the product of.

Next, I also wish to thank the gentleman from California and the other members of the subcommittee for taking a good, hard look at Whiteman Air Force Base, which is within the Fourth Congressional District of Missouri which it is my privilege to represent. As the gentleman knows, for 2 years running now, the Department of Defense has overlooked Whiteman Air Force Base. This subcommittee and the Committee on Appropriations last year gave us some much needed, long overdue funding, and this year you are helping us play catch-up football for some very needed maintenance and housing facilities.

Whiteman Air Force Base has just been overlooked. When it is compared to other Air Force bases across the Nation, even though there have been those within the Air Force who have recommended and have seen fit, as the chairman knows, the Department of Defense has not come forth with the recommendations for us. But for the gentleman's committee, this would not be possible.

We all know, Mr. Chairman, and you have recognized this, that if we are going to keep good people in the military, we are going to have to have good places for them to reside, we are going to have to have good equipment, we are going to have good maintenance facilities. That is not very glamorous, but it is very important not only to our military, it is important to our Air Force, it is important to Whiteman Air Base, and I wish to thank the gentleman and his committee and give a special note of thanks to the every hard working and dedicated staffer, Alma Moore, for her diligence in this regard.

Mr. DELLUMS. On behalf of myself, members of the committee, and staff, I thank my colleague for his kind and generous remarks.

Mr. Chairman, I reserve the balance of my time.

Mr. WHITEHURST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to express my full support of the fiscal year 1984 military construction authorization bill that is before us today.

As the gentleman from California, Mr. DELLUMS, has explained, H.R. 2972 represents an effort by the Armed Services Committee to respond to the military services' construction needs and at the same time do it within the fiscal constraints established by this body in passing the first concurrent budget resolution. That means that some projects with valid requirements have had to be deferred. In doing this, however, the committee tried to postpone only those projects whose deferral would not impair our defense capabilities.

In this bill, we have projects that will improve or replace the inadequate working spaces of our military personnel and the substandard housing units where they live. There are also projects that are necessary for fielding some of the new weapon systems entering our three services, all of which will greatly improve our Nation's fighting capability should it ever be required.

Mr. Chairman, this is a well-balanced bill not only from a fiscal perspective but in giving our military forces the new and improved facilities they need to carry out their missions for preserving the peace. Therefore, I urge that this bill be passed by the House.

Mr. Chairman, parenthetically, I would like to salute our chairman. This was his first year in chairing this subcommittee, of which I have been a member now for over a dozen years. I believe that he discharged his responsibilities in a very effective way and I look forward to many more years of service with him.

Mr. DELLUMS. Mr. Chairman, first, just briefly, I would like to thank my distinguished colleague for his kind and generous remarks, and I look forward to serving with him for a long period of time.

Mr. Chairman, I would now yield such time as he may consume to the distinguished gentleman from Mississippi, Mr. MONTGOMERY, the ranking majority member of the subcommittee.

Mr. MONTGOMERY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 2972, which is the Military Construction Authorization bill for fiscal year 1984.

Mr. Chairman, I did vote for the bill and say that the chairman, the gentleman from California, Mr. DELLUMS, was certainly fair with members of the subcommittee and I enjoyed very much working with the gentleman. I am, as he said, the ranking majority member on that subcommittee.

Mr. Chairman, the bill represents a balanced approach both in terms of meeting the most pressing military construction and family housing requirements and in being fiscally responsible.

H.R. 2972 is consistent with the action taken by the House on the First Concurrent Budget Resolution. It is some $578 million below the administration's request of $8.5 billion, at the same time, the $7.9 billion authorization contained in the bill provides 8.2 percent real growth over the $7 billion authorization enacted for fiscal year 1983. As such, this level of real growth will permit the military services and the Department of Defense to meet their most urgent needs, particularly those issues involving quality of life.

For the benefit of my colleagues, I want to highlight some of the major items contained in this bill.

First: $146.6 million for rapid deployment of U.S. Central Command Forces;

Second: $106.2 million for ground-launched cruise missile (GLCM) base support facilities for nonaccompanied personnel only. The Committee deferred for 1 year authorization for accompanied tour projects, such as schools, family housing and other family-oriented facilities because of the uncertain status of current negotiations on intermediate nuclear forces in Europe;

Third: $168 million for NATO infrastructure;

Fourth: $47 million for overseas dependent schools;

Fifth: $132 million for facilities in support of Trident submarines and the new Trident II (D-5) weapon system;

Sixth: $117 million for energy conservation projects designed to achieve compliance with the National Energy Conservation Policy Act;

Seventh: $66 million for projects required to comply with environmental laws;

Eighth: $111 million for modernization of medical facilities;

Ninth: $48.7 million for facilities in support of the MX missile. This authorization reflects the Presidential Commission's decision to house the MX in existing minuteman silos. Funds may not be obligated or expended until the Secretary of Defense has provided Congress with a precise schedule for development and deployment of a small mobile missile;

Tenth: $85 million for modernization of U.S. naval shipyards; and

Eleventh: $182 million in construction of 1,960 new units of military family housing.

Mr. Chairman, one other major point is appropriate. The committee has added $45 million for National Guard and Reserve construction. This action is consistent with committee action on H.R. 2969, the defense authorization bill for fiscal year 1984 that places greater emphasis on utilizing our Guard and Reserve Forces by deferring the requested increases in active duty personnel end strengths.

In the military family housing area, the committee has included two housing initiatives that are designed to provide additional tools for the armed services for meeting the housing needs of our military families.

Section 802 of the bill establishes a leasing program for new or existing housing on or near military installations. The program would involve the private sector and is expected to be used for meeting the housing needs of our lower enlisted ranks who, in the high cost areas, are not able to find decent, afforable housing.

The other program, section 803, authorizes a 2-year pilot program that would permit the military services to negotiate agreements with private developers that would guarantee 97 percent occupancy of new rental housing to be built near military installations. Again, the purpose of this program is to involve the private sector and to develop affordable housing for our military families.

In conclusion, Mr. Chairman, H.R. 2972 is a good bill that deserves the support of the House.

Mr. DELLUMS. Mr. Chairman, I would like to thank my colleague for his remarks.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WHITEHURST. Mr. Chairman, we have no further requests for time on this side, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BENNETT) having assumed the chair, Mr. KILDEE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 2972, to authorize certain construction at military installations for fiscal year 1984, and for other purposes, had come to no resolution thereon.

□ 1340

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 91, FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1984

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. BETHUNE. Mr. Speaker, I object.

Mr. JONES of Oklahoma. Mr. Speaker, would the gentleman withhold his objection?

Mr. BETHUNE. I will withhold my objection, and reserve the right to object.

Mr. JONES of Oklahoma. Mr. Speaker, if the gentleman will yield, may I ask the gentleman why he objects? As I understand it, this request has been cleared with the minority leadership. I have personally discussed this with the gentleman from Ohio (Mr. LATTA) the ranking Republican on the Committee on the Budget.

The reason we are making this request is so that Members will have 1 day more in which to view and read a conference report, assuming we reach agreement today. We will have to go to the Committee on Rules tomorrow and get a rule on this, which means that Members would have 1 less day in which to read the conference report, if the gentleman insists on his objection.

Mr. Speaker, I just wonder if there is a reason why the gentleman would have to object to this.

Mr. BETHUNE. Mr. Speaker, the gentleman from Arkansas does object.

Mr. JONES of Oklahoma. Without reason?

Mr. BETHUNE. Not without reason. The gentleman objects.

The SPEAKER pro tempore. Objection is heard.

PRISON INDUSTRIES IMPROVEMENT ACT

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, today I have introduced a bill which removes most of the remaining roadblocks to the development of both State and Federal prison industries which can provide training to inmates in gainful occupations and relieve the American taxpayers of enormous costs in operating our prisons. Chief Justice Warren Burger recently noted:

> • • • since we seem to be embarked on a massive prison construction program, we should try a new approach—convert our "warehouses" into factories with fences around them • • • creating prison industries with incentives for good performance would accomplish the dual objective of training inmates in gainful occupations and taking off the backs of the American taxpayers the enormous load of maintaining the prison system of this country.

Last year it cost $378 million to incarcerate 20,000 Federal prisoners, and it cost millions more for the State governments to house the many, many more State prisoners. The only sensible way to end the staggering growth in these costs to the taxpayers as well as provide reasonable training to inmates is to remove the obstacles to the path of the development of profit-making prison industries.

For many years there has been an archaic Federal law on the books which makes it a crime to sell and transport prison-made goods across State lines. A couple of years ago, Congress created an opportunity for a few pilot programs to be developed where State prison-made goods could be sold across State lines. Certain conditions had to be met including payment of minimum wages and specified deductions could be taken from the prison wage for room and board, taxes, reimbursement of victims of crime and the like. The bill I have introduced would make legal any sale of State prison-made goods across State lines, provided the prison industry producing the goods met these criteria.

The Federal prison industries system seems to be working well, but the taxpayer is not allowed to save any costs

since none of the products made may be sold to the public and there is no provision for the deduction from prisoner wages of the cost of room and board, et cetera. My bill would specifically allow goods made in Federal prison industries to be sold on the open market to the public for a profit and would allow for the deduction from prisoner wages, reasonable costs of prisoner room and board, and the additional items exactly the same as specified for qualification of State prison industries to sell goods across State lines.

We must do everything possible to encourage the development of industries in our prisons that will give inmates reasonable training and produce goods which can be sold on the free market at profits which will allow the prisoners to pay their own way and give them a reasonable amount of wage left over to show for their efforts. There is no reason why the American taxpayer should continue to pay the room and board and overhead costs of maintaining thousands of prisoners in this country who are merely warehoused and receive no useful training to ever become of benefit to society. With the proper restrictions and guidelines set forth in this legislation, there is no reason why private industry or labor should stand in the way of the development of a free marketplace position for prisoners and prison industries. Fair competition is the hallmark of the American system.

Through Federal legislation such as my bill, we can remove the impediments to the development of prison industries which make a profit and provide a means for prisoners to pay their own costs, as well as provide inmate training, but much more will have to be done by those involved in the corrections systems of our Nation to take advantage of such new freedoms that may be allowed when this bill passes. There has been much discussion of the development of prison industries in our country in recent years, but there has been actually little done to actually make it happen. Many States have similarly prohibitive and restrictive laws that keep prisoners from being able to make a profit on goods that they might manufacture. Too many legislators look upon prisoners as "slave labor" who either should be worked on road gangs or for the public good or not worked at all. There are still too many Americans who are fearful that prison labor and prison industries provide unfair competition to private goods and labor. If prison industries are made to operate just like private businesses with minimum wage standards and other guidelines as required by my legislation, there is no reason for any of these fears to exist and, hopefully, State legislators around the country will awaken to the call to remedy this gross and unnecessary situation with our prisons in short order. Chief Justice Burger has issued a responsible challenge and it is up to legislators, both Federal and State, to take up that challenge on behalf of the American taxpayers and in the best interests of our corrections system.

RESTORING PUBLIC CONFIDENCE IN REGULATORY DECISIONMAKING

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, the public is deeply and justifiably concerned about the adequacy of regulatory programs, especially those designed to protect against the spread of highly toxic chemicals in our food and environment. Nearly all regulatory decisions reflect a review of scientific data provided to the agencies with statutory responsibilities to grant licenses, permits, or other forms of approvals for the use of potentially hazardous compounds. The bulk of this data is derived from toxicological experiments, in animals, and is done either for or by private companies manufacturing the chemicals subject to regulatory restrictions.

The Department Operations, Research, and Foreign Agriculture Subcommittee, which I chair, has conducted an extensive review of the pesticide regulatory program. One of the most disturbing findings of our hearings and investigative activities is the wholly inadeqaute attention paid to the auditing of laboratories conducting these vital experiments upon which important regulatory determinations are ultimately based. Put simply, if the data available to agency is unreliable and uninformative, it is impossible for the agency to rationally balance the risk and benefits associated with a proposed regulatory action. When solid, complete data is not available to agencies, pressures to act and make some decision often force decisionmakers to act on intuition and incomplete knowledge. The consequences of such actions have often come back to haunt agencies, and have exposed the population to unnecessary and unreasonable risks.

In our review of the pesticide program, we found that the EPA allocated only one and one-half full time personnel slots to the laboratory audit program in the last fiscal year. While EPA officials have assured the subcommittee that the program will be substantially expended, there appears to be little indication that the agency is prepared or committed to an aggressive laboratory audit program. The renewal of interest in the Industrial Bio-Test Laboratories case and its implications on the regulatory status of several dozen major pesticides underscores again the importance of assuring the highest possible quality in the scientifici research supporting regulatory actions.

I would like to share with my colleagues a recent article appearing in Industrial Chemical News (June, 1983). This article discusses in detail the current status of efforts to upgrade EPA's laboratory audit program, and explains the magnitude of the challenge facing the agency if it is to make up for several years of inadequacy in the laboratory audit program.

[From the Industrial Chemical News, June 1983]

THERE ARE NO PLAUDITS FOR EPA LABORATORY AUDITS

(By Stephen Barlas)

Like a ship crossing into the Bermuda Triangle, the Affiliated Medical Research (AMR) laboratory has disappeared. AMR, whose numerous studies for chemical product companies have been used by the Environmental Protection Agency (EPA) as part of its registration process, may have changed its name. The lab has done that before. Or it may have moved from its last known location, Princeton, N.J.

But EPA officials cannot locate the testing lab, whose studies have repeatedly proven unreliable. "AMR has had habitual problems with testing," admits one agency official.

Although well aware for years of AMR's shortcomings, partly as a result of three audits done in 1978 and 1979, the EPA has allowed the lab to continue submitting studies as if nothing were wrong. AMR may still be sending studies to the EPA, possibly in its latest incarnation. EPA officials say they cannot be sure.

These officials are sure, though, that Bio-Dynamics, another testing lab in East Millstone, N.J., remains Bio-Dynamics. And not only in name. The lab's work is said to be as shoddy as ever. In a September 1980 audit, investigators reported, "The audits (of two long-term mouse studies) revealed serious concerns about the reporting of tumors, the supervisory controls, the monitoring of environmental conditions, and the timeliness of post-mortem examinations, among others."

The EPA went back to Bio-Dynamics two months afterward for another audit, which now, over two years later, is still under review by the EPA's Office of Pesticide Programs (OPP). the EPA has sent no formal notice of dissatisfaction to Bio-Dynamics. Nor has the agency even considered withdrawing any of the pesticide registrations awarded on the basis of the lab's studies.

Reached at his office, Geoffrey Hogan, president of Bio-Dynamics, pleaded an impending appointment but promised to return a reporter's call. Hogan ignored subsequent and repeated requests for an interview.

AMR and Bio-Dynamics are two of the nearly 100 testing labs the EPA has evaluated since its laboratory audit program began in 1977. The program was established in the wake of the industrial Bio-Test Laboratories (IBT) scandal in which four company officials were indicted for falsifying test data submitted to the EPA and the Food and Drug Administration (FDA). As a result, the EPA was forced to reanalyze IBT data on

200 pesticides, whose safety was called into question. That retesting is still incomplete.

CONFIDENCE BUILDER

The EPA lab audit program was meant to restore public confidence in the hundreds of independent and corporate-owned testing facilities that prepare and analyze safety data on wide range of chemical products including pesticides, household cleaners and pet products. The program has concentrated almost exclusively on labs testing for health effects. The EPA has essentially relied on the FDA to perform the good laboratory practices (GLP) inspections—the EPA still has not finalized its own set of GLPs—as well as performing the more demanding data audits. Critics charge that once the EPA receives evidence of testing malpractices from the FDA or from its own inspectors, it often simply does . . . nothing.

The program has had some beneficial effects. It appears to have forced some previously questionable labs into the line. "In general, we believe the joint GLP/data audit program has had demonstrably beneficial effects on the quality of health effects testing by both academic and private testing facilities," says Edwin Johnson, director of the OPP.

But internal and external critics complain that those gains, which are hard to measure, were garnered early on. They complain that since the late 1970s the program has lost any punch it may have had. "The program is not designed to uncover anything," grouses one EPA toxicologist. "Top agency officials feel . . . it's not nice."

"We hope the program is . . . in the process of getting straightened out, (and that) the problems will be . . . corrected," says John McCann, who took over the program in late 1981. "But people have the right to be concerned; we're concerned."

The EPA's concern has been piqued by a December 1982 staff report from a House Agriculture Subcommittee, chaired by Rep. George Brown, (D-Ca.), on the OPP pesticide registration process (ICN, February 1983, Cover). In a section on the lab audit program, the report states, "Except for the IBT case (which predated the program), there is no solid indication . . . that any decisive regulatory or enforcement actions have been taken as a result of the laboratory audit program."

BAD LABORATORY PRACTICES

The list of 82 labs that had been audited through fiscal year 1981 (the federal fiscal year starts October 1) is strewn with examples of serious and questionable laboratory practices. (Details of the 27 audits undertaken in fiscal years 1982 and 1983 are unavailable because the EPA has not completed its reviews.) Aside from the critical evaluations of AMR and Bio-Dynamics, there are finger-waggings for labs such as Biosafety Research Laboratory (Branchville, N.J.): "These studies were invalidated by agency reviewers on the basis of unclear dose determination and lack of proper animal examinations;" Biospherics (Rockville, Md.): "Method evaluated is not adequate for regulatory purposes;" and Bio-Tox (Spencerville, Ohio): "An audit of these and other studies performed by Bio-Tox has resulted in the agency's position that studies performed by this firm are unacceptable for regulatory purposes unless audited and certified valid by the sponsor." Bio-Tox was subsequently sold and renamed.

The EPA argues that a few of these labs were forced to redo studies. But the agency, which admits audit follow-up records are mostly nonexistent, cannot identify which labs and which studies.

None of these audits caused the EPA to revoke a product registration. The agency has never even sent a formal notice to any lab informing it of an audit's findings, much less checked up to see if a lab has mended its ways.

Of more serious concern, agency toxicologists continue to review studies done by labs without first auditing those labs, as ordered by the OPP's Johnson in 1979. Included in the comments affixed to numerous pre-fiscal year 1982 audits is this warning: "(Name of the lab) studies utilized in OPP, decision making should be referred to program management for audit." Diana Horne, who was in charge of the audit program at the time these warnings were issued, says, "They were meant to be a red flag for agency toxicologists."

A random check of three of these labs turns up two which are still performing tests for companies seeking EPA approval of products. But neither Gulf South Research Institute (New Iberia, La.) nor Intermountain Laboratories (Salt Lake City, Utah) has been audited since Horne waved her red flag.

Asked whether the agency's failure to return to these labs is cause for concern, McCann says, "I might be concerned. But we haven't had the resources and maybe the inclination." But, referring to added staff he is promised, McCann concludes that, "we do now."

Believe it or not, 13 of these pre-fiscal year 1982 audits, including some going back to 1978, are still allegedly under review, according to an agency document. But Michael Wood, the civil enforcement division official in charge of finalizing these audits, says some of those 13—he is not sure which ones—may be complete. When questioned, he said he cannot explain why the review process has taken so long.

SLOW JUSTICE

The criminal enforcement wheels have also turned slowly, and may be not at all. Since the audit program began in 1977, only one lab has been referred to the U.S. Justice Department for possible indictment.

Peter Beeson, associate enforcement counsel in the Justice Department's criminal division, replied "no comment" when asked about a longstanding investigation of the FMC Corp. In 1981, EPA officials traveled to St. Louis to get affidavits from present and former officials of American Histolabs, which studied and prepared slides from FMC-provided animals. An EPA toxicologist familiar with the case, which was born of an EPA audit of American Histolabs, charges that FMC falsified data. Robert Fields, director of regulatory affairs for FMC, says American Histolabs incorrectly prepared some slides.

CHEMICAL REACTION

The EPA's somnolent surveillance of the nation's chemical testing labs worries industry. Says a chemical company lobbyist, "The industry took a black eye from IBT. Our credibility was totally undermined. We can't afford for that to happen again."

If some labs have reformed since 1976, they probably responded to the tough audit programs inaugurated by chemical companies in the aftermath of the IBT flap. Richard Verfuerth, president of American Histolabs, reports that chemical companies he works for audit his lab sometimes twice a year. "They run us through the mill," he says. "It is much more difficult to meet the standards of industry than of government."

Yet both industry and some EPA officials fear an undetermined number of chemical testing labs continue to ignore accepted testing protocols and mishandle, sometimes unwittingly, collected data. But, the EPA, aware of the identities of many of these renegade labs, refuses to even pursue them.

Lack of trust among EPA officials has added to the problems, making it difficult for the lab audit program to even identify sloppy facilities. "We're not allowed to concentrate on bad actors," says a lab audit program toxicologist. Over the past few years, the EPA Health Evaluation Division (HED), which validates chemical safety studies, has been so suspicious of audits that it has refused to refer to the audit program the names of testing labs whose work is suspect. In fact, even when McCann picks labs to audit at random, the HED declines to provide recent studies submitted by that lab. As a result, McCann (or, more accurately, the FDA), is limited to a GLP surveillance as opposed to a much more thorough data audit, which could turn up fraud and lead to regulatory or legal action.

But the EPA, after four long years of deliberations, is still incubating its unhatched GLPs. So GLP inspections are hardly menacing. "We can't take any enforcement action until the GLP's are in place," explains John Seitz, chief of the compliance monitoring branch.

The FDA lab audit program makes the EPA's appear even more perfunctory. The FDA conducted 710 inspections (vs. the EPA's 140) between December 1976 and September 1982. As a result of 31 of these audits, testing labs were sent formal "regulatory letters" demanding changes in procedures. "When we send a regulatory letter," explains Paul Lepore, FDA staff scientist, "we get swift action." That action is confirmed via mandatory surprise follow-up audits. In about 10 of those 31 cases, studies performed by the offending labs and submitted to the FDA were rejected by the agency, according to Lepore.

COOPERATION AHEAD

McCann argues that the EPA lab audit program is about to wake up from its nap. On HED referrals, for instance, he says, "I expect John Melone (HED head) to have his troops provide studies done by labs we are auditing." One reason EPA lab audits have been so cursory has been HED's failure to provide inspectors with studies for products under consideration by the EPA that were done by labs being audited.

McCann plans to become more active in the area of ecological effects, chemical fate and method trials audits, leaving health effects audits for the most part to the FDA, as in the past. Audits of microbiological efficacy testing, nonexistent in the past are also promised.

McCann, who has been assisted by a part-time secretary, has been promised additional staff. An aquatic biologist—with no lab audit experience—is expected to join the program. A chemist scheduled to sign on is also an audit neophyte. These scientists have been displaced from other jobs at the EPA and are apparently being shuffled into the audit program to add bodies rather than expertise.

McCann says some bodies are better than no bodies. But he adds, "It would be nice to have another toxicologist."

He also says it would be nice to have a bigger budget. In fiscal year 1982, the lab audit program received no travel funds until the last quarter, and then only a miserly

$3,000. This year, the EPA has forked over $28,500. Although he emphasizes the growth of his travel budget, McCann admits, "It is not extensive."

But, despite McCann's good intentions, the lab audit program, sedated by the EPA policy makers, contineus to snooze. In a letter to Rep. Brown, the OPP's Johnson stated that all of the suspect labs identified by pre-fiscal year 1982 audits (about 25, according to McCann) were scheduled for reaudit in fiscal year 1983, which ends September 1983.

But by the end of February, five months into fiscal year 1983, the EPA had performed only seven or eight of those scheduled audits. McCann says there are a total of over 40 audits on tap for fiscal year 1983.

The EPA lab audit program continues to sleep as soundly as Rip Van Winkle. Sadly, it may take an other IBT uproar to awaken the program.

U.N. AMBASSADOR RAISES FUNDAMENTAL QUESTIONS ON CENTRAL AMERICAN DIALOG

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. LEWIS of California. Mr. Speaker, the critical problems that we face in all of Latin America certainly have led to one of the more intense dialogs that has faced the House of Representatives in the last couple of years. Unfortunately, that debate often takes the form of simplistic extreme, oftimes is pervaded with disinformation, and too seldom reflects a thoughtful effort to develop a long-term policy that can lead to hope, to change, to economic reform and indeed, to freedom and democracy among our neighbors.

I submit for the RECORD today and for the consideration of the Members an article by the U.S. Ambassador to the United Nations which, I think, clearly raises fundamental questions relative to the level of our dialog and the kind of disinformation that has been a part of it.

The article is as follows:

[From the Washington Post, June 20, 1983]

PARDON ME, BUT AM I THAT "HARD-LINER" THE ANONYMOUS SOURCES ARE TALKING ABOUT?

(By Jeane Kirkpatrick)

Time was I believed a leak was the unauthorized disclosure of confidential information about actual events—such as, for example, conversations within the executive branch. That was before I understood that a leak is the weapon of choice in Washington's unending internal wars—ideally suited to spreading disinformation about fictive events.

Undocumented allegations and anonymous sources link private ambitions to public policy in labyrinthine webs of personal and political relations. Two or three well-placed "sources" working with two or three well-placed journalists can create an issue, shape and interpretation, build or destroy a reputation. From the perspective of political science, it is fascinating. From the perspective of public office, it is frustrating beyond belief.

How do you correct the record when the discussions are all confidential? My interest is more than academic or personal. The paper triangle that links symbiotically anonymous and interested bureaucrats and politicians with dependent journalists is as much a threat to an informed public as the "iron triangle" of bureaucrats, politicians and the "Interests" is to honest government.

During the past month or two, much of the U.S. national media have relied on undocumented leaks and unidentified sources to construct a political melodrama in which some bad guys—the "hard-liners"—are pitted against some good guys—the "moderates"—in a contest for control of U.S. policy toward El Salvador and the Central American region. According to this scenario, the good guys support political solutions, negotiations, regional dialogue, bipartisan consensus, and are deeply concerned about "underlying economic and social problems." "Hard-liners," we are told, oppose these good things; they advocate military solutions, and are dead set against negotiations, regional dialogue and bipartisan consensusbuilding. Hard-liners *prefer* political polarization.

In the current scenario, hard-liners are frequently named Clark and Kirkpatrick, though sometimes they are called Casey, Weinberger, Stone or, even, Reagan. Their principal activity is giving bad advice to the president. Because my name is also Kirkpatrick and I hold almost none of the views attributed to that Kirkpatrick, I desire to clarify just what kind of advice I have given in the weeks after the president asked me to visit Central America. I understand that it is not considered sporting to introduce into these Washington games verifiable facts or on-the-record statements of participants; but, then, I am not a thoroughly seasoned player and have not lost the predilections of my regular profession.

Obviously, I speak only for myself. I have not been present in most of the conversations of other participants. However, since I have often been cast by "sources" as the "hardest" and "most militant" of the hard-liners, my role seems relevant to the whole dramatic production, and the fact that my actual views and recommendations bear almost no relation to those attributed to me undermines, I should suppose, the credibility of this melodrama.

Interested persons might want to know that instead of opposing attention to economic and humanitarian dimensions of Central America's problems, bipartisan participation in policy-making, the Contadora process and the broadest possible participation in Salvador's elections, I have consistently made opposite recommendations. I have advocated greatly expanded humanitarian and economic assistance; bipartisan participation in formulating a new policy; unambiguous support for the Contadora process and regional dialogue; and maximum efforts to secure the broadest possble participation in Salvador's elections.

In my memorandum to the president on returning from Central America I took a very "hard line" on hunger, malnutrition, infant mortality, illiteracy, economic underdevelopment.

"Congress," I wrote, "has not provided the resources or support needed in part, at least, because we have not worked with them to develop a bold, imaginative program which goes beyond preventing Communist victory in the very short run, to produce for the chronically deprived people of the area the reality of present progress and the promise of more to come."

I cited Congressman Mike Barnes' proposed "one-percent solution" to the region's problems (using one percent of the requested defense budget to finance an adequate economic effort). I recommended for inclusion in the speech to the joint session a program "so beneficial to the terribly poor, malnourished people of the region that the American people will be proud to support it . . ." and also recommended the establishment of "a national bipartisan commission [which would] examine how we should apply our talent and resources to foster health, growth, security and democracy among our neighbors in Central America and the Caribbean. . . ." I further explained to the president that this was an approach I had discussed with Sen. Jackson and other Democrats.

Though current mythology suggests otherwise, new broad, bipartisan initiatives were resisted by the "good guys" themselves. So were efforts by the governments of Central America and the Contadora Four to get under way a process of negotiations for Latins only. President Herrera Campins last week described to the Venezuelan press the message he asked me to deliver to President Reagan: "Don't let your government torpedo our conference."

Reasonable people may feel the chances of success would be enhanced by our presence among the Contadora negotiators; they may think democracy would be better served by sticking with the San Jose approach. But the fact remains that Venezuela, Mexico, Panama, Colombia, et al., have desired an all-Latin conference, and our Central American friends have supported their effort. So have I. Far from believing that "The very mention of negotiations in El Salvador appeared a sign of weakness" (as charged by an anonymous source in The Post June 12), against considerable official resistance, I argued from Latin America and in Washington that the United States should pose no obstacles to the Contadora negotiations, should make no demands that we be included, and should, instead, stand aside offering support as appropriate.

On all the above issues there has been a certain amount of disagreement within our government, though the sides are not those popularly perceived. On other important issues there is a clear public record to prove there has been no disagreement at all. No one has proposed sending U.S. troops into combat in Central America, no one has proposed abandoning Central America. No government official has supported a "two-track" approach where one track leads to negotiated power sharing in El Salvador; everyone has supported conversations to ensure elections with broad participation and security for all.

I have also advocated continued military assistance at levels adequate to meet and match guerrilla arms, but then so have all other participants in the executive department's policy dialogue.

Above all, I have argued in print and in person from well before President Reagan invited me to join his government, that the people and governments of Central America, the Caribbean and, indeed, South America are important to the United States; that our security and history bind us to the Americas just as surely as they bind us to Europe; and that it makes no sense at all for us to perceive and protect vital national in-

terests in Europe, the Middle East, the Far East and Africa (where we provide large, continuing amounts of economic and military assistance and in some cases U.S. troops and trainers) while ignoring and neglecting friends and interests on our own borders. I have, moreover, insisted that the fact that the Central American peoples have suffered under dictators in the past is not a reason to consign them to repressive new dictators sponsored by the Soviet Union; it is, instead, a reason to help them escape to freedom.

What do all these views have in common with the struggle between the "hard-liners" and the "good guys"? An interesting question.

The fact is that "hard-liner" has become an all-purpose term of political abuse. In popular political mythology the hard-liner is the missing link between political Neanderthals and modern man. It is shorthand for a mindless, heartless approach to public policy. Along with other abusive terms, "hard-liner" should be eschewed in serious political discussion in favor of more meaningful ways of categorizing political actors—such as, for example, active and passive; innovative and conventional; smart and dumb; effective and ineffective; honest and dishonest; straightforward and devious; generous and niggardly; ambitious and contented; prudent and reckless; political and bureaucratic, and so forth.

Meanwhile, it is worth noting that if the "sources" were as good at managing public affairs as they are at managing the news, the world would be better governed; and that if journalists were as suspicious of their favorite anonymous sources as they are of, say, the president, we would be better informed.

AN ALTERNATIVE BUDGET CONTAINING SIGNIFICANTLY LOWER SPENDING LEVELS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) was recognized for 30 minutes.

Mr. DANNEMEYER. Mr. Speaker, last week I brought to the attention of the House the existence of an alternative in the budget process for 1984 that contained levels of spending significantly lower than what the House will be taking up within the next few days as a result of the work of the conference committee on the budget.

The Members will recall that when this budget resolution for 1984 passed out of the House almost 3 months ago, it had a proposed deficit for 1984 of some $177 billion. The gentleman from California in the well offered an alternative budget at that time with a deficit of $69 billion, achieved by spending cuts of $94 billion and an identification of additional revenue of $39 billion through a revised estimate of economic growth based upon a 3.7-percent gross national product in 1983, as opposed to the lower figure postulated by the Congressional Budget Office.

Today I would like to read to the Members in a very succinct way how $5.9 billion of those savings can come about in the beginning category of function 050, national defense. The baseline budget estimate totals some $242.1 billion; the alternative budget by this Member, the gentleman from California, totals some $236.2 billion, a difference of $5.9 billion.

The identification of where that savings would come from is as follows:

Function 051, Department of Defense, military. Military personnel: Incorporate President's proposed changes, including increased personnel levels and bonuses. Retired military personnel: Incorporate President's proposed changes, including half COLA's for those under age 62 and no COLA in 1984.

Operation and maintenance: Support President's objective to achieve a more combat ready and efficient military but strive for savings through increased cost effectiveness in reduced waste, allow 5-percent real growth annually.

Procurement: Support President's objective to acquire and agument necessary weapons systems but assure greater cost effectiveness in minimized waste; terminate overstatement of need for excess parts, a recommendation of the General Accounting Office; require in-house audits to justify cost overruns; initiate more competitive contracting procedures; accelerate locating and eliminating waste and fraud; and allow 10-percent real growth annually.

Research, development, test and evaluation. Incorporate President's program emphasizing strategic forces but with reduced emphasis on low priority in nonessential areas, allow 10-percent real growth annually through 1986, 5 percent thereafter.

Military construction: Authorize sufficient construction to support building up of strategic forces but restrict unnecessary and frivolous projects—simulated redwood fences, as an example. Allow 5-percent real growth annually.

Family housing: Support general buildup of personnel level, allow 5-percent real growth annually.

Special foreign currency program: Incorporate President's proposal.

Revolving and management funds: Incorporate President's proposal.

Allowances: Incorporate President's proposal to freeze civilian and military pay in 1984.

Atomic energy defense activities, function 053: Department of Energy, energy activities, atomic energy defense activities: Support President's proposal but at level commensurate with overall military buildup, allow 5-percent real growth annually.

Function 054, defense related activities, other independent agencies, intelligence community staff: Adopt President's proposal to terminate separate agency status and transfer staff support function to other agencies.

General Services Administration: Adopt President's proposal for an additional $100 million in receipts from national defense stockpile transaction fund sales in 1984.

The enumeration of these foregoing items would result in a reduction of $5.9 billion in proposed spending in 1984 in category 050, entitled Defense, from the baseline estimated by CBO of some $242.1 billion.

Over the course of the next several days and for however long it will take, this Member intends to take special orders on a daily basis and enumerate how additional cuts can be developed in the proposed budget for 1984 totaling some $94 billion in reduced spending.

□ 1350

We all hear the cry that we cannot bring this runaway spending under control, but I submit that we can if we go about it in a purposeful way.

It is with sadness that I again bring to the Members of this House my reaction to the Rules Committee, controlled by the Democratic Speaker in this House, when I asked for permission some 3 months ago to have this House consider and vote up or down on a proposal to reduce spending for the Nation by some $94 billion in spending for 1984.

It is with sadness that I say to this House that the Rules Committee, dominated by the Democrats 2 to 1, said, "We don't want to have the Members vote on that proposal. We will not even make that proposal in order," which means that this Member could not even offer that proposal on the floor of the House for consideration by the Members when we took up the first concurrent budget resolution in 1984. I was precluded from doing so. I resent that.

I think that the people of this country demand fiscal responsibility from this institution.

I would hope that that oversight, if that is what it was, will be rectified when the House under the law is compelled to take up the second and final concurrent budget resolution in September of this year, by making that alternative in order at that time.

It has been said by Members wiser than this Member from California, that more important than what Members of Congress say is how they vote.

Listen to what we say very carefully, but how we vote speaks more eloquently than anything we may say.

I would venture to say that most of the Members of this Chamber go home to their districts and repeat time after time in public forums, "I am for reduced spending. I am for bringing the budget under control. I am for balancing the budget by cutting spending," but when the leaders of this institution, led by TIP O'NEILL, our Speaker, preclude a Member from even having an alternative budget

voted on the floor of the House, one wonders whether or not it really is maningful when people say they want to reduce spending and balance the budget of this country.

ANTITRUST IMMUNITY FOR LOCAL GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 5 minutes.

● Mr. FISH. Mr. Speaker, today I am introducing legislation to limit the applicability of the Federal antitrust laws—specifically, the Sherman Act and the Clayton Act—to actions taken by local units of government.

My bill is a response to the problems presented by a recent decision of the Supreme Court in the case of *Community Communications Company, Inc.* v. *City of Boulder,* 455 U.S. 40 (1982). In that case, the Court refused to extend the full parameters of the antitrust immunity traditionally afforded to the States, under the doctrine of *Parker* v. *Brown,* 317 U.S. 341 (1943), to their political subdivisions—cities, countries, townships, villages, parishes, and special purpose districts. Instead, the Court stated that a local government action may be subject to antitrust liability unless the action is taken pursuant to a clearly articulated and affirmatively expressed State policy.

Unfortunately, the Boulder decision gives little guidance either to the localities or to the State legislatures as to exactly what has to be done to insure antitrust immunity at the local level. The Court was unpersuaded by the fact that the city of Boulder had already received a broad, general grant of home rule power under Colorado law. How active does the State supervision of a locality's regulatory actions need to be? How specifically does State policy need to be enunciated?

The net result of the Boulder case has been increased confusion as to the exact state of the law, rather than a clarification of the law. Furthermore, the decision does not it distinguish a municipality's liability under antitrust law, on the basis of whether or not is carrying out a governmental, as opposed to a proprietary, function. As a result, local units of government now find themselves open to potential treble damage liability under the Federal antitrust laws for actions taken in furtherance of their legitimate governmental functions. This would include, for example, local decisions related to licensing, zoning, land use, tax abatement, waste control and disposal, authorizing the use of rights-of-way, and even the provisions of police, fire, and ambulance services.

The Court left open the question as to whether or not municipalities may be liable for treble damages when enacting ordinances with anticompetitive effects. Without question, this decision raises serious implications for local units of government—in terms of the legitimacy of their decisionmaking and in terms of the disastrous impact that antitrust liability can have on a locality's budget.

Particularly ironic are the facts in the Boulder case. There, the city council enacted an emergency moratorium ordinance aimed at giving the locality more time (90 days) to draft a model cable television code and to allow additional time for new businesses to enter into the market to bid under the terms of that new ordinance. Following that action, the city was sued by the only existing cable television licensee in the city. The city's action, which was deemed to be restraint of trade under the Sherman Act, was in fact an attempt to encourage broader competition in the field of local cable television service. Now, I had always thought that the fundamental purpose of the antitrust laws was to foster and encourage greater competition, not to preclude it. But what happened here was exactly the reverse.

Under the terms of the legislation I introduce today, a local unit of government would not be subject to antitrust liability if: One, its conduct is within the lawful authority granted to it by its parent State; and two, the same conduct undertaken by the State would be immune. "Unit of local government" is broadly defined so as to include special purpose districts as well as cities, counties, townships, villages, parishes, et al. In addition, my bill would limit the liability of both the States and local units of government, under section 4 of the Clayton Act, to actual damages, interest, and a reasonable attorney's fees. Currently, both the States and local units of government can be subject to treble damage recoveries by private plaintiffs.

I am not arguing that subdivisions of States deserve to be treated as equivalents of the States themselves. Ours is a federal system, not a system of sovereign city-states. Nevertheless, this is a valid issue for Congress to explore and determine whether or not the Federal antitrust laws should unduly restrict legitimate decisionmaking at the municipal level. Congress has jurisdiction over the scope of the Sherman Act and the Clayton Act, and Congress can choose, for policy reasons, to limit their applicability to local units of government.

This is an important public policy issue which Congress, and specifically the Judiciary Committee, must address. I know that my good friend and colleague HENRY HYDE has already introduced remedial legislation (H.R. 2981) on this subject. While our bills differ both with respect to the scope of immunity to be afforded to municipalities and in the incidentals of language, we are both seeking a legislative answer that will remove the unnecessary, ill-conceived threat to local government decisionmaking. I look forward to working with Congressman HYDE and my other colleagues on the Judiciary Committee to bring about a prompt resolution of this serious problem.●

CONFERENCE ON ORAL REHYDRATION THERAPY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 5 minutes.

● Mr. ZABLOCKI. Mr. Speaker, this month the U.S. Agency for International Development, in cooperation with UNICEF and the World Health Organization, has sponsored the first international conference on oral rehydration therapy. Oral rehydration therapy, the administration of a solution of water, sugar, salts and water, one of the most promising medical discoveries in decades, offers the possibility of saving the lives of many of the 5 million children now estimated to die annually from diarrhea. The advantages of oral rehydration therapy over conventional means of curing diarrheal disease are obvious: it is simple, it is cheap, and it is effective.

Much of the research and testing leading to the development and implementation of oral rehydration therapy—known by the abbreviation ORT—have taken place in the context of our foreign assistance programs. In fact, oral rehydration therapy promises to be one of the major success stories of U.S. foreign assistance.

The Agency for International Development is to be congratulated for its foresight in funding the early research and pilot programs that have yielded valuable insights on how to produce, market, and promote oral rehydration salts. The AID-sponsored International Conference on Oral Rehydration Therapy brought together the world's leading experts on diarrheal disease and oral rehydration therapy. The conference included representatives from many developing countries to share their experiences in promoting oral rehydration programs and discuss means of extending this life-saving technique to millions more in the developing world.

Oral rehydration therapy is a potent means of averting deaths from dehydration, but it is a cure, not a prevention. Oral rehydration alone cannot address the underlying causes of infant and young child mortality in the developing world. These include unhealthy environments, including deficient sanitation, inadequate water supplies, crowded housing conditions,

and malnutrition. All these conditions, set in the context of gross poverty, keep millions of the poor in the developing world from taking full advantage of the limited resources available to them to improve their living conditions.

Oral rehydration therapy is one element in AID's comprehensive approach to solving the health problems that plague the developing world. Other basis health measures—immunizations, family planning, better nutrition, and elementary health care—are an integral part of a comprehensive approach to the health problems of developing countries.

These comprehensive health programs must continue to be backed by high quality research, for major scientific advances to alleviate the worst symptoms of poverty in the developing world are still possible. There is not simple magic in the health field; problems such as viral disease and malaria will continue to exact a heavy toll of death and illness around the globe. Nevertheless continuing U.S. support through our foreign assistance programs can play a major role in translating scientific advances like oral rehydration into affordable and effective programs to help some of the world's poorest people for many years to come.●

SPACE WEAPONS—A WAR GAME WE SHOULD NOT PLAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. SEIBERLING) is recognized for 15 minutes.

Mr. SEIBERLING. Mr. Speaker, tomorrow or later this week we will again be considering the military authorization bill for procurement of weaponry and other materiel. Hopefully, we will have a debate on the deployment and testing of antisatellites, the so-called ASAT weapons.

In that connection, I am going to introduce or offer today for inclusion in the RECORD the testimony before the Senate Committee on Foreign Relations of Mr. Daniel Deudney, a senior researcher of Worldwatch Institute. It seems to me that he discusses some points which are of real relevance to the debate on antisatellite weapons (ASATS's).

He points out, if I may just turn to a couple of his remarks with respect to the implications of deployment of a U.S. ASAT:

> If history is any guide, the next move in this deadly game of leap-frog may well be a Soviet laser orbital battle station intended to cripple satelites. Given the Soviet tendency to deploy much earlier in the development cycle than the United States, and the immense technical problems associated with such a system, it will probably have negligible capability—except to reduce warning time. But as with Sputnik the psychological impact will probably be traumatic, leading the United States to embark upon an ambitious crash program to put battle stations into orbit. The result will be a full scale arms race in space.

I intend to offer an amendment which will not affect research and development of a U.S. ASAT, but will prohibit the flight testing of it until such time as the Congress decides otherwise by separate legislation. The reason for that is that once we flight test an antisatellite weapon, then we will have passed the point of no return as far as the ability of the Soviets to monitor the deployment of such a weapon. That will make virtually impossible an antisatellite control agreement, because there will be no feasible way that we know of to detect and monitor how many U.S. antisatellites have been produced or deployed. So unless we can block it at the testing stage, we will have lost the opportunity to negotiate a ban on ASAT's. Once we have lost that opportunity, we have started down a road with no discernible end short of total disaster.

Mr. Deudney also talks about space weapons, the kind of thing that President Reagan seems to think we ought to be working on for deployment in the next century. He makes some interesting observations on that, which are also very depressing. I will quote from part of his remarks:

> Large-scale space weapons would be an example of what I call a destruction entrusted automatic device (DEAD). Space weapons could never be commanded and controlled by humans. A space laser, for example, would have about five minutes to detect, target and engage an ICBM in the boost phase. One Department of Defense analyst put it this way. "We would have to delegate the decision-making to the weapon system itself and we have had no experience in that type of operational system." To start a nuclear war in the MAD [Mutual Assured Destruction] era would have required a major political misjudgment; with space weapons a machine malfunction would be sufficient.

Now, those of you who have seen the film "War Games" now running at theaters all over the country saw a very dramatic presentation of the implications of letting a computer make the basic decision as to whether we are going to push the button in a nuclear war.

I was somewhat gratified to read in the paper last week that President Reagan had seen the film and was quite pleased with it. But I am not sure whether he was simply pleased with the expert casting and direction and the fabulous sets or whether he was pleased with the message it gave. If he is pleased with that, then obviously he did not get the message, which was that to turn over to a computer the question of whether response to a nuclear strike is going to be initiated is a terribly dangerous thing to do.

Let me just read one other quote from Mr. Deudney:

> The accidental triggering of a "defensive" system seems at first glance to be far less ominous than the accidental launch of a nuclear missile. Yet with space weapons this distinction largely disappears. Since both sides would have hundreds of very large automatically controlled battlestations in orbit, the likely target of a malfunctioning satellite would be another such satellite (perhaps even one of its colleagues). Since any first strike would require as a first step the attack on the other side's "defensive" satellite system, the inadvertant destruction of such satellites would be indistinguishable from a first strike. Thus a space-based ABM or ballistic missile "defense" system would be far worse than a terrestrial-based one because a malfunctioning earth-based unit would not destroy a potential antagonist's critical military systems. Instead of offering an escape from the tightening nuclear noose, space weapons promise to bring humanity to the edge of cybernetically-initiated annihilation.

Now, I understand that in the armed services procurement authorization bill there is money for research on space-based X-ray laser weapons systems. I understand that this is Dr. Teller's latest brainchild. I suggest that we ought to have a very thorough debate in the House at the earliest possible time, hopefully this week, on its implications before proceeding with that approach.

□ 1400

Once we start down that road, my colleagues, I do not think any of us will know what the ending will be, except that it is likely to be a colossal disaster which will make all other disasters pale into insignificance. It is another sowing of the seeds of destruction of the human race.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Texas.

Mr. GONZALEZ. I rise to commend the gentleman on pursuing a very important matter that should be of great concern, and I know it is in talking to people, and I wanted to commend the gentleman. I am sure that it is a followthrough on his participation in the course of some of the debate on the general authorization for defense.

Mr. SEIBERLING. The gentleman is correct.

Mr. GONZALEZ. All of the utterances that I heard during the course of the matter of the nuclear freeze, and then before that during the debates on either defense appropriations or authorization, or specific systems, whether laser or nuclear, the arguments have been predicated on our being a Russian target. In short, the adversary is considered to be Russia.

For years now the Joint Chiefs of Staff in their discussions consider the adversary the Union of Soviet Socialist Republics.

It seems to me also that under this President we have seen incited, I think to a very dangerous degree, a war psychosis. I consider the budget for military, so-called defense that we are being asked to vote upon as a war budget. Some may think this extravagant, but I do think so. I think any budget of this magnitude is a war budget.

Mr. SEIBERLING. Mr. Deudney, whose paper I intend to put into the RECORD, starts his testimony with a quote from William Gladstone, the famous British Prime Minister of the 19th century, and here is the quote:

We have no adequate idea of the predisposing power which an immense series of preparations for war has in actually begetting war.

Mr. GONZALEZ. The gentleman is right.

I was leading up to asking a question.

If Russia indeed and in fact is the enemy, I mean what is all of the debate about on the question of disarmament? We have a President that says that Russia and its leaders are the focus of all evil. Moscow is the empire of all evil.

I am concerned because the perspective we have of ourselves, the perspective we have of the world, Russia, China, Latin America, seems to me to be such a source of bother because it seems to be a perception that is either outdated or inaccurate as to what the real world is out there.

If Russia is the enemy and it is beyond repair that we could have any kind of trust, then what is the basis for that state of being when we had a predecessor President just a few years ago saying, and toasting cheek by jowl with the Russian leaders, and the Chinese Communists.

Mr. GONZALEZ. Can the gentleman give me a reason why half of the moneys we are going to give for so-called defense, and that is about a total of $220 billion, half of that is for the defense of Europe? Our European allies seem to be more afraid of us than they are of the Russians; they are caught in this dilemma of not understanding our leadership that just a few years ago was saying not only: Can you trust the Russians? And then said we are going to get along with them to the point that we are going to give them technological know-how.

It was American know-how that has enabled Russia to be the No. 1 petroleum producer. We are doing the same thing with China right now.

But, on the other hand, if they are the enemy, and we reach the state of mind where all we think they are waiting for is the proper time to pounce, why are we doing what we are doing? What is the source of our differences?

There are only two countries in the history of the world, modern world, of any size that have never gone to war against each other in formal war: Russia and the United States.

On top of that, if there is any history of aggression, we have done it because we, England and France in 1918 invaded them to try to put down the revolution. We did not succeed then any more than we are now in similar ventures.

My question is: Is not the real issue at the bottom of the whole thing this question of rearmament of Germany and the German question of reunification?

Where else did our quarrel start if it was not at the time in the late 1940's or early 1950's that we announced our intention to rearm Germany. The passion of Germany, there is no question about it, is reunification.

I think that is an issue that should have been confronted by the allies long ago. We should have learned after World War I that we cannot keep a virile people, a cultured people, down in perpetual whatever you want to call it, conquest. It did not happen then and it is not going to happen now.

So there is no question in my book that this is the issue.

Why can we not address this? Why is there no evidence of that issue at any time either in the Congress or in the deliberations and in the messages that we get from our recent Presidents?

Am I correct or am I way off the beam?

Mr. SEIBERLING. My own response to the gentleman's question is, of course, that the rearmament of Germany occurred because of the actions of the Soviets after World War II, such as showing great hostility and determination to throw their weight around with the occupation of Czechoslovakia, et cetera.

But let me just say that I do not think we have the luxury of rehashing whether we did the right thing in the past or did not, or whether the Soviets did.

I put in the RECORD last week the full speech of George Kennan in May of this year to the Council on East-West Accord in which he said we must quit acting as though the Soviet leaders are irresponsible monsters; they have just as much reason to avoid nuclear war as we do.

We must learn to build on that instead of using threats and counter threats as our President has been doing all too much since he occupied the White House.

We need to focus on the things that we have in common. First of all, it is the survival of our children.

Mr. GONZALEZ. The gentleman is correct.

Mr. SEIBERLING. And the Soviets are just as interested in that, obviously, as we are.

□ 1410

Second, there are a broad number of other areas that George Kennan points out we and the Soviets have a mutual interest, in and that they do not respond only to military threats. He said there are a thousand reasons why the Soviets want to engage in productive arms control talks quite apart from any threats that we can mount against them militarily.

It seems to me that it is time we started talking about those things, instead of talking only in military terms. That was George Kennan's advice.

Mr. GONZALEZ. But if we are talking about additional sophisticated weaponry, in the name of security, all of the developments we have had so far have made us less secure. This is why I was complimenting the gentleman, that we are not hitting the issue.

I will take one exception to what the gentleman said, not a serious exception, but an aspect of this misperception.

We constantly see revealed an igornance of history. We have gotten mixed in the most involved situations historically with seeming obliviousness of it. If we were Russia, Mexico, or were Germany, Canada were China and we had just turned down the invasion of a Mexican tide that had cost us 20 million Americans and our allies came in and said, "We are going to rearm Mexico," what do you think would be our state of mind? This is the reason for Czechoslovakia, because Czechoslovakia is in that corridor where even today the biggest fear in the Russian mind is still Germany.

Mr. SEIBERLING. I think that is true, if we consider their long term concerns.

Mr. GONZALEZ. We talk about Poland and how it is afraid of Soviet Russia; and average Pole is in a more fearful dilemma right now with respect to Germans and their feeling toward Germany than they are about Russia, as much as they may dislike Russia.

This is what I am talking about. Therefore what the gentleman is saying about these huge exponential increases. I thank the gentleman.

Mr. SEIBERLING. Mr. Speaker, I include the entire statement at this point:

STATEMENT OF DANIEL DEUDNEY, SENIOR RESEARCHER, WORLDWATCH INSTITUTE

"We have no adequate idea of the predisposing power which an immense series of preparations for war has in actually begetting war."—William Gladstone

"The only defense against the weapons of the future is to prevent them ever being used. In other words, the problem is politi-

cal and not military at all. A country's armed forces can no longer defend it; the most they can promise is the destruction of the attacker . . .

"Upon us, the heirs to all the past and the trustees of a future which our folly can slay before its birth, lies a responsibility no age has ever known. If we fail in our generation, those who come after us may be too few to rebuild the world, when the dust of the cities has descended, and the radiation of the rocks has died away."—Arthur C. Clarke

Buffeted by the MAD (mutually assured destruction) men telling him to perpetually assure our destruction and the NUTS (nuclear utilization theorists) telling him to prepare to fight nuclear wars. President Reagan looked to the heavens in hope of finding salvation from our deepening peril.

He looked in the right direction. Space technology can be the cornerstone of an alternative security system, the foundation of an international order that does not rely upon evermore massive arsenals of nuclear weapons.

If we can avoid using space as another area for conflict and instead use it as a medium for mutual benefit, we will have taken a giant step toward enduring peace.

Space technology is at the core of the present superpower standoff. The first military space technology, ballistic missiles, used space as a corridor for high speed unobstructable attack, thus enabling the Soviets to outflank American dominance or air power and directly threaten the United States. The second use of space technology for military purposes, reconnaissance satellites, enabled the United States to roll back the veil of Soviet secrecy and monitor in detail the Soviet military machine.

The ominous movement over the last decade toward fighting a nuclear war is in large part the consequence of the satellite "force multipliers"' geodetic satellites to improve the accuracy of missiles; communication satellites to coordinate strikes or retaliation; and navigation satellites (such as the NAVSTAR GPS) to make submarine launched missiles as accurate as land-based ones. The present effort to upgrade U.S. surveillance satellites by giving them "real time" data links through relay satellites will turn an arms control monitoring system into a war-fighter for targeting mobile forces and performing postattack damage assessment. (For example, the "civilian" TDRSS relay satellite launched by Challenger last week will help do this for the successor to the KH-11 reconnaissance craft, the RM-4 scheduled for 1986 launch.)

Regulating these war-fighting information services without constraining important civilian and arms control verification treaties would be difficult, if not impossible. This makes it all the more imperative that agreements limiting long-range ballistic missiles be signed in the near future.

AT A CRITICAL JUNCTURE

We are now at a major turning point in the military use of outer space—the beginning of a race to put weapons into space.

The first antisatellite weapon, ASAT, an American system, employing nuclear warheads, was tested and deployed. It was dismantled because it was too indiscriminate in its destructiveness and, with the Limited Test Ban, could no longer be tested.

The second ASAT, a Soviet orbital rendezvous system using conventional explosives, has been tested some two dozen times with about a 50 percent rate of success. This system, which cannot reach most U.S. military satellites, is launched from a large, distinctly configured Soviet rocket requiring extensive support facilities, and providing plenty of warning time.

The United States is about to begin testing an air launched direct ascent system that will destroy through high speed collision. The U.S. system will be capable of striking a high percentage of Soviet military satellites, is small and hard to distinguish from other air launched missiles, and will give little warning time.

If history is any guide, the next move in this deadly game of leap-frog may well be a Soviet laser orbital battle station intended to cripple satellites. Given the Soviet tendency to deploy much earlier in the development cycle than the United States, and the immense technical problems associated with such a system, it will probably have negligible capability—except to reduce warning time. But as with Sputnik the psychological impact will probably be traumatic, leading the United States to embark upon an ambitious crash program to put battle stations into orbit. The result will be a full scale arms race in space.

SPACE WAR: A D.E.A.D. STRATEGY

What are these weapons for and what strategic purpose will they accomplish? How will our security be affected?

The antisatellite capabilities will be important components of a first strike against early warning satellites. Far less plausible is their use in a protracted nuclear war—their official justification. ASATs will, however, increase the chance for accidental nuclear war. The eyes and central nervous system of our already far flung nuclear strike forces are in space. With weapons in space every satellite malfunction could be the harbinger of a surprise attack. The Archduke Francis Ferdinand of World War III may well be a critical U.S. or Soviet reconnaissance satellite hit by a piece of space junk in a crisis situation.

Predicting how the more speculative larger scale systems would be used hinges on many unknowables. But it seems improbable that they would be capable of stopping a full-scale pre-planned first strike. Far more plausible is their use as part of a first strike to "mop up" those missiles that escape destruction on the ground.

Large-scale space weapons would be an example of what I call a destruction entrusted automatic device (DEAD). Space weapons could never be commanded and controlled by humans. A space laser, for example, would have about five minutes to detect, target and engage an ICBM in the boost phase. One Department of Defense analyst put it this way. "We would have to delegate the decision-making to the weapon system itself and we have had no experience in that type of operational system." To start a nuclear war in the MAD era would have required a major political misjudgment; with space weapons a machine malfunction would be sufficient.

Large-scale space weapons would be but one example of our potentially fatal drift to adopt DEAD strategies. Perhaps the most widely discussed strategem involving DEAD is "launch on warning." As attacks against even the most hardened missile silos grow in probable success, there is a strong temptation to prepare to launch the vulnerable missiles before the barrage of attacking warheads arrive. With somewhere between 15 and 30 minutes warning and response time for intercontinental ballistic missiles the civilian leadership is, as they say in Pentagonese, "out of the decision loop." In simple terms, the military would have the authority as well as the ability to fire a salvo of nuclear missiles in response to radar and computer images of attack. Thus far neither the United States nor the Soviet Union has adopted—at least publicly—a launch on warning strategy, although U.S. military planners speak of such a posture to make the MX "survivable." And the Soviet leaders have said they will be forced to place its forces on such hair-trigger alert, if the NATO deploys the Pershing II missile, capable of striking hardened targets deep within the Soviet Union in 5-8 minutes. "Speed" observes U.S. Defense official Fred Ikle, "is the tightening noose around our neck."

The construction of an anti-ballistic missile (ABM) system capable of shooting down on-coming nuclear missiles would also require the delegation of control to machines. During the late 1960s when the United States, after acrimonious international debate, decided to build a limited anti-ballistic missile system, a major objection leveled by critics of the plan was that the nuclear anti-missiles would have to be fired without Presidential authorization and in the case of close-range "terminal defense" without human intervention. As George Kistakowsky observed in 1969, "The decision (to launch the ABM) has to be made automatically by a computer or by a comparatively junior military officer." Fortunately, the superpowers agreed in the ABM Treaty of 1972 not to deploy missile defenses, sparing the world another step toward self-destruction.

The accidental triggering of a "defensive" system seems at first glance to be far less ominous than the accidental launch of a nuclear missile. Yet with space weapons this distinction largely disappears. Since both sides would have hundreds of very large automatically controlled battlestations in orbit, the likely target of a malfunctioning satellite would be another such satellite (perhaps even one of its colleagues). Since any first strike would require as a first step the attack on the other side's "defensive" satellite system, the inadvertant destruction of such satellites would be indistinguishable from a first strike. Thus a space-based ABM or ballistic missile "defense" system would be far worse than a terrestrial-based one because a malfunctioning earth-based unit would not destroy a potential antagonist's critical military systems. Instead of offering an escape from the tightening nuclear noose, space weapons promise to bring humanity to the edge of cybernetically-initiated annihilation.

Space war will also largely preclude the peaceful use of outer space. We rightly think of space as infinitely vast, but in doing so we forget that the earth's orbital space is limited and subject to the same problems of crowding and resource degradation we face on earth. Already space junk—small bits of debris flying about in various odd orbits—is a growing problem. Further ASAT tests involving explosions and collisions will add greatly to this problem. Testing the X-ray laser system proposed by Dr. Teller would damage important civilian satellites with electro-magnetic pulse (EMP). By the late 1980s over 100 communication satellites in geosynchronous orbit, worth between five and ten billion dollars, will be in jeopardy. In a very real sense we face an either/or choice: science, information services, and earth monitoring from space—or weapons in space.

AN ARMS CONTROL AGENDA

The present arms control regime for space weapons—the Limited Test Ban Treaty, the ABM Treaty and the Outer Space Treaty has worked remarkably well, but contains important loopholes through which space weapons can pass. To abandon these treaties because of their loopholes would be like dynamiting a leaky dike at high flood rather than plugging the leaks.

Fortunately, we are at a stage where weapons in space can be stopped before they are ever extensively tested and deployed. Space weapon development is no further along than air war was when World War I biplane reconnaissance pilots carried hand guns. Most importantly, because so little has been tested, truly comprehensive controls are relatively easy to construct and verify.

What would a verifiable treaty banning weapons on space look like? First, a treaty banning just anti-satellite weapons and not space weapons generally is not feasible. Trying to ban ASAT's but not more ambitious anti-ballistic missile systems would be like outlawing hand guns while permitting bazookas and machine guns. Second, a treaty should contain both broad prohibitions and careful functional prohibitions. For broad language I would suggest prohibiting:

The testing, production, deployment, or use of any space-based, air-based, or ground-based weapons system that is designed to damage, destroy, or interfere with the functioning of any spacecraft of any nation; and

The stationing in orbit around the Earth, on any celestial body, or at any other location in outer space of any weapon that has been designed to inflict injury or cause any other form of damage on the Earth, in the atmosphere, or on objects placed in space.

To effectively outlaw weapons, a treaty should outlaw the following observable activities and capabilities (or Functionally Related Observable Differences "FRODs" in the language of SALT):

Forbid explosions and unmanned orbital rendevous by two satellites of the same country. (This would ban the USSR's orbital rendevous ASAT.)

Forbid collisions or close high speed passes. (This would ban U.S. direct ascent.)

Forbid close approaches in geosynchronous orbit. (This would ban space mines.)

Limit the size of laser mirrors and the number of maximum-size laser mirrors bundled together. (This would allow laser communications but forbid lasers capable of destroying satellites or missiles.)

Limit the size of atomic power sources. (This would effectively foreclose scale-up of directed energy weapons, slow the development of active radar targeting satellites, such as Cosmos 942 and 1307, and protect human health from fallout.)

Limit electro-magnetic interference. Present restrictions by the International Telecommunications Union (ITU) should be strengthened and included in an arms control agreement.

There are also two "Law of Space" issues that need attention: traffic control and the boundary between national air space and international outer space. There are now thousands of tracked objects whizzing about the earth and tens of thousands of smaller untracked ones. Unless traffic control, debris minimization and pre-notification measures are strengthened or adopted, nasty accidents are likely to occur. By reducing the chances of accidental collisions, close passes, and explosions, space traffic control will further strengthen comprehensive weapons test bans. The precedents for such a system are the agreements governing heavily used air lanes over the oceans.

The Outer Space Treaty does not define where space begins and nature provides no clear line of demarcation. As with the oceans, the edge of national territorial zones is fundamentally arbitrary—and terribly important. Thus far the absence of an agreed upon upper limit of national air space has been academic since the highest flying aircraft go only as high as 110,000 feet while the lowest satellite passes at 400,000 feet—leaving a convenient buffer zone. This "no man's land" will disappear as aerospace planes—such as the U.S. space shuttle or the proposed "space cruiser"—begin to operate in both orbital space and the atmosphere. Rather than wake up to another U-2 affair or a Soviet campaign to close the "open skies" by drastically raising the boundary of national space, the U.S. should attempt, as part of a comprehensive package, to enshrine as low a boundary as possible.

These observations on the need for a comprehensive treaty should not detract from the fundamental urgency to do something right away. Since treaty drafting will take time, the best course is for the United States and the Soviet Union to agree to an informal ban on further ASAT tests.

A NEW SPACE SECURITY AGENDA

The control of weapons in space simply clears the stage for the use of space technology to improve both arms control verification, and our relations with the Soviets. This positive space security agenda emphasizes the unique role of space technology in providing mutual assured security and mutual benefits.

First, expand the use of space for crisis monitoring. The recently proposed establishment of an orbital joint U.S.-Soviet command center should be a priority. When there are tens of thousands of nuclear weapons, many within minutes of their targets, on perpetual alert status and checked only by unmanned warning satellites and the hotline, it makes eminent sense to exploit "the high frontier" to keep a tighter lid on accident, miscalculation and false alarm.

Second, establish an International Satellite Monitoring Agency (ISMA). This idea, proposed by Giscard d'Estaing before the General Assembly in 1978, has been vetoed by U.S. and Soviet opposition. An ISMA would permit the Security Council to monitor crises and border disputes and would lay the groundwork for monitoring compliance with the treaties banning chemical and biological warfare and environmental modification. Depending on whether ISMA obtained technology from the superpowers, a basic monitoring system would cost between $1 billion and $2 billion a year—about the cost of one B-1 bomber. Such an international system would supplement, not substitute for, the national monitoring systems. It is particularly ironic that the United States with its great concern about verification of arms control treaties, has so vigorously opposed expanding access, and gaining international legitimacy for this critical peacekeeping technology.

Third, *conduct joint missions with the Soviets.*

Writing in 1976, Bruce Murray, former head of the Jet Propulsion Laboratory and President of the Planetary Society, observed, "The rate of progress in space science may well be dependent on the political fortunes of detente on earth." This greatest adventure of our time—the peaceful exploration of the cosmos—faces a bleak future, declining budgets and preemption of technology by the military both here and in the Soviet Union. Having two separate space programs doing much the same things makes less and less sense. And as costs of missions rise, the need for cooperation grows still further. A series of joint planetary and scientific probes would be a boost both to our sagging programs—and political relations.

Joint manned missions would be even more valuable. A U.S. Administration, looking for a bold, high visibility, quick pay-off way to cut through gathering clouds of suspicious and war, would find a joint U.S.-Soviet manned space mission particularly appealing. Unlike in 1976 when the Apollo-Soyuez rendevous was a meeting of two parallel systems, the space shuttle and the Salyut stations are perfect complements for each other. What better way to find out what's going on in Soviet space stations or to allay Soviet's suspicions about the shuttle than to take each other for a ride? More routine cooperation in space and the consequent co-mingling of space scientists would make much harder concealed weapons work.

In conclusion, the world is at a critical juncture. Either we move now to comprehensively ban weapons from space or we will have a major new arms race on our hands. Space technology can be the foundation of an alternative security system—if we ban weapons now.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to: Mr. ERLENBORN (at the request of Mr. MICHEL), for today and the balance of the week, on account of attending the ILO Conference.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOEHLERT) to revise and extend their remarks and include extraneous material:)

Mr. FISH, for 5 minutes, today.

Mr. JEFFORDS, for 60 minutes, June 21.

Mr. JEFFORDS, for 60 minutes, June 22.

Mr. DANNEMEYER, for 30 minutes, today.

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. ZABLOCKI, for 5 minutes, today.

Mr. WEAVER, for 60 minutes, today.

Mr. MINISH, for 60 minutes, on June 21.

(The following Member to revise and extend his remarks and include extraneous material:)

Mr. SEIBERLING, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BOEHLERT) and to include extraneous matter:)

Mrs. JOHNSON.
Mr. FIELDS in two instances.
Mr. BETHUNE.
Mr. MICHEL in four instances.
Mr. BEREUTER in two instances.
Mr. WEBER.
Mr. GRADISON.
Mr. BOEHLERT.
Mr. LEWIS of California.
Mr. CAMPBELL.

(The following Members (at the request of Mr. KILDEE) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. FORD of Michigan.
Mr. MARKEY.
Mr. KASTENMEIER.
Mr. LANTOS in two instances.
Mr. SOLARZ.
Mr. D'AMOURS.
Mr. MCDONALD.
Mr. STARK.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 448. An act to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 805. An act to amend the act of July 28, 1954 (68 Stat. 575), to authorize the Secretary of the Interior to construct, operate, and maintain the Santa Margarita project, California, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 818. An act to authorize the replacement of existing pump casings in the Robert B. Griffith water project pumping plants 1A and 2A (formerly the Southern Nevada water project), and for other purposes; to the Committee on Interior and Insular Affairs.

S. 886. An act to designate the Alben Barkley National Historic Site; to the Committee on Interior and Insular Affairs.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on June 17, 1983 present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 234. Joint resolution designating the week beginning June 19, 1983, as "National Children's Liver Disease Awareness Week."

ADJOURNMENT

Mr. KILDEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (2 o'clock and 12 minutes p.m.) the House adjourned until tomorrow, Tuesday, June 21, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1381. A letter from the Secretary of Defense, transmitting a report of a violation of section 1342 of title 31, United States Code, and Department of Defense Directive 7200.1, pursuant to title 31, United States Code 1342; to the Committee on Appropriations.

1382. A letter from the Secretary of State, transmitting a report, covering the month of May, on the manner in which the national interest of the United States has been served by the payments made by the Commodity Credit Corporation to the U.S. creditors on credits guaranteed by the CCC on which payments had not been received from the Polish People's Republic, pursuant to section 306 of Public Law 97-257; to the Committee on Appropriations.

1383. A letter from the Comptroller General of the United States, transmitting a report on the review of the proposed deferrals contained in the message from the President dated May 19, 1983, pursuant to section 1013 of the Impoundment Control Act; to the Committee on Appropriations.

1384. A letter from the President, National Institute of Building Sciences, transmitting the 1982 annual report on the activities of the Institute, pursuant to section 809(i) of Public Law 93-383; to the Committee on Banking, Finance and Urban Affairs.

1385. A letter from the Secretary of Education, transmitting proposed final regulations for intergovernmental review of Department of Education programs, pursuant to section 431(d)(1) of the General Educations Provisions Act, as amended; to the Committee on Education and Labor.

1386. A letter from the Chairman, Federal Trade Commission, transmitting the 68th annual report of the Commission, covering fiscal year 1982, pursuant to section 6(f) of the act of September 26, 1914; to the Committee on Energy and Commerce.

1387. A letter from the Chairman, National Diabetes Advisory Board, transmitting the Board's fifth annual report, pursuant to section 437(j) of the Public Health Service Act, as amended; to the Committee on Energy and Commerce.

1388. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions of Ambassador-designate Robert E. Fritts, and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

1389. A letter from the Secretary of Commerce, transmitting the semiannual report of the Inspector General of the Department of Commerce for the period ended March 31, 1983, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

1390. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a proposed new records system, pursuant to title 5 United States Code 552a9(o); to the Committee on Government Operations.

1391. A letter from the Assistant Secretary for Health, Department of Health and Human Services, transmitting notice of a proposed new records system, pursuant to title 5 United States Code 552a(o); to the Committee on Government Operations.

1392. A letter from the Acting General Counsel, Civil Aeronautics Board, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1981, pursuant to title 5 United States Code 552(d); to the Committee on Government Operations.

1393. A letter from the Acting Chairman, U.S. Nuclear Regulatory Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar year 1982, pursuant to title 5 United States Code 552b(j); to the Committee on Government Operations.

1394. A letter from the Assistant Secretary of the Interior, transmitting notice of a deferral of payment of the annual construction charge installment due for 1982 from the Cedar Bluff Irrigation District No. 6, Cedar Bluff unit, Pick-Sloan Missouri Basin program, Kansas, pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

1395. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the Lake Superior and Mississippi Bands of Chippewa Indians, judgment funds in dockets Nos. 18-C and 18-T, pursuant to section 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Submitted June 17, 1983*]

Mr. RODINO: Committee on the Judiciary. H.R. 2867. A bill to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes; with amendments (Rept. No. 98-198, Pt. III). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted June 20, 1983*]

Mr. STRATTON: Committee on Armed Services. H.R. 1927. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983, and for other purposes (Rept. No. 98-247). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolu-

tions were introduced and severally referred as follows:

By Mr. FISH:

H.R. 3361. A bill to amend the Clayton Act to limit the liability of States and units of local government for certain violations of the antitrust laws, and for other purposes; to the Committee on the Judiciary.

By Mr. McCOLLUM:

H.R. 3362. A bill to amend title 18, United States Code, to permit the transportation of certain domestic prison-made goods, to increase the rehabilitative use of employment and training in Federal correctional institutions, and for other purposes; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

195. By the SPEAKER: A memorial of the Assembly of the State of New York, relative to the sea lamprey situation in Lake Erie; to the Committee on Merchant Marine and Fisheries.

196. Also, a memorial of the Senate of the State of New Hampshire, relative to a pilot program involving AFDC families; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 433: Mr. FRANK and Mr. OBERSTAR.

H.R. 622: Mr. CARR, Mr. CLAY, Mr. CORRADA, Mr. HARRISON, Mr. LELAND, Mr. MCCANDLESS, Mr. MCGRATH, Ms. MIKULSKI, Mr. RICHARDSON, Mr. WOLF, and Mr. WON PAT.

H.R. 700: Mr. ROE, Mr. TORRICELLI, Mr. STOKES, Mrs. BOXER, Mr. VENTO, Mr. HORTON, Mr. SEIBERLING, Mr. FRENZEL, Mr. KILDEE, and Mr. MITCHELL.

H.R. 701: Mr. BARNARD, Mr. PACKARD, Mr. CONTE, Mr. SIMON, and Mr. BILIRAKIS.

H.R. 702: Mr. MINETA, Mr. D'AMOURS, and Mr. KILDEE.

H.R. 901: Mr. TORRICELLI, Mr. FOGLIETTA, Mr. CONYERS, Mr. MINETA, Mr. ANDERSON, and Mr. TAUKE.

H.R. 1619: Mrs. BOXER.

H.R. 1644: Mr. ADDABBO.

H.R. 1797: Mr. D'AMOURS, Mr. AKAKA, and Mr. PEPPER.

H.R. 2216: Mr. BRITT.

H.R. 2468: Mr. WHEAT, Mr. GLICKMAN, Mr. HORTON, Ms. MIKULSKI, Mr. LEVIN of Michigan, Mr. HOWARD, and Mr. LOWRY of Washington.

H.R. 2961: Mr. SHAW.

H.R. 3074: Mr. SABO, Mr. SEIBERLING, Mr. LOWRY of Washington, Mr. MITCHELL, Mr. SIKORSKI, and Mr. HOWARD.

H.R. 3150: Mr. SAM B. HALL, Jr.

H.J. Res. 71: Mr. FLORIO.

H.J. Res. 103: Mr. FAZIO.

H.J. Res. 210: Mr. PARRIS and Mr. EVANS of Iowa.

H.J. Res. 255: Mr. ANDREWS of Texas, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. HEFNER, Mr. ERDREICH, Mr. BEILENSON, and Mr. BATEMAN.

H. Con. Res. 9: Mr. DONNELLY.

H. Con. Res. 67: Mrs. BOXER.

H. Con. Res. 107: Mr. STOKES.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

122. By the SPEAKER: Petition of the City Council, Virginia Beach, Va., relative to the proposed plans of the U.S. Navy for military construction in Virginia Beach and throughout the Tidewater area; to the Committee on Armed Services.

123. Also, petition of the Pacific Fisheries Technologists, Anchorage, Alaska, relative to funding for programs vital to the seafood industry; to the Committee on Merchant Marine and Fisheries.

124. Also, petition of the New Jersey State Federation of Women's Clubs, New Brunswick, N.J., relative to the repeal of the provision to withhold 10 percent of earnings on interest and dividends; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

TOWARD A MORE RATIONAL EAST-WEST TRADE POLICY

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. BEREUTER. Mr. Speaker, the economic future and the political strength of our Nation can no longer be separated from its position in the world trading market. We must formulate a policy for the future which recognizes the state of the world's economy as it now stands and maximizes America's strengths within that context. Resolution of the dilemma we face regarding East-West trade must be one of the top priorities for this Congress.

Statutory authority for the Export Administration Act of 1979 expires later this year. As we in this body review that act and attempt to determine what proper American export control policy should be, one of the most vexing issues to face us will be that of East-West trade.

Recently, I had the opportunity to read an article by former Senator Adlai Stevenson. Writing in the Notre Dame Law School's winter 1983 Journal of Legislation, Stevenson gave an intellectually provocative assessment of American trade policy with the Soviet bloc nations and his prescriptions for change. This Member hopes that all Members of Congress interested in East-West trade issues will examine the Stevenson article which is reprinted here in part and which should stimulate a search for a new and consistent approach.

TOWARD A MORE RATIONAL EAST-WEST TRADE POLICY

(By Adlai E. Stevenson)

Each Presidential administration promises to articulate a policy on East-West trade. Each is torn between the demands of mercantilists for markets and hard liners for security. The United States ends up sacrificing both its trade and security interests, and still has no coherent policy on East-West trade.

"East-West trade" is shorthand for trade with communist countries. In the parlance of American foreign policy, communist countries are segregated and referred to as "non-market" countries. The United States views the world as bipolar, divided into two hostile camps by geography and ideology.

The rationale for the segregation of communist countries is the Marxist doctrine of world struggle and the eventual supremacy of communism. But there is little historical support for this rationale. The proletariats of the world have shown little appetite for communism as it is practiced today. "Wars of Liberation," by whatever name, are unguided by ideology. They are more likely to be motivated by aspirations for bread and freedom than by ideologies of capitalism or communism. Small communist countries, such as Bulgaria, pose little threat to the United States, even as members of the Warsaw Pact. Some non-communist nations are more hostile and more powerful than many communist nations.

Judging from the current law, the overriding objective of United States-East-West trade policy is free emigration. Access by communist countries to our markets and to official United States trade credits is conditioned upon the right of their citizens to emigrate. This objective rejects a concern for the plight of Jewry in the Soviet Union that is not reflected in policy toward non-communist countries, nor in our own immigration polices. Haitians wash up on our shores like human flotsam, but are not the stated object of official solicitude. United States policy now is reluctant to acknowledge the possibility of non-communist oppression.

The objective of East-West trade policy is not fact free emigration. The Vice Premier of the People's Republic of China made that point when he asked Mr. Carter, "how many million do you want?" The ostensible beneficiaries of our official solicitude in the Soviet Union pay a high price for it. Their emigration falls off when the Jackson-Vanik Amendment is passed by the House of Representatives. Emigration from the Soviet Union increases with the pendency of SALT II. It slumps again when SALT II is abandoned and the pipeline sanctions are imposed.

The objective of East-West trade policy is not trade. Its real objective is to punish the Soviet Union for its transgressions, most recently in Afghanistan and Poland, and retard its economic and military development. The result of East-West trade policy is to achieve neither its ostensible or its actual objectives. Trade, which is strangely absent from considerations of East-West trade policy, also suffers.

CONSIDERATIONS IN THE NORMALIZATION OF EAST-WEST TRADE

American diplomacy should reflect the realities of this world, including its new pluralism. The pluralism of the communist world is manifested by events in Poland, the internal tensions of Yugoslavia, the experiment with decentralization in Hungary, the independent foreign policy of Rumania, a grim three way conflict in Cambodia, and the overarching tension between the Soviet Union and the People's Republic of China.

The United States would, with more wisdom, normalize trade with Eastern European countries, weaning them from dependence on the Soviet Union. By denying them trade we force their dependence on the Soviet Union and a closed, inhibiting system of barter within the COMECON countries. Mutual interest in each other's welfare and profit comes with trade. If our notions about capitalism and free enterprise are right, these nations will, within limits made larger by trade, work their way toward us. No nation seeks Soviet bondage. All have a uniqueness and some pride in their national identity. Poland, which has enjoyed the closest commercial relations with the West, experiences the most visible struggle for human rights and national independence. Even compliant Bulgaria, emancipated from Turkish bondage by Soviet arms, is experimenting new methods of decentralized decision-making in its economic system.

A differentiated approach to the communists nations might produce more caution in some parts and improved relations through trade in others. The passion for trade with the People's Republic of China, even in weapons and equipment with potential military uses, betrays more confidence in the ultimate good will of a billion armed and disciplined communist Chinese than history warrants. The United States tilted toward the PRC in an attempt to taunt the Soviet Union and gave little thought to the implications. Japan and the other allied nations are less impulsive and more wary of involving themselves in the conflict between the communist super powers. They maintain an "evenhanded" policy to which the United States subscribed until Afghanistan.

With the discovery that a Soviet brigade in Cuba was organized along combat lines and the Soviet invasion of Afghanistan, the United States overreacted. With the 1980 elections looming, Congress panicked. The United States played out all the non-military options. The United States left itself with little but military force or acquiescence for the next time the Soviet Union transgressed its sensibilities. Now we are building up the military. We scrapped Salt II and imposed economic sanctions, punishing ourselves, as well as the Soviets for their transgressions. We tilted toward the PRC. We boycotted the 1980 Summer Olympics. The Reagan Administration lifted the grain embargo and inconsistently imposed the pipeline sanctions. We revived the Cold War. The Carter and Reagan Administrations put us back, more or less, where we were after the uprisings in Czechoslovakia and Hungary: powerless to help the victims of Soviet aggression and, in the eyes of the world, powerless to do anything convincingly, and in concert with our Allies, when the Soviets transgress our interests.

The Reagan administration, with its militancy and coolness to negotiations for arms limitations, made Mr. Brezhnev appear to be the peacemaker. People by the hundreds of thousands have filled the streets of Europe to protest. Friendly European governments have been shaken. Increased expenditures for defense were cut back in Europe, and never materialized in Japan. The gas pipeline sanctions increased tensions between the Allies. Now we arguably negotiate from greater weakness for the reduction of arms, the Reagan Administration's defense build up notwithstanding. The Soviets are encouraged to compromise their differences with the PRC.

Six years ago the United States subsidized Soviet wheat purchases. In one year, during the heyday of detente, the United States offered the Soviets $500 million in credits for the purchase of non-agricultural commodities. At Helsinki, the United States offered

the Soviets the Western imprimatur of approval for Soviet domination in Eastern Europe in exchange for lip service to human rights. No sooner were credits extended than the game of linkage began. The Soviets were denied access to official credits and United States markets upon "most favored nations" terms. When we discovered the brigade in Cuba and scrubbed SALT II, the Soviets invaded Afghanistan. They had little to lose by their aggression and perhaps something to gain. The force levels of the West were irrelevant then, as they were in Angola. We lurch from one extreme to another, from one Administration to the next, rarely basing policy on realities.

In this post-colonial world, conflicts are animated by religious fundamentalism, nationalistic movements, and the unpopularity of repressive regimes. The limits of military power were dramatized by the Americans in Vietnam, as well as by the Soviets in Afghanistan. We live in a transistorized world in which politicized masses, unperturbed by foreign force levels or economic sanctions, exercise power at the expense of government and elites. Even Cuba, ninety miles off our shores, is unimpressed by economic sanctions.

The realities of our world include Russia

Russian imperialism did not begin in Afghanistan. It began a thousand years ago. In 1917 it acquired an ideological cover. The totalitarian state was perfected. Communist Russia's march continued and it is not likely to be arrested by the granting or withholding of credits or access to our markets. The Soviet Union is animated by invasions from the Tartars to the Nazis, by its encirclement in the Cold War, by the imperialism of Peter and Catherine, by the communism of Marx and Lenin. Its history gives us some basis for caution. Without some evidence of resolve and reliability in the West or some possibility for the peaceful and mutually advantageous accommodation of differences, the Soviet Union will be tempted to press its opportunities in the world. It will be even more tempted for reasons of ideology, as well as opportunism, if the economic systems of the West come apart and the social cohesion of Western nations is strained by poverty and economic injustice. The greatest threat to our security may be from within and the conditions paradoxically created by our reliance on armaments and, to a lesser extent, economic sanctions in dealing with the Soviet Union. Those nations which produce the most efficiently and market their goods and services the most aggressively enjoy the highest levels of economic growth and employment and the lowest levels of inflation; they tend to be the nations which spend the least on armaments. They go all out to win the new world war for the world's markets and supplies, uninhibited by the constraints of United States East-West trade policy.

Soviet adventurism could be resisted by nations which are economically strong, united in purpose, and attuned to the realities of a world little impressed by MX Missiles and frozen assets. Any level of military strength which conveys an impression of irresolution or retreat is unsafe against the history of Soviet expansionism. But, perceptions of adequacy vary. Resistance can take many forms. The Soviet Union is generally influenced more by mixed prospects for trade and economic development than by prospects for warfare, undiluted by possibilities for peaceful progress on any front. That which powers may be persuaded to do by old-fashioned, and now neglected, methods of quiet diplomacy can be made more unlikely when national pride is threatened. The grain embargo hardened the Soviet position.

Actions such as the freeze of Iranian assets, once taken, are difficult to undo. Embargoes, like the freezing of assets, are economic acts of war. Recently, such acts have ended in American capitulation. President Reagan lifted the grain embargo unilaterally; the Soviet troops remained in Afghanistan. Soviet influence in Poland was undiminished. The pipeline sanctions were lifted for a European fig leaf. One mistake is compounded by another. Such inconsistencies and political expediencies dismay friends and bewilder enemies.

The cost of the grain embargo included $1.4 billion for the purchase of grain destined for the Soviet Union. Public expenditures for price supports and storage costs became necessary. Embargoes, including the extraterritorial pipeline sanctions, feed the world's impression that the United States is an impulsive and unreliable supplier of goods and services. Increasingly, nations come to the United States for the purchase of food and other goods and services only as a last resort. The Japanese are reluctant to enter long-term contracts for the purchase of coal, having previously experienced difficulty in obtaining soybeans. Eastern Europeans and other Soviet allies are pressured to avoid United States products. American companies escape the caprice of American foreign policy by locating plants overseas. The extraterritorial pipeline sanctions notwithstanding, they avoid embargoes by manufacturing with foreign source materials and foreign subsidiaries. Embargoes against exports of United States goods produce exports of United States jobs and capital. The economic consequences of such sanctions are difficult to quantify. But they include inflation, economic stagnation, and unemployment. They include national insecurity. The object of the sanctions remains unmoved and largely undisturbed.

The Soviets respond by devoting resources to the development of their own capabilities. Deny them equipment for the production of industrial diamonds and they become the world's largest producer of industrial diamonds. Deprived of gas turbines, they will build them. The Soviets generally divert resources from lower economic priorities and redouble their efforts to produce whatever is denied them. They are already the world's largest oil producer. The denial of equipment for the production of oil or transportation of gas, if successful, would increase energy prices over time. Consumers, including the United States, would suffer. The Soviet Union's oil, gas, and gold would increase in value. Dependence upon undependable Middle East sources would be extended; gas supplies in the North Sea depleted prematurely. The Soviet Union is one of the world's best credit risks. It can obtain financing and supply its requirements for energy equipment from external or internal sources. It has the financial resources, and there is virtually nothing now which cannot be bought from other sources, including energy technology. The energy production commodity in greatest demand by the Soviet Union is large-diameter pipeline which is not made in the United States. The effect of these sanctions is not so much to retard energy development or punish the U.S.S.R.—as to punish and embarrass the United States.

Embargoes are difficult to enforce. Even the COCOM System, which has the support of our allies, has not always been effective as a means of controlling exports to the Soviet Union of high technology with military potentials. Wheat, corn, and soybeans, unlike computers, are not identified by source. Trans-shipments and substitutions of shipments are possible in violation of regulations and promises. Other nations do not share our enthusiasm for depriving themselves of trade. They are hard pressed to export. They do not share the full extent of our moral indignation, or our conviction that embargoes are an effective means of bringing Soviet imperialism to heel. They often give lip service to our efforts, agree to more "studies," and go on doing business with the Soviets, picking up our business.

AN EFFECTIVE EAST-WEST TRADE POLICY

In the continuing competition between the United States and the U.S.S.R., it would be wise to act with more predictability and some respect for our economic interests. It would be best if our actions were governed by a clearer perception of Soviet interests. That strategy must maintain the economic strength of the nation, its social cohesion, and the ideals which differentiate the United States and the Soviet Union. It should include an appropriate use of all our resources for our political purposes.

The United States has potentially more control over world food supplies than Saudi Arabia has over oil, but we have never moved to use that power effectively. The Soviet Union is doomed to dependence on external sources of grain. But, irrespective of Soviet provocation, the United States should develop a food policy for an era of chronic poverty, hunger, malnutrition, and political instability, a food policy more promising than a combination of expensive price supports, intermittent embargoes and the stealthy purchase of United States grain on advantageous terms by unfriendly nations. Other nations, both producers and consumers, lacking the luxury of large surpluses and internal markets, have public agencies to manage the marketing of grain.

In lieu of embargoes, we could make the Commodity Credit Corporation (C.C.C.) the exclusive agent for the sale of United States commodities to the Soviet Union and other nations against which we feel bound to act. In this hungry and dangerous world, the United States disarms itself uniquely and unilaterally by leaving the sale of American food to multinational traders and their foreign government customers. The C.C.C. could have taken over the grain stocks destined for the Soviet Union, scaled down the sales step by step, making it clear that the ultimate result could be an embargo. The policy could have been carried out, giving both the markets and the Soviets time to adjust to the carrot, as well as the stick. Other grain exporting nations have the means and incentives to cooperate with such a policy. Profits on the sale of food might be increased on sales to the Soviet Union, even as political interests are brought into play. Such a mechanism offers a means for demonstrating the rewards to be achieved by responsible behavior at the same time the United States demonstrates that aggression has its price.

The Russians also need our technology. The United States and its allies should agree on the technologies which are critical to Soviet economic and military development and through the COCOM mechanism, agree on which to embargo. They should also agree on clear-cut terms of trade, including the credits to be extended to the

Soviet Union and its allies and the enforcement of those agreements, always leaving open the possibility of more credits and trade as relations improve. We need to construct incentives to good behavior, as well as disincentives to hostile behavior.

After World War II, United States leadership helped forge the international institutions of trade and finance which gave the world a measure of peace and prosperity. Today those institutions are in disrepair, and the United States is not in the preeminent position it occupied in the late 1940's and 1950's. Cooperation with the other industrial nations is essential now. We lack the authority for unilateral action and they resent the shocks and bumps of mercurial American policy. They fear the expediencies of American politics.

We must cooperate with our allies and pick up where Bretton Woods left off. Cooperation means sharing the economic aid burden and, in the process, enjoying the economic benefits of expanded trade and investment in the lesser developed and nonmarket countries. It means responsibility for exchange rate stabilization, payments financing, and long-term development, bilaterally and through multilateral banks and the International Monetary Fund. We can supply management for the development of Least Developed Countries' economies and help in building a scientific infrastructure for nations which at present have no means of developing technologies relevant to their needs. The United States can supply food to keep the hungry from dying and restore its image as a humane and powerful nation. We could cooperatively develop the world's fuel supplies and maintain stockpiles of industrial materials against the risk of interrupted supplies from undependable foreign sources. These are the kind of hard answers to which we once were equal and can be again. There are no short cuts to prosperity or security in east-west trade, which may be why the dilemmas remain unresolved—and the nation is left without a coherent policy.

If the world does not break out of the well-worn ruts of endless arms buildup and economic warfare, those ruts will lead again to conflict and exhaustion in times more dangerous than any before. The United States needs to pick up where it left off. Its deal are in line with the world's aspirations. Its resources are in line with the world's needs.●

EAST GERMANY'S CONTRIBUTION TO FREEDOM OF EXPRESSION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. MICHEL. Mr. Speaker, East Germany's Communists rulers, imitating the conduct and the morality of their Soviet masters, have discovered a new way of dealing with expressions of opinions with which they disagree—they recently beat up a dissident, handcuffed him and threw him aboard a train headed out of the country.

He is the 20th East German to receive such treatment in recent weeks. Needless to say, East Germany strongly supports the right of dissent of those in western Europe who oppose the nuclear policies of their government.

At this point, I wish to insert in the RECORD, "E. Germany Expels Peace Activists" from the Washington Times, June 9, 1983.

[From the Washington Times, June 9, 1983]

E. GERMANY EXPELS PEACE ACTIVIST

LUDWIGSTADT, West Germany—East Germany deported a member of the fledgling peace movement yesterday, taking him forcibly from his home and locking him in a compartment on a train leaving the country, border guards said.

West Germany protested the expulsion, calling it a human rights violation that will worsen relations between the two Germanys. Bavarian border guards said they found Roland Jahn, of Jena, East Germany, aboard a train bound for Munich, West Germany, with his hands and arms scraped by handcuffs and his clothing torn. He is the 20th member of the East German peace movement to be deported in recent weeks.●

HOW CAN WE BEAT THE UPCOMING INCREASES IN LOCAL PHONE BILLS?

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. MARKEY. Mr. Speaker, a week ago today, I offered an initial suggestion for congressional action to beat the upcoming increases in local phone bills. Today, I offer the second of my recommendations for a possible House initiative to deal with this pressing problem.

I know that many in Congress find this development frustrating. Most of the local rate increases will not be debated here, nor will they be debated in Washington at the FCC. Instead, they will be debated and decided upon by State public untility commissions (PUC's). It would seem then that the Congress is powerless to stop these increases from taking affect.

I disagree. At stake here is a Federal policy—affordable universal telephone service. Failure for the Congress to find some means of addressing this disturbing change, even though the progress of the change is happening at the State level, would be abdication of our basic responsibility to prevent the creation of an information aristocracy and an information underclass in this country.

What then can we do?

One answer which I supported in the last Congress, and intend to support in this one, is the creation of residential telecommunications consumer corporations, or as they are known in some States, citizen utility boards. These RTCC's or CUB's could be important players in the fight against rate increases.

What are they and how would they work?

RTCC's would be ratepayer-supported consumer advocacy groups. They would get their funds from the voluntary donations of telephone bill payers; the Wisconsin CUB charges annual voluntary dues of $3. Federally authorized RTCC's would have the authority to insert membership applications and information about their activities in phone bills—though they would have to reimburse phone companies for the costs associated with their mailing efforts.

RTCC's would use the moneys that they raise from contributions to hire a staff of attorneys, accountants, and other experts to plead the consumers' case before the PUC's. In many States, PUC's hear only one side of the argument in a rate case. In others, local telephone companies face only token opposition from poorly funded public counsel offices which often lack the resources or expertise to produce their own detailed responses to phone company filings.

RTCC's would not be new Government bureaucracies. They would not require the expenditure of any tax moneys. They would entail no cost to taxpayers, telephone companies, or phone company shareholders. They would simply be voluntarily funded, locally oriented organizations standing up for consumers at this critical time.

In Wisconsin, which as I mentioned earlier, a State-authorized CUB recently celebrated its third birthday. Since 1980, it has acquired 65,000 members, and beaten off over $90 million in rate increases. Its annual budget from voluntary contributions is over $400,000. In sum, the CUB concept has been proven effective and worthwhile.

A Federal law which authorized a CUB in each State, and possibly one at the Federal level to plead before the FCC, could get the drive for RTCC's or CUB's off the ground. The Congress should use its political muscle to create these organizations all across the country. Any common carrier bill the House passes should include a provision creating a system of RTCC's, and if the House does not consider a broader bill, I intend to introduce a narrower RTCC/CUB bill in the coming months.

I urge my colleagues to endorse the CUB concept, and support it in any upcoming telecommunications bill or as a separate initiative. They should feel free to contact me for more information on this issue.

Support for a system of RTCC's/CUB's, then, is the second thing we can do to beat the upcoming increases in local phone bills.●

LETTER FROM A CONSTITUENT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. AuCOIN. Mr. Speaker, Members of this House who voted for a mutual, verifiable freeze on the production and deployment of nuclear weapons, and then voted to make a half-a-billion-dollar downpayment on the MX missile, performed a remarkable feat of political acrobatics.

They will soon have the opportunity to explain to their constituents, over the July 4 recess, why they did it. My hope is that they will be encouraged by their constituents to do it again, when the House reconvenes next month, and vote for an amendment to strike $2.6 billion to start production of the MX.

I want to share with my colleagues a letter from a constituent of mine, 14-year-old Tannya Smith of Beaverton, Oreg. I believe that she speaks for millions of their constituents as well:

DEAR SIRS: I am fourteen years old and I want to live for a long time. Your generation is the one that will start the wars that my generation has to fight. I know that we don't want to kill to create peace or to save a politician's pride.

I am begging you to work against war. So far every generation has had one and it is a habit that has to be broken before it breaks us and destroys all conception of human happiness. Please, if we fight one more time it could be the last time ever.

I do not want to die. Hopefully yours, Tannya Smith.●

TEACHER COMPENSATION

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. WEBER. Mr. Speaker, I would like to call to the attention of my colleagues two editorials that appeared in the Washington Post on Friday, June 17. These two editorials by Denis P. Doyle and William Raspberry deal with a very important issue, the compensation of our Nation's teachers. While I do not necessarily endorse the two editorials, they are important if only because they contribute to the discussion that has recently been generated about this critical issue. Unless the caliber of our teachers is improved, our children and our Nation, will suffer. I have asked that these two editorials be included in the RECORD so my colleagues will have the opportunity to read them. Hopefully, this will lead to a constructive discussion of the information that they encompass. The quality of education in this country is key to our Nation's success in the future. And the quality of our teachers is a key to the success of our educational system.

HOW WE GOT THE GOOD TEACHERS . . .

(By Denis P. Doyle)

There is an old canard about professional economists: their job is to see if things that work in practice work in theory. So it is with education. What accounts for the quality of teachers? The economic and social realities of a given time and place. F. Scott Fitzgerald is reported to have said that nostalgia is being sentimental about something that never was. For those of us who graduated from high school before 1960, it is hard to distinguish between romantic memory and reality.

Were my best high school teachers—Mrs. Nesbit and Mr. Cunnea, Miss Callahan and Mr. Dean, Miss Walters and Mrs. Roberts—really as demanding, and rewarding, as they appear through the mists of time? The question answers itself: the good teachers, the ones who really challenged you, forced you to think, are the ones you remember because they changed your life. And there are individual teachers like that today.

The more difficult question has to do with teachers as a group: were the teachers of 10, 20, 30 years ago "better" teachers than those teaching today? The numbers give one pause, for they paint a dismal picture.

Gary Sykes, a researcher at the National Institute of Education and an authority on teacher quality, reports some sobering facts: "Graduate Record Exam . . . scores . . . have declined significantly since 1970, and were substantially lower than scores of majors in eight other professional fields." After analyzing data from a wide variety of sources, Sykes somberly concluded that ". . . a mass of evidence converges to show that academic ability of education majors is both low and declining. Teaching appears to attract the least academically able and to be decreasingly attractive.

The probability that yesterday's teachers were better than their successors is so plausible that various explanations are making the rounds. The most popular is that it is all the result of women's liberation.

The argument is by now familiar and goes like this: for generations, only one socially desirable job was available to women: teaching. The only other female employment options—scullery work, telephone operator, household domestic, chambermaid, and the like—acted as a negative incentive, encouraging the best and the brightest women to enter teaching, a public school bonus enjoyed at women's expense.

The most talented and ambitious women became teachers and they worked for very low wages. Indeed, for years the situation was so extreme that women teachers were actually on a separate salary schedule and paid less than male teachers.

What was true for women in general was also true for minority group members, particularly black women. It is an old story in the black community that one of the few jobs in which a black woman was secure was teaching: secure, at least, from the advances of unscrupulous employers in domestic, farm or factory service.

The halting emergence of equal employment opportunities for both women and minorities, then, has denied public schools a supply of low-cost, high-quality labor. That is only part of the story, however. Another equally important pair of events does much to explain why the overall quality of today's teaching force has declined.

The events in question are the Great Depression and the Wondrous Recovery that followed the Second World War. First, the Depression. It tipped untold thousands of highly qualified adults into teaching, a group that in more sanguine economic times would have done other things. By 1931, unemployment had reached 15.9 percent; by 1933, the absolute depth of the Depression, unemployment reached an incredible number: 24.9 percent. A teaching job was worth its weight in gold, and the competition for those that were available was intense.

There were not only no other jobs available, teaching was one of the few jobs a bright and eager person could prepare for at reasonable cost. During the Depression, for many, a two-year teaching degree from Normal U. was possible, while Harvard was financially out of reach.

All but unnoticed, an interesting scenario unfolded. The entering Depression teacher stayed in the profession because no lateral employment options were available. The interruption of the war cemented the situation firmly into place. Teachers who entered the armed forces returned to their old jobs with seniority and pension benefits intact.

Hard upon the end of the war came unparalleled recovery and real economic growth. Schools shared in this, and it was not long until the children of the baby boom swelled the schools' ranks. By the early '50s, in certain growth areas it was not uncommon for a school district to spend most of its energies building schools: adding a school building a year was not uncommon for a medium-size district in California, and even this did not prevent double shifts and overcrowding.

The effect of this for Depression teachers was quite dramatic: 20 years after entering teaching (by default) they found themselves committed by force of circumstance to their craft.

It is, indeed, an ill wind that blows no good, and the Depression produced a generation of teachers of exceptional talent and intelligence that we began to take for granted. We thought their high standards, intellectual accomplishment and dedication were the norm. But high standards for elementary and secondary school teachers have never been the norm: among the best, the pay was never sufficient to attract any but the most dedicated.

Today's good teachers—of whom there are still many—are in the classroom because they believe in teaching, not because of financial rewards. That, of course, is an old story: in the "helping" professions, "psychic" income is important. But schools cannot be run on good will and dedication alone.

It should come as no surprise to learn that as the Depression generation teachers began to retire, the slow slide in the test scores began. The young teachers who began in 1929 are now in their mid seventies; they began retiring in the 1960s. The teachers who began in the depths of the Depression retired in the 1970s.

Well, if you think that teachers used to be better—on average—they probably were—compliments of the Great Depression. And if you think that things will get better without paying teachers more, ponder this: the 22-year-old who began teaching in the last year of the Depression (1940, when unemployment stood at 14.6 percent) is 65 this year. He or she will retire this month. Goodbye Depression bonus, hello reality.

. . . How We Pay Their Successors

(By William Raspberry)

Accuse President Reagan of having done a good deal of harm to public education and you get no argument from me. His administration's reductions in student loans, vocational education and the Title I program, in addition to his recommendations for tuition tax credits, add up (in my view) to an assault on education.

But in the raging debate between the administration and the nation's largest teachers' organization, the National Education Association, on the question of merit pay, the administration has the better of the argument.

A recent episode of PBS's "MacNeil-Lehrer Report" makes the point. Secretary of Education Terrel Bell urged the public schools to "take a page from the higher-education book" and find ways to reward outstanding teachers without promoting them out of the classroom. He had in mind something like the current Tennessee proposal to institute senior-teacher and master-teacher ranks, so that superior teachers not only will earn more money but also be available to help younger teachers improve their competency.

NEA president Willard McGuire was having none of it. "When you name a few teachers as meritorious," he said, "you are saying that the others are not meritorious." And that, of course, would be dreadful.

"If we are going to name 15 percent of the teachers as being meritorious, for example, then parents of the majority of students will see that their children are destined to be taught by non-meritorious teachers, and I believe that the tension that will bring between parents and school administrators, as they seek to have their child[ren] placed in a class with a meritorious teacher will bring us trouble that we don't want or need at this time."

The plain fact is that parents already know who the outstanding teachers are. And those parents with the concern and the clout to do anything about it already are exerting pressure to have their children taught by these exemplary teachers. It's hard to see how paying outstanding teachers for their unusual competence would increase that parental pressure.

McGuire, naturally, had other arguments. Merit pay would usher in favoritism on the part of evaluators (which, under most proposals, would include other teachers). It would produce bitterness on the part of teachers not selected as outstanding. It would "be negative to the teamwork concept."

If the interviewers, Robert MacNeil and Charlayne Hunter Gault, were incredulous, it may have been because they found it hard to imagine a profession more demanding of teamwork than television, and harder still to imagine a system whereby television journalists would be paid solely on the basis of their college credits and their time on the job.

Secretaries, office managers, athletes and newspaper reporters routinely expect that outstanding performance on their part will lead to promotions and/or pay increases. Of course particular employees will complain that they have been underevaluated, or that they are victims of favoritism or of job assignments that didn't give them the opportunity to shine. But it wouldn't occur to them to argue against merit pay. Unless they are teachers.

And not all teachers. Albert Shanker, head of the American Federation of Teachers recently told his convention that there is a different public climate regarding public education and that teachers would be well advised to make the necessary adjustment. "They are saying: 'We're willing to help—to pour new billions into education—if you're willing to make some of the changes we want,'" said Shanker, making clear that he included the possibility of some form of merit pay.

Shanker may be doing what he can to make some distinctions between his union and the NEA, whose 1.6 million members make it a million members larger than the AFT. But he is also facing up to the reality that relatively low pay and relatively small opportunity for career progression are making teaching less attractive to the brightest young people, and that you can't make silk purses without silk.●

SUPPORT FOR H.R. 3358

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. LEWIS of California. Mr. Speaker, today, I join with my colleague from Massachusetts, Representative Shannon, in encouraging all Members, on both sides of the aisle, to join me in supporting this legislation which provides affirmative commitments to solar, wind, and geothermal energy projects which meet the requirements to qualify for existing energy tax credits. The continued research and development of alternate energy sources is essential. My district contains solar, wind, and geothermal projects which are complete and operational partly due to the energy tax credits. Of all the alternative energy prospects, solar is one of the highest priorities and if there is anywhere in the Nation where solar energy can logically be explored it is in our desert, much of which lies in my district.

The solar plant is Barstow, Solar 1, which was partly made possible by tax credits, provides a significant demonstration of industrial application of solar energy. These proposed tax credits will provide incentive for further fundamental breakthroughs. The goal is energy independence for America.●

THE FREEZE THAWS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. MICHEL. Mr. Speaker, during our long and arduous debates on the nuclear freeze, I was impressed by the sincerity, the adherence to principle, the unquestioned commitment of the freeze spokesmen. Rarely have we seen such a display of principle. But a recent article in the Chicago Tribune suggests that principled adherence to "an end to the arms race" may take second place to the good old pork barrel. So much for those ringing phrases, those heartfelt denunciations of anything having to do with the nuclear forces of the United States.

At this point, I wish to insert into the Record, "Nuclear Fleet Thaws Freeze Leaders", from the Chicago Tribune, June 17, 1983.

The article follows:

[From the Chicago Tribune, June 17, 1983]

Nuclear Fleet Thaws Freeze Leaders

(By Michael Coakley)

Boston.—In a quiet lobbying campaign faced with irony, many of the nation's leading liberal politicians are fighting to draw nearly 100 cruise missiles to their States.

The struggle involves prominent congressmen and local officials from the Northeast who are eager to attract a new Navy nuclear fleet that will carry about 7,000 jobs to the area chosen as the home port.

The Pentagon disclosed earlier this year that three East Coast ports are being considered: Boston; Newport, R.I.; and the New York-New Jersey area.

Even before the official announcement, the scramble was underway as the Reagan administration was besieged by atypical petitioners pleading an atypical case.

Perhaps the most out-of-character roles have been played by Sen. Edward Kennedy and House Speaker Thomas O'Neill, Massachusetts Democrats who take second place to none in their hostility to President Reagan and in support for a freeze on nuclear weapons.

But Kennedy and O'Neill actively have lobbied the administration to choose Boston as the port.

Pushing just as hard for their own ports are dozens of officials from Rhode Island and from New York and New Jersey. As with the Massachusetts contingent, most of those lobbying for the two other ports are liberal Democrats who have been among the antinuclear campaign's strongest backers.

The fight is over the Iowa, a World War II battleship being refitted for modern warfare, and a group of support ships that together will form what the Pentagon calls a surface action group.

Though the Navy group will carry with it civilian jobs and fortune in Navy paychecks, it also will include a complement of almost 100 Tomahawk cruise missiles capable of carrying nuclear warheads.

The liberals jockeying for the Navy group generally concede, at least privately, that there is some irony in their position. But with the tens of thousands of blue-collar jobs that have left the Northeast in recent years, they argue that they have no choice but to push hard for any venture that could reduce unemployment in their communities.

"Frankly, we don't like to advertise what we're doing, because we don't want to upset the nuclear-freeze people," said a top aide of one Massachusetts congressman engaged in the competition. "But I can tell you one thing: We're prepared to do whatever is necessary to get those jobs for Boston."

Some well-known liberals talk publicly about their effort to lure the Navy group, and they insist that their opposition to the spread of nuclear weapons creates no inconsistency.

"Any and all friendships of that sort, contacts that we have, we will press," said Sen. Claiborne Pell [D., R.I.].

Alan Sagner is a pointed example of the antinuclear, pro-fleet stance.

He is chairman of the Port Authority of New York and New Jersey, the huge umbrella agency that operates the sprawling ports in the New York City area. Sagner also is general chairman of the New Jersey Campaign for a Nuclear Weapons Freeze. He worked assiduously in behalf of a nuclear-freeze referendum in his state last year that carried by an impressive 66 percent.

But Sagner is campaigning just as hard to lure the Navy group to any of the three sites offered in the New York area. "I don't see any inconsistency at all," he said. "If there's a nuclear exchange, they're not going to go for three or four battleships in New York or Boston.

"It's very important that we build the port back up. For us, this fleet would mean a lot of badly needed jobs."

In recent weeks, there have been the first signs of public concern in all three port communities. The Northeast has been a strong base of support for a "mutual and verifiable" nuclear freeze. The cruise missile is a small, winged craft designed to carry conventional or nuclear warheads.

"Once the seagoing cruise missile is deployed, the possibility of negotiating a bilateral freeze becomes much more difficult," said Joseph Gerson, a spokesman for the American Friends Service Committee, a pacifist group.

Last week, a Boston City Council committee held a hearing during which people opposed to luring the Navy group claimed that it would make Boston a more likely target in a nuclear war.

But the city's liberal political and media establishment appears determined to keep lobbying for the Navy group despite the views of the antinuclear movement.

Kennedy and O'Neill have met privately in recent weeks with Navy Secretary John Lehman, and a Boston Globe editorial argued that "the fleet, even with cruise missiles, will not make Boston any more of a Soviet target than the presence of M.I.T. [the Massachusetts Institute of Technology] already does."

In the New York area, the pressure campaign has been surprisingly united. Gov. Mario Cuomo of New York, Gov. Thomas Kean of New Jersey, other public and financial leaders and every member of the two states' congressional delegations, except Rep. Ted Weiss, a Democrat from Manhattan's West Side, have written letters committing their support to the Navy group.

One major unanswered question is whether the ships will be armed while in port. As a matter of policy, the Navy never confirms or denies the presence of nuclear arms on ships.

Many of those who are lobbying to lure the Navy group say they assume that the ships' missiles will be armed with nuclear warheads and that the arms will come into port.

Lt. Dennis Sawyer, a Navy spokesman, said a decision on a home port is expected by late summer, with the port to be ready by 1986 or 1987.

Navy plans call for the Iowa special action group to be one of four equipped with cruise missiles.

"We're not going to the Northeast to make Ted Kennedy or Claiborne Pell happy," a Pentagon source said. "We just think it's necessary to spread our ships around; it's the Pearl Harbor syndrome. It is nice to know that we're going to be welcomed."●

ANDREW FLOSDORF: A TRUE WINNER

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. BOEHLERT. Mr. Speaker, we here in Washington often become cynical. In watching day after day a system that seems to thrive on posturing, we begin to question everyone's honesty and purity of purpose.

But an event occurred in this city recently that should serve as a reminder that people still have strong values and will act on them. And the event should give us particular pleasure because it involved a 13-year-old—a portent of our future. And I take particular pride for this 13-year-old lives in Fonda, N.Y., which I represent.

The event I am referring to is Andrew Flosdorf's admission to the judges of the National Spelling Bee that he had misspelled a word that the judges thought he had spelled correctly.

Andrew was eliminated from the finals because of his honesty, but he came out a true winner. His integrity, his sense of values, should be an example to all of us.

But Andrew put it less pretentiously. He said he admitted his mistake because he "didn't want to feel like a slime."

Andrew saw nothing special in what he had done. Perhaps that is the most encouraging sign of all.

I salute him.●

MR. TALMAGE L. TURNER RECOGNIZED FOR COMMUNITY SERVICE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. CONYERS. Mr. Speaker, Mr. Talmage L. Turner recently retired after serving for 65 years in the Church of Music in Detroit and 14 years as minister of music at the Broadstreet United Presbyterian Church located in Detroit, Mich. He was born in St. Louis, Mo., on September 29, 1898, and was the oldest of five children. He excelled in his musical studies with Mr. Aldama Jackson of Juillard in New York City, Dr. Nellie Ebersole of Detroit, Mich., Dr. Federal Wittesy of Detroit, Mich., and several others.

Mr. Turner exemplifies many extraordinary traits of intellect and character. He is devoted to his teachings, the community in which he lives and works, and the city of Detroit.

For his extraordinary leadership and distinguished service in the community, I would like to present to Mr. Turner a proclamation of commendation as follows:

Whereas Talmage L. Turner who served in the Church of Music in Detroit for 65 years and for 14 years as Minister of Music at the Broadstreet United Presbyterian Church located in Detroit, Michigan, is one of our nation's foremost Presbyterian Ministers of Music, and

Whereas music has been the mainstay of his life dating back to his membership in the Summer High School Glee Club in St. Louis, Missouri, and he has brought joy to many audiences with his virtuosity on the violin, trumpet and tuba, and

Whereas Talmage L. Turner along with his devoted wife the late Rosa Brezzell Sipes Turner, during 33 years of marriage, fathered Mrs. Sylvia Winetta Turner-Saunders, Ms. Patricia Ann Turner, Mr. Paul LeVant Turner, Ms. Gloria Bressell Turner, and now has 2 grandchildren Marcellus Conrad and Khalilah Denise Saunders, and

Whereas Mr. Turner organized and directed choirs in Metropolitan Baptist, St. Cyprian Episcopal, Lomax Temple, Hartford Baptist, St. John Presbyterian, Ebenezer A.M.E., Bethel A.M.E. and Broadstreet United Presbyterian churches, and also served in the Seventh Day Adventist Church, and

Whereas he devoted his skillful contributions to the Detroit Negro Opera Company as Assistant Director, the Board of Planning Committees of Church Music Workshops at Michigan State University, the Detroit Musicians' Association, Church Music Guild—Detroit Council of Churches, the Great Lakes Choir, as Continuity Writer and Choir Director of WJBK, with the Jubal Chorale Society, as founder, The Talmage L. Turner Chorale, Director, The Elks Band, The Veterans of Foreign Wars, The Detroit Community Band, The American Legion Band, The University of Michigan Extension Symphony Orchestra and the University of Michigan Extension Concert Band, and

Whereas music fills a vital need in the human experience, Mr. Turner's contributions have been of special importance to all he touched: Therefore be it *Resolved*, That Mr. Talmage L. Turner be awarded this Proclamation of Commendation in recognition of his magnificent career in the field of music.●

HOME MORTGAGE FORECLOSURES

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Ms. KAPTUR. Mr. Speaker, the uniqueness of this body lies in its closeness to the people. This special quality gives us the opportunity to understand the needs of our constituents and efficiently and knowledgeably respond to them. While the national economy continues to go through cyclical and structural contortions, hardship is still on the rise. I commend to my colleagues an article which appeared in the June 18 issue of the AFL-CIO News. It reminds us that

families are still losing their homes because of the recession. The mortgage assistance legislation we passed last month as a response to the needs of the unemployed has not lost any of its urgency.

HOME FORECLOSURES MOUNT AS SENATE SITS ON RELIEF BILL

Among the human costs of the Reagan Recession has been a growing wave of home mortgage foreclosures due to unemployment.

Despite evidence that the nation's economy has begun to recover from its worst beating since the Great Depression, there has been no relief for jobless homeowners and their families.

Homes in the process of foreclosure rose from 119,000 in the last quarter of 1981 to 181,000 in the last quarter of 1982. During the first quarter of 1983, as the economy began to rebound, home foreclosures in process hit about 210,000.

In addition, well over a million families are delinquent in their mortgage payments because of job loss or other financial hardships.

Today, the rate of home foreclosures and delinquencies is the worst since the Mortgage Bankers Association began keeping records in 1953.

And the tragedy of home loss is likely to get even worse in spite of "the recovery." This is because unemployment is predicted to stay very high for a long period and because many jobless workers will exhaust their unemployment benefits in the months to come.

SHERIFF'S SALE

William Irwin Pastor of Philadelphia, who lost his home at a sheriff's sale, was among those who came to Washington to urge Congress to enact emergency mortgage foreclosure assistance. Testifying before a House Banking subcommittee, Pastor said he was laid off in 1981 after 20 years in the retail pharamaceutical business.

Pastor tried to work out a reduced payment plan with the bank and the Veterans Administration, which had guaranteed the mortgage loan. But the bank refused to accept his partial payments, returned his checks in the mail, and sold the house at a sheriff's sale. Pastor received nothing for the house.

In 1932, with the nation in the grip of depression and Herbert Hoover in the White House, over 250,000 families lost their homes through foreclosure. When Franklin D. Roosevelt took office in March 1933, foreclosures were taking place at a rate of a thousand a day. In April FDR asked Congress to act.

ACTION IN 1933

Congress responded by setting up the Home Owners' Loan Corp. (HOLC), which brought mortgages where jobless homeowners were unable to make payments. The HOLC also financed payments for taxes and repairs and rewrote the mortgages for long-term repayment at low interest rates.

In this way, tens of thousands of families were able to save their homes. One of every five urban homeowners with mortgages became an HOLC beneficiary. The real estate market was saved from collapse and banks began making mortgage loans again.

In some areas, labor's community service committees have tried to persuade banks to abate mortgage payments and hold off foreclosures.

In the depressed steel belt of western Pennsylvania, the Monongahela Valley Unemployed Committee organized a militant campaign which has put a temporary halt to sheriff's sales.

The Sheet Metal Workers union has used its special benefit fund to help its unemployed members avoid both foreclosure and eviction.

On May 11, the House passed the Emergency Assistance Act to provide loans for jobless Americans in danger of losing their homes through foreclosure. The Senate has not yet acted.

The House bill, sponsored by Reps. Henry Gonzalez (D-Tex.) and Fernand St Germain (D-R.I.) is a modest but worthy measure which would aid about 75,000 homeowners during fiscal year 1984. It would provide no relief for jobless renters as proposed by labor.●

THE FREEZE: THREE VIEWS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. MICHEL. Mr. Speaker, on occasion we come across items in the newspaper that need no commentary. I came across three such items recently in the same edition of the Washington Times. I will let our colleagues draw their own conclusions from these two news stories and one editorial concerning the freeze.

At this point, I wish to insert into the RECORD, "Soviets Ask Nuclear Nations for Freeze On Arsenal Buildup," "Baptists Back Reagan on Freeze," and an editorial, "Fritz Leaps Lefter" all from the Washington Times, June 17, 1983.

SOVIETS ASK NUCLEAR NATIONS FOR FREEZE OF ARSENAL BUILDUP

Moscow.—The Soviet Union yesterday urged the United States, Britain, France and China to join it in declaring a freeze on nuclear arsenals.

A resolution mandating the Soviet government to seek such a freeze was passed unanimously at the end of a foreign policy discussion in the Supreme Soviet, or parliament.

Communist Party central committee secretary Boris Ponomaryov said a five-power freeze would enhance confidence-building measures and clear the way toward reducing the number of nuclear weapons.

Previously Moscow has urged the United States to agree to a bilateral freeze on nuclear arsenals, but the idea has been rejected by the Reagan administration.

Both Britain and France have plans to modernize their nuclear deterrents by increasing the number of warheads on submarine-based missiles.

China test-launched its first submarine-based missile last year but its nuclear technology is some two decades behind that of the Soviet Union and the United States.

Ponomaryov, who is chairman of one of the Supreme Soviet's two foreign affairs committees, said Moscow hoped the other nuclear powers would take a "responsible attitude" and show "real political will" in their reactions to the plan.

The Soviet Union, while concerned primarily with halting a U.S. nuclear buildup, has been paying increasing attention to the French and British deterrents.

It argues that French and British nuclear missiles should be included in the medium-range European balance because they are targeted on the Soviet Union, but Britian and France insist they are independent deterrents.

China's nuclear forces are rarely mentioned in the Soviet press. But the Soviet Union has in the past proposed to Peking unspecified military confidence-building measures.

China has shown concern about the possibility of Soviet SS-20 missiles being withdrawn from the European theater and added to the estimated 108 SS-20s already deployed in the Soviet Far East.

BAPTISTS BACK REAGAN ON FREEZE

PITTSBURGH.—The 14.7 million member Southern Baptist Convention, the nation's largest Protestant denomination, yesterday endorsed a position in general agreement with President Reagan's stand on nuclear disarmament.

After turning down an attempt to have the United States unilaterally "risk" the move toward disarmament, the annual meeting of the conservative denomination—in backing a position compatible with that of the president—placed itself at variance with the pastoral letter on nuclear disarmament promulgated last month by the U.S. Conference of Catholic Bishops, which called upon the United States and the Soviet Union to desist from further experimentation, deploying and stockpiling of nuclear weapons.

Even the more than 13,000 delegates registered for the convention considered the resolution to be moderate and even weak in light of the momentum for the so-called peace initiative endorsed by the Catholic bishops and the mainline Protestant denominations.

The central thrust of the resolution put the SBC on record "as prayerfully desiring an eventual nuclear disarmament, provided it would in no way compromise the security of our nation by being less than fully verifiable, and that we go on record as supporting a program of mutually verifiable nuclear disarmament."

The convention also, in a resolution on religious liberty, asked the U.S. government to avoid making "unwarranted attempts . . . to define 'church,'" both as to what constitutes a church and what are the parameters of its ministries.

FRITZ LEAPS LEFTER

No one ever accused Mrs. Mondale's boy, Fritz, of being a slow learner. Expecting to romp to victory in the Wisconsin Democratic straw poll, Mondale was distraught to see his name in second place—behind Sen. Alan Cranston, whose campaign for the presidential nomination begins and ends with a passionate embrace of the nuclear freeze.

The Wisconsin chautauqua played on Saturday. By Monday, the former vice president had boldly announced that a nuclear freeze was absolutely, positively his top priority.

This means presumably that Mondale's protectionist stemwinders to unions, his assiduous courting of gay and lesbian organizations, and his protestations that no politicians ever cared so deeply for minority groups, human rights, and all things bright

and beautiful will now have to shine in the second paragraph of his speeches.

But most wonderful in Mondale's tactical spin is that it construes the sentiment of the liberal bandmasters of a particularly liberal state as if it were an unshakable consensus among American voters.

Thus, Mondale's leap to the left to try to outflank Cranston could have the effect, even this ridiculously early, of pushing the Democratic corps of candidates in the same direction. Mondale, after all, is considered the guy to beat. Should the ever-lefter lurch continue, the Democracts might replicate the experience of Britain's Labor party: As Michael Foot steered more and more to port, the crew began abandoning ship in substantial numbers. So many Laborites finally rushed for the lifeboats that the vessel capsized.

Well, Mondale's apparent panic hasn't yet become pandemic. Colorado's Gary Hart, who ran third in Wisconsin, has not emulated Fritz. But John Glenn, who was canny enough to avoid direct competition in Wisconsin with the rest of the Democratic first-stringers, is showing symptoms.

When the senator sat down to ruminate the other day with those great lords of the earth, the editors of the OP, he hummed and whistled a nicely liberal line: No U.S. troops to Central America regardless; Reagan has "overstated" the danger of communist penetration of the region; "not all" the Salvadoran guerrillas are Marxist-Leninists; the government there has hands bloodier than the insurgents. The usual pieties.

Keep up the good work, gang.●

WATT'S LATEST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. LANTOS. Mr. Speaker, the San Francisco Chronicle recently published an editorial on the subject of Interior Secretary James Watt that was both timely and wise.

The editorial, "Watt's Latest," is timely because it deals with the purchase by the Government of Sweeney Ridge, a beautiful and historic area in my district that would make a fine addition to Golden Gate National Recreation Area and to the country's park system as a whole.

It was wise because it focused on the key issue in the current dispute—the failure of the Interior Department and Secretary Watt to carry out the will and directions of Congress. That failure could cost the Government money, rather than save money as Watt argues he wants to do.

I commend the editorial to my colleagues' attention:

[From the San Francisco Chronicle, June 6, 1983]

WATT'S LATEST

Interior Secretary James Watt, it is obvious, is determined not to carry out duties designated by acts of Congress. Dismissal or resignation from office would relieve him of that obligation for good.

The National Park Service, one of Watt's most important agencies, has, once again, balked at purchase of Sweeney Ridge, calling off a long-promised meeting to begin serious negotiations. Congress has twice voted to purchase the land in Pacifica as an addition to the Golden Gate National Recreation Area. But Watt's subordinates have obdurately refused, obviously carrying out Secretary Watt's wishes.

Sweeney Ridge, a 1063-acre area, includes the promontory whom which members of the Gaspar de Portola expedition first sighted San Francisco Bay in 1769. A bipartisan group of members of the House of Representatives and the state's two senators have repeatedly urged Watt to acquire the land because of its historical importance to the nation and because it is a logical addition to the GGNRA. Funds have long been available for the acquisition. The GGNRA, we would remind the secretary, is the most visited facility in the entire system of national parks.

Watt wants to follow his own dictates rather than the mandate of Congress. It would be much more satisfactory, perhaps for the secretary, certainly for Congress and the public, if he did this as a private citizen.●

THE NORTHWEST'S ENERGY FUTURE

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. BONKER. Mr. Speaker, I congratulate Energy Conservation and Power Subcommittee Chairman OTTINGER and my Northwest colleagues, Congressmen SWIFT and WYDEN for their excellent hearings on implementation of the Northwest regional power plan.

On June 13, the subcommittee conducted these important hearings in Portland and Seattle, giving the public a chance to comment on its energy future.

When Congress approved the Pacific Northwest Electric Power Planning and Conservation Act in 1980, we created a model opportunity for energy planning and intensive conservation efforts. The result is a new, 20-year power plan for the region, and a vital fish and wildlife enhancement program. The hearings will help to insure that these plans are implemented.

Congress now has an opportunity to improve public participation and rate proceedings in the Northwest. There are two bills that would accomplish this purpose, Mr. WYDEN'S H.R. 3177, to reform ratemaking by the Bonneville Power Administration; and H.R. 2098, a bill I introduced with several colleagues to make BPA's budget process more accountable to the public.

I ask that my testimony from the June 13 hearing be included in the RECORD.

TESTIMONY OF CONGRESSMAN DON BONKER ON IMPLEMENTATION OF THE PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT

Mr. Chairman, I am pleased to have this opportunity to testify on implementation of the Regional Power Bill and the Northwest Power Planning Council's regional energy plan. I commend Chairman Ottinger for his early and consistent interest in Pacific Northwest energy matters.

My testimony emphasizes three major points:

1. The Council is to be commended for its imaginative, sound work in developing the regional plan and the fish and wildlife enhancement program. It was a difficult job. Both have been completed on time and under budget and have received broad support around the region. This support is due in substantial part to the Council's willingness to involve key groups and citizens in its decisions from the earliest moment.

2. Expeditious action is needed on H.R. 2098—my bill to provide increased public involvement in the development of the Bonneville Power Administration's budget. The bill empowers the Regional Power Council to conduct hearings on BPA's draft budget and, if appropriate, recommend changes. BPA retains authority to submit its own budget to Congress and Congress will make the final decision; but the bill would ensure that Congress will receive an independent analysis by the Council and that citizens in the region would be able to help develop the budget on which their rates are set. The region will be well served by this consensus-building opportunity.

3. I support Representative Wyden's rate process reform proposal. It will provide an added measure of objectivity in rate proceedings and will help ensure that affected parties have a thorough opportunity to participate and question the need for rate increases.

THE NORTHWEST POWER PLANNING COUNCIL

The Northwest Power Planning Council has performed a service that could probably have been provided by no one else in the region. The Council's innovative regional energy plan and its vital fish and wildlife program are milestones in regional policy making. To my knowledge, the Council represents a unique and to date successful effort to chart a new course in the region's energy future—a course that will increase substantially our commitment to conservation and alternative energy, enhance our dwindling stocks of salmon and steelhead, and reduce the likelihood that we will ever again face a situation similar to the economic meltdown of WPPSS.

Of course, the task now becomes more difficult. We must implement the plan and the program in good faith. We cannot afford to adopt good plans and then watch while they are unravelled by neglect. The value of these hearings is that they provide an early focus on implementation of the plans so that we resolve differences early and respond to new opportunities for increased conservation of energy and enhancement of our fisheries.

I am especially pleased that the Council was able to adopt its fish and wildlife program. I support that program, as do many of my colleagues including Committee Chairman Dingell who was so instrumental in securing its adoption as part of the Regional Power Bill. We will be working to ensure that BPA and the operating agencies

implement that program in a complete and expeditious fashion.

H.R. 2098

The Bonneville Power Administration Regional Accountability Act was introduced by me on March 15. I am pleased to be joined by Reps. Swift, Wyden, AuCoin, and Williams of Montana as cosponsors. Representative Weaver also supports the concept and has introduced a similar measure. H.R. 2098 is a companion to a bill introduced by Sen. Baucus of Montana. The broad support for the measure from the Pacific Northwest Congressional delegation indicates the need for earlier public involvement in the development of BPA's budget.

Under current law, BPA's budget is submitted to Congress each January as part of the President's budget. At that point, it is a final budget proposal—prepared without any real involvement by the region's citizens and affected interests. Although Congressional hearings are held on the BPA budget, they are conducted in Washington, D.C., without the benefit of careful, independent analysis by the Regional Power Council. Unless Congress specifically disapproves BPA's budget, it takes effect under the self-financing provisions of the 1974 Act. The budget then sets the boundaries of the rate proceedings which follow its adoption.

H.R. 2098 would require BPA to give its draft budget to the Regional Power Council in July. The Council—which has developed an admirable record on public involvement—would conduct hearings around the region and prepare an analysis for Congressional consideration. In addition, the Council would be empowered to propose alternative figures for all or portions of the budget. BPA, while retaining ultimate authority to submit any budget it deems appropriate given other statutory constraints, would be required to respond to the Council's alternative. The Council's analysis, hearing record, and BPA's response—not simply the BPA budget proposal—would all be available for the Congressional deliberations on the budget.

The effect of the bill is to cement a partnership between the Council and BPA in a way that would help to ensure greater public scrutiny of the regional energy budget. The procedure would provide an early warning system for deviations from the regional energy plan. Additionally, it would give the public a chance to join in the search for ways to economize BPA operations.

The bill does not prejudice any party's interest in subsequent rate proceedings. It does not reduce the Congressional power to review and decide on BPA's budget—in fact, it enhances that role by ensuring that Congress will receive more and better information on the budget. It does not duplicate existing budget procedures—in fact, it supplements them by ensuring that the public most affected by BPA will have an early opportunity to be heard. Last, the bill would require only a modest expenditure of funds to achieve all these benefits.

The bill also contains provisions designed to clarify BPA's obligation to implement the regional energy plan and the fish and wildlife program. It requires that BPA develop its budget in conformity with the plan and the program. I am aware that many interpret the current law as ensuring the plan and program must be implemented by BPA. I agree with that position, but some have disagreed. My interest in including this provision is to clarify the matter in no uncertain terms. My view is that the plan and program should be fully implemented unless Congress expressly directs otherwise.

Following the conclusion of my statement, I ask that the Chairman include in the hearing record a sample of letters I have received supporting H.R. 2098 from organizations and individuals.

H.R. 3177

Finally, Mr. Chairman, I am pleased to cosponsor and support the fair ratemaking proposal introduced by Congressman Wyden. It is an admirable effort to control the region's skyrocketing electricity rates and encourage increased objectivity in the ratemaking process. I hope that it—together with my budget accountability measure—can be enacted into law soon so as to provide increased opportunities for citizen involvement in developing the region's energy future.

Thank you for the opportunity to testify.●

WOOD ENERGY MONTH

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. D'AMOURS. Mr. Speaker, September 1983 has been declared Wood Energy Month by the Wood Heating Alliance. Along with my distinguished colleagues, Mr. ALBOSTA of Michigan, Mr. DAVIS of Michigan, Mr. FRANK of Massachusetts, Mr. GEJDENSON of Connecticut, Mr. JEFFORDS of Vermont, Mr. MCKERNAN of Maine, Mr. ST GERMAIN of Rhode Island, Mrs. SCHNEIDER of Rhode Island, Mrs. SNOWE of Maine and Mr. TALLON of South Carolina, I am pleased to endorse this declaration.

Wood is an increasingly important source of energy for our Nation. According to information provided to the Regional Foresters and Directors of the USDA Forest Service, the Forest Service firewood program has grown from a harvest of less than 200,000 cords in 1973 to close to 5 million cords in 1982. As many Members know, this firewood program is virtually free to almost all people since the Forest Service only charges $10 for a permit for harvesting and that minimal charge only occurs in areas of exceedingly high demand. This harvest of 5 million cords meant that the 860,000 people participating in this program harvested an average of almost 6 cords each, which equals a savings of 6,000 gallons of heating oil per person since one cord of wood is the equivalent of 1,000 gallons of heating oil, or a savings of $1.175 million for oil that did not have to be purchased. Although fewer people participated in the 1982 harvest, the number of cords increased substantially since one-half million more cords were harvested in 1982 versus 1981.

The Forest Service expects that this demand for fuelwood will continue throughout the 1980's. At the present time, wood energy is approximately 3 percent of our total energy usage and if the demand for fuelwood continues, this figure could rise to 5 percent, especially if a drastic price increase is seen in the imported oil and fossil fuel areas as occurred in the early 1970's.

I am alarmed, however, as are many other Members, by figures that show a substantial decrease in the number of wood stoves installed in residences. Data suggests that a decrease of almost 50 percent may have occurred in the installation of wood stoves even though almost 2.5 million wood stoves were sold or installed in the 1981-82 heating season. I sincerely hope that Americans are not forgetting the massive heating oil price shocks that occurred in the 1970's for if we do, I am afraid that we will fall back into the same vulnerable position we were in back in 1973 and 1979 when fossil fuel price increases wreaked havoc upon our economy.

We have indeed made progress and must continue the momentum in developing and maintaining alternative and renewable fuels. By using wood partially or fully to heat our homes, we can reduce our vulnerability to future oil and gas price shocks. In New Hampshire, almost 54 percent of the residences heat their homes either partially or fully with wood energy. This has translated into a tremendous savings in the number of gallons of home-heating oil that we have not had to import.

The "Wood Energy Month" campaign of 1983 focuses on continuing to promote the use of wood as an alternative heating source as well as encouraging the safe use of wood-burning heaters. The Consumer Product Safety Commission recently adopted a new regulation requiring safety labeling on all wood stoves sold in the United States and this campaign will help further the goals of that regulation so that the American public will be further protected from accidental fires.

We must use our influence to encourage the safe use of wood as an alternative energy source. I urge every Member of Congress to join with me in this campaign and to endorse and support September 1983 as "Wood Energy Month."●

FREEZING AT SCHOOL

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. MICHEL. Mr. Speaker, the effort of the National Education Association (NEA) and the Union of Concerned Scientists to brainwash American children through profreeze instructional material is a scandal. If a new right pressure group did the same

thing, the screams and howls of dismay would be heard for miles. But when the NEA, one of the mainstays of the Democratic Party, and a bunch of self-appointed concerned scientists decide to propagandize our children, the silence is deafening.

At this point, I wish to include in the RECORD, "Freezing at School" by Cord Meyer from the Washington Times, June 17, 1983, and a letter to the editor of the Washington Post from Senator BARRY GOLDWATER, June 18, 1983.

The material follows:

FREEZING AT SCHOOL

(By Cord Meyer)

A high official in President Reagan's Department of Education, Gary Bauer, achieved instant notoriety last week when he charged the National Education Association with "Lefist indoctrination aimed at turning today's elementary students into tomorrow's campus radicals."

At a time of increasing public awareness of the need for higher teacher salaries, the NEA as a professional organization representing 1.7 million high school and elementary teachers needed this accusation like a hole in the head. Indignantly denying any propaganda purpose in it 144-page teacher's guide on nuclear war entitled "Choices," an NEA official claimed "everyone worked to keep political bias out of it."

Funded as a joint project by the Union of Concerned Scientists in cooperation with the NEA and the Massachusetts Teachers Association, "Choices" was first taught on a trial basis by 47 selected teachers last year. Consisting of 10 lessons on the danger of nuclear war and what can be done about it, the first draft was then corrected to remove the most obvious evidence of bias.

The final version of "Choices" was published in April and made available to teachers throughout the country for use in the 7th and 8th grades. Ever since there has been a rising tide of controversy.

A careful reading of the 144 pages of instructional material in an effort to answer this question is both revealing and disturbing. To an extraordinary extent, nuclear weapons themselves are portrayed in all their vast destructive power as the main threat. The action-reaction cycle of the arms race is seen to be what endangers peace. It follows that the first priority is to freeze, ban or control nuclear weaponry and to reduce suspicion by compromise, negotiation and concession.

In order to drive home this primary lesson, students are exposed to horrendous descriptions by Hiroshima survivors of what happened and asked to plot on maps of their own towns the concentric circles of destruction that would be caused by modern missiles. Combined with harrowing descriptions of the long-term effects of radiation sickness, these true horror stories are designed to impress on the adolescent mind that war is no longer a rational undertaking.

But almost completely absent from this tract is any discussion of the strategy of deterrence based on military strength through which successive American presidents have successfully sought to prevent the outbreak of nuclear war.

Throughout these pages, the Soviet union emerges as a shadowy and insubstantial presence. It is described as having suffered many more casualties than the United States in World War II and as being surrounded on its borders by "some unfriendly countries," as if the Afghans and the Poles were to be blamed for their hostility.

There is a brief mention of the Soviet takeover of Czechoslovakia but no mention of what happened to the rest of Eastern Europe. The student is given no understanding of the Soviet one-party police state and is encouraged to write both the Russian and American governments as if they were equally responsive to public opinion.

The biased and one-sidedness of this presentation comes through most clearly in the last lesson. A long list of agit-prop activities is suggested for students who have finished the course, such as "Write your representaties and senators and ask their views on SALT, START, Freeze and No First Use."

As Albert Shanker, the president of the 600,000-member American Federation of Teachers, has pointed out, "Teachers have a special responsibility to be balanced and fair." To minimize the damage, the NEA has a chance to withdraw "Choices" from the schools by vote of its annual convention this month and to replace it with an objective presentation of the policy options facing the United States.

On April 5, an editorial entitled "Political Teaching" appeared that was critical of the National Education Association's publication for junior high school students. I am more than alarmed by the numerous inaccuracies within this publication. I am outraged to read that the highly debatable question on nuclear superiority between the United States and the Soviet Union has been resolved by this publication—with the United States ahead of the Russians. Under our present state of military preparedness, I am very sorry to report, flatly, that this is just not true. Our nation currently finds itself in one of its most critical peacetime situations. While we have underfunded national defense for several years, the Soviet Union has continued an unrelenting buildup.

It is most interesting to note that a publication with the title of "Choices" heavily favors one choice, namely, a nuclear freeze as "the means" to avoid a nuclear war. Believe me, no one wants a nuclear war. Believe me, no one wants a nuclear conflict. I have carefully reviewed all of the proposals for a freeze on nuclear arms and have found them wanting for several reasons. The "bilaterial freeze" defined on page 67 of the publication sounds great on paper, but the students do not have the benefit of any background information unless they decide to read a very brief article in the appendix on the arms control debate. The impact of a freeze at current levels would leave the United States in a position of military disadvantage and prevent us from taking the necessary steps to reduce our vulnerabilities. Also, important aspects of the freeze would be virtually impossible to verify, which would leave us with considerable uncertainty about Soviet compliance.

In this publication, students are led to believe that Soviet compliance is forthcoming if an agreement is reached. Well, I believe in the premise of "knowing one's enemies." I find it disturbing that another failure of this publication is that it did not mention the numerous acts of the Soviet aggression on its own people and neighboring countries. An incomplete list of Soviet invasions is simply stated without benefit of descriptive accounts of the human suffering and bloodshed that resulted. Even a quick study of Soviet behavior leads me to question their willingness to comply.

It is hard for me to believe that the cause of peace is served by misinforming and frightening our youth. If this NEA publication was truly an educational tool, it would present both sides of the case giving equal weight to each viewpoint. As it stands, it is nothing more than a shrill, one-sided exponent of unilateral disarmament.

In closing, I cannot help repeating my strong beliefs that educating our youth in the basics and helping them to know and understand themselves is a far better use of their time and energies. Can this unit on nuclear conflict be justified in light of the facts that teen-age drinking, teen-age drug use, and teen-age pregnancies are on the rise at an awesome rate. It seems to me that these are the pressing problems facing our youth today. Teen-agers at all economic levels are turning to harmful alternatives in order to cope with their world. Do they have to cope with this educational indoctrination, too?●

THE NUCLEAR FREEZE RESOLUTION

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. GRADISON. Mr. Speaker, I take this occasion to share with the House the views on the nuclear freeze resolution of our former colleague Gordon H. Scherer, who represented the same area I now have the honor to represent. Mr. Scherer's many friends in the House will be glad to know that he is recovering from his recent illness and that he maintains a keen interest in issues of importance to this country, especially those concerned with our national security.

The article follows:

[From the Cincinnati Post, May 4, 1983]

OUT IN THE COLD

(By Gordon H. Scherer)

Dealing with the ever-increasing number of Soviet agents being expelled by governments throughout the world, and the letter by the Catholic Bishops urging that the President immediately freeze development of nuclear weapons—prompts me to speak out as forcefully as I can on this life-and-death issue.

I suffered a stroke last year and have just now been released from the hospital following a heart problem. In spite of the fact that my doctors have warned me to avoid controversy, I am impelled to warn my fellow Americans that it is "a quarter of twelve midnight" for this country.

I had the privilege of being a member of the House Committee on Un-American Activities while I was in the Congress, during the time of the cold war, when Communist infiltration and subversion were on the "front burner" in this country.

Axiom no. 1, which is accepted by almost everyone, is that "world domination" is the sole and driving objective of Communism. If not checked, only time will delay its accomplishment by the new method or weapons of warfare, namely, infiltration and subversion of every institution of American life, including, but not limited to, industry, labor, utili-

ties, the family, our schools, and the churches.

I will explain here by just one of a thousand examples the point I make. The Marxists, in the very beginning, recognized and understood that religion was so deeply embedded in the hearts and minds of the people that, in order to gain control of the masses, it would be necessary to weaken and then destroy religion, including the Catholic religion, and replace it by the Judas coin of Communism.

Most people do not realize that there are two sides to the coin of Communism. The top side is an attractive and exciting political and economic philosophy—a new way of life for the down-trodden and poverty-stricken of the world—attractive to many intellectuals. World-wide Madison Avenue tactics have sold it to millions of people who were hungry and looking for its promised panaceas. You cannot fault the under-privileged if they were attracted to Communism.

But what about the other side of the fraudulent coin of Communism—a conspiratorial apparatus—the arm of a foreign power—operating in the United States by deceit, treachery, infiltration, subversion—to weaken and eventually destroy the institutions of our society and of other free world countries?

I was disheartened by those who would weaken or strip from us the weapons of defense, including Members of the Congress—well-meaning but who appear to have lost their reasoning abilities—using their position in an attempt to tie the hands of President Reagan—to weaken, to destroy our ability to defend ourselves and the rest of the free world from the continuing march of the Communist Bloc toward world domination.

I am not a Catholic, but during my years as a member of this committee on Un-American Activities of the Congress, fighting the Communist menace, I had the dedicated support of the Catholic Church and its clergy.

I am particularly saddened and amazed at the Catholic Bishops and their widely-publicized letter. It has given impetus to the Soviet battle to successfully subvert, dominate, and control one nation after another. I learned to my utter dismay that the liberal governing board of the National Council of Churches, at its meeting in Chicago, endorsed the Bishops' letter and praised their courage in urging a new theology of peace which views nuclear war as a sinful confrontation with God. This action I condemn.

Early the Communists recognized that the discipline of the Church and religion had to be destroyed before both sides of the Judas coin of Communism could succeed. They soon found that religion was so deeply imbedded in the hearts and minds of the majority that they eventually started a frontal assault on the churches, and initially against the Catholic Church because of the loyalty of its members to the Church. These are the people for whom the Bishops now attempt to speak. How can the Bishops now forget the imprisonment of the Catholic clergy and priests in Russia, the confiscation of Church property, the harassment and persecution of its people who made every effort and sacrifice to preserve the institution of the Church and its mission?

I don't believe the majority of my Catholic friends and supporters of yesterday—who understand the warning in this article—would agree with the philosophy and objectives set forth in the Bishops' letter.

Every individual—Catholic, Jew, Protestant, Mohammedan—understands by now that a nuclear war would be the horror of horrors. Its results would be such that no people, on either side of the Iron Curtain, could stand or perhaps survive.

Axiom no. 2 is that to prevent the aggressor from succeeding, partially or wholly, it is necessary for the President of the leading nation in the free world to have the unanimous support of his people, along with sufficient arms strength to cause a potential aggressor at least to think twice before he continues his mad course toward world domination.

If the support and weaponry strength are allowed to be weakened, our President even loses his position to negotiate with the aggressor effectively and with any hope of success. If the superiority of power and weaponry on the part of the aggressor is overwhelming, some will say—and rightly so—that the United States and its allies, realizing the horrors of nuclear war and the superiority of the aggressor would be compelled to throw in the towel and submit to the aggressor. This course might avoid a nuclear holocaust. There are those who would argue that it is better to live, even under the domination of Communism.

The people willing to follow such a course are among those who are shackling the President.

I do not believe the majority of the people of the free world—after seeing what happened to Poland and Afghanistan, and dozens of other countries of the world—would be willing to follow such a course.

Frankly, the only course—and I hope not too late—is for us to make a superhuman effort to attempt to eliminate the causes of war from the hearts of men—the lust for power, greed, envy, hatred—and establish the elements of the Golden Rule.

That may sound like "Pollyanna" thinking, but this is the basic, the fundamental mission of religion and the church leaders. To date, they have failed. However, they cannot be held totally responsible for such failure because we have never been able to eliminate the lust for power, greed, hatred, and envy in the hearts of men. There will be no end to war, nuclear or otherwise, until a majority of mankind succeeds in driving from the hearts and consciences of men the lust for power, domination, envy, greed, and hatred—the "satans" of the universe.

When, if ever, this millennium occurs, then and only then will we have the peace for which all people pray.

This should be the primary goal of all men of good will, particularly the churches and their clergy. In the meantime, we must be armed with the most effective weaponry to save the free world from Soviet Marxist domination.●

PERSONAL EXPLANATION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. McDONALD. Mr. Speaker, on Thursday, June 16, 1983, I regrettably missed a recorded vote due to a commitment to deliver a commemorative speech. Although I received a live pair on the amendment, I would like to take this opportunity to indicate that if I had been present, I would have voted against the amendment to decrease the authorization for missile procurement by $432.8 million and prohibit the use of authorized funds for the Pershing II missile system. This was rollcall No. 202.●

SEVERE COSTS OF REAGANOMICS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Ms. KAPTUR. Mr. Speaker, the administration has not leveled with the American people about the severe costs of Reaganomics. The President and his spokesmen have issued pious statements attesting to the equitable distribution of the benefits of their misguided program. They suggest that low-income Americans have not borne the burden of its budget and tax policies. But we know that statistical juggling and graphical misrepresentations cannot mask the fact that one of the central consequences of the President's policies is income has been more unevenly distributed between rich and poor. The harsh social program cuts have inflicted pain and sacrifice on the poor while the wealthiest members of our society have made off like bandits.

The affluent have received income tax cuts of 10 percent last year and this year and another 5 percent in July (unless the Congress says "enough" to the latter) and inflation-indexed cuts forever. Among other benefits, the wealthiest got their tax rates cut to 50 percent from 70—and received a sizable cut in capital gains taxes. The largest corporations got exorbitant breaks from liberalized depreciation rules, tax-rate cuts, and leasing gimmicks. Yet, in his recent testimony to the congressional Joint Economic Committee, David Stockman persisted in portraying fiction as reality. He once again insisted that the Reagan program has been fair. Robert Greenstein, the director of the Center on Budget and Policy Priorities, a nonprofit, foundation-funded research and analysis organization which has published excellent studies on the impact of the Reagan budget and tax policies, has offered a coagent refutation of Mr. Stockman's statement.

The bottom line, Mr. Speaker, is that when we sift through the shibboleth put forth by Mr. Stockman and the White House public relation office, we find that Reaganomics has dismally failed the fairness test.

What follows is Mr. Greenstein's article from the June 19 Washington Post which I commend to my colleagues. It is time for Congress to reverse Reaganomics.

[From the Washington Post, June 19, 1983]

STOCKMAN IS STILL COOKING THE NUMBERS: NOW HE WANTS US TO BELIEVE REAGAN IS FAIR

(By Robert Greenstein)

David Stockman is at it again.

After he confessed to rigging the computers in 1981 to make the prospective Reagan deficits shrink, one would have thought that the budget director had had his fill of numbers juggling. But it was not to be. This time, of all things, Stockman has been fiddling with figures in the hope of demonstrating how fair the Reagan administration really is in its treatment of rich and poor.

Stockman unveiled his latest statistical wizardry before the Congressional Joint Economic Committee last month. He came fully equipped with charts, each to illustrate a remarkable assertion.

Claim 1: The poor have been affected only marginally by Reagan administration budget cuts. Indeed, if all of its proposed cuts for fiscal 1984 were enacted, Stockman contended, low-income benefit programs (food stamps, Medicaid, low income housing, child nutrition, Supplemental Security Income and Aid to Families with Dependent Children) would still be reduced only 5 percent below the levels sought by Jimmy Carter.

Claim 2: Large parts of programs for the needy weren't serving the poor anyway. Before the Reagan cuts, Stockman maintained, more than two-fifths of the benefits of low-income programs went to families with incomes exceeding 150 percent of the poverty line.

Claim 3: The wealthy really were not the big winners in the 1981 tax-cut act. In fact, he asserted, they had received less than 1 percent of the benefits.

It was an impressive performance, even if it was based on some peculiar evidence.

Start with Stockman's contention that actual spending for low-income benefit programs in fiscal 1982 and 1983—plus Reagan's proposed spending for fiscal 1984—is only 5 percent below the levels sought for these years in the last Carter budget.

Here Stockman has deftly made use of the high unemployment experienced under the Reagan administration in an effort to bolster his case. The costs of a number of these basic benefit programs vary with unemployment levels—when more people are out of work, the number of households qualifying for the programs multiplies and program costs rise. By one estimate, for example, food stamp costs rise about $600 million for every percentage-point increase in the jobless rate.

The Reagan budget numbers Stockman cited reflect the impact of 10 percent unemployment on the costs of these programs. By contrast, the Carter budget numbers used by Stockman were calculated back in 1981, based on projections that unemployment would average only about 7 percent in the 1982-84 period. The result: Stockman was able to use the additional costs in the Reagan budget stemming from higher unemployment to make Reagan's spending levels look closer to Carter's—thereby making the Reagan cuts appear smaller than they actually are.

Stockman was not content to stop his strange comparison there. Further manipulations occurred when he adjusted the Carter and Reagan budgets for inflation, converting both to "constant 1981 dollars."

To do this, Stockman adjusted downward both the actual Carter and the actual Reagan budget numbers of 1982, 1983 and 1984. He reduced the projected Carter spending levels for 1983 by 16 percent—since the Carter budget had projected that prices in 1983 would be 16 percent higher than in 1981. And he adjusted the Reagan numbers for 1983 downward by just 10 percent—the inflation level for 1981-1983 reflected in the Reagan budget. Since the Carter numbers were reduced by larger percentages than the Reagan numbers, this made Carter spending levels appear smaller in relation to Reagan's.

To be sure, such adjustments are valid in most cases—but not for two of the major programs, Medicaid and subsidized housing.

Medicaid budgets are based on projections of inflation in health care costs rather than on projections of the overall inflation rate. When you do the proper inflation adjustment—using health care costs rather than overall inflation—you discover that the Reagan Medicaid cuts are about $2 billion deeper for the 1982-1984 period—or more than double what Stockman indicated.

Equally egregious was Stockman's manipulation of the housing numbers. A substantial portion of federal outlays for subsidized housing consists of fixed costs under long-term contracts for construction or rehabilitation. These costs do not vary with inflation any more than a homeowner's fixed monthly mortgage payments do. Stockman had no business adjusting these fixed costs for inflation. However, Stockman adjusted these costs anyway, and reduced the fixed payments in the Carter housing budget by a greater percentage than he reduced the identical fixed payments in the Reagan budget.

This bit of legerdemain made it appear that Ronald Reagan—whose administration has cut billions from new appropriations for subsidized housing, raised rents for all 3.5 million families and elderly persons living in subsidized units, and reduced the number of new low-income housing units being constructed or rehabilitated by more than half—actually spent more on these programs over the past two years than Carter would have.

Finally, Stockman simply failed to mention that the last Carter budget included a number of proposals for cuts (although of a much smaller scope than Reagan's) in most of these same programs. By comparing Reagan's spending levels only to Carter's proposed levels—Stockman produced numbers that did not reflect the full dimension of the cuts enacted in the past two years.

How significant are Stockman's manipulations? A new Congressional Budget Office analysis shows that as a result of the last two years of budget reductions, fiscal 1983 expenditures for the low income benefits programs were cut $5.2 billion below what they would have been had no changes been made by Congress. Stockman's chart, however, showed a reduction of only $1.7 billion. In other words, Stockman made two-thirds of the Reagan cuts disappear.

The administration's reduction, of course, would have been far deeper had all of its proposed cuts in aid to the poor been enacted. While the Administration succeeded in 1981 in getting nearly all the cuts it sought in low income benefit programs, it did less well last year. Of $20 billion requested last year in further cuts in these programs for the 1983-1985 period, Congress agreed to less than $4 billion.

Among the reductions rejected outright were administration proposals that would have doubled rents over several years for some of the poorest families living in subsidized housing, ended or reduced food stamps for more than 90 percent of the elderly who receive them, and sliced 700,000 low-income pregnant women and children from a food supplement program that has been proved to reduce infant mortality.

So much for Stockman Claim 1.

Next, Claim 2: that large chunks of benefits have been going to persons far above the poverty line. Indeed, Stockman maintains that before Ronald Reagan came to the rescue, average workers were being taxed to bring welfare families up to virtually the same standard of living as themselves.

Specifically, he contends that in 1981, 42 percent of all benefits in these programs went to families over 150 percent of the poverty line, and that 150 percent of the poverty line for a family of four that year was $13,390—or 92 percent of the median annual income for employed workers.

The misuse of statistics is particularly striking here. First, Stockman has compared 150 percent of the poverty line for a family of four ($13,390) to the median income for an individual worker. Sorry, but you can't do that. The real numbers go like so: The median income for a family of four in 1981 exceeded $26,000—not $13,390—and 150 percent of the poverty line is about half—not 92 percent—of the median income for a comparably sized family.

Then Stockman counted as part of the income of program beneficiaries the value of health insurance coverage provided by Medicaid and the benefits from living in subsidized housing—but he did not include in his median income figures for workers either the comparable fringe benefits for employer paid health insurance or the tax subsidies for mortgage and medical payments that many middle-income families receive. This makes for a neat comparison of apples and oranges.

When you do these comparisons properly, you find that the income and benefits of those participating in the federal programs were far below the living standards of average American families—even before the Reagan budget cuts took effect.

Nor is Stockman's claim valid that 42 percent of low-income benefits went to families over 150 percent of the poverty line. While these figures are derived from Census data, Stockman misuses the evidence in ways that the Census Bureau itself warns against.

Drawing on the Census Bureau's work, Thomas C. Joe, a former Nixon administration welfare expert who now directs the Center for the Study of Social Policy, has prepared a devastating critique that shreds Stockman's claims on this issue.

A number of Stockman's "high-income" families were actually unemployed and receiving federal benefits for just a few months in 1981. Once back to work, they stopped receiving aid. But Stockman's figures reflect families' incomes for all of 1981 (rather than just for the months they actually received benefits), which enables Stockman to count many of these families as "high income" beneficiaries. The Census Bureau explicitly warns about this problem in the data, but Stockman ignored the admonition.

Simarilarly, the Stockman data distort income patterns when the composition of a household changes. The data attribute to households the income earned during the entire year by persons who were household members for only a small part of the year. Yet the absence of households members for part of the year (especially deserting fa-

thers) may be the very reason that the remaining family members needed aid. The Census Bureau warns about this, too, stating that the data "may not always reflect the true economic status of the household during the year."

In short, the numbers Stockman uses have a major impact in exaggerating the number of high-income households receiving aid. When those distortions are removed, the picture is quite different. For example, Agriculture Department evidence that is free from these distortions shows that no more than three-tenths of 1 percent of food stamp benefits in 1981 went to families whose cash incomes exceeded 150 percent of the poverty line during the months they received food stamps.

While these manipulations are disturbing, Stockman's numbers-juggling reaches its zenith in his description of administration tax policies.

The wealthy, according to Stockman, received all of their tax cut when the top tax rate was lowered from 70 percent to 50 percent. Since this change constituted less than 1 percent of the tax benefits from the 1981 tax act, Stockman tells us, the wealthy ended up with less than 1 percent of the largesse and can hardly be described as the prime beneficiaries.

These startling conclusions contrast sharply with the findings of virtually every independent study of the 1981 tax act. The Joint Congressional Committee on Taxation, for example, found that the wealthiest 5 percent of taxpayers would gain 35 percent of the benefits from the tax act. Congressional Budget Office studies have shown that in fiscal 1982 through 1985, the tax and budget changes enacted under the Reagan administration will take more than $20 billion in benefits away from households with incomes below $10,000 a year—while increasing the after-tax incomes of those making more than $80,000 a year by $64 billion.

How did Stockman get such different results?

First, his claim that lowering the top rate represented all of the tax cuts for the wealthy is nonsense. He simply ignores the plethora of new loopholes and expanded tax breaks incorporated into the 1981 act, such as the changes in estate taxes, IRA's and Keogh's, the All Savers Certificate and dividend reinvestment.

Second, Stockman carefully limited his definition of the wealthy (without informing his audience) to the top two-tenths of 1 percent of all taxpayers, those with incomes of more than $200,000 a year. This suited his purposes admirably: With so few taxpayers defined as wealthy, their aggregate tax benefits would not look so large. The sizable tax benefits going to the much larger number of taxpayers in the $50,000-$200,000 range were simply excluded from his calculations.

Moreover, Stockman omitted the fact that the elite group he did define as wealthy received, on average, a whopping $22,000 apiece just from the changes in tax rates—before even counting the new tax shelter opportunities. Ronald Reagan himself saved $90,000 on his taxes last year because of the 1981 act. His after-tax income went up almost as much as if his salary had doubled.

The final part of Stockman's tax presentation was an attempt to discredit independent studies showing that those with high incomes received very large tax breaks. The problem with the studies, Stockman declared, was that for the wealthy, tax gains or losses stem less from rate changes (which the studies focused on) than from changes in the extent to which income is diverted into tax-free investments (which most of the studies did not treat).

Stockman's implication was that by reducing the top rates, tax shelters were being made less attractive—and that declining use of shelters would reduce the gains for the wealthy below the levels cited in the studies.

While lowering the top rate may, by itself, reduce the use of shelters, Stockman again failed to disclose all of the facts: The 1981 act created so many new shelter opportunities that use of shelters has exploded despite the reduction in the top rate.

Use of syndicated shelters grew 12.5 percent in 1982, far more than the rate of inflation. Moreover, preliminary data indicate that for the first quarter of this year, syndicated tax shelter use is up 50 percent from the comparable period last year. The burgeoning use of shelters, which confer the preponderance of their benefits on the affluent, suggests that tax benefits for the wealthy from the 1981 act are likely to be larger—not smaller—than previous studies and analyses have indicated.

Finally, there is the question of purchasing power. A favorite Stockman (and White House) theme is that the average American's purchasing power has increased sharply during the Reagan presidency because inflation has come down so much. Purchasing power, however, is not determined solely by prices—but by the interaction of prices and wages.

What the administration has failed to say is that wages have come down about as much as prices, leaving the average American with virtually no gain in real purchasing power.

What is widely regarded as the best measure of purchasing power—the Commerce Department's index of real per capita personal disposable income—shows that purchasing power under Reagan has increased at an annual rate of only four-tenths of 1 percent. This is well below the average rate of increase under every other president for the past 30 years.

The growth in purchasing power that did take place in the Reagan years occurred primarily from January 1981 until August 1981—before the Reagan economic program took effect. Since, August 1981, when the Reagan tax and budget program was enacted, real per capita personal disposal income has declined. The average American's standard of living has fallen since the Reagan administration's program was enacted.

Stockman's manipulation of the numbers makes rational debate on these spending issues more difficult. But perhaps most significant is the new dimension that Stockman has added to the much-discussed "fairness" issue.

For what can raise more basic questions about whether this administration is fair than when one of its principal officials—with access to data, staff and resources that few others in this town possess—utilizes this power to rig the terms of the debate and misrepresent the nature of his administration's policies.●

BALTIC FREEDOM DAY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. FORD of Michigan. Mr. Speaker, I can think of no better way to salute the proud people of Estonia, Latvia, and Lithuania than with the verse of their countryman, Lithuanian poet Antanas Gustaitis. Forty-three years ago the Soviets took away the sovereignty of the Baltic Republics, but the strength and spirit of these nations lives on untouched. A poem I read recently, "The Lecture," reflects that spirit. The poet, Gustaitis, advises that, "Men should carry all men in their hearts." Today we do that. Today we remember the struggle of all Estonians, Latvians, and Lithuanians and carry their courage in our hearts.

THE LECTURE

(By Antanas Gustaitis)

One unassailable truth of this world:
All that was yesterday won't be back;
With the loss of many a foe and friend,
The wallet is lean, yet ample with fat.

The table surrounded by empty chairs,
The heights of the great reduced to mounds
You, have eaten your fellow man,
Reason on such philosphical grounds.

Since we are consumed by the jaws of time
With mammon, war, and career like this,
Men should carry all men in their hearts,
Sometimes proving that they exist.●

SENATOR MATHIAS SPEAKS ON AMERICAN/EUROPEAN PARTNERSHIP

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. KASTENMEIER. Mr. Speaker, at a recent Salzburg American-German seminar in Salzburg, Austria, sponsored by the Association of Former Members of Congress, Senator CHARLES McC. MATHIAS of Maryland presented a congressional perspective on the American/European partnership.

In his address to Members of the U.S. Congress, the West German Budestag and former Members of both bodies and distinguished foreign policy experts, Senator MATHIAS assessed the strengths that bind the Atlantic Community, the divergences that threaten our common commitment, and the risks and challenges that lie in the future. His message, that we must have cooperation within the Atlantic Community for a collective defense and extensive commerce and a new improved relationship with the Soviet Union, built upon common economic interests, was enthusiastically en-

dorsed by all those present and was, in fact, the keystone of the conference.

I recommend the remarks of Senator MATHIAS to my colleagues. They state clearly and unequivocally the importance of the relationship between the United States and our Atlantic partners and the need to move in harmony toward common objectives.

AMERICA AND EUROPE: A CONGRESSIONAL PERSPECTIVE BY SENATOR CHARLES MCC. MATHIAS, JR., AT THE SALZBURG, AUSTRIA, AMERICAN-GERMAN SEMINAR

In the midst of the Williamsburg Economic Summit, I thought it would be appropriate tonight to take a look at the health of the Atlantic Alliance and of our relations with Europe.

We must begin by acknowledging that the Atlantic Community is cemented by something more than its members' mutual pledge to aid one another in the event of attack. That promise, of course, is fundamental. It has helped us all to keep the peace in Europe. But while it is at the heart of our relationship, it is not the soul of our alliance.

The pact we concluded a generation ago is more than an arrangement for collective military security. It is defensive in the sense that it threatens no aggression, but it is also forward-looking. We came together, in the words of article two of the North Atlantic Treaty, to "contribute toward the further development of peaceful and friendly international relations." We undertook to do so, "by strengthening free institutions . . . and by promoting conditions of stability and well-being." In effect, we embraced not a narrow, static view of our responsibilities but an activist, expansive vision of our opportunities.

We not only rebuilt old nations devastated by war, we also built new institutions—the OECD, GATT, the World Bank and International Monetary Fund, the European Community—to cultivate economic growth and to strengthen the world against fresh upheaval. At the beginning of our alliance we thus forged a sound balance between the demands of defense and the promotion of prosperity. We invested in swords and in ploughshares, in deterring war and in securing peace.

For about 20 years the two complementary strategies carried us forward with considerable success. But over the last decade or more not only has our momentum slowed; our paths have also diverged, less within NATO than outside its sphere, but substantially in both areas.

There are many explanations for what has happened. The achievement of nuclear parity by the Soviets and America's long tragic involvement in Vietnam upset many calculations of military and political strength. The oil "shocks" of 1973 and 1979 overthrew just as many long-standing economic assumptions. And the prolonged international recession of the last few years has sapped much of our confidence in ourselves and each other.

Such developments—I have mentioned only the most obvious—have had a profound impact on our present condition and on our expectations. Yet our responses to them have too often been shallow, improvisational, a kind of running to stay in place. It has sometimes seemed as though we were trying to prove Hegel right in his judgment that "amid the pressure of great events, a general principle gives no help".

I do not agree. It is prescisely when events press us most strongly that we should seek help in general principles. And the rule to which I believe we must recommit ourselves is the one which makes growth our first order of business as nations and as allies.

Perhaps a closed society can succeed for a time in denying its subjects scope for their aspirations. Such a system, however, cannot both restrict choice and mobilize creative energy. Even an empire as vast and rich as the one Moscow rules can show signs of stagnation when it fortifies itself so tightly against change that it stifles curiosity, expression and experiment.

For different but equally strong reasons, democracies must constantly seek to widen citizens' horizons. The governments of the Atlantic Alliance can weather short periods of austerity but not indefinite postponement of economic and social progress. We are like cyclists on a high wire who must keep their momentum in order to retain their balance. For us, stability can only be guaranteed by forward motion.

Obviously, our expansion can no longer be territorial. Nor is it likely to be propelled by newly discovered reserves of raw materials. Ingenuity is the resource we will need most and the one ingredient of growth which, happily, exists in unlimited supply. Our task is to insure a setting which best stimulates our inventive skills—a political, social, economic universe which brings us great challenges and leaves us the greatest possible freedom of action for response.

In a physical sense that universe already exists, but it is less a single system than an arrangement of three, uneven and uneasy galaxies. The nearest to us and the brightest holds the advanced, industrialized Western democracies. The largest—at least in terms of population and unexploited potential—is over the southern horizon. And to the East, under a red star which casts a distorting light, stretches the third expanse, the Communist states of Europe and Asia.

We cannot change the geography or history that has made these three entities separate and unequal. But, we can do more to prevent them from colliding with one another. We must do a great deal to build broader, more stable and more productive connections against them so that, obliged to coexist, they also come to cooperate.

Cooperation has to begin at home. Within the Atlantic Community no single nation, not even the United States, is large enough or rich enough to prosper alone. We could, perhaps, subsist in isolation, but we could certainly not feel or be secure without both collective defense and extensive commerce.

This reality has guided our alliance for more than three decades. It should not be in dispute today. There is no escaping our reliance on one another. There is no honorable alternative to mutual support.

Yet there are powerful interests acting now in defiance of this precept. Some seek economic refuge in protectionism. Some pursue illusions of peace—peace to be gained by rejecting necessary measures of collective defense or peace to be imposed by overwhelming investments in arms.

Whether American or European, whether protectionist, pacifist or unilateralist, they are linked by a common error. They deny the stubborn, uncomfortable fact of dependence in the belief that it is feasible for one nation either to control the conduct of others or to immunize itself against that conduct. Their faith is misplaced. To follow them in it would be foolish, perhaps even suicidal.

Not to follow them, especially the strongest domestic economic pressure groups, will also be difficult. Some of these interest groups hold not only deep convictions but significant political power. They exert great influence, and, in many cases, their strength is now enlisted against change, in favor of policies which point us toward stagnation.

We must, therefore, be more persuasive in preaching the gospel of growth. The governments of the alliance must convince their citizens and the organizations which represent them that the pain of adjustment today will be offset by the rewards of expansion tomorrow.

To make that message plausible in each country, we must make it applicable in all. American industrial workers, to take one example, will not easily forgo new shields for themselves unless they see Europeans and Japanese dismantling old trade barriers of their own. Those who make concessions will expect fair treatment in return. Sacrifice by consent will have to be sacrifice in common.

And just as we must share in bearing the consequences of a free international market in goods and services, we must also coordinate the efforts we take to stimulate our internal markets. The OECD nations are each others' best customers as well as strongest competitors. In setting monetary policy and in managing demand, they must also become closer partners so that they do not rob each other of the capital needed to invest in creating new employment. We cannot put men and women back to work on one side of the Atlantic if unemployment remains so high on the other that increased output finds no buyers.

By advancing these propositions in so summary a fashion, I do not mean to suggest that there are easy answers to our economic problems. Quite to the contrary, the industralized West faces a period of wrenching structural change in the work we do and the skills and organization we need to do it. My point is simply that we cannot negotiate separate passages through this storm. Nor can we try to wait it out by seeking a quiet harbor in which to shelter. We have to sail in convoy and speed up our engines to maintain a steady course toward growth.

The expansion we want at home must be engineered to include expansion in the third world. Again, we must coordinate our actions, both the rescue operations of the international financial institutions where we have already begun well and the long-term, public and private effort to invest in building stronger foundations for sustained growth in the developing countries. It is not a matter of pouring good money after bad or of shielding unwise Western bankers from the consequences of their actions. Even if that were among the results, our purpose would still be the same—to head off disaster because our common salvation lies in a growing, not a shattered, world economy.

And what of our relations with the Communist system in a period of such significant strain on our resources and political will? With our house in disorder can we expect our adventurous rivals to do anything but gloat and move to take advantage of our distraction and distress? Much of the answer to that question depends on the speed and resolution with which we move. But what is a crisis for the West is not a pure opportunity for the East. In fact, the Communist world if off-balance as well, and from our simultaneous confrontations with new dangers, we might—I am not overly op-

timistic—but we might be able to fashion an improved relationship.

All we can say with assurance of the Soviet Union is that its new leaders face some fundamental choices, policy decisions long deferred by the political sclerosis of Brezhnev's last years. We cannot say what those choices will be or even how soon they will be made. But I believe we would be right to be skeptical of the lasting benefits the regime can gain from its current drive for discipline. It is hard to make a whip into a bootstrap. It may be possible to get workers to report to their jobs on time, but as the growth of the available workforce slows, as the industrial machinery ages dramatically, as raw material becomes harder to exploit and costlier to transport and as hard-currency earnings from energy exports decline along with the drop in OPEC prices, even the sloganeering economic forecasters of Moscow must be adjusting to bleak realities.

Soviet leaders must also seek growth, even if not quite to the same degree as their western counterparts. While I do not doubt their continued willingness to stir up trouble abroad, I cannot imagine that the Soviets have earned anything but economic deficits from their adventures over the years in the Caribbean, Asia and Africa. I would not like to have to pay their bills in Cuba, Vietnam or Afghanistan. Nor would I volunteer to assume their subsidies in Eastern Europe. And I would be surprised if, given a choice, Moscow would opt to foot increased bills for their clients when a more vigorous and open international economic system could decrease some of those drains on their reserves.

The question is whether or not we in the West can offer the Communists such an alternative. If we believe that their system is nearing collapse—and I do not—we might wish to hasten its self-destruction, although the accompanying explosions could bring a fallout far dealier than yellow rain on us as well. If we assume, however, that the Soviet Götterdämnery is neither imminent nor inevitable, now may be a better time than most to seek a new framework for cooperation built on common economic interests.

The United States made such an offer to the East at the launching of the Marshall Plan, in the heated atmosphere of the early cold war. Stalin rejected the proposal, and Andropov may still not be willing to pay the price—a genuine opening of economic accounts and of political intercourse—that any effective cooperation between our market system and their planned, controlled one would require. We will not know his answer, in any case, unless we seek to elicit it. We cannot know where that road would lead the East and the West until we try to travel it.

For too long we have concentrated political communication with the Communist powers on questions of arms control or restraint in the Third World or human rights. These are vital matters, but the dialogue tends to be held in an atmosphere that stimulates propaganda and paranoia more than progress. Were we to broaden our exploration of mutual interest to include the possibilities of expanded commerce, we would at the least be opening a different set of contacts, a path away from confrontation.

I do not overestimate the prospects for productive relations. I do not underestimate the difficulties in the way of coordinating a western approach to such an undertaking. And I do not believe that we can long maintain an arrangement which asks the United States to concentrate its resources on the common defense while Europeans set the pace in competing for commercial advantage in the East. As with the policies we must pursue in reviving our own economies and in stimulating sustained Third World growth, we must move in step, in harmony, in harness toward common objectives.

But move we must. To stand still is to lose ground. It was 300 years ago that Germans—34 Mennonites on board a ship called Concord—first arrived in America. They ventured into the unknown, pursuing freedom and the opportunity to grow. Those same motives—and a similar faith in our potential to make better lives and a more secure future—should drive our community today on another pioneering venture.

Then our ancestors took risks as individuals. Now we must take them as nations. In embracing that challenge, we would do well to recall another judgment of Hegel's—one with which I think we can all agree. He wrote, "life has a value only when it has something valuable as an object".

Peace security and growth in freedom are our objects. To win them let us take the necessary risks. Let us take them together.●

KIKK RADIO NAMED TOP NEWS STATION OF THE YEAR BY ASSOCIATED PRESS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. FIELDS. Mr. Speaker, it is my pleasure to announce that the Texas Associated Press Broadcasters Association has presented KIKK radio with six State news broadcasting awards, including "Station of the Year" and "Reporter of the Year." The six awards are more than won by any other Houston radio station, the third year in a row that KIKK News can make that claim.

KIKK was selected as "Station of the Year" for winning AP's highest honor, the Jordan/Flaherty Award, for the station's overall news coverage, dependability, cooperation, and contributions of news stories selected for statewide use in 1982-83.

KIKK news director Chuck Wolf was also honored as "Best Major Market Reporter in Texas," the first time this new award has been given. The judges called Wolf's entries of live, on-the-scene coverage "Incredible," noting that Wolf is "not simply graceful under pressure, but great under pressure; he is simply the best."

KIKK sportscaster Mark Berman tied for "Best Sportscast" in Texas, the third year he's won that award.

KIKK's Kathy King won "Best Documentary" for her 10-part series on Houston's traffic troubles. KIKK engineer Andy Hudack won "Best Actuality" for his live, on-the-scene recording of the Senior Road Tower collapse, and KIKK's Steve Coleman finished in a five-way tie for the "Best Feature" for his feature about the video game called "Firebug."

KIKK's selection as "Station of the Year" in the Texas news competition follows the station's selection as "Country Music Station of the Year" by the Academy of Country Music.

The awards were presented during the convention of the Texas Associated Press Broadcasters Association meeting June 3-5 in Laredo, Tex. The association is made up of more than 300 radio-TV-cable outlets in Texas.

Mr. Speaker, I am sure you will join with me in extending an enthusiastic congratulation to the general management of KIKK, and also to Chuck Wolf, Mark Berman, Kathy King, Andy Hudack, and Steve Coleman.●

MEDICARE DEFICIT CANNOT BE ERASED BY CUTTING BENEFITS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. BIAGGI. Mr. Speaker, recent news reports are driving many medicare beneficiaries to believe that we must cut their benefits if we are to save the program from destruction. Clearly, the medicare program faces falling hopelessly into the red if, by 1995, we do not make some corrections in the way it is financed. However, to assume that cutting benefits or taxing ailing elderly beneficiaries is the way to put the system into the black is ill-conceived and foolhardy.

Already social security beneficiaries are being forced to wait until January 1 for their 3.5 percent cost-of-living adjustment. At the same time, their medicare bill will give them a double-whammy New Year's present when it will also increase. To many elderly, this jump in out-of-pocket expenses will cause substantial hardship to those who can least afford it. This is dramatically illustrated by the fact that 15.5 percent of the elderly have incomes below the poverty line, and one-quarter—or 7.5 million—fall 125 percent below it.

More importantly, it seems senseless to discuss cutting medicare when the program still does not cover even some of the most basic health needs for seniors, including outpatient perscription drugs, eyeglasses, hearing aids, dentures, or preventative care. When the program was first created in 1965, it was created to cover 80 percent of the total costs of health care for the elderly. Today, however, it does not even come close to 80 percent and there remain critical needs which can present long-term institutionalization that are still not provided.

What has the Government bought for its medicare dollars since 1965? Consider these facts: Nursing home revenues have jumped 3,000 percent from $500 million in 1960 to over $20

billion today. At the same time, we have witnessed a dramatic growth in our elderly population as a whole—that promises to grow even larger in the coming decade—a 300 percent increase from 7 million in 1960 to 26 million today. The percentage of our nursing home population has remained stable during this same time period at 5 percent of the total elderly population.

More than half of this increase reflects public funding through medicare and medicaid. Thus, costs of the program have skyrocketed—nursing home profits have jumped—and the services provided to the elderly still do not encourage alternatives to institutionalization. This, it appears as though we are spending money for nursing home care and the vast majority of seniors who do not require such care are still not getting any benefits for their money. Any reforms in the medicare program must first and foremost correct this inequity and refocus the emphasis of the program upon community-based preventative care instead of the more costly, and less preferrable, alternative of hospital or nursing home care.

We must take meaningful steps today to secure the future of the medicare trust fund for tommorrow. A panel established within the Department of Health and Human Services is currently examining a number of options, including raising the eligibility age from 65 to 67, such as was done in the social security program this year. This would seem to be a reasonable suggestion for the elderly who do not need catastrophic health care but one which must be phased in over a reasonable period of time.

The other suggestions of the HHS panel appear to be a less tasty menu item for seniors. One of the proposals include an increase in the taxes on alcohol and tobacco, a portion of which would be earmarked for the medicare trust fund. This tax is based on the fact that approximately $4 billion in medicare and medicaid costs each year are attributed to smoking-related diseases with alcohol-related disease costs also registering a substantial impact upon both programs. The fact that medicare and medicaid provide a negligible amount of money for preventative health care in these areas makes it unrealistic to penalize beneficiaries of medicare when their health plan does not spend any money to prevent such diseases.

Instead of increasing consumer taxes in this way, I would prefer to see an earmarking of a portion of the windfall profits tax to finance the medicare shortfall now that the tax has been upheld as legal by the Supreme Court. I have introduced legislation in previous years, H.R. 4629 last year, which would have applied the same principle to the social security trust funds. It seems logical that if medicare is indeed facing a $200 billion deficit, then the multinational corporations of this country which successfully avoid paying taxes but receive these windfall benefits, should share these benefits with seniors who can least afford increases in their medicare costs.

Another alternative provided by the HHS commission includes increasing medicare benefits but forcing the elderly to pay for them. This increase in benefits would be accomplished by increasing part B of medicare which covers doctor and hospital bills. There would also be a cap on the total amount of doctor bills that a person would have to pay—between $350 and $750 per year. Such a plan could make it unnecessary for elderly medicare beneficiaries to have to pay for "medigap" policies to buy what basic medicare does not cover.

If the part B premium were to be increased under this scenario from the present $146.40 to $350 a year—with possibly less of an increase for the low-income elderly—the projected deficit would be defrayed; the premium increase would be less than some elderly now pay for medicare and "medigap" policies.

Such a proposal must be phased in over time, otherwise the poor elderly—those who can ill afford any sort of increase in their out-of-pocket expenses—would clearly not receive the benefits of such expanded health insurance.

At the same time, we must also embark on an aggressive effort to control overall health costs. By law, medicare costs to beneficiaries are tied to hospital costs, and as hospital inflation rises, so does the cost to the medicare program, and to seniors. Since the elderly have experienced a 32 percent increase in their medicare deductible in the last 2 years, we cannot afford to require yet such another increase. Such an increase would do the most damage to the catastrophically ill and the never-ending spiral of cost-shifting will continue to move from the health care provider to the consumer. In this case, the consumer will only be hurt more, not less.

Earlier this year, Congress voted to provide for a prospective reimbursement system for hospitals in order to cut back on spiraling health care costs. In a recently released General Accounting Office report, it was revealed that this new system could result in fewer seniors receiving adequate health care by creating incentives for their early discharge from hospitals. Such incentives would automatically place a greater demand for nursing home beds, thus continuing to promote institutionalization instead of community-based care. Clearly, prospective reimbursement could promise to be a hindrance to the elderly's health bill instead of the help it was intended to be. Thus, in light of this fact, it seems premature to try and tamper any further with elderly health benefits without the benefit of some experience with prospective payment and a fair and full assessment of its impact upon the elderly.

In sum, Mr. Speaker, as an original member of the Select Committee on Aging, I will continue to actively work to find humane solutions to the real problem which the medicare trust funds face. We cannot allow medicare to be mean to the elderly. We cannot steal from the pockets of the poor elderly who have already been forced to suffer the burden of inflation, the ravages of rising health care costs, and the fear that their sole or primary source of income, social security, would be taken away from them. In the search for answers to the medicare problem, let us not look to the purses of the poor whose needs are great and whose resources are few.●

H.R. 2971—ARKANSAS WILDERNESS

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. BETHUNE. Mr. Speaker, in the recent weeks of debate over my Arkansas wilderness bill, H.R. 2971, several myths about wilderness designation have circulated. I would like to present for the RECORD a factsheet entitled "Arkansas Wilderness—Myths and Reality" that summarizes these myths and explains the facts about wilderness. Additional wilderness areas is an important conservation issue facing Arkansas right now and I urge my colleagues to consider the following information:

ARKANSAS WILDERNESS—MYTHS AND REALITY

Myth: Wild lands must be pure, pristine, and virgin in order to qualify as wilderness.

Fact: Public Law 88-577, called the Wilderness Act, carefully defines wilderness, as "an area of undeveloped federal land retaining its primeval character and influence . . . and which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable."

Built into this definition is the understanding that unfortunately there is no "pure" wilderness today. Since 1964, Congress has repeatedly rejected unreasonably strict purity standards offered as reasons to disqualify areas as wilderness. Wilderness designation only requires that overall an area should be primarily natural in character and the presence of humanity's work should not be dominant.

Myth: Recreational activities are prohibited in wilderness areas.

Fact: Hunting, fishing, hiking, camping, and canoeing are not restricted. Moreover, Congress has specified that wilderness areas would be off limits to road building, timber cutting, mining, or motorized vehicles.

Myth: Private property will be condemned in wilderness.

Fact: Although the U.S. government may condemn private lands for distinctly nonwilderness projects, such as reservoir or highway construction, private lands in wilderness are protected under the 1964 Wilderness Act from condemnation.

The Eastern Wilderness Act of 1975 provided one time authority to use condemnation on 16 areas which included Upper Buffalo and Caney Creek. The Bethune proposal for Arkansas wilderness is based on the authority of the 1964 Wilderness Act (sec. 5(a)) which specifically prohibits condemnation. Furthermore, none of the wilderness designation laws to date have permitted condemnation of private or State lands.

Private lands may be acquired for inclusion in the National Wilderness Preservation System only with the owner's consent. The exchange and valuation is constitutionally protected, preventing a taking without just compensation.

Myth: There will be a loss of revenue from placing the lands in wilderness that are proposed in H.R. 2917, the Arkansas Wilderness Bill introduced by Congressman Bethune.

Fact: When questioned by Chairman Seiberling during the May 26th Public Lands and National Parks Subcommittee hearing, the Assistant U.S. Forest Service Chief, Dale Robertson, answered that there was, in Arkansas national forests, the potential to grow more timber that could offset any harvest loss that might result from wilderness designation and there is an existing cushion of timber which had not been cut.

Further, a Library of Congress study on the areas in H.R. 2917 and potential revenue loss, provided data showing timber harvest on areas in the Ouachita National Forest would be a money losing proposition for the government in most cases, and that the harvest in the Ozark areas would be even less profitable. The analysis states that these proposed wilderness areas are less important for timber harvesting than surrounding forest lands. Chairman Seiberling asked Assistant Chief Robertson if he agreed that the areas proposed for wilderness in H.R. 2917 are less important for timber harvesting than surrounding forest land and he responded "As a general rule, the roadless areas are less productive than the balance of the forest."

Myth: Wilderness designations recommended by Congressman Bethune would have an adverse effect on the economies of the local school districts and local governments.

Fact: The receipts from timber sales in the National Forest are divided among the local school districts and local governments on the basis of the percentage of the National Forest land that is located within the jurisdiction. Receipts will continue to be divided in the same way, regardless of whether part of the National Forest is in wilderness. Therefore, if timber sales and timber harvest remain at the same levels and harvest losses are made up by cutting in other parts of the national forest, the local economies will continue to get the same dollar amount and same proportion of timber receipts. As timber prices increase, revenues should increase for all jurisdictions in comparison to the depressed prices of recent years.

The Chairman of the Public Lands and National Parks Subcommittee stated during a recent hearing on H.R. 2917 "there is a good case that timber sales can continue at the same levels even if we put these relatively small areas in wilderness." This is because the areas covered by H.R. 2917 do not include a great deal of harvestable timber by comparison to the amount in other parts of the forest that could be cut.

The Congressional Research Service report points out that the allowable programmed harvest is below the potential yield for both forests and that managing the lands outside the wilderness areas at a higher percentage of the potential, may be more profitable than trying to produce timber from wilderness areas. Because timber has not been harvested to much extent in the wilderness candidate areas, the costs to produce timber sales in these areas may be greater than potential revenues.

In its socio-economic analysis section of the June, 1978 EIS on the Ozark and Ouachita Highland States (p. 32), the Forest Service estimated that even if all the inventoried areas were placed in wilderness (190,000 total acres and 65,000 more than the acres included in H.R. 2917) that the changes in employment for any local area wilderness will be less than 1 percent and considered insignificant.

An Arkansas Parks and Tourism report states that additional areas in Arkansas will have a positive economic impact by enhancing tourism. Their study reveals that wilderness related activities have already made a surprisingly large contribution to the State's economy—$6.5 million for 1982 and are projected to increase $19.7 million by 1990 if these 11 areas are added to the wilderness resources of the State.

Myth: If new wilderness areas are established in Arkansas, air quality class redesignation will be required based upon the 1977 Clean Air Act and subsequent Environmental Protection Agency (EPA) regulations.

Fact: According to a letter to Congressman Bethune from EPA's Acting Assistant Administrator for Air, Noise and Radiation, Charles L. Elkins, "neither the Clean Air Act nor the corresponding EPA regulations would require any redesignation of area classification if new wilderness areas are established. Section 162 of the Act did classify certain parks and wilderness areas as Class I if in existence as of August 7, 1977, the date of enactment of the Clean Air Act Amendments of 1977. That provision has no effect on the classification of parks or wilderness areas established after August 7, 1977. thus, newly established wilderness areas would remain as Class II, unless the State opts to redesignate any of them.

Chairman Seiberling states, "new wilderness designations would have little effect on the status quo, however, as the entire State of Arkansas (including the proposed wilderness areas), is already Class II, except for two existing wilderness areas, which are Class I."

Myth: A wilderness area of 10,000 acres or more could stunt economic growth due to the possibility of a Class I redesignation, but a wilderness area of less than 10,000 acres wouldn't be threatening.

Fact: The Clean Air Act permits a state to upgrade any Class II area of any size to Class I, or to downgrade an area under 10,000 acres to Class III. Chairman Seiberling says, "for example, a state could designate the entire state Class I. This "states rights" provision was incorporated in the law in order to allow states to largely control their own destiny insofar as deterioration of air quality is concerned. However, to date, no state has every upgraded a wilderness area from Class II to Class I. Of course, Congress cannot guarantee that a state will refrain from using its authority to upgrade areas in the future, but I would be willing to suggest language for our Committee Report indicating that the Committee expects the wilderness areas of H.R. 2917. will remain Class II. Any attempts to go beyond that and legislatively limit that states discretion could provoke strong reaction from "state's righters", and from the states themselves. Even if the states have no desire to upgrade any area, they would likely resent such an intrusion on their jurisdiction.

In his letter, the Chairman of the Public Lands and National Parks Subcommittee further states that, "as a state can designate any area in the state of any size it pleases as Class I, limiting wilderness areas to less than 10,000 acres would not prevent upgrading. The only effect of designating a wilderness area of over 10,000 acres would be to prohibit he state from downgrading the area to Class III. Thus, the Poteau Mountain, Penhook, East Fork and Flatside proposals of H.R. 2917 should only be of concern to industry if industry believes a Class III designation might be necessary in the future. I also note that to date, no state has used its authority to downgrade any area to Class III."

Myth: Fires, insects, and diseases may not be controlled in wilderness areas.

Fact: The Wilderness Act does not prohibit firefighting and states that "such measures may be taken as may be necessary in the control of fires, insects, and diseases . . ."

Myth: More wilderness is not needed in Arkansas because too much land will be locked up.

Fact: The 11 areas recommended for wilderness designation in the Arkansas Wilderness bill introduced by Congressman Bethune, represents only two thirds of 1 percent of the overall land base of the State and is less than 6 percent of the national forest land in Arkansas. The remaining 93 percent of the national forests in Arkansas are already available for multiple use which includes timber cutting, road building, and use of motorized vehicles.

None of the proposed wilderness areas include huge tracts of land; all 11 sites can be walked across in a day's time.

In the future, if we see that we have too much wilderness, Congress can change the status of the areas. These 11 proposed wilderness areas are not being locked up but are, instead, being set aside as a wise investment for future generations.●

EXPLODING THE ILLUSION OF FAIRNESS IN THE REAGAN ADMINISTRATION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. STARK. Mr. Speaker, when the emperor has no clothes on, the only thing to do is to create the illusion that he is clothed. This is exactly what this administration has attempted to do. This issue is fairness. In reality this President has been grossly unfair to the poor and the working poor while granting unprecedented

tax breaks for the wealthiest in our society.

In its attempts to counter the claims of unfairness administration apologists have had to create the illusion that this President is fair. Fortunately, there are some who continue to shout that the emperor has no clothes on—that he is not fair and honest in his dealings with the American public.

One such article appeared in the Washington Post yesterday written by Robert Greenstein. I am inserting in the RECORD the full text of Mr. Greenstein's remarks so that my colleagues can see how this administration manipulates figures to suit its fancy and create the illusion of fairness.

The article follows:

STOCKMAN IS STILL COOKING THE NUMBERS

(By Robert Greenstein)

David Stockman is at it again. After he confessed to rigging the computers in 1981 to make the prospective Reagan deficits shrink, one would have thought that the budget director had had his fill of numbers juggling. But it was not to be. This time, of all things, Stockman has been fiddling with figures in the hope of demonstrating how fair the Reagan administration really is in its treatment of rich and poor.

Stockman unveiled his latest statistical wizardry before the Congressional Joint Economic Committee last month. He came fully equipped with charts, each to illustrate a remarkable assertion.

Claim 1: The poor have been affected only marginally by Reagan administration budget cuts. Indeed, if all of its proposed cuts for fiscal 1984 were enacted, Stockman contended, low-income benefit programs (food stamps, Medicaid, low income housing, child nutrition, Supplemental Security Income and Aid to Families with Dependent Children) would still be reduced only 5 percent below the levels sought by Jimmy Carter.

Claim 2: Large parts of programs for the needy weren't serving the poor anyway. Before the Reagan cuts, Stockman maintained, more than two-fifths of the benefits of low-income programs went to families with incomes exceeding 150 percent of the poverty line.

Claim 3: The wealthy really were not the big winners in the 1981 tax-cut act. In fact, he asserted, they had received less than 1 percent of the benefits.

It was an impressive performance, even if it was based on some peculiar evidence.

Start with Stockman's contention that actual spending for low-income benefit programs in fiscal 1982 and 1983—plus Reagan's proposed spending for fiscal 1984—is only 5 percent below the levels sought for these years in the last Carter budget.

Here Stockman has deftly made use of the high unemployment experienced under the Reagan administration in an effort to bolster his case. The costs of a number of these basic benefit programs vary with unemployment levels—when more people are out of work, the number of households qualifying for the programs multiplies and program costs rise. By one estimate, for example, food stamp costs rise about $600 million for every percentage-point increase in the jobless rate.

The Reagan budget numbers Stockman cited reflect the impact of 10 percent unemployment on the costs of these programs. By contrast, the Carter budget numbers used by Stockman were calculated back in 1981, based on projections that unemployment would average only about 7 percent in the 1982-84 period. The result: Stockman was able to use the additional costs in the Reagan budget stemming from higher unemployment to make Reagan's spending levels look closer to Carter's—thereby making the Reagan cuts appear smaller than they actually are.

Stockman was not content to stop his strange comparison there. Further manipulations occurred when he adjusted the Carter and Reagan budgets for inflation, converting both to "constant 1981 dollars."

To do this, Stockman adjusted downward both the actual Carter and the actual Reagan budget numbers for 1982, 1983 and 1984. He reduced the projected Carter spending levels for 1983 by 16 percent—since the Carter budget had projected that prices in 1983 would be 16 percent higher than in 1981. And he adjusted the Reagan numbers for 1983 downward by just 10 percent—the inflation level for 1981-1983 reflected in the Reagan budget. Since the Carter numbers were reduced by larger percentages than the Reagan numbers, this made Carter spending levels appear smaller in relation to Reagan's.

To be sure, such adjustments are valid in most cases—but not for two of the major programs, Medicaid and subsidized housing.

Medicaid budgets are based on projections of inflation in health care costs rather than on projections of the overall inflation rate. When you do the proper inflation adjustment—using health care costs rather than overall inflation—you discover that the Reagan Medicaid cuts are about $2 billion deeper for the 1982-1984 period—or more than double what Stockman indicated.

Equally egregious was Stockman's manipulation of the housing numbers. A substantial portion of federal outlays for subsidized housing consists of fixed costs under long-term contracts for construction or rehabilitation. These costs do not vary with inflation any more than a homeowner's fixed monthly mortgage payments do. Stockman had no business adjusting these fixed costs for inflation. However, Stockman adjusted these costs anyway, and reduced the fixed payments in the Carter housing budget by a greater percentage than he reduced the identical fixed payments in the Reagan budget.

This bit of legerdemain made it appear that Ronald Reagan—whose administration has cut billions from new appropriations for subsidized housing, raised rents for all 3.5 million families and elderly persons living in subsidized units, and reduced the number of new low-income housing units being constructed or rehabilitated by more than half—actually spent more on these programs over the past two years than Carter would have.

How significant are Stockman's manipulations? A new Congressional Budget Office analysis shows that as a result of the last two years of budget reductions, fiscal 1983 expenditures for the low income benefits programs were cut $5.2 billion below what they would have been had no changes been made by Congress. Stockman's chart, however, showed a reduction of only $1.7 billion. In other words, Stockman made two-thirds of the Reagan cuts disappear.

The administration's reductions, of course, would have been far deeper had all of its proposed cuts in aid to the poor been enacted. Of $20 billion requested last year in further cuts in these programs for the 1983-1985 period, Congress agreed to less than $4 billion.

Among the reductions rejected outright were administration proposals that would have doubled rents over several years for some of the poorest families living in subsidized housing, ended or reduced food stamps for more than 90 percent of the elderly who receive them, and sliced 700,000 low-income pregnant women and children from a food supplement program that has been proved to reduce infant mortality.

So much for Stockman Claim 1.

Next, Claim 2: that large chunks of benefits have been going to persons far above the poverty line. Indeed, Stockman maintains that before Ronald Reagan came to the rescue, average workers were being taxed to bring welfare families up to virtually the same standard of living as themselves.

Specifically, he contends that in 1981, 42 percent of all benefits in these programs went to families over 150 percent of the poverty line, and that 150 percent of the poverty line for a family of four that year was $13,390—or 92 percent of the median annual income for employed workers.

The misuse of statistics is particularly striking here. First, Stockman has compared 150 percent of the poverty line for a *family of four* ($13,390) to the median income for an *individual* worker. Sorry, but you can't do that. The real numbers go like so: The median income for a family of four in 1981 exceeded $26,000—not $13,390—and 150 percent of the poverty line is about half—not 92 percent—of the median income for a comparably sized family.

Then Stockman counted as part of the income of program beneficiaries the value of health insurance coverage provided by Medicaid and the benefits from living in subsidized housing—but he did *not* include in his median income figures for workers either the comparable fringe benefits for employer-paid health insurance or the tax subsidies for mortgage and medical payments that many middle-income families receive. This makes for a neat comparison of apples and oranges.

When you do these comparisons properly, you find that the income and benefits of those participating in the federal programs were far below the living standards of average American families—even before the Reagan budget cuts took effect.

Nor is Stockman's claim valid that 42 percent of low-income benefits went to families over 150 percent of the poverty line. While these figures are derived from Census data, Stockman misuses the evidence in ways that the Census Bureau itself warns against.

Drawing on the Census Bureau's work, Thomas C. Joe, a former Nixon administration welfare expert who now directs the Center for the Study of Social Policy, has prepared a devastating critique that shreds Stockman's claims on this issue.

A number of Stockman's "high-income" families were actually unemployed and receiving federal benefits for just a few months in 1981. Once back to work, they stopped receiving aid. But Stockman's figures reflect families' incomes for *all* of 1981 (rather than just for the months they actually received benefits), which enables Stockman to count many of these families as "high income" beneficiaries. The Census Bureau explicitly warns about this problem in the data, but Stockman ignored the admonition.

Similarly, the Stockman data distort income patterns when the composition of a household changes. The data attribute to households the income earned during the entire year by persons who were household members for only a small part of the year. Yet the absence of households members for part of the year (especially deserting fathers) may be the very reason that the remaining family members needed aid. The Census Bureau warns about this, too, stating that the data "may not always reflect the true economic status of the household during the year."

In short, the numbers Stockman uses have a major impact in exaggerating the number of high-income households receiving aid. When those distortions are removed, the picture is quite different. For example, Agriculture Department evidence that is free from these distortions shows that no more than three-tenths of 1 percent of food stamp benefits in 1981 went to families whose cash incomes exceeded 150 percent of the poverty line during the months they received food stamps.

While these manipulations are disturbing, Stockman's numbers-juggling reaches its zenith in his description of administration tax policies.

The wealthy, according to Stockman, received all of their tax cut when the top tax rate was lowered from 70 percent to 50 percent. Since this change constituted less than 1 percent of the tax benefits from the 1981 tax act, Stockman tells us, the wealthy ended up with less than 1 percent of the largesse and can hardly be described as the prime beneficiaries.

These startling conclusions contrast sharply with the findings of virtually every independent study of the 1981 tax act. The Joint Congressional Committee on Taxation, for example, found that the wealthiest 5 percent of taxpayers would gain 35 percent of the benefits from the tax act. Congressional Budget Office studies have shown that in fiscal 1982 through 1985, the tax and budget changes enacted under the Reagan administration will take more than $20 billion in benefits away from households with incomes below $10,000 a year—while increasing the after-tax incomes of those making more than $80,000 a year by $64 billion.

How did Stockman get such different results?

First, his claim that lowering the top rate represented all of the tax cuts for the wealthy is nonsense. He simply ignores the plethora of new loopholes and expanded tax breaks incorporated into the 1981 act, such as the changes in estate taxes, IRA's and Keogh's, the All Savers Certificate and dividend reinvestment.

Second, Stockman carefully limited his definition of the wealthy (without informing his audience) to the top two-tenths of 1 percent of all taxpayers, those with incomes of more than $200,000 a year. This suited his purposes admirably: With so few taxpayers defined as wealthy, their aggregate tax benefits would not look so large. The sizable tax benefits going to the much larger number of taxpayers in the $50,000-$200,000 range were simply excluded from his calculations.

Moreover, Stockman omitted the fact that the elite group he did define as wealthy received, on average, a whopping $22,000 apiece just from the changes in tax rates—before even counting the new tax shelter opportunities. Ronald Reagan himself saved $90,000 on his taxes last year because of the 1981 act. His after-tax income went up almost as much as if his salary had doubled.

The final part of Stockman's tax presentation was an attempt to discredit independent studies showing that those with high incomes received very large tax breaks. The problem with the studies, Stockman declared, was that for the wealthy, tax gains or losses stem less from rate changes (which the studies focused on) than from changes in the extent to which income is diverted into tax-free investments (which most of the studies did not treat).

Stockman's implication was that by reducing the top rates, tax shelters were being made less attractive—and that declining use of shelters would reduce the gains for the wealthy below the levels cited in the studies.

While lowering the top rate may, by itself, reduce the use of shelters, Stockman again failed to disclose all of the facts: The 1981 act created so many new shelter opportunities that use of shelters has exploded despite the reduction in the top rate.

Use of syndicated shelters grew 12.5 percent in 1982, far more than the rate of inflation. Moreover, preliminary data indicate that for the first quarter of this year, syndicated tax shelter use is up 50 percent from the comparable period last year. The burgeoning use of shelters, which confer the preponderance of their benefits on the affluent, suggests that tax benefits for the wealthy from the 1981 act are likely to be larger—not smaller—than previous studies and analyses have indicated.

Finally, there is the question of purchasing power. A favorite Stockman (and White House) theme is that the average American's purchasing power has increased sharply during the Reagan presidency because inflation has come down so much. Purchasing power, however, is not determined solely by prices—but by the interaction of prices and wages.

What the administration has failed to say is that wages have come down about as much as prices, leaving the average American with virtually no gain in real purchasing power.

What is widely regarded as the best measure of purchasing power—the Commerce Department's index of real per capita personal disposable income—shows that purchasing power under Reagan has increased at an annual rate of only four-tenths of 1 percent. This is well below the average rate of increase under every other president for the past 30 years.

The growth in purchasing power that did take place in the Reagan years occurred primarily from January 1981 until August 1981—before the Reagan economic program took effect. Since August 1981, when the Reagan tax and budget program was enacted, real per capita personal disposal income has declined. The average American's standard of living has fallen since the Reagan administration's program was enacted.

Stockman's manipulation of the numbers makes rational debate on these spending issues more difficult. But perhaps most significant is the new dimension that Stockman has added to the much-discussed "fairness" issue.

For what can raise more basic questions about whether this administration is fair than when one of its principal officials—with access to data, staff and resources that few others in this town possess—utilizes this power to rig the terms of the debate and misrepresent the nature of his administration's policies.●

CONGRESSIONAL CLASSROOM VISITS WASHINGTON

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. CAMPBELL. Mr. Speaker, June 6 to 9 it was my happy privilege to help introduce 33 outstanding young men and women from the Fourth District of South Carolina to both the inner workings of their Federal Government and to the beauty and historical riches of the Nation's Capital.

These impressive rising seniors, one representing each high school in my district, were selected by their high schools to participate in the Fourth District congressional classroom program—an intensive 4-day dawn-to-dark schedule of meetings, briefings and tours. Among the highlights of the trip were briefings at the Organization of American States, the Archives, and the Supreme Court, tours of the FBI, the White House, the Pentagon as well as the national monuments, entertainment at the Kennedy Center, and a lunch on Capitol Hill where the students were able to meet and talk with Members of Congress.

I would like to thank my colleagues, Senator THURMOND, Congressman MICHEL, Congressman KEMP, Congressman SPENCE, Congressman DERRICK, and Congressman HARTNETT for taking time out of their busy schedules to meet with the classroom participants. With many difficult decisions being forced on us as a nation, it is imperative, I believe, for our young people to have the opportunity to ask questions directly and to see firsthand where and how our laws are made so that they might gain a real understanding of their Government and their American heritage.

The interest and concern of the students only served to confirm this conviction. I have no doubt that all of us involved in the program took something valuable away from their experience, whether it was a new knowledge of one's government, or, as in my own case, a greater respect for the young people of our Nation and a new hope for our country's future.

We are fortunate in the Fourth District to have civic-minded companies and businesses which share my belief in the young people, and I would like to offer a special word of appreciation to these companies who offered the support which made this program possible. These public spirited companies are: American Federal Savings and Loan; Arkwright Mills; Avco Corp.; Bell Pharmacal; Bigelow-Sanford, Inc.; Burger King Corp.; Carolina Manufacturing Co.; Community Cash Stores; Cone Mills CP Spinning Plant; Cooper Motor Line, Inc.; Cryovac Division, W.

R. Grace & Co.; Daniel International; Dayco Corp.; Duke Power Co.; Dunlop Sports Co.; Ernst & Whinney; Flowers Banking Co.; Georgia Pacific Corp.; Henderson Advertising; Hoechst Fibers Industries; Inman Mills; Intex Products, Inc.; Jackson Mills; Jeffrey Manufacturing Co.; J. P. Stevens & Co., Inc.; Kohler Co.; Liberty Corp.; M. Lowenstein & Co.; Lucas Industries, Inc.; Mascot Mobile Homes; Mayfair Mills; Menzel, Inc.; Metropolitan Life; Monsanto Textiles Co.; Multimedia Corp.; Phillips Fibers Corp.; PYA/Monarch Foodservice; Reeves Brothers, Inc.; Riegel Textile Corp.; Sloan Construction Co., Inc.; Southern Bank & Trust Co.; Southern Bell; Spartan Foods; Spartan Grain & Mill Co.; Spartan Mills; Spartanburg Herald-Journal; Steel Heddle Corporate Offices; Stone Manufacturing Co.; Texize, a division of Morton-Thiokol; Union Camp; U.S. Shelter Corp.; WSPA AM-FM-TV; Zima Corp.

I also want to congratulate each of the congressional classroom participants and their parents and to assure my colleagues that if these students are typical of the upcoming generation, then our future is in excellent hands. This year's classroom included: Harold Anderson, Boome High School, son of Mr. and Mrs. James E. Anderson; Amy Beller, Christ Church Episcopal School, daughter of Dr. and Mrs. George A. Beller; Bradley Bennett, Eastside High School, son of Mr. and Mrs. Joseph Thomas Bennett; Becky Bird, Hillcrest High School, daughter of Mr. and Mrs. Charles William Bird; Hoyt Blackmon, Woodruff High School, son of Mr. and Mrs. Jim Cathcart; Danny Brooks, Bob Jones Academy, son of Mr. and Mrs. James A. Brooks; Reed Brown, Spartanburg High School, son of Mr. and Mrs. Walter E. Brown; Andrew Clark, Chapman High School, son of Mr. and Mrs. J. Dan Clark; Kim Chester, Dorman High School, daughter of Mr. and Mrs. Tony Chester, Sr.; Maribeth Curry, Mauldin High School, daughter of Mr. and Mrs. Douglas Watson Curry; Farroll Daniels, Riverside High School, son of Mr. and Mrs. Thomas Daniels; Kris Duncan, Woodmont High School, son of Rev. and Mrs. David Duncan; Randy Hewitt, Greer High School, son of Mr. and Mrs. Jim Leigh; David Hogg, Wade Hampton High School, son of Mr. and Mrs. James D. Hogg; Beverly Howell, Landrum High School, daughter of Mr. and Mrs. Larry Howell; Tina Huskey, Chesnee High School, daughter of Mr. and Mrs. Billy Huskey; Catherine Lavery, Berea High School, daughter of Mr. and Mrs. William John Lavery; Pam McAbee, J. L. Mann High School, daughter of Mr. and Mrs. Jim McAbee; Sandra McSherry, Southside Christian School, daughter of Mr. and Mrs. Olin Ray McSherry; Allan Miller, Parker High School, son of Mrs. Margaret Miller; Martin Nubson, Greenville High School, son of Mr. and Mrs. Charles Duncan; Richy Pittman, James F. Byrnes High School, son of Mr. and Mrs. Layton Pittman; Libby Reid, Union High School, daughter of Mr. and Mrs. Richard J. Reid; Toni Roberts, Carolina High School, daughter of Mr. and Mrs. Brunson Roberts; Perry Robinson, Shannon Forest Christian School, son of Mrs. Linda Robinson; Bobby Sheridan, Travelers Rest High School, son of Mr. and Mrs. Richard B. Sheridan; Linda Smith, Jonesville High School, daughter of Mr. and Mrs. Donald Smith; Eric Swofford, Spartanburg Day School, son of Mr. and Mrs. Perry Swofford; Judy Varn, Southside High School, daughter of Mr. and Mrs. Joe Varn; Todd Walter, Boiling Springs High School, son of Mr. and Mrs. C. Todd Walter, Sr.; Craig Wilbanks, Blue Ridge High School, son of Mr. and Mrs. Rex Wilbanks; Stephen Wood, Tabernacle Christian School, son of Mr. Preston Wood; Rhonda Wood, Lockhart High School, daughter of Mr. and Mrs. Ernest Wood.●

LAW OF THE SEA TREATY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. FIELDS. Mr. Speaker, I am pleased to present for the RECORD two articles from the Houston Chronicle concerning the Law of the Sea Treaty. Jim Malone and Ed Meese both are due the sincere gratitude of the American people for their part in preserving free access to ocean minerals.

The articles follow:

[From the Houston Chronicle, June 5, 1983]

NO ONE ASSURED ACCESS TO SEA'S RICH RESOURCES

(By James L. Malone)

Fundamentally, America, an island nation whose economy is based on freedom of international trade, needs free and uninhibited access to the ocean to survive. Further, in times of both war and peace we must be assured of freedom of navigation to protect the interests of our nation, as it is currently protected under customary international law.

Protecting America's access—indeed every nation's access—to the ocean's vast resources is crucial. It depends upon international cooperation.

It is for this reason that the United States engaged in the Law of the Sea negotiations for over 10 years with over 150 nations. Unfortunately, despite the diligent efforts of all those involved, the resulting international treaty assured no one access to the ocean's critical seabed resources.

It should be clearly understood that the provisions dealing with navigation, fishing, marine pollution and research were and continue to be acceptable to the United States and reflect existing customary international law in these areas. But they do not, as some claim, compensate for the problems in the seabed-mining portions of the treaty.

The basic problem the United States has with the treaty's seabed provisions is that they would discourage U.S. companies from mining the seabed.

First, the treaty places an overall limit on the amount of minerals that can be mined. Under this ceiling, there is a limit on each country's allocation. This was done solely for the purpose of protecting countries whose economies currently depend upon land-based mining.

Second, in the United States a firm would have no guarantees that it would be allowed to mine at all. The treaty establishes an International Seabed Authority, an organization that would be able to make decisions based on political, rather than technical, considerations.

The International Seabed Authority would have the authority to require that U.S. companies sell proprietary mining technology to an international mining company—the Enterprise, a competitor that would be created by the treaty—or to sell it to Third World mining companies.

Many are claiming that through a body set up to establish rules and regulations for seabed mining, the Preparatory Commission, the treaty can be changed to meet U.S. objections, or indeed to meet the president's objectives. This is not so because the Preparatory Commission lacks the power to change the treaty.

The treaty, hiding behind the mask of superficially appealing slogans like the "new international economic order" and "the common heritage of mankind," presents a thinly-disguised world collectivism. It is intended as an instrument for the redistribution of the world's wealth from those who have acquired their prosperity by risk, sacrifice and hard work, to those who seek to promote their prosperity through organizational means.

What does the United States then propose to do as an alternative?

President Reagan's concept of organizational structure for a deep-seabed mining regime is a minimalist one, and it is open-ended in that it would welcome all those who have a sincere interest in mining the deep seabeds.

An initial goal for a workable regime for seabed mining is to bring in those nations already capable of deep-seabed mining. Such a regime will encourage, not discourage, the entry of other nations into deep-seabed mining.

It would not be an exclusive club, by any measure. We are not promoting the "common heritage," at least as it has now evolved. In effect, each nation will maintain control of its own mining program.

It is time to move on, to forge a workable regime that lets nations cooperate to improve their lot by proper utilization of the deep sea's wealth. To look to other frontiers for the vital commodities upon which our societies depend and to rely, as always, on the long-established reasonableness and legitimacy of customary international law.

LACK OF INTERNATIONAL CONSENSUS LEAVES ROOM FOR AN ALTERNATIVE

(By Edwin Meese III)

The Law of the Sea Treaty failed to achieve international consensus at the conference at Jamaica's Montego Bay. The United States and 46 other nations, together accounting for more than half the global gross domestic product, withheld their sig-

natures. Twenty-two abstained, and 24 did not attend. Thus, the way is cleared to develop more promising arrangements.

This is as it should be. For had the treaty been universally accepted, it would have undermined the future national and economic security of the United States and many of its allies.

The treaty's main problems lie in its restrictions on deep-seabed mining. The seabed contains vast quantities of such strategic minerals as manganese and cobalt, which are necessary to manufacture steel, jet engines and other products essential to our defense and industrial base. The United States and other countries must now rely heavily on imports to meet their strategic-mineral needs. Yet many foreign suppliers are not reliable, and in other cases higher-grade ores are being depleted. The seabed's resources therefore represent an important future alternative.

At present, all nations have the right to mine the seabed under the doctrine of "freedom of the seas." According to international law, the resources of the ocean floor belong to no one. They are the legitimate property of whoever undertakes the expense and risks of bringing them to the surface. The Law of the Sea Treaty stands this principle on its head. It asserts that the seabed's minerals are "the common heritage of mankind," meaning that they belong collectively to all nations. While the concept sounds noble, in practice it implies that no nation has the right to mine without permission from the "body of the whole," effectively repealing "freedom of the seas" as it applies to ocean mining.

The treaty would do this by creating an International Seabed Authority, modeled loosely on the United Nations, to govern seabed mineral production. The authority's assembly, like its United Nations counterpart, would be dominated by the developing countries. These nations in the past have not only been hostile to the United States and Free-World interests but in the United Nations have supported the Soviet position as much as 80 percent of the time.

The structure of the authority's executive council would help them succeed. Unlike the Security Council, the executive council would have no permanent members and no great-power veto—two provisions that have protected our interests in the United Nations. Thus, had America agreed to the treaty, we would have entrusted our own and our allies' access to the seabed's minerals to the good will of nations that have, for the most part, opposed our objectives.

The authority's control over seabed mining would have been virtually complete. The authority would have its own mining company (the Enterprise), which would enjoy preferential treatment and generous subsidies, financed primarily by its would-be competitors. Private or national companies wishing to mine would first have to apply for a license, which the authority would not be obliged to approve. If it were granted a license, a firm would be required to survey two mining sites, one of which the Enterprise would appropriate for its own use. The authority could compel competing firms to hand over their mining technology to the Enterprise or the developing countries, quite possibly choking off creation of needed technology in the first place. It could also limit their quantity of minerals that could be extracted.

Even the most enthusiastic companies might well balk at accepting these terms on top of mining's inherent risk and expense. American mining firms, in particular, have already stated that they would not mine under the treaty's provisions. For this reason, the treaty poses a threat to both the industrialized countries as well as the developing nations, who will need strategic minerals as their own economies mature. For no one will benefit from the seabed's riches if the minerals remain on the ocean floor.

Nor can these problems be solved, as some have argued, by the Law of the Sea's Preparatory Commission, which only sets the detailed rules for implementing the treaty and cannot change its substance. What is needed instead is an arrangement that will reaffirm customery international law.

One of the Reagan administration's first efforts has been to review how those areas of consensus and traditional law in the treaty, such as overflight and navigation rights, can be reinforced. Second, we need to develop alternative ways, outside the limiting framework of the treaty, to preserve all nations' access to the seabed's mineral resources. The United States will continue to work with other countries toward the creation of such arrangements.●

AMBASSADOR JEANE KIRKPATRICK ON HER RECOMMENDATIONS ON EL SALVADOR AND CENTRAL AMERICA

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. BEREUTER. Mr. Speaker, I commend to my colleagues' attention the following excellent article in the June 20, 1983, edition of the Washington Post by the U.S. Representative to the United Nations, Ambassador Jeane Kirkpatrick. In the article she firmly sets the record straight in contrast to the reports from the "undocumented leaks" from the "unidentified sources" who are in Washington, D.C., all too often wrongly accepted as knowledge and accurate.

PARDON ME, BUT AM I THAT "HARD-LINER" THE ANONYMOUS SOURCES ARE TALKING ABOUT?

(By Jeane Kirkpatrick)

Time was I believed a leak was the unauthorized disclosure of confidential information about actual events—such as, for example, conversations within the executive branch. That was before I understood that a leak is the weapon of choice in Washington's unending internal wars—ideally-suited to spreading disinformation about fictive events.

Undocumented allegations and anonymous sources link private ambitions to public policy in labyrinthine webs of personal and political relations. Two or three well-placed "sources" working with two or three well-placed journalists can create an issue, shape an interpretation, build or destroy a reputation. From the perspective of political science, it is fascinating. From the perspective of public office, it is frustrating beyond belief.

How do you correct the record when the discussions are all confidential? My interest is more than academic or personal. The paper triangle that links symbiotically anonymous and interested bureaucrats and politicians with dependent journalists is as much a threat to an informed public as the "iron triangle" of bureaucrats, politicians and the "Interests" is to honest government.

During the past month or two, much of the U.S. national media have relied on undocumented leaks and unidentified sources to construct a political melodrama in which some bad guys—the "hard-liners"—are pitted against some good guys—the "moderates"—in a contest for control of U.S. policy toward El Salvador and the Central American region. According to this scenario, the good guys support political solutions, negotiations, regional dialogue, bipartisan consensus, and are deeply concerned about "underlying economic and social problems." "Hard-liners," we are told, oppose these good things; they advocate military solutions, and are dead set against negotiations, regional dialogue and bipartisan consensus-building. Hard-liners prefer political polarization.

In the current scenario, hard-liners are frequently named Clark and Kirkpatrick, though sometimes they are called Casey, Weinberger, Stone or, even, Reagan. Their principal activity is giving bad advice to the president. Because my name is also Kirkpatrick and I hold almost none of the views attributed to that Kirkpatrick, I desire to clarify just what kind of advice I have given in the weeks after the president asked me to visit Central America. I understand that it is not considered sporting to introduce into these Washington games verifiable facts or on-the-record statements of participants; but, then, I am not a thoroughly seasoned player and have not lost the predilections of my regular profession.

Obviously, I speak only for myself. I have not been present in most of the conversations of other participants. However, since I have often been cast by "sources" as the "hardest" and "most militant" of the hard-liners, my role seems relevant to the whole dramatic production, and the fact that my actual views and recommendations bear almost no relation to those attributed to me undermines, I should suppose, the credibility of this melodrama.

Interested persons might want to know that instead of opposing attention to economic and humanitarian dimensions of Central America's problems, bipartisan participation in policy-making, the Contadora process and the broadest possible participation in Salvador's elections, I have consistently made opposite recommendations. I have advocated greatly expanded humanitarian and economic assistance; bipartisan participation in formulating a new policy; unambiguous support for the Contadora process and regional dialogue; and maximum efforts to secure the broadest possible participation in Salvador's elections.

In my memorandum to the president on returning from Central America I took a very "hard line" on hunger, malnutrition, infant mortality, illiteracy, economic underdevelopment.

"Congress," I wrote, "has not provided the resources or support needed in part, at least, because we have not worked with them to develop a bold, imaginative program which goes beyond preventing Communist victory in the very short run, to produce for the chronically deprived people of the area the reality of present progress and the promise of more to come."

I cited Congressman Mike Barnes' proposed "one-percent solution" to the region's problems (using one percent of the request-

ed defense budget to finance an adequate economic effort). I recommended for inclusion in the speech to the joint session a program "so beneficial to the terribly poor, malnourished people of the region that the American people will be proud to support it . . ." and also recommended the establishment of "a national bipartisan commission [which would] examine how we should apply our talent and resources to foster health, growth, security and democracy among our neighbors in Central America and the Caribbean. . . ." I further explained to the president that this was an approach I had discussed with Sen. Jackson and other Democrats.

Though current mythology suggests otherwise, new broad, bipartisan initiatives were resisted by the "good guys" themselves. So were efforts by the governments of Central America and the Contadora Four to get under way a process of negotiations for Latins only. President Herrera Campins last week described to the Venezuelan press the message he asked me to deliver to President Reagan: "Don't let your government torpedo our conference."

Reasonable people may feel the chances of success would be enhanced by our presence among the Contadora negotiators; they may think democracy would be better served by sticking with the San Jose approach. But the fact remains that Venezuela, Mexico, Panama, Colombia, et al., have desired an all-Latin conference, and our Central American friends have supported their effort. So have I. Far from believing that "The very mention of negotiations in El Salvador appeared a sign of weakness" (as charged by an anonymous source in The Post June 12), against considerable official resistance, I argued from Latin America and in Washington that the United States should pose no obstacles to the Contadora negotiations, should make no demands that we be included, and should, instead, stand aside offering support as appropriate.

On all the above issues there has been a certain amount of disagreement within our government, though the sides are not those popularly perceived. On other important issues there is a clear public record to prove there has been no disagreement at all. No one has proposed sending U.S. troops into combat in Central America, no one has proposed abandoning Central America. No government official has supported a "two-track" approach where one track leads to negotiated power sharing in El Salvador; everyone has supported conversations to ensure elections with broad participation and security for all.

I have also advocated continued military assistance at levels adequate to meet and match guerrilla arms, but then so have all other participants in the executive department's policy dialogue.

Above all, I have argued in print and in person from well before President Reagan invited me to join his government, that the people and governments of Central America, the Caribbean and, indeed, South America are important to the United States; that our security and history bind us to the Americas just as surely as they bind us to Europe; and that it makes no sense at all for us to perceive and protect vital national interests in Europe, the Middle East, the Far East and Africa (where we provide large, continuing amounts of economic and military assistance and in some cases U.S. troops and trainers) while ignoring and neglecting friends and interests on our own borders. I have, moreover, insisted that the fact that the Central American peoples have suffered under dictators in the past is not a reason to consign them to repressive new dictators sponsored by the Soviet Union; it is, instead, a reason to help them escape to freedom.

What do all these views have in common with the struggle between the "hard-liners" and the "good guys"? An interesting question.

The fact is that "hard-liner" has become an all-purpose term of political abuse. In popular political mythology the hard-liner is the missing link between political Neanderthals and modern man. It is shorthand for a mindless, heartless approach to public policy. Along with other abusive terms, "hard-liner" should be eschewed in serious political discussion in favor of more meaningful ways of categorizing political actors—such as, for example, active and passive; innovative and conventional; smart and dumb; effective and ineffective; honest and dishonest; straightforward and devious; generous and niggardly; ambitious and contented; prudent and reckless; political and bureaucratic, and so forth.

Meanwhile, it is worth noting that if the "sources" were as good at managing public affairs as they are at managing the news, the world would be better governed; and that if journalists were as suspicious of their favorite anonymous sources as they are of, say, the president, we would be better informed.●

ARE WE FALLING BEHIND THE SOVIETS?

HON. GUS SAVAGE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. SAVAGE. Mr. Speaker, tomorrow, June 21, 1983, the U.S. House of Representatives is scheduled to consider military construction and appropriations bills for the fiscal year 1984.

When these bills come before Congress each year—as they must—we incessantly debate about our Nation's defense posture and that of our NATO allies relative to that of the Soviet Union and its Warsaw Pact allies.

Franklyn D. Holzman, an economics professor at Tufts University and a research fellow at Harvard University's Russian Research Center, has a thoughtful, well-reasoned article on this subject in the July 1983 edition of the Atlantic magazine. I heartily recommend its reading to all my colleagues, for it cuts through a lot of misconceptions that cloud sound decisionmaking in these areas.

Holzman's "Are We Falling Behind the Soviets?" is fully reproduced below.

ARE WE FALLING BEHIND THE SOVIETS?

(By Franklyn D. Holzman)

Many thoughtful observers in America believe that the military might of the Warsaw Pact nations, especially the USSR, has been increasing relative to that of the NATO nations, especially the United States, and that, as a result, the Warsaw Pact nations have achieved military parity with NATO, or have pushed ahead. This military buildup, moreover, is taken as prima facie evidence that the Warsaw Pact nations have aggressive intentions vis-a-vis their neighbors.

What explains such a momentous shift of positions in the arms race? The usual answer is that the Soviet Union has increased military spending to a greater degree than the United States has. To reverse this dangerous trend, naturally, the U.S. and its allies have been contemplating similar increases. As President Reagan put it in his State of the Union message on February 18, 1981:

"I believe my duty as President requires that I recommend increases in defense spending over the coming years. Since 1970, the Soviet Union has invested $300 billion more in its military forces than we have."

In the two and a half years since that address, the President's apprehensions about Soviet aggressiveness have been reflected in the sharp rise in U.S. military expenditures, our steadfast opposition to the Soviet-Western European gas pipeline, and a steady deterioration of relations in practically every other area in which the two nations interact.

But there is considerable evidence that U.S. estimates of Soviet and Warsaw Pact military expenditures are calculated incorrectly and are presented in a misleading way. With proper calculation and interpretation, the military spending gaps that favor the Soviet bloc largely disappear. This leads one to question the magnitude of the Soviet bloc's military buildup and to view skeptically the claims of the Administration that the buildup is necessarily offensive rather than defensive.

Several factors help to explain what may be a distorted view of Soviet-bloc military expenditures. Perhaps most important is the tendency of bureaucrats, politicians, and the press to summarize complicated computations with a few simple figures. Two such figure are the CIA annual estimates, widely quoted, that the USSR is currently outspending the U.S. on defense by 50 percent, and that over the decade 1971-1980 the USSR outspent us by $420 billion (an update of President Reagan $300 billion).

Once these figures surface, they begin to have a life of their own; rarely mentioned are the numerous qualifications attached to them by the CIA when they were first released. While the two figures presented may have validity for some purposes, even without qualifications, for other purposes they are misleading and inappropriate. For example, the CIA's 50 percent figure is based on an estimate of Soviet military spending that, when converted into rubles and expresssed as a percentage of Soviet GNP, reveals the so-called burden of defense spending providing an indication of the military drain on Soviet resources. Currently, the CIA estimates that burden at between 12 and 14 percent of GNP. Conceptually speaking, this is a valid use of the CIA's estimate.

Suppose, however, we want a figure that represents the confrontation between the United States and the USSR. President Reagan clearly used the related $300 billion figure in this way in his State of the Union address. For that purpose, the 50 percent and $420 billion gap figures are inappropriate, because a large part of Soviet military spending is irrelevant to the superpower confrontation. For example, the Soviet Union maintains an army of roughly 750,000 men on the long Sino-Soviet border. According to Harold Brown, former secretary of defense, in his 1979 annual report, the Sovi-

ets "have felt obliged to allocate up to about 20 percent of their total defense effort to the Far East and the PRC [People's Republic of China]." In various statements in the past few years, the CIA has estimated the same figure at between 12.5 and 20 percent.

Money spent by the Soviet Union to support its large army across 5,000 miles of inhospitable terrain has thus not been available to build tanks, planes, and missiles that might be used against the U.S. and its NATO Allies. If 15 percent of Soviet expenditures is subtracted from the total (the CIA estimate is $1,535 billion for the years 1971 to 1980), the current gap is reduced from 50 percent to 27.5 percent and the 1971-1980 expenditure gap is reduced by $230 billion—that is, from $420 billion to $190 billion (all in 1979 dollars).

Thus, both the current and the ten-year spending gaps are roughly halved by removing expenditures directed at China. The appropriateness of removing these expenditures is supported by the Department of Defense's practice of excluding U.S. expenditures on Vietnam when comparing NATO and Warsaw Pact total defense costs.

Finding a true estimate of the gap between Warsaw Pact and NATO "confrontation" spending requires another major adjustment. The CIA restricts its published estimates to comparisons of military spending by the U.S. and the USSR. This establishes a framework for virtually all governmental and media discussions of military spending. In effect, these discussions imply that the U.S. and the USSR confront each other without allies. If the contributions of the NATO and Warsaw Pact nations (other than the U.S. and USSR) were either inconsequential or of roughly equal magnitude, this mode of calculation would make sense. However, as Harold Brown put it in the same annual report, "We are fortunate in having prosperous and willing allies who can help counterbalance the Soviet effort. The Soviets are not so fortunate." According to the authoritative International Institute of Strategic Services, in London, America's NATO allies spent $94.9 billion in 1980, or almost six times more than the $16.7 billion spent by Warsaw Pact nations other than the Soviet Union. In fact, France, Great Britain, and Germany each spent more than all "other" Warsaw Pact nations added together.

If contributions by our allies and the Soviet Union's allies are factored in, the imbalance between NATO and Warsaw Pact military spending is sharply reversed. As of 1980, NATO was still outspending the Warsaw Pact—over the decade, by more than $250 billion, despite the huge USSR-U.S. dollar gap calculated by the CIA. The $250 billion difference in NATO's favor no correction for Soviet expenditures directed at China. If we take into account the $230 billion dollars that the Soviets are estimated to have directed at China, the total difference in military spending between NATO and the Warsaw Pact nations rises to $480 billion.

Another major distortion in comparisons of East-West military spending stems from the practice of relying on dollar valuations to compare the two defense establishments. As the CIA acknowledges:

"Dollar cost calculations tend to overstate Soviet defense activities relative to those of the United States. . . . Given different resource endowments and technologies, countries tend to use more of the resources that are relatively cheap—and less of those that are relatively expensive—for a given purpose. A comparison drawn in terms of the prices of one country thus tends to overstate the relative value of the activities of the other."

This so-called index-number effect is not difficult to understand. The Soviets pay their soldiers a very low wage and, perhaps partly for this reason, have more than twice as many men and women in uniform as we do. When we value their 4.5 million military personnel on the basis of our average annual pay, which is close to $20,000, the result is a very high estimate of Soviet spending. The reductio ad absurdum of this methodology is the recently revealed (though unofficial) CIA estimate of Chinese military spending in dollars, which purports to show that the Chinese government is currently mounting a defense effort equal to our own. This bizarre conclusion arises from a calculation of the cost of mobilizing the enormous Chinese army at U.S. pay scales.

The usual, and proper, procedure when comparing real costs in two different monetary systems is to calculate expenditures in the currencies of both nations, in this case in rubles as well as in dollars. The dollar estimate provides an upper limit of Soviet expenditures, the ruble estimate a lower limit (since it exaggerates U.S. expenditures by putting a very high ruble price on our more advanced military technology). An average of the two, usually a geometric mean, can be calculated if one wants a single figure. In most of its other U.S.-USSR comparisons, the CIA follows this procedure. For example, almost two years ago, the Joint Economic Committee of Congress released a CIA study that compared consumption expenditures in the USSR with those in the U.S. and other nations. In the "overview," on the first page of that study, was this statement:

"In 1976, real per capita consumption in the Soviet Union was 34.4 percent of that in the United States: this value is the geometric mean of comparisons in rubles (27.6 percent) and in dollars (42.8 percent)."

The CIA currently makes defense estimates in both dollars and rubles. However, the ruble comparsion, once presented, is thereafter ignored, and the geometric mean is not presented at all. The reason for this practice is not difficult to discern: until a few years ago, the Agency did not know the costs in rubles for many Soviet weapons or other defense materiel. The CIA now claims to have many more prices, and should, therefore, be able to present the geometric mean of the dollar and ruble comparisons as the official estimate. Since the dollar comparison shows the Soviets outspending us by 50 percent and the ruble comparion reduces the difference to 30 percent, the geometric mean works out to 39.6 percent. If this change in the CIA's USSR-U.S. comparison is combined with an adjustment for forces on the Chinese border, the current difference between U.S. and Soviet "confrontation" spending shrinks to below 20 percent, and the ten-year gap between U.S. and Soviet military spending is reduced to roughly $100 billion (from $420 billion). It also widens the NATO-Warsaw Pact ten-year gap to roughly $550 billion, in our favor.

Before we leave index numbers, three more points need to be clarified. First, while we know more about the costs of Soviet armaments than we did in the 1970s, ruble prices for most military products are still unavailable. What this means is that when making ruble estimates, one has to assign value to most weapons first in dollars and then in rubles, using as a basis for conversion the few available ruble prices of other weapons. But ruble comparisons are thus in large part dollar comparisons, and therefore they still exaggerate Soviet military spending. While no precise estimate of the exaggeration is possible, the CIA's estimate that the USSR outspends the U.S. by 30 percent in a ruble comparison is clearly much too high. An adjustment for this distortion would reduce still further Soviet and Warsaw Pact military spending as discussed above.

Second, American advocates of larger military appropriations for equipment procurement point out that the Soviet equipment buildup is made possible by the very low wages the USSR pays its soldiers. As William Perry, former undersecretary of defense for research and engineering, put it in a 1982 review of James Fallow's book National Defense, "they can devote half of their budget to equipment procurement while we devote less than a quarter of ours to equipment. . . ." While Dr. Perry's statement is true as far as it goes, it neglects the fact, as put by Stansfield Turner, a former director of the CIA, that "military hardware is much more expensive than manpower in the Soviet Union, while in the United States manpower is relatively more expensive than hardware. . . ." So, the Russians need to spend a greater percentage of their military budget on equipment; we need to spend a greater percentage on manpower.

Third, if Soviet military expenditures vis-à-vis the United States are exaggerated, U.S. estimates of the percentage of Soviet gross national product that is devoted to those expenditures are also likely to be exaggerated. They are—but for reasons other than those already mentioned. The proper way to measure Soviet military expenditures in relation to GNP for the year 1982 would be to value both in 1982 rubles. Unfortunately, the most recent set of ruble prices for military equipment available to our intelligence establishment is for 1970. So, for lack of a better alternative, the CIA is forced to measure Soviet military expenditures and GNP for the years since 1970 in so-called "constant 1970 ruble prices."

If trends in ruble prices of military equipment were representative of GNP as a whole, then it would not make much difference whether 1970 or 1982 prices were used in the estimate. In fact, however, because of rapid technological advances in Soviet weaponry, the price of any given weapon's capability over the 1970-1982 period must have fallen relative to Soviet prices in general. In this respect, Soviet weapons are like American computers, whose prices have dropped enormously over the past decade, in spite of inflation in the rest of the economy. The more advanced military equipment being produced for Soviet armed forces today would have cost many times more rubles to produce in 1970 than at present. So the most recent DIA estimate (12 to 14 percent) of the percentage of Soviet GNP (for 1980, but in 1970 prices) devoted to military expenditures is certainly an exaggeration, and would undoubtedly be several percentage points lower in 1982 Soviet prices.

The view of the military spending gap just outlined appears to be greatly at odds with the conventional wisdom that the USSR and its allies have been engaged in an enormous military buildup that has enabled them to reduce or eliminate NATO military superiority, and that this has been accomplished by virtue of increased defense expenditures. If the facts reveal no military

spending gap in favor of the Warsaw Pact countries, how can this be reconciled with the Soviet bloc's alleged military buildup?

First, perhaps the military buildup, and the degree to which the Soviets have caught up with us, have been exaggerated. A military effort has many dimensions, and those who sound dire warnings tend to concentrate their attention on areas in which Soviet progress has been most rapid. Further, the emphasis is usually on numbers—quantity rather than quality. Some experts have testified that the U.S. defense effort represents, in part, a sacrifice of quantity for quality. This view was recently echoed by a CIA spokesman before the Senate Armed Services Committee. He stated that U.S. military equipment tends to be produced with "more sophistication, more quality and bettter performance . . . [more safety], more quality control . . . a more highly designed product" than Soviet equipment. Apparently General John W. Vessey, Jr., chairman of the Joint Chiefs of Staff, feels that this is a good thing. On May 11, 1982, after admitting that the Soviets had a quantitative superiority in many weapons, he testified to the Senate Armed Services Committee: "But, overall, would I trade with [Soviet Chief of Staff] Marshal Ogarkov? Not on your life."

Listening to the pessimists, one would never know that the U.S. spends almost three times as much as the Russian per soldier in training and maneuvers, or that our missiles are more accurate, or that our subs are superior to theirs, and so forth. One cannot doubt that the Soviets have been catching up, but the degree to which this is true may well have been overstated.

Second, if the Soviets have been catching up, how has this been possible if, as has been shown, the actual military-spending gap is much smaller than official estimates suggest? Military-expenditure comparisions measure cost but not effectiveness and not the wisdom of the expenditure choices. If the United States has been spending money less wisely in terms of our needs than the Soviets have in terms of theirs, then the Soviets could catch up without outspending us.

Much has been written in the past few years regarding the waste and the misdirected expenditures in our defense program. Some general categories of wasteful spending often mentioned are so-called gold-plating of weapons (for example, air-conditioning and power steering in tanks); introducing some technology that is so complex (and expensive) that it can be neither easily operated nor properly maintained by our servicemen; introducing too many competing models and changing models too often, both of which prevent reduction of costs; allowing weapons suppliers very high profits and cost overruns not caused by inflation; maintaining facilities and programs that no longer serve a miltiary function but are good for some congressman's constituency. Further evidence of inefficiency may be adduced from the fact that the balance of forces in Europe does not appear to reflect NATO's much higher levels of military spending.

What are the policy implications of the foregoing? If the view of the military-spending gap presented here is correct, the USSR is not as far ahead of the United States as the Reagan Administration and others contend. Moreover, if the USSR is catching up owing to waste and inefficiency on our part, it hardly makes sense to throw hundreds more billions of dollars into defense, at the expense of so many of this nation's major civilian priorities, without drastic revision of the military decision-making processes. Preventing the waste of $50 billion in cost overruns, misguided programs, and the like is as good a way to finance our military buildup as legislating $50 billion in new taxes or accepting a $50 billion increase in the national debt.

Finally, while many in this country view the Soviet Union and its allies as outspending us on defense, the Soviet Union probably views the spending competition in the terms just outlined—that is to say, as unfavorable to itself and its allies. If that is the Soviet view—and in fact the USSR views itself as having to take on almost singlehandedly the whole Western industrial world, plus China and Japan—then the motivations behind its buildup may well be less ominous than the Administration believes.

(Franklyn D. Holzman is professor of economics at Tufts University and a research fellow at Harvard University's Russian Research Center. He is the author of Financial Checks on Soviet Defense Expenditures.)

THE SOUTH AFRICAN KRUGERRAND: BUYING INTO APARTHEID

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 20, 1983

● Mr. SOLARZ. Mr. Speaker, because a number of my colleagues have expressed an interest in the krugerrand section of my South African legislation, I would like to explain the necessity for the proposed restrictions, and clarify these provisions.

Originally introduced as H.R. 1693, the bill has been reported by the Foreign Affairs Committee, with certain modifications, as title III of the Export Administration Act, H.R. 3231, which has been sequentially referred to the Banking Committee.

Certainly no justification is necessary for opposing South Africa's apartheid system. I know my colleagues would all agree that any system of institutionalized racism is incompatible with fundamental democratic principles and human rights. The question now facing Congress is not how to assess apartheid, but how to respond to it.

The answer I propose will make clear in deed as well as word our abhorrence of apartheid.

PROVISIONS OF THE BILL

One aspect of H.R. 1693 would bar the importation into the United States of the krugerrand or any other gold coin minted or offered for sale by South Africa. The legislation does not bar the ownership or resale within the United States of coins already imported nor the holding of coins abroad.

Violation of this section of the bill would result in a fine of up to $1,000,000 for a corporation, and not more than five times the value of the krugerrands involved for an individual. These provisions would be waived for up to 1 year if the President determined that the Government of South Africa had made substantial progress toward the full participation of all the people of South Africa in the social, political, and economic life of that country, and toward an end to discrimination based on race or ethnic origin. This waiver could be overturned by joint action of the House and Senate within 30 legislative days.

THE KRUGERRAND IN THE UNITED STATES

Since the U.S. Government removed the restriction on the purchase of gold by American citizens in 1974, the South African Government has flooded the U.S. market with krugerrands and carried on an extensive advertising campaign attempting to persuade Americans that these gold coins were somehow superior to other coins such as our own gold medallions, the Canadian maple leaf, or the Mexican onza. Americans have purchased nearly half of all the krugerrands sold by South Africa since 1978. In 1982, 1.2 million ounces of krugerrands were sold in the United States making the South African coin the largest selling gold coin in the United States. Last year alone, our citizens spent $363 million on krugerrands. Intergold, the marketing arm of the South Africa Chamber of Mines, plans to increase its U.S. advertising budget to expand its penetration of the market.

THE KRUGERRAND AND APARTHEID

Krugerrand sales provide the South Africa Government with income that it uses to help maintain its apartheid system. South African gold sales overseas provide much of the foreign exchange that South Africa needs to buy machinery, chemicals, and raw materials for industrial expansion. These sales also help to pay for the arms and oil crucial for the regime's survival. In recent years, gold sales have covered about one-third of South Africa's total imports.

The blacks of South Africa are not benefiting from krugerrand sales.

On the contrary, krugerrand sales contribute to the continued suppression of black South Africans. The gold used in the krugerrand is the product of an industry that employs blacks in appalling and dangerous conditions. These workers are paid discriminatory wages compared to white mine workers, averaging less than the South African official poverty line.

South Africa's mining industry depends on the labor of African black migrant workers. At the end of 1982, nearly 99 percent of the 400,000 blacks working in the mines were migrant laborers separated from their families for periods of up to 12 months.

Black miners are among the lowest paid workers in South Africa. Until 1972, the average real wage for black gold miners was unchanged from 1911, when the South African Chamber of

Mines began compiling statistics. During the same 60 years, average real wages for white miners nearly doubled. In 1972, the ratio of whites' wages to Africans' was 20 to 1.

Since then the situation has improved somewhat. However, the average monthly salary for black miners in 1982 was only $216, compared to $1,080 for white miners. Thus whites still earn five times more than Africans. Despite these increases, and even when the free room and board provided by the mines are included, most black miners in 1983 are earning an income very close to the poverty line.

ALTERNATIVES TO THE KRUGERRAND

If the proposed ban on krugerrand imports is enacted, American citizens wishing to invest in gold coins would still have other alternatives available to them. In addition to South Africa, three countries—Canada, Mexico, and the United States—now sell gold coins or medallions in 1-ounce or ½-ounce sizes. The Canadian maple leaf and the Mexican onza are frequently advertised in the United States, are readily available, and have had some success in competing with the krugerrand.

The United States has minted over 2.3 million ounces of gold "American Arts Medallions" since 1980, when Congress authorized their striking to capture part of the lucrative gold coin market in the United States. However, sales of medallions have been much less successful than foreign coin sales in the United States. Because of a cumbersome retailing mechanism and a limited advertising budget, the U.S. Treasury sold only 600,000 of the coins between 1980 and 1982. A new marketing approach initiated this year may lead to increased sales in 1983.

It has been argued that banning importation of the krugerrand would force the United States to buy South African gold to mint U.S. medallions, in order to meet an increased demand. However, the United States mints coins only from its gold stocks on hand, and our stocks are more than adequate to meet an expanded demand for coinage. U.S. gold stocks in reserve now amount to 264 million troy ounces, worth more than $110 billion. The Canadian Government follows the same policy as the United States in minting gold coins from its Government gold stocks.

According to Intergold, worldwide sales of the krugerrand last year amount to 2.57 million ounces of gold, of which 1.2 million ounces were sold in the United States. If all of the krugerrand purchases in the United States were to switch to American gold medallions, the mint would require only one two hundred sixty-fourths of our gold stocks to meet this new demand. Thus banning the krugerrand would not in any way require the purchase of South African gold by the U.S. Government to meet the demand of Americans for gold coins.

OPPOSITION TO KRUGERRAND SALES

Several governmental bodies and financial institutions in the United States have already taken actions to signal disapproval of the krugerrand and to discourage the sale of the coin. The House of Representatives of the State of Massachusetts, as well as the city councils of Atlanta, Austin, Oakland, Boston, Chicago, Denver, and Detroit, have passed resolutions urging their constituencies not to purchase the krugerrand.

The first National Bank of Chicago, the largest midwest retailer of krugerrands, with 1979 krugerrand sales of $35 million, suspended retail sales of the coin in February 1980, in response to a shareholders' resolution. In addition, other banks in Chicago, Princeton, Minneapolis, Milwaukee, and Providence, as well as Merrill Lynch and Dean Witter Reynolds, have agreed to stop selling krugerrands.

Since 1981, when I first introduced legislation containing a krugerrand ban, this issue has been the subject of extensive hearings in the House. It has won the support of the AFL-CIO, United Auto Workers, AFSCME, Congressional Black Caucus, Rev. Leon Sullivan, Americans for Democratic Action, National Council on Churches, and the Washington Office on Africa.

By barring the importation of the krugerrand, we would prevent South Africa from draining away precious foreign exchange from our country in a way that supports apartheid. A prohibition on krugerrand sales would symbolize to black South Africans, and to the world, that the United States is increasingly allied with the struggle for human rights, social justice, and complete political equality.

The following 70 of my colleagues have cosponsored H.R. 1693, and I would very much welcome the support of other Members for this important legislation.

Ackerman, Addabbo, Barnes, Bedell, Beilenson, Berman, Bonior of Michigan, Carr, Corrada, Clay, Collins, Conyers, Coyne, Crockett, Dellums, Dixon, Downey, Dwyer, Dymally, Eckart, Edgar, Edwards of California, Evans of Illinois, Fauntroy.

Feighan, Ferraro, Foglietta, Ford of Tennessee, Frank, Garcia, Gejdenson, Gray, Harkin, Kaptur, Kastenmeier, Kildee, Leland, Levin, Levine, Lowry of Washington, Markey, McHugh, Mikulski, Mineta, Minish, Mitchell, Morrison of Connecticut.

Oakar, Oberstar, Ottinger, Owens, Rangel, Ratchford, Reid, Richardson, Savage, Scheuer, Schroeder, Schumer, Simon, Stokes, Studds, Torricelli, Towns, Walgren, Waxman, Weaver, Weiss, Wolpe, Yatron.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 21, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 22

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on S. 1120, to authorize printing of the back side of $1 bills by a method other than the intaglio process.

SD-538

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold hearings on S. 1306, to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

SD-226

Labor and Human Resources

Business meeting, to mark up S. 772, proposed Smoking Prevention Health and Education Act, and S. 242, proposed Employment Opportunities Act.

SD-430

Veterans' Affairs

To hold hearings on S. 374, S. 786, and S. 991, bills to establish a presumption of service connection for certain diseases in veterans caused by exposure to agent orange, herbicides, and chemicals during the Vietnam war.

SR-418

Joint Economic

To resume hearings to review the administration's perspective on future farm policy.

SD-124

10:00 a.m.

Appropriations

District of Columbia Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1984 for the government of the District of Columbia.

SD-192

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Finance
To resume hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Foreign Relations
To continue hearings on nuclear arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Resolution 107, Senate Resolution 83, Senate Joint Resolution 74, Senate Joint Resolution 12, Senate Resolution 142, Senate Joint Resolution 29, Senate Resolution 159, and Senate Concurrent Resolution 46.
SD-419

Conferees
On S. 272, to provide prospective contractors minimum time periods for the solicitation and bidding process on Federal contracts, and S. 273, to extend the authority of the Small Business Administration's section 8(a)(1) pilot procurement program, authorizing the SBA to enter into procurement contracts with Federal agencies for the purpose of subcontracting to small business.
SR-428A

2:00 p.m.
Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to resume markup of S. 431, authorizing funds for fiscal year ending September 30, 1983, and through fiscal year 1987 for clean water programs, and S. 432, extending the 1984 compliance date for certain requirements of the Clean Water Act.
SD-406

Foreign Relations
To continue hearings on nuclear arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Resolution 107, Senate Resolution 83, Senate Joint Resolution 74, Senate Joint Resolution 12, Senate Resolution 142, Senate Joint Resolution 29, Senate Resolution 159, and Senate Concurrent Resolution 46.
SD-419

Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 23

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 1286, S. 632, and S. 428, bills to establish a program to conduct research and development studies for improved manufacturing technologies.
SR-253

9:30 a.m.
Governmental Affairs
To hold oversight hearings to review operational tests and evaluation procedures of the Department of Defense.
SD-342

Labor and Human Resources
To hold hearings on the effects of anticancer drugs in the treatment of cancer patients.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to mark up S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act.
SD-406

Finance
To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Foreign Relations
To continue hearings on nuclear arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Resolution 107, Senate Resolution 83, Senate Joint Resolution 74, Senate Joint Resolution 12, Senate Resolution 142, Senate Joint Resolution 29, Senate Resolution 159, and Senate Concurrent Resolution 46.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Select on Indian Affairs
Business meeting, to mark up S. 856, to authorize funds for fiscal years 1984 through 1987 for Indian housing programs, S. 1168, to declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma, S. 1224, to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation, and S. 1249, to provide for a representative of a federally recognized Indian tribal government in the membership of the Advisory Commission on Intergovernmental Relations.
SD-608

Joint Economic
To continue hearings to review the administration's perspective on future farm policy.
SD-124

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To hold hearings to examine the legal and constitutional ratification process of the Panama Canal Treaty.
SD-562

2:00 p.m.
Environment and Public Works
To hold hearings on the nomination of Lee M. Thomas, of South Carolina, to be Assistant Administrator for Solid Waste and Emergency Response, Environmental Protection Agency.
SD-406

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on S. 1275, to establish a unified Administrative Law Judge Corps.
SD-226

JUNE 24

9:30 a.m.
*Commerce, Science, and Transportation
To hold hearings on title IV, to provide for increased coordination between Federal, State, and local governments in the transportation of hazardous materials, of S. 1108, proposed Highway Safety Act.
SR-253

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold oversight hearings on the budget request for the Energy Information Administration, Department of Energy.
SD-366

Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review legislative proposals to combat abusive tax shelters, focusing on charitable contribution tax shelters and the ability of the Internal Revenue Service and courts to process large volumes of tax shelter returns.
SD-215

*Governmental Affairs
To resume hearings on S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

Judiciary
Courts Subcommittee
To hold hearings on pending legislative matters.
SD-562

10:00 a.m.
Environmental and Public Works
Environmental Pollution Subcommittee
Business meeting, to continue markup of S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act.
SD-406

Joint Economic
To hold hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2255 Rayburn Building

JUNE 27

9:00 a.m.
Finance
Estate and Gift Taxation Subcommittee
To hold hearings on proposals providing for transitional rules for estates and gift tax treatment, including S. 953, S. 1180, S. 1210, S. 1250, S. 1251, S. 1252, S. 309, and S. 310, and S. Res. 126, expressing the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified.
SD-215

8:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538

Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on airline deregulation.
SR-253

Judiciary
To hold hearings on Senate Joint Resolution 73, proposing an amendment to the Constitution of the United States relating to voluntary prayer in public schools.
SD-226

10:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on miscellaneous public lands bills, including S. 482, S. 508, S. 620, S. 600, S. 598, S. 807, S. 864, and S. 1160.
SD-366

Environment and Public Works
Water Resources Subcommittee
To resume hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.
SD-406

Judiciary
*Immigration and Refugee Policy Subcommittee
To resume hearings on proposed legislation providing for a 3-year extension of the Refugee Act of 1980 (Public Law 96-212), and to review the progress of this year's refugee resettlement program.
SD-562

Labor and Human Resources
*Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1256, proposed Emergency School Aid Extension Act.
SD-430

JUNE 28

8:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the International Monetary Fund's gold reserves.
SD-538

Commerce, Science, and Transportation
Aviation Subcommittee
To continue oversight hearings on airline deregulation.
SR-253

Judiciary
*Constitution Subcommittee
To hold hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-226

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1173, proposed Federal mine safety and health amendments.
SD-430

9:00 a.m.
*Special on Aging
To hold joint hearings with the House Select Committee on Aging to review a growing concern of older Americans use and misuse of over the counter prescription drugs.
SD-628

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Water Resources Subcommittee
To continue hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.
SD-406

Finance
To resume hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215

Labor and Human Resources
Aging Subcommittee
To hold hearings on the impact of crime on the elderly, focusing on victim compensation.
SR-485

Select on Intelligence
To resume hearings on S. 1324, to regulate public disclosure of Central Intelligence Agency information.
SD-342

Joint Economic
International Trade, Finance, and Security Economics Subcommittee
To hold closed hearings on allocation of resources in the Soviet Union and China.
SD-138

2:00 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 1090, to establish the Outdoor Recreation Resources Review Commission.
SD-342

2:30 p.m.
Select on Indian Affairs
To hold hearings on S. 1151, to compensate heirs of deceased Indians for improper payments from trust estates to States or political subdivisions thereof as reimbursements for old age assistance received by decedents during their lifetime, and House Joint Resolution 158, to make technical corrections to the Indian Land Consolidation Act (Public Law 97-459).
SD-608

JUNE 29

8:30 a.m.
* Labor and Human Resources
To hold oversight hearings on the Department of Labor's law enforcement activities, focusing on the Organized Crime and Racketeering Section of the Department of Labor's Office of Inspector General's investigation of allegations involving the International Brotherhood of Boilermakers.
SD-430

9:30 a.m.
Judiciary
To hold hearings on S. 737, proposed Joint Research and Development Ventures Act.
SD-226

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on defense intelligence matters.
S-407, Capitol

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on pending legislation.
SD-406

Finance
To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215.

Labor and Human Resources
Business meeting, to resume consideration of S. 564, to establish the U.S. Academy of Peace.
SD-430

Small Business
Small Business: Family Farm Subcommittee
To hold hearings on the impact of Canadian agricultural imports and their effect on the small business community.
SR-428A

Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

1:30 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on the proposed Uniform Single Audit Act of 1983.
SD-342

2:00 p.m.
Appropriations
Defense Subcommittee
To continue closed hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on defense intelligence matters.
S-407, Capitol

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226

Labor and Human Resources
To hold oversight hearings on the activities of the Equal Employment Opportunity Commission and the administration's equal employment opportunity policy.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on pending legislation.
SD-406

Finance
Business meeting, to mark up proposed legislation to extend the revenue sharing program for local governments.
SD-215

Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on activities of the Office of Administrative Law Judges.
SD-562

Joint Economic
To continue hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 12

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Legal Services Corporation.
SD-430

2:00 p.m.
* Labor and Human Resources
Aging Subcommittee
To hold hearings to examine the use of the judicial system by the elderly.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To hold hearings on home health care services.
SD-430

Veterans' Affairs
To hold oversight hearings on certain health issues affecting veterans, focusing on the recruitment and retention of staff of VA medical centers, and to examine the location of certain VA care centers to rural areas.
SR-418

Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 14

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To holding hearings on future directions in nursing home health care.
SD-430

Joint Economic
To continue hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 19

9:30 a.m.
Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430

10:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 752, to provide for certain measures to reduce the salinity of the Colorado River.
SD-366

JULY 20

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Labor and Human Resources
To hold oversight hearings to explore problems affecting the quality of education.
SD-430

JULY 21

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

*Veterans' Affairs
Business meeting, to mark up S. 1388, to increase the rates of disability compensation for disabled veterans and to increase the rate of dependency and indemnity compensation for surviving spouses and children of veterans, and related proposals, including S. 859, S. 995, S. 1187, S. 1318, S. 1371, S. 1401, S. 1402, and S. 1403, and other pending calendar business.
SR-418

JULY 22

9:30 a.m.
Labor and Human Resources
To hold hearings to receive a task force report on the vaccine for pertussis.
SD-430

10:00 a.m.
Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 25

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 1132, to establish a maximum ceiling on the annual charge to be fixed by the Federal Energy Regulatory Commission for a licensee's use of a Government dam or other structures owned by the United States.
SD-366

JULY 26

9:00 a.m.
Office of Technology Assessment
The Board, to meet to discuss pending business matters.
Room to be announced

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on proposed legislation authorizing funds for nutrition programs of the Older Americans Act.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 28

9:30 a.m.
Labor and Human Resources
*Labor Subcommittee
To hold hearings on S. 19, to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and related measures.
SD-430

AUGUST 3

9:30 a.m.
Labor and Human Resources
To resume hearings on health care cost issues.
SD-430

SEPTEMBER 8

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the historical perspective and societal implications.
SD-430

SEPTEMBER 15

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

SEPTEMBER 20

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

CANCELLATIONS

JUNE 22

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on environmental research and development programs.
SD-406

2:00 p.m.
Governmental Affairs
To hold hearings on the nomination of Robert H. Morris, of Maryland, to be Deputy Director of the Federal Emergency Management Agency.
SD-342

JUNE 23

8:30 a.m.
Small Business
To hold oversight hearings on the Small Business Administration's small business development center program.
SR-428A

2:00 p.m.
Small Business
To continue oversight hearings on the Small Business Administration's small business development center program.
SR-428A

JULY 6

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

SENATE—*Tuesday, June 21, 1983*

(Legislative day of Monday, June 20, 1983)

The Senate met at 11 a.m., on the expiration of the recess and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of Truth and Light, last night 37 fine young men and women distinguished themselves by graduating from the Capitol Page School. We honor them in this milestone of their lives and they honor us by their distinctive achievement. We thank Thee for them and all the pages, for their hard work, their dedicated service to members of the Senate and House. We thank Thee for the beauty of their lives, for their infectious spirits. We thank Thee for the privilege of knowing them and serving with them. We thank Thee for their parents who loaned them to Congress. May Thy bountiful blessing rest upon these young people, their families and their futures.

Thank Thee Father for Principal Hoffman, for the administration and faculty of the Page School. May they enjoy satisfaction in the considerable investment they have made in many young lives who have come under their influence.

Gracious Father, be with Stuart Balderson as he enters surgery in this hour and with Mark Herath who will undergo surgery tomorrow. May their recovery be rapid and complete. In the name of Him who is Incarnate Love, we pray. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, today, after the recognition of the two leaders, the distinguished Senator from Nevada (Mr. HECHT) will make his first statement to the Senate. I ask the cloakroom on our side to send out notice to that effect now to notify Senators once again of this special event.

We will then have a period, after another special order, for the transaction of routine morning business.

The Senate intends to be in recess between noon and 2 p.m. for our party caucuses.

The business to be taken up when we reconvene is still uncertain. We have several possibilities—the housing authorization bill, S. 1338; the HUD appropriations bill, H.R. 3133; and the Pacific Island Treaties.

The Senate should be on notice that rollcalls are expected today. The majority leader is in a meeting downtown, but he will have a further announcement regarding the schedule of the Senate later today.

NICHOLAS BRADY

Mr. STEVENS. Mr. President, one of the true highlights of my tenure in the U.S. Senate has been the time served with the former Senator from New Jersey, Nicholas Brady. His contribution to this body in such a short period of time continues to be evident.

At a time when the internal morale and the public image of the Senate was at an ebb, Nick Brady helped reinstate not only internal confidence in the Senate, he assisted greatly in bridging the gap between the private sector and the Senate. Thanks to his dedication, the Senate is a stronger and more effective institution.

Recently, Senator Brady delivered a speech at a meeting of the Business Council in Homestead, W. Va., on May 14, 1983. His remarks entitled, "Why Not America, Inc?" deserve the attention of the Senate. Nick has delicately assimilated his experience in Government with that of private industry. He attempts to explain the true nexus between Government and business; how both must work together in order to be effective and productive. Nick also stresses the need for clear communications between business executives and representatives in Government.

Nick Brady has been a workhorse in both private and public life. He has done his homework. Even though Nick no longer serves in the Senate, his counsel is often sought. During consideration of highly sensitive issues such as the MX basing decision, Senator Brady played a key role behind the scenes in creating a basis of understanding on all sides of the issue. Nick's insight regarding economic issues from a businessperson's perspective has literally opened the eyes of scores of those in Government.

Mr. President, I commend the remarks made by Nicholas Brady to the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

WHY NOT AMERICA, INC?

It's a real honor to be able to address the Business Council and I would like to thank Bob Beck for the generous introduction.

Before I served eight and one half months in the U.S. Senate my attitude towards government was ambivalent. It wasn't quite as bad, however, as one of George Burns' famous lines about government: "It's too bad that all the people who know how to run the country are busy driving cabs and cutting hair."

First hand government experience in the Senate convinced me differently. I think many of you who have spent time in Washington and in government would agree. The majority of people in government are bright hard-working and concerned. In fact, leaders in Congress possess the energy, intelligence and determination to hold the highest jobs in industry.

Likewise, all of you in this room could be involved in government at top levels if you so chose. Why then, with so many intelligent and concerned people in both business and government, do both sectors have such a difficult time communicating with each other?

Instead of communicating, trying to understand and work with each other, business and government are like two ships passing in the night, each one on a separate course, each one, to some extent, ignoring the other, even to a point where a collision often appears imminent.

I would like to talk today about business and government and to suggest ways that we can perhaps improve communication, cooperation and real understanding between these most powerful vessels.

If what I say appears critical, then it is also criticism of myself because to a large extent it is advice that I might well have politely ignored a year ago. Even though I made frequent and regular trips to Washington in the years preceding my time in the Senate, I can now see that I had little insight into the day-to-day workings of government.

Why do business and government sail past each other like ships in the night? Perhaps the most important reason is that both sectors have traditions, customs and laws that validate their own goals, set their own agendas and sanction their actions. In effect, two cultures have evolved within our nation and our society has confirmed each of their goals, agendas and actions, again and again over the years. In turn, this has led to a firm confidence among leaders in both business and government that each has the rightful answer. If one party is sure it is fundamentally right, by definition the other party, if it disagrees, must be misguided. Is this the reason these leaders all too often don't communicate with each other? Frankly, I think so.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

In reality, the private sector and government have different jobs to do; jobs which have been given to them by the American people. For example, it is an entirely acceptable business practice for a corporation, in the name of profitability for its shareholders and the future health of the enterprise, to lay off a thousand, or two thousand, or five thousand people in times of declining sales. In fact, if executives don't act quickly enough at moments of sliding sales, their boards of directors and stockholders will surely replace them.

However, at the moment employees are laid off, we have decided in this country that it is then the government's job to do something about the unemployed, to pay furloughed workers and help them buy food. And further, a current debate in Congress concerns extending health care benefits to those out of work.

The only question we really debate is length and amount of unemployment benefits. We decided long ago that, in part, government shall pick up where business leaves off and support the unemployed in a transitionary period.

In this over-simplified example, you can see that business and government really have different tasks and charters, as well as different laws and regulations governing the separate mandates the American people have given to each.

The following statement will sound self-serving, but I certainly don't intend it to be so. During my time in the Senate, I was sometimes puzzled by a recurring comment a few of my colleagues made to me. The comment was essentially, "Nick, you have really come to understand us in a way that few other people have." At first, I couldn't understand their sentiment. I had made few speeches and sponsored only a small number of bills and amendments. I was able to give some advice and perspective about what went on in the private sector, but in no sense was it a leadership role.

But then I began to realize that many senators felt there was a deep lack of understanding among their countrymen, about the ways of the Senate and perhaps even government as a whole. But, also, the comment implied that they understood very little of the intricacies of business and they were grateful for insights as to how business really worked.

The gulf between government and the private sector would basically be of interest only to political scientists if it wasn't such a serious matter—one that affects the future of us all. I'm afraid that this lack of understanding has led both government and business to turn off their hearing aids when the other is talking. The best example I can give you of this is the two questions I was repeatedly asked when I first started in the Senate.

Some senators were convinced that a few trilateralist bankers convened weekly in the ultimate smoke-filled room to set the interest rates. I was asked: "Why won't the banks lower interest rates?" as though it was an easy thing to do. Very little understanding of the private sector process.

On the other side of the coin were friends in the business community who asked: "Why won't Congress face facts and balance the budget?" As though it was an easy thing to do. Very little understanding of the governmental process.

Because of this lack of understanding, the time businessmen and government officials spend together is characterized by a series of monologues. We talk at each other and not to each other. Unfortunately, there does not seem to be much interest in attempting to provide time for two-way conversations.

To be pointed, I would ask you to review the roster of speakers for these Business Council meetings over the past several years. How many of our friends in government stayed on after delivering their formal remarks? How many attempted to open a dialogue instead of simply speaking on an important current item of interest?

Before this becomes an indictment of government officials, I would hasten to add that businessmen's forays into Washington are seldom enduring. Fly in, deliver a speech, talk at someone, and leave town as quickly as possible. Why does this happen?

One reason is geography. America is different from most foreign countries because our seat of government is not a significant business center as well. London, Paris, Rome and Tokyo are all centers of government and business.

In our country, Washington is all government. New York has historically been the financial capital and our business centers reside in cities across America. So there is little chance for the social relationships to develop between business and government that are taken for granted in most foreign capitals. Geographic distance and diversity work against communications.

To some extent, the jet airplane is a hindrance to understanding between business and government. It allows people to fly in and fly out quickly. In days past, I would guess, when you held your meetings here at The Homestead, you had to take the train to get here, and that anyone who made the commitment of a long train ride, would come to stay awhile, during which time real talk could take place. That's no longer the case—jet in and jet out.

Just a brief comment on time. All of you in this room are scheduled out months in advance. If you can believe it, the calendars of government officials are blocked even more heavily. There is a saying: "With all thy getting, get understanding." We are all so busy with our agendas, we have very little time to try and understand others' agendas.

One could ask, why is this so serious? It is serious because leaders in business and leaders in government have one central task—to provide for the well-being and the standard of living of the American people. They expect it. Average Americans look to their leaders in both business and government to provide their families and themselves with a decent standard of living.

Twenty years ago, maybe even ten years ago, business could provide this standard of living by itself. Before the advent of the Great Society, government was a very junior partner in our life. Not so today. We are equal partners. In fact, government may even be the senior partner.

Internationally, it's a whole new ballgame as well. The United States is no longer the unchallenged economic and military force in the world. Oil doesn't sell for three dollars a barrel any more. It sells for twenty-nine. Nor do we have the economic superiority. Fifteen years ago, "Made in Japan" were code words for shoddy quality. Today, the words "Made in Japan" usually set the standard for top quality. Nor do we have the same military superiority we had twenty years ago, when during the Cuban missile crisis, we drew a line in the Caribbean, stared Khrushchev down and forced the Russians to do a U-turn and go home.

Much is made today of the term "Japan, Inc." It implies a working coalition in Japanese society among business, government, labor, and even the media to work together for the common good of the country. While I'm in no way advocating the tight structure and government predominence that the term Japan, Inc. implies, I wonder why we can't have, in our own fashion, an America, Inc.? I fear that one of the reasons is that the lack of communication and coordination between the various sectors of this country is not perceived to be a serious problem to facilitate this goal. But it will be sooner or later and probably sooner.

In this vein I am sorely afraid that if the American people see their standard of living eroding further, and if they see America's position in the world declining further, then they are going to give "pink slips" to both government and business.

The government's "pink slip" will come in the form of a continued flip-flopping of administrations, from Democrat to Republican to Democrat, from left to right and back again. Indeed, the first signs of this trend can already be detected. No president since Eisenhower has served two complete terms.

There is a good chance that we will witness the rise of third and fourth political parties as disillusionment with the two major parties deepens. I believe there could be significant potential for future splinter parties and the kind of political instability that we see in some of our European allies.

The "pink slips" will go to business as well, and the effects will be just as severe. From business's point of view, the pink slips will come in the form of increased government regulation, national economic planning and government intervention in the market place.

What can be done to avoid these scenarios—to foster communication and cooperation? Let me ask you a couple of leading questions, one directed at businessmen and one directed at politicans.

First for the businessmen, when was the last time you sat down with your Senator or Congressman without the urgency of a problem that required his immediate help? When was the last time you met over breakfast or dinner just trying to build a relationship, to establish respect and understanding; the basis for a dialogue, not a monologue?

Now a question I would ask politicians. When was the last time you called a businessman and didn't either (a) ask him for a campaign contribution or (b) state that the Acme Widget Company had absolutely no right to lay off 4,000 of your constituents?

I believe it is an absolute necessity for businessmen to look upon their relations with government in a whole new light. Actually, neither businessman nor politician should look at their relations with each other as something done in their spare time or as a schedule filler, something that irritates or interferes with the day.

At some point, probably everyone in this room will want to call into or upon the government on an important matter. And just as if you were drawing a check upon a bank, you better have some personal capital built up—some funds on deposit—or your check will be returned for insufficient funds.

Enough talk about the problem. The question is what should be done. Without arguing who should take the leadership role, I believe it would be a good idea for people in business to take the first step.

First suggestion: Why not hold one board meeting each year in Washington? All of us who serve on boards make trips to important plant locations where new products are

being developed. Our government is as important a part of our business life as a new product. Why not hold one board meeting a year in Washington, finish up business promptly, then spend the rest of the day talking with government leaders? I would even suggest sitting in the Senate and House galleries for half an hour. It may be Civics 101 all over again, but frankly, it will give you a feel you couldn't get any other way.

Second suggestion: We have all made great strides by adding women and minorities to our boards of directors. In a similar vein of "affirmative action," why not add someone recently retired from the political arena. I'm not suggesting that you go out and recruit just any politician for your board. But in another eighteen months, some of you will have the chance to add a man like Howard Baker to your board and he and those like him will be a great asset to any company.

If you agree that this is a good idea, I suggest that you tell your executive search firms to add government service to the criteria they look for in candidates for your board of directors.

Third, as you pick your top officers, I would suggest that a higher degree of importance be given to those who have taken the trouble to understand government and its workings. Now I'm not advocating political scientists to head our major corporations, but over the long term, our country and your corporation will be better served if our corporate leaders have a real understanding of how both business and government work and, therefore, can work together.

Fourth, I suggest that you, as members of the Business Council, the foremost business organization in the country, engage in a counseling program. I know I'm treading on thin ice here and I am not suggesting the establishment of a lobbying effort.

To me, there is a big difference between lobbying, which projects a narrow point of view, and giving good advice, good counsel, and earning the respect of your partner. And, like it or not, government is our partner. Perhaps every member of the Business Council should endeavor to build a relationship with one or two members of Congress, not to lobby, but to counsel. Not to ask for help, but to offer help, even if the offer is one of a business perspective on the problems we all face.

The way to build this relationship is on a personal basis over breakfast or dinner at your homes, by means of a tennis game or a joint community project—the same way you build a relationship with good friends. Increasing communication cannot be a short-term program. The gap in communication, in cooperation, in understanding is too deep to be conducted on a jet in and jet out basis.

We face a special problem with our friends in the media who might see any business plan for increased cooperation with government as part of some dark and ominous conspiracy.

Therefore, I believe we should lay our cards on the table and ask the editors from the New York Times, The Washington Post, The Los Angeles Times, our great regional papers and the networks to join the effort in hopes of finding common solutions for common problems.

If we are to succeed in an attempt to forge an America, Inc., the impediments to a productive interchange between business and government, which are severly tested by this country's conflict of interest laws, must be overcome. Perhaps Congress would be well advised to enact a law defining the proper boundaries of government-business interchange for those who wish to serve.

I'm optimistic that government and business can develop a new relationship. A few days ago I was reading Lester Thurow's Economic Column in Newsweek. Thurow writes about the world leadership American agriculture has achieved.

But, as he points out, it wasn't always this way. In the early part of this century, Thurow observed that American agriculture was in disastrous shape with virtually no growth in production nor increases in productivity. In fact, Russia was the largest grain exporter in world markets.

American agriculture became the world's leader, not only because of hard-working farmers and new technology. Significantly, it was due to a partnership between agriculture and government which produced a system to feed a third of the world.

Leaders in business and government can match that success. We can build America, Inc. But it will take hard work and understanding. It's an ambitious goal, but it's a goal that Americans in business and Americans in government can achieve together.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, following the use of his time by the distinguished minority leader, I will yield the remainder of the leadership time to the distinguished Senator from Nevada should he wish to use it.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The distinguished minority leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

OUR DISTINGUISHED PRESIDENT PRO TEMPORE

Mr. BYRD. Mr. President, I compliment the President pro tempore. He appeared at a hearing this morning in support of legislation to provide for deeper ports so that we might sell more of our coal, our grain, and other products overseas, and reduce the overall costs at the point of delivery. He made that appearance and is here to open the Senate.

I think I am correct in stating that the Senate President pro tempore is exceedingly faithful in his duties, one of which is to open the Senate, and I cannot say that I remember any occasions, although there may have been a few, when Mr. THURMOND, as President pro tempore, did not open the Senate.

DEEP-DRAFT NAVIGATION ACT OF 1983

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD, statements that were made by Mr. THURMOND, the President pro tempore, and by Mr. WARNER, Mr. MATTINGLY, myself, and Mr. HATFIELD, the chief sponsor of the coal ports legislation.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR STROM THURMOND

Mr. Chairman, I am pleased to have this opportunity to appear before you and the other distinguished members of the Subcommittee on Water Resources to testify in support of S. 865, the Deep-Draft Navigation Act of 1983. It is especially a pleasure for me to appear with this panel of my distinguished Senate colleagues (Senators Hatfield, Byrd, Warner, and Mattingly), with whom I joined in introducing this legislation earlier this year.

Mr. Chairman, since we are testifying as a panel, I will attempt to be brief, and confine my remarks to a few particular topics. However, before addressing the specific issue of the Special Credit Account, I want to express my support for this bill in its entirety. The overall theory behind this bill is solid. It transfers a significant portion of harbor costs from the general taxpayer to those who directly use the waterways, and provides mechanisms for financing improvements and expediting sorely needed new projects. On the whole, this measure is a highly desirable approach toward a new, feasible harbor maintenance and improvement system.

Mr. Chairman, you have heard testimony supporting the concept of our bill, including the need for a user fee, the rationale for making this user charge an ad valorem fee, the establishment of a trust fund, and allocation of funding from it for operation and maintenance and port improvement projects.

I believe that we have in this bill the most workable compromise yet proposed in the area of port dredging legislation. The word "compromise" is very important in this legislation, because of the many and varied interests which will be affected by any legislation dealing with port maintenance and improvement.

One of the problem areas we have encountered is the difference of interests between low-maintenance ports and high-maintenance ports. Typically, the low-maintenance ports would prefer any tax or user fee to be port-specific, so that they could enhance their competitive advantage vis-a-vis other ports, and so that user fee revenues would inure to their own benefit. The low-maintenance ports generally object to the pooling of fees to pay for maintenance at high-maintenance ports. It should be readily apparent that under such a plan, the ports which require high-maintenance would be placed at a distinct disadvantage, because, under a port-specific system, their respective operation and maintenance costs could exceed their respective revenues.

In an effort to develop an acceptable compromise between these competing interests, S. 865 provides for a Special Credit Account. As it is presently contemplated, 40 percent of the costs of each port's operation and maintenance will be paid from revenues generated by the nationally uniform, ad valorem user fee. The remaining 60 percent will be paid from the Treasury general fund. This provision places all ports on an equal footing, regardless of the cost of operations and maintenance, and the amount of user fee revenues generated. In this manner, the high-maintenance ports are assured that

there will not be a deficiency between costs and revenue.

The special account was created in order to provide the low-maintenance ports with an equivalent benefit. Since these ports may be required to expend less for operations and maintenance than is generated by the user fee, the Special Credit Account preserves some of the benefits naturally accruing to them.

Mr. Chairman, let me emphasize that national uniformity of the user fee is absolutely essential from our standpoint. A uniform fee will advance the interests of national defense and international trade by encouraging much needed harbor improvements and assuring a reliable program of maintenance. Our objective in imposing this user fee in a uniform manner is to essentially preserve the status quo among ports, discounting all other factors, so that all will continue to be an equal footing with shippers, insofar as the user charge is concerned.

Mr. Chairman, the Special Credit provision of S. 865 provides that a port whose user fee revenues exceed its operation and maintenance costs may have a percentage of that excess deposited in that port authority's sub-account of the Special Credit Account. Any money deposited into the Special Credit Account will be available for that particular port, or port authority, to be applied to the local share of any qualified port improvement projects. Under our bill, funds may remain in the Special Credit Account for a period of five years, at the end of which time, any funds not applied to the port's improvement projects will be transferred to the general Navigation Improvement account for all ports. In this way, the low-maintenance ports will obtain the kind of benefits which would be expected in the case of port-specific fees.

Mr. Chairman, I want to emphasize this special credit feature is one of the chief elements of the compromise presented by the Deep-Draft Navigation Act. As with all compromises, it is necessary for those on the extremes to recede somewhat from their preferred position, in order that a satisfactory solution may be reached to best serve the national interest.

I believe this bill presents the most workable and desirable approach to the difficult question of cost-sharing for port-dredging. If we are to have a viable port-dredging program in future years, I believe we must accept the cost-sharing concept, with the user fee being the most logical means of raising the necessary funds. Acceptance of this compromise will make it possible for our Nation to properly maintain and improve the ports which are so necessary to international commerce.

Mr. Chairman, I thank you for allowing me this opportunity to testify in support of this bill and to discuss in some detail the Special Credit Account feature of the legislation we have proposed.

TESTIMONY OF SENATOR JOHN W. WARNER

Mr. Chairman, I want to commend you for the leadership you have shown on ports legislation and express my appreciation for the opportunity to testify this morning.

I want to also express my gratitude to the Ranking Minority Member of this subcommittee Senator Moynihan. Although Senator Moynihan and I differ on the details of the legislation we want to see enacted, I know he shares my commitment to the absolute necessity to modernize our American port system.

Three years ago I introduced my first port bill. Subsequently, more than 30 other bills were introduced, and no consensus evolved. The deadlock centered over cost-sharing and the formula to pay for both operation and maintenance and improvements.

The panel joining me at the table this morning signals that a consensus is now evolving. Last fall I formed a partnership with Senator Robert Byrd to draft a compromise bill and shortly thereafter we combined our efforts with those of Senators Hatfield, Thurmond, and Mattingly who had the same goal.

This core working group is very significant because Senator Byrd had introduced separate legislation in the last Congress, which some referred to as the big port proposal, while Senators Hatfield, Thurmond, and Mattingly introduced legislation known as the small port proposal. Now this bipartisan panel is united behind S. 865. We have divided the explanation of the bill with the understanding that each endorses the others' testimony.

The Federal interest in a modern harbor system is two-fold: to promote America's trade potential and economic strength as well as to meet our defense commitments.

With the competitive condition of the world's shipping industry, this ports bill is for all ports at all depths and for all goods. The United States must be prepared to meet the world demand for its goods by developing a more competitive port transportation system.

Likewise, the Constitutional obligation to provide for the nation's defense demands that the Federal government continue its strong role in our national port system. It is a critical component in supplying both our Allies' and our own energy needs. It will guard against implicit and explicit energy coercion from foreign nations as well as blunt future intrusion by the Soviet Union and other countries in world energy markets, thereby reducing the possibility of deployment of American troops to protect energy sources and distribution routes.

The Federal role is further highlighted by our country's commitment to the construction of a 600-ship Navy to bolster our nation's defenses. The quick and efficient deployment and servicing of troops and equipment must be assured by modern, well-maintained harbors.

My assigned task as part of the panel this morning is to highlight the sections of S. 865 providing for navigation improvements.

The bill does not mandate specific improvements but instead sets up a mechanism which can be used to finance and expedite harbor improvements if local harbor officials and port users choose to take advantage of the bill.

The bill does not create a carte blanche for port improvement projects. Instead, the Federal government and local project sponsors will share the cost of navigation improvements. The local cost sharing will impose a market test that will ultimately decide which projects are built.

For example, in my own state, the Corps of Engineers designed an extensive $480 million 55 foot deepening project for the Norfolk Harbor. Faced with the realities of cost sharing, the Virginia Port Authority is now studying two more modest options: the first would be a 50 foot outbound channel from the coal piers to the ocean channel at a cost of $40 million, and the second would be a 55 foot outbound channel only at a cost of $210.8 million.

The local share will increase on a sliding scale as the depth of the project increases. Arbitrarily imposing a single depth as the dividing line for cost sharing percentages, as others have advocated, would not adequately reflect actual ocean shipping patterns which indicate a wide variety of depths required for all commodities.

To pay the Federal share, customs revenues will be diverted to the Navigation Improvement Account where they will be earmarked for harbor improvements only.

The National Ad Valorem Fee is to pay for operations and maintenance only. It will not be used to finance any port improvement projects.

Local authorities will be given broad flexibility to raise port specific fees to pay for the local share of navigation improvements. Among the options are bonds, state or local revenues, and user fees based on tonnage, draft of the ship, value of the cargo, or a combination of these factors.

The local share will be repaid over the life of the project, not to exceed 50 years.

The revenues diverted to pay for the Federal share of navigation improvements will not exceed 85% of the new revenues generated by the operation and maintenance ad valorum fee. Federal spending will be restricted by linking the revenues raised by the national ad valorum fee for operation and maintenance to the amount of federal funds available for new construction.

Mr. Chairman, with your permission, the Governor of Virginia and the Hampton Roads Maritime Association would like to submit a statement for the record in support of S. 865.

Thank you for your attention this morning and for your interest in ports legislation.

STATEMENT OF SENATOR MACK MATTINGLY

Mr. Chairman: Thank you for this opportunity to appear before the subcommittee today on the vital topic of insuring the future operation, maintenance and improvement of America's deep draft system. This is an issue of genuine national concern, and one which each of us should address in an atmosphere free from parochial or regional partisanship.

Our deep-water ports are the gateways through which U.S. goods flow into the world marketplace . . . grain from the midwest; coal from West Virginia, Kentucky and Pennsylvania; fruit and vegetables from Florida, Texas and California; industrial machinery and consumer products from North, East, South and West; and yes, peanuts, tobacco and poultry from the Southeast. Virtually every part of every State in the Union is dependent upon the port system to move our export products in an efficient, competitive fashion. Clearly, it is in the best interest of the U.S. economy as a whole that Congress move to adopt a funding mechanism which will keep our exports viable and to open foreign purchasers. The U.S. Maritime Administration's World Fleet forecasts point to the continuing trend toward larger, more cost efficient, ocean vessels. Most of our competitors are already in the process of adapting their facilities to handle these larger-volume ships. We, on the other hand, have not acted to improve our facilities. There have been no new projects authorized or funded in more than 7 years.

Mr. Chairman, I fear that unless this committee and this Congress move to adopt legislation such as we propose here today, we will face the very real threat of competitively disadvantaging American goods on the world market. Among other factors, the ef-

ficient functioning of our U.S. Port System is of crucial importance if we are to regain our posture in global trade and to seize upon the commercial opportunities which will present themselves as world economic recovery progresses.

There are many challenges facing our industrial, agricultural and consumer product exporters in today's marketplace. Predatory trade practices including unfair subsidies, tariff and nontariff barriers and every other artificial device are used to undercut U.S. sales abroad. But even as we work to remove these obstacles, we must also work to insure that our country's producers will not be crippled by an outmoded system of waterborne transportation.

Thank you, Mr. Chairman.

TESTIMONY OF SENATOR ROBERT C. BYRD

Mr. Chairman, I commend you for holding these hearings. As you are well aware, the issue of port improvement policy has not been resolved after almost three years of debate. My distinguished colleagues appearing here today on this panel and I are hopeful that we are finally at a point where the Senate can move forward on this important matter.

Mr. Chairman, let me briefly explain why a Senator from West Virginia, a land-locked state with no deep-water ports, is so interested in the issue of ports. The answer is 57 billion tons of high-quality bituminous coal. West Virginia is endowed with substantial resources of metallurgical coal which are among the finest in the world, and we also have high quality steam coal reserves. These endowments have helped to make West Virginia the leading coal exporting state in the nation. Almost 50 percent of the U.S. coal bound for export markets comes from West Virginia coal mines.

A healthy export market is important to the people of my state because it means jobs for thousands of coal miners. But the ability of the United States to compete in the world coal market depends to a significant extent upon improvements to our deep-draft ports. Such improvements are important if we are to accommodate the large coal supercolliers which will become increasingly important to world coal trade.

The Deep-Draft Navigation Act represents a reasonable, balanced approach to the maintenance and improvement of the nation's port system. Its enactment would be a major first step in improving the competitive position of U.S. coal in the world market. The coal industry understands this very well. In fact, the National Coal Association endorsed our bill during its annual meeting last week.

Although coal exports from the U.S. are far from the record levels of 1980, economic recovery in Europe and Japan should bring an improvement in the world coal market. In fact, the Energy Information Administration has estimated that world coal trade will reach a total of 169 million tons in 1985 compared to the 1982 level of 105 million tons. It is estimated that world coal trade could expand to about 500 million tons by the year 2000.

We are all aware of the competitive challenges from other nations to important sectors of our economy, such as steel and automobiles. In the face of that intense competition, there is widespread concern that we are in danger of losing our capability to compete in many major markets in the world economy. My concern is to ensure that we act to improve the competitive position of U.S. coal in the world market.

We are facing growing competition from other coal-producing nations. Growing international coal demand can be met by other countries, such as Australia, Poland and South Africa. In addition, a number of other nations are expected to enter the world coal market, such as China and Colombia.

Currently, the United States accounts for about 28 percent of the export coal supply. South Africa accounts for 32 percent, and Australia accounts for 25 percent. These relative shares are expected to remain fairly constant between now and the year 2000. However, it is important to point out that the United States, in terms of the delivered cost of our coal, is the high-priced supply source. As such, we are considered to be a marginal supplier to the world market. Australia is the least-cost supplier to the Far East, and South Africa is the least-cost supplier to Western Europe.

It is important to note, in this regard, that ocean transportation costs for U.S. coal bound for Europe from the East Coast accounts for at least 15 percent of the delivered price. Ocean transportation costs for Australia and South Africa, on the other hand, accounts for 47 percent and about 33 percent, respectively, of the delivered cost to Europe. However, the delivered price of Australian and South African coals to Europe is cheaper than U.S. coal.

The major component of this price differential is higher production costs in the U.S. than for our major competitors. Although some improvement might be possible in bringing U.S. coal production costs down, there is probably little latitude in the near term for achieving such cost reductions. In land transportation costs and ocean transportation costs, therefore, appear to be the principal targets of opportunity for reducing the price differential between U.S. coal and the coal of our competitors. It is not necessary to eliminate the differential altogether, for many importing nations attach a premium to security of supply and other factors which tend to favor the United States. It is important, however, to reduce the price differential, which in some cases has been estimated by EIA to be as high as $17 per ton. According to the Interagency Coal Export Task Force, the U.S. could achieve a stable share of the world coal market if U.S. delivered prices do not exceed the delivered price of our competitors' coal by more than 10 percent.

Unfortunately, the United States is in a poor position to take advantage of economics of scale available through the use of larger ships. Consider the fact that the port of Long Beach is the only port which is deeper than 50 feet. The nation's largest coal exporting port is at Hampton Roads, Virginia, through which (from 1979-82) an average of 47 percent, of all U.S. coal, including a lot of West Virginia coal, has been shipped. However, Hampton Roads cannot accommodate ships greater than 80,000 dwt. It has been estimated by the Coal Exporters Association that the cost of shipping U.S. coals to Europe could be reduced by about 40 percent if we used 120,000 ton ships. But there is no coal port in the United States which can accommodate such vessels.

This should be a matter of concern in light of the Office of Technology Assessment's observation that, as a result of expected growth in coal movements and achievable economies of scale, the number of ships exceeding 100,000 dwt. will increase substantially. It is projected that supercolliers of more than 100,000 dwt. may account for 25 percent of the ocean transport of coal by 1985, and 44 percent by 1990.

There are over 30 foreign deep-water port facilities in operation or in the planning stage, which have depths of at least 50 feet. Unfortunately, we are among the minority of the world's major industrial powers with deep-water channels that cannot accommodate coal supercolliers.

If we do not take action now to deepen our ports, we may find that the United States will remain a marginal supplier of coal to the world market. Our competitor will be taking advantage of economies of scale in ocean transportation by moving their coal in supercolliers, while we will be sending coal to overseas markets in 40,000 ton ships. Mr. Chairman, there is no reason that we cannot be the world's leading coal exporter. We should take steps as soon as possible to that end!

The legislation which we propose looks to the future and contributes to an improvement in the competitive position of the United States in the world coal market. The legislation provides for cost-sharing between the federal government and non-federal interests for navigation improvement projects. The bill establishes a framework for providing funding for navigation improvement projects. The federal share of such projects will be provided by an annual transfer of a portion of customs revenues from the general fund. This approach is not without precedents. There are several existing statutory provisions which allocate specific amounts related to customs revenues through appropriations from the general fund to specific purposes. For example, each year, an amount equal to 30 percent of the annual gross receipts from Customs revenues is used for the encouragement of exportation and domestic consumption of agricultural products. This provision, along with other similar statues, is described in a memorandum prepared by the Congressional Research Service. Mr. Chairman, I submit a copy of that memorandum for the record.

There has been much talk about international trade issue and opportunities. There have been many expressions of concern about the ability of the U.S. to remain competitive in world trade. I submit that coal exports represent an important opportunity for the U.S., and that trade policy must include a recognition of the importance of coal exports. Furthermore, the success of this nation's trade policy is dependent upon the condition of our port system, for ports play a vital role in our economy as strategic elements of our national and international waterborne commerce.

In conclusion, let me point out that a recent report by the Maritime Administration has shown that the private sector and local port authorities have been moving forward with landside and related projects to expand and upgrade coal handling capacity at various ports around the nation.

It is past time for us to do our part by acting to resolve the issue of port improvement. The bill offered by my colleagues and me represents a reasonable approach. It addresses the needs of both large and small ports, and complements private and other non-federal investments directed to enhancing the nation's competitiveness in the coal export market. I urge you to act positively on our proposal. Thank you.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C., March 19, 1982.

To: Subcommittee on Water Resources.
From: Vladimir N. Pregelj, specialist in international trade and finance, Economics Division.
Subject: Customs duty legislation; Customs collections and their uses.

This memorandum has been prepared in response to your request of March 12, 1982, for brief information on the background and development of U.S. customs legislation and customs collections, with particular focus on any specific uses of such collections.

Customs duty (i.e. tariff) legislation in the United States goes back to 1789. Besides being a common fiscal practice of the time, the levying of customs duties was for the newly established United States a matter of financial necessity. During the first post-Revolutionary decade, the financial condition of the national government was at best precarious. Realistically considered, the obvious prime source of national revenue was a duty on imports. As a scholar in the financial history of the United States put it: "By common expectation taxation was to be first applied to foreign trade; the country was by its political training averse to internal taxation; local taxes fell largely on property; export taxes were prohibited; and direct taxes could not be laid until an enumeration of the population had been finished."[1]

The first law that the new Congress enacted on July 4, 1789, the first day of its first session, was An Act for laying a Duty on Goods, Wares, and Merchandises imported into the United States, "necessary for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures." Although this—the first—tariff act of the new Republic was enacted primarily for revenue purposes, it did contain an element of protectionism as well. The Tariff Act of 1789 was followed within a few weeks by An Act to regulate the Collection of the Duties, setting up the mechanism for the administration of the customs law.

The vital importance of customs collections as the primary source of U.S. revenues for more than a century is clearly illustrated by the fact that, in general, customs receipts provided the lion's share of Federal revenues until the Civil War and still over one-half of Federal revenues until the early 20th century. During this entire period, customs collections were exceeded by internal revenue receipts only in war years, the cost of which demanded extraordinary increases in Federal revenues. After the enactment of the Revenue Acts of 1913, 1916 and 1917 (and with them the income tax), however, the share of customs receipts in Federal revenues soon fell to the level of approximately 5 percent, grew again to 15 percent by 1929 and returned to 5 percent by 1939; since World War II it has been at about 1 to 1.5 percent. Despite their present small share, customs revenues are not negligible. Customs collections for fiscal years 1976 through 1981, as reported in the Treasury Combined Statement of Receipts, Expenditures and Balances of the United States Government, were (in millions of dollars): 1976—$4,208.5; 1977—$5,287.5; 1978—$6,728.6; 1979—$7,652.0; 1980—$7,481.6; and 1981—$8,523.3

The amount of customs collections depends primarily on two factors: the rates of duties applied to the individual dutiable imported articles, and the value (or, in the case of specific duties, the quantity) of such imports. The designation of dutiable articles and the setting of the applicable rates of duty is within the Constitutional power of the Congress. The Congress exercised this power directly until 1930, when the most recent tariff act was enacted.[2] Since 1934, however, the power to change duty-rates has been delegated to the President. Such changes—generally reductions—are accomplished through negotiations with U.S. trading partners in exchange for similar concessions on their part. Consequently, the rates on most U.S. dutiable imports have been reduced in a series of negotiating rounds to a relatively small fraction of their 1930 level. The latest broad tariff-cutting agreement in 1979 called for the implementation of the reductions in eight annual stages, the third of which came into force on January 1, 1982, with five yet to come. As a result, the rate of growth of customs collections, which, in general, could be expected to follow closely that of the value of imports, will be somewhat dampened until the duty reductions have been fully staged in.

Customs collections are deposited in their entirety in the general fund of the Treasury. There are, however, several statutory provisions which allocate specific amounts, quantitatively related to customs collections, through appropriations from the general fund, to specific purposes.

Under the provisions of section 32 of Public Law 74-320 as amended (7 U.S.C. 612c), an appropriation is made each fiscal year to the Secretary of Agriculture in an amount equal to 30 percent of the gross receipts from customs duties collected during the calendar year preceding the beginning of such fiscal year (for example, in fiscal year 1982, based on collections during calendar year 1980). These monies are kept in a special fund account and may be used only for the encouragement of exportation and domestic consumption of agricultural products.

The Saltonstall-Kennedy Act [section 2 of Public Law 76-393 as amended (most recently by section 210 of the American Fisheries Promotion Act; 94 Stat. 3287); 15 U.S.C. 713c-3] requires the Secretary of Agriculture to transfer to the Secretary of Commerce from the fund appropriated under section 32 an amount equal to 30 percent of the gross receipts from customs duties collected on fishery products. These monies are also maintained in a special fund account and are used for grants to fisheries research and development projects and for the implementation of a national fisheries research and development program, as provided in the Saltonstall-Kennedy Act.

Under section 705 of the National Wool Act of 1954 (Title VII of the Agricultural Act of 1954) (7 U.S.C. 1784), an appropriation is made for each fiscal year to reimburse the Commodity Credit Corporation (CCC) for any expenditures for payments to wool producers under the National Wool Act support program. The appropriation, however, may not exceed an amount equal to 70 percent of the gross receipts from customs duties collected on wool and wool manufactures, including woolen wearing apparel, during the calendar year preceding the beginning of such fiscal year.

In fiscal year 1981, section 32 allocation amounted to $2,553.3 million, $35.0 million of which was transferred to the Secretary of Commerce for the fisheries research and development program. The appropriation for reimbursing the CCC's National Wool Act program amounted to $34.5 million.

A similar although less precise allocation of funds related to customs collections appears in sec. 245 of the Trade Act of 1974 (19 U.S.C. 2317). In the context of trade adjustment assistance to workers, sec. 245 establishes an "Adjustment Assistance Trust Fund" limited in its use "only to carry out the provisions of [adjustment assistance for workers] (including administrative costs)." The Trust Fund was to consist of appropriations, "out of amounts in the general fund of the Treasury attributable to the collections of customs duties not otherwise appropriated . . . [of] such sums as may be necessary to carry out the provisions of [the program of adjustment assistance for workers]." The Trust Fund was, however, never set up since no appropriations to it were ever made or even requested. Outlays for the adjustment assistance program for workers are funded instead through direct appropriations rather than indirectly through the Trust Fund.

The rationale for bypassing the trust fund channel in practice appears to be the lack of any real need for it. The trust fund provision first appeared in the House Committee version of the trade reform legislation of 1973 (it had not been part of the Administration's 1973 trade bill), but neither the committee reports nor the floor debates on the bill provide any indication of the reason for establishing the Trust Fund in the workers' adjustment assistance program or for its connection with customs collections, nor any explanation of the fact that such a trust fund was not established also for the closely related program of adjustment assistance for firms. The funding for the latter is provided through direct appropriations, with no specific mention of customs collections.

There is in the present Congress no legislation pending that would authorize the allocation of amounts related to customs collections for any specific outlay purposes. There are, however, two legislative proposals of similar nature.

H.R. 1592, introduced by Rep. Hillis on February 3, 1981, would authorize the levying of special fees, additional to any customs duty, on imports of articles related to the causing of injury in cases where such injury from imports has resulted in adjustment assistance to workers, firms, or communities; these import fees should be used for funding the respective adjustment assistance programs. The bill would, incidentally, eliminate the connection between the Adjustment Assistance Trust Fund in the workers' program (sec. 245, discussed earlier) and customs collections, and use the fees as the primary source of monies for the Trust Fund. The legislation does not set a specific level for the fees but requires that they "be sufficient to reimburse the Federal Government for the cost . . . incurred in providing adjustment assistance benefits" under each of the three adjustment assistance programs.

House Concurrent Resolution 169, introduced by Rep. Lyle Williams on July 31,

[1] Dewey, Davis Rich. Financial history of the United States. 12th ed. New York, Longmans Green, 1934 (reprinted: New York, Augustus M. Kelley, 1968). p. 80.

[2] The Tariff Act of 1930 represented the latest Congressional exercise of its tariff-setting power on a large scale. Changes in individual items of the tariff schedules have been frequently enacted since that time.

1981, expresses the sense of the Congress that a 7-percent tax should be imposed on all imports, and its proceeds be appropriated to and deposited in the Federal Old-Age and Survivors Insurance Trust Fund.

The only legislative action on either of these two proposals thus far was a hearing on H.R. 1592 before the Trade Subcommittee of the House Ways and Means Committee on March 30, 1981.

TESTIMONY OF SENATOR MARK O. HATFIELD

Mr. Chairman, we appreciate the opportunity to present for the record our views on deep-draft port user fees and specifically Senate Bill 865.

There has been some controversy over consideration of a user fee for deep-draft commercial channels and harbors. Many interests would suggest that the federal government has always paid for deep-draft operations and maintenance, and since the ports are clearly a national commercial resource, this system should continue. While we agree our ports are a national resource, I must say Mr. Chairman, in an era of $200 billion budget deficits, this attitude is shortsighted, self-serving and denies reality.

We firmly believe the user that benefits from quality ports should help defray the costs. In our bill we've recognized the national interest, and provided for partial cost recovery, only 40 percent to be borne by the user. But, this is a substantial step forward to assure in the out-years, that our ports' O&M costs can be funded in full.

User fees are not new. We pay daily for our use of facilities and equipment. Good examples are, the highway tolls and the gasoline tax user fee and the Airport and Airways Development user fee. Even simpler things like state parks and parking garages all fit into this category. So why do we argue over deep-draft user fees, they would be no different?

The real controversy should surround the proper method for assessing such a fee. Congress has been embroiled in this debate for nearly five years.

Last October, we started a staff working group to break this logjam and try to put together a compromise bill. S. 865 is such a bill. After years of controversy, we decided to approach this task with a strong foundation.

We began with these ideas:

The user fee must be nationally uniform across all commodities and all ports. Port specific fees for O&M must be rejected.

The fee must not cause any dislocation, diversion or loss of cargo into or out of the United States.

There should be only partial cost recovery because of the national interest in keeping all ports open. No O&M payment cap should be considered.

The revenue from the fee must be placed in a trust fund dedicated to deep-draft O&M.

We also determined that any bill on deep-draft ports must recognize the difficulty inherent in moving forward with new water navigation projects. A solution must include both the congressional process and post-authorization permitting. This bipartisan group believes we've put together a bill that meets all of these requirements, and a few more.

I would like to briefly discuss the O&M user fee. Our approach to the fee—an ad valorem charge—is not new to the transportation sector, but for port cost recovery it is a slightly different twist. Our bill sets out a nationally uniform vessel charge for domestic, import and export traffic. The charge is based on the earning capacity of a vessel as measured by the value of its cargo, or ad valorem. A vessel carrying computer parts has a higher earning capacity than a vessel carrying sand and gravel, thus it should be charged fairly, based on that capacity.

This approach has numerous advantages over a tonnage approach. First, it can be uniformly applied to all cargos by a simple mileage rate formula, bulk and container alike. It is market sensitive, moving up or down as the value of the cargo changes.

The tonnage approach advocated by some belies the reality of commercial margins, especially bulk commodities which are the mainstay of our export market. Tonnage based fees would be arbitrary and dramatically affect our ability to trade in these goods. On the other hand, our approach understands the commercial margin, and provides for a charge that applies to all commodities that is uniform, fair and does not interfere with commerce.

A few simple examples: Assuming an ad valorem charge of $.30 per $1,000 of value, which would raise approximately 40 percent of O&M (based on 1980 commerce figures).

The charge on a ton of wheat worth $135 per ton would be about $.04.

The charge on a barrel of oil worth $30 per barrel would be nine-tenths of 1 cent.

The charge on a container of Nike athletic shoes (an Oregon company) worth $70,000 per container would be $21 or the equivalent of six-tenths of 1 cent per pair of shoes.

The charge on an imported car worth $8,000 would be $2.40.

And finally a $1,000 home computer would be charged a mere $.30.

I use these figures only to demonstrate the computation of the vessel charge.

Mr. Chairman, it is clear from these figures that American commerce should not be affected by the ad valorem approach. After consultation with the U.S. Customs Service and the Department of Treasury, we have devised a simple, easy method for making the assessment of the charge, and the subsequent collection.

A shipper will present to the master of the vessel a sworn declaration of value for the cargo being loaded. The vessel master shall be able to rely on this sworn declaration for purposes of the user charge and the Customs Service will then collect the charge based on the sworn declaration. Simple, direct and administratively cost effective.

The issue of the cost of operations and maintenance was also raised by the administration, suggesting that a cap be placed on the O&M benefit paid by the Federal Government. We firmly rejected this concept. The net effect of such a cap would eliminate the commercial viability of over 100 ports across the country. The closure of these ports would also effect the national intermodal transportation system, by reducing the number of commercial options for the skipper. It could cause desperate economic dislocation for the states and communities that rely on the commerce of such ports. Such a cap would cause smaller ports with higher O&M costs to charge port specific fees, defeating the purpose of a rationally uniform O&M user fee. I strongly urge the committee to resist the temptation of including such a cap in any user fee bill.

Mr. Chairman, I will include further information for the record, but for now I will defer to my Colleagues who will address other facets of this bill.

STUART F. BALDERSON, SENATE FINANCIAL CLERK, UNDERGOES SURGERY

Mr. BYRD. Mr. President, I have learned today that the Senate Financial Clerk, Mr. Stuart F. Balderson, underwent surgery around noon today at Suburban Hospital in Bethesda for repair of two ruptered discs.

Mr. Balderson has served the Senate for a little more than 23 years, and was promoted to his present position in August of 1980.

I am sure all Senators will join with me and his many other friends here in the Senate, in hoping that he will have a speedy and complete recovery.

Mr. BAKER. Mr. President, will the distinguished Senator yield to me?

Mr. BYRD. Mr. President, I yield my time back to the Republican leader.

Mr. BAKER. Mr. President, I thank the Senator.

A VIEW OF THE BROOKLYN BRIDGE

Mr. BAKER. Mr. President, William Meredith served at the Library of Congress as the poetry consultant from 1978 to 1980. Last month, he was scheduled to participate in ceremonies commemorating the 100th anniversary of the Brooklyn Bridge, but tragically suffered a stroke on the night before the celebration. Mr. Meredith is now recovering, I am pleased to say, at Lenox Hill Hospital in New York and on behalf of the entire Senate, I want to wish him a speedy recovery. I ask unanimous consent Mr. President, that "A View of the Brooklyn Bridge," a poem by William Meredith, be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

A VIEW OF THE BROOKLYN BRIDGE

The growing need to be moving around it to see it,
To prevent its freezing, as with sculpture and metaphor,
Finds now skeins, now strokes of the sun in a dark
Crucifixion etching, until you end by caring
What the man's name was who made it,
The way old people care about names and are
Forever seeing resemblances to people now dead.

Of stone and two metals drawn out so
That at every time of day
They speak out of strong resemblances, as:
Wings whirring so that you see only where
Their strokes finish, or: spokes of dissynchronous wheels.
Its pictures and poems could accurately be signed
With the engineer's name, whatever he meant.
These might be called: Times inflicting a river, justly,
Or (thinking how its cables owe each something
To the horizontal and something to the vertical):

A graph of the odds against
Any one man's producing a masterpiece.
Yet far from his, the engineer's, at sunrise
And again at sunset when,
Like the likenesses the old see,
Loveliness besets it as haphazard as genes:
Fortunate accidents take the form of cities
At either end; the cities give their poor edges
To the river, the buildings there
The fair color that things have to be.
Oh the paper reeds by a brook
Or the lakes that lie on bayous like a leopard
Are not at more seeming random, or more certain
In their sheen how to stand, than these towns are.
And of the rivering vessels so and so
Where the shadow of the bridge rakes them once,
The best you can think is that, come there,
A pilot will know what he's done
When his ship is fingered
Like the Greek boy whose name I now forget
Whose youth was one long study to cut stone;
One day his mallet slipped, some goddess willing
Who only meant to take his afternoon,
So that the marble open on a girl
Seated at music and wonderfully fleshed
And sinewed under linen, riffling a harp;
At which he knew not that delight alone
The impatient muse intended, but, coupled with it, grief—
The harp-strings in particular were so light—
And put his chisel down for marveling on that stone.

GUIDE TO FORMER SENATORS' RESEARCH COLLECTIONS

Mr. BAKER. Mr. President, I wish to call the Senate's attention to an important new reference book that has just been issued by the Senate Historical Office. Within the next few days, Senators will receive copies of the 362-page Guide to Research Collections of Former United States Senators, 1789–1982. The Guide presents, for the first time, comprehensive information on the location and scope of senatorial collections in over 350 publicly accessible libraries, archives, and museums across the Nation. For a majority of this body's 1,659 former Members, the volume includes references to collections of manuscripts, diaries, oral histories, paintings, photographs, and memorabilia. These sources are fundamental to an understanding of the growth of our Nation and of the Senate's specific contributions to that process. Until now, there has been no convenient or reliable guide to these materials, and they have all too often been neglected.

The Guide is arranged alphabetically by Senator, with appendices listing collections by repository and Senators by State with information on former Members' lifespan, party membership, and other major offices held. It contains citations suggestive of the Senate's colorful past, such as the reference to an oral history interview with a one-armed grizzly bear fighter who was a close associate of a western Senator. The Guide also offers indirect warnings to Senators who neglect to plan for the proper disposition of their office files and personal papers. One son of a former Senator reported that his father's papers had been stored in a barn where they were eventually destroyed first by fire, then water, then vermin.

The Guide was among those projects that the special study group on the U.S. Senate Bicentenary strongly endorsed in its final report late last year. Appropriately, the volume has been designated "United States Senate Bicentennial Publication Number 1." It is the result of a 7-year project undertaken within the Senate Historical Office under the supervision of the Secretary of the Senate. That office and the Senate Computer Center, under the Sergeant at Arms, deserve our appreciation for producing such a comprehensive and useful publication.

As the Senate's 1989 bicentennial approaches, I hope that researchers throughout the country will use this Guide and the wealth of primary source material it describes to shed new light on the Senate's past, present, and future.

Mr. BYRD. Mr. President, I join in calling attention of Senators to a publication that has been prepared by our distinguished Secretary of the Senate. The publication is entitled "Guide to Research Collections of Former United States Senators, Running from 1789 to 1982."

The guide includes information on the locations of former Senators' manuscripts, collections, oral history, interview transcripts, photographs and portraits, memorabilia, information as recorded by 350 public accessible libraries, archives, and historical societies through out the United States, State-by-State list of all former Senators, the date of Senate service and lifespan, and a list of repositories for the Senate collections and their custody.

I compliment the Secretary of the Senate. This is important information. Those of us who are very interested in the history of the Senate should appreciate this document that has now been prepared by Mr. Hildenbrand.

[Mr. TRIBLE assumed the chair.]

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. BYRD. I yield.

Mr. THURMOND. Mr. President, I compliment the distinguished Senators for calling attention to this valuable book, and I also commend the Secretary of the Senate, Mr. Hildenbrand, for his initiative and zeal in getting this information which will constitute, I think, an important segment of history concerning the U.S. Senate.

Mr. STEVENS. Mr. President, I again reserve the remainder of the time yielded to me for the benefit of the two leaders for the remainder of the day.

I now yield the remainder of our leadership time to my good friend from Nevada.

RECOGNITION OF SENATOR HECHT

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada (Mr. HECHT) is recognized for 23 minutes.

Mr. HECHT. Mr. President, I thank the distinguished assistant majority leader for yielding his time to me.

ADDITIONAL HYDROELECTRIC DEVELOPMENT AT HOOVER DAM—AMENDMENT TO S. 268

Mr. HECHT. Mr. President, I rise today to introduce an amendment to S. 268, the Bureau of Reclamation hydro authorization bill which is now pending on the Senate calendar. Cosponsored by my colleagues from the lower Colorado River Basin States, Senators LAXALT, GOLDWATER, DECONCINI, CRANSTON, and WILSON, this amendment provides for additional hydroelectric development at Hoover Dam and serves as the legislative capstone to a negotiated settlement of the long-standing Hoover power allocation dispute between the States of Nevada, Arizona, and California.

By way of a background, the 50-year power allocation contracts for Hoover Dam are due to expire in 1987, less than 4 years from now. Competition for this resource between power customers in the three States has been fierce, and last fall, a major lawsuit was brought by Nevada and Arizona over the Department of Energy's proposed marketing criteria for post-1987 Hoover power. Until just a few months ago, all efforts to negotiate an out-of-court settlement had failed.

A final settlement attempted in December 1982 resulted in the eventual acceptance of a set of 10 "settlement principles" by most of the major Hoover power allotees. All parties are working hard to resolve the few remaining issues. The final version of the Federal marketing criteria for the Boulder Canyon project (Hoover Dam), Parker-Davis project, and the Federal share of the Navajo Generating Station in southern Arizona is substantially compatible with those settlement principles. This has to be seen as a major breakthrough in this long standing conflict.

Certain legislative steps by Congress are necessary in order to reach a final resolution of this issue. As the lower basin's only representative on the Committee on Energy and Natural Re-

sources, I have been working hard with my committee colleagues, the administration, and the affected power users to draft the necessary legislative language. It is my hope that the Senate can move quickly, while the power allocation agreement is intact, to approve this amendment as part of S. 268.

The amendment has four fundamental objectives. First, it helps pave the way for settlement of the outstanding lawsuit over the post-1987 Hoover power allocation.

Second, my amendment authorizes the "uprating" or retooling of Hoover's 50-year-old powerplant generators. One of the major elements of both the allocation settlement and the DOE's latest marketing criteria is the assumption that roughly 500 megawatts of capacity will be made available through this uprating program.

Third, the amendment authorizes the construction of much-needed visitor facility and safety improvements at Hoover Dam, including the construction of a new highway bridge below the dam. There are now over 1 million visitors at Hoover Dam each year, and serious safety problems have developed which threaten not only the visitors but the dam itself. The amendment provides an authorization for $77 million in improvements at the dam, all of which will be repaid to the Federal Government through Hoover power revenues. The proposed bridge below Hoover Dam is badly needed to reroute heavy traffic and hazardous cargo that now uses the narrow two-lane road over the crest of the dam itself. While the amendment does not provide for the financing of bridge construction through power revenues, it is fully intended to encourage State, local, and private parties to develop a suitable cost-sharing proposal for the bridge.

Finally, this amendment proposes to dedicate a fixed amount of post-1987 Hoover power revenues to the completion of the Central Arizona project and the Lower Basin Salinity Control projects, both of which are vital to the future agricultural and economic growth of the Southwest. A 4½-mill-per-kilowatt-hour surcharge will be applied to power sold in Arizona for financing of the CAP, while a 2½-mill surcharge in Nevada and California will finance the Lower Basin Salinity Control program and will retire the cost remaining after 1987 of the Hoover power deficiency program.

Mr. President, 6 months ago, I would not have believed that the States of Nevada, Arizona, and California could agree on what direction the sun sets over Hoover Dam. This amendment represents the culmination of many months of tough, no-nonsense negotiation. I have to give great credit to all parties and to this administration, particularly the Bureau of Reclamation and the Department of Energy, for their constructive approach. Indeed, the legal fees alone that will have been saved as a result of the out-of-court settlement that I confidentially expect to result could probably go a long way toward retiring the Federal debt.

For my own part, I am proud to have played a small role in the shaping of today's amendment. Hoover Dam has had an enormous impact on the development of the American Southwest, and speaking for Nevada, the most arid State in the Nation, I cannot pay enough tribute to my predecessors in the Federal Government who had the courage and foresight to build Hoover Dam and other water development projects in the early part of this century.

It was Nevada Representative Freancis Newlands who introduced the original legislation which formed today's Bureau of Reclamation. The Newlands project in northern Nevada, authorized in 1903, was the very first Federal reclamation project.

The first major multipurpose reclamation project, Hoover Dam, was completed in 1935 at the height of the Great Depression. Electricity from Hoover was vital to America's war effort in the early 1940's, helping power the munitions plants in Henderson, Nev., and the shipyards in southern California. Today, the Boulder Canyon project confers direct benefits to over 10 million water and power users in the Southwest.

Flood control is another, often overlooked, aspect of reclamation development. At this very moment, record flows of water are being released through the Federal dam system along the Colorado River. Without the flood control benefits of these dams and the reservoirs behind them, this year's unusual weather patterns would be devastating human life and property all along the Colorado River.

As many of us know, the Congress has failed to authorize a single new comprehensive water development project since 1976. For many of us in the West, it seems that regardless of the merits of an individual proposal, Federal budget imperatives, heightened environmental sensitivity, or philosophical disagreements over cost-sharing with State and local governments have stopped western water development dead in its tracks over the past several years.

I, for one, am hopeful that this impasse can be broken in the near future. Today's amendment to S. 268 represents a step in the right direction, especially in its approach to non-Federal cost-sharing, and I urge my colleagues to support this amendment and the underlying bill when it is called up off the Senate Calendar.

Mr. President, I ask unanimous consent that the amendment, along with a section-by-section analysis, be printed in the RECORD.

I yield the floor.

There being no objection, the amendments and the analysis were ordered to be printed in the RECORD, as follows:

AMENDMENTS PROPOSED BY SENATOR HECHT TO S. 268

1. Section 1. On page 1, above line 3, insert the heading "Title I".

On page 1, line 3, delete the words "That the" and insert in lieu thereof "SEC. 101. The".

On page 1, line 9, delete the numeral "4" and insert in lieu thereof "104".

On page 2, line 2, delete the numeral "4" and insert in lieu thereof "104".

On page 2, line 8, delete the numeral "4" and insert in lieu thereof "104".

2. Section 2. On page 2, line 11, delete the numeral "2" and insert in lieu thereof "102".

On page 2, line 14, after the words "authorized in" insert "Title I of".

On page 2, line 17, after the words "pursuant to" insert "Title I of".

On page 2, line 20, after the words "authorized in" insert "Title I of".

3. Section 3. On page 2, line 21, delete the numeral "3" and insert in lieu thereof "103".

On page 2, line 22, after the words "authorized in" insert "Title I of".

4. Section 4. On page 3, line 4, delete the numeral "4" and insert in lieu thereof "104".

5. Section 5. On page 4, line 24, delete the numeral "5" and insert in lieu thereof "105".

On page 4, line 25, after the words "pursuant to" insert "Title I of".

On page 5, line 4, after the words "provisions of" insert "Title I of".

On page 5, line 23, delete the numeral "5" and insert in lieu thereof "105".

6. Section 6. On page 5, line 24, delete the numeral "6" and insert in lieu thereof "106".

On page 5, line 24, after the words "authorized in" insert "Title I of".

7. Section 7. On page 6, line 3, delete the numeral "7" and insert in lieu thereof "107".

On page 6, line 5, after the words "authorized in" insert "Title I of".

8. Section 8. On page 6, line 12, delete the numeral "8" and insert in lieu thereof "108".

On page 6, line 14, after the words "authorized in" insert "Title I of".

On page 6, line 22, delete the numeral "2" and insert in lieu thereof "102".

On page 6, line 22, after the words "authorized in" insert "Title I of".

On page 6, line 23, after the words "authorized in" insert "Title I of".

On page 7, line 13, delete the numeral "2" and insert in lieu thereof "102".

9. On page 7, line 14, insert the following:

SEC. 109. The provisions of this Title I shall not apply to any project authorized or affected by Title II of this Act.

TITLE II

SEC. 201. (a) The Secretary of the Interior is authorized to increase the capacity of existing generating equipment and appurtenances at Hoover Powerplant (hereinafter "Uprating Program"); and to improve park-

ing, visitor facilities, and roadways and to provide additional elevators, and other facilities that will contribute to the safety and sufficiency of visitor access to Hoover Dam and Powerplant (hereinafter "Visitor Facilities Program").

(b) The Secretary of the Interior is authorized to construct a Colorado River bridge crossing, including suitable approach spans, immediately downstream from Hoover Dam for the purpose of alleviating traffic congestion and reducing safety hazards. This bridge shall not be a part of the Boulder Canyon Project and shall neither be funded nor repaid from the Colorado River Dam Fund or the Lower Colorado River Basin Development Fund.

SEC. 202. (a) Clause (1) of subsection (c) of section 403 of the Colorado River Basin Project Act of 1968 (43 U.S.C. 1543(c); 82 Stat. 894) is revised to read as follows:

"(1) all revenues collected in connection with the operation of facilities authorized in Title III in furtherance of the purposes of this Act (except entrance, admission, and other recreation fees or charges and proceeds received from recreation concessionaires), until completion of repayment requirements of the Central Arizona Project;"

(b) Clause (2) of said subsection (c) is revised by inserting immediately preceding the existing proviso:

"*Provided, however,* That for the Boulder Canyon Project commencing June 1, 1987, and for the Parker-Davis Project commencing June 1, 2005, and until the end of the repayment period for the Central Arizona Project described in section 301(a) of this Act, the Secretary of Energy shall provide for such surplus revenues by including the equivalent of 4½ mills per kilowatt-hour in the rates charged to purchasers in Arizona for application to the purposes specified in subsection (f) of this section and by including the equivalent of 2½ mills per kilowatt-hour in the rates charged to purchasers in California and Nevada for application to the purposes of subsection (g) of this section as amended and supplemented: *Provided, further,* That after the repayment period for said Central Arizona Project, the equivalent of 2½ mills per kilowatt-hour shall be included by the Secretary of Energy in the rates charged to purchasers in Arizona, California and Nevada to provide revenues for application to the purposes of said subsection (g) of this section:"

SEC. 203. The Boulder Canyon Project Act of 1928 (43 U.S.C. 617 et seq.; 45 Stat. 1057), as amended and supplemented, is further amended:

(a) In the first sentence of section 2(b), by striking out "except that the aggregate amount of such advances shall not exceed the sum of $165,000,000", and by replacing the comma after the word "Act" with a period.

(b) In section 3, by deleting "$165,000,000" and inserting in lieu thereof "$242,000,000, of which $77,000,000 (October 1983 price levels) shall be adjusted plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction costs as indicated by engineering cost indices applicable to the type of construction involved herein. Said $77,000,000 represents the additional amount required for the Uprating Program and the Visitor Facilities Program.".

SEC. 204. The Boulder Canyon Project Adjustment Act of 1940 (43 U.S.C. 618 et seq., 54 Stat. 774), as amended and supplemented, is further amended:

(a) In section 1 by deleting the phrase "during the period beginning June 1, 1937, and ending May 31, 1987" appearing in the introductory paragraph of section 1 and in section 1(a), and inserting in lieu thereof "beginning June 1, 1937".

(b) In section 1(b) by deleting the phrase "and such portion of such advances made on and after June 1, 1937, as (on the basis of repayment thereof within such fifty-year period or periods as the Secretary may determine) will be repayable prior to June 1, 1987" and inserting in lieu thereof "and such advances made on and after June 1, 1937, over fifty-year periods".

(c) In section 1 by deleting the word "and" at the end of subsection (c); deleting the period at the end of subsection (d) and inserting in lieu thereof "; and ", and by adding subsection (e) to read:

"(e) To provide revenues from and after June 1, 1987, for application to the purposes specified in section 403(c)(2) of the Colorado River Basin Project Act of 1968, as amended and supplemented.".

(d) In section 2:

(1) By deleting the first sentence and subsection (a) and inserting in lieu thereof:

"All receipts from the project shall be paid into the Colorado River Dam Fund and shall be available, without further appropriation, for:

"(a) Defraying the costs of operation (including purchase of supplemental energy to meet temporary deficiencies in firm energy which the Secretary of Energy is obligated by contract to supply), maintenance and replacements of, and emergency expenditures for, all facilities of the project, within such separate limitations as may be included in annual appropriations acts;" and

(2) By deleting existing section 2(e) and inserting in lieu thereof a new section 2(e) reading:

"(e) Transfer to the Lower Colorado River Basin Development Fund established by Title IV of the Colorado River Basin Project Act of 1968, as amended and supplemented, of the revenues referred to in section 1(e) of this Act.".

(e) By deleting the final period and placing a colon at the end of section 6 and adding: "*Provided,* That on appropriated funds advanced, respectively, for the Uprating Program and for the Visitor Facilities Program as defined in section 201(a) of [S. 268], the rate of interest for advances for each shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the initial advance for the particular program involved is made, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from the date of issue.".

(f) In section 12, in the paragraph beginning with "Replacements", by deleting "during the period from June 1, 1937, to May 31, 1987, inclusive" and inserting in lieu thereof "beginning June 1, 1937".

SEC. 205. (a) Capacity resulting from the Uprating Program and associated energy shall be allocated for use in Arizona, California and Nevada in the respective amounts specified in the applicable power marketing criteria promulgated by the Secretary of Energy. Such allocated capacity and associated energy shall be disposed of only pursuant to contracts effective June 1, 1987, and expiring on September 30, 2017, between the Secretary of Energy and purchasers in Arizona, California and Nevada eligible to enter into such contracts under section 5 of the Boulder Canyon Project Act: *Provided, however,* That in the case of Arizona and Nevada, such contracts shall be made with the agency designated by state law as the agent of such state for purchasing power from the Boulder Canyon Project.

(b) The Uprating Program authorized under section 201(a) of this Act may be undertaken with appropriated funds or with funds advanced under contracts made with the Secretary of the Interior by non-federal purchasers described in subsection (a) of this section, or a combination thereof. Any funding provided by non-federal purchasers shall be advanced to the Secretary of the Interior pursuant to the terms and conditions of such contracts.

(c) Notwithstanding any other provisions of the law, funds advanced by non-federal purchasers for use in the Uprating Program shall be deposited in the Colorado River Dam Fund and shall be available for the Uprating Program.

(d) Those amounts advanced by non-federal purchasers shall be financially integrated as capital costs with other project costs for rate setting purposes, and shall be returned to those purchasers advancing funds throughout the contract period through credits which include interest costs incurred by such purchasers for funds contributed to the Secretary of the Interior for the Uprating Program.

SEC. 206. Reimbursement of funds appropriated for construction of facilities authorized under section 201(a) of this Act, inclusive of any funds advanced by non-federal purchasers, shall be a repayment requirement of the Boulder Canyon Project beginning with the first day of the month following completion of the installation, except that the costs of the Visitor Facilities Program as defined in section 201(a) of this Act shall become a repayment requirement beginning June 1, 1987, or when substantially completed, as determined by the Secretary of the Interior, if later.

SEC. 207. This Act shall not be construed to either support or prejudice:

(a) claims concerning the existence or scope of any right to renew a contract in effect on the date of this Act for purchase of electrical energy generated at Hoover Dam, including, but not limited to, any right to increased capacity resulting from the Uprating Program, or

(b) claims concerning the existence or scope of preference in the purchase of electrical energy generated at Hoover Dam, including, but no limited to, any right to increased capacity resulting from the Uprating Program.

SECTION-BY-SECTION ANALYSIS OF AMENDMENTS PROPOSED BY SENATOR HECHT TO S. 268

General: Paragraphs 1 to 8 of the suggested amendments recommend that the existing provisions of S. 268 be styled as "Title I" and renumbered beginning with Section 101. Additionally, to clarify that Title I does not apply to Title II which presents proposals related to the Boulder Canyon Project and related matters, a new section 109 would expressly disclaim the application of Title I to any project authorized or affected by Title II.

The following paragraphs discuss the proposed provisions of Title II:

SEC. 201: (a) Would provide authority for the Secretary of the Interior to undertake the Uprating Program and the improvement of Visitor Facilities. Prompt authorization of the Uprating Program is necessary both

to enable post-1987 marketing of an enhanced Boulder Canyon resource and to avoid potential waste that would result from failure to integrate the on-going program of replacing worn generating machinery at Hoover powerplant with the proposed Uprating Program which is designed to increase the generating capacity of these same units.

(b) Would provide authority for construction of a Colorado River bridge crossing, but excludes such crossing from the Boulder Canyon Project and expressly specifies that it shall be neither funded nor repaid from the Colorado River Dam Fund or the Lower Colorado River Basin Development Fund since such a facility is more properly funded from highway funds.

SEC. 202: (a) Clause (1) of section 403(c) of the Colorado River Basin Project Act of 1968 ("Basin Project Act") would be revised to limit its applicability to revenues collected from Title III facilities to completion of repayment of the Central Arizona Project.

(b) The proposed revision of clause (2) of section 403(c) of the Basin Project Act preserves the concept that surplus federal revenues from the Boulder Canyon and Parker-Davis projects, after repayment thereof, are to be deposited in the Lower Colorado River Basin Development Fund. The proposal would fix an amount to be included from June 1, 1987, in rates applicable to the Boulder Canyon Project and from June 1, 2005, in rates applicable to the Parker-Davis Project to create such surplus revenues. This amount would be equivalent to 4½ mills per kilowatt-hour for sales in Arizona, to be applied to the purposes stated in section 403(f) of the Basin Project Act (pertaining to repayment of the Central Arizona Project) and would be equivalent to 2½ mills per kilowatt-hour for sales in California and Nevada to be applied to the purposes of section 403(g) of the Basin Project Act (pertaining primarily to salinity control, as provided in section 205(b) of the Colorado River Basin Salinity Control Act, and to agumentation of the Colorado River as may be authorized by the Congress). After repayment of the Central Arizona Project the amounts to be included in rates from the Boulder Canyon and Parker-Davis projects would be a uniform amount equivalent to 2½ mills per kilowatt-hour for sales in all three states, to be applied to the above-described purposes of section 403(g) of the Basin Project Act.

SEC. 203: (a) Would remove the ceiling on advances under the Boulder Canyon Project Act which currently is set at $165,000,000 in order to accommodate the increase in authorized appropriations proposed in section 203(b).

(b) Would amend section 3 of the Boulder Canyon Project Act by increasing the amount authorized for appropriation for the purposes of the Boulder Canyon Project Act from $165,000,000 to $242,000,000 and identifies the $77,000,000 increase as attributable to the costs of the Uprating Program and of Visitor Facilities Program.

SEC. 204: (a) and (b) would continue the existing rate-making provisions of the Boulder Canyon Project Adjustment Act ("Adjustment Act"), including the 50-year repayment principle, beyond May 31, 1987.

(c) Would require that the amounts provided for in the revisions proposed to section 403(c)(2) of the Basin Project Act [see section 202(b) of our proposed amendments] be included in determining the power rates for the Boulder Canyon Project under the Adjustment Act.

(d)(1) Would provide an operating fund out of which costs of operation, maintenance, replacement and emergency expenditures of the Boulder Canyon Project may be met, including the cost of purchasing supplemental energy to meet temporary deficiencies in firm energy for which the Secretary of Energy has contracted.

(2) Would delete existing section 2(e) of the Adjustment Act which provided annual appropriations for fiscal years 1948 through 1951 for payments to the Boulder City School District. Would substitute a new section 2(e) to provide the necessary authority for transferring from the Colorado River Dam Fund to the Lower Colorado River Basin Development Fund of those revenues collected by reason of the amount to be included in Boulder Canyon Project rates under the revised section 403(c)(2) of the Basin Project Act.

(e) Would supplement the existing interest rate provision of the Adjustment Act to provide that on funds appropriated for the Updating Program and the Visitor Facilities Program the rate of interest shall be determined under the same formula that Congress has written into federal water and power project authorizations for many years. The formula is identical to the provisions for the establishment of an interest rate in section 7 of S. 268 as introduced and in section 7 of S. 306 as passed by the Senate in the last Congress.

(f) Would continue the definition of "Replacements" contained in the Adjustment Act beyond the current term ending May 31, 1987.

SEC. 205. (a) Would provide as follows:

(1) that capacity from the Uprating Program and the energy associated therewith shall only be disposed of by contract;

(2) that the term of the contract will be 30 years;

(3) that the contracting parties will be parties in Arizona, California and Nevada eligible to enter into the contracts under the contract provision of the Boulder Canyon Project Act;

(4) that in the case of Arizona and Nevada the contracting parties will be those agencies designated by State law as agents of the State for purchasing Boulder Canyon Project output; and

(5) that the allocation of capacity, together with the associated energy, be in the amounts specified in the Secretary of Energy's marketing plan.

(b) Would authorize the Secretary of the Interior to initiate the Uprating Program with funding either from federal or non-federal sources. As observed above in commenting on proposed section 201(a), considerable savings in costs can be achieved and unnecessary outages can be avoided by coordinating the Uprating Program with the necessary ongoing replacement of worn-out generating machinery. This provision would make such coordination possible and would expedite construction of the Uprating Program.

(c) Would provide for deposit of funds advanced by non-federal purchasers for the Uprating Program in the Colorado River Dam Fund and would further provide that such funds are available for use in the Uprating Program.

(d) Would provide that advances by non-federal purchasers used for the Uprating Program would become part of the capital costs of the Boulder Canyon Project for rate setting purposes, and that such advances would be returned, with interest, to such purchasers through credits against charges to them.

SEC. 206: Would provide that reimbursement of funds used for construction under the Uprating Program and the Visitor Facilities Program, including funds advanced by purchasers, is a repayment requirement of the Boulder Canyon Project beginning with the first day after completion of the installation, except that the costs of the Visitor Facilities Program would become a repayment requirement beginning June 1, 1987 (the beginning of the new contract period) or when substantially completed, if that is a later date.

SEC. 207: Would preserve existing rights in pending litigation in the event that this Act is adopted before the litigation is resolved.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. The very distinguished Senator from Nevada (Mr. HECHT) has made his first speech in the Senate today on an amendment he is offering that reflects his long years of service in the Nevada State Legislature and his knowledge of the water resources problems not only of his State but also of the whole Colorado River area.

I am delighted to have had the opportunity to be present when he made this statement, and I commend him for the direct approach he has taken to the problems of his State.

VITIATION OF SPECIAL ORDER FOR SENATOR MOYNIHAN

Mr. STEVENS. Mr. President, I ask unanimous consent that the special order for Senator MOYNIHAN be vitiated and that we now proceed to routine morning business.

The PRESIDING OFFICER (Mr. HECHT). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. TRIBLE). Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 12 noon with statements therein limited to 5 minutes each.

THE DIRECT, RAW RESULTS OF A NUCLEAR CATASTROPHE

Mr. PROXMIRE. Mr. President, many of us have talked about the horror of nuclear war without saying exactly why it would be so terrible. Rarely do we find anything written in detail spelling out precisely how a nuclear war would destroy human beings. At last we have a serious professional attempt to spell out an answer.

The World Health Organization to which I have referred in the last few days does exactly this. The experts of the World Health Organization find that in the event a single 1-megaton bomb were dropped over London, the number of dead and injured would

depend on the bomb's altitude when it exploded. It found that a single, low-altitude bomb would kill 1,800,000 people and injure another 1,700,000. A high-altitude explosion of the 1-megaton bomb would kill 1,600,000 and injure about the same number.

How would they die? The low-altitude explosion would literally crush, that is kill by blast effect alone, 500,000 and injure another 700,000. Some of the dead dying from blast would literally disappear. Their bodies would vaporize. In such a single-bomb explosion another 400,000 would die of the intense heat generated by the bomb and 100,000 would be injured by this inferno-like heat. Many of the 400,000 dead from heat would suffer instant cremation. The injured would experience agonizing burns with the pain prolonged by an absence of hospitals or doctors or medicines or drugs, all of which would disappear rapidly in a city suffering a nuclear attack. But with this low-altitude explosion the main damage would come from radiation.

The World Health Organization estimates that 900,000 would die from radiation and another 900,000 would suffer injury. And how would radiation kill these 900,000? Here is the way these particular deaths would come:

First, a central nervous system erosion and collapse with alternating states of stupor and hyperexcitability and with unavoidable death within a few days;

Second, gastrointestinal disorder with nausea, persistent vomiting, hemorrhaging diarrhea, with death occuring within a week;

Third, a blood-forming syndrome characterized by nausea, vomiting, and anemia.

So much for a low-altitude explosion. How about a high-altitude explosion? How would the victims die or be injured? The high-altitude detonation of a 1-megaton bomb would as I have indicated kill about the same number, but not in the same way. With a high-altitude explosion, blast alone would kill and injure about twice as many as with a low-altitude explosion. The World Health Organization estimates 1 million dead and 1½ million injured by the blast effect that would literally vaporize human beings at the center of the target and crush others to death because of the lethal weight of atmospheric pressure. And with the high-altitude explosions, a much larger area would suffer heat damage. So whereas the fire and immense heat of a low-altitude explosion would kill 400,000, some 600,000 would be cremated or die of serious burns with a high-level explosion. In spite of these much higher casualties from blast and heat for high-level explosions, the total casualties would be about the same, however, because the World Health Organization finds that the high-altitude explosion would neither kill or injure any significant number by radiation.

Mr. President, what I have described so far is the World Health Organization's estimate of the result of a single—I repeat a single—1-megaton bomb dropped on a single big city—for example, London.

Now consider their findings in the two other far more likely scenarios. The first assumes that military targets—not cities, but military targets—are attacked in Central Europe with tactical nuclear weapons but also with larger 100- to 200-kiloton bombs. Assuming a total of 20 megatons—certainly a conservative and modest calculation—there would be about 9 million dead and severely injured and about the same number of people with less severe injuries. The World Health Organization finds that even if the attack were aimed at only military targets, the civilian casualties would outnumber the military by 16 to 1.

The final scenario assumes an all-out nuclear war with 10,000 megatons of nuclear bombs exploded all over the world, 90 percent of them in Europe, Asia, and North America, 10 percent in Africa, Latin America, and Oceania. It assumes that half the bombs would be surface bursts and half air bursts with the air bursts over cities with populations exceeding 60,000. The World Health Organization estimates that such a war would result in about 1,150,000,000 dead and 1,100,000,000 people injured. So about half the world's population would be the immediate victims of the war.

Mr. President, these are the raw and terrible consequences of nuclear war. At a later date I will discuss the suggestions of the World Health Organization for the pitifully inadequate means of handling the casualties.

ANATOLY SHCHARANSKY AND THE SOVIET JEWS

Mr. PROXMIRE. Mr. President, last week New York Times columnist Anthony Lewis protested the inhumane treatment of Anatoly Shcharansky. Lewis writes:

> Anatoly Shcharansky was a leading figure among Soviet Jews seeking the right to emigrate. He was convicted on grotesque charges of treason and sentenced to 13 years in prison and labor camps.
>
> In confinement, Mr. Shcharansky has been repeatedly punished, held in solitary, deprived of his right to have his family visit him twice a year. He went on a protest hunger strike last Sept. 27 until Jan. 14.

Shcharansky now appears to be suffering from a serious heart condition, which Soviet officials refuse to treat. Relying on medications provided by fellow prisoners, he developed a severe allergic reaction. His last letters to his family describe the swelling and sores which cover his body.

Shcharansky's wife, Avital, who managed to leave the U.S.S.R., has repeatedly sought to obtain his freedom. Numerous news articles and editorials have pleaded on his behalf for the right to emigrate. Throughout the world, Jews and gentiles continue to rally to Anatoly and Avital's cause, and Anatoly Shcharansky has become a living symbol for Soviet Jewry.

At last count, over 300,000 Soviet Jews have requested permission to emigrate. The Russian Government responds to such requests by removing applicants from their jobs, separating families, and, as in Shcharansky's case, sendng individuals to work camps and prison.

In addition, the Soviets set up an official anti-Zionist committee. One of the organization's first statements equated Zionism with Hitlerism. They also claimed that most Jews who wanted to leave the Soviet Union have already done so, despite all evidence to the contrary. Only 421 Jews emigrated from the U.S.S.R. so far this year.

The State Department denounced the outlandish claims of the Soviet anti-Zionists. Such blatantly oppressive treatment of a religious group runs counter to our support for human rights.

One reason our objections go unheeded by the Soviets is our failure to ratify the Genocide Convention. This basic human rights document protests the persecution of religious, ethnic, national, and racial groups. Until we ratify the Genocide Convention, the Soviets will continue to accuse us of hypocrisy and a lack of commitment to human rights.

Lewis concludes:

> Moving the Soviet leadership on an individual human rights case often seems a hopeless business. But if you meet Avital Shcharansky—a 32 year old woman who has not seen her husband for nine years—you know there is no alternative to trying.

For the Shcharansky's sake, as well as that of the nearly 2 million Jews trapped in the Soviet Union, we must ratify the Genocide Convention.

LARRY NELSON: 1983 U.S. OPEN CHAMPION

Mr. MATTINGLY. Mr. President, I wish to draw the attention of my colleagues to yesterdays brilliant victory by Larry Nelson of Marietta, Ga., in the 1983 U.S. Open Golf Championship at Oakmont Country Club, in western Pennsylvania.

In doing so, Nelson joins the late, legendary Bobby Jones as the only other Georgian to capture the prestigious event.

Larry Nelson won this coveted championship by firing a 65 and a 67 in the last 2 rounds of the tournament. His 36 hole total in the last 2 days broke the previous Open record by an incredible 4 shots.

As the tournament began, Larry was struggling with that most familiar and frustrating of golf's ailments, the lost putting touch. Larry suddenly regained his stroke on the greens in the midst of the championship and capped his effort yesterday by sinking a 62-foot birdie putt that he had to maneuver over a multitiered green and a 4-foot left-to-right break.

In adding the Open title to his 1981 Professional Golfer's Association championship, Nelson had to catch and pass two of the top players in the game, defending Open champion Tom Watson and current Masters title holder, Serveriano Ballesteros. Calvin Peete, who started the final round tied with Nelson one shot behind leaders Watson and Ballesteros, provided additional, formidable competition.

Victory went to Larry Nelson, though, because he not only bested his fellow players and what many pros called the most difficult golf course that they had ever seen, but also because he was able, as a true champion must, to perform valiantly under some of the most pressure-packed circumstances that sport has to offer.

On behalf of all his fellow Georgians, I congratulate him on his magnificent achievement.

I believe that Watson (again), Ballesteros, and Peete will all have their day in the spotlight that shines on U.S. Open winners, but that honor this year deservedly belongs to Larry Nelson.

I ask unanimous consent that articles from the Atlanta Constitution and the Washington Post describing Larry's accomplishment be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 21, 1983]

NELSON'S RISE UNSCIENTIFIC, BUT SENSIBLE

(By Thomas Boswell)

OAKMONT, Pa., June 20.—Larry Nelson's address in Marietta, Ga., is 421 Oakmont Circle.

"Yes, it's named after this golf course," said Nelson today after he had won the U.S. Open at Oakmont Country Club. "Maybe next week they'll change the number on my house."

Nelson wouldn't mind 280—his winning score.

The story of how Nelson came to be an Open champion is one of golf's stranger tales—largely because of another unusual address.

Born in Ft. Payne, Ga., Nelson grew up, from the age of 8 to 14, with the mailing address "Ackworth-and-or-Kennesaw, Ga."

"The nearest golf course was 30 miles away and (at that age) I couldn't drive," said Nelson, whose athletic loves were baseball and basketball.

Nelson dreamed about a pitching career in the majors. "I had a great knuckle ball and a sneaky fast ball," he said today, still proudly showing off the callus on his right index finger caused by many curve balls long ago.

Scouts deemed Nelson too small to be a pitcher, so he got a college baseball scholarship at Southern Tech. After a year, he quit school to work as an illustrator at the same Lockheed plant where his father worked. "I can draw anything I can see, and to perfect scale. But I can't draw people."

Drafted in '68, Nelson did a two-year hitch in the Army, making "buck sergeant" and serving three months in Vietnam, where "I walked through the rice paddies and the jungles . . . I was very fortunate over there . . . I came back."

An army buddy, Ken Hummel, kept talking about the glories of golf and Nelson, who has thought that "golf was for sissies" when he was in high school, took up the game when he returned.

Nelson was immediately torn between golf, which he loved immediately, and his plans to become a chemical engineer. "I was already enrolled at Georgia Tech and I had all the required math for the first two years out of the way," he said, "I couldn't do a calculus problem right now but I enjoyed them then. I loved science."

Though he'd never swung a club until he was 22, Nelson was so addicted to the game, and so good at it, that he turned pro in six months. "I want to try this and just see," Nelson told his wife of 16 years, Gayle.

Only four years after he first picked up a club, Nelson had his player card and by 1974, he was earning a living on tour. In 10 seasons, he's won six tournaments—two majors—and $1.1 million.

It's been Nelson's bad luck that, in a period when pro golf has had an identity crisis, Nelson has often been singled out as the most clonelike of all the PGA Tour's clean-cut, smooth-swinging, expressionless players. It was, of course, profoundly unfair to Nelson's golf accomplishments and his strong, simple character.

"I'm unassuming. I don't think it's necessary to be anything other than yourself. I don't require any attention," and Nelson, who would be glad to plead guilty to dullness if that meant he were deeply religious, devoted to his family and determined to succeed at his work.

Nelson is now a player director of the PGA Tour Tournament Policy Board—a thankless but important role. He often skips the British Open so he can stay home with his family and go fishing. Also typical of Nelson is that he has an appointment for Tuesday morning in Memphis that is so important to him that he has told "Good Morning America" that he'll miss their nationwide show before he'll miss what he's doing in Memphis.

"I have to speak at a church," he said quietly. "No, I don't preach. It's just a talk."

Asked if he ever prayed on the golf course, perhaps a reference to his prayer of a birdie putt at the 16th hole today, Nelson showed his only trace of irritation of the day. He wanted it clear that he wasn't one of those shallow God's-on-my-team jock Christians.

"I don't pray for the ball to go in," he said. "The only thing I pray for is the inner peace to do my best."

[From the Atlanta Constitution, June 21, 1983]

NELSON HAS TOTAL PEACE AT THE 18TH

(By Tom McCollister)

OAKMONT, PA.—Larry Nelson felt total inner peace at 10:45 a.m. Monday as he stood by the scorer's tent behind the 18th green at Oakmont. As Tom Watson prepared to hit a wedge shot toward the cup, Nelson felt no anxiety, no pulling against his foe. Just hope.

A second later, Watson's ball rolled harmlessly by the hole and only then did Nelson accept the fact that he was the U.S. Open champion. A smile broke across his face. He hugged his wife, Gayle, accepted Watson's congratulations and was engulfed by well-wishers.

"Larry Nelson, U.S. Open Champion. Has a nice ring to it, doesn't it?" Nelson said. "I was thinking yesterday how nice it would be to become only the second Georgian to win this championship. And now, it's a great feeling."

With his pulsating one-stroke victory over Watson at Oakmont, Nelson joined the late, legendary Bobby Jones, as the only other Georgian to win an Open championship. Jones, an amateur throughout his golfing career, won the title four times, in 1923, 1926, 1929 and 1930.

Nelson won it in style against one of the greatest golfers in the world, finishing with 67 for a four-under-par 280. Watson had 69 and 281.

Gil Morgan finished third, closing with 68 for 283, one under par for the duration. Calvin Peete (73) and Severiano Ballesteros (74) tied for fourth at 286, one stroke ahead of Hal Sutton.

Nelson overcame early rounds of 75 and 73 by shooting a six-under 65 in the third round to close to within one. And Sunday, with Watson at his best and shooting an outgoing 31, Nelson shot 33, never losing the cool and poise that became his trademark.

He had to overcome a rain delay that caused Sunday's final round to end with the two golfers still on the course tied at four-under. He completed that round Monday, a four-under-par 67, setting a record in the process. With his final 36 holes of 132, Nelson eclipsed a record shared by six others by four strokes and became only the 13th golfer to win both the PGA and Open titles.

"I dreaded the thought of a playoff," Nelson said. "I did not want to go back out on that golf course. Standing there as Tom played the final hole, I knew I'd done my best and could accept it if he won. It was out of my hands and in Watson's hands."

When they returned to the course Monday, Watson had a putt on the 14th hole, Nelson had to tee off on the 16th hole. Watson missed his putt, Nelson drove the par-three green but was 60 feet from the hole. He made it.

"All I was thinking after that was to keep my feet on the ground," Nelson said. "I still had two holes to play, but you can't imagine the feeling it gave me."

Watson also had feelings about it. He knew he needed a birdie over one of his next four holes just to tie. He two-putted from 35 feet at the 15th, two-putted from 25 feet at 16, then came the series of shots that prevented him from winning successive Opens.

He bogeyed the 17th perhaps the easiest hole on this course, just as Nelson was bogeying the 18th. Then Watson hit over the green on the final hole and this time there were no miracles such as his chip on the 17th hole a year ago at Pebble Beach that won his first Open championship.

"I felt it was only a matter of time before I won again," said Nelson, whose last victory was the 1981 PGA at the Atlanta Athletic Club. "I went out this year (on the tour) very confident and played very poorly. I thought I was gone mentally. I was hitting the ball, but I couldn't score.

"But when I came here, I believed my game was coming back. I thought if I could putt, I would have a chance. It all came together the last two rounds. Those were the two smartest rounds of golf I've ever played, and this was the first time I've ever come from behind to win. That should help me in the future."

Nelson played the final 36 holes in 10 under, making only three bogeys, all of them due to three-putting.

"When you play that well and it comes down to the last hole, you can't worry about what happens," Nelson said. "At the 18th, while Tom was still playing, I wasn't thinking about anything. I was just happy I was through."

With his victory, Nelson won $72,000, 10 years of exemptions in Open championships, five years worth of Masters' and British Open exemptions and all the accolades that go to the winner of this championship.

"This has to be my greatest win because of the circumstances," Nelson said. "It came against some of the best players in the world and on a true championship course. The PGA will always be special because it was the first one, but to win the Open is special in so many other ways."

SUPPORT FOR UNIVERSITY OF CALIFORNIA'S INVITATION TO SOVIET SCIENTISTS

Mr. CRANSTON. Mr. President, I wish to commend the University of Southern California and Irwin C. Lieb, vice president and dean of its College of Letters, Arts and Sciences, for their initiative in extending visiting professorships to seven Soviet refusenik scientists. Irwin Lieb, who has championed the cause of Soviet Jewry, recently traveled to the Soviet Union to extend personally the invitation to these internationally renowned scientists. I am pleased to add my strong support for the efforts that are being pursued on behalf of these refusenik scientists.

The seven noted scientists—Mark Freidlin, Semion Katz, Victor Kipnis, Yuri and Olga Medvedkov, Alexander Paritsky and Valery Soyfer—have all been refused emigration visas. Since applying for emigration, they have not been permitted to conduct research, to use library facilities, to participate in scientific meetings, or to publish their works. Most of the seven have been dismissed from their positions in universities and institutes. Alexander Paritsky is now imprisoned in a Soviet labor camp.

It is a terrible waste of human talent, ability, and knowledge to prevent these scientists from contributing to the betterment of science and education in the Soviet Union. These seven people have much to offer. America stands ready to welcome them and to permit them to pursue their work in their respective fields.

Therefore, I call upon Soviet officials to issue exit visas to the scientists without delay. Granting them exit visas would be fully consistent with the emigration rights guaranteed in the Helsinki accords, of which the Soviet Union is a signatory. This action would also be perceived as a significant gesture of good will and a sign that the Soviet Union desires to improve scientific and educational relations with the United States, relations which have suffered in recent years. Further, it is my fervent hope that Moscow will reverse the horrendous downturn in the number of emigration visas it is issuing to the Jewish community. In 1979, Jewish emigration from the U.S.S.R. reached a high of 51,320. Tragically, this total plummeted drastically to 2,688 in 1982. And figures for January to April of this year are a dismal 421.

The granting of visas to the seven scientists—as well as to other refuseniks and all those who wish to emigrate—would be a constructive step that would do much to lessen the strained relations between the United States and the Soviet Union.

It is also my hope that the Reagan administration will redouble its efforts on behalf of Soviet Jewry.

PRESIDENTIAL SCHOLARS EXPRESS CONCERN OVER ARMS RACE

Mr. CRANSTON. Mr. President, I recently had the pleasure of meeting with Ariela Gross and Lawrence Lipkin, high school students who were in Washington to receive Presidential Scholar medallions at the White House. Chosen as among the most outstanding of our Nation's high school students, they are to be congratulated for this high honor.

In addition to receiving this award, a number of these young scholars made the most of their meeting with the President. Ariela Gross initiated a petition among the Presidential Scholars urging the Reagan administration to support the nuclear freeze. I commend highly the determination shown by Ariela Gross to express her convictions and to translate those convictions into action. And I regret the efforts by certain administration officials to intimidate those Presidential scholars who feel strongly about the nuclear freeze issue. The leaders of tomorrow must be actively involved in the major issues confronting mankind and must not be hesitant to speak out. Ariela Gross and her colleagues exemplify the initiative, courage, and commitment we hope to see in our Nation's future leaders.

I ask unanimous consent that the full text of the petition on the nuclear freeze be printed along with the article about Ariela Gross' efforts which appeared in the New York Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 16, 1983.

DEAR MR. PRESIDENT: As Presidential Scholars, we feel honored to represent American youth and gratified by your confidence that we will play a part in shaping the future of this country. We cannot, however, accept this high honor without voicing our most profound fears for the future itself. We therefore call upon you, Mr. President, to make every effort to halt the nuclear arms race that endangers the tomorrows in which we hope to fulfill our dreams of today. We, the undersigned, endorse, and urge you to endorse, the nuclear freeze proposal outlined below. Such a proposal, with various amendments and revisions, has already been passed by the United States House of Representatives as Joint Resolution 13, on May 4, 1983.

The Freeze Proposal: To improve national and international security, the United States and the Soviet Union should stop the nuclear arms race. Specifically, they should adopt a mutual freeze on the testing, production, and deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons. This is an essential, verifiable first step toward lessening the risk of nuclear war and reducing the nuclear arsenals.

[From the New York Times, June 13, 1983]

FOR SCHOLAR AND PROTESTER, HARD ROAD TO WHITE HOUSE

(By Douglas C. McGill)

Later this week, Ariela Gross is to meet President Reagan. The President will give her a medallion. In return, Miss Gross plans to give the President a petition urging that he support a proposed Congressional resolution calling for a nuclear freeze.

Miss Gross, a 17-year-old from Princeton, N.J., is one of 141 high school seniors chosen this year as Presidential Scholars, a group of young people honored for high academic and artistic achievement, as well as proven interest in community social issues.

Yesterday, the entire group of scholars met in Washington to begin five days of informal educational meetings with Representatives and Senators, breakfasts and luncheons with high-level political officials and other activities.

If the President accepts Miss Gross's petition Thursday at the White House meeting that culminates the week of activities, it will also be the end of a difficult journey for her.

OUR MOST PROFOUND FEARS

The journey began shortly after Miss Gross received a telegram from President Reagan at the end of April, congratulating her for winning a Presidential Scholarship, which provides a $1,000 cash award. About a month later, she wrote a letter to her fellow winners, asking them to join her in encouraging the President to endorse the proposed freeze on nuclear weapons by both the United States and the Soviet Union.

"We feel honored to represent American youth," the statement said in part, "and gratified by your confidence that we will play a part in shaping the future of this country. We cannot, however, accept this high honor without voicing our most profound fears for the future itself."

Shortly after she sent out the letters, however, her mother, Shula, received a telephone call from Gary Stember, executive director of the Commission on Presidential Scholars, the Education Department panel responsible for the scholarship program.

"'Do you know what your daughter is doing?'" Mrs. Gross recalled Mr. Stember

asking. Mr. Stember, she said, told her that several scholarship winners had complained to him about Miss Gross's letter, that the commission could "rescind her scholarship" and that "very likely the White House could react strongly and cancel the ceremonies."

DIDN'T PROMISE ANYTHING

The call upset her and her daughter. "We took his word for it that my scholarship would be revoked," Miss Gross said. "I agreed that it should be revoked if that's what it came to."

The next morning, Mr. Stember called to speak with Miss Gross. "He was much cooler" than in his earlier conversation with her mother, she said. "He wanted me to comment that I would not do anything at the ceremony. I didn't promise anything."

That afternoon, she called Mr. Stember back, and he said that "he had reported it to the Education Department and the White House, and that they would probably revoke the scholarship, or cancel the ceremonies, or discontinue the entire program," Miss Gross said.

Later that day, however, Miss Gross received a reassuring phone call from Thomas C. Anderson, counsel to the Secretary of Education, T. H. Bell. A supervisor of Mr. Stember had told Mr. Anderson about the earlier call. Mr. Anderson, Miss Gross said, told her that her scholarship was not in jeopardy, that Mr. Stember's remarks were unauthorized and that "winning the scholarship didn't mean that we didn't retain our freedom to express our views and share them with others."

Mr. Anderson also told her he had sent Mr. Stember a memo reminding him of the scholarship winners' rights.

"We cannot allow the students and their parents to be intimidated because of their political views," the memo read in part. "By virtue of being designated as Presidential Scholars and accepting the honor, these students obviously retain all of their rights to express their views and seek out others who may share those views."

EDITORIALS ON FREEZE

In a telephone interview, Mr. Stember declined to comment on his telephone conversations with Miss Gross. Mr. Anderson, in another interview, confirmed the substance of Miss Gross's recollection of their telephone call, as well as the text of the memo.

Miss Gross will go to Harvard University in the fall. At Princeton High School, she was in the top 1 percent of her class, ran on the varsity track team for three years and had been captain of the cross-country team. As editor of the school newspaper, The Tower, in her senior year, she wrote many editorials on the nuclear freeze, the situation in El Salvador, budget cuts and education.

At present, Miss Gross said, she has received 50 letters from her 140 fellow Presidential Scholars. Of these, she said, 24 students signed a statement saying, "I believe in the nuclear freeze and will sign the statement." Eight signed a statement saying, "I am interested but need to know more," and 11 said, "I am opposed to the concept of freezing the nuclear arms race."

The other students did not sign because they felt that it would be improper to disrupt the ceremony, Miss Gross said.

"VERY CREDIBLE GROUP"

Miss Gross said she had written the statement because, "if this is going to be looked at as 'Here are the young people who made it through and will lead us to a great future,' I couldn't do that unless I said, 'We'll do that if we have a future.' "

"I think we're a very credible group of people, and according to the President, we're the best and the brightest," she added. "We're not Communists, we're not misguided, and we care. I thought it would be a good time to say that."

Some letters from her fellow scholarship winners gave detailed reasons for their opposition to the nuclear-freeze proposal.

"The Soviet philosophy is one of expediency," one student wrote. "If it is convenient and advantageous to make a treaty on arms or otherwise, it will be done. Later, if it seems advisable to break it, that too will be done."

The student added: "If, in a race, one competitor quits in the middle, he does not win. He loses. Can we afford to lose?"

COMMITTEE REPORT ON S. 1013, THE BANKRUPTCY COURT AND FEDERAL JUDGESHIP ACT OF 1983

Mr. THURMOND. Mr. President, a serious omission in the committee report on S. 1013, the Bankruptcy Court and Federal Judgeship Act, has recently been brought to my attention. A portion of the report entitled "History of Bankruptcy Laws" directly quotes, without attribution, an article entitled "Subject Matter Jurisdiction, Abstention and Removal Under the New Federal Bankruptcy Law" which appeared in the Spring 1982 issue of The American Bankruptcy Law Journal. This article was written by Michael H. Reed, a partner in the law firm of Pepper, Hamilton & Sheetz of Philadelphia, Pa.; Barbara H. Sagar, an associate of the firm; and Gail P. Granoff, also an associate of the firm.

While the omission of a footnote properly attributing much of this portion of the report to the work of Mr. Reed, Ms. Sagar, and Ms. Granoff was apparently inadvertent, I would like to offer my sincere apologies to the authors of this article for this error having been made. I would also like to acknowledge and thank them for the contribution which their article made to the report on S. 1013.

ONE-HUNDRED YEARS OF THE FEDERAL CIVIL SERVICE

Mr. STEVENS. Mr. President, I was pleased to learn recently that the U.S. Postal Service will be issuing a 20-cent commemorative stamp recognizing 100 years of the Federal civil service. The stamp will be issued later this year and will feature the words "civil service" in two lines of blue type at the top of the design on a vertical stamp. The date "1883" will appear under the words "civil service" in ornate scroll typeface popular in the late 19th century, and the year "1983" will appear below it printed in a digital typeface similar to that generated by computers. Underneath "1983" will be the letters "USA" and the cost of the stamp, "20¢".

Mr. President, the Postal Service—through the Citizens Stamp Advisory Committee—does not issue very many commemorative stamps in a year. In fact, the number is in the neighborhood of 20 out of some 8,000 requests every year. It is certainly fitting that the Postal Service would single out the 100th anniversary of the establishment of the civil service system for the first commemorative stamp honoring civil servants as a group.

The career civil service, based on merit principles, came about 100 years ago with the passage of the Pendleton Act, which provided a framework for a merit system in Federal public employment. The concept of a merit system was born and grew because of the force of public opinion. The American public then and now wanted a competent and politically neutral civil service. Starting with 13,000 jobs in 1883—10 percent of Federal employees at the time—the merit system expanded until, today, it covers 91.3 percent of the 2.7 million Federal workers. Over the past 100 years, experience has proven that the Federal Government can continue to function and move ahead even under the most difficult circumstances. This is due to a great extent to the civil service system, which has made Federal service a career for trained, dedicated, and capable persons.

Mr. President, I applaud the Postal Service and the members of the Citizens Stamp Advisory Committee for selecting this stamp and join with them in honoring the millions of past and present civil servants who have served this Nation and its people so well in this past century.

INTERNATIONAL DAY OF REMEMBRANCE FOR VINCENT CHIN

Mr. CRANSTON. Mr. President, in cities throughout America and beyond, people gathered last weekend in memory of the death of Vincent Chin.

Our Nation was formed on a commitment to the ideal of equality for all.

Whenever discrimination occurs, we break faith with that ideal.

Yet so frequently, here as elsewhere, economic hard times have surfaced underlying racism, producing violence, bloodshed, and death.

One year ago in Detroit, Vincent Chin—a 27-year-old Chinese-American engineer on the eve of marriage—was brutally and senselessly tracked down and killed.

This crime was committed by two unemployed white auto workers who, confusing him for Japanese—all of whom they blamed for their troubles—fatally beat him with a baseball bat.

His last reported words were, "It just isn't fair."

There is a deep irony in the fact that this day of remembrance for Vincent Chin must occur almost precisely at the time when a national commission is recommending and I am introducing in the Senate legislation for redress for the mass removal from the Pacific Coast and internment of Japanese Americans by our Government at the break of World War II, 40 years earlier.

These actions indicate we have made some progress in the fight for social justice for Asian-Americans and others.

But we have more work to do.

I support the pending Federal investigation into the violation of Vincent Chin's civil rights.

But seeking adequate punishment of Vincent Chin's persecutors is not enough.

We must continue to seek a just society for all Asian-Americans and, indeed, for all our people.

We will not fulfill our national commitment until all are treated equally before the law, and until each has equal opportunity, regardless of color gender, religion or handicaps, ethnic or national origin, to participate fully in our Nation's economic, social, and political processes.

LARRY HOLMES

Mr. SPECTER. Mr. President, of Tony Zale, the former middleweight boxing champion from Gary, Ind., often called the Steel City, it was said that he was a man of steel and that the steel was stainless.

For Larry Holmes, the current heavyweight champion from Easton in my State of Pennsylvania, I would like to propose a similar metaphor. As far as I know, Easton has no sobriquet, but it may truthfully be said of Holmes that he is a diamond and that the diamond is flawless.

Undefeated in 42 fights, a fearless champion who has successfully defended his title 14 times, Holmes has been a classic competitor, a boxer without peer, a gladiator possessing both grace and graciousness.

The great skills that he possesses are God-given, but enormous amounts of hard work, sacrifice, and perspiration have gone into honing them to the razor-sharp perfection that have made him a champion.

Nothing has come easy for Larry Holmes. As he once said: "I've always felt that you had to work for anything you got." And his life has attested to the truth of that comment.

The 7th of 12 children born to sharecropper parents who moved north to seek a better life, Holmes left school at the age of 13 to find work. First, there were menial jobs with long hours and small paychecks. Then, when he began boxing at the age of 19, he had to work his way up through the ranks, slowly and painstakingly.

His apprenticeship in the ring was long and difficult. He had difficulty getting fights and was forced into the unglamorous job of sparring partner where the pay is small and the punishment often great.

But Larry never lost faith in himself or sight of his goal. And he never stopped working to become the best.

When his long-awaited opportunity came on June 10, 1978, he was ready. Despite reinjuring a torn muscle in his left shoulder during the championship fight with Ken Norton, Holmes went on to take the decision, fighting virtually one handed. He had spent too many years working for this chance to allow anything to stop him from winning the crown. Since then, he has defeated all challengers.

Gentle in speech and manner, Holmes' proficiency in the hard and often brutal world of boxing belies this true nature. He has been described as a gentleman, a family man, and a person who loves his fellow man. He has the respect, the admiration, and, indeed, the affection of all who know him.

And, like the diamond to which I compared him, he is a shining example of what is worthwhile and best in mankind.

TOWARD A MORE RESPONSIBLE DEFENSE POLICY

Mr. CRANSTON. Mr. President, one of the most difficult and most crucial budget decisions still lies before us—the appropriate level for defense spending. In its actions on the budget resolution, Congress has very wisely rejected the unjustified request by the Reagan administration to increase defense spending by almost 10 percent after inflation. However, we are still grappling with the perennial question of how much is enough.

I have consistently supported a strong defense. But a strong defense does not mean we must have the most expensive defense. In fact, simply throwing money at Pentagon problems can jeopardize our national security, particularly if the priorities of an oversized defense budget do not meet our true security needs.

DEBATING DEFENSE

Before the full Senate begins its deliberation on the defense authorization legislation for fiscal year 1984, we need to consider where this budget will take us. In what direction are we heading? Can we afford the price down the road of the numerous new weapons systems to which this bill would commit us? Is this level of defense spending sustainable? Do the marginal benefits, in terms of added military security, outweigh the considerable costs of our economic vitality? Does this budget improve prospects for nuclear arms control and reductions?

Regrettably, floor debates on defense bills are too often focused on a handful of controversial weapons systems.

Before we get too far into the heat of such debates, we need to step back and take a longer range view. It is essential that we do this. It is essential because these spending authorizations are going to tie us in to a level of defense spending that is unprecented in its size during peacetime. It is essential because we are not simply talking about money. What we are going to debate has a very significant effect on the nuclear arms race and ultimately, on the survival of this planet.

Maintaining a strong defense is expensive, but less expensive than the military program President Reagan demands. Unfortunately, until we negotiate a mutual, balanced, and verifiable arms freeze and reductions with the Soviet Union, there is no way we can substantially reduce this heavy burden.

The President of the United States and the Congress have no greater responsibility than to provide for the greatest possible national security and thereby to provide Americans the opportunity for life, liberty, and the pursuit of happiness.

To accomplish this goal, we must define our real defense needs and establish clear priorities.

Our national security and strength as a nation cannot be measured in nuclear megatonnage alone. Our human and natural resources—our economy, our education system, and our environment—are essential factors as well. Defense spending which might provide marginal benefits in terms of additional military force or greater deterrance must be measured against the costs such spending imposes upon the economic system which is the generator of our national strength.

Our national security includes all those elements which keep us strong as a nation. These include skilled military personnel and sophisticated weaponry. But they also include a healthy economy with reduced deficits, growing capital investment and declining unemployment.

Above all we must recognize that our security ultimately depends not on the pursuit of force but on the control of force in the world.

DEFINING POTENTIAL THREATS

To chart a wise course on defense, we must have a clear idea of the real and potential threats to our national security. First and foremost among these is the danger of nuclear conflict with the Soviet Union. We must also consider the possibility of conventional war with some other adversary that could endanger key Western interests such as the national sovereignty of an

ally or access to such vital natural resources as Persian Gulf Oil. Another threat to our security interests could come from shows of force by our adversaries in a way intended to intimidate or blackmail other nations. Yet another danger could come from pursuit of spending policies which might cripple our economic vitality or promote severe disunity among our people.

In order to counter these threats and to devise an effective defense policy, we must have a coherent defense strategy that is part of an overall strategy for peace. Such a strategy should set our goals, order our priorities, and carefuly relate our defense policy to the defense budget.

Under the Reagan administration, we are operating without a comprehensive defense strategy. The Reagan administration has no clear set of priorities and no sound rationale for the weapons systems we are buying. Instead, key administration officials have declared that we must spend whatever sums are estimated to be needed to meet every conceivable contingency everywhere and anywhere in the world in our competition with the Soviets. This is not a sound strategy for defense; it is a strategy for disaster.

A STRATEGY FOR DEFENSE

The basic purpose of any sound defense plan is to thwart aggression while protecting our national interests. For this purpose, we maintain and deploy military forces for deterrence and defense.

Our strategic nuclear forces are our ultimate deterrent against attack. While they represent a relatively small percentage of our overall defense budget, the awesome consequences of their use require that they receive the most careful assessment.

We must continue to maintain deterrence through a land-, sea-, and air-based nuclear triad as we launch a new effort toward far lower levels of force through mutual, balanced, negotiated reductions with the Soviet Union. Until we reach a nuclear-freeze agreement with the Soviets, we need to proceed with efforts to modernize our bomber force, improve the capability of our relatively invulnerable submarines, and examine carefully whether improvements in the survivability of our land-based ICBM's are possible and cost effective.

Tactical nuclear forces can also provide a deterrent against aggression, particularly in the European theater. We need to negotiate intermediate-range-nuclear-force reductions or counter Soviet capabilities in this area. But our long-term NATO strategy must be one which places great reliance on a modernized conventional NATO deterrent to raise the nuclear threshold and to reduce the likelihood that the West would be forced to be the first to use nuclear weapons in any future conflicts. We must embark on a program of modernization and coordination which could lead us toward the declaration of a no-first-use policy for the NATO nuclear arsenal. We should ultimately seek, however, agreements with the Soviet Union to reduce our conventional forces as well as our strategic forces, for without such agreements we will be unable to make really significant and substantive reductions in the military spending which at present levels is undermining our economy.

Our general-purpose, conventional military forces remain our first line of defense. They seek to prevent escalation toward the ultimate danger to our national security and the global environment—nuclear holocaust.

Our most important and valuable resource in our Armed Forces is the men and women who serve our Nation. Therefore, we must maintain and improve pay schedules—not cut them—so that we retain a highly skilled, educated Armed Force. We also need to support reasonable research and development efforts so as to reduce costs for modernization efforts and increase reliance on nonnuclear battlefield weapons which can raise the nuclear threshold. And we need to integrate our forces and improve our rapid deployment capabilities.

As a maritime nation, the United States must maintain an effective naval fleet. But we must reject adherence to the idea that a fixed number of ships will make us more secure if we have failed to clarify what missions we seek to fill. It is unrealistic to think that we can police every part of the 75 percent of the globe that is covered with water. It is a mistake to rely on still more aircraft carriers and surface ships to keep sealanes open when advances in missile and submarine technology have made these ships so vulnerable. We need to place greater reliance on submarine forces and our deep ocean navy in general.

Our Air Forces are critical both to our strategic and tactical nuclear deterrents, as well as to our conventional war-fighting capacity. We should produce fighters at the lowest possible unit cost and insure that we have airlift capabilities that will provide credible support to threatened friends and allies. Our defense efforts will fail to deter if we lack the demonstrated airlift capabilities to get men and equipment rapidly deployed in an area of conflict.

Finally, any defense strategy which relies more on unnecessarily complex weaponry than on the readiness of numerous, well-maintained arms manned by effective well-trained forces will fail. It is essential that we not weigh our defense priorities in favor of exotic weapons systems while short-changing the spare parts, fuel, ammunition, and salaries which provide muscle for our conventional military deterrent.

THE REAGAN PROGRAM

Unless checked, the unprecedented defense buildup by the Reagan administration will place an excessive load upon our economy. In the end, it is likely to harm our effort to provide sustained improvements in our conventional forces and, by weakening our economy, it could reduce our national security. Strengthening our conventional military capabilities reduces the possibility that military conflict would cross the nuclear threshold. But to make such improvements, our defense budget increases must be moderate enough to be sustained over the long-term.

In its anxiety to project a determined and forceful image overseas, the Reagan administration has proposed spending taxpayer dollars on such unwise programs as the deployment of the MX missile in fixed Minuteman silos and the construction of yet another large, sitting duck aircraft carrier. It has also requested funds for refurbishing World War II battleships, funds for expanded research and development for antiballistic missiles and funds for nerve gas production. These expenditures do not serve our national security interests.

The fatal flaw of the Reagan administration defense program is its confidence that more and more weapons, particularly more sophisticated weapons of mass destruction, will provide for greater national security. Missing in all of the administration's pronouncements about war-fighting strategy, limited nuclear war, and weapons deployment is any genuine appreciation of the role of arms control in improving national security.

PROGRAMS MERITING SUPPORT

The essential elements of defense spending include, first of all, adequate pay and compensation for our military personel. These are human resources vital to our national security. In recent years, Congress provided pay increases for military personnel averaging 26 percent, as well as increases in benefits and allowances in order to redress serious problems of recruitment and retention. We should maintain this program of improving military pay and benefits—a program which has been threatened by unwise Reagan administration military spending priorities. Without well-trained people, it is futile to spend enormous sums of money on sophisticated weapons systems and equipment.

We must also do more to insure that our military forces are combat ready. Without adequate maintenance, spare parts, training for our troops, flying time for our pilots, and steaming time for our ships, we reduce the credibility of our military deterrent. Maintaining

equipment and buying spare parts is unglamorous. In the past, it has been too often neglected and too often the first target for budget cuts.

Additional examples of worthy defense spending programs can be found in selective weapons modernization. We need to maintain and improve the conventional capabilities of our Army, Navy, Air Force, and Marines.

In the area of strategic nuclear weapons, it is essential to maintain a credible deterrent. One of the legs of our nuclear triad—the manned bomber—offers a particularly stabilizing deterrent capability. If need be, bombers can be recalled once they take off; missiles cannot. Bombers are not first-strike weapons. They are easily counted, and thus pose no verification problems. Their production, therefore, is far less threatening and less potentially destabilizing to United States-Soviet relations than other nuclear weapons delivery system. The only new strategic manned bomber we could have ready in this decade is the B-1B, which can penetrate Soviet air defenses for several years after its deployment, which can serve as a cruise missile platform well into the next century, and which provides important advances over the B-52 in scramble times, blast survivability, and maintenance costs.

PROGRAMS WARRANTING CUTS

There are a number of existing defense spending programs that do not serve our national security and should be cut.

The administration proposal to reactivate vintage World War II battleships at an estimated cost of at least $325 million per overhaul is an absurd waste of defense dollars that is shortchanging other more worthy defense programs.

The funding of yet another large nuclear aircraft carrier will produce another ship that could prove to be a sitting duck in any major confrontation.

We must be careful to avoid the errors of the past that have led to support for Pentagon requests for gold-plated weapons systems which promote sophistication and gadgetry over practicality, quantity, and usability. This year we will be buying still more Bradely infantry fighting vehicles, even though their price tag has soared from $900,000 to nearly $2 million each. This kind of cost escalation makes the vehicle impractical. We should eliminate it.

In addition, we need to make certain that our spending on military research and development does not become dangerously lopsided. A flourishing research base is essential to a healthy civilian economy. And yet President Reagan has proposed a 25-percent increase—above inflation—in military R&D. This proposal would have military spending consume nearly two-thirds of our Federal research funds—an unprecedented sum—which would place our civilian sector still further behind the West Germans, the Japanese, and others.

Finally, we should not squander precious defense resources on a costly and futile competition, with the Soviets to expand civil defense efforts. No shelter scheme devised by man can protect large elements of our population against the devastating consequences of nuclear holocaust.

MX

Major expenditures proposed by the Reagan administration for strategic weapons, especially the MX program, leave many unresolved questions.

I am strongly opposed to the President's proposal to place the MX missile in Minuteman silos. The most tangible result of proceeding with the MX is to fuel the recklessly dangerous and costly arms race. The administration plans to proceed not just with the MX, but with Midgetman as well. To proceed with both will ultimately be a violation of the SALT II agreement, which we have pledged to adhere to as long as the Soviets do. It is particularly galling that this administration is proposing to justify the next round of the arms race as an arms control effort.

The MX would not add to our security, it would detract from it. MX, with its 10 warheads that are more accurate and lethal than the Minuteman III with its three warheads, would be a more inviting target to the Soviets. Deployment of the MX in fixed Minuteman silos would put us in a more destabilizing position—exactly the opposite of what we should seek.

The administration has declared that it needs the MX in order to demonstrate national will so that we will be able to negotiate an arms control agreement with the Soviets. The administration insists that to get an arms control agreement, we must build even more so that we can ultimately have less. This is logic turned on its head and every other way. It is a travesty.

The MX is a missile without a legitimate deterrence mission. It will cost more than $26 billion. It is a dangerously destabilizing weapon. We should abandon the scheme and recognize that we demonstrate real national will and strength when we can admit that MX production and deployment is a mistake.

UNITED STATES-SOVIET RELATIONS AND NUCLEAR ARMS CONTROL

As we debate the MX and other defense spending issues, we must maintain an awareness that we live in a time unlike any other. For today every person in the world's two most powerful nations is a hostage. Every man, woman, and child in the United States is targeted by Soviet nuclear weapons. And every man, woman, and child in the Soviet Union is targeted by American nuclear weapons. Civilization could end within minutes, leaving, as Jonathan Schell has described:

> A darkness in which no nation, no society, no civilization will remain, in which never again will a child be born; in which never again will humans appear on Earth—and there will be no one to remember that they ever did.

The threat that nuclear weapons will be used through accident, miscalculation, or an act of madness grows each day that the nuclear arms race is allowed to continue.

The detonation of a single nuclear weapon over an American city would be the greatest disaster which ever befell this Nation. Yet despite the fact that the whole world lives in the dark shadow of potential nuclear conflict, the two leaders of the nations which possess the largest nuclear arsenals have met only once in the past 8 years to discuss this great common danger.

The nuclear arms negotiations which United States and Soviet leaders have delegated to their subordinates have lagged far behind the pace of arms development. During the many years it has taken to negotiate even the outlines of arms limitation agreements, new generations of weapons have become ready for deployment which have made these negotiations obsolete even if they are successfully ratified. The great danger of nuclear conflict should make clear that arms control is not simply a peace issue—it is a matter of survival and a national security imperative. The nuclear threat demands imaginative efforts to improve United States-Soviet relations and achieve arms control breakthroughs. This should be the fundamental priority for our national leadership.

The nuclear threat gives us cause for grave concern, but not despair. Creative leadership can allow our country to make a creative, constructive, and all-out effort to negotiate a balanced, verifiable freeze on nuclear weapons production, testing, and deployment and to agree on deep reductions in our bloated nuclear arsenals. We must apply the great human intelligence which first mastered the splitting of the atom to our present task of taming these atomic weapons before they destroy us.

Our primary national security goal must be the prevention of nuclear war and the containment of inevitable United States-Soviet competition into peaceful spheres.

We have left arms control to the experts and the ideologues; they have failed us. The experts in previous administrations bogged down in arguments over equivalent megatons and scenarios of surgical strikes which have long been made absurd by our nuclear triad and our overkill capabilities. They lost sight of the basic goal

of achieving arms reductions through all-out dedication to successful negotiations.

The ideologues in the Reagan administration have failed us with their bellicose war talk, their loose rhetoric about limited nuclear war and winning a nuclear war and surviving a nuclear war. These men have no faith in the value of arms control as an essential component of our national security. They have no ability to achieve fair, balanced mutual compromises to reduce nuclear weapon stockpiles. And they are on record as strident opponents of even limited efforts to curb the arms race.

Our Nation is presently embarked upon a 5-year Reagan administration plan to spend $2 trillion on more nuclear and conventional weapons and military matters generally. But there is every reason to believe that more nuclear bombs will only make us less secure, and that soaring defense spending will wreak havoc upon our values and our economic health—both so vital to our overall security as a nation.

Our economic woes started with the tragic decision to escalate the Vietnam war. We refused to raise the taxes to finance that misadventure, and as the war escalated, so did inflation.

Now soaring increases in defense spending make it even more difficult to set right our economic mess.

How can we spend $2 trillion on the military and have enough left over, in public and private funds, to educate our children, to build and pay for our homes, to keep up with our medical bills, to protect our environment, to maintain and expand our transporation systems?

UNITED STATES-SOVIET RELATIONS

If we are to improve our national security, we must confront the problems of the United States-Soviet relationship as if our lives depended on it. They do. This relationship is truly the most important in human history—for never before have two global powers possessed the ability to exterminate each other virtually instantaneously.

Successful management of the United States-Soviet relationship requires sober realism. We must be realistic about the degree to which differences in our respective histories, our social values, and our political and economic systems make collisions inevitable. But it is the certainty that such collisions will occur that makes dialog and negotiation so essential.

We must urge President Reagan—and future Presidents—to hold frequent summit meetings with the Soviet leadership to air grievances, to clarify positions, and to explore possibilities for greater cooperation. The meeting of the heads of state of the two most powerful nations should not be an extraordinary event; summits should be institutionalized as a regular practice.

There need be no prearranged set of limited agreements arranged by subordinates before a summit. There should be time to explore the common problems that beset our planet and to explore possible solutions.

We can assume the worst of motives from the Soviets. But if they are rational, we have common interests in survival. If one assumes they are irrational, our nuclear deterrent, which would only check rational policymakers, is of limited use.

We must have American leaders who are tough-minded in Soviet-American affairs, but not ideologues. We must have leaders who understand the Soviets' totalitarian system, their fears, and the great costs their militaristic policies place upon their social system.

We must have leaders who reject the notion that through ever-increasing defense budgets we can outspend the Soviets in an arms race or achieve meaningful nuclear superiority. If such a strategy could possibly work, we would succeed only in placing our adversary at a point of desperate inferiority such as that which led the Soviets to take the risks that provoked the Cuban missile crisis. If, as is almost certain, it failed—for the Soviets will never again allow themselves to be markedly inferior in nuclear arms—it would merely spur a new round of the nuclear arms race.

CONCLUSION

In the years immediately ahead, defense policy decisions will be made which could either improve or virtually eliminate the prospects for meaningful nuclear arms reductions. The proposal to place MX missiles in fixed Minuteman silos—while concurrently developing yet another ICBM missile—the Midgetman, is costly, dangerous, and destabilizing. Vague and ill-considered proposals for a star wars defense system threaten to provoke an expensive and futile defensive nuclear arms race. Such actions reduce our national security and squander our defense dollars.

The dangers facing our planet today are unprecedented. Computers warning our Government against suspected Soviet nuclear attacks frequently malfunction, sending off false alarms that could lead us to launch our nuclear weapons. Soviet warning systems—which are presumably less sophisticated than ours—must have experienced similar incidents. And the specter of a dozen more nations acquiring nuclear bombs adds to the hair-trigger situation in which our nuclear arsenals exist.

Strong and alert U.S. military forces will remain essential to deter Soviet military adventures. We need to assure the readiness of our conventional forces so that we can continue to deter violation of fundamental U.S. national interests. But there is much more we can do to increase our security than simply add money to the defense budget.

Above all, we need a strategy for peace. A sound defense policy can support such a strategy. Without that strategy no system of defense can succeed.

THE LATCHKEY PROBLEM

Mr. DODD. Mr. President, today I wish to draw the Senate's attention to a serious problem facing many of our Nation's young people: The latchkey problem.

Latchkey children are those who must look after themselves when they return home from school. Many children must take care of themselves in the afternoon because their parents are still at work. Such children's playmates are also likely to have parents who work. And housing schemes for young families and senior citizens are often separate, leaving even fewer adults around to supervise children in the afternoon.

At present, we do not know how many American children have no adult supervision when they return home from school. In 1974, a sample survey of parents revealed that at least 2 million children were latchkey children. Today, child care experts estimate that as many as 15 million children between the ages of 5 and 12 may be home alone from 3 in the afternoon to 6 or 7 in the evening.

The risks for latchkey children may be serious. Some may face accidents and injuries. In Newark, N.J., for example, 1 out of 6 fires over a year's time involved children alone at home.

Some latchkey children may lose the desire to do well at school. Others may start to feel bored, lonely, and alienated. Still others may fall prey to vandalism and other delinquent activities.

The children's caucus, cochaired by Senator SPECTER and myself, convened its first policy forum on June 9 to examine the problems confronting latchkey children. We heard from two distinguished panels of witnesses.

Our first panel included children and adults who participate in after-school programs. First-grader Bryan Womick and fourth-grader Greg Womick who attend the Park Elementary latchkey program in Anne Arundel, Md., told us how happy they are that they do not have to go home and stay alone after school. High school students Robin Dorsey and Carl Crenshaw also testified about the value of this program. Former latchkey children themselves, they now volunteer to supervise youngsters like the Womick brothers after school. These young people were ably assisted by Park Elementary's program director,

Marcia Fuquay, and principal, James Preston.

We were also pleased to hear from third-grader Kani Calavan, and fourth-graders Damani Goode and Brooke Cawley. These young people attend the Hearst afterschool program (HAPI) in Washington, D.C., and said they prefer HAPI to a babysitter at home. Patti Macie, founder and director of this program also testified before us and spoke of the many children she still sees alone on playgrounds in the District of Columbia after school.

The second panel of witnesses testified as to the nature and scope of the latchkey problem and possible remedies. Dr. Edward F. Zigler, director of the Bush Center in Child Development and Social Policy at Yale University, spoke about the physical and psychological troubles latchkey children may face and commented on the lack of school-age day care. Dr. Thomas Long of Catholic University summarized findings garnered from his interviews with some 850 latchkey children over the past 3 years. Michelle Seligson, director of the school-age child project at Wellesley College, spoke of her attempts to gather and dispense information about successful afterschool programs across the country. And, Evelyn Moore, director of the National Black Child Development Institute, testified about the need for afterschool care for American families in general and black American families in particular.

Mr. President, I thank all the witnesses for their eloquent testimony about this evergrowing problem. I ask unanimous consent that the remarks of Dr. Edward Zigler, Dr. Thomas Long, Michelle Seligson, and Evelyn Moore be printed in the RECORD in their entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SCHOOL-AGE DAY CARE—TESTIMONY FOR SENATE CHILDREN'S CAUCUS POLICY FORUM: "LATCHKEY CHILDREN: RISKS AND ALTERNATIVES" JUNE 9, 1983

REMARKS OF DR. EDWARD ZIGLER

Despite the fact that 62% of the mothers of school-age children now work outside the home, surprisingly little attention has been paid to the problem of care for their children. There almost seems to be an assumption that when a child enters Kindergarten he no longer needs day care—he vanishes, or becomes an adult. Although day care facilities have tripled since the 1960s, most serve only preschool children. But the greatest need is for day care for children 5 to 13 years old, before and after school and during vacation days. An estimated 2 to 4 million young children are left alone to fend for themselves for a significant portion of each day.[1] Two-thirds of the child care needs of our nation involves school-age children.

No one knows exactly how many children in this age group qualify as "latchkey children," because parents are reluctant to admit to an official, such as a census taker, that they must leave their children unattended. When allowed to remain anonymous, however, 23% of working parents surveyed by a large-circulation family magazine admitted that they regularly left their school-age children alone. Moreover, 33% of the parents were uneasy about their afterschool arrangements, even if the children were not actually left alone.[2] Lower estimates of the numbers of latchkey children fail to take into account that many of those reported to be in the care of "relatives or neighbors" are in fact being watched by other children, some as young as 7 or 8 years old.

But does this situation constitute a problem? Some of my colleagues disagree, but I think that latchkey arrangements represent a serious abdication of responsibility toward our nation's children. This conclusion is based not only on my knowledge of child development, but also on my concern about the dangers to which children are exposed daily.

Unattended children in this age group are vulnerable to many kinds of harm. Over 6,000 children aged 5–14 die from unintentional injuries each year, including over 1,000 in fires.[3] Fire departments across the country note that unsupervised children are frequently injured in fires; in fact, it was reported in 1981 that as many as one out of six calls to the Newark, New Jersey fire department involved an unattended child.[4]

Children left alone are also prime victims of sexual assault and other types of crime.[5] Urban areas and suburbs each have their own special dangers: although the crime rate is higher in the cities, the isolation of the country and the greater distance between the home and the workplace make suburban children vulnerable as well.

This disturbing picture of the physical dangers to which school-age children are exposed does not negate the need to discuss the possible psychological consequences of latchkey arrangements. Yet, one or two of my professional colleagues have seemed to suggest from time to time that leaving children alone or caring for younger children builds independence and responsibility.[6] I would like to refute strongly that notion, specifically as regards the younger age groups. Independence and responsibility are qualities that children develop in small increments as they grow and learn.

Although an 8-year-old might be developing a sense of responsibility by watching a younger brother in the back yard while the parent is in the house, the same child might be overwhelmed by the day-to-day responsibility of meeting all his brother's needs or making crucial decisions in times of danger and crisis. A 10-year-old is behaving independently when she cooks the family's dinner with only light adult supervision, but wouldn't know what to do if she cut a finger or burned herself while alone. A 9-year-old may feel perfectly confident about going to the store to purchase a loaf of bread, yet be terrified to come home to an empty house.

Psychologist James Garbarino, duscussing latchkey children, agrees that "it is the premature granting of responsibility that seems to be damaging."[7] Children should have chores and responsibilities, but these should be age-appropriate. In short, they should be allowed to have a childhood. What are the effects of being a latchkey child? Some children seem to be coping, yet others develop alienation, loneliness and fear. One-third of the school children in New York City state that they are afraid to go outside of their apartments. Although no causal relationship has as yet been determined, it is plausible to assume a relation between the growing numbers of latchkey children and the increasing incidence of juvenile delinquency and childhood depression. Even if no long-term psychological harm can be documented, the specter of more than 2 million young children wandering around the streets of our nation with no one to care for them, or locked inside their homes watching television and afraid to go out, should be enough to tell us that this is, indeed, a pressing problem.

Unlike many of our nation's problems, the latchkey problem is a problem with affordable solutions. No massive investment of public funds is needed, nor large-scale construction of new facilities. Rather, what is needed is to make the most of some ideas and facilities we already have. As my colleagues James Levine and Michelle Seligson Seltzer of the School-Age Child Care Project have pointed out so well, one logical place for before- and after-school care to take place is in the public schools.[8] Based on a partnership model, schools provide the space, but the parents pay the personnel. These school-based programs meet a number of parent and child needs at a relatively low cost. The programs also relieve the parental frustrations with babysitters who don't show up or who are otherwise unreliable. In some communities, after-school programs help deter school vandalism. Finally, school-based after-school programs can be a bargain for parents and other taxpayers. In a time of declining enrollments, after-school programs constitute a cost-effective use of empty classrooms and help make use of playground and gym facilities already purchased with tax dollars.

Largely due to the work of Levine and Seligson, after-school programs have already been adopted in over 100 public schools. But more support is needed to help make this model available to other communities, and to adapt it to meet the needs of children who are too old for a babysitter, but too young to be left alone. Public support is needed to help train the personnel to provide nurture and recreation for the school-age child.

The lack of school-age day care in this nation is a problem, but it is a problem that has reasonable solutions. The role of the federal government is merely to help facilitate the local partnerships that already are arising, on a hit-or-miss basis, in many communities. Every child deserves the adult protection that goes along with childhood; no child need be a latchkey child.

FOOTNOTES

[1] School-Age Child Care Project. School-age child care. In E. Zigler and E. W. Gordon (eds.), Day Care: Scientific and social policy issues. Boston: Auburn House, 1982.

[2] Whitbread, J. Who's taking care of the children? Family Circle, February 1982, 88.

[3] National Safety Council. Accident Facts. Chicago, 1981.

[4] U.S. News & World Report. September 14, 1981.

[5] Finkelhor, D. Sexually victimized children. New York: The Free Press, 1979.

[6] Korchin, S. quoted in Newsweek. February 16, 1981.

[7] Garbarino, J. Latchkey children. Vital Issues 30(3), 1980.

[8] Levine, J. Day care and the public schools: Profiles of five communities. Newton, MA: Education

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Development Center, 1978. Baden, R. K. et al. School-age child care: An action manual. Boston: Auburn House, 1982.

PRESENTATION AT THE FIRST MEETING OF THE CAUCUS OF THE U.S. SENATE, JUNE 9, 1983

I am Thomas J. Long, Coordinator of the Counseling Program at The Catholic University of America, Washington, D.C. and coauthor of The Handbook for Latchkey Children and Their Parents (Arbor House, 1983).

I have been conducting research on latchkey children since 1979. My team and I have interviewed hundreds of current and former latchkey children and their parents during the past three years. Our evidence leads us to believe that self care is not a benign form of child care. Children who cared for themselves expressed more feelings of fear, loneliness and boredom to us than did children in continuous adult care. And more than half of the former latchkey children (now adults) said that they felt that their latchkey experience had various long lasting negative results including fears that continued into adulthood and a sense of social ineptitude that resulted from having fewer opportunities for social interaction as children. Most parents of elementary school age latchkey children tell their children they may not invite friends home while no adult is present and many parents forbid their children to go outside once they arrive home until either mon or dad has arrived from work.

Children in self care are in more physical danger from intruders, fires and other forms of natural disasters. They are asked to accept more responsibility for the functioning of the home, and, if an elder sibling, are often asked to accept responsibility for the welfare of younger brothers and/or sisters. We are further led to believe that the incidents of abuse and molestation of one sibling by another is at a magnitude that few families or professionals care to admit.

We know of children as young as 18 months who are routinely left home unattended or attended by a sibling only slightly older than they. We have interviewed children who are afraid to go home because they fear injury from an older sibling. We know of children in self care who are blind, or who are charged with the care of profoundly retarded siblings, or who are not even allowed access to their family's apartment and thus spend lonely hours in the vestibule of their apartment house while their parents are at work or are at school or are looking for work.

There is an explosion of children in self care at about grade three and from that point on the numbers of latchkey children mushroom. Even the most conservative estimators place the number of latchkey children, ages 5 to 13, at more than 5 million and there is a strong possibility that when the actual number of all children who routinely care for themselves during non-school hours while their parents work is known it will be in excess of 15 million.

Fortunately the latchkey phenomenon has come into the national limelight during the last few years. I congratulate you for not only the formation of the Children's Caucus cut also for making self care your first topic of interest. In the past, parents who left their children unattended were loathe to tell others of this arragnement. They rightly believed that the widespread dissemination of this information would further jeopardize their children. As a result the latchkey phenomenon has grown rapidly but quietly. Because parents did not talk about their child care arrangements they failed to develop or cause to be developed even the assistance that common cooperative action could have fostered: block mother programs, home check-in programs, telephone warm lines, better information networks. Now that the problem has been uncovered, it is second only to care by the child's parent as the most used method of child care, action is beginning to be taken.

I am happy to have been associated with Young Volunteers in ACTION as the consultant for the establishment of 16 pilot programs. The representatives from the Park Elementary School program, whom you heard today, attend one of the programs funded by ACTION. But many more programs of great diversity are needed. Each community needs to assess its needs and resources in order to determine what kind of services are needed, what existing community resources there are and what supplemental aid is needed to guarantee children, at least under age 13, a safe environment with continuous adult supervision or regular monitoring during all the hours school is not in session and parents are engaged in work and work related activities such as travel to and from their places of employment. No one universal solution will work. Many solutions are needed from which parents may choose depending on their family circumstances.

The care of our children has ceased to be only a woman's issue, even a family issue. It is a community issue and a national issue. The current state of the nation's economy is tied to women in the labor force, 65 percent of all mothers of school age children are in the labor force. And for working parents of these children adequate child care is among their most important concerns.

I hope that the latchkey problem is a temporary phenomenon, occurring at a time during which great changes in the labor force and marital arrangements have outdistanced social responses to the fall out of such changes. Perhaps the nation will return to more cottage industries, thus allowing more parents to work at home. Perhaps we will have the good sense to bring the school calendar and the work calendar into synchronization, thus allowing parents to work while their children are being educated. Such an idea is in keeping with the nation's need for better educated workers and would put us in step with other industrialized nations.

While we are waiting for large scale social changes, we could make better use of our schools by fostering extended day programs. We could teach our children how to better protect themselves through survival skills courses. We could make child care an operational part of day care centers for senior citizens, thus helping to sew the separations we have created between the generations back together. Solutions are limited only by our creativeness.

PRESENTATION AT INFORMAL HEARING OF THE CHILDREN'S CAUCUS OF THE UNITED STATES SENATE, JUNE 9, 1983

My name is Michelle Seligson and I am the Director of the School-Age Child Care Project, located at the Wellesley College Center for Research on Women in Wellesley, Massachusetts. Our work has been supported by grants from the Carnegie Corporation, the Ford and Levi Strauss Foundations, and a 1980 research grant from the National Institute of Education.

We began our work in response to literally thousands of inquiries from parents and others seeking advice on how to organize and run school-age child care programs. We have continued to hear from and work with parents, organizations, schools, and policymakers from every state in the Union.

We have had three goals: First, to raise national awareness about the needs of young children for care before and after school and during school vacations and holidays when school is closed and parents must work. Second, to gather information about successful programs across the country and to translate that information into technical assistance and training. Third, to research and write about policy problems which affect the development of school-age child care and which can be addressed through policy changes at the federal, state, and local level.

Today I would like to present and discuss with you five main questions about school-age child care:

1. Is there a national consensus about the need for school-age child care?
2. Why is school-age child care important?
3. What are communities doing about it? What is the state of the art?
4. Do all children who need care have access to it?
5. Is there a role for the federal government?

1. IS THERE A NATIONAL CONSENSUS ABOUT SCHOOL-AGE CHILD CARE TODAY?

Until very recently there has been no national consensus about whether school-age children need child care at all. Two reasons are advanced for this belief: first, that children should learn how to be independent. The second reason is less explicit but it has been just as powerful in its effect on child care policy in general: families can and should take care of this problem themselves. It is not the role of government, schools or other institutions to be involved in what is seen as a family issue and particularly a woman's issue—if mothers want to work, then they or other family members are responsible for their children's care. Opposition of this type has stalled efforts nationally and locally to address the question of school-age child care.

I am here to report that, happily, this attitude is giving way to a change. This change shows up in the increasing interest from many sectors—public and private—in developing options for school-age children. Print and visual media often highlight the "latchkey" child story. It is hard to deny the evidence that many families are not always able to provide for child care; that relatives, friends, and neighbors may themselves be working outside the home; that in many communities there is no one home in the afternoons except for the children.

Parents are seeking help—in large numbers. They often turn to the logical place—the schools their children attend. Many adults remember their own experiences as children: the memory of how it felt to come home to an empty house may well be driving some of the inventive solutions developing in the public and private spheres.

2. WHY IS SCHOOL-AGE CHILD CARE IMPORTANT?

Children need other children and they need contact with adults who care about them. Our communities no longer function very well for some children and so we are learning to create new communities where children are safe and can learn social skills; where they can learn that play need not always involve someone being victimized; that they can make things with their hands, or write and produce their own scripts for a

play; or that television is not the only answer when you're bored. Some children find that the after-school program is a place where they can find a quiet corner to do homework, talk over a problem with a staff person, or simply retreat from the world for a few moments.

3. WHAT ARE COMMUNITIES DOING ABOUT SCHOOL-AGE CHILD CARE?

Communities are acting. Most of this action is at the local level. Parents and community members come together, examine available resources, and develop action plans. Programs are organized in public and private schools, youth serving agencies—like the Y, already a pioneer in this field—institutions are examining their mandate and expanding that mandate to include school-aged child care programs. In a few instances, city and county governments have allocated funds for services. Day care centers and social service agencies are offering school-age child care. Probably the most interesting development is the expanded role of the public schools, typically as hosts or partners to a community agency which does the actual administration of the programs. This is a marvelous use of school space in communities with dwindling school populations: the program becomes, ideally, an integral part of the schools' service to the community.

Business leaders are also getting active: in Houston, Texas a group of corporate executives, school officials and policymakers have joined together under the leadership of the Texas Institute for Families to fund pilot after school programs in the Houston Public Schools; in Minneapolis, corporate sponsorship has underwritten a program which serves a number of children in that community. Increasingly, older children are benefitting from survival skills classes, and in a few cases, telephone hotlines are available for children at home alone who check in with a telephone counselor when they come home from school.

4. DO ALL CHILDREN WHO NEED CARE HAVE ACCESS TO IT?

A sobering fact which must be faced by all of these inventive planners is that there are many children whose families can't pay for services that are emerging. Most programs are put together with pieces of funding—parent tuitions, in-kind contributions of space and other resources, private donations. But the pieces of funding for poor families—government social services funding—have diminished and in some cases have disappeared entirely. There are children who may no longer attend their after school program because there is no money to help subsidize their enrollment.

5. DOES THE FEDERAL GOVERNMENT HAVE A ROLE?

There are three ways in which I see the federal government's role in the development and support of these services: First, a national clearinghouse of information, resources, and technical assistance goes a long way. Based on our experience, there is much to be learned about school-age child care and much to be taught, both at the programmatic and policy level.

Second, incentive grants offered to local community task forces would enable that community to design services for children which were age-appropriate and reflected the particular need and resources of that community. It is clear that new policy or change in policy is needed; for example, many school districts would like to participate in some way but hold back because of concerns about legal questions, such as the extent to which schools are enabled to enter into contractual arrangements with outside organizations. Ambiguous day care regulatory policy and restrictive land use covenants, prohibiting the use of family day care homes for more than a few children, are only a few examples of issues yet to be resolved.

Third, the federal government must address the fact that many children are denied access to programs because their families can't pay for them and, in many cases, government social services support has been withdrawn. It is clear that school-age programs have developed partly as a result of the new day care constituency: middle and upper income families. This great strength of school-age child care is potentially its weakness for there is a risk of it becoming a service for only those who can afford it.

CONCLUSION

We ask a lot our children today: We know that some young children are caring for each other after school and on those long days when school is closed for vacations and parents are working. Self-care, particularly for those children either too young or not ready to comprehend what is expected of them, is not a viable child care alternative. Even if a child can remember all the instructions that conscientious parent and teachers give them about their safety when they are alone for many hours, there remains in many children a sadness, loneliness, and in some, a life-long mistrust of others. There are alternatives to this state of affairs and we welcome the federal government's interest in perhaps forging what may be the ultimate public-private partnership for school-age children, their families, and their communities.

One final note: Senators Riegle and Pell have recently drafted a bill, tentatively titled "The School Facilities Child Care Act" which would make grants available to community groups to work collaboratively with public schools to increase the supply of school-age child care in many American communities. I urge you to follow the progress of this bill and to support its acceptance by Congress.

STATEMENT BEFORE THE U.S. SENATE CAUCUS ON CHILDREN: LATCHKEY CHILDREN AND AFTER-SCHOOL CARE

(By Evelyn K. Moore)

Good Morning. I am Evelyn Moore, Executive Director of the National Black Child Development Institute. I am pleased to have the opportunity to express my grave concern about the latchkey phenomenon and to make recommendations as to how the federal government might begin to address this issue.

The National Black Child Development Institute is a national membership organization dedicated to promoting the healthy development of Black children. We have 32 affiliates nationwide. The Black families we represent are, in general, urban, low-income working people trying to provide a good life for their children. Contrary to popular belief, most Black families are working families. In the communities we serve, where families have worked hard to make ends meet and have not had adequate money for child care, the need for school-age child care has always been great. Due to a variety of factors, however, the need has now become acute.

For American families, and for Black families in particular, after-school care is a must. Nationally, the sheer magnitude of the problem and its potential for growth are startling. Separation and the doubling of the divorce rate since 1963 have left many children at home alone in the afternoon while the single parent with whom they live works. It is expected that over 50 percent of American children will live in one-parent households for a significant portion of their lives. In fact, almost 20 percent of our nation's children already are living in one-parent families, and more than one half of mothers from two-parent families work. Figures from 1979 indicate that almost 30 percent of the nation's children care for themselves after school.

The work force participation of Black families illustrates how great their need for school-age child care is. Nearly 48 percent of Black families are headed by single mothers, whose earnings, we can surmise, are substantially lower than those of their white counterparts. Seventy three percent of Black two-parent families with children under the age of 18 work. Over 30 percent of Black families live below the poverty level, and 70 pecent of those families are headed by women. The low-income status of these families and of many other American families dictates that after-school care be affordable, but it must also be of quality.

It took a tragedy in the city of Atlanta to get an infusion of federal dollars which would be used for the establishment of after-school care programs. The people of Atlanta were pushing for care even prior to the killing of 28 young people because they realized what risks unsupervised children face.

Indeed, we know unattended children are at risk. Such risks include: Household accidents, exposure to drugs and alcohol, poor nutrition, fear and loneliness.

Their vulnerability, their great need for care and their numbers demand our action and support. Lest we believe that this problem will take care of itself, demographic projections indicate that there will be a 10 percent increase by 1990 in the number of children between the ages of 6 and 13, bringing the total from approximately 28 million to 30.6 million in 1990.

Some communities have responded to the needs of these children and their families quite sensitively. We know of successful after-school programs in the Boston area, Atlanta, Oakland and Austin, Texas. However, most of the after-school programs or school-age child care programs now operating have been organized by middle- and upper-income families. These families clearly can afford expensive services and assistance which will protect the health and safety of their children, but lower income families are left to "make it" however they can. For lower-income families who are just able to make ends meet, whether headed by one parent or two, after-school care for their children is beyond their means. Just like middle and upper income parents, they need programs and services to meet the needs of their children in the afternoon hours.

Due to recent discussions of huge federal deficits, high unemployment and general economic hardship, you probably have concerns about the creation of new programs—their cost, implementation and performance. I would like to take a moment to address these issues.

First, there are several approaches which can be taken to address the needs of school-age children for reasonably priced care:

Utilize existing funding sources for school-age child are by increasing the authorized funding level of the Title XX Social Services Block Grant and the Community Development Block Grant.

Create a new federal categorical grant program, such as that drafted by Senators Riegle and Pell, which would allocate funds to community-based, non-profit agencies for the provision of after-school child care services.

The National Black Child Development Institute has been working closely with staff from these Senators' offices on identifying the issues associated with the creation of an after-school care program. The legislation as drafted proposes the use of the public schools to provide after-school child care for school-aged children. Non-profit, community-based organizations would be entitled to grants which could be used for start-up costs and the expansion of existing services. Priority would be placed on addressing the unmet needs of low-income children through the adoption of a fee schedule. Another critical feature of this proposed program is a needs assessment and data collection component.

Second, the Congress must insure that funds available for existing school-age child care programs are not diverted from such programs, or depleted, in the future.

Third, federal legislation addressing the after-school child care problem must emphasize the need for mobilization and maximum use of existing community resources and networks:

Use available schools which offer the advantages of being acceptable to parents, familiar to children, and approved for health and safety standards.

Encourage partnerships between non-profit community-based groups, to insure that agencies which have access to existing resources will have the responsibility of caring for children. Appropriate groups would include Boys' and Girls' Clubs, YMCA's and YWCA's and the federal government.

Consider the use of churches, recreational centers and municipal buildings as an alternative to the school setting.

Fourth, the Congress might seek to facilitate partnerships between private industry or businesses interested in providing direct or in-kind funding for program development:

Provide job readiness workships for teens as an after-school program

Support "adopt-a-school" initiatives for the provision of child care for school-age children.

Fifth, legislation creating any after-school care program must address the issue of quality of care. The Child Development Associate credential provides a framework by which we can evaluate the competencies of potential caretakers and based on skills rather than academic degrees.

Sixth, federal legislation addressing the latchkey children problem must encourage an economic mix of children through the use of a sliding fee schedule.

Seventh, partnerships should be established between the federal, state and local governments to ensure the success of programs and encourage clear authority for their operation.

This problem presents a golden opportunity for the creation of a new, broadly-based program. Clearly, there is a great need for after-school care. The resources needed to operate such a program are already in communities across the nation, waiting to be used, and support from all sectors of society for these efforts is inevitable. I am very pleased to have had the opportunity to be here today and to participate in the examination of a widespread and salient problem. I commend you for initiating this forum and look forward to working with you to find a solution to the problem of latchkey children.

FORMATION OF SENATE CHILDREN'S CAUCUS

Mr. CRANSTON. Mr. President, I am proud to join with 13 of my colleagues in reporting on the formation of the Senate Children's Caucus. This bipartisan caucus cochaired by the distinguished Senator from Connecticut (Mr. DODD) and the distinguished Senator from Pennsylvania (Mr. SPECTER) consists of the following Members of the Senate: The Senator from Montana (Mr. BAUCUS), the Senator from New Jersey (Mr. BRADLEY), the Senator from Arkansas (Mr. BUMPERS), the Senator from Florida (Mr. CHILES), the Senator from Missouri (Mr. EAGLETON), the Senator from North Dakota (Mr. ANDREWS), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Florida (Mrs. HAWKINS), the Senator from Vermont (Mr. STAFFORD), and myself.

I applaud the Senators from Connecticut and from Pennsylvania for their leadership in forming this caucus and for their deep commitment to the well-being of the children of this Nation. The establishment of this bipartisan organization aimed at providing a focus for children's issues in the U.S. Senate is an important and significant event.

THE CHILD AND HUMAN DEVELOPMENT SUBCOMMITTEE

Mr. President, it is particularly meaningful for me to serve as one of the founding members of the newly established children's caucus. I had the privilege to serve as the last chairman of the only standing body in the Senate focused primarily upon children's issues. As my colleagues may recall, during the 95th and 96th Congresses, I served as the chairman of the Child and Human Development Subcommittee of the Labor and Human Resources Committee. At the beginning of the 97th Congress that subcommittee was abolished and its jurisdiction combined with other subcommittees on the Labor and Human Resources Committee. Although numerous other subcommittees and full committees of the Senate had and have jurisdiction over various aspects of programs affecting the lives of children, the Child and Human Development Subcommittee, and its predecessor, the Children and Youth Subcommittee, was the only Senate entity which had the mission of focusing upon a broad range of issues affecting children. In addition to legislative jurisdiction over programs like child care, child abuse, and adoption, the subcommittee had a mandate to examine crosscutting issues affecting children. Thus, we were able to undertake hearings on a broad range of subjects, ranging from matters such as the deaths of foster children in Guyana, abuse of children in institutional settings, and the steps that the Federal Government should take to help reduce infant mortality and morbidity.

Mr. President, during the 4 years that I served as chairman of the Child and Human Development Subcommittee, I had the honor of serving as a chief Senate sponsor of many of the important measures affecting the lives of children that were enacted between 1977 and 1980. I authored the 1978 Headstart Extension, incorporated into Public Law 95-568, the 1978 extension and the 1979 revision of the Sudden Infant Death Syndrome Act, Public Laws 95-613 and 96-142. I authored the 1978 Child Abuse Prevention and Treatment and Adoption Reform Act, Public Law 95-266. Along with the distinguished Senator from New York (Mr. MOYNIHAN) and the distinguished Senator from Louisiana (Mr. LONG), I was a primary Senate author of the landmark 1980 Adoption Assistance and Child Welfare Act, Public Law 96-272. I also worked closedly with the distinguished Senator from Wyoming (Mr. WALLOP) in holding hearings on and gaining Senate and House approval of the 1980 Parental Kidnaping Prevention Act, Public Law 96-611.

Through the various investigative and oversight hearings held by the Child and Human Development Subcommittee, we were able to accomplish many other things. Our findings from hearings on abuse of children in institutional settings helped provide some of the stimulus for passage of the Civil Rights of Institutionalized Persons Act, Public Law 96-247. Testimony at our child care hearings on on-site child-care programs helped block a move by the Office of Management and Budget to curtail the development of on-site child-care programs in Federal buildings. Similarly, an attempt to divert child abuse research funds from the National Center on Child Abuse and Neglect was halted by legislation. The extensive hearings we held in 1977, 1978, and 1979, on the need for child-care services for working families led to the development of a comprehensive child-care bill, S. 4, which I first introduced in 1979 and reintroduced on January 26 of this year. This measure has been endorsed and supported by organizations across the Nation.

Mr. President, althought the Child and Human Development Subcommittee no longer exists, I have continued my advocacy on behalf of the young people of this Nation. As I indicated, I have reintroduced a revised and updated version of S. 4, a major comprehen-

sive child-care proposal. I have also introduced legislation to provide prenatal care for low-income mothers who have been arbitrarily denied medicaid assistance necessary to give their infants the chance to be born healthy and strong. I deeply appreciate the support I have received for this initiative from many Members of the Senate when I offered an amendment—which was adopted by the Senate—to add funds for this purpose in the 1984 budget resolution. I also have introduced legislation, S. 6, to provide for major improvements in the medicaid programs for low-income children. I have also joined as an original cosponsor of S. 572, the measure introduced by the Senator from Connecticut (Mr. DODD) to restore essential funding to a variety of programs affecting children.

I am pleased that my membership on the Senate Children's Caucus will provide me another opportunity to continue these efforts which have extended throughout my years of service in the Senate—efforts which have focused upon improving the opportunities for children of this Nation to grow and to reach their potential.

IMPORTANCE OF CHILDREN'S CAUCUS

Mr. President, the formation of this caucus comes at a point in time when the need for national leaders to be informed and concerned about the plight of many of America's young is particularly acute. In the past 2½ years, the number of children living in poverty has grown to shocking levels. Today, 20 percent of the children of this country live in poverty; the poverty rate for children is higher than that of any other age group in the American population. Since 1980, more then 2.5 million children have fallen into poverty. One in five children today lives in poverty—a rate that this country has not seen since 1965 when the war on poverty began. Children have suffered enormously under the devastating unemployment and depression that has ravaged our country. Information gathered in fragmented pieces from around the Nation documents the plight of children. From all over the country there are reports of dramatic increases in the number of children abandoned by their parents. For example, in San Francisco the rate of abandonment in September of 1982 was an unprecedented four times the norm for that city. In Philadelphia, child welfare workers reported a 50-percent increase in 1982 in abandoned babies over the prior year. Child abuse of the most serious kind is reported to be on the rise in almost every State. Many emergency food programs are reporting children and families in soup lines in significant numbers for the first time since the Great Depression. One San Francisco soup line reported serving four women and children in April of 1980 and 112 women and children in April of 1982.

As yet, Mr. President, much of the information we have on how the economic tragedy our country is suffering through under the Reagan administration has been gathered in individual communities and States. One of the tasks which I hope the new caucus can take on will be the gathering and collating of information on a national basis so that Members of the Senate can gain a better perspective on what is happening throughout America to children and their families. Although the new caucus will not have any legislative authority, it will have the ability to look at the issues, disseminate information, and serve as a clearinghouse for those within the Senate who are concerned about issues affecting children.

POLICY FORUM ON LATCHKEY CHILDREN

Mr. President, as my colleage from Connecticut has indicated, one of the ways the Senate Caucus on Children will perform those functions will be through policy forums on many of the issues relating to the welfare of children. On June 9, we held the first of these policy forums, focusing on the growing phenomenon of latchkey children—elementary-school-aged children who have no adult supervision between the hours schools close and when their parents return home from work. Witnesses included children and staff from two programs operating in the Washington, D.C., area which provide programs for these children and a number of experts in the area of child-care services for school-age children.

Mr. President, when I conducted child-care hearings in the 95th and 96th Congresses, the problems relating to the need for services for school-age children were a major focus of those hearings. At that time, the only available data from the Census Bureau indicated that at least 2 million school-age children were without any adult supervision after school. The testimony at last week's policy forum indicates that the number of these children is estimated to be much higher today, falling closer to between 6 and 7 million and may be even higher. The problems faced by these children were described by both the experts and the children themselves who spoke of the fears of being alone in empty houses and their loneliness.

I believe that forums like the one held on June 9 and other efforts to focus upon the problems faced by working parents in finding and paying for child-care services for both preschool and school-aged children will lead in the not-too-distant future to the enactment of comprehensive child-care legislation along the line I have proposed in S. 4. That legislation responds directly and forthrightly to this tremendous need. In the meantime, I intend to support and work for initiatives such as the measure being introduced by the distinguished Senator from Michigan (Mr. RIEGLE) and the distinguished Senator from Rhode Island (Mr. PELL). That bill deals with specific aspects of child-care—in this case school-aged child-care programs. I hope that a majority of the Senate will support these efforts and other efforts to alleviate this very serious problem.

CONCLUSION

Mr. President, as I said at the outset, I am honored to be a founder of the Senate Caucus on Children. I believe that the task before us is of vital importance to the future of this Nation. Children have little voice in the formation of public policy; they are a constituency without a vote, without powerful lobbies. We must undertake their cause and seek to meet their needs. There can be no sounder investment of our time, energy, or Federal resources than efforts to protect and promote the welfare of children.

LATCHKEY CHILDREN

Mr. CHAFEE. Mr. President, this is a first in a series of statements to be offered by members of the Senate Children's Caucus outlining problems confronting today's children.

On June 9, the Children's Caucus held its first policy forum. The topic was latchkey children—those children who remain at home unattended for at least part of every school day.

Figures compiled by the Census Bureau, the Congressional Budget Office, and studies by the Children's Defense Fund and other agencies enable us to estimate that about 2 million children can be defined as latchkey children.

How do these children cope with the fact that their after-school hours are spent with little or no supervision? Some families provide their latchkey children with survival kits which include extra keys, emergency money for phone calls, buses, taxis, or snacks. However, these survival kits do little to counteract the possible long-term effects of this form of neglect; feelings of rejection and alienation, delinquency and vandalism, poor academic and social development, accidents and sexual victimization.

Clearly the number of latchkey children is not going to decrease. Separation and divorce have doubled since 1963. It is expected that 50 percent of American children will live the majority of their young lives in single-parent households. Almost 30 percent of the Nation's children care for themselves after school. Who is minding the children? has become a crucial issue for our society.

Presently, the demand for affordable child care exceeds the supply. By 1990, it is expected that this disparity will significantly increase unless there

is a considerable expansion of child care facilities.

Parents and professionals in the field of day care have made several recommendations to meet the current and future needs of parent and child. These include:

First. A national credentialing system to help parents find home day care and to raise the quality of that which is already available.

Second. Home day care workers bolstered by in-service training through community or local school systems.

Third. Alternatives to structured child care provided by local communities. For example, supervised playground activities, block parent projects where a child may report after school, care cooperatives and exchanges.

Fourth. A means to monitor the quality of day care and to report abuses. Suggestions include a hotline or check system to report situations where health and safety standards are below par or ignored.

Fifth. Community-based evening counseling for working parents to discuss particular needs of children in care, as well as prevention of delinquency and alcohol and drug abuse.

Congress is also looking at Federal legislation to address the needs of today's families with regard to child care. In this way, we too, can contribute to solving the problem of latchkey children.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Virginia, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2 p.m. today.

The Senate, at 12 noon recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

The PRESIDING OFFICER. The Chair in his capacity as a Senator from Indiana suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I consulted with the minority leader, previously I had consulted with the chairman of the Appropriations Committee, subcommittee chairman dealing with HUD, and I see the distinguished ranking member of the Appropriations Committee is here on the floor, and what I would propose, Mr. President, that we do next is to go to the consideration of the HUD authorization bill in preparation for the consideration and passage of the HUD appropriations bill which is here and available.

I hope we can resolve the issues involved in the HUD authorization bill. I am not certain we can. May I say that after we have made the effort, and if we resolve them and pass the authorization bill, we will next go to the appropriations bill. But if we cannot resolve the issues on the HUD authorization bill before this day is out, I would plan to ask the Senate to go instead to the HUD appropriations bill.

Mr. President, sometime today, perhaps around between 4:30 and 5 p.m. or thereabouts, I would like to gain consent for the Senate to go into executive session for the purpose of considering six treaties that are on the Executive Calendar, which have been cleared for action at this time.

I make this statement so that the minority leader and other Senators can consider that request.

Mr. BYRD. Mr. President, there is no way we can stop the majority leader from going to the treaties. I would have some problems with a vote on them today.

Mr. BAKER. Mr. President, let me say that as far as I know these treaties are not time-critical. Maybe we can work out a time certain for the vote today or tomorrow.

I will withdraw that statement and I will consult further with the minority leader.

Mr. BYRD. I thank the Senator.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1983

Mr. BAKER. With that understanding, Mr. President, I am prepared to ask unanimous consent that the Senate now proceed to the consideration of S. 1338, Calendar Order No. 216, which is the HUD authorization bill.

The PRESIDING OFFICER. Is there objection?

Mr. ARMSTRONG. Mr. President, reserving the right to object, let me just advise the majority leader and other Senators, having previously indicated I would object to unanimous consent to proceed to the consideration of this bill, that upon reflection and consultation with the majority leader and the manager of the bill it is not my intention to do so.

I personally think it would be a great mistake to conclude the work on this bill in haste. I think it would be obvious after we have talked about this bill for a few hours there is much work to be done, and I personally regard it as unlikely we will achieve that objective today.

But in consideration of what the majority leader has said, I will not, as I had previously expected, object to proceeding to the consideration of it.

Mr. BAKER. Mr. President, I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, there is no objection on this side. Mr. BAKER has outlined this to me a number of times, and I outlined it to my caucus. We are ready to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1338) to authorize appropriations and extend authorities for housing development and rehabilitation, community development, and mortgage insurance, and for other purposes.

The Senate proceeded to consider the bill.

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the distinguished chairman of the committee, Senator GARN, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I thank the distinguished Senator from Texas. I rise for two purposes: One, to make a statement concerning the housing bill and, second, to compliment the senior Senator from Texas.

When I first came to the Senate in 1974 Senator TOWER was the ranking minority member of the Banking Committee. So he has vast, vast seniority and experience on that committee. Much of what I learned before becoming chairman of the committee I learned from his great experience not only there but in the defense area as well.

This housing bill has been a difficult process, as the present occupant of the chair (Mr. LUGAR) recognizes, having also been chairman of the Housing Subcommittee.

It is a controversial bill, has been for a number of years, and with the difficulties and the great differences of opinion, I would simply like to compliment Senator TOWER for taking over as chairman of that subcommittee this year and for doing an excellent job in blending together a lot of diverse interests and producing a housing authorization bill, to be able to bring it

for floor consideration today, despite the fact that it is very controversial and we may not be able to complete it.

Nevertheless, I believe his work ought to be recognized because of the great time and expertise he has put into it in bringing it to this point, and I thank the Senator from Texas for yielding.

Mr. TOWER. Mr. President, I want to thank my distinguished colleague from Utah for his very fine remarks. I think his leadership of the committee in the 2½ years he has been chairman have been remarkable for the accomplishments of that committee, and I would like to return the compliment and commend him for all he has done. My efforts have been somewhat puny by comparison.

Mr. GARN. Mr. President, we have before us S. 1338, the Housing and Community Development Act of 1983. This is the major housing and urban development legislation that the Senate will consider this year. Each of the chairmen of the three subcommittees involved in this legislation will ably describe the specific provisions of the bill. I would not repeat that outline here.

I want to point out to my colleagues, though, the importance I personally feel in bringing this legislation before the Senate. Senate action on this bill is necessary to preserve the integrity of the authorization and appropriation process. I am in the sometimes enviable but often uncomfortable position of chairing the authorizing committee and also chairing the appropriations subcommittee responsible for housing and community development programs. With that dual role I strongly believe that authorization bills are the proper place for establishing the existence, structure, and potential cost of government programs; appropriation bills are the proper place for actually funding those programs.

This dual process insures that an authorization committee can specialize in a substantive area and carefully explore the numerous alternative program concepts and the implications of detailed policy changes. At the same time the Appropriations Committee can consider all the requests and claims for funding the whole array of Federal programs and recommend the actual commitment of taxpayer dollars to authorized programs. This dual process is, I think, crucial to maintaining an orderly process of legislating and overseeing Federal programs.

I am not talking about a dual process that is useful only in theory. S. 1338 now before us is a perfect illustration of the practical importance of maintaining the authorization process. The changes in current programs contained in this bill will accomplish significant reforms in Federal housing and urban development policy. These reforms can not be accomplished if we do not pass an authorization bill. Briefly these reforms are:

First. The community development block grant and urban development action grant programs are extended for 3 years. The congressional purpose of benefiting low- and moderate-income families is reemphasized in the CDBG program to avoid any confusion created by recent regulatory changes.

Second. A rental rehabilitation and development program is established to replace the extremely expensive and long-term subsidy commitments required with the current section 8 new construction program. One year grants of only $5,000 per housing unit are substituted for 15- to 30-year commitments of up to $6,000 per year; and

Third. Rural housing programs run by the Farmer's Home Administration are more carefully targeted for lower income families, use of manufactured housing and other forms of lower cost housing are encouraged, and the multibillion-dollar cost of these programs is brought onto the unified budget.

Finally, Mr. President, I want to commend the excellent work of Mr. TOWER, chairing the Housing and Urban Affairs Subcommittee, Mr. MATTINGLY, chairing the Rural Housing and Development Subcommittee, and Mr. HECHT, chairing the Insurance Subcommittee. Each of them has prepared responsible, bipartisan proposals to present to the Senate. I ask all my colleagues to join me in quickly considering and passing S. 1338.

Mr. TOWER. Mr. President, I am pleased to present to the Senate for its consideration and passage S. 1338, the fiscal year 1984 housing and urban development authorization bill. This bill and the substitute which will be offered by Senator GARN and myself represent the culmination of much bipartisan effort to develop and pass an acceptable, constructive housing authorization within the budgetary constraints which continue to direct all our efforts.

Last year, no authorization bill was enacted. Important programmatic changes and reforms were not accomplished as a result. S. 1338 is a new attempt to reshape and redirect federally assisted housing programs, reauthorize the highly successful and critically important community development block grant program, and to relaunch FHA on its original mission of innovation in the field of housing finance.

Mr. President, I am especially concerned that the Senate pass the bill while we have this opportunity. Tomorrow—actually today now—the fiscal year 1984 HUD appropriations bill is scheduled. I submit that once that bill passes, it would be much more difficult for us to return to an authorization bill, especially if our agenda is crowded.

To my colleagues and I on the Senate Banking Committee as well as to States, localities, and the recipients of housing assistance, it is essential that we pass this bill because the absence of legislative enactment is a relinquishment by Congress of its right and duty to set policy regarding housing for poor Americans and the physical environment of our cities. And it is an abandonment of the important work this committee has undertaken, going back to the Reconciliation Act of 1981, to redirect an unguided array of housing assistance for many different income groups toward very poor people who are ill-housed and most in need. Let me take a moment to describe some of the reforms in this bill. First, the bill represents a shift in the assistance delivery system. Recognizing that in most parts of the country, adequate housing exists to shelter most people who need it, we now intend to deal with the more fundamental problem, that to certain groups within our society, quality housing is simply not affordable. Thus, we are proposing much greater emphasis on the so-called section 8 existing program to provide direct assistance to families who will find their own housing in the marketplace.

Second, embedded in this bill is an effort to dramatically reduce the impact on the Federal deficit of housing programs. When the committee began this effort in 1981, annual new housing assistance was adding more than $30 billion a year to the deficit. In fact, housing programs cumulatively, have now accounted for more than a quarter of the entire national debt. S. 1338 as reported, contemplates only $8.4 billion of assistance. In addition, it makes significant reductions in the length of the underlying assistance contracts.

Mr. President, I want to underscore this important policy action for my colleagues. We, like every other committee member in this body, have been faced by the need to live within budget constraints required to help reduce the deficit and to help restore a healthy economy. In relative terms, this committee has proposed more reductions in the amount of funding for housing programs than any other authorizing committee in the Senate has achieved within its jurisdiction. And with the one exception of the 202 program for the elderly and handicapped, we have proposed reductions in the "mortgage life" of most housing programs to a more manageable 5 years from existing contractual periods of anywhere from 15 to 40 years. In the case of the rental rehabilitation and development program in title I of S. 1338, grants for assistance are for 1-year periods. I do not mean to downgrade the importance of helping people who have no economic alterna-

tives in life. What I do argue is that we simply can no longer ignore the dramatic effect our current way of doing business has on future generations of taxpayers who are not here now to influence the vital choices.

Now, Mr. President, this bill has the least cost of any HUD legislation currently before Congress, including the HUD fiscal year 1984 appropriations bill which is likely to come before us Wednesday. It is also the bill closest to the President's budget requests. With the exception of the rural housing title, our bill exceeds the President's activity requests for HUD by only $600 in budget authority for fiscal year 1984.

Finally, Mr. President, I believe S. 1338 is a compassionate bill which maintains a humane perspective despite the harsh realities of budget reductions. In this bill, we have reached a policy decision that there are still Americans among us who live without safe, decent shelter and whose economic resources are so bleak as to make such shelter unobtainable. It is this limited group of citizens whom we believe look to their Government as a last resort. I submit, Mr. President, that we are now targeting housing resources toward this group and that a majority of our colleagues believe that is the correct and humane thing to do.

Mr. President, I trust that Senators have had time to peruse the committee's report and therefore want to reserve time to discuss the details of a substitute that Senator GARN and I intend to offer which makes seven specific changes to S. 1338 necessary, in our opinion, to help move the legislation toward consideration and passage in this body.

Mr. President, before yielding the floor, I wish to thank the distinguished ranking minority member of the subcommittee, Senator RIEGLE, for his very splendid cooperation and dedication to the task in formulating and presenting this bill.

Mr. RIEGLE. Mr. President, first let me thank the Senator from Texas for his generous comments and to say that I think we have been able to work very well together personally and as a subcommittee on these matters.

NEED FOR ACTION ON HOUSING BILL

I echo the comments of the chairman of the full committee. The Senator from Texas, as chairman of the subcommittee, has moved ahead on these items. I commend him for bringing this important legislation to the Senate floor in a timely manner. It is my hope the Senate will act on it favorably without delay.

I might say that this legislation has been developed over many weeks on a bipartisan basis. I think the bill that we have here is a prudent one. It will let us continue to make progress in meeting the Nation's urgent housing needs.

It should be said at the outset that Congress has not enacted housing legislation for almost 2 years. Last year, the major housing bill did not even get here to the Senate floor. That failure threatens to erode congressional control over Federal housing and development policy, because the administrative bureaucracy, regardless of who is in the White House, is being left to alter national policy on its own through administrative actions in ways that are often inconsistent with the intent of Congress.

I think it is very important that a housing bill be enacted this year, and will work with my colleagues to achieve that objective.

CUTS IN HOUSING AND COMMUNITY DEVELOPMENT

Mr. President, housing and community development programs have taken more than their fair share of the budget cuts during the last 2 years. For assisted housing, the administration proposes cuts in real terms between fiscal 1980 and 1984 of 45 percent, and cuts of another 80 percent between fiscal 1984 and 1988. Under the administration's budget, elderly housing would be cut by 42 percent in real terms between fiscal 1984 and 1988. Real reductions over that period would be 32 percent for rural housing, 28 percent for community development block grants, and 43 percent for UDAG.

I think it is important to put this on the record. Not only has this function already taken one of the highest levels of cuts over the last 2 years on the spending side, but the future projections of the President call for this area to be far more substantially reduced than virtually any other area of the budget.

Funding has been lowered to levels that are hampering State and local efforts to relieve the worst problems of ill housing, blight and economic distress.

Housing and development programs have, from their beginning, faced strong criticism—I suppose that is inevitable—because they must be designed for widely different local conditions, they must affect complex economic relationships and they must bring together the work of various levels of Government and they must deliver services over very long periods of time stretching into decades.

So criticism will be leveled at these programs. I think we need to take those criticisms seriously. Certainly I take them seriously, and I think the subcommittee and the committee does, as well. I have supported efforts to tighten these programs in ways that would make more effective use of limited resources. This bill would, in fact, provide further reform to which the Senator from Texas has made a passing reference.

However, Mr. President, the loudest critics often do not really oppose the specific designs of housing and development programs. They raise a different objection. That is, many of the opponents think that the Federal Government should not have any significant role in helping to solve the Nation's most pressing housing and community development problems. On that point, I and a clear majority of my colleagues on the Banking Committee strongly disagree.

PROVISIONS OF THE BILL

I just want to briefly note two or three of the major provisions in this bill.

First, in title VII, we have the "Unemployed Homeowners' Relief Act of 1983," which would help thousands of unemployed homeowners avoid the tragic loss of their homes through foreclosure. Mortgage defaults are expected to continue at tragically high levels in many parts of the country—certainly in my State of Michigan, but in all States. This bill would provide a humane, sensible response by authorizing guarantees of default assistance loans—and I stress private sector loans—when they are justified by a homeowner's credit record and reemployment prospects.

I might say that we have worked closely with the Senator from Pennsylvania, Senator HEINZ, who has given important leadership to this issue. This is a critical problem facing our unemployed workers and their families and one that we need to respond to.

Now, the Senator from Texas (Mr. TOWER) and the Senator from Utah (Mr. GARN) have made it known their intent to offer a substitute amendment to strike unemployed homeowners' relief from the committee bill. I think that is unfortunate. The committee approved this particular initiative on a strong bipartisan vote of 11 to 7—despite the administration's opposition.

It is obvious that this particular initiative is vital to tens of thousands of families across the country. Many people who have worked over a lifetime are about to lose their homes because they have lost their jobs. I think, to the extent that can be avoided, the Nation will benefit.

Without going into all of the details of this program, I wish to say that for a person to qualify they have to meet very tough criteria. They have to have prospects for reemployment. They have to make a personal financial contribution themselves. These are loan guarantees. The risks are shared, in part, by private lending institutions.

I think we have designed a response which is limited, highly targeted and highly cost-effective in meeting any sound definition of the national inter-

est in the kind of economic conditions we find today.

Second, the committee's rental rehabilitation and construction grant program is a response to the need of local communities that have a shortage of decent rental housing, particularly for elderly persons and for large families. States and localities would be able to tailor the form of assistance to meet local requirements.

Third, the bill continues a strong Federal commitment to community development. It reaffirms that the primary national purpose of the block grant program is to benefit low- and moderate-income people. And it would strengthen the lump-sum drawdown and section 108 loan guarantees so that local communities would have the operating flexibility they need to more efficiently carry out their development programs and achieve the program's national objectives.

I would only highlight one other item at this point before yielding the floor.

That is that the bill strongly reaffirms congressional support of the urban development action grant program, (UDAG) and the system of national competition that has enabled UDAG to provide the greatest public benefit at the lowest cost. I am still hearing reports that HUD is carrying out plans to devolve UDAG underwriting responsibilities to regional administrators, the lowest level of political appointees. The committee's bill, on the other hand, would unequivocally reject such a weakening of the UDAG program. It should be enacted so that the HUD area and regional offices will be unable to interfere with a local community's right to have its UDAG proposal fairly considered in a national competition that lets every city with an application have an opportunity to be matched against the application of every other city so it truly is a national competition at the highest level. It is the committee's intention not only that experts here, offer evaluating all these proposals, shall have a chance to make those judgments, but that communities shall have a chance to win that competition based on national competition. I think that is much to be desired. We do not want to get into a situation where this turns into a pork barrel program or a program where the money is divided up by region or through some political process further down the line. I think we have managed to avoid that.

UDAG has been evaluated to the highest level. The UDAG program has been tremendously acclaimed by anyone who has looked at the job it has done to foster economic revitalization and create jobs. Most importantly, it has brought the private sector in as the driving force in local economic development.

Fifth, the bill provides a realistic level of housing assistance for participating families. It does not include administration schemes to reduce "fair market rent" standards, count food stamp subsidies as income and cap medical deductions at $300. Careful analysis indicated that those changes would force families receiving housing assistance into decaying neighborhoods and would effectively kill the housing voucher program in many communities.

I understand that an effort will be made here to dredge up those proposals once again. The committee, on a bipartisan basis, roundly rejected them. And the Senate should soundly defeat them as well.

Sixth, the bill responds to the critical housing needs of the elderly and handicapped with authorization for the construction of 14,000 new units of specially designed housing.

Seventh, the committee bill would help insure that public housing will be better managed and maintained for years to come. The Nation's 1.3 million public housing units represent a public investment of over $65 billion—an irreplaceable supply of housing for many of our lowest income citizens. Many of the units are aging, some are over 40 years old. Because of a continuing shortage of funds, many of those units have been allowed to deteriorate. This bill reaffirms the current effort to modernize those units, make them habitable and more efficiently maintained.

Eighth, the bill also authorizes levels for FHA insurance and GNMA guarantees of mortgage-backed securities that are needed to adequately support the housing recovery that appears finally to be underway.

Ninth, the bill reflects a bipartisan desire to improve the Nation's rural housing programs.

Mr. President, I suspect that no Senator can support this bill without reservation. It was developed with accommodation to widely differing viewpoints. So no one Senator's is reflected here. It was developed with a keen awareness of the need for tight budgetary constraint. As a result, many urgent and meritorious needs are given an insufficient response or not addressed at all.

It is a modest initiative. But it contains some important provisions. I urge my colleagues to pass it so that we can move to conference with the House soon.

(Mr. SYMMS assumed the chair.)

Mr. HEINZ. Mr. President, I rise today to express some relief that we take up the housing authorization bill, S. 1338, the Housing Redevelopment Act of 1983. Frankly, I am somewhat concerned and distressed that it was not scheduled before today because we are operating under the gun. The gun is that if we do not get this bill off the floor in a very short time, the bill will be pulled off the floor because of the interest in taking up the HUD appropriations bill, which is scheduled for consideration later today.

I do not happen to think, Mr. President, that that is a very salutary way of conducting the business of the Senate. Indeed, this legislation has been available to the leadership and my colleagues for some time, for nearly a month, May 23 being the date on which the report was printed and made available to Members.

I am nonetheless pleased that the Banking Committee and Senator TOWER, the chairman of the Subcommittee on Housing and Urban Affairs, have brought forth the bill.

Mr. President, it is also true that there are some difficulties that have developed since the committee reported the bill by voice vote, some difficulties with the administration and some opponents of the bill on both sides of the aisle.

Let me say at the outset that, as a member of the Banking Committee as well as the subcommittee chaired by Senator TOWER, I am firmly committed to seeing the full Senate pass authorizing legislation for Federal housing and community development programs. Last year, the committee reported S. 2607, a similar authorizing bill, which the leadership was not able to bring before the full Senate for a variety of reasons, including wide differences with the House bill. Fortunately for those Americans who depend on these Federal programs to provide them with decent shelter, Congress did pass legislation appropriating funds for fiscal 1983. But, again we are faced with a situation where we are about to lose the opportunity to authorize programs and are being forced to pass, instead, an appropriations bill.

The HUD-Independent Agencies appropriations bill has passed the House. It has been reported by the Senate Appropriations Committee. It does include funding for major programs that are no longer authorized, namely, the Community Development Block Grant program and the Urban Development Action Grant program, both of which this bill, S. 1338, would reauthorize.

I emphasize that if we do not pass this authorization, we will be yielding to the Appropriations Committee to write the authorizing programs.

My problem with that, Mr. President—and I do not mean to be at all critical of the Appropriations Committee when I says this—is that it seems to me that what we had in mind when we created separate authorizing and appropriations committees is that we wanted the authorizing committees to act before the appropriations committees did so.

Here we have had the opportunity to act and we have not done so. Frankly, Mr. President, it makes you wonder why we have authorizing committees if we are not going to pay attention to them.

We want the authorizing committees to use their expertise to develop reasonable, responsible legislation for the consideration of the entire Senate. That is our job on an authorizing committee. I would hope that in the future, Mr. President, we would do a better job as a Senate of meeting that responsibility. Otherwise, perhaps we should consider some far-reaching and significant reforms of the Senate, and face up to what seems to me to be some very real failures on our part.

Mr. President, let me just say a word about S. 1338.

It is a reasonable bill. It is certainly a lot more responsible than the authorizing bill before the House, H.R. 1. Our subcommittee held a number of hearings in February and March on the issues and legislation pertinent to the bill. We discussed the outlook for housing and mortgage finance, the administration's legislation, S. 644, housing programs of the Farmers Home Administration, and other legislative proposals. Secretary Pierce testified on several occasions giving us ample opportunity to assess the administration's proposals and to query the Secretary on issues important to Members of both parties.

I would like to point out, Mr. President, that I was able to take advantage of those opportunities to ask the Secretary about two proposals of particular concern to me; first, mortgage foreclosure assistance, and, second, neighborhood development.

I also asked him about administration proposals to change HUD's method of determining rent contributions of tenants in section 202 projects for the elderly and handicapped.

I list these items because, in spite of positions taken by the administration, the Senate Housing Subcommittee chose to incorporate, sitting as the full committee, my two proposals into its recommendations and to reject as well the administration's proposals, to in effect, raise the rent contributions of those elderly and handicapped tenants whose medical costs exceed 3 percent of gross income.

When we reported this bill by a voice vote on April 13, we did so favorably. Now, I would tell you that I do not necessarily agree with every provision of the bill, but I do firmly support it because it reflects the considered judgment and the diverse opinions of a group of Senators. It is a genuine bipartisan effort that deserves to be treated with seriousness of purpose.

I understand, Mr. President—and the chairman of the subcommittee has made it clear—that Senator TOWER is going to offer a substitute to S. 1338. In effect, he is going to ask us to cast it aside. He is going to offer a leadership substitute that strikes some of those products of our bipartisan deliberations, most notably, of course, title VII, the mortgage default assistance section of the bill that I and Senator RIEGLE authored and were able to get the support of our colleagues to insert in the bill.

Now, I ask my colleagues, why is this provision being struck? I understand there may be one or two Members who have reservations about it, maybe a few more. But I think the way to handle that problem is let the Senate, if it wants to take it out of the bill, vote to take it out, not asume from the outset that the Senate wants it out. After all, it was the Banking Committee that put it in the bill.

I obviously do not like what we are about to do to S. 1338, and since I suspect that the substitute to be offered by Senator TOWER will have a sufficient number of votes, it is my intention to offer an amendment to the substitute to reinstate the mortgage foreclosure assistance.

I would also note that we have had, in the hearings we have had since reporting the bill, no testimony that this Senator recollects—and I was present for those hearings on mortgage foreclosure assistance—critical of what we put into the bill. Nonetheless, in spite of the fact that we received no testimony that was damaging or critical, at least that this Senator is aware of, unless it was put into the record at the close or after the close of the official hearings, I am going to offer, together with Senator RIEGLE, an amendment that shortens the time of the program and tightens the provisions in it so it is even more tightly targeted and very carefully focused on the very most distressed areas of this country.

Mr. President, I want all of my colleagues to realize that these are not changes in the bill that anybody has said are absolutely necessary to make it a good proposal. It was good enough to be adopted by the Banking Committee. It was good enough that the witnesses who were called to testify, frankly had nothing critical to say about it.

Mr. President, I am aware that we have some problems with the House bill. I am aware the administration has some problems with this bill. I understand that after the Senator from Texas offers his substitute, there is apparently going to be another set of proposals that is going to be offered on behalf of the administration.

As I understand that set of proposals, it would include a proposition that we accept major cuts of 50 percent of the funds recommended for rural housing; that it would substantially decrease rent subsidies for families assisted under section 8, and if my information is correct, it would substantially raise the rent contributions of the poorest and most ill of elderly and handicapped Americans.

Now, Mr. President, if that proposal is offered, I have to tell you that I will oppose it. I really believe that such a proposal would not only be unreasonable but thoroughly irresponsible. I hope it is not offered because I think not only that will it be rejected, and I think summarily so by the Senate, but it will, because it is substantially flawed as a set of proposals, prove to be an embarrassment to the administration and the Republican Party. So I would hope, Mr. President, that it is not offered. If it is offered, I hope it will be roundly defeated.

I note that we have a letter supporting the position I have just outlined on S. 1338 signed by some 35 organizations, a bipartisan array of this Nation's housing and community development organizations. I think it bespeaks the frustrations of many in this country over the obstacle the Senate confronts in enacting a responsible bill.

I ask unanimous consent that the letter be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 20, 1983.

DEAR SENATOR: The following organizations strongly urge you to oppose an amendment to S. 1338, the Housing and Community Development Act of 1983, expected to be offered by Senator TOWER on behalf of the administration. We have written to you earlier in support of S. 1338 and have urged rapid consideration and passage of the bill prior to the July recess. We believe that the housing authorization bill, as reported by the Banking Committee, represents a modest commitment to decent housing, housing production and community development. The Tower/administration amendment would eliminate new construction from the new rental program proposed in the bill, would decimate the vital rural housing programs of the Farmers Home Administration and would make other changes in housing programs which would adversely affect tenants in assisted housing, particularly the elderly and handicapped. We believe that the adoption of this amendment would make the housing bill a hollow shell devoid of any claim to meeting this Nation's housing needs.

Sincerely,

Acorn, Ad Hoc Coalition on Housing for the Elderly, AFL-CIO,

American Association of Homes for the Aging, American Association of Retired Persons, American Friends Service Committee, American Planning Association, American for Democratic Action, Building and Construction Trades Department, AFL-CIO, Center for Community Change, Coalition on Block Grants and Human Needs, Cooperative League of the USA, Council for Rural Housing and Development, Council of Large Public Housing Authorities, Council of State Housing Agencies, Friends Committee on National Legislation, Interreligious Coali-

tion for Housing, Jesuit Social Ministries,

Mortgage Bankers Association, National Apartment Association, National Association of Counties, National Association of Home Builders, National Association of Housing and Redevelopment Officials, National Conference of Catholic Charities, National Council of La Raza, National Housing Conference, National League of Cities, National Leased Housing Association, National Low Income Housing Coalition, National Neighborhood Coalition, National Puerto Rican Coalition, National Urban Coalition, National Urban League, Rural America, U.S. Conference of Mayors.

Mr. HEINZ. Mr. President, I hope the Congress will act wisely today and will enact an authorization bill. I hope my colleagues will join me in doing those things we need to do and reject those things that are irresponsible. I thank my friend, the Senator from Texas, for yielding for the purpose of this statement.

Mr. CRANSTON. Mr. President, it has been 2 years since Congress last passed a housing authorization bill. During that time we have witnessed the deepest slump in the housing industry since the Great Depression, record numbers of foreclosures on unemployed homeowners, and a general decline in our Nation's commitment to meeting our housing and community development needs. This legislation, S. 1338, the Housing and Community Development Act of 1983, represents a reemergence of that commitment in a manner that strikes an equitable conciliation between competing interests which last year were unable to resolve their differences.

S. 1338 rejects the administration's wishes to dilute the role of the Federal Government in promoting community development in our large and small cities. The bill provides for a 3-year authorization of $3.96 billion per year for community development block grants and $440 million per year for the urban development action grant program. In addition, this legislation reasserts the longstanding national objective that the primary benefactors of community development programs should principally be lower income persons. Unlike the administration's proposal on community development, this bill allows local governments to use lump sum drawdowns and section 108 loan guarantees which give communities more operating flexibility to carry out development programs.

Another important feature of S. 1338 is a new rental rehabilitation and construction grant program which is designed to reduce the cost of replenishing the stock of decent and affordable housing. Unlike the administration's proposal, the committee's plan allows the program to be tailored to the housing needs of particular communities by allowing for the production of new housing in markets experiencing a shortage of rental housing; $300 million would be allocated to States and localities by formula for use as grants, loans, and other means of assistance. Local governments under the proposal could combine short-term rental assistance with flexible financing tools to expand the supply of lower income rental housing in their area. Rental assistance payments will be directed to lower income tenants of the renovated units to help insure against displacement.

S. 1338 also provides an authorization for FHA insurance programs and GNMA guarantees of mortgage-backed securities at levels that will continue to support housing finance needs of low and moderate income homebuyers. One of the best ideas contained in the bill is the inclusion of the multifamily graduated payment mortgage insurance authority. This will give FHA the ability to insure more flexible mortgages now used conventionally and will create increased production of multifamily rental housing. In addition, this bill will keep pace with the growing demand for housing that meets the special needs of elderly and handicapped individuals by providing 14,000 units of section 202 new construction.

Another important objective of this legislation is to conserve and restore our supply of low-income public housing by encouraging the modernization of aging public housing units and providing local housing agencies with adequate operating subsidies. S. 1338 authorizes $2 billion and $1.5 billion respectively for these programs and rejects the administration's proposal to substitute a fair market rent approach for the performance funding system. The committee agreed that such a system does not account adequately for the cost of operating public housing and could leave local authorities without sufficient funding.

Still, this bill is not a great bill for housing. It fails to address the pressing needs of the secondary mortgage market. A substitute to this bill will also include an Indian housing title that I deem unwise and one which many Indian tribes oppose.

In fact, there are so many negatives about this bill—little things—that I do not believe that any provision is, in and of itself, essential. However, what is essential is that the Senate agree to a reasonable housing bill and once again reaffirm the Federal Government's commitment to continue to attempt to meet the needs of lower and moderate income people who need such assistance. This bill is more symbolic in nature than it is a good bill and I urge all Senators to adopt it.

MORTGAGE DEFAULT ASSISTANCE

Mr. President, the Banking Committee approved title VII of S. 1338, the Unemployment Homeowners' Relief Act of 1983, as an urgent and effective response to the thousands of unemployed homeowners who are in danger of losing their homes through foreclosure during the current severe recession. Senators TOWER and GARN, through their substitute, would delete this title. In 1982, mortgage defaults soared to the highest levels on record with over 246,000 mortgages 90-days past due and 185,000 loans in foreclosure. During the first quarter of 1983, the delinquency rate rose from 5.7 percent to a record 5.84 percent of all home mortgages. I believe it is important that we avoid a national foreclosure emergency by assisting those temporarily unemployed owners with their mortgage payments until they can get back to work. As unemployment insurance expires at an increasing rate for those families, the need for this legislation becomes more critical.

Title VII: The mortgage default amendment that we will consider in the near future, $750 million in mortgage-default assistance without requiring direct Federal outlays by partially guaranteeing private loans. Tough eligibility standards would be applied to insure the credit worthiness of applicants. The act would also require that all customary remedies be exhausted first before assistance would begin. Assistance would last for up for to 24 months plus 3 months arrears and repayment would begin at the end of that period. While receiving assistance, homeowners must contribute as much as possible toward the mortgage costs, but not less than 5 percent. Those owners receiving loans must be involuntarily unemployed and be living in the home threatened with foreclosure. In addition, if after 120 days, the Secretary determines that the State has below-average unemployment and default rates, he may shut off the program.

Mr. President, this program is not a response to an insignificant slump in our economy, nor to a meager rise in unemployment. The damage done to our economy over the last 2 years has been unprecedented since the Great Depression and the unemployment rate continues to hover near record levels. These conditions are the handiwork of an administration whose economic program was implemented at the expense of millions of jobs and now many thousands of homeowners who are facing mortgage default or foreclosure. Until it appears more likely that a solid recovery is underway, we in Congress must be willing to bridge the financial gap until these hard-working families can once again find productive employment and meet their obligations.

Title VII was developed and supported on a bipartisan baisis by the Banking Committee as a means of addressing an urgent problem. I would strong-

ly urge my colleagues to support the program as an integral part of S. 1338.

● Mrs. HAWKINS. Mr. President, I commend the chairman of the full Banking, Housing, and Urban Affairs Committee (Mr. GARN) and the chairman of the Subcommittee on Housing and Urban Affairs (Mr. TOWER) for bringing to the floor S. 1338, the Housing and Community Development Act of 1983. This is important legislation which will shape our national housing policy for the years to come.

One important initiative in this legislation is a continued effort to "greenline" depressed areas, similar in nature to the philosophy behind creating enterprise zones. This is done by reauthorizing the community development block grant and urban development action grant programs for 3 years. The community development block grant program has been helpful in Florida and other States in aiding local communities to provide decent housing, a suitable living environment, and expanding economic opportunity for persons of low and moderate income. Similarly, the urban development action grant program is targeted to distressed urban areas that pledge to revitalize their neighborhoods or stimulate commercial and industrial development. It is a leveraged program. Federal dollars are committed to neighborhood revitalization contingent on the demonstration that local governments and private firms will make similar commitments. It is a good strategy and deserves to be retained.

Since not all areas can be "greenlined" simultaneously, it is important that provisions be made to retain the existing level of quality housing available to those of moderate means. Therefore, the bill provides a basic authorization for rental rehabilitation and new construction grants to States and local governments. It also authorizes modified section 8 certificates to assist low-income families with rent payments. These new programs are essential to provide much needed rental housing for low-income families.

The bill continues, after making modifications, a number of the subsidized housing programs administered by the Department of Housing and Urban Development. I am pleased that the bill, under an amendment I offered during committee consideration, will continue the section 235 low-income housing program through September 30, 1984, in order to assure that units in the pipeline can be insured.

When the provisions discussed so far benefit mostly urban areas, it is wrong to say that rural needs have been overlooked since the rural housing programs administered by the Farmers Home Administration are also reauthorized. The bill also promotes use of less costly housing implementing more flexibility by promoting the use of cost-effective building codes and encouraging the construction of manufactured housing in rural areas. The Farmers Home housing program has been an important one in assisting rural areas in Florida and other States to maintain an adequate housing stock. The changes adopted in committee will help insure that assistance reaches as many people as possible.

Importantly, the needs of first-time homebuyers are also advanced since the bill extends through September 30, 1985, the authority for the HUD-FHA mortgage or loan insurance programs. The authority for these programs expired on May 20, 1983, and was extended temporarily under emergency legislation. It is essential that this 2-year extension be granted to the program now that millions of additional Americans can qualify for homeownership since interest rates are declining.

Also, of considerable interest of the State of Florida is the reauthorization of the flood insurance program through September 1985. I am pleased the bill contains my amendment that authorizes a study on expanding the flood insurance program to cover damages which arises from sinkholes.

Perhaps the simplest way to put it is to state that it has been 3 years since Congress passed a comprehensive housing bill. This has left many of the housing programs in limbo. So, we owe it to the country to report this bill promptly.●

● Mr. SYMMS. Mr. President, I rise in opposition to both the substitute bill that was offered and the bill originally brought to the floor. While both pieces of legislation are attempts to control the out-of-control costs in public housing programs, both bills do not adequately address the problems the taxpayers have to face when presented with the bill for the seven new housing entitlement programs proposed in this legislation.

The history of Federal housing policy amply shows that most housing programs are ill-conceived. Time after time, a program is begun, then expanded and eventually becomes so large and the problems so manifest that Congress finally comes to its senses and scuttles the program—only to begin new programs. Yet, the bill for the previously discredited programs is left to future generations to pay.

In the mid-1970's, we enacted a program—the section 8 program—in an attempt to correct the errors in past housing programs. In 1976, spending began on section 8 housing subsides in an effort to spur private construction of new buildings and rehabilitation of existing structures for low-income tenants. The Government was not offering to pay for part of the construction, or low interest loans, or anything as modest as that. No, the Government began a whole new program and began signing contractural agreements to guarantee rent subsidies for as long as 30 years.

When the section 8 program started, expenditures were running only in the hundreds of millions per year—a sum easily lost in the massive Federal budget. However, that was only the tip of the iceberg because the unfunded liabilities in the program are over one-quarter of a trillion dollars and the figure continues to grow every time a new dwelling is covered by section 8 program. The enormous long-term liability of this program is due to a unique open-ended subsidy formula and contractual agreements with landlords that the Government cannot easily get out of, if at all. Under section 8, landlords are guaranteed a fair market value for their rental housing.

Of the $363 billion obligated, under current law, $263 billion remains to be spent. We now provide housing assistance to 5.6 million units and 13 million Americans. If Congress did not commit a single additional dollar another 300,000 units are already authorized to be provided by 1988.

It is obvious and has been obvious for some time that the section 8 program, which was intended for the poor has actually been a boondoggle for the landlords and real estate developers, and is out of control.

So, now what are we doing? We are following our historical pattern by eliminating the future growth in the section 8 program and replacing that program with seven new programs even though we really do not need the seven new programs particularly when you consider we still have not paid off the debts from the last program.

I am sure that several years down the road we will be facing the same problems we are experiencing now with the out-of-control costs of the seven new programs we are proposing to implement.

I simply do not understand that rationale for beginning new programs when experience has taught us that public housing legislation leads to uncontrollable costs, waste, abuse, and failure. We cannot afford the programs we have, let alone begin new programs. How much do you believe the taxpayers will continue to bear? This legislation mortgages their future, and their future ability to produce, save, and invest. This legislation would not help the poor. This legislation will make us poor by bankrupting the country.

Additional spending and new programs contained in this bill are apt successors to the long line of flawed Federal housing programs and I believe we should kill this bill now.●

Mr. RIEGLE. Mr. President, I had planned to offer an amendment to this

bill but I think that may not be needed if I could come to an agreement with the subcommittee chairman and ranking minority member. I notice on page 8 of the committee report, on the table under section 8, that the committee proposes to use section 8 assistance for 5,000 "loan management" units. These units are used to provide rental assistance to tenants of federally insured rental housing projects that are having financial difficulty but that are not yet in default. I also notice that the committee proposes to use 10,000 units of section 8 for "property disposition." This would provide similar assistance to projects on which HUD has already foreclosed.

Section 8 assistance increases the occupancy and makes projects economically feasible.

This leaves one obvious gap: some projects fall between those two conditions. That is, there are a number of projects that have already gone into default but that have not been foreclosed on by HUD. They are the so-called Secretary-held mortgages.

I understand that, in the past, section 8 assistance has been used for these projects as well and, where this has been done, it has worked very well.

It has increased occupancy so that owners were able to pay interest arrearages as well as principal due. This has prevented the projects from being forced into foreclosure, with all of the disruptions that follow. It also avoids holding costs and a loss of property value that would have to be borne by the taxpayers. Providing this assistance could have the additional benefit of retaining control of projects in the hands of local owners who may often be more sensitive to local community interests.

I understand that the administration has changed past policy and no longer provides section 8 assistance to projects in this middle category. I emphasize that this is not a policy established or carefully considered by Congress.

I ask the chairman and ranking minority member, therefore, do they agree with me that this is a policy change that deserves careful evaluation by the Congress, not only by the Appropriations Committee but also by the Banking Committee?

Mr. GARN. Yes, I certainly do.

Mr. HUDDLESTON. I agree. We need to review that policy carefully.

Mr. RIEGLE. Would they join with me in asking the Secretary of HUD to carry out a thorough review of the current policy regarding loan management assistance for Secretary-held mortgages and report to Congress—say—within 4 weeks on the comparative costs and benefits of providing and withholding this assistance?

Mr. GARN. I would be glad to join in that request.

Mr. HUDDLESTON. I, too, will be glad to join in that request.

Mr. RIEGLE. Would they join me in asking the Secretary to consider delaying further action on Secretary-held mortgages, where feasible, until this review is completed and the Congress has had a reasonable opportunity to consider the matter?

Mr. GARN. Fine.

Mr. HUDDLESTON. Of course.

Would they also join me in asking for a GAO study of this issue?

Mr. GARN. Certainly.

Mr. HUDDLESTON. I will join in that request.

AMENDMENT NO. 1423

Mr. TOWER. Mr. President, I call up amendment No. 1423 on behalf of Mr. GARN and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. TOWER, for himself and Mr. GARN, proposes an amendment numbered 1423.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(The text of amendment No. 1423 is printed in yesterday's RECORD at page 16329.

Mr. TOWER. Mr. President, I would like to describe the substitute that Senators GARN and I are offering to S. 1338. Let me initially indicate that this substitute is predominantly the substance of S. 1338 as reported by the Banking Committee with seven specific changes which we have concluded are necessary to attract sufficient support to get this bill on the floor for consideration. We do not lightly pursue such a procedure given the time and effort on the part of all members of our committee to arrive at a bipartisan document. Yet sometimes it becomes necessary to take extraordinary steps to achieve progress, and that is the case here. For reasons that I have outlined in my opening statement, we must pass and enact a HUD authorization bill this year. In order to have all parties, including individual Members of this body and the administration agreeable to that progress, changes were necessary. Adoption of this substitute certainly will not deny any Senator his or her right to propose amendments. But, its existence has convinced the majority leader to schedule the bill on the floor now and given us reason to believe that we can pass it in the short time available to us.

The seven changes are as follows:

First. Deletes title VII of S. 1338—the "Unemployed Homeowners Relief Act of 1983" which has already been referred to by one of my distinguished colleagues.

Second. Changes section 304 of S. 1338 to delete provisions creating a system of public housing agency accreditation and substituting creation of a public housing performance standards advisory commission.

Third. Makes certain changes to the rental rehabilitation and development program (title I) as follows:

Increases targeting of assistance to benefit low-income families to 100 percent of the assisted units with grantees able to reduce to 70 percent under standards established by the Secretary of HUD;

Requires that any unit occupied by a very low-income family and rehabilitated under this program must be subsequently occupied by a very low-income family.

Limits rehabilitation of units to that which is necessary to correct substandard conditions, make essential improvements and repair major systems in danger of failure.

Limits grant funds for rehabilitation to no more than $5,000 per unit except under certain high cost circumstances.

Requires HUD to provide Congress with an evaluation of the program.

Fourth. Authorizes 5,000 units of public housing—$650 million in budget authority—with requirement that new construction is permitted only when city can demonstrate that new construction is cheaper than acquiring and rehabilitating existing units; establishes priority for acquiring projects to housing authority to set aside up to 30 percent of a project's cost for rehabilitation subsequent to acquisition—repairs when required approach.

Fifth. Adds compromise Indian housing program.

Sixth. Reduces authorization for public housing modernization by $400 million to $1.6 billion.

Seventh. Requires that any modified section 8 existing certificates not dedicated to other purposes shall be used to assist very low-income persons or families displaced from their housing by other HUD program or activities.

Mr. President, I ask unanimous consent that the amendment be agreed to and that it be treated as original text for the purpose of amendment.

Mr. RIEGLE. Mr. President, first of all, I will have to oppose the amendment, so I would not want there to be any indication that there was not serious opposition to it. But, from a parliamentary point of view, I inquire of the chairman: If his request were to be granted, would the bill still be open to amendment?

Mr. TOWER. Yes. As a matter of fact, in the formulation of my unanimous-consent request, I specifically requested that the amendment be treat-

ed as original text for the purpose of amendment, so that it can be amended in the second degree.

Mr. RIEGLE. I will have to oppose the Senator's amendment. So the issue is: If we cannot settle it by unanimous consent, can we settle it by voice vote and can we have the vote later. I would like to be heard on the amendment now, so maybe we can put aside the question.

Mr. TOWER. Mr. President, I withdraw my original unanimous-consent request, and I ask unanimous consent that no other amendments be in order until amendment No. 1423 has been acted on.

Mr. RIEGLE. Mr. President, a parliamentary inquiry. Reserving the right to object, I inquire of the Senator: Is it his intention by that request to reserve this, so that no other amendment can get in?

Mr. TOWER. Yes, and it would foreclose any second-degree amendment to my amendment.

In other words, the objective is to be able to act on this amendment first, up or down, and then, if it is adopted, that it be treated as original text for the purpose of amendment.

The PRESIDING OFFICER. The Chair states that it will take unanimous consent.

Mr. TOWER. I understand.

Mr. RIEGLE. Reserving the right to object, I am not trying to prevent the Senator from having the disposition of his amendment.

Mr. TOWER. I suggest to the Senator from Michigan that we just vote on it.

Mr. RIEGLE. I think those of us who are opposed to it would like to be heard on it.

Mr. TOWER. Would the Senator like a voice vote or the yeas and nays?

Mr. RIEGLE. The Senator is looking at his friends and allies on this issue.

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I will withhold my unanimous-consent request. I believe that the opponents of the amendment would like to comment on it, and then I believe they will be prepared to act on it by voice vote. I will then renew my request to treat it as original text for the purpose of amendment.

Mr. RIEGLE. Mr. President, I rise in opposition to the amendment, and I do want to be heard briefly on it. Then, as the Senator from Texas has said, it is agreeable to dispose of this substitute with a voice vote.

There are two areas of substantial disagreement with the substitute that the chairman has offered.

The first is in the area of mortgage default assistance. Senator HEINZ and I offered an amendment in committee to add the Unemployed Homeowners Relief Act, to provide desperately needed assistance to tens of thousands of families who may be forced to lose their homes through no fault of their own, unless action such as this is taken. As I mentioned earlier, that amendment was adopted by the Banking Committee on a bipartisan vote of 11 to 7.

We later wrote to each of our colleagues on the committee, on the 28th of April, and I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR COLLEAGUE: We want to thank you for the quality of debate on our amendment to include the Unemployed Homeowners' Relief Act of 1983 as Title VII of the Senate-reported Housing and Community Development Amendments.

In the time remaining before the bill is taken up on the Senate floor, we would like to work with you and your staff to insure that the mortgage default title fully addresses the situation in your state. We can all agree that, if Congress decides to provide mortgage default assistance, the program must be well-designed so that technical flaws do not add to the frustration or disappointment of unemployed homeowners.

Although we have tried hard to make sure that the program included in the Banking Committee's bill will be workable and effective, we are open to suggestions for improving it further. It is very important that any such refinements be included in a package of coherent, carefully researched amendments. We propose to develop such a package in cooperation with you in the same spirit of bipartisan accommodation that has marked the Committee's work on the housing bill.

Over the next few days, staff will review the bill in detail with analysts who are most familiar with the problems of implementing a mortgage default assistance program. We invite your office to participate in that review, and we want to include your concerns and ideas in any amendment.

Donald Campbell (49204) and Paul Haire (46324) will be contacting your staff soon on this matter. If you have any questions or suggestions please call them.

Sincerely,

JOHN HEINZ.
DONALD W. RIEGLE, Jr.

Mr. RIEGLE. Mr. President, we asked our colleagues to work with us in perfecting the program in any way they thought best. We also contacted industry groups. We made it clear to the chairman of the committee and the chairman of the subcommittee that we were open to technical refinements that would provide the most effective program possible. We checked those provisions with our colleagues.

In short, there are literally tens of thousands of families across the country who are hoping for the kind of assistance that would be provided by this bill. I think the Senate should respond clearly that we do want to help in the economic circumstances that are affecting unemployed workers—over 10 million in our country—at this time.

Also—and I think it is important for the Senate to spend a moment on this issue so that there is a clear understanding of it—in order to provide mortgage assistance to unemployed workers and their families, we have written this as a very tightly limited bill. For a person to qualify, they have to meet the following tests—not some of the tests; all of the tests.

First, they have to be delinquent in their house payments for 3 months.

Second, all other remedies to come up with the money to make the house payments have to be exhausted.

Third, the default must be unavoidable because of involuntary unemployment or underemployment. This assistance would only be available to someone who has had a good work record, has lost their job through no fault of their own, and find themselves in the circumstance where they cannot continue to meet their house payments.

Fourth, there must be a reasonable prospect that the homeowner can resume full mortgage payments in the future.

Fifth, credit counseling must be available.

Sixth, the mortgage must be on a principal residence. In other words, it has to be the home in which the family or person is residing.

Finally, the original mortgage must have been below the present FHA limits.

In order to qualify, the person has to meet all those tests.

In addition, the loan proceeds would go into an interest-bearing escrow account from which monthly costs of mortgage, insurance, and taxes would be paid. As a matter of fact, the homeowner would be required to pay as large a share as possible out of their own resources, but no less than 5 percent of the amount due monthly. In other words, the unemployed worker has to make a contribution from whatever residual resources they have, in order to qualify for this program.

The terms would be that assistance would be made available for 24 months, at a maximum, plus a 3-month arrearage. Then HUD would require security for the guarantee. The private lender could not charge more than a HUD-established interest ceiling and would have to assume the first 10 percent of any loss of a guaranteed loan. Repayment of the guaranteed loan would have to begin

within 24 months after the assistance is started and would have to be completed within 12 years.

So in every manner we are trying to make sure that we have absolutely bona fide, qualified recipients. We ask them to make a contribution to the largest extent that they can manage. These are loan guarantees. The loans have to be paid back over a period of time.

And what is the purpose? The purpose is to enable an unemployed worker and family not to have to lose their home. That is the issue. I think that it would be foolish for us in this country not to offer this assistance when we have so many other incentives to foster home ownership. We have interest deductions on mortgage interest in the tax code to try to encourage homeownership. We all support that. But here we have a situation where literally hundreds of thousands of unemployed workers and families have become homeowners, but who through no fault of their own—because of unemployment—are about to lose those homes.

This program is designed to provide a way for them to keep their homes until they can get reestablished in their jobs. That is all it does.

The financial exposure is kept at an absolute bare minimum. As a matter of fact, as the Senator from Pennsylvania has said, and I agree, we have tightened this program down even further. We have said that it should be so tightly targeted that after 120 days the Secretary of Housing and Urban Development could shut the program off in States with below-average unemployment or below-average default rates.

The program itself, in any case, would expire in October 1984, so we are only talking here about a 1-year initiative to try to deal with what is an extraordinary problem in our economy today, a condition unlike anything we have seen since the Great Depression.

We have tried here in every way we can to make this a bill that creates the maximum amount of private sector responsibility at every stage.

Clearly the need is there. So, it is essential, having made this response in the committee, that this provision stay in the bill. The substitute being offered by the Senator from Texas would take it out. So that is the first area of disagreement.

The second has to do with Indian housing. There is a part of the Senator's substitute that would make a sweeping revision of Indian housing programs by establishing a housing block grant to tribal governments to finance housing construction, rehabilitation, or assistance to individuals.

There is widespread opposition among Indian groups to this revision. The funding level is a reduction from the levels that the tribes are now receiving from HUD, and in fact it may further undermine Davis-Bacon-related protection.

There are other aspects of the Senator's substitute which I would support, but it is impossible to divide those off from the two areas that I have just spoken about.

The mortgage foreclosure assistance program in my opinion is absolutely justified, soundly drafted, and should stay in. On that basis, I will have to oppose the substitute offered by the Senator from Texas.

Mr. HEINZ. Mr. President, will the Senator from Michigan yield?

Mr. RIEGLE. I yield to the Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I have already spoken about my concerns and reservations about the substitute. I simply wish to associate myself once again with the remarks of the Senator from Michigan, especially with respect to title VII of the bill, the mortgage foreclosure relief assistance title of the bill.

I think it is a mistake that we are dropping mortgage foreclosure assistance. This measure is entirely different from the measure that was in the House bill. This is a carefully crafted measure.

It does not involve direct payments from the Federal Government to the homeowners in default. It is a far different kind of provision. It is one that I would have hoped would have been retained in the substitute.

Mr. President, I also cannot accept the substitute on that basis, even though there are parts of it that I also support. Therefore, I have to oppose it.

Mr. RIEGLE. I yield the floor.

Mr. TOWER and Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, let me ask the distinguished Senator from Colorado if he wishes to speak to this amendment before we act on it.

Mr. ARMSTRONG. Mr. President, I do.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ARMSTRONG. Mr. President, I rise in opposition to the bill, and I do so because in my judgment it is one of the most if not the most profoundly flawed pieces of legislation that I can ever recall.

Obviously, in taking this position I array myself in opposition to my distinguished colleagues, and I wish before I explain—and I hope to explain in substantial detail why I feel as I do—to acknowledge my appreciation to the managers of the bill, especially to the Senator from Texas, the Senator from Michigan, my friend from Pennsylvania, and the others who have worked long and hard on this legislation and to simply acknowledge that we have a legitimate difference of opinion.

People who have not had the privilege of serving in the Senate or in some other comparable body find it very hard to understand how we can disagree and even vigorously disagree about policy issues and yet do so in a way that in no sense erodes, undermines, or contravenes the deep sense of personal friendship, and I just wish to say that right at the outset.

Having done so, I wish to tell you that this is a budget-busting subsidy bill which in my view should not even be on the floor.

Now I did not rise in opposition to the motion to proceed for reasons which I stated at the time, but I am convinced that it is very bad legislation and during the prolonged debate a majority of the Members of the Senate and a vast majority of Americans will agree that this is bad, bad medicine.

I wish to clear up one thing before I go any further. It is not true, as one syndicated columnist wrote, that when I first glimpsed at this bill emerging from committee I was frozen like Lot's wife who glancing back at Sodom became a pillar of salt. There is absolutely no truth to that report.

It is true that I was dumbfounded. Now, I was not actually dumbfounded at the time the bill came out of the committee. I was not dumbfounded for a couple weeks because it was about 2 weeks after the bill came out of committee that we began to realize what was actually in this bill, and I must report to you, Mr. President, that as I have gradually discussed this with Members of the Senate, and others, including members of the administration, they have had this same sense of disbelief, shock, horror, indignation, alarm, and concern that I have experienced.

So let me, with that word of background, discuss the bill itself and then perhaps a few words of discussion about the pending amendment.

First of all, I wish to say that I think housing is one of the most important needs that any family, any group of people have and for this country, to look back upon its history in the last 40 or 50 years, there are few things that our country has accomplished that are more important than the enormous amount of housing that we have provided to average Americans.

Certainly for anyone who does not have adequate housing, the desire to do so, to have decent, clean, well-lit, well-ventilated housing is terribly important. I do not think any Member of the Senate doubts this or disputes that concern.

What is at issue in a very fundamental sense in this bill is how America can best provide the large amount of good, decent, wholesome housing for

the largest number of people, and while I am going to discuss in detail each of the various provisions of this legislation, I wish to say at bottom we have a philosophical question. Are we really going to help Americans get better housing by embarking on a further expansion of a huge program of Federal subsidies to housing, or should we take those measures which are reasonably calculated to encourage the private sector, which has really done practically everything for housing in the last 100 or 200 years in this country, and would we be better to set the stage for the private sector to do its job and to do what it does so well?

(Mr. WALLOP assumed the chair.)

Mr. ARMSTRONG. I think clearly we ought to emphasize private sector solutions to this problem, and I think upon investigation it is pretty clear that this bill, if enacted and if implemented, would actually destroy more housing than it would create, and the reason is it is so costly and would engender so much additional Federal borrowing with consequent pressure on capital markets over a long period of years, that it would drive up interest rates and thereby reduce the number of private-sector housing units that would be constructed and purchased.

We already have 4 million units of public housing publicly subsidized in this country right now and if we never authorize another unit, if we never authorize even one more today or any time, another half-million units will come into existence. There are that many in the pipeline.

Even those who may think it is wise to increase the number of subsidized housing units, and I am not one of those who thinks so, could agree, I believe, that at least this is not the time to consider further large increases in programs of housing subsidy, first, because we have a lot of them in the pipeline and, second, because this country has some other priorities, and one of them is somehow straightening out this Nation's economy.

There is a lot of good economic news right now. This morning's Washington Post said personal income is rising, that was the 1.2 percent in the month of May, the highest that we have seen in more than a year. The stock market, although I have not heard what it is doing today, is going up; automobile starts are rising; significantly, new home construction is on the increase and has been for several months, a key indicator of the health of the U.S. economy.

By every measure, retail sales, the size of inventories, any economic indicator that I know anything about, this Nation's economy is on the move and starting to recover, picking up some steam, and yet there is a horrible sense of fear and concern in the minds of many people, working men and women, investors, businessmen, people in other countries. In fact many leaders of other nations have a fear that America's economy is shaky despite all this good economic news and what they are worrying about is not only we may go down but pull their countries' economies down at the same time. Why is that? Is this an irrational fear they have? I think not. The reason is very clear, it is the prospect of the massive overhanging deficits which Congress has thus far been unable or unwilling to bring under control. At the present time it appears we are looking at something like $200 billion a year in budget deficits for about as far out in the future as the eye can see. I am not going to go into a lengthy discussion of the budget at this moment but let me just note that the conference committee, which reports back to us shortly, has a budget deficit for next year in excess of $170 billion, notwithstanding changed and more favorable economic assumptions, and a $73 billion tax increase over a period of 2 or 3 years.

These deficits are real, they are gigantic, and they are very clearly, in my opinion, caused by excessive increases in Federal spending.

At this moment, as I listen to people around the country and as I follow as carefully as I can the discussion of this issue by my colleagues, it appears that this is the time, if ever there was one in our Nation's economic history, to begin to scale back on programs which are costly or of marginal value. This is a time when we ought to find ways to tighten our belts, if I may use that overused cliche. This is a time when we want to trim where we can trim, cut back the fat, and in effect slim down and get our house in order.

It is not just the Federal Government that needs to do that. The private sector has been at it for a long time. In fact, out our way in places like Pueblo, Colo., working men and women are actually doing something which would have been deemed unthinkable 2 years ago, 3 years, 5, 10, years ago, they are actually giving back wage increases and fringe benefit packages which they have been decades in the winning. They are giving them back, and the managements of companies are slimming down their overheads, they are letting vice presidents go. Some great American corporations have had their top executives become dollar-a-year men, others have voluntarily or involuntarily spun off unproductive operations, passed dividends; in short, in the private sector, this retrenchment, this slimming down, this elimination of the frills is well underway and that is part of the reason we are seeing an economic recovery right now.

Much the same thing is happening, Mr. President, in the local government sector. Counties, cities, and States like Colorado—and I think practically every other State in America—are doing something which again would have seemed unthinkable; they are actually cutting spending. When I say cutting spending, I am not using that in the sort of loose sense it is thrown around in this Chamber of meaning a lower rate of increase year to year than at some previous time. I mean actually reducing spending from one year to the next, something which we have never seriously contemplated here in the U.S. Senate, but which has become commonplace out in that area of America which Bill Simon called reality. You will remember he said Washington, D.C., was 70 square miles surrounded by reality. Out beyond the borders of the District of Columbia the reality is that people are cutting back, they are getting rid of things that are marginal, they are finding ways to tailor their spending to their income.

What has that got to do with the housing bill that is before us? Just this: At the very moment when everybody else in America's economy is slimming down existing programs, the Senate Banking Committee, for heaven's sake, brings to the floor a bill that not only does not slim down existing programs, but creates seven new housing subsidy programs.

It seems to me that is not a wise course, nor am I greatly mollified by the fact that a moment ago, the Senator from Texas has deposited on our desks a lengthy and heavy document which completely rewrites the bill from start to finish. By a recent survey of those seated around the Chamber, I have determined this bill, this amendment, weighs somewhere between 14 ounces and 2 pounds. In any case, it is just that, a complete top-to-bottom rewrite of the bill. I think the bill needs to be rewritten all right, but I think the place to do it is back in the Senate Banking Committee, not out here on the floor.

In any event, let me now proceed to the consideration of some of the new programs that are contained in this bill and where I think we ought to go.

First of all, this bill calls for housing vouchers. That is a concept which is more or less similar to food stamps in that if you have one of these pieces of paper that is called a housing voucher, and if you qualify for the program and actually get a supply of these vouchers, you take them to your landlord, hand them to him, and in his hands, they turn into money just like food stamps. Conceptually, I would think it not unusual to refer to them as housing stamps, and they have the same kind of explosive budgetary potential as food stamps.

You will remember when the food stamp program started, it was to be $100 million at the start. But the next

we knew it was $10 billion, $12 billion, $13 billion, and so on. Why do I think the same potential explosiveness exists in the rent stamp or housing voucher program? For this very reason: As I understand the bill, and I am ready to be corrected, but as I understand the bill as it came from committee, the guidelines for the standards in this bill would qualify 12 million Americans for these housing vouchers.

Now, the bill only seeks to fund about 60,000 of them, but how do you say to the other 12 million who do not get them that "You are not going to get them," anymore than we could control the growth of food stamps? You know it is not an entitlement in a legal sense, but in a practical and political sense, it becomes an entitlement program because once you get this kind of a program started from a budgetary standpoint, it is impossible to control, and I must really ask in all justice, where is the justice in saying to one group of people in a certain age, income, or socioeconomic bracket that "You get this huge subsidy," while everybody else in this same bracket does not get it? How do you say to somebody who lives next door in a rental unit to someone who gets rent stamps, how do you explain why they do not get it when their neighbor who lives right next door, has the same kind of job, gets the same check, commutes in the same car or bus, says "You don't get it"? I think it is unjust, it is a flawed concept, aside from the fact that a program like this, although not very costly for the first year for the reason I have already explained, lays budgetary booby traps in the out years that really seriously prejudice even our fledgling efforts to get spending under control in the late 1980's and hopefully get this budget balanced by 1988 or 1989 or 1990.

While I am going to, at the proper moment, discuss the housing voucher program in greater detail, let me move on in a sort of overview of this bill to talk for a moment about mortgage foreclosure relief.

That, as I understand it, is a $750 loan guarantee program which essentially requires that debt-strapped homeowners take on more debt as a solution to their problem. It is really more than an economic problem. It is a human tragedy of enormous proportions when somebody is about to lose their house. When a foreclosure occurs, ordinarily that is something that makes any thoughtful, compassionate person heartsick. So I cannot really quarrel with the underlying concern which motivates the mortgage foreclosure relief program.

But I am concerned about it, nonetheless, from a legislative standpoint, for a couple of reasons. First of all, although there may have been hearings on this since the bill was reported, prior to the time it was included in the bill, there had been no hearings. If hearings have been held since then, I am not aware of what the content of them may have been. But, as I understand this provision, and I am certainly willing to be corrected, it virtually encourages lenders to force delinquent mortgage borrowers into foreclosure situations.

In other words, where a savings and loan or savings bank or mortgage company might be disposed to be lenient to delinquent borrowers, particularly somebody who is out of work or down on their luck, and would say, "Do the best you can, make payments as you can," and so on, under this provision, the way you would qualify to get the Government's aid is precisely if you are being foreclosed on.

So what would happen, it appears to me, is that would encourage lenders to push borrowers over the cliff so that they could qualify for this proposal. That does not seem to me a very good idea.

Then I understand that there is a program of rental rehabilitation grants in this bill. I did not think that was a good idea when the administration sent it over here. I do not think we ought to be in the business of giving away money, by and large, with maybe some rare exceptions, although, as someone had pointed out, if you borrow from Peter to pay Paul, you may confidently expect Paul will approve of the process. On behalf of all the Peters who will thereby be deprived of their sustenance, either through taxation or through borrowing or inflation, I must register some objection to that notion.

And besides the budgetary impact, again, I must insist this is not good social policy to give gifts. In those cases where it may be desirable to have people fix up their homes, let us have a loan program. Let us let them pay it back. Let us do something other than just have a program of grants.

I also note, even if you want to give money away, there ought to be some targeting to a greater degree than that contained in the bill at the present time.

Now, the bill also contains some demonstration projects which overlap and preempt various private sector efforts and interfere with prudent Federal, State, and local government relationships. There is a public housing policy committee which is opposed both by the administration and by the National Association of Housing Redevelopment officials, which they claim is unnecessary or ill advised or both.

Mr. President, in a few moments, I would like to turn directly to a discussion of the amendments, but before I do and before discussing in any detail any of the 65 or more amendments which I think are needed to put this bill in its proper shape for passage, I want to ask Senators to consider a broader gage view of the magnitude of Federal housing programs in the last four or five decades in this country.

One of the most knowledgeable and distinguished Members of this body, a member of the Senate Banking Committee and authority on this matter—and I am not going to identify this person because it is not my desire to put him on the spot, but he is a person who is a Senator, a leader on housing legislation, and a man of vast experience in this Chamber—once made this observation with which I agree. He said: "We have spent billions and billions and billions of dollars and there isn't one scintilla of evidence to show that we have gotten anything for our money."

Now, I think that is pretty close to the mark. I can point to a few programs which at least appear to me to be good ones where money has been wisely spent, but overall, it really seems to me that the expenditure of all of these billions of dollars and all the borrowing this has caused has really destroyed more housing than it created. It has served to put additional pressure on the credit markets that, in turn, has caused higher interest rates, and a general reduction in the economic level of activity in our country of fewer new homes being bought and fewer people being able to qualify to purchase new homes or for resale. In short, fewer housing opportunities in total rather than more.

Well, what is the magnitude of the Federal Government's commitment to subsidized housing? Since 1937, Congress has committed $363 billion to Federal housing programs. Now, this does not include amounts committed through special financial arrangements, nor tax advantages, nor does it include amounts committed through mortgage revenue bonds and similar programs. It does not include future obligations that the Government has committed to meet for which adequate financing has not been provided. Of the $363 billion, 90 percent of that has been since 1970.

Let me note parenthetically that I recall a few years ago very vividly when I was a Member of the other body. We had before us a section 8 housing bill. I was a little surprised—in fact, my hair was standing on end—as a new Member of the Congress, when I looked at the committee report and I discovered what that bill did. I rushed over to the floor and I sought recognition and I asked the managers of the bill, in effect: "Surely it is not true that we are appropriating money here that is going to be spent out after a 40-year period." I was told, "Yes, the gentleman is correct. That is what we are doing."

I said, "Well, it appears to me that if we go on this way, we will soon commit maybe $100 billion, $200 bil-

lion, $300 billion. This could happen in a very few years."

Now, this particular occasion I refer to actually occurred about 7 or 8 years ago. I was reassured, "Yes, the gentleman is correct; that could, in fact, happen."

Well, here we are 7 or 8 years later and I just want to report to you that in the section 8 housing program alone, Congress has appropriated approximately $300 billion. Now, only about $35 billion of that has actually been spent. The other $260 billion is out there fully appropriated, irrevocably committed. It will spend out. It is a part of the national debt in the same sense as if we had spent the money and borrowed it, and it does not draw interest. It is a mortgage on the future economy of this country. It is a burden that we placed on the backs of our sons and daughters who will be the future generations of taxpayers. And that is in just one of the existing programs, a program which had been criticized by the news media and by the General Accounting Office as being probably the most abused, scandalous, politicized, and corrupt program as well as possibly the most extravagant program of public housing that we have ever seen.

Well, in fact, the very failures of the section 8 housing program are, in large measure, the justification for some of the new programs that are contained in this bill.

My colleagues have told me that one reason we have to have the voucher program is that the section 8 program is terrible and we have to get that thing off the books. I would just implore my colleagues to recall how we got into the section 8 business in the first place.

Back about 8 or 10 years ago people were looking at 235 and 236 programs. They said, "This is terrible. These programs are awful. We have got to have something better than that." So they came up with section 8 as the replacement.

Well, now here we are a few years later and we are running around saying "Section 8 is a terrible program. We have to have something to replace that." So we come forward with housing vouchers and all the rest, but bear in mind we are not abolishing these other programs. They continue. The 235 and 236 programs still exist. Section 8 is still in existence. In this very bill we increase the number of authorized units for the section 8 housing program. We are only making a bad situation worse.

Let me stress once again that if we do nothing we are going to have four-and-a-half or five million units of subsidized housing.

I suggest to my colleagues that that number of subsidized housing units in the United States of America, in a prosperous, thriving economy, is a great plenty; that as those units become vacant—and several hundred thousand of them become vacant for natural reasons every year—if we take those units and target them so that they go to the needy, which many of them do not at the present time, many of them go to people who honestly do not need subsidized housing, but if we target available units to those who are truly needy and if we target the half million units that are going to come on line in the next couple of years, because they are already in the pipeline, we can solve the problem for those who are in need of public housing assistance and do so without adopting any of the drastic or extreme proposals which are contained in this bill.

Mr. President, I want to mention one other glaring aspect of the legislation. I do not want to discuss this matter in any great detail any more than I have discussed the issues I have raised already at length. I want to save that for a later time.

I want to point out that if we are really serious about doing something to build more housing for people in this country through subsidized Federal housing programs, there is a step which we could take which would cost nothing, which would enormously increase the amount of housing that we get per dollar. I refer, of course, to repealing or reforming or modifying the Davis-Bacon provisions of the law.

This obscure law is costing the Federal Government at the rate of three-quarters of a billion dollars in wasteful construction. To put it another way, we could build just as much housing as we are now getting for three-quarters of a billion dollars less or we could spend the same amount of money and get three-quarters of a billion dollars more in housing for poor people, the needy, and those not adequately housed.

According to the GAO, the Department of Labor's high wage determinations add between 5 and 15 percent to the cost of construction projects. To put that in perspective, if we had spent $300 billion thus far, though it has not all been spent out, that is $45 billion, somewhere between $15 billion and $45 billion, in costs that really were not necessary, according to the General Accounting Office. The GAO also calculates that the act imposes compliance and administrative costs of $189 million on contractors and another $12.4 million on Federal agencies.

I am not going to go into any great detail about this matter. When we get to it, it would be my purpose to offer an amendment to modify and/or to repeal the Davis-Bacon provisions. I would defer in that effort to my colleague from Oklahoma (Mr. NICKLES), who is the recognized authority on this matter. I would hope to speak at some length on Davis-Bacon and to acquaint my colleagues with a large number of examples which show how really counterproductive the Davis-Bacon provisions are.

Let me just give you a sample of the kind of abuse that comes to light when you begin to look into this issue.

A large general contractor in Maryland prepared its budget for a residential high-rise project. Prior to beginning construction the contractor learned that Federal assistance from the Department of HUD would be involved, and, therefore, the contractor was forced to recalculate his costs and obtain changes from all the subcontractors. The resulting calculation of the project cost was increased by about $500,000 or 10 percent.

In that particular case, either we could have saved $500,000 or an additional 14 apartment suites could have been built with the money.

A builder in Iowa reported that the prevailing wage under Davis-Bacon for sheetmetal workers was $12.76 per hour, which was 49 percent or $4.21 per hour higher than the rate usually paid for sheetmetal workers.

It is just a couple of examples. At the right time I would be happy to furnish my colleagues with a long list of examples which show dramatically how we could make some real savings in this program.

All in all, Mr. President, it is my view that the thoughtful and responsible thing to do is give everybody a chance to at least indicate in broad overview what their concerns are about this legislation and to then return it to committee or at least take it off the calendar so that we can reflect upon what we have learned. It is my conviction that as more and more people acquaint themselves with the details of this legislation, that they will be disposed, as I am, to modify it in considerable detail.

OBJECTIONS TO NEW HOUSING BILL

Mr. President, a few days ago the Banking Committee recommended a new housing authorization, a budget-busting subsidy bill which should not even be considered, let alone passed by the Senate.

The U.S. economy is finally staggering out of a recession caused or, at least, seriously aggravated by large Federal budget deficits. But the whole world is nervously eyeing the $1.2 trillion in deficits projected for the next 5 years with a general fear that such deficits will send our economy into a tailspin and pull other nations down with us.

Under the circumstances, it seems extraordinarily unwise for the Banking Committee to recommend a bill which creates seven new HUD programs, adds billions to projected deficits and, at the same time, fails to protect those who have the most to lose

from the failure of subsidized housing programs—the poor and ill housed.

The bill recommended by the committee calls for:

Housing vouchers, similar in concept to food stamps, and with the same potential for explosive cost growth. Although funded for only 60,000 persons in this bill, approximately 12 million people meet the legislative eligibility standards.

Mortgage foreclosure relief, a $750 million loan guarantee program, on which no hearings have been held before committee markup.

Rehabilitation and development grants, a program with funding double that proposed by the administration which would permit anyone to receive Federal money to fix up their house, build new housing, and so forth, regardless of income or financial need.

Demonstration projects which overlap and may preempt private sector efforts.

A new public housing policymaking committee, not requested by the administration, nor is the administration represented on the committee.

PHA capital replacement fund, also not requested, for good reason.

No Davis-Bacon reform which could save $500 million.

A total of $40 billion in budget authority above the President's request (1984-88), according to the Office of Management and Budget.

A total of $11.9 billion in outlays above the President's request (1984-88), again, according to the Office of Management and Budget.

A total of $18 billion in higher guarantee authority for the Federal Housing Authority and Government National Mortgage Administration than was requested by the administration.

A total of $2 billion more in lending authority for rural housing programs than was requested by the administration.

Increasing subsidized rents to levels 13 percent higher than requested by the administration.

As I review these staggering proposals, I cannot help wondering whether the administration and Congress realize the magnitude of resources already committed to Federal housing. Of the $363 billion obligated to Federal housing programs, some $263 billion remains to be spent. We now provide housing assistance to 5.6 million units and 13 million Americans. If Congress did not commit a single additional dollar, another 300,000 units are already authorized to be provided by 1988. I believe Congress would be foolish to authorize additional Federal housing assistance at this time. Yet the administration over the next 5 years projects new housing authorizations of $47.9 billion over amounts already committed providing an additional 446,000 subsidized units. The Senate Banking Committee then proposes $40 billion in spending higher than what the administration requested. How can such spending levels, new housing programs, and changes in current programs proposed in the Senate authorization bill be justified in view of existing commitments and the prospect of gigantic budget deficits?

OBJECTIONS TO THE SENATE HOUSING BILL

The history of Federal housing policy amply shows that most housing programs are ill conceived. Time after time, a program is begun, then expanded, and eventually becomes so large and the problems so manifest that Congress finally comes to its senses and scuttles the program—only to begin new programs. Yet, of course, the bill for the previously discredited programs is left to future generations to pay.

From this perspective, the additional spending and new programs contained in this bill are apt successors to the long line of flawed Federal housing programs. But at a time when the Government cannot afford the housing programs already in place, both the administration and Congress are proposing new programs that, in many instances, are illogical and counterproductive. These new programs contained in this bill include:

First, rental rehabilitation and development grants;

Second, housing vouchers;

Third, mortgage foreclosure relief for the unemployed and the underemployed;

Fourth, Public Housing Accreditation Commission.

Let us consider the details of each of these new initiatives.

RENTAL REHABILITATION AND DEVELOPMENT GRANTS

This program was proposed by the administration in January. In less than 2 months, the Senate Banking Committee has—

Doubled funding for the program.

Dramatically changed the nature and scope of the program. No longer will the program only provide grants to rehabilitate existing housing, but will also provide grants to help develop new units of housing. Moreover, grants need only finance "primarily" residential real estate projects rather than "exclusively" residential property as was first proposed.

Expanded the program so that grants can be provided for acquisition of property, not just rehabilitation.

Authorized assisted units to receive Federal insurance guarantees.

Created a "Secretary's Discretionary Fund" of $30 million to finance substantially rehabilitated or newly constructed units that was not even requested by the HUD Secretary.

Authorized $1 million in technical assistance not requested by the administration.

Permitted unspent funds left after terminating the section 312 rehabilitation loan program—another failed housing development program that, ironically, the Banking Committee wants to terminate with this bill—to be transferred to the new "improved" rehabilitation program.

All at a time when the Federal Government is projecting $200 billion in annual deficits.

Perhaps this new program could be justified if it were tightly written, urgently needed, millions of Americans were demanding its enactment and offered ironclad guarantees that the money would be spent wisely and efficiently.

Of course this is just wishful thinking. Let me quote from an April 1983 analysis by the General Accounting Office which states that this could lead to subsidies which are:

First, targeted at housing units without adequate consideration for benefiting needy renter households,

Second, have costs higher than necessary to improve the housing conditions of lower income households,

Third, have the potential for significant displacement of lower income households,

Fourth, have little evaluation information available.

While it is true that some GAO concerns were addressed by provisions added to the committee bill, Congress would be foolhardy to commit to this program until each of these concerns are addressed, and GAO, HUD, and OMB verify these potential problems will not occur.

LACK OF FINANCIAL ACCOUNTABILITY

In addition, this rental rehabilitation proposal lacks financial accountability as well. For example, records on incomes of households in determining eligibility or their citizenship occupying rehabilitated housing are not explicitly required by the bill. In a study conducted by GAO of 64 communities which had implemented some previous rental rehabilitation loan programs, only 23 of the communities were able to verify incomes of households benefiting from the rehab program. In addition, these cities used various forms of calculating income limits—if they did keep records—some based on section 8 or some independent method by which income and demographic data was not efficiently kept.

Rental rehabilitation should be specifically targeted to neighborhoods of low-income housing projects. Many of the cities surveyed by GAO were found to have "pockets" of middle-income households which participated in the rehab program. In essence, much of the money was going to other than needy households.

SECRETARY'S DISCRETIONARY FUND

This bill creates a Secretary's discretionary fund of $30 million, and directs the funds are to be spent for sub-

stantial rehabilitated or newly constructed projects.

This slush fund was not requested by HUD. In my view, discretionary funds of this size are inappropriate in Government no matter who is in control. Again, history proves my point.

The section 8 new construction program became notorious for contracts given to developers who, coincidentally, contributed significant campaign sums to reigning politicians. During the previous administration, newspaper headlines screamed "Housing and Politics: The Way it Works," "A Donation to Carter Unlocks HUD Dollars," "Friends of the Governor Thrive on Housing Funds," "Politicians Steer Section 8 Profits to Allies." It is interesting to note that on the last day of the Carter administration, HUD released more than $2 billion in Section 8 contracts out of the Secretary's Discretionary Fund.

In short, providing $30 million in discretionary funds that can be spent unconditionally can only be labeled as poor public policy.

TARGETING

Federal assistance programs are generally not targeted to help the truly needy, since less than 8.3 percent of all Federal assistance is means tested.

This proposed rental rehabilitation progam is no exception and is far from being targeted to those most in need. No income limit is imposed on those who qualify to receive the grants to rehabilitate housing, and for as much as 50 percent of the funds provided there is no income limit on those living in the units once rehabilitated.

This failure to target program works directly against our successful efforts of the past 3 years to insure that future housing subsidies be made available only to the very low income. In fact, one result of this bill is to make some eligibility requirements more generous than in the entire history of the Department of Housing and Urban Development.

The new eligibility standards are at best very complicated to explain, and, incidentally, are radically different from all other HUD eligibility standards that they must now enforce. This new program has not one, but three sets of eligibility standards. First, all grants must be spent in neighborhoods whose median incomes are less than 80 percent for the area. Literally thousands of neighborhoods across this country would meet this standard. How can the Government insure that the most needy neighborhoods will receive priority funding?

The next standard of eligibility is even more faulty. This bill specifies that 70 percent—and in some cases 50 percent—of benefits must help those earning less than 80 percent of median income, or about 30 million families. But what happens to the rest of the money?

Thirty percent of this assistance could potentially go to anyone regardless of income.

For example, a wealthy individual who wants to renovate a townhouse in a blighted Washington, D.C., area could receive a grant to renovate his property, and then live in it. Although this is not likely to happen, the fact is this bill permits opening the door to such schemes.

Yet the story does not end here.

The eligibility standards take even a more tortured twist. The bill states that when a multifamily project is granted approval for assistance only 20 percent of the units need be made available to lower income families. There is no income limit for those living in the rest of the units. In the past, the General Accounting Office has repeatedly told Congress that these so-called partially essential projects are the most expensive and inefficient use of housing subsidy.

Now for the final blow. Newly built units which are part of this program and are subject to a rent control system that—incredibly—provides proportionately greater tenant subsidies to moderate-income families and less to very low-income families.

Absurd? Yes.

Illogical? Yes.

Included in the committee bill? Yes.

QUADRUPLE SUBSIDIES

It is a mistake for Congress to review any single Federal housing program in isolation. Almost all Federal housing programs are overlapping or attempt to patch past programs. Section 202 low-interest loans build units for elderly persons assisted under section 8. Farmers Home Administration low-interest loans build units assisted under several types of housing subsidies. Section 8 new construction units receive guaranteed tenant income, lower cost construction financing, and often have federally backed mortgage insurance.

This new program is no exception. In fact, this program could be coupled with at least three other forms of direct Federal subsidy. In summary it is conceivable that an owner may rehabilitate a unit of housing and not put a single penny of his own money or be exposed to any risk of default. Here is how:

This bill allows grants to supply up to 50 percent of the cost of rehabilitating a unit yet if this is not enough an owner can apply for another grant for another 50 percent of the cost from any other Federal program, including the community development block grant. Once built, a tenant living in such a unit is eligible to receive direct tenant subsidy available under a new section 8 program created under this bill (see the "housing voucher" section of these views). If the unit is newly constructed, it is also eligible for tax-exempt financing. Finally, the mortgage can be 100 percent insured by the Federal Government so that the owner faces little if any economic risk for default. How could the Government be more generous?

NEW CONSTRUCTION

Although the administration does not request such authority, the bill permits grants to help build new units of housing despite the Federal Government's past proven inability to build inexpensive, low-cost housing.

Congress terminated new starts for the section 8 program for this very reason. Even Congress—which rarely says no to extravagant uses of tax dollars—realized that the section 8 new construction program was a horrible mistake.

Now just a few months after terminating section 8, Congress is about to embark on a wholly new program.

Why does Congress so abjectly fail in its efforts to build new housing? Here are a few reasons:

First. New housing is built under the rules of Davis-Bacon, meaning that labor costs are usually far higher than labor costs for other types of housing.

Second. Congress never initially authorizes or appropriates enough to build a new unit, so the new units either run deficits—which future Congresses will be required to make up—or Congress has to fork over more money up front to get the project built.

Third. Numerous Federal rules govern construction of new housing, and compliance increases costs. For example, housing must be built according to standards written in the National Environmental Policy Act.

Fourth. These rules discourage owner-developer participation. To offset this, HUD must offer other inducements to encourage participation, and that only increases costs. For example, under section 8 new construction, developers were required to invest little, if any, of their own money in the project.

There are other factors far too numerous to mention that drive up costs for building Federal housing. Congress will live to regret a decision to use this program to provide units of new construction.

INTERFERES WITH PRUDENT FEDERAL-STATE-LOCAL GOVERNMENT RELATIONSHIPS

This bill contains a rather curious provision that if a State or local government chooses not to administer this new program—and I would think most would have every reason not to—then the Secretary of HUD must administer the program for the State. If a State or community has elected not to participate in the program, the Federal Government should have absolutely no business in initiating such a scheme in a local community.

Some of those to whom I have expressed these concerns say we need not worry since "after all, it is only $300 million."

History mocks this contention. When section 8 began in 1974, it did so with an initial appropriation of just $42 million. In less than a decade, Congress committed $150 billion to this discredited program.

If the Senate fails to kill this new program, in all probability a future Senate will have to, but only after billions will have been spent needlessly and foolishly as we have done so many times before. Why have we never learned from these lessons of the past?

HOUSING VOUCHERS

Another new housing program included in this bill is the modified section 8 existing housing assistance program.

This program is being sold as the efficient, modest, affordable, and equitable way to replace the horrible section 8 new construction program.

That sort of sales job only increases my apprehension. After all, that is exactly the way section 8 was sold to Congress as being efficient, modest, affordable, and equitable way to replace the section 236 program, which replaced the section 221 program, all of which are in addition to the public housing program, the section 235 program, rural housing, college housing, et cetera.

The question I have is this: Will those who are in the Senate 10 years from now scratch their heads and ask what in the world were we thinking of when we created this monster?

I believe the answer is yes. Here is the way this program works. Public housing authorities will provide certificates, or vouchers, to eligible families to cover the difference between 30 percent of their adjusted income and the cost of a rental housing unit. A "payment standard" based on the rental cost of modestly priced standard quality housing of various sizes and types in a particular area would be used in combination with the family's income to determine the amount of Federal subsidy to be provided. A participating family could choose a unit with a rent above the payment standard, but the family would not receive any additional subsidy and would absorb the additional cost. A family could also choose a standard quality unit with a rent below the payment standard and would be able to retain the savings. Thus, families would be able to decide for themselves how much they are willing to pay in order to live in better housing units or neighborhoods.

This program is being sold as the best way to reduce Federal housing costs on the theory that it is cheaper than section 8. Proponents argue that under section 8, landlords have raised rents to match rent levels the Federal Government is committed to subsidize. Under the HUD proposal, the opportunity for tenants to negotiate rent levels should hold down rents and subsidy levels—in theory.

Sounds good, right?

Consider the following facts:

This program will only save money if the so-called payment standard is lower than the fair market rent standard. It is true that in proposing this program, HUD developed a payment standard that is likely to be lower than the currently used fair market rent standard.

But what did the Senate Banking Committee do less than 2 months after the proposal was sent to Congress? It liberalized the payments standard, and made the subsidy more generous? Here's how:

First, it set payments and fair market standards at levels 13 percent higher than levels initially proposed by the administration.

Second, it allows public housing authorities to set rents 20 percent higher than levels projected by the administration. Then the bill allows PHA's to retain 50 percent of the rent savings resulting from tenants finding units below the payment standard, and tenants may have less overall incentive to find cheaper housing, and projected savings may not materialize.

It is interesting that this approach by the committee funds fewer units, but at subsidies substantially greater than the administration proposes. Keep in mind this is only 2 months after the proposal was submitted. If the past is any lesson, future Congresses will enact more generous subsidies and expand the number of units provided.

Just take a look at the eligibility standards the bill provides. Although the committee used an eligibility standard that is now used for housing programs, literally millions of families will meet the proposed eligibility standard of 50 percent of median area income.

While millions are eligible, the initial administration proposal proposed funding 80,000 units of housing with this new certificate program. This is only a drop in the bucket of potential need as defined by the bill. There will soon rise a great clamor by public housing authorities and tenant organizations for more certificates, higher subsidies.

These certificates are extremely valuable. Some Americans pay more than 50 percent of their gross income for housing. But from the many eligible, the lucky few who receive assistance could pay only 30 percent of adjusted income for rent. To give such a gift to some eligible families but not others is grossly discriminatory. Congress is likely to resolve such a dilemma by agreeing to expand the program to all who qualify even though the taxpayers are already assisting some 13 million Americans. The bill, in effect, creates an ocean of demand and irresistible political pressure to fulfill that demand.

MORTGAGE FORECLOSURE RELIEF ACT

By a vote of 11 to 7, the Banking Committee, without benefit of hearings beforehand, approved the "unemployed and underemployed" mortgage default assistance program. This $750 million Federal loan guarantee program provides a second mortgage for a homeowner to make his first mortgage loan payments—in other words, a Government bailout for a homeowner unable to make monthly mortgage payments.

Like other Federal housing assistance programs, this mortgage assistance program also is not targeted to the needy. No income or asset test is required to qualify; in fact a homeowner need only have "incurred a substantial reduction in income as a result of involuntary unemployment or underemployment." The definition of "underemployment" is left to the imagination, since the bill does not define it. In addition, no limit exists for the amount of the first mortgage which homeowners can have and still be assisted. For example, a wealthy homeowner with two homes, several cars, and other assets could still qualify for this Federal loan guarantee.

While I applaud the spirit which motivates Senators to propose legislation to help those strapped by mortgage payments they are unable to make, this legislation is likely to do more harm than good for those intended to benefit from this assistance.

The program actually provides an incentive to mortgageholders to foreclose. The program requires lenders to indicate an intent to foreclose in order for homeowners to be eligible for the guarantees. Also the bill essentially encourages a debt-strapped homeowner to take on further debt only digging a deeper hole of debt. For example, a homeowner with a 13-percent mortgage for 80 percent of the average existing home price of $68,000 would be paying $604 per month. After being assisted by this program he would owe $819 per month, an increase of 35 percent in debt payments.

Moreover, the total loan value would be in excess of 100 percent of the purchase price. This greatly increases the probability of ultimate foreclosure on the home. The result—this program may actually create a Federal grant to delinquent homeowners program, not simply a loan guarantee program. By increasing the total debt on the home beyond conventional bank lending standards, the risk of a direct Federal outlay occurring is very high.

THE PUBLIC HOUSING AUTHORITY ACCREDITATION COMMISSION

The Senate bill also contains a new accreditation commission—section 304. The bill assigns to this privately appointed Commission authority to set and administer standards for accreditation of public housing agencies. The

Commission would act as an independent entity empowered to formulate standards and administer accreditation for public housing authorities and at the same time be subject to the Department of Housing and Urban Development, subject to the HUD Secretary.

This arrangement is unworkable and violates the appropriate and proper roles of the Department of Housing and Urban Development in overseeing the use of Federal funds and to assist public housing authorities in their management. Although ostensibly under HUD, the Secretary would have no role in Commission appointments, no control over use of personnel, no control over use of funds or involvement in establishing performance standards or participation in the accreditation processes. The Secretary could only approve or reject the final draft before it is published in the Federal Register. We already have an agency, HUD, with the authority, matched with responsibility and accountability to the President and Congress. Why do we want to diffuse the adminstration of public housing with little or no responsibility to HUD or Congress?

Furthermore, this proposal would at best interfere with the past progress made in developing an efficient, workable certification process currently in operation. The establishment of performance and accreditation standards is a tested, accepted procedure which has been developed by HUD and voluntary associations with the case of expert panels and individual professionals' assistance. It is difficult to predict the decisions of this Commission—but one thing is clear: it would destroy the years of cumulative work in developing the new existing structure.

In addition, from a philosophical perspective, the Commission creates bad Federal precedent. Unlike many study commissions created by Congress, this one has both operating and regulatory functions without proper accountability. A privately appointed commission would regulate and set standards for Federal assistance programs. This Commission would also accredit other units of Government and perform other Federal functions and decisionmaking. Such a delegation is poor policy.

It is not surprising the National Association of Housing and Redevelopment officals (NAHRO) have voiced strong opposition to the proposal. This organization which works closely with public housing authorities across the country decisively rejects the proposal.

EXPANSION OF EXISTING PROGRAMS

This bill also makes costly changes to current programs which will—

Result in outlays by 1988 $1.3 billion higher than the administration projects even though the same number of units will be assisted. The committee bill establishes a new fair market rent system to determine subsidy levels. The effect will be to raise fair market rents 13 percent above the administration's proposed levels.

Not count food stamps as income in determining either eligibility for housing or the amount of housing subsidy to be received.

Prohibit the inclusion of housing assistance in determining eligibility for all other domestic assistance programs, an issue not properly within the jurisdiction of the committee.

Accelerate spending in the community development block grant program by permitting local governments to draw down grant funds by demand rather than according to spending need.

These are just a few of the many undesirable changes to current programs included in this bill. But two issues deserve also close scrutiny:

First, proposed changes in income eligibility and,

Second, failure to repeal Davis-Bacon as it applies to Federal housing.

INCOME ELIGIBILITY

This bill makes a major change by adding a little noticed provision to exclude the value of housing assistance from tenants' income for the purpose of any other Federal law. Although few in words, this change has extensive impact. The provision is clearly a substantive change to all domestic assistance programs including those not within the jurisdiction of the Banking Committee. For example, this change affects the aid to families with dependent children (AFDC) program. This program is in the Finance Committee's jurisdiction, and this change is opposed by both the chairman and the ranking minority member of the Senate Finance Committee. Let me quote from their December 8, 1982, letter to the Banking Committee:

The treatment of income is perhaps the most fundamental element of a public assistance program.

Clearly, Congress made an important policy decision when it adopted the Administration proposal permitting states to count housing subsidies as income. Currently, two states (Oregon and North Carolina) have elected to utilize the offset. At least 10 additional states count housing assistance in the form of cash payments as income. Repealing the option would have a disruptive effect on these states and their AFDC programs. It would also be a violation of the principle this Committee has followed when considering changes to income maintenance programs; that in a time of scarce resources, federal benefits should be targeted to those most in need and that all resources available to the family should be considered when determining benefit amounts.

In addition to the exclusion of housing assistance as income for purposes of determining eligibility and assistance for other federal programs, the bill excludes the counting of food stamps as income in determining housing eligibility. Clearly, food stamps are in kind income that have cash value and should be included when determining housing subsidy eligibility.

DAVIS-BACON

Not only is the bill deficient for what it contains, it is also deficient for what it does not contain—namely, repeal of the Davis-Bacon Act.

Davis-Bacon sets Government dictated wage and hour guidelines and, in almost all cases, substantially increases labor costs. The Davis-Bacon Act applies to Federal construction projects, including the construction rehabilitation and maintenance of assisted housing projects.

Huge savings would occur if Davis-Bacon were repealed across the board, and particularly if Federal housing were exempted. Consider the following:

The General Accounting Office, which advocates outright repeal, estimates that for each 100,000 newly constructed or substantially rehabilitated units of housing Davis-Bacon increases costs $160 million. Since 800,000 new section 8 units have been built, cumulative savings had Davis-Bacon been repealed would be $1.28 billion—money that could have been saved, or alternatively, provide additional housing the elderly or handicapped.

GAO recently studied HUD's section 8 rental assistance program. In their report they stated, "various Federal, State and local officials and developers told us that the act significantly increased the cost of the Section 8 new construction program in particular areas." Two areas specifically noted were southern California where cost increases due to the act were estimated from 5 to 15 percent and Pennsylvania where the estimated cost increases ranged from $1,000 per housing unit to 15 to 25 percent for the entire project.

The National Homebuilders Association has estimated that at least 10 percent of the development costs of HUD programs will go toward higher construction and administrative costs because of Davis-Bacon. HUD-funded housing aid covered by Davis-Bacon is approximately $4 billion. If we repealed Davis-Bacon for all HUD programs, including section 8, new construction, rehabilitation, and public housing programs for 1982, homebuilders estimate a savings of Federal dollars of $407.5 million in the first year alone.

Many other problems exist with Davis-Bacon, and it continues to be impractical to administer. The GAO charged that the Department of Labor has failed to consistently determine permissible Davis-Bacon wages, and have not developed an effective system to plan, control, or manage the data collection, compilation and wage determination functions.

Davis-Bacon discourages the efforts of minorities to enter the construction crafts, says GAO. Davis-Bacon discriminates against minorities for three reasons: First, the concept of a minimum rate; second, high apprentice rates; and third, discouragement of minority contractors.

If there was no minimum rate, contractors could, in many instance, give up the expertise and expense of the skilled craftsman in favor of the inexpensive unskilled laborer. The act discourages the use of minorities on Federal construction projects. Apprentice rates are often set so high as to favor use of the more skilled journeyman over the apprentice. Minorities have used categories such as helpers and trainees as a major means of entry into the construction industry when not barred by Davis-Bacon.

The Department of Labor's disposition toward union rates discourages minority contractors, a vast majority of whom are open shop, from bidding on Federal projects. This not only hurts minority employment, but also contradicts Federal procurement policies aimed at encouraging minority enterprises.

During testimony before the Senate Labor Subcommittee in late April, Chicago housing authority commissioner, Renault A. Robinson, outlined the outrageous Federal pay scales of housing authority maintenance employees.

"We did a survey last year," Robinson told subcommittee Senators, "to determine how much overtime we paid to our 216 elevator mechanics. We spent, in a 10-month period last year in overtime alone—not counting the regular 40-hour week—$3 million. The highest employee took home $80,000 in overtime. Now if you figure that out, he never slept, he just stood there in the elevator."

HISTORY OF FAILURE IN FEDERAL HOUSING PROGRAMS

Since 1937, more than $360 billion has been committed to Federal subsidized housing; 90 percent of this enormous sum was obligated in the last 8 years alone. Some 13 million Americans live in 5.6 million subsidized units. By this standard, Congress might appear to have been sensitive to the poor. On close inspection, however, the facts show Federal housing is not only insensitive to the poor, but is also intellectually and fiscally bankrupt.

From 1937 to 1969, public housing was the major Federal housing program. Construction of the units was federally financed, and local public housing authorities (PHA's) operated the units. Because of the low-cost financing, rents were reduced, and made available to the poor. No Federal operating subsidies were used, and virtually all PHA's met their costs, and even established reserves to meet replacement and emergency costs.

Yet concerns were raised that this system created instant public housing ghettos, and that tenants paid too much of their incomes for rent. Rushing to the rescue, Congress enacted requirements that tenants were to pay no more than 25 percent of their income toward rent. While assisting tenants, this reduced the operating income of PHA's, so Congress created another new program—PHA operating subsidies designed to keep PHA's solvent.

This cure proved almost worse than the disease, however. By 1975, all large PHA's had exhausted their reserves, operating deficits mounted forcing Congress to enact larger and larger operating subsidies. We are to the point now where last year there were 383,000 units located in PHA's that were financially distressed to the point of bankruptcy.

PHA's have not rented units that have become vacant because they lack the money to do so. Incredibly, PHA's have told congressional committees that they are thinking about boarding up additional units that are currently occupied.

In the sixties, Congress was not just concerned about excessive tenant contributions to rent. It also wanted to stimulate private ownership of subsidized housing—in itself a noble goal. So Congress launched a series of rental subsidy programs that directly subsidized owners and landlords renting to low-income tenants. Again, the cure proved worse than the disease. The costs and inequities of these programs—known as sections 235, 236, and 221 programs—led to critical reports by the General Accounting Office. Costs rose so high that a Presidential impoundment of the funds was ordered. Even so, today Congress still funds commitments made under these programs, and will continue to do so for the next decade.

In 1974, Congress approved a new housing program—section 8. This program rose like a phoenix out of the ashes of the previously discredited programs. It was hailed as the solution to the Nation's low-income housing problems. It was said the new program borrowed all the best features of earlier housing programs. But from the start, section 8 proved ill conceived, poorly managed, and scandalously costly. Its initial appropriation was modest—only $42 million. But in 8 short years Congress committed to section 8 more than $145 billion. Some 1 million units were built or leased, and 200,000 are awaiting occupancy. The Congressional Budget Office at one point estimated that a newly constructed section 8 unit could have a lifetime cost of more than $500,000. Eligibility was so broad that 40 million Americans—a GAO figure—were eligible for the subsidy. Abuses abound. Published reports documented that section 8 was a program for the "greedy, not the needy." Elaborate housing was built that lined the pockets of the developers at the expense of the poor. Other scandalous practices were reported:

Section 8 contracts were given to developers who, coincidentally, contributed significant campaign sums to reigning politicians.

Illegal aliens were housed in subsidized units.

Those with incomes exceeding section 8's already broad eligibility standards lived in units built for the poor.

Newspaper and magazine headlines screamed "Billion Dollar Nightmare at HUD," "Very Poor Last in Line to Receive Federal Housing Assistance," "Taj Mahal in New York: Symptoms of Rent Subsidy Headaches," "Housing and Politics: The Way It Works."

In 1982, Congress finally woke up to the horrors of section 8, slashed funding for new commitments by 40 percent, and adopted program reforms.

Even with these desirable changes, the fact remains that in future years Congress will have to spend more money to bail out this program. Poor budgeting and dismal planning plagues section 8 with a huge unfunded liability—estimated by the Congressional Budget Office to be as large as $50 billion—just to keep existing section 8 units available to the poor.

SPENDING ALREADY COMMITTED TO FEDERAL HOUSING

Before embarking on new housing adventures, this Congress must understand exactly what our situation is today after this long history of housing programs. We need to understand what we have already committed and the obligations that have already been fastened on the taxpayers, both in direct, defined commitments as well as the other unfunded obligations that have been built into our structure.

Of the $363 billion Congress has committed to Federal housing programs, less than $90 billion has been spent. That means that if Congress did not commit an additional dollar to these programs, at least $263 billion is obligated to be spent over the next 40 years—quite a legacy for future generations to pay.

Even these figures understate costs since they do not take into account the value of special tax advantages and Federal financing often associated with housing programs, nor does it include future funding that will be necessary to finance deficits in housing already provided.

This year there are 5,680,000 units of housing which are directly subsidized—either in direct tenant subsidies or low-interest loans—by the Federal Government, housing about 13 million people.

In addition, another 364,805 units are not yet occupied for which Congress has previously obligated the Government to build. Again, if Congress does not commit any additional money and only fulfills present obligations, 360,000 units of housing will be provided this decade.

Using President Reagan's 1984 housing budget assumptions, in the next 5 years, the Government will commit another $25.9 billion in new long-term spending for programs within the Department of Housing and Urban Development. This additional $25.9 billion will provide financing for another 234,000 units. But that is not all. The Department of Agriculture's Farmers Home Administration proposes to commit an additional $22 billion to its low income housing programs and that will provide an additional 212,000 units.

Even these budget figures do not tell the full story about future spending. These figures fail to reflect the overly optimistic assumptions of the President's budget in revealing the potentially large deficits in housing programs. Current housing policy makes it impossible for public housing authorities to meet their spending obligations and their only recourse is to seek assistance from the Federal Government. Also, as a result of Congress initially failing to provide adequate resources to finance the section 8 and other housing programs, Congress will be forced to appropriate more money to keep already subsidized housing projects in operation.

Contrary to the prevailing wisdom in Congress and the media, there have not been and will likely not be any actual budget cuts in housing programs during the first term of the Reagan Presidency. These are the facts:

Housing outlays have and will continue to increase each year during President Reagan's first term.

At least 1 million additional subsidized units will be occupied between 1981 and 1985.

Between 1985 and 1988, another 163,000 units will be occupied (not counting increases in units provided through rural housing programs).

It is true that the spending totals proposed by the administration and provided in the committee bill are much lower than those proposed during the 1970's. It is also true that in 1981, during the heyday of cutting taxes and spending during the so-called Reagan revolution, the Congress did reduce by $23 billion the spending commitments proposed by President Carter for new housing and community developments to be made in 1981 and 1982. But these reductions will not show up in actual outlay reductions until 1984 and 1985. That is because as much as 3 years lapse between the time Congress appropriates funds, and the time the money is actually spent. While there were other spending restraint changes—increasing tenant contributions to rent, for example—these will take as long as 5 years to become fully effective.

The botton line is this: The total savings realized from spending restraint will not reduce Federal outlays during President Reagan's first term. But even with full implementation of all budget savings, Federal outlays will still rise each year this decade.

Incredibly, the spending cuts in Federal housing programs constituted 52 percent of total budget savings in the first year of the so-called Reagan revolution that was to achieve a balanced budget by 1984.

Yet, I believe a strong case can be made that rather than reduce spending in Federal housing, Congress and the administration actually accelerated spending by authorizing additional financing subsidies for 74,000 new units of housing that otherwise would not have been built.

In sum, Congress has to date committed $363 billion to Federal housing and almost all of that since 1970. Less than $90 billion has been spent to meet these obligations leaving future generations at least $263 billion to pay, assuming no additional commitments are made and that projected deficits do not materialize. Five million units are already subsidized, and by 1988, 6.3 million units will receive subsidy. And far from cutting actual spending, the Congress has, at best, only slowed future increases in spending.

ACTUAL AND POTENTIAL UNFUNDED OBLIGATIONS IN FEDERAL HOUSING

A review of commitments to housing to date still does not tell the whole story of where we stand today on public housing. We must go further and understand HUD budgeting practices which have now created a huge unfunded liability. This has come about through three major practices: First, amendments; second, project reserves; and third, rent supplement programs. They add up to a colossal faux pas in Federal housing policy and add billions in unfunded obligations whose magnitude cannot be accurately measured.

AMENDMENTS

This innocuous sounding budget concept is the cover used to hide billions of dollars in cost overruns run up in the construction and rehabilitation of federally subsidized units. The sums involved are large. Since 1978 alone, some $20.5 billion in amendment funds have been committed by Congress. Additional billions will be needed in the future. In fact, this bill alone provides at least $3 billion in long-term spending for cost overruns. The need for amendment funds originated as follows:

In the past, Congress has told HUD that it must build a certain number of units, and theoretically Congress provides adequate authorizations to build those units. HUD then allocates the money to build the congressionally determined number of units. Yet, these authorizations in virtually every case have been insufficient to pay for the unit—but HUD has already committed the Government to build the unit. Therefore, HUD has no choice but to ask Congress to fork up more money—the so-called amendments—to pay for the previously authorized unit.

Here is an example. Suppose HUD in 1980 entered into a contract with a developer for a section 8 contract. HUD then reserves a certain amount of budget authority—that Congress mandated—for this project. For a variety of reasons, construction will not begin until 1982. In the interim, costs have increased, and the developer cannot build the project for the money initially reserved. So HUD has to reserve additional budget authority for these past projects, and the authority is reflected in requests to Congress in the form of additional amendments.

This policy is nothing more than a shell game. HUD submits and Congress approves the budget supposedly with enough funds to build a certain number of units. Often these estimates are underestimated. But it serves the political purpose of reducing, although deceptively, full program costs. Only much later will Congress pay the full bill for previously authorized units, once the commitments are made.

Second, knowing that amendment money is always available, there is little incentive for developers to reduce costs. Keep in mind that developers frequently are paid on the basis of a percentage of the costs of the total project. Thus, the more dollars, the greater the percentage, the greater the need for amendments.

According to HUD, all of the 800,000 section 8 newly constructed units have required additional amendment funds before they could be built. Therefore, repeatedly Congress has initially understated total costs and then deceptively escalated the authority allocated to these units by using future amendments to cover the actual costs.

PROJECT RESERVES

Even with the cost overrun amendments just described, total housing costs are still understated because Congress has not provided enough money to pay future costs. In fact, this bill proposes to begin the first wave of what will likely be a tidal wave of additional dollars that Congress will be asked to commit just to keep currently occupied section 8 units operational. In part, section 8 units are financed on the project reserve concept. HUD takes the first year costs of operating

a project—total rents, maintenance, repair, and other expenses—and multiplies these costs times the number of years for the contract, usually 20 years.

Yet over the course of a 20-year period, costs will rise. These additional costs are paid out of the project reserve. This reserve is the income derived from tenant contributions to rent. The theory underlying this practice originated from tenant rent contributions which will rise with inflation and along with other increases in operating costs.

Like so many theories that comprise Federal housing policy, this project reserve theory is beginning to crumble. In reality funds used in some project reserves have been diverted to other than intended purposes, tenant income and their contributions to rent are not likely to rise with inflation. In addition, other economic assumptions used to determine project levels may be overly optimistic.

For the first time this year, HUD was forced to request that Congress appropriate an additional $6.7 million in 1984 for project reserve funds. The administration now projects that it will have to spend at least $75 million in each of the following 4 fiscal years to keep project reserves adequate and housing projects solvent.

Moreover, I am informed these figures also are underestimated . . . the potential for future project reserves required in each of the next 25 years may be large. HUD is now conducting an intensive review to determine the amount needed for project reserves.

The bottom line is this: Congress is foolish to begin even one, let alone seven new programs and to expand further funding for current programs when we face the prospect of spending billions just to keep the doors open for currently provided housing.

SECTION 236 RENTAL ASSISTANCE PROGRAM

Because of horrible mistakes made when the section 236 rent supplement program began in 1968, the Federal Government faces a potentially huge unfunded liability that the Federal Government is responsible for, and eventually must pay.

Rent supplement and the rental assistance programs were created without an adequate mechanism to pay for future cost increases. Because most projects are insured by the Federal Government against default, the Federal Government is responsible to pay obligations if defaults occur. The effect of this deficiency is to expose the Government to large risk in the future.

To its credit, the administration foresaw this problem, and the 1984 budget proposed a solution that would reduce the Government's risk. This solution, however, is not included in the Senate committee bill.

The administration proposed ending the rent supplement rental assistance program, and converting all insured units to the section 8 program. Specifically, the administration wants to recapture all unspent funds in the section 236 program, convert these funds in the section 8 program, and use the converted funds to pay for currently nonbudgeted rent and cost increases in the section 236 units. After these costs were properly financed, HUD proposed Congress rescind the left-over funds. This conversion would apply only to insured projects; noninsured projects—those projects financed by State housing finance agencies—would be responsible for funding future cost increases that are above amounts funded by HUD.

The Senate bill rejects this approach. Instead, the bill requires HUD to offer increased subsidies to cover future cost increases of all rent supplement units, including both insured and noninsured projects. Because it is optional, not mandatory, for the project sponsor, few conversons would result and for a number of reasons. Yet, while the committee bill creates the obligation, it does not provide enough money to meet this obligation. Depending on which economic assumptions are used, Congress in the next 30 years may need to commit $8 billion in new money to keep the rent supplement operational if conversions do not result. The committee bill authorizes $3.2 billion to meet this and—important to note—other future obligations. So under the committee bill, the unfunded obligations by the Government is at least $5.4 billion, and potentially more, depending on how much of the $3.4 billion authorized by the committee is spent on rent supplement and rental assistance amendments.

SUMMARY

Experience teaches us that public housing legislation leads to uncontrollable costs, waste, abuse, and failure. Congress should never again pass new housing legislation without careful study, extensive hearings and full debate along with an extensive review of previous programs and critical evaluation of how they are working. This legislation has not undergone anything resembling such scrutiny.

The defects in this bill are only a few that I have identified after only a cursory review of its provisions. I could discuss at length other undesirable provision, the huge increase in lending authority for rural housing, the Federal Housing Administration and the Government National Mortgage Administration, the provisions for a new, capital subsidy and replacement fund, defects in the method for computing public housing operating subsidies, the inclusion of a new rural housing preservation grant program, the liberalization of the prohibition against providing assisted housing to illegal aliens. It seems like an endless list.

But my basic point is this. The bill cannot and should not pass bearing any resemblance to its present form. Why then are proponents arguing for its passage?

Here are a few arguments I have heard for the bill. "The Senate bill is better than the House bill." That is true. The Senate bill has half to two-thirds the spending levels in the House bill. But that alone is no reason to pass this bill. In fact, the opposite is true. It is reason to defeat this bill so that no version of the House bill will pass.

I have also been told, "We have to pass this bill because the House is holding hostage the International Monetary Fund bill until successful adoption of a housing authorization legislation." If true, the Senate should reject such flagrant extortion. Committing an additional $21 billion in new spending as the price to help international governments keep their loan agreements is absurd, and a price I am not prepared to pay.

I have also heard that, "We must pass this bill. After all, we have not had an authorization bill in 2 years." So what? Then there is, "If we do not pass an authorization, the Appropriations Committee will do so anyway." Maybe, but again, no reason to pass an absurd bill now.

Finally, there is the argument that there are urgent unmet housing needs to fill. Yes; it is true. But no matter how many billions Congress spends, it will never be able to fully satisfy those needs. And it surely never will if Congress continues to blindly and unthinkingly spend money on untargeted rehabilitation grants, Davis-Bacon, and subsidies for the wealthy.

It is easy to oppose legislation, and not propose constructive alternatives. What housing policies do I endorse? Here is what I think should be done immediately:

First, full recapture of every unspent and uncommitted dollar within the Department of Housing and Urban Development and Farmers Home Administration.

Second, inventory every Federal housing project in the United States and the territories. Determine which units that we are now paying for that are either uninhabited or in need of serious repair and determine how much is needed to bring each unit to an acceptable level of habitability, using local standards as the benchmark.

Over the next 5 years, as many as 100,000 units of public housing which the Federal Government is financing will be either unihabited or should be abandoned. Why build new housing, or provide additional housing until these

units are demolished, renovated, or paid for?

Third, determine future levels of spending that will be needed to erase current or projected deficits. Right now, two-thirds of all units are located in public housing authorities that are near bankruptcy. What needs to be done to erase these deficits, replenish reserves, modernize their housing stock and make them energy efficient and less costly?

In the future, almost all long-term section 8 newly constructed units will have to have additional appropriations beyond what is already committed. Using intermediate assumptions, what are the projected deficits? Can recaptured funds be held in reserve to pay these obligations?

Fourth, immediate repeal of Davis-Bacon and other regulations responsible for increased costs, including the National Environmental Policy Act as it applies to subsidized housing, the use of Federal Building Code standards, et cetera.

Fifth, provide no additional subsidies until we know for certain we have reduced waste, targeted assistance to the needy, and are fully able to meet current and future obligations.

Sixth, of course, the best housing policy is one that would help permanently to lower interest rates. To keep interest rates down we must reduce the future deficits now projected. Rather than freeze spending levels, this bill actually increases spending and thereby does nothing to solve our country's basic economic problems and opens the door for future increases in interest rates.

In the meantime, I urge defeat of this housing authorization legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD statistical reports which emphasize the concerns I have expressed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPENDIX.—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMPARISON OF BUDGET AUTHORITY AND OUTLAYS CARTER BUDGET, REAGAN BUDGET AND ACTUAL

[In millions of dollars]

	1981	1982
Budget authority:		
Carter	$38,390.9	$38,209.0
Reagan	32,830.7	23,040.8
Actual	33,350.4	20,084.7
Outlays:		
Carter	13,304.9	15,507.4
Reagan	14,082.4	13,934.8
Actual	14,033.4	14,490.6

Outlay increases in 1981 were due primarily to interest rates increasing and remaining at substantially higher levels than projected for the balance of the year. For 1982 the Reagan Budget projected lower interest rates which did not fully materialize.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SUBSIDIZED HOUSING PROGRAMS, UNITS ELIGIBLE FOR PAYMENT/TOTAL UNIVERSE INCLUDING PIPELINE, 1980–84

	1980		1981		1982		1983		1984	
	Units eligible for payment	Total universe	Units eligible for payment	Total universe	Units eligible for payment	Total universe	Units eligible for payment	Total universe	Units eligible for payment	Total universe
Public housing	1,192,000	1,372,611	1,204,000	1,428,810	1,224,000	1,359,006	1,250,000	1,326,006	1,255,000	1,285,877
Section 8:										
New/sub rehab	333,153	739,168	474,465	790,464	571,298	802,179	651,298	807,154	724,298	808,154
Existing	781,949	873,318	844,462	973,515	955,385	1,071,701	1,128,504	1,229,847	1,393,959	1,398,288
Rent supplement	164,992	164,992	157,779	157,779	153,355	153,355	80,000	80,000	15,000	15,000
Section 236	377,285	382,088	376,206	376,206	361,931	361,931	356,000	356,000	347,000	347,000
Section 235	219,452	227,652	240,539	264,739	241,927	263,173	232,000	232,000	213,000	213,000
Subtotal	3,068,831	3,759,829	3,297,451	3,991,513	3,507,896	4,011,345	3,697,802	4,031,007	3,948,257	4,067,319
Section 221 (BMIR)	88,000	88,000	88,000	88,000	88,000	88,000	88,000	88,000	88,000	88,000
GNMA tandem:										
Nonsection 8 units	NA	NA	NA	NA		10,600	8,000	14,800	14,800	14,800
Targeted tandem	5,600	49,000	18,800	57,900	39,900	74,900	53,900	78,700	73,900	78,700
Section 202 (Original program)	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
Totals	3,187,431	3,921,829	3,429,251	4,162,413	3,660,796	4,209,845	3,872,702	4,237,507	4,149,957	4,273,819

Note.—Does not include 1.7 million units assisted under rural housing operated by the Farmers Home Administration, nor administration projection of 80,000 additional units in each year 1984–1988.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SUBSIDIZED HOUSING PROGRAMS, UNITS ELIGIBLE FOR PAYMENT/TOTAL UNIVERSE INCLUDING PIPELINE, 1985–88

	1985		1986		1987		1988	
	Units eligible for payment	Total universe	Units eligible for payment	Total universe	Units eligible for payment	Total universe	Units eligible for payment	Total universe
Public housing	1,238,000	1,245,877	1,206,000	1,206,000	1,171,000	1,171,000	1,161,000	1,161,000
Section 8:								
New/Sub rehab	775,298	817,154	799,298	826,154	808,298	835,154	817,298	844,154
Existing	1,491,273	1,495,602	1,578,480	1,582,809	1,654,363	1,658,692	1,711,380	1,715,709
Rent supplement	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Section 236	346,000	346,000	345,000	345,000	344,000	344,000	343,000	343,000
Section 235	206,000	206,000	199,000	199,000	192,000	192,000	187,000	187,000
Subtotal	4,071,571	4,125,633	4,142,778	4,173,963	4,184,661	4,215,846	4,234,678	4,265,863
Section 221 (BMIR)	88,000	88,000	88,000	88,000	88,000	88,000	88,000	88,000
GNMA tandem:								
Non section 8 units	14,800	14,800	14,800	14,800	14,800	14,800	14,800	14,800
Targeted tandem	78,700	78,700	78,700	78,700	78,700	78,700	78,700	78,700
Section 202 original program	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
Totals	4,278,071	4,332,133	4,349,278	4,380,463	4,391,161	4,422,346	4,441,178	4,472,363

Note.—Assumes enactment of administration fiscal year 1984 budget in fiscal year 1985, fiscal year 1987.

SELECTED INDICES OF PROGRAM COSTS, HUD HOUSING ASSISTANCE PROGRAMS

[In millions of dollars]

	Cumulative Sept. 30, 1982	1983	1984	1985	1986	1987	1988
Annual contributions (utilization of budget authority)	$232,905.1	$15,616.5	$7,966.0	$5,127.6	$5,280.4	$8,907.4	$3,041.7
Section 235 (obligations)	20,244.6	1,017.9					
Section 236 (obligations)	28,094.3	123.3	2.9				
Rent supplement (obligations)	12,415.8	46.0	20.4				
Subtotal, subsidized housing	293,659.8	16,803.7	7,989.3	5,127.6	5,280.4	8,907.4	3,041.7

SELECTED INDICES OF PROGRAM COSTS, HUD HOUSING ASSISTANCE PROGRAMS—Continued

[In millions of dollars]

	Cumulative Sept. 30, 1982	1983	1984	1985	1986	1987	1988
Section 312							
Operating subsidies (obligations)	7,460.6	1,281.6	1,636.5	1,524.9	1,481.4	1,469.0	1,550.4
Section 221(d)(3) BMIR (outstanding loan balance)	1,239.0	NA	NA	NA	NA	NA	NA
GNMA tandem (discount on mortgage sales)	1,656.0	650.1	603.4	355.4	127.5		
FHA–GI/SRI (losses on sales)	3,101.8	240.0	253.0	432.9	269.4	269.4	269.4
Total, all programs	[1] 307,117.2	18,975.4	10,482.2	7,440.8	7,158.7	10,645.8	4,861.5

[1] Does not include $38 billion in low interest direct loans provided by Farmers Home Administration.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING BUDGET AUTHORITY UTILIZED FOR AMENDMENTS (1978–1988)

[In millions of dollars]

	Actuals					Estimated					
	1978	1979	1980	1981	1982	1983 [1]	1984	1985	1986	1987	1988
Public housing	274.1	437.4	956.0	935.4	372.1	1,187.0	45.0				
Section 8	2,993.2	1,873.5	3,223.1	3,007.3	4,020.0	1,406.2	391.0	99.0	87.0	75.0	75.0
Total	3,267.0	2,310.9	4,179.1	3,942.7	4,392.1	2,593.2	436.0	99.0	87.0	75.0	75.0

[1] Represents amounts appropriated for 1983; public housing total includes $405 million provided for interest rate adjustments.

Note.—1978–81 data on a net basis; 1982–88 data on a gross basis.

Appendix 11.—GAO Report, Rental Rehabilitation Grants

ISSUE

HUD plans to replace the section 8 Moderate Rehabilitation and section 312 Rehabilitation Loans programs with a new rental rehabilitation grants program.

PERSPECTIVE

The Administration is requesting $150 million for fiscal year 1984 to implement a new rental rehabilitation grants program. This program would provide grants to States and units of local governments for up to one-half of the cost of rehabilitating both single-family and multifamily rental properties. An estimated 30,000 rental units would be rehabilitated under the program in fiscal year 1984. This proposed rental rehabilitation program has the potential to be effective in upgrading a badly deteriorated rental housing stock, but without specific congressional guidance regarding program objectives and approaches, States and local governments will tend to design programs which (1) are targeted at housing units without adequate consideration for benefiting needy renter households, (2) have costs higher than necessary to improve the housing conditions of lower income household, (3) have the potential for significant displacement of lower income households, and (4) have little evaluation information available.

Based on past work, GAO believes that many communities eligible to receive rental rehabilitation grants would probably use low interest loans to rehabilitate single-family housing, although they estimate a greater need to rehabilitate and provide assistance to multifamily rental housing for lower income households. Eligible communities would have wide discretion to determine the type and level of rehabilitation assistance. Under the Community Development Block Grant (CDBG) program, which has many similarities to the proposed program, nearly half of the entitlement cities have undertaken some rental housing rehabilitation, but far fewer cities have had extensive recent experience in designing, implementing, or evaluating rental rehabilitation programs. The CDBG program has no explicit targeting criteria for rehabilitation and many communities emphasized rehabilitation of single-family housing, while reporting that renters were in greater need of assistance. Further, the most common subsidy mechanism used by CDBG communities was low interest loans, which has resulted in substantially higher average per unit rehabilitation costs than other financing methods such as grants and interest subsidy payments.

The rental rehabilitation grants program could encourage communities to allow unnecessary improvements in order for the rehabilitated units to be marketable and competitive with other non-subsidized units. The higher rehabilitation costs associated with these improvements imply higher rents, which heightens the potential that low-income families will be displaced in favor of the more affluent. Rental rehabilitation grants would be used to subsidize the cost of rehabilitating rental properties at competitive market rents rather than at rents affordable to lower income households. Under past rehabilitation programs there has been a tendency by communities to allow repairs beyond those necessary to bring substandard and deteriorating units up to code. The Administration estimates that the average cost to rehabilitate a rental unit is $10,000. Based on a recent survey of 64 CDBG communities, however, GAO found that the average rehabilitation costs per unit (excluding a few cities with very high costs) were less than $7,000 per unit. Although housing payment certificates would be provided to eligible low-income renters to help them afford the rehabilitated units, these units would not be affordable by many low-income households without housing certificates if sizable rehabilitation expenses resulted in substantial increases in rents. Early indications are that rehabilitation costs under the Administration's rental rehabilitation demonstration program are much higher than under CDBG. In the past, housing rehabilitation programs have been conditioned on the use of the housing for lower income households. Actual experience under the past programs, however, has shown that, in the absence of clear guidelines on targeting, many communities fail to assure that benefits go to lower income households.

Furthermore, program evaluation has been relegated a minor role in local rental rehabilitation programs. Our past research on the CDBG program has identified several problems relating to the reliability of data used to report program activities and beneficiaries. Unless program evaluation is made an integral component of any new rental rehabilitation program, evaluation information will be inadequate to effectively administer the program.

QUESTIONS

How would eligible communities be selected? Will housing need be the major factor?

What is the average funding level that eligible communities will receive and how many units will this enable them to rehabilitate? Are the anticipated funding levels for individual communities going to be sufficient to have a substantial impact?

What is the extent of Federal technical assistance that the Department anticipates will be needed to help communities design, implement, and evaluate programs?

Will there be any limits and/or controls established on the type and amount of rehabilitation assistance allowed on a given project to ensure that only substandard units are brought up to code at the minimum cost feasible?

Will project owners be require to pass on to the tenants any reduction in costs resulting from the rehabilitation assistance provided?

How will projects that are funded through the rental rehabilitation grants program be targeted to low-income families and what assurances are there that the rehabilitated units will remain available to low-income families for any reasonable period of time? Will low-income occupancy be a mandated requirement for a specific number of years?

Will project owners be prohibited from converting rehabilitated project to condominium ownership? Is the Department considering establishing any requirements to recapture subsidies provided to units occupied by other than low-income households or for any other reason?

What specific program performance criteria and reporting requirements will the Department impose to ensure that program objectives are met and that the program is

being administered effectively? Will project owners be required to provide verified income and demographic information to local administering agencies? Will these agencies be required to submit annual reports to the Department showing what they have accomplished?

Will the Department report to the Congress on a periodic basis as to the overall progress of the program, including consolidated verified information from all State and local governments and information on costs, services delivered, and program beneficiaries?

What sanctions or penalties does the Department anticipate imposing for non-compliance with specific performance criteria and reporting requirements?

Contact: William J. Gainer, 426-1780.

Mr. ARMSTRONG. Mr. President, I would like to now briefly address the pending amendment. As I understand it, the amendment proposed by the manager of the bill accomplishes several purposes. First of all, it deletes the Unemployed Homeowners Relief Act of 1983. That is the foreclosure issue which I discussed earlier. I certainly support that provision of the amendment for the reasons I have already stated.

It deletes some provisions creating a system of public housing agency accreditation and substitutes the creation of a public housing performance standards advisory commission. I think that is good.

It makes some changes to the rental rehabilitation and development program, also desirable changes.

It authorizes 5,000 additional units of public housing, a mistake in my opinion. What we really need to do is fix up the public housing units we already have, many of which are in dilapidated condition, many of which are boarded up, unsuitable, perhaps. It appears that if we cannot even maintain the public housing units that we have, the last thing we want to do is to build a bunch of new ones.

It adds an Indian housing program.

It reduces somewhat the authorization for public housing modernization, a mistake for the reason I have already mentioned.

It limits, to some degree, the section 8 existing certificates not dedicated to other purposes, to suggest that they be used to assist very low income persons or families displaced from their housing by other HUD programs or activities.

The leadership substitute to the housing bill is a modest step in the right direction. I do not approve of all the provisions of this amendment but on balance it certainly goes in the right direction. I compliment the manager of the bill, the Senator from Texas, for proposing this. I intend to support it. It deletes the mortgage foreclosure relief, as I pointed out.

But I also want to make this clear: Even though it makes some changes I approve of, it does not solve the budgetary problem in any significant degree. In fact, while the original bill was criticized as it came from the Banking Committee for proposing new long-term spending of from $24 billion to $41 billion above the President's budget request for 1984-88, as I understand the amendment, and I am prepared to be corrected on this and I hope I will be corrected on it, I believe this amendment actually increases 1984 spending levels by $351 million.

I am not sure that that is an accurate estimate. It is the best estimate I have to work from. It arises primarily from the 5,000 units of new public housing which were not contained in the original bill.

It is my understanding that the proposed amendment does not respond to the need for Davis-Bacon reform but since this amendment if adopted would be treated as original text for the purpose of further amendment, we would not be precluded from offering that amendment at a later time.

I understand this amendment retains the new construction program, and that included in the proposed new rental rehabilitation program authorized in the bill is a new construction program not requested by the administration and it is eligible for tenant subsidies, tax exempt financing and mortgage insurance. This amendment pertains to the new construction program, although repeatedly opposed by the administration. It also retains all the demonstration projects proposed in the bill even though many overlap and may preempt private sector efforts and interfere with prudent State-local government relationships.

All in all, Mr. President, I think the amendment, while it is useful, is a very modest step. I would not want anybody to vote for this with the idea that it cleans up the bill or that it satisfies the concerns that many of us feel. It is sort of a down payment on what needs to be done. Nor would I want there to be any misunderstanding that somehow by adopting this amendment we bring the bill into conformity with the desires of the administration. I am authorized specifically to quote the Director of the OMB as saying that unless a package of amendments far larger than this is adopted, the administration remains opposed to the bill.

The specific package of amendments which would be necessary in order to meet the objections of the administration, and which still, by the way, would not go as far as I wish to go in straightening this out, incorporates some 17 amendments which at the proper time I will present or defer to others to present.

Nonetheless, having said all of that, just under the theory of getting on with the task and beginning the job of amending this bill, I intend to support this amendment.

● Mr. ZORINSKY. Mr. President, I rise in support of the Senator from Texas' language which forbids local rent controls for any project receiving funds under the new rental rehabilitation and development grant program. I am opposed to rent control as it discourages the development of any new, unsubsidized rental housing and has proved counter-productive to the community by eroding its tax base and by deterioration of existing housing. I urge my colleagues to support the committee language on rent controls without modification.●

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1423) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ARMSTRONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I ask unanimous consent that the amendment just adopted be treated as original text for the purpose of amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I have just been informed that our distinguished colleague from the Banking Committee (Mr. HECHT) delivered his maiden speech on the floor of the Senate today. He is on the floor at this time helping to forward legislation which he played an active role in formulating.

I take this time to congratulate the junior Senator from Nevada on his maiden voyage this morning and commend him for his enormous contribution to our committee as chairman of the Insurance Subcommittee and his great help in putting together this legislation.

I might say his maiden speech was much more auspicious than mine. Mine was of 1 minute duration. It had to do with billboard advertising on interstate highways, which is not nearly as interesting a subject as the one we are dealing with today. I commend him for his effort.

Mr. BAKER. Mr. President, as I indicated earlier today, if it appeared unlikely that we could finish the HUD

authorization bill within a reasonable period of time, it was the intention of the leadership on this side to ask the Senate to proceed to the consideration of the HUD appropriations bill. I am prepared to do that. The minority leader, I understand, is on his way to the floor, and I will await his arrival.

However, Senators should understand that it is the intention of the leadership to ask the Senate to proceed next to the consideration of the HUD appropriations bill.

Mr. RIEGLE. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. RIEGLE. I say to the majority leader that I appreciate his scheduling this bill today. As he knows, we took up the bill about 2 p.m., and it is now 10 minutes to 4, so we have been on it about an hour and 50 minutes, and we have made some progress.

Can the majority leader indicate to me what his intentions are for the future with respect to this bill? Does he have in mind bringing it back to the floor, and when might that be?

Mr. BAKER. It is my intention to ask the Senate to complete action on this bill. I agree with the Senator that we have made good progress today, and I commend the chairman of the subcommittee and the distinguished ranking minority member for their efforts in the past 2 hours.

I cannot say at this time when we will take it up again. We have the appropriations series before us now, and I do feel committed to undertake that before we return to this measure. However, it is the intention of the leadership to ask the Senate to return to the consideration of the authorization bill at some point.

Mr. TOWER. Mr. President, in view of the remaining days before the 4th of July recess, I would not expect the bill to come up before that time. I hope the majority leader would give consideration to bringing it up as soon as possible after we return from the 4th of July recess.

Mr. BAKER. Indeed, I will. I will confer with both Senators who are managing the bill, and we will try to arrange a schedule that suits their convenience.

Once again, it is the intention of the leadership to return to this measure at some point.

Mr. RIEGLE. I thank the majority leader, and I thank the Senator from Texas.

I think we can move ahead and complete this bill if we can have sufficient time to work on it.

Mr. BAKER. Mr. President, the minority leader is in the Chamber. I have discussed this matter with him. I am prepared now to take us off this bill and to ask the Senate to proceed to the consideration of the HUD appropriations bill.

Mr. D'AMATO addressed the Chair.

Mr. BAKER. Mr. President, the distinguished junior Senator from New York had asked to be recognized briefly for the purpose of inserting a statement in connection with the authorization bill.

Mr. D'AMATO. I thank the Senator.

Mr. President, on May 23, 1983, the Banking, Housing, and Urban Affairs Committee reported the Housing and Community Development Act of 1983. That event was the product of 2 years of hard-nosed negotiation both within and across party lines. Last year we had no housing bill. At that time, the process was fraught with conflict and disagreement which finally led to the Banking Committee's abdicating of its responsibilities to the appropriations process—a pattern growing all too familiar in recent years.

This year was to be different. Senators, committee staff, and personal staff from both sides met frequently, in a conciliatory manner, to hammer out a realistic compromise. The process was slow but deliberate and prospects looked good for passage of a truly viable compromise which incorporated almost everyone's needs while retaining a basic thrust and direction so often lost to legislation as broad and complicated as this in the process of compromise.

I took particular pride in the cooperative efforts of myself, Senator GARN, Senator DODD, Senator TOWER, and Senator RIEGLE in the formulation of the title I rental rehabilitation program. The program, as reported from the Banking Committee, represented a cost-effective means of addressing our current housing needs. Its intention was to keep the Federal Government out of the expensive new construction of subsidized housing, except where it was a dire necessity, and instead to utilize our abundant stock of decaying housing by arresting that decay and thus salvaging this Nation's already extensive investment in housing. The rental rehabilitation program, as successfully utilized in HUD demonstrations, was designed to give maximum flexibility to localities in the choice of target areas to be assisted, as it is the locality that can best assess its housing needs. Most important, the program would provide a number of vehicles which would help leverage Federal investment with private funds, reducing the Federal fiscal burden and encouraging private investment. In sum, the program represented everything this administration has advocated by way of national housing policy.

Mr. President, as typical as the formulation of title I is of the overall conciliatory nature of the negotiations which led to the creation of this legislative package reported from committee so, also, its demise is all too typical of the process by which this entire package is being dismantled.

Title I was first attacked by the addition of a prohibition against local rent controls on units assisted under the title. The provision runs contrary to the overriding purpose of the rental rehabilitation program which was to provide maximum flexibility to localities more important, the provision flies in the face of principles of federalism so central to this administration. Both President Reagan and the Secretary of Housing and Urban Development, Samuel Pierce, are on the record declaring that rent control is a local matter and the Federal Government should stay out of the issue.

The result of Federal meddling in such local matters is to disrupt a delicate separation of power between Federal, State, and local governments. In New York City where rehabilitation projects are undertaken with the assistance of local real estate tax abatements and exemptions in exchange for building owners entering a rent stabilization system only for the duration of such tax benefits, the peremptory rent control language in the committee bill and in the Garn/Tower substitute would disrupt the delivery of this generous local subsidy by forcing an owner to avail himself of either the local subsidy, which requires that rent stabilization be imposed on a rehabilitated unit, or the Federal subsidy which preempts rent controls of any type from attaching to the unit. Thus, the rent control preemption in this bill, in its attempt to attack rent control, also precludes the use of the local tax subsidy in conjunction with the Federal rehabilitation grant. The preemption, thus, discourages the leveraging of the Federal funds with New York City's tax subsidy. It also discourages banks from financing a project receiving solely the Federal subsidy, which, by the way, will also be limited to $5,000 per unit under the Garn/Tower substitute.

Thus, Mr. President, the New York City Department of Housing and Preservation and Development, which would administer this program in the city, has informed me that the program as now written is unworkable in New York. This is the result, Mr. President, of the Federal Government attempting to speak in an area in which it really has no expertise or sensitivity to delicate local balances.

A subsequent committee markup of this particular provision, Senator LAUTENBERG and I proposed an amendment to grandfather existing rent control systems in effect on the date of enactment of this legislation. That amendment failed by a 9 to 9 vote at the full committee level which tells me Mr. President, that there is hardly a committee consensus on the presence of this strong preemptory rent control language now in the bill.

The amendment Senator LAUTENBERG and I will offer today is an even narrower grandfathering of only rent control systems in effect on the day of introduction of this amendment. All rent control systems enacted subsequent to this date could not apply to units assisted with title I funds. This strong statement against the further imposition of rent controls is a concession by the advocates of federalism and a precedent in Federal law which should amply satisfy any opponent of rent controls without disrupting communities with current rent control systems through retroactive penalties for past legislative actions.

Unfortunately, Mr. President, the rent control snafu is only one of a long series of substantive problems I have with the Garn/Tower substitute. The members of the Senate Banking, Housing and Urban Affairs Committee labored hard and long to put a workable package together. The amendment tears at the heart of the legislation, and I am disturbed that the committee leadership would yield so easily to the pressures of the administration and a select few members who have voiced objection to the committee bill.

So I ask, Mr. President, what does the Banking Committee say to its colleagues when it brings to this floor, in one hand, a product of long and hard coordinated compromise and negotiation, and, in the other a random potpourri of amendments that strike at the very heart of our committee bill with wreckless abandon?

May I suggest, Mr. President, that what we say to our colleagues is that we never had much to fight for in S. 1338, nothing we really believed in. I, for one, do not feel that way, and I will not stand by while this bill is emasculated. If we were to allow a bill to pass even though deformed beyond recognition for the mere sake of saying, "We passed a housing bill", I would suggest that perhaps this authorizing committee deserves to lose its jurisdictional powers over these matters of grave concern to our citizens. If it is not able to effectuate its will and shape responsible policy, the public interest would be better served if the committee lay idle rather than act irresponsibly.

RENT CONTROL PROVISION IN S. 1338

● Mr. LAUTENBERG. Mr. President, as this bill comes before the Senate, it contains a provision which states that projects assisted under the rental rehabilitation program may not receive funding if rent controls are applied to such structures by State or local governments. If no rent controls exist today, they may not be applied in the future, and if they exist today and the local or State government wishes to rehabilitate the structure to which the regulation applies, they must be removed.

Mr. President, the provision in this bill does not respect local decisions. We are saying clearly to the many communities in my State which regulate rents. "If you want to participate in this program you must cease regulating rents on the units to be assisted."

I find it unusual, Mr. President, that this Federal preemption of local regulation is included in what is essentially a block grant program. Under title I, substantial latitude is granted States and localities to devise programs which meet the needs of their local communities. But in the case of rent regulation, it is clearly stated that the Federal Government knows better—we here in Washington know what is good for you.

Mr. President, the GAO on March 9, submitted a statement to the Banking Committee indicating that in the absence of rent restraint measures at the local level there is a strong likelihood that tenants now in buildings which might be rehabilitated will be displaced. In one city cited by the GAO, 60 percent of the tenants in such buildings were displaced.

It is my view, Mr. President, that Federal preemption will result in this program being unworkable in communities in my State and other States where this program is needed most. I have in my State two of the poorest cities in the Nation—Newark, No. 1 and Paterson, No 5—both communities regulate rents. They are being told to change their local practice or lose these funds.

Mr. President, rent control has a long history in my State and a controversial one. The opponents of rent control have won some battles and lost some. In this case, rent control's opponents seek to achieve at the Federal level what they have failed to achieve before city councils and in the courts.

This is a local issue and it should remain so.●

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATIONS, 1984

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3133.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BYRD. There is no objection on this side.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

Mr. BAKER. Mr. President, while we await the arrival of the managers on both sides, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER RETURNING S. 1338 TO CALENDAR

Mr. BAKER. Mr. President, when we went off the authorization bill to the appropriations bill, there was some confusion about whether that was done by motion or by consent. It was the intention of the leadership on this side to go to the appropriations bill and place the authorization bill back on the calendar.

To avoid any confusion on that point, Mr. President, I ask unanimous consent that the authorization bill be returned to the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. BYRD. Mr. President, reserving the right to object, and I do not object, the majority leader indicated to me earlier today his intention to put the authorization bill back on the calendar if they were not able to complete action on it. So, his request is fully in accord with our understanding.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the minority leader.

UNANIMOUS-CONSENT AGREEMENT—TREATIES

Mr. BAKER. Mr. President, on another matter, earlier today, I believe, the distinguished acting majority leader indicated at the opening that there were six treaties on the Executive Calendar that we wished to address today. I reiterated that request and have now consulted with the minority leader, and I propose a unanimous-consent request that I hope meets with the favor of the Senate, and I believe it has been cleared by the minority leader.

Mr. President, I ask unanimous consent that at 4:30 p.m., the Senate go into executive session to consider treaties on the Executive Calendar numbered 2 through 8 and that the time

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between 4:30 p.m. and 4:45 p.m. be equally divided between the chairman of the Foreign Relations Committee, Senator PERCY, and the acting minority member, Senator PELL.

I further ask unanimous consent that the time between 4:45 p.m. and 5:15 p.m. today be under the control of the distinguished Senator from North Carolina (Mr. EAST) and that one rollcall vote will occur on treaties 4, 5, 6, and 7 at 5:15 p.m. which shall count as four votes, to be followed by a second rollcall vote on treaties 2 and 8, to count as one rollcall for two votes.

Mr. President, I ask unanimous consent that following the execution of those votes the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. BYRD. Mr. President, reserving the right to object, I note the majority leader is providing, I believe, 30 minutes for Mr. EAST, who is in the Chamber.

Mr. BAKER. Yes.

Mr. BYRD. Is there provision for anyone on this side?

Mr. BAKER. No, however, it is my understanding that the 30 minutes requested by the Senator from North Carolina is for the purpose of making a statement and will not be for the purpose of offering a condition or any parliamentary measure in connection with the treaties.

Mr. BYRD. Very well; I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATIONS, 1984

The Senate resumed consideration of H.R. 3133.

Mr. BAKER. Mr. President, I believe that we have still not yet obtained the presence of the Appropriations Committee managers, and I will cast dirty looks in the direction of the staff director and hope that he can produce a Senator.

Mr. GARN. I am here.

Mr. BAKER. Mr. President, I believe we are almost ready.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, will the Senator allow the ranking minority member over here just a few minutes?

Mr. GARN. I say to the minority leader that the distinguished Senator from Kentucky and I have worked very closely on this bill and all I was going to do was simply a brief opening statement and then suggest the absence of a quorum.

Mr. BYRD. All right.

Mr. GARN. Mr. President, the Senate version of the fiscal year 1984 HUD-Independent Agencies appropriations bill contains numerous amendments to the House bill. In total, the Senate bill contains $54,254,397,810. On a comparable, budget authority basis, this is approximately $4,700,000,000 above the adjusted request; $4,800,000,000 below the House bill; $9,100,000,000 below the House budget resolution crosswalk; and $600,000,000 below the Senate budget resolution crosswalk. When combined with previously approved or anticipated congressional action, this will result in about $58,031,000,000 in outlays. This is approximately $10,000,000 more than the adjusted request; $40,000,000 less than the House bill; $2,100,000,000 less than the House budget resolution crosswalk; and $400,000,000 below the Senate budget resolution crosswalk.

Mr. President, I have a brief description of the major actions taken by the Senate.

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The House bill provides $12,644,138,000 for annual contributions for assisted housing. The Senate bill provides for $7,954,862,810 which is $4,689,275,190 more than the request and $5,001,755,190 less than the House.

The House bill contains language recommending 116,000 incremental units of assisted housing. The Senate bill recommends funding that will result in the reservation of 112,000 incremental units.

The recommendation is based on a housing model which used data from the annual housing survey, Bureau of the Census, and the Department's policy development and research program. The 112,000 units include: 14,000 units of section 202 housing; 3,000 Indian housing units; 25,000 section 8 existing; 20,000 housing certificates; and 50,000 rental rehabilitation units.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

The House bill recommends $1,431,000,000 for the payment of operating subsidies in fiscal year 1984. The Senate bill recommends a level of $1,362,200,000 for public housing subsidies. This is $68,800,000 less than the House recommendation and $274,300,000 less than the request.

The report notes that estimated operating subsidies are funded at 100 percent of the performance funding system (PFS) formula. The report further notes that $69,000,000 is available from a fiscal year 1983 deferral as well as an additional $80,000,000 in fiscal year 1983 funds that might also be in excess of the fiscal year 1983 requirements.

GUARANTEES OF MORTGAGE-BACKED SECURITIES

The House bill recommends a loan limitation of $58,650,000,000 for the mortgage-backed securities program. The Senate bill provides an additional $9,600,000,000 for a loan limitation total of $68,250,000,000. This is also $9,600,000,000 above the request.

The Senate has adopted the fiscal year 1983 level for GNMA limitation. The committee notes that a housing recovery is underway. The percent of FHA/VA loans being pooled in mortgage-backed securities issues is at historically high levels and this does not appear to be a proper time for a reduction in the commitment level.

COMMUNITY DEVELOPMENT GRANTS

The House bill provides $3,470,000,000 for the community development block grant program. The Senate bill provides $3,463,200,000 which is $6,800,000 less than the House allowance and $36,800,000 below the request.

Of this amount, $63,700,000 is provided for the Secretary's discretionary fund. The reduction is a result of the following charges: a reduction of $44,300,000 in the Indian program (Indian housing program continues to be funded through the assisted housing account); an increase of $4,000,000 for grants for water and sewer systems in Indian housing; an increase of $2,500,000 for a neighborhood development demonstration program, and an addition of $2,000,000 increase for technical assistance related to the urban development action grants program; and a general reduction of $1,000,000 from the Secretary's discretionary fund.

RENTAL REHABILITATION GRANTS

The House bill provided no funding in this category. The Senate bill provides $300,000,000. This is $150,000,000 more than the request. The amount included is the same as contained in the Senate authorization bill (S. 1338). The availability of funds is subject to the enactment of authorization.

The report notes that the funding will support the rehabilitation of approximately 50,000 units by leveraging an additional $300,000,000 in private contributions.

POLICY DEVELOPMENT AND RESEARCH

The House bill provides $15,000,000 for research and technology. The Senate bill provides $21,000,000 which represents an increase of $6,000,000 over the House allowance and $3,000,000 more than the request.

The funds are included to provide for housing research; the American Housing Survey; community and

urban research; research support and for a study on the modernization needs of the public housing stock. The latter study will identify the modernization needs to bring public housing stock to applicable property standards and to complete the job of cost-efficient energy modernization. The study will also identify how the comprehensive improvement assistance program (CIAP) funds are being used. Recent information on CIAP indicates only 3 percent of the funds approved have been expended.

The report further notes that the Committee has moved funding for the Housing Assistance Council from this account and allocated the required $950,000 as a line item in the bill under the Department's management and administration account—salaries and expenses.

TITLE II—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

The House bill provides $10,837,000 for the American Battle Monuments Commission. The Senate bill provides $10,462,000 which represents a decrease of $375,000 from both the House allowance and the request.

The report notes that the Commission realized an additional $700,000 in fiscal year 1983 as a result of a favorable foreign dollar exchange rate. This permitted the Commission to advance fund $375,000 fiscal year 1984 construction projects in fiscal year 1983.

CONSUMER PRODUCT SAFETY COMMISSION

The House bill provides $34,500,000 for the Consumer Product Safety Commission. The Senate bill provides $35,000,000 which represents an increase of $500,000 over the House allowance and $3,000,000 more than the request.

It should be noted that the report includes language earmarking no less than $1,000,000 to enhancing the activities of seven prioritized projects—exclusive of personnel costs. The seven areas are: chain saws, chlorocarbons; gas-heating equipment; indoor air quality—combustion products; particle board and paneling; poison prevention packaging; and smoldering ignition.

ENVIRONMENTAL PROTECTION AGENCY

The total amount provided EPA in its six accounts is $3,998,100,000. This amount is $83,500,000 less than the $4,081,600,000 allowance in the House bill. It is $295,509,000 above the request. The Senate bill is consistent with the amount of the Administrator's letter of June 13, 1983, except for the addition of $30,000,000 for combined sewer overflow in the construction grants account.

SALARIES AND EXPENSES

The House bill provides $612,889,000 for salaries and expenses. The Senate bill provides $574,900,000 which is $37,989,000 less than the House allowance and $34,511,000 above the request. The report language includes the following changes to the request:

Plus $1,000,000 to maintain the current overall level for the Great Lakes research program and eight positions;

Plus $2,000,000 for 40 positions for pesticide programs, including expanded pesticide monitoring, laboratory audits, and enhanced data management capabilities;

Plus $2,000,000 and 40 positions for the development of health risk assessment data;

Plus $1,000,000 for 30 positions to be allocated to the regions for increased air and water quality monitoring and enforcement;

Plus $500,000 and 10 positions for the conduct and management of toxic chemicals studies, including dioxin assessment;

Plus $250,000 and five positions for increased emphasis on advanced coal-burning technology, especially the limestone injection multistage burner; and

Plus $250,000 and five positions for the implementation of the strategies identified in the Chesapeake Bay Study.

An additional $27,511,000 on the basis of the requirements identified by the Administrator's letter of June 13, 1983.

RESEARCH AND DEVELOPMENT

The House bill provides $165,600,000 for the research and development program (R&D). The Senate bill provides $142,700,000 which is $22,900,000 less than the House allowance and $31,031,000 more than the request.

The report noted the distribution of the $31,031,000 above the request as follows:

Plus $4,000,000 for health effects research in air, drinking water, toxics and radiation, particularly research to assess the health, ground water and drinking water effects of Temik;

Plus $6,000,000 to initiate research into the human toxicity of dioxin and other chlorophenols, including comprehensive monitoring of problem areas;

Plus $5,000,000 to accelerate the development of limestone injection multistage burner technology;

Plus $1,500,000 for Great Lakes research to continue the current level of effort in research of large lakes and tributaries;

Plus $1,000,000 for lake quality maintenance and improvement research, including acid rain studies. The committee also expects EPA to complete the lake restoration procedures guidance manual;

Plus $500,000 for air and water quality monitoring technology development; and

Plus $12,031,000 to be applied to high-priority programs as determined by the Administrator.

ABATEMENT, CONTROL, AND COMPLIANCE

The House bill provides $521,511,000 for abatement, control, and compliance activities. The Senate bill provides $393,900,000 which is $127,611,000 less than the House allowance, $99,967,000 more than the request, and the same as the amount requested in the EPA Administrator's letter of June 13, 1983.

The report notes several of the increases to the request such as:

Plus $17,780,000 for air programs section 105 State grants;

Plus $30,200,000 for water quality program section 106 State grants;

Plus $6,246,000 for public water system program grants;

Plus $980,300 for underground injection control grants;

Plus $1,568,000 for hazardous waste management State grants;

Plus $1,785,000 for pesticide enforcement State grants;

Plus $1,000,000 for the Great Lakes program;

Plus $1,900,000 for the National Rural Water Association;

Plus $1,500,000 for academic training;

Plus $2,625,000 for wastewater treatment operator training; and

Plus $34,382,000 to be added to high-priority programs as determined by the Administrator.

The report notes that the House bill language was retained. The language was added on the House floor and prohibits EPA from implementing the sanctions under the Clean Air Act. The report further notes that retaining this provision will allow the administration and the Congress more time to review the need to revise the Clean Air Act.

HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

The House bill provides $335,000,000 for the Hazardous Substance Response Trust Fund (Superfund). The Senate bill provides $410,000,000 which is $75,000,000 more than the House allowance, $100,000,000 more than the request and the same as the amount requested in the EPA Administrator's letter of June 13, 1983.

The report notes that 10 positions and $500,000 are added to the Inspector General's Office of Increased Superfund Audits and Investigations. An additional 100 positions and $25,000,000 are provided to support the conduct of feasibility studies prior to initiation of settlement negotiations or litigation. The report language further notes that EPA is expected to conduct these studies without requiring local matching funds. An additional 10 positions and $1,500,000 are provided for research to evaluate technologies to manage uncontrolled waste sites. The report also included an additional $73,000,000 on the basis of the requirements identified by the Administrator in his letter of June 13, 1983. It is expected that a substantial portion of these funds will be devoted to increasing the number of positions in the Superfund program.

The report suggests that EPA consider dropping the matching requirement for the initial survey and analysis phases of the site work and only require the matching funds after the problem severity and scope is determined.

CONSTRUCTION GRANTS

The House bill provides $2,400,000,000 for the construction grants program. The Senate bill provides $2,430,000,000 which is $30,000,000 more than the House allowance, the request and the EPA Administrator's letter.

The report noted that the additional $30,000,000 to be used, as authorized in section 201(n)(2) of the Federal Water Pollution Control Act, as amended, for combined sewer overflow (CSO). The report indicates that these funds could be effectively used during fiscal year 1984 to address serious problems caused by combined sewer overflows into marine bays and estuaries.

The report further noted that there are doubts that the CSO program can be efficiently managed if the available funds are used to partially fund a large number of projects. Such an approach will lead to a stretchout of each of the projects, additional oversight requirements, and corresponding cost increases.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

The House bill provides $700,000 for the salaries and expenses of the Council on Environmental Quality. The Senate bill provides $913,000 which is $213,000 more than the House allowance and the same amount as the request. The report notes that the Council is directed to report back to the committee in terms of its plans for fiscal year 1984 and how these plans relate to the statutory responsibilities of the Council.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The House bill provides $430,758,000 for the Federal Emergency Management Agency (FEMA). The Senate bill provides $467,087,000 which is $36,329,000 more than the House allowance and $55,320,000 less than the request.

SALARIES AND EXPENSES

The House bill provides $119,999,000 for salaries and expenses in fiscal year 1984. The Senate bill provides $122,263,000 which is $2,264,000 more than the House allowance and $5,328,000 less than the request. The report notes the following changes: Minus $3,500,000 and 84 positions in civil defense activities and minus $1,828,000 in mobilization preparedness, funding the program at the fiscal year 1983 level.

The report language commended FEMA on its integrated management approach to civil defense, but agreed with the House on the distinction between the attack and civil disaster portions of the program. The report also urged the Agency to develop a better definition of those activities that are of dual use in nature and those that are essentially attack or civil defense related.

STATE AND LOCAL ASSISTANCE

The House bill provides $169,176,000 for the State and local assistance activities of FEMA. The Senate bill provides $187,566,000 which is $18,390,000 more than the House allowance and $22,150,000 less than the request.

The committee report language noted the direction of the reduction of $28,400,000 to be taken in the areas of population protection and radiological defense. The report also noted the increase of $5,340,000 for the State and local emergency management program and an increase of $16,800,000 in the State and local direction, control and warning program over the fiscal year 1983 level.

The report further notes a general restoration of $6,250,000 to be applied to high-priority programs as determined by FEMA.

The Agency requested that the funding for the purchase of property program remain available until expended. The report recommends a 2-year availaility of purchase of property funds. This will permit adequate time for property contract negotiations.

EMERGENCY PLANNING AND ASSISTANCE

The House bill provides $141,583,000 for emergency planning and assistance activities. The Senate bill provides $157,258,000 which is $15,675,000 more than the House allowance and $27,842,000 less than the request.

It should be noted that it is necessary to carefully review the effects of the reductions from the request. For this reason, the report indicates the provision of a general restoration of $5,000,000 to be applied to high-priority emergency planning and assistance programs—other than the security planning program—as determined by FEMA.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

The House bill provides $1,449,000 for the Consumer Information Center. The Senate bill provides $1,349,000 which is $100,000 less than the House allowance and also the request.

The reduction is based on the establishment of a revolving fund in the proposed pay supplemental bill (H.R 3069). The fund permits the Center to offset $100,000 of its operating requirements during fiscal year 1984 through the use of charges collected from the public.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The House bill provides $7,176,500,000 for the National Aeronautics and Space Administration (NASA). The Senate bill provides $7,171,500,000 which is $5,000,000 less than the House allowance and $65,000,000 more than the request.

RESEARCH AND DEVELOPMENT

The House bill provides $5,803,500,000. The Senate bill provides $5,793,500,000 which is $10,000,000 less than the House allowance and $85,000,000 more than the request. The report notes the following differences from the request:

Plus $35,000,000 for engine spares;

Plus $45,000,000 for the Space Telescope;

Plus $20,000,000 for research and analysis in physics and astronomy and planetary programs;

Minus $3,000,000 from the $20,000,000 requested for the numerical aerodynamic simulator;

Plus $10,000,000 for advanced propulsion and composite materials (system technology program);

Minus $10,000,000 from tracking;

Minus $5,000,000 from the suborbital research program;

Minus $5,000,000 from Shuttle production and capability development;

Plus $2,000,000 for environmental observations;

Plus $5,000,000 for materials processing in space;

Plus $1,000,000 for solid state observations program;

Plus $5,000,000 for technology utilization; and

Minus $10,000,000 as a general reduction to be taken by the Agency in areas other than those augmented above.

The report also notes the capping of a number of programs within the R&D account and the dividing of the traditional R&D account into two accounts to highlight the operational nature of the Space Shuttle.

RESEARCH AND PROGRAM MANAGEMENT

The House bill provides $1,237,500,000. The Senate bill provides $1,242,500,000 which is $5,000,000 more than the House allowance and $5,000,000 less than the request.

The report notes that the reduction should be applied to object classifications other than required funds for personnel compensation and benefits, such as contractual and consultant services, travel and public affairs.

NATIONAL SCIENCE FOUNDATION

The House bill provides $1,315,300,000 for the activities of the National Science Foundation (NSF). The Senate bill provides $1,292,600,000 which is $22,700,000 less than the House allowance and $300,000 more than the request.

RESEARCH AND RELATED ACTIVITIES

The House bill provides $1,242,400,000 for the research and related activities account. The Senate bill provides $1,214,700,000 which is $27,700,000 less than the House allowance and $36,000,000 less than the request.

It should be noted that the entire reduction in this account from the request has been reallocated to the Foundation's science and engineering education activities account. It should be further noted that the report takes exception to the numerous program's specific adjustments and earmarkings made by the House. The report expresses confidence in the science advisory boards and peer review process of the Foundation to make the program level decisions and deletes the House provisions.

The report suggests that the scientific community and the National Science Foundation would be better

served if the number of grants and the size of the average grant were both increased. The report targets one-half of the funding increase over 1983 in this account for additional grants for an increase of 770 grants or a 6 percent in total grants. The report notes the provision permitting the transfer of up to $5,000,000 from the science and engineering education activities account for basic and applied research in learning and cognition.

The committee report reflects my concerns over the Foundation's reluctance to assert its leadership position as the Government's premier science agency. The Foundation's long standing lack of analytic capability and management information systems has seriously affected its ability to understand the impact that the Foundation's funding policies have had on the state of U.S. science and have hindered the development of new policy initiatives.

It should be noted that the report recognizes that the NSF portion of the U.S. Antarctic Program should not be funded at the expense of other NSF scientific programs and, therefore, establishes a new account for the Antarctic.

SCIENCE AND ENGINEERING EDUCATION ACTIVITIES

The House bill provides $70,000,000 for this account. The Senate bill provides $75,000,000 which is $5,000,000 more than the House allowance and $36,000,000 more than the request.

The report notes, in setting aside $14,700,000 for educational activities such as teacher training and awards, that the committee is interested in the Foundation pursuing a "partnership program" for education involving the Federal Government, private business, State governments, and educational institutions. The objective would be to improve the quality of science and mathematics education. A program of Presidential awards for teacher excellence in science and mathematics will be established in fiscal year 1983 and continued in fiscal year 1984.

SELECTIVE SERVICE SYSTEM

The House bill provides $24,049,000 for the salaries and expenses account of the Selective Service System. The Senate bill provides $24,649,000 which is $600,000 more than the House allocation and $850,000 less than the request.

It should be noted that the report retains the House reduction in the public awareness and travel, but restores the $600,000 House deleted in the compliance program. Both the House and Senate bills prohibit program funds from being used to induct any person into the Armed Forces.

DEPARTMENT OF TREASURY

PAYMENTS TO STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND

The House bill provides no funds for this account. The Senate bill provides $4,566,700,000 which is the same amount as the request.

The report notes that the House deferred consideration of this item due to the lack of authorization. Senate bill S. 41 proposes to reauthorize the program at the level recommended. The report further notes that two-thirds of the Members of the Senate are cosponsors of this bill.

OFFICE OF REVENUE SHARING—SALARIES AND EXPENSES

The House bill provides $7,378,000 for this account. The Senate bill provides $7,278,000 which is $100,000 less than the House allowance and $400,000 less than the request.

The reduction from the request is based on a provision of the fiscal year 1983 supplemental (H.R. 3069) which would permit the Office to carry forward $400,000 from unobligated expenses in fiscal year 1983.

VETERANS' ADMINISTRATION

The House bill provides $24,805,761,000 for the Veterans' Administration. The Senate bill provides $24,916,929,000 which is $111,168,000 more than the House allowance and $193,732,000 less than the request.

READJUSTMENT BENEFITS

The House bill provides $1,371,000,000 in this account. The Senate bill provides $150,000,000 more than the House allowance and the request. The recommended amount is based on the inclusion of $150,000,000 for a new veterans job training program which is subject to the enactment of authorizing legislation.

MEDICAL CARE

The House bill provides $8,078,526,000 for this account. The Senate bill provides $8,065,187,000 which is $13,339,000 less than the House allowance and $6,661,000 more than the request.

The report further notes the following changes from the VA's request: A reduction of $5,539,000 in the VA's equipment—object class 31; an increase of $1,900,000 to provide for additional contract care nursing—due to the elimination of a like amount from the VA construction account for a proposed new nursing care facility. The funding provides for an increase of 2,306 FTEE above the fiscal year 1983 level.

CONSTRUCTION—MAJOR PROJECTS

The House bill provides $350,992,000 for the major construction account. The Senate bill provides $341,692,000 which is $9,300,000 less than the House allowance and $332,700,000 less than the request.

The report notes that of the amount of reduction from the request: $263,400,000 is associated with the advanced funding in fiscal year 1983 of the Minneapolis and Cleveland construction projects; $60,000,000 was from accumulated savings from completed construction projects; $4,000,000 represents a reduction of the multistory parking garage at the San Francisco nursing home—an agreement for the use of an adjacent Department of the Interior land for parking was suggested; and a reduction of $5,300,000 for the funding of the Providence, R.I., nursing home facility.

The report further notes the deletion of House language limiting advanced planning to projects selected by Congress; a provision to restrict the use of nonconstruction funds for major construction; and a provision requiring the VA to notify GAO in the event that construction funds are not obligated expeditiously.

CONSTRUCTION—MINOR PROJECTS

The House bill provides $193,378,000 for this account. The Senate bill provides $177,185,000 which is $16,193,000 less than the House allowance and also the request.

The report notes the committee's continued support for the VA's minor construction program, but further notes a fiscal year 1984 increase of 25 percent which is on top of a fiscal year 1983 increase of 38 percent.

The Senate bill includes a limitation of $45,838,000 for the expenses of the Office of Construction and the restoration of 13 staff-years deleted by the House.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, as the ranking member on the HUD-Independent Agencies Appropriations Subcommittee, I want to comment on a number of items in H.R. 3133, as reported from the Senate Appropriations Committee.

As the chairman of the Subcommittee (Mr. GARN) noted, the bill as reported, carries $54.2 billion in budget authority. This is $4.7 billion over the estimates for fiscal 1984 but $4.8 billion below the House bill. Furthermore, the bill is within the Senate budget crosswalk which was worked out pending final action on a budget resolution.

Under the assisted housing program, we have recommended 112,000 incremental units—14,000 units in section 202 housing for the elderly and handicapped, 3,000 units for Indian housing, 25,000 units of section 8 existing housing, 20,000 housing certificates or vouchers, and 50,000 rental rehabilita-

tion units. Also included is $1.6 billion for public housing modernization.

The bill includes $1.362 billion for operating subsidies for public housing projects in addition to the $69 million previously deferred until fiscal 1984. It directs that the current performance funding system formula be used for distributing the funds.

For FHA gross mortgage and loan insurance commitments, the recommendation is $50.9 billion, and for the Government National Mortgage Association (GNMA) mortgage-backed securities (MBS) program, the recommendation is $68.250 billion. Both limitations, though higher than requested, are important to a sustained housing recovery. The Department is directed to notify the committee if it appears likely that the ceilings will be reached. Report language also urges that efforts be undertaken to overcome any delays in the processing of FHA loans.

For the Solar Energy and Energy Conservation Bank, the recommendation is $25 million.

The community development block grant (CDBG) program would be funded at $3.4 billion under the committee recommendation. Entities which were considered entitlement areas in fiscal 1983 but were scheduled to lose entitlement status in fiscal 1984 because of population loss or central city dedesignation have been protected in fiscal 1984 by bill language. Under the Secretary's discretionary fund, $2.5 million is earmarked for a neighborhood development demonstration program and $2 million for increased technical assistance to small communities in connection with urban development action grant (UDAG) program. While UDAG has worked extremely well in metropolitan areas, a much smaller proportion of small cities have applied for funds. The technical assistance funding is designed to help these smaller communities prepare applications and utilize the program more fully. Report language indicates that the committee expects HUD to continue its support of district heating/cooling.

The recommendation for the UDAG program is $440 million, the same as the fiscal 1983 appropriation. This program has been quite successful, especially in metropolitan areas, in leveraging private funds and the committee believes it should be continued at the existing level.

The section 312 rehabilitation loan program is to be continued in fiscal 1984 from repayments and other income sources. Some $71 million is expected to be available.

The committee has included $300 million for the new rental rehabilitation grants program. This should be sufficient to fund 50,000 units.

As in the past, the committee has earmarked funding for the Housing Assistance Council (HAC) which has done so much for rural areas such as eastern Kentucky. For fiscal 1984, the recommended amount is $950,000, and it is to come from the salaries and expenses account.

For fair housing and equal opportunity, the recommendation is $4.7 million.

The committee has included report language relating to personnel reductions in the area and regional HUD offices. HUD is apparently proceeding with reductions in field personnel despite reservations expressed in a General Accounting Office report, despite reported delays in proceeding FHA loans, and despite uncertainty over the type of housing programs which are likely to be operational in fiscal 1984.

For the Consumer Product Safety Commission, the recommendation is $35 million.

The recommendation for the Environmental Protection Agency is $3.998 billion. This represents a $168 million increase over the original budget request for the agency's operating programs. Within that amount is an additional $5 million in R&D funding to accelerate the development of limestone injection multistage burner technology, an additional $58.5 million to bring State grant programs to the fiscal 1983 level, $1.9 million for the National Rural Water Association, and $2.6 million for wastewater treatment operator training.

In addition, the committee retained bill language adopted on the House floor prohibiting EPA from implementing sanctions under the Clear Air Act.

The Hazardous Substance Response Trust Fund (Superfund) will receive $410 million under the recommendation—$200 million more than in fiscal 1983. This should allow EPA to move ahead on hazardous waste cleanup.

For the wastewater construction grant program, the recommendation is $2.430 billion of which $30 million would be used for combined sewer overflows.

The recommendation for the Federal Emergency Management Agency is $467 million. This includes $37.5 million for payments to the Treasury under the national flood insurance fund and $3.6 million for fire prevention and control. The committee restored funding cut by the House for earthquake studies.

For the National Aeronautics and Space Administration, the recommendation is $5.79 billion. The committee added $35 million for engine spares for the space shuttle, $5 million for technology utilization, and $1 million for the solid-state observations program in order to accelerate the development of the multispectral linear array for remote-sensing activity.

Under the committee recommendations, the National Science Foundation would be funded at $1.292 billion. This includes $1.214 billion for research and $75 million for science and engineering education. Under the important science and engineering education account, funds are earmarked for materials development, awards, and workshops, teacher training, public information, high-technology applications, and learning and cognition research.

For the Neighborhood Reinvestment Corporation, the recommendation is $15.5 million.

Revenue sharing is funded at $4.566 billion, the current level. Committee report language indicates that the committee will consider providing additional funding in the event that a higher amount is authorized.

For veterans' compensation and pensions, the recommendation is $13.8 billion. Readjustment benefits are funded at $1.5 billion including the $150 million added for the new veterans' job-training program. The medical care account stands at $8 billion under the committee recommendation, and the medical and prosthetic research account at $162.3 million which includes $6 million more than the request for geriatric research.

As in the past, I want to commend the chairman of the subcommittee. He has been most cooperative and, with one principal exception, we were able to reach agreement on most issues.

Mr. President, I yield to the distinguished floor manager of the bill.

Mr. GARN. Mr. President, I move in accordance with section 904(b) of the Congressional Budget Act to waive the provisions of section 303 of that act with respect to the consideration of the pending measure, H.R. 3133, and any amendments thereto.

I state the reason for this request is the fact that we do not have a budget resolution yet, as I think the whole Senate is aware.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

Mr. GARN. I move to reconsider the vote by which the motion was agreed to.

Mr. HUDDLESTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GARN. Mr. President, I move that the committee amendments be considered en bloc and agreed to en bloc, and that the bill as thus amended be regarded for purposes of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

The amendments agreed to en bloc follow:

On page 2, strike line 8, through and including line 2 on page 3, and insert the following:

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in Appropriation Acts, is increased by $809,954,229: *Provided*, That the budget authority obligated under such contracts shall be increased above amounts heretofore provided in Appropriation Acts by $7,954,862,810: *Provided further*, That of the budget authority provided herein, $467,460,000 shall be for assistance in financing the development or acquisition cost of public housing for Indian families, $1,926,400,000 shall be for assistance for projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q), $1,600,000,000 shall be for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 14371), of which $35,000,000 shall be for the modernization of 1,000 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such act, and $1,149,510,000 shall be available for contracts entered into under the modified section 8 existing housing assistance program, of which $479,000,000 shall be used in conjunction with units also assisted under the rental rehabilitation program: *Provided further*, That the budget authority in the foregoing proviso for the modified section 8 existing housing assistance program and the rental rehabilitation program shall be available only to the extent that legislation authorizing the modified section 8 existing housing program and the rental rehabilitation program are enacted: *Provided further*, That notwithstanding any other provision of this Act, up to the first $1,575,000,000 in budget authority recaptured and becoming available for obligation in fiscal year 1984 shall be made available for annual contribution contacts under the section 8 existing housing program (42 U.S.C. 1437f): *Provided further*, That any balances of authorities made available prior to the enactment of this Act which are or become available for obligation in fiscal year 1984, shall be added to and merged with the authority approved herein, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1984: *Provided further*, That none of the merged amounts available for obligation in 1984 shall be subject to the provisions of section 5(c) (2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439): *Provided further*, That of the balance of merged amounts of budget authority provided herein, and not previously set aside, $3,080,694,060 shall be available for obligation in 1984 to convert contracts assisted under section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) and section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) to contracts assisted under section 8 of the United States Housing Act of 1937, as amended, and up to $2,292,598,750 shall be available for other contracts as authorized by section 5 of the United States Housing Act of 1937, as amended.

On page 5, strike line 11, through and including line 18;

On page 7, line 24, strike "$1,431,000,000", and insert "$1,362,200,000";

On page 8, strike line 1, through and including line 12;

On page 9, line 15, strike "$45,900,000,000", and insert "$50,900,000,000";

On page 9, after line 23, insert the following:

Any fee charged in accordance with a contract by a contractor to recover indebtedness owed to the United States may be payable from the amount collected by such contractor, up to such amount as may be owed such contractor, in accordance with section 13(b) of the Debt Collection Act of 1982 (Public Law 97-365).

On page 10, line 25, strike "$58,650,000,000", and insert "$68,250,000,000";

On page 11, line 16, strike "$3,470,000,000", and insert "$3,463,200,000";

On page 11, line 21, after "Development", insert the following: "ment: *Provided further*, That any unit of general local government which was classified as a metropolitan city in fiscal year 1983 pursuant to section 102(a)(4) of the Housing and Community Development Act of 1974, as amended, shall continue to be classified as a metropolitan city for purposes of the allocation of funds provided herein for fiscal year 1984.".

On page 13, after line 8, insert the following:

RENTAL REHABILITATION GRANTS

For grants to States and units of general local government, to carry out the rehabilitation of residential rental properties, and for related expenses not otherwise provided for, $300,000,000, to remain available until September 30, 1985: *Provided*, That none of the funds appropriated in this paragraph shall be available for obligation except upon enactment into law of legislation, authorizing a rental rehabilitation grants program.

On page 14, line 11, strike "$15,000,000", and insert "$21,000,000";

On page 14, line 12, after "1985", insert the following: ": *Provided*, That $4,000,000 of the foregoing amount is to be made available solely for a study of the costs of bringing the existing public housing stock into conformance with property and energy conservation standards established by the Secretary.".

On page 15, line 6, after "including", insert the following: "$950,000 for the Housing Assistance Council and";

On page 15, line 8, strike "$571,114,000", and insert "$572,064,000";

On page 15, line 24, strike "$10,837,000", and insert "$10,462,000";

On page 16, line 21, strike "$34,500,000", and insert "$35,000,000";

On page 17, line 25, strike "$612,899,000", and insert "$574,900,000";

On page 18, line 6, strike "$165,600,000", and insert "$142,700,000";

On page 18, line 10, strike "$521,511,000", and insert "$393,900,000";

On page 18, line 11, strike "That", through and including "further," on line 13;

On page 19, line 18, strike "$335,000,000", and insert "$410,000,000";

On page 19, line 21, strike "$51,984,000", and insert "$66,514,000";

On page 19, line 24, after "510", insert ": *Provided further*, That of the funds appropriated under this head, $6,415,000 shall be made available to the Department of Health and Human Services upon enactment";

On page 20, line 7, strike "$2,400,000,000", and insert "$2,430,000,000";

On page 20, line 19, strike "$700,000", and insert "$900,000";

On page 21, line 17, strike "$119,999,000", and insert "$122,263,000";

On page 22, line 2, strike "$169,176,000", and insert "$187,566,000";

On page 22, line 24, strike "$141,583,000", and insert "$157,258,000";

On page 23, line 16, strike "$1,449,000", and insert the following: "$1,349,000, to be deposited to the Consumer Information Fund: *Provided*, That the revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,949,000: *Provided further*, That revenues and collections accruing to this fund during fiscal year 1984 in excess of $7,949,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriation Acts.".

On page 24, strike line 8, through and including line 5 on page 25, and insert the following:

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; including not to exceed (1) $427,400,000 for space transportation capability development; (2) $14,000,000 for a space station; (3) $165,600,000 for space telescope development; (4) $17,000,000 for Numerical Aerodynamic Simulation; without the approval of the Committees on Appropriations; $2,016,900,000 to remain available until September 30, 1985.

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for; in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Adminstration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; and including not to exceed (1) $1,530,000,000 for space shuttle production and capability development; (2) $1,570,600,000 for space transportation operations; (3) $50,000,000 for expendable launch vehicles; and (4) not more nor less than $44,000,000 shall be obligated for space communications operations and maintenance and support associated with the tracking and data relay satellite system, excluding amounts to be obligated for award fees earned on the contract; without the approval of the Committees on Appropriations; $3,776,600,000 to remain available until expended; provided, that up to 5 per centum of the amount appropriated for "Research and Development" or "Space Flight, Control and Data Communications" may be transferred to any other NASA appropriation with the approval of Committees on Appropriations.

On page 27, line 11, after "design", insert the following: *: Provided further*, That no amount appropriated pursuant to this or

any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriation act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further,* That the Administrator may authorize such facility lease or construction, with the approval of the Committees on Appropriations if he determines that deferral of such action until the enactment of the next Appropriation Act would be inconsistent with the interest of the Nation in aeronautical and space activities.-

On page 28, line 15, strike "$1,237,500,000"; and insert "$1,242,500,000";

On page 29, line 21, strike "$64,500,000", and insert "$66,500,000";

On page 30, line 1, strike "$1,242,400,000", and insert "$1,112,600,000";

On page 30, line 12, strike "That", through and including "policy." on page 31, line 3, and insert the following:

That $77,350,000 shall only be used to increase the total number of grant awards over the total number awarded in fiscal year 1983.

On page 31, after line 5, insert the following:

UNITED STATES ANTARCTIC PROGRAM ACTIVITIES

For necessary expenses in carrying out the research and operational support for the U.S. Antarctic Program pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); maintenance and operation of aircraft and purchase of flight services for research and operations support; maintenance and operation of research ships and charter or lease of ships for research and operations support; hire of passenger motor vehicles; not to exceed $1,000 for official reception and representation expenses; $102,100,000, to remain available until expended: *: Provided,* That receipts for support services and materials provided to individuals for non-Federal activities may be credited to this appropriation: *Provided further,* That no funds in this account shall be used for the purchase of aircraft.

On page 32, line 2, strike "$70,000,000", and insert "$75,000,000";

On page 32, line 9, after "proportionally, insert the following: *Provided further,* That no less than $20,300,000 shall be made available for National Science Foundation Graduate and Minority Fellowships: *Provided further,* That no less than $34,000,000 shall be made available for merit based instructional materials development, evaluation and demonstration activities: *Provided further,* That up to $5,000,000 may be transferred from funds provided under this head to and merged with funds made available under "Research and related activities" for the purpose of conducting research on teaching and learning.

On page 33, line 11, strike "development", and insert "the capital";

On page 33, line 12, after "associations", insert "other than the Baltimore, Maryland, mutual housing program";

On page 33, line 21, strike "$24,049,000", and insert "$24,649,000";

On page 34, after line 4, insert the following:

PAYMENTS TO STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND

For payments to the State and Local Government Fiscal Assistance Trust Fund, $4,566,700,000.

On page 34, line 11, strike "$7,378,000", and insert "$7,278,000";

On page 35, line 5, strike "$1,371,000,000", and insert "$1,521,000,000";

On page 35, line 6, after "expended", insert the following: of which $150,000,000 shall be available only for veterans' emergency job-training program payments: *Provided,* That such $150,000,000 shall be available for obligation for such payments only if authorizing legislation for such payments is enacted before December 31, 1983.

On page 36, line 10, strike "$8,078,526,000", and insert "$8,065,187,000";

On page 37, line 21, strike "$350,992,000", and insert "$341,692,000";

On page 37, line 22, strike "Provided", through and including line 4 on page 38, and insert the following: *Provided,* That funds provided in the appropriation "Construction, Major Projects" for fiscal year 1984, for each approved project shall be obligated (1) by the awarding of a working drawings contract by September 30, 1984 and (2) by the awarding of a construction contract by September 30, 1985: *Provided further,* That the Administration shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (Title X of Public Law 93-344): *Provided further,* That no funds from any other account may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until 1 year after final acceptance of the project by the Veterans Administration.

On page 39, line 6, strike "$193,378,000", and insert "$177,185,000";

On page 39, line 11, strike "$45,338,000", and insert "$45,838,000";

On page 40, line 1, strike "Public Law 95-476; sec. 202", and insert "38 U.S.C. 1008";

On page 41, line 7, strike "and", through and including "authorized" on line 9;

On page 44, line 7, after "linitations:", insert the following: *Provided further,* That the preceding transfer provision shall also apply to the limitations provided in fiscal year 1983 and that these provisos shall be effective upon enactment of this Act:

On page 47, line 10, after "1974", insert the following: to travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Mr. TSONGAS. Mr. Chairman, I note the following language in the HUD-Independent Agencies Committee report:

The Committee is concerned that the nation maintain and expand the number of highly qualified engineering and computer science professionals. It is the strong desire of the Committee that the National Science Foundation particularly target, through the grant awards process, those engineering programs which have demonstrated their ability to integrate their students into high technology and engineering industries, and are in the process or plan to upgrade their facilities in order to provide for a better learning/research environment including the development of a computer science counterpart to their engineering programs.

I note that the language refers to the "grant awards process" as a vehicle for targeting programs. My understanding is that the committee did not intend by this that any particular internal process be followed by the NSF. Rather, it simply intended that grants be awarded on the basis of the merits as specified in the criteria listed in the report language in that paragraph.

Mr. GARN. The Senator's understanding is correct.

Mr. TSONGAS. I thank the Chairman for his explanation of the report.

Mr. D'AMATO. Mr. Chairman, in connection with the Senate's consideration of the fiscal year 1984 appropriations legislation, I would like to raise a matter of concern with regard to the availability of funding for troubled multifamily projects which are noninsured and financed by State housing agencies. In fiscal year 1979 the Department of Housing and Urban Development proposed a new program of operating subsidies for financially troubled subsidized multifamily projects where it can be demonstrated that projects are well managed or where management improvements will be made. The progam is available for section 236, section 221(d)(3) below market interest rate and section 221(d)(3) market rate rent supplement projects. In the past, funding to assist these troubled projects has been made available to projects insured under the National Housing Act, as well as noninsured section 236 projects financed by State housing agencies. Funding to assist both insured and noninsured projects has been provided in part through excess rental charges and collections from noninsured State financed projects.

The purpose of this program is to: First, insure the financial stability of existing rental housing projects and thus protect tenants from higher rents caused by escalating operating costs; second, preserve and improve existing projects while recognizing the impact on the neighborhoods where such projects are located; third, insure that HUD-owned projects when sold will continue to serve the income groups that they originally were intended to house; and fourth, prevent potential losses to the insurance funds resulting from project insolvency. The amount of subsidy varies in relation to project income and financial needs. The subsidies fund up to the difference between HUD/approved rents—covering both debt service and operating expenses for a particular project—and that portion of income which tenants reasonably can be expected to pay for housing.

In its deliberations on the fiscal year 1984 appropriations legislation, the HUD-Independent Agencies Subcommittee of the Committee on Banking, Housing, and Urban Affairs under the able leadership of my colleague Senator GARN provided with regard to the provision entitled "Troubled Projects Operating Subsidy" that noninsured State projects will be eligible for subsidies provided under this provision in fiscal year 1984. The full committee under the able leadership of my colleague Senator HATFIELD has sustained this provision. Although I believe the committee has properly recognized the need to continue to make available funding for troubled multifamily developments for noninsured State financed projects, I would like to focus on my concern that OMB and HUD carry out this program by making available upon the enactment of this legislation a reasonable share of such funds to noninsured State financed projects. The Department's determination of what constitutes a reasonable share of such funds for section 236 units which are uninsured and financed by State housing agencies, should be made on the basis of need. Such funding should not exceed an amount equal in proportion to the total percentage of all section 236 units which are uninsured and financed by State housing agencies in relation to the universe of all section 236 units. I believe that continued funding for these projects is both necessary and proper particularly in light of the obvious need to maintain our existing housing resources which currently meet the needs of low and moderate income persons.

Mr. LAUTENBERG. Will the Senator yield?

Mr. D'AMATO. I will yield to my colleague from New Jersey, Senator LAUTENBERG.

Mr. LAUTENBERG. I rise in support of the remarks of Senator D'AMATO and share in his concern that the Department of Housing and Urban Development and OMB continue to insure the financial and physical viability of troubled multifamily developments which are noninsured and financed by State housing agencies. While I believe that the Senate recognizes the statutory obligation on the part of the Department to insure the continued viability of projects insured under the National Housing Act so as to avoid possible foreclosure and potential losses to the FHA insurance fund, I believe we must also recognize the need to maintain the continued financial and physical viability of certain troubled multifamily developments which are noninsured and State financed, first, where it can be determined that such projects do indeed meet the criteria for assistance which is provided for under this program, and second, where it can also be determined that without benefit of such assistance, such projects and tenants who reside in them would be at risk and the continued availability of such low and moderate income units would be severely jeopardized.

Mr. GARN. Will the Senator yield?

Mr. LAUTENBERG. I will yield to the distinguished chairman, Senator GARN.

Mr. GARN. I would like to say for the record that I am in agreement with my colleagues, Senators D'AMATO and LAUTENBERG on this point. I believe that it is a wise policy to maintain the continued financial and physical viability of certain troubled multifamily developments which also happen to be noninsured and State financed. I believe that the allocation of funds under this provision of the fiscal year 1984 appropriations legislation as outlined in the comments of Senator D'AMATO is appropriate.

EPA STAFFING LEVELS

Mr. LEAHY. Because of the changes which recently occurred in the employment levels, I believe it is important to place on the record the new staffing levels.

It is my understanding that the amended request for salaries and expenses will fully fund 11,548 total work years. Of this amount, 1,007 work years are funded under the hazardous substance response trust fund.

Are these work year figures correct?

Mr. GARN. Yes; these are the latest personnel figures that are available from EPA. I further understand that EPA will have the flexibility to allocate these work years for permanent or nonpermanent positions. I would expect EPA to designate the vast majority of the additional 1,100 work years added by the Senate action as permanent full-time positions.

Mr. LEAHY. I understand that this funding level does not include the additional costs that may result from a pay increase. In 1983, the Agency was asked to absorb its pay increase. What is your understanding of the administration's position on requesting a supplemental, if a pay raise occurs?

Mr. GARN. I can assure my colleague, who has worked so diligently on this issue, that I expect the committee to provide full funding for the 1,100 positions added over the January 1983 request, just as we did with the 418 positions Congress added in fiscal year 1983.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1425

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) proposes an amendment numbered 1425:

Page 10 of the bill, between lines 4 and 5, insert the following [new undesignated paragraph]:

SALES OF SECTION 202 MORTGAGES

[Notwithstanding any other provision of law,] The Secretary of Housing and Urban Development may not sell any mortgage held by the Secretary as security for a loan made under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) without prior Congressional approval.

Mr. HEINZ. Mr. President, I asked that the amendment be read because it is brief and, I think, self-explanatory.

This is an amendment that I offer on behalf of Senators CRANSTON, MELCHER, SASSER, as well as myself. The purpose of the amendment, as I think is clear from its language, is to prohibit the sale of section 202 project mortgages held in HUD's loan portfolio until Congress authorizes such action.

Mr. President, the reason I offer this amendment is that last month HUD suddenly delcared a major change in departmental policy in an ad in the Wall Street Journal.

This was not a change in departmental policy that had been discussed with the Senate Banking, Housing, and Urban Affairs Committee. To my knowledge, it was not discussed with the Appropriations Committee. We found out about it because we read it in the newspapers. The advertisement announced the sale to private investors of 109 section 202 project mortgages held in HUD's loan portfolio.

Mr. President, I believe there should be, for any Secretary of Housing and Urban Development, sufficient administrative discretion to administer programs. But, frankly, I have to tell you that when a Secretary simply decides that the Government is going to sell its interest in 109 section 202 projects without any directions from Congress, that is an excessive exercise of discretion.

It may interest my colleagues to know that interested parties were given 3 weeks to make their offers by telephone on May 25, 1983.

Well, several of us called that telephone number and registered considerable distress about what HUD had proposed. And the result was that HUD did abruptly cancel its planned sale after strong bipartisan opposition from Members of Congress as well as members of those affected groups, principally the elderly. The reason that there was such an outpouring of

opposition was that there were questions raised about the financial advisability of the sale and further concerns about the adequacy of protection for low-income tenants when section 8 housing assistance contracts expired.

HUD, having said it was going to sell these mortgages then changed its mind and declared in so many words, "OK, we are not going to sell those mortgages. You have raised some legitimate questions."

Well, Mr. President, it is my understanding, that as of today, HUD has under active consideration an alternative to the May 25 proposal which would have the Federal National Mortgage Association package these 202 mortgages, to sell on behalf of HUD.

Frankly, Mr. President, this is simply doing by another means that which the Secretary said he was not about to do. I do not know what the Secretary really hopes to achieve by these sales. Maybe this is an instance of the Office of Management and Budget wanting to be pennywise and ending up pound foolish. While it is true that short-term prepayment of these loans by discounting them in the market is going to create a short-term cash infusion for the U.S. Treasury, the fact is that the liberal terms of those sales agreements mean that HUD is going to sell these loans at a very deep discount. When I say deep, I mean up to 30 percent of the loan's face value.

I am concerned about two things. First, I think that that deep discount, may end up being a windfall for some unknown investor. Second, I understand that the fee that Fannie Mae (FNMA) is going to take may be as much as 12 percent of the market value of the loan. That 12 percent is a very high handing charge on something that really has no risk associated with it.

Now, why do I say that the purchase and the handling of these mortgages by the investor and by Fannie Mae has no risk associated with it? Are these mortgages associated with risk-free projects? No Mr. President, these are not risk-free projects. But I must point out to my colleagues that there is actually a provision in this proposed agreement that obligates the Federal Government to buy back the mortgage from the purchaser in the event of default and/or at the expiration of the section 8 contracts.

Now, Mr. President, that is a sweet deal. I would even say that is a sweetheart deal. I mean who would not like to get 12 percent for handing something with no risk and maybe even buying it for their own portfolio at a 30-percent discount, knowing that if something unexpected happens the Federal Government will bail them out 100 percent?

Mr. President, that is a terrific deal, but it is not a deal that I think that we in Congress should let go ahead.

The purpose of my amendment is to stop this deal until we can get the Secretary and HUD to think this through more carefully and come up with a reasonable plan. It is my view that the contracts they intend to enter into would result in a major contingent liability to the Federal Government. I want to see to it that that is accounted for properly and I want to be sure that we understand how that is going to affect Treasury borrowing in the future.

Mr. President, I would also state again that these proposed sales do mark a major change in departmental policy not only from the standpoint of financing but also programmatically. I want Congress to be able to take a careful look at that as well. By this action, HUD may be administratively preempting the legislative intent of the section 202 statute which establishes HUD as the originator of permanent financing to nonprofits for providing affordable housing for the elderly. My amendment will prohibit the planned sale of section 202 mortgages until Congress has had an opportunity to study the full ramifications of this policy.

For over 20 years, section 202 has provided high-quality living arrangements for senior citizens. The partnership between the nonprofit community and the Federal Government resulted in the most successful Federal housing program so far. Third party purchasers, presumably motivated by an attractive return on their investment, are not likely to share this same kind of commitment to low-income housing for elderly and handicapped families.

What happens at the expiration of the 20-year section 8 contract? Perhaps the project owners could be forced to raise rents beyond the means of the low-income residents.

The involvement of secondary market purchasers introduces a risk to the nonprofit owner that Congress sought to avoid by establishing the section 202 program as a direct loan program in the first place.

In sum, Mr. President, this amendment will reaffirm congressional intent that each project be maintained for the elderly and handicapped persons for not less than the full term of the loan involved unless we in Congress decide otherwise.

I ask my colleagues to join in supporting this amendment and the policy it embodies.

Mr. GARN. Mr. President, I offered the Senator from Pennsylvania an offer he could not refuse, but he refused me. I told him I would take this amendment if he would not offer his second one. That was such a wonderous offer that he could not turn me down, but he did. But I will take it anyway.

So, on behalf of the majority, I will accept the amendment of the Senator from Pennsylvania.

Mr. HUDDLESTON. Mr. President, we concur on this side of the aisle with the distinguished floor manager of the bill and find no objection to the amendment.

Mr. HEINZ. Mr. President, I just wish to thank the distinguished floor managers of the bill for their understanding and support of this amendment, particularly Senator GARN, who doubles not only as the chairman of the Appropriations Subcommittee but as chairman of the Banking, Housing, and Urban Affairs Committee. I appreciate his support on this.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania (Mr. HEINZ).

The amendment (No. 1425) was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SAN FRANCISCO VETERANS' ADMINISTRATION MEDICAL CENTER PARKING PROBLEM

Mr. CRANSTON. Mr. President, as ranking minority member of the Veterans' Affairs Committee, I would like to pursue with the distinguished chairman of the Appropriations Subcommittee on HUD-Independent Agencies (Mr. GARN) an issue of particular interest to me. As we know, the pending measure does not provide funds, requested by the administration and approved by the House, for the construction of a two-level parking facility at the Veterans' Administration Medical Center in San Francisco. In this connection, I wrote the chairman and ranking minority member of the full committee (Mr. HATFIELD and Mr. STENNIS) on June 13 urging restoration of the funds—$4 million—in the VA's major construction account.

This parking facility was proposed by the administration as part of a 120-bed nursing home project. Funds for the nursing home itself have been approved by the House and by the Senate Appropriations Committee. However, the nursing home would be constructed on the site of an existing parking lot and would, of course, generate a need for additional parking spaces. Thus, proceeding with the nursing home without the parking facility would aggravate the parking situation at the medical center—and that situation is already extremely bad.

So that my colleagues can better understand the issues involved, I ask that the text of that letter be printed in the RECORD at this point.

The letter follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., June 13, 1983.

Hon. MARK O. HATFIELD,
Chairman.
Hon. JOHN C. STENNIS,
Ranking Minority Member, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MARK AND JOHN: I am writing in connection with your Committee's consideration of the proposed HUD-Independent Agencies Appropriations Act, 1984 (H.R. 3133), which I understand is scheduled for Tuesday, June 14. I urge that your Committee restore $4 million to the VA's construction, major, account for the purpose of permitting the construction of a two-level parking facility at the VA Medical Center in San Francisco. This amount was requested by the President and included in the House-passed bill, but deleted by the Appropriations Subcommittee on HUD-Independent Agencies on June 9. The parking facility would be built in conjunction with the construction of a 120-bed nursing home for which funds ($10.7 million) have been included in H.R. 3133 as approved by the Subcommittee. The full $14.7 million amount was included in the House-passed measure and approved in resolutions adopted by the House and Senate Committees on Veterans' Affairs.

The great need for this parking facility is well-documented. According to VA parking surveys, there currently exists at this medical center a deficit of 153 in available parking spaces. This creates a massive problem both on the facility's grounds and, as a result of the parking overflow onto neighboring streets already packed with parked cars, in the surrounding community. Anyone who has ever visited this facility can attest to the nightmare dimensions of the parking problem.

Construction of the new nursing home will result in the permanent loss of 84 existing parking spaces and will, in addition, generate a need for 70 new spaces to accommodate staff and visitors at that unit. Thus, the projected deficit of parking spaces would be increased to 307 after the nursing home is operational.

The construction of a two-level parking facility (over a present 86-space lot) as proposed by the VA would provide 170 new parking spaces, thereby replacing the 84 lost by the construction of the nursing home, meeting the 70-space need generated by the new unit, and realizing a small net gain of 16 spaces. Thus, the overall deficit would be reduced to 137 spaces.

Granted, this is not a complete solution to the center's total parking problem, but it is, in my opinion, an essential project at this point and the only feasible step forward that is presently available. It should be noted that the parking facility as presently planned will be constructed as an expandable one; the later addition of a third and fourth level would accommodate 170 more cars. A four-level facility would completely eliminate the existing deficit.

I understand that the theory underlying the Subcommittee's deletion is that, in lieu of the construction of this parking facility, the VA should be given access to space at the adjacent Golden Gate National Recreational Area (GGNRA) for parking. I believe this would be both unwise and inadequate to meet the needs of the facility, for a variety of reasons.

As you may know, for a period of approximately 15 years prior to 1980, the VA had a renewable lease, through the Department of the Interior, with the GGNRA. Under that lease, the VA was permitted the use of approximately 200 spaces on GGNRA land. In 1980, the VA was asked to vacate that land. Subsequently, approximately one-half of the VA's paved parking area was demolished, leaving a paved area on that GGNRA land on which 93 cars can be parked.

These 93 spaces are not made available to the VA under any lease or permanent agreement, and I am advised that, at any time, the VA could be refused permission by the Department of the Interior to use those spaces. In addition, these parking spaces, which are on an essentially abandoned parking lot, are remote from the medical center, unlighted, and in generally poor condition. Security is a continuing, serious problem. Many patients and visitors cannot cope with the steep stairs to the medical center, and night parking is virtually impossible.

In this connection, I have been advised that the Subcommittee's decision to delete the funds for the parking facility was based in part on a GAO report of May 20, 1983, entitled, "VA Is Making Efforts To Improve Its Nursing Home Construction Planning Process" (GAO/HRD-83-58). However, that report makes no recommendations relating to any specific nursing home construction project nor any recommendation that the parking facility in San Francisco should not proceed. Indeed, the discussion pertaining to the San Francisco situation is set forth in an enclosure which merely summarizes the concerns and recommendations of the VA's revalidation team. One of the recommendation of the revalidation team, as you may know, was that the "VA pursue a sharing agreement with Interior for parking space in the recreation area".

Insofar as the Department of the Interior is concerned, I now understand that it has rejected the VA's request for a long-term permit to restore the 200 pre-1980 parking spaces on its land. I've asked the VA Administrator to write you to bring you up to date on the situation with respect to the GNRA land.

However, even if the VA were to acquire the GGNRA property on a permanent, rather than lease, basis (thereby making it justifiable for the VA to make the expenditures necessary for repaving and making other needed permanent), the situation would be far less satisfactory than it would be if the two-level parking structure were built. Restoration of the additional GGNRA property would yield only 107 more spaces. This is 63 less than the Administration-proposed facility would provide and would, in conjunction with the nursing home construction, increase the current deficit by 47, for a total deficit of 200 spaces. Moreover, security problems and the steepness of the stairs would continue to render those spaces far less useful than spaces in the proposed structure would be. Further, recourse to the GGNRA property in lieu of the structure would mean foregoing the possibility of achieving a complete solution through the addition of further levels.

Finally, the use of the GGNRA land raises very serious problems in terms of its environmental impacts and is strenuously opposed by several environmental groups and some residents in the neighborhood.

I speak of this situation from the perspective of my office having been actively involved for the last three years in attempting to work out a solution to the very hotly and bitterly contested issue of how to provide the VA nursing home care beds that are badly needed to serve veterans in San Francisco in a way acceptable to the veterans' community, the neighbors, the environmental groups, and the Department of the Interior. My staff has held and participated in numerous meetings and discussions with these interested parties—both here and in San Francisco. The facility was first proposed to be constructed in 1980 and has been delayed since that time while these extremely difficult, sensitive problems were being worked out. The Subcommittee recommendation, if enacted, would break the delicate truce among these previously warring (I do not choose that word lightly) parties—a truce based on the construction of the nursing home and the parking facility at the same time. Frankly, I do not see how it makes any sense to proceed with the construction of the nursing home without the adjacent parking garage.

For these reasons, I urge your Committee to give favorable consideration to the Administration's request to restore the $4 million for the construction of the parking facility at the San Francisco VAMC.

One additional point: The San Francisco VAMC is one of the finest VA facilities in the United States. Its location and close affiliation with the University of California at San Francisco School of Medicine equip it to recruit and retain an excellent and dedicated health-care staff that renders a high quality of care. But the operation of that facility is plagued day in and day out by an absolutely intolerable parking situation. That situation should be resolved once and for all so that the first-class nature of the medical center will be able to be assured. A 4-level parking facility would provide that assurance; a two-level facility and a VA/Interior agreement providing the VA with an approximately 200-space lot would resolve the bulk of the problem. Thus, in addition to restoring the $4 million, I urge the Committee, in its report, to invite the VA to propose—in the event that such a VA/Interior agreement cannot be reached in the near future—a reprogramming of funds (between $2.7 to $3.2 million) as necessary to proceed to construct the entire 4-level parking facility. This would permit the VA to resolve the parking problem now, more cheaply, and with the least disruption to patients, employees, the environment, and the neighborhood. If the VA were to make such a proposal, it should, at the same time propose to the House and Senate Veterans' Affairs Committees that they approve such an expansion of the scope of the present construction project.

Thank you very much for your consideration of this matter of importance to the veterans and other citizens of the San Francisco area.

With warm regards,
Cordially,

ALAN CRANSTON,
Ranking Minority Member.

Mr. CRANSTON. Mr. President, I am aware of the concerns of the very able chairman of the subcommittee with respect to this matter and his belief that the VA has not fully explored alternative solutions to the severe parking problem at the San Francisco VAMC. I would like to ask him whether his concerns relate primarily to the failure of the VA and the Department of the Interior to de-

velop a mutually acceptable arrangement for additional VA parking on Interior land adjacent to the medical center?

Mr. GARN. That is correct, Mr. President. This matter was discussed during the full committee markup of this bill, and I am not yet convinced that the VA and the Department of the Interior have exhausted the possibilities for reaching agreement on VA or joint VA-Interior use of certain Interior property for parking. Obviously, I would prefer that the San Francisco VAMC's parking problems be resolved without the VA incurring the very substantial cost involved in constructing this parking facility.

Mr. CRANSTON. Although I do not believe that a VA-Interior agreement regarding the use of Interior land for VA parking can provide a solution to the overall parking problem and I am deeply concerned about expanded use for parking of the park lands involved, I do not understand the Senator's concerns. No one likes to spend VA medical construction funds on parking. In this case, however, the parking problems are so massive and persistent that they threaten the medical center's future as a top-quality healthcare facility.

Thus, it is my hope that in conference a way could be found to restore the funding for the parking facility in a manner that would address the floor manager's concerns. Perhaps, in conjunction with funds being restored, the conferees could, in the joint explanatory statement accompanying the conference report, direct actions to be taken to respond to the concerns of the distinguished subcommittee chairman.

Mr. GARN. Mr. President, the suggestion of the ranking minority member of the Veterans' Affairs Committee is well taken. I would think that, if the conferees provide funding for the facility, we could direct the VA not to proceed with working drawings before a fixed date—approximately 2 months after enactment—by which time the VA would be directed to report to the Appropriations Committees on certain matters. In such a report, the VA should provide, first, detailed information on the VA-Interior efforts to reach agreement and the specific types of arrangements they considered; second, if a long-term agreement has been reached enabling the VA to use Interior land for parking, detailed information on that agreement together with an analysis by the VA of whether a need for the two-story parking facility remains; and, third, if no such agreement has been obtained, the VA's analysis, upon reconsideration, of whether proceeding with the nursing home and two-story facility at the San Francisco medical center is the best option or whether, in light of the fact that substantial parking problems would continue, another location would be preferable for a nursing home to meet San Francisco-area veterans' needs for nursing home care.

Mr. CRANSTON. Mr. President, that seems to me to be a good, workable approach. However, I suggest that in any such report, the VA should also be directed to provide an analysis of whether the medical center's overall parking problem should be resolved by constructing a three- or four-level parking structure now—rather than the planned two-level structure, which is designed to be expendanable to a three- or four-level facility. If the VA concludes that a three- or four-level structure should be built at this time, the VA could be further directed—and I would strongly recommend this—to advise the committee as to its intention to request a reprograming of funds for that purpose.

Mr. GARN. That seems fine.

Mr. CRANSTON. I would think that this report would be directed in the context of restoring the $4 million on the condition that working drawings not be undertaken until the report we just discussed is submitted.

I very much appreciate the cooperation of the Senator and hope that this result can be obtained.

Mr. STENNIS. Mr. President, I have listened with interest to this discussion between the chairman of the HUD-Independent Agencies Subcommittee and the ranking minority member of the Veterans' Affairs Committee. I think they have outlined a most appropriate method for reconciling their views, and I will do my best to achieve that result in conference with the House.

VETERANS' ADMINISTRATION FISCAL YEAR 1984 APPROPRIATIONS

Mr. CRANSTON. Mr. President, I thank the Senators for their cooperation.

As the ranking minority member of the Committee on Veterans' Affairs, I am pleased to note my general satisfaction with the levels of funding that the pending measure, H.R. 3133, the proposed HUD-Independent Agencies Appropriations Act, 1984, would provide in the various Veterans' Administration accounts and to comment on certain specific items.

The Appropriations Committee's distinguished chairman (Mr. HATFIELD) and ranking minority member (Mr. STENNIS) and HUD-Independent Agencies Subcommittee chairman (Mr. GARN) and ranking minority member (Mr. HUDDLESTON) and the other members of the committee—especially my friend from Arizona (Mr. DECONCINI), who also serves with me on the Veterans' Affairs Committee—are to be congratulated for their fine work on this measure insofar as it relates to VA programs. This measure makes generally adequate provision for VA programs and, where there are differences between the House-passed and committee-reported versions—such as in the medical care account, where the House figure is $13.3 million higher—prospects for an excellent conference agreement clearly exist.

Before commenting further on certain specific items at this point, I want to stress the concerns I expressed in the colloquy I had with the HUD-Independent Agencies Subcommittee chairman (Mr. GARN) and the ranking minority member of the committee (Mr. STENNIS) with respect to the proposed nursing home/parking facility construction project at the San Francisco VA Medical Center. In the course of that discussion, I made clear my strong view that in conference the funding for the parking facility should be restored so that the VA can proceed with the clearly needed 120-bed nursing home project without aggravating the very severe parking problems that currently plague that outstanding medical center.

FUNDING FOR VETERANS' JOB TRAINING LEGISLATION

Mr. President, I am delighted to note that the pending measure includes $150 million in the VA's readjustment benefits account for the purposes of funding a new jobs training program for veterans.

On June 8, the distinguished chairman of the Veterans' Affairs Committee (Mr. SIMPSON) joined me in a letter to the very able chairman and ranking minority member of the Appropriations Subcommittee on HUD-Independent Agencies urging that the full $150 million for a new veterans' job program be included in H.R. 3133 contingent on the enactment of authorizing legislation. This $150 million amount is the amount authorized to be appropriated by legislation reported by the Committee on Veterans' Affairs that was at that time pending Senate approval, S. 1033, the proposed "Veterans Emergency Job Training Act". That measure, which includes major provisions from my bill, S. 992, introduced on April 6, was subsequently passed by the Senate on June 15 as H.R. 2355.

On June 14, pursuant to our recommendation, the committee approved, by a 15-to-7 vote, a motion made by the distinguished Senator from Arizona (Mr. DECONCINI) to add the $150 million.

I am delighted by this result, and I congratulate the Appropriations Committee on its sound judgment. It means that, when enacted—and if the $150 million is retained in conference

on H.R. 3133, as seems likely since the House passed its version of this legislation by a vote of 407 to 10 on June 7 and the House budget conferees have agreed to including this amount in the fiscal year 1984 congressional budget—veterans' job training legislation will be able to be implemented expeditiously. It means that veterans will not be forced to wait out another appropriations cycle before training opportunities are made available.

As I noted when the Senate considered S. 1033/H.R. 2355—page 15973 of the CONGRESSIONAL RECORD for June 15—the need for a program to address the unemployment problems of veterans is virtually indisputable. The actions taken thusfar by this body will enable the Federal Government to begin in October of this year to offer much-needed help to veterans who are out of work and lack the skills necessary to compete in today's changing labor market.

MEDICAL AND PROSTHETIC RESEARCH

Mr. President, I am also very pleased to note that both the House-passed bill and the bill as reported by the Senate Appropriations Committee provide $162.3 million—a $6 million increase over the President's request—for the VA's medical and prosthetic research account. This add-on is fully responsive to the Veterans' Affairs Committee's March 1, 1983, budget recommendations and is sufficient to maintain the fiscal year 1983 full-time equivalent employee level without reduction in fiscal year 1984.

The administration's fiscal year 1983 request for this account was only $1.5 million, or less than 1 percent, over the fiscal year 1983 appropriations level. The administration-requested amount would have been less than needed to keep pace with inflation and would have necessitated a 170-FTEE reduction in employment levels in VA health research programs.

VA research programs are vitally important both to the veterans and others who benefit from the medical advances that VA research produces and—by virtue of the contributions that VA research makes to the VA's ability to recruit and retain high-caliber health professionals—to the quality of care in VA facilities. Thus, I am delighted that adequate support for this critical program is assured for another year.

EXECUTIVE SESSION

CONSTITUTION OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (TREATY DOC. NO. 97-19)

TREATY OF FRIENDSHIP WITH TUVALU (EX. W, 96-1)

TREATY OF FRIENDSHIP WITH THE REPUBLIC OF KIRIBATI (EX. A, 96-2)

TREATY WITH THE COOK ISLANDS ON FRIENDSHIP AND DELIMITATION OF THE MARITIME BOUNDARY (EX. P, 96-2)

TREATY WITH NEW ZEALAND ON THE DELIMITATION OF THE MARITIME BOUNDARY BETWEEN THE UNITED STATES AND TOKELAU (TREATY DOC. NO. 97-5)

INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (TREATY DOC. NO. 97-23)

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider orders 2 through 8 on the Executive Calendar en bloc.

Mr. GARN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. GARN. With the time to be equally divided between the majority and the minority.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. MURKOWSKI. May I ask whose time we are on? We are on the Pacific Island Treaties, I believe.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Will the Chair say what the time agreement is?

The PRESIDING OFFICER. The time between 4:30 and 4:45 p.m. is to be controlled equally by Senator PERCY and Senator PELL, the chairman and ranking minority member of the Foreign Relations Committee. The time between 4:45 and 5:15 p.m. will be controlled by the Senator from North Carolina (Mr. EAST).

Mr. MURKOWSKI. Mr. President, I am sorry. I was interrupted. The Chair indicated the time between 4:30 and 4:45 p.m. would be controlled by whom?

The PRESIDING OFFICER. By the chairman of the Foreign Relations Committee and the ranking minority member (Mr. PELL).

Mr. MURKOWSKI. And the remainder of the time?

The PRESIDING OFFICER. Between 4:45 and 5:15 p.m., the time will be controlled by the Senator from North Carolina (Mr. EAST).

Mr. MURKOWSKI. Mr. President, I respectfully ask the Senator from North Carolina if I may, by unanimous consent, have the last 3 minutes in view of the unusual time agreement we have?

Mr. EAST. I have no objection to that.

Mr. MURKOWSKI. I thank the Senator from North Carolina.

With your permission, Mr. President, I will proceed with my initial statement with regard to the treaties before the Senate.

Mr. President, the treaties before the Senate for its consideration are four in number:

A Treaty of Friendship with the Republic of Kiribati.

A Treaty of Friendship with Tuvalu.

A Treaty with the Cook Islands on Friendship and Delimitation of the Maritime Boundary between the United States of America and the Cook Islands, and

A Treaty with New Zealand on the Delimitation of the Maritime Boundary between the United States of America and Tokelau.

The four treaties were signed in 1979 and 1980, and have been pending before the Senate for several years. Two of the entities involved—Kiribati and Tuvalu—are independent, self-governing nations. The Cook Islands are an autonomous island group in free association with New Zealand, while Tokelau is a non-self-governing dependency of New Zealand. In all, 25 islands are affected by these agreements.

My colleagues may be interested to know that both the United States and the United Nations were involved, at least in part, in the decolonization process. General Assembly Resolution 30/3426 of December 8, 1975, approved the granting of independence to the state of Kiribati (Gilbert Islands). Kiribati became independent on July 12, 1979. General Assembly Resolution 32/407 of November 28, 1977, affirmed to the people of Tuvalu the inalienable right to self-determination. Independence was granted on October 1, 1978. The United States participated in the unanimous voice vote in the General Assembly on both resolutions.

These four treaties provide the basis for normal, friendly relations with the governments and peoples of these islands. In the case of Tokelau and the Cook Islands, they also establish a maritime boundary between these entities and the U.S. Territory of American Samoa. Facilitating access to fishing grounds for boats serving the canneries in American Samoa is provided for. In addition, the treaties with Kiribati and Tuvalu provide for security consultations—a provision not necessary in the other two instances since Tokelau and the Cook Islands are covered by the Anzus arrangement.

The purpose of the treaties is to protect U.S. interests in the light of extensive political change which has taken place in the island region of the Pacific during the past two decades. Without any question, the area of the Pacific where these four nations lie is important to us. The countries involved have emerged from colonial

status and are independent, self-governing nations. The process has been orderly and the prospects for the future are bright. The fundamental question before us today is how to encourage stability, economic progress, and the democratic process in the South Pacific, while at the same time safeguarding U.S. interests. Our Australian and New Zealand allies have put it another way. They have said to us: "We have a good thing going for us in the South Pacific. Lets don't mess it up."

Two methods have been suggested as to safeguarding U.S. interests:

By interferring in the sovereignty of these nations through the imposition of certain U.S. rights on the four countries, or

By cooperating with them on a basis of mutual respect. I believe the latter course—cooperation on a basis of friendship and mutual respect—holds the greatest promise for protecting U.S. interests in the years to come. This course is represented by the four treaties we have under consideration.

These newly independent nations of Kiribati, Tuvalu, the Cook Islands, and Tokelau, which have emerged from colonial status, form a reasonably cohesive and democratic community. The former colonial powers have worked hard to achieve this, as have the people of the islands and their governments. As a community, they are pro-West—and we must assist in keeping them that way. To perpetuate a question as to the legitimacy of their independence by not consenting to ratification of these treaties would only invite interference in their affairs by outside powers. The Soviets, in particular, have in recent years shown a greatly increased interest in the South Pacific. Our best bulwark against this threat is the cohesive and democratic community which we have. We must sustain and encourage that community by consenting to ratification of these four treaties.

The committee held hearings on these treaties in December 1981 under the chairmanship of my distinguished predecessor, Senator HAYAKAWA. The committee reported resolutions of ratification favorably to the floor by a vote of 13 to 2 in February 1982. The treaties were not considered by the Senate before its sine die adjournment last December and, therefore, in accordance with the rules of the Senate, were returned to the committee, along with a number of other treaties. In January this year, Senator EAST indicated in a letter to Chairman PERCY that he would like to be afforded an opportunity to provide his views on the treaties to the committee prior to its reconsideration of the resolutions of ratification. I chaired a hearing in March during which my colleague from North Carolina testified. The committee considered this and the previous testimony on the treaties and, on March 16, by a vote of 15 to 1, ordered the treaties reported favorably to the Senate for its advice and consent to ratification.

The question of U.S. claims was a major issue considered by the committee. In one case, the treaty confirms the rights of the United States to an island in the area; in the other cases, the treaties make clear that the United States maintains no claims to islands now controlled by the other governments involved. Our conclusion supported that of the Reagan and Carter administrations, that is, that the basis for U.S. claims was not substantial enough to justify the assertion of control of the islands by the United States. In effect, we would have to assert our claims over the objection of the inhabitants of these islands and of our allies in the area, New Zealand in particular. Our claims were simply not strong enough and our interests are better served by the treaties as written.

To this brief summary of the background history of the Pacific Island treaties, I would like to add that the administration is anxious to ratify the treaties as soon as possible, since they have been on the floor awaiting action for something over a year and it has been over 4 years since the first was signed. Our failure to consent to ratification is embarrasing to the administration and is causing problems with some of our closest allies—Australia and New Zealand. Finally, I would like to commend to my colleagues' attention a seven page summary of "The Pacific Island Treaties" and the issues surrounding them, prepared by the Department of State. This summary lays out in concise terms the provisions of the treaties, the political context in which the treaties were negotiated, and the legal issues involved. I believe this summary has already been provided to many Members' offices, but in the event it is not readily available, I ask unanimous consent that it be entered in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE PACIFIC ISLAND TREATIES

THE TREATIES

In 1979 and 1980 the United States signed four treaties—with Kiribati, Tuvalu, the Cook Islands and New Zealand—that settle the status of twenty-five small islands to which the U.S. has claims, provide for security consultations with Kiribati and Tuvalu, establish maritime boundaries for American Samoa, and facilitate access to fishing grounds for boats serving the canneries in American Samoa.

POLITICAL CONTEXT

The purpose of the treaties is to protect U.S. interests in the light of the extensive political change which has taken place in the island region of the Pacific during the past two decades. Until 1962, all of the islands in the region were under the control of Britain, Australia, New Zealand, France, or the United States. In 1962, however, New Zealand's grant of independence to Western Samoa started a process that has led to the creation of the nine independent countries. Besides Western Samoa, these are Nauru, Fiji, Tonga, Papua New Guinea, Solomon Islands, Tuvalu, Kiribati, and Vanuatu. In addition, two other island countries—the Cook Islands and Niue—have attained a high degree of autonomy under free association relationships established with New Zealand.

The vast ocean region occupied by the new island states is one in which the United States has important interests. Through the area pass important lines of communications to two major allies, Australia and New Zealand, and to the Indian Ocean and the Persian Gulf. Within or adjacent to the region are our own state of Hawaii, our Pacific territories of American Samoa and Guam, and the new states emerging from our Micronesian trusteeship. We have an interest in assuring the security of these areas, facilitating constructive ties between them and the new island states, and fostering their participation in regional affairs. The United States also has an important interest in non-discriminatory access to the region's marine resources—both fisheries and minerals.

Protection of these interests requires that the Pacific Island region remain stable, peaceful, and free of great-power rivalry and that the new island states look to the United States as a friend.

There are many positive elements in the relationship between the United States and the new island nations. U.S. missionary activities in the nineteenth century created a foundation of understanding and interest in America among the islanders. This was reinforced by the U.S. role in defending and liberating the islands during World War II. A large and still significant reservoir of good will toward the United States remains from this period.

In recent years the attitudes and policies of the island countries have in important respects been congenial to U.S. interests. The island nations have been cool to the Soviets; to date no Soviet aid, trade or resident diplomatic presence has been permitted in the region. Following the Afghanistan invasion, several of the island countries supported the olympic boycott and took punitive measures—such as closing their ports to Soviet ships. In both 1981 and 1982 island states rejected Soviet offers of hydrographic research cruises.

In world affairs, the island countries have made significant and positive contributions. For example, Fiji has given important support to Middle East peacekeeping. It provided a battalion to the U.N. force in Lebanon and was the first nation anywhere in the world to agree to provide troops for the Sinai multinational force organized to implement the Camp David accords.

THE ORIGIN AND CURRENT VALIDITY OF U.S. CLAIMS TO THE ISLANDS

In the context of the overall positive relationship between the U.S. and the island countries, the existence of U.S. claims to twenty-five islands included in the territory of various island states is an anomaly. U.S. claims to these islands are extremely weak and are not supported by any other nation. They were not formally asserted until 1939, after extension of British and New Zealand control over the islands.

Whatever value our claims may initially have had was derived either from mining ac-

tivities pursuant to the Guano Act of 1856, or from sightings by whalers or merchantmen in the mid-19th Century. These activities could have been the basis for eventual U.S. sovereignty over some of the islands. However, over a period of nearly 50 years—until 1939—the U.S. failed to take any action to convert these claims to effective sovereignty. It did not extend citizenship to the inhabitants. It did not attempt to exercise any form of governmental jurisdiction over the islands. No Act of Congress was passed providing for incorporation of the islands.

During this period the United Kingdom, whose claims were also based on discovery and guano mining, effectively consolidated its jurisdiction over the islands. Our claims were not formally asserted until 1939 in the face of clearly superior British claims.

U.S. NEED FOR FUTURE USE OF THE ISLANDS

Rear Admiral Donald S. Jones, testifying on behalf of the Department of Defense during the December 1981 hearings on these treaties stated:

"The Department of Defense has no present military requirements for any of the islands covered by the four proposed treaties. Future basing needs in this remote area are unlikely. Our major installations elsewhere in the Pacific * * * meet our present security needs.

"The only military installation we have had anywhere in the immediate area of these islands since World War II was a missile test facility located on Canton Island, with some additional instrumentation on Enderbury, Birnie and Hull Islands. This facility was used for a few years in the early 1970's. We subsequently maintained it in a stand-by condition, but even that caretaker status cost several million dollars a year, which by 1979 could no longer be justified.

"In summary, Mr. Chairman, we believe these treaties are consistent with United States security interests. They preserve close and friendly relations with the island governments. The Department of Defense therefore supports the proposed treaties."

Maintenance of unsubstantiated claims to islands we do not need would deny the sovereignty of the new island states (who acceded to British claims upon independence), would invite friction with them and with equally friendly neighboring states, with the United Kingdom and our ANZUS allies, and would therefore have the potential for undermining our interests in the region.

Twenty-five islands are involved. Three of the islands constitute the Tokelau islands, which are administered by New Zealand. Four others are under the administration of the Cook Islands, which are self-governing under a free association arrangement with New Zealand. The remaining eighteen islands were formerly included in the British colony of the Gilbert and Ellice Islands. In 1978 and 1979, the British ended their colonial administration and transferred control of these islands to the newly established governments of Tuvalu (the former Ellice Islands) and Kiribati (the remainder of the Gilbert and Ellice Colony).

The accelerating movement toward political independence in the Pacific during the 1970s made settlement of the disputed U.S. claims urgent. It was clear that the assertion of weakly-founded U.S. claims would be seen not only by the island states affected but also by their neighbors as an unfriendly and overbearing act. The islands involved included that on which Tuvalu's capital is located, all of those which comprise the Tokelaus, and the largest island in Kiribati—an island that accounts for more than half of the country's total land area. With the exception of the few islands which the U.S. used pursuant to agreements with the British Government during and after World War II, the islands had been under the exclusive administration of Britain or New Zealand for many years. In the case of the islands in Tuvalu and Kiribati, a United Nations General Assembly resolution has formally recorded the world community's recognition of the two island governments' sovereignty over the islands.

The U.S. approach to resolving the claims was developed and implemented under administrations of both political parties. An inter-agency study—with participation by State, Defense, Justice, Interior, NSC, and CIA—was first undertaken in the Ford Administration. The conclusions of this study were examined and endorsed by a similar inter-agency committee which considered the matter at the start of the Carter Administration. The basic inter-agency recommendation was that the United States should negotiate the relinquishment of the claims in return for assurances that would protect U.S. economic and security interests in the region.

In preparing for the subsequent negotiations, the State Department consulted with Congress, with representatives of the U.S. fishing industry, and with the governments of Hawaii and American Samoa. These consultations enabled the U.S. delegation to develop a position fully representative of a wide range of U.S. interests. The first treaty negotiated was that with Tuvalu, which was signed on February 7, 1979. Signature dates for the others are: with Kiribati, September 20, 1979; with the Cook Islands, June 11, 1980; and with New Zealand (covering Tokelau), December 2, 1980.

FEATURES OF THE TREATIES

The key elements of the settlement provided for in the four treaties are:

1. U.S. jurisdiction

U.S. claims to twenty-five islands are relinquished.

The maritime boundaries of American Samoa with the Cook Islands and with Tokelau are delineated. This serves to define more precisely the area to which U.S. jurisdiction extends in the waters surrounding American Samoa and provides formal recognition of such jurisdiction by two of American Samoa's neighbors.

The boundary between American Samoa and Tokelau is established so as to place Swains Island on the American Samoan side of the line. This serves to confirm and recognize U.S. sovereignty over the island, which had previously been claimed by New Zealand on behalf of Tokelau.

2. Security and development

The treaties contain various provisions for consultation and cooperation between the U.S. and the individual island countries on matters relating to security and development in the South Pacific.

Tuvalu.—The U.S. and Tuvalu agree to consult on matters of mutual concern and interest and to work cooperatively to promote social and economic development, peace, and security in the South Pacific region. In addition, in times of international crisis, the two countries agree to consult on any requests which the U.S. may make for the use of Tuvaluan territory for military purposes and on requests which Tuvalu may make for assistance and support. The two countries further agree to consult regarding any proposed use of Tuvaluan territory for military purposes by third parties.

Kiribati.—The U.S. and Kiribati agree to consult on matters of mutual concern and interest in time of need and, in particular, to promote social and economic development, peace, and security in the Pacific region. It is specifically provided that there shall be such consultations regarding any military use by third parties of the islands to which the U.S. has relinquished its claims. Provision is made for possible future use of U.S.-constructed facilities on Canton, Enderbury, and Hull subject to agreement to be negotiated between the governments of the U.S. and Kiribati. Kiribati agrees that these facilities shall not be made available to third parties for military purposes except with U.S. agreement.

Cook Islands.—The U.S. and the Cook Islands agree to cooperate with a view to promoting social and economic development in the Cook Islands and working toward the advancement of the South Pacific region as a whole. The two countries specifically undertake to promote discussions between the peoples of the Cook Islands and American Samoa for this purpose. No specific security assurances are needed, since the Cook Islands fall under the ANZUS umbrella by virtue of their ties to New Zealand.

Tokelau.—The U.S. and New Zealand agree to cooperation with a view to promoting social and economic development in accordance with the desires of the peoples of Tokelau and American Samoa, and to work toward the advancement of the South Pacific region as a whole. To this end, the two countries specifically undertake to promote discussions between the peoples of Tokelau and American Samoa. Again, Tokelau's defense is the responsibility of our ally New Zealand.

3. Fisheries

The treaty provisions dealing with fisheries are intended to facilitate access to fishing grounds for boats serving the canneries of American Samoa and for U.S.-flag fishing vessels generally. They were negotiated, as the U.S. chief negotiator testified in December 1981, after extensive consultations with the U.S. fishing industry.

The U.S. and Tuvalu agree to consult on conservation, management, utilization and exploitation of fisheries resources of mutual interest, and to facilitate cooperative arrangements and fishing ventures of mutual interest and benefit. To this end the two governments agree to facilitate discussions between their nationals and in particular between the people of American Samoa and Tuvalu.

A parallel agreement to consult and to facilitate discussions on fishery matters is contained in the treaty between the U.S. and Kiribati. In addition, an agreed minute provides that applications by U.S.-flag vessels or vessels supplying the canneries in American Samoa for licenses to fish within Kiribati fishing limits will be sympathetically considered without discrimination and without regard to fishing method. Operations by such vessels would be subject to Kiribati conservation measures.

An exchange of letters with the Government of the Cook Islands confirms that vessels supplying the canneries in American Samoa and U.S. flag vessels will be granted access to the Cook Island economic zone on a non-discriminatory basis.

An exchange of letters with the Government of New Zealand notes that negotiations regarding access to the Tokelauan 200-

mile zone by vessels serving the canneries of American Samoa are underway, and conveys the Government of New Zealand's receptivity to access by other U.S. vessels.

SEABED MINING

A lot has been written about seabed and marine mineral resources, and it is a reasonable question to ask whether the treaties adequately protect U.S. access to these resources. The answer, in the view of three U.S. administrations, is yes.

Given the weakness of U.S. claims and their universal rejection by the world community, it is unrealistic to assert that the treaties relinquish having any practical value—presuming that we are unwilling to occupy the islands by force. In fact, resolution of disputed claims to sovereignty is a practical prerequisite for investment by American firms in this region.

Seabed mining, when it became economical, will require large outlays of start-up capital. It is a high-risk venture, and even with the technological advances of the past years, it more resembles the early years of oil drilling than anything else. No firm will want to make (and no bank will underwrite) the investment of large sums of money for projects in disputed territory. Profits might be taxed by both claimants. Operations might be interrupted. Protracted litigation might leave the issue of sovereignty uncertain for many years. It simply does not make sense to invite those problems by continuing to assert unsubstantiated claims.

It makes even less sense when, due to geographical proximity, to say nothing of high-technology expertise and overall pro-American attitudes, U.S. firms are the most logical investors in mining ventures in Kiribati, Tuvalu or the Cook Islands.

It is important, as well, when thinking about mineral access and extraction to separate speculation from fact. Much of what is written about seabed mining is conjecture. There simply is not enough information to permit us to say that exploitable mineral deposits exist in the island areas or not. No oil has been discovered anywhere in the disputed islands.

THE ADMINISTRATION'S VIEW

The Administration strongly supports these treaties and has been working since 1981 to obtain Senate approval. The reasons why are succinctly summarized in a letter our four ambassadors in the South Pacific sent Secretary Shultz last November.

DEAR MR. SECRETARY: We have just completed a two-day meeting of the region's Chiefs of Mission and feel that we should raise personally with you a problem that could seriously trouble our relations with the South Pacific countries.

In 1979-1980 the United States signed a series of four treaties with Kiribati, Tuvalu, the Cook Islands, and New Zealand (on behalf of Tokelau) which formally relinquished antiquated U.S. claims to a number of small islands in the central South Pacific. The treaties were submitted to the Senate for consideration promptly after their signing and in February 1982 were favorably reported by the Senate Foreign Relations Committee. But full Senate consideration of these treaties keeps getting postponed. We are aware that a few Senators have placed a hold on the treaties, but no reasons for objection have been stated.

In our view, this unexplained delay has caused the United States and President Reagan, who supports the treaties, considerable embarrassment in the South Pacific. If the impasse is not resolved quickly, the Senate's failure to act could have serious consequences for our relations not only with the Pacific Island countries involved, but also with New Zealand, which has a direct interest in the matter.

We urge you to raise the matter directly with the Senate leadership and to seek its cooperation in having the treaties brought to a prompt vote.

We are deeply concerned that further delay in consideration of these innocuous treaties will injure our relations in the region.

Should you find it useful to do so, please do not hesitate to share this letter with the Senate leadership.

Respectfully,

H. MONROE BROWNE,
Ambassador to New Zealand.
ROBERT D. NESEN,
Ambassador to Australia.
FRED J. ECKERT,
Ambassador to Fiji.
M. VIRGINIA SCHAFER,
Ambassador to Papua New Guinea.

Mr. MURKOWSKI. In conclusion, let me say that I recommend that my colleagues vote to consent to ratification of these four treaties without change and without reservation—as the surest method of safeguarding United States' interests in the Southern Pacific and of promoting the stability and economic prosperity of the area.

Mr. PERCY. Mr. President, I would like first to commend my distinguished colleague from Alaska, the chairman of the Subcommittee on East Asian and Pacific Affairs—the floor manager for the Pacific Island Treaties—who has so ably summarized the important substance of the treaties and the issues which confront the Senate today. My colleague has very clearly and succinctly pointed out that the question before us is how best to proceed in order to protect U.S. interests in this very important part of the world. I agree wholeheartedly with his analysis of the issues and support his recommendation that the Senate give its advice and consent to ratification of these treaties as soon as possible.

Secretary Shultz has emphasized to us as recently as April 20 that the administration considers it of the utmost importance that the Senate consent to these four treaties. He has pointed out also that the treaties are an important test of our relations with the South Pacific countries whether we are talking about those which are newly independent or such old friends as Australia and New Zealand. He also assures the Senate that the treaties protect and, indeed, enhance our security interests in this area.

We have had the treaties before us since early in the Reagan administration. The Committee on Foreign Relations held hearings on them in December 1981 and in March of this year. We cannot delay further a decision on whether these treaties are in the interests of the United States or not. We must vote either up or down as soon as the leadership can arrange it.

I have given some thought to how I can best contribute to our debate and consideration of these four treaties. Since the distinguished floor manager was not a member of the Committee on Foreign Relations during the early part of our deliberations on these treaties, and since I have personally discussed the treaties extensively with senior officials of our Government and of the two allied governments particularly concerned, and since I chaired a number of meetings of the committee where the treaties were discussed, I have concluded that I can most usefully contribute to our debate by providing a brief summary of the testimony and discussions in support of the treaties thus far. I will attempt to do so as briefly as possible.

The administration has testified that U.S. interests in the southern Pacific area are these:

An area stable, peaceful, and friendly to the United States and its allies.

A region developing politically, socially, and economically, free of Soviet or other adverse influence.

We seek cooperation between the newly independent nations and our own Pacific territories and Hawaii.

And we want nondiscriminatory access to the marine resources of this vast ocean region.

Two administrations have held the conviction that the best way to assure the protection of the U.S. interests is to treat the newly independent or newly self-governing nations of the area on a basis of equality, dignity, and respect for their sovereignty. As my colleague from Alaska has pointed out, treating these nations on any other basis can only undermine the preeminent position which the United States enjoys in the Southwest Pacific at this time.

In order to treat with the four nations concerned on this basis, we are compelled to deal with a series of U.S. claims to 25 of the islands included within the territory concerned. We cannot deal with these nations on a basis of equality while at the same time asserting a claim to three islands which constitute the entire Nation of Tokelau or while we claim sovereignty over the capital city of Tuvalu or while we claim more than half of the total land area of Kiribati. Maintenance of these claims would amount to denying the sovereignty of the new island states.

We have from time to time asserted claims over these islands since 1939—islands which at the same time were claimed by Great Britain and New Zealand and governed by them.

The islands in question were discovered by Western seamen between 1775 and 1860. In 1856, an act of Congress permitted U.S. nationals to obtain certificates from the Department of State giving them exclusive rights to mine

guano on these islands. Some assert that these guano claims carried with them U.S. sovereignty over the islands. It is clear, however, that both the Congress and the executive branch intended that U.S. jurisdiction be extended to the islands only so long as mining operations were taking place. The sponsor of the 1856 legislation, Senator Seward of New York stated that:

> The bill itself * * * provides that whenever the guano should be exhausted or ceased to be found on the islands, they should revert and relapse out of the jurisdiction of the United States.

The act itself contemplates that it would not serve as the basis for U.S. sovereignty in perpetuity by expressly providing that:

> Nothing contained in this (act) shall be construed as obliging the United States to retain possession of the islands after the guano shall have been removed from the same (48 USC 1419).

By the late 1880's guano mining had virtually ceased in the islands. Britain had begun to assert sovereignty over most although not all of these islands. British provided for rudimentary government functions on the inhabited islands. With respect to uninhabited islands, Britain repeated its assertion of dominion periodically and occasionally attempted to colonize. The United States did not protest any of the British or later New Zealand actions or assertions.

In 1939, stimulated by South Pacific civil air activities, the United States for the first time asserted a formal claim. In the same year, United States and Great Britain signed an agreement for joint administration of two of the islands, without prejudice to the claims of sovereignty.

In brief, this is a summary of the basis for U.S. claims to the 25 islands involved. To me it seems clear that any assertion of U.S. sovereignty is tenuous at best.

It seemed clear to the several administrations involved in the negotiations that we would have to resolve these tenuous claims in order to establish the friendly and cooperative relationships with the newly independent nations which are so necessary to the protection of U.S. interests in the area. With this in mind, an interagency committee of the executive branch composed of senior representatives of the Departments of State, Defense, Interior, Justice, the National Security Council, and the Central Intelligence Agency was formed to oversee the negotiations. This group and particularly the State Department consulted extensively with the Congress. The consultation included a wide spectrum of the Members of the Senate, particularly the member of the Committee on Foreign Relations. The consultations included, as well, other interested committees of the Senate. In addition, the negotiators consulted extensively with the distinguished Governor of American Samoa, who participated as a member of the delegation from time to time. Indeed, Governor Coleman testified before the committee in support of the treaties. Officials of the Government of Hawaii were likewise involved including the now minority leader of the Hawaii House of Representatives who also testified in favor of the treaties.

The results of these extensive consultations and negotiations are before us now for our advice and consent to ratification. The Department of Defense has testified that it "supports the treaties under consideration * * * they preserve U.S. strategic interests in the region." Further the Department has said it has no military requirements for any of the islands under consideration and that future basing needs in this area are unlikely. The Department said that "these treaties are consistent with U.S. security interests." The Secretary of Defense has personally reiterated his support of the treaties as recently as his letter to me of March 7, 1983, in which he expresses his "deep concern that delay in ratification is jeopardizing our security interests in the Pacific." I ask unanimous consent that the Secretary's letter be made a part of the record at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., March 7, 1983.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR CHUCK: As your Committee resumes deliberations on the four Pacific Island Treaties, I would like to share with you my deep concern that delay in ratification is jeopardizing our security interests in the Pacific.

Since the end of World War II, the island states of the South Pacific have undergone extensive political change. Instead of dealing with dependencies of former colonial powers, we must negotiate with newly independent states which are entitled to respect for their sovereignty. By renouncing our extremely tenuous claims to the islands in dispute we remove impediments to developing enduring relationships and enhance the ability to achieve our strategic objectives.

Our strategic interests in the South Pacific are focused on developing states that are stable, peaceful, free from great power rivalry, and that look on the United States as a dependable friend. Failure to approve these carefully crafted and negotiated treaties will prejudice our growing relations with those island states and will inevitably lead to resentment and distrust of the United States. Moreover, failure to ratify the treaties strains rather than strengthens our relationships with all the Pacific Island states.

From a Defense perspective, we feel that the treaties adequately protect United States strategic interests. We have made a thorough study of our requirements for the islands covered by the treaties. We do not have now, nor do we foresee, a military requirement anywhere in the immediate area of the islands covered by the treaties. Indeed, the only U.S. installations in the region since World War II (missile testing facilities on Canton, Enderbury, Birnie and Hull Islands) were closed in 1979 because they no longer met our mission requirements and were to costly to maintain.

Suspicion of our motives and intentions provides the ideal opening for political penetration of the region by the Soviet Union. Failure to ratify the treaties would also introduce unnecessary irritants in our relationships with our ANZUS allies who are deeply concerned with and committed to stability in the region. Australian and New Zealand officials at the ministerial level have raised this issue with me personally. I share their view that the security of the South Pacific and the important lines of communication that pass through it serve our mutual security interests and depend in large measure on the continued pro-Western orientation of the newly independent island states. Our security interests and those of our allies are best served if the states in the region are friendly to us, are disposed to permit access to the region by our military forces should a contingency arise, and oppose a Soviet presence—military, political, or economic.

As in the past, the Department of Defense strongly supports the treaties as being in our national interest. I urge that the Senate provide its advice and consent so that the treaties may be formally ratified.

Sincerely,

CASPAR WEINBERGER.

Mr. PERCY. As the distinguished floor manager for these treaties has pointed out earlier, our Australian and New Zealand allies have at the highest levels and to me personally pointed out that we have "a good thing going for us" in the South Pacific and we must do all in our power to encourage and promote this. In that connection, let me point out to my colleagues several of the ways in which South Pacific nations have indeed been helpful to us:

Fiji was the first nation to join us to providing troops for the multinational force of observers in the Sinai.

The island nations have taken a strong position against the Soviet invasion of Afghanistan in the United Nations and elsewhere.

They have banned Soviet tourist ships from their ports although the Soviet tourist ships carrying Australian tourists were a major foreign income earner for them.

The island nations turned down a Soviet offer to do major hydrographic and geological research in the South Pacific.

Our American tuna fishing interests have negotiated and are in the process of negotiating fisheries agreements with many of these nations and this is, of course, vital to the economy of American Samoa.

Finally, close economic relations have been established between several of the nations concerned and Hawaii and American Samoa.

In conclusion Mr. President, let me emphasize several things:

First, Governor Coleman of American Samoa has rightly pointed out that all of the countries in the area are watching what "this big country of the United States will do in dealing with the small island area." He stated that our handling of the treaties will have a bearing without question on the continuing friendship of the people in the area.

The Honorable Frederick Rohlfing, Hawaii State Representative, has stated that rejection of the treaties in his opinion would do immeasurable damage to our foreign policy and national security interests throughout the Pacific. I agree with Mr. Rohlfing.

We cannot use methods common to the 19th century, such as the assertion of colonial claims, in an attempt to protect U.S. interests. This will provide us no practical benefits and would be a direct affront to the sovereignty of the four nations concerned.

I therefore believe strongly that ratification of the four treaties before the Senate is in the best interests of the United States because such action will:

Reinforce close and friendly relations with these island mini-states.

Foster a stable and peaceful environment in the South and Central Pacific.

Assist our own territories in the area in achieving needed economic growth.

Deny strategic areas to adverse foreign influence through the consent of the island nations.

I urge my colleagues to vote for the resolutions of ratification without reservation or amendment.

Mr. MURKOWSKI. Mr. President, I am also submitting for the RECORD a rather detailed response to a letter that was sent as a "Dear Colleague" letter by Senator EAST of North Carolina today. I ask unanimous consent that the response to Senator East's "Dear Colleague" letter be printed in the RECORD.

There being no objection, the detailed response was ordered to be printed in the RECORD, as follows:

RESPONSE TO SENATOR EAST'S "DEAR COLLEAGUE" LETTER

Mr. President, I would like to address specifically the four principal objections raised against these treaties in the "Dear Colleague" letter circulated this morning by the Senator from North Carolina.

The Senator would have us attach reservations relating to each of these objections to the resolution of ratification and thereby require the governments concerned to accept them as conditions before bringing them into force. He argues that without his proposed reservations the Senate should vote to reject these treaties altogether. Let us consider his objections and the reservations he has proposed to resolve them.

The first objection is an assertion that we are giving up U.S. property in these treaties and therefore that the Constitution requires further legislation to accomplish such a transfer.

On the one hand, Mr. President, that is not an issue even touched upon by these treaties. As our explanations earlier should have made clear, the United States does not have strong claims to any of the islands covered by these treaties. They were never incorporated as territories of the United States and were never treated as such. So it simply is not true that we are giving up property rights in these treaties. No U.S. territory is involved here, except of course in the case of Swain's Island, where U.S. sovereignty is explicitly reaffirmed in the treaty with New Zealand.

On the other hand, Mr. President, even if this were a case of renouncing property rights, the courts have recently decided the question and found that the treaty power is fully adequate, without further legislation by Congress, to deal with such matters. In the case of *Edwards* v. *Carter* four years ago, the Court of Appeals ruled against a group of Congressmen who sought to assert the role of the House of Representatives in approving the Panama Canal agreements, using the same argument about Article IV of the Constitution which is made in the proposed reservation under consideration. The court held that this argument simply was not valid. The Supreme Court declined to review the matter further and that was the end of it.

The Senate itself also debated this question during the Panama Canal Treaty discussion after the Foreign Relations Committee had heard testimony on this question, and concluded that further legislative action was constitutionally unnecessary. I fail to see why the Senate of the United States should vote to support a constitutional position which has not only been rejected by the courts, but which is a qualification upon the Senate's own unique powers and responsibility under the treaty clause. The authority of the President in combination with two-thirds of the Senate under Article II of the Constitution is accepted as an alternative means of dealing with a wide range of powers which are also granted to the Congress to deal with by legislation. The Senate certainly has no institutional interest in questioning its own authority in such matters.

The next two objections concern the issue of future military use of these islands, either by the United States or by some third government such as the Soviet Union. One set of reservations proposed by Senator East would insist upon the right of the U.S. to deny the use of these islands for military purposes without regard to the termination of the agreements themselves. They would also require in perpetuity that, should the United States ever wish to establish military facilities in these islands, the governments involved would allow us to do so without charging unreasonable fees. Such governments would include the government of the Cook Islands, which are in a relationship of free association with New Zealand. In short, they would assert such rights against New Zealand itself, a close ally of ours with whom we are in a treaty of military alliance.

Mr. President, the assertion of such rights would be a direct denial of the sovereignty of the governments involved. They would amount to an acceptance of continuing American control over the islands and therefore contradict the basic purpose of the agreements, which is to establish relations with these new island entities on a basis of mutual respect and equality.

The only way to maintain such rights would be to do so over the objection of the people of the islands and the governments of our allies, Australia and New Zealand. There is no prospect that we could get them to agree to such conditions. That does not mean, Mr. President, that we are foregoing any possibility of gaining access to these islands in a crisis if we needed them. The governments concerned are friends and allies; our best assurance of access is to keep them friends and allies, not to challenge their sovereignty and independence as these reservations would do.

Both the President and the Secretary of Defense have assured us that these treaties adequately protect the interests of the United States in this part of the world. President Reagan wrote to Senator Baker on June 10 with the following assurance:

"I am confident that the provisions in these treaties adequately protect our interests in the islands, and provide for good relations with the Pacific Island nations, as well as with Australia and New Zealand. It is important, in our view, not to delay Senate approval any longer."

On March 7, Secretary of Defense Weinberger provided a similar conclusion:

"From a Defense perspective, we feel that the treaties adequately protect United States strategic interests. We have made a thorough study of our requirements for the islands covered by the treaties. We do not have now, nor do we foresee, a military requirement anywhere in the immediate area of the islands covered by the treaties. Indeed, the only U.S. installations in the region since World War II (missile testing facilities on Canton, Enderbury, Birnie and Hull Islands) were closed in 1979 because they no longer met our mission requirements and were too costly to maintain."

The Senator's letter suggests that we should not be satisfied with consultation rights alone and quotes Admiral Hanks in his testimony before the Committee that without a U.S. right of denial for third country use, the treaties are "unacceptable." Would it be more acceptable if there were no treaties at all? What would we have accomplished if we insist upon conditions which are unacceptable to these countries and, therefore, result in a rejection of the treaties themselves?

The Senate also refers to Soviet overtures to the island states of Tonga and Samoa, which are not involved in these treaties but are located in that part of the world. What the Senator does not say is that such overtures have consistently been rejected because the people there do not trust the Soviet Union and prefer close relations with the United States. Our objective should be to ensure that this preference for the West continues into the future and that relations do not deteriorate to the point that overtures to the Soviets become attractive. Does the Senator really think that such goodwill can be "legislated" by writing it into a treaty and then imposing that treaty on another country? Nothing would be more likely to sour our relations with these new countries than to try to force them to accept provisions which they do not consider compatible with their independence and self-respect.

The Senator himself refers in his letter to these island countries as "nations" and "states." If we are prepared to accept them as sovereign states, as we do in these treaties, we cannot also seek to take back their sovereignty by insisting upon veto rights in their affairs.

The fourth objection by the Senator from North Carolina is that the economic inter-

ests of the United States in this area are not adequately protected by these treaties. He would insist upon reservations which would require these countries, including the government of New Zealand in the case of the Cook Islands, to agree to provide the United States with absolute rights to fish in their waters and mine minerals from their seabed territories, and to do so forever without regard to the possible termination of the treaties themselves.

Mr. President, no country can reasonably be expected to accept such provisions. They would amount to a rejection of the sovereignty of the governments involved, including one of our closest allies, New Zealand. They would also assert such rights without regard to the treaties themselves and would require completely new agreements providing for fishing and mining rights in perpetuity.

The United States itself issued a Presidential Proclamation in March of this year establishing its sovereign rights over all fish and mineral resources within 200 miles of its coasts and recognizing the right of all other countries to exercise similar control. Is it reasonable to expect any other country to agree to concede to us rights which we ourselves would never concede to anyone?

The best way to assure access to these resources is to remain on good terms with the governments and peoples involved. These agreements provide the basis for non-discriminatory access for American fishermen. To try to assert U.S. control over them is the surest way to guarantee difficulties and interference.

Mr. MURKOWSKI. Mr. President, at this time I wish to make a submission of a final comment to Senator EAST which, in view of the length of it, I ask unanimous consent to be printed in the RECORD.

There being no objection, the final rebuttal was ordered to be printed in the RECORD, as follows:

Mr. President, I will respond briefly to the arguments made by the Senator from North Carolina against these treaties. The Senator's objections and the reservations he has proposed to resolve them are simply not well-founded.

First, the Senator is simply wrong that the United States has strong claims to these islands that it is relinquishing in these treaties. They are not strong claims; they were disputed for years by Great Britain and they would be rejected by our close allies in that part of the world: New Zealand and Australia. The United States never sought to incorporate these islands as American territory and would not want to do so now. In other words, we are not surrending any property because we do not have any property in this case to surrender. For that reason alone, there would be no argument that the House of Representatives should have a role in approving these agreements.

Second, the inclusion of Senator East's reservations would be even worse than simply rejecting the treaties outright. If the Senate is not prepared to accept the reality of these newly independent island states of Tuvalu and Kiribati, and of the status of the Cook Islands and Tokelau in relation to New Zealand—we should simply do so directly, although it is not clear what the alternative would be. But to insist on special rights of military and economic access in these islands amounts to a denial of their status as sovereign countries. It challenges their existence and will only serve to set us on a course of bad feelings and resentment.

Finally, in approving these treaties as they stand, we are not saying that this part of the world is strategically unimportant to us. But the fact that an area may be strategically important is not necessarily a reason to press otherwise weak claims over the resistance of the inhabitants and in the face of other more important priorities. The question is how best to assure our long-run security interests in this part of the world. It is true that Americans fought and died in this part of the world. But they fought and died also in the Philippines, in North Africa and on the beaches of Normandy. Would we be more secure if we had made claims to continued control of these areas also? Or is our best security in the maintenance of good will and friendship with the countries involved?

The Senator's proposals do not take account of the world as it is. They would lead only to the opposite of what he seeks. Resentment of the United States is what creates openings for Soviet adventurism, and such resentment and hostility would be the result of the Senator's proposals that we revise or reject these treaties.

I urge my colleagues to vote in favor of these treaties as they stand.

Mr. PELL. Mr. President, will the Senator yield?

Mr. MURKOWSKI. I yield to Senator Pell.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I am recognized on my own time.

Mr. President, the four Pacific Island Treaties we are considering today unquestionably serve America's political, economic, and strategic interests. They contain provisions that protect and strengthen American fisherman's rights, U.S. strategic access to these areas, and our sovereignty over previously disputed claims such as Swains Island. We also build good will with the people of this important region.

The Department of State negotiated in its judgment good treaties. The Pentagon, including the JCS, examined them and agreed. The Committee on Foreign Relations did the same. We concluded that our claim to these islands was exceedingly weak or nonexistent and that the treaties more than adequately took American interests into consideration. On two occasions we voted overwhelmingly to report the treaties favorably to the full Senate.

Now the time has come to vote the Senate's advice and consent. Further delay serves no one's interests. Our Nation needs these treaties. We should act favorably on these matters now. I urge my colleagues to accept the recommendations of the Committee on Foreign Relations and vote for the approval of the Pacific Island Treaties.

Mr. President, I join with the distinguished chairman of the Committee on Foreign Relations in support of Senate ratification of the constitution of the United Nations Industrial Development Organization (UNIDO) which was signed for the United States in January 1980. Subsequently, President Reagan transmitted the UNIDO constitution, urging the Senate to provide its advice and consent, and noting that the new constitution would establish UNIDO as an independent, specialized agency within the U.N. system and which "significantly improves the position of the United States and other major donors in budget, program and assessment determinations."

As the President stressed in his letter of transmittal, and as was reiterated in testimony by the Assistant Secretary of State for International Organization Affairs before the Committee on Foreign Relations last year, the ratification of this constitution does not create yet another international agency. UNIDO already exists, as it has since 1966 when it was founded to promote industrialization in the developing countries. Nor does Senate ratification of this constitution add to the U.S. budget in the form of additional contributions to the U.N. Our contribution after ratification will remain what it is prior to ratification, 25 percent of UNIDO's annual $36 million operating budget. Ratification will provide the major donors more leverage in exercising control and influence over UNIDO's budget, staffing pattern, and programs. To date, 132 nations have signed the constitution, including the Soviet Union, and 98 have ratified. It is time that the Senate provide its advice and consent to this constitution so that UNIDO can get on with the business of establishing a more efficient and responsive framework for its programs and objectives.

KYOTO CONVENTION ON CUSTOMS PROCEDURES

Mr. PERCY. Mr. President, the Kyoto Convention is an important agreement which should help to streamline the procedure for the movement of goods in trade around the world. As the committee report makes clear, the convention is fully consistent with existing U.S. law and practices on customs procedures and, in fact, closely follows our lead in this respect. The bulk of the treaty document before the Senate contains the text of 20 technical annexes. I would ask that a letter of June 7 from Treasury Secretary Regan to Senator BAKER be included in the RECORD.

There is no known opposition to the convention, and it requires no implementing legislation or budgetary outlays. I urge my colleagues to support its ratification by the United States.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, June 7, 1983.

Hon. HOWARD H. BAKER, Jr.,
Majority Leader, U.S. Senate,
Washington, D.C.

DEAR HOWARD: The International Convention on the Simplification and Harmonization of Customs Procedures has been favorably reported out of the Senate Foreign Relations Committee. The Convention represents the culmination of the extensive efforts of the Customs Cooperation Council in simplifying and harmonizing the customs procedures of various nations. Over 37 countries and the European Economic Community have already adopted the Convention, which will have a beneficial effect in the overall promotion of international trade.

The Administration and I believe that it is essential for the United States to become a member of the Convention. Without U.S. membership, our efforts to persuade other countries to open their markets and streamline their customs procedures will be impeded, and overall U.S. trade will suffer as a result. For these reasons, U.S. industry strongly supports adoption of the Convention. The U.S. Customs Service, which has played an important role in developing the Convention through its membership in the Customs Cooperation Council, has made adoption of the Convention by the United States feasible by implementing the customs simplification procedures the Convention mandates.

Another consideration for prompt Senate approval is that during the week of June 13, 1983, the Customs Cooperation Council will be meeting in Brussels, Belgium. It would be highly desirable to have the United States demonstrate its commitment to free trade and support of the Council's work by announcing at that time the approval of the Convention by the United States. Accordingly, I respectfully request that the Convention receive an early calendar date for the Senate's review.

Your assistance and favorable consideration of this matter are most appreciated.

With best wishes.

Sincerely,

DONALD T. REGAN.

Mr. SYMMS. Mr. President, I vote against these Pacific Island treaties because I do not believe in giving away territory for which American blood was spilled. The famous World War II battles of Ellice Island, the Gilbert Islands, and in particular, Tarawa, were fought in these islands. Thousands of U.S. marines were killed or wounded to seize these islands from the Japanese. We should not give up these hard won islands without something in return.

Moreover, I support Senator EAST's main arguments, which are outlined in Senator EAST's Dear Colleague letter.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 21, 1983.

DEAR COLLEAGUE: I am writing to urge your opposition to the unilateral giveaway of United States claims to 25 Pacific Islands together with over a million square miles of ocean. The treaties in question are (1) Treaty of Friendship with Tuvalu; (2) Treaty of Friendship with the Republic of Kiribati; (3) Treaty with the Cook Islands on Friendship and Delimitation of the Maritime Boundary; and (4) Treaty with New Zealand on the Delimitation of the Maritime Boundary between the United States and Tokelau. Those treaties would surrender important American strategic and economic interests in return for considerations that, under inspection, amount to nothing.

I have four principal objections to these treaties: (1) territory claimed by the United States is ceded without the consent of Congress, as required by Article IV, Section 3 of the Constitution; (2) there are no provisions guaranteeing the United States the right to establish military bases on the islands; (3) there are no guarantees denying Soviet military use of the islands; and (4) there is no protection for U.S. economic interests in the area.

On March 8, 1983, I testified before the Senate Committee on Foreign Relations expressing my concerns about these treaties and proposing a series of reservations that would go far to resolve the difficulties in them. Both Admiral Thomas Moorer and Rear Admiral Robert J. Hanks, U.S. Navy (Retired), also submitted testimony on March 8 and expressed their support for my reservations.

The Committee on Foreign Relations did not approve my reservations on the grounds that the governments of the Pacific Islands are strongly opposed to any changes whatsoever in the texts. I have therefore decided to withdraw my proposed reservations; but I cannot and will not vote for ratification of these four treaties in their present form.

These treaties are unpleasantly reminiscent of the Panama Canal giveaway by the Carter Administration in 1977 and 1978. As with the Panama Canal Treaties, we are now assured that by submitting to the demands of a foreign state, we can preserve stability and keep the friendship of that state. This argument was not valid in the case of Panama; I see no reason to accept its validity in the case of the Pacific Islands; and I doubt if it is ever valid.

The most alarming part of these treaties is their failure to prohibit third party use of the islands for military purposes. Although the treaties grant the right of "consultation" to the United States prior to third country military use, we do not have the right to deny their use to third countries. As Admiral Hanks stated in his testimony, "In my considered judgment, pledges to 'consult' with the United States before allowing third-nation forces in is, quite simply, unacceptable."

Admiral Hanks went on to describe overtures from the Soviets to the island states of Samoa and Tonga, and both Admiral Hanks and Admiral Moorer discussed in detail the growing projection of Soviet naval power in the southern and western Pacific. These islands are located on the strategically crucial sea routes that connect the United States to our major allies in the region, Australia and New Zealand, and which provide southern access to the Indian Ocean.

I believe that the reservations that I proposed are reasonable changes that would protect both the interests and the security of the United States as well as the interests and security of the island states themselves. All of these new nations are small in land area and population, and they all are vulnerable to aggressive or subversive pressures from the Soviets or their surrogates.

The United States Senate has the constitutional right to "advise and consent" to treaties submitted by the executive branch, and it also has the right to make changes in the texts of treaties that are submitted to it. Failing some change in these treaties that takes account of and remedies what I believe are their serious liabilities for the United States, I will vote against advising the President to ratify them, and I will ask for a rollcall vote when they are presented on the floor of the Senate.

I urge you to join me in opposing ratification of these treaties or at least to examine their provisions and their probable consequences seriously before supporting them. If you wish to join me in opposing the treaties or want more information about them, please contact my legislative assistant for national security, Dr. Samuel T. Francis, at 224-6763.

Sincerely,

JOHN P. EAST.

Mr. MURKOWSKI. How much time is remaining?

The PRESIDING OFFICER. One minute, 17 seconds.

Mr. MURKOWSKI. I would respectfully call on my good friend, Senator EAST, from North Carolina. I yield the floor and ask that I may have a few minutes at the end of the time agreement.

Mr. EAST. Parliamentary inquiry, Mr. President. Again, as I understand it, I will have 27 minutes in which to make a statement; I originally had 30, and the remaining 3 will be accorded to the very distinguished Senator from Alaska (Mr. MURKOWSKI)?

The PRESIDING OFFICER. The Senator from North Carolina is correct.

Mr. MURKOWSKI. I thank my friend from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EAST. Mr. President, I greatly respect my colleague from Alaska (Mr. MURKOWSKI), a man of great distinction and ability. I am also, I might add, a great admirer of the members of the Senate Foreign Relations Committee, and I hold its chairman, Senator PERCY of Illinois, in the highest esteem, so I undertake my objections to these treaties with reluctance. But under the Constitution we are required to give an independent judgment of advice and consent of treaties submitted to us. I personally in good conscience could not vote for these four treaties and will not. I urge my colleagues to consider rejection.

I would like to offer some of the salient reasons why I am opposed.

First of all, these treaties were negotiated during the administration of President Carter and Secretary of State Cyrus Vance. That does not, of course, indicate a presumption that they are not good treaties, but this is the same administration that negotiated the Panama Canal Treaty, which I thought was a mistake. These treaties are of that genre, of that vintage, and

I feel that beyond those parallels there are parallels so compelling as to urge their rejection.

I had offered a series of reservations to the Senate Foreign Relations Committee in the form of amendments which I appreciated, in their good judgment, which I respect, they declined to incorporate. Rather than weary my great colleagues with a series of amendments to attempt to perfect them, I have come to the conclusion they are perhaps generally fatally flawed and ought to be rejected and returned to the Senate Foreign Relations Committee and to the administration for further consideration. In short, as one Senator exercising his independent judgment of advice and consent, I cannot consent for the following reasons:

First, what do these treaties do? In effect, they are a giving up of sovereignty; they are a quitclaim deed, in effect, for American claims to sovereignty over 25 islands in the South Pacific.

Now, at one time the United States clearly according to the record, even according to the letters of submittal by Secretary of State Vance, had claimed sovereignty. We are giving up that claim. These are really quitclaim deeds in which we renounce that sovereignty.

Now, one might say, "Well, what are we getting in return?" The answer is nothing. In contractual terms, there is no consideration here except the right to consultation in the future, which of course is no consideration at all, because the right to consult obviously does not mean the right to do anything except to consult. It is really a gratuitous statement; you can always consult. We might as well just simply say in these treaties we are relinquishing our sovereignty. These treaties provide for consultation for 10 years. Thereafter, the parties have the right to totally terminate these treaty provisions except for the provision where we give up our sovereignty.

So for the nonlawyer, I would remind you, if you strip through the legal jargon, what you have here are treaties giving up claims to 25 islands in the South Pacific involving an area of 4 million square miles. The question arises in terms of contemporary politics, do these islands in this area have any geopolitical significance to the United States in terms of the realities of world power? I submit they do. They are islands that were utilized by American forces in World War II, with very important bases. They were utilized to some extent during the Korean conflict. At one time 11 of these islands had military bases upon them.

For those who have some memory of World War II, they included islands of the so-called Gilbert chain, probably the most famous, Christmas atoll island and the Ellis Islands, and so it goes.

What significance do they have to us today? I would like to quote from Adm. Thomas Moorer, former Chief of Naval Operations, who says this about them:

> These treaties are a surrender of the rights and capabilities of the United States to this island group. They would leave the door open to the Soviets to come in as well as impacting on the U.S. fishing industry. This is another surrender like the Panama Canal treaties which will weaken our global posture and harm our ability to conduct our responsibilities.

I should like to point out to those who are following international politics with some care and attention today that the Soviet Navy is in the process of penetrating the South China Sea and the general South Pacific area. For example, they now utilize Cam Ranh Bay in Vietnam which used to be our naval base, and they are putting their tentacles out further. I submit to my colleagues that it takes little imagination to understand that once the United States has given up its claim to these 25 islands, as sure as night follows day, you will find the Soviet Union and her navy filling the vacuum.

In terms of the realities of world power today, that is a serious problem. Thomas Moorer has said so. I am going to submit for the RECORD, but I would like to point out a very interesting interview with Vice Adm. M. Staser Holcomb of the 7th Fleet, in U.S. News & World Report, which I shall make a permanent part of the RECORD, in which he documents in a very careful way what the Soviet Navy is doing in the Pacific, how it is growing and expanding, and how it is representing a challenge to American naval power in the entire Pacific area.

If we could comfortably say that the circumstances today were not such that we faced a full comparable strength as the Japanese Navy in the World War II period, one might justify the giving up of these islands, but what we have today is a new adventure. In fact, the Soviet Union carries on her adventures all over the world. There is not a part of the world where the Soviet Union is not testing new ventures through new proxies and through its own forces, and I submit it does not take much of an imagination to know what they will do with these areas. At least by retaining our claims of sovereignty, however strong or however weak they might be, we are acknowledging the right to go in if circumstances demand to defend the best interest of the United States.

Now, we are frequently told, "Yes, but the Government of Australia would like for us to do it" or "the Government of New Zealand would like for us to do it."

I understand that, and I respect those governments.

However, I also remind Senators that the Government of the United States also has self-interests and it has global responsibilities.

The mood in this country frequently is that some foreign power or group of foreign powers demands that we do something, and then we just tend to do it, on some theory that it gains us friendship and respect.

I submit that in the kind of world in which we live today, in which military power, unfortunately, in many areas is the symbol of gain, influence, and impact, that is naive and foolish. Eventually, it will cause great mischief; and I submit that eventually, it will cause the balance of power in various parts of the world to continue to tip against us. At some point, I submit that the well-being and security and freedom of the United States will stand in serious jeopardy. That is the kind of world in which we live.

Not only does this area of 4 million square miles and 25 islands have strategic value in terms of military potential, but also, it has mineral mining and fishing rights.

I am not a member of the distinguished Foreign Relations Committee. I am a member of the Armed Services Committee, and I am deeply concerned about the potential of defending this country. I am convinced that Thomas Moorer has made the case that these islands should not be given up casually, without any guarantee that we can use them, if necessary, for military usage in the future.

At least in the case of the Panama Canal Treaty, we have the DeConcini reservation, which allows us to intervene and to keep that canal open. That is not even provided in these treaties. It is simply giving up the sovereignty, with nothing in return, except in effect the right to consult.

I suggest a parallel with the Panamal Canal Treaty. I recall when the Panama Canal Treaty was ratified very narrowly in the Senate. We were told it would earn us good will in Central America; it would earn us respect; it would defer further adventurism in that area. In fact, it has not. It has invited more Soviet and Cuban adventurism, because I think it was interpreted as a sign of weakness, that the United States no longer had the will and/or capability to defend its own territory in its own hemisphere.

As we see the unraveling of events currently in Central America—Nicaragua has fallen, El Salvador is under pressure, next Guatemala, Honduras, perhaps Mexico, Costa Rica—there is a parallel. I cannot see where the giving up of sovereignty over the Panama Canal earned us respect in Central America. Can you? Can anyone? No, it was interpreted as a sign of weakness because it was.

One of the reasons why we gave up the Panama Canal was on the theory that if we did not do so, they would take it by force.

I submit, knowing the realities of power in the world today, that the Soviet Union, as evil as that system of government is, understands the realities of power and it understands its own national self-interest and goals, and it would no more give up sovereign claims over territories of this kind than I do not know what. In fact, they move in and take them. Look at Afghanistan.

At some point, somewhere, the Government of the United States, in the terms of the realities of world power today, will have to act like a first-rate power. That means exert power, maintain power, and claim that which is your own.

These treaties, like the Panama Canal Treaty, in my humble opinion, run contrary to that. We are told that these treaties will contribute to peace and stability in this part of the world. That is the phrase used. We were told the same thing about the Panama Canal Treaty: It would contribute to peace and stability and respect and good will in Central America.

When you are faced with an implacable, determined, totalitarian aggressor, they do not respect weakness. The greatest single contribution to peace and stability and freedom in the world today would be a strong United States, with essential vision and power and commitment. I do not know of anything that would contribute more to peace and stability and freedom in our time. Where we continue to evidence a posture of weakness and relinquishment under the slightest provocation, I think we contribute to a destabilized world. We encourage Russia and her proxies to adventurism. That is going to happen here.

So, in good conscience, I cannot recommend that these treaties be ratified.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes and 20 seconds.

Mr. EAST. I thank the Chair.

Mr. President, I point out that in two of these treaties, with all due respect, one is the Republic of Kiribati and the other is the Republic of Tuvalu. If you look at the map and look at the nature of those countries, you do not really know to whom you are giving what. Has anyone here heard of the Republic of Kiribati? Has anyone here heard of the Republic of Tuvalu? They are a very loose association of islands in which, as sure as night follows day, once we have acknowledged no claim to them, some major world power will move in. I predict that it will be the Soviet Union, and the navy of the Soviet Union.

As regards the Governments of Australia and New Zealand, I respect them; but here, too, I respectfully dissent, because as an individual Senator, I am expected to exercise an independent judgment. Therefore, I once again urge my colleagues to reject these treaties.

I do not want to be crassly political about it, but I offer this thought to my colleagues: There probably is no political downside in your constituency to vote against these treaties. I doubt that any potential political opponent could say to the people of your State that you should be rejected for reelection because you voted for treaties which denied American claims of sovereignty to the Republic of Kiribati and to the Republic of Tuvalu. But I submit, as was the case with the Panama Canal Treaty, that you may well have an innovative opponent who will go to the constituents of your State and say, "Ladies and gentlemen, have you heard of these treaties? Well, no. They are very similar to the Panama Canal Treaty, and let me tell you what was done and why I think it was a bad thing, and your Senator voted for it." That could be difficult to defend, as many Senators who voted for the Panama Canal Treaty encountered.

So I caution Senators on both sides of the aisle that this is not a casual thing they are doing in terms of political repercussions at home. They are voting to give up previous claims stated by the State Department itself—25 islands, 11 of them previously used as military bases, covering 4 million square miles of the South Pacific.

What you are really doing is voting to give up all American claims to sovereignty in those islands, period.

I personally would rather go back to North Carolina to my constituents there and argue the case as I have tried to do this afternoon. I did not think that made good sense, on the basis of my understanding of the realities of world power today, not only in the South Pacific but throughout the world.

Mr. President, I ask unanimous consent that the three articles I referred to in my address be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SOUTHEAST ASIA: WHERE SOVIETS FLEX THEIR MUSCLE

SINGAPORE.—Alarmed by Russia's growing naval might off their shores, non-Communist nations of Southeast Asia are urgently strengthening their own military forces to counter the Soviet threat.

Their worries underscore the concern of President Reagan, who warned on March 23 that "for the first time in history, the Soviet Navy is a force to be reckoned with in the South Pacific."

At stake is freedom of passage through the Strait of Malacca, a waterway of vital importance to the Western world.

Virtually all Mideast oil shipped to Asia transits the strait or a few other passages through the islands of Indonesia. The strait also is the prime route for ships of the U.S. Seventh Fleet sailing to the Indian Ocean.

The presence of Soviet warships and reconnaissance planes in these waters has spurred the Association of Southeast Asian Nations—Thailand, Malaysia, Singapore, Indonesia and the Philippines—into an unprecedented arms buildup. The five nations, known as ASEAN, want to send a clear signal to Moscow that their military forces, though small, intend to take care of themselves far more than in the past.

This resolve is reflected in sharply increased defense budgets for high-technology air-defense systems, fast patrol boats and ship-killing missiles like the French-built Exocet. Last year, they spent more than 8 billion dollars on defense, triple their combined figure in 1975.

Their goal is to create military forces with enough modern weaponry to counter the missiles and electronics of the Soviet warships. Otherwise, Asian planners fear, the mere presence of Soviet warships could bring pressure on weak and isolated nations.

The Soviet Pacific Fleet now numbers about 180 blue-water warships, sailing from Siberian bases near Vladivostok. At any one time, at least 15 to 20 of these vessels use U.S.-built facilities at Cam Ranh Bay in Communist Vietnam as a forward operating base. They include cruisers, destroyers and submarines armed with cruise missiles. The base also services ships en route to the Indian Ocean and, on occasion, one of Moscow's new aircraft carriers.

The Seventh Fleet under Vice Adm. M. Staser Holcomb has 80 ships stretched thin from the South China Sea and the Indian Ocean to Japan. In an emergency, Holcomb can call upon help from an additional 100 vessels in the Pacific Fleet.

BATTLESHIP DUE

The Seventh Fleet includes two or sometimes three aircraft carriers and will be strengthened later this year with the addition of the battleship *New Jersey*, fresh out of mothballs and equipped with an array of cruise missiles and electronic gear.

ASEAN's buildup is welcomed by the Reagan administration, which backs military loans to all the nations but affluent Singapore. The U.S. also is the major arms supplier in the area, particularly to Thailand and the Philippines, which have long received American artillery, tanks and other weapons.

The Soviet presence is not the sole reason behind ASEAN's urgency to rearm. Strategic planners recognize that political and military balances in Southeast Asia also have changed sharply over the past decade.

Before the Communist victory in Vietnam in 1975, ASEAN nations had focused defense efforts on internal threats—subversion and guerrilla insurgencies supported largely by China. They sought a neutralist image and relied on U.S. forces to guarantee overall security, even though only the Philippines and Thailand had treaty ties with the United States.

The U.S. withdrawal from Vietnam altered ASEAN's perceptions about the reliability of American military forces, even though it still welcomed a U.S. presence in the region. Other ideas also changed. Among them:

Until 1975, Southeast Asian nations based their planning on the belief that China, which had supported subversion throughout Southeast Asia, was their likeliest adversary. That view shifted when newly unified Vietnam took over Laos and Cambodia and signed a military alliance with the Soviet Union.

Establishment of Soviet naval and air bases at Vietnam's Da Nang and Cam Ranh Bay, the geographic heart of Southeast Asia, moved Soviet influence next door to all the ASEAN countries. At the same time, China virtually ceased aiding resistance movements in the region and sought friendship instead.

As Vietnam became bogged down in Cambodia and Laos and in a border war with China, ASEAN nations grew less fearful of direct military aggression from Hanoi. But as Russian advisers poured into Vietnam and Soviet aid soared to about 5 million dollars daily, the Hanoi regime was seen as a virtual Moscow dependency.

Vietnam alone was considered a local problem. But the Hanoi-Moscow alliance made it a strategic worry. Prime Minister Lee Kuan Yew of Singapore said, "The main issue is: Are the Soviets to become a major power in the region because of Vietnam?"

The U.S. role also changed as America reassessed its Pacific strategy and normalized relations with China. Although committed to helping keep the peace in Southeast Asia, the U.S. is not likely to send troops, as it did in Vietnam.

Says Thailand's military commander, Gen. Saiyudh Kerdphol: "We realize that the days of American combat forces coming to our aid are gone forever. We must be able to carry the ball ourselves."

An officer in Singapore's small but capable Army agrees: "What it boils down to is that we had all better be ready. We are all just around the corner from Indo-China."

MOVING IN

Soviet bases in Vietnam are, indeed, just around the corner. Russia has moved into former U.S. bases a Da Nang and Cam Ranh Bay that can handle large jet bombers. Cam Ranh's anchorage is big enough to shelter an entire fleet. Repair and service facilities have been improved steadily since the Russians began arriving in force in 1978.

In less than 48 hours, a naval task force from Cam Ranh Bay could be within easy range of any potential target in Southeast Asia. U.S. Air Force experts say Russia could send some of the 70 missile-equipped Backfire attack bombers now based in the Soviet Far East to Cam Ranh in 8 hours.

The Soviets also base at Cam Ranh four long-range Tu-95 reconnaissance planes. They range over the South China Sea and beyond to keep electronic eyes on U.S. ships in the area. They also probe defenses of the two most vital U.S. military installations in the Pacific—Subic Bay Naval Base and Clark Air Base in the Philippines.

The U.S. ambassador to the Philippines, Michael Armacost, charged recently that there had been "hundreds of violations of Philippine air space" by Soviet aircraft.

The increased reach of the Soviet Pacific Fleet was demonstrated in early February when the new aircraft carrier *Minsk*, carrying vertical-takeoff Yak-36 jet fighters, sailed from the Indian Ocean through the narrow Strait of Malacca virtually within sight of Singapore's waterfront financial district. The *Minsk* then stopped at Cam Ranh Bay for supplies before heading back to its home port of Vladivostok.

To guard against incursions by unfriendly aircraft, Singapore is shopping for a 150-million-dollar early-warning network of radar and reconnaissance planes. Aircraft under study are American E-2C Hawkeyes with an electronic search capability of several hundred miles. They would give Singapore, which has the best-trained Air Force in the area, a warning network stretching well out from the Strait of Malacca.

JAKARTA BUYS JETS

Indonesia, which must guard other passages from Asia to the Persian Gulf in addition to the strait, already has bought three Boeing 737 jets and is equipping them with surveillance radar. Though a Moslem nation, it is turning away from close ties with the Arab world to buy rebuilt U.S.-made Skyhawks from Israel. Jakarta also is testing a 60-mile-an-hour hydrofoil as a patrol vessel.

Moscow's interest in Indonesian waters was underlined last year when an Indonesian officer was caught giving the Russians oceanographic information on the depth, density and temperature of certain seaways—data needed by Soviet submarines seeking to escape detection.

Of all the ASEAN states, Malaysia has made the greatest effort to distance itself diplomatically from superpower rivalry. But even Malaysia has boosted its military budget by 500 percent in recent years, and the country is buying modern planes, ships and arms for a military force previously designed only to fight guerrillas in the jungle. The Army is being increased to about 250,000 servicemen.

"If we are weak, an outside power will come knocking at our door," says Gen. Ghazali Mohammed Seth, chief of Malaysia's defense forces.

Thailand has spent about 400 million dollars for weapons alone over the last four years, about half from its own hard-currency reserves and half in military aid from the United States. Though much of this money is being spent for infantry weapons, Bangkok also is upgrading its air and naval forces.

Only the Philippines, which is fighting a Moslem insurrection in the south and a simmering rebellion by Marxist guerrillas elsewhere in the country, depends largely on the U.S. for protection from attack. With American bases on its soil, the Philippines feels less endangered than the other ASEAN nations.

Despite the fact that ASEAN's charter rules out formal military ties among member nations, there is clear movement in that direction. "No one wants ASEAN to be seen as a military pact or to seem confrontational toward possible enemies," says a Malaysian diplomat. "But at the same time, security is on everybody's mind."

Troops from Singapore, where there is little room for training exercises, have conducted maneuvers in the Philippines. Thai and Malaysian units have sometimes coordinated operations against Communist guerrillas near their border. Joint naval exercises were conducted last year by Singapore and Indonesia. When Prime Minister Lee casually suggested that such exercises might be expanded, the remark attracted little attention. A few years ago, it would have created a firestorm.

Some logistical ties also have been developing quietly. Thailand and Singapore jointly manufacture small arms, and even the reluctant Malaysians have suggested that ASEAN could coordinate arms purchases.

Still, a formal military alliance could be long in the making. Under the ASEAN charter, members are committed to making Southeast Asia a "zone of peace, freedom and neutrality."

Moreover, old ethnic tensions will not disappear quickly. The Chinese, who dominate Singapore, are viewed with suspicion in Indonesia and Malaysia. There is a territorial disupte between Malaysia and the Philippines over the state of Sabah in Borneo and rivalries over oil claims in the South China sea.

Even so, Southeast Asians talk privately of working together. "Closer military cooperation is reconcilable with goals of peace and neutrality," says one official. "The point is, do we help guarantee peace ourselves, or do we have to rely solely on someone else to do it?"

Yet there is realization that ASEAN has little chance of soon replacing the Seventh Fleet as the main counterweight to Soviet forces in the region.

American officials, uneasy over the ever present threat of trouble in the Persian Gulf, would welcome a lowering of U.S. responsibilities here. But they also realize that, however encouraging the strengthening of ASEAN's military forces may be, a strong U.S. military presence will be required in Southeast Asia well into the future.

U.S. NAVY VS. SOVIET FLEET—HOW THEY STACK UP

Q. Admiral Holcomb, how strong is the Soviet Union's fleet in Asian waters?

A. Of the four Soviet fleets, the one in Asian water is the largest and is fast becoming the most modern. It supports operations as far away as the Arabian and Red seas. That fleet is not getting any larger, but its quality is steadily improving.

We see no sign of their letting up. More than half the 140-odd submarines in that fleet are modern, nuclear powered. The cruisers and frigates are of a fresh, current generation. Thus the Soviet Pacific fleet is becoming more capable of open-ocean offensive operations as they go along.

Q. What is the United States doing to counter that Soviet presence?

A. If you could take a snapshot of the Seventh Fleet today, you'd observe that its principal forces are spread over the three areas in which Soviet interests and U.S. interests converge.

We have, in a fleet of 80 ships, a carrier group in the Arabian Sea, a carrier battle group in the South China Sea, and a carrier battle group in the northwest Pacific.

At another time, we might have only two carrier groups covering those three principal areas in a way which shows our friends, commercial partners and allies that we consider vital interests to be involved and that we are prepared to counter manifestations of Soviet maritime power in those regions.

Q. Has the balance of naval power in Asia shifted away from the U.S in favor of the Soviet Union?

A. It depends on where you assess the balance. No question, we have an edge in the Indian Ocean. We have a marked edge in the South China Sea. In the northwest Pacific, where the Soviets can bring the full range of land-based aviation, submarines, short- and long-range combatant forces to bear in an area they hold dear, the balance has clearly begun to shift.

Q. Does that mean the Soviet Navy could outgun American naval forces in the northwest Pacific?

A. Could the Washington Redskins beat the Dolphins in the Superbowl? It's kind of a call. I should observe that the strengths of the Seventh Fleet include the fact that, in a relatively short period of time, the rest of the Pacific Fleet can be out here to help deal with the Soviets.

I maintain that the strengths of the Seventh Fleet, properly applied, would prevail over the Soviet Pacific fleet.

Q. How large a naval force do the Russians have at Cam Ranh Bay in Vietnam? What are they up to there?

A. The growth curve there is very steep. Three years ago, they had virtually nothing in Cam Ranh Bay. A few weeks ago, we had a high-water mark in which Soviet naval presence got above 20 ships. That's a significant presence, looking out on South China Sea lines of communications on which the whole region depends.

As I visit the leadership of Southeast Asian countries, it is clear that they have taken note that the Soviets are in Cam Ranh Bay, exercising power and influence. The small tentacles of Soviet power—the fishing fleet, research and survey vessels, merchant ships, intelligence collectors—are also already being felt in major seaports, so that Soviet presence is becoming an accepted part of the background.

Clearly, the Socialist Republic of Vietnam gets strong encouragement from the Soviets' being there as a kind of guarantor of maritime power. There's no question but that presence frees the Vietnamese maritime forces to be somewhat more adventuresome in claims to disputed islands in the South China Sea where four or five sovereign states are interested in staking out resource claims.

Q. Could the Seventh Fleet defend Persian Gulf nations against attack without help from U.S. land-based forces?

A. That's a very big question—a question of control of territory. I don't think the countries in the region want the U.S. to keep land-based forces there. Nor are we going to be expected to do something unilaterally. There are a number of sovereign states there who have centuries of experience in control of the land region.

We maintain ourselves in readiness to introduce forces if asked. The Seventh Fleet will have a role in that, because it will require movement over oceans and will require air superiority, which will have to be initially done by carrier-based aviation. By the same token, the Soviets are not going to have a free run on the sources of oil.

Q. Do ASEAN nations depend entirely on America for defense?

A. We should keep in mind that ASEAN is an economic, cultural and political organization. Only some of these countries have formal security ties to the U.S. It's generally accepted none of the navies of these five countries are in a position to deal with the Soviets at sea—the "blue water threat." The Seventh Fleet is.

But these countries are building forces to handle critical parts of the maritime-defense problem in the region—antisubmarine warfare, maritime surveillance, policing of straits, handling mine threats.

Q. What happened to the "falling dominoes" danger that was talked about after the Communist victory in Indo-China?

A. The theory was that other countries would fall in rapid order and there would be chaos and irreparable damage to Western interest. It's the thing all of Southeast Asia still appears to fear most—a move by Vietnam through Thailand down the Malayan peninsula, impelled and supported by the Soviet Union.

The domination of Kampuchea and Laos by Vietnam is evident, but that is as far as it has gone so far. It seems to me that stability of the region is far more likely to be upset by some smaller order of conflict. For example, it could easily be skirmishing in the disputed South China Sea islands.

ANOTHER STATE DEPARTMENT GIVEAWAY—OUR SOUTH PACIFIC "PANAMA CANAL"

(By M. Stanton Evans)

They may be slouches otherwise, but when it comes to giving away American property, the boys at the State Department are hard to beat.

Fresh from handing over the Panama Canal to the late Omar Torrijos a few years back, our diplomatists went to work on yet another giveaway. This one has received much less attention than the Panama dispute, but could have equally serious implications. And, if anything, it rests on even shakier legal grounds.

At issue are 25 small islands in the South Pacific, presently claimed by the United States but eagerly sought by other nations in the region. The islands are part of the system that became famous during World War II, extending from French Polynesia in the southeast to the Gilberts and Marshalls in the north and west. Of the disputed islands, Christmas Atoll is the largest, and best known.

Newly arisen republics in the area would like to add the islands to their territory. To this the spirited response of the U.S. State Department is—let them. Our policymakers have devised a set of treaties relinquishing U.S. claims to sovereignty over the islands and parceling them out to the nations of Kiribati, Tuvalu, and the Cook Islands, plus a few thrown in for New Zealand, also.

A typical fighting statement by our officials is the testimony of former Deputy Secretary of State Warren Christopher, concerning the territory claimed by the Cook Islands: "The U.S. claim has virtually no legal merit and is not supported by any other nation. . . . These islands and these people have historically been part of the Cook Islands. Continued assertion of these claims is inconsistent with the U.S. interest of maintaining friendly relations with the people of the South Pacific."

Equally inspiring was the stand of former Secretary of State Alexander Haig concerning the islands to be remanded to New Zealand: ". . . the United States claim to these islands has no substantive basis under applicable principles of international law. Our claim is not supported by any other nation, including our closest allies. Continued assertion of these claims is inconsistent with the United States interest of maintaining relations with the people of the South Pacific."

(By way of brief digression, such verbiage is doubly interesting: First, because it shows the mind-set of capitulation that governs so much of our diplomacy; our State Department is arguing their position. Second, because the phrases used by Democrat Christopher and Republican Haig are so nearly identical. Obviously, the people who ran this show under Jimmy Carter are running it still.)

Our official spokesmen further contend that these islands are of no strategic value to us, and/or that whatever strategic interests we have are best protected through good relations with the receiving governments. The people of the area, say our officials, are friendly to the West and will not allow the Soviets in. Our interests are best served by packing up and clearing out.

This argument is full of holes—as pointed out in congressional testimony by Mark Seidenberg of the Society for the Protection of American Sovereignty. Seidenberg has done an impressive job of research on the history of these islands, and cites numerous facts that show American claims extending back to the early part of the 19th Century. The State Department, for instance, says our claim to the group of islands to be given to Kiribati dates only to 1939. Seidenberg shows U.S. claims to Canton and Christmas islands, both part of this group, going back to the 1820s.

As for strategic implications, it should be noted that 11 of these islands had military bases on them from the 1940s through the 1970s; that they are important as naval ports and way-stations; and that the territorial waters are rich in manganese—which we now import heavily—and quite possibly oil. They are also of key importance to our tuna fishing industry.

Should the islands be relinquished, it will not take the Soviets long to move in. They have ships prowling the area now, and would almost certainly fill the vacuum caused by our departure. The State Department's assurance that the governments to whom we would give the islands is called into question by the political history of some of the leaders there. The head of Kiribati, for example, has said: "If the Russians come we will talk to them and not send them away."

As Adm. Thomas Moorer puts it: "These treaties are a surrender of the rights and capabilities of the United States to this island group. They would leave the door open to the Soviets to come in, as well as impacting on the U.S. fishing industry. This is another surrender like the Panama Canal treaties, which will weaken our global posture and harm our ability to conduct our responsibilities."

Despite all this, the treaties have inched forward in the Senate, with scarcely a word of debate or media attention. Unless some notice is given them soon, they will very probably slip through to ratification—another monument to our weak-kneed diplomacy.

Mr. EAST. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes and 20 seconds remaining.

Mr. EAST. Seven minutes and twenty seconds?

The PRESIDING OFFICER. Yes.

Mr. EAST. Mr. President, what I wish to do, if I might, at this point is reserve the remainder of my time, and I know 3 minutes have been reserved for the Senator from Alaska. Of course, I realize he might wish to respond to my comments.

I wish to reserve a few minutes of my time for any final remarks that might seem appropriate.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Senator from North Carolina.

First of all, my colleague from Idaho has a statement.

Mr. McCLURE. Mr. Prsident, the Senate is presently considering treaties with Tuvalu, Kiribati, the Cook Islands, and New Zealand. These treaties would, among other purposes, relinquish U.S. claims of sovereignty to a variety of islands and atolls in the South Pacific. The treaties also would provide for nondiscriminatory access by U.S. fishing fleets and utilization of U.S.-constructed facilities on Canton. The treaty with Kiribati also provides that the facilities on Canton, Enderbury, and Hull may not be used for military purposes by third countries without the consent of the United States.

The Committee on Energy and Natural Resources reviewed these treaties as a part of a general oversight on territories and insular affairs, since the United States has maintained a claim of sovereignty to these islands and atolls. For the most part, these claims, founded upon early exploration and mapping and the Guano Act of 1856, range from the humorous to the embarrassing. One claim, for example, is to Funafuti, which is the capital of Tuvalu. The committee reviewed the basis for the U.S. claims and also examined the interests of the United States in the area, paying particular attention to the interests of American Samoa, over which the United States both claims and exercises sovereignty. I am satisfied that those interests are protected and enhanced by these treaties.

Mr. President, the political, social, and economic development of the islands in the Pacific has been remarkable. The emergence of stable democracies without violence and the emergence of dependent areas into independence, free association or increased self-government stands as a model for other areas in the world. These treaties, by removing arcane claims of sovereignty, will permit the United States and its territories, such as American Samoa, to develop close bonds or friendship and enter into appropriate economic arrangements which will further guarantee the peaceful development of the Pacific Basin.

Mr. MURKSOWSKI. I thank the Senator from Idaho.

I wish to briefly respond to my friend, the Senator from North Carolina, with regard to the statement that the United States has strong claims to these islands. That is certainly not the case. They are not strong claims. They were disputed for years by Great Britain, and they would be rejected by our close allies in that part of the world, New Zealand and Australia.

The United States never sought to incorporate these islands as American territory and would not want to do so now. In other words, we are not surrendering any property because we do not have any property in this case to surrender.

Second, the inclusion of Senator EAST's reservation would be even worse than simply rejecting the treaties outright. To insist on special rights of military and economic access to these island areas amounts to a denial of their status as sovereign countries.

Mr. President, I refer to the case where the Senator from North Carolina compares the Panama Canal. I suggest there is no comparison of any sort. We obviously built the Panama Canal. We did not build the islands. We had claims on the Panama Canal. We never had sovereign claims of any consequence to these particular areas to which I have referred.

Mr. President, one other statement that I wish to make and have entered into the RECORD at this time is with regard to a statement by Secretary of Defense Weinberger whom I quote:

From a defensive perspective we feel that the treaties adequately protect the U.S. strategic interests. We made a thorough study of our requirements of the islands covered by the treaties. We do not have now nor do we foresee a military requirement anywhere in the immediate area of the islands covered by the treaties. Indeed, the only U.S. installations in the region since World War II (missile testing facilities at Canton, Enderbury, Birnie and Hull Island) were closed in 1979 because they no longer met our mission requirements and were too costly to maintain.

As a consequence, Mr. President, in the testimony given by the Secretary, there is no indication that this administration favors maintaining any type of presence, military presence, in this part of the world. We have alternate resources.

We have been repeatedly told of the administration's support for the prompt ratification of these treaties. We were most recently informed of this in a letter from Secretary Shultz, signed just before his departure for the Middle East. On April 20 he said: "It is of the utmost importance for the administration that prompt Senate floor action be taken * * *" I ask unanimous consent that the Secretary's letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, April 20, 1983.

Dear SENATOR BAKER: It is of the utmost importance for the Administration that prompt Senate floor action be taken on the four treaties the U.S. signed in 1979–80 with Kiribati, Tuvalu, the Cook Islands and New Zealand and the Constitution for the United Nations Industrial Development Organization (UNIDO). The Pacific Island Treaties are an important test of our relations with the South Pacific countries, whether newly independent or old friends like Australia and New Zealand. These treaties protect and enhance our security interests in this area; they also protect our fishing industry and establish long sought maritime boundaries for American Samoa. In return the United States relinquishes its unsubstantiated claims to 25 small islands under the administration of the four island states. The treaties have been fully considered by the Senate Foreign Relations Committee since hearings were first held on them in December 1981. The Committee has twice recommended them favorably for floor consideration.

Ratification of the Constitution for UNIDO would afford the U.S. the opportunity to improve UNIDO's mangement and to increase our control over its program and budget. Under the terms of the new Constitution, should it become necessary, the United States could stop contributing to UNIDO's budget and could withdraw from the organization. Under present arrangements, the United States is unable to take either action because UNIDO is now part of the overall United Nations budget. The Senate Foreign Relations Committee has fully considered this treaty and has twice reported it unanimously to the Senate with a recommendation for favorable consideration.

Your support in obtaining prompt ratification of these important treaties is essential.

Sincerely yours,

GEORGE P. SHULTZ.

Mr. MURKOWSKI. Mr. President, the administration's support of these treaties has been clear, unequivocal, and across the board. This is clearly demonstrated by a recent letter from Assistant Secretary Moore of the Department of State to Chairman Percy, together with its attached letter from four of our ambassadors in the South Pacific area. I ask unanimous consent that these letters be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
Washington, D.C.

Hon. CHARLES PERCY,
Chairman, Senate Foreign Relations Committee, U.S. Senate

DEAR MR. CHAIRMAN: I want to reiterate this Administration's strong interest in prompt and favorable Senate consideration of the four Pacific Islands Treaties that are once again before the Committee. The four treaties, the Treaty of Friendship with Kiribati, the Treaty of Friendship with Tuvalu, the Treaty with the Cook Islands on Friendship and Delimitation of the Maritime Boundary, and the Treaty with New Zealand on the Delimitation of the Maritime Boundary between the United States and Tokelau, are very important to our interests in the Pacific. Our continued failure to act on these treaties has not only weakened our credibility with the Pacific Islands states, but has strained our relations with our ANZUS allies as well.

The treaties serve several U.S. interests in the region. Important lines of communication to our Australian and New Zealand allies and onward to the Indian Ocean pass through this vast ocean area. The security of these routes depends on the continued pro-Western orientation of the newly independent Island states and on their continued cooperation with the ANZUS alliance.

The treaties will advance U.S. security interests in this vital region. After a thorough

review, the Department of Defense and the Joint Chiefs of Staff determined that the U.S. has no future military requirement for facilities of any kind on any of the islands concerned. We do have an interest, however, in ensuring that this region remains free of Soviet influence. The treaties provide us assurances that the islands will not be made available for possible military use by other powers. In the treaties with Kiribati and Tuvalu, these governments undertake to consult with us on security matters and specifically on any possible future military use of their islands. The Cook Islands and Tokelau, because of their ties with New Zealand, are covered by the ANZUS alliance.

These agreements benefit the U.S. fishing industry. The treaties with both Kiribati and Tuvalu commit those governments to consult with us on matters of mutual interest relating to the conservation, development, utilization and exploitation of fisheries resources. A provision in the treaty with Tuvalu and an exchange of letters accompanying the treaties with the Cook Islands, New Zealand, and Kiribati assures non-discriminatory access for US fishing vessels and for non-US vessels supplying the canneries of American Samoa, a matter of considerable importance to the economy of that island.

The treaties are also of great value to American Samoa because they establish the maritime boundaries delineating that territory from the Cook Islands and from Tokelau. The US claim to Swains Island, annexed to American Samoa in 1925, is also formally recognized in the agreement with New Zealand on behalf of Tokelau.

The claims to the twenty-five islands in question, which we are relinquishing in these treaties, have little, if any, legal basis of practical value. They were belatedly asserted just prior to World War II, were immediately rejected by Great Britain, and are not recognized by any other state. (During World War II and in the post war period, we made special agreements with Great Britain permitting us to use some of the islands in question.) The principal basis for our claims were activities undertaken pursuant to the Guano Act of 1856. It is clear that this Act was never intended to serve as a basis for the extension of US sovereignty over islands from which Guano was taken. Certain of the islands were claimed on the basis of discovery or mapping by US vessels in the mid-19th century. However, the US made no attempt to extend its governmental jurisdiction over any of these islands. Unlike territories of the United States, they were not incorporated by act of Congress. They were never administered as part of the United States. What the treaties surrender are unsubstantiated claims, not territory of the US.

On the question of seabed minerals, because data on mineral deposits is imperfect, we cannot rule out the possibility that such deposits may exist in the vicinity of the treaty islands. It may, in fact, be many years before we know the extent of such resources and whether or not they are economically exploitable. However, as a practical matter, companies risking capital on expensive seabed mining operations would prefer to do so in areas where they can be assured that their mining rights are not open to serious legal challenges. Maintenance of our weak and disputed claims to the treaty islands is unlikely to facilitate mineral exploitation by US firms. It could, in fact, impede exploitation. Removal of our claims, the major irritant in our relations with these small islands states, will improve the business climate for US firms interested in mineral extraction. By reason of both geography and technology, the island states are likely to turn to the US for assistance in this field.

There is no region of the world where the US enjoys more friendly relations than with the Pacific Islands countries. People of this region continue to hold vivid memories of our sacrifices in ther defense during World War II, and each of these nations has worked closely with the US in a variety of regional and international organizations. Most, for instance, have asked for and have received Peace Corps volunteers. The island nations of the Pacific also have close, cooperative ties with our allies—Australia, New Zealand, and Great Britain.

All of the island countries, and not just the parties to these agreements, view these four treaties as an important indication of how the United States intends to conduct its relations with them.

Our Australian and New Zealand allies share the view that the approval of these treaties is important to the protection of our mutual security and political interest in the Pacific region. Prime Minister Muldoon of New Zealand and other representatives of his government have repeatedly urged ratification of all four treaties. The Australian Government has likewise called on us to do the same and Australian Foreign Minister Street recently restated his government's position in the strongest terms in conversations with the Vice President, Secretary Shultz and NSC Director Clark. Our four Ambassadors in the area, Monroe Browne in New Zealand, Robert Nesen in Australia, Fred Eckert in Fiji and Virginia Schafer in Papua, New Guinea, have also written to encourage prompt acceptance of the treaties. I have enclosed a copy of the Ambassadors' letter.

The four treaties in question were voted out by the Senate Foreign Relations Committee over a year ago. As you know, they have not yet been brought to the floor for a vote. The Administration is hopeful that the Committee will act promptly to return the treaties to the executive calendar to secure final consideration by the Senate.

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Congressional Relations.

Enclosure.

SUVA, FIJI, *November 19, 1982.*

Hon. GEORGE P. SHULTZ,
Secretary of State.

DEAR MR. SECRETARY: We have just completed a two-day meeting of the region's Chiefs of Mission and feel that we should raise personally with you a problem that could seriously trouble our relations with the South Pacific countries.

In 1979-80 the United States signed a series of four treaties with Kiribati, Tuvalu, the Cook Islands, and New Zealand (on behalf of Tokelau) which formally relinquished antiquated U.S. claims to a number of small islands in the central South Pacific. The treaties were submitted to the Senate for consideration promptly after their signing and in May 1982 were favorably reported by the Senate Foreign Relations Committee. But full Senate consideration of these treaties keeps getting postponed. We are aware that a few Senators have placed a hold on the treaties, but no reasons for objection have been stated.

In our view, this unexplained delay has caused the United States and President Reagan, who supports the treaties, considerable embarrassment in the South Pacific. If the impasse is not resolved quickly, the Senate's failure to act could have serious consequences for our relations not only with the Pacific island countries involved, but also with New Zealand, which has a direct interest in the matter.

We urge you to raise the matter directly with the Senate leadership and to seek its cooperation in having the treaties brought to a prompt vote.

We are deeply concerned that further delay in consideration of these innocuous treaties will injure our relations in the region.

Should you find it useful to do so, please do not hesitate to share this letter with the Senate leadership.

Respectfully,

H. MONROE BROWNE,
Ambassador to New Zealand.
FRED J. ECKERT,
Ambassador to Fiji.
ROBERT D. NESEN,
Ambassador to Australia.
M. VIRGINIA SCHAFER,
Ambassador to Papua New Guinea.

Mr. MURKOWSKI. Mr. President, Prime Minister Hawke said he strongly favored ratification of the Pacific Island Treaties. The United States could help create a much better climate for Western interests in the Pacific region if a perception prevailed that it and other Western countries fully understood the aspirations of newly independent peoples in the second half of the 20th century. This meant setting aside outdated views and clearing up residual problems of sovereignty.

It is evident from the record that the Secretary of Defense, Mr. Weinberger, personally supports the treaties and that the Joint Chiefs of Staff do likewise. We have not, however, had testimony from the senior U.S. commander on the scene in the Pacific. The admiral supports the treaties without qualification. In order to provide his views to my colleagues, I ask unanimous consent that a letter from Admiral Long, U.S. Commander in Chief, Pacific, headquartered in Honolulu, to Chairman PERCY be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CAMP H. M. SMITH, HAWAII,
March 9, 1983.

Hon. CHARLES H. PERCY,
U.S. Senate, Senate Dirksen Building, Washington, D.C.

DEAR SENATOR PERCY: I am pleased to share with you my reasons for supporting ratification of the four Pacific islands treaties that are now being considered by your committee.

As you are aware, since World War II the only military installation the U.S. had anywhere in the immediate area of those islands was a missile test facility with headquarters on Canton Islands, with some additional instrumentation on Enderbury, Birnie and Hull Islands. As for the Canton Island complex, it was used for a few years

in the early 1970's and subsequently maintained in a caretaker status at a cost of several million dollars a year. By 1979 this cost could no longer be justified and the facilities were closed. I might add that our use of these islands was for test and research and not for prospective combat operations. Our current and presently foreseen missile test requirements are and can be met by the Kwajalein Missile Range and occasional testing in broad ocean areas.

My concern with the islands, since they are currently not in use militarily, as to deny their use to unfriendly powers and to assure our re-entry if necessary. The treaties with Kiribati and Tuvalu specifically provide against military use of the islands by third countries without consultation with the U.S. while New Zealand's responsibility for the defense of the Cook Islands and Tokelau gives assurance that those islands will not be used by hostile forces. In the unlikely event that the Untied States were to develop a requirement for bases in Kiribati, the treaty provides for possible future use of the Canton complex subject to an agreement to be negotiated between the two governments. The treaty with Tuvalu provides that in times of international crisis, the two countries agree to consult on any requests we might make for use of Tuvaluan territory for military purposes.

The point of all this is that the United States has no present need for strategic bases in these islands and the treaty provisions adequately protect our interests. From my perspective, United States military interests in the area covered by these treaties have been properly addressed and ratification of them would be in our best interest.

Sincerely,

R. L. J. LONG,
Commander in Chief, Pacific.

Mr. MURKOWSKI. Mr. President, the New Zealand Government has communicated to some 30-odd among us what I consider is very persuasive views on the need to ratify these treaties promptly. The New Zealand Government's considered view is that the treaties enhance U.S. strategic interests and failure to ratify them will undermine those interests. I believe we must listen attentively to the views of our old and close allies. New Zealand points out to us that it or the United Kingdom has governed the islands. They have provided for economic development, the health, education, and welfare of the island people. We are reminded that we have never administered the islands or borne any responsibility for them and our claims have not been recognized by any other government. The New Zealand Government says that failure to ratify the treaties would bring into serious question our role as a reliable and responsible protector. I believe all Members should have the benefit of these views and therefore I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW ZEALAND EMBASSY,
Washington, D.C., March 3, 1983.

Hon. CHARLES H. PERCY,
U.S. Senate.

DEAR CHARLES: I thought it would be timely to write to a number of your colleagues concerning the ratification of the South Pacific Treaties. I am enclosing for your information a copy of a letter which I have sent to the members of the Foreign Relations Committee and a selected group of other Senators.

I know we can continue to count on your valuable assistance in getting these treaties to the floor in the near future.

Warm regards,

Yours sincerely,

Rt. Hon. L. R. ADAMS-SCHNEIDER,
Ambassador.

Enclosure.

NEW ZEALAND EMBASSY,
Washington, D.C., March 3, 1983.

MY DEAR SENATOR: I am writing to you about the four treaties that are currently before the Senate Foreign Relations Committee concerning claims by the United States to various islands in the South Pacific.

The argument is being made that the U.S. should not give up its claims to these islands because of their strategic importance. I would like to make clear at the outset the interest which New Zealand has in this matter. We belong to the Pacific region and we share U.S. concerns for peace and stability in Asia and the Pacific. As you know we are close allies of the U.S. under the ANZUS Treaty. Our forces have fought alongside the U.S. in Vietnam, Korea and the First and Second World Wars, a record that none of the NATO allies can match.

The New Zealand Government is firmly of the view that ratification of these treaties will enhance U.S. strategic interests in the Pacific region. Refusal to ratify the treaties, or an attempt to amend or further delay them (it is now more than four years since the first of these was signed) will undermine U.S. and Western strategic interests in the region. That is the considered view of the New Zealand Government and we understand that it is shared by President Reagan's Administration. Secretary of State Shultz and Secretary of Defense Weinberger firmly support ratification of these treaties.

You might find it helpful to have a little background on the islands in question. They first came under British administration over a century ago. For many years these islands were administered and governed by the UK and by New Zealand. The UK and New Zealand also provided for the economic development of the islands and for the health, education and welfare of their people. Responsible democratic self-government was introduced and now three of these countries exercise sovereignty in their own right as full self-governing or independent states. By contrast the United States has never administered any of the islands nor has it borne any of the responsibility for their upkeep, for the development of responsible government or for the welfare of the people. Moreover, the U.S. claims have not been recognized by any other country.

It has been suggested that the military facilities established in some of these islands during the Second World War are somehow relevant to the claims. The fact is that U.S. forces were only present for a brief time, with the consent of the UK and New Zealand, as part of the allied war effort. Similarly the facility established on Canton Island after the war (and now abandoned) was with the consent of the UK and pursuant to a specific agreement.

As the history of the administration of these islands clearly shows, the U.S. claims could not be sustained in law. Were they ever to be the subject of international adjudication, the only possible outcome would be their complete rejection.

I would like to draw your attention to some of the political implications of the U.S. continuing to assert against tiny island states in the South Pacific what are in effect unsustainable colonial claims. First, it would bring into serious question the perception in the Pacific region of the U.S. as a reliable and responsible protector. Second, it would provide opportunities for mischief making in the region by the Soviet Union and its friends. Third, it would be a matter of great embarrassment to the U.S. allies.

There are now nine independent island states in the South Pacific, most of them members of the United Nations, and all of them watching with interest how the U.S. handles this question. Each of these countries has a democratic government and they all share Western values. The region as a whole is favorably inclined to the U.S. and the countries in it have close political and security relations with Australia and New Zealand with whom they work together in the South Pacific Forum organization at head of government level. There is no other region in the developing world where the West in general and the U.S. in particular enjoy such friendship and influence and where Soviet penetration has been so firmly resisted. It is this friendship and influence which will be put seriously at risk if the Senate declines to ratify or seeks to amend these treaties. Heads of government meeting in the South Pacific Forum would undoubtedly view such a development with the greatest concern.

I would like to take this opportunity of urging you to support the ratification of these treaties and furthermore to indicate to your colleagues who may still have some doubts that if necessary you are prepared to speak on the floor in their support.

Yours sincerely,

Rt. Hon. L. R. ADAMS-SCHNEIDER,
Ambassador.

LIST OF ADDRESSEES

The Honorable Joseph R. Biden, Jr.
The Honorable David L. Boren.
The Honorable Rudolph Boschwitz.
The Honorable Robert C. Byrd.
The Honorable Thad Cochran.
The Honorable Alan Cranston.
The Honorable Alfonse D'Amato.
The Honorable Christopher J. Dodd.
The Honorable Robert Dole.
The Honorable Jake Garn.
The Honorable John H. Glenn, Jr.
The Honorable Barry Goldwater.
The Honorable Orrin G. Hatch.
The Honorable Mark O. Hatfield.
The Honorable Paula Hawkins.
The Honorable Paul Laxalt.
The Honorable Richard G. Lugar.
The Honorable James A. McClure.
The Honorable Charles McC. Mathias, Jr.
The Honorable Sam Nunn.
The Honorable Bob Packwood.
The Honorable Claiborne Pell.
The Honorable Larry Pressler.
The Honorable Paul S. Sarbanes.
The Honorable Arlen Specter.
The Honorable Ted Stevens.

The Honorable Strom Thurmond.
The Honorable John G. Tower.
The Honorable Paul E. Tsongas.
The Honorable Malcolm Wallop.
The Honorable John W. Warner.
The Honorable Edward Zorinsky.

NEW ZEALAND EMBASSY,
Washington, D.C., March 3, 1983.

Hon. FRANK H. MURKOWSKI,
U.S. Senate.

DEAR SENATOR MURKOWSKI: I was pleased to learn, earlier this year, that you had assumed the Chairmanship of the Asian and Pacific Affairs Subcommittee.

As you know we have had some delays in getting the four South Pacific Treaties to the floor and I am delighted that you will be chairing the meeting next week at which they will be considered.

In this regard I thought it would be timely to write to a number of your colleagues urging their support for the treaties. I am attaching a copy of my letter for your information.

We appreciate your help in this matter to date and I know that we can count on your assistance in the future.

Yours sincerely,

Rt. Hon. L. R. ADAMS-SCHNEIDER,
Ambassador.

Mr. MURKOWSKI. Mr. President, we here in Washington sometimes tend to view things out of perspective and out of context, so I would like to try to put these four treaties in the Pacific context. The Hawaii Legislature, during its 11th and 12th (current) sessions has enacted resolutions supporting the treaties and conveyed these resolutions to the Committee on Foreign Relations. We should listen to the people of our closest State to the South Pacific area when they say that the treaties will reinforce close relations in the area, foster a stable and peaceful environment, assist our own Pacific territories in achieving economic viability, and deny the area to adverse foreign influence. I ask unanimous consent that Hawaii House Resolution 374 of the 11th legislature and Hawaii Senate Resolution 63 of the 12th be printed in the RECORD at this point, so that we may all share in this understanding of the Pacific perspective of this issue.

There being no objection, the resolutions were order to be printed in the RECORD, as follows:

HOUSE RESOLUTION

Whereas, during the last several years the United States has negotiated several treaties concerning sovereignty of certain islands of the Pacific with New Zealand, the United Kingdom, and representatives of the Cook Islands, the Tokelaus, Tuvalu, the Republic of Kiribati, and the American Samoan Government; and

Whereas, these treaties are important links in a constructive United States Pacific policy because (1) they recognize the legitimate rights of the indigenous Pacific Islanders to manage their own affairs; (2) ratification will *reinforce close and friendly relations with Pacific Island States;* (3) they *foster a stable and peaceful environment* in the South and Central Pacific; (4) they *assist our own territories* in the area *in achieving needed economic viability;* (5) they would *deny access* to strategic areas *by adverse foreign influence* without joint consultation between the island nations and the United States; and (6) they facilitate future access to vital raw materials of the ocean floor; and

Whereas, the said treaties were submitted to the Senate of the United States by President Jimmy Carter, and, after hearings conducted in early December 1981, were reported favorably to the full Senate by the Foreign Relations Committee several months ago; however, action has not been taken by the full Senate for reasons not publicly made known; and

Whereas, the State of Hawaii has a very real interest, both economically and socially, in developing constructive relations with the Pacific Island states, countries and territories affected by these friendship treaties; now, therefore,

Be it *Resolved* by the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, that the United States Senate is respectfully requested to advise and consent to the said treaties at its earliest opportunity in order that the goals and objectives of the United States Pacific policy be enhanced; and

Be it *Further Resolved* that certified copies of this Resolution be transmitted to Vice President George Bush, President of the Senate; Senator Howard Baker, Senate Majority Leader; Senator Ted Stevens, Assistant Majority Leader; Senator Charles Percy, Chairman of the Senate Foreign Relations Committee; Senators Daniel K. Inouye and Spark M. Matsunaga, Senators from Hawaii; and the Office of Pacific Affairs, U.S. Department of State.

SENATE CONCURRENT RESOLUTION No. 63

Whereas, during the last several years the United States has negotiated several treaties concerning sovereignty of certain islands of the Pacific with New Zealand, the United Kingdom, and representatives of the Cook Islands, the Tokelau Islands, Tuvalu, the Republic of Kiribati, and the American Samoan Government; and

Whereas, these treaties are important links in an enlightened United States Pacific policy because (1) they recognize the legitimate rights of the indigenous Pacific islanders to manage their own affairs; (2) they foster a stable and peaceful environment in the South and Central Pacific; (3) they assist our own territories in the area in achieving needed economic viability; (4) they deny strategic areas to adverse foreign influence through the consent of the island nations; and (5) they facilitate future access to vital raw materials of the ocean floor; and (6) ratification will reinforce close and friendly relations with Pacific island states; and

Whereas, the said treaties were initially submitted to the Senate of the United States by President Jimmy Carter, and, after hearings conducted in early December 1981 wherein they received full support of the Reagan Administraiton, were reported favorably to the full Senate by the Foreign Relations Committee in early 1982; however, action has not been taken by the full Senate reportedly due to the opposition of several very conservative senators and misinformation published by such publications as "The Washington Times" which is owned by Rev. Sun Myung Moon's New World Communications, Inc.; and

Whereas, one of these senators scheduled a hearing on the treaties on March 8, 1983 at which time opponents of the treaty testified; and

Whereas, the State of Hawaii has very real interests, both economically and socially, in developing constructive relations with the Pacific island states, countries and territories affected by these friendship treaties; and

Whereas, further delay in ratification may create understandable concern and resentment among Pacific island nations which will impact negatively upon United States interests in the Pacific, as well as the interests of the State of Hawaii; now,

Be it *Resolved* by the Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1983, the House of Representatives concurring, that the United States Senate is respectfully requested to advise and consent to these treaties at its earliest opportunity in order that the goals and objectives of sound United States Pacific policy be enhanced; and

Be it *Further Resolved* that certified copies of this Resolution be transmitted to Vice President George Bush, President of the Senate; Senator Howard Baker, Senate Majority Leader; Senator Ted Stevens, Assistant Majority Leader; Senator Charles Percy, Chairman of the Senate Foreign Relations Committee; Senator Frank Murkowski, Chairman of the Subcommittee on Pacific Far Eastern Affairs of the Foreign Relations Committee; Senator Paul Laxalt of Nevada; Senators Daniel K. Inouye and Spark M. Matsunaga, from Hawaii; and United States Secretary of State George Shultz.

Mr. MURKOWSKI. Mr. President, my colleague the distinguished senior Senator from Washington has been detained off the floor by other pressing business but asked that I seek consent to enter his comments in support of the treaties in the RECORD at this point. As Senator JACKSON says:

To continue to assert a claim . . . is not just embarrassing, but counter productive. The United States should seek to assist the peoples of these islands and an important first step is to approve these Treaties of Friendship.

I ask unanimous consent that Senator JACKSON's remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JACKSON

Mr. President, I support the Senate's consent to the ratification of these treaties with Tuvalu, Kiribati, the Cook Islands, and New Zealand. The treaties recognize and protect important U.S. interests in the fisheries resources of these areas by guaranteeing nondiscriminatory access by U.S. fishing fleets. The treaties also recognize and protect the interests of American Samoa in the area.

The treaties would also relinquish U.S. claims of sovereignty to a variety of islands and atolls in the area. These claims, for the most part, serve only as anecdotal material for a history of early Pacific exploration or of arcane legislation such as the Guano Act of 1856. The United States had never sought to exercise its claim of sovereignty to most of these areas, although we had entered into a joint use agreement with Great Britain for Canton and have developed facilities there. Our interests in Canton as well as En-

derbury and Hull, are protected by the treaty with Kiribati in articles 3 and 6 which deny the use of these facilities to third countries for military purposes without the consent of the United States and which encourages continued joint use of the facilities on Canton by Kiribati and the United States.

It is far too late to suddenly decide to rediscover a forgotten empire. The political development of the Pacific Basin islands has been one which the rest of the world can only envy. Stable, democratic governments prevail among islands which have achieved independence, free association, or self-government with continuing close relations with the major metropolitan countries and among each other. The recent South Pacific Conference held in American Samoa demonstrated the mutual respect and shared interests which have made the Pacific Basin an area of peace.

These treaties do not really relinquish anything, they recognize an accomplished fact. Tuvalu is an independent country, not a part of the Gilbert and Ellice Islands colony of Great Britain. To continue to assert a claim to Funafuti, the capital of Tuvalu, is not just embarrassing, but counterproductive. The United States should seek to assist the peoples of these islands and an important first step is to approve these treaties of friendship, clearing from the books claims which are not supportable.

Mr. MURKOWSKI. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. MURKOWSKI. Mr. President, I thank my friend, the Senator from North Carolina, for yielding me time for these few remarks. It is my intention in view of the time agreement for a vote at 5:15 p.m. upon conclusion of the Senator's time to request the absence of a quorum.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. MURKOWSKI. I yield to the majority leader.

Mr. BAKER. Mr. President, in preparation for the vote which will occur as previously ordered beginning at 5:15 p.m., I ask unanimous consent that the treaties be considered as having advanced through their various parliamentary stages up to and including the presentation of the resolutions of ratification and that the understandings be considered as agreed to.

Mr. President, before the Chair grants the request, may I say that this procedure is standard and it has been cleared with the minority leader and is an essential requisite to the completion of the Senate's consideration of these treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAST. Mr. President, how much time do I have remaining, please?

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes and 33 seconds remaining.

Mr. EAST. Mr. President, I wish to take a minute or two from that remaining time.

Regarding the comment of the distinguished Senator from Alaska that we have never claimed sovereignty, first of all, if we have never claimed it, then why are we giving it up? We state expressly in the treaty that we are giving up sovereignty.

I wish to note that in the covering letters from Cyrus Vance on the treaties, dated December 17, 1979, this letter says:

The U.S. did nothing to contest British sovereignty until 1939. That year the United States in a diplomatic note to the United Kingdom formally asserted a claim to the 14 islands in the Phoenix and Lion groups and 11 other south Pacific islands for a total of 25.

In 1939, the State Department said we did, and I note that in the first article of the treaty, in the introduction to the treaty itself, it says:

Acknowledging that the United States has heretofore claimed sovereignty over the islands,

And it lists them.

This is the treaty involving the treaty with the Republic of Kiribati.

As regards the Republic of Tuvalu, it says here in the covering letter:

The United States first formally declared sovereignty over the islands in 1939.

Either it says that or it did not. Either Cyrus Vance is right or wrong. He was an honorable man, a great student of international relations, international law. I presume he knew what he was saying. And that treaty itself says in the third paragraph:

Treaty of friendship between the United States of American and Tuvalu, acknowledging that the Government of the United States has heretofore claimed sovereignty over certain islands of Tuvalu, * * *

So on and so forth.

We acknowledge that we did have a claim.

Now, if the State Department is saying today beginning back with the Carter-Vance administration we are not as impressed with the claim today as they were in 1939, I respect their opinion. But come now. We cannot rewrite history; 1984 is not here yet. We cannot deny that which they were saying in 1939. The covering letter says so. The treaties say so.

Again I submit as a matter of elementary logic why in the world draw up treaties acknowledging and giving up your sovereignty if you say we never had it to begin with?

I would like to yield then and reserve the remainder of my time, please.

Mr. McCLURE. Mr. President, will the Senator yield at this point on his time?

Mr. EAST. I would be glad to yield—I have no objection to a unanimous-consent request whereby the distinguished Senator from Idaho might be given a brief period of time to comment.

Mr. McCLURE. Mr. President, I will not ask for that time at this point.

The PRESIDING OFFICER (Mr. HUMPHREY). Who yields time?

Mr. MURKOWSKI. Mr. President, is all time yielded?

The PRESIDING OFFICER. The Senator from Rhode Island has 6 minutes.

Mr. PELL. I yield back my time.

The PRESIDING OFFICER. The Senator from North Carolina has 2 minutes 29 seconds.

Mr. MURKOWSKI. And the Senator from Alaska?

The PRESIDING OFFICER. The Senator from Alaska has no time.

Mr. MURKOWSKI. I thank the Chair and I yield to my colleague from North Carolina.

Mr. EAST. I would like then for the remainder of my time, Mr. President, to urge my colleagues to reject these treaties. We had claimed sovereignty, we are now giving it up, we are getting nothing in return. It is a quitclaim deed to whatever claims we had to these islands.

They are not casual and frivolous in terms of their significance, 4 million square miles, 25 islands, 11 previously used for military bases.

I would note, I tell my distinguished colleagues, in terms of Soviet adventurism in the South Pacific now in Cam Ranh Bay and extending outward, these islands very easily could in the foreseeable future be of strategic value to the United States.

Adm. Thomas Moorer has pointed out we would be in the very awkward and clumsy position of having renounced all sovereignty to them.

I cannot in good conscience consent to that, and I cannot in good conscience go back, at least to the people of North Carolina, and say that I think it is in the best interests of the United States in terms of the realities of power in the world today and our need to have a strong defense posture, in view of the Soviet challenge.

That completes my remarks.

Do I have any time remaining?

The PRESIDING OFFICER. The Senator has 40 seconds remaining.

Mr. EAST. I shall reserve the 40 seconds just in case.

At this point, I will show my great spirit of brevity by quite conceivably—I have not done so—yielding back my 40 seconds.

Mr. BAKER. Mr. President, will the Senator permit me to use a brief part of that time?

Mr. EAST. Well, considering the distinguished nature of the person making the inquiry, the majority leader of the U.S. Senate, a man for whom I have respect and admiration, I shall happily yield the full 40 seconds.

The PRESIDING OFFICER. There are 10 seconds remaining.

Mr. BAKER. If there is any time remaining, Mr. President, I wish to take this opportunity to say to the distinguished Senator from North Carolina that I have listened to his presentation and I wish to commend him for it.

I rather expect his point of view will not prevail and the Senate will ratify these treaties. But the presentation made by the Senator from North Carolina was not only learned but convincing, and I wish to take this opportunity to thank him for a significant contribution to the history of the consideration of these treaties by the Senate.

I may say, Mr. President, I know these islands a little. I was in that area right after World War II and was one of those young men who was an officer in the Navy scheduled for the invasion of Japan. Happily, that event did not occur, and the war was over before I reached my duty station in the Pacific.

But in the meantime I saw some of these islands and visited them, and I know of their importance to many Americans and their strategic location.

Mr. President, I support the administration in their efforts to ratify these treaties on this basis, and I wish only to take this opportunity to commend the Senator from North Carolina for a very excellent presentation.

Mr. EAST. I wish to acknowledge my appreciation for the comments of the majority leader.

Mr. BAKER. Mr. President, I ask unanimous consent—before I ask for the yeas and nays and which may be short of the order for the yeas and nays—that there be two succeeding votes on the treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

TREATY OF FRIENDSHIP WITH TUVALU (EX. W, 96-1)

TREATY OF FRIENDSHIP WITH THE REPUBLIC OF KIRIBATI (EX. A, 96-2)

TREATY WITH THE COOK ISLANDS ON FRIENDSHIP AND DELIMITATION OF THE MARITIME BOUNDARY (EX. P, 96-2)

TREATY WITH NEW ZEALAND ON THE DELIMITATION OF THE MARITIME BOUNDARY BETWEEN THE UNITED STATES AND TOKELAU (TREATY DOC. NO. 97-5)

The PRESIDING OFFICER. The question is on agreeing to the resolutions of ratification of treaties 4,5,6, and 7. The yeas and nays have been ordered, and the clerk will call the roll.

The acting assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The yeas and nays resulted—yeas 94, nays 4, as follows:

[Rollcall Vote No. 159—Ex. W—96-1, 160—Ex. A—96-2, 161—Ex. P—96-2, and 162—Treaty Doc. No. 97-5]

YEAS—94

Abdnor	Goldwater	Murkowski
Andrews	Gorton	Nickles
Armstrong	Grassley	Nunn
Baker	Hart	Packwood
Baucus	Hatch	Pell
Bentsen	Hatfield	Percy
Biden	Hawkins	Pressler
Bingaman	Hecht	Proxmire
Boren	Heflin	Pryor
Boschwitz	Heinz	Quayle
Bradley	Huddleston	Randolph
Bumpers	Inouye	Riegle
Burdick	Jackson	Roth
Byrd	Jepsen	Rudman
Chafee	Johnston	Sarbanes
Chiles	Kassebaum	Sasser
Cochran	Kasten	Simpson
Cohen	Kennedy	Specter
Cranston	Lautenberg	Stafford
D'Amato	Laxalt	Stennis
Danforth	Leahy	Stevens
DeConcini	Levin	Thurmond
Denton	Long	Tower
Dixon	Lugar	Trible
Dodd	Mathias	Tsongas
Dole	Matsunaga	Wallop
Domenici	Mattingly	Warner
Durenberger	McClure	Weicker
Eagleton	Melcher	Wilson
Exon	Metzenbaum	Zorinsky
Ford	Mitchell	
Garn	Moynihan	

NAYS—4

East	Humphrey
Helms	Symms

NOT VOTING—2

Glenn	Hollings

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

TREATY OF FRIENDSHIP WITH TUVALU (EX. W, 96-1)

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty of Friendship Between the United States of America and Tuvalu, signed at Funafuti on February 7, 1979.

TREATY OF FRIENDSHIP WITH THE REPUBLIC OF KIRIBATI (EX. A, 96-2)

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty of Friendship Between the United States of America and the Republic of Kiribati, together with an agreed minute relating thereto, signed at Tarawa on September 20, 1979.

TREATY WITH THE COOK ISLANDS ON FRIENDSHIP AND DELIMITATION OF THE MARITIME BOUNDARY (EX. P, 96-2)

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Cook Islands on Friendship and Delimitation of the Maritime Boundary between the United States of America and the Cook Islands, signed at Rarotonga on June 11, 1980.

TREATY WITH NEW ZEALAND ON THE DELIMITATION OF THE MARITIME BOUNDARY BETWEEN THE UNITED STATES AND TOKELAU (TREATY DOC. NO. 97-5)

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the United States of America and New Zealand on the Delimitation of the Maritime Boundary between the United States of America and Tokelau, signed at Tokelau on December 2, 1980.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the resolutions of ratification were agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONSTITUTION OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (TREATY DOC. NO. 97-19)

INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (TREATY DOC. NO. 97-23)

Mr. PERCY. Mr. President, the proposed treaty relating to the United Nations Industrial Development Organization (UNIDO) establishes that organization as a separate entity within the U.N. system. At the present time, it is funded under the general U.N. budget.

The issue, therefore, is a relatively simple one. Regardless of whether one supports this organization or agrees with all of its programs, we are better able to exercise American influence over its budget and its programs if it is constituted and separated from the regular budget and bureaucracy of the United Nations. By approving this treaty, we increase our options with respect to this organization, including the possible option in the future of withdrawing from it if we should decide to do so.

So that there can be no confusion about U.S. intentions, the Committee on Foreign Relations included in its proposed resolution of ratification to this treaty a series of understandings. In particular, we have made clear that ratification of the UNIDO Constitution by the United States should not be understood as an endorsement of the concept of a "new international economic order" as that phrase is frequently used.

Ratification was recommended by President Reagan in 1981 and by the Committee on Foreign Relations twice in 1982 and 1983. It was also endorsed by the President's new Ambassador to the United Nations organizations in Vienna, Richard S. Williamson, during his confirmation hearings before the Foreign Relations Committee.

I recommend that the Senate give its advice and consent to ratification of the UNIDO Constitution.

The PRESIDING OFFICER. The next question is on agreeing to the resolutions of ratification of treaties numbered 2 and 8. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The yeas and nays resulted—yeas 94, nays 4—as follows:

[Rollcall Vote No. 163—Treaty Doc. No. 97-19, 164—Treaty Doc. No. 97-23]

YEAS—94

Abdnor	Goldwater	Murkowski
Andrews	Gorton	Nickles
Armstrong	Grassley	Nunn
Baker	Hart	Packwood
Baucus	Hatch	Pell
Bentsen	Hatfield	Percy
Biden	Hawkins	Pressler
Bingaman	Hecht	Proxmire
Boren	Heflin	Pryor
Boschwitz	Heinz	Quayle
Bradley	Huddleston	Randolph
Bumpers	Humphrey	Riegle
Burdick	Inouye	Roth
Byrd	Jackson	Rudman
Chafee	Jepsen	Sarbanes
Chiles	Johnston	Sasser
Cochran	Kassebaum	Simpson
Cohen	Kennedy	Specter
Cranston	Lautenberg	Stafford
D'Amato	Laxalt	Stennis
Danforth	Leahy	Stevens
DeConcini	Levin	Thurmond
Denton	Long	Tower
Dixon	Lugar	Trible
Dodd	Mathias	Tsongas
Dole	Matsunaga	Wallop
Domenici	Mattingly	Warner
Durenberger	McClure	Weicker
Eagleton	Melcher	Wilson
Exon	Metzenbaum	Zorinsky
Ford	Mitchell	
Garn	Moynihan	

NAYS—4

East	Kasten
Helms	Symms

NOT VOTING—2

Glenn	Hollings

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

CONSTITUTION OF THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (TREATY DOC. NO. 97-19)

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Constitution of the United Nations Industrial Development Organization (UNIDO) and the annexes relating thereto (hereafter in this resolution referred to as the "constitution"), adopted by the United Nations Conference on the Establishment of the United Nations Industrial Development Organization as a Specialized Agency on April 8, 1979, and signed on behalf of the United States of America on January 17, 1980, subject to understandings, as follows:

(1) As used in Article 1 of the Constitution, the phrase "new international economic order"—

(A) is an evolving concept with no fixed meaning;

(B) reflects the continuing goal of members of the United Nations to find new or more effective ways of handling international economic relations and is subject to interpretation by all such members; and

(C) is not legally defined by the Constitution or by any resolution of the sixth or seventh special session of the General Assembly of the United Nations or by the Lima Declaration and Plan of Action of the United Nations Industrial Development Organization.

(2) The entry into force of the Constitution with respect to the United States of America does not abrogate or rescind any reservation made by the United States of America to any resolution, declaration, or plan of action referred to in the Constitution.

INTERNATIONAL CONVENTION ON THE SIMPLIFICATION AND HARMONIZATION OF CUSTOMS PROCEDURES (TREATY DOC. NO. 97-23)

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Convention on the Simplification and Harmonization of Customs Procedures ("Convention"), which entered into force on September 25, 1974, with annexes and reservations to the annexes.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the resolutions of ratification were agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, may I take just a moment to commend the distinguished Senator from Alaska (Mr. MURKOWSKI). This is his maiden effort in managing a bill, an important matter it is, requiring six votes of the Senate. He did it with skill and dignity, and I extend to him my congratulations.

I wish to express my appreciation to the Senator from Rhode Island, the ranking minority member of the committee, and all of the staff.

Mr. MURKOWSKI. Mr. Leader, if I may briefly respond, I certainly thank the majority leader for his response. I thank the principals who have worked for over 2 years on these treaties, Senators PERCY, PELL, BAKER, and others, and particularly my predecessor on the Foreign Relations Committee, Senator Sam Hayakawa. I thank Senator EAST for his balanced and vigilant comments on this very important matter.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATIONS, 1984

The Senate resumed consideration of the bill (H.R. 3133).

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, could I have the attention of the Senate for just a moment?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. I thank the Chair.

Mr. President, we are back on the HUD appropriations bill. We are making good progress on it. The managers of the bill indicate to me that we can finish this bill yet tonight if we really buckle down and do it. I have agreed with the manager on this side to stay and try to do that. I anticipate votes tonight.

I would say we will be in until about 8 P.M. or thereabouts, depending on the progress we make. I urge Senators to cooperate in the matter of offering their amendments.

Mr. President, I hope that the Senator from Utah and the Senator from Michigan can get on with the business at hand and we can finish this bill.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. Mr. President, I believe there is one amendment and a colloquy that we can handle very quickly.

AMENDMENT NO. 1426

(Purpose: Earmarks funds for Chesapeake Bay study)

Mr. MATHIAS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maryland (Mr. MATHIAS), for himself, Mr. SARBANES, Mr. WARNER, and Mr. TRIBLE, proposes an amendment numbered 1426.

Mr. MATHIAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 18, line 20 before the "." insert the following: ": *Provided further,* That within the funds made available under this head $5,000,000 shall be used for the implementation of the Chesapeake Bay Study"

Mr. MATHIAS. Mr. President, I offer this amendment on behalf of my colleague, Senator SARBANES, and on behalf of the two distinguished Senators from Virginia (Mr. WARNER and Mr. TRIBLE).

The amendment earmarks $5 million of the funds appropriated for the purpose of the Chesapeake Bay study.

Mr. President, I am delighted that the committee included $250,000 for five new positions in the EPA appropriations bill to implement the findings of the Chesapeake Bay program. The $27 million EPA Chesapeake Bay program, which is due to be completed by September 30 of this year, is a major step in the cleanup of the bay. It is important to assure that the progress to date is reinforced through the implementation of the management strategies recommended in the program to maintain or improve water quality.

These five positions are needed for the operation of the Chesapeake Bay Liaison Office, which is the first component to the plan to implement the strategies recommended in the bay program. This office would be responsible primarily for providing administrative support and technical services to States in the implementation of management strategies. The second component of the plan is to provide funds, in the forms of grants, to assist States in their efforts to implement corrective measures. These funds would be used on a matching basis to complement ongoing and new State efforts to protect the bay from both the nonpoint and point sources of pollution and to restore its fishery resource. In that respect, I offer an amendment to the EPA appropriations bill which would earmark $5 million under the abatement and control account for these and related activities. I understand that there is $34 million in this account which is not targeted.

Approximately $1 million out of the $5 million would be used to help carry out the mission of the Chesapeake Bay Liaison Office. Included in its mission would be the following activities: Continued public participation; monitoring and estuarine resource sampling; evaluation and refinement of a bay water quality model; and the establishment of a centralized data center. The remaining funds, not less than $4 million, would be made available to the States to implement the plan.

Mr. WARNER. Mr. President, 7 years ago, in the face of ever-deteriorating water quality in the Chesapeake Bay, Congress created the Environmental Protection Agency's Chesapeake Bay program. Every year since I have had the privilege of representing Virginia in the U.S. Senate, I have joined with the distinguished Senator from Maryland in sponsoring the legislation to continue the Chesapeake Bay program. The research conducted during this program has provided important insight into the dynamics of the bay, as well as recommendations of what course of action the Federal, State, and local governments must take in order to clean up the bay.

The program's final report is due to be completed by September 30 of this year.

It is now necessary to begin the implementation process of the recommended management strategies designed to improve bay water quality. The purpose of this amendment is to provide the funds that will be required for the EPA and the States of Virginia, Maryland, and Pennsylvania to begin that process.

The EPA has already reported contamination by nitrogen and phosphorus, as well as toxic metals. It will require an extraordinary amount of cooperation between the States themselves, and also between the Federal Government and the States in order to solve these problems. To date, the bay program has been a model of interstate and Federal-State cooperation. Governor Dalton of Virginia initiated with the Governor of Maryland a bistate agreement on the Cheasapeake Bay several years ago. The Virginia-Maryland Legislatures created a joint bistate legislative commission on the bay by statute. The States have also desired Federal Government participation and counsel, as well as Federal funds. Likewise, the Federal Chesapeake Bay program has heavily involved the States through its planning and research activities.

Last summer, Senator MATHIAS and I surveyed the Potomac River in order to inspect the improvement of the water quality in the river. This great improvement came about as a result of interstate and intergovernmental cooperation—particularly in a reduction of phosphorus levels through the construction of the Blue Plains sewage treatment facility. The State of Pennsylvania has recently upgraded municipal sewage facilities that pump water into the Susquehanna River, the largest freshwater source for the bay. These efforts have been very helpful, however, further and more difficult steps will be necessary to deal with the nitrogen problem that is caused by soil and fertilizer runoff.

Governors Robb of Virginia, Hughes of Maryland, and Thornburgh of Pennsylvania met yesterday in order to plan a conference on the Chesapeake Bay cleanup that will be held in northern Virginia on December 7 through 9. This evidence of continued interstate cooperation underscores the fact that the States are serious about implementing the difficult controls that will be necessary to a successful bay cleanup effort.

This amendment will earmark $5 million from EPA's abatement and control account and $250,000 will support five staff positions in the Chesapeake Bay Liaison Office. It will be the responsibility of that office to coordinate each State's and Federal programs to insure that these efforts will complement and not duplicate each other. The remaining portion of the funds will be in the form of grants to States so that they can begin their programs to take corrective measures.

Mr. President, Congress has already spent $27 million on this program. The results we have already seen are evidence that this was money well spent. It is now imperative that we continue our commitment to insure that the Chesapeake Bay remains one of our most important and valuable natural resources.

As a cosponsor of the amendment, I urge my colleagues to join Senator MATHIAS, Senator TRIBLE and me in supporting the cleanup of the Chesapeake Bay.

Mr. MATHIAS. Mr. President, I yield to the Senator from Virginia.

Mr. TRIBLE. I thank the distinguished Senator.

Mr. President, I rise in strong support of the amendment offered by the senior Senator from my neighboring State, Maryland. This amendment has broad bipartisan support within the delegations from our two States as well.

The $5 million provided by the amendment would go to implement the findings of the Chesapeake Bay program, which will be released in their final bay management study report in September. This study has been 7 years in the making, and has already cost us $27 million. It is clearly the most comprehensive study of pollution sources and impacts ever conducted on a body of water the size of the Chesapeake Bay.

The $5 million will go to help clean up the bay, to protect the precious wildfowl and commercial fishing industries, and to maintain a minimal Federal presence in bay management activities. All these are vitally important.

Further, in my opinion, the Chesapeake Bay program has been an exemplary model of interstate cooperation. We need to assure that the progress which has been made thus far is reinforced through the continuation of activities as outlined in the management report.

For these reasons, I urge my colleagues to join me in supporting the amendment offered by the Virginia and Maryland Senators.

Mr. SARBANES. Mr. President, I rise in very strong support of this amendment.

The health of the Chesapeake Bay is vital to east coast aquatic life, and preserving and improving the health and productivity of the bay is truly in the national interest. We are now at a critical juncture in our efforts to protect this great resource. Through the 7-year EPA Chesapeake Bay study, we have identified many of the problems and are in the midst of adopting man-

agement strategies to deal with these problems.

Implementation of the management plan is the next critical step, and it is vital that EPA continue its very important role. My distinguished colleague from Maryland and I are sponsoring this amendment because we believe it is absolutely essential that funds be earmarked for this purpose.

The amendment designates $5 million, within the unspecified amounts available for abatement and control in the bill, for implementation of the management strategies identified in the Chesapeake Bay study. It is the intent of this amendment that the funds will be used to carry out the activities of the bay liaison office, for which five positions have already been provided in the bill, as well as provide matching grant funds which are essential to reinforce aggressive participation on the part of the States in the bay region. I know the State of Maryland is committed to this task. The Chesapeake Bay is the No. 1 priority of Maryland's Gov. Harry Hughes, and I can assure my colleagues this amendment is a very sound investment.

Mr. GARN. Mr. President, this is not an addition to the HUD appropriation bill. It is an earmarking of already appropriated funds. Therefore, I have no objection to the amendment, and I am willing to accept it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment (No. 1426) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1427

(Purpose: To direct funding to the Department of Health and Human Services for the implementation of Superfund responsibilities)

Mr. STAFFORD. Mr. President, I have an amendment at the desk, and I call it up for immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Vermont (Mr. STAFFORD) proposes an amendment numbered 1427.

Mr. STAFFORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with,

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, strike lines 25 through line 2 on page 20 and substitute the following:

"For performance of specific activities in accordance with section 111(c)(4) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $6,415,000 is appropriated to the Department of Health and Human Services, to be derived by transfer from the Hazardous Substance Response Trust Fund.

Mr. STAFFORD. Mr. President, I am offering an amendment which I understand the Senator from Utah will accept. The amendment affects the appropriation to the Department of Health and Human Services from the Superfund. It does not affect the level of funding provided for the Department. It merely substitutes for language contained in the bill, language recommended by the General Accounting Office. It is intended to address a problem which has been encountered over the past several years in the administration of the Superfund, and which the Comptroller General has reviewed. Based on that review, the Comptroller General has recommended that this language be included in appropriation acts. I consequently urge the Senate to retain this provision in conference.

Mr. GARN. Mr. President, this is in conformity with the General Accounting Office, and I am willing to accept the amendment.

The PRESIDING OFFICER (Mr. COCHRAN). Is there further debate on the amendment?

Mr. STAFFORD. Mr. President, there being no further debate, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1427) was agreed to.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STAFFORD. Mr. President, if the manager of the bill will yield, I should like to discuss a provision of the bill which deserves specific mention. That is the provision dealing with the enforcement of the Clean Air Act sanctions.

Mr. GARN. I would be happy to hear the comments of the Senator from Vermont, especially since he chairs the Committee on Environment and Public Works, which has jurisdiction over the Clean Air Act. It is my understanding, however, that the Senator from Vermont is not opposing the bill language. Is that correct?

Mr. STAFFORD. That is correct. But I must say that I believe we are treading on dangerous ground here. From my personal point of view, the language contained in the bill is not objectionable because it merely restates what I believe to be the law. What troubles me is that some will see this as a precedent for legislating on an appropriations bill, which is not a policy I can generally support.

In this case, I can accept the language because the set of circumstances is so unusual as to be unique. Further, since we are merely restating the law, this is not legislating in the ordinary sense of that word.

Mr. GARN. I agree that the Congress should not legislate on appropriations bills, but my understanding is that the Senator from Vermont, as well as his colleague from West Virginia, Senator RANDOLPH, have previously said that this is the correct interpretation of the Clean Air Act. Is that correct?

Mr. STAFFORD. That is indeed correct. And it is these previous statements which enable me to say that, as a matter of substance, the committee language is a correct statement of the law, and, therefore, not objectionable. I am reluctant to oppose the amendment because some people could construe opposition as a rejection of the amendment's implicit statement of the law. I think those sentiments are shared by the distinguished Ranking Minority Member, Senator RANDOLPH, although I do not presume to speak for him.

Mr. RANDOLPH. Mr. President, I agree with what the senior Senator from Vermont (Mr. STAFFORD) has said. He and I have spent a great deal of time and effort on this matter, and we are in agreement. This amendment reflects our view of the Clean Air Act, which is that sanctions are not automatically and immediately imposed merely because an area was in nonattainment status after January 1, 1983.

This is not to say that sanctions cannot be imposed in a nonattainment area. They can, where implementation plans are judged inadequate or not being enforced. But they cannot be imposed automatically, immediately, and solely because of the fact of nonattainment.

Frankly, we have been placed in a very difficult position because of the policy adopted by the previous Administrator of the Environmental Protection Agency, a claim that she had no discretion whatsoever under the law with regard to imposing the sanctions.

Mr. STAFFORD. I think that is a very fair statement. One of the facts which has made this set of circumstances so unusual is that this is a rare case where the executive branch has insisted that the discretion which the Congress built into the law does not exist. Usually, the case is just the opposite.

Mr. GARN. For the sake of the other Members who may be unfamiliar with the law in this case, could the Senator from Vermont summarize it?

Mr. STAFFORD. I would be pleased to do so. But I will be brief, since Senator RANDOLPH and I have previously

written each Member of the Senate to share our views of the law with them. He and I wrote Mrs. Gorsuch on December 10, 1982. Five days later, we wrote each Member of the Senate on this subject, enclosing both our letter to Mrs. Gorsuch and a memorandum of law of this matter. This material was also reprinted in the RECORD of December 16, 1982, where it can be found at page S. 15250.

Nevertheless, I can summarize the law as follows:

The Clean Air Act was amended in 1977 to extend the law's deadlines for achieving the primary—health-protective—air quality standards. A new deadline of December 31, 1982, was established, although extensions to 1987 can be granted for pollutants originating from automobiles.

Congress also amended the law to establish sanctions, including a Federal funding cutoff and a construction moratorium, but these sanctions are not for failing to achieve the standards on time. Instead, they are for areas which fail to develop, implement or enforce plans for cleaning up their air.

This is an important distinction, but one which is very clear after a careful reading of the law. The Clean Air Act specifically refers to a failure of the plan to meet the law's requirements and to those cases where the Governor has not submitted an implementation plan or is not implementing any requirement. It is admittedly easy for a person unfamiliar with the law to leap to the erroneous conclusion that sanctions come into effect when a deadline is reached with an area still in nonattainment. But as a matter of fact and law, the Clean Air Act sanctions attach only to failure to submit and implement adequate plans. This is clear from a close reading of the law.

There are two important sanctions in the law. One provides for a cutoff of Federal funding for highway and air pollution programs, the other for a ban on new source permitting.

With respect to restrictions on funding for highways and air pollution control programs, the act very clearly does not contemplate immediate imposition of those sanctions in areas that are implementing approved implementation plans but that are found, after December 31, 1982, to exceed one or more of the ambient standards. The highway funding sanctions are, of course, applicable only to those areas that are nonattainment for motor vehicle related pollutants. Withholding of highway funds is to take place only where a State implementation plan did not consider those elements prescribed for such a plan by the act. If a plan was approved by EPA, it presumably did include all the required elements.

Grants for a State's air pollution control program must be withheld either under the same circumstances that require withholding of highway funds or where an area is failing to implement the requirements of an approved plan. Where an area that is implementing all the requirements of an approved plan is found to exceed an ambient standard, imposition of the funding sanction is not appropriate unless the State fails to revise its implementation plan within a reasonable time and include in the revised plan all the elements specified in the act.

With respect to new source permits, there are several provisions of the act that relate to this question. The purposes for which Congress adopted the prohibition on new source permits in 1977, together with the very clear fact that the objective of the Clean Air Act is to improve air quality, compel the conclusion that the immediate and automatic imposition of the prohibition on new source permits is contrary to the requirements of the Act.

The moratorium on new construction was adopted to insure that those areas not meeting national primary ambient air quality standards and not operating a program in accordance with an approved implementation plan, could not allow additional emissions from new major sources of the pollutant for which the area was nonattainment. Once an area began operating under an approved plan—which must require continued reductions in total emissions, taking new source growth into account—the prohibition on new sources was to be lifted.

Those areas that have been operating under plans approved by the Environmental Protection Agency, that is, plans that, among other requirements, were found at the time of approval to provide for attainment of the ambient air quality standards by the statutory deadline, have been complying with the law. If such an area is determined to exceed one or more of the ambient standards after December 31, 1982, the Administrator is charged with notifying the State that the plan is inadequate to achieve the standard or standards, and the State must, within a reasonable time, revise its using all reasonably available control measures. If a State follows this course, it is complying with the requirements of the act and is not subject to the prohibition on issuance of new source permits.

The committee amendment is consistent with and reflects our view of the meaning and effect of the Clean Air Act sanctions.

Is this explanation satisfactory to the Senator from Utah?

Mr. GARN. Yes, it is. Unless there is some other comment or observation, I have heard all that I need to.

Mr. RANDOLPH. Mr. President, there is one portion of the HUD-Independent Agencies appropriation measure on which I will comment. Specifically, I am concerned about several points relating to funding for the Environmental Protection Agency.

Both the Environment and Public Works Committee and the Appropriations Committee encouraged Administrator William D. Ruckelshaus to review the fiscal year 1984 budget request and suggest revisions that he felt were appropriate. Last week, on the evening of Monday, June 13, Mr. David Stockman, Director of the Office of Management and Budget, transmitted those recommendations to the Appropriations Committee prior to consideration of the HUD-Independent Agencies bill Tuesday morning. Despite the efforts of our colleague Senator LEAHY to restore Agency funding to fiscal year 1981 levels, the Appropriations Committee adopted the fiscal year 1984 request of the President plus the $265.5 million suggested by Mr. Ruckelshaus. This total is somewhat less than had been recommended in March by the Committee on Environment and Public Works in its report to the Budget Committee.

Two points need to be made both regarding the handling of this additional request and the adequacy of the recommendation itself.

Clearly, EPA and OMB recognized the value of having this recommendation incorporated into the reported version of the HUD-Independent Agencies Appropriation bill. However, the Environment and Public Works Committee was not notified that the recommendation was being made. As our committee has prime oversight responsibility for EPA programs, this omission is particularly significant. There was no opportunity for Members to review or comment on the proposal or otherwise evaluate the effect it would have on various programs. I would counsel both EPA and OMB to include the authorizing committees in the process on future occasions.

My second concern is whether the proposal we consider does in fact provide adequate funding for the Environmental Protection Agency. I for one am not fully confident that the Agency will have the resources to properly discharge its responsibilities.

During his confirmation hearings Mr. Ruckelshaus was asked several questions regarding budget trends and policy considerations. Understandably, he deferred comment on several matters pending an opportunity to better acquaint himself with the issues. Those questions are still largely unresolved on the basis of the budget recommendation submitted to Senator GARN, the chairman of the HUD and Independent Agencies Subcommittee.

I am encouraged by recent indications that EPA is moving toward a new stability under the leadership of Mr. Ruckelshaus. I hope that he will not

hesitate to apprise Congress of additional resource needs as he and his new staff assume responsibilities at the Agency.

This bill also includes language adopted by the House regarding the imposition of sanctions by the Environmental Protection Agency for failure of areas to attain the air quality standards of the Clean Air Act by certain deadlines.

While ordinarily I disapprove of substantive amendments attached to an appropriations measure, I will support this provision because, in the view of the Committee on Environment and Public Works, this provision in no way changes the Clean Air Act. It is, instead, a clarification of the act.

In a letter to the former Administrator of EPA, Chairman STAFFORD and I wrote on December 10, 1982, that "we do not believe the law compels immediate or automatic restrictions on permitting and funding for areas that, in spite of implementing the requirements of approved State plans, do not achieve ambient standards by the statutory deadline." According to Representative HENRY WAXMAN, who proposed the amendment on the House floor, this language simply ends a disagreement between the EPA and the Congress over an interpretation of how the sanctions provided in the Clean Air Act are to be applied; it does not change existing law.

The EPA published a notice of proposed rulemaking in February of this year setting out the conditions upon which the Administrator was to impose sanctions in areas of this country which have not shown actual attainment of the national ambient air quality standards by December 31, 1982. The EPA proposed to apply the sanction to areas which had in place a State implementation plan, which had shown reasonable further progress in implementing the plan which had been approved by EPA, and whose only failure was not to actually attain the December 31, 1982, deadline. It is my belief that this is a misinterpretation of the Clean Air Act, and that the language in this appropriations bill clearly states the correct interpretation of the Clean Air Act.

AMENDMENT NO. 1428

(Purpose: To add a mortgage relief program)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ), for himself and Mr. RIEGLE, proposes an amendment numbered 1428.

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 52, between lines 2 and 3, insert the following:

TITLE V—HOMEOWNERS' RELIEF

SHORT TITLE

SEC. 501. This title may be cited as the "Unemployed Homeowners' Relief Act of 1983".

AUTHORITY

SEC. 502. (a) The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary"), acting through the Government National Mortgage Association, shall guarantee and make commitments to guarantee the timely payment of the principal and interest on junior mortgage loans made under this title in order to assist homeowners in avoiding foreclosure on their mortgage loans.

(b) No guarantee shall be made under this title except pursuant to a commitment to guarantee that is entered into pursuant to this title prior to October 1, 1984.

ELIGIBILITY

SEC. 503. (a) To be eligible for a guarantee under this title, a junior mortgage shall have been executed by a mortgagor—

(1) who has incurred a substantial reduction in income as a result of involuntary unemployment or underemployment due to adverse economic conditions and is financially unable to make full mortgage payments;

(2) who is in default on a mortgage secured by a single family dwelling which is his principal residence; and

(3) who, prior to becoming unemployed or underemployed, maintained good mortgage payment practices.

(b) No assistance may be made with respect to a mortgage under this title unless—

(1) the property securing such mortgage (or other security interest in the case of units in cooperative or condominium projects, or in the case of any manufactured home and the lot on which such home is situated) is a one-family residence (including one-family units in a condominium project, a membership interest and occupancy agreement in a cooperative housing project, and any manufactured home and the lot on which such home is situated) and is the principal residence of the mortgagor involved;

(2) such mortgage is not insured under the National Housing Act or assisted under title V of the Housing Act of 1949;

(3) the original principal obligation of such mortgage does not exceed the principal amount that could be insured, at the time such mortgagor applies for assistance under this title, with respect to the property of such mortgagor under section 203(b) of the National Housing Act (or under section 203(n) or 234(c) of such Act with respect to a unit in a cooperative housing project or condominium project, respectively).

(c) A guarantee may be made under this title only if the Secretary finds that—

(1) the holder of the mortgage has indicated to the mortgagor that it intends to foreclose, that all available forbearance remedies have been exhausted, and that foreclosure would result if assistance under this title were not provided; and

(2) there is a reasonable prospect that the mortgagor will be able to make the adjustments necessary for a full resumption of mortgage payments.

TARGETING

SEC. 504. (a) On or after 120 days after assistance is first made available in a State, the Secretary may cease making commitments to guarantee loans in that State if, on the basis of factual information, he determines that—

(1) the State is located in a Federal Home Loan Bank district in which the mortgage delinquency rate for two consecutive reporting periods has been less than the average mortgage delinquency rate of all districts; and

(2) the State has an unemployment rate, as determined by the Bureau of Labor Statistics, which has remained for three months below the rate for the United States or the average rate experienced in such State for the calendar years 1978, 1979, and 1980.

(b) After taking action under subsection (a), the Secretary shall submit a report to Congress within 15 days of such action, describing his decision and the factual basis for making it.

(c) For the purpose of subsection (a) the term "mortgage delinquency rate" means the amount that is derived by dividing the amount of funds represented by mortgage delinquency series maintained by the Federal Home Loan Bank Board and for which payments have been delinquent for 60 days or more by the amount of all funds represented by mortgage loans and contracts which would be accounted for in such series for that district.

MAXIMUM AMOUNT AND ESCROW PROCEDURES

SEC. 505. (a) The principal amount of a loan guaranteed under this title may not exceed the sum of the total amount of payments due under the first and any other senior mortgage for principal, interest, taxes, ground rent, hazard insurance, and mortgage insurance for any delinquent payments during the three-month period prior to the date of the loan and for payments becoming due during a period of not to exceed twenty-four months after the date of the loan, plus a premium representing an amount equal to the amount of interest which will accrue on the unpaid principal balance of the loan during the period beginning on the date of the loan and ending when the mortgagor's repayment obligation commences. Notwithstanding the preceding sentence, the Secretary shall require the mortgagor to make such payments on the first mortgage and any other senior mortgage as the mortgagor is capable of contributing under regulations of the Secretary but not less than 5 per centum of the monthly mortgage payment during the period covered by the guaranteed loan.

(b) A guarantee under this title may be made only pursuant to an agreement under which the lender will—

(1) assume the first 10 per centum of any loss on a guaranteed mortgage;

(2) deposit the loan proceeds in an escrow or trust account (that bears interest at a rate determined by the Secretary to be appropriate) which shall be available for (A) payments of principal, interest, taxes, ground rents, hazard insurance, and mortgage insurance premiums due on the first mortgage, (B) payments of interest to the lender during the period prior to the commencement of the repayment period, and (C) prepayment of principal on the loan guaranteed under this title; and

(3) pay to the mortgagor any amounts remaining in the escrow or trust account after

fulfillment of all obligations related to the loan guaranteed under this title.

(c) In the event that a loan guaranteed under this title is sold to other investors, the Secretary shall guarantee timely payment of interest during the period prior to commencement of the mortgagor's repayment obligation and of 100 per centum of principal and interest in subsequent years.

(d) The mortgagor's repayment obligation on any loan quaranteed under this title shall commence not later than the expiration of twenty-four months following execution of the second mortgage, and a loan shall be fully amortized with equal payments not later than twelve years after repayment commences.

(e) No guarantee may be made under this title with respect to a loan that the Secretary determines bears an interest rate or fee that is excessive.

(f) The Secretary may make such delegations and accept such certifications with respect to the processing of guarantees provided under this title as he deems appropriate to facilitate the prompt and efficient implementation of the assistance authorized under this title.

CERTIFICATION

SEC. 506. A guarantee under this title shall be provided by the Secretary upon certification by a lender approved by the Secretary for the purpose of any mortgage or loan insurance program under the National Housing Act that—

(1) the loan conforms to the requirements of this title and is secured by a lien on the mortgagor's principal residence;

(2) the mortgagor has met the eligibility requirements of this title; and

(3) the lender or its agent has provided appropriate credit counseling to the borrower.

AUTHORITY OF THE SECRETARY

SEC. 507. (a) The Secretary shall issue final regulations implementing this title not later than thirty days after the date of enactment of this Act.

(b) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real or other property by the United States, the Secretary shall have power, for the protection of the interest of the United States, to pay all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by the Secretary as a result of recoveries under security, subrogation, or other rights.

NOTIFICATION

SEC. 508. (a) Each Federal supervisory agency, with respect to financial institutions subject to its jurisdiction, and the Secretary, with respect to other approved mortgagees, shall, prior to January 1, 1984, (1) take appropriate action, not inconsistent with laws relating to the safety or soundness of such institutions and mortgagees, to waive or relax limitations pertaining to the operations of such institutions or mortgagees with respect to mortgage delinquencies in order to cause or encourage forbearance in residential mortgage loan foreclosures, and (2) direct mortgagees promptly to inform mortgagors against whom foreclosure proceedings have been initiated of the assistance available under this title.

(b) For the purpose of this section, the term "Federal supervisory agency" means the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration Board.

GUARANTEE TERMS

SEC. 509. (a) The full faith and credit of the United States is pledged to the payment of all guarantees made under this title. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

(b) The Secretary may impose a fee of not to exceed 1 per centum for any guarantee under this title.

LIMITATION

SEC. 510. The aggregate amount of guarantees outstanding under this title may not exceed $500,000,000 at any time.

Mr. HEINZ. Mr. President, I offer this amendment on behalf of Senator RIEGLE and myself.

Had the housing authorization bill been in force, I would have offered the amendment to that bill. It deals with mortgage foreclosure assistance. Of course, the fact that we pulled down the housing authorization bill makes it very difficult for us to legislate the way we should—first, there should be an authorization and then an appropriation.

Unfortunately, for reasons apparently beyond the control of this body, we have decided to lay the authorization bill aside, and I am forced—somewhat unwillingly, I might add—to deal with this on an appropriation bill. I reiterate for the floor managers that I am not happy about the prospect of legislating on an appropriations bill.

I say for the benefit of my friend—and he is my friend—Mr. GARN, the chairman of the Banking Committee, that I know he does not want to do it this way either. He wants to have the authorization acted upon, but neither he nor I knows when the authorization is going to come back before this body. Therefore, I offer my amendment on mortgage foreclosure relief at this time.

Let me give the Senate two pieces of information regarding this amendment. First, there is a need for a national approach to this problem. There are some 445,000 home loans that are past due as of the end of the first fiscal quarter; that is March 31, 1983. I did not make up the number. It comes to us from the Mortgage Bankers Association of America. Also, they indicate that 60,000 loans are in foreclosure. So we have a problem.

Mr. President, the second thing I want to say is that what Senator RIEGLE and I are proposing is a responsible solution. I have to say that because I believe there is a perception problem with the issue of mortgage foreclosure relief. That problem is that the House of Representatives wrote a very specific entitlement program which gives direct Federal loans to homeowners not to the financial institutions that normally deal with these homeowners. By doing so, the House would establish a very significant entitlement program. It did so in a way that might very well lead to more foreclosures rather than less. It is not my solution to this problem.

However, what has happened is that it is not the President's solution to this problem, either. He and the House have gotten into quite an argument—one that he won, by the way—on whether or not the House mortgage-foreclosure legislation was good or bad. The House decided that it was bad legislation, and the issue has become a political football between the President and the House of Representatives. I believe that this legislation, different as it is from what is over in the House, has been tarred and feathered a little by that political football match in the House of Representatives.

By the way, I do not say that the President was wrong in his reservations about the House bill, because we in the Senate have gone out of our way in this legislation to avoid those problems. I want to take a moment to explain just how we do avoid the problems that I understand the President had with the House bill, so that my colleagues do not think they are voting on the House bill. Instead, I want them to vote for this amendment or against a motion to table, if it is made, rather than against the bill or for the motion to table on the assumption that it is like the House bill.

I point out that these loans are only for homeowners suffering involuntary unemployment. They can only be made available, after all other reasonable financial remedies, such as the liquidation of nonessential personal and real property and the use of savings have been exhausted.

The mortgagor must be in default on a single-family dwelling that is the mortgagor's principal residence. The mortgagor has to have had a good record of mortgage payments. Assistance is limited only to non-FHA and Farmers Home mortgages with an original principal balance not greater than the FHA limits. The Secretary, that is to say, in effect, the local office of HUD, must find that forbearance remedies, all the normal ones, have been exhausted and foreclosure would result if guarantees were not provided. The Secretary must find that there is a reasonable prospect that the mortgagor will be able to repay the mortgage and the second loan that is made available through the legislation and that the size of the loan that we guarantee through this legislation must depend on reasonable expectations of the mortgagor's future resources. The mortgagor has to contribute at least 5

percent of the monthly mortgage payments. The lender, so that he is at risk and has a disincentive against irresponsible lending, must assume the first 10 percent of any loss on a guaranteed mortgage. The loans are for no more than 24 months and are to be repaid over a 12-year period or less, and the Secretary is authorized to impose an up-front-guarantee fee of not to exceed 1 percent for a reserve fund to help defray the cost of defaults.

Mr. President, even though I think those not only distinguish this legislation from the House approach, Senator RIEGLE and I have changed our original provisions to title VII of the authorization bill in two additional ways that I believe are significant.

First, we have reduced the program authorization period from 2 years to 1 year and cut the Federal Budget Authority from $750 million to $500 million.

Second, we have placed in the program targeting requirements that will assure that this program is operated with a maximum amount of efficiency. Specifically, we say that after 120 days of operation the Secretary will not have to make this program available in those States or in those Federal home loan bank districts where the mortgage delinquency rate is below the national average and where their unemployment rate for 3 consecutive months is below the national average or below the State average unemployment rate for the 3 years 1978 through 1980.

I say that we have made those changes not because we have received particular criticisms from our colleagues. However, we do want to emphasize again that this approach is a responsible one. We wanted to allay potential concerns that the bill is not sufficiently targeted or that the authorizations somehow would outlast the need. We have attempted to accommodate such concerns and I believe we have done so.

The only observation I would make in closing, Mr. President, is that this legislation is not going to increase the Federal deficit. We anticipate that it will be self-financing, that there will be no loss to the Federal Government through defaults that is not covered by reserves accumulated from the loan guarantee fee. We are not going to create any new bureaucracy. It will be handled by existing personnel in existing offices. It is a fair, equitable, and a responsible approach to the problems of the unemployed who have been unemployed for a very lengthy period and who can no longer meet their obligations due to that unemployment.

I believe that what Senator RIEGLE and I have proposed is in the best interest of this country. It will preserve in those regions of our country that have been slow to recover, that have been hard hit the longest, the continued presence in their homes of a valuable pool of skilled workers who will be available to return to the jobs in the autoplants, the mills and the factories, as the promise of economic recovery becomes a reality.

I hope, Mr. President, that our colleagues will help adopt this legislation. I believe it is the right approach. I believe the time is right, and I believe that a vote for the legislation is the right vote.

Mr. RIEGLE. Mr. President, will the Senator yield?

Mr. HEINZ. I am happy to yield to my friend from Michigan.

Mr. RIEGLE. I thank the Senator for yielding.

I, of course, joined with him as a cosponsor, and we have spoken about this earlier today during the period of time we were discussing the housing authorization bill.

This is a vital program that was supported on a bipartisan basis within the Banking Committee by a strong vote some weeks ago, and we have tightened this program down, as the Senator from Pennsylvania said. It responds in the most prudent way possible to an enormous national problem.

I ask for the yeas and nays on the Senator's amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. RIEGLE. I thank the Senator for yielding.

Mr. HEINZ. I thank my friend from Michigan.

Mr. President, I wish to reinforce briefly what he is saying. This approach, even before we modified it, was accepted by a bipartisan vote in the Banking Committee and it was not just a 1-vote margin. It was a 11 to 7 vote. And in our committee that is an overwhelming vote. I think even my chairman would agree that an 11-to-7 vote is a very solid vote of support.

I hope my colleagues who are listening here in this crowded Chamber at this moment will hear these words.

Mr. GARN. Mr. President, I rise in opposition to this amendment.

The Senator from Pennsylvania and the distinguished Senator from Michigan are correct, that this amendment or a similar amendment was attached to the authorization bill in the Banking Committee. That is the proper place for it to be done. Although I was on the losing side of that amendment, I have learned how to count and they handled it properly because it is legislation. It is not an appropriation.

I find myself in the unusual situation of chairing both committees, the full Committee on Banking and the HUD Subcommittee. I try very, very hard to separate the two jobs, to legislate in the Banking Committee and appropriate in the Appropriations Committee.

So we are doing two things here that bother me. First of all, we are adding $760 million in budget authority. I have a tentative approval from the administration that they will sign this bill. We have been able to have that happen 2 years and keep it out of supplemental appropriations which are in a continuing resolution which no one likes.

I have a statement here from the administration, and I will not take the time to go through what the other problems are, but given these problems any floor add-on amendments would make it difficult to find this bill consistent with the President's request.

There have been other amendments as small as $5 million to $20 million tonight that have not been offered because they want a HUD appropriations bill. Here we have $760 million in budget authority that would add $50 million in outlays in fiscal 1983, $200 million in outlays in fiscal 1984, and continues to add money into the future, to a total of $760 million.

Mr. HEINZ. Mr. President, if the Senator will yield for a correction, because I do not think I mentioned this in my statement and I may have inadvertently misled the Senator. When we changed it from a 2-year authorization to a 1-year authorization we lowered the amount of money from $750 million to $500 million.

I do not imagine it changes the Senator's argument. But I just wanted him to be aware of what we did.

Mr. GARN. I appreciate the correction, although looking at the limitation here in the amendment, unless the Senator modified it, it says $750 million, section 518.

Mr. HEINZ. I think the one at the desk says $500 million. I apologize to your staff for inadvertently giving him the wrong one.

Mr. GARN. I wish the Senator from Pennsylvania, though, to understand that in Utah $500 million is still a lot of money.

Therefore, I am pleased that it is smaller, but it is still bigger than all of the other amendments that were proposed to be offered together.

But getting away from the additional money which I think could cause problems with this bill being signed into law, I must put on my hat as the Banking Committee chairman and say that this is seven pages of legislation on an appropriations bill, and I will attempt to deal with this in the proper manner on the authorization bill. It was true today. It was necessary to pull down the housing authorization bill, but the Senator well knows as a member of the Banking Committee that I like to do things properly, according to the rules, and I would like

to have an authorization bill passed by the Senate this year.

So we pulled it down today. I do intend to make every effort to get it back up on the floor and have it considered and passed during July. And that is the proper place.

Then the only argument I could make against the Senator is simply the budgetary impact and there would certainly be no argument whatsoever as far as legislating on an appropriations bill. I think that is highly important. We do it but we do it far too often. And even if I were in favor of the Senator's amendment, I would still be opposing it on the grounds that the proper place to do it is in the authorization committee and not here on the HUD appropriations bill.

I have no desire to speak further, and if——

Mr. HEINZ. Before the Senator does what I think he is going to do.

Mr. GARN. I would be happy to yield, you are correct about what I am going to do.

Mr. HEINZ. Mr. President, I thank the Senator from Utah for yielding. I understand he has reservations about the $500 million loan guarantee authority. Let me just say that I find it ironic that the Senator from Utah should be saying that he objects to $500 million in loan guarantee authority when the total new budget authority in this appropriations is $54.254 billion.

If you assume that the $54 billion was all loan guarantee authority, and it is not, this would be less than 1 percent of all the loan guarantee authority that is in this bill. But in fact, of course, most of this appropriation will result in direct expenditures. So I must say there is a certain irony in the Senator from Utah saying that this $500 million loan guarantee is going to break the camel's back because, as I look at the camel, I see it is a very big camel indeed, totaling some $54.254 billion in new budget authority.

Mr. GARN. The Senator is correct, it is $54 billion in 1983 dollars but I would point out to the Senator that the HUD subcommittee budget in 1979 was $69.1 billion; in fiscal 1980 it was $67.2 billion in constant 1979 dollars; similarly in fiscal 1981, $58.2 billion; fiscal 1982, $45.4 billion; and fiscal 1983, $39.4 billion. The $54 billion in this 1984 bill represents only $38 billion in constant fiscal year 1979 dollars. So the Senator is correct, yes, we are appropriating $54 billion but that is considerably less than in prior years. As a matter of fact, if you do not even look at deflated dollars it is considerably less than the $69.1 billion in fiscal 1979. So we have made a major contribution in reducing the Federal deficit more than any other appropriations subcommittee.

Mr. HEINZ. Will the Senator yield further?

Mr. GARN. Yes, I would be happy to yield.

Mr. HEINZ. Also on page 110 of the committee report, in 1983 the limitation on guaranteed loans was roughly $114 billion. In this appropriation the limitation is $119 billion of a $5 billion increase in loan guarantee authority, as I understand the Senator's bill, and really all we are asking for here is, in effect, 10 percent of that increase in loan guarantee authority. This bill has $119 billion of loan guarantee authority in it, as I understand the report.

Mr. GARN. That is correct, and $5 billion of that increase is for FHA, Federal Housing Administration, the entire increase.

Mr. HUDDLESTON. Will the Senator yield?

Mr. GARN. Yes, I am happy to yield to the Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, I am very much in sympathy with the proposal of the Senators from Michigan and Pennsylvania. I think we do have some serious foreclosure problems that we should address.

On the other hand, I also have to say that the distinguished floor manager and subcommittee chairman, the Senator from Utah, has made some valid points regarding the appropriations process and the total amount in the bill. With the assurances that he has given us, that he has accepted the situation which prevailed in the Banking Committee, and in view of the likelihood that we can address this matter in a proper way through the authorizing process, hopefully in the near future, it seems to me we should avoid putting additional baggage on this particular legislation, which might provide somebody the excuse that they are looking for to recommend that this legislation not be signed by the President. If the bill were not signed, a lot of hard work would go down the drain and a lot of worthy programs and projects would have to be reconsidered.

So despite the fact that I believe the Senator from Pennsylvania and the Senator from Michigan are on the right track, I will support the Senator from Utah in the move that I suspect he is about to make, in the hope that the amendment can be considered soon on another vehicle.

Mr. GARN. Mr. President, I do intend to move to table this amendment. The reason I use that procedure is because it is legislation on an appropriations bill. If it were not I would certainly give the Senator from Pennsylvania an up or down vote. But I do move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah to lay on the table the amendment of the Senators from Pennsylvania and Michigan.

The yeas and nays were ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Missouri (Mr. DANFORTH), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Indiana (Mr. QUAYLE) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 55, nays 39, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—55

Abdnor	Hatch	Packwood
Andrews	Hatfield	Percy
Armstrong	Hecht	Proxmire
Baker	Heflin	Pryor
Bentsen	Helms	Roth
Chafee	Huddleston	Rudman
Chiles	Humphrey	Simpson
Cochran	Jepsen	Stafford
Cohen	Johnston	Stennis
Denton	Kassebaum	Stevens
Dole	Kasten	Symms
Domenici	Laxalt	Thurmond
Durenberger	Lugar	Tower
East	Mattingly	Wallop
Exon	McClure	Warner
Garn	Mitchell	Wilson
Goldwater	Murkowski	Zorinsky
Gorton	Nickles	
Grassley	Nunn	

NAYS—39

Baucus	Dodd	Matsunaga
Biden	Eagleton	Melcher
Bingaman	Ford	Metzenbaum
Boren	Hart	Moynihan
Boschwitz	Hawkins	Pell
Bradley	Heinz	Randolph
Bumpers	Inouye	Riegle
Burdick	Jackson	Sarbanes
Byrd	Kennedy	Sasser
Cranston	Lautenberg	Specter
D'Amato	Leahy	Trible
DeConcini	Levin	Tsongas
Dixon	Mathias	Weicker

NOT VOTING—6

Danforth	Hollings	Pressler
Glenn	Long	Quayle

So the motion to lay on the table amendment No. 1428 was agreed to.

Mr. GARN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. I move to lay that motion on the table, Mr. President.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, could I inquire of the managers how much longer they think they need before we finish this bill? It looks to me like we are sort of coming down the homestretch.

Mr. GARN. Mr. President, I know of a brief colloquy between the Senator

from Michigan and this Senator and a brief statement by the Senator from Vermont. We should be at final passage within 10 minutes.

Mr. BAKER. Mr. President, I thank the Senator. I very much hope that is the case.

It will be my intention, Mr. President, after we pass this bill, to ask the Senate to go tomorrow to the energy and water appropriations bill.

I thank the Senator.

Mr. RIEGLE. Mr. President, I would like to briefly inquire of the chairman.

Mr. GARN. Could we have order so that the Senator from Michigan can be heard?

The PRESIDING OFFICER. The point of order is well taken. Senators will please take their seats.

Mr. RIEGLE. As the chairman knows the committee report on the authorization bill, which we took up earlier today on page 21, discusses the importance of the central underwriting staff of the UDAG program and the importance of maintaining that staff in a strong capacity here at the Federal level so that we can maintain this national competition evaluation and helping develop the economic development proposals of cities that compete for UDAG grants.

As a matter of fact, we included, as the chairman knows, strong language in the housing authorization report on that. I notice that in the appropriations bill report, there is, on page 32, talk about reducing the central staff and relieving pressure on the staff resources in the HUD field offices. I just want to make sure that we are clear and if it would be the thought of the chairman that we do want, in the area of the UDAG program, to maintain that strong central staff. I take it that the appropriations bill does not envision in some way weakening that staff or farming out its responsibilities across the country. Am I correct in that?

Mr. GARN. It is not the intent of the committee to decimate that staff. It is a merit-based and a professional staff. I surely think that professional level should be maintained.

Mr. RIEGLE. So it would be fair for me to conclude that it is the view of the chairman and the legislative history will show that we have no intention here in this appropriations bill to take away part of the central staff of the UDAG program or in any way weaken its professional capability.

Mr. GARN. Mr. President, that is not my intent. That is why I answered as I did. It is true there could be some transfers, but I used the word "decimate" to indicate that we do not expect them to take it apart and dissolve it. We expect them to maintain a professional staff.

Mr. RIEGLE. I thank the Senator. It is very important, and I strongly stress my support for maintaining it.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, for the last 3 years, I have concentrated my attention in the HUD-Independent Agencies Subcommittee on the effects of budget cuts at the Environmental Protection Agency and the Agency's ability to enforce our environmental laws.

I believe that oversight is one of the Congress most important constitutional responsibilities. We must do more than write laws and decide policies. It is also our responsibility to perform the oversight necessary to insure that the administration enforces those laws as Congress intended.

I decided to concentrate my oversight work on this subcommittee on the Environmental Protection Agency because, in 1981, the Agency was subjected to severe cuts in its budget. These cuts have continued this year. In fact, if we had accepted the 1984 budget originally proposed by the President, the research and pollution control budget would have been cut 46 percent compared to 1981 levels.

As the former State's attorney of Chittenden County, Vt.'s most populous county, I know it takes resources to enforce our laws. All the anticrime rhetoric means nothing, if we do not have the police to catch the criminals and the attorneys to prosecute them.

Thus, I was concerned about the impact of these severe budget cuts on Agency's ability to enforce our environmental laws. The Reagan administration's dramatic reductions in the EPA budget have put the Congress, and especially the Appropriations Committee on which I serve, in a very odd position. For years we have pushed agencies to be more efficient by cutting waste and managing more effectively.

Before our committee, this is just what EPA Administrator Burford testified she was doing. She claimed that a 40-percent cut in the EPA budget could be accommodated with no reduction in public health protection. But the claim that the agency could cut its budget 40 percent strained credibility. There is no line item for waste and fraud in the EPA budget.

In contrast to the Department of Defense budget, where the President has argued massive spending increases are necessary, the Environmental Protection Agency has been asked to do more, or at least as much, with much less.

The Reagan administration has contended that this is possible through increased efficiency, by delegating responsibilities to the States and because unnecessary tasks are no longer being done. In four reports I have issued, I addressed each of these issues.

In the course of preparing these reports, I found that Administrator Burford was just not leveling with Congress. In fact, when the budget was slashed, environmental law enforcement suffered.

Thus, when the Appropriations Committee considered the HUD-Independent Agencies bill, I offered an amendment to increase funding for the Environmental Protection Agency to 1981 levels of $1.3 billion. When I offered this amendment in the subcommittee, it lost on a tie vote. This level was $50 million less than that recommended by the authorizing committee and was within the budget resolution.

After that very close vote in the subcommittee, the administration proposed an amendment to the original 1984 request raising funding for research and pollution prevention and control by $165 million.

I welcomed this additional request as a positive step forward. However, it was a completely inadequate proposal.

The deficiency of the proposed level of funding is clear from one fact—the operating budget proposed in the markup notes is about the 1974 level of funding.

Since 1974, the Congress has given the Environmental Protection Agency and the States major new responsibilities by amendments to existing laws or new statutes. For example:

Major amendments to the Clean Water Act (Public Law 92-500): 1972.

The Safe Drinking Water Act: 1974.

The Resource Conservation and Recovery Act: 1976 (hazardous wastes).

The Toxic Substances Control Act: 1976.

Further amendments to the Clean Air Act and the Clean Water Act, each with major initiatives on toxic chemicals: 1977.

Amendments to the Federal Insecticide, Fungicide and Rodenticide Act: 1978.

These new statutes were enacted, in a large part, because the chemical revolution, so beneficial to our society in many other ways, caused pollution problems much more difficult to control than traditional pollutants. We cannot deal with the vastly more complicated environmental problems of the mid-1980's with the pollution control budget of the early 1970's.

The insufficiency of the proposed budget can also be seen in the problems this lack of funding has caused the Agency.

In the enforcement program, Edward Kurent, formerly associate enforcement counsel, recently warned that "the resource shortfall had reached crisis proportions." He noted that, while the workload of the agency was increasing, the number of lawyers had been cut by one-third.

In the water pollution control program, the Agency's own workload analysis states:

Actual resources available to the regions—are far less than necessary to even meet the major needs of the program—for example, the workload for issuance of permits (the highest priority of this program element) not only excludes all minor permits, but includes only a portion of the majors that should be issued during fiscal year 1984.

In the drinking water program, EPA's workload analysis stated that EPA does not routinely conduct compliance visits to all (drinking water) systems with (public health standard) violations.

In the hazardous waste program, only 14 final permits out of 8,000 have been issued 5 years after the statute was enacted.

The research and development program is so inadequate that the Chemical Manufacturers Association joined with the Environmental Defense Fund in a law suit to require the Agency to do research work required by law. The President of the National Academy of Sciences has also warned:

The research activities of the Environmental Protection Agency continue to be devastated at a time when more, not less science, is needed for regulatory decision making.

The National Governors' Association has warned that the large cut in State grants will require curtailment in a number of environmental protection activities by a level at least proportionate to the reduction in Federal support.

All of these serious shortcomings existed under the 1983 budget. Unfortunately, the new administrator's new budget request only increases the 1983 pollution control and research budget by 1 percent—hardly enough to rebuild the agency's enforcement program which has suffered a 40-percent cut in its budget.

In summary, Mr. President, I am both heartened and disappointed. I am heartened that the new administrator has moved to stop the decline in the pollution control and research budget. However, I am very disappointed that he has not moved to rebuild this agency to at least its 1981 capabilities.

I shall continue my oversight. I shall continue to work to insure that our environmental laws are enforced.

Mr. GARN. Mr. President, at our subcommittee markup on June 9, the subcommittee recommended an increase of $138.6 million above the budget request for EPA and $121.5 million over the fiscal year 1983 level.

On June 13, I received a letter from Bill Ruckelshaus stating that he intends to submit a budget amendment to the President requesting an additional $265.5 million for fiscal year 1984 resulting in a total program level of $3.968 billion or an increase of $248.4 million over the fiscal year 1983 level for an increase of 6.7 percent.

The committee action incorporated all of the Ruckelshaus recommendations by going to the highest number—either the subcommittee's recommendation or the Administrator's—for a new total of $3.998 billion. This is an increase of $295.5 million above the request. It would also add 1,100 work years over the original request.

The committee action also retained the subcommittee's specific add-ons within the amendment.

The following increases over the fiscal year 1983 level are provided: $26.3 million for S&E; $23.7 million for R&D; $24.8 million for AC&C; and $200 million for Superfund, for a total of $278.4 million over the fiscal year 1983 level.

Mr. Ruckelshaus states, in the letter, that these funds will provide him with "adequate resources to do the job" "to fund an aggressive environmental cleanup effort". He further states not only in the letter, but in conversations that this is about the maximum amount that EPA can effectively utilize.

We can always provide additional funds at a later time if necessary. But we all know that it is the Administrator's commitment to a program that he has structured that will make the program effective or ineffective.

Mr. DOMENICI. Mr. President, I would like to commend my distinguished colleagues, Senators HATFIELD and GARN, and the members of the Senate Appropriations Committee for reporting the first fiscal year 1984 appropriation bill. This action is a full 3 months earlier than the first bill was reported in the Senate last year.

I support the HUD-independent agencies appropriation bill as reported by the committee.

H.R. 3133 provides $54.3 billion in budget authority and $35 billion in outlays for fiscal year 1984 for the important activities of the Department of Housing and Urban Development, the Veterans' Administration, the Environmental Protection Agency, the National Aeronautics and Space Administration, the National Science Foundation and other independent agencies.

With outlays from prior-year budget authority and possible later requirements taken into account, the HUD-Independent Agencies Subcommittee is $3.6 billion in budget authority and $0.2 billion in outlays below its crosswalk allocation under the Senate-passed first budget resolution.

As my colleagues may be aware, the Senate and House budget conferees reached agreement on the fiscal year 1984 first budget resolution late last night.

Although the subcommittee may receive additional funds in its crosswalk allocation when the budget conference agreement is adopted, any major amendments to the bill could result in the subcommittee exceeding its outlay allocation under the Senate-passed budget resolution.

I, therefore, urge my colleagues to support the bill as reported by the Appropriations Committee. I am sure that the Appropriations Committee will address any items within the HUD Subcommittee's jurisdiction that need further consideration in a later supplemental appropriation bill.

With respect to the credit budget, the Senate-reported bill provides $2.2 billion in new direct loan obligations, $65.8 billion in new primary loan guarantee commitments, and $68.2 billion in new secondary loan guarantee commitments. The total for direct loan obligations is $0.5 billion less than the subcommittee's allocation. The total for primary loan guarantee commitments is $5.0 billion above the subcommittee's allocation. This total is consistent with the amount provided for FHA mortgage insurance in the fiscal year 1983 supplemental appropriation bill. The subcommittee allocation does not include secondary loan guarantee commitments.

Mr. President, I ask unanimous consent that two tables showing the relationship of the reported bill, together with possible later requirements, to the congressional spending and credit budget and the President's budget requests, be printed in the RECORD at the conclusion of my remarks.

The spending table includes an adjustment to the subcommittee totals to assure that entitlement programs contained in this bill are charged at the levels assumed in the first budget resolution. This permits discretionary amounts in the bill to be compared to the subcommittee allocations under the first budget resolution.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

ATTACHMENT 1.—HUD-INDEPENDENT AGENCIES SUBCOMMITTEE SPENDING TOTALS

[In billion of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed		[1] 23.0
H.R. 3133, as reported in Senate	54.3	35.0
Possible later requirement: Veterans compensation COLA		+0.1
Total for HUD-Independent Agencies Subcommittee	54.3	58.2
Deduct entitlement increases above first budget resolution assumptions	+0.1	
Adjusted total	54.2	58.2
Senate first budget resolution 302(b) allocation [2]	57.7	58.4
House-passed level	[3] 59.1	58.4
President's request	[3] 49.7	58.2
Total compared to:		
Senate-passed first budget resolution 302(b) allocation	−3.6	−0.2
House-passed level	−4.9	−0.2
President's request	+4.4	−0.05

[1] This figure includes the fiscal year 1984 outlays associated with Public Law 98-8, the Emergency Jobs Appropriation Act, and with the Senate-passed fiscal year 1983 supplemental appropriation bill (H.R. 3069).

[2] This allocation may be revised when the conference agreement on the first budget resolution is adopted.

[3] Includes possible later requirements.

Note: Totals may not add due to rounding.

ATTACHMENT 2.—HUD-INDEPENDENT AGENCIES SUBCOMMITTEE CREDIT TOTALS

[In billions of dollars]

	Fiscal year 1984	
	New direct loan obligations	New loan guarantee commitments
H.R. 3133, as reported by Senate committee (total for HUD-Independent Agencies Subcommittee)	2.2	65.8
Senate first budget resolution section 5(b) allocation	2.7	60.8
House-passed	2.3	60.8
President's request	1.9	54.5
Subcommittee total compared to:		
Senate first budget resolution section 5(b) allocation	−0.5	+5.0
House-passed	−0.2	+5.0
President's request	+0.3	+11.3

SUPPORT FOR EPA

Mr. LAUTENBERG. Mr. President, the Senate has taken forceful action today to give new life to the Environmental Protection Agency. For the past 2 years, this vital agency has been crippled by lack of funds, decimation of its staff, and a loss of leadership and dedication to its mission. Under the Reagan administration, the heart of EPA's budget has been slashed by about one-third. The funds denied to EPA would have been used to enforce our environmental laws, to conduct health effects research, and to develop regulations and procedures to implement programs to control hazardous wastes, chemicals, and air and water pollution. This harsh denial of funds has left the public at the mercy of health-threatening pollution and poison in their daily environment. It has left the States shorn of moneys to meet their responsibilities under the law. It has resulted in slippage of compliance deadlines for all of our major environmental programs. I earnestly hope that the budget for EPA that we approve today will reverse this most dangerous trend.

In light of the dismaying record of the past 2 years, Mr. President, I take heart from the actions over the past few weeks of the new Administrator at EPA, Mr. William Ruckelshaus. In his first official action, Mr. Ruckelshaus established strict conflict-of-interest rules at EPA and "sunshine" practices for EPA staff. Next, making good on his confirmation promises, Mr. Ruckelshaus, last week, requested increases in EPA's budget for 1984 of about 21 percent over what President Reagan recommended in January. Almost one-third of this increase is for an additional $100 million during fiscal year 1984 for the Superfund program. The additional $165 million he recommended in increases over the President's budget is for additional staff, research, implementation of programs, and increased enforcement efforts.

I was especially pleased with the Administrator's request for increases in the Superfund program. This will bring that program to about double what it was during 1982 and 1983. Under this administration, the Superfund program has yet to be used effectively. In New Jersey, we have 65 of the 419 sites designated for Superfund cleanup. None of these sites has yet been cleaned up. I welcome Mr. Ruckelshaus' stated intention to take an aggressive approach of clean up first, negotiate later under the Superfund. I hope he will take the next step and endorse an extension of the fund past 1985, when it is due to expire, so that we can look forward to cleanup efforts at all of our sites. Senator BRADLEY and I have introduced legislation, S. 816, to extend the life of the fund and double its resources to achieve this goal.

The remainder of EPA's request for increased funding will go to its so-called operating budget. This portion of the budget provides funds for personnel to enforce programs, inspect hazardous waste sites, and issue permits to regulate air and water pollution and disposal of toxic wastes. It also provides moneys for research on the health effects of toxic wastes and for grants to the States for program implementation, enforcement efforts, and other activities delegated to them under the law. President Reagan has recommended cuts in funds for these activities of about one-third since assuming office. These recommendations include a 45-percent reduction in pollution control and enforcement activities and a devastating 55-percent reduction in research programs. Mr. Ruckelshaus' recommendation would reverse most of these cuts. Yet, the amount he recommends would still be below the Agency's operating budget at the time President Reagan assumed office.

Mr. President, during Senate consideration of the budget resolution for 1984, I cosponsored an amendment to bring EPA's operating budget up to 1981 levels. This amendment was supported by senior members of the Senate Environment and Public Works Committee. It was incorporated into the 1984 budget passed by the Senate. It is reflected in the 1984 appropriations bill passed by the House of Representatives. I believe it is the level at which the EPA should be funded for 1984. I hope the higher funding level adopted by the House will prevail in the conference on EPA's 1984 appropriations.

In closing, Mr. President, I want to indicate my strong support for the $6 million in funds provided in this bill to begin a research program on dioxin. This program would develop methods to cleanup sites contaminated by dioxin and support a comprehensive monitoring program in areas with dioxin problems. Unfortunately, the New Jersey Department of Environmental Protection, in conjunction with EPA, has discovered several sites in New Jersey where dioxin concentrations are marked. Further tests are underway at a number of additional sites, which were the home to facilities producing chemicals of which dioxin is a byproduct. Elevated levels of dioxin have already been confirmed in Newark and Clifton, both densely populated areas. I fear further disclosure of dioxin concentrations in other areas throughout my State.

I very much appreciate the committee including funding in this bill to begin a program to better understand the health effects of dioxin exposure and to develop effective means of cleaning up sites contaminated by this deadly chemical. I have also written to the Senator from Rhode Island (Senator CHAFEE) supporting his efforts to regulate dioxin disposal under the Resource Conservation and Recovery Act. The Environmental Pollution Subcommittee will soon report this bill to the full Senate, making improvements in this program to regulate the generation, transport, storage, and disposal of hazardous wastes. It is incomprehensible to me that, at this moment, disposal of dioxin is not controlled. Strict regulation of this dangerous substance in the future will avoid further tragedies such as the one unfolding in my State this month.

SUPPORT FOR APPROPRIATION OF $6 MILLION FOR THE EPA BUDGET FOR FISCAL YEAR 1984 FOR A NATIONAL DIOXIN STUDY

Mr. LEVIN. Mr. President, I would like to take this opportunity to express my wholehearted support for the appropriation of $6 million for the EPA budget for fiscal year 1984, for the first phase of a 2 year national dioxin study. And my thanks to Senators GARN and HUDDLESTON. I testified before the HUD-Independent Agency Appropriation Subcommittee on behalf of this funding.

This study is needed for several reasons.

Dioxin contamination is one of the most perlexing manifestations of man's growing genius for creating more and better ways of poisoning himself. For years, the dioxin isomer 2,3,7,8 TCDD has been recognized as the most toxic substance known to man. We know that it causes severe abnormalities, and in some cases death in animals, in even miniscule amounts. And the Food and Drug Administration has warned against eating fish found to have more than 50 parts per trillion concentration of dioxin.

Yet, the specific impact on humans is unclear.

We know on the one hand, that exposure to dioxin can cause liver dysfunction, deterioration of peripheral nerves, and that acute doses can cause chloracne, a severe skin rash. But, the specific correlation between the quantity of dioxin required to produce

these affects in not clear. Moreover, these are many unanswered questions regarding the relationship between dioxin and more serious health disorders such as, cancer, reproductive dysfunction, and birth defects.

The potential for severe and extensive damage to humans is very real. Therefore, for this reason we must move with far greater urgency than has been demonstrated—to get more information about the nature and extent of dioxin contamination in our environment, and a clearer understanding of the human health affects associated with this substance.

Concern for dioxin contamination is not just limited to my State of Michigan. Although startling levels of dioxin contamination have been found in the Midland, Mich., area, we are all aware of Times Beach, Mo. Moreover, in the last 2 weeks, unacceptable levels of dioxin have been found in Newark, N.J., and some 30 other locations in Northeastern seaboard States. And in today's edition of the Washington Post, it was reported that a new site of dioxin contamination has been found in St. James, Mo., where levels of contamination have been found as high as 1,800 parts per trillion, 6 times greater than the levels found at Times Beach.

Most of these sites have been found in and around local residences, thus, there is no question that human contact with this substance is far more pervasive than we once thought. But we remain ignorant of the specific ramifications and consequences of this contact.

Thus, a dioxin study is clearly necessary.

The EPA for its part, has said that the problem has been a lack of money. The $6 million for a dioxin study included in this appropriations bill will restore the EPA's ability to deal with this very serious problem properly.

We can no longer allow ourselves and the people of this Nation to remain ignorant of this potentially life-threatening substance. I am pleased that the Appropriations Committee included this money in this bill so that we can find some answers to the questions that currently loom like a dark cloud over our environment, and the health and welfare of the people of this Nation.

Mr. WILSON. Will the Senator yield?

Mr. GARN. I yield to the gentleman from California.

Mr. WILSON. I thank my friend from Utah. Mr. President, I simply would like to take this opportunity to commend the gentleman from Utah for performing an excellent service to the Senate and to the Nation's cities by bringing an appropriate bill to the floor that includes a 1-year moratorium on the imposition of sanctions by the Environmental Protection Agency on cities which have met certain clean air standards. The gentleman from Utah and I share one important distinction—we were both big city mayors prior to entering this distinguished body and I like to think that we have a unique perspective on the ability of cities to meet Federal deadlines. In this particular situation, the sanctions policy which has been the subject of heated controversy in the past is now under intense review and a new policy is likely to emerge in the future. It is a prudent course, and indeed an assistance to the new leadership at EPA, to suspend for a 1-year period, the necessity, and the ability to impose most sanctions.

Mr. GARN. I am in agreement with my friend from the State of California.

Mr. WILSON. Will the gentleman from Utah yield for an additional point?

Mr. GARN. I would be happy to yield further.

Mr. WILSON. I thank the gentleman. Because of the complicated nature of the Clean Air Act, even a seemingly blunt and simple approach such as a 1-year moratorium will have to be subject to EPA interpretation. After all, no one would want those communities which flagrantly flaunt and willfully violate the provisions of the act to escape appropriate sanctions, such as a loss of Federal highway, sewer and air quality funds, and a construction ban on stationary sources emitting the pollutants in question. However, a substantial portion of the southern portion of the State of California needs to be assured that the possibility exists for them to be appropriately placed under the moratorium umbrella. For instance, the EPA may still choose to apply sanctions to areas which have not received approval for their air quality improvement plans. This interpretation presents a problem for the south coast basin area in my State, as for other areas in the country. EPA has proposed to reject their plan, even though it represents a good faith, indeed the best faith, effort to meet standards, employing all practicable control measures to achieve standards as quickly as possible. It is impossible by every measure for the standards to be met by 1987, but that is the basis for EPA rejection of the plan. I commend the gentlemen and the committee for leaving some flexibility for EPA administering this provision. I assume it was not the intent of the committee to preclude areas from being under the moratorium that have proposed plans incorporating all reasonably available control measures, and subsequently have had their plans rejected solely because they did not show attainment by 1987.

Mr. GARN. The gentleman from California makes a correct assumption.

Mr. WILSON. I thank the gentleman from Utah.

Mr. STAFFORD. Will the Senator yield?

Mr. GARN. I yield to the distinguished chairman of the Environment and Public Works Committee.

Mr. STAFFORD. Let me say on behalf of the Clean Air Act authorizing committee, that I find myself in general concurrence with the statements of the gentlemen from Utah and California; however, I would add that in this moratorium period, EPA must have the flexibility on a case-by-case basis to determine reasonableness of the good faith effort.

Mr. WILSON. That is appropriate in my view.

Mr. GARN. I would agree with my friends from California and Vermont with respect to that point.

● Mr. TRIBLE. Will the Senator yield?

Mr. GARN. I yield to the Senator from Virginia.

Mr. TRIBLE. It is my understanding that the Senate Appropriations Committee has included $10 million in this bill above the administration's budget request to fund various NASA aeronautics projects. Is this correct?

Mr. GARN. That is correct.

Mr. TRIBLE. There are two projects which NASA is currently developing which could be provided funding through this $10 million appropriation, Laminar Flow Control (LFC) and the Advanced Transport Operating System (ATOPS).

Laminar Flow Control has tremendous potential for improving the fuel efficiency of transport aircraft. The LFC design makes the atmosphere flowing over an aircraft less turbulent. This "cleaner" airflow allows the plane to move through the atmosphere with greater ease and efficiency, using less power and saving larger amounts of fuel.

NASA has been studying LFC for the past 6 years, primarily at Langley Research Center in Hampton, Va. NASA has developed an aircraft, the LFC jetstar, which will provide an inflight test-bed for the LFC designs. The first flight of the NASA Jetstar is planned for late this summer, and additional inflight experiments and simulations are planned for fiscal year 1984.

Likewise, ATOPS has the potential to greatly benefit our aircraft industry. The objective of this program is to identify aircraft system concepts and procedures which will permit more efficient operations in the National Airspace System (NAS).

Our aircraft industry has drawn upon ATOPS research in such areas as autopilot design, flight management computer systems design, and advanced all-weather landing systems design.

ATOPS is the latest in a long series of NASA efforts in conjunction with our commercial aircraft industry whose cost to the taxpayers has been more than repaid through technology advances, industrial applications, and increased employment opportunities for Americans.

Neither of these valuable projects are funded elsewhere in this bill. I would be grateful if the Senator from Utah would work in the Conference Committee with the House to insure that a portion of the funding for aeronautics programs be made available for these two worthy projects.

Mr. GARN. I commend the Senator from Virginia for his support of these two projects, and I agree that they are indeed worthy of funding. I will work in the conference committee to insure that funds are provided to continue these projects.●

● Mr. RIEGLE. Mr. President, I would like to commend the distinguished chairman of the subcommittee and the ranking minority member for their efforts to bring this important legislation to the floor of the Senate. This bill contains funding for many critical programs including two of direct interest to Michigan and the Great Lakes region. It allows $3.5 million for vital Great Lakes research and $6 million for a nationwide study of the toxic chemical dioxin.

The Large Lakes Research Station in Grosse Ile, Mich., is currently the only EPA laboratory conducting research on the Great Lakes. The administration has tried for 3 years in a row to eliminate funding for this lab. I am pleased that the subcommittee has recognized the importance of Great Lakes research to this country.

The Great Lakes are an important North American resource. They comprise 95 percent of all surface fresh water in the continental United States, providing water for 37 million people and supporting industries in eight Great Lakes States and Canada, including a $1 billion sport fishing industry in this country alone.

The Grosse Ile lab has contributed significantly to our understanding of pollution problems on the Great Lakes and has also played an important role in meeting our water quality obligations with Canada. We must maintain our commitment to monitoring and studying the Great Lakes by continuing to support this facility.

I am also pleased that the subcommittee has acknowledged the urgent need for dioxin research in this country. Although this chemical has been widely tested on laboratory animals, resulting in its label as the most toxic substance known to man, not enough is known about its effects on human health or the extent of its presence in our environment.

National concern about dioxin contamination is increasing with each reported finding in Missouri, New Jersey, Michigan, and other States. We cannot ignore the possibility that a very serious problem may exist throughout the country. By approving this funding, we will allow the EPA to move as quickly as possible to determine the extent and seriousness of this problem. This action is essential if we are to minimize the potential hazard to the people who live in or near contaminated areas.

I have received assurance from the EPA Headquarters and from Mr. Valdas Adamkus, the EPA regional administrator in Chicago that the EPA is in the process of developing a nationwide study of dioxin contamination. This is, I believe, an important and responsible step in responding to the dioxin problem. I intend to continue to work with the EPA and with other members of the Michigan delegation to insure that this and other important research on the health aspects of contamination is carried out quickly and efficiently so that we can begin to answer the concerns of the people of our State and Nation.●

● Mr. SARBANES. I want to thank the chairman of the HUD Appropriations Subcommittee for his interest in and support of the mutual housing demonstration project located in the Baltimore City neighborhood of Govans. The Neighborhood Reinvestment Corporation, at the direction of Congress in its 1980 Housing Act, initiated a mutual housing demonstration program as a way to bring affordable and quality housing to lower income neighborhoods.

The Govans community, which was selected as the first demonstration project, began its organizational development process in late 1981 and elected its board of the Mutual Housing Association in June 1982. After 2 years of planning and preparation, the many participants in the Govans mutual housing endeavor are now ready to begin construction, which is the next phase in the demonstration program.

I intended to offer an amendment to the Housing and Community Development Act of 1983 (S. 1338) that would have increased the authorization level of the Neighborhood Reinvestment Corporation by $1 million for fiscal year 1984. These funds would have been available to the mutual housing project in Baltimore and allowed construction to proceed. As you know, the authorization bill was considered briefly on the Senate floor but then taken off the floor and put back on the Senate Calendar. Since the HUD appropriations bill is now being considered before the completion of the authorization bill, and therefore before the authorization level can be changed, I would hope that the Senate Appropriations Committee would appropriate this additional amount at the next available opportunity, possibly the next continuing resolution should my amendment be accepted to the authorization bill.

Mr. GARN. As the Senator from Maryland knows, the HUD-Independent Appropriations Subcommittee expressed its concern that the Baltimore mutual housing demonstration proceed and that the funding package for Baltimore be in place before other capital grants are made available. I want to assure him that if his amendment to provide an additional $1 million for fiscal year 1984 to the authorization level of the Neighborhood Reinvestment Corporation is adopted to the Housing and Community Development Act of 1983, the HUD-Appropriations Subcommittee will strongly recommend that this funding be included in the next available appropriations measure.

Mr. SARBANES. I want to thank the chairman for his consideration.●

● Mr. BENTSEN. Mr. President, this bill contains language to preclude imposition of sanctions under the Clean Air Act for areas failing to attain ambient air quality standards. As a senior member of the Committee on Environment and Public Works, I believe it is unfortunate that such a step is being taken. A careful analysis of the Clean Air Act reveals that the EPA has the authority to address nonattainment problems without the threat of immediate sanctions. I questioned William Ruckelshaus about his intentions on the continued threat of sanctions when he appeared before the committee during his confirmation hearings. He assured me that he intended to be as flexible as possible with respect to interpretation of the Clean Air Act sanction requirements. I believe that such an interpretation will remove the immediate threat. However, I recognize that considerable national anxiety exists over the current EPA threats, and perhaps the only way to alleviate this anxiety is through the provision in this bill.

There are many issues related to the EPA sanction threats. One which has been of significant concern to me relates to the proposed disapproval of the State implementation plan revision for the Houston area. This proposed disapproval is based on an inspection/maintenance plan. The Committee on Environment and Public Works examined this issue during the last Congress. During that effort the distinguished Senator from Vermont, as chairman of the committee, and I worked closely on provisions to modify the act regarding problems in the nonattainment sections. Some of these related to inspection/maintenance based on the committee analysis of current law. I would like to ask my colleague, Senator STAFFORD, if he recalls the results of this analysis as it relates to

problems such as those found in Houston?

Mr. STAFFORD. In response to my colleague from Texas, I would state that I do recall the analysis of inspection/maintenance. With regard to the results of this analysis as it would relate to an area like Houston, I believe it is best described on page 50 of the committee report that accompanied the committee reported amendments last year. It stated:

> While EPA's guidelines are clearly consistent with the requirements of the Act, they are not the sole set of criteria that comply with the Act's I/M provisions. With respect to controlling hydrocarbon emissions in order to reduce ambient levels of ozone, the Committee believes that the Agency, after taking into account circumstances in individual areas, could exercise more flexibility in accepting elements of I/M programs that deviate from its guidelines.

The reasonableness of any particular and specific program must be determined by its contribution to the principal objective of the air, which is to attain the primary standards.

Mr. BENTSEN. I appreciate the review of this issue by the distinguished Senator from Vermont. I would like to describe the relationship between current law and the inspection/maintenance program proposed by the State of Texas.

Mr. President, as a member of the Senate Committee on Environment and Public Works, I was instrumental in drafting the inspection/maintenance legislation in 1977. Much of the debate in 1977 focused on whether inspection/maintenance was a reasonable control measure. The legislation concluded that inspection/maintenance was reasonable and made the provision for such a program a requirement for deadline extension beyond 1982. However, recognizing the importance of tailoring inspection/maintenance programs to the area and type of pollutant in nonattainment, the legislation provided considerable discretion to EPA and the States. As the Senate committee report in 1977 states:

> At the discretion of the State, an inspection and maintenance program may include pre-sale inspection, inspection at resale, or inspection only in areas where standards are not being attained.

The State of Texas has acted in good faith to respond to the development of an appropriate inspection/maintenance program. The 1979 SIP approval for the Houston area required Texas to conduct a pilot program to determine the effectiveness and feasibility of various in-use vehicle emission control options. This was done. It showed several factors that led the Texas Air Control Board to develop a parameter inspection/maintenance program rather than an exhaust gas measurement program. These factors include: The higher portion of new vehicles in Harris County than many other areas, the lower proportion of hydrocarbon emissions contributed by vehicles compared to stationary sources, and that parameter inspection can be as effective as, if not more effective than, exhaust gas measurement for new vehicle hydrocarbon in-use emission controls. The first phase of this parameter inspection/maintenance program was initiated at the beginning of this year, consistent with the Texas Air Control Board's commitments to EPA.

Clearly, this effort comports with the requirements of 1977 Clean Air Act amendments. While some have argued that the 1977 Clean Air Act amendments require the exhaust gas emissions test type of inspection/maintenance program, they do not.

Moreover, I would also observe that EPA has recognized the merits of a parameter type inspection/maintenance program. It has opened a comment period in the June 10, 1983, Federal Register on "Antitampering and Anti-Fuel Switching Programs to Reduce In-Use Emissions From Motor Vehicles."

Mr. President, different areas require different solutions to pollution problems. The Clean Air Act imposes on the States the task of defining implementation plans to address unique problems. It is imperative that EPA now recognizes that it must analyze these plans with a recognition that they will differ. If a State can make the demonstrations that it must under the act and the EPA has the authority to approve the plan, EPA should approve such plans. The State of Texas plan for Houston has met the tests of the act, EPA should act accordingly.●

● Mr. D'AMATO. It is my understanding that at this point in time funds have not been allocated to the clean lakes program in the Senate bill.

Mr. GARN. Yes; your understanding is correct. Funds have not been appropriated to this program.

Mr. D'AMATO. I believe that to neglect the clean lakes program would be an injustice. I am aware that there is a sum of $5 million in the House bill, while there is no money in the Senate version. The $5 million in the House bill ought to be appropriated to the clean lakes program; every dollar spent on this program is a dollar well spent.

The clean lakes program plays a very important role in the restoration of our many polluted lakes. For instance, the quality of life at Greenwood Lake would be greatly enhanced by a continued clean lakes program. It is a vital force behind the preservation of our clean lakes as well. Furthermore, we are fortunate to have strong local support for the clean lakes program. Economically, it makes good sense to seize this opportunity to fund the clean lakes program.

Mr. GARN. Senator D'AMATO, I share your opinion on this matter. The clean lakes program is a valuable and worthy one.

Mr. D'AMATO. As chairman of the upcoming conference, I urge you to recommend that there be a commitment to recede to the House position in conference.

Mr. GARN. I will certainly give your suggestion serious consideration in conference. I would, however, urge my colleagues in the authorizing committee to act expeditously to reauthorize the program and define its goals and objectives.●

Mr. RIEGLE. Mr. President, I had planned to offer an amendment to this bill but I think that may not be needed if I could come to an agreement with the subcommittee chairman and ranking minority member. I notice on page 8 of the committee report, on the table under section 8, that the committee proposes to use section 8 assistance for 5,000 loan management units. These units are used to provide rental assistance to tenants of federally insured rental housing projects that are having financial difficulty but that are not yet in default. I also notice that the committee proposes to use 10,000 units of section 8 for "property disposition. This would provide similar assistance to projects on which HUD has already foreclosed.

Section 8 assistance increases the occupancy and makes projects economically feasible.

This leaves one obvious gap: Some projects fall between those two conditions. That is, there are a number of projects that have already gone into default but that have not been foreclosed on by HUD. They are the so-called Secretary-held mortgages.

I understand that, in the past, section 8 assistance has been used for these projects as well and, where this has been done, it has worked very well.

It has increased occupancy so that owners were able to pay interest arrearages as well as principal due. This has prevented the projects from being forced into foreclosure, with all of the disruptions that follow. It also avoids holding costs and a loss of property value that would have to be borne by the taxpayers. Providing this assistance could have the additional benefit of retaining control of projects in the hands of local owners who may often be more sensitive to local community interests.

I understand that the administration has changed past policy and no longer provides section 8 assistance to projects in this middle category. I emphasize that this is not a policy established or carefully considered by Congress.

I ask the chairman and ranking minority member, therefore, do they agree with me that this is a policy

change that deserves careful evaluation by the Congress, not only by the Appropriations Committee but also by the Banking Committee?

Mr. GARN. Yes; I certainly do.

Mr. HUDDLESTON. I agree. We need to review that policy carefully.

Mr. RIEGLE. Would they join with me in asking the Secretary of HUD to carry out a thorough review of the current policy regarding loan management assistance for Secretary-held mortgages and report to Congress, say, within 4 weeks on the comparative costs and benefits of providing and withholding this assistance.

Mr. GARN. I would be glad to join in that request.

Mr. HUDDLESTON. I, too, will be glad to join in that request.

Mr. RIEGLE. Would they join me in asking the Secretary to consider delaying further action on Secretary-held mortgages, where feasible, until this review is completed and the Congress has had a reasonable opportunity to consider the matter?

Mr. GARN. Fine.

Mr. HUDDLESTON. Of course.

Mr. RIEGLE. Would they also join me in asking for a GAO study of this issue?

Mr. GARN. Certainly.

Mr. HUDDLESTON. I understand that the water utilities of this country are demonstrating a new and ambitious level of activity in addressing their common R&D problems. American communities, large and small, are facing issues of water quality and expanding regulatory requirements that have considerable economic implications for the consumer. The work of a number of utilities demonstrates that the industry is undertaking a serious program of R&D that merits recognition and encouragement.

Given these developments, Mr. Chairman, I believe we should encourage EPA to support, through their research budget, appropriate cooperative R&D projects that address the practical operating needs of local water utilities. Such support should promote greater cooperation between Government and industry. It should stimulate industry self-reliance and ultimately lessen industry's dependence on Federal research dollars.

Mr. GARN. I agree with my colleague from Kentucky. I hope EPA will continue such cooperative agreements.

Mr. HUDDLESTON. Information I have received from a number of sources indicates that direct treatment of the lakes and streams affected by unnatural acidity is an accepted practice in many parts of the world. It is a relatively inexpensive means of dealing with the most evident effects of acid deposition, and it can be undertaken while comprehensive research is being carried out on the complex relationship between emissions of precursor gases such as sulfur dioxide and nitrogen oxide and acidification.

With this in mind, Mr. Chairman, I believe we should encourage EPA to undertake, with the funds available to it, an aggressive lake liming program in the upcoming fiscal year.

Mr. GARN. I agree that EPA should pursue liming as one solution to acidification.

Mr. President, I know of no further amendments to be offered. I yield back my time. I ask for third reading and ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BAKER. Mr. President, after this rollcall, there will be no more rollcall votes tonight.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Missouri (Mr. DANFORTH), the Senator from Oregon (Mr. HATFIELD), the Senator from Indiana (Mr. QUAYLE), the Senator from Oklahoma (Mr. NICKLES) are necessarily absent.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Oklahoma (Mr. NICKLES).

If present and voting, the Senator from Oregon would vote "yea" and the Senator from Oklahoma would vote "nay."

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER (Mr. MATTINGLY). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 80, nays 14, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—80

Abdnor	Cranston	Heinz
Andrews	D'Amato	Huddleston
Baker	Dixon	Inouye
Baucus	Dodd	Jackson
Bentsen	Dole	Jepsen
Biden	Domenici	Johnston
Bingaman	Durenberger	Kassebaum
Boschwitz	Exon	Kasten
Bradley	Ford	Kennedy
Bumpers	Garn	Lautenberg
Burdick	Goldwater	Laxalt
Byrd	Gorton	Leahy
Chafee	Hart	Levin
Chiles	Hatch	Long
Cochran	Hawkins	Lugar
Cohen	Hecht	Mathias
Matsunaga	Percy	Stennis
Mattingly	Pressler	Stevens
McClure	Pryor	Thurmond
Melcher	Randolph	Tower
Metzenbaum	Riegle	Tsongas
Mitchell	Rudman	Wallop
Moynihan	Sarbanes	Warner
Murkowski	Sasser	Weicker
Nunn	Simpson	Wilson
Packwood	Specter	Zorinsky
Pell	Stafford	

NAYS—14

Armstrong	East	Proxmire
Boren	Grassley	Roth
DeConcini	Heflin	Symms
Denton	Helms	Trible
Eagleton	Humphrey	

NOT VOTING—6

Danforth	Hatfield	Nickles
Glenn	Hollings	Quayle

So the bill (H.R. 3133), as amended, was passed.

Mr. GARN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GARN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 3133.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Chair appointed Mr. HATFIELD, Mr. GARN, Mr. WEICKER, Mr. LAXALT, Mr. D'AMATO, Mr. ABDNOR, Mr. HUDDLESTON, Mr. STENNIS, Mr. PROXMIRE, Mr. LEAHY, and Mr. SASSER conferees on the part of the Senate.

Mr. GARN. Mr. President, I ask unanimous consent that a star print of the HUD-Independent Agencies Appropriations Report 98-152 accompaning the Senate version of H.R. 3133 be ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, may I just in closing thank the distinguished Senator from Kentucky for his usual fantastic cooperation throughout the budget process this year in helping complete the first regular appropriations bill for the third year in a row.

Mr. BAKER. Mr. President, I can hardly find words adequate to express my gratitude, and I am sure that of all Members, for the excellent and expeditious way in which Senators GARN and HUDDLESTON have handled this bill.

It is the first of the regular appropriations bills to reach the Senate and be dealt with this year. It is an enormous bill. It appropriates $54.3 billion in the form adopted by the Senate. We

did that in a total of just 2 hours with only two rollcall votes.

Mr. President, that is indeed a tribute to the extraordinary committee work, the careful preparation for the presentation of this matter to the Senate, and the diligence with which the managers approached the issue.

Once again, I offer them my sincere congratulations for a job well done.

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, in a moment I am going to provide a time for the transaction of routine morning business, but before I do so I wish to provide for the Senate schedule on tomorrow.

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1984

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate Calendar Order No. 248, H.R. 3132, the energy and water appropriations bill.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate resumes session on tomorrow, after the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business to be measured from the expiration of the yielding back of that time until the hour of 10 a.m. and that Senators may be permitted to speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF CONSIDERATION OF H.R. 3132 TOMORROW

Mr. BAKER. Mr. President, I further ask unanimous consent that at the hour of 10 a.m. tomorrow the Senate resume consideration of Calendar Order No. 248, H.R. 3132.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business to extend not past 7:45 p.m. in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ONE PRIVATE SECTOR INITIATIVE TO COMBAT ALCOHOL AND DRUG ABUSE

Mr. HATCH. Mr. President. It is my pleasure to bring to your attention an outstanding public service by a Utah television station, KUTV, channel 2 in Salt Lake City, Utah. This station spent substantial amounts of time and money in an effort to increase awareness of the problems associated with drug and alcohol addiction by broadcasting three special programs on the problem. In addition, they aided in the publication of an insert in the Salt Lake Tribune which detailed the rising problem among this Nation's young people. The station presented what is fast becoming a problem of epidemic proportions in a realistic and forthright manner. One program of the series was entitled "Epidemic: Why Your Kid Is On Drugs" and examined the availability of drugs that can lead to substance abuse and the pressures on our Nation's youth. The next night the series explored how Americans are beginning to fight back. It showed the anger and resentment of people who feel trapped by this rapidly growing menace. The final installment examined problems in the Salt Lake community.

A recent survey that I conducted dramatically highlighted the need for educating the public on drug and alcohol abuse. In that survey I found that 96 percent of the responding Utah high school students said such abuse is a serious problem in their schools. Eighty-six percent said the problem has become more serious since they entered high school. Perhaps most alarming was the fact that over half the students have personally known someone who has been killed or injured by a drunk driver.

These and a wealth of statistics compiled by KUTV tell only a part of the story. What they only hint at is the anguish of the families torn apart by a teenager's drinking, the wasted years and shattered dreams. Aware of the dangers of alcohol and drugs, I have endeavored to support legislation and programs, both public and private, that encourage research and treatment dealing with substance abuse.

Which brings me to the most commendable aspect of KUTV's attempt to educate its viewers—management did not sit idly by and pat itself on the back for a job well done. A few short days after the completion of the series, a new policy statement was introduced. It outlined the establishment of a new mechanism to guard against drug and alcohol problems among employees. Specifically, KUTV now has an official body to conduct company investigations of any information on employee possession, use, and/or distribution of illegal drugs.

The efforts made by KUTV serve as an example of what the private sector can do without help or interference from government. Those of us in government accept our responsibility in curbing drug and alcohol abuse among people of all ages. But if we are going to achieve anything, private interests must likewise accept their responsibility. I commend KUTV for their actions and urge other industries to follow suit.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 4:29 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 419. An act to provide that per capita payments to Indians may be made by tribal governments, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 71. An act to authorize and direct the Secretary of the Interior to engage in a special study of the potential for groundwater recharge in the High Plains States, and for other purposes; and

H.R. 1492. An act to establish the Christopher Columbus Quincentenary Jubilee Commission.

HOUSE MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 71. An act to authorize and direct the Secretary of the Interior to engage in a special study of the potential for groundwater recharge in the High Plains States, and for other purposes; to the Committee on Energy and Natural Resources.

HOUSE MEASURE PLACED ON CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1492. An act to establish the Christopher Columbus Quincentenary Jubilee Commission.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1296. A communication from the President of the United States, transmitting, pursuant to law, proposed reductions in the 1983 budget authority for the District of Columbia; to the Committee on Appropriations, and ordered to be printed.

EC-1297. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improved Management of Import Meat Inspection Program Needed"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1298. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a confidential listing of contract award dates for the period July 1, 1983 to August 31, 1983; to the Committee on Armed Services.

EC-1299. A communication from the chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report on the activities of the Depository Institutions Deregulation Committee for the year ending March 30, 1983; to the Committee on Banking, Housing, and Urban Affairs.

EC-1300. A communication from the Deputy Secretary of the Treasury, transmitting, for the information of the Senate, the concerns of the Department of the Treasury regarding the proposed sharing of Outer Continental Shelf receipts with the States; to the Committee on Commerce, Science, and Transportation.

EC-1301. A communication from the chairman of the Federal Trade Commission, transmitting, pursuant to law, the 68th annual report of the Commission covering fiscal year 1982; to the Committee on Commerce, Science, and Transportation.

EC-1302. A communication from the chairman of the Motor Carrier Ratemaking Commission, transmitting, pursuant to law, a report on the investigation of price setting in the trucking industry; to the Committee on Commerce, Science, and Transportation.

EC-1303. A communication from the Secretary of Energy, transmitting, pursuant to law, the seventh of the semiannual reports of the activities undertaking by the Department of Energy to implement the alternative fuels production program; to the Committee on Energy and Natural Resources.

EC-1304. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the approval of a deferment of the 1982 construction repayment installation and the installment due on the 1981 deferred charges from the Kirwin Irrigation District No. 1, Kirwin Unit, Pick-Sloan Missouri Basin program, Kansas; to the Committee on Energy and Natural Resources.

EC-1305. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, approval of a deferment of the 1982 construction repayment installment and the deferment of the installment due on the 1981 deferred charges from the Cedar Bluff Unit, Pick-Sloan Missouri Basin project; to the Committee on Energy and Natural Resources.

EC-1306. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to June 9, 1983; to the Committee on Foreign Relations.

EC-1307. A communication from the acting chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission on the administration of the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-1308. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, the approval of the deferment of the 1982 construction repayment installment of the Webster Irrigation district No. 4, Pick-Sloan Missouri Basin project; to the Committee on Energy and Natural Resources.

EC-1309. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the activities of the Office of Inspector General, Department of Commerce, for the period October 1, 1982 through March 31, 1983; to the Committee on Governmental Affairs.

EC-1310. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, a report on the use and distribution of the judgment funds of the Lake Superior and Mississippi Bands of Chippewa Indians; to the Select Committee on Indian Affairs.

EC-1311. A communication from the Acting General Counsel of the Civil Aeronautics Board, transmitting, pursuant to law, the annual report of the Board on the administration of the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-1312. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for Intergovernmental Review of Department of Education programs; to the Committee on Labor and Human Resources.

REPORT OF THE COMMITTEE ON THE BUDGET SUBMITTED DURING THE RECESS

Under the authority of the order of the Senate of June 20, 1983, the following report of the Committee on the Budget was submitted on June 20, 1983, during the recess of the Senate:

By Mr. DOMENICI, from the Committee on the Budget:

Report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986 (Rept. No. 98-155).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, with an amendment:

S. 602. A bill to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes (with minority views) (Rept. No. 98-156).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Res. 160. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 602; referred to the Committee on the Budget.

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1427. A bill to establish a program in the Department of Commerce to promote U.S. service industries, enhance their competitiveness, and for other purposes (Rept. No. 98-157).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1234. A bill to clear certain impediments to the licensing of the vessel Norden for employment in the coastwise trade.

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment:

S. Res. 161. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 771; referred to the Committee on the Budget.

By Mr. HATCH, from the Committee on Labor and Human Resources, with amendments:

S. 771. A bill to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishement of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes (Rept. No. 98-158).

By Mr. ROTH, from the Committee on Governmental Affairs, with amendments:

S. 373. A bill to provide comprehensive national policy dealing with national needs and objectives in the Arctic (Rept. No. 98-159).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated.

By Mr. D'AMATO:

S. 1505. A bill to reduce temporarily the duty on odd-shaped or fancy watch crystals to the rate applicable to round watch crystals; to the Committee on Finance.

By Mr. TOWER (for himself and Mr. NICKLES):

S. 1506. A bill to amend the Internal Revenue Code of 1954 to restore the deduction for percentage depletion for oil and gas wells to the 1969 level, to restore intangible drilling costs for intergrated oil companies to full deductibility, and to remove the intangible drilling cost deduction for individuals from the list of tax preferences subject to the minimum tax; to the Committee on Finance.

By Mr. MATHIAS:

S. 1507. A bill to suspend for the 3-year period beginning on October 30, 1983, the duty on canned corned beef; to the Committee on Finance.

By Mr. STENNIS:

S. 1508. A bill for the relief of Josefina N. Sta Ana; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. SYMMS, and Mr. BENTSEN):

S. 1509. A bill to amend the Internal Revenue Code of 1954 to make permanent the percentage rate for computing the addition to reserves for bad debts for banks; to modify the experience method to allow a showing based on facts and circumstances and to repeal the treatment of percentage method additions as corporate tax preferences; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. SASSER, Mr. ROTH, Mr. CHILES, Mr. WILSON, Mr. DIXON, Mr. PERCY, Mr. NUNN, Mr. DANFORTH, and Mr. HATFIELD):

S. 1510. A bill to establish uniform single financial audit requirements for State and local governments and nonprofit organizations and other recipients of Federal assistance, and for other purposes; to the Committee on Governmental Affairs.

By Mr. JEPSEN:

S. 1511. A bill to amend title XVIII of the Social Security Act to provide that certain hospice programs may provide nursing care through arrangements with certified medicare providers; to the Committee on Finance.

By Mr. DURENBERGER:

S. 1512. A bill to retain the current duty on corned beef; to the Committee on Finance.

By Mr. HATFIELD (for himself, Mr. BAKER, Mr. BINGAMAN, Mr. BOSCHWITZ, Mr. BYRD, Mr. CRANSTON, Mr. DIXON, Mr. EAGLETON, Mr. EXON, Mr. GLENN, Mr. GOLDWATER, Mr. GORTON, Mrs. HAWKINS, Mr. HOLLINGS, Mr. KENNEDY, Mr. LEAHY, Mr. LUGAR, Mr. MATHIAS, Mr. MATSUNAGA, Mr. MELCHER, Mr. MOYNIHAN, Mr. PELL, Mr. PERCY, Mr. PRYOR, Mr. RIEGLE, Mr. SARBANES, Mr. SASSER, Mr. STENNIS, Mr. THURMOND, and Mr. TSONGAS):

S. 1513. A bill to extend for 5 years the authorization of appropriations for the National Historical Publications and Records Commission; to the Committee on Governmental Affairs.

By Mr. LEVIN:

S. 1514. A bill for the relief of Evelyn M. Rachoza; to the Committee on the Judiciary.

By Mr. WILSON:

S. 1515. A bill entitled the "California Wilderness Act of 1983"; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PERCY from the Committee on Foreign Relations:

S. Res. 160. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 602; to the Committee on the Budget.

By Mr. HATCH from the Committee on Labor and Human Resources:

S. Res. 161. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 771.

By Mr. TSONGAS (for himself, Mr. BOREN, Mr. BURDICK, Mr. CHILES, Mr. HEINZ, Mr. JEPSEN, Mr. RANDOLPH, Mr. COHEN, and Mr. DODD):

S. Res. 162. Resolution to support the report of the National Commission on Excellence in Education; to the Committee on Labor and Human Resources.

By Mr. TRIBLE:

S. Con. Res. 47. Concurrent resolution expressing the sense of Congress that the Chrysler Corp. Loan Guarantee Board should sell Chrysler stock warrants, and use the sales proceeds to reduce budget deficits; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOWER (for himself and Mr. NICKLES):

S. 1506. A bill to amend the Internal Revenue Code of 1954 to restore the deduction for percentage depletion for oil and gas wells to the 1969 level, to restore intangible drilling costs for integrated oil companies to full deductibility, and to remove the intangible drilling cost deduction for individuals from the list of tax preferences subject to the minimum tax; to the Committee on Finance.

OIL AND GAS EXPLORATION INCENTIVE RESTORATION ACT OF 1983

Mr. TOWER. Mr. President, I am pleased to introduce the Oil and Gas Exploration Incentive Restoration Act of 1983, on behalf of myself and Senator NICKLES. This legislation consists of three parts, each intended to restore the incentives for exploration of oil an gas to levels that previously existed under our tax law.

First, the bill restores percentage depletion for oil and gas exploration to 27½ percent, and makes percentage depletion fully available to both independent and integrated oil producers. In other words, this valuable incentive would be restored to its status under the law from 1926 until 1969, when the first of a series of limitations on percentage depletion was enacted by the Tax Reform Act of 1969.

Second, the intangible drilling cost deduction would be removed from the list of so-called tax preference items subject to the alternative minimum tax under Internal Revenue Code section 55. Intangible drilling costs first became subject to the minimum tax for individuals under the Tax Reform Act of 1976. Under the current alternative minimum tax, IDC's are potentially subject to a 20-percent tax rate.

Third, this legislation would restore full deductibility for intangible drilling costs incurred by integrated oil companies. Under the Tax Equity and Fiscal Responsibility Act of 1982, these companies are required to capitalize 15 percent of their IDC's and use the 5-year accelerated cost recovery system of depreciation to write these costs off for tax purposes.

Mr. President, the feeling of late is that America is virtually awash in oil and gas, and to many, the energy crisis is merely a bad dream. On the face of it, all seems well on the energy front.

It would be foolhardy, however, to assume that today's condition will automatically continue. In my view, the lessons of recent history should be a signal to the oil importing countries that now is the time for actions to consolidate their recent gains toward achieving energy security and price stability.

If we could be certain that the current oil glut were destined to last a long time, the oil consuming nations might well be justified in sitting back in complacency. However, the glut may well turn out to be temporary for several reasons. First, worldwide economic recovery will bring an increase in energy demand, much of which will be reflected in increased oil consumption. Second, falling oil prices have lessened the incentive for switching from oil to alternative energy sources. Third, on the supply side, falling oil prices and increased levels of taxation have led to a 58-percent decline in the number of drilling rigs active in the United States since exploration peaked in December 1981.

These factors, plus the knowledge that energy companies are nearing the practical limits of inventory drawdowns, suggest a possible recovery in demand for OPEC oil—and with it a renewed vulnerability to oil price shocks. Clearly, it is still in the best interests of the oil importing nations to maintain and even accelerate their search for reserves outside of OPEC. If anything, it is more important to do so now, while the consuming nations still enjoy the breathing space that the oil surplus has provided.

Mr. President, the core of the problem is that many in this country and in this Congress still view the energy industry as a bunch of fat cats. The industry is viewed as a bottomless pit for taxes, and we persist in taxing the oil industry at rates well above those applied to other industries. In 1981, for example, Federal and State taxation of the oil industry captured 54 percent of net pretax income versus only 26 percent for other major industrial companies. And the largest of these, the so-called windfall profits tax, is

not a tax on profitability but merely an excise tax.

The key to finding new reserves is sustaining the oil industry's after-tax cash flow, which is the primary source of investment funds for new exploration. To insure our energy self-sufficiency, the Government must immediately provide greater, not lesser, drilling incentives. Capital formation so necessary to the industry must be encouraged. Our bill is intended to do just that.

If the capital formation needs of the industry are not met now, this Nation certainly will be dealing with the OPEC-dependency issue sooner than many are thinking. And this may be when the industry could be substantially less viable and capable of reinstituting the level of drilling activity necessary to maintain energy independence—a level that our tax policy has allowed to diminish. In looking at tax revenues, sound energy requires that Congress do the same thing that the energy consuming public has done—kick the habit of excessive reliance on oil.

By Mr. ROTH (for himself, Mr. SYMMS, and Mr. BENTSEN):

S. 1509. A bill to amend the Internal Revenue Code of 1954 to make permanent the percentage rate for computing the addition to reserves for bad debts for banks; to modify the experience method to allow a showing based on facts and circumstances and to repeal the treatment of percentage method additions as corporate tax preferences; to the Committee on Finance.

COMPUTING OF BAD DEBTS BY BANKS

● Mr. ROTH. Mr. President, today I am introducing legislation to make permanent the 1-percent rate for computing bank reserves for bad debts, joined by Senators SYMMS and BENTSEN.

Prior to 1969 banks were allowed to reserve 2.4 percent of their loans pursuant to administrative rulings. The Tax Reform Act of 1969 established the statutory basis for the present system of computing bad debt reserves. The act established section 585 of the Internal Revenue Code which provides a uniform standard for establishing reasonable additions to the reserve for bad debts. Under current law, banks are able to deduct their addition to the bad debt reserve under either the experience method or the percentage method. Under the percentage method the following set of rules apply: for tax years beginning before 1976, the maximum allowable percentage reserve is 1.8 percent of eligible loans; this percentage falls to 1.2 percent for taxable years beginning after 1975 and to 0.6 percent for taxable years between 1982 and 1987. Following the transition period, 1970 through 1987, the amount deductible for tax purposes will be limited to each bank's 6-year moving average loss experience, with each year's losses weighted by total end-of-year loans.

The Economic Recovery Tax Act of 1981 delayed the phasedown for 1 year and a percentage of 1.0 percent was established for 1982. Last year the Senate Finance Committee reported legislation to make the 1 percent permanent but this legislation was not considered by the full Senate because of time constraints.

My bill would do three things: First, it would make the 1 percent permanent. Despite the fact that the recession would seem to require larger bad debt reserves, the 1 percent approximates industrywide averages of previous years and can be viewed as a safe haven standard meeting the test of reasonableness. Second, it would allow reserves to be based on a "facts and circumstances" showing. A bank needing a large reserve based on its own facts and circumstances should be allowed its day in court proving, in the face of the Internal Revenue Service's presumption of correctness, that it should prevail and avoid the structural flaws of the statutory experience formula.

Finally, my legislation would eliminate the loan loss reserve as a preference item under the corporate minimum tax. As the establishment of a 1 percent ceiling would approximate a reasonable level of reserves, the need to include a portion of the reserve as a preference item is no longer necessary.

I ask unanimous consent that this text of the fill be printed in the RECORD.

S. 1509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT 1 PERCENT AMOUNT.

(a) IN GENERAL.—Subsection (b) of section 585 of the Internal Revenue Code of 1954 (relating to addition to reserves for bad debts) is amended—

(1) by striking out "for taxable years beginning before 1988" in subparagraph (A) of paragraph (1),

(2) by striking out "1.0 percent for taxable years beginning in 1982; and 0.6 percent for taxable years beginning after 1982" and inserting in lieu thereof "and 1.0 percent for taxable years beginning after 1981" in the first sentence after subparagraph (B) of paragraph (2), and

(3) by striking out "but before 1983" and inserting in lieu thereof "but before 1982" and by striking out "after 1982, the last taxable year beginning before 1983" and inserting in lieu thereof "after 1981, the latest of the last taxable year beginning before 1982 or before each sixth taxable year thereafter" in the last sentence after subparagraph (B) of paragraph (2).

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 585(b) of such Code (relating to experience method) is amended by adding a period after the word "method" in the last sentence of paragraph (3) and striking out the balance of that sentence.

SEC. 2. MODIFIED EXPERIENCE METHOD.

(a) IN GENERAL.—Paragraph (3) of subsection (b) of section 585 of the Internal Revenue Code of 1954 (relating to addition to reserves for bad debts) is amended—

(1) by striking out "or" at the end of subparagraph "(A)"; redesignating subparagraph "(B)" as subparagraph "(C)"; and inserting between subparagraphs "(A)" and "(C)" the following:

"(B) an amount, based on a variation of the formula specified in (A) of this paragraph or otherwise, which the taxpayer shows under the facts and circumstances yields a reasonable addition for the taxable year to the reserve for losses on loans, or".

SEC. 3. REPEAL OF PREFERENCE TREATMENT.

(1) Paragraph (7) of section 57(a) of the Internal Revenue Code of 1954 is amended by striking "585 or"; and

(2) Subparagraph (A) of section 291(e)(1) of such Code is amended by striking "585 or".

SEC. 4. EFFECTIVE DATE.

The amendments made by sections 1 and 2 shall apply with respect to taxable years beginning after December 31, 1982.●

By Mr. DURENBERGER (for himself, Mr. SASSER, Mr. ROTH, Mr. CHILES, Mr. WILSON, Mr. DIXON, Mr. PERCY, Mr. NUNN, Mr. DANFORTH, AND Mr. HATFIELD):

S. 1510. A bill to establish uniform single financial audit requirements for State and local governments and nonprofit organizations and other recipients of Federal assistance, and for other purposes; to the Committee on Governmental Affairs.

UNIFORM SINGLE FINANCIAL AUDIT ACT OF 1983

● Mr. DURENBERGER. Mr. President, I introduce today a long overdue Federal grants management reform bill to establish a uniform single financial audit requirement for State and local governments and nonprofit organizations.

The need for this bill grows out of a continuing expansion and proliferation of Federal auditing requirements. These requirements, contained in over 450 different categorical grants, block grants, and general revenue sharing programs, are neither uniform nor economical.

Prior to the issuance of Office of Management and Budget Circular A-102, attachment P, in 1979, which provided the first Federal endorsement of the single audit concept, audits of Federal grant programs and projects were done on a grant-by-grant basis. Typically, however, not all grants being executed by an entity were audited each fiscal year, and the choices of exactly which programs and projects to be audited were subjective. In June of 1981, the Advisory Commission on Intergovernmental Relations reported that only 10 percent of the federally sponsored grant programs accounted for 90 percent of the total Federal outlays to State and local governments; yet Federal auditors spent most of their time auditing the other 90 percent of those

Federal programs that only accounted for 10 percent of total Federal outlays.

This bill counters that imbalance by requiring that an independent auditor perform a single financial audit separating from the entity's total expenditures all Federal funds, and testing for compliance with Federal laws and regulations those grants that he or she considers to have a material effect upon the entity. This type of organizationwide audit will provide the Federal Government with a more comprehensive and complete analysis of how Federal funds are being expended.

Finally, this bill will serve to standardize all present Federal financial audit requirements, and provide a sound basis for financial audit bills introduced in the future.

In the 96th Congress, the Senate passed a bill designed specifically to do what we are seeking to accomplish with this bill. However, unlike that earlier bill, this bill is the product of extensive work by the General Accounting Office, the Senate Subcommittee on Intergovernmental Relations, and a wide range of interests inside and outside the audit and accounting community.

It is my sincere hope, and that of my colleagues who have joined me today in introducing this bill, that the Senate will take action on this measure before we recess in August.

Mr. President, I ask unanimous consent that a copy of S. 1510 be printed in the RECORD, along with the section-by-section analysis of the legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Uniform Single Financial Audit Act of 1983."

(b) Subtitle V of title 31, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 75—REQUIREMENTS FOR SINGLE FINANCIAL AUDITS

"Sec.
"7501. Purposes.
"7502. Definitions.
"7503. Promulgation of policies, procedures, and regulations.
"7504. Audit requirements.
"7505. Payment for performance.
"7506. Sanctions.
"7507. Small business concerns.
"7508. Relationship to other law.

"§ 7501. Purposes

"The purposes of this chapter are to—

"(1) improve the financial management of Federal assistance programs;

"(2) promote the efficient use of audit resources;

"(3) help relieve State and local governments and nonprofit organizations of the costs and paperwork burdens due to conflicting, redundant, and unreasonable audit requirements of Federal assistance programs;

"(4) provide for the establishment of consistent and uniform requirements for financial audits of Federal assistance provided to or administered by State and local governments and nonprofit organizations;

"(5) specify standard financial audit requirements for Federal assistance programs established after the date of enactment of this chapter;

"(6) to have the audit requirements of this chapter phased in and met by each entity that receives Federal assistance within three years from the enactment of this legislation; and

"(7) to have Federal agencies and departments in planning and performing any additional work, to the maximum extent feasible, rely upon and not duplicate work done pursuant to this chapter.

"§ 7502. Definitions

"As used in this chapter:

"(1) 'Federal agency and department' has the same meaning as is given to the term 'executive agency' in section 102 of this title.

"(2) The term 'entity' means a State government, a local government, or a nonprofit organization, or a recipient of Federal assistance from any of the foregoing.

"(3) 'Federal assistance' means any assistance provided by a Federal agency or department to an entity in the form of grants, loans, loan guarantees, property, cooperative agreements, or technical assistance, except that such term does not include direct Federal cash assistance to individuals, contracts for the procurement of goods and services for the United States, or insurance or assistance provided by the Tennessee Valley Authority.

"(4) 'generally accepted government auditing standards' means the auditing standards for the financial and compliance element of the 'Standards for Audit of Governmental Organizations, Programs, Activities, and Functions,' issued by the Comptroller General of the United States which incorporates the generally accepted auditing standards issued by the American Institute of Certified Public Accountants.

"(5) The term 'independent auditors' means constituted State and local government audit agencies, who meet the definition included in generally accepted government auditing standards for external government auditors, or public accountants.

"(6) The term 'public accountants' means certified public accountants, or public accountants who meet the definition included in generally accepted government auditing standards.

"(7) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any Indian tribe or tribal organization as defined in section 7502.(8).

"(8) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established under, the Alaska Native Claims Settlement Act) which—

"(A) is recognized by the United States as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or

"(B) is recognized as an Indian tribe by the State in which it resides.

"(9) 'local government' means any unit of government within a State, including a county, borough, municipality, city, town, township, parish, local public authority, special district, school district, intrastate district, council of governments, other interstate government entity, or any other instrumentality of local government.

"(10) 'nonprofit organization' means an organization described in section 501(c) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code or any nonprofit scientific or educational organization or institution qualified under a State nonprofit organization statute which exempts such organization or institution from taxation under State law.

"(11) 'recipient' means an entity receiving Federal assistance.

"(12) 'single financial audit' means an audit performed by independent auditors to determine and report whether—

"(A) the financial statements of an audited entity present fairly the financial position and the results of financial operations in accordance with generally accepted accounting principles;

"(B) the entity has complied with laws and regulations that may have a material effect upon the financial statements; and

"(C) whether the entity has internal control systems to provide reasonable assurance it is managing Federal programs in compliance with laws and regulations.

"(13) The term 'cognizant agency' means the Federal agency or department designated by the Director of the Office of Management and Budget to coordinate for the Federal Executive branch work performed in addition to that done pursuant to this chapter.

"§ 7503. Promulgation of policies, procedures, and regulations

"(a) The President shall prescribe policies, procedures, and regulations to implement this chapter. Each Federal agency and department and each entity to which this chapter applies shall comply with such policies, procedures, and regulations. Policies, procedures, and regulations prescribed under this subsection shall not impose requirements for audits of entities in addition to the requirements for single financial audits specified by this chapter.

"(b) The President of the United States may delegate the authority to prescribe policies and procedures to the Director of the Office of Management and Budget. The President may delegate the authority to prescribe regulations to the appropriate agencies and departments. In the preparation of policies, procedures, and regulations the Director of the Office of Management and Budget and the appropriate Federal agencies and departments shall consult with the Comptroller General of the United States.

"(c) The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States and Federal, State, local and nonprofit officials, shall establish a plan of action within one year of the date of this chapter, to assure that single financial audits required under this chapter are conducted within three years from the enactment of this legislation, and thereafter.

"(d) The Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, and Federal, State, local and nonprofit officials, shall establish a plan of action, to coordinate the work done pursuant to section 7504.(c). The plan shall:

(i) include the designation of the appropriate Federal cognizant agencies; and

(ii) provide that any additional work involving an entity performed by or for a Federal executive agency or department shall be coordinated, to the extent feasible, and rely upon the single financial audit performed pursuant to this chapter.

"§ 7504. Audit requirements

"(a)(1) Except as otherwise provided by this chapter, each entity that receives Federal assistance for a fiscal year which is equal to or in excess of $25,000 shall conduct at least biennially, but preferably annually, a single financial audit covering all of its funds. The audits shall be made by independent auditors and conducted in accordance with generally accepted government auditing standards.

"(2) The total amounts of Federal, State, local, and other assistance, respectively, received from all sources by the entity shall be used in a single financial audit for testing compliance with the financial requirements of Federal, State, local and other assistance programs respectively. The materiality level selected in a single financial audit for testing shall be based on the professional judgment of the independent auditor.

"(3) Each entity shall identify the internal control systems in place within the entity. The significant internal control systems shall be studied, evaluated and reported on by the independent auditor. The method of testing of internal control systems, shall be based on the independent auditor's professional judgment.

"(4) Each single financial audit carried out pursuant to this chapter shall be an audit of all funds of the entity, and shall not be an audit of funds used by the entity pursuant to an individual grant or program. However, if the entity determines that a single financial audit of the entire entity is not feasible, the entity may audit by department or agency within the entity. However, such audits shall be consistent with the provisions of this chapter. If single financial audits are conducted biennially under this chapter, each single financial audit shall cover the entire two-year period.

"(5) This chapter does not apply to an entity which receives less than $25,000 per year in Federal assistance.

"(6) Copies of completed audit reports covering the results of the single financial audit required pursuant to this chapter shall be made available to Federal officials upon request.

"(7) Unless restricted by law or regulation, copies of reports containing the results of any single financial audit performed pursuant to this chapter shall be made available for public inspection.

"(b) Each entity receiving Federal assistance from Federal agencies and departments and subsequently making a portion of the Federal assistance available to another entity, shall have the responsibility for ascertaining whether a single financial audit has been conducted of the recipient entity. This requirement does not apply if the amount made available to the recipient entity is less than the amount provided for in section 7504.(a)(5).

"(c) This chapter does not limit the authority of Federal agencies and departments to conduct, or contract for audits and evaluations of Federal assistance programs. This work includes, but is not limited to, economy and efficiency audits, program results audits, and program evaluations, and audit requirements contained in Office of Management and Budget circulars such as A-102, Attachment P. However, in planning and performing any additional work, the Federal agencies and departments, to the extent feasible, shall rely upon and not duplicate the single financial audit. Additional work performed by or for the Federal Executive agencies and departments shall be coordinated by the cognizant agency for the entity in order to coincide, to the extent feasible, with the performance of the single financial audit. The requesting Federal agency or department must arrange for funding the cost of such additional work.

"(d) This chapter does not limit the responsibility or authority of the Federal Government to enforce Federal law, regulations, procedures, or reporting requirements.

"§ 7505. Payment for performance

"(a) Subject to the provisions of this section, Federal assistance may be used to pay for or to reimburse an entity for the costs incurred to conduct a single financial audit required by this chapter.

"(b)(1) In the case of Federal assistance provided through a project grant, costs incurred to conduct the portion of a single financial audit required by this chapter with respect to such project grant shall be considered an administrative expense and shall be provided for as an indirect cost in accordance with the provisions of the grant. Any recipient of a project grant which is audited pursuant to this chapter as part of an entity which includes other agencies and departments shall transfer any funds received pursuant to this paragraph to the entity for which the single financial audit is conducted for such fiscal year in order to reimburse the entity for the costs incurred to conduct such audit with respect to the project grant.

"(2) In the case of Federal assistance provided through a formula grant, the State or local entity administering the formula grant may use the Federal assistance provided through such formula grant to pay the costs incurred to conduct the portion of a single financial audit required by this chapter with respect to such formula grant, subject to the provisions of any statute or regulation which specify the percentage or amount of the formula grant that can be used for administrative expenses.

"(3) For purposes of this subsection:

"(A) 'project grant' means a grant of Federal funds which is not a formula grant, and which is provided pursuant to an application for a specific amount of Federal assistance that includes a detailed schedule of administrative expenses to be incurred in carrying out the grant; and

"(B) 'formula grant' means a grant of Federal funds which distributes such funds to all eligible recipients based on a formula specified in law or regulation.

"(c) Notwithstanding paragraphs (1) and (2) of subsection (b), the amount of Federal assistance used to pay for or to reimburse an entity for the costs of audits taken from any grant cannot exceed, as a fraction of the overall cost of the audit, that fraction which results by dividing the amount of the total grant expenditures by the entity's total expenditures from the previous fiscal year. However, this section shall not apply if some other provision for reimbursement is provided for by agreement between the grantee, entity, and the Federal program manager of the Federal agency or department responsible for the grant.

"§ 7506. Sanctions

"(a) Upon a determination by the Director of the Office of Management and Budget under section 7503.(c) of this chapter that an entity has failed to comply with the requirement of section 7504.(a)(1) of this chapter, the Director may arrange to have conducted any audit work necessary because of the entity's failure to comply with the requirements of this chapter.

"(b) Notwithstanding any other provision of law, the costs of the audit work performed under this section shall be charged to any Federal assistance otherwise available to the entity which is designated for reimbursement of the entity's administrative costs and, if those amounts are not sufficient, then to any other available Federal assistance.

"§ 7507. Small business concerns

"(a) Small business concerns and business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of contracts awarded to fulfill the audit requirements of this chapter. Entities receiving Federal assistance shall take the following affirmative action to further this goal:

"(1) Assure that small audit firms and audit firms owned and controlled by socially and economically disadvantaged individuals as defined in P.L. 95-507 are used to the fullest extent practicable.

"(2) Make information on forthcoming opportunities available, and arrange time frame for the audit so as to encourage and facilitate participation by small or disadvantaged audit firms.

"(3) Consider in the contract process whether firms competing for larger audits intend to subcontract with small or disadvantaged firms.

"(4) Encourage contracting with small or disadvantaged audit firms which have traditionally audited government programs, and in such cases where this is not possible, assure that these firms are given consideration for audit subcontracting opportunities.

(5) Encourage contracting with consortiums of small or disadvantaged audit firms as described in paragraph (a) above when a contract is too large for an individual small or disadvantaged audit firm.

"(6) Use the services and assistance, as appropriate, of such organizations as the Small Business Administration in the solicitation and utilization of small or disadvantaged audit firms.

"§ 7508. Relationship to other law.

"(a) Notwithstanding any other provision of law, unless this section is expressly referred to, single financial audits conducted in accordance with the requirements of this Act shall be deemed to be in lieu of any other financial audit requirement imposed on the entity by the Federal Government. The Comptroller General shall determine the extent to which a particular audit requirement is a financial audit requirement. Nothing in this chapter nor any determination by the Comptroller General shall relieve Federal agencies of their responsibilities to perform other audits, such as economy and efficiency audits or program result audits, or affect their authority to perform audits of Federal assistance recipients and the programs administered by such recipients.

"(b) This chapter does not supersede State or local laws requiring audits of entities to which this chapter applies."

(c) The table of chapters for subtitle V of title 31, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

"75. Requirements for Single Financial Audits ..... 7501.

LEGISLATION MANDATING AUDIT REQUIREMENTS

SEC. 2. (a) Any bill or resolution reported by a committee of the Senate or the House of Representatives containing provisions which specify requirements for financial audits of recipients of Federal assistance which are inconsistent with the requirements specified in chapter 75 of title 31, United States Code (as added by the first section of this Act), shall be referred, if reported by a committee of the Senate, to the Committee on Governmental Affairs of the Senate and, if reported by a committee of the House of Representatives, to the Committee on Government Operations of the House, for a period not to exceed 30 days. During such period, the committee to which such bill or resolution was referred shall consider and report provisions to amend such bill or resolution to conform the requirements contained in such bill or resolution for financial audits with the requirements specified in such chapter.

(b) The Comptroller General of the United States shall monitor bills and resolutions reported by committees of the Senate and the House of Representatives and shall review provisions requiring financial audits of recipients of Federal assistance, if any, which are contained in such bills and resolutions. If the Comptroller General determines that a bill or resolution reported to the Senate or the House of Representatives contains requirements for financial audits of recipients of Federal assistance which are inconsistent with the requirements specified in chapter 75 of title 31, United States Code (as added by the first section of this Act), the Comptroller General shall, at the earliest possible date, report by letter such determination to the Committee on Governmental Affairs of the Senate (in the case of a bill or resolution reported by a committee of the Senate) or the Committee on Government Operations of the House of Representatives (in the case of a bill or resolution reported by a committee of the House of Representatives).

(c) The provisions of subsection (a) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

SECTION-BY-SECTION ANALYSIS—UNIFORM AUDIT ACT

SECTION 1—CHAPTER 75 REQUIREMENTS FOR SINGLE FINANCIAL AUDITS

Section 7501—Purposes

This section sets forth the goals and objectives of the Act. Specifically, the major purpose of the Act is to establish uniform single financial audit requirements for State and local governments and nonprofit organizations, that are recipients of Federal assistance.

Section 7502—Definitions

This section defines the following terms: (1) Federal agency and department; (2) entity; (3) Federal assistance; (4) generally accepted government auditing standards; (5) independent auditors; (6) public accountants; (7) State; (8) Indian tribe; (9) local government; (10) nonprofit organization; (11) recipient; (12) single financial audit; and (13) cognizant agency.

Section 7503—Promulgation of policies, procedures, and regulations

Subsection (a) provides authority to the President, or his designee(s) to issue policies, procedures and regulations.

Section (b) allows the President to delegate the authority to promulgate policies and procedures to the Director of the Office of Management and Budget, and the responsibility to promulgate regulations to all appropriate Federal agencies and departments. However, in the preparation of policies, procedures and regulations, the Director of the Office of Management and Budget and the representatives from each Federal agency and department, respectively, shall consult with the Comptroller General.

Subsection (c) provides for an oversight committee responsible for overseeing that the provisions of this Act are implemented within one year from the date of enactment, and that all entities are in compliance with this Act no later than three years from the date of enactment. The oversight committee will include the Director of the Office of Management and Budget, the Comptroller General, and officials from Federal, State, and local governments and nonprofit organizations.

Subsection (d) provides that the Director of the Office of Management and Budget, in consultation with the Comptroller General and officials from Federal, State, and local governments, and nonprofit organizations, establish a plan to coordinate any additional financial audit work requested by the Federal government pursuant to section 7504(c), of this Act.

Section 7504—Audit requirements

Subsection (a)(1) requires that all entities that are in receipt of Federal assistance equal to or greater than $25,000 for any fiscal year, shall conduct at least biennially, but preferably annually, a single financial audit covering all of its funds. The audits shall be made by independent auditors and conducted in accordance with generally accepted government auditing standards.

Subsection (a)(2) requires that the total amounts of Federal, State, local and other assistance, respectively, be used in a single financial audit for testing compliance with the financial requirements of Federal, State, local and other assistance programs respectively. The materiality level selected for testing shall be based on the independent auditor's professional judgment

Subsection (a)(3) requires that each entity identify the internal control systems in place within the entity. The independent auditor will evaluate, study and test those systems he feels necessary to render an opinion.

Subsection (a)(4) states clearly that the single financial audit conducted pursuant to this Act, shall be an audit of all funds, not individual grant or program funds. However, if the entity determines that an audit of the entire entity is not feasible, the entity may arrange to be audited by department or agency within the entity. This subsection also requires that if audits are done on a biennial basis, the audit must cover both years.

Subsection (a)(5) provides that this chapter does not apply to entities that receive less than $25,000 per year in Federal assistance.

Subsection (a)(6) allows Federal officials to examine the results of the single financial audit reports upon request.

Subsection (a)(7) requires that reports made pursuant to this chapter be made available to the public.

Subsection (b) this subsection requires that each entity receiving Federal assistance from Federal agencies and departments, and subsequently making a portion of that assistance available to another entity, shall have the responsibility for ascertaining whether a single financial audit of the recipient has been made. However, this does not apply to those entities in receipt of less than $25,000 of Federal assistance.

Subsection (c) provides the Federal departments and agencies with the opportunity to arrange for additional audit work of an entity's financial position. However, if the Federal departments and agencies request to do such additional work, the Federal department or agency making the request shall pay for the cost of such additional work. It should be noted that nothing in this subsection or pursuant to this chapter, relieves Federal departments or agencies of their responsibilities to do audits of economy and efficiency, program results audits, and others, required by Federal law.

Subsection (d) states that this chapter does not limit the responsibility or authority of the Federal government to enforce Federal law, regulations, procedures, or reporting requirements.

Section 7505—Payment for performance

Subsection (a) provides entities with the option of using Federal assistance to pay for or to reimburse the entity for the costs incurred to conduct a single financial audit required pursuant to this chapter.

Subsection (b)(1) provides for reimbursement in the case of project grants. Costs incurred to conduct the portion of the single financial audit required by this chapter, are considered an administrative expense and shall be provided for as an indirect cost in accordance with the provisions of the grant. Therefore, all entities making application to the Federal government for Federal assistance, should build in to the project grants' budget the estimated amount available to the entity for the performance of the requirements pursuant to this chapter.

Subsection (b)(2) states that Federal assistance provided through a formula grant may be used to pay the costs incurred to conduct the portion of a single financial audit required by this chapter.

Subsection (b)(3)(A) defines project grant for the purposes of this chapter.

Subsection (b)(3)(B) defines formula grant for the purposes of this chapter.

Subsection (c) sets forth the limit of Federal assistance that can be used by the entity from any grant. However, if the amount available is determined inadequate, the grantee, entity, and the Federal program manager responsible for the grant may enter into an alternative arrangement.

Section 7506—Sanctions

Subsection (a) provides that if the Director of the Office of Management and Budget determines that an entity has failed to comply with the requirements of this chapter, the Director may arrange to have any audit work necessary because of the entity's failure to comply with the requirements of this chapter.

Subsection (b) provides that if an entity fails to perform a single financial audit re-

quired by this chapter, the audit work performed under subsection (a) of this section, may be charged to any Federal assistance otherwise available to the entity which is designated for reimbursement or the entity's administrative costs and, if those amounts are not sufficient, then to any other available Federal assistance.

Section 7507—Small business concerns

Subsection (a) provides that small business concerns owned and controlled by socially and economically disadvantaged individuals, be given, to the maximum extent practicable, an opportunity to participate in the performance of contracts awarded that fulfill the audit requirements of this chapter. Also, entities shall take the following steps to further this goal:

Subsection (a)(1) assure that small audit firms and audit firms owned and controlled by socially and economically disadvantaged individuals as defined in P.L. 95-507 are used to the fullest extent practicable.

Subsection (a)(2) make information on forthcoming opportunities available.

Subsection (a)(3) consider in the contract process whether firms competing for larger audits intend to subcontract with small or disadvantaged firms.

Subsection (a)(4) encourage contracting with small or disadvantaged audit firms which have traditionally audited government programs.

Subsection (a)(5) encourage contracting with consortiums of small or disadvantaged firms.

Subsection (a)(6) use the services and assistance, as appropriate, of such organizations as the Small Business Admininstration in the solicitation and utilization of small or disadvantaged audit firms.

Section 7508—Relationship to other law

Subsection (a) provides that single financial audits performed pursuant to this chapter, shall be deemed to be in lieu of any other financial audit requirements imposed on an entity by the Federal government. However, Federal departments and agencies shall maintain their respective responsibilities pursuant to other audit requirements such as audits of economy and efficiency, and program results audits.

Subsection (b) makes clear that this chapter does not supersede State or local laws requiring audits of entities to which this chapter applies.

Subsection (c) amends subtitle V of title 31, of the United States Code, by inserting after the item relating to chapter 73 the following new item: "75. Requirements for Single Financial Audits . . . 7501."

SECTION 2—LEGISLATION MANDATING AUDIT REQUIREMENTS

Subsection (a) provides that any bill or resolution reported by a committee of either House containing provisions which specify requirements for financial audits inconsistent with the provisions of chapter 75 of title 31, United States Code (as added by the first section of this Act), shall be referred, if reported by a committee of the Senate, to the Committee on Governmental Affairs and if reported by a committee of the House of Representatives, to the Committee on Government Operations, for a period not to exceed 30 days. During such period, the committee to which the bill or resolution was referred shall consider and report provisions to amend such bill or resolution to conform with single financial audits required pursuant to chapter 75.

Subsection (b) requires that the Comptroller General monitor all reported bills of the House and Senate and review the audit provisions, if any, which they contain. Should the Comptroller General determine that the audit provisions reported to the House or Senate are inconsistent with the provisions of this Act, he shall report by letter as soon as possible to the Governmental Affairs Committee, or Government Operations Committee his findings.

Subsection (c) amends the rules of each House of Congress.●

By Mr. JEPSEN:

S. 1511. A bill to amend title XVIII of the Social Security Act to provide that certain hospice programs may provide nursing care through arrangements with certified medicare providers; to the Committee on Finance.

PROVISION OF NURSING SERVICES BY CERTAIN HOSPICE PROGRAMS

Mr. JEPSEN. Mr. President, I send a bill to the desk and ask that it be referred to the appropriate committee.

Mr. President, last year the Congress approved the new medicare hospice program. Thus, beginning in October of this year, hospice services will for the first time be reimbursable by medicare. Although hospices are nothing new, allowing medicare reimbursement for such care is a major breakthrough. As a cosponsor and strong supporter of the legislation creating the new hospice program, I was optimistic that millions of older Americans would finally be accorded the type of care they wanted during the final months of their life.

Unfortunately, it now appears that, under current law, thousands of deserving elderly medicare recipients could be denied this new benefit. This occurs, Mr. President, not because these people are ineligible for the benefit, but because there will not be any hospices in their area that can meet the rigid standards the new law establishes.

These standards, as you will recall, were put in place because of the concern over fraud and abuse of the new benefit. While I would agree with my colleagues who argue in favor of strict standards that these are needed to prevent fraud, I do believe there is a need for some flexibility which recognizes the different problems confronting hospices in different parts of the country.

The law as presently written states that a hospice must, "routinely provide directly substantially all" of four basic core services. These services are: nursing care, medical social services, physician services, and counseling.

Simply stated, this particular provision of the law prohibits the contracting out of any of these services. This, despite the fact that many, if not most, hospices have been contracting out many of these services for years.

As I mentioned, hospices are nothing new. Many, in fact, have been in existence for quite some time and have been doing an excellent job of caring for the needs of the terminally ill and their families.

In Cedar Rapids, Iowa, for instance, the local Public Health Nursing Association has been working with the local Mercy Hospital to provide hospice services to Iowans residing in the Linn County area. The Public Health Nursing Association provides the ongoing in-home nursing and home health aid services to the patients admitted to the hospice of the Mercy program. This has been a very successful and cost-effective program. In addition, it has been well supported in the community. Under the new medicare hospice program, the cooperative arrangement worked out between the two health care providers would not be appropriated and therefore ineligible for medicare reimbursement.

The situation in Cedar Rapids, Iowa, is not unlike that found in hundreds of communities throughout the United States. I have received a number of letters from hospice administrators, as well as home health agency administrators, pointing out the serious need for some flexibility in the law. In fact, Mr. President, it is my understanding that in some States, as many as 25 percent of the existing hospices would be forced to close down if there is no flexibility in the contracting-out area. I know you will agree that this was not the intent of the legislation when we passed the bill.

It is for this reason that I have introduced this bill to provide for contracting out of the nursing care service under certain specific conditions. I would like to take a moment and summarize my proposal for the benefit of my colleagues.

First. The Jepsen proposal provides a "grandfather" clause which allows contracting out of nursing services for hospices which were incorporated or licensed prior to the passage of the Tax Equity and Fiscal Responsibility Act.

Second. The Jepsen proposal allows hospices located in rural areas or areas designated as having "medical manpower shortages" to contract out nursing services.

Third. The Jepsen proposal requires that if a hospice does contract out, it must do so with an agency that is medicare-certified.

As you can see, Mr. President, my proposal is not complicated and is relatively narrow in scope. In addition, it has sufficient safeguards to insure that we do not see the establishment of "store front" hospices.

Quite simply, Mr. President, the inability to have even reasonable flexibility in the law limits the ability of many hospice providers to even exist. This is particularly true in rural States like Iowa, Kansas, Minnesota, and Nebraska. As you know, it is hard

enough to encourage qualified people to come to rural areas and work, let alone requiring services which inevitably would necessitate additional medical personnel.

I intend to pursue this matter with great vigor and I look forward to having an opportunity to present my views to the Finance Committee when it begins oversight hearings on this issue. It is extremely important, Mr. President, that we allow greater flexibility in the law. In the end, it could be the difference between a successful hospice program and just another bureaucratic hodgepodge of regulation.

By Mr. DURENBERGER:

S. 1512. A bill to retain the current duty on corned beef; to the Committee on Finance.

MAINTAINING THE PRESENT DUTY ON CANNED CORNED BEEF IMPORTS

● Mr. DURENBERGER. Mr. President, I would like to introduce a bill to retain the current 3-percent duty on canned corned beef for a 3-year period.

This measure will help keep down prices for a popular consumer item that is not produced in the United States. It will not have a measurable impact on U.S. meat consumption since the total imports of this product last year equaled only one-half of 1 percent of all U.S. meat consumption. In addition, a number of packaging and transportation jobs are created by these imports.

Without action, the duty on canned corned beef is scheduled to rise to 7½ percent on October 30, 1983, which would boost the price of imports from Brazil to an uncompetitive level with those from Argentina which enjoy GSP treatment. This would create an unfair advantage which benefits Argentina, a country which has not been living up to its trade agreements with the United States.

In addition, I understand that passage of an extension of the current duty level could be helpful in resolving a trade dispute in another area between the United States and Brazil.

I urge my colleagues to support this measure which is both good trade policy and a good jobs creator.●

By Mr. HATFIELD (for himself, Mr. BAKER, Mr. BINGAMAN, Mr. BOSCHWITZ, Mr. BYRD, Mr. CRANSTON, Mr. DIXON, Mr. EAGLETON, Mr. EXON, Mr. GLENN, Mr. GOLDWATER, Mr. GORTON, Mrs. HAWKINS, Mr. HOLLINGS, Mr. KENNEDY, Mr. LEAHY, Mr. LUGAR, Mr. MATHIAS, Mr. MATSUNAGA, Mr. MELCHER, Mr. MOYNIHAN, Mr. PELL, Mr. PERCY, Mr. PRYOR, Mr. RIEGLE, Mr. SARBANES, Mr. SASSER, Mr. STENNIS, Mr. THURMOND, and Mr. TSONGAS):

S. 1513. A bill to extend for 5 years the authorization of appropriations for the National Historical Publications and Records Commission; to the Committee on Governmental Affairs.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

● Mr. HATFIELD. Mr. President, it is a great pleasure for me to rise today to introduce a bill to reauthorize the functions of the National Historical Publications and Records Commission, on which I serve. It gives me equal pleasure to take note of the fact that joining me as cosponsors of this legislation are Senators BAKER, BINGAMAN, BOSCHWITZ, BYRD, CRANSTON, DIXON, EAGLETON, EXON, GLENN, GOLDWATER, GORTON, HAWKINS, HOLLINGS, KENNEDY, LEAHY, LUGAR, MATHIAS, MATSUNAGA, MELCHER, MOYNIHAN, PELL, PERCY, PRYOR, RIEGLE, SARBANES, SASSER, STENNIS, THURMOND, and TSONGAS.

Congress established the National Historical Publications and Records Commission in 1934. Its goal was to collect, edit and publish the papers of the Founding Fathers, the writings of other distinguished Americans, and the documentary histories of the First Congress, the Supreme Court, and the process of the ratification of the Constitution. In 1974, Congress expanded the Commission's responsibilities to include providing advice and assistance to public and private institutions in the development and administration of archival systems. The name of the Commission was changed at that time from the National Historical Publications Commission to the National Historical Publications and Records Commission to reflect this new and expanded mission.

The work of the Commission is a very good example of a partnership between public and private institutions. The tasks facing archival institutions, manuscript depositories, and researchers demand far more than the efforts of a single Federal commission. The Commission will provide no more than half of the funds of the projects which it supports. Thus, the program is one of challenging and helping individuals and institutions capable of preserving important aspects of our history. At present, 366 sponsored volumes have appeared, as well as 5,758 reels of microfilm, and 1,005 microfiches. There are 141 completed microform editions, and 23 completed series of books.

The Commission has vigorously endorsed and promoted those projects which it considers the most authoritative, of lasting importance, and likely to contribute most fully to an understanding of America's history and heritage. The Commission not only has supported a variety of documentary publications, but also has played a leadership role in editorial training and in setting standards for paper preservation and microform publication.

All of this work has been accomplished by the NHPRC at a very modest funding level—$4 million in fiscal year 1981. One hundred percent of the appropriations for the Commission goes entirely to the funding of projects and none to the administrative expenses of the Commission. Yet during the last 2 years, the Commission has operated without an authorization, on the basis of appropriations of $1 million contained in the fiscal year 1982 continuing resolution, $1.5 million placed in the fiscal year 1982 emergency supplemental appropriations bill, and $3 million contained within the fiscal year 1983 continuing resolution. The bill we are introducing today seeks to rectify the neglect of the NHPRC during the last 2 years by reauthorizing the Commission and restoring its initial funding level to the fiscal year 1981 level. This bill also authorizes the Commission for 4 additional years at the following rates: $4 million annually for fiscal years 1984 and 1985, and $5 million annually for fiscal years 1986, 1987, and 1988. Passage of this legislation will reassure the community of historians, librarians and archivists working closely with the NHPRC that Congress is committed to the important mission of the Commission.

On June 1, 1983, the House of Representatives passed a similar bill, H.R. 2196, which authorizes the Commission's activities for 5 years at a set level of $3 million. Thus, there is clear evidence that Congress supports the work of the NHPRC, and places a great deal of importance on the Commission's efforts to insure that the words of the men and women who did the most to shape our Nation's institutions and values are collected from fragmented and fragile source materials and put on microfilm or in books. Not only are the materials preserved for the future, but they are made accessible to everyone. The result has been a more thorough, firsthand knowledge of subjects being studied by scholars and interested readers. Not only do individuals benefit tremendously from the availability of original documents, but so too does every community that has a library.

Mr. President, this bill will allow the NHPRC to continue its valuable work for the next 5 years—work that will immeasurably benefit scholars, researchers, schools, libraries, and communities. The NHPRC is committed to reviving and preserving the yellowed documents that have survived the ravages of time and the lethargy of neglect. Their preservation serves to protect and enrich our Nation's wonderful history.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2504(b) of title 44, United States Code, is amended to read as follows:

"(b) For the purposes specified in subsection (a), there is authorized to be appropriated to the General Services Administration an amount not to exceed $4,000,000 for each of the fiscal years ending on September 30, 1984, and September 30, 1985; and an amount not to exceed $5,000,000 for each of the fiscal years ending on September 30, 1986, September 30, 1987, and September 30, 1988. Amounts appropriated under this subsection shall be available until expended when so provided in appropriation Acts.".●

By Mr. WILSON:

S. 1515. A bill entitled the "California Wilderness Act of 1983"; to the Committee on Energy and Natural Resources.

CALIFORNIA WILDERNESS ACT OF 1983

Mr. WILSON. Mr. President, today I am introducing a bill entitled the "California Wilderness Act of 1983." This bill is not a statement of my position on this highly controversial subject; rather it is a bill designed to help focus public discussion on what is a very complex and oftentimes confusing issue. It is my intent that interested parties will use the framework provided by this bill in structuring their comments and views during forthcoming subcommittee hearings.

Like the "Washington State Wilderness Act of 1983," S. 837, my bill contains two titles. The first title would designate as "wilderness," most of what was included in the Forest Service's RARE II recommendations. For the most part, these proposed wilderness areas are relatively noncontroversial and deserving of wilderness designation.

The second title identified those areas and issue on which there is no agreement. Thirty-three proposed wilderness areas or wilderness area additions, plus the question of release and sufficiency language, are included in this title. Congress is instructed by this title to consider the concerns that have been expressed on each of these areas in its deliberations on any legislation to designate wilderness in my home State of California.

I should like to reemphasize my point that nothing in title II is to be construed by my colleagues or constituents as a definition of position. I will shortly be meeting with interested parties in California on the wilderness question and hope to hear further on this subject during subcommittee hearings. Only then will I feel sufficiently informed to define my own position on this issue. Meanwhile, I would hope and define my own position on this issue. Meanwhile, I would hope and expect that the bill I am introducing today will aid in structuring the public input that I and the rest of my colleagues need.

Mr. President, the introduction of this bill will hopefully mark the beginning of the end for what has been a very long and somewhat painful wilderness designation process. I would strongly encourage my colleagues to give this issue the attention that it deserves and work with me in passing California wilderness legislation at the earliest possible date. I ask unanimous consent that the full text of my bill be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "California Wilderness Act of 1983."

TITLE I—DESIGNATION OF WILDERNESS

SEC. 101. (a) In furtherance of the purposes of the Wilderness Act, the following lands, as generally depicted on maps, appropriately referenced, dated July 1980 (except as otherwise dated) are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Lassen National Forest, California, which comprise approximately one thousand eight hundred acres, as generally depicted on a map entitled "Caribou Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall deemed to be a part of the Caribou Wilderness as designated by Public Law 88-577;

(2) certain lands in the Stanislaus and Toiyabe National Forests, California, which comprise approximately one hundred eighty-two thousand acres, as generally depicted on a map entitled "Carson-Iceberg Wilderness—Proposed, dated March 1983", and which shall be known as the Carson-Iceberg Wilderness: *Provided, however,* That the designation of the Carson-Iceberg Wilderness shall not preclude continued motorized access to those previously existing facilities which are directly related to permitted livestock grazing activities in the Wolf Creek Drainage on the Toiyabe National Forest in the same manner and degree in which such access was occurring as of the date of enactment of this Act;

(3) certain lands in the Shasta Trinity National Forest, California, which comprise approximately seven thousand three hundred acres, as generally depicted on a map entitled "Castle Crags Wilderness—Proposed", and which shall be known as the Castle Crags Wilderness;

(4) certain lands in the Lassen National Forest, California, which comprise approximately fifteen thousand five hundred acres, as generally depicted on a map entitled "Cinder Buttes Wilderness—Proposed", and which shall be known as the Cinder Buttes Wilderness;

(5) certain lands in the Angeles National Forest, California, which comprise approximately four thousand four hundred acres, as generally depicted on a map entitled "Cucamonga Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Cucamonga Wilderness as designated by Public Law 88-577;

(6) certain lands in the Inyo National Forest, California, which comprise approximately seven thousand six hundred acres, as generally depicted on a map entitled "Deep Wells Wilderness—Proposed", and which shall be known as the Deep Wells Wilderness;

(7) certain lands in the Los Padres National Forest, which comprise approximately sixty-seven thousand acres, as generally depicted on a map entitled "Dick Smith Wilderness—Proposed", dated October, 1979, and which shall be known as Dick Smith Wilderness: *Provided,* That the Act of March 21, 1968 (82 Stat. 51), which established the San Rafael Wilderness is hereby amended to transfer four hundred and thirty acres of the San Rafael Wilderness to the Dick Smith Wilderness and establish a line one hundred feet north of the centerline of the Buckhorn Fire Road as the southeasterly boundary of the San Rafael Wilderness, as depicted on a map entitled "Dick Smith Wilderness—Proposed", and whenever said Buckhorn Fire Road passes between the San Rafael and Dick Smith Wildernesses and elsewhere at the discretion of the Forest Service, it shall be closed to all motorized vehicles except those used by the Forest Service for administrative purposes;

(8) certain lands in the Stanislaus National Forest, California, which comprise approximately six thousand one hundred acres, as generally depicted on a map entitled "Emigrant Widerness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Emigrant Wilderness as designated by Public Law 93-632;

(9) certain lands in the Inyo National Forest, California, which comprise approximately forty-six thousand four hundred acres, as generally depicted on a map entitled "Excelsior Wilderness—Proposed", and which shall be known as the Excelsior Wilderness;

(10) certain lands in the Angeles National Forest, California, which comprise approximately thirty-two thousand nine hundred acres, as generally depicted on a map entitled "Fish Canyon Wilderness—Proposed", and which shall be known as the Fish Canyon Wilderness;

(11) certain lands in the San Bernardino National Forest, California, which comprise approximately ten thousand six hundred acres, as generally depicted on a map entitled "Granite Peak Wilderness—Proposed", and which shall be known as the Granite Peak Wilderness;

(12) certain lands in the Toiyabe National Forest, California, which comprise approximately forty-nine thousand two hundred acres, as generally depicted on a map entitled "Hoover Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Hoover Wilderness as designated by Public Law 88-577;

(13) certain lands in and adjacent to the Lassen National Forest, California, which comprise approximately forty-one thousand six hundred acres, as shown on a map entitled "Ishi Wilderness—Proposed", and which shall be known as the Ishi Wilderness;

(14) certain lands in the Inyo and Sierra National Forest, California, which comprise approximately one hundred twenty thousand acres, as generally depicted on a map

entitled "John Muir Wilderness Additions, Inyo National Forest—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the John Muir Wilderness as designated by Public Law 88-577;

(15) certain lands in the Lassen National Forest, California, which comprise approximately three thousand nine hundred acres, as generally depicted on a map entitled "Lassen Volcanic Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of the Lassen Volcanic Wilderness as designated by Public Law 92-510;

(16) certain lands in the Klamath National Forest, California, which comprise approximately seven thousand six hundred acres, as generally depicted on a map entitled "Marble Mountain Wilderness Additions—Proposed", and which are hereby incorporated in, and shall be deemed to be a part of the Marble Mountain Wilderness as designated by Public Law 88-577;

(17) certain lands in the Sierra and Inyo National Forest, California, which comprise approximately forty-eight thousand five hundred acres, as generally depicted on a map entitled "Minarets Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Minarets Wilderness as designated by Public Law 88-577;

(18) certain lands in the Eldorado, National Forests, California, which comprise approximately six hundred and forty acres, as generally depicted on a map entitled "Mokelumne Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in, and which shall be deemed to be a part of the Mokelumne Wilderness as designated by Public Law 88-577;

(19) certain lands in the Shasta Trinity National Forest, California, which comprise approximately twenty-six thousand two hundred acres, as generally depicted on a map entitled "Mt. Shasta Wilderness—Proposed", and which shall be known as Mt. Shasta Wilderness;

(20) certain lands in the Cleveland National Forest, California, which comprise approximately thirteen thousand one hundred acres, as generally depicted on a map entitled "Pine Creek Wilderness—Proposed", and which shall be known as the Pine Creek Wilderness;

(21) certain lands in the San Bernardino National Forest, California, which comprise approximately ten thousand two hundred acres, as generally depicted on a map entitled "Pyramid Peak Wilderness—Proposed", and which shall be known as the Pyramid Peak Wilderness;

(22) certain lands in the San Bernardino National Forest, California, which comprise approximately twenty-one thousand five hundred acres, as generally depicted on a map entitled "San Gorgonio Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Gorgonio Wilderness as designated by Public Law 88-577;

(23) certain lands in the San Bernardino National Forest, California, which comprise approximately ten thousand nine hundred acres, as generally depicted on a map entitled "San Jacinto Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Jacinto Wilderness as designated by Public Law 88-577: *Provided, however,* That the Secretary of Agriculture may pursuant to an application filed prior to January 1, 1983, grant a right-of-way for, and authorize construction of, a transmission line or lines within the area depicted as "potential powerline corridor" on the map entitled "San Jacinto Wilderness Additions—Proposed": *Provided further,* That if a power transmission line is constructed within such corridor, the corridor shall cease to be a part of the San Jacinto Wilderness and the Secretary of Agriculture shall publish notice thereof in the Federal Register;

(24) certain lands in the Los Padres National Forest, California, which comprise approximately two thousand acres, as generally depicted on a map entitled "San Rafael Wilderness Additions—Proposed", and which hereby incorporated in, and which shall be deemed to be part of the San Rafael Wilderness as designated by Public Law 90-271;

(25) certain lands in the Angeles and San Bernardino National Forests, California, which comprise approximately thirty thousand one hundred acres, as generally depicted on a map entitled "Sheep Mountain Wilderness—Proposed", and which shall be known as Sheep Mountain Wilderness;

(26) certain lands in the Six Rivers, Klamath, and Siskiyou National Forests, California, which comprise approximately one hundred thousand acres, as generally depicted on a map entitled "Siskiyou Wilderness—Proposed", dated March 1983, and which shall be known as the Siskiyou Wilderness;

(27) certain lands in the Mendocino National Forest, California, which comprise approximately twenty-five thousand acres, as generally depicted on a map entitled "Snow Mountain Wilderness—Proposed", and which shall be known as Snow Mountain Wilderness;

(28) certain lands in the Modoc National Forest, California, which comprise approximately one thousand nine hundred and forty acres, as generally depicted on a map entitled "South Warner Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed as designated by Public Law 88-577;

(29) certain lands in the Lassen National Forest, California, which comprise approximately seven thousand acres, as generally depicted on a map entitled "Thousand Lakes Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Thousand Lakes Wilderness as designated by Public Law 88-577;

(30) certain lands in and adjacent to the Lassen National Forest, California, which comprise approximately four thousands four hundred acres, as generally depicted on a map entitled "Timbered Crater Wilderness—Proposed", and which shall be known as the Timbered Crater Wilderness;

(31) certain lands in and adjacent to the Klamath, Shasta Trinity and Six Rivers National Forests, California, which comprise approximately two hundred and ninety-five thousand acres, as generally depicted on a map entitled "Trinity Alps Wilderness—Proposed", and which shall be known as the Trinity Alps Wilderness;

(32) certain lands in the Los Padres National Forest, California, which comprise approximately two thousand seven hundred and fifty acres, as generally depicted on a map entitled "Ventana Wilderness Addition—Proposed", and which are hereby incorporated in, and which shall be deemed to be part of the Ventana Wilderness as designated by Public Laws 91-58 and 95-237; and

(33) certain lands in and adjacent to the Six Rivers National Forest, California, which comprise approximately one hundred acres, as generally depicted on a map entitled "Yolla-Bolly Middle Eel Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Yolla-Bolly Middle Eel Wilderness as designated by Public Law 88-577;

(b) The previous classifications of the High Sierra Primitive area, Emigrant Basin Primitive Area, and the Salmon-Trinity Alps Primitive Area are hereby abolished.

SEC. 102. (a) Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary concerned in accordance with the provisions of the Wilderness Act: *Provided,* That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(b) Within the National Forest Wilderness areas designated by this Act—

(1) as provided in subsection 4(d)(4)(2) of the Wilderness Act, the grazing of livestock, where established prior to date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies and practices as the Secretary deems necessary, as long as such regulations, policies and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and this Act;

(2) as provided in subsection 4(d)(1) of the Wilderness Act, the Secretary concerned may take such measures as are necessary in the control of fire, insects, and diseases, subject to such conditions as he deems desirable; and

(3) as provided in section 4(b) of the Wilderness Act, the Secretary concerned shall administer such areas so as to preserve their wilderness character and to devote them to the public purposes of recreation, scenic, scientific, educational, conservation, and historical use.

(c) Within sixty days of the date of enactment of this Act, the Secretary of Agriculture shall enter into negotiations to acquire by exchange or otherwise (on a willing-buyer-willing-seller basis and at the landowner's option) all or part of any privately owned lands within the Trinity Alps, Castle Crags, and Mount Shasta Wilderness areas as designated by this Act. Such acquisition shall to the maximum extent praticable, be completed within three years after the date of enactment of this Act. Market and exchange values shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area.

ADDITIONS TO NATIONAL PARK SYSTEM

SEC. 104. (a). The Secretary of Agriculture is authorized and directed to transfer to the jurisdiction of the Secretary of the Interior for administration as a part of Yosemite National Park, two hundred and fifty-three acres of the Stanislaus National Forest at Crocker Ridge, identified as all that land lying easterly of a line beginning at the existing park boundary and running three hundred feet west of and parallel to the center line of the park road designated as State Highway 120, also known as the New Big Oak Flat Road, within section 34, township 1 south, range 19 east, and within sections 4, 9, and 10, township 2 south, range 19 east, Mount Diablo base and meridian. The boundary of Yosemite National Park and the Stanislaus National Forest shall be adjusted accordingly.

(b) The Secretary of the Interior is authorized and directed to transfer to the jurisdiction of the Secretary of Agriculture one hundred and sixty acres within the boundary of the Sierra National Forest identified as the northwest quarter of section 16, township 5 south, range 22 east, Mount Diablo base meridian, subject to the right of the Secretary of the Interior to the use of the water thereon for park purposes, including the right of access to facilities necessary for the transportation of water to the park.

FILING OF MAPS AND DESCRIPTIONS

SEC. 103. As soon as practicable after enactment of this Act, a map and a legal description on each wilderness area shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

NATIONAL PARK WILDERNESS

SEC. 105. The following lands are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act:

(1) Yosemite National Park Wilderness, comprising approximately six hundred and seventy-seven thousand six hundred acres, and potential wilderness additions comprising approximately three thousand five hundred and fifty acres, as generally depicted on a map entitled "Wilderness Plan, Yosemite National Park, California" numbered 104-20, 003-E dated July 1980, and shall be known as the Yosemite Wilderness;

(2) Sequoia and Kings Canyon National Parks Wilderness, comprising approximately seven hundred and thirty-six thousand nine hundred and eighty acres; and potential wilderness additions comprising approximately one hundred acres, as generally depicted on a map entitled "Wilderness Plan—Sequoia-Kings Canyon National Parks—California", numbered 102-20, 003-E and dated July 1980, and shall be known as the Sequoia-Kings Canyon Wilderness.

MAP AND DESCRIPTION

SEC. 106. A map and description of the boundaries of the areas designated in section 7 of this Act shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 7. As soon as practicable after this Act takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in such maps and descriptions may be made.

CESSATION OF CERTAIN USES

SEC. 107. Any lands (in section 7 of this Act) which represent potential wilderness additions upon publications in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness. Lands designated as potential wilderness additions shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.

ADMINISTRATION

SEC. 108. (a) The areas designated by section 7 of this Act as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(b) Notwithstanding any existing or future administrative designation or recommendation, mineral prospecting, exploration, development, or mining of cobalt and associated minerals undertaken under the United States mining laws within the North Fork Smith roadless area (RARE II, 5-707, Six Rivers National Forest, California) shall be subject to only such Federal laws and regulations as are generally applicable to national forest lands designated as nonwilderness.

SEVERABILITY

SEC. 109. If any provision of this Act or the application thereof is held invalid, the remainder of the Act and the application thereof shall not be affected thereby.

TITLE II

SEC. 201. Certain other areas in the State of California not included in the previous administration's RARE II recommendations are of concern to many citizens of California and the Nation and should be considered during congressional deliberations on any legislation to designate wilderness in the State of California. These areas include:

1. Antelope Creek.
2. Bald Rock.
3. Blue Creek/Eight-mile/Dillon Creek.
4. Boundry Peak
5. Bucks Lake.
6. Caples Creek.
7. Carson Iceberg.
8. Dinkey Lakes.
9. Domeland Addition.
10. Echo-Carson.
11. Granite Chief.
12. Hart Lake.
13. Jennie Lakes.
14. Machesna.
15. Marble Mountain Additions.
16. McCloud River.
17. Mill Creek.
18. Minarets Additions.
19. Mokelumne Additions.
20. Monache.
21. Mt. Raymond additions to the national park system.
22. Mt. Shasta.
23. North Mountain additions to the national park system.
24. Red Buttes.
25. Russian Peak.
26. San Joaquin.
27. Scodies.
28. Sheep Mountain.
29. Snow Mountain.
30. South Sierra.
31. Trinity Alps.
32. Tuolumne River Canyon.
33. Yolla Bolly-Middle Eel additions.

SEC. 202. In addition to the proposed wilderness areas listed in the previous section, issues relating to language that would exempt the California portion of the RARE II Final Environmental Impact Statement from judicial challenge (sufficiency language) and that would provide direction to the Secretary of Agriculture for management of the remaining roadless areas designated as further planning or nonwilderness (release language) should be considered during congressional deliberations on any legislation to designate wilderness in the State of California.

ADDITIONAL COSPONSORS

S. 230

At the request of Mr. HEINZ, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 230, a bill to amend the Tariff Schedules of the United States to establish equal and equitable classification and duty rates for various cordage products of virtually identical characteristics.

S. 476

At the request of Mr. LEVIN, the name of the Senator from Indiana (Mr. QUAYLE) was added as a cosponsor of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 572

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. BRADLEY), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 572, a bill to provide emergency assistance for children.

S. 800

At the request of Mr. STEVENS, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 800, a bill to establish an ocean and coastal development impact assistance fund and to require the Secretary of Commerce to provide to States national ocean and coastal development and assistance block grants from moneys in the fund, and for other purposes.

S. 865

At the request of Mr. HATFIELD, the names of the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Wisconsin (Mr. KASTEN), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 865, a bill to establish a nationally uniform deep-draft vessel tax for the purpose of financing operations and maintenance of deep-draft commercial channels and harbors; to fund a percentage of new channel improvements; and to provide

an expedited procedure for the authorization and permitting of navigation improvement projects and related landside facilities in deep-draft ports, and for other purposes.

S. 873

At the request of Mr. LUGAR, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 873, a bill to help insure the Nation's independent factual knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 1080

At the request of Mr. GRASSLEY, the names of the Senator from Oklahoma (Mr. BOREN), the Senator from Utah (Mr. HATCH), the Senator from Arkansas (Mr. PRYOR), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Wisconsin (Mr. KASTEN), the Senator from Kansas (Mr. DOLE), the Senator from Utah (Mr. GARN), the Senator from Idaho (Mr. SYMMS), the Senator from Indiana (Mr. LUGAR), the Senator from Montana (Mr. MELCHER), the Senator from Georgia (Mr. NUNN), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

S. 1090

At the request of Mr. WALLOP, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1090, a bill to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for Government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes.

S. 1170

At the request of Mr. PRYOR, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 1170, a bill to establish a Director of Operational Testing and Evaluation in the Department of Defense, and for other purposes.

S. 1300

At the request of Mr. HUDDLESTON, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the rural electrification and telephone revolving fund, and for other purposes.

S. 1302

At the request of Mr. HEINZ, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1302, a bill to amend title XVIII of the Social Security Act with respect to purchase and rentals of durable medical equipment.

S. 1359

At the request of Mr. METZENBAUM, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1359, a bill to amend the Internal Revenue Code of 1954 to increase the amount of the credit for household and dependent care services, and for other purposes.

S. 1475

At the request of Mr. WALLOP, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

SENATE JOINT RESOLUTION 50

At the request of Mr. LEVIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of Senate Joint Resolution 50, a joint resolution designating the week beginning September 25, 1983, as "National Adult Day Care Center Week."

SENATE JOINT RESOLUTION 56

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Joint Resolution 56, a joint resolution to designate the month of August 1983 as "National Child Support Enforcement Month."

At the request of Mr. GRASSLEY, the names of the Senator from Kentucky (Mr. FORD), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Indiana (Mr. QUAYLE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from California (Mr. WILSON), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as a cosponsors of Senate Joint Resolution 56, supra.

SENATE JOINT RESOLUTION 77

At the request of Mr. DOLE, the names of the Senator from Nebraska (Mr. ZORINSKY) and the Senator from Nebraska (Mr. EXON) were added as cosponsors of Senate Joint Resolution 77, a joint resolution designating "National Animal Agriculture Week."

SENATE JOINT RESOLUTION 84

At the request of Mr. GARN, the names of the Senator from Texas (Mr. TOWER), the Senator from New York (Mr. D'AMATO), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of Senate Joint Resolution 84, a joint resolution to designate the week beginning June 24, 1984, as "Federal Credit Union Week."

SENATE JOINT RESOLUTION 106

At the request of Mr. SIMPSON, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Arizona (Mr. GOLDWATER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Vermont (Mr. STAFFORD), the Senator from Maryland (Mr. MATHIAS), the Senator from Utah (Mr. GARN), the Senator from Nevada (Mr. LAXALT), the Senator from California (Mr. WILSON), the Senator from North Carolina (Mr. HELMS), the Senator from Delaware (Mr. ROTH), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Oklahoma (Mr. NICKLES), the Senator from Idaho (Mr. SYMMS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Utah (Mr. HATCH), the Senator from Maine (Mr. COHEN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Rhode Island (Mr. PELL), the Senator from Maine (Mr. MITCHELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Florida (Mr. CHILES), the Senator from Arizona (Mr. DECONCINI), the Senator from Delaware (Mr. BIDEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Nebraska (Mr. EXON), the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. INOUYE), the Senator from North Dakota (Mr. BURDICK), the Senator from Vermont (Mr. LEAHY), the Senator from Tennessee (Mr. SASSER), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of Senate Joint Resolution 106, a joint resolution designating August 3, 1983, as "National Paralyzed Veterans Recognition Day."

SENATE JOINT RESOLUTION 117

At the request of Mr. HUDDLESTON, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of Senate Joint Resolution 117, a joint resolution to authorize and request the President to designate July 15, 1983, as "National Ice Cream Day."

SENATE JOINT RESOLUTION 118

At the request of Mr. CHAFEE, the name of the Senator from Oregon (Mr. HATFIELD), was added as cosponsor of Senate Joint Resolution 118 a joint resolution to establish the Abraham Lincoln One Hundred Seventy-Fifth Anniversary Commission.

SENATE CONCURRENT RESOLUTION 44

At the request of Mr. JEPSEN, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Alabama (Mr. HEFLIN), and the Senator from Delaware (Mr. BIDEN)

were added as cosponsors of Senate Concurrent Resolution 44, a concurrent resolution expressing the sense of the Congress that the continuing possibility that the provisions of the Internal Revenue Code of 1954 relating to withholding from interest and dividends will be repealed is creating, for all payors, an undue hardship within the meaning of section 308(b) of the Tax Equity and Fiscal Responsibility Act of 1982 and that the Secretary of the Treasury should exercise his authority under such section to delay the effective date of such provisions until December 31, 1983.

SENATE RESOLUTION 126

At the request of Mr. EAST, his name was added as a cosponsor of Senate Resolution 126, a resolution to express the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified.

SENATE RESOLUTION 159

At the request of Mr. LEVIN, the name of the Senator from California (Mr. CRANSTON) was withdrawn as a cosponsor of the resolution (S. Res. 159) expressing the sense of the Senate that the United States should propose a mutual pause in flight tests of new MIRV'd ICBM's and seek an arms control agreement in the START talks incorporating the recommendations of the Scowcroft Commission.

SENATE CONCURRENT RESOLUTION 47—RELATING TO THE SALE OF CHRYSLER STOCK WARRANTS

Mr. TRIBLE submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 47

Whereas in 1980, the United States Government acquired 14.4 million warrants to purchase Chrysler common stock in exchange for Federal loan guarantees which have helped Chrysler to survive;

Whereas those warrants now possess considerable value, due to the increased price of Chrysler common stock;

Whereas in guaranteeing the Chrysler loans, American taxpayers accepted a huge contingent liability to insure repayment of Chrysler debt in case of Chrysler default;

Whereas it is inappropriate for the United States Government to continue to hold the Chrysler warrants, speculating on a further increase in Chrysler stock prices; and

Whereas it is also inappropriate for the United States Government to hold, directly or indirectly, a substantial ownership share in the Chrysler Corporation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Chrysler Corporation Loan Guarantee Board should sell the Chrysler warrants in an orderly fashion, and apply the sales proceeds to a reduction in the Federal budget deficit.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Chrysler Corporation Loan Guarantee Board.

Mr. TRIBLE. Mr. President, recently, the Chrysler Corp. proposed that the United States return to Chrysler millions of valuable warrants to purchase Chrysler common stock. The United States acquired these warrants in exchange for the guarantee of loans to the Chrysler Corp.

Following a public outcry, Chrysler withdrew its proposal on May 12. However, the Government must now decide the best use of the warrants.

Today, I am submitting a concurrent resolution expressing the sense of Congress that sales of Chrysler stock warrants should begin immediately.

The Chrysler warrants should be sold, and sold now. The Government can turn a handsome profit for the taxpayer by selling the warrants in an orderly way.

U.S. taxpayers accepted up to 1.2 billion dollars' worth of risk, in agreeing to guarantee loans to Chrysler. They deserve a profit. Chrysler warrants should be sold, and applied to reduce the deficit.

Sales should begin now and proceed in an orderly way to protect the Government and taxpayer interest. There are two compelling reasons for this.

First, delaying sales in the expectation that Chrysler common stock prices will unnecessarily expose the Government to speculative risks. Should Chrysler stock prices fall, it would mean smaller profits or even losses. It is unwise and undesirable for the Federal Government to speculate in corporate securities. If the Government can realize a profit it should do so.

Second, it is equally undesirable for the Government to be in a position in which it can potentially own one-tenth of one of our Nation's largest corporations.

Moreover, it is important that the Government insist on its rights to discourage companies from frivolously seeking Government aid. Potential recipients of Government aid must know that strings on Government assistance are real. Selling the warrants would send a strong signal that the United States expects commitments to be honored.

Certainly, Chrysler would expect the United States to live up to its guarantee commitments if Chrysler defaulted on its debts. Chrysler too should keep its end of the bargain.

For these reasons I believe the prompt sale of these securities would be in the best interests of the taxpayer and of Chrysler. I urge my colleagues to join me in this effort.

SENATE RESOLUTION 160—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. PERCY, from the Committee on Foreign Relations, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 160

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 602. Such waiver is necessary because S. 602 authorizes the enactment of new budget authority which would first become available in fiscal year 1983, and such bill was not reported on or before May 23, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The waiver of section 402(a) is necessary to permit Congressional consideration of statutory authority to the Board for International Broadcasting to proceed with the organization and implementation of Radio Broadcasting to Cuba, and to appropriate $5 million for facility compensation for U.S. broadcasters.

S. 602 establishes authority for the Board for International Broadcasting to provide for radio broadcasting to Cuba. In addition, S. 602 authorizes appropriation of $5 million for compensating U.S. radio broadcast station licensees that apply for expenses incurred or to be incurred in mitigating the effects of Cuban Government activities that result in direct interference with U.S. broadcasting. The expenses covered under the bill shall be limited to costs of equipment (replaced less depreciation) and associated technical and engineering costs.

The anticipated sums necessary to carry out radio broadcasting to Cuba in fiscal years 1983 and 1984 were included in the President's fiscal year 1983 and fiscal year 1984 budget requests. The Appropriations Committees of the Senate and the House of Representatives have therefore had adequate notice of this authorization. While the Administration did not request specific funding for facility compensation, this issue has been an integral part of discussion of radio broadcasting to Cuba legislation throughout its consideration by the Congress.

SENATE RESOLUTION 161—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. HATCH, from the Committee on Labor and Human Resources, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 161

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 771, a bill to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes. Such

waiver is necessary to specify in the Public Health Service Act the amounts appropriated for fiscal year 1983 for activities of the Department of Health and Human Services relating to health promotion and disease prevention, and to permit the authorization of appropriation of funds for such activities for fiscal year 1984.

SENATE RESOLUTION 162—SUPPORTING THE REPORT OF THE NATIONAL COMMISSION ON EXCELLENCE IN EDUCATION

Mr. TSONGAS (for himself, Mr. BOREN, Mr. BURDICK, Mr. CHILES, Mr. HEINZ, Mr. JEPSEN, Mr. RANDOLPH, Mr. COHEN, and Mr. DODD) submitted the following resolution, which was referred to the Committee on Labor and Human Resources:

S. RES. 162

Whereas the National Commission on Excellence in Education was established to review and make recommendations regarding the state of education in the Nation;

Whereas the Commission has recently completed its report, "A Nation at Risk"; and

Whereas the Commission found that the Nation is dependent on a well educated population, education is a public investment in the future, and the Nation faces a crisis in education because of the decline in educational excellence: Now, therefore, be it

Resolved, That the United States Senate supports the conclusions of the National Commission on Excellence in Education and the need to reverse the decline in educational excellence in the Nation.

● Mr. TSONGAS. Mr. President, today I am introducing a resolution expressing the Senate's support for the conclusions of the report of the National Commission on Excellence in Education.

The National Commission on Excellence in Education was established to review and make recommendations regarding the state of education in the United States. "A Nation At Risk" is a startling report that focuses on the decline of education throughout our country. Its central theme is the overall deterioration of education and it details troubling statistics on rising illiteracy and high school curriculums that do not prepare graduates for college or employment. It warns that: "Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world."

We have all previously read reports on the decline in the national test scores, irrelevant curriculum, and a deterioration of competency; however, this report effectively links the decline in education with a threat to the economic security of our Nation. Clearly, we cannot expect to remain competitive in the industrial world if the students of today lack the skills and ability to develop the technology of tomorrow. The report challenges the Nation to approach this situation like the national emergency it is. It describes the mediocrity that permeates our school systems as a clear and present danger to our country that cannot be ignored.

Although many of us have different views on the role the Federal Government should play in education, we all agree that total literacy and basic skill competency is vital to the future of our Nation. We recognize that public education is a national investment and we are cognizant of the need for future generations to be fully prepared to compete in the international market. Our capacity to compete with Japan, Germany, and other industrialized nations is contingent upon the quality of the education we provide for our children.

The report refrains from placing responsibility for these problems on any specific group. We all share, to some extent, in the responsibility for this decline because we have been complacment as the national attitude toward education has undergone radical change. The time to respond is now and Congress is indeed responding. The sheer number of education bills introduced in Congress this year illustrates the urgency many Members of Congress feel about education in our Nation. This resolution embraces the cogent intentions of those legislative efforts while emphasizing the commitment of the Senate to a superior education system in this Nation. Mr. President, I urge my colleagues to join me in this resolution.●

AMENDMENTS SUBMITTED

CONSTRUCTION OF HYDROELECTRIC POWERPLANTS

HECHT AMENDMENT NO. 1424

(Ordered to lie on the table.)

Mr. HECHT submitted an amendment intended to be proposed by him to the bill (S. 268) to authorize the Secretary of the Interior to construct, operate, and maintain hydroelectric powerplants at various existing water projects, and for other purposes.

(The remarks of Mr. HECHT and the text of the amendment appear earlier in today's RECORD.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES APPROPRIATION ACT, 1984

HEINZ AMENDMENT NO. 1425

Mr. HEINZ proposed an amendment to the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes; as follows:

Page 10 of the bill, between lines 4 and 5, insert the following [new undesignated paragraph]:

SALES OF SECTION 202 MORTGAGES

[Notwithstanding any other provision of law,] The Secretary of Housing and Urban Development may not sell any mortgage held by the Secretary as security for a loan made under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) without prior Congressional approval.

MATHIAS (AND OTHERS) AMENDMENT NO. 1426

Mr. MATHIAS (for himself, Mr. SARBANES, Mr. WARNER, and Mr. TRIBLE) proposed an amendment to the bill (H.R. 3133), supra; as follows:

On page 18, line 20 before the "." insert the following: *": Provided further,* That within the funds made available under this head $5,000,000 shall be used for the implementation of the Chesapeake Bay Study".

STAFFORD AMENDMENT NO. 1427

Mr. STAFFORD proposed an amendment to the bill H.R. 3133, supra; as follows:

On page 19, strike lines 25 through line 2 on page 20 and substitute the following:

"For performance of specific activities in accordance with section 111(c)(4) of Public Law 96-510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, $6,415,000 is appropriated to the Department of Health and Human Services, to be derived by transfer from the Hazardous Substance Response Trust Fund.".

HEINZ (AND RIEGLE) AMENDMENT NO. 1428

Mr. HEINZ (for himself and Mr. RIEGLE) proposed an amendment to the bill H.R. 3133, supra; as follows;

On page 52, between lines 2 and 3, insert the following:

TITLE V—HOMEOWNERS' RELIEF

SHORT TITLE

SEC. 501. This title may be cited as the "Unemployed Homeowners' Relief Act of 1983".

AUTHORITY

SEC. 502. (a) The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary"), acting through the Government National Mortgage Association, shall guarantee and make commitments to guarantee the timely payment of the principal and interest on junior mortgage loans made under this title in order to assist homeowners in avoiding foreclosure on their mortgage loans.

(b) No guarantee shall be made under this title except pursuant to a commitment to guarantee that is entered into pursuant to this title prior to October 1, 1984.

ELIGIBILITY

SEC. 503. (a) To be eligible for a guarantee under this title, a junior mortgage shall have been executed by a mortgagor—

(1) who has incurred a substantial reduction in income as a result of involuntary unemployment or underemployment due to

adverse economic conditions and is financially unable to make full mortgage payments;

(2) who is in default on a mortgage secured by a single family dwelling which is his principal residence; and

(3) who, prior to becoming unemployed or underemployed, maintained good mortgage payment practices.

(b) No assistance may be made with respect to a mortage under this title unless—

(1) the property securing such mortgage (or other security interest in the case of units in cooperative or condominium projects, or in the case of any manufactured home and the lot on which such home is situated) is a one-family residence (including one-family units in a condominium project, a membership interest and occupancy agreement in a cooperative housing project, and any manufactured home and the lot on which such home is situated) and is the principal residence of the mortgagor involved;

(2) such mortgage is not insured under the National Housing Act or assisted under title V of the Housing Act of 1949;

(3) the original principal obligation of such mortgage does not exceed the principal amount that could be insured, at the time such mortgagor applies for assistance under this title, with respect to the property of such mortgagor under section 203(b) of the National Housing Act (or under section 203(n) or 234(c) of such Act with respect to a unit in a cooperative housing project or condominium project, respectively).

(c) A guarantee may be made under this title only if the Secretary finds that—

(1) the holder of the mortgage has indicated to the mortgagor that it intends to foreclose, that all available forebearance remedies have been exhausted, and that foreclosure would result if assistance under this title were not provided; and

(2) there is a reasonable prospect that the mortgagor will be able to make the adjustments necessary for a full resumption of mortgage payments.

TARGETING

SEC. 504. (a) On or after 120 days after assistance is first made available in a State, the Secretary may cease making commitments to guarantee loans in that State if, on the basis of factual information, he determines that—

(1) the State is located in a Federal Home Loan Bank district in which the mortgage delinquency rate for two consecutive reporting periods has been less than the average mortgage delinquency rate of all districts; and

(2) the State has an unemployment rate, as determined by the Bureau of Labor Statistics, which has remained for three months below the rate for the United States or the average rate experienced in such State for the calendar years 1978, 1979, and 1980.

(b) After taking action under subsection (a), the Secretary shall submit a report to Congress within 15 days of such action, describing his decision and the factual basis for making it.

(c) For the purpose of subsection (a) the term "mortgage delinquency rate" means the amount that is derived by dividing the amount of funds represented by mortgage delinquency series maintained by the Federal Home Loan Bank Board and for which payments have been delinquent for 60 days or more by the amount of all funds represented by mortgage loans and contracts which would be accounted for in such series for that district.

MAXIMUM AMOUNT AND ESCROW PROCEDURES

SEC. 505. (a) The principal amount of a loan guaranteed under this title may not exceed the sum of the total amount of payments due under the first and any other senior mortgage for principal, interest, taxes, ground rent, hazard insurance, and mortgage insurance for any delinquent payments during the three-month period prior to the date of the loan and for payments becoming due during a period of not to exceed twenty-four months after the date of the loan, plus a premium representing an amount equal to the amount of interest which will accrue on the unpaid principal balance of the loan during the period beginning on the date of the loan and ending when the mortgagor's repayment obligation commences. Notwithstanding the preceding sentence, the Secretary shall require the mortgagor to make such payments on the first mortgage and any other senior mortgage as the mortgagor is capable of contributing under regulations of the Secretary but not less than 5 per centum of the monthly mortgage payment during the period covered by the guaranteed loan.

(b) A guarantee under this title may be made only pursuant to an agreement under which the lender will—

(1) assume the first 10 per centum of any loss on a guaranteed mortgage;

(2) deposit the loan proceeds in an escrow or trust account (that bears interest at a rate determined by the Secretary to be appropriate) which shall be available for (A) payments of principal, interest, taxes, ground rents, hazard insurance, and mortgage insurance premiums due on the first mortgage, (B) payments of interest to the lender during the period prior to the commencement of the repayment period, and (C) prepayment of principal on the loan guaranteed under this title; and

(3) pay to the mortgagor any amounts remaining in the escrow or trust account after fulfillment of all obligations related to the loan guaranteed under this title.

(c) In the event that a loan guaranteed under this title is sold to other investors, the Secretary shall guarantee timely payment of interest during the period prior to commencement of the mortgagor's repayment obligation and of 100 per centum of principal and interest in subsequent years.

(d) The mortgagor's repayment obligation on any loan guaranteed under this title shall commence not later than the expiration of twenty-four months following execution of the second mortgage, and a loan shall be fully amortized with equal payments not later than twelve years after repayment commences.

(e) no guarantee may be made under this title with respect to a loan that the Secretary determines bears an interest rate or fee that is excessive.

(f) The Secretary may make such delegations and accept such certifications with respect to the processing of guarantees provided under this title as he deems appropriate to facilitate the prompt and efficient implementation of the assistance authorized under this title.

CERTIFICATION

SEC. 506. A guarantee under this title shall be provided by the Secretary upon certification by a lender approved by the Secretary for the purpose of any mortgage or loan insurance program under the National Housing Act that—

(1) the loan conforms to the requirements of this title and is secured by a lien on the mortgagor's principal residence;

(2) the mortgagor has met the eligibility requirements of this title; and

(3) the lender or its agent has provided appropriate credit counseling to the borrower.

AUTHORITY OF THE SECRETARY

SEC. 507. (a) The Secretary shall issue final regulations implementing this title not later than thirty days after the date of enactment of this Act.

(b) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real or other property by the United States, the Secretary shall have power, for the protection of the interest of the United States, to pay all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by the Secretary as a result of recoveries under security, subrogation, or other rights.

NOTIFICATION

SEC. 508. (a) Each Federal supervisory agency, with respect to financial institutions subject to its jurisdiction, and the Secretary, with respect to other approved mortgagees, shall, prior to January 1, 1984, (1) take appropriate action, not inconsistent with laws relating to the safety or soundness of such institutions and mortgagees, to waive or relax limitations pertaining to the operations of such institutions or mortgagees with respect to mortgage delinquencies in order to cause or encourage forbearance in residential mortgage loan foreclosures, and (2) direct mortgagees promptly to inform mortgagors against whom foreclosure proceedings have been initiated of the assistance available under this title.

(b) For the purpose of this section, the term "Federal supervisory agency" means the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration Board.

GUARANTEE TERMS

SEC. 509. (a) The full faith and credit of the United States is pledged to the payment of all guarantees made under this title. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

(b) The Secretary may impose a fee of not to exceed 1 per centum for any guarantee under this title.

LIMITATION

SEC. 510. The aggregate amount of guarantees outstanding under this title may not exceed $500,000,000 at any time.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a continuation of hearings on trade reorganization on Friday, June 24, at 9:30 a.m. in room SD 342 of the Dirksen Senate Office

Building. For further information, please contact Mr. Mike Mitchell at 224-4751.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION, FORESTRY, AND ENVIRONMENT

Mr. JEPSEN. Mr. President, I wish to announce that the Senate Agriculture Subcommittee on Soil and Water Conservation, Forestry, and Environment will complete its series of hearings on the administration's proposed soil and water conservation program with a Washington hearing scheduled for next Tuesday, June 28.

Following a final field hearing this weekend, the subcommittee will have held regional hearings on this issue in Jackson, Miss., Louisville, Ky., Ames, Iowa, and Brattleboro, Vt.

The hearing will begin at 9:30 a.m., in room SR 328-A.

Anyone wishing further information should contact the Agriculture Committee staff at 224-0014.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 21, to hold a hearing on Arms Control Resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 22, to hold a hearing on Arms Control Negotiations and Resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 22, 1983, in order to receive testimony regarding the following nominations:

Pasco M. Bowman II, of Missouri, to be U.S. circuit judge for the eighth circuit;

Stephen N. Limbaugh of Missouri, to be U.S. district judge for the eastern and western districts of Missouri;

Peter C. Dorsey of Connecticut, to be U.S. district judge for the district of Connecticut; and

John P. Vukasin, Jr., of California, to be U.S. district judge for the northern district of California.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session on the Senate on Tuesday, June 21, at 2 p.m., to hold a hearing on S. 1324, Intelligence Information Act, 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, June 22, to conduct a hearing on Agent Orange.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONSTRUCTION CONTRACT PAYMENT ACT OF 1983

● Mr. SASSER. Mr. President, I am pleased to join Senator DANFORTH and others in cosponsoring S. 1181, the Construction Contract Payment Act of 1983. This legislation is the so-called retainage bill, providing that no Federal agency may withhold a portion of progress payments due a contractor on a Federal contract if performance of that contract was satisfactory.

The Government currently withholds—or retains—a percentage of the progress payments due a contractor in various stages in the performance of that contract. These retained amounts, generally are not released to the contractor for 6 to 12 months or until after final payment. As a Federal procurement regulation, it is practiced by all of the civilian agencies of the Federal Government. The Department of Defense, to its credit, has eliminated the use of retainage in most cases. No doubt at one time retainage made sense. But it does not make sense anymore.

Cash flow problems caused by retention can be devastating to many contractors—especially small contractors—who are operating at profit margins well below a retainage level of 10 percent. When work is scarce and competition is fierce, retainage may put a company in a negative cash flow situation. To combat this situation, many contractors, in particular small contractors, must borrow. The cost of borrowing at today's high interest rates can further erode or eliminate the contractors' small profit margin.

When contractors and subcontractors are forced to borrow money to cover outstanding retainage and maintain adequate cash flow, the bid price is driven up. According to a recent industry survey, contractors currently add on an average of 3.7 percent to their bids when retainage is required. These inflated construction costs of Federal projects are ultimately passed on to the American taxpayer. There is no logical reason why the American taxpayer should carry the load.

In additional to saving the taxpayers money, S. 1181 will aid in stimulating our economic recovery. By eliminating retainage, we will make more capital available to small contractors for business expansion and job creation. This legislation will also lead to a substantial increase in the number of firms bidding on Federal contracts. This increased competition will result in an overall lowering of bid prices for the Federal Government.

On May 6 of this year, the Office of Federal Procurement Policy (OFPP) made another effort to improve the Government-wide policy on retainage by issuing a second policy letter No. 83-1 on retainage. This updated policy from the executive agency adequately addresses the problem of retainage pertaining to prime contractors. But regrettably, the OFPP failed to include provisions that would pertain to the problems facing subcontractors as a result of retainage.

S. 1181 addresses this issue and strikes a good balance in determining whether or not the legislation should be extended to subcontractors. Section 4 of the bill should encourage prime contractors to deal with their subcontractors and material suppliers on the same basis as the Government will be dealing with them. It is hoped that prime contractors will routinely eliminate retainage if a subcontractor is performing on time in a satisfactory manner. The same performance-based standard must apply to both prime and subcontractors if the full benefits of the reforms are to be reaped.

This bill addresses a problem upon which all sides tend to agree: the very long delays between the date the Government accepts a construction project from a contractor and the date any retained amounts are released. The costs associated with this delay are detrimental to contractors, the Government, and the American taxpayers.

I urge my colleagues to give the Construction Contract Payment Procedures Act prompt and favorable consideration. Congress should move rapidly to accept this legislation because of the positive and dramatic impact its enactment will have on contractors and subcontractors.●

RADIO MARTI

● Mrs. HAWKINS. Mr. President, I would like to share with my colleagues an excellent article by Dr. David M. Abshire in the June 19, 1983, Miami Herald on the importance of establishing Radio Marti. Dr. Abshire, recently nominated to be U.S. Ambassador to NATO, is outgoing president of the Center for Strategic and International Studies, Georgetown University, and is former Chairman of the U.S. Board of International Broadcasting which supervises Radio Liberty and Radio Free Europe. Because David has served as Assistant Secretary of State for Congressional Relations during congres-

sional debate over Radio Liberty and Radio Free Europe, I believe that he is uniquely well qualified to contribute to the debate on Radio Marti.

The article follows:

[From the Miami Herald, June 19, 1983]

RADIO MARTI OPPONENTS MIGHT PROFIT FROM THE PAST

(By David M. Abshire)

The unusually heated debate over the proposed Radio Marti—an independent, publicly funded radio station to broadcast to the Caribbean area, and especially to Cuba—is reminiscent of an equally intense debate over the future of European-based American radio stations in the late '60s and early '70s. Those who currently oppose the Radio Marti project might profit from a review of the debate over Radio Liberty and Radio Free Europe (RL/RFE) I think some of the opposition comes from genuine misunderstanding.

Back in the late 1960s, as part of the general storm over CIA funding of various organizations, Sen. Clifford Case proposed that RL/RFE be openly funded instead of receiving clandestine monies. I came to be deeply involved in the subsequent debate, as assistant secretary of state for congressional relations and then as the first chairman of the Board for International Broadcasting (BIB).

Case was quite right. In my view our broadcast stations should have long since been separated from the intelligence community. They are properly part of the free flow of information and the competition of ideas, not arms of American policy per se.

But at the time Case made his proposal, the mood of the Congress was so hostile to anything smacking of CIA covert operations that we judged it unlikely that we could get public funding for RL/RFE. This view was reinforced by the Katzenbach Report on CIA-funded cultural activities which itself suggested that open funding would be difficult to obtain. I always disagreed with that view, because, properly understood, these were radio's "human rights."

We managed to get a one-year extension for the radio budget, and during the course of that year a genuinely bipartisan consensus emerged, albeit with continuing opposition from both political wings. Some liberals opposed the radio stations, calling them "cold war relics," mere propaganda operations, while some conservatives opposed them because they were insufficiently propagandistic and aggresive.

The bipartisan nature of this opposition suggested to me then—and events have shown the assessment to be correct—that we were on the right track, and that the radio stations were in fact independent news-reporting organizations with their own integrity.

During the year-long debate, this was finally recognized by major cultural leaders and news organizations, and the radio stations were given public funding.

The bipartisans consensus rested upon a recognition that the people of Eastern Europe would never hear the truth about world events unless free countries transmitted it to them. In an illuminating episode, RFE broadcast information about the Polish economy that suggested the country would soon face a serious internal crisis.

This information was not available within the Soviet bloc, and Polish economists and Kremlin leaders both paid close attention to the broadcasts. Leaders high up in the Soviet hierarchy had daily summaries prepared for them, in order to study the question.

How right RFE was. This incident showed that the broadcast stations rectify disinformation the Soviets put out about our activities, and they also correct distortions of their own part of the world that appear in East European media.

RF/RFE had done this even when it was funded by the CIA, since the men in charge of the radio stations had long since realized that they would only be effective if their information were accurate. Like the British Broadcasting Corp. (BBC) during World War II, RL and RFE would succeed only if they were believed, and they would only be believed if they told the turth. With the BIB Act of 1973—and the organizational changes initiated last year by Sens. Claiborne Pell and Charles Percy, and Rep. Dante Fascell—it is illegal for the stations to have any involvement with the CIA.

All these considerations apply with equal force to Radio Marti, and it is disappointing to see critics raising the same false fears as were directed against RI/RFE years ago. The real target of American criticism should be the Communist countries that have reneged on promises to respect the free flow of information.

The Helsinki Final Act—duly signed by the Soviet Union and its satellites in Eastern Europe—recognized "expansion in the dissemination of information broadcast by radio," and expressed "hope for the continuation of this processs." While not as enthusiastic as the language in the United Nations Charter, this nonetheless constituted a commitment to open broadcasting, commitment that has been more honored in the breach than in observance. All our jamming of Western broadcasts was resumed by the Warsaw Pact countries in 1980, and these same countries urged that jamming be legalized at the ITU Conference in Nairobi in 1981.

Like the Warsaw Pact countries, Cuba does not want accurate information flowing to its citizens, like those other Communist nations, Cuba wishes to control its internal "news" and to devote a large part of its budget to sending disinformation to the West. (Cuba today broadcasts regularly to the United States, Western Europe and Latin America.)

It is in our interests for the Cuban people to know what is going on, both within and outside their island. Over time, this is in the interest of peace.

Radio Marti will function under the guidance of the Board for International Broadcasting, an organization that has demonstrated its integrity and coherence for over a decade. The same high standards that have been maintained by RL/RFE will be set for Radio Marti. Such a program is consistent with our national interests, the interests of the Western world, and with the U.N. Charter and Helsinki Agreement on the free flow of information and ideas.●

HERBERT A. MERRILL NAMED "CITIZEN OF THE YEAR"

● Mr. MITCHELL. Mr. President, earlier this spring, the Chamber of Commerce of Brunswick, Maine, honored Herbert A. Merrill by naming him "Citizen of the Year." Mr. Merrill is a handicapped person who has demonstrated that physical handicaps need not limit the potential for achievement by anyone. I would like to share with my colleagues in the Senate the achievements of Herbert Merrill and add my own congratulations to him for his perseverance and initiative, not only for overcoming his own handicap, but for helping other disabled people live more independent lives.

An article in the Brunswick Times Record illustrates the contributions of Mr. Merrill to the increasing technological developments which aid the physically handicapped.

MERRILL IS CITIZEN OF THE YEAR

(By Anna Hoyt)

BRUNSWICK.—Herbert A. Merrill, a Brunswick inventor and craftsman who has given encouragement to other handicapped citizens through his own example, was named citizen of the year Saturday by the Brunswick Area Chamber of Commerce.

"It was just amazing," Merrill said of the award made at the chamber's annual banquet. "I didn't have any idea they were going to do that," he said. "It's something you don't look for. I never thought it would happen to me."

Merrill said he was surprised even though he received a personal invitation and free tickets to the event.

Merrill is the 26th citizen of the year. The award credits Merrill, 67, with being "a successful inventor who responds positively to adversity."

Merrill's life, the award said, "is an expression of the American dream, and his genius has helped the physically handicapped achieve lives of promise and greater independence."

Merrill, a glass blower and clock, camera and optical equipment repairman, is also a retired mechanical engineer and once headed an aerospace progam at a Portland Company.

Merrill lost his legs to adult diabetes and although he has used a wheelchair, he is not confined to one. Merrill said this week is the first he will be using a new pair of legs he designed and built for himself. The legs will enable him to walk.

Merrill has put his mechanical expertise to use helping other handicapped people. Because much equipment is expensive, he devises lower-cost aids that help handicapped people take care of themselves.

He crafts custom equipment and has developed limbs and other devices at a fraction of market cost. Merrill also pioneered sophisticated electronic controls for such equipment.

In addition to helping others with such equipment, Merrill is active in peer counseling with handicapped people or those soon to be.

Merrill works with several Brunswick doctors who sometimes ask him to speak with people in the hospital and help them prepare for an amputation. "They don't realize I'm an amputee," he said. By showing them how well he gets along without his natural legs, Merrill thinks he has had a impact on their attitude toward their handicap.

A new project for Merrill is opening the lines of communication between handicapped people through ham radios. Through the Handi-Ham program, he is helping others learn to use ham radios. Merrill recently talked to a blind man in England. He said, "It can open up a whole new world for the handicapped."

In February, Gov. Joseph E. Brennan appointed Merrill, who lives on Mere Point

Road with his wife Marion, to serve on the Governor's Committee on Employment of the Handicapped. He was already a member of the Southern Maine Association of the Handicapped and the Vocational Rehabilitation Consumer Council.

Merrill received the Jefferson Award of the Maine Broadcasting System, given for outstanding public service, two years ago and took part in the White House Conference on the Disabled. Although he is no longer an active member, Merrill also helped start Maine Independent Living Cooperative.●

U.S. WORKERS' LIABILITY

● Mr. GRASSLEY. Mr. President, on May 26 of this year, the Judiciary Committee's Subcommittee on Administrative Practice and Procedure, which I chair, held a hearing on title 13 of S. 829, amending the Federal Tort Claims Act. This amendment would make the Federal Government the exclusive defendant in lawsuits alleging violations of a person's constitutional rights.

This is important legislation, but it is dry stuff, and not the sort of legislation that normally attracts much public attention. Monday's Washington Post, however, carried a story by a Mr. Pete Early about the need for this legislation, and I ask that it be printed in the RECORD.

I should like to point out several things in the article that deserve special mention. More than 12,000 Bivens-type lawsuits have been brought since 1971. Of the 10,000 of these resolved, only 16 have resulted in judgments against the government employees involved.

But these lawsuits, like any other lawsuit, cost money to defend and cause a great deal of anxiety among our civil servants. They intimidate our Federal work force and make them, literally, afraid to do their jobs.

There is, however, as was made clear in the article, a misconception of what the good faith defense retained in title 13 would do. The good faith defense would not, as a Carter administration official suggested, allow egregious violations of constitutional rights to go unpunished just because the law enforcement officer acted in good faith.

The official quoted in the article described the facts of the Bivens case as an example of activity that would go unpunished and uncompensated if the good faith defense remained in the bill. But the court in the Bivens case, itself, said that even if an official acted in good faith belief that his conduct was lawful, he would still be liable if the belief was an unreasonable one. In fact, under the case that was described the court found that the actions were unreasonable and rendered a judgment against the Government officials.

I point this out because of my colleagues and a number of interest groups that oppose the good faith defense, apparantly, read "good faith" too literally. That is, they make the same mistake as the Carter administration official. One of those nuances of the law is that "good faith" does not mean "good faith"; it means "reasonableness." It is the intent of title 13 that unreasonable acts be compensated for, but that actions that were reasonable under the circumstances at the time not be subject to civil liability several years later.

The article follows:

U.S. WORKERS' LIABILITY DEBATED

(By Pete Earley)

In 1973, a U.S. Forest Service ranger in Idaho ordered a work crew to remove three collapsed bus bodies and several barrels, refrigerators and stoves from the dry creek bed where they had been abandoned.

Two years later, the ranger was sued for $148,000 by a miner who claimed his constitutional right to due process had been violated because the propertly had been destroyed without his consent.

A jury ruled in the miner's favor but reduced the claim to $1,000, which the ranger, Robert C. Lehman, was ordered to pay along with all court costs.

The Reagan administration claims that the Lehman case illustrates how vulnerable federal employes have become since the Supreme Court ruled in 1971 that they can be held personally responsible for violating an individual's constitutional rights.

Approximately 12,400 so-called "Bivens suits," named after the court's controversial decision in Bivens v. Six Unknown Agents of the Federal Bureau of Investigation, have been filed against federal employes since 1971.

Of the approximately 10,000 cases that have been resolved, 16 have resulted in initial judgments against employes.

The suits "are often prompted by reasons other than money damages," according to J. Paul McGarth, head of the Justice Department's Civil Division. He said many of them are filed to harass or intimidate employees, especially Internal Revenue Service agents.

McGrath contended that, although most "Bivens suits" are "frivolous" and never come to trial, they are expensive and time-consuming. The government usually is required to hire an outside attorney to defend the employe while it conducts an internal probe of the charges.

"Conscientious federal employes are traumatized . . . into inaction . . . by the threat or reality of a suit," McGrath testified.

Nearly everyone agrees that the Federal Tort Claims Act must be amended to protect federal workers. Although a slew of bills has been introduced since the mid-1970's, none has become law.

A major reason is that Congress has been unable to agree on a method that will free federal employes from lawsuits yet maintain some way to punish misconduct.

That dilemma can be seen in the two bills before Congress. Both would force citizens to sue the government rather than individuals.

But the House bill, whose supporters include the American Civil Liberties Union, the American Bar Association and Public Citizens, would allow jury trials and special damages of up to $100,000 for malicious violation of constitutional rights by federal employes.

Backers of the House bill claim that the threat of a $100,000 fine would make the government supervise its employes closely and would discipline those who intentionally violate the law.

The administration, whose views are embodied in the Senate bill, wants "Bivens" cases decided by federal judges and claims an extra fine is unnecessary.

The biggest disagreement, however, is over the "good-faith defense."

When it issued the "Bivens" decision, the court, said that a jury should take a federal worker's conduct into consideration before assessing damages. Thus, an employe can now claim to have acted in "good faith" even if it has been determined that the action was improper.

The Senate version would allow the government to cite the good-faith defense; the House version would not.

If Congress eliminates that defense, it will be declaring that "considerations of reasonableness are irrelevant to the conduct of government agents," McGrath said. "Taxpayers would pay damages in cases when courts determined with hindsight that technical violations had occurred even though the conduct of the employee was properly motivated and eminently reasonable."

ACLU attorney Jerry J. Berman counters that the good-faith defense was created solely to "insulate" federal employees.

"The classic example . . . is a situation where drug enforcement agents, with all the good faith in the world, break down the door to your house . . . ," said Charles F. C. Ruff, a Washington lawyer who was a member of a Carter administration team that drafted an unsuccessful "Bivens" proposal. "The agents arrest the mother and father. And their kids see them scooped off and dragged to jail. Later, the government discovers that it arrested the wrong people.

"Who is going to pay for the broken door, hospital bills or other damages that family suffered?" Ruff asked. "It all depends upon your focus. If you focus on the injuries . . . like the House bill does, then you say someone has to be responsible and pay.

"But if you focus on how to best protect the government from damages, you support the Senate bill because it would allow the government to say, 'Hey look, we're sorry, but we acted in good faith and, therefore, aren't responsible.' "

Both sides have refused to budge, raising doubts that either proposal will succeed.

Meanwhile, Lehman and other federal workers contend that they are being unfairly exposed to "personal financial ruin" even though few juries have assessed large penalties against federal workers.

In Lehman's case, the government appealed the verdict to the Supreme Court. The case was remanded to a lower court, where a new trial is pending.

Lehman said he doesn't believe he did anything wrong. "I'll tell you one thing, though," he said. "I don't order an abandoned car towed without thinking twice about it now."●

RICHARD FULTON, PRESIDENT OF U.S. CONFERENCE OF MAYORS

● Mr. SASSER. Mr. President, I rise to pay tribute to my good friend and counselor, Richard Fulton, the mayor of Metropolitan Nashville-Davidson County, Tenn. On June 15, Mayor Fulton took over as president of the

U.S. Conference of Mayors at their summer meeting in Denver, Colo.

He brings a great deal of experience with local government to this position. For the past 8 years, Mayor Fulton has been the chief executive officer of the consolidated county and city government for Tennessee's second largest metropolitan area, Nashville.

This week, the afternoon newspaper, the Nashville Banner, wrote an editorial about Mayor Fulton's accomplishments. With unanimous consent, I ask that this editorial be printed in the CONGRESSIONAL RECORD.

The editorial follows:

[From the Nashville Banner, June 14, 1983]

MAYOR FULTON BRINGS HONOR TO CITY

Nashville can be proud of Mayor Richard Fulton as he represents us in Denver, Colo., at the U.S. Conference of Mayors.

The mayor has been selected to serve as president of the national organization for the next year and is to make his acceptance speech Wednesday.

That indeed is an honor for Mayor Fulton and for his city. The presidency of the U.S. Conference of Mayors is a prestigious and responsible position—one requiring the cooperation of cities across the country—all of which are trying to unearth answers to the financial and sociological questions plaguing cities today.

"I will dedicate my year of service to working with other mayors to find solutions to the problems that face us," Mayor Fulton told reporters at the Denver convention, which attracted about 200 mayors from across the country.

On Monday, Mayor Fulton received the Michael A. diNunzio Award in recognition of his commitment to volunteerism.

In presenting the award to the Nashville mayor, Dorothy Height, president of the National Council of Negro Women, cited Nashville's "Unemployed Heads of Households" and "Adopt a House" programs as outstanding achievements of personal volunteerism.

More than 500 unemployed citizens rejoined the working ranks this summer through the Heads of Households program, and the housing program allows Metro employees and volunteers to help repair homes of Nashvillians who would otherwise be unable to do the work. Both of these programs were spearheaded by Mayor Fulton.

Mayor Fulton was also called on at the conference to help lead a workshop on ways cities can better meet the needs of the elderly. Mr. Fulton told the participants of his 30-member task force which began earlier this year to study the needs of the elderly and to keep his administration informed on public and private policies which affect the quality of life of the elderly.

Mayor Fulton should be proud of his accomplishments and the citizens of Nashville should share that pride, knowing that their mayor has helped set Nashville apart as an example of a city struggling to deal positively and effectively with its problems on a long-range basis.●

DEDICATION OF CZECH NATIONAL CHAPEL

● Mr. SARBANES. Mr. President, on June 26 the Czech National Chapel of Our Lady of Hostyn in honor of St. John Nepomucene Neumann, the first American canonized male saint, will be dedicated at the National Shrine of the Immaculate Conception in Washington, D.C. Bishop Neumann was one of America's distinguished churchmen. Renowned as a confessor, he helped to lay the foundations for the Catholic school system and was the first religious order priest canonized in the United States. He was also very proud of his Czech heritage.

Czech culture has been an essential part of European life for over 1,000 years. The finest ideals of Christian and European thought have been promoted and preserved by the vibrant Czech people. When the Czech people began their migration to the new democracy in America, they brought with them this fine tradition, greatly enriching the spiritual and cultural life of our country. I am proud that Maryland has an established and dynamic Czech American community which reflects the values of family, religion, hard work, and education.

We in Maryland are particularly proud that the first known Czech in the New World, Augustine Hermann (c. 1605-96), settled in Cecil County. After arriving in New Amsterdam in 1633, Hermann, a trader and tobacco cultivator, came to Maryland in 1640 and was granted a large tract of land by Lord Baltimore in exchange for his services as a cartographer. In addition to making maps of an area encompassing over 20,000 acres, Augustine Hermann also founded his own estate, Bohemia Manor, and named the beautiful Bohemia River on Maryland's Eastern Shore.

Czech devotion to education, a tradition dating back to the founding in 1348 of the University of Prague, was manifested in America early by the eagerness with which Czech immigrants sought to educate their families. Wherever public schools were available, attendance by Czech children was high. In Maryland, 1745 marked the founding by the Jesuits of a school at Bohemia Manor where Charles Carroll, signer of the Declaration of Independence, and many members of his family were educated.

The desire to preserve the cherished Czech traditions and their beloved ancestral language led Czechs in America to work for the establishment of parochial schools, ones which could provide instruction in both Czech and English. In this capacity, St. John Neumann, the first diocesan priest in the United States, builder of churches and one who established several sisterhoods in this country for the purpose of providing teachers for Catholic schools, founded the American parochial school system. The State of Maryland was fortunate to have the benefit of his missionary services between 1842 and 1852 where he labored throughout the State founding parishes from Cumberland in western Maryland to Easton on the Eastern Shore.

The missionary spirit that characterized this extraordinary man whom we now honor was continued in his nephew, Father John Berger, who in 1872 founded St. Wenceslaus Church in Baltimore. Named for the Czech patron saint Vaclav, St. Wenceslaus Church is the only Bohemian National Church in Maryland. For many years, the St. Wenceslaus Church school taught its children in both Czech and English. Now 111 years old, St. Wenceslaus continues to provide spiritual and educational sustenance both to its neighborhood in east Baltimore and to Czechs throughout the State of Maryland.

Czech Americans have made a wide variety of contributions to the vitality of our country. Heavily involved in agriculture from the time of their arrival, Bohemians, it was said, could make crops grow where no one else could. Music was such an integral part of Czech culture that not only were there numerous Czech folk bands and orchestras, professional musicians and composers like Rudolf Friml, composer of the operetta "The Vagabond King,' but virtually every Czech home had some kind of musical instrument. Anton Dvorak's symphony, "From the New World," while thrilling listeners everywhere, held special meaning for Czech Americans as a symbol of the creative and harmonious relationship which had developed between their old and adopted homelands. The ability of Czech Americans to unite on behalf of both their homelands was given expression during World War I when they eagerly volunteered to serve in the American Army and bought proportionately more war bonds than any other foreign-born group and again in World War II when they were actively involved in the American Red Cross and raised several hundred thousand dollars for postwar relief efforts.

Altogether, approximately 400,000 Czechs have come to America since Augustine Hermann first arrived on that historic date in 1633. As we pay homage to the Czech National Chapel of Our Lady of Hostyn in honor of St. John Neumann, we again feel a sense of deep gratitude for the valuable contributions Americans of Czech descent have made to the richness of our Nation.●

THE VITAL ROLE OF FEDERAL EDUCATION INITIATIVES

● Mr. WEICKER. Mr. President, much has been said and written in recent weeks on the condition of public educational in our country. While I applaud the increased attention and expressed concern toward improving the educational product, I am

distressed that the vital role of various Federal education initiatives remains unrecognized and apparently unappreciated by the present administration.

Today's Washington Post contains an article by Phyllis McClure, which I ask be printed in the RECORD following these comments. The article clearly states the value of Federal education laws in advancing the very educational goals the administration says it supports. I recommend this article to my colleagues.

Mr. President, I ask that the article from today's Washington Post be printed in the RECORD.

The article follows:

IN EDUCATION, FEDERAL DOLLARS CAN HELP

President Reagan's comments on education are a perfect example of the failure of America's schools. He commits logical fallacies, makes assertions without supporting facts and cites examples that do not support his point. Were his teachers still at their blackboards today, they would be ineligible for merit pay.

At his press conference and his graduation speech at Seton Hall University last month, the president posited this syllogism: Federal funds for education have increased. Test scores have declined. Ergo, the one must have caused the other. Twenty-five points off for this logical fallacy.

The declining test scores Reagan cites are those on the Scholastic Aptitude Test, the exam taken by college applicants. He conveniently ignores the rising scores of elementary students, notably black students, as measured by the National Assessment of Educational Progress. During the 1970s, black fourth-graders made substantial gains in reading and math, while their white classmates registered lower gains in reading and a decline in math scores. Black eighth-graders also showed a greater rate of improvement in reading and math than did their white counterparts. Overall, these achievement gains by black students had the positive effect of closing the gap between black students' scores and the national average scores.

Many observers credit these results to the $3 billion annual federal investment in compensatory education (formerly Title I, now Chapter I), to the Right-to-Read effort and to state compensatory education programs. But we should not commit the same error of logic as the president, coming to the opposite conclusion: that large federal expenditures have increased test scores. There is no solid, empirical evidence directly linking cause and effect. However, there is some strongly suggestive evidence.

The strongest gains in achievement during the 1970s were in the lowest performance quartile, precisely the students for whom Title I funds are designated.

The National Assessment shows the greatest improvements in reading, rather than math and science, a reflection perhaps of the fact that most compensatory money has gone into remedial reading.

Rising test results have been reported by inner-city schools, the very ones to which Title I funds are targeted.

Evaluations showing Title I students outperforming non-Title I students independently corroborate findings of the National Assessment.

President Reagan is most critical of high schools. He then asserts that the old solution—money—has been tried but "it failed." Twenty-five points off for an unsupported assertion.

In fact, the greatest bulk of federal education funds goes to elementary and higher education. According to the Congressional Budget Office, 34 percent of federal education expenditures in fiscal year 1979 was directed to elementary students, 12 percent to secondary students and 54 percent to post-secondary students. If high schools are the weakest link in the education system, federal money is not to blame.

The president's solutions for the deficiencies of our educational system are more local control and greater parental responsibility. As an example of the first, he cited an Austin, Texas, high school that had been reformed by its principal, with assistance from a desegregation order and an infusion of federal Emergency School Aid Act money, a program that the administration and Congress eliminated two years ago. Minus 10 points for an example that contradicts the main argument.

As for parental responsibility, federal education law has done more than local policy to give some parents genuine control over their children's education. Title I legally sanctioned parent councils to advise school officials on the educational program for disadvantaged children. The Education for All Handicapped Children Act gives parents of disabled students the right to participate in, and contest if necessary, educational decisions made about their own children. For these parents, local responsibility has been a code word for no say at all.

Reagan's response to the rising clamor for educational excellence is prayer in public schools and tax subsidies for private schools. He has yet to explain how these federal policies will assist educators, parents and businessmen in reconstructing America's public schools to meet the current challenge. We do need a national debate about how to improve education and what role the federal government might play. But let that debate be based on facts, not myths and distortions.●

MANAGEMENT OF FEDERAL ASSISTANCE PROGRAMS

● Mr. SASSER. Mr. President, the audit is the ultimate yardstick by which the effectiveness of Government programs can be measured. In the case of intergovernmental grant programs, which totaled $90 billion in 1980, accountability through audit is crucial.

Audits of grant programs are performed to see that Federal funds are spent as Congress intended, to prevent unauthorized expenditures, and to check the fraudulent use of the funds.

Unfortunately, studies by the General Accounting Office have documented inadequate audit coverage of Federal assistance to State and local governments. In their report: "Grant Auditing: A Maze of Inconsistency, Gaps, and Duplication That Needs Overhauling," the GAO demonstrated, according to then-Comptroller General Elmer Staats, that: "Methods for auditing grant programs are disorganized and do not afford grants the full protection of audits or optimize the use of audit resources."

The bill introduced today by Senator DURENBERGER, which I am cosponsoring, promotes the efficient use of audit resources to improve the financial management of Federal assistance programs. It follows the recommendation of the General Accounting Office, the joint financial management improvement program and the U.S. Treasury that the Federal agencies adopt an approach to the auditing of grant programs in which they agree to rely upon and require just one audit of a grant recipient covering all Federal grants received.

Efforts to streamline the grant audit through administrative means have not been entirely successful. Office of Management and Budget circular A-102 attachment P is the most recent of several policy statements issued over the past decade or so to require more effective audits of Federal grants. Although this is an important step toward reform, it has not resulted in full implementation of the single audit approach by the Federal agencies.

Legislation is needed to make it clear that the single audit reform is the intent of Congress.

There is strong precedent in the Senate for passage of this legislation. The Uniform Single Financial Audit Act of 1983 is similar in its objectives to the audit title of S. 878, the Comprehensive Federal Assistance Reform Act, which I shaped as chairman of the Intergovernmental Subcommittee of Governmental Affairs during the 96th Congress. That bill was passed by the Senate on December 1, 1980. I also sponsored a single audit amendment to the revenue sharing extension legislation that passed the Senate in 1980. Unfortunately, neither S. 878 nor the single audit amendment to revenue sharing was passed by the House of Representatives in the 96th Congress.

Strong support for this legislation in the Senate during this Congress is needed to demonstrate to our House colleagues our continuing commitment concept of accountability in administering grant programs.

While I have recommendations on the wording of this legislation with regard to the executive branch implementation of its provisions, I do endorse the general concept of the single audit. I urge rapid hearings by the Subcommittee on Intergovernmental Relations, of which I am a member, so that we can examine all aspects of the bill before us to send the strongest bill possible to the floor of the Senate.●

SHAUN L. LAU

● Mr. JEPSEN. Mr. President, on June 16, 1983, Fayette County, Iowa, was in mourning. On that day, in Oelwein, Iowa, funeral services were conducted for Shaun L. Lau who gave his life in service of his country.

Shaun died on June 8, 1983, in the Panama Canal Zone while on a training exercise. Pfc. Lau was a member of the 1st Battalion, 75th Infantry. He belonged to an elite corps which is known as the Black Berets.

Shaun was a caring and compassionate young man, and his loss is deeply felt by his family, friends, and community. He had always been a leader who strived for excellence, and he is remembered today for his love of family and his devotion to his God and country. It is difficult for those who knew Shaun to reconcile this tragedy. There is nothing that can be said or done which will change or right this terrible loss. But, the family and friends of Shaun Lau should know that this country also mourns the death of this fine young man.

That Shaun was devoted and loving toward this Nation and all that we hold dear was exemplified by his life. Now it is left for us, as representatives of our Nation, to pay homage to a great servant who pledged all that he had to our Nation and its preservation.

The strength of this Nation lies in the desire of its people to remain free and to strive for the excellence that enhances all of our lives. Shaun Lau was one such pillar of strength. He will be missed, but his memories and deeds live on forever.●

ADDITIONAL COSPONSORS TO SENATE JOINT RESOLUTION 84, FEDERAL CREDIT UNION WEEK

● Mr. GARN. Mr. President, this past April, Senator PROXMIRE and I introduced Senate Joint Resolution 84, legislation to designate the week beginning June 24, 1984 as "Federal Credit Union Week."

The resolution would commemorate the signing of the Federal Credit Union Act on June 26, 1934, and would pay tribute to the success and growth of Federal credit unions as member-owned and controlled, not-for-profit, financial institutions.

Mr. President, three of my colleagues have requested that they be added as cosponsors to the resolution. Accordingly, I have requested unanimous consent that Senators TOWER, D'AMATO, and PRYOR be added to Senate Joint Resolution 84 as cosponsors.●

LET US EARN OUR SALARIES

● Mr. GOLDWATER. Mr. President, in last Sunday's Washington Post, there appeared a reprint of a speech that the majority leader, HOWARD BAKER, made on the floor relative to the Senate and some suggestions he had.

Let me start by saying no one has greater admiration for the majority leader than I. I have known him all the years he has been here and I have great respect for his intelligence and integrity and I think that he is on the right track. Let me add a little suggestion or two relative to what could be done, in my opinion, to achieve Senator BAKER's desire of getting out of here at a sensible date sometime near the middle of the year with all the work done.

The Senate is now run, really, on a Tuesday to Thursday evening basis with the weekends given over to those people who feel that they must be raising money for a campaign still over a year away or who feel that they must be home every weekend in order to keep their fences mended.

Now, I do not happen to think either excuse is valid. First of all, funding has gotten to be a major problem in American politics and it has gotten to the point where it is downright scandalous. To pay the amount of money that candidates are willing to pay for each vote is ridiculous and, in my State, in the last senatorial election, it ran over $2 a vote. This is just foolishness and in opposition to everything that the very word democracy means. I am not saying as others have that the Congress is becoming a rich man's club, but, it is becoming a club of people who have to know wealthy people and well-to-do corporations in order to put the funds together to hire the Madison Avenue expertise, the television expertise, and Lord knows what else that goes into the cost of being elected.

I dare say that if everyone who has run for public office, particularly at this level, would sit down in the calmness of their office, they would admit that at least one-half of the money was thrown away, and it might even run higher than that.

Going from my opinion on the fund raising, now to the banker's hours that we keep. I would suggest to Senator BAKER and the rest of the leadership that we go to work Monday morning at the proper hour and work through Friday night and even Saturday, if need be. I would further suggest that, at the early time of the year, when committee work is in order, we devote 3 days a week for committee work and the rest for floor work. And, as committee work wound down, we could spend most of the time voting or not voting on the floor. I happen to come from the Far West and it is senseless to close up shop sometime Thursday evening, sit around Washington waiting for those who live nearby or within easy commuting distance to go home, perform their home duties, and then get back Tuesday in time to start voting round 2 in the afternoon.

Let us change that. Let us go to work Monday morning on time and work through Friday evening, at least, and Saturdays if it is necessary.

I suggest to my good friend, Senator BAKER, that if we tried this, we could very well be out of here by the end of July every year. The last time I tallied it up, we had been in session around 155 days and 50 of them had been spent at work. I can tell you, as a former businessman, my business would not have lasted 155 days if I tried to work in that manner.

These are only two suggestions I have to make. Maybe they are prompted by age but, then again, maybe they are prompted by memories of other Senates when we really worked hard. Other thoughts and suggestions will come to mind and I am going to lay them out for the Senate and my leader, HOWARD BAKER, because this Senate is not working and that is what we are paid for, and now we are even getting paid more. While I am one who does not think we are paid enough, at least let us earn our salaries.●

PROPOSED ACQUISITION OF SOTHEBY PARKE BERNET

● Mr. HEINZ. Mr. President, a recent controversy has arisen in Great Britain over the proposed acquisition of Sotheby Parke Bernet, the noted auction house, by Knoll International Holdings, Inc., an American firm. The British Government has reacted sharply to this proposed acquisition, referring it to the Monopolies and Mergers Commission, even though no anticompetitive allegations appear to have been made.

I am concerned that this action, if not quickly resolved, may have a chilling effect on free investment, and I have, therefore, written Ambassador Brock, our U.S. Trade Representative, urging him to pursue the matter with the British Government. I ask, Mr. President, that the text of that letter be printed at this point in the RECORD.

The letter follows:

U.S. SENATE,
Washington, D.C., June 10, 1983.

Hon. WILLIAM E. BROCK,
U.S. Trade Representative,
Washington, D.C.

DEAR AMBASSADOR BROCK: I am writing with respect to recent actions by the British government against an American company which I fear may have a chilling effect on free investment.

In early April, Knoll International Holdings, Inc., an affiliate of General Felt Industries, Inc. and Knoll International, Inc., offered to purchase the stock of Sotheby Parke Bernet Group for approximately $90 million. Knoll's offer was conditioned upon the British Office of Fair Trading's indication that the British Secretary of State for Trade did not intend to refer the offer to the Monopolies and Mergers Commission.

Knoll officials spent much of March and April in London presenting its case to the staff of the Office of Fair Trading. I understand staff concluded that the Office should not intervene in the proposed takeover. Although the conclusions were confidential, I

assume that staff determined that the proposed takeover did not constitute an anticompetitive, monopolistic action. More than forty percent of Sotheby's shares outstanding are held by American individuals and organizations. Approximately forty-five percent of Sotheby's assets are located in the United States. In 1964, Sotheby's acquired the American auction house of Parke Bernet.

Nevertheless, on May 4, 1983, Lord Cockfield, the Secretary of State for Trade referred the matter to the Commission. The Secretary conceded that there were no anticompetitive elements to the transaction, but rather suggested that "the public interest" demanded close scrutiny of the proposed takeover.

It has long been the policy of this country to encourage free investment, and Congress has imposed only minimal requirements on foreign companies seeking to acquire American concerns. We should expect no less of our investment partners. Although I understand intervention by the British government in situations where antitrust or anticompetitive elements are present, I am most concerned by British intrusion for apparently sentimental and political reasons. It is my understanding that our government has done nothing to block the recent acquisition of four American Stock Exchange companies by British concerns. Perhaps the "public interest" demands that we more closely scrutinize future acquisitions by British companies.

In light of the gravity of the British government's actions, I urge you to pursue this matter with the British government and would suggest that you urge Lord Cockfield to expedite the review of the Monoplies and Mergers Commission and to complete his own assessment of the matter as soon as possible. If the British persist in stifling free investment by American companies, both the Adminstration and the Congress may want to pursue appropriate administrative and legislative responses.

Sincerely,

JOHN HEINZ.●

THE ADMINISTRATION'S PROPOSALS FOR SOCIAL SECURITY DISABILITY REVIEWS

● Mr. PELL. Mr. President, a surprising, welcome, and very significant headline appeared in the New York Times of Tuesday, June 7, 1983. The headline read "U.S. Plans To Ease Disability Criteria in Social Security." This announcement was welcome news for the many disabled people in our country who still receive social security disability payments. The subheadline revealed the foundation for this decision, however: "Aide Says Administration Will 'Capitulate' to Criticism of Stricter Benefit Policy."

For the past 2 years Mr. President, Members of Congress and the American people have read almost daily news stories about the termination of disability benefits for clearly disabled people. Some of these terminations resulted tragically in suicides by mentally disabled recipients who could not face the prospect of battling a hostile review process or of losing their income. Many of the terminations resulted in a needless and harmful loss of income for disabled individuals and their families.

This flood of terminations has been due to two factors. One was an act of Congress, the so-called Bellmon amendment, which mandated in 1980 that disability recipients be reviewed every 3 years to determine their continued eligibility. Those reviews, called continuing disability investigations or CDI's, were mandated to begin in January 1982.

The second factor behind the great number of terminations, Mr. President, was an administration bent on reducing Government spending. Taking the Bellmon amendment in hand, members of the administration accelerated its implementation date to March 1981, and initiated disability reviews at an alarming rate. In fiscal year 1982, some 497,000 recipients or almost 18 percent of all disability recipients found themselves subject to review.

Due to the abrupt acceleration of the reviews, many individual cases received only the most cursory examination. State disability determination offices were forced to accept a threefold increase in their workloads without an increase in funding or support. Many reviews were accomplished simply on paper, or by a 5-minute examination by a physician who had never seen the recipient before. Most reviews were targeted on a "profile" of disabled persons that were thought most likely to be able to go back to work. In the words of the Senator from Pennsylvania, Senator HEINZ:

> Two days of hearings before the Senate Special Committee on Aging on April 7 and 8 documented an irrefutable pattern of unfair—and improper—denials of disability benefits to individuals suffering from severe psychiatric problems.

Nationwide, some 45 percent of the disability recipients reviewed were sent notices that their benefits would be terminated. On its face, that 45 percent would seem to indicate that a good number of recipients were no longer disabled. The records of appeals, however, tell a different story: 12 percent of the terminations that were appealed received reversals at the reconsideration stage, and over 60 percent of the terminations appealed to social security administrative law judges were reversed. The General Accounting Office found, in a study of 1,400 appealed cases, that 9 out of 10 terminations of mentally disabled persons were reversed by administrative law judges. These recipients, in other words, were still disabled.

In my own State, my staff and I have seen many examples of the degree to which clearly disabled individuals have suffered severe disruptions of their lives when benefits were terminated. In one case, a young man with a family suffered from severe arachnoiditis, a closing of the spinal cord by scar tissue and related neurological problems. According to his physician, this man's condition cannot be cured and he will be an invalid for life. His benefits were terminated, however, and two appeals to an administrative law judge were necessary to reinstate them.

A second man, this one 56 years old, had suffered through two severe heart attacks, six bypass procedures, and two open heart operations. His doctors at Massachusetts General Hospital in Boston state that he will be unable to work for the rest of his life. This individual had received disability benefits for only 6 months when he was called in for a reevaluation and his benefits were terminated.

In December 1981, the Social Security Administration terminated benefits for another young man with a family. This young man is a diabetic, has severe arteriosclerosis, and has undergone two heart catheterizations; he suffers also from seizures and a fungal infection, and is blind in one eye. His treating physicians stated that he was totally disabled, yet a consulting physician employed by social security found him able to work on the basis of a short interview. This young man appealed his notice of termination and won a favorable decision from an administrative law judge, yet social security choose to appeal that decision still further. He is still waiting for a decision from the Social Security Appeals Council.

Two other examples from my Providence office involve either severe back or heart problems. In both cases, the treating physician believes that the recipient's disability was severe, deteriorating, and rendered the recipient unable to work. Needless to say, both recipients received notices of termination.

Because of my concern about the quality of review that these disabled individuals were receiving, I attended a hearing before an administrative law judge this past January. The recipient in that case suffered from several forms of mental illness, including severe anxiety, paranoia, schizophrenia, psychosis, and depression. He had received 15 electric shock treatments, and had been treated by several hospitals in Providence. Incredibly, social security had decided to end his benefits despite the opposition of his treating physician, a consulting physician, and a vocational expert.

At this hearing, all three of the expert witnesses testified that this recipient was completely disabled and that there is no work that he is capable of performing. One of the doctors even said for the record: "I don't know why we're here." The administrative law judge immediately agreed with the experts, and issued a ruling from his bench reversing the termination of

benefits. I fully supported his decision, and I was left to wonder what kind of government would choose to end its assistance to a person so clearly disabled.

This horrendous record of wrongful conduct by a government founded to help its citizens produced outraged and noble reactions on the part of many Senators and Representatives. During the spring and summer of 1982, corrections, remedies, and improvements were proposed by many of my colleagues, notably Senators METZENBAUM, LEVIN, COHEN, HEINZ, RIEGLE, and KENNEDY. In December 1982, Senator DOLE added a significant amendment to a tax bill which continued disability benefits on appeal for recipients who chose to contest their notices of termination, and required that recipients be given the opportunity to appear and participate at their reconsideration hearings.

The furor in Congress and in the public has not abated this spring. Senators COHEN and LEVIN have introduced a bill requiring many procedural corrections in disability reviews. Senator HEINZ has called for a moratorium on reviews of persons with severe mental disabilities until comprehensive reforms have been implemented. The administration's recent decision to propose its own reforms was apparently in response to the latest effort by Senator HEINZ, who intended to propose his bill as an amendment to the repeal of withholding on interest and dividends.

The administration's proposals contain many needed reforms. Senator HEINZ' proposal would be adopted so that people with "functional psychotic disorders" would be exempted from the periodic review requirements. The administration would also adopt more flexible standards for measuring disabilities and remaining work skills, and select cases for review on a more random basis.

These reforms are commendable, Mr. President, but they should have been implemented a year ago, when we already had full knowledge of the tragic consequences of this review process. The administration, if it intends to effect meaningful change rather than a political gesture, should not stop with these elements, however. The most important reform favored by many Senators for the past year is missing: Disability benefits should not be cut off unless the beneficiary's medical condition has improved. Also needed are requirements that a recipient's treating physician, the one professional who knows the recipient's disabilities better than any other person, be consulted early in the review process. The payment of benefits through the appeal stage is now scheduled to end on October 1, 1983; benefits on appeal should be made a permanent part of the system. In addition, the present use of untested advisory guidelines for disability examiners should be changed; uniform standards for determining disabilities and usable work skills should be promulgated as regulations in the Federal Register, and thus made subject to public comment.

The administration's proposed revisions of the disability review process are incomplete and very tardy. They are nonetheless an important step in the right direction, and I call on the administration to meaningfully follow through and build on the reforms that it has proposed. I also urge my colleagues to continue their own productive efforts to correct this review process; the elements of S. 476, the bill introduced this year by Senators COHEN and LEVIN, are still very necessary. By these means, we can hope to avoid in the future much of the harm that has been done in the recent past.●

"OUTSTANDING VIRGINIANS"

● Mr. WARNER. Mr. President, the Virginia Jaycees announced the five outstanding young men in Virginia for 1982 and the outstanding young educators, the outstanding young farmers, the outstanding young Federal civilian employees, the outstanding young firefighters, the outstanding young law officers, the outstanding young rescue squad members, and the outstanding young religious leaders in Virginia for 1982.

The outstanding young Virginians program is part of a national effort to recognize those individuals who excelled in their careers, gave unselfishly to their community and are respected by their fellow citizens. Candidates were nominated by members of their communities and were sponsored by local Jaycee chapters in the State competition. Independent judges, each outstanding in their career, ranked the candidates.

Winners of the five outstanding young men awards exemplify professional success, unselfish devotion to community service, and caring for their fellow citizens.

Mr. George N. Crabill, a 31-year-old Alexandria policeman, began his career as a police cadet in 1969. He enlisted in the Air Force in 1974, and later entered the Alexandria Police Department, serving in the patrol until 1973, when he was assigned to K-9 duty. In 1981, he rejoined the patrol, where he was instrumental in evacuating several people from a burning building. The next day, he was the first to arrive at a robbery after two fellow officers were shot. He immediately determined the extent of injuries to the officers and began administering first aid to the most seriously injured officer. During his off-duty hours, he volunteers at the Alexandria Hospital emergency room, using experience he gained while in the Air Force. He is an accredited emergency medical technician.

Leonard L. Edloe of Richmond is a pharmacist who earned his masters of science degree from the Howard University College of Pharmacy and Pharmaceutical Sciences in 1970. In 1972, he became president and pharmacist of his own pharmacy and, subsequently, has developed it into one of Virginia's larger, independent pharmacies. He became, in March 1982, the youngest member of the board of trustees of the American Pharmaceutical Association and now serves on several of its committees. Edloe has been the president, first and second vice presidents of the Richmond Urban League, president of the Church Hill Model Neighborhood Policy Board, and vice president of the Metropolitan Business Development Corp. Since 1972, he has been on the board of directors of the Richmond Community Hospital. He has been especially committed to addressing and seeking to resolve elderly, minority, and other equal employment problems.

Dennis Duane Thompson, a Warrenton pharmacist, earned a bachelor of science in pharmacy from the Medical College of Virginia in 1971 and returned to his hometown of Front Royal before moving to Warrenton in 1974. He was president and founder of the Old Town Merchants Association, a member of the board of directors of the Bank of Virginia and the Fauquier Chamber of Commerce. This man has been instrumental in helping overcome local problems such as vandalism and loitering which once hampered the revitalization of Old Town Warrenton. He has been, in the words of his nominator, the driving force behind the Warrenton-Fauquier Christmas Toy Workshop, providing nearly 1,400 persons with food, clothing, and toys. His successful fund raising has provided over $3,000 yearly to finance the project.

Nominated by the Martinsville-Henry County Jaycees, Winford Calvin Fowlkes, a secondary marketing representative with United Guaranty Insurance Co., resides in Martinsville.

After graduating from high school in 1967, he embarked on a career in data processing and entered the North Carolina School of Automation, later serving in the Air Force. In 1972 he entered Virginia Commonwealth University's real estate and urban development program.

In 1974 Winford received his bachelor of arts degree and joined the staff of Piedmont Trust Bank in Martinsville. Eight months later, he was promoted to mortgage loan supervisor responsible for daily operation of the department. In late 1976 he established a

very profitable branch operation in northern Virginia.

He serves as vice chairman on a local government committee to determine the disposition of a large reservoir. Winford successfully lobbied for a senior citizen fishing pier and facilities for the handicapped at the reservoir. He worked diligently on a senior citizens winterization program and helped organize Special Olympics.

Lewis N. Lawrence, a Portsmouth building maintenance contractor, began his career in 1967, as an apprentice in the Norfolk Naval Shipyard. He was promoted often and has served at the top of his occupation as a pipe welding specialist.

In 1973, he started the groundwork for a new career. He began a part-time job as an inspector/supervisor for a building maintenance contractor and after 3 years, accepted a position with that company as a contracts manager.

In 1982, he was selected by the Portsmouth Jaycees as Portsmouth's outstanding young man and was given their distinguished service award. His contributions to his community are extensive. He has been the key man in the combined Federal campaign of the United Way, director of the Tidewater Soap Box Derby, a member of the Committee for Chartering Cub Scouts and Boy Scouts for Mentally Retarded Boys, a member of the City Community Relations Committee, Portsmouth Chamber of Commerce, and the Portsmouth Sports Club.

THE OUTSTANDING YOUNG EDUCATORS

Carol Blauvelt, a high school English teacher in Manassas, started her career in 1971 in Fairfax County and later that year moved to Stonewall Jackson High in Manassas. She earned her master's degree in English from the University of Nebraska in 1975 and is qualified to teach education, music, history, and speech.

Carol believes that providing for individual differences is probably the hardest task of teachers, so she offers individual tutoring and conferences to her students. She receives the most satisfaction from seeing her students grow up, change, and learn to face the challenges of life. Besides teaching, she serves on various committees for the school, has been a junior class sponsor, an advisory teacher, a forensic coach and sponsor of the National Honor Society.

Nominated by the Madison Jaycees, Rebecca E. Gore is a Rochelle, Va., high school science teacher at Madison County High School. She developed an open line of communication between herself, her students, and parents by sending a letter of course and teacher introduction to parents at the beginning of the year. Besides her teaching responsibilities for five classes, Rebecca is the science club sponsor, an eighth grade sponsor, a study hall supervisor, a gym monitor during her lunch period, a judge for science fairs, a 4-H leader and a volunteer photographer for the local newspaper. She views the classroom as a stage and herself as the performer, realizing that when she lacks the enthusiasm to perform, to motivate, to challenge, to entertain, to teach, she is no longer an effective teacher.

THE OUTSTANDING YOUNG FARMERS

George S. (Steve) Aylor, who farms 2,000 acres near Madison, derives all his income from agriculture. New production practices are much in evidence on his farm. George is active in church, civic, and educational organizations, having served as president and secretary of the Madison County Young Farmers during the 15 years he has been a member. He has also served as president of the Central Virginia Area Young Farmers and was a member of the Executive Committee of the Virginia Young Farmers.

James S. Huffard III, a Wytheville dairy and livestock farmer, operates a 600-acre farm with the most productive registered herd of Jersey cows in Virginia. His herd is the ninth top producing herd in the United States. At age 29, James was named an outstanding young Jersey dairyman in the Nation by the American Jersey Cattle Club. His farm, which he has operated for 7 years, produces nearly 16,000 bushels of corn, 200 tons of alfalfa, 2,400 bushels of oats and 300 tons of hay annually. Using these crops, his 160 registered Jerseys produce over 2 million pounds of milk yearly.

Warren A. Wittig operates a Broadway, Va., poultry and livestock farm with a total capacity of a half-million birds. Through careful management, and the help of friends and neighbors, Warren and his wife built a second poultry house and acquired vital equipment. Wittig has been a member of the Broadway-Timberville Young Farmers, the Virginia Poultry Federation and the Rockingham Cooperative Farm Bureau. Warren served as president, secretary and director of the Virginia Broiler Growers Association, and is currently president of the Rockingham Poultry Marketing Co-op.

THE OUTSTANDING YOUNG FEDERAL CIVILIAN EMPLOYEES

Gary L. Carroll of Warrenton graduated in 1971 with distinction from the University of Virginia. He entered the University of Virginia graduate school to further his education and in 1973 earned his master's degree in foreign affairs. Gary joined the CIA as a career trainee, and became an intelligence officer with temporary duty assignments that have taken him around the world and throughout the United States. Gary has served as acting branch chief and has received numerous letters of commendation. He has written classified articles for intelligence publications.

In nominating him, the president of the Warrenton-Fauquier Jaycees emphasized his concern for the community. He has held almost every office in the local Jaycee chapter, including president, Special Olympics, Christmas toy workshop, and aid to the senior citizens were just a few of the projects he was involved in making successful.

Jay D. Poole, executive director of the Russell County Agricultural Conservation and Stabilization Service is responsible for management of all Federal farm programs in his local county. His office keeps records on crop production and basic data of the county's 2,400 farmers. He is heard 4 days a week on three southwest Virginia radio stations, providing information to county farmers. Jay holds a bachelor of science degree in agriculture education from Virginia Tech. He is a member of the Russell County Agri-Business Council, the Russell County Fair Association, the town of Lebanon Parks and Recreation Board, and various other organizations.

THE OUTSTANDING YOUNG FIREFIGHTERS

Keith Bolte, who joined the Blacksburg Volunteer Fire Department in 1974, is a fully trained emergency medical technician and has over 500 hours of certified fire training. He serves as captain of the fire department, a position he has held for 2 years. He is in charge of all training for the department. Keith manages the Christiansburg Days Inn, making this inn one of the most profitable in its group. Besides his job and his duties as a volunteer firemen, he founded and operates the Montgomery Ambulance Service.

David R. Francisco, A Norfolk fireman, began his career as a volunteer firefighter in Virginia Beach in 1975 at age 19. He later joined the Virginia Beach Rescue Squad and became a member of the Virginia Beach dive team. In 1978, he entered the Norfolk, Fire Department on a full-time basis.

In May, 1982, Francisco was sent to assist a shipyard worker overcome by toxic fumes in a tank at the bottom of a ship. Donning his chemical suit and descending into the ship's hole, Francisco, working under extreme conditions, reached the victim and administered first aid and oxygen to the unconscious worker. He lifted the victim over a compartment wall, tied a rescue knot and hoisted the worker to the deck of the ship. The worker is alive today largely due to the efforts of this selfless man.

THE OUTSTANDING YOUNG LAW OFFICERS

Roger E. Broadbent, a Virginia State trooper based in Warrenton, earned an associates degree cum laude from Northern Virginia Community College in police science. He attended the Virginia State Police Training Academy and served in the U.S. Air Force.

Kenneth H. Gay, A Blacksburg law officer, attended New River Community College, majoring in police science and earning an associates degree in applied science. He is currently enrolled in a bachelor of science degree program at Radford University. One particular event prompted Kenneth's nomination. He acted with uncommon valor in approaching an armed sniper on foot. Realizing that other police officers and citizens were in danger, he behaved courageously and efficiently to bring to a conclusion a most dangerous incident. The most remarkable aspect of the encounter is that he captured the suspect without firing his weapon.

Lt. David R. Scalf began his career with the Lynchburg Police Department in 1975, being the first officer with a master's degree to be employed by the department. After completing the mandatory requirements of the Central Police Training School, he was assigned to the vice and narcotics unit operating as an undercover agent. Due to his efforts, numerous drug violators were prosecuted and a successful undercover investigation was concluded 6 months later.

David has served as a consultant to police departments in Virginia, through the Nation, and in Canada. His articles on law enforcement have appeared in various professional journals.

OUTSTANDING YOUNG RESCUE SQUAD MEMBERS

Thomas K. Armstrong, a rescue squadsman from Marshall, completed his emergency medical technician course in 1977. He has met the paramedic and coronary care technician requirements and has taken every course offered to local rescue squadsmen. Thomas has achieved the highest level of training open to a volunteer rescue squadsman, the coronary care technician. For 2 years, he has been a member of the Board of Directors of the Marshall Volunteer Rescue Squad and served as administrative vice president. During the past year, Thomas has given six CPR courses throughout Fauquier County. He is currently an area manager for the Bartlett Tree Expert Co., assisting homeowners with tree maintenance problems.

James M. Clements became a member of the Buena Vista Rescue Squad in 1971 and served as first lieutenant, president, and second lieutenant of the motor pool. As a senior squad member, he has been junior adviser for 2 years. James completed courses in life support, hazardous materials, advanced first aid, CPR and heart and lung resuscitation. He has attended light duty rescue squad school and serves as an emergency medical technician, CPR instructor, and advanced first aid instructor. He is a graduate of Dabney S. Lancaster Community College and is currently employed in sales and service by the Blue Bird East Co., one of the leading manufacturers of school buses and recreational vehicles.

Roger L. Hudson, a Wytheville rescue squadsman, is a nationally registered emergency medical technician and has completed all the training programs offered by the Virginia Association of Volunteer Rescue Squads. He started a shock-trauma course in January 1982. As a 6-year member of the Wythe County Rescue Squad, he has held the offices of sergeant, second lieutenant, first lieutenant, board of governor representative and was recently elected captain. Roger has done everything from helping accident victims to delivering babies to rescuing injured men in a cave. He is employed at Mixing Equipment as a machinist where he has participated in the "idea program" and has received five awards for his cost-cutting suggestions.

THE OUTSTANDING YOUNG RELIGIOUS LEADERS

Ronald E. Gravatt, who serves as youth pastor in the Buena Vista Baptist Church, teaches French and Spanish in the Buena Vista High School, where he is the faculty sponsor for three dramatic plays a year. He earned a masters degree from the University of Virginia in French and is currently pursuing a doctoral degree in education. At the Buena Vista Baptist Church, he works as Sunday school director, deacon and teacher of the men's Bible class. His lessons are broadcast regularly over the radio. He maintains a firm commitment to his religious beliefs. In college, Ronald worked with a Bible study group while an active member of the Metropolitan Baptist Church.

Robert L. Schmiesing, director of youth and Christian education at Peace Lutheran Church in Springfield, plans and leads all activities for the 600 youth of the congregation. He strives for a proper balance of Bible study, worship, recreation, and social activities. He reaches out beyond the congregation to involve all young people in planning activities that address needs in the Washington metropolitan area. He planned the walk-a-thon for Lutheran social services held this past spring.●

UNIVERSITY OF MICHIGAN MARCHING BAND

● Mr. LEVIN. Mr. President, earlier this year, the University of Michigan Marching Band was awarded the first Louis Sudler Award as the Nation's outstanding college marching band. Under the direction of Eric Becher, the Michigan Marching Band was chosen by a committee of more than 600 band directors, along with 100 sportswriters from all regions of the country. I would be remiss not to pause a moment to personally acknowledge the accomplishments of this talented, spirited, and devoted group of musicians and directors.

Founded by Mr. Louis Sudler, the executive director of the John Philip Sousa Society, the award establishes criteria by which to measure marching band excellence. These standards as outlined are to: Demonstrate the highest marching standards, innovative marching routines, and to make important contributions to the advancement of the performance standards of college marching bands over several years.

By combining innovative patterns and precise execution, the University of Michigan Marching Band has repeatedly set new standards of excellence. The innumerable hours of grueling and exhausting preparation has enabled the band to develop a unique style which has rendered them the "Dancing Band of America." Additionally, the lure of working with the most renowned college band has attracted many of the country's premier band directors.

Due largely to the enthusiasm of the 225 member Michigan Marching Band, the excitement of football Saturdays at the University of Michigan is unequaled. Hail to the University of Michigan Marching Band, whose talent and exuberance are a source of continuing pride for Michigan.●

PASSAGE OF H.R. 2973

● Mrs. HAWKINS. Mr. President, I am pleased that the Senate on June 16 passed a modified version of H.R. 2973 that repeals the withholding tax on interest and dividends, and included other important proposals such as urban enterprise zone and the Caribbean Basin Initiative.

This is not a new position for me. I strongly opposed withholding of interest and dividends income when it came up for a vote during consideration of the 1982 tax bill. My opposition to withholding was a principal reason I voted against the entire bill.

I did not believe then those provisions were fair when they were enacted and I do not believe now they would help advance our economic recovery. I also believe that withholding would impose costly and time-consuming paperwork requirements on both savings institutions and private citizens.

My office has received over a quarter of a million pieces of mail and an astronomical number of telephone calls from Floridians objecting to this oppressive law. There has literally been a grassroots ground swell for repeal of the withholding provisions.

When I go back to the State the first question I am asked is "When is Congress going to act on this matter?" Both taxpayers and payers of interest and dividends urgently need to have

this matter resolved. Because of the urgency of this matter, I voted to table the Dole amendment in the nature of a substitute to pave the way to send a simple repealer straight to the President. This in no way was intended as a vote against the other measures in the bill which I fully support. I am hopeful that the House will accept these additional titles to the Senate version of H.R. 2973, particularly those relating to the Caribbean Basin Initiative, enterprise zones, and mortgage subsidy bonds.

I have been a long time supporter and cosponsor of enterprise zone legislation. Its objectives are to encourage investment and business activity in distressed areas and to create jobs for disadvantaged individuals. The legislation encourages a team effort on the part of local, State, and Federal governments, together with the private sector, to create a proper climate for revitalization.

Florida has been a pioneer in establishing a State enterprise zone program starting in 1980. There are now 120 such zones in the State. Under the Florida Enterprise Zone Act, which is administered by the Florida Department of Community Affairs, there are three enterprise zone incentives. The first is a jobs tax credit. A firm receives a credit on its corporate income tax equal to 25 percent of wages paid to each new employee in a qualified enterprise zone. Next, a corporation also receives a tax credit for developing new or expanded facilities in an enterprise zone. Finally, a business is also given a 50-percent tax credit for contributions to nonprofit institutions participating in community development projects.

The Florida enterprise zone experiment appears to be working and creating new jobs and revitalizing blighted areas. Its apparent success increases the chances that an expanded Federal program would also be successful.

I also want to express my support for the Caribbean Basin Initiative. Last year the Congress agreed to provide much-needed financial assistance to countries in the Caribbean Basin hard hit by the worldwide recession. I am pleased that we are now following through by adopting these other provisions of the CBI so that these countries can begin helping themselves.

This portion of the President's Caribbean Basin Initiative authorizes the President to proclaim, until September 30, 1995, duty-free treatment of imports from designated Caribbean Basin countries. In addition it provides protection for those industries that could be hardest hit by a surge in Caribbean and Central American imports. I believe it is a well-balance bill that will provide significant assistance to our neighbors in the Caribbean Basin.

It is, however, not just the nations of the Caribbean that will benefit from this legislation. The United States will benefit too. Everywhere we look we see signs of increasing interdependence betweeen the United States and the world. U.S. Trade Representative William Brock testified that 4 out of every 5 new manufacturing jobs has been created by international commerce, and that 1 out of every 3 acres planted by U.S. farmers yields crops that are exported. The U.S. Department of Commerce has reported that every $1 billion in exports represents, 30,800 U.S. jobs. Our Nation's deep-draft ports employ over 1 million workers in an industry that contributes over $15 billion to our GNP. Direct U.S. investment abroad reached almost $215 billion in 1980. And the list could go on and on. But the point is clear—American jobs, and American prosperity is increasingly linked to the health of foreign economic and financial markets. No one knows this better than we from Florida.

Florida's dependence on the international economy is heavy, and it is growing daily. We had a value of goods exported in 1982 totaling more than $11 billion. Last year, Florida's exports exceeded imports by 50 percent, and trade-related employment rose at a rate five times faster than that of the entire United States. Five years ago Florida had no foreign trade zones—now we are tied with New York as the leading foreign trade zone State in the country. And the Miami zone, only 3 years old, is now the busiest of all general purpose zones. Florida has over 100 institutions involved in international banking, critical to an international trade industry. In 1982, Florida also again tied New York as the State with the largest number of Edge Act Banks: 33.

What is true about the world in general is true about the Caribbean and Latin America in particular. The United States is the major trading partner with most of the Caribbean and Central American countries. We are their source of raw materials, capital, and consumer goods. If the economies of these countries improve, it does not take an economist to realize that these countries will need to import more goods from the United States. And Florida's proximity to the region is a guarantee that we will be one of the primary beneficiaries of the region's increasing prosperity.

There are other important benefits of the CBI. Increased prosperity in the region will eliminate the incentive for General Americans and Caribbean Islanders to immigrate illegally to the United States. Prosperity will bring with it improved economic and social conditions. Enhanced living standards will increase the likelihood that potential immigrants will remain in their homelands and not flee to the United States. In addition, prosperity will also eliminate the social and economic conditions that breed revolution—thereby enhancing our national security.

Mr. President, the fate of the United States and the nations of the Caribbean Basin is increasingly bound together. Consequently, the United States has both economic and humanitarian reasons for providing assistance to these nations. Since we are going to sink or swim together, it is in our interest to make sure no one drowns.

Mr. President, this was a good bill, it contained many provisions important to both our foreign and domestic policies. I hope our colleagues in the House will recognize the value of the Senate version, and allow us to send it on to the President to be signed into law.●

TRADE RELIEF FOR SMALL INDUSTRIES

● Mr. COHEN. Mr. President, our trade relief process is cumbersome for many small businesses, putting trade relief out of reach for many industries. A recent article in the Legal Times, "Commerce's Horlick Sees Need for Trade Act Repair," highlights some of the obstacles encountered by industries in pursuing trade remedies. Gary N. Horlick, former Deputy Assistant Secretary of Commerce for Import Administration, identifies some of the problems with the Trade Agreements Act of 1979 which sets out procedures for countervailing duty and antidumping petitions. At the top of the list of Mr. Horlick's problems with the act is that "the process has become so expensive that a small or even medium-sized business can't afford to benefit from the act's protection. He said that the process could be simplified and streamlined—though not necessarily shortened—to make it more accessible to these smaller companies while leaving intact the existing balance between domestic producers and foreign exporters."

According to Mr. Horlick, one of the problems with the 1979 act is the time needed for procedural demands before the initial exchange of information can take place. This data provides the factual basis for a case and often cannot be reviewed properly. Another problem with the act is that it permits interlocutory relief after a preliminary determination of dumping or subsidization. This part of the process is not worth the time or the money for the parties or the Government.

The articles state that a sampling of trade attorneys confirms that the Trade Agreements Act needs revamping and lawyers agree that there is a general need to streamline the act. "The expense has become colossal," says Patrick F. J. Macrory of Washington, D.C.'s Arnold & Porter.

Mr. President, Senator DANFORTH has graciously consented to hold hear-

ings in the Subcommittee on International Trade to address a variety of problems faced by small industries in the trade relief process and possible solutions. The hearing will afford an opportunity to examine the provisions of my legislation, S. 50, the Small Business and Agricultural Trade Remedies Act of 1983, which is designed to make the trade relief process more accessible, particularly for small industries. In preparation for those hearings, I would like to bring to the attention of my colleagues this thoughtful article. I ask that the full text of the article appear in the RECORD.

The article follows:

[From the Legal Times, May 22, 1983]

COMMERCE'S HORLICK SEES NEED FOR TRADE ACT REPAIR

(By Irwin B. Arieff)

The 1979 Trade Agreements Act is badly in need of congressional repairs, according to Gary N. Horlick, the Commerce Department's deputy assistant secretary for import administration. Horlick, who was international trade counsel to the Senate Finance Committee before moving to the Commerce Department in May 1981, is leaving government service June 2 to begin a trade practice at the Washington, D.C., office of Los Angeles' O'Melveny & Myers.

The 1979 legislation sets out procedures for the department to determine whether foreign exporters are dumping their goods on the American market at less than their fair value or are subsidizing their manufacture in order to undercut the price of the U.S. products. The House Ways and Means Committee's trade subcommittee recently completed three months of hearings on the act, but an aide said that the panel has set no timetable for future action.

PENALIZING SMALL BUSINESS

At the top of Horlick's "laundry list" of problems with the 1979 act, he said, is that "the process has become so expensive that a small or even medium-sized business can't afford to benefit from the act's protections. This puts more pressure on Congress to seek protectionist moves." He said that the process could be simplified and streamlined—though not necessarily shortened—to make it more accessible to these smaller companies while leaving intact the existing balance between domestic producers and foreign exporters.

The complexity and the expense of the process penalize the less developed countries as well as small American companies, he said.

Another problem with the act, Horlick said, is the time consumed by procedural matters before the lawyers for both sides can exchange the confidential financial data that provides the factual basis for a complaint. The 1979 act enabled the lawyers from both sides to obtain such data from one another on a protected basis. However, Horlick said, the act makes the exchange so cumbersome that by the time the lawyers obtain the data, there is not enough time left in the proceeding to study it adequately and to draw useful conclusions.

One of the act's strong points, he said, is that it made virtually every step of every proceeding judicially reviewable. "It keeps the whole thing honest," he said. However, he strongly objected to the provision of the act that permits interlocutory relief after a preliminary determination of dumping or unfair subsidization. Because such relief typically might take about 35 days to obtain, that leaves only another 40 days until the deadline for the final determination, he said. But by that time, he added, the decision-making process probably has started all over again because the facts in the case have changed as a result of the department's continuing probe. "It's a nice thing to have, but it's not worth the time and the money, for the parties or for the government," he said. In place of the two separate determinations, he recommended a single consolidated proceeding.

A final area troubling Horlick was the act's provisions dealing with exports from communist countries, referred to as "nonmarket economies." Because prices in communist nations are set by the state rather than in the marketplace, the act requires the department to select a surrogate country that is similar to the communist nation at issue in order to determine what the cost of the product that is being examined should be. "The provisions are a joke," Horlick said. "The results are completely random and bear no relation to reality. They're an embarrassment to the United States."

In a recent proceeding involving the exportation of Polish golf carts, for example, the department selected Canada as a surrogate. In the middle of the proceeding, however, the sole Canadian manufacturer of golf carts went out of business, and the department made Spain its new surrogate. However, because Spain had no golf cart manufacturers whatsoever, the department first had to determine the cost of building a manufacturing plant there as well as the cost of actually manufacturing them in that plant.

The purpose of the act, Horlick said, is to enable domestic producers and foreign exporters to know in advance whether or not a foreign export is being dumped. But because it is impossible to know in advance which country will be selected as a surrogate, "a nonmarket economy exporter cannot figure out how to comply with our laws, and a domestic petitioner can't tell whether the exporter will be found to be dumping."

Horlick went out of his way to praise Commerce Secretary Malcolm Baldrige for having given him his "absolute backing to run this department without any politics," an attitude he said was lacking during the Carter administration. "The secretary said from the beginning to apply the law to the facts and let the chips fall where they may," Horlick said. "I know that people were unhappy with the outcome of this or that case, but I hope they perceived that the program was run according to the book."

Horlick said that his unit handled a record number of cases during his tenure, including such highly publicized—and highly charged—proceedings as last year's cases involving steel and Canadian subway cars.

PROUD OF DEDICATED STAFFERS

He said he was particularly proud of his staffers' ability to meet statutory deadlines in their investigations, for which he credited his employees' dedication as well as the department's conversion to computer analyses of all dumping cases.

A sampling of trade attorneys confirmed Horlick's view that the Trade Agreements Act needs revamping and that the import administration unit has been doing a good job of meeting deadlines. However, they did not agree unanimously on precisely what needed to be revamped, and how. In addition, one attorney complained that Horlick was wrong in his view that the Commerce unit had been immune from political considerations in its work.

The lawyers agreed that there is a general need to streamline the act and to rewrite those sections dealing with nonmarket economies and permitting interlocutory relief after a preliminary determination. "The expense has become colossal," said Patrick F.J. Macrory of Washington, D.C.'s Arnold & Porter, adding that the results of the nonmarket economy provisions "can be most absurd." John B. Rehm of Washington, D.C.'s Busby, Rehm & Leonard, P.C. commented, "There is general agreement in the international trade bar that a court should not be asked to resolve major legal questions on a partial record and a preliminary determination. That provision ought to be repealed."

However, an attorney who asked not to be named said, "We have seen Commerce unconscionably yield to the pressures of individual senators, taking stances in favor of a domestic industry and against foreign manufacturers, on both substantive and procedural matters. We have seen alarming yielding to congressional pressure in some cases." To remedy the department's vulnerability to pressure, this attorney advocated transferring all dumping and countervailing duty probes to the International Trade Commission; the ITC, the lawyer said, would be able to act more independently than can Commerce because of its status as an independent agency.●

GROUPS UNITE TO ADDRESS YOUTH DISABILITIES

● Mr. RANDOLPH. Mr. President, on May 23-24, 1983, the State Department hosted a conference in Washington, D.C., to discuss participation of youth with disabilities in planning for the U.N. International Youth Year in 1985.

Participating was an organization called Project MAY (Mainstreaming Activities for Youth), a collaborative project to assist national youth-serving agencies in planning, developing, implementing, promoting, and evaluating a collaborative program to mainstream youth with disabilities in regular programs.

Project MAY was initially funded by the Office of Special Education and Rehabilitative Services Administration of the U.S. Department of Education. The current program is under the direction of the YMCA of the USA and is maintained with YMCA support plus donations.

I ask that there be printed at this point in the RECORD a listing of the membership of Project MAY, together with their position statement and addendum thereto:

The material follows:

PROJECT MAY MEMBERSHIP

American Red Cross.
Boys' Clubs of America.
Boy Scouts of America.
Camp Fire, Inc.
Future Homemakers of America.
Girls' Clubs of America.
Girl Scouts of the U.S.A.

Jewish Welfare Board.
National Board of YWCA.
National 4-H Council.
YMCA of the U.S.A.
Plus support from over 100 resource groups.

POSITION STATEMENT

Project Mainstreaming Activities for Youth (MAY) agencies and cooperating resource groups serving persons in recreational and leisure areas accept as a goal the integration and acceptance of youth with disabilities in agency programs. Agencies further agree to educate, train, develop and implement at all levels, individually or in cooperation with other agencies, the process and goal of mainstreaming which will enable disabled persons to exercise their rights and opportunities.

INTERAGENCY ADDENDUM TO POSITION STATEMENT

Let it be known that the Project MAY Collaboration and its resource agencies in partnership with the United States Council of International Year of Disabled Persons (IYDP), 1981, promotes and supports the extended goals of the IYDP Committee by studying and resolving to understand the needs and functional abilities, concerns, and interests of persons with known disabilities through the following avenues:

A. Recreation, Leisure and Club Activities.

B. A wide variety of sports activities: some modified and others not, to promote leisure and competitive choices in sports for persons with disabilities.

C. Education of professional, para-professional and volunteer staff and participants with and without disabilities in skill development as well as the understanding and process of mainstreaming.

D. Education of families who have within them persons with disabilities and those that do not of available programs, the ability side of disability and what the process of mainstreaming is and how it has positive effects on all participants.

E. Rehabilitation Programs.

F. Vocational, Career and Volunteer Opportunities.

Through commitment, understanding, openness and eagerness on the part of the MAY agencies to facilitate persons with disabilities in achieving the highest available opportunity for independent functioning and choice in leisure and work, the member agencies of the MAY Collaboration understand the following program items must take priority in meeting the goals of full and independent participation of all people:

I. TRAINING OF AGENCY ADMINISTRATORS, STAFF AND VOLUNTEERS

Awareness of ABILITIES inherent in each person regardless of disability.

Attitude and values clarification and understanding.

Activity analysis and modification.

Behavior Management/Group Dynamics Techniques.

Programming with and understanding the functions of such enabling devices as wheelchairs, braces, canes, crutches, walking sticks, hearing aids, lip reading skills, helmets, and anti-seizure and other medications.

II. INVOLVEMENT OF PERSONS WITH DISABILITIES IN LEADERSHIP ROLES AND LEADERSHIP TRAINING

Use of persons with disabilities as trainers.

Recruitment of appropriately educated persons with disabilities for various levels of employment in MAY agencies including: Executive positions, leadership positions, volunteer positions, teaching positions, maintenance positions, other.

III. ARCHITECTURAL ACCESSIBILITY

Awareness of specific standards needed for independent functioning of people with physical limitations.

Awareness and discussion with persons with disabilities in learning how best to aid or facilitate them in their movement in agency facilities.

Awareness that simple, inexpensive modification may be all that is necessary for architectural and program accessibility.

To make architectural changes where necessary to allow for maximum independent movement for persons with physical limitations in agency facilities and programs.

IV. ATTITUDINAL ACCESSIBILITY TRAINING

Provide training for administrative personnel, staff and volunteers to see abilities instead of disabilities; to understand differences, samenesses and adaptations instead of seeing disability as a deterrent to participation.

Familiarize all personnel with and answer myths and questions regarding disability.

V. PROMOTIONAL OUTREACH REGARDING AVAILABILITY AND ACCESSIBILITY OF AGENCY PROGRAMS, FACILITIES AND FACILITATING ATTITUDES OF MAY AGENCY PERSONNEL

Provide non-stereotypic publicity to relate availability and accessibility of MAY agency programs and facilities to persons with disabilities.

Offer opportunities for parents and young people with and without disabilities to understand inclusion of persons with disabilities in MAY agency programs and facilities.

To promote availability of MAY agency programs to youth with disabilities through schools and both segregated and integrated programs and environments.

The Project MAY Collaboration salutes the Proclamation of International Year of Disabled Persons for providing impetus in facilitating the promotion of extended services and training opportunities for persons with and without disabilities in order to more fully allow program and facility involvement by persons with disabilities, and to more fully create an awareness of need, interest, and sensitivity to and of all persons with disabilities in seeking challenges and programs of their choice in the least restrictive environment.

BUSINESS ACHIEVEMENT IN MAINE

● Mr. COHEN. Mr. President, I recently noted an article in the Wall Street Journal recognizing the achievements of Mark Mowatt, the 33-year-old founder and proprietor of Mowatt Enterprises Inc. of Brewer, Maine. Mr. Mowatt has enjoyed tremendous success in the past several years with the production and distribution of a prominent insect repellent.

Mr. Mowatt's story is a classic tale of business accomplishment. Originally a distributor for one insect repellent, he eventually began production and marketing of his own repellent, Ben's 100. His efforts and ability to find a niche within the industry are meritorious.

I urge my colleagues to consider the story of Mr. Mowatt's achievement as testimony to the capabilities of dynamic, entrepreneurial talent within our economic system. For this reason, I submit the following Journal article of May 26 for consideration.

The article follows:

"DEET," BY ANY NAME, DOESN'T SMELL SWEET TO A PESKY MOSQUITO—BECAUSE IT WORKS, REPELLENT ATTRACTS AN ENTREPRENEUR HOPING TO MAKE A KILLING

(By William M. Bulkeley)

BREWER, MAINE.—The rain-swollen Penobscot River conjures up images of riches for Mark Mowatt, the 33-year old proprietor of Mowatt Enterprises Inc.

Soon, fishermen, canoeists and campers will venture into Maine's wilderness to meet an infestation of mosquitoes, black flies, chiggers, gnats and biting fleas, many of which are prolific water breeders. "We had the wettest April on record. It's great for bugs," Mr. Mowatt says.

Mr. Mowatt, who says "one of my bibles" is a 40-year-old book entitled "Think and Grow Rich," think bugs will make him rich. He bottles an insect repellent called Ben's 100, which is named for Mr. Mowatt's six-year old son. Ben's is fighting for a niche in the bug repellent business. The half dozen companies in the once low-key field are contending with one another for market share as avidly as they fend off insects. All claim to save the skins of the growing number of Americans who venture into the great outdoors.

Ben's is no better and no worse than a number of other products. Like almost all insect repellents, Ben's is based on the chemical compound N,N diethyl-meta-toluamide. The compound was developed by the Agriculture Department in 1954 after 15 years of work testing some 11,000 compounds to find an effective insect repellent. The chemical is called Deet, for short.

IT'S "GORGEOUS"

Entomologists aren't sure why the mild-smelling Deet works. Thomas E. Tuttle, entomology-research manager at S. C. Johnson & Son Inc., of Racine, Wis., whose Off! insect repellents dominate the market, explains that female mosquitoes chemically detect the warm-blooded hosts that provide them their blood-meals. Deet apparently either jams their receptors or causes the insects distress. One way or the other, he says, "here is a gorgeous insect repellent."

Another of Deet's appeals is that there isn't any evidence that it is harmful to people. Sellers nevertheless advise users to avoid getting it in eyes or mouth, and packages warn that in rare cases Deet might irritate skin. Deet is less kind to many plastics and to some synthetic fabrics, tending as it does to weaken them.

Deet was developed for the Army, but civilians have been able to buy it in diluted form since 1956, when S.C. Johnson, the closely held maker of Johnson Wax products, started selling Off! Sold in aerosol cans, as a lotion, and in pump-spray containers, Off! works fine for backyard barbecues and other brief encounters with the out of doors. But for campers, lumberjacks and fishermen, it requires repeated applications during the day because there isn't much Deet in it.

Enter Charles Coll, a Truro, Nova Scotia, paint chemist and outdoorsman. He read of Deet in 1959, ordered some from a chemical Company and put it in little bottles. Mr. Coll called his product Muskol and sold it himself. Because it was 100 percent Deet,

undiluted by alcohol, Muskol would keep the bugs from biting most of the day. Mr. Coll wasn't much of a marketer, but over the course of 20 years, word-of-mouth advertising finally made Muskol popular enough in Canada to attract competitors.

About five years ago, Muskol entered the U.S. market. Outdoors writers discovered that the 100 percent Deet formula worked. Consumer Reports magazine advised campers to demand pure Deet insect repellent, and Muskol's business prospered. Soon, everyone in the rapidly growing insect-repellent industry, which amounts to between $50 million and $75 million a year in sales in the U.S., depending on who is doing the estimating, wanted to get into the pure Deet business.

OFFENSIVE ODORS

All this is a far cry from the old days of battling bugs. Before Deet came along, the theory seemed to be that anything that smelled bad enough to drive people away ought to bug bugs as well. Indians used rancid bear-grease. Henry David Thoreau, annoyed by mosquitoes around Walden Pond, concocted a mess of turpentine, oil of spearment and camphor that he finally decided was itself more unpleasant than insect bits.

A turn of the century book, "Woodcraft," by an outdoors writer pen-named Nessmuk, advocated a "varnish" of pine tar, castor oil and a mint called pennyroyal. He said the preparation improved with age. "I carried soap and a towel in my knapsack through the North Woods for a seven-week tour and never used either a single time. When I had established a good glaze on the skin, it was too valuable to be sacrificed for any weak whim connected with soap and water," he wrote.

In the 1930s, Osborne Sherer, a Worcester, Mass., native who preferred fishing to tending his family's failing department store during the Depression, concocted Old Time Woodsman's Liquid Fly Dope of pine tar, camphor and citronella. He spent the rest of his life stirring up batches of the liquid in his garage and peddling it to lumberjacks and sportsmen in northern New England and in New York. During the 1960s, he began adding Deet, but many traditionalists still swear that it is the smell that makes it work.

The spread of Deet has caused a vigorous market battle today. "It's our Falklands war," says Russell S. Beede, who bought Ole Time Woodsman Inc. from Mr. Sherer's heirs three years ago. Last year he introduced a pure Deet repellent called Jungle Plus to complement the Liquid Fly Dope. "We're all beating each other to death," he says.

Producing insect repellent is easy. Deet costs about $26 a gallon from a chemical manufacturer, and a one-ounce bottle that retails for $3 to $4 and lasts the typical consumer a year contains about 20 cents worth of the chemical, one maker concedes. "The margins are quite nice," says Mr. Beede, who contracts out bottling and handles sales and financial matters from the antique-filled front room of his handsome, 150-year old house in Concord, Mass.

Marketing the stuff is what's difficult. Repellent makers battle to find and keep manufacturers' representatives of other sporting goods to handle their little items. S.C. Johnson's aerosol Off! dominates sales in grocery stores and drugstores. The company's pure Deet, Maximum Strength Deep Woods Off!, came out this year and is being promoted in four-color ads in mass-circulation outdoor-sports magazines, which is something the little companies can't afford to do. Some people fear that Johnson will make off with the market for pure-Deet repellents.

In the contest for survival, which has included threats of lawsuits, complaints to Better Business Bureaus and great animosity, Mr. Mowatt and his Ben's 100 are featured players. A research biologist at the University of Maine studying moose parasites, Mr. Mowatt became an entrepreneur because "I'd gotten tired of being so broke" as a teaching assistant. He grubstaked himself by selling insurance for a year and then started a fur-trading business, buying from local trappers and selling large lots directly to European furriers. Once that business was under control, he branched out into trapping and sporting-goods supplies. During a trip to Nova Scotia, he discovered Muskol, which the Environmental Protection Agency had approved for sale in the U.S.

Mr. Mowatt says he persuaded Muskol to make him exclusive New England distributor, although he says he had only an oral agreement. Douglas Simms, the former general manager for Muskol Ltd., says, "We took the lad under our wing. Then all of a sudden, he sort of slit our throat."

Mr. Mowatt says he spent thousands of dollars of his own money selling almost $600,000 worth of Muskol in New England in the first two years, only to find that Muskol was selling to other distributors who were free-loading on his marketing efforts. Mr. Simms says that Mowatt Enterprises failed to expand markets after the first year of selling, so Muskol took on other distributors in addition to Mr. Mowatt.

Mr. Mowatt then decided to protect his investment by bringing out his own pure-Deet insect repellent. At first, he planned to call it "Muscle," but Muskol threatened to sue him for infringing on its trademark, on the ground that the name was too similar. Then Mr. Mowatt came up with the name Ben's 100, a name signifying the 100 percent Deet solution and short enough to fit on small bottles. Ben's comes in containers colored bright orange to outshine Muskol's pale green on sporting-goods shelves and to show up in the grass should it fall from a woodsman's pocket.

Mr. Mowatt talked a number of distributors who had handled Muskol into switching to Ben's, which generally retails for 50 cents less a bottle. He got endorsements from outdoors writers and turkey callers. He runs advertisements in some 35 different regional hunting and fishing magazines. While he still is losing money, he says he sees profits ahead.

But small operators such as Mr. Mowatt and Ole Time Woodsman face a tough challenge. Muskol recently was acquired by Schering-Plough Inc., the Kenilworth, N.J.-based maker of Coppertone lotions, Dr. Scholl foot products and Maybelline cosmetics. Bayer AG's Miles Laboratories unit, the maker of SOS soap pads, recently took over Cutter insect repellents from another Bayer unit and plans to get its diluted-Deet repellent into more grocery stores. The d-Con Co. subsidiary of Sterling Drug Inc. continues to sell its 6-12 brand insect repellent, which is based on ethyl hexanediol but contains a small amount of Deet. Neither Cutter nor 6-12 has an all-Deet product.

Bigger insect-repellent makers that had stressed lower-concentration formulas have come out with pure Deet solutions because "there's a segment of consumers that desire that kind of protection," says David N. Fine, the repellents product manager for S.C. Johnson. Wisconsin Pharmacal Co. of Jackson, Wis., introduced Repel 100 two years ago to expand its Repel line. "It's a little bit of overkill," says Thomas J. Bonesho, the company's executive vice president. He advises consumers to decide by judging the price for an ounce of Deet. A one-ounce bottle of Repel 100 costs $3.49, while a two-ounce bottle of Repel lotion, which is only 52 percent Deet, costs $3.29.●

BANKRUPTCY OF AN EMPIRE

● Mr. SYMMS. Mr. President, as we know, there are significant differences between the House and the administration concerning the budget and whether to control spending or continue tax hikes. On June 14, 1983, I came across an editorial in the Wall Street Journal entitled "Bankruptcy of an Empire" that directly coincides with my views on this issue. It speaks of the intellectual bankruptcy of the political empire Congress has built for itself, year by year, since the early 1970's. The Journal's editorialist suggests that Congress habitually increases Federal spending as a means to build a political empire for incumbents even at the cost of increasing the Federal deficit. For this reason, the deficit has become a frequently debated issue and many have concluded that tax increases represent the solution to this problem. I believe that our economy, which is in the first stages of recovery, may not withstand the proposed tax increases. We as elected officials need to encourage savings and investments. Tax increases drain the economy of money that might be used either in productive investments or in savings that create capital for long-term growth. The article states that—

Congress has become spending dependent, in need of larger and larger fixes to insure continued incumbency. Shock treatment is in order, and we hope the President has the gumption to administer it.

I urge my Senate colleagues to oppose these tax increases in an attempt to wean Congress from this spending addiction.

Mr. President, I ask that the article "Bankruptcy of an Empire" be printed in the RECORD for my colleagues' review.

The article follows:

BANKRUPTCY OF AN EMPIRE

There is a good chance that over the next four weeks Congress and Ronald Reagan are going to provide a most fascinating political spectacle. Congress has begun to pitch the president a series of budget-busting appropriations bills, and Mr. Reagan is said to be limbering up his veto bat to swat them.

On one level, we'll be watching a struggle between a Congress no longer capable of controlling federal spending and a president who refuses to give Congress the additional taxes it wants. One of the recurring motifs will be that the president, crazed and blinded with ideology, is refusing to behave in a pragmatic and bipartisan spirit.

But if you'll step back a bit from this entertaining showdown, we think what you'll see is the intellectual bankruptcy of the political empire Congress has built for itself, year by year, since the early 1970s. Congress didn't win all of the spending battles during the Nixon, Ford and Carter years, but in disbursing a total of $3.6 trillion, it still managed to create a giant system of financial and political dependency that lumbers toward ever-greater excesses.

Consider a few highlights of the constituency building record. In 1971, Congress passed a 10% across-the-board hike in Social Security benefits, and expanded federal assistance for training doctors and health professions. In 1972, Congress increased pensions for 900,000 members of a nearly bankrupt railroad pension system, authorized a federal takeover of the federal-state welfare system for the aged, blind and disabled, liberalized eligibility requirements for black-lung benefits and increased Social Security benefits 20% and double indexed them to inflation.

In 1973, Social Security benefits were increased an additional 11%; Congress also increased contributions to health-insurance programs for federal employees, indexed payments for the school-lunch program to food prices and mandated twice yearly inflation adjustments for food stamps.

In the following year it created an office of juvenile justice and delinquency prevention, the National Institution for Aging, the Legal Services Corp., programs for solar and geothermal energy, a six-year and $12 billion aid-to-mass-transit bill and a $25 billion appropriation over four years for education. In 1975, unemployment compensation was extended to 65 weeks, and $1.4 billion was appropriated for family planning and community mental-health centers.

We'll skip 1976 so we can get to the year Tip O'Neill became House speaker. His 1977 Congress put out $12.5 billion for "neighborhood revitalization." Food stamps became free, with an estimated four-year cost budgeted at $24.4 billion. In 1978, Congress rested, but did expand financial assistance for students from middle-income families. In 1979, teachers got the Department of Education, and Congress expanded support for a network of regional and state health-planning agencies and raised the federal contribution to state welfare costs by $900 million a year. The 1980 session gave fitful birth to the $1.6 billion toxic-waste "superfund." In November, voters elected Ronald Reagan.

From the perspective of men and women who had to give people reason to support them every two years, it was quite a performance. Broad classes of citizens came to depend on the budgetary distributions of Washington's philanthropes. Other groups, by now fully politicized, turned to Washington for a similar share in the benevolence. Local and state governments benefited either directly or insofar as Washington diverted citizens' claims on their own budgets.

So now we're in for the great budget battle of '83, or at least we can hope so. No matter who says what about whom in the coming weeks, we suggest you keep an eye fixed on one figure—the House Democrats' $863 billion budget. With Mr. Reagan's budget at $842 billion, the Democrats are further away from anything a president has proposed in recent memory. And with no reasonable expectation of using the budget to colonize more segments of American society, the Democrats have simply got to have that money to keep their existing constituencies responsive.

And up to now, they've succeeded mightily. Amid all the wailing over Mr. Reagan's gutting of the safety net, outlays for income-transfer programs from 1980 to 1983 went from $283 billion to a whopping $408 billion.

It has become too embarrassing to try to defend this grand bean feast before the American people so no one tries. Congress has become spending dependent, in need of larger and larger fixes to ensure continued incumbency. Shock treatment is in order and we hope the president has the gumption to administer it.●

DRUNK DRIVING AMONG TEENAGERS

● Mr. DIXON. Mr. President, as a former Illinois State legislator and secretary of state, and now as U.S. Senator, I have had a longstanding interest in safe driving. Today, I am proud to recognize the National Association of Independent Insurers, which is headquartered in Des Plaines, Ill., for its efforts to address the drunk-driving problem where it hurts us most—among our Nation's teenagers.

Recently, NAII, the Nation's largest property/casualty insurance trade group, received a first-place "Gold Camera Award" from the U.S. Festivals Association for its new motion picture, "Just Along for the Ride," a widely publicized docudrama about teenage drinking and driving.

The award, given in the safety, welfare, and insurance category of the 16th annual U.S. Industrial Film Festival competition, was accepted at a banquet in Chicago by Lowell R. Beck, president of the NAII, and Charles J. Lorenz, its vice president of public affairs.

The award recognizes "outstanding creativity in the production of audiovisual communications in international competition."

"Just Along for the Ride" was among nearly 1,000 films from 22 countries entered in this year's competition and its "Gold Camera" was one of only 27 presented at the 1983 festival award ceremonies.

The motion picture also was 1 of 10 films nominated for the "Best of Festival" award.

"Just Along for the Ride" is a 33-minute, 16-mm film designed to help teens become aware of the risks they assume when they drive while intoxicated, or when they ride as a passenger with others who are intoxicated. It encourages teens to assume responsibility for their own safety, and to avoid pressure from peers to follow the crowd—going along for a ride which could lead to death or permanent injury.

The motion picture demonstrates that automobile accidents involving alcohol can happen to anyone who drinks and drives; that the odds of a tragedy occurring are the same for the nice teens as they are for the troublemakers.

The NAII released "Just Along for the Ride" in mid-January, and already it has been shown to nearly 50,000 of the Nation's high school students. The film is being distributed to high schools on a free-loan basis and is also available for purchase.

I commend it to my colleagues and to the young people of our country.●

AMERICAN INDIAN HUMAN RIGHTS

● Mr. GOLDWATER. Mr. President, time and again, day after day, hour after hour, we hear proclamations from every facet of our Government about human rights.

Spend a few million here, a few hundred million there and, if that is not enough, a billion wherever we feel it is needed to promote human rights.

What about the human rights of the American Indians? They probably live as poorly as any group of people to be found anyplace in the world and, yet, we keep worrying about people who live tens of thousands of miles from us, saying that they are not receiving the proper treatment in human rights. Who wants to stand up and argue that our American Indians receive the decent treatment on human rights. They do not. Our Members know it and I think it is downright regrettable and somewhat dishonest that our Government, President after President, ignores the fact that there are no hospitals, no schools, no jobs on Indian reservations.

This was put rather succinctly in an editorial appearing in the recent edition of U.S. News & World Report, and I ask that it appear at this point in my remarks.

The editorial follows:

[From the U.S. News & World Report, May 23, 1983]

GOLDERWATER TEES OFF

(By Marvin Stone)

The plight of many of the Indians in the U.S. is told in the story that starts on page 70 of this week's issue. It is a disheartening problem, one that very few of us find time to address. One exception is Barry Goldwater.

When Senator Goldwater talks about Indians, he speaks from personal knowledge, because about one third of this country's 1.4 million Indians live in the Republican senator's home state, Arizona. In a recent letter to President Reagan, Goldwater raised a ruckus. Here are some of the things bothering him:

"In over the 207 years that we have had a government, in well over a hundred years of our relationship with our Indians, we have never, I repeat, never, lived up to the moral obligations that we owe these people.* * *

"I think we pay far more attention to the human rights of people living in the countries of South Africa, or Central America, or you name it, then we pay to the human rights of Indians living within our states."

The senator then proceeded to cite what he called some "shameful statistics" to show

how the U.S. government has mistreated Indians.

One example Senator Goldwater cited: The Papago Indian tribe, with 13,000 members and a reservation spread over 5,000 square miles, has only one hospital. "A number of years ago, this hospital burned down, and believe it or not, it took 10 years to reconstruct it," the senator told the President.

The Hopi Indians, according to Goldwater, have only one hospital, and "it's been reduced to being open only three days a week." He said that the Hopis lack adequate communications and transportation systems to reach patients with what medical aid is available. Also, he added, the Hopis have no high school, even though "there is money in the jobs bill to at least start a high school."

As for the Navajo Indians, Goldwater said: "The vast Navajo Reservation, the largest that we have, and the largest population of any Indian tribe, does not need any detailed description by me as to their lack of health and education facilities, decent roads running north and south, communications and on down the list. These people have the highest unemployment rate in the United States and suffer along with the other Indians."

Goldwater cited complaints of Indian tribal leaders about the government's "inconsistency in Indian policy," and about the federal agencies responsible for serving Indians.

Recently, the Senator said, "Our Senate Select Committee on Indian Affairs staff has been informally advised that the Department of Health and Human Services no longer intends to engage in the construction of hospitals serving Indian people. As a matter of fact, the Indian Health Service has refused to release funds appropriated by the Congress in fiscal years 1982 and 1983 for the planning and design of hospitals. * * *"

Treatment of Indians, Goldwater told Reagan, is not just a question of human rights but also of "moral obligations." The Indian tribes, he said, live under agreements made with the U.S. government that "have all the solemn obligations" of treaties with other countries.

Then, in words that should strike a responsive note in the hearts of all Americans, Senator Goldwater told President Reagan:

"I am making this personal plea to you, Mr. President * * * because as a member of the United States Senate, as an American citizen, who has lived most of his life with these Indians, I'm just plain fed up, sick and tired of the neglect of these people while at the same time you are asking us for millions, hundreds of millions, yes billions of dollars, to give to people scattered around this world to help in establishing human rights.

"Please, Mr. President, let's establish something in our own back yard that we can begin to be proud of before we wander around this earth trying to teach other people how to live and how to act toward each other. Let's act toward each other in this country like we really meant what we talk about."●

SMALL TOWN CENTENNIALS

● Mr. ABDNOR. Mr. President, for a nation where some of our communities date back some three centuries, and many are well past the 200-year mark, the cities and towns of South Dakota are comparative youngsters. Indeed, much of our State was not settled until the first decade of the 20th century.

The year 1883 brought great development to South Dakota particularly as the railroads pushed westward. Many of our communities are celebrating centennials this year. Typical of them is Wolsey, S. Dak.—a railroad town along the Chicago Northwestern route.

As a salute to all of the pioneers whose outlook and optimism paved the way to the success of all of South Dakota's small towns, I would like to commend the history of one of them to the attention of my colleagues.

The history of Wolsey, S. Dak., follows:

WOLSEY, S. DAK.

Wolsey, South Dakota, will celebrate its 100th birthday on June 24th, 25th and 26th of 1983. The three-day event will include parades, a pageant, school reunion banquet and many other activities.

Wolsey was born in 1882 when the Chicago Northwestern Railroad pushed its way westward from Huron. At this time Wolsey, which was located about 1¼ miles west of the present town site, was known as Siding #1 and consisted of a section house, half a switch and a small lumber yard owned by Henry Mosher.

In 1883 the Chicago, Milwaukee and St. Paul Railroad pushed northward crossing the Chicago Northwestern Railroad near Siding #1. It was at this time that the town was platted from a part of the West Half (W½) of Section Twenty-Four (24), Township One Hundred Eleven (111), Range Sixty-Four (64) Wolsey Township on April 7, 1883. The plat was signed by S. A. Mosher as Attorney in fact for Magdalene Mosher, the owner of the land.

While it is not generally known how the town received its name, some accounts state that this area had some association with a relative, a generation removed from Cardinal Thomas Wolsey, a statesman and Cardinal of the Roman Catholic Church in England. Thus, what records there are available, show that the town was named after Cardinal Wolsey.

The first businesses in town consisted of a 50-room hotel owned and operated by Henry Newton, a hardware store run by Peter Meyer and a land office operated by R. D. Whorton. George Kerr, the first stock buyer, also owned and operated the first butcher shop.

According to records, the town had a bank before it was platted. This bank, which was started by the Chenoweth family, began in 1882 and operated until the Depression closed it.

The post office was established on April 12, 1883, just five days after the town was platted and recorded. Today Wolsey still has a full service postal service with two rural routes serving the surrounding area.

The first school was built in 1883 on a hill that stands on a glacial deposit that extends for 20 miles to the west. The present school is located on this same site. Wolsey School has 12 grades and in the last 30 years an auditorium was added and a new grade school building.

A fire in Wolsey in the early 1920's destroyed almost an entire block in the business district.

The governing body of this town, located 15 miles west of Huron on Highways 281-14, consists of a three-member Town Council with a chairman or mayor appointed each year by the council members.

History also records that Richard Warren Sears, a depot agent for the Northwestern Railway in the 1880's, began his mail order business in this town by selling watches at wholesale prices.

Another prominent resident of early Wolsey was William Washington Howes, who practiced law in Wolsey from 1912 to 1918. He was at one time first assistant post master of the United States.

Today, Wolsey is an active little town with a population of 450 citizens, both young and old, who are proud of their community and its accomplishments.

The postal records in the National Archives show that the post office at Wolsey, Beadle County, South Dakota, was established in Dakota Territory on April 12, 1883.

Henry Mosher was the first Postmaster.

The Wessington Times of April 19, 1890, states that "Wolsey has been made a money order post office. This makes three in the county, Huron, Wessington and Wolsey."

According to the 1906 Plat Book, the post office was located on Block 9, Lot 8, which is across the street and south of the present post office buiding. At one time Cora Whitney, postmaster, would go to the railroad depots and stamp the letters. She was paid by the number of pieces of mail she stamped "Wolsey."

Harry Barnes, editor of the "Beadle County Herald" built a brick building in Block 9, which housed the post office in front and the print shop at the back.

A fire at the Northwestern depot in March of 1913, had gotten too big to save the express and freight mail. First Class mail was saved and Fourth Class mail was slightly damaged.

The post office was apparently moved to Block 4 on the west side of main street and north of its first location, before the fire of 1920, as a report in a Wolsey newspaper dated August, 1920, states that the post office, which was located on a lower floor of a building lost in the fire, was moved to the former post office room located in the Barnes Building.

The post office was moved to its present location in 1934 or early 1935.

Postmasters through the years were: Edwin S. Shannon, Maj. Carrie A. Watson and Porter A. Bliss, all serving at different periods of time through September 4, 1893; Henry Newton, Myron W. Snyder, Gertie H. Whitney, Marietta D. Whitney and Cora Whitney, served from September 1893 through February 14, 1912.

Harry Barnes was appointed postmaster on June 23, 1911 and again on February 14, 1912. He apparently also served as postmaster in 1907, when he built the brick building that housed the post office and newspaper.

David C. Campbell was appointed postmaster on May 24, 1916, when the post office was still located in the Barnes Building. At this time an article from the Beadle County Herald, commented on the young people who would loaf in the post office lobby, destroying pens by writing on the desk and destroying the desk by climbing on it with their shoes and scratching the top.

Other postmasters throughout the years were: Mayme E. Hamilton; Mrs. George (Minnie) Lumbard, who served from March 4, 1922 through July 31, 1934, when the post office was located across the street north of the present location.

Frank A. Allen was acting postmaster on August 1, 1934 and was later appointed post-

master, a position which he held until January 1, 1948.

Edward D. Siemens assumed charge of the post office on January 1, 1948 and served as postmaster until December 31, 1974 at which time Mary Ethel Houck assumed charge of the post office and was appointed postmaster on March 23, 1975. A position she currently holds.

Rural Carriers over the years included: Hiram Bond, Victor Chesley, Forrest Gordon, Verna Allison, Thomas Montgomery, A. B. Custer and Edward Hoskins. Current Rural Carriers are: Kenneth A. Sargent and Gerald L. Boe.

Substitute carriers through the years include: Elmer Getscher, George Boston, Parke Hoskins and Clinton Pownell.

Clerical help during the existence of the Wolsey Post Office includes: Virginia Babcock Jungemann, Ruth Leyhe, Elsie Jensen, Frances Johnson Chenoweth, Jennie Montgomery Allen, Lorraine Hinkle, Hazel Case, Edna Hagen Harris, Connie Carson Fuller, Mary Ethel Carson Houck; and currently, Mavis I. Price.●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have two quick items. I believe this request has been cleared with the minority leader. I shall state it now for his consideration and that of other Senators.

ORDER PLACING H.R. 1492, THE CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION, ON THE CALENDAR

Mr. BAKER. Mr. President, I ask unanimous consent that the bill H.R. 1492, to establish the Christopher Columbus Quincentenary Jubilee Commission which was received from the House of Representatives today be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATIONS TO GRAY WEICKER

Mr. BAKER. Mr. President, I have often referred to the Senate as a family and indeed in so many ways it is. Not only are our Members drawn together in pursuit of our responsibilities as Members of the Senate, but in so many ways our families, our wives, our children, and grandchildren are also an essential part of this undertaking and in so many ways they are intimately involved in this family affair.

Occasionally, I think it does all of us good to catch a glimpse of what is going on outside among our families.

It was brought to my attention today that the son of one of our Republican Senators, Senator WEICKER, of Connecticut, passed a significant milestone in his life. He just graduated from college and today he was signed by the Hartford Whalers to play professional hockey.

That may not sound like a terribly important thing, but I bet you it is to Gray Weicker and I know it is to LOWELL WEICKER, his father.

It caught my attention when LOWELL WEICKER, our colleague, the Senator from Connecticut, was heard to say the following about his son:

Gray has always been better looking, better tempered and a better hockey player than his father. Now he will also be better paid.

[Laughter.]

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 9:30 a.m. tomorrow.

The motion was agreed to; and at 7:29 p.m. the Senate recessed until Wednesday, June 22, 1983, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 21, 1983:

THE JUDICIARY

Marvin Katz, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania, vice Joseph S. Lord III, retired.

James McGirr Kelly, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania, vice E. Mac Troutman, retired.

Thomas N. O'Neill, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania, vice Edward R. Becker, elevated.

DEPARTMENT OF ENERGY

William Patrick Collins, of Virginia, to be Under Secretary of Energy, vice Guy W. Fiske, resigned.

HOUSE OF REPRESENTATIVES—*Tuesday, June 21, 1983*

The House met at 12 o'clock noon.

His Holiness Karekin II, Catholicos of the Armenian Apostolic Church, Antelias, Lebanon, offered the following prayer:

Almighty and ever living God, Creator of the world, Father of all men and women, we render thanks to You for all the goodness that You have granted us with Your grace and in Your fatherly care; make us worthy of Your bountiful mercy.

We beseech You, O Lord Almighty, to bless this land of America with all its people, its President, its Government, its Congress, its churches, its institutions, and all the public servants, so that they may continue to ever increasingly serve Your glory and be instruments of goodness for the well being of Your people in the United States of America and in the whole world.

We implore Your grace upon our own Armenian people here in the United States of America and in the world at large so that they may faithfully serve Your kingdom in following the example of their forefathers. Grant them Your divine wisdom and courage to serve humanity in accordance with the highest ideals and values of their Christian heritage.

May the Sun of justice and freedom shine forth upon them so that they may share in Your kingdom as a nation in faithful obedience to Your divine will.

We earnestly ask for Your blessings upon our country of Lebanon, so that peace and stability, concord and unity, may reign for the happiness of all the people.

May Your name be praised forever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced the Senate had passed bills of the following titles in which the concurrence of the House is requested:

S. 38. An act entitled the "Longshoremen's and Harbor Workers' Compensation Act"; and

S. 861. An act to amend the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) to provide authorization of appropriations, and for other purposes.

THE NORTH AMERICAN PONTIFICAL VISIT OF HIS HOLINESS, CATHOLICOS KAREKIN II

(Mr. PASHAYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASHAYAN. Mr. Speaker, His Holiness, Karekin II, Catholicos of the Great House of Cilicia located in Antelias, Lebanon, is the spiritual leader of 40 parishes of the Armenian Church in the United States and Canada. The Great House of Cilicia is one of the two centers—Catholicosates—of the Armenian Apostolic Church. The other is the Catholicosate of Etchmiadzin, located near Erivan, the capital city of the Armenian Soviet Socialist Republic.

His Holiness arrived in the United States on June 2, and is conducting a pontifical visit to his churches in the eastern United States and Canada. At the conclusion of his pontifical visit, His Holiness will go to Vancouver, Canada, to attend the Sixth General Assembly of the World Council of Churches. His Holiness is vice moderator of the council's Central Committee.

Born on August 27, 1932, in Kessab, an Armenian village in northern Syria, Catholicos Karekin II was admitted to the Cilician Seminary in Lebanon, where he was ordained deacon in 1946.

After continuing his theological and Armenian studies for another 3 years, he was ordained monk in 1952. While serving on the staff of the seminary, where he remained after graduation, he completed his Armenian Church doctorate. In 1957 he attended Oxford University in England, where he received his B. Lit. (Oxon) in 1959. His thesis, "The Council of Chalcedon and the Armenian Church," was published in England that same year and reissued in an American edition in 1976.

He was ordained bishop on January 19, 1964, by Catholicos Khoren I, and in 1969 he was nominated chancellor of the Cilician Catholicate. He held that post for 2 years when he was elected prelate of the Julfa-Isfahan Diocese in Iran, a post he held until his election as prelate of the Eastern Diocese of the Armenian Apostolic Church of America in 1973. On April 26, 1973, he was ordained archbishop.

He served the United States and Canadian communities for nearly 4 years.

In May 1977, His Holiness was elected and consecrated in Antilias, Lebanon, as Catholicos-Coadjutor of the Great House of Cilicia.

With the death of Catholicos Khoren I in February 1983, Karekin II assumed the full duties as Catholicos of the See of Cilicia.

During his many years of service to the Armenian Church, His Holiness has displayed an active interest not only in the Armenian Church and national affairs, but in the ecumenical movement as well, an interest which first began in 1955 when he participated in the Middle Eastern Christian Youth Conference in Beirut, and culminated in 1975 when at the Fifth Assembly of the World Council of Churches in Nairobi he was elected vice-moderator of the council's Central Committee for a 7-year term.

Fluent in both English and French, as well as Armenian, His Holiness has written many books, articles, and essays and has lectured in virtually every part of the world.

Mr. ANNUNZIO. Mr. Speaker, will the gentleman yield?

Mr. PASHAYAN. I yield to my colleague, the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, it gives me great pleasure to join my colleagues in welcoming to the House of Representatives a distinguished Armenian church leader, His Holiness Karekin II, who is presently visiting Armenian-American communities and ecumenical sites throughout the United States.

Subsequent to his visit to our Nation's Capital, His Holiness will be honored in my own city of Chicago at a banquet at the Palmer House on Saturday, June 25, and his visit is a source of great inspiration and profound joy for all of his parishioners.

Prior to being named a few months ago as Catholicos, or spiritual leader of the Holy See of the Great House of Cilicia in Antelias, Lebanon, His Holiness was archbishop of the church for the United States and Canada, and is presently vice president of the Central Committee of the World Council of Churches.

The Armenian Church has been instrumental in holding the Armenian people together and in preserving their national identity despite centuries of invasion by more powerful neighboring countries. In that inspired tradition, His Holiness is ably carrying out his responsibilities as a spiritual leader of the Armenian people.

On behalf of my constituents in the 11th Congressional District of Illinois, many of whom are of Armenian descent, I want to thank His Holiness for being with us today and for delivering the invocation.

INTRODUCTORY REMARKS FOR KAREKIN II

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. COELHO. Mr. Speaker, I am honored to introduce His Holiness, Karekin II, Catholicos of the Great House of Cilicia located in Antelias, Lebanon, to the U.S. House of Representatives. The Great House of Cilicia is one of the two centers of the Armenian Apostolic Church. His Holiness, Karekin II, assumed the full duties as Armenian Catholicos in February 1983 and has, with his great personal warmth and dedication, become the dynamic spiritual leader of 40 parishes of the Armenian Church in the United States and Canada.

His Holiness has long been a friend of the United States, where he was elected prelate of the Eastern Diocese of the Armenian Apostolic Church of America in 1973. In the United States, His Holiness has made an immeasurable mark not only on the Armenian American community to whom he has been so devoted, but also to all Americans he has touched. He has also been an active and energetic leader of the ecumenical movement where he has served as vice-moderator of the World Council of Church's Central Committee since 1975.

His Holiness arrived in the United States on June 2, and is conducting a pontifical visit to his churches in the Eastern United States and Canada. The U.S. House of Representatives is blessed to receive the invocation of His Holiness today. On behalf of the U.S. Congress, I am honored to welcome back an old friend of the United States.

DEMOCRATS MUST TAKE INITIATIVE ON DEFICIT ISSUE

Mr. McCURDY. Mr. Speaker, in 1980, then candidate Ronald Reagan said, and I quote:

> Mr. Carter is acting as if he hadn't been in charge for the past 3½ years; as if someone else ran up nearly $200 billion in red ink; as if someone else was responsible for the largest deficit in American history; and as if someone else was predicting a budget deficit for this fiscal year of $30 billion or more.

Treasury Secretary Donald Regan stated in May 1983:

> I will offer a prize to anyone who can show me the connection between high rates of interest and high deficits.

Mr. Speaker, the Republicans may not think that deficits matter, but how about us? In the past 2 weeks many of us have expressed the belief that it is sound and responsible policy to match the final phase of the 25-percent tax reduction enacted 2 years ago with an accompanying limit on spending. With the Republicans defaulting on the deficit question, I believe the Democratic Party has to take the initiative and represent the best interest of all Americans.

I will be asking the Committee on Rules this week to make in order an amendment to link a proposed cap on the third year of the tax cut to a dollar-for-dollar reduction in spending. This amendment would double the deficit-cutting impact of the proposed cap. It is sound policy and our best opportunity to reduce the zooming deficits that threaten our Nation's future.

LEGISLATION TO ABOLISH THE SYNTHETIC FUELS CORPORATION

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, the gentleman from Minnesota (Mr. WEBER) and I have just introduced legislation to abolish the Synthetic Fuels Corporation. The troubled past and the outrageously costly future of this $15 billion agency clearly demonstrates that it cannot be justified in terms of fiscal policy, energy policy, or national security.

The Synfuels Corporation was created in 1980 with the goal of producing 2 million barrels per day of oil equivalent by 1992. We were assured that the original $17 billion appropriation would never be spent because it would be used in the form of loan and price guarantees to encourage the commercialization of successful technologies and competitive products.

That has not been the case. The Corporation's production goal will never be met, and unless we act now, most of the remaining $15 billion will be wasted on the premature commercialization of uneconomic technologies that pose serious threats to the environment.

Mr. Speaker, the Synthetic Fuels Corporation is part of the Nation's energy problem, not its solution. In an era of $200 billion budget deficits, we simply cannot afford to direct billions of tax dollars to a wasteful program that will delay—not expedite—energy independence.

I urge my colleagues to support our bill to abolish the Synthetic Fuels Corporation.

LOWER DEFICITS, INCREASED REVENUES SOUGHT WITH CAP ON THIRD YEAR TAX REDUCTION

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, on Thursday the House will debate capping the third year reduction in marginal tax rates at approximately $700. I supported this bill in the Ways and Means Committee, and believe this is one of the fairest ways we can raise revenues this year.

As my colleagues know, the budget conference committee approved a $12 billion revenue increase for 1984, and a $15 billion increase in 1985. According to the Joint Committee on Taxation, capping the third year will result in additional revenues of about $6 billion in 1984, and $7 billion in 1985—or about half the revenues needed to meet the budget recommendations in these 2 years.

This cap will not balance the budget, but it will help us hold down the Federal deficit in a fair and equitable manner. Those with higher incomes benefited the most from this administration's economic policies, now we are asking that they give up a little to start us on the road to lower deficits.

I urge my colleagues to support this legislation.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1984

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

INTRODUCTION OF LEGISLATION TO INSURE AFFORDABLE TELEPHONE SERVICES

(Mr. BATES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, I rise to speak about a matter that should concern each and every Member of Congress. That is the real threat of increasing telephone rates in this country.

Pacific Telephone has requested an 88-percent increase in the San Diego area. If even a fraction of these similar requests are granted, it is conceivable that rates will triple or quadruple in many areas.

The result of these increases could be devastating. Countless people will be forced to give up their phones because they will not be able to afford even the most basic services. And in this day and age we can no longer consider a telephone a luxury. For many, especially for the elderly poor, those who live in rural areas and people seeking emergency services will lose this vital link to basic communication. I think all of us would find this totally unacceptable.

For this reason, Mr. Speaker, I am today introducing three companion bills that would insure basic access to telephone services at an affordable cost, encourage and develop competition in the telephone industry, and assure that equipment is available at a reasonable cost.

CONGRESSWOMEN WATCH AS FIRST AMERICAN WOMAN VENTURES INTO SPACE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, as I was growing up, my great heroine was Amelia Earhart, and I had the privilege of learning how to fly. One of the things I always wanted to do was participate in the space program. However, at that time I was told that I had the wrong chromosmal makeup. It was not qualifications that mattered; it was your sex. Being a female shut the door.

It was with great excitement that I went to Florida this weekend with many other Congresswomen and we watched the first American woman go into space.

□ 1215

Very shortly we will see the first black American go into space. I must say that this really symbolizes the way we should be moving in America. We remove equal opportunity as being a dream and make it a reality. If you are qualified, then you should be able to have the opportunity to do whatever you are qualified to do. That is still not reality in this country.

This weekend we made some progress in converting dreams to reality and I only hope we can progress much further much faster.

JUNIOR GOLF

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL. Mr. Speaker, today I would like to share with our colleagues some little-known information about a larger subject many of us already know and appreciate.

The larger subject, Mr. Speaker, is golf. And the lesser known area is junior golf.

All of us—indeed, most people in the country—are aware of the Professional Golf Association. Through our own participation and through telecasts we all enjoy this sport. Lately, to its credit, the PGA has recognized that there is a whole body of individuals who have acquired an interest in the game—but have little or no outlet for that interest.

And so was born the PGA Junior Golf Foundation. The purpose of the foundation is to encourage and educate the teenaged and preteens in the game of golf. PGA has developed an impressive program in this regard—but there is a problem.

That problem is the lack of golfing facilities for these beginning players. Some courses, to be sure, set aside a morning, or even a day, a week for junior golfers. But the need exceeds the resources.

The Professional Golfers Association is attempting to remedy this, by publicizing the program itself and by encouraging golf courses—public and private—to open up blocks of time exclusively for use by juniors.

On a personal note, I can speak to the need for this. I took up the game somewhat late in life, but I saw to it that my son and my grandsons began to learn the game as soon as they could hold a club. They would all have benefited enormously from teaching beyond my own ability, and I would want all other young people to benefit from professional teaching as well.

Golf teaches the player many things—sportsmanship, competitiveness, basic good manners. I hope that all in this body who share my love of the sport will join in efforts to pass this love on to rising generations.

COMMENCEMENT CEREMONY FOR CAPITOL PAGE SCHOOL

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. WRIGHT. Mr. Speaker, last night I had the privilege of attending the commencement ceremony for the Capitol Page School. Thirty-nine young people graduated and the valedictorian was Tom Highlands, who is the Speaker's page.

Tom made a valedictory address which I thought was sapient, farsighted, and insightful.

I take the pleasure of having it printed in the RECORD at this point and I commend to the reading of my colleagues.

My name is Tom Highlands, and much to everybody's surprise I am the valedictorian of the Capitol Page School.

Before I tell you about my experiences on Capitol Hill, and what they mean to me, I think you should know a little bit about me.

The first question that you are asked as a page is: Where are you from? My answer to this question is always: nowhere, but everywhere. You see, I am a Navy Brat and I've lived all over the world. Although most people wouldn't like living in eighteen houses in eighteen years, I have loved it.

Throughout my eighteen years I have always had a great interest in politics. When I learned about the page system, I immediately wanted to become a page. I wanted to become a page to see the real insides of politics and to see how things really operate on the hill. I also wanted to become a page to have the experience of working and living away from home and taking on these great responsibilities. No one ever pressured me into becoming a page; it was a decision that was all mine. Tom Highlands became a page . . . because Tom Highlands wanted to be a page.

I've been here for sixteen months now, and a lot has happened. I think of the little things that went wrong, the hassles, the problems. I think of waking up at 5:30 every morning and laying in bed until 5:37—just enough time to get up, shower, get dressed, and still get to school by 6:14. I also think of the so called page scandal and the blown out of proportion publicity around it.

Yet what really sticks out in my mind is the big picture. When I think about what I wanted to find here, what I dreamed about when I came here—I realize I found everything I ever wanted or ever could have wanted.

Five days a week I talk to the second most powerful man in this country. Every day, I get within two feet of Speaker of the House "Tip" O'Neill at his daily press conference and tell him "Mr. Speaker, It's time to go to the floor!" The fact that he doesn't always listen really doesn't mean much.

I think about the day that I walked into my office, where the President of the United States was waiting to address a joint session of Congress and I was introduced to him by Mr. Wright. I stood there joking with President Reagan, Mr. Wright, and Senator Baker.

I also think of the great feeling of victory and relief when payday comes and there's still $3.50 left in the checking account.

I also went through experiences I never expected.

Holding a gummed up cigar while Speaker O'Neill talks to the press.

Running into the lavatory looking for the Speaker when he needs to be on the floor in two minutes.

Almost being tackled by two Secret Service agents because I was an unauthorized person at a Presidential luncheon.

I learned all about Congress and its inner workings. I learned that I could live on my own and handle the responsibilities that were handed to me. But most important, I learned that I have no limits restricting me and I am capable of anything. I have a great amount of confidence in myself because I've made it through some very tough times here. That's confidence that no one can take from me.

I want to say something to the parents of all of the pages.

On television and in the newspapers you've heard the positive and negative sides of page life. If you want the real story, go to your son or daughter. They're the ones who have lived through this thing. They're the ones that know what it's all about.

This past year has been tough on some of us. We, as pages, have had to put up with endless questions: from reporters, from tourists, from friends. We've listened to worried parents. Parents, who from what they had heard, had legitimate worries.

But this is the real message that I want to leave with the parents: Many young people like myself don't confront real challenges until they leave home or go to college. Those of us who have served as pages have not only received the experience of a lifetime, the experience of seeing our government in action, our democracy at work, but we have also received a bonus: We have learned about life—real life. We have learned that life is not always a fantasy world. We have learned that life is not always what it seems. You can't always believe the television reports or the newspaper stories. You can't always trust peoples' intentions.

The fact is maybe it would have been better if we had not been pages . . . If we had been protected from all of this. Maybe it would have been better not to know that this government of real people, not just national figures that you see on television. Maybe we would have been better off if we had been protected from people who tried to blow out of proportion the value of some twisted little story.

But, then again, maybe its not the job of parents to protect their children from these challenges, but to help them face these challenges. To help them stand tough when the going gets rough. Maybe it is better that we had to face the bizarre events of the past year, to learn not only the wonder of our free life, but also the realities of the adult world—the real world.

Becoming a page wasn't supposed to be a make-believe thing, a trip to Fantasy Island or Disney World. It was supposed to be an introduction to something real. It was supposed to be a learning experience; a challenge, something that we could grow stronger from. And I'd like to tell you parents, it has been that kind of experience.

President Harry Truman once said, "The fundamental purpose of education is to instill a moral code in the rising generation and to create a citizenship which will be responsible for the welfare of the nation."

Harry Truman also said something else. "If you can't stand the heat, stay out of the kitchen!" For the past year we've all been in that kitchen and we've felt that heat.

On behalf of the whole class, I'd like to thank you for letting us prove that we could take it.

LOOSE LIPS SINK SHIPS

(Mr. HARRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRISON. Mr. Speaker, a few short weeks ago the President persuaded some of our colleagues to approve release of funds for the MX missile, with the promise that he would adopt a more flexible posture and get serious about arms control.

Things have a way of changing in this administration. Last Thursday the Secretary of State told a committee of the other body just how serious he is. He said:

> We have to be very careful that we don't somehow get ourselves in the position of feeling that it is very important to get an agreement.

And in a short month from now we are going to be asked to authorize another $4 billion to keep the MX going, all of which reminds me, Mr. Speaker, of a sign that used to be put up on the walls of defense plants in the Second World War. It read, "Loose lips sink ships."

It is not too much to say and is certainly not too much to hope that the Secretary's loose lips will sink the MX.

POPE JOHN PAUL II STIRS HEARTS OF THOSE WHO BELIEVE IN FREEDOM

(Mr. ALEXANDER asked and was given permission to address the House for one 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, Pope John Paul II is now in Poland, stirring the hearts of those who believe in freedom.

He deplores the abuses of communism and, indeed, is feared in the Kremlin.

Not long ago he was in Central America. He did not speak of military victory.

He spoke, instead, of victory against poverty and disease.

He spoke of profound social reforms and the need for social justice.

He opposed bloodshed, by any faction, for any reason.

Mr. Speaker, we should listern to his works and his prayers. In Poland, as in Central America, the great motivating ideal is Christianity, not communism.

Josef Stalin once asked how many divisions march behind the Pope.

The answer is a mulititude of countless divisions: United by values, strengthened by faith, fortified by conviction.

The Pope knows, as Stalin did not, that a grand ideal has more force than 1,000 bullets.

The impositions of force is not as great as the force of ideas.

TWO OUT OF THREE AMERICANS FAVOR CAPPING THIRD YEAR OF TAX CUT

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, last week the Harris poll revealed that two out of three Americans favor capping the third year of the tax cut due July 1. I join with those Americans and urge my colleagues to do the same.

I do so with no illusions that the modest cap which is proposed will rid us of the unprecedented, skyrocketing deficits we face, caused by Republican policies of inequality.

I do so with no illusion that the tax cap will restore fairness and justice to a tax system that has been skewed to favor the rich at the expense of most Americans.

This tax cap falls between the extremes of granting a full tax cut to everyone, regardless of income, and denying all a tax cut.

If we are to meet the challenge of holding down the soaring deficits and restoring equity and fairness to our tax structure, we should enact this tax cap.

SECRETARY WATT AGAIN SEEKING TO DRILL INTO PRECIOUS COASTAL RESOURCES

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, today the Appropriations Committee is considering whether a moratorium on oil and gas leasing in the Santa Monica Bay should be included in the Department of the Interior appropriations bill.

This action is urgently needed. Secretary Watt is again seeking to drill on our Nation's most precious coastal resources. Over 76 million people each year use the beaches in the Santa Monica Bay area alone. The drilling Secretary Watt proposes could devastate the area's environment, severely disrupt the economy and increase the already serious seismic danger in the region.

The damage could be irreparable and it is not justified by the potentially available resources.

The moratorium should be passed to give Congress the opportunity to review this issue fully before Secretary Watt wreaks further havoc on our coastline.

SUPPORT FOR LOWER PASSENGER CEILING AT NATIONAL AIRPORT

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I want to bring to the attention of my colleagues a letter addressed to Members of Congress signed by government representatives and community leaders from every jurisdiction in the Washington metropolitan area. The letter asks Members to delete the provision in the fiscal year 1984 Department of Transportation appropriations bill which would prevent DOT from spending funds to reduce the passenger ceiling at National Airport.

Mr. Speaker, I believe it is important to note that the Washington community is united on this issue, as stated in this letter:

It is not everyday that all the jurisdictions in this area agree. But we believe the Airports Policy needs modification. And we hope you will allow the administrative rulemaking process to work, rather than have congressional action preclude us from participation on a matter of such importance to our communities, and to you, our neighbors.

In 1981, the first Metropolitan Washington airports policy was adopted to channel future air traffic growth toward Dulles and BWI airports. DOT is now proposing to modify the policy to assure that growth after 1985, as set forth in the original policy, would occur only at the larger airports, and not at the overcrowded and congested National Airport. This proposal would not cut a single flight at National Airport. But simply allow future growth to be accommodated at Dulles and BWI, which are now far below capacity. The comment period for the DOT administrative rulemaking does not even end until July 27, but the DOT appropriations would interfere in that process.

This is an important issue for everyone, including Members of Congress, who lives in the Washington area and I urge my colleagues to support efforts to allow DOT to proceed with its administrative rulemaking process and not to circumvent that process through legislative interference.

I would like to take this opportunity to commend Eric Bernthal, president of the Coalition on Airport Problems; Bonnie Newlon, of the Virginians for Dulles; Godfrey Barber, president of the Arlington County Civic Federation; Fred Wood, president of the Donaldson Run Civic Association; Bill Moran, chairman of the Prince Georges County Advisory Board on National Airport Operations; and Mary Kathryn Hughes and Sally Boss of the Center for Urban Education, for leading the community efforts of support for a lower passenger ceiling at National Airport.

MY DEAR FRIEND, THE SPEAKER

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I got a four-page letter from the Speaker this week. It began, "Dear Friend," and that is true. Despite our oft stated political differences, the Speaker is my friend; but the letter went on to presume pretty heavily on that friendship. It asked me to become a contributing member to the Democratic Congressional Campaign Committee.

Now, that is the committee the Speaker said is going to spend big money against me and my Republican colleagues. Let us hope that the spending is just as well managed as the collecting was, because then the Speaker may get confused enough to send me some campaign money.

Now, we both know that what we are probably dealing with here is some kind of an errant computer; but the fact remains, the Speaker asked and I feel I must answer.

Our friendship notwithstanding, Mr. Speaker, my check is not in the mail.

THE COURAGE AND CLARITY OF POPE JOHN PAUL II

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, I take this time today to call attention of my colleagues and pay special tribute to the words of Pope John Paul II on his most recent pilgrimage to Poland. With courage and clarity, I think he has reaffirmed the principles of freedom and human dignity upon which our Nation has been founded.

Delivering a mass on Sunday, the Pope chose to address the most delicate and controversial issues for all Soviet bloc countries, human freedom and national sovereignty, and I quote:

A nation is only truly free when it can shape itself as a community determined by unity of culture, language and history. The State is firmly sovereign when it governs society and allows the nation to realize its own identity. The sovereignty of the State is deeply linked to its capacity to promote the freedom of the nation and develop conditions that permit the nation to express all of its distinctive cultural and historical identities.

I could go on and on, but I think we all in America and around the world need this week to pay attention to the words of the Pope.

THE DISMAL TRACK RECORD OF THE SYNTHETIC FUELS CORPORATION

(Mr. WEBER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER. Mr. Speaker, today our colleague from Michigan, Mr. WOLPE and I are introducing legislation which will bring to an end one of the most extragavant and wasteful Government programs ever enacted—the Synthetic Fuels Corporation.

In its 3-year history the SFC has had a dismal track record, and an outlook that promises to be no better. Despite the mandate given to it by Congress to promote "energy security" by displacing imported oil, the SFC has funded tremendously expensive, unproven technologies that will back us off only an infinitesimal quantity of imported oil over the next 10 years.

Mr. Speaker, the market has shown us that this would not be a commercially viable industry in the foreseeable future, and that multibillion dollar Federal subsidies in this direction are a poor approach to insuring a safe, secure, and affordable energy future for this country.

This assessment is shared by groups as diverse as the National Taxpayers Union, the environmental community, and the National Federation of Independent Business. Mr. Speaker, I would urge a close examination of the SFC's policies and direction and would urge my colleagues support for this bill.

PROBLEMS OF CONSTITUTIONAL CONVENTION ON BALANCED BUDGET AMENDMENT

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. HYDE. Mr. Speaker, I cannot but comment on the trenchant words of the deputy whip of the majority party, who commented so movingly on the Pope's words in Central America during his recent visit. It is too bad that people in Nicaragua could not hear the Pope during the mass, but they turned his microphones off and they were shouting with bullhorns during most of the ceremony.

Mr. Speaker, on another subject, we are facing a potential constitutional crisis, which could result in the rewriting of the document upon which this Nation was founded.

I refer to Missouri's recent call for a constitutional convention on a balanced budget amendment. This makes 32 States that have called for a convention. Only two more States are needed before the Congress is constitutionally bound to call a convention under article V.

The problem, Mr. Speaker, is that after the 34th State submits its application—then what? Who presides? Who attends? How long does the convention meet? Is the convention limited in the scope of amendments it may propose?

The steps required to convene an article V convention and the rules which would govern it are not set out in the Constitution or statutory law. Because this process for amending the Constitution has never been used, many important legal and policy questions arise concerning the convening and the scope of authority such a convention might exercise. Because of this, I have reintroduced the Federal Constitution Convention Amendment Act. Briefly, my bill establishes the rules and guidelines that States, the Congress, and the convention must follow when proposing amendments to the Constitution. These guidelines are clear and logical, and designed to pro-

vide basic rules for the course of the convention.

Mr. Speaker, I would urge my colleagues in the House to support this bill—not only by cosponsoring it but by calling on the Subcommittee on Civil and Constitutional Rights to promptly schedule appropriate hearings.

Hearings were not held in 1979 because some thought that they would serve only to encourage the States in their calls for a convention. Clearly, with Missouri adding its name to the other States calling for a constitutional convention, we must act promptly.

Mr. Speaker, we have a unique opportunity to act rather than react to a situation that otherwise can only be dealt with under pressure and haste. We need the Federal Constitution Convention Amendment Act.

The time is now.

BALANCING THE RECORD

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, we have just heard several speakers from that side of the aisle with a litany of criticism who lay at the feet of the Republicans and of the President the high deficits and some of the economic woes.

In order to balance the record then, they are apparently prepared to give credit to the Republicans and to the President for the lower rate of unemployment, the higher rate of weekly income for our wage earners in this country, for the inventories being down, production being up, gross national product being up, and the economy generally going higher and higher, to the benefit of the American people.

Every time they criticize, they reemphasize that we are indeed, both the President of the United States through his policies, and the Republicans who support those policies seeing an improvement in the status of our people.

□ 1230

ELDERLY RIPOFF HOTLINE

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, one of the real tragedies of modern society is the way our older Americans are being victimized more frequently and more severely than any other population group by unscrupulous businessmen, medical quacks, and out-and-out thieves.

A number of consumer affairs, legal, and police agencies in the Ninth Congressional District of Florida are doing yeoman's work to help the elderly, but one of the most successful helping hands is a private, nongovernmental organization.

Thanks to Howard Brubach, President of the West Pasco Allied Council (Wespac), a number of senior citizens are donating their time to help others through the "Elderly Ripoff Hotline."

This system is a clearinghouse for elderly residents who either do not know how to find out if a contractor or businessman is dependable or are afraid to do it. Hotline volunteers will call governmental offices, chambers of commerce, better business bureaus, and other agencies to gather the information.

This way elderly residents in our area can make safer and less costly decisions.

There is no way to put a value on this service, but a national network of these kinds of hotlines would make it very difficult for con men, swindlers, and others who prey on the elderly. We all should applaud the work of Wespac's "Elderly Ripoff Hotline" and the example its officers and members are setting for the community.

IMPORTANT LINKS BETWEEN EDUCATION AND DEFENSE

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, last week we debated the defense budget in this House while at the same time outside of this House and around the country the debate on the issue of quality education was escalating. Unfortunately, during the discussion of defense almost no participants made any linkages between defense readiness and the quality of our Nation's educational infrastructure. But there is a direct relationship. The cost of defense is made considerably higher by the scarcity of scientists, technicians, and trained personnel at every level.

We must also not forget that in addition to their blank check approach to defense expenditures, the Soviet Union continues to make massive investments in education at every level. An important part of the strength and power of the Soviet Union is its continually growing education machine.

In defense, as in trade and employment, education is the key. Dollars spent for education are dollars which yield the broadest possible return. The President's hostility toward Federal aid to education is a position which injures our national security as well as immediate domestic programs. Whether we are promoting peace or internal progress the American taxpayer gets the best value for his dollar when that dollar is spent for education.

VISIT OF POPE JOHN PAUL II TO POLAND

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, we are witnessing today a dramatic series of events in Poland. These are events which may prove to be historic as well as dramatic.

The Polish Government and its Soviet supporters have a bear by the tail: The thirst for freedom of millions of citizens of Poland.

The visit of Pope John Paul II has shown him once again to be a courageous advocate of political and religious freedom. His pilgrimage to his native land is clearly having a catalytic effect.

But the Pope's visit also has demonstrated that he is a reflection as well as a catalyst of forces within Poland, those seeking a more democratic society. It has demonstrated that the Solidarity movement in Poland springs from within that nation, not from without.

Millions of us living outside of Poland join millions in that country in hoping that the forces of freedom there will overcome those who continue to try to destroy it.

GOOD ECONOMIC NEWS

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, oftentimes on this floor we hear the parade of horribles with respect to the economy whenever there is bad economic news. We do not often take note of good economic news.

Those of us on the Joint Economic Committee have just heard the Secretary of Commerce, Mr. Baldrige, announce the flash estimates for the second quarter of this year. Real growth in GNP is approximately 6.6 percent, which is well above the estimates the administration originally had at the beginning of this year and well above the great naysayers we have heard on this floor for many, many months.

The other point that was made is that the drop in unemployment we have seen since December of last year is the fastest drop in unemployment in any recovery since the end of World War II. We have had a drop of unemployment from 10.7 percent to approximately 10 percent, which means that seasonally adjusted we have created 800,000 new jobs in this country since December.

But, more importantly, nonseasonally adjusted, that means actual people now having jobs that did not have them in December is 1.7 million. That

is important because it is a strong indication that the recovery has begun but, even more importantly, 1.7 million Americans have jobs that did not have jobs in December, and it did not cost 1 tax dollar.

GRAVE SITUATION IN EL SALVADOR

(Mr. SHUMWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUMWAY. Mr. Speaker, having just returned from a factfinding mission in El Salvador, Nicaragua, Costa Rica, and Guatemala, I am convinced that the President is correct in his grave assessment of the situation in Central America. If we do not act now to prevent the spread of Marxism, we can indeed expect Central America to degenerate into a string of anti-American Marxist dictatorships. We can also anticipate a flood of refugees desperate to escape from tyranny. The people of Central America are hungry for peace and freedom. In Nicaragua, those who can afford shortwave radios listen to the Voice of America. In Managua, the people are willing to pay 50 percent more for a newspaper which is subject to censorship and reaches the street later than its two rivals. They believe it contains more truth than the others, which are closely alined with the Sandinista government. It is imperative that we recognize immediately the need to prevent the spread of Marxism by providing Central Americans with the wherewithal to help themselves, and to insure that democracy prevails.

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE ACT

Mr. GARCIA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1492) to establish the Christopher Columbus Quincentenary Jubilee Commission, as amended.

The Clerk read as follows:

H.R. 1492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Christopher Columbus Quincentenary Jubilee Act".

FINDINGS AND DECLARATIONS

SEC. 2. The Congress finds and declares that—

(1) October 12, 1992, marks the five-hundredth anniversary of the voyages of discovery of Christopher Columbus;

(2) the governments and people of Spain and Italy should be recognized and commended for their historic role and contribution to those voyages;

(3) all persons in this country should look with pride on the achievements and contributions of their ancestors with respect to those historic voyages; and

(4) as the Nation approaches the quincentennial of the voyages of discovery of Christopher Columbus, it is appropriate to celebrate and commemorate this anniversary through local, national, and international observances and activities planned, encouraged, coordinated, and conducted by a national commission representative of appropriate individuals and public and private authorities and organizations.

ESTABLISHMENT; COMPOSITION

SEC. 3. (a) There is established a commission to be known as the Christopher Columbus Quincentenary Jubilee Commission (hereinafter in this Act referred to as the "Commission") to plan, encourage, coordinate, and conduct the commemoration of the voyages of discovery of Christopher Columbus.

(b) The Commission shall be composed of thirty members as follows:

(1) seven members appointed by the President upon the recommendation of the majority leader of the Senate in consultation with the minority leader of the Senate;

(2) seven members appointed by the President upon the recommendation of the Speaker the House of Representatives in consultation with the minority leader of the House of Representatives;

(3) ten members appointed by the President, which members shall be broadly representative of the people of the United States, and not otherwise officers or employees of the United States;

(4) the Secretary of State;

(5) the Archivist of the United States;

(6) the Librarian of Congress;

(7) the Secretary of the Smithsonian Institution;

(8) the Chairman of the Federal Council on the Arts and Humanities; and

(9) the Secretary of Commerce.

(c) The President is hereby authorized and requested to invite the governments of Spain and Italy each to appoint, before October 1, 1983, one individual to serve as a nonvoting participant in the activities of the Commission.

(d) The Secretary of State shall call the first meeting for the purpose of electing a Chairman and Vice Chairman, both of whom shall be from among the members of the Commission appointed under subsection (b)(3). The Commission may appoint honorary members, and may establish an Advisory Council to assist the Commission in its work.

(e) Appointments under subsection (b) shall be made within a reasonable time after the date of the enactment of this Act, but not later than October 1, 1983. Vacancies shall be filled in the same manner in which the original appointments were made.

DUTIES

SEC. 4. (a) It shall be the duty of the Commission to prepare a comprehensive program for commemorating the quincentennial of the voyages of discovery of Christopher Columbus, and to plan, encourage, coordinate, and conduct observances and activities commemorating the historic events associated with those voyages. In carrying out this subsection, the Commission shall particularly examine the historic role of the government and people of Spain in order to promote a greater public awareness, understanding, and appreciation of the contributions made by Spain with respect to those voyages.

(b) Not later than October 1, 1985, the Commission shall submit to Congress a comprehensive report incorporating its recommendations for the commemoration of the quincentennial of the voyages of discovery of Christopher Columbus. The report required by this subsection shall include—

(1) recommendations for appropriate activities for the commemoration, including—

(A) the production, publication, and distribution of books, pamphlets, films, and other educational materials focusing on the history, culture, and political thought of the lands Christopher Columbus traveled from and to during the voyages of discovery;

(B) bibliographical and documentary projects and publications;

(C) conferences, convocations, lectures, seminars, and other similar programs;

(D) the development of libraries, museums, and exhibits, including mobile exhibits;

(E) ceremonies and celebrations commemorating specific events;

(F) programs focusing on the international significance of the voyages of discovery of Christopher Columbus; and

(G) the design, inscriptions, and other specifications relating to the issuance of commemorative coins, medals, and stamps, by the United States;

(2) recommendations for the allocation of financial and administrative responsibility among the public agencies and private organizations recommended for participation by the Commission; and

(3) recommendations for such legislation and administrative actions as the Commission deems necessary to carry out the commemoration of the voyages of discovery.

The President shall transmit the Commission's report to the Congress together with such comments and additional recommendations for legislation and administrative actions as the President deems appropriate.

(c) The Commission shall prepare and submit to the Congress an annual report on the acitivities of the Commission, including an accounting of funds received and expended.

(d) In preparing its plans and programs, the Commission shall consider any related plans and programs developed by State and local, and foreign governments, and private groups including the 1992 World's Fair to be held in Chicago, Illinois, and in Seville, Spain. The Commission shall endeavor to plan and conduct its activities in such manner as to ensure that activities conducted pursuant to this Act do not duplicate activities of the 1992 World's Fair.

(e) The Commission may designate special committees and invite representatives from such public agencies and private organizations to assist the Commission in carrying out this section as the Commission deems appropriate.

ADDITIONAL FUNCTIONS

SEC. 5. In carrying out the purposes of this Act, the Commission is authorized to provide for—

(1) the preparation, distribution, dissemination, exhibition, and sale of historical, commemorative, and informational materials and objects which will contribute to public awareness of, and interest in, the quincentennial, except that any commemorative coins, medals, or stamps issued by the United States shall be sold only by an agency of the United States;

(2) competitions, commissions, and awards for historical, scholarly, artistic, literary, musical, and other works, programs, and projects relating to the quincentennial; and

(3) a quincentennial calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and per-

sonalities of quincentennial historical and commemorative significance.

COORDINATION OF EFFORTS

SEC. 6. (a) In carrying out the purposes of this Act, the Commission shall consult, cooperate with, and seek advice and assistance from appropiate Federal departments and agencies, State and local public bodies, foreign governments, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations. Such Federal departments and agencies are authorized and requested to cooperate with the Commission in planning, encouraging, coordinating, and conducting appropriate commemorative activities.

(b) The Secretary of State shall undertake a study of appropriate cooperative actions which might be taken with foreign governments to preserve and develop historic sites related to the voyages of discovery of Christopher Columbus, at such time and in such manner as will insure that fitting observances and exhibits may be held at each such site during the commemoration. (In particular, the Secretary may consult with the governments of the nations of the Western Hemisphere which share the Columbian heritage and with the governments of Spain and Italy with respect to joint participation in events in the United States and in such nations.) The Secretary shall submit the results of the study to the Commission, together with his recommendations, affording the Commission an opportunity to review the study, and to incorporate such of its findings and recommendations as the Commission may deem appropriate in the report required by section 4 of this Act.

(c) The Chairman of the Federal Council on the Arts and Humanities, the Chairman of the National Endowment for the Arts, and the Chairman of the National Endowment for the Humanities shall cooperate with the Commission, especially in the encouragement and coordination of scholarly works and presentations focusing on the history, culture, and political thought of the period surrounding the voyages of discovery.

(d) The Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States shall cooperate with the Commission, especially in the development and display of exhibits and collections, and in the development and distribution of bibliographies, catalogs, and other materials relevant to the period.

(e) Nothing in this Act shall be construed to restrict, abridge, or otherwise limit the planning, development, conduct, operations, or activities of the 1992 World's Fair to be held in Chicago, Illinois, and in Seville, Spain, nor shall any provision of this Act be construed to vest in the Commission any right or responsibility to regulate or otherwise oversee the planning, development, conduct, operations, or activities of such Fair.

DONATIONS

SEC. 7. (a) The Commission may accept donations of money, property, or personal services, except that the Commission may not accept donations—

(1) the aggregate value of which exceeds $25,000, in the case of donations from an individual; or

(2) the aggregate of which exceeds $50,000, in the case of donations from a foreign government, a corporation, a partnership, or any other person.

(b) All books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials relating to the period and donated to the Commission may be deposited for preservation in national, State, or local libraries or museums or be otherwise disposed of by the Commission after consultation with the Librarian of Congress, the Secretary of the Smithsonian Institution, the Archivist of the United States, or the Administrator of General Services, as the case may be.

ADMINISTRATION

SEC. 8. (a)(1) The Chairman, with the advice of the Commission, shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a Director who may be compensated at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule established under section 5315 of such title and a Deputy Director who may be compensated at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule established under section 5316 of such title. Such officers shall serve at the pleasure of the Chairman.

(2) The Commission shall delegate such powers and duties to the Director as may be necessary for the efficient operation and management of the Commission.

(b) Subject to such rules and regulations as may be adopted by the Commission, the Commission may—

(1) appoint and fix the compensation of such additional personnel, not to exceed twenty staff members, as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relative to classification and General Schedule pay rates, but at such rates not in excess of the maximum rate for grade GS-18 of the General Schedule under section 5332 of such title;

(2) appoint such advisory committees as it deems necessary;

(3) procure supplies, services, and property; make contracts; expend in futherance of this Act funds appropriated, donated, or received in pursuance of contracts hereunder;

(4) enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration; and

(5) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(c)(1) Upon request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act. Details under this subsection shall be without reimbursement by the Commission to the agency from which the employee concerned was detailed.

(2) The Commission may accept the services of not to exceed twenty employees under this subsection at any time.

COMPENSATION

SEC. 9. (a) Members of the Commission appointed under section 3(b) of this Act shall serve without compensation, but may be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(b) Persons appointed, designated, or invited to assist the Commission under section 3(c), the second sentence of section 3(d), section 4(e), or section 8(b)(2) of this Act shall serve without compensation, and shall not be entitled to reimbursement for travel, subsistence, or other expenses incurred by them in the performance of their duties.

PENALTY

SEC. 10. (a) The Commission shall prescribe rules and regulations regarding the use of any logos, symbols, or marks originated under authority of and certified by the Commission for use in connection with the commemoration of the quincentennial, or any facsimile thereof. Under the rules and the regulations, the Commission may not sell, lease, or otherwise grant to any person the right to use any such logo, symbol, or mark in connection with the production or manufacture of any commercial goods, as part of an advertisement promoting any commercial goods or services, or as part of an endorsement for any such goods or services.

(b) Any person who, except as authorized under rules and regulations issued by the Commission, knowingly manufactures, reproduces, or uses any such logos, symbols, or marks, or any facsimile thereof, or in such a manner as suggests any such logos, symbols, or marks, shall be fined not more than $10,000, or imprisoned not more than one year, or both. This section shall only apply in the case of such logos, symbols, and marks for which the Commission has published in the Federal Register a notification of certification

AUTHORIZATION FOR APPROPRIATIONS

SEC. 11. (a) There are authorized to be appropriated to carry out the provisions of this Act, $220,000 per fiscal year for each of the fiscal years beginning after September 30, 1983, and ending before October 1, 1992; and $20,000 for the period beginning on October 1, 1992, and ending on November 15, 1992.

(b) Amounts appropriated under this section for any fiscal year shall remain available until November 15, 1992.

(c) The total appropriations authorized under this or any other Act for the purposes of this Act shall not exceed $2,000,000.

TERMINATION

SEC. 12. (a) A final report shall be made to the Congress no later than November 15, 1992, upon which date the Commission shall terminate.

(b) Any property acquired by the Commission remaining upon its termination may be used by the Secretary of the Interior for purposes of the National Park Service, or may be disposed of in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

The SPEAKER pro tempore. Is a second demanded?

Mr. COURTER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. GARCIA) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. COURTER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GARCIA).

Mr. GARCIA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House today, under suspension of the rules, H.R. 1492.

This bill provides for the establishment of a 30-member Presidential Commission to commemorate the 500th anniversary, in 1992, of the voyages of discovery of Christopher Columbus.

At the outset, I would like to express my thanks to my good friend Mr. RODINO for developing this legislation and promoting its passage so vigorously in the House.

During the final days of the 97th Congress, a similar bill passed the Senate and was referred to the Subcommittee on Census and Population, which I chaired at the time. The gentleman from New Jersey and I talked at some length about the bill and he urged me to move the bill prior to adjournment. I deferred action until this year in order to effectuate changes in the bill that would recognize the contributions of Spain and Hispanics.

Shortly after the 98th Congress convened, Mr. RODINO and myself, along with Representatives COURTER and CONTE, introduced H.R. 1492. On May 11, the Committee on Post Office and Civil Service, by voice vote, reported H.R. 1492 to the floor with several minor changes.

In the ensuing time, Mr. Speaker, we have been made aware of the concerns of the administration and representatives of the Chicago World's Fair concerning this legislation. In response to their concerns, we have amended the bill in several ways.

Generally, the amendments fall within three broad categories: appointments; duties; and funding. And in a few minutes Mr. COURTER and I will engage in a colloquy regarding these changes. Let me briefly explain each separately.

As reported by the committee, H.R. 1492 authorized the Speaker and the majority leader in the Senate to directly appoint a specific number of the members of the Commission. Inasmuch as the committee intended the Commission to initiate and conduct commemorative activities, a question was raised by the Justice Department regarding the constitutionality of direct appointment of Commission members by congressional leaders.

To avoid any questions in this regard, we have amended the bill to give the President full authority over all appointments. The Speaker and the Senate majority leader shall each recommend the appointment of seven individuals to the Commission. This will insure that the Commission is impaneled in accordance with the Constitution and will similarly remove any doubt about the Commission's ability to plan, sponsor, and conduct such activities as it desires. The only limitation will be the availability of funds.

Moving now to the second category of amendments, we have added language to insure that the Commission maintains its distance from the activities of the world's fair. The amendment virtually guarantees that the Commission will not be in head-to-head competition with the world's fair. I think we should recognize, however, that there may be some overlapping activities. After all, the business of the Commission will be to enhance our knowledge, understanding, and appreciation for the Columbus voyages. This may be done in a variety of educational and entertaining ways, but I would expect that the Commission may ultimately supplement and compliment the world's fair. I would like to add here, Mr. Speaker, that this Commission will not be in business to produce or market memorabilia bearing its official logo. The bill virtually bars the Commission from selling all but a few commemorative items that I venture to say, will have limited appeal and value.

Finally, Mr. Speaker, on the question of funding, we have reduced the authorization for the Commission to $2 million for the life of the Commission. This is a reasonable request which I do not believe will impair the Commission's functions or its ability to raise private contributions.

Mr. Speaker, almost 500 years ago, a brave group of individuals embarked on a perilous voyage across uncharted waters in search of a westward passage to the Orient. They failed to achieve their intended objective—but their failure proved over time to be a more significant discovery than they could have ever imagined. Although some may quarrel over who actually discovered America first, there is no doubt that the voyages of Columbus provided the impetus for exploration and settlement of this new land. At the very least, these voyages served to form the roots of our national existence. We are, in a word, the beneficiaries of Columbus voyages of discovery, and say what we might about the role of the Federal Government in many other aspects of American life, there can be little doubt but that the celebration of our common heritage is a national affair. The anniversary of the voyages of Columbus are thus deserving of a national celebration.

To that end, a Federal Commission proposed by this bill will go a long way toward improving our understanding and appreciation of the voyages of Columbus.

In addition, the bill will add significantly to our knowledge of the role of Spain and Spanish citizens in these voyages—a fact which history has tended to overlook.

Coincidentally, the Prime Minister of Spain, Felipe Gonzalez, is making a state visit to our country this week. I remain hopeful that if the House passes the bill today, the Senate will act expeditiously so we can get the bill to the President in time before the Prime Minister departs for Spain. Passage of H.R. 1492 would be a sign of continued American-Spanish friendship and international good will.

Mr. Speaker, I urge passage of the bill and reserve the balance of my time.

Mr. Speaker, at this point in the RECORD I would like to insert a section by section explanation of the committee's amendments:

SECTION-BY-SECTION EXPLANATION OF COMMITTEE ADMENDMENTS TO H.R. 1492

Section 1: No Changes.

Section 2: Section 2(3) is amended by deleting the reference to persons of "Hispanic or Italian heritage."

Section 3: Section 3(b) is amended by reducing the size of the Commission from 31 members to 30 members.

Section 3(b) is also amended to authorize the President to appoint 24 members of the Commission. Seven members shall be appointed upon the recommendation of the Speaker of the House in consultation with the Minority Leader of the House. Seven members shall be appointed upon the recommendation of the Majority Leader of the Senate in consultation with the Minority Leader of the Senate.

The Secretary of Commerce is appointed to the Commission.

Section 4: Section 4(d) is amended to require the Commission to consider the plans of the Chicago World's Fair when developing its agenda. The Commission should endeavor to ensure that its activities do not duplicate the plans of the World's Fair.

Section 5: No Changes.

Section 6: Section 6(b) is amended to give the Secretary of State discretionary authority to invite the participation of foreign governments in the Commission's activities.

Section 6(e) is added to make clear the Committee's intention that the Commission shall not have any authority over the planning, development, conduct or operations of the World's Fair.

Section 7: No Changes.

Section 8: Section 8(a) is amended to comply with provisions of the Congressional Budget Act with respect to discretionary spending authority.

Section 9: Section 9(a) is amended to comply with provisions of the Congressional Budget Act with respect to discretionary spending authority.

Section 9(b) is amended to prohibit the non-voting representatives of the governments of Italy and Spain on the Commission from being reimbursed for travel or related expenses.

Section 10: No Changes.

Section 11: Section 11(a) is amended by reducing the total appropriation authorized for the Commission to $2.0 million from $2.25 million. For each fiscal year beginning October 1, 1983 and ending before October 1, 1992 there is authorized $220,000. For the period beginning October 1, 1992 and ending November 15, 1992, there is authorized $20,000. Total appropriations may not exceed $2.0 million under this or any other Act.

Section 12: No Changes.

Mr. COURTER. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would like to thank my good friend, the gentleman from New York (Mr. GARCIA) for his leadership and cooperation in considering H.R. 1492. I would also like to thank the gentleman from Massachusetts (Mr. CONTE), who helped us in this regard.

H.R. 1492, Mr. Speaker, recognizes an historically significant event of our American heritage. I feel it is appropriate and fitting for our Government to engage in a national commemoration to reexamine these very famous voyages.

On balance, I feel the legislation blends public financing and private donations into a corporate venture that should produce a series of meaningful events over the next 10 years, and it is for these reasons that I support passage of H.R. 1492.

However, there remains, as the gentleman from New York knows, several amendments which the administration feels, as I feel, are necessary before they commit to the passage of H.R. 1492. It is my understanding that these amendments are included in the revised bill and meet the administration's concerns.

Mr. Speaker, a little bit later on in the debate the gentleman from New York (Mr. GARCIA) and I will engage in a colloquy regarding these amendments.

□ 1245

Mr. GARCIA. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. I thank the distinguished chairman of the subcommittee of the Committee on Post Office and Civil Service for yielding this time to me.

I rise, Mr. Speaker, in support of this measure. I think it is high time that we recognize that 1492 was a year that heralded for all of us here a new world, a world of opportunity. Indeed, for all of us who pride ourselves in being American, we cannot ignore the fact that had it not been for that great feat of discovery of Christopher Columbus we would not now possibly be here enjoying all of the great good of this great land.

So, it is fitting that in 1992 on the 500th anniversary, the quincentenary, that the United States of America assume a role of leadership in celebrating, in an appropriate manner, this great feat of history. As the gentleman from New York has stated, we have been and are the principal beneficiaries of this great act of courage, of this act of genius and discovery.

And I think it would behoove us to look at this date of 1992, 9 years from now, as a date when we can say as Americans, that we pay a special gratitude with appropriate ceremonies and celebrations to the man who was responsible for bringing together a diverse people from all parts of the Earth to come here and immigrate to America. To appropriately thank him with celebrations of all sorts throughout the United States as the father of immigration.

October 12, 1992, will mark the anniversary of that day 500 years ago when, at 2 a.m., one of the lookouts on the *Pinta* sighted land on Columbus' maiden voyage in search of a water route to the Orient. The landing of Columbus on the island of San Salvador was a great feat and an event that was to change the history of the world. We, along with Italy and Spain and most nations of the Western Hemisphere, take just pride in his accomplishment.

It is fitting that the American people have a truly national celebration of the discovery of our new and blessed world. We are the prime beneficiaries of Columbus' courage and vision. It is essential also that the Federal Government should play a leading role in assuring that this historic observance is carried out with dignity and distinction.

This anniversary is still 9 years away, but our experience with the Bicentennial celebration shows that sufficient leadtime is essential. It is not too soon to begin planning for this jubilee now.

The 30-member Commission authorized in this bill would be mostly made up of private citizens appointed by the President. Of the 24 Presidential appointments, 7 would be selected from recommendations by the Speaker and 7 from recommendations by the Senate majority leader, in consultation with the respective minority leaders. Other members would be the Secretary of State, the Archivist of the United States, the Librarian of Congress, the Secretary of the Smithsonian Institution, the Chairman of the Federal Council on the Arts and Humanities, and the Secretary of Commerce. All appointments are to be made by October 1, 1983, and the President is authorized to invite representatives of the Governments of Spain and Italy to serve as nonvoting participants of the Commission.

Spain, by the way, is well along in planning for its observance, and the Italians are greatly interested in this anniversary celebration of the voyage of the navigator from Genoa.

The principal duties of the Commission will be to work with public agencies, private organizations, and foreign governments to develop a comprehensive commemorative program and to report its recommendations to the Congress by October 1, 1985. the Commission is also required to consider plans of the Chicago World's Fair in developing its agenda.

To guard against commercial exploitation such as that which occurred during our 1976 Bicentennial celebration, the bill provides stiff penalties for unauthorized use of any logotype certified by the Commission.

To avoid the possibility of undue influence by any person or institution, the bill limits private and corporate donations: $25,000 for an individual and $50,000 for corporations and foreign governments.

The authorized appropriations for the Commission are most modest: $220,000 for each fiscal year beginning October 1, 1983, and ending before October 1, 1992, and a final $20,000 for the period October 1, 1992, through November 15, 1992.

Columbus Day has truly become a national celebration, with Americans of all ethnic heritages joining in the observance. The broad support for this commemoration is a symbol of the diversity of America that has been responsible for the greatness of our Nation and continues to be a major source of our strength.

It has been said of America that we have been the "half-brother of the world." That certainly has been true. But it is also true that we have been dedicated to full brotherhood, full partnership in a land where all people, regardless of origin, can achieve their full potential. This dedication to this dream can be traced to Christopher Columbus, who is rightly credited with being the father of immigration.

I urge this body to act favorably on H.R. 1492 so that we can begin to prepare for this historic jubilee. With our Latin American neighbors and our partners in Europe, we then can plan a series of events that will enhance the understanding and appreciation of our American heritage and will affirm our dedication to cooperation and mutual respect in facing future challenges.

Once we have approved this bill, it is my hope that the other body will complete action on it swiftly. Spain's Prime Minister, Felipe Gonzalez, will be making a state visit to our country tomorrow. It would be especially timely and appropriate, I think, if we were to have this legislation ready for the President's signature by that time.

I want to particularly thank the chairman of the subcommittee, my distinguished colleague, Mr. GARCIA, and distinguished colleague from New Jersey, Mr. COURTER, who has joined as cosponsor, along with Mr. CONTE in bringing this bill to the floor of the House of Representatives.

I yield back the balance of my time.

Mr. COURTER. Mr. Speaker, will the gentleman yield to me for several questions concerning the Commission?

Mr. GARCIA. I will gladly yield such time as he may consume to my good friend for that purpose.

Mr. COURTER. Mr. Speaker, I know my good friend has modified the bill in several ways to accommodate concerns raised by the administration. Last Friday we received a letter expressing the administration's support for the bill if two items were taken care of. Could the gentleman please identify those items and tell us if the revised bill meets their concerns.

Mr. GARCIA. If the gentleman would yield, I would tell my good friend that we have done what they have asked. In fact, I think we have gone beyond the administration's request in several areas. Essentially, the administration requested two amendments.

First, that the President appoint all members of the Commission. We have made that correction beginning on page 2 of the bill. As in the past, with other commissions, the Speaker and the majority leader of the Senate will each recommend seven individuals to the President for appointment.

Second, they asked for some assurance that the Commission would not interfere with the activities of the Chicago's World's Fair. This too, we have done by adding explicit language in several sections of the bill directing the Commission to take a "hands-off" position with respect to all aspects of the Chicago World's Fair. The strongest language appears on page 9 where we add a new subsection (e).

So, I would say to my friend that we have settled our differences with the administration and that they now support passage of H.R. 1492.

Mr. COURTER. Did I understand the gentleman to say that the bill requires the Commission to take a strictly "hands-off" position with respect to the activities of the world's fair. Is that correct?

Mr. GARCIA. The gentleman is absolutely correct. The Commission will in no way interfere or oversee any of the activities of the world's fair.

Mr. COURTER. Mr. Speaker, if I may go on, how does my good friend see the Commission's operations and developing?

Mr. GARCIA. If the gentleman will yield, I would respond to my good friend by saying that the Chicago World's Fair and the Commission are distinctly separate operations. Neither one will have anything to do with the other. To the extent they both promote interest and awareness of the Columbus voyages there may be overlapping activities. But for the most part, we expect the Commission will not be conducting activities which steal thunder away from the Chicago World's Fair.

There are two additional points.

First, the bill requires the Commission to consider all Columbus related activities regardless of their origin when they undertake to set the agenda. Specifically, we have, in the bill, urged the Commission to avoid duplicating the programs and activities sponsored by the world's fair, as I said before. In addition, the most that may be appropriated for the life of the Commission will only be $2 million.

Second, I would say to my good friend, that this is a big country and not everyone will want or for that matter, be able to afford to go to Chicago and experience the sights, sounds, and exhibits of the world's fair. Therefore, I think the Commission may end up serving to complement and even supplementing the world's fair activities throughout the country by enhancing our knowledge and appreciation of these voyages and their contribution to our national existence through films, lectures, and so forth. This may ultimately prove financially beneficial to the World's Fair by stirring greater interest in the voyages of Columbia which is the theme for Chicago in 1992.

Mr. COURTER. I thank my friend for that assurance. If I may, I would like to direct my colleague to that section of the bill dealing with the sale of commemorative items. What do you foresee the Commission selling?

Mr. GARCIA. Let me say to my friend that I know the World's Fair people are concerned that the Commission would be competing for the souvenir tee shirt and coffee mug market. This will absolutely not occur. We have included strict prohibitions against the commercialization of the Commission's activities by barring the use of the logo for any commercially related activity. So the Chicago people need not worry, we gladly confer to them the right and privilege to market and sell their trinkets and souvenirs. The Commission may, however, sell certain items—that would essentially have limited appeal and value for principally educators and historians.

Mr. COURTER. Mr. Speaker, I would now like to ask the gentleman about the extent of foreign government participation in the Commission's activities.

Mr. GARCIA. May I say to my good friend from New Jersey, that with the exception of the appointment of nonvoting representatives from Italy and Spain, there is no other specific role for any foreign government. The Secretary of State may at his discretion invite the participation of other nations. In extending such invitation, the Secretary may take into account diplomatic considerations as well as any existing international agreements and conventions. In addition, the bill contains language requiring each foreign government to cover the costs of their representatives' participation.

Mr. COURTER. Finally, Mr. Speaker, going back to that section dealing with appointments. Why did we not appoint any representatives of the Chicago World's Fair to the Commission.

Mr. GARCIA. Frankly, because it did not seem appropriate to reserve or designate slots on a public Commission for private commercial interests such as the Chicago World's Fair—especially when their interests may be opposite of the Commission's. This does not mean to say they will not be appointed. The President may, in his appointments, decide to include representatives of the Chicago World's Fair and for that matter, the Speaker and the Senate majority leader may also recommend to the President, representatives of the Chicago World's Fair if they so choose.

Mr. COURTER. I thank the gentleman from New York for engaging in the dialog with me. It certainly eliminates the questions that I had.

Mr. GARCIA. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. I thank the gentleman for yielding.

I commend my colleague, Mr. GARCIA, for his expeditious treatment of this legislation and the presentation and explanation of it which have been most satisfactory. What pleases me no end is that the administration supports the legislation. Clearly 1492 is a significant date in the history of the world and the importance of that date should not be diminished by the passage of time. Christopher Columbus and all he represented and achieved, his achievements, are something that should be memorialized. We have had many anniversaries celebrated in our country. Clearly this is one that should enjoy the attention not simply of the people of the United States but the people of the world. In memorializing the date of 1492 and the associated event, we enhance our own prestige and the greatness of our own country. I yield back the balance of my time.

□ 1300

Mr. COURTER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, I rise in opposition to H.R. 1492 not because I believe that we should not have the Commission. On the contrary, I think we should have the Commission to honor the contribution of Christopher Columbus to this country and what that stands for in terms of the beginning of the development of America.

What I object to and what I rise in the well to talk about now is the preliminary, and I say preliminary expenditure of money with which this Commission is to operate. I know my colleague from New York observed,

"No more than $2 million over 10 years." Very interesting.

Now let us analyze that statement for just a few moments because the legislation provides for 22 paid staff people. Now 10 years for $2 million is $200,000 a year. How many people can you hire for $200,000 when you reflect that this legislation authorizes two members, two persons, to be at the level of $67,200 and $63,800. That is $131,000. That means that the entire balance of this staff of 22, 20, are going to be paid out of $69,000. When is it possible to hire a Federal worker, or a worker anywhere in America, at less than the minimum wage? Are the sponsors of this legislation suggesting that we are going to be hiring people at the minimum wage? I do not think so.

The point is that the nose in the tent by the camel is for $2 million initially. What total it will finally come to, who can say?

I suggest the better process for us to follow this afternoon is not to let the camel get his nose in the tent.

Now it is also possible under the legislation for this Commission to borrow up to 20 employees from other Federal agencies in order for them to accomplish their duties. Forty-two people working for 10 years to work on a plan for the developing of honoring Christopher Columbus. Can we afford that?

It is interesting to note that just this year on January 14, 1983, we adopted the Tricentennial Anniversary of German Settlement in America. Now it so happens that of the identifiable ethnic groups in America, the second most populous are the people from Germany. And the Congress passed legislation in January commemorating the first German settlement in America, which happened to be in the State of Pennsylvania, and it was 300 years ago, and not 1 cent of Federal money went into this Commission which was created by this act. And I think that is an excellent example for us to follow with respect to honoring the contribution of Christopher Columbus.

I support the establishment of the Commission, but I believe and I will say it again, we should not be placing Federal funds into this coffer for the purpose of fulfilling this need. It should come from private sources.

What is an example of that? We recently dedicated in Washington a memorial to the Vietnam war. I am told that $7 million was raised by public subscription around this country for the building of that memorial. It is altogether fitting that we have it here in Washington. The point is, not 1 cent of Federal money went into the building of the Vietnam War Memorial. I would suggest that it is a good example for us to follow today.

I would like to ask the gentleman from New York (Mr. GARCIA) several questions, if I may, with respect to this legislation.

Is it true that 22 of the 42-member staff can be paid up to $63,800 each under this bill at a GS-18 level?

Mr. GARCIA. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from New York.

Mr. GARCIA. I thank the gentleman for yielding.

First, so that we can try and set the record straight, what we have tried to do in this legislation in terms of the maximum dollar that may be paid to any one employee in this Commission, we did not want any high-priced $100,000 or $150,000 a year person to come in. So we set the guidelines at the highest maximum Federal level.

The SPEAKER pro tempore (Mr. NATCHER). The time of the gentleman from California (Mr. DANNEMEYER) has expired.

Mr. COURTER. I yield 3 additional minutes to the gentleman from California.

Mr. GARCIA. If the gentleman will continue to yield, what we tried to do here and I think it is important, because I do not want our listening audience to be confused by this colloquy.

No. 1, we set the maximum dollar figure. There is no way that we are going to have 20 people working at $67,000 a year.

Mr. DANNEMEYER. But technically it could be possible under the legislation as it is drafted, is it not?

Mr. GARCIA. I would say to my colleague from California, financially impossible.

Mr. DANNEMEYER. But practically the legal language of the legislation permits it, does it not?

Mr. GARCIA. But as I say it is financially—we do not have the money to pay that type.

Mr. DANNEMEYER. I have another question. Is it true that the Commission can borrow 20 additional staff from Federal agencies at the agency's own expense?

Mr. GARCIA. We are hoping that within the Federal Government there are a great number of people who have expertise in certain areas, if they can contribute to making this 1992 celebration what we all want it to be, I would have no problem with that.

Let me say to my colleague, if I may, that all of this will be done on a very limited basis. I do not want anybody to think for one moment that we are going to be trotting in with the high-priced Federal help and have them on board for 8 years. They may come in and give us a hand for a month or two, but that is what we anticipate. We do not expect any full-time employees.

Mr. DANNEMEYER. Is it true that existing Federal law calls for the executive branch to submit a personnel blueprint before new executive positions are created on an ad hoc basis?

Mr. GARCIA. Yes, I believe the gentleman is absolutely correct.

Mr. DANNEMEYER. Has that blueprint been submitted?

Mr. GARCIA. I would say to my colleague from California the blueprint has not been submitted here. What we have done, as I said, when you talk about the figures of $200,000 that will be accumulated, will be spent over the course of the year, the fact of the matter is is that we hope that we can get one good staff person, one key person, to run this, and I am certain in dealing with the administration we will be able to work those details out.

Mr. DANNEMEYER. Is it planned to submit a personnel blueprint?

Mr. GARCIA. The administration has come out for this legislation wholeheartedly endorsing it. The colloquy that my colleague from New Jersey and I have had, I think, answered the basic problems that the administration had. And we worked very hard to make sure that the administration was satisfied.

Mr. DANNEMEYER. I thank my colleague.

In my closing comments, let me make this observation. I do not think it is appropriate to bring this matter up on suspension. I think it should be brought up on a regular calendar for those of us who have a serious concern about the deficit and can offer an amendment to strike out the public funding. And there is another amendment that deserves to be offered to this legislation. Under the form that is before us there is a limit on what private sources can contribute to the Commission. I think that limit should be removed. I think if you are making an appeal for funds which you are going to have the right to do, there should not be a limit on what some contributor would seek to contribute. That amendment should be offered on the floor.

Mr. GARCIA. If the gentleman will yield further, the reasons—and I am so glad the gentleman brought that point up—the reasons why we have a cap on contributors is that we do not want any corporation——

The SPEAKER pro tempore. The time of the gentleman from California (Mr. DANNEMEYER) has again expired.

Mr. GARCIA. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DANNEMEYER).

What we tried to do in this Commission is to avoid any corporation in this country or any other country trying to buy this Commission with thousands upon thousands of dollars being contributed. We feel very strongly that this must be a public Commission, run by the people. If corporations want to contribute, there is a max that they can contribute. We hope that we can get the maximum.

Mr. DANNEMEYER. What is the maximum contribution in the bill that is before us? I think it is $50,000.

Mr. GARCIA. Right now it is $50,000 under this bill per corporation.

Let me give my colleague an example. During the celebration of the 200th anniversary of America in 1976, there were several corporations that every 30 seconds had these national commercials going on across the country.

Anybody would think that those commercials and this company was the prime sponsor of our entire 200 years of existence.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. DANNEMEYER) has again expired.

Mr. COURTER. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, I would like to make this observation. When we are concerned with deficits of close to $200 billion in fiscal year 1984, I believe the taxpayers of this country would be more content with putting up with that intrusion, as the gentleman described, and the claim of some sponsor who contributed a large sum, than to dig into the Federal Treasury for yet another laudable purpose, the establishment of this Commission. I just do not think we should be funding this with public money.

Mr. GARCIA. If the gentleman will continue to yield, we do not want anybody to buy this Commission. This Commission belongs to the people of this country and we want to keep it that way.

Mr. DANNEMEYER. I thank my colleague.

Mr. COURTER. Mr. Speaker, the gentleman from California is concerned about the expenditure of $2 million. I would like to point out the fact that the Bicentennial Commission celebrating the 200th year of this country, was supported by $53 million of taxpayers' money.

I do not very frankly feel that there are many Americans at all who felt that that $53 million was wasted. We all felt extreme pride during that period of time knowing that our country had achieved 200 years of greatness and that we had now a history, we had something more than just ideas to be proud of, we had a heritage.

I think this Commission, with the total expenditure of only $2 million over a 10-year period, is one further thing that will make all Americans proud of our origins, of our history, and our heritage. I urge my colleagues to pass H.R. 1492.

Mr. GARCIA. Mr. Speaker, it is with a great deal of pride that I yield such time as he may consume to one of the leading citizens of the great city of Chicago, where the World's Fair is going to be held, the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Speaker, I rise in total support of H.R. 1492. I compliment my good friend, the distinguished chairman of the Judiciary Committee, the gentleman from New Jersey (Mr. RODINO) for introducing this legislation.

I compliment my good friend from New York (Mr. GARCIA) for the expeditious manner in which he has brought this legislation to the floor of the House today.

Christopher Columbus is remembered as a man who fought against tremendous odds because he wanted to find truth and make it triumph. He is regarded as a great pioneer personifying the spirit of discovery, and embodying the will and the faith to overcome apparently insurmountable obstacles. It was through Columbus' voyage that a pattern was established for a nation of many nationalities, traits, and beliefs, and it was through this voyage that all humanity looks upon America as a place where all people, regardless of how humble or exalted their origin, would achieve their full potential. As we become ever more conscious of the importance of our historic roots in both understanding the founding concepts on which our country stands, and the needs and demands of the present as well as future generations, the importance of Columbus as the father of all immigrants takes on added significance.

H.R. 1492 is a strong step toward planning and coordinating local, national, and international observances, to take place in 1992, in honor of the discovery of America by Columbus 500 years ago. In 1893, the 400 anniversary of the discovery of America was celebrated in the United States with Chicago's world-renown Columbian Exposition, and Chicagoans have been planning and preparing for several years to bring a world's fair to Chicago in 1992 to coincide with the Columbus Quincentenary Jubilee. The Chicago fair's theme is the "Age of Discovery," and the fair will commemorate the historic contribution of Christopher Columbus.

This bill will go a long way toward assisting all Chicagoans in making our city, a city of immigrants, the major center of the Nation's Columbus Quincentenary Jubilee because the legislation specifies to the Commission the importance of working and consulting with local governments in planning for this great event. As stated in the committee report, H.R. 1492:

> Makes clear that the Commission, in preparing its plans and programs, must consider any related plans and programs developed by State, local and foreign governments, and private groups.

Chicagoans, with the expertise they already have gained, can be of great assistance in planning commemorative activities.

This bill does not create any new executive level positions, and in order to do its work properly, the Commission will have to depend on private and corporate contributions for most of its funding. Individuals may contribute up to $25,000, and corporations and foreign governments may contribute up to $50,000. Objections have been raised to the bill because of the minimal cost to the Federal Government of the $2.25 million authorized over a period of 10 years. I emphasize that the Columbus Quincentenary Jubilee will be an international event, of international importance, and Italy and Spain have already indicated their interest in special celebrations of this event. A stable Commission, under Federal Government auspices, is absolutely necessary to properly prepare our country for participation in the jubilee at the local, State, national, and international levels. Our Nation's American Revolution Bicentennial Commission received over $50 million in Federal funds, and the date 1492 is just as momentous a year in our country's history as was 1776.

The Christopher Columbus Quincentenary Jubilee Commission will be authorized to prepare a comprehensive commemorative program, including recommendations for films, books, and other educational materials on the significance of this event, planning for programs and ceremonies, as well as the issuance of commemorative stamps, coins, and medals.

For all of these reasons, the Commission's work will complement the work already being done in my own city of Chicago in preparation for this historic occasion, and should be of great assistance in bringing the attention of the Nation and the world to Chicago's grand world fair celebration of the "Columbus Year." I strongly urge my colleagues to support H.R. 1492 so that our country's Christopher Columbus Quincentenary Jubilee celebration can be adequately planned ahead in a thoughtful, dignified, and creative way.

Mr. Speaker, I want to say that when we talk about $2 million, we are talking about a very, very infinitesimal amount of money. And it is a tragedy that we should correlate the deficit with $2 million or $200,000 a year. It has been adequately brought out by the chairman of the subcommittee that there are private moneys that can be collected, $50,000 from a corporation, $25,000 from individuals.

We will shortly be voting on $8.1 billion for the IMF in order to save the great bankers of this Nation.

So I do not see any rhyme or reason to the argument that this centennial is going to cost the taxpayers a great deal of money. It is going to cost prac-

tically no money when you figure out the number of jobs that this will create, the number of activities that this will generate. This might even reduce the unemployment in this country, because if you do not do something, nothing will ever happen.

□ 1315

Mr. Speaker, I know the gentleman from California (Mr. DANNEMEYER) is a great champion of saving money and a great champion of watching the purse of the taxpayers of this country. But this is one place, I tell the gentleman, where his arguments do not hold ground; $200,000 in this Chamber is practically nothing. It is a pimple on an elephant's carcass.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, perhaps the gentleman does not recall, but just a few days ago this House considered deleting $900,000 to provide funds for ex-Presidents to accommodate them in their incidental expenses, which passed, I might add, 244 to 169.

Now, if we can take up time to debate the expenditure of $900,000 and carry that deletion by 244 to 169, I do not think it is unreasonable for this Member from California to suggest a similar course with respect to $2 million. Does the gentleman think it is unreasonable?

Mr. ANNUNZIO. Mr. Speaker, the gentleman is bringing out $900,000. I do not think it is unreasonable to discuss money at any time in this Chamber. But let us set the record straight: We are talking about $200,000 a year. That is all. That is the authorization. And it is very possible that this $200,000 might not ever be spent because of the private contributions that can be collected.

Countries such as Spain and Italy will probably spend thousands and thousands of dollars for this celebration, which is worldwide. There is nothing in this legislation that interferes with the Chicago World's Fair, as far as I know.

Mr. GARCIA. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. MORRISON).

Mr. MORRISON of Connecticut. I thank the chairman for yielding.

Mr. Speaker, I would like to congratulate the subcommittee and its chairman on bringing H.R. 1492 to the floor today. There can be really no greater anniversary that we are to celebrate than this anniversary of Columbus' journey to the New World. In making that voyage, Columbus set off the journey that this country and its people have been on for these five centuries.

We are a country of immigrants, and Christopher Columbus is really in many ways our first immigrant, the first person to lead the way from the old world to the new. Since that time centuries of immigration have furthered that movement—not just in geography but in spirit, in adventure, in innovation, in development, in freedom, and in ideals.

Our country traces its roots back to the Italy from which Christopher Columbus came, to the Spain which sponsored the journey, and those heritages remain very much a part of our country today.

I support this legislation. I hope that the House will vote overwhelmingly to pass it and put this Commission to work to make this the appropriate, fitting celebration that it ought to be.

Mr. GARCIA. Mr. Speaker, I yield 1 minute to the gentlewoman from Louisiana (Mrs. BOGGS).

Mrs. BOGGS. I thank the gentleman for yielding.

Mr. Speaker, as a representative of a the great woman, Queen Isabella, who had faith in Columbus and in his explorations and in his discoveries, I feel that this is a very fitting piece of legislation, and I hope that it will be adopted.

Mr. GARCIA. Mr. Speaker, will the gentlewoman yield?

Mrs. BOGGS. I yield to the chairman.

Mr. GARCIA. Mr. Speaker, it is interesting that the gentlewoman should say that, because I was going to close with some words along that line.

I say to all of my Italian friends who have a great deal of pride in Christopher Columbus, as well they should, that it may have been an Italian who discovered America, but it was a Spanish woman who gave him the money to get here.

Mrs. BOGGS. I thank the gentleman.

● Mr. FRENZEL. Mr. Speaker, I rise today to express my disapproval of H.R. 1492, which would establish the Christopher Columbus Quincentenary Jubilee Commission and authorize huge outlays of public moneys for its use.

Although I would never want to stand in the way of such a celebration, I am compelled to speak out against the Federal Government footing such a huge proportion of the bill for this extravaganza.

According to Congressional Budget Office figures, the authorization levels for creating this holiday would stand at $1.2 million, and outlays are estimated to be at $1.175 million.

One of the reasons that the cost for this program are so high is that the bill caps the support from the private sector $25,000 for individuals, and $50,000 for corporations. The reason for this cap on contributions is to guard against the event becoming to commercialized.

I would like to suggest, Mr. Speaker, that a little commercialism could go a long way toward saving the Government some money.

Mr. Speaker, I realize that $1 million is not a lot of money when it is stacked up against our massive Federal budget. However, this is a perfect example of another Government excess. Congress simply must learn to discipline itself. Obviously, the lesson is as yet unlearned.●

● Mr. RICHARDSON. Mr. Speaker, I come before you and my colleagues today to show my strong support for H.R. 1492, the Christopher Columbus Quincentenary Jubilee Act. It is appropriate that we as a nation develop a program to commemorate the historic voyage of Christopher Columbus, an Italian explorer, who against all odds set sail in search of the New World. The historic voyage of Christopher Columbus should have a special place in our traditional yearly celebrations.

The documents that marked the start of the voyage of Columbus were actually signed by Queen Isabella in Santa Fe Granada, Spain, in 1492. Mr. Speaker, the largest city in my Third Congressional District and the State capital of New Mexico has special ties with Santa Fe, Granada, Spain. Santa Fe, N. Mex., became a sister city to Santa Fe, Granada, on April 15 of this year. A delegation from New Mexico traveled to Spain and participated in the start of a 10-year celebration in Spain which will culminate in 1992 with the 500-year anniversary of the voyage of Christopher Columbus and the anniversary of the signing of a pact that proclaimed Spain's independence from Moorish rule. The culture, heritage, customs, and similarity of terrain makes Santa Fe, N. Mex., a natural for the proposed 1992 celebration to be held in the United States.

Mr. Speaker, the Christopher Columbus Quincentenary Jubilee Act states that all people of Hispanic or Italian heritage should look with pride on the achievements and contributions of their ancestors. In no other State of the United States is there a city that has so preserved the cultural influences left by Hispanic explorers and missionaries as in Santa Fe, N. Mex.

Santa Fe, N. Mex., is America's oldest capital city. Spanish conquistador Don Pedro de Peralta founded Santa Fe, N. Mex., back in 1610. Santa Fe served as the northern provincial capital of the Spanish colonies in the New World, as the northern capital of the Republic of Mexico, and today as the State capital of the State of New Mexico; 63 percent of the population in Santa Fe, N. Mex., is Hispanic.

One only needs to visit the State capitol in Santa Fe and look to the inscription in the rotunda to read a quote that sums up our special historic ties to Spain: "Upon arriving in New

Mexico in 1598 Don Juan de Onate and the first Hispanic colonizers brought with them something that would leave an indelible mark in the Southwest—the Hispanic Culture."

These special cultural ties are seen in Santa Fe, N. Mex., today in the arts, in the language, food, architecture; and customs. Mr. Speaker, the Christopher Columbus Quincentenary Jubilee Act will allow all Americans to begin a new voyage of discovery of the cultural ties between Spain, Italy, and the United States and to reflect within themselves in the spirit and determination that led explorer Christopher Columbus to his discovery of America.

I strongly urge my colleagues to support the Christopher Columbus Quincentenary Jubilee Act. This bill includes provisions designed to prevent the Commission from duplicating activities of the 1992 Chicago World's Fair which will also celebrate the anniversary of the voyages of Christopher Columbus. Together all Americans can start a new age of discovery of the common cultural heritage between Spain, Italy, and the United States.●

● Mr. MINISH. Mr. Speaker, as an American whose ancestors were born in Italy, I cannot pass up an opportunity to rise in support of H.R. 1492, which would insure an appropriate commemoration of the historic voyage of Columbus to this New World. If Columbus had not had the courage and persistence to launch his voyage of discovery, the world would be a very different place today, and the history of our country would have taken another direction. Italians and Americans of Italian blood take particular pride that one of their own was present at the creation of America as we know it, and that their people have played an integral role throughout the development of American society from that day to this.

In this day of the space shuttle and other spectacular achievements, it is appropriate to honor the same pioneering spirit which Columbus embodied so long ago, a spirit which has come to be identified with America. The 500th anniversary of his voyage should be marked in a significant and memorable way, and I believe that this legislation will accomplish this.●

● Mr. CONTE. Mr. Speaker, as an original sponsor, I rise in strong support of H.R. 1492, a bill establishing a National Jubilee Commission to commemorate the 500th anniversary of the Columbus voyage to America.

Every American—whether descendant from those 17th century pioneers of the *Mayflower* or present-day Vietnamese refugees—shares the benefits of this daring voyage. The discovery of a New World not only inspired the later voyages of Columbus, but this hope for a fresh start encouraged the Pilgrims to risk their lives for religious freedom, opened the door for economically oppressed Irish, advanced the hopes of Italians and Poles, and fostered the courage of Vietnamese to flee their homeland for a new life in America.

This anniversary celebration may be viewed by some as a series of Italian festivals or a Spanish Awareness decade, but they are missing the point. I am as proud as anyone of my Italian heritage—and of course Columbus was Italian—but this celebration must and will involve all Americans—black, Hispanic, Italian, Irish, Chinese, and Vietnamese to name just a few. In my mind, that is the importance of such a celebration—the reason to establish a national commission.

In another way, though, the Columbian legacy not only unites all Americans, but this common bond extends throughout the Western Hemisphere. The nations of North, Central, and South America share a common beginning with the voyage of Columbus. Almost 500 years later our interdependence as neighbors has only grown. H.R. 1492 makes special provision for the promotion of this common bond. The legislation directs the Secretary of State to consult with the nations in the Western Hemisphere "which share the Columbian heritage" about joint participation in this celebration.

To accomplish these ambitious goals, a Federal Commission is established to plan, encourage, coordinate, and conduct local, national, and international observances and activities. The Commission would also be responsible for preparing comprehensive programs to commemorate the voyages of Columbus.

In an effort to minimize "overcommercialization" prevalent in the U.S. Bicentennial celebration, this bill limits the amount of individual and corporate contributions. Also, the Commission's focus, as stipulated in the bill, should be educational, not commercial. Activities may include conferences and seminars, the production of books, films, pamphlets, and other educational materials, the development of libraries, museums, and exhibits. Of course, the Commission will also conduct ceremonies and celebrations honoring specific events and issue commemorative stamps, coins, and medals. All these activities will be conducted at a minimum expense to the taxpayer and for the benefit of all Americans.

This national celebration does not, however, preclude any other event or program sponsored by State, local, and foreign governments, and private groups. In fact, the Commission is directed to consider the plans developed by these groups when preparing for the celebration.

Mr. Speaker, even though this 500th anniversary of that famous voyage across the Atlantic is 10 years away, we must act now. Preparation for such an event will take years of planning and coordination. Passage of this bill will avoid a rushed and sloppy celebration. I urge my colleagues to support H.R. 1492.●

● Mr. DAUB. Mr. Speaker, I wish the record to be clear as to my support for appropriate designation and celebration of the anniversary of the greatest event in the history of the United States—the 500th anniversary of Christopher Columbus' sighting of the New World.

On October 12, 1992, proper attention should be given to this tremendous event, and although I had fiscal reservations over the expenditures, and limits on private contributions for the event, I nevertheless fully support the formation of a Commission to rightfully prepare for the occasion. Had opportunity been allowed for alteration and amendment of this measure, I would have seen fit to lend H.R. 1492 my unqualified support.

Americans, in the past, have shown that they are more than willing to voluntarily contribute to the success and viability of such worthy events, and I have great concern that this measure may, to the celebration's detriment, have the opposite effect of discouraging private financial participation to the event, and in turn create yet another type of Government bureaucracy at a time when we owe it to our Nation to be carefully discriminating in our expenditures of tax dollars.●

● Mr. BIAGGI. Mr. Speaker, I rise to lend my full support to H.R. 1492, a bill to establish the Christopher Columbus Quincentenary Jubilee Commission. As an Italian American, I am especially proud that the Congress is planning ahead for this major celebration of the founding of our great Nation and paying an appropriate tribute to the man who discovered our Nation, Christopher Columbus.

As the legislation indicates, the Commission would be known as the Christopher Columbus Quincentenary Jubilee Commission and will plan and execute appropriate activities marking the 500th anniversary of the voyages of discovery of Christopher Columbus.

The Commission would consist of 31 members appointed by the President, the Speaker, and the Senate majority leader. The President would be authorized to invite participation by the Governments of Italy and Spain in a nonvoting capacity.

Obviously an anniversary of this magnitude and of this historical importance must be properly planned for. This is why the Commission is being formed a full 9 years before the actual celebration. The Commission will be the focal point in the planning of the various events which will mark this occasion.

October 12, 1492, is the day in history that we are commemorating. On that day, the brave explorer, Christopher Columbus, ostensibly on his way to find a westward passage to the Orient instead discovered the New World. In his discovery of what is now America, Christopher Columbus may have in fact made the greatest discovery in modern history.

It is important for the purposes of history—and as a tribute to the individual accomplishment involved, that we plan for and conduct an appropriate celebration for the 500th anniversary of the discovery of America. Christopher Columbus has not been treated as kindly by history as his accomplishment would seem to dictate. At times there have been more attempts to discredit his achievements than anything else.

I urge my colleagues to support the establishment of this important commission and pass this legislation today.

Last July I entered into the RECORD a statement discussing the activities of a New York based group, the Columbus Quincentennial U.S.A. Organization. Just last Fourth of July they had arranged to have a facsimile of the original ship *Santa Maria* sail into New York City on its way to Spain. Presently construction is underway to develop facsimiles of the other two ships, the *Nina* and the *Pinta*. It is this type of private initiative together with the work of the Commission that will help to insure that this 500th anniversary is truly a celebration which will do justice to the achievements of Christopher Columbus.

Finally as an Italian American I laud the initiative being taken with this legislation. As we strive to fully identify and appreciate our ethnic heritage, we must take into proper account the contributions which individuals have made. Christopher Columbus reigns as one of the major figures in world history as well as in the great history of the Italian-American community for in many respects he was the first Italian American in history.

Of course as we contemplate and plan for the celebration of the 500th anniversary of the discovery of America, let us also remember the essential role which the Government of Spain made to the mission of Columbus. The enlightened monarch, Queen Isabella, exhibited sound judgment and courage in permitting Columbus to embark on his mission. Her faith in Columbus was rewarded, and the discovery of America was a triumph for the people of Spain and their distinguished ruler, Queen Isabella. I trust that the Commission in their deliberations will give proper recognition to the invaluable role which Spain played in the ultimate discovery of our great Nation.●

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill, H.R. 1492.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GARCIA) that the House suspend the rules and pass the bill, H.R. 1492, as amended.

The question was taken.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 288, nays 123, not voting 21, as follows:

[Roll No. 203]

YEAS—288

Ackerman	Dicks	Hoyer
Addabbo	Dingell	Huckaby
Albosta	Dixon	Hughes
Alexander	Donnelly	Hutto
Anderson	Dowdy	Hyde
Annunzio	Downey	Ireland
Anthony	Duncan	Jeffords
Applegate	Durbin	Jones (NC)
Aspin	Dwyer	Jones (TN)
AuCoin	Dymally	Kaptur
Barnard	Dyson	Kasich
Barnes	Early	Kastenmeier
Bateman	Eckart	Kazen
Bates	Edgar	Kennelly
Beilenson	Edwards (AL)	Kildee
Bennett	Edwards (CA)	Kindness
Berman	Edwards (OK)	Kogovsek
Bethune	Emerson	Kolter
Bevill	Erdreich	Kostmayer
Biaggi	Evans (IL)	LaFalce
Boehlert	Fascell	Lagomarsino
Boggs	Fazio	Lantos
Boland	Feighan	Leath
Boner	Ferraro	Lehman (CA)
Bonior	Fish	Lehman (FL)
Borski	Flippo	Lent
Bosco	Florio	Levin
Boucher	Foglietta	Levine
Boxer	Foley	Lewis (CA)
Britt	Ford (MI)	Lewis (FL)
Brooks	Ford (TN)	Lipinski
Broomfield	Forsythe	Lloyd
Brown (CA)	Fowler	Long (LA)
Bryant	Frank	Long (MD)
Carney	Fuqua	Lott
Carr	Garcia	Lowry (WA)
Chappell	Gaydos	Lujan
Chappie	Gejdenson	Luken
Clarke	Gekas	Lundine
Clay	Gephardt	MacKay
Clinger	Gibbons	Madigan
Coelho	Gilman	Markey
Coleman (MO)	Gonzalez	Martin (IL)
Collins	Gore	Martin (NY)
Conte	Gray	Matsui
Conyers	Green	Mavroules
Cooper	Guarini	Mazzoli
Corcoran	Hall (IN)	McCloskey
Coughlin	Hamilton	McCollum
Courter	Harkin	McDade
Coyne	Harrison	McGrath
Crockett	Hawkins	McHugh
Daschle	Hefner	McKernan
Daub	Hertel	McKinney
Davis	Hightower	McNulty
de la Garza	Hillis	Mica
Dellums	Horton	Michel
Dickinson	Howard	Mikulski
Miller (CA)	Ratchford	Staggers
Mineta	Regula	Stark
Minish	Reid	Stokes
Mitchell	Richardson	Stratton
Moakley	Ridge	Synar
Molinari	Rinaldo	Tallon
Mollohan	Ritter	Taylor
Moody	Robinson	Thomas (CA)
Morrison (CT)	Rodino	Torres
Mrazek	Roe	Torricelli
Murphy	Rose	Towns
Murtha	Rostenkowski	Traxler
Myers	Roybal	Udall
Natcher	Rudd	Valentine
Neal	Russo	Vander Jagt
Nelson	Sabo	Vandergriff
Nichols	Savage	Vento
Nowak	Sawyer	Walgren
O'Brien	Scheuer	Waxman
Oakar	Schneider	Weaver
Oberstar	Schroeder	Weiss
Obey	Schulze	Wheat
Ortiz	Schumer	Whitley
Ottinger	Seiberling	Whitten
Owens	Shannon	Williams (OH)
Oxley	Shaw	Wilson
Panetta	Shelby	Wirth
Pashayan	Sikorski	Wise
Patterson	Simon	Wolf
Pease	Smith (FL)	Wolpe
Pepper	Smith (IA)	Wortley
Perkins	Smith (NJ)	Wright
Pickle	Snowe	Wyden
Porter	Snyder	Wylie
Price	Solarz	Yatron
Pritchard	Solomon	Young (FL)
Rahall	Spratt	Young (MO)
Rangel	St Germain	Zablocki

NAYS—123

Andrews (TX)	Hall, Sam	Penny
Archer	Hammerschmidt	Petri
Badham	Hance	Pursell
Bartlett	Hansen (UT)	Quillen
Bedell	Hartnett	Ray
Bereuter	Hatcher	Roberts
Bilirakis	Hiler	Roemer
Bliley	Holt	Rogers
Breaux	Hopkins	Roth
Brown (CO)	Hubbard	Rowland
Broyhill	Hunter	Schaefer
Burton	Jacobs	Sensenbrenner
Byron	Jenkins	Sharp
Carper	Johnson	Shumway
Chandler	Jones (OK)	Shuster
Cheney	Kramer	Siljander
Coats	Latta	Sisisky
Conable	Leach	Skeen
Craig	Levitas	Skelton
Crane, Daniel	Livingston	Slattery
Crane, Philip	Loeffler	Smith (NE)
Daniel	Lowery (CA)	Smith, Denny
Dannemeyer	Lungren	Smith, Robert
Derrick	Mack	Spence
DeWine	Marlenee	Stangeland
Dorgan	Marriott	Stenholm
Dreier	Martin (NC)	Stump
Evans (IA)	McCain	Sundquist
Fiedler	McCandless	Swift
Fields	McCurdy	Tauke
Franklin	McDonald	Tauzin
Frenzel	McEwen	Thomas (GA)
Gingrich	Miller (OH)	Volkmer
Glickman	Montgomery	Vucanovich
Goodling	Moore	Walker
Gradison	Moorhead	Watkins
Gramm	Morrison (WA)	Weber
Gregg	Olin	Whitehurst
Gunderson	Packard	Whittaker
Hall (OH)	Patman	Winn
Hall, Ralph	Paul	Zschau

NOT VOTING—21

Akaka	Erlenborn	Nielson
Andrews (NC)	Frost	Parris
Bonker	Hansen (ID)	Roukema
Campbell	Heftel	Studds
Coleman (TX)	Kemp	Williams (MT)
D'Amours	Leland	Yates
English	Martinez	Young (AK)

□ 1330

Messrs. LEVITAS, THOMAS of Georgia, and SHARP changed their votes from "yea" to "nay."

Messrs. RAHALL and STAGGERS changed their votes from "nay" to "yea."

So (two-thirds of those having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 91, FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1984

Mr. JONES of Oklahoma submitted the following conference report and statement on the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986:

CONFERENCE REPORT (H. REPT. NO. 98-248)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986 having met, after full and free conference, have been unable to agree on a conference report because the conference decisions have changed certain budget figures outside the scope of conference. As set forth in the accompanying joint explanatory statement, the conferees do propose a congressional budget incorporated in a further amendment for the consideration of the two Houses.

JAMES R. JONES,
JIM WRIGHT,
STEPHEN J. SOLARZ,
TIMOTHY E. WIRTH,
LEON E. PANETTA,
RICHARD GEPHARDT,
BILL NELSON,
LES ASPIN,
MIKE LOWRY
WILLIAM H. GRAY III,
Managers on the Part of the House.

PETE V. DOMENICI,
NANCY LANDON KASSEBAUM,
RUDY BOSCHWITZ,
SLADE GORTON,
LAWTON CHILES,
JIM SASSER,
HOWARD M. METZENBAUM,
DON RIEGLE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the United States Government for the fiscal year 1983 and setting forth the congressional budget for the United States Government for the fiscal years 1984, 1985, and 1986, report that the conferees have been unable to agree. This is a technical disagreement, necessitated by the fact that in some instances the conference decisions include figures which (for purely technical reasons) would fall outside the range between the corresponding House and Senate provisions.

It is the intention of the conferees that the managers on the part of the House will offer a motion in the House to recede and concur in the Senate amendment to the House-passed resolution with an amendment (in the nature of a substitute) consisting of the language agreed to in conference. Upon the adoption of such amendment in the House, the managers on the part of the Senate will offer a motion in the Senate to concur therein.

The managers on the part of the House and the Senate submit the following joint statement in explanation of the action agreed upon by the managers:

The substitute language which is to be offered as described above (and which should be considered the language of the concurrent resolution as recommended in the conference report for purposes of section 302(a) of the Congressional Budget Act of 1974)—hereinafter in this statement referred to as the "conference substitute"—is as follows:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1983 is hereby revised and replaced, the first concurrent resolution on the budget for fiscal year 1984 is hereby established, and the appropriate budgetary levels for fiscal years 1985 and 1986 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1983: $604,300,000,000.
Fiscal year 1984: $679,600,000,000.
Fiscal year 1985: $750,500,000,000.
Fiscal year 1986: $835,800,000,000.

and the amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1983: −$100,000,000.
Fiscal year 1984: +$12,000,000,000.
Fiscal year 1985: +$15,000,000,000.
Fiscal year 1986: +$46,000,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $35,900,000,000.
Fiscal year 1984: $40,000,000,000.
Fiscal year 1985: $44,700,000,000.
Fiscal year 1986: $51,400,000,000.

and the amounts for Federal Insurance Contributions Act revenues and other revenues pursuant to Public Law 98-21 for old age, survivors, and disabilty insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1983: $148,800,000,000.
Fiscal year 1984: $167,900,000,000.
Fiscal year 1985: $187,300,000,000.
Fiscal year 1986: $203,300,000,000.

(2)(A) The appropriate levels of total new budget authority, including amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $883,360,000,000.
Fiscal year 1984: $928,725,000,000.
Fiscal year 1985: $996,750,000,000.
Fiscal year 1986: $1,059,300,000,000.

(B) The appropriate levels of total new budget authority, excluding amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $877,200,000,000.
Fiscal year 1984: $919,500,000,000.
Fiscal year 1985: $990,500,000,000.
Fiscal year 1986: $1,054,600,000,000.

(3)(A) The appropriate levels of total budget outlays, including amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $812,850,000,000.
Fiscal year 1984: $858,925,000,000.
Fiscal year 1985: $911,600,000,000.
Fiscal year 1986: $966,635,000,000.

(B) The appropriate levels of total budget outlays, excluding amounts reserved pursuant to section 2, are as follows:

Fiscal year 1983: $807,400,000,000.
Fiscal year 1984: $849,500,000,000.
Fiscal year 1985: $906,750,000,000.
Fiscal year 1986: $962,950,000,000.

(4)(A) Unless subparagraph (B) applies, the amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1983: $203,100,000,000.
Fiscal year 1984: $169,900,000,000.
Fiscal year 1985: $156,250,000,000.
Fiscal year 1986: $127,150,000,000.

(B) If all of the adjustments provided for in section 2 of this resolution are made, the amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors shall not exceed:

Fiscal year 1983: $208,550,000,000.
Fiscal year 1984: $179,325,000,000.
Fiscal year 1985: $161,100,000,000.
Fiscal year 1986: $130,835,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1983: $1,389,000,000,000.
Fiscal year 1984: $1,614,600,000,000.
Fiscal year 1985: $1,830,100,000,000.
Fiscal year 1986: $2,022,800,000,000.

and the amounts by which the statutory limits on such debt should be accordingly increased are as follows:

Fiscal year 1983: $246,100,000,000.
Fiscal year 1984: $225,600,000,000.
Fiscal year 1985: $215,500,000,000.
Fiscal year 1986: $192,700,000,000.

(6)(A) The appropriate levels of total Federal credit activity, including amounts reserved pursuant to sections 2, for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:

Fiscal year 1983:
(i) New direct loan obligations, $54,250,000,000.
(ii) New primary loan guarantee commitments, $99,600,000,000.
(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1984:
(i) New direct loan obligations, $47,900,000,000.
(ii) New primary loan guarantee commitments, $101,700,000,000.
(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1985:
(i) New direct loan obligations, $47,800,000,000.
(ii) New primary loan guarantee commitments, $106,600,000,000.
(iii) New secondary loan guarantee commitments, $68,250,000,000.

Fiscal year 1986:

(i) New direct loan obligations, $47,750,000,000.
(ii) New primary loan guarantee commitments, $106,800,000,000.
(iii) New secondary loan guarantee commitments, $68,250,000,000.
(B) The appropriate levels of total Federal credit activity, excluding amounts reserved pursuant to section 2, for the fiscal years beginning on October 1, 1982, October 1, 1983, October 1, 1984, and October 1, 1985, are as follows:
Fiscal year 1983:
(i) New direct loan obligations, $52,700,000,000.
(ii) New primary loan guarantee commitments, $99,600,000,000.
(iii) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1984:
(i) New direct loan obligations, $46,700,000,000.
(ii) New primary loan guarantee commitments, $100,100,000,000.
(iii) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(i) New direct loan obligations, $46,700,000,000.
(ii) New primary loan guarantee commitments, $103,050,000,000.
(iii) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(i) New direct loan obligations, $47,750,000,000.
(ii) New primary loan guarantee commitments, $106,800,000,000.
(iii) New secondary loan guarantee commitments, $68,250,000,000.
(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1983 through 1986 for each major functional category are:
(1) National Defense (050):
Fiscal year 1983:
(A) New budget authority, $244,600,000,000.
(B) Outlays, $214,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $268,600,000,000.
(B) Outlays, $240,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $297,300,000,000.
(B) Outlays, $265,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $329,000,000,000.
(B) Outlays, $295,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(2) International Affairs (150):
Fiscal year 1983:
(A) New budget authority, $24,850,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $10,650,000,000.
(D) New primary loan guarantee commitments, $9,250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $18,700,000,000.
(B) Outlays, $12,950,000,000.
(C) New direct loan obligations, $12,000,000,000.
(D) New primary loan guarantee commitments, $10,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $16,800,000,000.
(B) Outlays, $13,000,000,000.
(C) New direct loan obligations, $12,300,000,000.
(D) New primary loan guarantee commitments, $10,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $16,250,000,000.
(B) Outlays, $12,900,000,000.
(C) New direct loan obligations, $12,850,000,000.
(D) New primary loan guarantee commitments, $10,300,000,000.
(E) New secondary loan guarantee commitments, $0.
(3) General Science, Space, and Technology (250):
Fiscal year 1983:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $7,700,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $8,700,000,000.
(B) Outlays, $8,300,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $8,500,000,000.
(B) Outlays, $8,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $8,150,000,000.
(B) Outlays, $8,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(4) Energy (270):
Fiscal year 1983:
(A) New budget authority, $3,950,000,000.
(B) Outlays, $4,450,000,000.
(C) New direct loan obligations, $11,600,000,000.
(D) New primary loan guarantee commitments, $150,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $4,200,000,000.
(B) Outlays, $4,300,000,000.
(C) New direct loan obligations, $12,050,000,000.
(D) New primary loan guarantee commitments, $150,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $3,900,000,000.
(B) Outlays, $3,150,000,000.
(C) New direct loan obligations, $12,500,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $3,500,000,000.
(B) Outlays, $3,050,000,000
(C) New direct loan obligations, $12,600,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1983:
(A) New budget authority, $12,400,000,000.
(B) Outlays, $12,450,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $12,050,000,000.
(B) Outlays, $12,500,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $11,850,000,000.
(B) Outlays, $12,550,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $11,700,000,000.
(B) Outlays, $12,150,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(6)(i) Agriculture (350), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $24,650,000,000.
(B) Outlays, $24,450,000,000.
(C) New direct loan obligations, $19,400,000,000.
(D) New primary loan guarantee commitments, $5,550,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $12,100,000,000.
(C) New direct loan obligations, $13,300,000,000.
(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $12,400,000,000.

(C) New direct loan obligations, $12,750,000,000.
(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $13,200,000,000.
(B) Outlays, $13,100,000,000.
(C) New direct loan obligations, $13,200,000,000.
(D) New primary loan guarantee commitments, $4,350,000,000.
(E) New secondary loan guarantee commitments, $0.
(6)(ii) Agriculture (350), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $24,200,000,000.
(B) Outlays, $24,000,000,000.
(C) New direct loan obligations, $18,600,000,000.
(D) New primary loan guarantee commitments, $5,550,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $13,000,000,000.
(B) Outlays, $11,500,000,000.
(C) New direct loan obligations, $12,100,000,000.
(D) New primary loan guarantee commitments, $3,750,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $12,400,000,000.
(C) New direct loan obligations, $11,650,000,000.
(D) New primary loan guarantee commitments, $3,800,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $13,200,000,000.
(B) Outlays, $13,100,000,000.
(C) New direct loan obligations, $12,200,000,000.
(D) New primary loan guarantee commitments, $3,850,000,000.
(E) New secondary loan guarantee commitments, $0.
(7)(i) Commerce and Housing Credit (370), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $6,060,000,000.
(B) Outlays, $3,550,000,000.
(C) New direct loan obligations, $7,200,000,000.
(D) New primary loan guarantee commitments, $53,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $2,450,000,000.
(C) New direct loan obligations, $5,900,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New budget authority, $6,250,000,000.
(B) Outlays, $500,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $260,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
(7)(ii) Commerce and Housing Credit (370), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $5,300,000,000.
(B) Outlays, $3,500,000,000.
(C) New direct loan obligations, $6,450,000,000.
(D) New primary loan guarantee commitments, $53,700,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1984:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $2,250,000,000.
(C) New direct loan obligations, $5,900,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1985:
(A) New budget authority, $6,250,000,000.
(B) Outlays, $150,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
Fiscal year 1986:
(A) New budget authority, $6,450,000,000.
(B) Outlays, $100,000,000.
(C) New direct loan obligations, $5,800,000,000.
(D) New primary loan guarantee commitments, $54,200,000,000.
(E) New secondary loan guarantee commitments, $68,250,000,000.
(8) Transportation (400):
Fiscal year 1983:
(A) New budget authority, $26,850,000,000.
(B) Outlays, $22,100,000,000.
(C) New direct loan obligations, $200,000,000.
(D) New primary loan guarantee commitments, $1,050,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $28,000,000,000.
(B) Outlays, $26,000,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $600,000,000
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $28,950,000,000.
(B) Outlays, $27,000,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $350,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $29,800,000,000.
(B) Outlays, $28,100,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(9)(i) Community and Regional Development (450), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $8,650,000,000.
(B) Outlays, $7,800,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,975,000,000.
(B) Outlays, $8,225,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New primary loan guarantee commitments, $1,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $9,900,000,000.
(B) Outlays, $9,200,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $3,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $9,900,000,000.
(B) Outlays, $9,175,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $3,550,000,000.
(E) New secondary loan guarantee commitments, $0.
(9)(ii) Community and Regional Development (450), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $8,650,000,000.
(B) Outlays, $7,800,000,000.
(C) New direct loan obligations, $2,100,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $6,850,000,000.
(B) Outlays, $8,100,000,000.
(C) New direct loan obligations, $1,700,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,300,000,000.
(B) Outlays, $8,350,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,350,000,000.
(B) Outlays, $7,800,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $550,000,000.
(E) New secondary loan guarantee commitments, $0.
(10)(i) Education, Training, Employment, and Social Services (500), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $32,850,000,000.
(B) Outlays, $32,150,000,000.

(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $6,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $37,450,000,000.
(B) Outlays, $31,850,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $31,300,000,000.
(B) Outlays, $30,250,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $31,500,000,000.
(B) Outlays, $31,050,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
(10)(ii) Education, Training, Employment, and Social Services (500) excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $28,350,000,000.
(B) Outlays, $27,650,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $6,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $33,950,000,000.
(B) Outlays, $28,350,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $31,300,000,000.
(B) Outlays, $30,250,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $31,500,000,000.
(B) Outlays, $31,050,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $6,650,000,000.
(E) New secondary loan guarantee commitments, $0.
(11)(i) Health (550), including amounts reserved pursuant to section 21:
Fiscal year 1983:
(A) New budget authority, $25,350,000,000.
(B) Outlays, $29,900,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $34,100,000,000.
(B) Outlays, $34,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $37,450,000,000.
(B) Outlays, $37,050,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $38,500,000,000.
(B) Outlays, $37,950,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(11)(ii) Health (550) excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $25,000,000,000.
(B) Outlays, $29,550,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $32,100,000,000.
(B) Outlays, $32,000,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $35,800,000,000.
(B) Outlays, $35,400,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $38,500,000,000.
(B) Outlays, $37,950,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $300,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medical Insurance (570):
Fiscal year 1983:
(A) New budget authority, $46,250,000,000.
(B) Outlays, $53,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $62,500,000,000.
(B) Outlays, $60,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $70,850,000,000.
(B) Outlays, $68,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $81,200,000,000.
(B) Outlays, $76,150,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13)(i) Income Security (600) including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $121,900,000,000.
(B) Outlays, $109,800,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,650,000,000.
(E) New secondary loan guarantee commitments $0.
Fiscal year 1984:
(A) New budget authority, $126,750,000,000.
(B) Outlays, $104,300,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $129,800,000,000.
(B) Outlays, $104,250,000,000.
(C) New direct loan obligations, $750,000,000.
(D) New primary loan guarantee commitments, $16,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $134,150,000,000.
(B) Outlays, $107,450,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $18,150,000,000.
(E) New secondary loan guarantee commitments, $0.
(13)(ii) Income Security (600), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $121,900,000,000.
(B) Outlays, $109,800,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,650,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $124,800,000,000.
(B) Outlays, $102,350,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New primary loan guarantee commitments, $14,700,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $129,350,000,000.
(B) Outlays, $103,800,000,000.
(C) New direct loan obligations, $750,000,000.

(D) New primary loan guarantee commitments, $16,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $133,700,000,000.
(B) Outlays, $107,000,000,000.
(C) New direct loan obligations, $500,000,000.
(D) New primary loan guarantee commitments, $18,150,000,000.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1983:
(A) New budget authority, $184,500,000,000.
(B) Outlays, $167,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $176,000,000,000.
(B) Outlays, $176,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $196,400,000,000.
(B) Outlays, $187,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $213,000,000,000.
(B) Outlays, $199,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15)(i) Veterans Benefits and Services (700), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,500,000,000.
(C) New direct loan obligations, $950,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $25,700,000,000.
(B) Outlays, $25,600,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $9,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,600,000,000.
(B) Outlays, $26,100,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $10,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $26,500,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New primary loan guarantee commitments, $12,500,000,000.
(E) New secondary loan guarantee commitments, $0.
(15)(ii) Veterans Benefits and Services (700), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $25,200,000,000.
(B) Outlays, $24,500,000,000.
(C) New direct loan obligations, $950,000,000.
(D) New primary loan guarantee commitments, $8,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $25,550,000,000.
(B) Outlays, $25,450,000,000.
(C) New direct loan obligations, $800,000,000.
(D) New primary loan guarantee commitments, $9,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $26,450,000,000.
(B) Outlays, $25,950,000,000.
(C) New direct loan obligations, $650,000,000.
(D) New primary loan guarantee commitments, $10,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $27,000,000,000.
(B) Outlays, $26,500,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New primary loan guarantee commitments, $12,500,000,000.
(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1983:
(A) New budget authority, $5,200,000,000.
(B) Outlays, $5,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,850,000,000.
(B) Outlays, $5,850,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $5,650,000,000.
(B) Outlays, $5,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $5,750,000,000.
(B) Outlays, $5,650,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1983:
(A) New budget authority, $5,700,000,000.
(B) Outlays, $5,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $5,600,000,000.
(B) Outlays, $5,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $5,800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $6,200,000,000.
(B) Outlays, $5,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1983:
(A) New budget authority, $6,400,000,000.
(B) Outlays, $6,400,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $7,250,000,000.
(B) Outlays, $7,150,000,000.
(C) New direct loan obligations, $250,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $7,100,000,000.
(B) Outlays, $7,100,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $7,200,000,000.
(B) Outlays, $7,200,000,000.
(C) New direct loan obligations, $300,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19)(i) Net Interest (900), including amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $88,400,000,000.
(B) Outlays, $88,400,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $98,000,000,000.
(B) Outlays, $98,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:

(A) New budget authority, $104,500,000,000.
(B) Outlays, $104,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $107,200,000,000.
(B) Outlays, $107,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19)(ii) Net Interest (900), excluding amounts reserved pursuant to section 2:
Fiscal year 1983:
(A) New budget authority, $88,300,000,000.
(B) Outlays, $88,300,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, $97,100,000,000.
(B) Outlays, $97,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, $103,100,000,000.
(B) Outlays, $103,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $105,500,000,000.
(B) Outlays, $105,500,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(20) Allowances (920):
Fiscal year 1983:
(A) New budget authority, $800,000,000.
(B) Outlays, $900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0
Fiscal year 1984:
(A) New budget authority, $750,000,000.
(B) Outlays, $800,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0
Fiscal year 1985:
(A) New budget authority, $2,050,000,000.
(B) Outlays, $2,200,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, $3,400,000,000.
(B) Outlays, $3,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1983:
(A) New budget authority, −$19,100,000,000.
(B) Outlays −$19,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1984:
(A) New budget authority, −$18,050,000,000.
(B) Outlays, −$18,050,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1985:
(A) New budget authority, −$18,900,000,000.
(B) Outlays, −$18,900,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1986:
(A) New budget authority, −$23,750,000,000.
(B) Outlays, −$23,750,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

RESERVE PROGRAMS

SEC. 2. (a) The following amounts of new budget authority and budget outlays for fiscal year 1983 and fiscal year 1984 are hereby reserved by the Congress for subsequent allocation to committees under section 302(a) of the Congressional Budget Act of 1974 for the functions and programs listed in the Statement of Managers, accompanying this resolution:
Fiscal year 1983:
(1) New budget authority, $6,060,000,000.
(2) Outlays, $5,350,000,000.
Fiscal year 1984:
(1) New budget authority, $8,325,000,000.
(2) Outlays, $8,525,000,000.
(b) In the House of Representatives:
(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, or upon enactment of an appropriation for such purpose before the authorizing legislation is enacted, the Committee on the Budget is authorized and directed to report to the House a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations reflecting the content of such legislation; and
(2) When one or more committees, other than the Committee on Appropriations, report legislation only referred to in subsection (a) providing new spending authority defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, or when the Committee on Rules reports a resolution providing for consideration of such legislation which has not been reported by a committee, the Committee on the Budget is authorized and directed to report to the House a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation: *Provided, however,* That if such legislation is rejected by either House, the Committee on the Budget is authorized and directed to report to the House a similar reduction in the appropriate allocation.
(c) In the Senate:
(1) Upon the enactment of any legislation referred to in subsection (a) which requires an appropriation, the Committee on the Budget is directed to report to the Senate a revised allocation of new budget authority and budget outlays for fiscal years 1983 and 1984 to the Committee on Appropriations or any other appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a); and
(2) When the Senate moves to proceed or proceeds to consider legislation referred to in subsection (a) providing new spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, or providing new budget authority, the Committee on the Budget is directed to report to the Senate a revised allocation of such new spending authority for fiscal years 1983 and 1984 to the appropriate committee reflecting the content of such legislation insofar as it relates to the programs referred to in subsection (a) above: *Provided, however,* That if such legislation is rejected by either House, the Committee on the Budget is directed to report to the Senate a similar reduction in the appropriate allocation.
(d) Any revised allocation reported to the House or Senate pursuant to subsection (b) or (c) of this section shall be considered to be the allocation made pursuant to section 302(a) of the Congressional Budget Act of 1974 for purposes of sections 4 and 5 of this resolution and section 401(b)(2) of such Act. The adjustments made pursuant to those sections for each program shall not exceed the amounts provided for such program as set forth in the statement of managers.
(e) For purposes of section 311(a) of the Congressional Budget Act of 1974, the appropriate levels of new budget authority and budget outlays for fiscal years 1983 and 1984 shall be considered to be the following:
Fiscal Year 1983 Budget Authority $877,200,000,000.
Fiscal Year 1983 Budget Outlays $807,400,000,000.
Fiscal Year 1984 Budget Authority $919,500,000,000.
Fiscal Year 1984 Budget Outlays $849,500,000,000:
Provided, however, That if a revised allocation is made pursuant to subsection (b) or (c) then such levels shall be similarly adjusted in any report pursuant to such subsections to reflect the revised allocation.

RECONCILIATION

SEC. 3. (a) Not later than July 22, 1983, Senate committees named in subsections (b) through (e) of this section shall submit their recommendations to the Senate Committee on the Budget and not later than July 22, 1983, the House committees named in subsections (f) through (l) of this section shall submit their recommendations to the House Budget Committee. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.
(b)(1) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee which provides spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by

$400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(2) The Senate Committee on Finance shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $12,000,000,000 in fiscal year 1984; $15,000,000,000 in fiscal year 1985; and $46,000,000,000 in fiscal year 1986.

(c) The Senate Committee on Governmental Affairs shall report changes within the jurisdiction of that committee, (1) sufficient to achieve savings in budget authority and outlays, or (2) which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority and outlays, or (3) any combination thereof, as follows: $1,619,000,000 in budget authority and $1,900,000,000 in outlays in fiscal year 1984; $2,332,000,000 in budget authority and $2,841,000,000 in outlays in fiscal year 1985; and $3,235,000,000 in budget authority and $4,144,000,000 in outlays in fiscal year 1986.

(d) The Senate Committee on Small Business shall report changes in laws within the jurisdiction of that committee which will result in savings in budget authority and outlays, as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(e) The Senate Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(f) The House Committee on Armed Services shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $253,000,000 and outlays by $253,000,000 in fiscal year 1984; to reduce budget authority by $360,000,000 and outlays by $360,000,000 in fiscal year 1985; and to reduce budget authority by $621,000,000 and outlays by $621,000,000 in fiscal year 1986.

(g) The House Committee on Energy and Commerce shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(h) The House Committee on Foreign Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $3,000,000 in fiscal year 1984; to reduce outlays by $4,000,000 in fiscal year 1985; and to reduce outlays by $4,000,000 in fiscal year 1986.

(i) The House Committee on Post Office and Civil Service shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $1,619,000,000 and outlays by $1,900,000,000 in fiscal year 1984; to reduce budget authority by $2,332,000,000 and outlays by $2,841,000,000 in fiscal year 1985; and to reduce budget authority by $3,235,000,000 and outlays by $4,144,000,000 in fiscal year 1986.

(j) The House Committee on Small Business shall report changes in laws within the jurisdiction of that committee which will result in savings in budget authority and outlays, as follows: $139,000,000 in budget authority and $287,000,000 in outlays in fiscal year 1984; $555,000,000 in budget authority and $466,000,000 in outlays in fiscal year 1985; and $544,000,000 in budget authority and $443,000,000 in outlays in fiscal year 1986.

(k) The House Committee on Veterans' Affairs shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce budget authority by $228,000,000 and outlays by $226,000,000 in fiscal year 1984; to reduce budget authority by $139,000,000 and outlays by $138,000,000 in fiscal year 1985; and to reduce budget authority by $141,000,000 and outlays by $140,000,000 in fiscal year 1986.

(l)(1) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $400,000,000 in fiscal year 1984; to reduce outlays by $500,000,000 in fiscal year 1985; and to reduce outlays by $800,000,000 in fiscal year 1986.

(2) The House Committee on Ways and Means shall report changes in laws within the jurisdiction of that committee sufficient to increase revenues as follows: $12,000,000,000 in fiscal year 1984; $15,000,000,000 in fiscal year 1985; and $46,000,000,000 in fiscal year 1986.

(3) If the changes in laws reported to the House by the Committee on Ways and Means pursuant to paragraph (2) of this subsection contain changes involving the imposition of new or expanded taxes to directly finance programs within the jurisdiction of any other committee of the House (including, but not limited to, inland waterways or deep draft ports) or the imposition of any new or expanded user fees within the jurisdiction of any other committee of the House, an appropriate referral pursuant to Rule X of the Rules of the House should be considered.

(m) Should provisions in Subtitle A of Title I of Public Law 97-253, relating to 50 cents per hundredweight assessments against milk producers, be finally adjudicated by the courts to be unconstitutional or unenforceable, the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within their jurisdiction within 30 days of that disposition which provide spending authority only as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays by $1,243,000,000 in fiscal year 1984; to reduce outlays by $1,332,000,000 in fiscal year 1985; and to reduce outlays by $1,327,000,000 in fiscal year 1986.

MISCELLANEOUS PROVISIONS

SEC. 4. No bill or resolution providing new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1984, which exceeds the appropriate allocation of new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act shall be enrolled in the House of Representatives, and no bill or resolution providing new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974, for fiscal year 1984, which exceeds the appropriate allocation of new budget authority or new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act shall be enrolled in the Senate, until after the Congress has completed action on the second concurrent resolution on the budget required to be reported under section 310 of such Act or until October 1, 1983, whichever occurs first.

SEC. 5. (a) If Congress has not completed action by October 1, 1983, on the concurrent resolution on the budget required to be reported under section 310(a) of the Congressional Budget Act of 1974 for the 1984 fiscal year, then this concurrent resolution shall be deemed to be the concurrent resolution required to be reported under section 310(a) of such Act, for the purposes of section 311 of such Act.

(b) Section 311(a) of the Congressional Budget Act of 1974, as made applicable by subsection (a) of this section, shall not apply to bills, resolutions, or amendments within the jurisdication of a committee, or any conference report on any such bill or resolution, if—

(1) the enactment of such bill or resolution as reported;

(2) the adoption and enactment of such amendment; or

(3) the enactment of such bill or resolution in the form recommended in such conference report;

would not cause the appropriate allocation for such committee of new discretionary budget authority, new budget authority, or new spending authority as described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 made pursuant to section 302(a) of such Act for fiscal year 1984 to be exceeded.

(c) The provisions of this section shall cease to apply when Congress completes action on a subsequent concurrent resolution on the budget for fiscal year 1984 pursuant to section 304 or 310 of the Congressional Budget Act of 1974.

SEC. 6. MONETARY POLICY.—Inasmuch as—

(1) there is a need for coordination betweeen fiscal and monetary policy,

(2) actual and projected budget deficits have placed a heavy burden on monetary policy.

(3) any reduction in the budget deficit brought about by this budget resolution will reduce pressures on monetary policy,

(4) there is a need for vigorous economic growth consistent with reasonable price stability,

(5) the Banking and Budget Committees of the respective Houses require information regarding the Federal Reserve's monetary policy and the economic assumptions consistent with that policy, and

(6) the Budget Committees are, therefore, interested in the recommendations of the

Banking Committees of the respective Houses with respect to such information,

the House Committee on Banking, Finance and Urban Affairs, and the Senate Committee on Banking, Housing, and Urban Affairs are requested to report to their respective bodies, no later than September 30, 1983, a resolution expressing the sense of the Congress as to (A) the coordination of the Federal Reserve's monetary policy with the fiscal policy reflected in this budget resolution and the appropriate information regarding the economic assumptions and goals of the Federal Reserve System, (B) the appropriate information to implement this policy coordination including, but not limited to, the effects of the Federal Reserve's monetary policy on the economy, and (C) any other matters pertaining to the Federal Reserve's execution or congressional oversight of monetary policy, as the above Committees deem appropriate.

SEC. 7. It is the sense of the Congress that, in light of budget restraint, limited resources, and the need to foster economic growth, the House Committee on Armed Services should initiate a thorough review of military retirement programs which constitute a major sector of the defense budget and should recommend changes which would result in reduced spending under these programs.

SEC. 8. It is the sense of the Congress the President and the Congress, through the appropriations process, should limit the on-budget new direct loan obligations of the Federal Government to an amount not to exceed $38,150,000,000 in fiscal year 1983 and $31,000,000,000 in fiscal year 1984; off-budget new direct loan obligations to an amount not to exceed $16,100,000,000 in fiscal year 1983 and $16,900,000,000 in fiscal year 1984; new primary loan guarantee commitments to an amount not to exceed $99,600,000,000 in fiscal year 1983 and $101,700,000,000 in fiscal year 1984; and new secondary loan guarantee commitments to an amount not to exceed $68,250,000,000 in fiscal year 1983 and $68,250,000,000 in fiscal year 1984. It is further the sense of the Congress that the President and the Congress should limit total Federal Financing Bank origination of direct loans guaranteed by other Federal agencies to $15,000,000,000, in fiscal year 1983 and $15,500,000,000 in fiscal year 1984, and Federal Financing Bank purchases of certificates of beneficial ownership from Federal agencies to $12,050,000,000 in fiscal year 1983 and $13,950,000,000 in fiscal year 1984. It is further the sense of the Congress that direct borrowing transactions of Federal agencies should be, to the maximum extent possible, restricted to the Federal Financing Bank.

SEC. 9. It is the sense of the Congress and the budgets of Federal agencies initiating Federal Financing Bank purchases of certificates of beneficial ownership and originations of guaranteed loans should include the budget authority and outlays resulting from the transactions. The Congress recommends that the committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of such Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget.

EXPLANATION OF CONFERENCE SUBSTITUTE

The following tables show the functional allocations and budget aggregates included in the conference substitute including the amounts reserved from allocation and excluding the amounts reserved from allocation, respectively. The numbers in the fiscal year 1983 columns reflect revisions of the second budget resolution for fiscal year 1983. The fiscal year 1984 columns show the budget aggregates and functional allocations for the first budget resolution for fiscal year 1984. The columns for fiscal year 1985 and fiscal year 1986 show budget aggregates and functional allocations which the conferees consider appropriate for those years.

CONFERENCE SUBSTITUTE, FIRST BUDGET RESOLUTION, FISCAL YEAR 1984, INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	Fiscal year 1983		Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	BA	O	BA	O	BA	O	BA	O
050: National Defense	244,600	214,300	268,600	240,000	297,300	265,300	329,000	295,000
150: International Affairs	24,850	11,500	18,700	12,950	16,800	13,000	16,250	12,900
250: General Science, Space, and Technology	7,900	7,700	8,700	8,300	8,500	8,500	8,150	8,300
270: Energy	3,950	4,450	4,200	4,300	3,900	3,150	3,500	3,050
300: Natural Resources and Environment	12,400	12,450	12,050	12,500	11,850	12,550	11,700	12,150
350: Agriculture	24,650	12,450	13,600	12,100	14,500	12,400	13,200	13,100
370: Commerce and Housing Credit	6,060	3,550	6,000	2,450	6,250	500	6,450	260
400: Transportation	26,850	22,100	28,000	26,000	28,950	27,000	29,800	28,100
450: Community and Regional Development	8,650	7,800	6,975	8,225	9,900	9,200	9,900	9,175
500: Education, Training, Employment, and Social Services	32,850	32,150	37,450	31,850	31,300	30,250	31,500	31,050
550: Health	25,350	29,900	34,100	34,000	37,450	37,050	38,500	37,950
570: Medical Insurance	46,250	53,150	62,500	60,600	70,850	68,600	81,200	76,150
600: Income Security	121,900	109,800	126,750	104,300	129,800	104,250	134,150	107,450
650: Social Security	184,500	167,600	176,000	176,400	196,400	187,300	213,000	199,700
700: Veterans Benefits and Services	25,200	24,500	25,700	25,600	26,600	26,100	27,000	26,500
750: Adminstration of Justice	5,200	5,100	5,850	5,850	5,650	5,750	5,750	5,650
800: General Government	5,700	5,750	5,600	5,600	6,000	5,800	6,200	5,900
850: General Purpose Fiscal Assistance	6,400	6,400	7,250	7,150	7,100	7,100	7,200	7,200
900: Interest	88,400	88,400	98,000	98,000	104,500	104,500	107,200	107,200
920: Allowances	800	900	750	800	2,050	2,200	3,400	3,600
950: Undistributed Offsetting Receipts	19,100	19,100	18,050	18,050	18,900	18,900	23,750	23,750
Total Spending	883,360	812,850	928,725	858,925	996,750	911,600	1,059,300	966,635
Revenues		604,300		679,600		750,500		835,800
Deficit		208,550		179,325		161,100		130,835
Public Debt		1,389,000		1,614,600		1,830,100		2,022,800
Change in revenues		100		+ 12,000		+ 15,000		+ 46,000
Change in public debt limit		+ 246,100		+ 225,600		+ 215,500		+ 192,700

CONFERENCE SUBSTITUTE, FIRST BUDGET RESOLUTION, FISCAL YEAR 1984, EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	Fiscal year 1983		Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	BA	O	BA	O	BA	O	BA	O
050: National Defense	244,600	214,300	268,600	240,000	297,300	265,300	329,000	295,000
150: International Affairs	24,850	11,500	18,700	12,950	16,800	13,000	16,250	12,900
250: General Science, Space, and Technology	7,900	7,700	8,700	8,300	8,500	8,500	8,150	8,300
270: Energy	3,950	4,450	4,200	4,300	3,900	3,150	3,500	3,050
300: Natural Resources and Environment	12,400	12,450	12,050	12,500	11,850	12,550	11,700	12,150
350: Agriculture	24,200	24,000	13,000	11,500	14,500	12,400	13,200	13,100
370: Commerce and Housing Credit	5,300	3,500	6,000	2,250	6,250	150	6,450	100
400: Transportation	26,850	22,100	28,000	26,000	28,950	27,000	29,800	28,100
450: Community and Regional Development	8,650	7,800	6,850	8,100	7,300	8,350	7,350	7,800
500: Education, Training, Employment, and Social Services	28,350	27,650	33,950	28,350	31,300	30,250	31,500	31,050
550: Health	25,000	29,550	32,100	32,000	35,800	35,400	38,500	37,950
570: Medical Insurance	46,250	53,150	62,500	60,600	70,850	68,600	81,200	76,150
600: Income Security	121,900	109,800	124,800	102,350	129,350	103,800	133,700	107,000
650: Social Security	184,500	167,600	176,000	176,400	196,400	187,300	213,000	199,700
700: Veterans Benefits and Services	25,200	24,500	25,550	25,450	26,450	25,950	27,000	26,500
750: Administration of Justice	5,200	5,100	5,850	5,850	5,650	5,750	5,750	5,650
800: General Government	5,700	5,750	5,600	5,600	6,000	5,800	6,200	5,900
850: General Purpose Fiscal Assistance	6,400	6,400	7,250	7,150	7,100	7,100	7,200	7,200

CONFERENCE SUBSTITUTE, FIRST BUDGET RESOLUTION, FISCAL YEAR 1984, EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	Fiscal year 1983		Fiscal year 1984		Fiscal year 1985		Fiscal year 1986	
	BA	O	BA	O	BA	O	BA	O
900: Interest	88,300	88,300	97,100	97,100	103,100	103,100	105,500	105,500
920: Allowances	800	900	750	800	2,050	2,200	3,400	3,600
950: Undistributed Offsetting Receipts	−19,100	−19,100	−18,050	−18,050	−18,900	−18,900	−23,750	−23,750
Total Spending	877,200	807,400	919,500	849,500	990,500	906,750	1,054,600	962,950
Revenues		604,300		679,600		750,500		835,800
Deficit		203,100		169,900		156,250		127,150
Public Debt		1,389,000		1,614,600		1,830,100		2,022,800
Change in revenues		−100		+12,000		+15,000		+46,000
Change in public debt limit		+246,100		+225,600		+215,500		+192,700

Reserve Fund

The House resolution provided budget authority and outlays for several new initiatives in domestic programs.

The Senate amendment provided for some, but not all, of these new initiatives.

The conference substitute establishes a procedure whereby a reserve is set aside for identified programs to be effective only upon the enactment of the authorizing legislation.

The conferees have agreed to reserve from allocation to committees a specified amount of budget authority and outlays for fiscal years 1983 and 1984. The statement of managers describes what programs can be funded from the reserve amount and at what levels. The budget aggregates and functional categories, as listed below, are set forth including the amounts reserved from allocation and excluding the amounts reserved from allocation.

The section 302(a) allocation of the Appropriations Committee is to be increased when the authorization for a program assumed in the reserve fund is enacted. The section 302(a) allocation of a committee reporting new entitlement legislation or direct spending legislation assumed in the reserve fund is to be increased when the legislation is reported. In the Senate, this allocation would occur when the Senate "moves to proceed" or "proceeds to consideration" of the specific legislation. The spending ceiling pursuant to section 311(a) of the Budget Act will not reflect the reserve fund until the allocation has actually been made to a committee, at which point the spending ceiling would be adjusted respectively. Any adjustment to a committee's 302(a) allocation for a particular program shall not exceed the amount for that program set forth in the statement of managers. The Budget Committees will perform the ministerial task of reporting to their respective Houses any adjustment to a committee's 302(a) allocation or the spending ceiling which would be triggered under the reserve fund procedure. The identified programs which may be funded from the reserve fund are described below and the amount of budget authority and outlays reserved for such programs is set forth in the following table:

Reserve Fund

FUNCTION 350: AGRICULTURE

(a) A program to provide loan foreclosure relief to farmers.

(b) A program to provide direct loans for farm ownership, operating, or economic emergency programs.

FUNCTION 370: COMMERCE AND HOUSING CREDIT

A program to provide emergency mortgage foreclosure relief to aid unemployed homeowners facing foreclosure on their conventional or VA guaranteed mortgages.

FUNCTION 450: COMMUNITY AND REGIONAL DEVELOPMENT

(a) A program to improve the nation's physical infrastructure.

(b) A program to provide a National Industrial Development Bank (NIDB) to provide credit guarantees for critical private sector investments.

FUNCTION 500: EDUCATION, TRAINING, EMPLOYMENT AND SOCIAL SCIENCES

An economic recovery program to provide jobs for the long-term unemployed.

FUNCTION 550: HEALTH

A program to provide health insurance and benefits for unemployed workers and their families.

FUNCTION 600: INCOME SECURITY

(a) An extension of Federal supplemental compensation benefits for the long-term unemployed in FY 1984.

(b) Additional funding to increase benefits or expand eligibility for the food stamp program.

FUNCTION 700: VETERANS BENEFITS AND SERVICES

A program to provide job training and retraining for veterans who have been unemployed for an extended period of time.

RESERVE FUND SUMMARY

[In millions of dollars]

Function/Program title	FY 1983		FY 1984		FY 1985		FY 1986	
	BA	O	BA	O	BA	O	BA	O
Function 350:								
Loan foreclosure relief to farmers	250	250	500	500				
Direct loans for farm ownership, operating, or economic emergency	200	200	100	100				
Function 370: Emergency mortgage foreclosure relief to aid the unemployed	760	50		200		350		160
Function 450:								
Physical infrastructure program			75	75	2,500	750	2,500	1,325
National Industrial Development Bank			50	50	100	100	50	50
Function 500: Economic recovery program	4,500	4,500	3,500	3,500				
Function 550: Health insurance and benefits for the unemployed	350	350	2,000	2,000	1,650	1,650		
Function 600:								
Extension of federal supplemental compensation benefits for the long term unemployed			1,500	1,500				
Increased benefits and expanded eligibility for food stamp program			450	450	450	450	450	450
Function 700: Veterans job training program			150	150	150	150		
Total	6,060	5,350	8,325	8,525	4,850	3,450	3,000	1,985

Economic Assumptions

The conferees accepted the economic assumptions shown in the table below as the basis for the revenue, spending and credit estimates in the conference substitute. These economic assumptions update and revise those contained in the House resolution and the Senate amendment to the House-passed resolution. Both the House and Senate based their economic assumptions on projections prepared by the Congressional Budget Office in January 1983. Recent economic developments and economic data reported since the beginning of the year make these revisions desirable.

[In billions of dollars]

	Calendar years—			
	1983	1984	1985	1986
Gross national products:				
Current dollars	$3,292	$3,621	$3,948	$4,269
Percent change	7.6	10.0	9.0	8.1
Constant (1972) dollars	$1,518	$1,595	$1,661	$1,722
Percent change	2.8	5.1	4.1	3.7
GNP deflator (percent change, year over year)	4.7	4.6	4.7	4.3
CPI–U (percent change, year over year)	3.5	5.0	4.7	4.1
CPI–W (percent change, year over year)	3.0	4.6	4.4	4.1
Unemployment rate—Civilian (percent)	10.1	9.3	8.5	7.9
Three-mnonth Treasury bill rate (percent)	7.8	7.4	7.2	6.6
Taxable incomes:				
Wages and salaries	$1,653	$1,803	$1,947	$2,098

	Calendar years—			
	1983	1984	1985	1986
Nonwage personal income	$620	$674	$741	$792
Corporate profits from current production	$210	$264	$300	$338

REVENUES

The House resolution provided a revenue floor of $606.2 billion in FY 1983, $689.1 billion in FY 1984, $765.9 billion in FY 1985, and $831.5 billion in FY 1986. It provided that revenues be decreased by $0.1 billion in FY 1983 and be increased by $30.0 billion in FY 1984, $40.0 billion in FY 1985, and $50.0 billion in FY 1986. In addition, revenue increases of $5.2 billion in fiscal year 1984, $8.1 billion in FY 1985, and $8.0 billion in FY 1986 were assumed for social security legislation.

The Senate amendment to the House-passed resolution set a revenue floor of $603.325 billion in FY 1983, $671.100 billion in FY 1984, $743.075 billion in FY 1985, and $835.900 billion in FY 1986. It provided that revenues should be increased by $0.125 billion in FY 1983, $9.900 billion in FY 1984, $13.675 billion in FY 1985, and $51.000 billion in FY 1986. Revenue increases in the Senate amendment for social security legislation were built into the revenue baseline.

The conferees agreed to a number of technical and economic reestimates to the original baseline revenues, and the conference substitute provides for current law revenues and revenue changes as follows:

[In billions of dollars]

	Fiscal years—			
	1983	1984	1985	1986
Current law revenues	604.4	667.6	735.5	789.8
Revenue change	−0.1	+12.0	+15.0	+46.9
Revenue floor	604.3	679.6	750.5	835.8

BUDGET AGGREGATES AND FUNCTIONAL ALLOCATIONS

The following tables show the budget aggregates and functional allocations provided for in the House resolution and the Senate amendment. The tables show the conference substitute for the budget aggregates and functional allocations including the reserve amounts and the budget aggregates and functional allocations excluding the reserve amounts.

FUNCTION 050: NATIONAL DEFENSE

The conference substitute provides 5 percent real growth in budget authority for National Defense for each of the fiscal years 1984–86. It assumes a 4 percent civilian employee and military personnel pay raise effective January 1984 and assumes that the Department of Defense will absorb 17 percent of the cost of the fiscal 1984 civilian employee pay raise. For fiscal years 1985 and 1986 the conference substitute contains a 4-percent civilian employee and military personnel pay raise effective in January of each year, and assumes that the Department of Defense will absorb an amount of the pay raise comparable to the amount absorbed in FY 1984.

FUNCTION 250: GENERAL SCIENCE, SPACE AND TECHNOLOGY

The conferees assume that the totals for this function could accommodate continued operation of production lines for the shuttle orbiter program.

FUNCTION 570: MEDICAL INSURANCE AND FUNCTION 650: SOCIAL SECURITY

Public Law 98-21, the Social Security Amendments of 1983, required a separate display of tax receipts and spending for the social security and medicare trust funds. Pursuant to Public Law 98-21, the Senate amendment included two new functions: Function 570 (medical insurance) and function 650 (social security). In addition, the Senate amendment separated the revenues collected for hospital insurance and the revenues collected for old-age, survivors, and disability insurance from the aggregate revenue number.

The House receded to the Senate language.

FUNCTION 850: GENERAL PURPOSE FISCAL ASSISTANCE

It is the intent of the conferees that if the reauthorization of the general revenue sharing program includes an acceleration in outlays from that assumed in current law and reflected in the conference agreement, that acceleration would be accommodated without regard to the outlay level assumed in the agreement.

FUNCTION 920. ALLOWANCES

The conference substitute assumes a 4-percent civilian employee pay raise effective January 1984, and assumes that the civilian agencies will absorb $150 million, or 17 percent, of the cost of the FY 1984 pay raise. For fiscal years 1985 and 1986 the conference substitute assumes a 4-percent pay raise effective in January in each fiscal year and assumes the civilian agencies will absorb $150 million of the costs of this pay raise in each year.

FISCAL YEAR 1983 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	Second budget resolution	Revised second budget resolution		
		House passed	Senate passed	Conference substitute
Budget authority	822,390	886,200	875,925	883,360
Outlays	769,818	814,700	807,325	812,850
Revenues	665,900	606,200	603,325	604,300
Deficit	−103,918	208,500	204,000	208,550
Public debt	1,290,200	1,389,200	1,383,900	1,389,000
Change in revenues	+20,900	+100	+125	−100
Change in public debt limit	+147,100	+99,200	+93,700	+246,100
050—National defense:				
Budget authority	253,566	245,500	244,100	244,600
Outlays	213,966	214,250	214,300	214,300
150—International affairs:				
Budget authority	15,900	24,850	24,900	24,850
Outlays	11,500	11,500	11,500	11,500
250—General science, space, and technology:				
Budget authority	7,800	7,900	7,900	7,900
Outlays	7,600	7,700	7,700	7,700
270—Energy:				
Budget authority	4,800	7,050	4,000	3,950
Outlays	4,500	4,700	4,600	4,450
300—Natural resources and environment:				
Budget authority	9,500	11,550	12,500	12,400
Outlays	10,950	12,500	12,800	12,450
350—Agriculture:				
Budget authority	6,692	22,300	24,200	24,650
Outlays	9,042	22,100	24,000	24,450
370—Commerce and housing credit:				
Budget authority	7,100	5,800	5,200	6,060
Outlays	2,837	2,700	2,700	3,550
400—Transportation:				
Budget authority	21,450	26,650	26,800	26,850
Outlays	19,900	21,950	22,100	22,100
450—Community and regional development:				
Budget authority	6,900	6,750	8,300	8,650
Outlays	7,700	7,650	7,900	7,800

FISCAL YEAR 1983 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	Second budget resolution	Revised second budget resolution		
		House passed	Senate passed	Conference substitute
500—Education, training, employment, and social services:				
Budget authority	26,832	32,800	28,000	32,850
Outlays	26,205	32,000	26,800	32,150
550—Health:				
Budget authority	79,569	70,150	25,325	25,350
Outlays	77,816	83,350	29,825	29,900
570—Medical insurance:				
Budget authority			46,100	46,250
Outlays			53,100	53,150
600—Income security:				
Budget authority	274,797	309,400	121,700	121,900
Outlays	270,895	278,100	110,200	109,800
650—Social security:				
Budget authority			184,100	184,500
Outlays			167,600	167,600
700—Veterans benefits and services:				
Budget authority	24,560	24,850	25,200	25,200
Outlays	23,823	24,550	24,500	24,500
750—Administration of justice:				
Budget authority	4,540	5,100	5,200	5,200
Outlays	4,650	5,100	5,100	5,100
800—General government:				
Budget authority	4,800	5,550	5,600	5,700
Outlays	4,650	5,700	5,700	5,750
850—General purpose fiscal assistance				
Budget authority	6,500	7,550	6,400	6,400
Outlays	6,500	8,700	6,400	6,400
900—Interest:				
Budget authority	113,200	87,800	87,600	88,400
Outlays	113,200	87,800	87,600	88,400
920—Allowances:				
Budget authority	−3,016	5,700	800	800
Outlays	−2,816	2,400	900	900
950—Undistributed offsetting receipts:				
Budget authority	−43,100	−18,050	−18,000	−19,100
Outlays	−43,100	−18,050	−18,000	−19,100

FISCAL YEAR 1983 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	Second budget resolution	Revised second budget resolution		
		House passed	Senate passed	Conference substitute
Budget authority	822,390	886,200	875,925	877,200
Outlays	769,818	814,700	807,325	807,400
Revenues	665,900	606,200	603,325	604,300
Deficit	−103,918	208,500	204,000	203,100
Public debt	1,290,200	1,389,200	1,383,900	1,389,000
Change in revenues	+20,900	+100	+125	−100
Change in public debt limit	+147,100	+99,200	+93,700	+246,100
050—National defense:				
Budget authority	253,566	245,500	244,100	244,600
Outlays	213,966	214,250	214,300	214,300
150—International affairs:				
Budget authority	15,900	24,850	24,900	24,850
Outlays	11,500	11,500	11,500	11,500
250—General science, space, and technology:				
Budget authority	7,800	7,900	7,900	7,900
Outlays	7,600	7,700	7,700	7,700
270—Energy:				
Budget authority	4,800	4,050	4,000	3,950
Outlays	4,500	4,700	4,600	4,450
300—Natural resources and environment:				
Budget authority	9,500	11,500	12,500	12,400
Outlays	10,950	12,500	12,800	12,450
350—Agriculture:				
Budget authority	6,692	22,300	24,200	24,200
Outlays	9,042	22,100	24,000	24,000
370—Commerce and housing credit:				
Budget authority	7,100	5,800	5,200	5,300
Outlays	2,837	2,700	2,700	3,500
400—Transportation:				
Budget authority	21,450	26,650	26,800	26,850
Outlays	19,900	21,950	22,100	22,100

FISCAL YEAR 1983 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	Second budget resolution	Revised second budget resolution		
		House passed	Senate passed	Conference substitute
450—Community and regional development:				
Budget authority	6,900	6,750	8,300	8,650
Outlays	7,700	7,650	7,900	7,800
500—Education, training, employment, and social services:				
Budget authority	26,832	32,800	28,000	28,350
Outlays	26,205	32,000	26,800	27,650
550—Health:				
Budget authority	79,569	70,150	25,325	25,000
Outlays	77,816	83,350	29,825	29,550
570—Medical insurance:				
Budget authority			46,100	46,250
Outlays			53,100	53,150
600—Income security:				
Budget authority	274,797	309,400	121,700	121,900
Outlays	270,895	278,100	110,200	109,800
650—Social security:				
Budget authority			184,100	184,500
Outlays			167,600	167,600
700—Veterans benefits and services:				
Budget authority	24,560	24,850	25,200	25,200
Outlays	23,823	24,550	24,500	24,500
750—Administration of justice:				
Budget authority	4,540	5,100	5,200	5,200
Outlays	4,650	5,100	5,100	5,100
800—General government:				
Budget authority	4,800	5,550	5,600	5,700
Outlays	4,650	5,700	5,700	5,750
850—General purpose fiscal assistance:				
Budget authority	6,500	7,550	6,400	6,400
Outlays	6,500	8,700	6,400	6,400
900—Interest:				
Budget authority	113,200	87,800	87,600	88,300
Outlays	113,200	87,800	87,600	88,300
920—Allowances:				
Budget authority	−3,016	5,700	800	800
Outlays	−2,816	2,400	900	900
950—Undistributed offsettifng receipts:				
Budget authority	−43,100	−18,050	−18,000	−19,100
Outlays	−43,100	−18,050	−18,000	−19,100

FISCAL YEAR 1984 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
Budget authority	936,550	914,699	928,725
Outlays	863,550	849,699	858,925
Revenues	689,100	671,100	679,600
Deficit	174,450	178,599	179,325
Public debt	1,607,450	1,606,399	1,614,600
Change in revenues	+35,200	+9,900	+12,000
Change in public debt limit	+218,250	+222,499	+225,600
050—National defense:			
Budget authority	263,850	270,650	268,600
Outlays	235,400	241,600	240,000
150—International affairs:			
Budget authority	18,850	18,200	18,700
Outlays	13,200	12,700	12,950
250—General science, space, and technology:			
Budget authority	8,850	8,500	8,700
Outlays	8,350	8,200	8,300
270—Energy:			
Budget authority	4,400	3,900	4,200
Outlays	4,300	4,100	4,300
300—Natural resources and environment:			
Budget authority	12,100	12,000	12,050
Outlays	12,500	12,500	12,500
350—Agriculture:			
Budget authority	14,850	11,600	13,600
Outlays	14,650	11,400	12,100
370—Commerce and housing credit:			
Budget authority	6,100	5,900	6,000
Outlays	2,300	1,800	2,450
400—Transportation:			
Budget authority	28,300	27,700	28,000
Outlays	26,150	25,900	26,000

FISCAL YEAR 1984 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
450—Community and regional development:			
Budget authority	8,250	6,600	6,975
Outlays	8,550	8,100	8,225
500—Education, training, employment, and social services:			
Budget authority	39,150	31,800	37,450
Outlays	32,700	27,250	31,850
550—Health:			
Budget authority	96,250	32,749	34,100
Outlays	96,000	32,749	34,000
570—Medical insurance:			
Budget authority		61,400	62,500
Outlays		60,300	60,600
600—Income security:			
Budget authority	310,600	125,900	126,750
Outlays	284,700	104,000	104,300
650—Social security:			
Budget authority		174,900	176,000
Outlays		176,400	176,400
700—Veterans benefits and services:			
Budget authority	26,000	25,700	25,700
Outlays	25,550	25,600	25,600
750—Administration of justice:			
Budget authority	5,600	6,000	5,850
Outlays	5,500	6,000	5,850
800—General government:			
Budget authority	5,800	5,700	5,600
Outlays	6,050	5,700	5,600
850—General purpose fiscal assistance:			
Budget authority	7,600	7,100	7,250
Outlays	7,600	7,000	7,150
900—Interest:			
Budget authority	96,150	95,900	98,000
Outlays	96,150	95,900	98,000
920—Allowances:			
Budget authority	1,200	600	750
Outlays	1,250	600	800
950—Undistributed offsetting receipts:			
Budget authority	−17,350	−18,100	−18,050
Outlays	−17,350	−18,100	−18,050

FISCAL YEAR 1984 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
Budget authority	936,550	914,699	919,500
Outlays	863,550	849,699	849,500
Revenues	689,100	671,100	679,600
Deficit	174,450	178,599	169,900
Public debt	1,607,450	1,606,399	1,614,600
Change in revenues	+35,200	+9,900	+12,000
Change in public debt limit	+218,250	+222,499	+225,600
050—National defense:			
Budget authority	263,850	270,650	268,600
Outlays	235,400	241,600	240,000
150—International affairs:			
Budget authority	18,850	18,200	18,700
Outlays	13,200	12,700	12,950
250—General science, space, and technology:			
Budget authority	8,850	8,500	8,700
Outlays	8,350	8,200	8,300
270—Energy:			
Budget authority	4,400	3,900	4,200
Outlays	4,300	4,100	4,300
300—Natural resources and environment:			
Budget authority	12,100	12,000	12,050
Outlays	12,500	12,500	12,500
350—Agriculture:			
Budget authority	14,850	11,600	13,000
Outlays	14,650	11,400	11,500
370—Commerce and housing credit:			
Budget authority	6,100	5,900	6,000
Outlays	2,300	1,800	2,250
400—Transportation:			
Budget authority	28,300	27,700	28,000
Outlays	26,150	25,900	26,000
450—Community and regional development:			
Budget authority	8,250	6,600	6,850
Outlays	8,550	8,100	8,100
500—Education, training, employment, and social services:			
Budget authority	39,150	31,800	33,950
Outlays	32,700	27,250	28,350

FISCAL YEAR 1984 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
550—Health:			
Budget authority	96,250	32,749	32,100
Outlays	96,000	32,749	32,000
570—Medical insurance:			
Budget authority		61,400	62,500
Outlays		60,300	60,600
600—Income security:			
Budget authority	310,600	125,900	124,800
Outlays	284,700	104,000	102,350
650—Social security:			
Budget authority		174,900	176,000
Outlays		176,400	176,400
700—Veterans benefits and services:			
Budget authority	26,000	25,700	25,550
Outlays	25,550	25,600	25,450
750—Administration of justice:			
Budget authority	5,600	6,000	5,850
Outlays	5,500	6,000	5,850
800—General government:			
Budget authority	5,800	5,700	5,600
Outlays	6,050	5,700	5,600
850—General purpose fiscal assistance:			
Budget authority	7,600	7,100	7,250
Outlays	7,600	7,000	7,150
900—Interest:			
Budget authority	96,150	95,900	97,100
Outlays	96,150	95,900	97,100
920—Allowances:			
Budget authority	1,200	600	750
Outlays	1,250	600	800
950—Undistributed offsetting receipts:			
Budget authority	−17,350	−18,100	−18,050
Outlays	−17,350	−18,100	−18,050

FISCAL YEAR 1985 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
Budget authority	998,650	986,374	996,750
Outlays	912,600	910,774	911,600
Revenues	765,900	743,075	750,500
Deficit	146,700	167,699	161,100
Public debt	1,804,000	1,824,798	1,830,100
Change in revenues	+48,100	+13,675	+15,000
Change in public debt limit	+196,550	+218,399	+215,500
050—National defense:			
Budget authority	290,350	300,950	297,300
Outlays	256,300	269,650	265,300
150—International affairs:			
Budget authority	17,100	16,500	16,800
Outlays	13,200	12,800	13,000
250—General science, space, and technology:			
Budget authority	8,800	8,500	8,500
Outlays	8,750	8,500	8,500
270—Energy:			
Budget authority	4,200	3,600	3,900
Outlays	3,400	2,900	3,150
300—Natural resources and environment:			
Budget authority	11,850	12,200	11,850
Outlays	12,550	12,600	12,550
350—Agriculture:			
Budget authority	15,100	14,000	14,500
Outlays	13,350	12,300	12,400
370—Commerce and housing credit:			
Budget authority	6,250	6,500	6,250
Outlays	400	0	500
400—Transportation:			
Budget authority	29,500	28,400	28,950
Outlays	27,100	26,900	27,000
450—Community and regional development:			
Budget authority	12,500	7,100	9,900
Outlays	10,650	8,200	9,200
500—Education, training, employment, and social services:			
Budget authority	33,050	28,500	31,300
Outlays	31,150	28,400	30,250
550—Health:			
Budget authority	104,500	35,724	37,450
Outlays	106,550	35,224	37,050
570—Medical insurance:			
Budget authority		69,400	70,850
Outlays		68,300	68,600
600—Income security:			
Budget authority	332,700	127,400	129,800
Outlays	296,800	105,400	104,250

FISCAL YEAR 1985 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
650—Social security:			
Budget authority		194,800	196,400
Outlays		187,300	187,300
700—Veterans benefits and services:			
Budget authority	26,400	26,700	26,600
Outlays	26,000	26,300	26,100
750—Administration of justice:			
Budget authority	5,550	5,800	5,650
Outlays	5,500	5,900	5,750
800—General government:			
Budget authority	6,200	6,000	6,000
Outlays	6,100	5,800	5,800
850—General purpose fiscal assistance:			
Budget authority	7,450	7,200	7,100
Outlays	7,500	7,100	7,100
900—Interest:			
Budget authority	103,400	104,200	104,500
Outlays	103,400	104,200	104,500
920—Allowances:			
Budget authority	2,500	1,900	2,050
Outlays	2,650	2,000	2,200
950—Undistributed offsetting receipts:			
Budget authority	−18,750	−19,000	−18,900
Outlays	−18,750	−19,000	−18,900

FISCAL YEAR 1985 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
Budget authority	998,650	986,374	990,500
Outlays	912,600	910,774	906,750
Revenues	765,900	743,075	750,500
Deficit	146,700	167,699	156,250
Public debt	1,804,000	1,824,798	1,830,100
Change in revenues	+48,100	+13,675	+15,000
Change in public debt limit	+196,550	+218,399	+215,500
050—National defense:			
Budget authority	290,350	300,950	297,300
Outlays	256,300	269,650	265,300
150—International affairs:			
Budget authority	17,100	16,500	16,800
Outlays	13,200	12,800	13,000
250—General science, space, and technology:			
Budget authority	8,800	8,500	8,500
Outlays	8,750	8,500	8,500
270—Energy:			
Budget authority	4,200	3,600	3,900
Outlays	3,400	2,900	3,150
300—Natural resources and environment:			
Budget authority	11,850	12,200	11,850
Outlays	12,550	12,600	12,550
350—Agriculture:			
Budget authority	15,100	14,000	14,500
Outlays	13,350	12,300	12,400
370—Commerce and housing credit:			
Budget authority	6,250	6,500	6,250
Outlays	400	0	150
400—Transportation:			
Budget authority	29,500	28,400	28,950
Outlays	27,100	26,900	27,000
450—Community and regional development:			
Budget authority	12,500	7,100	7,300
Outlays	10,650	8,200	8,350
500—Education, training, employment, and social services:			
Budget authority	33,050	28,500	31,300
Outlays	31,150	28,400	30,250
550—Health:			
Budget authority	104,500	35,724	35,800
Outlays	106,550	35,224	35,400
570—Medical insurance:			
Budget authority		69,400	70,850
Outlays		68,300	68,600
600—Income security:			
Budget authority	332,700	127,400	129,350
Outlays	296,800	105,400	103,800
650—Social security:			
Budget authority		194,800	196,400
Outlays		187,300	187,300
700—Veterans benefits and services:			
Budget authority	26,400	26,700	26,450
Outlays	26,000	26,300	25,950

FISCAL YEAR 1985 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
750—Administration of justice:			
Budget authority	5,550	5,800	5,650
Outlays	5,500	5,900	5,750
800—General government:			
Budget authority	6,200	6,000	6,000
Outlays	6,100	5,800	5,800
850—General purpose fiscal assistance:			
Budget authority	7,450	7,200	7,100
Outlays	7,500	7,100	7,100
900—Interest:			
Budget authority	103,400	104,200	103,100
Outlays	103,400	104,200	103,100
920—Allowances:			
Budget authority	2,500	1,900	2,050
Outlays	2,650	2,000	2,200
950—Undistributed offsetting receipts:			
Budget authority	−18,750	−19,000	−18,900
Outlays	−18,750	−19,000	−18,900

FISCAL YEAR 1986 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
Budget authority	1,058,400	1,050,209	1,059,300
Outlays	967,550	965,999	966,635
Revenues	831,500	835,900	835,800
Deficit	136,050	130,099	130,835
Public debt	1,993,750	2,012,497	2,022,800
Change in revenues	+58,000	+51,000	+46,000
Change in public debt limit	+189,750	+187,699	+192,700
050—National defense:			
Budget authority	317,500	333,060	329,000
Outlays	284,300	299,850	295,000
150—International affairs:			
Budget authority	16,550	15,900	16,250
Outlays	13,000	12,800	12,900
250—General science, space, and technology:			
Budget authority	8,150	8,400	8,150
Outlays	8,300	8,400	8,300
270—Energy:			
Budget authority	3,750	3,200	3,500
Outlays	3,350	2,700	3,050
300—Natural resources and environment:			
Budget authority	11,700	12,500	11,700
Outlays	12,000	12,200	12,150
350—Agriculture:			
Budget authority	14,100	13,200	13,200
Outlays	14,050	13,100	13,100
370—Commerce and housing credit:			
Budget authority	6,450	6,500	6,450
Outlays	−350	−300	260
400—Transportation:			
Budget authority	30,400	29,200	29,800
Outlays	28,400	27,800	28,100
450—Community and regional development:			
Budget authority	12,450	7,100	9,900
Outlays	11,150	7,600	9,175
500—Education, training, employment, and social services:			
Budget authority	33,700	28,500	31,500
Outlays	32,800	28,400	31,050
550—Health:			
Budget authority	117,300	37,849	38,500
Outlays	115,350	37,249	37,950
570—Medical insurance:			
Budget authority		79,100	81,200
Outlays		75,600	76,150
600—Income security:			
Budget authority	354,050	131,300	134,150
Outlays	313,200	108,500	107,450
650—Social security:			
Budget authority		211,200	213,000
Outlays		199,700	199,700
700—Veterans benefits and services:			
Budget authority	27,000	27,200	27,000
Outlays	26,500	26,600	26,500
750—Administration of justice:			
Budget authority	5,450	5,900	5,750
Outlays	5,450	5,800	5,650
800—General government:			
Budget authority	6,300	6,200	6,200
Outlays	6,250	5,900	5,900

FISCAL YEAR 1986 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
850—General purpose fiscal assistance:			
Budget authority	7,600	7,500	7,200
Outlays	7,600	7,500	7,200
900—Interest:			
Budget authority	105,650	107,000	107,200
Outlays	105,650	107,000	107,200
920—Allowances:			
Budget authority	3,850	3,200	3,400
Outlays	4,100	3,400	3,600
950—Undistributed offsetting receipts:			
Budget authority	−23,550	−23,800	−23,750
Outlays	−23,550	−23,800	−23,750

FISCAL YEAR 1986 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollar]

	House passed	Senate passed	Conference substitute
Budget authority	1,058,400	1,050,209	1,054,600
Outlays	967,550	965,999	962,950
Revenues	831,500	835,900	835,800
Deficit	136,050	130,099	127,150
Public debt	1,993,750	2,012,497	2,022,800
Change in revenues	+58,000	+51,000	+46,000
Change in public debt limit	+189,750	+187,699	+192,700
050—National defense:			
Budget authority	317,500	333,060	329,000
Outlays	284,300	299,850	295,000
150—International affairs:			
Budget authority	16,550	15,900	16,250
Outlays	13,000	12,800	12,900
250—General science, space, and technology:			
Budget authority	8,150	8,400	8,150
Outlays	8,300	8,400	8,300
270—Energy:			
Budget authority	3,750	3,200	3,500
Outlays	3,350	2,700	3,050
300—Natural resources and environment:			
Budget authority	11,700	12,500	11,700
Outlays	12,000	12,200	12,150
350—Agriculture:			
Budget authority	14,100	13,200	13,200
Outlays	14,050	13,100	13,100
370—Commerce and housing credit:			
Budget authority	6,450	6,500	6,450
Outlays	−350	−300	100
400—Transportation:			
Budget authority	30,400	29,200	29,800
Outlays	28,400	27,800	28,100
450—Community and regional development:			
Budget authority	12,450	7,100	7,350
Outlays	11,150	7,600	7,800
500—Education, training, employment, and social services:			
Budget authority	33,700	28,500	31,500
Outlays	32,800	28,400	31,050
550—Health:			
Budget authority	117,300	37,849	38,500
Outlays	115,350	37,249	37,950
570—Medical insurance:			
Budget authority		79,100	81,200
Outlays		75,600	76,150
600—Income security:			
Budget authority	354,050	131,300	133,700
Outlays	313,200	108,500	107,000
650—Social Security:			
Budget authority		211,200	213,000
Outlays		199,700	199,700
700—Veterans benefits and services:			
Budget authority	27,000	27,200	27,000
Outlays	26,500	26,600	26,500
750—Administration of justice:			
Budget authority	5,450	5,900	5,750
Outlays	5,450	5,800	5,650
800—General government:			
Budget authority	6,300	6,200	6,200
Outlays	6,250	5,900	5,900
850—General purpose fiscal assistance:			
Budget authority	7,600	7,500	7,200
Outlays	7,600	7,500	7,200
900—Interest:			
Budget authority	105,650	107,000	105,500
Outlays	105,650	107,000	105,500

FISCAL YEAR 1986 BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollar]

	House passed	Senate passed	Conference substitute
920—Allowances:			
Budget authority	3,850	3,200	3,400
Outlays	4,100	3,400	3,600
950—Undistributed offsetting receipts:			
Budget authority	−23,550	−23,800	−23,750
Outlays	−233,550	−23,800	−23,750

Reconciliation Instructions

The conference substitute includes reconciliation instructions to four Senate committees and seven House committees to report legislation to achieve savings in fiscal years 1984, 1985, and 1986. These savings are necessary for the committees to remain within the spending limits contemplated in the resolution.

It is the intent of the conferees that none of the savings directed to be achieved for the medicare program shall come from provisions to increase costs to beneficiaries or from reductions in services to beneficiaries. Rather, savings are to be obtained from improved control on providers of service.

The Senate Finance Committee and the House Ways and Means Committee are also instructed by the resolution to report legislation to increase revenues in the fiscal years 1984–86.

In addition, the House resolution included a provision whereby changes in laws which are reported by the House Ways and Means Committee requiring imposition of new or expanded taxes or user fees within another committee's jurisdiction should be considered for referral under House rule X. The conference substitute includes this provision.

The Senate amendment contained reconciliation instructions to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry. The House resolution contained no such provision.

Both the House resolution and the Senate amendment assumed savings under subtitle A of title I of Public Law 97–253, relating to two 50-cent per hundredweight assessments against milk producers. It is the intent of the conferees that in the event that the law is finally adjudicated to be unconstitutional or unenforceable, then the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry shall report legislation ensuring the savings contemplated by the Congress in P.L. 97–253.

CONFERENCE SUBSTITUTE RECONCILIATION INSTRUCTIONS—SENATE COMMITTEES

[In Millions of dollars]

	FY 1984		FY 1985		FY 1986		Total FY 1984–86	
	BA	O	BA	O	BA	O	AB	O
Spending reductions:								
Finance		−400		−500		−800		−1,700
Governmental Affairs	−1,619	−1,900	−2,332	−2,841	−3,235	−4,144	−7,186	−8,885
Small Business	−139	−287	−555	−466	−544	−443	−1,238	−1,196
Veterans Affairs	−228	−226	−139	−138	−141	−140	−508	−504
Total spending reductions	−1,986	−2,813	−3,026	−3,945	−3,920	−5,527	−8,932	−12,285
Revenue increases:								
Finance		+12,000		+15,000		+46,000		+73,000
Provisional spending reductions:								
Agriculture, Nutrition, and Forestry		−1,243		−1,332		−1,327		−3,902
Total reconciled deficit reduction		16,056		20,277		52,854		89,187

CONFERENCE SUBSTITUTE RECONCILIATION INSTRUCTIONS—HOUSE COMMITTEES

[In millions of dollars]

	FY 1984		FY 1985		FY 1986		Total FY 1984–86	
	BA	O	BA	O	BA	O	AB	O
Spending Reductions:								
Armed Services	−253	−253	−360	−360	−621	−621	−1,234	−1,234
Energy and Commerce		−400		−500		−800		−1,700
Foreign Affairs		−3		−4		−9		−16
Post Office and Civil Service	−1,619	−1,900	−2,332	−2,841	−3,235	−4,144	−7,186	−8,885
Small Bsuiness	−139	−287	−555	−466	−544	−443	−1,238	−1,196
Veterans Affairs	−228	−226	−139	−138	−141	−140	−508	−504
Ways and Means		−400		−500		−800		−1,700
Total	−2,239	−3,469	−3,386	−4,809	−4,541	−6,957	−10,166	−15,235
Less double counting (dual Committee jurisdiction)	253	656	360	864	621	1,430	1,234	2,950
Total spending reductions	−986	−2,813	−3,026	−3,945	−3,920	−5,527	−8,932	−12,285
Revenue increases:								
Ways and Means		+12,000		+15,000		+46,000		+73,000
Provisional spending reductions:								
Agriculture		−1,243		−1,332		−1,327		−3,902

Deferred Enrollment

The House resolution provided for the deferred enrollment of certain spending bills pursuant to section 301(b) of the Congressional Budget Act.

The House resolution provided that spending bills exceeding the appropriate allocation of new discretionary budget authority or new spending authority described in section 401(c)(2)(C) of the Budget Act for fiscal year 1984 could not be enrolled until the Second Budget Resolution adopted for that year or until October 1, 1983, whichever occurs first.

The Senate amendment to the House resolution did not contain this provision. The Senate conferees receded to the House, with an amendment to make the provision applicable to Senate procedure.

The conference substitute provides that spending bills exceeding the appropriate allocation under section 302 of the Budget Act shall not be enrolled until the adoption of the Second Budget Resolution. For the Senate the appropriate allocations are "new budget authority" and "new spending authority"; for the House the appropriate allocations are "new discretionary budget authority" and "new spending authority".

Optional Second Budget Resolution

The House resolution contained language that converts the resolution into the Second Concurrent Resolution on the Budget on October 1, 1983, if Congress does not otherwise adopt a resolution by that date. The House version also provided that, if the automatic provision is invoked, the levels of budget authority, outlays, and revenues could be revised to reflect updated technical and economic assumptions. The House resolution also provided that the spending ceiling and revenue floors for enforcement purposes under section 311 of the Budget Act would not apply to bills or resolutions which do not exceed a committee's appropriate allocation of new discretionary budget authority and new spending authority made under the First Budget Resolution.

The Senate amendment contained no such provision. The conferees agreed to delete language allowing revisions of the resolution to reflect changes in technical and economic assumptions if the automatic provision is invoked. The Senate receded to the House with that amendment and an amendment to make the provision applicable to Senate procedures.

MONETARY POLICY

The House resolution contained a sense of the Congress provision that monetary policy and the economic assumptions in the budget resolution shall be consistent with each other. The section further provided that the Federal Reserve shall report to Congress on its economic objectives and their relationship to the economic assumptions and projections of the President, the Congressional Budget Office, and the most recent Congressional budget resolution.

The Senate amendment to the House resolution contained a sense of Congress provision that there is a need for coordination between fiscal and monetary policy and that the Banking Committees of the respective Houses should report a resolution expressing the sense of Congress as to the coordination of monetary and fiscal policy.

The conference substitute provides:

Inasmuch as—

(1) there is a need for coordination between fiscal and monetary policy,

(2) actual and projected budget deficits have placed a heavy burden on monetary policy,

(3) any reduction in the budget deficit brought about by this budget resolution will reduce pressures on monetary policy,

(4) there is a need for vigorous economic growth consistent with reasonable price stability.

(5) the Banking and Budget Committees of the respective Houses require information regarding the Federal Reserve's monetary policy and the economic assumptions consistent with that policy, and

(6) the Budget Committees are, therefore, interested in the recommendations of the Banking Committees of the respective Houses with respect to such information,

the House Committee on Banking, Finance and Urban Affairs, and the Senate Committee on Banking, Housing, and Urban Affairs are requested to report to their respective bodies, no later than September 30, 1983, a resolution expressing the sense of the Congress as to (a) the coordination of the Federal Reserve's monetary policy with the fiscal policy reflected in this budget resolution and the appropriate information regarding the economic assumptions and goals of the Federal Reserve System, (b) the appropriate information to implement this policy coordination including, but not limited to, the effects of the Federal Reserve's monetary policy on the economy, and (c) any other matters pertaining to the Federal Reserve's execution or congressional oversight of monetary policy, as the above Committees deem appropriate.

The conferees intend that "fiscal policy" as used in this provision includes the effect of Federal credit assistance programs.

MILITARY RETIREMENT

The House resolution contained sense of the Congress language that the House Committee on Armed Services should initiate a review of military retirement program changes which would result in reduced spending under those programs. The Senate amendment did not contain this provision.

The Senate conferees receded to the House.

SECTION 302(b) REQUIREMENT

The Senate amendment provided that it shall not be in order to consider spending bills within the jurisdiction of a committee until that committee has filed its report as required under section 302(b) of the Budget Act. The House resolution did not contain this provision.

The Senate conferees receded to the House.

CREDIT BUDGET

The House resolution and the Senate amendment contained nonbinding credit budget targets and functional totals. The following tables show the aggregate and functional totals contained in the House resolution, the Senate amendment, and the conference substitute for each of the 4 fiscal years covered by the resolution. In addition, the first table, which reflects the revised credit budget for FY 1983, also includes the credit budget aggregate targets and functional totals contained in the Second Budget Resolution for FY 1983.

Amounts reserved pursuant to section 2 in functions 350, 370, and 450 also affect the credit budget. The accompanying tables show the credit budget aggregate and functional totals contained in the conference substitute including and excluding the credit budget impact of the amounts reserved pursuant to section 2.

The House resolution and the Senate amendment included new direct loan obligations and new primary loan guarantee commitments. The House resolution also included new secondary loan guarantee commitments; the Senate amendment did not. The conference substitute includes all three credit budget program measures.

FISCAL YEAR 1983—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	Second budget resolution	Revised second budget resolution		
		House passed	Senate passed	Conference substitute
New direct loan obligations	59,700	52,550	55,400	54,250
New primary loan guarantee commitments	101,900	94,550	94,500	99,600
New secondary loan guarantee commitments	68,300	68,250	.....	68,250
050—National defense:				
New direct loan obligations	50	.....	.....	.....
New primary loan guarantee commitments	50	.....	.....	.....
New secondary loan guarantee commitments	.....	.....	.....	.....
150—International affairs:				
New direct loan obligations	10,200	10,650	11,700	10,650
New primary loan guarantee commitments	9,300	9,250	9,200	9,250
New secondary loan guarantee commitments	.....	.....	.....	.....
250—General science, space and technology:				
New direct loan obligations	200	200	200	200
New primary loan guarantee commitments	.....	.....	.....	.....
New secondary loan guarantee commitments	.....	.....	.....	.....
270—Energy:				
New direct loan obligations	12,000	11,600	13,100	11,600
New primary loan guarantee commitments	500	150	200	150
New secondary loan guarantee commitments	.....	.....	.....	.....
300—Natural resources and environment:				
New direct loan obligations	30	50	100	50
New primary loan guarantee commitments	.....	.....	.....	.....
New secondary loan guarantee commitments	.....	.....	.....	.....
350—Agriculture:				
New direct loan obligations	18,100	17,250	18,600	19,400
New primary loan guarantee commitments	2,600	5,550	5,500	5,550
New secondary loan guarantee commitments	.....	.....	.....	.....
370—Commerce and housing credit:				
New direct loan obligations	12,100	7,400	6,500	7,200
New primary loan guarantee commitments	41,000	48,700	48,700	53,700
New secondary loan guarantee commitments	68,200	68,250	.....	68,250
400—Transportation:				
New direct loan obligations	500	200	200	200
New primary loan guarantee commitments	800	1,050	1,100	1,050
New secondary loan guarantee commitments	3	.....	.....	.....
450—Community and regional development:				
New direct loan obligations	2,200	2,250	2,100	2,100
New primary loan guarantee commitments	600	500	500	500
New secondary loan guarantee commitments	.....	.....	.....	.....
500—Education, training, employment, and social services:				
New direct loan obligations	800	600	600	600
New primary loan guarantee commitments	7,200	6,500	6,500	6,500
New secondary loan guarantee commitments	.....	.....	.....	.....
550—Health:				
New direct loan obligations	100	50	47	50
New primary loan guarantee commitments	100	250	200	250
New secondary loan guarantee commitments	.....	.....	.....	.....
600—Income security:				
New direct loan obligations	2,000	1,000	1,000	1,000
New primary loan guarantee commitments	18,700	14,650	14,600	14,650
New secondary loan guarantee commitments	.....	.....	.....	.....
700—Veterans benefits and services:				
New direct loan obligations	1,000	950	1,000	950
New primary loan guarantee commitments	20,900	8,000	8,000	8,000
New secondary loan guarantee commitments	.....	.....	.....	.....
850—General purpose fiscal assistance:				
New direct loan obligations	200	250	300	250
New primary loan guarantee commitments	.....	.....	.....	.....
New secondary loan guarantee commitments	.....	.....	.....	.....

FISCAL YEAR 1983—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	Second budget resolution	Revised second budget resolution		
		House passed	Senate passed	Conference substitute

FISCAL YEAR 1983—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	Second budget resolution	Revised second budget resolution		
		House passed	Senate passed	Conference substitute

New direct loan obligations	59,700	52,550	55,400	52,700
New primary loan guarantee commitments	101,900	94,550	94,500	99,600
New secondary loan guarantee commitments	68,300	68,250	.....	68,250
050—National defense:				
New direct loan obligations	50	.....	.....	.....
New primary loan guarantee commitments	50	.....	.....	.....
New secondary loan guarantee commitments	.....	.....	.....	.....
150—International affairs:				
New direct loan obligations	10,200	10,650	11,700	10,650
New primary loan guarantee commitments	9,300	9,250	9,200	9,250
New secondary loan guarantee commitments	.....	.....	.....	.....
250—General science, space and technology:				
New direct loan obligations	200	200	200	200
New primary loan guarantee commitments	.....	.....	.....	.....
New secondary loan guarantee commitments	.....	.....	.....	.....

FISCAL YEAR 1983—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	Second budget resolution	Revised second budget resolution		
		House passed	Senate passed	Conference substitute
270—Energy:				
New direct loan obligations	12,000	11,600	13,100	11,600
New primary loan guarantee commitments	500	150	200	150
New secondary loan guarantee commitments				
300—Natural resources and environment:				
New direct loan obligations	30	50	100	50
New primary loan guarantee commitments				
New secondary loan guarantee commitments				
350—Agriculture:				
New direct loan obligations	18,100	17,250	18,600	18,600
New primary loan guarantee commitments	2,600	5,550	5,500	5,550
New secondary loan guarantee commitments				
370—Commerce and housing credit:				
New direct loan obligations	12,100	7,400	6,500	6,450
New primary loan guarantee commitments	41,000	48,700	48,700	53,700
New secondary loan guarantee commitments	68,200	68,250	.....	68,250
400—Transportation:				
New direct loan obligations	500	200	200	200
New primary loan guarantee commitments	800	1,050	1,100	1,050
New secondary loan guarantee commitments	3	.....	.....	.....
450—Community and regional development:				
New direct loan obligations	2,200	2,250	2,100	2,100
New primary loan guarantee commitments	600	500	500	500
New secondary loan guarantee commitments				
500—Education, training, employment, and social services:				
New direct loan obligations	800	600	600	600
New primary loan guarantee commitments	7,200	6,500	6,500	6,500
New secondary loan guarantee commitments				
550—Health:				
New direct loan obligations	100	50	47	50
New primary loan guarantee commitments	100	250	200	250
New secondary loan guarantee commitments				
600—Income security:				
New direct loan obligations	2,000	1,000	1,000	1,000
New primary loan guarantee commitments	18,700	14,650	14,600	14,650
New secondary loan guarantee commitments				
700—Veterans benefits and services:				
New direct loan obligations	1,000	950	1,000	950
New primary loan guarantee commitments	20,900	8,000	8,000	8,000
New secondary loan guarantee commitments				
850—General purpose fiscal assistance:				
New direct loan obligations	200	250	300	250
New primary loan guarantee commitments				
New secondary loan guarantee commitments				

FISCAL YEAR 1984—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
150—International affairs:			
New direct loan obligations	49,400	48,200	47,900
New primary loan guarantee commitments	96,850	94,500	101,700
New secondary loan guarantee commitments	68,250	.....	68,250
150—International affairs:			
New direct loan obligations	12,100	11,200	12,000
New primary loan guarantee commitments	10,250	10,300	10,300

FISCAL YEAR 1984—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
New secondary loan guarantee commitments			
250—General science, space, technology:			
New direct loan obligations	50	37	50
New primary loan guarantee commitments			
New secondary loan guarantee commitments			
270—Energy:			
New direct loan obligations	12,050	13,900	12,050
New primary loan guarantee commitments	.....	200	150
New secondary loan guarantee commitments			
300—National resources and environment:			
New direct loan obligations	50	27	50
New primary loan guarantee commitments			
New secondary loan guarantee commitments			
350—Agriculture:			
New direct loan obligations	14,650	12,100	13,300
New primary loan guarantee commitments	4,300	3,800	4,350
New secondary loan guarantee commitments			
370—Commerce and housing credit:			
New direct loan obligations	6,000	6,400	5,900
New primary loan guarantee commitments	48,700	48,700	54,200
New secondary loan guarantee commitments	68,250	.....	68,250
400—Transportation:			
New direct loan obligations	100	100	100
New primary loan guarantee commitments	550	600	600
New secondary loan guarantee commitments			
450—Community and regional development:			
New direct loan obligations	1,650	1,700	1,700
New primary loan guarantee commitments	2,450	300	1,500
New secondary loan guarantee commitments			
500—Education, training, employment, and social services:			
New direct loan obligations	650	700	650
New primary loan guarantee commitments	6,650	6,600	6,650
New secondary loan guarantee commitments			
550—Health:			
New direct loan obligations	50	29	50
New primary loan guarantee commitments	250	300	250
New secondary loan guarantee commitments			
600—Income security:			
New direct loan obligations	1,000	1,000	1,000
New primary loan guarantee commitments	14,700	14,700	14,700
New secondary loan guarantee commitments			
700—Veterans benefits and services:			
New direct loan obligations	800	800	800
New primary loan guarantee commitments	9,000	9,000	9,000
New secondary loan guarantee commitments			
850—General purpose fiscal assistance:			
New direct loan obligations	250	300	250
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1984—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
New direct loan obligations	49,400	48,200	46,700
New primary loan guarantee commitments	96,850	94,500	100,100
New secondary loan guarantee commitments	68,250	.....	68,250
150—International affairs:			
New direct loan obligations	12,100	11,200	12,000
New primary loan guarantee commitments	10,250	10,300	10,300
250—General science, space, technology:			
New direct loan obligations	50	37	50
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1984—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
270—Energy:			
New direct loan obligations	12,050	13,900	12,050
New primary loan guarantee commitments	.....	200	150
New secondary loan guarantee commitments			
300—National resources and environment:			
New direct loan obligations	50	27	50
New primary loan guarantee commitments			
New secondary loan guarantee commitments			
350—Agriculture:			
New direct loan obligations	14,650	12,100	12,100
New primary loan guarantee commitments	4,300	3,800	3,750
New secondary loan guarantee commitments			
370—Commerce and housing credit:			
New direct loan obligations	6,000	6,400	5,900
New primary loan guarantee commitments	48,700	48,700	54,200
New secondary loan guarantee commitments	68,250	.....	68,250
400—Transportation:			
New direct loan obligations	100	100	100
New primary loan guarantee commitments	550	600	600
New secondary loan guarantee commitments			
450—Community and regional development:			
New direct loan obligations	1,650	1,700	1,700
New primary loan guarantee commitments	2,450	300	500
New secondary loan guarantee commitments			
500—Education, training, employment, and social services:			
New direct loan obligations	650	700	650
New primary loan guarantee commitments	6,650	6,600	6,650
New secondary loan guarantee commitments			
550—Health:			
New direct loan obligations	50	29	50
New primary loan guarantee commitments	250	300	250
New secondary loan guarantee commitments			
600—Income security:			
New direct loan obligations	1,000	1,000	1,000
New primary loan guarantee commitments	14,700	14,700	14,700
New secondary loan guarantee commitments			
700—Veterans benefits and services:			
New direct loan obligations	800	800	800
New primary loan guarantee commitments	9,000	9,000	9,000
New secondary loan guarantee commitments			
850—General purpose fiscal assistance:			
New direct loan obligations	250	300	250
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1985—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
New direct loan obligations	47,450	48,100	47,800
New primary loan guarantee commitments	103,950	97,400	106,600
New secondary loan guarantee commitments	68,250	.....	68,250
150—International affairs:			
New direct loan obligations	12,400	11,500	12,300
New primary loan guarantee commitments	10,250	10,300	10,300
New secondary loan guarantee commitments			
270—Energy:			
New direct loan obligations	12,550	14,300	12,500
New primary loan guarantee commitments			
New secondary loan guarantee commitments			
National resources and environment:			
New direct loan obligations	50	27	50
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1985—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
350—Agriculture:			
New direct loan obligations	12,300	11,700	12,750
New primary loan guarantee commitments	4,350	3,800	4,350
New secondary loan guarantee commitments			
370—Commerce and housing credit:			
New direct loan obligations	5,750	6,300	5,800
New primary loan guarantee commitments	48,700	48,700	54,200
New secondary loan guarantee commitments	68,250		68,250
400—Transportation			
New direct loan obligations	100	100	100
New primary loan guarantee commitments	300	400	350
New secondary loan guarantee commitments			
450—Community and regional development:			
New direct loan obligations	1,800	1,800	1,800
New primary loan guarantee commitments	6,450	300	3,500
New secondary loan guarantee commitments			
500—Education, training, employment, and social services:			
New direct loan obligations	750	700	750
New primary loan guarantee commitments	6,650	6,600	6,650
New secondary loan guarantee commitments			
550—Health:			
New direct loan obligations	50	28	50
New primary loan guarantee commitments	250	300	250
New secondary loan guarantee commitments			
600—Income security:			
New direct loan obligations	750	800	750
New primary loan guarantee commitments	16,500	16,500	16,500
New secondary loan guarantee commitments			
700—Veterans benefits and services:			
New direct loan obligations	650	600	650
New primary loan guarantee commitments	10,500	10,500	10,500
New secondary loan guarantee commitments			
850—General purpose fiscal assistance:			
New direct loan obligations	300	300	300
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1985—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
350—Agriculture:			
New direct loan obligations	12,300	11,700	11,650
New primary loan guarantee commitments	4,350	3,800	3,800
New secondary loan guarantee commitments			
370—Commerce and housing credit:			
New direct loan obligations	5,750	6,300	5,800
New primary loan guarantee commitments	48,700	48,700	54,200
New secondary loan guarantee commitments	68,250		68,250
400—Transportation:			
New direct loan obligations	100	100	100
New primary loan guarantee commitments	300	400	350
New secondary loan guarantee commitments			
450—Community and regional development:			
New direct loan obligations	1,800	1,800	1,800
New primary loan guarantee commitments	6,450	300	50
New secondary loan guarantee commitments			
500—Education, training, employment, and social services:			
New direct loan obligations	750	700	750
New primary loan guarantee commitments	6,650	6,600	6,650
New secondary loan guarantee commitments			
550—Health:			
New direct loan obligations	50	28	50
New primary loan guarantee commitments	250	300	250
New secondary loan guarantee commitments			
600—Income security:			
New direct loan obligations	750	800	750
New primary loan guarantee commitments	16,500	16,500	16,500
New secondary loan guarantee commitments			
700—Veterans benefits and services:			
New direct loan obligations	650	600	650
New primary loan guarantee commitments	10,500	10,500	10,500
New secondary loan guarantee commitments			
850—General purpose fiscal assistance:			
New direct loan obligations	300	300	300
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1986—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
350—Agriculture:			
New direct loan obligations	12,400	12,200	13,200
New primary loan guarantee commitments	4,350	3,800	4,350
New secondary loan guarantee commitments			
370—Commerce and housing credit:			
New direct loan obligations	5,800	6,300	5,800
New primary loan guarantee commitments	48,700	48,700	54,200
New secondary loan guarantee commitments	68,250		68,250
400—Transportation:			
New direct loan obligations	100	100	100
New primary loan guarantee commitments	300	300	300
New secondary loan guarantee commitments			
450—Community and regional development:			
New direct loan obligations	1,750	1,800	1,800
New primary loan guarantee commitments	6,450	400	3,550
New secondary loan guarantee commitments			
500—Education, training, employment, and social services:			
New direct loan obligations	800	800	800
New primary loan guarantee commitments	6,650	6,600	6,650
New secondary loan guarantee commitments			
550—Health:			
New direct loan obligations	50	28	50
New primary loan guarantee commitments	300	300	300
New secondary loan guarantee commitments			
600—Income security:			
New direct loan obligations	500	500	500
New primary loan guarantee commitments	18,150	18,100	18,150
New secondary loan guarantee commitments			
700—Veterans benefits and services:			
New direct loan obligations	700	700	700
New primary loan guarantee commitments	12,500	12,500	12,500
New secondary loan guarantee commitments			
850—General purpose fiscal assistance:			
New direct loan obligations	300	300	300
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1985—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
New direct loan obligations	47,450	48,100	46,700
New primary loan guarantee commitments	103,950	97,400	103,050
New secondary loan guarantee commitments	68,250		68,250
150—International affairs:			
New direct loan obligations	12,400	11,500	12,300
New primary loan guarantee commitments	10,250	10,300	10,300
New secondary loan guarantee commitments			
270—Energy:			
New direct loan obligations	12,550	14,300	12,500
New primary loan guarantee commitments			
New secondary loan guarantee commitments			
300—National resources and environment:			
New direct loan obligations	50	27	50
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1986—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES INCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
New direct loan obligations	48,000	48,700	47,750
New primary loan guarantee commitments	107,650	101,000	106,800
New secondary loan guarantee commitments	68,250		68,250
150—International affairs:			
New direct loan obligations	12,950	11,600	12,850
New primary loan guarantee commitments	10,250	10,300	10,300
New secondary loan guarantee commitments			
270—Energy:			
New direct loan obligations	12,600	14,400	12,600
New primary loan guarantee commitments			
New secondary loan guarantee commitments			
300—National resources and environment:			
New direct loan obligations	50	27	50
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1986—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2

[In millions of dollars]

	House passed	Senate passed	Conference substitute
New direct loan obligations	48,000	48,700	47,750
New primary loan guarantee commitments	107,650	101,000	106,800
New secondary loan guarantee commitments	68,250		68,250
150—International affairs:			
New direct loan obligations	12,950	11,600	12,850
New primary loan guarantee commitments	10,250	10,300	10,300
New secondary loan guarantee commitments			
270—Energy:			
New direct loan obligations	12,600	14,400	12,600
New primary loan guarantee commitments			
New secondary loan guarantee commitments			
300—National resources and environment:			
New direct loan obligations	50	27	50
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

FISCAL YEAR 1986—CREDIT BUDGET AGGREGATES AND FUNCTIONAL CATEGORIES EXCLUDING CREDIT BUDGET IMPACT OF AMOUNTS RESERVED PURSUANT TO SECTION 2—Continued

[In millions of dollars]

	House passed	Senate passed	Conference substitute
350—Agriculture:			
New direct loan obligations	12,400	12,200	12,200
New primary loan guarantee commitments	4,350	3,800	3,850
New secondary loan guarantee commitments			
370—Commerce and housing credit:			
New direct loan obligations	5,800	6,300	5,800
New primary loan guarantee commitments	48,700	48,700	54,200
New secondary loan guarantee commitments	68,250		68,250
400—Transportation:			
New direct loan obligations	100	100	100
New primary loan guarantee commitments	300	300	300
New secondary loan guarantee commitments			
450—Community and regional development:			
New direct loan obligations	1,750	1,800	1,800
New primary loan guarantee commitments	6,450	400	550
New secondary loan guarantee commitments			
500—Education, training, employment, and social services:			
New direct loan obligations	800	800	800
New primary loan guarantee commitments	6,600	6,650	6,650
New secondary loan guarantee commitments			
550—Health:			
New direct loan obligations	50	28	50
New primary loan guarantee commitments	300	300	300
New secondary loan guarantee commitments			
600—Income security:			
New direct loan obligations	500	500	500
New primary loan guarantee commitments	18,150	18,100	18,150
New secondary loan guarantee commitments			
700—Veterans benefits and services:			
New direct loan obligations	700	700	700
New primary loan guarantee commitments	12,500	12,500	12,500
New secondary loan guarantee commitments			
850—General purpose fiscal assistance:			
New direct loan obligations	300	300	300
New primary loan guarantee commitments			
New secondary loan guarantee commitments			

OTHER CREDIT BUDGET PROVISIONS

The Senate amendment expressed the sense of the Congress that the President and Congress, through the appropriations process, limit on-budget and off-budget new direct loan obligations and new primary loan guarantee commitments to specified amounts in fiscal years 1983 and 1984. Also, the Senate amendment expressed the sense of the Congress that Federal Financing Bank originations of loans guaranteed by and purchases of loan assets from Federal agencies be limited to specified amounts in fiscal years 1983 and 1984. Further, the Senate amendment expressed the sense of the Congress that direct borrowing transactions of Federal agencies should be restricted to the Federal Financing Bank to the maximum extent possible. The House resolution did not contain such provisions. The conference substitute contains the Senate provisions adjusted to be consistent with the aggregate credit budget targets and functional totals in the substitute.

The Senate amendment contained a provision requiring an estimated allocation of new direct loan obligations and new loan guarantee commitments in fiscal years 1983 and 1984 to the appropriate committees of the House and Senate. Further, the Senate amendment required the committees of the House and Senate receiving such allocations to subdivide those allocations among their subcommittees. The House-passed resolution contained no similar provision. The conference substitute does not contain the Senate provision.

The Senate amendment expressed the sense of the Congress that Federal agencies selling loan assets to or guaranteeing loans originated by the Federal Financing Bank should have the budget authority and outlays resulting from those transactions reflected in their agency budgets. The Senate amendment further recommended that the appropriate committees with jurisdiction over the Federal Financing Bank Act of 1973 consider expeditiously legislation to require that the budgetary impact of Federal Financing Bank transactions be included in the budgets of the initiating agencies beginning with the fiscal year 1985 budget. The House resolution contained no similar provision. The conference substitute contains the Senate provision.

ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO SENATE COMMITTEES

Pursuant to section 302 of the Congressional Budget Act, the conference substitute makes the following allocation of budget authority and outlays among the committees of the Senate:

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1983

[In millions of dollars]

Committees	Direct spending jurisdiction		Entitlements funded in annual appropriation acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	515,466	479,118		
Agriculture, Nutrition, and Forestry	4,905	22,924	17,229	143
Armed Services	19	33	16,101	16,052
Banking, Housing, and Urban Affairs	1,618	82		1
Commerce, Science, and Transportation	1,711	248	328	390
Energy and Natural Resources	1,206	1,208	57	50
Environment and Public Works	13,785	1,189	6	6
Finance	407,831	388,321	50,408	56,303
Foreign Relations	14,872	12,237		
Governmental Affairs	46,240	31,788	(1)	(1)
Judiciary	554	555	65	63
Labor and Human Resources	7,780	8,928	5,334	4,513
Rules and Administration	53	23		
Small Business				
Veterans' Affairs	1,413	1,058	15,103	15,585
Select Indian Affairs	463	404		
Not allocated to committees:				
Reserve fund	6,060	5,350		
Offsetting receipts	140,615	140,615		
Total budget	883,360	812,850	104,629	93,106

[1] Less than $500,000.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984

[In millions of dollars]

Committees	Direct spending jurisdiction		Entitlements funded in annual appropriation acts	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	536,138	510,889		
Agriculture, Nutrition, and Forestry	631	10,243	9,702	157
Armed Services	20	25	16,694	16,689
Banking, Housing, and Urban Affairs	2,175	−826		
Commerce, Science, and Transportation	1,776	153	349	349
Energy and Natural Resources	1,673	1,473	60	55
Environment and Public Works	14,881	1,214	6	6
Finance	423,837	409,763	52,863	52,929
Foreign Relations	16,132	12,572		
Governmental Affairs	48,484	33,657	(1)	(1)
Judiciary	556	538	68	68
Labor and Human Resources	13,790	10,623	4,478	4,479
Rules and Administration	54	137		
Small Business				
Veterans' Affairs	1,444	1,103	15,146	15,178
Select Indian Affairs	455	478		
Not allocated to committees:				
Reserve fund	8,325	8,525		
Offsetting receipts	−141,644	−141,644		
Total budget	928,725	858,925	99,365	89,911

[1] Less than $500,000.

JAMES R. JONES,
JIM WRIGHT,
STEPHEN J. SOLARZ,
TIMOTHY E. WIRTH,
LEON E. PANETTA,
RICHARD GEPHARDT,
BILL NELSON,
LES ASPIN,
MIKE LOWRY,
WILLIAM H. GRAY III,
Managers on the Part of the House.

PETE V. DOMENICI,
NANCY LANDON KASSEBAUM,
RUDY BOSCHWITZ,
SLADE GORTON,
LAWTON CHILES,
JIM SASSER,
HOWARD M. METZENBAUM,
DON RIEGLE,
Managers on the Part of the Senate.

REPORT ON SENATE CONCURRENT RESOLUTION AUTHORIZING PRINTING OF REVISED EDITION OF "THE CAPITOL"

Mr. GAYDOS, from the Committee on House Administration, submitted a privileged report (Rept. No. 98-249) on the Senate concurrent resolution (S. Con. Res. 35) authorizing the printing as a Senate document of a revised edition of "The Capitol," which was referred to the House Calendar and ordered to be printed.

MILITARY CONSTRUCTION AUTHORIZATION ACT, 1984

The SPEAKER pro tempore (Mr. MILLER of California). Pursuant to House Resolution 229 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2972.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the

Union for the further consideration of the bill (H.R. 2972) to authorize certain construction at military installations for fiscal year 1984, and for other purposes, with Mr. KILDEE in the chair.

□ 1340

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on Monday, June 20, 1983, all time for general debate had expired.

Pursuant to the rule, the bill will be considered under the 5-minute rule by titles, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Construction Authorization Act, 1984".

Mr. KRAMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the fiscal year 1984 military construction authorization bill (H.R. 2972) before us today deserves the full support of this body because it meets two important tests. First, it responds to the most pressing needs of the military services. And second, it stays within the fiscal boundaries established by the first concurrent budget resolution adopted by the House.

Before commenting further on this legislation, I wish to commend the gentleman from California (Mr. DELLUMS) for his leadership in chairing the hearings on this bill. While his individual views on certain policy issues regarding H.R. 2972 differed sharply from those of some of us on the subcommittee, he always managed the hearings in a most fair and judicious manner, granting equal time to both sides of the issues.

While the gentleman from California has explained some of the major adjustments to the bill made by the committee, I would like to take a few moments to comment on some other aspects of the bill.

For the past several years, our committee has been encouraging the military departments to employ different construction techinques that may prove less costly than conventional practices. As a result of our efforts, the Army is undertaking a demonstration test of manufactured housing at the Army's National Training Center at Fort Irwin, Calif. The first of the 200 units of manufactured housing are to be ready for occupancy this October with completion of the project scheduled for next January. Our hope is that the test will demonstrate that our military services can obtain quality housing at less cost through the use of manufactured or factory-built units.

In this bill, the committee has begun another initiative. That is to direct the services to conduct a demonstration test of frame-supported architectural fabric strcutures on six projects in the fiscal year 1984 program. This demonstration effort is the result of an evaluation of fabric structure technology conducted by the Army Construction Engineering Laboratory earlier this year at the committee's request. In essence, Mr. Chairman, we are asking the services to look carefully at new construction methods that already are being widely used in the civilian, non-Federal market place because they are less costly to the Government.

Another area of major concern for many of us on the committee—perhaps the most major concern—is the crying need for better housing and working places for our service personnel. These are euphemistically called quality of life projects. This year, the Department of Defense put great emphasis on solving this problem and budgeted nearly half of the bill's total amount for this purpose. Our committee supported that request and particularly for replacing many old, substandard facilities in Germany where many of our Forces are required to work and live. During the course of our hearings, some of us had an opportunity to go to Germany to see some of these dilapidated conditions firsthand. Some of the structures we visited date back to World War I.

Mr. Chairman, although this bill represents a program less than requested by the administration, it preserves our defense readiness and in many instances improves our defense capabilities by providing the necessary facilities to support new weapon systems entering our land, sea, and air forces. It is a well-balanced bill and I urge its passage by the House. It is fiscally responsible and militarily correct.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield to me?

Mr. KRAMER. Certainly, I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I want to compliment the gentleman from Colorado (Mr. KRAMER) on his statement. I thoroughly agree with him on the merits of this bill.

I am not necessarily always a supporter of every military bill that comes through, but I would like to point out that it is rare indeed that we have a piece of legislation on which the gentleman from Colorado and the gentleman from California, the chairman of the subcommittee, enthusiastically agree, and I think that in itself is significant and warrants the close attention of the Members.

I am particularly interested in the specific items that the gentleman mentioned. I think the use of manufactured housing in the rigorous atmosphere at Fort Irwin is going to provide an excellent demonstration of how we can better take care of the needs of our military people in a desert environment. There are a number of other extremely useful initiatives in this bill which will not only benefit the armed services on a long-term basis but which will also benefit the communities, both in this country and overseas, in which we have our Military Forces.

For those reasons, Mr. Chairman, I think the gentleman has done a very commendable job and the committee has done a commendable job, and I intend to support the bill enthusiastically.

Mr. KRAMER. Mr. Chairman, I appreciate very much the remarks of the gentleman from California (Mr. BROWN).

The CHAIRMAN. The time of the gentleman from Colorado (Mr. KRAMER) has expired.

(By unanimous consent, Mr. KRAMER was allowed to proceed for 2 additional minutes.)

Mr. KRAMER. Mr. Chairman, I ask for the support of the Members, and I appreciate the support of the gentleman from California (Mr. BROWN) for this legislation. I would only close by assuring the gentleman that there is not one single dollar in this bill that is being expended on construction that is outside of the atmosphere, which I am sure he appreciates very much.

Mr. BROWN of California. Mr. Chairman, I am reassured by the gentleman's comment.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would first like to thank the gentleman from Colorado (Mr. KRAMER) for his kind and generous remarks directed at me as the chairman of the subcommittee.

I would also like to compliment my colleague for his diligence and his cooperation on the bill that is before the body. His work with us on the subcommittee has made it very easy to move the bill through the subcommittee and the full committee, and I thank my colleague for that.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentlewoman from California.

Ms. FIEDLER. Mr. Chairman, I rise in support of this bill, and I would like to offer a special commendation to the chairman of the subcommittee, the gentleman from California (Mr. DELLUMS). He did an outstanding job in leading the committee through some very difficult and delicate negotiations, and I just want to offer to him my heartfelt thanks for the very spe-

cial efforts he made in behalf of my district.

Mr. DICKINSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to join with the ranking minority member in saying that as a member of this subcommittee I think the committee has done a good job. I think that the chairman of the subcommittee has been emanately fair. While he and I do not agree philosophically quite often, as far as the conduct of the business of the subcommittee is concerned, he could not have been more fair and considerate to all members, and I certainly want to commend him for that.

I would like to give a couple of pats on the back to the committee as a whole for its diligent work in trying to cut costs. As has been pointed out, this Subcommittee on Military Construction has made good strides in cost containment. Several projects have been eliminated, and I think, whether we talk about modular housing or any one of the many other things this committee has dealt with, the subcommittee has done a good job.

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I would like to add one more factor. There is no part of Government that builds more housing than does the military, that owns more housing, especially in the warm temperatures in the South, in the Caribbean, in the Panama Canal Zone and in the Equatorial Zones we have around the world.

At the end of the markup session, I suggested to the chairman that we ought to have a special hearing to determine, are we doing all that we can to pursue solar energy and renewable energy in our defense procurement policies when it comes to military housing?

The chairman readily acceded to this, as did the ranking member. If I am correct in saying this, one of the first hearings we will hold when we finish this bill will be to go into the subject of solar energy and other energies that can be used that are renewable, that will cut costs, that will cut consumption of nonrenewable fuel sources, and if we can be the pacesetter in the military department and in the Department of Defense, I think it will be a pat on the back to us and certainly will be a benefit to the taxpayer.

I want to commend the committee for agreeing to go forward with these hearings and I am looking forward to it.

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate title I.

The text of title I is as follows:

TITLE I—ARMY

AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 101. The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, $31,100,000.
Fort Campbell, Kentucky, $15,300,000.
Fort Carson, Colorado, $15,760,000.
Fort Devens, Massachusetts, $3,000,000.
Fort Douglas, Utah, $910,000.
Fort Drum, New York, $1,500,000.
Fort Hood, Texas, $76,050,000.
Fort Hunter, Liggett, California, $2,850,000.
Fort Irwin, California, $36,950,000.
Fort Lewis, Washington, $31,640,000.
Fort Meade, Maryland, $5,150,000.
Fort Ord, California, $6,150,000.
Fort Polk, Louisiana, $16,180,000.
Fort Richardson, Alaska, $940,000.
Fort Riley, Kansas, $91,300,000.
Fort Stewart, Georgia, $29,720,000.
Presidio of Monterey, California, $1,300,000.

UNITED STATES ARMY WESTERN COMMAND

Schofield Barracks, Hawaii, $31,900,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Carlisle Barracks, Pennsylvania, $3,700,000.
Fort Benning, Georgia, $21,750,000.
Fort Bliss, Texas, $34,730,000.
Fort Jackson, South Carolina, $790,000.
Fort Knox, Kentucky, $4,200,000.
Fort Leavenworth, Kansas, $27,550,000.
Fort Lee, Virginia, $5,930,000.
Fort Leonard Wood, Missouri, $12,600,000.
Fort McClellan, Alabama, $4,220,000.
Fort Rucker, Alabama, $11,600,000.
Fort Sill, Oklahoma, $25,150,000.
Fort Story, Virginia, $9,000,000.

MILITARY DISTRICT OF WASHINGTON

Fort Myer, Virginia, $2,750,000.

UNITED STATES ARMY MATERIAL DEVELOPMENT AND READINESS COMMAND

Aberdeen Proving Ground, Maryland, $39,850,000.
Detroit Arsenal, Michigan, $270,000.
Harry Diamond Laboratories, Maryland, $400,000.
Fort Monmouth, New Jersey, $14,900,000.
Kansas Army Ammunition Plant, $1,150,000.
Louisiana Army Ammunition Plant, Louisiana, $4,250,000.
Milan Army Ammunition Plant, Tennessee, $550,000.
Picatinny Arsenal, New Jersey, $460,000.
Pine Bluff Arsenal, Arkansas, $10,200,000.
Red River Army Depot, Texas, $1,250,000.
Redstone Arsenal, Alabama, $25,400,000.
Rock Island Arsenal, Illinois, $22,000,000.
Sierra Army Depot, California, $3,950,000.
Tobyhanna Army Depot, Pennsylvaina, $9,200,000.
Watervliet Arsenal, New York, $2,150,000.
White Sands Missile Range, New Mexico, $310,000.

AMMUNITION FACILITIES

Iowa Army Ammunition Plant, Iowa, $2,000,000.
Lake City Army Ammunition Plant, Missouri, $600,000.
Lone Star Army Ammunition Plant, Texas, $1,300,000.
Longhorn Army Ammunition Plant, Texas, $270,000.
Milan Army Ammunition Plant, Tennessee, $340,000.
Radford Army Ammunition Plant, Virginia, $4,620,000.
Scranton Army Ammunition Plant, Pennsylvania, $1,000,000.

UNITED STATES ARMY COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $1,250,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, New York, $12,840,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Fort Detrick, Maryland, $1,650,000.
Walter Reed Army Medical Center, Washington, District of Columbia, $4,200,000.

CLASSIFIED PROJECT

Various Locations, $1,300,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, JAPAN

Okinawa, $1,400,000.

EIGHTH UNITED STATES ARMY

Korea, $59,580,000.

BALLISTIC MISSILE DEFENSE SYSTEMS COMMAND

Kwajalein, $5,620,000.

UNITED STATES ARMY FORCES COMMAND OVERSEAS

Fort Buchanan, Puerto Rico, $1,550,000.
Panama, $1,460,000.

UNITED STATES ARMY, EUROPE

Europe, $19,000,000.
Germany, $294,850,000.
Greece, $4,880,000.
Italy, $2,710,000.
Turkey, $5,250,000.

UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND OVERSEAS

Korea, $260,000.

FAMILY HOUSING

SEC. 102. (a) The Secretary of the Army may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations in the number of units shown, and in the amount shown, for each installation:

Various locations, Alaska, six units, $1,158,000.
Aliamanu, Hawaii, community center, $9,900,000.
Fort Greely, Alaska, thirty-eight units, $5,203,000.
Fort Polk, Louisiana, two hundred units, $15,342,000.
Fort Stewart, Georgia, two hundred and forty-four units, $14,626,000.
Wildflecken, Federal Republic of Germany, one hundred and fifty-three units, $12,157,000.
Bayreuth, Federal Republic of Germany, thirteen units, $1,132,000.
Kitzingen, Federal Republic of Germany, one hundred and three units, $11,140,000.
Vicenza, Italy, two units, $354,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 103. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Army may make expenditures to improve existing military family housing units in an amount not to exceed $108,551,000, of which $26,623,000 is available only for energy conservation projects.

(b) Within the amount specified in subsection (a), the Secretary of the Army may, notwithstanding the maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, in the amount shown, for each installation:

Aberdeen Proving Ground, Maryland, one hundred and sixty units, $6,816,000.

Fort Hamilton, New York, one hundred and eight units, $5,280,000.

ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 104. The Secretary of the Army may carry out architectural and engineering services and construction design in connection with military family housing construction (including improvements) in the amount of $6,750,000.

PROJECTS USING UNOBLIGATED PRIOR YEAR AUTHORITY

SEC. 105. (a) The Secretary of the Army may carry out the following projects (for which funds are not included under section 601) as provided in subsection (b):

Purchase of Support Facilities in the amount of $16,500,000 at Rheinberg, Germany.

Unspecified Minor Construction projects in the amount of $4,600,000 at various locations.

Construction projects of $1,000,000 or less in the amount of $6,800,000 at various locations.

(b) A contract for a project listed in subsection (a) may be entered into using authorization amounts available from approved projects authorized under title I of any previous Military Construction Authorization Act.

The CHAIRMAN. Are there any amendments to title I?

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: Page 2, line 17, strike out the comma after "Fort Hunter".

Page 3, line 20, strike out "Material" and insert in lieu thereof "Materiel".

Page 8, line 5, strike out "funds" and insert in lieu thereof "amounts".

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Chairman, the amendment before the body at this time is a technical amendment. It simply makes grammatical and clerical and printing error corrections in the bill. It makes no changes in the substantive aspects of the bill.

I ask that the amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title I?

The Clerk will designate title II.

The text of title II is as follows:

TITLE II—NAVY

AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 201. The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Air Station, Beaufort, South Carolina, $3,530,000.

Marine Corps Base, Camp Lejeune, North Carolina, $31,760,000.

Marine Corps Base, Camp Pendleton, California, $39,070,000.

Marine Corps Air Station, Cherry Point, North Carolina, $1,805,000.

Marine Corps Air Station, El Toro, California, $14,030,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $7,900,000.

Marine Corps Air Station, New River, North Carolina, $2,730,000.

Marine Corps Camp Detachment, Camp Elmore, Norfolk, Virginia, $1,160,000.

Camp H. M. Smith, Oahu, Hawaii, $2,700,000.

Marine Corps Development and Education Command, Quantico, Virginia, $2,570,000.

Marine Corps Recruit Depot, San Diego, California, $10,690,000.

Marine Corps Air Station, Tustin, California, $465,000.

Marine Corps Air-Ground Combat Center, Twentynine Palms, California, $25,120,000.

Marine Corps Air Station, Yuma, Arizona, $8,920,000.

CHIEF OF NAVAL OPERATIONS

Naval Academy, Annapolis, Maryland, $9,720,000.

Naval Station, Annapolis, Maryland, $405,000.

Naval Space Surveillance Field Station, Hollandale, Mississippi, $495,000.

COMMANDER IN CHIEF, UNITED STATES ATLANTIC FLEET

Naval Air Station, Brunswick, Maine, $7,800,000.

Naval Air Station, Cecil Field, Florida, $17,670,000.

Naval Station, Charleston, South Carolina, $39,250,000.

Naval Air Station, Jacksonville, Florida, $10,000,000.

Naval Air Station, Key West, Florida, $15,635,000.

Naval Amphibious Base, Little Creek, Virginia, $9,170,000.

Naval Station, Mayport, Florida, $25,520,000.

Naval Submarine Base, New London, Connecticut, $11,970,000.

Naval Station, Norfolk, Virginia, $2,560,000.

Naval Air Station, Oceana, Virginia, $415,000.

Tactical Training Group, Atlantic, Virginia Beach, Virginia, $3,750,000.

COMMANDER IN CHIEF, UNITED STATES PACIFIC FLEET

Naval Station, Adak, Alaska, $2,970,000.

Naval Submarine Base, Bangor, Washington, $8,040,000.

Naval Air Station, Barbers Point, Hawaii, $890,000.

Naval Amphibious Base, Coronado, California, $21,222,000.

Naval Air Station, Fallon, Nevada, $11,900,000.

Naval Air Station, Lemoore, California, $20,920,000.

Naval Air Station, Miramar, California, $2,020,000.

Naval Air Station, Moffett Field, California, $1,870,000.

Naval Air Station, North Island, California, $20,650,000.

Fleet Intelligence Center, Pacific, Pearl Harbor, Hawaii, $990,000.

Naval Station, Pearl Harbor, Hawaii, $3,350,000.

Naval Submarine Base, Pearl Harbor, Hawaii, $2,590,000.

Tactical Training Group, Pacific, San Diego, California, $3,260,000.

Naval Station, San Diego, California, $980,000.

Naval Submarine Base, San Diego, California, $6,660,000.

Naval Station, Mare Island, Vallejo, California, $210,000.

Naval Support Activity, Mare Island, Vallejo, California, $1,800,000.

Naval Air Station, Whidbey Island, Washington, $3,160,000.

NAVAL EDUCATION AND TRAINING COMMAND

Naval Air Station, Chase Field, Texas, $2,625,000.

Naval Air Station, Corpus Christi, Texas, $495,000.

Fleet Combat Training Center, Atlantic, Dam Neck, Virginia, $12,190,000

Fleet Intelligence Training Center, Dam Neck, Virginia, $12,200,000.

Naval Guided Missiles School, Dam Neck, Virginia, $1,860,000.

Naval Air Station, Kingsville, Texas, $4,830,000.

Naval Air Station, Memphis, Tennessee, $11,800,000.

Naval Air Station, Meridian, Mississippi, $610,000.

Naval Submarine School, New London, Connecticut, $12,180,000.

Naval Education and Training Center, Newport, Rhode Island, $4,270,000.

Fleet Anti-Submarine Warfare Training Center, Atlantic, Norfolk, Virginia, $4,130,000.

Fleet Training Center, Norfolk, Virginia, $1,120,000.

Naval Training Center, Orlando, Florida, $19,690,000.

Naval Air Station, Pensacola, Florida, $2,200,000.

Naval Technical Training Center, Pensacola, Florida, $2,410,000.

Fleet Anti-Submarine Warfare Training Center, Pacific, San Diego, California, $14,200,000.

Naval Air Station, Whiting Field, Florida, $4,260,000.

BUREAU OF MEDICINE AND SURGERY

National Naval Medical Center, Bethesda, Maryland, $37,170,000.

National Regional Medical Center, Long Beach, California, $8,370,000.

Naval Submarine Medical Center, New London, Connecticut, $6,510,000.

Naval Regional Medical Clinic, Pearl Harbor, Hawaii, $8,490,000.

NAVAL MATERIAL COMMAND

Naval Air Rework Facility, Alameda, California, $21,560,000.

David W. Taylor Naval Ship Research and Development Center, Bethesda, Maryland, $5,030,000.

Naval Supply Center, Puget Sound, Bremerton, Washington, $200,000.
Naval Ordnance Test Unit, Cape Canaveral, Florida, $57,000,000.
Naval Shipyard, Charleston, South Carolina, $15,000,000.
Naval Weapons Station, Charleston, South Carolina, $1,570,000.
Naval Air Rework Facility, Cherry Point, North Carolina, $20,040,000.
Naval Weapons Center, China Lake, California, $31,100,000.
Naval Weapons Station, Concord, California, $2,720,000.
Naval Surface Weapons Center, Dahlgren, Virginia, $5,355,000.
Fleet Combat Directions Systems Support Activity, Dam Neck, Virginia, $4,000,000.
Naval Weapons Station, Earle, New Jersey, $465,000.
AEGIS Combat System Engineering Development Site, Fort Dix, New Jersey, $2,040,000.
Naval Construction Battalion Center, Gulfport, Mississippi, $2,960,000.
Naval Ordnance Station, Indian Head, Maryland, $1,950,000.
Naval Air Rework Facility, Jacksonville, Florida, $2,875,000.
Naval Underwater Engineering Station, Keyport, Washington, $1,400,000.
Naval Submarine Base, Kings Bay, Georgia, $36,429,000. of which $400,000. may be used to provide community impact planning assistance and $5,619,000. may be used to provide community impact assistance under section 802 of the Military Construction Authorization Act, 1981 (Public Law 96-418; 10 U.S.C. 139 note), to the communities near the submarine base.
Naval Air Engineering Center, Lakehurst, New Jersey, $4,195,000.
Naval Shipyard, Mare Island, California, $14,800,000.
Naval Ships Parts Control Center, Mechanicsburg, Pennsylvania, $15,800,000.
Naval Air Rework Facility, Norfolk, Virginia, $3,020,000.
Naval Supply Center, Norfolk, Virginia, $6,400,000.
Naval Coastal System Center, Panama City, Florida, $6,070,000.
Naval Air Test Center, Patuxent River, Maryland, $10,150,000.
Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii, $26,040,000.
Naval Public Works Center, Pearl Harbor, Hawaii, $13,100,000.
Pacific Missile Test Center, Point Mugu, California, $840,000.
Portsmouth Naval Shipyard, Kittery, Maine, $7,100,000.
Norfolk Naval Shipyard, Portsmouth, Virginia, $19,350,000.
Naval Transmitter Facility, Republic, Michigan, $13,000,000.
Naval Ocean Systems Center, San Diego, California, $8,000,000.
Naval Supply Center, San Diego, California, $1,110,000.
Navy Public Works Center, San Francisco, California, $220,000.
Naval Shipyard, Philadelphia, Pennsylvania, $2,600,000.
Naval Ships Systems Engineering Station, Philadelphia, Pennsylvania, $14,500,000.

NAVAL OCEANOGRAPHY COMMAND

Naval Oceanographic Office, Bay St. Louis, Mississippi, $6,320,000.
Fleet Numerical Oceanography Center, Monterey, California, $6,980,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station, Atlantic, Norfolk, Virginia, $1,690,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Detachment, Surgar Grove, West Virginia, $7,400,000.

OUTSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Air Station, Iwakuni, Japan, $750,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Bermuda, $810,000.
Naval Facility, Bermuda, $1,110,000.
Naval Station, Guantanamo Bay, Cuba, $730,000.
Naval Station, Keflavik, Iceland, $41,500,000.
Naval Station, Panama, Canal Zone, $1,490,000.
Naval Station, Roosevelt Roads, Puerto Rico, $1,330,000.
Atlantic Fleet Weapons Training Facility, Roosevelt Roads, Puerto Rico, $1,945,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Commander, U.S. Naval Forces Korea Detachment, Chinhae, Korea, $460,000.
Navy Support Facility, Diego Garcia, $31,800,000.

COMMANDER IN CHIEF, NAVAL FORCES, EUROPE

Naval Support Activity, Holy Loch, Scotland, $9,810,000.
Navy Personnel Support Activity, Naples, Italy, $640,000.
Naval Support Activity, Naples, Italy $4,700,000.
Naval Station, Rota, Spain, $9,250,000.
Naval Air Station, Sigonella, Italy, $23,380.000.

NAVAL OCEANOGRAPHY COMMAND

Naval Oceanography Command Center, Rota, Spain, $980,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $3,020,000.
Naval Communication Area Master Station Western Pacific, Guam, Mariana Islands, $980,000.
Classified Location, $1,280,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Detachment, Guantanamo Bay, Cuba, $1,700,000.

HOST NATION INFRASTRUCTURE SUPPORT

Various Locations, $2,970,000.

FAMILY HOUSING

SEC. 202. The Secretary of the Navy may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations in the number of units shown, and in the amount shown, for each installation:
Marine Corps Air Station, El Toro, California, one hundred and thirty units, $11,666,000.
Marine Corps Base, Camp Pendleton, California, three hundred units, $23,160,000.
Naval Air Station, Sigonella, Italy, two hundred and five units, $20,000,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 203. Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may make expenditures to improve existing military family housing units in an amount not to exceed $13,240,000, of which $3,953,000 is available only for energy conservation projects.

ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 204. The Secretary of the Navy may carry out architectural and engineering services and construction design in connection with military family housing consturction (including improvements) in the amount of $7,395,000.

MODIFICATION OF LEASING LIMITATION FOR NAVAL AIR STATION, LEMOORE, CALIFORNIA

SEC. 205. Section 2 of Public Law 92-378 (86 Stat. 530), relating to leases of lands for agricultural and grazing purposes at the Naval Air Station Lemoore, California, is amended by striking out "one hundred and sixty irrigable acres" and inserting in lieu thereof "nine hundred and sixty irrigable acres".

LAND ACQUISITION FOR FUTURE FAMILY HOUSING REQUIREMENTS, SAN DIEGO, CALIFORNIA

SEC. 206. The Secretary of the Navy may acquire up to one hundred and twenty-five acres of real property in San Diego, California (or the surrounding area), that the Secretary determines to be suitable as a site or sites for future construction of military family housing for the Department of the Navy. Such property maybe acquired by exchange or by purchase using funds derived from savings in carrying out previously authorized projects. The Secretary may acquire an option on such property as provided in section 2677(a) of title 10, United States Code, and (notwithstanding section 2677(b) of such title) may pay, from funds available for projects under section 2805 of title 10, United States Code, not more than $1,000,000 for such option.

MODIFICATION OF AUTHORITY FOR PROCUREMENT OF STEAM SUPPLY FOR THE CHARLESTON NAVAL STATION

SEC. 207. Section 205(a)(1) of the Military Construction Authorization Act, 1982 (Public Law 97-99; Stat, 1366), is amended to read as follows:
"(1) construct steam lines and any other needed facility, or pay a connection fee, to make use of energy generated by a waste heat recovery facility or a process-related, coal-fired cogeneration facility to be furnished by the Macalloy Corporation (a corporation organized under the laws of the State of Delaware) or any successor to that corporation.".

The CHAIRMAN. Are there amendments to title II?

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: Page 12, line 2, strike out "$210,000" and insert in lieu thereof "$2,010,000".
Page 12, strike out lines 3 and 4.
Page 15, line 10, strike out "Naval Shipyard, Mare Island," and insert in lieu thereof "Mare Island Naval Shipyard, Vallejo,".
Page 15, line 16, strike out "System" and insert in lieu thereof "Systems".
Page 17, line 14, strike out "$1,330,000" and insert in lieu thereof "$1,300,000".
Page 20, beginning on line 10, strike out "an option" and insert in lieu thereof "options".
Page 20, line 15, strike out "option" and insert in lieu thereof "options".
Page 21, line 2, strike out the first period and insert in lieu thereof a semicolon.

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Chairman, this, too, is an amendment that is technical in nature. It simply corrects clerical and printing errors in the bill. It makes no changes in the substantive aspect of the legislation.

I ask the amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—AIR FORCE

AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 301. The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $16,155,000.
Kelly Air Force Base, Texas, $22,590,000.
McClellan Air Force Base, California, $10,200,000.
Newark Air Force Station, Ohio, $800,000.
Robins Air Force Base, Georgia, $17,330,000.
Tinker Air Force Base, Oklahoma, $9,030,000.
Wright-Patterson Air Force Base, Ohio, $5,923,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tennessee, $12,170,000.
Brooks Air Force Base, Texas, $10,110,000.
Cape Canaveral Air Force Station, Florida, $9,400,000.
Eastern Launch Site, Florida, $6,000,000.
Edwards Air Force Base, California, $11,910,000.
Eglin Air Force Base, Florida, $11,990,000.
Laurence G. Hanscom Air Force Base, Massachusetts, $3,670,000.
Johnson Space Center, Texas, $700,000.
Los Angeles Air Force Station, California, $2,670,000.
Patrick Air Force Base, Florida, $2,392,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, $21,910,000.
Columbus Air Force Base, Mississippi, $1,650,000.
Goodfellow Air Force Base, Texas, $2,240,000.
Gunter Air Force Station, Alabama, $6,750,000.
Keesler Air Force Base, Mississippi, $6,320,000.
Lackland Air Force Base, Texas, $7,800,000.
Mather Air Force Base, California, $4,460,000.
Reese Air Force Base, Texas, $1,550,000.
San Antonio Area, Texas, $12,000,000.
Sheppard Air Force Base, Texas, $12,900,000.
Vance Air Force Base, Oklahoma, $1,250,000.
Williams Air Force Base, Arizona, $2,700,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Alaska, $58,390,000.
Elmendorf Air Force Base, Alaska, $10,770,000.
Galena Air Force Base, Alaska, $3,950,000.
Shemya Air Force Base, Alaska, $21,400,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Oklahoma, $21,600,000.
Andrews Air Force Base, Maryland, $1,786,000.
Bolling Air Force Base, District of Columbia, $4,270,000.
Dover Air Force Base, Delaware, $1,300,000.
Kirtland Air Force Base, New Mexico, $2,240,000.
Little Rock Air Force Base, Arkansas, $5,970,000.
McChord Air Force Base, Washington, $12,160,000.
McGuire Air Force Base, New Jersey, $620,000.
Pope Air Force Base, North Carolina, $2,800,000.
Scott Air Force Base, Illinois, $790,000.
Travis Air Force Base, California, $53,200,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Hawaii, $3,150,000.

MX CONSTRUCTION

Various Locations, $46,700,000.

SPACE COMMAND

NORAD Cheyenne Mountain Complex, Colorado, $5,660,000.
Peterson Air Force Base, Colorado, $78,700,000.

SPECIAL PROJECT

Various Locations, $24,000,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Louisiana, $34,970,000.
Beale Air Force Base, California, $5,550,000.
Blytheville Air Force Base, Arkansas, $9,070,000.
Carswell Air Force Base, Texas, $3,400,000.
Castle Air Force Base, California, $6,500,000.
Dyess Air Force Base, Texas, $14,300,000.
Ellsworth Air Force Base, South Dakota, $6,700,000.
Fairchild Air Force Base, Washington, $28,450,000.
Forsyth Air Force Base, Montana, $4,225,000.
Grand Forks Air Force Base, North Dakota, $8,525,000.
Griffis Air Force Base, New York, $12,400,000.
Grissom Air Force Base, Indiana, $9,830,000.
Havre Air Force Base, Montana, $4,936,000.
K. I. Sawyer Air Force Base, Michigan, $40,460,000.
Loring Air Force Base, Maine, $36,400,000.
Malmstrom Air Force Base, Montana, $630,000.
March Air Force Base, California, $3,550,000.
McConnell Air Force Base, Kansas, $9,570,000.
Minot Air Force Base, North Dakota, $13,800,000.
Offutt Air Force Base, Nebraska, $7,620,000.
Plattsburgh Air Force Base, New York, $5,955,000.
Vandenberg Air Force Base, California, $46,002,000.
Whiteman Air Force Base, Missouri, $24,500,000.
Wurtsmith Air Force Base, Michigan, $5,000,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Texas, $6,780,000.
Cannon Air Force Base, New Mexico, $6,800,000.
Davis-Monthan Air Force Base, Arizona, $5,850,000.
England Air Force Base, Louisiana, $3,357,000.
George Air Force Base, California, $220,000.
Homestead Air Force Base, Florida, $4,060,000.
Langley Air Force Base, Virginia, $8,300,000.
Luke Air Force Base, Arizona, $9,663,000.
MacDill Air Force Base, Florida, $6,360,000.
Moody Air Force Base, Georgia, $1,300,000.
Mountain Home Air Force Base, Idaho, $6,590,000.
Myrtle Beach Air Force Base, South Carolina, $1,550,000.
Nellis Air Force Base, Nevada, $4,490,000.
Seymour-Johnson Air Force Base, North Carolina, $5,240,000.
Shaw Air Force Base, South Carolina, $9,990,000.
Tyndall Air Force Base, Florida, $6,790,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado, $10,085,000.

OUTSIDE THE UNITED STATES

MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, $1,400,000.
Rhein-Main Air Base, Germany, $1,870,000.

PACIFIC AIR FORCES

Diego Garcia Air Base, Indian Ocean, $58,200,000.
Kadena Air Base, Japan, $11,260,000.
Korea, Various Locations, $5,900,000.
Kunsan Air Base, Korea, $31,013,000.
Kwang-Ju Air Base, Korea, $210,000.
Misawa Air Base, Japan, $31,600,000.
Osan Air Base, Korea, $42,150,000.
Saechon Air Base, Korea, $210,000.
Suwon Air Base, Korea, $400,000.
Taegu Air Base, Korea, $2,750,000.
Yokota Air Base, Japan, $1,250,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $24,710,000.

TACTICAL AIR COMMAND

Howard Air Force Base, Canal Zone, $613,000.

UNITED STATES AIR FORCES IN EUROPE

Camp New Amsterdam, The Netherlands, $2,050,000.
Germany, Various Locations, $46,464,000.
Italy, Various Locations, $39,580,000.
Morrocco, Various Locations, $28,000,000.
Oman, Various Locations, $28,600,000.
Spain, Various Locations, $6,832,000.
Turkey, Various Locations, $6,520,000.
United Kingdom, Various Locations, $55,168,000.
Various Locations, $77,920,000.

FAMILY HOUSING

SEC. 302. The Secretary of the Air Force may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations in the number of units shown, and in the amount shown, for each installation:

Lajes Field, Portugal, one hundred fifty units, $11,812,000.

Havre Air Force Station, Montana, five units, $496,000.

Forsyth Air Force Station, Montana, fifty units, $4,000,000.

Camp New Amsterdam, The Netherlands, fifty units, $4,898,000.

RAF Upper Heyford, United Kingdom, three hundred units, $33,982,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 303. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may make expenditures to improve existing military family housing units in an amount not to exceed $65,033,000, of which $11,225,000 is available only for energy conservation projects.

(b) Within the amount specified in subsection (a), the Secretary of the Air Force may, notwithstanding the maximum amount per unit prescribed in section 2825(b) of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Carswell Air Force Base, Texas, two hundred three units, $7,477,500.

Kadena Air Base, Japan, three hundred forty-two units, $20,586,200.

Kirtland Air Force Base, New Mexico, one hundred twenty-five units, $4,463,700.

ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 304. The Secretary of the Air Force may carry out architectural and engineering services and construction design in connection with military family housing construction (including improvements) in the amount of $5,000,000.

The CHAIRMAN. Are there amendments to title III?

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: Page 22, line 24, strike out "Air Force Base" and insert in lieu thereof "Airport".

Page 24, line 8, strike out "Base" and insert in lieu thereof "Station".

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Chairman, this as well, is a technical amendment. It is simply an effort to correct clerical and printing errors in the bill. It makes no substantive changes.

I urge the amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: Page 28, after line 19, add the following new section:

LIMITATION ON FUNDS FOR MX MISSILE CONSTRUCTION

SEC. 305. None of the funds appropriated pursuant to the authorization for MX missile construction in this title may be obligated or expended until funds for procurement of the MX missile system have been authorized by law.

Mr. DELLUMS. Mr. Chairman, this MX amendment is designed to keep the construction schedule in tandem with the procurement program.

As my colleagues will recall, Mr. Chairman, the full Armed Services Committee in reporting the authorization bill to the floor for fiscal year 1984 placed all of the consideration of the MX missile in title III of the fiscal year 1984 authorization bill. We have not completed that process as yet. As a matter of fact, the leadership decided to postpone any consideration of title III until after the 4th of July break.

Mr. Chairman, this is an effort not to allow the construction schedule to get out in front of the ability of the House to make its judgment up or down on the question of the authorization of the MX missile. So what this amendment simply does is to indicate that the funds in this bill are authorized, but they cannot be in any way obligated or expended until such time as the House has worked its will on the authorization process.

This is consistent with the decision that has been made by the leadership.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to my distinguished colleague, the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, as I understand the gentleman's amendment, it is the same amendment that was added to the energy and water appropriation bill, that fenced in that part of the bill.

Mr. DELLUMS. Yes.

Mr. MONTGOMERY. This pertains to the MX?

Mr. DELLUMS. Yes.

Mr. MONTGOMERY. And under the gentleman's amendment, if title III of the authorization bill, which will come up after July 4, if that is passed in the authorization, then this unfences the gentleman's amendment and the money can be spent?

Mr. DELLUMS. Yes. The gentleman has raised two questions and the answer to both of them is yes.

First, this is the exact same language fencing in the funding of the MX missile in the appropriation bill.

On the second question, the gentleman is absolutely correct. If the House decides to go forward with the authorization of the MX missile, then these funds are available and can be obligated. If the House decides not to do so, these funds cannot be expended for that purpose.

Mr. MONTGOMERY. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—DEFENSE AGENCIES

AUTHORIZED CONSTRUCTION PROJECTS AND LAND ACQUISITION FOR THE DEFENSE AGENCIES

SEC. 401. The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Adak, Alaska, $14,200,000.

Defense Property Disposal Office, Anchorage, Alaska, $2,500,000.

Defense Fuel Support Point, Ozol, California, $1,100,000.

Defense Fuel Support Point, Long Beach, California, $42,100,000.

Defense Depot, Tracy, California, $480,000.

Defense Property Disposal Office, Vandenberg, California, $880,000.

Defense Property Disposal Office, Colorado, Springs, Colorado, $810,000.

Defense Fuel Support Point, Escanaba, Michigan, $1,000,000.

Defense Fuel Support Point, Cincinnati, Ohio, $3,200,000.

Defense Depot, Mechanicsburg, Pennsylvania, $18,000,000.

Defense Depot, Memphis, Tennessee, $750,000.

Defense Property Disposal Office, San Antonio, Texas, $500,000.

Defense Property Disposal Office, Tooele, Utah, $420,000.

Defense Property Disposal Office, Norfolk, Virginia, $940,000.

Defense Property Disposal Office, Fort Lewis, Washington, $650,000.

DEFENSE MAPPING AGENCY

Hydrographic/Topographic Center, Brookmont, Maryland, $1,830,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, $31,000,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Activity, Fort Belvoir, Virginia, $3,000,000.

Defense Systems Management College, Fort Belvoir, Virginia, $4,700,000.

Presidio of Monterey, California, $29,100,000.

DEFENSE INVESTIGATIVE SERVICE

Fort Holabird, Maryland, $210,000.

DEFENSE NUCLEAR AGENCY

Armed Forces Radiobiology Institute, Bethesda, Maryland, $10,900,000.

DEFENSE COMMUNICATIONS AGENCY

Pentagon Building, Virginia, $1,000,000.

OUTSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Property Disposal Office, Hanau, Germany, $1,300,000.

DEFENSE NUCLEAR AGENCY

Johnston Island, $600,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified location, $10,000,000.

NATIONAL SECURITY AGENCY

Classified location, $21,550,000.
Classified location, $25,200,000.

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Ansback, Germany, $4,800,000.
Baumbolder, Germany, $1,200,000.
Darmstadt, Germany, $6,000,000.
Giessen, Germany, $6,040,000.
Spangdahlem Air Base, Germany, $6,350,000.
Wildflecken, Germany, $5,200,000.
Vicenza, Italy, $2,310,000.
Lajes Field, Portugal, $4,590,000.
Zaragoza Air Force Base, Spain, $680,000.
Incirlik Air Base, Turkey, $5,800,000.
RAF Lakenheath, United Kingdom, $1,120,000.
RAF Wethersfield, United Kingdom, $2,832,000.

FAMILY HOUSING

SEC. 402. The Secretary of Defense may construct or acquire eleven family housing units (including land acquisition) at classified locations overseas in the total amount of $1,210,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 403. Subject to section 2825 of title 10, United States Code, the Secretary of Defense may make expenditures to improve an existing military family housing unit in an amount not to exceed $35,000.

The CHAIRMAN. Are there any amendments to title IV?

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows: Page 31, line 13, strike out "Ansback" and insert in lieu thereof "Ansbach."

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Chairman, this, as well, is an amendment that is technical in nature. It attempts to correct clerical and printing errors in the bill and makes no substantive changes in the legislation.

I urge that the amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows

TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

AUTHORITY OF THE SECRETARY OF DEFENSE TO MAKE CONTRIBUTIONS

SEC. 501. The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the amount authorized to be appropriated in section 605.

SCHEDULE FOR RECOUPMENT OF PREFINANCING PAYMENTS

SEC. 502. (a) None of the funds appropriated pursuant to authorizations of appropriations in this Act may be obligated or expended for payments for prefinancing of projects to be paid for (in the whole or in part) by the North Atlantic Treaty Organization infrastructure program until a precise schedule has been established for recoupment of existing United States prepayments on such projects and satisfactory procedures have been established for the recoupment of any such prefinancing payments in the future. In discussions carried out to establish such a schedule and procedures, the Secretary of Defense shall examine the desirability of requiring the payment of interest on amounts paid by the United States for the prefinancing of such projects.

(b) The Secretary of Defense shall submit regular reports to the appropriate committees of Congress on the progress in achieving agreement for the establishment of such a schedule and procedures and shall notify those committees when such an agreement has been reached.

(c) The Secretary of Defense may waive the applicability of subsection (a) to any specific project upon certification to the appropriate committees of Congress that such waiver is in the vital national security interest of the United States.

The CHAIRMAN. Are there any amendments to title V?

The Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—AUTHORIZATION OF APPROPRIATIONS AND RECURRING ADMINISTRATIVE PROVISIONS

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 601. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,645,029,000 as follows:

(1) For projects authorized by section 101 that are to be carried out inside the United States, $729,330,000.

(2) For projects authorized by section 101 that are to be carried out outside the United States, $389,760,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $27,400,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $188,000,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, including minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, as authorized by title I, $186,313,000; and

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715)), $1,124,226,000, none of which may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $86,858,000 of which may be obligated or expended for the leasing of military family housing units in foreign countries.

AUTHORIZATION OF APPROPRIATIONS, NAVY

SEC. 602. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,930,060,000 as follows:

(1) For projects authorized by section 201 that are to be carried out inside the United States, $992,281,000.

(2) For projects authorized by section 201 that are to be carried out outside the United States, $140,605,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $22,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $115,600,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $1,387,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, including minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, as authorized by title II, $75,461,000; and

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), $582,726,000, of which not more than $149,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $18,563,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 603. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,596,269,000 as follows:

(1) For projects authorized by section 301 that are to be carried out inside the United States, $1,022,734,000.

(2) For projects authorized by section 301 that are to be carried out inside the United States, $504,130,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $19,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $147,000,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $11,850,000.

(6) For military family functions—

(A) for construction and acquisition of military family housing and facilities, including minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, as authorized by title III, $125,221,000; and

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), $766,334,000, of which not more than $492,000 may be obligated or expended for the leasing of military famiy housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $53,146,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 604. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $332,586,000 as follows:

(1) for projects authorized by section 401 that are to be carried out inside the United States, $169,270,000.

(2) For projects authorized by section 401 that are to be carried out outside the United States, $90,572,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $4,000,000.

(4) For construction projects under the contingency construction authority of the Secretary of Defense under section 2804 of title 10, United States Code, $16,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $33,000,000.

(6) For military family functions—

(A) For construction and acquisition of military family housing and facilities, including minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, as authorized by title IV, $1,245,000; and

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), $18,499,000, of which not more than $15,231,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

AUTHORIZATION OF APPROPRIATIONS, NORTH ATLANTIC TREATY ORGANIZATION

SEC. 605. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of construction projects for the North Atlantic Treaty Organization infrastructure program, as authorized by section 501, $168,000,000. Of such amount, $18,000,000 shall be available only for the United States share of the program to upgrade air bases in Turkey and may not be contributed for such program until the remaining amounts required for such program are provided by other North Atlantic Treaty Organization member nations contributing to the North Atlantic Treaty Organization infrastructure program.

TITLE TOTAL LIMITATION ON COST VARIATIONS

SEC. 606. Notwithstanding the cost variations authorized by law, the total cost of all projects carried out under each of titles I, II, III, and IV of this Act may not exceed the total amount authorized under sections 601, 602, 603, and 604, respectively, to be appropriated for the military department concerned or the Secretary of Defense, as the case may be.

EXPIRATION OF AUTHORIZATIONS; EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS

SEC. 607. (a)(1) Except as provided in paragraph (2), all authorizations contained in titles, I, II, III, IV, and V for military construction projects, land acquisition, family housing projects, and contributions to the North Atlantic Treaty Organization infrastructure program (and all authorizations of appropriations therefor contained in sections 601 through 605) expire on October 1, 1985, or on the date of the enactment of the Military Construction Authorization Act for fiscal year 1986, whichever is later.

(2) The provisions of paragraph (1) do not apply to authorizations for military construction projects, land acquisition, family housing projects, and contributions to North Atlantic Treaty Organization infrastructure program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before October 1, 1985, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1986, whichever is later, for construction contracts, land acquisition, or contributions to such program.

(b)(1) Notwithstanding the provisions of section 606(b) of the Military Construction Authorization Act, 1983 (Public Law 97-321; 96 Stat. 1567), authorizations for the following projects authorized in sections 101, 201, and 301 of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1359), shall remain in effect until October 1, 1984, or the date of enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later: (A) Solid waste incinerator construction in the amount of $4,100,000 at Fort Dix, New Jersey.

(B) Rapid Deployment Force facilities for the Army in the amount of $36,000,000 at Ras Banas, Egypt.

(C) Steam distribution line in the amount of $16,000,000 at the Naval Station, Charleston, South Carolina.

(D) Rapid Deployment Force facilities for the Air Force in the amount of $70,400,000 at Ras Banas, Egypt.

(2) Notwithstanding the provisions of section 606(b) of the Military Construction Authorization Act, 1983 (Public Law 97-321; 96 Stat. 1567), authorization for the following project authorized in section 201 of the Military Construction Authorization Act, 1981 (Public Law 96-418; 94 Stat. 1749), and extended in section 606(d) of the Military Construction Authorization Act, 1983 (Public Law 97-321; 96 Stat. 1549), shall remain in effect until October 1, 1984, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later:

Nautilus Memorial in the amount of $1,930,000 at the Naval Submarine Base, New London, Connecticut.

(3) Notwithstanding the provisions of section 606(b) of the Military Construction Authorization Act, 1983 (Public Law 97-321; 96 Stat. 1567), authorization for the following project authorized in section 201 of the Military Construction Authorization Act, 1980 (Public Law 96-125; Stat. 928), and extended in section 705(d) of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1359), shall remain in effect until October 1, 1984, or the date of enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later:

Municipal sewer connection construction in the amount of $2,200,000 at the Naval Submarine Base, New London, Connecticut.

ESTABLISHMENT OF CERTAIN AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

SEC. 608. For projects or contracts initiated during the period beginning on October 1, 1983, and ending on the date of the enactment of the Military Construction Authorization Act for fiscal year 1984 or October 1, 1984, whichever is later, the following amounts apply:

(1) The maximum amount for an unspecified minor military construction project under section 2805 of title 10, United States Code, is $1,000,000.

(2) The amount of a contract for architectural and engineering services or construction design that makes such a contract subject to the reporting requirement under section 2807 of title 10, United States Code, is $300,000.

(3) The maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, is $30,000.

(4) The maximum annual rental for a family housing unit leased in the United States, Puerto Rico, or Guam under section 2828(b) of title 10, United States Code, is $6,000.

(5)(A) The maximum annual rental for a family housing unit leased in a foreign country under section 2828(c) of title 10, United States Code, is $16,800.

(B) The maximum number of family housing units that may be leased at any one time in foreign countries under section 2828(c) of title 10, United States Code, is $33,000.

(6) The maximum rental per year for family housing facilities, or for real property related to family housing facilities, leased in a foreign country under section 2828(f) of title 10, United States Code, is $250,000.

EFFECTIVE DATE FOR PROJECT AUTHORIZATIONS

SEC. 609. Titles I, II, III, IV, and V shall take effect on October 1, 1983.

The CHAIRMAN. Are there any amendments to title VI?

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: Page 37, line 13, strike out "$2,596,269,000" and insert in lieu thereof "$2,594,269,000".

Page 37, line 16, strike out "$1,022,734,000" and insert in lieu thereof "$1,020,194,000".

Page 37, line 19, strike out "$504,130,000" and insert in lieu thereof "$504,670,000".

Page 38, line 24, strike out "$53,146,000" and insert in lieu thereof "$53,136,000".

Page 43, strike out lines 7 through 15 and insert in lieu thereof the following:

(B) Crane and Equipment Maintenance Shop in the amount of $13,600,000 at the Charleston Naval Shipyard, Charleston, South Carolina.

(C) Steam Plant in the amount of $150,000,000 at the Puget Sound Naval Shipyard, Bremerton, Washington.

(D) Aircraft Parking Apron in the amount of $3,200,000 at the Naval Air Station, Oceana, Virginia.

Page 44, strike out lines 14 through 16 and insert in lieu thereof the following:

(A) Industrial Waste Collection and Treatment construction in the amount of $6,500,000 at the Long Beach Naval Shipyard, Long Beach, California.

(B) Aircraft Maintenance Hangar Addition in the amount of $1,500,000 at the Naval Air Facility, Sigonella, Italy.

Page 45, line 22, strike out the dollar sign.

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Chairman, the purpose of this amendment is twofold. It likewise is an effort to correct clerical and printing errors in the bill.

It also, Mr. Chairman, addresses a substantive matter by deleting two provisions that would extend for 1 year previous authorizations totaling $136 million for the Army and $70.4 million for the Air Force for rapid deployment facilities at Ras Banas, Egypt.

□ 1400

Mr. Chairman, since our committee reported this bill we have been advised by the Department of Defense that the extensions are no longer required and I repeat for purposes of emphasis: no longer required.

The reason is that the Government of Egypt in concert with our Government has decided to carry out the improvements at Ras Banas on its own and to make the base available to our rapid deployment forces in times of emergency.

With that explanation, Mr. Chairman, I ask that the amendment be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VI?

The Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—GUARD AND RESERVE FORCES FACILITIES

AUTHORIZATION FOR FACILITIES

SEC. 701. There are authorized to be appropriated for fiscal years beginning after September 30, 1983, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities) the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, and

(B) for the Army Reserve, $52,700,000.

(2) For the Department of the Navy, for the Naval Reserve and the Marine Corps Reserve, $28,795,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $109,620,000; and

(B) for the Air Force Reserve, $42,200,000.

MODIFICATION OF GUARD AND RESERVE MINOR CONSTRUCTION AUTHORITY

SEC. 702. (a) Section 2233a(a)(1) of title 10, United States Code, is amended by striking out "$200,000" and inserting in lieu thereof "$400,000".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: page 46, line 18, strike out "$66,103,000" and insert in lieu thereof "$66,826,000".

Mr. DELLUMS. Mr. Chairman, the committee amendment provides an additional lump sum authorization of $723,000 to permit construction of an armory at Centreville, Ala.

The amendment was offered in the full committee by the gentleman from Alabama (Mr. DICKINSON) and on behalf of our colleagues on this side of the aside by the gentleman from Alabama (Mr. BEVILL).

With that explanation, Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VII?

The Clerk will designate title VIII.

The text of title VIII is as follows:

TITLE VIII—GENERAL PROVISIONS

THRESHOLD FOR COMMUNITY PLANNING ASSISTANCE

SEC. 801. (a) Section 2391(b)(2) of title 10, United States Code, is amended by striking out "2,500" and inserting in lieu thereof "2,000".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

MILITARY FAMILY HOUSING RENTAL PROGRAM

SEC. 802. (a) Section 2828 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(g)(1) The Secretary concerned may enter into contracts for the lease of housing facilities on or near military installations in the United States, Puerto Rico, or Guam for assignment, without rental charge, as family housing to members of the Armed Forces (including assignment to enlisted members in the grade of E-4 and below without regard to any policy establishing priorities for the assignment of military family housing). Such contracts may apply to housing facilities in existence at the time the contract is entered into or to housing facilities to be constructed after the contract is entered into and may be made through negotiation.

"(2) A contract for the lease of housing facilities under paragraph (1) may be for any period not in excess of twenty years (excluding the period for construction of such housing facilities), except that a contract for the lease of housing facilities in Alaska may be for a period in excess of twenty years but may not be for a period in excess of thirty years. The authority of the Secretary concerned to enter into such a contract is subject to the availability of appropriations for that purpose.

"(3) Not more than three hundred family housing units may be leased at a single location at any time under paragraph (1).

"(4) Expenditures for the lease of housing facilities under a contract under paragraph (1) (including the costs of utilities, maintenance, and operation) may not exceed the amount specified by law as the maximum annual domestic family housing unit lease amount, except that such expenditures for the lease of housing facilities in Alaska may exceed such amount but may not exceed 200 per centum of such amount.

"(5) An agreement for the lease of housing facilities under paragraph (1) may not be made until (A) the Secretary concerned provides to the appropriate committees of Congress written notice of the facts concerning the proposed agreement and an economic analysis (certified by the comptroller of the military department concerned) comparing the life-cycle costs of acquiring the housing concerned under this subsection through privately financed construction or through conventional military construction, and (B) a period of twenty-one days elapses after the notice and analysis is received by those committees.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

HOUSING OCCUPANCY ASSURANCE PROGRAM

SEC. 803. (a) The Secretary of a military department, under uniform regulations prescribed by the Secretary of Defense, may enter into agreements to assure the occupancy of rental housing to be constructed by private developers or by State or local housing authorities on private land or land owned by a State or local government, if such rental housing is located near a new military installation or an existing military installation that has a shortage of housing to meet the requirements of members of the Armed Forces (with or without accompanying dependents).

(b) An agreement under subsection (a)—

(1) may not assure the occupancy of more than 97 per centum of the units constructed under the agreement;

(2) shall establish initial rental rates reasonably equivalent to rates for comparable rental dwelling units in the same general market area and shall include an escalation clause for operation and maintenance costs to be effective for the term of agreement,

(3) may not apply to existing housing,

(4) shall require that the housing units be constructed to normal industry standards,

(5) may not be for a term in excess of fifteen years;

(6) may not be renewed;

(7) may assure only the shelter rent of the facilities, determined on the basis of amortizing initial construction costs;

(8) may only be entered into if the number of vacancies of adequate existing private housing within the commuting area of the installation is less than the number of military families on the waiting list for existing military controlled housing or are projected to be less than the number on the waiting list plus any projected increase in the number of military families within that commuting area due to an increase in the number of authorized personnel or the establishment of a new installation within that commuting area;

(9) may only be entered into if existing military-controlled housing at all installations in the commuting area (except for a new installation or an installation for which there is projected a significant increase in the number of families due to an increase in the number of authorized personnel) has exceeded 97 per centum use for at least the prior eighteen-month period, excluding units temporarily inactivated for major repair or improvements;

(10) shall provide for priority of occupancy for military families; and

(11) shall include a clause rendering the agreement null and void if the owner of the housing fails to maintain a satisfactory level of operation and maintenance in keeping with normal industry standards.

(c) The Secretary concerned shall assure that housing to be constructed under an agreement under this section is modest in design.

(d) The Secretary concerned may require that disputes arising under an agreement entered into under subsection (a) be decided in accordance with the procedures provided for by the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

(e) An agreement may not be made under subsection (a) until (1) the Secretary concerned provides to the appropriate committees of Congress written notice of the facts concerning the proposed agreement and an economic analysis (certified by the comptroller of the military department concered) of the life-cycle costs of the transaction, and (2) a period of twenty-one days elapses after the notice and analysis is received by those committees.

(f)(1) The authority of the Secretary concerned to enter into an agreement under this section is subject to the availability of appropriations for that purpose.

(2) No agreement may be made under this section after September 30, 1985.

(g) This section shall take effect on October 1, 1983.

LAND EXCHANGE, ORANGE COUNTY, CALIFORNIA

SEC. 804. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the County of Orange, a political subdivision of the State of California, all right, title, and interest of the United States in and to a parcel of land consisting of approximately one hundred and thirty-seven acres located in the center of Mile Square Regional Park, Orange County, California, together with the improvements on such land. Such conveyance shall be made subject to such terms and conditions as the Secretary considers to be in the public interest.

(b) In consideration for the conveyance by the Secretary under subsection (a), the County of Orange shall convey to the United States a parcel of land consisting of approximately fifty-seven acres located at the northwest corner of Mile Square Regional Park, Orange County, California. Such parcel shall not be acceptable unless zoned for commercial use and otherwise acceptable to the Secretary. If the fair market value of the land and improvements conveyed by the Secretary under subsection (a) exceeds the fair market value of the land conveyed by the County of Orange under this subsection, the County shall pay the difference to the United States. Any such payment shall be covered into the Treasury as miscellaneous receipts.

(c) The exact acreages and legal descriptions of the lands to be conveyed under subsections (a) and (b) shall be determined by surveys which are satisfactory to the Secretary.

(d) The Secretary is authorized to accept any land conveyed under subsection (b) and to use such land to exchange for other lands as authorized to be acquired for military purposes.

LAND CONVEYANCE, VENTURA COUNTY, CALIFORNIA

SEC. 805. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") shall convey to the Oxnard Harbor District, a special district of the State of California, all right, title, and interest of the United States in and to a track of land, together with the improvements on such land, located in the city of Port Hueneme in the county of Ventura, California, consisting of the United States Navy Wharf Numbered 2 and approximately 18.546 acres and more particularly described in the official records on file in the office of the county recorder of the county of Ventura, California, at book 665, page 349.

(b) In consideration for the conveyance under subsection (a), the Oxnard Harbor District shall pay to the United States an amount equal to the appraised fair market value of the property to be conveyed (as determined by the Secretary).

(c) The exact acreage and legal description of the property to be conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Oxnard Harbor District.

(d) The Secretary may require such additional terms and conditions with respect to the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

LAND CONVEYANCE, ALABAMA SPACE SCIENCE EXHIBIT COMMISSION

SEC. 806. (a) Subject to subsection (b), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey, without monetary consideration, to the Alabama Space Science Exhibit Commission (an agency of the State of Alabama and hereinafter in this Act referred to as the "Commission") all right, title, and interest of the United States in and to a tract of land, roughly triangular in shape, and consisting of fifty acres (more or less), located on the northwestern boundary of Redstone Arsenal, Alabama.

(b)(1) The conveyance authorized under subsection (a) shall be subject to the condition that the real property conveyed shall be used by the State of Alabama (A) as a permanent site for the Alabama space science exhibit to display suitable public exhibits of United States weaponry and allied subjects, developments of the National Aeronautics and Space Administration, and space-oriented exhibits of other departments, agencies, and instrumentalities of the United States Government, (B) for educational and recreational purposes related to the purposes described in clause (A), or (C) for the purpose described in clauses (A) and (B). The use of a portion of such real property for construction of a proposed interstate highway, and such access roads as necessary, and the use to which the land is subjected by existing easements and rights-of-way, shall not be considered a use inconsistent with the purposes described in clause (A) or (B).

(2) If the property conveyed is not used for one or more of the purposes described in paragraph (1), all right, title, and interest in and to such property shall revert to the United States which shall have the right of immediate entry thereon.

(3) The Secretary shall reserve to the United States a drainage and utility easement for use in connection with Redstone Arsenal.

(c) The exact acreage and legal description of the property to be conveyed under subsection (a) and of the easement to be reserved under subsection (b)(3) shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Commission.

(d) The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

LAND EXCHANGE, COLUMBUS, OHIO

SEC. 807. (a) The Secretary of the Air Force (hereinafter in this section referred to as the "Secretary") is authorized to acquire by exchange all right, title, and interest of the city of Columbus, Ohio (hereinafter in this section referred to as the "City"), in all or in part of certain parcels of land in the county of Franklin, Ohio, comprising approximately 112.84 acres and now leased from the City for the use of Air Force Plant Numbered 85.

(b) In consideration for the acquisition under subsection (a), the Secretary shall convey to the City all right, title, and interest of the United States in all or any part of certain parcels of land (and any improvements thereon) in the county of Franklin, Ohio, comprising approximately 231.96 acres. The Secretary may adjust the size of the parcels to be conveyed and acquired. If the fair market value (as determined by the Secretary) of the land and improvements conveyed by the Secretary exceeds the fair market value (as determined by the Secretary) of the land conveyed by the City, the City shall pay the difference to the United States. Any such payment shall be covered into the Treasury as miscellaneous receipts.

(c) The exact acreages and legal descriptions of the properties to be acquired or conveyed under this section shall be deter-

mined by surveys which are satisfactory to the Secretary.

LAND EXCHANGE, ORLANDO, FLORIDA

SEC. 808. (a) The Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Greater Orlando Aviation Authority (hereinafter in this section referred to as the "Authority") all right, title, and interest of the United States in and to approximately thirty-seven acres of unimproved land comprising a portion of the Naval Training Center, Orlando, Florida. Such conveyance may be subject to a reservation restricting development of the land conveyed to commercial and light industrial uses.

(b) In consideration for the conveyance authorized by subsection (a), the Authority—

(1) shall convey to the United States all right, title, and interest of the Authority in and to a tract of land consisting of approximately twelve acres of land, together with improvements thereon; and

(2) shall convey or make available to the United States such additional interests in lands and improvements, pay such capital costs, perform such road construction, and make such additional monetary payment to the United States as specified in a memorandum of understanding between the Secretary and the Authority.

Any monetary payment to the United States shall be deposited into the Treasury as miscellaneous receipts.

(c) The total value of the consideration to the United States under subsection (b) shall be at least equal to the fair market value of the land conveyed to the Authority under subsection (a).

(d) The exact acreages and legal descriptions of the property to be conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Authority.

(e) The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: At the end of the bill add the following new section:

LAND EXCHANGE, SANTA CLARA COUNTY TRANSIT DISTRICT, CALIFORNIA

SEC. 809. (a) Subject to subsection (b), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey to the Santa Clara County Transit District of Santa Clara County, California (hereinafter in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of land of Santa Clara County, California, consisting of approximately 2.5 acres, together with improvements thereon, comprising a portion of the United States Army Reserve Center, San Jose, California.

(b) In consideration for the conveyance authorized by subsection (a), the District shall convey to the United States all right, title, and interest in and to a parcel of land consisting of approximately 2.5 acres, together with improvements thereon, located adjacent to the United States Army Reserve Center, San Jose.

(c) If the fair market value (as determined by the Secretary) of the property to be conveyed by the United States to the District under subsection (a) exceeds the fair market value (as determined by the Secretary) of the property to be conveyed by the District to the United States under subsection (b), the District shall pay to the United States the amount of the difference.

(d) The exact acreages and legal discriptions of the parcels to be conveyed under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such survey shall be borne by the District.

(e) The Secretary may require such additional terms and conditions with respect to the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. EDWARDS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. EDWARDS of California. Mr. Chairman, this is an amendment that I believe has been agreed upon by both sides of the aisle.

The U.S. Army Reserve Center in San Jose, Calif., represented by myself and Mr. MINETA, has 2.5 acres adjoining the route of the Guadeloupe corridor, which is a transportation corridor being established by Santa Clara County.

Santa Clara County has 2.5 acres adjoining this parcel. So we have two 2.5-acre parcels adjoining each other.

The U.S. Army and the county have agreed to trade these two 2.5-acre parcels and if the fair market value of the property to be conveyed by the U.S. Government for the Army exceeds the value of the property it is receiving then Santa Clara County will pay the difference.

I do not believe there is any disagreement. It is a very fair trade of 2.5 acres for 2.5 acres adjoining and I hope the amendment is agreed to.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman.

Mr. DELLUMS. I thank the gentleman for yielding.

The majority has examined the amendment. It is very straightforward. It is an equal exchange of property. There appear to be no funds involved. As I understand it, it would have come before the committee but the submittal on the part of the Department of Defense was not submitted in time and so the gentleman's amendment is a worthy amendment and we will accept it on this side of the aisle.

Mr. EDWARDS of California. I thank the gentleman.

Mr. KRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have had an opportunity to examine the amendment and it appears to be noncontroversial. Everyone is in agreement and so we certainly have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. EDWARDS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STENHOLM: Page 48, line 21, insert "equal to 150 percent of the amount" after "amount".

Mr. STENHOLM. Mr. Chairman, I rise in support of the provisions in H.R. 2972 for the long-term leasing of military family housing. As the need for family housing grows and as it becomes more difficult for military personnel in the lower enlisted ranks (E–4 and below) to acquire housing, the time is ripe to provide a more innovative, flexible way to deal with these needs and to provide greater incentives for private sector involvement in this area.

Language in committee reports submitted to the House by both the Armed Services and the Appropriations Committee have supported such a concept. Long-term leasing of privately constructed housing offers us the opportunity to spur the private sector activity that we have all said is necessary for a sustained economic recovery; to promote better relations between military bases and surrounding communities; and to put into action the idea of a New Federalism. I believe most of us agree that long-term leasing of domestic military family housing is an idea whose time has come. It is not surprising, therefore, that the Armed Services Committee has included in H.R. 2972 sections 802 and 803, creating just such lease programs. I would like to express my appreciation to the Armed Services Committee and the Military Installations and Facilities Subcommittee for their farsightedness in this area.

While the agreement is widespread and bipartisan that long-term leasing is desirable and can be a cost-effective, even cost-reducing program, and while sections 802 and 803 are a very significant step in the right direction, I wanted to take this opportunity to address some language in these sections that would prove counterproductive to actually putting leasing into effect.

One problem occurs because section 802 limits the maximum lease payment allowable under a long-term lease to the current statutory maximum lease amount. This current maximum, however, was intended to apply to the 1-year domestic leases presently allowed, and would not take into account the future inflation or cost of financing that would affect a 20-year

agreement. This current maximum is $500 per unit per month, an amount that is not realistic to apply to a 20-year lease agreement. In simple terms, no landlord will be willing to charge today's rent for the next 20 years. Inasmuch as this 1-year maximum lease amount would inevitably have to be increased every few years to keep up with inflation, any long-term lease agreement would have to take such factors into account.

I am today introducing an amendment that addresses this problem and helps bring the leasing program closer to being able to accomplish its intended purposes.

This amendment would allow maximum lease payments under long-term agreements to equal 150 percent of the current maximum amount allowed for 1-year leases. This would allow for very moderate inflation and financing costs over 20 years.

In proposing this amendment, I would stress that provisions in section 802 and 803 already require the military departments concerned to submit all such proposed lease agreements in advance to the appropriate congressional committees. A full economic analysis would also have to be submitted to each committee in advance. There is no blind authorization of open ended future spending envisioned here, but rather, the flexibility that is absolutely necessary, under close and appropriate congressional oversight, to allow an innovative and valuable program a realistic opportunity to achieve its purposes.

A second problem occurs because of language requiring appropriations in advance of payments committed to in a lease contract. I had hoped to also address the difficulties presented by this language, but was informed that a point of order would have been called against the proposed substitute language under the provisions of the Budget Act. While my amendment now deals only with the maximum lease payment amount allowable under long-term lease agreements, I think it is still important to call attention to the problem presented by the appropriations language in sections 802 and 803.

This problem arises because of the requirement that lease contracts shall be subject to the availability of appropriations. This would mean that a 20-year lease agreement, even if it saved the Government a substantial amount of money over the term of the contract, would have an unfairly adverse impact on a department's budget ceiling, because all 20 years of outlays would have to be included in one appropriation before the first payment was made. In the ironic world of budgetary accounting, therefore, the military department that entered into a lease agreement that would actually reduce the deficit by reducing outlays would be penalized by having to count all 20 years of payments against only one year's budget authority.

An alternative would be to allow each military department within certain limits to make lease payments out of annual appropriations, in much the same way that the average family makes mortgage payments on its own home out of annual income. This practical and realistic approach is, in fact, exactly the approach allowed in current law for leased housing overseas. It would only be fair for us to treat military families living in the United States and potential private lessors and developers providing housing in the United States the same as we now treat their counterparts in Germany and elsewhere overseas.

This is an area that I would ask the Armed Services Committee to look into very deeply in the coming months, as long-term lease proposals are generated. I am concerned that requiring up to 20 years of lease outlays to be included in one up front appropriation will actually serve as an unintended disincentive for long-term leasing.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I will be happy to yield to the gentleman from California.

Mr. DELLUMS. The majority has examined the amendment and this gentleman has consulted and has spoken with the gentleman in the well on this matter. I think the gentleman's amendment makes a positive contribution to the legislation before the body and this side of the aisle is prepared to accept the gentleman's amendment.

Mr. STENHOLM. I thank the Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. STENHOLM).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VIII?

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just make a very brief comment. This is this gentleman's first opportunity to bring an aspect of the military budget to the floor of Congress. As my colleagues are aware, for 12½ years this gentleman has opposed massive increases in America's military budget. I am now a subcommittee chairperson and this raises a number of very interesting dilemmas.

As I indicated in my opening remarks, when this bill was reported out of the subcommittee, although we worked very diligently on the legislation, and I appreciate the comments made by my colleagues on the subcommittee and the full committee, there were a number of matters here that led this gentleman to oppose the legislation.

I certainly would have loved to have been able to vote in favor of the first bill which I managed on the floor of Congress.

□ 1410

But we brought it through the subcommittee, we voted against it, brought it to the full committee, we voted against it. While I think there are many, many good items in this legislation, I think one can separate out being a Member of Congress and being a chairperson of a subcommittee.

I think my responsibilities as a subcommittee chairperson is to protect and defend and preserve the integrity of the system itself, that is provide for an open, democratic, and free debate, an opportunity for all sides to be heard, for all aspects of an issue to be examined. We tried diligently to do that. But I also have a responsibility to represent my constituency politically.

That is to represent them on policy matters, on priority issues, on program considerations. I would not go into any detail but I would simply like to indicate to my colleagues why this particular gentleman is in opposition to the legislation before the body, even though I managed the legislation and believe there are many, many good items in the bill.

First of all, there are funds in here for the beddown of the B–1B program. As the Chairman and the Members of this body know, I am in opposition to our procurement of 100 B–1B bombers.

On the question of prepositioning bases in foreign countries, I have some grave concerns with respect to these matters and the policy issues that are raised by the prepositioning. With respect to the question of prefinancing, I have some serious questions with respect to the issue of prefinancing of NATO bases and it is this gentleman's belief that in some instances when our Department of Defense comes to us for prefinancing what they have done is gotten out in front of the NATO decisionmaking process and I also have some questions about how rapidly the funds are repaid by NATO when we indeed prefinance projects that are otherwise NATO eligible.

There are funds in here for the ground launched cruise missile, Mr. Chairman, for the beddown of the ground launched cruise missile. Our responsibility is to provide for the support facilities.

As my colleagues are aware, NATO is charged with the responsibility of the deployment; we come up with the weapons, we come up with the support facilities, they develop the protective structure. But this gentleman remains unequivocally opposed to the deployment of the ground launched cruise

missile. I would not make that fight on this particular bill but when we come back on H.R. 2969, the authorization bill for fiscal year 1984, we will attempt to make our argument that to deploy the Pershing and the cruise missile is a very dangerous step and moves us in a quantum fashion closer to the brink of nuclear war.

Next, Mr. Chairman, I have grave concerns with respect to why we indeed need a rapid deployment force. I was not able to argue successfully in the subcommittee or in full committee on these matters.

My hope is that we have moved forward, my colleagues will begin to look at the full implication of and the need for the rapid deployment force, as to whether or not we are really talking about confrontation with the Soviet Union or talking about developing a force that will get us involved in Third World adventurism.

It is this gentleman's hope that we learned something from our involvement in Vietnam and that we are not talking of a force that can bully and push around other nations in the Third World.

Finally, with respect to the MX basing mode as you are aware, Mr. Chairman, I stand in diametric opposition to the decision to deploy the MX missile but we will have that fight when the authorization bill comes to the floor when we consider whether or not we are going to authorize and go forward with the Scowcroft Commission in that respect.

The money in this particular bill simply sits there to provide for the necessary construction, operation, maintenance, training, logistical issues with respect to the deployment of the MX missile.

We have offered an amendment that my colleagues have seen fit to support, that will bracket those funds and allow them not to be obligated or expended until such time as we make that judgment.

In conclusion, one has to struggle very diligently over one's responsibilities to chair an important subcommittee, to manage an important piece of legislation on the floor and continue to assume one's responsibility to represent one's constituency with integrity and with consistency.

There are a number of items I have outlined that this particular gentleman has problems with in this legislation. While I realized this bill will fly through this body this gentleman has to be in opposition to it.

Mr. SAVAGE. Will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman.

Mr. SAVAGE. I thank the gentleman for yielding.

I just want a moment, Mr. Chairman, to commend my colleague from California, who, after rising to the position of chairmanship of such an important subcommittee, that as in the past he has not let politics interfere with his principles.

He has kept principles above politics. He is as much for peace and for nuclear de-escalation now as he was before he took that position and he places it in the proper ethical context of recognizing, as history teaches us, that the way to peace is not pursuing might but by being right. I just want to congratulate him on the work that he is doing.

Mr. DELLUMS. I thank my colleague for his kind and generous remarks.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 3 additional minutes.)

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman.

Mr. KRAMER. I thank the gentleman for yielding and I will be very, very brief.

I just wanted the gentleman to note that I have been informally assured as I sit here in the Chamber listening to the gentleman speak that in the event that the gentleman were ever to leave the House of Representatives, I am sure that the administration would want to take him on as a consultant. We have a very historic moment in front of us this afternoon. I think it is probably the first time in history that the MX, the GLCM and the B-1 have all come up without controversy and without a very long debate in a heated floor session.

The gentleman is perhaps the first Member of this body in history that was able to steer those projects through this body without a recorded vote.

So, perhaps he does not want that noted for the record but I could not allow this moment in history to escape without making that comment.

Mr. DELLUMS. Mr. Chairman, I am not going to touch that with a 10-foot pole.

Mr. SAVAGE. Would the gentleman yield?

Mr. DELLUMS. I would be happy to yield to the gentleman.

Mr. SAVAGE. Just as I was noting that there seems to be a difference in the interpretation of the lessons of history, when there are those among us who believe that by increasing our might is the road to peace when it seems to me the peace comes from taking a position of strength, not exercising your might. And I think the previous remarks indicate that that difference in interpretation or understanding of history goes beyond just the remarks that I had made earlier.

Mr. DELLUMS. Mr. Chairman, I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the requisite number of words.

As I said yesterday, Mr. Chairman, I would like to commend the chairman of the subcommittee for the fairness in the way he handled this bill. Serving as the ranking majority member on this subcommittee he was certainly fair to me.

But in this colloquy we have had in the last few minutes I want to say that I am going to vote for the bill. The chairman of the subcommittee was the only one that voted against the bill. So, the record will be clear that we have a workable bill, it is very commendable to family housing and to other areas as National Guard and Reserve facilities.

I might say that this bill is within the first concurrent budget resolution and it is $578 million below the administration request of $8.5 billion.

It is a balanced bill and I certainly hope the Members will support the bill.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman.

Mr. DELLUMS. Mr. Chairman, the gentleman makes a fair statement and I appreciate my colleague for making that statement.

It is not easy to stand in the position that this gentleman finds himself in, but we all have to find the ground that we are comfortable standing on.

For the reasons I enunciated earlier I feel disposed to be in opposition to the legislation. But the gentleman is correct; there are a number of very important and positive items in this legislation.

We worked diligently to meet our budget figure, we were able to come in below that. I think there are a number of items very good here. I certainly appreciate my colleague's efforts in that regard.

The gentleman was cooperative and diligent in pursuing the business of this subcommittee.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman. as the gentleman from California (Mr. DELLUMS) knows, in my hometown of Denver there is a large facility known as the Rocky Mountain Arsenal. In the past this facility has been used for the manufacture of nerve gas. While they no longer make the stuff there, the facility is far from being a park and unusable in its present form. The Army says they are retaining the Rocky Mountain Arsenal as a back-up facility in case it is needed for the production of gas weapons. I would like to address some questions to the distinguished chairman of the Subcommittee on Military Installations and Facilities. First, do you agree with me that it is

bad and dangerous policy for the military to manufacture chemical or biological weapons in the outskirts of a major metropolitan area?

Mr. DELLUMS. If the gentlewoman will yield, I entirely agree with you. The active ingredients in these weapons are so dangerous that it make no sense to work with them in areas of population concentration. My own view is that it is immoral to construct these weapons at all. But, if they are to be constructed, they ought to be built in sparsely populated areas.

Mrs. SCHROEDER. I thank the gentleman. My second question is whether the gentleman can do something to force the Army to clean up the arsenal. Even though the Army neither makes nor stores nerve gas at Rocky Mountain Arsenal any more, the place is filled with chemical wastes from the production of the gas. There are drums of poisons buried undergound. There are big pools of filthy sludge. The people of Denver have every reason to demand that the Army remove these severe health hazards from the outskirts of their city.

Mr. DELLUMS. If the gentlewoman would again yield, I am glad you brought this to my attention. I will direct my staff to investigate this issue and see whether something can be done, by pressure or by legislation, to get the Rocky Mountain Arsenal cleaned up. I think the cleanup should take place immediately without regard to ancillary issues, like what is going to be done with the land. Regardless of what the area will be used for in the future, the Army should immediately clean up the mess they left behind from the production of chemical weapons.

Mrs. SCHROEDER. I thank the gentleman for his comments and hope we can work together to resolve this issue once and and for all.

□ 1420

I am delighted that the gentleman will be helping us. There were many days when I thought I would be in a nursing home still writing and trying to get some action on the Rocky Mountain Arsenal. So I hope that we can move forward on this.

I also want to join my other colleagues in complimenting the gentleman from California on the superb job he has done in handling this bill and the subcommittee throughout the whole year.

Mr. DELLUMS. I thank the gentlewoman.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if the gentleman from California (Mr. DELLUMS), the distinguished chairman, will recall, before the gentleman was ever chosen as a subcommittee chairman, it was the gentleman's intention to make a positive and constructive contribution and to maintain the integrity of his beliefs. If I may say to the gentleman from California, he has done that. A job well done.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to pay my respects to the gentleman from California for the work he has done on this bill as the new subcommittee chairman. It is his first bill coming to the floor on this subcommittee and I think there is no secret that the gentleman has very strong views about defense and he articulates them very well. I think it is quite obvious that many parts of this bill are not necessarily to his liking.

It is my impression, Mr. Chairman, that the gentleman from California has gone about the business of putting this bill together in as fair and as honorable a way as a man could do. I think he is a man of integrity and I just want to take my hat off to him and pay my compliments to him for the work he has done in bringing this bill to the floor.

Mr. DELLUMS. I thank the gentleman very much for his kind comments.

Mr. WON PAT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 2972, the Military Construction Authorization Act of 1983.

This measure will authorize $7 billion in new authorization for the Pentagon over the coming year. This amount is $577 million less than DOD requested. As a member of the Subcommittee on Military Construction I believe that this measure represents a fair and well-balanced approach to the needs of the military over the coming year.

Our subcommittee chairman, Representative RONALD DELLUMS, deserves a round of applause for doing an outstanding job in his first year as head of the subcommittee. He has spent countless hours working on this measure and there is no question in my mind that Chairman DELLUMS has a very good grasp of the legitimate requirements of the Pentagon and is more than willing to do what is needed to help meet that need.

As the Delegate from Guam I have a special interest in H.R. 2972, since that measure authorizes $33,950 million in construction for my island. The majority of this amount, $22.3 million, will be used to build a new ammunition pier for the U.S. Navy. I have called for this project to be funded for many years and am pleased to see that the end is near for my efforts. We on Guam are very concerned that the Navy has been forced to load and unload ammunition in our civilian harbor. A new pier would remove the specter of a blast from our commercial area by relocating the activity to a lesser and safer developed region.

I am equally pleased to see the Air Force receive nearly $10 million for new enlisted personnel housing and a new upgraded power facility.

I urge my colleagues to give this measure their approval today. Thank you.

● Mr. DASCHLE. Mr. Chairman, I rise in support of both H.R. 2972, the military construction authorization bill for fiscal year 1984, as well as H.R. 3263, the military construction appropriations bill for fiscal year 1984.

Two of the most important but least glamorous items in the defense budget in my opinion are military construction and military pay. During the 1970's we learned the hard way that pay levels simply must be kept on a par with the private sector, especially for skilled positions. The exodus of highly trained, skilled military personnel was stemmed to a large extent by pay increases approved by Congress over the last 3 years. I supported these increases as I believe that our armed services are only as good as the people who serve in them and that these raises were effective in keeping many good people in the military.

An adjunct concern of mine is that proper billetting be available for military personnel. After a recent visit to Ellsworth AFB in South Dakota, I became convinced that outside the B-1 bomber, new housing construction is the No. 1 priority need at the base. Many of the housing facilities currently in use at Ellsworth were originally intended to be temporary quarters. Many were built as long ago as 1942.

H.R. 2972 and H.R. 3263 are a major step in the right direction as they assure that $6.7 million will be made available for the construction of unaccompanied enlisted personnel housing facilities at Ellsworth. Though this will help enormously, I would like to state for the record that further improvements in base housing at Ellsworth are urgently needed.

A similar housing request is scheduled for funding in fiscal year 1986. At the request of Chairman PRICE, I plan to consult with the Air Force, as well as the Military Construction Subcommittees in both the Armed Services and Appropriations Committees about moving this funding up to fiscal year 1985.●

The CHAIRMAN. Are there further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Mr. KILDEE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2972) to authorize certain construction at military instal-

lations for fiscal year 1984, and for other purposes, pursuant to House Resolution 229, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1430

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2972

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 2972, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous matter on the bill, H.R. 2972, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3329, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 98-250) on the resolution (H. Res. 238) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2912, DEPARTMENT OF JUSTICE AUTHORIZATION, FISCAL YEAR 1984

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 98-251) on the resolution (H. Res. 239) providing for the consideration of the bill (H.R. 2912) to authorize appropriations to carry out the activities of the Department of Justice for fiscal year 1984, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight Tuesday, June 21, 1983, to file a privileged report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS, 1984

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 228 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 228

Resolved, That all points of order against the consideration of the bill (H.R. 3263) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, for failure to comply with the provisions of section 303(a)(1) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. During the consideration of the bill, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2, rule XXI, are hereby waived: beginning on page 2, line 1 through page 7, line 21.

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes, for the purpose of debate only, to the gentleman from Tennessee (Mr. QUILLEN), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 228 waives points of order against consideration of H.R. 3263, making appropriations for military construction for the Department of Defense for fiscal year 1984, for failure to comply with section 303(a)(1) of the Congressional Budget Act of 1974. It also waives points of order under clause 2, rule XXI against specified paragraphs of the bill.

Section 303(a)(1) of the Congressional Budget Act of 1974 prohibits consideration of any measure which provides new budget authority for a fiscal year prior to the adoption of the first budget resolution for that fiscal year.

As we are all aware, Congress has not yet reached agreement on a first budget resolution for fiscal year 1984. In order for the House to move ahead in fulfilling its duty to enact appropriations in a timely fashion, it is necessary to waive points of order under section 303(a)(1) and allow immediate consideration of H.R. 3263.

It is also necessary to waive points of order under clause 2, rule XXI, which prohibits unauthorized appropriations, against the appropriating paragraphs of this bill since the military construction authorization for fiscal year 1984 has not yet been enacted.

Because clause 2, rule XXI also prohibits legislation in an appropriations bill, this waiver will protect any legislative items contained in these paragraphs from a point of order.

H.R. 3263 appropriates more than $7 billion for fiscal year 1984 military construction and family housing. These funds provide for construction to increase the readiness and fighting capability of our regular forces at home and overseas and of our Reserve and National Guard units. The appropriations also provide for improvements in the quality of life and working conditions in the military which are necessary for the recruitment and retention of the skilled and dedicated personnel needed to make our modern, sophisticated Armed Forces effective.

I want to point out that the appropriations amounts contained in H.R. 3263 are within the amounts assumed pursuant to section 302 of the Budget Act in the House-passed first budget resolution for fiscal year 1984 (H. Con. Res. 91).

Also, H.R. 3263 contains only projects recommended for authorization in H.R. 2972, the military construction authorization bill for fiscal year 1984 which has been reported by the Committee on Armed Services and just now passed by the House. The amounts appropriated in H.R. 3263 are in full compliance with the recommendations contained in H.R. 2972.

Mr. Speaker, House Resolution 228 provides for timely and full consideration of H.R. 3263. I urge adoption of the rule.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the rule has been ably explained. Prior to the discussion of this rule, we witnessed the debate on the military construction authorization. There was a lot of togetherness on both sides of the aisle. Those who are normally opposed to defense spending spoke for it. I would hope that this rule would be adopted so

that we could get down to the business of discussing and passing the military construction appropriation and the other appropriation bills yet to come before the House.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Speaker, I just wanted to clear up for the record, there were waivers of points of order, as I recall, but, according to what the gentleman from Tennessee has said and what the gentleman from South Carolina has said, there is nothing now in this appropriation bill that has not already been authorized in the bill just passed; is that correct?

Mr. QUILLEN. As far as I know, the bill does not exceed any amounts in the authorizing legislation.

Mr. DICKINSON. I thank the gentleman.

Mr. DERRICK. It does not affect the waivers, that is right.

Mr. QUILLEN. Mr. Speaker, the bill itself is below the administration's request. I do not know how it fits into the category of the budget just recently agreed to by the conferees, but this can be fully debated when it comes to consideration on the floor.

Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HEFNER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3263) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Ohio (Mr. REGULA) and myself.

The SPEAKER pro tempore (Mr. BROWN of California). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. HEFNER).

The motion was agreed to.

The SPEAKER pro tempore. The Chair appoints the gentlewoman from New York (Ms. FERRARO) to preside over the Committee of the Whole and, pending her appearance, requests the gentleman from Michigan (Mr. KILDEE) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3263, with Mr. KILDEE, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the gentleman from North Carolina (Mr. HEFNER) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. REGULA) will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. HEFNER).

Mr. HEFNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to present to you today the fiscal year 1984 military construction appropriations bill. The Appropriations Committee has labored hard over the past months in reviewing the Department's request for military construction. As a result, I am presenting a recommended program of $7,051 million for fiscal year 1984.

Our careful review has resulted in reductions of $1.6 billion below the amount requested. Yet, the amount recommended is more than sufficient to meet our national security requirements. In fact, even with the substantial reduction proposed, the program is the largest ever brought to the House floor.

It is important for Congress to undertake a careful review of defense spending and to make reductions where necessary. The grassroots support for a strong defense can only be sustained when the people we serve know that increased defense spending is going for justified and required purposes. The bill before you today meets that requirement.

QUALITY OF LIFE PRIORITY

As chairman of the Military Construction Subcommittee, I announced that my top priority this year would be to assure that quality of life issues in the daily life of the military were given the top priority they deserve. The committee has followed through on that goal by approving over 32,000 new or modernized barracks spaces, 1,700 new family housing units, $225 million in community support facilities, as well as $2 billion in operational and training facilities. We have emphasized the need for the Department to expand its unaccompanied personnel housing program in order to reduce the large remaining housing deficiencies.

UNILATERAL CONSTRUCTION OVERSEAS

A second priority of the committee has been to examine the high costs of unilateral U.S. construction overseas.

Starting in the mid-1950's the United States began consolidating and reducing the number of our installations overseas. During the past several years, however, the trend has been reversed as more than 20 new U.S.-funded sites have been initiated overseas on a unilateral basis. The United States has gone ahead with this development despite only modest increases in defense spending on the part of its allies.

The committee is concerned because this unilateral buildup is not the product of an overall strategy but rather a series of isolated responses to separate situations. The costs of these actions go well beyond the funds spent for construction. Today 21 percent of our U.S. military force is stationed overseas, and further increases are planned. The stationing of troops and building of new bases result in a substantial direct outflow of dollars from the United States. In addition, the direct correlation between U.S. military presence and increased foreign aid to specific countries is becoming clearly evident.

The long-term cost implication of each initiative is never known at the time the construction funds are requested. These bases, once established, soon become militarily necessary and the costs grow and grow. Also, the approval of U.S. unilateral expansion initiatives discourages our allies from increasing their own defense expenditures.

The committee has approved overseas funding requests for fiscal year 1984 only for initiatives where either facilities are already underway or where some host nation participation has been obtained.

MX CONSTRUCTION PROGRAM

The committee has spent considerable time this year reviewing both design and construction issues associated with the proposed basing of the MX missile. We heard testimony from the Secretary of Defense, Air Force witnesses, and others. We were the first congressional committee to actually visit the planned deployment area in Wyoming and Nebraska. Our conclusion was to allow the Air Force to proceed in an orderly fashion with design funding for MX projects, in accordance with existing law. However, the pending construction request for MX basing for the dense pack construction program was not approved. Future construction funding should be based on firm design and planning decisions and follow congressional action on procurement policy.

CONSTRUCTION CONTRACTING

I want to call to your attention two recommendations included in the com-

mittee's report that relate to improving construction costs and U.S. business participation in military construction projects. First, we have directed the Department to pursue the use of nontraditional construction techniques as a way to reduce Federal expenditures for construction. The Department is to examine a variety of alternative construction methods, including prefab and performance specifications.

Second, we have recommended expanding the American preference program to the Pacific area. Several years ago the Congress agreed that American contractors should be given a preference in the award of construction contracts undertaken in the Persian Gulf area. It appears that this program has been successful. Because of the need to stimulate U.S. construction business in the Pacific, the preference program has been expanded to this area for fiscal year 1984 projects. This will result in both a direct and indirect stimulus to the U.S. economy.

GENERAL THRUST OF RECOMMENDATIONS

The committee's recommendations on the fiscal year 1984 program fall into an overall general thrust. The reductions to the program are based on the following categories:

First, overseas projects that either require large U.S. personnel increases or have uncertain country-to-country agreements or building plans have been deleted for savings of $325 million. Fiscal year 1984 funds for Ras Banas, Egypt, in the amount of $96 million and fiscal year 1983 funds in the amount of $91 million have been deleted because of problems on agreements on the construction of the planned staging area.

Second, overseas projects projected to cost $250 million have been denied because they can or should be funded through NATO or by host nations. Specifically, in the NATO area, the committee has deleted funds for GLCM community support projects but has fully funded operational projects at the authorized level. A reduction of $50 million was made to the NATO infrastructure request because of the availability of $500 million in unobligated funds. Overall, the committee continues to call for increased support from NATO and other allies to offset the large increase in U.S. defense spending.

Next, funds requested for the MX missile in the closely spaced basing mode have not been recommended for savings of $450 million. As I mentioned earlier, the committee has recommended releasing design funds for the President's revised program.

Fourth, the committee has carefully excluded projects that may be nice to have but which have no military requirement or are simply not justified. These projects include arts and crafts centers, a modernized golf club house, and $6 million indoor swimming pools. The estimated savings in this category are $350 million.

Also, $175 million has been saved by finding reductions to high-cost family housing construction and overhead costs.

Finally, the services have identified the availability of funds as a result of good bids. The application of these savings have resulted in a reduction of $300 million.

The committee has recommended funding several authorized projects in the United States that: First, can be under construction in fiscal year 1984; second, have a firm defense justification; and third, will offset higher costs in future years. This action responds to unemployment in the United States and takes advantage of a good bidding climate. The increase of approximately $300 million will be held essentially to the amount of available savings.

CONSTRUCTION JOBS

In addition to meeting our defense needs, the military construction appropriations have a very positive effect on the U.S. economy. The $3.5 billion in domestic construction funds will result in more than 200,000 jobs in the construction or related industries. This will be a major boost for one of the areas hardest hit by unemployment.

SUMMARY

Mr. Chairman, I urge adoption of the recommended fiscal year 1984 military construction appropriations bill. The program reflects a realistic view of our present economic situation and the need to provide for the highest priority military requirements. It is a program that will improve the quality of life for our men and women in the military services, and address requirements for improved national security.

The committee conducted a thorough and comprehensive review of this year's request, holding 27 different hearings on individual functional areas. The program recommended reflects current economic conditions by weighing the highest priority military requirements against the need for fiscal restraint. The functional areas where special emphasis occurred were the increasing unilateral role overseas, European and NATO infrastructure program, the MX missile program, the Persian Gulf/Indian Ocean program, the Caribbean Basin program, the security of nuclear weapons, the quality of life, stimulating U.S. business overseas, planning and design, alternative construction methods, and the accuracy of estimates.

ALTERNATE CONSTRUCTION METHODS

The committee held a special hearing this year to review construction alternatives that could help reduce military construction costs. As a result, the committee is taking steps to encourage further exploration and use of these new methods. The services are to explore more extensive use of turnkey—both one- and two-step—contracting, the packaging of small projects at the same site into one contract, the use of standard design for similar facilities, the use of performance type specification contracts, and use of latest techniques and materials incorporating offsite prefabrication of buildings and modular construction. The Department has also been directed to identify and recommend the legislative changes necessary to allow the greater use of nontraditional construction methods. Although some effort by the Department is underway, this action by the committee is intended to stimulate and accelerate the exploration and use of alternate construction methods. This action can reduce costs without sacrificing quality.

PERSIAN GULF/INDIAN OCEAN

Consistent with its overall policy on unilateral U.S. expansion overseas, the committee has recommended funding for facilities in the Persian Gulf only at sites where construction is underway or where some host nation participation has been obtained. Clearly the United States has assumed the leading role for maintaining the stability of this region as more than $1 billion has been provided in the last 3 years for development of facilities in Diego Garcia, Kenya, Oman, Somalia, and Portugal. The completion of facilities planned or under construction at these locations will cost an additional $400 million, of which $144 million has been provided in fiscal year 1984. This program will provide access to seven separate airfields and three ports in the immediate Persian Gulf area as well as providing air and sea support from Diego Garcia and Lajes, Portugal.

The committee has noted that the Department's estimates for the Persian Gulf program have grown from the original $700 million to $1.5 billion. The further development of an overall strategy to defend the region is to rely heavily on facilities at locations already under construction, not new locations.

The committee has denied the request of $96.4 million and rescinded $91 million appropriated in fiscal year 1983 for facilities at Ras Banas, Egypt. The Department of Defense has informed the committee that plans to build a rear staging complex and other facilities at Ras Banas have fallen through. For several years the committee has expressed its belief that a signed agreement is necessary for this project and other overseas bases in order to verify what both the United States and the host nation expect from facility development programs. Had this been done in the case of Ras Banas, millions of dollars in U.S. expenditures for design and mine clear-

ing could have been avoided and significant time saved in selecting and developing an alternate location.

The committee recognizes the importance and need for good United States/Egyptian relations on joint interests of security in the Persian Gulf area. It is hoped that written agreements can be obtained for the use of other access facilities that meet both Egyptian and United States requirements.

CARIBBEAN BASIN

The expansion of U.S. access in the Caribbean Basin represents an important direction in defense planning.

The fiscal year 1984 military construction request included funding in three areas of the Caribbean Basin. The committee has recommended the $3.6 million requested for Panama and the $1.7 million requested at Guantanamo Bay, Cuba. The Department should explore both of these locations for further use of existing facilities.

The executive branch also requested $8 million for facility improvements at La Ceiba Airfield in Honduras. Last year the Congress approved $13 million for a similar access facility at Comayagua. The committee feels that the Comayagua facility will provide sufficient access into the region.

EUROPEAN CONSTRUCTION PROGRAM

The committee has recommended almost $2 billion in military construction and family housing improvements for Europe. This includes approximately $650 million for military construction projects at U.S. installations, $100 million for the NATO infrastructure program, and nearly $1 billion for family housing construction, improvements, operations and maintenance.

In the past there has not been enough attention paid to addressing the large backlog in necessary military construction and family housing projects in Europe. This year's program funds substantial improvements in areas from tank hard stands to major increases for the maintenace of family housing units. The program recommended is the largest ever provided for Europe.

The increases to fund facility improvements in Europe have been made this year in order not to deprive our own service members of decent living and working conditions.

GROUND-LAUNCHED CRUISE MISSILE

Even though the ground-launched cruise missile (GLCM) program is a major issue in United States/Soviet talks on theater nuclear weapons, the United States should proceed with its commitments to NATO to meet schedules for the construction of operational bases. To assure that only the most essential facilities are provided, the Department should proceed first with elements of the GLCM program that provide for the operational capabilities of the base. The committee has recommended the authorized operational support facilities and feels that dependent schools, family housing, and other community facilities relating to GLCM basing should be deferred at this time.

The Department is to continue to pursue the committee's direction to obtain more NATO infrastructure funding for base construction. The United States is already providing personnel, equipment, missiles, and all operational costs for GLCM basing.

NATO INFRASTRUCTURE

The committee has recommended $100 million for the NATO infrastructure program, which is $50 million less than the amount requested. The reduction is possible because of the large unobligated balance in this program. The committee supports the expansion of this program as the needs for additional NATO construction exceeds by far the amounts currently programed.

The committee has also included language in its report urging that appropriate steps be taken to encourage the use of U.S. contractors on NATO projects. The committee has also included language urging more attention to recouping previously prefinanced projects.

COLLOCATED OPERATING BASES

The collocated operating base program is an effective way of significantly expanding U.S. access to facilities in Europe. For several years the committee has stressed the need to accelerate the program through NATO infrastructure funding. This was done both because COB's are fully eligible for infrastructure funding and because it fulfilled the congressional call for more support from our NATO allies.

The Department this year requested that $44.1 million be prefinanced by the United States for minimum essential construction at collocated operating bases in five countries. The committee has approved $18 million of this amount to assure the completion of selected facilities in three countries and to reconfirm our commitment to the program. However, the obligation of the funds is not to be made until the Department has assured the committee that additional NATO infrastructure funds have been included in the current funding slice and additional recoupments from prior programs have been obtained.

QUALITY OF LIFE IN THE MILITARY

Improving the quality of living and working conditions in the military is an essential factor in the improvement of overall military readiness. It is important to provide the necessary facilities and amenities for individuals in the services and their families in order to create an environment that is conducive to professional and motivated work.

The committee has made a determined effort to fund quality of life projects that were requested, authorized, and fully justified. It appears that some projects of marginal value have been requested in the name of quality of life.

The committee continued this year with its special hearing concentrating on housing, working conditions, child care centers, medical services, and other programs that relate to the quality of life in the military. The committee heard testimony from the top enlisted person in each service, officer women representatives, and the Deputy Assistant Secretary of Defense for military personnel policy. Because of concern over living and working conditions in Europe, the committee asked the Deputy Chief of Staff of the U.S. Army in Europe to provide it with his concerns over conditions there.

The testimony presented indicates that military construction programs that address quality of life issues have tremendous payoff in terms of both retention and improved working performance. The backlog in housing and working facilities is staggering, but the fiscal year 1984 request represents, in most instances, a significant step forward in decreasing quality of life facility deficiencies.

MX MISSILE PROGRAM

The committee has not recommended the $449 million requested for construction related to the deployment of the MX missile system in the closely spaced basing mode. The committee has deferred MX construction funds without prejudice pending facility design, site planning, cost definition, and an environmental impact study of the new basing plan proposed by the President. The committee has released as described below $30 million in MX planning and design funds.

The MX request before the committee consists of funds originally requested for the closely spaced basing—dense pack—mode in Wyoming. Recently the President announced his decision to, instead, base 100 MX missiles in existing Minuteman silos at the same location. Following congressional approval, the Air Force will have to undertake the lengthy process of site planning, project development, facility design, and preparation of an environmental impact statement. Because of the preliminary status of planning, construction funds need not be appropriated at this time. However, the committee has agreed to release $30 million of the $50 million previously appropriated for MX planning and design.

Current law prohibits the use of planning and design funds from being used for site-specific MX design until all terms, conditions, and requirements of the National Environmental Policy Act (42 U.S.C. 4332) are met.

The committee has recommended that the general provision restricting this use be changed to allow design to proceed during the EIS process. Construction is prohibited from beginning until the EIS is completed. This has the effect of releasing design funds for operational programs associated with the site-specific facilities at F. E. Warren Air Force Base as of the effective date of this bill.

ACCURACY OF ESTIMATES

During the past 2 years, the actual costs of military construction projects have been consistently 20 to 30 percent less than budgeted amounts. This has resulted in savings totaling nearly $500 million from previously approved projects. Despite this trend, no significant changes have occurred in the budget estimating process to incorporate the improved economic climate.

The trend toward a more favorable bidding climate has been underway for at least 2 years. Yet no significant adjustment for changing regional economic conditions has occurred. The area cost factors in use in 1980 are for the most part unchanged in fiscal year 1984. A factor of 5.1 percent for inflation was used for all fiscal year 1984 estimates despite actual increases at less than that rate in 1983. The existence of a large Federal deficit makes it imperative that the Department strive to accurately project its needs rather than err on the high side for the sake of management flexibility. The committee has made reductions to account for current conditions.

MILITARY CONSTRUCTION, ARMY

The committee has approved a total of $1,214,565,000 for fiscal year 1984, which is $160,435,000 below the request and $284,845,000 above the amount provided in fiscal year 1983.

The major reductions include a host of projects failing authorization, $20 million in overscoped recreational facilities, $16 million to purchase a rug factory in Germany, $41 million for Ras Banas, Egypt, and general reductions of $56.8 million.

The committee has added several authorized projects to provide new barracks and training ranges.

MILITARY CONSTRUCTION, NAVY

The committee has approved a total of $1,181,905,000, which is $161,795,000 below the budget estimate and $101,155,000 above the amount approved in fiscal year 1983. Major reductions include a host of projects failing authorization, $35 million reduced for overpricing certain projects, $50 million from various prefinanced projects in Iceland, and $98 million in a general reduction. A number of authorized projects have been added to provide new barracks spaces, maintenance shops, classroom spaces, and utility upgrades.

MILITARY CONSTRUCTION, AIR FORCE

The committee has approved $1,374,751,000 for fiscal year 1984, which is $926,149,000 below the request and $176,663,000 below the amount provided in fiscal year 1983.

Major reductions include a host of projects failing authorization; $450 in MX construction funds related to dense pack; $56 million for Ras Banas, Egypt; $26 million from the COB's program; $13 million from Misawa, Japan; $67 million from air bases in Turkey; $75 million from GLCM basing; and a general reduction of $160 million.

The committee has added several authorized projects for additional barracks spaces, a hospital, and dining halls.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

The committee has approved a total of $259,042,000 for military construction for the Defense agencies, which is $139,358,000 below the request and $80,728,000 below the fiscal year 1983 appropriation.

Major decreases include a number of DOD school projects which failed authorization, $20 million from emergency construction, and $42 million for a fuel pier in Los Angeles. The committee deleted a provision which allowed the transfer of up to $20 million in R&D funds.

NATO INFRASTRUCTURE

The committee has recommended appropriations totaling $100,000,000 which is $50 million less than the amount requested. This reduction is possible because of the large unobligated balance in this account.

MILITARY CONSTRUCTION, RESERVE COMPONENTS

The committee has recommended $299,174,000 of military construction for the Reserve components, which is $44,274,000 above the amount requested and $13,716,000 above the amount provided last year. The committee has added several projects to accelerate replacement and modernization of needed facilities.

FAMILY HOUSING, ARMY

The committee recommends $1,250,551,000 for "Family housing, Army," which is $20,088,000 below the amount requested and $193,665,000 above the amount provided in fiscal year 1983.

The committee has made reductions to reflect more realistic costs for new construction, management and utilities. The amount of $15 million has been added to begin implementation of the new joint travel regulations overseas.

FAMILY HOUSING, NAVY

The committee has provided $616,374,000 for "Family housing, Navy," which is $87,503,000 below the amount requested and $152,724,000 below the fiscal year 1983 appropriation. The committee has made reductions to reflect more realistic costs for new construction, management and utilities and has made deletions of unauthorized construction projects.

FAMILY HOUSING, AIR FORCE

The committee has provided $849,605,000 for "Family housing, Air Force," which is $97,571,000 below the budget request and $120,756,000 below the amount provided in fiscal year 1983. The committee has made reductions to reflect more realistic cost estimates for new construction, management and utilities and has made deletions of unauthorized construction projects.

FAMILY HOUSING, DEFENSE AGENCIES

The committee recommends $16,674,000 for "Family housing, Defense agencies," which is $3,070,000 below the amount requested and $2,361,000 above the amount provided in fiscal year 1983. Reductions have been made to reflect more realistic cost estimates for construction and leasing requirements.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House	House bill compared with enacted	House bill compared with estimates
Military construction, Army	$929,720,000	$1,375,000,000	$1,215,565,000	+$285,845,000	−$159,435,000
Military construction, Navy	1,080,750,000	1,343,700,000	1,181,905,000	+101,155,000	−161,795,000
Military construction, Air Force	1,551,414,000	2,300,900,000	1,374,751,000	−176,663,000	−926,149,000
Rescission			−91,000,000	−91,000,000	−91,000,000
Military construction, Defense agencies	339,770,000	398,400,000	259,042,000	−80,728,000	−139,358,000
Transfer, not to exceed	(20,000,000)	(20,000,000)		(−20,000,000)	(−20,000,000)
North Atlantic Treaty Organization Infrastructure	325,000,000	150,000,000	100,000,000	−225,000,000	−50,000,000
Military construction, Army National Guard	54,958,000	55,300,000	65,127,000	+10,169,000	+9,827,000
Military construction, Air National Guard	127,900,000	79,900,000	110,352,000	−17,548,000	+30,452,000
Military construction, Army Reserve	41,800,000	52,700,000	52,700,000	+10,900,000	
Military construction, Naval Reserve	25,200,000	24,800,000	28,795,000	+3,595,000	+3,995,000
Military construction, Air Force Reserve	35,600,000	42,200,000	42,200,000	+6,600,000	
Total, military construction	4,512,112,000	5,822,900,000	4,339,437,000	−172,675,000	−1,483,463,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House	House bill compared with enacted	House bill compared with estimates
Family housing, Army	1,078,874,000	1,272,639,000	1,250,551,000	+171,677,000	−22,088,000
Portion applied to debt reduction	−38,534,000	−31,700,000	−31,700,000	+6,834,000	
Subtotal, family housing, Army	1,040,340,000	1,240,939,000	1,218,851,000	+178,511,000	−22,088,000
Family housing, Navy	769,098,000	703,877,000	616,374,000	−152,724,000	−87,503,000
Portion applied to debt reduction	−28,007,000	−28,133,000	−28,133,000	−126,000	
Subtotal, family housing, Navy	741,091,000	675,744,000	588,241,000	−152,850,000	−87,503,000
Family housing, Air Force	970,361,000	947,176,000	849,605,000	−120,756,000	−97,571,000
Portion applied to debt reduction	−57,535,000	−51,376,000	−51,376,000	+6,159,000	
Subtotal, family housing, Air Force	912,826,000	895,800,000	798,229,000	−114,597,000	−97,571,000
Family housing, Defense agencies	14,313,000	19,744,000	16,674,000	+2,361,000	−3,070,000
Total family housing (budget authority)	2,832,646,000	2,943,436,000	2,733,204,000	−99,442,000	−210,232,000
Total portion applied to debt reduction	−124,076,000	−111,209,000	−111,209,000	+12,867,000	
Total, family housing	2,708,570,000	2,832,227,000	2,621,995,000	−86,575,000	−210,232,000
Homeowners assistance fund, Defense	2,000,000			−2,000,000	
Grand total, new budget (obligational) authority	7,222,682,000	8,655,127,000	6,961,432,000	−261,250,000	−1,693,695,000

□ 1450

Mr. REGULA. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, first of all, this is the maiden voyage for our new chairman, the gentleman from North Carolina (Mr. HEFNER), and I want to say that he has done a superb job. He has worked hard, along with the members of the committee. He has provided leadership, and as a result of this, today we are bringing to the Members a bill that is 18 percent below the President's request in budget authority and 10 percent below the President's request in outlays. I think this reflects the consensus of not only the subcommittee chairman but also of all of the members of the committee that we should make every effort possible to hold down expenditures.

I also want to pay tribute to the staff. The members and the staff worked together in a cooperative, bipartisan fashion. Part of the success in holding down the costs in this bill results from the efforts of our staff. I think they deserve credit for that excellent work.

I would like to talk a little bit about the thrust of the bill. The subcommittee chairman has done an excellent job of giving us the details, and I would like to discuss briefly the policy thrust of this legislation.

We deal essentially here with the money for three phases, or three parts, of the military responsibility. The first is housing, the second is the workplace, and the third will be the new systems that are to be brought in over the years that require construction as a prelude to their deployment. All of these are essential.

We in the United States have decided that a Volunteer Force is the way we want to go. We responded to the people of this Nation who do not like the idea of drafting individuals to serve in the military service. Many of our ancestors came here to escape conscription. As part of that it is essential, if we are to have a high quality Volunteer Force that will be able to operate the complex systems that are part of our Nation's security, that we make the workplace attractive, that we make housing adequate, and that we put in place the necessary kind of construction that will allow deployment of new systems.

We have responded to this. One of the initiatives of the subcommittee chairman was to bring in a master chief petty officer from the Navy, a sergeant major from the Army, a sergeant major from the Marine Corps, and a first master sergeant from the Air Force. If Members would like to be in a committee hearing where people tell it like it is, they should have been there that morning. These are individuals who have collectively had something in the neighborhood of 140 years to service to this Nation. All of them had hashmarks from their wrists to their elbows, and they have been through the hard knocks of military service. They were able to tell us what is important to the GI, what is important in terms of housing, what is important in terms of the workplace, and the various conditions that cause people who enlist to tell their friends back home that the Army, the Navy, the Marines, or the Air Force is a good place to be.

What is it that causes people to reenlist? Well, one of the very pressing problems in our military force is, if we do not have reenlistments of people with skills, it takes a lot of money to train new individuals and to educate them to meet today's requirements of our military forces. By addressing the concerns as they were articulated to our subcommittee by these top enlisted personnel, we were able to express a concern that I think is very important to the individuals who are out there in the field. Our actions may very well cause them to reenlist and that will enable us to maintain a strong, well educated, well equipped Volunteer Force.

Again, I say that this committee deals with the real quality problems of the military and the responses that are important to the morale of our service people.

Also, it is important that we understand what is happening in terms of new systems. We have tried to address the requirements so that when various weapons systems are ready to be deployed, the construction will be there and there will not be a delay. If we are to be cost effective in utilizing our defense dollar, we need to effectively deploy whatever system is put in place, because they are expensive. If they are kept in the carton, if they are left at the factory and they are not out there providing for security, they are of little value, and yet the debt service cost goes on.

So, it is important that the leadtime on construction projects be recognized by this subcommittee in funding adequately what is needed, not just for tomorrow, but down the road. That is one of the reasons we find in this bill that the budget authority is quite high in relationship to the outlays, because we are talking about not necessarily next year, but the years ahead. This in turn allows for cost effectiveness in construction because we are not doing it on a crash basis.

We resisted in the subcommittee the projects that were going to be done hurriedly for the simple reason that those are the least cost effective in terms of the expenditure of tax dollars. We are trying to look ahead and get the best possible bid and the lowest possible cost and yet have construction ready when there is a need for it to deploy a weapons system.

In turn we have provided for some innovative types of construction in housing. One of the other initiatives of the subcommittee chairman—and I think it was a very worthwhile expenditure of our time—was to bring in people who have alternate forms of construction, who have new ideas and innovative ideas on ways in which we can provide housing and in which we can provide a workplace and yet do it at less cost. It was a very constructive hearing, I might add. Several new

ideas were brought out. Hopefully, these will be utilized. We have encouraged them both with report language and as part of the bill.

Madam Chairman, I might also add that what this does is afford opportunities for people all across the United States such as companies producing manufactured housing or companies that produce alternative means of providing shelter for weapons systems, and so on, to bid on military construction. It provides a broader spectrum of participation in military spending. This spreads contracting out over larger areas of the United States, and in the final analysis, and most importantly, reduces the cost.

Something I would like to point out to our colleagues is the result of the past work of this committee—and many of the members are serving now who have served in the past. Over the past several years we have resisted requests for expenditures in the funding of MX construction, dense pack, Racetrack, and so forth. I totaled this up and it amounts to $747 million that would have been spent had not the committee members rejected MX funding requests in the past several sessions.

I mention this because it reflects the kind of concern that we have tried to bring to our responsibilities on the subcommittee. It certainly has paid dividends because had we put that money in our bill during past years, it would have been spent, and today those systems of basing have been rejected, as we well know. And as the subcommittee chairman very clearly pointed out, we have only put in enough in MX to do the basic research. We are not getting into MX construction because we have to settle that issue clearly as to the basing mode and as to how we want to go forward in hardening, and other construction.

Today and in the future there is going to be a lot of concern about American jobs. This committee has addressed this in the past, with American preference for the Mediterranean and the European theaters. Because it has worked reasonably well there, this time we added the Pacific theater. What we are saying in effect is that wherever possible, we should give preference to American firms, to firms that pay taxes not only to the Federal Government but also to their local communities, firms that support schools, that support local governments, and that support the States. So we are saying, let the American firms, as much as possible and within reason as far as cost is concerned, have preference when it comes to construction of military projects wherever they might occur throughout the world.

□ 1500

Likewise, we have a "buy America" clause. Again, this reflects a concern for jobs and for our people that are paying the taxes in these United States, a recognition that we have to have a concern that we who provide for much of the free worlds security should be using our own people as much as possible in supplying these systems.

Along with that, we reiterate once again our determination to get as much host nation support as possible.

If you read the section on Misawa, for example, you will recognize what the subcommittee has done by way of pushing to get support from the host nation, in this case Japan, for a proposed base.

We continue to push for host nation support, and along with that, recoupment of prefinancing that we have made in the case of NATO.

I would say to all my colleagues in this body that this subcommittee under the leadership of Chairman HEFNER has worked diligently to insure that the money we expend is spent carefully. This bill does contribute to improved morale, it does improve the quality of life for our service people by giving better housing, by improving the workplace, and likewise by looking ahead and providing at the least cost possible the necessary construction facilities for the deployment of the weapons systems that will be coming on stream in the years ahead.

I certainly urge all my colleagues to support this appropriation bill.

Mr. LOEFFLER. Madam Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Texas, a very excellent member of our subcommittee, one who has put in a lot of effort, along with the rest of us, to make this a workable and an effective bill.

Mr. LOEFFLER. Madam Chairman, I thank my distinguished ranking member for yielding and commend him along with our chairman, the gentleman from North Carolina (Mr. HEFNER).

From the standpoint of the military construction subcommittee's activities, this has been truly a bipartisan and nonpartisan effort. We used every ounce of our ability to look at all of the line items that are involved with the military construction budget requests, and thanks to the efforts of our chairman, as well as our ranking member, we have come up with a bill that shows, in fact, that the defense function is no more sacrosanct than any other function of Government in terms of reducing Federal expenditures.

In addition, while we are under the President's request, there is no question in my mind that this appropriation bill for military construction for fiscal year 1984 certainly meets all of our needs for military construction throughout the world, as well as providing that very essential and necessary ingredient—quality of life—for all men and women who are serving and who will serve.

Again, I thank my chairman and the ranking member and other members of this committee for working together to provide for the consideration on this floor of a very important and wise document. I urge my colleagues to support the military construction appropriations bill.

I thank my ranking member again for yielding.

Mr. HEFNER. Madam Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Madam Chairman, I rise in strong support of this bill, the military construction appropriations bill.

The Appropriations Committee, particularly the subcommittee, chaired by the gentleman from North Carolina (Mr. HEFNER) is certainly to be commended for the excellent job in balancing the need to cut the administration's budget request with the need to fund certain construction projects which are vital to our military readiness.

Madam Chairman, I would like to engage the distinguished chairman of the Military Construction Subcommittee in a colloquy at this time concerning a project at Westalton, Mo., the Whiteman Air Force Base, which is located within the district that I represent.

As you know, Madam Chairman, this appropriation bill funds four very vitally needed projects for Whiteman Air Force Base; however, a fifth authorized project, a project that was just authorized earlier today, which is an addition to a vehicle maintenance facility, was not funded by this subcommittee and this project would allow vehicle maintenance at Whiteman to be consolidated in one facility. Currently it is in three facilities, two of which are ill-suited and one is too small.

I wish to ask and make inquiry of the chairman for the record to commend on this particular deferral.

Mr. HEFNER. I thank the gentleman from Missouri.

First of all, let me thank the gentleman and congratulate the gentleman and his constituents for the hard work that the gentleman has done on behalf of Whiteman Air Force Base.

We are aware that the Air Force has neglected the constuction at this facility, and the need is great.

Now, we approved several projects for Whiteman, but the committee deferred this particular facility, simply because it is at zero percent design.

I would like to assure the gentleman that we have no problem whatsoever

with the justification for this facility at Whiteman AFB, as soon as it has reached 35 percent design. We suggest that the Department once again request the funding and we will certainly look on it favorably, because the need is definitely there.

We want to congratulate the gentleman and thank him for bringing this to our attention.

Mr. SKELTON. I thank the gentleman and I appreciate his comments.

Mr. HEFNER. Madam Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. EVANS).

Mr. EVANS of Illinois. Madam Chairman, while I rise in support of this bill, I also wish to express my deep disappointment with certain provisions of this bill.

In particular, this bill as reported from the House Appropriations Committee does not contain sufficient funding for Project REARM at the Rock Island Arsenal in Illinois.

Earlier today, we passed a military construction authorization which provides for $22 million for a project to modernize and renovate the facilities at the arsenal. This bill appropriates only $13 million for that needed project.

This arsenal plays a crucial role in producing and maintaining the vital weapon systems needed for a modern-day army. However, the arsenal is presently using some facilities that were originally constructed around the turn of the century.

The arsenal is currently performing its vital mission with much old, obsolete equipment in buildings which are poorly laid out and unsuited for modern industrial operations. The result is increased costs for required productivity and a delay in reaching mobilization levels.

Approximately half of Rock Island's output is for foreign military sales. And this seems to be the crux of the problem here today.

The committee proposes that the arsenal provide $9 million of the $22 million REARM project from its foreign military sales.

But let us look at what this means. First of all, surcharges are already added to all foreign military sales to recover the special costs to the U.S. Government. However, this surcharge goes directly to the U.S. Treasury. The fact is that no mechanism exists by which the arsenal can recover these funds and use them for construction. Therefore, the committee's proposal that the arsenal use funds from foreign military sales leaves the arsenal up in the air with no recourse for using funds it does not receive.

The point here is that the committee is demanding an impossible task from the arsenal. To adequately modernize its facilities, the arsenal needs the other $9 million.

As we all consider the dangers and merits of nuclear arms and the threat of nuclear war, I believe that we must do all we can to strengthen our conventional forces and provide for a strong and capable military. Therefore, I feel I must, in the final analysis, vote for this bill.

However, I am hopeful that the fate of Project REARM will receive careful consideration as this measure progresses through the Congress. Full funding for Project REARM is essential and necessary for our mobilization capabilities as well as our efforts to cut costs.

Mr. HEFNER. Madam Chairman, in response to the gentleman from Illinois, this is really not a precedent. Back in 1980 at the Wright-Patterson Air Force Base, we requested that they should get some reimbursement for a portion of a military construction project because of their large amount of foreign military sales.

We certainly agree with the gentleman that this project is essential and we would be happy to look at it and see if we can work something out in the conference committee.

We thank the gentleman for his concern.

Mr. FUQUA. Madam Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Florida.

Mr. FUQUA. Madam Chairman, I rise in support of the military construction authorization bill for 1984 and commend the subcommittee for the fine job that they have done.

I would like to ask the chairman of the subcommittee, the distinguished gentleman from North Carolina, if he has had a chance to review the critical need at Camp Blanding, Fla., where National Guard training takes place, particularly the 5th Battalion area, as it relates to facilities there.

□ 1510

Mr. HEFNER. Will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from North Carolina.

Mr. HEFNER. We had the opportunity to review the situation at Camp Blanding, as the gentleman alluded to.

There are sufficient planning and design funds available to initiate the design of the battalion project for the 5th Battalion, and I believe that the Army National Guard should proceed immediately with the design and then we will go from there.

I would like to thank the gentleman for bringing this to our attention.

Mr. FUQUA. I thank the gentleman very much for his cooperative attitude and I appreciate it.

Mr. REGULA. Madam Chairman, I yield 5 minutes to one of the thoughtful, hard-working members of the subcommittee, the gentleman from Oklahoma (Mr. EDWARDS).

Mr. EDWARDS of Oklahoma. Madam Chairman, I rise in full support of this bill.

As the gentleman from North Carolina and the gentleman from Ohio have pointed out, this bill represents an effort by our subcommittee to respond to the construction and family housing needs of the armed services in a responsive, but responsible way. While it is difficult to adequately scrutinize the approximately 2,000 projects that were submitted to us by the Department of Defense, I can honestly say that as a result of 27 hearings, the active participation of almost all the members of the subcommittee, the leadership of the chairman and the ranking minority members, and absolutely outstanding staff work, we have in fact come up with an excellent bill.

In reviewing these requests we paid close attention both to insuring that our defense capabilities were not impaired and to improving the quality of life of our servicemen and their families in a cost-effective manner.

Madam Chairman, this is my third year on this subcommittee. At times unjustifiable requests have been submitted to us and we have not been at all reluctant to criticize the Pentagon when its requests have been unreasonable. We have done a good job of spotting these projects and either deleting or reducing the funds requested. I have been quite outspoken about the need to prioritize and economize in military construction requests because there is a great difference between modernizing bathrooms for a general's quarters and providing funds for a missile facility. This year we were able to eliminate or reduce funding for a number of projects that were not adequately justified or that were too costly and we saved $350 million through this process.

As my chairman and friend, the gentleman from North Carolina, has pointed out, we have achieved reductions of another $325 million by eliminating overseas projects requiring large U.S. personnel increases or which have uncertain country-to-country agreements or building plans. We have found areas amounting to another $250 million where overseas projects should be funded through NATO or by a host nation. We have saved $175 million in the family housing construction program by scaling down high-cost projects. The subcommittee deleted $450 million for construction and design funds originally proposed for the closely spaced "dense pack" basing mode for the MX missile. In addition, we were able to reduce the overall appropriation by $300 million as a result of good bidding climates.

While these reductions were made, this bill still increases readiness and addresses quality of life issues. These funds include projects that will en-

hance the working conditions of our military personnel and upgrade the substandard housing units in which many of them live. We fund projects to support major weapon systems of great importance to increasing our defense capabilities and to allow us to maintain our commitments to our allies. Funds are also included to modernize our naval shipyards; to improve our training centers; to provide for the first beddown of our new B-1B bomber; to continue to support facilities for the Trident submarines; to modernize medical facilities; to provide for overseas dependent schools, and to continue with energy conservation projects.

As you can see we have brought to the floor a well-rounded bill that does set priorities and enhances our national security interests. This is a good bill and deserves the support of the House.

Madam Chairman, I would like to take this opportunity to congratulate our chairman. This was his first year as chairman of our subcommittee. We worked very closely and in a bipartisan manner. He was fair and I enjoyed working with him very much. In addition, I would like to thank the subcommittee staff, Terry Peel and Mark Murray, for their work in assisting us in bringing such a good bill to the floor of the House.

Madam Chairman, I urge my colleagues to adopt this bill.

Mr. HEFNER. Madam Chairman, I yield 3 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO. I thank the chairman for yielding. I simply take the time to add to the comments of the gentleman from Oklahoma.

I think the bipartisan nature in which the chairman, Mr. HEFNER, and the ranking member, Mr. REGULA, have operated is really a model and a case study of the Members of this body and certainly for the Appropriations Committee.

The very, very sensitive political issues that could have impeded the progress of this bill were somehow avoided and I think we have really shown that we can find a strong bipartisan consensus around issues related to quality of life in the military and improving the productivity of our air rework facilities, our naval shipyards, and the other very important military installations that are so basic to our readiness.

We have also dealt with the environmental concerns that somehow impact many of our military facilities across this land and, indeed, overseas.

In short, the committee has done an outstanding job of working diligently together to put together a measure that has minimal opposition to it.

I would like to congratulate the gentleman from North Carolina (Mr. HEFNER) for the outstanding job he has done in his first year as chairman, and indicate to him and to the gentleman from Ohio (Mr. REGULA) how much I have appreciated working with them this year. I look forward to continuing in at least the near future to work for the very important projects that are so basic to the economy of my district, and I have much reason to be thankful for the help you have given in that regard. But, beyond that, for the outstanding work you have done for the military and for the Congress.

Mr. REGULA. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HEFNER. Madam Chairman, I would like to thank the Members for those very kind words.

I probably should quit while I am ahead. This is sounding like an academy awards night when everybody is thanking everybody.

I would like to just one more time thank the staff and mention that when the full committee got together to mark up this bill, some of the Members who were serving on the Military Construction Subcommittee for the first time could not believe the in-depth work that the staff had done. Everything was laid out for them. They knew where we were going. They knew what projects were up. And it was just a real pleasure. It was not a hassle to mark up a bill as we had it all laid out for us.

I want to thank the staff of the Military Construction Subcommittee.

Madam Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. LEATH).

Mr. LEATH of Texas. I want to thank the gentleman and I want to give the chairman one more accolade.

I rise in strong support of this bill and I, too, want to commend Chairman HEFNER and the gentleman from Ohio, Mr. REGULA, for the outstanding job they have done. I know for a fact that the chairman has spent a great deal of time in the field looking at these projects. He came to Fort Hood and we spent the day touring the fort where we have the National Guard and the training areas and the tank repair facilities.

So I want to commend the gentleman and the committee for an outstanding bill.

● Mr. COUGHLIN. Madam Chairman, I rise in support of H.R. 3263, the fiscal year 1984 military construction appropriations bill.

I am especially pleased that this bill includes a $14.5 million appropriation for an evaluation and test facility conversion project at the Naval Ship System Engineering Station in Philadelphia.

NAVSSES is the principal center for testing and evaluating the reliability and operation of new ship systems before they are introduced to the fleet. Existing NAVSSES facilities which I toured earlier this year consist of scattered and aging buildings. They cannot accommodate additional tasks although important new testing responsibilities have been proposed for NAVSSES. These include the evaluation of complex new propulsion systems as well as advanced deck equipment such as aircraft elevators and hydraulic pumps.

The evaluation/test facility conversion project consists of the renovation of an existing building, its conversion to a multipurpose test facility, the rehabilitation of a fuel storage system and pier, as well as the installation of utility systems to support the primary facility. When completed, the conversion will permit extensive land-based testing of not only hull and deck machinery and propulsion systems but also electrical equipment and air compressors.

The benefits of full testing and evaluation of increasingly complex ship systems are clear: Reducing the cost of and time involved in ship construction, avoiding costly midconstruction design changes, and minimizing future maintenance costs. This project is a sound investment at a time when new types of carriers, cruisers, and escorts require increased power and more advanced methods of propulsion and hardware. As many of these ships are now in the design stage, it is crucial that adequate testing and evaluation facilities be readied.

The Navy has concluded that the test facility conversion is the most economical means of providing the needed test and evaluation capabilites. I agree and urge that H.R. 3263 be approved.●

● Mr. GILMAN. Madman Chairman, I rise in support of the military construction appropriation bill for fiscal year 1984, and commend our colleague from North Carolina (Mr. HEFNER) for the outstanding service that he and his committee members on the House Subcommittee on Military Construction performed in drafting this legislation.

The military construction appropriations bill, as submitted to the full House, is a model of fiscal restraint—it keeps our Federal expenditures down, while not sacrificing needed projects.

Madam Chairman, I am extremely interested in the portion of the bill related to our U.S. Military Academy at West Point, N.Y. For my first five terms in the House, I had the honor and priviledge of representing the USMA in Congress.

As a result of the recent redistricting, West Point is now represented by my good colleague, the Congressman from New York (Mr. FISH) who is rendering outstanding service to West Point, as has been his hallmark throughout his stay in Congress.

Although the Academy itself is no longer within the boundaries of my

district, I am still intimately interested in activities at the Point. My district ends only 3 miles from the main gate at West Point, and so the activities there are of special interest to me and to my constituency.

Our mid-Hudson region of New York has been hard hit by unemployment, especially in the construction trades. We have long had a sound relationship with the U.S. Military Academy—as the Academy expands and construction needs surface, our construction trades find needed employment in the expansion at West Point.

The requested appropriation for West Point for this year of $12.84 million is a reasonable proposal for the long-awaited purchase of the property of Ladycliffe College, immediately south of the Academy.

Ladycliffe was a college for women which had been forced to close its doors several years ago. Ever since its closing, the U.S. Military Academy has sought to purchase the property. The buildings are intact, in good condition and can be used as classrooms by the Academy. Most importantly, the long-planned Museum and Visitors Center can now be located on the former Ladycliffe College campus, thus negating the need for any new construction.

The outlay of $3.4 million for this purchase will give the Academy buildings and property for needed expansion at a substantial savings to the taxpayers. The cost of purchasing new lands, and having to construct these buildings from scratch would be cost prohibitive. The military is to be commended for taking advantage of this opportunity.

The remaining $9.39 million of the West Point appropriations is earmarked for long-overdue barracks modernization, weather stripping, energy monitoring and control system, and energy efficient lighting.

Madam Chairman, it has long struck me as irony that, while we in the Government have long urged our citizens to conserve energy, we have been lax in not mandating energy efficient Government facilities. I applaud the U.S. Military Academy in its efforts to provide an example of an energy-efficient facility. If we in Congress do not approve such conservation efforts, we are indeed being "penny wise and dollar foolish."

Madam Chairman, I also call to the attention of my colleagues the $29.2 million bracketed for phase II of the move of the New York Air Force National Guard to Stewart Airport in Newburgh, N.Y. This move was begun last year and is basically completed. These funds are needed for new facilities to house the National Guard.

Although Stewart Airport is no longer in my congressional district, it does benefit my adjoining area. I was instrumental in helping to convince the Guard to move to this ultra-modern facility when this proposal was first suggested some years ago. Our entire mid-Hudson Valley region looks to Stewart Airport as the hub of our industrial redevelopment.

Accordingly Mr. Chairman, I ask my colleagues to join in supporting the passage of the Military Construction Appropriations Act of 1984.●

Mr. HEFNER. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. HEFNER (during the reading). Madam Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. Are there any points of order to the bill?

Are there any amendments?

Mr. HEFNER. Madam Chairman, I move that the Committee do now rise and report the bill back to the House, with the recommendation that the bill do pass.

The motion was agreed to.

□ 1520

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FAZIO) having assumed the chair, Ms. FERRARO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3263) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, had directed her to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HEFNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and that I may include extraneous matter and tabulation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

FURTHER CLARIFICATION OF TRANSCRIPT ALTERATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I take the time today to discuss a matter of some importance to this institution, because it is a matter which goes to the whole question of integrity of the proceedings of this institution.

For some days now it has been discussed before the press and with some limited discussion before our colleagues but I think that this is a time when we need to outline in some specific way, in some detail, precisely the kinds of problems that we have raised about a change in committee transcripts which has taken place which served to change markedly the testimony of not only—the statements of not only Members of Congress but the testimony of witnesses that appear before the committee.

The incident begins last summer when five subcommittees of this body got together for a joint hearing on the subject of the Environmental Protection Agency. As my colleagues know, some months later this kind of investigation produced some very serious charges and concerns with regard to EPA and led to a tremendous shakeup in that agency.

However, at this particular hearing there was no doubt about the partisan nature of it. It began under very, very partisan circumstances and ended with a great deal of partisan bickering.

It was a hearing that was designed for campaign purposes from the outset and a hearing which failed because the majority failed to do their homework and failed to produce the kind of documentation at that hearing which later would result in some changes at the Agency.

I give that as background simply to show that this is a hearing where the record was replete with instances of Members making charges of partisanship at the hearings, and where the hearing record was very, very substantial about the fact that these were extremely partisan proceedings.

A few weeks ago the official record of that hearing became available. The printed hearing became available to the public, that which will serve as the historical documentation of what took place at that hearing.

A member of my staff reviewing that printed report found a sentence which disturbed him because it seemed to be 180 degrees different from a statement that I had made in the course of that hearing.

At the hearing I had made a statement that said many Members of the other party know that I am willing to take part in reasonable hearings. A little later on when the hearing report

came out that statement had been changed to say, "Many Members of the other party know that I am not willing to take part in reasonable hearings."

In other words, my statement, without any permission whatsoever, had been changed by someone to reflect a statement 180 degrees different from that which I had actually said. At that point, I was concerned about what I had found, felt that it was an isolated incident but wanted to check and wanted to find out just exactly what had gone on. I contacted the chairman of the Science and Technology Committee, the gentleman from Florida (Mr. FUQUA), and received the utmost cooperation from him.

Chairman FUQUA had his staff go through the whole report and put that report side-by-side with the transcripts that had come out of that hearing to find out whether or not other changes had been made.

□ 1530

Much to their surprise, to mine, and I think to the surprise of most Members of this body, it was found that 100 instances of such changes had been made. Some of them were relatively minor, but many of them were major, where Members' statements where changed 180 degrees or where a Member's quote was such that he was made to say something entirely different from that which he had actually stated. Or in some instances where material was added after the hearing was over which changed the whole tenor of the proceedings.

Now it is not unusual around this body to do what we call "revise and extend" remarks. And here on the House floor there is a lot of that done, but we are never supposed to change completely the context of that which we are saying and particularly in committee hearings, there is no authorization to change completely what you have said. The hearing record is to exist as what took place before the body.

In this case, that has not been done. The integrity of this body has been compromised and those of us who were involved feel that there is a need to begin a process to make certain that such an instance never happens again. That never again shall someone consign onto themselves the ability to change the historical record, to change public documents, to make major changes in what this body did in a particular Congress.

We, therefore, have begun a process of asking that certain things be done to get us toward assuring that such things never happen again.

What we have found thus far disturbs us. We have found, for instance, that the rules of the House do not cover such joint hearings. No one is quite sure just where the jurisdictional lines are when a joint hearing is held. We find that the House does not have real procedures for dealing with that kind of matter.

Why is that disturbing? Well, here you have an instance where something of unprecedented horror has been done to the integrity of this House and yet it is almost impossible to nail it down because you had a joint hearing which took place. It is almost impossible to begin to find the culprits and to hold someone responsible because of the joint hearing that took place. The lack of rules to cover it then is indeed disturbing.

So it seems to me that we as a House and that we as a Congress need to address that particular question of should joint hearings be held, with this lack of rules? And if they are held, should we not begin to develop rules which cover who is responsible in the event of mistakes?

The other thing that we have found is that there has been a willingness by at least some of the parties affected to say that what should be done in this case is that the whole matter ought to be sent to the Ethics Committee and hereafter forgotten in the Ethics Committee.

We have had some concerns about that because once it goes to the Ethics Committee, it is held in secret, the meetings are held in secret, and there is no way of getting some of the information that we think is necessary to get before the public to the public.

Mr. SENSENBRENNER. Madam Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Wisconsin, who is a former member of the Ethics Committee.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Madam Speaker, it is rare that I take the floor to talk about being an alumnus of the Ethics Committee, because that was a very long 2 years when I served on that committee during the 96th Congress. We had Abscam, we had the Diggs matter, we had the Flood matter, and several other matters that never did ripen prior to the end of the term, but I did become intimately familiar with the procedures under which the Ethics Committee operates during that 2-year period of time from 1979 through 1981.

I am very fearful that the Ethics Committee procedure is a way to cover up the whole mess of the doctoring of the transcripts so that the Congress will never know what happened and so that we will set a public example so that this never happens again.

I believe that both of those goals are goals which ought to be pursued while we look at the transcript doctoring case.

Very briefly, under the rules of the Ethics Committee, everything is held in secret during the investigatory phase of the Ethics Committee consideration. Only when the Ethics Committee decides to formally charge a Member, officer or employee of the House for misconduct does the matter become public.

Now it is also quite clear that if the person who is charged resigns from his position before the actual public proceeding before the Ethics Committee, the Ethics Committee loses its jurisdiction, has to dismiss the charges and that is the end of the entire affair.

Mr. WALKER. Let us explore that just a little bit. Now if I understand what the gentleman is saying, we could have this matter assigned to the Ethics Committee, supposedly to take care of what is a gross abuse of public office here by someone, unknown at this point. We could have it assigned to the Ethics Committee. The Ethics Committee could begin the process of investigation and begin to find someone who they have reason to believe could be involved in this matter. That person could resign from their job or be fired, in some manner leave the employment of Capitol Hill, and the whole matter would have to be dropped by the Ethics Committee, they would no longer have any jurisdiction?

Mr. SENSENBRENNER. That is quite clear from the precedent as it relates to employees of the House of Representatives. And the real problem with that is that if the person is terminated from the employment of the House of Representatives, then, of course, he never has been formally investigated or reprimanded by the Ethics Committee, so that does not even appear on that individuals' resume.

I think that without having some kind of public investigation before one or more of the three committees that conducted the joint hearing in July of 1982, we can have the quick shuffle in the Ethics Committee, a person or more leave the employ of the House of Representatives and that will be that.

Mr. WALKER. If the gentleman would just clarify this a little bit further. In order words, in that kind of a scenario the only penalty that would be exacted from someone who had grossly abused this position as a staff member would be that he would be forced to resign from his job, but even under the resignation, as the gentleman says, there would be no blot on his record. As far as anybody would know he would have resigned after honorable service on the committee. That would be the only penalty exacted. In other words, nobody would feel as though this kind of an abuse has very much of a penalty connected with it.

Mr. SENSENBRENNER. The gentleman from Pennsylvania is absolutely correct. Considering that deliberate

altering of records of the House of Representatives, in my opinion, is a gross breech of the public trust, it seems to me that the culprit or culprits involved ought to be subjected to a greater penalty than that which the gentleman from Pennsylvania just described.

Mr. WALKER. So this is the problem with the suggestion that the matter go to the Ethics Committee, that that could be the end result and nothing more would take place, insofar as we are willing to say that the Ethics Committee route is the only route we are going to pursue, we could very well end up with a scenario that results in just the kind of coverup and the kind of stonewalling which the gentleman has described.

Mr. SENSENBRENNER. The gentleman is completely correct.

It seems to me that the Ethics Committee proceedings should not be used as a crutch for each committee that is involved to get to the bottom of this matter and to reach a determination. It seems to me that if you have a termite in your own house, the first thing you should do is get your exterminator inhouse to get rid of the termite, rather than asking for the outside exterminators to do that.

Mr. WALKER. If I understand then what the gentleman is saying, it may well be that we have some matters here that are Ethics Committee jurisdictions. In other words, there may be some ethics violations here that ultimately should get to the Ethics Committee. But the question is, Whether or not that is where the whole thing ought to start or whether we ought to find out the extent of the problem that we are dealing with and then if matters are something which the Ethics Committee should deal with, make certain that they get consigned there at a later date. Is that what the gentleman is saying?

Mr. SENSENBRENNER. That is correct, but I think there is one other matter that distinguishes this case from the cases that the Ethics Committee has dealt with in the past two or three Congresses and that is that the reputation and integrity of individual Members, whose comments have been altered, are at stake.

If one of our colleagues is convicted of accepting a bribe by a jury, that is something that places a stigma upon the entire House of Representatives as a whole, but not to an individual Member specifically.

Here, however, individual Members' remarks have been altered as well as those of witnesses.

□ 1540

By going to the Ethics Committee and having a secret investigation, where not even the aggrieved parties have access to the files, the right to confront the people who are being investigated and to cross-examine witnesses, there is no way that an aggrieved Member will be able to have justice done in his name or her name.

Mr. WALKER. Now, wait a minute. If this goes to the Ethics Committee, I am not even going to be able to ask any questions about the fact that my remarks were changed?

Mr. SENSENBRENNER. No.

Mr. WALKER. I would not even be able to get hold of the hearing records or the investigative records of the matter? I would be totally frozen out of the process?

Mr. SENSENBRENNER. Under the rules of the House, the only way you could get hold of those records is by a majority vote of the Ethics Committee itself.

Mr. WALKER. So, in other words, those of us who find ourselves in a position where we have had our remarks changed, where the whole documentation is at odds with what was actually done, would be left with no recourse whatsoever ourselves in this kind of a proceeding? Is that what the gentleman is saying?

Mr. SENSENBRENNER. Well, if the gentleman will yield further, there is no recourse before the Ethics Committee for the gentleman or any of the other 6 Members whose remarks have been changed to actually go to the Ethics Committee and demand that justice be done.

If the gentleman was mugged on the street, he could go to the district attorney's office and sign a criminal complaint and get the culprit changed. But that is not the case under the Ethics Committee procedure.

There is one way that the gentleman from Pennsylvania and the other five of us can get justice done, and that is by raising the question of privileges of the House from the floor and introducing a privileged resolution to correct the records.

I am certainly reserving that right for myself, depending upon how the committee investigations go.

Mr. WALKER. The gentleman from Pennsylvania is certainly going to do that, as well. But I think it is well to point out that the Ethics Committee route that is being suggested would not include that particular matter; that is something we have to do ourselves, even though the Ethics Committee route is being suggested by others.

Mr. SENSENBRENNER. If the gentleman will yield, there is an old proverb that the Lord helps those who help themselves. The Ethics Committee will not do that.

Mr. HILER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. HILER. Mr. Speaker, I am not very clear on some of the Ethics Committee's procedures. But let me just say that this case were referred to the Ethics Committee and that that was going to be the sole place that any action or inaction would take place.

When the gentleman from Wisconsin was on the Ethics Committee, what was the normal length of time that it might take between when a situation was referred to the committee and when there might be some substantive statement out of the committee and what might have happened?

Mr. SENSENBRENNER. If the gentleman from Pennsylvania will yield, it takes literally months and, in some cases, almost a year.

When I was on the Ethics Committee, it was the busiest term that the Ethics Committee ever had, with seven Abscam cases, the Diggs case, the Flood case and the ghost voting case.

In the ghost voting case, which was something that was entirely in-house and did not involve any criminal prosecution, it was a case of 7 to 9 months between the time the original allegations of ghost voting surfaced in the press and the time the committee's final report was released and published as a House document.

Mr. HILER. If the gentleman from Pennsylvania will further yield, I appreciate the remarks of the gentleman from Wisconsin.

Let me direct a question to the gentleman from Pennsylvania: Would the gentleman be of the opinion that this is something that we could go 7 to 9 months in duration having literally no statements on it? Does the gentleman think that those subcommittees affected could have the ability, could continue to have the ability to get witnesses to come up to Capitol Hill and testify, to be able to conduct those hearings in a proper and orderly fashion while maintaining the integrity of this institution, if we have that dark cloud hanging over those proceedings for a period of 7 to 9 months to a year or more?

Mr. WALKER. Absolutely not, to answer the question directly. I think that outside witnesses,I think that we as Members would have every reason to be suspicious of proceedings within those subcommittees until the matter is resolved.

We have no way of knowing who did what in this case; so, therefore, the people who are on those subcommittees who dealt with these records are thereby suspect.

It seems to me that at the very least we would want to lift that suspicion as quickly as possible, and that cannot be done through the Ethics Committee route. What can be done is that if the individual committees themselves will begin the process of cleaning their own houses, then we do have some chance of restoring the integrity of those individual committees in a

timely fashion. I certainly think we ought to proceed in that manner.

Mr. HILER. I thank the gentleman for those comments.

Mr. WALKER. I thank the gentleman for his contribution.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding, and I appreciate the opportunity to comment on this particular subject and to ask a question of the gentleman.

In the colloquy that was handled between the gentleman in the well and the gentleman from Wisconsin, is it not so that the gentleman concludes that the Ethics Committee is beyond the domain of this House with respect to its actions on the corrective action that the gentleman seeks? Is that what I am to gather, that the only way that the gentleman can proceed now as an individual Member of Congress is to move under a privileged motion on the floor of the House?

Mr. WALKER. What we have concluded is that there may well be some matters that relate to this incident that need to go to the Ethics Committee ultimately, but the Ethics Committee cannot address the sum total of the questions that are raised by this incident.

For example, the Ethics Committee can do something about an employee who is still on the staff, who may have engaged in this kind of behavior. There is no doubt about that. And if that is what we find, we may well want to refer the matter to the Ethics Committee for that one question.

However, there are questions of the rules of the House, there is a question about how this whole matter came about, the way in which the transcripts were handled, there are questions relating to the integrity of the processes of the committees, all of those things which go beyond the scope of the Ethics Committee which the Ethics Committee would have no jurisdiction to look into. And the troublesome aspect is that if the person being investigated or persons being investigated were all of a sudden no longer to be employees of the House at some point, or Members of the House, or whatever it is, that investigation would halt immediately and there would be nothing further done.

We think that there are many things much further that need to be done on this matter, and we would hope that we would have the kind of forum that would permit us to deal with the seriousness of the issue.

Mr. GEKAS. Then the only question that remains, if the gentleman will yield further, would be whether or not it would be appropriate for this House to entertain a change in the rules of the House to fully implement a full investigation immediately upon the happening of something that affects an individual's remarks, whether it is in subcommittee or in full committee or on the floor of the House, the rule of the House itself be formulated and implanted into the rules of the House, so that we can anticipate this happening in the future, so that there can be no question as to what would happen if indeed the remarks of any Member of the House are doctored.

Mr. WALKER. I think that we may want to look into that kind of a solution. We may also want to look into the solution that involves the institution of a special committee in this regard, or some sort of special investigator to look into the matter, to develop that kind of a process for the future, because at this point we are basically treading into areas where there is no precedent, and we have got to make certain that what we do serves the best interest of the House but also accomplishes the purpose of making certain that we never have future staff people or future Members thinking that this is the kind of thing that they can get away with.

Mr. GEKAS. If the gentleman will yield further, I would be happy to join the gentleman from Pennsylvania and others who are interested in the subject matter in cosponsoring a change of the rules and asking for immediate consideration of it out of comity and courtesy, putting partisan situations aside.

Mr. WALKER. I thank the gentleman for his cooperation, and we hope that he will be supportive of our moving ahead with a full investigation of this matter, and I thank the gentleman for his remarks.

I will be glad to yield to the gentleman from New Hampshire (Mr. GREGG).

Mr. GREGG. I thank the gentleman for yielding.

Mr. Speaker, I see the Honorable Republican whip, the gentleman from Mississippi (Mr. LOTT), moving toward the microphone, and I would defer to the Republican whip prior to making my statement.

Mr. WALKER. I yield to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. I thank the gentleman for yielding.

Mr. Speaker, I think it is most appropriate that my colleagues have taken this special order to give the Members the details of what has happened. It is a very serious matter. I have never seen anything like it in the 15 years that I have been associated with this institution, both as a staff member, at which time I had occasion to work with transcripts at times, and as a Member for the past 11 years. It cannot be frivolously dismissed. We cannot allow it to be handled in such a way that if a committee that is very involved with other matters would have jurisdiction and then, for some reason—for instance, if a staff member should be removed—lose jurisdiction, the matter could not be investigated further. I refer, of course, to the Ethics Committee.

□ 1550

I think, personally, that eventually this matter may be handled, at least partially, by the Ethics Committee, but I think that should only be a step in the process. It should not happen before the gentlemen here have had a full opportunity to have hearings, to get the details of what is involved and who is involved, and to make sure that all the documents that might have been tampered with have been impounded. We are talking not just about four or five or six aggrieved Members. We are talking about witnesses and we are talking about something that could happen to any Member.

It cannot be tolerated by staff directors, and certainly not by Members of Congress. I do want to say that I think the gentlemen are approaching this in a way that it should be approached and I look forward to working with them, and with the chairmen and ranking members on the committees involved, to make sure that this matter receives a full and complete hearing, whether or not one individual staff member, or more, may at some point be punished or removed for their actions.

Mr. WALKER. I thank the Republican whip for his statement, and I appreciate it.

Mr. Speaker, the thing which occurs to me is, we have had an awful lot of headlines in this country over the last decade or so about political dirty tricks. This is political dirty tricks with venom, because what they have done here is, the dirty tricks have resulted in a change in the entire public documentation of the House. I think that highlights the issue about as well as anything we can say, because if there is concern across the length and breadth of the country about the dirty tricks that have shown up in a number of political instances, then this one is particularly a problem because we have the public records of the Congress of the United States involved in it.

Mr. GREGG. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from New Hampshire.

Mr. GREGG. I thank the gentleman for yielding, and I congratulate him on taking this special order because I believe the issue he has raised goes to the substance of the integrity of the House and the manner in which the House operates.

I know there has been considerable discussion so far as to what type of form should be used to address this issue and get to the bottom of it. I think that we should stress that we are nowhere near the bottom of it. We do not know who did it; we do not know where it was done, and we do not know why it was done. None of those questions have been answered yet, and we have not been able to obtain the information necessary to answer them.

But I would like to return just briefly to the substance of the issue, and let us remember what actually happened here. This was a joint hearing called by the Science and Tech Committee with two Science and Tech subcommittees, two Government Operations subcommittees, and one Commerce and Energy Committee participating in the hearing. The hearing was chaired by Mr. Moffett from Connecticut, who is no longer in the House, and it took 2 days. It involved calling before the committee the Administrator of the EPA and other people who were involved with the EPA in the summer of 1982, July to be exact, in a manner which was, at best, circus in atmosphere.

The hearings were not directed at a substantive discussion of the problems of EPA, which we all recognized; the hearings were directed at promotional, political and philosophical positions. As a result of the hearings going forward, members on the minority side asked for certain material, which we were not supplied. We asked to know who the witnesses were early before the hearing. We were not told that. We asked for the documentation to be presented in the hearing. We were not told that.

We arrived at the hearing having been closed out from the manner in which the hearing was developed, and yet at the hearing, the atmosphere of the hearing was so blatantly charged and prejudicial that it became clear that fairness was not being delivered to many of the witnesses and to a discussion of the issue.

As a result of that, the transcripts were produced out of that hearing, and the transcripts, I would have to say, in their original form reflected rather adequately that this hearing was poorly handled, misdirected, that the majority in its management of the hearing had been prejudicial in its presentation and had been, at best, unfair.

Mr. WALKER. Mr. Speaker, if the gentleman would just let me interject at this point, I think it would be interesting maybe to go to one of the statements that was changed in the document to make the gentleman's point.

At one point, the chairman of the hearing was concerned about the fact that we were making charges about the fairness of the hearing and the fact that we had not been able to get information, and all of that. In the original transcript, he says that, "We proceed with these hearings free of any suggestion from the minority that the hearing is stacked in any way."

We, of course, at that time did not agree with him, and we felt very firmly it was stacked.

When this document came out, all of a sudden a lot of new language was added to that statement. He not only makes the statement about free of any suggestion of——

Mr. GREGG. If the gentleman will yield, you are now reading language which was added after the hearing; it was not made as a statement during the hearing, but it is now included and presented as being original statements made at the hearing, as part of the hearing? This is additional language?

Mr. WALKER. That is exactly right. In other words, what I am saying here is language that was added by someone after the hearing and was being represented in the report as what was said at the hearing. Let me read that statement.

He said:

> I would also like to note that the minority, contrary to its statement yesterday and today, was provided with all the witness letters sent out by the committee as soon as those letters were issued. the minority has, therefore, known in some cases for some weeks now most of the witnesses who were scheduled to appear before this body.

First of all, that statement is wrong, because we were demanding for weeks prior to that all of the list of witnesses. We were not able to get them. We were demanding to know certain information. We were not able to get it. In other words, had he made that statement at the hearing, he would have been called on it by every member of the minority who had attempted to get that material. He was not about to make that kind of a statement at the hearing, but added it later on to make the minority look as though we did not have a good case.

That is the kind of thing that is done throughout this hearing record, and which is some of the most appalling aspects of it.

I would be glad to yield further to the gentleman from New Hampshire.

Mr. GREGG. If I can follow up on that, the point of my statement was going to be that the basic direction of all the misquotes, misdirection, was not created out of some inaccuracy. It was not created unintentionally. There is a malevolent, intentional, malicious attempt to distort the record as it was presented at the hearing, and the intent is basically to change the records so that the majority looked as if they knew what they were doing and presented an effective hearing, and the minority looked like we were basically incompetent, ineffective, ineffectual, and without knowledge.

Mr. Speaker, maybe that may be the case on occasion, but in this hearing it did not happen to be the case. It is unfortunate, and it is an absolute travesty of the processes of this Congress, that a hearing document, simply because it did not come out the way the majority staff wanted it to come out, would be changed to reflect the way the majority staff felt it should come out.

We want to get to the bottom of it. There is no excuse that we should be denied the right to get to the bottom of it, and to get to the bottom of it, we have to have some open hearings and we have to have the ability to access the individuals who were involved in preparing this transcript.

Mr. WALKER. To further amplify the gentleman's point, I think the gentleman will recall with me that the whole thing, as he says, was put together as kind of a circus, but that the circus was also a mass media show. At the beginning of the media show, the cameras were lined up and we had a real festival kind of atmosphere. By the end of the hearing, the majority had left one person to preside and was hustling the cameras out of the room because they had done such a poor job. They recognized that they had a problem; that they had been destroyed by the minority.

Now they have taken to change the hearing document so that it does not reflect what really took place. That is the appalling thing about this.

Mr. CARNEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New York.

Mr. CARNEY. I thank the gentleman for yielding.

Mr. Speaker, I think the gentleman makes an important point on that issue alone, because I had asked that a statement, my opening statement, be submitted. There was general leave granted to hearing. My opening statement spoke to that very thing; in fact, it started off by saying "Actions, camera, start the committee hearing."

That was deleted. Not only was my statement deleted, but the gentleman from New Jersey (Mr. RINALDO), who had asked me to have a statement put into the statement pertaining to the subject matter of the hearing was deleted.

Mr. WALKER. These were two minority statments that never appeared, period?

Mr. CARNEY. That is correct. That is correct, and I think as you go along those lines, you see where they deleted the parts where we were trying to project what we believed to be the climate of those hearings. They were deleted.

I think at this point, I would yield back to the gentleman to yield to my colleague from Indiana (Mr. HILER),

who addressed this and what he was trying to present was totally changed.

□ 1600

Mr. HILER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Indiana.

Mr. HILER. Mr. Speaker, I thank the gentleman for yielding.

At one point in the hearing, on the second day of the hearing, there was a motion made by a Democratic Congressman from Massachusetts to open the hearing that particular day to the electronic media. As the gentleman knows, most of the time for the electronic media to cover a hearing they have to be granted special permission.

The motion was made, and at that time I made the statement that "I, too, strongly support the motion of the gentleman from Massachusetts. I find it very interesting about the great interest. For 6½ hours of hearings yesterday, the majority had about one or two people here the great majority of that time. I think it was a great disservice to the witnesses we had here, after calling a tremendous number of witnesses from all over the country here to appear before four committees of Congress and then to have very, very few people from the majority side who called this particular hearing."

And when it came out in the RECORD, it said, "for 6½ hours of hearings yesterday, the minority had about one or two people here" for most of the time "* * * it was a great disservice to the witnesses * * * to have very, very few people from the minority side" in attendance even though they called this particular hearing.

Now, there could not have been a clearer intent in my mind when I rose to make that statement for the motion of the gentleman from Massachusetts; and then to have it changed 180 degrees.

Mr. GREGG. Mr. Speaker, will the gentleman yield on that point?

Mr. WALKER. I am glad to yield to the gentleman from New Hampshire.

Mr. GREGG. Mr. Speaker, I would like to take one of my quotes which happened to be manipulated in this process. Here is what I said in the original record: "I look at the staff over there"—and I was referring to the majority staff, and I was talking about the fact that we had not gotten any documentation; although we had asked for a lot of material, they could not get it to us—I said, "I look at the staff over there, and I wonder how we have so many staff members on the majority side and they did not have time to get back to us."

How did it come out in the transcript that was doctored? Well, much to our surprise, but, I suspect, not to the surprise of the person who changed the transcript and who was intending to change the intent:

"I look at the staff over there, and I wonder how we have so many staff members on the minority side and they did not have time to get back to us."

My goodness. There is a clear intent here, and we had better get to the bottom of it.

Mrs. SCHNEIDER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Rhode Island.

Mrs. SCHNEIDER. I join my colleagues in today's special order called to protest alterations that were made in transcripts recording the remarks of Republican Members during last summer's hearings on the Environmental Protection Agency. Apparently, some unknown staff members took it upon themselves to make arbitrary changes in the statements and questions of Republican Members. In some cases, words were changed or added to alter the entire meaning of a sentence—in other circumstances, entire statements, or Members questions, were deleted from the transcript.

The alterations extended to the remarks of witnesses who were invited to participate in the hearing. As the gentleman from Kansas, the ranking minority member of the Science Committee has already pointed out, the effect of the transcript alterations is to make the minority members look foolish and irresponsible.

We need to make it clear that we are not pointing the finger of blame at any Member of Congress, and certainly not at the chairman of our own Science Committee, for whom all of us have the deepest respect. We do think the incident is worth protesting, however.

First, the alteration of transcripts is clearly an abuse of power by certain majority staff. Minority members already work at a considerable disadvantage, given that we are outstaffed on our committees by ratios of 3 or 4 to 1. To have our remarks and questions altered or deleted by anonymous staffers is to add insult to injury.

Second, I had prepared some questions for that EPA hearing that I thought were pretty good, and they were arbitrarily dropped from the transcript. I try to be diligent in my committee responsibilites—it certainly is discouraging to have certain staffers decide that my questions were not worth the cost of printing.

Finally, and perhaps most importantly, I think it is less than coincidence that the transcript alterations occurred after a set of hearings that I think minority members have referred to correctly as a five-ring circus. It is no secret that I have been a frequent critic of the EPA under the last Administrator, but I always tried to express my concerns in a bipartisan context. Last summer's hearings were clearly an attempt by certain Democrats to manipulate the environmental issue for partisan gain. Such partisanship on issues that Democrats and Republicans have traditionally worked in harmony on serves no good purpose. Unfortunately, it may create the kind of atmosphere that led to the malicious alteration of transcripts.

Mr. WALKER. Mr. Speaker, I thank the gentlewoman (Mrs. SCHNEIDER) for her remarks.

Am I not correct that the gentlewoman was one who asked that her opening statement be included in the Record?

Mrs. SCHNEIDER. I was.

Mr. WALKER. Mr. Speaker, is it correct that they refused to include the gentlewoman's opening statement, and as a result of that, that is another minority opening statement that the record never attained, even though she received direct permission from the chairman in the course of the hearing?

Mrs. SCHNEIDER. That is correct. I did receive permission from the chairman, and my opening statement was not included in the final transcript.

Mr. CARNEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from New York.

Mr. CARNEY. Mr. Speaker, as the gentleman in the well realizes, during the 97th Congress when all this took place, I was the ranking minority member of one of the subcommittees of the Committee on Science and Technology which was holding the hearing. I would be remiss at this time if I did not indicate for the record that certainly the chairman of the full Committee on Science and Technology has been most cooperative to this point.

We, as minority members, speaking collectively, those of us who have had our remarks changed, have approached the chairman of the Committee on Science and Technology, the gentleman from Florida (Mr. FUQUA), and we have received his cooperation with every request that we have made to date, and I would assume, knowing that gentleman, that that type of cooperation will continue.

Mr. Speaker, I would only hope that we would receive that cooperation from other members of the majority, and I am confident, looking back on tradition in this body, that it will happen. But I am also prepared to pursue it further if they should not.

Mr. WALKER. Mr. Speaker, I thank the gentleman from New York (Mr. CARNEY) for his statement.

Earlier in my remarks I pointed out the fact that the gentleman from Florida (Mr. FUQUA) was the first one to whom I went when this matter was first discovered, and he did cooperate. In fact, it was his staff on his orders that put together the original docu-

ments which showed the large number of changes.

So I certainly agree with the gentleman that to this point the gentleman from Florida has been most helpful in helping us to get to the bottom of the case, and I would certainly hope we can continue to engender that kind of cooperation through mutually working together on the matter.

Mr. CARNEY. Mr. Speaker, I think the issue at hand certainly goes beyond the politics that sometimes occurs in this body, and I look forward to the cooperation from not only the chairman, but others who are involved.

Mr. WALKER. Mr. Speaker, I thank the gentleman from New York (Mr. CARNEY).

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Illinois.

Mr. SIMON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased at the comments of my colleague, the gentleman from New York (Mr. CARNEY), and the comments the gentleman in the well just made.

I think that every Member on both sides of the aisle wants to have the record accurate. We do not want to have anyone's statements distorted. I think those are the wishes of every Member of this body.

If there are people on the staffs somewhere who, out of partisan zealousness, do some things that they think will be of help to their party by twisting someone's statements, I would say in fact they are hurting the process, they are hurting the party, and they are hurting the whole thing.

Whatever needs to be done to make sure that the record is sacred—whether it is the majority, the minority, or whatever it is—let us get at it and let us do it. I think that is the overwhelming feeling of this body.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Illinois (Mr. SIMON) for his comments.

That is precisely the kind of spirit in which, as we have mentioned, the chairman of the Committee on Science and Technology, the gentleman from Florida (Mr. FUQUA) has approached this thing. And numerous other Members on the majority side who have talked to me and who have expressed real concern have indicated that is the way they wish to go.

I thank the gentleman for his statement, because really we have got something here, as the gentleman recognizes, that goes to the integrity of the operations of this process, and we want to be able to end up detailing precisely how this came about, what took place, and then make whatever changes are necessary to make certain it never takes place again, including, of course, getting rid of the people who are responsible.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleagues for yielding.

After listening to this discourse between my colleagues this afternoon, a question has come up in my mind, and it is this:

Who had the responsibility of preparing the final transcripts which contained the change in language from what was preliminarily prepared and reflected in the transcript? Who had that responsibility?

Mr. WALKER. Well, that is one of the problems. We have not gotten an answer to that particular question. We have dealt with rumors, and we have dealt with unsubstantiated kinds of data.

From what we understand, that rested with the subcommittee of the Committee on Government Operations. However, these hearings were held under the jurisdiction of the Committee on Science and Technology, so it is very unclear who did have the ultimate jurisdiction over all of this, and that is the problem with the joint hearings.

Mr. DANNEMEYER. Was it the responsibility of the majority staff of the Democratic Party or the minority staff of the Republican Party, or was it a joint effort or what?

□ 1610

Mr. WALKER. There is no doubt that the majority staff was in charge of the process of getting the material over to the printer, as they always are on hearing records. The only involvement of the minority staff was that they had a chance to look at these transcripts at some point to make the grammatical changes, as is often done.

One of the problems is that the minority staff in attempting to get hold of these records in this particular instance found themselves with a great deal of difficulty having anybody to surrender the documents to them, so that they could look and find out what was going on; so we do have some of those kinds of problems that appear to be serious, but that is the reason why we need a complete, full, open, public investigation, so that we can swear witnesses in, so that those of us who do understand the facts and were present in the hearings and understand the process have a chance to raise some questions, so that people testifying under oath if there is any lying done, they can be held in contempt of Congress.

Mr. DANNEMEYER. Is the gentleman saying the primary responsibility for preparing the transcript was on the part of the Democratic staff members of the committee or committees; is that what the gentleman is saying?

Mr. WALKER. That is correct.

Mr. DANNEMEYER. And common practice in the manner of handling these cases was that the Democratic staff members would show the transcript to the Republican staff members before it was published; is that right?

Mr. WALKER. Well, at some point usually the minority staff people are given a chance to go through, and as I say, clean up the grammar and do some of the things that we typically do around here.

In this instance, however, the minority staff spent a good deal of time requesting these documents, to take a look at what the final product was going to look like, but were never given an opportunity to look at the final document before it went to the printer; so that is one of the questions that needs to be raised in the course of the investigation.

Mr. DANNEMEYER. I thank the gentleman.

Mr. WALKER. Mr. Speaker, I yield to the gentleman from New Hampshire (Mr. GREGG).

Mr. GREGG. Just to review where we stand now, we have asked as a group that the Science Committee convene a special hearing, the purpose of which hearing will be to investigate what actually happened here. At that hearing, elements of the hearing process which we have requested is that the minority be given subpena power, so that we can have people before the committee who would be involved in the matter and whose information we sought, that we have discovery power so that before the hearing we can prepare adequately; in other words, that we be able to see the documents and the work product of the majority staff of the various committees involved, and that at the hearing process itself we have the ability to examine witnesses in a manner which would give use the flexibility necessary to get to the botton of an issue within the bounds of fairness and resonableness; and in other words, that we not be limited by the 5-minute questioning rule and that each member not take 5 minutes, and thus you do not get anywhere, because you defuse the process.

Second, we have asked that the committees involved impound the records which are involved. We have asked that of the various chairmen.

Third, we are in the process of considering and asking, we have asked, that documents from prior hearings involving the subcommittees which are involved in this matter be made available to us, so that we can determine whether or not this might have happened at a prior hearing, whether or not the material may have been doctored. We all hope that it was not,

but I think that this is an obvious, logical step. If they did it once, if this individual did it once, whoever that individual is, maybe they could have done it again; so we want to go back over the documentation.

In response to those requests, maybe the gentleman could update it as to where we stand in the process and where the gentleman sees things going.

Mr. WALKER. Well, the chairman of the Science Committee, as the gentleman knows, has responded that we are going to have a hearing on Thursday morning on the subject of our request, not the kind of hearing that we have requested, but that the full committee should examine the substance of our request and decide whether or not that is the direction that we want to go, so that again the chairman of that committee has responded very positively. I think that is a reasonable kind of course to take to have the full committee to discuss the details of our request.

With regard to the asking of documents of the subcommittees that were involved from previous hearings, we have that request in to the chairman of the Government Operations Committee. There is a 5-o'clock deadline today on the receiving of those documents. At this point, we have not received the documents, but, of course, the time for the deadline has not yet been met.

In addition, a similar kind of request is going to the chairman of the Science and Technology Committee for the records from that particular committee.

Hopefully, members of the Commerce and Energy Committee may also proceed with that kind of request there. We do not happen to be members of that committee and that kind of request should come from members of the committee, but we are hopeful that that will take place there as well.

Mr. HILER. Mr. Speaker, will the gentleman yield at that point?

Mr. WALKER. I am glad to yield to the gentleman from Indiana.

Mr. HILER. Mr. Speaker, I would just like to go over once again the importance of the reason why the gentleman from Pennsylvania and the gentleman from New Hampshire and myself made the request to the chairman of the Committee on Government Operations, the gentleman from Texas, Mr. JACK BROOKS. We want to repeat why we made the request to obtain hearing records, transcripts, and other information from hearings that were conducted in the Energy, Environment and Natural Resources Subcommittee, over the 97th Congress as well as here in the 98th Congress.

We feel very strongly, I think, that in order for that subcommittee and, in fact, for the entire committee to be able to undergo the normal congressional process over the next several months, figuring that this thing may not be resolved in the next several months, it is important that we ascertain whether this has happened before. If this were an isolated instance, I think all of us would rest much better knowing that somebody got out of line this once. We are going to find out who it is and get rid of that person, that this is not something that has been happening for the last several years. That is why it is important for us to have that information.

I would like to just repeat for the benefit of the gentleman the information that we have requested to be delivered by 5 o'clock today. We requested the printed record of every hearing conducted by the Subcommittee on Environment, Energy and Natural Resources, either by itself or in conjunction with other subcommittees of the Government Operations Committee or any other committee during the 97th and 98th Congresses.

We requested the transcript as prepared by the official reporters for each of the hearings, referenced in point No. 1, including the transcript of each of those hearings for which no printed record has been made.

We also requested the master transcript for each of the hearings referenced, showing all changes made by subcommittee staff or other persons to the transcript prepared by official reporters.

Let me take an aside at this point to say that one of the things we have heard, we do not know for certain if that is the case, maybe the gentleman does now, but that the original master transcript with its changes has, in fact, been destroyed.

Mr. WALKER. That is a rumor that this gentleman has heard as well, but I do not know that to be a fact at this point.

Mr. HILER. We also requested that portion of each transcript which was edited by an individual who participated in the hearing.

We also requested a list of all Members and staff members of the Environment, Energy and Natural Resources Subcommittee, during the 97th and 98th Congresses, showing for each individual the date on which he joined the subcommittee and the date on which he left it and for staff members, the individual's title.

Once again, the reason for requesting this information is to try to ascertain whether or not it was an isolated instance or whether this has happened many times. If it were an isolated instance, I think that the subcommittees are going to be able to continue with their normal course of business and not have this dark cloud hanging over their heads.

I thank the gentleman for yielding.

Mr. WALKER. I thank the gentleman for making that point.

I think it is also important to note in the Government Operations Committee, in which I serve and on which the gentleman from New Hampshire serves and on which the gentleman from Indiana used to serve, because of the nature of that committee, we tend to have a lot of hearings where we are subpenaing witnesses in, where we are asking witnesses to testify under oath. The integrity of the process there is particularly important and to have any committee or any subcommittee of that full committee under a cloud of suspicion will reflect adversely on the base work of the committee, which is oversight of Federal agencies.

I cannot imagine how we are going to be able to proceed very well as long as such a cloud of suspicion hangs there. So it is very important that we look in detail at these matters.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield,

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, one of the reasons a congressional committee subpenas a witness and places the witness under oath is to establish a record that could be used should the witness perjure himself or herself in giving testimony before the committee.

The committee publications in court under the Federal rules of civil and criminal procedure are prima facie evidence of what was said, so that the printed record that comes from the Government Printing Office can be introduced in court, no questions asked, should the Justice Department on the request of Congress request that a witness be prosecuted for perjury.

I think a very good question that has got to be posed is that if these records do not accurately state what witnesses did say and if in some cases the witnesses' statements were turned around 180 degrees, whether it would be possible to get anyone for perjuring himself before a congressional committee and that is why I think it is so important that we get to the bottom of this matter and clean it up in such a manner that anybody who would harbor any thought of altering transcripts again will dispose of those thoughts forthwith.

□ 1620

Mr. WALKER. The gentleman makes a very important point because it may well be that we will end up with some of the EPA investigations in the courts. We could very well end up with court cases because of all of the EPA investigating that is going on.

As a result of that we could end up with a situation here, because of these older transcripts, that important documentation for those court cases will have been lost because someone doctored the documents. That is a terrible

kind of thing to have had happen and so, therefore, it impinges not only on the integrity of this process, it impinges on the integrity of the whole jurisprudence process of the country.

Mr. HILER. Will the gentleman yield on that point?

Mr. WALKER. I will be glad to yield to the gentleman from Indiana.

Mr. HILER. There are two things I would like to mention.

First, it is my recollection that in this particular hearing all of the witnesses were sworn in. They did take an oath and so their statements were taken under oath and I think that is the point the gentleman from Wisconsin makes about altering statements that were made under oath, which is a tremendously serious offense.

The second point is one of the subcommittees involved just last week was subpenaing documents and this is one of the subcommittees that has this cloud over its head. I think that is why we have to get this resolved in a public and open fashion just as soon as possible.

Mr. WALKER. Again I thank the gentleman.

I think that what we have done in this special order is make it clear that we have taken certain steps up to this point. We think there are several serious steps left to be taken.

We are asking for the cooperation of our colleagues in a bipartisan way to get to the bottom of this matter, because the future proceedings of this House and its work in committees are very much involved on whether or not this matter is resolved in the best manner possible.

I yield back the balance of my time.

THE CRISIS IN EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. HERTEL) is recognized for 60 minutes.

Mr. HERTEL of Michigan. Mr. Speaker, today many of us are gathered on the floor to discuss the crisis in education that has come to the fore in the news media of this Nation.

It is not a new crisis. It is something that Americans have known about and complained about to their governmental and educational leaders for years, for decades. In fact, the public opinion polls have consistently called for improvements in public education for the last 20 years, and that includes all regions of the country.

The National Commission report in these last months has called attention to these problems that have existed for so long.

In fact, in one of the most telling phrases, the Presidential Commission report said that if a foreign power had done to our educational institutions and process what has been done we would consider it an act of war. That is how serious it is today; that is how serious the state of education in this country has been for years. And that is how very important it is to the future of our country, because the young people of our country are the future.

We know that more than ever today because of past experiences.

One of the main things we want to talk about today is the issue of truth. I think in this last special order the gentlemen were referring again and again to getting at the truth of transcripts before different committees. That is a very important thing to do. It is important that the proceedings of every committee, every subcommittee, and this House are reported accurately.

It is just as important that the facts relating to public education are discussed truthfully, because truth is the most important value in attaining knowledge, and truth must go hand in hand with education.

The President has talked in these last few weeks around the country of what should be done about our educational institutions. Many of us find this ironic since the President's budget in 1984 and before, since he has been in office, have tried to drastically cut public education on the secondary, elementary, vocational, student loan, college, Pell grant program; every single level of education has been attacked by the President's administration. In fact, his main goal in coming to office in 1981 in the field of education was to abolish the Department of Education.

So it is ironic that we hear a total flip-flop on this issue from the President today and I think it is time we talked about certain facts.

Let us look at the President's 1984 budget proposal which the minority party in this House never sought to even offer, which was rejected by the Senate Budget Committee and the other body as a whole. Let me just tell you what would happen to Michigan schools under the President's 1984 budget proposal. I think it is very timely to talk about it today because the President this morning was still talking about his 1984 budget proposal in contrast to what has been passed by the Republican Senate and the majority House here.

Under the President's 1984 budget proposal Michigan schools would suffer a loss of nearly $31 million in 1984. Just under chapter 1 alone, local school districts would lose $125 million in Federal funds. The result would be $4.6 million fewer for Michigan schools and that is in a State that has a high unemployment rate of over 15 percent.

The largest school system, Detroit, would lose $1.4 million alone under the 1984 budget proposals.

In special education in Michigan alone the President proposed to cut $2.1 million.

Under student financial assistance in Michigan alone student aid would be cut by $152 million from the 1983 level.

The State of Michigan will lose all Federal school scholarship matching funds, $3.1 million for the current school year, which would be a 20-percent loss of total program or 3,500 scholarship awards in the State of Michigan alone under the President's budget proposal.

Vocational education in the State of Michigan, the President would cut over $10 million from vocational education funding. This is at a time when so many people need training to enter the labor force which is so severely depressed in our State.

We are talking about unemployment levels with teenagers in the State of Michigan in certain areas of as high as 65 percent.

Yet the President would say that 60 high schools and area vocational centers would not be able to replace or update equipment for 287 different programs.

The President would look at 60 new postsecondary occupational education programs that would not receive funds under his proposal to provide instructional equipment.

There are 5,605 disadvantaged, 406 students of limited English proficiency, and 2,446 handicapped students will not receive job skills leading to employment under the President's 1984 budget proposal regarding the State of Michigan.

□ 1630

In Michigan alone 420 disadvantaged students in areas of high concentration of youth unemployment would not receive job skills leading to employment under the President's program; 120,100 postsecondary student programs would not receive Federal funding designated for quality improvement under the President's budget. There are 2,000 displaced homemakers currently receiving tuition assistance at community colleges would not be served; 120,100 postsecondary students in 29 community colleges throughout the State of Michigan would enroll in programs that lack updated equipment and which have reduced operational revenues and curriculum revision because of the President's budget cuts.

In Michigan alone, 2,856 disadvantaged handicapped students would not receive support services to help them succeed in regular programs because of the President's cuts; 868 disadvantaged and handicapped adults would not receive support services or instructions to help them improve their own home environments under the President's budget cuts. Under adult education, just in the State of Michigan alone the President proposes to cut

$1.5 million from Michigan adult education programs; this would affect 21,800 adults, including 12,270 minorities who will not receive adult basic education instruction.

There would be 1,403 fewer adults removed from public assistance as a result of the reduction in adult basic education instruction, thus increasing Michigan welfare costs under the President's program by $4.2 million.

We can look at any given year since we have had President Reagan in office, 1981, 1982, 1983, and see that each year his budget proposals would have done this kind of harm that he still proposes in 1984. His 1984 budget is still out there proposed to this Congress as an alternative to that being considered before both Houses with these kinds of educational cuts that affect the State of Michigan and other States, in the same kinds of proportions throughout the Nation.

So, it is so ironic that the President talks about doing something for education. You know, I do not believe that the Federal Government should dictate to States, to local school districts how they should run their school systems. I thought that that was what President Reagan and many members of his political party believed in in the last few months when we hear the President say that local school districts should have certain things required, they should pay for certain programs, pay certain individuals more money.

Yet he offers, his administration offers, no program to accomplish these things.

We see from his economic program in the depression that faces our State of Michigan and the recession we are slowly coming out of nationwide that you cannot just wave a magic wand and call "up," "down," and "black," "white."

Money is not the total answer but it does take money to do the kinds of things the President is talking about and currently the Federal Government only funds 8 percent of local education.

So, we can see that the administration is really not talking about this subject in a truthful way, an honest way and that is why my colleagues have joined here together for this special order to talk about the crisis we face in America regarding education, to talk about what we should do, about our priorities in Federal spending and talk about what the President has actually proposed in the past and is proposing in 1984.

On that point, I yield to the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. I thank my colleague from Michigan and I thank him for his leadership. Let me just take a very few minutes to underscore what he has to say.

You cannot make education a primary main objective in speeches and then have it a secondary item in budgets. All of us know that. The good Speaker here who is presiding this afternoon, from Texas, who has been here more years than I have, he has seen that.

In the last 2½ years we have had requests from the President to cut education $11.5 billion. Now, money alone as our colleague from Michigan has said is not going to do it.

But you cannot solve the kind of problems we have without investment. It cannot be done in education, it cannot be done in any other field. In higher education alone by their statistics, the President's requests of cuts of over $5 billion, would have meant more than 2 million students would not have received grants and loans.

That is by their own figures. What is happening is that schools, elementary schools, colleges, universities, all up and down the line are fighting for status quo.

In fact, there is no such thing as status quo. You are either moving ahead or you are moving back. And we as a nation have been slipping. Instead of dream and saying, "Where should we go?" "What should we do to make this a better, finer country," we are struggling to hold on in the field of education.

And that simply is not the way we ought to be going. At the elementary level, just as one example, we have cut back on school lunch money so that 3 million fewer young people are getting school lunches today than were getting school lunches 3 years ago. The President's Committee on Excellence reported; fine report, only one thing wrong, they did not say how we go about it, what we do.

I was over at the White House when they handed the President the report. The President said that is a fine report, we want State and local government to take care of it.

What does that mean? The State of Illinois Department of Education estimated that it would cost the State of Illinois $1.4 billion to implement that request.

There has to be a Federal role and there has to be Federal leadership. Just a couple of more points here on that specific thing.

In the area of foreign languages, for example, how can a local school district in Michigan or Indiana, or North Carolina or southern Illinois know there is a national need if there is no Federal leadership? I read the other day where there is not a single college or university in this country studying Albanian or Albania; now that is not the most shocking piece of news, probably. But who knows what is going to happen? That little country has a very aged leader. It could erupt into headlines. When we got involved in Vietnam, so far as I can determine, in the State Department, the Defense Department, all the great universities of this country, we had a grand total of two American-born specialists who understood the language of that area, who understood the culture of that area.

What if we had had 10 or 20 or 50? Maybe, I know you cannot rerun history, but maybe we would not have had 57,000 American lives lost, 3 million Asian lives and scars in our society today.

Math and science we have been hearing a lot about it on this floor; it takes Federal leadership. And you cannot let education deteriorate in any State without having it hurt all of us.

And the States are hurting. My State of Illinois, they are struggling with what kind of tax increases to have.

The State of Michigan, I know you have been going through the same kind of thing.

Two days ago, right here in the Capitol, I ran into the fine Governor of Mississippi, Gov. William Winter, who is leading in that State on education, and when Mississippi moves ahead that helps Illinois, that helps Michigan.

We cannot as a nation, however, say "to heck with what happens out there, we do not care what the heck is going to happen out there, this is a problem for local and State governments." The Nation has to provide leadership.

That means if we do not provide leadership there are real problems. The city of Chicago right now has major problems. They are talking about how they can get $200 million to keep their school system going.

In my area in southern Illinois, deep southern Illinois, we have eight counties with over 20 percent unemployment. They are not going to vote increased real estate taxes when you have that kind of unemployment. It is going to take Federal leadership.

So, I commend my colleague from Michigan for having this special order and I join in the hope and in the belief that the Federal Government should not dominate the field of education; let us leave curriculum and those things up to the local governments, but let us not say there is no Federal role. Obviously there has to be. I commend my colleague and my other colleagues who are joining in this special order.

Mr. HERTEL of Michigan. I thank the gentleman, a leader for education. I think he makes a very good point that all of our local school districts and all of our States are very hard hit by the President's economic programs. And the fact is that the President is still today advocating over 10 percent growth in the defense budget.

□ 1640

And yet in the same budget that I indicated, the 1984 budget proposal from President Reagan, as to how it affected Michigan education, he still wants to cut Federal aid to education today, drastically, as he continues this incredible defense buildup. And I asked the President and I think many of my colleagues agree, how can we have a strong defense, how can we have people operating the weapons and designing new weapons, how can we have a strong leadership in the field, how can we have a strong industrial base, how can we provide more and more jobs and expanding in the economy, how can we have an educated citizenry to make the vital decisions that are needed for this great democracy if the President is going to continue to cut money for education?

As far as defense, the President's own chief issue for spending, he is cutting off the Nation's nose to spite the Nation's face, because we cannot have a future of a strong defense if we do not have an educated citizenry.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Indiana.

Mr. McCLOSKEY. I commend the gentleman from Michigan for his questions, the issues he has raised and indeed for calling this special order, and also say that it is an honor to be on the same podium today with the gentleman from Illinois. I do not think there is a stronger voice for quality education in America than the gentleman from Illinois (Mr. SIMON).

The President has just discovered that there is a crisis in education and really, as we all know, any parent could have told him that 10 years ago or less. Today 23 million American adults are functionally illiterate. Some 13 percent of all 17-year-olds are functionally illiterate. Today in the armed services area, the Department of the Navy reports that one-fourth of its recent recruits cannot read minimum safety instructions. Today, schools are spending 50 percent less for textbooks than they did 17 years ago and the average U.S. school provides only about 22 hours of instruction weekly.

There is indeed a crisis in education in the United States and as we can all see a real series of differences of opinion as to how to resolve them.

It is the duty of teachers, parents, and legislators at all levels to find solutions to this crisis. As a legislator and a parent, I do not share the administration's views as to solutions. At the same time that the President convened a National Commission on Education, he pushed through a 1981 budget resolution, that has been alluded to previously, that made deep cuts in nearly all areas of education.

Between 1980 and 1982, elementary and secondary education programs were cut 15 percent or $1.8 billion. The school lunch programs were slashed by 35 percent.

At a time of record-high unemployment, this budget cut vocational education programs, programs that train people for jobs in a depressed economy, by some 15 percent.

In terms of higher education, the administration cut the national direct student loans by 37 percent. This year the administration proposed zero funds for libraries, zero funds for Pell grants, and zero funds for international education.

I ask any person of commonsense whether this truly demonstrates a concern about excellence and even stability in education.

In recent days we are hearing a lot about merit pay. Merit pay for teachers. Merit pay is not the simple solution to that crisis. Teachers can and should be required to demonstrate competence in their disciplines and in their aptitude for teaching.

The administration must explain where the money is to come from. Is it willing to pay for the quality education it seeks. I would also say that I would hope that the President, as he discusses these issues, could do so forthrightly and positively without the tone of divisiveness and stridency that will only serve to make solutions in these areas so much more difficult.

The real solutions are more complicated and more expensive. Locally as parents and taxpayers, we must urge our school districts to strengthen graduation requirements so that our high school graduates are literate and able to solve math problems requiring several processes, have had some computer training and have had early training in a foreign language.

The proportion of the school day spent on learning must be lengthened and teachers' salaries must be competitive with other professions that require the same years and levels of higher education.

In recent weeks we have all seen reports about entire States where perhaps four to six people are graduating with degrees in science and education, the ability to train people in science. So often more than half or more of these are going off in areas like selling insurance where they say in 4 or 5 years they can make $30,000 to $50,000 a year compared to the $10,000, $15,000, or maximum of $20,000 that we see in the teaching profession these days.

A primary arena for this debate and this funding will be at the State and local levels, but ever since Congress established land grant colleges in the 1860's, it has taken a supportive role in education. If the administration's budget were to pass this year, the Federal Government would spend 29 cents of every tax dollar for defense and only 7 cents for education.

The problem is many Navy recruits cannot read the manuals.

The National Commission on Education has concluded if an unfriendly foreign power had attempted to impose on America the mediocre education performance that exists today, we might well have viewed it as an act of war. And the Congressman from Michigan has alluded to this.

But we have in effect been committing an act of unthinking unilateral education disarmament. Education is part of our heritage, part of our future, and part of our national security defense. It is the duty of Congress to consider the math, science, vocational training, writing, and the cultural needs of our young people. It is the duty of Congress to cooperate with the State and local governments to make our children's education a national priority.

Mr. HERTEL of Michigan. I concur with the gentleman from Indiana and I know in working with him on the Armed Services Committee that he feels strongly about spending our taxpayers' money properly, whether it be in the defense area or in aiding our local school districts with some greater assistance from the Federal level.

Mr. WILLIAMS of Montana. Mr. Speaker, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Montana.

Mr. WILLIAMS of Montana. I thank the gentleman for yielding and commend him for this special order.

As has so often happened before in this Nation's history Americans are again questioning the quality of our education system. Recent reports, most particularly the one entitled "A Nation at Risk," have focused America's attention securely on American education.

Perhaps the healthiest of criticisms in this country are those directed at our school system. Our Nation's people have long demanded and been willing to pay for the highest quality of education.

The importance of education was present at democracy's birth in the persons of Aristotle and Plato and that importance was present again at the birth of our Republic in the persons of Jefferson and Adams.

In 1647, the Colony of Massachusetts enacted a law that required towns of 50 people or more to provide a school for its citizens. One hundred and fifteen years ago, not 4 years ago, but 115 years ago the U.S. Congress enacted a bill calling for a separate Federal Office of Education.

Almost 100 years ago, in 1785, the Northwest Ordinance provided "for the endowment of institutions of higher education with public land."

Everything in our history informs us that the American people have a long historic commitment to education;

that they overwhelmingly want that commitment to continue and increase because we understand that if Americans are to fullfill their obligation to participate in the discipline of democracy, they must be adequately prepared to do so.

Now we come again to a time of public expressions of concern about the state of America's schooling and the adequate preparation and achievement of our students.

This traditional public concern is welcome and it is a precious expression of America's support for education.

Of course, education in America needs to be improved. Enhancement in quality is the ingredient of our growth as a country. It is the milestone by which our success has been measured. And through the years improve we have.

In 1870, less than 2 percent of our people graduated from high school. One hundred years later that figure had gone to 80 percent.

In 1960 the high school completion rate for black Americans was 40 percent. Today it is nearing 80 percent.

No nation in the world—none—has as high a literacy rate as does ours, 98 percent of the American people are literate. Less than 40 years ago, that figure was about 55 percent.

Our students have higher overall achievement scores than students in any other industrialized nation on the planet.

More of our students attend and complete high school than in any other country on the planet.

More of our college students complete degree programs than any other country on Earth.

America has literally wrought an education miracle in these past two centuries.

□ 1650

However, notwithstanding any of that, Americans have a right to not only ask that we continue to improve, but they are rightly concerned about specific problems of today within our schools.

The reading, mathematics, science, and foreign language achievement scores of our junior and senior high school students are too low. Too many of our high school graduates are ill-prepared. The high school dropout rate among low-income minority students is still tragically high. The preparation of our teachers is inadequate. Salary levels of many of our teachers and professors are too low.

For all of these reasons and more, 4 months ago I called for hearings before our House Budget Committee about the state of American education. These hearings were called and arranged 2 months before the National Commission on Excellence issued its report "A Nation at Risk." They were not called because education was an issue; they were called because education should be an issue. And today, this morning, marked the first day of those hearings. I am pleased to tell my colleagues that the hearings were opened by our Speaker, TIP O'NEILL, and among the witnesses at this morning's session before the Budget Committee were Secretary of Education Bell and Senator KENNEDY.

We understand that some, both within Congress and without, will attempt to respond to the problems confronting education with various quick-fix solutions. Some want solutions that are simple, neat, and those kinds of solutions are invariably wrong.

What is needed is a prudent, reasoned, comprehensive discussion and dialog about education's problems and potential solutions. Before we rush to judgment, before we attempt to piece together diverse and disparate solutions, we need to take a comprehensive look at the problems, to understand together the exact nature of our students' achievements, to review teacher preparation and salaries, to examine the interrelationship between Federal, State and local education agencies and funding, to review education as it is, a diverse and multifaced element of this Nation's social and economic fabric.

To act hastily and without full consideration would be not only a waste of our dollars but, worse, an ill use of our intellectual resources.

These budget hearings on education which began today will, I believe, serve as a starting point for arriving at effective solutions as we strive to continually improve the quality of American education.

Again, I thank the gentleman for his good effort here this afternoon, and I thank him for yielding.

Mr. HERTEL of Michigan. I thank the gentleman from Montana for his great expertise as a member of the Education Committee, and I applaud the gentleman for calling for those hearings before the Education and Labor Committee.

I yield now to the gentleman from South Carolina (Mr. TALLON). As we see, we are moving around the country, because Members from all parts of the country, from the West, to the South, to the Midwest, and the far West, are very concerned about education.

Mr. TALLON. I thank the gentleman from Michigan for yielding, and I am glad to join with all my colleagues here who are concerned about the crisis that we face in education all over the country.

Mr. Speaker, for the past 2 weeks we have been debating defense authorization legislation. Surely we all must realize that our best investment in and for our Nation's defense is a strong, viable education system for our Nation's youth. With all the space lasers, satellite weapons, tanks and missiles, nothing can protect our democracy any better than well-educated and well-trained citizens.

We know that the President's recommendations are not on the right track. We know that we have been negligent in our duties regarding education. But now is not the time to play partisan politics with the future of our Nation. We recognize the problem. Now we must go about solving it.

None of us like being labeled "reactionaries." Yet, at this point, we should be proud to take up the banner of education. The people of this Nation and its leaders have drawn together in the past to protect ourselves from foreign enemies. Now our greatest enemy is here in our own backyard. This is the enemy of apathy, of failing to act, of indifference.

The crisis is at hand. And if we do not take affirmative, direct action, we will be doing this Nation and our children a great disservice.

From the various reports that have been issued recently regarding the crisis in education, we know what the problems are. We have lost sight of the basics. Our youth are graduating from high school without knowing how to read. Cutting programs for those who enter school and are termed "disadvantaged," such as the chapter 1 program, will only worsen the prospects for the future. Some of our Federal education programs, such as Head Start, are the most successful ideas that have come out of Congress. We should draw upon our successes, preserve and strengthen these programs, not butcher them into meaningless titles. This is the beginning of the process and we cannot expect to produce the best educated children in the world if we do not get them started off on the right track—particularly by helping those who start with a disadvantage.

Not only are we dealing with these children who need special assistance, but as well with those who are gifted. These talents should be cultivated as early as possible if they are to develop to their full capacity. Whatever any child is able to accomplish, let us help them along the way, providing whatever assistance is within our means.

During the educational process, we must set standards to be met along the way. This is for the student's benefit, to measure and judge the quality of the education he or she may be receiving. Identification of needs during the process can eliminate the problems compounding themselves. The textbooks, facilities, learning tools, instructional materials do not come cheap and some may be quickly outdated, but they are an integral part of the sphere of education. If the homework load needs to be increased, if we need longer school days or a longer school year, so be it. The system

simply is not working in its present form.

I do not think our teachers are our problem. I think our attitude toward our teachers is the problem. We need to make teaching a more rewarding and respected profession. These men and women are dedicating their working years for our children, and it is not an easy task. They are not supposed to be spending half their day disciplining and the other half worrying over regulatory paperwork. They should be solely concerned with their principle responsibility of education and teaching in their field of expertise.

I have always believed that it was the principal responsibility of the States and local governments to administer, govern and finance our school system. I still believe that those closer to home are in a better position to understand and deal with the situation.

The Federal Government has traditionally held the responsibility of meeting the needs of key groups of students. However, when we are speaking of a situation that deals with our Nation's future, we would indeed be negligent in our duties if we force new proposals upon the States and local governments without Federal supervision, support, and guidance. It is our most important duty to set the national interest and then to mandate and provide the resources necessary for implementation.

We have a long, tough road to travel. We must first overcome the mediocrity we are now facing. We will bring our standards up. Quality in our educational system will then lead to excellence. And we should expect no less of ourselves in setting the agenda.

The schools of today are not like those when we were students. But it is only reasonable that we should draw upon our strengths and work diligently to correct our weaknesses. We must go back to teaching how to learn, through effective study and work skills. This is a tool that will be used throughout life. We are not just in the business of providing activity for our Nation's youth for 12 years. We are preparing them for the rest of their lives, as our Nation's workers, our leaders and our citizens.

The task is here before us. We are already late and have a lot of ground to make up. As stated in the National Commission on Excellence in Education report, "History is not kind to idlers."

Children born today will be graduating from high school in the year 2000. It is not only the education of each individual child that we have as our responsibility, but the security and continuance of the way of life we enjoy that is before us.

As the Commission report notes:

It is our willingness to take up the challenge, and our resolve to see it through, that America's place in the world will be either secured or forfeited. Americans have succeeded before and so we shall again.

□ 1700

GENERAL LEAVE

Mr. HERTEL of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

Th SPEAKER pro tempore (Mr. GONZALEZ). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Arkansas, a great leader in the field of education and a great leader in putting together this special order this afternoon.

Mr. ALEXANDER. I thank the gentleman from Michigan for his leadership and for yielding to me.

Mr. Speaker, the tragic comedy of the President's statements on education over the last 2 weeks reminds me of the Lil' Abner characters known as Shmoos. Shmoos are delightful little comic creatures whose basic purpose in life was to assume forms most pleasing to all humans.

President Reagan's current effort to convince the American people that he is concerned about excellence in education undoubtedly qualifies him as the greatest political Shmoo of all times because he has shown little interest in quality education.

The purpose of the President's current road show on education seems to be purely political. He is cleverly taking a public relations initiative on an issue on which his advisers believe he may be vulnerable in the eyes of the American voter. The President's concern, therefore, is not excellence in education. His concern is excellence at the polls.

Mr. Speaker, those of us in this body who are committed to quality in education have always been willing to work with every administration in the development of Federal education policies. It is to the credit of past Congresses and Presidents—both Democratic and Republican—that education has been so important a priority to this Nation that we have usually avoided turning reasonable bipartisan debate into partisan political bickering.

Yet with this administration we have not even had the opportunity to engage in a meaningful dialog on the President's concerns. For the most part I have found talking back to the television or newspaper a rather unproductive excercise. Last week 21 Members of the House sent a letter to the President asking him to refrain from making education a campaign issue, and offering to work with him in developing a sound and responsible Federal policy on education and I include that letter herewith.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 15, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As former teachers and school administrators, we share your concern for the integrity of public education in this country. We recognize that there are problems in education and welcome your interest in focusing public attention on them. Such attention creates the opportunity to affect a meaningful response by those of us in government.

Unfortunately, you appear to be using this opportunity to exploit the education of our children as a partisan political issue for the 1984 campaign. This is a serious mistake which can only work against the best interests of public education. Your recent misstatements and simplistic generalizations on education issues already threaten to undermine public confidence in our educational institutions and those who serve in them.

We and our colleagues in the Congress stand ready to work with your administration in maintaining the bipartisan spirit which has characterized the evolution of education policies through the years. The future of our nation lies—as it always has—in the education of our young people. Let us not jeopardize that future by foolishly inflaming opinion for our own political gain.

With kindest regards, Mary Rose Oakar, Ohio; Katie Hall, Indiana; Parren Mitchell, Maryland; Mervyn Dymally, California; Bill Boner, Tennessee; Major Owens, New York; Brian Donnelly, Massachusetts; Edward Feighan, Ohio; James McC. Clarke, No. Carolina; William Lehman, Florida; Gerry Studds, Massachusetts; Bill Richardson, New Mexico; Daniel Akaka, Hawaii; Bruce Vento, Minnesota; Timothy Wirth, Colorado; Geraldine Ferraro, New York; Pat Williams, Montana; Lindy Boggs, Louisiana; Dale Kildee, Michigan; Paul Simon, Illinois; Carl Perkins, Kentucky.

Mr. ALEXANDER. Furthermore, I extend to the President an invitation to take a day off from this campaign trail and to meet with representatives of the Congress to discuss his proposals and ways in which we can all work together toward achieving them. No one in this body opposes quality in education. No one here wants to see a decline in our commitment to education. No one here wants to reward incompetent teachers at the expense of the American people and of education to our children.

If the President truly wants to pursue his goals for education, let him work with those of us who are in a position to help him achieve those objectives through the legislative process—the process which was established for the purpose of achieving national goals—rather than exploiting the issue for his own short-term political gain in the news media.

Finally, Mr. Speaker, I feel compelled to respond to one of the primary charges President Reagan has leveled at the Congress on this issue.

That issue is resources, and the use of resources in our efforts to upgrade education in this country.

The President is entirely correct in saying that nothing will be solved by throwing money at our schools and hoping their problems will go away. However, resources properly expended do constitute at least one avenue the Federal Government must pursue to insure that those who teach in our public schools have the tools and support they need to do the kind of job they want to achieve.

In my home State of Arkansas, as in every State of the Union, the people want Congress to spend the Nation's resources on programs which will enrich the lives of their children. They want it spent wisely. They want it spent prudently. They want it spent objectively. They want it spent in a manner that is most effective. They do not want their children shortchanged.

Mr. Speaker, in the June 5 edition of the Washington Post, Anne Emery, a school administrator from Baltimore, wrote an excellent editorial entitled "We Need More Than Money," and I include that editorial at this point in my remarks.

The editorial follows:

WE NEED MORE THAN MONEY

(By Anne O. Emery)

Though I often wonder why, I am still enthusiastic about public education. Yet I am constantly disturbed by what I read from Washington. The national leadership continues to retrench in areas that are vital to the survival of public education and public institutions. What today's urban school principal needs—and I speak as one who spent 9 years as a principal in Baltimore—is a combination of money and more options for educators and their charges.

Start with money. Not money routinely buried in school bureaucracies, but earmarked and monitored for classroom instruction. We're talking salaries, too, with rewards for effort, for faculties large enough to make teachers available for extra student help during their regular working days. It takes money, too, to enhance the options in public education for the very talented and high-achieving students right on up through college.

A principal also needs the freedom to develop and provide educational programs tailored to a multi-ethnic population. To put it bluntly, principals cannot compensate for all the shortcomings in the lives of those children who are sent to them. It is not a question of begging off of responsibilities; the principal and the teachers need more freedom from social service responsibilities, and from restrictions caused by inadequate financing. For example, cuts in National Science Foundation programs have hurt opportunities for students who can see and hope to answer the increasing demand for people in science and technology.

Principals in inner-city schools need some ability to provide the kinds of cultural enrichment/humanities programs that children in better-off school neighborhoods automatically enjoy. This means everything from that extra microscope in a hurry to computers—our children downtown generally don't touch computers—to trips abroad. Why, even in my city of Baltimore, the home of lacrosse, an inner-city kid may not see a lacrosse stick until high school; the same kid may have no nearby swimming pool in which to learn a lifetime leisure sport. And what of programs to stimulate reading—not just the classics, but newspapers, magazines and other materials you see in suburban homes. That's all part of learning, too.

Teachers also need help—training to improve their ability to work with inner-city multi-ethnic children, to inspire what can be totally unmotivated children. That takes some doing.

Federal support of the total exceptional education program may sound like a frill, but it's essential to system-wide improvements in any city neighborhood. Similarly, support services are critical to any hopes for success with children with multiple handicaps.

There are other items not always included under the heading of "education," such as psychological help, transportation, and reward-for-effort incentives for students and staff.

All of this support can do wonders for the chemistry of a school, with student leaders (who need reasons for being attracted to an inner-city public school), with enthusiasm among the teachers and staff (with rewards for going that extra mile) that can spread to students and parents.

Why am I still enthusiastic about public education? I have seen programs work; I have seen children grow up and out of urban schools who have become highly successful. That may be hard to see from a federal level in Washington, but not in the trenches, where it has happened when kids can begin to feel good about themselves. That hope should never be dashed.

Mr. ALEXANDER. Mr. Speaker, I am deeply concerned about the possibility that President Reagan may turn education into a campaign issue. I know I speak for many when I express dismay at the prospect of our children's education hammered out by press releases and campaign rhetoric rather than professional guidance and rational debate. I suggest to the President that a political campaign based on education issues can only have losers, and that those losers will surely be our children and their future.

Just yesterday, Mr. Speaker, I observed Gov. William Winter of Mississippi during his appearance on the NBC "Today Show." Governor Winter was being congratulated on the rapid progress that the State of Mississippi has made in the field of education during the short tenure of his administration as Governor of that great State.

Governor Winter was asked why the State of Mississippi placed such priority on educating its children. His response was simply this: During an era when technology seems to be overtaking all of us, the children of our Nation cannot be expected to compete in the marketplace unless they have a top-quality education.

He was then asked, "How are you to provide the people of Mississippi with a top-quality education?" and he said that education cannot be provided without a commitment of resources, resources of human talent and resources of the State's wealth.

Mr. Speaker, I suggest as a response to the President's campaign initiative on education, let us respond by giving our children an education, not a campaign sideshow.

Mr. HERTEL of Michigan. I thank the gentleman very much for his remarks. He calls important attention to the fact that we must make the best of our natural resources and our human resources. It is ironic when we have so many millions paid to movie stars and rock stars and sports stars that we do not give the proper respect or recognition to many of the people who devote their lives to the most important thing, and that is the education of our young people. It is just ironic that we do not show that we consider that as important as I am sure all Americans feel that it is.

Mr. ANDERSON. Mr. Speaker, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from California.

Mr. ANDERSON. I thank the gentleman for yielding.

Mr. Speaker, much has been said about the quality of education in the United States since the members of the National Commission on Excellence in Education published their report, "A Nation at Risk." Yet far too much of what has been said within this Chamber falls woefully short of that which every American knows must be done: As a nation we must revamp the shortcomings of our educational system in order that we may reclaim the pride formerly evinced for our institutions of learning, public as well as private, when they were renowned as repositories for the teaching of successive generations of young Americans, regardless of social or economic class.

We have heard the national commission's call for a national policy to foster educational quality. To achieve this, the National Commission recommends high schools require of their students the successful completion of a curriculum with far greater emphasis upon English, mathematics, science, history, foreign language, and the arts; a longer school day and school year; and increasing teachers' salaries. Mr. Speaker, the agenda has been established; it is time that we in the Congress build upon this agenda by establishing our national policy for education.

As it exists today, our system of public elementary and secondary schools is still controlled primarily by local school districts. Federal funds account for less than 10 percent of overall annual spending on our schools. This is not to say, however, that the role of the Federal Government has always been a benign one. For we know the Federal presence has at

times embroiled local school districts with regulations which have attenuated the ability of school districts and teachers to effectively do that which is expected of them: Educate our youth. Neither am I willing to entertain the premise that there is no appropriate participatory role for the Federal Government in education. The success of chapter 1 programs, Head Start, and programs benefiting the handicapped may not be denied.

In the realm of higher education, Pell grants, the national direct student loan and guaranteed student loan programs have enabled thousands upon thousands of young people to enjoy the challenges of a higher education. Without such Federal grant and loan assistance, many of those who have benefited otherwise would never have had an opportunity to further their educational and career aspirations. Still, some of these programs are criticized because they too often embrace the principle of equality of opportunity without regard to quality. The National Commission has implored the Federal Government to concern itself as much with quality as opportunity.

Without compromising equality of opportunity, Congress should endeavor to assist States, local school districts, and institutions of higher learning to engage in a vigorous pursuit of quality in educational programing. We should do that which is necessary to support the implementation by local school districts of those national commission recommendations which they deem are necessary to improve the quality of education for every student. I know that, in my State of California, the budget is in such dire straits that the Governor has asked for a year's respite from those who are advocating a stronger State commitment to education.

Mr. Speaker, the goals of educating our people well must be understood to have more far-reaching values than merely increased employability and a competitive edge. A well-rounded and rigorous education endows one with an ability to engage in a stronger pursuit of the true spirit of our democracy: Liberty, equality, and social harmony. I recall the words of our late President John F. Kennedy when he addressed the Congress on February 6, 1962:

> The education of our people is a national investment. It yields tangible returns in economic growth, an improved citizenry and higher standards of living. But even more importantly, free men and women value education as a personal experience and opportunity—as a basic benefit of a free and democratic civilization. It is our responsibility to do whatever needs to be done to make this opportunity available to all and to make it of the highest possible quality.

Mr. Speaker, we have faced this challenge before and persevered. We again are confronted by educational deficiencies. The sooner we embark upon their improvement, the sooner shall we bear the fruits of success.

□ 1710

Mr. HERTEL of Michigan. Mr. Speaker, I thank the gentleman from California (Mr. ANDERSON). He again points out that we need adequate resources to do what the Commission and other groups have recommended, and that most of this must be done on the local level. I concur in that.

Mr. HARRISON. Mr. Speaker, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Pennsylvania.

Mr. HARRISON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as a member of the Committee on Education and Labor, I had the good fortune this morning to participate in the Budget Committee task force hearings on the same subject which has brought us here this afternoon, and I think two or three points that were made there need to be repeated here.

The first is that during the testimony of the distinguished Secretary of Education, Dr. Bell, the Secretary made the point that it was the Department of Education which, of course, had commissioned this study and which had appointed the Commissioners who are now in the process of holding some 11 hearings around the country.

Then I asked the Secretary if that meant that this administration had finally determined that the Department of Education had good and worthwhile work to do, and that we will no longer be asked to disband and abolish it. Regrettably, the Secretary could not make that commitment and said that while they were not immediately pressing for the abolition of the Department of Education, they might decide to press for it in the future.

So I think we start with a rather bad background when we are talking here about restoring excellence to education, about studying what needs to be done, and yet the administration, which is conducting a road show on the subject, reserves the right to move to abolish the Department of Education as soon as the political spotlight is gone from the issue.

There is no question from the hearings which have been held by the Committee on Education and Labor and the Subcommittee on Postsecondary Education that there is a serious crisis in our education. We are almost illiterate in the areas of science, mathematics, and foreign languages, and in many cases, in computer technology.

If only as a matter of getting to know our enemies better, we must encourage the study of the Russian language and the history of Russia, as well as its culture, its traditions, and government.

None of these things are being done, and I cannot believe that we can allow this to continue in a haphazard, uncoordinated system. There has to be some guidance and some direction, and that, I think, is a Federal responsibility.

I wanted to say that and one thing more. The report of the Commission tells us that there are 23 million people in this country who are called functionally illiterate. That means they can read and write, but they cannot fill out the forms and do those things which are needed to survive in our technological society.

It seems to me, Mr. Speaker, that we have an obligation to foster adult education, ongoing education, to remedy that functional illiteracy which the defects in our system have caused.

Mr. Speaker, I thank the gentleman from Michigan (Mr. HERTEL) for sponsoring this special order and for yielding to me.

Mr. HERTEL of Michigan. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. HARRISON).

Mr. WIRTH. Mr. Speaker, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to my colleague, the gentleman from Colorado, who is also a great leader in this field.

Mr. WIRTH. Mr. Speaker, the launch of Sputnik I in 1957 awakened many Americans to some very real weaknesses in our educational system. The need to strengthen math and science curriculums was a formidable challenge for our Nation then, and one which we rose to meet with remarkable vigor. The challenges that we face in education today are no less significant or pressing. However, our resources and resolve are as great today as they were in 1957, and with the proper direction, we will again successfully prevail.

There is no disputing the distressing facts which have been highlighted recently by the National Commission on Excellence in Education. While not all agree that the situation is as alarming as the Commission's report indicated, a few would question the potential threat to our Nation's strength and sucurity of facts such as these:

Some 23 million American adults are functionally illiterate, even by the most simple standards.

Scholastic aptitude test results have declined steadily from 1963 to 1980, with average verbal scores falling over 50 points, and average mathematics scores dropping nearly 40 points.

Between 1975 and 1980, remedial mathematics courses in public colleges increased by 72 percent, and they now constitute one-quarter of all math courses taught in these institutions.

The Navy recently reported that one-quarter of its recent recruits cannot read at the ninth grade level,

the minimum needed simply to understand written safety instructions.

These facts become even more alarming when compared with statistics from abroad, particularly in the sciences.

The average U.S. high school student takes 1 year of geometry, compared with 10 years in the Soviet Union.

Only 16 percent of U.S. high school students take a 1-year chemistry course, whereas all students in the Soviet Union take 4 years of chemistry, including 1 year of organic chemistry.

Among 14-year-old students in 19 countries, Japanese students ranked 1st in overall science, while U.S. students ranked 15th.

Clearly, the implications of these statistics are startling.

Of particular concern is the fact that strong training in the sciences is quickly becoming an indispensable skill in the work force. For example, the National Science Foundation recently determined that between 1977 and 1980, employment of scientists, engineers, and technicians in manufacturing grew more than six times as fast as that of the overall work force.

In the face of such realities, it is important for legislators to address this situation in an innovative and responsible manner. What we certainly do not need are the massive budget cuts and assaults upon teachers that have been relentlessly put forward by the Reagan administration over the past 3 years. A sound legislative program does not, under the guise of fiscal responsibility, cut off educational opportunities for millions of students and decimate the ranks of our teachers.

Any legislative response must, of course, recognize the fact that primary responsibility for education lies at the State and local level. However, it is clear that many of the problems facing education today are of national scope and belong at the top of our national priorities. Rarely, in fact, have we seen an issue where the Congress so clearly needs to respond.

Specifically, I would like to see Federal action which will strengthen our Nation's math, science, engineering, and foreign language programs, and also enhance the application of computer technology to education. Of equal importance is the need to assure that any new resources—particularly computers—are distributed equitably. Children in less advantaged school districts must not be denied entry into the computer age, or else we will have lost a major battle in the fight for equal opportunity in America.

The costs of implementing any type of effective national educational program are bound to be considerable. But even though we must pledge to make every effort to assure efficiency and cost effectiveness in any programs that we implement, we must also ultimately remember that every dollar spent on education is a dollar invested in the future strength of America.

We, as a nation, face a challenge that we cannot walk away from. As the National Commission so eloquently concluded:

> It is by our willingness to take up the challenge, and our resolve to see it through, that America's place in the world will either be secured or forfeited. Americans have succeeded before, and so we shall again.

Mr. Speaker, I hope that we are capable of avoiding the political rhetoric that has so long characterized what is going on at this White House and address ourselves rather to the size and scope of the problem. This is not going to be resolved by prayer in the public schools, it is not going to be resolved by getting rid of the Department of Education, it is not going to be resolved by other various foolish moves such as the budget cuts the gentleman from Michigan has addressed so well. It is going to be resolved by us, collectively determining where we want to go, where the responsibility sits, and deciding the major role, the significant role that we at the Federal level will play.

Mr. Speaker, if the gentleman will yield further, just briefly, there is one other element in this matter that has generally not been addressed in any of the studies so far, and that is the impact of television and the media on our education system. We all know that today, in 1983, children spend more time in front of a television set than they do in a classroom.

The responsibility, while it sits with the States and the local communities, while it sits with the Congress, clearly also sits with those who are programing the material that is going out electronically to millions and millions of children. Let them also pick up the challenge which we are focused on here today.

Mr. Speaker, I thank the gentleman for yielding.

Mr. HERTEL of Michigan. Mr. Speaker, I thank the gentleman from Colorado (Mr. WIRTH).

We only have 5 minutes left in this special order, and I want now to switch over to this chart. This is No. 4, to my immediate right. It talks about the funding for the Federal elementary and secondary education programs for 1981 to 1983. The red in each year is the President's budget request.

□ 1720

At the top up here we have $10 billion. In the middle we have $6 billion. The middle in black and white is the actual appropriation that was accorded by both Houses of Congress and signed by the President.

The green is what would have happened following the 1980 level of spending through inflation alone for education on the elementary and secondary level; so you can see the billions through this chart that have been cut by the Congress, but also especially by the President's budget request which was a far more drastic cut in each one of these years, 1981, 1982, and 1983. That is what many of the Members have been talking about.

That brings me to some quotes from USA Today, June 14. The President said:

> We haven't cut education budgets. What we have done is reduced the proposed increase and each budget is still bigger than the last one.

That is simply not true. The administration has consistently proposed cuts in education funds. Spending has declined from about $15 billion in the President's first year to an estimated $14.4 billion in the current fiscal year.

The President said that spending on guaranteed student loans has increased 22 percent, from $5.9 billion in 1982 to the proposed $7.2 billion in 1984.

That implies that the Government is spending 22 percent more on student loans than it really is.

The total volume has increased 22 percent, but the Federal contribution, chiefly to subsidize the interest rates, is going down.

In 1982, the Government spent about $3 billion on the program and asked only $2.04 billion for 1984. The Education Department figures show that 600,000 college students have lost some type of Federal grant alone in the last 2 years and some have lost their chance for their future.

We know that in 1979 the United States had only 53,000 engineering graduates, 17 fewer than the Department of Labor estimates says were needed just to keep pace with attrition. In Japan, 40 percent of the recent college graduates have been engineers. The engineers graduated in the United States amount to a mere 5 percent.

Moreover, the Soviet Union is producing six times as many engineers as the United States, with more than 60 percent going into defense contracting work of all different sorts.

At the same time, we need to make every single effort to reindustrialize those portions of our economy severely hurt by the recession. We must retrain millions of skilled and unskilled workers at a time when we have seen these basic education cutbacks in job training programs, college programs, secondary and elementary programs.

We have all talked a lot today about education. It is important, as all Members have said, to the future of our democracy. In a more complicated, ever-changing world, education can mean the difference between democracy and enlightenment or corruption and inefficiency. It can help produce service

people, technologists in the work force that we need to provide for a strong defense, meet foreign competition and produce an enlightened citizenry.

Much needs to be done to improve education, but across-the-board cuts without thought or planning prove nothing.

Perhaps the words of President Kennedy say it best:

> The education of our people is a national investment that yields tangible returns and economic growth and improves citizenry and higher standards of living; but even more importantly, free men and women value education as a personal experience and opportunity, as the basic benefit for a free and democratic civilization.

It is our responsibility to do whatever needs to be done to make this opportunity available to all and make it of the highest possible quality. That is why I am proposing today that we have an ongoing congressional commission on education to be appointed by the Speaker of the House and the majority leader in the Senate. We have seen the administration's disdain for progress in education. We have seen hypocrisy. We have seen them try to eliminate the Department of Education. That is why this Congress, members of both parties, must stand, not for rapport once in a while on a national level, but a commission appointed by the leaders of both Houses of experts in all walks of life, especially excellent educators from around this great country to on a regular, weekly, daily basis, recommend to this Congress what should be done to keep it above the level of politics, but instead talk about what we should be doing with the priorities that are at our beck and call for this great country in the most important area that we have, that is, the future of our young people, their education for the better future of all of us.

Mr. MOLLOHAN. Mr. Speaker, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Speaker, education has suddenly become a trendy topic. The disturbing conclusions of the President's Commission on Excellence in Education has drawn much attention from both ends of the political spectrum. Walter Mondale has proposed to increase education spending by some $11 billion, and the Republical National Committee chairman recently introduced Secretary of Education Bell as the man holding the second most important job in the country. This is a far cry from the days when Ronald Reagan called for the abolishment of the Department of Education. I, for one, am glad to see that education is receiving this increased attention, because we do have a problem that requires public concern and discussion.

I do not have a structured program that would solve all our educational ills, but I would like to make a couple of observations on the debate that is emerging in this body and in the country as a whole. First, I think it is a given that the Federal Government must provide more financial assistance than that proposed by this administration. This can be easily justified on both a moral basis and a pragmatic basis, the former because quality education is the key to equal opportunity, and the latter because funds invested in education today pay off in the benefits of a better-educated society tomorrow.

The more interesting question is the degree of control the Federal Government should have over the use of the funds it provides. Considering this question leads me into a bind: On the one hand, I believe in local control of education; on the other, I think Congress has a responsibility to monitor the funds it appropriates. This conflict is a serious one which must be considered by Congress, but it is by no means insoluble.

The President has launched a crusade on the importance of education and his Secretary of Education all of a sudden holds the second most important job in the country, but they continue to deny that they have even reduced the education budget, let alone admit that it must now be increased. Although I agree that nonmonetary factors are crucial to the improvement of education, I would have a hard time convincing a student unable to attend college because his Pell grant was eliminated that Federal money is not a very important factor. We should, I think, pay attention to half of the President's message and remember that, as we appropriate needed increases in the education budget, we must recognize that money alone is not the answer. The decline in the quality of education is as much a result of declining respect in our society for disciplined learning as it is a lack of money.

Thank you, Mr. Speaker.

Mr. McNULTY. Mr. Speaker, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Arizona.

Mr. McNULTY. Mr. Speaker, in discussing the report from the Commission on Excellence on Education, we need to keep in mind the reason our schools exist at all: that is the education of our children.

Our system of public schools has always had one imperative: the democratization of our citizens. Providing equal education for all means today, as always, the difference between the slavery of ignorance and the freedom of enlightenment.

We do not all agree about how to implement the sweeping reforms of our schools, the upgrading of teacher training, and compensation for teacher excellence.

But we must agree that we cannot attract creative students to the teaching profession without compensating teachers fairly and equitably.

We cannot achieve equity in selection of master teachers unless judgments are made without regard to a teacher's professional or other activities.

We cannot expect curriculum to keep pace with technology if we do not upgrade teacher training.

In our discussions of technology and curriculum, of salaries and student achievement, we must concentrate on the costs, yet never lose sight of the purpose. A complex society demands our educational system reflect that complexity. We cannot and will not ignore the need for the humanities, for vocational training, and for the social sciences to that end that our public schools survive and our children flourish.

● Mr. GEJDENSON. Mr. Speaker, for 2 years now, the Reagan administration has attempted to dismantle the programs which provide Federal moneys for education. Among other things, the President has tried to severely cut back on the amount of aid available to college students; he has repeatedly proposed legislation to eliminate nearly all funding for Trio, a group of programs that helps poor and minority students get into and graduate from college; he has tried to severely cut back on funding for chapter I, a program of compensatory elementary education for the underprivileged; he has sought to undermine the education of handicapped children by relaxing the regulations which States are required to enforce; he has proposed legislation to end all funding for public and college library services; he has tried to sharply curtail the amount of funding for vocational and adult education; he has proposed a plan of tuition tax credits for those who send their children to private school, evidently under the assumption that decreased enrollment will cause public schools to upgrade their curricula; and of course, the President has tried for 2 years to abolish the Department of Education.

One cannot criticize the President's singlemindedness and steadfastness in pursuing his goal of eliminating Federal participation in education. The President firmly believes that an increase in Federal subsidies has led to a decrease in our Nation's educational standards. He is, however, quite mistaken.

The fact is, that State and local control over educational programs has been and still is the norm. The Federal Government has interfered only when it was clear that the States were not fulfilling their obligation to correct in-

equities in access to quality education which had existed for decades. The Federal programs created in response to these inequities were aimed mainly at the economically disadvantaged and the physically disabled. As Secretary Bell himself has noted, the title I program of aid to disadvantaged students has been highly successful, and statistics which show marked improvement in the educational performance of blacks and other minorities bear out the Secretary's observation.

Contrary to what the President would have the public believe, remarkedly little has been done in the way of improving education for the average child, whose welfare the Federal Government has mostly ignored. It is ironic that the President now chastises the Government for having done too much when in fact it has done exactly what the President himself would have recommended: nothing.

My purpose here, Mr. Speaker, is not to berate the President's policies, but rather to bring to the attention of my colleagues that the policy of doing nothing has been simply disastrous. Now it is time, not to throw money blindly at our crumbling schools, but to assert the belief of this Chamber that education must be among the highest of our national priorities and to commit ourselves to the task of assessing the problem and doing whatever is needed to rectify it. I commend my distinguished colleague, Mr. SIMON of Illinois, on his creation of an emergency task force on education, and I am sure that its work will be very useful to all of us who care about the fate of our schools.

I hope that my colleagues, in the coming months, will not abandon the cause of education, especially when the time comes to vote on legislation that will actually do something to correct the situation which we have all bemoaned in recent days.●

● Mr. PEASE. Mr. Speaker, within the past year the critical condition of our educational system has come to the fore. Much needs to be done, particularly in the areas of math and science. Today I would like to address a facet of this area which has been woefully ignored: Science education at the undergraduate level.

It is important that the process of science education be seen as continuous, beginning in the schools and concluding in graduate study. The undergraduate college years represent a crucial phase in that process, when qualified students consider and choose careers in science. As Federal legislators concerned about the scientific literacy of our population and the quality of research produced, we need to keep clearly in mind the role of undergraduate colleges. One form of support is the allocation of research moneys.

The perception on the part of many fine scientists teaching at undergraduate colleges is that there has been some prejudice in the review of their research proposals at the National Science Foundation. Most of NSF's dealings are, quite appropriately, with the major research universities. Those who review proposals do not always seem to understand that top-quality research can be and is done by faculty at colleges where the major emphasis is on teaching. Indeed, it is carried on as an extension of teaching, involving the most promising undergraduates, and this is one of the reasons that the support of research by faculty at undergraduate teaching colleges has a double value: The quality of the research itself and the contribution it makes to the education of some of our best future scientists. It is imperative that undergraduate programs not be ignored in the allocation of research funds.

The June 18 issue of the Washington Post carried an article on the Federal Government's support of funds for research. In this article, Jon W. Fuller, president of the Great Lakes Colleges Association, emphasized the importance of adequate funds for research for small liberal arts schools and made a special point of explaining that these undergraduate schools are highly regarded for the quality of their research and the scientists they produce. President Fuller said:

> If you look at PhD's in science, you will find the colleges on this list and other colleges much like them are right at the top (in science). In almost any index, Oberlin College comes out right at the top in terms of production of scientists. That is true over the last 50 or 60 years, and it is true today.

Please note that President Fuller is emphasizing undergraduate research in contrast to the opinion of Albert Teich at the American Association for the Advancement of Science, also quoted in the Post article, that the set-aside for research funds for undergraduate colleges is "in conflict with the overall goal of doing the best research" because the set-aside funds are "for research, not education. Let the small schools get money from other parts of the Federal budget." I would strongly urge Mr. Teich to review the record of the small liberal arts schools like Oberlin so that he may familiarize himself with their well-known and highly regarded track record in producing quality research.

Another necessary area of support for undergraduate colleges is in instrumentation. The decline of scientific education in our Nation's universities is not surprising when one actually observes the equipment that many schools are forced to work with. The experience of one of my summer interns illustrates the problem well. After completing his basic scientific coursework at his undergraduate institution, this young man proceeded to student teaching at one of the local high schools. After arriving at the school the student teacher found, much to his chagrin, that the high school students he was expected to instruct were using better equipment than that which was available to him at the university. Can we hope for scientific competence, much less excellence, when a situation such as this exists? I think not.

Although our undergraduate colleges and universities across the Nation are experiencing greater needs than simply research and instrumentation funds, I will not elaborate. I hope I have illustrated, though, the critical importance of undergraduate science education, not only to this generation, but also to the generations to come.●

● Mr. COYNE. Mr. Speaker, the recent report of the National Commission on Excellence in Education has stimulated an overdue discussion on what we should be doing to improve our schools.

Reasonable men and women differ on specific remedies. On one point, I believe, there is wide agreement and that is that when it comes to funding the programs we need, less is not more.

We can never be certain that spending a certain amount of money on a particular program will necessarily enhance our efforts in education. We can be fairly certain, however, that spending less in particular areas will detract from the achievements we have made.

Spending less on education while demanding more in return is precisely what the administration would have us do. In fiscal year 1981, this administration proposed education budget reductions of $1.8 billion. The Congress in fiscal year 1982 wisely rejected the administration's proposal to spend $10.2 billion for education, authorizing a more adequate $12.6 billion. In fiscal year 1984, the administration proposes a $13.2 billion education budget, a $1.9 billion, or 12.6-percent reduction from the fiscal year 1983 level.

By reducing the Federal commitment to education, the administration would, in theory, have States and local governments pick up the slack. This would have a very negative effect on those States in the Northeast and Midwest which already make a substantial local contribution, and which are now experiencing a shrinkage in State and local tax bases as a result of the recession.

States in the Northeast and Midwest now pay 94 percent of their local education costs, as compared to approximately 89 percent paid in the South. Northeastern States spend approximately $520 per capita on education costs. States in the South spend $376.

This local commitment to quality education through adequate funding has measurable results. In 1980, for example, 67 percent of the persons

over 25 in the Northeast and Midwest, a region which spent $497 per capita on education, graduated from high school. In the South, where the local commitment in dollar terms was substantially less, only 60 percent of those over 25 graduated from high school.

The commitment to excellence in education in my own city of Pittsburgh is reflected by an increase this year in the standardized test scores for students in public schools. This happy event is a sign that all is not lost at the local level when it comes to education. The rise in test scores certainly does not argue for a reduction in funding for education, from either the Federal or local government.

At this point, I would like to share with my colleagues a recent editorial of the Pittsburgh Post-Gazette which makes note of the rise in test scores. I am inserting the editorial in the RECORD at this point.

[From the Pittsburgh Post Gazette, June 18, 1983]

SCORE ONE FOR STUDENTS

It is heartening to learn that the 1983 standardized test scores for students in the Pittsburgh public schools are up dramatically from a year ago in mathematics, language and reading.

With the California Achievement Tests for pupils in grades one through eight, 71 percent scored at or above the national norm as against 61 percent in 1982 and 57 percent in 1981. In language (grammar and writing), the 1983 scores were 64 percent, 1982's were 54 percent and 1981's 48 percent. The comparable scores in reading were 58 percent this time and 50 percent each of the previous two years.

The gains largely coincide with the three-year tenure of Supt. Richard Wallace and the school board's decision to make the improvement of student achievement a top priority. Not surprisingly, these gains have followed the institution of the new computerized Monitoring Achievement in Pittsburgh (MAP) program, which established the 20 most important goals for a subject each term. Students are given computerized printouts on their progress every few weeks, printouts which are taken home so their parents will know what is going on. Thanks to the way the MAPS program "engages the home in a very important way," school board President David Engel said, parents deserve a lot of credit for the improvements.

There will be some who worry that teachers now are teaching for the tests and the test scores, rather than emphasizing overall education. That always is a cause for concern.

But, as one official pointed out, this complaint often is raised by some of the same people who point to test scores when they are down as a reason to chastise a school system. That's a fair point: If test scores are hailed as significant when they are down, they equally should be cited when they are up.

The improved test scores should be ressuring news for parents considering whether to place or leave their children in the public schools.●

● Mr. BORSKI. Mr. Speaker, today I join my colleagues during this special order to focus on the crisis in education. For years, we have seen indicators of the dimensions of our educational problems, through testimony received in congressional committees and through special reports on the state of the American educational system. The debate has once again been raised because of the recent report of the National Commission on Excellence in Education, which has released its findings after 15 months of study. Suddenly and ironically, even the President has taken on the cause of education, even though this administration has sought for years to abolish the Department of Education and abandon any Federal responsibility to the legitimate educational needs of this country by slashing billions of dollars from the education budget.

Mr. Speaker, education is the very foundation of this country. Its importance to our economy, our security, our advancement, and enlightenment as a society cannot be overstated.

One thing must be certain. We cannot achieve the quality of education that each American child needs and deserves unless we make and keep the commitment to provide our schools with the resources they must have.

We cannot attract or retain good teachers if we do not value them. We cannot expect teachers with master's degrees to start at lower salaries than sanitation workers and bus drivers. The average salary after 12 years of teaching is only $17,000, with many teachers required to supplement their income with part-time and summer employment. If we refuse to compensate teachers decently, give them no prestige, and criticize them constantly, we drive good teachers from the schools.

When we tolerate a teaching environment of overcrowded classrooms, fear of violence, and inadequate school supplies, teaching conditions become intolerable.

I know of no other working environment where we would expect so much productivity under such circumstances; yet, far too often, in the far more complex and crucial classroom situation, these are the circumstances in which teachers are expected to teach and students are expected to learn.

Quality education is not cheap. Some of our colleagues seem to assume that reliable and adequate funding is not significant for education, but no assumption could be more counterproductive and more wrong. The Federal Government must supplement State, local, and other resources to foster key national educational goals.

No administration has so savagely cut every Federal program designed to aid education as this Reagan administration. In fiscal year 1980, funding for all programs administered by the Department of Education was $14.5 billion. The Reagan administration's fiscal year 1983 request for the same programs was $9.9 billion, a decrease of 32 percent from 1980 levels. This budget also sought the abolition of the Department of Education. No administration has sought to so sharply reduce Federal funding and influence in education as the Reagan White House.

Even though the President, after the 1982 elections, sought to increase his fiscal year 1984 education budget to $13.2 billion, this total is still far below the education budget of 4 years earlier. Wisely, both Chambers this year have seen this amount as grossly inadequate, with the House approving $16.7 billion for education and the Senate approving $16.2 billion.

Mr. Speaker, I agree that State and local resources can and should be expected to produce the basic financial support for public elementary and secondary education. But not every State and not every school district has the financial means to meet the needs of particular schools or of all children attending those schools. When the educational needs cannot reasonably be met by other resources, the Federal Government must supply these deficiencies.

Another educational problem that is largely overlooked is the critical state of disrepair of the Nation's educational infrastructure. Building experts estimate that schools are deteriorating at a far faster rate than they can be repaired, and faster than most other public facilities. Earlier this year, the Committee on Public Works and Transportation heard testimony on the school infrastructure needs. A study conducted by the American Association of School Administrators, the Council of Great City Schools, and the National School Boards Association entitled "The Maintenance Gap: Deferred Repair and Renovation in the Nation's Elementary and Secondary Schools," was referred to the committee. The report concludes that the accumulated cost to repair the Nation's public schools can now be conservatively placed at roughly $25 billion. In my own city of Philadelphia, nearly $43 million of unscheduled improvements is necessary, but the school district has deferred these repairs because of budgetary problems.

The education of America's children is a national responsibility, as well as a local and personal one. The recent Commission's report correctly concludes that:

The Federal Government has the primary responsibility to identify the national interest in education. It should also help fund and support efforts to protect and promote that interest. It must provide the national leadership to ensure that the Nation's public and private resources are marshaled to address [our educational needs].

One of the most crucial educational needs, as was so aptly pointed out by the commission, is to create a learning society. The solution to our educational problems must include a commitment to lifelong learning, because the demand for highly skilled workers in new fields is accelerating rapidly. Not only new entrants into the work force, but adults working today, will need further education and retraining if they are to remain in the work force and prosper.

As the knowledge base and educational needs of this country continue their rapid expansion, the number of traditional jobs will shrink and new jobs will demand greater sophistication and preparation. If we do not retrain and reeducate our work force, those members of our society who do not possess the levels of skill, literacy, and training essential to this new era will be effectively disenfranchised.

Mr. Speaker, there are dozens—if not hundreds—of education bills that have been introduced in this Congress. For our part, we must sort through this maze of well-intentioned legislation and pass effective, comprehensive approaches to our needs.

Reform of our educational system will require far more than this, however. The responsibility of meeting the vast challenge of our educational needs will require the time and widespread commitment of educators and administrators; parents, students, and school boards; legislators at every level of government; and industry, the media, and concerned citizens across this country.

We will not meet this educational challenge by simple Presidential rhetoric or by making scapegoats out of teachers. We need to address the serious deficiencies in this country's educational system; we need to address the fact that 25 million American adults are functionally illiterate; and we need to address our long-term educational needs in this increasingly complex society. To succeed will require the dedication, the leadership, and the commitment of every segment of our society.●

● Mr. EVANS of Illinois. Mr. Speaker, we should be thankful to President Reagan for at least one thing. It is not the high unemployment rate nor the record deficits.

But he has brought into the public forum the vitally important matter of education and our future.

The growing awareness and concern regarding the quality of education in this country is not new to many of us. My colleagues from Kentucky and Illinois have long been leading advocates for quality education and have consistently questioned the efforts of this administration to cut important educational funding.

The question they have asked and we should be asking is: Who is responsible for educating our youth? We in Federal offices must realize that, while that responsibility falls primarily on the local and State levels, there is a crucial need for Federal involvement. Only through the involvement of the Federal Government can our educational system reap the benefits of cooperation and coordination of all levels in education. We cannot afford to put education on the back burner at any level of government.

The National Commission on Excellence in Education has called for an upgrading of education at all levels. The Commission found that society's historical commitment to higher education has been eroded by misguided priorities and deteriorating standards.

This country needs a quality education system to be competitive with the demands of today's high-tech world. Once the preeminent power in commerce, industry, science, and technological innovation, the United States is in danger of losing its standing to other competitors. This Nation cannot fall behind if we wish to remain prosperous and secure.

President Reagan has consistently indicated his willingness to reduce funding for education programs. He has interpreted the Commission's report as a indictment against the Federal Government's involvement in this country's educational system. In his efforts to cut the Federal budget, the President has proposed the elimination of the Department of Education, greater use of local and State resources, and tuition tax credits.

I contend that President Reagan is looking 180 degrees in the wrong direction. I strongly oppose the administration's budget request for major cuts in funding. I believe that it would have a severe effect on our schools and on students of all ages. Instead, I supported a budget resolution which rejects proposed cuts in such programs as compensatory education for the disadvantaged, handicapped education, and student financial assistance. These are the very programs which have given millions of American students the opportunity to seek an advanced education.

In efforts to further our Nation's technological standing, we in Congress have passed a measure to provide assistance for mathematics and science education. In the area of postsecond ary education, H.R. 1310 authorizes five programs to improve education in the specific fields of mathematics, science, and the foreign languages. In addition, it sets a national policy for training and maintaining an adequate supply of qualified scientific, engineering, and technical personnel. This is the first but must not be the last of our efforts to shore up our educational system.

How much is the future of American education worth? This Nation cannot afford to reduce its commitment to education, especially now that other countries have stepped up their own programs and are emphasizing the need for computer, math, and science education.

It is indeed unfair to deny the students of this country a worthwhile education. We, at the Federal level, must reassess our priorities and recognize that education is a valuable investment in our Nation's future. The budget resolution for education assumes a fiscal year 1984 level of $6.90 billion in outlays for elementary, secondary, and vocational education programs. This is $1.95 billion more than requested by the administration. One must ask how President Reagan can rationalize such slashing of educational funds.

The question to be posed is this: Is it the role of Federal Government to abdicate its responsibilities to aid education? Or is it to protect and insure the maintenance and improvement of our educational level?

I say we must choose the latter. Our Nation proud of its many past achievements, must realize the risk involved in dismantling the Department of Education and decreasing the funds available for vital educational systems.

We must continue to fulfill our commitment to our youth and our future. We must do all we can to make education a top priority.●

● Mr. LEVINE of California. Mr. Speaker, I am pleased to join with my colleagues today to reflect on the current crisis in education.

In its report analyzing declining academic achievement scores, in this country, the National Commission on Excellence in Education warned that "the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and a people."

The commission is not alone in its concern about the impact on our society of a new class of young people who cannot read and write. Academic professionals, parents, and business leaders have all expressed their concern about the need to improve the education our children are now receiving.

Our children have always been our most precious resource. Our commitment to them will determine not only their future, but the future of this Nation as a whole. Unless we invest the necessary time and energy into rearing and nurturing them, they become a wasted resource. Rather than lead and inspire future generations, they become an unproductive burden on them.

Now that we are entering an increasingly complex and constantly changing technological age, the need for improved educational standards is imperative. The Federal Government must

assume a greater share of the responsibility both in funding education and in mandating minimal academic standards for our schools.

The Reagan administration, on the other hand, has set out on a policy, which has resulted in fewer Federal dollars and lower standards in our public schools. Unless action is taken to reverse these policies, the situation will only grow worst. Since 1980, funding for elementary and secondary education has been cut from $7.4 billion to $6.6 billion.

The administration's budget cuts have most seriously affected lower- and middle-income families. Funding for the Pell grant program has been reduced by $200 million between fiscal years 1981 and 1983. The national student loan program has been reduced by $107 million between 1980 and 1983. The Federal share of the costs of educating handicapped students has dropped from 12.5 percent to 8 percent. As a result, about 1 million low- and middle-income families are no longer receiving student aid benefits.

Last year, the President vetoed a bill which contained $450 million in education funds for disadvantaged students. Fortunately, his veto was overriden by Congress.

Incredibly, at a time when our schools need every tax dollar type can get, the President has proposed the adoption of tuition tax credits for parents who send their children to private schools. Adoption of this proposal could cause irreparable damage to our public school system.

At a time when State and local governments are reducing funding of education, it is imperative that the Federal Government reassert its commitment to our public schools. My own State of California has gone from being one of the leaders in education funding to 50th among the States in funding for our schools.

In an effort to reduce his unprecedented budget deficits, President Reagan has apparently decided that an appropriate and politically acceptable place to cut spending is Federal support for our schools. Fortunately, Congress has not agreed with the President, and Members of both parties have gone on record in support of higher levels of overall Federal education funding. In addition, the House has passed legislation authorizing important new programs which target Federal support for improving curriculums in such critical areas as the sciences and mathematics.

While increasing Federal support for education is necessary, money alone is not enough. We must provide our children with moral support and help them understand the importance of receiving an adequate education.

We must remind them that access to a well-balanced education is not only a basic right, but also a basic tool for survival. We must reiterate to them that in this country, rather than honoring the wealthy, and well-bred, we honor the wise.

We also have a responsibility to the teachers who bear so much of the burden of educating our children to recognize the role which they play in our society. This means that in addition to higher salaries, we must treat these remarkable men and women with the respect they deserve. Similarly, higher standards of professionalism and achievement should be expected from educators at every level.

In the economy of the 1980's and beyond, as technology begins to play an even greater role in our domestic economy and the world economy, the quality of education a nation provides to its young people will be critical. While every other industrialized nation is increasing its national commitment to education, we cannot stand alone as the one Nation which reduces education funding.

We cannot turn the clock back to the simple one room schools supported only by local taxes as the President seems to desire. Such a system worked well in simpler times; these are not the 1940's or 1950's. In the 1980's we must adapt and pursue new policies to improve the quality of education in this country.

It is my hope that this Congress and the President can work together to improve our schools. If the President does not wish to be part of the effort, and instead chooses to frustrate it, then it must be the responsibility of Congress to insure that our young people are prepared to face the world of the future.●

● Ms. KAPTUR. Mr. Speaker, as a result of the recent report by the National Commission on Excellence in Education, entitled, "A Nation at Risk," the education issue has been brought to the forefront of public and political discussion. I applaud the efforts of those nonpartisan and public-minded organizations and individuals which have sharpened our understanding of the education process—its strengths as well as its weaknesses. I believe it is high time that the education issue is finally receiving the national attention it justly deserves.

But let us not delude ourselves into believing that this issue has somehow taken on new social importance or that this issue has not been thought about anywhere else before. Throughout this Nation and for many decades, communities have labored to structure school systems that meet the needs of their young people. The problems in education that have suddenly captured the imagination of this President, for however long or genuine, have been confronted by those in the education community and public servants at all levels for many years.

Mr. Speaker, I have always believed that education is the first line of our national defense. Because education is the foundation of a strong America, our Federal Government has been and must continue to be an integral part of the support for it at all levels; primary, secondary, and higher education.

I am gratified to see that this administration has finally begun to express some positive interest in the education issue. But a few speeches extolling the virtues of one potential part of a comprehensive solution to a complex problem, does not wipe clean this administration's record of trying to extricate the Federal Government from the education process.

Prior to the elections this past November, this administration had proposed reducing Federal funding for education by one-third. Because of the message the American people sent to Washington last fall, the President revised his education budget request upward, but only to a level far below that of the previous administration. Total figures however are misleading. They do not reveal the impact of budget cuts on specific programs or children. Despite his own Secretary of Education's assertion that the elementary and secondary education assistance programs have been highly successful in raising the achievement levels of our disadvantaged students, the President has insisted on cutting their funding by $1 billion—to a level that would seriously limit their effectiveness. At the same time, he has pushed through increased military spending increases of $100 billion each year—to $245 billion this year.

Mr. Speaker, my district, Ohio's Ninth, and indeed, the entire State of Ohio know only too well the adverse effects this administration's education strategy has had. Over the past 3 years, total Federal funding for public education programs in Toledo, Ohio, has dropped by over $2 million. Those cuts have come in programs for basic skills, handicapped education, job training, child nutrition, and vocational education.

The President fails to understand that the States, which have always had total authority over their academic requirements, originally turned to the Federal Government for resources to make their systems more effective. This administration valiantly supports increased spending by the States for merit pay, while at the same time it champions an economic program which has depleted State revenues and resources. How, I ask, Mr. President, do you expect financially strapped States to pay for your set of solutions to the education problems?

Furthermore, nowhere has the President addressed the crucial issue of higher education. Because of this

administration's massive cuts in funding for higher education and scholarships, access to it is becoming limited to a select segment of our society—the very wealthy. In doing so, we are robbing our society of a precious commodity, an educated citizenry.

Mr. Speaker, a national problem is in dire need of a solution. It is now up to all interested people, from Government on all levels to parents and teachers—for all to work together toward that end. In my own district, I will be working with all interested individuals in examining the problems confronting our local school systems.

We in the Congress for our part can begin by restoring funds to valuable and successful education programs, and by facilitating a national dialog. Knee-jerk and superficial discussions of solutions, political demogoguery, finger pointing or divisiveness will neither solve the problem nor foster the interests of our Nation's children.●

● Mr. FAUNTROY. Mr. Speaker, I rise in support of American education. I wish to commend my colleagues, Chairman PERKINS, Mr. SIMON, Mr. HERTEL, and Mr. ALEXANDER, for organizing this special order on education. Their leadership in the field of education, especially Chairman PERKINS, is well known in the Congress.

I find it utterly distressing that President Reagan has only recently acquired an interest in education. This President is the same Ronald Reagan who was elected in 1980 on a platform calling for abolishment of the U.S. Department of Education, creation of tuition tax credits, and drastic reductions in Federal support for education.

This is the same President who, less than 6 months ago, proposed a fiscal year 1984 education budget which, if enacted by the Congress, would reduce budget authority by $0.7 billion.

This is the same President who requested education rescissions of $330 million in fiscal year 1983 budget authority for a combined reduction in excess of 7 percent below the current level of funding.

According to the Congressional Budget Office, President Reagan's "savings" in the education budget would be achieved "by sharply reducing funding for bilingual and vocational education, terminating the Indian education grant program, and eliminating certain grants to postsecondary institutions that provide education support services to low-income students." In other instances, President Reagan requested only level funding; and with inflation, this amounts to a budget reduction.

On August 26, 1981, the National Commission on Excellence in Education was created and it was directed to report on the quality of education in America by April 1983. The report, "A Nation at Risk: The Imperative for Educational Reform," was presented to the Secretary of Education on April 26, 1983. The report begins by stating:

Our Nation is at risk. Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world . . . We report to the American people that while we can take justifiable pride in what our schools and colleges have historically accomplished and contributed to the United States and the well-being of its people, the educational foundations for our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people. What was unimaginable a generation ago has begun to occur—others are matching and surpassing our educational attainments.

Mr. Speaker, among the Commission's recommendations was one which spoke to leadership. It suggested that the Federal Government assist State and local governments in meeting the needs of students who may be gifted and talented, handicapped, minority, language minority, or socioeconomically disadvantaged. But probably the most important statement made by the Commission proclaimed:

The Federal Government has the primary responsibility to identify the national interest in education. It should also help fund and support the efforts to protect and promote that interest. It must provide the national leadership to ensure that the Nation's public and private resources are marshalled to address the issues discussed in this report.

Mr. Speaker, the President praised the Commission and its report, which calls for a greater Federal involvement in education. Yet, this same President has proposed drastic reductions in the Federal education budget. He further passed the buck to already fiscally strapped State and local governments.

Mr. Speaker, many of my colleagues are aware of the dramatic increase in total reading and mathematics test results in the D.C. public schools. While the test scores are not where the Superintendent and the Board of Education would like to see them, they are increasing. But right in the midst of this significant achievement, the D.C. public schools have been faced with dramatic fluctuations in Federal grants. Federal grants for the public schools have gone from a high of over $45.7 million in fiscal year 1981 to an estimated $36.9 million for fiscal year 1984. This certainly does not illustrate the kind of Federal leadership suggested by the President's National Commission.

At the postsecondary level, President Reagan has sought to reduce or limit access to higher education institutions by blacks and other minority students, especially those who are economically disadvantaged. In 1981, President Reagan proposed reductions in Federal student financial assistance totaling over $9.2 billion in 1981-86.

Let us look at the facts. The American Council on Education has pointed out that President Reagan's budget proposals would cut Pell grants from $2.4 to $1.4 billion in fiscal year 1983 and eliminate 1 million students. Some 590,000 students would no longer receive State student incentive grants, and 220,000 students would be dropped from the college work-study program. Another 255,000 students would be eliminated through termination of the national direct student loan program. TRIO programs, which provide services to disadvantaged students to encourage them to attend college, would be cut by 47 percent. Proposals for the guaranteed student loan program would increase student indebtedness by 19 percent. Funding for 1,800 graduate fellowships would be eliminated.

For fiscal year 1984, President Reagan recommended an overall freeze on spending for postsecondary education programs. His proposal would eliminate Pell grants, supplemental educational opportunity grants (SEOG), NDSL, and SSIG and replace them with a new "self-help" program. Some 400,000 students would be cut from grant programs under the President's budget proposal. Graduate fellowships for women and minorities would be eliminated and TRIO would be reduced by 77 percent.

The negative impact of recent education budget cuts has been felt most by low- and middle-income students. The Nation's historically black land grant colleges suffered a 7.4-percent decline in freshman enrollment last fall. This is clearly a result of budget reductions. What follows is a recent article from the Washington Post which outlines the plight of black colleges.

[From the Washington Post, June 20, 1983]

BLACK COLLEGES JEOPARDIZED BY SHRINKING FUNDS AND ENROLLMENTS

(By Milton Coleman)

NASHVILLE.—There are few students these hot summer days at tiny Fisk University, a 117-year-old school built on the site of a slave market. But the campus still flowers with a richness of black history and academic achievement.

Outstanding minds—W.E.B. Du Bois, James Weldon Johnson, Arna Bontemps, Alex Haley—have taught or studied in the shadows of the white clapboard Little Theater, an old Union Army barracks, and Jubilee Hall, a faded brick Victorian named for the Fisk Jubilee Singers who introduced the world to the black spiritual.

The lawns and hedges are well-trimmed, and the administration building's buffed granite floors glow beneath Gothic portals and along corridors adorned with bold African sketches.

But the sense of well-being is deceptive. Fisk is fighting for its life—as are many of the nation's 103 traditionally black colleges and universities. In 1960, they educated two-thirds of all black college students; today, they educate one-sixth.

In the past two decades, cheating death has become an increasingly common problem for historically black colleges and universities, whose obituaries were first written when historically white schools began to integrate.

Corporate donations are harder to come by and endowments are virtually nonexistent for most black institutions. Competition for foundation funds is more intense, and so is the battle to attract top black students and faculty.

In addition, federal cutbacks in financial aid, real and threatened, are cutting the lifeline for many of the institutions' poorer-than-average students.

Last year there was a 12 percent drop in freshman enrollment at the 42 predominantly black private colleges of the United Negro College Fund—three times the national average—and their overall enrollment dropped 4 percent, compared with a national average of less than 1 percent.

Fisk typifies the problem. Enrollment is down from 1,500 in 1971 to 757 last fall. Eroded by years of borrowing to finance operating deficits, its once nearly $15 million endowment now stands at $4.5 million.

Rustic brick walls, majestic stone steps and Gothic towers and even parts of historic Jubilee Hall are crumbling. Memorabilia donated by Haley to his alma mater are collecting dust in the office of university President Walter J. Leonard.

Earlier this year, a frustrated faculty assembly gave Leonard a vote of no confidence after he informed them he no longer could promise to never miss a payroll.

No payrolls were missed, and Fisk hopes to finish the year without a deficit. Moreover, Leonard's six-year recovery plan is showing some success, and a revitalized board of trustees has launched an $18 million fund drive with $100,000 from its own pockets.

Still, there is an eerie sense of the past repeating itself. Leonard said recently that Fisk has been "historically black, proud and poor"—down but not out. This appears to be another of those times.

That view is echoed by Christopher F. Edley, executive director of the United Negro College Fund.

"We're pretty much in the same shape we've been in throughout the '70s—hard pressed for money but surviving," he said. "It doesn't do us any good to have people talking about private black colleges in dire financial straits." Edley said. "We've always been in dire financial straits."

Across the street from Fisk, Meharry Medical College, alma mater of 40 percent of the nation's black doctors and dentists, was rescued last year when the federal government forgave a $29 million debt on a federally insured mortgage.

Still, the size of entering medical classes has been trimmed from 110 to 80 and many newer students must take out high-interest loans because the federal scholarship program for medical students who plan to work in underserved communities—as 75 percent of Meharry's graduates do—has been eliminated.

"I believe that all of the historically black colleges in this country are in jeopardy unless they're getting substantial federal funding," said Meharry President David Satcher. "I just don't think that we have the financial base right now to say that we're out of danger financially."

Integration has had its effect, too. Three historically black schools—Bluefield (W. Va) State College, West Virginia State College in Institute, W.Va., and Lincoln University in Jefferson City, Mo.—have became predominantly white institutions.

Here in Nashville, historically black Tennessee State University has swallowed up the former University of Tennesee-Nashville in the wake of a merger ordered by a federal judge in 1979.

In the process, TSU increased its enrollment by 60 percent, added a new dimension to its course offerings and is now using a $100,000 scholarship fund to recruit minority students—whites—to help integrate its 63 percent-black student body. Before the merger, TSU's student body was 85 percent black.

"With the merger, our mission certainly was broadened," said TSU President Frederick S. Humphries. "We are now a multiracial institution and our mission became enhanced to include an urban thrust, which we did not have before."

Despite such changes, historically black schools still produce more than 31 percent of the nation's black college graduates, and an estimated 40 percent of the blacks who teach in college are on the faculties of black institutions.

"Blacks have a lot of bad experiences in white institutions," said Kenneth S. Tollet, director of the Institute for the Study of Educational Policy at Howard University in Washington, D.C.

"There's nothing wrong with integration in principle," he said. "It's just in practice."

At Howard, another traditionally black university, the number of students transferring from other schools increased by 26 percent last year and many of the transfers appeared to come from white schools, said William H. Sherrill, Howard's dean of admissions and records.

Last year, Howard enrolled 2,155 new freshmen and 1,076 undergraduate transfers. The year before, there were 2,783 new freshmen and 855 transfers.

In the South, some first-generation black graduates of integrated high schools are setting their sights on black schools at the undergraduate level and beyond.

Biology major James Whittaker, 19, of Columbia, Tenn., attends historically black Lane College in Jackson, Tenn. He has three preferences for medical school, he says: Meharry, Howard or Morehouse in Atlanta—all traditionally black schools.

"I think I can associate with white people. I went to a white school, I was vice president of the senior class. I'm able to communicate with white society and I can deal with whites," Whittaker said. "It's not that I would be going to a 'white' school or a 'black' school. It's just where I would feel more comfortable," he said.

Ann Slaughter, 20 and a senior at Fisk who, like Whittaker, attends a United Negro College Fund-sponsored premedical summer institute at Fisk, is a graduate of a predominantly white Catholic high school in Chattanooga.

"Everywhere you looked, it was white, rich white kids. That's not reality," she said. "I knew I wanted to go to a black campus because I'd never gone to school with black people . . . . I wanted to be with other black people who are going to become the stars, the future Alex Haleys, the future doctors and all that."

Many black college officials feel put upon when asked to defend the legitimacy of schools like theirs.

"People ask you, 'Why do you need Fisk?' Why do they ask that question?" said Meharry President Satcher. "Most of the institutions in this country were founded with a narrow focus and they were expanded over the years."

"I don't think that question should be asked any more than you ask, 'Why do you need Georgetown [a Catholic university]? Why do you need Brandeis [a Jewish university]?' You only hear those questions about the historically black institutions," Satcher said.

"We'd love to have [more] white students," Fisk's President Leonard said. Fisk has about two dozen now. "But unfortunately, society has said to a white student, 'Well, that's a black school and you don't really want to go to a black school.' "

Some blame the Reagan administration for the current woes of historically black colleges. Critics contend that while it launched a highly touted initiative in 1981 to preserve black schools, it is hurting them by cutting back on student financial aid.

Last year, for instance, the administration obligated $564.5 million to black colleges in grants and contracts, an increase of $19.6 million or 3.6 percent over the previous year. This was at a time when obligations to all colleges and universities decreased by $176.9 million.

Some of the largest amounts went to a handful of colleges, including Howard ($145.2 million, or 26 percent of the total), Meharry ($29 million) and Tuskegee Institute in Tuskegee, Ala. ($9 million).

Despite the increased funding, Mary Carter-Williams, senior research fellow at Howard's educational policy institute, said black colleges still receive a disproportionately small share of grants for scientific research—2.1 percent of the $4.6 billion awarded overall.

But most harmful, she said, have been reductions in student aid, which is more critical to blacks than whites as a source of funds for higher education.

Between 1981 and 1982, appropriations for the federal Pell grant program (the old Basic Educational Opportunity Grants) decreased by 7 percent and funds for campus-based assistance declined by 4 percent. Reagan's 1983 budget threatened to reduce allocations in both areas, but Congress rejected the cuts and the 1983 funding remained the same as for 1982.

All of this has occurred, Carter-Williams said, at a time when the black college-age population is increasing, the white college-age population is in decline and pinched pocketbooks among the middle class have diverted attention from helping the poor.

"In light of the economy changing and Americans being concerned about inflation and the rising cost of living, we've had a shifting down of educational opportunity as a public value," she said.

However, Edward M. Elmendorf, assistant secretary of education for post-secondary education, said that despite any cuts, Pell grant formulas allow students at black colleges who are poorer than white counterparts to get an average of $200 more per grant.

Elmendorf said that as a result of the administration's black college initiative, obligations should surpass $600 million this fiscal year. And although the administration favors streamlining on-campus aid programs, he said, it is not reducing spending.

"I feel it's well on the way to working," he said of the administration program. "We have the dollars to show it."

Some problems of black institutions can be traced to successes of the civil rights movement. At Meharry, for instance, many patients who previously could go nowhere but to a black hospital now go to white facilities—and often are sent by black doctors.

Consequently, Meharry's recently built teaching facility, George Hubbard Hospital, was half empty for some time. That helped

create the college's $29 million debt and also threatened the facility's accreditation because there were too few patients for proper student training.

"I think that's good that black physicians have options," Meharry President Satcher said. "I think the unfortunate thing is that integration is uni-directional. We haven't seen white physicians coming to historically black hospitals and admitting white patients in great numbers."

Satcher and Leonard also hold alumni partially responsible for not giving substantially to the schools that educated them.

"The historically black institution does not reflect the economic, social and political performance or achievement of its graduates, unlike the white institutions," Leonard said. "We have several graduates who have a net worth of a million dollars or more who don't give anything."

Leonard said part of Fisk's problems began in the late 1960s and early 1970s, when it expanded its student body and course offerings too quickly, overextended its assets and lowered its academic standards in an ill-fated effort to bolster the university athletic program.

Drastic steps toward recovery were taken in 1974, when about 40 percent of the faculty and half the staff were laid off, he said. Since 1977, when Leonard became president, the university has been struggling to keep above water.

"Financially," Leonard said, "Fisk always has been underfunded, to some extent unwanted, to a great extent feared. There has always been an attempt to make Fisk less than what it can or should be."

Just last week the Association of Minority Health Professions Schools, which is composed of eight minority health schools, released a study showing severe shortages in the supply of minority doctors, dentists, pharmacists, and veterinarians. The study pointed out that blacks comprise 11.7 percent of the Nation's population, yet are only 1.6 percent of all veterinarians, 2.3 percent of pharmacists, 2.9 percent of dentists, and 2.6 percent of doctors. The report stated that "recent changes in student financing (by the Federal Government) are increasing the already considerable economic barriers to black health professions students who tend to come from families with lower socioeconomic status than white students."

Mr. Speaker, education is still the key to advancement for black students. That advancement can only occur through Federal leadership from preschool to graduate and professional school. In higher education the over 100 historically black colleges should be preserved by substantial fiscal support and not rhetorical support. They remain national treasures.

At the elementary and secondary levels the Federal Government must once again exert strong leadership in an effort to improve education. This Nation needs an abundance of highly qualified math and science teachers who are well-paid. We need facilities, for all students, which will enable teachers to provide an excellent education.

Mr. Speaker, following the Reconstruction period in our history, one of the first institutions attacked was the public school system. Black students were systematically denied access to a proper education by those who sought to return our Nation, at that time, to a system which maintained inequality and segregation. Only with the advent of the civil rights movement did our Nation embark upon an effort to redress the moral decadence of racism in our national life generally, and specifically in our educational institutions.

The impact of President Reagan's policies is to turn the clock back to the days of separate and unequal education. The methodology for this reactionary drive is the use of fiscal and tax policy to resegregate our educational institutions and to deny equal educational opportunity to the masses of Americans.

Mr. Speaker, the black leadership family has been developing a "people's platform" designed to embody the hopes and aspirations of this Nation's black citizens. In the field of education the platform states that the Federal Government has a legitimate and essential role to play in the field of education. This role is necessary to insure equal opportunities for all Americans; to enhance the quality of education; and to provide financial assistance to State and local education agencies.

It is time for the President to halt his rhetorical excesses and to exercise constructive leadership in the field of education.●

● Mr. BROWN of California. Mr. Speaker, we are all aware of the crises we face in education today. We have all seen the declining test scores, the high functional illiteracy rates, the vast need for remedial education, and all the other indicators of severe inadequacies in our educational system. The Nation stands at a precipice. Our future depends on whether we topple over the edge of national ignorance or turn ourselves around to develop a vibrant, productive school system. A Republican President, Dwight D. Eisenhower, defined the relationship between education and the Nation's future:

> Because our schools help shape the mind and character of our youth, the strength or weakness of our educational system will go far to determine the strength or weakness of our national wisdom and our national morality tomorrow. That is why it is essential to our Nation that we have good schools. And their quality depends of all of us.

We are beginning to realize that the quality of education does depend on all of us. We cannot leave it to teachers and school boards, or to local and State governments. We all share the responsibility for high quality education—including officials at the Federal level. Schools cannot do the job without Federal money.

We know we have a crisis which we must all work to overcome. If we can determine its cause, we can propose a better solution. From my perspective as a contributor to science policy, the changing nature of our economy has created new demands on schools—demands which are largely unmet. We stand on the threshold of an economy based on technology. This new economy needs citizens who are technologically literate, who can continue learning new ideas and concepts throughout their lives. To a large extent, schools are not providing students with this kind of education. In addition, we suffer from a shortage of professionals who can teach the new technologies. In my own State of California, a recent survey found that only 10 to 15 percent of the 3,000 new math and science teachers needed statewide next year are now undergoing retraining.

The House began to address this need by passing the Emergency Mathematics and Science Education Act as its first major piece of legislation in this Congress. But many problems remain in our school system, and more Federal money will be needed before we have an effective, dependable school system. I commend the Budget Committee's Task Force on Education and Employment for holding hearings this week on education quality and Federal policy. I commend all the various legislative proposals responding to this crisis. Our schools and students need our help. We cannot survive long in the information age without inviting schools along. Thomas Jefferson spoke to our current condition:

> Laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made • • • institutions must advance also to keep pace with the times.

I encourage my colleagues to heed the wisdom of our fathers, and provide for our children.●

● Mr. LEHMAN of California. Mr. Speaker, I rise today to add my voice to those of my colleagues in the Congress who have reacted with dismay at the findings presented in the report of the National Commission on Excellence in Education. The report contains a litany of startling findings detailing the failure of our educational system to teach America's citizens even the most basic of reading, writing, and mathematical skills.

It is obvious from this, and other recent reports, that America's educational system has fallen far behind those of the world's other industrialized nations. However, this rising tide of mediocrity need not be the permanent legacy of our educational system. The current decline in our ability to educate our citizens as they should be

educated is not unprecedented nor is it irreversible.

Early in his administration, President John F. Kennedy faced a similar challenge when the Soviet Union launched the Sputnik satellite into orbit around the Earth. President Kennedy was wise enough to realize that the United States was woefully behind the Soviet Union in its resources of technical expertise and scientific knowledge. He also realized that the Soviet Union's technological superiority was an indicator of how far our own country had to come if it was to compete with the world's other industrialized nations both in outer space and here on Earth.

President Kennedy met this educational challenge head on with a three-pronged attack on our country's scientific illiteracy. First, he established the bold goal of putting an American on the Moon by the end of the decade of the 1960's. Second, he announced the establishment of a major Federal agency to oversee the Nation's space program, the National Aeronautics and Space Administration. Finally, and perhaps most importantly, President Kennedy moved to shore up America's educational system by expanding student loan programs, encouraging the study of science and mathematics in our schools, and establishing other Federal programs to improve our educational system.

Today the Reagan administration faces a challenge to America's educational system that is similar to the one which President Kennedy's administration dealt with over 20 years ago. The schoolchildren from many nations the world over can run academic rings around the average American child. Japan, Germany and other countries are encroaching into the high technology markets that only recently many experts thought would be the exclusive domain of American industry for decades to come. With the close relationship between jobs here in America and the technological prowess of our competitors in the world marketplace, it behooves the Congress and the President to act swiftly to solve our current educational deficiencies.

With this in mind, let us examine the program that our current President has proposed to lift America's educational system from the doldrums of the world's classroom. First, President Reagan has set a goal of increasing the college board verbal and math scores of America's students by 50 points by the end of this decade. This is a laudable goal that I can only agree with. However, I have sincere doubts as to whether the President's methods for achieving this goal will yield the desired results. Rather than increase the Federal Government's commitment to education as President Kennedy did, the President proposed to abolish the Department of Education. Rather than increase the funding for undergraduate and graduate student loans, fellowships, and other assistance, President Reagan has proposed to severely cut back on Federal programs to help needy college students. While President Kennedy moved to prop up our public schools with expanded science and math programs, President Reagan has proposed to enact tuition tax credits for private schools and prayer in the public schools.

The President has also endorsed the concept of merit pay for America's schoolteachers. Conspicuously absent from his proposal is any reference to how this proposal will be funded. In fact, funding for Federal programs to improve our Nation's educational system is conspicuously absent from all of Mr. Reagan's proposals.

This is where Mr. Reagan's solution to our educational problems differs starkly from those used 20 years ago by President Kennedy. President Reagan does not have the will to ante up the needed funds to bring our educational system on to an equal footing with those of the rest of the industrialized world.

Funding these changes in our educational programs does not require the imposition of new taxes. Rather, we must only rearrange our priorities. In Japan, where their schoolchildren receive a rigorous course of study that regularly produces scholars far superior to the average American student, the Government spends $21 billion per year on educational programs. This is two times the amount that Japan spends on national defense.

I would encourage my colleagues in Congress to follow President Kennedy's example and do all that is necessary to elevate America's educational system to its former status as a world leader. This can only be done by rearranging our priorities and by reaffirming our commitment to the education of America's citizens, no matter how difficult the task or how great the cost.●

● Mr. MATSUI. Mr. Speaker, I am pleased to join my colleagues today in this special order to discuss the critical state of the Nation's educational system.

As you know, in response to the findings and recommendations of the National Commission on Excellence in Education, President Reagan has given education issues a new priority in his administration and has gone on the road to convince the American people of his solutions. But rather than providing fresh ideas or leadership in finding ways to solve this national crisis, Mr. Reagan simply offers policies of tuition tax credits, school prayer, abolition of the Department of Education and no new Federal funds for education programs.

I believe this Nation's schools would be better served by looking to the example of California—the President's home State and mine. There, after years of seriously underfinancing education programs at all levels, Californians have reaffirmed the vital importance of education to the economic and social development of the State.

Despite a potential budget deficit of $1.5 billion, a bipartisan group of State legislators, working with the superintendent of public instruction, has developed a plan to increase education spending this year in California by more than $700 million. Funding would come from the imposition of a variety of new taxes.

The program would not simply pump money into the system, however, because it addresses many of the issues raised by the President's commission, including stricter graduation requirements, increased instructional time and improved quality control and pay for teachers.

This legislative action comes at a critical time for education in California. For decades, California's educational system served as a model for the Nation. But following passage of proposition 13 in 1978, public financial support of schools began to slip and Federal cutbacks in the past 2 years further exacerbated the problem. As a result, today California ranks 49th among the States in support of public schools in terms of ability to pay. Only one State has a higher average class size than California, and the State's schooldays and school year are among the shortest in the country.

While the effort by California's legislature is highly commendable and a major step toward dealing with the problems of education in California, such efforts at the State level do not abrogate the need for Federal leadership in education. Rather than adopting the President's policy of "let the States do it," we at the Federal level must define the educational needs of our Nation as a whole and provide the assistance necessary to insure that we and our children are well-served by the Nation's public schools.

As we address this leadership role in Congress, let us look to the positive example of California's legislators in forging a cooperative, bipartisan approach to this important problem.●

● Mr. EDWARDS of California. Mr. Speaker, I thank my colleagues for reserving this time today so that we may call attention to the current crisis in our public education system.

Clearly, the facts speak for themselves. Since 1965, mean verbal and mathematics SAT scores have steadily declined, reaching their lowest point in history in 1980. Not only SAT scores, but other nationwide test scores reflect this downward movement, with 1 to 3 percent decline per

year since the mid-1960's. Other analyses provide additional evidence that in the areas of reading, writing, math, and science, today's students appear to be losing ground. The worst performance for recent 17-year-old samples were in reading and writing: Between 1971 and 1980, analytic reading scores declined by 10 percent, and between 1974 and 1979 persuasive writing scores dropped by 6 percent. American students' foreign language training is sorely neglected. Fewer than one-fifth of current high school students have any training in a foreign language and only 4 percent have studied another language for more than 2 years.

In contrast to this record, the Soviet Union annually graduates 2 million high school seniors who have had at least 1 year of calculus. Only 100,000 high school seniors from the United States graduate annually with such a background. A 1980 report by the National Science Foundation and the Department of Education observed that the U.S. science and mathematics programs now lag behind those of Germany, Japan, and the Soviet Union.

Now the President's own Commission on Excellence in Education has turned in its report on the sorry state of education in our country. The Commission concluded what a number of us have been saying for a long time—that American education has slipped, and we are trailing our economic and military competitors in educational achievement, and that this will have dire consequences for the Nation. Our public education system is in a state of crisis and needs help. It, therefore, behooves the Federal Government to reaffirm its commitment to the education of our Nation's youth.

The Commission was very specific on the role of the Federal Government in improving education, and in effect slapped President Reagan's wrist for his inattention to the challenge. The President, however, has used the Commission's findings as license to forge ahead with his programs to establish tuition tax credit programs, education vouchers for the disadvantaged, and prayer in public schools. These are not the solutions to the failings of our public school system.

President Reagan's budget cuts, as we have witnessed in recent years, resulting in the unemployment of 5,500 teachers and the elimination of 250,000 students from title I programs, must not continue. Higher education has not been spared the Reagan budget ax. At the hands of the President, more than 2 million students would have been denied grants and loans. I am, however, encouraged by many of the efforts being made during this Congress to provide much needed aid to the beleaguered school districts. Bills to authorize money for improvement of math and science education, vocational education, access for the handicapped, and increased overall funding have been introduced. Money for school building maintenance and hiring of new teachers has been proposed as well as money for technological classes and to equip classrooms with computers.

Much, much more needs to be done. The alarm has been sounded, and it is clear that we have a long way to go. We must unite to shape up American education, or pay the consequences of becoming a second- or third-rate power.●

● Mr. KASTENMEIER. Mr. Speaker, I ask you what can be more satisfying than a child reading his first words? Or a college student first appreciating the glory of William Shakespeare? It is these moments and many, many more which point to the value and worthiness of a strong educational system.

Many of us in Congress have been fighting the current administration's efforts to reduce funding to the various successful education programs—the very programs that have given disadvantaged young children that first crack at reading or undergraduates a chance to learn Shakespeare. Because of Mr. Reagan's budget recommendations, elementary and secondary education programs were cut 15 percent between fiscal years 1980 and 1982—denying thousands of children access to programs like chapter I. Or the Pell grant program, designed to assist low-income students in financing a college education, was cut by $200 million between fiscal years 1981 and 1983. These are only two of the many programs to the educational health of our young that have suffered under the Reagan budget ax.

Lately, Mr. Reagan has been speaking around the country as if he had always been a friend to education. After 18 months of careful scrutinization, the National Commission on the Excellence in Education published its appraisal of the health of the U.S. education system. According to the Commission's report, "A Nation at Risk," "the education foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and as a people." And while I do not hold the President entirely responsible for this verdict, it is not unfair to state that his past educational policy of slashing programs to the detriment of so many, has contributed to many of the problems identified by the Commission.

The President has ignored, in his appearances in Minnesota and Tennessee, that his own appointed Commission recognized that the Federal Government has the primary responsibility to identify the national interest in education. It should also help fund and support efforts to protect and promote that interest. Fortunately, Congress has recognized this and has rejected the President's attempts to diminish education programs every new fiscal year.

A strong commitment to education by children, parents and officials at all levels is essential to the future of our society. We, as Members of Congress, must listen to the critiques of our education system, evaluate their suggestions, continually look for ways to improve it, and provide the financial support necessary to bring those changes to fruition. It is crucial to our survival as a nation to do so, and enlighten our young to the joys of learning.●

● Mr. WYDEN. Mr. Speaker, in recent weeks, several national commissions have reported that America's educational system seriously needs an overhaul.

A report by the President's Commission on Excellence in Education, for example, concluded that:

> The educational foundations of our present society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation.

This charge is not one to be taken lightly. As the Commission reported, if an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.

Some of the indicators supporting this charge of unilateral educational disarmament include the fact that some 23 million American adults are functionally illiterate by the simplest tests of everyday reading, writing, and comprehension. Approximately 13 percent of all 17 year olds in the United States can be considered functionally illiterate. Functional illiteracy among minority youth may run as high as 40 percent.

Clearly, as the report title indicates, we are a "Nation at Risk." Yet the Reagan administration, in responding to this report, cited the need for prayer in schools, tuition tax credits for private schools, and elimination of the Department of Education.

This response to our faltering educational system is totally unacceptable.

Though I am convinced that one of the keys to strengthening our educational system is more local involvement and grassroots participation in education, I also strongly believe that the Federal Government has a major role to play. If our schools continue to deteriorate, our Nation as a whole will become weaker.

Solving the problems of our educational system will require a partnership between all of the parties involved in education—Federal, State and local governments, private businesses, labor organizations, students, parents, and teachers.

And let us not be fooled by the administration's new found interest in

education. This administration has been responsible for repeated cuts in successful Federal education programs—programs which have helped millions of our children attend college and thousands receive remedial tutoring.

I believe we must develop a national educational policy that looks beyond our immediate fiscal constraints to our needs through the end of the century. Our current shortsighted, bargain basement approach to education in this country has left us high and dry.

Above all, we must not forget that our children are, quite literally, our future. If we do not educate them properly today, we can scarcely expect them to be the kind of leaders we need tomorrow.

Thank you.●

● Mr. WEISS. Mr. Speaker, in just 2 short weeks of a campaign road show, President Reagan has thrown down a gauntlet to our education system in a remarkable attempt not only to rewrite his administration's record on education, but the Federal Government's as well. Mr. Reagan's revisionism is without factual basis and I do not think he will get away with it. This time, his hypocrisy concerns our children and their future. I believe he has miscalculated the strength of a fundamental social drive—the yearning of parents to improve the lives and minds of their children.

Ask men and women—the parents of America—what Mr. Reagan has advocated for education throughout his Presidential career and I think most would tell you he stands for tuition tax credits, prayer in school, abolition of the Department of Education, and the reduction of Federal funds for education. In short, Mr. Reagan believes that if the Federal Government has any involvement in education it is essentially a negative involvement and that the States and local districts must fend for themselves.

If anyone doubted his views before assuming the Presidency, Mr. Reagan has made them clear. Let us look at his record: Since 1981, over 1 million students from middle- and low-income families have become ineligible for Pell grants and guaranteed student loans; 750,000 students who would have been eligible for postsecondary aid under the Social Security Act will no longer receive benefits. Aid to elementary and secondary education programs has been cut from $7.4 billion in 1980 to $6.6 billion in 1983. The school lunch programs were reduced by 35 percent between 1981 and 1982. The Federal share in the total funds spent for the education of handicapped children fell from 12.5 percent in 1979 to 8 percent in 1983.

As we know, budget cuts have sliced into almost every domestic program, forcing States and localities to increase taxes to maintain needed social services. Now the President expects States and localities to bear the increased burden of putting education back on track. Mr. Reagan's schooling in history seems to be deficient. The Federal Government has been committed to education since the founding of this Nation. The Northwest Ordinance of 1787 required every town and rural community to set land aside for educational purposes. The Federal Government has risen to meet the educational needs of this Nation through judicial decisions and legislative action, making significant contributions to the advancement of our education system. But let us not bore the President with history. Let us speak of the future, a subject with which Mr. Reagan also has some difficulty.

When the political road show is packed up, we will be left with the problems and responsibility of our children's future. Mr. Reagan has abdicated that responsibility; we must not. We must take this opportunity to join together to strengthen the education system. We should continue and increase aid to school districts with high levels of poverty. Chapter I and Head Start are programs which have been recognized for their success in educating disadvantaged children. Supplementing State and local funds to impoverished school districts through such programs is an investment in our Nation's future.

Furthermore, we should recognize the value of our teachers and the growing demands they face in meeting the educational needs of our children. We must elevate our commitment to the teaching profession to the same degree that we give education. This means increasing teachers' salaries, as well as increasing our standards for teaching excellence. A program similar to the national health service corps scholarship program could be enacted to encourage skilled teachers to work in underserved areas. Another approach would be a student loan program targeted to students seeking training as teachers of mathematics and the physical and biological sciences. The Emergency Math and Science Education Act recently passed by this House begins to address the need for more trained teachers of math and science.

Congress has been responsive to our educational needs in the past. I am encouraged by the calling of this special order and by the statements of my colleagues that Congress will rise to the challenge of revitalizing our education system. While the President engages in a distortion of history, both his and the Nation's, it is Congress which offers real hope for the future.●

● Mr. KILDEE. Mr. Speaker, during the past few weeks the national media has reported how President Reagan is demonstrating a new-found concern about the unmet needs in education and suggesting solutions, some of which are irrelevant or simplistic at best. Clearly, the President is attempting to take the offensive and at least talk about the importance of education.

However, the President's attitude and actions during the preceding months of his administration have been overwhelmingly negative toward education.

Indeed, his chief initiative in this critical area over the last 2½ years has been to propose drastic cuts to the funding of Federal education programs. For the President to suggest he has been promoting anything other than the downgrading of Federal support of education is simply untrue in light of his own past record.

Mr. Speaker, the recently released report of the National Commission on Excellence in Education, "A Nation at Risk: The Imperative for Education Reform," pointed to the importance of continuing significant Federal support for education. To quote the report regarding solutions to current serious problems in education:

> Help should come from students themselves; from parents, teachers, and school boards; from colleges and universities; from local, state, and federal officials * * *.

If the impending education crisis described in the Commission report is to be averted, no resource can be ignored. Federal education support must be strengthened, rather than diminished. Education is a local function and a State responsibility, and it should remain an important Federal concern.

Landmark Federal statutes have guaranteed equality of educational opportunity to handicapped, bilingual, and educationally deprived students, among others. Federal programs like the National Diffusion Network have made great strides in promoting the overall quality of education throughout the United States. These are the programs the President has attempted to cut with his budget proposals. These programs survive and continue to serve students because of the resistence of the public and of the Congress to the President's cutback proposals.

The President seems to believe the challenges facing our education system can be met with his political ideology, a dose of artfully phrased platitudes, and a call for improving our schools and somehow doing that without it costing any extra money. Yet when he looks at the Defense Department, he declares that extra dollars are essential.

Let us not be beguiled by the President and his speechwriters. His true negative—even destructive—attitude toward Federal support of education is clear. I urge my colleages to continue their leadership in protecting and augmenting that Federal support.●

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● Mr. CARR. Mr. Speaker, President Reagan's comments on the recent report by the National Commission on Excellence in Education are too little, too late, and too far off target.

The President says he is committed to making education a top priority. But his actions are nothing more than buck passing.

The 1981 budget resolution, drafted and pushed through the Congress by the administration, slashed elementary and secondary education. It cut school lunch programs and chopped vocational education. Grants and loans to help low-income students decreased by more than $300 million over the last 2 years.

We have to build on our educational foundation. Inherently, education is a long-term proposition. From the view point of society, there is not much instant gratification in education. It takes a long time to see its results and it takes even longer to recognize and remedy its weaknesses. But, without education we are nothing—and without education we are respected for nothing.

Federal support for public education is essential to our future as a strong and free nation. Instead of wasting more dollars on an unwinnable military arms race, the administration should be pleading with us to fund the winnable race for education excellence.

The President states that we must stay the course in this country. If we do not provide additional funding for public education in this country, we will certainly fail the course.●

● Mr. SMITH of Florida. Mr. Speaker, Thomas Jefferson once said:

> A civilization which expects to be both ignorant and free expects that which never was and never will be.

In the midst of a growing conflict over education policy, we often overlook that basic governmental roles evolve from fundamental principles.

The Federal role in American public education has evolved over the decades through a series of specific responses. Since the beginning of our Nation, that role has been expanded and refined to insure access to education for each and every child. At every step of the way, every generation of political leaders has sought not only to improve access to but also the quality of education.

Education gives us the tools that enable each of us to take part in debating the policy which directs our Nation. It has been our Nation's schools that have instilled our basic values and taught basic educational skills to generations of immigrants who, in turn, have helped our Nation maintain a free society.

Today, this principle is being attacked by a different breed of elected officials who believe that education on any level is an experience only for those who can afford it.

Today this principle, this fundamental right, is attacked by elected officials who do not understand the necessity of Federal support for education and its historical evolution.

Education has opened the minds of so many and now this administration wants to close the door on them. Losses of funding and programs—once they are incorporated in the Federal budget—are difficult to recoup in both time and minds wasted. Each million or billion of dollars taken from education funds will mean hardships for thousands of school children. It will mean cutbacks in libraries, research, and training; it will mean a cloudier future for our Nation.

Education programs have been cut from 10 to 50 percent at the Federal level. The choices at the State level are limited—cut programs and education or increase the local tax burden.

At a time when we have created so many worthwhile and successful programs such as Head Start, the administration asks us to reduce funding. What is the message we are telling our children when we cut back on education? What message are we sending other countries when we reduce education funding?

We have made great improvement in the past 200 years. Yet this administration argues that our Federal Government is too involved with education. This ignores the alarming findings of the National Commission on Excellence in Education.

Each succeeding generation has enjoyed the options made available to them by greater access and improved quality of education. We are now being asked to ignore our history and deny succeeding generations the same opportunities. Our sense of responsibility to the future must make us realize that we cannot jeopardize the future of our children and our Nation.●

● Mr. HATCHER. Mr. Speaker, I am certainly pleased that the distinguished chairman of the Committee on Education and Labor and the chairman of the Subcommittee on Postsecondary Education requested a special order to address education and the problems recently identified by the report from the National Commission on Excellence in Education. As a former teacher and the father of school age children, I am well-acquainted with the day-to-day successes and defeats faced by educators, students, and parents. As a Member of Congress, I am pleased to have this opportunity to comment on the future of education in America and the role that we all must play in improving our schools and colleges.

No one with access to a television, newspaper, or news magazine could possibly be unaware of the recent increase in political rhetoric about education. The importance of providing a quality education for our young people cannot be overstated, so it is good that this subject has been pushed to the forefront and the front page again. However, the citizens deserve more than just statements, rebuttals, and further debate; we owe them accuracy, and most importantly, we owe them action.

We should all be aware that there is a critical need for math and science teachers on the elementary and secondary level. With the passage of H.R. 1310 in early March, this House took a significant first step in addressing this need and others related to improving the education of students in the fields of math and science. Unfortunately, the Members of the other body have not moved as quickly on their version of this emergency measure. However, I understand that they should consider S. 1285, the Education for Economic Security Act, following the July 4 recess. I am pleased to hear this, and I look forward to the implementation of these emergency measures to shore up the teaching of math and science. But, this is just the beginning of what is necessary to put education in America back on track.

Presently pending in both the Houses of Congress is a comprehensive measure entitled the American Defense Education Act (ADEA). I am pleased to be a cosponsor of this bill to provide Federal incentives to local school districts and institutions of higher education to improve instruction and research in math, science, communication skills, foreign languages, new technologies, and guidance and counseling. This measure, sponsored by the chairman of the Committee on Education and Labor, is akin to its predecessor, the National Defense Education Act of 1958. The ADEA is needed to help make our schools competitive once again with those of the major world powers.

There is a portion of the ADEA which calls for the participation of the general public, school boards, administrators, teachers, business, and industry. It is imperative that we acknowledge that combating the present crisis in education will require the concentrated efforts of all Americans. We cannot view this as a problem to be solved solely by the Federal Government; neither must the solution be found only on the State and local level. Teachers cannot be held entirely responsible, and parents cannot shoulder the whole job. All of us must recognize the needs and begin to address them quickly. I look forward to working closely with the other Members of this House in bringing out mutual desires for education to reality.●

● Mr. FRANK. Mr. Speaker, I want to thank my colleagues, Messrs. PERKINS,

SIMON, HERTEL, and ALEXANDER, for arranging this special order. In the face of the President's campaign to demonstrate his commitment to education, it is important that the facts of the administration's education policy be known.

As the National Commission on Excellence has pointed out there is an increasing discrepancy between our country's need for knowledgeable and highly skilled workers and the many high school and college graduates who leave school with only minimal educational skills. The problems of low curriculum requirements, poor textbooks, and inadequate teacher pay and incentives have received wide attention in the past few weeks. These are indeed problems as is the fact that education is fast becoming an unattainable goal for the many who are not wealthy.

The President says that education is of the highest national priority. Yet his actions during the last 2 years are in sharp contrast to his words of today. The budget resolution that he pushed through in 1981, which made deep cuts in virtually every social program, resulted in a 15-percent cut in elementary and secondary education programs in the last 2 fiscal years. Three million fewer children are receiving federally supported school lunches than before the President began his education program; 350,000 fewer college students are receiving Pell grant awards and 20 percent fewer students will receive guaranteed student loans in the coming school year. These are the facts of the President's education program.

I agree that we need a new emphasis on the basics of education; that every child in this country has the opportunity to develop his or her capabilities to the fullest. We must back up our rhetoric of commitment with the commitment to restore education funding to its pre-1981 levels. There is no substitute for Federal support for education, particularly for those students who are handicapped and disadvantaged. Excellence can only be achieved when we have guaranteed that every child, regardless of income, cultural background or physical ability, the basic right to an education.

The President shows his concern for education in his speeches. His budget proposals show his true philosophy—that of reducing Federal support and funding of education programs. If the administration and Congress want to bring our educational system up to higher standards and provide education opportunities to all students, then we must pay attention to the realities of what it takes to improve our educational system. We must demonstrate our commitment by providing the necessary funding to do so.●

● Mr. GUARINI. Mr. Speaker, I join my colleagues today in addressing the educational crisis our country faces by calling for a national commitment to education and an expanded Federal role in the pursuit of excellence in this arena.

Recent reports have made clear that the quality of education our young people are receiving is inadequate to meet our future needs. There can be no question that we face a serious challenge to our role as a world leader if today's circumstances continue unchanged. In response, we must make education a national priority, and assign it the budget priority we currently reserve for defense. In many ways, improvements to our educational system are just as vital to maintaining a strong America.

Recent speeches and statements by the President have given the misleading impression that excellence in education has always been a top concern. Behind the rhetoric, however, is clear evidence of this administration's skewed priorities. Until recently, Reagan's proposals would have undermined rather than strengthened America's public education system. Most important, these proposals failed to address the need for higher standards in the classroom and more stringent requirements for teachers.

In addition, the President's proposed budget cuts in education programs and Federal student aid would act to limit access to education for some of America's most needy students. The cost of higher education is becoming increasingly difficult to attain for many low- and middle-income families. Further cuts could effectively close many doors to greater educational and employment opportunities.

Calls to return control of education to parents and State and local authorities ignore the limited involvement the Federal Government has traditionally had in setting education policy. Almost exclusively, the Federal role in education has been tied to the enforcement of civil rights laws providing access to equal education for minorities, the disadvantaged, and the handicapped.

In the last decade, the dropout rate for minorities declined dramatically. At the same time, the level of educational attainment for young minority adults increased to the point of nearly matching that of whites. This important progress testifies to the effectiveness of the traditional Federal role in education.

The National Commission on Excellence in Education made many important recommendations designed to improve the quality of education in America. These recommendations include proposals to extend the school day and the school year, in addition to offering market-sensitive salaries for teachers. Families, school boards, and State and local governments will be responsible for evaluating and adopting many of these proposals.

The ability to implement some of the recommendations requires money that most State and local governments simply do not have. Some estimates project that it will cost $13.5 billion to increase the school day to 7 hours, extend the school year to 11 months, and offer pay to teachers at an attractive rate. With State and local governments already strapped for funds and finding increasing opposition to tax increases needed to support their schools, the Federal Government must assume more of the responsibility for financing improvements in our system of education.

In order to meet the demand for quality education, we must redefine the priorities set by the Reagan administration and expand the Federal role in achieving this crucial goal. We cannot afford to neglect this challenge.●

● Mr. RUSSO. Mr. Speaker, I rise today to speak about our Nation's newest window of vulnerability. No; this window does not face the terrifying missiles of Soviet Russia. Instead, it is a window whose view reveals the vulnerability of our educational system.

The recent report by the National Commission on Excellence in Education has brought the troubles or our schools before the attention of the American people. The report demon strated the shortages of quality teaching, facilities, and curriculums that plague our children's education. And the American people have reacted—demanding solutions to these problems, demanding a quality education for their young people.

President Reagan has reacted as well. Traveling thoughout the Nation's schoolrooms, the President has delivered spirited speeches deploring the current state of American education. Like a stern father reviewing an unsat isfactory report card, he has demanded immediate improvement. His solutions to the problems include a longer school day, increased homework, merit pay for teachers. One thing that is lacking from his answers, however, is money.

Well, Mr. President, speeches do not improve education, Federal funds do. If we are to insure the future of our young people's education we must pay the price. In the 1981 budget, the President recommended cuts in education spending totaling $1.887 billion. Over the last 3 years, the administration proposals for higher education would have cut $1.805 billion from the budget. If the President would pause during one of his speeches and look around those schoolrooms, perhaps he would see what cutting almost $2 billion will do to those schools. Perhaps he would notice that increased pay for teachers and longer school days, new testing programs, and better facilities

all cost money and that our States and cities simply do not have any more to spend.

The process of revitalizing our system of education will be a long and expensive one. We have no choice but to pay the costs for our children's future. But rest assured that we cannot afford to satisfy ourselves with speeches and slogans at such a critical time.

We are currently reviewing the largest proposed peacetime defense budget in the history of our Nation. We must direct some of that money to our Nation's educational system. Instead of building more missles, we must better educate our young people if we want a truly safe democracy. To close our Nation's window of vulnerability we need not build a wall of nuclear arms, we need only to build the minds of our children.●

AN ALTERNATIVE BUDGET CONTAINING SIGNIFICANTLY LOWER SPENDING LEVELS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) is recognized for 30 minutes.

Mr. DANNEMEYER. Mr. Speaker, during the course of the last few days, this Member from California has taken time in the well of the House to talk about an alternative budget for the country for 1984. Today I would like to talk about the feature of that proposed alternative budget that relates to category 150, or International Affairs.

In order to place this matter in perspective, I think it may be somewhat of an enlightenment to the Members of the House to realize that in this year, 1983, we are spending $11.3 billion for that purpose, that is, assisting foreign nations in their economic development.

The proposal in the CBO base line for 1984 in this category is $12.4 billion. In the alternative budget that this Member from California has prepared, it is $8.7 billion, a reduction of $3.7 billion.

In talking about this alternative budget and what it proposes as a reduction in spending for international affairs, I think it is appropriate to observe that this is one category of spending that almost without exception in town hall forums in my district in southern California, people cannot believe that in this time of deficits of close to $180 billion, we are spending this quantity of money for that purpose.

Socioeconomic status, regional loyalty, political orientation, though they may influence legislative policy elsewhere, none has much bearing on public attitude toward foreign aid. It is consistently one of the least popular items in the Federal budget, regardless of who we are, what we do, or where we are from.

Our own deleterious economic situation, with its anemic business climate and high unemployment, has not endeared continued spending overseas to American taxpayers. The Roper Organization, in gaging sentiment on this subject, found that, in 1982, 75 percent felt we were spending too much on foreign aid whereas only 3 percent thought we ought to spend more. This massive margin actually grew from 1978 when the proportion was 71 percent to 4 percent.

My point is this. When we argue the relative merits of reducing outlays for foreign aid, those of us who favor such reductions are not oblivious to the plight of those countries in dire need of assistance to stave off hunger and alleviate generally miserable conditions. Nor do we dispute the fact that, at least theoretically, some of this aid goes to bolster U.S. relations with these countries. What we are saying is that, like on many domestic programs as well, we have been inclined to indiscriminately throw money away in the wayward belief that this will somehow correct all ills. Accountability has been negligible and any meaningful return on our investment has been virtually nonexistent.

A particularly sore spot is multilateral assistance where the United States provides both pot and pottage but does not retain authority equal to its investment and, more than likely, gets kicked in the shins for its efforts. The United Nations is a prime example. Here is an organization purportedly created to provide a vehicle for peace, cooperation, and understanding among all nations. To the contrary, since the end of the Second World War, there have been 112 wars or armed conflict—excluding purely civil wars in which there was no outside interference. This seldom august body has become a forum for the spewing forth of viciously anti-American propaganda and diatribes. We have but one vote but are assessed 25 percent of operating costs. Is it any wonder that more and more Americans are asking why?

Similarly, much of our foreign assistance has gone to nations which subsequently tell us, in effect, "thanks for nothing but give me more!" I would suggest that the truly down and out—those genuinely deserving of assistance—would not kick in the teeth of somebody offering to help.

It is to a considerable extent this pervasive, almost rabidly, unfriendly attitude on the part of many of these recipient nations which has fostered increasing opposition to continued funding of foreign aid programs.

The bottom line is that, especially in financially strapped times, we simply cannot afford to spend overseas what we do not have to spend here at home. And most certainly not on those who grab the money and run without so much as a thank you.

□ 1730

Sometimes Members ask where are you going to make those savings that total some $3.7 billion from what was adopted by the alternative budget considered by the House in March of this year. I would like to read through these totals so Members have an appreciation of where these savings can be made:

CATEGORY 150 INTERNATIONAL AFFAIRS

151 FOREIGN ECONOMIC AND FINANCIAL ASSISTANCE

Funds Appropriated to the President

Multilateral assistance:

Reduce overall level of funding; high-risk loans and subsidies for low-priority and questionable activities during a time of domestic economic debility is neither sustainable nor justifiable; better targeting and auditing is required.

Fund 1984 obligations and reduce outyears as follows:

International Development Association—$400 million cap, Asian Development Bank—$50 million cap, International Bank for Reconstruction and Development (World Bank)—$25 million cap, African Development Fund—delete funding, International Fund for Agricultural Development—delete funding.

Delete outyear contributions to the International Finance Corporation—delete funding for voluntary contributions to the U.N. organizations ($147 million in 1984), cap remaining outyear funding for International Organizations and Programs at $90 million.

Agency for International Development:

Fund 1984 obligations and reduce outyears as follows:

Sahel development program—$80 million cap, Functional development assistance program—$1 billion cap, Housing and other credit guarantee programs—delete funding—cap operating expenses at $350 million due to reduced level of commitment in outyears.

Peace Corps: Cap funding at $100 million.

Trade and Development Program: Fund 1984 obligations and delete funding for outyears.

Inter-American Foundation:

Incorporate President's proposal to authorize Caribbean Basin Initiative.

Overseas Private Investment Corporation:

Freeze direct and guaranteed loans at 1983 levels.

Department of Agriculture

Foreign Assistance Programs:

P.L. 480 "Food for Peace" program

Eliminate Title I and III subsidies, as they are counter-productive to the development of agricultural capacity in recipient nations, retain Title II emergency aid; fund 1984 obligations, cap outyears at $400 million.

Department of State

U.S. Emergency Refugee and Migration Assistance fund:

Incorporate President's proposal to finance program with funds from large carryover balance.

Migration and Refugee Assistance:

Delete funding for non-U.S. assistance in 1984 and cap outyears at $100 million.

152 INTERNATIONAL SECURITY ASSISTANCE

Funds Appropriated to the President

Economic support fund:

Cap funding at $2 billion.

Military assistance:

Fund 1984 obligations and cap outyears at $150 million.

International military education and training:

Reduce subsidies for training foreign troops, cap funding at $20 million.

Foreign military sales credit:

Reduce level of funding (outstanding loans have increased 56 percent in 2 years), fund 1984 obligations and cap outyears at $600 million.

Guarantee reserve fund:

Eliminate this refinancing activity (outstanding loans doubled in 2 years), fund 1984 obligations and delete outyear funding.

153 CONDUCT OF FOREIGN AFFAIRS

Department of State

Payment to the Asia Foundation:

Delete funding, transfer activities to the USIA in accordance with President's proposal.

Contributions for international peacekeeping activities:

Incorporate President's proposal to reduce level of funding, cap outyears at $50 million.

Contributions to international organizations:

Reduce U.N. funding (we are assessed 25% and have 1 vote—less than 1%, the USSR is assessed much less and has 3 votes), cap at $250 million.

U.S. bilateral science and technology agreements:

Delete funding for this program, which currently benefits only Yugoslavia.

Other Independent Agencies

Arms Control and Disarmament Agency:

Terminate separate-agency status and transfer function to State Department, fund 1984 obligations only.

154 FOREIGN INFORMATION AND EXCHANGE ACTIVITIES

Other Independent Agencies

U.S. Information Agency:

Cultural and Technical Interchange Between East and West

Delete funding

155 INTERNATIONAL FINANCIAL PROGRAMS

Funds Appropriated to the President

International Monetary Fund:

Considering the risky nature of IMF investments, the instability of recipient governments, the adverse domestic economic situation in the U.S., the amount of assets currently held by the IMF (103 million ounces of gold, $66 billion reserve), and in light of the manipulative powers which the Fund directors possess over international finances, U.S. involvement ought to be diminished rather than augmented.

Rescind proposed increase in budget authority for U.S. quota, and rescind scheduled loan.

Military sales programs:

Foreign military sales trust fund. This program continues to operate at a net loss while obligated authority increases; premiums and/or interest rates should be raised so that payments from the fund at least match receipts.

Limit authority to $12 billion and cap outlays not to exceed that amount.

Other Independent Agencies

Export-Import Bank:

Limit funding for high-risk, low-yield investments; fund 1984 obligations and cap outyears at $500 million, cap authority at $3 billion.

This is an enumeration of those suggested reductions in spending for international affairs which total some $3.7 billion in 1984. It would still leave to be expended in that category $8.7 billion.

I might add to my colleagues that this alternative budget proposal contained a budget deficit for 1984 of some $69 billion by reducing spending by $94 billion from what is proposed by the budget resolution that was adopted by the House in March, some 3 months ago.

In sadness let me say that the Rules Committee, controlled by the Democrats, refused to make this alternative budget in order so that Members would have an opportunity of voting up or down on whether or not they truly wanted to cut spending as a means of balancing the budget.

This matter, by law, will come up again in September of this year when we are required to adopt a second concurrent budget resolution. I hope at that time that the House will make in order this alternative budget or some other Member's numbers which has a substantial goal of reducing spending, leading to a balanced budget, so that Members will have a chance to have a voting record on the issue so that the constitutents at home can evaluate as to whether or not such a Member deserves to come back and serve in this institution.

Mr. Speaker, I yield back the balance of my time.

□ 1740

EDUCATION SHOULD BE A BIPARTISAN MATTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. JEFFORDS) is recognized for 60 minutes.

Mr. JEFFORDS. Mr. Speaker, I listened with deep interest to the Democrats who came here to make what ought to be a truly bipartisan issue a partisan issue. And yet as I listened to their remarks I recognized that they recognize as I do, and I am sure other Members do, that the problems of education are not a question of what this administration has done or how much money we have spent, but rather the priority we have placed on education in this country.

I intend to speak at more length later but in deference to those on this side of the aisle who have come here to speak, I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the gentleman for yielding.

I am happy that the gentleman took this special order because I became rather concerned in the last couple of weeks that some people in this country may get the impression from the rhetoric they hear from Washington that something has happened bad or something has happened recently in the last 6 weeks, the last 6 months, the last 2 years, that has brought about a decline in excellence in education.

Yet all of the reports, the Commission report and every other report that is put out, deals with what has happened over a period of years, primarily going back about 30 years. And I think it is important that we understand that this issue is not an issue that has come about in the last couple of weeks, months, or years but it is something that has happened over a period of time.

And I would be happy to say that as an educator I noticed during the time since World War II that the decline in excellence in our public schools, has been going hand-in-hand with the fall and decline of the American family.

And I think we should do what this particular study group did; the report of the 20th Century Fund Task Force and Federal Elementary and Secondary Education Policy.

This report of the 20th Century Fund is in my estimation far superior to the Commission's report because what it does, it goes in great detail in determining what has caused the problems that we now have.

It seems to me the Commission's report, as I indicated in a report that I did, was an oversimplification of what the problems are and oversimplification of how you solve those problems. That kind of oversimplification where if we just pour money at the problem the problem will go away. Does that mean more money brings more mediocrity? Is that what we are talking about? Let me point out a few things in this report by the 20th Century Fund Task Force.

Before putting forward our proposals for a new Federal policy on elementary and secondary schooling we think it useful to identify what has gone wrong.

Then they ask the question:

"Why, despite spending more money per student than every other advanced nation," now this is a per pupil expenditure, combined expenditure, State, local government and the 9 or 10 percent we kick in on the Federal level,

Why, despite spending more per student than every other advanced nation is there a growing gap between the goals and achievements of our schools?

They go to answer that question. I think that this is important when we are trying to decide what we on the Federal level should do, we should understand what the problem is.

So many times we try to solve problems and we do not understand the question.

They go on to say that there are many developments, economic devel-

opments, demographic developments, social and political developments that have contributed directly and indirectly to our problem. They also say that:

We have always demanded a great deal from our schools but never have we demanded as much as we have over the past 30 years. On the one hand we have charged them with being the melting pot, the crucible for dissolving racial divisiveness and, on the other, for sustaining and even exalting ethnic distinctiveness.

And I think this is really the crux of the matter:

The schools moreover have had to provide a wider range of social services, acting as surrogate parent, nurse, nutritionist, sex counselor and policeman.

And of course my question would be: How did all this happen? How did we get away from the teacher primarily being responsible for teaching reading, writing and arithmetic? How did we get to a curriculum that is so filled with so many extras and so many frills that we do not have much time left any more to do the reading, writing and arithmetic which at one time was the major purpose of that teacher in the classroom?

I say we got there because that is what the public wanted. The public got pretty much what they demanded. If they wanted to emphasize sports at the expense of the academics, that is what they got. If they wanted to emphasize music at the expense of reading, writing and arithmetic, that is basically what they got.

They are pointing out in this whole study that there have been so many changes and so many demands on the part of the educational community, so different than what we had during most of our history.

In connection with that, I think it is interesting, an English teacher who was retiring after 20 years, gave a commencement address at Rockville's Richmond Montgomery High School, and among other things she said:

A few of you will do well in a university, a few of you will do well in the enterprise of your choice, but many of you will grow up suddenly or fall flat on your faces—you will be terrible failures at anything you attempt. Not a pleasant prospect is it, for you, individually, or for the country?

It will take energy, vision and strength to force the public schools to reassess their obligations and purpose. We are not in the business of babysitting. We are not in the business of entertainment. We are in the business of making literate the young human being and that is really our only business. The idea of permitting every side attraction under the sun, no matter how commendable or delightful, to interfere with the academic class is wasteful of the taxpayers' money and the students' brains as well.

As I indicated, the decline, the fall and decline of the American family plays a great role in this whole decline in excellence in education.

Excellence has to be demanded at home. Then excellence has to be demanded by those folks at home in relationship to the school, and what it is they provide.

All of you can remember perhaps the days and the nights when you sat around the kitchen table and excellence was demanded, homework was done because it was demanded at home.

I thought it was humorous, some of the statements they made in the Commission's report.

They said we have to demand more homework, we have to give more homework.

I want to know how you get them to do the homework that is presently given? The only way you get that is if the demand is made at home, as it used to be.

Another recommendation is that we have to extend the time of the day. Well, we consolidated all the school districts so that we now have youngsters walking to the bus stop at 6:30 in the morning. And if they participate in an activity, they are walking home from that bus stop 6:30 at night. Where do you expand that day?

Then as I said in that part of the day which is left, we have added many, many additional things far beyond what we normally thought were part of the responsibility of the school system.

In the study of the 20th Century Fund they also pointed their finger at us and they indicate that the Federal role has been questionable at times, all too often, that the nature of Federal intervention has been counterproductive, entailing heavy costs and undesirable consequences, the Federal Government has

Imposed dubious and expensive procedures, and forced state and local governments to reallocate substantial portions of their scarce revenues.

Later on they say,

Federal education policy must function, moreover, in ways that complement rather than weaken local control. This calls for a change in direction, replacing the current emphasis on regulations and mandates with a new emphasis on incentives.

So, I guess basically what I would like our colleagues to consider before we jump off the deep end as we so many times do and come up with new rules and new regulations, I think we have to study carefully the problem that education is faced with today and then act responsibly.

This morning I heard testimony in a committee. The first three pages of that testimony was a castigation of the President of the United States.

The last paragraph, the one paragraph that I agreed with in the testimony was that if we are going to do anything it has to be nonpartisan or a combination, a bipartisan effort to bring about excellence.

□ 1750

That is a good statement. The problem with the statement was it was not compatible with the other three pages of the testimony. And I hope that we would get off this business of trying to determine who is to blame, whether it is Republicans, whether it is Democrats. It is neither. It is families, it is communities, it is parents, and if we are going to correct this, we are going to have to find some way to do something to help that family get back in tact and demand the excellence that was always demanded.

One of the things that we forget to remember and it is pointed out in this task force study, we are now asked to educate the masses, something totally different than when many of us went to school.

If you got beyond eighth grade, in many instances it was because you passed an eighth grade examination. And then you were allowed to go on to a higher education. Many people did not. Now we tell young people that they will stay there until they are age 17 in some instances, 16 in others, 15, I suppose if they can get a domestic permit. And we say all students will be educated. And no matter how disruptive the student may be, no matter whether the students want to be there or not, they are there and the educators are forced to do something with them.

The whole period has changed since World War II. And I again repeat, I just hope that we will not go off half-cocked and that we will not come up with some grandiose programs that we sitting here in the Congress of the United States think are the answers to public education.

There are many of us who have been in education for many years, who have an idea what the problems are and who have some solutions, but it is going to take a concerted effort on the part of all, but primarily the demand must come from the home, the demand must come from the local community. And then I think you will see a turnaround in this whole situation.

And again I compliment the gentleman for taking this special order.

Mr. JEFFORDS. Will the gentleman answer a question for me. I am aware of the gentleman's history, but I wondered if the gentleman would share with the other Members his experiences and what he has done in the educational area.

Mr. GOODLING. Well, since World War II, I have been a coach, a counselor, a teacher, a high school principal, superintendent of schools, president of a school board, and a president of a PTA. I have viewed education from practically every angle there is and as I indicated, the one thing that concerns me now is that we look carefully

at the problems that have been thrown at the doorsteps of public education in the last 30 years so that we do not just say that all we need to do is pour out more money.

You have to encourage. There was a time when teachers primarily did that job because of the respect that they received from the community and in many instances they were—quite some time ago, primarily women on the elementary level—that whole thing has changed, because, of course now you have a union mentality thrown in there, too, where you are paid, not according to excellence, but basically you are paid across the board, which discourages those who do go the extra mile and do extra work.

We have to find some way and it is not easy to reward those who really want to do a good job teaching and want to remain in teaching. They do not only leave because of the financial situation, they leave because of the extra demands that have been placed upon, far beyond what anyone ever thought a teacher was supposed to do. They leave again because they see that they do not get rewarded because of going the extra mile. They leave for many other reasons. They leave for the responsibilities, the paperwork and bookwork, and so on that is thrust upon them, partially because of State mandates, partially because of Federal mandates.

Mr. JEFFORDS. The gentleman has been a very valuable member of the Committee on Education and Labor. Did the gentleman find it at all interesting that the person who requested the Democratic special order suggested that our answer ought to be a commission appointed by the House to oversee the education area and make comments on it?

Mr. GOODLING. That is one of our major problems we have in this body. We can spend more money appointing commissions to do what someone else has done a dozen times. As I said, here is just one report. The President's Commission did another report. There are another dozen reports out there that people have done, have taken a great deal of time. They have been educators, people in public life. The people who serve in this group, for instance, are pretty outstanding people.

We do not need another commission. We do not need another snoopervisor. What we need, in my estimation, is an opportunity for educators to do that what it is they were trained to do. I have discovered that in the last 10 years particularly that I was in education that parents and lawyers were beginning to make all of the educational decisions. Those who were trained as educators were not.

I am a parent. And I will be the first to say that when it comes to a parent making a judgment concerning his own children and being realistic about that judgment, it is a very difficult thing to do. And I think we have to get back to the business of allowing the local educators to do the kind of things they have been trained to do, to provide educational leadership. We cannot provide the educational leadership in the Congress of the United States.

Mr. JEFFORDS. I thank the gentleman, not only for his valuable contribution this evening, but for his work on the Committee on Education and Labor.

Mr. GOODLING. If I may make one other comment.

When we talk about budgets, I think it is important to point out that JIM JEFFORDS, BILL GOODLING, and many other Members were probably as influential as anybody in relationship to the share of the Federal budget in the last 2 years that education received. And I do not think that we should allow someone to indicate that somehow or other the President of the United States is doing something that should not be done.

I am always amazed at our system of government. I am surprised it works as well as it does. We say that the President is supposed to be responsible for the budget. He is supposed to manage it, but you and I know that he does not have a snowball's chance in Hades of doing very much about it.

We determine what is authorized. We determine what is budgeted. We determine what is appropriated and we do the spending, not the President of the United States. And I do not want our side of the aisle to take a backseat to anyone for our ability to hold things intact during the last 2 or 3 years that we thought were important, whether it was title I, whether it was handicapped education, whether it was vocational education. I know how the gentleman fought and we know how our side of the aisle fought for the things that we believe are important in education.

Mr. JEFFORDS. I thank the gentleman. I would point out and I am sure he would agree with me that in the 9 years that I have been here, certainly, no President has ever in one action brought to the attention of the people the problems of education to the extent that this President has done in recent weeks by this Commission's report. I think that if he did nothing else, if he did not spend another nickel in the Federal Government, that one move would have done more to bring our educational system back into the direction in which it needs to go than any other President has done in my recent memory.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I would like to compliment the gentleman for taking out this special order tonight and for the leadership that he has provided on this and so many other issues in the Congress, as well as the leadership that he has provided on the educational issue on the Committee on Education and Labor.

I share many of the concerns of the gentleman in the well, as well as the previous speaker, about the tone of the remarks coming from the other side of the aisle on this whole debate.

It seems to me that as the gentleman just pointed out, the President has done a tremendous service to the country by raising the visibility of the education issue at the national level to the point that it is really a genuinely national issue, for the first time, I might suggest, in many of our lifetimes. It has always been a primary issue at the State and local level because that is of course where most of the funding comes from, but I cannot remember in recent memory when education was a major national issue for national discussion by candidates for national office. You probably would have to go back to the Sputnik era to find any kind of a similar national focus. The President deserves, I think, great credit for that.

Instead what we find coming from the opponents on the other side of the aisle, his opponents as well as our colleagues in this body, really is strident, partisan rhetoric attacking the President for what he is doing.

The special order that just concluded a few minutes ago on the other side of the aisle, one of the speakers accused the President of waging a campaign—said that a campaign based on education can only have losers. That is how they characterize the emphasis that this President is trying to put on the education issue. He was accused of conducting a road show. He was attacked in the course of that special order for defense spending, for attacking teachers, for a whole variety of other things, and primarily though, he was attacked for politicizing the education issue.

Now it just occurs to me that that is really an example of classic politic double think, when we see the other side of the aisle engage in an hour-long political attack on the President, the gist of which is to accuse him of politicizing the education issue.

□ 1800

The real politicization of the education issue, in my judgment—and I am sad to see it—has come in the last few weeks from those people on the other side of the aisle who do not want to join a genuine national debate on the education issue, on the pluses as well as the minuses of the things the President is recommending, on the pluses as well as the minuses of the various things in the reports of the national

commission, but instead want to simply attack the President, usually for the fairly narrow issue of educational spending.

Some of us probably would have disagreements with the President, as well.

The real question we should be talking about is: What is the quality of education that the kids in this country are getting? Are they being prepared for the next generation of technology in jobs?

And part of the reason we have seen this issue achieve such prominence in recent weeks is that we have seen, as the previous speaker mentioned, no less than three major national reports which say that our kids are not being properly educated to assume a place in the economy of the future that will be the kind of place in which they want to live.

I think that whether you agree with him or not, we cannot deny the fact that, in the speeches the President is making across the country, one of which he made in my home State of Minnesota, he has been discussing some real genuine reform issues. He has been talking about the length of the school year and the length of the school day; he has been talking about teacher salary structures and merit pay; he has been talking about the need for a new basic curriculum and what that curriculum might consist of.

We find no discussion of that on the other side of the aisle, whether they want to agree with it or disagree with it. We only find flailing at the President for politicizing the issue when, in reality, he is discussing some very real reforms that were raised by his own commission.

I think we should also look at some of the recommendations that have come out of the other commissions that have issued reports recently. The report of the Hunt Commission is one that I have tried to make reference to on some speeches on the floor here. They made a number of exciting and controversial recommendations that really have nothing at all to do with radical expansion of the Federal role. But just consider some of those: One of the major recommendations of the Hunt Commission was that we explore creative partnerships with the business community involving our educational institutions and the business community, find ways of involving the business community in supplying personnel and equipment, and funding where necessary, and joint partnerships which will better train our students for the jobs of the future.

They talk further about improving the management of our school systems by some rather drastic reforms in the method of recruiting and training of our high school principals, a rather significant reform. They talk about providing quality assurance in education through teacher evaluation and reward systems, which really is another way of talking about the same merit pay issue that the President has talked about, through tenure reform, a fairly controversial topic. They talk about general achievement testing of students, which I know is highly controversial in the intellectual community. They talk about improved certification processes. This is all aimed at giving the taxpayers some evidence of accountability and quality assurance in our public schools, if for no other reason than because the taxpayers are not going to come up with the dollars necessary to improve education if they do not have some enhanced feeling about the accountability of the school systems they are financing. They emphasize particularly making use of existing resources, cutting down on the bureaucracy in our schools, taking money away from some of the peripheral programs and making sure that the basic curriculum, however, we may define it, is adequately funded.

Those are all recommendations of the Hunt Commission. But unfortunately, in the special order that was just concluded by our friends on the other side of the aisle, none of those things were discussed. Instead, there were attacks on the President for the national debate that he has opened on the educational issue.

The 20th Century Fund Report that our colleague, the gentleman from Pennsylvania, referred to is, in my judgment, an outstanding report and deserves the attention of every Member. They make also a number of fairly controversial and significant suggestions, including the establishment of the master teachers program, which has been advanced by Governor Alexander in the State of Tennessee; the establishment, they suggest, of English competency as the No. 1 priority of our elementary and secondary schools.

Now, I am not going to try to settle the debate over whether that should be our No. 1 priority or whether something else should be. But it seems to me that that is the kind of debate we ought to have here. What is the No. 1 priority of our elementary and secondary public school system? The 20th Century Fund says it ought to be English. We ought to be debating that subject and not just engaging in political attacks on the President. And, furthermore, they make a proposal that is going to be very controversial in this Congress, and that is to restructure the whole manner in which we provide impact aid. The 20th Century Fund suggests that it is no longer reasonable to have impact aid go primarily to school districts that have large numbers of military personnel, and that that money should instead go to communities that are severely impacted by large numbers of refugees and immigrants coming into their districts.

Again, I am not suggesting that any of those things are the answer or that some of them, even, might be the best suggestions. But those are the things we ought to be debating here. And I suggest that we have not heard very much of that from the other side of the aisle. That is what concerns me about the debate that is going on in education right now.

Let me just conclude by bringing to the Members' attention, as we talk about responsibility and who is really responsible for this issue and where there has been negligence in the past, and reading a few sentences from the 20th Century Fund Report on the quality of leadership, and we will see where they assess some of the blame. They say:

> Because quality in education is easier to recognize than to define, some of the reluctance of Congress to face up to the issue is understandable. Educational quality cannot be legislated into existence. Still, Congress must not continue to be ostrich-like about the failings of primary and secondary school education.

I think that is a challenge to this body and to all of us as Members, and I hope that we can get about the business of a meaningful debate on the real issues that are confronting us in education today and get away from some of the partisanship that I, frankly, have seen on the other side of the aisle.

I truly commend the gentleman in the well for calling this special order and advancing that whole debate.

Mr. JEFFORDS. I thank the gentleman for a very excellent and eloquent statement. The gentleman has raised some very fine points.

Mr. Speaker, I now yield to the gentleman from Wisconsin (Mr. GUNDERSON), and perhaps he might also want to talk about special milk.

Mr. GUNDERSON. Mr. Speaker, the gentleman from Vermont (Mr. JEFFORDS) and myself could probably have special orders on a number of issues that are of similar interest to both of us because of our mutual work on both the Agriculture Committee and the Education Committee.

I would like to join in the gentleman's special order and begin by commending him for holding this hour, because I think there are some thoughts that need to be expressed by each and every one of us. I think the whole interest in education that has evolved at the national level in the last couple of weeks, the last couple of months, has been a healthy thing. I think the country is going to benefit, I think education is going to benefit from what we are all going through right now, and I certainly join all of my colleagues in saying that I do not think this is something that ought to be partisan or political.

I suspect, as I listened to an earlier special order, that if we have any criticism of the President—and I am not sure any is justified at all—the worst they could do is to criticize the President for doing something in 1983 that they think he ought to have done in 1981, to which some could respond ought to have been done in 1979 or in some year earlier. You certainly cannot criticize either President Reagan or Secretary Bell for their lack of interest in education when they are the ones who have brought forth the National Commission on Excellence in Education. And I think the thing that this Commission did that has not happened before in this country for some time is that it has caused each and every one of us to focus on the overall big questions.

We spend so much time around here focusing on a particular bill or on a particular issue in a committee hearing, and we do not look at the big question, that greater question. I think that is what we need to do.

No. 1, what exactly are the problems in education?

No. 2, what are the solutions to those problems?

Most importantly for each and every one of us, how does the Federal Government fit into that particular solution or that particular role?

What is the role of the Federal Government in education?

I get a little frustrated, I guess, and I would suspect that probably, without speaking for him, the gentleman from Vermont would agree with me, that on the one side all we hear is the only solution to the problems in education is more dollars, and I think we have seen that more dollars, while certainly needed, clearly is not the solution to the education problems. And then there are some people on the other side of the philosophical spectrum who suggest that the answer to education's problems is no Federal role. I think we would recognize that probably that is not true, that there is clearly a need for cooperation, as I say at home, from everyone from the Federal Government to the family to have success in education in this country; but the thing that boggles my mind, I guess, at this point in time, is that I hear people criticizing the President about his particular perspectives in the role of education. And as we discuss what really ought to be that role, we should really look at what we have done in the past.

I have dug out the budget for education from the Federal level. I am not talking about dollars, because we can debate those dollar figures, and legitimate and reasonable and honest people can differ on what they ought to be. But what is the Federal role for education? There are three different subfunctions.

□ 1810

We have the elementary, secondary, and vocational education function known as budget function 501, we have higher education, which is known as budget function 502, and we have research and general education aids which is known as budget function 503.

Under those particular programs, we have no less than 40—no less than 40 different subappropriation levels where we spend money. That is no sense of priority. Look at that. What have we done? We cannot pat ourselves on the back.

Let me just read to you, for example, 17 different programs that we have in elementary, secondary, and vocational education. We have title I. That is to help the disadvantaged, the poor, et cetera. A good program.

Migrant education. Education block grant. That is all those programs that were separate before, until we put them in a block grant.

We have the Civil Rights Act. We have Follow Through. We have territorial teacher training. We have general assistance for the Virgin Islands. We have the Ellender fellowships. We have women's educational equity. We have science and math. We have bilingual education. We have impact aid. We have education for the handicapped. We have vocational education. We have adult education. We have Indian education. We have BIA/Operation of Indian programs, the American Printing House for the Blind, et cetera.

That is just 17 of the some 40 different programs. Are we the ones who are really in a position to criticize our States, our local communities, our local school boards, our teachers and our families and our students about the mixed bag of education that is out in this country, when we are really the ones who I think are creating it?

I guess that gets to what I want to say today. As we talk about these three reports, or four reports, or all the reports and commissions that have been done, the frustration I have is that each and every one of us is a Member of Congress. All of a sudden we hear that there has been a report or a commission on education, and we immediately decide that we are going to be the experts.

I think the thing that each and every one of us in Congress ought to be doing right now is, we ought not be telling anybody what the answers are to the educational problems in this country, and we ought not be telling anybody today what the Federal role is. What we ought to be doing is silently, and through a series of hearings, and through our discussions among ourselves and with our staffs and with our educational advisory committees, et cetera, we ought to be trying to determine what that proper Federal role is.

The last thing we need are a lot of authorities at this point in time trying to come up with exactly that.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I will be happy to yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

Mr. Speaker, I just want to comment on that point. I am sorry for interrupting the gentleman's statement, which is a very constructive one.

Mr. GUNDERSON. It is no problem.

Mr. WEBER. I would like to add one point there.

I agree with the gentleman that our role at this point has to be listening a whole lot, and I would like to add one other source of listening that I am sure you believe in but you did not mention. I held two town meetings in my district over the Memorial Day recess where I invited the general public in to talk to me about the education issue. They were among the most personally rewarding meetings that I have had as long as I have been in Congress in terms of the quality of discussion from the people who came to the meetings, in terms of what I learned from the people who came to those meetings, from my own constituents.

I am going to schedule three more meetings like that, just to talk about the topic of education, over the Fourth of July recess, in three more towns in my district. I know the gentleman's district is like mine. He could probably hold 20 meetings like that and never come within 30 miles of doing the same town twice.

But I would really commend that to all of our colleagues on both sides of the aisle. The people who came to those meetings in my district represented students, teachers, taxpayers, administrators, school board members, and they knew what they were talking about. They knew in most cases a lot more than I knew about the problems of our educational system. I think that is where most of the Members of this body should begin to establish a dialog on the educational issue.

Mr. GUNDERSON. I appreciate the gentleman's remarks, because he actually was leading exactly into what I was going to say. I was going to suggest that every Member of this Congress do what ROD CHANDLER, one of the new Members from the State of Washington and a member of the Committee on Education and Labor is doing in his district. That is to hold seminars or forums just like the gentleman is on what is the Federal role in education. I think the 435 so-called experts in this House ought to all go out and do that, hear from the people

on what they want in education, No. 1, but second, what do they want us to do? I think those are going to be two entirely different questions.

Obviously, I have some thoughts on what the Federal Government's role ought to be in education. I think there ought to be one, everything from access to education to financial assistance to equal opportunity, to helping the handicapped, targeted money, our vocational education program, things like that.

A number of those things we ought to be doing, but I think the real message today is, let us commend the President for bringing the big question, and let us commit ourselves as Members, not to become experts today, but to sit down and work together so that what the Federal Government does, and what the Federal role in education is, is a proper one.

I again commend the gentleman.

Mr. JEFFORDS. I want to thank the gentleman for his important contribution and say that I have worked with many Members, but certainly he is one of those who represents so very well and ably the people of his constituency. It is always a pleasure to work with the gentleman.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for reserving this time, for yielding, and for his leadership on this issue in education.

Mr. Speaker, what is important about this special order and about what the House is doing all during this week, and, in fact, has begun to do over the past several weeks, is to begin that dialog which in fact the National Government had never begun, but the public has been engaged in it for some time, that dialog on education where we can finally begin to get to the heart of how to rebuild educational excellence and learning in this country. I think it is important.

A lot of the dialog in the newly found public debate at the national level, I would comment to the gentleman, is a credit to President Reagan, who has been leading the charge and leading the effort to begin the discussion about how students learn and about how both the Federal Government, the State government, and local governments can assist the educational effort.

I would comment that this is not a time for scapegoating. This is not a time for sometimes the harsh rhetoric that we heard in an earlier special order or that I heard at a hearing this morning. This is a time for both sides of the aisle, both political parties, all political persuasions, as is happening all across this country, to begin to talk about what those solutions are, because what we are dealing with is the future of this country and not some political platform.

I think that is what the public expects of us. I would commend the Speaker of this House. I would commend the Speaker because this morning is a special budget task force on education, Speaker O'NEILL came to the task force and offered to set, I think, the right tone, a tone of discussion of the issues and the kind of tone, I think, that can lead to some meaningful improvements, as has President Reagan and as has Secretary Bell.

This is a debate that Congress has so far been left out of. The public for several years now has been debating at the school board level and in the town halls without us that Congress has been debating the issue and how we can return learning and how we can return excellence to education. Now it is important that this Congress and that the National Government begin participating in this debate that has been going on for some time.

I would point out to the gentleman and the body that, in fact, there has been much made of the recommendation made by the Commission on Excellence in Education. There has been much made of that Commission's one recommendation of a master teacher approach. I think that master teacher approach in fact has a lot of merit and is being widely debated, but the Commission made not just one, but 38 different recommendations not just on master teachers but, in fact, on the entire spectrum of how we can approach education.

They made recommendations on four basic areas, on content, standards and expectations, time, and teaching.

In the area of content, the report recommended that all students seeking a diploma be required to lay a foundation in five new basics. I remind my colleagues that this was not a congressional report, this was not a partisan or a political report; this was a report of people involved in education who know what they are doing.

In content, each student would be required to lay the foundation to emphasize academics and emphasize the basics: 4 years of English, 3 years of math, 3 years of science, 3 years of social studies, and a half year of computer science.

The Commission recommended that in the area of standards and expectations that schools, colleges, and universities adopt more rigorous and measurable standards, and it is those standards, and I think those higher expectations that this Congress is now looking at and the public is demanding.

The Commission recommended an increase in the amount of time to more nearly approach what the rest of the industrialized nations are doing, and the Commission recommended teaching and a commitment to excellence and to recruiting those teachers in the teaching profession by increasing salaries, by providing for master teachers that we can have the kind of teachers that will lead to excellence.

The Commission also said that the primary responsibility, and we know this, for implementing these recommendations and for leading us into the 1980's and 1990's in education is at the State and local level, but the Commission did not shirk, and I do not think this Congress should shirk. There is a Federal responsibility in education. What the debate will be about in this body and what the debate is about all over the Nation is: What is that Federal responsibility?

All over the Nation we see States and school districts and parents and teachers stand up and say to the public to make some changes in education.

□ 1820

In Tennessee, in Texas, in Dallas, and elsewhere there have been proposals for master teacher programs, and there have been proposals to turn around the quality of education. Now it is up to us to find out and identify that precise Federal role.

That Federal role is not to impose a whole new set of regulations. That Federal role is probably not even to impose or to develop new curriculums. We have developed new curriculums for the last 15 years at the Federal level. That Federal role in a lot of ways will be developed by this body and by the debate. It will be to encourage, to provide a catalyst, and to provide for some ideas and some fresh thinking.

That Federal role could well involve more Federal funding. More likely, it will involve a redirection of the existing $15 billion in Federal funding that we are spending now.

But that Federal role is one that the public expects us to define, because, as the Commission report says—and it has been repeated over and over—it is not education that is at risk, it is not the educators, and it is not the school districts that are at risk; what is at risk is the country. What is at risk is the Nation. If we lose this generation, then we will lose the Nation. So it is America that is really at risk. That is the purpose of the debate.

Mr. Speaker, I thank the gentleman from Vermont (Mr. JEFFORDS) and we all in this body commend the gentleman for beginning that debate.

Mr. JEFFORDS. Mr. Speaker, I thank the gentleman from Texas (Mr. BARTLETT). I want to say that I have observed many Congressmen and Congresswomen come here for their first terms, but I do not think I have ever observed anyone who has so quickly grasped the importance of various issues and made such important con-

tributions to our committee and this body in the short time the gentleman has. I want to commend him and commend the people of his district for sending him here.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman. It is such an honor for me to serve on the committee with the gentleman and to be able to observe his leadership and work with him on the committee.

Mr. JEFFORDS. Mr. Speaker, I want to conclude by saying that I think it is important for us to have this discussion. Obviously, I think it is just as important, as has been brought out, that the answer is not going to come from Federal expenditures.

What the Federal Government has done, and rightfully so, in many cases, is to treat symptoms, the symptoms of more serious problems.

The President this past year, for instance, signed the new Job Training Partnership Act (JTPA), which is, as he has said, one of the most significant improvements in this area, and one of the biggest achievements of his administration. It is an attempt to treat some of the serious problems of our education system. We have allowed too many young people to go through high school, escape the system, and we now have to retrain them and make them useful participants in our society. But I recognize, as he does and as others do, that this is merely treating a problem, a problem which is created by the failures of our local systems. No amount of money spent at the Federal level, unless we want to spend billions of dollars will correct those problems.

Mr. Speaker, the concerns that bring us the floor this evening are not the result of education policies or budget cuts enacted in the last 2 years. They are the result of a series of decisions made over the last 15 to 20 years.

The problem is that through the years the priority of education in this country with respect to other issues, whether it be within the system itself or from financing, has not been dedicated to the excellence that we need.

During the last two decades a series of assumptions was made to the effect that the education program enacted in the mid-1960's somehow addressed the problem of quality of education. Administration after administration assumed that the mere availability of Federal funds—funneled through dozens of Federal programs, each having its own unique set of requirements—somehow would result in a coherent and sound education policy that would provide the leadership this country would need in future years.

Now the general public has been made aware of something that many of us have known for some time—that our educational system is in crisis. The involvement of the public is a good development. And although some of my friends on the other side of the aisle have decided that this issue is one on which they can make political hay, the fact of the matter is that we should be joining forces rather than assessing blame.

This administration came to office on a platform that questioned the effectiveness of the numerous Federal education programs in place in 1980. In response to the concern that excellence in education was getting short shrift, this administration appointed a National Commission on Excellence in Education. The purpose of this Commission was not to point fingers at teachers, schools, the Democratic party, or unions, but to call attention to the rapid decline in education standards that has occurred over the last 15 years and to place the issue of addressing this problem high on the national agenda.

Let us take a quick look at a few of the reasons identified by the National Commission which place our Nation at "risk" because of the decline in the quality of education.

The Commission found that secondary school curriculums have been homogenized, diluted, and diffused to the point that they no longer have a central purpose. This problem was not caused by cuts in Federal funding. In fact, the availability of Federal aid with long strings attached could very well have contributed to it.

The amount of homework for high school seniors has decreased to the point where two-thirds report less than 1 hour a night.

The time spent on courses in science and mathematics by U.S. students is about one-third of the amount of time spent by students in other industrialized nations.

One-fifth of all public 4-year colleges must accept every high school graduate within the State regardless of the program followed or the grades received.

Mr. Speaker, not one of these education problems is money related. Instead, these problems reflect how the money that was available was spent.

Let me also take a close look at a few problems that are indeed money-related. Each of these problems, however, received no attention whatsoever in the numerous Federal education programs enacted in the past 20 years.

First, the average salary after a full 12 years of teaching is only $17,000 per year, which is no more than many of us spent for entry level salaries for jobs in our offices for young people just out of college.

Second, too many teachers are being drawn from the bottom quarter of graduating high school and college students.

Third and finally, the typical U.S. schoolday lasts only 6 hours and lasts only 180 days per year. In contrast, the academic year in many other industrialized nations last 220 days and typically consists of 8 hours of instruction a day.

Mr. Speaker, before we start blaming others, we should ask why the Congress did not address these problems in past years. I think the answer is obvious—we simply were not aware of the extent to which excellence in education had eluded us. Now, because of the administration's efforts to bring the education issue to the forefront of the national agenda, we will have the opportunity to address these pressing issues. My only hope is that the impulse to turn this issue into a political football will not prevent us from addressing the issues raised by the National Commission.

I think it is important to point out that this is a serious problem which must be met at the local level. One of the reasons that this problem has come about is that over the years the increasing taxes and the increasing expenditures for other Government programs and services have created a tremendous drain on the taxpayers. The only place where they have had an opportunity at the ballot box to rebel against taxes has been at the local level. They have done that by keeping expenditures and taxes for education too low. That attitude has to be changed. The State's level and the State's role in education funding has to be increased.

The National Commission on Excellence in Education called on States and localities to assume a larger share of the responsibility for quality education. I think it is important to point out that this administration has already made significant progress in enhancing the traditional role of State and local government in education by several of its major legislative initiatives.

The foremost of the achievements of this administration was the enactment of the Education Consolidation and Improvement Act of 1981, ECIA. This act reversed a trend which had shifted much of the responsibility for structuring educational programs to the Federal Government. The result of the shift of responsibility to Washington was to undermine the involvement of local government and the quality of education.

Chapter 1 of the Education Consolidation and Improvement Act extended to State and local officials the prime responsibility for administering the Nation's largest Federal education program, aid to the disadvantaged. This program, which is better known as title I, is one of our most successful Federal education programs. Increasing local involvement in the administration of this program has already resulted in improvements in the quality of education made available to chapter 1 students.

Perhaps the most significant of ECIA's achievements was the consolidation of 28 other elementary and secondary activities into a single block grant. More than 300 pages of burdensome regulations were eliminated, thus freeing up classroom teachers and school administrators to concentrate on the quality of education made available in their schools. In the process, thousands of local dollars which had been spent on submitting applications for these 28 programs, on generating reports, and on complying with periodic Federal audits, were saved.

With regard to chapter 2, I want to emphasize that the administration has saved the public more than $1 billion since taking office by reducing Federal paperwork. More than 11 million hours of time that would have been spent filling in forms were saved. I believe it is obvious, Mr. Speaker, that these savings will directly lead to more attention to the students and greater academic achievement on their part.

If one examines the reports and listens to my colleagues on the other side of the aisle, it is certainly clear that the kind of reforms advocated by myself and others that are necessary to get the educational system back on its feet are certainly not to come from the Federal level.

Do my brethren on the other side of the aisle say that the Government ought to dictate the curriculums because one of their serious criticisms in these reports is the curriculums? Do they want to dictate how much homework our students should have? Do they want to dictate how we hire our teachers? No, these are problems that must be and should be solved at the local level.

The Federal Government does have a role, as has been pointed out by the previous speakers. We do have a role in leadership and guidance and in providing for areas that have serious problems. We do have a role of assistance. But the answer will not come totally or primarily from the Federal Government.

The National Commission on Excellence in Education has given a failing grade to our educational system. All of us play a part in that system, so you would think that all of us share in the blame for that system's failures.

Not surprisingly, the blame is having a bit of trouble finding a home. Predictably, parents will blame teachers, teachers principals, principals school boards, school boards States, States the Congress, and Congress the President.

Well, we are watching that dance tonight. The tune and steps are all too familiar, the refrain even more so.

It is nothing short of silly to allege that the problems of our educational system have been created overnight or by any one person or group. The roots of today's problems run broad and deep.

Instead of attacking the administration, we should be applauding it for commissioning and publicizing this report. For the first time in years, education is receiving the attention it deserves. It is as if we knew intuitively of the "rising tide of mediocrity in the Nation's schools" and were waiting for somebody to announce it.

Admitting the failures of our public schools is not, as some have suggested, a national shame. It is a source of encouragement. It means we have not abandoned our high expectations. We are absolutely committed to the twin goals of high quality schooling and equitable treatment of a diverse population.

There are no simple solutions. Education is a dynamic process. Improving educational quality will require strong commitment from taxpayers, parents, teachers, administrators, and those who serve at all levels of Government.

Each level of government has an important role to play. The Federal Government has a duty to insure access and equity in education. I would hope that someday we could go out of business, but I do not see that day coming soon.

But anyone who suggests that the Federal Government can go beyond these roles to insuring educational achievement is not being realistic. The vast majority of funding comes from the State and local level. The vast majority of decisions are made there as well.

As a senior member of the Education and Labor Committee, I will continue active involvement in policy decisions at the Federal level. But that is a small part of the total picture. Active effort will be needed at all levels. And, among other things, improvement in education must include a reordering of spending priorities. It is true that more money will not necessarily buy better education. But it is also true that we will not get significant improvements until we agree to salary schedules for educators which are professionally competitive.

Education is responsive to the public. Ultimately, the public will receive the kind of school system it wants, demands, and is willing to pay for.

The current outcry means that we are not willing to settle for what we have now. By admitting the shortcomings, and demanding something better, we can pave the way for a new standard of excellence in education.

Meanwhile, we as a society can set a good example for young people by saying to the National Commission, "Thanks for the low grade. We'll try harder this time."

The lesson of the last 20 years is that more Federal spending will not necessarily buy us better education.

The issue today is not how to bring about more Federal support for education but how to bring about reforms in education to get the quantity and the quality of our education up so that the $215 billion we are already spending at all levels for education today is better spent. I think we can do it. The President has made that challenge very clear. He supports our efforts to find solutions, and I know that all of us on both sides of the aisle will join together so we can find those answers.

● Mrs. MARTIN of Illinois. Mr. Speaker, the issue of declining educational standards and achievement has become the latest topic of the times, and rightly so. But what troubles me about this high dosage of attention is the tendency of all to use the issue as a political tool.

It always is easiest to place blame for shortfalls on the other's political party. I, however, do not intend to either blame or defend. Quite frankly, that is wasted motion.

The bottom line in education that warrants debate is the fact that while expenditures have increased significantly over the past 15 years, test scores measuring achievement have fallen dramatically. The time is long overdue to ask why this has occurred. Moreover, Political one-upmanship does not set the stage needed for objective political discussion on our educational efforts.

A sampling of some education statistics from "A Nation at Risk," the report issued by the National Commission on Excellence in Education, reveals the critical state that is threatening our future:

Scholastic Aptitude Test scores indicate a consistent decline from 1963 to 1980 with average verbal scores falling over 50 points and average mathematic scores falling nearly 40 points;

Twenty-three million American adults are functionally illiterate according to the simplest tests of everyday reading, writing, and comprehension;

Thirteen percent of all 17-year-olds in the United States can be considered functionally illiterate;

Over half the population of gifted students do not match their tested ability with comparable achievement in school;

Average tested achievement of students graduating from college is lower; and

Colleges, the military, and businesses oftentimes must offer remedial education programs in such basic skills as reading, writing, spelling, and computation.

These disgraceful findings no longer afford us the leeway of political expediency in dealing with our educational needs. We must evaluate our current programs and determine why achievement levels have fallen. It simply is

not enough to say our commitment to education is waning because a look at the facts demonstrates otherwise. Over the past 20 years: The number of Federal education programs has grown from a mere handful to more than 100; total education spending (all levels of government) has increased by over 600 percent; and Federal education spending has increased 2,000 percent. Meanwhile, during this same period, enrollment has declined by 13 percent, resulting, in part, in an increase of over 100 percent for total spending per pupil and a Federal increase of 300 percent per pupil.

It is good that education has captured our attention in much the same way as it did during the Sputnik era. But it is not good to ignore that some very real problems in our educational achievement and standards exist. Furthermore, the time-old, tried approaches of more money and more programs simply cannot make them go away. They have not yet. If we cannot learn from our mistakes, how can we expect our children to?

For the sake of our children, for the sake of our country, let us get down to business—how best to educate our children.●

● Mr. RITTER. Mr. Speaker, just yesterday I received notice of the special order that our colleagues from the other side of the aisle were to hold today regarding setting the record straight on education policy. The letter talked about the impact of the cuts on elementary, secondary, and postsecondary education. My colleagues from the other side of the aisle decried the eligibility requirement changes made in the guaranteed student loan program among other things. These eligibility requirement changes which saved the taxpayers billions of dollars required students from families with annual incomes of over $30,000 to meet a needs test in order to receive a loan. It makes me wonder why these same colleagues want to put a cap on the tax cut that most of these families would be eligible to receive on July 1, 1983. Why would they want to make it easier for these families to receive a federally subsidized student loan but harder for them to save for college because of increased taxes. In one breath the Democrats call these families with incomes over the mid-$30,000 range "rich" yet if the issue is student loans, these same families are referred to as "middle-income families."

In the past 2 weeks we have seen a slew of Democrat Presidential candidates talking about the emergency state of our schools and proposing bold new initiatives like Mr. Mondale's $11 billion emergency program. Mr. HOLLINGS decided to do Mr. Mondale one better by making his emergency education program a $14 billion program that called for an immediate $5,000 raise for all teachers. I am sure that this creative venture must have consumed many hours of Mr. HOLLINGS' and his advisers' precious time. I wonder what other bold new proposals the other candidates will come up with in the days ahead.

Rather than trying to fund the problem to death these candidates might take heed in what another member of their party, Joseph Califano, the former Secretary of Health, Education and Welfare who served under President Carter observed.

Califano wrote:

I came to HEW enthusiastic about the opportunity to improve education in America, and determined to step up Federal funding sharply.

And then he wrote:

I left troubled over the deterioration of public education in America and troubled by the threat to academic freedom that the Federal role, enlarged and shaped by special interest groups, poses.

This was not an appointee of Ronald Reagan talking; this was Joe Califano, a cabinet member of the Carter administration. Yet it appears that our colleagues from the other side of the aisle do not even begin to address the problem of the threat of academic freedom posed by these special interest groups. The only factor they consider to be important in the area of quality of education is the issue of Federal funding.

Quality education is not achieved by solely focusing on more money from the Federal Government. Whenever the Federal Government gives more money to our local schools it almost certainly includes with the money a whole new list of costly regulations for such schools to abide by.

Between Lyndon Johnson's term and the end of Jimmy Carter's Presidency, Federal spending on elementary and secondary education increased more than 900 percent and total per pupil spending in public schools increased by nearly 450 percent. Yet in this same period SAT scores and other measures of learning stopped rising and started falling.

I do not feel that this is conclusive evidence in support of greatly expanding the Federal role in education. What we need to do is allow local schools more flexibility. We need to encourage concepts such as merit pay which rewards excellence, not mediocrity, and encourages excellence in teaching. We need to encourage sensitivity to the marketplace. There are things that can be done at the local and State levels that do not require additional spending to improve the quality of education. Encouraging schools to have an improved curriculum concentrating on teaching children the basics will also improve the quality of education. We all have a stake in improving the quality of education in our country. However, dramatically increasing the Federal role in education will not achieve this goal.●

GENERAL LEAVE

Mr. JEFFORDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. DYSON). Is there objection to the request of the gentleman from Vermont?

There was no objection.

ORDER OF BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, I understood that pursuant to a previous request made by the gentleman from Oregon (Mr. WEAVER), the gentleman from Oregon would be recognized now notwithstanding any previously entered into special orders.

The SPEAKER pro tempore. The Chair will state that it was the Chair's understanding that the special order of the gentleman from Oregon (Mr. WEAVER) was to come after all other special orders, unless the gentleman would like to make a unanimous-consent request.

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that I may be permitted to proceed with my special order at this time without prejudice to the rights of the gentleman from Texas (Mr. GONZALEZ).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

THE TONGASS NATIONAL FOREST TIMBER INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 30 minutes.

Mr. WEAVER. Mr. Speaker, there are grave misunderstandings occurring in the Tongass National Forest, the largest national forest in our national forest system, situated in the State of Alaska.

Two years ago, in the Reid Bros. logging case, the Reid Bros. sued the two companies doing business in the Tongass National Forest under 50-year contracts on antitrust. The Reid Bros. won that suit in the Federal district court, and it was affirmed by the ninth circuit court, finding that a Louisiana-Pacific subsidiary and a company called ALP, a firm primarily owned by the Japanese, guilty of antitrust.

As chairman of the Subcommittee on Mining, Forest Management, and Bonneville Power Administration of the Committee on Interior and Insular Affairs, I have conducted an investigation into the matter and the problems of the Tongass National Forest. We have uncovered several Government documents, including a Forest Service investigation submitted to the Justice Department, that contain grave matters of illegalities and alleged illegalities, and the Justice Department has not acted on those.

These two companies operating in the Tongass National Forest under their 50-year contract have played fast and loose with the law, have made misstatements of fact, have colluded to drive small logging companies out of business, have falsified records, and have done a number of things that may have cost the Federal taxpayers and the Treasury of this country over $60 million.

□ 1830

Today we received notice, Mr. Speaker, that one of the companies, the Alaska Lumber and Pulp Co., ALP, has not paid $6 million that it owes the Forest Service and continues not to pay it. I am proud to say that because we are breathing down the necks of the Forest Service and the Justice Department on this issue, that the Forest Service took speedy action on the ALP nonpayment and has issued a letter dated yesterday, June 20, that the ALP shall cease harvesting timber and cease drafting timber in the Tongass National Forest. When we are done with this investigation, there must be and shall be further drastic remedies against these two companies. I am convinced of that, but I am glad to see that the Forest Service has taken action after 10 years of neglect of allowing this disgrace to go on in the Tongass they are finally doing something about it.

BACKGROUND ON THE TONGASS NATIONAL FOREST TIMBER INDUSTRY

INTRODUCTION

The Tongass National Forest is the largest national forest in America. It encompasses 15.9 million acres of trees, rocks, and ice in southeast Alaska, and yields over 90 percent of the timber harvested in Alaska.

In March 1981 Federal District Court Judge Barbara Rothstein, ruling in a private antitrust action, Reid Bros. against Ketchikan Pulp Co. and Alaska Lumber & Pulp Co., found two companies, Ketchikan Pulp Co. (KPC), and Alaska Lumber & Pulp (ALP), guilty of monopolizing the timber industry on the Tongass between 1959 and 1975. In March of this year, the Ninth Circuit Court of Appeals affirmed this decision.

Ketchikan Pulp Co., now known as Louisiana Pacific Ketchikan (LPK), is a subsidiary of the Louisiana Pacific Corp., the largest purchaser of Federal timber nationwide. ALP is a subsidiary of a Japanese corporation, the Alaska Pulp Co., Ltd.

In confidential documents obtained by the Subcommittee on Mining, Forest Management, and Bonneville Power Administration, the U.S. Forest Service estimates that the illegal actions of these two companies may have cost the United States between $63 and $81.5 million in lost revenues. More significantly, these documents indicate that ALP and LPK may have continued their illegal practices since the 1975 filing of Reid Bros., and may still be engaging in activities which are illegally denying the Federal Government of revenue. The documents obtained by the subcommittee also indicate that both the U.S. Forest Service and the U.S. Department of Justice have been aware of these potential continued violations of law, but have not acted to properly investigate, prosecute, or otherwise remedy the situation.

The origins of these illegal activities can be traced back to the 1950's. At that time the Forest Service entered into unique 50-year timber harvesting contracts with ALP and LPK—Forest Service timber harvest contracts generally allow purchasers of Federal timber only 3 to 5 years to harvest timber.

MONOPOLIZATION OF SOUTHEAST ALASKAN TIMBER INDUSTRY

Judge Rothstein found that the long-term contracts gave the companies a competitive advantage which they used to monopolize the industry. She determined that, supported by these 50-year contracts, ALP and LPK undertook a premeditated effort to monopolize the timber industry in Southeast Alaska. In her preliminary oral statement, she said that ALP and LPK began with:

* * * a natural advantage in the form of the 50-year leases with the Forest Service guaranteeing them a vast timber supply of their own, and * * * utilized this advantage as a starting point for concerted and combined efforts to control the Alaska timber market, to eliminate competition and to maintain and exercise monopoly power.

The two companies' ownership of the only two pulpmills in southeast Alaska also contributed to their ability to monopolize. Because much of the timber on the Tongass is harvested for paper pulp, the smaller, independent operators on the Tongass must sell large portions of their harvest just to these two mills for processing. Judge Rothstein found that ALP and LPK, acting in concert with each other, kept the price paid to these small firms artifically low, thereby driving many of them out of business and reducing competition for southeast Alaskan timber sales.

Judge Rothstein found that these companies had committed a number of additional violations as well. In her final decision she wrote:

LPK and ALP acted pursuant to an agreement, understanding, and concert of action between themselves, the purposes and actual effects of which have been:

To restrict and eliminate competition in all phases of the timber industry in Southeast Alaska;

To refrain concertedly from competing against each other for timber or logs;

To keep would be competitors out of Southeast Alaska by cutting off their timber supplies through preclusive bidding and other means;

To eliminate mill competition by acquiring ownership or control of the sawmills in Southeast Alaska, while expanding their own operations;

To control and manipulate the log supply to the few surviving mills;

To pay artifically low prices to independent loggers for logs, and logging services;

To eliminate purchase loggers from the field;

And to attain and exercise monopoly power, i.e., the power to set prices and exclude competition, in the timber industry in Southeast Alaska.

ALP and LPK were overwhelmingly successful in their efforts to monopolize the timber industry, and had established firm monopoly control by the time Reid Bros. was filed in 1975. Judge Rothstein wrote in her final decision:

The defendant's concerted efforts to exclude competition were entirely successful throughout the period 1959-1975 * * *

ALP and KPC acquired ownership or control of virtually every sawmill which at one time operated as an independent manufacturing facility in Southeast Alaska * * * Over the period 1959-1975, KPC and ALP combined purchased over 90 percent of the timber that was being cut in Southeast Alaska, and manufactured at least 90 percent of the manufactured products. The 90 percent market share was divided about equally between the two defendants.

Significantly, Judge Rothstein also named the Georgia Pacific Corp., the Louisiana Pacific Corp., and the FMC Corp., previous parent companies of KPC, as coconspirators.

Despite these findings, the structure of the timber industry on the Tongass today is essentially the same as it was when the Reid Bros. Logging Co. filed suit. The Federal Government has neither fully investigated the period since the suit was filed or taken substantive action to alter the monopolistic structure. Further, the newly released documents contain evidence that anticompetitive violations may be continuing. The Forest Service has referred this evidence to the Antitrust Division of the Department of Justice, but Justice has refused to conduct a full investigation or prosecute the companies. In fact, the Forest Service first reported suspected antitrust violations to Justice in 1968, long before Reid Bros. was filed, but the Department has not prosecuted these companies.

CRIMINAL FRAUD AND BREACH OF CONTRACT

Compounding the companies' monopolistic practices are possible criminal fraud and breach of contract occurring both before and after the 1975 filing of Reid Brothers. The USDA Office of General Counsel (OGC), has charged that both ALP and LPK submitted false log sales invoices, false statements regarding bidding fronts, and false representations associated with recordkeeping. False statements concerning a material fact, knowingly made in a matter within the jurisdiction of a Federal agency, constitute criminal fraud. The OGC has held that these fraudulent statements also violated the terms of the contracts, which include provisions giving the Forest Service the right to inspect company records.

Based on Forest Service assessments, the fradulent practices resulted in lost timber revenues and caused most of the material damages to the Government.

According to the OGC, the companies denied the Federal Government revenues by illegally manipulating the complex process the Forest Service uses to set timber prices. The 50-year contracts require the companies to provide company records of processing costs and end product sale values to the Forest Service. The Forest Service uses these records to determine the price that ALP and LPK are charged for timber under the 50-year contracts. Access to accurate company records is essential in order for the Forest Service to determine fair market value for its timber. The Forest Service has found that ALP and LPK provided false information in order to keep timber prices low, thus costing the Treasury substantial revenues.

These actions may still be denying money to the Treasury. Because the Forest Service rate redetermination process uses past cost and price information to set future prices, the companies' manipulation of these figures prior to 1975 almost certainly reduced timber revenues since that time, and may still be affecting them. One estimate of the total damages prepared for the Forest Service calculated that the United States has lost between $43.2 and $48.2 million in revenues since 1975.

Despite these Forest Service calculations, and the possibility that revenues are still being denied, the Forest Service has not acted to recover lost revenues. The Forest Service continues to adhere to its 50-year contracts with ALP and LPK, and recently approved an emergency rate redetermination dramatically lowering the price of timber to the companies. LPK's emergency rate redetermination, retroactive to December 1981, reduced their average stumpage rate from $73.15 per 1,000 board feet to $3.09. ALP's redetermination lowered their average rate to $1.48 per 1,000 board feet.

LACK OF ENFORCEMENT

The OGC referred suspected fraud and breach of contract to the Department of Justice, but the Department of Justice thus far has chosen not to initiate legal action.

Instead, the Federal Government has perpetuated the current industry structure on the Tongass, and has, in fact, rewarded these two companies. Provisions of the Alaska National Interest Lands Conservation Act (ANILCA), enacted in 1980, provide subsidies to the timber industry on the Tongass. Section 705 of this act mandates that the Secretary of Treasury make available to the Secretary of Agriculture at least $40 million every year, or "as much as the Secretary of Agriculture finds is necessary to maintain the timber supply from the Tongass National Forest to dependent industry at a rate of 4.5 billion board foot measure per decade."

The act specifies that these funds "shall not be subject to annual appropriation," thus taking control over them out of Congress hands. The Forest Service projects spending $47.25 million in fiscal year 1984 to accomplish this.

Because of the extremely low stumpage rates on the Tongass, the net return to the Treasury on this investment has consistently been under $40 million. Thus, the Federal Government has been subsidizing the timber industry on the Tongass, even though that industry is still dominated by ALP and LPK, and even though both those companies have consistently operated contrary to the public's best interests.

The Federal Government's role in investigating and remedying the problems on the Tongass is further complicated by John Crowell's position as Assistant Secretary of Agriculture for Natural Resources and Environment. In this capacity, he is charged with overseeing the Forest Service.

Prior to his appointment as Assistant Secretary of Agriculture, Mr. Crowell was closely associated with companies involved in the monopolization of the timber industry on the Tongass. From 1959 to 1972, Mr. Crowell was an attorney for the Georgia Pacific Corp., which was a parent corporation of KPC. In 1973, the Louisiana Pacific Corp. was formed, and Mr. Crowell subsequently was made general counsel to it. From 1973, through 1975, when Reid Bros. was filed, Louisiana Pacific was a parent company of KPC. Both Georgia Pacific and Louisiana Pacific were named as co-conspirators in Judge Rothstein's decision. In 1976, Crowell became assistant secrtetary of Ketchikan Pulp Co., one of the companies found guilty in Reid Bros., and suspected by the Forest Service of continued violations.

Crowell has admitted that in his positions with Georgia Pacific and Louisiana Pacific, he "was the lawyer who generally dealt with questions and concerns regarding antitrust matters." He has claimed, however, that he was not aware of the violations uncovered in Reid Bros.

Some have challenged the credibility of this claim. While Mr. Crowell's confirmation was being debated, Senator KENNEDY and Senator LEAHY wrote to their colleagues: "* * * documents have become available that show that Mr. Crowell was aware of and involved in material facts which formed the basis of violations of antitrust laws recently cited by a Federal Court in Seattle." Twenty-five Senators voted against Mr. Crowell's confirmation.

The question of whether Mr. Crowell was aware of specific violations may be less important than the obvious questions about the broad implications of his present position in the administration. Section 14(e) of the National Forest Management Act requires the Secretary of Agriculture to take action to obviate collusive practices in bidding for timber products from national forest lands. Mr. Crowell has recognized that as Assistant Secretary for Natural Resources he is charged with enforcing this provision. However, he has recused himself from any matters relating to the Reid Bros. case. Concerns remain about whether this recusal will preserve the objectivity and integrity of the agency, or whether his position in the Department of Agriculture may affect the manner in which it addresses the problems on the Tongass.

Some have asked what effect Mr. Crowell's position in this administratin may have on the Department of Justice and the Forest Service's attitudes toward investigation or prosecution of those guilty of antitrust violations, breach of contract, or criminal fraud.

Following this background, I would like to submit a summary of the facts and documents the subcommittee has obtained. Complete copies of the Government documents are available in my office.

SUMMARY

These documents include:

(1) An internal report and recommendations prepared for the Forest Service by a special three-man team directed to analyze the evidence developed in the Reid Brothers civil antitrust case. This team consisted of a Forest Service accountant, attorney, and timber specialist. After evaluating trial discovery documents and Forest Service records, the team prepared specific recommendations for remedial action. To date most of these recomendations have not been implemented.

(2) A formal referral by the USDA-Office of General Counsel (OGC) to the Department of Justice, Antitrust Division. This referral, based on the three-man team's report and recommendations, requested that the

Antitrust Division review the facts and proceed with legal action against the pulp companies. The OGC referral:

(a) found that a basis for legal action existed in the companies violations of the antitrust statutes and laws prohibiting fraud against the federal government;

(b) found that civil action based on material breaches of both the ALP and LPK 50-year timber sale contracts might be warranted; and

(c) explicity requested that Justice fully investigate the pulp companies' alleged illegal actions on the Tongass, especially those illegalities suspected of occurring after the 1975 filing of the *Reid Brothers* case.

(3) A formal referral by the OGC to the Department of Justice, Civil Division. This referral requested that the Civil Division consider legal action to recover damages based on breaches of the long-term timber sale contracts held by ALP and LPK. The OGC cited potentially "huge" damages as a result of these contractual breaches, and urged the Civil Division to "proceed with all practicable speed". The OGC made this referral on November 30, 1982. On March 10, 1983, the Civil Division responded in writing, requesting additional documentation of the contractual breach claims.

(4) A formal referral by the OGC to the Department of Justice, Criminal Division. The December 17, 1982 referral requested that the Criminal Division consider legal action in response to criminal fraud apparently committed by ALP and LPK. Evidence of fraudulent conduct occurring since 1975 was included, and the referral urged that the Criminal Division determine whether this evidence merited further investigation. The Criminal Division responded on April 11, stating, ". . . we are declining to consider the matter for further criminal investigation or prosecution purposes."

(5) An official Forest Service Summary of Potential Damage Calculations, submitted to the Chief of the Forest Service by Alaska Regional Forester John Sandor on October 9, 1981. This was an initial estimate of monetary damages suffered by the United States due to the illegal practices of ALP and LPK. This summary placed total damages at at least $63,937,116 and indicated that the United States continues to be deprived of substantial revenues.

(6) A Draft Plan for Recovery of Potential Damages Resulting from Actions by the Ketchikan Pulp Company (Louisiana Pacific-Ketchikan) and Alaska Lumber and Pulp Company 1959-1982, developed by the Forest Service and OGC and submitted to the Department of Justice on December 14, 1982. This plan includes a brief history and timeline of Forest Service and other agency actions from 1968-1982. It also includes an assessment of possible administrative actions, and outlines possible roles for various agencies in further investigation. It contains an analysis of a more complete assessment of damages suffered by the United States prepared by Alfred A. Wiener, a former U.S. Forest Service Timber Management officer, under an agreement with the Forest Service. This analysis placed total damages caused by ALP and LPK's illegal practices at between $76.5 and $81.5 million. And, significantly, it specifies that the greater proportion of the total was sustained after the Reid Brothers case was filed in 1975.

(7) A January 4, 1983 letter from Deputy Assistant Attorney General for Antitrust Helmut Furth, to the OGC refusing to initiate criminal or civil antitrust action. The Antitrust Division offered the expiration of statutes of limitation as a primary reason for this decision. The letter also cited other factors contributing to the establishment and exercise of monopoly control not subject to challenge under the antitrust laws. These included:

(1) ownership and marketing affiliations with Japanese parent corporations,

(2) ALP and LPK's ownership of the only pulp mills in Southeast Alaska, and

(3) the unique 50-year timber harvest contracts owned by the pulp companies.

None of these Forest Service or OGC documents have been made public to date. Only the January 4, 1983, letter from Deputy Assistant Attorney General Furth to the OGC, was released to the press in January, when the Department of Justice Antitrust Division determined not to initiate criminal or civil action. The Subcommittee was only able to obtain the other documents after repeated requests to the Department of Justice and the Department of Agriculture, submitted as early as June, 1981. Only after a final formal request for specifically identified documents was made, and the possibility of Subcommittee subpoena raised, were they made available on a confidential basis by the OGC.

These government documents present a disturbing picture of the timber industry on the Tongass. They indicate that ALP and LPK continue to benefit by virtue of their past illegal activities, and may still be engaged in them.

Of the greatest concern is the fact that the attached documents clearly indicate that the United States Forest Service has consistently allowed the United States to suffer the loss of millions of dollars of revenue on the sale of timber in the Tongass National Forest in Alaska without taking corrective action; while, at the same time, the United States Department of Justice has repeatedly been made aware of violations and potential violations, but has consistently chosen not to investigate or prosecute.

It is the intention of this Subcommittee to continue its investigation into timber practices on the Tongass, potential violations of federal law and regulations, and the actions of those involved.

Specific areas of wrong-doing that are brought to light in these seven documents outlined above, follow:

CONTINUED ANTICOMPETITIVE PRACTICES

Federal District Court Judge Barbara Rothstein ruled in June, 1981, that LPK and ALP committed acts from 1959-1975 which constituted a combination and conspiracy in restraint of trade and commerce in violation of Section 1 of the Sherman Act, (15 U.S.C. 1). She also found that the acts of the two companies constituted a conspiracy and attempt to monopolize, and an actual monopolization of trade and commerce in violation of Section 2 of the Sherman Act, (15 U.S.C. 2). (A copy of this decision is attached). On March 1 of this year, the Ninth Circuit Court of Appeals affirmed this decision (a copy of this decision is attached). The defendants have filed for reconsideration at the circuit court level.

While these decisions clearly identified repeated antitrust violations in the period from 1959-1975, the courts did not consider events occurring since then. Thus, questions about the competitiveness of the industry since then have gone largely unanswered. These attached documents newly obtained by the Subcommittee appear to answer some of these questions.

Both the Forest Service's three-man team's report, and the OGC referral to the Department of Justice identify many instances of suspected antitrust violations occurring as recently as August, 1981. The three-man team report addresses suspected collusive bidding in the period since 1975 in Case Files B-1, p. 4; and B-6-6, p. 3. The OGC referral to the Antitrust Division includes a more concise analysis of collusive bidding on pages 5 and 6. The Wiener analysis on pages 11-15 of the Draft Plan estimates the amount of revenue that collusive bidding has denied the U.S. in the period both before, and after 1975.

The three-man team report and the OGC referral also both identified instances of suspected preclusive bidding since 1975. Preclusive bidding is discussed in the three-man team's report in Case Files B-1, p. 2-4, and B-3-5; and in the OGC referral to the Antitrust Division, p. 6.

These documents also contain evidence of additional suspected anti-competitive activities occurring since 1975. These are discussed in Case File D of the OGC report, and pp. 6-10 of the OGC referral. Damage estimates are included in the Draft Plan, pp. 11-15.

POTENTIAL CRIMINAL FRAUD

ALP and LPK may also have committed criminal fraud. False statements concerning a material fact, knowingly made in a matter within the jurisdiction of a federal agency, constitute criminal fraud. In the three-man team's report, and the OGC referrals to the Criminal and Antitrust Division, Forest Service and OGC personnel identify several apparent instances of ALP and LPK making such statements, both before Reid Brothers was filed and after. The OGC referred instances of suspected fraud to the Department of Justice in 1981 and 1982, but the Department of Justice declined to consider the matter for further investigation or prosecution. Therefore, instances of suspected criminal fraud identified by the OGC, occurring both before and after 1975, have never been fully investigated with or without the benefit of subpoena power.

The three-man team's report discussed extensively the precise details of the fraudulent practices, and how these practices affected timber prices. These are discussed in Case File A-1, Questionable End Product Values; Case File A-3, Fraudulent Cedar Log Pricing Arrangements; Case File A-4, Artificial Log Prices; and Case File A-6, Management Fees and Chemical Prices.

The OGC referral to the Antitrust Division also contained extensive discussion of fraud and false statements, and identified three different types of fraud:

(1) false cedar log invoices,

(2) false statements associated with the use of bidding fronts, and

(3) false representations associated with record keeping, (pp. 10-12).

This referral was followed up over a year later with a formal referral, and request for action to the Criminal Division, which has jurisdiction over criminal fraud. This letter documented evidence of fraudulent behavior occurring since 1975, (see attached letter). Both the Sandor and the Wiener damage assessments attributed over $30 million in damages to criminal fraud by ALP and LPK, and urged that the companies be investigated further. The OGC referrals to both the Antitrust and Criminal Divisions also called for further investigation.

The Criminal Division responded to the formal OGC referral with a one paragraph letter on April 11, 1983. It is quoted in full:

"Reference is made to your letter of December 17, 1982 to the Criminal Division and our meeting in February on the captioned matter. In light of the extensive civil litigation, the date of the alleged transaction (pre-March 1975), and the declination by the Antitrust Division after an extensive review, we are declining to consider the matter for further criminal investigation or prosecution purposes. We appreciate your bringing the matter to our attention."

POTENTIAL MATERIAL BREACHES OF ALP AND LPK LONG-TERM CONTRACTS

ALP and LPK entered into 50-year timber harvest contracts with the Forest Service in the 1950's. These contracts give them the right to harvest approximately about two-thirds of the timber taken from the Tongass National Forest each year. These long-term contracts are unique among Forest Service contracts, which generally have a life of three to five years. They each have roughly 25 years left to run.

The Forest Service three-man team report, the OGC referral to the Antitrust Division, and the Wiener and Sandor calculations of monetary damages all contain explanations of the breaches of the contracts, and the effect of these breaches. These documents explain that the companies violated provisions in the contracts which require them to provide company records to the Forest Service. The Forest Service uses company records to determine the price that ALP and LPK are charged for timber under the 50-year contracts. According to the documents, the companies successfully manipulated the information they provided to the Forest Service in order to keep timber low. Because these manipulations resulted in revenue losses, the OGC concludes in their referral to the Antitrust Division, page 12, that the contractural breaches were material thus justifying legal actions by the government.

Four case files assembled by the three-man team explain how ALP and LPK supplied the Forest Service with inaccurate information for its appraisals. Case File A-1, Questionable End Product Values, Case File A-3, Fraudulent Cedar Log Pricing Arrangements, and Case File A-4, Artificial Log Prices, demonstrate how end product values were fraudulently established and recorded. Case File A-6, Management Fees and Chemical Prices, shows how manufacturing costs were artificially increased and were reflected in company records. These case files contain Forest Service recommendations that actions be initiated to determine the extent of damages owed the government as a result of the breaches.

The two damage summaries (Sandor and Wiener) calculate the costs of the breaches, and show how the appraisal method was manipulated to keep returns to the United States for timber low.

50-YEAR CONTRACTS IDENTIFIED AS A MAJOR SOURCE OF MONOPOLY POWER

These documents also suggest that government policies, particularly the establishment and maintainence of ALP and LPK's long-term timber harvest contracts, may have contributed to the development of the monopoly.

United States District Court Judge Rothstein found in her decision that the two companies used their long-term contracts to establish and exercise their monopoly. In her oral presentation she concluded, "The Court believes that the two mills began with a natural advantage in the form of the 50-year leases with the Forest Service guaranteeing them a vast timber supply of their own, and I believe that the proof has shown that the mills utilized this advantage as a starting point for concerted and combined efforts to control the Alaska timber market, to eliminate competition and to maintain and exercise monopoly power." (Rothstein statement, April 3, 1981, p. 4)

The Forest Service three-man team also identified these contracts as a course of monopoly control. Case File D (p.1) states categorically, "The defendants and their affiliates have utilized National Forest timber sales, both long-term and ordinary, to attain monopoly power."

OGC's November 1981 referral to the Antitrust Division identified several Forest Service policies that contributed to the anti-competitive behavior, and singled out the long term contracts:

"By far the most important single Forest Service policy which has made possible the monopolistic situation in Alaska was the grant of the long-term timber sales to the pulp companies, at what in retrospect seems a bargain price, in the first place. The contracts give the companies a large, secure, supply of local timber with which to fill the needs of their plants, compared to competing operators. This timber comes to the mills at a rate, fixed each five years, that has historically been a lower price than that bid for independent sales. The large companies can, therefore, afford to bid to higher levels than can competitors on independent sales, offsetting any losses with profits realized on timber cut on the long-term sale allotments," (p. 17).

The January 1983 letter from Deputy Assistant Attorney General Furth to the OGC further underscores the 50-year contracts as a source of monopoly power. Furth writes, "Another major source of economic power, and a marketing advantage that these two companies hold over all rivals in the area, is the fact that they each have assured long-term supplies of timber from national forest lands in the vicinity of their respective pulp mills under 50-year contracts with the Forest Service," (p. 5). Furth goes on to say that the pulp companies "can obtain timber from designated tracts at an accounting cost generally below the cost" other loggers must pay for Forest Service timber.

FOREST SERVICE DAMAGE CALCULATIONS

The Forest Service has released to the Subcommittee two separate assessments of the damages caused the United States by these violations. The attached "Summary of Potential Damage Calculations" was confidentially submitted to the Chief of the Forest Service by Regional Forestor John Sandor in October, 1981. This summary placed total damages as of that date at $63,937,116. Significantly, this summary also indicated that some of these damages were caused by events that have taken place after Reid Brothers was filed in 1975. This summary also explained that illegal events occurring prior to 1975 continue to deprive the United States of revenues, because current timber prices are determined largely by value and cost data from previous timber sales.

The second damage summary was prepared by Alfred A. Wiener through an agreement with the Forest Service in the spring of 1982. It is analyzed in the attached Draft Plan. Wiener delineated his estimate into those damages occurring before 1975, and those occurring after 1975. He estimated that the companies' actions denied the United States $33.3 million before 1975, and from $43.2-48.2 in the period since then.

POSSIBLE GOVERNMENT RESPONSES

Several of these documents refer to possible agency responses to these violations, and request assistance in responding. The Forest Service three-man team made 31 specific recommendations for administrative actions, listed in a summary at the conclusion of their report. The Draft Plan for Recovery of Potential Damages includes a listing of agency authority and limitations, and possible administrative actions.

Both of these documents also call for further investigation, as does the OGC referral to the Antitrust Division. This letter notes that, "The lack of evidence of illegal acts since 1975 is most directly a reflection of the fact that the record in Reid Brothers was limited to events prior to the date Reid Brothers Logging Company went out of business. The need for further investigation of company records and other discovery pertaining to more recent years is obvious, and is discussed further below", (p. 13). This document examines the need for further investigation, and concludes, "It is, therefore, our opinion that the participation of the Department of Justice and the use of its investigative powers and resources is essential to a full consideration of the merits of any potential legal action associated with this matter by the United States", (p. 18). To date, the Department of Justice has not conducted a complete investigation of the period since 1975, and the Department of Agriculture has not implemented most of the substantive administrative responses.

Mr. Speaker, I include a letter from Michael A. Barton, Deputy Regional Forester, dated June 20, 1983:

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Juneau, Alaska, June 20, 1983.

Hon. BILL SHEFFIELD,
Governor of Alaska,
Juneau, Alaska.

DEAR GOVERNOR SHEFFIELD: As you are aware Alaska Lumber and Pulp Co. (ALP) is the purchaser of a timber sale contract (No. 12-11-010-1543) on the Tongass National Forest. The term of this contract is 50 years. All contracts for National Forest timber of over seven years duration contain provisions for redetermining the stumpage rate paid the Government for National Forest timber. These redeterminations are of two types; a) scheduled in the contract and b) upon application by the purchaser provided certain criteria are met.

Section 2e of ALP's contract provides for a rate redetermination upon written application of the purchaser provided that it is shown that there have been changes in market or other economic conditions since the last scheduled rate redetermination sufficient to warrant the establishment of new rates. The last scheduled rate redetermination was January 1, 1981. On June 22, 1982 ALP applied for a rate redetermination in accordance with SEC. 2e. After evaluation of the information presented by ALP and analysis of relevant data the rates previously established January 1, 1981 were lowered. These new lower rates were established on May 6, 1983 and applied retroactively to logs placed in rafts completed after July 1, 1982.

As a result of the rate redetermination the stumpage payment due the Government was lowered. Further, the amount of credit for purchaser road construction that can be used instead of cash to pay for timber harvested was similarly lowered.

ALP continued to harvest timber in accordance with the contract while their request was being reviewed and new rates determined. As a result, adjustments are now necessary in their cash position to ensure that purchaser credit is not permitted to replace cash payments to a greater extent than permitted by the contract and applicable regulations and law.

On May 6, 1983 ALP was issued a bill for $6,021,274.00 as a partial adjustment necessary to protect the Government's interest. As a result of the continued analysis of ALP's position with respect to the Government this bill was reduced to $5,131,283 on June 2. ALP responded to the billing initially by stating that only $2,150,000 was owed. ALP has since stated that no money is due the Government. To date, there has been no payment of any of the amount due.

Continuing analysis and ALP's continued failure to pay the initial bill indicates that billing for an additional $1,404,336.89 is required. I have this date issued such a bill.

As a result of ALP's continued failure to pay, I have notified the company that in order to protect the Government's interest I am suspending, in accordance with Sec. 4a6b of the contract, any further timber felling. Further, the company is not to place any more logs in the water except those needed to complete the rafts that are presently under construction. These actions become effective 5 p.m. June 23, 1983 and will remain in effect until ALP remedies this situation.

If ALP continues to refuse to meet their financial commitments, additional steps will be taken to protect the Government's interest.

If you have any questions, I would be pleased to respond by phone (907-586-7263) or in writing.

Sincerely,

MICHAEL A. BARTON,
Deputy Regional Forester.

□ 1830

IMPEACHMENT OF PAUL VOLCKER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise because the Sunday news brought out the fact that the President had at long last made the formal announcement that he was reappointing Paul Volcker as the Chairman of the Federal Reserve Board.

Though this was no great surprise certainly to some of us, what it did do was cause me to get up now and thank the President because otherwise my impeachment resolution of Paul Volcker would have become moot, so now it is very much in order.

I had been withholding the continuation of the effort in the last Congress and even the Congress before that to bring about congressional priority on the absolute and urgent need to restructure so as to bring about accountability on the part of this gigantic, massive, runaway, powerful agency, the most powerful in the world because it is not subject to the control of the President, it is not subject to the control of the Congress which created it.

The reappointment of Paul Volcker is very significant of the tremendous wall that we have to climb and jump over in order to bring about some kind of action in the long overdue, in fact I think it is probably too late by now, overdue restructuring to bring about the accountability.

For the first time in our Nation's history, as I have pointed out before, we have given those forces that have always sought that power of the control of the credit allocation which means the fiscal and monetary powers of a country. This was something that was fought off successfully at the very beginning of the origins of our Government as a national entity.

In the very beginning, the initial stages, what formed out to be the national entity known as the United States, even in the beginning, with the Continental Congresses, that was the issue. The issue was who was going to control the allocation of credit, resources, financial resources. Would it be the people themselves through their Representatives and their elected officials or would it be bankers?

□ 1850

Thomas Jefferson was the most outspoken. As a matter of fact, after the Nation was formed he was the one that singlehandedly defeated the first attempt by the first Secretary of the Treasury, Alexander Hamilton, in the formation of a bank because of that reason and those men who were men of tremendous integrity prevented the taking over of the young, struggling country's efforts to become fiscally sound, to go into the hands of these interests that have, through recorded history of mankind acted only one way and always will.

Then again the issue all through our history, after the Civil War this was the issue that was agitating President Lincoln's mind at the end. In fact, it was one of the last utterances that he made and subject matter that he dealt on. And his untimely death brought about the realization of some of the fears that he had entertained and spoken about.

Then later after the panic of 1908, with the 1913 enactment by the Congress of the Federal Reserve Act which gave birth to the Federal Reserve Board, President Wilson became very apprehensive for the same reason. Those forces are always present, and they move in. And they did. In fact, they were present right in the Congress during the deliberations that the Congress entertained before the enactment of the Federal Reserve Board Act.

But all of this adds at this time to a very sad and tragic revelation.

You know, our people are suffering, even despite the fact that the President has continued what I call this giant brainwash effort to try to convince the American people that recovery is here and well on its way.

I know, because I pride myself in being in intimate contact with my constituency, that there is not anybody in that constituency that reports to me that he or she is paying less when he goes to the grocery store; the rents are not going down. Rents are going up.

Businesses are going out in record numbers even now. Even such entities as the Kodak manufacturing plant in Rochester, N.Y., that has boasted that all during the recessions we have had in the postwar period they never once have even had to cut back. Well, they have this year and they are continuing to.

As of this point since the beginning of this year and the so-called recovery, Kodak has discharged 2,000 employees.

Businesses are going out. And the statistics that are offered by the administration which have become altered to base their interpretation of recovery on, are so fraudulent that they are a matter of scandal among the responsible, integral economists, and statisticians who are, in fact, beginning to complain about the Reagan administration's actions resulting not only in incomplete and rather dishonest statistical reporting, but the unavailability now of even the minimal resources of statistical gathering that we have had up until this year.

Now, what has that got to do with the reappointment of Mr. Volcker? It has everything to do with it. The President has said in the past, when he had to blame an account and blame somebody for such things as high interest rates, he blamed it, and the favorite scapegoat has been Jimmy Carter until the last few months when obviously he cannot convince the American people any longer that what we are confronting now is all the fault of Jimmy Carter; so they have to have somebody else.

Just a few months ago right here in this well you had all of the so-called people, supply siders and others who have been advocating tax cuts, no tax increases, and have been ranting and raving about deficits, if the deficits occurred during Democratic administrations, as if economics is either Republican or Democrat, the truth is that the economic laws and the very basic nature of economic activity, particularly in a complex economy such as ours in this country, are obedient not to partisan doings. But Mr. Volcker's reappointment was based on that kind of consideration.

Just 2 weeks ago the President let out a little trial balloon, because everybody was saying, "Oh, Mr. President are you or aren't you going to reappoint Mr. Volcker?" The truth is

that I am sure that decision had been made a long time ago because the President in his position under the circumstances could hardly do otherwise. Mr. Volcker has his marching orders.

Mr. Volcker was putting out the story that he was performing this service at great sacrifice, which is a lot of baloney. Mr. Volcker, as with Mr. Kissinger before, when they finish their stint here, which they say they do at great sacrifice, they go back on the payroll of David Rockefeller and Chase Manhattan and those banks.

Mr. Kissinger right now is back on that payroll as a consultant.

Now, can they during the time they have these tremendous powers disassociate themselves from these interests to whom they are beholden? The reason I have introduced my impeachment resolution is precisely because they do not. And Mr. Volcker, in particular, has been in conflict of interest. He has been in complete abdication of the trust placed in him and the Federal Reserve Board. Why? Because the legal definition of the Federal Reserve Board and therefore its Chairman is that it is the fiscal agent of the U.S. Treasury.

This is what the issue was, I repeat, back in 1978, it was again during Jackson in the 1820's and it certainly was right at the terminal point of the Civil War. It was, again, after the financial panic of 1895 and it certainly was after the panic of 1980 for the same reasons that we are now confronting the kind of recession or, really, depression that we are having, except that this time, this time it is for real and the issue has to be confronted for real.

The Congress has tried to abdicate its responsibility for years, since 1923, in the formation of the Open Market Committee which I believe, as some of those who instituted a recent lawsuit, private citizens, believe, that it is acting ultra vires, acting beyond the scope of its proper jurisdictional authority to act in the capacity it is. I believe it is acting unconstitutionally and it has.

There have been violations of that trust on the part of the so-called Open Market Committee which is everything but open.

It is a secret group. Five private bankers are suddenly brought in and become the Open Market Committee of the Federal Reserve Board to work with the 7 board members, so that the Open Market Committee consists of those 12. But you are asking to bring in the fox to take care of the chickenhouse. I cannot conceive of five private bankers coming in to make decisions where they would have to decide between their own interests of their vast enterprises and the genuine interest of the American people.

□ 1900

It never has happened in recorded human history even going back to the Code of Hammerabi. That is thousands of years before Christ. They had to have legal restrictions on what we used to call usury. Mr. Volcker legalized usury. I had many Americans and many businessmen ask me, "We thought it was illegal to charge above 10 percent interest." And I had to remind them that there has not been an antiusury law on the national statute books since 1865, that was when it was done away on the national level. In fact, it is working the other way. It is us on the Federal level that have caused the State antiusury laws to become vitiated and canceled. It is the State antiusury laws that have been, up to now, prevailing against these extortionate highway robbery interest charges which Americans are now having to pay with Mr. Volcker and Mr. Reagan. Mr. Reagan cannot have it both ways any more than the Congress. When the issue of high interest rates was brought up, Congressmen would say, "Oh, well, we don't have any control of the Federal Reserve Board. That is Federal Reserve." The President would say the same thing. "Well, I don't have any control over that. Federal Reserve might."

The Federal Reserve, as I have brought out in previous statements I have made since I have been a member of the Banking Committee since I first came up here about 22 years ago, I have had Mr. Volcker and his two predecessors chairmen before. They would all come up and they said, "It is an act of God. Interest rates are an act of God. There is nothing we can do about it."

Now Mr. Reagan says, "Well, Mr. Volcker promises to be a good boy." And Mr. Volcker says, "Well, interest rates should be lower. It is those bankers. I don't understand why the bankers don't reduce the rates."

On the other hand he says we have got to admit that our tight money policy had to be relaxed. So what is the picture today?

Despite the fact that the Federal Reserve Board in complying with Mr. Reagan's pressure and the supply siders, incidentally, has raised the money supply and at this point that I am speaking, the money supply is raised at a rate that is three times the increase in 1981. Now this is what Mr. Reagan has attacked all along as paper money, printing press money, but in order to bring about what they call recovery, they had to abandon their so-called monetarists. All this jargon is a lot of baloney. It is just what all thieves do. They always find some words to masquerade the theft and the milking of the people, but I say this, Mr. President, when the American people finally wake up and realize what has been done to them, there is going to be anger in this land. And I say, "Beware of the patient who loses his or her patience."

Interest rates are not moving down. Money supply is three times at the rate it was 2 years ago and yet, interest rates have not really gone down. As a matter of fact, mortgage money, which usually is predicated on long-term, even by the FHA, has been jacked up back to 12 percent, but is it 12 percent what you and I will pay if we go try to arrange—if we can find a fixed term, long-term mortgage, which you do not anymore. They are dead.

This is what the Congress ought to be addressing. This is what the President and the administration, if they really cared for the American people and the so-called American family that I just heard discussed here ad nauseam a awhile ago, because that is what is destroying America. It is destroying our businesses and it is destroying our homes because such things as homeownership is now a lost dream and has been for a few years.

Why do I say that? Because no where in history has there been a people under any form of government, I do not care whether it is totalitarian, democratic or what have you, there is no society that can conduct any kind of economic viable activity where you have usurious interest rates, extortionate interest rates. And there never will be. And this is what ought to be confronted honestly and forthrightly, and is not.

Interest rates are at the heart of the matter. Why? Because interest rates is that mechanism by virtue of which the wealth of a nation is transferred. And what we have had is this massive bloodletting of our average American folk for the benefit of those already privileged.

Talk of recovery, simply talk that really means, as I interpret these statistics, of having an economy that is no longer going downhill at the same rate as it has been lately, but not that you have recovery in the sense that you and I understand the word recovery. The growth is only a third of what it was in 1981. Every depression has a recovery of some kind. When you hit the bottom you are bound to have something up sooner or later, but is that recovery?

Well, according to President Reagan, yes. In homebuilding we may be at the best with all of these statistics they are putting out, maybe get at the 1981 rate, but that was in the depression.

Business failures continue on the rise, not decline. And the rate of failure is not declining. If that should not disturb us, I do not know what should. What we have is an economy being defined as recovering because it is not getting sicker as fast as it has been.

The question is, how well will we in the Congress allow it to get better in

reality. The President is not about to do it. He is in the hands of powerful interests. I have always said and I do not see why I should not say it here, that I consider Mr. Reagan to be true to his charge, he is acting the role of the President. The problem is that he is an actor that has to have a script and his scriptwriters are the ones that are determining, and the scriptwriters are actually themselves from the same stable as Mr. Volcker. And Mr. Volcker is obedient as Chairman of the Federal Reserve Board, not to the 14,000 commercial banks that form the backbone of that system, but to no more than about 6 or at best 7 of the most powerful interests that have sold out America's interest. It is they that at the bottom are responsible for our workingman to be pitted, to compete with every coolie and every peon in the world.

They talk about the fact that you do not want to go into any kind of protective effort to our industry and our working people because that would be against free trade and you have free trade, which is ridiculous in view of the barriers that the countries have, even our so-called allies, against our products. They want America to continue to be the consumer, the customer of last resort.

And what I am saying is that what we are being flagellated down into, beaten down into the earth, is to where we will not be able to consume, because we will not have what with to pay for that consumption.

So the whole world has a stake in this and it is going to tumble. In fact, at the Williamsburg conference recently, the main theme was our so-called allies saying, "Hey, you have got to reduce interest rates." That should have been done for the sake of American businessmen, American heads of households, and wives, trying to maintain a stable household and keep just the minimal in the way of food, nutrition, shelter, and clothing.

□ 1910

So I think Paul Volcker's reappointment, for one, is one more clear evidence that this policy of abdication, of willfully going into a policy of frozen indifference to this tremendous dilemma and this horrible pain and outcry. It certainly reaches me when a businessman tells me now that he cannot go to the biggest local bank in my district and obtain a loan of less than $3,000 for what, to try to keep some kind of meager inventory on his floor, and has to pay 20 percent? In America at this time? And anybody is going to convince me that that is going to enable our economy to stay?

I think it is one of the most pathetic demonstrations I have seen of gross indifference on the part of not only our elected leaders, the President, the Vice President, but Congress as well. I will say: How long will it continue? Well, I do not know. The President apparently continues successfully in politics. I say yes, he has good politics so far because of his ability to maintain an image, but I say that those good politics is terribly bad economics for our people.

I will further remind the President that ill fares a land where wealth accumulates and men decay. Even officially, even their phony baloney statistics show that there are more than 11.1 million Americans still unemployed. Actually, that figure is closer to 16 million because these phony baloney statistics do not take into account those who have just given up looking for a job. They do not figure in the statistical charts. Or those who have exhausted their unemployment compensation.

Are we going to say to them that they are expendable, as we did during Vietnam until we finally had an outburst where it was easy? You know, the Irish have a saying that it is easy to sleep on somebody else's wounds. The President says, "Oh, you are just stressing the bad news. For every one of those unemployed, we have 8 who are working." This is what they said during Vietnam. "What are you worried about those kids who are dying over there? My kid isn't. The majority of our kids are not." I even had one Congressman at a White House conference say, "What are you worried about, Mr. President. We have had more traffic fatalities this week than we had fatalities or casualties coming in from Vietnam."

Are we going to continue to indulge in that kind of oblivious humanity to a good segment of our fellow Americans? I say no. I say never. I say that we do not want to wait around when the people do come to the realization of what has been, what is continuing to be done to them, and they wake up in wrathful indignation.

As I say, Mr. President, beware of the patient man losing his patience.

FRED BURKE: A REMARKABLE MAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virgin Islands (Mr. DE LUGO) is recognized for 15 minutes.

● Mr. DE LUGO. Mr. Speaker, for the last 20 years the transportation policies of our Nation have been guided in large part by one man, and now to our sadness we have lost him. Fred Burke, large in physical stature, seemed larger than life when you considered his influence on public transportation. He was the one everyone looked to for the legislative formula that could work politically. He was the one everyone depended on to pull hundreds of competing interests together to first rescue and later rebuild our transit systems.

All of us who called Fred our friend have our favorite stories about him. I am pleased that so many of our colleagues have joined with me today to share some of them. To those I have selected five others—his eulogy delivered by one of his closest friends, Clark Tyler; a prayer of an anonymous friend; a resolution adopted by the Conference of Mayors; a Washington Post article by another close friend, Douglas Feaver; and finally his obituary, also from the Washington Post—that I ask be included here to complete the portrait of a truly remarkable man.

EULOGY DELIVERED BY CLARK TYLER

I have been asked to say a few words on behalf of the friends of Fred Burke.

I would like to present to you all an amalgamation of some of the comments that I have heard from the friends of Fred Burke in this most difficult week for those of us who count ourselves among the friends of Fred and the Burke family.

It seems a little silly to talk of memories, perhaps even inappropriate, because memories to me imply something that fades or even evaporates over time.

Fred's life, his humor and his accomplishments and standards have given us memories that I can only describe as indelible. I believe that his ways, his beliefs, his expressions certainly were vivid. He was, as I am sure you all know, unique. We can talk of his values, his kindness and generosity, but the talk of Fred very often devolves upon his methods of expression, and those are things we remember the most vividly. The expressions like "junky-jolly", the "flamdoodle", "blah blah blah", "truth and justice", the "good fellas" (as well as their opposite numbers). I even remember Susan Burke recalling that Fred's idea of roughing it was staying in a Holiday Inn.

But along side that—the Burke talk, the escapades—is his strong belief that in all of life, there really were two absolutes—two things that could bear no compromise or could not be retreated from—and that was his strong belief in civil liberties and human rights; these were the things that Fred lived by. They were far more than a political position. I would characterized them more as a living guidepost that gave him the kind of integrity that most of us only yearn for.

I recall that for years and years, Fred had only two pictures in his office. These seemed to me to characterize much of what Fred believed and how he operated. One of them was the picture of the so-called Battle of the Overpass of the United Auto Workers in the 30's . . . a very vivid picture of a struggle for justice. The other picture was a sport's photograph of Joe Schmidt's famous tackle in the goal line stand in the Lion's championship game. I think these two pictures characterized much of Fred's sense of truth and justice and what he stood for.

So, of course, we all are going to miss Fred but we have so much to remember about him and about how he lived and the things he believed in. We will miss him maybe not in the way that Santana or Johnnie Walker or Scandia or Mel Brooks or the London Chop House or Verner's Ginger Ale or Larimers will miss Fred as a consumer or devotee, but we will miss Fred as a constant and effective advocate of the governmental

process in which he believed deeply . . . and his advocacy of mass transit . . . I dare to say that it is not an overstatement to say that without Fred there would be far less of it in this country today. And even his belief in the liberal precepts that many feel is not chic anymore, in which Fred deeply believed.

So I can sum up by saying that maybe medically Fred had a heart problem, but in human loving and giving terms, we should all have such a heart problem.

I think that maybe the best comment was made by his friend Jerry Premo who said "How unusual it is that so many, many people said of Fred Burke, 'he was my best friend.'" What a wonderful measure of this most remarkable man.

A PRAYER FOR FRED BURKE BY AN ANONYMOUS FRIEND

Great God, Good God. On Monday, Fred Burke died. We are a few of his friends. Harken to our cause. Help us not to lose the riches he brought to us. Return to each of us a share of his wit and style. Divide his spirit and judgment among us so it is not lost. Give each of us back a piece of his intelligence and skill. Help of us each to appraise his purpose. Fred Burke was a large man. Do not take from us the warmth he leaves in our hearts for ourselves and each other.

A RESOLUTION CONCERNING THE LIFE OF FRED BURKE, ADOPTED BY THE U.S. CONFERENCE OF MAYORS

Whereas, Fred B. Burke, dedicated his life to the public good; and

Whereas, Fred B. Burke served the nation for more than three decades, in the military, at the state level, in the Congress and executive branches, and on behalf of the nation's cities; and

Whereas, Fred B. Burke, provided incomparable leadership and energy to the nation's cities since 1969 as a consultant to the U.S. Conference of Mayors; and

Whereas, throughout this time Fred B. Burke was principally responsible for the design, legislative direction, and implementation of national urban transportation policy; and

Whereas, Fred B. Burke was a devoted champion of civil liberties, human rights, education, and the dignity of the individual; and

Whereas, the wit, style, grace, and commitment to excellence of Fred B. Burke was an unequaled example to all of those he touched and who sought to touch him: Now, therefore, be it

Resolved that the U.S. Conference of Mayors mourns the passing, but celebrates the memories and lessons of the extraordinary life of Fred B. Burke; and be it further

Resolved that the U.S. Conference of Mayors extends its affection to the family of Fred B. Burke, his wife Alinda Burke, and his children Susan, Patrick, Megan, Maureen, and Alson Burke; and be it further

Resolved that the U.S. Conference of Mayors expresses its gratitude for the pleasure and privilege of sharing in the life of Fred B. Burke, and urges support by all of the Fred B. Burke Memorial Scholarship Fund.

TRANSIT'S FRED BURKE, ULTIMATE CIVIL SERVANT

(By Douglas B. Feaver)

It became obvious at Fred B. Burke's funeral Friday night why he had been so successful at what he did, which was to put together the government programs that saved mass transit.

Everyone who counts was there: the key staff members from the key committees on Capitol Hill, some big wheels from the U.S. Confrence of Mayors, close friends from the Urban Mass Transportation Administration and the American Public Transit Association, and representatives from big systems like New York's Metropolitan Transit Authority and Washington's Metro.

Even Walter Bierwagen, a gentle intellectual who rose from representing bus drivers in the old D.C. Transit System Inc. to become an international vice president in the Amalgamated Transit Union, showed up in a wheelchair while still recovering from a severe stroke.

The remarkable thing about Burke was that he understood all of those competing interests—authorizing committees and appropriating committees, labor and management, big city pools and their sometimes politically difficult transit authorities—and could talk to them all without losing the trust of any.

Burke invented legislative formulas that would work politically. Federal transit money over the years has been limited, with many cities competing for grants from the same pot. All of them were clients of Fred B. Burke Inc.

The transit community is no different from many other interests in Washington: its members share the love of federal money. They have conflicting goals, ranging from labor protections (which unions want and managements don't) to allocation formulas that favor little cities over big, or vice versa. Somebody has to bring it together, and that somebody isn't always officially in the government. Fred Burke was one of those somebodies, a former federal official turned consultant, but the ultimate civil servant.

The heart ailment that claimed Burke at 53 had been a major problem in recent months. When he should have been taking it easy, he worked furiously on Capitol Hill during last December's lame-duck session to protect transit interests in the legislation that increased the federal gasoline tax.

He helped write the deal that created, for the first time, a federal trust fund for transit programs similar to the one "the highway guys," as he called them, have had since 1956.

Then, when part of that deal began to come unglued after former Transportation Secretary Drew Lewis left town and the Office of Management and Budget began to rewrite history in the new Reagan budget, Burke went back to the Hill to sort it out.

He was at least moderately successful. A newcomer to transit matters at OMB was asked recently how the program was going and he replied, "Well, there's this Fred Burke problem." He meant that, from the OMB's point of view, it wasn't going very well at all.

As Friday evening wore on, as condolences were expressed to family members, as the mood lightened a bit, labor began to talk to management; appropriations had a few words with authorization, reporters trolled. Government works that way in Washington, and Fred Burke understood that better than anyone.

OBITUARY FROM THE WASHINGTON POST

Fred B. Burke, 53, the president of the government relations consulting firm, Fred B. Burke Inc., which he founded in 1969 and a former government official, died June 6 in his office at 1620 I St. NW. He had a heart ailment.

Mr. Burke moved to the Washington area in 1959 when he joined the staff of former Sen. Philip A. Hart (D-Mich.). Over the next six years he served as Sen. invesigator with the Senate Antitrust and Monopoly subcommittee.

In June 1965, he was named special assistant to the federal cochairman of the Appalachian Regional Commission, in which job he directed the commission's congressional relations. From 1967 to 1968, he was alternate federal cochairman of the commission. He then spent a year as deputy assistant Secretary of Transportation for public affairs before founding his consulting organization.

Mr. Burke, who lived in Washington, was a native of Michigan. He was a graduate of Syracuse University, attended the University of Michigan law school, and earned a master's degree in economics at Yale University. Before moving here, he was an administrative assistant to the commissioner of highways in the Michigan State Highway Department.

He was a member of Blessed Sacrament Catholic Church in Washington. His marriage to Jane Burke ended in divorce.

Survivors include his wife, Alinda, of Washington; four children by his first marriage, Susan, Patrick, Meghan and Maureen Burke, all of Potomac, and one child by his second marriage, Alson, of Washington.●

● Mr. HOWARD. Mr. Speaker, there are many in this Congress, and many, many more in public and private office around the Nation who share with me today a sense of grief and loss over the passing of Fred Burke, who died on June 6, unexpectedly and far too soon.

There are some here who have known Fred since he first came to Washington almost a quarter century ago as an aid to Michigan's Senator Phillip A. Hart; others who were so privileged during his years of public service with the Department of Transportation and the Appalachian Regional Commission.

Since 1969, when he founded his own Government relations firm as a transporation consultant, the depth of this man's expertise and the force of his character have earned for him a national reputation as adviser, trusted confidant, and friend of literally thousands of congressional, civic, and industry leaders in the field of public transit.

I count myself as one of those legions who had come to cherish his friendship and value his professional advice in dealing with the many and complex issues involved in the development of national transportation policies and programs. His influence on those policies and programs will be felt far into the future, and the people of this country will be the better for it.

One remembrance of Fred Burke stands out in my mind above all others, Mr. Speaker: this was a man of absolute trust.

Our hearts go out to his family and to all who were warmed by his friendship. He will be long remembered.●

● Mr. ANDERSON. Mr. Speaker, those interested in public transit in this country, and so those concerned with the well-being of cities and towns throughout the Nation, lost a good friend 2 weeks ago when Fred Burke passed away.

I do not know of another industry whose interests have been covered so completely as Fred covered the transit industry. If there were a dozen people in a room talking transit, and 1 mentioned "Fred," it could be with the absolute certainty that the other 11 would know who was meant. That was because everyone knew Fred. And everyone respected him.

Fred was an ideas man, but he was also a number-cruncher. When surveying the forest, he never lost sight of the trees. In addition to being substantively attractive, proposals offered by Fred were invariably politically practical as well. That is why he was so valuable not only to those clients he represented, but also to the Congress and, I am sure, to the executive branch as well.

The Surface Transportation Subcommittee is, right now, considering amendments to last year's Surface Transportation Assistance Act. Fred played quite a role in that legislation. And as we consider this year's bill, there is already the sense that something is missing. Fred is not there, pulling scraps of paper out of his pocket with numbers illustrating how a particular proposal balances everyone's interests.

I read somewhere recently that Fred was the ultimate civil servant. If by that it is meant that his first priority was always the public good, and he strove and worked hard to see that that priority was met, then yes, Fred was the ultimate civil servant. And for that, we would certainly mourn his loss.

But those of us who worked with Fred recognized and appreciated him, not just for his intellect and integrity, but for the manner in which he conducted himself. A raconteur, Fred possessed a wonderful sense of humor he was always willing to share, and a smile and glint in his eyes that seemed everpresent.

And for this, Fred Burke will not only be mourned, he will be missed.

Lee and I want to extend our most heartfelt condolences to Alinda and the Burke family, and to let them know how much Fred meant to all of us.●

● Mr. LEHMAN of Florida. Mr. Speaker, I join with my colleagues today in remembering a remarkable man whose name has become synonymous with mass transit legislation in this country: Fred B. Burke.

I came to know Fred through my work on the Appropriations Transportation Subcommittee. He consistently impressed me with his judgment, knowledge, and creativeness. I quickly found out that he was intimately familiar with virtually every detail of Federal transit legislation—a familiarity due in no small part to the fact that he had a hand in writing most of it.

Fred was a man of broad experience both in and out of Government, and he brought a unique perspective to Washington. He knew the needs of local communities and the competing interests which sought to serve them. He understood the different facets of government and the confusing hodgepodge of decisions that eventually becomes public policy. Few people in or out of Government possess such qualities, and fewer still apply them as successfully as Fred did. He had a knack for getting things done.

Above all, Fred was a strong and decent man who was liked and respected by everyone who knew him—regardless of whether they agreed with him or not.

Fred Burke leaves behind him a legacy of accomplishment that will affect the lives of millions of Americans for many years to come. He set a high standard for us, and I hope we can live up to it.

Mr. Speaker, I join with my colleagues in extending my condolences to Fred's wife, Alinda, and his family.●

● Mr. FOWLER. Mr. Speaker, I join my colleagues today in expressing my condolences to the family of my friend Fred Burke, yet I wish to celebrate his memory. I first met Fred about 5 years ago and I believe the story of how we became friends is illustrative of his influence in forming our Nation's transportation policies.

In the summer of 1978, my primary legislative concern was finding some solution to the dilemma faced by cities and States that had purchased rights-of-way for segments of interstate highways and were later withdrawn from construction. Over 20 urban areas, including Atlanta, had large tracts of land laying idle due to a then existing law that required the repayment of highway trust fund moneys used for the purchase of the rights-of-way. Each of these communities wished to use this valuable property for parks, recreation, conservation, and other public purposes but none had the financial resources to repay the trust fund.

I argued that since these rights-of-way were originally purchased for a public purpose, no repayment should be required if they were applied to another public purpose. After introducing legislation to accomplish that policy objective, I set out to persuade all 435 of my colleagues that it was the right thing to do. To my good fortune, one of my colleagues who had listened patiently to my sales pitch took me aside and shared his secret of legislative success in transportation matters with me. He said, "Wyche, you can continue to run around here pushing your bill until you drop or you can make one telephone call that will make it succeed."

That one telephone call happened to be to Fred Burke, who liked my idea, and from then on it sailed through to become law. This is but one story of Fred's impact in making our cities more livable and easier to move around in. His work and life can be seen all over our country; a living testament to a man who lobbied for the public interest.●

● Mr. EDGAR. Mr. Speaker, on June 6, Fred B. Burke passed away while working in his Washington office. I have lost a friend. The Congress has lost the services of a remarkable talent, a mind that consistently showed us how to solve problems that seemed unsolvable, how to reconcile interests that seemed unreconcilable.

Fred Burke was a lobbyist, a lobbyist not for private interests seeking a profit, but for public interests seeking an improved quality of life for our citizens. For many years, Fred represented the U.S. Conference of Mayors and the American Public Transit Association. He was the champion of the public transportation industry, and by extension the champion of millions of Americans, many of them poor, who depend on buses and trains that were quickly vanishing from the urban scene before Fred got to work.

Urban mass transportation in the United States today is a public service, publicly funded, as it is throughout the world. It is essential to our cities and to the businesses found there. The Congress of the United States failed to recognize this need until a scant 20 years ago and the industry was at death's door. Several times during the past two decades, the Congress has enacted legislation to rebuild our transit systems, and each time it was Fred Burke, more than any single person who kept us on track and fashioned compromises despite the conflicting demands of different interests and different locales.

Fred's ability to shape legislation was so profound, I sometimes wondered aloud what my role was as an elected legislator long involved in this field. But I was always glad that he was there, representing our cities, showing us creative ways to resolve problems through legislation.

In the final analysis, I believe Fred's work confirms the importance of the Federal legislative process and all that we in this House do, because the legislation he helped write has made a visable different to our cities and the people who live in them. And he also has shown us how one person can, in

fact, make our country a better place in which to live.●

● Mr. MINETA. Mr. Speaker, today I would like to join those honoring Fred Burke, who died last week. Fred died when only 53 years old, and the tragedy of his premature death was intensified by the fact that he was such a warm man and such a truly outstanding public servant.

Americans do indeed owe Fred an immense debt of gratitude. With almost limitless energy and extraordinarily comprehensive knowledge, Fred completely devoted himself to a huge array of important legislative initiatives, and the Washington Post did not exaggerate when it described Fred as having helped "put together the Government programs that saved mass transit."

Fred seemed to know everybody, and his friendly, frank manner endeared him to all whom he knew. Even more importantly, Fred brought convictions as well as connections to his politics.

Working on the Committee on Public Works and Transportation and on that sommittee's Subcommittee on Aviation, I frequently enjoyed the opportunity to work with Fred, and I repeatedly saw Fred prove himself as a skillful, terrifically effective proponent of mass transit in America.

As anyone familiar with transit issues knows, Fred could work with the competing interest groups within the transit community to develop the intricate formulas and agreements necessary to implement protransit public policies. Then, after building support in the transit community, Fred would consistently prompt Members of Congress to consider the significant role that mass transit should play in any reasonable and unified plan for surface transportation in America.

Among his many successes, Fred could count the establishment of a Federal trust fund devoted to transit programs and the recent enactment of legislation allocating 1 cent of the recent 5-cent increase in the gas tax for spending on America's mass transit systems.

Fred also worked to insure that funds devoted to mass transit were efficiently spent. Working with Fred on the Committee on Public Works and Transportation Subcommittee on Investigation and Oversight, I saw Fred scrupulously review procurement spending for mass transit in order to help prevent waste.

I recall all of these achievements when I think of Fred, but just as prominently, I recall Fred's engaging manner. Now, Mr. Speaker, I thank Fred for his contributions, and I extend my deep sorrow over the fact that Fred Burke, an extraordinary and gifted man, has left us far too soon.

Thank you.●

NEWLY HIRED FEDERAL EMPLOYEES TO RECEIVE TAX CREDIT FOR AMOUNT CONTRIBUTED TO CSRS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. FORD) is recognized for 5 minutes.

● Mr. FORD of Michigan. Mr. Speaker, I am introducing today a bill to provide temporary relief to Federal employees hired after December 31 of this year. Because of the passage of the Social Security Act Amendments of 1983, these newly hired Federal employees will be required to contribute 7 percent of salary to social security and 7 percent to the civil service retirement system (CSRS). Under my bill, these employees will receive a tax credit for the amount they contribute to the CSRS.

My bill would work like this. An employee hired next year would contribute to both the civil service retirement fund and social security. At the end of the year, however, the employee could claim as a credit against his 1984 taxes the entire amount of his contributions to the CSRS. When in the future the retirement contribution is returned to the employee as a refund or as a retirement benefit, it will be subject to Federal income tax at that time.

The bill applies to newly hired employees under other Federal retirement systems—for example, the Foreign Service and Central Intelligence Agency retirement systems—who will become subject to social security and who also will be required to pay into two systems. Under the bill, these individuals are treated the same as newly hired employees under the CSRS.

Members, executive level appointees, top White House staff, and other political appointees brought under social security will not be eligible for the tax credit.

The bill is a temporary measure. It is in effect only until supplemental retirement legislation can be developed and enacted, or until December 31, 1985, whichever occurs first. The Committee on Post Office and Civil Service has begun the process of determining the best way to proceed to develop a supplemental system. The more we study the problem, the more complex it becomes. There seem to be an infinite number of thorny issues involved in designing a supplemental plan which will best serve the interests of the taxpayers, the Government, and Federal employees.

It is clear that development of a sound supplemental plan cannot be completed by January 1984. Hence, some temporary solution to the double contribution problem is necessary. The bill I am introducing, I believe, is an appropriate solution. It relieves newly hired employees of the double contribution burden, and it protects the integrity of the civil service retirement fund by insuring employee contributions will continue to flow into the fund.

I am pleased to announce the bill has already been cosponsored by the ranking minority member of the committee, as well as other members of the committee and of the House. I invite my colleagues on both sides of the aisle to join me in sponsoring this needed legislation.●

CHINESE FREEDOM-SEEKERS SHOULD BE GIVEN LENIENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 10 minutes.

● Mr. CORCORAN. Mr. Speaker, on May 5 six freedom-seekers commandeered a Red Chinese airliner in an attempt to gain political asylum in South Korea. The six have been detained in South Korea, despite mainland China's request to have them returned for trial, and it now appears they will be tried in South Korea.

While I am pleased that the South Koreans have refused to extradite these individuals to Red China and certain death, I am still concerned that the six be given leniency under strict Korean law. It is my understanding that sentences could include life imprisonment or even death, yet I believe news reports show that this was not a criminally motivated action on the part of these people. Clearly their intent was to seek freedom in a non-Communist country, and the Republic of China on Taiwan was quick to offer refuge to the six. I agree with those who think these freedom-seekers should be treated not as hijackers, but as individuals seeking political asylum. For humanitarian reasons, it is my strong hope that the South Korean Government will allow these six Chinese the opportunity for freedom from communism as well as freedom from imprisonment.●

THE POSTAL SERVICE IN THE BLACK—AND HIDING IT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 5 minutes.

● Mr. ENGLISH. Mr. Speaker the Postmaster General has appeared with increasing frequency in recent weeks in the printed media and on TV to warn of coming increases in postal rates; perhaps as early as next spring.

It may be that the Postal Service really does need yet another major across-the-board rate increase, but I am never quite sure when it comes to Postal Service financial needs. As chairman of the Government Information, Justice, and Agriculture Subcommittee, I have been examining the fi-

nancial underpinnings of major Postal Service initiatives such as the 9-digit ZIP code plan and E-COM. It appears to me that the Postal Service tends to employ creative accounting. That is one of the reasons I found the article in today's Washington Post by A. Lee Fritschler so interesting.

Mr. Fritschler, a former Chairman of the Postal Rate Commission is currently the director of the advanced study program at Brookings. His article raises a number of interesting questions on Postal Service accounting and accountability.

I commend the article to my colleagues:

THE POSTAL SERVICE: IN THE BLACK—AND HIDING IT

(A. Lee Fritschler)

The postmaster general has stated that the Postal Service needs a rate increase by the late spring of 1984. In the light of that announcement, the recently released annual report of the Postal Service for fiscal 1982 makes very interesting reading. It reveals a 1982 surplus of $1.2 billion. A later Postal Service report shows that for the first six months of fiscal 1983 there was an additional surplus of over $500 million. These are huge profits—particularly for a government corporation mandated, by law, to operate on a break-even basis.

This surplus flows mostly from sales of billions of 20-cent first-class stamps. In February 1981, the Postal Rate Commission, an independent agency, recommended an 18-cent first-class stamp. The commissions job is to develop fair rates to protect us from the abuses of the Postal Service letter-mail monopoly. The commission calculated that raising the rate from 15 cents to 18 cents, along with some increases in other mail classes, would allow the Postal Service to meet its statutory break-even requirements.

Following a lengthy interagency battle, the Postal Service Governors—a parttime body then receiving no staff advice other than that provided by the Postal Service itself—turned down the commission's recommended rates and went for 20 cents a stamp. This action raised first-class revenues by $1.2 billion per year, lowered second-class (magazines and newspapers) revenues by nearly $50 million, raised third-class (advertising mail) by over $200 million, and lowered revenues from all nonprofit mail by over $100 million compared with commission recommendations.

While ensuing court cases have for the most part upheld the service's right to modify the commission's decisions, the courts have not yet approved the specific rates set by the service. Nonetheless, the consequences of the Postal Service Governor's 1981 modification are striking. For almost one-and-one-half years, first-class mailers—those of us who use the mails for correspondence, greeting cards and paying our bills—have been footing part of the bill for the other classes of mail. An unfair burden has been placed on the first-class mailer.

Furthermore, the service competes unfairly with alternate, private delivery systems. It is also violating the law. The possibility of this happening was envisioned by Congress when it established both the Postal Service and the Postal Rate Commission in 1970. The Senate Report on the Postal Reorganization Act states:

"The temptation to resolve the financial problems of the Post Office by charging the lion's share of all operational costs to first class is strong; that's where the big money is. The necessity for preventing that imposition upon the only class of mail which the general public uses is one of the reasons why the Postal Rate Commission should be independent of operating management."

The Senate's fears have been realized. The Postal Rate Commission's protection is inadequate because the Postal Service Governors can, by unanimous vote, change a Postal Rate Commission decision. Examine the unilateral action of the Postal Service Governors and make what you will of their motives: they raised first-class rates by 33 percent, yet raised second-class by 2 percent, raised third-class by 17 percent and actually lowered nonprofit rates.

In so deciding, the governors, explained that they would not be able to break even at the commission's recommended 18-cent rate. They were required, by law, to make this finding in order to modify the commission's recommendation. One year later, the Postal Service had $1.2 billion in profits. Embarrassed by their obviously faulty projection, the governors arbitrarily reduced the profit figure in their 1982 annual report by $400 million. They did this over the objection of their auditors, who proceeded to give the Postal Service only a qualified certification. One of the big eight accounting firms has refused, for good reason, to give a clear and unqualified certification that the Postal Service followed generally acceptable accounting principles when it swept $400 million of its surplus under the rug. It is extraordinarily rare for a major corporation to earn a qualified certification.

What kind of confidence can the public have in our largest government corporation if it does not keep its books according to generally accepted accounting principles? How is the public to know the truth about postal finances? The Congress is so far removed from postal affairs that they have not even held hearings on the subject.

Postal management is not sufficiently accountable. It is not accountable to the Postal Service Governors, which repeatedly rubber-stamps management decisions. It is not accountable to the Postal Rate Commission, because its decisions may be changed by the board whenever it suits them. It is not accountable to its auditors who can only decline to certify its finances. It is not accountable to Congress, which has shown sublime indifference. It is not accountable to the President, who is similarly indifferent and who has no hand in selecting postal management and who would not have the opportunity in a single term to appoint a majority of the Board of Governors. Finally, it is not accountable to the public, which simply has to pay whatever management wants.

There is obviously something wrong when a $25 billion government corporation with a statutory monopoly can be so free-wheeling. It has the freedom to gouge the first-class mailer, bury the ensuing surplus and continue as if nothing has happened. Either change the law to make management accountable, or abolish the monopoly so that first-class mailers can go elsewhere to avoid being overcharged by more than $1 billion per year.●

ALLOCATIONS OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES, PURSUANT TO CONGRESSIONAL BUDGET ACT

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JONES of Oklahoma. Mr. Speaker, I hereby submit for printing in the RECORD the allocations to the House committees made pursuant to section 302(a) of the Congressional Budget Act to accompany the conference report on House Concurrent Resolution 91:

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1983

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
HOUSE APPROPRIATIONS COMMITTEE			
Current level (enacted law):			
050 National defense	244,863	214,975	0
150 International affairs	22,393	12,002	0
250 General science, space, and technology	7,903	7,703	0
270 Energy	5,001	5,331	0
300 Natural resources and environment	14,259	14,401	0
350 Agriculture	20,087	2,083	0
370 Commerce and housing credit	4,394	2,852	0
400 Transportation	12,396	22,521	0
450 Community and regional development	7,876	6,981	0
500 Education, training, employment, and social services	27,569	27,664	0
550 Health	25,022	29,821	0
570 Medical insurance	15,459	16,389	0
600 Income security	57,602	63,465	0
650 Social security	2,260	5,662	0
700 Veterans benefits and services	24,205	24,314	0
750 Administration of justice	5,217	5,126	0
800 General government	9,654	9,735	0
850 General purpose fiscal assistance	5,203	5,206	0
900 Net interest	8	8	0
920 Allowances	800	900	0
950 Undistributed offsetting receipts	30	30	0
Subtotal	512,202	477,168	0
Discretionary appropriations action (assumed legislation)			
050 National defense	451	25	0
150 International affairs	785	261	0
270 Energy	80	150	0
300 Natural resources and environment	225	218	0
370 Commerce and housing credit	303	301	0
400 Transportation	46	46	0
500 Education, training, employment, and social services	5	0	0
550 Health	5	1	0
600 Income security	1,189	1,036	0
700 Veterans benefits and services	266	2	0
800 General government	35	35	0
Subtotal	3,390	2,075	0
Committee total	515,592	479,243	0
HOUSE AGRICULTURE COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	251	237	0
350 Agriculture	4,201	22,005	4,117
450 Community and regional development	412	648	0
850 General purpose fiscal assistance	145	145	145
Committee total	5,008	23,034	4,262
HOUSE ARMED SERVICES COMMITTEE			
Current level (enacted law):			
050 National defense	19	33	16,101
Committee total	19	33	16,101
HOUSE BANKING, FINANCE COMMITTEE			
Current level (enacted law):			
150 International affairs	0	−148	0
370 Commerce and housing credit	589	319	0

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1983—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
450 Community and regional development	207	71	0
500 Education, training, employment, and social services	0	11	0
550 Health	0	−1	0
600 Income security	25	0	0
700 Veterans benefits and services	0	−16	0
800 General government	5	5	33
900 Net interest	11	11	0
Committee total	836	253	33
HOUSE DISTRICT OF COLUMBIA COMMITTEE			
Current level (enacted law):			
750 Administration of justice	9	9	9
850 General purpose fiscal assistance	150	150	0
Committee total	159	159	9
HOUSE EDUCATION AND LABOR COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	15	14	4,163
600 Income security	39	37	5,391
Committee total	54	51	9,553
HOUSE ENERGY AND COMMERCE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	30	30	0
400 Transportation	91	91	87
550 Health	8	8	14,902
600 Income security	7,587	8,771	7,678
850 General purpose fiscal assistance	6	6	6
Subtotals	7,722	8,906	22,674
Discretionary action (assumed legislation):			
600 Income security	0	−32	−32
Subtotal	0	−32	−32
Committee total	7,722	8,874	22,642
HOUSE FOREIGN AFFAIRS COMMITTEE			
Current level (enacted law):			
150 International affairs	14,317	12,030	0
370 Commerce and housing credit	8	8	0
600 Income security	548	200	200
Committee total	14,872	12,238	200
HOUSE GOVERNMENT OPERATIONS COMMITTEE			
Current level (enacted law):			
800 General government	6	6	0
850 General purpose fiscal assistance	4,567	4,567	4,567
Committee total	4,573	4,573	4,567
HOUSE ADMINISTRATION COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	8	8	0
800 General government	45	15	50
Committee total	53	23	50
HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE			
Current level (enacted law):			
270 Energy	206	219	0
300 Natural resources and environment	98	56	11
450 Community and regional development	462	403	435
800 General government	1	1	0
850 General purpose fiscal assistance	726	729	726
Committee total	1,493	1,408	1,173
HOUSE JUDICIARY COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	36	54	0
600 Income security	11	4	4
750 Administration of justice	0	−9	100
800 General government	506	506	506
Committee total	554	555	610
HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	329	297	0
370 Commerce and housing credit	31	28	0
400 Transportation	452	−34	318
850 General purpose fiscal assistance	7	6	0
Committee total	819	297	318
HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	11	11	0
550 Health	0	−244	1,098
600 Income security	34,460	20,253	20,253
800 General government	11,604	11,604	0
Committee total	46,074	31,623	21,352
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE			
Current level (enacted law):			
270 Energy	860	925	0
300 Natural resources and environment	79	82	0
400 Transportation	14,387	−2	48
450 Community and regional development	5	9	0
Committee total	15,331	1,014	48
HOUSE SCIENCE AND TECHNOLOGY COMMITTEE			
Current level (enacted law):			
250 General science, space, and technology	5	5	0
270 Energy	0	22	0
Committee total	5	27	0
HOUSE VETERAN'S AFFAIRS COMMITTEE			
Current level (enacted law):			
700 Veterans benefits and services	1,413	884	15,954
Committee total	1,413	884	15,954
HOUSE WAYS AND MEANS COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	802	0	2,850
550 Health	0	0	101
570 Medical insurance	50,513	56,483	56,483
600 Income security	35,544	31,172	48,239
650 Social security	186,718	166,416	166,416
800 General government	10	10	0
850 General purpose fiscal assistance	342	337	342
900 Net interest	129,408	129,408	129,408
Committee total	403,336	383,826	403,840
UNASSIGNED TO COMMITTEES			
Current level (enacted law):			
050 National defense	−733	−733	0
150 International affairs	−12,645	−12,645	0
250 General science, space, and technology	−9	−9	0
270 Energy	−2,197	−2,197	0
300 Natural resources and environment	−2,841	−2,841	0
350 Agriculture	−88	−88	0
370 Commerce and housing credit	−101	−101	0
400 Transportation	−522	−522	0
450 Community and regional development	−311	−311	0
500 Education, training, employment, and social services	−47	−47	0
550 Health	−35	−35	0
570 Medical insurance	−19,722	−19,722	0
600 Income security	−15,105	−15,105	0
650 Social security	−4,478	−4,478	0
700 Veterans benefits and services	−685	−685	0
750 Administration of justice	−26	−26	0
800 General government	−16,167	−16,167	0
850 General purpose fiscal assistance	−4,746	−4,746	0
900 Net interest	−41,027	−41,927	−16,540
950 Undistributed offsetting receipts	−19,130	−19,130	0
Committee total	−140,615	−140,615	−16,540
Total allocation to House committees	877,300	807,500	484,173
UNASSIGNED—RESERVE INCLUDING ECONOMIC RECOVERY FUNDS. IN FUNCTION 500			
Discretionary action (assumed legislation):			
350 Agriculture	450	450	0
370 Commerce and housing credit	760	50	0
500 Education, training, employment, and social services	4,500	4,500	0
550 Health	350	350	0
Committee total	6,060	5,350	0
Grand total including funds reserved by Congress for subsequent allocation to committees	883,360	812,850	484,173

Note: Totals may not add because of rounding.

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(A) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984

(In millions of dollars)

	Budget authority	Outlays	Entitlement authority
Current level (enacted law):			
050 National defense	17,100	101,465	0
150 International affairs	143	5,940	0
250 General science, space, and technology	0	2,217	0
270 Energy	0	3,596	0
300 Natural resources and environment	12	6,556	0
350 Agriculture	7	392	0
370 Commerce and housing credit	0	329	0
400 Transportation	385	16,471	0
450 Community and regional development	63	6,154	0
500 Education, training, employment, and social services	5,484	17,266	0
550 Health	22,850	26,108	0
570 Medical insurance	17,345	17,345	0
600 Income security	29,269	39,480	0
650 Social security	449	449	0
700 Veterans benefits and services	14,970	16,716	0
750 Administration of justice	105	806	0
800 General government	5,139	5,566	0
850 General purpose fiscal assistance	0	26	0
920 Allowances	0	24	0
Subtotal	113,321	266,905	0
Discretionary appropriations action (assumed legislaiton):			
050 National defense	250,434	137,519	0
150 International affairs	16,022	7,842	0
250 General science, space, and technology	8,704	6,087	0
270 Energy	5,306	1,815	0
300 Natural resources and environment	14,560	8,538	0
350 Agriculture	12,807	1,823	0
370 Commerce and housing credit	5,183	2,529	0
400 Transportation	11,452	10,074	0
450 Community and regional development	6,538	1,127	0
500 Education, training, employment, and social services	25,670	9,956	0
550 Health	9,077	5,853	0
570 Medical insurance	−4	912	0
600 Income security	26,423	18,581	0
650 Social security	−50	3,544	0
700 Veterans benefits and services	9,649	8,215	0
750 Administration of justice	5,611	4,968	0
800 General government	5,126	4,618	0
850 General purpose fiscal assistance	679	663	0
900 Net interest	30	30	0
920 Allowances	−83	−87	0
950 Undistributed offsetting receipts	−10	−10	0
Subtotal	413,235	234,709	0
Discretionary action by other committees (assumed entitlement legislation):			
050 National defense	1,622	1,567	0
150 International affairs	−48	−48	0
400 Transportation	−5	−5	0
500 Education, training, employment, and social services	1,452	1,256	0
550 Health	199	199	0
600 Income security	256	249	0
700 Veterans benefits and services	176	145	0
750 Administration of justice	149	100	0
850 General purpose fiscal assistance	5,017	5,017	0
920 Allowances	904	934	0

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(A) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984—Continued

(In millions of dollars)

	Budget authority	Outlays	Entitlement authority
Subtotal	9,582	9,275	0
Committee totals	536,138	510,889	0
HOUSE AGRICULTURE COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	280	240	0
350 Agriculture	174	10,515	95
450 Community and regional development	1	553	0
850 General purpose fiscal assistance	186	186	186
Subtotal	640	10,251	280
Discretionary action (assumed legislation):			
350 Agriculture	100	100	0
Subtotal	100	100	0
Committee totals	740	10,351	280
HOUSE ARMED SERVICES COMMITTEE			
Current level (enacted law):			
050 National defense	20	25	16,946
Subtotal	20	25	16,946
Discretionary action (assumed legislation):			
050 National defense	0	0	1,622
Subtotal	0	0	1,622
Committee total	20	25	18,568
HOUSE BANKING, FINANCE COMMITTEE			
Current level (enacted law):			
150 International affairs	0	−167	0
370 Commerce and housing credit	767	−656	0
450 Community and regional development	114	104	0
500 Education, training, employment, and social services	0	−86	0
550 Health	0	−1	0
600 Income security	24	0	0
700 Veterans benefits and services	0	−16	0
800 General government	6	6	35
900 Net interest	11	11	0
Committee total	922	−803	35
HOUSE DISTRICT OF COLUMBIA COMMITTEE			
Current level (enacted law):			
750 Administration of justice	11	11	11
850 General purpose fiscal assistance	150	150	0
Committee total	161	161	11
HOUSE EDUCATION AND LABOR COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	15	13	2,409
600 Income security	46	42	5,528
Subtotal	61	55	7,937
Discretionary action (assumed legislation):			
500 Education, training, employment, and social services	0	0	1,054
600 Income security	0	−132	−18
Subtotal	0	−132	1,036
Committee total	61	−77	8,973
HOUSE ENERGY AND COMMERCE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	32	32	0
400 Transporation	39	39	39
550 Health	8	8	21,307
600 Income security	10,080	10,279	7,974
850 General purpose fiscal assistance	6	6	6
Subtotal	10,166	10,365	29,326
Discretionary action (assumed legislation):			
550 Health	0	0	200
600 Income security	3,636	276	276
Subtotal	3,636	276	476
Committee total	13,802	10,641	29,802
HOUSE FOREIGN AFFAIRS COMMITTEE			
Current level (enacted law):			
150 International affairs	15,558	12,358	0
370 Commerce and housing credit	7	7	0
600 Income security	567	211	211
Subtotal	16,132	12,576	211
Discretionary action (assumed legislation):			
600 Income security	0	−3	−3
Subtotal	0	−3	−3
Committee total	16,132	12,573	208
HOUSE GOVERNMENT OPERATIONS COMMITTEE			
Current level (enacted law):			
800 General Government	31	30	0
850 General purpose fiscal assistance		1,142	
Subtotal	31	1,172	0
Discretionary action (assumed legislation):			
850 General purpose fiscal assistance	5,017	3,763	3,763
Subtotal	5,017	3,763	3,763
Committee total	5,048	4,935	4,905
HOUSE ADMINISTRATION COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	7	8	0
800 General government	46	129	51
Committee total	54	137	51
HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE			
Current level (enacted law):			
270 Energy	315	134	0
300 Natural resources and environment	113	82	12
450 Community and regional development	454	477	507
800 General government	1	1	0
850 General purpose fiscal assistance	1,035	1,040	132
Committee total	1,919	1,734	651
HOUSE JUDICIARY COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	38	36	0
600 Income security	12	4	4
750 Administration of justice	0	−9	105
800 General government	506	506	506
Committee total	556	538	616
HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	228	229	0
370 Commerce and housing credit	32	30	0
400 Transportation	473	−33	334
850 General purpose fiscal assistance	7	7	0
Committee total	739	233	334
HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	11	11	0
550 Health	0	−133	1,373
600 Income security	36,330	21,911	21,911
800 General government	11,951	11,951	0
Subtotal	48,292	33,740	23,284
Discretionary action (assumed legislation):			
400 Transportation	0	0	−5
550 Health	0	0	−1
600 Income security	0	−273	−273
920 Allowances	0	0	905
Subtotal	0	−273	626
Committee total	48,292	33,467	23,910
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE			
Current level (enacted law):			
270 Energy	808	975	0
300 Natural resources and environment	82	80	0
400 Transportation	16,201	−2	51
450 Community and regional development	0	6	0
Committee total	17,091	1,059	51
HOUSE SCIENCE AND TECHNOLOGY COMMITTEE			
Current level (enacted law):			
250 general science, space, and technology	5	5	0
270 Energy	24	34	0
Committee total	29	39	0
HOUSE VETERANS' AFFAIRS COMMITTEE			
Current level (enacted law):			
700 Veterans' benefits and services	1,444	1,078	16,317
Subtotal	1,444	1,078	16,317
Discretionary action (assumed legislation):			
700 Veterans' benefits and services	0	0	187
Subtotal	0	0	187
Committee total	1,444	1,078	16,504
Current level (enacted law):			
500 Education, training, employment, and social services	1,386	0	2,945
550 Health	0	0	35
570 Medical insurance	67,418	64,602	64,602
600 Income security	30,778	24,346	40,479
650 Social security	178,563	175,369	175,369
800 General government	11	11	0
850 General purpose fiscal assistance	359	357	359
900 Net interest	140,380	140,380	140,380
Subtotal	418,896	405,066	424,170
Discretionary action (assumed legislation):			
500 education, training, employment, and social services	0	0	300
550 Health	0	0	−400
600 Income security	0	0	142
Subtotal	0	0	42
Committee total	418,896	405,066	424,212
UNASSIGNED TO COMMITTEES			
Current level (enacted law):			
050 National defense	−548	−548	0
150 International affairs	−13,024	−13,024	0
250 General science, space, and technology	−9	−9	0
270 Energy	−2,254	−2,254	0
300 Natural resources and environment	−3,226	−3,226	0
350 Agriculture	−88	−88	0
370 Commerce and housing credit	−69	−69	0
400 Transportation	−545	−545	0
450 Community and regional development	−320	−320	0
500 Education, training, employment, and social services	−63	−63	0
550 Health	−34	−34	0
570 Medical insurance	−22,259	−22,259	0
600 Income security	−12,622	−12,622	0
650 Social security	−2,962	−2,962	0
700 Veterans benefits and services	−689	−689	0
750 Administration of justice	−26	−26	0
800 General government	−17,218	−17,218	0
850 General purpose fiscal assistance	−189	−189	0
900 Net interest	−42,421	−42,421	−16,978
920 Allowances	−71	−71	0
950 Undistributed offsetting receipts	−18,040	−18,040	0
Subtotal	−136,676	−136,676	−16,978
Discretionary action (assumed legislation):			
150 International affairs	48	48	0
850 General purpose fiscal assistance	−5,017	−5,017	0

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(A) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984—Continued

(In millions of dollars)

	Budget authority	Outlays	Entitlement authority
Subtotal	−4,969	−4,969	0
Committee total	−141,644	−141,644	−16,978
Total allocation to House committees:			
Current level	493,891	607,831	504,383
Discretionary action	426,509	242,569	7,749
Total	920,400	850,400	512,132
UNASSIGNED—RESERVE INCLUDING ECONOMIC RECOVERY FUNDS IN FUNCTION 500			
Discretionary action (assumed legislation):			
350 Agriculture	600	600	0
370 Commerce and housing credit	0	200	0
450 Community and regional development	125	125	0
500 Education, training, employment, and social services	3,500	3,500	0
550 Health	2,000	2,000	0
600 Income security	1,950	1,950	1,500
700 Veterans benefits and services	150	150	0
Committee total	8,325	8,525	1,500
Total, current level	493,799	607,653	504,383
Total, discretionary action	434,926	251,272	9,249
Grand total [1]	928,725	858,925	513,632

[1] Including funds reserved by Congress for subsequent allocation to committees.

Note: Totals may not add because of rounding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCCANDLESS) to revise and extend their remarks and include extraneous material:)

Mr. SENSENBRENNER, for 60 minutes, on July 26.

Mr. SILJANDER, for 60 minutes, on July 26.

(The following Members (at the request of Ms. FERRARO) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DE LUGO, for 15 minutes, today.

Mr. FORD of Michigan, for 5 minutes, today.

Mr. MINISH, for 60 minutes, on June 22.

Mr. WISE, for 60 minutes, on June 28.

Ms. KAPTUR, for 60 minutes, on June 28.

Mr. RAHALL, for 60 minutes, on June 28.

Mr. STAGGERS, for 60 minutes, on June 28.

Mr. MOLLOHAN, for 60 minutes, on June 28.

(The following Members (at the request of Mr. WALKER) to revise and extend his remarks and include extraneous material:)

Mr. CORCORAN, for 10 minutes, today.

Mr. WEAVER, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCCANDLESS) and to include extraneous matter:)

Mr. MORRISON of Washington.

Mr. FORSYTHE.

Mr. WEBER.

Mr. LAGOMARSINO in seven instances.

Mr. WOLF in two instances.

Mr. GUNDERSON.

Mr. HYDE in three instances.

Mr. BETHUNE.

Mr. SHUMWAY.

Mr. MCCOLLUM.

Mr. WHITEHURST.

Mr. MARTIN of North Carolina in two instances.

Mr. GOODLING.

Mr. DAUB in two instances.

Mr. BROOMFIELD.

Mr. JEFFORDS.

Mr. GILMAN.

Mr. PORTER.

Mr. DREIER of California.

Mr. DANNEMEYER.

Mr. RITTER.

Mr. MOLINARI in two instances.

Mr. CORCORAN.

(The following Members (at the request of Ms. FERRARO) and to include extraneous matter:)

Mr. DYSON.

Mr. ACKERMAN in two instances.

Mr. KASTENMEIER.

Mr. MAZZOLI in five instances.

Mr. RODINO in two instances.

Mr. MAVROULES.

Mr. TAUZIN in two instances.

Mr. MACKAY.

Mr. EDGAR.

Mr. LELAND.

Mr. SKELTON in two instances.

Mr. GARCIA.

Mr. STARK in two instances.

Mr. WON PAT.

Mr. DOWNEY of New York.

Mr. MATSUI in two instances.

Mr. RAHALL.

Mr. MCDONALD.

Mr. LIPINSKI in two instances.

Mr. HOYER.

Mr. HAWKINS in two instances.

Mr. MOAKLEY.

Mr. LONG of Maryland.

Mr. MINISH.

Mrs. BOXER.

Ms. KAPTUR.

Mr. GONZALEZ.

Mr. MARKEY in two instances.

Mr. NOWAK.

Mr. SWIFT.

Mr. GEJDENSON.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 38. An act entitled the "Longshoremen's and Harbor Workers' Compensation Act; to the Committee on Education and Labor.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 22, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1396. A communication from the President of the United States, transmitting proposed reductions in 1983 budget authority for the District of Columbia (H. Doc. No. 98-72); to the Committee on Appropriations and ordered to be printed.

1397. A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1983 and amendments to the request for appropriations for fiscal year 1984 (H. Doc. No. 98-73); to the Committee on Appropriations and ordered to be printed.

1398. A letter from the Comptroller of the Currency, transmitting the annual report on the activities of the Depository Institutions Deregulation Committee since March 31, 1982, pursuant to section 206 of Public Law 96-221; to the Committee on Banking, Finance and Urban Affairs.

1399. A letter from the Secretary to the Council of the District of Columbia, transmitting Council Resolution 5-156, entitled, "Transfer of Jurisdiction Over Portions of Land Owned by the Government Printing Office to the District of Columbia for Highway Purposes Resolution of 1983"; to the Committee on the District of Columbia.

1400. A letter from the Acting Secretary of the Interior, transmitting the annual report on the Youth Conservation Corps for 1982, pursuant to section 5 of Public Law 93-408; to the Committee on Education and Labor.

1401. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1402. A letter from the Director, Administrative Officer of the United States Courts, transmitting reports on the financial condition of the judicial retirement system and the judicial survivors' annuities system for 1982, pursuant to section 121(a) of Public Law 95-595; to the Committee on Government Operations.

1403. A letter from the Assistant Secretary of the Interior, transmitting notice of a deferral of payment of the annual construction charge installment due for 1982 from

the Kirwin Irrigation District No. 1, Pick-Sloan Missouri basin program, Kansas, pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

1404. A letter from the Assistant Secretary of the Interior, transmitting notice of a deferral of payment of the annual construction charge installment due for 1982 from the Webster Irrigation District No. 4, Pick-Sloan Missouri basin program, Kansas, pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

1405. A letter from the Attorney General, Department of Justice, transmitting a report on the needs, feasibility, and effectiveness of the U.S. trustee system, pursuant to section 408(a) and section 408(b) of Public Law 95-598; to the Committee on the Judiciary.

1406. A letter from the Deputy Secretary of the Treasury, transmitting the Department's concern over H.R. 5, "Ocean and Coastal Resource Management and Development Block Grant Act; to the Committee on Merchant Marine and Fisheries.

1407. A letter from the Clerk, U.S. House of Representatives, transmitting the annual compilation of personal financial disclosure statements filed with the Clerk of the House of Representatives pursuant to the Ethics in Government Act of 1978 (H. Doc. No. 98-71); to the Committee on Standards of Official Conduct and ordered to be printed.

1408. A letter from the Comptroller General of the United States, transmitting a report entitled "Examination of the Export-Import Bank's Financial Statement for the Fiscal Years Ended September 30, 1982 and 1983; jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

1409. A letter from the Secretary of Transportation, transmitting the annual report on the administration of the offshore oil pollution compensation fund, for fiscal year 1982, pursuant to section 314 of Public Law 95-372; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

1410. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to obtain certain services and facilities and incur certain administrative expenditures, and for other purposes; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

1411. A letter from the Comptroller General of the United States, transmitting a report entitled "Federal Drug Interdiction Efforts Need Strong Central Oversight" (GAO/GGD-83-52, June 13, 1983); jointly, to the Committees on Government Operations, the Judiciary, Ways and Means, Merchant Marine and Fisheries, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of Oklahoma: Committee of Conference. Conference report on House Concurrent Resolution 91 (Rept. No. 98-248). Ordered to be printed.

Mr. GAYDOS: Committee on House Administration. Senate Concurrent Resolution 35. Concurrent resolution authorizing the printing as a Senate document of a revised edition of "The Capitol" (Rept. No. 98-249). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 238. Resolution waiving certain points of order against H.R. 3329, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-250). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 239. Resolution providing for the consideration of H.R. 2912, a bill to authorize appropriations to carry out the activities of the Department of Justice for fiscal year 1984, and for other purposes (Rept. No. 98-251). Referred to the House Calendar.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 1183. A bill to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981; with amendments (Rept. 98-252). Referred to the Committee of the Whole House on the State of the Union.

Mr. YATES: Committee on Appropriations. H.R. 3363. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-253). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 241. Resolution amending rule XLIX of the Rules of the House of Representatives to reflect the changes recently made in the method of establishing the statutory limit on the public debt (Rept. No. 98-254). Referred to the House Calendar.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

Referral of H.R. 1510 to the Committee on Education and Labor extended for an additional period ending not later than June 28, 1983.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. YATES:

H.R. 3363. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

By Mr. BATES:

H.R. 3364. A bill to amend the Communications Act of 1934 to assure universal telephone service within the United States; to the Committee on Energy and Commerce.

H.R. 3365. A bill to amend the Communications Act of 1934 to provide for telephone regulation reform; to the Committee on Energy and Commerce.

H.R. 3366. A bill to amend the Communications Act of 1934 to assure competitive procurement by telephone companies; to the Committee on Energy and Commerce.

By Mr. BONER of Tennessee:

H.R. 3367. A bill to amend title XVI of the Social Security Act to provide that benefits due a deceased SSI recipient may be paid to his or her ineligible spouse, or (if the recipient was a disabled child) to his or her parent, where such spouse or parent was living with the recipient at the time of his or her death; to the Committee on Ways and Means.

By Mr. BROOKS:

H.R. 3368. A bill requesting a determination of the advisability of modifying the Taylors Bayou project; to the Committee on Public Works and Transportation.

By Mr. DYMALLY (for himself, Mr. CROCKETT, and Mr. FAUNTROY):

H.R. 3369. A bill to give to the Board of Parole for the District of Columbia exclusive power and authority to release on parole, to terminate the parole of, and to modify the terms and conditions of the parole of, prisoners convicted of violating any law of the District of Columbia, or any law of the United States applicable exclusively to the District; to the Committee on the District of Columbia.

By Mr. FLORIO (for himself and Mr. BIAGGI):

H.R. 3370. A bill to provide compensation for the disability and death of Federal law enforcement officers resulting from injuries sustained while making arrests for certain violations of State criminal laws, and for other purposes; jointly, to the Committees on Education and Labor, the Judiciary and Ways and Means.

By Mr. FORD of Michigan (for himself, Mr. UDALL, Mr. CLAY, Mrs. SCHROEDER, Mr. GARCIA, Mr. LELAND, Ms. OAKAR, Mrs. HALL of Indiana, Mr. SIKORSKI, Mr. DASCHLE, Mr. DE LUGO, Mr. TAYLOR, Mr. CORCORAN, Mr. DANIEL B. CRANE, Mr. HOYER, Mr. BARNES, Mr. DWYER of New Jersey, Mr. ROE, Mr. WIRTH, Mr. HOWARD, Mr. FAZIO, Mr. DYMALLY, Mr. DYSON, Mr. WON PAT, Mr. FOGLIETTA, Mr. CORRADA, Mrs. BOXER, and Ms. MIKULSKI):

H.R. 3371. A bill to amend the Internal Revenue Code of 1954 to allow a temporary refundable income tax credit to Federal employees covered under the social security system for the amount of their contributions under a Federal retirement system; to the Committee on Ways and Means.

By Mr. HUGHES:

H.R. 3372. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to permit States to impose measures for the prevention of criminal infiltration of unions in casino hotels; to the Committee on Education and Labor.

By Mr. HYDE:

H.R. 3373. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 3374. A bill to prohibit U.S. foreign assistance to any country which is not a party to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water; to the Committee on Foreign Affairs.

H.R. 3375. A bill to provide that the U.S. Executive Director of the International Monetary Fund shall vote against providing any financial assistance from the Fund to any country which is not a party to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SWIFT:

H.R. 3376. A bill to declare that the United States holds certain lands in trust for the Makah Indian Tribe, Washington; to the Committee on Interior and Insular Affairs.

By Mr. THOMAS of Georgia:

H.R. 3377. A bill to amend the boundaries of the Cumberland Island National Seashore; to the Committee on Interior and Insular Affairs.

H.R. 3378. A bill to provide for a plan to reimburse the Okefenoke Rural Electric Membership Corp. for the costs incurred in installing electrical service to the Cumberland Island National Seashore; to the Committee on Interior and Insular Affairs.

By Mr. WALKER:

H.R. 3379. A bill to name a U.S. post office in the vicinity of Lancaster, Pa., the "Edwin D. Eshleman Post Office"; to the Committee on Public Works and Transportation.

By Mr. WEBER (for himself, Mr. WOLPE, Mr. MACK, Mr. BEILENSON, Mr. HILER, Mr. LOTT, Mr. KEMP, Mr. FRENZEL, Mr. GREGG, and Mr. RINALDO):

H.R. 3380. A bill to abolish the Synthetic Fuels Corporation; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. FORSYTHE (for himself, Mr. JONES of North Carolina, Mr. BREAUX, Mr. D'AMOURS, and Mr. PRITCHARD):

H.R. 3381. A bill to establish the National Oceanic and Atmospheric Administration; to provide for the management, protection, conservation, development, and study of ocean, coastal and atmospheric resources; to provide for the delivery of ocean and atmospheric related services; and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Science and Technology.

By Mr. FAUNTROY (for himself, Mr. HOYER, Mr. WOLF, and Mr. BLILEY):

H.J. Res. 300. Joint resolution designating July 4, 1983, as "July 4th Family Celebration Day"; to the Committee on Post Office and Civil Service.

By Mr. MITCHELL:

H.J. Res. 301. Joint resolution to designate May 18, 1984, as "National Tenants Day"; to the Committee on Post Office and Civil Service.

By Mr. BARNES (for himself, Mr. KEMP, and Mr. BEREUTER):

H. Res. 240. Resolution expressing the sense of the House of Representatives that the President should convene a national bipartisan commission to address the serious long-term problems of security and economic development in Central America; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

197. The SPEAKER presented a memorial of the General Assembly of the State of Illinois, relative to the steel industry; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FORD of Tennessee introduced a bill (H.R. 3382) for the relief of Dennis L. Dalton; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 408: Mr. BROOMFIELD and Mr. BARNARD.

H.R. 507: Mr. HERTEL of Michigan, Mr. DWYER of New Jersey, and Mr. TAUKE.

H.R. 674: Mr. PHILIP M. CRANE.

H.R. 677: Mr. BROWN of California and Mr. SYNAR.

H.R. 695: Mr. GOODLING.

H.R. 953: Mr. RATCHFORD.

H.R. 1016: Mr. DYMALLY, Mr. DOWDY of Mississippi, Mr. MRAZEK, Mr. OWENS, and Mr. SUNIA.

H.R. 1083: Mr. MARTINEZ.

H.R. 1144: Mr. TOWNS.

H.R. 1176: Mr. MILLER of California, Mr. GRAY, Mr. DERRICK, Mr. PANETTA, Mr. SAVAGE, Mr. EVANS of Illinois, Mr. MINISH, Mr. MINETA, Mr. SCHAEFER, and Mr. HUTTO.

H.R. 1178: Mr. NEAL.

H.R. 1183: Mr. MARKEY.

H.R. 1249: Mr. CLARKE, Mr. MRAZEK, Mr. ANDERSON, and Mr. MARTINEZ.

H.R. 1285: Mr. SKEEN, Mr. GRAY, Mr. BEILENSON, Mr. WHITEHURST, Mr. SCHEUER, Mr. KOSTMAYER, Mr. WON PAT, and Mr. CLAY.

H.R. 1373: Mr. SOLARZ.

H.R. 1376: Mr. HOYER, Mr. LONG of Maryland, Mr. MITCHELL, Mrs. SCHROEDER, and Mr. MCCURDY.

H.R. 1595: Mr. LONG of Maryland, Mr. MORRISON of Connecticut, and Mr. BROWN of California.

H.R. 1607: Mr. PHILIP M. CRANE.

H.R. 1644: Mr. GOODLING, Mr. STUDDS, and Mr. FAZIO.

H.R. 1672: Mr. KINDNESS and Mr. QUILLEN.

H.R. 1673: Mr. PEASE.

H.R. 1677: Mr. SUNIA, Mr. STANGELAND, Mr. HORTON, Mr. BOEHLERT, Mr. PATMAN, Mr. ROE, Ms. SNOWE, Mr. WILSON, and Mr. WEBER.

H.R. 1693: Mr. BATES and Mr. MARTINEZ.

H.R. 1706: Mr. MCCURDY, Mr. MILLER of California, Mr. GREGG, Mr. FUQUA, Mr. BILIRAKIS, Mr. MARRIOTT, Mrs. BOXER, Mr. BROWN of Colorado, Mr. ERDREICH, Mr. VANDER JAGT, Mr. HUBBARD, Mr. BROYHILL, Mr. YOUNG of Florida, Mr. NELSON of Florida, Mr. HEFTEL of Hawaii, Mr. CHAPPELL, Mr. AKAKA, Mr. CHAPPIE, Mr. HILER, Mr. JACOBS, Mr. FASCELL, Mr. MOORHEAD, Mr. DOWDY of Mississippi, Mr. HUNTER, and Mr. HYDE.

H.R. 1918: Mr. DONNELLY.

H.R. 1952: Mr. LUNDINE, Mr. CHANDLER, Mr. WALGREN, Mr. GLICKMAN, Mr. SHANNON, Mr. OBERSTAR, Mr. FRENZEL, Mr. LONG of Louisiana, Mr. TAUKE, Mr. MCCAIN, Mr. FORSYTHE, Mr. FRANK, Mr. FROST, Mr. LAFALCE, Mr. DURBIN, Mr. STARK, Mr. HYDE, Mr. SMITH of Florida, Mr. LOWERY of California, Mr. RITTER, Mr. GUNDERSON, Mr. MCNULTY, Mr. FAZIO, Mr. VENTO, and Mr. LOWRY of Washington.

H.R. 2053: Mr. ANDREWS of Texas, Mr. FEIGHAN, Mr. FROST, Mr. KOLTER, Mr. LOEFFLER, Mr. ROBERT F. SMITH, and Mr. WATKINS.

H.R. 2183: Mr. BIAGGI, Mr. MCKINNEY, Mr. WYDEN, Mr. FLORIO, and Mr. BONER of Tennessee.

H.R. 2271: Mr. BERMAN.

H.R. 2364: Mr. OTTINGER.

H.R. 2382: Mr. WHITEHURST, Mr. HILLIS, Mr. PASHAYAN, Mr. WILLIAMS of Ohio, Mr. HUCKABY, Mr. MCDONALD, Mr. MARTIN of North Carolina, Mr. GEKAS, Mr. RAY, Mr. JACOBS, Mr. BOEHLERT, and Mr. RINALDO.

H.R. 2480: Mr. QUILLEN.

H.R. 2568: Mr. MORRISON of Washington, Mr. EDWARDS of California, Mr. MCKINNEY, Mr. HERTEL of Michigan, Ms. KAPTUR, Mr. LELAND, Mr. BONER of Tennessee, and Mr. KILDEE.

H.R. 2589: Mr. COLEMAN of Texas.

H.R. 2711: Mr. ALBOSTA, Mr. APPLEGATE, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. DANIEL, Mr. GUNDERSON, Mr. HARRISON, Mr. JENKINS, Mr. KILDEE, Mr. MCDADE, Mr. VALENTINE, Mr. WHITEHURST, Mr. BLILEY, Mr. CARR, and Mr. SISISKY.

H.R. 2715: Mr. PARRIS and Mr. WOLF.

H.R. 2748: Mr. SOLARZ.

H.R. 2750: Mr. BOLAND, Mrs. BOXER, Mr. TOWNS, Mr. FAUNTROY, Mr. FRANK, Mr. GEKAS, Mr. ROE, and Mr. HUGHES.

H.R. 2759: Mr. LEWIS of California.

H.R. 2762: Mr. RANGEL, Mr. MCKINNEY, Mr. ROE, Mr. SCHUMER, Mr. LEACH of Iowa, Mr. CARR, and Mr. MARTINEZ.

H.R. 2763: Mr. RANGEL, Mr. MCKINNEY, Mr. ROE, Mr. SCHUMER, Mr. LEACH of Iowa, Mr. CARR, and Mr. MARTINEZ.

H.R. 2852: Mr. PETRI and Mr. SMITH of Florida.

H.R. 2872: Mr. MOODY, Ms. KAPTUR, and Mr. SAVAGE.

H.R. 2911: Mr. MOODY, Mr. SUNIA, Mr. KOSTMAYER, Mr. BENNETT, Mr. LOWRY of Washington, Mr. PRITCHARD, and Mr. LEHMAN of Florida.

H.R. 2951: Mr. YOUNG of Missouri and Mr. PRICE.

H.R. 2960: Mr. LEVINE of California, Mr. GOODLING, and Mr. OTTINGER.

H.R. 2961: Mr. LOWRY of Washington.

H.R. 3024: Mr. KASICH, Mr. BLILEY, and Mr. HAMMERSCHMIDT.

H.R. 3025: Mr. CLINGER.

H.R. 3035: Mr. HAMMERSCHMIDT.

H.R. 3050: Mr. EDGAR, Mr. GEKAS, Mr. RALPH M. HALL, and Mr. OLIN.

H.R. 3072: Mr. WILSON, Mr. EDGAR, Mr. MAVROULES, Mr. STUDDS, Mr. RANGEL, Mr. DASCHLE, Mr. HOYER, Mr. BEILENSON, Mr. BATES, Mr. DYSON, Mr. SEIBERLING, and Mr. ALBOSTA.

H.R. 3106: Mr. GEKAS, Mr. SMITH of Florida, and Mr. LANTOS.

H.R. 3170: Mr. LOWRY of Washington and Mr. DWYER of New Jersey.

H.R. 3198: Mr. BONER of Tennessee, Mr. BOUCHER, Mr. BRITT, Mr. BROYHILL, Mr. COOPER, Mr. FORD of Tennessee, Mr. HEFNER, Mr. HOPKINS, Mr. JONES of Tennessee, Mrs. LLOYD, Mr. MARTIN of North Carolina, Mr. PERKINS, Mr. SNYDER, Mr. SUNDQUIST, and Mr. WHITLEY.

H.R. 3264: Mr. TOWNS, Mr. MAVROULES, Mr. ROE, Mr. KINDNESS, Mr. GEKAS, Mr. FASCELL, Mr. SMITH of Florida, Mr. BONER of Tennessee, Mrs. SCHROEDER, and Mr. FROST.

H.J. Res. 29: Mr. ADDABBO, Mr. BATEMAN, Mr. CONTE, Mr. DE LA GARZA, Mr. PORTER, Mr. TALLON, and Mr. STENHOLM.

H.J. Res. 49: Mr. ADDABBO, Mr. AKAKA, Mr. ANDERSON, Mr. ANDREWS of Texas, Mr. ANNUNZIO, Mr. BARNES, Mr. BATEMAN, Mr. BATES, Mr. BEDELL, Mr. BERMAN, Mr. BEVILL, Mr. BONER of Tennessee, Mr. BREAUX, Mr. BRITT, Mr. BROOMFIELD, Mr. BROWN of California, Mr. BROYHILL, Mr. BURTON, Mr. CAMPBELL, Mr. CHAPPELL, Mr. CHAPPIE, Mr. CLINGER, Mr. COATS, Mr. COELHO, Mr. CONTE, Mr. CONYERS, Mr. CORCORAN, Mr. COUGHLIN,

Mr. DANIEL B. CRANE, Mr. PHILIP M. CRANE, Mr. CROCKETT, Mr. DANNEMEYER, Mr. DASCHLE, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DEWINE, Mr. DIXON, Mr. DUNCAN, Mr. DURBIN, Mr. DYMALLY, Mr. EDGAR, Mr. EMERSON, Mr. ERDREICH, Mr. FAUNTROY, Ms. FERRARO, Mr. FIELDS, Mr. FLORIO, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK, Mr. FROST, Mr. FUQUA, Mr. GEJDENSON, Mr. GEKAS, Mr. GEPHARDT, Mr. GILMAN, Mr. GRADISON, Mr. GRAMM, Mr. SAM B. HALL, JR., Mr. HAMILTON, Mr. HAMMERSCHMIDT, Mr. HANSEN of Utah, Mr. HEFTEL of Hawaii, Mrs. HOLT, Mr. HOYER, Mr. HUTTO, Mr. JACOBS, Mr. JENKINS, Mr. JONES of Tennessee, Ms. KAPTUR, Mr. KASTENMEIER, Mr. KAZEN, Mr. KEMP, Mrs. KENNELLY, Mr. KINDNESS, Mr. KOGOVSEK, Mr. KOLTER, Mr. LAFALCE, Mr. LANTOS, Mr. LATTA, Mr. LEACH of Iowa, Mr. LENT, Mr. LIVINGSTON, Mr. MCCAIN, Mr. MCCANDLESS, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCGRATH, Mr. MCHUGH, Mr. MCNULTY, Mr. MARRIOTT, Mr. MARTIN of North Carolina, Mr. MATSUI, Mr. MAVROULES, Mr. MICHEL, Mr. MINETA, Mr. MINISH, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOORE, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. MURPHY, Mr. MYERS, Mr. NEAL, Mr. OBERSTAR, Mr. ORTIZ, Mr. OXLEY, Mr. PACKARD, Mr. PATTERSON, Mr. PEPPER, Mr. PERKINS, Mr. PORTER, Mr. PRICE, Mr. PRITCHARD, Mr. QUILLEN, Mr. RAHALL, Mr. RANGEL, Mr. RAY, Mr. RICHARDSON, Mr. RINALDO, Mr. RITTER, Mr. ROBERTS, Mr. RODINO, Mr. ROEMER, Mr. ROGERS, Mrs. ROUKEMA, Mr. ROWLAND, Mr. RUSSO, Mr. SAVAGE, Mr. SAWYER, Mrs. SCHNEIDER, Mr. SHARP, Mr. SILJANDER, Mr. SKEEN, Mr. DENNY SMITH, Mr. SMITH of Iowa, Mr. SNYDER, Mr. SOLARZ, Mr. SOLOMON, Mr. STANGELAND, Mr. STARK, Mr. STENHOLM, Mr. STRATTON, Mr. STUMP, Mr. SUNIA, Mr. SWIFT, Mr. TALLON, Mr. TAUKE, Mr. TAUZIN, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAXLER, Mr. UDALL, Mr. VANDERGRIFF, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WHEAT, Mr. WHITTAKER, Mr. WILLIAMS of Ohio, Mr. WILSON, Mr. WISE, Mr. WOLF, Mr. WOLPE, Mr. WON PAT, Mr. WORTLEY, Mr. YATRON, Mr. YOUNG of Florida, Mr. YOUNG of Missouri, and Mr. ACKERMAN.

H.J. Res. 74: Mr. BEDELL, Mr. BARNARD, Mr. AKAKA, Mr. RICHARDSON, and Mr. WISE.

H.J. Res 101: Mr. WON PAT, Mr. MARTINEZ, Mr. LEVIN of Michigan, Mr. BARNES, Mr. BRITT, Ms. FERRARO, Mr. DYSON, Mr. LANTOS, and Mr. SCHAEFER.

H.J. Res. 174: Mr. PANETTA, Mr. BOUCHER, Mr. MITCHELL, Mr. OTTINGER, Mr. JEFFORDS, Mr. EDGAR, and Mr. SPRATT.

H.J. Res. 218: Mr. FISH, Mr. AKAKA, Mr. BONIOR of Michigan, Mr. BARNES, Mr. CONYERS, Mr. COOPER, Mr. DANIEL B. CRANE, Mr. CROCKETT, Mr. EVANS of Iowa, Mr. FLORIO, Mr. FUQUA, Mr. HAMMERSCHMIDT, Mr. JONES of North Carolina, Mr. MARRIOTT, Mr. RICHARDSON, Mr. RODINO, Mr. ROEMER, Mr. SNYDER, Mr. TALLON, Mr. TOWNS and Mr. WALGREN.

H.J. Res. 240: Mr. FEIGHAN, Mr. SMITH of Florida, Mr. SUNIA, Mr. OTTINGER, Mr. BONIOR of Michigan, Mr. EDGAR, Mr. LEVINE of California, and Mr. CONYERS.

H.J. Res. 241: Mr. FEIGHAN, Mr. SMITH of Florida, Mr. SUNIA, Mr. OTTINGER, Mr. BONIOR of Michigan, Mr. EDGAR, and Mr. LEVINE of California.

H.J. Res. 257: Mr. CHANDLER, Mr. BROWN of California, Mrs. HOLT, and Mr. LOWERY of California.

H.J. Res. 267: Mr. BEILENSON, Mr. BERMAN, Mrs. COLLINS, Mr. DIXON, Mr. ECKART, Mr. FEIGHAN, Mr. FORD of Tennessee, Mr. FRANK, Mr. FRENZEL, Mr. GREEN, Mr. JEFFORDS, Mr. KASTENMEIER, Mr. LOWRY of Washington, Mr. MCGRATH, Mr. MADIGAN, Mr. MARKEY, Mrs. MARTIN of Illinois, Mr. MINETA, Mr. MITCHELL, Mr. MOLINARI, Mr. MORRISON of Connecticut, Mr. NEAL, Mr. OTTINGER, Mr. ROE, Mrs. SCHROEDER, Mr. SIMON, Mr. WEBER, Mr. WORTLEY, Mr. ACKERMAN, Mr. BARNES, and Mr. MITCHELL.

H.J. Res. 273: Mr. CARR, Mr. KILDEE, Mr. GEKAS, Mr. DURBIN, Mrs. BOXER, Mr. MCCAIN, Mr. ROE, Mr. REID, and Mr. BEREUTER.

H.J. Res. 291: Mr. BERMAN, Mr. BORSKI, Mr. CONTE, Mr. FEIGHAN, Mr. FLORIO, Mr. GEKAS, Mr. HALL of Ohio, Mr. HUGHES, Mrs. JOHNSON, Ms. KAPTUR, Mrs. KENNELLY, Mr. LEVINE of California, Mr. LUNGREN, Mr. PATTERSON, Mr. SABO, and Mr. WEAVER.

H. Con. Res. 115: Mr. LEWIS of Florida, Mr. QUILLEN, Mr. GEKAS, and Mr. PASHAYAN.

H. Con. Res. 132: Mr. BATEMAN, Mr. DANNEMEYER, and Mr. MOORHEAD.

H. Res. 135: Mr. WAXMAN, Mr. HUBBARD, Mr. STOKES, Mr. KOGOVSEK, Mr. RATCHFORD, Mr. AUCOIN, Mr. TORRICELLI, Mr. BERMAN, Mr. DYSON, and Mr. MARTINEZ.

H. Res. 191: Mr. BERMAN, Mr. MCGRATH, Mr. DONNELLY, Mr. BROWN of California, and Ms. FERRARO.

H. Res. 215: Mr. BATEMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[*Omitted from the Record of June 1, 1983*]

H.R. 1242: Mr. STANGELAND.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

125. By the SPEAKER: Petition of the City Council of New York, N.Y., relative to a visa to Alexander Kuznetsov and his family; to the Committee on Foreign Affairs.

126. Also, petition of the City Council of New York, N.Y., relative to a visa to Vladamir Alterman; to the Committee on Foreign Affairs.

127. Also, petition of the City Council of New York, N.Y., relative to a visa to Iosel Berenstein; to the Committee on Foreign Affairs.

128. Also, petition of the City Council of New York, N.Y., relative to a visa to David Kroitor; to the Committee on Foreign Affairs.

129. Also, petition of the City Council of New York, N.Y., relative to a visa to Leonid Bialy; to the Committee on Foreign Affairs.

130. Also, petition of the City Council of New York, N.Y., relative to a visa to Vladimir Dragunsky; to the Committee on Foreign Affairs.

131. Also, petition of the City Council of New York, N.Y., relative to a visa to Aleksandr Gershfield; to the Committee on Foreign Affairs.

132. Also, petition of the City Council of New York, N.Y., relative to a visa to Leonid Zeliger; to the Committee on Foreign Affairs.

133. Also, petition of the City Council of New York, N.Y., relative to a visa to Yakov Mesh and his family; to the Committee on Foreign Affairs.

134. Also, petition of the City Council of New York, N.Y., relative to a visa to Vladimir Kislik; to the Committee on Foreign Affairs.

135. Also, petition of the City Council of New York, N.Y., relative to a visa to Levi Elbert; to the Committee on Foreign Affairs.

136. Also, petition of the City Council of New York, N.Y., relative to a visa to Isaak Tsitverblit; to the Committee on Foreign Affairs.

137. Also, petition of the City Council of New York, N.Y., relative to a visa to Semyon Shifrin; to the Committee on Foreign Affairs.

138. Also, petition of the City Council of New York, N.Y., relative to a visa to Moisey Tennenbaum; to the Committee on Foreign Affairs.

139. Also, petition of the City Council of New York, N.Y., relative to a visa to Abe Stolar; to the Committee on Foreign Affairs.

140. Also, petition of the City Council of New York, N.Y., relative to a visa to Mark Napomniashchy; to the Committee on Foreign Affairs.

141. Also, petition of the City Council of New York, N.Y., relative to a visa to Aleksandr Shuster; to the Committee on Foreign Affairs.

142. Also, petition of the City Council of New York, N.Y., relative to a visa to Ilya Essas; to the Committee on Foreign Affairs.

143. Also, petition of the City Council of New York, N.Y., relative to a visa to Yusif Zulfugarov; to the Committee on Foreign Affairs.

144. Also, petition of the City Council of New York, N.Y., relative to a visa to Aleksandr Kuznetsov; to the Committee on Foreign Affairs.

145. Also, petition of the New England Public Health Association, Providence, R.I., relative to a mandate to maintain, protect, and improve the health and well-being of the people; jointly, to the Committees on Armed Services and Energy and Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3329

By Mr. GLICKMAN:

—On page 41, strike all beginning with "SEC. 314" on line 1 through the end of line 9 and renumber subsequent sections accordingly.

By Mr. MRAZEK:

—Insert the following on page 36, line 24, ending with the phrase ". . . prior to November 26, 1974, . . .": "*Provided*, That said applicant adopts and implements within a reasonable time appropriate standards of eligibility which includes those citizens who reside in the district served by the mass transit system . . .".

By Mrs. VUCANOVICH:

—Page 9, line 9, ": *Provided further*, That none of the funds in this Act shall be available to close more than five flights service stations" before the period.".

EXTENSIONS OF REMARKS

REPRESENTATIVE JACK KEMP'S REMARKS TO THE FEDERAL RESERVE BOARD

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. WEBER. Mr. Speaker, the current debate over fiscal and monetary policy is one which is critically affecting our country's economic future. It is essential that each member of Congress become aware of the pertinent facts. My friend and our distinguished colleague Representative JACK KEMP of New York addressed these vital matters in a speech to the Federal Reserve Board of Governors and its Chairman Paul Volcker. I must share this with my colleagues. There is no doubt that Representative KEMP has clearly recognized the present pitfalls in both monetary and fiscal policy. The Federal Reserve and Congress would do well to heed his message.

The speech follows:

SPEECH BY REPRESENTATIVE JACK KEMP

You cannot imagine how much I appreciate Chairman Volcker's invitation to speak to this elite assemblage—the chairman and deputy chairman of the Federal Reserve Banks and the Federal Reserve Board governors and staff. It was not an easy thing for the chairman to do, in view of my frequent criticism of the Fed in the past. But seeing that he is such a frequent visitor before the House Budget Committee upon which I serve, and is helping Congress balance the budget, it's only fair that I get this opportunity to help lower long-term interest rates.

I want you to know that I recently returned from Geneva and Naples, and the issue everyone wants to discuss is money. I am not talking, by the way, about Geneva, Switzerland, or Naples, Italy, but about Geneva, New York, and Naples, New York, in my Congressional District, which also includes the steel and auto workers of suburban Buffalo.

In fact, I believe that the debate over monetary policy is rightly emerging as the cardinal economic and political issue of our day. The general public is right to believe there is something wrong with economic policy in this country, when we alternate between severe inflation, high interest rates, and severe recessions. And they are right to put Congressmen and Federal Reserve policymakers on the spot.

It's from this perspective that I speak tonight.

For several years now, Americans have endured conventional macroeconomic policy, which is little more than an attempt to predict and regulate the spending decisions of millions of people. There are two simple tools of aggregate demand management—budget deficits and money supplies. I submit that neither simplistic approach works.

According to one theory of demand management, the decision to buy a car today is based on how much money a person had in his wallet or checking account a year ago. This is called monetarism with one-year lag. It is even supposed to work for business. If a corporate treasurer accidentally discovers an extra million dollars in the company checking account, then the company will supposedly buy more inventory or hire more workers a year later.

In its purest form, this rather implausible theory would ask monetary authorities literally to ignore prices, interest rates or exchange rates, and instead focus exclusively on the quantity of some arbitrary measure of money. There was a spurt of M1 in January to April of 1981, for example, and another from October 1981 to January 1982. In both cases, prominent monetarist economists urged the Fed to tighten—and later criticized the Fed for following that adivce.

Until recently, respectable economists agreed that experts could and should decide how much of which kinds of money was too much or too little. The only debate was whether the decision had to be revised every three months, or whether it should be settled forever and put into the Constitution. It seems that monetarists and fiscalists are always trying to get their theories enshrined in the Constitution, to make it illegal to practice supply-side economics.

The debate over rules versus authority was a sideshow. Of course, a quantity rule for money would make the quantity more predictable (ignoring technical difficulties)—but not the effects. We all agree that inflation is caused by too much money. But it is very difficult to claim that anybody knows, better than the markets, how much is too much.

The historical record is not entirely relevant to the performance of a quantity rule, because the nation was on an entirely different monetary system before 1971. Also, M1 and M2 have only recently contained accounts that pay competitive interest rates. Insured accounts that pay market rates of interest are an attractive place for savings during uncertain times. Yet the same Treasury Department authorities who want people to save more are also frightened if those savings wind up in a Super NOW or bank money market account.

We read that Treasury officials lately have decided that the "correct" increase for M1 for the rest of this year is 7 or 8 percent. The inference is that the Fed should hike the interest rate on bank reserves—the federal funds and discount rates. But M1 might well slow down without doing that. It is natural for people to want to hold more money in relation to their incomes as the outlook for inflation and interest rates improve. But after this one-time adjustment, a lower interest rate may mean that savings in M1 and M2 would not accumulate as rapidly. If velocity keeps falling at 5 percent a year, of course, a 5 percent increase in M1 means a zero increase in real GNP. We're told that velocity should turn up any day now; but should we bet the recovery on past trends?

The narrow, domestic monetarist model has simply broken down; but its adherents retain a mystical attachment to it. On February 3, 1983, Lawrence Roos, then President of the St. Louis Fed, put a table in the Wall Street Journal which proved that, because of M1 growth, nominal GNP must rise by 13 percent between the fourth quarters of 1981 and 1982. But GNP rose by only 3.5 percent. A year later, one might think that Mr. Roos at least owed the world an explanation. But instead he wrote another article called, "We'd Better Pay Attention to M1."

The monetarists are again saying that there is too much M1, as they did in May 1981 and February 1982. If so, they must know something the markets do not know. The dollar keeps rising against sound currencies, and the market for hedges against inflation, like gold or commodity futures, remains soft. The price of gold is falling toward $400, depressing the aggregate value of international reserves. Industrial commodity prices have been soft since mid-April, and are barely back to the recession levels of a year ago. Producer prices fell in both March and April.

The fact that people are holding more of their wealth in M1 rather than M3 is not a sign of inflation, but the opposite—people are beginning to trust the dollar enough to hold cash. Allowing the federal funds rate to drift again above 9 percent, as it did yesterday, might drive funds out of M1 into M3, but it would also drive investors out of stocks and bonds back into short-term investments that cannot finance mortgages and business capital.

In my judgment, it is now permissible and quite prudent to drop the discount rate to 8 percent. I would respectfully urge that this be done immediately, in order to help stabilize the value of the dollar against gold and other commodities, and against the stronger currencies of our major trading partners.

Some propose that since nobody can accurately predict the money supply or velocity, the Fed should regulate the sum of those two apparently random items—namely, nominal GNP. Frankly, I don't see how it can be done. By the time we learn that nominal GNP was too slow in the preceding quarter, money may actually be too loose in the current quarter. Besides, this central goal of demand management is chimerical. To keep the growth of nominal GNP at, say, 8 percent, prices would have to rise in recessions and might have to fall during recoveries. Firms would have to be raising prices while unloading surplus inventories, then advertise sales, rebates and discounts once business picked up.

It is no secret that I strongly believe that the dollar must again be defined and convertible into gold, in order to restore long-term credibility in the bond and mortgage markets. A gold guarantee hedges dollar assets and liabilities against sustained inflation or the default risk of deflation. It provides the world with an anchor, a reasonably predictable unit of account for making contracts across borders and between generations. A gold standard provides the issuers of currency with a prompt error signal

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

for adjusting policy—something we sorely need.

As Phillip Cagan of Columbia University recently put it, "If one is looking for some kind of long-lasting commitment (to price stability) of a constitutional nature, a convertible monetary system seems to be the only practical possibility." The distinguished chairman of the UCLA economics department, Axel Leijonhufvud, has come to the same conclusion. This reform can't be accomplished overnight. And since we live in a global economy, not a closed national economy, co-operation is vital.

Unfortunately, we abandoned our commitment to price stability a dozen years ago in an explicit attempt to use monetary policy as another tool of economic expansion. The Bretton Woods system, based on a fixed gold dollar, broke down in large part because of the attempt to apply this Phillips Curve idea. If we are to achieve price stability again over a long period of time, we will have to start by stabilizing the dollar value of our gold reserves. This proposal was put forward in September 1981 by the Chairman of the Bank for International Settlements at the annual meeting of the International Monetary Fund here in Washington. Had his proposal been acted upon, the global deflation and recession of 1982 could have been avoided, I believe, or at least dramatically diminished.

As Professor Robert Mundell of Columbia University has observed, stabilization of the price of gold is not an end in itself, but rather it is a means toward achieving a better monetary policy. It would also reduce the damaging fluctuations in the level of international reserves that have created global economic instability.

Until we restore a dollar that is as good as gold, and a stable international monetary system to match it, there is only one second-best option. As long as money is still managed by continuous manipulation, the Fed should signal its respect for market feedback information. As the central bank for the dominant world invoice and reserve currency, the Fed cannot prudently ignore the effect of dollar exchange rates on the rest of the world—or for that matter, on the United States—nor the magnified chain reaction of other central banks on commodity prices.

Since almost everyone now realizes that foreign exchange rates affect domestic prices, we should also recognize that the idea that the dollar should simply float in any direction without limit implies that price stability doesn't matter. Some people understand that a falling dollar is inflationary and that a rising dollar is deflationary; and yet they argue that the dollar should not be stabilized. Apparently they think the dollar should neither rise, fall, nor remain stable. Fortunately, the Williamsburg summit at least began the process of rebuilding a viable international monetary system, by acknowledging the need for international cooperation and perhaps for a new and better Bretton Woods agreement.

Interest rate stability is also important, for its effects on exchange rates and on domestic uncertainly, which can paralyze production plans. But interest rates cannot be frozen at too high a level, without causing massive liquidation of commodities, assets and inventories. If rates are kept too low, on the other hand, that invites speculation in commodities and foreign currencies.

I would suggest that one way to tell if money is too tight or too loose, then, is to monitor sensitive commodity prices. The broader price indexes move too slowly, largely because of list prices set by contract or regulation. There is, of course, a need for some cyclical recovery in commodity prices that are still below cost. That would not have been necessary if the same rule had been applied between May of 1981 and July 1982, when commodity liquidation was telling us that the world demand for dollar liquidity exceeded the supply. In the recovery, the parallel task is to moderate the rate of increase in an index of commodity prices, and ultimately to put a ceiling on further increases. Gold should at least be included, since it is a forward-looking indicator of anticipated inflation which gives early warning of emerging tendencies toward inflation or deflation.

I was particularly pleased to receive Chairman Volcker's letter of March 17, in which he states, "I for one would recognize the relevance of such factors as sensitive commodity price indicators (not excluding prices of precious metals as a barometer of expectational considerations) and exchange rates."

So much for monetary demand management. The other theory of demand-side economics is fiscal—the idea that spending can be regulated by raising or lowering the budget deficit. The problem is that nobody seems quite sure which direction does what. According to some, budget deficits apparently both stimulate spending and crowd it out; they are expansionary and contractionary at the same time.

The Chairman of the Council of Economic Advisers, Martin Feldstein, has argued that budget deficits are inflationary, and that deficits also keep the dollar too strong. By reducing the deficits, he argues, we can sink the value of the dollar abroad and keep it stable at home.

This is the sort of confusion that comes from artificially separating domestic monetary theory from the global dollar market. Another example is the strange idea that intervention in foreign exchange markets is "price fixing," while intervention in domestic markets for Treasury bills is supposedly a "free-market" policy of quantity-fixing. Why would anyone want to fix the quantity of money except to stabilize some price? And don't exchange rates affect prices?

Fiscal theory is in as much disarray as these floating theories about floating money. Interest rates and inflation recently feel as the current budget deficit grew; at that point, fiscalists switched to worrying about estimate "structural" deficits in the distant future.

I submit that budget balance would be restored with full employment. The U.S. budget deficit was 1.3 percent of GNP in 1980, 1.0 percent in 1981, and 3.7 percent in 1982, and in none of those years was the U.S. economy at full employment. As a fiscal conservative, I'm usually found voting against large increases in federal spending. But I'm persuaded that Irving Kristol was right on target when he wrote in the Wall Street Journal recently that the best way to reduce government spending is to remove the need for government spending.

As recently as January of this year, I was greeted with disbelief for arguing in the Washington Post that the economic recovery would be far stronger than the official predictions, and that as a result, the official deficit projections would be far too high. As I recall, the Post ran an editorial alongside my article, pooh-poohing it as wide-eyed optimism.

My argument was that two events had made a strong recovery likely. The first was the shift in Federal Reserve policy away from M1-targeting; as a result of actual monetary policy since July of 1982, the low-growth Administration and Congressional numbers just didn't add up. The second factor was the implementation, in 1983, of the first net tax reduction for the American people as a result of the Reagan tax cuts. In 1981 and 1982, the small, "back-loaded" individual tax cuts were swamped by increases in tax rates due to bracket creep and Social Security tax increases.

In the Post article, I predicted that the OMB strategy would lead to a Congressional stalemate on the budget. OMB had apparently reasoned that a pessimistic economic forecast would re-establish the Administration's budget credibility, and that a huge deficit in the out-years would scare Congress into action. My argument, on the contrary, was that credibility comes from accuracy, not from making a huge error in one direction to offset an equally huge error the previous year in the other direction. Also, that an enormous deficit forecast would tend to numb the Congress into inactivity, not galvanize it into action. The reason is that no one will cut a billion-dollar program just to reduce a number on a piece of paper from $300 billion to $299 billion—especially not when the deficit is accompanied by a forecast of 9 or 10 percent unemployment as far as the eye can see. I think I was right about this. But when you consider the alternatives—such as a huge tax hike that would abort the recovery—a Congressional stalemate is not such a bad thing, if it delays action until more accurate information is available to the Congress. I think President Reagan is right in his confidence that the recovery will do more to reduce the deficit than Congressional attempts to raise taxes.

Consider what has happened since January. The Administration's economic forecast was disowned as too pessimistic the same week it was published. The April forecast was revised upward for 1983. Even the upward revision is now seen as too low.

The fiscal year 1984 Budget came up with some incredible figures that nobody has been able to explain or duplicate. Even if the economy were operating at full capacity, said the OMB, the deficit would be $181 billion in 1984, rising to $306 billion in 1988, when unemployment would supposedly be at 6.5 percent. This was the so-called "structural" deficit that still rationalizes various schemes to squeeze more tax revenues out of the beleaguered economy. The trouble is that it simply is not true.

The Commerce Department's Bureau of Economic Analysis has estimated that the structural deficit will decline to only $21.5 billion by the end of fiscal 1984. The OECD estimate includes state and local budgets, and estimates that the total structural deficit is now about eight-tenths of one percent of total output—less than in 1975, and less than half of Japan's structural deficit. Britain and France have large structural surpluses, according to the OECD, but they don't seem to be doing better than Japan.

After Larry Kudlow resigned as chief economist for OMB, he predicted that deficits are likely to be $85 billion in 1986, and acknowledged that a tax surcharge would be a "serious mistake." "The deficit problem," said Mr. Kudlow, "has been overrated."

What about those infamous "out-years," when deficits are alleged to do things that they have not done up to now? If the structural deficit is considered fixed as a share of GNP, and is overestimated by about $146 billion for 1984, the error for later years will

get even bigger with inflation. The resulting deficit for 1988 becomes entirely structural only because OMB assumes that productivity rises by less than 1 percent a year. That allows unemployment to come down to 6½ percent—Dr. Feldstein's definition of full employment—with slow growth in output. If productivity rises by merely 2 percent a year, the premise of a weak recovery would instead leave unemployment above 9 percent in 1988, in which case the deficit could hardly be called "structural." In any event, the record is clear that nobody can forecast budget deficits with any accuracy beyond one year.

It makes a big difference, because a structural deficit of about $20 billion to $30 billion, as the Commerce Department estimates, or even one twice as large, could be closed with modest spending cuts. Acceptance of the myth of huge structural deficits could only stampede Congress into raising taxes, which would raise cyclical deficits by slowing or stopping economic growth.

Since the current deficit is overwhelmingly cyclical—the consequence of high interest rates and high unemployment—it cannot be the cause of these problems. Recessions obviously do cause deficits, but it scarcely follows that those deficits will "abort" the recovery. I can find no example of a recovery having been aborted by government borrowing of 5 to 6 percent of GNP. If that were true, Japan and Germany would have been in a recession throughout most of the past decade. But a recovery can be aborted by escalating tax rates. It happened in 1937, 1954, 1969 and 1974.

In a recent interview with columnists Evans and Novak, Professor Feldstein argued that "unless there is very rapid growth . . . it's going to be necessary to have an additional tax increase beginning for Fiscal Year 1986." However, he added, "it would be a mistake to have a tax increase . . . in 1986 if the economy has drifted back into recession." In other words, we should not raise taxes if the economy is either strong or weak, but only if it is expanding at the sluggish pace that Mr. Feldstein predicts. The appropriate time to raise taxes, on this theory, is when economic growth is faster than, say, 3 percent, but slower than 5 percent. Does this make any sense? Can we really base future tax policy on "assumed" economic growth, as though growth had nothing to do with tax policy?

Congress has been supplied with disingenuous estimates of revenue from various tax increases—estimates that assume that tax rates have no effect at all on economic behavior or economic growth. The government's income is somehow supposed to improve without having any negative effects on the budgets of private workers or employers. I call that "voodoo economics."

Anyone proposing a tax increase has also to explain and estimate its effects on the economy before we can guess how much revenue it might yield or what its effect on the deficit might be. When President Hoover imposed a tax surcharge and added excise taxes in June of 1932, the static estimates were that it would balance the 1933 budget. Instead, the deficit surpassed total receipts. That was the same sort of estimate we are working with today. Even if the 1933 tax increase did yield a dollar or two, it did so at a tremendous cost.

At a minimum, Congress must demand two economic forecasts—one with and one without the tax increases. That would show that the revenues gained would be small and the cost in lost jobs and added spending would be high. The Administration estimates that real after-tax personal and corporate income will rise by about $60 billion in 1985. Some of the proposed tax increases would confiscate most of that, regardless of whether they are imposed on what people earn or on what they buy with their earnings. How can real output rise if real income does not? Can people be expected to produce more simply to help Congress pay its bills?

Clearly, the economy is in poor shape to handle any tax increase, and we cannot impose taxes on the 1985 or 1986 economy in the hope that nothing will be affected. We dare not jeopardize the hopes of sustained prosperity that gave us a bull market in stocks and bonds. Otherwise, the recovery would turn into a contraction, and the cyclical budget deficit would grow larger.

It is a popular caricature to say that supply-siders think deficits "don't matter." Nonsense. Clearly, the real debt of the government cannot persistently grow faster than the real economy. But the contribution of the supply-siders is to point out that there are two sides to that relationship—a growing economy can more easily handle all debts, public and private. It makes sense for governments to borrow in hard times, and also to build schools and roads. A healthy future economy, with larger profits and payrolls, can generate much more revenue with low tax rates than can an economy that is kept small by overtaxing the few remaining employed workers and profitable firms.

If the government pays its debts with honest money, that will make it possible to roll over the debt at lower interest rates, strengthening the economy and cutting the deficit. By adopting incentive-oriented tax, trade and regulatory policies—policies that encourage people to earn more by producing more—the relative burden of government debt and spending will decline as the private sector outpaces the government. Government debt and spending is up as a percentage of GNP, after all, largely because everything else is down.

We cannot tax ourselves into prosperity. We cannot inflate ourselves out of our obligations. The world does not need a weaker dollar, but a predictable dollar, an anchor that countries like Mexico and France can once again rely upon as an objective standard of value.

In a way, there is nothing more important that a government and its central bank can do for its people than to provide us with a reliable standard of value, a predictable unit of account. Without it, all our plans, our savings, the measure of our wealth and production, are thrown into constant turmoil. For most of our history, our government provided us with such a constant—a more reliable standard than any other on earth—and with it we attained new heights in the wealth of nations.

Under this government, this President, I think we're finding our way back to the correct path, the supply-side path of sound money and high incentives. Only such a policy can help secure the future of our economy and our country, and provide the full employment and price stability so necessary to the American dream.●

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A TRIBUTE TO ELIZABETH BLANCHARD

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I would like to take this opportunity to pay tribute to Elizabeth Blanchard, an outstanding lady dedicated to serving the people of Santa Paula and Ventura County in my congressional district.

This week Elizabeth Blanchard is being recognized by the Santa Paula Chamber of Commerce as Citizen of the Year. There is no doubt this recognition is well deserved.

She recently retired after 22 years of service on the County Juvenile Justice and Delinquency Commission. Additionally, she has served 9 years on the Santa Paula Elementary School Board and 8 years on the Santa Paula Union High School Board. Elizabeth also recently retired from many years of service on the Santa Paula Housing Authority Board of Directors.

In her community work, Elizabeth Blanchard is deeply involved in the needs of youth—developing a self-evaluation survey for the Santa Paula Boys and Girls Club, working for the Boy Scouts and Girl Scouts, assisting the local youth employment service, and providing ongoing work as a member of the board of the Santa Paula Union High School Education Foundation.

Recognized for her many long hours of hard work for the Blanchard Community Library, she also has contributed substantially to the comprehensive historical and architectural building survey and for service to the Santa Paula Memorial Hospital.

Elizabeth Blanchard has not been one to seek the limelight and public attention, but rather is one who, without acclaim, gets the job done. She is a fine lady and a dedicated citizen contributing her talents to the benefit of a multitude of agencies, organizations, and individuals. Her leadership and hard work serves as a catalyst in our community, making it a better place for us all.●

YELLOW RAIN AND REFUGEES

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. McCOLLUM. Mr. Speaker, over the past couple of weeks we have seen numerous articles on the matter of yellow rain discussing the various theories of how the toxins are transmitted. On June 13, the New York

Times ran a letter to the editor which I think merits reprinting because it goes to the heart of the matter. Chemical warfare is occurring; people are being forced from their homes, fleeing for their lives and finding refuge in camps along the Thai border. Whereas some of these people seek to be resettled in other countries as refugees because there is no hope for a life in their homeland, others will wait for an indeterminable amount of time in temporary camps until it is safe for them to return. At a time when Congress is considering the reauthorization of the Refugee Act, we must pay close attention to all contributing factors that force these people to leave their countries. Chemical warfare—yellow rain—is such a factor.

The editorial follows:

"YELLOW RAIN" IS A WEAPON

To the Editor:

We represent a diverse group of scientists, independent researchers, physicians, political scientists and members of other professions who have followed the issue of the use of chemical weapons in Southeast Asia and Afghanistan for several years.

Individually we have examined much, if not all, of the publicly available evidence; some of us have conducted research used by the U.S. Government or others in publicly released findings; some of us have conducted other independent research or investigated the issue by personally visiting Southeast Asia and Pakistan, interviewing and examining refugees and visiting areas where use of chemical weapons has been reported.

On the basis of our review of the evidence, the analyses that have been done and the absence of any credible alternative explanation, we conclude that lethal chemical weapons have been and are being used in Southeast Asia and Afghanistan.

Although a number of questions remain to be answered about all the actual agents being used as well as some details and ambiguities needing clarification, we do not believe that the basic, most important conclusion remains a question; namely, that chemical warfare is indeed being waged.

Furthermore, we wish to underscore that there has been no alternative hypothesis—including either the Russians' "elephant grass" theory or the recently expounded bee feces theory—which provides an adequate explanation for the clear-cut evidence of chemical warfare; nor do we believe the pursuit of fanciful theories adds greatly to our knowledge of the tragedy.

The propounders of the bee-excrement theory themselves have noted that it does not explain a number of kinds of evidence, including the presence of trichothecene mycotoxins in environmental samples (including water), in samples of blood, urine and tissue of victims and on the surface of a Soviet gas mask; nor the numerous reports of illness and death, nor the great number of reports by refugees and others.

Their theory also does not address other kinds of evidence such as photographs, reports of defectors and the conclusions of physicians who have examined victims in refugee camps. Nor does it take into account the fact that not all samples which have shown the presence of toxins have contained pollen, and that polyethyleneglycol is certainly not found in nature.

A conclusion that chemical warfare has been and is being waged in Southeast Asia and Afghanistan is fully justified.●

WHAT IS "INDUSTRIAL POLICY?"

HON. NORMAN D. SHUMWAY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. SHUMWAY. Mr. Speaker, as the 1984 elections grow closer, there appears to be developing an irresistable urge to jump aboard the industrial policy bandwagon before all the seats are taken.

Everyone seems to have or want an industrial policy. For some, it simply means more efficient and coordinated Federal tax, trade, antitrust, and regulatory policy, or perhaps the creation of a more congenial business climate. Others, fearing that American industry has somehow lost the ability to compete in the global marketplace—a proposition, by the way, which should not be automatically accepted—look to cooperative entities, perhaps made up of business, labor, and Government representatives, for the answers. Many Democrats simply see a catchy and popular concept which can be presented as an alternative to "Reaganomics," yet which is broad and vague enough that no interest group or sector need be offended.

All of this is relatively harmless and, in fact, may be beneficial if the debate serves to stimulate some real thinking about the ways in which Government policy is often intended to achieve conflicting results, business practices are shortsighted and reactive, and labor proceeds in a self-centered and adversarial fashion. Certainly, fundamental questions such as the transformation of the U.S. economy, changing international trading relationships, productivity growth rates, and capital formation are important to closely examine.

The danger, however, is that in our rush to rationalize the economy through the application of industrial policy, we risk a further undermining of that much maligned engine of our unparalleled economic success: the free market. When industrial policy means, as it does for many, the subsidization, the protection, the bailing out of industrial sectors or specific companies, we inevitably get into an area where economic judgments become subservient to political influence; where economic decisions are made for political reasons. If this is industrial policy, we can best do without it. If anyone has any doubts in this regard, the experience of Great Britain over the last 35 years is instructive.

In this regard, I commend to the attention of my colleagues a perceptive editorial which appeared in yesterday's Washington Post.

WHAT IS 'INDUSTRIAL POLICY?'

Five of the Democratic Party's six presidential candidates (Reubin Askew is the exception) advocate some form of "industrial policy." But what is it? The candidates talk of things from trade policy to tax reform, but the distinctive proposals can be put into two groups: collaborative decision-making by different segments of society (business, labor, government) and investment or direction of the flow of investment by government.

Collaborative decision-making has become more attractive since nations like Japan and France applied it and attained higher growth rates than the United States in the 1970s. Candidates Gary Hart, Ernest Hollings and Walter Mondale all call for action. Sen. Hart wants "long-term agreements to help industries become more competitive"; Sen. Hollings wants government "to act as a catalyst" to "make our industrial base competitive again"; Mr. Mondale wants "cooperative agreements" to "restructure and revitalize ailing industries."

It is interesting that these Democrats seem to be calling for an end to what has been Democratic (and national) policy since 1935: the conduct of relations between management and labor on an adversary basis with government acting, if at all, as referee. Many people agree that such adversary relations don't always serve the public interest. But few have grappled with the difficult question of how to convince managers and labor leaders, not to mention public officials, to discard the habits of a lifetime.

Regarding government direction of investment, some proposals here are sensible: John Glenn's and Gary Hart's call for increased public and private funding for research and development. Others are more dubious, like Walter Mondale's proposal to steer capital away from mergers and toward R&D. The history of government attempts to control private capital flows is not a happy one.

Alan Cranston has called for a new Reconstruction Finance Corp. and Sen. Hollings and Mr. Mondale advocate, vaguely, government investment in key industries. Sen. Cranston gives first priority to "sunset industries"—older industries in trouble. Candidates give lip service to the need to invest in "sunrise industries"—new industries that might grow. But it is sunset industries with their existing work forces, unions and managers that have the political clout. Nearly half the members of Congress are members of the Steel Caucus. Only a handful indentify with the microchip industry.

This country already has a variety of policies in place that you could call industrial policies, from the interstate highway system to agricultural subsidies to the Chrysler loan guarantee. The successes of some of them should not obscure their cautionary lessons. If the Democrats center their presidential campaign on industrial policy and then win, there will be terrific incentive for ailing industries to seek public money. Scandals like those that tarred the RFC in the 1940s are the least of the problem. There is a danger that what is called an industrial policy will mainly prop up inefficient industries and retard economic growth.●

TRIBUTE TO W. CARL RODGERS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. ANDERSON. Mr. Speaker, it is with great sadness that I rise to pay tribute to W. Carl Rodgers, former councilman and two-term mayor of Hawaiian Gardens who passed away on Sunday, May 29, at the age of 80.

Born in Indiana, Carl moved to California 65 years ago where he and his wife Evelyn raised their 4 children: Lorraine, William, Johan, and Mary Jane. Carl was the owner of the Quality Meats Market until his retirement in 1974 as well as a founder of the former Garden State Bank, now the Commercial Bank in Hawaiian Gardens. He was a member of the Knights of Columbus, the Holy Name Society, the Aloha Senior Citizens Club, the Lions Club—president 1961-62—and the Chamber of Commerce—president 1965.

Carl Rodgers service to his community was indeed exemplary. He was elected to the Hawaiian Gardens City Council in April 1966, 2 years after the city's founding, where he served two terms until 1974. He served as mayor from 1968 to 1969 and again from 1971 to 1972, following his reelection to the council in 1970 and mayor pro tem during 1967-68 and 1970-71.

He was honored in 1970 by being named "Hawaiian Gardens Citizen of the Year" by the Elks Lodge 1570, and in 1971 was named "Los Angeles County's Outstanding Senior Citizen" by the county board of supervisors for his tireless work on behalf of senior citizens.

Because of Carl's dedication to both his family and community, he will be missed by many people. Mr. Speaker, I know you and my colleagues join my wife Lee and I in sending our deepest sympathies to Carl's wife Evelyn and the rest of his family.●

PROTEST OF PAPAL VISIT PART OF ANTICHURCH PLAN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LAGOMARSINO. Mr. Speaker, the outrageous display of disrespect exhibited by the Sandinista followers during the Pope's visit to Nicaragua dismayed all of us who read the commentaries and saw the news reports about it. Now we learn, what we had already suspected, that the Sandinistas has orchestrated the demonstrations in an attempt to discredit the church. The comments of a defector from the Nicaraguan Intelligence Service merit careful consideration as we approach the debate on legislation affecting U.S. policy in Nicaragua.

[From the Washington Post, June 19, 1983]

PROTEST OF PAPAL VISIT PART OF ANTICHURCH PLAN

Demonstrations against Pope John Paul II in Nicaragua last March were carefully orchestrated as part of a wider effort to discredit the church among the Nicaraguan people and neutralize its resistance to the Sandinista regime, according to a recent defector from the Nicaraguan intelligence service.

Miguel Bolanos Hunter, 24, said the plan was to associate priests and the existing church hierarchy with "the two enemies of the Nicaraguan people: the United States and the wealthy class, the bourgeoisie."

A "mob" of handpicked activists kept devout Catholics trapped in a church and away from the pope, who was then insulted and heckled as he tried to pray, Bolanos said, in order to make him appear isolated from the people during his visit to Managua.

The overall Sandinista effort against the church, according to Bolanos, has included close surveillance of Archbishop Miguel Obando y Bravo and a faked sex scandal last year involving one of his priests, the Rev. Bismarck Carballo.

Bolanos said the intelligence unit called F7, which had responsibility for mobilizing citizens for demonstrations, was ordered to pick 200 block leaders who each brought five or six trusted residents to the public square where the pope was to speak in March. Anyone trying to attend independently was turned away, Bolanos said.

Catholics who did not want to heckle the pope went to the churches the night before his visit in order to pray all night, Bolanos said, intending to march together to the square the next day. Instead, he said, F7 agents organized crowds to heckle the people in the churches and to keep them inside until the pope finished speaking.

Bolanos said he was in a command post, just off the square, that coordinated the various groups, putting in the forefront groups of women carrying pictures of sons who had died during the Sandinista overthrow of dictator Gen. Anastasio Somoza in 1979. The women were urged to ask the pope to pray for their son's souls, which in the Sandinistas' eyes would have allied him with their struggle.

"He didn't want to do it because if he had, it would have meant he was in solidarity with the communist army," Bolanos said. As the pope began praying on another subject, one of the women gained control of the microphone system and begged him to pray for her son the martyr. Her act was "practically a sacrilege, an act of total disrespect," he continued.

The pope left the square without finishing the prayer, Bolanos said. The disruption "was a success, because many people thought the lack of respect was spontaneous, and that the pope was simply against the revolution."

The church in Nicaragua originally backed the Sandinista government but in 1980 Archbishop Obando y Bravo began complaining of growing censorship and repression of dissent. He became a major target of surveillance after the pope's visit, Bolanos continued. When the archbishop tried to remove a priest favorable to the Sandinistas, mobs were organized to pose as parishioners, take over the church and beat up the new priest, according to Bolanos.

Lenin Cerna, head of the Interior Ministry's department of state security, issued written orders that all existing information and all new material on the bishop was to be sent to an analysis center, and the order was posted on intelligence office walls, Bolanos said. "They are collecting all the information to design a plan to destroy him."

An earlier part of that effort involved the archbishop's spokesman, the Rev. Carballo, who initially came under Bolanos' jurisdiction because of Carballo's friendship with many Americans in Nicaragua. Bolanos said he was told that the F4 section of the security operation—assigned to keep track of the churches, unions and political parties—was planning to use a prostitute "known and used by all the Sandinista high command" to disgrace Carballo.

The prostitute, named Marixas, posed in 1982 as a penitent asking Carballos' counsel on personal problems. She tried to win Carballos' confidence, hoping eventually to seduce him, Bolanos said.

Finally, while the two were talking over lunch one day last August, an F4 agent burst into the room, pretenting to be the woman's husband. He attacked the priest, ripping his clothes off, and pushed him into the street where people organized by the F7 unit were waiting with cameras. Also waiting outside was a van with dark windows, in which Cerna and Interior Minister Tomas Borge had front-row seats from which to laugh at the naked priest, Bolanos said

Government media played up the event, claiming Carballo had been caught in a love triangle. The archbishop—correctly, Bolanos indicated—said the whole incident had been "a show to slander the church."●

SOVIET OPPRESSION OF LATVIA, LITHUANIA, AND ESTONIA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. ACKERMAN. Mr. Speaker, I rise to pay homage to the spirit of freedom as exemplified by the continuing struggle of the Baltic peoples in their resistance to Soviet repression.

I believe a bit of history is appropriate when speaking of the Baltics. It was mid-June 1940 that the most recent wave of oppression against the brave peoples of Latvia, Lithuania, and Estonia began. From 1940 to 1945 these three States on the eastern shores of the Baltic Sea suffered mass deportations, repression, and death at the hands of first the Soviets, then the Germans, and again—and still—the Soviets.

While World War II left a legacy of numbers—we will never forget the number 6 million—there were significant numbers from the Baltic States also. The first year of Soviet occupation saw mass deportations and executions. Estonia lost more than 60,000; Latvia about 35,000 and Lithuania about 45,000. Most of these persons

were considered class enemies of the Soviet Union.

After the German occupation of these countries in June 1941, the area's Jews suffered particularly. The Nazis wiped out 190,000 Jews in Lithuania, about 90,000 in Latvia, and about 4,500 in Estonia.

The sacrifices did not end there, however. In the fall of 1944 the Soviets returned to the area and another quarter of a million compatriots fled before the advancing Soviet Army. Those that did not flee have been under the thumb of the Soviet Union ever since. It is a thumb that has been especially repressive as it has attempted to strip the Latvians, Lithuanians, and Estonians of centuries of grass roots nationalism.

Yet, as it was reported in the September 25, 1978, U.S. News & World Report:

> Spontaneous anti-Russian outbursts repeatedly emphasize how peoples of the three states oppose any and all attempts to erase their national identities in the campaign to create a single "Soviet man."
>
> Not even harsh Moscow-imposed measures and an effort to turn the Baltic region into the Soviet Union's most economically advanced area have been successful in pruning Estonia, Latvia, and Lithuania from their ancient roots. Instead there has been a resurgence of anti-Russian feelings and a very stubborn burgeoning of Baltic nationalism.

It is this spirit that I applaud. And it is the continued refusal of the United States and other NATO nations to legally accept Russian authority over the Baltics that I rise to affirm.

By such resolutions as House Joint Resolution 201, which has resulted in Public Law 98-39 and the proclamation of Baltic Freedom Day, we export hope to the peoples of the Baltics and to other freedom fighters around the world that their struggles are not forgotten.●

THE DECISIONMAKERS' VIEWPOINT OF NUCLEAR POWER

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MORRISON of Washington. Mr. Speaker, despite the controversy which surrounds nuclear energy, the vast majority of decisionmakers favor continued commercial expansion of this energy resource. The one exception consists of those antinuclear spokesmen from activist and environmental organizations. These few dissenters of nuclear energy have successfully overcome the industry, regulatory, congressional, and expert decisionmakers and now seem to dominate the policy discussion on the future role of nuclear power.

This is the conclusion of a new survey conducted by Robert L. Cohen, a project director at the Research Institute on International Change at Columbia University, and S. Robert Lichter, an assistant professor of political science at George Washington University. Their conclusions were printed in the March/April edition of the American Enterprise Institute Journal on Government and Society, "Regulation."

I have become increasingly concerned, Mr. Speaker, that the nuclear power debate is being governed by appeals to emotionalism and single-issue politics, not by technical, scientific, and economic factors. The Cohen and Lichter study illustrate this point and I urge other Members to review their conclusions and the implications it has for the future of nuclear energy development.

Condensed excerpts of the Cohen and Lichter article follow:

Since the 1979 accident at Three Mile Island, there have been no new orders for nuclear plants and many well-publicized cancellations. Of all the reasons for this, one looms large. In the past decade, nuclear power has been transformed from an area in which professionals and policy makers had considerable leeway for making decisions to one in which the "nonexperts" call the shots. Increasingly, activist groups, concerned citizens and, especially, the mass media have played an instrumental role.

Here we look at another aspect of the nuclear energy debate. As public opinion on nuclear power has soured, the regulatory environment in which policy is implemented has toughened. With the increased public concern has come far closer governmental oversight. Initiatives from the nuclear industry meet with suspicious scrutiny at the Nuclear Regulatory Commission and related agencies. Congressional and regulatory hearings have multiplied, and their critical tone has grown sharper. It would be easy to conclude that the decision makers in the nuclear field are now as wary of nuclear power plants as the man in the street.

But appearances can be deceiving. As a result of our survey of scientific experts, for example, we discovered them to be far more supportive of nuclear development than many had thought. The only way to find out their true opinions was to ask them. Taking the same approach with decision makers in the nuclear field, we found equally surprising results—which are reported here for the first time. It turns out that most regulators, congressional leaders, outside experts, and financiers are as united in their support of nuclear energy development as are industry executives. The antinuclear perspective is represented almost entirely by the heads of activist groups and a few scattered allies in Congress, the Environmental Protection Agency (EPA), and the Energy Department. They diverged from the majority not only in their assessment of the costs and benefits of nuclear power but also in their overall perspective on the energy issue.

Clearly, a relatively few dissenters have played a major role in blocking nuclear development. Precisely what they think, how they differ from other decision makers, and what this implies for the regulatory process is our subject here.

TABLE 1.—POLICY PREFERENCES ON NUCLEAR ENERGY DEVELOPMENT

[In percent]

	Activists (N=12)	Industry (N=127)	Financiers (N=18)	NRC (N=31)	Other regulators (N=24)	Congress (N=20)	Experts (N=42)
Proceed rapidly	0	93	94	65	54	40	69
Proceed slowly	0	5	6	35	25	40	26
Halt development	33	2	0	0	8	20	5
Dismantle plants	67	0	0	0	13	0	0

TABLE 2.—GENERAL ATTITUDES TOWARD NUCLEAR ENERGY

[In percent]

	Activists (N=12)	Industry (N=127)	Financiers (N=18)	NRC (N=31)	Other Regulators (N=24)	Congress (N=20)	Experts (N=42)
Risks unacceptable	100	2	0	4	37	25	12
Very confident we can solve problems	0	94	61	72	60	43	74
Plants unsafe	100	2	0	7	28	28	5
Would live near reactors	0	97	83	94	60	53	88
Energy crisis is extremely serious	75	61	39	42	35	71	48
U.S. energy needs will not increase	50	0	6	0	13	10	7

So the pattern is clear. Majorities of all decision-making sectors save the antis want to move ahead rapidly with nuclear development, would accept the risks involved, and pronounce nuclear power plants safe enough for their own "backyards." The leaders of the activist groups are unanimously opposed to all these propositions.

Every other category believes that nuclear development should be guided primarily by technical and economic considerations, and all but one (the other regulators) find moral issues least important. But the antis look first to environmental, social, and moral factors, and last to science and technology. So most decision makers approach nuclear policy from an instrumental perspective, balancing costs and benefits. For the antis, it is a moral issue to be assessed in terms of broader social values. Small wonder that these activists have little in common with other players in the regulatory game. They disagree on the very rules by which the game should be played.

IMPLICATIONS

What might these results tell us about policy making in the nuclear arena? On particular issues, the anti-nuclear and environmental group leaders find some allies in Congress and government regulatory agencies, which may go far toward explaining their success in getting their viewpoint across. Nevertheless, they differ dramatically from all other decision makers in their assessment of virtually every aspect of nuclear power. Yet their outlook need not reflect irrational or malignant distrust of the "experts," as some industry sources have charged, but simply the view that scientific, technical, and economic considerations must take a back seat to broader questions of morality and social philosophy. The implication, however, is that "cost-benefit" analyses and empirical findings on nuclear power issues will not convince the activists and their followers. Their internally coherent perspective renders such argumentation irrelevant.

All other sectors take the basically pragmatic position that the benefits of nuclear technology should be weighed against its risks and other costs, and all agree that in practice the risks are worth it. They see some problems, but in general do not find them insurmountable. Not only is this rosy view held by top nuclear industry executives, but it is shared in substantial part by the financial community, the NRC, and outside energy experts. The NRC in particular emerges as a bastion of support for nuclear power. This may represent an instance of regulatory capture—where the agency becomes the protector and booster of the industry it regulates. Yet many of the NRC's views are affirmed by the outside experts and, we should add, also by the wider scientific community. Moreover, there is considerable acquiescence, probably broader now as a result of personnel changes following the 1980 elections, from Congress and from EPA and Energy Department officials as well.

In spite of this impressive pro-nuclear consensus among key decision makers, both public opinions and the nuclear regulatory process have moved in recent years toward the preferences of the activists. This suggests that the anti-nuclear and environmental group leaders have acquired a kind of veto power over nuclear development. How they have managed it is quite another question. The explanation, discussed in the Public Opinion article, is the strength they have drawn from two circumstances—the fact that anti-nuclear scientists are much more "political" than pronuclear scientists and the willingness of sympathetic national media to convey anti-nuclear arguments to the general public.

Considering their isolation, the antis have done a remarkable job of combating the combined forces of a powerful industry, sympathetic regulators, and even outside experts who overwhelmingly favor nuclear development. What has helped them is their skill at practicing the increasingly familiar art of single-issue politics. They have stymied the traditional players on the regulatory field by not playing a traditional game. It seems increasingly clear that, in the contest for nuclear energy's future, they have won to their side the one ally that counts—the American public.●

NICARAGUA CHARGES "ZIONISM" IN CENTRAL AMERICA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. HYDE. Mr. Speaker, in a recent interview in New York City with Righidah Dirgham of Al-Hawadith, Miguel d'Escoto, foreign minister of Nicaragua, had some interesting things to say about U.S. foreign policy with respect to his country. He had some trenchant comments about "Zionism," as well. Here are some excerpts from the interview as reported by the Foreign Broadcast Information Service on June 3, 1983:

Foreign Minister D'Escoto: . . . those who sympathized and agreed with Somoza's rule cannot accept a real national democratic government. Those who support Zionist aggression against Lebanon and the Palestinians, who prevented the Security Council from shouldering its responsibilities toward the Zionist crimes, who support South Africa's racist regime, who loved the former shah and Somoza—what can be expected of them? Can we expect them to follow the course of real democracy?

Question: Is there a military link between Israel and some Central American states that actually influences the development of events in the area?

Answer: There is absolutely no doubt of that. What is the Zionist regime if not an embodiment of the U.S. infiltration and the domination that Washington intends to impose on the Middle East? They have previously used the Zionist government to carry out what the U.S. Government could not do directly. Under the Somoza regime it was difficult for the U.S. Administration to back him, so it relied on its client, Israel, to send arms to Somoza on its behalf. Now history is repeating itself. And for this reason that "horror," Sharon, visited Honduras. At the end of his visit he announced that he had agreed to sign a military cooperation agreement of unprecedented magnitude with the Honduran government.

Question: You mean that Israel's role in Central America is that active . . .?

Answer: There is without a doubt a real danger in Latin America, and particularly in Central America, actually stemming from Zionist infiltration and intrusion.

Question: How great is the Israeli military involvement?

Answer: I cannot pretend to know the figures or the extent of involvement at this moment, because I don't have them available. But I can affirm that military aid and cooperation with some Central American countries known for their repressive regimes have been and still are large in proportion. At this time in particular the proportion of such aid is greater than ever before.

There is more but the reader has probably by now got the idea.

It is plain to me that the Nicaraguan Government is becoming very defensive of late with regard to information seeping out on the activities of Libya and the Palestine Liberation Organization (PLO) in Nicaragua and other parts of Central America.●

A TRIBUTE TO POPE JOHN PAUL II

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. GUNDERSON. Mr. Speaker, today I would like to pay special tribute to the words of Pope John Paul II of this most recent pilgrimage to Poland. With courage and clarity he has reaffirmed the principles of freedom and human dignity upon which our own Nation has been founded.

Delivering a mass on Sunday the Pope chose to address the most delicate and controversial issues for all Soviet bloc countries: human freedom and national sovereignty.

The pontiff declared that:

A nation is only truly free when it can shape itself as a community determined by unity of culture, language and history. The state is firmly sovereign when it governs society and allows the nation to realize its own identity.

The sovereignty of the state is deeply linked to its capacity to promote the freedom of the nation and develop conditions that commit the nation to express all of its distinctive historical and cultural identity.

The Pope demonstrated his willingness to speak out on sensitive political and moral issues and make clear his support for the ideals of the banned Solidarity trade union.

In Katowice, Poland's industrial heartland, the pontiff proclaimed that God, not the state, gave workers the right to form free trade unions.

About the people's right to free association, he said:

This is not given to us by the state. The state has the obligation only to protect and guard it so that it is not violated. This right is given by the Creator, who made man as a social being.

Among the fundamental human rights identified by the Pope were "the right to freedom of conscience and religion to sovereignty, and the right to human work."

In bold endorsement of the efforts of Lech Walesa and the Solidarity

movement, he proclaimed: "The Christian doctrine of work postulates both the solidarity of workers among themselves and the need for honest solidarity with workers."

As Americans we so often take this most fundamental right for granted. Yet, nations throughout the Soviet bloc risk their own lives and the safety of their families to bring this to bear.

The pontiff called on all Poles to take pride in their heritage and their nation's traditional struggle for such freedom.

"Perhaps at times we envy the French, the Germans, or the Americans because their name is not tied to such a historical price and because they are much more easily free, while our Polish freedom costs so much. We do not want a Poland that costs us nothing," he said.

In his statements throughout the week the Pope continually commended the work of Lech Walesa as a man who "stood up for himself with the Gospel in his hand and a prayer on his lips."

We must all similarly commend Pope John for standing up for himself, Christians throughout the world, and the Polish nation still striving for freedom. He delivered his message with conviction and courage.

Speaking of the solidarity which has drawn the Polish nation together in one voice against an oppressive government, the Pope said: "May this good thing which appeared in so many places and in many ways never cease on Polish soil."

May the words of the pontiff's bold proclamations for freedom and national sovereignty be heeded around the world as solace for nations still struggling for freedom and thanksgiving for those already having achieved it.●

BULLETS OR BALLOTS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I would like to call to the attention of my colleagues a commentary by William Randolph Hearst, Jr., which strongly endorses President Reagan's program of assistance to El Salvador. Mr. Hearst views land reform and free elections, which the United States has continually advocated, as the first step toward much-needed reform in that country. Mr. Hearst's comments are timely and should be given serious consideration.

BULLETS OR BALLOTS

(By William Randolph Hearst, Jr.)

NEW YORK.—The war over Central American policy has been heating up in Congress as rebel and regime armies battle it out with mortal gunfire in the scarred, strategic regions on our doorstep. In the escalating arguments in Washington, the essential issue being debated seems to me: Should the administration be more concerned with defeating leftist guerrillas in El Salvador and their supporters in Nicaragua or try crash programs to correct economic ills?

I don't see how you can even attempt meaningful reforms unless outside threats are removed. In this respect, I wholeheartedly endorse President Reagan's program in which he told the country of the need to restructure the Salvadoran army where we have sent less than 100 specialists. The neighboring Marxist-led Sandinista junta, which has Cuban "advisers" and Soviet-run technicians, keeps infiltrating El Salvador with weapons with the goal of overthrowing its elected government.

It's a weird situation, namely, 1) let's not be overly nasty to the Communists but 2) hold off substantial assistance to beleaguered Salvadorans. So I think that it's time to take a hard look and try to understand what gives in this raindance fancy our legislators perform for the public.

There are many things wrong down in those little Central American republics which we traditionally ignored. Land reform should be a "must," giving farmers the will to fight for their own property. Then, free elections. A little over a year ago El Salvador held free elections under guerrilla guns and threats.

What happened? The people at great risk voted resoundingly, "No," to the guerrillas. The leftists, having refused to participate in the elections, bided their time. In the last few months their roaming bands have slaughtered peasants, burned villages and the other day tortured captured government soldiers before killing them savagely. Hardly a way to capture minds and hearts, I'd say.

This is the desperado outfit which the Sandinista junta supplies with so many tangled trails out of Nicaragua. Reneging on elections is nothing new to the Marxist-Leninist ideologues who run the Nicaraguan regime. After loftily promising twice free and unfettered elections for Nicaragua since taking power in 1979, masterminds down there just decided "No" again.

One of the glib reasons offered for no elections was the presence of two anti-Sandinista forces, one driving from the northwest down and the other up from the southern jungles. The regime says a national alert is, therefore, essential, so elections are out.

It also tried to strike a super-nationalist pose by charging that three American diplomats conspired to poison or incapacitate the Nicaraguan foreign minister, a self-made mediocrity until the junta gave him notoriety. The Americans were expelled. But the next day, the U.S. responded vigorously by ordering the expulsion of 21 Nicaraguan consular officials and closing all six consulates in this country. The Nicaraguan consul in New Orleans, ironically, has applied for political asylum.

The action is certain to spark partisan debate on the part of some Democrats who already are mumbling about "reckless" reaction by the administration. One of the leading double-domers I have in mind is U.S. Sen. Alan Cranston, D-Calif. He also happens to be what I call a rhetorical roomclearer, using innuendo but never saying what he means.

Long ago a declared candidate for the Democratic presidential nomination, I have a hunch that Sen. Cranston is really trying to build himself up to run for a third six-year term as senator in 1984. His party's own polls show him consistently with 1-to-2 percent national popularity rating. Conversely, straight-from-the shoulder criticism of administration policies is cause for concern. It comes from Sen. Nancy Kassebaum, R-Kan. She usually supports the president but sincerely believes that in El Salvador there are similarities with mistakes committed in Vietnam.

Now Mrs. Kassebaum was bred into politics. Her father, Alf Landon, was the Republican presidential nominee in 1936 and had been governor of Kansas. After her election to the Senate, Sen Kassebaum led a congressional delegation last year to observe the vote in El Salvador. She also helped shape a recent partisan compromise to continue economic aid with reduced military assistance. Sen. Kassebaum is a thoughtful and thorough legislator. She doesn't try to score cheap shots but warned: "Salvadorans must learn to fight their own war."

More in sadness than in a vein of I-told-you-so, she observed: "It's hard to understand why a guerrilla force of some 5,000 troops should be gaining the initiative against more than 20,000 government troops."

Drew Middleton, respected military affairs writer for the New York Times and an old friend of mine, supplies part of the answer when he was in El Salvador some time ago. Drew wrote that the officers were "9-to-5 soldiers," and had to be hauled away from boarding planes for weekends in the capital, San Salvador. Obviously, that must be changed and that's why we have Salvadoran officers and troops being trained in nearby Honduras and some up here in the States.●

WNVC OPEN HOUSE MEDIA DAY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. WOLF. Mr. Speaker, today is a day for celebration in Fairfax County in the 10th Congressional District of Virginia. WNVC, channel 56, the Nation's latest public television station, is having an Open House Media Day in recognition of its new broadcast capabilities which became available this month.

This Virginia station, Mr. Speaker, is an independent public television station not affiliated with the Public Broadcasting System. Operating from Fairfax County, WNVC carries live proceedings of the U.S. House of Representatives over the open air waves throughout northern Virginia and with a strong enough signal to reach the National Capital area.

Covering legislative and executive events on the Federal, State, and local level, WNVC is truly a teleivsion station operating in the public interest. Because of channel 56, my constituents and other northern Virginia residents have available to them extensive daily news and public affairs programing, a concept rarely available in any other area of the country.

On behalf of the residents of the 10th Congressional District of Virginia, I extend to the WNVC advisory committee, its management and staff, a "thank you" for beginning broadcast this month. I also congratulate the officers and directors of Central Virginia ETV Corp. for their determination to bring to northern Virginia its own public television station.●

ARCHBISHOP HICKEY COMMENTS ON SUPREME COURT'S ABORTION DECISION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. HYDE. Mr. Speaker, one of the strongest voices in protest at the United States Supreme Court's tragic re-affirmation of Roe against Wade last week is that of James A. Hickey, the Roman Catholic Archbishop of Washington. In a letter dated June 17, 1983, which was read in its entirety at all masses on Saturday and Sunday this past weekend, Archbishop Hickey expressed the feeling of millions of his fellow citizens at the abomination of abortion. His letter deserves my colleagues' thoughtful study:

ARCHDIOCESE OF WASHINGTON,
Washington, D.C., June 17, 1983.

My brother and sisters in Christ, the June 15, 1983 decisions of the Supreme Court of the United States concerning abortion are a tragic mistake. The Court had the opportunity to invoke the honored principles of human life and dignity which are at the very foundation of this country and to defend the rights of all persons born and unborn, to life, liberty and the pursuit of happiness. The dignity of everyone is dishonored by decisions which promote less expensive or easier ways to dispose of persons created in the image and likeness of God. The common good is harmed by this increased facility to destroy human life.

Out of reverence for all human life, my brother bishops and I recently issued a strong warning with regard to the possible destruction of millions through nuclear warfare. We have deplored the senseless killings of so many in the conflicts which disfigure Central America. And as Americans and Christians, we have repudiated the dreadful slaughter of millions of Jewish and Christian victims in Hitler's concentration camps.

With even greater horror I see this new decision, reinforcing Roe vs. Wade, as granting continued legal sanction to a genocide larger and more insidious than the death camps of Europe or the nuclear bomb. To take the life of an innocent human being, to deny that child the elementary right to be born, raised and educated is an affront to every one who treasures human dignity and believes in God as the Author of Life. These decisions permit an expanded exploitation of racial minorities, of teenagers and of others who are susceptible to the economic and other social pressures of our day.

As Archbishop of Washington, I call upon each and everyone of you to unite in defense of human persons still unborn. We must defend them by those means which are ours as citizens. I pray also that all will come to see abortion for what it is: an abominable crime against God and humanity.

In the meantime, we must continue to translate our concern into an even wider range of supportive and caring services for those who choose life over death for an unborn child. May God give us all the strength to pursue the moral principled choice for life.

Sincerely in Christ,

JAMES A. HICKEY,
Archbishop of Washington.●

THE IMF BILL: IN OUR OWN INTEREST

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. NEAL. Mr. Speaker, the House soon will be considering important legislation to strengthen the International Monetary Fund. The purposes of this bill are widely misunderstood. Some Members mistakenly view it as a bailout of big banks; others consider it a foreign aid giveaway.

The truth is, the IMF bill could be called a jobs bill for U.S. workers. A stronger IMF is essential to the functioning of a world trading system in which our country has an enormous stake. Our reports of goods and services account for more than 10 percent of our gross national product; these sales support thousands of American jobs.

Consider what happened last year when Mexico, our third largest foreign customer, reduced its purchases from the United States by $6 billion because of its debt problems and the recession. That cutback cost us, by conservative estimates, at least 120,000 jobs, helping to push our unemployment rate well above 10 percent.

We are not likely to generate a full economic recovery in this country until we sell more goods and services on the world market. And we are not going to sell more unless we help our customers and trading partners, through the IMF, to weather the recession and regain their ability to buy from us.

There are many good reasons for strengthening the IMF in these times, but we can vote for H.R. 2957, if for no other reason, because it is clearly in our own interest to do so.

In a recent article in the Journal of Commerce, Robert Solomon, a guest scholar at the Brookings Institution, explained with exceptional clarity the importance of the IMF bill to the United States. Without objection, I am inserting Mr. Solomon's article in the RECORD at this point. I commend it to anyone who wants a better understanding of this issue, or who has yet to be convinced to vote for the IMF bill.

The article follows:

[From the Journal of Commerce, June 8, 1983]

WHY CONGRESS SHOULD PASS IMF QUOTA HIKE

(By Robert Solomon)

It is reported that the legislation authorizing an enlarged U.S. quota in the International Monetary Fund is in trouble in the House of Representatives.

It seems hard to believe, at a time when the fact of international economic interdependence is so widely perceived, that some members of the House do not see the importance to the United States of an actively functioning IMF.

American exports of goods and services have increased, as a proportion of our gross national product, from 5 percent 30 years ago to more than 11 percent now. For many industries and for agriculture, export sales are a mainstay. Our economy and our financial system are inextricably bound up with what happens in the rest of the world.

These linkages have been dramatically demonstrated in the past year when one developing country after another encountered difficulty in servicing its debts, Mexico and Brazil, among other countries, sharply curtailed their imports, even before they approached the IMF. One result was a further decline in U.S. exports, which were already falling because of recession in the other industrial countries and the high value of the dollar.

The debt problem became critical for the world economy when the commercial banks around the world, which had been providing credit on a large scale to the advanced developing countries since the early 1970s, abruptly reduced their lending in mid-1982.

Yet countries with current account deficits cannot be expected to eliminated such deficits overnight. These countries need a continuing inflow of capital, just as the United States depended on borrowing from abroad, especially from England, in the 19th century.

The IMF proved its usefulness by requiring, as a condition for its own loans to the debtor countries, that the commercial banks increase their lending. This was a function that no individual government could have performed.

The Fund's unique role as an international monetary institution gave it the power and influence to see to it that funds continued to flow to the debtor countries. If this had not happened, enormous economic and financial disorder would have occurred in the world economy.

How does one demonstrate to recalcitrant members of the House that the functions of the IMF are so important? The very success of the Fund in preventing chaos also deprives us of the evidence to show how crucial the Fund is. If a system of health care prevents disease, doubting Thomases can always point to the absence of disease if they wish to disparage the importance of the health-care system.

While the debt problem is being handled—albeit with uncertainties—it will be with us for a number of years. Economic recovery in the industrial world, not only in the United States but also in Europe and Japan, is a necessary condition for the developing countries to increase their exports and therefore re-establish their ability to finance their vital import needs and also meet interest payments to their outstanding debts.

Worldwide recovery is far from assured, even though the United States is solidly on an upward growth path. Moreover, interest

rates remain high in the industrial countries and this too burdens the balance of payments positions of the developing nations.

Thus there will be a continuing need for the IMF to lend and to use the leverage that its lending potential gives it.

How does one demonstrate to the recalcitrant congressman that the meeting of this need is in the vital interest of the United States?

One points out that American exports and therefore American jobs are at stake. But, we may be told, Brazil and Mexico have reduced their imports and this is hurting the United States. True, but in the absence of the activities of the IMF described above, Brazil and Mexcio would have had to slash their imports much more severely.

We may be told that what the IMF is doing is bailing out the banks, which are alleged to have loaned recklessly to the developing countries. This notion has a certain appeal to some American congressmen. But it can be shown to be incorrect.

First of all, the economic performance of the major developing-country borrowers was highly impressive until the last two years when recession and high interest rates in the industrial world hit them hard. The Brazils and Mexicos grew fast and exported successfully throughout the 1970s. They must have been putting the borrowed funds to good use.

Second, the commercial banks are not being bailed out. As has so often been said, they are being bailed in, since the Fund is requiring the banks to increase their exposure to the debtor countries. Not a cent of the money loaned by the IMF is going to repay debt to banks.

What does one say to a congressman who has seen cuts in non-defense federal spending in his district and is therefore reluctant to vote for an increase in funding for the IMF?

One answer is that the Fund quota increase is not in the budget and is therefore not competing with budget dollars that might be spent in his district. A related answer is that whether or not the enlarged IMF quota is authorized, there will continue to be pressure to reduce "out year" budget deficits.

The more basic answer is that an increased U.S. quota in the Fund is not some form of giveaway by the United States. We are joining with the other 150 members of the IMF in assuring that it can continue to perform its vital functions on which all countries are dependent.

The congressman's constituents will be worse off if the Fund is not able to carry out these functions because American exports will be lower, because instability in other countries will harm us, and because a healthy world economy benefits Americans in countless ways.

Write to your congressman!●

DEFECTOR SAYS SALVADORAN REBELS CLOSELY TIED TO SANDINISTAS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LAGOMARSINO. Mr. Speaker, Nicaraguan support for the Salvadoran rebels can no longer be questioned. A wide variety of sources have provided evidence of the Sandinista role in backing the leftist guerrillas in El Salvador. Most recently, a defector from the Nicaraguan counterintelligence agency provided extensive descriptions of Nicaraguan aid for the Salvadoran guerrillas. I urge my colleagues to consider the evidence he offers.

DEFECTOR: SALVADORAN REBELS CLOSELY TIED TO SANDINISTAS

Top commanders of the leftist rebels fighting the U.S.-backed government of El Salvador are frequently in Managua, Nicaragua, where they are in constant touch with Sandinista officials about questions of arms supply, strategy and tactics, according to a defector from the Nicaraguan counterintelligence agency.

Miguel Bolanos Hunter, echoing charges long made by the Reagan administration, said Nicaragua has been providing guns, advice, coordination and training to the guerrillas in El Salvador since they began trying to overthrow the government there in 1979.

However, "a river" of arms shipments from Cuba and the Soviet Union through Nicaragua to El Salvador has all but stopped, Bolanos said, because "they now have five times more than what we had against [ousted dictator Gen. Anastasio] Somoza."

Bolanos claimed that Nicaragua has become "a new Cuba" in training guerrilla forces from throughout Latin America. As a Sandinista official charged with working against the U.S. Embassy, Bolanos said, he met visiting guerrilla leaders from Colombia, Argentina, Chile, Guatemala, Costa Rica and El Salvador, all of which have centers of operation in Managua.

The Salvadorans have two houses in Managua's residential Las Colinas district, one a communications center and the other a "safe house" for visiting Salvadoran guerrillas and for meetings with Nicaraguan officials, Bolanos said.

Visiting Salvadorans also use houses belonging to Nicaraguan officials, and some of the guerrilla chiefs are in Managua more than they are in El Salvador, he continued. "They fly over to the mountains for a day to boost the morale of the troops and fly out again at night sometimes," he said.

Nicaragua is better than Cuba as a training base for guerrillas because it has regular commercial air transport and permeable borders, while Cuba's island status makes it hard for guerrillas to come and go without being spotted, he said.

Bolanos said he had fought during the 1979 Sandinista takeover of Managua with a Salvadoran known as "Memo," who then returned to El Salvador and became second in command of the guerrilla units fighting in Morazan province in northeastern El Salvador. Bolanos said he encountered Memo in Managua last October, "and he said they were using the same methods to get arms as we used in Nicaragua."

These methods, Bolanos continued, included twice-daily airplane flights to barricaded sections of highway in guerrilla-controlled areas. Each plane carried 30 to 40 guns, he said, and medicine and ammunition often were dropped by parachute, while other arms came concealed in trucks or overland on mules.

His cousin, Miguel Guzman Bolanos, is in charge of arms distribution in Nicaragua, Bolanos said, and told him that Luis Carrion, a member of the Sandinista directorate, had been promised in a 1980 trip to the Soviet Union that the Soviets would provide the Nicaraguans two AK47 machine guns for every weapon they gave the Salvadoran guerrillas. Those included U.S.-made guns the Sandinistas obtained from Cuba, which in turn got the guns from Vietnam, Bolanos said.

Managing the arms flow to El Salvador could be annoying, Bolanos continued. A friend of his, Richard Lugo, a navy chief, was upset one evening at being called and told to go to an Atlantic coast port at midnight to meet a Cuban boat loaded with guns for El Salvador.

"He had an arrangement with a woman friend that night and he didn't want to go," Bolanos said. "He said it was too bad that somebody always had to be standing behind these Salvadorans and taking care of them."

Bolanos described the aftermath of the murder in Managua last April 6 of Salvadoran guerrilla leader Melida Anaya Montes, which he said occurred across from the house from which Bolanos' agents were watching the nearby residence of a U.S. Embassy political officer. Bolanos' superior, Lenin Cerna, director of the Interior Ministry's department of state security, accused the Sandinista party's foreign affairs head, Julio Lopez, of having failed to guarantee the guerrilla leader's security and of failing to let Cerna know about the arrangements.

Montes was betrayed to her killers by her cook and one of her security guards, Bolanos said, and was killed for "political reasons—she was just back from Cuba and wanted to have more dialogue between the guerrillas and the Salvadoran government."●

SUPREME COURT'S ABORTION RULING

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MAZZOLI. Mr. Speaker, I join all of those who support full protections for the unborn in expressing my disappointment over the Supreme Court's June 15 abortion ruling.

President Reagan is right on target when he suggests that abortion now more clearly than ever is a legislative issue for the Congress to handle. And, I intend to do everything possible to see that Congress adopts corrective legislation.

Respect for the sanctity of human life must be consistent, whether one is considering a freeze on nuclear weapons; a halt to funding for nuclear weapons systems; or jobs, health care, housing, and other forms of humanitarian assistance; equal protection under the law; or, of course, abortion.

I urge my colleagues with whom I have consistently joined in supporting measures to upgrade the quality of life for the born to join me in supporting the extension of full legal protections and safeguards to those most innocent of persons, the unborn.

Specifically, I hope we can quickly gain the necessary signatures on dis-

charge petition 3 and bring the Respect Human Life Act of 1983 to the floor for a vote. And, I continue to work for the day when we can gain the passage of a human life constitutional amendment.●

SOCIAL SECURITY DISABILITY CLAIMS PROBLEM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. SKELTON. Mr. Speaker, the Springfield Daily News recently had an editorial concerning the social security disability claims problem. You will recall that, Mr. Speaker, the hearing that was held on this issue last year and the legislation that we passed to correct part of this problem. I was pleased to have been in the forefront of that issue along with the gentleman from Florida (Mr. PEPPER) and the gentleman from Texas (Mr. PICKLE).

The regulations recently promulgated by the Secretary of Health and Human Services will help the situation considerably. However, it does not undo the heartbreak and suffering previously caused.

I commend the article from the Springfield newspaper to the Members of this body:

DISABILITY REFORMS COMFORTING

It's too late to prevent the heartbreak and the suffering.

Yet it's comforting news that the Reagan administration has decided to exempt some 335,000 people with functional psychotic disorders and other diseases from Social Security reviews.

The question is whether this reform goes far enough in correcting the problem. Congress may have to pass laws to spell out exactly how disability claims are to be decided.

The past harsh policy, as chronicled by columnist Jack Anderson and others, led to numerous suicides. It also led to heartbreak for innocent people and sentenced others who are unable to function in society to their deaths.

Does the new policy prove the administration has a heart, after all, or is it trying to head off stronger reform that it might find distasteful?

Health and Human Services Secretary Margaret M. Heckler, who voted when she was a member of Congress for the bill that ordered periodic reviews, says steps will be taken to avoid tossing "innocent and worthy" people off the rolls.

Since March 1981, some 355,000 disability beneficiaries have lost their checks. This is 46 percent of all people given reviews. On appeal, 89,000 have been reinstated.

But those dumped earlier will not be reinstated because, according to Mrs. Heckler, they did get a fair hearing through appeals. Those with mental impairments will be rechecked—once new standards are devised.

Others will be exempted from review: people with IQs between 60 and 69 and one additional impairment; and disabled workers 55 or older with such impairments as severe arthritis, chronic brain syndrome, loss of a limb or cerebral palsy.

Even more reassuring is a new approach that randomly selects cases for review. The former policy—believe it or not—targeted cases for review that were considered most likely to lead to cutoffs of aid.

The mentally ill among the 2.6 million receiving checks comprise 11 percent of the total. But, Congress says, they have been involved in 28 percent of the cutoffs. Is it any wonder so many protests have been heard?

The savings under the new, more humane rules will be some $200 to $300 million in the next two years—nothing to sneeze at, of course.

But isn't there a voice in each of us that exclaims: The price is well worth it.●

FREEDOMS FOUNDATION AWARD

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, I take great pleasure in announcing in the CONGRESSIONAL RECORD that Richard E. Knie, lieutenant colonel USAF (Ret.) from Charlotte, N.C., has been selected by the National Awards Jury of the Freedoms Foundation at Valley Forge to receive a Freedoms Foundation Award in June 1983. This award is being given as a result of his address entitled "The Greatness of America."●

INTRODUCTION OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ORGANIC ACT

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. FORSYTHE. Mr. Speaker, together with several of my colleagues on the Merchant Marine and Fisheries Committee, I am introducing today legislation which establishes the National Oceanic and Atmospheric Administration (NOAA) as the lead, independent, civilian oceans and atmosphere agency within the Federal Government. The legislation also sets forth a national policy for the oceans, coastal environment, and atmosphere, and creates a NOAA charter with the objective of codifying existing agency responsibilities. A critical impetus for this legislation is the recent Presidential announcement of a proposal to abolish the Department of Commerce and create a new Department of International Trade and Industry. The trade initiative, which I support, was accompanied by an administration endorsement of the creation of NOAA as an independent agency. Legislation similar to the bill we are introducting today was introduced late last week by members of the Committee on Science and Technology which shares jurisdiction over many of the NOAA programs.

On several occasions in the past weeks, I have expressed the optimism with which I look at the coming age—the new decade—in oceans policy. A primary challenge of the 1980's and 1990's will be to sustain the United States continued leadership in the oceans. In order to attain that goal, we must be prepared to reassess and examine a range of critical international and domestic oceans policy issues facing the United States, with the objective of developing and articulating a comprehensive oceans policy. Such a comprehensive, long-range national oceans policy is central to realizing the potential of the world ocean and the benefits to be derived from oceanic and coastal development. I believe the need for a comprehensive ocean policy demands the establishment of an independent oceans and atmospheric agency and it is to that end that I am introducing this legislation today.

There is a clear need for a NOAA Organic Act and for the creation of an independent oceans, coastal, and atmosphere agency. The National Oceanic and Atmospheric Administration was established within the U.S. Department of Commerce by Reorganization Plan No. 4 of 1970. NOAA now operates under or is affected by over 100 Federal statutes. NOAA accounts for roughly 60 percent of the budget and 40 percent of the employees of the Department of Commerce. Its responsibilities are set forth in terms of a variety of functions transferred from other Departments and agencies in the 1970 Reorganization Plan and through a number of new programs assigned to NOAA since 1970 through legislation and administration directives. The statutory authorities for NOAA are scattered throughout many different legislative acts. Enactment of these many authorities assigned to NOAA cover a long period of the Nation's history, beginning with the act of February 10, 1807 (2 Stat. 413), establishing a U.S. Coast Survey.

The 1970 organization of NOAA brought together the following agencies and programs from various Federal departments and agencies, administered under a myriad of laws and regulations:

The Environmental Science Services Administration from the Department of Commerce;

The Bureau of Commercial Fisheries, Marine Game Fish Research program, and Marine Minerals Technology Center from the Department of the Interior;

Elements of the Lake Survey from the U.S. Army Corps of Engineers;

The national sea grant program from the National Science Foundation;

The national data buoy development project from the Coast Guard; and

The National Oceanographic Data Center and the National Oceanographic Instrumentation Center from the U.S. Navy.

Since 1970, other responsibilities have been assigned to the agency by new legislation and administration directives. Major acts relating to oceans and atmosphere, passed during the last decade, assigning such functions to NOAA include:

The Marine Mammal Protection Act of 1972;

The Marine Protection, Research, and Sanctuaries Act of 1972;

The Coastal Zone Management Act of 1972;

The Endangered Species Act of 1973;

The Fishery Conservation and Management Act of 1976;

1976 Amendments to the National Sea Grant College and Program Act;

The National Climate Program Act of 1978;

The National Ocean Pollution Research and Development and Monitoring Planning Act of 1978;

The Deep Seabed Hard Mineral Resources Act of 1980; and

The Ocean Thermal Energy Conversion Act of 1980.

The creation of an independent agency accompanied by organic legislation is an affirmative effort to formulate a cohesive and coordinated policy and framework for the study, management, protection, and development of the oceans, coasts, and atmosphere.

Title I of the bill sets forth congressional findings, purposes, and policies of the act. The three explicit purposes of the legislation are to establish the National Oceanic and Atmospheric Administration as an independent agency, to enumerate the functions, powers, and responsibilities of the administration, and to encourage the development of programs within the administration necessary for a sound national oceanic, coastal, and atmospheric policy.

Title II formally establishes NOAA as an independent agency and sets forth the internal administrative framework of the agency. It designates the principal officers of the agency and enumerates the functions and responsibilities of the Administrator. The responsibilities of the Administrator include those assigned, delegated, or transferred to him under the act or any other statute as well as those assigned or delegated by the President. Section 204 lists the functions of the Administrator. The enumerated functions describe his current responsibilities under applicable statutes and directives and also clarify the authorities for certain NOAA activities currently extrapolated from existing law. Title II also sets forth certain powers of the Administrator aimed at enhancing his ability to carry out his responsibilities and perform the functions assigned to him.

Title III addresses certain domestic and international coordination concerns of the new agency. It directs NOAA to insure that duplicative or inconsistent regulatory requirements are not placed on regulated industries or individuals. It also provides for international cooperation, including a meaningful role for NOAA in all international meetings and conferences relating to U.S. oceanic, coastal, and atmospheric interests.

Title IV rationalizes the many existing enforcement authorities of NOAA. The purpose of this section is to insure that NOAA can effectively enforce the laws which it administers.

Title V contains a series of miscellaneous provisions, including formal transfer of existing powers, functions, and responsibilities assigned to the current administration and pursuant to statutory authority or administrative or executive action to the administration established under the act. Title V also addresses transfer of personnel and interim appointments as well as the survival of administrative proceedings and suits at law. Finally, title V provides for the establishment of a more comprehensive and coordinated biennial authorization process.

Hearings are tentatively scheduled by the Merchant Marine and Fisheries Committee for later this summer on the creation of NOAA as an independent agency and accompanying organic legislation. During the committee's examination of this proposal, perhaps it is necessary to look beyond NOAA as presently constituted. It may be necessary to look at where other marine components are located throughout the Federal Government. Components of EPA and the Departments of the Interior and Transportation should be assessed to determine if they should be folded into an independent oceans agency.

Mr. Speaker, I look forward to the continuing dialog on the number of critical issues surrounding the establishment of NOAA as an independent agency and the enactment of organic legislation. I solicit the insights, views, and comments of my colleagues and others on this measure and urge the expeditious enactment of this very important legislation.●

MR. T—STEPIN FETCHIT REVISITED

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LELAND. Mr. Speaker, I would like to inform my colleagues about an article in the June 5 edition of the Washington Post written by Michael Wilbon entitled "Another 'Whitey' Stereotype."

The media has constantly bombarded its viewers with benighted images of black characters. The most recent example of this has been Mr. T. This article is a very enlightening analysis of televison's negative image of blacks. The parts that blacks are allowed to play on network televison are consistently limited to the comic or the thug. Mr. Wilbon examines the restrictions put upon black actors and actresses on televison and the adverse effects such restrictions have on America's viewing audience, especially children.

The article follows:

ANOTHER "WHITEY" STEREOTYPE—MR. T GIVES MEDIALAND ANOTHER PHONY IMAGE OF BLACKS

(By Michael Wilbon)

It shouldn't be too much just once every 30 years or so to ask for an enlightened black image. You keep hoping one day to switch on the tube and find a black professor, lawyer or somebody who presents himself intelligently—just anything other than fat, wisecracking maids and bonehead hucksters.

But apparently, Americans still are comfortable only with blacks who make them laugh. So we continue to embrace only unintelligent, comedic black images; the latest and most popular being Mr. T, the mohawked, monosyllabic savage who embodies all the stereotypes many blacks hate to see portrayed.

This minute, Mr. T is the most visible black man in America. After his role in "Rocky III" and a few months as a star of "The A Team," he has become hot enough to appear on the cover of People magazine.

Bulging muscles, gaudy gold chains, next to no clothes and short bursts of semi-speech. T is half-man, half-animal who looks like a slave and operates on intimidation. The man with the biggest muscles makes the rules. Some bad nigger, this Mr. T. The role doesn't allow him to challenge whitey with intellect, so he'll be just as happy kicking ass.

It would be nice to think that Americans are sophisticated enough to look at Mr. T as an implausible cartoon; to think that he's just a rags-to-riches ex-bouncer who makes a living with this stupid gimmick. The danger is, however, that too many people think Mr. T is somewhat reflective of black America.

There is little if any balance in television characters to show the difference. There's Fred Sanford, the junk dealer, bluffing his way through life. There's Florence, the maid, threatening anyone within reach. There's Benson, no matter how smart, still basically a butler. And now, there's Mr. T. telling People Magazine, "It takes a smart man to play dumb." Americans must not be ready to accept a black economist, wearing bifocals, coat and tie, walking down Wall Street and speaking intelligently. Maybe having a black editor on Lou Grant would have been too threatening.

It was particularly disturbing the other day that a youngster on 14th Street would express his admiration for Mr. T. then denounce Michael Warren, a talented black actor who plays a role too small in "Hill Street Blues."

Talk to a class of 6th graders at Burnside Elementary School in Chicago (where T grew up) and 29 of 31 will say they watch "A Team," because he's tough, he can beat anybody, he doesn't take any stuff, he talks cool, he wears a lot of gold.

It's an act that shouldn't be bought. Mr. T tells kids to stay away from drugs and in school and other things that are healthy and meaningful. Unfortunately, while the voice is saying one thing, the image is saying another. At some point in the near future, I hope, I'll be able to sit down and watch Mr. T, laugh and not be concerned that people will look at this man and think one image somehow reflects so many people. But as long as T's image is basically the only one blacks are allowed to project, I won't watch; just sit back and pity the poor fool.●

FORT TOTTEN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. ACKERMAN. Mr. Speaker, I rise today to announce the introduction of a bill, H.R. 3305, which, if passed, will finally put an end to 20 years of debate over what should be done with surplus Federal property at Fort Totten in Queens County, N.Y.

My colleagues from New York, Mr. SCHEUER and Mr. OWENS, and I have introduced this bill in recognition of the many hours of long and hard work by a dedicated group of community volunteers in Queens.

The story of Fort Totten involves 20 years of vacillation by the Army as to whether it wants to keep the land or claim it as surplus property. In 1977, the entire parcel, 46.4 acres, was declared surplus to the needs of the U.S. Government. It is evident that the Army and the General Services Administration (GSA) do not want to maintain the land. Under these two agencies, the historic Fort Totten structures have been allowed to deteriorate.

When I was a New York State senator, I helped to form a coalition of community groups, the Fort Totten Preservation Council, Inc., headed by Mr. Nicholas Garaufis, to gain citywide support for the establishment of a park on the property. In reference to the Federal Property and Administrative Services Act of 1949, as amended by Public Law 91-245, we called for the free transfer of this property to the city of New York for constructive, multifaceted public use.

After reviewing the May 7 application submitted by the Fort Totten Preservation Council, Inc., the city, and the Eastern Paralyzed Veterans Association (EPVA), the GSA Administrator Gerald P. Carmen, announced that only 11.4 acres of the land, the historic tract, would be donated to the city. Instead of turning the entire parcel over to the city, the agency decided that 32 prime acres would be auctioned, while supposedly giving New York City the "opportunity" to purchase the additional land.

The GSA's decision was a slap in the face to the people of Queens County. After such a long battle, the citizens of New York finally produced a jewel of a plan, only to have it thrown out by the Reagan administration. Under our proposal, the land would serve many factions of the community: the elderly will have senior programs; the young will have ballfields and playgrounds; the disabled will have a unique rehabilitation center; and everyone will be able to enjoy the wonders of a well-preserved natural environment.

Since the GSA has thus far ignored this unusual coalition—this sincere well-planned grassroots effort—my colleagues and I have decided that the time has come to take stronger action.

I am proud to say that the community members have spent many, many hours of their time ironing out the wrinkles and molding a proposal that I doubt any agency or company with paid workers could ever beat. This bill would require that the GSA abide by the law and convey the surplus land at Fort Totten to the city for worthwhile use in the public interest.

Mr. Speaker, for the record, I have included a letter from the Secretary of the Interior, James Watt, who reviewed the May 7 application submitted to GSA by the Fort Totten Preservation Council, Inc., the city of New York, and the EPVA. He found the project of "considerable merit" and stated that the land is eligible for conveyance to the city without monetary consideration for public park and recreation purposes.

I urge my colleagues to join Mr. SCHEUER, Mr. OWENS, and me in support of the citizens of Queens in their efforts to acquire the property at Fort Totten.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 8, 1983.

Hon. GERALD P. CARMEN,
Administrator, General Services Administration, Washington, D.C.

DEAR GERRY: This Department has received an amended application from the City of New York to acquire some 37 acres of federal surplus real property known as Fort Totten, New York, New York, for public park and recreation purposes under Public Law 91-485. This new application is the result of negotiations between the City of New York and the Eastern Paralyzed Veterans Association. We understand the Association has submitted an amended application through the Department of Health and Human Services.

Our review indicates the project has considerable merit, and we find it eligible for conveyance to the City of New York for public park and recreation purposes at a public benefit allowance of 100 percent in accordance with Section 203(k)(2) of the provisions of the Federal Property and Administrative Services Act of 1949, as amended by P.L. 91-845.

I understand from conversations between our staffs that you may have already made a decision to sell a portion of the property. We feel that the recreation value is significant to the people of New York and ask that you reconsider your decision in light of the amended application and assign the property to the Department of the Interior.

The utilization program for the property provides for park and recreation use as set forth in the City's original application dated December 1, 1981. Enclosed are the amended application and attachments that detail the changes in the original application.

Should you desire additional information in support of this request for assignment, we would be pleased to furnish it.

Sincerely,

JAMES WATT,
Secretary.●

ON THE STATE OF EAST-WEST RELATIONS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. GOODLING. Mr. Speaker, I would like to submit for the RECORD an editorial from today's Washington Post entitled "Worlds Apart" by Joseph Kraft. Mr. Kraft pretty well sums up the state of East-West relations, and lays the blame for the strained nature thereof squarely on the shoulders of our comrades to the East.

[From the Washington Post, Tuesday, June 21, 1983]

WORLDS APART

(By Joseph Kraft)

The latest political developments in Russia underline a fundamental truth of international politics. The East-West relation is not a naked struggle, a zero-sum game where what hurts Moscow helps Washington, and vice versa.

At times, on the contrary, bad news for the East equals bad news for the West. Events have now come to just such a pass, and sensible people have to hope that the troubles burdening Yuri Andropov will not block the move toward "constructive dialogue" initiated last week by the Reagan administration.

The administration's gambit came in testimony by Secretary of State George Shultz to the Senate Foreign Relations Committee last Wednesday. Shultz brought together all the familiar charges lodged by the Reagan administration against Russia—the massive military buildup; the penetration in Central America, Africa, the Middle East, Central Asia and Southeast Asia; the brutal violation of human rights in Russia and other communist states, notably Poland.

But the Shultz statement marked a watershed because it moved past confrontation. Shultz said the administration had devised a strategy that went beyond "containment" and "detente" to active global deterrence—the building of a capacity to deal devastating blows against Russian expansion all over the world. He said that policy found expression in steps toward more robust defense,

which commanded a consensus in the United States and among the allies. Accordingly, he found the time ripe for "constructive dialogue" between the superpowers.

An occasion for dialogue not set in the win-lose calculus was delicately indicated by Shultz. In his statement he referred to the Austrian State Treaty of 1955, a deal concluded by Moscow and Washington after the death of Stalin. The clear message was that the death of Brezhnev and the accession of Andropov provide a similar moment.

But just as the Reagan administration was opening avenues, Andropov was battening down hatches. Though he has now added the job of president to his party post as general secretary, Andropov emerged from a series of high-level meetings in Moscow last week on the defensive.

His health, all recent appearances indicate, is not robust. Perhaps for that reason, he has lost political momentum. Though the ruling Politburo is now at a low of 11 members, no new additions were made at the Central Committee plenum last week. The inference is that Andropov does not command the majority in the Central Committee necessary for full personal primacy.

The attack on poor economic performance, foreshadowed after his accession, has also not materialized. Ideological conformity, not economic dynamism, was the theme of the main speech to the Central Committee plenum—a speech delivered by Andropov's formal rival for the leadership, Konstantin Chernenko. The major personnel move—the designation of Grigory Romanov, the Leningrad party boss, to a post on the party Secretariat in Moscow—also suggested sticky going in improving the economy. For Romanov has been noted for feathering his own nest, and for emphasis on the outmoded iron and steel complex.

Neither have matters gone well in foreign policy. The Soviet effort to split the allies on nuclear defense has been turned back by the rise of new leaders in West Germany (Helmut Kohl) and Japan (Yasuhiro Nakasone), and by Margaret Thatcher's electoral victory in Britain. Soviet moves toward rapprochement with China have been spoiled by a third communist country, Vietnam. The pope's visit to Poland shows that disaffection in Russia's East European back yard is acute.

Andrei Gromyko, in a speech that wound up the week's political doings in Moscow, cast a bleak eye on the international scene. He asserted that Poland "has been and remains an inalienable part of the Socialist community." He charged the United States and Israel were trying to "impose anti-Arab deals" in the Middle East. He reiterated the threadbare propaganda charge that the Reagan administration was subject to "militarist intoxication." He labeled President Reagan's most recent arms control proposals an "unacceptable" invitation to Russia for "unilateral disarmament."

A slight chink was left in the Gromyko speech. The Soviet foreign minister said that "parity" defined the present level of the superpowers in nuclear weapons. He called for negotiations on that basis, and warned against "letting slip by the truly historic opportunity."

Those of us who do not want confrontation for the sake of confrontation have to hope the opportunity will not be missed. But the clouds over Moscow make it hard for Andropov to show the kind of give the United States, not wrongly, seeks. So the odds are that the ships of the superpowers will pass in the night.●

JUNE AND KENNETH BROWN, OF BEVERLY, MASS., CELEBRATE 25TH ANNIVERSARY

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MAVROULES. Mr. Speaker, I rise today in recognition of two of my constituents and friends on the occasion of their 25th anniversary.

June and Kenneth Brown of Beverly, Mass., celebrated their milestone earlier this month, on June 7, 1983. This couple, through their enthusiasm, has been a great asset to the whole community. Ken, vice president of Salem Paper Co., in Salem, Mass., has been instrumental in moving that company from a small family business to a prosperous and growing corporation. It now serves the paper needs of thousands on the North Shore, consumers and businesses alike.

Ken can be equally commended for his family life. He values his children more than anything, constantly making grave sacrifices for their benefit.

June, currently a travel agent at Travel World in Salem, is equally active in her community. She has devoted her energy to numerous projects, ranging from helping needy children to fulfilling civic responsibilities. June, a natural with people, has taught both nursery school students, and less privileged ones with learning disabilities.

Through all of this, the two have managed to raise three beautiful children, Douglas, Todd, and Kimberly.

My sincerest congratulations to them, and may their next 25 years be as productive as their last.●

NICARAGUAN BARES PLAN TO DISCREDIT FOES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LAGOMARSINO. Mr. Speaker, the Congress will soon be considering legislation to terminate covert aid to anti-Sandinista rebels in Nicaragua as a means of curbing the flow of weapons to El Salvador. A lengthy article in the Washington Post, June 19, describes the experience of a Sandinista state security official who recently defected from Nicaragua. His comments about the extensive program of the Sandinistas to subvert the Government of El Salvador and discredit all those opposing the Sandinista regime are extremely enlightening and should be read carefully by every Member of Congress.

NICARAGUAN BARES PLAN TO DISCREDIT FOES

(By Don Oberdorfer and Joanne Omang)

The recent expulsion of three U.S. diplomats from Nicaragua was the product of a two-year plan, authorized at high levels of the leftist Sandinista government in Managua, to discredit democratic opposition forces there through a web of false accusations, according to a former official of Nicaraguan state security.

The former official, Miguel Bolanos Hunter, said he was in charge of surreptitiously filming American diplomats as part of the plan and participated in meetings on the operation that were presided over by Lenin Cerna, director of the Direccion General de Seguridad del Estado (DGSE), the Nicaraguan Interior Ministry's department of state security.

Bolanos, 24, who led a 60-man guerrilla unit in the final battles that brought the Sandinistas to power in 1979, defected from Nicaragua six weeks ago by hijacking a light plane to Costa Rica. He has provided an unexpected intelligence bonanza for the very U.S. agencies he worked against for the last three years.

Bolanos had served briefly after the Nicaraguan revolution as special assistant to the Sandinista army chief of staff, Joaquin Cuadra.

From January 1980 until his defection May 7 he was an official of state security, nearly all of that time a counterintelligence case officer with special responsibility for surveillance of U.S. Embassy and CIA activities in Nicaragua.

Since leaving Costa Rica about three weeks ago as part of an arrangement with the U.S. Embassy there, Bolanos has been debriefed extensively by State Department and CIA officials.

Access to him was offered to reporters for The Washington Post by State Department officials, who arranged for meetings with Bolanos at the Heritage Foundation, a conservative think tank. Washington Post reporters interviewed him there for 13 hours late last week, with no questions barred.

Various independent sources here and in Central America confirmed Bolanos' identity, though it was impossible to obtain confirmation of the details he provided of the secretive and influential internal security apparatus in Nicaragua.

Bolanos' account includes detailed information about the presence and role of Soviet, Cuban, Bulgarian and East German advisers and assistance in the Nicaraguan security apparatus.

The defector said their presence is extensive, with two high-ranking Soviet officers and a Cuban officer assigned as advisers to the 35 Nicaraguans in the counterintelligence section where Bolanos worked.

He said many more such advisers worked with other Nicaraguan military and security forces.

Among other things, Bolanos said:

Nicaraguan intelligence has deeply penetrated the anti-Sandinista guerrilla groups that have been fighting a U.S.-supported "secret war" against the Nicaraguan regime. The locations, armaments, personnel and many other details of insurgent activity have been passed along for many months by Nicaraguan agents who, according to Bolanos, include a close adviser to Eden Pastora, leader of one of three major insurgent groups.

The assassination of exiled Nicaraguan leader Gen. Anastasio Somoza in Paraguay in September, 1980, was planned in Mana-

gua with Cuban assistance. Bolanos said he knew Hugo Alfredo Yrurzun, the assassin who wielded the bazooka that blasted Somoza's automobile, as an interrogator in Nicaraguan state security in March, 1980. Yrurzun was gunned down by Paraguayan police after the assassination.

Public demonstrations and heckling during the visit of Pope John Paul II to Managua last March were orchestrated by Nicaraguan state security, which placed thousands of pro-Sandinista Catholics in prominent positions for the papal mass and kept thousands of anti-Sandinista Catholics away. Bolanos said he helped control the event from an operation center near the public square in Managua, and that the pro-Sandinista slogans that interrupted the pontiff's homily had been chosen in advance by the security apparatus.

Planning and training for the spectacular and damaging raid by leftist guerrillas in nearby El Salvador on the Salvadoran government military air base at Ilopango in January, 1982, was centered eight miles from Managua in a Nicaraguan facility under the supervision of a Cuban adviser. This account, which Bolanos said he learned from the Cuban adviser, illustrates the extensive support Bolanos said Nicaragua gives to the rebels fighting against the U.S.-backed government in El Salvador.

About 80 Soviet-built MiG warplanes presently in Cuba have been designated for Nicaragua. Bolanos said he was told this by the head of the Nicaraguan Air Force, whom he identified as Raul Venerio. Because of U.S. warnings against bringing MiGs onto the land mass of Central America, the current plan, according to Bolanos, is for the MiGs to be based in Nicaragua only after the expected Sandinista victory in elections there in 1985. Nicaraguan pilots who have been undergoing training in eastern Europe will be ready to fly the jets starting next year, Bolanos said, and the planes would be flown on Nicaragua's behalf by an "international" group of communist pilots if they were needed before 1985.

Orlando Jose Tardencillas, 19-year-old "Nicaraguan guerrilla" who embarrassed the Reagan administration by suddenly recanting his previous story before the Washington press in March, 1982, was put up to this by Sandinista officials. Bolanos quoted Cerna, chief of Nicaraguan state security, as saying that Tardencillas had passed word from a prison cell in El Salvador that U.S. officials wanted to use his participation in the Salvadoran war for propaganda purposes. According to this account, an order was secretly sent back to Tardencillas in prison to cooperate until he was brought before the American press and then to "turn around" to embarrass the U.S. government. Tardencillas, who was permitted to return home after the famous press conference, is now a national hero and a Sandinista youth leader in Nicaragua, according to Bolanos.

The man telling this story is the Managua-born son of an American, Gloria Hunter, and a Nicaraguan, Dr. Rodolfo Bolanos, an eye, ear, nose and throat surgeon. Young Miguel briefly attended several colleges in the United States before joining the Sandinista revolution against Somoza. His parents left Nicaragua for Miami, where they now live, after the revolutionaries took power.

Because of his upper-middle-class background and American connections, Bolanos said, Cuban advisers opposed his application to join the highly sensitive state security apparatus. But they were overruled by high-ranking Sandinistas who known Bolanos as a comrade-in-arms.

Bolanos said he wanted to join the internal security service after being mistakenly detained by the secret police shortly after the revolution and realizing his captors had more power than anyone else in Nicaragua.

But, as Bolanos told it, this experience also played a part in his growing disillusionment with the revolution over the years. In addition, he cited the distinct minority status of his revolutionary faction, the *terceristas*, within the predominantly more radical security apparatus, his growing conviction that Nicaragua is heading down a totalitarian path and, finally and apparently most deeply felt, a sense of outrage at the luxurious living and special privileges of Sandinista leaders compared to the privations suffered by most of their followers.

Bolanos himself benefited from those privileges as a "militant," or full member of the Sandinista Party, a status he said is enjoyed by only 600 to 800 people. Other accounts have put party membership as high as 4,000.

Party members are permitted to shop at special stores which offer items that are unavailable or strictly rationed elsewhere, Bolanos said, and this spring party members were permitted to buy Cuban-made television sets, stoves and refrigerators at one-fourth or less of their open market prices.

Bolanos said the birth of a son last October was the beginning of the end. He determined then, he said, that "I'm not going to allow my son to become a slave or be in a slave system." After that, "my observations became more critical," and eventually he began to plan an escape.

Despite many privileges and impressive powers, internal security officers are not permitted to have passports or to travel abroad. But Bolanos was able to obtain a passport and exit permit for his wife and infant son to "visit relatives" in Costa Rica. They left Managua on a commercial airliner the morning of May 7.

As soon as he confirmed their departure, Bolanos boarded a light plane he had chartered the previous day to take him to a city near the Nicaraguan-Costa Rican border. As the aircraft approached its destination, he said, he drew his gun and ordered the pilot to continue across the border and land at an airport in Liberia, Costa Rica.

Bolanos said, and Costa Rican authorities confirmed, that he was taken into custody and charged with air piracy. Just what happened next is murky and reportedly was the subject of high-level discussions between Costa Rican and U.S. authorities. The result was that Bolanos was released from custody and left Costa Rica under U.S. auspices.

Bolanos said there were "no conditions" on his entry to the United States, pointing out that he has a claim through his mother to American citizenship, for which he has now applied. When he crossed the Costa Rican border, he was carrying an expired U.S. passport, which he had obtained during his student days as the son of an American woman.

He denied that he agreed to make public what he knew as a condition of coming here. He said the idea of telling his story to journalists was his from the beginning.

He is not being paid by the U.S. government, Bolanos said, nor has he been promised any protection. In order to remain unnoticed in the midst of the American people, he declined to have photographs published in which he could be recognized, although his picture is on file in Managua.

A spokesman at the Nicaraguan Embassy here, Angela Saballos, said yesterday that the embassy is aware of Bolanos' defection but added, "He was not in a decisionmaking position, so he did not have any inside information."

Eventually, Bolanos said, he hopes to fight for a new, non-communist, democratic revolution in Nicaragua, "maybe from some place closer to Nicaragua" than the United States. He declined to be more specific.

Bolanos described the atmosphere in Nicaragua's security apparatus as full of intrigue, aided and in some respects complicated by the presence of the experienced outsiders from communist countries. About 2,800 to 3,000 Nicaraguans in the department of state security are aided by about 70 Soviets, 400 Cubans, 40 to 50 East Germans and 20 to 25 Bulgarians, according to Bolanos. He estimated that there are about 2,000 Cuban military personnel in the country, most of them posing as teachers.

He said the Soviets, who used Cuban-adapted manuals of the KGB, the Soviet secret police, have provided Makarov automatic pistols as a comradely gesture to Nicaraguan security officers. He described the Russians as high-ranking—with one of the two Soviet officers assigned to his F2 section a colonel in the KGB—but as relatively restrained in their intervention compared with the Cubans.

Last year, for the first time according to Bolanos, the Soviets supplied sophisticated bugging devices to the Nicaraguans. Next year, he said, high-level Nicaraguan security agents are scheduled to attend a special KGB school in Moscow rather than be trained entirely in Cuba.

The other Europeans have less importance, according to Bolanos, who said that the East Germans are mainly advisers on hidden microphones and technical operations. They also direct advisers and participants in the sub-section of F2 that operates against the West Germans and other European embassies, he said. The Bulgarians have "a small center" to process information and supply occasional advice.

As Bolanos told it, the Cubans are in on just about everything and make their presence felt with a constant stream of advice bordering on directions. Bolanos said that, shortly before his defection, an argument broke out in the F2 section, with the Cuban adviser taking sides in a divisive way. As a result, he said, Cerna and other officials had the adviser sent back to Cuba.

Bolanos said that, like many Nicaraguan security officials, he was schooled in Cuba. He spent four months in mid-1980 at a school in a special security base south of the Havana airport where, he said, many teachers held class for Nicaraguans in the mornings and for Angolans in the afternoons.

The chief Cuban adviser to Cerna, whose working pseudonym is "Mayan," and several other Cubans were among those who worked on the plan to discredit the democratic opposition in Nicaragua by concocting a false conspiracy linking them to U.S. diplomats, according to Bolanos. "This is an element of the big strategic plan," he said, to eliminate all effective opposition to Sandinista rule by 1985, when national elections are to be held to resoundingly endorse the Sandinista regime.

Agents were used to lead American diplomats into suspicious situations, he said. He added that his unit of the F2 section was assigned to provide films of U.S. diplomats meeting Nicaraguans from democratic opposition parties and factions, the Catholic

church, labor units, the press and the private sector.

For six months, Bolanos said, he was in charge of shadowing Linda Pfeifel, political affairs officer of the U.S. Embassy. Bolanos said he supervised the bugging of Pfeifel's house and, on one occasion, personally searched her belongings.

"I knew everything about her," he said. "I knew where she went and what she did. I even knew what kind of deodorant she uses."

A great deal of film was shot over many months with Americans and their Nicaraguan contacts unwittingly in the starring roles, according to Bolanos, who said the idea was to produce a motion picture that would dramatically "expose" the supposed conspiracy.

He said the whole plan, which recently was given the name of "Operation Spiderweb," originally had been scheduled to be unveiled at the end of April with the expulsion of some American diplomats. It was postponed, Bolanos said, because of the desire to obtain more "incriminating" documentation.

It was after he left Nicaragua, Bolanos continued, that the security services added a final detail: the charge that Pfeifel supplied a bottle of poisoned liqueur to a double agent intended to be given to Nicaraguan Foreign Minister Miguel D'Escoto.

This was the high point of a June 6 press conference in Managua, in which Cerna participated and where videotapes were shown with James Bond-style sound track, announcing the expulsion of Pfeifel and two other U.S. diplomats on espionage charges.

The Reagan administration, which by then had been forewarned by Bolanos, responded June 7 by closing all six Nicaraguan consulates in the United States and expelling their 21 diplomatic personnel.●

DO WE NEED A TRADE DEPARTMENT?

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. NEAL. Mr. Speaker, the Reagan administration has proposed the creation of a Department of Trade to consolidate the numerous trade-related functions now lodged in various Government departments and agencies.

The question of whether we should have such a department has been debated for years in Congress and within previous administrations. I once introduced a bill to create a Department of Trade, in the hope that I could generate some interest in improving our support for exporters. At the same time, though, I think we should be careful about creating new Government entities.

In a recent column in the Washington Post, Philip H. Trezise, a senior fellow at the Brookings Institution and a former official of the Nixon administration, made a provocative argument in opposition to the establishment of a Department of Trade.

I do not necessarily agree with all of Mr. Trezise's comments, but I do think that my colleagues should take account of the points he has raised before we decide whether to allow creation of a new department. At the least, we should heed his reminder that there is no magic bureaucratic formula for solving our trade problems.

Without objection, I would like to have Mr. Trezise's article, "A New Department We Don't Need," from the June 7, 1983, Washington Post, printed in the RECORD so that our colleagues may consider his arguments.

The article follows:

[From the Washington Post, June 7, 1983]

A NEW DEPARTMENT WE DON'T NEED

(By Philip H. Trezise)

(The writer, a senior fellow at the Brookings Institution, was an assistant secretary of state for economic affairs in the Nixon administration)

It is news that an administration which came to office vowing to kill the departments of Education and Energy should now be proposing to create a new Department of Trade. This is at least as bad an idea as the Department of Education and probably worse than the Department of Energy.

Why a Department of Trade?

One answer is that trade responsibilities are now diffused among a number of agencies. Another, which is not necessarily connected with the first, is that our international trade in goods is chronically in deficit. A third, which seems too frivolous to be accepted, is that Ed Meese wishes to reduce the size of the Executive Office by transferring out the special trade representative and staff.

Trade is the most pervasive aspect of our foreign relations. Can one imagine a secretary of state so self-effacing as to foreswear a role in making trade policy? As the foreign debt crisis has brought sharply into focus, the link between trade and finance means the Treasury has a basic interest in trade policy. The Department of Commerce, representative of the nation's business sector, cannot be excluded.

Other Cabinet departments are involved. Labor, of course, Justice (antitrust), Defense (East-West trade, the mobilization base), Interior (fisheries and minerals) and Energy all have good claims to have their views represented.

Among the non-Cabinet agencies are the Export-Import Bank, facilitator of big-ticket exports, the Federal Trade Commission, sharing an antitrust interest with Justice, the Overseas Private Investment Corporation, and the International Trade Commission. It would be unfortunate if the Council of Economic Advisers, a reliable voice for good sense, were not to be consulted on trade issues. In the past at least, it was not unthinkable to have a member of the Federal Reserve Board at interagency meetings on trade.

Then there is Agriculture. The essential hollowness of the idea of a Trade Department is that no one expects that Agriculture will be asked to give up any part of its trade responsibilities. And agricultural goods normally make up 20 percent of our exports. Some centralizing of responsibilities.

With or without Agriculture, there unquestionably is a coordination problem. Where should the coordinating responsibility be lodged?

For about 20 years it has been in the Executive Office, where in our government differences among the departments usually are referred and resolved. To put it in a renamed Commerce Department is not going to prevent intra-Cabinet differences from being taken to the White House. No form of organization can deny a Cabinet secretary the right to make his case to the president.

So what is to be gained? The president says that a Department of Trade will have us "speak with one voice on trade." Does he really mean that we now speak with more than one voice after his administration has made a decision? And surely he does not mean that he wishes to silence the interagency debate that precedes a decision?

Whether a Department of Trade would tilt policy toward more protectionism is arguable, I suppose. The Commerce Department has never been the steadiest or staunchest defender of free trade, which follows from the fact that the department's business constituency includes important groups with a stake in obtaining or perpetuating import restrictions. At any rate, there is a more than hypothetical risk that to try to centralize the trade responsibility in a slightly altered Commerce Department would tend, case by case, to weaken resistance to pressures for protection.

It takes a large act of faith to believe that a Department of Trade could do much for the nation's deficit in merchandise trade. None of the departments or agencies concerned with foreign trade can have been entirely happy with high interest rates and the consequent strong dollar that has hampered exports and encouraged imports. None had the power to change things. Would a new department be able to bring the deficit under control, or persuade the Federal Reserve to adopt another monetary policy?

Microeconomic influences on the trade account are likely also to be beyond the reach of any department, new or old. Like it or not, policies toward human rights, bribery, trade with the East and the Arab boycott do have a negative impact on exports. Congress and the executive are aware of this and have accepted the consequences. To assume that a Department of Trade could persuade them to the contrary requires a suspension of disbelief.

It would be interesting to question those members of Congress who cheerfully rejected President Ford's 1975 proposal to allow oil prices to rise to the world level. If they had been told by a secretary of trade that this decision infallibly would inflate the import bill, as it did for the next six years, would they have acted differently?

A persistent notion has it that we lag all other nations, especially Japan, in managing trade policy. No so. Everyone has a coordination problem, for the same reasons that we have one. In Japan seven major ministries and a number of non-Cabinet agencies are in the act. The Ministry of International Trade and Industry, or MITI, despite its awesome press notices, is one among many. It does not even have charge of trade negotiations, that being for the Ministry of Foreign Affairs.

The bottom line is that a Department of Trade could perform no feats of magic. It could not eliminate the need for tedious interagency conferences and clearances. It could not free the president from having to decide the difficult ones. It could not do what all present departments of govern-

ment wish could be done quickly and painlessly: make our giant, sprawling economy more productive, competitive and prosperous. To expect it to remove even minor impediments to exports is the merest hope.●

LOUISVILLE PRESIDENTIAL SCHOLAR

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MAZZOLI. Mr. Speaker, I would like to join the rest of the Louisville and Jefferson County community in congratulating one of its native sons, Mr. Brian C. Jones, on being named a 1983 Presidential Scholar.

Our entire community is exceedingly proud of Brian for his accomplishment and for representing us so well. We wish him all the best that life has to offer and hope that he finds success and happiness in all of his future endeavors.●

PROSPECTS FOR SECURITY IN EUROPE—THE FALSE ILLUSIONS THREAT

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. WHITEHURST. Mr. Speaker, on Monday, June 13, at the plenary session of the North Atlantic Assembly in Copenhagen, our colleague ELLIOTT LEVITAS spoke on the subject of "Prospects for Security in Europe—The False Illusions Threat." Congressman LEVITAS presented what I felt was the most thoughtful statement of the day.

His theme was the danger of false illusions, and I am pleased to share his remarks with this body, because his views merit serious consideration. ELLIOTT LEVITAS has once again shown his mettle in an international forum, and his statement reflects a careful and perceptive analysis of what is at stake for us and our European allies in the debate now going on within the alliance.

PROSPECTS FOR SECURITY IN EUROPE—THE FALSE ILLUSIONS THREAT

The prospects for security in Europe are good. The shared values and democratic principles of the Alliance as well as its military capability give us this prospect and are the source of our strength. Furthermore, our strength of will exists. We are resolutely committed to the dual track decision. The Cruise and Pershing II missile will be deployed on time and on schedule unless agreement is reached in Geneva. Of that there should be no doubt nor illusion.

We reaffirm that the principle of credible deterrence has served the cause of peace well and remains valid for our defense Alliance. However, there is still a threat to peace and security. That threat today is the threat of false illusions.

Whether on our part or the part of others, it is the existence of these false illusions about the world, that poses a real threat. We should thank Mr. Palme, the prime Minister of Sweden, for reminding us here today by his own example of the prevalence of some of these false illusions.

There should be no false illusions about our strengths or weaknesses or that of our adversaries. The dangers of miscalculation, or overreaction, must be avoided in assessing the strengths and weaknesses of ourselves and our adversaries.

There should be no false illusions about the differences between the United States and the Soviet Union, our principles and our intentions—differences on the part of NATO and of the U.S.—and those of the Warsaw Pact and of the Soviet Union.

Our commitment to defense of freedom and the value of individual dignity is clear. The actions of the Soviet Union are equally clear—whether in its continuous egregious violations of human rights in contravention of the Helsinki Final Act or the aggression and increasing violence in Afghanistan.

There should be no illusion about our commitment to *both* paths of the dual track. There has been much public discussion of the deployment track but not enough of the negotiation track.

In recent months, we in the United States Congress, from both our major political parties, have been working with the President to establish new arms control policies that can achieve nuclear arms reductions through the Geneva negotiations. These proposals which will be made by the United States, I believe, should provide the basis for progress in these vital talks—if the Soviet Union is really interested in seeking reduction of nuclear forces.

However, as I see recent developments in the nuclear arms buildup by the Soviet Union, I ask for performance, not mere words. Instead of peaceful efforts, we see the large deployment of SS-20 missiles aimed at Europe, the modernization of SS-18 and SS-19 forces and the retrofitting and hardening of their silos, the expansion of a blue water Navy, the launching of Typhoon class submarines, the development of new missiles and bombers, all at a pace that indicates some urgency. These developments intensify my doubts about Soviet intentions. At whom are the SS-20's aimed and why? What is the threat to which the recent rapid Soviet nuclear buildup responds?

And now we hear that if NATO deploys the Cruise and Pershing II missiles in response to the Soviet SS-20 missiles and the other theater advantages of the Soviet Union, they will increase again their own military threat to western Europe by deploying more SS-20's in eastern European countries. This recent Soviet announcement is especially revealing about the way the world is. The proposed deployment in eastern Europe was not even made in terms of the sham of a Warsaw Pact decision, but was simply announced unilaterally by Moscow.

I will watch to see how democratically the Soviet leadership will go about deploying more SS-20 missiles in eastern Europe. What free public discussion will be heard? What anti-nuclear demonstrations will be tolerated? What parliament, in the Soviet Union or in its allied countries, will call for a halt and freeze on their deployment? I ask some of our own citizens, who have false illusions, to think about these questions as they compare systems and negotiation positions.

Some people in western nations, both within and without the Alliance, have the false illusion that the Soviet threat is not real and that it can be avoided by means other than demonstrating resolute strength. My colleagues, the threat is as real as the SS-20's and their pre-determined targets. And the people of Afghanistan can attest to the effectiveness of "no deterrence" as a means of avoiding Soviet aggression. And the repressed human beings in the Soviet Union are witnesses to the type of system they would impose if they prevail one way or the other.

Some western leaders and some citizens have false illusions about the Soviet Union. Submarines with nuclear warheads enter their territorial waters and yet there is no change in Swedish policy towards the Soviet Union. What will it take for people like Mr. Palme to lose their illusions? Will it take a Soviet Submarine crawling into the Grand Platz? Probably not. They would simply view it as a novel Intourist visit. It is a dangerous illusion not to see the differences between the Soviet Union and the United States and to act accordingly.

Likewise, Mr. Palme's concept of a Nordic Nuclear-Free Zone is at least consistent with his other false illusions. In a country which has been the target of aggressive and extensive Soviet espionage activities and whose territorial waters have been violated in peace time, how can we believe the Soviets to respect a nuclear free zone in war?

Mr. Palme and his government are not the only one's who have illusions. Regrettably many people and some parties in NATO countries have these illusions as well.

Now let us look at the illusion of making treaties and observing treaties.

My colleagues, there is a link between Geneva and Vienna arms negotiations on the one hand and the Madrid Helsinki Act negotiations on the other. If the Soviet Union does not perform its obligations under existing agreements to respect human rights why should we expect them to observe arms control agreements?

We seek the establishment of more confidence building measures in Europe. A Conference on Disarmament in Europe, from the Atlantic Shore to the Urals as well as the ongoing MBFR talks in Vienna are paths to that result to reduce the opportunity for surprise attack. We seek reductions in both conventional and nuclear forces to produce stability and to promote peace and security.

But we must achieve this in a context of the Soviet observance of its existing undertakings. Then we will see success in Madrid. We will see a conference on disarmament in Europe and progress in Geneva and Vienna. Without such performance by the Soviet Union, the prospects are dim. It is simply an illusion.

As long as the Soviet Union has the illusion that it can achieve its goals without quid-pro-quo negotiation, there will be no progress in the Geneva talks. And the "quids" and "quo's" must be real—not illusory—on both sides.

The ultimate success of the Alliance is the attainment of lasting peace and security in Europe and the world. When the Soviet Union loses its false illusions about NATO and becomes convinced that they cannot defeat us and that they cannot divide us, then will we achieve meaningful arms control and lasting peace.

In that context of peace, the power of our principles shall demonstrate even greater force than the principle of power. And in that peaceful context the competition between the communistic and democratic systems can be peacefully waged. I believe, under those circumstances the nations which observe respect for human rights and which value individual dignity and which uphold and cherish freedom—those nations shall prevail.●

FEDERAL CONSTITUTION CONVENTION AMENDMENT ACT

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. HYDE. Mr. Speaker, today I am reintroducing the Federal Constitution Convention Amendment Act. This legislation is identical to H.R. 353 which I sponsored in the 97th Congress and is substantially the same as the Ervin bill that passed the Senate unanimously in October 1971 and again by a voice vote in July 1973.

There are two methods of proposing and ratifying amendments to the U.S. Constitution as set forth in article V:

> The Congress, whenever two-thirds of both Houses shall deem it necessary shall propose Amendments to this Constitution, or on the Application of the legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which in either case shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States or by Conventions in three-fourths thereof, as one or the other Mode of Ratification may be proposed by the Congress * * *

In the past, when attempts have been made to amend the Constitution, the proposed amendment has always originated in the House or the Senate. Today, we are faced with a dilemma. Missouri has become the 32d State to call for a Constitutional Convention that deals with a balanced budget. Should two additional States submit applications for a Convention, the Congress would be bound by its constitutional obligation as set forth in article V to convene a Convention for the purpose of proposing an amendment to the Constitution.

It should be noted that as of this date, seven States—California, Vermont, Kentucky, Michigan, Montana, Washington, and West Virginia—will shortly begin consideration of legislation that would call for a Constitutional Convention. In addition, the legislatures of California, Illinois, Kentucky, and Montana have adopted resolutions requesting that Congress propose a deficit spending amendment, but not asking for a Constitutional Convention.

The dilemma, Mr. Speaker, is that if Congress is forced to call a Constitutional Convention—then what? Who presides? Who attends? How long does the Convention meet? How is the Convention limited in the scope of amendments it may propose?

The steps required to convene an article V convention and the rules which would govern it are not set out in the Constitution or statutory law. Because this process for amending the Constitution has never been used, many unresolved legal and policy questions arise governing the convening and the authority of such a convention.

My bill accomplishes four things:

First, it establishes guidelines for the Congress and the State legislatures to follow when applying for a Constitutional Convention.

Second, it creates rules by which the Convention would be bound to follow during the course of the Convention.

Third, it sets forth procedures for Congress and the States to follow when ratifying the proposed constitutional amendments.

Fourth, it limits the subject of the Convention to that contained in the call.

Mr. Speaker, the need for legislation to implement article V is ever present. In the period since 1789, State legislatures have submitted more than 400 applications for a Convention to consider amendments relating to a wide variety of subjects. In recent years, legislatures have applied to Congress for a Convention more often than in the past. During the 174-year period from 1789 to 1963, Congress received approximately 250 applications requesting a Convention. In the period since 1963, more than 150 such applications have been received. Because the number of applications calling for a Constitutional Convention has proliferated so rapidly in recent years, we now face a situation where Congress could be asked to call a Convention and we would not be in a position to comply with our obligation as set forth in article V.

Mr. Speaker, we must realize that we are in a unique situation. The Congress has an excellent opportunity to act rather than, as we so often do, react. There are many unanswered questions regarding this issue and we have an obligation as elected representatives of the people to be able to answer these questions. We should take action now, while we have the opportunity to examine the situation in an objective, and unhurried manner rather than having to deal with the stress and confusion should we be suddenly confronted with a Convention call. With the addition of Missouri to the list of States calling for a Constitutional Convention, the need for this legislation has become intensified.

There is a clear need for orderly procedures to avoid the threat of a runaway Convention and thus a constitutional crisis. I urge my colleagues to cosponsor this timely legislation in addition to joining me in a call for expeditious hearings.

Following are the main points of my bill:

1. States use the same procedure for adopting convention application as they use for the passage of statutes, but without the approval of the Governor.
2. Receipt of an application by Congress is to be announced on the Floor of both Houses, and copies sent to each Member of Congress and state legislature.
3. Each application is to remain in effect for 7 years, unless rescinded by the State legislature.
4. Applications may be rescinded by state legislatures until two-thirds of the states have submitted application, then all applications remain in effect.
5. After Congress determines the validity of the applications, it shall pass a concurrent resolution calling for a convention.
6. The convention must be convened within 1 year after adoption of the concurrent resolution by Congress.
7. Delegates to the convention shall be popularly elected, one delegate from each congressional district and two additional at large delegates from each state.
8. The convention shall elect its own officers.
9. Each delegate may cast one vote.
10. Each delegate's vote must be recorded and a verbatim record kept.
11. Amendments shall be proposed by majority vote of the delegates.
12. The convention shall be limited to subjects named in the concurrent resolution and that delegates subscribe to an oath to refrain from proposing or voting in favor of any proposed amendment not so named.
13. The convention shall be terminated 1 year after date of its first meeting, unless Congress extends its life.
14. Questions arising as to convention procedures shall be determined solely by Congress.
15. Congress may disapprove a proposed amendment on the ground that substantial procedural irregularities occurred at the convention or that the amendment pertains to a subject different from that described in the resolution calling the convention.
16. Congress may not disapprove a proposed amendment on the ground that it disagrees with the substance of the amendment.
17. Congress must transmit the proposed amendment to the states for ratification.
18. The proposed amendment must be ratified by three-fourths of the states.
19. Each state shall adopt its own rules of procedure for ratifying proposed amendments, except that any state ratifying action shall be valid without the assent of the Governor.
20. State ratifications may be rescinded by the same process by which the amendment was ratified, except that a ratification may not be rescinded when there are valid ratifications by three-fourths of the states within the requisite time.●

COMMUNITY SEEKS CREATIVE WAYS TO HELP UNEMPLOYED

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MATSUI. Mr. Speaker, I am pleased to draw to the attention of the House the effort now underway in my hometown of Sacramento, Calif., to help the thousands of unemployed in that area.

The California Job Journal and radio station FM-102 have joined hands and, with the involvement of many others, have put together a special event to demonstrate concern and support for jobless citizens. In this event, food and entertainment will be provided for a needed spiritual lift to those now seeking jobs. Also, local merchants are providing gift certificates for food, clothing, and other items for the unemployed.

Mr. Speaker, we often speak of the need for selfless involvement and cooperation between private and public sectors in meeting the challenges of our society. We often hear that more people need to do more things. Mr. Speaker, people in Sacramento are trying to find solutions and remedies to those problems. I wish to use this opportunity to congratulate them on their service.●

MX VOTE SIGNAL TO SOVIETS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LAGOMARSINO. Mr. Speaker, a recent editorial in the Oxnard Press-Courier, in my district, describes the importance of the MX missile program for the arms-control talks with the Soviets. It views the recent House and Senate votes on the MX to be a useful signal to the Soviets to stop dragging their feet on arms negotiations in Geneva. I urge my colleagues to consider the views expressed in the Press-Courier editorial.

[From the Press-Courier, Friday, June 3, 1983]

MX VOTE SIGNAL TO SOVIETS

The House and Senate victories for the MX missile program averted a devastating defeat for President Reagan's defense and arms control strategies. Had these two crucial votes gone the other way, U.S. arms negotiators sitting across from their Soviet counterparts in Geneva would have been undercut. Worse yet, Congress would have been opting for something akin to unilateral disarmament.

Avoiding these blows to the nation's security was the plus side of the MX votes. But there was a minus side, too. Congress was giving a tentative stamp of approval to an MX basing scheme that most experts acknowledge will be vulnerable to Soviet attack.

The whole purpose of the MX program is to restore the survivability of land-based missiles, still the most critical leg of America's nuclear deterrent triad—manned bombers, submarine-launched ballistic missiles, and land-based intercontinental ballistic missiles.

At present, only land-based missiles have the size and accuracy to threaten the hundreds of Soviet ICBMs that would be held in reserve in hardened underground launching silos to deter U.S. retaliation following a Russian first strike. The best way to protect the MXs from being destroyed in a first strike would be to make the missiles mobile.

But every effort to design a mobile basing system for the MX has fallen victim to one sort of objection or another.

Consequently, a commission appointed by President Reagan ended up recommending that 100 MXs be built and deployed in existing, fixed missile silos.

That would leave the MX no less vulnerable than the current Minuteman missile force. But without any of the highly accurate, 10-warhead MXs at all, the United States would have far too few land-based missiles capable of assured kills against super-hardened Soviet missile silos.

The administration and Congress could still bail the country out of this strategic bind later and put the MX on wheels, or build an anti-ballistic missile defense at acceptable cost using existing technology. That would preserve a credible land-based deterrent through the 1980s while the Pentagon pursued research on a space-based ABM defense that might effectively end the Soviet nuclear threat by the 1990s.

The one certainty in all this is that the Soviets would never agree to such a treaty if Congress denies Reagan the weapons—MX among them—needed to guarantee U.S. security in the absence of a verifiable arms reduction treaty requiring the Soviets to dismantle their first-strike force.

The House and Senate votes on the MX just might cause the Russians to doubt their current strategy of stonewalling in Geneva while waiting for Congress and the nuclear freeze movement to stop the Reagan defense buildup.●

BILL TO INCORPORATE ISLANDS INTO THE MAKAH RESERVATION

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. SWIFT. Mr. Speaker, I am introducing today a bill which provides that two small, uninhabited, federally owned islands lying just off the coast of the present Makah Indian Reservation in Washington State are to be held in trust by the United States for the Makah Indian Tribe, and thereby incorporated into the Makah Reservation.

This legislation would right a long-standing wrong, to the satisfaction of the 1,200 Makah Indians of the Makah Reservation and to the honor of the United States. It is not intended to, nor would it have the effect, of enlarging or otherwise altering the fishing rights of the members of the Makah Tribe. The islands in question—Tatoosh and Waadah—comprise approximately 80 acres. They are of no significant commercial value to the United States. They are, however, of great cultural, historical, and religious importance to the Makah people.

The only current use made of these islands by the Federal Government is the placement on Tatoosh Island of two unmanned navigational aids. The Coast Guard, in correspondence with the tribe, has indicated that it has no opposition to the change in status of the islands, provided that its ability to maintain and service these facilities is protected. The tribe is agreeable to this provision, and I have incorporated the Coast Guard's proposed language into the bill.

There is ample precedent for this legislation. In 1970, Congress enacted Public Law 91-489, by which the 719-acre Ozette tract was restored to the Makah Indian Reservation. In that case, as in this, the lands were federally owned, unused, and of little monetary value, but were of great symbolic importance to the tribe. I urge my colleagues to support this bill.●

NAVY'S F-404 ENGINE "OUTSTANDING"

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MAVROULES. Mr. Speaker, I would like to share with my colleagues in the House some encouraging news in the world of military procurement. As some know, the Department of Defense administers a program of incentives to defense contractors for outstanding performance well beyond the requirement of their contract.

Department of Defense targets for these incentive awards, specify milestones which, when achieved, result in significant advantages in the performance of the equipment being developed. I am extremely pleased to report that a company in my district in Massachusetts has been awarded three of these incentives. The company is the General Electric Co.'s aircraft engine group in Lynn, Mass. The incentive awards were the result of their exceeding performance goals in the development of the F-404 engine which powers the Navy's multimillion-dollar F-18 aircraft.

As part of the F-404 development program, the U.S. Navy set demanding reliability and maintainability goals as priority requirements. These requirements outranked the usual objectives of getting maximum power out of the machine regardless of the cost or consequences to do so. Consistent with

that, the Navy devised a series of tests that this engine would be subjected to, and signed development contracts with General Electric for the accomplishment of these goals. The testing included challenging reliability and maintainability goals; goals which in being met have resulted in significant cost savings, not only in dollars, but in man-hours required to keep the engine in operational readiness. These goals, surpassed any that current generation engines were capable of meeting. General Electric was offered incentives to meet or exceed those goals.

The first test was a simulated mission endurance test of 750-engine hours on one engine. The test was run at General Electric's facility at Lynn, Mass., that simulated both sea level and altitude flight conditions with throttle movements and power requirements made to a schedule which simulated the spectrum of missions flown in U.S. Navy and U.S. Marine Corp operational units. The simulated mission schedule was generated based upon extensive detailed flight profiles flown in McDonnell Douglas' flight simulators by both U.S. Navy and U.S. Marine Corp pilots. The goal established for this test was a mean time between failure of any engine part of at least 72 hours. Upon completion of the test and evaluation of the results by the U.S. Navy, it was demonstrated the engine had a mean time between failure of 250 hours—three and one half times better than requirement. For this truly outstanding achievement, General Electric was presented by the Navy with an incentive award for which it can be most proud.

The second test to be completed was one run by U.S. Navy and involved detailed analysis by the Navy of the results of the operational use of the F/A-18 aircraft over a 10,000 flight-hour period using production engines. The goal was to have a mean time between failure of at least 264 hours. At the end of this particular test, U.S. Navy records indicated the engine reliability exceeded the goal of 264 hours with an actual 281-hour mean time between failure record. For this achievement, General Electric was awarded its second incentive fee.

The third and final reliability and maintainability test has just been successfully completed. This demonstration was a 500 aircraft hour accelerated service test evaluation on one F/A-18 and the same two F-404 engines, flown and maintained by U.S. Navy personnel. Again, the unprecedented performance of this new aircraft engine, has earned General Electric the maximum incentive award from the Navy. To quote, in part, from a letter sent to General Electric Co. by Comdr. J. C. Weaver, F/A-18 Program Manager, Naval Air Systems Command,

The fee earned was determined from the results of the Accelerated Service Test reliability and maintainability data analysis which verified all (6) goals were substantially exceeded.

The established goals for the award were judged tougher than any current fighter engine has to date attained and included a maintainability goal of 2½ maintenance man-hours for each flight hour. Less than one-half a maintenance man-hour was required, which is six times better than the goal. The goal for the maximum time for any engine repair at base level was bettered by 3 to 1. The goal for the value of replacement parts cost was bettered by 2 to 1 and the total test engine support costs was also bettered by over 2 to 1—very significant and cost effective results.

I agree with Commodore Weaver's closing remarks in his letter,

It is a distinct pleasure that such a determination can be made to close out the F-404 reliability and maintainability evaluation phase. GE's performance in earning these awards for all three performance periods established (in the contract) is testimony to the emphasis and discipline dedicated to F-404 engine reliability and maintainability. Such performance is a credit to the G.E. company and is greatly appreciated by this Command.

I feel performance of this kind is worthy of note. I commend General Electric's workers whose dedication and efforts made this possible.●

FLAG DAY—THE STORY BEHIND THE STAR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. SKELTON. Mr. Speaker, Independence. Freedom. Justice. Three of the many ideals for which our flag stands. Each June 14, we take this time to remember what Old Glory has stood for, and also to call attention to the America of the future.

Our flag consists of red and white stripes, representing the 13 original Colonies, and on a field of blue 50 white stars.

Fifty stars * * *.

Have we ever really thought about the story that is behind each star? Every star represents a State, and the 24th star tells Missouri's story.

The name "Missouri" comes from an Indian word meaning the town of the large canoes. In 1673, two French explorers, Jacques Marquette and Louis Jolliet, became the first white men to see the mouth of the Missouri River. Eleven years later, Robert Cavelier claimed the Mississippi Valley, including Missouri, for France. He named the region Louisiana—after King Louis XIV. In 1803, the United States, under President Jefferson, purchased the Louisiana region from the French, securing Missouri for our young Nation. A year later, in 1804, Lewis and Clark started their famous journey from St. Louis to the Pacific Northwest. The Missouri Compromise of 1820, paved the way for Missouri's entrance into the Union on August 10, 1821.

Throughout the early 19th century, Missouri was referred to as the mother of the West because it lay at the edge of the western frontier. Missourians also supplied many of the pioneers who were settling the West. In 1884, Lamar became the birthplace of our Nation's 33d President, Harry S. Truman.

The origin of Missouri's nickname, the "Show Me State" is also very interesting. The phrase has been traced to a speech by Missouri Congressman Willard Duncan Vandiver in 1899. He said

* * * frothy eloquence neither convinces nor satisfies me. I am from Missouri. You have got to show me.

As Missourians we have earned the right to be proud of our place on the flag and of our country. We have shown, and continue to show, the energy, devotion, love, and dignity that has made this great Nation.

We salute our flag not only each June 14, but on every day in between.●

OVER THE MOUNTAIN ATHLETIC CLUB

HON. W. J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. TAUZIN. Mr. Speaker, it is with great pleasure that I bring to your attention the fact that the Over the Mountain Athletic Club of New Orleans will celebrate its 10th anniversary on July 8, 1983.

The Over the Mountain Athletic Club was formed for the purpose of encouraging physical fitness, promoting comradery among men in sports and the furtherance of athletic perfection. The club is composed of 175 men from all walks of life who live in Orleans and Jefferson Parishes.

Over the past 10 years the club, whose members' average age is 35.4 years, has promoted and organized senior athletic competitions, and has entered recordbreaking teams in numerous athletic events. One of the club's members placed first in the 220 yard dash at the 1981 International Senior Olympics in Mexico.

The club has also contributed substantially to charitable activities. Members have donated both funds and manpower to provide assistance with hurricane relief. The club members help to maintain any park or playground they use for their athletic

competitions. They have donated grandstands, resurfaced fields, and mowed grass. The club has also raised thousands of dollars for charitable organizations through such events as the March of Dimes Pledge Walk.

I am pleased and proud to add my hearty congratulations to the Over the Mountain Athletic Club upon its 10th anniversary. I hope this fine organization will flourish for many years in the future.●

PROHIBIT ASSISTANCE TO COUNTRIES WHO ARE NOT A PARTY TO THE 1963 LIMITED TEST BAN TREATY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. STARK. Mr. Speaker, today I am introducing two bills that would prohibit U.S. foreign assistance and American IMF funding approval to any country that is not a party to the 1963 Limited Test Ban Treaty. I have included the text of both bills.

A couple of weeks ago, this body voted in favor of a freeze on nuclear weapons. This bilateral freeze with the Soviet Union, on the production and deployment of nuclear weapons, is an attempt to eliminate arms that could prove catastrophic if ever used. However, we are ignoring the catastrophe of nuclear weapons that are being tested right now in our atmosphere, under water, and in space, that are injuring the Earth and its future life, right now.

It only makes sense that we stop foreign aid and IMF loans to nations that feel that they have enough national resources to develop nuclear weapons stockpiles in lieu of economic, social, and antihunger programs for their own people. Could there be anything sillier than for America—with our many internal problems—providing forms of financial help to nations which are using their resources for enormously expensive weapons of doom?

Our own atomic veterans can attest to the constant health problems experienced by those exposed to atomic weapons and nuclear fallout. We are no longer unsure of its affects; we know how harmful exposure can be. Yet, every year we support countries that, if they do have atomic weapons, continue to ignore the Limited Test Ban Treaty, and if they don't have weapons, have no intention of abiding by the treaty once they get them. Why? Radiation and nuclear fallout travel. If present in the atmosphere anywhere, we will all eventually feel at least some of its effects. We share our great oceans, and any third grader can tell you that the water in one area makes its way, with pollutants and all, to other areas of the world. Where radiation is concerned, it is truly a very small world in which we live.

My bills do not ban the testing of nuclear weapons, so we need not argue about upgrading weapons stockpiles, and maintaining safety features. We abide by this treaty now, and only test nuclear weapons underground. Why should we expect less from others? And, more importantly, why should we support others who ignore the health and environment of their neighbors, not to mention the needs of their people, and the general well-being of the world? The answer is, we should not!

The bills follow:

H.R. 3374

A bill to prohibit United States foreign assistance to any country which is not a party to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) United States foreign assistance may not be provided to any country which is not a party to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (done at Moscow, August 5, 1963).

(b) As used in this section, the term "United States foreign assistance" means assistance under the Foreign Assistance Act of 1961, foreign military sales financing under the Arms Export Control Act, sales and donation programs under the Agricultural Trade Development and Assistance Act of 1954, and programs under the Peace Corps Act.

H.R. 3375

A bill to provide that the United States Executive Director of the International Monetary Fund shall vote against providing any financial assistance from the Fund to any country which is not a party to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"SEC. 40. The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to vote against providing any financial assistance to any country which is not a party to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (done at Moscow, August 5, 1963).".●

TRIBUTE TO JOHNNY MONROE

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. DOWDY of Mississippi. Mr. Speaker, the board of supervisors of Franklin County, Miss., have declared June 30, 1983, as Johnny Monroe Day. Mr. Monroe has served as county agent and assistant county agent in Franklin County for the past 30 years. Throughout his long and distinguished career, Mr. Monroe has ably served his community, his State, and his country.

In addition to his invaluable work as county agent, Mr. Monroe has influenced and guided several generations of 4-H Club boys and girls. The benefit received from these young people's association with Mr. Monroe cannot be adequately measured. It can be said, however, that society as a whole is better off as a result of the high standards of honesty and integrity instilled in these young people by Johnny Monroe.

It is a privilege for me to join with the people of Franklin County in saluting Mr. Monroe and the high principles for which he stands.●

THE 1984 QUESTION

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LAGOMARSINO. Mr. Speaker, the Lompoc Record, a newspaper in my district, recognizes the political significance of the decisions being taken in the Congress and specifically in the Foreign Affairs Committee regarding U.S. policy in Central America. The principal question is this: "Who will resist subversion from Castro's Cuba if the United States does not aid its friends in Central America?" The question is a legitimate one, and if the decision is made not to help our friends, then the responsibility will have to fall on those who make that decision.

I urge my colleagues to consider the views expressed in the Lompoc Record editorial which follows:

[From Lompoc (Calif.) Record, June 15, 1983]

THE 1984 QUESTION

There was potent political symbolism in the contrasting approaches of the Reagan administration and congressional liberals to the problem of Nicaragua.

While the administration was playing diplomatic hardball with Nicaragua's junior league Castros, liberals on the House Foreign Affairs Committee were voting to cut off covert U.S. aid to anti-communist Nicaraguan guerrillas.

Ideally, foreign policy choices ought to be weighted on their merits with only secondary consideration given to domestic political consequences. Put another way, questions of war and peace are too important to be decided on the basis of momentary political advantage at home.

But in a democracy, domestic politics can never be wholly ignored, if for no other reason than that no foreign policy can be sustained for long unless it enjoys public support.

That being the case, those on the House committee who recently voted to bail out the Sandinsta regime in Nicaragua by denying sustenance to its opposition ought to be thinking about how this action will "play in Peoria."

More to the point, they ought to be thinking about how their votes will look when compared to the Reagan administration's "don't-tread-on-us" response to the expulsion of three U.S. diplomats from Nicaragua.

The administration answered those expulsions and the Nicaraguan government's absurd charge that U.S. diplomats were plotting to poison its foreign minister, by closing six Nicaraguan consulates in the United States and expelling 21 Nicaraguan diplomats. Presumably, the Sandinistas will think twice in the future before engaging in such shabby disinformation.

Contrast that response with the House committee's 20-14 vote in favor of denying aid to Nicaraguan guerrillas willing to die to prevent their country from being turned into a clone of Castro's Cuba.

Among other things, congressional liberals must hope that the American people never ask themselves this question: If the United States dooms its friends in Central America by denying them the aid they need, who will be left to resist the Castroite tide?

The House Foreign Affairs Committee's shameful vote, and the stark contrast with the administration's justifiably tough stand, make it even more likely that the American public will be asking just this sort of question.

The answers should be right in time for the 1984 elections.●

OF SOUP LINES AND NATIONAL DEBT

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, I would like to insert this editorial from the June 10, 1983, issue of the Charlotte News into the CONGRESSIONAL RECORD, with special attention given to the last sentence.

[From the Charlotte News, June 10, 1983]

OF SOUP LINES AND THE NATIONAL DEBT

The U.S. Conference of Mayors says the cities are running over with hungry people—and running out of money to feed them. A study to be released next week will only underscore the need in some of the nation's larger cities.

"Extraordinary efforts have been made by government, religious and voluntary agencies to respond to the need for emergency assistance," according to the conference. "But the need is outstripping the public and private resources that are available."

With transients on the increase, and the number of jobless families at a high level, the cities' soup kitchens and emergency food banks are stretched thin. Food donations last year as compared to 1981 have doubled in some cities, and have increased five-fold in others, according to the conference's eight-city survey.

Even with its relatively low unemployment rate, Charlotte's soup kitchens have been busy this past winter. Crisis Assistance Ministry, the focal point for much of the community's voluntary emergency aid, has been under increased financial strain.

The national economic recovery now under way is weak. The headlines this week alone highlighted continuing employee layoffs locally as businesses adjust to new conditions. While the local housing market continues robust, the job market has not rebounded, particularly for the low-skilled jobs that many of the unemployed seek.

A slow economic recovery will prolong the stress on a deficit-plagued federal budget, precisely because of legitimate aid requests like the one being made by the mayors. Yet one of the factors slowing recovery is investors' doubt that Congress and the president can resolve the current budget impasse, including offsetting the gargantuan debt. While the soup kitchens cannot be allowed to close, Congress can best serve those standing in soup lines by facing its budget dilemma.●

AFFIRMATIVE ACTION WORKS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. GARCIA. Mr. Speaker, for 2 years the Reagan administration has been preaching the evils of affirmative action and proposing Federal spending cutbacks for those programs designed to afford minorities equal opportunity. Now, an unpublished Labor Department study confirms what many of us in Congress have been saying since President Kennedy issued affirmative action requirements for Federal contractors some 20 years ago. As indicated in the following New York Times article, the Federal contract compliance program has substantially improved employment opportunities for minorities and women. These advancements in equality were directly attributable to compliance with the contractual obligations of affirmative action. I urge my colleagues and the President to consider the significance of this study, especially in light of the President's recent effort to stack the U.S. Civil Rights Commission.

[From the New York Times, June 19, 1983]

STUDY SAYS AFFIRMATIVE RULE EXPANDS HIRING OF MINORITIES

(By Robert Pear)

WASHINGTON, June 18—A new study by the Labor Department has concluded that affirmative action of the type criticized by President Reagan has been highly effective in promoting the employment of blacks, women and Hispanic people.

The study said companies doing business with the Federal Government, which are subject to special affirmative action requirements, "have posted significantly greater gains in the employment and advancement of minorities and women" than other companies. The study said the gains were "attributable to the good-faith efforts of Federal contractors to comply with their contractual obligations of affirmative action."

Federal law forbids employment discrimination on the basis of race, sex or national origin. The law applies to all companies. But only businesses with Government contracts are required to take affirmative steps to hire qualified women and members of minority groups in proportion to their numbers in the work force.

EARLY INVESTIGATION EFFORT

The unpublished Labor Department study, one of the first systematic effects to investigate the efforts of the Federal contract compliance program, analyzed employment practices at 77,000 factories, offices and work sites with a total of more than 20 million employees.

It found that from 1974 to 1980 the rate of minority employment grew 20 percent among these doing business with the Federal Government but only 12 percent among the companies not covered by affirmative action requirements.

"The difference in performance between Federal contractors and noncontractors in employment of women during the period studied is even greater than that for minorities," the study said. "Women's participation in the contractors' work forces grew by 15.2 percent, as opposed to 2.2 percent in noncontractors' work forces."

In 1980 the Government contractors had a total of 14.1 million employees, of whom five million were women and 2.6 million were members of racial or ethnic minority groups, the study said.

The study also said women and members of minority groups experienced significantly greater upward mobility at the companies where the Government enforced affirmative action. At these companies, it said, large numbers of blacks, women and Hispanic people who had been service workers or low-skilled blue-collar workers moved up to skilled production, craft and white-collar jobs.

Labor Department officials said 20,000 to 30,000 companies, including nearly all the biggest corporations in the country, were subject to the affirmative action requirements because they did business with the Government. The department, in keeping with Reagan Administration policy, plans to issue new rules soon that relax those requirements the officials said.

NEW RULES CRITICIZED

Civil rights advocates and officials of another Federal agency, the Equal Employment Opportunity Commission, have criticized some of the changes, but business organizations have generally welcomed them.

President Reagan and William Bradford Reynolds, the Assistant Attorney General for civil rights, have opposed the use of numerical hiring goals such as those set by Labor Department rules for more than a decade. Both men contend that the Supreme Court was wrong to uphold a voluntary affirmative action program that reserved a certain number of places for blacks.

Mr. Reynolds said "preferential treatment based on race" was intolerable regardless of whether it was meant to help or to harm a particular minority group. He said "race-conscious affirmative action" could itself be a form of discrimination.

Barry L. Goldstein, a lawyer with the NAACP Legal Defense and Educational Fund Inc., said, "It certainly seems that the Labor Department has wanted to keep this study from being made public because of possible embarrassment to the President and the Justice Department, which have strongly opposed affirmative action."

Labor Department officials said they had not released the study because they wanted to verify its conclusions and check its statistical methods. Robert S. Follett of Welch

Associates in Santa Monica, Calif., an economic consulting concern hired by the Labor Department to review the study, said "the methodology was appropriate" and the conclusions were valid.

The first affirmative action requirements for Federal contractors were established in 1961 under an executive order issued by President Kennedy. But over the next 20 years, according to the Labor Department study, there was little "factual documentation" of whether such rules actually increased job opportunities for women and members of minority groups.

STUDY ORDERED IN 1981

In September 1981, Ellen Shong Bergman, director of the Office of Federal Contract Compliance Programs, assigned her special assistant, J. Griffin Crump, to study the question. The office is part of the Labor Department.

Mr. Crump's study said the "superior performance" of Federal contractors in hiring and promoting blacks, women and Hispanic workers was remarkable because total employment at those companies grew only 3 percent from 1974 to 1980. In the same period there was an increase of 8.2 percent in total employment at the companies not doing business with the Government.

Another unpublished study, done for the Labor Department by Jonathan S. Leonard of the University of California at Berkeley, reached a similar conclusion. "The Federal contract compliance program has substantially improved employment opportunities for black males," he wrote. He added that affirmative action had increased the demand for black male labor and that this helped explain "a significant part of the increase in the relative earnings of black males."

Mr. Crump reported that Government contractors, under the stimulus of affirmative action, had a smaller proportion of their black and Hispanic employees in low-paying jobs. Twenty-two percent of the contractors' minority employees were service workers or unskilled laborers. For companies without Government contractors, the corresponding figure was 39 percent.●

VOICE OF DEMOCRACY

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. GONZALEZ. Mr. Speaker, for 35 years the Veterans of Foreign Wars has sponsored competition in the Voice of Democracy scholarship program, a contest whereby students from every State in the Union are given the chance to express their thoughts on their country and government.

Students must record their speeches and then are judged for content and delivery. This year almost one quarter of a million young people competed for five national scholarships. The theme of this competition was "Youth—America's Strength."

I am very pleased to be able to present to you and my worthy colleagues the text of the winning speech for the international students category, which was written and delivered by one of my constituents from the 20th Congressional District of Texas, Miss Ruth Carson Hobaugh.

I would also like to share with you a short statement by Miss Hobaugh:

I think we youths recognize our potential. Newly turned eighteen, I'm excited about getting the chance to vote, my input into my country's affairs, and the possibilities and responsibilities that lie before me in college and in life. We do recognize our potential, but we must also be aware that there is another generation which will depend on us. We must insure that the same opportunities that were so important to us are available to our children. This is what contributes to our nation's strength. The youth of America make up the future foundation of our country. People make up our nation, not money, weaponry, or factories; people—like our student in Mission Control, succeeding for himself, and for us.

This young San Antonian is currently living in Germany where her father is stationed as a dentist with the U.S. Army. She recently completed her studies at the Heidelberg American High School, and plans a career in medicine or another science/people-related occupation.

Miss Hobaugh's speech is, as follows:

1982-83 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM OVERSEAS WINNER (HEIDELBERG, GERMANY)—RUTH C. HOBAUGH

The other night as I watched the news, there was a story about an 18-year-old student who had designed an experiment to be performed in the weightless environment of the Columbia Space Shuttle in orbit. As I watched him smiling jubilantly from his place in Mission Control, I felt a special enthusiasm. Whether he realized it or not, he was there not only for himself. In that brief moment, he was representing the young people of the United States, and doing it very well. He was poised, well dressed for the occasion, vibrant and dynamic, and he was showing his creativity, intelligence and motivation through his endeavor.

I could identify with this fellow 18-year-old, and I was proud of him. I think all of America should be proud and very happy with what his accomplishment represents, for it actually says a great deal about America's most valuable resource for the future—her youth. Now, obviously, not all of us have the same talents as this young man, and that is why his efforts led him to a solo appearance at Mission Control. But he is not alone; the same America which produced him gave rise to an entire generation of young people who will contribute significantly to society in the coming decades.

The youth of this generation are a strength, and there are several reasons for this. We have grown up in a society that advances technologically so quickly that we are accustomed to rapid change, and expect to participate, even initiate, more progressive developments. We are not stymied by thoughts of the impossible, for in many cases we have seen the so-called impossible take place. In America, we have been encourage to freely examine moral and philosophical issues such as marriage, the right to life, good and evil, religion, differing political philosophies, man's ability to destroy the earth, and the duty to preserve and protect it. Most importantly, our generation has been presented more choices and opportunities than ever before. We can guide almost every facet of our lives, which leads us to responsibility. Although this independence can be frightening and overwhelming at times, it is also challenging, even exhilarating. There are often criticisms of the many mistakes we young people make, and truly we do make many wrong decisions. But we can learn from our mistakes and how to avoid them. I've learned to follow my parents' usually correct advice, even when it's unsolicited. We learn to take risks and, through this, feel a sense of satisfaction when we witness our successes. This highly technological and free-thinking society is conducive to the shaping of the moral, personal, and intellectual character of America's youth.●

COMMENDABLE DROPOUT PREVENTION PROGRAM

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. RAHALL. Mr. Speaker, I would like to take this opportunity to recognize the highly commendable and successful dropout prevention program of the Cabell County public school system. Under the direction of Mr. Dewey J. Parr, former principal of Harveytown Elementary, the program has succeeded in reducing the dropout rate for Huntington High School alone by 7 percentage points. The program's chief goal is to keep as many students in school as is conceivably possible and to give them more reasons to be happy and successful there.

School officials were extremely alarmed at the high dropout rate in Cabell County, which was 21 percent of the county's nearly 18,000 students in 1981. In view of the current high unemployment rate in this country, opportunities in today's job market are few and far between. There already exists keen competition among college graduates for the few available jobs. It is even more difficult for those who do not complete high school. Employers are hiring skilled and educated people. By not graduating, high school dropouts forfeit the most minimal requirement for most jobs, the high school diploma.

The students who are likely to drop out must be recognized and helped early in their school careers. This is exactly what the Cabell County dropout prevention program hopes to do. The program was developed by school administrators and was fundamentally designed to identify the characteristics of potential dropouts and establish a better relationship with the parents of those students. The program seeks to identify the teachers who can best work with these students, teachers who can best help these students, and establish a stronger bond between the school and their parents.

The funding for the dropout prevention program comes from less than

half of the county's $123,000 share of a Federal block grant program. These title 2 funds allow Cabell County to implement this necessary and noteworthy program.

Already I have noted some effective changes in the Cabell County school system for the 1982-83 school year. Beginning with the youngest of the community, the program works to encourage elementary schoolchildren to learn skills so that they may overcome language difficulties early. It is designed to teach these children to communicate effectively from the start. It is hoped that these children will be less likely to drop out of school if their communications skills are honed early.

Among high school students, the dropout prevention program has achieved some dramatic results. In this first year Mr. Parr has concentrated his efforts on Huntington High School where the program is based. According to statistics, this high school had a dropout rate of 100 students from an 800 enrollment, the highest in the county for the 1981-82 school year. In 1983 the dropout rate of Huntington High has dropped from 30 percent in 1982 to approximately 23 percent. Furthermore, the Cabell County school system had 111 less dropouts in 1983 than in 1982.

I must commend the dedication and hard work given to this program by the parents, teachers, and principals of Cabell County. I find that their sincere effort and devotion to this program has sparked students' interest and is keeping them in school. I hope that this program will continue to progress and proves to be even more successful in the future against the threat of illiteracy.●

NATIONAL TENANTS DAY

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MITCHELL. Mr. Speaker, early in his distinguished political career, President John F. Kennedy stated that, "the Government must take a stand in helping alleviate the housing shortage." Unfortunately, under the Reagan administration, public and assisted housing programs have been the targets of significant budget reductions. Today, I am introducing legislation to bring attention to the victimization of public housing tenants. This measure designates May 18, 1984, as "National Tenants Day."

President Reagan's emasculation of public housing programs has been mendaciously implemented. Under the illusion of establishing a social safety net, the Reagan administration requested that $5.2 billion be rescinded from public housing and section 8 authorization funds in 1981. As a result, once Congress acquiesced to this request, the number of additional units authorized to be constructed in 1981 fell from 255,000 to 210,000 units.

In addition, the Reagan administration's fiscal year 1982 budget recommended that only 175,000 additional units of section 8 housing be constructed. Later, this figure was lowered to 152,000 units.

Tragically, this administration has continued its unrelenting assault on public housing programs. In the fiscal year 1984 budget, President Reagan recommended that the public housing modernization program be merged with the public operating subsidies program. According to the budget proposal, modernization funds would decline from $1.4 billion to $350 million by 1987, the last year of the program.

The dehumanization of innocent people is the primary result of President Reagan's sordid attacks on public housing programs. Earlier this year, I held a hearing concerning homelessness in Baltimore City. During this hearing, I learned that there exists between 3,500 to 12,000 homeless individuals in Baltimore City. Undoubtedly, if the Federal Government would increase its allocation of funds for the construction of new public housing units, the number of homeless people in Baltimore would decrease.

Baltimore City, however, is not the only city whose residents lack adequate public housing facilities. The New York Times reported that as many as 17,000 families are illegally doubling up in apartments in New York City's public projects because of the shortage of housing for the poor. In Dallas, Tex., the city's housing authority estimates that thousands of families are on waiting lists for vacant public housing units.

I believe that the establishment of a National Tenants Day will generate nationwide attention to the inadequate supply of public housing units. In addition, it will publicize the human suffering which results from overcrowded housing, and the rapid deterioration of existing public housing units. Finally, this bill will send a message to the Reagan administration that the Congress will oppose future legislative attempts to reduce funding for public housing programs.●

CELEBRATION OF NATIONAL FLAG DAY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MAZZOLI. Mr. Speaker, on June 14, 1983, our country celebrated National Flag Day, a day set aside to show our pride and respect for the symbol of our Nation.

Yet, our flag is more than a symbol. It is not simply the Stars and Stripes which are displayed across this country—in schools, homes, and workplaces—which give meaning to the 14th of June.

Our flag is an outward tangible sign of the inward commitment of generations of American people to uphold the freedom of the individual. Designating a day to stop and reflect on the importance of that pursuit gives each of us an opportunity to renew our individual commitment to the spirit of democracy.

The flag represents the work of our Founding Fathers and the Union of these 50 sovereign States. But the true meaning of our Naton's flag is the celebration of the hearts, minds, and hands of all American people.●

RAOUL WALLENBERG—A REPORT FROM ISRAEL

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. McDONALD. Mr. Speaker, the case of Raoul Wallenberg has continued to disturb relations between the West, especially Sweden, and the Soviet Union. The Soviet seizure of this man in Hungary during the final months of World War II, when he was carrying on a one-man crusade to save as many Jews as possible, has captured the imagination of many people. In the years following World War II, many inmates of the Soviet Gulag have either heard that Raoul Wallenberg was still alive and in one of the camps or claim to have seen him. The Soviets, for their part finally admitted in 1958 that he was captured by the NKVD and assert he died in prison in 1947. Subsequently, further information has contradicted that assertion, and the evidence indicates that he is still alive. One person to make a very thorough investigation of the case is Avraham Shifrin, himself a victim of 10 years in the Gulag. Upon settling in Israel, Mr. Shifrin established a Research Center for Prisons, Psychprisons, and Forced-Labor Concentration Camps of the U.S.S.R. In compiling data on Soviet forced-labor camps, Mr. Shifrin came across information on Raoul Wallenberg, which he compiled into a report at the request of the Swedish Embassy in Israel. The report is dated January 1980 and is reproduced below for the edification of my colleagues:

FACTS CONCERNING THE FATE OF THE SWEDISH DIPLOMAT RAUL WALLENBERG KIDNAPPED BY THE SOVIETS FROM BUDAPEST IN 1945 (COMPILED AT THE REQUEST OF THE SWEDISH EMBASSY IN ISRAEL)

1. In April, 1963, when I was a political prisoner in camp no. 07 (Dubrovlag, Mordo-

via, USSR), I personally had a chance to talk with some five or six criminals who had arrived in our camp shortly before that.

These criminals told me that during the previous three or four years they had been kept in a camp on Wrangel' island above the Arctic Circle, where they were used in the service unit (for bringing food products into the camp and the work outside the camp).

I was greatly surprised and did not believe that there really existed a camp on Wrangel' island none of us prisoners had ever heard of before. Still, I thoroughly questioned those criminals who insisted that on Wrangel' island there was a complex of three camps located one next to the other, and that the only prisoners kept in those camps were foreigners, "exclusively generals" as the criminals remembered it. According to their evidence, there were several thousand prisoners in those three camps: in the dwelling zone, in the working zone and in the big hospital zone. These three zones were strictly separated from each other and there were no contacts (except for separate cases) among the prisoners of different zones. The prisoners of the service unit were not allowed to communicate with the prisoners of the three camps, yet, when bringing food into the camps they had occasional contacts with the prisoners there and were sure therefore that there were only foreigners there.

During my ten years in the camps and the consequent four years in the exile, I never heard of the camps on Wrangel' island again. The only conclusion which can be made from this fact is that the very existence of those camps was kept top secret. The appearance of the above mentioned criminals from Wrangel' island camps in the regular camps can be explained by the resentment of the authorities at the inevitable contacts among the Soviet citizens from the service unit and the foreigners in the camps.

2. In 1972, already in Israel, I met a Mr. Efim Moshinsky who told me that until 1962 he had been kept in the camps on Wrangel' island. His evidence, both in general and in some details, matched the one given to me in 1963 by the criminals. (See appendix 1—the testimony of Efim Moshinsky certified by the notary of the American embassy in Israel). As follows from Mr. Moshinsky's testimony, he knows for sure that until 1962 the Swedish diplomat Raul Wallenberg was kept in the dwelling zone of the camps on Wrangel' island because he (Moshinsky) even corresponded with Mr. Wallenberg sending messages to him to the closed barracks where he was kept and receiving answers.

Besides, Efim Moshinsky said that in the same camp he personally saw and talked with Mr. R. Trushnovich, a leader of the Russian anti-communist organization NTS who was kidnapped from Berlin by the Soviet KGB in 1953. In order to verify the evidence of Mr. Moshinsky, I asked the son of R. Trushnovich, Mr. Yaroslav Trushnovich presently residing in Frankfurt-on-Main, to send me a picture of his father. Upon receiving the picture I offered it to Mr. Moshinsky along with about 15 other male pictures, without telling him there was a picture of R. Trushnovich among them. (See appendix 2 for a detailed description of the identification procedure).

Besides, Mr. Moshinsky handed over to me a list of names and ranks of a number of foreign prisoners (all of them army officers of their countries) who were kept in the camps on Wrangel' island in 1962. Most of the people on the list were either German or Italian.

3. Being in Rome in 1972, I happened to mention in one of the interviews to the newsmen that there were camps for foreigners on Wrangel' island. (In those days I had to present all this information from my own name because Mr. Moshinsky's family was remaining in the USSR for which reason he did not want to publicize his name.) The news hit the head of one of the news agencies of Italy, Mr. Gluisseappe Delangoro who got very interested in this matter and asked me for the list of foreign prisoners from the Wrangel' island camps made by E. Moshinsky. I transfered the list to Mr. Delangoro.

4. A few months later in the same year, Mr. Delangoro called me from Rome and asked for an appointment. Upon his arrival in Israel I put him in touch with Efin Moshinsky. During our conversation with Mr. Delangoro and Efim Moshinsky, Mr. Delangoro informed us that (a) he had transmitted the list of prisoners from Wrangel' island to the Committee on Relatives of Officers Missing after World War II; the list was checked in the Committee and Mr. Delangoro was informed that all the people from the list were listed among the missing Italian officers; (b) in the same Committee Mr. Delangoro was told that about a year before (i.e. in 1971) a hunter in the South of Italy winged a goose on whose pad was attached a rubber tube with a piece of paper in it. The paper was badly damaged by water (who knows for how long it had been travelling with the goose back and forth . . .), therefore it was hardly possible to read the message. What was clearly seen on the paper was the word "SOS" in the very beginning and then separate words like "Italian officers" and "island behind the Polar Circle". According to Mr. Delangoro, the message is being carefully kept in the Committee on Relatives of Missing Officers.

5. In 1973, a TV-team from Sweden arrived in Israel to take an interview with me concerning the fact connected, in one way or another, with the search of Raul Wallenberg. The program they made was shown on Swedish TV. Following this show a letter came to the Swedish TV-centre from a former political prisoner of Soviet camps, a Hungarian by birth, who wrote that in 1967 he was for a while kept together with Raul Wallenberg in a camp East of Irkutsk, in Zabaykal, and that that was a large secret camp for foreigners; the Hungarian wrote also that according to his knowledge, R. Wallenberg had been brought to that camp from Wrangel' island.

6. In 1976, I received information from Rumania concerning three former Rumanian army officers who arrived in Rumania from the USSR via China. According to my correspondent, the three officers had served 25-year terms in the camps of the USSR and were released in 1970 from a special camp for foreigners in Zabarkal, further than Irkutsk. Upon their release from the camp, they were told by the Soviet authorities that Rumania no longer existed as an independent state but was rather a part of the USSR and that they would not be permitted to go there. Then they escaped to China where they learned that Rumania did exist as a sovereign country; from China they were permitted to leave for Rumania. Till now I have been trying to establish contacts with these Rumanians in order to find out from them whether Raoul Wallenberg was still in that camp near Irkutsk in 1970; because the information contained in the above mentioned letter of the Hungarian describing that camp matches exactly what the three Rumanian officers told about it.

7. In 1977, I was visited in Israel by Mr. Mark Seidenberg of the USA, who told me the following: he learned about the Wrangel island and the concentration camps for foreigners located there from my Hearing on Soviet Forced-Labour Camps before the Committee on Internal Security of the US Senate in 1973; he got interested in the subject and started looking for and finally found a man who possessed all official legal documents proving that he owned some lands on Wrangel' island. As it turned out, Wrangel' island was discovered in the 18th century by the Americans and legally belongs to the American State of Alaska. Mr. Seidenberg found out that the Soviets occupied the island after the October revolution of 1917; they arrived there in 1926, arrested the entire American colony there and raised the Soviet flag. Having gotten all this information, Mr. Siedenberg bought the lands on Wrangel' island from their previous owners.

From the American CIA Mr. Seidenberg got a map of Wrangel' island made from a satellite. The map had been sanitized: the marks indicating Soviet camps on the island had been removed. I showed this map to Efim Moshinsky who immediately and without any hesitation pointed to Budhta Rodzjersa as to the place of location of the camps on Wrangel' island.

It is interesting to remind the reader that in 1945 the Soviets simply denied the very fact of Raoul Wallenberg's kidnapping by the KGB. Later, in 1958, former Soviet leader Nikita Khrushchev admitted the fact and informed the Swedish authorities of Raoul Wallenberg's death in a Moscow prison in 1947. Some time later Swedish media published information released by a Soviet psychiatrist to a Swedish psychiatrist at a scientific congress. The Soviet psychiatrist said that Wallenberg had been in his psychiatric hospital as a prisoner, and the date mentioned by the Soviet doctor was much later than the date offered by Khrushchev as the date of Wallenberg's alleged death . . . while later the press informed the Swedish audience that the Soviet psychiatrist had died "of heart attack" in the USSR right after his information had been published in Sweden.

10. At the disposal of the Swedish government, as far as we know, there is a number of testimonies by former German POW's who returned from the USSR in 1956 and who had met R. Wallenberg after 1947 in various Soviet camps and prisons. One of these witnesses named the Vladimir prison as the place of his meeting with R. Wallenberg in 1959.

In 1979, continuing the search for additional information about the fate of R. Wallenberg, we came across former prisoner of Soviet camps and prisons A. Kalinskii who gave detailed testimony concerning his meeting with R. Wallenberg during their transportation from Verkhneuralsk prison to the prison of Vladimir in 1958 and concerning their consequent meetings in the Vladimir prison where they were simultaneously kept in 1959. A. Kalinskii's evidence coincides with that of the above mentioned German POW down to the smallest details, such as the number of Wallenberg's cell. Furthermore, in support of his evidence A. Kalinskii has presented absolutely authentic postcards of the International Red Cross mailed by him to his sister in Israel from the Vladimir prison; in one of these post-

cards it is written quite clearly that alongside him is kept "Swede who saved Jews".

11. In 1978, in Israel arrived a new witness whose name cannot be revealed at the moment because his family is still remaining in the USSR. The evidence given by this witness is kept in the Swedish embassy in Israel. It says that in 1977 the witness was present at a dinner-party at the place of a high-positioned KGB officer in Moscow, with whose son the witness was friendly. When everybody was drunk, the witness and his friend the son of the KGB officer started to discuss outloud the possibilities of an illegal escape from the USSR to which the KGB officer answered that if they only try to escape they will find themselves in the same place where a Swedish diplomat has been kept for over 30 years "by him". When the witness arrived in Israel and saw newspaper articles about R. Wallenberg's fate, he recalled the expression of the KGB officer and notified the Swedish embassy in Israel.

12. In early 1979, Dr. Anna Bilder residing in Israel was telephoned from Moscow by her father, Mr. Yan Kaplan. Shortly before that Mr. Kaplan had finished his three-year imprisonment and answering his daughter's question concerning his state of health he said that three years is a relatively small term and that he had seen, in the hospital of the Butyrskaya prison in Moscow, "a Swede who had already served over 30 years" and who felt quite well in spite of the long term. Following this conversation Mr. Kaplan tried to transfer to Israel a detailed letter describing his meeting with Raoul Wallenberg in 1975, but the letter was intercepted by the KGB and Yan Kaplan was immediately arrested again. A few months later his wife found a way to send a letter to her daughter wherein she is asking to save Yan Kaplan and says that his arrest is directly linked with his attempt to send a letter to the West describing his meeting with R. Wallenberg in 1975 in the hospital of the Butyrskaya prison.

Thus, the fact that the Soviet authorities have been lying about the death of Raoul Wallenberg has been proved. Now, the only way of pressure upon the USSR in order to obtain the release of Wallenberg can be an energetic campaign demanding that representatives of the Swedish government, the UN and international "Wallenberg rescue" committees be given an opportunity to talk with Yan Kaplan without Soviet representatives and get direct evidence from him. If such a demand (not a request) is initiated simultaneously by various sources and is supported by the international press, it may eventually result in the release of both Yan Kaplan and Raoul Wallenberg.

Requests have no influence upon the Soviet killers . . . January, 1980.●

PARTICIPANTS IN NATIONAL HISTORY DAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. SKELTON. Mr. Speaker, this week I was pleased to learn that a group of sixth grade students from Belle, Mo., won prizes and nationwide recognition as participants in National History Day. I take this opportunity to congratulate them for this distinct honor and well-deserved award.

Five girls attending Maries County R-2 Primary School won third place in the junior divison of group performance. Their accomplishment was particularly impressive, since they were the youngest students from the smallest school district to win. They competed against sixth, seventh, and eighth grade students. Awards were given to the top three finalists, with $1,000 for first place, $500 for second place, and $200 for third place.

Thirty-nine States and the District of Columbia entered participants. To qualify at the national level, the Maries County team accomplished the best of several hundred performances from students across Missouri. Nationally, each State had two teams advance in each category for both junior and senior divisions, 1,425 students in all. Of the 61 entries in group performance judged on Thursday, June 16, 1983, only 8 survived for the runoffs on Friday evening, June 17, 1983.

The theme for National History Day was Turning Points in History. The contestants acted out scenes which they felt best exemplified the topic. The girls from Maries County chose to play the roles of the suffragettes who convened at Akron, Ohio, during their fight to secure the right to vote for women. These events directly led to the passage of the 19th amendment to the Constitution.

The participants were Tara Cope, who played Jane Gray Swisshelm; Lyzbeth Taylor, who was Sojurner Truth; Julie Sassman, whose role was Emma Coe; Jeannie Spurling, who served as the narrator; and Jeannie Roher, who played the roles of Frances Gage and Susan B. Anthony. Maries County sixth grade teacher, Ann Edwards, coached the girls during the competition. For their efforts, the girls received a bronze medal and $40 each. One contestant concluded that the money "would just about bring her savings account back up to where it was before the trip to Washington, D.C."●

A TRIBUTE TO DR. KARL PLATH

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. PORTER. Mr. Speaker, on June 30, 1983, Dr. Karl Plath will resign after 17 years as superintendent of Deerfield and Highland Park High Schools.

Throughout his distinguished career, Dr. Plath has devoted considerable time and energy to bettering the high schools of School District 113 by developing programs which have given students, staff, and other community members a greater opportunity to participate in the different phases of the educational process.

These accomplishments include initiating summer workshops for teachers and administrators to improve existing courses and develop new ones, formulating a staff development program, and adding student and teacher representatives to the board of education. Dr. Plath has also overseen additions to and remodeling of both high schools, encouraged community involvement in the schools through volunteers, advisory councils, and adult attendence of high school classes, as well as establishing the Lake County Area Vocational Center and developing the Northern Suburban Special Education District.

More than these accomplishments, the tenor of excellence and the obvious personal commitment to it that has characterized all that Dr. Plath has done in education in an area of our country known for quality public education is the real legacy he leaves to his profession. I first knew Dr. Plath at the beginning of his career when he was coaching football and teaching Evanston Township High School.

Throughout his exemplary career, I know of no person more highly respected for his dedication to making things better. No better inheritance to those who follow him could possibly be left. I commend to my colleagues in the Congress the record of outstanding accomplishment in public education of Dr. Karl Plath and honor and pay tribute to him on a job well done.●

SACRAMENTO JOB CORPS A SUCCESS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MATSUI. Mr. Speaker, I would like to draw to the House's attention the fact that few Federal job programs have had the record of success that the Job Corps has had since its inception in 1964.

This fact was reaffirmed for me recently as the Sacramento Job Corps Center is now celebrating its fifth year of service to the people of the Sacramento area. Since 1979, more than 4,000 students have enrolled at this facility.

This program has been cost effective and has provided involvement in a range of community projects for the center's students. The Sacramento Job Corps Center set a national record in 1982 by graduating 300 individuals with high school equivalency degrees.

Mr. Speaker, this program operates at a minimum expense to the taxpay-

ers. It provides realistic and useful training and opportunities for thousands across the Nation every year and, ultimately, benefits our society far more than the dollar line in the Federal budget might suggest.

I wish to conclude my statement by congratulating the Sacramento Job Corps Center on their past service and extending to them best wishes for the future.●

U.S. CONFERENCE OF MAYORS BACKS VITAL ARTS LEGISLATION

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. DOWNEY of New York. Mr. Speaker, last week the U.S. Conference of Mayors unanimously adopted a resolution which supports my legislation, the National Heritage Resource Act (H.R. 1285). The resolution was passed at the mayors' annual meeting in Denver, Colo., on June 15, 1983.

I am pleased that the U.S. Conference of Mayors has joined me in supporting this vital legislation which assists museums, libraries, and research institutions in acquiring manuscripts, personal papers, photographs, and works of art.

The text of the resolution is as follows:

RESOLUTION PASSED BY THE U.S. CONFERENCE OF MAYORS

Whereas, prior to 1969, federal tax law made it possible for writers, artists, and scientists to make donations of their works to charitable organizations and to take deductions for those contributions that were equal to their fair market value; and

Whereas, in 1969, tax legislation was passed which limited those tax deductions for writers, artists, and scientists who were making donations of their works to charitable organizations to the cost of the materials used to produce the artistic property contributed to charity; and

Whereas, these reductions have sharply curtailed the amount of research materials available for scholarly activity; and

Whereas, our libraries and museums nationwide are experiencing a dramatic decline in acquisitions from the creators of art, literature, musical compositions, photography, and other works; and

Whereas, in these times of scarce economic resources, institutions of all types are unable to compete with other private purchasers, and institutional acquisitions budgets have been slashed; and

Whereas, the National Heritage Resource Act of 1983, introduced by Representative Thomas Downey, provides full fair market charitable contributions deductions for the creators of original works of arts, literary materials, musical manuscripts, photographs, and other materials; and

Whereas, this legislation has been recommended by the Presidential Task Force on the Arts and Humanities, appointed by President Ronald Reagan and passed the Senate Finance Committee in the 97th Congress, and is supported by a distinguished number of groups and individuals, including the Council of Creative Artists, Libraries and Museums; Dr. Daniel Boorstin, the Librarian of Congress; the American Library Association; the American Council on Education; the National Association of Independent Colleges and Universities; the American Arts Alliance; the American Association of Museums; the Research Library Association; and the Committee on Art Law of the Association of the Bar of the City of New York,

Now, therefore, be it resolved that the U.S. Conference of Mayors fully supports the passage of the National Heritage Resource Act; and

Be it further resolved that the U.S. Conference of Mayors stands ready to assist national associations, universities, museums, scholars, and artists in their efforts to secure implementation of this legislation.●

WHO WILL STOP THE SLAUGHTER OF THE INNOCENT? THE IRANIAN GOVERNMENT IGNORES WORLD PLEAS TO DESIST FROM RELIGIOUS PERSECUTION OF THE BAHA'IS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LANTOS. Mr. Speaker, once again, this past weekend, the horror and inhumanity of religious persecution was perpetrated by the Government of Iran in the execution of 16 members of the Baha'i faith; 6 men and 10 women, some of them teenage girls, were hanged for the crime of refusing to recant their faith and convert to Islam. The executions occurred despite an appeal from President Reagan 1 month ago for clemancy for these falsely charged prisoners.

Most of the women who were hanged on Saturday were wives, mothers, or daughters of men executed Thursday. Included were both the wife and daughter of a businessman, the 54-year-old mother of a young male student who was hanged on June 16, the 18-year-old daughter of a man executed on March 12, and six young women in their teens or early twenties. All were hanged for no crime except that of adhering to a religion which practices peace and nonviolence, which accepts all religions as shared truth, and which does not permit political activity except for loyalty to one's government. The Baha'is look to world opinion for protection. Guided by the precepts of their religion, they cannot take up arms and resist these acts of persecution.

The Islamic regime has conducted an official campaign of religious persecution against the Baha'i community since coming to power 4 years ago. Baha'is have been singled out with a special vengeance. More than 150 Baha'is have been executed in Iran in this brief period, hundreds more injured. Thousands have been made homeless and unemployed because of their faith. Baha'i holy places and cemeteries have been desecrated and destroyed. Baha'i women have been subjected to unbelievable humiliation and degradation because their religion awards them equality. Equality for women is, of course, antithetical to Islamic belief.

Many voices have been raised in protest against this ongoing wave of religious persecution. The U.S. Congress, the European Parliament, the Parliaments of Canada, Great Britain, and Australia, as well as the U.N. Human Rights Commission and Amnesty International all have protested the atrocities against the Iranian Baha'i community. Iran's response to world opinion is to persecute and execute.

All nations must join in protest and joint efforts to prevent further slaughter of blameless Baha'i who are even now being held in Iranian prisons. All nations must hold Iran accountable to honor the commitment it made in the U.N. General Assembly in 1981 condemning religious intolerance.

We, too, are accountable. We have known in advance of the danger to these martyred lives. We must act now to save others, and not wait to react with words of outrage when it is too late.●

CONSUMER ATTITUDES TOWARD BUYING AN AMERICAN AUTOMOBILE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. DANNEMEYER. Mr. Speaker, the Congress is correctly concerned about the state of our domestic automobile industry, which employs one out of every five American workers. When analyzing policy options and the reasons for a decline in domestic sales, we must necessarily include the attitudes, perceptions, and the experiences of auto consumers.

Unfortunately, the consumer end of the transaction is not always taken into consideration. This has been brought to light during the ongoing debate over the pending domestic content legislation for automobiles, H.R. 1234. You can lead a horse to water, but you cannot make it drink. Similarly, we can provide incentives for consumers to purchase cars by lowering interest rates and restraining inflation, but ultimately it takes a willing buyer to complete a sale.

The Outlook section of the Washington Post for Sunday, June 19, 1983, contained a revealing personal account of a prospective auto purchaser by Joel Garreau, the editor of the Outlook section. Garreau traces his own

attempt to purchase an American vehicle and the troubles he encountered.

The article points out that it is not possible to "buy American" simply by following the nameplate of the vehicle. This is the case because many vehicles are being designed overseas and only assembled, in whole or in part, in the United States. In addition, many American-designed and assembled vehicles contain substantial quantities of foreign-sourced components.

During the markup of H.R. 1234 in the Committee on Energy and Commerce, I offered an amendment in the nature of a substitute that would have mandated a program of domestic content disclosure to assist those who wish to intelligently "buy American." Specifically, the substitute would have required a label on each vehicle to disclose actual content percentages as well as an annual report on each manufacturer's fleet content ratio. This alternative to the domestic content performance requirements of H.R. 1234 would help consumers such as Mr. Garreau. Unfortunately, it was not adopted by the committee.

The article also highlighted the perceptions of consumers on the relative merits of foreign and domestic automobiles. At least by the writer's experience, he found the imported automobile and the import dealer to be more responsive to his preferences for service and vehicle performance, even though he started out in search of a domestic model. Whether Mr. Garreau's account is representative or not is immaterial. What is important is that his is not an isolated instance of a consumer's reaction to the choices, or lack thereof, facing potential car buyers today.

Next to real estate, a car is the most expensive purchase an individual makes in the marketplace. Therefore, the interests of consumers should be paramount in the formulation of an auto recovery policy. We could try to legislate the competition away, as H.R. 1234 attempts to do, or we can help make our own industry more competitive. The latter course is best for consumers.

Mr. Speaker, I would like to insert the Garreau article entitled "Would You Buy an American Car From These Salesmen?" at this point in the RECORD.

[From the Washington Post, June 19, 1983]

WOULD YOU BUY AN AMERICAN CAR FROM THESE SALESMEN?

(By Joel Garreau)

I tried, America. I worked at it for more than a year. I'd bought American cars for the last decade and a half, and I had no intention of stopping now, when the economy really needed my money. I figured it was going to be taken out of my pocket one way or another. If I didn't spend it on an American car, I'd just pay for it in food stamps to former UAW members. But nobody could quite bring themselves to sell me an American car.

A recent windfall allowed me the luxury of looking for something a trifle sexy.

The first thing I tried to buy was the Chrysler convertible, shortly after they came out. The first thing the salesman would not let me do is drive it. Not around the block, not around the parking lot, not at all. I guess they didn't want me to experience wind in my hair and admiring glances from passersby. I might have whipped out my checkbook right then and done something crazy. No, instead they stuffed me into a family sedan that they claimed was comparable.

In the confines of this mom-and-pop-mobile, without the distractions of being able to see the sky, a few flaws in the K car started looming large. Such as the thing cornering like a four-poster bed. I wanted a little excitement in my life, but not the kind caused by feeling I was taking my life in my hands around a 30-mile-an-hour corner.

Then I noticed that the undercoating that I didn't want anyway had been so liberally applied to the cars in the showroom that there was black tar splashed all around the rocker panels. The screws holding down the top were rusted. The convertible functionally had no back seat. The engine was a Mitsubishi. An additional $4,000 worth of profit had cheerfully been added to the car, bringing it over $15,000, take it or leave it, no deals.

I didn't need this. Several months later Chrysler was up to its keister in unsold convertibles. The price came down to $11,000. I was not surprised. I was also not tempted. This is not the only car in America. I decided to take Lee Iaccoca's advice—find a better car and buy it: a Chevy.

I went and looked at Camaros. I started asking technical questions, but I did not get technical answers. In fact, I had tremendous trouble getting a salesman to talk to me. The distinct impression I got was that people asking questions were automatically labeled tirekickers—people who have nothing better to do than waste the time of salesmen who did not have a single other customer.

Such grunts as I was able to elicit indicated that the salesman had not had enough initiative to learn as much about the car as he could have with a casual glance at Car and Driver or Road & Track. He seemed bored.

And again, they wouldn't let me drive the car. I liked the car. I pressed. Okay, they said, make an appointment for next Tuesday night. We'll probably be able to find a car to let you drive.

I came back. They handed me the keys. I asked where the nearest winding road was. They said, "Oh! We're not going to let you take it out of the parking lot. What do you think this is?" I'm leaving, I said. Good-bye, they calmly said, walking back into the showroom devoid of customers.

At this point, I was getting a little steamed. I wasn't crazy about the lack of amenities in the 114,000-mile 1978 Mustang that I was driving, but it had been a decent car. There had been public announcements that the Mustang convertible was about to be introduced. I'll stick with Ford, damn it, I said.

Went to the Ford dealerships. Yup, coming out within weeks they said. this was last June. It was also last September, last November, last December and last February. But I'm no fair-weather patriot. I was willing to wait to get the opportunity to buy American. In March I got the call from one of the many Ford salesmen with whom I had left my card. Convertibles are in. Be right over, I said.

Looked good. After debate with two salesmen and the senior manager, it was agreed that I could drive the car—a little. All right, I said. Let's get the top down. You see what's coming: the tonneau cover that would not stay on, the clamps that wouldn't lock, the glass rear window that weighs so much and requires such a contorted position to install that it is almost physically impossible to deal with.

This thing did have a back seat that would hold one person, not comfortably. It didn't have much trunk. Yet the wind felt good. Pretty girls smiled at me. I reached for my checkbook. Okay, how much? Over $16,000, I was told, and you certainly can't have this one. Somebody ordered this one months ago. We can put you on the waiting list.

I was not deterred. As long as I'm on a waiting list, I said, special order it so I can pay for only the options I want. We sat down. It took a crowd to figure out what options were available on the convertible. But we worked something out. Okay, I said, I'm finally going to get a car, and in only two to three months!

I went home and told my wife the good news. She said, let me see if I've got this straight. You're going to pay $14,400 for an $8,000 car that doesn't include an air-conditioner or a radio?

What do women know about cars? I went into work Monday and told my fellow car-enthusiast on the financial staff the good news. He said, you're going to pay $14,400 for an $8,000 car that doesn't include an air-conditioner or a radio?

Guys who write financial news are really smart, I thought to myself. I called Ford back. Sorry, I said, but that's just too much money. I'm going to buy a Pontiac.

I liked the Firebird a lot. It was 1,000 pounds overweight compared to other cars in its class, which meant a four-cyclinder engine was out of the question. But I could live with a six. It probably couldn't get any worse than 22 miles a gallon, and what the heck, gas is only a buck and a quarter. It didn't have any head room, but the special suspension will keep my head from hitting too hard on the roof. To get the sunroof open, you can't just hit a button. You stop the car, get out, lift two heavy panels off the roof and store them in the not-too-spacious trunk. But with the T-bar open, at least you have room for your head.

And I really, really liked the optional Lear seats. Lots of lateral support. Six different adjustments from lumbar to thigh areas. Very functional and comfortable, given that I spend a lot of time in the car.

They wouldn't let me drive the Firebird out of the parking lot, either, but I now understood that that was an unreasonable request on my part. I at least got to like first gear driving from the showroom to the fence. Besides, I was getting desperate. I was running out of Detroit brands.

Went home. Studied the information packet. Waited for a Saturday that wasn't pouring rain to go back and buy the Firebird. That took until weekend before last. This time I was so determined to buy I brought my wife. We walked in the door of the dealership and took out our checkbook. The salesman was not supercilious. He just said they didn't have anything with the good seats in stock. We were again willing to wait for a special order. The salesman wrote it up, took it to the manager for a price, and I got out my pen.

By this time I should have known things were going too smoothly. The manager and the salesman come back with long faces. We can't sell you the car, they told me. Special orders were shut off May 23. We won't know what the prices will be on an 1984 until late in the summer. Even if we did, you wouldn't get it until late September. There's nothing like what you want anywhere for 300 miles. There is simply no car to sell you.

Stunned and dejected, I trailed my wife back to the old car, kicking the pavement. My eyes were so studiously downcast I didn't realize I had followed her all the way across the parking lot. That's where the Honda place was that is part of the very same car dealership. She was staring at a new Prelude.

It wasn't American. I wasn't interested. I turned to go and bumped into a salesman, whose very first words, before introducing himself, were, "Want to drive it?"

Did I hear right? Was this car salesman asking me if I wanted to drive a car?

I didn't have time to collect my thoughts. A ring of shiny black objects were acing toward my chest. I caught them reflexively. They were car keys.

In a daze, I turned around and looked at the Prelude for the first time. Nah, I said, I don't want it. Automatic transmission.

The salesman handed me a different set of keys. "The five-speed's over there."

My wife was trying to wipe the pleading look off her face. "It's going to be your car," she said, resolutely.

I looked at the Prelude. I tried to clear my mind of everything terrific I'd read about it. Well, I rationalized, after a year of shopping, I could at least treat myself to one ride in somebody's new car. "For the best winding roads, take a right and head straight," said the salesman, unprompted.

The Prelude smoked out of the dealership. "Oooh," I tried to prevent myself from saying out loud. Through some S-curves, the car squatted, pointing itself exactly where it should go, clutching me in its standard-equipment high-support seats, so much like the ones I longed for in my Pontiac.

I won't dwell on the power sunroof and the four-speaker digital-readout stereo and the owner's manual that recommends against taking the Prelude over 80 miles per hour in third with two more gears to go. Nor will I dwell on the fact that with all these goodies and a hefty, unconcealed dealer profit, it's the same roughly $11,000 as the less-fancy Firebird nobody would sell me.

I will draw three meager pieces of solace: I'm buying from a kind-of American company. Honda has started building Accords in Ohio. I know. This is a Prelude. I'm reaching for comfort where I can.

I discovered to my relief that there are cars that America is building with which I could have fallen in love, had someone given me half a chance.

There is still at least one American in the Washington area who knew how to actively sell me a car. He may have learned his attitude from Japanese management. But he learned it.

There may be hope for us yet.●

MARY AND JOSEPH EVANS WINNERS OF THE STANLEY PIEKARZ MINUTEMAN OF THE YEAR AWARD

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LIPINSKI. Mr. Speaker, on Friday, June 24, Mary and Joseph Evans will be awarded the Stanley Piekarz Minuteman of the Year Award. The Piekarz Minuteman Award goes to the person or persons whose performance and dedication to a cause demonstrate the honored traits and qualities that best serve the needs of the country, State, and community.

The hard work and leadership that brings this award to Mary and Joseph has been crucial in their efforts to make the West Elsdon community on Chicago's Southwest side a clean and safe place to live. The Evans were instrumental in mounting a fight against the Meyer Steel Drum Co. Meyer manufactures steel drums, and since December 1980, the noise and pollution of steel drum manufacture have angered the Evans and other residents in the neighborhood.

Along with 23d Ward Alderman William F. Krystyniak, the Evans led a neighborhood group in a fight against Meyer. The group's actions led to the issuance of 13 pollution citations by Chicago's environmental protection agency. The Evans will be going to court throughout July and August for each of the citations, working to see that Meyer is eventually moved and peace is restored to their community.

The tireless efforts and willingness of the Evans to be active participants in the community is an inspiration to all who know them. I will be proud to award the Stanley Piekarz Minuteman of the Year Award this Friday to Mary and Joseph Evans.●

A SHOT HEARD 'ROUND THE WORLD

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. HOYER. Mr. Speaker, some months ago I brought to the attention of my colleagues the outstanding work of Robert and John Gianetti. These two men are architectural sculptors and have been responsible for the restoration of some of the most historic mansions in the Washington metropolitan area. Most recently they have also found themselves responsible for providing the fodder for one of the most humorous gags of this administration; perpetrated on our Secretary of the Interior James Watt.

I refer, of course, to the now famous (infamous?) plaster foot, fully complete with bullet hole, that President Reagan presented to Secretary Watt after his gaff about the Beach Boys.

I would like to share with my colleagues an article that appeared recently in the Washington Post about these two fine arts craftsmen.

SCULPTOR GETS PLASTER FOOT IN THE DOOR

(By Michael Kernan)

It was James Watt's foot that made the Giannettis famous.

Here they'd been architectural sculptors in Washington for decades, and their father before them, doing fancy plaster work on the Capitol, the White House and all over. For more than a year they've been renovating the Renwick Gallery, a five-year project that they say will cost $15 million to $20 million.

And then the White House staff orders a plaster foot with a hole in it for a gag on President Reagan. But Reagan turns it over to Watt, and the whole country laughs, and Giannetti's Studios is suddenly on the map.

"It's funny how things work out," says John Giannetti, 42. Last year, when he ran for the Maryland legislature, he thought about getting some incidental publicity on the Renwick job but decided not to. Now, as he finishes the very last plaster mold on the facade, the press shows up. The Renwick's sandstone exterior features are melting away, and Giannetti is making molds of every lintel, corbel, molding, medallion, pilaster, keystone and cornerstone on the entire building: everything but the bricks.

The stonework will all be restored to mint condition and reproduced exactly in precast architectural concrete by a Pennsylvania firm. It may be another three years before all the pieces are replaced.

"Those corbels [the little stone ends that stick out under the eaves] go all the way through to the inside wall," Giannetti said. "It's an enormous job. But the pollution was really destroying this sandstone. You can crumble it with your finger." He gazed up at the venerable landmark. "You know, sometimes, working up there, we'd feel a presence. Someone watching us. Those early stonecutters."

The studio in Brentwood, Md., just over the District line, is cluttered with plaster models of all these pieces, including two 18-foot free-standing fluted columns in sections. The last bit, the large medallion keystone over the Pennsylvania Avenue entrance, was cast in rubber and plaster by Michael Pathlak, a Russian-Jewish emigre who learned his trade in Kiev.

"We've seen a lot of action on this corner," Giannetti says. "ERA demonstrations, ambassadors at Blair House next door, the president going by. Sometimes we'd have to get down from the scaffolding. The Secret Service would come by and call us: They already knew all our names."

The sculptor and his brother Robert grew up in the plaster business here with their father, the late George Giannetti, who came over from Italy in 1910 at the age of 14. They worked on the Capitol's east facade and interiors, Mount Vernon, Ford's Theatre, the Kenmore House ceiling ("one of the most beautiful in America") and the press office moldings in the Nixon White House, not to mention fancy ceilings in Potomac, McLean and so on. Their father sculpted many of the executive seals around town,

including a 16-footer on the Federal Deposit Insurance Corp. building.

As for the foot: No, it wasn't anybody's foot in particular. "They ordered it six weeks ago—with the hole. We did it in Fiberglas. My brother sculpted it in clay in a couple hours. We couldn't talk about it because it was a big secret at the time."

He smiles with the amused tolerance one would expect of a man who has spent 18 months working across from the White House.●

COMMENTS ON PROPOSED MEDICARE CUTS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MARKEY. Mr. Speaker, I rise today to address an issue which this Congress must face before the end of the decade: Medicare funding and reforms. Policy analysts inside and out of Government predict that by the end of this decade the medicare fund will be broke. I hope that we do not wait until the last minute to address the serious problems which we know exist today. The political process is not well served by last-minute legislating; it is my hope that we begin discussing the issue in order to prepare for legislative action that will insure adequate medical protection for our elderly citizens.

As we begin to consider reforms in medicare to insure its solvency, let us not forget the origin of the program. Medicare was enacted in 1965 to provide health services to elderly and disabled Americans. Today, the medicare program serves nearly 30 million people. Despite the millions of dollars spent on health costs by medicare, the program only covers about 40 percent of the elderly's health costs. In addition, medicare does not cover outpatient prescription drugs, eyeglasses, hearing aids, dentures, and preventive care.

Mr. Speaker, it is clear to me that the elderly of our country need this program as much today as they needed it when the program was first instituted 18 years ago. Today, over 15 percent of the elderly of our country have incomes below the poverty level, and over 25 percent are living on just 125 percent of the poverty income level. Nevertheless, the President has cut billions of dollars from medicare in his 2 years in office. And the administration has proposed an additional $1.9 billion cut in fiscal year 1984.

In addition, the administration plans dramatic changes in the medicare regulations which will push medicare coverage out of reach of the average elderly person. These changes corrupt the original purpose of the medicare program, to provide medical coverage to elderly Americans. Clearly, medicare needs some reform. We should not, however, abandon the very Americans the program was intended to benefit.

Mr. Speaker, and my colleagues, I think we should not lose sight of an important feature of medicare: Medicare benefits are as much social security as the monthly pension benefit. If medicare deductibles and copayments as well as premiums charges are increased by 153 percent by 1988, as the administration plans, this will have the same effect as cutting benefit checks by the same amount. This Congress would not stand for cutting benefit checks. But if we sit back and allow the administration to have its way by rewriting the copayment and medicare deductible regulations, we will be taking the money right out of the monthly benefit checks just as a thief would steal it out of a mailbox.

In conclusion, I want to remind my colleagues that medicare is title XVIII of the Social Security Act. This Congress took courageous and bipartisan steps to insure the solvency of the old age survivors trust fund without breaking our promise to the retired citizens of our country. I urge my colleagues to examine closely the medicare system and to take the same courageous action in solving the oncoming medicare problem—without breaking our promise to the elderly of our country needing health care.●

BANKRUPTCY OF AN EMPIRE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. DREIER of California. Mr. Speaker, last week, the American people witnessed the failure of Congress to exhibit the will to make the hard decisions necessary to halt the hemorrhaging of the Federal budget. My colleagues will send to the President a series of spending bills which will "buy" particular constituencies across the country at the expense of the common good.

Frustrated, some of us, plod along hopeful that the executive check on the Congress actions will lessen the blow of these spending decisions. In this regard, Mr. Speaker, I join the editorial staff of the Wall Street Journal in expressing hope that the President will make the hard decisions that this Congress could not. I submit the following editorial to my colleagues because I believe, unless changed, the current dismal practice of irresponsible spending with total disregard for the source of financing will be devastating:

BANKRUPTCY OF AN EMPIRE

There is a good chance that over the next four weeks Congress and Ronald Reagan are going to provide a most fascinating political spectacle. Congress has begun to pitch the president a series of budget-busting appropriations bills, and Mr. Reagan is said to be limbering up his veto bat to swat them.

On one level, we'll be watching a struggle between a Congress no longer capable of controlling federal spending and a president who refuses to give Congress the additional taxes it wants. One of the recurring motifs will be that the president, crazed and blinded with ideology, is refusing to behave in a pragmatic and bipartisan spirit.

But if you'll step back a bit from this entertaining showdown, we think what you'll see is the intellectual bankruptcy of the political empire Congress has built for itself, year by year, since the early 1970s. Congress didn't win all of the spending battles during the Nixon, Ford and Carter years, but in disbursing a total of $3.6 trillion, it still managed to create a giant system of financial and political dependency that lumbers toward ever-greater excesses.

Consider a few highlights of the constituency building record. In 1971, Congress passed a 10% across-the-board hike in Social Security benefits, and expanded federal assistance for training doctors and health professionals. In 1972, Congress increased pensions for 900,000 members of a nearly bankrupt railroad pension system, authorized a federal takeover of the federal-state welfare system for the aged, blind and disabled, liberalized eligibility requirements for black-lung benefits and increased Social Security benefits 20% and double indexed them to inflation.

In 1973, Social Security benefits were increased an additional 11%; Congress also increased contributions to health-insurance programs for federal employees, indexed payments for the school-lunch program to food prices and mandated twice yearly inflation adjustments for food stamps.

In the following year it created an office of juvenile justice and delinquency prevention, the National Institute for Aging, the Legal Services Corp., programs for solar and geothermal energy, a six-year and $12 billion aid-to-mass-transit bill and a $25 billion appropriation over four years for education. In 1975, unemployment compensation was extended to 65 weeks, and $1.4 billion was appropriated for family planning and community mental-health centers.

We'll skip 1976 so we can get to the year Tip O'Neill became House speaker. His 1977 Congress put out $12.5 billion for "neighborhood revitalization." Food stamps became free, with an estimated four-year cost budgeted at $24.4 billion. In 1978, Congress rested, but did expand financial assistance for students from middle-income families. In 1979, teachers got the Department of Education, and Congress expanded support for a network of regional and state health-planning agencies and raised the federal contribution to state welfare costs by $900 million a year. The 1980 session gave fitful birth to the $1.6 billion toxic-waste "superfund." In November, voters elected Ronald Reagan.

From the perspective of men and women who had to give people reason to support them every two years, it was quite a performance. Broad classes of citizens came to depend on the budgetary distributions of Washington's philanthropes. Other groups, by now fully politicized, turned to Washington for a similar share in the benevolence. Local and state governments benefited either directly or insofar as Washington diverted citizens' claims on their own budgets.

So now we're in for the great budget battle of '83, or at least we can hope so. No matter who says what about whom in the coming weeks, we suggest you keep an eye fixed on one figure—the House Democrats' $863 billion budget. With Mr. Reagan's budget at $842 billion, the Democrats are further away from anything a president has proposed in recent memory. And with no reasonable expectation of using the budget to colonize more segments of American society, the Democrats have simply got to have that money to keep their existing constituencies responsive.

And up to now, they've succeeded mightily. Amid all the wailing over Mr. Reagan's gutting of the safety net, outlays for income-transfer programs from 1980 to 1983 went from $283 billion to a whopping $408 billion.

It has become too embarrassing to try to defend this grand bean feast before the American people so no one tries. Congress has become spending dependent, in need of larger and larger fixes to ensure continued incumbency. Shock treament is in order and we hope the president has the gumption to administer it.●

FIRST NATIONAL THEATER WEEK

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mrs. BOXER. Mr. Speaker, last year during this month the first National Theater Week was proclaimed by the Senate and House of Representatives. National Theater Week recognized the strength and vitality of the theaters in America, and urged our citizens to assist the efforts of the theaters throughout our country.

It is now, on this first anniversary of that historic bill, that I ask my fellow colleagues to support our theatrical institutions. They are a crucial part of our American heritage, and it is in our Nation's interest to support their efforts.

As the late Congressman Phillip Burton said:

This is our National Theater Week . . . let us feel privileged to celebrate it.●

THE PASSENGER CAP AT NATIONAL AIRPORT IS NOT EQUITABLE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. WHITEHURST. Mr. Speaker, this week the House is scheduled to consider H.R. 3329 transportation appropriations for fiscal year 1984. At that time, I understand, an amendment will be offered to delete the language which would prohibit the use of funds for either lowering the existing passenger cap or reducing the number of air carrier flights. In other words, the bill as reported to the floor would stop the FAA from implementing its proposal; the amendment to be offered would allow the FAA to go forward with its plan. I intend to oppose such an amendment, although I would prefer that the prohibition of any change in the existing policy be in some other form than that of a spending prohibition in an appropriations bill.

Let me say at the outset that I fully support the development of a rational and balanced airports policy for our region. To that end, I applaud the efforts of all parties to enlarge the scope of Dulles Airport; it would please me immensely if a large portion of passenger traffic at National were redirected to Dulles or BWI. Unfortunately, I see little hope of achieving an equitable redistribution in the FAA's proposal to reduce the passenger cap from 16 million to 14.8 million persons. I say equitable, because I cannot support administrative or legislative efforts to redefine air service in the Washington metropolitan area which would have the effect of eliminating short-haul jet service between the Hampton Roads, Va., area and Washington, D.C. I would point out that a substantial number of my constituents utilize National Airport for 1-day business trips to Washington, but I am certain that they would opt for ground transportation, albeit less convenient, were they unable to utilize National. It is inconceivable to me that frequent users of the Washington/Norfolk corridor would elect a 2-hour, round-trip ride from downtown Washington to Dulles when the driving time to Norfolk is approximately 3½ hours.

Permit me to quote from a recent letter from Kenneth R. Scott, executive director of the Norfolk Port and Industrial Authority, Norfolk International Airport:

Our primary concern regarding operational restrictions at Washington National Airport relate to the adverse impact such controls would have on air service in short-haul markets such as Norfolk-Washington. We remain extremely puzzled as to how proponents of the "passenger cap" at Washington National Airport will, in fact, achieve what we understand is the ultimate goal of transferring passenger activity to Dulles International Airport. It remains our assessment that the passenger cap and other unrealistic operating controls at Washington National Airport that do not take into account distance will not achieve the goal of transferring passenger activity to Dulles. A restriction on the number of flights and/or passengers that can be handled at Washington National Airport will, in our opinion, only force the carriers to drop the short-haul markets and emphasize the more lucrative long-haul markets into Washington National Airport. The original intent of Dulles and the current objective for that airport is to attract long-haul markets. But with the FAA's continued encouragement of long-haul flights to Washington National, we remain confused as to the ultimate objective in regard to Washington National Airport.

It remains our thinking that the Federal Aviation Administration, as Operator of Washington National Airport and Dulles, needs to develop and implement an innovative plan that would control the activity at Washington National and "force" the long-haul service and increased activity to Dulles. We feel that this can best be done by somehow "forcing" Washington National Airport into a restricted short-haul market. While we certainly do not consider ourselves experts in all the details and ramifications of how such a plan can be developed and implemented, we do feel that efforts to restrict Washington National Airport to the short-haul markets is the most feasible approach. For example, we feel further consideration should be given to restricting nonstop air service to/from Washington National to approximately 500 miles. Another thought, the implementation of which is difficult to perceive, relates to somehow prohibiting or discouraging "connecting flights" via Washington National Airport. In other words, if there was some way of restricting the use of Washington National to origination and destination passengers only it would help maintain the "passenger cap" which the FAA is suggesting as a solution to Washington National's problem. Norfolk's passengers, for example, frequently use Washington National as a connecting hub and thus add to the passenger cap for Washington National Airport when, in fact, that passenger is not going to Washington but rather is using Washington to get to their final destination.

I believe that Mr. Scott's concerns and suggestions are cogent, reasonable, and of considerable merit, and accordingly I have brought them to the attention of Secretary Dole in the hope they will be considered during ongoing FAA deliberations.

In the meantime, however, I feel constrained to oppose any attempt to lower the existing gap. I believe that the reservations expressed by Mr. Scott are shared not only by me but by a number of my colleagues, particularly those in the East whose districts are served by short-haul flights to Washington National, and I feel certain that they will join those of us who oppose the anticipated amendment.

Thank you, Mr. Speaker, for allowing me the opportunity to share my views, and those of Mr. Scott, with my colleagues in this way.●

A DISTINGUISHED CITIZEN

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. GARCIA. Mr. Speaker, on Sunday, June 12, 1983, the 25th annual Puerto Rican Day Parade took place on New York City. One of the parade committee officials was the Honorable Felipe N. Torres, a retired New York City judge. Judge Torres was born and educated in Puerto Rico, and attended City College and Fordham University Law School. He was a

member of the New York State Assembly from 1953 to 1962, and a family court judge from 1963 to 1968. As the patriarch of the "Exemplary Family of the Year," Judge Torres deserves special recognition as a distinguished citizen of his community, as indicated in the following article from the New York Daily News.

TODAY, IT'S NUEVA YORK

The Puerto Rican Day Parade, a New York City tradition that celebrates its 25th anniversary this year, steps up Fifth Ave. to a salsa beat at noon today under the promise of a blue San Juan sky and a golden Caribbean sun.

Many thousands of marchers are scheduled to parade past many hundreds of thousands of spectators lining the avenue from 44th St. to 86th St., where the line of march turns east toward its terminus at Third Ave.

Along the way, if past years are any guide, there will be acres of Puerto Rican flags, galaxies of "Kiss Me I'm Puerto Rican" buttons and an assortment of homemade island-style snacks for sale by street vendors.

And, of course, there will be the other ingredient without which no New York City parade would be complete—gaggles of city, state and federal elected officials making themselves visible to the potential voters along the way, and politely elbowing each other out of the way when the news cameras come around.

There will be plenty of parade committee officials, but the No. 1 dignitary of the day should be the Honorable Felipe N. Torres, 86, a retired judge and patriarch of the "Exemplary Family of the Year."

Torres, who was born in Puerto Rico and attended schools in Ponce, P.R., earned a B.S. degree from City College and a law degree from Fordham University Law School. He want on to become a member of the State Assembly (1953–62) and a Family Court judge (1963–68).

THE DEUBLIN CO. OF NORTHBROOK, ILL., COMPETING SUCCESSFULLY IN JAPANESE MARKET

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. PORTER. Mr. Speaker, many have reacted in panic lately, to the claim that "Made in Japan" has supplanted "Made in America" as the symbol of quality and durability. Many look to the Federal Government for relief, calling for legislation to protect failing domestic industries from foreign competitors. Others, however, know that America has not lost its capability to recapture international markets. They remember that the Japanese have learned their most valuable lessons from America, and concentrate on rediscovering our own means of success.

A firm in my district, the Deublin Co. of Northbrook, Ill., can show many ailing firms in our country that they still possess the means to succeed on their own without looking in vain to the same Federal Government which has stifled so much of our productive power in recent years.

An article describing their success which appeared in the New York Times follows:

[From the New York Times, May 30, 1983]

SELLING TO JAPANESE INDUSTRY; A STEEL GIANT PREFERS PARTS MADE IN UNITED STATES

(By Steve Lohr)

FUKUYAMA, JAPAN.— Certain types of foreign products fare much better in Japan than others. Those most likely to win out are well-known brands that give a consumer the cachet of membership in the international community.

Manufactured items sold to large industrial corporations, on the other hand, have a more difficult time in Japan. To succeed, such products must pass through a labyrinth of distributors who have decades-old personal ties with domestic suppliers. A further obstacle is that the competing Japanese supplier is frequently a member of the purchaser's Keiretsu, or business group, with one company having a direct stake in the health of the other.

It often seems, therefore, that Japan's message to foreign businesses is: Give us your McDonald's, your Mercedes-Benz, your Johnnie Walker, but we'll make our own widgets, thank you.

A MAMMOTH STEEL FACILITY

Nonetheless, some overseas companies do manage to sell to Japanese industrial customers, and some even occasionally displace a domestic rival to do so.

One such success story is found here, 370 miles southwest of Tokyo, at the Fukuyama works of Nippon Kokan K.K., Japan's second-largest steelmaker. The mammoth Fukuyama plant, with a production capacity of 16 million tons a year, is said to be the biggest integrated steel mill in the world.

In the last few years the Deublin Company, a small concern with headquarters in Northbrook, Ill., has unseated domestic suppliers to sell its specialized parts to Nippon Kokan.

Deublin, a privately owned company with yearly revenues of about $15 million, makes rotating unions. These are essentially stubby, hollow axles. Air, water or hydraulic fluids pass through them, aiding heating and cooling in a variety of industrial processes.

The key part of a rotating union is a seal of two disk-like surfaces, machined so flat that there is no air between them and held together by atmospheric pressure. This lets one side of the union rotate, while the other remains stationary, with little friction at very high temperatures and under extreme pressure.

Deublin, founded in 1945, makes rotating unions and nothing else. It says it is the world's largest producer as well as the leader in quality.

"We're the Rolls-Royce of the industry," said Del Reisner, Deublin's chief engineer, who was in Fukuyama to call on Nippon Kokan.

The product, Mr. Reisner explained, is actually relatively simple to make. But the edge Deublin has over competitors, in his view, is superior design and quality that is the result of "a lot of little things that you learn only with years and years of experience."

At Deublin, that experience has stayed in Northbrook, Ill. "We've got a lot of lifers," Mr. Reisner said, "so we haven't lost our know-how to other companies." Mr. Reisner himself is 42 years old and has been at Deublin for 24 years.

Deublin gets about one-third of its sales in overseas markets. Since the mid-1960's, it has had a representative in Japan. But by the late 1970's, the company decided that, as Mr. Reisner put it, "We didn't have anywhere near as much of the Japanese market as we should have."

SUBSIDIARY FORMED IN JAPAN

So in 1978 Deublin hired Katashi Uemura, a former trading company official familiar with Deublin's product, and established a Japanese subsidiary, the Nippon-Deublin Company, in Osaka. Having a full-time Japanese staff, born and bred in the nation's business culture, is "absolutely indispensable" if a foreign company is to do well here, Mr. Reisner said.

Since 1978, Deublin's sales in Japan have multiplied 25 times, to an expected $1.3 million in 1983 at present exchange rates. Though it sells to other Japanese companies, too, Deublin's success at Nippon Kokan accounts for a big share of the increase.

The advantages of Deublin's product over those made by Japanese suppliers seem clear-cut. The American company's rotating unions cost about twice as much (up to $362 apiece), but they last three or for our times as long.

COSTLY ROLLERS LAST LONGER

That extra endurance is particularly valuable to steelmakers since the rollers to which the unions are attached cost from $4,260 to $6,380 each.

But winning acceptance for Deublin's products took time. "All Japanese steel companies have special relations with their suppliers," said Mr. Uemura, managing director of Nippon Deublin. "It's very difficult to overcome that."

Mr. Uemura made his approach directly to the engineers in Nippon Kokan's maintenance department rather than trying to go through the steel company's distributors. He figured correctly that the engineers would become advocates for Deublin's rotating unions if they could see how they worked.

In 1979 Nippon Kokan agreed to test four of the Deublin devices for a month, and they outperformed Japanese-made parts. Today Nippon Kokan has more than 1,000 Deublin rotating unions in use.●

STOP THE SPACE ARMS RACE

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. KASTENMEIER. Mr. Speaker, I wish to call to the attention of my colleagues a June 20, 1983, article in the New York Times by Flora Lewis on the increasingly dangerous space arms race.

It is absolutely essential that the United States and the Soviet Union resume negotiations to stop the arms race in space before it escalates out of control.

COMING: SPACE WAR?

(By Flora Lewis)

PARIS, June 19.—A little noticed passage in the generally tough speech by Soviet Foreign Minister Andrei Gromyko last week contains what may be a crucial new arms control offer.

He said the Soviet Union was willing not only to ban weapons in space but to agree on banning the use of force in or from space. The initial White House response—affirming of U.S. interest in discussing the implications of space-based defense against nuclear ballistic missiles—seems to have missed this vital distinction. A ban on the use of force in or from space would head off the imminent leap in the arms race to deployment of antisatellite weapons.

It is a minute to midnight in this contest, not, as with laser weapons, a generation away. The Soviets have already tested a satellite killer. The U.S. plans a test this fall.

A panel of U.S. scientists with extensive experience in defense judged the Soviet weapon "a cumbersome and inflexible system in comparison to the mobile, F-15-based U.S. system."

Sponsored by the Union of Concerned Scientists, the panel proposed to the Senate Foreign Relations Committee on May 18 a draft treaty to block both sides from this dangerous plunge into the first phase of star wars.

It deserves urgent attention. Moscow has already tabled a treaty at the U.N. but it is quite inadequate from the American view, prohibiting only "weapons in orbit." A series of U.S.-Soviet talks was launched during the Carter Administration. But they broke down after the invasion of Afghanistan, just as the negotiations were getting to the core issues.

Since then, both sides have pushed ahead with development. As Thomas Karas points out in a lucid, extremely informative book called "The New High Ground," space has been militarized for 25 years. So far, however, it contains only electronic eyes and ears to serve ground-based weapons. Antisatellite systems (ASAT's) are certain to be the first arms in space if they are not forestalled by mutual agreement.

An argument has been raging in the Pentagon, the Congress, and among scientists for years on whether these would be good or bad for the U.S. Those who think they would be good talk of the need to "share the military competition" with the Soviets. They argue that nuclear weapons inhibit the use of American force on earth causing a "creeping paralysis of will . . . to defend ourselves or our interests." They consider space safer for war.

The quote is from a 1981 study by Lieut. Col. Barry Watts and Maj. Lance Lord, now officers of the Air Force Space Command. It is reported in the Karas book. The book also cities Brig. Gen. Ralph Jacobson telling a House subcommittee in 1981 that "the U.S. has a legitimate need for an ASAT capacity to remove the current sanctuary status the Soviets enjoy in space."

Those who think this is a mindless risk, which could be as irreversible as nucleasr weapons themselves, point out that the U.S. also enjoys such "sanctuary status." It is a great deal more dependent on its satellites for defense than the Russians with their vast continental communications.

In military pariance, satellites are very "soft," vulnerable to attack in all kinds of ways that would be relatively cheap to mount. U.S. atomic tests in the 1950's showed, unexpectedly, that they could practically all be disabled by a big nuclear burst in space. But that would ruin both "friendly" and "hostile" sky monitors. So the focus is on selective weapons.

Successful ASAT's could paralyze the strategic defense of either country without ever touching a missile. Therefore, once they are available, there would be a terrible temptation to suspect deliberate attack and retaliate on earth if important satellites went dead without explanation. That increases the danger of nuclear war by accident.

The U.S. is confident that it is now ahead in the relevant technology. But the scientists opposed to ASAT's are convinced the Russians could catch up.

There are measures which could be taken to strengthen the defense of key satellites. But they would be costly, uncertain, and risk being leap-frogged by fairly simple new offensive measures. The only way to stop a new spiral would be to agree on banning ASAT's now.

If the U.S. tests successfully now, the Russians undoubtedly would not rest until they improved their weapon, and then it would be too late for a really verifiable treaty.

The central provision in the American scientists' draft is: "No weapon that can destroy, damage, render inoperable, or change the flight trajectory of space objects can be tested in space, or against space objects." Mr. Gromyko's speech appeared to signal readiness to accept this prohibition.

If President Reagan is serious about arms control, which the Scowcroft commission said the U.S. must be, he should offer a test moratorium and offer immediate talks, not just on antimissile defense technologies, but on ASAT's as well. The draft treaty is an excellent start. As Mr. Karas says, "We can't hope to make the earth safe from warfare by moving combat into space. Military systems in space are designed to produce military advantages on the ground."●

TRIBUTE TO WALTER M. SNYDER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LONG of Maryland. Mr. Speaker, I would like to honor an outstanding citizen from my district, Dr. Walter M. Snyder. Dr. Synder will be retiring as director of personnel for the Baltimore County Schools on June 30, 1983, after 25 years of service. His commitment to education dates back to 1950 when he began teaching at Dundalk Senior High School. He is a highly respected member of the Maryland educational community, and affectionately referred to as the dean of personnel directors.

His commitment to serving the community extends far beyond education. Dr. Synder served with the U.S. Field Artillery during World War II and was held as a prisoner of war. Also he recently received a citation from Mayor William Schaefer of Baltimore for his activity and contributions as a patron of the arts.

I am sure my colleagues join me in warmly thanking Dr. Walter Snyder for his service to the students and staff of the Baltimore County Public Schools.●

GARRISON PROJECT CHANGE NEEDED

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. JEFFORDS. Mr. Speaker, opposition to the Garrison Diversion Unit, a controversial water project in North Dakota, is increasing.

On the national level, the House of Representatives overwhelmingly supported an amendment to delete funding for Garrison on December 14, 1982, by a vote of 252 to 152.

Funding for Garrison is opposed by major environmental groups and the National Taxpayers Union.

In North Dakota, the Bismarck Tribune, a major North Dakota newspaper, recently reversed its editorial position from support of Garrison to opposition. The reversal in editorial position along with other recent occurrences raises some serious doubts about the extent of support for Garrison in North Dakota. I am inserting a copy of that editorial for the record.

Others in North Dakota continue to either oppose the Garrison project or to call for alternative projects more suitable to North Dakota's needs. And these voices are growing in influence. In the November elections, for the first time in history, three individuals—all highly critical of the project—were elected to the Garrison Conservancy District Board. Several citizens were elected to the North Dakota Legislature running on anti-Garrison planks.

Canadians—the national and provincial governments, individual citizens, farm groups, small businesses—continue to oppose the project. And no wonder, since the potential harm to Canadian waters and fisheries is so great.

South Dakota landowners continue their legal battle to force the Interior Department to analyze the project's impacts on South Dakota and the James River before further construction takes place.

I could go on, but these few examples adequately illustrate the breadth of concern about the Garrison project. Garrison has become a national symbol of waste in Government. It is time to look at less costly alternatives to Garrison. I urge my colleagues in the Congress to oppose additional funding and construction of this project until we have been presented with some responsible alternative projects:

GARRISON PROJECT CHANGE NEEDED

It's time to take a good, hard look at Garrison Diversion.

It almost doesn't matter that Garrison survived a recent House-Senate conference committee test.

Clearly, Garrison has lost political support in the House, which, only five days before the conference committee met, voted to cut funds 252-152.

The project is not likely to recoup much House support in the foreseeable future.

At the very best, Garrison's promoters will be able to work lose crumbs for funds. At the worst, Garrison won't be so lucky next time.

But Congress isn't Garrison's only problem.

Aside from Congress, Garrison still finds:

Stronger Canadian opposition than ever, based on fears of harm to Manitoba's fishing industry.

Opposition from environmental groups, who aren't likely to ease their stands on water development in North Dakota unless they perceive a better shake for wildlife and wetlands.

Renewed opposition by North Dakota farmers to a wildlife mitigation plan. Many landowners see Garrison as a project that takes from one set of farmers and gives to another, and many believe there is too much land in public ownership now.

The point is, as constituted, the Garrison plan continues to meet objections at every turn.

It has been nearly 30 years since Garrison Dam was completed, and this state still has no water project. At that rate, no living North Dakotan will see a completed project.

Garrison's supporters have stuck to their guns long past the time they should have tried to compromise and get a project moving forward, and it is time we faced political realities.

We should also realize that, more important than a specific water project outlining a certain number and location of acres, Garrison Diversion is an idea.

The idea is this: North Dakota has all this water in one place, doing itself little good. The best thing to do is to move that water and put it to better use.

The idea always has been and still is sound, and the idea should be implemented.

Furthermore, North Dakota has a right to a water project for agreeing to flood out more than half a million acres to create Lake Sakakawea and prevent flooding of downstream states.

But, that doesn't mean the state has a right to this particular project. It means the state has a right to compensation by whatever project or projects are acceptable to a wide array of interests.

For years, this newspaper has supported the authorized project in its editorials, believing that the 250,000-acre project was good and merely the first phase of a much bigger water plan.

Thus, it is no small step for us to urge that the current project be de-authorized and a project more palatable to the political powers that be, as well as to our own farmers, be authorized instead.

The reason we've come to this conclusion is that it's time to make measurable progress on a water project for North Dakota, rather than continue to get very little.

What is an acceptable alternative?

We can't say for sure. That's something to be planned out by our State Water Commission and the Bureau of Reclamation.

But here are some ideas:

If we agree to deauthorize Garrison, perhaps the feds would finance a municipal and industrial water pipeline project not only for the southwest area of the state, but for the eastern part as well.

Even that project would not fully compensate for flooding the Missouri River bottomlands.

The state should push, then, for federal financing of some of the items in the huge 1983 State Water Plan the Water Commission is presenting to the Legislature.

Let's come up with something everyone can agree on and do it. Having some water project is a whole lot better than sticking to a principle and having none.

Our politicians should show the leadership required and admit that big changes are needed for this state to get the uses it deserves out of its water.●

SISTER MUNA HONORED FOR TEACHING EXCELLENCE

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. WON PAT. Mr. Speaker, I am pleased to call to the attention of our colleagues the outstanding career of public service of Sister Evelyn Muna of Guam.

Sister Muna is currently superintendent of 16 Catholic schools on Guam. For nearly 32 years, she has devoted her life to the education of the island's young people and she is known far and wide as a teacher and administrator of outstanding talents.

In these days of concern over the quality of the public schools in America it would be wise to take a close look at the career of Sister Muna. Through her unswerving drive for better education, she leads the way for all school systems who want to give their students the best of educational opportunities.

We on Guam are indeed fortunate to have a woman of such talents and dedication in our midst. Sister Muna has shown that she possesses the qualities needed to spark a never-ending interest in education in her students and her staff.

On July 29, Sister Muna will take a much deserved sabbatical to study off-island for a year. I am certain that she can teach those who teach as much as they can bring to her new classroom. I wish Sister Muna well in her classroom work and thank her for reminding all of us that quality education is a challenge not only for the students but for those who teach.

I ask now that a story which appeared in the June 13 Pacific Daily News now be inserted in the RECORD. Thank you.

NUN DEVOTES LIFE TO EDUCATION

(By Azelle San Nicolas)

The main focus of her life has been education.

For the past 31 years, Sister Evelyn Muna has devoted her life to teaching and administration in the public and Catholic school systems.

In 1980, she was appointed by Bishop Felixberto Flores to serve as the superintendent of the 16 Catholic schools on Guam and on Saipan.

And, since then, she has been overseeing the education of the island's 5,000 Catholic school students.

Sister Evelyn, who will be leaving next month for a year of study, will be relieved of her duties as superintendent by Sister Cecile Marie Crisostomo, a School Sister of Notre Dame.

"My work has been very challenging. I enjoyed every bit of it," said Sister Evelyn, a Religious Sister of Mercy.

"I can't put a claim on any accomplishment or take credit for anything. I am involved in the service ministry and my greatest accomplishment was the fact that I served with love," she said.

The bulk of her work now is in the revision of the mathematics curriculum.

"The Diocesan Mathematics Council is working to assess the needs of the mathematics program in the schools," said Sister Evelyn.

By the 1983-84 school year, the council hopes to come out with a standardized mastery skill check list for each mathematics teacher.

"My major concern is remediation. I want to try to raise student achievement in mathematics and language arts," said Sister Evelyn.

Another area of concern for Sister Evelyn is the increase in service to the schools from the gifted and talented program.

"I never want to see the discipline watered down. I'm not talking about extraneous discipline, but internal and mental discipline," said Sister Evelyn.

She plans to leave the island on July 29.

CHILD SUICIDE VICTIMS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. WOLF. Mr. Speaker, as a member of the Select Committee on Children, Youth and Families, I am today submitting for the RECORD two articles from U.S. News & World Report related to the committee's work.

According to one of these reports, the suicide rate for people 15 to 24 years old has risen 300 percent in the past 20 years. Psychologists are linking the tragic incidents of youth suicides to feelings of "low self-esteem," a "sense of loss or failure," and "the pressures of growing up too soon."

This deadly trend concerns me greatly and I commend the reading of these shocking reports to my colleagues.

BEHIND A SURGE IN SUICIDES OF YOUNG PEOPLE

WHY CHOOSE DEATH AT SUCH A TENDER AGE? THAT'S THE QUESTION ASKED BY PARENTS AND MEDICAL EXPERTS

On June 5, a 17-year-old high-school student in North Salem, N.Y., hanged himself with his own belt in the bathroom of his home.

It was just three weeks after his girlfriend, last year's school homecoming queen, took her life in a similar manner following a quarrel between the two.

Their deaths so shocked the community of 4,500 that police put up barricades to keep outsiders away from the school grounds and counselors kept close watch to spot other troubled youngsters.

Disturbing as the New York tragedy may be, it is by no means an isolated incident. The suicide rate for people 15 to 24 years old has risen 300 percent in the past two decades.

One expert, Los Angeles psychologist Michael Peck, estimates that a million children a year think at one time or another about suicide.

"What we are seeing now is an epidemic of suicidal communication among young people," says Peck. "It is a way of saying: 'Someone help me.' Youth are desperate, unhappy, confused and compulsive. They can't think of any other way out."

CROSS SECTION

Youngsters who attempt suicide come from all classes of society and even include preschoolers. Among the shocking examples are a 6-year-old who tried to hang himself because he thought he was a burden to his financially strapped family and a 14-year-old girl who knelt in front of a train after learning she was pregnant.

Although official figures are difficult to obtain, estimates are that at least 7,000 teenagers kill themselves annually. As many as 400,000 attempt suicide.

Some analysts believe that the suicide rate may be even higher. For instance, many suicides are listed as accidents to protect insurance benefits or to shield the family from the stigma of such deaths. Some homicides, too, are thought to be invited by the victim—a suicidal person who puts himself or herself in a position to be killed. Says psychiatrist Mary Giffin of Northfield, Ill.: "It could be a fall down the stairs, a child who rode a bicycle into oncoming traffic. We've gotten to the point where we question every accident."

As a result, the medical profession is taking a much closer look at childhood depression and stress. Pamela Cantor, a Massachusetts psychologist, says suicide in the young can almost always be tied to a sense of loss or failure.

The loss can be that of a friend, a member of a family through divorce or death, a pet, job, or even a sense of control over their own lives. Failure can be imagined in one's physical appearance, in being too slow or too smart in school or in domestic problems children believe they caused. Abused children often attempt suicide.

Other contributing factors, according to experts, run the gamut from violence on TV and in the movies to low self-esteem, racial bigotry and the pressures of growing up too fast.

Parents who provide little personal attention also are blamed. Says Washington, D.C., psychiatrist Willie Hamlin: "Parents sometimes are so busy working hard to provide the material things that they've neglected what the child really needs and wants—time, attention, love and affection. The child acts out with suicide attempts to get attention."

Still another researcher, sociologist Steven Stack of Pennsylvania State University, sees a relationship between the rising suicide rate among youths and their lagging church attendance. In his view, religious beliefs tend to support people through life's trials and lend meaning to suffering.

Whatever the reasons for the wave of suicides, many government and private groups are taking new steps to tackle the problem. In operation around the country are more than 550 suicide-prevention centers and special hot lines. One Chicago suicide hot line rings every 20 seconds.

ALERTING PHYSICIANS

Dr. Susan Blumenthal, director of a new federal suicide-prevention units, says more pediatricians and medical students are being trained to diagnose and treat depression and suicidal behavior in children.

States and localities also are getting involved. A bill has been introduced in California to provide suicide-prevention programs in schools. Near Dayton, Ohio, a suicide-prevention center has developed a puppet show to reach out to very young children. A Northfield, Ill., medical group shows teachers and school administrator how to spot the telltale signs of suicidal youngsters.

Authorities insist the increased public information is the most important weapon in combating young suicides. This includes being able to recognize when a child is disturbed and knowing that when the child says, "I wish I was dead," he or she may mean it. Some of the trouble sings: Lethargy, loss of appetite, sleeplessness and reluctance to go to school or play with friends.

Julie Perlman, executive director of the American Association of Suicidology in Denver, notes that progress is being made because more people are becoming aware of the problem. "It has been a hard subject to deal with because people would rather ignore it," she says.

With so many families suffering the heartache of such deaths, the issue is getting harder to ignore.

HOW DEATH HAUNTS THE LIVING

Contact with a suicide, even for those with no family connections, can be so traumatic that the memory never fades away.

Such is the case with Alice Dransfield, 57, of Tiburon, Calif., who not long ago saw a young woman leap to her death from San Francisco's Golden Gate Bridge. Having worked as a volunteer at a suicide-prevention center, she explores her feelings of helplessness at witnessing that tragedy.

I remember that a bright sky framed the giant orange towers of the Golden Gate Bridge that autumn morning. My 21-year-old son and I were making small talk as we headed across the bridge to San Francisco.

At midspan, traffic began to slow, and then suddenly stopped altogether in the west lane nearest the ocean. As we braked, a trim, neatly dressed young woman stepped from her car into our lane. In her leather coat and checked pants, she looked like Ann, I thought, although I knew my daughter was away at school in the East.

Then, in one continuous movement, the woman ran around the front of her car toward the 4-foot bridge railing. "Oh, no." I gasped. I rolled down my window and screamed, "No! No! No!" Car horns and traffic noise muffled my voice. As I watched in disbelief, the woman lifted her long legs onto the railing, one hand clinging briefly to the edge. Before we could stop our car and get out, I saw her soar into the air, the ocean breeze blowing her shoulder-length hair.

For a moment she looked like a bird—high above the vast ocean 250 feet below. Then she was gone, one of more than 750 people known to have taken their lives from the bridge.

All I can remember is that I felt devastated, an empty sinking feeling like I had once when coming out of anesthesia after surgery. My body shook and I felt anguish. In seconds I had witnessed life, death, and the finality of suicide. My son and I wept as we continued across the bridge.

But along with the sadness, there was anger. I was certain a barrier above the bridge rail would have stopped her. It was too easy.

All day long I kept thinking about what I would have told the young woman if I only had the chance. I wished I could have told her that I cared. I wanted an opportunity to ask what was hurting and to assure her I would listen. We could have talked about the special people in her life and how they loved her. We could have looked at all the beauty around us.

I thought about the time many years before when there was a rash of suicides within a 10-mile radius of my home. Neighborhood children were asking whose daddy would be next. Since the word suicide was as remote to me as Shakespeare's "Othello," I hardly knew what to tell them. That's what led me to take a college course in suicide prevention and to volunteer as a telephone counselor at a crisis center.

THE HOT LINE

I remember how my pulse raced the first time I picked up the hot line. There were so many things to listen for—clues to the depth of a caller's distress. Are you thinking about suicide? Do you have a plan? What is happening in your life now making you feel suicidal? I listened intently and began to recognize a life-threatening situation caused by a drug overdose. A neighoor and rescue team were sent in as I kept the person talking on the phone.

Like the woman who jumped from the bridge, many of the people calling crisis centers are young people. Among those 15 to 24 years of age, only accidents claim more victims each year than suicide.

The tragedy goes far beyond the suicide victim himself. I have seen parents unable to overcome grief and heard the agony in the voice of a mother whose 19-year-old daughter jumped to her death from a ledge on college campus. She asks why? What happened? She searches for answers, struggling to hold her now empty life together.

Now I find myself asking those same questions. Since that day on the bridge, thoughts of that girl and her death keep popping to the surface. I think about how much life she still had to live and about the many joys that she will never know. I grieve to think that the burdens of life can so darken the human spirit.

I've also been talking about what I saw but am finding that no one really wants to listen. It's too morbid a subject. Suicide is the other person's problem until it strikes someone we know or until we see it happen. Maybe in our survival quest, we have stopped listening and stopped caring. Or could we pay more attention when a friend,

family member or coworker seems despondent and somehow not themselves?

I know from my training that it is all right to ask: "Are you feeling suicidal?" Talking doesn't make it happen, but it can help dispel a temporary crisis. It can provide the necessary time to seek help and bring hope back into the lives of those who walk among us in despair.

I saw how the blackness of despair overpowered a fellow human that sunny morning. It happened in one of the most beautiful places in the country, maybe the whole world. Our home overlooks San Francisco Bay, with its ever changing scene of cargo ships, sailboats and the backdrop of an elegant city skyline.

But I'm glad that a huge stand of trees blocks our view of the bridge. In time, I will again wish the trees weren't there, but for now the sight of the bridge would only bring back the memories of a tragic day and a lost life.●

A SALUTE TO TOM

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. JONES of Tennessee. Mr. Speaker, it is with deep sorrow and regret that I share with my colleagues today the news of the recent death of Mr. Tom McCutchen, who most recently served for 20 years as the superintendent of the University of Tennessee Agricultural Experiment Station at Milan, Tenn. Tom McCutchen's untimely death leaves a big void in the lives of all who knew him and a large vacancy in the agricultural community of this Nation.

Tom was a leader in his community, devoting many hours to civic organizations and causes and being a very active member of his church. In all of his endeavors, Tom McCutchen sought to help others.

He brought that same attitude to his work helping develop agricultural research at the Milan Experiment Station for the advancement of all farmers. He was also a noted conservationist and it was that keen interest that helped develop the "No-Till Day," an annual field day to which farmers throughout the mid-South came to learn the latest in no-till farming techniques.

Maybe most importantly, Tom McCutchen undertook all of his endeavors because of the deep commitment he felt to helping others. He always sought to return a little something to the society that had given him so much, and so he took leadership roles in his community, in his church, and in his profession. His work in all of those areas will be remembered and his untiring energy will be sorely missed by all of us who knew him well.

Mr. Speaker, I want to include in the RECORD a recent poem published in the Milan Mirror-Exchange newspaper. It was submitted by the employees at the Milan Experiment Station and truly reflects the life of Tom McCutchen.

A SALUTE TO TOM

The only time I ever saw him still
Was in his casket that sad day
For Tom was a man of action
And he proved it in every way
He got up every morning and found work to do
He didn't care to lay in bed
He set good examples for other men
And they followed where he led
Tom was a man with a vision
He had interests in so many things
And tho his final bell has sounded
For years the echoes will ring
I felt I ought to write these words
In honor of our Boss
Along with Family and other Friends
We suffer in their loss
Tom has left for a mansion bright
And even tho he's gone
His memory lingers here with us
His work lives on and on
He would ride the fields each day
To see how things were going
He watched them thru floods and droughts
And with the cold winds blowing
He gave so much of all he knew
To the farmers of the land
To help them turn a profit
And make farming pay again
Sometimes things went wrong as things will do
But he never would give up
He'd just say we'll try it another way
Maybe we didn't work it enough
Yes, Tom, we're going to miss you here
but for now we'll say good-bye
We hope some day to meet again
At the big farm in the sky.

From the employees of Milan Experiment Station.●

ROSWELL PARK HEAD EXCITED BY CANCER FINDINGS

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. NOWAK. Mr. Speaker, in the field of medicine one of the most challenging and puzzling areas of research is the study of cancer. The American Cancer Society estimates that in 1983, 885,000 people will be diagnosed with cancer, of whom 440,000 will die. Cancer strikes randomly, adults and children alike, and causes pain and stress not only for the patient but for family and friends as well.

Because of continuous medical research and developments, there is now more hope for cancer patients. About 46 percent of patients diagnosed with cancer will be alive in 5 years. Mr. Speaker, I am proud to say that Roswell Park Memorial Institute, one of our Nation's major cancer research centers, is located in my congressional district in Buffalo, N.Y. I would like to share with my colleagues an article which appeared May 29 in the Buffalo News which discusses the optimism which the director of Roswell Park, Dr. Gerald P. Murphy, has because of the progress to date and the future potential found in the cancer research effort.

The article follows:

[From the Buffalo News, May 29, 1983]

ROSWELL PARK HEAD EXCITED BY CANCER FINDINGS

If you'd like to begin to appreciate the magnitude of the challenge that cancer presents to medical researchers, picture in your mind a jigsaw puzzle of a seemingly infinite number of pieces.

To solve the problem of cancer, researchers have to complete the puzzle.

To state it that way, however, is to oversimplify, to suggest it is a straightforward task, something that can be accomplished with an adequate investment of time and patience.

Anyone who's been on Earth during recent years knows that's not been the case, even when the time and patience have been bolstered by the investment of millions of dollars in research funds.

The reason is that cancer is no ordinary jigsaw puzzle. Those working to solve it do not even know the total number of pieces in the puzzle and the pieces that fit together often do not appear to do so until after extensive research. And when one part of the puzzle is solved, there always appear to be hundreds, if not thousands, of pieces to go.

Recent media reports, however, would indicate that significant progress is being made toward the final solution.

Admitting that "there can always be too much hype" when it comes to the media's coverage of cancer, Dr. Gerald P. Murphy says it is his impression that the optimism is warranted because "a lot of pieces are coming together."

"I'm very excited," he adds. Progress that is being reported on several fronts, he notes, "gives hope to the cancer researcher as well as giving cancer patients and their families hope."

Dr. Murphy, a urologist, has a unique perspective. Not only is he the director of Roswell Park Memorial Institute, but immediate past president and chairman of the executive council of the Society of Surgical Oncology and president-elect of the American Cancer Society.

"If these were findings of just one laboratory, you might call it hype," he adds. "But that's not the case. Progress is being seen in program after program, with sometimes each week bringing a new development."

He cautions, however, that "no one is saying the end is near" in terms of final solution of the puzzle.

Just as solution of one section of a jigsaw puzzle invariably leads to completion of another, today's optimism in the field of cancer is based on work that's been conducted in the past.

Dr. Murphy says an example of that is the research focusing on oncogenes, or genes that some believe to be responsible for the development of cancer.

"All of this work has gone on for years, and some of the work in viral oncology and molecular biology has been disappointing," explains Dr. Murphy. "But that same work and the development of new techniques have made it possible in a number of laboratories to get to the same cellular level and pose the same questions.

"With these techniques," he adds, "we are able to do things that we were unable to do just five years ago."

Dr. Murphy stresses that "while the theory is there, a lot of work remains to be done" when it comes to the topic of oncogenes. Only when that is accomplished, he notes, can the next step toward solution be taken in that area of the cancer puzzle.

Dr. Murphy says a good deal of work also remains to be done before there can be further scientific evaluation of monoclonal antibodies, disease-fighting agents produced with new bio-engineering techniques. Scientists are postulating that such antibodies not only may find a valuable role in transporting drugs to cancer cells, but in early diagnosis of cancer.

There special antibodies, produced by fusing cells, have caused quite a stir in the lay and medical communities. Dr. Murphy notes, however, that wider experience with them that could give a better picture of their role in solving the cancer puzzle has to wait until they can be produced more abundantly.

"The method is time consuming," he adds. "It takes nine to 10 months to get one or two monoclonal antibodies with the type of specificity that you want."

That limitation, he predicts, eventually will be overcome.

Scientific evaluation, while it can produce exciting results, has to follow an orderly process which is not likely to produce headline-grabbing stories, Dr. Murphy notes.

He cites the example of studies involving interferon, a protein produced by the body to fight viruses that only a few years ago was being hailed in the media as a breakthrough in the fight against cancer.

Rosewell Park has provided the American Cancer Society with more than $1 million in human fibroblast interferon to be used in studies that is produced by a process that has tripled and quadrupled recovery rate of the protein.

Dr. Murphy notes that evaluation of interferon is being done in studies designed more to meet specifications of the U.S. Food & Drug Administration than to be the most dramatic measure of its cancer-fighting potential.

Studies are producing promising results in a number of cancers, including those involving the breast, kidneys, prostate, larynx and brain and in lymphomas, he adds.

"But we have yet to get an evaluation of what the full potential is," Dr. Murphy adds. "If this works out, it definitely is going to be something, but it's going to take us another year or two."●

JUST THE FACTS, SIR, JUST THE FACTS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. HAWKINS. Mr. Speaker, in a hearing before the Joint Economic Committee today, Under Secretary of Commerce Dedrick said, and I quote, that we are experiencing "an average recovery from an average recession." Unfortunately for Mr. Dedrick and the Nation, he is wrong on both counts.

By almost any measure one wishes to use, the recent recession was extraordinary in its severity. Unemployment hit record highs as did the average duration of unemployment. Capacity utilization hit record lows. Farm income was only half that of just a few years ago. Corporate profits dropped sharply. New investment in plant and equipment fell for 2 consecutive years. Real average hourly earnings fell steadily as did average real weekly earnings. Home and house mortgage foreclosures climbed to record numbers and auto and home construction fell sharply. The trade deficit and budget deficit both climbed to unheard of levels. Mr. Speaker, no one who studies the facts can deny that the Reagan recession was and is the most severe economic downturn since the Great Depression. To state otherwise is clearly fallacious.

Similarly, to claim that we are now enjoying an average recovery is a similar misstatement of fact. The average increase in real Gross National Product for the two quarters following the end of all postwar recoveries has been 8.1 percent. With the end of the recession now being pegged as December 1982, we have seen sluggish growth at best. The first quarter of 1983 saw GNP rising at a 2.6-percent rate and the second quarter improved at a 6.6-percent rate. These figures are clearly far below the average recovery. The administration has heralded the 0.7-percent drop in the unemployment rate as being extraordinarily strong. However, even with this much needed improvement, the unemployment rate is still higher than under any postwar President. The number of people out of work today is higher right now than it has been under any other President. The number of business bankruptcies and home mortgage foreclosures is higher under this President than it has been under any other. No, Mr. Dedrick, this is not an average recovery. The weak economic growth of today is significant only in comparison to the severity of the downturn. With no hope of reaching prerecession levels of unemployment until many years down the road under this administration's policies, it is a cruel hoax on the millions of innocent victims of the Reagan recession to proclaim this a strong recovery.

INDUSTRIAL POLICY: ANOTHER VIEW

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MARKEY. Mr. Speaker, last week, I submitted for the RECORD an excerpt from a working paper by the United Auto Workers on an industrial policy for America. Today, I wish to add to this debate a viewpoint that approaches many of these questions from a slightly different perspective, but with many of the same concerns.

Dr. Robert Reich, a professor at Harvard, has added richly to this important debate. His works are numerous and respected. What follows this introduction is an excerpt from his widely acclaimed book, the Next American Frontier, which appeared in AmeriTrust's monthly review, Mid-American Outlook. While I do not agree with Dr. Reich on every point, I find his opinions intriguing and most worthwhile.

Particularly, Dr. Reich and I agree on two key questions that motivate this discussion. First, this Nation needs an indutrial policy—indeed, this Nation has one by choice or by default—and the question is one of how well coordinated and how efficiently managed that policy will be. Second, we agree on the fact that what works in Japan or Germany will not work in the United States. Above all else, an American industrial policy must be just that—American. It must be open, democratic, and responsive.

I commend Dr. Reich's comments to my colleagues for their education and reference.

DEAL WITH PROBLEMS OPENLY

(By Robert Reich)

As the United States economy has slowed down, all participants in American enterprise—corporate executives, lawyers and financial brokers, lower-level employees, government bureaucrats—have taken advantage of opportunities to increase their own economic security at the expense of others.

Every group is reluctant to risk change in its economic status for fear that the burden of change in the economy as a whole will fall disproportionately upon it. But the collective unwillingness of all participants to risk economic change is dooming everyone. America's impasse is rooted in the incapacity of its political institutions to ensure that the burdens and benefits of adjustment will be allocated fairly.

Fundamentally, the United States needs a political forum capable of generating large-scale compromise and adaption—a national bargaining arena for allocating the burdens and benefits of major adjustment strategies. Such an arena would enable the nation to achieve a broad-based consensus about adjustment. It would enable government, business and labor to fashion explicit agreements to restructure American industry. Protectionist measures and bailouts to preserve the status quo for particular industries would be difficult to elicit from government if they were demanded and debated in full view of industrial purchasers, emerging segments, consumers and other groups on whom their costs would fall.

Companies seeking financial support or import protection would have to ensure that the measures would be temporary and would serve to benefit the overall economy.

Perhaps most important, the single arena could provide a focus for an ongoing national debate about human-capital investment.

To a limited extent, this idea lay behind the establishment of a U.S. trade representative's office in the White House. But its jurisdiction is far too constrained, its powers

too circumscribed and advisory, and the bargaining over which it presides too covert for this office to become a forum for building a consensus about structural change in America.

We have only to compare it with the comprehensive bargaining arena in which West German structural policy is formulated—where industry, labor, finance and government leaders thrash out workable agreements on wage rates, selective credit policies and adjustment—or with the structure and influence of Japan's Ministry of International Trade and Industry, to comprehend the scale and effort that is needed.

This is not to suggest that either West Germany or Japan provides the United States with an appropriate model. The relative ease with which a consensus about structural policy has been achieved in both countries may have more to do with their recently feudal (and more recently totalitarian) histories than with institutional design.

America is blessed with a highly contentious political system in which disorder, opportunism and ad hoc arrangements abound and in which hierarchical mass organizations have never found much support. But this by no means rules out the possibility of a more open, more public debate about economic change, in which bargains can be struck "wholesale" in place of the covert "retailing" that now dominates the cloakrooms of Congress, the boardrooms of America's giant corporations and the courtrooms of every judicial district.

The answer is not "national planning," if we take that term to mean the centralized drafting of detailed blueprints for future economic management. We already have that sort of planning.

We have had managerial planning for decades—within our giant corporations and government agencies. Managerial planning depends on stability, predictability and control. It seeks to be apolitical—a legacy of the management era in America. It is becoming dangerously obsolete as America is caught up in the unpredictable dynamic of international competition.

Instead, we need a political forum as versatile as flexible-system enterprises—less concerned with making "correct" decisions than with making correctable ones; less obsessed with avoiding error than with detecting and correcting for error; more devoted to responding to changing conditions and encouraging new enterprises than to stabilizing the environment for old enterprises.

This is not to suggest that America should seek to politicize every major economic issue. The point is that any important economic choice is by nature political, but the political dimension is often systematically obscured. This submergence of politics results in economic policies whose burdens and benefits are allocated in ways that many people ultimately consider unfair.

Americans, like most people, reject or resist painful decisions that they have had no part in making. Efforts to submerge politics serve only to prevent it.

America's accelerating slide into industrial preservation is the most obvious but by no means the only illustration of this fact. Only when political considerations are dealt with openly can we avoid the dilemma of inefficient special-interest policies or institutional paralysis. Adjustment cannot proceed without mechanisms for explicit bargaining among economic groups and without institutions with the authority to monitor and guarantee the consensus.

The biggest barrier to active adjustment is not technical but ideological. For 50 years Americans have been embroiled in an endless debate over the relative merits of two highly artificial concepts: the "free market" and "national planning".

The real choice facing America is rather between evading the new global context and engaging it—between protecting the American economy from the international market while generating paper profits, and adapting it to meet international competition. Either way, government will be actively involved. And though the form of government involvement may be different, the fact of it will be nothing new.

Many Americans feel that government should—and, but for regrettable lapses, does—refrain from interfering with the market. We may even acknowledge that the market itself is a product of public institutions that establish property rights and liability rules and determine how contracts are to be enforced. But we see these as neutral "rules of the game" that do not selectively affect specific industries or groups.

The enduring myth of the unmanaged market illustrates the power of ideology over political reality. The broad array of tariffs, quotas, voluntary export agreements and bailouts for declining businesses that now pervades our economic system is somehow considered an isolated exception to the government's normal role of benign neglect, while our defense-related contracts, targeted tax breaks and assorted subsidies for particular industries are seen as separate issues, unrelated to industrial development or to the dynamics of the market.

Many Americans object to the subsidies foreign governments offer their emerging industries but then fail to acknowledge the seminal role defense and aerospace projects play in the development of our own emerging industries.

We demand that foreign governments reduce the procurement preferences they give certain of their domestic industries but then demand that our own large, regulated manufacturers buy only from American producers. In short, our mythic assumptions lag behind our economic reality: every industry in America is deeply involved with and dependent of government.

The competitive position of every American firm is affected by government policy. No sharp distinction can validly be drawn between private and public sectors within this or any other advanced industrialized country; the economic effects of public policies and corporate decisions are completely intertwined. But so long as this pattern of government involvement is hidden from public view, the result will continue to be historic perservation of an outmoded industrial base.

These disjunctures between ideology and reality make it doubly difficult for policymakers to choose adjustment over protection. So long as all government assistance to businesses and to individual citizens is seen as somehow illegitimate, the government is forced to respond to each industry's plea for assistance with special emergency interventions, as if it were an exceptional case.

Industry participates in this charade, disguising its long-term strategies to obtain government supports through targeted benefits embedded within particular tax laws, appropriations, agency regulations, court rulings and executive orders. Because neither government nor business can admit to the intimacy of the relationship, both sides treat it as an illicit affair, hiding it from public view and thereby undermining the chances for those aspects of the relationship that promote positive adjustment to earn cultural legitimacy.

Above all, this false choice—the free market versus central planning, business culture versus civic culture—has prevented us from understanding the importance of human capital to America's future.

In high-volume production, most of a firm's value is represented by physical assets, while the principal stores of value in flexible-system enterprises are human assets. Specialized machines and unskilled workers cannot adapt easily to new situations. Flexible machines and teams of skilled workers can. Only people can recognize and solve novel problems; machines can merely repeat solutions already programmed within them.

The future prosperity of America and all the other industrialized countries will depend on their citizens' ability to recognize and solve new problems, for the simple reason that processes that make routine the solution to older problems are coming to be the special province of developing nations. Industries of the future will depend not on physical "hardware," which can be duplicated anywhere, but on human "software", which can retain a technological edge.

Financial-capital formation is becoming a less important determinant of a nation's well-being than human-capital formation. Financial capital is highly mobile. It crosses international borders with the speed of an electronic impulse. International savings are flowing around the globe to wherever they can be put to use. But a nation's store of human capital is relatively immobile internationally. The skills, knowledge and capacity to work together within America's labor force will determine our collective standard of living.

(Professor Reich, author of The Next American Frontier, teaches business and public policy at Harvard.)

This article was excerpted from an article in the April, 1983, issue of Atlantic Monthly and was reprinted with permission of the author and publisher.●

THE 75TH ANNIVERSARY OF CEDAR GROVE, N.J.

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MINISH. Mr. Speaker, an important occasion will be marked in my district this weekend—the township of Cedar Grove, N.J. will celebrate their 75th anniversary.

A very industrious anniversary committee has devoted much time and energy on this project for the past year. The fruits of their labors will now be enjoyed by many. Beginning this weekend there will be special events running for a period of 10 days until July 4. The spectacular events are befitting this important anniversary.

I will be pleased to attend a parade this Saturday, June 25. This parade promises to be a great one—with a large number of marching bands, fire and rescue squads, and decorative floats.

Other plans to commemorate this historic event will include an interesting community interfaith service, a concert given by the New Jersey Pops Symphony Orchestra, an anniversary dinner-dance, a pool party, an arts and crafts show, a fireworks display, 10-kilometer run, theater programs, and a performance by the U.S. Air Force Eastern Express Band.

The township of Cedar Grove is a lovely suburban community in north Jersey which covers 4 square miles and has grown to a population of approximately 12,600 residents.

Mr. Speaker, I am proud to represent the people of Cedar Grove here in Washington—something I have had the honor to do since 1972. I would like to commend everyone involved with this worthwhile project for planning so many interesting events and I send the entire township my best wishes for another 75 years of growth and success.●

FLEXIBILITY SHOWN IN BILINGUAL EDUCATION INSTRUCTION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. HAWKINS. Mr. Speaker, currently, in this Nation there is great controversy over the question of bilingual education instruction in our public schools. Much of this controversy stems from a basic misunderstanding of the purpose of bilingual education, which is to provide instruction in English and in the native language of the limited English proficiency student. Native language instruction takes place when in the opinion of local school educators, this is deemed to be a necessary part of the limited English proficiency child's individualized academic plan.

A school district by school district examination, to determine how much flexibility there is in their bilingual education methodologies, techniques, and practices will demonstrate that their methodologies are many and varied. A recent article in the May 3, 1983, of the Education Daily discusses the kind of flexibility creative school districts are using in helping limited English proficiency students achieve academic success.

The article follows:

TWO DISTRICTS CHOOSE MIDDLE GROUND IN BILINGUAL EDUCATION

As the controversy swirls over whether to provide bilingual or English-only instruction to children of limited English-speaking ability, at least two school districts have chosen a middle path that seems to satisfy those on both sides of the debate.

In the rush to comply with federal and state regulations and spend the extra money that often accompanies the rules, school districts have often overlooked more efficient programs to teach children who do not understand much English, said Jack Fields, coordinator of bilingual education in the Danville, Ill.' school district.

Students in the Danville district who need special instruction in English are taught alongside children who speak only English, Fields last week told the National School Boards Association meeting in San Francisco.

GRADUATED APPROACH

Kindergarten students begin reading in their native language in a segregated room, and then first-graders move on so a regular classroom with English-speaking peers and a teacher who is bilingual, said Fields. "All children work in reading in their first language, with other subjects taught in English and/or the appropriate language," he said.

After children learn to read in their native language, usually during first grade, students then begin to learn to read English. From grade three on, children are generally taught only in English, but teachers are available who can provide help in the native language when needed, he said.

"Our students and parents like this type of program because children receive services when they need them, and there is no stigma of being in a 'special class.' You should like it because it is cost-effective," he told the school board members. "The emphasis should be placed on elementary teachers who are bilingual rather than on bilingual teachers."

The program saves money, Fields said, because fewer teachers are needed than in a traditional bilingual education progam.

TRAINING CENTERS

In Minneapolis, which has 1,750 students with native language other than English, students are taught English and given bilingual instruction in math, science, health and social studies, according to Marily Borea, a Minneapolis school board member.

Minneapolis has established 17 of its 50 schools as Limited English Proficient (LEP) Centers, which are staffed with one bilingual teacher and one English as a second-language teacher for every 60 students.

According to Borea, students may be able to speak English well after two years, but they often do not become proficient in reading comprehension until much later. Math, she said, is usually the first subject in which students with a limited English proficiency succeed.

Each school is required to have a Limited English Proficiency team that meets on a regular basis and consists of the principal, social worker or counselor, English and bilingual staff, as well as the regular classroom teacher, Borea said.

Students with limited English proficiency participate from their first day at school in art, music, physical education, home economics, industrial education and typing, Borea said. "As their English language skills increase and they have demonstrated mastery of basic concepts in their native language, the LEP team is responsible for determining the extent to which each student may benefit from increased mainstream instruction."●

NEWARK UNIT OF AMERICAN CANCER SOCIETY RECEIVES OFFICIAL CHARTER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. RODINO. Mr. Speaker, on June 26 the Newark unit of the American Cancer Society will officially receive its charter. This is a very special occasion for the dedicated volunteers involved in the Newark unit, and I take a great deal of pride in recognizing them today.

It is sad to say, but the State of New Jersey, and my home city of Newark in particular, have an alarmingly high rate of cancer. The need for public education about the warning signals and importance of early detection of the disease led to the creation of the Newark unit, the first chapter of the New Jersey Division of the American Cancer Society to be organized on a citywide basis. It was established in 1981, and already has become tremendously effective in providing public and professional education, as well as patient services, to the residents of Newark.

In addition to formally receiving its charter on Sunday, the unit will hold its first annual awards dinner. Among those being honored will be Mrs. Muriel Gibson, first lady of the city of Newark; the Reverend Oliver Brown, pastor of the Roseville United Presbyterian Church in Newark; Mrs. Shirley Owens, wife of the Reverend Owens who is the pastor of Wells Cathedral in Newark; Dennis Cherot, director of health and welfare in Newark; Miles Berger, owner of the Lincoln Hotel who was a leading fundraiser in the unit's Easter flower drive; Dr. Frank Lapeyrolerie, dean of the New Jersey Dental School who served as chair of the steering committee that set up the units; and the late Sam Terry, who was a security guard, and is being honored posthumously.

I am extremely proud of the volunteers in this unit who give so much of themselves, and who reach far into the community to increase awareness of the occurrence, treatment, and possible conquest of the disease. There are a great number of people who must be recognized for their involvement with the unit, beginning with Gary Nevis who first worked with the American Cancer Society to set up the unit. I also wish to honor the executives of the Newark unit: Louise Epperson, president; Lawrence Schneider, executive committee chairman; Lucye Lee, vice president; Theodore Bolen, vice president, delegate to division; James D. Foster, vice president, delegate to division; Lottie Bow, secretary; Veronica Tasker, treasurer; Rose-

mary Horner, chairperson, public education committee; Bernadette Jamieson, chairperson, service and rehabilitation committee; James Brown, chairman, professional education committee; Terry Blue, chairman, crusade committee; Barbara Ann Delaney, chairperson, public information; and board members Bobbie Cottle, Arthur B. Cohen, Rev. Ralph Grant, Dr. Frank Lapeyrolerie, Talib Najjar, Janice Newman, Donald Paulussen, Kenneth Peterson, Ramon Rivera, Roberto Ruiz, R. David Seldin, Louise Bates Tyrus, Edward W. Verner, Thomas R. Walters, Bernice Williams, and Pat Williams, as well as coordinator David Rensky.

Mr. Speaker, I commend these people as they dedicate themselves to the fight against cancer.●

A DOLLAR LOANED IS A DOLLAR LOST—IS THIS THE REAL STORY OF THE EXPORT-IMPORT BANK?

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. STARK. Mr. Speaker, the Export-Import Bank was commissioned to provide low-interest loans to foreigners so they are able to purchase U.S.-made products. The justification for this program of making goods available to foreigners cheaper than they are available to U.S. small- and medium-sized businesses is that it increases U.S. jobs through more exports.

U.S. taxpayers are expected to support this program, which provides foreigners with loans at substantially lower interest rates than are available to Americans seeking home mortgages, on the grounds that the profits from the exports will result in a return to the Treasury in higher corporate and employee taxes.

This is all good and well in a perfect world where equity and fairness are the cornerstones of business. But these justifications for the Export-Import Bank are thrown in a cocked hat when the Bank makes its loans through a tax-haven country and through dummy corporations set up to insure not equity and fairness, but that no tax is paid to the United States on the profits from the sale of subsidized exports. A most glaring example can be drawn from the Export-Import Bank's fiscal year 1981 report. That report lists a loan of $3,590,589 to Intairdril, Ltd. of the Cayman Islands, which has long been a mecca for those who wish to escape legitimate taxes and one of the most financially uncooperative countries.

On the surface this loan appears to conform with Exim Bank goals. However, a closer look reveals that Intairdril, Ltd. used the money to buy a drilling rig constructed by the Pool Co. of San Angelo, Tex., which just happens to be the parent company of Intairdril, and both are owned by the huge U.S. company, Enserch Corp. of Dallas, Tex. The rub here is that the profits—generated by low-interest, taxpayer-subsidized loans—would not be subject to taxation when earned by Pool's Cayman Island subsidiary, Intairdril. Moreover, Moody's Public Utility Manual, vol. 1, 1982, in reporting on the multimillion-dollar Enserch Corp. wrote:

> Undistributed earnings on foreign subsidiaries are intended to be reinvested in operations of the foreign subsidiaries; therefore, the corporation has not provided deferred income taxes on such earnings. It is expected that income taxes payable upon any future distribution will be less than the Federal statutory rate because of the availability of foreign tax credits.

What is more, undistributed earnings of the Enserch foreign subsidiaries for which the corporation has not provided deferred Federal income taxes amounted to, according to Moody's, approximately $34,268,000, $18,010,000, and $7,977,000 at December 31, 1981, 1980, and 1979 respectively.

I would be shocked if a penny of the profits on the Intairdril deal will ever be subject to U.S. taxation, and I find it very disturbing that the Export-Import Bank would be using taxpayer-supported funds to underwrite these sort of transactions.

I wish I could report this was one very isolated case, but it is not. In 1982, the Export-Import Bank came back and loaned Intairdril $8.8 million for yet another oil rig to be supplied by Enserch.

There are other less suspicious examples of the Export-Import Bank making loans in tax-haven, tax-avoidance countries. Take for instance, Batsco Ltd., in the country of Liechtenstein. Batsco was loaned $8,414,605 in fiscal year 1981 to purchase a drilling rig from Ingersoll, Inc., of the United States. I am not sure what they are drilling for beneath the Liechtenstein surface, but I am convinced it is not legitimate taxes owed the American Treasury.

What these abuses amount to is the misuse of taxpayers' dollars—a misuse that cheats the public treasury of legitimate tax revenues. If this Congress is prepared to extend the authority of the Export-Import Bank it should be prepared to tighten the financial reins of the bank to assure that every dollar the public spends is being used to help this country, not hurt it.●

THE ALCOHOL ENFORCEMENT AND EDUCATION PROJECT OF THE TRAFFIC IMPROVEMENT ASSOCIATION OF OAKLAND COUNTY, MICH.

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. BROOMFIELD. Mr. Speaker, in the past few years through the efforts of such organizations as MADD, Mothers Against Drunk Driving, both public attitudes and State laws relating to drunk driving have shifted considerably.

However, even before the problem of drunk driving came into the national spotlight, many organizations were working very hard on ways to reduce the human and economic losses caused by drunk driving.

The Oakland County alcohol project, which is administered by the Traffic Improvement Association of Oakland County (TIA), is considered by many as one of the most innovative and successful of this type of program aimed at getting the drunk driver off the road.

Mr. Speaker, I wish to commend the TIA for its fine record, and to apprise my colleagues and others of this excellent project, I wish to include the remarks of Mr. Bruce B. Madsen before the Presidential Commission on Drunk Driving. Mr. Madsen is the managing director of the Traffic Improvement Association of Oakland County, in Oakland County, Mich.

The remarks follow:

REMARKS OF BRUCE B. MADSEN BEFORE THE PRESIDENTIAL COMMISSION ON DRUNK DRIVING, DETROIT, MICH., NOVEMBER 5, 1982

I'd like to begin my presentation of the Oakland County Alcohol Project by quoting a few brief paragraphs from an Oakland Press editorial:

"Our world is filled to overflowing with 'programs' that do not work. Some are public, some private, some a little of both, but they share one distinguishing characteristic. Their grand aims are seldom achieved."

"So brace yourself. We have a progam here in Oakland County that seems to be working."

The editorial then goes on to describe Oakland County's current drunk driving project; the fact that it's a four-year, 1.2 million dollar project administered jointly by the Traffic Improvement Association of Oakland County and the Oakland County Sheriff's Department. The editorial explains how the project works and what it has accomplished. Then it ends this way:

"If further research bears out the early data, this program will have been the most important public undertaking in Oakland County this year."

"No doubt about it."

Neil Munro wrote that editorial in November, 1980, about six months after our program had become operational.

The "further research" he referred to is now available for two years of project operations. I'm pleased to report that the project is an outstanding success—exceeding our most optimistic expectations.

I'm going to depart from the usual format presentation and give you the "bottom line" results before briefly describing the project.

The following is a summary of the basic findings of two years of operation.

DUIL arrests on a countywide basis were increased by 30 percent.

DUIL arrests within the Oakland County Sheriff's Department increased by 130 percent.

The special alcohol enforcement teams—which includes six to seven officers who work four nights a week—issued over 1,700 DUIL citations.

There were over 11,000 DUIL arrests made throughout the county during this two-year period.

Alcohol-related traffic accidents were reduced by 21 percent. This meant that there were 2,500 fewer accidents as compared to the preceding base years—about half of which would have been in the fatal or serious injury categories.

During the two years immediately preceding the launching of our program, alcohol was a factor in 55 percent of fatal accidents. That has been reduced to approximately 48 percent.

Approximately $550,000 was spent on this project during the two-year period, during which time there was an estimated $14 million reduction in the costs of alcohol-related accidents.

The program is working very well.

The reasons why the Oakland County project is working so well can, I believe, be understood through even a brief summary of the major elements of the project. But, before summarizing the activities, I would like to pass along some basic demographics so that you might better understand the environment within which this project operates.

Oakland County borders the city of Detroit to the north.

It is nearly as large as Rhode Island—approximately 900 square miles.

Our population is approximately one million, making it larger in this respect than 13 of our States.

We have 63 local units of government.

We have 15 courts with traffic authority.

We have 42 police departments.

The annual average number of traffic fatalities for the past three years stands at 155.

Personal injuries average about 18,000 per year.

It's a big county with big problems. Certainly one of the largest is in the human and economic losses caused by the drunk driver. In the five years preceding our project, alcohol-related accidents took 450 lives, injured over 20,000 people and cost about $168 million.

To combat this problem, we launched our project with great media fanfare in April of 1980. The project incorporates two major thrusts; emphasis is placed on selective enforcement and on public information and education.

Here's how the enforcement operations work:

Through TIA's unique, sophisticated traffic data system, we identified the days of the week and times of the day when the greatest number of alcohol-related accidents occur. We also pinpointed the locations where these accidents were occurring with the greatest frequency.

We established 10 specific locations, each about 15 miles in length, which became the target areas for special AE teams. They work Wednesday nights through Saturday nights from 11 p.m. to 4 a.m. Although these hours represent only 12 percent of the total time in a week, 65 to 70 percent of all alcohol-related accidents occurred during these hours.

The AE teams are comprised of six sheriff's deputies, two Michigan State Police officers and two to three officers from the local communities within which they operate. The cars are equipped with reflectorized signs bearing our special black and red AE logo.

I'm sure you've all seen van type vehicles which are equipped with breath testing devices. Gambling a bit on whether or not it would work, we equipped three of our patrol cars with breathalyzers, thinking that every team officer would have full enforcement capability and that we could save a lot of money on equipment. It is working exceptionally well. We've been able to reduce the officers' total time in DUIL processing from about three hours to about 45 minutes.

Each of the officers who work on the AE teams attended a one-week course in drunk driving detection, apprehension, arrest and adjudication conducted at Michigan State University. Many of those who attended reported that this was the best course in which they have ever participated. And, at this moment, we are providing this training to an additional 100 officers in three locations within the county.

As we all recognize, one cannot expect improvement in enforcement if only one link in the total enforcement chain is strengthened. Considering this, our total project has included a series of seminars, breathalyzer demonstrations and conferences specifically directed to the needs of prosecutors and judges. A preliminary project evaluation suggests a marked improvement throughout the area of DUIL adjudication. Reports indicate that our judges are taking a tougher and tougher stand on this offense.

Now to the second major part of our total project: We have included an intensive public information and education program which has addressed two major objectives; (1) to create a greater public awareness of the magnitude and cost of the drinking driver problem, and (2) to develop a perception of a high probability of arrest for this offense in Oakland County. As most of you know, Larry Ross of New York University has reported, through his survey of international drunk driving programs, that this perception of high risk is the single greatest deterrent to the drinking driver offense—more so than even severe penalties.

Our total PI&E activities includes a special saturation mass media campaign conducted during the months of November, December, and January. This campaign has received an exceptional level of support by local media and has included news releases, feature stories, drinking driver profiles, editorials, full page display ads, billboards, and television and radio spots—all provided as a public service. The campaign theme and all media materials were developed by D'arcy-Mac Manus & Masius, one of the Nation's largest advertisers. The theme is; "drunk drivers, the party's over."

During the remaining nine months of the year, special attention is directed to speakers bureau activities, special training for high school driver educators in alcohol and the drinking driver problem, involvement of professional and service organizations and feature articles for magazines, newsletters and trade journals.

As the statistics which I reported earlier indicate, the Oakland County project is working very well and, quite surprisingly, we are seeing continuing improvement in all areas of the total project—from enforcement to the reduction in traffic losses.

There are now many, many believers who agree—to paraphrase editor Neil Munro—that this program is the most important public undertaking in Oakland County.

That concludes my description of the Oakland County drunk driving project.

There are just a few observations which I would like to pass along for your consideration.

In the several drunk driving conferences in which I've participated or attended, a significant portion of the deliberation has focused on problems, needs and countermeasures at the State level or on a statewide basis. In shaping policy recommendations, I would strongly urge that major focus and emphasis be placed upon ways and means of meeting this problem at the local level.

For as long as I can remember, experts in highway traffic safety administration have been saying that traffic accidents are a local problem—and that the solution to this problem must come from the local level.

I believe this to be particularly so with respect to drunk driving countermeasures for certainly enforcement, prosecution and adjudication is notably autonomous and local in nature. In this sense dealing with the drunk driving problem is conspicuously different than many other functional areas of traffic safety—such as establishing traffic engineering design standards which must be initiated at the Federal and State levels.

Certainly local authorities need good State legislation as a basis for operations. In that respect, we know that our Oakland County project will benefit substantially from the recently enacted Michigan law providing for the use of preliminary breath testers and also the illegal, per se features.

But, these valuable additions to our legal framework will have precious little impact on the drunk driving problem in areas where no management systems exist for upgrading the level of official performance or creating the necessary climate of public awareness, concern and support.

And, in particular, I would urge that emphasis also be placed on means for providing for financial support to local programs—such as that now in effect in the State of New York. While local revenues raised through drunk driving fines may be used for enforcement, certainly consideration should be given to providing funding for soundly based programs of public information and education such as we have had the pleasure of introducing in Oakland County.●

THOMAS BALIGA RECEIVES PATRIOT OF THE YEAR AWARD IN SOUTHWEST CHICAGO

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. LIPINSKI. Mr. Speaker, this Friday, June 24, Thomas Baliga will be awarded the Patriot of the Year Award in the Fifth District of Illinois. The Patriot of the Year Award goes to

the individual or individuals whose sense of Americanism and patriotism have been shown in years of dedication and service to the community.

Mr. Baliga has been a dominant figure in the growth and development of the Archer Heights community in southwest Chicago since 1971.

Tom has fought hard to improve the quality of life in the Archer Heights area. He has brought business into the area, eliminated a community nuisance in the form of the Midway Metals Junkyard, and fought for a rapid transit system for the southwest side.

Mr. Baliga has won many awards before the Patriot of the Year Award, including the Ray McDonald Community Achievement Award and the Archer Heights Community Achievement Award.

I proudly offer Tom my congratulations and insert into today's RECORD excerpts of an article describing more of Tom's achievements, printed in the Midway Sentinel.

THOMAS BALIGA HONORED FOR COMMUNITY LABORS

In 1968, Tom along with his parents Stanley and Florence, moved into the Archer Heights Community. He worked part-time at Marshall Field & Company while attending Northeastern Illinois State University. He graduated on the deans list in 1971 with a bachelor of arts degree in Political Science. His major emphasis in college was on urban government. Tom is proud of the fact that he was able to pay for a majority of his college expenses.

His full time employment started with International Harvester Credit Corporation as a cash operations clerk. He is currently a supervisor for the Internal Financial Reporting Company.

Baliga's community involvement began in 1971 when he served as president of his block club, a position which he held until 1976. In 1976, he joined the Archer Heights Civic Association. In 1977, he was elected Vice President and the following year obtained the presidency. Tom served in this capacity for five years and is presently the executive director of the association.

As president of the civic association, Tom waged a community crusade to improve the quality of life in the Archer Heights area. Some of his major battle victories include preventing the establishment of a postal facility at 47th and Kilbourn. One of his major objections to a post office at this location was that a 24 hour, 7 day a week operation of this magnitude was not conducive to a residential area, however, instead of leaving the building a vacant eyesore, he was successful in relocating the Selfix Company at this location. He also played an integral role in the closing of the Midway Metals Junkyard which was located at Archer and Knox. This particular business was an eyesore to the community due to the number of junk cars which caused mud, grease and oil to be spread over the sidewalks in the community. Tom attended numerous court hearings in which he testified in regard to this matter. He was again successful in eliminating a community nuisance.

He has also played an active role in fighting for a rapid transit system for the Southwest side. For the last 5 years, Baliga has attended various public hearings and contacted our federal, state and local officials in an attempt to acquire the best possible transit system for our area.

Tom has received numerous awards for his dedication and leadership which have included the Archer Heights Community Service Award and Presidents Service Award.

Besides his involvement in the Archer Heights Association, Baliga is also an active member in the 8th District Police Beat Representative Program and the Metropolitan Area Transportation Council.

In evaluating his years of community involvement, Baliga said: "We are one of the very few privileged people of the ward who have the freedom to determine our own destiny since we live in a democracy. This democracy is not something which materialized overnight, but came about as a result of the dedication and great personal sacrifice of our forefathers over 200 years ago. So great was our forefathers dedication to the principles of freedom and democracy that the sacrifice they had to make was their lives in a great many cases. In more recent times, 1918 and again in 1941, many of our own family or relatives were called on to make this same sacrifice. For these reasons, I believe freedom exacts the price of involvement from all of us in our community."

The Midway Sentinel takes great pleasure in honoring Tom Baliga for his many years of dedicated service to our community.●

THE TWO HISTORIES OF THE UNITED STATES AND IRELAND

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. McNULTY. Mr. Speaker, it is especially important for Irish Catholic America to recognize its substantial role in bringing peace and justice to Ireland. Too often romantic visions have gotten in the way of hard considerations for commonsense and justice. The initiative in Ireland must still be reclaimed from the hands of the unjust.

For many Americans, it is unbelievable that peace flourished in Northern Ireland; it is unbelievable that religious groups lived in peace and justice with one another. That view has got to be contrasted with some facts. The following is taken from the "Holy War in Belfast" by Andrew Boyd.

In 1784 when Hugh O'Donnell, an Irish Catholic priest educated in exile in Salamanca, built Belfast's first Catholic church, St. Mary's in Chapel Lane, the Catholics numbered a mere 1,300 in a total population of about 15,000 citizens. But the Protestants overwhelmed O'Donnell with generous subscriptions to his building fund. William Bristow, Episcopalian Vicar of Belfast, paid for the pulpit of St. Mary's out of his own pocket.

The day when St. Mary's was opened, Sunday 30 May 1784, was long remembered in Belfast. Captain Waddell Cunningham, an officer of the Irish Volunteers, arranged a parade of his men in full uniform and, when Fr. O'Donnell arrived to say Mass, formed them into a guard of honour for his reception. At least half the congregation in the church that morning, it was said, were Protestants.

A few days later Fr. O'Donnell thanked his many Protestant and Presbyterian friends in a letter to Tisdall's Mercury, one of the local newspapers:

The Roman Catholic congregation of Belfast return their grateful acknowledgments to the Belfast First Volunteers, to the Belfast Volunteer Company, and to the inhabitants at large for their so generously enabling them to erect a handsome edifice for their celebration of divine worship. They know not in what adequate terms to express their feelings excited by the attendance of so respectable a Protestant audience on Sunday last at the opening of the house, the impression of which mark of regard is never to be effaced . . ."

I join my friends and colleagues in hailing a new initiative for a new forum in Ireland and I assert that peace and care and sharing can become hallmarks of the society of that land as clearly once they were.●

RECIPIENTS OF LOS ANGELES HARBOR COLLEGE'S 1983 POLITICAL SCIENCE AWARDS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. ANDERSON. Mr. Speaker, two students from Los Angeles Harbor College, Celia Anne Reynolds and John Thomas Gilmore, are this year's recipients of the college's political science awards. These awards have been presented to the winners of an essay contest in which participants were asked to respond to the statement "What citizenship means to me." I insert these essays into the CONGRESSIONAL RECORD and hope that our colleagues will find them as insightful as I have.

MY IDEA FOR CITIZEN INVOLVEMENT

(By John Thomas Gilmore)

In 1981, the Education Testing Service (ETS) conducted a national survey among 3,000 United States college students and concluded that most U.S. college students have "a limited parochial view of the world". The ETS, also, noted that "the lack of knowledge of international affairs—appears related to a general lack of interest in other nations and world issues among these students". Unfortunately, since my arrival in the U.S. two years ago—I am an Irish citizen—I haven't found any reason to disagree with the ETS findings. At Harbor College, for instance, there seems to be little interest among students in the study of world affairs, a fact which is exemplified by the handful of students attending classes related to the subject. As a result, I have decided to launch a political club aimed at promoting an interest in both domestic and international political affairs. Here I will discuss some reasons for wanting to start the club; how I hope the club can operate and what I anticipate the club to achieve.

Three basic reasons inspired me towards forming the club. One, the need to promote a greater understanding among students of different political, social and economic systems around the world such as the nature of a rightwing government in Chile; the existence of apartheid in South Africa and the distinctiveness of the economic system in communist Yugoslavia.

Two, because there is a growing tension between the forces of communism and democracy all over the globe, which conceivably could lead to a nuclear war if the nuclear arms buildup is continued in the U.S., western Europe and the Soviet Union. Therefore, faced with such a catastrophic possibility, we should try to understand what motivates exponents of these different ideologies, such as the communist Soviet Union and the democratic U.S. This can, also, explain reasons for the respective involvement of the Soviet Union and the U.S. in Afghanistan and El Salvador.

Three, there are two major events scheduled to take place in the U.S. in 1984. One, the Olympics here in Los Angeles, and two, the presidential election. As Olympic hosts, it is our responsibility to learn about different nations, so that we can communicate intelligently with the various nationalities attending the games. Also, at a time when the U.S. is still recovering from the effects of economic recession, such as over 10% national unemployment, U.S. students should be given every opportunity to educate themselves about their political system so that we can have a more informed electorate in 1984.

While I appreciate the difficulties associated with starting a club, I hope it can operate in the following ways. One, it can act as a platform for discussion where ideas are exchanged such as arguments for Left, Right and Centre in different political systems. As such, the club will not promote any one political ideology or party.

Two, it can attract students on campus who hail from areas all over the world, such as Mexicans, Puerto Ricans, Samoans, Asians and Europeans. In turn, these students may be urged to share information about their respective countries, such as culture, geography, history, religion, foreign investments and energy issues.

Three, the club can serve as a source of political information for all students on campus. For instance, it can produce a newsletter listing political material available at the library ranging from the U.S. News to the Progressive. The newsletter could, also, stress the availability of political literature by authors ranging from Herbert Marcuse on the left to William F. Buckley, Jr. on the right. Information regarding political programs on television such as "This Week" or "Face the Nation" could also be listed.

Four, the club could help organize political events both on and off campus. For instance, guest speakers with views varying from the right-wing John Birch Society, to the left-wing Revolutionary Marxist party, could be invited to address the students. Off campus events, such as attending political movies, like "Reds" or "Gandhi," could also be arranged.

If this club is started, it can have three major beneficial results. One, it can lead to a greater understanding among students of international affairs including U.S. politics, which can minimize over-simplicity and prejudice, such as one adopting the idea that capitalism is good and communism is bad, without attempting to understand arguments for and against each system.

Two, it can result in increased political participation on campus. For instance, students may become motivated to get involved with student government, an institution that is virtually nonexistent at Harbor College—approximately, only fifty students voted recently to elect a new executive for Harbor's student government.

Three, students may engage in political discussion and keep informed about politics once they leave college. Also, the more knowledgeable they become about politics, the greater the likelihood that they will become active in politics, such as voting; writing letters to legislators; attending political meetings; joining a political party and maybe even running for political office.

Finally, it is regrettable that in an age when the U.S. is becoming increasingly involved in areas around the world, from Central America to the Middle East, so many U.S. college students are indifferent to international affairs and issues. Nevertheless, that is the reality and as a student faced with the choice of becoming a passive watchdog or an activist, my choice is for action. By starting a political club I want to create a high psychological involvement in politics among students, in the hope that this may lead them to a greater interest in and understanding of political affairs both at home and abroad. The raw material available is ample; an internationally-flavored student body and an abundance of political literature. Results, such as the rebirth of student government, can be achieved. It is time to get involved—it is time to begin.

WHAT CITIZENSHIP MEANS TO ME

(By Celia Anne Reynolds)

Time provides opportunity for wisdom. Wisdom enables us to set value. In America, value is determined by demand. As individuals, we are free to choose what is valuable to us. We have this freedom to pursue happiness, pleasure, and comfort as long as we have the right of citizenship. The privileges of citizenship are rewarding, but may be revoked. This valuable status must be maintained with consistent personal effort. Citizen involvement means claiming ownership of one's citizenship.

Citizenship must not be taken for granted, but preserved as a valuable possession. The right to vote is often disregarded because the reason supporting this right is forgotten. Increased sales tax makes us snarl and we gripe at the extension of rent control, but we tend to ignore how these decisions were reached. They were the result of the voting poles. The younger generation needs to see the attention given the voter pamphlet when it comes in the mail and the effort their parents make to get out and vote. Children need to learn their rights can be revoked by not participating as a citizen. The secured right to join with people in the decision-making process is a fundamental basic of our democracy. We, as citizens, must teach our children its value through our actions.

Another example of values is pride of ownership. Our status as United States citizens is worthy of respect, the same respect we would give a valuable possession. We should want to learn more about what we value; this gives our treasure meaning. Active interest in daily news, both local and nation-wide, provides an awareness of the economic tempo. Teenagers wince when their favorite rock station is switched for a continuous news radio station. Nevertheless, I believe their awareness has increased when my teenage daughter said, "Why did the President do that?" She was listening! They have become exposed to names, places, and events. It is the slow penetrating beginning of them claiming their citizenship. Conversations between adults regarding the nation's dilemma over high unemployment and the state's fight to balance the budget should be a part of the "dinner table" discussion. I was highly impressed when my daughter wanted to know the difference between stocks and bonds. Satisfied with my reply, she offered to finance twelve percent of a much-wanted Himalayan kitten at the corner pet shop.

Children respond to economic scarcity and survival of the fittest. When the peanut butter jar is getting low, they try to convince their younger brother to eat plain jelly sandwiches. Economic and political activity is in their daily lives and they are learning to expand on the knowledge of their parents and teachers.

The evolution of our awareness as citizens brings a responsibility of accurately conveying information. The source for news information must be credible. Our youth depends on their parents and teachers for guidance toward becoming well-informed citizens. Tainted information is nothing more than biased or prejudiced opinions. The daily exposure of news broadcasts increases their chances for accurate data. It's a pleasure when my son draws my attention to the news headline on the daily paper he delivers as different from the one that comes in the morning. His mind is working, his eyes are reading, the community in which he lives is not a far distant place.

Children begin to believe they are citizens without realizing it. They sense the same values as their parents. There is no room for fads or fashion among treasures. We, as citizens of the United States, must treasure and claim ownership of our citizenship.●

NATIONAL CHILDREN'S LIVER DISEASE AWARENESS WEEK

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MOLINARI. Mr. Speaker, this week marks the commencement of the "National Children's Liver Disease Awareness Week." Also during this week, a consensus development conference on liver transplantation will convene at the National Institutes of Health in Bethesda.

The major topic of discussion at the conference will be the question of liver transplantation as a therapeutic medical service versus an experimental procedure. An exceptional panel of acclaimed medical experts in the field of organ transplants will present their findings and recommendations.

In recent years, the Presbyterian University Hospital in Pittsburgh has developed a liver transplant operation that is hailed by many medical authorities as a stunning breakthrough in the fight against diseases of the liver. The discovery of the immunosuppressant Cyclosporin A has been responsible for more than doubling

the success rate of liver transplants to 75 percent. Thus, the thrust of the conference will be to attempt to assess the state of the liver transplant science and to determine whether it merits a new definition.

Reimbursement through medicaid for low-income individuals needing transplants is based upon the State's definition of the operation. Unfortunately, the operation costs a minimum of $50,000 and in most States is not covered by medicaid. In my own State of New York, after reexamining the progress made in the liver transplant science, the New York State Health Department certified liver transplant procedures as therapeutic, and thereby rendered it qualified for medicaid reimbursement. Yet, at present, most States still define the operation as experimental, and thus preclude many low-income children from Federal assistance.

On top of the obstacle posed by the extravagant expense, securing donors can also present an extremely difficult task. Time is an enemy of those afflicted with this fatal disease. Educating the American public to the urgent need for donors is crucial to saving lives.

It is my hope that this week, the "National Children's Liver Disease Awareness Week," will foster greater understanding throughout the country. My colleagues can contribute a great deal to this cause by using this week to promote educational activities in their respective districts. It is our responsibility on the national level to lead communities across America into a cooperative effort in seeking donors and raising funds for liver disease victims. Too many lives depend on it.●

SALUTE TO TONY INOCENTES, OUTGOING PRESIDENT, CHAMBER OF COMMERCE, LAKEWOOD, CALIF.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. ANDERSON. Mr. Speaker, on June 24, 1983, the Greater Lakewood Chamber of Commerce will hold its annual installation and awards luncheon at the Lakewood Country Club. Among those to be honored is Mr. Tony Inocentes, who is outgoing president of the chamber.

A 1972 graduate of Wilmington's Banning High School, Tony joined the American Retrieval Corp. the following year. He soon was appointed to the position of manager and, since 1976, he has been its president and major stockholder.

As a director of Greater Lakewood Chamber of Commerce since 1980, Tony has served as chairman of the education committee and chairman of the legislative and bylaws committee. He has also made the time to become active in the California Association of Directors as a member of their legislative executive council and first vice president of the Los Angeles unit.

Under Tony's direction, the chamber has continued its tradition of being responsive to needs of the citizens of Lakewood and has sought to expand the local economic base for the benefit of the entire community. Tony was especially effective in coordinating the actions of the chamber with Lakewood City officials. He can certainly reflect with pride and satisfaction upon his many accomplishments and helping to make the city of Lakewood a better place to live and work.

My wife, Lee, joins me in congratulating Tony for his successful term as president of the Greater Lakewood Chamber of Commerce. His accomplishments will be long remembered and appreciated by those who follow as future presidents of this fine organization. And, we are confident that he will continue as an inspiring figure in business and civic affairs. We would like to wish Tony and his wife, Loretta, and their son, Tony, Jr., continued success and happiness in the years to come.●

TIT-FOR-TAT TREATMENT GIVEN TO FOREIGN DIPLOMATS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Ms. KAPTUR. Mr. Speaker, I was shocked by a recent article in the Toledo Blade revealing the rationale for the creation of the Office of Foreign Mission, under the U.S. State Department. The new office has been created solely to retaliate against foreign diplomats from countries which discriminate against American foreign service personnel.

The United States has continuously made efforts to improve our diplomatic relationships with our overseas neighbors. This new State Department policy is unwise and counterproductive.

Mr. Speaker, surely other, more effective and direct means exist to improve the relationship between these countries and the U.S. envoys they host. This type of retaliation undermines our foreign policy efforts and in turn seriously impedes our goal of promoting freedom and democracy abroad. Our stature as a nation suffers when we take the low road in responding to undiplomatic actions taken against us.

The article from the Toledo Blade follows:

TIT-FOR-TAT TREATMENT GIVEN TO FOREIGN DIPLOMATS

WASHINGTON.—The U.S. State Department is starting something that one official calls "Operation Tit for Tat."

All Soviet embassy personnel will have to make their travel arrangements for hotels, trains, and airplanes through a newly established bureau on the department's second floor, the Office of Foreign Missions.

The speed with which airline tickets are provided probably will depend less on the flying weather than on the climate of Soviet-American relations, officials indicate.

As a result of the Foreign Missions Act of 1982, the State Department is supposed to take steps to make life just as hard for foreign diplomats in Washington as it is for American diplomats in their countries.

The State Department had expected to assign one of its own to direct the operation. But the White House decided that the new office required someone meaner than the usual diplomat, someone who was not afraid of being unpleasant if need be.

It assigned James Nolan, a former senior intelligence official of the FBI, as director of the office. He says firmly that if American diplomats are discriminated against overseas, his office will try to make sure that diplomats from offending countries are reminded that the United States can reciprocate.

All resident diplomats in the Soviet Union have to deal with an ubiquitous agency known as Upravleniye po Obsluzhivaniyu Diplomaticheskogo Korpusa (the Administration for Servicing the Diplomatic Corps).

Known in Moscow by the initials "UPDK" (pronounced "On-Pay-Day-Ka" in Russian), it makes travel arrangements, leases apartments to foreigners, provides plumbers, telephone repairmen, maids, translators, piano teachers, and even gives driving lessons.

It is also assumed by westerners that, while UPDK is officially a part of the Soviet foreign ministry, it is in reality an adjunct of the Soviet secret police, the KGB, and keeps track of what foreigners are doing.

Facetiously the Office of Foreign Missions is being called "UPDK-West."

Besides telling the Soviet Embassy of the new travel requirement (the same rules hold for the Soviet consulate in San Francisco, but Soviets at the United Nations are exempt for the time being), the new bureau has sent a circular note to all foreign missions informing them that the new law requires them to tell the State Department whenever they want to buy, sell, or rent property in the United States. The department then has 60 days to approve or disapprove.

This note was sent around because in a number of countries the United States has found it difficult to buy property for embassies or residences and was forced to lease at considerable expense.

The embassies of those countries, on the other hand, have been able to buy properties freely on the open market here. Now, it is hoped, Mr. Nolan says, that the affected countries will be more sensitive to American needs.

The decision to require USSR personnel to use the State Department to make travel arrangements was taken, he says, for both national-security reasons and to put pressure on the Soviets to be more forthcoming in Moscow.

At present, diplomats in Moscow and Washington have to get permission to travel outside the respective capitals. But in

Moscow, U.S. diplomats have found that even after approval is granted by the foreign ministry, UPDK reports that it is unable to get plane tickets or that hotels are booked in the city to which a diplomat wanted to travel.

Mr. Nolan says the State Department has subcontracted the travel agency aspects of the job to a company in McLean, Va., that will make reservations when told to do so by his office.

If UPDK tells Americans that there are no tickets available for travel somewhere, he says, his office might have to report the same news to the Soviet Embassy here.

By issuing the tickets, the State Department and the FBI, which is charged with surveillance of Soviet-bloc diplomats, have a much more detailed idea of a Soviet diplomat's itinerary than in the past, when, after permission to travel was granted, the embassy could book a flight on any plane it wanted on the given day.

U.S. diplomats have assumed that when the Soviet agency books them into a USSR hotel they are placed in a room with built-in eavesdropping devices.

The new system would allow the State Department the possibility of control over which hotels the Soviets can stay in, but no one is saying whether the rooms will be bugged.

Experienced Moscow hands have mixed feelings about UPDK. On the one hand, it often has served as a harassment or charged sky-high fees for painting apartments. "Why are you complaining?" a U.S. diplomat once was asked by UPDK after he protested the fee charged for repair work. "Do you know what our people have to pay in Washington?"

However, the UPDK was able to provide services that ordinary Russians could not secure, or secure with difficulty, such as bartending, printing of calling cards, and appliance repair.

There are no plans for the State Department to provide the Soviet Embassy with English teachers, plumbers, or telephone repairmen, Mr. Nolan says.●

CONGRESSIONAL SALUTE TO THE REVEREND MARK JOSEPH GIORDANI UPON THE TENTH ANNIVERSARY OF HIS PASTORATE AT ST. GERARD R.C. CHURCH, PATERSON, NEW JERSEY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. ROE. Mr. Speaker, on Saturday, June 25 the residents of the city of Paterson, my congressional district and State of New Jersey will join together at St. Joseph's Community Center with Rev. Robert Carroll, copastor and other members of the clergy and congregation of St. Gerard's Roman Catholic Church of Paterson, N.J., in honor of Rev. Mark Joseph Giordani, copastor of St. Gerard's, to celebrate the 10th anniversary of Father Mark's appointment to St. Gerard's parish in total dedication and devotion to the service of God and the cause of brotherhood, goodwill, and understanding among all mankind.

Mr. Speaker, I know that you and our colleagues will want to join with me in extending our warmest greetings and felicitations to Father Mark on this most joyous occasion and join with his parishioners in great pride of his outstanding achievements in promulgating, enhancing and preserving the richness of his religious and cultural heritage.

Father Mark, the son of Felicita and Louis Giordani, was born on June 9, 1942 in Pessola, Parma, Italy. He attained his elementary and secondary education in Italy and on January 13, 1958, emigrated with his family to the United States. He studied at St. Mary's College in Kentucky and at St. Bonaventure University in Olean, N.Y., majoring in philosophy and minoring in history.

In 1965 after receiving his B.A. degree in philosophy, Mark Giordani entered Christ the King Seminary, N.Y. During his seminary years he was assigned to work in a ghetto in Paterson, establishing a Catholic Community Center to help the underprivileged. There his love for the poor sparked his tremendous dedication to God's people in the innercity.

On May 31, 1969, Father Mark Joseph Giordani was ordained to the Holy Order of the Priesthood by His Excellency, the late Most Illustrious and Most Reverend Bishop Lawrence B. Casey in St. John's Cathedral in Paterson and received his masters degree of divinity in theology.

In response to his request for an inner-city parish, Father Mark's first assignment as a curate was with Our Lady of Lourdes Church in Paterson. He will long be remembered for his devout and faithful service to the parishioners of Our Lady of Lourdes Church. Among his many accomplishments there, he organized the Senior Citizens Club, CYO, Choir, Altar Boys, the Christian Riders Motorcycle Club and the school physical education program.

Father Mark's assignment to St. Gerard's Parish commenced in 1973 and in the following year he was appointed to his present ministry as copastor with Father Bob Carroll of St. Gerard's 1,150 families and 310 school children.

Over the past decade there has been much growth and development at St. Gerard's under the leadership endeavors of the joint pastorate of Father Mark and Father Bob. We join with the members of St. Gerard's Parish in applauding their richness of wisdom and high standards of excellence which have truly enriched our community, State, and Nation.

As an expression of gratitude for his years of unselfish dedication, on Saturday, June 25 his parishioners will honor Father Mark. In addition to his devout and dedicated responsibility for the spiritual well being of his church members, they particularly wish to commend his reactivating St. Gerard's Senior Citizens Club, creating a folk group, expanding the choir and altar boys, and organizing the Christian Riders. With Father Bob he revamped the parish council, setting up four committees: family life, spiritual life, education, and fundraising committees.

Under Father Mark's dynamic drive and unwillingness to give up the St. Joseph Community Center has been built and its $600,000 cost will be paid, with the burning of the mortgage hopefully to take place in November 1983. It is also important to point out that Father Mark has initiated the following organizations at St. Gerard's: The Divorced-Separated, the St. Vincent De Paul Society, St. Gerard's Day Care Center for working mothers. He is adviser and spiritual director of the Holy Name Society and with Father Bob of the Knights of Columbus. He has served three terms as a representative to the Priests Senate, as a U.S. Army Reserve chaplain in Lodi, N.J. (1977-80), as chaplain to the Paterson Police Department since 1977, as chaplain to the fire and police departments in Haledon, N.J., as chaplain to the Constables Association in West Paterson, N.J., as chaplain to the Italian Circle in Paterson, and as a member of the CETA program advisory board in Paterson in 1978.

Mr. Speaker, our Nation was founded on the cornerstone of our people's faith in God which is truly the spirit, conscience and very being of our society. I appreciate the opportunity to call your attention to the good works of Father Mark and seek this national recognition of his dedication, devotion, and untiring efforts toward the spiritual and cultural enrichment of others. For his service to our people with the greatest of devotion epitomizing all the treasured qualities of a man of God, we do indeed salute Rev. Mark Joseph Giordani of St. Gerard's R. C. Church, Paterson, N.J.●

HONORING THE NATIONAL HISPANIC UNIVERSITY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. TORRES. Mr. Speaker, it is with great pride that I bring to your attention an important milestone in the evolution of public education in America: The National Hispanic University known as NHU.

The Hispanic University grew out of the highly successful Bay Area Bilingual Education League (BABEL) which was converted into the National

Hispanic Center for Advanced Studies and Policy Analysis. As such, it is an authorized degree-granting university. The policy center gives the Hispanic community a viable and quality vehicle by which to impact on national policies that affect their education, employment, economic development, and social well-being.

Later this year, NHU will initiate its engineering careers program for Hispanics in Los Angeles. This is a joint venture between the National Hispanic University and Northrop University.

In July, NHU and La Universidad Autonoma de Guadalajara will train 65 special education personnel to work with Chicano and non-English-speaking children. Moreover, NHU currently has 51 students in premedical and educational coursework.

Mr. Speaker, the ethnic diversity of NHU is laudible. While its initial thrust has been to enhance and implement crucial programs for Hispanics, its principles call for equal education for all Americans. Indeed its cosmopolitan student body numbering more than 200 and projected to grow at a rate of 100 percent each year nationwide for the next decade is drawn from many diverse geographical and ethnic backgrounds (Anglo, Asian, Black, and Hispanics). The NHU does not discriminate on the basis of race, color, sex, religion, national or ethnic origin, age or physical handicap. Reflective of its diversity is its board of trustees and its advisory board. It is, Mr. Speaker, a commentary on representative America providing leadership in their quest for goals, objectives, and values for meeting the special needs of minority students while at the same time taking the lead in meeting the general and overwhelming need for educational quality.

Mr. Speaker, I wish to single out two outstanding pioneers in this colossal undertaking. Without the vision and commitment of its president, Dr. Roberto Cruz, the dream of a National Hispanic University would not have materialized. Indeed, his dedication and beliefs that education is critical to the enhancement of society and democratic ideals has paved the way to make NHU a living reality; Dr. Edward Aguirre, the former U.S. Commissioner of Education and the current deputy superintendent of education in California has shown extraordinary leadership in promoting excellence.

His integrity and intellectual capacity has gained him the esteem of Americans everywhere and NHU is fortunate to have him in the important responsibility as its chairman of the board of trustees.

Mr. Speaker, I wish that my colleagues here in the House of Representatives would take note of this outstanding institution and its need to perpetuate career success for thousands of young people. In so doing, I would like to share with my colleagues the following excerpt from NHU's annual report:

MESSAGE FROM THE PRESIDENT

(B. Robert Cruz, Ph. D.)

This annual report of the National Hispanic University marks the second year of operations of the only state authorized degree-granting, national Hispanic university in the United States.

The National Hispanic University was built on eleven years of experience as the Bay Area Bilingual Education League. When the Bay Area Bilingual Education League was founded in 1971, the Board of Directors was concerned with equality of educational opportunity for students from other cultures who spoke limited English. As time passed, the needs and the scope of work kept expanding, both in terms of geographic territory and community needs.

A new structure was needed that could encompass a broader vision. The National Hispanic University and the National Hispanic Center for Policy Analysis were created by the Board of Directors on August 20, 1980. The Bay Area Bilingual Education League programs continue under the direction of the National Hispanic University.

The National Hispanic University is a quality, post-secondary institution that admits all qualified students while heavily emphasizing minority recruitment. It is the intent of The National Hispanic University not only to recruit minority students, but also to provide them with a learning support system that leads to their graduation.

The University's current departments include programs leading to careers in Engineering, Business, Medicine, Education and Communications. Additionally, there is a Center for Professional Development which addresses the particular needs of adults seeking a career change or growth within their professional or technical fields.

The National Hispanic Center for Policy Analysis is a research institute under the University which brings together outstanding scholars from various fields to seek solutions and recommend policies to improve the condition of Hispanics in the United States.

The tremendous amount of national support from community-based organizations, corporations, and individuals during our first academic year is a strong endorsement for the continuing need and quality of the programs offered by the National Hispanic University.●

TRIBUTE TO JOHN WELLS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. ANDERSON. Mr. Speaker, Washington has more lobbyists, both the registered professionals and the individual citizens fighting for their clause, than any other city in the United States. Thus, losing a lobbyist would normally be no cause for concern, and in fact might make some people happy. But, this is not so in the case of John Wells, who has in recent years so ably represented the Port of Long Beach and the city of Long Beach, in addition to some other clients, on Capitol Hill.

I have known John for almost the entire time that I have been in Congress. During these 14 plus years, I have grown to know and respect the position he takes on a wide variety of issues.

John Wells is not the type of lobbyist who rushes in breathless and confronts you with a crisis in which he has not developed all of the details and the pros and cons—in other words, has not done his homework. To the contrary, I have learned that I can always count on John to have looked at all of the angles on whatever position he is presenting, and to honestly and completely inform me of the points of those who are against the position he is supporting as well as those points supporting his position. In order words, he presents a complete case, and does do his homework.

John has not limited his activities solely to lobbying in the office. He, and his wife Dee, have been strong supporters of the California State Society and during the period of time a few years ago when membership was dropping off and the society needed strenthening, the two of them provided the necessary leadership for the revitalization of the society. As a result, membership is now well up and participation in all events is at the highest level in the society's history. Dee, incidentally, volunteered to serve as the society historian in addition to her other work.

As Dee and John Wells prepare to leave the hectic environment of our Nation's Capital, which they have known for so long, and relocate to Sun City, Ariz., I can honestly say they will be deeply missed by all who knew them here in Washington and relied upon them in the years past. The loss to our Nation's Capital is certainly the gain of Sun City, for I know as soon as they get settled in their new location, these two will not be content to sit back and let the world pass them by. Rather, they will be kicking it to make it move faster.

My wife Lee joins me in wishing Dee and John Wells the very best of the years ahead as they enjoy their well earned retirement. We will miss, them, both here and in Long Beach.●

THE STUDENT FREEZE CAMPAIGN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. FRANK. Mr. Speaker, yesterday and today, the Student Freeze Campaign has been in Washington. This campaign is the work of a group of intelligent and concerned high

school students who are dedicated to fighting the escalation of the arms race. They are here today specifically to urge Members of the other body to support the freeze resolution sponsored by Senators KENNEDY and HATFIELD. I am very proud, Mr. Speaker, that one of the major groups that make up the student freeze campaign is the Students/Teacher Organization of Prevent Nuclear War of Newton, Mass. Several months ago, I had the privilege of meeting with several of the young people who are active in this organization and I want to congratulate them for the sensible and effective campaign they have organized in such a short period of time. The work these students is doing is important not only for those of us who share their belief in the importance of changing American policy so that we can bring about an end to the arms race. Their work is also an important example to young people throughout the country who have concerns with public policy.

The effort these young people—most of whom are not yet themselves of voting age—have put into this campaign is a model of how concerned citizens should function in our democratic society.

I wish to share with the Members here their explanation of their position.

STUDENT FREEZE CAMPAIGN

The Student Freeze Campaign formed so that we, as high school students, can have a voice in legislator's decisions that will profoundly affect our lives and the lives of our children. Present nuclear weapons policy, which permits the arms race to escalate out of reasonable control, jeopardizes our futures. Therefore, we call on our senators to support the Kennedy-Hatfield Joint Resolution (S.J. Res. 2) as the first step towards bilateral disarmament.

We support this resolution, which calls for a mutual and verifiable freeze on the production, testing and deployment of nuclear weapons to be followed by reductions, for three basic reasons.

First, to permit real, stabilizing reductions in nuclear arms; not just cuts in some types that will be more than offset by increases in other types. Only by stopping nuclear weapons systems across the board can we then begin to reduce the stockpiles.

Second, it is now a good time to freeze; the United States and the Soviet Union have reached rough parity (the U.S. with 30,000 and the U.S.S.R. with 20,000 warheads). A freeze could also prevent the increase in the risk of nuclear war that will occur if new first-strike, counter-force weapons are produced.

Third, we feel that a freeze on the production, testing and further deployment of nuclear warheads, missiles and other delivery systems can be verified. A comprehensive freeze would be violated if activity in any category is detected.

Not only do we have the right to demand that our senators support the Kennedy-Hatfield Resolution, but we have the responsibility to do so. We owe our kids the right to learn, live and dream just as we have.

Signed by: Student/Teacher Organization to Prevent Nuclear War, Newton, Mass. chapters; Children's Campaign for Nuclear Disarmament, Wilmington, Del., Students for Peace, New York, N.Y.●

CONSUMER PRODUCT SAFETY ACT AMENDMENTS OF 1983

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. SHELBY. Mr. Speaker, as many of my colleagues know, I have introduced a bill to reauthorize the Consumer Product Safety Commission which is in essence a simple and rational alternative to the wrongheaded approach taken in H.R. 2668, the Consumer Product Safety Act Amendments of 1983. I intend to offer my bill as an amendment in the nature of a substitute when House consideration of the Consumer Product Safety Act Amendments continues later this week. My substitute presents an alternative which is fiscally sound and substantively fair. It is supported by a broad coalition of business and industry across the Nation, and many of my colleagues will no doubt recognize among the signers of the following letter, several businesses whose interests are represented in their own districts. I submit this letter for the RECORD and my colleagues' review:

JUNE 20, 1983.

We the undersigned businesses and associations strongly support the Shelby-Broyhill substitute bill, (H.R. 3015) to the Consumer Product Safety Commission Reauthorization bill, (H.R. 2668) introduced by Rep. Waxman. We are opposed to H.R. 2668 because the Waxman bill contains numerous amendments to the underlying Consumer Product Safety Act without adequate justification.

There were substantive reform amendments to the Consumer Product Safety Act during the 1981 reauthorization that represented positive changes in the Commission's regulatory process. We believe the 1981 amendments need time to be fully implemented, to be evaluated, and to function, prior to making new or additional changes in the Act.

Additionally, the Shelby-Broyhill substitute reauthorizes the Commission to continue its important work at inflation adjusted funding levels, which are in line with recent Appropriations' Committee action rather than the 40% increase envisioned by Rep. Waxman's bill.

The Shelby-Broyhill substitute enables the Consumer Product Safety Commission to fulfill its responsibilities in a cost-effective manner. We urge you to cosponsor and support H.R. 3015 when it reaches the House floor shortly.

Sincerely,

American Retail Federation, Armstrong World Industries, Association of Home Appliance Manufacturers, Ball Corporation, B. F. Goodrich Company, Bicycle Manufacturers Association.

Carpet and Rug Institute, Chainsaw Manufacturers Association, Chamber of Commerce of the United States, Chemical Specialties Manufacturers Association, Closure Manufacturers Association, Ebco Manufacturing Company, Federated Department Stores, Formaldehyde Institute, Gas Appliance Manufacturers Association, Inc., General Electric Company, Glass Packaging Institute, Hamilton Beach Division, Scovill Incorporated, Hardwood Plywood Manufacturers Association, In-Sink-Erator, Industrial Heating Equipment Association, International Association of Amusement Parks and Attractions, International Snowmobile Industry Association, Johnson Controls Incorporated, Juvenile Products Manufacturers of America, KitchenAid Division of Hobart Corporation, Magic Chef, Martin Industries, Maytag Company, Metal Ware Corporation, National Association of Furniture Manufacturers, National Association of Manufacturers.

National Electrical Manufacturers Association, National Forest Products Association, National Kitchen Cabinet Association, National Lumber & Building Material Dealers Association, National Paint & Coatings Association, Inc., National Particleboard Association, National Presto Industries, Incorporated, National Retail Merchants Association, National Swimming Pool Institute, Outdoor Power Equipment Institute, Owens-Illinois, Incorporated, Procter & Gamble Manufacturing Company, Resilient Floor Covering Institute, Sears, Roebuck & Company, Society of American Wood Preservers, Southern Furniture Manufacturers Association, Sun Company Incorporated, Sunbeam Corporation, Teledyne Still-Man, Toastmaster Inc., Toy Manufacturers Association, Waring Products Division, Dynamics Corporation of America, Westbend Company, Whirlpool Corporation, White Consolidated Industries.●

NEW JERSEY FEATURED IN FESTIVAL OF AMERICAN FOLKLIFE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. RODINO. Mr. Speaker, I join with Congressman ROBERT ROE in saluting the 17th annual Festival of American Folklife, sponsored by the Smithsonian Institution and the National Park Service, which begins Thursday on the National Mall. Our home State, New Jersey, is honored to be featured in this year's event. We share in this participation with America's great friend and ally, France.

We are pleased to show thousands and thousands of Americans that we are rightly called the Garden State and are grateful for this chance to put on display the customs and mores and traditions that are the product of our State's diverse ethnic heritage.

The festival runs from June 23 to June 27 and from June 30 to July 4. I hope that many of my colleagues and their families will have the opportuni-

ty to visit the mall and to share in the heritage of which the residents of our States are justly proud.

More than 100 of my fellow citizens will take part in this festival, re-creating ethnic celebrations with their music, crafts, folklore, and foods. A list of the participants follows. I thank them for their contributions that will surely make the festival an outstanding success.

LIST OF PARTICIPANTS

MARITIME TRADITIONS

Beryl Whittington, Port Norris—oyster shucker/gospel singer.
Donald Cisrow, Port Norris—oyster shucker/gospel singer.
Evelyn Cisrow, Port Norris—oyster shucker/gospel singer.
Sarah Cisrow, Port Norris—oyster shucker/gospel singer.
Joseph Gibbs, Port Norris—oyster shucker/gospel singer.
Harry Shourds, Seaville, decoy carver.
Anthony Hillman, Seaville—boatbuilder, decoy carver.
Charles E. Hankins, Lavallette—boatbuilder.
Bernie Borrelli, Lavallette—boatbuilder.
Sam Hunt, Waretown—boatbuilder.
William R. Richardson, Keyport—lobster trap maker.
Mrs. William Richardson, Keyport—assists lobster trap maker.
Henry Weldon, Millville—rush-seat weaver.
Owen J. Carney, Port Norris—salt-hay-rope maker.
Gary Giberson, Port Republic—decoy carver.

AFRO-AMERICAN ALABAMA DAY

Thurma Britt, Newark—cook.
Glennie Davis Franklin, Hillside—shape-note singer.
Mary Alice Phillips, Elizabeth—shape-note singer.
Mabel Jackson, East Orange—shape-note singer.
Mabel Upshaw, East Orange—shape-note singer.

GALICIAN QUEIMADA RITUAL

Arturo Lopez-Dominguez, Newark—celebration coordinator.
Carlos Corbacho, Newark—director, Andurina, a group of Galician bagpipers.
Francisco Lara, Newark—drummer; bagpiper with Andurina.
Jose Noguerol (father), Newark—bagpiper with Andurina.
Jose Noguerol (son), Newark—bagpiper with Andurina.
Alvaro Castro, Bayonne—bagpiper with Andurina.
Jorge Fernandez Jr., Newark—bagpiper with Andurina.
Amador Lopez, Irvington—bagpiper with Andurina.
Julia Lara, Newark—cook.
Manuel Garcia, Califon—choral director.
Francisco Platas, Linden—choral member.
Alezandro Cobelo, Newark—choral member.
Manuel Alonso, Kearny—choral member.
Juan Alvarez, Roselle Park—choral member.

JAPANESE BON FESTIVAL

(Mrs.) Iddy Asada, Bridgeton—cook.
(Mrs.) Harumi Taniguchi, Seabrook—cook.
(Miss) Fusaye Kazaoka, Bridgeton—embroidery.
(Mrs.) Suzi Takata, Bridgeton—crafts.
(Mrs.) Shigeko, Kazaoka, Bridgeton—crafts.
(Mrs.) Hisano Tazumi, Bridgeton—crafts.
(Mrs.) Sunke Oye, Vineland—dance.
(Mrs.) Kazuyo Nakao, Seabrook—dance.
(Mrs.) Ellen Nakamura, Elmer—Obon dance coordinator and kimono demonstrator.
(Mr.) Kiyomi Nakamura, Elmer—technical director for Obon dance.
Drummers for Seabrook community celebrations (from New York): Theodora Yoshikami, Sandy Ikeda, Dr. Peter Wong, Jenny Wada, Wendy Takahisa and Audee Williams.

GERMAN OKTOBERFEST

Bernie Bunger, Piscataway—bandleader.
Betty Bunger, Piscataway—cook.
Bernie Bunger, Sr., Scotch Plains—dancer.
Elfriede Bunger, Scotch Plains—dancer.
Karl Pfeifer, Franklin Lake—singer and brass-instrument player.
Bill Mueller, Union—singer and drummer.
Dana Sylvander, Englewood—brass-instrument player.
John Van Decker, Avenel—brass-instrument player.

ITALIAN FEAST OF OUR LADY OF CASADRINO

The Joseph Colletti Marching Band:
John Peraino, Trenton—director.
Russ Jenkins, Trenton—trumpet.
John Bonfante, Trenton—trumpet.
Sarah Peraino, Trenton—assistant.
Carmine DeLorento, Trenton—trumpet.
Louis Cordas, Trenton—clarinet.
James Peraino, Cranbury—saxophone.
James Penkala, Trenton—baritone.
Ron Hansen, Morrisville, Pa.—trombone.
Andrew Wierzbowski, Trenton—clarinet.
Frank Miller, Hamilton Square—saxophone.
Al Procassini, West Chester, Pa.—trombone.
Bill Felter, Bordentown—drums.
Joseph D'Ambrosio, Trenton—drums.
Nate Pratico, Trenton—tuba.
Aldo Stagi, Yardley, Pa.—baritone.
Paul Farinella, Trenton—drums.
Franz Mayer, Trenton—drums.
Roy Hasty, Trenton—tuba.
Nick Sciarrotta, Trenton—trumpet.

AGRICULTURE

Mary Sorbello, Mullica Hill—produce sales.
Susan Sorbello, Mullica Hill—produce sales.
Julie Sorbello, Mullica Hill—produce sales.
Joan Sorbello Adams, Mullica Hill—produce sales.
Anthony Catalano, Salem—produce sales.
Joseph Catalano, Salem—produce sales.
Terry Wikoff, Englishtown—farmer.
Charles Wikoff III, Englishtown—farmer.

MUSIC

Bishop Jeff Banks, Rev. Charles Banks and the Revival Temple Mass Choir, Newark—gospel choir.
Saul Betesh, Deal—Sephardic oud player.
Tex Logan, Madison—fiddle (and his band).
"Doc" McKenzie and the Gospel Hi-Lites:
Milbert "Doc" McKenzie, Paterson—vocals.
David McKenzie, Paterson—vocals.
Abraham McKenzie, Paterson—vocals.
William Wribbee, Paterson—vocals.
Greg Herbert, Paterson—organ.
Darryl Henley, Paterson—guitar.
Marvin Bradshaw, Paterson—bass.
Henry Redmond, Paterson—drums.
"Purewater":
Johnny Shipley, Newark—leader.
Charles Banks Jr., Newark—vocals.
Wayne Johnson, Irvington—vocals.
Terrance Forward, Newark—vocals.
Joe Briscoe, Newark—vocals.
Walter Rhodes, Paterson—blues singer, guitar.

SILK

Joseph Grauso, Elmwood Park—Paterson silk weaver.
Roy Harris, Bensalem, Pa.—Paterson silk weaver.
Prince Hatley, Philadelphia, Pa.—Paterson silk weaver.

TRADITIONAL MEDICINE AND PHARMACOLOGY

Dr. Alvin B. Segelman, Piscataway—pharmacognosist.
Efrain Osorio, Newark—herbalist.
Evidio Espinosa, West New York—herbalist.
Louis Molinari and Fred Anderson, of Ciba-Geigy Corp., Summit, N.J.—glassblowers.
Dr. Graham M. Smith, Scotch Plains—molecular systems chemist (of Merck, Sharp & Dohme Research Labs, Rahway).
Dr. Robert B. Nachbar, Scotch Plains—molecular systems chemist (of Merck, Sharp & Dohme Research Labs, Rahway).
Herbert Schuster, East Hanover—bench chemist (of Sandoz Inc., East Hanover).
Dr. Nathan Steinberg, Rahway—bench chemist (of Merck, Sharp & Dohme Research Labs, Rahway).●

TRIBUTE TO SILVIO CONTE

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MOLINARI. Mr. Speaker, earlier this afternoon an uncommon event took place on Capitol Hill. A Member of Congress was honored by his peers for his personal commitment to this body and for his excellence as a legislator.

Special orders for retiring Members of this body are common occurrences; 1 minute speeches can be heard for days after a Member of Congress dies. This Member, however, is not recently deceased or retired. He is a hardworking and powerful Member of this House—a man known for his strong personal conviction and his ability to colorfully convey those beliefs in this Chamber. This afternoon, I had the honor of hosting "A Salute to a Great Salutor"—the ranking member of the Appropriations Committee, SIL CONTE.

SIL CONTE's leadership on the Appropriations Committee is respected by all Members of this House. His 25 years of experience is a valuable resource. When he speaks on transportation and health issues, we listen. When he defends an attack on the environment, we recognize his expertise. When he fights for additional education funding, we respect his position, and when he salutes a colleague Italian style, we quickly head for the

cloakroom—everyone hopes it is not meant for them.

Mr. Speaker, I am sure that every Member—regardless of his or her political philosophy—appreciates the contribution of SILVIO CONTE. Not only does he add substance to House debates, but his colorful style is a unique and unpredictable element in our proceedings. The people of the First District in Massachusetts are lucky to have a Congressman like SIL CONTE, and we are fortunate to have him as a colleague and friend.

INTERNATIONAL FIRE STUDY SHOULD BE APPROACHED WITH CAUTION

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. MOAKLEY. Mr. Speaker, on March 21, 1983, hearings were held by the Subcommittee on Health and the Environment on H.R. 1880, the Cigarette Safety Act. At those March hearings, Philip S. Schaeman, a former Associate Administrator of the U.S. Fire Administration in charge of the National Fire Data Center, testified on behalf of the Tobacco Institute in opposition to fire-safe cigarette legislation. Mr. Schaeman based his remarks on a recent study which he authored and which was financed by the Tobacco Institute, pertaining to international fire protection concepts.

The validity of Mr. Schaeman's remarks, based on his study, "International Concepts in Fire Protection: Ideas From Europe That Could Improve U.S. Fire Safety," have recently come under public criticism from the National Association for Public Health Policy. What follows is a letter from NAPHP which concludes:

This report should be read as a descriptive review of fire safety practices currently used in Europe. It should not be permitted to deflect attention from specific ignition sources, such as the cigarette. It is not a document to guide policy decisions by Fire Service officers and legislators responsible for the prevention of deaths in fires in the United States.

NATIONAL ASSOCIATION FOR PUBLIC HEALTH POLICY,
South Burlington, Vt., May 18, 1983.

Hon. JOHN JOSEPH MOAKLEY,
Cannon House Office Building,
Washington, D.C.

The Tobacco Institute has recently funded a study entitled "International Concepts in Fire Protection: Ideas from Europe that Could Improve U.S. Fire Safety." [1] The expressed intent of the study has merit. The United States and Canada have fire death rates at least double those of European countries. The author, Philip S. Schaenman, states that he undertook the study: "to better understand the reasons for the success of European fire protection and to identify practices we might adopt in the United States."

The report includes a graph presenting rates of fire deaths per million population for seventeen countries, reproduced from "Selected International Comparisons of Fire Loss." [2] Rates (1977-78) for the USA and the five countries featured in the Schaenman report are listed below:

References at end of article.

Country:	*Deaths per million population*
United States	29.4
Sweden	16.2
United Kingdom	14.6
France	14.5
Germany	8.6
Switzerland	7.0

While it is clear that the United Kingdom and France have a fire death rate only half that of the United States, it is also true that Germany has a death rate approximately half that of Sweden, and Switzerland only half that of the United Kingdom and France. What is it that explains these differences in fire death rates?

The report fails to address in any systematic way the fundamental issue of the causes of fires and fire deaths in either the United States or the five European countries. There is no examination of distribution of ignition sources, consumer product ignition or structural involvement across countries. Despite this, the implication of the report is that the fire safety practices which differ in kind or intensity from those in the United States might explain Europe's better record. Before Mr. Schaenman or any researcher can advocate that the United States adopt European fire prevention techniques, he or she must demonstrate that those techniques, not already in place in the USA, are effective for the type of fires prevalent in the United States. Had documentation of fire cause been supplied, a reader could correlate fire safety practices with fewer deaths due to specific ignition sources. This might permit informed decisions about which practices would have the greater likelihood of success in fire prevention in the United States. It is true that information on cause of fatal fires has not been gathered centrally at any university or agency, and must therefore be sought singly from national fire reports. However, the absence of this data nullifies the attempt by Mr. Schaenman to associate fire safety practices with lower fire death rates.

Although reliable information on ignition sources is missing from data bases accumulated for international comparisons, the role of the cigarette as the ignition source in fatal fires is well documented for the United States. Data analyzed by the Federal Emergency Management Agency's National Fire Data Center, of which Mr. Schaenman was director, indicates that fires started by smoking materials accounted for 22% of all fire deaths in the United States in 1978.[3] Heating apparatus accounted for 13% of the deaths, while fires caused by cooking, incendiary actions and children playing with fire each contributed an additional 6% to the total. When the "unknown cause" category is distributed proportionately among the known causes, 32% of all fatal fires are caused by smoking materials. Of these smoking materials, 79% are known to be cigarettes, while only 1.1% are known to be pipes or cigars.

Evaluation of strategies to reduce fire deaths in the USA must consider what is known about the behavioral and environmental factors associated with specific types of fires. The primary ignition source in fatal fires in the United States and the United Kingdom is the cigarette. The population most at risk from starting, and dying in, cigarette-ignited fires are those who smoke and drink alcohol before going to sleep. It is the deadly combination of alcohol and cigarettes, and the habitual behaviors of those who mix them, which militates against public education to increase awareness and carefulness as an effective strategy to prevent fire deaths. A more effective strategy would be to modify the cigarette to reduce its propensity to ignite smoldering furniture and bedding fires. Similar analyses should be done for fires ignited by cooking appliances, heaters, arsonists and children. While it is true that smoke detectors have lifesaving potential after a fire starts and should be installed in every dwelling, it is irrational not to try to prevent the fire from starting.

Knowledge of the role of the cigarette in fatal fires in the USA suggested that there might be an association between cigarette consumption and the fire death rate. Below are listed the six countries featured in the study, their fire death rates (1972-1974) and the number of cigarettes consumed per adult per year (1973).[4]

Country	Deaths per million population	Cigarettes per adult per year
United States	31	3,850
United Kingdom	17	3,230
France	15	1,920
Sweden	14	1,580
Germany	9	2,610
Switzerland	6	[1] 2,360

[1] Consumption figures for Switzerland have been adjusted to accommodate note in report about high rates of purchase of cigarettes by borderers, toursts and seasonal workers.

A simple linear regression on these points produces a correlation coefficient of .67, and an r^2 of .45, which means that 45% of the variability in overall fire death rates can be explained by the variability of cigarette consumption. If cigarette consumption had nothing to do with fire deaths, one would expect a correlation coefficient close to zero. Further analysis is required before one can rule whether this association is coincidental, confounded or real. However, the association is maintained when one plots fire deaths against cigarette consumption for the sixteen countries presented on the graph in the report; 39% of the variability in death rates can be explained by the variability in cigarette consumption (see Figure 1). One wonders what the correlation coefficient would be if rates of death resulting from cigarette-ignited fires were plotted against cigarette consumption. If one could show that the volume of cigarettes smoked rather than the behavior of the smoker determined national rates of fire deaths, the conclusion about effective preventive strategies would be to alter the ignition propensity of the cigarette rather than the behavior of the smoker.

Nevertheless, approximately 60% of the variability in overall fire death rates is unexplained by these analyses. One must consider fire safety practices, as well as such other societal facors as "income distribution, education, degree of government regulation, family life, and attitudes toward the law," as Mr. Schaenman acknowledges.

This report should be read as a descriptive review of fire safety practices currently used in Europe. It should not be permitted to deflect attention from specific ignition sources, such as the cigarette. It is not a

document to guide policy decisions by Fire Service officers and legislators responsible for the prevention of deaths in fires in the United States.

Sincerely,

ELIZABETH MCLOUGHLIN.

REFERENCES

1. Philip S. Schaenman, "International Concepts in Fire Protection: Ideas from Europe that Could Improve U.S. Fire Safety." Arlington, Virginia: Tri-Data, (December, 1982).

2. Jerry Banks, "Selected International Comparisons of Fire Loss 1979-1980." Atlanta, Georgia: Georgia Institute of Technology, (September, 1982).

3. Federal Emergency Management Agency, "Fire in the United States: Deaths, Injuries, Dollar Loss and Incidents at the National, State and Local Levels in 1978," U.S. Government Printing Office (July, 1982).

4. P. N. Lee, "Tobacco Consumption in Various Countries," London: Tobacco Research Council (1975).●

DEMILITARIZATION OF BZ

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. BETHUNE. Mr. Speaker, today the House is considering the military construction authorization and appropriations bills. Both of these bills contain $10.2 million for the Pine Bluff Arsenal to demilitarize BZ, which is an incapacitating chemical agent that was developed for use in bombs in the 1950's.

I think the demilitarization of BZ is a good idea and I strongly support the funding included in these bills for that purpose. The Army informed me last year that the Secretary of Defense had directed that all BZ be destroyed that is currently in the U.S. stockpile because the effects of BZ cannot accurately be predicted, and the agent was therefore not classified for standard use by the Army. It is a shame that we spent so much money to produce a weapon that does not work. I hope we can prevent those same mistakes in the binary program, should we ever decide to produce them.

As I said earlier, I support the demilitarization of BZ, just as I support the demilitarization of all chemical weapons that are leaking or have deteriorated to the point that there is no way they are usable. However, it does concern me that a 1977 GAO report entitled, "Stockpile of Lethal Chemical Munitions and Agents—Better Management Needed," cited the fact that the Department of Defense had demilitarized and disposed of large quantities of usable lethal chemical agents and munitions. While we were not able to prevent those from being destroyed, I hope that that will not occur in the future. I was pleased to hear, however, that the latest GAO report makes note of improvements made in the upkeep of the chemical weapons stockpile, which resulted in an actual increase in the size of our stockpile of usable, unitary chemical weapons. Incidentally, that further proves my point that we do not need binary chemical weapons because we already have an adequate stockpile of unitaries that seems to have the potential to increase even further with better management and upkeep of our stockpile.

Another concern that I have is about the use of the facility for the demilitarization of BZ. I know full well that studies and plans were discussed to use this facility for the demilitarization of other agents and munitions—specifically nerve agents and munitions. I will be carefully watching the BZ demilitarization operations and will strongly object to any move to demilitarize other agents without prior approval of Congress. While the Pine Bluff Arsenal does possess a stockpile of nerve agents, I do not believe the arsenal should be made into a regional demilitarization facility for all the nerve agents stockpiled in various locations around the country. I know there are leakers that need to be destroyed—and they should be destroyed—but the drill and transfer system (DATS) should be employed to the extent possible before any plans are made to haul the weapons to any regional demil facility.

In short, we need to be sure that the agents that are being demilitarized are only those that are leaking or hopelessly unusable, such as BZ, and that the facility at the Pine Bluff Arsenal is used only for the purpose stated by the Army and that is the demilitarization of BZ.●

THE CATHOLIC CHURCH AND: THE UNNOTICED HOLOCAUST

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. McDONALD. Mr. Speaker, it is indeed a threat to the security of this Nation when members of our Armed Forces are getting mixed signals on the matter of resistance to totalitarian socialism, which is in fact—communism.

Back in 1947, the Reverend John P. Noonan, S.J., authored the text, "General and Special Ethics." It had the imprimatur or approval in the matter of faith and morals of Samuel Cardinal Stritch of Chicago. I quote a couple of passages from that text on the matter of communism, which appropriately is carried under the heading of socialism. Concerning the abuse of private property Father Noonan states:

The difference is that socialists assert that these evils are inherent in the system of private property, while the Popes insist that they are an abuse of it and could be corrected. And of course the Popes teach that the remedy of socialism is far worse than the disease of capitalism.

On the ethical and religious bases of socialism, Father Noonan states:

The philosophy of socialism is purely materialistic. Ordinary religious terms such as God, the soul, and the moral law have an interpretation taken from materialistic pantheism. Everything, says socialism, is constantly in a state of flux, evolving towards a higher goal. There is no fixed of immutable morality or truth . . . Religion is the opiate of the people and similar slogans have been used too frequently to be explained away; and any—if such there are—who still doubt their intentions are too naive to stand in need of deception.

Pius XI in his encyclical on atheistic communism—Divini Redemptoris delivered in 1937 stated:

Communism is intrinsically wrong and no one who would save Christian Civilization may collaborate with it in any undertaking whatsoever.

To that could be added nothing except to question the present day situation ethics of the bishops of America who preach that there is no room for nuclear defense, and in fact, call for a unilateral freeze of American weaponry to defend this Nation and its citizens. I do not remember who said it but I do remember the quote that stated: "How do you sit down and negotiate with anyone who refuses even the right of our society to exist on the face of the earth?"

Now columnist John Snyder of Washington Dateline, in an article titled, "The Unnoticed Holocaust," calls attention to yet another genocidal atrocity being committed with poison gas against peoples of Afghanistan and Southeast Asia. It is genocide no matter which way the pie is cut, yet the bishops remain silent. The Hmong or Meo tribesmen of northern Laos are fierce defenders of the right to live on their own land and will die down to the last child rather than surrender to atheistic communism. The communists know that and that is why the Meos have to be exterminated—totally—and that is genocide or as John Snyder suggests: Holocaust.

If there is any further doubt with regard to the naive or perhaps sufferers of the disease of surrenderitis, let it be noted with regard to the Catholic Church, that even the Washington Post in its June 19, 1983, edition documents what really happened when Pope John Paul II went to Nicaragua. Do the American bishops want that to happen here?

For the benefit of my colleagues and the American Catholic military personnel I submit both John Snyder's timely article of June 6, 1983, and the Washington Post article, titled, "Protest of Papal Visit Part of Anti-Church Plan, Nicaraguan Says." Articles follow:

[From the Washington Dateline, June 6, 1983]

THE UNNOTICED HOLOCAUST

(By John Snyder)

By an overwhelming vote, the Catholic Bishops of the United States recently endorsed a freeze of nuclear weapons, which may or may not ever be used.

On the other hand, chemical weapons, with their agonizing effects, have been and are being used by the Soviets and their militaristic stoolies in different parts of the world. Yet, the Bishops as a group have not condemned this barbarity.

Why not? Why this apparent hypocrisy?

Why condemn the possible use of nuclear weapons for the defense of the United States and ignore the actual use of chemical weapons in aggressive war by the Union of Soviet Socialist Republics?

Before we bring charges against the Bishops, let's review some of the facts.

On February 5, 1982, James A. Phillips of The Heritage Foundation reported that the Soviets and their proxies "are waging a clandestine war of chemical terror against the political and ethnic groups that have refused to be subdued by conventional arms" in Afghanistan, Kampuchea and Laos.

In his report, Phillips wrote that as early as 1976, "terror-stricken refugees began streaming out of Laos carrying news of a gruesome new addition to the arsenal of the Soviet bloc. They told of a poisonous yellow cloud that they called 'Yellow Rain' because small particles in the cloud made sounds like raindrops as they settled on the roof of their huts and on the surrounding fields. The mysterious yellow poison, delivered by aerial bombing and artillery attacks inflicted bizarre and grievous injuries on the victims, often resulting in quick, painful death. Direct exposure to the clouds caused breathing difficulties, extreme irritation of the eyes, skin, nose, throat and lungs. Small, hard blisters formed over exposed body surfaces. This was accompanied by coughing of blood-tinged material, choking, dizziness, multiple hemorrhaging of mucous membranes, vomiting massive quantities of blood, the seeping of blood from eyes, ears and nose, convulsions and death. All this happened within hours, sometimes, minutes. Shortly after death, the skin turned black."

Similar symptoms have been documented in Afghanistan and Kampuchea.

On March 22, 1982, then-Secretary of State Alexander M. Haig, Jr., in a report to the Congress on "Chemical Warfare in Southeast Asia and Afghanistan," stated that the evidence "has led the U.S. Government to conclude that Lao and Vietnamese forces, operating under Soviet supervision, have since 1975, employed lethal chemical and toxin weapons in Laos; that Vietnamese forces have, since 1978, used lethal chemical and toxin agents in Kampuchea; and that Soviet forces have used a variety of lethal chemical warfare agents, including nerve gases, in Afghanistan since the Soviet invasion of that country in 1979."

The question remains: What in the world or out of it is wrong with the Bishops?

If they're impelled to condemn warfare, why not condemn actual aggressive chemical warfare by the Soviet Union rather than possible defensive warfare by the United States?

In the opinion of this commentator, these men are not acting as spiritual shepherds should.

However, the buck does not stop there. It must stop with the Vatican officials who promoted these men in the first place and, specifically, with the Prefect of the Sacred Congregation for Bishops, Sebastiano Cardinal Baggio, 10 Piazza Pio XII, Rome, Italy.

There are two courses of action which may be taken. One is to write to Cardinal Baggio and let him know that you think he has contributed to an intolerable situation. Another very effective action is to stop giving to Sunday church collections until the Bishops stop acting like ill-informed military strategists.

[From the Washington Post, June 19, 1983]

PROTEST OF PAPAL VISIT PART OF ANTI-CHURCH PLAN, NICARAGUAN SAYS

(By Joanne Omang and Don Oberdorfer)

Demonstrations against Pope John Paul II in Nicaragua last March were carefully orchestrated as a part of a wider effort to discredit the church among the Nicaraguan people and neutralize its resistance to the Sandinista regime, according to a recent defector from the Nicaraguan intelligence service.

Miguel Bolanos Hunter, 24, said the plan was to associate priests and the existing church hierarchy with "the two enemies of the Nicaraguan people: the United States and the wealthy class, the bourgeoisie."

A "mob" of handpicked activists kept devout Catholics trapped in a church and away from the pope, who was then insulted and heckled as he tried to pray, Bolanos said, in order to make him appear isolated from the people during his visit to Managua.

The overall Sandinista effort against the church, according to Bolanos, has included close surveillance of Archbishop Miguel Obando y Bravo and a faked sex scandal last year involving one of his priests, the Rev. Bismarck Carballo.

Bolanos said the intelligence unit called F7, which had responsibility for mobilizing citizens for demonstrations, was ordered to pick 200 block leaders who each brought five or six trusted residence to the public square where the pope was to speak in March. Anyone trying to attend independently was turned away, Bolanos said.

Catholics who did not want to heckle the pope went to the churches the night before his visit in order to pray all night, Bolanos said, intending to march together to the square the next day. Instead, he said, F7 agents organized crowds to heckle the people in the churches and to keep them in there until the pope finished speaking.

Bolanos said he was in a command post, just off the square, that coordinated the various groups, putting in the forefront groups of women carrying pictures of sons who had died during the Sandinista overthrow of dictator Gen. Anastasio Somoza in 1979. The women were urged to ask the pope to pray for their sons' souls, which in the Sandinistas' eyes would have allied him with their struggle.

"He didn't want to do it because if he had, it would have meant he was in solidarity with the communist army," Bolanos said. As the pope began praying on another subject, one of the women gained control of the microphone system and begged him to pray for her son the martyr. Her act was "practically a sacrilege, an act of total disrespect," he continued.

The pope left the square without finishing the prayer, Bolanos said. "It was a success, because many people thought the lack of respect was spontaneous, and that the pope was simply against the revolution."

The church in Nicaragua originally backed the Sandinista government but in 1980 Archbishop Obando y Bravo began complaining of growing censorship and repression of dissent. He became a major target of surveillance after the pope's visit, Bolanos continued. When the archbishop tried to remove a priest favorable to the Sandinistas, mobs were organized to pose as parishioners, take over the church and beat up the new priest, according to Bolanos.

Lenin Cerna, head of the Interior Ministry's department of state security, issued written orders that all existing information and all new material on the bishop was to be sent to an analysis center, and the order was posted on intelligence office walls, Bolanos said. "They are collecting all the information to design a plan to destroy him."

An earlier part of that effort involved the archbishop's spokesman, the Rev. Carballo, who initially came under Bolanos' jurisdiction because of Carballo's friendship with many Americans in Nicaragua. Bolanos said he was told that the F4 section of the security operation—assigned to keep track of the churches, unions and political parties—was planning to use a prostitute "known and used by all the Sandinista high command" to disgrace Carballo.

The prostitute, named Marixsa, posed in 1982 as a penitent asking Carballo's counsel on personal problems. She tried to win Carballo's confidence, hoping eventually to seduce him, Bolanos said.

Finally, while the two were talking over lunch one day last August, an F4 agent burst into the room, pretending to be the woman's husband. He attacked the priest, ripping his clothes off, and pushed him into the street where people organized by the F7 unit were waiting with cameras. Also waiting outside was a van with dark windows, in which Cerna and Interior Minister Tomas Borge had front-row seats from which to laugh at the naked priest, Bolanos, said.

Government media played up the event, claiming Carballo had been caught in a love triangle. The archbishop—correctly, Bolanos indicated—said the whole incident had been "a show to slander the church."●

INNOCENT VICTIMS OF U.S. POLICY TOWARD CUBA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. FRANK. Mr. Speaker, the State Department, in conjunction with the Attorney General, has recently reprimanded Cuba for their refusal to take back certain undesirable Cuban nationals who entered the United States during the Mariel boatlift of 1980. On May 25, Assistant Secretary Thomas O. Enders announced that the United States would discontinue the issuance of immigrant visas in Cuba indefinitely. While immigrant visas to immediate relatives—spouses, minor children, and parents—and nonimmigrant visas will still be issued, immigrant visas in all the preference categories—married and unmarried brothers and sisters, et cetera—will not, except to Cuban applicants in third countries.

The recent action by the State Department is consistent with the provisions of section 243(g) of the Immigration and Nationality Act; however, it nonetheless raises serious questions. First, since no visas have been issued to otherwise qualified preference category applicants since 1980, on what grounds have they been previously withheld and what new hardship does the new ruling inflict? Second, is this action designed to legitimate and formalize what has been previously a de facto policy? Third, whom do we intend to punish for the sins of the Castro government? Does not this action penalize U.S. citizens seeking to be reunited with their relatives in Cuba?

These and other questions were recently addressed by the former chief of the U.S. Interests Section in Havana in a letter he wrote to the editor of the New York Times critical of our immigration policy toward Cuba. He suggests that political considerations may have supplanted the law in our policy toward Cuba.

There is a disturbing irony in this affair. Thousands of Cuban nationals have been placed in limbo since 1980, even though they had fully complied with our immigration laws and had qualified for immigrant visas under the preference categories. Yet while there is general agreement that the Castro government is a repressive dictatorship, the United States has simultaneously closed the door on those wishing to leave. I would hope that we can resolve this inconsistency.

The article follows:

[From the New York Times, June 15, 1983]

FROM LETTERS TO THE EDITOR: INNOCENT VICTIMS OF U.S. POLICY TOWARD CUBA

(By Wayne S. Smith)

To the Editor: On May 26, you reported that the Reagan Administration had just asked the Castro regime to take back criminals and other excludables dumped on us during the Mariel exodus. According to the report, the Administration threatened to suspend the issuance of preference immigrant visas in Havana if they were not taken back.

This is another instance of flimflam on the Administration's part. In belatedly making this public demand on the Cuban Government, it is simply trying to give some legal basis to what it has in fact been doing without any authority under law for over two years.

The Administration has refused to authorize visas for these divided Cuban families ever since it took office, turning a deaf ear to the pleas of the Interests Section in Havana that the only ones hurt by the refusal were the innocent applicants themselves, who had all their documentation and were eligible to receive visas to join their immediate families in the United States.

No explanation was given to the Interests Section, but in a memorandum dated Oct. 31, 1981, the State Department suggested that the purpose was to emphasize how cool were our relations with Cuba (though how refusing to unite divided families was to do that was never explained). The memo recognized that refusal to begin processing these visas might lead to serious legal problems. Ways were therefore suggested to finesse the matter with the public and the Congress.

When Congressional inquiries mounted, however, the department was hard-pressed for a legal explanation. In late 1982, it finally cited Section 243(g) of the Immigration Act which gives the President authority to suspend issuance of visas in countries whose governments will not accept the return of excludables.

The applicability of 243(g), however, was most doubtful. For one thing, the Reagan Administration had never asked the Cuban Government to take back the excludables. For another, it had ignored Cuban offers to resume negotiations on the matter—negotiations that had begun under Carter but had not, as of January 1981, produced agreement. After the inauguration, the Cubans indicated there was more flexibility in their position and suggested new rounds of talks. The Reagan Administration did not even bother to respond.

Castro will probably respond to the Administration's latest démarche by suggesting that the discussions be resuscitated. The Administration will say there is nothing to discuss, and there the matter will stand. After over two years of mishandling the issue, the Administration will now at least have half a legal leg to stand on. The divided families, however, will remain divided. One really must ask, To what purpose?

The case of some 1,500 former political prisoners is a separate issue but one in which U.S. motives are even more difficult to fathom. The Government has a clear commitment to process these people for entry into the U.S. I know. I transmitted that commitment to them on May 2, 1980.

On that day, some 800 of them had gathered at the Interests Section to ask when processing might begin. Many had been waiting for months. I told them that we had just received authorization. Numbers had been requested for them under the Refugee Act, and processing could begin.

Unfortunately, because of the consequences of the violence that broke out that day between the ex-prisoners and Cuban Government sympathizers, the Interests Section had to close its doors to the public for several months. We always assumed, however, that when we reopened, our first priority would be to these former prisoners, who were the victims of the violence, not its instigators.

We reckoned without the Reagan Administration, which turned its back on them, and, in so doing, dishonored the word of the U.S. Government. The President often speaks of his sympathy for the Cubans living under the Castro regime. He has a strange way of showing it.

MOUNT CARMEL TOWNSHIP ALUMNI ASSOCIATION FIRST ANNUAL BANQUET

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. HARRISON. Mr. Speaker, on Sunday, July 3, the Mount Carmel Township Alumni Association will be conducting its first annual banquet.

The association was formed in 1982 and is comprised of alumni of the Mount Carmel Township's school district, which was disbanded in 1951 with the creation of the new jointure school board.

The price that was paid for progress in this case, Mr. Speaker, was the dissolution of a school with a long and proud history. Mount Carmel Township High School began in 1919. Its colors were green and gold and the nickname of its teams was the "Golden Bears." It was located in Locust Gap and over the years produced a series of championship teams. In 1934-35 the Mount Carmel boys basketball team were the champions of the Susquehanna League. In 1942-43, they were the champions of Keystone League. In 1931-32 and 1934-35, their girls basketball team were the champions of the Susquehanna League.

Over the years, the Mount Carmel football team achieved many records. They were frequently on the list of All American and All Opponent teams. They had many significant players, some of whom went on to college and professional ball.

All of this, Mr. Speaker, the Mount Carmel Township Alumni Association will celebrate on July 3. Today it has a membership of over 1,000 and is still growing. Its president is Reno Benidetti, its treasurer is Lorraine Waters Tuefel, and its recording secretary and historian is Ann Coyne.

It is my pleasure, Mr. Speaker, to join with all of the alumni of the Mount Carmel Township High School and, indeed, with the entire Northumberland County community, in congratulating the alumni association on its first annual banquet, in thanking its officers and active members for much hard work and in wishing all of them many, many more happy and successful years together.●

REGIONAL IMPACT OF MILITARY CONSTRUCTION

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. EDGAR. Mr. Speaker, important votes will be cast today on the military construction appropriations and authorization bills for fiscal 1984. While spending for military construction comprises only a small portion of the DOD budget, these dollars can have a significant impact on the region in which they are spent.

Research done by the Northeast-Midwest Congressional Coalition has pointed out some alarming trends in the spending of military construction dollars. In 1983, the proportion of total military construction dollars dis-

tributed to the Northeast-Midwest region stood at the same low level as it did in 1960.

In fact, even though the military construction budget increased by 43.4 percent between fiscal 1981 and 1983, the Northeast-Midwest's share of the national total actually declined from 20 to 15.3 percent. The Midwest's share dropped from 7.7 to 3.5 percent.

A representative example of the inequity in the distribution of military construction dollars is the case of California. California has one-third as many military installations as does the Northeast-Midwest region but will receive $81 million more in fiscal 1983 funds for military construction.

Not only do construction dollars translate into jobs, but the lack of funding for military construction in the region can only result in one thing; the breakdown of existing bases and equipment. As dollars are funneled out of the region, the long-term effect is to cause existing facilities to fall into disrepair. These facilities were closed. In fact, between 1969 and 1979, 208 facilities were closed in the Northeast-Midwest region. The closings of bases in the region means the security of half our Nation is jeopardized.

Congress should understand the implications of these spending trends. As a member from the Northeast-Midwest region, it is difficult to vote for a military construction bill which fails to adequately protect all parts of the Nation.

I hope that in future years, these patterns of spending are corrected to reflect the needs of the entire Nation.●

SIMPSON CELEBRATES 10TH YEAR AT JANES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. TOWNS. Mr. Speaker, I want to recognize the achievements of Rev. Robert O. Simpson on the occasion of his 10th anniversary at Janes United Methodist Church in Brooklyn, N.Y. Reverend Simpson is a native of Brooklyn who has returned his time and his talents to the community through his leadership at Janes. He serves as an active member of the health committee for community planning board No. 3. The committee has oversight responsibility for community health and hospital services in the Bedford-Stuyvesant area of Brooklyn. As president of the Janes Housing Development Corp., Reverend Simpson has promoted the rehabilitation and the acquisition of local properties for low-cost housing. His efforts, in the housing area, demonstrate a commitment to integrate the work of the church with the needs of the community.

Throughout his career, Robert O. Simpson has evidenced a concern for the needs of his community. He served as both a teacher and as a member of the school board in Brooklyn. In addition, Robert directed the "college bound program" for the United Interfaith Action Council. The council's program provided enrichment services for disadvantaged high school students with strong academic potential. From 1971 to 1973, Reverend Simpson helped countless youngsters to gain important academic skills prior to their freshman year in college. In addition to his community activities and a full-time pastorate at Janes, Reverend Simpson is also involved in several denominational organizations of the United Methodist Church.

Reverend Simpson's 10 years of service, to the Janes congregation and the Brooklyn community, has definitely improved the quality of life in my congressional district for many people. I want to offer my heartiest congratulations to Reverend Robert O. Simpson on his upcoming 10th anniversary on Sunday, June 26.●

HON. TOM STEED

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 14, 1983

● Mr. UDALL. Mr. Speaker, Tom Steed was a close and valued friend. His courage and commonsense served the people of his beloved Oklahoma for 32 years in the House of Representatives—longer than any other Oklahoman has served in the Congress.

Tom had a fine sense of humor as well, and he was likely to share a new story with his friends behind the rail, or in the cloakroom. He could always find the time to use a chuckle to take the edge off of a particularly trying day.

Tom Steed represented the people of Oklahoma with integrity and diligence. He brought good, sound, compassionate qualities to this House, and we are all the better for his having been here.

I am sorry that Tom is gone.●

NEED FOR HOUSING LEGISLATION STILL EXISTS

HON. RICHARD A. GEPHARDT

OF MISSOURI

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. GEPHARDT. Mr. Speaker, we rise today to commend the Federal Home Loan Mortgage Corporation on their recent offering of the new collateralized mortgage obligations. On June 7, Freddie Mac offered $1 billion of these new bonds, making it the single largest real estate offering ever. This offering is important for a number of reasons: First, all of the mortgages included in these CMO's represent new mortgages, not the repackaging of existing mortgages; second, and possibly more important, it appears that Freddie Mac may have found a way to tap into the large pool of assets currently controlled by our Nation's pension funds.

As many of our colleagues know, we have been working diligently for some time to reduce the restrictions placed on the path of pension fund investments in the residential mortgage market. Last year we introduced H.R. 6781, which garnered the support of 265 Members of the House. This session in H.R. 1418 we have exerted a similar effort. The recent offering of these CMO's represents a significant step forward in tapping into the vast pool of assets controlled by pension funds, currently estimated to amount to more than $700 billion.

Of the $1 billion recently offered by Freddie Mac, approximately $430 million was purchased by pension funds. This represents more than 40 percent of the entire offering, a figure far in excess of any offerings by any of the public or private issuers of similar securities. This is indeed a significant step forward, however, it does not eliminate the need for legislation such as H.R. 1418.

By removing the impediments to pension fund investment in the residential mortgage market, while still retaining the traditional conservative principles of pension fund investment, this legislation is designed to address two very important problems; the need to insure present and future employee benefit plan beneficiaries that their plan assets are safe; and the need to aid the housing industry through capital infusion into the residential mortgage market.

Under current law, unless an employee benefit plan invests solely in the securities issued by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation or the Government National

Mortgage Association (mortgage-backed securities) a plan must meet the conditions set forth in the Department of Labor class exemptions for residential mortgage transactions (82-7) or mortgage pool investment trust transactions (81-87).

Both sets of conditions set forth in these class exemptions are restrictive in that they impose higher standards for mortgage investments than for other types of investments. In addition, if a plan does not follow the conditions or is uncertain if a particular mortgage transaction is covered by the exemptions, the plan must request an opinion or seek an individual exemption from the Department of Labor. This procedure in itself is costly and burdensome, and it is unlikely that a Labor Department response could be expected in less than 90 days.

The most important factor lending support to H.R. 1418, however, is the attractiveness of investment in mortgage instruments. A recent survey conducted by Salomon Brothers which examined the returns of alternative investment opportunities, including mortgage securities, highlighted the attractiveness of mortgages as an investment medium. The survey concluded: "Results show that mortgages outperformed the three alternative investments: Corporate bonds by 15.3 percent; long Treasuries by 21.7 percent; and 10-year Treasuries by 2.4 percent." With the higher return that a pension fund might be able to receive on investment in mortgages it might be able to reduce contributions required of plan participants or increase the benefits to present and future beneficiaries.

In testimony last year before the House Banking Committee, Phillip Brinkerhoff, then president of Freddie Mac, indicated that Fannie Mae and Freddie Mac together will not be able to service the entire secondary market.

If the Mortgage Corporation and other federally related agencies purchased their historic (1976-1980) shares of total conventional originations, they could supply only $215 billion of the net conventional secondary market need. The shortfall of secondary market capacity would be $486 billion or $48.6 billion per year . . . As they are currently structured, the Mortgage Corporation and the Federal National Mortgage Association could not begin to make up the credit shortfall anticipated.

H.R. 1418 will allow for this necessary expansion of the secondary market by allowing pension funds to invest in a wide range of mortgage instruments while protecting the plan participants. Action such as that taken by Freddie Mac recently will certainly help. But, legislation such as H.R. 1418 is still needed.●

HONORING JOHN BERRIER

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. RITTER. Mr. Speaker, this Friday, June 24, 1983, the Lehigh Valley of Pennsylvania will be honoring a man who has devoted his life to the education of his fellowman. His career has spanned nearly four decades, a career dedicated to a standard of excellence which few men attain. The man I speak of is Dr. John Berrier, the retiring president of Lehigh County Community College.

Beginning as an assistant registrar and coordinator of veteran's education at Temple University in Philadelphia, Dr. Berrier later moved on to become the school's admissions director. As Pennsylvania began to formulate plans for a community college system, it was Dr. Berrier who was called upon to help in establishing the community college at Harrisburg. Serving as consultant to the board from 1964 to 1966, he served as chief designer and was responsible for faculty recruitment, leasing of buildings, the admitting of students, organization of schedules, and the assigning of rooms and offices.

This experience served Dr. Berrier and the Lehigh Valley well as he was again called upon to establish Lehigh County Community College. This he did and the community has been the beneficary. Since the school began in 1966, it has known no other president. In its 17 years of operation, LCCC has welcomed thousands of Lehigh Valley students. Its reputation has grown through the quality of its teaching staff, its leadership, and curriculum. Dr. Berrier and his staff understand how important education is in the direction of our country. The students today are tomorrow's molders and shapers of a new and better society, a society which learns from the past and which seeks a positive future. We in the Lehigh Valley are indebted to Dr. Berrier for all that he has done in helping to raise the quality of life in our community and for instilling in our youth a better understanding of the world around them.

There is another side to the life of Dr. Berrier, one that is sometimes not seen publicly because of his many achievements in the education field. That side is the person John Berrier. His many friends and associates in and out of the field of education can attest to his being a good human being and a friend of the highest quality. One hears John described as an "activist," as a "doer." He is not one to take a back seat when work needs to be done. As an active member of the Redeemer Lutheran Church in Allentown, he served twice as a vice president and also on the church council. He is a veteran of this Nation's Armed Forces and a devoted father and husband. Yet, "Jack" Berrier goes about his work in a quiet, caring way seeking no higher reward or special thanks. He has returned to the community much of himself and has succeeded in making the Lehigh Valley a much nicer place in which to live.

Mr. Speaker, it is a high honor to add my words of sincere congratulations to Dr. Berrier on this important event in his life. And to you personally, Jack, I hope that you and your family will enjoy health and happiness in the years ahead.●

FIFTIETH WEDDING ANNIVERSARY, ALLAN AND HARRIET ROTHROCK

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. HARRISON. Mr. Speaker, on Saturday evening, July 9, their family and friends will pay tribute to two very special people.

This will be the golden wedding anniversary of Allan and Harriet Rothrock. They were united in marriage by the Reverend Lotshaw on July 1, 1933, at the Methodist Church in Mauch Chunk, Pa., which has since, of course, been renamed in honor of the famous athlete, Jim Thorpe.

Two daughters were born of the marriage. Martha Ann later married Harry H. Warner and has presented the Rothrocks two grandchildren, Todd Allan, now married to the former Diane Andrasi, and Wendy Ann. Mary Louise married Wayne W. Reabold and, from that marriage, have come three grandchildren: Tammy Lynn, Melanie Ann, and Beth Susan.

Mr. and Mrs. Rothrock now reside at 54 Kline Street in Weatherly.

Fifty years is a long time, Mr. Speaker, and the duration of this marriage would, in itself, be a cause for celebration. But it is not only the years that have gone by but the good that has been done and the wonderful family that has come from these two people. These are the things that, really, we will all be celebrating on the evening of July 9. It will be my pleasure to be there, Mr. Speaker, and I am glad to have had this opportunity to share this occasion with my friends and colleagues and the House.●

A TRIBUTE TO THE FINE YOUNG ARTISTS OF MARYLAND'S FIRST CONGRESSIONAL DISTRICT

HON. ROY DYSON
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. DYSON. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues and the American public the selection of a drawing entitled "Garbo," by Arthur Welch of North East, Md., as the representative artwork for the First District in the 1983 Congressional Art Competition. Mr. Welch's artwork is an example of the high-caliber talent that this competition meant to secure.

The Congressional Art Competition, sponsored by the Congressional Art Caucus, is an excellent opportunity for Members of Congress to contribute to the education and progress of talented young artists, as well as present a forum at the U.S. Capitol for the general public to come and observe our youth's great artistic aptitude.

In addition to Mr. Welch's artwork, Sara Lewis of Lexington Park, Md., Steven Allen of Havre de Grace, Md., Scott Larson of La Plata, Md., and Dorothy Whealton of Preston, Md., all submitted winning entries, and deserve our congratulations for the talent they have displayed.

All the entries, in the course of the First District competition exhibited extraordinary sophistication, and it is my regret that only one piece of art can represent our district. The other meritorious entries included artwork by: Jonathan Hutt, Janie Racine, Mary Bloodsworth, Susan Jane Russell, Jennifer VanGinhoven, Andy Sigler, Jackie Dowdell, Timothy Cotton, Carol Adams, Bill Green, Laura McClister, Cheryl James, Bryan Collier, Jennifer Dowdell, Tony Lewis, Valerie Bratten, Mark Norman, Steve Bush, Kathy Stubbs, Cindy Clark, Browyn Phillips, Tony Scarborough, Brooke Wesley, Richard Norman, Sara Mason, Tim Morris, Donna Parks, Kim Latham, Sarah Hayne, Dean Brasure, Barbara Essaf, Howard Taylor, Mike Bartemy, Mark Realini, Susan Maddox, Allen Carter, Nancy Phillips, Mark Martin, Stanley Mibourne, Dwight Beckett, Scott Reeling, Cindy DeColigny, Heather Timmons, Brooke Roger, Jack Owens, Patty Cannon, Elizaeth Richards, Ken Siarath, John Noto, Lynn Gagnon, Tim Fisher, Mark Frostrum, Barry VanDenHeavel, David Hentosh, Barbara A. Hammer, Bryan McDilda, Lee Wolfe, Lisa Twining, Alfred Dukes, Bill Cumberland, Ken Sarahath, Donna Bonner, Sonya Burnette, David Macrae, Helen Salzman, Debbie Kidwell, Joe Barbour, Beth Bradford, Pamela Martin, Laurie Fortner, Kelly Shaide, and Jennine Auerback.

The Congressional Art Competition is a more than worthwhile project for Members of Congress; this year over 200 participated. I encourage every Member, in the future, to take advantage of this wonderful opportunity to showcase the talent of America's youth.●

TRIBUTE TO DR. SALLY RIDE

HON. HAL DAUB
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 1983

● Mr. DAUB. Mr. Speaker, though cutting through the media hype is a challenge in itself, Dr. Sally Ride's journey into space—the first by an American woman—is a significant moment in American history that illustrates the continued progress of women in American society.

Dr. Ride serves as a pioneer in a traditionally male field—a field where more women will quickly follow. She was chosen, as one of five women, by NASA in 1978 to begin training as a mission specialist. Dr. Ride's excellent credentials enabled her to withstand the stringent selection process required for astronautical training. She earned her doctorate in astrophysics from Stanford University; served as capsule communicator relaying instructions to the flight crew during missions; and is a qualified jet pilot.

As our first female astronaut, Dr. Ride personifies the great advances that American women have made in the fields of science and technology. She will serve as an inspirational role model for generations yet to come.

One of those generations includes that of my 12-year-old daughter, Natalie, who often expressed her desire to be the first female astronaut. Though this first is no longer available to Natalie, Sally Ride has proven to her that the only obstacles in life are those that we set for ourselves in our own minds.

Sally Ride has responded to the extraterrestrial challenges of space, as well as the terrestrial challenges of the media, with a cool sense of professionalism, a warm sense of humor, and a dignity that does justice to the role she has earned. I appreciate this opportunity to thank her for her significant contribution and to commend her for her outstanding achievement.●

SENATE—*Wednesday, June 22, 1983*

(Legislative day of Monday, June 20, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Our Father, we join in lifting up to Thee in prayer the Pope. We pray for his protection, that You will gird him about and bless him as he blesses not only Poland but the World.

We pray for our beloved brother, Peter Mills, M.P., who has requested prayer as he opens Parliament with a speech at this very hour.

"Our Father who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done on earth as it is in heaven."

Father of all wisdom, in Thy will is the way of order. Outside Thy will is disorder and chaos. In Thy will is the way of wisdom. Outside Thy will is the way of folly. To obey Thy will is the way of reason. To reject Thy will is irrational. In Thy will is the way of meaning. Outside Thy will is meaninglessness. To be in Thy will is to be directed. To refuse Thy will is to drift or be driven and obsessive. In Thy will is fulfillment. Outside Thy will is frustration and futility.

Thy will be done Father, in our hearts and homes and jobs, as it is in Heaven. In the name of Him whose perfect life was the perfect model of Thy will. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today, after the two leaders are recognized under the standing order, the Senate will have a period for the transaction of routine morning business until 10 a.m. Under the order entered last evening, Senators may speak for 2 minutes each during that period.

At 10 a.m., Mr. President, the Senate will resume consideration of the second of the regular appropriation bills which we have addressed this year; that is, the energy and water appropriations bill, which is H.R. 3132.

May I again express my delight at having these regular appropriation bills before us from the House of Representatives in a timely way so that we may act on them in a similarly prompt manner.

Yesterday we did the HUD appropriations bill in record time. Once again I commend the distinguished managers of that bill on both sides for their excellent performance. I hope we do as well with energy and water today. I hope we can finish that bill today. Indeed, I think we can, but it will require, once again, good and diligent leadership by the managers of the bill and a spirit of cooperation by all Senators.

After the energy and water appropriations bill, Mr. President, I expect that the Senate will be asked to address a variety of other matters until we receive more appropriations bills. But may I say at this time that I am advised that the Appropriations Committee is just about ready to report two more appropriations bills, the legislative appropriations bill and the agricultural appropriations bill. I hope that that committee might consider advancing their markup and even getting those bills out today, if they are prepared to do so, to put me in a position to speak with my friend, the minority leader, about the possibility of taking up one of them or both of them this week. It would be little short of phenomenal if we could do three and little short of miraculous if we could do four appropriations bills in 1 week, but we can if we really put our minds to it.

So, Mr. President, if we can finish energy and water today, I hope, one way or the other, we could find our way clear to take up one of the other two appropriations bills which appear near ready for action.

TWO AMERICAN JOURNALISTS KILLED IN CENTRAL AMERICA

Mr. BAKER. Mr. President, I am sure that every Member of the Senate joins with me in expressing our sadness this morning concerning the death of two American journalists in Central America late yesterday. As best I can ascertain from television accounts and wire service copy, it appears that the American journalists were riding in a car, perhaps near the border of Honduras and Nicaragua, and their car was hit by a mortar, probably a rifle-fired mortar.

Mr. President, this is a tragedy, and another in a series of assaults against American news people, all in the cause of press freedom and an enlightened American public. It is also emblematic of the terror and tension and violence that exists in that neighboring region of this hemisphere.

I hope we find out what happened, Mr. President; we may never, but I hope we do. I hope that the Government of this country will insist on a thorough and extensive investigation of the circumstances so that the American people may be informed of what the details were.

All too often we watch and listen to reports from all over the world of correspondents threatened, endangered, injured, and killed. And all too infrequently we reflect upon the fact that in this modern world and in this age of information, correspondents—representatives of the constitutionally protected free press—are our eyes and ears in the world, and they take risks beyond that comprehended by the average citizen. Something like the occasion on yesterday brings that to mind forcefully.

Mr. President, I remember so vividly some years ago when another correspondent was killed by a terrorist's bomb in the lobby of the King David Hotel in Jerusalem. As it turned out, that correspondent, on assignment for one of the major TV networks, was the father of one of my daughter's closest friends. I then began to realize what a dangerous enterprise American journalists engage in, in bringing us a view of the world so that we may protect our interests and understand the complexities of this age.

So from that vantage point, Mr. President, I wish to express my deepest sympathy to the families and friends of the slain Americans and pledge my support in finding out who is responsible for this action.

Mr. President, I have no further need for my time under the standing order and I am prepared to yield it to the minority leader if he wishes.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the minority leader is recognized.

THE APPROPRIATIONS BILLS

Mr. BYRD. Mr. President, I share the hope and optimism of the majori-

ty leader in his having said that the appropriation bills are moving along and should be coming along in a way that we may be able to finish action on them in the Senate by the end of this week.

I think Mr. HATFIELD should be complimented and Mr. STENNIS, the ranking Member, should be complimented on the way they are working together to expedite the process of appropriations.

There will probably be—and this is really not for me to decide but for Mr. HATFIELD to decide—some conferences with the House going on fairly soon on the appropriations bills which might create a little problem here in our Chamber in that otherwise a bill which might be ready to be called up might be delayed slightly because of the conferences with the House.

Then, too, I am sure the majority leader will be prepared for that. I will cooperate with him in trying to find legislation to fill in the holes so that the conferences with the House may proceed.

Mr. President, I understand that the Senator from Mississippi (Mr. STENNIS) is prepared to manage on our side the water resources bill until such time as the subcommittee manager would arrive in the Chamber.

Mr. President, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m. with statements therein limited to 2 minutes each.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I would like to say to the minority leader that I have on this side of the aisle certain nominations which are cleared on our Executive Calendar for action, specifically under the Judiciary Calendar No. 205, a U.S. District Judge for the Eastern District of New York; Calendar No. 206, a U.S. District Judge for the District of Maine; Calendar No. 207, under Department of Justice, an Assistant Attorney General, and Calendar No. 209, a judge for the U.S. Tax Court.

Could I inquire of the minority leader if he is prepared to approve for action by unanimous consent those nominations to which I have referred?

Mr. BYRD. Yes, Mr. President. The nominees whose names and offices have been identified by the majority leader have been cleared on this side.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, while we have a moment before we go to the energy and water appropriations bill, I ask unanimous consent that the Senate go into executive session for the purpose of considering the nominations just identified.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JUDICIARY

The PRESIDING OFFICER. The clerk will state the first nomination.

The legislative clerk read the nomination of Leonard D. Wexler, of New York, to be U.S. District Judge for the Eastern District of New York.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Gene Carter, of Maine, to be U.S. District Judge for the District of Maine.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Charles E. Clapp II, of Rhode Island, to be a judge of the U.S. Tax Court.

STATEMENT ON THE NOMINATION OF CHARLES E. CLAPP II, TO BE A JUDGE OF THE UNITED STATES TAX COURT

● Mr. DOLE. Mr. President, I am pleased that the Committee on Finance has recommended that the Senate give its advice and consent to the nomination of Charles E. Clapp, II, to be a judge of the United States Tax Court.

Charles Clapp is eminently well qualified to serve in the position of judge of the U.S. Tax Court. Since 1959 he has been a partner in the Providence, R.I. law firm of Edwards & Angell. Prior to that time he was an associate of the same firm, and served as law clerk to Judge Edgar J. Murdoch of the Tax Court. Mr. Clapp also has had a distinguished academic career—he holds an LL.B. from Harvard Law School and a B.A. from Williams College.

Mr. President, I Know that the Senate is called upon to consider many nominations in the course of the year, and it is difficult for Members to give detailed attention to each one of them. In this particular instance, however, I think it is worthwhile to point out for the record the importance of the U.S. Tax Court and the significance of having individuals as well qualified as Charles Clapp available to serve on that court. The Tax Court is indeed a specialized branch of the Judiciary, but it is an important one. That is because the decisions of the Tax Court affect the way our tax laws impact on individual citizens and businesses. This means that Tax Court decisions make a big difference in the way citizens view their relationship with the Government. Careful and judicious interpretation of the tax laws, assuming that Congress has taken adequate care in promulgating those laws, enhances everyone's perception that the laws are reasonably drafted and evenhanded: That no one, including the Government, has the upper hand when it comes to the application of tax laws. Admittedly, Congress does not always do a perfect job, nor do the administrative authorities—but that just makes it more important that the Tax Court be fair and impartial, and that the public perceive it to be fair and impartial.

In this connection, I would note that Charles Clapp is particularly well suited to fulfilling the job of Tax Court judge. Mr. Clapp has had extensive experience with our tax laws in private practice, and he has in fact clerked for a judge of the Tax Court. He has not, however, worked in the employ of the U.S. Government in connection with the administration of the tax laws. While such experience is also valuable, it is worth observing that Charles Clapp brings essentially a private-sector perspective to the Tax Court. That is a valuable asset to have when we need to do our upmost to remind the public that our goal is to have a tax court that adjudicates taxpayer disputes in an objective manner. The court is not an arm of the Congress or of the IRS. It is mediator between the Government and the citizen, and so it should remain.

Mr. President, Charles Clapp II is an outstanding tax lawyer and an outstanding citizen. We should be proud to have him serve on the Tax Court, and I urge my colleagues to promptly give their advice and consent to this nomination.●

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Lois H. Herrington, of California, to be an Assistant Attorney General.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominees were confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask that the President be immediately notified that the Senate has given consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, once again I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I see the distinguished Senator from Wisconsin on the floor. He will not think of it as any disparagement of his reputation if I surmise that 2 minutes might not be long enough for him. Could I inquire how much time he would like to have?

Mr. PROXMIRE. Five minutes will be fine.

Mr. BAKER. Mr. President, I ask unanimous consent that the order with respect to the Senator from Wisconsin be extended to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHO IS AHEAD IN NUCLEAR ARMS—RIGHT NOW?

Mr. PROXMIRE. Mr. President, there is one issue that most sharply divides those Americans who believe in pushing ahead right now with negotiations with the Soviet Union to control the nuclear arms race from those who argue that we should not. Those who want to move to a comprehensive negotiation now with the U.S.S.R. argue that the two super nuclear power have a rough over all parity in nuclear power.

Others, led by President Reagan, insist that the Soviet Union is ahead of us in nuclear capability. They say any comprehensive agreement now would put us at a permanent disadvantage. Mr. President, no American can speak with more authority or influence than the President of the United States when he speaks of our military capability. But, Mr. President, the President of the United States is a human being and, like all human beings, he is fallible. Sometimes he is wrong. At this time, on this issue, President Reagan is flatly wrong. Witness after witness has come before the Defense Appropriations Subcommittee, including top Defense Department and Central Intelligence Agency witnesses, and have agreed that the United States and the Soviet Union have a roughly equal nuclear capability.

Now, Mr. President, within the last few days, the Center for Defense Information has come forward with a very useful force level calculator that answers the question: Who is ahead? First it compares the United States with the Soviet Union. Then it compares NATO with the Warsaw Pact and provides data for China outside of either group. It provides this information in the form of an instant calculator. You pull the calculator to any 1 of 10 measures of nuclear power between the United States and the Soviet and either of 2 other measures, population and GNP, that provide underlying potential power.

For anyone who has listened to President Reagan's televised addresses on nuclear weapons, the calculator will be a real eye opener. With respect to the 10 nuclear weapons comparisons, it finds the Russians lead in only 3. They do have more intercontinental ballistic missiles, more nuclear weapons on their ICBM's, and more strategic submarines. On the other hand, the United States leads in each of the following seven categories: We have more total nuclear weapons, more strategic nuclear weapons, more nuclear weapons capable of reaching the Soviet than they have nuclear weapons capable of reaching the United States. We have had more nuclear weapons test explosions. We have more strategic bombers, more nuclear weapons on strategic bombers, and more nuclear weapons on submarines.

Even this contrast overlooks a far more important U.S. advantage: Our nuclear arsenal is overwhelmingly mobile—75 percent of our nuclear deterrent power is under the oceans or in the air and, hence, less vulnerable. The Soviet nuclear arsenal is sitting on land; stationary, fixed, and highly vulnerable. In the two nonnuclear comparisons, the Soviet Union has about 14 percent more people than we have, but we have a gross national product more than 100 percent bigger than theirs. And certainly GNP is a far better measure of military potential than population.

Some will argue that if there is a war involving the United States and the Soviet Union, it will also almost certainly involve the NATO countries allied with the United States and the Warsaw Pact nations allied with the Soviet Union. So the Center for Defense Information provides a military comparison of NATO and the Warsaw Pact. Conceivably such a war, at least at the beginning, could be a conventional war using conventional weapons. Hence, comparisons are provided on conventional as well as some strategic weapons.

So how do the United States and its allies stack up against the Soviet Union and its allies? In resources that indicate military potential, NATO leads decisively. NATO has an overall population advantage of almost 2 to 1: 626 million to 380 million. In gross national product, the NATO advantage is even more overwhelming: $6 trillion for NATO, only $2 trillion for the Warsaw Pact.

In conventional weapons, NATO has a clear advantage in four critical categories. This may surprise those who have accepted the "cry wolf" fantasies of the military-industrial complex, but NATO actually spends more annually on its military forces than the Warsaw Pact by a $288 billion to $220 billion margin. And which side has the most troops? Another surprise: NATO, by a 5.9 million to 4.8 million margin.

NATO also has more helicopters and the comparison is overwhelming: 12,500 for NATO to 4,500 for the Warsaw Pact. And in major surface ships? Again a smashing advantage for NATO: 490 to 295 for Russia and her Warsaw Pact allies.

The Warsaw Pact group has a clear advantage in only two categories: Tanks, where the Warsaw Pact has 63,000 to NATO's 29,000; and diesel attack submarines, where the Warsaw Pact has 174 to NATO's 139. In one other conventional category, the two sides match precisely. Both have 12,000 combat aircraft.

Now, compare strategic power. In total nuclear weapons, NATO has 31,000, the Warsaw Pact 20,000, a clear advantage for NATO. In nuclear attack submarines, there is an almost dead-even draw, with the Warsaw Pact having 105, NATO 103. But even here, NATO has an actual very sharp advantage. NATO submarines are at sea three or four times as much as Warsaw Pact submarines. And Warsaw Pact submarines tend to be bottled up in the Baltic Sea, where they are far more vulnerable than the NATO submarines, which have far more open and easy access to the oceans. Also, NATO submarines carry far more nuclear power than the Warsaw Pact.

Mr. President, in my judgment, no fairminded observer who considers potential or conventional or nuclear power on any basis—either United States versus the Soviet or NATO versus Warsaw Pact—can come to any conclusion except that this country, both by itself and with its allies, is right now at no disadvantage with respect to the Soviet Union on any overall military comparison. And notice

that I have left the massive People's Republic of China out of this equation. If we include the People's Republic of China as an opponent of the U.S.S.R., and the stationing of a large proportion of the Russian troops and equipment on their Chinese border would indicate exactly that, the Soviets would suffer a further disadvantage.

What does all this mean? It means there is absolutely no basis for resisting prompt and comprehensive nuclear arms limitation negotiations on the grounds that this country is now behind the Soviet Union and we have to catch up. Considering everything, there is no way we can be deemed behind the Soviet Union. Frankly, I think we are ahead and well ahead. The time to press for a comprehensive limit on nuclear arms testing, production, and deployment is now.

It is absolutely unconscionable that, as the New York Times has pointed out, even in the event of a successful START agreement in the present nuclear arms negotiations, if we carry out the present Reagan administration military spending program, we will still spend more than $50 billion per year, in every one of the next 5 years, on nuclear arms alone. Such an expenditure is an appallingly wasteful overkill.

Mr. President, I ask unanimous consent that a recapitulation of the findings of the Center for Defense Information comparing our military strength with the Soviet Union and NATO, Warsaw Pact and China be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CENTER FOR DEFENSE INFORMATION, FORCE LEVEL CALCULATOR—WHO'S AHEAD

GNP (Sources of information for all items in the Force Level Calculator: NATO, DOD, CIA, IISS, CDI):		
United States (trillion)		$2.9
Soviet Union (trillion)		$1.4
Population (Data from CIA, the World Factbook 1982):		
United States (millions)		232
Soviet Union (millions)		270
Total nuclear weapons (United States/Soviet comparisons emphasize nuclear weapons because any United States-Soviet war will be a nuclear war):		
United States		30,000
Soviet Union		20,000
Strategic nuclear weapons (Weapons carried on ICBM's, strategic submarines, and intercontinental bombers):		
United States		9,775
Soviet Union		7,226
Weapons on opponent's homeland (Includes strategic nuclear weapons plus other systems that can deliver nucs to opponent's territory):		
United States (on U.S.S.R.)		12,000
Soviet Union (on United States)		8,000
Nuclear weapons test explosions (United States plans to build 17,000 new nuclear weapons in next 10 yrs.; Soviets will follow suit):		
United States	740	
Soviet Union	491	
Strategic bombers (100 U.S.S.R.'s are propeller; all United States are jets; excludes 100 Soviet Backfire bombers):		
United States	359	
Soviet Union	145	
Nuclear weapons on strategic bombers (United States beginning to deploy 3,780 cruise missiles on bombers):		
United States	2,668	
Soviet Union	290	
ICBM's (Intercontinental ballistic missiles—95 percent of United States are modern solid-fueled; 96 percent of Soviet are liquid-fueled):		
United States	1,047	
Soviet Union	1,398	
Nuclear weapons on ICBM's (United States has 22 percent of strategic weapons on potentially vulnerable ICBM's versus 71 percent of Soviet weapons on ICBM's):		
United States	2,147	
Soviet Union	5,238	
Strategic submarines (United States keeps much higher percentage of strategic subs on station):		
United States	33	
Soviet Union	62	
Nuclear weapons on subs (Nearly 3,000 United States nuclear weapons are always at sea on strategic subs; Soviets have only about 300 always at sea):		
United States	4,960	
Soviet Union	1,698	

WHO'S AHEAD—FORCE LEVEL CALCULATOR, THE CENTER FOR DEFENSE INFORMATION

GNP (NATO: United States, Canada, Britain, France, West Germany, Luxembourg, Netherlands, Belgium, Norway, Denmark, Greece, Spain, Italy, Turkey, Portugal, Iceland):		
NATO (trillions)	$6	
Warsaw Pact (trillions)	$2	
China (trillions)	$½	
Population (Warsaw Pact: Bulgaria, East Germany, Hungary, Poland, Romania, U.S.S.R., Czechoslovakia):		
NATO (millions)	626	
Warsaw Pact (millions)	380	
China (billions)	1	
Annual military spending (Warsaw Pact and China figures are estimates because reliable data not available):		
NATO (billions)	$288	
Warsaw Pact (billions)	$220	
China (billions)	$50	
Troops (Excludes Reserves in all countries and some 560,000 Soviet internal security, railroad, construction, and border guard personnel):		
NATO (millions)	5.9	
Warsaw Pact (millions)	4.8	
China (millions)	4.0	
Total nuclear weapons (United States, France, and Britain have nuclear weapons on NATO side; only U.S.S.R. has them on the side of the Warsaw Pact):		
NATO		31,000
Warsaw Pact		20,000
China		500
Antitank weapons (Data not available Warsaw Pact and China have large numbers of generally less advanced antitank weapons):		
NATO		400,000+
Warsaw Pact		NA
China		NA
Tanks (NATO has stressed building antitank defenses):		
NATO		29,000
Warsaw Pact		63,000
China		11,000
Combat aircraft (NATO planes have qualitative advantages):		
NATO		12,000
Warsaw Pact		12,000
China		6,100
Helicopters (Major NATO advantage):		
NATO		12,400
Warsaw Pact		4,500
China		350
Diesel attack submarines (Includes cruise missile subs, NATO and Pact have been reducing obsolete diesel-powered subs):		
NATO		139
Warsaw Pact		174
China		101
Nuclear attack submarines (Nuclear-powered attack subs include cruise missile subs; NATO subs qualitatively superior):		
NATO		103
Warsaw Pact		105
China		2
Major surface warships (Includes aircraft carriers, cruisers, destroyers, and frigates):		
NATO		490
Warsaw Pact		295
China		34

RESTORING U.S. CREDIBILITY

Mr. PROXMIRE. Mr. President, in this week's U.S. News & World Report, Marvin Stone relates some of the atrocities that the Soviet military forces in Afghanistan inflict on the Afghan people.

Mr. Stone writes:

In Afghanistan, the invading armies of the Soviet Union are committing one of the most massive campaigns of savagery in recent history. Towns are bombed into rubble. Civilians are massacred by the thousands. Women and children, as well as men, are summarily shot. Homes are looted, females raped. People suspected of sympathizing with the Afghan resistance fighters are tortured.

Mr. Stone concludes that by any standard, the Soviet behavior in Afghanistan is intolerable.

Yet in the face of the outrageous brutalities now committed in Afghanistan, Mr. Stone questions whether the U.S. response has been adequate.

"Where are the mass demonstrations?" he asks. "Where are the screaming headlines or the angry editorials * * *?"

Indeed, the American response has been disappointing. The United States, although a strong supporter of human rights, has failed to vehemently and consistently voice its disapproval, failed to register its disgust over the Soviet involvement in Afghanistan.

We must ask ourselves if we have done all that we can to help the people of Afghanistan. Have we used all the tools at our disposal to protest the actions of the Soviet Union?

The United States needs to assume a more prominent and active role, not only in protesting Afghanistan, but in protesting all severe human rights violations. And we must start our efforts by ratifying the International Genocide Treaty, which over 90 nations have already ratified.

While Soviet activities in Afghanistan hardly constitute genocide, U.S. approval of this treaty may still make a difference in helping the Afghan people.

According to friends of mine in the State Department, our failure to ratify this genocide document has been a major stumbling block when dealing with the Soviet Union. When U.S. diplomats try to raise objections to Soviet human rights violations, the Soviets are quick to point to the apparent hypocrisy of the U.S. position. They disregard our words of protest because we have failed to ratify this fundamental human rights document—a document the Soviets have ratified.

Our image and credibility as a defender of human rights are damaged in the eyes of the Soviets.

Furthermore, we need to ratify this treaty because genocide is still a reality. As the United States stands silently by, people in many parts of the world—in Uganda, in Ethiopia, and in Cambodia—are the victims of this abdominable crime. The United States must become a leader in the fight to eliminate the crime of genocide. Ratification is a small but important step in this direction.

I urge my colleagues to act on this basic human rights document now, without any further delay.

IN CELEBRATION OF THE FEAST DAY OF ST. THOMAS MORE

Mr. DURENBERGER. Mr. President, I am pleased today to call the attention of the Senate to the annual feast day of one of the great men of history, St. Thomas More, celebrated by the Roman Catholic Church and other churches on June 22 together with the memory of another English martyr, Bishop John Fisher.

It is especially fitting this year, the 48th anniversary of the canonization of Thomas More, to note that on this day the Church of St. Joseph's on Capitol Hill, at Second and C Streets NE., directly across from our new Hart Senate Office Building, is today dedicating a statue and small shrine to St. Thomas More. For those of us who are Catholic and work in the Senate, and for many others who are our neighbors on Capitol Hill, St. Joseph's Church is truly an old friend, a place of refuge and worship, and a source of strength and guidance in times of doubt and travail.

Established in 1868, St. Joseph's current pastor is the Reverend Monsignor John J. Murphy, S.T.L. It has been through the efforts of Monsignor Murphy, aided by contributions from members of the Thomas More Society of America, that renovation work could be undertaken to erect the statue of Thomas More, and to create a small shrine just inside the church for the benefit of visitors with a particular interest or devotion to St. Thomas More.

It seems to me entirely appropriate that a statue of Thomas More be located so near to the halls and Chambers of the Congress and within the precinct of our Nation's Capital. Thomas More was surely an outstanding example of intellectual excellence, of moral courage, discipline and a principled life. He really was a man for all seasons as popularized by the playwright Robert Bolt.

For those of us who serve or work in the Senate, it is useful perhaps to recall the high public offices held by Thomas More in his years of service to the law, to the courts, to the Parliament, and to the King of England. Born in 1478, Thomas More was educated and trained at Oxford and the Inns of Court. He was called to the bar in 1501 and became a member of Parliament in 1504. He was undersheriff of London, a prominent envoy, and diplomat, and he became a skilled negotiator on behalf of English interest in dealing with Continental officals and businesses.

Thomas More became a member of the King's Council in 1517 and was knighted in 1521. He was elected Speaker of the House of Commons in 1523. Other honors and offices quickly followed: high steward of Oxford University in 1524; high steward of Cambridge University and Chancellor of the Duchy of Lancaster, in 1525; Embassies to Flanders, Bruges, and Calais, to France, and to Cambrai; and, finally in 1529, Lord Chancellor of England.

Yet throughout his demanding and extensive public life, Thomas More was eminently successful also in maintaining a warm and loving family, a genuine interest and concern for the education of his children and grandchildren. He was perhaps the preeminent lawyer, scholar, author, humanist, and learned wit of his age. He was known and beloved throughout England and continental Europe for his high standards of personal and public life. Deeply religious, Thomas More was also a theologian of high standing in church and court circles, and he was at the same time a humble man of prayer who sought constantly the guidance of God. It is important to note this, I believe, because in telling of the great public service, offices, and honors of Thomas More, we can easily overlook this fact, that is, that he was also a true holy man who persisted in leading a saintly life in the midst of his busy and successful career in law and diplomacy and despite the intense and constant pressures of family concerns, genuine political hazards, and economic necessities.

Thomas More resigned as Lord Chancellor in 1532; 2 years later he was committed to the Tower of London and, in 1535, he was indicted, tried, condemned, and beheaded for a violation of the Act of Succession passed by Parliament in 1534. Twice Thomas More refused to take the oath by which he would have denied the right of papal authority over spiritual matters and the church in England. Under the Act of Treason, after February 1535, this was declared to be high treason and Sir Thomas More was led to the executioner's ax on July 6, 1535.

Thomas More died because he was true to his conscience at a perilous time in public affairs. He believed that by remaining faithful to his informed conscience he was displaying a true faith in God. By not perjuring himself, and refraining from swearing to the oath then required by both King and Parliament, Thomas More believed he was in fact saving himself and his soul from eternal damnation.

Thomas More's decision was an act of supreme moral courage, seldom to be encountered in today's world yet relevant to us all. His example, to be true to your conscience in a serious matter no matter what the price, is one we can all hope to follow. This very subject, in fact, over 25 years ago was the basis for then Senator John F. Kennedy's book, "Profiles in Courage," first published in 1955. In the foreword to this book, the historian Allan Nevins notes that:

> Moral courage is great and admirable in itself; but it must be pointed out that it almost never appears except as part of that greater entity called character * * * In short, moral courage is allied with the other traits which make up character: Honesty, deep seriousness, a firm sense of principle, candor, resolution.

Certainly this was true of St. Thomas More.

Toward the end of his book, John Kennedy wrote of the meaning of courage which, he said, is frequently misunderstood. In his closing lines, in defining his view of moral courage as

it has been demonstrated through the years in the U.S. Senate, the young Senator and later our President, of beloved memory, said the following which I believe is well reflected also in the life of St. Thomas More:

A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and this is the basis of all human morality.

To be courageous, these stories make clear, requires no exceptional qualifications, no magic formula, no special combination of tie, place and circumstance. It is an opportunity that sooner or later is presented to us all. Politics merely furnishes one arena which imposes special tests of courage.

In whatever arena of life one may meet the challenge of courage, whatever may be the sacrifices he faces if he follows his conscience—the loss of his friends, his fortune, his contentment, even the esteem of his fellow men—each man must decide for himself the course he will follow. The stories of past courage can define that ingredient—they can teach, they can offer hope, they can provide inspiration. But they cannot supply courage itself. For this each man must look into his own soul.

Mr. President, I ask unanimous consent that the foreword and an excerpt from "Profiles in Courage" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOREWORD

(By Allan Nevins)

As John Bright once said, men are not great statesmen merely because they happen to have held great offices. They must present better title deeds to eminence, of which courage is one. Senator Kennedy treats of a special kind of courage: the moral courage of a parliamentary leader who in behalf of principle confronts the passion of colleagues, constituents and a majority of the general public. His examples, chosen from the history of the American Congress and mainly the Senate, are striking, varied and memorable; he puts into his narration a fine mastery of the psychology of the different periods described, as well as of the facts in each drama; and he makes his whole book so absorbing that most readers will race through it, fully comprehending only at the end the lesson in civic virtue which it enforces. Indeed, this volume teaches so much in history, in practical politics and in sound morals, all bound together, that it constitutes a real public service.

Courage, as Senator Kennedy explains in his first chapter, is a diamond with many facets, and it owes much to its setting. It is not always a simple trait, for motivations are often complex; and in the rough and tumble of political life, with its heavy pressures, its demands for honest compromise, and its constant presentation of second-best choices, courage can seldom be manifested in simple ways. The right course is not always clear. "These are days of special perplexity and depression," wrote Grover Cleveland in 1894, "and the path of public duty is unusually rugged." Perplexity!—that is a word which many a true statesman would echo. Even Washington, even Lincoln, were not always sure in just what direction their courage should be directed. Greeley wished Lincoln to be courageous about emancipation, for example, at a time when such intrepidity would have been decidedly premature. So much depends, in measuring courage, as well as other political virtues, upon the point of view! When Richard Bland of free-silver fame once exploded in the House, apropos of opposition measures of uncommon hardihood and nerve, "This is downright filibustering," the Republican leader Thomas B. Reed retorted: "Downright? You mean upright."

One great merit of this volume is that its instances of courage are all true, clear, and in the last analysis constructive; its heroes—John Quincy Adams, Webster, Houston, Ross of Kansas, George Norris—all exercised their courage in a noble way for large ends. A considerable ingredient of courage is necessarily bound up in the nature of fanatics, like the Northern Abolitionists and the Southern fire-eaters in days before the Civil War; but this is not a type of courage we can greatly admire. The distinction between true courage and fanatic courage was well implied in George Frisbie Hoar's characterization of Charles Sumner, who professed to subject every measure to the test of moral law: "Where duty seemed to Sumner to utter its high commands, he could see no obstacle in hostile majorities and no restraint in the limitations of a hostile Constitution."

* * * * *

Moral courage is great and admirable in itself; but it must be pointed out that it almost never appears except as part of that greater entity called character. A man without character may give fitful exhibitions of courage, as even Aaron Burr did when in the disputed election of 1800 he refused to bargain with the willing Federalists for the Presidency. But no man without character is consistently courageous, just as no man of real character is lacking in consistent courage. In short, moral courage is allied with the other traits which make up character: honesty, deep seriousness, a firm sense of principle, candor, resolution.

It is an indisputable fact that in governmental affairs the American people value character more than they do intellect: that they are indeed a little distrustful of intellectual subtlety or cleverness unless assured that character underlies it. In this wise attitude they are like other English-speaking peoples. Perhaps the most shining example of courage in a legislative capacity to be found in all history is that of John Hampden, so much admired by Theodore Roosevelt. He had an efficient intelligence and a great talent for dispatching business. But it was to his moral rather than his intellectual qualities that he owed his vast influence. He was above all, as Macaulay says, a man of character. As the historian Clarendon, writing of the Long Parliament, puts it: "I am persuaded that his power and interest at that time were greater to do good or hurt than any man's in the kingdom . . . ; for his reputation of honesty was universal, and his affections seemed so publicly guided, that no corrupt or private ends could bias them." In the same way, it was Washington's supreme gifts of character rather than of mind, which carried us through the Revolution; and it was the very different gifts of character in Lincoln which maintained the nation's unity in the Civil War. In any Senator or Representative, courage will spring not as an independent trait but from the nurture of moral breadth and poise.

We may add that before there can be much character and courage in Congress, there must be a great deal of it in the American people. We shall look in vain for these treasures in Washington if they are not scattered widely everywhere from Boston to San Diego. Wrote Lord Bryce: "America is all of a piece; its institutions are the product of its economic and social conditions, and the expression of its character." That is, democracy—sound democracy—is not a cause, but an effect. Our national character will determine whether our legislators will be courageous or cowardly, and our politics good or bad. This is a fact which we may read between the lines of Senator Kennedy's admirable book. At times, as he notes, the bad has gotten the upper hand in Congress and in much of the country—notably just after the Civil War; but these lapses have been transient. We may hope that Americans will continue to exhibit principle, moderation, orderliness and justice as abiding traits, with the courage to defend them when attacked; if they do, the national Legislature will also exhibit them.

PROFILES IN COURAGE—EXCERPT

The meaning of courage, like political motivations, is frequently misunderstood. Some enjoy the excitement of its battles, but fail to note the implications of its consequences. Some admire its virtues in other men and other times, but fail to comprehend its current potentialities. Perhaps, to make clearer the significance of these stories of political courage, it would be well to say what this book is not.

It is not intended to justify independence for the sake of independence, obstinacy to all compromise or excessively proud and stubborn adherence to one's own personal convictions. It is not intended to suggest that there is, on every issue, one right side and one wrong side, and that all Senators except those who are knaves or fools will find the right side and stick to it. On the contrary, I share the feelings expressed by Prime Minister Melbourne, who, when irritated by the criticism of the then youthful historian T. B. Macaulay, remarked that he would like to be as sure of anything as Macaulay seemed to be of everything. And nine years in Congress have taught me the wisdom of Lincoln's words: "There are few things wholly evil or wholly good. Almost everything, especially of Government policy, is an inseparable compound of the two, so that our best judgment of the preponderance between them is continually demanded."

This book is not intended to suggest that party regularity and party responsibility are necessary evils which should at no time influence our decisions. It is not intended to suggest that the local interests of one's state or region have no legitimate right to consideration at any time. On the contrary, the loyalties of every Senator are distributed among his party, his state and section, his country and his conscience. On party issues, his party loyalties are normally controlling. In regional disputes, his regional responsibilities will likely guide his course. It is on national issues, on matters of conscience which challenge party and regional loyalties, that the test of courage is presented.

It may take courage to battle one's President, one's party or the overwhelming sentiment of one's nation; but these do not compare, it seems to me, to the courage required of the Senator defying the angry power of the very constituents who control his future. It is for this reason that I have not included in this work the stories of this nation's most famous "insurgents"—John Ran-

dolph, Thaddeus Stevens, Robert La Follette and all the rest—men of courage and integrity, but men whose battles were fought with the knowledge that they enjoyed the support of the voters back home.

Finally, this book is not intended to disparage democratic government and popular rule. The examples of constituent passions unfairly condemning a man of principle are not unanswerable arguments against permitting the widest participation in the electoral process. The stories of men who accomplished good in the face of cruel calumnies from the public are not final proof that we should at all times ignore the feelings of the voters on national issues. For, as Winston Churchill has said, "Democracy is the worst form of government—except all those other forms that have been tried from time to time." We can improve our democratic process, we can enlighten our understanding of its problems, and we can increase our respect for those men of integrity who find it necessary, from time to time, to act contrary to public opinion. But we cannot solve the problems of legislative independence and responsibility by abolishing or curtailing democracy.

For democracy means much more than popular government and majority rule, much more than a system of political techniques to flatter or deceive powerful blocs of voters. A democracy that has no George Norris to point to—no monument of individual conscience in a sea of popular rule—is not worthy to bear the name. The true democracy, living and growing and inspiring, puts its faith in the people—faith that the people will not simply elect men who will represent their views ably and faithfully, but also elect men who will exercise their conscientious judgment—faith that the people will not condemn those whose devotion to principle leads them to unpopular courses, but will reward courage, respect honor and ultimately recognize right.

These stories are the stories of such a democracy. Indeed, there would be no such stories had this nation not maintained its heritage of free speech and dissent, had it not fostered honest conflicts of opinion, had it not encouraged tolerance for unpopular views. Cynics may point to our inability to provide a happy ending for each chapter. But I am certain that these stories will not be looked upon as warnings to beware of being courageous. For the continued political success of many of those who withstood the pressures of public opinion, and the ultimate vindication of the rest, enables us to maintain our faith in the long-run judgment of the people.

And thus neither the demonstrations of past courage nor the need for future courage are confined to the Senate alone. Not only do the problems of courage and conscience concern every officeholder in our land, however humble or mighty, and to whomever he may be responsible—voters, a legislature, a political machine or a party organization. They concern as well every voter in our land—and they concern those who do not vote, those who take no interest in Government, those who have only disdain for the politician and his profession. They concern everyone who has ever complained about corruption in high places, and everyone who has ever insisted that his representative abide by his wishes. For, in a democracy, every citizen, regardless of his interest in politics, "holds office"; every one of us is in a position of responsibility; and, in the final analysis, the kind of government we get depends upon how we fulfill those responsibilities. We, the people, are the boss, and we will get the kind of political leadership, be it good or bad, that we demand and deserve.

These problems do not even concern politics alone—for the same basic choice of courage or compliance continually faces us all, whether we fear the anger of constituents, friends, a board of directors or our union, whenever we stand against the flow of opinion on strongly contested issues. For without belittling the courage with which men have died, we should not forget those acts of courage with which men—such as the subjects of this book—have lived. The courage of life is often a less dramatic spectacle than the courage of a final moment; but it is no less a magnificent mixture of triumph and tragedy.

THE RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND SELF-SUFFICIENCY ACT OF 1983

Mr. HEFLIN. Mr. President, I rise today in support of the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983. This legislation is crucial in that it is needed to insure that the Nation's rural electric and telephone systems will be able to continue to provide high quality, affordable electric and telephone service to consumers in rural America.

As far back as 1936, with the passage of the Rural Electrification Act, the Federal Government undertook the responsibility of assuring farmers, ranchers, and other residents of our rural areas that they would enjoy the benefits of reliable electric service at rates comparable to those available in urban areas.

So that this worthwhile, and necessary, program could be implemented, the Rural Electrification Administration extended loans to nonprofit cooperatives which built and operated the generating stations and the transmission and distribution lines. By the time Congress completely rewrote the Rural Electrification Act in 1973, REA had approved about $8 billion in direct loans. Rural electrification was well on its way toward the fulfillment of its commitment to rural America.

In 1973, as part of the major revision of the earlier law, Congress established the rural electric and telephone revolving fund. The fund is administered by REA, and its lending and borrowing activity is excluded, by law, from the Federal budget. Although it receives no legislatively appropriated moneys, the fund serves as a major source of financing for rural and electric telephone systems.

Being a revolving fund there was designed to be a continual rolling over of old loan payments into new loan advances. By 1976, however, the initial cash stock of the fund was depleted, and the inflow of payments on outstanding loans was not sufficient to provide the cash needed to fund all of that year's new loan advances.

This shortfall forced the fund to borrow to make ends meet, and, as we are all only too aware, interest rates reached extremely high and burdensome levels. Since the rate of return that REA receives on their loans is fixed, high interest rates have only served to tighten the fiscal crunch in which the fund finds itself.

Mr. President, provisions still exist in the Rural Electrification Act for REA to request the appropriation of Federal funds to augment the revolving fund. To this date, however, the record shows that none have been sought.

In fact, I would like to point out that the title of this legislation includes the very important words "self-sufficiency." We are not here to take part in some sort of bailout operation. Our action is needed to keep the revolving fund self-sustaining.

The people concerned with continued supplies of rural electricity are aware that, under present conditions, the long-term viability of the revolving fund is, at best, questionable. These people have an excellent track record for responsible behavior—one only need look at their failure to request Federal funding to see that.

This legislation is needed to keep the operation of the revolving fund self-sustaining. Providing electric and telephone service to rural areas is an important task, and, in today's technological age, a crucial and necessary one.

This bill is good, solid legislation, Mr. President, and I urge my colleagues to join in support of it.

A TRIBUTE TO MAJ. GEN. JOHN BARCLAY

Mr. HEFLIN. Mr. President, on Saturday, May 28, 1983, Alabama lost an outstanding citizen when retired Maj. Gen. John A. Barclay passed away at the age of 73. General Barclay was an outstanding individual as well as a leader in development of the Army's missile programs after World War II.

General Barclay is probably most well known for his work as commander of the Ballistic Missile Agency at Redstone Arsenal. He was in command at the arsenal in 1958 when Explorer 1 was launched. During his administration, the Mercury-Redstone rockets, the Saturn series rockets, and the Pershing ballistic missile were developed.

General Barclay was in charge at the beginning of what has been called the "space race," and he helped launch our progress toward world leadership in this field. The late Wernher von Braun, who worked closely with the general, said of him, "Without him, there would have been * * * no American astronaut in space."

Graduated from West Point in 1931, General Barclay went on to receive a masters degree from Massachusetts Institute of Technology. During World War II, he served in China with the Army Ordnance Corps. After the war, General Barclay served as executive officer of the Ballistic Research Laboratories at Aberdeen Proving Ground. After serving 2 years as commander of the Picatinny Arsenal in New Jersey, he was named deputy commander of the Redstone Arsenal. In 1958, he was promoted to commander.

John Barclay's military record, together with the respect in which he was held by his peers, is evidence of the fact that Alabama has lost an outstanding citizen, and America has lost a true leader. I have lost a close personal friend.

Mr. President, I ask unanimous consent that two newspaper articles concerning Major General Barclay be printed in full in the RECORD.

Thank you, Mr. President.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Huntsville (Ala.) Times, May 31, 1983]

JOHN A. BARCLAY

John A. Barclay will long be remembered around Huntsville for quiet efficiency of his leadership and the intense impact of its results. Major General Barclay, U.S. Army, retired, died Saturday.

In recent year, enjoying retirement, he has been a respected presence in civic and business affairs, with the aura of elder statesman attached to him. He was always good company, courtly, well-informed and interesting.

But in the mid-50s, in the heady days of the United States' entry into the space race, Gen. Barclay stood at the pivot of activity.

In 1958, when Explorer 1 was launched in the wake of the Soviet Union's Sputnik, Gen. Barclay was commander of the Army Ballistic Missile Agency at Redstone Arsenal. In that position, his "creative" administration had enabled the Von Braun group to salvage and assemble the components of missiles to meet challenges the political leadership of the nation hardly perceived.

So crucial was his role in those early days of the space odyssey that Dr. Wernher von Braun said of him, shortly before Barclay's retirement in 1961:

"Without him there would have been no Redstone missile, no Mercury-Redstone rocket and no American astronaut in space."

Redstone orbited Explorer and lifted the first American into space.

His courage and foresight had historic consequences, as his personal commitment had immense local impact. For in addition to the economic impetus such daring decisions carried for Huntsville and Alabama, General Barclay eventually returned to Huntsville to live out his retirement in the service of community organizations such as the Boy Scouts, the Boys' Club and the Orchid Society.

It was characteristic of John Barclay that, having played so vital a role in the cosmic adventure, he should also urge us by quiet, personal example to savor and advance the quality of life in our own backyards.

[From the Huntsville (Ala.) Times, May 3, 1983]

EX-ARMY MISSILE CHIEF MAJOR GENERAL BARCLAY DIES

Maj. Gen. John A. Barclay (Ret.), a leading figure in the Army's missile programs after World War II and one-time commander of the Ballistic Missile Agency at Redstone Arsenal, died Saturday in a local hospital.

Barclay, 73, of 6814 Garth Road, commanded the missile agency here during the years that the Army launched Earth satellites, probes to the moon and suborbital space flights that paved the way for manned flights.

He retired from the Army in 1961.

The funeral will be Wednesday at 2 p.m. in the Bicentennial Chapel at Redstone Arsenal, with the Rev. Jim Clark and the Rev. Bruce Medaris officiating. Laughlin Service Funeral Home is in charge of arrangements.

The family requests that donations be made to the Boys Club or to St. Charles Anglican Church in Huntsville.

A native of Colorado, Barclay graduated from the U.S. Military Academy at West Point in 1931. He received an M.S. degree from the Massachusetts Institute of Technology in 1936. Affiliated with the Army Ordnance Corps, he served in China during World War II.

After the war, Barclay was named executive officer of the Ballistic Research Laboratories at Aberdeen Proving Ground in Maryland. He commanded Picatinny Arsenal at Dover, N.J., from 1954 through 1956.

He came to Redstone Arsenal in 1956 as deputy commander of the Army Ballistic Missile Agency and was named commander two years later. In 1960, he became deputy commanding general of the U.S. Army Ordnance Command, which was based at Redstone, and served in that capacity until his retirement.

Barclay received his Army aviator wings in 1958 and earned a doctor of science degree at Auburn University in 1960.

During the years that Barclay commanded the agency here, the Mercury-Redstone rockets, the Saturn series of rockets and the Pershing ballistic missile were developed.

Shortly before Barclay's retirement, the late Dr. Wernher von Braun said of him, "Without him, there would have been no Redstone missile, no Mercury-Redstone rocket and no American astronaut in space."

His military awards included the Distinguished Service Medal and the Legion of Merit. He was active in Scouting and was a member of Rotary and the Elks.

Survivors include his wife, Gwendolyn Barclay of Huntsville; two sons, John A. Barclay III of Las Cruces, N.M., and Douglas Barclay of Stuttgart, Germany; and two sisters, Mrs. William McCrea of Santa Rosa, Calif., and Mrs. S. E. Larson of Salt Lake City, Utah.

ROBERT F. HENRY LOCK AND DAM

Mr. HEFLIN. Mr. President, on the afternoon of May 28, I was accorded the honor of delivering the principal address at the ceremonies in Lowndes County, Ala., renaming the Jones Bluff lock and dam on the Alabama River in honor of the long-time president of the Coosa-Alabama River Improvement Association, the late Dr. Robert F. Henry. Dr. Henry was an outstanding American. He served the people of Alabama and our Nation in so many ways. Although his efforts and accomplishments in behalf of his fellowman are legion, Dr. Henry's particular charge was bringing about the full and comprehensive development of the Coosa-Alabama River system. For more than 25 years, Dr. Henry labored in the vineyard in behalf of projects for the Coosa-Alabama River system. He knew that development of this mighty river basin would return rich dividends to the citizens of Alabama in the way of better jobs, better pay, and a better and higher standard of living.

Yes, Mr. President, Dr. Bob Henry wrought mightily for his people, his State, and his country. He was in truth one of God's noblemen.

I ask unanimous consent that the text of my speech at the Robert F. Henry lock and dam ceremony be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD as follows:

SPEECH OF SENATOR HOWELL T. HEFLIN OF ALABAMA AT THE DEDICATION OF THE ROBERT F. HENRY LOCK AND DAM

It is a solemn occasion when men and women meet to honor a friend who is no longer among us.

For some of us it is a time of remembrance. For others it is a lonely time. But for all of us it is a time of recognition.

We meet today to recognize and honor the long and fruitful life of a great son of Alabama. To those of us who knew Dr. Robert F. Henry, this day revives our love for him. We drew strength from his determination, gained wisdom from his knowledge, and learned compassion from his wonderful works.

The story of Bob Henry's life and his contributions to his native state and to his fellow-man is known to all of us. Their range is broad, for his interests spread wide and far. Although he was a successful businessman here in Alabama, I think it can be safely said that Dr. Henry could have gone into the great centers of business and high finance elsewhere in this nation and amassed great wealth for himself. Instead, he cast his lot among his own people in his native state. Bob Henry was obliged to work in behalf of his fellow man. He wanted a better life for the people of Alabama and he worked unselfishly and untiringly to achieve a better day for them.

Dr. Henry's achievements were many and varied. I will not attempt to recite all of his honors and achievements. But, I would be remiss if I did not mention just a few—President of Birmingham-Southern College, Honorary Consul of Thailand, President of the Montgomery Chamber of Commerce, recipient of the Patriotic Civilian Service Award from the Department of the Army, member, Board of Directors of Union Bank and Trust Company and Alabama Gas Corporation and, of course, President of the Coosa-Alabama River Improvement Association.

High on the list of Dr. Bob Henry's achievements stands the development of the Coosa-Alabama River System. Since the Coosa-Alabama River Improvement System was organized in 1890, the men and women

of this organization have devoted themselves to the task of development of this mighty river basin. They recognized that full development of this river system would serve to create a vast economic growth which is not only necessary to the greater prosperity of Alabama, but to the economic strength of our nation as well.

Congressional sanction to develop the Coosa-Alabama River System was given in 1945 and again in 1954 under the so-called "partnership" doctrine contained in the River and Harbors Act adopted by the 79th Congress, whereby the Federal Government would develop the Alabama River in its entirety and improve the Coosa River for navigation from Montgomery to Gadsden, thence to Rome, Georgia.

Yet, when Bob Henry assumed the Presidency of the Coosa-Alabama River Improvement Association in 1956, no funds had been appropriated for the project. It was a titanic job he undertook. To those who will continue on the trail he blazed, this is a truth to remember. Bob Henry never asked what was feasible. He asked what was right. He never asked how long and hard the road ahead would be. He saw a goal and knew he had to start without delay.

For twenty-five long years he labored. Again and again he traveled to Washington to present the case in behalf of the river system. He made his points over and over, always operating in the realm of statesmanship. Bob Henry was no stranger to disappointment in those years, but his determination never faltered.

Little by little the support for his proposals began to widen. In 1961 the logjam—which for seven costly years had delayed the program of development—was broken with the appropriation of planning funds for the Miller's Ferry Lock and Dam. In the following years planning and construction funds were approved for the Miller's Ferry, Claiborne and Jones Bluff Locks and Dams, providing the three links necessary to fully open the river system to navigation between Montgomery and the Port of Mobile. Through it all was the guiding hand, the persistence and the inspiration of Bob Henry.

And today we are renaming this majestic lock and dam in his honor. This dedication represents far more to the people of Alabama than can be revealed by the imposing structure we see. It is a tribute to the living spirit of Dr. Robert F. Henry. Few men have ever shown greater devotion, greater determination, and greater energy in the face of prolonged discouragement than Bob Henry. The Coosa-Alabama River system would have never reached the stages of development it has to date if it were not for Bob Henry.

The Robert F. Henry Lock and Dam is, of course, part of a larger transportation system which has great importance to the State of Alabama and to the whole Nation's economic well-being. There is a great deal of discussion these days about whether the Federal Government should continue in its historic role of maintaining and improving the Nation's inland waterways. I believe that the answer is an emphatic "Yes".

Waterways do not just serve private businesses. They are vital to several broad public policy objectives which are Federal concerns. Thus, Federal waterway expenditures amount to investments in the "Public Good." Yes, private businesses do locate along waterways and do operate at a profit, and, yes, private bargelines do move the cargoes generated by these businesses, and also at a profit. At least, that is the way it is supposed to work. During the current economic crisis, I am not sure that bargelines are showing much of a profit.

But, even when they do, there is also a larger public interest, and a larger public benefit, which flows from this private sector activity on our waterways. This "public good" takes several distinct forms in my opinion; such as an enhanced national defense, regional economic growth and employment, and expanded world trade.

The roughly two million tons of cargo which travels by barge up and down the Coosa-Alabama waterway each year feeds into a 25,000-mile network of navigable inland rivers and sheltered intracoastal waterways which are the lifeblood of America's industrial base and agricultural economy.

The soybeans, petroleum and fuels, building materials, wood products, fertilizer and other commodities traversing the Robert F. Henry Lock form a microcosm of the busy inland waterway system which serve truly national—and even international—purposes.

Waterway transportation is unsurpassed as an efficient, low-cost, environmentally sound, energy-saving means of moving large quantities of bulk commodities. Coal and petroleum comprise approximately 60 percent of all commerce moving by inland waterway—and the total exceeds 650 million tons of cargo annually. The importance of waterway transportation to our energy independence should, therefore, be quite apparent. Also, export coal is an important Alabama product for which there is worldwide demand. Consequently, waterways are vital to expanded world trade, and to the health of the U.S. dollar.

Alabamians should be especially cognizant of this fact. The new McDuffie Terminals bulk coal loading facility at Mobile handles over 25 million tons of export coal a year. Once the Tennessee-Tombigbee Waterway is open to through traffic, the volume of Appalachian coal moving out of the Port of Mobile can be expected to dramatically increase.

To the Nation's farm belt, including portions of our state's farm economy, barge transportation is equally vital. More than half of all U.S. grain moving to world markets travels from the farm-producing region to coastal export terminals by inland river barge. There is no more cost-efficient system for moving grain. I should like to emphasize that even the most minor fluctuation in transportation costs is of crucial importance to export grain producers. Grain traders speak of huge sales being won or lost in world grain-trading markets by a fluctuation in production costs—or in transportation rates—of as little as one-fourth cent per bushel.

The sensitivity of grain and other commodities to minor increases in transportation and production costs was a key issue when we took up Administration proposals in 1981 and 1982 to sharply increase the waterway user tax. Legislation was offered to impose new taxes on waterborne commerce equal to a six or seven-fold increase in the current 6 cents per gallon fuel tax which bargelines pay for their towboat diesel fuel. Congress summarily rejected these proposals. In fact, they were not even reported out of committee in either the Senate or the House.

Our nation must be concerned about the short-term economic consequences of such a tax on those currently depressed basic industries which depend on waterways. Equally important, in my mind, is the proven long-term importance of waterway transportation in promoting regional economic growth and employment, a healthy and stable international trade, a strong national defense, and many other important public policy objectives.

The short-term importance is seen in the current recessionary climate in "smokestack" industries and farm regions which rely on waterway transportation. The American steel industry is crippled, portions of it perhaps permanently. The barge movement of steel is hurting. The automobile industry and most manufactured consumer goods are terribly depressed. The barge movement of these commodities as well as chemicals, industrial feedstocks and other goods is also hurting. Domestic coal and energy movements by barge are flagging because industrial demand for electric power has slackened. The examples go on and on. The point is that, with so much of our basic economy hanging by a thread, this is the least prudent time to impose new costs—in the form of inordinately high user tax increases—on these ailing basic industries, or on the barge transportation industry which serves them.

Equally important is what happens over the long term. Not only must we be careful to see these basic sectors of our economy through current hard times, we must also provide an adequately maintained, up-to-date, inland navigation system—free of excessively severe user taxes—to insure the continued economic growth of our Nation.

The crucial importance of our waterways to the national defense has been apparent since World War II. Multi-purpose river basin programs, such as the TVA, provided valuable hydropower for aluminum production and other wartime needs. Scores of Navy minesweepers, landing craft, and other vessels were built at inland shipyards. And when German U-boats began preying on tankers moving oil from the Gulf Coast to the Northeast, barges were employed to haul petroleum products along the intracoastal canals and up the river system to the Upper Ohio Valley and beyond. Today, inland waterways continue to be important to the American defense effort. The industries on which our defense effort depends—steel, chemicals, petroleum, aluminum, cement, etc.—are all industries which rely, in large measure, on waterway transportation of raw materials, fuels and bulk commodities.

And, these industries are equally as important to our long-term peacetime prosperity as they are to the defense effort. We must not succumb to Federal budgetary pressures to such an extent that we permanently injure the infrastructure supporting many regions and the national economy as a whole. The waterway user charge dilemma can be resolved, the important navigation work can be carried forward, and these basic industries can and must be restored to health.

I believe the solutions lie in our carefully setting priorities for navigation maintenance and improvement, and in making sure that our cost-accounting methods do not unduly charge commercial navigation for waterway features—such as regional development, recreational boating, public safety, environmental mitigation, and the like—which are not properly attributable to it. Once a fair and workable cost allocation system is developed, we must then take into account such important considerations as equity between the various modes of transportation and public value. In my view,

these factors add up to the most careful and cautious approach in setting user charges policy for the future. Our waterways are too important to our long-range economic development, in Alabama and elsewhere, to sacrifice them for the sake of short-term user tax revenues accruing to the Federal Treasury.

Many of you here today joined forces with Bob Henry in the quest to develop this mighty river system. To each of you I extend my warmest congratulations on your accomplishments to date. But the job is not yet finished.

We all, of course, regret the temporary suspension of funds to improve the Coosa River for navigation. But the legacy of Bob Henry commands that we secure this last link needed to make the river system complete.

Bob Henry has left with us a challenge we cannot afford to ignore. If we fail to fully develop the Coosa-Alabama basin, we shall be guilty of sinfully wasting a major part of this state's future. We shall be guilty of violating the injunction of Bob Henry.

But, when we reach the final development of this magnificent river system—and we will—we shall then become a living part of Bob Henry's great and good work. And in our efforts may we know his same virtues of heart and spirit, the same strength of character, and the same elements of leadership that he possessed.

Thank you.

JOE BRUNO: A REAL SUCCESS STORY

Mr. HEFLIN. Mr. President, I rise today to recognize one of Alabama's most respected business and civic leaders, Joe Bruno of Birmingham.

Earlier this month, Joe was honored at a dinner held at the Birmingham-Jefferson County Civic Center, as part of a celebration of 50 years in retailing.

After opening his first business, a grocery, during the years of the Great Depression, Joe has written himself into a tremendous success story. Now, at the age of 70, he guides a corporation that includes 64 grocery stores and 83 drug stores.

Despite this success, or perhaps because of it, Joe Bruno has dedicated himself to returning more to his community than he has drawn from it. As a partial illustration of this community involvement, he is currently serving as the president of the Kiwanis Club of Birmingham. He is working extensively with a food bank designed to channel recently outdated food from manufacturers to the needy. At various times, for various deeds, he has been honored by the United Way, the Red Cross, Goodwill Industries, and many other service groups.

Joe Bruno is as well thought of and admired as he is successful. Witness the testimonial dinner held earlier this month. Also, witness the establishment of the Bruno Chair of Retailing in the Free Enterprise System at Birmingham-Southern College, my alma mater. The chair, which will provide for a senior-level faculty member in business, was established with contributions from Joe Bruno's friends and admirers all over the country.

From a $600 grocery store during the depression, Joe has certainly come a long way. In recognition of that, I ask unanimous consent that an article from the Birmingham Post-Herald be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham Post-Herald, May 2, 1983]

JOE BRUNO STARTED CAREER AS A LIVE-IN IN GROCERY STORE

(By Carolyn Stern)

Award plaques from the United Way, Red Cross, Goodwill Industries, and other service organizations line the walls of the lobby of corporate headquarters of Bruno's, Inc. in Ensley.

They share the space with awards for retail grocery expertise. All confirm Joe Bruno's philosophy of hard work and community involvement.

Bruno, 70, guides the corporation that includes 64 grocery stores, 83 drugstores and two B-Mart stores. He is president of Kiwanis Club of Birmingham this year and has been working with the food bank that channels recently outdated food from manufacturers to the needy.

"We owe a lot to this community," he says. "We've received so much, and I don't think you can ever give back enough.

Bruno began his first grocery business during the Depression with $600 and celebrates his 50th year in retailing this spring.

He will be honored at a dinner at the Civic Center tomorrow night.

As part of the anniversary celebration, the Bruno Chair of Retailing in the Free Enterprise System is being established at Birmingham-Southern College.

The chair will provide for a senior-level faculty member in business, says college president Dr. Neal Berte. "Contributions have come in from persons all over the country who want to honor Joe. The feeling is that he has not only been so successful in business, but has been a leader in civic organizations as well."

Bruno says he hopes the example of his business will help students appreciate the free enterprise system.

"We want to instill in college students that there are still great opportunities in this country of ours," Bruno says. "Someone may say, 'But I don't even have a job or a prospect of a job.'

"We have to look at the other side to things that are working. Computer and space technology has opened a new field. Opportunities are different from what I fell into, but they're still there."

Bruno is also concerned that college students learn how business supports the community.

"There have been times when students were against business, profit-making organizations. When you stop making a profit, the company goes bankrupt. When a business expands and improves, it helps the community."

Bruno's has 5,000 employees in the food section and about 1,500 in the drugstore part, Bruno says. "Our greatest asset is our employees. You have to have good employees to entice the customers. Our employees are people-oriented."

Bruno says he contributes a great deal of time to charitable causes because he is also people-oriented. "I love people. I enjoy working with them, and I appreciate them. Volunteers always do a better job of administering these agencies than paid staff. There are 150 volunteers in Red Cross for every one paid employee. What kind of a budget would you need if it wasn't for them?"

Winner of the Horatio Alger award in 1980, Bruno meets each year with other recipients to impress on others the "rags-to-riches" theme of Alger's books.

"My parents came from Italy looking for a better life. They were tenant farmers. They found not only a better life, but more."

The beginning for the Bruno family was rough, though. His father worked in a steel mill, and Bruno left home at 12 to help the family survive by working as a live-in in a grocery store.

"We were a very close-knit family, and they were wonderful examples for us. That's the reason for the success of this business."

Taking risks and making plans were also important to his success, he says.

"You have to plan and you have to make decisions. Someone else will make them for you if you don't. If you want to stay in our business you have to plan for the future, and you can't make too many mistakes."

His only advice to his 10 grandchildren is to find something they are happy doing, work hard and do their best. "I have one grandson who's a banker, one who will be studying law, and another interested in computers." He and his wife, Theresa, have two daughters.

A TRIBUTE TO ALBERT COPELAND

Mr. HEFLIN. Mr. President, earlier this year, Alabama lost one of its most outstanding citizens when Albert W. Copeland, a long-time friend, passed away. As one of the finest trial lawyers in Alabama, I know I join his many colleagues, and his many friends, in extending sympathy to his wife, Ann, his daughter, and his three sons.

Mr. Copeland served his profession, his community, and his State for more than 30 years, as a well-respected, intelligent and fair attorney. After receiving his law degree from the University of Alabama, he returned to his home town of Montgomery, to join the firm of Godbold & Hobbs in 1952. Copeland built a fine reputation with this firm and remained with it and its successors until the time of his death. His reputation was established by his extraordinary abilities as a trial advocate. As his friend and former partner, Judge Truman Hobbs, explains: "Few lawyers could match his skill and ingenuity in devising a theory of recovery for his client, or match his powers of persuasion before court or jury." However, Albert is best rememberd as the "Happy Warrior," a nickname that recalls his fairness in the courtroom. He never took an unfair advantage in a courtroom situation, nor did he ever enter a trial unprepared. It was these manners and practices that won him

lasting respect and friendship from adversaries and colleagues, as well as his clients.

Albert returned this respect and love to his profession and its members. He was always willing to listen and give constructive advice to other lawyers who came to him with novel and difficult problems. A past president of the Montgomery Bar Association, he was serving, at the time of his death, as a bar commissioner of the Alabama Bar Association, undertaking with enthusiasm and skill the work that this responsibility entailed.

Indeed, the Alabama Bar has lost one of its most accomplished lawyers. It would be hard to match Albert's ease of handling the most complicated products liability case, real estate closing, or bankruptcy matter. His thoroughness of preparation and his great knowledge of the law was complemented by his outgoing, yet kindly, conduct.

Mr. President, I know of no one more deserving of this tribute than my friend and colleague, Mr. Albert W. Copeland.

Mr. President, I ask unanimous consent that an article from the Alabama Journal about Al Copeland be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Alabama Journal, Feb. 21, 1983]

ALBERT W. COPELAND

Albert W. Copeland, a Montgomery lawyer for more than 30 years, died Sunday of cancer.

He was 55.

The funeral will be 3 p.m. Tuesday at the Church of the Ascension. Burial will follow at Greenwood Cemetary with Leak-Memory Chapel officiating.

Copeland was a former president of the Montgomery County Bar Association and the Alabama Trial Lawyers Association.

He was bar commissioner for the 15th Judicial Circuit and a fellow in the International Society of Barristers, according to Richard Gill, a law partner.

A native of Montgomery, he graduated from Sidney Laneir High School. He received bachelor of science and law degrees from the University of Alabama.

His law partners have included three former judges, the late Richard Rives, a federal circuit judge; John Godbold, 11th U.S. Circuit Court of Appeals; and Truman Hobbs, a U.S. district judge.

"Albert Copeland was the happy warrior," said Hobbs.

"There was no more able trial advocate in Alabama," he added. "He was respected and loved by his adversaries, as well as his clients and colleagues. He leaves a void that cannot be filled."

Copeland was a partner with the firm of Copeland, Franco, Screws and Gill.

His partners in that firm included Richard Gill; Euel Screws Jr., current president of the Montgomery County Bar Association, and Herman B. Franco, Robert D. Segall, Clifford Lanier Branch, John Henig, E. Terry Brown, James Edwards and Dexter Hobbs.

Survivors include his wife, Ann H. Copeland; a daughter, Anna Darden; and three sons, Albert Harrell Copeland, Paul Whiting Copeland and Lee Hall Copeland, all of Montgomery.

He is also survived by two brothers, Theodore D. Copeland Jr. and R. Frank Copeland of Montgomery, and two grandsons.

DOUGLAS HESTER: A LAWYER FOR LAWMAKERS

Mr. HEFLIN. Mr. President, when I came to Washington to begin my Senate service in 1979, I was frankly a little bit surprised to find so many native Alabamians spread throughout the Halls of the Federal Government. Today, I would like to brag a little bit about one particular Alabamian, one that we all know and respect.

The person I rise to speak of, Mr. President, is the legislative counsel for the U.S. Senate, Douglas Hester. It is with a good measure of pride that I note that Doug is indeed a native Alabamian, and, in fact, is a graduate of the same law school that I graduated from, the University of Alabama.

In fact, it was right after graduation that he came to Washington to work for the Senate. Now, more than three decades later, Doug Hester has worked his way up from the basement, so to speak, up the ranks of the legislative counsel's office, until the day in 1980 that he was named to the office he now holds.

Each of us owes sincere thanks to Doug and his staff. With Doug as their leader, the people in the legislative counsel's office serve an important and useful purpose in drafting and refining legislation, so effectively, in fact, that they sometimes make us appear brighter than some of our constituents may think.

Douglas Hester may have been away from Alabama for some 31 years, but I know that his parents who still live in Mobile, are very proud of him, and that his Alabama upbringing has been a major contributing factor in the success he has enjoyed.

Mr. President, I ask unanimous consent that an article from the Birmingham Post-Herald, about Douglas Hester, be printed in the RECORD.

Thank you, Mr. President.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Birmingham Post-Herald, May 9, 1983]

ALABAMA LAWYER TURNS SOWS EARS INTO BRILLIANT BILLS

(By Gayle McCracken)

WASHINGTON.—Douglas Hester was a law student in Tuscaloosa when he first noticed the almost-magical transformation of backwoods politicians into skillful legislators as soon as they crossed the Potomac.

One day they were on the stump in rural Alabama, and the next they were delivering eloquent speeches before Congress and introducing bills tailored to meet every constitutional requirement.

"I thought 'how the hell did old senator so-and-so get so smart'," Hester said. "He sure didn't know that the last time I saw him."

Later, he realized that the legislators he was watching some 30 years ago probably knew little more about turning their ideas into national policy once they reached Washington than when they left their home-towns. But someone did—and since 1980, that someone has been Hester.

He is the legislative counsel for the United States Senate—the 11th lawyer for lawmakers to be appointed since the office was created by Congress in 1919.

His job—overseeing the drafting of legislation—is obscure and, for the most part, thankless. When a bill or amendment is considered brilliant, it's the sponsoring senator who gets a pat on the back, not the lawyer who wrote it.

Hester, a husky-voiced man with a gray pencil-thin moustache, unwittingly chose his career of anonymous power while a student at the University of Alabama.

"It was just a complete happenstance," he said.

He was thinking about opening a private law practice in Mobile, where his parents still live, when he saw a notice on a college bulletin board soliciting one applicant from Alabama for an opening in the legislative counsel's office.

Hester was selected by the law school dean, and after an interview in Washington, he was hired as an assistant attorney. That was 31 years ago, when bills were still being written on manual typewriters and copies were made with carbon paper.

Since then, six attorneys have been added to the staff and the workload has more than doubled. And Hester, 55, has moved from the bottom rung to the top of the ladder as supervisor of a highly technical computerized operation.

He likens his work to that of an architect. But instead of houses, he builds laws.

His clients are senators who come to him in the way a person with land and money would approach a designer. The senators have ideas and the power to translate their thoughts into national policy. Hester gives them a blueprint from which to work.

"It's not our role to formulate policy, but we have to point out reasons why things won't work," he said.

We often suggest possible solutions to problems.

"I think that's a major contribution we make, making known to sponsors the various alternatives available."

Bills that eventually reach the Senate floor often start as phone calls to Hester's office. A senator, or one of his aides, will explain to the attorneys what they want to accomplish with the legislation.

From there, it's up to Hester and his staff to determine how that can be done and to put it in a technical form that can be enacted as law. Often, Hester and his assistants are placed in the position of working for senators on both sides of politically sensitive issues.

"At first blush, one would think that would be a problem," he said. "But it involves the same sort of confidentiality lawyers have to respect in private practice."

There's no requirement that bills must pass through the legislative counsel's office before they are introduced. In fact, the counsel's first responsibility is to the Senate committees. So, in many cases, badly written bills with good ideas are shuffled back to Hester's staff for rewriting.

And when bills reach conference committees, where differences between Senate and House versions are ironed out, the counsels for the two legislative bodies work together.

Since his promotion three years ago, Hester has limited his actual writing work to bills that would affect the structure of the Senate, most referred from the Rules Committee.

Still, he double-checks the work of the lawyers on his staff and helps with particularly tricky bills.

Hester lived in several south Alabama towns—McKenzie, Greenville, Mobile—while growing up. And when he first came to Washington, he would, from time to time, think about returning to open a private practice.

But be married, had two children and settled into a home one block from his office and into a lifestyle with a considerably faster pace than the one he remembers in Alabama.

"I think one always feels whatever fork in the road he takes, there might have been interesting things if he had taken the other fork," he said. "I sort of had in my mind that I would go back someday, but that time has passed."

Through years of researching the federal code and the Constitution, Hester has gained a more thorough knowledge of U.S. law than most members of Congress. But he has experienced only a vague, passing desire to trade jobs with the senators.

"Maybe, if I could be appointed to an unexpired term, with no thoughts of running again—just to do the things I think are right."

MORTGAGE RETIREMENT ACCOUNTS

Mr. HEFLIN. Mr. President, there has been considerable discussion among my colleagues of a proposal which if adopted, would have a profound positive impact on our economy, via increased savings, employment, and homeownership.

The proposal to which I am referring is commonly known as a mortgage retirement account, or MRA. Patterned after the popular and progressive individual retirement account program, the MRA would allow individuals to establish a tax-deferred account to save for a downpayment on a home as well as allow for prepayment of the mortgage principle during the term of the loan. Those who now own their homes could establish a MRA to prepay principle on their mortgages. Regulations and limitations on the MRA would be almost identical to those now covering the traditional IRA's.

Mr. President, the establishment of such a program would, naturally, serve as a stimulus to increase personal savings. Young families who may not wish to think in terms of saving for their retirement would have a significant incentive to combine the tax advantages of an IRA with the opportunity to set aside money for a home. Renters will have a way, under the existing IRA mechanism, to own a home of their own while providing equity for financial security when they retire. Current and future homeowners who choose to pay off their mortgages at a faster-than-scheduled rate will also be saving, since they will be reducing their debt and thereby increasing the amount of money available to other borrowers.

Mr. President, this additional saving generated by the MRA's would benefit not only those individuals endeavoring to fulfill the American dream of homeownership, but also would stimulate the vital housing industry, as well as other related industries, and hence the national economy. The housing industry would be directly stimulated without drawing from the Federal budget. Over the long term, the impact on tax revenues from the enactment of this plan is expected to be very positive due to the increasing employment and reduced mortgage interest deductions. The real beauty of this proposal lies in the fact that it will not be a budget buster, drawing a great deal of money from the Federal budget. To the contrary, over the long term, the impact on tax revenues from enactment of this plan could very well be positive, given increased employment and reduced mortgage interest tax deductions.

Mr. President, the MRA would have the added advantage of increasing the interest/sensitivity of the mortgage loan industry at a time when it is demanded more than ever. Under this plan, financial institutions would be able to provide additional resources for the housing industry. Because of the early payment, some of their assets would be freed earlier than scheduled. This would also allow financial institutions to respond more quickly to fluctuations in the money markets.

Mr. President, in my home State of Alabama over a quarter of a million people are out of work representing over 16 percent of the work force. Many families are losing their homes because they can no longer afford to pay their mortgages. I believe that the mortgage retirement account can help make a real difference, in both economic and human terms. It is an innovative and creative mechanism by which to address the problems associated with America's low savings rate and the dwindling hope and pride of homeownership. Mr. President, I urge my colleagues to embrace this concept and put it on the fast track so that together we can move forward to increase employment, decrease interest rates, and give a badly needed stimulus to the economy.

PERCEPTIONS OF THE PRESS

Mr. HEFLIN. Mr. President, in my reading I recently came upon a very intriguing and thought-provoking column written by the editor of the Birmingham Post-Herald, David Brown.

I am sure that we all realize that the press does not have an easy job to do. They are charged by the public with the maintenance of responsible, fair, accurate, interesting, and thorough research and reporting of the news. Taken as a whole, this is not an easy responsibility to fulfill.

I found Mr. Brown's comments particularly interesting because they convey some perceptions of the press from the viewpoint of the press. I recommend these comments to all of my colleagues.

Mr. President, I ask unanimous consent that the article from the Birmingham Post-Herald be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham (Ala.) Post-Herald, May 20, 1983]

PRESS WORRIES ABOUT ITS SOFT UNDERBELLY

(By David W. Brown)

An actor turned inquisitor and 800 editors and their guests acted unsure and nervous.

After all, the zoom lens was focused on their soft underbelly.

"Maybe I am putting you in an awkward position," Warren Beatty said. "Well, I don't want to . . . actually, I guess I would like to put you on the spot."

Beatty was speaking at a Denver convention of America's newspaper editors. He was breaking a self-imposed eight-year silence in the press, having been challenged to explain, "Why have you shunned us?" He had just asked for a show of hands.

"I would be interested in knowing what percentage of what you read in publications like the National Enquirer or the Star or the Globe do you feel to be true?" The actor and filmmaker started at 100 per cent. No hands went up. He moved to 90, 85, 70, finally skipping down to 40 per cent. In the vast room a few arms pumped, thumbs down. Someone shouted "Twenty." Another speaker: "That's high."

Some laughter, nervous sounding.

Beneath the humor aimed at supermarket tabloids flowed an undercurrent of concern. The kind of concern one often finds at a convention when a group of people in the same line of work take a close look at themselves and their craft. All week what linked the workshops and panel discussions and meetings was a general awareness of newspapers' problems with credibility.

Another film celebrity spoke to the editors that particular day. Robert Redford's message was he fears news is becoming too trivial and irrelevant. He agreed with Beatty's conclusion that the press must regulate itself.

Editors talked about that later. Their consensus seemed to be that newspapers can't regulate themselves industrywide, but each publication must earn the respect of its readers through its deeds.

A growing number of libel lawsuits, narrowing definitions by courts of public figures and the fact that nine of 10 juries award damages in those libel cases (four of five are reversed on appeal) have helped nudge newspapers into self analysis.

Eugene Patterson is editor and president of the St. Petersburg Times. In a lecture at

the University of California, Riverside, he began this way:

"A lot of us have taken to worrying lately about the durability of a free press in an American society that seems to be growing impatient with us." He said he wasn't about to mourn the decline of legal shields for journalism. "Nor will this be one more bugle call against clear and present threats to the First Amendment, though they are clear and very present.

"Rather, I bring an encouraging word of a relatively new and very healthy phenomenon: The press is taking a hard look inward and actually examining itself. The argument isn't bringing much agreement, thank heaven. The strength of a free press is its diversity, and the language of its diversity is the snarl."

The debate rages, its participants at times snarling like pit bulldogs. And most of the time the public is unaware. After all, the press doesn't write about itself very often.

The debate often results in worthy deeds.

More newspapers are adopting written ethical standards. Some have hired ombudsmen to handle complaints and to investigate their newspaper's actions. Polls are conducted to determine how much anonymous-source material appears in news, and the survey results are closely studied.

All this isn't so much new, as it is accelerated. I suspect good editors constantly remind themselves that the most important factor in the newspaper equation is the reader.

The reader isn't satisfied with getting perhaps the biggest bargain in the free market system—a 25-cent newspaper delivered at his doorstep. But he wants improvement, discovery, responsible reporting, fairness and accuracy, and much, much more.

So the nervous laughter when Beatty asked for that show of hands probably came in the realization that even the best newspapers too often come up short of the reader's expectation.

Only consistent exercise of muscles called responsibility and relevance will harden that soft underbelly of superficial reporting, gossip and trivia.

BIRMINGHAM: WINNING THE FIGHT AGAINST CRIME

Mr. HEFLIN. Mr. President, it has been a disturbing trend in recent years that the American people have been continually subjected to reports of ever-increasing crime rates. It was very relieving, therefore, to learn recently that the crime rate dropped about 4 percent nationally last year.

The residents of Birmingham, Ala., were treated to even more welcome and more encouraging news. In the last year, the crime rate in that city fell some 10 percent. This decline appears even more remarkable when you consider that, for cities the size of Birmingham, the average decrease was only some 3 percent.

For too long, people have had to adjust their lifestyles to the frightening thoughts of crime running rampant in the streets. We are all too well aware that it is long past the time to put criminals, and not everyday citizens, behind bars.

Police Chief Arthur Deutsch, and all the members of Birmingham's police force, are due hearty commendations for their work in preventing crime. All of Birmingham will profit from their achievements.

Mr. President, I ask unanimous consent that an editorial from the Birmingham News be printed in the RECORD in recognition of Birmingham's achievement.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, June 4, 1983]

CITY CRIME DIPS AGAIN

A number of reasons may be given for the precipitate fall in the crime rate in Birmingham. Regardless of the factors which may have contributed to the 10 percent decline, however, the Birmingham Police Department must be given the lion's share of the credit.

Nationally, crime dropped about 4 percent last year. In cities with populations between 250,000 and 500,000, which includes Birmingham, the crime rate fell an average of 3 percent. It decreased in the South by only 1 percent.

Conditions in Birmingham are not all that different from conditions in the nation or different from the South as a whole. So in looking for some explanation, one must conclude that the major difference in Birmingham and the rest of the nation was provided by Birmingham police officers quietly going about the business of preventing crime.

Only in one category—auto thefts—did Birmingham fare worse than the rest of the nation. The city had a 13 percent increase, while the nation had a 3 percent decrease. But Chief Arthur Deutsch recognizes this problem and the department is working hard to bring the rate down. Citizens can help by taking common-sense precautions.

The best news, of course, is that the city had a whopping 12 percent reduction in violent crimes—homicides, assaults, rapes and robberies—compared to a 3 percent decrease nationwide. Even greater progress was reported in another violent crime category. Rape was reduced by 14 percent.

In crimes against property, burglaries were down 18 percent and larcenies fell 10 percent.

The prevention of crime is important from a personal standpoint, of course, but it is also important from a psychological perspective. Perceptions of crime often carry more weight than facts justify. And citizens frequently restrict their activities on the basis of perceptions rather than on the facts. So it is important that we are aware that the city is making progress in the war on crime and that the men and women in blue are doing a good job.

JIM STEWART: BROADCASTER OF THE YEAR

Mr. HEFLIN. Mr. President, I take this opportunity to pay tribute to James E. Stewart, a man truly dedicated to the field of broadcasting. Jim's commitment to service to the community, and his professional approach to broadcasting are certainly a credit to the entire communications industry. His many contributions were rewarded on June 4 of this year when he was recognized as "Alabama Broadcaster of the Year" by the Alabama Broadcasting Association.

Broadcasting is a vital service to the public, maintaining effective communication between various sectors of our society and the public, keeping the public generally informed. The tremendous public service rendered by the broadcasting field is frequently taken for granted, but Jim Stewart's outstanding concern and professionalism could not go unnoticed.

In addition to his broadcasting duties, Jim serves his community in many other ways. Displaying both a natural leadership ability and a sense of civic duty, he has served as president of the Foley Rotary Club, the Foley Kiwanis Club, the South Baldwin County Chamber of Commerce, and the Foley Planning Board. He is currently serving as chairman of the board of South Baldwin Hospital, which is now engaged in a $5 million expansion program.

Jim Stewart attended the University of Alabama, and became the first graduate of the radio department to serve as president of the State broadcasting association. In 1967, Jim received the distinguished alumnus award from the film and broadcast communications department at the university.

Even more importantly, Jim has achieved his success in both broadcasting and life while earning the respect of his colleagues. In introducing Jim Stewart to the ABA Convention as "Broadcaster of the Year," Dick Biddle quoted from many of the letters of recommendation written on behalf of Jim. In one of these many letters, it was written:

I have always been impressed by the honoree's integrity and willingness to serve the community personally and through the broadcast facility.

This ability to excel in both the broadcast field and in community service has earned Jim Stewart of Foley, Ala., recognition as Alabama's "Broadcaster of the Year." For his fine work and his service to our State, I commend him.

CONGRESS RESTORED

Mr. MOYNIHAN. Mr. President, under the title "Congress Gone Astray," the New York Times has published remarks made on the Senate floor by our distinguished and cherished majority leader, HOWARD H. BAKER, JR. His concern is that we have become elected bureaucrats spending almost the whole of the year in Washington, returning to our homes for hurried weekends and occasional holidays. He continues:

For the life of me, I cannot see any place in the Constitution or the early documents of the Republic where it says Congress was supposed to compete with bureaucracy in the detailed daily nitty-gritty of governing.

With the great respect that we all owe to and show the leader, may I ask the indulgence of the Senate not so much to dispute this view as to extend it.

The thought comes not least as a consequence of the Times' somewhat curious decision to illustrate Senator BAKER's article with a scene from the British House of Commons. All the essentials are there: The Speaker in his wig, a minister pounding at the Despatch Box, backbenchers in varying degrees of sprawled inattention, and above all—for my purposes—the Royal Mace.

Now this was the system the framers of the Constitution were intent upon changing. I dare to think it is a system not any longer much understood in America. The Royal Mace is the gist of it. That is the Crown-in-Parliament. It represents the Queen, and in effect declares that the Queen's powers are present in the chamber. These powers are near to absolute; never mind that they are rarely if ever abused. They are no longer exercised by the Queen, but by the Cabinet. However, that Cabinet is as absolute as any monarch ever dreamed of being. It makes decisions, and the Parliament endorses them. Period.

In truth, there is a sense in which Britain does not have a legislature. Every 5 years or so a general election is held that picks a nominating convention that chooses an executive, with the rarest expectations, which rules until the next election. The role of the individual member of Parliament is merely to be counted as he passes into the lobbies at division time. On important issues, the vote never changes. As for debate, it is mostly take it or leave it. An individual member is not allowed even to propose an increase in a budget item. (Churchill got his famous defense debate going in the 1930's by proposing to cut outlays). Moreover, such proposals when they do occur, are solely for purposes of producing a debate—thus an M.P. may suggest a cut of £5 in agricultural subsidies and get a debate on the general subject. He does not, however, get either an increase or decrease in such subsidies. The Government's proposal invariably passes.

Our framers wanted a different arrangement; one that reflected what Hamilton called the new science of politics.

Central to this new arrangement was an independent legislature, separate from the executive. There is no mace in the Senate Chamber. (There is one in the House, but it is used for procedural purposes.)

Through two centuries the Constitution has assured that all power has not settled in the executive.

As an example, each of us is aware that the President has declared war on our budget process and means to see it fail this year. His reasons are at least twofold: He does not wish to see the increase in defense spending limited somewhat, as Congress wishes, and he does not wish us to forecast a $179 billion deficit, which the conferees have done. Now the President may succeed in destroying the budget process, but he cannot command that this be done. And that is the change the framers of the Constitution made. And that is also the reason we are around here all year. In a word, to keep an eye on the President. We do not trust power.

Even so, we would do well to try to use Hamilton's new science of politics to see if this process cannot be made a little easier for everyone. Thus there is a rule: organizations in conflict become like one another. Think of hockey teams, TV news, hamburger stands. Unlike all other constitutions of which I am aware, the U.S. Constitution is unique in providing for conflict between the three branches of Government. This has meant, especially in this century as Government has grown, an enormous increase in the activities of the Congress as it matches each new conflict technique of the executive.

Consider office buildings. In 1902, Theodore Roosevelt built the West Wing of the White House. (Until then Presidents used to work in their living rooms; we at our desks.) T. R. picked up the idea from captains of industry of the time; important people had offices of their own. Very well, the House built the Cannon Building in 1908, while the year after that we built the Russell Building. F. D. R., East Wing; Senate, Dirksen; House, Longworth. J. F. K., Jackson Place; Senate, Hart; House, Rayburn. (Come to think, since 1920, for each additional Member of Congress we have added one additional Congressional Office Building.) There used to be a simple trolley to take Members from their first buildings to the Capitol. The trains now resemble Amtrak, and work about as well.

In the meantime, the Supreme Court, in 1935, moved out of its cozy Chambers on the first floor of the Capitol to a Greek temple across the way. It has not been seen since, save by its bulging number of clerks who spy on the justices and leak to the press. Just so, Presidential and congressional staffs have taken over filling our schedules to the gunwhales, and even getting themselves written into law. (On June 26, 1981, the House passed H.R. 3982, containing the following passage: "Source: CBO, Rita Seymour, June 5, 1981, 225-4844.") In the process they have all but cut off the elected President from the elected Members of Congress. (The President, too, of course, spends his time being presided over by staff.)

We have not become bureaucrats, so much as the wards of bureaucrats, and have only to blame our inattention to the way people behave which so absorbed the founders.

I have a proposal. Disarmament. We should propose to tear down one of our buildings for every one the President tears down, the meanwhile leasing the Supreme Court to the Greek Embassy (in return for a naval base) and welcoming justices back where they belong. (Which is to say where, every once in a while, we can have lunch with them.) Propose to merge the Office of Management and Budget with the Congressional Budget Office, and trade both the Office of Technology Assessment (congressional) and the Science Adviser (Presidential) to the Smithsonian.

Go to it, Leader. We will put you up for a Nobel.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1984

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m. having arrived, the Senate will now resume consideration of H.R. 3132, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes.

Mr. HATFIELD. Mr. President, I am pleased to bring before the Senate today, H.R. 3132, the annual energy and water development appropriation bill for the fiscal year ending on September 30, 1984. The bill as recommended by the committee provides $14,170,853,000 in new budget authority for energy and water development through the activities of the Department of Energy, Corps of Engineers, Bureau of Reclamation, and several independent agencies. The amount of the reported bill is about $440 million lower than the President's budget estimate, and approximately $9 million below the House-passed version. This proposal is within the preliminary budget allocation, and, I believe, it represents a responsible, fair, and balanced appropriations measure.

Before proceeding further, Mr. President, I want to commend all the members of the subcommittee and full committee, but particularly the Senator from Louisiana (Mr. JOHNSTON) the ranking minority member. As the former chairman of the Energy and Water Subcommittee and in his leadership role on the Senate Energy Committee, Senator JOHNSTON has devel-

oped a mastery of these programs which is unparalleled in the Senate. I extend my appreciation to him for his counsel and assistance in developing this legislation. As in previous years, Mr. President, this has been a nonpartisan and harmonious working relationship which has produced a balanced proposal that should gain overwhelming support in the Senate.

The committee recommendation is the result of long hours of testimony from agency officials and private citizens during 21 sessions of hearings and two markup sessions.

No other committee or subcommittee has more public participation. In fiscal year 1984, we heard from numerous State and local government officials, conservation organizations, professional groups, industry representatives, and hundreds of citizens from throughout the United States.

Among Members of Congress, this subcommittee also ranks high in interest. We have received over 200 individual requests from Senators and Congressmen.

While we cannot support all these items within the limited funds available, I believe that priority requests have been adequately addressed as well as all the urgent national priorities of energy and water development.

Mr. President, the recommendation before us today provides $3.6 billion for Federal water resource development programs. This includes projects and related activities of the U.S. Army Corps of Engineers, the Bureau of Reclamation, and the Tennessee Valley Authority. This water development program provides capital investment funding—capital investments with lasting benefits to the Nation in the area of flood control, municipal and industrial water supply, irrigation, water conservation, commercial navigation, hydroelectric power, recreation, and fish and wildlife enhancement.

Despite the impressive benefits of these projects, the process through which these capital investments are authorized and made eligible for funding has been delayed to the point of creating a slow death to the water resource development program. For example, the last major construction bill for the Corps of Engineers was enacted in 1970. This type of delay in the authorization process has now and will continue to have serious impact in the 1980's. The Appropriations Committee is under increasing pressure to fill this void created by the lack of authorizing legislation—in those committees that are chaired by the Presiding Officer at this time, the Senator from South Dakota (Mr. ABDNOR)—and to provide project authorizations for some of these critical projects. I repeat, we have not had one in 13 years. The committee wants to underline the importance of timely authorizations for these priority capital investment projects that contribute to the strength and vitality of this Nation.

I might also say, Mr. President, that these are repaid to the Federal Government. There are projects that generate an economic return by creating new jobs, new wealth, as well as in dollar return to the Treasury.

In the energy area the committee recommends approximately $10 billion for the Department of Energy. While most of the activities of the Department have been reduced or maintained at level funding, there is an overall increase over fiscal year 1983 levels due to the amount provided for atomic energy defense activities. In the energy defense area there is an increase of nearly $800 million above last year's level, which included a $1 billion increase over the previous year.

As most of my colleagues are probably aware, the production of nuclear bombs and warheads has been under civilian control since development of the atomic bomb during the Truman administration. Currently the Department of Energy has the responsibility for the testing, development, and production of nuclear bombs and warheads, for the production of nuclear weapons materials, including plutonium, and for the management of defense nuclear waste. The DOE coordinates these defense functions closely with the Department of Defense through a special military liaison committee comprised of DOD and DOE personnel.

I might add, Mr. President, that this committee, the Subcommittee on Energy and Water Development of the Appropriations Committee, has used all of the current documents available from the Senate Armed Services Committee to try to parallel or anticipate the authorization action and the required appropriations to implement those authorizations.

I personally would like to excise all of these moneys from this particular budget. That is merely a personal opinion that is not shared by the majority of my colleagues.

Under the Reagan administration, funding for the energy defense activities at DOE has increased nearly 80 percent since fiscal year 1981, and the funding for production of nuclear warheads and nuclear bombs more than doubled from fiscal year 1981 to fiscal year 1983. These increases go far beyond our efforts to modernize, safeguard, and maintain the current nuclear weapons stockpile.

Obviously, again, this certainly has happened over my personal objections.

Frankly, I believe our priorities in the energy area are misplaced. The weapons program now consumes over 65 percent of the amount provided in the bill for energy activities. This is three times the total amount of funding provided for all energy technologies in the energy supply, research, and development account. I submit that energy security and independence is every bit as important to our national strength and security as is our nuclear arsenal and nuclear stockpile, which has a multiplicity of overkill today. It is not an either/or proposition, of course, but we must move away from our tendency to think of our national security only in terms of hardware and sophisticated weaponry. In view of these concerns, I would support further reductions in the energy defense area. But the committee felt that substantial increases were justified. The committee recommendation reflects a large increase for energy defense activities to about $6.5 billion in fiscal year 1984, which proves once again that we run this institution on a democratic basis where the chairman of the committee has only one vote.

As outlined in the report, the committee recommendation provides full funding for all nine nuclear weapons systems which are in production and full funding for every important element of the materials production program. Moreover, there is full support and even some increases over the budget request in the often neglected areas of weapons research and development and defense nuclear waste management.

Mr. President, it is with great ambivalence that I present this bill today. I am not proud of it from the standpoint of the imbalance between nuclear weapons and other energy requirements. I am not proud of it at all in that area.

But I believe that in the general representation of the committee and in the representation of the general temperament of the Senate and certainly in relationship to the administration this is a responsible bill within that context.

We urge today the expeditious action by the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD following these remarks a summary of the bill, the bill highlights, and the comparative table of budget authority.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF ESTIMATES AND RECOMMENDATIONS

The President's fiscal year 1984 budget estimates for this bill totals $14,610,671,000 in new budget (obligational) authority. The recommendation of the Committee totals $14,170,853,000. This is a decrease of $439,818,000 below the budget estimates and $9,150,000 below the House bill.

BILL HIGHLIGHTS

ATOMIC ENERGY DEFENSE ACTIVITIES

The amount recommended in the bill includes $6,500,875,000 for atomic energy defense activities. Major programs and activities include:

Testing	$546,100,000
Research and development	823,580,000
Weapons activities	3,730,825,000
Nuclear materials production	1,525,400,000
Defense waste management	608,500,000

ENERGY SUPPLY, RESEARCH, AND DEVELOPMENT

The bill recommended by the Committee provides a total of $1,943,709,000 for energy supply, research, development and demonstration programs including:

Solar energy	$176,000,000
Geothermal energy	29,459,000
Hydropower	750,000
Nuclear fission	617,147,000
Magnetic fusion	471,500,000
Environmental	222,575,000
Basic energy sciences	337,270,000

GENERAL SCIENCE AND RESEARCH

The Committee recommendation also provides $635,250,000 for general science and research activities in life sciences, high energy physics and nuclear physics including:

High energy physics research	$490,000,000
Nuclear physics	153,000,000

REGULATORY AND OTHER INDEPENDENT AGENCIES

Also recommended in the bill is $670,678,000 for various regulatory and independent agencies of the Federal Government. Major programs and activities include:

Appalachian regional development programs	$125,000,000
Federal Energy Regulatory Commission	94,582,000
Nuclear Regulatory Commission	466,800,000
Tennessee Valley Authority	75,229,000

WATER RESOURCES DEVELOPMENT

The Committee has also recommended appropriations totaling approximately $3,583,784,000 for Federal water resource development programs. This includes projects and related activities of the U.S. Army Corps of Engineers—Civil, the Bureau of Reclamation, and the Tennessee Valley Authority. The Federal water resource development program provides lasting benefits to the Nation in the areas of flood control, municipal and industrial water supply, irrigation of agricultural lands, water conservation, commercial navigation, hydroelectric power, recreation, and fish and wildlife enhancement.

Major programs related to water resources development include:

Corps of Engineers—Civil:	
General investigations	$121,435,000
Construction activities	1,111,629,000
Operations and maintenance activities	1,265,965,000
Bureau of Reclamation:	
General investigations	31,981,000
Construction activities	724,318,000
Operations and maintenance activities	134,291,000
Tennessee Valley Authority:	
Construction activities	24,015,000
Operating expenses	22,410,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1983 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1984

[Amounts in dollars]

Item	1983 appropriation	Budget estimate	House allowance	Committee recommendation	Senate committee recommendation compared with (+ or −)		
					1983 appropriation	Budget estimate	House allowance
TITLE I—DEPARTMENT OF DEFENSE—CIVIL							
Department of the Army							
Corps of Engineers—Civil							
General investigations	129,042,000	110,400,000	148,733,000	118,435,000	−10,607,000	+8,035,000	−30,298,000
Construction general	1,506,405,000	820,700,000	892,829,000	885,779,000	−620,626,000	+65,079,000	−7,050,000
Flood control and coastal emergencies	29,877,000	10,000,000	10,000,000	10,000,000	−19,877,000	.....	.....
Revolving Fund	.....	.....	9,500,000	.....	.....	.....	−9,500,000
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Montana, and Tennessee	403,052,000	290,000,000	310,330,000	297,960,000	−105,092,000	+7,960,000	−12,370,000
Operation and maintenance, general	1,187,667,000	1,161,300,000	1,215,032,000	1,170,620,000	−17,047,000	+9,320,000	−44,412,000
General expenses	96,000,000	103,000,000	103,000,000	103,000,000	+7,000,000	.....	.....
Special recreation use fees	4,942,000	6,000,000	6,000,000	6,000,000	+1,058,000	.....	.....
Total, title I, new budget (obligational) authority, Department of Defense—Civil	3,356,985,000	2,501,400,000	2,695,424,000	2,591,794,000	−765,191,000	+90,394,000	−103,630,000
TITLE II—DEPARTMENT OF THE INTERIOR							
Bureau of Reclamation							
General investigations	32,474,000	31,831,000	34,431,000	31,981,000	−493,000	+150,000	−2,450,000
Construction program	640,570,000	699,388,000	711,538,000	683,818,000	+43,248,000	−15,570,000	−27,720,000
Operation and maintenance	140,866,000	134,091,000	134,291,000	134,291,000	−6,575,000	+200,000	.....
Loan program	55,106,000	41,500,000	52,970,000	40,500,000	−14,606,000	−1,000,000	−12,470,000
(Limitation on direct loans)	(26,922,000)	(40,332,000)	(51,802,000)	(43,332,000)	(+16,410,000)	(+3,000,000)	(−8,470,000)
General administrative expenses	39,928,000	53,400,000	53,750,000	53,400,000	+13,472,000	.....	−350,000
Emergency Fund	1,919,000	1,000,000	1,000,000	1,000,000	−919,000	.....	.....
Total, Bureau of Reclamation	910,863,000	961,210,000	987,980,000	944,990,000	+34,127,000	−16,220,000	−42,990,000
Total, title II, new budget (obligational) authority, Department of the Interior	910,863,000	961,210,000	987,980,000	944,990,000	+34,127,000	−16,220,000	−42,990,000
TITLE III—DEPARTMENT OF ENERGY							
Energy supply, research and development activities:							
Operating expenses	1,897,096,000	1,855,960,000	1,713,112,000	1,720,444,000	−176,652,000	−135,516,000	+7,332,000
Plant and capital equipment	352,976,000	243,665,000	251,097,000	233,265,000	−119,711,000	−10,400,000	−17,832,000
General reduction	.....	.....	.....	−10,000,000	−10,000,000	−10,000,000	−10,000,000
Subtotal	2,250,072,000	2,099,625,000	1,964,209,000	1,943,709,000	−306,363,000	−155,916,000	−20,500,000
Uranium enrichment activities:							
Operating expenses	1,232,036,000	1,570,600,000	1,576,600,000	1,616,600,000	+384,564,000	+46,000,000	+40,000,000
Plant and capital equipment	710,100,000	669,400,000	658,400,000	638,400,000	−71,700,000	−31,000,000	−20,000,000
General reduction	.....	.....	.....	−20,000,000	−20,000,000	−20,000,000	−20,000,000
Subtotal	1,942,136,000	2,240,000,000	2,235,000,000	2,235,000,000	+292,864,000	−5,000,000	.....
Gross revenues	−1,968,319,000	−2,240,000,000	−2,235,000,000	−2,235,000,000	−266,681,000	+5,000,000	.....
Net appropriation	−26,183,000	.....	.....	.....	+26,183,000	.....	.....
General science and research activities:							
Operating expenses	411,853,000	479,750,000	481,750,000	472,750,000	+60,897,000	−7,000,000	−9,000,000
Plant and capital equipment	123,316,000	165,500,000	161,500,000	172,500,000	+49,184,000	+7,000,000	+11,000,000
General reduction	.....	.....	.....	−10,000,000	−10,000,000	−10,000,000	−10,000,000
Subtotal	535,169,000	645,250,000	643,250,000	635,250,000	+100,081,000	−10,000,000	−8,000,000
Nuclear waste disposal fund	217,325,000	306,675,000	306,675,000	306,675,000	+89,350,000	.....	.....
Atomic energy defense activities:							
Operating expenses	4,375,700,000	5,215,125,000	5,084,325,000	5,098,925,000	+723,225,000	−116,200,000	+14,600,000
Pland and capital equipment	1,328,000,000	1,610,450,000	1,474,050,000	1,401,950,000	+73,950,000	−208,500,000	−72,100,000
Subtotal	5,703,700,000	6,825,575,000	6,558,375,000	6,500,875,000	+797,175,000	−324,700,000	−57,500,000
Departmental administration:							
Operating expenses	381,482,000	346,510,000	366,075,000	356,075,000	−25,407,000	+9,565,000	−10,000,000
Plant and capital equipment	15,593,000	4,981,000	4,981,000	4,981,000	−10,612,000	.....	.....
Subtotal	397,075,000	351,491,000	371,056,000	361,056,000	−36,019,000	+9,565,000	−10,000,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1983 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1984—Continued

[Amounts in dollars]

Item	1983 appropriation	Budget estimate	House allowance	Committee recommendation	Senate committee recommendation compared with (+ or −)		
					1983 appropriation	Budget estimate	House allowance
Miscellaneous revenue	−175,541,000	−209,619,000	−209,619,000	−209,619,000	−34,078,000		
Net appropriation	221,534,000	141,872,000	161,437,000	151,437,000	−70,097,000	+9,565,000	−10,000,000
POWER MARKETING ADMINISTRATIONS							
Alaska Power Administration operation and maintenance	3,945,000	3,210,000	3,410,000	3,410,000	−535,000	+200,000	
Bonneville Power Administration fund borrowing authority	249,500,000	203,500,000	123,400,000	123,400,000	−126,100,000	−80,100,000	
(Limitation on direct loans)	(40,000,000)	(40,000,000)	(40,000,000)	(40,000,000)			
(Limitation on guaranteed loans)		(20,000,000)	(20,000,000)	(20,000,000)	(+20,000,000)		
Southeastern Power Administration: operation and maintenance	3,964,000	20,594,000	20,594,000	20,594,000	+16,630,000		
Southwestern Power Administration: operation and maintenance	20,756,000	36,229,000	36,229,000	36,229,000	+15,473,000		
Western Area Power Administration: construction, rehabilitation, operation and maintenance	149,750,000	219,630,000	184,630,000	204,630,000	+54,880,000	−15,000,000	+20,000,000
Western Area Power Administration: emergency fund	337,000	500,000	500,000	500,000	+163,000		
Subtotal	428,252,000	483,663,000	368,763,000	388,763,000	−39,489,000	−94,900,000	+20,000,000
FEDERAL ENERGY REGULATORY COMMISSION							
Salaries and expenses	86,139,000	94,582,000	89,582,000	94,582,000	+8,443,000		+5,000,000
Revenues applied		−60,000,000	−60,000,000	−60,000,000	−60,000,000		
Subtotal	86,139,000	34,582,000	29,582,000	34,582,000	−51,557,000		+5,000,000
GEOTHERMAL RESOURCES DEVELOPMENT FUND							
Geothermal loan guarantee and interest assistance program		2,100,000	2,100,000	2,100,000	+2,100,000		
Total, title III, new budget (obligational) authority, Department of Energy	9,416,008,000			9,963,391,000	+547,383,000	−575,951,000	−71,000,000
Department expenses	(6,886,023,000)			(7,512,295,000)	(+626,272,000)	(−333,051,000)	(+27,932,000)
Plant and capital equipment	(2,529,985,000)			(2,451,096,000)	(−78,889,000)	(−242,900,000)	(−98,932,000
TITLE IV—INDEPENDENT AGENCIES							
Appalachian Regional Commission: Salaries and expenses	2,900,000			2,700,000	−200,000	+2,700,000	+200,000
Funds appropriated to the President: Appalachian regional development programs [1]	165,123,000			125,000,000	−40,133,000	+45,000,000	−25,000,000
Delaware River Basin Commission:							
Salaries and expenses	241,000	191,000	191,000	191,000	−50,000		
Contribution to Delaware River Basin Commission	269,000	269,000	269,000	269,000			
Total, Delaware River Basin Commission	510,000	460,000	460,000	460,000	−50,000		
Interstate Commission on the Potomac River Basin: Contribution to Interstate Commission on the Potomac River Basin	55,000		68,000	68,000	+13,000	+68,000	
Nuclear Regulatory Commission: Salaries and expenses	462,504,000	466,800,000	465,800,000	466,800,000	+4,296,000		+1,000,000
Susquehanna River Basin Commission:							
Salaries and expenses			191,000	191,000	+191,000	+191,000	
Contribution to Susquehanna River Basin Commission	217,000	230,000	230,000	230,000	+13,000		
Total, Susquehanna River Basin Commission	217,000	230,000	421,000	421,000	+204,000	+191,000	
Tennessee Valley Authority: Payment to Tennessee Valley Authority fund	216,433,000	61,229,000	78,679,000	75,229,000	−141,204,000	+14,000,000	−3,450,000
Water Resources Council: Water resources planning	4,083,000				−4,083,000		
Total, title IV, new budget (obligational) authority, independent agencies	851,835,000	608,719,000	697,928,000	670,678,000	−181,157,000	+61,959,000	−27,250,000
TITLE V—GENERAL PROVISIONS							
Sec. 507 general reduction			−235,720,000				+235,720,000
Grand total:							
New budget (obligational) authority	14,535,691,000	14,610,671,000	14,180,003,000	14,170,853,000	−364,838,000	−439,818,000	−9,150,000
(Limitation on direct loans)	(66,922,000)	(80,332,000)	(91,802,000)	(83,332,000)	(+16,410,000)	(+3,000,000)	(−8,470,000)
(Limitation on guaranteed loans)		(20,000,000)	(20,000,000)	(20,000,000)	(+20,000,000)		

[1] Fiscal year 1984 estimate proposed in the budget for later transmittal.

Mr. HATFIELD. Mr. President, I take notice of the fact that Senator JOHNSTON is detained at this time in a meeting in the Energy Committee on an important issue of deregulation of natural gas, and there is sort of a reunion of the original partnership that I embarked upon in my career in the Senate on the Appropriations Committee for it was Senator JOHN STENNIS of Mississippi who was a subcommittee chairman at that time and, as I frequently stated, was my tutor and has remained my tutor throughout my tenure on this subcommittee. It is really a delightful experience to have him filling in today for Senator JOHNSTON as a comanager of the bill.

He is a great asset to not only the committee but, of course, to the entire Senate and the Nation, and it is with great pleasure that I rise today to comanage this bill in his company.

I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I certainly thank the Senator from Oregon for his very generous and fine words. It makes me very happy always to be teamed up with him because there is a presumption of rightness and soundness that goes with what he recommends, and then there is this personal pleasure in addition to what I have already mentioned.

Mr. President, I am sitting in for the Senator from Louisiana (Mr. JOHNSTON) who held the hearings on these matters and who expects to be here in the course of the morning, he being detained now on an emergency basis with other parts of the energy program.

Mr. President, he has remarks that he has prepared, but I would just keep them here on the desk, though, and he can put them in the RECORD at such place and time as he may wish.

Mr. PROXMIRE. Mr. President, will the Senator from Oregon, the manager of the bill, yield for a question?

Mr. HATFIELD. I am happy to yield.

Mr. PROXMIRE. In the first place, I commend him on his emphasis in his opening statement on the fact that this is really not an energy and water bill, that it is almost half defense activities, with nuclear weapons and nuclear bombs. As the Senator pointed out in the energy part of it there is 65 percent nuclear weapons.

Is it correct, may I ask the Senator from Oregon, that there is an increase over last year of $800 million in nuclear weapons?

Mr. HATFIELD. That is correct, $800 million.

Mr. PROXMIRE. Why is this not in the defense appropriations budget? Why is this not part of that budget? Certainly these are weapons.

Mr. HATFIELD. That is correct.

Let me say that in fiscal year 1983 it was $1 billion over the fiscal year 1982 increase.

Mr. PROXMIRE. So it was an increase over 1982.

Mr. HATFIELD. Over 1982.

Mr. PROXMIRE. If we come to 1984 compared to 1982 it is $1.8 billion increase; is that right?

Mr. HATFIELD. And I might also add if you want to go back to fiscal year 1982 it is $1 billion over fiscal year 1981, and we held that remarkable reduction, to sort of a K-Mart bargain, this time of $800 million over last year.

Now, the basic reason, I will say to the Senator from Wisconsin, is that there was a policy decision made in the Truman administration that the development and use of atomic energy technology and weaponry should be under civilian control, and we started out with the AEC, if the Senator will recall, the Atomic Energy Commission, that had its then subsequent progeny which finally evolved into the Department of Energy. So that has been translated down to the period of time, through different structures, to the current Agency on the basis that this should be not under military control. They get all the money they want anyway. So they keep it under a civilian-oriented agency.

Mr. PROXMIRE. But is this not totally unrealistic? The fact is when we appropriate money for the military it seems to me they should have to pay off their priorities and decide whether or not they want to put their funds into conventional weapons and strategic weapons, or strategic weapons, and so forth. I realize that the armed services authorizing committee has jurisdiction here, I am sure. But I cannot understand why on our committee or the Appropriations Committee we simply do not put it in defense. This is clearly defense and has nothing to do really with water or energy resources.

Mr. HATFIELD. That is why I say further to the Senator from Wisconsin that I have on each of the times that I have presented this appropriations measure tried to draw a sharp focus on this particular fact.

I find in audiences throughout my constituency when we were talking about military spending and the nonmilitary spending and priorities out of any audience that I talk to, I would say as much as nine-tenths of that audience is totally unaware that the nuclear weapons program is not part of the military budget but rather a part of the energy budget.

Now, historically, this is the reason as I have indicated. There is also a joint effort that is made to coordinate this between the Department of Energy and the Department of Defense. There is a joint committee that functions in the coordination effort between the two agencies.

But basically the Senate Armed Services Committee handles these authorizations and then they filter through the Department of Energy and the Appropriations Committee and then to the Department of Energy for implementation.

Mr. PROXMIRE. Mr. President, I find it a supreme irony that "Mr. Peace"—and that is certainly what the Senator from Oregon is; nobody in the Senate has a clearer record and I think a more constructive or intelligent record in opposing the nuclear arms race and fighting for a sensible approach to defending our country than the Senator from Oregon. So it is very ironic that he has to champion on his subcommittee this colossal increase in nuclear weapons at a time when the Committee on Defense Information has just issued a calculator showing how far ahead we are of the Soviet Union—not in all respects, not by any means, but overall we are ahead of the Soviet Union in nuclear weapons.

There is no question about it. I challenge any Senator to show that this is not the case. They have instance after instance after instance where this is true.

Now, we have the Senator from Oregon, who, more than any other Senator in this body, has championed a logical, sensible, prudent policy in this regard, having to come forward with a bill which would appropriate an additional $800 million above what we had last year and, as he has pointed out, almost $2 billion over what it was a couple of years ago for more nuclear weapons when we have too many as it is.

Mr. STENNIS. Will the Senator yield to me?

Mr. HATFIELD. Yes, I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I think the record, to be complete, ought to have a little further comment here. I remember when this policy question was decided. The old Atomic Energy Commission insisted on the products being outside the military, not be a part of military control, and not be a part of the military budget. They finally prevailed on that very policy. The warheads now, the missiles themselves, are a part of the military program and they are charged to it. Appropriations are made for that purpose, for the missiles. But the warhead that goes in the missile, that is where you get your nuclear product. That is the one that is in this bill here now.

You can argue about this. There is a pretty good reason for it. There was good reason back then of separating these projects, as I saw it and still see it that way, although it does look like there is an inconsistency.

Mr. PROXMIRE. Mr. President, if the Senator will yield on that point, let me read from the committee report on page 157:

> The Committee recommends substantial increases in spending for the research, development, testing, production, and surveillance of nuclear weapons in order to meet defense requirements. The budget includes funds for the production of nine nuclear weapons systems—the B61-3 and -4 bombs, the W70-3 warhead for the Lance missile, the W76 warhead for the Trident, the W78 warhead for the Minuteman II, the W79 warhead for the artillery fired atomic projectile, the W80-0 warhead for the sea launched cruise missile . . .

And so on.

These are all weapons. I can understand why we should have civilian control of nuclear activities where we possibly can, but I think where we have specific weapons systems, as we have here, it just does not make any sense.

Mr. HATFIELD. Mr. President, I say further to the Senator that the committee did see fit to reduce the request by 5 percent. If you count then 5 percent inflation, we still are looking at basically 10 percent real growth this year over the previous year. So the pattern has been definitely a trend upward in this expenditure for this purpose.

At the same time, we recognize, as the Senator has frequently stated on this floor, that probably the most fragile geopolitical area in the world today is the Middle East. It could blow up at any moment. Yet we still have this horrible dependence on the oil imported out of the Middle East. Every year we are cutting those resources in this very budget that could help us develop energy independence which I suggest is more to our national security than it is to the convenience of our lifestyle. We could walk, as the Senator from Wisconsin does, or jog, as the Senator from Wisconsin does, or ride a bicycle.

But, believe me, as far as our military and national security is concerned, we have to have this oil for much more than just producing gasoline for our automobiles and for the convenience of riding on four wheels.

So I suggest the problem we are really confronted with today, as we have been for some time, is we do not really define our national security. We have fallen victim to it. And I have frequently said that there has only been one President in my lifetime who understood national security and that was a five-star general by the name of

Dwight Eisenhower. Every other President that I have read about or known about or served with has defined it exclusively in military hardware. And the Shah of Iran should have proven to us the fallacy of depending purely upon your arsenal for your security, because there are political and economic and social factors as fundamental to our national security as our hardware. I am not saying it is either/or, I am saying it is a balance.

Today we are cutting in areas where we should be accelerating to develop energy independence and get out of that kind of dependence in the Middle East for the sake of our national security. But, no, we are so mesmerized by these exotic weapons that can create greater destruction, more efficient killing in the world, that we put our emphasis and money there. It is a frustrating battle.

I can assure you I am not championing this bill at all. I am merely carrying this bill as the chairman of the committee.

Mr. STENNIS. If the Senator will yield to me just 1 minute, we have just had the great debate on the MX. The burden of it was carried by the military. They were the ones that were called on to justify the need of such a weapon. We got into the Scowcroft Commission and other groups there, and that helped, but they carried the primary load.

When it comes to buying warheads, I think it is a pretty good idea to have the Senator from Oregon be the money man for all these warheads, because he is careful and he does not lean just one way with the military or such groups. So I think it has its good side, and that ought to be brought out. I am glad to compliment him in that way.

Mr. HATFIELD. I thank the Senator from Mississippi. It is purely a matter of being outvoted, I say to the Senator from Wisconsin.

Mr. President, I move, in accordance with section 904 of the Budget Act, to waive section 303 of that act with respect to the pending measure, H.R. 3132, as reported by the Committee on Appropriations and any amendments thereto. This has been cleared by both sides.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STENNIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, I am pleased to join in presenting the pending measure, H.R. 3132, an act making energy and water development appropriations for fiscal year 1984, and for other related purposes. The purpose of this bill is to provide appropriations for water resources development programs and activities of the Department of Army, U.S. Corps of Engineers, civil works program in title I; for the Department of the Interior's Bureau of Reclamation in title II; for the Department of Energy programs except for fossil fuels and certain conservation programs in title III, and for related independent agencies and commissions, including the Appalachian regional development programs; the Nuclear Regulatory Commission and the Tennessee Valley Authority in title IV.

First, Mr. President, I want to express my special appreciation to our chairman, the distinguished senior Senator from Oregon, and other members of our subcommittee who have worked long and hard to bring this legislation to the floor. As in years past, the Senator from Oregon and I have worked together within the subcommittee without a trace of partisanship to fashion a bill that meets the present and future needs of our entire Nation.

Mr. President, the fiscal year 1984 budget estimates for this bill total $14,610,671,000 in new budget obligational authority. The recommendation of the committee would provide $14,170,853,000, a decrease of $439.8 million below the budget estimates of the President, and $9.1 million below the House-passed bill. This year's amount is about $365 million less than was provided in last year's appropriations. The decrease over fiscal year 1983 is principally due to reductions in the Corps of Engineers programs. In fact, the Corps of Engineers program in title I is almost $765 million less than in fiscal year 1983.

I point this out, Mr. President, because I wish this were not so. Indeed, I believe we should be putting more funds in the development of our water resources especially our ports and harbors, for flood control and for water supply. I believe that we are short-changing future generations by not making these sound capital investments now. At the same time, I recognize the budget realities and the need for fiscal restraint. However, I do deplore the continued decline in what I consider to be extremely important programs and urge my colleagues to help us find a way to get new authorizations, new starts, and new work—all of which are missing from this bill—underway as quickly as possible. The wise and prudent development of our water resources for present and future needs must continue if we are to prosper in economic development in providing for the social well-being of our population.

In title I for the Corps of Engineers, we recommend $118.4 million for the general investigations program, $10.6 million less than fiscal year 1983, and $30 million less than the House-passed bill. The study and planning program has been severely reduced and it is in danger of losing a large number of personnel—experts, engineers, and planners at these budget levels. I hope the committee's recommendation will be agreed to. For construction, general, the recommendation is for $885.8 million, a reduction of over $600 million from fiscal year 1983 levels. This reduction reflects the completion of work that has been underway for the last few years on several projects and, at the same time, the lack of new starts to take the place of work being completed and also the lack of major new authorizations.

In fact, Mr. President, the last major omnibus construction authorization bill was passed in 1970. For operation and maintenance, general, the committee recommends $1,170.6 million, a reduction of $44 million under the House-passed bill, and $17 million less than the fiscal year 1983 appropriation. I note also, Mr. President, that this is the first time that O&M appropriations are greater than the construction appropriation. The committee also recommends $298 million for flood control, Mississippi River and tributaries and Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee. In all, for title I, we recommend $2,591 million, about $104 million less than the House-passed bill, $765 million less than fiscal year 1983 appropriations, and $90 million more than the budget estimates.

Title II includes $945 million for the Bureau of Reclamation, of which $683.8 million is recommended for the construction program in the 17 Western States. This amount is $43 million less than the House bill and $16 million under the budget estimates. We provide for continuation of all ongoing construction projects and operation and maintenance programs of the Bureau.

Mr. President, for both titles I and II, the committee recommendation reflects our attempt to accommodate the most critical needs identified through the extensive hearings conducted with administration witnesses, the public, and State and local officials and Members of Congress. I urge the Senate to accept our recommendations as approved by the committee and as shown in the accompanying report.

Mr. President, title III of the bill contains appropriations for the Department of Energy. We recommend a total of $9,963,391,000. This is $547 million more than fiscal year 1983, but $71 million less than the House bill. Of this amount, $6.5 billion is for atomic energy defense activities, principally the nuclear weapons program and materials production therefor. This amount, of course, is almost one-

half of the entire bill and is almost $800 million more than was provided for fiscal year 1983. We are also recommending for energy supply, research, and development activities a total of $1,943,709,000. The amount recommended for energy programs includes funds for research, development, and demonstration activities in solar energy, geothermal energy, for electric energy systems and storage, wind energy programs, ocean thermal energy conversion, nuclear fission including nuclear waste activities, and for magnetic fusion. In the areas of support research and technical analysis, funds are included under basic energy sciences, for nuclear sciences, material sciences, chemical sciences, biological energy research and for environmental and biological research, and overview and assessment under the environmental program.

For general science and research activities, the committee recommends $635 million, of which $486 million is for the high energy physics program; $155 million is for the nuclear physics program.

For the Power Marketing Administration of the Department of Energy, the committee recommendation provides $388.7 million, $40 million below fiscal year 1983 appropriation, $95 million under the budget estimates, but about $20 million more than the House-passed bill, principally for the intertie in the Western Area Power Administration area.

The committee recommendation for the Federal Energy Regulatory Commission would provide the full budget estimate of $94,582,000. The budget projects $60 million of this amount would be covered from increased revenues. The amounts I have mentioned represent just a few of the highlights of the principal Department programs funded in this appropriation bill. For a detailed breakout for the specific programs, items, and subitems, I would ask the Members to see the detailed accompanying report.

Mr. President, title IV of the bill includes $670.7 million for six independent agencies. This is $181 million less than last year's level. The committee has provided $125 million for the Appalachian regional development programs, $466.8 million for the Nuclear Regulatory Commission, $75.2 million for the Tennessee Valley Authority, and $949,000 for three river basin commissions.

Title V of the bill contains the general provisions which are customary and have been provided in prior years to permit agencies funded in this bill certain flexibility and to limit other activities. The committee has stricken the House-proposed general provision contained in the bill which would reduce the overall budget by 3 percent, except for atomic energy defense activities. This provision has been stricken by the committee as it is no longer necessary. This is so because the committee has reduced the bill below the House-approved levels even when the 3-percent general reduction—which equals approximately $235 million—is taken into account.

Mr. President, as I mentioned earlier, the report accompanying the bill includes an explanation of the various changes and recommendations reflected in the bill and I suggest that the membership read or at least look through it. This is a good bill and report, Mr. President. I emphasize that it is under the President's budget, under the House bill, under last year's level, and I urge the Senate to adopt the bill as recommended.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, and that the bill, as thus amended, be regarded for the purpose of amendment as original text, provided that no point of order shall have been considered to have been waived by agreeing to this request. This matter has been cleared by both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, line 15, strike "$148,733,000", and insert "$118,435,000";

On page 2, line 25, strike "$882,829,000", and insert "$885,779,000";

On page 3, line 1, strike ", of", through and including line 8;

On page 3, after line 8, insert the following: No funds under this heading shall be used for further study or construction or in any fashion for a federally funded waterway which extends the Tennessee-Tombigbee project south from the city of Demopolis, Alabama.

On page 3, strike line 19, through and including line 22;

On page 4, line 7, strike "$310,330,000", and insert "$297,960,000";

On page 5, line 12, strike "$1,215,032,000", and insert "$1,170,620,000";

On page 5, line 13, strike ", of", through and including line 14;

On page 8, line 18, strike "$34,431,000", and insert "$31,981,000";

On page 8, line 19, strike "$33,761,000", and insert "$31,361,000";

On page 8, after line 22, insert the following: Any costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with allocation of construction costs upon authorization of construction of such project.

On page 9, line 8, strike "$696,538,000", and insert "$683,818,000";

On page 9, line 8, strike "and,", through and including "aqueduct,", line 14;

On page 9, line 17, strike "$179,000,000", and insert "$155,600,000";

On page 10, after line 12, insert the following: *Provided further,* That no appropriation, fund, or authority under this heading shall be used for construction of features of the Garrison Diversion Unit in North Dakota affecting waters flowing into Canada: *Provided further,* That of the amount herein appropriated not to exceed $20,000 shall be available to initiate a rehabilitation and betterment program with the Twin Falls Canal Company, Twin Falls County, Idaho, to rehabilitate facilities under the Act of October 7, 1919 (63 Stat. 724), as amended, to be repaid in full by the lands served and under conditions satisfactory to the Secretary of the Interior.

On page 12, line 9, strike "$52,970,000", and insert "$40,500,000";

On page 12, line 14, strike "$51,802,000", and insert "$43,332,000";

On page 12, line 25, strike "$53,750,000", and insert "$53,400,000";

On page 18, line 8, strike "$1,964,209,000", and insert "$1,943,709,000";

On page 18, after line 9, insert the following: *Provided,* That $3,000,000 of the proposed deferral No. 83-72 shall be made available for the Second Small Community Experiment project and shall remain available until expended.

On page 19, line 21, strike "$643,250,000", and insert "$635,250,000";

On page 20, line 19, strike "$6,558,375,000", and insert "$6,500,875,000";

On page 20, line 20, strike *"Provided,"*, through and including line 24, and insert the following:

Provided, That none of the funds appropriated by this Act, or by any other Act, or by any other provision of law, shall be available for the purpose of restarting the L-Reactor at the Savannah River Plant, Aiken, South Carolina, until the Department of Energy completes an Environmental Impact Statement pursuant to section 102(2)c of the National Environmental Policy Act of 1969. For purposes of this paragraph the term "restarting" shall mean any activity related to the operation of the L-Reactor that would load fuel into the reactor core, achieve criticality, generate fission products within the reactor, or discharge cooling water from either testing or operations into Steel Creek.

Consistent with the National Environmental Policy Act of 1969, and in consultation with State officials in South Carolina and Georgia, the preparation and completion of the Environmental Impact Statement called for in this paragraph shall be expedited. The Secretary of Energy may reduce the public comment period, except that the public comment period shall not be reduced to less than forty-five days and the Secretary shall provide his Record of Decision, based upon the completed Environmental Impact Statement, not sooner that December 1, 1983, and not later than January 1, 1984.

On page 22, line 5, strike "$371,056,000", and insert "$361,056,000";

On page 22, line 21, strike "such that the", and insert "so as to result in a";

On page 22, line 22, strike "not be greater", and insert "estimated at not more";

On page 22, line 23, strike "$161,437,000", and insert "$151,437,000";

On page 23, line 20, strike ", subject to enactment of authorizing legislation";

On page 25, line 10, strike "$184,630,000", and insert "$204,630,000";

On page 26, line 11, strike "$89,582,000", and insert "$94,582,000";

On page 26, line 23, strike "$29,582,000", and insert "$34,582,000";

On page 29, strike line 5, through and including line 21;

On page 30, line 9, strike "$2,500,000", and insert "$2,700,000";

On page 30, line 17, strike "$150,000,000", and insert "$125,000,000";
On page 30, line 18, strike "$100,000,000", and insert "$80,000,000";
On page 32, line 3, strike "$465,800,000", and insert "$466,800,000";
On page 33, line 7, strike "$125,950,000", and insert "$122,500,000";
On page 34, strike line 19, through and including line 25;
So as to make the bill read:

H.R. 3132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1984, for energy and water development, and for other purposes, namely:

TITLE I—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $118,435,000, to remain available until expended.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $885,779,000, to remain available until expended.

No funds under this heading shall be used for further study or construction or in any fashion for a federally funded waterway which extends the Tennessee-Tombigbee project south from the city of Demopolis, Alabama.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, $10,000,000, to remain available until expended.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), $297,960,000, to remain available until expended: *Provided,* That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District Engineer and the State Conservationist: *Provided further,* That the unexpended balances of prior appropriations provided for activities covered in this appropriation may be transferred to appropriation accounts for such activities established pursuant to this appropriation. Balances so transferred may be merged with funds in the applicable established account and thereafter may be accounted for as one fund for the same time period as originally enacted.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,170,620,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors and the Coastal Engineering Research Center; commercial statistics; and miscellaneous investigations, $103,000,000, to remain available until expended.

SPECIAL RECREATION USE FEES

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, $6,000,000, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l).

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by 5 U.S.C. 4110, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; not to exceed $2,000 for official reception and representation expenses; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed 185 for replacement only) and hire of passenger motor vehicles: *Provided,* That the total accrued expenditures of the capital investment program of the revolving fund shall not exceed $78,000,000 in fiscal year 1984.

GENERAL PROVISIONS, CORPS OF ENGINEERS

SEC. 101. None of the funds appropriated in this title, except as specifically contained herein, shall be used to alter, modify, dismantle, or otherwise change any project which is partially constructed but not funded for construction in this title.

SEC. 102. The Secretary of the Army, acting through the Chief of Engineers, is authorized to reimburse local and State interests those sums of moneys expended by them subsequent to July 1, 1969, in construction of the Flat River Channel improvement feature of the Bayou Bodcau and Tributaries project in Louisiana to the extent that such work is authorized by Public Law 89-298, approved October 27, 1965, and which the Chief of Engineers determines is compatible with, and constitutes, an integral part of his recommended plan. The total amount of reimbursement is not to exceed $3,500,000.

SEC. 103. Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to enter into a purchase contract for the acquisition of new buildings and appurtenant facilities for the United States Army Engineer District, New Orleans, Louisiana. Such buildings and facilities shall be constructed on a site presently occupied by the Engineer District under a long-term right of use donated by the Board of Commissioners for the Port of New Orleans. The contract shall provide for the payment of the purchase price, which shall not exceed $38,000,000, and reasonable interest thereon, by lease or installment payments over a period not to exceed 25 years. The contract shall further provide that title to the buildings and facilities shall vest in the United States at or before the expiration of the contract term upon fulfillment of the terms and conditions of the contract.

TITLE II—DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $31,981,000, of which $31,361,000 shall be derived from the reclamation fund and of which $470,000 shall be available for the termination of activities conducted pursuant to the Act of October 17, 1978, as amended (42 U.S.C. 7801, et seq.). Any costs of an advance planning study of a proposed project shall be considered to be construction costs and to be reimbursable in accordance with allocation of construction costs upon authorization of construction of such project.

CONSTRUCTION PROGRAM

For construction and rehabilitation of projects and parts thereof (including power transmission facilities for Bureau of Reclamation use) and for other related activities as authorized by law, to remain available until expended, $683,818,000, of which $161,104,000 shall be available for transfers to the Upper Colorado River Basin Fund authorized by section 5 of the Act of April 11, 1956 (43 U.S.C. 620d), and $155,600,000 shall

be available for transfers to the Lower Colorado River Basin Development Fund authorized by section 403 of the Act of September 30, 1968 (43 U.S.C. 1543): *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund: *Provided further*, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund may be increased or decreased by transfers within the overall appropriation to this heading: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument: *Provided further*, That no appropriation, fund, or authority under this heading shall be used for construction of features of the Garrison Diversion Unit in North Dakota affecting waters flowing into Canada: *Provided further*, That of the amount herein appropriated not to exceed $20,000 shall be available to initiate a rehabilitation and betterment program with the Twin Falls Canal Company, Twin Falls County, Idaho, to rehabilitate facilities under the Act of October 7, 1919 (63 Stat. 724), as amended, to be repaid in full by the lands served and under conditions satisfactory to the Secretary of the Interior.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $134,291,000: *Provided*, That of the total appropriated, the amount for program activities which can be financed by the reclamation fund shall be derived from that fund and such amounts as may be required for the Boulder Canyon Project shall be derived from the Colorado River Dam fund: *Provided further*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That nonreimbursable funds will be available from revenues for performing examination of existing structures on participating projects of the Colorado River Storage Project: *Provided further*, That such amounts as may be required for replacements on the Boulder Canyon Project which would require readvances to the Colorado River Dam Fund under Section 5 of the Boulder Canyon Project Adjustment Act of July 19, 1940 (43 U.S.C. 618d), are to be considered as though readvanced under said section.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a–421d), and August 6, 1956, as amended (43 U.S.C. 422a–422k), including expenses necessary for carrying out the program, $40,500,000, to be derived from the reclamation fund and to remain available until expended: *Provided*, That during fiscal year 1984 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $43,332,000: *Provided further*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the offices of the Commissioner of the Bureau of Reclamation and in the regional offices of the Bureau of Reclamation $53,400,000, of which $10,500,000, shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), as amended, to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

SPECIAL FUNDS

Sums herein referred to as being derived from the reclamation fund, the Colorado River Dam fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391), and the Act of December 21, 1928 (43 U.S.C. 617a), and the Act of July 19, 1940 (43 U.S.C. 618a), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the head "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 17 motor vehicles of which 16 shall be for replacement only; purchase of one aircraft; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the reclamation laws; for service as authorized by 5 U.S.C. 3109, in total not to exceed $500,000; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriations Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Act of August 21, 1935 (16 U.S.C. 461–467): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for appraisal and special investigations, and general engineering and research under the head "General Investigations".

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 1341).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials,

equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 204. Appropriations in this title shall be available for hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchases of reprints; payment for telephone services in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 205. The cost of foundation treatment, drainage, and instrumentation work planned or under way at Twin Buttes Dam, Texas, shall be nonreimbursable under Federal reclamation laws.

TITLE III—DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 19 of which 16 are for replacement only), $1,943,709,000, to remain available until expended: *Provided*, That $3,000,000 of the proposed deferral No. 83-72 shall be made available for the Second Small Community Experiment project and shall remain available until expended.

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 49 of which 48 are for replacement only); $2,235,000,000, to remain available until expended: *Provided*, That revenues received by the Department for the enrichment of uranium and estimated to total $2,240,000,000 in fiscal year 1984, shall be retained and used for the specific purpose of offsetting costs incurred by the Department in providing uranium enrichment service activities as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484): *Provided further*, That the sum herein appropriated shall be reduced as uranium enrichment revenues are received during fiscal year 1984 so as to result in a final fiscal year 1984 appropriation estimated at not more than $0.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy, activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for general science and research activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 12 for replacement only); $635,250,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL FUND

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, including the acquisition of real property or facility construction or expansion, $306,675,000, to remain available until expended, to be derived from the Nuclear Waste Fund. To the extent that balances in the fund are not sufficient to cover amounts available for obligation in this account, the Secretary shall exercise his authority pursuant to section 302(e)(5) to issue obligations to the Secretary of the Treasury.

ATOMIC ENERGY DEFENSE ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction and acquisition of plant and capital equipment and other expenses incidental thereto necessary for atomic energy defense activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 333 of which 323 are for replacement only) including 7 police-type vehicles; purchase of one helicopter, $6,500,875,000, to remain available until expended: *Provided*, That none of the funds appropriated by this Act, or by any other Act, or by any other provision of law, shall be available for the purpose of restarting the L-Reactor at the Savannah River Plant, Aiken, South Carolina, until the Department of Energy completes an Environmental Impact Statement pursuant to section 102(2)c of the National Environmental Policy Act of 1969. For purposes of this paragraph the term "restarting" shall mean any activity related to the operation of the L-Reactor that would load fuel into the reactor core, achieve criticality, generate fission products within the reactor, or discharge cooling water from either testing or operations into Steel Creek.

Consistent with the National Environmental Policy Act of 1969, and in consultation with State officials in South Carolina and Georgia, the preparation and completion of the Environmental Impact Statement called for in this paragraph shall be expedited. The Secretary of Energy may reduce the public comment period, except that the public comment period shall not be reduced to less than forty-five days and the Secretary shall provide his Record of Decision, based upon the completed Environmental Impact Statement, not sooner than December 1, 1983, and not later than January 1, 1984.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for Departmental Administration and other activities in carrying out the purposes of the Department of Energy Organization Act (Public Law 95-91), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000); $361,056,000, all of which is available for fiscal year 1984 and shall remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $209,619,000 in fiscal year 1984 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1984 so as to result in a final fiscal year 1984 estimated appropriation estimated at not more than $151,437,000.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

For engineering and economic investigations to promote the development and utilization of the water, power, and related resources of Alaska, and for necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $3,410,000, to remain available until expended, of which not to exceed $200,000 to be available only upon a determination by the Secretary that such amounts are required to ensure continuity of service in the case of an emergency.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed $2,500; and for continuity of financing the construction program, as well as financing new programs, an additional $1,250,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (Public Law 93-454) to remain outstanding at any given time: *Provided*, That the obligation of such additional borrowing authority shall not exceed $123,400,000 in fiscal year 1984.

During fiscal year 1984 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $40,000,000; during fiscal year 1984, commitments to guarantee loans may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed $20,000,000.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $20,594,000, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative ex-

penses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $36,229,000, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (Public Law 95-91), and other related activities including conservation and renewable resources programs as authorized, including the purchase of passenger motor vehicles (not to exceed nine for replacement only), purchase, maintenance, and operation of one aircraft, $204,630,000, to remain available until expended, of which $163,430,000 shall be derived from the Department of the Interior Reclamation fund and $1,004,000, shall be derived from the Colorado River Dam fund for power marketing and transmission expenses of the Boulder Canyon Project.

EMERGENCY FUND, WESTERN AREA POWER ADMINISTRATION

For the "Emergency Fund", as authorized by the Act of June 16, 1948 (43 U.S.C. 502), to remain available until expended for the purposes specified in that Act, $500,000, on a continuing basis to be recovered from the Reclamation Fund against receipts for the transmission and sale of electric power and energy which are deposited into the Treasury through Western Area Power Administration which shall be available for transfer to the Western Emergency Fund: *Provided,* That expenditures from the Western Emergency Fund shall be replenished from project power revenues for which funds were expended on an emergency basis.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (Public Law 95-91), including services as authorized by 5 U.S.C. 3109, including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $1,500); $94,582,000, of which $4,000,000 shall remain available until expended and be available only for contractual activities: *Provided,* That notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), revenues from licensing fees, inspection services, and other services and collections estimated at $60,000,000 in fiscal year 1984 may be retained and used for necessary expenses in this account, and may remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as revenues are received during fiscal year 1984, so as to result in a final fiscal year 1984 appropriation estimated at not more than $34,582,000.

GEOTHERMAL RESOURCES DEVELOPMENT FUND

For carrying out the Loan Guarantee and Interest Assistance Program as authorized by the Geothermal Energy Research, Development and Demonstration Act of 1974, as amended, $2,100,000, to remain available until expended: *Provided,* That the indebtedness guaranteed or committed to be guaranteed through funds provided by this or any other appropriation Act shall not exceed the aggregate of $500,000,000.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

SEC. 301. Appropriations for the Department of Energy under this title for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance and operation of aircraft; purchase, repair and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services. From these appropriations, transfers of sums may be made to other agencies of the United States Government for the performance of work for which this appropriation is made. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriation Act. The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign.

SEC. 302. Not to exceed 5 per centum of any appropriations made available for the current fiscal year for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and any such proposed transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

SEC. 303. The unexpended balances of prior appropriations provided for activities covered in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. None of the funds in the Department of Energy shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in the Department of Energy.

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Cochairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $2,700,000.

FUNDS APPROPRIATED TO THE PRESIDENT, APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, except expenses authorized by section 105 of said Act, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, to remain available until expended, $125,000,000 of which $80,000,000 shall be available for the Appalachian Development Highway System.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $191,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States' share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $269,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $68,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official representation expenses (not to exceed $3,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $466,800,000, to remain available until expended: *Provided,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That moneys received by the Commission for the cooperative nuclear safety research program and the material access authorization program may be retained and used for salaries and expenses associated with those programs, notwithstanding the provisions of 31 U.S.C. 484, and shall remain available until expended.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1541), $191,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expense of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $230,000.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C., ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, $122,500,000, to remain available until expended, of which

$47,271,000 shall be derived from unobligated balances in the Tennessee Valley Authority Fund provided in fiscal year 1983.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. None of the funds in this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 505. None of the funds appropriated in this Act shall be used to implement a program of retention contracts for senior employees of the Tennessee Valley Authority.

SEC. 506. Notwithstanding any other provision of this Act or any other provision of law, none of the funds made available under this Act or any other law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" or any other non-cost-based method for the pricing of hydroelectric power by the six Federal public power authorities, or other agencies or authorities of the Federal Government, except as may be specifically authorized by Act of Congress hereafter enacted.

This Act may be cited as the "Energy and Water Development Appropriation Act, 1984".

Mr. HATFIELD. Mr. President, I yield the floor at this time to the Senator from Wyoming.

AMENDMENT NO. 1429

(Purpose: To earmark $4,000,000 for the modification of the Buffalo Bill Dam project)

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming (Mr. WALLOP), for himself and Mr. SIMPSON, proposes an amendment numbered 1429.

Mr. WALLOP. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 22, before the period insert a colon and the following: *"Provided further,* That of the funds appropriated under this heading, $4,000,000 shall be available for road relocation and the modification of the existing powerplant in connection with the Buffalo Bill Dam Project authorized by Title I of the Act of October 12, 1982 (Public Law 97-293)".

On page 9, line 8, strike out "683,818,000" and insert in lieu thereof "687,818,000".

Mr. WALLOP. Mr. President, on behalf of Senator SIMPSON and myself I send to the desk an amendment to H.R. 3132 and ask for its immediate consideration. This amendment would provide $4 million for the modification of the Buffalo Bill Dam in Cody, Wyo., a project which Congress authorized last year as an innovative example of Federal-State cost sharing. The State of Wyoming has appropriated its share to begin the modification work. This amendment would provide initial funding from the Federal side so that construction can begin.

By way of background, the Buffalo Bill Dam was initiated in 1899 as a private venture by William S. (Buffalo Bill) Cody. In 1903 the Wyoming State Board of Land Commissioners requested the then Reclamation Service to complete the project. It was subsequently authorized by Congress in 1904. Major project features include the Buffalo Bill Dam and Reservoir, Shoshone Powerplant, Heart Mountain Powerplant, and related irrigation facilities. In 1969, Congress passed a feasibility study that examined the potential for enlarging the Buffalo Bill Dam. That report was completed in 1969. Its findings served as the basis for S. 1409, the authorizing bill for the present modification project which Congress passed last year and subsequently became Public Law 97-293.

The principle modifications in this phase of the project will include raising the dam by 25 feet to provide increased storage water for power production, irrigation, municipal and industrial water supplies, water quality, and fish and wildlife benefits; construction of a new powerplant providing for a net increase in generating capacity of 15 megawatts at the Shoshone Powerplant site, and additional energy production at the downstream Heart Mountain Powerplant; construction of dikes and impoundments; and construction of a visitor center to accommodate the numerous visitors who visit this historic and spectacular area just outside Yellowstone National Park.

Modification of the Buffalo Bill Dam is strongly supported by the administration. This support is evident in the letter from Bureau of Reclamation Commissioner Robert Broadbent, which I now would like to submit for the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, D.C. June 21, 1983.

In reply refer to: 320.

Hon. MALCOLM WALLOP,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WALLOP: This letter has been prepared in response to a request from your office concerning the status of the cost sharing agreement with the State of Wyoming and additional funding capability of the Bureau for fiscal years 1983 and 1984.

The Department of the Interior, Bureau of Reclamation, continues to support the modification of Buffalo Bill Dam, authorized by Public Law 97-293 dated October 12, 1982, and has entered into negotiations with the State of Wyoming to develop a proposed cost sharing agreement for funding, power revenue sharing, and repayment arrangements. The negotiations for this agreement essentially have been completed at the field level, and a short contract processing period is required at the Washington level.

A power marketing agreement is currently being negotiated among the State of Wyoming, the Bureau of Reclamation, and the Western Area Power Administration. The lack of Federal construction funds is certainly a factor delaying execution of the proposed agreement. At the request of the State, the agreement, as drafted, prohibits the expenditure of State funds until initial Federal construction funds are appropriated.

Advance Planning funds presently available are adequate to allow the Bureau to accomplish Advance Planning activities during fiscal year 1983. Construction funds of $1.1 million had been requested earlier in a fiscal year 1983 budget amendment; however, at this point, the Bureau can only utilize additional fiscal year 1983 funds in the amount of $300,000 if the funds were authorized to be expended for construction purposes and were made available early in the last quarter of the fiscal year.

Besides the $5,400,000 programmed for construction in the President's fiscal year 1984 budget, which includes a contribution of $2,400,000 from the State of Wyoming, the Bureau has the capability to use an additional $1,850,000. These additional funds which include $1,035,000 Federal funds and $815,000 State funds, would be used to complete designs and prepare the bid package for the prime contract.

Currently the Bureau is conducting the advance planning activities preparatory to the beginning of construction. Bureau staff in Cody, Billings, and Denver are working on the derivation of inflow design floods, tailwater studies, analysis of feature alternatives, surveys, geology, foundation exploration, and acquiring other data necessary for final design. In fiscal year 1983, we estimate that a total of $700,000 will be expended by the Bureau for Advance Planning. This work will put the Bureau in a position to begin final design work in the first quarter of the fiscal year 1984, which will result in the award of a contract for raising the dam and construction of the powerplant in the spring of 1985. However, if funds are unavailable to proceed with design and other activities in fiscal year 1984, initiation of construction will slip 1-year (as will project completion). This slippage would result in escalation of the total project cost. If no construction funds are made available for fiscal year 1984, we have capability to utilize up to $3,600,000 in Advance Planning funds

in 1984 to continue preliminary activities in order to minimize a delay in the initiation of construction.

The Bureau looks forward to resuming the development of the Nation's water resources as proposed by the President's plan to begin the modification of Buffalo Bill Dam.

Sincerely yours,

JED D. CHRISTENSEN
(For Robert N. Broadbent,
Commissioner).

Mr. WALLOP. Even though this project has received strong verbal support from all corners, since it was authorized, only $300,000 has been appropriated by Congress for it. This money has either been spent, or is presently committed to be spent in the near future.

The money I am requesting today will be used to expand the powerplant and relocate the highway near the damsite. This relocation is necessary because, when the project is completed, water will cover the existing roads.

If this funding is approved now, it will result in cost savings over the duration of the project, and construction of these projects can proceed on schedule.

I have been informed by the Bureau of Reclamation that the powerplant and highway relocation portions of the project are ready to go to bid. Delay in these bids will only ultimately increase the total cost of the whole project—a cost which will be borne by the Federal Government. The Bureau of Reclamation now estimates that Buffalo Bill will now cost $119.3 million. This is $13 million over what it was authorized at just last year. Therefore time is of the essence.

What makes the Buffalo Bill project truly unique in the world of water projects at this point in time, and why it truly deserves to be funded, is that it stands as an example of Federal-State cost sharing. The State of Wyoming and the Federal Government have agreed to share in the cost of this project. Under this arrangement, the State of Wyoming will provide 44 percent of the project funding, and the Federal Government will provide the rest. The State of Wyoming remains an eager partner in this agreement. As soon as the authorization for the project was signed into law, the State legislature set aside its share, or $47 million, to fund Buffalo Bill. In addition, various State officials have been working very closely with representatives of the Bureau of Reclamation and local people to design, plan, and negotiate all phases of the project. In short, everyone has been working hard to get this project underway and completed, with one exception. Congress has not met its obligation by appropriating the funding necessary to build the project.

Why, when the Congress has authorized this project, the administration has requested funding, and the State of Wyoming has appropriated $47 million for its share, has Congress not fulfilled its obligation? I am told that funding for Buffalo Bill modification cannot go forward until a national cost-sharing policy is developed. While I agree that we probably do need to develop such a policy, I think it is patently unfair and a cruel joke to hold this project, which already contains cost sharing, hostage to a national cost-sharing policy. The authorizing language for Buffalo Bill contains non-Federal participation levels which exceed every cost-sharing policy criteria which I have heard proposed, including Senator STAFFORD's bill, S. 1031, which has been the focus of the Senate's cost-sharing debate. In hearings last week on that bill, William Gianelli, chief of the U.S. Army Corps of Engineers, offered the following two alternatives on the cost-sharing issue:

First we can continue as we have for the last few years with very limited new authorizations or new construction starts. The political process might continue to allow some projects to proceed on some basis other than the soundness of the project. This, in my judgement, will not meet the nation's water needs and will result in eroded public confidence in the government's ability to identify and act on the most vital water projects. The other alternative is to plot a new course—one which takes the limited federal dollars and stretches them over a larger number of projects by capitalizing on the capabilities of the project beneficiaries to assemble financing packages and at the same time weeding out the less feasible projects.

It was less than a year ago that Congress passed S. 1409, the authorizing legislation for this project. At that time, we recognized S. 1409 as the bold initiative that would break the logjam that for the past 7 years had prevented the passage of any major water development projects. The bill's language itself best serves to demonstrate congressional endorsement of a cost-sharing policy.

Mr. President, if Congress does not keep the Federal side of the bargain, if we do not appropriate funds to proceed with this project, then not only my State but every other State will be discouraged from entering into future cost-sharing agreements with the Federal Government. By our inaction today we will discourage any future cooperation which Wyoming has courageously shown. States everywhere will be less willing to shoulder their share of the burden in the development of our water resources at a time when water shortages everywhere are becoming more acute. Rather than halting this project, Congress should be holding it up as a model for future Federal-State partnerships. As it is, the State of Wyoming is exceedingly frustrated, as evidenced in a letter which Wyoming Governor Herschler recently wrote to Senator SIMPSON, and which I ask be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WALLOP. Adoption of this amendment would, on the other hand, encourage States to provide money for worthwhile water projects. Its passage would demonstrate that Congress is trustworthy and willing to work with the States in building projects which are cost effective and which will benefit everyone.

The State of Wyoming has taken a unique approach to a unique project. Clearly no two projects are alike, nor are any two States' abilities to fund them. Secretary Watt recognized this in a letter he sent to Senator ABDNOR, the distinguished chairman of the Senate Water Resources Subcommittee, dated June 17. In that letter defining the administration's position on cost sharing he noted that "cost sharing arrangements will be established on a case-by-case basis." He went on to say that all prior commitments made by the United States should be honored. I could not agree with him more. Buffalo Bill is a prior commitment which should be funded. That is why I am prepared to urge my colleagues to support this amendment which Senator SIMPSON and I are offering today.

EXHIBIT 1

WYOMING EXECUTIVE DEPARTMENT,
Cheyenne, May 27, 1983.

DEAR SENATOR SIMPSON: It has come to my attention that the House of Representatives has depleted FY-1984 funding for the Buffalo Bill Dam enlargement. I hope that this is incorrect.

As you know, I am committed to seeing Buffalo Bill Dam enlarged. I am also committed to a joint venture with the Department of the Interior on funding this project. But, it is darn difficult to cost-share when the federal government doesn't ante-up. Further, the state and the Bureau of Reclamation are near a successful conclusion to a cost-sharing agreement, and I would hate to see those efforts wasted because Congress won't fund this project.

I would hope you can restore funding of the Buffalo Bill Dam in the Senate version of the FY-1984 Interior Budget.

If there is anything I can do, please let me know.

Yours sincerely,

ED HERSCHLER.

Mr. HATFIELD. If the Senator would permit me to comment, I think that I may be able to suggest an alternate solution other than this amendment, at this point in time, which I think would address his concerns and those of the State of Wyoming.

Mr. WALLOP. Of course.

Mr. HATFIELD. I know that funding for the Buffalo Bill project is of critical importance to both of my distinguished colleagues from Wyoming as they have spoken to me about it on a number of occasions and their offices have been working with mine on this

at both a subcommittee level and during the full Appropriations Committee markup of this measure. The Senators from Wyoming make a convincing case that the Buffalo Bill project is meritorious and deserves funding as soon as possible. As he recognizes, Congress does need to resolve the broader issues of cost sharing on a national policy level, and for that reason neither the House nor the Senate have provided any funding for new construction projects as is the case here.

I would like to suggest a solution which I think will address Wyoming's concerns. As many people know, the reason for the delay is that the House and Senate authorizing committees have asked the Appropriations Committees to defer action on new start appropriations until they could report out an authorization bill. The House Appropriations Committee has been trying to honor that commitment as are we. However, pressure is building to move some legislation through. Wyoming is not alone in its eagerness to begin work on a home State water development project. I, too, am eager to get funding for the replacement lock at Bonneville Dam. So, too, many other Members of Congress are pressing hard for authorization and funding for a number of water development projects important to their States. This tide will not be held back forever. However, the House Appropriations Committee must act first. By law all appropriation measures must be initiated in the House. The House Appropriations Committee is awaiting authorization action by the House committees. The House authorizing committees also committed to producing legislation this year. It is my understanding that the House Appropriations Committee would like to do new starts in a separate bill. However, this might not be possible. If not, new-start funding might come as part of a supplemental appropriations bill, or a continuing resolution bill. In any event, the House Appropriations Committee does hope to report some kind of new-start package within this year.

For my part, as chairman of the Senate Energy and Water Appropriations Subcommittee and of the full Appropriations Committee, I can also give my distinguished colleague from Wyoming the assurance that I will do my part to insure that funding for the Buffalo Bill Dam project is included in any new-start measure which is considered in the Senate Appropriations Committee. Certainly the Wyoming Legislature has proven their good faith by appropriating funds to help accomplish the modifications for this dam and reservoir.

Mr. WALLOP. Can the Senator from Oregon provide a likely timetable when action on such a package might occur, as well as his commitment to enacting such a measure in the near future?

Mr. HATFIELD. Certainly. It is my understanding that the House Appropriations Committee intends to meet at the end of this month to decide whether or not to go forward with a separate omnibus new-start water project bill. Naturally, that decision will affect the timing of action in the House, and action by my committee on such a measure. However, I do know that the Appropriations Committee is intent on early action this year. As soon as a new-start bill, or some other appropriations vehicle containing new project starts is sent over by the House, I will immediately begin considering it and intend to move it to the floor for passage and prompt enactment as soon as possible. It is conceivable that we could accomplish this goal by the end of this year. Let me add that I do not intend to wait an inordinate amount of time for the Senate Environment and Public Works Committee to pass new cost-sharing legislation. If that committee chooses not to act promptly and meet this timetable, I intend to move in the Appropriations Committee anyway.

Mr. WALLOP. Does the chairman see any problem with approval of the full $4 million figure which we are seeking, and which represents the total of the $1 million the administration requested in the fiscal year 1983 supplemental appropriations bill plus the $3 million which it requested in the fiscal year 1984 energy and water appropriations bill? As he knows, the House cut both requests from its bills.

Mr. HATFIELD. I see no problem with this funding level, and would be prepared to support it.

Mr. WALLOP. On behalf of Senator SIMPSON and myself I thank the distinguished chairman of the Appropriations Committee for these offers. He is one of the leaders of the Senate and an honorable colleague whose word I trust, with one of the hardest jobs in this body in his responsibility for funding every Government program in existence. In view of his assurances, Senator SIMPSON and I now feel confident that funding for the Buffalo Bill Dam modification project will be forthcoming this year.

Mr. President, in view of these assurances it is my intention to withdraw the amendment because I understand the problem that it places on him and the commitment that he has both to a process that is underway and to his resistance to other Senators, including projects in his own State of a similar nature, and I would not presume so much as to enter into that.

But the program is supported especially in that it is the first Federal-State cost-sharing agreement that has been arrived at.

Mr. HATFIELD. Mr. President, the Senator from Wyoming (Mr. WALLOP) and his staff have indeed spent a great amount of consultation with me, our office and our staff on this project.

Our own staff analysis confirms his statement. This is a worthy project, highly meritorious, one that should be developed. There is no question as to the empathy and the support this committee feels toward this project. The basic question that we had to confront was no new start and that was also related to the question of cost sharing and financing policy. I am very hopeful that we can get that particular issue behind us so that we can then make faster disposition of some of these projects which have been waiting. Also, the chairman of the Senate authorizing committee, the Presiding Officer (Mr. ABDNOR), assured me that they are moving with great celerity to achieve that remarkable feat of getting an authorization bill on a number of these projects that have been held in abeyance or have been in limbo for so long.

With those factors in mind, I want to assure the Senator that we will fully cooperate and support his efforts when these various policy decisions have been made and have been established, the no new start question, the cost-sharing question.

Certainly, on its own merits, this is a very outstanding project.

Mr. WALLOP. Mr. President, I thank the Senator from Oregon for his understanding and Mr. President, I withdraw the amendment with my thanks to the Senator from Oregon for his cooperation.

Mr. HATFIELD. I hope the record will be very clear on the reasons why we have asked him to withdraw the amendment and why he has graciously complied, the decision on new starts has no connection whatsoever with the merits of the Buffalo Bill project.

Mr. WALLOP. I thank the Senator.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. SIMPSON. Mr. President, I would wish to express my appreciation to my fine colleague from Oregon and his willingness to work with my friend Senator WALLOP and myself to assure funding for this very worthy project. I do know and understand the project so very well since the Buffalo Bill Dam is located near my home town of Cody, Wyo. It is a project that is badly needed for that area of the State and when completed it will provide an extraordinary array of increased power and water resources. Unfortunately, this is a project that has been needlessly delayed while we in the Congress have been deliberating and debating over the many facets of cost sharing for new construction starts. But this should not be the issue. This has been particularly distressing since the cost-sharing formula for this proj-

ect has already been agreed to. Not only that, my fine State of Wyoming has appropriated $47 million for the project. Our State is far ahead of the Federal Government in actually putting up the bucks—the actual dollars for this project. It is time then that we in Congress show our commitment and appropriate the necessary funding for the modification.

Mr. President, I am especially pleased that my colleague in the Senate has made certain assurances that the omnibus new start construction bill will be moved along as rapidly as is possible in this year. The Buffalo Bill Dam project as well as many other worthy projects must be acted upon regardless of whether we now adopt a uniform cost sharing formula between the Federal Government and other local forms of funding. I have always supported a sensible cost sharing policy—and will continue to do so—but worthwhile projects where a State has provided an extraordinary amount of the funding should not be held up any longer.

Again, I am grateful for the willingness and cooperation that my friend, Senator HATFIELD, has shown in this area. I will be pleased to join with the senior Senator from Wyoming in withdrawing our amendment with the commitment and assurance that the Buffalo Bill Dam modification will be first funded in any current new starts appropriations bill.

Mr. HUMPHREY. Mr. President, I wonder if I might engage the chairman of the Appropriations Committee in a colloquy relative to the committee language in this bill on the Clinch River project.

Mr. HATFIELD. I will be very happy to respond to the Senator.

Mr. HUMPHREY. I thank the Senator. I know the chairman is aware of my concern and that of other Senators regarding Clinch River. We have made an effort over the years to terminate this project.

Mr. President, the appropriations bill before us contains no funding for the fiscal year 1984 for the Clinch River breeder reactor demonstration project. It is my wish to further clarify language for the information of the Department of Energy. Let me ask a few questions of the chairman at this point, if I might.

As the chairman knows, the continuing resolution for fiscal year 1983 prohibited any construction. Because the committee report of this bill continues this program for fiscal year 1984, I ask the chairman of the Appropriations Committee, is it correct that no money is available for construction of the project, the Clinch River project, in fiscal 1984?

Mr. HATFIELD. The Senator is correct. There is, in fact, a specific prohibition in the language that indicates the committee's feeling and view about the matter, to prohibit that.

Let me be very frank with the Senator. We have both been in the political business long enough to know that bureaucrats are determined to circumvent the will of the Senate, the House, or the Congress. They go into definitions of what is construction, for instance. Some may view construction as merely new construction, whereas others may say it is replacement and does not constitute new construction, in a sense.

Let me just say that my understanding is that the prohibition includes not only the reactor building itself but also any support facilities and all support facilities. I would just like to make that record further with the Senator from New Hampshire. As he knows, he and I stand shoulder to shoulder on this issue, on the same side of it. But I believe that is the legislative record, and I am happy to reiterate it today.

Mr. HUMPHREY. I thank the chairman. He is absolutely correct, that we should make absolutely clear that the legislative intent of the language is to prevent some executive department from going around the legislative intent. I might say that my understanding of the word "construction" includes not only the reactor building but any support facilities, as the chairman has verified.

Let me ask the chairman further if any new activities would be permitted by the language in this appropriation bill? Would leveling and mud mats, vertical backfill concrete, and construction of waterproof membrane be permitted by this language?

Mr. HATFIELD. It is the intent of the committee to bar the initiation of any such construction activities in fiscal year 1984 unless an alternative financing plan is approved.

Mr. HUMPHREY. The answer to my question, then, is no, they would not be permitted?

Mr. HATFIELD. They would not be permitted.

Mr. HUMPHREY. Or construction for a barge facility?

Mr. HATFIELD. No, that would not be permitted.

Mr. HUMPHREY. Construction of a railroad?

Mr. HATFIELD. That would not be permitted.

Mr. HUMPHREY. An onsite office building?

Mr. HATFIELD. That would not be permitted.

Mr. HUMPHREY. An onsite warehouse?

Mr. HATFIELD. That would not be permitted.

Mr. HUMPHREY. To start construction of nuclear island mat, including cell liners?

Mr. HATFIELD. That would not be permitted.

Mr. HUMPHREY. Work on sewage treatment plant or plants?

Mr. HATFIELD. That, again, would be outside the understanding of the committee to prohibit all construction.

Mr. HUMPHREY. Or erection of the containment vessel?

Mr. HATFIELD. Again, that would be outside the permitted activity. In other words, that would not qualify.

Mr. HUMPHREY. I thank the chairman for his responses. It is the intent of the committee, I take it, to stop construction completely in any sense of the word.

Mr. HATFIELD. The Senator is correct.

Mr. HUMPHREY. I thank the chairman.

Could the Department of Energy be free to obligate itself to new contracts for work on any aspect of the project before a cost-sharing bill was enacted?

Mr. HATFIELD. No. It is our intent that DOE would not obligate on these contracts.

Mr. HUMPHREY. And, finally, does the committee's language "If an alternative financing arrangement can be worked out among the interested parties," mean if an authorizing bill is enacted by Congress?

Mr. HATFIELD. Let me state to the Senator that on that type of situation, we in the Appropriations Committee do not seek to take on problems that we do not already have. Therefore, we would prefer to have that type of thing go to the authorizing committee and for them to have hearings and make that determination.

I must also say for the total record, that, as the Senator knows, when you get into a CR situation, a continuing resolution situation, which, unfortunately, we may have to face again this year at some point on the bills which have not been acted upon, anything can happen on a CR and usually does. But I would resist it, as chairman of the committee.

I just want to make sure that the Senator understands that there are all kinds of loopholes, and I would join him any time he finds one that I do not find.

Mr. HUMPHREY. The purpose of my question was to determine whether or not the committee expects the Department of Energy to come before some committee of Congress to obtain approval of an alternative plan.

Mr. HATFIELD. That is correct. Again, I must say that we have authorized these sometimes in terms of CR's.

Mr. HUMPHREY. I understand that, Mr. President. In any case, under the committee report language, the Department of Energy must come before the Congress to obtain approval of alternative financing schemes. Is that correct?

Mr. HATFIELD. That is correct.

Mr. HUMPHREY. The Department of Energy must obtain the approval of Congress.

Mr. HATFIELD. That is correct. That would have to have approval. The form it would take, in my preference, would include the authorizing committee. If they come at us from another angle, that is another thing I have no way to prevent. I just want to say that as far as this committee is concerned, that is the procedure we are going to require through the normal committee activities.

Mr. HUMPHREY. I just want it understood that we do not want the Department on its own to determine an alternative financing scheme that the committee does not approve.

Mr. HATFIELD. I agree with the Senator.

Mr. HUMPHREY. I thank the chairman of the committee for his assistance.

AMENDMENT NO. 1430

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY), for himself and Mr. PROXMIRE, proposes and amendment numbered 1430.

Mr. HUMPHREY. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 8, strike $683,818,000 and insert in lieu thereof "$661,518,000".

On page 10, line 14, strike "features of".

On page 10, line 15, strike "affecting waters flowing into Canada".

Mr. HUMPHREY. Mr. President, this amendment is relative to the appropriation for the Garrison diversion unit which happens to reside in North Dakota. I hope to speak at some length about this project, not to delay the matter of either the amendment or the bill, but wishing, instead, to use this opportunity to focus public attention on this particular project and what I regard as its deficiencies. Senators know, as a practical matter, that is is very difficult, given the extraordinarily busy schedule that Senators have, to get their attention and that of their staff long enough on each and every question so that both sides of the question are fully understood and arguments fully appreciated on both sides. So I hope to use this opportunity this morning to further the education process.

I am hoping that some Senators are listening on their audio monitors or that, in any case, staff members are able to impart information to Senators on this subject. My colleague, Senator PROXMIRE of Wisconsin, joins me in this amendment and wishes to speak on it. I shall speak only briefly, generally outlining my prinicipal objections to the bill and then allowing the Senator from Wisconsin and others to speak on it. Then I want to return to my part of the discussion and go into it in some detail.

Mr. President, I do not relish, in the least, opposing either of the Senators from North Dakota. They are both men of clear minds and powerful oratory. Furthermore, they both sit on the Appropriations Committee. As Senators know, it is not—let us say it does not help one's personal projects to block in any way members of the Appropriations Committee. Nevertheless, there has to be more to your role in the Nation's affairs than deferring to our colleagues, however much we enjoy them personally. There is nothing personal in my objection to this project and its appropriation, nothing personal with regard to the Senators from North Dakota. I admire and like them both. But if we are to defer on the basis of each and every project which happens to be represented by a Senator, then obviously, we never, ever, have the opportunity to question on the floor the wisdom and sense of particular appropriations or authorizations, for that matter. So I begin by assuring my colleagues that there is nothing whatever personal in this.

It goes without saying, Mr. President, that in this era of deficits, measured not by the tens of millions of dollars but by the hundreds of billions, this era which threatens to last for a number of years, driving the total national debt well over $2 trillion, we should do all in our power to eliminate and to scale back programs and projects where it is possible to eliminate and scale them back. So it is in that context that I offer this amendment this morning.

I do not, frankly, expect to succeed any more than I and the opponents of the Clinch River breeder reactor demonstration project hoped to succeed the first time an amendment was offered on the floor. As a matter of fact, we cannot do that until enough public attention has been focused. So my effort here is to focus public attention and try to widen the knowledge of Members and their staffs about this particular project.

The Garrison Diversion Unit is fundamentally an irrigation project, a water reclamation project, providing the benefits, of course, of irrigation but also of municipal, at least potentially, and industrial water supply.

This water reclamation project is unique in a number of aspects, but one aspect that is particularly interesting is the geological aspect, for the project involves pumping water from the Missouri River—that is, from the Missouri River basin—through a series of canals and reservoirs into areas of irrigation, some of which lie in another watershed, lie in another drainage basin, which happens to flow not south into the United States, but north into Canada, our neighboring country. That is how international aspect of this arises.

That is the fundamental explanation of the concern of our Canadian neighbors and their opposition to this project as it is now designed. For the waters which would be pumped from the Missouri River, along with the aquatic life—fish, all manner of biota—some of that will flow into the Red River basin, thence into Manitoba and the Hudson Bay basin itself.

There are four basic reasons, Mr. President, why I offer this amendment, why I oppose this project as it now stands. I emphasize that. In my view, there are some salutary elements of this proposal. One is it lends itself to redesign and I would more than likely support the project were it redesigned as has been encouraged by a number of responsible parties. There are four basic reasons to oppose this appropriation and to oppose this project as it now stands, Mr. President.

The first reason is that, at a time when the taxpayers of our country are bearing an enormous expense to store surplus farm commodities, and, indeed, to pay farmers not to grow more crops, it makes no sense to spend $1.1 billion, as is anticipated in this project, to create and enhance more farm land by way of irrigation.

Imagine—here we are awash with surplus farm commodities. We do not know what to do with them. It costs us an enormous expense to store them, to refrigerate them and so on. And here we are, paying farmers billions of dollars not to grow more crops on the one hand when, on the other, we are proposing to increase our amount of irrigable land by the construction of yet another irrigation project.

Secretary Block, just the other day, made a statement—not with respect to Garrison, but with respect to this problem of the irony and the contradictory policies we have on the one hand of trying to discourage farm surpluses and, on the other hand, encourage them. I read a part from a New York Times article of June 16, 1983, an article which quotes Mr. Block as follows:

A $21 billion farm commodity support cost this year is indefensible, Mr. Block said in an interview. We have to find ways to cut those costs next year. Either the farm state Congressmen get together and agree on this or the other groups in Congress will force through legislation that will make it even worse for the farmers.

And continuing later in the article, Mr. President, Secretary Block again speaks:

It's becoming even more apparent that the planned loan and subsidy rates are encouraging American farmers to produce

more than they can sell. On the one hand, we have a payment-in-kind program this year that is going to cut the surpluses somewhat. On the other hand, we have an escalating support program that's encouraging more production. That is the height of insanity.

Mr. President, Secretary Block might also have said it is also the height of insanity to be encouraging further planting by the passage of the funding of yet more irrigation projects.

So the basic, fundamental reason for opposing this project is that it will create more tillable farmland, enhance farmland and add more to the surplus of farm commodities, which makes no sense at all.

Mr. President, I ask unanimous consent that I might place into the RECORD the New York Times article to which I just referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 16, 1983]

BLOCK PROPOSES AN EXTENSION OF WHEAT PAYMENT PROGRAM

(By Seth S. King)

WASHINGTON, June 15.—Agriculture Secretary John R. Block, hoping to make further reductions next year in the price-depressing wheat surplus, today disclosed the outlines of a plan to extend the payment-in-kind program to the 1984 wheat crop.

In a letter to Senator Jesse Helms, the North Carolina Republican who heads the Senate Agriculture Committee, Mr. Block said he was considering requiring wheat growers who want Federal price support loans and subsidies next year to leave idle 20 to 30 percent of the land they normally plant.

Farmers who signed up for this initial set-aside requirement then could idle an additional 20 to 25 percent of their remaining wheat acreage, and in return the Government would pay them with wheat from its reserves.

Price support loans and subsidies on last year's grain and cotton crops, plus spending for acreage reduction programs this year and for subsidized interest on grain export loans, will cost taxpayers a record $21 billion in the fiscal year 1983, Mr. Block said.

"A $21 billion farm commodity support cost this year is indefensible," Mr. Block said in an interview. "We have to find ways to cut those costs next year. Either the farm state Congressmen get together and agree on this or the other groups in Congress will force through legislation that will make it even worse for the farmers."

The 1981 Farm Act includes automatic subsidy increases for 1984 through 1986. Mr. Block contends that by skipping those increases, about $337 million could be saved next year, $1.3 billion the following year, and $2.1 billion in 1986.

HEIGHT OF INSANITY

"It's becoming even more apparent that the planned loan and subsidy rates are encouraging American farmers to produce more than they can sell," he said. "On the one hand we have a payment-in-kind program this year that's going to cut the surpluses somewhat. On the other hand, we have an escalating support program that's encouraging more production. That's the height of insanity."

Mr. Block has told the agriculture committees that unless they report out a bill freezing next year's subsidies on grains and cotton, the Administration will oppose a compromise dairy plan that would lower milk price supports but provide direct cash payments to farmers who reduce production.

Members of Congress from tobacco states are also seeking a price-support freeze combined with protections for tobacco growers who rent acreage allotments from other farmers.

The Administration is trying to link bills that would freeze next year's grain and cotton subsidy levels with other bills cutting tobacco and dairy price supports. The officials hope this will improve the chances of passing this politically explosive legislation this summer.

Mr. HUMPHREY. The second basic reason for opposing this project, Mr. President, is that it is not cost effective. The proponents claim a cost-benefit ratio of 1 to 1:13. That is, for each taxpayer dollar invested there would be a return according to the standard methods of calculating these things of $1.13, but—and this is a mighty big but, in fact, a gargantuan but, Mr. President—this calculation is based on a most unrealistic discount rate of 3.125 percent.

Where did that discount rate come from? That was the discount rate in effect in 1965 when this project was first authorized by Congress. So the proponents are still using the interest rates prevalent 18 years ago. We all know full well, Mr. President, that the cost to the Government of borrowing money is far, far above the 3.125 percent which might have been realistic in 1965, but that is hard to believe. Nevertheless, it most certainly is not realistic today at all. Using the current discount rate of 7.62 percent—that is the discount rate being applied to water projects presently under consideration—the Garrison project's cost-benefit ratio drops to 1 to .58. That is, only 58 cents on the dollar invested by the taxpayers will be returned.

The third basic reason is that the Garrison Diversion Unit as presently designed will inflict unacceptable damage on our wildlife habitat, and for this reason the Garrison Unit as now designed is opposed by all major environmental groups. These include the Environmental Policy Center, the National Wildlife Federation, the Wildlife Management Institute, the National Audubon Society, the Sierra Club, Friends of the Earth, and Defenders of Wildlife. The reason is that 60,000 acres of prairie wetlands will be destroyed and some 13,000 acres degraded. At least 12 national wildlife refuges created by Congress will be destroyed or damaged by this project resulting in the loss of an estimated 175,000 to 200,000 ducks and geese each year.

It is not just the national headquarters of these organizations, Mr. President, that oppose Garrison. I have a telegram received by my office yesterday from those environmental groups which have State chapters in North Dakota—I am told this is inclusive—and the purpose of the telegram is to impart to me the information that the State chapters of these organizations as well as the national headquarters oppose the Garrison Diversion Unit as it now stands.

Mr. President, unfortunately, the first few sentences of this telegram are rather personal and biting with respect to certain of the supporters and so I am not going to read that into the record or place it in the RECORD. It is certainly available to any one who wants to look at it. I wish it had been phrased differently, frankly. Nevertheless, I will read the part that is relevant to the question of what State environmental groups in North Dakota support or oppose the Garrison Diversion Unit. The telegram addresses the contention that only outside groups oppose Garrison, and so I read it as follows:

> We wish to inform you that this is an absolute false statement. In fact, the public opinion poll conducted by the University of North Dakota showed that less than one-third of the people in North Dakota and only one-fifth of the farmers favor completion of the project. In addition, three major newspapers in the State, the Grand Forks Herald, the Jamestown Sun, and the Bismarck Tribune have published editorials calling for deauthorization of the project. We know of no water project in the State that has engendered as much opposition from environmental groups as has the Garrison Diversion Unit.

The telegram, which is dated June 21, is signed by Steve Lian, North Prairie Sierra Club Group; Dr. Clayton Jensen, Sheyenne Audubon Society; Dr. Oscar Johnson, Audubon Society of Fargo-Moorehead and Dr. Gary Pearson, North Dakota Chapter of the Wildlife Society.

So we are now up to reason 4 for objecting to this project as it is designed. Reason 1 is that we have a huge surplus of tillable farmland. Reason 2 is that the cost-benefit ratio is such that taxpayers would enjoy only 58 cents of benefit for each dollar expended. Reason No. 3 is the adverse effect upon wildlife habitat from the draining and flooding of various areas as called for under this project. Reason No. 4 is that to go forward in the way we are will heighten resentment of us by our Canadian neighbors. As I pointed our earlier, the Canadian Government, both in the Province of Manitoba and the national government in Ottawa, have through their representatives, including their Ambassador to this country, registered their objections. This is nothing new; they have objected right from the start for the reason that marine biota will be transferred across a geological barrier, the high plains, I presume, from the Mis-

souri River basin into the Hudson Bay basin, introducing for the first time as far as we know—I am not a geologist, but introducing for the first time in thousands of years, I would think, marine life and biota from one basin into another. This will have a devastating effect upon the fishing industry of Manitoba, destroying an estimated 50 to 75 percent of Manitoba's sport and commercial fisheries.

Mr. President, I will yield the floor in just a moment so that my colleague from Wisconsin can present his remarks. A little later in my remarks I will go into some detail about the findings of the International Joint Commission, which is an official body constituted of both Americans and Canadians, that the Garrison Diversion Unit as now designed would have effects that constitute a violation of the treaty of 1909 that deals with boundary waters between our two nations.

So I hope that arouses a little curiosity about the other side of the argument. There is alway another side, we find. I hope that I have at least whetted the appetites of those listening and that they will stay tuned for further developments.

I yield the floor.

Mr. PROXMIRE. Mr. President, I rise in support of the Humphrey amendment that would delete funding for the Garrison Diversion Unit from the energy and water appropriations bill for fiscal 1984.

This project was originally conceived in the 1940's. It was designed to take water from the Missouri River to irrigate 250,000 acres in central and eastern North Dakota. How much is 250,000 acres? It is a grand total of six-tenths of 1 percent of the farmland in North Dakota. The cost of the project, once $200 million, is now $1.1 billion—in other words, five times as much. It has gone from $200 million to $1.1 billion.

The costs have escalated so fast and so far that, if Garrison is ever built, the taxpayer will be making an investment of $3,753 per acre served. I do not know of any agricultural acreage that is worth anything like $3,753, whether it is in North Dakota, South Dakota, Georgia, Wisconsin, or anywhere else. That would amount to $800,000 sunk into the average farm in the project area.

What are the benefits of this project? In 1965, the Bureau of Reclamation claimed that Garrison would produce $2 of benefit for every dollar spent. Now the Bureau's own cost-benefit ratio has slipped to 1.3 to 1. And that assumes just a 3-percent interest rate.

Mr. President, we know interest rates are not at 3 percent. We are almost positive that interest rates will not go to 3 percent during the life of this project, certainly not in the next 10 or 15 years. They are more likely to go up rather than down, in view of the enormous size of our deficits. If we take a more realistic and more honest and more accurate estimate and use the Bureau's current interest rate of 7.625 percent, we will get 58 cents of benefit for every dollar we shell out. And the figures get even worse when you start talking about building the project in phases.

The only purpose of having a cost-benefit ratio is to say, "No," when we have a project with a negative benefit. There is always an exaggeration on the size of the benefits. The Bureau can find benefits. They are pushed by Members of Congress who favor the particular project in States of the Senators or Representatives. They are always looking for recreation benefits and other benefits they can use to pad out the figures. But even when they do that, the fact is that when you use any kind of realistic comparison, you will get back far less than the project cost.

In its new 1983 State water plan, North Dakota sets as its highest priority providing water to 27 towns in the Missouri Basin, towns that Garrison will never serve. The State is actively considering a system of pipelines to transport water to these and other parts of the State. They believe they can do it at much lower cost than Garrison. A water engineering firm in Colorado has suggested an alternative to Garrison, one which would provide comparable irrigation at far less cost and with reduced mitigation requirements.

In the State legislature and in newspaper editorials, people in North Dakota are beginning to take up the cry:

> Let's develop alternatives to Garrison now that are capable of spreading the benefits to substantially more people throughout the entire state at much lower cost.

Let me read from just two letters I have received from North Dakotans. One retired schoolteacher from Jamestown, N. Dak., wrote:

> Twenty years ago I thought Garrison was the greatest thing ever. During most of those years I lived within easy driving distance of Devils Lake. At the time the lake level was low and the water so saline that fish could not live in it. One of the main pitches for Garrison was to restore the level of Devils Lake and freshen its water.
>
> But in its own way, nature stepped in and restored Devils Lake and for the past several years it has been one of the best fishing spots in North Dakota.
>
> Now the problem is too high a level. The problem of excess water in most of the impoundments in Central and Eastern North Dakota is a growing concern. We do not need nor want more water from Garrison. But it is as if our political incumbents in our statehouse and in Washington have a fixation about continuing this worthless and potentially hazardous project. Increasing numbers of North Dakotans are opposed to further construction, but we are lied down or shouted down or labelled "environmentalists."

A North Dakota farmer who not only opposes further construction, but also serves as a member of the Garrison Conservancy District Board, writes:

> North Dakota has the highest rate of participation in the Payment-in-Kind Program of any state in the nation. The PIK program, as you know, is designed to reduce farm production and crop surpluses in order to increase commodity prices for all farmers. The Garrison Diversion Unit, on the other hand, would increase production for a few farmers who would receive the massive federal irrigation subsidy. Ironically, many private irrigators in North Dakota have enrolled their irrigated lands in the PIK program.
>
> With increased energy and operating costs, interest in irrigation is declining among farmers in North Dakota. Here in Stutsman County, only four of the 20 or so landowners who would receive Garrison water are interested in irrigating. On the other hand, some 600 county residents are in need of improved rural water supplies. But there is no provision for meeting these needs under the Garrison project.

In the international arena, Garrison is earning us a black eye with our Canadian neighbors. In 1977, the United States-Canadian International Joint Commission determined that Garrison will destroy 50 to 75 percent of the Province of Manitoba's sport and commercial fisheries as it transfers foreign fish species and fish diseases from the Missouri basin to the Hudson Bay basin. These basins have been separate since they were created in the Ice Age 2 million years ago.

For its part, the administration has tried to assure the Canadians that no part of Garrison will be built that adversely affects water quality in Canada. The sponsors of Garrison here in the Senate tell us this bill will not affect Canada in any way. But the Canadians, and I, simply do not believe those assurances. And here is why.

The Bureau of Reclamation has announced that it will probably build Garrison in two phases. Phase I, which the Bureau intends to build now, would irrigate only 85,000 acres. It was designed, in theory at least, so that it would not hurt Canada. Later, after all the problems have been settled, a second phase would complete the entire 250,000-acre project.

Now this sounds like the project has been scaled back, right? Well, it really has not been. When you look closely, you see that phase I proceeds on the assumption that the entire project will be built. It includes money to build all the reservoirs, all the pumping stations, and two-thirds of the canals in the project. One of the reservoirs to be built in phase I is the central one in the system, Lonetree Reservoir. That reservoir naturally drains, not in North Dakota, but north into the Hudson's Bay basin and into rivers that lead to Canada. If Lonetree Res-

ervoir is ever used, it will threaten Canadian water quality.

The Canadians simply cannot believe that the Bureau of Reclamation would go out and build 60 percent of the project under phase I without actually intending to use it. And I do not, either.

What do the Senators from North Dakota want? In 1981, Senator ANDREWS said this to a reporter from the Jamestown Sun:

I could care less about the 250,000 acres of irrigation. They can irrigate from aquifers or a host of other sources. What concerns me is the adequate water supply for cities such as Fargo and Grand Forks.

Well, guess what? You can not get water to the cities of Fargo and Grand Forks unless you build phase II and complete the entire Garrison project.

As recently as last week, the Canadian Ambassador wrote again to the Senate with his concerns. He said he was alarmed to see the sudden jump in project funding at a time when the International Joint Commission's investigation is still in progress. The fiscal year 1983 appropriation contained only $4 million for Garrison. But by reprograming other moneys to the project, the Department of the Interior has now earmarked another $10 million for Garrison. That is, get this, two and one-half times the amount of money Congress appropriated in conference last December. So Garrison gets $4 million we appropriated, plus $10 million we were never asked about.

Now, for fiscal year 1984, we have before us a request for $22.3 million, proof enough to Canada that this project will proceed without final resolution of the issues still outstanding. The Garrison project, whether or not you build it in phases, still amounts to a violation of the 1909 Boundary Waters Treaty. Because 86 percent of the acres to be irrigated lie in the Hudson Bay watershed, 75 percent of the return flows from Garrison will ultimately drain into Canada. That is the way nature works, and there is nothing Congress can do to change it.

Mr. President, the Canadians are afraid that someday, after all this money has been spent on Garrison, some cost-conscious individual is going to insist that the project actually be used. And knowing how momentum can fuel these kinds of projects, their fears are probably justified.

Along the way, Garrison will also do immeasurable damage to North Dakota and its environment. Garrison will destroy 70,000 acres of prime waterfowl marshes in North Dakota, and with them hunters and naturalists will lose between 175,000 and 350,000 ducks each year. If we build Garrison, we will have succeeded in destroying 12 Federal and State wildlife refuges, all located along critical portions of the central flyway for the migration of North American birds.

All these problems—the damage to the environment, our relationship with Canada, the outrageous economics of this project—have created a broad coalition of groups who support this amendment to stop Garrison. They include the National Taxpayer's Union, the Environmental Policy Center, the National Wildlife Federation, the National Audubon Society, the Canadian Nature Federation, and the Wildlife Society, including its North Dakota chapter.

The House of Representatives has already solidly repudiated Garrison. Last year, it defeated this project by a 100-vote margin. Anytime you get this kind of a pork barrel project defeated by 100 votes in the House of Representative you know where the merits lie. In fact, when this appropriations bill came up, supporters of Garrison got so worried about another vote in the House that they decided not to bring it up there at all.

Mr. President, I urge the Senate to approve this amendment, end the Garrison project, and get on with the task of helping the people of North Dakota find real solutions to their water needs.

Mr. President, I thank my good friend from New Hampshire and yield the floor.

(Mr. MATTINGLY assumed the chair.)

Mr. HUMPHREY. Mr. President, I thank the Senator from Wisconsin for his remarks and for his support of this amendment. Given his national reputation as one who ferrets out and fights against waste in Government spending, I find it a special honor and help to have him working with me on this amendment.

Mr. President, the legislative history which Senator PROXMIRE has just addressed is very interesting.

For fiscal year 1983, the House of Representatives chose to strike all funding for the Garrison diversion unit and did so by a vote margin of 100 votes.

The motion on the floor to strike funds for Garrison for fiscal year 1983 prevailed by a margin of 100 votes, and it was not a partisan issue. The tally of votes showed that supporters and opponents crossed party lines regularly. And then for fiscal year 1984 the subcommittee of the House Appropriations Committee chose not to include any funds at all in the committee's bill.

So there will be no need for the matter to be addressed on the floor since there are no funds and there will be no need to strike funds at least on the floor because there are no funds in the bill.

That says something. Surely it has to be more than the simple fact that the House of Representatives is controlled by the other party. As I said the recorded vote of a year ago crossed party lines substantially. So I do not think it is a partisan issue.

Mr. PROXMIRE. Mr. President, will the Senator from New Hampshire yield on that?

Mr. HUMPHREY. I yield.

Mr. PROXMIRE. As a matter of fact, the leading opponent, the man who led the fight against the diversion, was the ranking Republican on the Appropriations Committee, SILVIO CONTE of Massachusetts. He did his usual devastating job of exposing pork when he found it, and it was the Republican initiative led by a Republican and the leading Republican on the Appropriations Committee that, in fact, killed the project in the House of Representatives.

Mr. HUMPHREY. The Senator is quite correct.

Mr. PROXMIRE. It survived, but it killed the project in the House of Representatives.

Mr. HUMPHREY. The Senator is absolutely correct.

This is an effort principally of Congressman CONTE, Republican of Massachusetts, in the effort a year ago when the amendment to strike funding for Garrison succeeded by a margin of 100 votes. It was Congressman CONTE who led that fight.

Mr. President, when I get to it, in fact, I am going to read that debate into the RECORD for the benefit of those listening.

I know full well that the Senators from North Dakota have their point of view that they wish to express, and I certainly do not want to delay them in any way. I am willing to yield the floor at any time for their convenience. But, as I said at the outset, I wish to use this opportunity to focus public attention and hopefully to educate Senators and staff to the other side of the question, the other point of view.

So I wish to do that with as much thoroughness as I can without overly imposing upon the legislative agenda or the patience of my colleagues.

In that vein, Mr. President, I wish to read into the RECORD a number of letters sent to my office about Garrison. The Senator from Wisconsin correctly pointed out that this project is opposed for economic reasons by the National Taxpayers Union and likewise the Council for Competitive Economy, and I shall read into the RECORD at this point a letter to me dated June 21 from the National Taxpayers Union outlining the position of that organization and its rationale for opposing the Garrison diversion unit.

DEAR SENATOR: Very shortly, the Senate Energy and Water Appropriations bill for fiscal year 1984, H.R. 3132, will be brought to the floor for your consideration. We urge you to support efforts to delete funding for the Garrison Diversion Unit, a $1.16 billion Bureau of Reclamation project in North Dakota. While there may be a legitimate obligation of the federal government to pro-

vide North Dakota with reimbursable irrigation benefits in return for its contributions to the Pick-Sloan program, the Congress is not bound to approve any project desired by a state regardless of its merit. Unfortunately, the highly emotional regional aspects of the Garrison debate undermine any objective examination of the claimed multiple benefits from this project. Such regionalism can only damage the perceived credibility of water projects eleswhere in the country. Our opposition to funding for the Garrison project stems from two major concerns:

1. The economic basis for the project is unsound.

2. Its lack of an adequate repayment policy will unduly burden the taxpayer and aggravate the annual budget deficit, an increasingly serious national problem.

At today's discount rate of 7.625 percent, the Garrison Diversion's direct benefit-cost ratio reveals only 58¢ returned for every dollar invested. The benefit-cost ratio for building the first phase (Phase I) of Garrison is even worse, showing only 45¢ returned for every dollar invested. This is because Phase I includes virtually all of Garrison's supply works and canals but irrigates only one third of the proposed crop area. This summer the Bureau fully intends to move ahead with Phase I's costly construction even though the rest of the project and hence Garrison's benefits may never be realized due to current treaty commitments with Canada.

As poor as they are, the benefit-cost ratios will be even lower, particularly for Phase I, unless all five of the following criteria are met:

Assumption 1: All Canadian objections must be overcome before releasing Garrison's municipal water supplies into the Hudson Bay drainage.

Fact: Seventy-five percent of the population in the stated communities reside in the Hudson Bay drainage. Rather than overcome Canadian objections, the vast majority of communities have already opted for less expensive sources of municipal water other than Garrison.

Assumption 2: The 20 communities in Phase I all will use Garrison water as a major water supply source.

Fact: The Bureau has repeatedly stated that Garrison is to serve as a supplemental municipal supply source. Only 6 of the 20 communities have a stated need for Garrison as a future supply source and feasible alternatives are available.

Assumption 3: The costs of Phase I modifications to meet Canada's concerns won't exceed the rough estimates for these items.

Fact: Already, $63.3 million of additional costs for Phase I modifications have been projected with only preliminary estimates. Judging from the 560 percent escalation in project costs and the lack of a cost estimate for the Devils Lake restoration plan, we have every reason to believe that costs will exceed initial estimates.

Assumption 4: 1.33 million visitor days of use will take place for the nine planned recreation areas.

Fact: Such use would require the equivalent of every North Dakotan spending at least 2 days every year in 1 of the 9 proposed areas. Yet currently the Devils Lake facilities, which include half the acreage, are highly speculative, no fishing will be allowed in Lonetree Reservoir to meet Canadian concerns, and ample public wildlife-recreation lands already exist throughout the project area.

Assumption 5: An agriculture benefit of $182.68 per acre yearly profit is realized for Phase I.

Fact: Dampened grain crop prices stemming from overproduction have devastated the midwest's grain market in recent years. Bureau documents fail to give a clear breakdown of what crops would be grown from Garrison. They imply however that composition would be the same as before (mostly grain crops) with a gradual shift towards some speciality crops. Economic Research Service (USDA) records for 1981 show significant losses for irrigated corn throughout the plains states. Farmers in northeastern Colorado lost $7/acre/year, southeastern Colorado lost $103/acre/year, and eastern Nebraska lost $41/acre/year. Yet dryland farmers which now farm in the Garrison area lost only $12/acre/year in eastern Nebraska for corn. They also lost $35/acre/year in western Kansas for winter wheat while irrigated winter wheat lost $47/acre/year. Even positive year figures from Doanes Agriculture Report for North Dakota showed only a net gain of $43/acre/year when switching from dryland wheat to irrigated corn. The presumed gain from speciality crops must take into account the highly unstable markets for these items, the large proportion of Garrison land needed for these crops, (not typical of other major plains states irrigation projects), and a required low subsidy price for use of irrigation water.

We have been accused by Garrison proponents of falsely claiming that the Garrison Diversion Unit will require a heavy expenditure of federal taxpayer dollars. They state, "The fact is: nearly 90 percent of the project will be paid by hydroelectric sales and water user fees."

This logic fails to take into account that all repayment costs allocated to irrigation, whether paid back by irrigators or power users, is completely interest free. The Bureau admits that of the $947 million in irrigation costs (an investment of $3,787/acre) only a token $19.3 million will be repayed by irrigators (a little over $77 per irrigated acre) over some 50 years beyond Garrison's completion. Power users in the entire Pick-Sloan six-state area will then reimburse the remaining $927 million over another typical period of 50 years at an annual payment of $18.9 million. Due to the Treasury's obligation to pay interest on the bonds issued to finance Garrison's construction, the annual dollar amount necessary to amortize $947 million over 50 years will actually be $90.9 million (figured with an annual interest of 9.5 percent). Therefore, taxpayers will pay $72 million in interest per year for 50 years or a total of $3.6 billion having a net present value of $750 million. This includes only irrigation costs. Adding the nonreimbursable costs for wildlife mitigation, recreation, flood control, highway modification, and cultural resource recovery brings the federal taxpayers' share for Garrison to roughly 78 percent of total project costs.

The faulty economic assumptions and the lack of a meaningful repayment plan for the Garrison Diversion Unit constitutes more than adequate reason for the federal government to terminate funding for this project. Garrison has met fierce resistance from a broad array of interests since it was authorized nearly two decades ago. As a result only 15 percent of the project's costs have been expended and much of that is recoverable. While there may be more feasible irrigation plans than Garrison, adequate cost reimbursement policies should be a prerequisite for embarking upon any such alternatives. In our view, if irrigation developments are sound long-term economic investments, then irrigators must be expected to pay back their full obligations over a realistic time period. The taxpayers, who certainly did not ask for Garrison, should not be expected to pay for it.

Sincerely,

JILL LANCELOT,
Congressional Affairs Director.

Mr. President, this letter, like the others that I will read, is available to staff and Members in a packet sent each office just a few days ago. If, for some reason, it cannot be found, my office will be happy to supply additional copies.

Mr. President, some have expressed concern that I might unduly prolong this and delay the Senate. I am not aware of any other amendments to this bill nor am I aware of any other matters pressing on the agenda. So, unless I am informed otherwise, I wish to continue in the vein that I began, and that is to use this time as a time of education and focusing attention on this. I repeat, as I have said, that I am willing to yield the floor at any time to the Senators from North Dakota or to any Senator and to resume my remarks later.

Mr. President, I wish to read into the RECORD a number of letters from various national groups, conservation groups, and environmental groups. This is a letter from the National Audubon Society, dated June 6, 1983.

Dear Senator: The Energy and Water Appropriations bill will be on the Senate floor in the very near future. Senators Humphrey and Proxmire will offer an amendment to that bill to delete FY 84 funding for the Garrison Diversion project, a Bureau of Reclamation irrigation project in North Dakota. On behalf of the nearly one-half million members of the National Audubon Society, I urge you to support this effort to cut funding for the Garrison project.

Since Congress authorized the Garrison project in 1965, a number of major problems—international, environmental and economic—have become known and better understood. Because of these very grave unresolved problems, it seems to us that the most prudent and economically responsible course of action for Congress is to delay any further funding of the project until a comprehensive review of alternatives has been undertaken and until Congress has had an opportunity to determine what alternative, if any, should be built. Garrison is only 15 percent complete. Now is the time—before more money is spent, before we commit ourselves to an irreversible course of construction and before any more damage is done—to address the problems created by this project.

There are many reasons to oppose the Garrison project; let me cite just a few.

The environmental impacts of the Garrison project are substantial: The project will damage or destroy a dozen National Wildlife Refuges. It will destroy 60,000 acres of prairie wetlands—prime waterfowl habitat—and 43,000 acres of native prairie and rangeland; it will damage thousands of additional acres of wetlands and prairies. The alteration of the wetlands habitat alone will result in the

average annual loss of 178,000 ducks. These amount to substantial losses in one of the richest, most productive areas in the country for migratory birds and waterfowl production. Conservation groups across the country oppose the project.

The project is an insult to one of this nation's threatened species—the taxpayer: The cost of the project has quintupled since its authorization in 1965 to $1.162 billion. Costs include a subsidy to irrigators of nearly $3,800 per benefitted acre. The cost-benefit ratio—calculated at the artificially low discount rate of 3.125 percent—is only 1 to 1.3. Using the somewhat more realistic rate of 7.625 percent, the cost-benefit ratio falls to 1 to 0.58—or a return of 58¢ for every dollar spent. At a time when taxpayers are being asked to help the American farmer out of his serious plight by paying to keep crops out of production, it makes little sense to spend $1 billion to shift substantial acres in North Dakota from dry-land to irrigation farming. Taxpayer groups oppose the project.

The project will cause irreparable harm to Canada and will violate an international treaty: The government of Canada strongly objects to the project. It is concerned that irrigation return flows from the project will pollute rivers flowing into Canada and that it will result in the introduction of foreign biota into the Hudson Bay watershed. The transbasin flow of water from the Missouri River to the Hudson Bay watershed has the potential of destroying much of Canada's multimillion dollar commercial fishing industry. The Garrison controversy was referred to the International Joint Commission which concluded in 1977 that the project would cause significant harm to Canada and would be a violation of the Boundary Waters Treaty.

The Bureau of Reclamation has sought—unsuccessfully—to assure Canada that it will not build portions of the project which have the potential of affecting Canada's waters. Since nearly 80 percent of the features of the authorized project affect water flowing into Canada, I am somewhat puzzled how the Bureau can make such a claim; the Bureau is proceeding with construction of project features designed and sized to serve irrigation units in the Hudson Bay drainage.

Bureau statements notwithstanding, the Canadians remain steadfastly opposed.

For the reasons listed above, I urge you to support the Humphrey-Proxmire effort to delete FY 84 funding for the Garrison project. I also urge that the appropriate committees reexamine the project while substantial changes in the project are still possible and before further irreversible damage is done.

Thank you for considering our views. More information about Garrison can be obtained by contacting Charlene Dougherty or Fran Lipscomb in our Washington, D.C. office at 547-9009.

Sincerely,

Russell Peterson,
President.

Before I get much further, Mr. President, I want to read letters from Canadian officials on this matter, and then I will go back to reading letters from various national groups which oppose this project as it is now designed.

Mr. President, I read a letter dated June 17, 1983, from the Canadian Ambassador to the United States, Ambassador Gotlieb, to the State Department.

The Embassy of Canada presents its compliments to the Department of State and has the honour to refer to the information on Garrison Diversion Unit funding provided by the Department on June 15, 1983, in response to the Embassy's Note No. 79 of February 10, 1983.

The Embassy wishes to inform the Department that the Canadian authorities view with considerable concern the sharply increased level of funding for the project that has finally emerged for fiscal year 1983. In particular, the Canadian authorities note that the Department of the Interior has reprogrammed to the Garrison project $9.97 million, which is very nearly two and one half times the sum appropriated by Congress for the same year. The Canadian authorities also note with concern the very significantly increased level of funding proposed for fiscal year 1984. The $22.3 million requested is more than five times the sum appropriated for 1983.

These dramatically increased levels of funding for the Garrison Diversion Unit are the source of apprehension for Canada and Manitoba because they are occurring during a period when outstanding bilateral issues related to the project remain unresolved. Specifically, the Canadian government does not consider that consultations on the 1977 report of the International Joint Commission have been concluded nor on the phased approach to construction as set out in the Department's Note No. 330 of October 22, 1982.

The Embassy requests that the Department of State transmit the views set out above to all members of the United States Senate, which the Embassy understands will shortly be considering the 1984 appropriation for the Garrison project. The Embassy similarly requests that these views be presented to the Members of the House of Representatives and to the Department of the Interior.

The Embassy of Canada avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

Again, Mr. President, this is a letter from the Canadian Ambassador to the United States, Mr. Gotlieb.

Mr. President, I ask unanimous consent that another letter on the same subject, dated June 14, 1983, from the Ambassador to the United States, Mr. Gotlieb, printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CANADIAN EMBASSY,
AMBASSADE DU CANADA,
Washington, D.C., June 14, 1983.

Hon. GORDON J. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HUMPHREY: The Premier of the Province of Manitoba, the Honourable Howard Pawley, has asked me to bring to your attention the attached which sets out the Province's concern about funds being appropriated for the Garrison water diversion project in fiscal year 1984.

The Government of Canada fully supports Manitoba's concern. We continue to have grave apprehensions about the project's potentially adverse transboundary effects as identified by the International Joint Commission. The Commission concluded that the project as now designed would have seriously damaging effects on Manitoba waters, in violation of the Boundary Waters Treaty between Canada and the United States, by transferring water from one basin in the United States to another basin altogether, largely in Canada, where aquatic conditions are altogether different, and where they would be inalterably damaged by the transfer with great loss to Canada.

We are aware that Congress last year stipulated that funds appropriated for Garrison should be spent only on portions of the project not affecting Canada. This, however, does not alleviate our concern. We see distinct danger in the rapidly increasing rate of funding for the project in the absence of a resolution of the outstanding bilateral issues. It is for this reason that I ask you to bear in mind Canadian and Manitoba concerns during your forthcoming deliberation on appropriations for Garrison.

Yours sincerely,

ALLAN GOTLIEB,
Ambassador.

Mr. HUMPHREY. Mr. President, I have a number of times referred to the Boundary Water Treaty of 1909 which governs the matter of boundary waters between the United States and Canada. The International Joint Commission, which is a Commission composed of equal members of the United States and Canada, appointed by the President and the Prime Minister respectively, with the consent of each Government, found, after deliberating on Canadian assertions, that indeed this would violate the treaty. I will read from page 3 of the report in which this finding is made:

The Commission in its deliberations considered testimony given at the public hearings, the Board's report and written submissions. On the basis of this evidence the Commission has concluded that the construction and operation of the Garrison Diversion Unit as envisaged would cause injury to health and property in Canada as a result of adverse impacts on the water quality and biological resources in Manitoba.

That is a report signed by all six members, three from the United States and three from Canada, finding that the Garrison project as now designed constitutes a violation of the treaty governing boundary waters between the United States and Canada.

Mr. President, I ask unanimous consent that excerpts from the report be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

APPENDIX A

(Excerpts from "Transboundary Implications of the Garrison Diversion Unit" (1977) Prepared for the United States-Canada International Joint Commission.)[1]

[1] The IJC is composed of equal numbers of United States and Canadian members, appointed by the President and Prime Minister, respectively, with the consent of each Government. It was established to respond to Government requests for information and study of activities in either country which impact on the other.

SUMMARY

This report of the International Joint Commission: is in response to a Reference from the Governments of Canada and the United States. It briefly describes the Garrison Diversion Unit, the area in Canada affected by it, the adverse effects on Canadian waters and their uses, and measures to avoid or relieve these adverse effects. The report describes the technical investigation carried out for the Commission by its International Garrison Diversion Study Board during 1976 and summarizes the testimony given at the public hearings conducted by the Commission. Finally, the report outlines the substance of the Commission's deliberation based on the investigation and hearings and presents its conclusions and recommendations.

Construction of the Garrison Diversion Unit was authorized by the United States Congress in 1965. The purpose of the Project was to irrigate some 250,000 acres to provide municipal and industrial water supply to 14 communities, and to furnish recreational, fish and wildlife opportunities in North Dakota using water diverted from the Missouri River. Since many of the features of the Garrison Diversion Unit (GDU) are in the Hudson Bay Drainage Basin, most of the drainage and wastewaters from the irrigated areas would flow into transboundary streams and could have an adverse impact on Canada.

Article IV of the Boundary Waters Treaty of 1909 reads in part as follows:

"It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other."

Manitoba officially expressed its alarm that leaching of the irrigated soils of GDU would degrade the water quality of the Souris, Assiniboine and Red Rivers as well as Lakes Manitoba and Winnipeg, and that the return flows would increase the amount and frequency of flooding. There was also concern that the water conveyance systems of the Garrison Diversion Unit would provide a direct connection between the Missouri River and the Hudson Bay Drainage Basin thereby enabling the possible introduction of foreign fish, fish eggs, fish parasites, fish diseases and other biota into Manitoba waters. This could have an irreversible adverse impact on existing aquatic systems and on commercial and recreational fishing in Manitoba.

The Canadian concerns, crystallized in an aide-mémoire, prompted discussion between the Governments of Canada and the United States in 1970. Five years later the two Governments referred the matter of the transboundary implications of the Garrison Diversion Unit to the International Joint Commission. The Commission was requested to report on the existing conditions of water quality, water quantity, biological resources, and present and anticipated water uses; the impact of GDU as envisaged at the time of the Reference on them; to make recommendations as to such measures as might be taken to assist Governments in ensuring that the provisions of Article IV of the Boundary Waters Treaty of 1909 are honoured, and to estimate the costs of such measures. All this was to be completed within the severe time constraint of one year.

The Commission immediately established the International Garrison Diversion Study Board to undertake the technical investigation. The limited time frame precluded field studies to obtain new data. Therefore, existing data were used to assess the impact of GDU on Canadian waters. The Board during their intensive year-long investigation adhered to a rigorous schedule so as to concurrently determined existing conditions in Manitoba and estimate the quantity, quality and impact of return flows resulting from the Garrison Diversion Unit. It also examined proposals to minimize the adverse effects of GDU and to mitigate the remaining impacts.

The eight public hearings conducted by the International Joint Commission were an integral part of the inquiry into the transboundary implications of the Garrison Diversion Unit. Three initial hearings were held in November 1975 to obtain opinions on the possible effects of GDU and guidance in planning the investigation. Two months after the Board's report was distributed, five public hearings were held, in March 1977, to receive comments on the report and further views of concerned individuals, citizen groups, elected representatives and governmental officials. At each public hearing all those interested were given the opportunity to express their views orally or present documentary evidence. In addition to these formal public hearings, the Board, pursuant to a Commission Directive, held open meetings to answer questions on its investigation.

The Commission in its deliberations considered testimony given at the public hearings, the Board's report and written submissions. On the basis of this evidence the Commission has concluded that the construction and operation of the Garrison Diversion Unit as envisaged would cause injury to health and property in Canada as a result of adverse impacts on the water quality and biological resources in Manitoba. Modifications to GDU as envisaged such as the elimination of direct connections between the Missouri River and the Hudson Bay Drainage Basin, replacement of highly-saline soils with a similar acreage of soils less saline, lining the Velva Canal, and wetland habitat restoration, would reduce, but not eliminate, all of the adverse impacts in Canada. Most of the remaining impacts, other than those from possible biota transfers, can be mitigated to a significant extent.

The Commission has concluded that it would be prudent to verify the predicted quantity and quality of return flows from GDU. Research to determine the ultimate fate of nitrogen in the Souris River is essential before there is development of irrigation in that area.

The International Joint Commission recommends that the portion of the Garrison Diversion Unit which affects waters flowing into Canada not be built at this time. However, the Commission has outlined in its recommendations the conditions under which it believes that that portion of GDU might later proceed.

CHAPTER IX—RECOMMENDATIONS

The International Joint Commission, in the light of its conclusions on this inquiry, recommends:

1. That because the "closed system" and the McClusky Canal fish screen cannot with any certainty prevent biota and disease transfers which would cause severe and irreversible damage to the ecosystem and, in particular, to the commercial and sport fisheries in Canada, those portions of the Garrison Diversion Unit which could affect waters flowing into Canada not be built at this time. This is not intended to preclude construction of Lonetree Reservoir, subject to the conditions set forth in Chapter VIII.

2. That, if and when the Governments of Canada and the United States agree that methods have been proven that will eliminate the risk of biota transfer, or if the question of biota transfer is agreed to be no longer a matter of concern, then the construction of that portion of the Garrison Diversion Unit which would affect waters flowing into canada may be undertaken provided the following conditions are met:

(a) Any agreed modifications or other measures required to resolve the interbasin biota transfer issue are incorporated into the Project.

(b) Modifications to the Garrison Diversion Unit for the reduction of highly-saline soils, wetland habitat restoration and lining the Velva Canal as required, all described in chapter VI of this Report, are incorporated in the Project.

(c) A program to verify the quality and quantity of return flows from the Project has been carried out and it has subsequently been agreed that concerns on these questions have been resolved.

(d) Research to determine the nature and extent of the complex nitrogen transformations in ultimate fate of nitrogen in the Souris River with the addition of return flows from the Garrison Diversion Unit has been completed and it has been agreed that concerns about nitrogen have been resolved.

(e) An agreement has been concluded for payment by the United States of the capital and operating costs of the mitigating measures in Canada made necessary by the Garrison Diversion Unit, and

(f) Appropriate agreement has been reached on the efficacy of existing or new regulations or laws ensuring the employment of best management practices.

3. That the two Governments negotiate appropriate water quality agreements for the Souris and Red Rivers.

Signed this 12th day of August 1977 as the International Joint Commission's report to the Governments of the United States and Canada on the Transboundary Implications of the Garrison Diversion Unit.

MAXWELL COHEN.
HENRY P. SMITH III.
CHARLES R. ROSS.
BERNARD BEAUPRÉ.
KEITH A. HENRY.
VICTOR L. SMITH.

TEXT OF REFERENCE TO THE INTERNATIONAL JOINT COMMISSION

On October 22, 1975, the Secretary of State for External Affairs for the Government of Canada, and the Secretary of State for the Government of the United States sent the following Reference to the International Joint Commission, through identical letters addressed respectively to the Canadian and United States Sections of the Commission:

I have the honour to inform you that the Governments of Canada and the United States of America recognize that the proposed Garrison Diversion Unit of the Pick-Sloan Missouri Basin Program in the State of North Dakota has a potential for causing pollution of waters flowing across the international boundary into Canada.

The Government of Canada has concluded, on the basis of studies conducted by the United States and Canada, including certain studies conducted by the United States in response to questions raised by Canadian officials, that the Garrison Diversion Unit, as

currently envisaged, would have adverse effects on the Canadian portions of the Souris, Assiniboine and Red Rivers, and on Lake Winnipeg, which would cause injury to health and property in Canada in contravention of Article IV of the Boundary Waters Treaty of 1909.

The Government of the United States has reached no final conclusion as to whether the Garrison Diversion Unit, as presently envisaged, would be consistent with the rights of the United States and of Canada to the equitable use of waters crossing the boundary, and with Article IV of the Boundary Waters Treaty. The Government of the United States notes that, at present, waters crossing the boundary have wide natural fluctuations in quality and quantity, and that the Garrison Diversion Unit, as presently envisaged, could have both beneficial and adverse impacts on the quality and quantity of these waters. The Government of the United States has assured the Government of Canada that in any development of features of the Garrison Diversion Unit that will affect Canada, specifically works in the Red River Basin and the Souris Loop, the United States will comply with its obligation to Canada not to pollute water crossing the boundary to the injury of health or property within Canada. The Government of the United States has similarly assured the Government of Canada that no construction potentially affecting waters flowing into Canada will be undertaken unless it is clear that this obligation will be met.

In light of the views of governments as expressed above, the Governments of Canada and the United States of America have agreed, pursuant to Article IX of the Boundary Waters Treaty of 1909 to request the International Joint Commission to examine into and to report upon the transboundary implications of the proposed completion and operation of the Garrison Diversion Unit in the State of North Dakota; and to make recommendations as to such measures, including modifications, alterations or adjustments to the Garrison Diversion Unit, as might be taken to assist governments in ensuring that the provisions of Article IV of the Boundary Waters Treaty are honoured.

In doing so, the Commission should examine into and report upon the following and such other matters as the IJC may deem relevant:

(a) the present state of water quality in the Souris and Red Rivers, their tributaries and other downstream waters, with particular reference to the Canadian portions thereof, which may be affected by the proposed completion and operation of the Garrison Diversion Unit. The examination should include the following:

(1) total dissolved solids,

(2) sulfate, sodium, chloride, magnesium, calcium and compounds thereof,

(3) bicarbonates,

(4) nutrients, including nitrogen, phosphorus and their compounds,

(5) pesticides and herbicides,

(6) dissolved oxygen, temperature, sediment and other related parameters affecting aquatic life,

(7) trace elements, including boron, selenium, lead and other heavy metals;

(b) the present uses of these waters and those uses which may reasonably be anticipated in the future;

(c) the effects of present water quality on these uses;

(d) the nature, extent and location of impacts on the quality and quantity of these waters to be anticipated as a result of the proposed completion and operation of the Garrison Diversion Unit;

(e) the nature, extent and economic cost of such impacts to be anticipated from the proposed completion and operation of the Garrison Diversion Unit on the present and anticipated future uses of these waters; and

(f) the nature and extent of the impact on commercial and recreational fisheries in Manitoba, particularly Lake Winnipeg, of the possible introduction from the Missouri River system through the Garrison Diversion Unit of Foreign species of fish, fish diseases, and fish parasites.

Should the Commission make any recommendations concerning measures which could be taken to avoid or relieve adverse effects on uses in Canada, what would be the approximate cost of such measures?

In the conduct of its investigation and in the preparation of its report, the Commission should make use of Information and technical data heretofore available, or which may become available during the course of the investigation. In addition, the Commission should seek the assistance, as required, of specially qualified personnel from both countries.

Both the United States and Canada ascribe particular importance to the views of the Commission on this matter. Accordingly, the Commission is requested to complete its investigation and submit its report in the minimum possible time, consistent with a thorough examination of the subject, but in any case, not later than October 31, 1976.

The Governments shall make available, or as necessary, seek the appropriation of, the funds requirement to provide the Commission promptly with the resources needed to discharge its obligations fully within the period specified.

Mr. HUMPHREY. So that is why the Canadians object. It has been officially found by an official body, an official commission, that this project violates the treaty between the United States and Canada. Why should they not be upset? Why should they not object? They have every reason to do so.

Mr. President, I will have other things to say about this project, but I feel I have used as much time as I should at this point. I am anxious to listen to the other point of view, which I am sure will be ably presented by the Senators from North Dakota.

Mr. BURDICK addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BURDICK. Mr. President, I rise in support of H.R. 3132 as reported by the Senate Appropriations Committee. I also want to express my personal appreciation to Chairman HATFIELD and Senator JOHNSTON and their staffs for their leadership in producing this bill.

As many of my colleagues are aware, H.R. 3132 includes $22,330,000 for the Garrison Diversion project in North Dakota, and reaffirms the Senate's longstanding support for establishment of the Garrison Diversion Unit as it was authorized by the Congress in 1965. The bill also includes language which protects Canadian interests by prohibiting the expenditure of funds on any of the project's features affecting water flowing into Canada.

Since it has been several years since the Senate has debated the merits of the Garrison project, I would like to share with my colleagues the reasons I have supported Garrison diversion all of my public life, and why all of North Dakota's Governors and congressional delegation have been united behind this project since its inception.

North Dakota's water resources are very limited. The climate varies from subhumid to semiarid and although 80 percent of our people depend on surface water to meet their water needs, the annual average rainfall is only 16 inches. In the 1930's, the average annual rainfall fell to 6 inches and the drought created a statewide disaster. Hundreds of farmers lost their farms, bankruptcies became commonplace, and the population declined as people were forced to seek a better life elsewhere.

The people of North Dakota turned to Congress in an attempt to solve the problems of drought in the Upper Missouri River Basin States. In response to drought in the upper basin States and floods in downstream States, Congress, in 1944, approved a multipurpose plan known as the Pick-Sloan Missouri River basin plan. Significantly, it was the first attempt on the part of our Government to bring about comprehensive development and use of land and water resources of a major river basin.

The passage of the Flood Control Act of 1944 brought the people of North Dakota and the Federal Government into contractual agreement. Even though this contract was weighted for the benefit of other States and regions beyond our own borders, we entered into the contract.

Briefly, here is how the agreement has worked out so far:

The people of North Dakota have performed their part of the contract—566,000 acres of our land now lies under the mainstem Garrison and Oahe Reservoirs. In addition, the State of North Dakota has been very active in contributing irrigation research and the planning and development of recreational and fish and wildlife resources which are a part of Garrison Diversion.

Benefits realized by the downstream States have been massive. Flood damages amounting to $1.489 billion have been prevented, and $450 million of that savings was realized in 1977 alone. Since construction of the mainstem dam, there has been no major flooding on the Mississippi or Missouri Rivers. It is noteworthy to compare the nearly $1.5 billion savings with the total Federal investment of $1.15 billion in the Pick-Sloan plan. Other downstream benefits include improved navigation allowing an average of 1.28 billion ton miles of freight on the lower Missouri River, streamflow stabilization has

maintained the minimum flows necessary for municipal and industrial usage and has allowed for increased commercial and industrial developments in the flood plain area, and the generators in Garrison Dam are producing power that flows in greater quantities to our sister States than to our own. Minnesota, for example, receives more than half the power generated by this project.

In return for the sacrifice of land made by North Dakotans, and in consideration for the benefits to our neighboring States, North Dakota was given assurance that it would receive economic development benefits of irrigation, development of municipal and industrial water supplies, fish and wildlife development, and development of recreational facilities. These benefits have been a long time in coming. The Garrison Diversion project, promised in 1944 and authorized in 1965, is now but 15-percent complete. The benefits from sound water development are as necessary today as they were in 1944 and 1965, and the people of North Dakota have earned them.

Unlike most of those who are critical of the project, we are North Dakotans and are particularly concerned about the preservation of our State. Those who oppose the Garrison project cite the environmental impacts as substantial. We share their concern about the need to preserve our wildlife refuges, wetlands, and prairies, and we have gone to great lengths to enhance wildlife habitat and protect waterfowl. The affected wildlife refuges so often referred to will either be replaced or modified, and in several cases actually improved by the Garrison project. Working together, the Fish and Wildlife Service, the Department of the Interior, the Bureau of Reclamation, the Garrison Conservancy District, and the State of North Dakota have developed a plan to mitigate acreage to be used on the project. Phase I of the projects calls for the acquisition of 42,000 acres over the next 10 years, 10,293 acres of which have already been acquired. Property owners have offered about 60,000 acres for sale. In addition to the 42,000 acres, 16,000 acres of wetlands in West Bay of Devils Lake have already been transferred to the Federal Government and an additional 5.2 million wetland and upland acres have been acquired by the Federal Government by easement. Preservation of waterfowl is also of the utmost importance to North Dakotans, and studies have shown that phase I of the project has the potential not only to enhance waterfowl, but to increase its population through the improvement of habitat.

North Dakota is known as the Peace Garden State because of the beautiful gardens which stand as a symbol of friendship between North Dakota and its neighbor to the north, Canada. Supporters of the Garrison project are extremely concerned about any adverse impacts that the project might hold for Canada, and consultations between the two Governments have been ongoing for the past several years. In an effort to resolve these differences, project supporters agreed to proceed with the project on a phased basis, working first on those features of the project not affecting waters flowing into Canada. Funding provided in this bill will be restricted to those features, and a provision in the bill clarifies this prohibition. This approach is another example of the willingness of project advocates to seek and accept alternatives in order to address the concerns of our northern neighbor.

One of the specific concerns addressed by the Canadians is the possibility of transfer of species and aquatic organisms from one drainage system to another. This biota transfer was the subject of a recently completed study by scientists at the Tri-College University Center for Environmental Studies in Fargo, N. Dak. I am pleased to report that the study indicated that while birds have been demonstrated to transport certain aquatic organisms, such as algae, aquatic plants, and small invertebrates, the scientists did not find documentation of such movement with fish. In addition, the report said that movement of fish through the Garrison Diversion Unit to Canadian waters, rather than being a simple, certain process, would entail a complex series of events. Such events were addressed, and the evidence indicated that the likelihood of fish transfer is low. Moreover, the study points out that fish transfers between watersheds have been taking place for the last 70 years without any appreciable problems. The fish stocking operations of the Fish and Wildlife Service and the State of North Dakota have not discriminated between watersheds and there has been no data to indicate that disease, parasites, and other problems have occurred as a result of these transfers. In related research, the Bureau of Reclamation recently completed a comprehensive laboratory study on the use of fish screens. The conclusion was that fish screens will effectively remove all fish, eggs, and larvae of concern to Canada. The relevance of this data lies with later phases of the project since the funds in this bill will be directed only to features not affecting Canadian waters.

Inflation has taken its toll on all Federal projects, and unfortunately the Garrison project is no exception. In the case of Garrison, however, the impact of inflation tells only half the story. The inflationary factor is a direct result of legal delays which halted the project for years. After several years of litigation over a stipulation between the National Audubon Society and former Secretary of Interior Andrus, the U.S. Court of Appeals for the District of Columbia finally terminated that stipulation in May 1982, and the district court dismissed the lawsuit on October 15, 1982. The only remaining litigation is an appeal by opponents which is now pending before the U.S. court of appeals from the Federal District Court of South Dakota.

Another important factor which is often forgotten in analyzing the cost of the project is the payback provision. Nearly 90 percent of the total cost of the project will be repaid through hydroelectric sales and water user fees. The only costs to be fully absorbed by the Federal Government will be those expenses for wildlife enhancement, public recreation, and flood control.

In spite of rumors to the contrary, public support in North Dakota for the Garrison Diversion project continues to be strong. Private polls indicate about a 70-percent favorable rating and just a few months ago, the North Dakota State Legislature defeated—by a 4 to 1 margin—a proposal to study alternatives to the authorized plan. One reason for the widespread support for the project is its multipurpose features. In addition to its irrigation benefits, more than 30 communities, including three in South Dakota, one in Minnesota, and one rural water district, are interested in its water for municipal purposes. Most North Dakotans recognize the overall importance of the project and the benefits it will bring to them. But of equal importance they also recognize that the Federal Government has made a commitment, and on this principle they remain firm.

Mr. President, I hope that in considering this bill today, my colleagues will be mindful of the commitment made to North Dakota and of the numerous attempts we have made to allay the fears of our neighbors to the north and the many concessions we have already made. We are proceeding in good faith with the Canadians, but we cannot in the process cast aside promises made to our own citizens.

Mr. President, we have heard some interesting comments about this project. I will take one segment first. That has to do with the pollution of the streams of Canada.

Mr. President, I have before me a comment by a Mr. Peter Warren, from Deloraine, Manitoba, Canada. He is a Canadian. Let me read a part of it.

Whether we like it or not, the Manitoba all-party committee converging on Washington in what I believe to be a futile attempt to halt any further construction on the Garrison Diversion . . . is a group running on emotionalism, not facts.

This report refutes the main arguments that the Province of Manitoba has been putting up for years:

Namely that the so-called "dirty fish" (Utah Chubb and Gizzard Shed) from the Missouri River basin would get into our waterways and destroy our plentiful freshwater fish industry, namely Manitoba pickerel and the rest of our good fish.

We have also claimed that, whatever precautions are taken, rough fish, larvae, eggs and many other unsavory elements would enter our solid, cold, clean Canadian waters.

This report debunks both claims. They are myths.

In fact, it is incredible but in four years of study and research leading to publication of this report, Not One Single Fish of the Utah Chubb or Gizzard Shad variety has been found in the entire basin. Not one.

Furthermore, the worst they could find in North Dakota were what they call macro-invertibrates.

Let us tell you what those little guys are:

Water boatmen, diving beetles, water-scorpions, giant waterbugs, rattailed maggots, horsehair worms, leeches, midges and mosquito larvae.

As any Manitoban who has been anywhere near any Manitoba lake will tell you:

We've got them all, thank you.

What is this idea of our polluting the streams? It is a myth, as this gentleman speaks of.

Now, to get at some other matters in a hurry, we have heard the Senator from Wisconsin talk about deficits—the cost of this to the taxpayers. I wonder if my colleagues realize that 90 percent of this project is repaid to the U.S. Government. The only part that we do not pay for in that manner is flood control, wildlife, and recreation, because that is for national benefit. Ninety percent of this is not paid by the taxpayers at all; it is paid by the users.

That is not all. It is a part of the Pick-Sloan plan and the power generation is part of it. I wonder if my colleagues know that we are getting $85.9 million per year just from power revenues alone. And of course, it is the power revenues that will pay the most of this 90 percent. So when we talk about deficits, let us talk about what the income is.

I do not like the increase in the cost of this program any more than other Senators do. Why has it increased? For 10 years, we have been fighting lawsuits that have no merit. We have been fighting lawsuits that, under any court, did not stand up. There is not one of those lawsuits brought in North Dakota the last 10 years that has not been dismissed today. They are vexatious, delaying, and for 10 years, we have had to fight them.

As my colleagues know, some of the people they have mentioned in speeches today are some of the people who have caused all this difficulty in the last 10 years. Now the board is clear. There are no more lawsuits, because they have been found to be without merit. When we talk about cost, I say to those people, take some of that blame yourself, because they have brought all these vexatious lawsuits and all these delaying lawsuits for the last 10 years. This project could have been built if we had not had that. I agree with my colleagues on the cost increase. I feel as bad as they do. But we have a valid project here.

How many States would give away 560,000 acres of land for the benefit of the country? On flood control alone, of that 560,000 acres—there is a reservoir, and there are others on the main stem of the Missouri—since they have been constructed, there has not been a flood in the lower Mississippi River for 30 years. That is what we have done for the rest of this country. Missourians and all the rest of them, have reaped the benefits of this program. So do not call it all North Dakota. It has national benefits.

Mr. President, there is some talk about the Canadian Government. I thought governments acted independently of other governments. I did not think we ran off to every country in the world to tell them how to run their country. But we have been meeting with these people. We have tried to solve this in a peaceable way. What is the situation on Canadian consultations? They have been going on through representatives of the State Department, the Bureau of Reclamation, and North Dakota representatives for some time. There have been three official meetings, with another round planned for this summer. The Canadians have reviewed this phase 1 plan but have refused to respond.

Finally, 1½ years ago, talking about the phase 1 plan, we provided the Canadians with a phased proposal; and the Department of State in 1982 sent a diplomatic note to Canada, informing them of the U.S. intention to proceed with phase 1. They had all the opportunity in the world to have a discussion. They refused and they have made no comment on phase 1, which we are ready to receive at any time.

So I say this is a project which has great benefits for our area, not only for North Dakota but for the entire area. It has had the solid support of Congress. Now to come in at this late hour and talk about costs, talk about expenses, makes little sense, when much of this cost has resulted from the opposition themselves. We are earning $89.5 million a year in power revenues to help pay for this project under the Pick-Sloan plan. I say to my colleagues in the Senate, let us defeat this amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD the article by Peter Warren, of Manitoba.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Times & Star, Deloraine, Manitoba, Apr. 20, 1983]

PETER WARREN SPEAKS

GARRISON: THE REPORT

Whether we like it or not, the Manitoba all-party committee converging on Washington in what I believe to be a futile attempt to halt any further construction on the Garrison Diversion . . . is a group running on emotionalism, not facts.

It has taken four weeks for me to get it, but I have finally obtained a copy of a document from the United States Bureau of Reclamation, entitled "McClusky Canal Fish Screen Development and Verification."

This report refutes the main arguments that the Province of Manitoba has been putting up for years:

Namely that the so-called "dirty fish" (Utah Chubb and Gizzard Shad) from the Missouri River basin would get into our waterways and destroy our plentiful freshwater fish industry, namely Manitoba pickerel and the rest of our good fish.

We have also claimed that, whatever precautions are taken, rough fish, larvae, eggs and many other unsavory elements would enter our solid, cold, clean Canadian waters.

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In fact, it is incredible but in four years of study and research leading to publication of this report, Not One Single Fish of the Utah Chubb or Gizzard Shad variety has been found in the entire basin. Not one.

Furthermore, the worst they could find in North Dakota were what they call macro-invertibrates.

Let us tell you what those little guys are:

Water boatmen, diving beetles, water scorpions, giant water bugs, rattailed maggots, horsehair worms, leeches, midges and mosquito larvae.

As any Manitoban who has been anywhere near any Manitoba lake will tell you:

We've got them all, thank you.

M'CLUSKY REPORT HIDDEN AWAY

It seems strange that this McClusky Report was hidden away and has received very little publicity in Manitoba. Because, as well as proving that the "dirty fish" do not exist in the Missouri basin and the other studies which Manitoba claims would harm our waterways, the report also shows that a simple fish screen (70 per cent mesh) would "stop passage of fish, fish eggs and larvae of the fish species found in the Missouri River that the Canadian government has determined to be objectionable."

Because the report is so exhaustive (it took me three nights to read and digest the thing), they take you back to 1979 when they did a complete study of All Fish collected in a screen on the McClusky Canal near Turtle Lake before the waters flow into the Lonetree Reservoir.

The collection of these fish worked out:

Fathead minnows 77 per cent; brook stickleback 20 per cent; the remainder (black bullhead, freshwater drum, black crappie, carp, bigmouth buffalo, orange spotted sunfish.)

Let's get it straight—all these species are alive and well and living in Manitoba right now.

OTHER POINTS TO REMEMBER

There are also a few other points to take into account before our politicians charge headlong to Washington:

There is no way the United States or North Dakota and South Dakota governments are going to back down after spending so many millions so far.

And, when the Manitoba group tries telling you that the International Joint Commission is against the Garrison Diversion, you might ask the self-same Manitoba group what the IJC said about the

McClusky Report which I have just told you about.

In case Al Mackling and Lloyd Axworthy don't know I'll tell you:

The Canadian-American International Joint Commission has recommended the McClusky fish-screen idea put forward in this report.

Frankly, the Manitoba politicians would do well to save their breath (and our money).

Mr. ANDREWS. Mr. President, it is customary in an attack on a water project, such as we have with the attack on the Garrison Diversion Unit, to rise in defense of the project. I have done that before, many times, in fact, when I served in the House of Representatives for nearly 18 years.

But this time, Mr. President, since I have heard all these same arguments time and time again, I do not feel defensive. I feel offended in behalf of my State of North Dakota, and because of that, I am going to be offensive in explaining to my colleagues what is good about this project.

We think we know our State. We have been born and raised in that State. We have lived in it through drought, we have lived in it through flood, we know the State, and we know its needs.

I think we know our environment, those of us who live in North Dakota, far better than these carpetbaggers from outside, who claim to be the great and fantastic experts on what the needs of North Dakota and its people might be.

First, let me tell Senators that the support for Garrison Diversion remains very strong in the State, as it does in our neighboring South Dakota. Once, there were some problems with this project in South Dakota. Those are gone now, and in fact, we are delighted to have received the expressed support of the water management people in South Dakota, from the Governor, and from my two colleagues from South Dakota. We cherish that change in attitude.

Mr. President, it bears repeating that every North Dakota Governor, every Member of the U.S. House, of the U.S. Senate, every North Dakota Legislature—all irrespective of party alinement—have supported Garrison Diversion since statehood. There is no change now, and that is important for the Senate to know.

I think it is important for our colleagues to know that; that speaks for the need of this project for our environment, because we live there.

Let me add, Mr. President, for the benefit of my colleagues in the Senate, that when I served in the House, the two Representatives from the State of Minnesota, the only other State affected by flowage of the Red River—also supported Garrison. One of them was Bob Bergland, who later went on to become a Cabinet member in the last administration—he totally supported this project. Bob Bergland worked side by side with me for it, because his people in western Minnesota know the quality of the water involved and know the great need for this project. Today, ARLAN STANGELAND sits in that western Minnesota seat and he knows and strongly supports this project.

Additionally, I have at my desk copies of resolutions adopted by every responsible organization I can think of in North Dakota. They remain unanimous in their support of Garrison.

They know North Dakota and they support this project. They have not been put together at the last minute to get a name and a title to oppose a project.

Sure, we have detractors. We have had detractors in our State, as I imagine, Mr. President, my colleagues have had in their States, to the location of a State highway system, to airports, to urban expansion, to a host of other public works projects. We all know that, Mr. President, that in our 50 States, we always have detractors. There are those in Garrison. But the overwhelming mass of North Dakota people support this project.

As a farmer myself, I know how I feel when any of my land is threatened by anything. That is offensive, too. But I also know how important it is to modify the environment in which we live to make it sustain the people who are there.

Let me identify some of these resolutions, Mr. President, because our friend from New Hampshire has put in a number of resolutions from organizations purporting to know North Dakota and the project. These are resolutions from our legislature up there, composed of members from the rural parts of our State and from our cities, Democrats and Republicans. It completed its biennial session just 2 months ago and overwhelmingly passed a resolution urging swift completion of the project.

We have resolutions from the State Irrigation Association and from county and multicounty irrigation associations. There is one from the North Dakota Association of Soil Conservation Districts. And I say to my good friend, the senior Senator from Mississippi, he knows about State associations of soil conservation districts. These are the people who know the land best and they do not go down the trail for a project that is going to be damaging to that land or its water resources.

There is one from the North Dakota Newspaper Association. There is one from the locally owned, consumer-controlled rural electric co-ops, one from the National Association of RECs, another from the State group known as the Statewide, and one from the eight-State generating co-op known as Basin Electric. There is also one from the North Dakota Water Users Association and the North Dakota Water Management Districts Association. I have resolutions from chapters of the North Dakota Wildlife Federation and other outdoor sporting and recreational organizations. Our Greater North Dakota Association, the State chamber of commerce, which is the voice of business, has from day one been in the forefront of leadership of this project.

Significant to many of my colleagues also, Mr. President, is that Jim Gerl, the president of the North Dakota AFL-CIO, and a Democratic member of our State legislature, has been in town lobbying for this project for the last 2 days. So has our Governor, the Honorable Allen Olson, a Republican. So have our two immediate past Governors, Art Link and Bill Guy, both Democrats of great stature been here for that purpose, to say this is a needed project, this makes sense, and we have to have it in our State to move forward.

Without going down a much longer list, Mr. President, I have at my desk copies of resolutions from two of our biggest farm organizations, our Farmers Union and our Farm Bureau, both of which are very influential and highly responsible organizations representing agriculture, by far our biggest industry. They want it completed.

Talking about environmental needs—and we have heard that on this floor just now—let me tell you that our cities as well as two Air Force SAC bases have on aquifers. They have to depend on surface water. There is no other supply of water in North Dakota, an arid State. That is why the people who were out there in territorial days, when they had the drought of the 1880's, memorialized the U.S. Congress at that time to divert Missouri River water eastward to provide a dependable streamflow on the three major river systems in the eastern part of our State. The towns grews up around those rivers because it was the only supply of water.

During the 1930's Mr. President, our major cities, which were one-third their present size, ended up re-refining their own sewage and rationing water because those streams simply stopped flowing. They know the only alternative to water rationing and the re-refining of their own sewage for water is diverting water from the Missouri River to provide a dependable streamflow in other parts of our State. We have no other source of water.

I might remind you, Mr. President, and my colleagues, that sometimes on the prairies it forgets to rain. All of this talk about alternatives sounds great. We have examined them all. This project has been authorized for 20 years, but it was under study for 80 years before that. Different diversion projects have been suggested, differ-

ent ways of getting the water there have been suggested, but this is the authorized project and this is the project we have to have.

Mr. President, there has never been a question of our State's solid support for Garrison. I am offended that some of my colleagues may have been led to believe that support for Garrison is dissipating at home. I think it is increasing. And I stake my reputation as a pretty fair listener on that assertion.

It is a sound project. The numbers are impressive, unless you want to believe the Bureau of Reclamation is somehow hoodwinking this administration and the public.

Might I point out I think their figures are accurate. I also want to remind my colleagues that the project was authorized in 1965. I happened to be the author of the bill that was signed by then President Lyndon Johnson.

At that time Stu Udall was Secretary of the Interior. I tell my friends in the press gallery, Mr. President, that no one has ever claimed that Stu Udall did not have his environmental hat put on straight. He is known as one of the leading environmentalist of all times. He said it is one of the best environmental projects in the West, and he still says that. It is desperately needed, Mr. President.

Many of my colleagues, I think, would be offended at any suggestion there was something wrong with Stu Udall's thinking on a water project.

We in North Dakota have compromised, Mr. President, until we are sick and tired of compromising. We have spent millions, as has the Federal Government, on environmental studies, examination of all alternatives, the placement of fish screens, reductions in the size and scope of the project. We have substantially altered the fish and wildlife mitigation plan to a point where I am convinced it will not only not be destructive of the environment so precious to wildlife of all forms, but it will add to and enhance the acres now classified as wildlife habitats.

It is pure bunk, Mr. President, what our opponents are spreading about destroying fish and wildlife habitat, pure bunk. Those of us who live in North Dakota are familiar with what our Indians say: "If you want to know how it is, Mr. White Man, walk in our moccasins for a while." Those of us who have lived in North Dakota know that after the drought of the thirties you could not find a duck or a goose, much less anything else to hunt. I know. I love to hunt. I love to get out on a cool fall day and watch the ducks and the geese come in. But we could not do that during the forties because we had lost the waterholes so necessary to the breeding population of the central flyways waterfowl. That is why Garrison Diversion provides for 146,000 acres of wildlife mitigation lands to be acquired only from willing sellers. We are trying to make sure that the kind of natural disaster of the thirties does not happen again.

Let me point out, Mr. President, to my environmental friends who say this habitat, this artificial habitat, is not as good as natural habitat, of course it is not when it remembers to rain. But, Mr. President, it often forgets to rain and then some habitat, artificial though it may be, is a whale of a lot better than no habitat at all.

I have taken far too much time talking about this amendment, and I do not want to impose on my friends, but I think it is important to ask, since the questions have been raised about the quality of this water, just where does this water come from? This is the purest and cleanest water in the North American continent except for some that our friends from Canada have. It flows off the Rocky Mountain slopes, goes through the State of Montana and is impounded in the western part of North Dakota.

Mr. President, if there is anything in that water that is bad, somebody has repealed the law of gravity while we have not been looking, because the only way the crud that ends up in the river systems down south could get upstream is by repealing the law of gravity, and that has not happened yet.

Mr. President, for 18 years I have been a member of the Canada-U.S. Interparliamentary Conference, and I have said time after time to our Canadian friends: "Send your top biologists down, get out on this reservoir, take water samples, check the fish, find out what is there, and if there is anything there that is bad, we are the first that want to know it because that water is going to go by our towns, it is going to be used by our people long before it gets to Canada."

Let me point out also, Mr. President, that when this whole matter first came up about a decade ago we had complaints about the quality of water. We put an extra $1 million in the bill because we did not exactly say that the Bureau of Reclamation should be the last word, and with that million dollars we hired a very prominent engineering company to study it. That study, completed several years ago, points out that the quality of the return flows from Garrison will be far better—far better, Mr. President—than the quality of the water that is now in these rivers at low stream times.

Let me conclude by just saying one other thing, Mr. President. There is something else that is pretty offensive to me, and I would think to many of my colleagues, and that is connected with the lobbying that has been done by some of our northern neighbors. We have seen, as my colleague, the senior Senator from North Dakota, pointed out, a very balanced editorial from a Manitoba, Canada, paper saying that a lot of this is just bunk; that this is in fact pretty clean water. Who then is leading the protest down here? It is interesting to note that the Minister of Natural Resources up there in Manitoba who is down here leading the fight is also one who is identified in the Canadian press as a participant in a demonstration in front of our consulate when an American flag was burned, criticizing our foreign policy in Central America. I guess we as politicians, Mr. President, have to realize that that kind of grabbing for headlines occurs occasionally. But it certainly does not say that these are people of substance who look at facts before they come down and present their criticisms.

Let me conclude, Mr. President, by saying that we need this water desperately. We want to tell our great neighbors to the north, our responsible friends in Canada, that we are going to work this out in a way that is going to be beneficial, not harmful, to them. But I suggest that we do work this out in a sensible way.

I also point out that the IJC report says just this: That if there is biota in the Missouri and if we do transfer through this project, that biota might show up in the Red River. That is totally true. I totally agree with that statement by the IJC. The only thing they have not done is pointed out whether or not there was biota in the Garrison Reservoir.

The point I should like to make is that we have not found any. We have the healthiest, finest fish you can imagine out there. I hope our colleagues will join us in supporting this long overdue and much needed project.

Mr. President, some remarks about this project appeared in the CONGRESSIONAL RECORD of June 16. While I respect the opinion of all my colleagues, I regret that this package of propaganda begs a rebuttal.

Mr. President, the Garrison Division Unit has been under construction since 1968 and is 14-percent complete with $157.4 million obligated through fiscal year 1982. The Snake Creek pumping plant, the 74-mile McClusky Canal, and the Wintering Dam of the Lonetree Reservoir complex are all completed. Construction is underway on the Oakes pumping plant and the Oakes drains as part of the Oakes test area, and bids are scheduled for December 14, 1983, on New Rockford Canal, Reach 1B.

Largely because of inflationary impacts, project costs have increased from about $600 million to $1.16 billion since 1977 when the project was halted by the lawsuit brought by the National Audubon Society.

Mr. President, over the 100-year period of analysis, the project will pro-

vide direct annual benefits to North Dakota of $58,523,000—October 1982 price level—and total annual benefits of $98,547,000. While most of the benefits are irrigation benefits, there also are benefits to municipal and industrial water supplies, fish and wildlife, recreation and flood control. Also, about 80 percent of the project costs will be reimbursed by power revenues, municipal and industrial water users, and irrigators. The only costs nonreimbursable are those associated primarily with fish and wildlife, mitigation and enhancement, recreation, and flood control functions.

The benefit-cost ratio for this project is 1.3 to 1 based on direct benefits and 2.1 to 1 based on total benefits.

Much is made of the discount rate—interest rate—applied to this project. I would point out, Mr. President, that the rate we are using, 3.25 percent, was established by Congress pursuant to guidelines established by the Kennedy administration. Our opponents urge we use the current discount rate which is much higher. I ask, how could anybody plan any type of facility it if could not use a set interest rate? How could a school district undertake a building program if it did not know the level of interest to be charged on its indebtedness?

We also calculate benefits with 20-year-ago dollars.

Much is made of the so-called Federal subsidy to irrigators. The irrigators will repay $77 of the estimated $3,787 per irrigated acre under the law enacted by Congress in 1944 and reenacted in 1965. The difference is paid for from power revenues on power generated at the mainstem dams. This repayment is already calculated into the power rates being charged. I point out, Mr. President, that these rates would be higher if the Garrison Diversion Unit did not exist and power users had to repay the total costs of the Pick-Sloan plan.

Benefits associated with the proposed phase I of the project would still occur for all authorized project purposes. Irrigation water for approximately 85,460 acres, plus benefits to municipal and industrial water supplies, fish and wildlife, recreation and flood control would contribute annual direct benefits of $24,149,000. As currently perceived, the associated costs for this phase of the project, on an annualized basis, would be $23,856,000.

In response to a statement that municipalities were not interested in water from this project, I say that is demonstratably untrue. I have reams of newspaper clippings from many of our principal cities who continue to beg for water. In addition to these cities which have for years expressed strong interest in obtaining water from Garrison Diversion, one very large rural water district has already stated its desire to obtain a long-term water supply from the project.

While perhaps only one municipality has thus far contracted for water, I point out to my colleagues that until last year, this project was under a Cecil Andrus-sponsored court order which had precluded any substantial construction since 1977. Therefore, neither the Bureau nor the Garrison Conservancy District have been in a position to contract with such interests.

Mr. President, with respect to the relationship between the PIK program, aimed at reducing agricultural surpluses, and this water project, again I fear some people have demonstrated their total misunderstanding of agriculture and farm programs. The PIK program has no merit as an argument against Garrison Diversion.

First, if Garrision Diversion construction continues at its present snail's pace, it will be 10 years before phase 1 is completed. Who knows what the agricultural surplus situation will be then? However, aside from surpluses, the whole thrust of Garrison Diversion is to get our farmers into production of nonprice supported commodities.

For example, North Dakota presently ships approximately 90 percent of its feeder calves out of the State for finishing. Garrison Diversion will provide a stable feed base, thus enabling North Dakota farmers to finish these calves. Irrigators would also turn to the production of crops such as potatoes, alfalfa, and many speciality crops which require a more certain supply of water than we now have.

Also, Mr. President, who among us is naive enough to believe we will have a PIK program more than possibly 1 more year?

Finally, opponents have erronously charged that the benefit-cost ratio for phase 1is unfavorable. In fact, Mr. President, the Bureau of Reclamation—the Government's engineer—states that phase I has a favorable benefit-cost ratio of at least 1.08 to 1. I choose to believe the Bureau.

Mr. President, I am glad to yield to my colleague from the great State of Louisiana, the ranking Democrat on this subcommittee.

Mr. JOHNSTON. Mr. President, I will be very brief, because my two distinguished colleagues from North Dakota have done a complete and very forceful job of presenting the case for the Garrison Diversion.

In my 8 years on the Appropriations Committee, this seems to be an annual fight. In my judgment, after studying it over that period of years, I think it is very clear, first, that this part of the Garrison Diversion project will not hurt Canada. It cannot hurt Canada, by its definition. The water will not flow or affect Canada in the slightest.

Second—and this to me is the most compelling argument of all—this is part of a legislative contract made with North Dakota in 1944. In the Flood Control Act of 1944, a vast plan was confected and put into the law by Congress. It involved a series of dams which would produce hydroelectric power for the downstream States, and that hydroelectric power and those dams are now in place. The downstream States are enjoying that benefit.

Also, it provided flood protection for all the downstream States. That flood protection is in place and is doing its part. North Dakota had to pay a tremendous price in order to provide that downstream protection. North Dakota gave up 550,000 acres of its land, which is now impounded and in effect being used for the benefit of the downstream States, those benefits being flood protection, hydroelectric power, and navigation. So that North Dakota has done its part, has paid it price of 550,000 acres.

Now, all these years later, with all the delays that have ensued, North Dakota wants at least a part of the benefit which was included in that Pick-Sloan plan in the Flood Control Act of 1944. In my judgment, by a contract with Congress, they are entitled to it. They are morally entitled to those benefits.

As the distinguished junior Senator from North Dakota has aptly pointed out, this is not only not environmentally insulting; it is an environmental plus for the area. it will provide the necessary water for the breeding grounds for ducks and for other waterfowl. It will be a positive plus from the environmental standpoint.

Mr. President, as I have done since I have been in Congress this last decade, I again want to endorse this project, as our subcommittee and our full committee have done each year, having studied it in depth. It is a good project, and it should be built.

I yield to the distinguished Senator from Oregon.

Mr. HATFIELD. Mr. President, I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. Just 2 minutes.

Mr. President, I have been familiar with this project for many years. I went out there when the dam was dedicated. All my other experience with things in the West is that they cost a lot of money; but when you stop spending some money to make this water available for constructive uses, you stop making progress in that highly important field. If this is stopped, it will be felt severely by the people who live there and it will cut off developments of the future.

I do not know where we would be if it had not been for these fine projects we find in that tremendous area of our

country. It took a number of these things to make me a believer, but I have been amply repaid many times over for a trip I made through a great part of the West.

I remember, as a young man, a small reclamation project at Carlsbad, N. Mex., where they were growing cotton with irrigation, growing two bales of cotton to the acre. That was back in the 1920's. It is still producing.

These are investments. If there is anything in these bills that are investments, it is the projects out there that utilize rainfall.

I heartily support this matter, and I hope it will be approved by a sizable vote.

Mr. HATFIELD. Mr. President, this project, as the Senators from North Dakota have indicated, has been under study for almost 40 years. It was originally authorized in 1944, and it has been under construction since 1965. This is not a new project. It is not one that has just come upon the scene. We have debated it every year I have been on the Appropriations Committee, ad nauseam.

I think it is like some other projects, in that there may be mileage in terms of making speeches about them, for or against.

Frankly, in view of the pressing business of the Senate, I think we should get about the business we are here to do. Most of us here today have had little to do with the original initiation or authorization, and we are carrying out the responsibilities as well as the contractual obligations that have been established for many years on this project.

Therefore, Mr. President, I move to table the amendment at this time, and I ask for the yeas and nays.

Mr. HUMPHREY. Mr. President, will the Senator withhold that? I had expressed in my earlier remarks——

The PRESIDING OFFICER. Does the Senator withhold the motion to table?

Mr. HATFIELD. I withhold the motion to table for a moment, to yield for a question.

(Mr. BOSCHWITZ assumed the chair.)

Mr. HUMPHREY. Mr. President, if I must raise it in the form of a question, then I shall. Is it not a bit discourteous to cut off a Senator who has indicated only a few minutes earlier that he wished to hear the other side of the debate before he himself summarized his own debate?

Mr. HATFIELD. Mr. President, I seek not to cut off debate. The Senator from New Hampshire has been on this subject for the better part of an hour. Not many Senators have been here to hear it. The Senator has read letters that we have heard over and over in the past, which is his right to do and I defend that right. Other Senators have spoken on the subject. I know of no other Senators who have indicated at least to me their interest in speaking on this subject. Therefore, in order to expedite the business of the Senate it seems to me appropriate after the Senator had at least an hour, and I believe this is not the first time he has spoken on the subject anyway, to express a view. But if the Senator wishes to ask for a unanimous-consent agreement for a certain period of time I would certainly consider that in withholding my motion to table at this moment.

I wish to assure the Senator we are trying to get four appropriations measures through the Senate before the July recess. I am weary, frankly, of having been pushed by the Members of the Senate up to the midnight hour to take care of the appropriations business of the Senate. That is not a good way to do the business of the Senate. Therefore, we have attracted every fly in the political world on our appropriations bills, from abortion to busing to school prayer, and on and on. We have submitted ourselves to torture, delays, quorum calls, filibusters and minifilibusters, and very frankly I wish to say not to the Senator from New Hampshire, but I wish to say to all my colleagues that the Appropriations Committee is getting very, very impatient of taking the brunt of all of these legislative tactics that can be conceived by the mind of humankind in delay and all other such things and irrelevant, nongermane delaying subjects that are attached to the appropriations process.

So, I suppose I am supersensitive, but I can smell a minifilibuster and if the Senator wishes a certain amount of time I would be very happy to yield my position on the floor and to withhold my motion for tabling this amendment.

But I will not do so unless the Senator from New Hampshire is willing to give us a time agreement on how much more time he wishes to subject the Senate to on this subject.

Mr. HUMPHREY. Mr. President, will the Senator yield for a reply?

Mr. HATFIELD. I yield for a question.

Mr. HUMPHREY. I ask, in that case, if it must be a question, when the Senator has heard the Senator from New Hampshire address this issue on the floor? He has never addressed this issue on the floor. This is the first time. I ask was not the Senator from New Hampshire present when the bill was called up this morning to expedite its consideration and to present his amendment? Did not the Senator from New Hampshire state explicitly that it was not his desire to delay a vote on this amendment or even on this bill?

I simply wish to have the opportunity which is due me under the rules to discuss this at a reasonable length of time.

Mr. HATFIELD. What is the time the Senator wishes?

Mr. HUMPHREY. I believe that without any doubt from my point I could conclude my remarks within 30 minutes. But I ask is it fair to force me into a unanimous-consent agreement in order for me to secure what I am due as a Senator under the rules?

Mr. HATFIELD. I have indicated to the Senator I would be very happy to work out some reasonable amount of time in addition to what he has already taken on this amendment to listen further or to at least permit the Senator to read into the RECORD further material, or whatever he wishes to do, but I do feel that we have given sufficient time to this amendment. Again, as I indicated, this amendment has been before us several times. I think everyone who has been here within any period of time has heard every argument that could be developed, conceived, or dreamed up. We have heard it not once, but we have heard it many times, and I am going to expedite the appropriations process and at the same time I am not going in any way to cut off any Senator at any time, and I am not going to do that now, but I wish to receive from the Senator some assurance that we would get a time when he would be completed with his testimony or his statement. What would the Senator wish?

Mr. HUMPHREY. I would wish not to be forced into a unanimous-consent agreement to obtain something that I believe is due me by courtesy and right. I have stated from the outset that I do not wish to delay this amendment, only to have it well aired because it in my view has not been well aired. Senators do not fully understand both sides of the question. I realize that.

Mr. HATFIELD. Would the Senator need 5 minutes, 10 minutes, 15 minutes, 20 minutes?

Mr. HUMPHREY. The Senator said a moment ago he believed he could finish for his part within 30 minutes.

Mr. HATFIELD. All right.

Mr. President, I ask unanimous consent at this time that under the time agreement——

Mr. HUMPHREY. Will the Senator withhold that request for a moment?

Mr. HATFIELD. Pardon?

Mr. HUMPHREY. Will the Senator withhold that request for a moment?

Mr. HATFIELD. Yes.

Mr. HUMPHREY. I do wish the chairman of the Appropriations Committee would simply permit me to continue in good faith that I will do as I said that I will not unduly delay this, that I believe I can finish within 30 minutes. I do wish the Senator would not assign me the sins of others, the sins that he listed a moment ago all over the frustration that the chairman has felt. They are not my fault and I

wish he would not take them out on me.

Mr. HATFIELD. Mr. President, the Senator is the target at the moment only, because the Senator is the one delaying action on the bill. There are no other amendments that we know of that are pending that any Senator is interested in offering.

Senators have asked us about the possibility of going to third reading.

The leadership has asked that we set up two markups for the appropriations bills on Agriculture and Legislative for 2 p.m. this afternoon.

With the leadership pushing us on that front, we have to get some paperwork done in order to go to a full committee markup at 2 p.m., and that is what we want to do.

So, consequently I am between a rock and a hard place, to coin a phrase, of trying to comply with the full committee markup schedule and to handle this bill as the subcommittee chairman and as the full committee chairman, and I am only asking for the understanding of the Senator from New Hampshire, and I am trying to understand his needs and trying to comply with his request. But I wish reciprocity.

Mr. HUMPHREY. Yes. The Senator has it and it has been my intention from the start that the Senator would have it.

I understand the difficulties of his responsibilities, but it is not my wish to conduct a minifilibuster or even a microfilibuster. I simply want an opportunity.

Mr. HATFIELD. I had no problem with the Senator's integrity or good faith he has operated on. If the Senator feels he can comply with his requirements within the next 30 minutes I will ask for a unanimous-consent agreement, and I will withdraw my tabling motion.

Mr. HUMPHREY. I thank the Senator for his great courtesy and fairness.

Mr. HUMPHREY and Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. HUMPHREY. Mr. President, I guess I will have to sum up here, much as I wish to speak at greater length than I am permitted by the agenda of the Senate.

Let me say, first of all, that I am sorry that the junior Senator from North Dakota has taken offense at my introduction of this amendment. It should not be necessary. But I am more than happy to humbly apologize to the Senator from North Dakota, but let me do so by saying in the same breath that if we are to defer to each and every Senator with respect to projects in his or her State then we will obviously never have the opportunity to examine them on the floor, and so that line of reasoning is simply invalid in my opinion, but I, nevertheless, apologize to the Senator if he was offended. It was not my intent to offend, and I apologize.

For instance, the distinguished Senator from Tennessee (Mr. BAKER) was not personally offended when I over a number of years have brought up amendments relating to Clinch River which happens to be a project in his State. I am sure that he was not offended, and I am sure that all Senators understand that inasmuch as it is not North Dakota State tax funds paying for this project but rather dollars impressed from the taxpayers of the United States, and every Member of the Senate has the right and responsibility to examine these projects on the floor and where indicated to offer amendments to delete or reduce funding.

Mr. President, I repeat again, that there is some significance in the fact that the House of Representatives for 2 years running has stricken funds completely for this project. Is that a bias against North Dakota? Is this meant to offend the Representatives of North Dakota? Of course not. Of course not, especially inasmuch as the vote was bipartisan. It indicates that there is something wrong and inadequate with the merits of this proposal, and that is the point that I have tried to make in my remarks and my arguments here today.

Yes, of course, there is a division of opinion in North Dakota. There are people who favor the proposal and those who oppose it.

The Senators from North Dakota, the junior Senator and the senior Senator, have referred to that skillfully, but let me just for a moment, not that I want to interject myself into North Dakota politics or controversy, read very quickly a couple of counter editorials, if you will, indications of public sentiment within that State.

First, Mr. President, from an editorial from the Jamestown Sun of January 21 of this year, entitled "Use for Garrison Water."

Compared with other ways Missouri River water is being used, the Southwest Pipeline stands as a shining example of possible technology doing the best for people.

Southwestern North Dakota residents testified on behalf of the project in Bismarck Thursday. The groups were met with bipartisan support. The project proponents are asking the legislature to approve over $100 million in funding for the pipeline.

The uncertain water quality and limited supply of it in southwestern North Dakota remains the best argument for the $110 million project. Granted, it is not inexpensive but consider, if you will, the tax fortune spent on Garrison Diversion. Like Garrison, the pipeline is affordable with some federal help.

Considering what the state and federal government has spent on Garrison Diversion. the Southwest Pipeline is a bargain. Garrison will take as nearly as much land out of production as it irrigates. The Southwest Pipeline will move water without claiming huge tracts of land. It will enhance the life of rural and municipal water users rather than disrupt it.

I might interject here, Mr. President, the editorial writer is talking about two different projects, the Garrison project and another project to supply municipal water, which is the southwest pipeline, a very sensible project, apparently, in contrast to one that is not sensible, namely Garrison.

Continuing with the editorial:

Nearly half of the water Garrison Diversion proposes to move into irrigation plots will evaporate before it gets to the crops. The proposed pipeline will feed water to farms and communities in need of the supply efficiently and cheaply compared with the billions spent on Garrison.

And there is a strong indication the pipeline can be completed without creating an international incident. The same cannot be said of Garrison Diversion.

This is not a complete list of Garrison Diversion's flaws but the project does demonstrate how sound the Southwest Pipeline Project concept really is in comparison. The pipeline responds to a desperate need rather than greed. The pipeline does not make wild promises about what it can deliver. Promoters are promising pure water, that's all.

So far the Southwest Pipeline has not been a subject of much argument. Those who know the need in southwestern North Dakota agree the pipeline is needed.

Mr. President, the Senators from North Dakota are quite correct. Drought is a real problem for North Dakota and it probably makes sense to take water from the Missouri River on the western boundary of North Dakota and move it by some means over to the eastern part of the State where droughts are from time to time a problem.

But what does Garrison do and how does it do it? How does it address this problem of municipal water supply? It takes water from the Missouri River and transfers it by canal and reservoir, half of which will evaporate, according to the editorial I just read, and then it channels this water into a number of rivers that flow into the Red River. From there, these municipalities will draw their water.

Is that not a strange way to transfer water from the Missouri River to the cities that need a municipal water supply, to pump it overland through a canal from which the water will evaporate and then to transfer it into a river from which the cities will draw their water?

How much more sensible to pump the water through a pipeline from the Missouri River directly into the water mains of those cities. No evaporation, no problems with fish and other biota being transferred from the Missouri River into the Red River which then flows into Canada, and no problems with the Canadian Government. That is much more sensible. That is what we are urging here.

The Garrison project is a very clumsy and expensive way of dealing with the municipal water supply problem.

I will read another editorial. And this will be my last excursion into the State politics of North Dakota and attendance controversies. This one is from the Bismarck Tribune of December 26 of last year, entitled "Garrison Project Change Needed."

It's time to take a good, hard look at Garrison Diversion.

It almost doesn't matter that Garrison survived a recent House-Senate conference committee test.

Clearly, Garrison has lost political support in the House, which, only five days before the conference committee met, voted to cut funds 252-152.

The project is not likely to recoup much House support in the foreseeable future.

At the very best, Garrison's promoters will be able to work lose crumbs for funds. At the worst, Garrison won't be so lucky next time.

But Congress isn't Garrison's only problem.

Aside from Congress, Garrison still finds:

Stronger Canadian opposition than ever, based on fears of harm to Manitoba's fishing industry.

Opposition from environmental groups, who aren't likely to ease their stands on water development in North Dakota unless they perceive a better shake for wildlife and wetlands.

Renewed opposition by North Dakota farmers to a wildlife mitigation plan. Many landowners see Garrison as a project that takes from one set of farmers and gives to another, and many believe there is too much land in public ownership now.

The point is, as constituted, the Garrison plan continues to meet objections at every turn.

It has been nearly 30 years since Garrison Dam was completed, and this state still has no water project. At that rate, no living North Dakotan will see a completed project.

Garrison's supporters have stuck to their guns long past the time they should have tried to compromise and get a project moving forward, and it is time we faced political realities.

We should also realize that, more important than a specific water project outlining a certain number and location of acres, Garrison Diversion is an idea.

The idea is this: North Dakota has all this water in one place, doing itself little good. The best thing to do is to move that water and put it to better use.

The idea always has been and still is sound, and the idea should be implemented.

Furthermore, North Dakota has a right to a water project for agreeing to flood out more than half a million acres to create Lake Sakakawea and prevent flooding of downstream states.

But, that doesn't mean the state has a right to this particular project. It means the state has a right to compensation by whatever project or projects are acceptable to a wide array of interest.

For years, this newspaper has supported the authorized project in its editorials, believing that the 250,000-acre project was good and merely the first phase of a much bigger water plan.

Thus, it is no small step for us to urge that the current project be de-authorized and a project more palatable to the political powers that be, as will as to our own farmers, be authorized instead.

The reason we've come to this conclusion is that it's time to make measureable progress on a water project for North Dakota, rather than continue to get very little.

What is an acceptable alternative?

We can't say for sure. That's something to be planned out by our State Water Commission and the Bureau of Reclamation.

But here are some ideas:

If we agree to deauthorize Garrison, perhaps the feds would finance a municipal and industrial water pipeline project not only for the southwest area of the state, but for the eastern part as well.

Even that project would not fully compensate for flooding the Missouri River bottomlands.

The state should push, then, for federal financing of some of the items in the huge 1983 State Water Plan the Water Commission is presenting to the Legislature.

Let's come up with something everyone can agree on and do it. Having some water project is a whole lot better than sticking to a principle and having none.

Our politicians should show the leadership required and admit that big changes are needed for this state to get the uses it deserves out of its water.

So that editorial makes the point that I myself made a moment ago, Mr. President. There is a more sensible way, if municipal and industrial water needs are the problem, to address those needs and to solve that problem. That better way presumably is a pipeline and not a canal. In any case, it overlooks the whole thing of transferring fish, such as carp and others, that would harm the Canadian fishing industry by a very substantial degree. That is the case under the present proposal which transfers water from the Missouri River, through canals, into various rivers that flow into the Red River from which municipalities such as Fargo will draw their water. It would be much more sensible to pipe that water over land. We would not then have the problem of carp, of flowing into Canadian fisheries; we would not have the problem of other matter being transferred.

Mr. ANDREWS. Will the Senator yield?

Mr. HUMPHREY. I yield, briefly.

Mr. ANDREWS. I will be brief, because the chairman of our committee has urged me to be brief.

I want to point out that I am sure concern was shown about the carp that might go from the Missouri system into the Red River. Is that what you said?

In fact, we celebrated the 100th anniversary of my farm last weekend. We are on the Maple River, which is a little creek that goes down into the Red. Every spring when I was a kid we caught all kinds of carp. Let me assure the Senator from New Hampshire, they are already there. If any carp comes into Canada, you will have to count them and ear tag them to find out whether they are Missouri River carp or Red River carp because they have been there since the beginning of time.

I thank the Senator for yielding.

Mr. HUMPHREY. The Senator is certainly a greater expert on carp and other rough fish, I guess, than the Senator from New Hampshire.

In any case, there has to be some legitimate reason for the objection of our neighbors in Canada. It is not just a few kooks who burn flags, as the Senator from North Dakota has implied. We are talking about the Canadian Ambassador to the United States. We are talking about the Premier of Manitoba. We are talking about responsible, elected officials who have represented to us and pointed out to us that the Joint International Commission, made up of both American and Canadian official representatives, have found that indeed Canada will be damaged by this project; that Canada's environment and resources will be damaged by this project; that it is a violation. The Commission has found that the project will violate the treaty between our two nations signed in 1909 to govern matters of this type.

So it is not flag burners but solid, respectable men and women of high position in Canada who have urged us to modify this project before further funding.

The Senator from North Dakota in his remarks a moment ago suggested that it is only outside groups who oppose, or outside environmental groups who oppose, this project. Earlier I read a telegram from what I believe to be a comprehensive list, a joint telegram from a comprehensive list, of State environmental groups, all of whom were opposed to this.

With respect to the mitigation plan, the North Dakota Chapter of the Wildlife Society has provided me with a resolution. I will read the resolved and put the whereases in the RECORD.

Now, therefore, be it resolved that the North Dakota Chapter of The Wildlife Society finds the new mitigation plan for Phase I of the Garrison Diversion Unit to be inadequate to offset the wildlife habitat losses caused by Phase I of the project; and

Be it further resolved that the North Dakota Chapter of The Wildlife Society petitions the Congress of the United States to investigate and to implement an alternative to the authorized Garrison Diversion Unit which will be less costly, will not adversely affect Canada, and will have less severe adverse environmental impacts in this country, thereby requiring less mitigation; and

Be it further resolved that such an alternative consider irrigation development along the McClusky Canal and the Missouri River, and the use of pipelines to deliver municipal, rural and industrial water throughout the State, including the southwestern and eastern portions; and

Be it further resolved that copies of this resolution shall be sent to the members of the North Dakota Congressional Delegation, to Congressman Conte of Massachusetts and Congressman Dingell of Michigan,

and to other Members of the House and Senate as deemed appropriate.

Mr. President, I ask unanimous consent to insert this entire resolution from the North Dakota Chapter of the Wildlife Society into the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION ON THE WILDLIFE MITIGATION PLAN FOR PHASE I OF THE GARRISON DIVERSION UNIT

Whereas the Garrison Diversion Unit will drain or adversely affect 73,000 acres of prairie wetlands, destroy 66,000 acres of native prairie and grasslands and 4,000 acres of woodlands, require channelization of 142 miles of streams, and impair management of twelve National Wildlife Refuges; and

Whereas the original wildlife mitigation plan of 146,530 acres featuring acquisition and development of existing wetlands would have resulted in net losses for wildlife; and

Whereas the updated wildlife mitigation based upon restoration of drained wetlands developed in the late 1970's to replace project losses would have required 198,000 acres featuring wetland restoration to offset the known habitat losses from the project; and

Whereas the proposed Phase I of the Garrison Diversion Unit would result in approximately one-third of the habitat losses of the full 250,000 acre project, but includes a wildlife mitigation plan of only 41,800 acres; and

Whereas the joint Federal-State-Conservancy District Mitigation Committee which developed the new mitigation plan for the Phase I project has recommended that the McClusky Canal and the Lonetree Reservoir, and Bureau of Land Management lands currently managed for multiple uses including wildlife, be credited toward project mitigation; and

Whereas many of the lands recommended for this new Phase I mitigation plan by the joint Federal-State-Conservancy District Mitigation Committee have not been identified and include lands totally different in location, mitigation suitability, and value for wildlife, especially waterfowl, from those envisioned by the Congress in the authorizing act of August 5, 1965; and

Whereas the same Federal-State-Conservancy District Mitigation Committee has postulated the benefits of the new mitigation plan on undescribed and untested concepts of intensive management of mitigation lands, and has identified for implementation only two intensive management techniques, fencing and establishment of dense nesting cover, which fail to include the normal array of management techniques employed by wildlife agencies in managing wildlife areas; and

Whereas this latest attempt to change the mitigation plan for the controversial Garrison Diversion Unit fails to recognize that the serious problems of the project are the result of its ever-escalating costs of now over $1.2 billion, its potential for severe adverse impact to Canada, and its dwindling support among the people of North Dakota;

Now, therefore, be it resolved that the North Dakota Chapter of The Wildlife Society finds the new mitigation plan for Phase I of the Garrison Diversion Unit to be inadequate to offset the wildlife habitat losses caused by Phase I of the project; and

Be it further resolved that the North Dakota Chapter of the Wildlife Society petitions the Congress of the United States to investigate and to implement an alternative to the authorized Garrison Diversion Unit which will be less costly, will not adversely affect Canada, and will have less severe adverse environmental impacts in this country, thereby requiring less mitigation; and

Be it further resolved that such an alternative consider irrigation development along the McClusky Canal and the Missouri River, and the use of pipelines to deliver municipal, rural and industrial water throughout the State, including the southwestern and eastern portions; and

Be it further resolved that copies of this resolution shall be sent to the members of the North Dakota Congressional Delegation, to Congressman Conte of Massachusetts and Congressman Dingell of Michigan, and to other Members of the House and Senate as deemed appropriate.

Mr. HUMPHREY. I will truly try to sum up briefly at this point, Mr. President.

It is not only a North Dakota project. It involves Federal funds. If North Dakota citizens wanted to cover the entire State of North Dakota with canals using their own money, that would be their own business. More power to them.

But this is financed by Federal funds and each and every one of us has a responsibility to review such programs and offer proposed changes. That is what I am trying to do here today. Nothing more and nothing less.

There are four basic reasons this appropriation should be stricken in order to bring about a redesign of the Garrison diversion project.

First, that it makes absolutely no sense to be spending over $1 billion to create more farmland and more farm commodity surpluses. It is costing our citizens a fortune to store this stuff. It is costing us a fortune to pay farmers not to plant more. Farm programs in 1984 will cost us $21 billion, all designed to, ironically on the one hand, discourage excessive planting, and, on the other, to encourage.

One of the encouragements are these water projects that bring into being more tillable farmland. So we are being asked to spend $1.1 billion and more to create more farmland at a time when our bins and warehouses are overflowing. We are having to give away cheese. We do not know what to do with the stuff. And dried milk. Fibers. Name it. We do not know what to do with the stuff. Now we are proposing to make it possible to encourage the production of more of these commodities. It does not make sense on the face of it.

That is why the National Taxpayers Union and the Council for a Competitive Environment oppose this project and have so stated by letter which I inserted into the RECORD.

Second, the project is not cost-effective. If it were, that would be one thing. But it is not. It is not.

If you use a realistic discount rate, that current rate presently applied in figuring the cost-benefit ratio for current water projects, the discount rate is in the neighborhood of 7 or 8 percent, which is far more reasonable than the 3-percent discount rate used in the calculation by the proponents. That is the discount rate that was in effect in 1965 when this project was authorized. Can we borrow money for 3 percent today? Of course not. We are lucky if we can borrow it for eight. Applying a realistic and current discount rate to this project yields a cost-benefit ratio of 1:58. That is, 58 cents for each dollar invested will be returned to the taxpayers.

Third, the Garrison diversion unit as now designed will inflict very great damage upon wildlife habitat.

I read just a moment ago a letter from the North Dakota chapter of the Wildlife Federation, I believe it was, which denounced the mitigation plan as inadequate. There is local opposition as well as massive national opposition which I have referred to earlier, outlined in letters which these organizations have sent to every Senator in this body.

Fourth, this project will have the effect of violating the treaty between the United States and Canada that governs such matters. It is not my opinion that this project violates the treaty. It is not my opinion. It is the opinion of the International Joint Commission, an official body made up of United States and Canadian members appointed by the President and the Premier. That Commission has found that this project violates a treaty between the United States and Canada.

Small wonder that Canadians are upset and resentful. It is small wonder that tensions are growing, which could be easily avoided if this project were redesigned. That is what I am urging.

I am not saying that the State of North Dakota does not have a problem. I am not saying it is not smart to move water from the Missouri River to the drier part of the State. I am saying that it is unwise and not economically sound. Analysis bears out my opinion. This is boondoggle, as some press writers have called it. This is a project proceeding not on logic but on momentum.

While I do not hope to stop it with this one debate, I hope we have brought about some enlightenment on both sides of the question and that we will make further progress in modifying this project as events unfold, just as we succeeded in another sense in bringing, apparently, to a halt the Clinch River breeder reactor, another wasteful project that was not well designed or well executed.

I thank the chairman of the Appropriations Committee for allowing me to present these remarks. I urge Sena-

tors who support the amendment to strike $22 million as the House has.

Mr. CHAFEE. Mr. President, I am deeply concerned about the construction of the Garrison diversion project because it raises serious economic, environmental, and international problems.

First, the cost of the project has escalated fivefold—from $207 million in 1965 when the project was first authorized to over $1 billion. This works out to a subsidy of approximately $800,000 per project farm and a Federal investment of $3,753 per acre served.

Although the cost-benefit ratio is 1.3-to-1 in direct benefits, it is computed on an unrealistic discount rate of 3.1 percent. Using a more realistic discount rate of 7.6 percent, the cost-benefit ratio drops to 1-to-.58—only 58 cents returned on every dollar spent. It is not difficult to conclude from these figures that the project is economically unsound and an affront to taxpayers everywhere.

Second, the project will wreak serious environmental damage to prairie marshes and other habitat as well as units of the National Wildlife Refuge System. It has been estimated that the Garrison project would destroy or adversely affect 70,000 acres of wetlands resulting in an estimated average loss of 175,000 to 300,000 waterfowl.

Projects of this type are required to have mitigation plans to offset the loss of habitat and wildlife, but a final plan has yet to be agreed upon. I understand the plan does not consider the loss of migration habitat and provides no reliable provisions for the long-term management necessary to offset wildlife and habitat losses. Instead, it moves away from the wetlands restoration and replacement concept to one of intensive management. This means that there will be fewer acres to compensate for the loss of waterfowl.

Intensive management requires a strong personnel and financial commitment over time and there is not assurance, given the budget cutbacks at the Interior Department, that such long-term commitments can be made and kept. Without an adequate mitigatin plan in place, and the firm commitment of the Department to implement such a plan, no further construction should be allowed to proceed.

The Canadian Government and the Province of Manitoba have expressed great concern that the Garrison project would degrade Canadian waters. The Canadian fear that irrigation return flows would pollute rivers flowing from North Dakota to Canada and that project waterways would introduce rough fish and other undesirable foreign biota into the Hudson Bay watershed, a prime commercial and sport fishing resource. The United States-Canadian International Joint Commission found that the Garrison project would cause significant injury to the health and property in Canada as a result of adverse impacts on the water quality and to some of the more important biological resources in Manitoba. This would violate the 1909 Boundary Water Treaty between Canada and the United States.

For these reasons, Mr. President, I support the amendment to halt funding of the Garrison diversion project until an accelerated study can be conducted to examine alternatives that will meet North Dakota's water resource needs and that will resolve the international and environmental problems I have outlined.

Mr. STAFFORD. Mr. President, I wish to express my support for the amendment that would delete money for the Garrison diversion project in North Dakota.

Every Member of this body is aware of the intense opposition to this project among our neighbors in Canada. Because of that opposition, it seems prudent to me that the United States should examine every alternative to provide the necessary benefits to the people of North Dakota and South Dakota before building portions of the project that will have an adverse impact on Canada.

The issue is a simple one. The Canadian sports and commerical fisheries will be damaged severely by the introduction of fish from the Missouri River drainage.

This amendment puts the project on hold while the Bureau of Reclamation studies alternatives to irrigate vast areas of North Dakota, without threatening the resources of our neighbors in Canada by moving Missouri River water northward into the Hudson Bay drainage.

I am aware of the strong feelings on this issue among my friends in North Dakota. I want to emphasize that I, in no way, oppose sound water resources development in North Dakota. But I believe we must go forward in a manner that protects our Canadian neighbors and our wildlife resources.

I believe this is a wise amendment. I support it.

Mr. PRESSLER. Mr. President, my home State of South Dakota is in a very unusual and difficult situation in regard to the Garrison diversion project in North Dakota.

South Dakota like North Dakota, made major sacrifices for the construction of the mainstem dams on the Missouri River to provide flood control, navigation, hydroelectric power, and other benefits to the Midwest. In return for the sacrifices which the Dakotas made, we were promised water development—including irrigation. To date, neither North Dakota nor South Dakota have benefited from the water development promised. The Garrison project is part of the water development promised North Dakota, and it is well-deserved compensation.

However, South Dakota, especially the farmers and communities along the James River, are concerned about the impact of the Garrison project on the James River. Will the return flows from that project cause additional James River flooding, and will they be of good quality so they can be utilized in South Dakota? There is a great deal of optimism in South Dakota that the return flows can be used for the benefit of South Dakotans. Last year Congress authorized the study of the possible extension of the Garrison project to South Dakota and this bill includes funding for that study. I am very hopeful the study will show that South Dakota can also benefit from the Garrison project. But there is still a great deal of concern that South Dakota could be adversley affected by the project and that the impact on the James River has not been adequately studied. To illustrate these concerns, I ask unanimous consent that statements from James N. Dornbush, a professor of civil engineering at South Dakota State University, on the possible effect of the Garrison diversion project in South Dakota, be printed in the RECORD following my remarks.

Fortunately, the States of North Dakota and South Dakota, along with the Bureau of Reclamation, have established a committee to work out the concerns of South Dakota. The committee has made good progress and an agreement on the concerns is expected to be reached in the near future.

In conclusion, I would like to express my continued concern about the potential adverse impact of the Garrison project on the James River in South Dakota, but do not want to deny North Dakota residents the water development promised them years ago. I am confident that the current negotiations on South Dakota's concerns will be resolved and urge the Bureau of Reclamation and our friends in North Dakota to continue to work with South Dakota to resolve these concerns.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

COMMENTS ON GARRISON DIVERSION UNIT, DRAFT SUPPLEMENTAL ENVIRONMENTAL STATEMENT, STATEMENT NUMBER: DES 83-14

(Submitted by James N. Dornbush, D. Sc., P.E.)

My name is James N. Dornbush, and I am a Professor of Civil Engineering, South Dakota State University, Brookings, South Dakota. I have been asked to review and prepare comments on the "Garrison Diversion Unit Draft Supplemental Environmental Statement (DES 83-14)" dated March 16, 1983. This request for review was made by Roger A. Schuller of Claremont, South Dakota for the James River Engineering and Management Board in South Dakota apparently because of my past involvement

in court cases dealing with flooding of the James River valley in South Dakota and the impact on South Dakota of the Garrison Diversion Unit changes that have been made in recent years. My comments will be limited to impacts on South Dakota and my comments are offered as an individual entirely separate from South Dakota State University involvements.

After reviewing the draft environmental statement, several deficiencies with regard to South Dakota are almost immediately apparent regarding management of river flows, the impacts in and on Sand Lake and resulting water quality impacts to downstream users.

Initially it is recognized that the water quality impacts on the James River to the ND-SD border were based on "historic" river flow records from 1953-1973. During the later part of this period after the filling of the Jamestown Reservoir in 1965, controlled releases from this reservoir were a major factor contributing to extended periods of high flows in the James River in the summer with the uncontrolled storage in Sand Lake compounding the high water problem for downstream flood-plain farmers in South Dakota. Also, flood control releases from the Pipestem reservoir near Jamestown constructed in 1972-73, increased the late spring flooding regime in South Dakota after 1973. That period from 1974-1981 is handled separately in a preliminary manner for river flow analyses (Appendix 5.9 pgs V-51 through V-55). Studies incorporating these two separate flow periods make it difficult to assess the impacts on South Dakota although both studies leave numerous questions unanswered regarding downstream flows and water quality to Sand Lake and beyond in South Dakota.

First regarding water quality, the projections downstream from Sand Lake seem to be made as if Sand Lake did not exist. Thus, the Figures 5-4 through 5-9 and Tables 5-6 and 5-7, are in gross error because "all effects of storage, reregulation, evaporation, and other gains and losses in this reach of the river were not considered for the purpose of this analysis" (III-14). Furthermore, incremental changes as determined at the ND-SD state line were carried directly downstream and superimposed at the Columbia and Huron gaging stations with the explanation that this maximizes the effects of the project on these lower stations. To make the assumptions of open-channel flow through Sand Lake and then to minimize the impacts of storage and evaporation as well as to ignore the major effects of evapotranspiration and ice formation on water quality leaving Sand Lake is completely contrary to known hydrological principles, and misleading with respect to future uses of the impact statement. Instead, these assumption would appear to minimize adverse environmental impacts at lower downstream stations in South Dakota.

Drainage and return flows from the project to the James River in South Dakota, will contain increased concentrations of salinity, hardness, sulfates, TDS, etc. Also, flows to South Dakota will be regulated although minimum flows of 20 cfs are to be maintained. During the late summer, fall and winter, virtually all of the inflow to Sand lake will be irrigation return or drainage flows with greatly increased salinity. In Sand Lake and Mud Lake evapotranspiration from the huge area (11,000 acres total), much of it covered with emergent vegetation, would tend to greatly concentrate the salinity in the lake water and, consequently, the future water flowing from Sand Lake. This late summer concentration effect of evapotranspiration in the lake has been completely neglected.

When ice starts to freeze in the fall, the water salinity will become further concentrated as ice forms on Mud Lake and Sand Lake. Considering only Sand Lake (capacity of 18,000 acre-feet and area of 6,050 acres (pg. III-17)), with the formation of only one foot of ice, the salinity of the underflow leaving Sand Lake would be 50 percent greater. With water of increased salinity entering Mud Lake and Sand Lake during the late summer and fall, the resulting water at Columbia would be substantially more saline and degraded. Furthermore, these conservative pollutants would probably continue to increase in concentrations as the water travels downstream to Huron. This quality degradation effect of water freezing in Mud and Sand Lakes has also been completely neglected in the draft environmental impact statement.

The effects of evapotranspiration and ice formation at Sand Lake can at least be approximated with existing data. For example, some water quality data has been collected during periods of flow in and out of Sand Lake. The interpretations of these data should certainly be considered prior to assessing water quality impacts in South Dakota.

In 1973, Young[1] evaluated the seasonal variations of streamflow and water quality in the James River in South Dakota. Streamflow, water quality and climatological data were evaluated for three South Dakota stream gaging stations (Columbia, Huron and Scotland). Records from 1949 through part of 1971 were available at that time. Among the conclusions of that thesis were:

"2. The flows at all three stations were found to follow a pattern which could be divided into three distinct periods or seasons. The first period was the March-May season, during which streamflows tended to be increasing toward their maximum annual levels. The second period was the June-October season, during which streamflows tended to be decreasing from their spring flood levels. The third period was the November-February season, during which streamflows tended to decrease slightly from their autumn levels to their minimum annual winter levels." * * *

"6. For eight of the nine cases analysed, a statistically significant, inverse, linear relationship was found to exist between specific conductance and the logarithm of streamflow. This result indicated that an inverse relationship between water quality and streamflow apparently existed for the entire year at the Huron and Columbia stations and for all except the November-February season at the Scotland stations. However, the data available for the November-February season at the Scotland station were too restricted to allow a statistically reliable relationship to be derived for that season.

"7. During all three seasons, the dissolved solids concentration (specific conductance) of the James River tended to increase in the downstream direction from the Columbia station to the Scotland station.

"8. The dissolved solids concentration (specific conductance) was observed to follow the same annual pattern at each of the three stations. For a given stream flow, the dissolved solids concentration at each station generally tended to be greatest during the November-February season, while the concentration tended to be least during the June-October season. The annual minimum dissolved solids concentration tended to occur during the spring flood flows at each station."

Of particular importance from these conclusions is that dissolved solids tended to increase in the downstream direction from Sand Lake and that dissolved solids was highest during the November to February season.

The water quality at the Columbia station on the James River would be representative of the quality leaving Sand Lake and evaluation of past data at Columbia can illustrate quality changes as a result of that lake. For example, the following 1957-58 data from USGS records is some of the data appended to Young's thesis report (pgs 101 and 104) for the Columbia gaging station on the James River.

Date	Streamflow (cfs)	Dissolved solids concentration (mg/l)	Specific conductance (micromhos/cm at 25°C
July 25, 1957	2.2	564	870
Sept. 4, 1957	18.6	1,010	1,500
Oct. 14, 1957	19	743	1,140
Nov. 13, 1957	47		1,130
Dec. 3, 1957	58	820	1,250
Jan. 5, 1958	43	1,070	1,570
Feb. 3, 1958	30	1,100	1,620

During the above period, the mean monthly flows at Lamoure, ND ranged from 16 to 37 cfs, approximately the range proposed for project flows to South Dakota but without the added salts from project drainage. The above data clearly demonstrates the evapotranspiration and ice formation on Sand Lake from November through February have major impacts on water quality in Sand Lake (TDS above 1000 mg/l) and must be accounted for prior to assessing impacts on downstream water quality.

Considering the above information it appears that the water quality data and streamflow data presented in the draft EIS for the James River at Columbia and Huron, SD (Tables 5-6 and 5-7 and Figures 5-4 through 5-9) are completely misleading. Also, because the assumption of open channel flow through Sand Lake are known to be in substantial error, the above Figures and Tables as well as statements and conclusions drawn from them should probably be omitted from the final environmental impact statement to be submitted to the Council of Environmental Quality.

The importance of being able to accurately assess the impacts of Sand Lake retention on TDS or salinity, hardness, sulfates etc. prior to construction of the Garrison project can not be overemphasized. If these concentrations exceed water quality standards for downstream users such as irrigators in South Dakota, they can not be practically removed by treatment. Instead, the concentrations can only be reduced by dilution with good quality water. And sources of good quality dilution water are available only in North Dakota, in the Jamestown and Pipestem Reservoirs or through the supply works.

The second major concern with respect to the draft EIS deals with management and

[1] Young, Jeffery B., "Analysis of the Seasonal Variations of Streamflow and Water Quality of the James River in South Dakota," Master of Science Thesis, Civil Engineering Department, 1973; Briggs Library, South Dakota State University, Brookings, S. Dak., 57007.

timing of flows into and through Sand Lake to downstream areas in South Dakota. With the storage of flood flows in the Jamestown and Pipestem Reservoirs and subsequent releases of this water to Sand Lake where storage and outflow is poorly controlled, the hydrology of the James River has definitely been altered. During high flow years, releases from the reservoirs at rates in excess of James River channel capacity (as low as 250 cfs at some points in South Dakota) has extended the period of flood flows affecting James River flood plain areas far into the summer. These aspects have been particularly severe since Pipestem Reservoir has been operating. During years with low flows and perhaps median or slightly higher flows, the project plans to utilize the stored water in the reservoirs for irrigation in North Dakota, with irrigation drainage and return flows containing increased salinity reaching South Dakota. During many years with near median flows, the flows during the irrigation season are to be depleted to the minimum of 20 cfs. Why only 20 cfs? These impacts of depletion have not been addressed in the draft environmental statement in a manner that will allow evaluation of the revised project effects in South Dakota.

The analyses of flows and water quality for the James River at the ND-SD border have been provided in much greater detail in the 1979 impact statement. For example, flow and quality data were provided at the ND-SD state line for maximum, minimum, mean, 10th percentile, 50th percentile, and 90th percentile flows for three periods (historic, study and equilibrium) in the FES 79-7. By contrast, only mean, high and low flow conditions are described in this draft environment statement. Mean flows which are presented are greatly influenced by occasional high or flood flows and do not accurately represent the usual operating conditions. For example, historic (1953-1973) mean flows at the ND-SD border were 7,060 acre feet in July compared to the median or 50th percentile flows of 2,570 acre feet. Furthermore, these median flows in July were to be further reduced to 1,230 acre feet (the minimum 20 cfs) by the previous project plans. The net effect of presenting only mean, high and low flows to represent project impacts in South Dakota is that depletion of water to Sand Lake and South Dakota during the irrigation season is hidden. The impact of these reduced flows to South Dakota should be fully addressed in the environmental statement.

This review and these comments do not address aspects related to management of the Sand Lake Wildlife Refuge and effects on biological conditions. Operations to restrict flows to Mud Lake periodically to control carp and prevent botulism would also impact seasonal flows downstream from the lakes but these impacts on downstream flows could not be interpreted at this time.

A preliminary analysis of flows of the James River in North Dakota for the period 1974-1981 is presented in Table 5-9 in the Appendix. This preliminary analysis recognizes the changes in flow that have resulted from flow regulation at the Jamestown and Pipestem Reservoirs. Also this preliminary study utilized the storage capacity in the reservoirs to maximize flood control downstream in North Dakota, basically ignoring the recreation use in the Jamestown Reservoir. The tabular results of this preliminary study were not presented for South Dakota but statements suggest that spring flood flows could be substantially reduced. If this concept of greater control of spring flood flows in upstream reservoirs is incorporated into the plan, the changes may be highly beneficial to control South Dakota flooding. From the preliminary information presented, it was not possible to determine if this mode of operation is to be part of the project.

In summary, from review of the draft environmental statement, certain questions have not been answered for South Dakota. These questions include:

1. What seasonal changes in James River water quality will occur in Sand Lake?

2. What impact will the project have on water quality of the James River in South Dakota downstream from Sand Lake?

3. Why was 20 cfs selected as the minimum flow to South Dakota during July and August?

4. What provisions have been or will be made to supply additional water to South Dakota in the event that water quality standards are not met?

5. What effects will the project have on the median flows and similar flows downstream from Sand Lake? Will these flows be depleted during median years to the extent that downstream irrigation in South Dakota will be threatened?

6. Will the Jamestown and Pipestem Reservoirs be operated for greater flood control downstream in South Dakota?

It is recognized by this reviewer that the impacts of the Garrison Diversion project on the James River in South Dakota are complicated by changes in Sand Lake and that all the desirable data are not available. Nevertheless, Sand Lake is there. Its influence on the impacts to the James River in South Dakota must be assessed. If the future impacts are critically negative, alternatives will need to be incorporated into the project. Alternatives may be necessary such as provisions for a bypass around Mud and Sand Lakes, improved structures to control inflows to and releases from the lakes, increased flows to South Dakota for quality control, greater summer flows to South Dakota for irrigation, channel restoration in South Dakota to handle the flows, and operation of the reservoirs to minimize downstream spring and summer flooding in South Dakota. If alternatives are necessary, the coordinated planning to accommodate environmental and other needs in South Dakota must start soon.

IMPORTANT ASPECTS OF FLOOD CONTROL IN THE JAMES RIVER IN NORTHERN SOUTH DAKOTA

(By James N. Dornbush, May 1982)

The following comments were extracted directly from the report James River Basin Subregional Analysis—North Dakota, South Dakota, March 1980[1] prepared by the Missouri River Basin Commission, an agency for the coordination of plans, of all other governmental agencies for the development of water and related land resources in the Missouri River Basin and its tributaries. The comments related to key points established in the litigation between the James River Flood Control Association in South Dakota versus the U.S. Bureau of Reclamation regarding developments of Garrison Diversion Unit in the upper James River Basin in North Dakota in the spring of 1982.

The James River Basin Subregional Analysis report (page 3) in the Summary of Conclusions of Recommendations section states:

"(5) * * * Interstate water issues that have surfaced during the study and need to be examined include: effects of water use in North Dakota on South Dakota water appropriators; the quality, quantity and timing of Garrison Unit return flows to the James River and their impacts; and the effects of operation of Jamestown, Pipestem, and Sand Lake reservoirs, especially on flooding problems in northern South Dakota. * * *"

And further states:

"(6) * * * Rural flooding problems are serious and recurrent in many portions of the study area, especially in the lake plain area of northern South Dakota where the 10-year flood event inundates nearly as much land as the 100-year event."

In this same report, the flooding problem is amply described (page 57) as being related to the gradient or slope of the James River.

"The gradient of the James River varies from 4.5 feet per mile to 1.5 feet per mile from the headwaters to Jamestown, North Dakota. Downstream from Jamestown through Stutsman County and the northern half of LaMoure County, the gradient is 1.5 feet per mile. The gradient rapidly decreases to 0.05 feet per mile. Across the remainder of South Dakota, the gradient averages about 0.3 of a foot per mile."

Further stated in the report concerning flooding in the James River Basin:

"Records show that major floods in the James River Basin have occurred on the average 1 in every 15 years. Considering both minor and major floods, flood damages have occurred about 1 out of every 4 years. Historic accounts indicate that major floods occurred in 1881, 1920, 1922, 1942, 1950, and 1969. At least 16 lesser floods are known to have taken place since 1881. These floods occurred in 1888, 1897, 1943, 1944, 1947, 1948, 1949, 1951, 1952, 1953, 1962, 1966, 1972, 1975, 1978, and 1979. According to the Water Resources Division of the Federal Geological Survey, the 1969 flood resulted in flood damages estimated at $16 million. In the 1969 flood, urban flood damges consisted of $1.5 million in Jamestown from Pipestem Creek, $150,000 damages in Aberdeen, $31,000 in Tacoma Park, $15,000 in Westport, and $3,300 damages in Frederick. Rural flood damage to cropland, fences, agricultural levees, roads, and bridges in the James River Basin amounted to $14.3 million".

It should be noted that flood frequencies have been much more prevalent since 1965 after the Jamestown Reservoir discharges have occurred.

The report describes the James River in South Dakota from Sand Lake to Turtle Creek, the lake plain region of the river in northern South Dakota. The effects of the Elm River which enters the James River downstream from Sand Lake Wildlife Refuge are described (page 61) as follows:

"Flood discharges from the Elm River may flow in both the upstream and downstream direction after entering the main channel. In years of extreme flooding, flows in the upstream direction in the James River spill into the Sand Lake Wildlife Refuge. A large peak discharge also enters the refuge from tributaries downstream of Jamestown and Pipestem Reservoirs and north of the refuge. As the rate of inflow from the Elm River is reduced, flows in the

[1] The report lists the following address and phone numbers for further information concerning these papers and the James River regional plans. Missouri River Basin Commission, 10050 Regency Circle, Suite 403, Omaha. Nebraska 68114, Phone: (402) 397-5714, FTS 864-9351.

main channel reverse to the downstream direction. The temporary storage provided in Sand Lake and the upstream flows in the main channel reduce peak discharges entering the lake plain. Because of the obstructed condition and minimal slope of the channel, flood peaks are further reduced through the lake plain. This reduces flooding downstream of the lake plain, but results in flooding over a long period of time within the lake plain".

And also states:

"Approximately 30,000 acres are subject to flooding along the main stem in this reach. The 2-year, 5-year, and 10-year spring discharges flood 5,400 acres, 14,000 acres, and 23,600 acres, respectively".

The future flood problems on the flood plain, and specifically related to the Garrison Diversion Unit, are introduced (page 63) as follows:

"Existing land use in the James River flood plain is primarily agricultural and is expected to remain primarily agricultural. Flood damage to agriculture is expected to continue at current levels in the absence of flood damage reduction measures. However, flooding may increase if the existing channel capacity is not maintained or if return flows from the proposed Garrison Diversion Unit are substantial."

After discussing the various channel capacities in the James River and reductions in channel capacity from 1944 through 1979 this same report concerning the future states:

"The impact of the return flows from the authorized Garrison Diversion Unit on flooding cannot be determined until the magnitude and timing of the return flows are established". (Italics provided for emphasis.)

In explanation of the need for evaluation of the hydrology of Sand Lake Refuge, the report states (page 86):

"The James River is almost like two rivers—one upstream of Sand Lake and another downstream" * * *

"The study and the plan are needed to relate the operation of the Jamestown and Pipestem Reservoirs to the flooding problems in the lake plain area of South Dakota. The data would also be helpful in order to more accurately predict the timing, quantity, and quality of return flows from any irrigation which might take place along the James River. If any cities in South Dakota attempt to use augmented flows in the James River for domestic water supply, this information will also be needed".

The entire report from which these comments are taken was compiled in an attempt to provide guidance in solving the problems related to water and land resources of the James River in both South Dakota and North Dakota. A cooperative venture including local agencies, the two states and federal agencies appears to be needed.

Mr. HATFIELD. I thank the Senator from New Hampshire for his assistance in helping us expedite this matter of the bill before us.

Mr. President, I move to table his amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Massaschusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. HART), would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 62, nays 35—as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—62

Abdnor	Goldwater	Murkowski
Andrews	Gorton	Packwood
Armstrong	Hatch	Pressler
Baker	Hatfield	Randolph
Bentsen	Hawkins	Riegle
Boren	Hecht	Sarbanes
Burdick	Heflin	Sasser
Byrd	Helms	Simpson
Chiles	Huddleston	Specter
Cochran	Inouye	Stennis
D'Amato	Jackson	Stevens
Danforth	Johnston	Symms
DeConcini	Kassebaum	Thurmond
Denton	Laxalt	Tower
Dodd	Long	Trible
Dole	Mathias	Wallop
East	Matsunaga	Warner
Exon	Mattingly	Weicker
Ford	McClure	Wilson
Garn	Melcher	Zorinsky
Glenn	Mitchell	

NAYS—35

Baucus	Eagleton	Nickles
Biden	Grassley	Nunn
Bingaman	Heinz	Pell
Boschwitz	Humphrey	Percy
Bradley	Jepsen	Proxmire
Bumpers	Kasten	Pryor
Chafee	Lautenberg	Quayle
Cohen	Leahy	Roth
Cranston	Levin	Rudman
Dixon	Lugar	Stafford
Domenici	Metzenbaum	Tsongas
Durenberger	Moynihan	

NOT VOTING—3

Hart	Hollings	Kennedy

So the motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, may we have order, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HATFIELD. Mr. President, I believe now we have one brief amendment that the committee will accept, which is to be offered by the Senator from New Mexico. At that point, so far as the managers of the bill are concerned, we will have no other amendments and will go to third reading, and I will ask for a rollcall vote.

AMENDMENT NO. 1431

Mr. DOMENICI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) proposes an amendment numbered 1431.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 22 insert the following before the period: ": *Provided further,* That of the amount herein appropriated $6,000,000 shall be available to enable the Secretary of the Interior to begin work on rehabilitating the Velarde Community Ditch Project, New Mexico, in accordance with the Federal Reclamation Laws (Act of June 17, 1902, 32 Stat. 788, and acts amendatory thereof or supplementary thereto) for the purposes of diverting and conveying water to irrigated project lands. The principal features of the project shall consist of improvements such as the installation of more permanent diversion dams and headgates, wasteways, arroyo siphons, and concrete lining of ditches in order to improve irrigation efficiency, conserve water, and reduce operation and maintenance costs. The cost of the rehabilitation will be non-reimbursable and constructed features will be turned over to the appropriate entity for operation and maintenance."

Mr. DOMENICI. Mr. President, the amendment I offer today will enable the Secretary of the Interior to undertake the repair and rehabilitation of the Rio Grande water diversion system between Velarde South and San Juan Pueblo, N. Mex. Initial funding for this project has been recommended by the committee in this bill out of the total $683.8 million provided for the Bureau of Reclamation's construction work.

This is a small project but vitally important to small farm families in northern New Mexico. Farmers in the Velarde community area irrigate with ancient water diversion systems called acequias. Acequias are actually political subdivisions under the laws of New Mexico and many of them date back to the 18th century.

The acequias system surrounding the community of Velarde, N. Mex. is comprised of ditches receiving water from the Rio Grande in the reach from Velarde South to San Juan Pueblo which irrigate approximately 2,800 acres of land and are served by 9 diversion barriers. Both the dams and ditches are in need of rehabilitation. The costs and hours of labor required to irrigate the land and maintain the water system have grown more acute over time. The diversion structures consist of rock and brush barriers and are in frequent need of repair or complete replacement. The ditches themselves are unlined, causing the loss of

the diverted water and constant erosion. The poor state of the system and the interruptions in water supply have placed a substantial burden on the farmers in the area.

Several years ago, the Bureau of Reclamation undertook a study of this water diversion system at my request. That study encompasses a plan for the successful rehabilitation of the diversion dams and ditches comprising this acequias system. This is an important flood control/irrigation project for New Mexico. The modest cost of the system's rehabilitation would insure water delivery to the area, curtail water losses, and reduce future operation and maintenance costs.

Mr. President, this amendment adds no money to the bill.

Mr. HATFIELD. Mr. President, the committee accepts the amendment. It has been cleared with the minority side.

Mr. DOMENICI. I thank the distinguished chairman and the ranking minority member.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1431) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I commend my distinguished colleagues, Senators HATFIELD and JOHNSTON, and the members of the Senate Appropriations Committee for reporting the energy and water development appropriations bill 5 months earlier than it was reported last year.

I support the energy and water development appropriation bill as reported by the committee.

H.R. 3132 provides $14.3 billion in budget authority, and $14.6 billion in outlays for fiscal year 1984 for the activities of the Department of Energy, the Department of the Interior—water programs, the Department of Defense—Army Corps of Engineers, the Nuclear Regulatory Commission, the Tennessee Valley Authority, and other agencies.

With outlays from prior year budget authority and possible later requirements taken into account, the Energy and Water Development Subcommittee is $0.9 billion in budget authority and $0.3 billion in outlays below its crosswalk allocation assumed under the Senate-passed first budget resolution.

I therefore urge my colleagues to support the bill as reported by the Appropriations Committee.

With respect to the credit budget, the Senate-reported bill provides $0.1 billion in new direct loan obligations, and $0.2 billion in new loan guarantee commitments. This is equal to the subcommittee's assumed allocation.

Mr. President, I ask unanimous consent that two tables showing the relationship of the reported bill, together with possible later requirements, to the congressional spending and credit budget and the President's budget requests be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

ENERGY AND WATER DEVELOPMENT SUBCOMMITTEE—SPENDING TOTALS

[In billions of dollars]

	Fiscal year 1984	
	BA	O
Outlays for prior year budget authority and other actions completed		[1] 6.8
H.R. 3132, as reported in the Senate	14.3	7.8
Total for Energy and Water Development Subcommittee	14.3	14.6
Senate-passed first budget resolution 302(a) assumption	15.2	14.9
Senate Energy and Water Development Subcommittee	14.3	14.6
House-passed level	14.3	14.6
President's request	14.7	14.7
Total compared to:		
Senate-passed first budget resolution 302(a) assumption	−.9	−.3
House-passed level	+(*)	*(*)
President's request	−.4	−.1

[1] This figure includes the fiscal year 1984 outlays associated with Public Law 98–8, the Jobs Appropriations Act and with the Senate-reported fiscal year 1983 supplemental appropriation bill (H.R. 3069).
* Less than $50 million.

ENERGY AND WATER DEVELOPMENT SUBCOMMITTEE—CREDIT TOTALS

[In billions of dollars]

	Fiscal year 1984	
	New direct loan obligations	New loan guarantee commitments
H.R. 3132, as reported by the Senate committee (total for Energy and Water Development Subcommittee)	0.1	0.2
Senate first budget resolution section 5(b) allocation	.1	.2
House-passed	.1	(*)
President's request	.1	.2
Subcommittee compared to:		
Senate first budget resclution section 5(b) allocation		
House-passed	−(*)	+.2
President's request	+(*)	−.02

* Less than $50 million.

Mr. HATFIELD. I thank the Senator from New Mexico.

WEB WATER PROJECT

Mr. PRESSLER. Mr. President, I commend the Senate Appropriations Committee for including $4 million in this bill to continue work on the WEB rural water system in north-central South Dakota. The committee increased the funding level for the WEB project by $2 million from the House recommendation, and I would hope this higher level will be included in the final bill.

The WEB project was initially authorized in 1980 and reauthorized last year. Work has begun on the project, with funds from the WEB Water Development Association, the Oahe Conservancy Subdistrict, the State of South Dakota, and the Federal Government. The project, when completed, will serve approximately 30,000 people, including 17,400 municipal residents in 51 towns, and 12,400 rural residents. The domestic water to be supplied by the project is badly needed as the well water in the area is of very poor quality and often very hard to find.

The funds provided in this bill will allow the project to move forward and start to bring much-needed water to rural residents of South Dakota. I commend the committee for the action it has taken and urge the Senate to also provide these funds for the WEB project.

Mr. D'AMATO. I would like to thank the chairman for affording me this opportunity to clarify some of the actions taken by the full Appropriations Committee during its consideration of the energy and water development appropriations bill.

Mr. HATFIELD. It is my pleasure to be of assistance to my distinguished colleague from New York.

Mr. D'AMATO. During our deliberations, an amendment offered by Senator JOHNSTON for myself and Senator BRADLEY was adopted by the committee. It has come to my attention that there could possibly exist some misunderstanding as to the intent of the amendment. I would appreciate it if the Senator from Oregon could lend me the benefit of his expertise so that we may clarify any discrepancy that might exist.

Mr. HATFIELD. I would be glad to do so.

Mr. D'AMATO. I thank the Senator. The amendment offered by Senator JOHNSTON was designed to assure funding under the formerly utilized remedial action program (FUSRAP) for two sites in New Jersey and one in New York. The language of the amendment, however, did not specify which funds would be directed to which site and the precise intent of the committee. My understanding of the committee's action is that it directed the Department of Energy to undertake a decontamination research and development project and cleanup involving the following three sites and their vicinity properties, and has added funds to initiate the work: $2,000,000 for the site and vicinity properties in Wayne/Pequanak, N.J.; $2,000,000 for the site and vicinity properties in Maywood, N.J.; and $1,000,000 for the site and vicinity properties near Albany, N.Y. Is that understanding correct?

Mr. HATFIELD. That is correct, Senator.

Mr. D'AMATO. I thank the distinguished chairman.

● Mr. GLENN. Mr. President, as we consider the fiscal year 1984 energy and water appropriations bill, I think

it important to set the record straight on how this administration has sought to emasculate our support for energy research and development programs. My staff on the Senate Subcommittee on Energy, Nuclear Proliferation, and Government Processes has prepared a chart which shows the effects of the Reagan administration's budget cuts on energy research and development. While it is obvious, and certainly commendable, that this body will substantially increase the funding amounts requested by the President, I think that it is important to note the original fiscal year 1984 amounts sought by the President. For instance, if the President had his way, the fiscal year 1984 budget in conservation R&D would be slashed 77 percent, solar and renewable R&D chopped by 87 percent, and fossil fuel R&D sliced by 92 percent over the levels then appropriated when the President took office. If we include the nuclear waste disposal fund in the nuclear fission R&D function, spending in that activity would actually increase.

Despite the present glut of world oil, there is still a necessity for the United States to maintain its staunch commitment to developing alternative energy sources and enhancing conservation techniques. In recent years, significant achievements have been made to improve energy efficiency and reduce overall fuel consumption. However, we can ill afford to be complacent. Any economic recovery will increase energy usage even if efficiency savings continue. Furthermore, if we take into account the depressed state of our domestic oil and gas production along with the drawdown of stock inventories, it is clear that we are not immune to future supply disruptions.

Increased funding for energy R&D is vital not only for national security but for economic growth as well. Programs such as DOE's efficient buildings program and the industrial energy conservation program helped to produce innovations to cut the amount businesses and manufacturers must spend on energy consumption, thus freeing up vast amounts of investment capital. Concommitantly, coal research and development is essential not only in improving coal use efficiency but in perfecting new technologies, like fluidized-bed combusters, which can burn coal cleanly.

Finally, a good example of the impacts on foreign trade associated with President Reagan's energy R&D budget cuts is in the field of photovoltaic research and development. We invented this process and as late as 1980 held 85 percent of the world's market share in this burgeoning industry. Today, our share has fallen to just 55 percent and I dare say, if present policies continue, by 1990 we will be the ones who are catching up.

I am thankful that the work done by the Senate Appropriations Committee has preserved most of these energy R&D programs from the President's scalpel. I can only hope that the President gets the message that only by establishing a balanced and diversified energy base today will our children be able to enjoy a brighter and more secure energy future tomorrow.

Thank you, Mr. President. I ask that the tables I have referred to be printed in the RECORD as part of this statement.

The tables follow:

ADDENDUM TO CHART, HOUSE AND SENATE APPROPRIATIONS COMMITTEE REQUESTS FOR ENERGY R&D FOR FISCAL YEAR 1984

[In millions of dollars]

	House	Senate
Solar and renewables	208.3	206.3
Nuclear fission	943.2	933.9
Magnetic fusion	473.0	471.5
Energy storage	25.7	25.7
Electric energy systems	18.5	18.5
Solar and energy conservation bank [1]	25.0	25.0

[1] Included in the HUD-Independent Agencies appropriations.

ENERGY RESEARCH AND DEVELOPMENT—FISCAL YEAR BUDGET AUTHORITY

[In millions of dollars (current)]

	Base (appropriations in effect when Reagan took office)	Fiscal year 1982			Fiscal year 1983		Fiscal year 1984		
		Proposed by Carter	Proposed by Reagan	Appropriated by Congress	Proposed by Reagan	Appropriated by Congress	Proposed by Reagan	Change from base	
								Amount	Percent
Conservation [1]	302	336	88	143	18	137	71	−231	−77
Solar and renewables [2]	797	684	241	326	83	262	102	−695	−87
Subtotal	1,099	1,020	329	469	101	399	173	−926	−84
Fossil [3]	1,111	1,572	441	416	107	*218	94	−1,017	−92
						†311	†138	−973	−88
Subtotal	2,210	2,592	770	885	208	*617	267	−1,943	−88
						†710	†311	−1,899	−86
Nuclear fission [4]	1,094	959	1,247	1,178	1,051	1,126	1,228	+134	+12
Magnetic fusion	394	506	460	451	444	466	467	+73	+19
Energy storage	72	60	39	39	0	26	14	−58	−81
Electric energy systems	40	39	10	21	0	17	13	−27	−68
Total	3,810	4,156	2,526	2,574	1,703	*2,252	1,989	−1,821	−48
						†2,345	†2,033	−1,777	−47
Energy conservation grants [5]	515	586	107	240	4	*146	3	−512	−99
						†234			
Solar and energy conservation bank	121	50	0	23	0	20	0	−121	−100

*New budget authority.
†Total, includes use of unobligated prior year funds, deferrals, and transfers.
[1] Conservation includes: Buildings and community systems, industrial energy conservation, transportation, residential/commercial retrofit, and multisector.
[2] Solar and renewables include: Active and passive solar heating and cooling, photovoltaic energy systems, solar thermal energy systems, biomass energy systems, wind energy systems, ocean energy systems, Solar Energy Research Institute, solar technology transfer, other solar, solar program direction, alcohol fuels, hydropower, geothermal energy, and geothermal resources development fund.
[3] Fossil includes: Coal—mining research and development, coal liquefaction, surface coal gasification, underground coal gasification, advanced research and technology development, control technology and coal preparation, heat engines and heat recovery, combustion systems, fuel cells, magnetohyrodynamics, coal ETC program direction, and coal program direction; Petroleum—enhanced oil recovery, oil shale, drilling and offshore technology, advanced process technology, petroleum ETC program direction, and petroleum program direction; Gas—unconventional gas recovery, and enhanced gas recovery.
[4] Nuclear fission includes: Commercial nuclear waste, nuclear waste disposal fund, spent nuclear fuel, advanced nuclear systems, converter reactor systems, breeder reactor systems, nuclear fuel cycle, advanced isotope separation, uranium resource assessment, and remedial action.
[5] Energy conservation grants include: State and local programs (such as energy conservation retrofit for school and hospital buildings and low-income weatherization), and energy impact assistance (designed to assist communities adversely impacted by rapid increases in employment resulting from the development of energy resources).
Sources: DOE annual budget requests and congressional appropriations.●

● Mr. SASSER. Mr. President, I would like to discuss the issue of the gas centrifuge enrichment plant with the distinguished chairman of the Committee on Appropriations to clarify the committee's report language with regard to the rate of procurement of the baseline centrifuge machines. In its report, the committee directs the Department of Energy to make certain that any proposed reductions in GCEP project activities should not adversely delay plans to install machines at the earliest possible date so as to reduce enrichment service costs and to help prevent further erosion to the U.S. market position. Is this correct?

Mr. HATFIELD. Mr. President, the Senator from Tennessee is correct.

Mr. SASSER. Mr. President, may I also ask the Senator if I am correct in my understanding that it is the committee's intent that no funds are avail-

able without prior approval of the Committee on Appropriations for centrifuge procurement that would require a commitment of a substantial increase in the rate of purchase of baseline centrifuge machines above the phase 1 rate?

Mr. HATFIELD. Mr. President, yes, that is our intention.

Mr. SASSER. Mr. President, I thank the chairman of the Appropriations Committee for his clarification of these issues for me.

Mr. President, I would like to clarify the language in the Senate report. As I understand it, of the $5 million added by the Senate, $2 million is to be used for the Wayne/Pequannock site and $2 million is to be used for the Maywood site, as indicated in the House report. Is that the understanding of the chairman?

Mr. HATFIELD. That is correct.

Mr. SASSER. And these are very important items on the remedial action program agenda.

Mr. HATFIELD. Yes.

Mr. SASSER. Mr. President, I again want to thank the chairman for his cooperation and assistance in this effort.●

Mr. BRADLEY. Mr. President, I am very pleased that the Appropriations Committee was able to include funds in this bill to clean up two radioactive waste sites in New Jersey. I am grateful for the assistance and support from the chairman, Senator MCCLURE and the ranking minority member Senator JOHNSTON, together with their able staffs. This action, combined with similar language in the House bill, insures that the residents of Maywood, Rochelle Park, Wayne, and Pequannock will be able to begin to clean up two radioactive dump sites that now threaten their communities.

Mr. President, the Senate may be interested in the Maywood case. Although this site has been designated a priority for cleanup by the Superfund, we are all too aware of how slowly the EPA has proceeded on these projects. As a result, an agreement was negotiated by Congressman BOB TORRECELLI which will clean up the site with Federal and private funds. The chemical company that now occupies the plant has agreed to donate land worth approximately $1 million, to fully fund the necessary engineering studies and to provide up to $3 million of additional cleanup funding to the extent that further funds are not available from the Federal Government. Even though the firm, Stepan Chemical Co., had no part in the production of these wastes, they recognize the urgent need to resolve the problem and have agreed to share the cost of the cleanup. With today's Senate action, we come up with the Government's share. Our action today insures that the cleanup is not delayed by bureaucratic action.

The history of this site is curious. During World War II the Maywood Chemical Works were taken over by the Government and worked on behalf of the war effort. Thorium and rare earths were produced for the Navy and later for the Atomic Energy Commission. During the 1950's the plant changed hands. Stepan Chemical Co. bought the plant together with the thorium wastes that were stored onsite. In the 1960's the wastes were buried with the approval of the AEC. The wastes have now been discovered leaking into the waters of a stream in Maywood where children play. This radioactive waste must be cleaned up.

The second site in New Jersey which is provided for in this bill is in Wayne and Pequannock. Again, the problem is thorium. It arose from the thorium and rare earth operations of the W. R. Grace Co. under a license from the Federal Government starting the late 1940's. In 1981 a regular NRC check of the site showed that the radiation levels were higher than they should be. This was followed by studies that have concluded cleanup action must be taken. With the efforts of Congressman ROBERT ROE in the House the $2 million contained in the energy and water bill will help begin the removal of the contaminated soil in Wayne and Pequannock.

Mr. RANDOLPH. Mr. President, I support the energy and water development appropriation bill (H.R. 3132) as reported by the Committee on Appropriations. While I may have questions about a detail or two, it is a reasonable and balanced measure providing funds for a wide variety of activities in fiscal 1984. It should be adopted by the Senate.

I am gratified that the committee has approved funds to continue operations of the Appalachian Regional Commission in 1984. While the $125 million provided in this bill is less than the $145 million approved by the House of Representatives, it is a recognition by the committee that the vital work of the Commission must be extended. I am hopeful that when this measure reaches conference, the Senate conferees will agree to the amount in the House bill.

For the past 2 years, the Appalachian Regional Commission has carried out its work with substantially reduced resources. Total appropriations for both the highway and nonhighway programs in 1979 of $380,920,000 were made available to the 13 States of the region. This amount was the highest since the Commission was established in 1965. In 1981 appropriations totaled $302,492,000 even after a Presidentially requested recision. For the past 2 years, the Commission has operated on approximately $150 million annually.

At this level it is difficult to maintain a program that adequately responds to the needs of one of our Nation's most disadvantaged areas. The recent recession has had an even more severe impact on Appalachia than the rest of the Nation, making it necessary to extend every possible form of assistance to meet human needs and to create a sound and stable economy.

Appropriated funds for next year, therefore, should not be reduced.

Mr. President, 18 months ago the Governors of the 13 Appalachian States proposed to the Congress a plan to phase down the programs of the Appalachian Regional Commission in both the highway and nonhighway areas. This plan was carefully developed by the Governors in recognition of the reduced level of Federal financial support. For this reason it focused on the most pressing unmet needs of the region and on the most severely distressed counties of Appalachia.

Earlier this year the Governors unanimously adopted a bipartisan resolution reaffirming their support for the phase-down program. It is encouraging that in its report on this legislation the Committee on Appropriations endorses the concept of the Governors' program. It is my hope that the Congress this year will adopt legislation authorizing this program for the duration of the period recommended by the Governors. Such authorization is proposed in S. 65, which I introduced early this year. That measure has the cosponsorship of 21 of the region's 26 Senators, representing both parties. It has at least 1 sponsor from each of the region's 13 States except North Carolina.

It is important that multiyear authorizations be enacted for the ARC phasedown program for several reasons. It has become apparent in the past 2 years that the Congress does not agree with the President's recommendation to end the Appalachian program immediately and it has been continued through the appropriations process. Authorizing legislation, therefore, should be adopted to provide a basis for appropriations and to redirect the ARC programs in accordance with the recommendations of the Governors and the wishes of the authorizing committees which have guided this program since its inception 18 years ago. In addition, a multiyear authorization would permit the Commission and its States to make necessary long-range plans, particularly with respect to the highway program.

Mr. President, I recognize that in the absence of congressionally approved authorizations in the past 2 years it was necessary for the Appropriations Committees to take certain initiatives. I am deeply appreciative of their actions in maintaining this program, which continues to have significant impact on the lives of the 20 million people of Appalachia.

I must call attention, however, to a section of the committee report on the pending legislation. On page 206 of that report the committee indicates its approval of the expenditure of funds to rehabilitate industrial plants and buildings in the region. Such use is contrary to the provisions of section 224(B)(2) of the Appalachian Regional Development Act, which prohibits the expenditure of Commission funds on privately owned property. Not only are these expenditures contrary to the basic Appalachian Act, such authority has been denied on several occasions by the Committee on Environment and Public Works when it considered amendments to the act. I hope that the Committee on Appropriations will reexamine its position on this point, particularly in light of the program's reduced financial resources.

The restriction of authority in some areas should not be accompanied by new spending for purposes that have never been part of the Appalachian program.

Mr. President, again I commend the Committee on Appropriations for its actions with respect to the Appalachian Regional Commission. Such action represents an understanding of the priorities in my State and region and will be appreciated by the many citizens who benefit from these programs.

THE NATIONAL ENDOWMENT FOR SOIL AND WATER CONSERVATION

Mr. DOLE. Mr. President, I would like to take this opportunity to recognize and commend the National Endowment for Soil and Water Conservation on the occasion of its first anniversary. Organized in June 1982, the Endowment represents an important initiative of the private sector to plan and fund projects which serve to preserve and expand our natural resource base. I am confident that, with the encouragement of those of us in Congress and the administration who support the goals of national conservation, the Endowment will continue to grow and increase its activities during its second year.

FUNDING FOR CONSERVATION IN KANSAS

I am particularly pleased and honored, Mr. President, to announce that the National Endowment for Soil and Water Conservation has selected a rangeland improvement project in the Flint Hills area of eastern Kansas for its first conservation initiative. Through a contribution of the Chicago Board of Trade, the Endowment will finance the purchase of a grass drill to be used in reclaiming marginal cropland and erosion-prone rangeland in Chase County. The Flint Hills region is primarily tall-grass prairie, which has proved to be highly subject to erosion when broken up for crop production. There are currently up to 25,000 acres in Chase County which could be returned to natural vegetation. The grass drill provided by the Endowment will be rented out to private landowners at a nominal charge, and the Chase County Conservation District has volunteered to pay back the $8,000 cost of the drill over the first 10 to 13 years. The Endowment will be able to make the repayments available for new projects.

Mr. President, this project for restoring the beauty and utility of this region of my State is an outstanding example of how limited funds can be targeted to achieve the greatest possible benefit. It is also an excellent demonstration of how the private sector can play a key role in our national conservation policies. I would hope that other concerned industries will also take the lead in identifying and supporting similar local and state projects that are cost-effective.

Mr. President, I would like to commend Kansas State Conservationist John Tippie and the district conservationist for Chase County, Lyle Kohlmeier, for their leadership in developing this project. Their interest and dedication reflects our best hope to preserve the unsurpassed resources which we enjoy today, and to pass them on to sustain our children and future generations.

Mr. EXON. Mr. President, I am pleased that the Senate has passed H.R. 3132, the energy and water development appropriations bill for fiscal year 1984, which includes several water development projects vitally important to the State of Nebraska which I have long supported and encouraged here in the Senate.

I am delighted that the Senate Appropriations Committee included, with the full Senate's concurrence, funding to continue the progress now underway for the North Loup project. The funds provided in this bill will support further work on the Calamus Dam, nearly 40 percent complete, and also work on the Mirdan Canal. Construction is proceeding on schedule on this project, and the Nebraska Natural Resources Commission anticipates water delivery within 3 years.

Another important project funded in this legislation is the Prairie Bend feasibility study. This central Nebraska area is experiencing ground water depletion that will eventually result in severe decline in the agricultural economy in addition to future water quality problems. The feasibility study will assist the State of Nebraska in reviewing future options for the area and develop a plan to integrate both irrigation needs and wildlife habitat needs along the Big Bend area of the Platte River. Project sponsors are confident that a water development plan which meets the needs of all parties concerned about the Platte River can be devised. In its 1979 prefeasibility study of the Prairie Bend project, the U.S. Bureau of Reclamation indicated that a "conjunctive use" project was viewed as possibly the most workable alternative for the needs of the area, meeting both development needs and environmental concerns. Language is in the pending supplemental appropriations bill for fiscal year 1983 which will move the study process forward on this important project.

Other provisions in the bill include funding for continued work on the Papillion Creek flood control project, continuing work on damsites 18 and 20. In addition, further support is provided for the continuation of the restudy of the comprehensive plan for flood control in the Papio area. Minor construction funds are allowed for the Farwell unit in Nebraska, and for some rehabilitation work on the Frenchman-Cambridge unit in the southwest part of the State. Finally, the bill has provided continued loan assistance to the Central Nebraska Public Power and Irrigation District for further work on that district's reclamation program.

Mr. President, this investment of nearly $40 million in the State of Nebraska's agricultural future will be dollars well spent. Future international and domestic food demands will be met by the productive capacity provided by these projects.

One project not included in this measure was a request for $200,000 in operation and maintenance funds for the Missouri national recreation river project. Authorized in 1978, this project provides for bank stabilization along a 59-mile stretch of the Missouri River between Gavins Point Dam near Yankton, S. Dak., and Ponca State Park, Ponca, Nebr. Nearly $6 million have been invested in bank stabilization and conservation work along this area. I am hopeful that the U.S. Army Corps of Engineers will seriously consider the need to protect this investment which the recreation river project offers.

To conclude, I commend the Senate Appropriations Committee for their work and tremendous effort on this legislation, and I look forward to the approval of this bill by both Houses of the Congress.

Mr. PROXMIRE. Mr. President, I will vote against this bill, not because of the Garrison project, but because this contains $6.5 billion for nuclear weapons, an enormous increase over last year and an even greater increase over 2 years ago. I think it goes too far in that respect.

Mr. HATFIELD. Mr. President, I ask for third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The PRESIDING OFFICER (Mr. HUMPHREY). Are there any Senators in the Chamber wishing to vote?

The result was announced—yeas 91, nays 6, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—91

Abdnor	Garn	Mitchell
Andrews	Glenn	Murkowski
Armstrong	Goldwater	Nickles
Baker	Gorton	Nunn
Baucus	Grassley	Packwood
Bentsen	Hatch	Percy
Biden	Hatfield	Pressler
Bingaman	Hawkins	Pryor
Boren	Hecht	Quayle
Boschwitz	Heflin	Randolph
Bradley	Heinz	Riegle
Bumpers	Helms	Roth
Burdick	Huddleston	Rudman
Byrd	Inouye	Sarbanes
Chafee	Jackson	Sasser
Chiles	Jepsen	Simpson
Cochran	Johnston	Specter
Cohen	Kassebaum	Stafford
Cranston	Kasten	Stennis
D'Amato	Kennedy	Stevens
Danforth	Lautenberg	Symms
DeConcini	Laxalt	Thurmond
Denton	Leahy	Trible
Dixon	Levin	Tsongas
Dodd	Long	Wallop
Dole	Lugar	Warner
Domenici	Matsunaga	Weicker
Durenberger	Mattingly	Wilson
East	McClure	Zorinsky
Exon	Melcher	
Ford	Metzenbaum	

NAYS—6

Eagleton	Moynihan	Proxmire
Humphrey	Pell	Tower

NOT VOTING—3

Hart	Hollings	Mathias

So the bill (H.R. 3132), as amended, was passed.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BRADLEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 3132.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer appointed Senators HATFIELD, MCCLURE, GARN, COCHRAN, ABDNOR, KASTEN, MATTINGLY, DOMENICI, JOHNSTON, STENNIS, BYRD, HOLLINGS, HUDDLESTON, BURDICK, and SASSER conferees on the part of the Senate.

EXPLANATION OF VOTE ON MOTION TO TABLE HUMPHREY AMENDMENT NO. 1430

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, on rollcall vote No. 167 I voted "nay." I intended to vote "aye." My vote would not have changed the outcome or the conclusion of the vote. I will not ask unanimous consent that the vote be changed, but I did, Mr. President, want the RECORD to indicate my intention, which had gone astray.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, may I take this opportunity for the second time in 2 days to congratulate the distinguished chairman of the Appropriations Committee, Senator HATFIELD, and the distinguished ranking minority member, Senator STENNIS, for their excellent, expeditious, and little short of astonishing performance on the passage of the second of the regular appropriations bills. We are rapidly establishing a record with appropriations bills in the Senate that I have not seen equaled often in my Senate career, and I wish to express my deep appreciation to both managers for their excellent service to the Senate.

As of 1:44 p.m. this afternoon, Mr. President, we had considered this measure for 3½ hours, and it is an important and large appropriations bill. That is very swift handling.

SENATE SCHEDULE

Mr. BAKER. Mr. President, I will confer with the minority leader on how we proceed next. It gives me great pause to say what I am about to say next. I cannot clearly recall that I have ever said it before in my career in the Senate and certainly not in my career in the leadership. We are ahead of schedule. In this case, we are 2 or 3 days ahead of schedule.

As unfamiliar as we are with handling a situation of that sort, I am a little perplexed about what we are going to do next.

There are no more appropriations bills that are available. Since I had announced earlier that our focus and principal energy would be devoted to passing the regular appropriations bills, we cannot do that. However, I would hope that the Appropriations Committee could meet yet this afternoon and consider two other appropriations bills which are now before them and available: The legislative appropriations bill, H.R. 3135, and the agriculture appropriations bill, H.R. 3223.

I am going to ask the Senate to have a period for the transaction of routine morning business in a few moments, which will give us all an opportunity to get our bearings and grow accustomed to this heady feeling of success, and also to give the Appropriations Committee a chance to meet, to gain a quorum, and perhaps even to report out those two appropriations bills today.

Could I inquire of the minority leader, if the Appropriations Committee is successful in reporting either or both of those bills out today, what are the prospects for waiving the 3-day rule on the reports, because I am told there will be reports in both cases, and perhaps the 1-day rule if anyone insists on it, in order to address those, one or the other or both of those today and tomorrow?

Mr. BYRD. Mr. President, I say this, and I know my friend the majority leader will not take umbrage, I have never liked the 3-day rule. When I was in the majority I had a great deal of trouble with it. Though I am sure the then minority leader would have been willing, it was not very often that the minority okayed the waiver of the 3-day rule.

I will certainly check with my friends on this side of the aisle. I personally have no problem with it. Unless there is good reason why the 3-day rule should not be waived, I think we ought to waive it, unless there is good reason. Certainly, any Senator has the right to object to the waiving of that rule. We will make every effort to do this. I want to cooperate with the majority leader. He always has cooperated with me and has shown a great deal of deference to the needs and desires of the minority. He will certainly have my cooperation. I have no objection. I will get back to him.

Will he allow me to change the subject?

Mr. BAKER. Yes, Mr. President.

Mr. BYRD. Mr. President, I would like for the majority leader, if he would, to outline the schedule for the rest of the week and as far into the coming week as he can foresee, in particular if he expects votes on Friday. How soon does he expect to get to the budget conference report? Will he be in a position to handle conference reports as rapidly as possible after they are received in the Chamber?

Mr. BAKER. I thank the minority leader. Yes, indeed, we will handle

those conference reports if, as and when they are received. I imagine the first conference report will be the HUD conference report or the supplemental conference report. We will take them up and try to dispose of them as quickly as possible.

Let me give this outline as I see it between now and the beginning of July, which is the beginning of our break for the Independence Day period.

First of all, Mr. President, there is a veto message at the desk. I will say to the minority leader that it is not presently my intention to turn to the consideration of that veto message.

Second, Mr. President, I would hope, before the Fourth of July recess, to go to the Radio Marti bill.

I might ask the minority leader what position he might be in with respect to that since it will require both the budget waiver, I believe, and a waiver of the 3-day rule.

Mr. BYRD. On Radio Marti I would not be quite as sanguine as I am on some of the other measures that the majority leader has referred to.

Mr. BAKER. Mr. President, I thank the minority leader.

As is often the case, we had discussed this privately before I put the question. I had been made aware of the fact that it was unlikely that we could clear that bill. But I thank him for his reply.

In addition to the two appropriations bills we have already discussed, Mr. President, there is the budget conference report. I am advised now that the other body intends to take up both the budget conference report and the proposed cap on the third year of the tax cut on Thursday, tomorrow. It may be that we will have both of those measures over here by the close of business on Thursday. In that event it would be my hope that we could take up the budget conference report on Friday.

There is a 10-hour time limitation under the statute on the conference report. I do not believe there are any items in disagreement.

Given that, I think it is not likely that we would have any votes on the budget conference report itself on Friday unless there were procedural votes. I do not predict it.

Instead, I would imagine that we can get to the vote on the budget conference report some time on Monday. In order to do that, it might be necessary to be in on Saturday, or perhaps we can negotiate some way to claim credit for a fixed number of hours on Saturday charged against the 10 in lieu of being in on Saturday. But I would hope that on Friday we would be on the budget conference report and one way or another we should be in a position to finish that matter on Monday at a fairly early time.

Mr. President, I indicated last fall that by sometime this summer, I would schedule the Hatch constitutional amendment on abortion. As I look out the window, I see that summer has arrived and I feel an obligation to perform on that commitment. So, on Monday, it is my hope, after we finish the budget report, to go to the Hatch constitutional amendment on abortion. I have talked to Senator HATCH and Senator HELMS, who are principally involved, I believe, in this debate. There are many others—Senator JEPSEN and other Senators. I am emboldened to think, Mr. President, that we may not have any amendments to that. If that is the case, we may be able to get a vote on that amendment pretty promptly—maybe as early as Tuesday. I hope so, because we shall still have other matters that we must deal with.

We have, in addition to the HUD conference report, the energy and water conference report on the measure we just finished. I hope to take that up as soon as it is available.

I also have a commitment outstanding to the minority leader that if the House sends us a bill to cap the third year of the tax cut, I will see that we have an opportunity to address it here, in the Senate. The minority leader knows, as I have indicated it to him, that I am opposed to that and will do my best to defeat it. That is also on the agenda that might be considered next week.

To sum up, we have a big, busy agenda. I am convinced we can do these things, if we do them with the same rapidity and skill that we have done these other two measures and, with the cooperation of the minority leader, I am even tempted to predict that we can get out on the 30th instead of the 1st.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, Mr. President.

Mr. BYRD. I hope the majority leader's predictions come true. I think it could very well be that all of these things could be done. I wonder if the majority leader would consider, in the event the House sends over the tax cap bill, scheduling it ahead of the constitutional amendment. The reason I ask this is that, of course, the calendar is running and I would hope to have that bill up. As far as I am concerned, we could enter into some agreement as to time on it. I shall surely work on my side to get a time agreement.

I wonder whether or not there is a possibility that it could be brought up first provided it gets over here in time.

Mr. BAKER. Mr. President, I thank the minority leader. I have a dilemma that I find I often have. That is that I would like to do that; on the other hand, I am already committed on this side to try to take up the abortion amendment, if the Senate will permit me to do so, on Monday. I really feel obligated to do that.

I assure the minority leader that I do not intend to let that or anything else block the fulfillment of my commitment to him to bring up the tax cap bill if it reaches us from the House.

I would speculate that we can finish the budget conference report, the debate and vote on the abortion amendment, and get on the tax cut cap, do all of that before the end of the day on Tuesday. We cannot finish the tax cut cap, I expect, but as I foresee it now, we are not going to have any trouble devoting the better part of 2 days to that if that is the desire of the minority leader.

Mr. BYRD. I thank the majority leader.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, in keeping with what I just indicated, I do not have any other major item of business to ask the Senate to address this afternoon. Therefore, I now ask unanimous consent that there be a period for the transaction of routine morning business to extend not past the hour of 4:30 p.m., in which Senators may speak for not more than 15 minutes each, with the exception of the minority leader, for whom there will be no time limit during that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 12:27 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. BOLAND, Mr. TRAXLER, Mr. STOKES, Mrs. BOGGS, Mr. SABO, Mr. BONER of Tennessee, Mr. WHITTEN, Mr. GREEN, Mr. COUGHLIN, Mr. LEWIS of California, and Mr. CONTE as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3263. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

HOUSE BILLS REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3263. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1313. An executive communication from the Comptroller of the United States, transmitting a review of the President's eighth special message for fiscal year 1983; jointly, pursuant to the order of January 30, 1975, to the Committee on the Budget, the Committee on Appropriations, the Committee on Energy and Natural Resources, the Committee on the Judiciary, and the Committee on Finance.

EC-1314. An executive communication from the Secretary of Defense, transmitting, pursuant to law, a report of a violation occurring during the period August–October 1980; to the Committee on Appropriations.

EC-1315. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the Federal Deposit Corporation annual report for calendar year 1982; to the Committee on Banking, Housing, and Urban Affairs.

EC-1316. A communication from the Comptroller of the Currency, transmitting, pursuant to law, the annual report on the activities of the Depository Institutions Deregulation Committee and the viability of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC-1317. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of the Export-Import Bank's financial statements for the fiscal years ending September 30, 1982, and 1981; to the Committee on Banking, Housing, and Urban Affairs.

EC-1318. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report from the Department of Commerce on the implementation and administration of title IV of the Outer Continental Shelf Lands Act Amendments of 1978; to the Committee on Commerce, Science, and Transportation.

EC-1319. An executive communication from the Acting Secretary of the Department of the Interior, transmitting, pursuant to law, a notice on leasing systems for the South Atlantic oil and gas lease offering scheduled to be held on July 20, 1983; to the Committee on Energy and Natural Resources.

EC-1320. An executive communication from the Under Secretary of the Department of the Interior, transmitting, pursuant to law, a report that the Commissioner of Reclamation has approved deferment of the 1981 and 1982 construction repayment installments totaling $74,974 due the United States from the H&RW Irrigation District, Pick-Sloan Missouri Basin program, Nebr.; to the Committee on Energy and Natural Resources.

EC-1321. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the 14th report of the Federal Trade Commission concerning the impact on competition and on small business of the development and implementation of voluntary agreements and plans of action to carry out provisions of the international energy program; to the Committee on Energy and Natural Resources.

EC-1322. A communication from the Secretary of the Department of Transportation transmitting, pursuant to law, the fourth annual report on administration of the offshore oil pollution compensation fund; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations, with amendments:

H.R. 3223. An act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-160).

By Mr. D'AMATO, from the Committee on Appropriations, with amendments:

H.R. 3135. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-161).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUYE:

S. 1516. A bill for the relief of Mrs. Selva Gladys Orr; to the Committee on the Judiciary.

By Mr. HEFLIN:

S. 1517. A bill to prohibit all U.S. assistance (except food and medicine) to, and all imports from, any country whose government has failed to take adequate measures to prevent opium and its illicit derivatives from being produced or refined for export to the United States; to the Committee on Finance.

S. 1518. A bill to amend the Tariff Schedules of the United States to impose a duty on tubeless tire values; to the Committee on Finance.

S. 1519. A bill for the relief of Frank L. Hulsey; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself and Mr. KENNEDY):

S. 1520. A bill to authorize redress payments to certain residents of the United States of Japanese-American, Aleut, or other ancestry who were interned, detained, or forcibly relocated by the United States during World War II, and for other purposes; to the Committee on the Judiciary.

By Mr. NICKLES:

S. 1521. A bill to authorize the Secretary of the Interior to contract with non-Federal entities for the development of hydroelectric generating facilities at existing reclamation projects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS:

S. 1522. A bill to amend the Internal Revenue Code of 1954 to allow a temporary refundable income tax credit to Federal employees covered under the social security system for the amount of their contributions under a Federal retirement system; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENTSEN:

S. Res. 163. A resolution expressing the sense of the Senate that the President, using the resources of the Trade Advisory System created under section 135 of the Trade Act of 1974, should study whether and under what conditions the antitrust laws of the United States impair or impede the international trade of the United States, and should be suspended; to the Committee on the Judiciary.

By Mr. HEFLIN:

S. Res. 164. A resolution to refer S. 1519, entitled, "A bill for the relief of Frank L. Hulsey," to the Chief Commissioner of the U.S. Court of Claims for a report thereon; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN:

S. 1517. A bill to prohibit all U.S. assistance (except food and medicine) to, and all imports from, any country whose government has failed to take adequate measures to prevent opium and its illicit derivatives from being produced or refined for export to the United States; to the Committee on Finance.

IMPORTATION OF HEROIN INTO THE UNITED STATES

Mr. HEFLIN. Mr. President, I am today introducing legislation designed to strike a blow against the continuing importation of heroin into the United States.

This is certainly not the first time that I have stood before this forum to stress the urgency of finding a solution to the crucial problem of drug abuse, nor, I am afraid, will it be the last, for I have dedicated a good portion of my time and effort here in the Senate to making a fight against all vestiges of crime a major legislative priority.

We all know of the need for action. We are familiar with the street crime that results from addicts seeking a means for supporting a $300-a-day heroin habit. We have all seen studies and statistics indicating the unbelievably high percentages of prison inmates who have stated that they were under the influence of illegal drugs when they committed their crime.

Clearly, this dual problem of drug addiction and drug-related crime is a serious problem, a problem with which we must come to grips. Finding a solution to this problem should be at or near the very top of our listing of legislative priorities. We owe it to our-

selves, we owe it to our Nation, and we owe it to future generations.

Mr. President, realistically, we may not be able to completely wipe out the flow of drugs in this country in the next few years, but we must make a real effort.

What we can do now is to focus our efforts and our resources in areas where we can make a difference. What I propose today is to take steps in one particular area where we can make a difference, and prohibit all U.S. assistance, except food and medicine, to, and all imports from, any country whose government has failed to take adequate measures to prevent opium and its illicit derivatives from being produced or refined for export to the United States.

Mr. President, a despicable type of war is being waged on the young people of our country, a war using the insidious weapons of illicit drugs. We must approach this situation as it were a war, and answer attack with attack, offensive with offensive.

As a beacon of democracy in the world, we are constantly spending countless dollars on programs providing economic or security aid to foreign countries. At the same time, these are some countries, perhaps only a very few, but there are countries who are accepting our aid with one hand while they are using the other hand to cover their eyes in an imitation of the classic pose, "See No Evil."

Mr. President, I find such a two-faced situation unconscionable. For that reason, I am today introducing legislation that would deny any American assistance, with the exceptions of food and medicine, to any country failing to take adequate steps to assist us in our war against heroin and other opium derivatives.

I hope that I will be joined in sponsoring this legislation by any of my colleagues who wish to support this initiative.

Mr. President, I ask that the full text of the legislation be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, the President is authorized and directed to—

(1) suspend all United States assistance to or for, and

(2) prohibit the importation into the United States of any article which is grown or manufactured in,

any foreign country whose government has failed to take adequate measures to prevent opium or any of its illicit derivatives from being produced or refined for illegal export to the United States. Such prohibition shall continue in force until the President determines, and so reports to Congress, that the government of such country has taken adequate measures to prevent opium or its illicit derivatives from being produced or refined for illegal export to the United States.

(b) Subsection (a) does not apply with respect to opium or its derivatives which is produced for import into the United States solely for licensed pharmaceutical purposes.

(c) As used in this section—

(1) the term "United States assistance" includes any assistance of any kind (other than assistance involving only the provision of food or medicine) which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government to or for the benefit of any foreign country, including—

(A) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation, but excluding programs under chapter 8 of part I, relating to international narcotic control assistance);

(B) sales, credits, and guaranties under the Arms Export Control Act;

(C) sales under title I (including title III) and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(D) financing programs of the Commodity Credit Corporation for export sales of nonfood commodities;

(E) financing under the Export-Import Bank Act of 1945;

(F) assistance under the Migration and Refugee Assistance Act of 1962;

(G) programs under the Peace Corps Act;

(H) assistance under the Inter-American Foundation Act;

(I) assistance under the African Development Foundation Act;

(J) financial assistance for foreign persons or groups under the Mutual Educational and Cultural Exchange Act of 1961; and

(K) assistance of any kind under any other Act; and

(2) the term "illicit derivative" includes opium, morphine, heroin, or any other opiate derivative which is a controlled substance (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970).

(d) The President shall determine, based on the annual narcotics intelligence estimate published by the National Narcotics Intelligence Consumers Committee, which foreign countries have failed to take adequate measures under the terms of this section and shall prepare and transmit to the Congress beginning one year after the date of enactment of this Act, and at intervals of one-year thereafter, a report setting forth his determination.

By Mr. HEFLIN:

S. 1518. A bill to amend the tariff schedules of the United States to impose a duty on tubeless tire valves; to the Committee on Finance.

DUTY ON TUBELESS TIRE VALVES

Mr. HEFLIN. Mr. President, today, I am introducing S. 1518, a bill to amend the tariff schedules of the United States to raise the duty on imported tubeless tire valves so that an American industry can be saved from the increasing unfair trade practices of certain foreign countries.

Over a period of years, imports of tubeless tire values have entered the United States at consistently lowering prices—despite rampant inflation worldwide. This has forced U.S. manufacturers of tire valves to either meet foreign competition or lose business. There are only seven remaining companies in the United States that make tubeless tire valves: Nylo-Flex Manufacturing Co. of Mobile, Ala.; Schrader Automotive Division of Scovill, Nashville, Tenn.; Eaton Corp. of Cleveland, Ohio; Bridgeport Brass of Bridgeport, Conn.; Milton Industries of Chicago, Ill.; "31" Inc., of Ravenna, Ohio; and the Cupples Co. of St. Louis, Mo.

My bill seeks to keep these companies in business and assure them that imports will not unfairly take their markets away. Today, these U.S. companies can only experience losses by having chosen to stay in business to meet foreign competition, rather than to give up and to leave the United States without a tubeless tire valve industry.

It may not seem necessary that the United States have a tubeless tire valve industry, but I hasten to point out that tires and replacement tires all need tubeless tire valves. In case of a national emergency or even war, this could become a critical issue and an issue of national security. I do not want to become overly dramatic on this subject, but I do suggest that it is important that small industries such as the tubeless tire valve industry be protected in the United States from creeping unfair trade practices which threaten the very heart of our industrial base and even our national security.

Foreign countries have established unreasonably low tubeless tire valve prices in the U.S. market. This has been accomplished by actual sales and tricky quotations given on a daily basis. Companies in various countries which I will mention later have established the overall low pricing in our domestic market. Large volume purchasers in the U.S. market obtain consistenly low price quotations from foreign manufacturers of tubeless tire valves and then leave the U.S. industry with an either-or proposition. Either they accept the foreign competition's low price or lose the business. If the U.S. company manufacturing tubeless tire valves wants to stay in business, it will either meet the foreign price or all of the future U.S. tubeless tire valve purchases will be from foreign sources. At the present time, these seven U.S. companies are holding on for dear life, but how much longer this can go on is a good question. My bill tries to address, in a fair manner, this situation. My bill does not attempt to set a quota or to keep out foreign tubeless tire valves from our market. It merely seeks to put things on a fair trade basis by raising the duty to create a more realistic pricing practice and to protect an endangered U.S. industry.

One of the companies producing tubeless tire valves is my constituent, the Nylo-Flex Manufacturing Co., of Mobile. Nylo-Flex is typical of a small business in the United States. It is a company that is hard working and has tried to be a good citizen of Alabama and the United States. In fact, Nylo-Flex has not sat on old equipment and manufactured its product in an antiquated manner over the past few years. Despite competition—from abroad as well as in the United States—Nylo-Flex has constantly upgraded its machinery and invoked the most modern techniques in producing tubeless tire valves. While Nylo-Flex can meet U.S. competition, it cannot meet foreign competition at consistently lowering prices—prices which cannot, technically under existing law, be legally proven as having been dumped.

Nylo-Flex recently brought an action before the International Trade Commission, but did not have large enough resources to find actual proof of dumping. It is difficult for a small company to spend hundreds of thousands of dollars to scour foreign countries with detectives to obtain evidence of dumping or other unfair trade practices. However, in a recent unsuccessful ITC action, the International Trade Commission did state in September of last year the following:

The financial data for U.S. producer of TTVs shows a steady decline for the entire period of this investigation. Operating income dropped from a profit of $1.4 million in 1977 to a loss of $.7 million in 1981.

Operating income as a percent of net sales dropped from 7.1 percent in 1977 to a loss of 3.3 percent in 1981. The 1982 data show a further deterioration.

The five firms aggregate tubeless-tire valve operation was profitable in each of the years during the 1977-79 period and unprofitable in each of the other reporting periods. Operating profit, however, declined substantially during 1977-79, ranging from $1.4 million, or 7.1 percent, of net sales in 1977, down to $382,000, or 1.8 percent, of net sales in 1979. The five firms sustained aggregate operating losses of $311,000 (1.8 percent of net sales), in 1980 and 1981. The five firms reported an aggregate operating loss of $733,000, or 11.1 percent of net sales during January-April 1982, compared to an operating loss at $79,000 or 1.3 percent of net sales during the corresponding period of 1981. In 1980 and 1981, four of the five firms reported losses on their tubeless tire valve operation and during January-April 1982, all five firms reported losses.

Cash flow generated from U.S. producers tubeless-tire-valve operations declined yearly during 1977-81, from $1.7 million in 1977 to $59,000 in 1981 (table 18). The five firms reported a negative cash flow of $495,000 for January-April 1982, compared with a positive cash flow of $146,000 for the corresponding period of 1981.

Despite large losses, the domestic industry has decided to try to meet importer-rigged prices. In so doing, it has made a commitment to modernize plants and make them more efficient. A great deal of borrowed capital has been spent with the intent of meeting these foreign prices. The ITC ruling, in fact, stated the following:

Investment in productive facilities.—Five firms supplied data relative to their investment in productive facilities used in the manufacture of tubeless-tire-valves during 1977-81. The five firms' investment in such facilities, valued at cost, increased by $998,000 during 1977-81. The book value and the replacement value of such assets increased $497,000 and $2.9 million, respectively, during 1977-81 (table 22).

TABLE 22.—INVESTMENT IN PRODUCTIVE FACILITIES BY FIVE U.S. PRODUCERS OF TUBELESS-TIRE VALVES, AS OF THE END OF THE ACCOUNTING YEARS 1977-81

[Dollars in thousands]

Item	[1] 1977	1978	1979	1980	1981
Original cost	$11,852	$11,806	$12,022	$12,873	$12,850
Book value	7,351	7,722	8,926	9,234	7,848
Replacement	21,636	21,710	21,145	24,945	24,572
Ratio of operating profit or (loss) in percent:					
Net sales	7.1	6.1	1.8	(1.8)	(3.3)
Original cost	11.4	10.5	3.2	(2.4)	(5.3)
Book value	18.4	16.0	4.3	(3.4)	(8.7)
Replacement value	6.2	5.7	1.8	(1.2)	(2.8)

There are six types of tubeless tire valves involved in this market; the 413, 414, 415, 418, 423, and 425 are identifying trade numbers for these valves depending on length and circumference. Briefly, the 413 is 1½ inches long while the 418 is 1 inch longer. Currently Nylo-Flex is selling the 413 at between 12½ cents to 13 cents each. A year ago, when the International Trade Commission investigated this case, Nylo-Flex's price was 15 cents per valve. The imported price has dropped to below Nylo-Flex's price, which is consistent with past import pricing practices of an unfair nature, to now be between 11 cents to 12 cents per valve. Nylo-Flex's current cost of these valves, because of modernization and efficiency techniques, is sadly 14.2 cents per valve. The 418 valves sold a year ago for 16 cents each, but now Nylo-Flex sells these valves at between 14.2 cents and 14.5 cents apiece. The import valves of course, of this same size, has now dropped to 12½ to 13 cents, again undercutting the Nylo-Flex and other U.S. manufacturers' prices. Nylo-Flex's cost for the 418 valve is 15.2 cents per valve. Comparable price disparities occur as well for the other four valve sizes. It is a no-win situation with the U.S. industry hanging on for dear life, hoping that in some manner the U.S. Government will insure that only fair trade takes place. We do not want ill-advised protectionism—only fair trade.

It is simply not fair that a U.S. company or industry is forced to sell its products at a loss simply because foreign competition can always undercut it—price wise—on a daily basis. West Germany is by far the largest exporter of these valves to the U.S. market and the biggest culprit in this unfair pricing policy that I have spelled out today. Other countries such as Japan, Taiwan, Romania, and Turkey are getting in on the act.

My bill, as stated, does not seek a quota or an exclusion from the U.S. market for imported tire valves. It merely adjusts the customs duty upward to 15 percent ad valorem (column 1 rate) to make the competition more fair. Furthermore, my bill provides a specific classification for tubeless tire valves under the tariff schedules of the United States where it belongs—under parts for tires. Currently these valves are classified under the TSUS under item 692.32 as other parts of automobiles with a low 3.6-percent ad valorem rate of duty. Item 692.32 is not a proper place in the tariff schedules for these imports as it is a catch-all basket provision for hundreds of articles, none of which are articles or parts of tires.

In order to save this U.S. industry, which is important to our country today and may be absolutely essential in time of an emergency, I ask the U.S. Senate to move very expeditiously on this bill.

By Mr. CRANSTON (for himself and Mr. KENNEDY):

S. 1520. A bill to authorize redress payments to certain residents of the United States of Japanese-American, Aleut, or other ancestry who were interned, detained, or forcibly relocated by the United States during World War II, and for other purposes; to the Committee on the Judiciary.

WORLD WAR II CIVIL LIBERTIES VIOLATIONS REDRESS ACT

Mr. CRANSTON. Mr. President, my involvement in opposing the relocation of Japanese Americans dates back to the very beginning.

I have always believed that our Government's action in this case was a terrible affront to the ideals for which our Nation stands.

Shortly after Pearl Harbor, I was assigned to the Office of War Information. There I worked closely with Eleanor Roosevelt and Archibald MacLeish trying to dissuade President Roosevelt from forcefully evacuating Japanese Americans from the west coast and interning them in so-called relocation camps.

Unfortunately for 120,000 Japanese Americans—and for the good name of our Nation—military authorities prevailed, and the orders for internment were issued.

More than two-thirds of the internees were American citizens. The rest were legal U.S. residents.

After the internment process began, I visited two of the camps, Tule Lake in California and Heart Mountain, Wyo.

For 4 days in the cold, snow-covered camp at Heart Mountain, I spent my time round-the-clock inside the

barbed-wire camp, talking to internees and visiting with a number of my boyhood friends from Los Altos.

We ate meals together, talked over old times, walked around in the bitingly cold weather, played poker—in wanton violation of camp rules—and cheered at a football rally.

My friends and former classmates justifiably felt themselves robbed of their citizenship. They were distressed at the racial prejudice behind their internment. They were anxious for their Government to prove its own adherence to democracy and to the very ideals for which we were then at war.

President Roosevelt himself proclaimed:

> In vindication of the very ideals for which we are fighting this war it is important to us to maintain a high standard of fair, considerate, and equal treatment for the people of this minority as for all other minorities.

But this standard was not upheld.

The mere presence of Japanese blood in loyal American citizens was believed to be enough to warrant removal and exclusion from places they otherwise had a right to go.

The argument that they were removed for their own good, because of possible vigilante attacks, was not persuasive. Most, if not all, Japanese Americans would rather have faced the risk of being killed by individuals than deprived of their liberties by their own American Government. And given the choice to remain interned or fight in the war, most enlisted and served.

One of my most poignant memories is of an intelligent and progressive-minded mother who was still managing—with much difficulty—to conceal from her 4-year-old that they were prisoners in what most inmates considered a racial internment camp.

It was ironic to see American Nisei soldiers, home on furlough and clad in uniform, wandering around inside a fenced-in camp. These Nisei soldiers returned from the battlefields of Europe as the most distinguished and decorated combat unit of the war, and from the Pacific theater as loyal soldiers and as officers in military intelligence. I have never forgotten these impressions.

In 1980, I was cosponsor of the legislation establishing the Relocation Commission. The Commission report issued this year amounted to our Government's official apology—41 years overdue—to the internees and their families.

It confirms what a great many conscientious Americans have long believed: These Americans of Japanese descent were clearly mistreated, and their basic civil liberties violated.

The ACLU singled out the internment and related abuses at the time as "the worst single wholesale violation of civil rights of American citizens in our history."

As one commentator on the period said,

> Japanese Americans were the immediate victims of the evacuation. But larger consequences are carried by the American people as a whole. Their legacy is the lasting one of precedent and constitutional sanctity for a policy of mass incarceration under military auspices. This is a result of the process by which the evacuation was made. That process betrayed all Americans.

Since those tragic events took place, a number of the participants have had changed hearts and minds. Henry L. Stimson, who was Secretary of War, realized that "to loyal citizens this forced evacuation was a personal injustice." Former Attorney General Francis Biddle reiterated his belief that "the program was ill-advised, unnecessary, and unnecessarily cruel." Justice William O. Douglas, one of the Supreme Court majority in the Korematsu decision holding the evacuation constitutionally permissible, later said the case "was ever on my conscience." And Chief Justice Earl Warren, who as California's attorney general had urged evacuation, afterwards said, "I have since deeply regretted the removal order and my own testimony advocating it, because it was not in keeping with our American concept of freedom and the rights of citizens."

On February 17, 1942, Attorney General Francis Biddle wrote to Secretary Stimson opposing the proposed exclusion order, stating that the War Department and the FBI had found no danger of imminent attack or evidence of planned sabotage. Biddle especially objected to removal from their homes of 60,000 American citizens who happened to be of Japanese descent. He refused to let the Justice Department participate in any way with the exclusion policy.

Not a single documented act of espionage, sabotage, or fifth column activity was committed by the Nisei or by resident Japanese aliens on the west coast. Yet their lives were disrupted, fortunes were lost, and loyal citizens and legal residents incarcerated.

The victims of this policy were held collectively guilty, and collectively punished.

Moreover, the Government's attitude toward these innocent people fostered suspicions that often led to violence against them. Many were attacked when they attempted to return to their homes 3 years later.

Today I am introducing in the Senate legislation to redress this mass violation of civil liberties and to compensate internees for their suffering. MIKE LOWRY of Seattle, Wash., will be offering a very similar companion bill in the House.

While the loss of liberty and the personal stigma attached to internment can never be erased, Federal reparations are a justifiable response to the legitimate financial losses incurred. An independent study done for the Commission found the economic losses alone to evacuees between $2.5 and $6.2 billion in today's dollar values, including interest for the past 40 years. Many consider this a conservative estimate of the real economic losses of homes and other property, stores and businesses. And these estimates do not begin to measure the personal hardships suffered.

The Commission found the cause of the exclusion and internment policies to be "race prejudice, war hysteria, and a failure of political leadership."

On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066. Shortly afterward, all American citizens of Japanese descent were barred from living, working, or traveling on the west coast. The same exclusion applied to a whole generation of Japanese immigrants residing at that time in the United States who, because of Federal law, were not permitted to become U.S. citizens.

After the initial plan for voluntary exclusion failed, these American citizens or legal residents were forcibly removed by the Army, first to assembly centers—makeshift quarters in fairgrounds and racetracks—and then to relocation centers. These latter camps, located in desolate Western areas, were surrounded by barbed wire and guarded by military police.

The U.S. Government carried out its policy without reviewing individual cases or providing due process of law, and continued its policy virtually without regard for individuals who demonstrated loyalty to the United States.

Congress made it a crime to violate Executive Order 9066. The U.S. Supreme Court—in one of its most agonizing decisions—held the removal constitutionally permissible because of the war. Interestingly, since that decision a number of Justices from the majority—enough to have reversed the 5 to 4 decision—have written that on hindsight, they would have voted differently. The Supreme Court in a related case struck down imprisonment of these admittedly loyal American citizens. But long after the fact.

The Commission found that the main impetus leading to the exclusion order was the mistaken notion that individuals of Japanese descent would be loyal to Japan, not to the United States, and groundless fears of fifth column activity even though no evidence of such activities could be uncovered. The Commission stated that:

> The record does not permit the conclusion that military necessity warranted the exclusion of the ethnic Japanese from the west coast.

After exclusion became official policy, the War Relocation Authority (WRA)—the civilian agency charged with supervising the relocation—assumed that the vast majority of evacuees were loyal and should be allowed

to resettle outside of the west coast. But because of harsh objections from certain Mountain State politicians, a consensus plan for detention of the evacuees emerged. The WRA gave up on its idea of resettlement, and accepted a program of confinement. Despite WRA's belief that evacuees should be returned to normal productive life, it had, in effect, become their jailer. Since there was no military justification for detention, the WRA instead contended that the program was for the evacuees' own safety.

The history of life during the evacuation and in the relocation camps is one of suffering and deprivation. On the average, families received only 1 or 2 weeks notice of evacuation to an unknown destination. They could take with them only what could be carried. All else was lost or sold for cutrate prices. Life in the relocation camps was spartan, with shoddy and crowded buildings, defective facilities, faulty heating, inadequate health care, and limited education programs. Privacy was impossible. Families and individuals alike lost their identities and became known only by identification numbers.

Because the western defense command opposed individual loyalty reviews—for fear of weakening the blanket exclusion—no opportunity for individual review was created in the assembly centers. The War Department favored conducting loyalty reviews, but did not act on this until the end of 1942. Although these reviews eventually permitted some to leave relocation centers, it did not end the exclusion from the west coast. Moreover, even this belated process was offensive, since it treated Japanese Americans as guilty until proven innocent.

In the spring of 1943, Secretary of War Henry L. Stimson, Assistant Secretary of War John McCloy, and Gen. George C. Marshall reached the conclusion that the loyalty reviews eliminated any justification for exclusion from the west coast. They kept their views private, however, and General DeWitt repeatedly opposed ending exclusion until he left the western defense command in late 1943, as did west coast anti-Japanese factions. Secretary Stimson finally put the recommendation before the Cabinet in May 1944. But no action was taken until December 17, 1944, while confinement continued for the great majority of Japanese Americans.

The exclusion and removal of Japanese Americans resulted from a long history of anti-Japanese American agitation and legislation on the west coast. By contrast, in Hawaii, where the military commander restrained plans for radical measures and treated the ethnic Japanese as loyal residents—absent evidence to the contrary—only 2,000 ethnic Japanese were taken into custody. The policy developed was in sharp contrast to Government actions against enemy aliens or citizens of non-Japanese descent. For example, the United States never ordered a mass exclusion or detention against American citizens of German or Italian descent.

I am delighted to be joined today by two distinguished House Members, MIKE LOWRY and HAMILTON FISH. Congressman LOWRY has been involved with this issue for a number of years, and our offices have worked closely together in developing this legislation.

A number of organizations support congressional enactment of redress legislation, including the American Civil Liberties Union, the Japanese American Citizens League, the National Coalition for Redress and Relocation, and the Washington Coalition for Redress. The Anti-Defamation League of B'nai Brith supports just compensation for the internees.

This episode in American history should never have happened. It is the Government's responsibility to set the record straight and to try, at least, to recognize and partially compensate for past injustices, although the tarnish on our Constitution can never be completely removed.

The bill I am introducing today has been carefully prepared in close consultation with Congressman MIKE LOWRY, with the national and local organizations representing the Japanese American community, with the Commission staff, and after a review of the Commission's recent recommendations.

Our purpose is to recognize and redress the injustices and violations of civil liberties against U.S. citizens and residents of Japanese and Aleut ancestry by the United States and to discourage similar injustices and violations of civil liberties in the future.

Those eligible are people of Japanese or Alaskan Aleut ancestry excluded from the west coast between December 7, 1941, and December 17, 1944, or deprived of liberty or property as a result of a series of Executive orders, proclamations, laws, Armed Forces directives, or other Federal actions resulting in exclusion, relocation, and/or detention of individuals on the basis of race.

The Attorney General must locate each eligible individual, and pay to each the sum determined by the appropriate committees, after reviewing the Commission's recommendations for redress. While the Commission has recommended $20,000, the Japanese-American community has endorsed a $25,000 figure. My view is that these recommendations need to be weighed carefully.

In order to insure prompt payment to internees, especially to those of advanced age, payments must be made within 3 years after this bill is enacted.

If any eligible individual is deceased, cannot be located within a reasonable amount of time, or refuses or is unable to accept payment, the money is to be deposited into a trust fund in the Treasury. This fund is to be distributed for the benefit of U.S. communities in which eligible individuals or their descendants reside, for community services including education, health, housing, cultural, and related services.

A board of trustees appointed by the President, subject to Senate confirmation, will administer the fund, under rules spelled out by the Attorney General. At least half of the trustees will either be eligible individuals or their descendants.

My bill is intended as a vehicle for the Commission's recommendations, but it also takes into account well-considered views of the community to whom redress is due. One minor technical difference is that, while the Commission would first establish a trust fund out of which to make individual reparations, my bill first provides direct payment to individuals, many of whom are of advanced age. The Japanese-American community is very concerned—and justly so—that individual payments be made as promptly as possible, especially to the older internees and evacuees, without the delays inherent in setting up a trust fund and developing rules for its operation.

This act is a just and fair redress to those individuals who were excluded and/or interned without justification, in gross violation of their civil liberties as American citizens and residents.

Mr. President, former Assistant Secretary of War John McCloy has recently made comments equating the Americans of Japanese descent who were interned and for whom my bill will provide redress with imperial Japanese soldiers with whom this Nation fought a war.

That is the same essential confusion that led to this tremendous unjustice in the first place.

Two readers of the Washington Post, on whose pages Mr. McCloy's remarks appeared, responded eloquently and completely to Mr. McCloy in letters to the editor of the Post.

I ask that those letters be printed as part of the RECORD at this point:

The letters follow:

APOLOGIZING TO THE JAPANESE AMERICANS

Former assistant secretary of war John McCloy equates Japanese Americans with imperial Japanese soldiers—logic as faulty as it is unfair.

Whereas most of us are Americans by chance—we happen to have been born here—many of the interned Japanese Americans were (and amazingly still are) Americans by choice.

Despite the thousands of miles separating them from their parents and grandparents,

despite the difficulties of our language, despite the resentment or active discrimination by other ethnic groups even after internment, they have stayed to see their children and grandchildren succeed here. It is high time for us to thank these Americans for tolerating a thousand days of unfair treatment in wartime, to apologize formally and to make amends for the years lost.

ANNE CLEVELAND.

ALEXANDRIA.

I appreciate the front-page coverage of Japanese-American redress. My parents instilled in their children a love of country so deep that I questioned why they would work for redress. Now I know it was only the patriotic thing to do. It was unconstitutional to deprive Americans of life, liberty and the pursuit of happiness on the basis of race. Not one of the interned Japanese demonstrated a threat to fellow Americans. As Americans themselves, they want to ensure it won't happen again.

My parents rarely spoke of World War II, but I remember the tears that trickled down my father's face when he told of being rejected from the service for medical reasons. He would have proudly given his life for his country. Now almost 70, he has spent a lifetime extolling the virtues of America. Ironic, isn't it? Apology is due; and it is an important step for America, not just Japanese Americans.

MARY ISHIMOTO MORRIS.

SILVER SPRING.

Mr. CRANSTON. Mr. President, I ask unanimous consent that this bill be printed in full as part of the RECORD at this point:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "World War II Civil Liberties Violations Redress Act."

PURPOSES

SEC. 2. The purposes of this Act are—

(1) to recognize and redress the injustices and violations of civil liberties during World War II against United States residents of Japanese, Aleut, and other ancestry by the United States;

(2) to discourage similar injustices and violations of civil liberties in the future; and

(3) to make more credible and sincere any declarations of concern by the United States over violations of human rights committed by other nations.

DEFINITION OF ELIGIBLE INDIVIDUALS

SEC. 3. For purposes of this Act, the term "eligible individual" means—

(1) an individual of Japanese or Alaskan Aleut ancestry enrolled on the records of the United States Government during the period beginning on December 7, 1941, and ending on December 17, 1944, as being in a prohibited military zone; or

(2) who was confined, held in custody, or otherwise deprived of liberty or property during the period as a result of Executive Order No. 9066, issued February 19, 1942; Public Law 503, enacted March 21, 1942; or as a result of any other executive order, Presidential proclamation, law, directive of the Armed Forces of the United States, or other action made by or on behalf of the United States or its agents, representatives, officers, or employees respecting the exclusion, relocation and/or detention of individuals on the basis of race.

PAYMENTS

SEC. 4. (a) The Attorney General shall locate each eligible individual and shall pay to each such individual an appropriate sum the amount of which will be decided by the committees of appropriate jurisdiction upon review of the recommendations for redress of the Commission on Wartime Relocation and Internment of Civilians. All payments to eligible individuals shall be made within three years after the date of enactment of this Act.

(b) in locating eligible individuals residing outside the United States, the Attorney General may use available facilities and resources of the International Committee of the Red Cross and other organizations.

(c) Payment shall be made under this section without regard to the present residence or citizenship of any eligible individual or other person.

(d) Any payment made under this section shall not be considered income or receipts for purposes of any Federal taxes or for purposes of determining the eligibility for or the amount of any benefits or assistance provided under any Federal program or under any state or local program financed in whole or part with Federal funds.

(e) If an eligible individual is deceased, cannot be located within a reasonable period of time, or refuses or is unable to accept such payment, then the sum for which said individual was eligible shall be paid to a trust fund established by the Attorney General in accordance with subsection (f).

(f)(1) There is established in the Treasury of the United States a trust fund to be known as the "World War II Civil Liberties Redress Trust Fund" (hereinafter in this Act referred to as the "Fund") which shall be the depository of funds paid pursuant to subsection (e). The Fund shall be distributed for the benefit of communities within the United States populated by eligible individuals or their descendants for the purpose of providing or assisting community services including education, health, housing, cultural, and related services.

(2) The Attorney General shall promulgate regulations establishing a board of trustees for the Fund. The board of trustees shall have the responsibility of administering and distributing the Fund. The trustees shall be appointed by the President, by and with the advice and consent of the Senate. At least half of the trustees shall be eligible individuals or their descendants.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are authorized to be appropriated for the fiscal years 1984, 1985, and 1986 such sums as may be necessary to carry out this Act.

● Mr. KENNEDY. Mr. President, I am pleased to join the Senator from California as a sponsor of this long overdue effort to redress a sorry chapter in American history.

Congress should now take the final step to make amends to those Americans whose lives were shattered and who have borne the bitter memories of injustice for decades.

This legislation will constitute a formal recognition that, whatever the circumstances that gave rise to the detention of Japanese Americans, it was wrong, and that those who suffered unjustifiably as a result should be compensated.

It has been said that "he who cannot remember the past is condemned to repeat it." American at its best is an America that can confront our past and learn from our mistakes.

All Americans should be reminded of the rush to judgment four decades ago, when thousands of loyal Japanese Americans were relocated from their homes and detained under armed guards at desolate locations during World War II.

That exclusion and detention was unfair and unjustified. It remains a shameful blot on the proud record of our Nation's stand for liberty around the globe during those difficult years. We must firmly learn the lesson of this sad chapter in our history, when the commitment to individual rights and human dignity was abandoned in a stampede of fear and prejudice, cloaked in the mantle of "national security."

The Commission on Wartime Relocation and Internment of Civilians, established by the Congress in 1980, has finished its review of the relocation and internment of 120,000 Japanese American citizens and resident aliens during World War II. The Commission has issued its report and will soon present its recommendations for national action. The Commission determined that the decision to relocate Japanese Americans away from the west coast, and the delay in the decision to end detention, were not justified on military grounds.

The Commission report emphasizes that "a grave injustice was done to American citizens and resident aliens of Japanese ancestry, who without individual review or any probative evidence against them, were excluded, removed and detained by the United States during World War II." Even the Supreme Court of the United States, the final guardian or our basic liberties, acquiesced in the detention, on the untenable theory that the Bill of Rights had gone to war. Justice William O. Douglas, who joined the majority opinion in Korematsu which held the evacuation constitutionally permissible, found that the evacuation "was ever on my conscience."

The role played by racial prejudice in these decisions by our Government is revealed by the fact that Italian Americans and German Americans were not subjected to such indecent treatment.

According to the Commission, there was not a single documented act of espionage or sabotage committed by Japanese American citizens or resident aliens. On the contrary, the bittersweet irony is that thousands of Japa-

nese Americans served in our Armed Forces with exceptional gallantry.

Many, including two of our colleagues, served in the legendary 442d Regimental Combat Team, one of the most decorated American units in the entire war.

It is now clear beyond argument that, as the Commission concluded, the decisions regarding relocation and detention were largely shaped by "race prejudice, war hysteria, and a failure of political leadership."

The proceedings of the Commission, and the accompanying publicized reminiscences have reminded us of the heavy toll those policies took on the lives of the victims.

For the evacuees, the costs were crushing. Conditions in relocation centers and internment camps were deplorable. American families were forced to live in shabby facilities, in the shadow of armed sentries and watchtowers, and to give up almost all personal privacy in the crowded camps. They felt the personal pain of evacuation from the neighborhoods and the stigma of having their loyalty questioned. Parents suffered the anguish of trying to explain such discrimination to their children.

Nor did the damage end when these families finally were allowed to leave the camps. Businesses had been hastily abandoned. Careers and schooling were interrupted. Dreams were shattered. As a result, the victims endured the financial and psychological costs for many years. To their credit, they have borne their scarring experience with restrained anger and quiet dignity.

We cannot now erase the stain of this tragic mistake. But we can learn from it.

We can reaffirm our commitment to reject future pressures to abandon our commonsense, and our sense of decency.

And we can make amends, to the limited extent possible to those thousands of loyal Americans who were treated so shabbily by their own Government.

Neither national apology nor material compensation can fully rectify the terrible experience that they were forced to undergo. But America must do right by those it has wronged.●

By Mr. NICKLES:

S. 1521. A bill to authorize the Secretary of the Interior to contract with non-Federal entities for the development of hydroelectric generating facilities at existing reclamation projects, and for other purposes; to the Committee on Energy and Natural Resources.

RECLAMATION HYDROELECTRIC ACT OF 1983

● Mr. NICKLES. Mr. President, I strongly believe that the Federal Government should encourage the prudent development of our Nation's hydroelectric resources by non-Federal entities. The bill that I am introducing today is patterned after S. 2814, from the last Congress, which would have authorized the Secretary of the Interior to contract with non-Federal entities for the development of hydroelectric generating facilities at existing Bureau of Reclamation water projects and would have created a hydroelectric development fund. Although S. 2814 never reached the hearing stage, the measure was extensively circulated for comment and many of the constructive suggestions received are embodied in the bill that I am introducing today.

There is no doubt that there exist many opportunities for additional development of hydroelectric generating facilities at existing Bureau of Reclamation dams in the Western United States. In 1977, the Bureau published a report entitled "Western Energy Expansion Study." The report, as part of the Bureau's general investigation program, examined the potential for the development of hydroelectric power, including pumped storage, at both existing and new Bureau projects. A total of 127 proposals were examined of which 61 proposals were recommended for further study. Of the sites identified for further study, several are in advanced stages of planning or under construction—but, I must point out, that for those sites where there is measureable progress, the progress is being made by non-Federal entities. It would appear that for many of the smaller sites identified by the Western Energy Expansion Study, non-Federal development is not only more appropriate, but in fact, the only way these resources will be developed. I think that the Congress should take responsible action to encourage this type of development.

The bill that I introduce today would allow powerplant developers to bypass the present requirement for non-Federal entities to obtain a license from the Federal Energy Regulatory Commission. Presently, all non-Federal developers must comply with FERC procedures to develop hydroelectric resources. These procedures can be time consuming and compliance with all requirements can be difficult and expensive. The sites that I envision which would be designated by the Secretary of the Interior as being appropriate for non-Federal development, would be those where such development would not pose problems of dam safety or that would interfere with existing project uses and water rights. In fact, the bill specifically requires that any powerplant developed pursuant to the measure be designed, constructed, and operated in such a manner as to be compatible with valid existing water rights or water delivery to the holder of any valid water services contract.

As a resident of Oklahoma, I fully appreciate and understand the importance of water to the well-being of all of our western citizens—and I can categorically state that there will be nothing in this legislation that will threaten in any way the rights of the citizens of the Western States to develop and pursue their individual water rights subject to the appropriate water law of the respective States. This legislation does not seek to interfere with water rights, but rather to pursue the laudible goal of water resource development.

As a nation, we need to diligently strive to insure that we will never again be subject to the whims of foreign powers for our domestic energy needs. The development of our hydro resources can help to achieve this goal. We must continue to pursue the development of this energy resource which is free and not subject to foreign embargo. The bill that I am introducing would result, not only in the development of the resources, but additional revenues to the Federal Treasury as well. It would encourage the investment of non-Federal dollars, rather than relying on the hard-earned dollars of the taxpayer as has been so often the case in the past.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reclamation Hydroelectric Act of 1983".

SEC. 2. Notwithstanding any other provision of law, the Secretary of the Interior, acting pursuant to the Federal Reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto, except as provided in section 3 of this Act), is authorized to contract with non-Federal entities for the development, including but not limited to development costs, financing, construction, and ownership of hydroelectric powerplants and appurtenant facilities at locations and in the approximate capacity as determined by the Secretary of the Interior as being justified for the purpose of providing additional hydroelectric power for delivery to the appropriate Federal power marketing administrations.

SEC. 3. Where the Secretary of the Interior determines that existing reclamation projects may advantageously be used for the purpose of providing additional hydroelectric power for distribution and sale to preference customers by the appropriate Federal power marketing administration, he shall designate such existing reclamation projects within six months of the date of enactment of this Act and announce such designations in the Federal Register.

SEC. 4. The Secretary of the Interior shall also designate a pilot project for the purpose of testing and implementing the objective of this Act on a noncompetitive basis

pursuant to either 41 CFR 1-3, 210 (Impracticable to Secure Competition by Formal Advertising); 1-3, 211 (Experimental, Developmental or Research Work) or 1-3, 213 (Technical Equipment Requiring Standardization and Interchangeability of Parts).

SEC. 5. All contracts entered into by the Secretary of the Interior and a non-Federal entity for developing a designated hydroelectric project pursuant to this Act shall be granted on a competitive negotiations basis and no preference in the development process shall be given to preference customers as defined under the various reclamation laws). Such contracts shall be in accordance with the provisions of this section, as hereinafter set forth.

(a) The non-Federal entity shall be granted an easement to the dam, transmission facilities, lands and other improvements owned by the United States, and further shall be granted license of the falling water privileges for a period of not to exceed thirty years. Costs incurred by the non-Federal entity shall be considered to be an element of the cost of developing the project.

(b) The non-Federal development entity, for consideration of a negotiated development and contingency fee to be included in the total project cost, shall assume all risk inherent in the development process, including, but not limited to the financing and construction of the project facilities. Title to all lands, dams, and existing appurtenances and equipment presently in United States ownership shall so remain and title to all project improvements shall be retained by the non-Federal entity for a term not to exceed thirty years; whereupon ownership shall be transferred to the Secretary of the Interior at a cost to the United States of one dollar. The non-Federal entity shall be entitled to any and all benefits resulting from ownership of the project improvement including but not limited to, all benefits provided by the Internal Revenue Code of 1954, as amended.

(c) Hydroelectric power generated by facilities developed pursuant to such contract shall be delivered to a Federal power marketing administration for distribution and marketing as provided by existing law and policy and consistent with the provisions of this Act. Hydroelectric power so delivered shall be purchased by the power marketing administration for a term of not to exceed thirty years at rates and conditions established through the negotiations with the non-Federal development entity, and such rates shall be sufficient to amortize all costs of development, return on investment, operation, maintenance and replacement.

(d) Operation and maintenance of the powerplant and appurtenant facilities shall be the responsibility of the Secretary of the Interior; operation and maintenance of the transmission and appurtenant facilities shall be the responsibility of the Secretary of Energy and all cost related thereto shall be included in an annually adjusted budget agreed to jointly by the Secretary of Interior, Secretary of Energy, and the non-Federal development entity pursuant to subsection (c) of this section.

(e) Review and approval of construction designs and specifications of the powerplant and appurtenant facilities shall be the responsibility of the Secretary of the Interior. Review and approval of construction designs and specifications of the transmission and appurtenant facilities shall be the responsibility of the Secretary of Energy. The Secretary of the Interior and the Secretary of Energy shall be authorized to grant to the non-Federal entities the right of access to the designated sites for the purpose of preconstruction activities.

(f) The Secretary of the Interior is also authorized to establish rules, regulations, and criteria for proposal evaluation as he deems necessary to implement the intent of this Act. Such rules, regulations, and criteria shall be promulgated and published in the Federal Register within six months of the date of enactment of this Act.

SEC. 6. The Secretary of Energy is authorized to purchase replacement capacity, energy, or both in order to maintain deliveries to customers during unit outages which result from non-Federal construction of the powerplant and transmission facilities constructed pursuant to this Act, and such cost will be added to the cost of the project and amortized over the life of the project.

SEC. 7. Powerplants developed pursuant to this Act shall be designed, constructed, and operated in such a manner as to be compatible with valid existing water rights or water delivery to the holder of any valid water services contract.

SEC. 8. (a) The Secretary of Energy is hereby authorized to borrow from the Federal Treasury by establishing an annual revolving fund on behalf of the various power marketing agencies, exclusively for the purpose of implementing the provision of this Act, and all borrowings shall be limited to those funds necessary to make annual payments to the non-Federal developer pursuant to subsection 5(c). All moneys. borrowed from the Treasury will be at the same interest rate as that is available to other government corporations and be repaid entirely from power sales revenues of the designated power marketing agency.

(b) All obligations of the Secretary of Energy entered into pursuant to this Act shall be secured solely by the revenues of power sales and other services and the full faith and credit of the designated power marketing agency and are not deemed general obligations of the United States.●

By Mr. STEVENS:

S. 1522. A bill to amend the Internal Revenue Code of 1954 to allow a temporary refundable income tax credit to Federal employees covered under the social security system for the amount of their contributions under a Federal retirement system; to the Committee on Finance.

TAX CREDIT FOR CONTRIBUTIONS TO FEDERAL RETIREMENT SYSTEM

Mr. STEVENS. Mr. President, I am introducing today a bill which provides relief to Federal employees who will be required to contribute to both civil service retirement and social security beginning next year. The Social Security Act included a provision which covered all newly hired Federal employees as well as certain current employees. The act, however, failed to grant any relief from the current obligation of Federal employees to contribute toward the civil service retirement system. Therefore, without any additional measures, these Federal employees will be required to contribute 14 percent of pay toward both social security and civil service retirement.

This bill will provide a tax credit for civil service contributions made by these affected employees during calendar years 1984 and 1985. This approach has numerous advantages over simply exempting Federal employees from contributing to civil service retirement during this interim period while we are attempting to design a new system.

First. Employees will continue to contribute to both systems. Therefore, the argument that funds will be cut off to civil service retirement no longer have merit.

Second. When the employee contribution is returned to the employee, either as a refund if the employee leaves Federal service or as an annuity payment, the contribution will be taxed. Therefore, the temporary revenue loss due to this provision is not permanent. The revenue loss will be recovered through later tax measures.

Third. The tax credit will apply only until a supplemental program is enacted or until the end of taxable year 1985. This feature gives us adequate time to enact a supplemental plan but at the same time puts pressure on interested parties to support enactment of such a plan.

Fourth. Employees of all Federal retirement plans who are doubly covered under both systems will be eligible to receive the tax credit.

Fifth. The only employees who will be contributing to both systems and yet cannot receive the tax credit will be the President. Vice President, and Members of Congress.

An informal Congressional Budget Office staff estimate places the 2-year cost of this provision at about $400 million. The cost of this provision is substantially the same as the cost of the amendment that I offered to the Social Security Act exempting new Federal employees from contributing to civil service retirement. I strongly urge my colleagues to support this measure. Without some form of relief, the Government is going to experience great difficulty in recruiting employees for the next couple of years.

ADDITIONAL COSPONSORS

S. 591

At the request of Mr. INOUYE, the names of the Senator from Nebraska (Mr. EXON), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Utah (Mr. GARN) were added as cosponsors of S. 591, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee.

S. 995

At the request of Mr. EXON, the names of the Senator from Massachusetts (Mr. TSONGAS), the Senator from Georgia (Mr. MATTINGLY), and the

Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 995, a bill to amend title 38, United States Code, to modify the rule for the commencement of the period of payment of certain adjustments in compensation in the case of hospitalized veterans.

S. 1146

At the request of Mr. BENTSEN, the names of the Senator from Mississippi (Mr. COCHRAN), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of S. 1146, a bill to amend the Federal Aviation Act of 1958 to provide for the revocation of the airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes.

S. 1210

At the request of Mr. SASSER, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1210, a bill to amend the Internal Revenue Code of 1954 to provide that the election to use the alternate valuation date for purposes of the estate tax may not be made under certain circumstances and to permit an election to be made on a return that is filed late.

S. 1262

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 1262, a bill to amend the Internal Revenue Code of 1954 to improve Internal Revenue Service procedures concerning investigations and audits of churches, and for other purposes.

S. 1285

At the request of Mr. HATCH, the names of the Senator from Rhode Island (Mr. PELL), the Senator from Vermont (Mr. STAFFORD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Indiana (Mr. QUAYLE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Florida (Mrs. HAWKINS), the Senator from Missouri (Mr. EAGLETON), the Senator from Michigan (Mr. RIEGLE), the Senator from Kansas (Mr. DOLE), the Senator from Ohio (Mr. METZENBAUM), the Senator from Mississippi (Mr. COCHRAN), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Kentucky (Mr. FORD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maine (Mr. MITCHELL), the Senator from Arizona (Mr. DECONCINI), the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. BRADLEY), the Senator from North Dakota (Mr. BURDICK), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Maryland (Mr. SARBANES), the Senator from Arkansas (Mr. PRYOR), the Senator from Michigan (Mr. LEVIN), the Senator from Tennessee (Mr. SASSER), the Senator from New York (Mr. MOYNIHAN), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of S. 1285, an original bill to improve the quality of mathematics and science teaching and instruction in the United States, and for other purposes.

SENATE JOINT RESOLUTION 3

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of Senate Joint Resolution 3, a joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

SENATE JOINT RESOLUTION 54

At the request of Mr. NICKLES, the names of the Senator from Oklahoma (Mr. BOREN), the Senator from North Carolina (Mr. HELMS), and the Senator from Kansas (Mrs. KASSEBAUM) were added as cosponsors of Senate Joint Resolution 54, a joint resolution to authorize and request the President to designate the month of January 1984 as "National Eye Health Care Month."

SENATE JOINT RESOLUTION 77

At the request of Mr. DOLE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Joint Resolution 77, a joint resolution designating "National Animal Agriculture Week."

SENATE JOINT RESOLUTION 93

At the request of Mr. EAST, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Joint Resolution 93, a joint resolution to designate the month of September each year as "National Sewing Month."

SENATE JOINT RESOLUTION 97

At the request of Mr. BOSCHWITZ, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE JOINT RESOLUTION 111

At the request of Mr. PELL, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Maryland (Mr. MATHIAS), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from New York (Mr. MOYNIHAN), the Senator from Ohio (Mr. GLENN), the Senator from Vermont (Mr. LEAHY), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of Senate Joint Resolution 111, a joint resolution expressing the sense of the Congress with respect to international efforts to further a revolution in child health.

SENATE RESOLUTION 158

At the request of Mr. JACKSON, the names of the Senator from Georgia (Mr. NUNN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Colorado (Mr. HART), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Kansas (Mr. DOLE), the Senator from Washington (Mr. GORTON), the Senator from Delaware (Mr. ROTH), the Senator from New Hampshire (Mr. RUDMAN), the Senator from Missouri (Mr. DANFORTH), the Senator from North Dakota (Mr. ANDREWS), the Senator from Alabama (Mr. DENTON), the Senator from Wyoming (Mr. SIMPSON), the Senator from Michigan (Mr. RIEGLE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Utah (Mr. HATCH) were added as cosponsors of Senate Resolution 158, a resolution expressing the sense of the Senate that the President should convene a national bipartisan commission to address the serious long-term problems of security and economic development in Central America.

SENATE RESOLUTION 158 REFERRED TO COMMITTEE

The following resolution, which was submitted on June 15, 1983, and ordered held at the desk, was referred to the Committee on Foreign Relations:

By Mr. JACKSON (for himself, Mr. MATHIAS, Mr. CRANSTON, Mr. BAUCUS, Mr. BENTSEN, Mr. GLENN, Mr. FORD, Mr. MATSUNAGA, Mr. INOUYE, Mr. DIXON, Mr. PELL, Mr. STENNIS, Mr. NUNN, Mr. BINGAMAN, Mr. HART, Mr. HEINZ, Mr. DOLE, Mr. GORTON, Mr. ROTH, Mr. RUDMAN, Mr. DANFORTH, Mr. ANDREWS, Mr. DENTON, Mr. SIMPSON, Mr. RIEGLE, Mr. KENNEDY, and Mr. HATCH):

S. RES. 158

Whereas Central America is of vital importance to the interests and long-term security of the United States;

Whereas the social and economic crises facing Central America arise in large part from long histories of poverty, social injustice, and lack of economic opportunity;

Whereas military solutions alone are inadequate to deal with the challenge the United States faces in Central America, and efforts to resist Communist insurgency will be unsuccessful unless the serious social and economic injustices and human rights abuses of the region are addressed;

Whereas respected leadership from all sectors of American society and from all regions should be drawn on in the making of United States policy towards Central America; and

Whereas an effective United States policy for Central America requires the understanding and support of the American people: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should convene a national bipartisan commission to address the serious long-term problems of security, poverty, and democratic development in Central America, and to help build the necessary national consensus on a comprehensive United States policy for the region; and

(2) Such Commission should—

(A) be composed of distinguished leaders of government, business, labor, education, and the Hispanic and religious communities;

(B) consult with governmental and other leaders of Central America, invite their views and receive their recommendations on the policies which would best assist them in their long-range security needs and economic development; and

(C) report its findings and recommendations to the President and the Congress 180 days after the date of adoption of this resolution.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

SENATE RESOLUTION 163—RELATING TO ANTITRUST AND INTERNATIONAL TRADE

Mr. BENTSEN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 163

Whereas national security and employment stability require that the United States maintain a broad, varied and healthy industrial base of internationally competitive basic industries;

Whereas the maintenance of that base is jeopardized by the increasing worldwide mobility of capital, the ready availability of technology across international boundaries and the ability and willingness of low wage workers abroad to accept and retain training in the most demanding industrial skills;

Whereas domestic basic industries are increasingly producing and selling products at home in direct competition with state trading firms and other international competitors enjoying government assistance and subsidies;

Whereas foreign industrial policies targeted at segments of the domestic market pose substantial risks for both basic industries and growing industries where products are subject to rapid obsolescence due to changing technology;

Whereas remedies and relief for undue competitive pressure from imports do not include the capacity to readily streamline and consolidate domestic productive capacity to improve the affected industry's competitiveness;

Whereas the voluntary consolidation of basic manufacturing capacity may enhance the ability of domestic industries to survive, prosper, conduct research, develop new products and improve price and product quality in domestic markets subject to substantial import competition, or respond to foreign industrial policies;

Whereas consolidation of basic manufacturing capacity by an industry may raise antitrust issues even when that industry is subject to vigorous and enduring price and quality competition from abroad;

Whereas antitrust law exception exist in current law and practice for regulated industries, for exporters, for newspapers seeking to consolidate printing facilities, and for failing firms seeking to combine production facilities, and,

Whereas extending such exceptions to include joint production arrangements by domestic industries facing substantial and unjust international competition may permit such industries to reduce overhead costs, avoid layoffs, and regain markets threatened by or lost to imports: Now therefore, be it

Resolved, That it is the sense of the Senate that—

(1) The President should conduct an analysis of the extent to which the antitrust laws of the United States hinder the capability of American industry facing vigorous import competition to marshall its most efficient resources, to maintain needed levels of capital investments in new, more productive manufacturing techniques and products, and to conduct appropriate levels of research and development;

(2) In the conduct of this analysis, the President should consider and evaluate the impact on American competition in domestic markets of modifications to antitrust laws designed to enhance the ability of American industries to consolidate basic production facilities and to take such other steps as are necessary for them to compete more effectively with imported goods;

(3) The President and the Special Trade Representative should make full use of the resources of the Trade Advisory Committees, established under section 135 of the Trade Act of 1974, in the preparation and conduct of the analysis called by this Resolution.

SEC. 2. The Secretary of the Senate should transmit a copy of the Resolution to the President with the request that he complete the analysis called for by this Resolution within six (6) months of the date of enactment.

● Mr. BENTSEN. Mr. President, as we move more vigorously into a recovery this spring and summer, interest in our foreign trade problems may be pushed off the front page. The long overdue and welcomed news of rising employment and incomes will take front and center position while arcane information on balance-of-trade deficits and lagging steel or aircraft sales will be buried on page 37 next to the want ads.

We must not let that shift in topical focus create the illusion that our foreign trade problems have resolved themselves. Nothing could be further from the truth and, indeed, nothing could be more misleading for either the administration or Congress to accept as reality. For the reality is that our foreign balance of trade is in a near state of collapse, in its most precarious state of weakness in well over half a century if not our entire history.

FOREIGN INDUSTRIAL TARGETING

The truth can most easily be found in statistics. Our balance-of-trade deficit last year approached $43 billion and resulted in a balance-of-payments deficit of about $8 billion. This year, the administration is projecting far deeper deficits. The payments deficit could soar to $25 billion or more and the trade deficit could top $70 billion. A deficit of that magnitude is scarcely imaginable and portrays in stark terms the inability of our industries to compete effectively with imports or to sell abroad with their historic gusto. The reasons for the decline in our industrial prowess are varied—an overvalued dollar, sagging productivity, international capital and technology mobility, and the growing practice of foreign governments to directly and indirectly promote goods being sent here and being sold in competition with U.S. goods in foreign markets. This practice, which goes under the term of foreign industrial policy is a direct effrontery to free trade and is an explicit and aggressive effort to cheat the United States out of jobs in import competing and export industries.

The targeting of U.S. industries by foreign governments is becoming widely documented. The Labor-Industry Coalition for International Trade recently released an analysis, for example, of targeting practices by Japan, some European countries, South Korea, Taiwan, and Brazil, against U.S. industries as varied as steel, semiconductors, and computers, civilian jet aircraft, and advanced electronics. The Japanese targeting strategy against U.S. electronics firms was analyzed in depth by the domestic Semiconductor Industries Association, as well. And, the International Trade Admininstration at the Department of Commerce in a study entitled, "U.S. Competitiveness in High Technology Industries," cited specific targeting programs against 12 major U.S. industries by France, Japan, and West Germany.

These foreign programs vary in scope and size, but all involve overt Government programs designed to insure that they can carve out growing shares of our domestic market.

The cost in terms of lost jobs of the resulting trade deficits are enormous. According to a recent Department of Labor analysis, each $1 billion in U.S. exports adds 25,000 jobs to our economy. Using that as a rule of thumb for jobs lost in domestic import competing industries, our projected $70 billion trade deficit this year will keep as many as 1.75 million Americans on the unemployment and welfare rolls and out of work in industries like steel which face unjust competition from abroad. The real tragedy is that these jobs are likely being lost forever. The Bureau of Labor Statistics recently found, for example, that employment in our domestic auto and steel industries, hard hit by imports, will likely never recover to our prerecession levels.

A U.S. RESPONSE

We have an elaborate mechanism in place for evaluating claims by domestic industries of unjust competition from imports—of foreign goods being sold here, for example, below costs or prices at home. Yet, neither the Department of Commerce nor the Spe-

cial Trade Representative can provide relief or investigate claims involving these widely acknowledged foreign government targeting practices because they are beyond the pale of practices considered actionable under the GATT and related international trade agreements.

Foreign government exploitation of this blind spot in trade rules tilts the international field of trade sharply against virtually every U.S. firm—from high-tech exporters to smokestack import-competing entities. They are increasingly being forced to pay one on one with foreign governments—and having the ball repeatedly stuffed in their face as foreign competitors buy growing market shares with what amounts to Government subsidies.

I wish I could report that the revelations regarding these foreign practices had caused our Government to fight back on behalf of U.S. firms. But it has not. The administration is talking with Japan, for example, about its unfair targeting and import control practices. But progress is slow or nonexistant because these practices are deeply ingrained now in the political and economic structure of our international competitors. Japan or France is no more willing to shut down its industrial subsidies than we are to shut down our soil conservation or other programs which have proven their worth over the years. Yet, we are far from helpless.

We should strive vigorously to bring these foreign industrial policies within the purview of GATT. We should force our international competitors to acknowledge that a government vision for steel imported to the United States is no different than dumping—a practice now actionable under the terms of GATT. That calls for a vigorous negotiating position by our Special Trade Representative. Yet, the pervasive use of such policies abroad offers little real hope for progress in their reduction, much less in their removal, I fear. Consequently, it is time to consider options for helping those domestic industries targeted for attack by foreign governments. The industrial policy debate swirling about our think tanks and universities has framed a variety of those options. And one option is worthy of particularly intensive analysis, I believe.

ANTITRUST EXEMPTION

Other nations, most notably Japan, have already addressed the issue of renovating domestic industries which are under heavy import pressure. A variety of steps have been taken including worker retraining and subsidies to increase R&D and investment in the industries under pressure. One step, and perhaps the most important one, common to all such programs has been consolidation of basic manufacturing capacity. And I believe that concept should be studied in the context of aiding our own industries under heavy import pressure. The concept is straightforward: Provide industries confronting heavy foreign competition due to foreign industrial policies with an antitrust exemption under which basic production facilities can be consolidated and upgraded to improve the industry's productivity and ability to compete internationally.

The objective of such an exemption would be to permit such industries to reorganize themselves without Government direction or aid under an antitrust exemption in which they can pool, consolidate, and upgrade production, but not distribution or market facilities. The Government need not provide subsidies or other overt assistance. It could even provide an antitrust exemption in lieu of tariffs or other subsidies. In so doing, the Government would be acting to accommodate the process of industrial evolution. It would be placing maximum reliance on the market in permitting investors, including stockholders and banks, to ultimately decide what management teams and facilities survive and prosper in such industries.

This concept creates an alternative to the hodgepodge process of bailouts, trade protection, and bankruptcy rulings which constitute current U.S. industrial policy for such industries. This process tends either to (a) freeze inefficient management and facilities in place if trade controls and subsidies exist, or (b) to grind down and bleed an entire industry nearly to death before capacity contraction and reorganization can occur. The latter case is exemplified by shrinking industry profits, a weakened ability or incentive to invest in modern facilities needed to boost productivity and a weakened ability to conduct R&D, especially long-term basic R&D. The Government stands idly by as the agony of industrial reorganization is needlessly drawn out over far too long a time.

What the Government could do as an alternative is accommodate the transition of such industries to more efficient ones—better able to compete with foreign competitors through new investment and robust R&D. A limited antitrust exemption could accommodate this evolution in a permissive fashion which complements the normal market operation in which investors and consumers select winners and losers. It would avoid the situation where Government planners substitute their own decisions for that of the market by selecting favored firms and granting subsidies and loans to restructure an industry.

ANTITRUST EXEMPTION PRECEDENTS

In addition to exemptions for firms in regulated industries, such as communications, there are four notable domestic precedents for granting antitrust exemptions to firms. The first one involves the so-called failing company doctrine. Existing decisions covering half a century under the failing company doctrine recognize that an exemption exists from the antitrust laws for firms near bankruptcy. Under this doctrine, the usual criteria of market share, used to assess merger proposals between competitors, can be waived—by the Federal Trade Commission and the Justice Department—when (a) a firm cannot survive even if reorganized, and (b) no buyer other than a competitor can be found. This judicially created defense against section 7 of the Clayton Act stretches back to 1930 or earlier, and is not legislatively mandated. It was legislatively affirmed, however, by the 1950 Cellar-Kefauver amendments to the Clayton Act.

This antitrust exemption was judicially broadened in 1974 when a weak but not failing company called United Electric Coal Co. was permitted to merge with General Dynamics. United Electric was not on death's doorstep and had a sizable market share—factors which would normally have precluded approval of its purchase by its coal-producing competitor, General Dynamics. In permitting this merger, the courts went beyond just market share and financial weakness data to assess whether competition would be hindered by the merger. Factors such as United Electric losses, whether a firm's product is about to be overtaken by new techology or poor product quality were recognized as facts which can bear on decisions involving a merger request by a firm which is in a weak but not fatal financial situation. In effect, the General Dynamics case said that financial weakness is not by itself sufficient to warrant an exemption from the Clayton Act; but when combined with other factors indicative of further weakness, it is possible for a weak but not terminally ill company to merge with a competitor despite each holding sizable market shares.

A second precedent exists in antitrust exemptions being granted by the Justice Department under authority of the Export Trading Company Act to associations formed to engage in export. U.S. firms seeking to establish an export association or cartel can apply to the Department of Commerce for a certificate exempting them from antitrust prosecution if they adhere rigidly to the terms of their certificate, assuming one is granted. This provision clarifies the heretofore uncertain antitrust status of such cartels under the old Webb-Pomerene Act, under which some 20 or so export associations have been formed.

A third precedent is the antitrust exemption currently available to competing newspapers in the same geographical area, which permits them to jointly own and operate a newspaper production facility. This exemption was

created by the Newspaper Preservation Act of 1970 and permits the Attorney General to give a binding written consent to such arrangements if each newspaper maintains separate editorial offices. Such consent can be given only when one of the two newspapers is unlikely to remain a financially sound publication.

The fourth and most current precedent involves the recent Justice Department decision to permit 12 of the largest U.S. computer/semiconductor firms to establish an R&D joint venture—the Microelectronics & Computer Technology Corp., or MCC. This Justice decision is noteworthy because it involves the introduction of international market shares as a factor determining whether domestic U.S. firms will be permitted to collude. In discussing the R&D joint venture proposal by MCC, the Justice Department's antitrust chief has decided that:

Joint R&D ventures would be presumed to be lawful under the antitrust laws if the participants do not have a preponderate share of the world market; and,

The combined size of the participants should be not more than one-quarter the size of all the other firms in that industry world-wide, that is, the participants cannot control more than 20 percent of the world market.

EXPLANATION OF RESOLUTION

While these precedents exist and the consolidation of capacity is commonly done abroad, it raises many new questions regarding its operation in this country. Therefore, my resolution withholds judgment on the concept while urging the President to make an exhaustive study of its pros and cons. To insure that effective private-sector help is available for this study, the resolution urges him to utilize the resources of the Trade Advisory Committees. These committees have been established with representatives from labor, industry, and agriculture. The industry committee has been divided into 40 or more sectorial committees and would be very fertile sources of information and analysis. The concept to be evaluated is whether consolidation of basic production capacity by domestic industries facing stiff and illegal competition from imports will enable them to compete more effectively against their foreign competitors. An ancillary question to be evaluated is whether our antitrust laws currently prevent such consolidation.

The resolution gives the President a quick fuse for this study. I am not looking for a 1-year or 2-year analysis by the executive branch. Rather, I want a good, but quick study with the results available within 6 months.

I urge my colleagues to support this sense of the Senate resolution.●

SENATE RESOLUTION 164—TO REFER THE BILL S. 1519 TO THE COURT OF CLAIMS

Mr. HEFLIN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 164

Resolved, That S. 1519 entitled "A bill for the relief of Frank L. Hulsey", now pending in the Senate, together with all the accompanying papers, is referred to the Chief Commissioner of the United States Court of Claims. The Chief Commissioner shall proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, and report back to the Senate, at the earliest practicable date, giving such findings of fact and conclusions that are sufficient to inform the Congress of the nature and character of the demand as a legal or equitable claim against the United States or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimants.

AMENDMENTS SUBMITTED

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1984

WALLOP (AND SIMPSON) AMENDMENT NO. 1429

Mr. WALLOP (for himself and Mr. SIMPSON) proposed an amendment to the bill (H.R. 3132) making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes; as follows:

On page 10, line 22, before the period insert a colon and the following: "*Provided further,* That of the funds appropriated under this heading, $4,000,000 shall be available for road relocation and the modification of the existing powerplant in connection with the Buffalo Bill Dam Project authorized by Title I of the Act of October 12, 1982 (Public Law 97-293)".

On page 9, line 8, strike out "683,818,000" and insert in lieu thereof "687,818,000".

HUMPHREY (AND PROXMIRE) AMENDMENT NO. 1430

Mr. HUMPHREY (for himself and Mr. PROXMIRE) proposed an amendment to the bill H.R. 3122, supra; as follows:

On page 9, line 8, strike $683,818,000 and insert in lieu thereof "$661,518,000".

On page 10, line 14, strike "features of".

On page 10, line 15, strike "affecting waters flowing into Canada".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 22, to mark up fiscal year 1984 Department of Defense military authorization, S. 675.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Pollution of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, June 22, to mark up clean water amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, June 23, at 9:30 a.m., to hold a hearing on the oversight of operational tests and evaluation and Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, June 23, at 2 p.m., to hold a hearing on Lee Thomas to be Assistant Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PERSONAL EXPLANATION OF VOTES

● Mr. SASSER. Mr. President, I rise today to state that I was necessarily absent, due to illness, during the June 16, 1983, session of the Senate, and that if I had been present I would have voted: "Nay" on rollcall vote No. 150, Senator WEICKER's amendment to H.R. 3069, which provided for an annual rate of pay for a Senator of $100,000; "nay" on rollcall vote No. 151, Senator JACKSON's amendment to H.R. 3069, which provided for an annual rate of pay for U.S. Senator of $80,100; "nay" on rollcall vote No. 152, Senator JACKSON's amendment to H.R. 3069, which provided for an annual rate of pay for a Senator at the same level as that of a U.S. Representative; "nay" on rollcall vote No. 153, final passage of H.R. 3069, the bill making supplemental appropriations for fiscal year 1983; "yea" on rollcall vote No. 154, a motion to table the amendment, in the nature of a substitute to H.R. 2973, by Senator DOLE; "yea" on rollcall vote No. 155, and amendment to the Dole amendment by Senator PRYOR which would have stricken all

sections of the Dole amendment except the repeal of withholding of interest of savings and dividends; "nay" on rollcall vote No. 156, the Dole amendment in the nature of a substitute to H.R. 2973; and "yea" on rollcall vote No. 157, final passage of H.R. 2973.●

COSPONSORSHIP OF SENATE JOINT RESOLUTION 84

● Mr. D'AMATO. Mr. President, I am pleased to join as a cosponsor of Senate Joint Resolution 84 which would declare the week of June 24, 1984, National Federal Credit Union Week. Since the passage of the First General State Credit Union Act in 1904, credit unions have grown steadily to the point where they are now an integral segment of our financial community. By 1935, 39 States had credit union enabling legislation and 3,372 credit unions served 641,000 members. Today, there are over 21,000 credit unions in the United States serving over 47 million members.

While the credit union movement has expanded drastically, those responsile for this movement have not lost sight of their basic values and goals: To allow decisions regarding the financial destinies of their credit unions' to be made democratically by those most affected by such decisions. Credit unions, despite their tremendous growth, have continued to emphasize the needs and concerns of their individual members. The average credit union is a small institution, serving only 2,000 members.

The credit union concept has its origins in the basic principles that have made this country great: Individualism, cooperation, and democracy. Their existence has provided this country's profit-motivated financial services industry a standard by which their service may be judged. Thus the benefit of credit unions extends far beyond their membership role.

Mr. President, I feel it is only fitting that this Congress finally recognize the importance of both the functional and symbolic benefits of credit unions to this country's citizens. I thus urge my colleagues to support this resolution.●

S. 1501—AMENDMENT OF RATTLESNAKE NATIONAL RECREATION AREA AND WILDERNESS ACT OF 1980

● Mr. MELCHER. Mr. President, on June 20, 1983, I introduced a bill to amend section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 to clarify the use and application of bidding rights issued thereunder and to clarify the use of these bidding rights with respect to certain specified lands.

Mr. President, I ask that the text of the bill be printed in the RECORD.

The text of the bill follows:

S. 1501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b)(3) of section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 is amended to read as follows:

"(3) If for any reason, including but not limited to the failure of the Secretary of the Interior to offer for lease lands in the Montana portion of the Powder River Coal Production Region as defined in the Federal Register of November 9, 1979 (44 F.R. 65196), or the failure of the holder of the bidding rights to submit a successful high bid for any such leases, any bidding rights issued in an exchange under this Act have not been exercised within two years from the date of enactment of this Act, the bidding rights may be used as a monetary credit, which shall be considered 'money' within the meaning of section 35 of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 191), against that portion of bonus payments, rental or royalty payments paid into the Treasury of the United States and retained by the Federal Government on any Federal coal lease won or otherwise held by the applicant, its successors or assigns. The holder of the bidding rights shall pay the balance due on such bonus payments, rental or royalty payments in cash for transmittal to the States in the same manner and in the same amounts as though the entire payment were made in cash under the provisions of the Mineral Leasing Act of 1920 as amended. The bidding rights may be transferred or sold at any time by the owner to any other party with all the rights of the owner to the credit, and after such transfer, the owner shall notify the Secretary.".

(b) Section 4 of the Rattlesnake National Recreation Area and Wilderness Act of 1980 is further amended by adding a new subsection to read as follows:

"(e) The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall consummate the exchange of the lands owned by the Montana Power Company within the boundaries of the Rattlesnake National Recreation Area and Rattlesnake Wilderness by issuing bidding rights to the Montana Power Company which shall equal the negotiated cash equivalent of the fair market value of such Montana Power Company lands, as provided in the agreement of April 4, 1983, signed by the authorized representatives of the Secretary of Agriculture, the Secretary of the Interior and the Montana Power Company, except that adjustments in the 'Cash Equivalency Rate' referred to in said agreement shall not exceed a rate determined by the Secretary of the Interior taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the remaining period during which the bidding rights may be used."●

RON CALERY DAY

● Mr. LEVIN. Mr. President, too often in life we fail to recognize the outstanding efforts individuals perform for their neighbors until it is too late. The citizens of Sault Ste. Marie, Michigan, have not made that mistake in the case of Ron Calery, a leader who has spent the past 20 years contributing to his community.

Today is Ron Calery Day in the Sault and I would like to enter the mayoral proclamation presented in his honor into the RECORD:

Whereas, Ronald J. Calery has been concerned and active in promoting the welfare of senior citizens, families in need and the overall betterment of the Tri-County area, through the Community Action Agency since its inception in 1964, serving as the first chairman of the board, then as executive director since 1972, and

Whereas, the legion of Ron's accomplishments for the betterment of the said Tri-County area include obtaining a Mobile Medical Screening Unit, Dial-A-Ride Service, and the Outreach Program. He was also the leading proponent in the establishment of the Senior Citizens Nutrition Program; and

Whereas, in recognition of his ability, Ron Calery's peers did elect him as the only person to serve three terms as president of the Michigan Community Action Agencies Association; and

Whereas, Ron Calery viewed the vacant former Wards building and its blighting influence on Sault Ste. Marie's downtown area, as a challenge and an opportunity to provide a center for senior citizens, and

Whereas, in culmination of his current illustrous achievements, Ron has been responsible for raising the over one million dollars needed to make the Sewell Avery Center a reality for the Tri-County area senior citizens, preschool children, and all those of an age in between who have a need for the services provided by the programs administered through Ron and the Community Action Agency.

Therefore be it known, that in appreciation of the outstanding contributions made by Ronald J. Calery in improving the quality of life for the citizens of our community and the Tri-County area, I, Jerald A. Peters, mayor, hereby and herein by the authority in me vested, proclaim Wednesday, June 22, 1983 as Ronald J. Calery Day, in Sault Ste. Marie, Michigan, and I urge all the citizens of the community to join in expressing their appreciation to Ron Calery on that particular day.●

REFERRAL TO COMMITTEE—S. 724

Mr. BAKER. Mr. President, I have a request with respect to referral that also appears to be cleared on the other side. I ask unanimous consent that Calendar No. 247, S. 724, a bill to authorize the U.S. Army Corps of Engineers to undertake activities to provide new public works investment, grants to the several States to encourage and foster the construction of necessary public capital investment projects, and to assist in creating new and productive jobs, be referred to the Committee on Energy and Natural Resources for a period not to extend beyond August 1, 1983, or the date of adjournment of the Senate for the August recess, whichever occurs earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BYRD. Mr. President, before the majority leader makes the next request, will he yield?

Mr. BAKER. Yes, I yield.

CONFERENCE REPORT ON BUDGET RESOLUTION

Mr. BYRD. I understand that the House may get the conference report on the budget over to the Senate by Thursday night. I hope that we can dispose of that conference report on Friday and not have to carry it over. I have some reason to believe that, on my side of the aisle—I have talked with Senator CHILES about this—perhaps we can get an agreement to that effect that would cut down that time and thus allow us to complete action on that measure on Friday.

Mr. BAKER. Mr. President, I thank the Senator. I would be most happy to try to arrange a schedule that will permit us to dispose of the conference report on the budget resolution on Friday.

I urge Senators who may be listening in their offices or their staffs to take note of this, because some Senators—a few—have been told privately what I repeated on the floor. That is that I thought it unlikely that we could dispose of the budget conference report on Friday and it would perhaps be Monday. I wish to cancel and rescind that now and say that, in view of the statement of the minority leader, it will be my purpose then to explore this possibility with the minority leader.

If we can work something out, it is entirely possible, then, that we can arrange to finish the conference report on the budget resolution on Friday. Members should take account of that possibility.

I thank the minority leader for this colloquy, Mr. President. I think it has given us a road map, or I hope it has, for the next several days. It has helped me arrange in my mind how we may be able to accomplish the work of the Senate.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. Mr. President, before I yield the floor, I have been handed a note by the distinguished chairman of the Committee on Appropriations (Mr. HATFIELD). I requested Senator HATFIELD to meet this afternoon to try to report the two appropriation bills that I indicated earlier, legislative appropriations and agriculture appropriations. Senator HATFIELD, I am sure, will be patient, but his patience will grow weary and thin if we do not give him a quorum. So I hope that Members who are on the Appropriations Committee will go downstairs to the Appropriations Committee room and help the chairman make a quorum so they can transact that business in keeping with the leadership's request and in order to enable us to consider those two appropriation bills this week.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPACT OF BUILDDOWN

Mr. COHEN. Mr. President, yesterday, Senator NUNN and I had the opportunity to testify before the Foreign Relations Committee on the subject of a mutual builddown resolution which Senator NUNN and I and 43 other Members of the Senate had cosponsored. The purpose of our testimony was to try to call to the attention of our colleagues the general parameters of the builddown concept; to try and define some of the areas to which it would apply; to also try to identify some of the potential inequities that might be perceived if, in fact, the builddown concepts were applied to our current negotiating positions.

I would like for the benefit of my colleagues to include a copy of a statement that I presented to the committee yesterday, along with a series of questions and answers. These questions and answers really are preliminary in nature. They were designed to try once again to raise some of the issues that we have heard raised against the builddown concept by both sides, by those who support a nuclear freeze and by those who are opposed to any restrictions to the modernization program of the administration.

These questions and answers are not designed to be all inclusive. In fact, as a result of raising these questions and proposing certain answers we hope to stimulate further questions. Hopefully, we might refine our answers to those questions.

One of the problems that Senator NUNN and I have encountered with the builddown concept is a lack of incentive, it seems to me, on the part of a number of officials pursuing it with any sort of enthusiasm. Namely, they have raised questions or problems of certain inequities that might come about as a result of the builddown concept, yet there has been very little in the way of positive, constructive commenting coming from these very same officials to see if we can make it work.

This is somewhat in contradiction to President Reagan, who has expressed support for the concept of builddown. Yet, without a concurrent support from the administration itself; namely, through the Department of Defense, the National Security Council, and the Department of State, and other departments, without a similar commitment to making the builddown work, of course, it will not. This exercise that we have been engaged in since January when the concept was first raised will be all for naught. It is with that in mind, Mr. President, that I offer my comments that were delivered yesterday to the Senate Committee on Foreign Relations for the record, along with the copy of the questions and answers that we believe initially, at least, preliminarily, at least, deal with the challenges that have been raised against the concept. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WILLIAM S. COHEN

Early this year, Senator Nunn and I introduced a resolution in the Senate aimed at permitting some modernization of U.S. and Soviet forces while forcing significant overall reductions. By exacting a high price for deployment of new warheads, the mutual guaranteed build-down concept encourages movement toward nuclear forces with characteristics, such as survivability, that will enhance stability while achieving meaningful arms reductions. This is consonant with President Reagan's stated objectives.

Senator Nunn and I discussed the concept at length with our colleagues. After careful study, and over the course of several months, 43 Senators joined us in co-sponsoring the build-down resolution. The list includes long-standing proponents of military force modernization and strong supporters of the nuclear freeze resolution. The Senators united around a common goal of enhancing strategic stability through reductions in the nuclear arsenals of the Soviet Union and the United States to equal and lower levels.

The build-down concept is not intended to defeat the freeze. Indeed, it is the freeze movement which has raised the nation's consciousness to the point where proposals for significant arms reductions can have a real impact on U.S. policy-makers. The build-down is an early but meaningful step toward the ultimate aim of eliminating the threat of nuclear war. While longer-term objectives are pursued, we believe the build-down repesents an interim measure which can have a real impact on international stability.

Today, I would like to outline what the build-down is and what it is not, and describe my views on how the concept is being addressed within the Administration.

The build-down is intended to be a means of achieving meaningful and rapid reductions in U.S. and Soviet forces and allowing some modernization to proceed while seeking the broader objectives of arms control. The build-down concept is characterized by what I would call "bounded flexibility." Senator Nunn and I did not seek to define all the parameters of the build-down. We believe that the Administration must have sufficient flexibility in formulating and negotiating the build-down to facilitate positive movement. Any build-down proposal, however, must contain certain essential elements and meet certain requirements in order to achieve its objectives.

The build-down concept calls for the U.S. and Soviet Union to agree that each will

eliminate from its operational forces two nuclear warheads for each newly deployed nuclear warhead. This formula is not chiseled in stone. Variable ratios could enhance achievement of a more stable nuclear environment, but must be applied carefully. For example, one might consider establishing a three-for-one ratio for newly deployed warheads on MIRVed ICBMs to discourage their deploment, and a one-and-a-half-for-one ratio for newly deployed warheads on single-warhead ICBMs to encourage their deployment. I would caution that exceptions to the two-for-one ratio would have to be consistent with the objectives of the build-down concept, which requires negotiability to be successful. I would consider unacceptable, for example, a formula which was crafted to require a radical restructuring of Soviet forces but which had little real effect on U.S. forces. To achieve true stability, each side must be satisfied that its forces are, and will remain, secure.

To be workable and negotiable, the build-down concept must be applied comprehensively. In personal discussions with Administration officials, I have been assured directly that the build-down would be proposed in this comprehensive form.

Freedom to mix must be permitted in applying the build-down principle. To assure negotiability of the principle, each side should be free to deploy its new warheads on launchers of its own choosing and to retire older warheads on launchers of its own choosing, subject to previously negotiated strategic arms restraints.

Each side would build down under agreed ratios until it reached a negotiated floor or "plateau" at which it would hold. When the other side reached the same plateau, the build-down formula would again take effect. Because the United States begins the process with substantially more strategic warheads, at no time would its forces have to drop below Soviet levels.

Verification procedures required for SALT would apply to reductions under the build-down concept, with primary reliance on national technical means. The sides would utilize counting rules previously negotiated for missiles, supplemented by appropriate rules for bombers, which associate a set number of warheads with each strategic delivery vehicle. The build-down proposal would include associated measures to facilitate verification, such as the prohibition on interference with national technical means. The build-down would proceed from an agreed data base, which would be an updated version of the one agreed upon in SALT II.

Applied in the manner in which it was intended, the build-down would place a cap on the strategic nuclear forces of the two sides. Under present trends, and in the absence of a strategic arms control agreement, the strategic arsenals of the two sides could reach well over 15,000 nuclear warheads by the early 1990s. The build-down mechanism would halt and reverse the present buildup in nuclear warheads, resulting in forces with thousands fewer warheads than the sides might otherwise deploy. By reversing those trends, the build-down would demonstrate that the two sides are genuinely prepared to reduce their forces and would create a context conducive to further negotiated arrangements to ensure stability at lower levels. Military planners would gain a crucial advantage in being able to scale their own forces against a declining rather than expanding threat.

The build-down is not intended to be a substitute for START. While framed in the context of present arms control talks, the build-down would be negotiated and implemented before final agreement is reached on a broader and more complex START accord. The build-down would complement the START negotiations by requiring immediate reductions and enhancing incentives to move toward more stable systems. It is not, however, intended to force restructuring of a side's forces by requiring, for example, prior agreement to reduce heavy ICBMs. It must not be weighted with sublimits aimed at achieving the broader objectives of ongoing negotiations.

The build-down would not undermine the U.S. START position. Indeed, it would be wholly consistent with reduction ceilings presently in that position. President Reagan has already proposed a cut in ICBM and SLBM warheads to 5,000 on each side. The build-down floor might include that number plus a suitable allowance for warheads ascribed to other strategic launchers, remembering that within the overall total, and subject to the counting rules and ratios, each side would be free to allocate its warheads to ballistic missiles or air-breathing systems, as it deemed best.

The build-down would not offer the Soviets a plausible opportunity to gain an advantage by foregoing modernization. If the Soviets chose to stand still, they would then not add the thousands of new warheads which unclassified estimates project in their forces over the next decade. They would remain in a posture increasingly vulnerable to U.S. force improvements.

It is most improbable that the Soviet leaders would direct their military to suspend development and deployment of the Typhoon submarines and the SLBMs it carries, the new Blackjack bomber, and the two new ICBMs reportedly already being tested. To do so would be to accept a unilateral freeze, while the United States continues to modernize.

Nevertheless, to hedge against this unlikely scenario, we have incorporated in the build-down proposal the suggestion of a series of progressively lower "plateaus" at which either side's build-down could hold until reached by the other side.

Because the Soviets have a great number of single-warhead SLBMs and a relatively small bomber force, their ongoing modernization programs would have to induce substantial reductions in their existing ICBM forces. For example, each Typhoon submarine added to their fleet would require elimination of 360 warheads—more than the total number of warheads on all existing Yankee I-class submarines. After the first 1000 or so new warheads added by the Soviets, each additional warhead would require reductions in their existing MIRVed ICBMs—the forces of greatest concern for stability.

One of the earliest supporters of the build-down concept was the President of the United States. After reading the description of the concept in a newspaper article I wrote last January, President Reagan called me to express his very sincere and serious interest in pursuing the build-down idea, because he recognized that it was compatible with his own START position.

He reaffirmed this view in a letter to Senator Percy, Senator Nunn, and me on May 12. Two weeks ago, in a meeting with a number of Senators at the White House, President Reagan again expressed his commitment to implementing the build-down concept.

In all candor, I must say that a number of the people the President has charged with developing a build-down proposal do not appear to share his positive commitment to the concept. (One notable exception is Bud McFarlane, Deputy Assistant to the President for National Security Affairs, who has been most helpful in working with Senator Nunn, myself, and others.)

Senator Nunn and I have consistently made clear that we welcome serious study of all aspects of the build-down concept and that we are prepared to work toward resolving any difficulties that might arise. During the past few months, some Administration officials have raised a number of concerns regarding the application of the build-down. Senator Nunn and I carefully studied these points and adjusted the elements of the build-down accordingly. For example, we suggested variable ratios which could promote achievement of stabilizing reductions and deployments, and we devised the idea of "plateaus" to ensure continued equality as the sides build down. We have also suggested counting rules for bombers and bomber weapons to ensure comprehensiveness in the application of the build-down concept.

Nonetheless, we continue to hear the same matters raised in a manner which indicates either lack of understanding or a lack of desire to support the President's commitment to the build-down concept.

I find this situation puzzling and disappointing: Puzzling because of what appears to be an insufficient understanding of the requirement to help the President to honor his commitment; disappointing because I fear that an opportunity to achieve a real consensus on critical matters may be slipping away.

Senator Nunn and I, as well as experts such as Lt. General Kelly Burke, General David Jones, Dr. Richard DeLauer and Dr. William Perry, believe the build-down concept offers a real means of enhancing stability through arms reductions and weapons modernization. What is needed now is will. We must move beyond simply raising problems and seeking limited solutions to a positive approach aimed at overcoming difficulties and achieving the idea's objectives. There are quite straightforward solutions to every problem which has been raised. I am troubled that, within the Administration, there may be those who do not, in fact, support the President's commitment to reducing nuclear forces. Indeed, efforts to shelter large numbers of weapons from an equitable application of the build-down rule would not only undermine the integrity and negotiability of the concept, but would directly contravene the President's repeated personal pledge to seek stability at equal and lower levels of strategic forces.

To recapitulate, the mutual guaranteed build-down principle is an equitable, negotiable, and verifiable approach to reducing nuclear weapons on both sides. It is intended to apply comprehensively to warheads on strategic missiles and bombers, allowing freedom to mix and using counting rules largely worked out already in SALT. It should employ ratios aimed at encouraging stabilizing deployments such as small, single-warhead ICBM's and discouraging destabilizing modernization such as MIRVed ICBMs. It should aim at reductions to a level based on the present U.S. START proposal of 5000 warheads for strategic ballistic missiles and an allowance for necessary warhead deployments on strategic bombers. The precise figure should, of course, be consistent with the President's commitment to mutual reductions to equal and lower levels. Defining a build-down proposal in these

terms would, I am convinced, hold great promise of moving the two sides toward important reductions sooner than the more complex and far-reaching negotiations required for START.

Because of my conviction that there is a desperate need for a framework combining arms reductions and weapons modernization, I linked my prospective votes on the MX missile to a number of measures, including implementation of the build-down concept. Recently, in a very thoughtful and constructive statement on the Senate floor, my colleague, Senator Leahy, said that "it would be unfortunate if the build-down became inextricably linked with a strategy intended merely to gain support for President Reagan's plan to deploy 100 MXs in vulnerable Minuteman silos." He correctly noted that this was not the intent of the sponsors.

I do not intend to permit the build-down to become a meaningless link in the process of procuring the MX missile. In this regard, without a clear and constructive formulation of a build-down proposal by the Administration, I do not intend to continue supporting the MX program. I will continue insisting that the build-down retain its intended effect of moving us toward a more stable nuclear environment. I hope to have the support of the Foreign Relations Committee in this endeavor.

QUESTIONS AND ANSWERS ON THE GUARANTEED MUTUAL BUILD-DOWN CONCEPT

IMPACT OF BUILD-DOWN

Potential inequities

1. What if the Soviets decide not to modernize under a build-down, knowing that the United States will have to reduce forces as it modernizes?

A. If so, the Soviets would then not add the thousands of new warheads which unclassified estimates project in their forces over the next decade. They would remain in a posture increasingly vulnerable to U.S. force improvements.

It is implausible that the Soviet leaders would direct their military to suspend development and deployment of—

The new Blackjack bomber.

The Typhoon submarines and SLBMs it carries.

The two new ICBMs already being tested.

To do so would be to accept a unilateral Soviet deployment freeze, while the United States continues to modernize.

Nevertheless, to hedge against this unlikely scenario, we have incorporated in the build-down proposal the suggestion of a series of progressively lower "plateaus" at which either side's build-down could hold until reached by the other side.

2. Would the build-down in fact have significant impact on Soviet forces?

A. Yes. Because the Soviets have fewer than 2,000 warheads on single-warhead missiles and only a small bomber force, their ongoing modernization programs would have to induce substantial reductions in their existing ICBM forces. For example, each Typhoon submarine added to their fleet would require elimination of 360 warheads—more than the total number of warheads on all existing Yankee-I class submarines. After the first 1,000 or so new warheads are added to the Soviet forces, they would have to begin trading off new weapons against their existing MIRVed ICBM forces.

3. Does the build-down permit the Soviets to retain a disproportionate counter force capability?

A. By permitting modernization, a build-down would enable the U.S. to diminish the Soviet counter-force advantage by moving the U.S. toward more dispersed, lower value targets—e.g. single-warhead ICBMs. Such deployments could change force exchange ratios drastically, causing the Soviets to expend two warheads for every one they attacked. Furthermore, as noted above, after the Soviets add the first 1,000 or so new warheads to their forces, they would have to begin trading off new weapons against their existing MIRVed ICBM forces.

4. Wouldn't the build-down have a major, disproportionate impact on U.S. strategic bomber programs?

A. Exactly how to deal with bomber weapons requires careful consideration. A modernization effort of the magnitude now planned for the U.S. air-launched cruise missile program could require major reductions, depending on how the build-down was applied. Reductions, however, could be accommodated under a build-down—and the Soviets would face difficult decisions as well as they deploy the ALCM-capable Blackjack bomber.

For example, assuming the Blackjack carries 20 ALCMs, under a 2 for 1 build-down ratio, deployment of only 10 Blackjacks would require retirement of the entire existing Bear and Bison force, if they chose to take the required reductions from their present bomber force. To build a significant bomber force the Soviets would have to reduce ICBM warheads by a considerable number. The United States, by contrast, has credit for 500 bombers under SALT counting rules and plans to build only about 100 new bombers in the next decade.

5. The build-down would lead to substantial reductions in U.S. SLBM and bomber levels, but it would not constrain Soviet air defenses and ASW capabilities. Isn't this destabilizing?

A. Our build-down proposal envisions a "floor" below which reductions would not continue. This floor can be set low enough to achieve significant reductions but high enough to ensure that each leg of the Triad remains viable vis-a-vis Soviet defenses. We would also note that the U.S. START proposal includes no constraints on Soviet air defense or ASW capabilities—and that it contemplates cuts in ICBM and SLBM warheads by one-third to 5,000 on each side. Since the United States would begin the process with many more strategic weapons than the Soviet Union, at no time would the U.S. be obliged to reduce its inventory below the level of the Soviets.

6. Couldn't inequities occur from utilization of SALT counting rules?

A. Each side presently has the capability to deploy greater numbers of warheads than are actually carried on its missiles. Conceivably, in the near-term, a side could get credit for destroying warheads which do not, in fact, exist. Real missiles, however, would have to be destroyed, regardless of the number of warheads they carry. And in the long run, the dynamic nature of the build-down formula would exact its full toll on the nuclear arsenals of the sides.

Overall force levels

7. What difference would a build-down make in strategic force levels?

A. Under SALT II, each side could exceed 15,000 warheads by the early 1990s. That massive expansion in permitted warhead levels was a major flaw in SALT II.

The build-down directly cures that flaw. With both the Soviet and American modernization programs expected to add several thousand warheads in the next few years, reductions required under a build-down rule would reverse that growth trend. Depending on which floor is agreed upon, the build-down could cut total warheads on both sides significantly below the levels currently anticipated or permitted under SALT II. By constraining the scale of the threat in this manner, the build-down would facilitate the task of planning a more stable military relationship. Each side can get by with fewer weapons if it is faced with fewer weapons on the other side. Only by containing the growth of forces in the near-term will it be possible to achieve the President's long-term goal of major reductions to achieve stability at equal and lower levels of forces.

8. What would be the overall impact of the build-down on the strategic nuclear arsenals of the two sides?

A. Applied in the manner in which it was intended, the build-down would place a cap on the strategic nuclear forces of the two sides. Under present trends, and in the absence of a strategic arms control agreement, the strategic arsenals of the two sides could reach well over 15,000 nuclear warheads by the early 1990s. The build-down mechanism would halt and reverse the present buildup in nuclear warheads, resulting in forces with thousands fewer warheads than the sides might otherwise deploy.

Stability

9. Doesn't the build-down permit each side to deploy modern destabilizing systems while only giving up obsolete and less effective systems?

A. It is correct that the build-down permits modernization, but only at a heavy price. If a side decides not to modernize because the toll is too high, it will, in effect, have accepted a freeze.

If a side decides to modernize, it seems evident that, with declining force levels enforced by a build-down rule, it would act in its own self interest to deploy more survivable forces and to phase out vulnerable ones. A shrinking force intrinsically enhances the premium on survivability.

For example, under a build-down agreement, the Soviets might choose to reduce the potential vulnerability of their ICBM force by deploying a new mobile ICBM. Say each mobile system had five warheads, thus requiring the dismantling of ten existing warheads. Wouldn't the Soviets almost certainly choose to meet this requirement by phasing out one SS-18 rather than two SS-19s? Similarly, for the United States' part, a build-down agreement would advance the argument for a new ICBM with one warhead in place of the MX. In short, on both sides, a build-down defined in terms of warheads would encourage the proliferation of potential aimpoints, causing each nation in its own interest to prefer deploying larger numbers of missiles with fewer warheads each.

10. What is to say that the sides would opt for more stabilizing systems under a build-down?

A. The build-down is a mechanism for reaching lowered ceilings on nuclear warheads. As newer, more survivable systems are deployed, older more vulnerable systems would be destroyed.

Ultimately, the older weapons force would be eliminated. The result would be a smaller, more survivable force, which would enhance international stability.

If a side decides to pay the price for modernization, it will have to accept an impera-

tive to optimize its smaller force by deploying weapons in a survivable mode.

In either case, a lowered agreed ceiling resulting from ongoing arms control negotiations would tend to force both sides to opt for fewer numbers of warheads on more survivable weapon systems.

11. The build-down seems to be based on an assumption that new weapons are more stabilizing than old ones and that fewer weapons are always more stabilizing. How would the build-down ensure the enhancement of stability?

A. With a requirement to eliminate two warheads for each one added, military planners will be forced to emphasize elements which enhance stability.

Threats to survivability will encourage decision-makers to opt for more survivable systems.

Requiring a two-for-one reduction in warheads would ultimately discourage deployment of systems with large numbers of reentry vehicles. It would required, at the same time, elimination of older, more vulnerable systems.

We believe that the requirements of the build-down concept would lead the sides to modernize in ways that would enhance stability.

The build-down concept does not assume that "fewer weapons are always more stabilizing." It assumes that fewer systems with characteristics that enhance stability are better.

We would emphasize that the build-down concept deals with warheads. Focusing on warheads ensures real reductions while encouraging deployment of survivable systems.

Qualitative impact

12. Does the build-down exclude other types of qualitative restraints on each side's strategic modernization options?

A. Not at all: The build-down concept should include continued observance of such SALT II provisions as (a) the ban on deployment of new heavy ICBMs, (b) a ban on increasing ICBM and SLBM warhead fractionation beyond those levels specified in the treaty, and (c) the sub-limits on total numbers of MIRVed ballistic missiles.

BUILD-DOWN AND START

13. What is the relationship between build-down and START?

A. The build-down concept should be looked upon as a complement to, but not a substitute for START. The build-down aims solely at achieving meaningful and rapid reductions in U.S. and Soviet forces while permitting those types of weapons modernization programs which enhance stability. It should not be structured to attempt to achieve the more complicated, longer-term objectives of START.

Build-down is compatible with—and, indeed complementary to—the START objectives of achieving reductions and enhancing incentives to move toward stablizing systems. However, it is not intended to achieve the broader and more complex objectives of START and should not be woven into the START negotiations.

The build-down could be negotiated in much the way the Administration is handling confidence building measures. Discussion of build-down could be conducted by a U.S.-Soviet working group in Geneva, reporting to START delegations and governments. These would not interfere with START deliberations.

When work is completed, the build-down agreement would be reviewed and passed on to governments for ratification. It would then serve as an interim measure while negotiations proceeded on the broader, more complex START agreement.

14. Would't the build-down be inconsistent with U.S. efforts to get limits on the most destabilizing systems first?

A. While not legislating a restructuring of either side's forces, the build-down would encourage force structure decisions which would enhance stability. For example, improved U.S. counterforce capabilities at lower warhead levels should encourage the Soviet Union to move away from its reliance on large MIRVed ICBMs.

15. Is the build-down compatible with reduction ceilings presently in the U.S. START position?

A. President Reagan has already proposed a cut in ICBM and SLBM warheads to 5,000 on each side. The build-down floor might include that number plus a suitable allowance for warheads ascribed to other strategic launchers, remembering that within the overall total, and subject to counting rules and ratios, each side would be free to allocate its warheads to ballistic missiles or air-breathing systems, as it deemed best.

16. Could a build-down agreement be implemented before a START accord was reached?

A. Yes. We believe that the U.S. and USSR should establish a START working group to negotiate a build-down agreement. In effect, the two sides would be deciding rules to govern each side's modernization during the period in which START is negotiated. We have already proposed a similar approach in START with respect to Confidence Building Measures (CBMs). The U.S. has proposed that the two sides establish a CBM working group and indicated that any accord on CBM could be put into force as soon as it was agreed, even if no agreement had been reached on an overall START treaty.

17. Why should the U.S. propose that modernization be subject to limitations while START is conducted? Aren't we in a stronger position if we can threaten the Soviets with an unrestricted buildup?

A. The U.S. and USSR have already agreed, informally, to a modernization rule while START proceeds: each side has pledged not to take actions that would undercut SALT as long as the other shows the same restraint. The Administration has testified repeatedly that this policy of "interim restraint" enhances the prospects for success in START. The build-down would carry the interim restraint understanding one step further and—unlike SALT II—provide for real reductions now, which may be essential if public support for U.S. modernization programs is to be sustained.

18. Wouldn't the build-down take as long as START to negotiate and thus get in the way of START or set it back for years?

A. No. The build-down incorporates much of what was laboriously negotiated in SALT and could thus be negotiated much quicker than START. Moreover, the build-down does not presume to take on as ambitious an agenda as START. At the same time, though, the build-down would complement START by moving us in the direction that we already know we want to arrive at if START succeeds. The build-down and START are entirely complementary. Negotiating the build-down via a START working group would further ensure that the two discussions did not get at cross purposes.

Negotiability

19. Why should the build-down be negotiable?

A. Both sides have a stake in curtailing growth in the other side's forces and in maintaining reasonable flexibility to shape their own force postures. The build-down serves both interests and also enables each side to plan its forces against a shrinking force level by the other side instead of anticipating a larger threat.

By contrast, with elaborate and comprehensive START negotiations to define most features of the two sides' strategic posture, the relative simplicity of the build-down concept is illustrated in President Reagan's letter to build-down sponsors in the Senate.

In order to negotiate a build-down, the two governments need only determine:

(1) What is the force base to which the rule applies? (The SALT II data base would need only slight updating.)

(2) What ratio(s) are acceptable in establishing the relationship between newly deployed warheads and those to be eliminated from operational inventories, e.g. 1 new warhead for 2 existing ones, perhaps varied to 1:1.5 for single-warhead ICBMs and 1:3 for new MIRVed ICBMs.

(3) What counting rules apply to specific delivery systems? (SALT II provides appropriate counting rules for ICBMs and SLBMs, and a suggested basis for a strategic bomber counting rule of perhaps 20 for new ALCM-capable heavy bombers.)

(4) To what equal and lower level of warheads should the build-down rule apply? (President Reagan has already proposed a cut in ICBM and SLBM warheads to 5,000 on each side. The build-down floor might include that number plus a suitable allowance for warheads ascribed to strategic launchers, remembering that within the overall total each side would be free to allocate its warheads to ballistic missiles or air-breathing systems, as it deemed best.)

VERIFICATION

20. How would you verify a build-down?

A. Essentially in the same way as previous and prospective agreements:

(a) Primary reliance on national technical means;

(b) Counting rules previously negotiated for missiles, supplemented by appropriate rules for bombers, which associate a set number of warheads with each strategic launcher;

(c) Associated measures to facilitate verification e.g. prohibition on interference with national technical means;

(d) An agreed data base.

21. But how do you know that a warhead has been removed?

A. Each side will get credit for removing a specified number of warheads only when it has dismantled the launcher with which those warheads are associated. Detailed procedures which permit verification of dismantling have been negotiated in the SCC.

22. Could warheads be stored covertly?

A. Yes. The agreement pertains only to operational warheads. But stored warheads are not any good without their launchers. And a build-down agreement, like the SALT and START agreements, could have provisions to protect against rapid reloads of existing launchers. Also, procedures have been proposed by Admiral Noel Gaylor and others which would make possible the verification of warhead destruction. Such procedures could be negotiated along with a build-down agreement, or as a follow-up

accord to strengthen confidence in the process.

23. What kinds of warhead deployment would "trigger" the build-down rule? In other words, what is a "new" warhead?

A. Under the build-down, existing types of ICBMs and SLBMs are assumed to have the number of warheads assigned them in the SALT II Treaty. For example, a Soviet SS-18 has ten warheads, a U.S. Poseidon SLBM has fourteen. If either side replaces an existing type of missile which has been configured with fewer warheads than that assigned by the SALT II counting rule (e.g., an SS-18 with one RV) with the same type missile containing a higher number of warheads (e.g., an SS-18 with 10 RVs), then the build-down would not be triggered since both sides are already assuming that all missiles of that type have the maximum number of warheads permitted under SALT II. The build-down also assumes that the SALT II fractionation limits would continue to be observed. Thus, neither side could exceed the maximum RV loadings specified for each missile type in SALT II.

If either side deploys a "new type" ICBM (such as the MX or the SS-X-24), then it is assumed to carry the maximum number of warheads assigned it by SALT II and twice as many warheads must be dismantled from existing weapons under the build-down. For example, the MX and SS-X-24 are assumed under SALT II to carry 10 RVs and twenty RVs would have to be dismantled for each missile deployed.

If additional, permitted launchers of an existing type of missile are deployed, the build-down mechanism would be triggered.

24. What would happen if the Soviets claimed that a particular missile was not a "new type" but rather a variant of an existing type that fell within the modification limits spelled out in SALT II? Specifically, how would the build-down handle the Soviets' PL-5, which U.S. intelligence suspects is a "new type" though the Soviets insist it is a permissible variant of the SS-13?

A. The U.S. must decide whether the PL-5 is or is not a "new type" ICBM whether or not we have the build-down since both sides are committed to observing SALT II. If the PL-5 is, in our opinion, a "new type" then the Soviets have violated the SALT II provision permitting only one such missile (they have indicated that the SS-X-24 is their one "new type" ICBM). If the build-down were in place and the U.S. decided that the PL-5 was a "new type" ICBM, then the Soviets would have to dismantle two RVs for each PL5 deployed. If they refused, then the build-down agreement could be abrogated by the U.S.

CONSTRUCTING A BUILD-DOWN PROPOSAL

25. Would the build-down count deployed warheads or would it utilize a concept of accountable warheads?

A. The build-down would count warheads in much the same way as in the SALT II Treaty. SALT II provides appropriate counting rules for ICBMs and SLBMs, which associate a set number of warheads with each strategic ballistic missile launcher. It also provides a suggested basis for a strategic bomber counting rule of perhaps 20 for new ALCM-capable heavy bombers.

26. How would the sides establish the base from which the build-down would begin?

A. The build-down would proceed from an agreed data base. The SALT II data base would need only slight updating to be applicable to a build-down.

27. Must a two-for-one formula be used?

A. If applied in the spirit in which the build-down concept was developed, variable ratios could enhance achievement of a more stable nuclear environment. For example, one might consider establishing a 3-for-1 ratio for newly deployed warheads on MIRVed ICBMs to discourage their deployment, and a 1½-for-1 ratio for newly deployed warheads on single-warhead ICBMs to encourage their deployment. We would caution that deviation from the 2-for-1 ratio would have to be formulated to be consistent with the objectives of the build-down concept, which requires negotiability to be successful and real reductions to be meaningful. We would consider inconsistent, for example, a formula which was crafted to require a radical restructuring of Soviet forces but which had little real effect on U.S. forces. To achieve true stability, each side must be satisfied that its force are, and will remain secure.

28. What systems would be covered under a build-down?

A. To be workable and negotiable, the build-down concept must be applied comprehensively. We have been assured by Administration officials that the build-down would be proposed in this comprehensive form.

29. Must the formula be applied only within categories of weapon systems?

A. No. Freedom to mix must be permitted in applying the build-down principle. To assure negotiability of the build-down principle, each side should be free to deploy its new warheads on launchers of its own choosing and to retire older warheads on launchers of its own choosing, subject to such previously negotiated strategic arms restraints as the overall ceiling on strategic delivery vehicles and relevant sub-limits on MIRVed missiles.

BUILD-DOWN AND SALT II

30. How does the build-down relate to SALT II?

A. The mutual build-down would preserve and extend the positive features of SALT II while correcting a number of its weaknesses. While many SALT II proponents have come to favor the more ambitious goals of a nuclear freeze, they should recognize that the build-down is a substantial improvement over the unratified treaty. It assumes retention of the SALT II launcher limits, verification provisions, fractionation and cruise missile limits, counting rules and related provisions. Thus, the build-down is fairly compared not to the far-reaching, albeit differing proposals advanced by freeze advocates or the Administration's START proposals, but to the more modest achievements of SALT II. In that comparison it is clear that the build-down would impose far more stringent constraints than SALT II:

(1) regulating modernization by setting a high price for it in terms of reductions,

(2) preventing the anticipated growth of warhead inventories under that accord,

(3) creating pressures to move ahead from continued reliance on MIRVed ICBMs.

Both those who favored SALT II and those who opposed it as inadequate should welcome these improvements.

Mr. COHEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I am advised that the Committee on Appropriations has orderd to be reported two more appropriation bills, the legislative appropriations bill and the agriculture appropriations bill. I congratulate the committee for their prompt action this afternoon. I think that action vindicates the efforts of the Senate to refrain from any other activity on the floor so that they would have an opportunity to do that. I thank the chairman and the ranking minority member and all members of the committee for offering us these opportunities.

Mr. President, it is clear, however, that Members have not yet had an opportunity to see the work product of the committee. There will be reports. I expect that Members of the Senate will want to read those reports before they proceed to consideration of either or both of those bills. Therefore, I shall make no effort tonight to seek wavier of the 3-day rule or to make a formal provision for the consideration of either bill. I do say, however, that the leadership on this side hopes that we shall be in a position to go to the first of these two bills, the legislative appropriations bill, at a fairly early hour tomorrow. I shall see, to the extent that I am able to do so, that the Appropriations Committee supplies typed or Xeroxed copies of their report to Senators so they may acquaint themselves with the contents of the bill before any such request is made tomorrow.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BAKER. I ask unanimous consent, Mr. President, that tomorrow, after the recognition of the two leaders under the standing order, any time remaining before the hour of 10:30 a.m. be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, tomorrow, at 10:30 a.m. or thereabouts, it is my hope that we shall be able to go to the legislative appropriations bill. I dare even to hope that we may be able to go to the agriculture appropriations bill tomorrow and even to finish both of them. If the Senate continues to work in the efficient and prompt manner which they have on the energy and water appropriations bill and the HUD appropriations bill, we may, in fact, do that. But, Mr. President, we have another important matter that is hurtling down on us.

I also hope that if the House sends us the conference report on the budget tomorrow, we may be able to lay down the budget conference report on Thursday as well.

Mr. President, it will be the hope of the leadership that we can finish both those appropriation bills and the conference report by Friday. I would even dare to hope that we could arrange matters so we could finish the budget conference report fairly early on Friday. I know there are many Members who have pressing commitments away from the city and they would like to get away. I would like to arrange that. So I renew my inquiry of the minority leader of earlier today, if there is some possibility that we might either get a time certain for the consideration and passage of the budget conference report or some sort of reduction of the time allowed by the statute on that conference report.

Mr. BYRD. If the House would get the budget conference report over here on Thursday—and I have not talked with the House leadership—it is conceivable that we could dispose of that matter Thursday evening by staying in relatively late. All Senators are aware that the majority leader always has left open the possibility or probability of a lengthy Thursday.

Mr. BAKER. Yes.

Mr. BYRD. And they might prefer that to a vote on Friday.

Mr. BAKER. Mr. President, I am sure open to a deal. I say in all seriousness to the minority leader that if we get that on Thursday and if there is any reasonable prospect of doing it Thursday and Thursday evening, I would be very happy, indeed, to ask the Senate to remain in and attempt to do that.

Mr. BYRD. We will certainly do what we can. We may run into some problems as to Friday votes on that item in particular. So I make no promises now except that I will do the best I can and keep the majority leader informed.

Mr. BAKER. Good. Very well.

Mr. President, I think we have a good agenda laid out. I join the minority leader in hoping that we can finish Thursday evening. I think that would be better than on Friday—if the House gets it to us in time. But I am advised on our side that the likelihood exists the conference report will be here late afternoon on Thursday so we may be able to do it.

Mr. President, to review briefly then, when the Senate convenes tomorrow, we will make an effort to reach the legislative appropriation bill around 10 a.m. This has not been cleared and has not been ordered. But it we can arrange for Members to examine the bill as reported and the report to accompany it, I would hope that Senators would agree that we could go to that appropriation bill tomorrow morning.

I would hope as well that we could get to the agriculture appropriations bill tomorrow and still have time remaining to take up and perhaps finish the conference report on the budget.

Mr. BYRD. The majority leader knows how important it is to waive the 3-day rule, and it may be that while he is majority leader we could do away with that rule because there will come a time when the control would again shift to this side and I would like to see that rule perhaps waived. Maybe not.

Mr. BAKER. I used to always oppose any diminution of our rights under the 3-day rule, but the longer I stand in this place and occupy the position of responsibility as majority leader the nearer I get to the opinion so long held by the minority leader on that subject.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I do not have anything else. I do not see any other Senator seeking recognition. Therefore, I now move, in accordance with the order previously entered, the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and at 4:03 p.m., the Senate recessed until Thursday, June 23, 1983, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 22, 1983:

DEPARTMENT OF JUSTICE

Lois H. Herrington, of California, to be an assistant attorney general.

THE JUDICIARY

Leonard D. Wexler, of New York, to be U.S. district judge for the eastern district of New York.

Charles E. Clapp II, of Rhode Island, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office.

Gene Carter, of Maine, to be U.S. district judge for the district of Maine.

HOUSE OF REPRESENTATIVES—*Wednesday, June 22, 1983*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Wednesday, June 22, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Reverend Lacy South, North End Baptist Church, Beaumont, Tex., offered the following prayer:

Our most gracious Heavenly Father, it is by the blood of Jesus and on the grounds of Calvary that we come to You today.

We thank You, Father, for this great Nation of choice and freedom—America. We pray that as a nation we would always continue to turn to You. You have blessed us so richly—and for that we are most grateful.

We pray for the time when all the world will know You and know peace with You and with each other.

Today, Oh Lord, we call upon You to give Your wisdom and guidance to the leaders of our Nation. Give them counsel and may they seek Your will and Your way for all of those they represent.

In the name of our Savior, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3133. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3133) entitled "An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes," disagreed to by the House; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATFIELD, Mr. GARN, Mr. WEICKER, Mr. LAXALT, Mr. D'AMATO, Mr. ABDNOR, Mr. HUDDLESTON, Mr. STENNIS, Mr. PROXMIRE, Mr. LEAHY, and Mr. SASSER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 336. An act to increase the penalties for violations of the Taft-Hartley Act, to prohibit persons, upon their convictions of certain crimes, from holding offices in or certain positions related to labor organizations and employee benefit plans, and to clarify certain responsibilities of the Department of Labor.

REV. LACY SOUTH, GUEST CHAPLAIN

(Mr. BROOKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOKS. Mr. Speaker, it is a distinct privilege and a very great honor to introduce to the Members of this Chamber, Rev. Lacy South, one of the outstanding young ministers of the Ninth Congressional District of Texas.

The very moving words and thoughtful message of Reverend South's opening prayer will serve as an inspiration to all of us as we deal with the difficult issues and problems confronting us today.

I also want to extend a welcome to Reverend South's lovely wife, Judy, and his two fine children, Angie and Brent, who are with us today.

Reverend South was raised and ordained a Baptist minister in Big Spring, Tex. He received his theological training at the Southwestern Baptist Theological Seminary in Fort Worth, Tex.

Before coming to Beaumont, Tex., Reverend South had already established an outstanding record of service to Baptist congregations in Pensacola, Fla., and Athens, Tex. He is currently minister of education and administration at Beaumont's North End Baptist Church. As such, he presides over one of the fastest growing Sunday school programs in our State.

He is a man who has my greatest respect and the support and love of everyone with whom he works. In ministering to the spiritual needs of the people of Beaumont, his calling is blessed and his congregation depends upon his wisdom and understanding for guidance in their daily lives.

His work each day adds immeasurably to the spiritual fabric of the city of Beaumont and all of us are proud of him.

SMALL BUSINESS AND THE EXIMBANK

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, as you know, I have recently been trying to make some changes in how the Export-Import Bank treats the concerns of our Nation's small businesses. In that regard, I have attempted to review some performance information about the Bank. When trying to obtain a copy of the Bank's 1982 annual report, my staff was told that it was "still in the works."

The Eximbank's 1982 year ended last September 30 and here it is June 22, 1983, and their annual report is "still in the works." I have to wonder what they have been doing all this time.

Let me be very candid. I am concerned that the Eximbank's activities are not in keeping with its mandate. For a Bank that has been created and enjoined to reach the entire American business community, I cannot see that it is doing so.

And furthermore, for a Bank that has a budget of $40 billion, I am amazed that 8½ months after the end of their 1982 year, their annual report is "still in the works."

Mr. Speaker, I think it is our duty in the Congress to see that our Federal mandates are adhered to. And I intend to see to it that the Export-Import Bank adheres to theirs. I welcome the support of any of my colleagues who care to join me in the battle.

A CAP ON THE TAX CUT

(Mr. ALEXANDER asked and was given permission to address the House

for 1 minute, and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, the President has argued recently that the bill to be considered tomorrow by the House to cap the tax cut will create chaos in the economy when we are trying to build stability.

Mr. Speaker, this is nonsense. It is only the classic economic theology of Reaganomics which suggests that runaway deficits bring about economic stability. Beginning in August, the Treasury will be required to borrow about $2.5 billion each month to finance the third year of the President's tax cut. We just cannot afford this raid on the Treasury. Most Americans would rather see us hold down the monstrous deficits than finance a tax giveaway for the wealthy this Nation can ill afford.

Mr. Speaker, tomorrow, the House will have an opportunity to take a stand on deficit spending. I hope the Members will vote to cap this tax cut and impose some measure of spending discipline on this administration.

PERMISSION FOR SUBCOMMITTEE ON ENVIRONMENT, ENERGY, AND NATURAL RESOURCES OF THE COMMITTEE ON GOVERNMENT OPERATIONS TO SIT TODAY DURING 5-MINUTE RULE

Mrs. BOXER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations be permitted to sit today while the House is operating under the 5-minute rule.

This request, Mr. Speaker, has been cleared through the minority leadership of the committee.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

Mr. McCANDLESS. Mr. Speaker, reserving the right to object, I wonder if this has been cleared with the minority?

Mrs. BOXER. Mr. Speaker, will the gentleman yield?

Mr. McCANDLESS. I yield to the gentlewoman from California.

Mrs. BOXER. As I stated, Mr. Speaker; yes, the minority has agreed to this request.

Mr. McCANDLESS. Mr. Speaker, I thank the gentlewoman from California, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

ADMINISTRATION'S MEDICARE REFORM PROPOSAL HITS THE ELDERLY

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, here we go again. Another administration-appointed Commission wants to accomplish reform of a major program on the backs of senior citizens.

This time it is the medicare program. According to this morning's Washington Post, the Social Security Advisory Council will recommend a major medicare reform proposal which will have as its centerpiece a tremendous increase in the monthly premiums which the elderly must pay.

Specifically, the part B premium could skyrocket from the current $146.40 a year to $420.90. The Council says this will lead to expanded benefit coverage and an end to "medigap" policies. However, almost 35 percent of seniors do not have medigap policies, yet all seniors, regardless of income, would be required to pay these premium increases.

This trial balloon, if it is that, should be shot down before it leaves the ground. If we are honest about medicare reform, then let us go after the health care providers, the true culprits behind medicare's dangerous deficits. If the administration can only accomplish medicare reform by increasing economic suffering among the elderly, then let Congress take the lead and accomplish medicare reform through protecting, not pulverizing our Nation's elderly.

APPOINTMENT OF CONFEREES ON H.R. 3133, HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION, 1984

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3133) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and, without objection, appoints the following conferees: Messrs. BOLAND, TRAXLER, and STOKES, Mrs. BOGGS, and Messrs. SABO, BONER of Tennessee, WHITTEN, GREEN, COUGHLIN, LEWIS of California, and CONTE.

There was no objection.

THE GROWING GAP BETWEEN RICH AND POOR

(Mr. WATKINS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, there is a great debate concerning what the economy is doing to this country, and there is a great debate about the divisions that are occurring.

Mr. Speaker, I think that the women of this country have a legitimate concern about the gender gap, but let me mention that there is a bold-faced fact of ever a greater gap, and that is the gap that has been created between the rich and the poor of this country. All the economic facts point to the reality that between the wealthy and the less fortunate the gap has increased.

It seems that the attitude of this administration has been that we cannot afford to do for the least or less fortunate of these brothers, my brethren, but we can afford anything for those who are wealthy.

The fairness issue is something that deeply bothers me. It deeply concerns me that we can afford to borrow the money to give a tax cut to the wealthy, but this administration says, "we cannot afford adequate health care and nutrition programs for our elderly and children." Something is wrong and not fair when the administration says, "we cannot afford the funds for education but, we can take from the Treasury by granting a tuition tax cut to the wealthy."

This concerns all Americans, and it widens that gap that affects all Americans. I think this is a concern that is prevalent on the minds of the people across this Nation. They are concerned that we try to provide fairness and equity to the people that we serve.

Mr. Speaker, I would like to state that I hope this administration will try to address this problem. If not, I hope the people of America become alarmed to the extent that they insist that this division be narrowed not widened. It is a must if we are going to survive with a strong democracy in America.

□ 1015

THE FEDERAL DEFICIT

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, whenever I am at home the one question I hear most often is, "When are you going to do something about the Federal deficit?" Some people refer to it as "Reagan's deficit."

Realistically we know that to bring down the deficit we have to do two

things: First, reduce spending; and second, postpone or cancel tax cuts.

For this reason I strongly support H.R. 1183, which puts a cap on the tax cut scheduled for July 1. The cap is $720 for joint returns and $637 for single returns. Approval of this bill will result in a deficit reduction of $6 billion a year.

The cap will affect only 10 percent of all taxpayers; 89 percent of the additional revenue resulting from it will come from taxpayers making over $50,000 a year—the group that benefited most handsomely from the 1981 tax act.

Under H.R. 1183 a married couple with two children would have no cap unless their adjusted gross income was above $46,500. A single person would have no cap unless the individual's gross income was above $35,700.

When my constituents ask me, "When are you going to do something about the Federal deficit," I want to be able to say, "We made a start—a $6 billion reduction—by passing H.R. 1183.

TAX CAP DESIGNED FOR FAIRNESS

(Mrs. HALL of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks).

Mrs. HALL of Indiana. Mr. Speaker, the $700 tax cap is designed for fairness. For too long the tax breaks have been for the highly affluent. For too long have they received the advantage through loopholes and omissions. For too long have these advantages been lost to the middle- and lower-income families, which make up the backbone of this Nation.

The time has come for our progressive tax system to exhibit the fairness that has been its purpose since its inception. Now, we can take a bold step and say that the Reagan administration's tax cuts are going to be to everyone's advantage, instead of a select few. The $700 tax cap will limit tax receipts and generate for the Nation an impressive sum that, with time, will benefit us all.

Support of this bill will show many in this country where we stand when we speak of fairness.

SALA BURTON WINS SPECIAL ELECTION

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WRIGHT. Mr. Speaker, I take this time to announce to the House the results of yesterday's special election in California called to fill the vacancy created by the untimely death of our late colleague, Phil Burton. In that election Mr. Burton's widow, Sala Burton, a friend of most of us, known to all of us, was elected overwhelmingly in a large field of candidates of both political parties. She received 55 percent of the total vote.

I know that all of us look forward to welcoming Mrs. Burton as a Member of this body.

CAPPING THE THIRD YEAR TAX CUT

(Mr. GUARINI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUARINI. Mr. Speaker, tomorrow, the House will consider H.R. 1183, my bill to cap the third year of the tax cut at $700.

It is extremely important that we make an effort to reduce the enormous deficits which are now confronting the Congress and the country, a view which is shared by leading financial institutions.

Just last week, the Bank for International Settlements, in Basel, Switzerland "the central bank of central banks," if you will, in its annual report, called upon the United States to set its house in order to avoid a worldwide economic collapse. In language which is direct and unambiguous, the BIS called high U.S. interest rates "damaging" to the world economic situation and stated that responsibility for lowering these rates "clearly falls on the U.S. authorities and squarely on the shoulders of those in charge of fiscal policy."

The emphasis of the BIS report is not on a solution 2 years down the road as advocated by the administration. The BIS has called for action now, before the fragile U.S. economic recovery falters and before there is a second wave of crises among Third World debtor nations.

I therefore urge my colleagues to support H.R. 1183 which will reduce the Federal deficit by $38 billion over the next 5 years.

NEW 5-CENT STAMP HONORING LATE PEARL BUCK

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, this week the U.S. Postal Service will issue a 5-cent stamp in the Great American Series as a memorial to the life and works of the late Pearl Buck. This stamp will honor a distinguished woman who made a remarkable contribution to life in America and the world.

Pearl Buck was a native daughter of West Virginia born in Hillsboro, and we are proud of this legendary author and humanitarian. She authored over 100 books which included 65 bestsellers. She is the only American woman to receive both the Nobel Prize for Literature and the Pulitzer Prize. Her writings have won universal approval, for her books have been printed in 59 foreign languages.

Her humanitarian efforts in America have a very close connection with her writings. Her books involve the readers in the vital problems of our century. She gave her time and efforts to the causes of race relations, women's rights, handicapped and neglected children, and treatment of orphans. She also helped to bring about a greater understanding among the various nations and cultures of the world, and helped to promote the brotherhood of mankind.

Dr. Paul A. Doyle, a literary critic and author of a book length study of Ms. Buck and her writings, sums up her contributions to literature:

> Judged by her standards—to please and amuse, to relate a captivating story, and to deal with significant problems—Ms. Buck must be granted considerable success.

Mr. Speaker, we are proud of this distinguished West Virginian.

THE LATE DIAL TORGERSEN, DISTINGUISHED JOURNALIST

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, within the past hour I have learned of perhaps the most recent of the tragic deaths in the conflict that rages through Central America. I have just with great sorrow learned of the death of a very distinguished journalist for the Los Angeles Times, Dial Torgersen.

I wanted to take 1 moment to address the House simply to pay tribute to this courageous and talented journalist.

My wife, Jan, and I had the privilege of meeting with Dial Torgersen when he was on duty for the Los Angeles Times in Jerusalem. We found him to be one of the more sensitive and thoughtful people with whom we have had the privilege of discussing difficult issues.

We have regularly read his newspaper reports and have always found them insightful and educational.

Mr. Torgersen's death will be a great loss for those who read the Los Angeles Times and for all Americans who care about receiving a thoughtful, accurate, and penetrating analysis of the news.

It is with great sadness that I offer this tribute to Dial Torgersen—unfortunately posthumously.

TERMINAL ACNE: 1984 BUDGET

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, June 21 is a day of infamy for the American people and the Federal budget process. On that date, the conference report to the 1984 Federal budget was filed. If a $170 billion deficit is not bad enough, our friends in the majority have waiting in the wings some $9 billion worth of additional pet projects. Perhaps, the majority has not heard that a recovery is underway.

This is a budget of infamy for Federal workers. Some 67 percent of the 1984 reconciliation savings come from Federal pay and retirement. One would think that the majority would not turn its back on that constituency. One would hope that across-the-board cuts would be adopted as the fairest way to reduce spending.

Yesterday, this House was told that a $2 million authorization was only a pimple on an elephant's carcass. If that is so, then the 1984 Federal budget has a case of terminal acne.

BALANCING THE RECORD—CREDIT TO REAGANOMICS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I, too, want to begin by saying, "Here we go again." We saw a parade of legislators take the podium here today and decry what they considered the bad effect of Reaganomics. If they are to blame Reaganomics for high deficits, then to balance the sheet, to balance the record, they must give credit to Reaganomics for cutting taxes, for reducing spending, for bringing down interest rates, which in fact have come down in the last 2½ years, for a gross national product that is going steadily upward, for working wages that have gone up in the last 6 months, for unemployment having gone down and for a litany of good economic news, that when one begins to blame Reaganomics for deficits, in order to be fair about it, to bring about a fairness doctrine in this debate, to be fair again, I say you must give credit to Reaganomics for the good economic news that is read almost every day in the headlines in every major newspaper in the country.

DEFICIT REDUCTION

(Mr. BADHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADHAM. Mr. Speaker, as I entered the Chamber this morning, I thought it was rather a strange coincidence that most of the Members on the other side of the aisle, the far left looking forward, were talking about one thing: Deficit reduction.

I think that is amazing, because every appropriation bill that will come to this floor is going to be above the President's budget, with the possible exception of our national defense. Then, it came to my attention that there was a letter written to all "my dear Democratic colleagues" by the gentleman from Arkansas, the chief deputy majority whip. The letter stated:

> All Democrats are invited to join me in a series of 1 minute speeches on Tuesday, Wednesday, and Thursday of this week on this question. The thrust of these remarks should focus generally on the issues of fairness and deficit reduction.

So it is easy to see this was carefully orchestrated. Some dance to a different drummer; others jerk to a different string that is pulled.

BAHA'I HOLOCAUST MUST BE STOPPED

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the members of the Congressional Human Rights Caucus and all who believe in basic human rights are sickened by Iran's recent execution of 16 members of the Baha'i faith, including 10 women. We praise President Reagan's plea for clemency to the Ayatollah Khomeini last month yet are saddened that not even an appeal from the President could prevent this inhumane slaughter.

A crime of such unrestrained ferocity must evoke the indignation of the world. How ironic it is that a creed such as the Baha'is, which abhors violence, promotes the equality of men and women, and favors universal peace has witnessed at least 150 of its leaders hanged and shot by the Khomeini government.

In his statement upon sentencing these latest 16 to death, the Iranian judge declared, "Before it is too late, the Baha'is should recant Baha'ism." We say that before it is too late, the Iranian Government should be condemned for these acts of barbarism, and all nations which cherish humanitarian principles should apply the strongest pressures to end this latest holocaust.

THE $700 TAX CAP FAIR TO MIDDLE-INCOME AMERICANS

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARPER. Mr. Speaker, Martin Feldstein, Chairman of the President's Council of Economic Advisers, recently said that—

> There is an agreement between the Administration and most Members of Congress about the "fundamentals": projected future budget deficits must be reduced, clear assurances of declining deficits must be provided now, and additional tax revenue must be part of the solution.

This week, House and Senate conferees agreed on a compromise budget resolution designed to reduce future budget deficits, in part, by modestly increasing taxes next year.

I know the President has demanded that we wait until after the 1984 elections to impose new income and energy taxes; however, faced with $200 billion deficits now, I do not believe we have the luxury of waiting that long.

The $700 tax cap proposal is not a perfect one, but neither are any of the other revenue raising measures that we will consider this year and next. Despite its imperfections, the cap will not stifle the budding economic recovery. It is imminently more fair to middle-income Americans than canceling the third year of the tax cut or pursuing policies that keep real interest rates at their current record levels. Finally, it is more achievable at this time than the major overhaul of our tax structure that some of us would prefer, and I urge its adoption as one component of a broad fiscal strategy, which must include spending restraint, if we are to begin reducing America's deficits.

□ 1030

CAPPING THIRD YEAR OF THE TAX CUT

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, tomorrow we will have a debate on whether we should scale down the projected tax cut for the richest Americans as a way of controlling the deficit. As Members begin to consider this issue, I think there are several basic questions they ought to consider.

The first is whether deficits matter at all. If they do, then we have a shared responsibility to try to pare them in any way possible. We have passed a budget that cuts expenditures. There was not even an alternative budget offered here with lower spending levels suggested. Any budget we finally pass will call for revenue increases.

The second question is where this revenue should come from. Some cynics will say that we are supporting the tax cap because it only limits tax cuts for the rich and that is where the money is. There is some truth to that.

But the real reason for this focus is a realization that people whose income

exceeds $50,000 have gotten a big tax cut in the past 2 years while those whose income is below $30,000 have been hit with tax increases, largely because of social security tax increases and inflation.

Does it make more sense to tax those who have seen their burden drop over the past 2 years instead of those who have been paying a steadily rising tax bill? I think it does and that is why I strongly support the $700 cap as one part of the revenue factor in the 1984 budget.

If my colleagues believe that deficits do matter and that the additional burden should be concentrated on those who have gotten the biggest break, then it appears to me there is no other choice.

THIRD YEAR TAX CUT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, let us be perfectly clear about what is going on. While many people have chastised the Democrats for a spend-spend/tax-tax policy, let us confront what this administration's policy is, spend-spend/borrow-borrow.

We are spending and borrowing, and that certainly is worse than spending and taxing. No one likes either one. No one in the country ever feels they make enough money. No one ever likes having a tax cut capped, including myself, and including all of us around here.

But let us take our thoughts off the sand in our shoe; that is, capping the tax cut and look ahead at the horizon. What is on the horizon but incredible deficits. If we cannot see them we are terribly nearsighted.

Those deficits are going to crush all of us, small businessmen and the middle class in particular in the years ahead if we do not start to do something about it. Capping the tax cut, as unpleasant as it is, is a way to begin.

So while the temptation is to say no, we will not tolerate capping our tax cut, we must not yield to that short-term strategy because long term we will be harmed. If we do not keep our eye on the horizon where the huge crushing deficits are looming, we will put this whole country, its recovery, and the economy in great jeopardy.

CONGRATULATIONS TO SALA BURTON AS NEWLY ELECTED DEMOCRATIC MEMBER OF THE HOUSE

(Mr. COELHO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COELHO. Mr. Speaker, all of us on our side of the aisle are very pleased with yesterday's election and the addition to the House of Mrs. SALA BURTON. She had a tremendous victory and we are all pleased about it.

She will now become a new Member next week and, in addition, a new member of the Women's Caucus, and I know that they are particularly pleased as well.

For the membership of the House, I think that they would also like to join me in expressing to SALA not only our congratulations but also our condolences for the death of her father this past Saturday. SALA has had a tremendous amount of sorrow over the last few months and I know she appreciates our support in both her moments of sorrow and joy.

WAIVING POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3329, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 238 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 238

Resolved, That all points of order against the consideration of the bill (H.R. 3329) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes, for failure to comply with the provisions of section 303(a)(1) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. During the consideration of the bill, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2, rule XXI are hereby waived: beginning on page 4, lines 14 through 17; beginning on page 5, lines 1 through 5; beginning on page 7, line 17 through page 8, line 15; beginning on page 10, lines 1 through 20; beginning on page 12, lines 9 through 24; beginning on page 14, line 13 through page 17, line 3; beginning on page 19, line 13 through page 21, line 22; beginning on page 22, line 19 through page 24, line 10; beginning on page 27, lines 3 through 18; beginning on page 30, lines 2 through 18; and beginning on page 32, line 10 through page 34, line 14; and all points of order against the following provisions in the bill for failure to comply with the provisions of clause 6, rule XXI are hereby waived: beginning on page 7, line 17 through page 8, line 15; beginning on page 19, line 13 through page 20, line 24; beginning on page 21, lines 1 through 22; beginning on page 25, line 21 through page 26, line 2; and beginning on page 34, lines 4 through 14.

The SPEAKER pro tempore (Mr McHUGH). The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), and pending that I yield myself such time as I may use.

Mr. Speaker, the resolution waives certain points of order against the consideration of the bill (H.R. 3329), the transportation appropriation.

The rule waives points of order under section 303(a)(1) of the Budget Act which prohibits action on appropriation matters pending adoption of the first concurrent resolution on the budget for the fiscal year.

Under the terms of the act, the concurrent resolution is supposed to be reported from the Budget Committees by April 15 and action on a conference report completed by May 15. The House Committee actually beat its deadline by 3 weeks.

The Senate, however, was unable to pass a resolution until 4 days after the date by which a conference report is supposed to be acted on.

A conference report on the resolution is now pending floor action. However, the Committee on Appropriations faces a schedule which requires final action on their bills within a period in which Congress will meet for only 6 weeks.

There is no hope of meeting that schedule if action is deferred on appropriation bills until a conference agreement on the budget is in place. The Budget Committee supports this schedule and recommended that this waiver be granted.

The Committee on Appropriations, therefore, has asked the Rules Committee to provide a method by which action can begin on the appropriations cycle. The committee has selected for earliest action those appropriations bills which present the least controversy with respect to issues in the budget conference.

Mr. Speaker, under the terms of the Budget Act, points of order under section 303(a)(1) lie against both the bill and any amendments which would add new budget authority. In some cases, consideration of appropriation bills prior to adoption of the budget resolution would cause that point of order to operate somewhat like a modified closed rule.

In the present case, however, that presents no controversy. The committee has been generous in trying to protect Members who indicated that they would have problems under that rule and no requests were made for waivers of section 303(a)(1).

Any germane limitation or any amendment to reduce funding is in order, in the customary manner, without any special provision in the rule.

The rule also provides waivers of points of order, under clause 2 of rule 21 for certain unauthorized appropriations and provisions of a legislative character. The authorizations for several programs funded by this bill are at various stages of the legislative process and have not been enacted into law.

The specific paragraphs include the appropriations for the Coast Guard alteration of bridges and reserve training programs; National Railroad Passenger Corporation; salaries and expenses for the Architectural and Transportation Barriers Compliance Board and the National Transportation Safety Board; operating expenses and capital outlay for the Panama Canal Commission; and administrative expenses of the U.S. Railway Association.

In addition the paragraphs that could technically be subject to a point of order under the prohibition against legislation include: The limitation on general operating expenses of the Federal Highway Administration; the limitation on obligations for discretionary grants of the Urban Mass Transportation Administration; and a rescission involving the Federal Aviation Administration grants in aid for airports.

Mr. Speaker, the House Resolution 238 also waives clause 6 of rule XXI which prohibits reappropriations or transfers of funds. This waiver is necessary because the appropriation for operations of the Federal Aviation Administration, the U.S. Railway Association, the Federal Railroad Administration appropriation for rail service assistance, the Conrail Labor Protection appropriation, and the Illinois Feeder Line Assistance appropriation contain a transfer of unexpended balances or transfers of funds outside the scope of this bill.

The Rules Committee recommends these waivers so that consideration of the appropriations bills could proceed in an orderly manner. Mr. WHITTEN's letter to the Committee on Rules explaining the need for these waivers is included herewith for the record.

Mr. Speaker, H.R. 3329 provides $11,000,298,000 for transportation programs under such agencies as the Coast Guard, the Federal Aviation Administration, the Federal Railroad Administration, the Urban Mass Transit Administration, and the Federal Highway Administration. Although this appropriation exceeds the administration's budget request by $385 million, the appropriation provided by H.R. 3329 is $507 million less than the amount provided in the fiscal year 1983 appropriations already enacted for transportation programs. It is hoped that the appropriations provided by this bill and the additional financial support of the State and local governments will help prevent further deterioration of the Nation's transportation infrastructure.

Mr. Speaker, there was absolutely no controversy when this bill was considered by the Rules Committee and I know of no controversy concerning the waivers provided by this rule. I urge adoption of House Resolution 238 so that the House may proceed to the consideration of H.R. 3329.

Mr. Speaker, I reserve the balance of my time.

The letter referred to follows:

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., June 17, 1983.

Hon. CLAUDE PEPPER,
Chairman, Committee on Rules, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As you are aware, at the request of the Speaker we are moving ahead with appropriation bills, though the Budget Committees have reached no agreement on a budget resolution and in most cases the authorizing Committees have not yet completed authorization bills. Because of this situation, we must ask the Rules Committee to waive certain points of order so that the appropriation bills can be considered in an orderly manner and the work of the House can progress.

Yesterday, the Committee on Appropriations reported the Department of Transportation and Related Agencies Appropriation Bill for the fiscal year ending September 30, 1984. It is scheduled to be considered by the House next week. The bill includes appropriations for a number of programs for which authorizing legislation has not yet been enacted or which otherwise might be technically subject to a point or order. The principal items in this category involve the activities of the following agencies:

TITLE I—DEPARTMENT OF TRANSPORTATION

Some or all of the Coast Guard appropriations under the paragraphs alteration of bridges and reserve training are not authorized. Authorization for reserve training is contained in H.R. 2969, which was considered by the House of Representatives this past week.

The appropriation for operations, Federal Aviation Administration may technically be subject to a point of order since it contains a transfer of unexpended balances.

The appropriation for grants-in-aid for airports, Federal Aviation Administration may technically be subject to a point of order since it contains a rescission.

The limitation on general operating expenses, Federal Highway Administration may technically be subject to a point of order since it contains a waiver of repayment of Federal funds. The appropriation for Federal-aid-highways, Federal Highway Administration may also be subject to a point of order since it contains a formula for distributing the funds under the limitation. The language is virtually identical to the language contained in the Surface Transportation Assistance Act of 1982.

The Federal Railroad Administration appropriation for rail service assistance, Conrail labor protection and Illinois feeder line assistance may technically be subject to a point of order since they contain transfers of funds outside the scope of the bill.

The appropriation for grants to the national Railroad Passenger Corporation is not authorized. Although no authorizing legislation has been reported to the House of Representatives for this appropriation, a bill, S. 1117, has been reported in the other body.

The limitation on obligations for discretionary grants, Urban Mass Transportation Administration may technically be subject to a point of order since it contains technical language clarifying the availability of certain discretionary grant funds.

TITLE II—RELATED AGENCIES

The appropriation for salaries and expenses, Architectural and Transportation Barriers Compliance Board is not authorized.

The appropriation for salaries and expenses, National Transportation Safety Board is not authorized. The authorization for this item is contained in S. 967 which passed the House on May 24, 1983.

The appropriations for operating expenses and capital outlay, Panama Canal Commission, are not authorized. Authorization for these items is contained in H.R. 2689, which was reported by the Committee on Merchant Marine and Fisheries on May 16, 1983.

The appropriation for administrative expenses, United States Railway Association is not authorized.

Accordingly, in the interest of orderly legislative procedure, we respectfully request a hearing before your Committee to seek a rule waiving points of order under clauses 2 and 6 of Rule XXI against the items specified above.

In addition, a technical waiver of Section 303(a) of the Budget Act is needed since no agreement has been reached yet on the first budget resolution.

Your cooperation is greatly appreciated.

Sincerely,

JAMIE WHITTEN,
Chairman.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, it would be redundant for me to explain the provisions of the rule since it has been so ably handled by the gentleman from Massachusetts (Mr. MOAKLEY).

But I would like to remind the Members of the House that this rule makes in order one of the 13 appropriations bills which this House must pass. Five have been passed and one has been defeated. We are near the half-way mark and we are behind.

I would urge the House to get down to the business of passing the appropriation bills, and sending them to the other body so that they can act and we can do away with the continuing resolution process.

The funds requested for the Department of Transportation and other related agencies are some $550 million more than the administration's request. But it only expends a little over $11 billion total and we know how important the Department of Transportation and related agencies are.

The road system of this Nation and our mass transit systems are so important to the progress and the fulfillment of the dreams of all of the people of America. We must go forward with this appropriation bill.

Mr. Speaker, I urge the adoption of the rule.

□ 1045

I have no requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McCANDLESS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 373, nays 41, not voting 18, as follows:

[Roll No. 204]

YEAS—373

Ackerman	de la Garza	Hightower
Addabbo	Dellums	Hillis
Akaka	Derrick	Holt
Albosta	Dickinson	Hopkins
Alexander	Dicks	Horton
Anderson	Dingell	Howard
Andrews (NC)	Dixon	Hoyer
Andrews (TX)	Donnelly	Hubbard
Annunzio	Dorgan	Huckaby
Anthony	Dowdy	Hughes
Applegate	Downey	Hunter
Archer	Duncan	Hutto
AuCoin	Durbin	Hyde
Badham	Dwyer	Ireland
Barnard	Dymally	Jacobs
Barnes	Dyson	Jeffords
Bartlett	Early	Jenkins
Bates	Eckart	Johnson
Bedell	Edwards (AL)	Jones (NC)
Beilenson	Edwards (CA)	Jones (OK)
Bennett	Emerson	Jones (TN)
Bereuter	English	Kaptur
Berman	Erdreich	Kastenmeier
Bethune	Evans (IA)	Kazen
Bevill	Evans (IL)	Kemp
Biaggi	Fascell	Kennelly
Bilirakis	Fazio	Kildee
Bliley	Feighan	Kindness
Boehlert	Ferraro	Kogovsek
Boggs	Fiedler	Kolter
Boland	Fields	Kostmayer
Boner	Fish	Kramer
Bonior	Flippo	Lagomarsino
Bonker	Florio	Lantos
Borski	Foglietta	Latta
Bosco	Foley	Leach
Boucher	Ford (MI)	Leath
Boxer	Ford (TN)	Lehman (CA)
Breaux	Forsythe	Lehman (FL)
Britt	Fowler	Leland
Brooks	Frank	Lent
Broomfield	Franklin	Levin
Brown (CA)	Frost	Levine
Bryant	Fuqua	Levitas
Byron	Gaydos	Lewis (CA)
Campbell	Gejdenson	Lewis (FL)
Carney	Gekas	Lipinski
Carper	Gephardt	Lloyd
Carr	Gibbons	Loeffler
Chandler	Gilman	Long (LA)
Chappell	Gingrich	Long (MD)
Chappie	Glickman	Lott
Clarke	Gonzalez	Lowry (WA)
Clay	Goodling	Luken
Clinger	Gore	Lundine
Coats	Gradison	MacKay
Coelho	Gray	Markey
Coleman (MO)	Green	Marlenee
Coleman (TX)	Guarini	Marriott
Collins	Gunderson	Martin (IL)
Conte	Hall (IN)	Martin (NY)
Conyers	Hall (OH)	Matsui
Cooper	Hall, Ralph	Mavroules
Corcoran	Hall, Sam	Mazzoli
Coughlin	Hamilton	McCain
Courter	Hammerschmidt	McCandless
Coyne	Hance	McCloskey
Crockett	Harkin	McCollum
D'Amours	Harrison	McCurdy
Daniel	Hatcher	McDade
Daschle	Hawkins	McEwen
Daub	Hefner	McHugh
Davis	Hertel	McKinney
McNulty	Ratchford	Stangeland
Mica	Ray	Stark
Michel	Regula	Stenholm
Mikulski	Reid	Stokes
Miller (CA)	Ridge	Stratton
Miller (OH)	Rinaldo	Stump
Mineta	Ritter	Sundquist
Minish	Roberts	Swift
Mitchell	Robinson	Synar
Moakley	Rodino	Tallon
Molinari	Roe	Tauke
Mollohan	Roemer	Tauzin
Montgomery	Rogers	Taylor
Moody	Rose	Thomas (GA)
Moore	Roth	Torres
Moorhead	Roukema	Torricelli
Morrison (CT)	Rowland	Towns
Morrison (WA)	Roybal	Traxler
Mrazek	Rudd	Udall
Murphy	Russo	Valentine
Murtha	Sabo	Vandergriff
Myers	Savage	Vento
Natcher	Sawyer	Volkmer
Neal	Schaefer	Vucanovich
Nelson	Scheuer	Walgren
Nichols	Schneider	Watkins
Nowak	Schroeder	Waxman
O'Brien	Schulze	Weaver
Oakar	Seiberling	Weiss
Oberstar	Shannon	Wheat
Obey	Sharp	Whitehurst
Olin	Shaw	Whitley
Ottinger	Shelby	Whittaker
Owens	Shuster	Whitten
Oxley	Sikorski	Williams (MT)
Panetta	Siljander	Williams (OH)
Parris	Simon	Winn
Pashayan	Sisisky	Wirth
Patman	Skeen	Wise
Pease	Skelton	Wolf
Penny	Slattery	Wolpe
Pepper	Smith (FL)	Wortley
Perkins	Smith (IA)	Wright
Petri	Smith (NE)	Wyden
Pickle	Smith (NJ)	Wylie
Porter	Snowe	Yatron
Price	Snyder	Young (AK)
Pritchard	Solarz	Young (FL)
Pursell	Spence	Young (MO)
Quillen	Spratt	Zablocki
Rahall	St Germain	
Rangel	Staggers	

NAYS—41

Bateman	Frenzel	McKernan
Brown (CO)	Gramm	Nielson
Broyhill	Gregg	Packard
Burton	Hansen (UT)	Paul
Cheney	Hartnett	Sensenbrenner
Conable	Hiler	Shumway
Craig	Kasich	Smith, Denny
Crane, Daniel	LaFalce	Solomon
Crane, Philip	Lowery (CA)	Thomas (CA)
Dannemeyer	Lungren	Vander Jagt
DeWine	Mack	Walker
Dreier	Martin (NC)	Weber
Edgar	McDonald	Zschau
Edwards (OK)	McGrath	

NOT VOTING—18

Aspin	Lujan	Rostenkowski
Erlenborn	Madigan	Schumer
Garcia	Martinez	Smith, Robert
Hansen (ID)	Ortiz	Studds
Heftel	Patterson	Wilson
Livingston	Richardson	Yates

□ 1100

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 3329) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and that I may be permitted to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. LEHMAN of Florida. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3329) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania (Mr. COUGHLIN) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. LEHMAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3329, with Mr. SHARP in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Florida (Mr. LEHMAN) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. COUGHLIN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we submit for your consideration and for the consideration of the Committee of the Whole the bill, H.R. 3329, making appropriations for the Department of Transportation and related agencies for fiscal year 1984.

As chairman of the Subcommittee on Transportation Appropriations, I first want to express my appreciation to the members of the subcommittee for the diligence, skill, and cooperation they have exhibited in helping to

draft this bill. On the majority side, the gentleman from Minnesota (Mr. SABO), the gentleman from Pennsylvania (Mr. GRAY), the gentleman from Connecticut (Mr. RATCHFORD), the gentleman from Michigan (Mr. CARR), and the gentleman from New York (Mr. MRAZEK) all provided special insight and special concerns during the 3-month indepth review we gave of Federal transportation programs and policies during our hearing process. It is a real pleasure to serve with them. The subcommittee minority members have been equally as diligent. The gentleman from Massachusetts (Mr. CONTE), the gentleman from Alabama (Mr. EDWARDS), and the gentleman from Michigan (Mr. PURSELL), all are to be commended for the spirit of cooperation they have displayed and the commitment they have shown to develop a safe and effective transportation system for this Nation. I want to make special mention of the ranking members from Pennsylvania (Mr. COUGHLIN), who has spent long hours in committee hearings and has displayed a broad knowledge of our transportation programs and policies. I pay tribute to his knowledge and dedication, and I want him to know of my great appreciation for his wisdom, his cooperation, and his very personal support, especially during the early parts of the hearings this year.

Mr. Chairman, I would be remiss if I did not at this time recognize the benefit of the staff to this particular subcommittee. Tom Kingfield, Greg Dahlberg, Jeni Leasor, and Delia Gerace, who have also spent many long hours working on this bill for us. Jeni would be here today except for the fact that she is now the mother of a new baby and I wish her all the luck in the world for her, her husband, and her new daughter.

Mr. Chairman, in preparation for this bill the committee developed a hearing record contained in seven volumes amounting to 6,100 pages. Testimony was received from more than 200 witnesses, including 26 Members of Congress.

The committee, I believe, has carefully reviewed the programs of the Department of Transportation and related agencies, and is recommending what we consider to be sufficient funds to enable these agencies to help meet the requirements of our Nation's transportation system. The well being of our country depends directly on the soundness of our transportation system.

Mr. Chairman, the bill before you totals $24,023,398,769—of which approximately $11.3 billion is new budget authority and $12.7 billion in liquidating cash.

In addition, the bill places limitations on contract authority obligations for various programs totaling over $15 billion.

The bill provides for 111,667 permanent positions, including 39,289 military positions for the Coast Guard, 48,968 positions for the FAA, and 6,167 civilian positions for the Coast Guard. The number of total positions funded in this bill is 1,101 fewer than the fiscal year 1983 level.

As many Members know, we are moving ahead with all appropriation bills at the request of the Speaker even though there has been no final agreement on a budget resolution. We therefore have no official section 302 budget allocation against which to compare this bill. The committee has, however, established a tentative section 302 allocation based on the House-passed budget resolution. In order to maintain an orderly budget process, we intend to comply with this allocation. The bill before you is $1,602,775 under that tentative section 302 allocation. The committee will not support any amendment which breeches this ceiling.

With respect to the major funding recommendations in this bill, I would call the attention of the Members to pages 2 and 3 of the report. The major bill highlights are as follows:

□ 1115

First. The appropriation of $2,488,592,200 for urban mass transportation formula grants;

Second. A provision providing for obligations of not to exceed $12,600,000,000 for Federal aid to highways;

Third. The appropriation of $2,593,300,000 for operations of FAA;

Fourth. A total of $1,687,839,000 including funds derived by transfer, for operating expenses of the Coast Guard;

Fifth. The appropriation of $720,000,000 for grants to the National Railroad Passenger Corporation (Amtrak);

Sixth. A provision providing for obligations of not to exceed $1,250,000,000 for the discretionary grant program of the Urban Mass Transit Administration;

Seventh. The appropriation of $985,500,000 for facilities and equipment of the FAA;

Eighth. An increase of $35,000,000 for the Rock Island Railroad labor protection payments;

Ninth. A provision providing for obligations of not to exceed $900,000,000 for airport development and planning grants;

Tenth. The appropriation of $369,000,000 for the capital acquisition, construction and improvement programs of the Coast Guard;

Eleventh. Approval of the budget request of $100,000,000 for the Northeast corridor improvement project;

Twelfth. The appropriation of $278,000,000 for the research, engineering and development activities of the Federal Aviation Administration;

Thirteenth. An increase of $35,700,000 over the budget for certain railroad-highway crossings demonstration projects; and

Fourteenth. The appropriation of $335,000,000 for transit projects substituted for interstate highway segments.

OFFICE OF THE SECRETARY OF TRANSPORTATION

Mr. Chairman, for the Office of the Secretary of Transportation, the bill provides appropriations of $43,775,000—a decrease of $1,125,000 from the current level and $6,018,000 from the budget request. The bulk of the reductions in this appropriation are attributable to the transportation, planning, research, and development program. The committee believes this program is weakly justified. In our view, many of the studies emanating from this program should either be funded by the modal administrations or not be performed at all.

COAST GUARD

With respect to the Coast Guard, the committee recommends a total program level of $2,481,794,000—which is $64,691,000 above the fiscal year 1983 program level. This level provides for a balanced program with emphasis on maritime law enforcement; national defense commitments; dependability and safety of Coast Guard ships, boats, aircraft, and shore facilities; and the welfare and safety needs of Coast Guard personnel. We believe that this level will support a reasonable level of Coast Guard requirements for fiscal year 1984.

For Coast Guard operating expenses, the committee recommends an appropriation of $1.687 billion, including $12.55 million derived by transfer, for fiscal year 1984. This represents an increase of $96,436,000 from the enacted fiscal year 1983 level. According to the Coast Guard, a $74 million increase in operating expenses is required to fund the increased cost of doing business at the current level and to operate new facilities that are now coming on line. The remaining $22.4 milion reflects the cost of operating other facilities not included in the budget such as the New Orleans and San Francisco vessel traffic services, and for increased training.

For acquisition, construction, and improvements, we are recommending $369 million. This includes $91,314,000 for new vessels, $138,438,000 for new aircraft, $114,575,000 for shore facilities and aids to navigation, and $24,674,000 for administration. The major multiyear procurement programs funded under this account include 13 new medium endurance cutters, 41 medium range surveillance aircraft, and 90 new short range recovery helicopters. Funding for the 41 MRS aircraft will be completed in fiscal year 1984.

The bill also includes $7.4 million to complete the funding of a bridge that is an unreasonable obstruction to waterborne commerce, and $22 million for research, development, test, and evaluation.

The sum of $341,300,000 is provided for the pay of retired military personnel of the Coast Guard and Coast Guard Reserve. This is based on an average of 24,191 personnel on the retired rolls.

For reserve training, the full budget request of $54,805,000 is recommended. This will provide for a ready reserve of 18,500 including a selected reserve of 12,000.

For the State recreational boating safety assistance program, we recommend a contract authority obligation limitation of $10 million. This is $5 million below the budget request.

The bill also contains appropriations of $1 million each for the deepwater port liability fund and the offshore oil pollution compensation fund.

FEDERAL AVIATION ADMINISTRATION

For the Federal Aviation Administration, we are recommending a total program level of $4,716,507,000 for fiscal year 1984. This is an increase of $660,860,000, or 16 percent, over the fiscal year 1983 program level. This level will provide sufficient funds to continue the restoration of the air traffic control system, continue modernization of the national airspace system, improve our airports, and continue important safety regulatory and research initiatives.

For FAA operations, the committee recommends appropriations of $2,650,200,000, including $56,900,000 for headquarters administration. This represents an increase of $133,843,000 over the fiscal year 1983 level of $2,516,357,000. This would provide for 46,422 positions including the full budget request of 20,514 controllers, supervisors, and support personnel for centers and towers; and 4,500 flight service station specialists. According to FAA testimony, the air traffic control system is now capable of handling 100 percent of prestrike national system traffic levels. The FAA plans to reduce or eliminate all existing restrictions to air traffic by December 1983.

Of the $2,650,200,000 provided for FAA operations in fiscal year 1984, the bill specifies that only $310,000,000, or 11.7 percent of the total, be derived from the airport and airway trust fund. This relatively small share of user-financed operating costs is required by the so-called penalty clause contained in the authorizing act. This provision requires reductions in the user-financed share of FAA operating expenses if the facilities and equipment program is not funded at the authorized level. Under this so-called penalty clause the general taxpayers, many of whom never fly, must pay for a vast majority of the FAA's operating costs when FAA cannot legitimately or efficiently spend F&E funds at a rate set somewhat arbitrarily by authorizing legislation. The only ones who are penalized from such an arrangement are the nonflying general taxpayers, and I for one do not think that is fair. No one can make a rational case that aviation users should pay for only 11.7 percent of the FAA's operating costs.

I would also remind those who support this penalty approach that it has not—and will not—have an effect on the dollar levels this committee recommends for facilities and equipment. We intend to fulfill our mandate and examine the FAA's budget requests from the bottom up each and every year. We will recommend spending levels based only on what the FAA justifies that it can efficiently and effectively spend—not a penny more.

I call on the authorizing committees to remove this inequitable and unnecessary penalty on the general taxpayers. If supporters of this provision believe increased F&E spending is necessary, I invite them to testify at our hearings and make their best arguments to the committee members in accordance with the normal and traditional procedures of the House.

For facilities and equipment, the bill contains $985,500,000 for fiscal year 1984. This is an increase of $360,500,000, or 58 percent, over the fiscal year 1983 level of $625,000,000. In making this recommendation, the committee considered expert testimony and information from the FAA, the Congressional Budget Office, the General Accounting Office, and the aviation community. We believe the recommended funding level is sufficient to continue the full scale modernization outlined in the FAA's national airspace plan efficiently and effectively.

The committee has been generally satisfied with the FAA's progress in implementing the national airspace plan.

However, we plan to continue to maintain close oversight of this plan throughout its implementation. Of particular concern to the committee is the FAA's ability to minimize program slippages, prevent large cost overruns, and achieve the large number of facility consolidations that will be required.

With respect to research, engineering, and development, the committee recommends $278,000,000, which is an increase of $175,000,000 or 169 percent over the fiscal year 1983 level of $103,000,000. The increased funding level in this program is required to perform the necessary R&D work in support of the $9 billion national airspace modernization program.

The bill also includes a $900 million obligation limitation on airport development and planning grants. This is $200 million above the budget request and the highest funding level ever provided for this program. In addition, the bill contains rescissions of airport grant program contract authority totaling $143,500,000. The amounts recommended for rescission would not otherwise be available for obligation under the enacted fiscal year 1983 and the recommended fiscal year 1984 limitations on obligations.

The Airport and Airway Development Act of 1982 specifically provides that "the safe operation of the airport and airway system will continue to be the highest aviation priority." And it further provides that "all airport and airway programs should be administered consistent with" the section of the FAA Act which specifies "the assignment and maintenance of safety as the highest priority in air commerce * * *." Therefore, I believe that safety is to be the highest priority in the administration of the airport improvement program.

The bill also includes $34,557,000 for the operation and maintenance of Metropolitan Washington airports, and $11,750,000 for construction projects at those airports. A general provision is also included prohibiting any proposed rulemaking which would lower the annual passenger ceiling or certificated air carrier slots at National Airport.

The committee has also deleted the requested language which would permit FAA to make payments for defaulted loans from the operations appropriation.

FEDERAL HIGHWAY ADMINISTRATION

Under the Federal Highway Administration, the bill includes a limitation on Federal-aid highway contract authority obligations of $12.6 billion. This is a $225 million increase over the fiscal year 1983 level.

The bill also contains an appropriation of $35,700,000 for railroad-highway crossings demonstration projects in seven different locations.

Funds are also included for motor carrier safety, motor carrier safety grants, and highway safety research and development. The only significant reduction from the budget estimate in those programs occurs in motor carrier safety grants, which we reduced from $10 to $8 million. This is a new program which we expect to develop at a rate slower than anticipated.

The bill also provides a $10 million limitation on highway-related safety grants for fiscal year 1984, the same as the budget request.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

For the National Highway Traffic Safety Administration, the bill includes $78 million for operations and research. This is essentially the same as the budget request, and $4 million more than the fiscal year 1983 level.

The committee also recommends a limitation on obligations for the State

and community highway safety grant program at $100 million—the authorized level. This funding level is $23 million higher than the budget request.

For the newly established alcohol safety incentive grants program, we have established a limitation on obligations at $37,950,000 in fiscal year 1984. This corresponds to NHTSA's estimates of fiscal year 1984 obligations for this new program.

For safety education and information grants, we have established a combined fiscal year 1983 and 1984 obligations limitation of $4 million. The committee expects to assess the results of past and ongoing media campaigns before it will recommend additional funding for such purposes.

FEDERAL RAILROAD ADMINISTRATION

Mr. Chairman, for the Federal Railroad Administration, major recommendations include $26.5 million for rail safety, $16.225 million for research and development, $25,094,000 for all rail service assistance—including $10 million derived by transfer—$20 million for Conrail labor protection—including $4 million derived by transfer—$35 million for Rock Island labor protection payments, $100 million for the Northeast corridor improvement program, and $3 million derived by transfer for the rehabilitation of an Illinois feeder rail line.

For Amtrak, we are recommending the sum of $720 million, which is $58 million above the budget request. We expect that all existing routes and service can be maintained at this funding level—including section 403(b) and 403(d) service under the existing funding formulas. Bill language is also included with respect to rehabilitating and operating a new route between Philadelphia and Atlantic City. Since we may have a possible amendment on this subject later, I will spare you the details now.

URBAN MASS TRANSPORTATION ADMINISTRATION

For UMTA, the committee recommends a total program level of $4,432,592,200 for fiscal year 1984. This is $667,426,200, or 18 percent, above the budget request.

Under the formula grant program, the committee recommends an appropriation of $2,488,592,200 which is $515,092,200 over the budget estimate. This addition is necessary to restore funds deleted by the administration in line with their policy of phasing out operating assistance to transit authorities by 1985. The committee's recommendation would provide operating assistance in accordance with the Surface Transportation Assistance Act of 1982 signed by the President on January 6, 1983. The bill also includes language limiting to $1.25 billion obligations for transit discretionary grants. This is an increase of $150 million over the budget estimate but consistent with the authorized level. Under this account, the committee report also makes the following allocations:

Bus and bus facilities	$220,000,000
Rail modernization and extensions	545,000,000
New systems and new system extensions	400,000,000
Portland (light rail)	42,700,000
Baltimore (rail construction)	3,500,000
Detroit (automated system & light rail)	50,000,000
Miami (rail construction & circulator)	35,000,000
Santa Clara (light rail)	30,000,000
Atlanta (rail construction)	82,500,000
Los Angeles (rail construction)	127,500,000
Houston (preliminary engineering)	5,500,000
Jacksonville (people mover)	13,000,000
San Diego (light rail)	8,300,000
St. Louis (preliminary engineering)	2,000,000
Planning	50,000,000
Elderly and handicapped	25,000,000
Technology introduction/ innovative techniques	10,000,000

The bill also includes $335,000,000 for transit projects which have been substituted for interstate highway projects. Of this amount, 50 percent is to be distributed on a formula basis and 50 percent on a discretionary basis. The discretionary funds are to be distributed as follows:

Oregon	$10,000,000
San Francisco	5,000,000
Northeast Illinois	45,000,000
Sacramento	20,000,000
Baltimore	40,000,000
New Jersey	6,000,000
Duluth-Superior	1,500,000
Boston	40,000,000

The bill would also appropriate $275 million under the so-called Stark-Harris authorization to continue construction of the Washington Metro rail system.

The bill also includes $84 million for research and administrative expenses of UMTA.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The bill limits the administrative expenses of the St. Lawrence Seaway Development Corporation to $1.8 million, a reduction of $25,000 from the budget request.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

The bill includes $20,200,000 for Research and Special Programs Administration. This agency includes the materials transportations bureau, and the transportation systems center. It also administers grants to States for natural gas pipeline safety. The committee's recommendation is only $87,000 below the budget request.

INSPECTOR GENERAL

For the Office of the Inspector General, the bill includes appropriations totaling $26,795,000. This is $900,000 above the budget request. These additional funds are to support increased bid rigging investigation work by providing for an additional 20 positions. The committee is distressed to learn that bid rigging investigative efforts are, in fact, accelerating instead of diminishing. There is apparently no end in sight to this investigation as one case leads to another which leads to another. The committee intends to fully support this endeavor until its successful conclusion.

TITLE II—RELATED AGENCIES

Title II of the bill contains $653,278,569 in new budget authority for seven transportation-related agencies and commissions. This is $3,348,000 below the cumulative budget request, but $5,526,000 above last year's level.

More specifically, the committee is recommending $1.9 million for the Architectural and Transportation Barriers Compliance Board, $20,615,000 for the National Transportation Safety Board, $69.2 million for the Civil Aeronautics Board, $59 million for the Interstate Commerce Commission, $448.4 million for the Panama Canal Commission, $2.9 million, including $400,000 derived by transfer, for the United States Railway Association, and $51,663,569 for the Federal share of interest payments for the bonded indebtedness of the Washington Metropolitan Area Transit Authority.

Mr. Chairman, the bill before you is the product of our very able subcommittee. I believe we are bringing a balanced and carefully considered bill to the committee today and I ask for its favorable consideration and approval.

Mr. COUGHLIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me congratulate the very distinguished chairman of the subcommittee as he brings his first full bill to the floor. I hope this will be the first of many for him. He has been fair and has done yeoman's work in the balancing of many competing interests in this bill for limited resources. I must say this is a very difficult bill. It is a difficult bill because there is great competition for the very limited resources in this area.

The chairman and the members of the subcommittee, I think, have done an excellent job.

My compliments also to the staff, Tom Kingfield, Greg Dahlberg, Jeni Leasor, Delia Gerace, and Lucy Hand for the majority, and Jeff Jacobs and Kenny Kraft for the minority, for their work in producing this bill.

The chairman has described the bill thoroughly. Just let me touch on a couple of things.

There is no question about the fact that there is some dispute as to the amount that this bill is over the

budget. According to the figures of the subcommittee and of the Budget Committee, the bill is $385 million in budget authority and $630 million in outlays over the President's budget. It is, however, $217 million in budget authority below the House assumptions and $98 million in outlays above the House assumptions.

Now, OMB scorekeeps a different way and according to the scorekeeping of OMB, when you include the increases in obligational limitations, the bill is $198 million over the President's budget rather than the $385 million that the committee scores.

The major reason for this increase over the budget is the additional funding for mass transit as a result of the gas tax penny for mass transit that was proposed. That was represented to be new funds for mass transit, and when the budget came down that increased funding was not there. Hence, the major difference is the added funding for that that was represented by the mass transit portion of the gas tax.

Let me touch on a couple other highlights of the bill for just a moment.

In the Federal Aviation Administration section, the committee is recommending a limitation in obligation for grant in aid for airports of $900,000,000. This is $93.5 million less than is authorized but $200,000,000 over the budget request.

In the subcommittee markup I offered an amendment to rescind the contract authority which would not be used by virtue of the fact that it is over and outside the obligational ceiling. In rescinding these funds for fiscal years 1983 and 1984 we freed up $143.4 million, which were added to the facilities and equipment account. The new total there is $985,000,000, close to the $1,000,000,000 request.

The committee spent a great deal of time, I might say, discussing the Philadelphia to Atlantic City rail service under the Amtrak section of the Federal Railroad Administration. The bill before us places several limitations on the back door spending, and later the gentleman from New Jersey (Mr. SMITH) will have an amendment to eliminate all funds for what many people consider to be an inappropriate Federal project. I would urge support for that amendment.

Under the UMTA discretionary grant account, we recommend $220,000,000 for bus and bus facilities, $545,000,000 for rail modernization and extension, and $400,000,000 for new starts.

There are only $5.5 million earmarked for Houston, since the voters down there defeated the bond issue.

There are $127.5 million for a new start in Los Angeles, which the gentlewoman from California (Ms. FIEDLER) will attempt to delete, and I also urge the support for her amendment.

A general provision to the bill prohibits any change in the passenger cap at National Airport. The gentleman from Kansas (Mr. GLICKMAN) and the gentleman from Virginia (Mr. WOLF) will have an amendment to remove this prohibition. An editorial in this morning's Washington Post strongly supports the removal of the prohibition, as does the Department of Transportation. I hope that that amendment will also be adopted.

Again, it is a good bill.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from New York.

Mr. KEMP. I thank my colleague for yielding, and I thank the gentleman for all the hard work he and the chairman of the subcommittee have done on this bill.

I want to rise and ask if we might just take a moment to clarify the part of the report that seems to provide money for a transfer of the FAA's terminal radar approach control facility, commonly known as a Tracon, from Buffalo to Rochester. The Greater Buffalo International Airport is in the district of my colleague, the gentleman from New York (Mr. NOWAK)—it used to be in mine—and we have worked together for several years on projects to enhance the Buffalo Airport. The gentleman from New York (Mr. NOWAK) and I believe that this consolidation would result in the loss of 40 to 50 jobs in Buffalo. It has been my understanding that the FAA is not going to go ahead with this consolidation. Both Congressman NOWAK and I have discussed this issue with the FAA. Secretary of Transportation Liddy Dole tells me that there are no plans to go foward with the consolidation of the Buffalo and Rochester Tracon.

I wonder if the gentleman might yield to Congressman NOWAK of Buffalo, who has the airport in his district, for a possible colloquy with either the gentleman from Pennsylvania or the distinguished gentleman from Florida (Mr. LEHMAN) on this subject.

Mr. COUGHLIN. I will be happy to yield to the distinguished gentleman from Buffalo (Mr. NOWAK).

Mr. NOWAK. I thank the gentleman for yielding.

If I may, I would like to enter into a colloquy with the distinguished chairman of the subcommittee.

The specific language which we are concerned about refers to possible funding for the consolidation of an FAA terminal radar approach control facility and the movement of that from Buffalo to Rochester. This action would mean the loss of approximately 40 jobs at the Buffalo Airport. In light of the 18.5-percent unemployment rate in Buffalo, I am deeply concerned about any action that eliminates or transfers jobs in the community, particularly actions that might be deemed detrimental to our community's long-range economic development revitalization efforts. I have expressed my opposition, as has Congressman KEMP, to this proposal to the FAA, and I am hopeful that this move will not take place.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. COUGHLIN. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, I sympathize with the concern of the gentleman from New York (Mr. NOWAK) and the gentleman from New York (Mr. KEMP), and I am aware that they have been actively pursuing this matter with the FAA.

It is my understanding that the FAA is reconsidering this proposal; and, should they decide that this consolidation would not be in the best interest of the efficiency of the national airspace plan, the committee will entertain a request to reprogram the funds.

Mr. NOWAK. Mr. Chairman, I thank the chairman.

I also want to commend my colleague, the gentleman from New York (Mr. KEMP), for taking a leadership role and being concerned about this effort. It is very important to us, and I hope we can bring it to a successful conclusion.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman from Pennsylvania and also the gentleman from New York (Mr. NOWAK) for their efforts.

I want the chairman to know that we appreciate his comments. Secretary Dole, is sending us a letter stating that this is no longer supported by the Department of Transportation. I am very pleased to announce that they are withdrawing their support for this consolidation. Those jobs are going to be saved. And, as the gentleman from New York (Mr. NOWAK) pointed out, that means a lot to our area, which is suffering from high unemployment. I want to thank the gentleman for his generosity.

Mr. COUGHLIN. I congratulate the gentleman from New York for his good work.

Mr. Chairman, I reserve the balance of my time.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Chairman, first of all, let me compliment the manner in which this subcommittee has been conducted. I am a new

member of the committee, having joined it in September 1982, and I can say to the Members truly that under the leadership of the gentleman from Florida (Mr. LEHMAN), with the working association of the gentleman from Pennsylvania (Mr. COUGHLIN), and a strong and professional staff, this committee truly operates in a bipartisan fashion. And how refreshing that is, with the give-and-take partisanship which is too much a part of this body on a day-to-day basis.

Let me now stand and commend the committee for its strong commitment to mass transportation. In looking at this bill, if there is a hallmark it is a standing on the behalf of Congress, a commitment on behalf of this body, an expression that mass transit must be important in America in the 1980's and in the 1990's and as we look ahead to the year 2000.

This is contrasted dramatically when you look at the proposed budget offered by the administration in February of this year. The major difference falls in the area of mass transit.

In December 1982, this body undertook an extensive debate on the whole question of a gas tax. One of the key elements was the commitment of 1 cent a gallon of this new tax to mass transit in America. We thought this was to be new money. We thought this money was to supplement that which had already been committed by previous Congresses. And yet when the budget was offered by the administration in February of this year, we saw no new commitment to mass transit, we saw no new utilization of the dollars generated by the 1 cent a gallon. In effect, we saw the status quo.

Because of the commitment of this committee, under the leadership of the gentleman from Florida, BILL LEHMAN, we now come to the Members today and say that Congress believes that mass transit is very significant in America.

Let me look at four specific categories and point to the Members where this new funding will make a difference in quality of life, will make a difference as far as combating pollution is concerned, and will make a difference in America as far as the development of an energy program.

First of all, under formula grants, there will be, if this bill is approved, $2.489 billion in funding for formula grants under this category. This is critically necessary for maintaining both operating assistance and capital expenditures, not only in urban areas, but in nonurban areas.

Second, under title III, the discretionary grant, there is funding for rail modernization, and those of you who utilize the rail in America know full well that much of the rail in America is deteriorated rail, and yet here in this bill is a commitment to do something about it.

There is funding for new transit starts. I think this is very important. We cannot stand still in America and say nothing new will be offered as far as mass transit.

This bill contains $400,000,000 proposed in new funding for transit starts in America.

For those concerned with bus travel—and I know the gentlemen from Minnesota and Michigan will speak more on this in their comments later this morning—there is $220,000,000 in new funding for bus purchases and the purchases of bus facilities in America.

□ 1130

In the area of interstate transfer, third, a commitment earmarked to major projects in major cities in America. And finally, a commitment to Metro.

When people come to Washington, they note many things. They note the Nation's Capital. They note the monuments. But they also note that as a country, here in Washington we have in the Metro system one of the best commitments to mass transit in America, and that, too, is recognized through the funding in this bill.

Mr. Chairman and Members, because it represents a commitment to energy policy at a time when the administration has none, because it contains a commitment to combating pollution at a time when the administration is walking away from it, and above all because it contains a commitment to quality of life in America, both urban and rural America, this bill, with its strong standing for mass transportation, deserves our support. It is a good measure. It is a vote for quality of life in America. I support it strongly and urge its support by this body today.

Mr. COUGHLIN. Mr. Chairman, I yield 5 minutes to the distinguished ranking minority member of the committee, the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of this measure providing appropriations for the Department of Transportation and related agencies for fiscal year 1984. This is a responsible bill that responds effectively to the many transportation needs of the Nation. I would be remiss if I did not particularly single out the work of the ranking minority member, the gentleman from Pennsylvania (Mr. COUGHLIN), and our chairman, the gentleman from Florida (Mr. LEHMAN), for their efforts in putting together this bill. All the members of the committee have worked hard and cooperatively to bring forth this bill, and I urge that it be adopted.

Mr. Chairman, I do not want to rehash the excellent summaries that have already been given. There are, however, several programs that I would like to bring to the particular attention of my colleagues.

For grants in aid for airport development, we have provided for a ceiling of $900 million, which is $200 million above the administration's request. I mention this item because many Members have been concerned about whether we have provided adequate funds for airport development. In my view, the answer to that question is yes. This amount is $150 million above the 1983 level of funding, is consistent with the level of revenues into the airport trust fund, and will meet most of the pressing airport development needs this year.

I was pleased that we were able to provide $100 million for section 402 highway-traffic-safety grants, the fully authorized level. A significant portion of these funds will be made available for alcohol-safety programs that are already having a dramatic effect in reducing the incidence of alcohol-related traffic injuries and deaths.

For local rail service assistance, we have provided $15 million, which will permit the continuation of important rail rehabilitation projects. This is particularly important as we see continued railroad consolidations and track abandonments, and as we approach the time when Conrail will be transferred to the private sector.

For Amtrak, we have provided $720 million, an amount that will permit the continued operation of all current Amtrak routes. Of that amount, $76 million will be available for capital projects. Although this will not cover all of Amtrak's capital needs, it will permit work to go forward on some of the most pressing projects, and will put Amtrak in a reasonably good position to continue its efforts to improve operating performance and safety.

We have included in the bill $100 million for the Northeast corridor improvement program. This amount will continue most of the major portions of the corridor project other than electrification north of New Haven.

For mass transit, the committee has provided approximately $2.4 billion in urban formula grants, which will permit the continuation of operating subsidy assistance. In addition, the bill contains $72.9 million for nonurban—section 18—grant assistance. This is slightly above last year's level, and should help insure that nonurban transit systems, such as the four in my district, will not be forced into significant fare increases or service cutbacks.

The committee has provided $167.5 million in discretionary funds for interstate-transfer-transit grants, $40 million of which would be for Boston's continued work on the red and orange lines.

Finally, we have provided $35.7 million for railroad-highway-crossing demonstration projects, an item that I know has been of great concern to a number of my colleagues.

Mr. Chairman, this is a responsible bill and a balanced bill, and I urge its adoption.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. I thank the gentleman for yielding this time to me, and I would like to engage in a colloquy with the gentleman from Florida (Mr. LEHMAN).

Mr. Chairman, 3 weeks ago, an in-flight lavatory fire spread out of control on an Air Canada DC-9 jetliner; 23 of the 46 passengers on that flight were killed and 18 others were injured, even though the pilot was able to land the plane safely less than 13 minutes after the fire was discovered.

Like so many of my colleagues, I was deeply troubled by this tragic event. However, I was even more distressed to learn that nearly 10 years ago the Federal Aviation Administration rejected air safety recommendations aimed at preventing inflight lavatory fires.

Acting with these alarming facts in mind, I recently introduced a bill, H.R. 3264, to require commercial aircraft with a passenger capacity of more than 30 persons to be equipped with smoke detectors and automatic fire extinguishers in all aircraft lavatories. This bill would also require an automatic fire extinguisher to be installed in all aircraft galleys. The FAA would have 180 days after the enactment of this bill to issue final regulations requiring airlines to make these fire safety improvements.

History reveals that nearly 10 years ago the National Transportation Safety Board made these same recommendations to the FAA, but their recommendations were rejected.

A September 5, 1973, report issued by the NTSB specifically recommended that "the FAA require a means for early detection of lavatory fires on all turbine-powered transport-category aircraft." This recommendation came soon after an in-flight lavatory fire killed 124 people aboard a Brazilian Varig plane in Paris, France.

Further, in a December 5, 1974, report, the NTSB also urged the FAA to "require that automatic-discharge fire extinguishers be installed in lavatory waste paper containers on all transport aircraft. * * * The cost of one extinguisher is below $50, and installation is simple." This recommendation followed two in-flight lavatory fires during a 1-month period in 1974.

Interestingly, FAA regulations require airlines to have smoke detectors and built-in fire extinguishing systems in their cargo compartments, but not in the passenger area.

H.R. 3293 contains fiscal year 1984 appropriations for the Federal Aviation Administration. I would ask my distinguished colleague if it is the intent of this legislation for the FAA to work in partnership with the airline industry, within appropriated funds, to strengthen aircraft fire safety standards, particularly those relating to the prevention of in-flight lavatory fires?

Mr. LEHMAN of Florida. Mr. Chairman, let me assure the gentleman from New York that, yes, this legislation is intended to help strengthen aircraft fire safety standards.

This is a matter we have been encouraging the FAA to act on for years. In view of the Air Canada disaster, I believe a particular focus of the FAA's work, in partnership with the airline industry, should be on better protection against in-flight lavatory fires. The specific proposals contained in my colleague's bill, H.R. 3264, should be given special consideration.

Mr. BIAGGI. I thank the Chairman.

Mr. COUGHLIN. Mr. Chairman, I yield 3 minutes to a distinguished and dedicated member of the subcommittee, the gentleman from Michigan (Mr. PURSELL).

Mr. PURSELL. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to congratulate the committee both on the majority and minority side for an outstanding transportation bill.

I liked the comment by the gentleman from Connecticut (Mr. RATCHFORD) that this is also an energy savings bill. We can move people faster and with less land use through the various transportation networks in this Nation.

Mr. Chairman, I want to comment, however, on an important issue—the St. Lawrence Seaway. The St. Lawrence Seaway has more tonnage pass through the seaway than any passageway in the world, including the Suez Canal and other major networks. Just recently the seaway celebrated its 1 billionth ton that passed through its system.

□ 1140

The seaway is a partnership with the Canadian Government developed under the Eisenhower administration in 1954 and completed in 1959. It is one of the great passageways of the world.

It is time that this Nation look closely at this need for modernization. We are in the process of developing a feasibility study to extend and modernize the seaway, thus allowing larger ships to pass through the locks. This would make the Midwest-Northeast and all of North America more competitive, because we are now in a global market.

Mr. Chairman, I want to compliment the St. Lawrence Seaway Corporation. They have done an outstanding job in the administration of the seaway. I also want to compliment the gentleman from Alabama (Mr. BEVILL) and his subcommittee for allowing us to go ahead with the study money to improve the modernization of one of the great seaways of the world.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CARR).

Mr. CARR. Mr. Chairman, I thank the distinguished subcommittee chairman for yielding this time to me, and I, too, want to add my congratulations to him on bringing a fine bill to the House floor. I also congratulate him on the manner in which he has conducted the subcommittee. As a new member of the committee, it has been a privilege for me to serve with the chairman, the gentleman from Florida (Mr. LEHMAN).

While I am on my feet, I would like to engage the subcommittee chairman in a short colloquy to clarify one point concerning section 315 of H.R. 3329.

As I understand it, section 315 of the bill is not intended in any way to affect the administration proceeding concerning the ship, *Bay Ridge*. However, because MarAd might choose to complete consideration of the *Bay Ridge* by way of a rulemaking, and because all rulemaking concerning the CDS payback is prohibited under the language which we put in H.R. 3329, there is a slight possibility that the bill could be erroneously interpreted to prohibit further action on the *Bay Ridge*.

I do not believe that that was the intent that we had when we put the language in the bill at the request of the authorizing committee, but I would like the chairman of the subcommittee, the distinguished gentleman from Florida (Mr. LEHMAN), to tell me, is my understanding of that intention correct?

Mr. LEHMAN of Florida. Will the gentleman yield?

Mr. CARR. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. The gentleman from Michigan (Mr. CARR), a distinguished member of our subcommittee, is correct.

Mr. CARR. Mr. Chairman, the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from North Carolina (Mr. JONES) is here and has heard our colloquy. I wonder if this is in accord with his understanding and the request that he made of both this subcommittee and the Subcommittee on Commerce, Justice, State and Judiciary on which I also serve.

Mr. JONES of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CARR. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Chairman, the answer is "Yes." Our

committee adopted an amendment to H.R. 2114 in response to the same proposed rule by the Secretary of Transportation that resulted in section 315 of H.R. 3329. Our committee's amendment, while not permitting all CDS paybacks, greatly restricts and conditions MarAd's authority to permit such paybacks. At the same time the amendment was drafted to insure that it would in no way affect DOT or MarAd completing action on the *Bay Ridge.*

Mr. CARR. Mr. Chairman, I thank the chairman of the committee, and I also thank the subcommittee chairman, the gentleman from Florida (Mr. LEHMAN).

Mr. COUGHLIN. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. O'BRIEN).

Mr. O'BRIEN. Mr. Chairman, I would like to take this opportunity to commend the chairman of the Transportation Appropriations Subcommittee, the distinguished gentleman from Florida (Mr. LEHMAN), and the distinguished gentleman from Pennsylvania (Mr. COUGHLIN) for their fine work and thoughtful consideration for recommending $35 million for payment of benefits to former employees of the Rock Island Railroad.

To bend a famous phrase, one might say that "Never in the history of railroading have so many railroaders owed so much to a mere 17 words out of a bill 42 pages long and 8,500 words deep."

After a long and difficult process, which included numerous bills and an historic Supreme Court case, the former employees of the bankrupt Rock Island Railroad are close to receiving the severence pay and other benefits which have been due them for several years, benefits which have been extended to other railroad employees who benefited by certain legal technicalities.

The Rock Island filed for bankruptcy in 1975, and some 8,000 people were thrown out of work. In 1980 the Rock Island Transition and Employee Assistance Act was enacted, which required the trustee of the Rock to negotiate a protective arrangement for the employees and required the Government to guarantee $75 million in loans to pay the cost of the protection. Challenged by the trustee in court on constitutional grounds, the law was knocked down by the Supreme Court, and the displaced workers were left with no benefits.

In the closing hours of the 97th Congress, an agreement was reached to provide $35 million to the employees from general revenues. This was authorized in the Rail Safety and Service Improvement Act of 1982. We knew, with towering deficits before us, that the $75 million was no longer an attainable object. This law, passed last December, avoided the constitutional problem and struck a balance between protecting rail employees and not unduly burdening the industry.

The Appropriations Committee work on this matter is, in my mind, a giant step forward for the former employees of the Rock Island. In addition we are also indebted to the authorizing committee. These funds will be used for subsistence allowances, moving expenses, retraining expenses, separation allowances, and health and welfare insurance premiums, and they are well deserved.

Mr. Chairman, in closing, may I express in particular to the gentleman from Florida (Mr. LEHMAN), the gentleman from Pennsylvania (Mr. COUGHLIN), the gentleman from New Jersey (Mr. FLORIO), and the gentleman from Illinois (Mr. MADIGAN), the heartfelt thanks of 8,000 Rock Island employees.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MINETA).

Mr. MINETA. Mr. Chairman, I thank the distinguished gentleman from Florida (Mr. LEHMAN) for yielding me this time, and I would like to engage the floor manager and the ranking Republican member of the Transportation Subcommittee in colloquy regarding funds for the purchase of locomotives for commuter service between San Francisco and San Jose.

Mr. LEHMAN of Florida. If the gentleman will yield, I will be happy to discuss the merits of this project with my distinguished colleague, the gentleman from California. It is my understanding that it was listed as one of the transit projects supported by San Francisco Bay area congressmen in their May 16 letter to me.

Mr. MINETA. Yes, that is correct. Mr. Chairman, the project does have the support of the bay area delegation and was selected as one of the highest transit capital priorities for the region by the metropolitan transportation commission in its fiscal year 1984 regional transportation improvement program.

Mr. LEHMAN of Florida. It is also my understanding that $19 million in rail modernization funds would be required to purchase the 18 new locomotives needed to improve existing commuter rail service from San Francisco to San Jose.

Mr. MINETA. Mr. Chairman, yes; that is correct. The new locomotives are necessary because the older diesel units, currently in use, are so inadequate that they must be operated in pairs to get sufficient power for running peak hour commuter trains.

Mr. LEHMAN of Florida. Mr. Chairman, I will ask the distinguished ranking minority member of the subcommittee, my distinguished colleague, the gentleman from Pennsylvania (Mr. COUGHLIN), to ask any questions or make any comments he may wish to make on this project.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, I do have one question for the gentleman from California. In what ways will the new locomotives improve commuter rail service from San Francisco to San Jose and reduce the cost of this service?

Mr. MINETA. I thank the ranking minority member for his interest in the project. The California Department of Transportation which operates the commuter trains indicates the new locomotives will vastly improve service by permitting faster schedules and reduce the public funds necessary for long-term maintenance costs. This reduction in operating cost will also enable CALTRANS to better market the commuter service and increase its patronage and profitability.

Mr. COUGHLIN. I thank the gentleman from California for this information. Its does appear to be worthy of support under the rail modernization program. I yield to the distinguished chairman of the Transportation Subcommittee.

Mr. LEHMAN of Florida. I thank my colleague from Pennsylvania for his assistance in this matter. I have no further questions for the gentleman from California. The project also appears to me as worthy of funding under the rail modernization program.

Mr. MINETA. I thank the distinguished chairman and the ranking minority member for their support and assistance in this matter.

Mr. COUGHLIN. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. WOLF).

□ 1150

Mr. WOLF. Mr. Chairman, I would like to call to the attention of my colleagues an editorial in today's Washington Post regarding National Airport and Secretary Dole's proposed policy to slightly modify the annual passenger ceiling at National. I quote from that editorial and ask that it be inserted in its entirety in the RECORD.

It says in part: "The chief opponents of Mrs. Dole's plan are those airlines interested in whatever the traffic will bear."

At one point, Mr. Chairman, the airlines wanted to bring into National Airport up to 18 to 22 million passengers. Most people would acknowledge that it is saturated today.

But it says further: "The chief opponents of Mrs. Dole's plan are those airlines interested in whatever the traffic will bear, and those Members of Congress who have been led to believe—wrongly—that the DOT proposal

would somehow eliminate their favorite flight home. Not so."

Mrs. Dole's policy would not affect a single flight now in operation at National Airport.

There have been a lot of statements made about this and a lot of controversy back and forth, but there are a couple of points to remember.

Mr. Chairman, today at National Airport we now have 13½ million passengers. Under Mrs. Dole's policy, it would allow for growth up to 14.8 million passengers, or 15.2 million passengers, for at a minimum, Mr. Chairman, of 1,300,000 additional passengers at National Airport.

So the Dole proposal is modest and calls for no cuts, absolutely, positively no cuts.

Now, to the Members that are listening here on the floor and to the Members back in their offices listening, there will be no flights cut under this policy. Quite the contrary, this policy will allow for additional growth.

The length of the runway at Dulles Airport is 11,500 feet. The length of the runway at National Airport is 6,859 feet. National Airport has the shortest runway of any of the major airports in the United States.

What Secretary Dole's policy is doing, and it is a continuation of Secretary Lewis' policy, is just saying that additional growth after 1985—not now, not next year, but 1985—additional growth, and I keep coming back to additional so nobody can say there is going to be a flight cut to here or to there, the additional growth after 1.3 million or 1.7 million additional passengers come in will then be spread out to BWI, which is a fine and a wonderful airport, or to Dulles Airport, which is a fine and a wonderful airport.

I might say to those Members who sometimes have the interest of using Dulles, that in September of this year we will open the Dulles connector. The Dulles connector is the new road—thanks to this committee, the Transportation Committee, the Appropriations Committee, and Secretary Lewis—is the new road which will connect I-66 and the Dulles access road.

The CHAIRMAN pro tempore. The time of the gentleman from Virginia has expired.

Mr. COUGHLIN. Mr. Chairman, I yield 2 additional minutes to the gentleman.

Mr. WOLF. As you get on to I-66, you will then connect on the Dulles connector to the Dulles access road, which will mean that Dulles Airport from downtown Washington will be 30 to 35 minutes away.

So in summary, I say, first, this is a safety issue and one that may be talked about later, but I think there is a safety issue involved.

Second, there will be no existing flights cut under this policy.

Third, the rulemaking process is moving along. People are commenting, and I would hope we would not upset that.

Lastly, the Dole policy permits an additional 1.3 million to 1.5 million additional passengers to come into National Airport.

As my colleagues know and anyone who uses National Airport knows, it is congested, not only in the air, but on the ground.

I would urge when the debate begins and the amendment comes up that we support the Glickman amendment, which will allow the Dole policy to continue.

Mr. Chairman, I insert the article from today's Washington Post:

[From the Washington Post, June 22, 1983]

NATIONAL: TODAY'S HOUSE VOTE

How seriously does Congress take its responsibility for airport policy-making? Some indication is due today, when the House is scheduled to act on an important question of balanced air traffic throughout the national capital area. At stake is a modest but forward-looking proposal by Transportation Secretary Elizabeth Dole for orderly growth and limitation of air traffic at National Airport. A provision has been inserted in the appropriations bill for the department that would kill Mrs. Dole's plan—and it is this provision that the House should reject.

The chief opponents of Mrs. Dole's plan are those airlines interested in whatever the traffic will bear, and those members of Congress who have been led to believe—wrongly—that the DOT proposal would somehow eliminate their favorite flight home. Not so. Mrs. Dole's policy, supported by a bipartisan House coalition led by Rep. Frank Wolf of Virginia, would not affect a single flight now in operation at National. It is merely a logical follow-up to an important earlier agreement to strike a better balance between the uses of National and Dulles International. It calls for a future ceiling on passenger traffic that still is above today's level.

That this is an issue of concern throughout the national capital area is set forth strongly in a letter to the House members that is signed by every top locally elected executive and legislative officeholder in the District, Maryland and Virginia. They are merely asking the House to drop language that would prohibit outright Mrs. Dole's plan for controlled growth at National. That, and not anybody's current arrangements in and out of town, is what members should consider—and what should lead them to strike the prohibition now in the bill.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to the distinguished ranking majority member of the subcommittee, my strong right arm, the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Chairman, first let me commend the chairman of this committee, the gentleman from Florida, Mr. BILL LEHMAN, and the ranking Republican member, the gentleman from Pennsylvania, Mr. LARRY COUGHLIN, for a job well done.

Chairman LEHMAN, I think, had more pressures in drafting this bill than most other bills that come through our committee in competing demands for limited dollars. In a very quiet and fair way, I think he made a fair allocation of these resources and we have before us what is an excellent bill.

Let me just make a brief comment on the subject of National Airport, about which we will hear more later.

Let us make sure what the issue is. The issue is not safety. The issue is not the number of flights. The issue is simply whether we are going to have some stability in the planning for the use of National Airport. It is an issue that has been filled with controversy for years. Two years ago an agreement was made between the carriers and Secretary of Transportation Drew Lewis for a passenger cap. Now a new Secretary wants to change those rules, practically before they have gone into place.

In my judgment, we should retain the policy, the stability that was decided in 1981, keep the 16 million passenger cap. That cap does not add flights. It simply says that in terms of volume of traffic, we will abide by the decision, the agreement that was made in 1981, continue the slow, steady passenger growth at National. The growth that is occurring at Dulles and BWI will continue to happen, but let us make it happen in a natural way, rather than forcing it.

I am sorry that we have to deal with this issue, that we have to come back to it after having dealt with it 2 years ago, but we will have more to say about the issue later on.

I thank the Members for their attention.

Mr. COUGHLIN. Mr. Chairman, I have no further requests for time and reserve the balance of my time.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. OLIN).

Mr. OLIN. I would like to thank the distinguished chairman for yielding this time to me. I would like to thank him also for the interest he has expressed in a very serious bridge problem in my district.

As the gentleman knows, the Williams Viaduct in Lynchburg, Va., is in serious disrepair. This two-lane bridge was built in 1917 and was declared deficient over 10 years ago. After many years of increasingly heavy traffic, the Williams Viaduct is now beyond repair. It must be replaced.

Because of this bridge's importance, its size and its cost, it qualifies for funding under the Transportation Secretary's discretionary fund, also known as the big bridge fund. This fund helps repair or replace top priority bridges when the cost exceeds what a State or locality could reasonably pay. The Commonwealth of Virginia has recognized the importance of the

Williams Viaduct and has named it one of the top three priority bridge projects in the State.

This bridge is important not only to the heavy commuter traffic between Lynchburg and Amherst County, it also serves as a major link between the northern part of the Commonwealth and central Virginia. There is only one other bridge spanning the James River for 20 miles in either direction, and this bridge alone cannot handle the heavy traffic load.

The Williams Viaduct is a key to commerce, supporting heavy truck traffic. Several important industries located in the river's lower basin depend on the Williams Viaduct for their access. For one major supplier of iron ductile pipe, the viaduct is the only access route. Should this bridge be closed or posted, it would deal a crippling blow not only to these industries, but to the economy of the greater Lynchburg area.

As we vote on this transportation appropriations bill, I want to make my colleagues aware of the importance of Federal funding for bridges like the Wiliams Viaduct. As we move to the authorization process, I will continue to press for funding for the urgently needed replacement of this bridge.

I again want to thank the chairman for the time and for his attention to the needs of the people of central Virginia.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. OLIN. I yield to the gentleman from Virginia.

Mr. DANIEL. Mr. Chairman, I wish to commend my colleague from Virginia (Mr. OLIN) and to associate myself with his comments in connection with replacement of the Williams Viaduct Bridge. I have the honor of representing a small portion of Lynchburg and am very much aware of the importance of this matter to the people of the city and surrounding area.

The present effort to replace the bridge goes back to 1970 and much community effort has been expended in an effort to deal with the problem. Since the bridge was constructed in 1917, it has obviously passed the point of effective service.

Studies have shown that the flow of traffic across the bridge has increased drastically during this decade and the condition of the bridge continues to deteriorate.

The bridge is a very vital link between Lynchburg's central business district on the south side of the James River with Amherst County on the north side of the river. The safety and economic well-being of the community as a whole is very much involved. Therefore, I would hope that every effort will be made to provide the necessary relief as soon as it is practicable to do so.

If we are truly interested in creating jobs and upgrading our living standards, it is imperative that we improve our transportation facilities and especially our bridge systems.

Mr. OLIN. Mr. Chairman, I thank the gentleman and I thank the chairman for his attention to the needs of the people of central Virginia.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from South Carolina (Mr. TALLON).

Mr. TALLON. Mr. Chairman, I thank the gentleman.

I would like to engage my distinguished colleague from Florida in a colloquy for a moment.

First, I would like to congratulate the chairman and the members of the Transportation Subcommittee for addressing a serious problem facing the communities served by our railroads under the local rail service assistance program in H.R. 3329, the Department of Transportation and related agencies appropriations bill of 1984.

The committee has recommended $5,000,000 under LRSA to be administered on a discretionary basis in accordance with sections 5(H)(3)(B)(ii) and C of the Department of Transportation Act.

In my district I have 14 miles of railroad track between the cities of Conway and Myrtle Beach, S.C., scheduled for abandonment this year by Seaboard Coast Line Railroad. This track services the fastest growing area in my district and possibly in the State of South Carolina. This area is expected to have a 50-percent growth in population in the next 10 years. Working in conjunction with local businessmen and officials, we have determined the major obstruction to continued service on this line is a bridge spanning the Waccamaw River. If this line is abandoned it would have tremendous adverse economic impact on this area's development.

It is my request, and I hope my colleague would agree, that funding for a study to repair the aforementioned bridge could be addressed in the first moneys dispensed under this section by the Secretary.

□ 1200

Mr. LEHMAN of Florida. Will the gentleman yield?

Mr. TALLON. I yield to the chairman.

Mr. LEHMAN of Florida. I commend the gentleman for his diligence in bringing this issue to the committee's attention. I know the bridge is a major problem for the people in the gentleman's district and I call on the Federal Railroad Administration to give this project high priority consideration in allocating local rail service assistance funds.

Mr. TALLON. I thank the gentleman.

Mr. LEHMAN of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. ANDREWS).

Mr. ANDREWS of Texas. Mr. Chairman, I rise for the purpose of entering into a colloquy with the gentleman from Florida. First, Mr. Chairman, I would like to commend the gentleman for his very fair and able handling of the fiscal year 1984 DOT and related agencies appropriations bill through his subcommittee. In my opinion, he and his colleague have done an outstanding job.

Mr. Chairman, I would like to take this opportunity to comment on an issue of particular concern to my home area in Houston. I am referring to the proposed mass-transit project which has now been delayed as a result of the defeat of a public bond referendum. As many of my colleagues well know, Houston's traffic congestion is among the worst in the Nation. Anyone who has been in Houston during rush hour trying to get downtown or to the airport to catch a plane can attest to the urgent need for improved public transportation. Although progress is being made, much still remains to be done.

I was therefore pleased when the Transportation Subcommittee was willing to recognize Houston's mass transportation needs by recommending funding for construction of a mass-transit system linking the downtown to major regional employment and residential centers. Although these funds have been reduced as a result of the recent referendum, this has not diminished the urgency of finding a long-term solution to Houston's traffic problems.

It is now up to the people of Houston and their local officials to develop a new transit plan acceptable to the community. In this regard, I would ask for the assurance of the gentleman from Florida and the other members of the subcommittee that the reduction of funding for Houston's project in the bill before us today, will not prejudice further funding decisions with respect to a more acceptable mass-transit proposal in the future.

The CHAIRMAN. The time of the gentleman from Texas (Mr. ANDREWS) has expired.

Mr. COUGHLIN. Mr. Chairman, I yield 30 seconds to the gentleman from Texas.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Texas. I yield to the chairman.

Mr. LEHMAN of Florida. Mr. Chairman, I appreciate the gentleman's kind remarks. I can also assure him of that the committee fully recognizes the extent of Houston's transit needs and intends to followthrough in supporting efforts to find a solution. While the committee does not intend

to prejudge the best way of meeting Houston's transit needs, it expects to give priority consideration to providing the required funds for a Houston project when the region has submitted a revised plan supported by the community.

Mr. COUGHLIN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Nevada (Mrs. VUCANOVICH).

Mrs. VUCANOVICH. I thank the gentleman for yielding.

I would just like to ask a few questions if I may of the distinguished gentleman from Florida (Mr. LEHMAN) about this bill.

My question is: Will this bill allow the FAA to close 75 flight service stations?

Mr. LEHMAN of Florida. Will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. The gentlewoman is correct.

Mrs. VUCANOVICH. Does the gentleman know what the locations of these 75 flight stations will be?

Mr. LEHMAN of Florida. We do not have a list of those locations. My understanding is that many of these locations have yet to be determined.

Mrs. VUCANOVICH. Does the gentleman know why the Appropriations Committee chose to allow this many closures?

My understanding is they have never closed more than five stations in 1 year.

Mr. LEHMAN of Florida. Yes; this is taking place because of the multibillion-dollar NAS modernization plan under which we will not need all these stations.

Mrs. VUCANOVICH. The gentleman is talking about the automated weather stations replacing them?

Mr. LEHMAN of Florida. The gentlewoman is correct, the existing flight service stations will be closed and 61 new automated stations will replace them.

Mrs. VUCANOVICH. Are any of these functioning yet and does the gentleman know what the schedule would be for those automated weather stations, when they might be on line?

Mr. LEHMAN of Florida. Sites have already been selected for at least 17 automated facilities and equipment for these facilities has been purchased and should be delivered in fiscal year 1984.

So we are already on track for the new plan.

Mrs. VUCANOVICH. But the gentleman does not know of any specific openings planned or have they had any opened at this point?

Mr. LEHMAN of Florida. They have not as yet opened any of the new automated facilities, to my knowledge, except for the Leesburg demonstration site.

Mrs. VUCANOVICH. I thank the gentleman. That answers my question.

Mr. LEHMAN of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, first I would like to commend the chairman of the committee, the gentleman from Florida (Mr. LEHMAN), as well as the other members of the committee and the minority.

Mr. Chairman, with regard to H.R. 3329, I would like to specifically comment on those provisions regarding Coast Guard appropriations. The bill recommends in fiscal year 1984 a total program funding level for the Coast Guard which represents a small increase relative to the fiscal year 1983 program level. This funding would provide the Coast Guard with sufficient resources to maintain current operations and procurement programs. Therefore, I can generally support the Coast Guard appropriation levels provided in H.R. 3329.

As part of its enforcement of laws and treaties mission, the Coast Guard has been required to become increasingly involved in drug interdiction efforts. Drug traffic into the United States is a serious problem which must be addressed at all levels of Government. I am certainly in favor of combating drug traffic and I am gratified that H.R. 3329 includes the full budget request for activities to support the south Florida drug enforcement task force.

It must be emphasized, however, that any action taken to significantly increase Coast Guard operations will probably result in the need for supplemental funding. For example, the administration may, by Executive order, require the Coast Guard to step up their drug interdiction efforts or to become involved in certain national security activities. Such additional responsibility would stretch Coast Guard resources. This must not be allowed to occur in view of the fact that the Coast Guard is currently responsible for carrying out numerous important operations. The Coast Guard's primary missions; search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, and military readiness are essential to the well-being of our country and have the cumulative effect of providing for safety of life and property at sea. Adequate funding for these missions must be maintained, and not diverted into other activities.

● Mr. RAHALL. Mr. Chairman, as we consider the fiscal year 1984 appropriation for the Interstate Commerce Commission, I think it important we realize exactly what type of activities we are funding.

I am particularly concerned over two Commission proceedings on railroad ratemaking issues decided earlier this year. The ICC in its decision to exempt export coal traffic moving by railroad to the east, gulf, and west coasts from all regulation is, in the words of ICC Chairman Reese Taylor, "anticompetitive and contrary to both the domestic and foreign policies of Congress and the Administration." In its Coal Rate Guidelines Nationwide, the Commission has devised a scheme in which captive shippers are made defenseless against monopolistic railroad pricing practices.

While these two decisions affect coal shippers, be assured they are being advanced by the ICC as a formula by which all high-bulk commodities moving by rail will be measured. Threatened are commodities such as grain and other agricultural products, chemicals, fertilizers, phosphates, aluminum, and iron ore.

It is difficult to believe that in this era of rail industry mergers, when there are only seven major rail systems nationwide, the Commission would choose to thwart congressional intent that captive shippers be protected against unreasonable ratemaking procedures.

The decision to exempt export coal from regulation, for example, will result in increased rates and decreased demand for U.S. coal on the world market. According to Chairman Taylor, in his dissent to this decision, armed with this exemption the railroads will engage in discriminatory pricing practices. By 1985, Virginia, Utah, and Colorado will witness a complete loss of export coal production. By 1990, a substantial decline in production will take place in southern West Virginia, Alabama, and Oklahoma. This information can be found in the ICC's own environmental assessment document. It should be noted that the decision also removes the commodities clause limitation on the railroads. As such, with the exemption, the railroads could produce coal from reserves which they own and transport this coal at more favorable rates than those given to other producers.

On the domestic front, in its Coal Rate Guidelines Nationwide, the ICC will allow rail rates on coal traffic to increase by 15 percent per year above inflation. Be advised that this increase will be borne by consumers of electricity generated by coal-fired powerplants. It will also have the effect of placing a disincentive on utility coal conversions and construction of new coal-fired powerplants.

In my State of West Virginia, nearly two-thirds of the coal mines active 2 years ago are not producing because of the depressed coal industry. Unemployment among the Nation's coal labor force is now at 32 percent. The ICC, however, will contribute to this

unemployment through its decisions which, in my view, ignore the intent of Congress in enacting the Staggers Rail Act that while the railroads should be released from stringent regulation, at the same time, protections for captive shippers must be maintained.

It is time reasonable checks and balances be placed on the activities of the ICC. As we consider the Commission's fiscal year 1984 appropriation today, let us also consider the adverse impacts its decisions will have on national energy policy.●

● Mr. MINETA. Mr. Chairman, I rise to express my appreciation and admiration for the fine work done by the chairman of the subcommittee in bringing this bill to the floor today.

Our colleague from Florida stepped into the chairmanship of this subcommittee last year. Since then he has done an excellent job in a difficult position, and I know that all of us in this House who have dealt with him and his fine staff have been grateful for their patience and their professionalism.

As one who has to work closely with the Transportation Subcommittee of the Appropriations Committee, I am happy to have this opportunity to publically congratulate and praise the subcommittee chairman for a job truly well done. This subcommittee has a broad and complex program within its jurisdiction, but our chairman is more than equal to the challenges before him.●

● Mr. McEWEN. Mr. Chairman, I would like to commend the chairman of the subcommittee, Congressman LEHMAN, and the ranking member, Congressman LARRY COUGHLIN, for their efforts on behalf of the State of Ohio. Just 72 hours before the final markup of the bill, I received word that Ohio would be precluded from receiving fiscal year 1984 local rail service assistance funds unless restrictive language in the bill was amended.

The committee was justifiably concerned that $43 million in LRSA funds awarded several years ago, remain unspent. Therefore, the bill includes language requiring that a State must expend LRSA funds granted through fiscal year 1980 before it can apply for 1984 funds.

Ohio has $1.9 million in unspent fiscal 1976 LSRA funds. Ohio's case is unique, however, in that an unresolved law suit precludes the expenditure of these funds.

Thanks to the cooperative efforts of Chairman LEHMAN, ranking member COUGHLIN, and Ohio Congressman LOUIS STOKES, the Appropriations Committee inserted language exempting funds unspent due to pending litigation. Ohio business and industry are dependent on rail service. Without Federal funding for rail projects, Ohio's economy would have suffered a severe blow.

I would also like to express my appreciation to the committee for the inclusion of funds for completion of the U.S. Grant Bridge at Portsmouth and the Greenup Dam Bridge. These bridges are important not only to the immediate areas they will serve, but to the economic well-being of both southern Ohio and northern Kentucky. I appreciate the efforts of Congressman CARL PERKINS in protecting these bridges which will serve as major links between Ohio and Kentucky.●

● Mr. REID. Mr. Chairman, I join my distinguished colleague from Nevada, the Honorable BARBARA VUCANOVICH, in opposition to the Federal Aviation's (FAA) plan to consolidate its existing five flight service stations within the State of Nevada.

Congresswoman VUCANOVICH had planned to offer an amendment to H.R. 3329, the Department of Transportation and Related Agencies appropriations bill for fiscal year 1984, which would have prevented the dismantling of the nationwide network of flight service stations, as set forth in the transportation appropriations bill. House Rules precluded the offering of this amendment.

The Federal Aviation Administration plans to modernize and consolidate its current 351 Federal flight service stations into 61, resulting in the closing of over 200 existing stations. The FAA's plans will result in the closing of the Las Vegas facility and it will be relocated in Reno, Nev. This means that only one flight service station will serve the entire State of Nevada.

The Las Vegas Flight Service Station, located at McCarran International Airport, provides vital services to aircraft and air travelers, including weather collection and dissemination, flight plan coordination and emergency assistance. Currently, the Las Vegas Flight Service Station serves Clark County, Nev., and parts of northwestern Arizona and southern California. Closure of the FAA flight service station would also have a detrimental impact on McCarran International Airport and the local economy in my district, which relies heavily on tourism.

In addition, it is my understanding that the scheduled closing of these flight service stations may exceed the implementation of automated flight service stations. The automated stations should be in place before the FAA proceeds with its plans in order to insure the safety of air travelers. I am pleased that the committee has agreed to monitor the FAA's actions in this area.●

● Mr. RAHALL. Mr. Chairman, as a member of the Subcommittee on Aviation, I rise in support of efforts to prohibit the use of FAA funds to close more than five flight service stations in 1 year.

The FAA recently notified me of its intent to consolidate West Virginia's five flight service stations at Huntington, Charleston, Parkersburg, Morgantown, and Elkins into one facility. Under this plan, the entire State of West Virginia would be located into a single flight plan area.

While I am a staunch supporter of airport improvement and modernization, the FAA plan concerns me for a number of reasons. Pilots are dependent on flight service stations of weather briefings. In addition, these facilities provide emergency services, process flight plans, monitor navigation aids and perform other duties geared to insure aviation safety. However, there is a great deal of uncertainty over whether the FAA's automated flight service stations scheduled to replace the closed flight service stations will be functional when these existing stations are shut down. In addition, I am concerned over whether the automated stations could provide the same level of service to pilots which the present network provides.

Without a doubt, aviation safety must be our major consideration in this matter. As such, I believe the FAA's plans should be more carefully examined.●

● Mr. FRENZEL. Mr. Chairman, the transportation appropriation we are considering today is excessive, and is full of false savings.

This bill, H.R. 3329, increases budget authority by $550 million over the President's most recent budget request. It does so by increasing the funding for mass transit and by scoring a recission of $144 million from the airport grants-in-aid program as savings.

False savings are also obtained by finagling the funding of the FAA operations, transferring funds from a revolving fund to the local rail assistance account, and transferring funds from the CAB payment to air carriers account to the CAB operations account.

In total, the transportation appropriation is several hundred million below the 302(a) allocation provided for the Transportation Subcommittee by the not yet ratified conference agreement for the fiscal year 1984 budget. Because the conference agreement was a reconciliation of the House budget, a radical free-spending one, and the Senate budget which is merely excessive, it is no wonder that this high spending bill can give the appearance of being under budget. Unfortunately, the budget resolution applies no constraints.

Not only is this bill spendthrift and counter to the reduce-the-deficit directives of our constituency, but it is being considered before the passage of a budget resolution. Waiving the budget act, as was done for this bill,

undermines the rules and laws by which Congress organizes and governs itself. If we cannot follow our own rules, how can we expect others to follow them.

The transportation appropriation is far from the worst spending bill that the Appropriations Committee has produced, but it is not good enough. The deficits are too high. It is hard to make reduction, but they must be made.

Congress could restrain its own spending habits if it wished. Bills which spend too much should be defeated. This bill should be defeated.●

● Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of the Coast Guard appropriation in the DOT bill considered here today. We in the Merchant Marine and Fisheries Committee, where I serve, have spent a lot of time over the last few years looking closely at the jobs we in Congress have heaped upon the Coast Guard. We have concluded that the search and rescue, law enforcement, marine safety, and national defense functions are most important.

I have been trying to increase Coast Guard funding over the years so that these traditional functions could be carried out. There are those who would have the Coast Guard do more and more with less and less. This is just plain ridiculous in my view.

The administration's recommendation for this year was more generous compared to prior years. With a more favorable capital improvement funding in recent years, the Coast Guard has been able to build up its deteriorating facilities and make changes where additional ones are needed. In this respect the Coast Guard is using the money wisely. In my own State of Alaska, the Coast Guard will, under this bill, be able to establish a helicopter search and rescue facility at Cordova, a fishing area now experiencing rapid growth. Rather than go ahead with a full blown station, this seasonal facility will give them the knowledge they need for future planning, while at the same time responding to the life and death needs of that community. In addition, they will be able to modernize the communication station at Kodiak which services the entire North Pacific. This project is badly needed as the Coast Guard is now working with pre-World War II technology and equipment. The bill also provides needed funding of seagoing buoy tender rehabilitation and for the purchase of five new C-130 airframes including, modifications and parts for Aireye sensor systems. The dependability of the C-130 aircraft in combination with this surveillance technology will prove to be an effective fisheries law enforcement tool. I hope this procurement will materialize and be used off the coast of Alaska and elsewhere to conserve this Nation's valuable resources.

I note in the committee report No. 98-246 on this bill that the Appropriations Committee is taking steps to encourage the rapid conclusion of the administration study on marine sanitation device regulation enforcement. During the 97th Congress, the Coast Guard and Navigation Subcommittee engaged in extensive oversight hearings into the functions and activities of the U.S. Coast Guard which resulted in a subcommittee report entitled "Semi-Paratus: The United States Coast Guard, 1981," House Report No. 97-355. One area of Coast Guard regulation and law enforcement that was investigated concerned the requirement for marine sanitation devices onboard vessels.

On the basis of this, I believe the law needs revision and I have introduced H.R. 1421, a bill to eliminate Coast Guard responsibilities regarding marine sanitation devices on small vessels. As noted by the title, the purpose of this bill is to eliminate Coast Guard responsibilities for enforcement of MSD regulations. The bill eliminates the Federal requirement for marine sanitation devices but retains Federal standards of performance and applicability of manufacturing provisions. The regulation and enforcement of MSD's would be left to the States. A State or a political subdivision of the State, however, may not prohibit or regulate the discharge of sewage from vessels of 65 feet or less except if required marine sanitation devices conform to the Federal standard of performance or if the discharge prohibition applies entirely within a State's waters. The bill provides that vessels engaged in interstate travel, however, would not be subject to the laws and the regulations of another State. Thus, a vessel equipped with a MSD meeting the Federal standards may discharge into another State's waters except for waters designated as no discharge zones. Additional adjustments may be desirable such as limiting the MSD requirement based on crew size as well as length of vessel. However, this legislation simply is designed to overcome the problems and deficiencies in the current statutory system.

The Coast Guard performs a valuable service to our Nation. Whenever a task arises requiring maritime expertise, we call upon them and they respond unselfishly. We need to review and where possible eliminate duties, such as MSD enforcement, which can be done by the States or the private sector and get them back to the real business of saving life and property at sea. In this regard they deserve our full support and I urge my colleagues to approve this fiscal year 1984 appropriation.●

● Mr. HAMMERSCHMIDT. Mr. Chairman, the committee report (98-246) to accompany H.R. 3329 (the Department of Transportation appropriations bill for fiscal year 1984) would direct the Administrator of the FAA to impose certain standards for eligibility under the airport improvement program on one airport—the Burbank-Glendale-Pasadena Airport—that would not apply to any other airport in the Nation.

This particular airport has applied to the FAA for a grant for the purpose of relocating the terminal a safe distance from one of its main runways. It has met, or is in the process of meeting, all of the criteria established under every Federal, State, and local law to be eligible for a grant from the FAA—including the environmental impact statement.

Mr. Chairman, I would not attempt to judge the priority of the project in the Nation's airport and airway system. There may be more worthy projects in other areas that are more urgently needed. However, as a member of the committee which authored the Airport and Airway Improvement Act of 1982, I firmly believe that this project should be considered by the Administrator on its merits, on its need, and on the basis of safety—not on some arbitrary standards that do not apply to any other airport in the Nation, and certainly not on some standards which are not included in any Federal, State, or local statute.●

● Mr. SNYDER. Mr. Chairman, I note that in the committee report to accompany H.R. 3329, the Department of Transportation appropriations bill for fiscal year 1984, the committee directs that no discretionary funds in the bill should be available to the Burbank-Glendale-Pasadena Airport for purposes of constructing a new terminal until the airport meets three criteria: First, gains approval by the Secretary of a noise exposure map; second, gains approval by the Secretary of a noise compatibility program; and third, has adopted a master plan.

While this language in the report is advisory only, I object to the committee attempting to impose standards on this single airport which are not required of any other airport in the Nation.

Mr. Chairman, the primary purpose of the airport improvement program is to improve the Nation's airports and airways in order to insure safety to the traveling public. It is my understanding that the purpose of this proposed terminal to be constructed at this particular airport is to relocate it a safe distance from one of the most active runways. Thus, this project is eligible for AIP funds based on safety, and it should be considered on its merits—not on some arbitrary conditions that are completely unrelated to the purpose of the airport improvement program.●

● Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 3329, the fiscal year 1984 appropriations for the U.S. Department of Transportation, and other agencies under the jurisdiction of the Subcommittee on Appropriations chaired by out distinguished colleague, Congressman WILLIAM LEHMAN of Florida.

The subcommittee has, once again, done a commendable job in reporting out this legislation which continues and, in some cases, modifies and expands the important programs of the U.S. Government for maintaining a safe and sound transportation system in this country and in Puerto Rico.

Mr. Chairman, the Surface Transportation Act of 1982 was a significant step forward in stimulating our country's lagging total investment in building, and renewing our national transportation system, as the committee report on this legislation notes.

The Surface Transportation Act started, in my opinion, the loosening of budget restrictions in many Federal programs, and this change in mood has prevailed in H.R. 3329 which funds the programs authorized by the House Committee on Public Works and Transportation. This companion appropriations measure fortifies the promise that many national transportation leaders had when the President signed the Surface Transportation Act of 1982 which provided additional financial investment to maintaining a sound highway system, and in expanding the various transportation programs. In addition to the Federal Highway Administration, the most significant Federal transportation entity helping Puerto Rico to continue to develop our infrastructure is the Urban Mass Transportation Administration which, for the past several years and since its inception, has been a creative and useful partner with the Government of Puerto Rico in helping solve our mass transit needs.

I would like to briefly point out that UMTA's programs in Puerto Rico have given a significant impulse to transportation development on the island.

The committee has recommended increases in funding for UMTA to a level of $4,432,592,000. This figure includes funds for all UMTA programs which help plan, develop, and improve comprehensive mass transportation systems in urban and rural areas.

I am hopeful that UMTA will continue to move speedily in providing funds under the new section 9 program to help start up our island's innovative "Agua y Guagua" project which is in the final stage of approval for a $45 million grant. This project would essentially move traffic in the San Juan metropolitan areas through a combined ferry and bus system and involves dredging and relocation of the Martín Peña Channel, and relocation of approximately 500 families through a parallel effort of the Department of Housing and Urban Development in the area of San Juan called Barrio Tokio.

The Agua y Guagua project is a visible, creative, and cooperative effort of the Island's Department of Transportation and Public Works, other Commonwealth and Federal agencies, and the city of San Juan, and I wanted to make special note of this project which would have a positive and significant impact—on a long-range basis—in helping ease traffic congression in a crowded metropolitan area.

I am hopeful, too, that the funds will be provided soon for this project, for which the island's administration will match with $9 million.

Mr. Chairman, the other provisions of H.R. 3329 are equally important in that they allow the continuance of the important programs of the Federal Highway Administration.

In recent months, the island's government has moved forward with a variety of proposals to help maintain an efficient and operable highway system. Our secretary of transportation and public works, Dr. Rafael Faria, and a devoted staff of professional aides, have moved quickly to take advantage of the provisions of the Surface Transportation Act. This includes not only the increase in funding, which has helped our construction industry toward revitalization, but has also provided critical jobs in a society which is in desperate need of productive employment.

The department of public works and transportation has also submitted plans which have enabled Puerto Rico to designate portions of our island's highway systems as "interstate" for the purposes of maintenance and additional construction funds, a fact which has an obvious impact on the national defense needs of our country in this time of crisis in Central America.

Mr. Chairman, the various safety programs and other agencies which are funded in this bill, such as the Coast Guard and the National Highway Transportation Safety Board, are essential to providing funds to increase and maintain safety off our coast, and on our island's highways.

In sum, this legislation is a positive and responsible action by Chairman LEHMAN and members of his subcommittee to constructively fund our national transportation system, and I commend the members of this committee for bringing this bill to the floor today.●

□ 1210

Mr. COUGHLIN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. LEHMAN of Florida. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, $22,000,000, to remain available until expended: *Provided*, That there may be credited to this appropriation, funds received from State and local governments, other public authorities, private sources and foreign countries for expenses incurred for research, development, testing and evaluation.

AMENDMENT OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUDDS: On page 5, line 11, strike $22,000,000 and insert $23,500,000.

On page 5, line 15, change the period to a colon and insert the following: *"Provided further*, That $500,000 of this appropriation shall be available only for the development and testing of a sealed electronic ocean dumping surveillance system to assist the Coast Guard in conducting enforcement and surveillance activities pursuant to Title I of the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1401 et seq.).".

Mr. STUDDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. STUDDS. I thank the Chairman.

I will explain very briefly what this amendment does. I will spare the Committee an elaboration of my own views about the insufficiency of funding in general for the Coast Guard, although as I understand the strictures under which the committee must operate, they have done the best they possibly could.

This amendment would add $1.5 million to the research and development account of the Coast Guard. Of this amount $500,000 would be earmarked for the development and testing of a "black box" or sealed, electronic ocean-dumping surveillance system for use in enforcing U.S. law regulating ocean disposal of sewage sludge and dredge materials and industrial waste.

The remaining $1 million will be available for various research projects in the area of search and rescue, drug law enforcement, and other Coast Guard missions.

The specific decision as to the expenditure of the funds will be left to the Coast Guard. But, for the information of Members, the Coast Guard has presently projects planned, but

not funded, to develop techniques and equipment for hazardous chemical identification, treatment, and discharge control, improved search and rescue techniques, including the development and demonstration of satellite search and rescue and the improvement of vessels for carrying out law enforcement and search and rescue missions.

I am offering this amendment on behalf of the gentleman from New Hampshire, the chairman of the Subcommittee on Oceanography (Mr. D'AMOURS), the gentleman from Delaware (Mr. CARPER), and myself.

Mr. LEHMAN of Florida. Will the gentleman yield?

Mr. STUDDS. I yield to the chairman of the subcommittee.

Mr. LEHMAN of Florida. The majority has studied this amendment and has no objection to it.

Mr. STUDDS. I thank the gentleman.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield to me?

Mr. STUDDS. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I thank the gentleman for yielding.

Mr. Chairman, the minority has no objection to this amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield to me?

Mr. STUDDS. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Mr. Chairman, I strongly support the gentleman's amendment.

I might say that in the subcommittee markup I was able to transfer some money from other accounts to try to bolster the Coast Guard budget. I could not agree with the gentleman more. I think that the Coast Guard budget is still somewhat inadequate to meet the many demands placed on the Coast Guard, but we were under great, great budgetary restraints, as the gentleman knows. However, I could not agree with the gentleman from Massachusetts (Mr. STUDDS) more and am pleased to support his amendment.

Mr. STUDDS. I appreciate the statement of the gentleman.

The gentleman's reputation as a fiscal magician is well deserved. And I appreciate, and I know the Coast Guard does, his support.

Mr. CARPER. Mr. Chairman, will the gentleman yield to me?

Mr. STUDDS. I yield to the gentleman from Delaware.

Mr. CARPER. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment.

I ask unanimous consent to revise and extend my remarks.

As my distinguished colleague and chairman of the Subcommittee on the Coast Guard knows, I am adamantly opposed to the practice of dumping sewage sludge in the ocean. But, if it must be done on a short-term basis, then it should be done correctly.

This amendment would provide the Coast Guard with research and development funds necessary to develop effective, cost-conservative mechanisms to prevent illegal short dumping of sludges in coastal waters.

Under current conditions, the Coast Guard is unable to maintain even a 10-percent surveillance of dumping activities at the only operating sludge dump site off our coast. This dump site is only 12 miles outside the mouth of New York Harbor.

The Reagan administration's Environmental Protection Agency is leading a major effort to shift this dumping activity to a site about 100 miles off the coast of my State of Delaware.

I seriously doubt, however, that any sludge will be dumped within the parameters of this site given the Coast Guard's current inability to adequately monitor sludge dumping. With nobody watching, dumpers will simply dump their wastes closer to shore, threatening the economic vitality of our coastal waters and public health. We cannot afford this risk.

This amendment would demonstrate this Congress commitment to the protection of our coastal environment. It also would permit the Coast Guard to do its job much more thoroughly. I commend the gentleman from New Hampshire for offering this amendment.

Mr. STUDDS. Mr. Chairman, I thank the gentleman from Delaware, and I yield back the balance of my time.

● Mr. FORSYTHE. Mr. Chairman, I strongly support the amendment offered by my good friend, Mr. STUDDS. On April 26 of this year, the leadership of the Merchant Marine and Fisheries Committee and the Coast Guard and Navigation Subcommittee presented joint, bipartisan testimony concerning the Coast Guard budget to the Transportation Appropriations Subcommittee. Our committee places a high priority on the Coast Guard and on its having sufficient resources to carry out its many, varied missions.

H.R. 3329 contains funding that corresponds, in most respects, to the administration's budget request. Under other fiscal circumstances, I would very much prefer to see significant increases in various aspects of the Coast Guard budget, such as for the AC&I account, Reserve training, and recreational boating safety programs. However, I recognize that severe budget constraints exist. I am today limiting my request for additional funds, to the Coast Guard research and development program.

The Coast Guard's missions are both people-intensive and equipment-intensive. The use of effective equipment and operations techniques developed in the R&D program has great potential for improving the effectiveness and efficiency of Coast Guard operations in a wide array of missions.

Through research and development, major advances have occurred in aerial surveillance techniques critical to search and rescue, law enforcement, and marine environmental protection. Improvements in oil spill detection equipment have helped to trace the source of oil pollution incidents, thereby permitting the United States to recover in court for the expense of cleaning up spills.

This list of past achievements could go on, but the basic message is clear. Funds devoted to a well-run program of research and development are a prudent, cost-effective investment. I believe that the $1.5 million addition we are requesting is an affordable and wise expenditure of scarce funds.

This addition will not cause the total Coast Guard appropriation to exceed the administration's budget request.

In particular, I believe that positive returns—in terms of lives saved, efficiencies gained, and future costs avoided—could be achieved by investing additional funds in the following ongoing R&D programs:

First. Developing techniques and equipment for hazardous chemical identification, discharge treatment and recovery, and personnel protection;

Second. Improving search and rescue techniques, such as demonstration of the international search and rescue satellite;

Third. Demonstrating the global positioning navigation system;

Fourth. Developing command, control, and communications technology and information management techniques; and

Fifth. Planning for the upcoming need to replace the patrol boat fleet as it nears the end of its service life.

I also support the proposal to initiate an R&D program for aiding at-sea surveillance of ocean dumping activities, through development of a so-called black box to provide automatic remote electronic surveillance. This appears, to most members of the Merchant Marine and Fisheries Committee, perhaps the only feasible way to properly enforce ocean dumping rules. I also would expect that, as part of their R&D effort, the Coast Guard will investigate the use of black boxes on foreign fishing vessels in the U.S. fishery conservation zone, in order to reduce the demand on Coast Guard resources for this mission.

In closing, I note that the Congress and the American people have long recognized the need for providing the men and women of the U.S. Coast Guard with adequate resources to do their jobs. Helping the Coast Guard R&D program develop new and better

ways to perform their jobs more effectively and more safely seems to me the most cost-effective way of showing our continued support for the outstanding professionals of the Coast Guard.●

● Mr. HUGHES. Mr. Chairman, I rise in support of the amendment offered by the distinguished chairman of the Coast Guard Subcommittee and urge my colleagues to support it.

The amendment would add $1.5 million to the research and development account of the U.S. Coast Guard and earmark $500,000 for the development and testing of a black box—a sealed electronic surveillance system to be used to monitor ocean dumping barges to assure that dumping takes place within designated sites and at rates permitted by the Environmental Protection Agency.

As you know, the continuation of the ocean dumping of sewage sludge off the New Jersey coast has created considerable controversy among those who live and work along the coast.

Despite the enactment of legislation which I sponsored in 1977 to put an end to the ocean dumping of harmful sewage sludge by the end of 1981, more than 7.5 million tons of sludge is dumped 12 miles off the New Jersey coast each year. There is some concern that ocean dumping may be going on outside of designated sites or at inappropriate rates. Should sludge dumping be moved from the 12- to the 106-mile site, the incentive for "short dumping" will be greatly increased.

Although the Coast Guard is charged with surveillance and other appropriate enforcement activity to prevent unlawful dumping, ocean dumping surveillance in 1982 was 1.5 percent of all dumping events. The Coast Guard, charged with multiple missions, is unable to provide the manpower and resources necessary to adequately monitor ocean dumping activities under present circumstances.

The amendment offered today, will provide for the development of new technology which will provide a cost-effective means of monitoring ocean dumpers without requiring shipriders to accompany each barge. The technology developed for these monitoring devices could also be modified for other purposes including keeping track of foreign fishing vessel activities in the U.S. 200-mile fishery zone.

In addition to providing funds for the development of the black box technology, the amendment provides funds for other important Coast Guard research and development projects including developing techniques for hazardous chemical identification and treatment, improving search and rescue techniques, developing command control and communications technology, and improving information management.

I hope you and other Members of the House will join me in voting in support of this amendment.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. STUDDS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out provisions of sections 307(a) and 403 of title 23, United States Code, to be derived from the Highway Trust Fund and to remain available until expended, $8,500,000.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: Page 13, after line 17, insert the following:

ACCESS CONTROL DEMONSTRATION PROJECT

Section 150(d) of the Federal-Aid Highway Act of 1978 is amended by adding at the end thereof the following: Strike the period and insert the following: ", provided, however, sums shall not lapse until September 30, 1985".

Mr. CONTE. Mr. Chairman, I am pleased to offer this amendment along with my good friend and colleague, the gentleman from New Hampshire (Mr. GREGG). The purpose of this amendment is to extend by 9 months the deadline for three access control demonstration projects authorized under section 150(d) of the Federal-Aid Highway Act of 1978.

One of these three projects involves Route 9 between Keene and Concord, N.H. Because of regulatory delays in pursuing this project, the authorized funds need to be made available through the end of fiscal year 1985.

Mr. Chairman, I would emphasize that no additional funds are required, and that this amendment would simply make these funds available through September 30, 1985. I urge the adoption of this amendment.

Mr. LEHMAN of Florida. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Chairman, the majority has studied the amendment of the gentleman from Massachusetts, and we have no objection.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield to me?

Mr. CONTE. I yield to my good friend, the gentleman from Pennsylvania.

Mr. COUGHLIN. We have read the amendment of the distinguished ranking minority member and former ranking minority member of this subcommittee——

Mr. CONTE. Mr. Chairman, I will quit while I am ahead.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, $720,000,000, to remain available until expended, for operating losses incurred by the Corporation, capital improvements, and labor protection costs authorized by 45 U.S.C. 565: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further*, That the Secretary shall make no commitments to guarantee new loans or loans for new purposes under 45 U.S.C. 602 in fiscal year 1984: *Provided further*, That the incurring of any obligation or commitment by the Corporation for the purchase of capital improvements not expressly provided for in an appropriation Act or prohibited by this Act shall be deemed a violation of 31 U.S.C. 1341: *Provided further*, That no funds are required to be expended or reserved for expenditure pursuant to 45 U.S.C. 601(e): *Provided further*, That none of the funds in this Act shall be made available to finance the rehabilitation and other improvements (including upgrading track and the signal system, ensuring safety at public and private highway and pedestrian crossings by improving signals or eliminating such crossings, and the improvement of operational portions of stations related to intercity rail passenger service) on the main line track between Atlantic City, New Jersey, and the main line of the Northeast Corridor, unless the Secretary of Transportation certifies that not less than 40 per centum of the costs of such improvements shall be derived from the non-Federal sources: *Provided further*, That, notwithstanding any other provision of law, the National Railroad Passenger Corporation shall not operate rail passenger service between Atlantic City, New Jersey, and the Northeast Corridor main line unless the Corporation's Board of Directors determines that revenues from such service have covered or exceeded 80 per centum of the short term avoidable costs of operating such service in the first year of operation and 100 per centum of the short term avoidable operating costs for each year thereafter.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey: Page 23, line 24, through page 24, line 10, strike out ", unless the Secretary" and all that follows through "each year thereafter".

Mr. SMITH of New Jersey. Mr. Chairman, I offer this amendment to essentially prohibit the use of $30 million, the authorized Federal contribution for rail rehabilitation for a proposed intercity rail link between Phila-

delphia and Atlantic City, because while the idea was certainly well intentioned, the fact of the matter is that a great number of people in south Jersey simply do not want it.

Mr. Chairman, I think it is imperative that this body realize that in recent weeks, there has been an explosion of protests, anger, and resentment by the residents and officials of many of the communities through which the high speed intercity train would travel. The people of these host communities, including two municipalities in my district—Pennsauken and Merchantville—resent being forced to endure the safety hazards associated with the high-speed 79-mph intercity trains designed to service the special interests of the casino industry without comparable benefits for the residents of our area.

While an operating plan submitted by the New Jersey Department of Transportation includes the possibility of a limited commuter service, the thrust of the project is clearly and unmistakably designed to provide rail service for out-of-State casino patrons, at the expense, I might add, of thousands in my district and others throughout south Jersey. Let me underscore here, Mr. Chairman, that local access to most of the rail service would be virtually nonexistent for the people in my district and other parts of Camden County, yet we are being asked to bear not just a major annoyance and eyescore, but a very real and menacing safety hazard.

I would like to point out to my colleagues at this point that there is a rail line alternative of noteworthy promise that would connect Philadelphia with Atlantic City.

This idea involves the utilization of the existing PATCO high speed line to Lindenwold, while the Pennsylvania Shore Rail Line (PSRL) would be renovated from Lindenwold to Atlantic City. I have read in his report entitled, "A Proposal To Extend PATCO Hi-Speed Lines Service to Atlantic City" dated May 17, 1983, J. William Vigrass, superintendent of equipment of the Port Authority Transit Corp. of Pennsylvania and New Jersey, writes:

> For PATCO to provide a complete solution to Atlantic City's transportation needs, an Amtrak connection is desirable. . . . A direct connection is desirable and could be provided by a westward extension from PATCO's 16th and Locust St. Terminal to the Schuylkill River at about 26th Street, thence north along the Baltimore & Ohio Railroad right of way to JFK Blvd., opposite 30th St. Station. A pedestrian walkway connected to the railroad bridge would provide an enclosed route for connecting passengers. It would be no longer than many airport walkways. The B&O has a four track right of way, but has only two tracks, the remaining two being vacant.

Mr. Chairman, the idea has promise, but, admittedly, is very expensive. This line, however, would provide much local access without the safety hazards associated with the current proposal.

It is my understanding that to accomplish this would require a new authorization earmarking the funds for this new project. The House rules, precludes redirecting the $30 million for utilization of the PATCO commuter line.

Mr. Chairman, 2 weeks ago, I held a town meeting in Pennsauken, to sample local sentiment, to hear from the people I am privileged to serve in Congress.

For over 2 hours, Mr. Chairman, I was bombarded with articulate, reasonable, and at times emotional questions and comments from townspeople and officials who called for the termination of this ill-advised project.

As one person said, if this is a gift from south Jersey, it is a bad gift, and should be rejected. I heard several mothers of school children warn of impending tragedy noting the close proximity of many schools to the proposed rail line. The DOT plan although it may be revised, envisions at least 6 round trips per day and it has been suggested that the service could provide up to 15 round trips per day. Insuring the safety of the people—especially the children—in the host communities is indeed formidable when one pauses to remember that we are talking about the prospect of 79 mph minimum speed trains zipping through residential areas.

My colleagues I believe should take special note that there are 42 at-grade crossings along the 68-mile route. I recently visited two at-grade crossings in Pennsauken with Rose Ann Moran, one of the leaders of RAGE, Residents Against the Gamblers Express. I was particularly disturbed by what I saw at the Park Avenue crossing located within a couple of blocks of Pennsauken Junior High School. I was informed that scores of students cross the tracks on foot at the Park Avenue intersection every day. The Safety Bus Co. of Pennsauken advises me that over 65 school buses filled with students cross the Park Avenue at-grade crossing every day. Also, the Board of Education's Special Education minibuses cross Park Avenue filled with students at least 40 times per day. The potential for mishap I believe should be self-evident.

I also heard from residents living a mere 20 to 30 feet from where the big outdated diesel trains would run, and they told me how they fear the noise, air pollution, structural damage to their homes, decreased home values and above all, how they fear for the safety of their loved ones.

I do not think we can easily brush aside their concerns—they have a right to be heard, and listened to.

In the last few weeks, Mr. Chairman, numerous elected officials—Democrats and Republicans—have come out foursquare against the present plan.

This bipartisan opposition includes mayors, members of the New Jersey General Assembly and State senators.

I would like to share just a few comments from these local officials to give this body some idea as to the intensity of opposition to what has become known locally as the "Gamblers Express."

Merchantville Mayor John Morrissey, a Republican, writes:

> To expect the taxpayers of New Jersey to pay/subsidize a rail line which will travel at 79 m.p.h. every half hour through residential communities, without stops for local use, with unfavorable vibration, safety and environmental impacts, simply to transport gamblers back and forth between Philadelphia and Atlantic City is an insult to everyone's intelligence. Residents in this area of South Jersey certainly have a need for improved mass transit rail service and would support a well planned rail line providing service to local communities. This Philadelphia to Atlantic City rail line proposal serves the casino industry—period.

Pennsauken Mayor John Jacobs, a Democrat:

> Considering the fact that the proposed rail service starts at the State line in our community, travels on existing right-of-ways that cross, at grade, two major roads in Pennsauken and travels through at least one of our heaviest developed residential neighborhoods and given the fact that this service will be conducted at least 12 times in any given day with train speeds of up to 79 miles per hour, I find it hard to believe that the State of New Jersey did not think that the residents of Pennsauken Township would have any concerns nor request the opportunity to provide input into this proposed rail service. I am prepared to demonstrate via the media and even a physical demonstration with residents of our Township on the Conrail right-of-way via a stoppage of train traffic until such time as the State of New Jersey and the Department of Transportation realize that Pennsauken is a community that does not enjoy governmental agencies jamming their "pipe dreams" down our throats.

Haddonfield Mayor J. Tarditi, Jr., a Democrat put it this way:

> We are told that since we are getting the 30 million dollars "free", we should then take the line, as giving up this gift will not be in our best interest. I and my fellow Mayors in the Camden County area believe that the proposed PSRL rehabilitation represents a "trojan Horse" for South Jersey. The 30 million dollars looks good, but the results will be a horror for our communities, and if fact, provide no direct benefit to most of the Communities in Camden County.

State Senator Lee B. Laskin, a Republican recently commented that:

> This boondoggle is not needed. . . . Every single community is opposed to the line. . . . In any event, my local constituents do not want to assume the noise and air pollution, the filth and debris, the devaluation of property, and all the other disadvantages which would come from this "Gambler's Express.". . . I think you'll agree that this rail line would be a monumental blunder.

Assemblywoman Catherine A. Costa, a Democrat, contacted me and said:

This proposed rail line will only benefit the casinos and residents of Philadelphia, while imposing an undue hardship on the people in the New Jersey communities that the train will pass through. As a state legislator I will be using my position on the Assembly Revenue, Finance and Appropriations Committee to block the expenditure of state tax dollars on this project.

Assemblywoman Barbara Kalik, also a Democrat, wrote me and said:

As an elected official of a number of constituents involved, I would like to join you in opposition to the above mentioned rail line. I share your concerns regarding the possible safety hazards imposed on our mutual constitutents.

In an editorial on June 5, the Camden Courier Post, a highly respected daily newspaper serving south Jersey criticized the proposed rail line: The editorial writer asks:

If it is trains we need, why not trains that benefit a broad spectrum of the population rather than a single industry?

Last Thursday, Mr. Chairman, Assemblymen John Rocco and Tom Shusted, both Camden County Republicans, introduced legislation to forbid the use of State funds for the proposed rail line.

Last Wednesday, the Camden County Mayors Association came out against the project.

The resolution, reads in part:

Whereas such a proposal will not be of substantial benefit to any of the affected Municipalities, will not provide access to such Municipalities, will not assist in the orderly and efficient movement of commuters to and from their places of employment, will not improve the access to the 30th Street Railroad Station from the existing Patco service and will in general apparently cause an ongoing adverse effect to the environment through the generation of noise and other concomitant adverse features; and

Whereas it appears that the sole reason for such proposed expenditure of tax payers dollars is not to serve the citizens of Southern New Jersey but rather to serve the interests of the Atlantic City Casinos solely; Now, therefore, be it

Resolved, That the Mayors Association of Camden County opposes the process by which such plan was formulated and apparently put into effect and further, on the basis of the scarce knowledge available, opposes the proposal itself: Be it further

Resolved, That copies of this Resolution be sent to each affected Municipality and each State and Federal jurisdiction under this proposal.

Many, many other elected officials have come out against the line including Cherry Hill Township Mayor Marie Banaby Greenwald, a Democrat, Lindenwood Mayor John Pregartner, a Democrat, and Frances Ward in Audubon also a Democrat, to name just a few.

Indeed, opposition is mounting. People are worried. Some are scared. We need to act on their behalf not on behalf of the special interests.

Mr. Chairman, in closing, I believe the proposed rail line extension is ill-advised, it certainly lacks local support, indeed it has generated vociferous local opposition, and I believe it is not the best utilization of scarce financial resources.

I urge my colleagues to support my amendment.

□ 1220

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as Members of the Committee know, this is a hotly contested issue. The intercity bus operators question why the Federal Government should subsidize train service which they claim will put them out of business. The train supporters say that this new service will ease traffic congestion in Atlantic City and enhance the cost effectiveness of our Northeast corridor investment.

The bill before the House contains a compromise position which we believe is fair to all concerned. Instead of 100 percent Federal funding contained in the authorization act and zero percent funding contained in the President's budget, the committee's compromise calls for a 60-percent Federal share for rehabilitating this line.

In addition, it calls for Amtrak to meet 80 percent of its short-term avoidable operating costs from revenues in the first year of operation and 100 percent thereafter.

The committee thoroughly considered this issue and came to the conclusion that it could not support a project of this nature without significant financial contributions from the casinos or the State. The committee's compromise does that, calling for a 40-percent non-Federal share.

Mr. Chairman, I urge the Members to stick with that compromise and reject the proposed amendment.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all I want to compliment the gentleman from New Jersey for his fine presentation. He did his homework well and he made a fine presentation here today.

Mr. Chairman, I regret very much that I have to oppose the gentleman's amendment, but we on the committee have done a lot of work on this project and I believe it should go forward.

It may seem strange that someone from Massachusetts should be in this well opposing this amendment. But although I may not know as much about southern New Jersey as the Members from that State, I do know something about transportation and Amtrak.

□ 1230

Therefore, as the former ranking minority member on the Transportation Appropriations Subcommittee, and as one who has nurtured and worked so very hard to make Amtrak the success it is today, I have no alternative but to oppose this amendment.

This project is important for several reasons. First, the principal way of getting from Philadelphia to Atlantic City, the highway, is already overcrowded and unable to absorb the additional traffic. Once in Atlantic City, traffic congestion has become so bad that restrictions on the number of vehicles in certain areas have been imposed. The implementation of Amtrak service on this route will help ease that traffic congestion.

This route will be a valuable adjunct of current Northeast corridor service. At one time, colleagues would come to me and say, "Silvio, Amtrak may be a great idea, but it just does not go where the people are." Here is clearly a place where people want to go. The number of people going to Atlantic City continues to grow. As I mentioned already, those people are overtaxing the ability of existing transportation facilities to get them there. This will finally be a case of Amtrak following the routes that people want to travel.

This route is going to benefit the entire Amtrak system. Amtrak projections show that this route should be one of their most profitable. Not only should the route contribute to Amtrak's overall economic condition, but the availability of convenient service to Atlantic City should stimulate traffic all up and down the Northeast corridor.

Mr. Chairman, this route has been authorized after considerable study and review by the authorizing committee, the Department of Transportaion and by Amtrak. I think it would be inappropriate to turn our backs on this opportunity to proceed with a well-justified project at this time.

Mr. Chairman, there are already certain conditions placed on the provision of service by Amtrak on this route that are not placed on any other Amtrak train in the United States. There are requirements regarding local cost sharing in the capital aspects of the project. The bill already goes much further than the authorization did in restricting the provision of service on this route. These conditions insure that the route will not be a drain on Amtrak's resources and that the rest of the Amtrak system will not be subsidizing service on this route. If New Jersey does not come up with the 40-percent of its share of the capital funds of this program, the program and the project will not fly. The gentleman from New Jersey was mentioned and quoted State senators who will not vote for this 40 percent. Well, if the New Jersey legislators do not vote for the 40-percent share, this project will not fly. But at least do not

kill it here. Let us leave that decisions up to New Jersey. I do not think that we should prematurely kill this route here today. I believe that we should proceed to defeat this amendment and, permit the expansion of Northeast corridor Amtrak service to Atlantic City.

Mr. HUGHES. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first I want to commend the chairman of the Transportation Subcommittee and the ranking Republican member of the full committee for their assistance in bringing this issue to the floor of the House.

I represent the Second Congressional District, which is the southern portion of the State, and I am really taken aback that my colleague from New Jersey would presume to speak for the people of the southern portion of the State. My district is the largest district in the State. It comprises about one-third of the land area of New Jersey, running from Barnegat Inlet all the way across the State to the Delaware River. Just about everything south of there, which is the southern portion of the State, really is the area that is impacted by this line. And even though my colleague from New Jersey (Mr. SMITH) represents a small portion of this region, he could not speak for the overwhelming majority of the residents of southern New Jersey that I am privileged to represent in the Congress along with my colleague, JAMES FLORIO, of the First District.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. I would just point out to my colleague from New Jersey, my good friend, that many of the population centers are in the Camden County area, and people who are not within my district have contacted me on behalf of this, plus two of the townships, as I mentioned in my opening comments. Pennsauken and Merchantville are right in the area.

Mr. HUGHES. I appreciate the contribution, but the fact remains that the gentleman does not represent the overwhelming majority of the people of the southern portion of the State, an area that is growing by leaps and bounds.

Many of my colleagues know the area very well. It is a tourist economy along the coast, which contains some of the most beautiful tourist resorts in the country. My colleague from Pennsylvania visits the coast often. He knows first hand how we have undergone a tremendous amount of growth in this region.

In the recent redistricting, my district lost some 80,000 people because it is the fastest growing area in the State.

My colleague from New Jersey (Mr. SMITH) would have you believe that this is a new rail line. This is not a new corridor. It has existed for decades and happens to be the only passenger rail line in the entire region, the only passenger service between Philadelphia and the seashore. That is until we closed it down last year because of poor trackage. To get into the summer resorts by car is difficult because of bumper-to-bumper traffic. You cannot get into not just Atlantic City but the Wildwoods, Ocean City, and the other resort communities, unless you wait in line sometimes for hours, because traffic is so congested. And it is growing, with each casino resort adding 3,000 to 3,500 jobs in Atlantic City. The new service industries moving into the area are also bringing new people to the region. The area population is exploding beyond our wildest imagination.

Recently Atlantic City had to put a limit on the number of buses that came into the city at 1,000 buses because we are going to sink the island with the number of buses coming into the city. We are not talking about a gambler's express. That is a red herring that has been thrown out by the critics, particularly the bus operators who fear that in some way this rail line is going to take away from the buses. It cannot take away from the buses. The buses are assured of a great future in our region. We are talking about a regional transportation system, the same as my colleague from central New Jersey has, the same kind of passenger service that services his region. That is what we are talking about. We do not have a rail system in my region now because we closed it down last year because of the poor trackage. We are talking about reviving that rail line to create a balanced transportation system, one that will not only tie into the Northeast corridor and open up the region and try to stem the flow of cars and buses into our area, but also at the same time transport passengers throughout the region. We are talking about a system that is going to feed not just Atlantic City but Ocean City, my home community, and the Wildwoods and Cape May again and into Cumberland County and up into Ocean County. I am talking about a comprehensive transit program for the southern portion of the State, just as we have in the northern and central portions of the State.

You cannot have, it seems to me, a well balanced system without talking about rails as well as highways and airports.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. I agree with what the gentleman is saying regarding the need for a rail line in south Jersey. I strongly endorse the concept. As I mentioned in my opening remarks, there are alternatives, although they are more expensive. The problem that I would raise to the gentleman and other Members of this body is that there are safety hazards associated with the current plan. Just last Wednesday the Mayors Association in Camden County came out with a very strong resolution condemning this proposed plan. They also came out and said they will take whatever efforts necessary, including litigation in a lawsuit, to try to stop it, due to the health hazards.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. HUGHES) has expired.

(By unanimous consent, Mr. HUGHES was allowed to proceed for 5 additional minutes.)

Mr. HUGHES. Mr. Chairman, that is absolute baloney. This is the first time I have heard that issue surface.

It is the old story. The rail line, the right of way, has been there for years. It is in public ownership. Folks have built their homes and business all along the right-of-way. The State's operating plan will have to address the grade crossing and safety issues.

I realize there is some opposition in some of the communities because there was no commitment by the State to provide commuter service stops in their communities.

□ 1240

I want to say to my colleague from New Jersey that I am not happy with the State's position. I am far from being happy with it because, frankly, they are not talking about the kind of commuter service that I am interested in for our region, in order to insure a balanced transportation system. I want what your colleagues in the legislature want. They want the stops in some of the communities so that they can benefit from the line, and I support that.

But we have to start somewhere, and we have to start with a line that is going to make money. The surveys have shown that this line is one of the most promising lines in the entire country. They are talking about a potential ridership of 12,000 passengers a day coming into our region.

I say to my colleague, we cannot transport those kinds of numbers into our little seashore communities by highway. The New Jersey Expressway, as my colleague well knows, is now overloaded. They are talking about widening that. They are talking about paying off the bonds some 10 or 12 years before the bonds mature because of the ridership that has developed on that superhighway. The region has ex-

ploded, population-wise and commuter-wise, and we have to deal with those transportation issues. The way we deal with them is through a balanced system.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I am happy to yield to my colleague, the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment and reinforce one of the points that the gentleman has made, and perhaps lift it out of a provincial discussion, that this Congress as recently as last December took action in authorizing this initiative largely on the basis of the debate that took place and stated that we ought to be investing our transportation dollars in rail transportation systems and that we should be focusing those rail transportation system dollars in the corridors that exist, the high-density corridors that exist around this Nation.

This country and this Congress has invested $2.5 billion in the major corridor network running from Boston to Washington. Part of the argument in favor of this proposal is a cost-effective argument; that this corridor that will feed into the main corridor will enhance the traveling public on the Northeast corridor by 5 percent, some 4 million people per year, therefore justifying the investment of $2.5 billion into the Northeast corridor in a very effective way. Likewise, this Congress in the last number of years has authorized studies to determine what were the most cost-effective rail corridors to invest in. This particular corridor happens to rank 1-2 with the San Diego-Los Angeles corridor as the next corridor for investment in terms of improving the physical plant so that we can transport people into those areas.

So this is a very cost-effective utilization of moneys for rail improvements that transcends just the provincial concerns of some of us, but is a very good investment of dollars to try to accelerate the rail improvement system around the Nation, particularly focusing in on those high-density corridors, this being one of the foremost.

So I appreciate the points the gentleman has made.

Mr. HUGHES. I thank the gentleman for making an excellent point. I think that the point the gentleman makes is the one that the gentleman from Massachusetts (Mr. CONTE) as well as the chairman of the Transportation Subcommittee made, and the reason Amtrak is so interested in this line.

There is tremendous potential here to enhance the entire Northeast corridor. I think that is what we are talking about. A few years ago, perhaps just before the gentleman from New Jersey came to the Congress, one of the big issues before this body was developing alternative forms of transportation, particularly mass transportation, and trying to wean people, where possible, away from the automobile into mass transportation.

Here is an opportunity to do that. We cannot possibly absorb the automobile ridership that is projected for the next decade in our region. We need this type of assistance.

One additional point I would like to make, and I will be happy to yield to the gentleman from New Jersey (Mr. SMITH) again.

Mr. SHARP. The time of the gentleman from New Jersey (Mr. HUGHES) has again expired.

(By unanimous consent, Mr. HUGHES was allowed to proceed for 3 additional minutes.)

Mr. HUGHES. Mr. Chairman, we are good soldiers in southern New Jersey, but the fact of the matter is that 98 percent—98 percent—of the mass transit funds go north of us. We have no other rail system; this is our only system. Much of northern New Jersey is already built out. We have an opportunity in the southern portion of the State, which is still rather rural in nature, to develop a transportation system that will help us do the kind of planning that we need to do in the years ahead so that we do not have the sprawl and the congestion and the problems that have developed in other parts of not just our State but the country.

Mr. Chairman, I would urge my colleagues to reject the amendment. This rail project is absolutely essential for our region. I thank the chairman of the Transportation Subcommittee and the members, and particularly the ranking Republican member, for their vision, for their understanding, of what is taking place in our area of the country. We are going to show that the investment of this $30 million is a good one. The State of New Jersey has got to, I think, at this posture come to grips with the fact that they have to be full partners. That means that they have to put some State apples in the barrel, and I think that is exactly what this committee in its wisdom has done.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I would be happy to yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. I thank the gentleman for yielding.

Mr. Chairman, I would just point out to my colleagues again that I do strongly support the concept of a rail line and your arguments about the need for growth, and the growth potential for the south Jersey area is valid, and I accept that.

The problem is, this is not the best alternative that could have been approved by this body.

I would also say to my good friend, the gentleman from New Jersey (Mr. FLORIO) and I want to commend him for his very eloquent words, just as recently as June 14, in a letter to Mayor John Jacobs of Pennsauken, he said, and I quote:

> Confirming our ultimate conclusion, in the event Governor Kean were to publicly change his position of previous support for this proposal, I would see no purpose in going forward and would work to insure that the Federal commitment were withdrawn.

Mr. Chairman, I would just say that what we are talking about here is, I think the gentleman would agree, we would go back to the drawing board. Hopefully we could come up with a proposal that would please the people in the communities that I represent and that he represents.

Mr. HUGHES. Mr. Chairman, if I may reclaim my time, I hear that more often: "This is not the time." "This is not the place." Hey, this is the line. This is a right-of-way that we have had for generations. If this is not the right-of-way, what is to be the right-of-way. This is the only line that traverses the southern portion of our State. It is the only right-of-way we have and the only feasible proposal before us.

Mr. FLORIO. Mr. Chairman, will the gentleman yield on that point?

Mr. HUGHES. I am happy to yield to my colleague, the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, I would like to respond to two points.

One, some representations have been made that the State which initiated this whole project has somehow changed its mind. That has not been conveyed to me, and to this day the State Department of Transportation is an intimate partner in this whole plan, unless the new administration has changed its mind, which it has not. They stand behind this project.

The suggestion about an alternative line, I think, that reference has been made to is the Lindenwall high speed line. Now, some would say $30 million is too much for this whole renovation project. The Lindenwall high speed line is talking about extending for 2 miles at a cost of $200 million, and extending to the shore at a cost of over half a billion dollars.

I do not know where it is the gentleman from Trenton sees the money coming from, so if one offers that as an alternative, it really is not a viable alternative.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. HUGHES) has again expired.

(By unanimous consent, Mr. HUGHES was allowed to proceed for 1 additional minute.)

Mr. HUGHES. Mr. Chairman, I would just say to my colleague that I have heard that proposal floated before, but that is just totally unrealistic, to think in terms of that type of major commitment in these trying economic times.

What we are asking for is a modest commitment, and it will come back to us manyfold through the enhancement of the Northeast corridor and through an efficient mass transit system into a region just coming into its own. I urge rejection of the amendment.

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am reluctant to oppose my colleague from New Jersey, or some of my colleagues from New Jersey, and I rise in support of the amendment offered by the gentleman from New Jersey.

For the benefit of my colleagues who are here, and those who may be watching back in their offices on the television, let us be very clear about what this is. This is the "gamblers' special," designed to provide subsidized train service to the casinos of Atlantic City. That is what this is.

□ 1250

In the capital area, the subcommittee had initially proposed that the $30 million that the Federal Government would provide should be matched by 50 percent local dollars, but that was changed and now it is only 60 percent Federal and 40 percent local. We are providing for this line a special thing that other lines do not get when there has to be a 50-50 match. In other parts of the country, we are asking the system to come up with 50 percent of the funds for other systems, but not here. Why should we provide this special service for this one line?

And in the operating area, we had originally provided in subcommittee that this line's operation should cover its fully allocated cost. That was modified in the full committee to say that we will only cover the short-term avoidable costs of the line. That means that we are providing subsidies by the taxpayers of the whole country for the casinos of Atlantic City.

We can believe that if those casinos really wanted this, they would be willing to put up the money, but if they know the taxpayers are going to subsidize them, they are surely going to let the taxpayers subsidize them.

Mr. Chairman, that is where we are in this amendment, providing this kind of subsidized service.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I would just observe that the gentleman has running through his district the Harrisburg-Philadelphia rail line that is regarded as one of the least productive rail trains in terms of commuter subsidies that is provided. Amtrak has put in excess of $30 million in that.

Mr. COUGHLIN. And I oppose that line.

Mr. FLORIO. And I look forward to hear what the gentleman is going to be arguing when we have the Amtrak authorization coming forward. I wonder if he is going to be arguing in the same way that he is arguing now.

I would suggest that in fact Amtrak has indicated that this particular train, the one that is contemplated to run through the Atlantic City-Philadelphia corridor, will yield a better rate of return than a number of the other trains that are in the system.

Mr. COUGHLIN. Mr. Chairman, let me reclaim my time, if I may.

I might add that I oppose the Harrisburg line, as I have in the past.

But the emerging corridors study itself shows the Atlantic City line would not meet either the capital requirements or the operating fund requirements. Public subsidies would be required to operate it. That is what it showed.

Let me say next where this money is coming from. Where is the money coming from to build this line? It is being diverted from other needed projects, other Northeast corridor projects.

Where would the money come from? Six and a half million dollars would come from New Jersey bridges, $10.4 million would come from Boston track rehabilitation facilities, $8.1 million would come from New York tunnel rehabilitation, $4.5 million would come from Philadelphia parking garages, and another $500,000 would come from New Jersey stations. That is what the source of these funds is.

The source of these funds would provide the capital for the "gamblers' special" going to Atlantic City to subsidize the casinos in Atlantic City with taxpayers' dollars. Amtrak's president himself has testified that the trip purpose of a vast majority of the riders will be to go to Atlantic City, to go to the casinos in Atlantic City and participate in that activity.

Mr. Chairman, this is a good amendment. It is a good amendment because this is a bad project that should not be subsidized by the taxpayers of the Nation. I urge its support.

Mr. FLORIO. Mr. Chairman, will the gentleman yield on that last point?

Mr. COUGHLIN. I yield very briefly to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I thank the gentleman very much for yielding.

The gentleman knows that this money is not being diverted from other projects in the Northeast corridor. The gentleman also knows that the administration did not want to spend $310 million of the $2.5 billion, and as a result of the authorization that was passed last year, the administration reluctantly, I suspect, but nevertheless signed onto a specific list that was incorporated into the statute to provide for funding in accordance with the full level of the Northeast corridor provision.

So it is not accurate to say that this money is somehow being taken away from other projects.

Mr. COUGHLIN. Mr. Chairman, let me say, of course, that the administration's budget requested that the funds be deleted for this project.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. COUGHLIN) has expired.

(On request of Mr. HUGHES, and by unanimous consent, Mr. COUGHLIN was allowed to proceed for 2 additional minutes.)

Mr. COUGHLIN. Mr. Chairman, let us be very clear that the administration requested that funds be deleted from this project, so it is clear as to where the administration stands. It does not want the project.

Second, there is no question about the fact that this is an earmarking of funds that would be used for the Northeast corridor for this purpose. It would be used for rehabilitation of the Northeast corridor, and, specifically, the projects I listed would be the ones that could not be funded because of these funds being diverted to Atlantic City.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, I am sorry that the gentleman keeps characterizing this particular rail line as a gamblers' express. This line existed many decades before casino gaming came to Atlantic City.

The gentleman well knows that there is a lot more to the seashore than just the casinos. We have some of the finest beaches, as the gentleman well knows, and some of the finest resort and other communities that would utilize this line, and I think it is an unfair characterization to suggest it is just going to be just for gamblers.

I made the point of suggesting how we need a balanced transportation system. The gentleman well knows that we had a rail line into that region for years to service those resort communities, and, unfortunately, now more than ever, we need that line. This is going to enable us to begin building a line to one of the fastest

growing regions of the Northeast. It is a lot broader than just casinos.

Mr. COUGHLIN. Mr. Chairman, I appreciate the gentleman's interest, and, of course, that line was discontinued because it was financially insolvent.

Mr. HUGHES. Not so.

Mr. COUGHLIN. That is what we are facing now, having a line that will be subsidized by the taxpayers.

Mr. HUGHES. Mr. Chairman, if the gentleman will yield, New Jersey closed the line down because of the unsafe trackage, and, unfortunately, we have suffered because of the lack of this rail line. It is the only passenger service we have in the entire region, as the gentleman well knows.

Mr. COUGHLIN. Mr. Chairman, I understand the gentleman's interest, and I will close by just urging support of the amendment offered by the gentleman from New Jersey (Mr. SMITH).

Mr. MOORHEAD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is some language in the committee report dealing with the Burbank-Glendale-Pasadena Airport. I am opposed to that language, and I believe, had it been in the bill, we could strike it on the grounds that it was legislation on appropriations.

Mr. Chairman, the Committee on Appropriations has submitted a report to accompany H.R. 3329 which expresses considerable concern over noise levels in the vicinity of the Burbank-Glendale-Pasadena Airport.

The report specifically requires the Secretary of Transportation to approve a "noise exposure map and a noise compatibility program" and the local jurisdiction to adopt a master plan.

I would like to provide some clarification on this matter for the record. The Burbank-Glendale-Pasadena Airport is the only airport in the United States with a federally mandated noise envelope.

The General Accounting Office in 1982 audited the Federal grant conditions and concluded the airport had met and actually exceeded all Federal requirements respecting noise reduction. In fact, at the time of the audit, the noise impact had been reduced by 50 percent from the federally established noise impact baseline.

Airports in the United States are not required to submit to the Secretary of Transportation or anyone else a noise exposure map, noise compatibility program or master plan. The Burbank Airport terminal project is proposed to correct safety issues only and is completely unrelated to noise. The project should be decided on its own merits and receive Federal funding as any other eligible project should.

I sincerely doubt that every member of the Committee on Appropriations intended to single out the Burbank-Glendale-Pasadena Airport for inequitable treatment from the FAA and DOT.

I seriously doubt that the other body would support such a biased application of funding criteria.

And I know for certain that a vast majority of the persons and organizations in the airport vicinity resent their airport being the target of prejudiced treatment.

The airport authority is only trying to comply with the specifications of the Airport and Airway Development Act of 1982 which states that "the safe operation of the airport and airway system will continue to be the highest aviation priority."

It further provides that "all airport and airway programs should be administered consistent with" the section of the FAA Act which specifies "the assignment and maintenance of safety as the highest priority in air commerce. * * *"

The report language suggests the highest priority of the airport is something besides safety, which is clearly contrary to existing law.

I do not think that attempts to correct conditions which do not comply with contemporary FAA safety requirements should be stymied by dilatory tactics.

Mr. Chairman, I support the new terminal project of the Burbank-Glendale-Pasadena Airport and oppose the language of the report.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1300

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have responded. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from New Jersey (Mr. SMITH) for a recorded vote.

A recorded vote was refused.

Mr. SMITH of New Jersey. Mr. Chairman, I demand a division.

On a division (demanded by Mr. SMITH of New Jersey) there were—ayes 25, noes 33.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COUGHLIN: On page 23, line 25, strike "40" and insert in lieu thereof "50".

Mr. COUGHLIN. Mr. Chairman, this is a very simple amendment. It simply increases the local share required to match the Federal funds for the Atlantic City line from the 40 percent that is provided in the bill to 50 percent. The 50-percent local match would make the provisions for the Atlantic City line correspond to the requirements for other locally assisted lines. It would make the match required locally correspond to the amounts that we are asking other cities around the Nation and other communities around the Nation to contribute as their share of various major projects in the transportation area.

□ 1310

As I said, it is a simple, straightforward amendment to require a 50-percent local match, and I urge my colleagues to adopt the amendment. It was one that was included by the subcommittee initially. It corresponds with the subcommittee decision and I hope the amendment will be adopted.

Mr. LEHMAN of Florida. Mr. Chairman, I reluctantly rise to oppose the amendment.

We have attempted to work with the gentleman from Pennsylvania (Mr. COUGHLIN) on this. I think we have worked out an effective compromise and I rise in opposition to the amendment.

Mr. COUGHLIN. Mr. Chairman, I hope my colleagues will vote for the amendment.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, the authorizing legislation does not require any State or local match for these funds. The authorization explicitly provides $30 million in the Northeast corridor fund and is silent about any State or local funds that may be required.

I might tell the House that the language in the bill was the result of a very, very delicate compromise. Originally the proponents of this project in New Jersey wanted to get a portion of their local share out of New Jersey's interstate transfer transit funds. They lost that position, and in full committee I offered an amendment to change the 50–50 local share to the current 60–40.

Let me tell the House that Amtrak wanted a 75-25 Federal-to-State match, not a 60-40 formula.

I might say that nothing has been said here about the casinos that will be on this line and that will provide some $12 million toward this project.

Let me emphasize again that this was a very, very delicate compromise. We met time and time again on this. I met with the gentleman from Florida (Mr. LEHMAN) and I met with the gentlemen from New Jersey (Mr. HUGHES and Mr. FLORIO). We argued this at great length in full committee.

It really pains me, to fight the gentleman from Pennsylvania, my good friend, on this issue here today. The gentleman opposed me in committee, but we won. I think now in all fairness that we ought to leave this alone. I urge the defeat of this amendment.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my good friend from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Does not the gentleman think that if the casinos are willing to put up the money, they might be willing to put up a little bit more money and make this line consistent with the capital match on Amtrak 304(b) State-assisted routes?

Mr. CONTE. I talked to the president of Amtrak on this point, and he thought that this was the maximum that you could squeeze out in non-Federal money. Even with the 60-40 match, New Jersey is going to have problems. Even at 60-40.

I wish that we could treat this Atlantic City line like any other Amtrak line. We are not doing that; we are being unfair, I think, to this Atlantic City line.

Mr. COUGHLIN. Will my colleague yield further?

Mr. CONTE. I am glad to yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I would think, however, it would be unlikely that the casinos would put up additional money if they find that the taxpayers of the United States are going to put it up. We can keep some heat on the casinos by adopting this amendment.

Mr. CONTE. I think they have enough heat on them already; we do not want to burn them up.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New Jersey.

Mr. HUGHES. I want to thank the gentleman. The gentleman I think has done a superb job of explaining the sensitive balance that has been worked out.

In the long pull, the State is going to have to make major commitments to this line. You are talking about all kinds of grade crossing repairs, you are talking about the long-term rolling stock for the commuter service, so the State is going to have to make a very, very substantial commitment.

I think that the 60-40 formula that has been worked out is a fair and reasonable one, and one that the State is going to have to live with.

I think it is a substantial commitment on the part of the State, and it pains me to hear my colleague from Pennsylvania continue to refer to this as the "Casino Express."

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. CONTE) has expired.

(By unanimous consent Mr. CONTE was allowed to proceed for 3 additional minutes.)

Mr. HUGHES. My region houses a multibillion-dollar tourist economy, multibillion-dollar. It is the second largest industry in our State, and casinos are making a contribution, no question about it. But the casinos are a small part of my region.

I thank my colleague. I think what has been worked out is a fair and reasonable compromise and I hope my colleagues will reject the amendment.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to my good friend from Minnesota.

Mr. SABO. I would commend the gentleman from Massachusetts for his position. I think this issue was one of the most difficult and contentious ones that we had to deal with in our subcommittee.

I expect one might easily have had 10 or 12 different positions from the different people who serve on our subcommittee. But we arrived at a compromise that is reflected in this bill today, and I would hope the House would honor that compromise and let us go on to other issues that we face in this bill.

So I commend the gentleman and I would hope that the House would vote no on this amendment.

Mr. CONTE. I think the statement of the gentleman from Minnesota is very important because the gentleman from Minnesota (Mr. SABO) was on the other side of this issue in subcommittee. For him to stand up here and endorse this compromise here today is very, very significant.

We hammered out a compromise. It is a good compromise. The proponents of this project, the gentlemen from New Jersey (Mr. FLORIO and Mr. HUGHES), are not completely happy with this compromise. The opponents are not happy with it. If no one is completely satisfied, it must be a good compromise.

Mr. COUGHLIN. Will my colleague yield?

Mr. CONTE. I yield to my good friend from Pennsylvania.

Mr. COUGHLIN. Of course, the 50 percent is the compromise that we arrived at in the subcommittee.

Mr. CONTE. As the gentleman from Pennsylvania knows, I have nothing but the highest respect and regard for him. As I told my friend from Pennsylvania after I met with the president of Amtrak on this particular issue, he said that there was no way that route could be done on a 50-50 basis. He suggested 75-25. The gentleman wanted 50-50. And we came out with 60-40.

My colleague knows that government is the art of compromise, and frankly I think this was a pretty good compromise.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. COUGHLIN).

The question was taken; and on a division (demanded by Mr. COUGHLIN) there were—ayes 9, noes 38.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

Total obligations for grants under the contract authority authorized for fiscal year 1984 in section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended, (49 U.S.C. 1601 et seq.) shall not exceed $1,250,000,000: *Provided*, That notwithstanding any other provision of law, total amounts of contract authority authorized for fiscal year 1984 in section 21(a)(2)(B) of the Urban Mass Transportation Act of 1964, as amended, shall be available for obligation through fiscal year 1987: *Provided further*, That no funds shall be made available for the proposed Woodward light rail line in the Detroit, Michigan area until a source of operating funds has been approved in accordance with Michigan law: *Provided further*, That the Woodward line restriction shall not apply to alternatives analysis studies.

AMENDMENT OFFERED BY MS. FIEDLER

Ms. FIEDLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. FIEDLER: Page 27, line 8, strike out "$1,250,000,000" and insert in lieu thereof "$1,122,500,000".

(By unanimous consent Ms. FIEDLER was allowed to proceed for 5 additional minutes.)

□ 1320

Ms. FIEDLER. Mr. Chairman, my amendment will delete $127.5 million for Los Angeles rail construction because I believe there are two major problems with the subway system. One is the cost of building the system, and the other is the cost of operating the system. I supported the preliminary engineering study, but original costs kept escalating on that study. So, I decided to do a more indepth analysis of the system. Experts from UCLA, USC, UC Irvine and Berkeley have expressed serious questions about the ridership estimates. The subway proponents claim no Federal subsidies will be required for this system.

Now we are all well aware of the fact that the systems traditionally require huge subsidies, the proponents say this subway will not require one whatsoever. That is a really hard thing to believe. I have with me a ridership chart. This data, I might add, comes from the 1980 census. It covers Manhattan which is the most densely populated area in the New York subway system and it also has data which was given by the RTD in their presentation to the Subcommittee on Transportation appropriations, showing a density of population of 12,000 people per square mile.

As you look at this particular ridership chart and you look at these two systems, New York is here, with a 70,000 per square mile population, residential population, and as you look at Los Angeles with a 12,000 per square mile density of residential population, and then look across at the projected riderships which are being presented by the proponents of this particular study, they are indicating that the ridership will be 20 percent in excess of that of New York City.

Now it is very difficult to believe that a population of 12,000 can support the same kind of ridership as a city with 70,000 per square mile and increase substantially upward to 20 percent over the New York subway system in the future, in the year 2000.

So, that is one of the issues that I think is very important. I want to assure you because I believe a portion of this debate will center around the accuracy of the ridership figures, that these are official census data for New York City and this is the official data which was presented by the RTD, the proponents of the system, to the subcommittee.

The RTD has a very difficult time trying to decide what their figures actually are. I have three letters and a recent presentation made within the last month which show two different sets of ridership figures and three different sets of figures on the population density that they are comparing on this particular project. My other chart shows construction costs. I would like to step over for a moment to show you that this particular chart shows you the construction costs comparatively to other types of project. The average light rail cost is $24.5 million per mile for current projects that are either under construction or in preliminary engineering. This information comes directly from the Department of Transportation.

The average heavy rail subway type system, of those projects currently being constructed, is $16.9 million per mile.

The Los Angeles subway system will cost $202 million per mile.

There is a huge difference there in terms of the costs and that kind of outlines some of the concerns I have regarding the costs.

To give you a rough estimate of comparison, most of us are fairly familiar with the Metrorail project here in Washington. Their current average construction cost is $77 million per mile.

So, this is nearly three times higher than the Metrorail project here. There is another system being proposed for Los Angeles, a light rail system, one that appears to be extremely cost effective, particularly in light of these extensive costs for the subway system. That light rail system will run from downtown Los Angeles to Long Beach and the cost for that particular system will be less than $10 million per mile. I mention that because it gives you an idea as to what the relative money for projects like this, what can we do with the money that we have and how much service can it buy, how many people can it assist.

The proponents will say that the people of Los Angeles voted for the subway system when they voted for a half-cent sales tax for public transit purposes. This tax was sold to the public primarily to reduce student and handicapped costs, bus fares for senior citizens and also reducing the overall cost of bus transportation for individuals to a price of 50 cents. That was the primary purpose of the particular half-cent sales tax which will be used to subsidize some portion of this system if it is funded.

A rail system was mentioned as the seventh after six other items, but there has been no separate vote on this 18.6-mile subway; $3.6 billion subway, I might add; as there was in Houston.

Michael Lewis, the President of the RTD was against the sales tax and said that the total districtwide project of 150 miles which they are proposing as a part of the entire system for the Greater Los Angeles area, in the argument against the tax, said that it would take 75 years to build the system that they envision.

I have polled my constituents on this specific project and found only 5 percent in support of the specific system. Houston had the same kind of establishment support that you will hear about today, but the people did not want that system.

We are at a critical juncture on the project. We can either go forward, only to find the typical cost overruns and huge subsidies required in the future, or we can let commonsense and experience prevail.

Other major projects of this kind require extensive subsidies and have ridership figures traditionally overestimated. With the difference in population densities between New York and Los Angeles and I reiterate those densities are residential that I am referencing, it is inconceivable that anyone can believe that Los Angeles will have a ridership for its system 20 percent in excess of New York City.

I ask you to vote aye on my amendment to delete $127.5 million from the Los Angeles rail construction. You would be responsible for helping to stop another $3.6 billion boondoggle before it starts.

Mr. DREIER of California. Mr. Chairman, will the gentlewoman yield?

Ms. FIEDLER. I yield to the gentleman.

Mr. DREIER of California. I thank the gentlewoman.

I would like to ask a question about the gentlewoman's chart. Of the 12,000 density per square mile, I understand that is residential and not business, which actually is 46,000, the business density in downtown Los Angeles.

Ms. FIEDLER. I just want to say that there have been a number of different densities presented. As I mentioned before, I have three different densities being spoken about.

□ 1330

The CHAIRMAN. The time of the gentlewoman from California (Ms. FIEDLER) has expired.

(At the request of Mr. DREIER of California and by unanimous consent, Ms. FIEDLER was allowed to proceed for 1 additional minute.)

Ms. FIEDLER. On one hand they are saying that the population density along this corridor peaks at 23,000 people. In another document they say 46,000 people, as the gentleman has just mentioned.

Mr. DREIER of California. That is in downtown Los Angeles and it is 28,000 from the figures I have seen along the Wilshire corridor which we are discussing.

Ms. FIEDLER. 12,000 is the number which the RTD itself presented to the committee when it made its presentation requesting funds. I would be happy to document that for the gentleman.

Mr. DREIER of California. If I could just ask the gentlewoman one more question. Would the gentlewoman tell us the position that Mike Lewis, who is head of the RTD, now has on the system?

Ms. FIEDLER. That is an interesting question and I am glad that the gentleman asked. While he opposed the original tax and while he made the statement that I mentioned before, he now has decided that he supports the system.

Mr. DREIER of California. So he does support it?

Ms. FIEDLER. He does support it, however, it was his opinion just a short time ago it would take 75 years to build the entire system.

Mr. DREIER of California. I thank the gentlewoman.

The CHAIRMAN. The time of the gentlewoman from California (Ms. FIEDLER) has again expired.

(At the request of Mr. ANDERSON and by unanimous consent, Ms. FIEDLER was allowed to proceed for 2 additional minutes.)

Mr. DIXON. Mr. Chairman, will the gentlewoman yield?

Ms. FIEDLER. I yield to the gentleman from California.

Mr. DIXON. I thank the gentlewoman for yielding.

In the gentlewoman's prepared statement, the gentlewoman mentioned a light rail system going from downtown Los Angeles to Long Beach. Does the gentlewoman know if that light rail system is above or below the ground?

Ms. FIEDLER. It is above ground.

Mr. DIXON. Would it not make sense that a totally below-the-ground system would in fact cost more to build?

Ms. FIEDLER. Oh, yes, I do not have any question whatsoever that it would cost more to build, however, this system costs three times as much as the existing construction for other subway systems because it is deep bore.

Mr. DIXON. I understand that the Urban Mass Transit Administration has certified that in the year 1990 that there will be some 275,000 to 280,000 passengers daily on the proposed metro rail system. Now I understood that the gentlewoman had some figures that contradicted that and I believe the gentlewoman said they were from some universities.

Ms. FIEDLER. They were from some urban transit experts, all of them, I might add, in California. One at UCLA, one at USC, one at UC Irvine.

Mr. DIXON. But the gentlewoman is aware that the Transit Administration has made an estimate that says that it will be about 280,000 daily.

Ms. FIEDLER. Yes; I am aware of that. I am also aware of the fact that they have validated other transit systems which have been presented to them. There was an estimate made for the project here in Washington of 18,000 passengers. And yet they have achieved a ridership of half that.

Traditionally one of the big problems has been that they grossly overestimate their ridership, do not come in with a number of riders and eventually we have to pay immense subsidies, at the State, Federal, and local levels.

Mr. DIXON. Is the gentlewoman aware that prestigious as the University of California Los Angeles and University of Southern California are that their mass transit experts have made some mistakes in the past and probably will in the future?

Ms. FIEDLER. Oh, I think everybody makes occasional mistakes, but when you have four major experts who have no special interest in a system making the kinds of statements that they have—and I have not gone through all the details in order to spare the House an extended amount of debate on this issue—that in fact they do have the expertise to make those suggestions.

The CHAIRMAN. The time of the gentlewoman from California (Ms. FIEDLER) has again expired.

(By unanimous consent, Ms. FIEDLER was allowed to proceed for 1 additional minute.)

Ms. FIEDLER. One of the major experts that has made such statements as the ridership figures are fantastic is the same expert who warned us about the BART system. We did not take their advice and now they are having to subsidize that system $10 for every $1 being taken at the fare box.

Mr. DIXON. If the gentlewoman would yield further, would the gentlewoman agree that perhaps the ridership of the existing bus transit system may have some bearing on what the future ridership would be? And can the gentlewoman tell me what, over the past 10 years, the increase in ridership of the bus transit system has been?

Ms. FIEDLER. Yes; that is a very interesting issue and I am pleased that the gentleman raised it because with the passage of the half cent sales tax they were able to reduce the cost to the average consumer on the bus transportation program to 50 cents. And that has generated tremendous interest in riding the bus system, which I happen to think is a positive thing. It shows that it works. However, that particular subsidy will come out of the same money that will be used to subsidize this system and consequently, there has been an estimate made by the RTD that those bus costs are going to increase to $1.25. Therefore, the ridership is expected to go down, if the cost escalated to that level.

The CHAIRMAN. The time of the gentlewoman from California (Ms. FIEDLER) has again expired.

(At the request of Mr. ROEMER and by unanimous consent, Ms. FIEDLER was allowed to proceed for 2 additional minutes.)

Mr. DIXON. Will the gentlewoman yield?

Ms. FIEDLER. I yield to the gentleman from California.

Mr. DIXON. I did not hear the answer as to what the increase has been over the past 2 years. Is it not true that over the past 10 years that the increase of the bus transit has increased some 230 percent?

Ms. FIEDLER. I will accept the gentleman's figure, but I also feed into that there has been a substantial reduction in the cost of riding the bus system and that we will lose that benefit if this system is actually implemented, because the costs will be sapped up like a sponge for this particular program to the detriment of the handicapped, the elderly, and the students who benefit from the current subsidies by the tax.

Mr. ROEMER. Mr. Chairman, will the gentlewoman yield?

Ms. FIEDLER. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentlewoman for yielding.

A question not just on the capital cost of this project, what about the operating cost? We have some experience in the House with once a project like this is built, of the Federal Government, all the taxpayers, picking up part of the operational cost for the benefit of a few taxpayers in a local area. Has there been any estimate, when completed, on the operational cost to the Federal Government of this project?

Ms. FIEDLER. Well, it is difficult to predict how much money will actually end up having to be used to subsidize this system, but if the expert who predicted the right ridership figures on BART is correct, he has said that he believes that this system may end up requiring the same kind of subsidy. And I might add that the proponents of this particular proposal are claiming that they will require no Federal subsidy. And I can document that to any Member here in the House in a letter sent to one of my colleagues recently. That simply is not believable.

Mr. ROEMER. Is it written into law someplace that there will be no operational subsidy?

Ms. FIEDLER. No.

Mr. ROEMER. We have been told, some of us, that given the ridership projected, there will be no operational subsidy. Is that in fact, written in the law?

Ms. FIEDLER. No; it is not.

Mr. ROEMER. Is it not further based, that statement, on double the current ridership of the Washington Metro system.

The CHAIRMAN. The time of the gentlewoman from California (Ms. FIEDLER) has again expired.

(At the request of Mr. DIXON and by unanimous consent, Ms. FIEDLER was allowed to proceed for 3 additional minutes.)

Mr. ROEMER. If the gentlewoman will yield further, is it not the assumption that no operational subsidies are required based on a ridership projection that many experts find fictitious, and I believe that is the word they use?

Ms. FIEDLER. Yes, absolutely. There is great concern about it and as a result of that, that is the reason why I am standing in the well today offering the amendment that I have of-

fered because I have deep concerns that this is going to be the beginning of another major boondoggle. Boondoggles like those that we hear Members on this floor weekly arguing about, wringing their hands about, complaining about, because somewhere down the line they did not have the wisdom to investigate in-depth the decision that they were making and the taxpayer ended up picking up the bill.

Mr. ROEMER. I thank the gentlewoman.

Mr. ANDERSON. Mr. Chairman, will the gentlelady yield?

Ms. FIEDLER. I yield to the gentleman from California.

Mr. ANDERSON. I thank the gentlelady for yielding.

In the gentlelady's remarks when she was discussing proposition A as voted on by the people of Los Angeles, the gentlelady said it was for reduced busfares for college students and elderly and so on. And I agree, that was part of it.

But let us look at the whole picture. The gentlelady has described phase 1 of the ballot measure as approved by the voters, and so far as she goes she is right. In phase 2 though, which begins after the first 3 years, the lower busfares are no longer guaranteed. The sales tax revenues estimated at $350 million per year by 1986 will be allocated as follows: First, 25 percent will continue to be returned to local jurisdictions for transit; second, at least 35 percent will be allocated for construction and operation of rail transit systems; and third, the remaining 40 percent will be allocated for public transit improvement purposes after the first 3 years.

So after 3 years, more money may be used for the construction of transit lines.

Ms. FIEDLER. That is exactly my point. That is exactly the point that I was making before, the fact that this has been a positive asset to the people of the city of Los Angeles, yet, it will be withdrawn from them to be used to subsidize this system which will carry a much smaller number, even if all of the people who are proposed actually ride it. And I do not believe that is going to happen.

□ 1340

I do not believe that is going to happen. And, in fact, not only will that money be required to help subsidize this particular program but, on top of it, they will end up requiring some additional subsidy in the form of special tax which is now going through the State legislature, which will tax local homeowners. And, on top of that, they will end up having to take, no doubt, portions of the discretionary section of this half-cent sales tax which could in fact go to pay for things like some of the potholes which Mayor Bradley came back here and said we need $5 million for, and other special problems that they have in Los Angeles.

Mr. ANDERSON. But is this not what the people voted on, when they put the half-cent sales tax on for transit construction and improvements?

Ms. FIEDLER. They voted in the half-cent sales tax for reduced busfares, for a whole host of things, including a rail system, but not for this specific $3.6 billion 18-mile, highest cost system in the history of this country.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

Los Angeles has a critical traffic congestion problem. As other of our colleagues will soon relate to you, the Los Angeles area between now and the year 2000 will add nearly 3 million people to its present population, many of them dependent upon public transportation for their daily needs. The impact of such growth poses a unique and difficult challenge to transportation in that area. I can speak from personal experience regarding these challenges. Representing part of the Dade County area, I have seen firsthand how south Florida, one of the fastest growing areas in the Nation, has struggled with its transportation problems. Miami will soon be opening a rail transit system which I believe will go a long way toward relieving our city of its current intolerable traffic congestion.

The Transportation Subcommittee heard many days of exhaustive testimony on the mass transit needs facing our Nation. The committee was particularly concerned about balancing the transit needs of our older cities with their established rapid transit systems and the needs of our country's growing areas, such as Los Angeles, Houston, Atlanta, and Miami. I believe a reasonable balance has been struck in our bill regarding these needs.

Further, I want to point out to my colleagues that, according to UMTA, the metro rail project in Los Angeles is the most cost-effective new rapid transit project of its kind. Metro rail enjoys across-the-board technical support from independent planners who have studied this project.

Mr. Chairman, I understand that this project enjoys strong community support. In 1974, voters in Los Angeles County approved funding to begin construction of a rail transit system. Public support for rapid transit was reaffirmed in 1980 when Los Angeles County voters approved a half-cent sales tax increase to be dedicated to mass transit.

Mr. Chairman, our subcommittee understands that having a qualified project is not enough; we do not have the resources to fully fund every project we would like. In this light, the subcommittee requested that Los Angeles increase its contribution to the cost of the metro rail project. They have responded to the request. The Surface Transportation Assistance Act calls for a matching 75-percent, 25-percent ratio. Instead, at our urging, the metro rail project in Los Angeles will require only a 62 percent section 3 disretionary grant Federal match. Los Angeles has been extremely responsive to the committee's concerns, and I believe the need for the metro rail project has been clearly demonstrated.

I urge that the amendment be rejected.

Mr. RATCHFORD. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN of Florida. I yield to my colleague on the subcommittee, the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. I thank the gentleman for yielding.

Mr. Chairman, I agree with the observations made by my chairman. As an east coast member of the subcommittee, and with no ax to grind as far as the internal fighting that is going on in California, let me simply observe that this project, in my opinion, was the best presented to our subcommittee this year.

One, we are talking about whether or not people believe in mass transit. That is what this is all about. If you believe in mass transit, you are going to oppose this amendment.

We are talking about a highly congested area, we are talking about a densely populated area, we are talking about a traffic-choked area, we are talking about an area with air quality problems. One of the best ways to solve these problems is to go forward with this project.

We have an administration that I think, frankly, is not committed to mass transit. And, therefore, if there is going to be leadership in the country on this issue, it will have to occur in Congress.

Here is an opportunity to do something about it, to take people out of the car and to put them into the subway, to improve the quality of air in the area and, above all, improve the quality of life.

Mr. Chairman, if the Members believe in mass transit, here is an opportunity to do something about it. Reject the amendment and say that this Congress today, in June 1983, is prepared to make a commitment to mass transit in America. That is what this is all about.

Mr. ROYBAL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, it is most difficult for me to rise in opposition to an amendment proposed by a member of my

own State delegation that has been made. But in this instance, it is important that I do so, because, first of all, I firmly believe that this amendment is ill conceived, and that it is unfair and, second, to have this amendment adopted would be contrary to the wishes of the majority of the people in Los Angeles.

In 1980, the voters of the county of Los Angeles specifically approved a rail transit system and increased sales taxes by one-half percent to fund its local share. It is true that this specific transit system was not up for approval. It is also true that a proposed transit system has been changed several times but that the true intent of the voters at that particular time was to fund a transit system. This is the beginning of a transit system which it hoped will be the system for the Los Angeles of the future.

The truth of the matter is that almost 57 percent of the voters in the district represented by my colleague from California, Ms. FIEDLER, voted in favor of a rail transit system and in favor of increasing their own sales taxes by one-half percent to pay for it.

This specific project has tremendous bipartisan support. The Governor of the State of California has sent telegrams to every Member of the House, telling them that he supports this program. The Los Angeles County Board of Supervisors unanimously supported by resolution this project. The Los Angeles City Council, composed of 15 members, again unanimously supports this project. The Los Angeles Chamber of Commerce has passed resolutions, not only one, but several, supporting this project. And the private sector is also committed to invest $170 million as their contribution to this project.

It seems to me that the only one in Los Angeles not supporting this project is the gentlewoman from California (Ms. FIEDLER) who for some reason of her own decides now that this project not be supported.

We are told that the population density does not merit consideration of the project as they compare the population density of Los Angeles with the population density in the city of New York. The truth of the matter is that the density population or the city of Los Angeles is second to that of New York, but our population is increasing daily. We all know that the State of New York lost several Congressmen because of the reapportionment that took place after the census of 1980 was taken, but the State of California gained three Congressmen, all pointing to the fact that the population in our area had increased as it continues to definitely increase on a daily basis.

We are told that maybe this project is not cost effective. The truth of the matter is that the urban mass transportation commission in Los Angeles, and the regional planning association of New York, each independently came to the conclusion that the Los Angeles project is the most cost-effective project in the Nation, not just Los Angeles, but the entire country. This information was communicated to the committee that heard these facts in testimony, all made not by lay persons like myself, a Member of Congress, but by experts in the field who convinced the committee of the cost-effectiveness of the Los Angeles project.

□ 1350

One of the best things about this project is not that it is just going to provide much needed transportation, but of great interest to the health of its people is the fact that there will be a reduction, once this project is in place, of 22.5 tons of air pollutants daily. If you have been in Los Angeles on a smoggy day, you will know just what that will mean to that basin that, because of its inversion, holds down the smog like a blanket over the city making it almost impossible for the population to breathe.

The CHAIRMAN. The time of the gentleman from California (Mr. ROYBAL) has expired.

(On request of Mr. MCKINNEY and by unanimous consent, Mr. ROYBAL was allowed to proceed for 2 additional minutes.)

Mr. ROYBAL. Mr. Chairman, may I also point to the fact that if this project is not built a great congestion of traffic will continue to increase within the city itself. Not only automobiles but also buses will be necessary to transport people to that central section of the city, that that will mean not only more congestion, but also more smog. It will result ultimately in more allergies and a continued unhealthy condition for the people who live there.

So what I am saying is that this project as now proposed is not only good for the transportation of people, but it is equally as good for the future health of the people of the city of Los Angeles.

I sincerely hope that this amendment is not agreed to because if it prevails, it will in my opinion also mean that no new starts for rapid rail transportation will be approved by this House in the future. If we are really interested in mass rail transit, this is the time to cast a positive vote. A positive vote in this instance is a "no" vote on the amendment before the House. I sincerely hope that my colleagues look at this amendment from a standpoint of sound logic, for logic will dictate to each and every Member that a "no" vote on this amendment is definitely in order.

Mr. DREIER of California. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, it is very difficult for me, too, to rise in opposition to an amendment offered by my friend and colleague from Los Angeles, but nevertheless, I do rise in strong support of the Los Angeles metrorail project. It is a good project and it is cost effective.

Art Teale, the Director of the Urban Mass Transportation Administration, has labeled the metrorail project, as has been said, as the most cost-effective new-start project in the Nation. Second, with a 62-38 Federal to local cost split, this project has a lower Federal share than any other proposed new-start program and, in fact, that gives us a better bang for the buck than the 75-25 Federal to local funding requirements of rail modernization projects.

This is a proven project. It is the product of a comprehensive review process which examined 11 different alternatives before settling on metrorail; 7,000 participants in more than 100 meetings took part in this process. The metrorail project has tremendous local support, as has been said. The voters in Los Angeles voted themselves a $225 million tax increase in 1980 to construct a rapid metrorail system. This came in the wake of proposition 13's tax revolt.

The business community in Los Angeles has also expressed its willingness to support the project by offering to pay for 5 percent of the construction cost, and virtually every major association in Los Angeles supports this project, from the chamber of commerce to the board of supervisors to the city council. Governor Deukmejian and Senator WILSON and Senator CRANSTON have also endorsed metrorail. In fact, a telegram has just come out to all Members from our Governor in strong support of this program.

But my colleagues have all heard these arguments in one form or another over the past few minutes of debate. Right now I want to explain briefly how I, as a fiscal conservative, can support this project. After all, some might have wondered why my name would appear on a "Dear Colleague" letter with my good friend, the gentleman from California (Mr. ROYBAL), since we have such disparate voting records.

I should also like to add that the metrorail project does not even come near my district, even after the planned light-rail extensions are built. I enthusiastically support the project because I believe metrorail is not just important for Los Angeles; it is crucial. Without metrorail, the future economic health of the entire Los Angeles region will be in jeopardy.

I was not happy with the gas tax last fall and was opposed to it, in fact, from the start. But now that that tax is in effect and dollars are piling up in the coffers of that highway trust fund,

I think it is important that a fair share of these funds go toward a proven and cost-effective new rail start, and Los Angeles is clearly the most effective of these. You will not find a better Federal-local cost-sharing than metro rail's 62–38 proposal, and you will not find a project that has been so well thought out and enjoys such wide public support.

In short and in sum, Mr. Chairman, this project is worthwhile, it is necessary, it is cost effective, and it enjoys wide and bipartisan support from the California delegation and from the State of California. I strongly urge my colleagues to defeat the amendment.

Mr. ANDERSON. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment offered by the gentlelady from California, and am going to take a few minutes to make sure our colleagues understand the reasoning for that opposition.

First, I want to make it clear that the Los Angeles metrorail does not directly impact upon my district any more or any less than it does the gentlelady's.

Yet the majority of those voting in my district 2 years ago, in addition to the majority voting in her district at that time, supported taxing themselves with a new one-half percent sales tax; the revenues generated by which would be utilized toward the construction of the metrorail, and other transit projects in Los Angeles County.

So, we have the local tax base that the people of the area imposed upon themselves in a general election.

The people voted for this because they use public transit in the county, and want the opportunity to use it more. We have heard the projections made by the Southern California Association of Governments that an additional 2,000 freeway lane miles will need to be built in the region by the year 2000 just to maintain current service levels on our highways, and we are scared.

We know that already, 1.7 million passengers use public transit every workday, and we know that you cannot just keep adding buses to our roads. So we know that rail has got to be a part of the solution to our transportation dilemma.

And not just heavy rail. I hope my colleagues will hear me when I say that, as we are talking, work is being furthered toward a $350 million light rail project in the county that will be built without a penny of Federal funds; $350 million without Federal involvement. And there will be other locally funded rail lines. So we do not see Washington as some sole source of funding. We are helping ourselves, too.

This metrorail project that the gentlelady's amendment addresses, as a matter of fact, will require only 62 percent of its funding from the section 3 gas tax program. Initially, local leaders had been hoping for 80 or 75 percent as was the case with recent rail starts, but the Appropriations Committee took a stand and firmly told the local agencies that Uncle Sam would not pay for such a large share of the project. So Los Angeles heeded those words, went home, and cut the Federal share to just 62 percent. This insures, I might add, greater local participation than in rail modernization or large bus purchases where the Federal Government routinely picks up 75 percent of the tab. So, if you are interested in bang for the Federal buck, and I know that I am, you will agree that the 62-percent match for the metrorail is a good deal.

And you will also probably agree that, because we want to economize, and because all of us must recognize that it is simply inevitable that this project will eventually be built, that it is imperative we begin now. If we wait 1 year, if the program falls 1 year behind schedule, the total cost will escalate by $200 million. With a 62-percent Federal match, that means the Federal share of the project will increase by $124 million.

Why is it inevitable that this project will be built? Because, Mr. Chairman, its need is undisputed. The population and population density in Los Angeles are the second greatest in the Nation, behind only New York City. And because, Mr. Chairman, the Federal Urban Mass Transportation Administration has verified that 275,000 passengers will use metrorail every day. Because, Mr. Chairman, Art Teele, the UMTA Administrator has said that this project is the most cost-effective new start in the country; an assessment shared by Boris Pushkarev, a leading transit expert with the regional plan association in New York.

So, Mr. Chairman, the choice becomes simple. A shortsighted Member might support this amendment. But any so tempted should realize that doing so saves their constituents nothing, as revenues for the public transit trust fund are levied regardless of this amendment's outcome. And they should realize that by delaying the project a single year, its cost to the Federal Government will increase $124 million. I am asking them to realize that the people of the impacted county are taxing themselves so that this project might be built, and that the 62-percent Federal share is more favorable than with almost any other transit project. And, they should know that, once the project is running, it will require no subsidies to operate.

I ask all our colleagues to consider these facts, consider the nearly universal support this project enjoys locally; more so, I would suggest than some favored project in their own home communities, and again, consider the testimony of administration officials that the metrorail is the most cost-effective new start in the Nation. Consider all this, and oppose and help defeat this amendment.

□ 1400

Mr. McKINNEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I find it extremely difficult to stand here in front of my colleagues from California, all of whom I consider friends, and speak for the Fiedler amendment, but I think, since we take an oath of office, I have to do two things: One is to say a mea culpa for the Washington Metro System, which I fought for in this House for 13 years; and the second is to tell the Members that since I come from a district that has a 4-track railroad that used to have 67,000 commuters, I know what in fact you are going to commit yourselves to if we build this system.

I have sat on this floor for hours and hours and listened to Members debating one B–1B bomber. The cost overrun on the metro system in the city of Washington which I helped to foist off on all the Members is equivalent to two atomic aircraft carriers fully equipped—$8.6 billion in cost overruns.

Let me try and tell Members what we are doing and why it is so wrong. I would say to the people from Los Angeles that, believe me, the city was a host to two of my daughters for 3 years, I think it is a beautiful city, and yes, it has a terrible traffic problem. But what are we doing when we build hard-core underground rail? We are building the most expensive type of transportation known to mankind. I say to the Members that you are, on top of all that, setting yourselves in total and complete cement for the future.

Let me go back and talk about my hometown. In my district, the Fourth District of Connecticut, 13 years ago, on a 4-track railroad which was built in the 1800's, 67,000 people got on a train and went west in the morning and went east in the evening. Today fewer than 37,000 people do that. They have 30,000 fewer people because that railroad track does not go where people want to go. And yet rebuilding the Northeast corridor, which I also supported for $1.4 billion, was well worth it because it was there.

Two months ago, the rail unions went out on strike for 6 weeks. Suddenly my constituents and the constituents in the Fifth Congressional District and all the rest found out that they had to get to work, so 30 or 40 of them got together and rented a bus and decided that they would take that bus into New York City. Now, mind you, they were in all of the traffic

caused by all of the people who could not ride the railroad—37,000, down from 67,000 in 13 years. They had a contract with the bus, so when the railroad finally went back, most of them figured they would live out the contract. But traffic had dropped down, and suddenly they found out—guess what?—that "we can get to Wall Street without taking the train into New York, changing from the train to the subway and going downtown."

They have never come back. Six weeks of not having Metro North has cut our rail ridership by about 16½ percent because people found out that the railroad does not necessarily take them where they want to go.

What I am saying is simply that if we look at the Northeast corridor, we see that that was the cheapest single rail operation we have ever rebuilt within this country because it was there.

Now, let us take a look at the Washington Metro. I do not want the Members to get me wrong. It has to be finished. If it is not finished, we are really going to pay for it. But I came in front of this House in 1971 with Bob Giaimo my friend and colleague from Connecticut and told the Members that Washington Metro would solve all of our problems and it would cost somewhere in the neighborhood of $2.3 billion to $2.5 billion. I say to my friends in this House of Representatives that it has cost us, when it is finished, $10 billion, and it is not finished yet. At least, thank God, we are above ground, which is the cheap part. And if we do not finish it, we will be subsidizing it until the end.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. McKINNEY) has expired.

(On request of Mr. CONABLE, and by unanimous consent, Mr. McKINNEY was allowed to proceed for 2 additional minutes.)

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I am delighted to yield to my colleague, the gentleman from New York.

Mr. CONABLE. Mr. Chairman, I asked for this additional time for the gentleman from Connecticut (Mr. McKINNEY) simply to associate myself with his remarks.

I am not heavily involved in mass transit in any way, but I do not wish the gentleman from Connecticut to take the full blame for the Washington subway. I participated in that travesty also. I happen to think that it is a lovely subway system, but, as I understand it, studies demonstrate that it has taken less than 10 percent of the automobiles off the street. It is losing money, it is staggeringly expensive, and for us to unwittingly or deliberately go into a repetition of that terrible error with the taxpayers' money would be, in my view, a tragedy.

I sympathize with the problems of Los Angeles. We all have traffic problems. We all have mass transit problems, too. In my end of New York State we have virtually no chance of getting mass transit money because so much is foreclosed by the New York City Mass Transit System in any reasonable distribution of Federal money; and I ask the people in other parts of California to consider this if they are inclined to vote for this type of resolution of the problem of Los Angeles.

Mr. Chairman, I wish to compliment the gentleman from Connecticut, Mr. McKINNEY on his statement. I regret that we have made so many errors in this area. I hope we will not continue to make this type of error any longer. Any way you look at it, it is pork, regardless of the reality of the problem or the worthiness of the community. We can be confident, on any historical basis, that it will cost more than we now think, and that it will not solve the problems of a remarkable city.

Mr. McKINNEY. Mr. Chairman, I thank the gentleman from New York (Mr. CONABLE).

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. McKINNEY. I will be delighted to yield to my friend, the gentleman from California, in a moment, but I expect to stand here out of due respect because normally I do not want to enter into California's fights. And I will be glad to listen to my friend speak for 5 minutes, but I am simply trying to say something to them that I think they ought to listen to.

□ 1410

If we wed ourselves to a fixed system, we are saying that we have the intelligence today to deal with the problem 75 years from now. The Northeast corridor was designed and conceived back in the 1815's, that far ago. It was all different gages and different railroad companies and everything else, but it has been there.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

(By unanimous consent, Mr. McKINNEY was allowed to proceed for 3 additional minutes.)

Mr. McKINNEY. I would be willing to come on to this floor, and I am simply speaking of my lessons learned from being a commuter Congressman and having worked for the Washington Metro, I would be willing to come on to this floor and fight for something that would give Los Angeles 90 percent money for a flexible electric bus system, because I know they do not need any more diesel buses, or for a traffic lane system, or for a corridor system, or for a reverse lone system; all I am simply saying is that I have a feeling that I have made this body, this Government, spend $8 billion that they did not need to spend, because in fact what the gentleman from New York (Mr. CONABLE) said is quite true.

The traffic jam and the delay time on the Shirley Highway, which by the way is a new Shirley Highway, which was not even built when the Metro was conceived, which was only two lanes in each direction, and most of it was under construction; the traffic delays on the Shirley Highway are just as bad today than they were way back then in 1971.

You know, my Republican Party and my then Secretary of Transportation, Mr. Volpe from Massachusetts, considered me to be somewhat of a piranha, because it was, quite frankly, the McKinney amendment and other amendments that first brought up operating subsidies in mass transportation in this country.

The operating subsidies that are killing us today are not in the buslines. They are not in the flexible light rail systems, although they get their subsidies, they all do, believe me. It is not in something you can change around. The operating subsidies that are going to destroy us are in the fixed rail systems that we have built.

When I first stood here and begged for cars for the Northeast corridor, they were $462,000 apiece. Three years later I was back asking for some more M–1's, as we call them. They were $876,000 apiece. Now today, one car for the Metro System in this city is over $1 million.

To dedicate yourselves to the knowledge that you know the way any city is going to work for the next 75 years and to dedicate this kind of money to it, when you could do an entire system for probably what 3 miles of this system would cost, and what that is not going to pay back, I apologize to my Nation for the overrun here and I really think California ought to think about what it is about to do.

Mr. TORRES. Mr. Chairman, I move to strike the requisite number of words. I rise to oppose the amendment, Mr. Chairman.

Mr. Chairman, Los Angeles has waited really long enough for a rapid transit system. The city is crowded and it is still growing. Its freeway system is getting worse. It is close to gridlock at rush hour. Its parking lots are filled beyond capacity. Its pollution continues to get worse.

Los Angeles proposes, as we have heard here today, a railway system that would sit in the most heavily traveled corridor of the Nation's second largest metropolitan area. It would offer a smooth, fast alternative, to hundreds of thousands of commuters who use and now travel the same route, very slowly, very slowly, by car.

To those of you who support cleaner air, the Los Angeles metrorail project will reduce air pollution daily by 22.5 tons.

My distinguished colleague, the gentleman from California (Mr. ROYBAL) enunciated this fact.

To those of you who worry about the project's cost, I remind you that the Urban Mass Transportation Administration ranked the Los Angeles rail system first in the country in terms of cost effectiveness for a new project.

I want to commend my colleague, the gentleman from California (Mr. DREIER) for articulating this cost effectiveness issue.

For those of you who seek ways to reduce unemployment, may I add that the Los Angeles metrorail will create 6,000 new jobs in construction for the next 6 years annually.

For those of you who seek minority business development, may I remind you that 20 percent of the work performed during the construction phase will be done by minority and women-owned firms.

Mr. Chairman, the people of Los Angeles have voted to increase their sales tax by one-half percent to build this rapid transit system. The Los Angeles business community is prepared to demonstrate its financial commitment to the metrorail project by providing from 25 to 50 percent of the cost of stations along the route. As you know, numerous community-oriented groups, including the Sierra Club, the NAACP and the labor movement, have endorsed this project; and as has been articulated today, the city council, the county board of supervisors, the two U.S. Senators, the Governor of the State, and on and on, have endorsed this project.

Now it is our turn to insure that the Los Angeles metrorail project can become a reality. I urge you to support the Los Angeles transit plan, and I implore my colleagues to reject this amendment.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the present amendment and in support of the recommendation of the Committee on Appropriations to appropriate $127.5 million from the $1.25 billion public transportation trust fund for the proposed Los Angeles metrorail project.

Los Angeles is the only city of its size in the world that does not have a rail transit system. In spite of our magnificent freeway system, we are beginning to choke on our own size and our success.

Currently traffic moves at less than 20 miles per hour during rush hour, even though the freeways were designed to handle traffic at 70 miles per hour. Some of the key freeways have already reached absolute peak-hour capacity. Nearly all others will do so by the year 2000.

Los Angeles has a population that is greater than 41 States. It has an urban population density second only to New York and will continue to grow.

We simply cannot put more cars and buses on our streets and highways. We cannot afford to construct more freeways, not from an economic or environmental standpoint. The only rational solution for Los Angeles is to begin construction on a metro rail system.

The proposed plan to build an 18-mile starter line is that beginning. It is a project that enjoys overwhelming local support from the resident taxpayers to the Governor and the board of supervisors.

I want to point out that a very conservative Governor has sent a telegram to all the Republican Members of the delegation supporting this plan.

We have three conservative members and two liberal members of our county board of supervisors that unanimously support the construction of the metro project.

The Los Angeles Chamber of Commerce with over 3,000 members supports this plan.

In the local hearings that were participated in by thousands of people in southern California, this is the plan that was selected.

In 1980, local taxpayers voted to raise $225 million through a half-cent increase in sales tax for mass transit projects. Surely, this is evidence of strong local support.

As far as I know, every major local government organization supports this project.

Arthur Teale, as has been pointed out earlier, the administrator of the Urban Mass Transit Administration, has called the Los Angeles project the most cost effective new start on the books.

You know, Los Angeles is an area that has nearly 10 million people. It is an area that is growing and growing faster than any other major city of the country. The expected growth in Los Angeles by the year 2000 would add almost as many people to the Los Angeles population as there are in the city of Houston today.

If you go along the Wilshire corridor, which is involved here, every weekday there are 190,000 people using the buses and they clog every single corner along the way as they run bus to bus, stopping other traffic along that route.

□ 1420

More buses is no solution to the problem we have on the corridor.

The Los Angeles Times, which I do not very often see eye-to-eye with, has said that the tract never has been clearer for an 18-mile metro rail subway line that would link downtown Los Angeles with North Hollywood. The other major newspaper that is involved, the Daily News, says that Los Angeles has waited long enough for a transit system and, considering its needs, it has waited ridiculously long for Federal money to help build one.

On the arguments that were made in comparing our system with Washington, D.C., if you pull everyone out of Maryland and Virginia and D.C., and every one else nearby, you may get up to 2 million people. Los Angeles population is 5 times greater. The area that this project is going to serve is one of the most densely populated areas that you can find anywhere.

The San Fernando Valley, represented by many participants here today—I have a part of it, BOBBI FIEDLER has a far-out portion of it at the present time, HENRY WAXMAN has a little bit of it, and Mr. BERMAN has a good portion of it—that valley has well over a million people. This transit system takes those people, on will, from the San Fernando Valley into downtown Los Angeles where there are 46,000 people per square mile that work during the daytime.

The CHAIRMAN. The time of the gentleman from California (Mr. MOORHEAD) has expired.

(On request of Mr. DREIER of California and by unanimous consent Mr. MOORHEAD was allowed to proceed for 2 additional minutes.)

Mr. MOORHEAD. There are limited parking spaces for those people and they are ridiculously expensive. People in the valley would be happy to have a place far from the central area where they could park their cars and ride into town to work.

The EPA has been on Los Angeles' back for a long, long time to cut down traffic because of our tremendous smog problem.

The kind of growth that is visualized for Los Angeles and the downtown area includes millions of square feet of housing for various major companies. If we do not build a transit system much of the potential growth for Los Angeles that has been planned will be lost. Many of the jobs that are planned for that area will not be available for us.

I would like to point out that the metropolitan transit system has not bought their buses and their equipment from some foreign country. Virtually all the equipment that the metropolitan transit system owns has been bought right here in the United States of America, and they plan to continue that policy. It will provide jobs for people regardless of what happens in the future, but this certainly would be a pro-American step if we can take it.

I know these systems are expensive. But with a city the size of Los Angeles we will make it successful.

I want to point out for the first time in the history of the Olympic Games,

they are not going to take Government money for operation. Los Angeles knows how to effectively run systems. When they tell you the system will not require a subsidy their projections are pretty close to accurate, considering adjacent business support.

I am not going to tell you that it will not take any because I do not know for certain but I am looking forward to a system that will help Los Angeles continue its growth, that will serve us in the future and cut down the horrible congestion that will choke us if we do nothing to ease it.

The CHAIRMAN. The time of the gentleman from California (Mr. MOORHEAD) has again expired.

(On request of Mr. ANDERSON and by unanimous consent Mr. MOORHEAD was allowed to proceed for 2 additional minutes.)

Mr. ANDERSON. Will the gentleman yield?

Mr. MOORHEAD. I am glad to yield to the gentleman.

Mr. ANDERSON. A few minutes ago we heard the gentleman from Connecticut opposing our proposed transit system on the grounds that ridership on a transit line in his area had fallen from 67,000 to 37,000.

Is it not true that buses in the Wilshire corridor are currently carrying 190,000 passengers every day, and has it not been certified by UMTA that the new metrorail will carry 275,000 passengers a day? So instead of going down, ridership in the corridor is going to be going up.

We are also told, that the metrorail will carry the same capacity as three 8-lane freeways; 24 freeway lanes. This kind of frightens me. Can you see how in the world we could ever anticipate building three 8-lane freeways to carry the same load that will be carried by the metrorail?

The gentleman lives near this area and he has to make this trip often, so he knows.

Mr. MOORHEAD. It is totally impossible. I think along the lines of the gentleman's questioning, the use of the Los Angeles transit system has grown at a tremendous rate over the last 10 years, and in this particular area almost 200 percent.

Mr. ANDERSON. So instead of going down, our ridership in the corridor certainly is going to go up.

Mr. MOORHEAD. It is going up, and it is going to continue to go up.

The reason there has not been more growth is that the buses are virtually at capacity at peak hours of need.

I want to point out that this will be the most expensive corridor in the entire transit system. It costs more money because the Wilshire corridor is a high rent territory from beginning to end. They have to do down under all of the wires, and pipes and major building foundations in order to build it.

But once that key line is in, they can add to the metro system at a much, much cheaper rate, and it will bring the overall cost of the system in today's dollars down to a much lower level than the systems we have heard about today.

Mr. LANTOS. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

Mr. Chairman, we have heard from Republicans and we have heard from Democrats. But we are now crossing the great Rubicon and we will hear someone who comes from northern California, because historically there has been a misunderstood, but real, cleavage between northern and southern California.

I am here, Mr. Chairman, to tell you that as a Member who represents a portion of northern California, I am in the strongest possible opposition to the amendment offered by the gentlewoman from California.

My strongest possible opposition is predicated on my analysis as a professional economist of the proposal.

The metro project is not only a cost-effective measure, it is not only a measure of enormous environmental benefits that will reduce pollution in the Los Angeles Basin enormously; it is not only a measure that will reduce our energy import requirements. It is a measure that will demonstrate an enormously attractive sharing of the costs between local and Federal sources, and a measure that will bring to Los Angeles a transportation network appropriate for our times.

It is significant that the Republican Governor of our State, and the Republican Senator from our State are strongly in support of this measure. I am delighted to report to you, Mr. Chairman, that most if not all members of the northern California delegation, Republicans and Democrats, are equally supportive of this measure.

This is not a partisan issue. This is an issue of good government and good, intelligent, transportation planning.

I want to pay special tribute to the distinguished chairman of the Surface Transportation Subcommittee, my friend and colleague from southern California, Congressman GLENN ANDERSON, for doing all of the work on this measure.

We northern Californians are anxious to see this project built in Los Angeles. There are people who commute from San Francisco to Los Angeles.

This is a system that will benefit the entire State and I strongly urge my colleagues to defeat the amendment.

□ 1430

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman.

Mr. FAZIO. I thank the gentleman for yielding.

I congratulate the gentleman from northern California for his comments. You know, there has been a certain degree of elitism attributed to those people in northern California who had the foresight to go ahead and develop the BART system in the bay area and the MUNI system in San Francisco.

As one who benefits or soon will benefit from those projects, I think it particularly noteworthy that you are joining with our colleagues in the southern part of the State in moving forward on their own project. In contrast to the bay area, we know Los Angeles had a hard time moving to this point. In 1980, after several defeats, they authorized the one-half cent sales tax to help fund the metro and now we must support them. We understand that our delegation can rarely stand together in total, but for us to allow this funding which we fought so hard for in the Appropriation Committee, to go by the boards would be a terrible blow to that region and indeed to our entire State.

Labor and business, Republicans and Democrats, north and south, California understands we have to have a future apart from the freeway, at least to the degree we give our citizens particularly the low income, the option to use a transit system. For energy conservation and to help reduce air pollution, we must make progress now.

The fixed rail system we are discussing here for Los Angeles is one that is a consensus project within the Los Angeles Basin. I think it is particularly significant that the gentleman's remarks are dedicated to bringing unity to our delegation at the same time that we endorse the basin's decision.

We are not always going to agree. When there are 45 individuals from 1 State it is almost impossible to reach total agreement. But we have as close to a consensus on this matter within our delegation as we ever will have and we urge our colleagues to note that when they vote.

I think the gentleman is right on target with his remarks and I join him in opposition to the amendment.

Mr. LANTOS. I want to congratulate my colleague for his remarks. It is important to note here we have the whole geographic spread of the State of California, and that both political parties are opposing the amendment.

I yield back the balance of my time.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment.

It was stated a little while ago that if you are opposed to mass transit you should support this amendment. I do not think that is quite correct, because I am for mass transit and I am for this amendment.

My strong objection is to how it is financed and the method that we are using today is very, very inefficient. We all know about the traffic problems throughout the country and in the large cities. Something has to be done. But something can be done much easier and much more efficiently than what we are doing.

The idea that mass transit can be financed and efficiently managed from a Federal level is based on a myth and a fiction. I think it is completely false to think that it is feasible.

It is based on an idea that wealth can come from a Central Government, that we can either extract wealth from one segment of the country and give it to another or we can literally finance it through the inflationary process here in Washington.

So, many groups come to Washington for money because they themselves do not want to assume the responsibility for raising taxes, nor do they have the power to create money.

They cannot tax to the extent that they need these funds and they do not want to assume the responsibility of raising the funds that it would literally require to build the so-called inefficient boondoggle transit systems.

Government interference happens to be the cause of our problem and cannot possibly be the solution.

For instance, it is generally conceded that competition is good, monopolies are bad; we have a good many laws on the books to prevent monopoly and control of any industry.

But it really bewilders me to see why we sanction and legalize monopoly in something that the market could deliver to us, more efficiently, that is transportation.

We literally protect the monopolists. We have total monopoly of the bus systems, the van systems, the cab systems, and we prevent free entry into these systems and therefore we have a great deal of inefficiencies. Then we come along with the solution of coming to Washington, asking for more funds to be spent in an inefficient manner without ever addressing the subject of opening up competition.

I would like to see some day that this appropriation bill be amended to say that no funds would ever go to any city until they allow free entry into the market of transportation. The bus lines can compete, the cab companies can compete, you should be able to gain entry into the transportation business without it costing an arm and a leg.

For instance, right now, for an individual to get a cab license and be able to drive a cab in the city of Los Angeles, it is estimated it will cost between $30,000 and $35,000. It does one specific thing. It makes transportation very cumbersome in the city. For instance, in the District of Columbia where it is much easier to get a cab license there are over 9,000 cabs; the population is less than one-third of Los Angeles. If they had a comparable number of cabs in Los Angeles, which would alleviate some of the problem, there would be more than 30,000 cabs in Los Angeles. It happens that the most recent figure I have is just a little over 1,100 cabs, mainly because it is a monopoly. We sanction it and create the problem and then we turn around and say if we get more funds from the Federal Government, if we build this limited mass transit system, we will solve our problem.

I think a bigger issue here, too, is the special interest versus the general welfare of the Nation. A mass transit system obviously is special interest legislation. It serves the consumer who uses it, a very small proportion of the population. And it serves the interests of big business, those individuals who have the businesses downtown that would like to have their trade subsidized at the expense of the innocent victims who do not live in the city, but live in another part of the country, who are expected to pay either through higher taxes or through inflation. It is positively unfair but it is a process that we use here generally and is especially vicious here in the area of transportation. This is the reason we have suffered in so many cities. For instance, Houston is very similar to Los Angeles in many ways. They are attempting to do the same thing.

Yet, just recently the bond issue was overwhelmingly defeated. They did not sanction a system like this and I think for good reason.

I think it is just a system where you pit one group against another, one special interest against another special interest who would like to get certain benefits.

So, I compliment the gentlewoman for bringing this amendment, giving us a chance to express another view, especially that of competition versus Government monopoly, bigness, and inefficiency, and this is a good time to vote this project down. Quite frankly, though, I think all the funding for mass transit eventually should be eliminated because it is very inefficient, ineffective, and it is the Government that has created our problem. The marketplace is still the best way to solve these problems.

I yield back the balance of my time.

Mr. LEVINE of California. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

I would like to address myself to several of the points that have been made in the course of the debate because I believe that some misapprehensions have been created with regard to the facts pertaining to this very important project.

First, several of the Members who have spoken have referred to a question in terms of the unity of the delegation from southern California and from the State of California on this issue. I think if this has not already been laid to rest by the statements my colleagues, Mr. MOORHEAD, Mr. DREIER, Mr. FAZIO, and Mr. LANTOS, it is important to emphasize that the delegation is almost completely united with the exception of the author of this amendment in support of this metrorail project. This is a project that is of great concern and great importance to those of us who live in the southern California area.

As has been mentioned, the Governor of the State, Governor Deukmejian, and both of our Senators, Senator CRANSTON and Senator WILSON, have sent a telegram indicating their support as well.

Second, one of the comments made in support of the amendment was that proposition A, the proposition through which the voters in Los Angeles approved funding for mass transit proposals, did not highlight this type of proposal.

I have a copy of proposition A here which I would like to refer to.

I would like to emphasize that the very first sentence of proposition A emphasizes that this proposition is to: "improve and expand existing public transit countywide, reduce fares, construct, and operate a rail rapid transit system."

This is I think as clearly highlighted and as prominently located as it could possibly be.

It reads:

Los Angeles County Transportation Commission—A Public Transit: To improve and expand existing public transit Countywide, reduce fares, construct, and operate a rail rapid transit system serving at least: San Fernando Valley, West Los Angeles, South Central Los Angeles/Long Beach, South Bay/Harbor, Century Freeway Corridor, Santa Ana Freeway Corridor, San Gabriel Valley, and more effectively use State and Federal funds, benefit assessments, and fares for those purposes, shall the Commission approve an ordinance authorizing a Countywide ½ percent sales tax?

Revenues will be allocated: 25 percent to local jurisdictions for local transit; a specified reduced fare structure for SCRTD for 3 years; and specified allocations for rail rapid transit and to the Commission for public transit purposes.

Third, I have had the opportunity to review the "colleague" letters mailed by those who have supported this amendment and frankly, Mr. Chairman, I believe that a number of the statements in the "colleague" letters are a simply wrong.

First of all, one of the points that was made in the colleague letter was to analogize the Metrorail project to the Stonewall Jackson Dam.

Now, I think the fact that the Member of Congress in whose district the Stonewall Jackson Dam would have been located, stood up on the

floor to make the amendment and oppose the amendment, is quite significant in light of the fact that we have a virtually completely united Los Angeles delegation supporting the metro-rail project.

□ 1440

Another comment contained in the "colleague" letter was that, "the basic problem is that in trying to dream up a project for the taxpayers to fund, the Los Angeles Rapid Transit District has made ridership projections that defy belief." They may defy belief to the author of the letter, but they are completely sustantiated by President Reagan's Urban Mass Transit Authority, which certifies the ridership by this administration in terms of not just what the Los Angeles Rapid Transit District claims that the ridership will be, but that UMTA, as well, claims that the ridership will be.

The reason that I wanted to take the floor briefly, Mr. Chairman, is simply to highlight some of these points which are at variance with the facts and to try to set to rest some misapprehensions and some factual inaccuracies that have been presented in support of the amendment.

I am pleased to join with so many of my Republican and Democractic colleagues from throughout the State of California in strongly urging that the rail project be approved.

I happen to have been born and raised in Los Angeles. I have lived in that area my entire life. I think anybody who has lived in this region would have to conclude that a combination of air quality reasons, transportation reasons, commercial and economic reasons, militate strongly in support of the project, and against this amendment.

Mr. GRAMM. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment.

Mr. Chairman, I would like to ask some questions in a rhetorical manner and if there is any Member here who has the answer, I would be glad to recognize them to provide it.

I would like to begin by asking if there is anybody here who can name me a single fixed rail subservice rapid transit system in America that is covering operating costs.

Now I am talking about the cost of simply running the facility, not the cost of paying the capital back.

Second, I would like to ask if anybody can give me an explanation of why in Los Angeles, Calif., the average ridership in a motor vehicle is 1.1 persons, whereas the average ridership for the Nation is 1.3, and, that in fact, if Los Angeles approached the average ridership for the Nation, they would take 3 million vehicles off the road.

Well, let me suggest in light of no explanation from someone who knows better than I do what the problems are in Los Angeles, that there is probably a fairly simple explanation. Los Angeles is a city which has grown up since the automobile came into common use. Los Angeles is spread out and I suggest that if only 1.1 people are riding in a car, that Los Angeles is not too different from the cities that I represent in Congress. They are big, they are spread out, there are not a lot of people going from one place to one place where others can share the ride with them.

I suggest, Mr. Chairman, that the fact that we have a ridership in Los Angeles which is substantially below the national average is an indication that we do have people who are coming from points that are not closely associated with others, and that they are going to places that are not closely associated with others relative to the national average. In other words, Los Angeles, like Houston, like Dallas, has grown up since the automobile. And, as a result, its patterns of commuting have been dictated by that automobile.

I suggest two factors. First of all, it is important to note that these mass transit systems are not only not paying back the capital costs in a capital-poor period in the history of this Nation, but they are not even covering their operating cost. We hear suggestions about the number of people who are certified to ride this facility—and believe me, if it is built, I hope they ride it. I have been waiting for people to ride the mass transit in Washington and get out of my way on the street, and I do not see that they have done that yet—if we are going to have certification as to ridership, I would like to suggest that there is a problem in using UMTA as the source.

Let me take the three mass transit systems that have been recently completed. In San Francisco the projected ridership was 2,619 people per mile. the actual experience has been 1,400. That is over 1,200 short of the projection, a projection that is about 80 percent short of the target predicted by UMTA.

In Philadelphia-Camden, the projection was 1,870 per mile and the reality has been less than 1,500 per mile.

And of course in the most expensive mass transit system in history, here in Washington, the projection was 18,682 riders per mile and the reality is about 50 percent of that amount, 9,752 riders per mile.

If Los Angeles has developed under a traffic pattern where fewer than the national average people are sharing an automobile, how are we to believe that they are going to use this fixed rail mass transit system. I am concerned that we are committing ourselves to a huge fiscal outlay for the Federal taxpayer for a facility that might be wonderful if people used it, but all of the evidence I see in the Nation as a whole, in cities that were built with fixed rail traffic, in cities that did not develop after the automobile, suggest, first, they are not even paying operating cost, much less capital costs and that, second, the ridership levels being achieved are a gross underestimate of what was actually projected when the process of construction and funding began.

Mr. DREIER of California. Mr. Chairman, will the gentleman yield?

Mr. GRAMM. I yield to the gentleman from California.

Mr. DREIER of California. I thank the gentleman for yielding.

I think that it is important for us to realize the fact that has not been made and that is, Los Angeles today has the largest ride-sharing program in the entire Nation. That fact is ignored, by the way, in this Wall Street Journal article which I happen to have. Incidentally, it was written by a gentleman who has been in 3 years of litigation with RDT.

The CHAIRMAN. The time of the gentleman from Texas (Mr. GRAMM) has expired.

(By unanimous consent, Mr. GRAMM was allowed to proceed for 3 additional minutes.)

Mr. GRAMM. Mr. Chairman, so far as I am aware on the most recent data available, the average ridership per vehicle in Los Angeles, Calif., is substantially below the national average. So I do not know about programs that are underway, all I can talk about is results. And when we are talking about the bottom line of, first, committing billions of dollars of money we do not have at the Federal level; and, second, when we are talking about possibly having to pick up operating subsidies with money that we do not have and we do not have a prospect of getting, I have to look at the existing situation.

Let me finally add that I think we are going to deal with the budget problem, but we are not going to continue to be able to do it in the abstract. We are going to have to get down to the concrete. Here is a perfect example of a new start that is going to cost us billions of dollars on a program which is not working anywhere else in the country and not working in circumstances that are far more favorable than Los Angeles, Calif.

And to quote a busboy in my hometown about our problem in Washington, his statement to me was: "Your problem is not that we are broke, your problem is that you people in Washington don't act like it."

And here we are talking today about raising taxes tomorrow to deal with the deficit and we are getting ready to vote on an amendment that can save us billions of dollars and yet the debate goes on as if there is no problem here.

Mr. WRIGHT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. The first thing to understand is that this amendment will not save any money. It will not save a dime. All it does is to say that the city of Los Angeles and its citizens would not be eligible to participate in a program that is available to the rest of the country. That is all it would say. It simply would put that amount of money back into the revolving fund to be available for other cities. Now, would that not be a selfish attitude for others of us to take to say, "We just simply want to deprive the citizens of Los Angeles from the privileges of this Federal program."

□ 1450

It would probably be the least reasonable exclusion that we could make. There is not another city in America that needs the services of good public rail transportation as badly as Los Angeles needs it. I think there is not another city in the world as large as Los Angeles that does not already have the benefits of rail transportation. I know that there is not another city in the United States which more desperately needs to relieve the congestion of traffic, the glut of traffic, the noise of traffic, the sickening, nauseous odor of traffic, the fumes that are released from the traffic that gluts its streets every day.

If you have ever flown into Los Angeles in a small plane, you see a wall of brown smoke that encircles and covers the city.

When I was about 17 years of age, I visited some cousins of mine who lived in a suburb of Los Angeles. I visited them again just a few years ago. They said it was the same house. I said, "No, you have moved. It is just like your old house, but it is not the same house because it was a different location, I remember it very distinctly." They said, "Well, you must not remember very well, Jim. This is the same place we lived." I said, "But there were orange groves, for one thing." They said, "Well, the orange groves have been taken up by the housing developments. You can see that. It is the same place, the same house." I said, "No, there was something else. There was a mountain. I remember very clearly there was a mountain in the distance." They said, "Jim, the mountain is still there, we think. We just have not seen it in the last 10 years."

Now, that is what has happened to Los Angeles.

There are other reasons why Los Angeles ought to have the benefits of this service if its citizens are willing to pay their share. And indeed they have demonstrated that they are willing to pay their share. Los Angeles has contributed through local and State cost sharing a greater percentage of the cost of completing this rail transit system than any other city in America. The others have contributed approximately 25 percent. Los Angeles stands ready to contribute 38 percent.

There is yet another reason. I am advised that the planners of this system have so contrived that there will be a greater density of population to be served per mile of transit laid than exists in any other city in America.

For all of those reason, it seems to me a wonderfully good investment for the rest of us to assist in cleaning up the air for all of southern California. Beyond that, I think we simply owe it to southern California to recognize that they are a legitimate part of this Union and that they should not be summarily excluded from being eligible for the programs that we have authorized for the rest of this country.

After all, whenever money is expended in any other district of America, about $6 or $7 out of every $100 comes from the direct Los Angeles area. Citizens of that area pay approximately 6 or 7 percent of all of the taxes that are paid by citizens of the whole United States. So that when they build a facility in Fort Worth or in Dallas, when the community development block grant invests something in our streets or in our facilities, $6 or $7 out of every $100 have been paid by the citizens of Los Angeles.

When a few years ago we voted to assist New York to pull itself back up by its bootstraps, $6 or $7 out of every $100 came from citizens of Los Angeles. When the citizens of College Station, Tex., look over to that fine facility known as Texas A&M University, $6 or $7 out of every $100 Federal dollars that have gone into perfecting and improving and enlightening the citizens of that area through that grand institution have come from the citizens of Los Angeles.

Why, then, should we summarily and arbitrarily deny them the privilege of participating, when they, more than any other, need to participate?

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has expired.

(By unanimous consent, Mr. WRIGHT was allowed to proceed for 3 additional minutes.)

Mr. WRIGHT. Now, it is perfectly true, as has been suggested by one of the spokesmen on the other side, that most of the rail transit systems in the United States today are not paying for themselves. In fact, I am not sure of any of them that are, save for the one in Montreal, which is said to be rendering a slight profit to the governing body. It may be that it is doing so by leasing space around the terminal. I am not sure how it happens, but I think that is the way it does so.

It is not a question of our asking whether this will pay for itself instantly or not. Probably it will not. None of them are. But they are paying for themselves in a cleaner atmosphere; they are paying for themselves in getting some of the congestion off the highways; they are paying for themselves to those who do not even use them.

The average citizen who says, "By all means, build mass transit," is really thinking in his own mind, "Get some of these other people off the streets so there will be more room for me and my car."

But the point of it is that they are not going to use mass transit unless and until we make it attractive and convenient for the American public to use.

In 1946, the public transportation systems of the United States were yielding a return, an average profit, of 11 cents per fare dollar. Last year, I am told, they lost about 26 cents per fare dollar. Part of the reason for that is our affluence and the fact that we are a Nation with 116 million automobiles, almost one for every two people in the United States. But part of it is because we have not made it convenient or attractive for people to utilize the services of public transportation.

I think there is a public necessity and a public convenience to be served. Surely, if that convenience is to be served anywhere, it is to be served in Los Angeles. Surely, if there is any city in America that needs the service, it is Los Angeles. If there is any city that has demonstrated a willingness to pay its fair share, it is the city of Los Angeles. And if there is any city in America which has paid into the rest of our congressional districts its fair share of Federal taxes for those things that go to inure and enhance the enjoyment of life in our respective areas, it is the citizens of southern California.

For all of those reasons, I urge that the Members vote no on this amendment so that we give to the citizens of Los Angeles that which is their rightful due as citizens of the United States and do not arbitrarily make them ineligible for that to which the rest of the Nation is eligible.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the distinguished gentlewoman from California.

Ms. FIEDLER. Mr. Chairman, I was very struck by the gentleman's comments regarding the smog and the pollution problems that we have in Los Angeles because, as the gentleman said, anybody who has been in the city understands that. However, one of the sad ironies of this entire debate is the fact that the people who want to develop the metro rail project also want to increase the volume of population

coming into that area from 10 million to 20 million people in downtown Los Angeles. And that is the reason why we have increasing pollution, because there is a gross overdevelopment in that city.

The CHAIRMAN. The time of the gentleman from Texas (Mr. WRIGHT) has again expired.

(On request of Ms. FIEDLER and by unanimous consent, Mr. WRIGHT was allowed to proceed for 2 additional minutes.)

Ms. FIEDLER. On top of that, Los Angeles has a very interesting zoning system that they use. They have a system where in the downtown area of Los Angeles they permit people to build units in the downtown area and claim vacant space above those low density areas—in other words, small, low residential areas—and claim up to 50 stories to use it for the offsetting parking which is ordinarily a part of the zoning problem.

So when you talk about smog in Los Angeles, you have to understand the context of it, you have to understand the zoning situation there, you have to understand what it is the people in the city who are leading that city are doing to escalate that problem, as opposed to saying the people are being taxed. You are right, they are being taxed. They are being taxed so that they cannot afford to further subsidize a system that will touch 18.5 square miles of that city, as opposed to the 900 square miles of the balance that the people live in and will pay the price for the program.

Mr. WRIGHT. Mr. Chairman, I do not pose as an authority on the zoning laws of California or the ordinances of the city of Los Angeles. It would be foolish of me to pretend that I know the answer to those things. I do not suppose that it is my rightful responsibility to respond in those instances. And, admittedly, there must be something to what the gentlewoman says, that it is a question of whether we make it possible for people to come into Los Angeles or not. But that problem is felt whether or not we solve this traffic snarl. The people are already coming into Los Angeles. And it seems to me that for us to take the position that we just do not want anybody else to come in and that we are not going to make it reasonably convenient for people to come into the city, the reverse of that is just to say that the way to keep the city from getting too crowded is to just make it so god-awful insufferable that nobody will come to town.

□ 1500

We do not want to do it that way, and surely we do not want to follow the rule that motivated the Chan Dynasty in the fifth century. They did not want any more people and they built a wall. I do not think the gentlewoman would recommend that the citizens of Los Angeles want to build a wall around their city so that nobody else can come in. I know that is not the way the people feel because I have been too often the quest of the incomparable hospitality of the splendid people of southern California.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from California.

Mr. WAXMAN. I thank my colleague for yielding.

Mr. Chairman, I want to point out that with a population of 9.5 million people, Los Angeles is among the Nation's fastest growing urbanized areas. Its population will increase by 2 to 3 million people by the year 2000, and its density is expected to exceed that of New York's urbanized area, currently the Nation's densest, by 1986. Therefore, I conclude, with the majority leader, that we should have this project in place to deal with this incredibly dense area so that we can deal with our transportation problems.

Mr. LEHMAN of Florida. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude at 3:15.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. LUNGREN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BADHAM. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the amendment.

Mr. Chairman and Members, I had not intended to speak on this, but I am constrained, I think, to do so because when the gentleman from Texas, who we know well as our respected friend but very eminently a Texan, speaks in favor and in great sympathy and in favor of the people of southern California, I become frightened.

I want to say that I am a native of Los Angeles and my father is a native of Los Angeles, and many members of my family are natives of Los Angeles. I spent most of the years of my life living in and around the environs of Los Angeles and I think that the city of Los Angeles should, indeed, have some sort of mass and/or rapid transit system, but I rise in support of this amendment because this is not the system nor is any system devised by man adequate for the people of the city of Los Angeles.

Californians, I am sure many will agree, are a different sort of folk perhaps from other people, and southern Californians are indeed different from northern Californians. I happen to value the tradition and the society of southern California and I would not live anywhere else. But if rapid or mass transit would seem to work anywhere in California, it would be in the San Francisco Bay Area, with its narrowly defined peninsula, of course, surrounded by the San Francisco Bay, the Golden Gate, and the Pacific Ocean, and indeed it does not even work well with one of the most modern systems obtainable in the bay area where the confines are very limited and the people start from generally certain locations and they end up in certain locations.

But as the majority leader aptly pointed out, flying into Los Angeles in any kind of a plane, large or small, one does run into less smog now than he used to. The air is being helped even as the population is increasing. But one can see by flying over Los Angeles, or indeed driving around the streets of Los Angeles, that people do not all start out in relatively the same place and they all do not go to the same place. Therefore, rapid, fixed-rail transit in Los Angeles becomes a virtual impossibility to satisfy the needs of that teeming metropolis.

So the question is not so much how much money or whether it will be spent here or somewhere else, but the question is, by spending this money will a system be manufactured that can work? The answer, as far as I am concerned, of one who is a many-generationed Los Angeles resident: It cannot, and therefore we should not spend this money on something that we hope, and indeed the hope would be fond, that we might hope would work.

We have not considered such things as where the other facilities will come to support either this system or the people of that great city; where the water will come from; where the facilities will come from; how we can keep people moving in even with this system. So I suggest we pass this amendment and get back to the drawing boards and start looking at the future, rather than to design another antiquated system at the cost of many billions of dollars that will go onto the backs of the taxpayers, the people of California, and Los Angeles.

Mr. STARK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall be brief. As I consider this amendment, I consider it pernicious and destructive. Los Angeles is a city of many problems. It needs the help, and as the author of legislation which extended metro to the Washington area, and as a person who has supported the Bay Area Rapid Transit, I understand the need in Los Angeles for rapid transit.

Why, then, would this legislator stand up, having said that, and suggest that he is constrained to vote for the amendment? Because, my fellow Members of Congress, there comes a time in every legislator's life when certain

issues transcend patriotism, they transcend religion, they transcend good transportation policy, and you have to look and say: "What could the people of Los Angeles have done to this lonely legislator to get him to vote for this awful amendment?"

What they did is something that is so despicable I have to whisper it here. They stole the Oakland Raiders. You cannot expect me to want to help them solve their problems of smog, and pollution, and congestion, and deal with the heinous crime. The people of Oakland would never forgive me if I did not remind them that in politics you never get mad, but you must get even.

Mr. LEHMAN of Florida. Mr. Chairman, that is a tough act to follow, but I ask unanimous consent that all debate on this amendment and all amendments thereto conclude at 3:20.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. COUGHLIN. Mr. Chairman, reserving the right to object, can I see how many speakers there are on the gentleman's side at the present time?

Mr. LEHMAN of Florida. Would the Chair count how many want to speak?

The CHAIRMAN. The Chair has only seen one person rise who has not yet spoken, unless the gentleman from Pennsylvania (Mr. COUGHLIN) is also seeking recognition.

Mr. LEHMAN of Florida. Mr. Chairman, there is one at this time on this side.

Mr. COUGHLIN. How about 3:30?

Mr. LEHMAN of Florida. 3:25.

Mr. COUGHLIN. 3:25 it is.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Florida that all debate on this amendment and all amendments thereto close at 3:25?

There was no objection.

The CHAIRMAN. It is so ordered, and the Chair saw standing at the time the limitation was agreed to the gentleman from Florida (Mr. LEHMAN), the gentleman from California (Mr. LUNGREN), the gentlewoman from California (Ms. FIEDLER), the gentleman from Idaho (Mr. CRAIG), the gentleman from Pennsylvania (Mr. COUGHLIN), the gentlewoman from New York (Ms. FERRARO), the gentlemen from California, Mr. FAZIO, Mr. COELHO, and Mr. DIXON.

Mr. COUGHLIN. Mr. Chairman, under my reservation, I do not think that is a proper count.

Mr. DIXON. Mr. Chairman, will the minority leader on this issue yield?

I had no intention of speaking. As we looked around the room——

The CHAIRMAN. The Chair heard no objection to the request.

Mr. COUGHLIN. I reserved the right to object, Mr. Chairman.

Mr. WRIGHT. Mr. Chairman, regular order.

The unanimous-consent request was made, opportunity was given for objection, and no objection was heard. The Chair waited to see if there was objection, and agreement was reached.

Mr. COUGHLIN. I object, Mr. Chairman.

Mr. WRIGHT. Debate was limited on the amendment. The gentleman's objection comes too late.

The CHAIRMAN. The majority leader is correct. The regular order is to proceed, and those standing when the request was agreed to, their names have been taken down and the time will be allocated among them.

PARLIAMENTARY INQUIRIES

Mr. LUNGREN. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. LUNGREN. At the time the reservation was expressed, was there not an understanding, at least implict, that those who rose were the ones who intended to speak, and that being the case, should it not be limited to the people who rose at that time, rather than the additional three or four people who rose after the time that the limit was placed?

The CHAIRMAN. The Chair will have to indicate that the Chair has no control over that. The Chair was asked how many wished to speak and how many were standing prior to the request. The gentleman from California was the only person standing. However, when the request was put, others began to rise and take an interest in the issue, including the author of the amendment.

□ 1510

Mr. COUGHLIN. That is why I did not object, Mr. Chairman.

Ms. FIEDLER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Ms. FIEDLER. Mr. Chairman, I think that this debate has been constructive, and the Members have spoken.

The CHAIRMAN. The gentlewoman will have to indicate to the Chair what her parliamentary inquiry is.

Ms. FIEDLER. Yes, Mr. Chairman. I would simply like to request of the Chair that we be permitted to come to an agreement to permit a reasonable period of time for the balance of the Members who want to speak.

The CHAIRMAN. The Chair will inquire, is the gentlewoman proposing a unanimous-consent request?

Ms. FIEDLER. Yes; Mr. Chairman, I ask unanimous consent that those Members whose names were taken by the Clerk—and I believe there were four on this side and three or four on that side, if my quick count is correct—be permitted to speak for 3 minutes, and that at the conclusion of that we may have a vote. Is that agreeable?

The CHAIRMAN. The Chair will indicate to the gentlewoman that there were actually 10 Members that the Chair noticed standing when the limitation was imposed, and the gentlewoman has asked that each such Member be granted 3 additional minutes.

Is there objection to the request of the gentlewoman from California?

Mr. DIXON. Mr. Chairman, reserving the right to object, I say to the ranking minority member that at the time the request was made there were three Members on the floor on his side. It was the intention on this side not to have any speakers. The gentleman from California (Mr. SHUMWAY) is correct. At that time there were several other Members—obviously they were not seen—that joined on that side. It was only at that time that we thought, if they were to have five or six Members, it would be appropriate for us on this side to make some response to those comments.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I am glad to yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, looking at the number of Members standing at the time, it appeared that each Member would have 5 minutes to spend on his or her statement. I have not yet made my own statement as ranking minority member of the subcommittee. That is why I think the procedure is unfair at least.

Mr. DIXON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California (Ms. FIEDLER) that each of the Members, 10 in all, be granted 3 minutes each on the Fiedler amendment and any amendment thereto.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Chairman, as a native Californian, I, too, want to make it very clear that I am for clean air, I am against smog, and I want to help clean up the environment. I do not want to put people in hot cars if they do not want to be in hot, smelly cars or buses, and so on.

That is not the question. To suggest that we either vote for this project or we are against cleaning up the environment would be as silly as saying that because we need a national defense we must vote for anything the Pentagon sends us. In this instance we have got to look at this particular proposal and see if it makes the most sense.

I suggest that in a southern California community that is made up of

hundreds and hundreds of square miles, an 18-mile segment that is going to be underground, fixed rail—the most expensive transportation system known to man—is an improper expenditure of the people's money.

Mr. Chairman, I would just like to ask the gentlewoman from California (Ms. FIEDLER), whether there have been any projections as to how much light rail we could build throughout southern California for the comparable price of this one fixed rail system from downtown Los Angeles out the Miracle Mile of Wilshire Boulevard.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentlewoman from California.

Ms. FIEDLER. Mr. Chairman, I thank the gentleman for the question.

For the same amount of money, $3.6 billion, we could get 147 miles of light rail in the city of Los Angeles. In fact, there is currently a project which is going to be running from downtown Los Angeles to Long Beach, 22 miles, and that project will run less than $10 million a mile, as compared to the subway, which will be over $202 million a mile.

Mr. LUNGREN. Would such light rail systems also take people out of their cars and help clean up the environment?

Ms. FIEDLER. I certainly hope it would if it was proposed.

However, the real issue is, will people ride any of these systems? What will the overall project produce in terms of ridership? Traditionally, they have had about 50 percent of the projected ridership, and, of course, that ends up as a burden on national taxpayers as well as local taxpayers.

Mr. LUNGREN. Mr. Chairman, I thank the gentlewoman from California, Ms. FIEDLER.

Mr. Chairman, I would suggest to my colleagues that the question is not whether we are for or against rapid transit or mass transit or whether we are for or against cleaning up the environment. The question is whether we think this is a reasonable expenditure of the taxpayer's dollars, given all the circumstances surrounding the situation. I would suggest the burden of proof is on those Members who say we ought to spend these funds.

As one who has gone through all this material and listened to this debate here today and been lobbied probably as heavily as anybody—incidentally, I think the gentlewoman ought to be given credit for raising the salaries of many of the lobbyists in town as I have never seen so many on one particular project constantly talking to all of us—I just happen to think that the burden of proof has not been met by those Members who would support this particular project.

Mr. Chairman, there seems to be far more economical ways of using the people's money and moving people in southern California around.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. Mr. Chairman, I rise in opposition to the amendment and I ask unanimous consent to revise and extend my remarks.

Mr. Chairman, I find myself in what might seem to be an odd position on this amendment. After all, what we are talking about is $127.5 million for a new start.

Now, $127 million is not exactly pocket change. Appropriating that much money for one new start obviously takes something away from the amount of money available for rail modernization funding. And in case you had not noticed, in New York City we do a lot more in the way of rail mode than in the way of new starts.

But there has to be more to the decision than shortsighted self-interest. That is what David Stockman apparently did not understand when he said, "There is no reason for someone in Sioux Falls to pay Federal taxes so someone in Los Angeles can get to work on time by public transportation."

Of course, I am pleased that the administration has reversed its earlier position of opposing all new transit starts. Perhaps those of us from rail mode cities can take hope from the administration's aboutface on the new starts question that they will one day see the error of their continuing effort to eliminate Federal operating assistance.

Why support the Los Angeles metro rail project? Well, I agree with my colleague from Connecticut that maybe you have to have the energy that the project will save this Nation. We have lost sight of the energy crisis recently, but that does not mean it has disappeared never to be heard from again. The fact is that energy prices, both for gasoline and home energy needs, are headed back up and we need to keep conservation in the frontlines of our energy policy.

I also have an interest, albeit not a direct one, in the improved air quality that mass transit brings. Los Angeles' smog, almost all of it from automobile tailpipes, provides Johnny Carson with his most reliable source of one-liners. But even Carson does not oppose metrorail.

In fact, based on what I have read the Wilshire corridor seems an absolute natural for a rail project. The streets are packed to capacity, with bus volumes that would be high even by New York City standards, and there is no way the central city area can accommodate the buses that would be needed to handle future population growth. The people of Los Angeles voted to tax themselves $225 million a year to pay for metrorail and other transit projects so there is clearly strong local support. And the project has been called the most cost effective new start in the Nation.

Those of us in the Northeast know the critical importance of mass transit in the economic development of central city areas. Now that our friends in the South and West are learning firsthand the benefits of transit that we have known for years we have an opportunity to forge a coalition in support of a truly national mass transit program. On its merits the Los Angeles project deserves to be funded. I urge defeat of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. CRAIG).

Mr. CRAIG. Mr. Chairman, I stand in opposition to the legislation and in support of the amendment as it has been proposed by the gentlewoman from California (Ms. FIEDLER).

I think the point the gentlewoman makes at this time is very clear, that there simply is no firm or accurate documentation based on the statistics that have been brought together to indicate that this is a paying proposition or will in fact serve the people of Los Angeles.

Mr. Chairman, I will yield to the gentlewoman from California if she wishes.

Ms. FIEDLER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there has been a lot of talk about the impact on smog and the impact on traffic congestion. Most of the major experts who have looked at this particular project indicate they do not believe there will be a significant impact on traffic or congestion.

I would like to call to the minds of the Members of this House who live in this area during our work week this fact: Think about what it is like, coming over the 14th Street Bridge from the Virginia side. There is a project, a metro rail project running right along the side of that highway, and yet day after day after day there is bumper-to-bumper traffic.

Now, the question is, Why does that happen? It does not happen because there is not a system there. It happens because there are not enough people riding that system, and, therefore, we are not reducing the congestion and the traffic patterns to the level that we would like to reduce them. It is unfortunate that that happens to be the case.

I certainly would like to see more people able to use a rapid transit system, but the reality is that, unfortunately, we find about a 50-percent level of ridership, compared to those that are projected and an enormously high bill that all of us are going to have to pay for decades.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. COELHO) for 3 minutes.

Mr. COELHO. Mr. Chairman, I ask unanimous consent that I may be allowed to yield 1½ minutes of my time to the gentleman from New York (Mr. DOWNEY) and 1½ minutes to the gentleman from Georgia (Mr. FOWLER.)

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have followed with interest the debate on the amendment offered by the gentlewoman from California (Ms. FIEDLER). I am from New York, where we have the Nation's largest commuter rail service, the Long Island Railroad. We also have three parallel lines into New York City, and on any morning one can witness bumper-to-bumper traffic on all three of those arteries and can also not find a place to sit down on the Long Island Railroad.

The reason for that is very simple. The demand for mass transit has been outstripped by capacity.

□ 1520

So if we want to plan for the future, if we are at all interested in the notion of providing alternative forms of transportation, it seems incumbent upon us to provide this sort of service and not say, well, because the roads are filled, these people are not using transit. The reverse is true. The roads are filled because there are not enough spots for people to ride on mass transit.

So I urge my colleagues to oppose the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. FOWLER).

Mr. FOWLER. Mr. Chairman, I rise also in opposition to the amendment. I want to say as a representative of a congressional district that has a rapid transit system, built with 80 percent Federal moneys, coming out of the Mass Transportation Act of 1969, with continuing funding since, that almost every argument advanced by the gentlewoman from California and the proponents of this amendment were made in opposition to the Metropolitan Atlanta Rapid Transit System.

The ridership turned out to be underestimated by almost 40 percent.

The system that the opponents said could not be built on time and within budget was built on time and within the budget.

I want to commend also the Transportation Subcommittee of the Committee on Appropriations for recognizing the national concerns, the national needs of cities such as Los Angeles. If we are to have a national system and show people what clean, efficient, public transportation can be, we must begin these systems.

I urge that we reject the amendment of the gentlewoman from California.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. FAZIO).

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment and in support of my Republican Governor, George Deukmejian; my Republican junior Senator, PETE WILSON; the Republican dean of the delegation here in the House, the gentleman from California, Mr. CARLOS MOORHEAD, and in support of the Republican leadership of the Los Angeles City Council and the board of supervisors and to congratulate Los Angeles on their best effort to develop a consensus alternative fixed rail transit line to supplement their freeway system.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, I shudder when I think of this project. I shudder at what we are getting ourselves into here. When I started out looking at this, I was concerned about the fairness issue. This one project would take up too much of the pool of resources that we have to fund new starts around the Nation; but as we look at it on the merits, it gets worse and worse and worse.

The gentlewoman from California has pointed out that this is the most expensive project in history, $202.4 million per mile, compared to the average of $61.9 million for other projects around the country.

There has been no referendum on the project in Los Angeles. The proposition A referendum was not on this specific proposition and we just recently had an example in Houston where they had a tax they voted for, too; but what happened when they come to vote on the specific bond issue for the project, it was voted down. Are we going to have the same risk here after we pour money into this thing?

Federal experts have called Los Angeles ridership projections fantasy.

Listen to this from Mr. Peter Gordon, an associate professor of urban and regional planning and economics at the University of Southern California, in the Wall Street Journal:

Pork barrel is not new to U.S. politics and this is the 1983 edition.

Some simple calculations for the Los Angeles subway plan show why it is time to blow the whistle.

A yearly operating deficit of $45 million, or $2.4 million per mile of route, is projected.

Using proponents' numbers, this gives us $3.10 as the cost of a one-way ride. Not cheap. Yet, their ridership estimates reveal that they believe the LA subway system would carry more people per mile per day than any U.S. subway, including New York's.

The cost per rider could shoot up to $10.50 per ride.

Who is going to pay the difference? It is said that this will not be subsidized on an operating basis. Who is going to pay? Who is going to pay the difference between the fare and $10.50 a ride? You know who will pay. I know who will pay. We will pay—the taxpayers of America will pay.

Now, let me get to the fairness issue for just a moment, if I may. If you take Los Angeles costs of about $3.1 billion, their figures, which would be financed by 62 percent Federal dollars, that would mean $2 billion would go into this project of Federal dollars.

We have in the pool for all the projects around the country from the 1 cent for mass transit and sales tax, about $400 million a year. At that rate, this one project would take every single penny for new projects for a period of 5 years; nothing for any other city in the country, and when you look at the projects that are on the books around the country and you look at the amount of money that we have to fund these projects, it would take 75 years for these projects to be funded at this rate. That is not fair.

Almost every other major system in the country, including San Francisco, was built without one penny of Federal money, not 62 cents Federal money out of every dollar, not one penny. It was funded by local bond issues, funded at the local level.

There is not enough money in the world to fund all these systems and if we dig the hole by starting this one here, we are getting ourselves in deep trouble.

I urge support for the amendment.

The Chair recognizes the gentlewoman from California (Ms. FIEDLER).

Ms. FIEDLER. Mr. Chairman, there comes a time when you look at a given expenditure that you have to try to analyze what the impact is going to be of the expenditure of this money. I looked at this project for a very long time and I take bringing this amendment to the floor very seriously.

This is my community. These are the people of my community that I represented up until recently, the entire city and some of the small cities outside the city of Los Angeles.

I come to you today with this amendment, because I am confident that the people of this city will not support this system at the levels that are anticipated by the current proponents of the system, and because of that, people across this country are going to have to pay a tax bill to subsidize this system; that simply is not fair.

Now, one of the things that has been said repeatedly through the course of the debate is that Art Teale said that

this was the most cost-effective system in the country; but one of the things that was not said is that Art Teale, Director of UMTA, did not propose this system for funding, and the reason that he did not propose the system for funding was because there are so many other needs that the people of this country have that are going unmet. If the people of the city of Los Angeles and the county area would support this system, would be behind it, I would be behind it; but I am confident that it will not have the support that it needs and if the people who propose the system really believe that it will gain the support and the ridership that they are projecting, then I challenge them here today to bring a charter amendment to the people of the city of Los Angeles and give them a chance to make the decision as to whether or not this project would be funded, supported, both in ridership as well as in taxes. I think that we owe it to the taxpayers of the Nation and to our local citizens.

I might add that I proposed that to the proponents of this project and they turned it down, because I think they know that the people would reject the system just as surely as those did in Houston. Regardless of the number of titles and names of the elected officials who support the project, the people have not, and that is the ultimate measure of a mass transit system or any other major public expenditure.

The CHAIRMAN. The Chair recognizes the final speaker under the agreement, the gentleman from California (Mr. DIXON).

Mr. DIXON. Mr. Chairman, I will not take the whole 3 minutes, because everything on this issue has been said. The whole issue of minority involvement, the whole issue of it being a cost-effective and rider-effective program has been covered, but I would just like to call attention to the last statements made by the gentlewoman. She suggests in her closing statement that no one supports this. The entire delegation in southern California, with the exception of about three people, support it.

The Governor of the State of California supports it.

The two Senators from California support it.

The board of supervisors support it, and the people have voted twice in an issue involving mass transit.

The need for metro rail in Los Angeles is real. Our city and county represent one of the Nation's largest commercial sectors, with approximately 43,000 people working in downtown Los Angeles.

Nearly 1.7 million people currently use mass transit daily, a ridership that will significantly increase as Los Angeles absorbs a projected population growth of 2 million people over the next two decades. The area's heavily congested streets and freeways cannot adequately accommodate the additional demand this growth will create through auto and bus transportation.

Statements that question the cost effectiveness of the Los Angeles metro-rail are totally unfounded.

The 18.6-mile metrorail line will be equivalent to 24 freeway lanes and will significantly reduce the transportation demands currently placed upon the streets and freeways.

The Los Angeles metrorail has been characterized by the Urban Mass Transportation Administration as one of the most cost-effective proposals, that contains the highest proportion of local to Federal match, for any project of its kind [62-38].

In 1980, voters in Los Angeles approved a tax increase producing $225 million in annual revenue for funding local contributions to metrorail and other mass transit projects and improvements. Prior to that, voters approved proposition 5 in 1974 which earmarked a portion of the State gasoline tax funds for rail transit construction.

We have also put together a State, local, and private funding package that will finance over $1 billion of total metrorail costs. Our commitment to the Los Angeles metrorail is real.

A comprehensive environmental impact study indicates that use of the metrorail will result in the reduction of carbon monoxide emissions by more than 22 tons daily in the year 2000.

Station locations have been selected that service minority user populations that exceed 50 percent of location ridership; elderly user populations that exceed 25 percent of location ridership; and user populations without access to a vehicle that exceed 75 percent of location ridership.

I am also encouraged by the RTD board's commitment to minority and women business participation in all contract and joint development efforts related to the metrorail project.

Women and minority businesses have been involved in 18 percent of the preliminary engineering work involved with the development of the system. This involvement has currently translated into a $4.25 million commitment to women and minority businesses.

Negotiations are now underway to secure 20-percent participation for these businesses in the continuing preliminary work associated with the project.

The RTD has also formulated a five-point program to solicit minority business participation, and is forming a minority business enterprise advisery and joint development committee to refine the goals, objectives, and procedures for participation.

Arguments that assert Los Angeles metrorail is the most expensive project in history and that no local referendum has been held on the project, ignores the fact that the Los Angeles metrorail will be 100-percent underground which is necessarily more expensive than aerial and at-grade systems. It also ignores the commitment of Los Angeles voters to fund metro rail costs through two revenue-raising measures specifically devoted to mass transit development.

Republican and Democratic Representatives from Los Angeles agree overwhelmingly that metrorail meets every reasonable test for a major new transportation system. It has been studied carefully by the Appropriations Committee, and funds for metrorail have already been collected through the mass transit trust fund. Stopping the project now would only injure Los Angeles at no savings to the Federal Government.

I urge you to join us in opposing efforts to stop the development of modern mass transit for Los Angeles which can alleviate congestion and improve the quality of life for our city.

Mr. BERMAN. Mr. Chairman, I am sorry that I must rise to oppose the amendment offered by the distinguished gentlewoman and my neighbor from California, with whom I have had the pleasure of working on a number of issues of concern to the Los Angeles area. Like the author of this amendment to strike funding for the metrorail project, I also represent the San Fernando Valley portion of Los Angeles. Prior to coming to Congress, I represented this area for 10 years as a State assemblyman. There is an urgent need for a mass transit system which will alleviate the traffic, congestion, and pollution in the Los Angeles region. There is an urgent need to link the densest population and employment centers in the Los Angeles area.

It is important to point out that a vote for the Fiedler amendment is not a vote to reduce the budget deficit. A vote for this amendment merely says that the Los Angeles area does not need a metrorail. Funding for the metrorail project would be provided by an off-budget trust fund established by the 5-cent gasoline tax. The revenues have already been collected at the gas pump and were set-aside for mass transit projects. If this amendment passes, the money will remain in the trust fund. It can not be used to retire any portion of the debt.

Twice Los Angeles county voters have gone to the polls to vote on this issue and twice they have supported the construction of rail rapid transit system. In 1974, proposition 5 passed which designated a portion of the State gasoline tax fund for rail rapid transit construction. Then, again in 1980, voters approved proposition A, which increased the sales tax by one-

half percent to build a 140-160 mile rapid transit system.

I am proud that the sector has been involved from the project's conception and that community involvement and minority business support is so strong. Locally, business and community members came together to demonstrate their financial commitment and public interest in the project. In addition, local planners and officials were able to work hand in hand with the California congressional delegation to come up with the 62/38 funding arrangement.

I can think of no better investment of transportation funds. The Urban Mass Transit Administration has ranked the Los Angeles metro rail project first in the country in terms of cost-effectiveness. Appropriations for new starts are the most cost effective. Whereby funding for buses and rehabilitation of old rail systems is funded at a level of 80 percent Federal/20-percent local by the 5 cents gasoline tax, new start moneys because of their higher local match yield a higher return for each Federal dollar spent.

The population of Los Angeles is expected to increase by 2 to 3 million by the year 2000. In a city already crippled by smog this population increase will have devastating environmental consequences. Without mass transit, the air quality in Los Angeles will become even worse.

Nationally, we must stand by our commitment to promote mass transportation and reduce pollutants in the form of automobile emissions. Construction of the Los Angeles metro rail project will do just that. Projections show that the metrorail, operating to meet the need of 280,000 people daily, will have the capacity of three eight-lane freeways.

I urge my colleagues to reject the Fiedler amendment.

● Mr. MINETA. Mr. Chairman, I rise in strong opposition to the amendment.

The Los Angeles metro rail project is a good project, and is well worth of our support. This project is supported by the local electorate, who have imposed upon themselves a tax to help finance local projects such as metro rail.

Moreover, the funding plan developed by the project's supporters is a reasonable one; both from the perspective of adequate local support and from the overall Federal funds available for all such projects across the Nation.

Surely, so soon after adopting a 5 cent gas tax to encourage and support mass transit projects, it would be odd indeed for this House to then say no to a project such as this. If we do not spend the funds on mass transit, then why are we collecting them? And if we are to spend them, then this is a worthy and reasonable project.

This House has made a commitment to mass transit. We have made a policy decision to support heavy and light rail development. Let us hold to that commitment. Let us respond to the needs of the community, and support this project.

I urge the defeat of this amendment.●

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. FIEDLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. FIEDLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 139, noes 280, not voting 13, as follows:

[Roll No. 205]

AYES—139

Badham	Hansen (ID)	Nichols
Bedell	Hansen (UT)	Nielson
Bereuter	Hartnett	Parris
Bilirakis	Hightower	Paul
Broomfield	Hiler	Petri
Brown (CO)	Holt	Porter
Broyhill	Hopkins	Pritchard
Burton	Horton	Quillen
Byron	Hubbard	Regula
Carney	Hunter	Ridge
Carper	Hyde	Ritter
Chandler	Jacobs	Roberts
Cheney	Jeffords	Robinson
Coats	Kasich	Roemer
Coleman (MO)	Kindness	Rogers
Conable	Kramer	Roth
Corcoran	Lagomarsino	Roukema
Coughlin	Latta	Sawyer
Courter	Leach	Schaefer
Craig	Leath	Schulze
Crane, Daniel	Lent	Sensenbrenner
Crane, Philip	Lewis (FL)	Sharp
Daniel	Loeffler	Shaw
Daub	Lott	Shelby
Davis	Lowery (CA)	Slattery
DeWine	Lujan	Smith (NE)
Dickinson	Lungren	Smith (NJ)
Duncan	Mack	Smith, Denny
Dyson	Madigan	Snowe
Edwards (AL)	Marlenee	Solomon
Emerson	Marriott	Stark
English	Martin (IL)	Stenholm
Evans (IA)	Martin (NC)	Stump
Fiedler	McCollum	Sundquist
Forsythe	McCurdy	Taylor
Franklin	McDonald	Thomas (CA)
Frenzel	McEwen	Vucanovich
Gekas	McGrath	Walker
Gingrich	McKernan	Weber
Goodling	McKinney	Whittaker
Gradison	Michel	Winn
Gramm	Miller (OH)	Wortley
Green	Molinari	Wylie
Gregg	Montgomery	Young (AK)
Gunderson	Moore	Young (FL)
Hall (OH)	Morrison (WA)	
Hall, Sam	Myers	

NOES—280

Ackerman	Bartlett	Borski
Addabbo	Bateman	Bosco
Albosta	Bates	Boucher
Alexander	Beilenson	Boxer
Anderson	Bennett	Breaux
Andrews (NC)	Berman	Britt
Andrews (TX)	Bevill	Brooks
Annunzio	Biaggi	Brown (CA)
Anthony	Bliley	Bryant
Applegate	Boehlert	Campbell
Archer	Boggs	Carr
Aspin	Boland	Chappell
AuCoin	Boner	Chappie
Barnard	Bonior	Clarke
Barnes	Bonker	Clay
Clinger	Jones (NC)	Rangel
Coelho	Jones (OK)	Ratchford
Coleman (TX)	Jones (TN)	Ray
Collins	Kaptur	Reid
Conte	Kastenmeier	Richardson
Conyers	Kazen	Rinaldo
Cooper	Kemp	Rodino
Coyne	Kennelly	Roe
Crockett	Kildee	Rose
D'Amours	Kogovsek	Rowland
Dannemeyer	Kolter	Roybal
Daschle	Kostmayer	Rudd
de la Garza	LaFalce	Russo
Dellums	Lantos	Sabo
Derrick	Lehman (CA)	Savage
Dicks	Lehman (FL)	Scheuer
Dingell	Leland	Schneider
Dixon	Levin	Schroeder
Donnelly	Levine	Schumer
Dorgan	Levitas	Seiberling
Dowdy	Lewis (CA)	Shannon
Downey	Lipinski	Shumway
Dreier	Livingston	Sikorski
Durbin	Lloyd	Siljander
Dwyer	Long (LA)	Sisisky
Dymally	Long (MD)	Skeen
Early	Lowry (WA)	Skelton
Eckart	Luken	Smith (FL)
Edgar	Lundine	Smith (IA)
Edwards (CA)	MacKay	Snyder
Edwards (OK)	Markey	Solarz
Erdreich	Matsui	Spence
Evans (IL)	Mavroules	Spratt
Fascell	Mazzoli	St Germain
Fazio	McCain	Staggers
Feighan	McCandless	Stangeland
Ferraro	McCloskey	Stokes
Fields	McDade	Stratton
Fish	McHugh	Studds
Flippo	McNulty	Swift
Florio	Mica	Synar
Foglietta	Mikulski	Tallon
Foley	Miller (CA)	Tauke
Ford (MI)	Mineta	Tauzin
Ford (TN)	Minish	Thomas (GA)
Fowler	Mitchell	Torres
Frank	Moakley	Torricelli
Frost	Mollohan	Towns
Fuqua	Moody	Traxler
Garcia	Moorhead	Udall
Gaydos	Morrison (CT)	Valentine
Gejdenson	Mrazek	Vandergriff
Gephardt	Murphy	Vento
Gibbons	Murtha	Volkmer
Gilman	Natcher	Walgren
Glickman	Neal	Watkins
Gonzalez	Nelson	Waxman
Gore	Nowak	Weaver
Gray	O'Brien	Weiss
Guarini	Oakar	Wheat
Hall (IN)	Oberstar	Whitehurst
Hall, Ralph	Obey	Whitley
Hamilton	Olin	Whitten
Hammerschmidt	Ortiz	Williams (MT)
Hance	Ottinger	Williams (OH)
Harkin	Owens	Wilson
Harrison	Oxley	Wirth
Hatcher	Packard	Wise
Hawkins	Panetta	Wolf
Hefner	Pashayan	Wolpe
Hertel	Patman	Wright
Hillis	Pease	Wyden
Howard	Penny	Yates
Hoyer	Pepper	Yatron
Huckaby	Perkins	Young (MO)
Hughes	Pickle	Zablocki
Hutto	Price	Zschau
Ireland	Pursell	
Jenkins	Rahall	

NOT VOTING—13

Akaka	Martin (NY)	Simon
Bethune	Martinez	Smith, Robert
Erlenborn	Patterson	Vander Jagt
Heftel	Rostenkowski	
Johnson	Shuster	

□ 1540

The Clerk announced the following pairs:

On this vote:

Mr. Erlenborn for with Mr. Akaka against.

Mrs. Johnson for with Mr. Patterson against.

Messrs. LEWIS of California, VOLKMER, ANDREWS of North Carolina, and BRITT, and Mrs. LLOYD changed their votes from "aye" to "no."

Mr. SAM B. HALL, JR., changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1550

Mr. LEHMAN of Florida. Mr. Chairman, I ask unanimous consent that the remainder of title I and title II be considered as read and open to amendment at any point?

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there any points of order against the remainder of title I and title II?

Are there any amendments to the remainder of title I or title II? If not, the Clerk will read title III.

The Clerk read as follows:

SEC. 305. None of the funds provided under this Act for Formula grants shall be made available to support mass transit facilities, equipment, or operating expenses unless the applicant for such assistance has given satisfactory assurances in such manner and forms as the Secretary may require, and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charged elderly and handicapped persons during nonpeak hours shall not exceed one-half of the rates generally applicable to other persons at peak hours: *Provided*, That the Secretary, in prescribing the terms and conditions for the provision of such assistance shall (1) permit applicants to continue the use of preferential fare systems for elderly or handicapped persons where those systems were in effect on or prior to November 26, 1974, (2) allow applicants a reasonable time to expand the coverage of operating preferential fare systems as appropriate, (3) allow applicants to continue to use preferential fare systems incorporating the offering of a free return ride upon payment of the generally applicable full fare where any such applicant's existing fare collection system does not reasonably permit the collection of half fares, and (4) allow applicants to define the eligibility of "handicapped persons" for the purposes of preferential fares in conformity with other Federal laws and regulations governing eligibility for benefits for disabled persons.

AMENDMENT OFFERED BY MR. MRAZEK

Mr. MRAZEK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MRAZEK: Insert the following on page 36, line 24, ending with the phrase "prior to November 26, 1974," "provided that said applicant adopts and implements appropriate standards of eligibility which includes those citizens who reside in the district served by the mass transit system".

Mr. WALKER. Mr. Chairman, I reserve a point of order against the amendment.

Mr. MRAZEK. Mr. Chairman, this is a technical and local amendment to solve a particular problem that relates to the fact that there are handicapped and elderly people who reside within the district of the Metropolitan Transit Authority of New York who do not receive the half fare rate that is proscribed for certain senior citizens and handicapped people under section 305 of this act.

This particular technical amendment simply makes sure that all of those senior citizens and handicapped people who would be eligible are in fact brought into conformance with section 305.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. MRAZEK. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, I rise to express my appreciation to the gentleman for offering this amendment.

Every other mass transit system in the country, under the Urban Mass Transportation Act, has to offer discount fares on a nondiscriminatory basis with respect to residency. In 1977 an exception was made for New York City on a transitional basis because of the number of people who might be involved. That transitional basis is now carried forward for these 6 years.

All this amendment would do would be to provide, as with respect to every other transit system in the country, that the other users of the metropolitan transit system in New York who are handicapped or elderly would have to get the same kind of an offpeak hour discount as the people in New York City do. I think that that is immanently fair. I do not think it will be costly to the MTA. This is just for offpeak hours when the facilities of the buses and subways are not used fully at any rate. It will undoubtedly result in additional passengers using the system during these offpeak hours.

I strongly urge adoption of the amendment.

Mr. MRAZEK. Mr. Chairman, I think I would just add one more clarification. Right now the MTA's half-fare system excludes residents who do not live within New York City proper. This is so despite the fact that the district of the MTA includes several counties not in New York City, specifically, Nassau County, Suffolk County, and Westchester County. These residents outside of New York City presently pay one-quarter of 1 percent sales tax to help subsidize the MTA operation. Further, the MTA does not object to this amendment. In fact, they are ready to move to comply with section 305 by October 1 of this year, when the act is supposed to go into effect.

Mr. Chairman, I would ask unanimous consent that the amendment be adopted.

Mr. WALKER. Mr. Chairman, reserving the right to object.

Mr. MRAZEK. Mr. Chairman, I would withdraw that unanimous-consent request pending any discussion that the distinguished gentleman from Pennsylvania would think is appropriate.

The CHAIRMAN. If the Chair understood the gentleman from New York, he asked unanimous consent that the amendment be adopted.

Is the gentleman withdrawing that unanimous-consent request?

Mr. MRAZEK. Pending any discussion that the gentleman from Pennsylvania would think would be appropriate at this juncture.

The CHAIRMAN. There is pending the possible point of order of the gentleman from Pennsylvania which should be disposed of first.

Does the gentleman wish to pursue that point of order?

Mr. WALKER. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania will state his point of order.

Mr. WALKER. Mr. Chairman, the merits of the particular proposal before us are not the issue at hand. It sounds to me as though it does have some substantive merit.

I would remind the House under the rules of the House, though, an issue of this kind with substantive merit needs to come before the House—under the rules adopted primarily with votes from the majority side earlier in this Congress—needs to come before the body in the authorization bills rather than in the appropriations bills.

In this particular instance, the amendment that we have before us constitutes legislation in an appropriation bill under the provisions of clause 2 of rule XXI.

My objection to the amendment rests on that procedural grounds that legislation in an appropriations bill is beyond the scope of the present consideration and that this amendment must properly be brought before the House in the course of the authorization process.

The CHAIRMAN. Does the gentleman from New York wish to speak on the point of order?

Mr. MRAZEK. Yes, Mr. Chairman. I know that the authorizing committee will hold further hearings to consider the MTA's treatment of citizens that reside outside the district, but this technical amendment simply seeks to address a problem that I think is germane to this legislation to bring them into conformance with section 305 which this House of Representatives and this U.S. Congress deemed it ap-

propriate and necessary to employ in order to make sure that senior citizens and handicapped people in this country have an opportunity to ride at half fare in mass transit systems across this land.

□ 1600

This simply brings those people into conformance who are not presently covered.

Mr. OTTINGER. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman may state his position.

Mr. OTTINGER. Mr. Chairman, I think the gentleman's point of order is not well taken. The gentleman might have and I indeed had considered making a point of order against the section as being not in order for reasons that the gentleman has stated with respect to this amendment.

No such point of order was made, however. Therefore, it is too late to knock out the legislation on the basis that it is legislation on an appropriation bill.

This amendment merely seeks to make technical changes in the language which is already there and to which no objection was made. Therefore, it should be in order.

The CHAIRMAN. Does the gentleman from Michigan (Mr. HERTEL) wish to be heard on the point of order?

Mr. HERTEL of Michigan. Yes, Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The gentleman may state his position.

Mr. HERTEL of Michigan. Mr. Chairman, it seems clear that the amendment proposed now that is in question deals with perfecting language. We are talking about the very same standards in this amendment that are recognized in the bill. All we are talking about is extending those standards to another group of citizens that are covered by this bill and this authority.

Therefore, the point of order should be, I think, rejected because we are talking about perfecting language, not new legislation at all.

The CHAIRMAN (Mr. SHARP). If no other Member wishes to be heard, the Chair is prepared to rule.

Although the pending section of the bill includes legislation which was allowed to remain when no point of order was raised, the fact is that the amendment adds additional legislative requirements that appropriate standards of eligibility be determined for an additional category of citizens not covered by section 305 and, therefore, the Chair must rule that it is more than perfecting and in fact does constitute additional legislation on an appropriation and is out of order at this time.

PARLIAMENTARY INQUIRY

Mr. OTTINGER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. OTTINGER. Mr. Chairman, would it be in order at this time, then, to assert a point of order against section 305?

The CHAIRMAN. The Chair will indicate to the gentleman that the assertion of that point of order comes too late.

The Clerk will read.

The Clerk read as follows:

SEC. 308. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

Mrs. VUCANOVICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the chairman of the Appropriations Subcommittee, the gentleman from Florida (Mr. LEHMAN).

Mr. Chairman, a nationwide network of flight service stations is an integral and vital part of our efforts to enhance aviation safety for the traveling public. This bill before us threatens to dismantle our flight service stations by reducing both the quantity and the quality of information available to pilots and their passengers.

I am concerned. I was prepared to offer an amendment to prevent the FAA from closing 75 of these flight service stations, but I do not plan to offer that amendment. However, I really am very concerned about these closings, and I wonder if I could get some assurances from the gentleman from Florida that some of these concerns will be addressed.

Mr. LEHMAN of Florida. Mr. Chairman, if the gentlewoman will yield, I would like to reassure the gentlewoman from Nevada that, as chairman of this subcommittee, we will carefully monitor the closing of these flight service stations, to be sure that there is no inadvertent harsh impact on Nevada or any other area of the country when such stations are closed.

Mrs. VUCANOVICH. I thank the chairman.

I would like to make a couple of points to carry this on a little further. I am a pilot myself. I have no objection to the automated flight service stations. But I come from a State where our distances are 300 and 400 miles apart, people do not understand the flight service stations, which are really our eyes in the sky. Most of us fly in my State. We cannot rely on the information we are going to get from Reno when we are out in Ely and we have someone in Salt Lake City who tells us at 12,000 feet the weather is fine, but we have no assurance of this when we are looking down and cannot see the ground.

Most of the accidents that happen to general aviation pilots happen because of bad weather information, and it is very frightening. I was speaking with a fellow pilot outside here just a few minutes ago, and he said, "Barbara, we are going to die by these rules if this happens." So I am really very concerned that the committee will give some serious consideration to the closing of these flight service stations.

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I want to concur in the remarks of the gentlewoman from Nevada. We have had a series of closures over the last 10 years of flight service stations, particularly in the sparsely populated areas of the West. And generally speaking, when a flight service station has been chosen for removal, it is in an area that is in a bad weather situation because also concurrent with this is that they are very sparsely populated areas.

I want to commend the gentlewoman for bringing this to the attention of this body, and I support her remarks. I appreciate very much the chairman's assurance that the gentlewoman will be given a hearing on this particular problem.

Mrs. VUCANOVICH. I thank the gentleman.

Mr. PATMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I strongly support the position of the gentlewoman from Nevada and compliment her on her alertness in bringing this to our attention in the way that she has presented it to us.

Mr. Chairman, the general aviation community and the flying public owes a great deal to the existence of our national network of flight service stations and the dedication of the fine professionals who staff them. The 2,800 general aviation pilots who live in my congressional district and the thousands of businessmen, farmers, and ranchers who rely upon the services provided by the flight service stations in Palacios, Galveston, San Antonio, Houston, and Corpus Christi speak very highly of their fine work. They rely upon these stations to provide accurate aviation weather reports and forecasts, process flight plans, monitor navigation aids and communications equipment, and provide emergency assistance to lost aircraft. Having our local flight service station staff familiar without local conditions is of special value to the general aviation community in my district because of the Texas gulf coast's complex and rapidly changing weather conditions.

As reported by the Appropriations Committee, the legislation before us today could close 75 flight service stations in the United States before the end of 1984. Flight service stations

now serving my congressional district are possible candidates for elimination under the current plan. Yet the automated flight service stations which will replace these facilities will not be functional when these stations are shut down.

There are many unanswered questions about how these replacement stations themselves would function. Pilots and the flying public will not enjoy the same services under the automated replacement stations that they now enjoy. No one really knows how well the new system will work in actual operation; no automated station equipment has yet been placed into actual service.

The amendment which would have been offered by the gentlewoman from Nevada (Mrs. VUCANOVICH) would provide for a more orderly transition to an automated flight service station system. It would have given us additional time to assess the new equipment and find out whether it is suitable for nationwide application. At the same time, it would have saved the taxpayers money.

This amendment would be good for the flying public, for flight service station personnel, and for the taxpayer. I urge its incorporation in the bill as finally presented to the President for his signature.

Mr. DANIEL. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Virginia.

Mr. DANIEL. Mr. Chairman, I wish to commend the gentlewoman for bringing this matter to the attention of the committee. We are in somewhat the same position as the gentlewoman is.

Would the gentlewoman yield to the chairman in order that I might ask him a question?

Mrs. VUCANOVICH. I would be very happy to yield to the chairman.

Mr. DANIEL. Is it my understanding that this was a part of the agreement that brought into being the centralized facilities?

Mr. LEHMAN of Florida. Yes. This is part of the overall plan that would consolidate and automate these flight service stations.

Mr. DANIEL. Is there a schedule of phasing in the new facilities?

Mr. LEHMAN of Florida. They are already in that process. None of them have been established, but there already has been appropriated approximately $175 million for this program.

The CHAIRMAN. The time of the gentlewoman from Nevada (Mrs. VUCANOVICH) has expired.

(On request of Mr. DANIEL and by unanimous consent, Mrs. VUCANOVICH was allowed to proceed for 3 additional minutes.)

Mr. LEHMAN of Florida. If the gentlewoman will yield further, I will repeat that by the end of the current fiscal year, more than $175 million will have been obligated for this program. Sites have already been selected for at least 17 automated facilities, and the equipment for these facilities has been purchased and should be delivered in fiscal year 1984.

Mr. DANIEL. It is my understanding that there is a date certain for the existing station to be phased out. Is that correct, or am I wrong?

Mr. LEHMAN of Florida. There will be 75 stations phased out during fiscal year 1984, but we will be monitoring the phaseout to be sure that there is no adverse safety impact involved. And especially in Nevada, the gentlewoman can be reassured that we will monitor those stations carefully.

Mr. DANIEL. Mr. Chairman, again I want to commend the gentlewoman, and I appreciate very much her bringing this to our attention.

It is my understanding that the intent of the Federal Aviation Administration is to consolidate flight service stations in a manner which would provide necessary information in a timely and efficient manner, consistent with need and at the most reasonable cost.

However, I am concerned, from the standpoint of pilot and passenger safety, if the present 75 stations are closed on a time schedule which leaves a gap in service. I believe it is important that the committee not just monitor the situation, but that it take an active role to insure that such a gap does not occur, that present stations are not closed prior to the new consolidated stations being in place and operative.

I hope also that the committee will elicit a firm commitment from the Department of Transportation to insure that this is done and further that this is the safest and most cost-effective approach.

Mrs. VUCANOVICH. I thank the gentleman.

□ 1610

Mr. WEBER. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentlewoman for yielding.

Mr. Chairman, I thank the gentlewoman for bringing this issue to the attention of her colleagues. My district also is affected by the same problem that has been brought to our attention today. I have two communities in my district that have the kind of facilities that are going to be closed down in the near future and I have had the pilots in my district, most of whom are flying farmers or others who pilot their own planes, bring their concerns to my attention.

I had intended to support an amendment if the gentlewoman offered it this afternoon, but I understand you are proceeding along a different course to take care of this problem; is that correct?

Mrs. VUCANOVICH. That is correct. Under the new rules, I find it difficult to do.

Mr. WEBER. The new rules, of course, are a great disappointment to many of us, but I am pleased with the work that the gentlewoman has done on this and I am glad to see that the Member from Nevada does not want to gamble with the future of air safety in rural America.

Mrs. VUCANOVICH. I thank the gentleman very much.

Mrs. BOGGS. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I would be very happy to yield to my colleague, the gentlewoman from Louisiana.

Mrs. BOGGS. I thank the gentlewoman for yielding.

Mr. Chairman, I, too, would like to commend the gentlewoman for bringing this to the attention of the House. She has apparently chosen the wiser way in which to handle the problem and I salute her for her decision and for her help in making certain that the air safety of so many areas of the country is well supervised, well maintained, and that the emergency services are indeed included.

Mrs. VUCANOVICH. I thank the gentlewoman very much.

Mr. KAZEN. Mr. Chairman, will the distinguished gentlewoman yield?

Mrs. VUCANOVICH. I would be very happy to yield to my colleague, the gentleman from Texas.

Mr. KAZEN. I thank the gentlewoman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentlewoman and the remarks of my other colleagues who have spoken of their concern for the closing of these service centers.

The thing that worries me is the fact that I do not think that we are monitoring rules and regulations of aviation closely enough. We have had so many closings of control towers all over this country——

The CHAIRMAN. The time of the gentlewoman from Nevada (Mrs. VUCANOVICH) has again expired.

(On request of Mr. KAZEN and by unanimous consent, Mrs. VUCANOVICH was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. Mr. Chairman, will the gentlewoman yield further to me?

Mrs. VUCANOVICH. I am very happy to yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentlewoman for yielding.

Mr. Chairman, my concern is the concern of the gentlewoman because in addition to what we are doing here, phasing out these service facilities, we have not made any attempts to bring back the operation of towers all over

this country that must be open if we are going to have the kind of safety record in aviation which we must have.

These are the concerns of the flying public of my district, and I am sure they are of her district. Our distances in the Southwest are so great between stations that we must have accurate information, and then when we get to those airports we must have traffic control towers in order to insure the safety of air traffic, and I would just hope that the committee will monitor these situations and do whatever needs to be done to make sure that the air services and the safety of passengers in this country is not jeopardized.

Mr. Chairman, I thank the gentlewoman for her initiative.

Mrs. VUCANOVICH. I thank the gentleman very much.

Mr. Chairman, I appreciate that very much.

I just would like to say again how important it is to us. I do not know how many people realize how dependent general aviation pilots are on flight service station services. They help pilots all the way along the line, just as if they were the AAA for automobiles. They are a very important and a very essential part of our general aviation pilots. We file our flight plans with them as we depart and check in along our route. If there are changes in weather, the local flight service stations can and do advise us. There is no way an automated flight service can respond to a pilot who is looking for assistance while he or she is in the air.

I urge you, Mr. Chairman, to give serious consideration to my concerns.

Thank you.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 314. None of the funds in this Act may be expended to proceed with a proposed rulemaking or to implement a rule which would lower the annual passenger ceiling at Washington National Airport from sixteen million to a lower figure or to reduce the number of certificated air carrier slots provided under the existing Metropolitan Washington Airport Policy: *Provided*, That nothing in this provision shall prohibit the Department from proceeding with the short takeoff and landing exemption for commuter airlines at National Airport.

AMENDMENT OFFERED BY MR. CLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: On page 41, strike all beginning with "SEC. 314" on line 1 through the end of line 9 and renumber subsequent sections accordingly.

Mr. GLICKMAN. Mr. Chairman, in the interest of expediting time, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 1 hour, divided equally, 30 minutes on each side, half controlled by myself and half controlled by the gentleman from Minnesota (Mr. SABO).

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas (Mr. GLICKMAN) in support of his amendment.

Mr. GLICKMAN. Mr. Chairman, I offer this amendment on behalf of myself and the gentleman from Virginia (Mr. WOLF) to try to restore some sanity to the operation of Washington National Airport to insure that we have a reasonable passenger flow at this airport. By the way, this amendment does not reduce by one passenger the current traffic at National Airport, but it does try to encourage more traffic to go to the other regional airports, Baltimore-Washington International, and Dulles.

Obviously, I am not in this because of a parochial interest. In fact, some of my folks in Kansas looked at me like I was crazy, because we build airplanes in Kansas, and they said: "Hey, we want to fly them into National. It is a convenient airport."

The issue in this case is what is good public policy in the operation of an airport which has exceeded its limitations. The airport was built in the 1940's as a piston-engine airport designed to handle DC-4's, and it is today handling 727's, 737's, and 757's. If we allow it to grow at the rate which I think some of the airlines would like it to grow, it will reach a point of saturation where it will no longer be a safe place to operate.

Secretary Dole has proposed to change the annual passenger ceiling at this airport from 16 million passengers a year to 14.8 million passengers a year, or that figure can actually go up depending upon the highest annual passenger level forecasted within the next 2 years. However, the Committee on Appropriations, before the comment period on this rulemaking was allowed to expire, is asking us in this bill to veto that regulation which effectively in that says that the Secretary cannot propose any reduction under 16 million passengers a year.

Secretary Dole's proposal is consistent with what Secretary Lewis proposed in 1981. It is true that at that time he proposed a cap of 16 million passengers a year, but that was based upon a growth rate at which that passenger yield was supposed to occur in 1985. Because of the recession and the PATCO strike, 13½ million passengers a year is the current level at National Airport, and if we allow it to go up to the 16 million which Secretary Lewis originally talked about, it will be 1990 before we reach that level. If it is 1990 before we reach that level, we will never get a restraint on the growth at National Airport. Dulles Airport will never then reach the level where it ought to be.

This proposal would not affect a single flight now in operation at National Airport. It would only shift future growth to Dulles and to BWI for a more balanced use of airport resources. It is clear that we should not allow unrestricted growth in traffic at National, and the issue is safety. The airport operates safely now, but it operates at the margins. You talk to any pilot who flies in there, operating with one north-south runway at 6,800 feet, built to handle, as I said, DC-4's instead of 737's and 757's, and any problem that happens at National, whether it is weather or other related problems, and the airport becomes chaos. If you add significantly more traffic, the chaos could become catastrophic.

What we are trying to do here is to allow a reasonable growth at National, but at the same time encourage a shifting of traffic to Dulles not only for convenience but for safety purposes. National's main runway is 6,869 feet long. That is shorter by 3,000 feet than the length of the average main runway at 22 major airports.

□ 1620

There is no southbound-precision-landing approach at National because of the need to turn down the Potomac River to avoid buildings and the Washington Monument. In fact, last March the NTSB asked the FAA to change the elements of their approach procedure as the result of an incident in which a Piedmont 737 just about ran into the U.S.A. Today building in Rosslyn.

During the peak hours at National they handle as many as 100 airplanes, including a maximum of 37 air-carrier aircraft. It is not unreasonable to allow the Department of Transportation and the FAA to plan for the efficient use of our airport system. Dulles and BWI handle only 19,000 passengers a day, while National handles 37,000 passengers a day. We have just spent $30 million for a new access way to Dulles.

With airport after airport in America in similar circumstances, look what happened. Kansas City International was built to take over an airport just like Washington National—Kansas City Municipal. The Dallas-Fort Worth Airport was built to take over an airport just like National—Dallas Love Field, similar to Washington National. Houston International was built to take over an airport, Houston Hobby, kind of like Washington National.

In city after city where they have built major jet airports that can handle jet traffic, they pulled most of the traffic out of the downtown airport. I am not advocating pulling any of the traffic out of the downtown air-

port. I am telling the Members that we ought to abide by what Secretary Dole has recommended and raise the traffic level about 8 or 10 percent, but not to the level that the committee has put in its bill, which would go up to 16 million passengers.

I know that this airport is convenient. It is convenient. I fly in there all the time. It is convenient for many Members of Congress, but if we allow this airport to grow in unrestricted fashion, it will become a serious safety hazard, not only for us but for the millions of flying passengers who are coming in there.

It is not unsafe now. I am not telling people that it is an unsafe airport now, but it is safe only because of the skill of the FAA staff and the pilots who fly their planes in there. But if you talk to pilots with most of the major airlines, they will tell us it is not one of their favorite airports.

So, Mr. Chairman, I urge the adoption of my amendment, which will still allow some growth at National Airport and which will encourage us to move over a period of years to one of the finest airports in the world, Dulles Airport, and also to Baltimore-Washington International, and at the same time recognize that we can provide a level of convenience for all of us by keeping the airport open, but at more reasonable levels.

Mr. KAZEN. Mr. Chairman, will the gentleman yield for a question?

Mr. GLICKMAN. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I was interested in what the gentleman said about the fact that we have spent some money on an access road to Dulles. What was he talking about?

Mr. GLICKMAN. We are building an extra access road to Dulles, and I would be glad to yield to the gentleman from Virginia (Mr. WOLF) to explain that.

Mr. WOLF. Mr. Chairman, I thank the gentleman for yielding.

The Dulles connector, which will connect I-66 and the Dulles access road, will open in September this year, which will make Dulles Airport within 30 to 35 minutes from downtown Washington.

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, I will state to the gentleman that one of the reasons this Congress has hesitated to divert traffic either to BWI or to Dulles has been the inconvenience in getting to those airports because of the great distances involved.

Mr. GLICKMAN. Mr. Chairman, I fully realize that, but it is the chicken-or-the-egg situation. One wonders how we are going to be able to get better transportation to Dulles if the airlines themselves do not want to move there. This amendment may help to provide that incentive. So what we have got to do is work on a dual track system, fix the roads and at the same time begin moving that traffic there.

Mr. KAZEN. Mr. Chairman, I have often wondered why we in the Congress have not taken the lead, for instance in using the median along the present road between here and Dulles to build one of these fast track systems or metro kind of systems that we have been talking about and making appropriations for in this bill.

Mr. GLICKMAN. Mr. Chairman, I would say to my colleagues that the greatest incentive to build that kind of a train is to begin by caps, capping National, and then I guarantee the airlines will be the first ones who will be pushing us to build that train.

Mr. CONTE. Mr. Chairman, will the gentleman yield so I may answer the question?

Mr. GLICKMAN. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I want to respond to the gentleman's question.

When we had the Transpo '72 Fair at Dulles Airport, John Volpe, who was Secretary of Transportation at the time, sent up a request for $13 million for a reprograming to have a high-speed train from the beltway to Dulles. That was just what the gentleman was talking about, and, unfortunately, the subcommittee turned it down over my strong objections.

The CHAIRMAN. The gentleman from Kansas (Mr. GLICKMAN) has consumed 9 minutes of his time.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. LEHMAN), chairman of the subcommittee.

Mr. LEHMAN of Florida. Mr. Chairman, I rise in opposition to the amendment.

Both our Transportation Subcommittee and the full Committee on Appropriations have voted to include this limitation regarding the proposed reduction in the annual passenger ceiling at National Airport. I support the action taken by the committee and urge that the amendment be defeated.

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

Mr. SABO. Mr. Chairman, I rise in opposition to the Glickman-Wolf amendment.

Let me describe simply what we have done, because the issue before us today is, I think, relatively simple. The committee has added no passengers to existing policy; we have added no flights to existing policy. The committee has simply said that the agreement which was reached in 1981 between then Secretary of Transportation Drew Lewis and the aviation industry should be maintained.

This issue has been before the Congress for years, and it has been filled with contention. In 1981 the House originally passed a provision in our transportation appropriation bill saying that absolutely no change could be made relating to slots at Washington National. Out of that controversy emerged an agreement saying that there should be a passenger cap of 16 million passengers per year, plus a specified number of airplane slots per hour.

What we are doing is simply saying that we are going to retain that agreement, that we are not going to change this agreement, which is less than 2 years old. As a result of that agreement of 2 years ago, the FAA has now started a million-dollar study on the facility needs of National Airport to accommodate the passengers that may arrive or leave from National.

We are told that this is a safety issue. It is not. I would suggest that anyone who would read the proposed rule change by the Secretary of Transportation will not find the word "safety" contained therein. There is no mention of such a word in the proposed regulations.

There is only one thing that is being attempted to be done, and that is to artificially speed up the development of Dulles and BWI and more quickly slow down passengers at National Airport so that they have to start not reducing the number of planes flying into the airport but changing the character of planes so we have more small planes rather than the large passenger planes that serve so many of us in this country.

I might add that despite the fact that traffic continues to grow at National, BWI, and Dulles are not withering on the vine. As a matter of fact, from 1981 to 1982 traffic at BWI increased by 21.8 percent. Driving home last night, what did I hear? Radio ads promoting airlines flying out of BWI.

Dulles, from March of 1982 to March of 1983, grew by 15½ percent. There is natural growth occurring at those airports. We do not need to make this interruption or this change of existing policy in this very difficult area and promote growth there. It is going to happen naturally. We do not need to artificially deflate the growth at National.

Do we increase the number of flights out of National? The answer is, "No." Let me explain how this system works if we reach the passenger cap.

What happens when we reach the passenger cap? We simply discontinue some of the larger passenger planes and switch to smaller commuter airplanes carrying 56 or fewer people.

□ 1630

Does that mean there will be fewer planes flying into National? The answer is "No." They will be smaller. I am not sure they are safer.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield on that point?

Mr. SABO. Yes.

Mr. GLICKMAN. Mr. Chairman, I would just like to bring attention to a letter I received from Secretary Dole today which stated that the wording of the amendment in the bill, section 314, arguably goes beyond preempting the rulemaking, which I think was the gentleman's intention. If adopted, she said, it could stop enforcement of the existing 16 million passenger cap by preventing any reduction of the slots that ultimately control traffic levels at the airport.

Mr. SABO. Those two go hand in hand. Obviously, if at some point we reach the 16 million, the slots would have to be reduced.

But I think the gentleman would agree that the impact of arriving at 16 million is simply to change the character of the planes flying into National and not the total number of flights.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield.

Mr. VOLKMER. Mr. Chairman, on that point, this bill is only good for a year. I am sure that we are not going to reset the maximum and have to reduce the slots this next year. Does the gentleman agree with that?

Mr. SABO. That is accurate.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield further?

Mr. SABO. I yield.

Mr. GLICKMAN. The bill may be good for a year, but the rulemaking may be long term. It may be 5 years, 6 years. The rule may be finished this year. Therefore, it does not matter in next year's bill. We may have permanent full time rulemaking by the middle of fiscal year 1984.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SABO. I again yield.

Mr. VOLKMER. Yes; but it only prohibits rulemaking for this year. That does not prohibit them from coming back next year. We are not going to reach the maximum that is presently agreed upon and has been agreed upon a couple years ago for several years.

Mr. SABO. As a matter of fact, the proposed rule sets that the cap at 14.8 million for the estimated number of passengers in mid-1985.

The gentleman is right. This bill is good for a year. It would suspend the rulemaking in the meantime.

In my judgment, we make a serious mistake when we now interrupt the agreement that we reached less than 2 years ago, the basis on which we were starting to make rational plans for National.

It is not an issue that involves safety. It is basically an issue that is trying to change the natural flow of passengers from National to BWI or Dulles.

The fact is that those two airports today are growing very rapidly with the natural market forces. We simply should not interrupt that process today.

I ask for your support in defeating this amendment.

Mr. GLICKMAN. Mr. Chairman, I yield 3 minutes to the distinguished ranking minority member, the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, I rise in support of the amendment.

The gentleman from Kansas is entirely right. There is a safety issue involved here, not that National is unsafe now. What the whole rulemaking is looking at, among other things, is the level of passenger load you can carry safely at National, the level of flight load you can carry at National.

You can get to a marginal safety level at National Airport. It is a very busy airport, to say the very least, and an older airport.

It seems to me that we are making a great mistake if we interfere with the rulemaking which is examining these questions. That is what rulemaking is all about, to try to get input, to try to get information, to try to develop a rule that will provide for a level of passenger traffic at National that will be safe, that will be convenient. That is why we should not have the provision we have in the bill. That is why I support the amendment.

As has been pointed out, we are not talking about losing current flights. We are talking about the same number of flights that we have today, or more. There will still be growth allowed at National. It does not mean they are being cut off at the present level. The amount of growth, however, that National can take, I think, is a proper subject for rulemaking, not a decision by this Congress.

I might say that as you increase the number of passengers going to National, not only do you have a question of potential safety problems in flying out of National itself, but my gosh, look at the access roads. They are already jammed up over there. You cannot get in or out of the doggone airport in your car and as the number of passengers go up, that problem is going to be exacerbated.

So for all these reasons, I think this is an important amendment.

We have just allowed the stub runways to be used to increase the number of flights going out of National. That is all part of the question, I think; not affected by the rulemaking, but as part of the consideration to be taken into account in the rulemaking.

So I would urge my colleagues to support the amendment. It is a good amendment.

Mr. SABO. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, I thank the gentleman for yielding.

Obviously, I rise in opposition to the amendment that is now pending and urge my colleagues to defeat it.

Mr. Chairman, if I could make a few observations before my prepared remarks. The gentleman from Pennsylvania says this is a safety issue. If it is, it is because of the deal that the gentleman cut to allow the extra commuters to go in. We were not proposing any additional flights into here. We are only proposing to let the flights that are going in there fill up, that is all; but if there are going to be extra flights, it is under the new proposed rulemaking and the deal the gentleman has cut to let extra commuters go into Pennsylvania. So, if there is a safety issue, it is compounded by the deal that has been cut, by the bargain that has been made for these new rules.

There may be a noise issue, I say to my friend, the gentleman from Virginia. There may be a ground access issue, but it is not a safety issue. National is a safe airport. As far as the operations are concerned, there is no proposal to increase the operations. Eighteen months ago a deal was cut with then Secretary Drew Lewis and we cut the operations out there, 127 operations a day. There was no passenger limit on then. We put a passenger limit on that deal of 16 million.

About this access road that my friend, the gentleman from Texas, asked about, it is not going to help too much, because really, the access road on I-66 requires carpools.

Now, they say they are going to have an exemption in there for those people who are going to the airport. Is it not nice to be able to be stopped by the police every time you want to go to the airport to prove that you are going to the airport and that is the reason that you are not in a car pool?

I say to my friends, if you intend to buy your ticket at the airport, as opposed to having it in your hands to prove where you are going, you may have a little bit of a problem.

Now, let me suggest that the two alternative proposals that have been put forward to accomplish the reduction in the annual passenger cap at the airport from its current level, are as follows:

The first would lower the passenger cap to 14.8 million. I would point out to my colleagues that this is less than the actual use of the airport in 1979 when 15.1 million passengers utilized National. The second alternative would reduce it to the level forecast in January 1985. These proposals were made notwithstanding the fact that it has been only 18 months since the cur-

rent policy went into effect, which in addition to imposing the 16 million passenger ceiling, also reduced air carrier slots by over 18 percent.

The FAA has publicly admitted that adoption of a reduced passenger cap could result in further air carrier slot reductions as early as April of 1984, a situation which has been made more likely by its recent decision to increase commuter flights and allow the Boeing 757 (with its greater passenger capacity) to serve the airport.

If either of these proposals are adopted, all cities which are currently receiving service at National will be in jeopardy of further cutbacks in flights to achieve compliance with a reduced passenger ceiling. Should this occur, the airlines may choose to transfer their flights to Dulles or Baltimore-Washington International Airports, or simply not operate them at all.

Because many of my colleagues on the Appropriations Committee agreed that this proposal would adversely affect many communities across the Nation, it adopted an amendment which would prevent the FAA from either lowering the passenger cap or reducing air carrier operations. It is this prohibition which the gentleman's amendment would remove and thereby allow the FAA to continue its crusade to eliminate more flights at National.

Although proponents of this amendment will tell you that National is only expected to serve about 13.5 million passengers in 1983, I would just like to remind my colleagues again that in 1979 the airport accommodated 15.1 million people. What this means is that the current levels are artificially low because of the recession and the PATCO strike. As the economy continues to recover and as air traffic restrictions are lifted in many areas of the country, the number of passengers using the airport will again increase. Therefore, unless the FAA proposals are stopped, the agency will simply use the lower passenger ceiling as an excuse to reduce airline flights in the future.

When the existing FAA policy was being debated in 1981, many of you were opposed to its adoption. As a matter of fact, this body rejected it before it was finally implemented in December of that year. If you opposed the FAA's plan then, I suspect you will probably feel the same way this time around.

However, many Members who supported the FAA in 1981 did so because they believed the policy was a reasonable solution to a difficult problem, and one which would end the continuing controversy at National once and for all. Unfortunately, this was not the case and I suggest that you look at this proposal for what it is—another in a series of attempts by the FAA to eliminate as much of National's service as it can get away with.

If any of this troubles you, as it does me and many of my colleagues speaking on the issue today, I urge you to oppose the gentleman's amendment and send a message to FAA that further reductions in airline service at National will not be tolerated.

Mr. Chairman, I include the following comparison for the RECORD:

COMPARISON OF WASHINGTON NATIONAL AIRPORT POLICIES

	Pre-December 1981 policy	Current policy (Effective Dec. 6, 1981)	Proposed changes
Total scheduling hours per day	16	15	No change.
Slots:			
Air carriers	40 per hour (640 per day, +42 ATC's, +15 extra sections=697).	37 per hour (555 per day+15 extra sections=570)	Reduce as necessary to comply with reduced passenger ceiling (these slots would be transferred to the commuters).
Commuters	8 per hour	11 per hour	13 per hour plus additional slots transferred from the air carriers.
General aviation	12 per hour	12 per hour	No change.
Extra sections	Not counted against a carrier's slot allocation	Not counted against a carrier's slot allocation	Do.
Additional flights based on ATC conditions (ATC's)	Permitted (About 42 additional air carrier operations per day were conducted in this fashion).	Not permitted	Do.
Night noise limitations 10 p.m. through 6:59 p.m.	No limit	72dBA (take-off) [1]; 85dBA (approach) [1]	Do.
Nonstop limit	650 statute miles [2]	1,000 statute miles [3]	Do.
Annual passenger limit	No limit	16 million	14.8 million or the level forecast in January 1985.
Operating hours	24 hours [4]	24 hours [5]	No change.
Scheduling hours	7 a.m. to 10 p.m. [6]	7 a.m. to 10 p.m.	Do.
Late arrivals of scheduled flights	No limit	Until 10:30 p.m.	Do.
Late departures of scheduled flights	do	Not allowed	Do.

[1] Eliminates most aircraft except twin-engine props and some quieter business jets.
[2] Although beyond the 650-mile perimeter, the following cities still received nonstop service under a grandfather clause: Minneapolis, St. Louis, Memphis, Miami, Orlando, Tampa, West Palm Beach.
[3] In addition to the seven grandfathered cities, expansion of the perimeter to 1,000 miles made Birmingham, Ft. Lauderdale, and Kansas City eligible to receive nonstop service.
[4] Informal jet ban, 10 p.m. to 7 a.m.
[5] See noise limitation for 10 p.m. through 6:59 a.m. which eliminates most airline jet operations.
[6] 40 operations were allowed to be scheduled at 10 p.m.

ADDITIONAL FACTS ON NATIONAL AIRPORT

Passenger cap proposal.—The FAA proposal would reduce the current cap of 16 million. It has proposed two alternatives to accomplish this. One would lower the cap to 14.8 million; the other would lower it to the level forecast in January 1985 provided it does not exceed 16 million.

Historical passenger activity (milions of passengers).—1979—15.1, 1980—14.5, 1981—14.1 (PATCO strike August 3, 1981), 1982—13.3 (slot restrictions lifted by FAA in August 1982), and 1983—estimated 13.5

Boeing 757—(now serving National)—178 passengers, assumes 10 percent in first class (aircraft can accommodate up to 233 if configured for coach seating only with lowest seat pitch); twin engine (Rolls Royce or GE), narrow body; range 2,160 nautical miles (2,660 nautical miles for high gross weight option; certificated for two crew members; about 25 percent more fuel efficient, and quieter (stage 3 airplane).

Commuter exemption.—The language in the DOT bill would not affect the FAA's recent grant of an exemption which allows 2 additional hourly commuter slots, provided they are conducted with quieter STOL (short take-off and landing) aircraft on specially designated runways. This raises the number of commuter slots from 11 to 13 per hour.

□ 1640

Mr. GLICKMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. WOLF), coauthor of the amendment.

Mr. ROBINSON. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Virginia.

Mr. ROBINSON. Mr. Chairman, as a former member of the Dulles International Airport Development Commission, I rise in support of this amendment.

Mr. Chairman, as a member of the Committee on Appropriations, I am aware that the bill which we now have under consideration has undergone careful development in subcommittee and careful review in the full committee. In certain instances, the committee has included prohibitions on the use for a particular purpose of any portion of a particular item of appropriated funds. This is a proper exercise of the committee's judgment, and I do not object to it per se.

There is in this bill, however, one limitation which I do not believe serves the overall public interest. It would prohibit the Federal Aviation Administration from using appropriated funds for the purpose of placing in effect lowered future passenger limits at Washington National Airport.

It is, in my view, an untimely intervention in a regulatory process, in that the FAA has not adopted a final rule in this matter. It has published for public comment a proposed rulemaking, and the comment period does not close until July 27, 1983.

Even though I believe that considerations of public safety—and, yes, public convenience—would warrant cuts, I should emphasize that the FAA's proposed rule, if ultimately adopted, would not force the elimination of even one present scheduled flight into or out of Washington National Airport.

The intent is to place realistic limits on future growth of passenger traffic at National; and I submit that anyone who spends awhile observing the frequency of landings and takeoffs during morning and late afternoon peak air traffic hours there can hardly help becoming convinced compelling safety justifications exists for such limits. We should be encouraging the FAA in this. The odds against further major accidents there are falling as safety margins contract under increasing traffic pressures.

National may be convenient to downtown Washington, but it no longer is a commodious modern metropolitan airport. There is such an airport—also under Federal ownership—which could and should absorb the traffic growth occurring after a cap came into effect at National. I refer, of course, to Dulles International Airport, which is no less convenient to most potential users than are the majority of comparable facilities across the Nation to their own users. New highway links are enhancing this convenience.

National served 13½ million passengers in 1982. Dulles served 2½ million. This is an indefensible imbalance.

The FAA proposal—and it still is a proposal open for public comment—is a cap at National of 14.8 million passengers per year, which it is projected would be met by mid-1985. Even this cap would not be rigid. Reassessment would be permitted.

This is not unreasonable. Let us not tie the hands of the FAA in this appropriation bill and risk the remorse which a congestion-caused tragedy at National could inflict upon us.

Mr. WOLF. Mr. Chairman, let me clarify what the issues are and how they are really involved here.

One, it is important to remember that the current level of passengers at National Airport today is 13.5 million.

What the Dole policy, and I might say that Secretary Lewis strongly supported this just before he left, but what the Dole policy does is allow growth, at National Airport, additional growth to either 14.8 million or 15.2 million, additional growth of 1.3 million passengers or 1.7 million passengers.

It is important to remember that there will not be one flight cut. The growth from 13.5 million now will go up to 14.8 million and possibly up to 15.2 million.

Second, the rulemaking process is underway. If you were the Congressman that represented both of these airports, as I do, and you had a rulemaking process in your congressional district, I think you would want the rulemaking process to take place.

Third, let us compare airports. The size of Dulles Airport is 10,000 acres. The size of National Airport is 658 acres. It is one-fifteenth the size of Dulles Airport.

Dulles Airport was built for jets. National Airport was built for prop planes in 1941 under the Roosevelt administration.

Dulles Airport now serves 6,800 passengers a day. National Airport now serves 37,000 passengers a day.

Dulles Airport serves 2.5 million passengers a year. National Airport, which is one-fifteenth the size, 658 acres, serves 13.5 million.

Let us show runway comparison. The runway at National Airport is 6,869 feet. The runways, and there are two of them, at Dulles, are 11,500 feet. You can see quite a difference there.

National Airport has the shortest runway of any of the major airports in the United States.

But I stress again, no flights will be cut under this policy.

What about future growth? Future growth after 1985 will go to Dulles and BWI airports. It is important to remember that the gentleman I respect so much from Kentucky (Mr. SNYDER) talked about the Dulles connector. The Dulles connector will open in September of this year and you will be able to get on I-66, then the Dulles connector, and the Dulles access road, and be at Dulles Airport in 30 or 35 minutes from downtown Washington.

At National Airport there are 701 cities and destinations served a day. There are 555 flights a day. But again I stress, none are going to be cut.

You wonder how many are out there now? Look at this printout of flights. We have plenty of flights at National Airport. They go on and on and on. There are 78 flights a day at National Airport alone that go to New York City.

I wish that this issue were not with us today. I know it is a sensitive issue. I have talked to Members. I respect the fact that my colleagues want to get back to their congressional districts.

But I say again there are no flights that are going to be cut.

Some people say that there is no safety issue involved. The Air Florida crash which happened when Congress was out of session made a terrific impact on me. Most of the people that were on the Air Florida flight either lived in my congressional district or had members of their families in my congressional district. I feel an obligation, I feel a commitment to try to do something to solve this problem.

You fly out of this airport. Your husbands and wives fly out of this airport. Your children fly out of this airport.

Last Monday I put my daughter on a flight out of National Airport to Portland, Oreg. My family flies out of this airport.

I ask you: Let us err on the side of safety.

I urge you to vote with the citizens of this area. Vote to allow additional growth and vote so that there are no additional cuts in any flights. I respectfully request that you vote for the Glickman amendment and I yield back the balance of my time.

Mr. SABO. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Minnesota has 16 minutes remaining.

The gentleman from Kansas (Mr. GLICKMAN) has 13 minutes remaining.

Mr. SABO. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. TRAXLER).

Mr. TRAXLER. Mr. Chairman, I rise in opposition to the amendment and DOT's proposed rule and in strong support of the committee position.

I am especially troubled by the amendment because what it does, is it says that any new administration and any new DOT Secretary can promulgate and propose new rules affecting National Airport after that issue was resolved in 1981.

We have resolved this issue I think to nearly everyone's satisfaction some nearly 2 years ago. With the confidence on the part of the membership and the public and the airlines, the FAA was proceeding to develop a master plan for National Airport that would see it modernized.

Many of you have wondered why the subway line sits back where it is almost inaccessible to the current terminal. I thought that was an irrational decision at the time. I comprehend now that it was done that way so that there could be a new terminal. That was the idea of years ago, and the terminal would be built on the subway line.

That has not happened and the reason is because every administration and every DOT Secretary has a new idea about National Airport: the number of planes that come in, the number of people that are going to be served by that airport. These numerous proposals defeat orderly planning and development at National.

You are not going to get an intelligent plan for National Airport under these circumstances.

My hope is that we will let well enough alone, we did come to an understanding in 1981, and the fact that this is a new Secretary, and new people living at the Watergate, ought not to influence our decisions.

We have a plan. It is a logical, reasonable one. Let it go into effect and stop changing the rules every time you see a new personality involved in the decisionmaking process.

The cap being proposed in the amendment will have an adverse effect on National Airport. It is anticipated that aircraft carrying more people, specifically the 757, which has been certified for the airport, ultimately will be using it.

It is quieter. Hey, listen to that, quieter than any current commercial aircraft using the airport. We ought to applaud the efforts of the airlines to upgrade their craft by this kind of a modern technique and modern technology.

□ 1650

But the residents on that side of the river are opposed to that aircraft. I do not understand why. It is quieter. It brings in more people, it is more efficient fuelwise, quieter, safer, it is a better aircraft.

There was a tragedy at National a year ago or so. It was due to icing conditions on the wings of the aircraft. It was a ground maintenance problem, and pilot error.

Do you want to close National for that reason? Are you going to close Dulles because one of the craft coming into Dulles crashed in the side of a mountain?

Human error will be with us at the most modern technologically equipped airport in this Nation. There will be tragedies. There is no failsafe system that will guarantee absolute safety. But National Airport has a remarkable safety record and everyone in this room knows it.

And I want to say in closing that I hope that you will oppose the amendment, that you will support the committee, that you will allow the existing rational, sane policy at National airport to continue.

I know in the heart of hearts of the gentleman from Pennsylvania he really knows what the committee has done is fair, just and right and we know if things were different he would be voting with us.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman.

Mr. COUGHLIN. I think the slip of his tongue displayed his real emotions and his feeling we should have more use of Dulles which is what the rulemaking would provide.

Mr. TRAXLER. I thank my colleague for that incorrect opinion.

I yield back the balance of my time.

Mr. GLICKMAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Chairman, I rise in strong support of the Glickman amendment.

Mr. GLICKMAN makes the argument why this amendment makes sense. We all know from observation that National Airport is too crowded. The terminal is too crowded. The parking lots are too crowded. The access roads are too crowded. The planes create a noise problem coming down the Potomac or going up the Potomac. There is congestion in the entire area. If National is not unsafe, surely it is not as safe as if the aircraft were coming into an airport like Dulles.

But the real issue is congressional interference with the rulemaking process and with the FAA, the agency that we set up to devise safe air travel for American citizens. We make ourselves look silly with provisions such as we have in the committee bill. We open ourselves up to criticism of self-serving action. Let us not do that. Let us follow a rational course of action and adopt the Glickman amendment.

Mr. SABO. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. I thank the gentleman for yielding.

I commend him for his opposition to this amendment. I rise in opposition to the amendment.

I would also like to commend the gentleman from Michigan who just left the well and also to commend the gentleman from Kentucky for the wisdom of his remarks in his presentation on this matter and his opposition to the amendment itself.

You know, this Capital of our Nation belongs to the people of the Nation and I think in that same sense that National Airport belongs to the people of the Nation, the people who visit here and the people who have to come here to do business because this is the Capital site of our Nation.

I think that those who would be in favor of this, would do the people of the country a disservice.

Mr. Chairman, the amendment contradicts the carefully worked-out compromise established by former Transportation Secretary Drew Lewis and all other parties just 2 years ago.

After long negotiations, much heated debate, and greatly hyperbolized discussion of the safety issues regarding National Airport, an agreement was reached in 1981 setting the future passenger ceiling at 16 million.

The 16 million person cap was agreed to by all concerned with the understanding being that this would set a certain and stable policy, putting an end to the strife that has kept this airport's future in limbo for years.

The amendment before us today would only jeopardize the 1981 compromise and only further interrupt the advance planning and heavy investments made by the airlines.

The amendment could alter the cap to as low as 14.8 million passengers, based upon continually fluctuating growth levels, and once again puts the National Airport matter in a state of flux.

Let us not make this another safety issue. National Airport has a proven record of safety going back four decades. Those who seek the closure of this facility have sought to use the very tragic event in 1982 as an emotional weapon against an airport that rates as high in its safety record as other, larger facilities.

The fact remains that people who live near an airport have a choice not to live near that airport, had a choice not to do so in the beginning.

This happens to every airport in the Nation. So this should not be a consideration.

The issue here is one of reaffirming the 1981 agreement following a stable policy for a long-term planning that may be taken into account.

I urge rejection of the amendment against the language supporting the 1981 agreement.

I thank the gentleman for yielding.

I yield back the balance of my time.

Mr. GLICKMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Chairman, I thank the gentleman for yielding. I want to take a moment to express my strong support for the amendment offered by the gentleman from Kansas on the issue of National Airport.

The Department of Transportation is not asking for a reduction of traffic at National. Some would have us believe that the Department's proposal would severely restrict our ability to use this, admittedly, convenient airport. This simply is not true. In fact, under the proposed rule, traffic can continue to grow from its present 13.5 million to between 14.8 and 16 million yearly.

However, I do not believe the real issue here is the number of millions of passengers allowed at National each year. The question here is who gets to make that decision. The people of northern Virginia and the District of Columbia will be most affected by the action taken to alter passenger levels at National. I think we should give them a chance to tell us how they feel. I do not believe we should arbitrarily choose for them in a situation that so directly affects them. I support my colleague's amendment because I believe that these people deserve to be heard. They certainly have that right.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. I thank my colleague for yielding this time.

This issue certainly is not one of the newer issues. It has been around for quite some time.

I rise in opposition to this amendment for several reasons. First off, the matter of safety. Yes, we had a very tragic accident at National, but we also have had tragic accidents out at Dulles. About 10 years ago I lost several friends on an airplane that had been diverted away from National into Dulles and they crashed going into Dulles killing all on board. Forcing passengers to travel extra miles to BWI or Dulles by some ground transportation is not necessarily making their travel safer.

So, if you are looking at the safety factor, one is probably as safe or unsafe as the other.

But the real crux of the matter is this, this is our Nation's Capital. It does not belong just to you people who happen to live in this vicinity. It belongs to the taxpayers. They are entitled to the convenience of National Airport. We sometimes forget and local radio stations spent millions of dollars lobbying on this. This is the Nation's Capital, it belongs to all the taxpayers of the country. Do they not have some rights?

I constantly hear local people say: "Well, this is our airport out here and we have a right to vote our way, it is not the Congress airport."

This morning an editorial on a local radio station said if this amendment should not prevail, we should call it Congressional Airport. Five hundred thirty-five Members of Congress; yet 13 million people use it annually. The people who pay for it should have the right to use it also.

We forget and lose sight that this is the Nation's Capital and it belongs to the people and not just the surrounding communities.

Mr. GLICKMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. BARNES).

□ 1700

Mr. BARNES. Mr. Chairman, I am pleased to rise in strong support of the gentleman's amendment.

And I have to say to my colleagues who have been participating in this debate that I do not understand the debate. I do not understand the arguments that are being made by the opponents of the Glickman amendment.

If you sat here and listened to the debate, it would sound as though—in fact, somebody used the term a few minutes ago—we were talking about "closing" National Airport. Someone said just because there was a crash last year, we should not "close National Airport."

I agree. The gentleman from Kansas (Mr. GLICKMAN) agrees, the gentleman from Virginia (Mr. WOLF) agrees, all of the people who support this amendment agree. We are talking about putting a ceiling on flights, on the number of passengers in and out of National, that is higher than the current number of people flying in and out of National.

We are not only not talking about "closing" the airport, we are talking about permitting an increase in the number of people who are using the airport now.

So I say to the gentleman who just left the well that those American citizens that the gentleman is concerned about who might be, as the gentleman suggested, deprived of access to this airport, will not be deprived of it.

More people will have access to it than have access to it today.

What the amendment of the gentleman from Kansas would do however, is establish a policy that the Department of Transportation, that the people who are concerned about safety—it is their responsibility that the Congress has delegated to them—that they have determined is a responsible policy, that takes into account safety factors, that takes into account all of the other considerations that need to be factored in to this kind of decision. They have come forward with a policy that was developed under Secretary Lewis and now under Secretary Dole that is a responsible, reasonable policy that does not take away your flight home to your district, does not hurt your constituents' access, does not reduce the number of flights, does not close the airport, it simply assures that the Government in a responsible way is addressing all the issues that need to be addressed.

Every responsible player on this issue supports the amendment of the gentleman from Kansas. The Reagan administration supports his amendment, the Department of Transportation wants to go forward with its process, the airport officials support this because they understand the importance of a responsible airport policy, all of the local affected governments support the amendment.

I strongly urge the Members to understand what this amendment is about and not be misled by any of the arguments that are being made in the debate.

Mr. SABO. Mr. Chairman, I have no further requests for time. I reserve the balance of my time for my concluding statement.

Mr. GLICKMAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, the gentleman from Kentucky a few moments ago indicated that safety was not an issue. And yet, we can recall in our memory a year ago one of the great tragedies in the airline history of America occurring at National Airport. And yet the gentleman says that safety is not an issue.

We have projected for 1985 over 15 million people using National Airport as opposed to Dulles Airport using 2½ million people. And yet the gentleman from Kentucky says that safety is not an issue.

We have National Airport, which was built on 658 acres, with 6,800 feet of runway length, built for prop planes, propeller drive planes, as opposed to Dulles Airport on 10,000 acres and 11,500 feet built for jets. And yet the gentleman says that it is not a matter of safety.

I think that we should also look at the fact that there are 771 designated flights as opposed to 110.

Safety is an issue, Mr. Chairman.

Mr. GLICKMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, 2 years ago when we debated this same subject, I warned my colleagues that National Airport was an accident waiting to happen. And unfortunately, that tragedy occurred.

I have no desire to be a prophet of doom. I have no intention of injuring National Airport. It is an important commercial center in northern Virginia, but it is simply not correct to say that this is not an aviation safety issue. Additional burdens of traffic do impact on air traffic safety. And due to overcrowding, the pressure of aircraft forced to take off and land within seconds at National Airport simply leaves no room for error.

I have been a fighter pilot in the Air Force, I have had a commercial pilot's license for 30 years, I started the Flying Circus, I have an open cockpit airplane and do acrobatics on the weekend. I have a number of airline pilot friends of mine with similar interests and they tell me this airport is a marginal one. It is marginal because of the limited physical facilities which are overtaxed. And it should not be further adversely impacted by additional traffic.

It has been said that we should have a plan for traffic at National. We do have a plan and we have experts at the FAA. Why in God's name do we not let them exercise that expertise and responsibility without arbitary congressional action. It has been said that we are going to close the airport and the people of this Nation have the right to use it. Well, 16 million of them are going to use it under the existing plan, but how many more should we permit? Are there adequate facilities on the ground? The answer, the Members know, is "No." Is there enough air traffic at the airport? The answer, the Members know, is clearly "Yes."

The question is: Has the authorized traffic levels as indicated by these pas-

senger limits saturated the facilities at National? There is not a Member in this Congress who knows in his heart that that situation is not so. We cannot operate safely off of a 6,900-foot runway forever with the kind of traffic volumes that are generated at National Airport with any margin for error.

There is no suggestion here that there would constitute an unreasonable limitation of the use of National.

If it were left for me to decide and perhaps for my good friend from Virginia (Mr. WOLF), we might like to close the airport completely if it did not serve our community so well. Under the circumstances as we find them at this time, however, that is not reasonable. We know that and we do not suggest that the airport be closed or abandoned. But what we have tried to suggest is that the experts in this administration be permitted to utilize their information and their expertise to determine what is, in fact, consistent with aviation safety in an aviation facility that serves this Congress and this Nation well, but which can only carry so much traffic without being dangerously overloaded.

I would hope that this Congress would adopt this amendment.

Mr. GLICKMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. HOLT).

Mrs. HOLT. Mr. Chairman, I rise in support of the gentleman's amendment.

We are not talking about closing National. We are not talking about leaving millions of would-be passengers stranded at the gate, but rather to more evenly spread air traffic among the three metropolitan airports. We have in the Washington, D.C., area, three of the finest airports in our Nation. The Baltimore-Washington International Airport, located in my District, and the Dulles International Airport, located in Northern Virginia, are both modern facilities, more capable of safely serving Washington area residents and of course Members of Congress, than the picturesque, convenient but overcrowded National. There is certainly a continued need for operating National Airport, but we must view the situation responsibly, not selfishly. I urge that we let the rulemaking continue. I urge my colleagues to support this amendment.

As the gentleman from Virginia said, National Airport was built during the 1940's for prop-driven planes. In fact, the Army Air Corps operated Bolling Field just across the Potomac, and the Navy flew many planes in the same airspace. In the time since National was built, we have seen Bolling's runways closed, increased use of Andrews for military flights; the construction of Dulles, and a beautiful renovation of BWI. But what has happened to National? It has seen its ridership continue to increase. In the face of all of the other efforts to move traffic to the suburbs, National just keeps on growing. Passenger traffic is up. Noise pollution is up. Air pollution is up. Car traffic is up.

The gentleman's amendment responsibly and appropriately addresses the question of increased traffic at National. Very simply, so that Dulles and BWI, the airlines, the FAA, local governments, and even residents can get on with the effort needed to more evenly distribute traffic among the three airports.

It has been argued that plans are being made to lengthen and improve runways at National, to improve access highways, parking, metrorail linkage, and for construction of a new north terminal. In the cause of safety, I applaud these efforts. In the cause of convenience for Members, I question such a motive.

Earlier this month we voted to restore the west front of this building because it is esthetically more appropriate, financially more sound, and despite turning down a means of gaining more space, it is responsible to make do with what we have. I urge my colleagues to view this question on National Airport in the same light, but adding to that the factors of noise pollution and safety. It is financially more sound to encourage use of other facilities, without pouring millions of dollars into National. I urge my colleagues to support this amendment.

Mr. GLICKMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I rise in strong support of the gentleman's amendment.

Now, obviously, all of us representing the Washington metropolitan area have risen and spoken on this amendment. Clearly we are concerned about it. Clearly it is not a new issue. All of the Members of this Congress who have been Members for 10 years, 20 years, perhaps even 30 years—I know I was working for a U.S. Senator Daniel Brewster back in 1963 and 1964 when I was going to law school and one of the key issues was the National Airport use issue at that period of time are familiar with the efforts to place a reasonable lid on the flights at National Airport.

□ 1710

This is not, as all the previous speakers have pointed out, a reduction in the use. In fact, it is a ratification of the 1981 agreement, because I would suggest to all of the Members of the Congress that in 1981 the plan by Secretary Lewis, DOT, and the FAA was to resolve this issue in approximately 1985.

Now, what has happened is that the statistics presumed to be operative in 1981 have changed. That is all. The date has remained the same. All that the FAA has done is to change the rule so that we will meet the date, because it was agreed at that time by the FAA, by the DOT, and by this Congress that by 1985 we would have reached capacity at National, whatever that number was, and we would at that point in time start to diffuse traffic to Baltimore-Washington International Airport and to Dulles. We ought to continue on that path, and I urge support of the gentleman's amendment.

Mr. GLICKMAN. Mr. Chairman, I yield myself whatever time I have remaining.

The CHAIRMAN. The gentleman from Kansas (Mr. GLICKMAN) is recognized for 1 minute.

Mr. GLICKMAN. Mr. Chairman, just quickly, to close debate, my amendment does not reduce the passenger levels at National at all. But those of you who fly in there know in your gut that the airport has reached its saturation level both in terms of airplanes in the air, on the ground, and in terms of ground surface traffic. Those of you who fly into this airport know that you are flying into a maze, particularly when you land to the south, straddling Rosslyn and the USA Today Building, which is nearly 20 stories high, and the Washington Monument, the Lincoln Memorial, the Kennedy Center.

I do not contend the airport is currently unsafe. At current levels it operates reasonably well. All we are saying to the people in this country is: Let us continue to operate it safely, let us insure that there is a reasonable amount of traffic that goes to the other two major airports in the area so we insure not only a good operating airport at National but a safe one, as well.

I urge the adoption of my amendment.

Mr. SABO. Mr. Chairman, I yield myself such time as I have remaining.

The CHAIRMAN. The gentleman from Minnesota (Mr. SABO) is recognized for 8 minutes.

Mr. SABO. Mr. Chairman, I have listened with interest to the proponents of this amendment. One, we are told that we should not do anything with the rulemaking authority of DOT. And I must say that I have heard an amazing amount of concern about this expressed today by our friends from northern Virginia and Maryland and the area surrounding the District of Columbia. I cannot help but recall that a couple weeks ago, when we were considering the bill of the gentleman from California (Mr. ROYBAL), dealing with our Federal employees, most of the most enthusiastic supporters of suspending the rules as they applied to proposals out of OPM came from people who are today telling us that it

is just ridiculous that we look at suspending a rule out of DOT.

Clearly it is in our jurisdiction. If you look at this bill, the funding for National Airport is in this bill. The funding for Dulles Airport is in this bill. The new subway which just opened from National, running directly to downtown Washington, paid for with a higher percentage of Federal funds than most any other transit system in the country, was paid for by Federal dollars. Clearly it is within our jurisdiction. We have a responsibility to look at the rulings of DOT.

Again, I remind the Members that we simply are saying we are going to maintain the policy that was agreed on in 1981.

What about the safety issue? We are told, on one hand, we are not reducing any flights by this amendment but to pass it because there is too much traffic. The two do not go together. We had the charts up here of the length of the runways, passenger limits, and the statements would start out, "We are not reducing any flights, but here is the length of this runway, and here is the length of this other runway."

That has no relevance. Current policy does not add air slots to National. Hitting the limit, whether it be 14,800,000 or 16,000,000 does not reduce the total number of air slots. It does reduce the character of the planes that can fly into National. They have to carry fewer passengers. They still take up roughly the equivalent amount of air space. It is not a safety issue.

In my judgment, this is basically a choice on whether we want to have stability in planning. A decision was made in 1981. We can continue to live on it, maintaining that 1981 policy. It does not increase the slots over what is proposed in this amendment. We have begun to plan for the ground facilities and the other facilities that will accommodate the passenger load at National. Dulles is growing. BWI is growing today under normal natural market circumstances. There is no need to again institute the instability of a proposal for a change in rules as it relates to National every time the Secretary of DOT changes.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to my colleague, the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, I congratulate the gentleman in the well on his thoughtful and persuasive statement. I would like to be associated with all of the remarks of the gentleman.

An agreement was made in 1981. We will try to meet every condition of that agreement. To change those rules in midstream now is a violation of what we did previously.

The gentleman's committee has exercised its responsibilities and its jurisdiction legally. I thank the gentleman for his presentation.

Mr. SABO. I thank the gentleman for his comments.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, is it the gentleman's judgment that if this amendment were adopted, that we have seen the last of the rulemaking changes in connection with National Airport? Or would those persons who spoke today, some of them perhaps, not all of them, certainly, continue their efforts to ultimately, which I believe is to be their goal—and the gentleman can comment on this—is their ultimate goal really to stop all commercial flights into National Airport?

Mr. SABO. I cannot speak for them, but it would seem to me that the logic of the arguments presented by some of the proponents, not all, on the amendment would lead to that conclusion.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I am not going to try to close the airport. It has got a very useful function. I am just saying, let us let it go like the airports in Houston and Dallas and Kansas City, let us let our major jetport handle most of the traffic, the commercial traffic. That is what every other city in the country has done. The only exception is Washington, D.C. But I certainly would not want to close the airport. It is a useful airport for commercial purposes.

Mr. SABO. I would suggest to the gentleman from Kansas that maintaining the 1981 policy does not increase the number of jets going to National Airport from what is happening today.

Mr. TRAXLER. Mr. Chairman, if the gentleman will further yield on that point, of course that is the point. There was a clear understanding in 1981 relative to traffic at National Airport. Now we have got changes and proposed changes.

May I ask the gentleman's opinion, when will the proposals to change the 1981 rules, or if this is passed, the 1983 rules, end? Is this the end or is it not the end? Can anyone say with certainty what the next round in the continuing saga of efforts to change the numbers of people coming into National Airport will be? Does anyone believe that this is the end? That is nonsense.

Mr. SABO. I would hope that we would today decide that we would live by the agreement of 1981 so that everyone, both air carriers and planners for ground transportation, other facilities, at National Airport know that we have an established policy and will abide by it.

Mr. GLICKMAN. If the gentleman will just yield on that point, I want to make it clear that it is misleading. The Drew Lewis 1981 proposal was essentially to shift traffic away from National after 1985, not allow unlimited growth. The traffic forecasts just were not accurate. And that is what the Elizabeth Dole proposal does, shifting traffic away from National after 1985.

Mr. SABO. The agreement of 1981 was set at a 16 million cap. Traffic at National was substantially higher at that point than it is today. It went down because of the air traffic control strike and the recession.

On the other hand, both Dulles and BWI have continued to grow during those circumstances.

I might also suggest to the gentleman from Kansas that if you want a rational policy to arrive at by a date rather than a number seems totally contradictory to me. Because if you want it through a date rather than a number, it would seem to me you would force the airlines to totally maximize their growth at National in the next 2 years rather than to continue a moderate, reasonable growth leading to the eventual cap of 16 million.

Mr. Chairman, I urge the Members to vote no on this amendment.

□ 1720

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. GLICKMAN).

The question was taken; and on a division (demanded by Mr. GLICKMAN) there were—ayes 18, noes 23.

RECORDED VOTE

Mr. GLICKMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 249, not voting 13, as follows:

[Roll No. 206]

AYES—170

Ackerman	Corcoran	Goodling
Barnes	Coughlin	Gore
Bartlett	Coyne	Gradison
Bateman	Craig	Gramm
Bereuter	D'Amours	Gunderson
Bethune	Dannemeyer	Hamilton
Bilirakis	Daub	Hance
Bliley	Davis	Hansen (UT)
Boehlert	Dellums	Harkin
Bonker	DeWine	Hatcher
Boucher	Dreier	Hightower
Boxer	Durbin	Hiler
Breaux	Dymally	Holt
Brooks	Dyson	Hoyer
Broomfield	Eckart	Hubbard
Brown (CO)	Edwards (AL)	Hunter
Burton	Emerson	Hutto
Byron	English	Hyde
Carper	Erdreich	Jacobs
Chandler	Evans (IL)	Jeffords
Cheney	Feighan	Jones (OK)
Clarke	Fiedler	Kennelly
Coats	Fish	Kildee
Coleman (TX)	Frank	Kogovsek
Conte	Franklin	Kostmayer
Conyers	Gekas	Kramer
Cooper	Glickman	Lagomarsino

Lantos	Packard	Smith (NJ)
Leach	Panetta	Smith, Denny
Leath	Parris	Solarz
Lehman (CA)	Pashayan	Staggers
Loeffler	Pease	Stenholm
Long (MD)	Petri	Stokes
Lowery (CA)	Pickle	Studds
Lundine	Pritchard	Sundquist
Lungren	Pursell	Tauke
Mack	Rahall	Tauzin
Madigan	Rangel	Udall
Markey	Ridge	Valentine
Marriott	Roberts	Vander Jagt
McCain	Robinson	Vandergriff
McCurdy	Roemer	Vucanovich
McDade	Rogers	Walgren
McGrath	Schaefer	Waxman
McHugh	Schneider	Weaver
McKernan	Schroeder	Weiss
McKinney	Schumer	Williams (MT)
Michel	Seiberling	Wirth
Mikulski	Shelby	Wise
Miller (CA)	Shumway	Wolf
Miller (OH)	Siljander	Wright
Mineta	Sisisky	Wyden
Mollohan	Skeen	Wylie
Moorhead	Skelton	Yatron
Nielson	Slattery	Young (AK)
O'Brien	Smith (FL)	Zschau
Ortiz	Smith (NE)	

NOES—249

Addabbo	Edwards (CA)	Levitas
Akaka	Edwards (OK)	Lewis (CA)
Albosta	Evans (IA)	Lewis (FL)
Alexander	Fascell	Lipinski
Anderson	Fazio	Livingston
Andrews (NC)	Ferraro	Lloyd
Andrews (TX)	Fields	Long (LA)
Annunzio	Flippo	Lott
Anthony	Florio	Lowry (WA)
Applegate	Foglietta	Lujan
Archer	Foley	Luken
Aspin	Ford (MI)	MacKay
AuCoin	Ford (TN)	Marlenee
Badham	Forsythe	Martin (IL)
Barnard	Fowler	Martin (NC)
Bates	Frenzel	Matsui
Bedell	Frost	Mavroules
Beilenson	Fuqua	Mazzoli
Bennett	Garcia	McCandless
Berman	Gaydos	McCloskey
Bevill	Gejdenson	McCollum
Biaggi	Gephardt	McDonald
Boggs	Gibbons	McEwen
Boland	Gilman	McNulty
Boner	Gingrich	Mica
Bonior	Gonzalez	Minish
Borski	Gray	Mitchell
Bosco	Green	Moakley
Britt	Gregg	Molinari
Brown (CA)	Guarini	Montgomery
Broyhill	Hall (IN)	Moody
Bryant	Hall (OH)	Moore
Campbell	Hall, Ralph	Morrison (CT)
Carney	Hall, Sam	Morrison (WA)
Carr	Hammerschmidt	Mrazek
Chappell	Harrison	Murphy
Chappie	Hartnett	Murtha
Clay	Hawkins	Myers
Clinger	Hefner	Natcher
Coelho	Hertel	Neal
Coleman (MO)	Hillis	Nelson
Collins	Hopkins	Nichols
Conable	Horton	Nowak
Courter	Howard	Oakar
Crane, Daniel	Huckaby	Oberstar
Crane, Philip	Hughes	Obey
Crockett	Ireland	Olin
Daniel	Jenkins	Ottinger
Daschle	Jones (NC)	Owens
de la Garza	Jones (TN)	Oxley
Derrick	Kaptur	Patman
Dickinson	Kasich	Paul
Dicks	Kastenmeier	Penny
Dingell	Kazen	Pepper
Dixon	Kemp	Perkins
Donnelly	Kindness	Porter
Dorgan	Kolter	Price
Dowdy	Latta	Quillen
Downey	Lehman (FL)	Ratchford
Duncan	Leland	Ray
Dwyer	Lent	Regula
Early	Levin	Reid
Edgar	Levine	Richardson
Rinaldo	Sikorski	Traxler
Ritter	Smith (IA)	Vento
Rodino	Snowe	Volkmer
Roe	Snyder	Walker
Rose	Solomon	Watkins
Roth	Spence	Weber
Roukema	Spratt	Wheat
Rowland	St Germain	Whitehurst
Roybal	Stangeland	Whitley
Rudd	Stark	Whittaker
Russo	Stratton	Whitten
Sabo	Stump	Williams (OH)
Savage	Swift	Wilson
Sawyer	Synar	Winn
Scheuer	Tallon	Wolpe
Schulze	Taylor	Wortley
Sensenbrenner	Thomas (GA)	Yates
Shannon	Torres	Young (FL)
Sharp	Torricelli	Young (MO)
Shaw	Towns	Zablocki

NOT VOTING—13

Erlenborn	Martin (NY)	Simon
Hansen (ID)	Martinez	Smith, Robert
Heftel	Patterson	Thomas (CA)
Johnson	Rostenkowski	
LaFalce	Shuster	

□ 1730

The Clerk announced the following pairs:

On this vote:

Mrs. Johnson for, with Mr. Thomas of California against.

Mr. Robert F. Smith for, with Mr. Martin of New York against.

Messrs. ALBOSTA, EDWARDS of California, HOPKINS and SAVAGE changed their votes from "aye" to "no."

Mrs. BOXER, Mr. SCHUMER, Mr. DURBIN, and Mrs. SMITH of Nebraska changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1740

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 315. None of the funds provided in this Act for the Department of Transportation shall be used for the promulgation or enforcement of any rule with respect to the repayment of construction differential subsidy for the permanent release of vessels from the restrictions in section 506 of the Merchant Marine Act, 1936.

Mr. NELSON of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am concerned about the attempts of the FAA to consolidate many flight service stations in 1984.

I support the attempts of the FAA to upgrade and to modernize their entire air traffic control system; however, the FAA has plans to close 75 flight service stations out of 300 in the country, and to do this in 1984. Three of those happen to be in my congressional district.

I am not against the consolidation; but many private pilots have a concern for safety, since so many of the airplane accidents are weather related. Accurate weather data must be relayed to pilots concerning the region in which they are flying.

I urge the FAA to reconsider its attempts to close down all three of the flight service stations in central Florida.

Therefore, I would ask my colleagues to oppose the motion that the Committee of the Whole rise so that an amendment may be offered which would limit the number of stations which may be closed in 1984.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to offer an amendment to this legislation in the way of prohibiting the Department of Transportation from imposing sanctions for the failure of a State to have adopted an inspection and maintenance program for the motor vehicles in its borders.

I am mentioning this effort at this time because the rules have been changed for the 98th Congress, and if this effort in the way of an amendment by way of a prohibition is made at the close of the bill where it belongs, the rules provide that the committee chairman can recommend that the Committee rise and that motion is not debatable; so in order to explain to the Members what it is that I am about, I am taking the time at this time so that I will have an opportunity to explain the reasons why I seek the permission of the House to have the Committee not rise and to consider this very important amendment.

There are 29 States in the Union that are required by law under the Clean Air Act to have inspection and maintenance of motor vehicles in their jurisdiction. These are the States that are in trouble on this issue and run the risk of having sanctions imposed against them for failure to have I&M on the books today: Illinois, Texas, Indiana, Wisconsin, Michigan, Kentucky, Tennessee, and Utah. If you represent one of those States in this Chamber, you should be voting against the Committee rising and for the amendment I intend to offer.

Why? Because if we do not make this policy change you are going to be answering mail from your constituents why they are paying 9 cents a gallon of Federal tax into the Federal pot and are not getting any money out of it. Why? Because the State has not adopted I&M, so the sanction comes and you will not be getting your aliquot share.

In addition to the eight States that I have identified, there are seven States in the Union that are presently having difficulty with the issue of I&M. They are: Maryland, North Carolina, Pennsylvania, Missouri, Delaware, Idaho, and Virginia. If you represent one of those States, you should be voting similarly to keep the Committee from rising and for the amendment that I

would like the permission of the House to offer.

There is a very serious question as to whether there is a cost-benefit ratio from a policy standpoint to adopt mandatory inspection and maintenance.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to my colleague, the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, the gentleman mentioned Pennsylvania in his list of States that are having problems with inspection and maintenance.

Is the gentleman aware that Pennsylvania has resolved those problems through the State legislature?

Mr. DANNEMEYER. It seems that it depends on what person from Pennsylvania you talk to, I say to the gentleman from Pennsylvania (Mr. EDGAR). That is the only response I can give that makes sense. Some Members say so and some say not.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for yielding.

The Governor has just signed a bill which was passed by the House and the Senate in the State of Pennsylvania complying with the Clean Air Act.

Mr. DANNEMEYER. Mr. Chairman, I thank the gentleman for his contribution; but you are still going to have to answer to your constituents as to why they have to line up once a year and pay somebody $15 or $20 to have a probe put into the tailpipe of a car to determine if it complies with Federal law, when the data indicates that going through this process may reduce pollution from all sources in any region by 2 to 4 percent.

The proponents, the people who manufacture the testing equipment, tell us that you are going to get a higher percentage reduction of pollution. But there is a very serious question on this issue. For instance, Arizona and New Jersey are having very serious second thoughts about continuing this program of I&M in their States.

Mr. Chairman, this amendment was offered last year to the body and it passed 200 to 184.

I frankly would prefer to bring this issue to the House in a package of reform of the entire Clean Air Act. That is precisely procedurally what we should be doing; but in my judgment, my colleagues, we do not have the votes in the 98th Congress to achieve a comprehensive reform of the Clean Air Act.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. DANNEMEYER. Mr. Chairman, Members may recall that 2 weeks ago we offered an amendment dealing with the failure of 213 counties around the country to be in attainment of deadlines required by the Clean Air Act and the body overwhelmingly supported that prohibition against the EPA imposing sanctions for communities failing to be in attainment.

□ 1750

That is one example of a needed change in the Clean Air Act.

This issue of I&M is another illustration of the need for a comprehensive reform. But, as I indicated earlier, we do not have the votes to bring that comprehensive reform to the floor of the House. So we have to look at these issues piece by piece by piece.

How to deal with hazardous waste is another fundamental issue that divides the Committee of jurisdiction on the issue. How to deal with the problem of acid rain is another fundamental issue.

I wish that we could, frankly, develop the consensus of a package to solve these major issues of our day. But I do not think we are going to get it. I do not believe we are going to have the consensus in the 98th Congress to do it. I could be wrong and I hope I am wrong, but I do not think we are going to be able to do it.

I, for one, do not choose to go home to my constituents and tell them: "Friends, we are collecting 9 cents a gallon into a Federal pot, but you are not going to get your share because the Department of Transportation is going to be required by the existing law to impose sanctions against any State in the country that has not adopted I&M by mandate of Federal law."

That is what this amendment is about, and I ask your support in resisting the motion to have the Committee rise.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would urge you not to accede to the wishes of our colleague from California (Mr. DANNEMEYER) when the motion to rise is offered. I would hope you would join me in supporting that motion.

What the gentleman from California (Mr. DANNEMEYER) would have us do would be to legislate the Clean Air Act on this appropriation bill. this is different than the proposal we had before us several weeks ago when we were clarifying the law as to when sanctions might be imposed.

We at that time said that the law meant that sanctions could only be applied when a State was not acting in good faith.

What this proposal would have us adopt is that a State, even acting in bad faith, inconsistent with the law, would not be subject to sanctions. Those sanctions, by the way, are at the discretion of the Administrator of the Environmental Protection Agency. Mr. Ruckelshaus has said that he is reviewing the sanctions policy. It will be at his discretion whether sanctions would be employed.

The Dannemeyer amendment would take away that authority that the Administrator has to enforce the Clean Air Act.

This is not the place to make a change in the inspection and maintenance in the Clean Air Act. Leave that for a later time. Leave that for a more thoughtful decisionmaking process, and go along with the committee recommendation to rise so that we can deal with the appropriations issue and not an authorization on the Clean Air Act.

I yield back the balance of my time.

Mr. ROYBAL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to clarify the report language affecting the Burbank-Glendale-Pasadena Airport. As I understand it, the present terminal is located too close to the runways to meet current Federal safety standards. Blocking Federal funding for this project will only delay a solution to the safety-related problem.

The replacement of the terminal will significantly enhance the potential use of the east-west runway, resulting in a better balance of the noise impact on the nearby residential communities. I am informed that the airport is also working on a noise abatement implementation plan to further reduce noise impact. This plan involves a rotational runway use program and increased use of the east-west runway.

I believe that these efforts respond adequately to the intent of the report language accompanying the Transportation appropriations bill without adding mandatory criteria not applicable to other airports. Airport officials have agreed to continue discussions with my colleagues, HOWARD BERMAN, CARLOS MOORHEAD, and myself to carry this noise abatement effort forward as quickly as possible, including discussions of a significant increase in the percentage of flights using the east-west runway.

I would ask the gentleman from California (Mr. BERMAN) does that meet with his understanding of the situation.

Mr. BERMAN. Will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. BERMAN. I thank the gentleman.

I appreciate my fellow Californian's efforts to resolve this dispute satisfactorily. I look forward to working with him to make certain that the airport pursues policies which will be responsive to residents affected by airport noise.

Mr. ROYBAL. I thank the gentleman.

Mr. LEHMAN of Florida. Will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. I thank both of my colleagues from California for their efforts in resolving this matter so expeditiously.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD. I thank the gentleman from California (Mr. ROYBAL) for his comments. I have previously made comments in the RECORD in today's proceedings but I wish to rise in strong support of a new administrative building for the Burbank Airport. It is vitally needed for safety purposes if we are to have a safe airport there.

I hope that the differences that apparently exist are ironed out.

Mr. ROYBAL. I agree wholeheartedly with the suggestions made by the gentleman from California.

Mr. MOORHEAD. I would say that I do not agree with the provision that was put in the report of the Committee on Appropriations.

Mr. ROYBAL. I thank the gentleman and I agree with him.

I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the full time. However, I do wish to bring to the attention of this body my concern for the flight service station situation and associate myself with the remarks of the gentleman from Florida. I think that in the modernization and consolidation program we should pay attention to the concern of the airlines and of the private pilots who have a great deal of concern for safety.

The fact is that they were promised better service when their gas tax was tripled last year and I think that they should be listened to in light of the fact that there is a move to consolidate these flight service stations.

This does have some effect on our area and I would certainly hope that these stations would not be closed up faster than the equivalent service can be provided.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Missouri.

Mr. EMERSON. I thank the gentleman for yielding and rise to associate myself fully with the remarks the gentleman is making. I think he is summarizing the situation very well and I will not be redundant. I just want to join in the gentleman's remarks.

Mr. SKELTON. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

□ 1800

Mr. LEHMAN of Florida. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill, as amended, do pass.

The CHAIRMAN. The question is on the motion offered by the gentleman from Florida (Mr. LEHMAN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 275, noes 139, not voting 18, as follows:

[Roll No. 207]

AYES—275

Ackerman	Dixon	Jeffords
Addabbo	Donnelly	Jenkins
Akaka	Dorgan	Jones (NC)
Albosta	Dowdy	Jones (OK)
Anderson	Downey	Kaptur
Andrews (NC)	Durbin	Kastenmeier
Annunzio	Dwyer	Kennelly
Anthony	Dymally	Kildee
Applegate	Early	Kogovsek
Aspin	Eckart	Kostmayer
AuCoin	Edgar	LaFalce
Barnard	Edwards (AL)	Lantos
Barnes	Edwards (CA)	Leach
Bateman	English	Lehman (CA)
Bates	Erdreich	Lehman (FL)
Bedell	Evans (IA)	Leland
Beilenson	Evans (IL)	Levin
Bennett	Fascell	Levine
Bereuter	Fazio	Levitas
Berman	Feighan	Lewis (CA)
Bevill	Ferraro	Lipinski
Biaggi	Flippo	Long (LA)
Boehlert	Foglietta	Long (MD)
Boland	Foley	Lowry (WA)
Boner	Ford (MI)	Luken
Bonior	Ford (TN)	Lundine
Bonker	Fowler	MacKay
Borski	Frank	Markey
Bosco	Frost	Marlenee
Boucher	Fuqua	Matsui
Boxer	Garcia	Mavroules
Breaux	Gaydos	Mazzoli
Britt	Gejdenson	McCandless
Brooks	Gephardt	McCloskey
Brown (CA)	Gibbons	McCurdy
Bryant	Gilman	McHugh
Byron	Glickman	McKinney
Carper	Gonzalez	McNulty
Carr	Gore	Mica
Chappell	Gray	Mikulski
Chappie	Green	Miller (CA)
Clarke	Guarini	Miller (OH)
Clay	Hall (IN)	Mineta
Clinger	Hall (OH)	Minish
Coelho	Hamilton	Mitchell
Coleman (TX)	Hance	Moakley
Collins	Harkin	Molinari
Conte	Harrison	Mollohan
Conyers	Hatcher	Montgomery
Cooper	Hawkins	Moody
Coughlin	Hefner	Morrison (CT)
Coyne	Hertel	Mrazek
Crockett	Hightower	Murphy
D'Amours	Horton	Murtha
Daschle	Howard	Natcher
de la Garza	Hoyer	Neal
Dellums	Huckaby	Nichols
Derrick	Hughes	Nowak
Dickinson	Hutto	O'Brien
Dicks	Ireland	Oakar
Dingell	Jacobs	Oberstar
Obey	Russo	Thomas (GA)
Olin	Sabo	Torres
Ortiz	Savage	Torricelli
Ottinger	Scheuer	Towns
Owens	Schroeder	Traxler
Panetta	Schumer	Udall
Parris	Seiberling	Valentine
Pease	Shannon	Vento
Penny	Shelby	Volkmer
Pepper	Sikorski	Watkins
Perkins	Sisisky	Waxman
Pickle	Skelton	Weaver
Price	Slattery	Weiss
Pritchard	Smith (FL)	Wheat
Pursell	Smith (IA)	Whitley
Rahall	Smith (NE)	Whitten
Rangel	Snowe	Williams (MT)
Ratchford	Solarz	Williams (OH)
Ray	Solomon	Wilson
Regula	Spratt	Wirth
Reid	St Germain	Wise
Richardson	Staggers	Wolf
Rinaldo	Stangeland	Wolpe
Rodino	Stark	Wright
Roe	Stokes	Wyden
Roemer	Studds	Yates
Rose	Swift	Yatron
Roukema	Synar	Young (AK)
Rowland	Tallon	Young (MO)
Roybal	Tauke	Zablocki
Rudd	Tauzin	

NOES—139

Andrews (TX)	Hansen (UT)	Packard
Archer	Hartnett	Pashayan
Badham	Hiler	Patman
Bartlett	Hillis	Paul
Bilirakis	Hopkins	Petri
Bliley	Hubbard	Porter
Broomfield	Hunter	Quillen
Brown (CO)	Hyde	Ridge
Broyhill	Jones (TN)	Ritter
Burton	Kasich	Roberts
Campbell	Kazen	Robinson
Carney	Kemp	Rogers
Chandler	Kindness	Roth
Cheney	Kolter	Sawyer
Coats	Kramer	Schaefer
Coleman (MO)	Lagomarsino	Schneider
Conable	Latta	Schulze
Corcoran	Leath	Sensenbrenner
Courter	Lent	Sharp
Craig	Lewis (FL)	Shaw
Crane, Daniel	Livingston	Shumway
Crane, Philip	Lloyd	Siljander
Daniel	Loeffler	Skeen
Dannemeyer	Lott	Smith (NJ)
Daub	Lowery (CA)	Smith, Denny
Davis	Lujan	Snyder
DeWine	Lungren	Spence
Dreier	Mack	Stenholm
Duncan	Madigan	Stratton
Dyson	Marriott	Stump
Edwards (OK)	Martin (IL)	Sundquist
Emerson	Martin (NC)	Taylor
Fiedler	McCain	Vander Jagt
Fields	McCollum	Vandergriff
Fish	McDade	Vucanovich
Forsythe	McDonald	Walgren
Franklin	McEwen	Walker
Frenzel	McGrath	Weber
Gekas	McKernan	Whitehurst
Gingrich	Michel	Whittaker
Goodling	Moore	Winn
Gradison	Moorhead	Wortley
Gramm	Morrison (WA)	Wylie
Gregg	Myers	Young (FL)
Gunderson	Nelson	Zschau
Hall, Sam	Nielson	
Hammerschmidt	Oxley	

NOT VOTING—18

Alexander	Hansen (ID)	Patterson
Bethune	Heftel	Rostenkowski
Boggs	Holt	Shuster
Erlenborn	Johnson	Simon
Florio	Martin (NY)	Smith, Robert
Hall, Ralph	Martinez	Thomas (CA)

□ 1810

Mr. DANIEL changed his vote from "aye" to "no."

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SHARP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 3329, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. COUGHLIN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. COUGHLIN moves to recommit H.R. 3329 to the Committee on Appropriations, with instructions to that committee to report the bill back to the House forthwith, with the following amendment:

On page 42, after line 3, add the following new section:

SEC. 318. Each dollar amount in this Act is hereby reduced by 4 per centum. This reduction shall not apply to amounts in

Line 25 on page 4.
Line 17 on page 10.
Line 19 on page 10.
Line 6 on page 21.
Line 7 on page 21.
Line 9 on page 31.
Line 25 on page 6.
Line 9 on page 10.
Line 23 on page 13.
Line 20 on page 14.
Line 7 on page 18.
Line 23 on page 27.

□ 1820

The SPEAKER. Under the rules, the gentleman from Pennsylvania (Mr. COUGHLIN), is entitled to 5 minutes.

Mr. COUGHLIN. Mr. Speaker, I wish I did not feel compelled to come here with a motion to recommit, and I will be very brief.

The bill that is before us now, according to the Committee on Appropriations and to the Committee on the Budget, is $385 million in budget authority and $630 million in outlays over the President's budget. It is $217 million in budget authority below the House assumptions, and $98 million in outlays above the House assumptions.

According to the Office of Management and Budget, however, it is $918 million over the President's request when you consider increases in obligational limits and, as you might expect, this is subject to that wonderful word v-e-t-o, and I am assured that it will probably be vetoed by the President in its present form.

What the motion to recommit does is to have a straight, across-the-board 4-percent cut in all programs except for mandatory appropriations, except for rescissions, and except for appropriations which are to liquidate obligations that have already been incurred. Everything else would take a straight 4-percent cut.

With that, Mr. Speaker, I hope that the motion to recommit will be adopted. I believe that if it is adopted, we have a chance of not having the bill vetoed, and it is with reluctance that I offer the motion to recommit.

The SPEAKER. The gentleman from Florida (Mr. LEHMAN) is entitled to 5 minutes.

Mr. LEHMAN of Florida. Mr. Speaker, although a 4-percent reduction sounds like a relatively insignificant sum, I just want the Members to know what this amendment would mean.

This amendment would require:

A $106 million cut in FAA operations—that is the money needed to run our air traffic control system;

A $67 million cut in Coast Guard operations needed for search and rescue, drug interdiction, and pollution control;

A $40 million cut in FAA facilities and equipment—money needed to modernize our air traffic control system;

A $30 million cut in Amtrak funding; and

A $100 million cut in mass transit formula grants.

These are but a few of the many important programs that would be badly hurt by such an amendment.

I am very concerned that this amendment which cuts the FAA by $150 million below the budget request will harm the effectiveness and safety of our air traffic control system.

I am very concerned that the $30 million cut in Amtrak may require cuts in Amtrak routes and service.

I am very concerned that the Coast Guard search and rescue and drug interdiction efforts will be diminished because of the proposed $67 million cut in the Coast Guard.

I am very concerned that the $100 million transit cut will cause the closure of many mass transit properties across the country.

Mr. Chairman, the pending amendment would have a serious adverse effect on the programs in our bill. In many cases it would even reduce funding to levels significantly below the President's budget request.

In fact, this amendment will really only postpone the funding of these programs from this bill to a future supplemental appropriations bill.

I urge a no vote on the amendment.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. COUGHLIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the passage of the bill.

The vote was taken by electronic device, and there were—yeas 191, nays 223, not voting 18, as follows:

[Roll No. 208]

YEAS—191

Andrews (NC)	Frenzel	Martin (NY)
Archer	Gekas	McCain
Badham	Gilman	McCandless
Bartlett	Gingrich	McCollum
Bateman	Goodling	McDade
Bereuter	Gradison	McDonald
Bilirakis	Gramm	McEwen
Bliley	Gregg	McGrath
Boehlert	Gunderson	McKernan
Breaux	Hall, Ralph	McKinney
Britt	Hall, Sam	Michel
Broomfield	Hamilton	Miller (OH)
Brown (CO)	Hammerschmidt	Mollohan
Broyhill	Hance	Montgomery
Burton	Hansen (ID)	Moore
Byron	Hansen (UT)	Moorhead
Campbell	Hartnett	Morrison (WA)
Carney	Hightower	Murphy
Carper	Hiler	Myers
Chandler	Hillis	Neal
Chappie	Hopkins	Nichols
Cheney	Horton	Nielson
Clinger	Huckaby	O'Brien
Coats	Hunter	Oxley
Coleman (MO)	Hyde	Packard
Conable	Ireland	Pashayan
Conte	Jacobs	Patman
Corcoran	Jeffords	Paul
Coughlin	Kasich	Petri
Courter	Kazen	Pickle
Craig	Kemp	Porter
Crane, Daniel	Kindness	Pritchard
Crane, Philip	Kramer	Pursell
Daniel	Lagomarsino	Quillen
Dannemeyer	Latta	Ray
Daub	Leach	Regula
Davis	Leath	Ridge
DeWine	Lent	Ritter
Dickinson	Lewis (CA)	Roberts
Dreier	Lewis (FL)	Robinson
Duncan	Livingston	Roemer
Durbin	Loeffler	Rogers
Edwards (AL)	Lott	Roth
Edwards (OK)	Lowery (CA)	Roukema
Emerson	Lujan	Rudd
Erdreich	Lungren	Sawyer
Evans (IA)	Mack	Schaefer
Fiedler	Madigan	Schneider
Fields	Marlenee	Schroeder
Fish	Marriott	Schulze
Forsythe	Martin (IL)	Sensenbrenner
Franklin	Martin (NC)	Sharp

Shaw	Stangeland	Walker
Shumway	Stenholm	Weber
Siljander	Stump	Whitehurst
Skeen	Sundquist	Whittaker
Skelton	Tauke	Williams (OH)
Slattery	Tauzin	Winn
Smith (NE)	Taylor	Wortley
Smith, Denny	Valentine	Wylie
Snowe	Vander Jagt	Young (AK)
Snyder	Vandergriff	Young (FL)
Solomon	Volkmer	Zschau
Spence	Vucanovich	

NAYS—223

Ackerman	Garcia	Oberstar
Addabbo	Gaydos	Obey
Akaka	Gejdenson	Olin
Albosta	Gephardt	Ortiz
Anderson	Gibbons	Ottinger
Andrews (TX)	Glickman	Owens
Annunzio	Gonzalez	Panetta
Anthony	Gore	Parris
Applegate	Gray	Pease
Aspin	Green	Penny
AuCoin	Guarini	Pepper
Barnard	Hall (IN)	Perkins
Barnes	Hall (OH)	Price
Bates	Harkin	Rahall
Bedell	Harrison	Rangel
Beilenson	Hatcher	Ratchford
Bennett	Hawkins	Reid
Berman	Hefner	Richardson
Bevill	Hertel	Rinaldo
Biaggi	Howard	Rodino
Boggs	Hoyer	Roe
Boland	Hubbard	Rose
Boner	Hughes	Rowland
Bonior	Hutto	Roybal
Bonker	Jenkins	Russo
Borski	Jones (NC)	Sabo
Bosco	Jones (OK)	Savage
Boucher	Jones (TN)	Scheuer
Boxer	Kaptur	Seiberling
Brooks	Kastenmeier	Shannon
Brown (CA)	Kennelly	Shelby
Bryant	Kildee	Sikorski
Carr	Kogovsek	Sisisky
Chappell	Kolter	Smith (FL)
Clarke	Kostmayer	Smith (IA)
Clay	LaFalce	Smith (NJ)
Coelho	Lantos	Solarz
Coleman (TX)	Lehman (CA)	Spratt
Collins	Lehman (FL)	St Germain
Conyers	Leland	Staggers
Cooper	Levin	Stark
Coyne	Levine	Stokes
Crockett	Levitas	Stratton
D'Amours	Lipinski	Studds
de la Garza	Lloyd	Swift
Dellums	Long (LA)	Synar
Derrick	Long (MD)	Tallon
Dicks	Lowry (WA)	Thomas (GA)
Dingell	Luken	Torres
Dixon	Lundine	Torricelli
Donnelly	MacKay	Towns
Dorgan	Markey	Traxler
Dowdy	Matsui	Udall
Downey	Mavroules	Vento
Dwyer	Mazzoli	Walgren
Dymally	McCloskey	Watkins
Dyson	McCurdy	Waxman
Early	McHugh	Weaver
Eckart	McNulty	Weiss
Edgar	Mica	Wheat
Edwards (CA)	Mikulski	Whitley
English	Miller (CA)	Whitten
Evans (IL)	Mineta	Williams (MT)
Fascell	Minish	Wirth
Fazio	Mitchell	Wise
Feighan	Moakley	Wolf
Ferraro	Molinari	Wolpe
Flippo	Moody	Wright
Foley	Morrison (CT)	Wyden
Ford (MI)	Mrazek	Yates
Ford (TN)	Murtha	Yatron
Fowler	Natcher	Young (MO)
Frank	Nelson	Zablocki
Frost	Nowak	
Fuqua	Oakar	

NOT VOTING—18

Alexander	Heftel	Schumer
Bethune	Holt	Shuster
Daschle	Johnson	Simon
Erlenborn	Martinez	Smith, Robert
Florio	Patterson	Thomas (CA)
Foglietta	Rostenkowski	Wilson

□ 1840

Mr. ANDREWS of Texas changed his vote from "yea" to "nay."

Mr. SKEEN and Mr. RALPH M. HALL changed their votes from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 156, not voting 26, as follows:

[Roll No. 209]

YEAS—250

Ackerman	Edgar	Lowry (WA)
Addabbo	Edwards (AL)	Luken
Akaka	Edwards (CA)	Lundine
Albosta	English	MacKay
Anderson	Erdreich	Markey
Andrews (NC)	Fascell	Martin (IL)
Andrews (TX)	Fazio	Matsui
Annunzio	Feighan	Mavroules
Anthony	Ferraro	Mazzoli
Applegate	Fish	McCloskey
Aspin	Flippo	McCurdy
AuCoin	Foley	McDade
Barnard	Ford (MI)	McEwen
Barnes	Ford (TN)	McHugh
Bates	Fowler	McNulty
Bedell	Frost	Mica
Beilenson	Fuqua	Mikulski
Bennett	Garcia	Miller (CA)
Bereuter	Gaydos	Mineta
Berman	Gejdenson	Minish
Bevill	Gephardt	Mitchell
Boehlert	Gibbons	Moakley
Boggs	Gilman	Molinari
Boland	Glickman	Mollohan
Boner	Gonzalez	Moody
Bonior	Gore	Morrison (CT)
Bonker	Gray	Mrazek
Bosco	Green	Murphy
Boucher	Guarini	Murtha
Boxer	Hall (IN)	Myers
Britt	Hall (OH)	Natcher
Brown (CA)	Hamilton	Nowak
Bryant	Harkin	O'Brien
Carper	Harrison	Oakar
Carr	Hatcher	Oberstar
Chappell	Hawkins	Obey
Clarke	Hefner	Olin
Clay	Horton	Ortiz
Clinger	Howard	Ottinger
Coelho	Hoyer	Owens
Coleman (MO)	Hughes	Panetta
Coleman (TX)	Jeffords	Parris
Collins	Jenkins	Pease
Conte	Jones (NC)	Penny
Conyers	Kaptur	Pepper
Cooper	Kastenmeier	Perkins
Coyne	Kennelly	Petri
Crockett	Kildee	Pickle
D'Amours	Kogovsek	Porter
Davis	Kolter	Price
de la Garza	Kostmayer	Pursell
Dellums	LaFalce	Rahall
Derrick	Lantos	Rangel
Dicks	Lehman (CA)	Ratchford
Dingell	Lehman (FL)	Ray
Dixon	Leland	Reid
Donnelly	Lent	Richardson
Dorgan	Levin	Ridge
Dowdy	Levine	Rinaldo
Downey	Levitas	Rodino
Durbin	Lewis (CA)	Roe
Dwyer	Lipinski	Rose
Dymally	Livingston	Rowland
Early	Long (LA)	Roybal
Eckart	Long (MD)	Russo
Sabo	Stokes	Waxman
Savage	Stratton	Weiss
Scheuer	Studds	Wheat
Schneider	Swift	Whitley
Seiberling	Synar	Whitten
Shannon	Tallon	Williams (MT)
Sharp	Thomas (GA)	Wirth
Sikorski	Torres	Wise
Sisisky	Torricelli	Wolf
Smith (FL)	Towns	Wolpe
Smith (IA)	Traxler	Wright
Smith (NJ)	Udall	Wyden
Snyder	Valentine	Yates
Solarz	Vander Jagt	Yatron
Spratt	Vento	Young (MO)
St Germain	Volkmer	Zablocki
Staggers	Vucanovich	Zschau
Stangeland	Walgren	
Stark	Watkins	

NAYS—156

Archer	Hansen (ID)	Nelson
Badham	Hansen (UT)	Nichols
Bartlett	Hartnett	Nielson
Bateman	Hertel	Oxley
Bilirakis	Hightower	Packard
Bliley	Hiler	Pashayan
Breaux	Hillis	Patman
Broomfield	Hopkins	Paul
Brown (CO)	Hubbard	Quillen
Broyhill	Huckaby	Regula
Burton	Hunter	Ritter
Byron	Hutto	Roberts
Campbell	Hyde	Robinson
Carney	Ireland	Roemer
Chandler	Jacobs	Rogers
Chappie	Jones (TN)	Roth
Cheney	Kasich	Roukema
Coats	Kazen	Rudd
Conable	Kemp	Sawyer
Corcoran	Kindness	Schaefer
Coughlin	Kramer	Schroeder
Courter	Lagomarsino	Schulze
Craig	Latta	Sensenbrenner
Crane, Daniel	Leach	Shaw
Crane, Philip	Leath	Shelby
Daniel	Lewis (FL)	Shumway
Dannemeyer	Lloyd	Siljander
Daub	Loeffler	Skeen
DeWine	Lott	Skelton
Dickinson	Lowery (CA)	Slattery
Dreier	Lujan	Smith (NE)
Duncan	Lungren	Smith, Denny
Dyson	Mack	Snowe
Edwards (OK)	Madigan	Solomon
Emerson	Marlenee	Spence
Evans (IA)	Marriott	Stenholm
Fiedler	Martin (NC)	Stump
Fields	Martin (NY)	Sundquist
Forsythe	McCain	Tauke
Franklin	McCandless	Tauzin
Frenzel	McCollum	Taylor
Gekas	McDonald	Vandergriff
Gingrich	McGrath	Walker
Goodling	McKernan	Weaver
Gradison	McKinney	Weber
Gramm	Michel	Whitehurst
Gregg	Miller (OH)	Whittaker
Gunderson	Montgomery	Williams (OH)
Hall, Ralph	Moore	Wortley
Hall, Sam	Moorhead	Wylie
Hammerschmidt	Morrison (WA)	Young (AK)
Hance	Neal	Young (FL)

NOT VOTING—26

Alexander	Foglietta	Rostenkowski
Bethune	Frank	Schumer
Biaggi	Heftel	Shuster
Borski	Holt	Simon
Brooks	Johnson	Smith, Robert
Daschle	Jones (OK)	Thomas (CA)
Erlenborn	Martinez	Wilson
Evans (IL)	Patterson	Winn
Florio	Pritchard	

The Clerk announced the following pairs:

On this vote:

Mr. Biaggi for, with Mr. Erlenborn against.

Mr. Patterson for, with Mr. Winn against.

Mr. Simon for, with Mr. Thomas of California against.

Mr. Florio for, with Mr. Robert F. Smith against.

Mr. WHITEHURST changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1850

AUTHORIZING THE CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 3329

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical and conforming changes in the engrossment of the bill, H.R. 3329, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. COUGHLIN. Mr. Speaker, I ask unanimous consent that all Members be permitted 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the bill, H.R. 3329, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3132. An Act making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3132) entitled "An act making appropriations for energy and water development for the fiscal year ending September 30, 1984, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATFIELD, Mr. MCCLURE, Mr. GARN, Mr. COCHRAN, Mr. ABDNOR, Mr. KASTEN, Mr. MATTINGLY, Mr. DOMENICI, Mr. JOHNSTON, Mr. STENNIS, Mr. BYRD, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. BURDICK, and Mr. SASSER to be the conferees on the part of the Senate.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1183, TAX RATE EQUITY ACT OF 1983

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-258) on the resolution (H. Res. 242) providing for the consideration of the bill (H.R. 1183) to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF A MOTION TO RECEDE AND CONCUR WITH AMENDMENT IN THE AMENDMENT REPORTED FROM CONFERENCE IN DISAGREEMENT ON HOUSE CONCURRENT RESOLUTION 91

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-259) on the resolution (H. Res. 243) providing for the consideration of a motion to recede and concur with the amendment in the amendment reported from conference in disagreement on House Concurrent Resolution 91, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 3363, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1984

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-260) on the resolution (H. Res. 244) waiving certain points of order against consideration of the bill (H.R. 3363) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT REGARDING RECOGNITION OF MEMBERS OF TOMORROW

Mr. BONIOR of Michigan. Mr. Speaker, on behalf of the Speaker, I wish to inform the Members of the House that on tomorrow, Thursday, June 23, due to the importance of the legislation scheduled for consideration, it is the Speaker's intention not to recognize Members for 1-minute speeches until the completion of legislative business.

PERMISSION FOR SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS OF COMMITTEE ON THE JUDICIARY TO SIT TOMORROW, JUNE 23, 1983, DURING 5-MINUTE RULE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary be permitted to sit on Thursday, June 23, 1983, while the House is considering amendments under the 5-minute rule.

The purpose of the subcommittee meeting is for a hearing on H.R. 2327, the Regulatory Reform Act of 1983.

The minority has been consulted and is agreeable.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

HELSINKI HUMAN RIGHTS DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent consent that the Committees on Post Office and Civil Service and Foreign Affairs be discharged from further consideration of the Senate joint resolution (S.J. Res. 96) to designate August 1, 1983, as "Helsinki Human Rights Day" and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, and I will not object, I rise to very quickly support the resolution, Senate Joint Resolution 96.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. COURTER. I yield to my friend from New York.

Mr. GILMAN. I thank the gentleman for yielding.

I want to commend the gentleman and the gentlewoman for bringing this measure to the floor at this time.

Mr. Speaker, I rise in support of Senate Joint Resolution 96, which authorizes the President to issue a proclamation designating August 1 as Helsinki Rights Day and urging all signatory nations—particularly the Soviet Union and its satellites—to abide by their obligations under the Helsinki accords.

The Helsinki accords commits all signatory nations to "respect human rights and fundamental freedoms."

It is highly appropriate that on the eighth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe that we underscore the significance of this document.

Within the last few days, I have been meeting with House investigators who are plotting map locations of Soviet mail interference. These investigators have been plotting exhibit numbers on a map of the Soviet Union and its satellites in preparation for a forthcoming hearing on the issue of Soviet mail interference.

Nowhere on that Soviet map are there more violations recorded than just across the Gulf of Finland from a city called Helsinki. The countries that lie just across the Gulf of Finland are Estonia, Latvia, and Lithuania. About 25 percent of all mail interference by the Soviet Union which our committee has mapped comes, from those three Baltic Republics.

What irony that the area with the highest rate of mail violation, lies just across from Helsinki.

We all recall the bold promises of the Helsinki accords when they were signed some 8 years ago. Everyone was agreed then that the desire of the participating states would be to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief."

All agreed that they would "work in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family." And they agreed to "process applications in this field as expeditiously as possible."

And all signatories—including the Soviet Union—agreed to other accords to freedom or travel and other significant rights.

Well, Soviet performance has not matched its promises.

By serving on both the Foreign Affairs Committee and the Post Office and Civil Service Committee of the House, I have been able to closely observe the issues at hand. The Post Office Committee's Subcommittee on Investigations has accumulated significant evidence: We now have over 200 exhibits of mail interference by the Soviet Union and its satellites, denying their own citizens a right to basic mail delivery and we will be airing much of the evidence we have accumulated at our forthcoming House Post Office hearing.

In recent weeks, the Soviets publicized the first report of a newly formed Anti-Zionist Committee in Moscow, alleging to the world that the only reason immigration by Soviet Jewery is down is due to the fact that anyone who wanted to leave has already left the Soviet Union.

I believe that the thrust of this resolution is of extreme importance. It requests the President of the United States to continue his efforts to achieve full implementation of those important human rights and humanitarian provisions of the Helsinki accords by raising the issue of noncompliance with authorities of the Soviet Union and the East European countries, at every available opportunity.

Accordingly, I urge my colleagues to support its immediate adoption.

● Mr. ZABLOCKI. Mr. Speaker, I rise in strong support of Senate Joint Resolution 96 to designate August 1, 1983 as "Helsinki Human Rights Day." At the outset, I want to commend the distinguished chairman of the Committee on Post Office and Civil Service, the gentleman from Michigan (Mr. FORD), as well as the gentleman from New York (Mr. GARCIA) for their expeditious action in bringing this matter to the floor.

Senate Joint Resolution 96 was jointly referred to the Committees on Post Office and Civil Service and on Foreign Affairs. The Foreign Affairs Committee has not formally considered the resolution but has no objection to floor action and is fully supportive of the legislation.

The resolution was unanimously approved by the Senate on May 20. Senate Joint Resolution 96 would designate August 1, 1983 as "Helsinki Human Rights Day" to commemorate the eighth anniversary of the signing of the Helsinki accords.

The Helsinki accords were an important step in the fostering of a European political and security framework that would ease tensions on the continent. In addition to the recognition of the principles of inviolability of borders and noninterference in the internal affairs of states, the 35 signatories to the Helsinki Final Act pledged to respect human rights and fundamental freedoms and facilitate free movement of persons, institutions, and organizations among the signatory states.

It is unfortunate that the great potential of the Helsinki accords has not been fulfilled to date. As Senate Joint Resolution 96 points out, the Soviet Union and East European States have not carried out the Helsinki commitments. Continuing violations of human rights in the areas of family reunification, right to travel and emigrate, and freedom of religion, thought, and conscience are evident. The resolution rightly calls on the President to raise these issues with Soviet and East European authorities at every available opportunity.

Mr. Speaker, it is my hope that the proclamation of Helsinki Human Rights Day on August 1, 1983 will improve the prospects for a fuller implementation of the Helsinki accords. I urge approval of Senate Joint Resolution 96.●

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 96

Whereas August 1, 1983, will be the eighth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (hereafter in this preamble referred to as the "Helsinki accords");

Whereas the Helsinki accords express the desire of the participating states to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language, or religion";

Whereas the Helsinki accords also express the commitment of the participating states to "facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions, and organizations of the participating states, and to contribute to the solution of the humanitarian problems that arise in that connection";

Whereas the Helsinki accords specify that the participating states will "deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family" and will "deal with applications in this field as expeditiously as possible";

Whereas the Helsinki accords also state that the participating states will facilitate travel by citizens of such states for both personal and professional reasons and that for this purpose such states will simplify exit and entry procedures;

Whereas the Government of the Union of Soviet Socialist Republics, in agreeing to the Helsinki accords, has acknowledged an adherence to the principles of freedom and to the basic human rights of citizens to emigrate, to be reunited with their families, and to enjoy at least minimal governmental respect for their individuality and human worth;

Whereas the Soviet Government has not fulfilled its commitment to the Helsinki accords by denying individuals inherent rights to freedom of religion, thought, conscience, and emigration;

Whereas the governments of the Soviet Union and its satellites have increased the difficulties faced by citizens who wish to reunite with family members in other countries, resulting in a drastic decline in recent emigration figures;

Whereas Jews, Ukrainians, Balts, Byelorussians, Armenians, Georgians, and members of other nationalities in the Soviet Union are persecuted and often imprisoned for attempts to celebrate their national heritage, to practice their religion, to express freely their opinions, to emigrate, or to monitor Soviet Government compliance with the provisions of the Helsinki accords;

Whereas the satellite nations of the Soviet Union have increased repression against labor union members, peace activists, religious and political dissenters, and others desiring to emigrate; and

Whereas the denial of fundamental rights by the Soviet Government is a threat to peace throughout the world: Now, therefore be it,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) August 1, 1983, the eighth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, is designated as "Helsinki Human Rights Day";

(2) the President is authorized and requested to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki accords, urging all signatory nations, particularly the Soviet Union and its satellites, to abide by their obligations under the Helsinki accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities; and

(3) the President is further requested to continue his efforts to achieve full implementation of the human rights and humanitarian provisions of the Helsinki accords by raising the issue of noncompliance with authorities of the Soviet Union and East European countries at every available opportunity.

SEC. 2. The Secretary of the Senate is directed to transmit copies of this joint resolution to the President, the Secretary of State, and the Ambassadors of the thirty-four Helsinki signatory nations.

Mrs. HALL of Indiana. Mr. Speaker, August 1, 1983, marks the eighth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, herein designated as "Helsinki Human Rights Day." The Helsinki accords express the desire of the participating states to "respect human rights and fundamental freedoms." Mr. Speaker, I urge adoption of this resolution which authorizes and requests the President to issue a proclamation reasserting the American commitment to full implementation of the human rights and humanitarian provisions of the Helsinki accords, urging all signatory nations, particularly the Soviet Union and its satellites, to abide by their obligations under the Helsinki accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMEMORATING 40TH ANNIVERSARY OF ESTABLISHMENT OF GEORGE WASHINGTON CARVER NATIONAL MONUMENT

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 293) to commemorate the 40th anniversary of the establishment of the George Washington Carver National Monument in Diamond, Mo., and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Ms. KAPTUR). Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Madam Speaker, reserving the right to object, I rise simply to congratulate the gentlewoman from Indiana for being one of the motivating forces behind this resolution. It is an excellent resolution, and I urge my friends on this side of the aisle to support it.

Mr. TAYLOR. Madam Speaker, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Missouri.

Mr. TAYLOR. Madam Speaker, 40 years ago, while this Nation was at war on two continents, President Franklin Roosevelt approved legislation that established a national monument to Dr. George Washington Carver at his birthplace near Diamond, Mo. I think it is important to remember that at that disorganized time in our national history the American people, through their elected representatives, desired to pay homage to a man who had contributed so much to them by approving the establishment of this national monument just 6 months after his death. As my colleagues may be aware this was the first public memorial dedicated to a black American.

Dr. Carver's life should be an inspiration to all of us but particularly to our young. Born into slavery at the close of the Civil War, he grew into the man that developed over 118 products from sweet potatoes, over 300 products from peanuts, paving blocks and insulation from cotton, and face powder and paints from the clays of Alabama, where he continued the work that began in his garden on the Carver farm.

Since I was born and raised just a few miles from the 210-acre Carver farm, now the monument grounds, I am well aware of the impact it has had on our region, particularly the tremendous source of inspiration it has been to the people who live there. Therefore, I am more than grateful to have had the opportunity to introduce this resolution and to bring to the attention of my colleagues the 40th anniversary of the monument and the "Gentle Genius" it honors and I urge its adoption.

At this time I would like to share with my colleagues some additional items of interest concerning the life of Dr. Carver and ask that they be inserted in the RECORD.

1897 OR THEREABOUTS—GEORGE WASHINGTON CARVER'S OWN BRIEF HISTORY OF HIS LIFE

As nearly as I can trace my history, I was about two weeks old when the war closed. My parents were both slaves. Father was killed shortly after my birth while hauling wood to town on an ox wagon.

I had 3 sisters and one brother. Two sisters and my brother I know to be dead only as history tells me, yet I do not doubt it as they are buried in the family burying ground.

My sister, mother and myself were kuckluckled, and sold in Arkansas, and there are now so many conflicting reports concerning them, I dare not say if they are dead or alive. Mr. Carver, the gentleman who owned my mother, sent a man for us, but only I was brought back, nearly dead with whooping cough, with the report that mother and sister was dead, although some say they saw them afterwards going north with the soldiers.

My home was near Neosho, Newton Co., Missouri, where I remained until I was about 9 years old. My body was very feeble and it was a constant warfare between life and death to see who would gain the mastery.

From a child, I had an inordinate desire for knowledge, and especially music, painting, flowers, and the sciences, algebra being one of my favorite studies.

Day after day, I spent in the woods alone in order to collect my floral beauties, and put them in my little garden I had hidden in brush not far from the house, as it was considered foolishness in the neighborhood to waste time on flowers.

And many are the tears I had shed because I would break the roots or flowers of some of my pets while removing them from the ground, and strange to say all sorts of vegetation seemed to thrive under my touch until I was styled the plant doctor, and plants from all over the country would be brought to me for treatment. At this time I had never heard of botany and could scarcely read. Rocks had an equal fascination for me and many are the basketfull that I have been compelled to remove from the outside chimney corner of the old log house, with the injunction to throw them down hill, I obeyed but picked up the choicest ones and hid them in another place, and somehow the same chimney corner would, in a few days or weeks, be running over again to suffer the same fate. I have some of the specimens in my collection now and consider them the choicest of the lot. Mr. and Mrs. Carver were very kind to me and I thank them so much for my home training. They encouraged me to secure knowledge helping me all they could, but this was quite limited. As we lived in the country, no colored schools were available. So I was permitted to go 8 miles to a school at town (Neosho). This simply sharpened my appetite for more knowledge. I managed to secure all my meager wardrobe from home, and when they heard from me I was cooking for a wealthy family in Ft. Scott, Kansas, for my board, clothes, and school privileges.

Of course, they were indignant and set for me to come home at once to die, as the family doctor had told them I would never live to see 21 years of age, I trusted to God and pressed on (I had been a Christian since about 8 years old). Sunshine and shadow were profusely intermingled such as naturally befall a defenseless orphan by those who wish to prey upon them.

My health began improving and I remained here for two or three years. From here to Olathe, Kansas, to school. From there to Paola Normal School. From there to Minneapolis, Kansas, where I remained in school about 7 years finishing the high school, and in addition some latin and Greek. From here to Kansas City, entered a business college of shorthand and typewriting. I was here to have a position in the union telegraph office as stenographer and typewriter, but the thirst for knowledge gained the mastery and I sought to enter Highland College at Highland, Kansas. Was

refused on account of my color. I went from here to the Western part of Kansas where I saw the subject of my famous yucca and cactus painting that went to the World's Fair. I drifted from here to Winterset, Iowa, began as head cook in a large hotel. Many thanks here for the acquaintance of Mr. & Mrs. Dr. Milholland, who insisted upon me going to an art school, and choose Simpson College for me.

The opening of school found me at Simpson attempting to run a laundry for my support and batching to economize. For quite one month, I lived on prayer beef suet and cornmeal, and quite often being without the suet and meal. Modesty prevented me telling my condition to strangers.

The news soon spread that I did laundry work and really needed it, so from that time on favors not only rained but poured upon me. I cannot speak too highly of the faculty, students and in fact, the town generally. They all seemed to take pride in seeing if he or she might not do more for me than someone else.

But I wish to especially mention the names of Miss Etta M. Budd, my art teacher, Mrs. W. A. Liston & family and Rev. A. D. Field & family. Aside from their substantiate help at Simpson, were the means of my attendance at Ames. (Please fix this to suit).

I think you know my career at Ames and will fix it better than I. I will simply mention a few things. I received the prize offered for the best herbarium cryptogamy. I would like to have said more about you Mrs. Liston & Miss Budd, but I feared you would not put it in about yourself, and I did not want one without all.

I received a letter from Mrs. Liston and she gave me an idea that it was not to be a book or anything of the kind this is only a fragmentary list.

I knit, crochet, and make all my hose, mittens, etc., while I was in school.

If this is not sufficient, please let me know, and if it ever comes out in print, I would like to see it.

God bless you all,

GEO. W. CARVER.

LIST OF BYPRODUCTS FROM PEANUTS BY GEORGE WASHINGTON CARVER (AS COMPILED BY THE CARVER MUSEUM)

Beverages

Beverage for Ice Cream, Blackberry Punch, Evaporated Peanut Beverage, Cherry Punch, Normal Peanut Beverage, Peanut Beverage Flakes, Peanut Lemon Punch, Peanut Kuomiss Beverage, Peanut Orange Punch #1, Peanut Punch #2.

Cosmetics

All Purpose Cream, Antiseptic Soap, Baby Massage Cream, Face Bleach and Tan Remover, Face Cream, Face Lotion, Face Ointment, Face Powder, Fat Producing Cream, Glycerine, Hand Lotion, Oil for Hair and Scalp, Peanut Oil Shampoo, Pomade for Scalp, Pomade for Skin, Shampoo, Shaving Cream, Tetter and Dandruff Cure, Toilet Soap, Vanishing Cream.

Dyes, paints, and stains

Dyes for Cloth (30), Dyes for Leather (19), Paints, Wood Stains (17), Special Peanut Dye.

Stock foods

Hen Food for Laying (peanut hearts), Molasses Feed, Peanut Hay Meal, Peanut Hull Bran, Peanut Hull Meal, Peanut Meal, Peanut Stock Food (3).

Foods

Bar Candy, Breakfast Food (5), Bisque Powder, Buttermilk, Butter from Peanut Milk, Caramel, Cheese Cream, Cheese Nut Sage, Cheese Pimento, Cheese Sandwich, Cheese Tutti Frutti, Chili Sauce, Chocolate Coated Peanuts, Chop Suey Sauce, Cocoa, Cooking Oil, Cream Candy, Cream from Milk, Crystallized Peanuts, Curds, Dehydrated milk Flakes, Dry Coffee, Flavoring Paste, Golden Nuts, Instant Coffee, Lard Compound, Malted Substitutes, Mayonnaise, Meat Substitutes, Milks (32).

Mock Goose, Mock Chicken, Mock Meat, Mock Oyster, Mock Veal Cutlet, Oleomargarine, Pancake Flour, Peanut Bar #1, Peanut Bisque Flour, Peanut Brittle, Peanut Butter, regular (3), Peanut Cake (2), Peanut Chocolate Fudge, Peanut Dainties, Peanut Flakes, Peanut Flour (11), Peanut Hearts, Peanut Kisses, Peanut Meal, brown, Peanut and Popcorn Bars, Peanut Relish (2), Peanut Saugage, Peanut Surprise, Peanut Tofu Sauce, Peanut Wafers, Pickle, plain, Salad Oil, Salted Peanuts, Shredded Peanuts, Substitute Asparagus, Sweet Pickle, Vinegar, White Pepper, from Vines, Worchestershire Sauce.

Medicines

Castoria Substitute, Emulsion for Bronchitis, Goiter Treatment, Iron Tonic, Laxatives, Medicine similar to Caster Oil, Oils, Emulsified with Mercury for venereal disease (2), Rubbin Oil, Tannic Acid, Quinine.

General

Axle Grease, Charcoal from Shells, Cleaner for Hands, Coke (from hull), Diesel Fuel, Fuel Bricketts, Gas, Gasoline, Glue Illuminating Oil, Insecticide, Insulating Boards (18), Linoleum, Lubricating Oil, Nitroglycerine, Paper (colored) from skins, Paper (Kraft) from vines, Paper (white) from vines, Printer's Ink, Plastics, Rubber, Shoe and Leather Blacking, Sizing for Walls, Soap Stock, Soil Conditioner, Wall Boards (from hulls) (11), Washing Powder, Wood Filler, Laundry Soap, Sweeping Compound.

LIST OF PRODUCTS MADE FROM SWEET POTATOES BY GEORGE WASHINGTON CARVER

Foods

After dinner Mints (3), Bisque Powder, Breakfast Food (5), Candies (14), Chocolate, Coffee, dry, Dried Potatoes (2), Dry Paste, Egg Yolk, Flour (4), Granulated Potatoes, Instant Coffee, Lemon Drops, Meal (4), Mock Coconut, Molasses (3), Orange Drops, Potatoe Nibs, Sauce, Spiced Vinegar, Starch, Sugar, Synthetic Ginger, Tapioca, Vinegar, Yeast.

Stock foods

Hog Feed, Stock Feed Meal (3).

General

Alcohol, Dyes (73), Fillers for Wood (14), Library Paste, Medicine, Paints, Paper (from vines), Rubber Compound, Shoe Blacking, Stains, Synthetic Cotton, Synthetic Silk, Writing Ink.

Mr. COURTER. I thank the gentleman for his leadership.

Madam Speaker, 40 years ago, at a time when the United States was engaged in a war, this body passed legislation that established a national monument honoring Dr. George Washington Carver. Dr. Carver, a black American was born a slave toward the close of the Civil War and was separated from his family at an early age. Dr. Carver managed to get a college education by doing laundry in order to pay his way through college. He became a faculty member at Iowa State College and soon became director of agriculture at the famous Tuskegee Institution at the personal invitation of Booker T. Washington.

Dr. Carver made great contributions to agricultural science. Dr. Carver deserves credit for developing over 500 products ranging from peanuts to face powder and paints.

Henry Ford, Sr., dedicated the George Washington Carver cabin which he had erected in Dearborn, Mich., to honor and commemorate Dr. Carver's achievements and contributions to American life. I think it is entirely fitting that we take this opportunity to commemorate the 40th anniversary of the first public memorial to a black American.

Mr. COURTER. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 293

Whereas, after George Washington Carver's death in 1943, legislation introduced in the House by United States Representative Dewey Short and in the Senate by Senator Harry S Truman authorizing the George Washington Carver National Monument was enacted into law;

Whereas 1983 is the fortieth anniversary year of that authorization and the subsequent establishment of the monument at George Washington Carver's birthplace in Diamond, Missouri;

Whereas the creation of the monument to Doctor Carver in 1943 attracted worldwide attention and demonstrated the depth of American democracy;

Whereas the monument was the first public memorial dedicated to the achievements of a black American;

Whereas the monument continues to be a source of interest and pride for all Americans; and

Whereas July 10, 1983, has been selected as the day to observe and pay tribute to Doctor George Washington Carver, at the monument in Diamond, Missouri, as a major world figure of the twentieth century: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is requested to issue a proclamation commemorating the fortieth anniversay of the establishment of the George Washington Carver National Monument and to call upon the people of the United States to observe such day with appropriate ceremonies and activities.

Mrs. HALL of Indiana. Madam Speaker, 1983 marks the 40th anniversary year of the authorization and the subsequent establishment of the monument at George Washington Carver's birthplace in Diamond, Mo. The creation of the monument to Doctor Carver in 1943 attracted worldwide attention and demonstrated the depth of American democracy. This

monument was the first public memorial dedicated to the achievement of a black American. Mr. Speaker, I urge adoption of this resolution which authorizes and requests the President to honor and pay tribute to this major world figure.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL TOURISM WEEK

Mrs. HALL of Indiana. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 168) to designate the week beginning May 29, 1983, as "National Tourism Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

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Mr. COURTER. Madam Speaker, reserving the right to object, I rise not to object, certainly, but to add my voice with many others who feel that tourism is not only an extremely important industry in our particular States but an extremely important industry for the United States.

At this time I yield to my good friend, the gentleman from Pennsylvania, who was a motivating factor behind this resolution.

Mr. RITTER. Madam Speaker, I thank my colleague from New Jersey for yielding.

I want to thank him and the gentlewoman from Indiana (Mrs. HALL) for their expeditious handling of this resolution in bringing it to the floor of the House.

The industry has been a high performer for the United States of America during the recession. It has added 20 percent in terms of employment and I think it is only fitting that we recognize it, we take a week, that week being the week surrounding Memorial Day of next year and recognize it for the contributions it has made to our economy and to the quality of American life.

I would like also to thank the 250 or so cosponsors who joined with me in giving credit where credit was due.

I thank the gentleman.

Mr. COURTER. I thank the gentleman for his contribution, and I thank the gentlewoman from Indiana for her work, as well.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read as follows:

H.J. RES. 168

Whereas tourism is vital to the United States, contributing to its economic prosperity, employment, and international balance of payments;

Whereas travelers from the United States and other countries spent $191,000,000,000 in the United States during 1981, directly producing four million six hundred thousand jobs, $40,000,000,000 in wages and salaries, and $18,000,000,000 in Federal, State, and local tax revenues;

Whereas, if viewed as a single retail industry, the travel and tourism sector of the economy constituted the second largest retail industry in the United States in 1981, as measured by business receipts;

Whereas tourism contributes substantially both to personal growth, health, and education, and to intercultural appreciation of the geography, history, and people of the United States;

Whereas tourism enhances international understanding and good will; and

Whereas, as incomes and leisure time continue to increase, tourism will become an increasingly important aspect of the daily lives of the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 29, 1983, hereby is designated "National Tourism Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mrs. HALL of Indiana. Madam Speaker, as you know, tourism is increasingly vital to the United States and contributes to its economic prosperity, employment, and international balance of payments. If viewed as a single retail industry, the travel and tourism sector of the economy constituted the second largest retail industry in the United States and generated 4.6 million jobs in 1983, paying $40 billion in wages and salaries and producing $18 billion in Federal, State, and local tax revenue. Travel industry employment outpaced the overall economy during the recent recession and accounted for 18 percent of all new jobs created. Designation of this week will focus attention on the contribution that tourism makes to our economic prosperity. Mr. Speaker, I urge the passage of this resolution.

AMENDMENT OFFERED BY MRS. HALL OF INDIANA

Mrs. HALL of Indiana. Madam Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. HALL of Indiana: On page 2, line 3, strike "May 29, 1983" and insert in lieu thereof "May 27, 1984."

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MRS. HALL OF INDIANA

Mrs. HALL of Indiana. Madam Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mrs. HALL of Indiana: Amend the title so as to read: "Joint Resolution to designate the week beginning May 27, 1984, as 'National Tourism Week'."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2053

Mr. HUNTER. Madam Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 2053.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2262

Mr. HUBBARD. Madam Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 2262.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

REPUBLICANS SEEK VOTES THROUGH THE "NEW BEGINNING SWEEPSTAKES"

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WEISS. Mr. Speaker, the Republican Congressional Campaign Committee has added a new twist to the old game of buying voter support. The Republicans have dubbed their new campaign the "New Beginning Sweepstakes," and by dangling a grand prize of $50,000 in front of potential supporters they hope to swell their ranks in time for the 1984 Presidential and congressional skirmishes.

I must admit, Mr. Speaker, that after a little thought I began to see the appropriateness of this innovative Republican fundraising idea. Reagan-

omics has disbursed prizes much like a sweepstakes: A few lucky individuals win big while the great majority come away with nothing, minus the $25 or $50 contribution they wagered on the prospect that they, too, could join the rich. A lot of Americans filled out an entry blank for Mr. Reagan's Presidential lottery in 1980, and the losers have far outnumbered the winners.

In all fairness, the sweepstakes does its part to encourage the American dream. The instructions ask the entrants to stipulate how they would spend their $50,000 grand prize should they win. It even offers a few suggestions: Invest in a portfolio of stocks and bonds selected by your own financial advisers, invest in a valuable collection of rare coins, buy a new home or travel throughout America.

But I am afraid the engineers of this contest are oblivious to what extent the American dream has changed for a growing number of Americans, particularly during the last 3 years. I know of a group of Americans who, given an opportunity to participate in the New Beginning Sweepstakes, would have a more modest notion of what to spend the prize money on: Food, clothing, education, basic housing, and medical care.

The contest literature urges, "Just imagine what $50,000 could mean!" They might have put it less equivocally: "Vote Republican and you, too, could be one of the lucky few." As for the many losers, the sweepstakes and the Republican policies it will support make no promises.

Is your personal Sweepstakes number one of the lucky pre-selected winners? Will it win you that $50,000 Grand Prize to spend any way you wish? To start your personal new beginning.

You could use it to become fit and healthy with a fabulous home health center with sports equipment for the whole family—even take a trip to a resort spa.

Or perhaps you'd use it to invest in America's future, with a portfolio of stocks and bonds in American companies selected especially to meet your investment objectives by your own financial advisors.

You could invest it in a valuable collection of rare U.S. gold and silver coins.

Or would you prefer $50,000 for a new home, college tuition, start or expand your business, or travel throughout America?

Take your choice and spend it any way you want as a new beginning in America if you are the Grand Prize Winner! But you must enter—or you'll never know if you have won a new beginning for yourself and your family! 512 more valuable prizes! Every prize will be awarded! See other side for details.

Enter now! You have 513 chances to win a prize in your $100,000 New Beginning Sweepstakes.

Grand prize—$50,000 for your new beginning to spend any way you want.

$50,000 cash for your own new beginning! Buy a home, start a business, educate your children, take a dream vacation. Pay off all your debts and start fresh!

Or, how about investing $50,000 in a valuable collection of rare U.S. gold and silver coins, or antiques? You may want to invest in those companies that will grow in the 80's under the better business climate provided by the Reagan Administration. These are just some suggestions on how you can have a new beginning with $50,000.

Extra bonus for promptness! Grand Prize winner gets $5,000 extra if entry/contribution form is received before deadline! See entry form for details.

512 more prizes waiting to be claimed!

First prize: $10,000 cash. Buy a new American-built automobile, a physical fitness training center, a vacation for two anywhere in the U.S. or spend it any way you wish.

Second prize: $5,000 cash to spend any way you want to.

10 third prizes: $1,000 cash.

100 fourth prizes: $100 cash.

200 fifth prizes: $50 cash.

200 sixth prizes: $25 cash.

Don't be a "winner" who misses the boat! It's hard to believe that some people won't even bother to find out if they have won. You risk nothing when you send in your personal Sweepstakes number. And you could win. Why take a chance at having someone else win your prize. So don't fail to return your entry. Even if you don't have a winning number, you'll be entered automatically in a second chance drawing. All unclaimed prizes will be given away in a special drawing from among all entries received. So you have two chances to win, but only if you mail in your personal entry form.

Sweepstakes official rules—No donation required to enter.

Hurry! Return your entry form today! Sweepstakes closes July 1, 1984.

1. Just complete the entry form, select the yes or no envelope, complete the information required on the envelope and return the form with proper first class postage.

2. Your entry must be received by July 1, 1984. A promptness bonus of $5,000 will be paid the Grand Prize winner if that entry is received by the entry date shown on the official entry form. We are not responsible for mail delay, so mail your entry promptly. All valid entries received for this Sweepstakes sponsored by the National Republican Congressional Committee will be matched against the list of winning numbers selected by computer. Winners will be notified when the Sweepstakes closes on July 1, 1984.

3. All 513 prizes are guaranteed to be awarded. Drawings will be under the supervision of an independent judging company whose decisions are final. Taxes on prizes are the responsibility of the winners. One major prize to a family. Odds in the second chance Sweepstakes will be determined by the total number of entries received. Several different versions of this promotion may be mailed. The second chance drawing will be conducted on or about July 15, 1984.

4. The $100,000 "New Beginning" Sweepstakes is open to residents of the U.S., its territories and possessions. Employees and their families of the National Republican Congressional Committee and the production and judging companies are not eligible. Void where prohibited by law. All Federal, state and local regulations apply. Not responsible for entries lost, delayed or damaged. Only correct entries eligible. Prize winners will be notified by mail. Entry into the Sweepstakes constitutes permission to use winners' names and likeness for publicity purposes.

5. For a list of major prize winners, send a stamped, self-addressed envelope to: New Beginning Winners List, P.O. Box 727, Westville, NJ 07960.

Do not send entries or other correspondence to this box number.

Contributions to NRCC are by law political contributions. As such, they are subject to certain limitations. As a political contribution, the donor may take a tax credit of 50% of the amount of his or her contribution. However, the total amount of the tax credit may not exceed $50 on an individual return or $100 on a joint return. Ask your tax advisor if you have any questions.

Why a sweepstakes?

This is the first time a national Republican organization has sponsored a Sweepstakes. We're using this "New Beginning" Sweepstakes to illustrate an important point about opportunity in America today. This Sweepstakes symbolizes an important difference between the failed policies of the Democrats and the Republican programs that are restoring growth and prosperity to our country.

You have the opportunity to win a $50,000 "New Beginning" of your own, and because of Republican policies, every American now has the opportunity to reap the benefits of lower tax rates, reduced Government interference and a rebounding economy.

So now is your opportunity to contribute to support Republican House candidates to keep America on the mend. And you may win your own new beginning, too.

THE OFFICIAL
REPUBLICAN SWEEPSTAKES CENTER,
Washington D.C.

You may already have won the $50,000 Grand Prize in your "New Beginning" $100,000 Sweepstakes!

How would you use $50,000 to give you and your family "A New Beginning"? Would you use it to help buy a home? Start that business you've dreamed about? Put it aside for your children's education? Or plan for your retirement?

Are you already that lucky winner?

Someone who receives this letter has already won that $50,000 Grand Prize! Yes, 513 winning numbers, including the Grand Prize number, have already been selected in the "New Beginning" Sweepstakes!

Your number could be one—but unless you return your entry, you will never know! And even if your personal Sweepstakes number is not an instant winner, you could still win a prize—in a "Second Chance" Drawing to be held after the Sweepstakes closes, to award all prizes which have not been claimed!

This is the first time ever a national Republican organization has taken the unusual step of sponsoring a major Sweepstakes. Why?

We're using our "New Beginning" Sweepstakes to illustrate an important point about opportunity in America today.

You see, our "New Beginning" Sweepstakes symbolizes an important difference between the failed policies of the Democrats and the Republican programs led by President Reagan that are restoring growth and prosperity to our country.

Just as we are giving you the opportunity to win a $50,000 "New Beginning" of your own, every American now has the opportunity to reap the benefits of lower taxes, lower inflation, reduced government interference, and a rebounding economy—thanks to the policies of President Reagan and his Republican House colleagues.

And frankly, I'd like to draw your attention to the key role of the National Republi-

can Congressional Committee in working to elect more Republicans to the U.S. House in 1984.

I hope that after you read my letter, you will become a supporter of the Congressional Committee because, quite simply, the chance for you, your family and our nation to prosper will be directly affected by the 1984 congressional elections.

Please let me explain.

For forty-four of the last forty-six years the Democrats have been in complete control of the U.S. House. And for all these years we've seen nothing but higher taxes and more social giveaway programs that wrecked our nation's economy, robbing you of the chance to earn a good living and keep a fair share of your earnings.

Then, in 1980, President Reagan and 52 new Republican Congressmen were elected to office by Americans who knew it was time for a change: as the President called it, "A New Beginning."

It was a historic turning point for you and for our country. Republicans reversed the growth of federal government. We called a halt to wasteful spending practices. And we took the first real steps to restoring our national defense.

The results of this dramatic shift away from the Democrats' failed policies speak for themselves:

Inflation dropped from 12% to 4%.

Interest rates dropped from 21% to less than 10.5%.

Your personal income tax rates have been cut 25%.

All the economic indicators show that we are in the midst of a major economic recovery, without inflation, so that all Americans will have the opportunity to work and prosper.

Of course, we still have a long way to go, but, finally, America is moving in the right direction, away from the financial crisis President Reagan inherited from Jimmy Carter.

But you and I can't afford to have our progress reversed by the Democratic majority in the House of Representatives. Unless we can elect many more Republican Congressmen we will never assure the long term success of America's "New Beginning."

That's why the work of the Congressional Committee is so critical. We are the only official Republican organization devoted exclusively to electing and re-electing Republicans to the House of Representatives.

No other committee gives more money or more support to Republican House candidates than the National Republican Congressional Committee.

And every dollar of the campaign support we give our candidates comes from the personal contributions of individual Americans across the country.

And today I'm asking you to support our efforts to elect more Republicans to Congress by contributing to the Congressional Committee.

I hope you will send your contribution of $15, $25, $50, $100, or more if you possibly can.

Your financial support will enable us to recruit the best candidates, finance campaign training seminars for Republican challengers, and provide a wide variety of campaign services to all Republicans running for Congress.

But most important, your contribution will provide direct financial support to Republican candidates in hundreds of congressional races across America.

Unfortunately, the liberal Democrats and every special interest group with a stake in big government are raising unprecedented sums of money to defeat our Republican Congressmen in 1984.

Unless you can help with a contribution today, I believe the liberals will achieve the major election victories they need in 1984. Then they will repeal the Reagan recovery program, raise your taxes, and fuel inflation by restoring their wasteful federal welfare programs.

If that happens, all the economic progress we're seeing will be destroyed, and we'll be back to the failed "tax and spend" policies of the past.

So when you return your Sweepstakes entry form, I hope you will send as generous a contribution as you can to the Committee.

And now your contribution helps in two important ways:

1. You are helping the whole country continue our growth and prosperity when you support our efforts to elect more Republicans to Congress in 1984.

2. You're helping yourself because you could be one of the lucky Sweepstakes winners! And if you are the Grand Prize winner, you will be able to spend your $50,000 any way you wish.

Just imagine what $50,000 could mean! A "New Beginning" for you and your family!

Let us know how you would spend your $50,000 Grand Prize! Be sure to write on your entry form what your personal "New Beginning" will be if you win.

Then return your entry/contribution form to me in the "Yes" envelope with your contribution today and you could be a winner.

Or, if you do not wish to make a contribution to the Committee at this time, return your entry form in the "No" envelope—your chances of winning are the same either way.

But I urge you to contribute generously to the Congressional Committee when you enter. Think of it as an investment in the future of America's "New Beginning."

Of course, if you're "too busy" to enter, and your number is one of the lucky ones, then somebody else will be claiming your prize. And that would be unfortunate, since all you need to do is read the official rules and mail your entry today.

So don't delay! Send in your entry and we'll notify you immediately if you are a Grand Prize winner—plus, we'll enter your name in our special "Second Chance" drawing for the prizes that others leave unclaimed.

Sincerely,

ROBERT G. BICKHART,
Director,
Republican Sweepstakes Center.

P.S.—You can win a bonus of $5,000 if you are the Grand Prize Winner! This $5,000 "Extra Promptness" bonus will be added to your $50,000 Grand Prize if your winning entry is postmarked before the deadline on your entry form. So return your entry/contribution form now!

The Federal Election Commission requires that we report the following information:

Occupation ; Name of Employer ;

☐ Please check if self-employed.

The check is a personal contribution even though it may appear to be drawn on a business, partnership or other type of account.

Signature———.

Corporate contributions are prohibited by law.

CONGRESSMAN GUY VANDER JAGT,
Washington, D.C., Wednesday.

DEAR FRIEND: We're sponsoring the "New Beginning" Sweepstakes for two very special reasons:

(1) to draw your attention to the great gains made by the American economy, thanks to the success of Republican policies; and

(2) to attract new supporters to our Party to help elect more Republican congressmen.

I'm sure you'll agree that it is unusual for a political party to be giving away cash prizes at the very same time it is asking for funds to help elect its candidates.

First of all, let me assure you that none of the prize money will come out of the funds we set aside for our candidates.

And secondly, the point of this Sweepstakes is to attract so many new contributors to our Party that whatever amount we give away in prizes will be insignificant by comparison.

Our hope is that over the next several years, this Sweepstakes will attract thousands and thousands of new supporters to the Republican Party. Not only with 1984 in mind, but also, 1986, 1988, and beyond.

Your participation in our "New Beginning" Sweepstakes will help us achieve this goal, but more important, it will help elect more Republicans to Congress who will protect and extend the dramatic economic progress we have made and are continuing to make every day.

However, unless you act now, we may not have all the political resources we need to stop the Democrats' drive to reclaim total political power. If they succeed, they will reverse the very economic programs which are giving every American a chance for a new beginning.

Our candidates, right now, are counting on early and continuing support from the Committee to launch their campaigns against liberal Democratic opponents.

But we cannot help them without your financial support. This is why I hope you will enter our "New Beginning" Sweepstakes and become a supporter of the Congressional Committee.

With your financial help, we can elect men and women who will fight for the Republican legislation we need to limit taxes and keep federal spending under control.

Please send your entry and contribution today.

Sincerely,

GUY VANDER JAGT.

PIK CREATES DEMAND FOR NEW AGRICULTURAL CHEMICAL TO KILL YOUNG WHEAT PLANTS

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STARK. Mr. Speaker, thanks to the payment-in-kind (PIK) program, American chemists have just developed the agricultural equivalent of the neutron bomb. It is a new herbicide that will kill wheat and allow weeds to grow in a field. Like the neutron bomb, this herbicide kills what is important and leaves the rest behind.

This new chemical is "needed" to kill young wheat plants which were

sown before their farmer decided to join the PIK program and get paid for not growing. Once he joins PIK, of course, he needs to kill any young plants which might be springing up—thus for only $3 an acre, this chemical can solve his problem.

This latest version of "Silent Spring" is detailed in an article in Suspension Mixing News. Since herbicide use began in 1950, it was always my understanding that herbicides were to kill weeds and allow the crops to grow. This clearly is no longer the case.

I know that the farmers of this country are facing severe problems with massive surpluses and depressed prices. Something needs to be done to help them. But something also needs to be done to help the 30,000 hungry people in the city of Oakland. What a sadness it is that all our political leaders can give us is an economy where city people wait 3 hours in line for cheese and farmers spend $3 an acre to kill wheat.

I am inserting the article in the RECORD for all of us to contemplate:

ONLY ONE RECOMMENDED HERBICIDE TO USE IN KILLING PIK WHEAT

[Courtesy of Kansas State University]

MANHATTAN.—Wheat producers enrolled in the government's Payment in Kind Program and wanting to go the chemical route to kill the immature wheat plant before it heads out, have about one choice of herbicide, says Erick B. Nilson, extension herbicide specialist at Kansas State University.

Roundup has a new label that will allow producers to kill wheat up to 12 inches high, use three-fourths pint (12 fluid ounces of Roundup) plus .5 percent by volume of nonionic surfactant per acre.

For wheat 12 inches or taller, use 1 pint (16 fluid ounces Roundup) plus the same volume of surfactant per acre. For ground application, apply Roundup in 3 to 10 gallons of water per acre. The ratio for aerial application is 3 to 5 gallons of water per acre.

Nilson says, "Keep in mind that Roundup is inactivated (become less effective) by hard water (or water that contains calcium or iron), so it is desirable to use the low spray volumes recommended on the label. Roundup should be applied during periods of rapid growth. It is less efective if applied when plants have dust on their leaves. The proper spraying distance should be determined by distance from spraying surface of the plant leaves to the nozzles and not from the surface of the ground to the nozzles."

Nilson also noted that if a ground applicator with a sprayer behind the tractor is used, some wheat that is knocked down in the operation may not receive a proper spray cover.

If Roundup is available at a retail price of $72 per gallon, then a pint of Roundup would cost $9 for the herbicide. Ground application costs usually run somewhere around $3 per acre.

Roundup is the only appropriate non-residual herbicide effective at this point in time, says Nilson. It will kill standing wheat, but not later emerging weeds. That means that after killing wheat, producers who plan to plant wheat in the fall should check with their county extension agent for recommendations on herbicides to use in late spring. Follow up spraying will reduce tillage operations and conserve residue.

THE POPE'S VISIT TO HIS HOMELAND, POLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. RIDGE) is recognized for 3 minutes.

Mr. RIDGE. Madam Speaker, I rise today to join with my colleagues here in the House as well as the many Americans in northwest Pennsylvania and across the country whose hopes and prayers are with His Holiness Pope John Paul II as he pursues his pilgramage of peace in his native Poland.

The Pope's task is not an easy one, Madam Speaker. As he travels through his beloved homeland, the Pope is seeking not only to rekindle hope among a people whose hopes have been all but snuffed out, but also to preach peace and tolerance and freedom to a repressive military government that views those values as dangerous and threatening—and better ignored than embraced.

The abuses and injustices imposed upon the Polish people are as well known to my colleagues here in the Congress as they are to the many Polish American families it is my honor and privilege to represent. The details of those abuses need not be repeated here.

But let me make it clear, Madam Speaker, that neither this Member of Congress—nor the people he represents—have been fooled in the least by the duplicitous public relations campaign being waged by the military rulers in Poland.

Yes, Lech Walesa has been released; but still Solidarity remains dissolved. Yes, martial law has been suspended; but, it has not been officially lifted. Yes, the government has released a surprising number of political prisoners; but, no, they have not been allowed to resume their normal lives and are instead, in many cases, being forced to emigrate against their will in clearcut violation of international law.

In such a climate, Madam Speaker, the Pope's courageous pilgrimage could hardly be more timely. He alone, perhaps, among all the world's leaders can in one visit both inspire his people to continue their long and difficult quest for social justice, and attract enough worldwide attention to the repression in Poland to make the drumbeat for freedom now being directed at that country's immoral jailors grow so loud it becomes unbearable.

So again, Madam Speaker, I rise to commend my colleagues, especially the gentlewoman from Connecticut (Mrs. KENNELLY) for requesting this special order so we can add our prayers to all of those who wish His Holiness Pope John Paul II every possible success in his papal mission. All of us implore the military government in Poland to heed the Pope's message, and let his people go.

□ 1910

THE POPE'S VISIT TO POLAND

The SPEAKER pro tempore (Ms. KAPTUR). Under a previous order of the House, the gentlewoman from Connecticut (Mrs. KENNELLY) is recognized for 60 minutes.

GENERAL LEAVE

Mrs. KENNELLY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mrs. KENNELLY. Madam Speaker, I have sponsored this special order on the 6th day of Pope John Paul's historic return to his troubled homeland to express my support, and that of other House Members, for the timeless message of renewed hope, faith, and peace he brings to his fellow countrymen, the courageous people of Poland.

The occasion for the Pope's return to his beleaguered homeland could not be more fitting. He comes to celebrate the 600th anniversary of the Black Madonna of Czestochowa, Poland's holiest religious icon.

The Madonna is more than an object of deep Roman Catholic reverence. To the Polish people, it is a profound and powerful symbol of Polish independence.

This 4-foot portrait of the Virgin Mary and the Christ child origin in Poland is 1382, at what is now the Jasna Gora Monastery. The Madonna's status as the emblem of Polish nationalism stems from Sweden's invasion of Poland in the 17th century. For 40 days, the Swedes surrounded the fortress-like Jasna Gora Monastery, and for 40 days, the monks inside prayed to the Virgin Mary for deliverance. Their prayers were answered. The siege failed, and the Poles successfully drove the Swedes out of their country. In thanks and gratitude, the Polish King dedicated his throne and his country to the Virgin Mary, Queen of Poland.

The Black Madonna has come to symbolize not only the fundamental link between religion and politics in Poland, but the Polish people's tireless resistance to oppression against all odds. It has come to stand for their faith, and their irrepressible desire to live in freedom. Few nations have been more buffetted by the winds of history, and yet been more tenacious in their search for freedom. It is therefore even more fitting that the anni-

versary of this symbol of Polish freedom provides the impetus for a papal visit.

John Paul feels the soul of Poland and its people. In the wake of his visit in 1979, the fire of freedom and religious fever burned bright. The visit by a Polish Pope inspired a year of political activity that was truly without precedent in the Eastern bloc. That spirit was personified by the establishment of Solidarity, the first independent trade union since the Soviet Union began its post-World War II dominance of Eastern Europe. Political freedoms followed closely on the heels of the birth of Solidarity, and throughout Poland, there was an awakening of hope, and a quickening of spirit. The Polish people dared to hope, dared to dream, dared to grasp for their vision of a free society.

The Poland that the Pope visits today is a nation whose soul has been wounded. The fires of freedom have been trampled on by martial law, but they are not extinguished. Solidarity has been disbanded, its very name outlawed. Polish families grieve for those who died and those imprisoned in the fight for freedom. Martial law, so brutally imposed in 1981, has been suspended, but not lifted. Many of its restrictions have been enacted into law, so that they will remain even when martial law is finally lifted.

Diplomatic and church sources calculate that Polish jails hold more than 4,000 prisoners of conscience, although the Government admits to less than 200. Some of these prisoners of conscience have suffered a fate worse than prison. They have been released and forced to leave Poland against their will. Basic human rights are being violated daily in Poland. You and I have seen this on the evening news programs. The steady march for social justice has been halted, and the authorities continue to strive toward a complete subjugation of the Poles. As Jerzy Milewski, Solidarity spokesman in the West has said, "the Poles need food, medicine, and clothing, but above all they need hope."

Like salve on a wound, the Pope has brought to his homeland a message of hope and renewal. He has begun the healing of her spiritual wounds. Over the last few days, the world has watched as the Pope's outspoken message has reawakened and rejuvenated the Polish people's hopes for a life of freedom. As the spiritual leader of the Polish people, the Pope's message of moral victory, peace, truth, and above all, hope, has begun to revive the Polish people.

John Paul has been a far more forthright advocate of the rights of his countrymen. He has boldly challenged the Polish regime to release the prisoners of conscience, and to return to the social reforms begun by Solidarity.

He has demanded free trade unions and a dialog between Solidarity and the Government. He has used his prestige to insist upon a meeting with Lech Walesa (Leck Va-wen-sa), former head of Solidarity, and symbol of Polish hopes for liberation. He warned the Polish regime that a government that refused to talk and listen to its people cannot survive.

The Pope commands no divisions. He leads no armies. His visit has evoked the power of the human spirit that no military force can ever suppress. The outpouring of faith by the country has shown the world that the indomitable spirit and fortitude of the Polish people is undaunted.

Signs have appeared in every crowd that has turned out to see the Pope, signs written in the bold and vibrant red script now synonymous with Solidarity. The "V" for victory sign raised by the crowds confirms that dissent in Poland has not been crushed.

The Pope has acknowledged that the road to a free Poland will be a long and arduous one. But the Pope's blunt challenge to the regime has given the people a renewed hope for a life of dignity and freedom.

In the Pope's call to faith, and not to arms, the rest of the world should pay heed.

It may indeed be a long time before the Poles can openly fight against the tyranny and injustice that oppresses their daily lives. The Kremlin has issued a warning that Poland has been and remains an integral part of the Socialist community, implying that any unacceptable deviation from the Communist norm would be dealt with severely.

The Polish people have made the sacrifices worthy of the blessing of freedom. They have taken the first bold steps. We in Congress need to show our solidarity with them.

We can insist that our Government maintains the economic sanctions imposed after martial law until there is an improvement in the human rights situation in the country.

We can increase our demands, as we are not doing now, that the Government establish an open dialog with its own citizens.

We have a duty and a responsibility to Poland. History is being made on a grand scale in that country this very hour. A great man, armed with the word of God, is standing side by side with another great man, a laborer, in battle against oppression. They need our vocal support, and the special order is part of that support.

The Pope leaves Poland tomorrow. He has done his part in speaking out against injustice. We must continue to do ours.

Mr. PENNY. Madam Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentleman from Minnesota.

Mr. PENNY. Madam Speaker, I rise today to join with my colleagues to voice our support for His Holiness John Paul II's renewed call for personal freedom and human dignity for the people of Poland. His Holiness returned to his homeland at a difficult time in a country with a long history of difficult times. The Pope has asked the Polish Government to honor its promises of social reform given in 1980 and dashed by the instigation of martial law in December 1981. We join in his request for free trade unions, the release of political prisoners, and basic human rights for the proud people of a proud nation.

The history of Poland is a history of a people's struggle against outside oppression—oppression of the body and oppression of the mind. The world cheered as workers in a Baltic shipyard stood together to demand the rights of free workers and started a movement that spread throughout the country. But there is very little cheering in Poland today as thousands are jailed for speaking out for freedom, the daily lives of the people are restricted, and the very name "Solidarity" is outlawed.

The Pope brings the Polish people a message of hope. Congress should bring the people of Poland a message of support and a renewed commitment to human rights throughout the world.

I stand here today with my colleagues to ask the government of General Jaruzelski to cancel martial law, lift the bans against trade unions and associations, and renew the dialog between the Government and the leaders of Solidarity which led to the social reforms begun in 1980.

The refusal of the Polish people to submit to the tyranny of the human spirit has touched the conscience of the world. Our country, which was built on that same spirit, stands with them in their struggle.

□ 1920

Mr. BILIRAKIS. Madam Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentleman from Florida.

Mr. BILIRAKIS. I thank the gentlewoman for yielding.

Madam Speaker, I thank and commend the gentlewoman for having the foresight to hold this special order.

Madam Speaker, it is with honor that I join my colleagues in expressing my support for the holy pilgrimage of His Holiness, Pope John Paul II, to his native land of Poland.

It is important that the people of this Nation and the people of the world know that we support the efforts of this noble man. At a time when a major crisis faces the Polish people, he alone travels to his countrymen to give them the moral support

they need to carry on their continued struggle for justice and freedom.

It is interesting to note that it is not a political figure who leads the courageous people of Poland. It is, rather, a simple father who leads his spiritual flock in a social battle of defiance.

There is no doubt that Pope John Paul could have stayed in Rome and spoken from there. He chose, though, to travel to his native land and preach a fiery sermon to the enslavers of the imprisoned Poles. Because he lived and battled against these forces which are oppressing the Poles, he is committed to continuing his war against the social injustices which abound in his land. This man who fills the shoes of the Fisherman preaches a message of unity and hope to the weary people of Poland. This message is the very heart of the American ideology. For us not to support this crusade is to deny the founding principles of our native land. This pious mission of Pope John Paul II is a pilgrimage for all people who believe in freedom and the inalienable rights of life, liberty, and the pursuit of happiness.

Mrs. BOXER. Madam Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentlewoman from California.

Mrs. BOXER. I thank the gentlewoman from Connecticut for yielding and for arranging this special order on a very important topic of our time.

Madam Speaker, I would like to recognize and congratulate Pope John Paul II on his courageous visit to his homeland of Poland. Throughout his reign, the Pope has shown a great sympathy and empathy for the oppressed people of the world. This trip to Poland is but another example of the Pope bringing his message of hope, justice, and peace to a people in need of encouragement and support.

This Pope has not seen fit to simply remain passive but, rather, has felt the need to proclaim to the world that all humans have a right to freedom and dignity and that no government, individual, or group can take away those God-given rights. In every country he has visited, the Pope's message has been the same. He has championed the rights of people to live a dignified and fruitful life. He has demanded that all human beings be allowed to live with certain basic guarantees, and he has rooted all of these messages in a deep and unyielding faith in God and in humanity.

The Pope travels to Poland at a time when his people are at their lowest point in years. He travels there to bring them hope and a message of strength and concern. He goes to speak of freedom to that very area of the world that denies it to so many.

The world has had the privilege of seeing a world leader advocating a position that is neither self-serving nor dehumanizing but, rather, a position that calls us to serve others and to improve the quality of life of all people. His visit and his outspokenness should serve as an example to us to appeal to the very best in people, not to the very worst.

We see a courageous man advocating an international policy based on love for all people in a world filled with MX basing plans, intermediate-range missiles, and tactical nuclear weapons stands this modern-day peacekeeper repeating the message again and again: "Love thy neighbor as thyself."

I believe that Roman Catholics and all of us throughout the world can point with pride to Pope John Paul II as one who lives what he believes and one who advances the message of peace throughout the world.

I again wish to congratulate and praise the Pope on his pilgrimage to Poland and offer his way as a valid alternative to those who, through oppression, violence or fear, would deny freedom and basic dignity to all people.

Ms. KAPTUR. Mr. Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I thank the gentlewoman for yielding, and I also would like to commend her for this special order on the topic of the second visit of Pope John Paul II to his homeland.

Mr. Speaker, in recent days the world has watched the high drama of Pope John Paul II's visit to Poland. More than 1 million Polish people each day witness this brave and remarkable man in his sad and beautiful homeland.

Yesterday, Pope John Paul II visited the city of Wroclaw, Poland, a humble town in the southwestern corner of that country. The city of Wroclaw sits on the most war-torn soils of Europe. Formerly named "Breslau," it was nearly leveled during World War II. Since then, it has been resettled and painstakingly rebuilt brick by brick by the Polish people. I have been there and witnessed the patriotic fervor of the people, their love of their nation, their heritage, and their dream of a better future. This particular city is special to me and this week my heart is with my relatives and extended family who live there. To me, as I stand here as a new Member of this freely elected body, I cannot help but feel the contrast between me and my Polish loved ones. Each day, they and their fellow countrymen bear the silent pain of a protracted struggle of wills that now spans decades.

It is on their behalf and on the behalf of millions of Poles that I rise today to give witness to their present unforgettable and historic testimony to the spirit of freedom.

Mr. Speaker, during this second visit to Poland, Pope John Paul has said:

> I ardently desire that Poland always have her proper place among the nations of Europe, between the East and the West. I ardently desire the re-creation of conditions of good cooperation with all the Western Nations of our Continent as well as in the Americas, above all the United States of America * * *.

As Members of Congress, I hope we can build upon the work of the Pope—we must recognize and remember the Polish people's continuing quest for freedom, and their struggle to find their place between East and West.

It is timely for us to reevaluate Western support for the economic sanctions imposed by the United States after the military crackdown. We should work to link the lifting of economic sanctions to the lifting of martial law. Trade restrictions have been counterproductive rather than positive influences on General Jaruzelski's policies. They have hurt the very people we are trying so desperately to help. And by our actions, we have made the Polish Government more dependent on Moscow. This course must be reversed, and our policies must go beyond trade relations. We should seek greater and more meaningful United States-Polish contact through exchange programs, tourism, and other cultural ties. We must open our doors to the Polish people, and thereby further promote the good will which the Pope is renewing in the hearts and minds of the Poles.

A Warsaw University student said, "The Pope's presence gives the people courage to say what they think." The daring ploy of the underground union activists on the eve of the Pope's arrival showed that the Pope's presence also gives the people courage to act. Radio Solidarity broke into officially controlled airwaves to broadcast an old recording of John Paul praising the ideals of the banned union, the first such free trade union in the Eastern bloc. Before the clandestine program could be drowned out, Polish listeners heard a message for the Pope from Zbigniew Bujak, who, as the fugitive former leader of Warsaw's Solidarity branch, is high on the Government's "most wanted" list. Said Bujak:

> We welcome you amid the continuing struggle for our union's rights, for freedom for those in jail, for restoration of man's dignity and human rights.

Mr. Speaker, I urge my colleagues to support the freedom-loving ideals and beliefs of the Polish people. The Jaruzelski regime is terrified of freedom, and so we must not cut the Polish people off from the free world. We must redouble our efforts to offer the Polish people greater and more meaningful contact with the West—thus, we will help build a bridge of freedom to the Polish people.

The Pope told a Vatican confidant that he had only one wish for his visit, and that was "to bring a degree of

unity and a measure of hope to a divided nation in which the people see no hope." John Paul seems to be succeeding in raising the hope and spirit of the Polish people. The United States must now use this renewed vigor, along with the substantial allegiance to Solidarity, to help the Polish people move their beloved country on a pilgrimage that will result in abolishment of martial law, the lifting of economic sanctions, renewed negotiations and recognition of Solidarity, and a Poland that grows in international statue. The world is watching.

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Mrs. BOGGS. Mr. Speaker, will the gentlewoman yield?

Mrs. KENNELLY. I yield to my colleague, the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Speaker, I thank the gentlewoman for yielding, and I am very grateful to her for allowing those of us in the House of Representatives to join with her in saluting the Holy Father, Pope John Paul II, for his pilgrimage to Poland and for the great strength and hope that he has given to the Polish people during his visit.

I would like to remind all of us that the Holy Father has a message for all nations in his talks of inspiration to the Polish people. We should remember that he has been all over the world on a quest for peace and for love, and that in his very first encyclical after becoming Pope, Redemptor Hominus, he really gave us a blueprint of what he thought our pilgrimage here on Earth should be. He pointed out very specifically that we are the pilgrims on a voyage to the year 2000, and that the second millenium will be more or less what we, those of us here on Earth in all nations, will make it.

He tells us that a certain kind of progress can actually threaten our very lives, the air we breathe, the water we drink, and our whole physical environment; and that human beings must not abdicate their proper place in the visible world or become slaves to things or economic systems or even to the work of their own hands.

He points out that proper structures of government should be founded on Christian love and should promote freedom, but he had also reminded us that justice is the bridge between love and freedom, and that this is the most important principle in public life to which all of us must aspire and which all of us must promote. That is, in fact, the blueprint applicable in different ways to different countries all over the world.

Mr. Speaker, I had the privilege of going to Alaska as a delegate from this country when the Pope was in Alaska. I saw him touch the frontier spirit of the people of Alaska. I accompanied him to the homes of elderly people. The weather was so inclement that they could not get out, so he brought the Pope to them. He is that kind of a shepherd, that kind of a pastor.

Then I saw him take on the enormous crowd that was there for the open air Mass in very cold weather to hear the message of hope and the cry for freedom that he gave to all of us Americans at that time. I stood next to the Senator from Alabama (Mr. DENTON) and realized that he had been a prisoner of war, and that the Pope's words were especially meaningful to him. It was the families of the prisoners of war who gave me so much hope and courage when I was waiting out the long days in Alaska in the search for my husband, Hale, and for Congressman Begich and their companions.

So there it all came together that this one holy man, wise in the ways of government, could bring together everyone, all peoples from all parts of the world, all with different backgrounds, and make us know that, regardless of the enslavement in which we find ourselves, regardless of the prison in which either our physical beings or our spiritual beings may be captured, there is hope, there is freedom out there, and that we must try to achieve it through the bridges of justice.

Mr. Speaker, that is a lesson not only for Poland but for governments everywhere, and I salute the gentlewoman from Connecticut (Mrs. KENNELLY) for allowing me to say so.

Mrs. KENNELLY. Mr. Speaker, I thank the gentlewoman from Louisiana (Mrs. BOGGS) for her moving and deep-feeling remarks.

● Mr. STOKES. Mr. Speaker, it is my great honor to respond to this special order taken out by my esteemed colleague, Congresswoman KENNELLY, and to add my voice to worldwide support for the courageous people of Poland. Our support is for a people with a painful history during which their love of freedom and democratic ideals has never waned.

In the past few days the world has watched Pope John Paul II revitalize the spirit of the Polish nation. Millions of Poles have responded to the Pope's message of peace by showing that their desire for freedom of conscience, sovereignty, and decent living conditions has not died. Mr. Speaker, it is that collective spirit that some outside observers feared had been extinguished by the often hopeless situation of martial law in Poland.

However, Polish history testifies to the fact that Poles are a people of great hope and fortitude even under the most trying and discouraging circumstances. Imagine a nation where one-third of the population was killed during World War II. Imagine a single city where two-thirds of the people were killed and 85 percent of the buildings were razed to the ground, all part of Hitler's vow to wipe Warsaw off the map. Imagine a country regimented into a state of martial law since December 1981, where some 4,000 labor leaders are currently imprisoned, where shortages of food, shelter, and medicine regularly plague families.

Mr. Speaker, the above scenario constitutes the reality of present-day Poland. In the last 3 years the world has seen the Poles rattle the foundations of totalitarian governments in both Warsaw and Moscow. We have seen brave workers in Gdansk and other cities destroy the great myth of all Communist-bloc nations—that they are democratic workers' states. By shattering this myth the people have revealed the true basis for party rule—ruthless power.

We have seen the emergence of Solidarity, the national symbol of political freedom and human resistance to oppression. Solidarity is such a dynamic force that the Polish Government, prodded by the Soviets, had to force Solidarity back into underground status while purging the party of roughly one-third of its members who also realized that the union was the true voice of the people.

Mr. Speaker, today we must reaffirm our solidarity with the Poles. Pope John Paul II's return to his afflicted homeland has revealed that the Poles long for a message of hope and support, whether it comes from the Vatican or from Washington. To paraphrase an old Polish hymn, we all await the restoration of a free Polish homeland.●

● Mr. BOLAND. Mr. Speaker, Pope John Paul II's triumphal return to his homeland has been an event of profound significance for the people of Poland and all who share their desire for freedom.

I want to join with my colleagues in commending the Pope for his courage in criticizing the imposition of martial law and the prohibition of the independent trade union Solidarity, by the Jaruzelski regime. The Pope has unequivocally taken a place beside those who call for a return to the social reforms that the people of Poland won in August 1980. Despite the Government's protestations to the contrary, martial law had not been eliminated but only suspended, and thousands of members of Solidarity are still being detained by the Government. While those conditions persist, people of conscience cannot remain silent.

During his 8-day pilgrimage, Pope John Paul II has appealed to the deep faith of the Polish people and has buoyed their confidence and their pride. Although the Government has attempted to restrict crowd demonstrations and any use of the Solidarity

emblem, photographs from Poland clearly show signs and flags with the Solidarity banner in abundance. The millions that have greeted Pope John Paul II have signaled "V" for victory over martial law and the forces of repression.

Mr. Speaker, I hope the Pope's prayers for a peaceful end to repression and an increase in personal freedom in Poland can be realized. Regardless of the time necessary to achieve that end, the outpouring of emotion that has resulted from the Pope's visit demonstrates that, in the words of John Paul II, "the spirit of truth, homeland, and solidarity will never die."●

● Mr. FISH. Mr. Speaker, for the past several days, the attention of the world has been focusing on the return of Pope John Paul II to his troubled and despairing homeland. It is with great concern that I join my colleagues today in a concerted effort to express support for the message of unity, peace, and renewed hope that the Pope has brought to the courageous people of Poland.

The events in Poland over the past few years have raised and then lowered our hopes for freedom in that country. Solidarity has been dissolved. Martial law, declared in 1981, has been suspended, but not ended, and many of its restrictions have been enacted into law. Basic human rights, including independence of thought, attitude, and action, are still being trampled upon, and the steady march toward social justice has been halted. We in the free world who have been following the Poles' valiant struggle against a Communist regime have been saddened and outraged by these developments.

The Pope called for social reform in his homeland and for an end to the severe rigors of martial law. In his homily before the Mass celebrating the anniversary of the Black Madonna, the Pope stated:

The nation has a right to live in freedom. This is one of the fundamental rights in the moral order. The right to live in freedom means the right to decide for oneself as a community determined by a unity of culture, language, and history.

Whether his visit will have a positive and lasting effect on the morale of his fellow countrymen remains to be seen. Pope John Paul was asking the people of Poland to struggle for a purely moral victory in the face of profound despair and against overwhelming odds. Knowing that there is no quick way out of Poland's dilemma, the Pope kept his promise to the Poles that he would be with them in their struggle.

We in Congress must continue to express our support for the Pope's spiritual message of hope and his call for social justice. The aspirations of the Polish people to live beyond the shadow of repression must not be allowed to be pushed underground and then extinguished. We, too, must pray that their hopes be rekindled and nurtured.●

● Mr. FRANK. Mr. Speaker, today we pay tribute to the spirit of the Polish people. For centuries, their homeland has suffered invasions, defeats, and dismemberment. Now, they are confronted by yet another foreign intervention. Only this time, the invading force is posing as an ally in a manufactured struggle against Western democracy; and martial law has been imposed as an antidote to a popular uprising in support of freedom and self-determination. Such is the logic of communism.

The battlelines in Poland are clear. In one corner is the struggle, recently expressed by outlawed Solidarity branch leader Zbigniew Bujak, "for our union's rights, for freedom for those in jail, for restoration of man's dignity and human rights." While most of the leaders of this movement have either been gagged or jailed, the symbols of their cause remain prominent: Lech Walesa, red and white Gdansk and Solidarnosc banners, and repeated defiance of bans against public demonstrations. And recently, the Pope has added his dramatic voice to the cause for the liberation of his native land.

In the other corner is General Jaruzelski, the supervisor of the harsh martial law. To understand Jaruzelski's actions, one must look to the Kremlin. Last week, General Secretary Yuriy Andropov addressed the plenary meeting of the CPSU Central Committee and made several veiled references to the disturbances in Poland. Specifically, he warned that—

When the guiding role of a Communist Party weakens, there arises the danger of slipping down to a bourgeois-reformist way of development. If a party loses touch with the people, self-proclaimed contenders for the role of those who express the interests of the working people emerge in the ensuing vacuum.

He further stated that—

If there is no rebuff to nationalistic sentiments, there arise interstate conflicts for which, it would seem, there is no basis in the Socialist world.

While conflict between two such divergent positions is inevitable, one marvels at the contradictions in the Soviet ideology. Not only did General Secretary Andropov praise the trade union movement repeatedly in his address, but he noted that "The role of people's control has grown," and he paid tribute to "the gradual development of Soviet statehood into public self government," "the complete equality of all (Socialist) nations and nationalities * * * their free development within a fraternal union * * *" and "the history of world socialism (which) confirms that the Socialist system creates every possibility for the confident progress of society and a harmonious relationship between countries." Perhaps the final irony was Andropov's boast that "The Communists have always been fighters against oppression and exploitation of man by man." Such is the logic of communism.

The Polish people have courageously stood up and rejected Soviet doubletalk while insisting on free trade unions, social justice, and dialog with the Government. Their goal is nothing short of emerging out from under the shadow of Soviet repression. I commend my colleague BARBARA KENNELLY for calling this special order so that Members of Congress can express their solidarity with the people of Poland in their quest for freedom. We of all people can identify with this yearning.●

● Mr. ZABLOCKI. Mr. Speaker, it is a privilege for me to join in this expression of support for the call for social justice and human freedom in Poland by Pope John Paul II.

Mr. Speaker, as the date of the Holy Father's second visit to his native land approached, the people of Poland looked to his arrival with great expectations. Some, recalling with joy the first papal visit and the labor movement which took root soon afterward, may have expected the immediate and miraculous rebirth of the banned trade union Solidarity with the Pope's blessing. On the other hand, the Government, and the Vatican itself, has stressed the religious aspects of the papal visit, in reality a pilgrimage to Poland's holiest shrine, the monastery of Jasna Gora in Czestochowa. There, behind golden doors opened with great ceremony, the image of Poland's patron, the Black Madonna of Czestochowa holding her Holy Son, is enshrined. Pope John Paul's visit commemorates the 600th anniversary of the arrival of the famous painting in Poland, ending a year of celebration which was extended from 1982 to permit the Holy Father's participation.

Mr. Speaker, the return of Pope John Paul II to Poland at this crucial time in its history offers the potential of a significant contribution to the long-term resolution of the Nation's difficult problems.

Poland and its people, grievously wounded by martial law, must be healed. The Holy Father's visit provides the means for a spiritual renewal needed in times of despair.

The various elements of Polish society need to be reconciled and unified to achieve a common goal—the nation's very survival. It was for such reasons that the Polish Government consented to the papal pilgrimage, hoping to receive the stamp of legitimacy and respect that it has been unable to earn in its own right.

Mr. Speaker, Pope John Paul II has surprised many, Poles and outside observers alike, with his frequent references to the impact of martial law and implicit criticisms of the military government. He has called openly for the Government to abide by the accords it reached in August 1980 with the workers' committee in Gdansk—an agreement for much needed social and economic reforms which the Polish Government has officially maintained that it will honor—but unquestionably in its own way and in its own time. In doing so, the Holy Father was not making a political statement, for he made it clear that the basic rights and human dignity of the people are gifts of God, not of the state.

The Pope has called for renewed dialog between the Government and the people, stressing the need for truth, liberty, justice, and a unity of purpose—social solidarity—in order to obtain the necessary consent of the governed.

Mr. Speaker, I rise to applaud the words of the Holy Father, whose understanding of the needs of the people of Poland and an appreciation of their suffering knows no bounds. May his message of love inspire all elements of Polish society to true and sincere reconciliation through the recognition and practice of the principles of faith, hope, and Christian charity.●

● Mr. ROE. Mr. Speaker, I rise today to proudly join my colleagues in this most important message of solidarity from the U.S. Congress in support of His Holiness, Pope John Paul II's, historic and brave pilgrimage to his Polish homeland.

It is my prayer that the message of hope the Pope brings to the troubled people of Poland will serve as a lasting inspiration in their continuing struggle for the basic freedoms of thought, movement, and religion that have been so brutally squelched by their Communist rulers.

Mr. Speaker, Pope John Paul II is a passionate defender of his faith and a true hero and champion to the Polish people. Millions of Poles have turned out at every step along the way of his visit to welcome him home and to hear his blessings and powerful words of encouragement.

The importance of the Pope's trip to Poland cannot be overestimated. His last visit in 1979 served as a catalyst for all members of Polish society to join together and form the powerful Solidarity workers movement.

The Solidarity Union formulated 1 year after the Pope's visit truly espoused the ideals of freedom and dignity that are deeply embedded in the hearts of the Polish people. For more than a year this heroic labor movement became a byword for freedom-loving workers in Poland and the world over.

But that victory over repression in Poland was short lived. Martial law was imposed in 1981 and Solidarity was ordered dissolved. That martial law has been suspended, but not lifted, and some 4,000 Solidarity members are in Polish prison camps because of their political views. Others, who sided with the movement, have also been jailed or forced to leave their beloved homeland.

Mr. Speaker, today, more than ever, the Polish people need emphatic words of support from our own great Nation, where liberty reigns free. We must also continue sending food, medicine, and clothing to the needy in Poland who are suffering under the Communist Party's reign of terror.

Pope John Paul II is the most formidable weapon the Soviets have had to face in their continuing effort to maintain full control of Poland and its people. Our newspapers and television news programs have featured stories on how the Pope's words stirred aspirations of freedom in the Polish people that the Soviets have spent years and billions of dollars trying to repress.

Let the message go out loud and clear to the leaders of the Kremlin that the people of Poland, no matter what the cost, will never give up in their battle for freedom. There is no question that while Russian control over Poland is complete, the spirit of the Polish people has never diminished.

My prayers go out to the Pope for his continued strength in the battle to better the lives of his countrymen in Poland. His struggle is truly a just one and he will prevail.●

● Mr. LIPINSKI. Mr. Speaker, I ask the House for unanimous consent to revise and extend my remarks.

Mr. Speaker, I am proud to join with my esteemed colleague BARBARA KENNELLY and my other distinguished colleagues today in this special order honoring the visit of Pope John Paul II to Poland.

It is indeed fitting that in these troubled times, the spiritual leader of the world, Pope John Paul II, is a Pole. Throughout history, the Polish people have been beaten, trampled, and invaded by their surrounding nations. But the Polish spirit has never been defeated.

Polish King John Sobieski and the Austrians defeated the Turks and saved Christianity in Europe at the Battle of Vienna in 1683.

In the face of impending Russian domination in 1793, Poland drafted a constitution that was a model of freedom and justice.

Poland enjoyed freedom between World War I and World War II, but the Soviet Union and Nazi Germany put an end to that in 1939. Yet the Polish love of freedom and dignity has survived to this day in the persons of the Pope and Lech Walesa.

As we go about our lives in this country, let us remember, the millions who are turning out to greet the Pope in Poland. It is far too easy in this Nation to forget that there are oppressed peoples all over the world who can only dream of enjoying the freedoms that we take for granted. Pope John Paul II and the Solidarity labor union have been fighting to bring to Poland a little bit of the freedom and individual dignity that Americans enjoy in abundance.

The millions all over Poland who have heard the Pope's message are once again showing that the Polish spirit cannot be crushed. The love of God and longing for freedom can never be eliminated from the Polish people.

Pope John Paul II is bringing more than the message of God to Poland. He is bringing assurance that the world has not forgotten their plight, and he is bringing hope for a better future.

Let us remember, as Americans, that as long as there are oppressed people in Poland and the rest of the world, we will never truly be free.●

● Mr. GEJDENSON. Mr. Speaker, it is an honor for me today to join with my colleagues in support of Pope John Paul's visit to his homeland and to express my admiration for the message of hope and courage which he brings to the troubled people of Poland.

As we are all aware, it is now over 1½ years since the social and political progress achieved in Poland in 1980 and 1981 was abruptly ended and the regime of General Jaruzelski imposed martial law. Since December 12, 1981, some 4,000 Solidarity members and other critics of the regime have been imprisoned, 23 people have been killed in street clashes and hundreds more injured. All but a few of the leaders of Solidarity are in prison or exile; those that remain have been forced underground. On October 8, 1981, the final blow was dealt when the then suspended independent trade union was formally outlawed. While passive resistance in the form of work slowdowns, and symbolic gestures such as the display of Solidarity banners and buttons still occur widely, there has been an inevitable growing sense of despair. In this atmosphere, Zbigniew Bujak, the leading spokesman for the underground Solidarity movement, expressed his expectation that the visit of Pope John Paul II "will enable the people to keep going and not give up fighting."

The rise of Solidarity and the concurrent social liberalization which took place are inextricably tied to the profound influence and independence of the Catholic Church in Poland. It was not inappropriate that one illegal

banner greeted the Pope with the words, "Welcome to the father of Solidarity." for it was John Paul's last visit to Poland in 1979 that provided the spiritual inspiration for that progressive movement which brought the union to national prominence. For this reason, the Pope's return to his native land could not be nonpolitical, as the martial law authorities wished, and he has not hesitated in his sermons to refer directly and forcefully to the recent tragic events in Poland and the abrogated rights of his countrymen.

A Vatican spokesman has said that the Pope's wish is to "bring a degree of unity and a measure of hope to a divided nation in which the people see no hope." With outspoken firmness, with reason, and with an acute understanding of the sufferings of his people, John Paul has accomplished this. He has counseled patience and reconciliation, but at the same time he has bluntly told the Polish people, "The nation has the right to live in freedom. This is one of the fundamental rights of the moral order." He has confronted the Government with a challenge—to reaffirm and fulfill the agreements made in the summer of 1980, and, in what is perhaps a wise warning to all repressive regimes, he has told them that, "The state is truly sovereign * * * when it allows a people to be the agent of its own destiny." Pope John Paul's example of quiet courage and wisdom is indeed an inspiration to renewed hope and vision, both to the people of Poland and to the world.●

● Mr. CORCORAN. Mr. Speaker, I join Representative KENNELLY and many of my colleagues today in this special order expressing our strong support for the people of Poland. Pope John Paul's return to his homeland has again rekindled the spirit of the oppressed Polish people, just as his visit 4 years ago inspired workers across the country to band together in the now outlawed Solidarity movement.

Last week, as Pope John Paul arrived in Poland, I spoke before this House on behalf of Lech Walesa, who similarly represents hope for his fellow countrymen. I have introduced House Joint Resolution 299, which proclaims Lech Walesa to be an honorary citizen of the United States. This honor has historically been reserved for only a few great people—in fact, only Winston Churchill and Raoul Wallenberg have been so honored.

I believe that Lech Walesa is a courageous leader and one who represents the democratic ideals we cherish in our own Nation. Our giving him honorary citizenship will serve as an important message to both the Polish *people and to the Communist* world; that message is that the United States stands behind the Polish people in their agonizing struggle for freedom against totalitarianism.

My resolution has been referred to the Committee on the Judiciary and is being handled as a private bill. Therefore, although cosponsors are not allowed on private legislation, let me urge my colleagues to consider introducing similar legislation themselves and to contact the Judiciary Committee encouraging early action on this effort. Passage of this bill would serve as an important expression of congressional support for social justice in Poland, and I have also asked President Reagan to take some similar Executive action to honor this great man and the ideals for which he stands.●

● Mr. FORD of Tennessee. Mr. Speaker, as Pope John Paul returns to his distressed homeland, I join my congressional colleagues in support of the Pope's expressions of faith, hope, and peace for his fellow citizens, the courageous Poles.

I encourage all who cherish freedom and human rights to unite behind the Polish attempt to free themselves from martial law. The Solidarity experience is a demonstration to the world that aspirations for human rights continue, notwithstanding subjection to repression. Since the last visit of the Pope, Solidarity has continued to rise even though its leaders have been subsequently repressed and harassed. Due to reports of widespread Government violence against the populace, detention, arrests, and harassment of priests, the church's stance toward what has been called military terrorization by Archbishop Glemp has become more hostile.

Other followers have been forced to continue Solidarity activities underground to avoid the risk of incarceration. On December 12, 1981, the military Government of Poland imposed a state of martial law which violates the most essential human rights of Polish citizens. More than 10,000 people were jailed without charge or trial, while thousands more were arrested for exercising their fundamental rights.

On December 31, 1982, the Polish Government proclaimed the "suspension" of martial law. A recent report from the lawyers committee for international human rights, however, indicated that this action has actually established some of the primary elements of martial law as permanent features of the Polish legal framework. Gen. Wojciech Jaruzelski's regime has the right to reimpose martial law anytime it desires. Recurrent episodes of resistance to the regime have frequently led to the return of harsh controls the isolation centers under martial law operate without the slightest notion of human dignity. Regardless of subzero winter temperatures, detention cells are rarely heated. Prisoners are brutalized by guards armed with sticks and shields, beaten, hosed with hot water, and attacked by police dogs. Poor nutrition has resulted in frequent occurrences of skin diseases, hair loss, and boils. Crowded and unsanitary living conditions contribute to the spreading of epidemic influenza and other diseases. This trend of degrading treatment continues to be a worldwide concern for the safety and welfare of the 1,500 to 5,000 Poles who remain imprisoned as a result of arrest or conviction under martial law. The thousands who are reported to have been forcibly sent to military labor camps cannot afford to have us just look away.

Although Jaruzelski neither wants nor is capable of resorting to actions as brutal as those of his predecessors of the 1940's and early 1950's, he is not allowing the Polish people their fundamental human rights. General Jaruzelski should consider a proposed election reform which would allow an "authentic" choice of several candidates.

The worsened economic situation in Poland has also contributed to the severe infringements upon the lives of the Polish people. The Communist leaders are more interested in suppressing Solidarity than saving their suffering economy. Farm and industry production declined sharply after martial law was imposed due to slowdowns and other forms of passive resistance. The availability of foodstuffs, including various basic commodities, have been greatly reduced on the market. The massive debts to the Western nations and banks have continued to grow. Despite improved coal production, which has meant more electricity, relief for the rest of the economy has not been realized. Both imports and exports from non-Socialist nations have declined as well as imports from Socialist countries. Whereas exports from Socialist countries have increased somewhat, much of the Polish export earnings have been paid back to the Soviet Union for earlier credit received.

What all of this means is that 18 months after repression of Solidarity, the Polish people have not given up hope or strength in fighting for their rights. During the months since martial law was imposed, the regime has directed its aim at relaxing some of its most harsh restrictions in an attempt to restore Poland to some likeness of normalcy. It is, however, extremely difficult to see how Poland can ever return to its normal state unless the rulers make peace with the Polish people and recognize their basic human rights.

Under such oppression, the Pope's message of spiritual awakening, faith, and hope could not have come at a better time. In addition to his spiritual message, the Pope has called for the release of prisoners of conscience, a return to Solidarity's social reforms,

free trade unions, and official communication between Solidarity and the Government.

We as Members of Congress must express our support for the Pope's spiritual message and his quest for social justice. It is our obligation as the leader of the free world to maintain our stand against oppression. We must always advocate basic rights for all human beings.●

● Mrs. SCHROEDER. Mr. Speaker, today I would like to express my support for the message of renewed hope, faith, and peace that the Pope brings to his fellow countrymen, the courageous people of Poland.

Poland, a nation that has grown tired and somber under military rule, showed renewed hope and spirit during the Pope's arrival in Poland last week. Solidarity has been officially dissolved, and martial law is still in effect, although suspended. The present Government has imprisoned 4,000 to 5,000 political activists and Solidarity members for their views. Forced immigration and denial of basic human rights are just a few of the violations to social justice that are taking place in Poland.

The Pope's visit has given the people of Poland new hope and strength, and for the time being has lifted the people out of a 2-year moral slump. The Pope also made some surprising demands upon General Jaruzelski, and the Government as a whole. He asked that negotiations between Solidarity and the Government be resumed, formation of free trade unions, and that the social reforms begun by Solidarity be continued. The Pope's primary message was one of peace and hope for all of Poland. I am firmly convinced that the right to organize democratic movements without Government intervention, and the right to communicate openly are essential for a peaceful and democratic society. Solidarity stands for the same principles of peace and human rights as we do, and I feel a responsibility to speak out in their defense. I now call for a peaceful change and the democratization of public and working life through negotiations based on respect for Solidarity and religion.●

● Mr. DAUB. Mr. Speaker, I am pleased to have this opportunity to join my colleagues in this special order to express our support and thanks for the efforts of Pope John Paul to restore faith and hope to the courageous people of Poland.

Two years ago I introduced, and the House subsequently passed, a resolution of concern over the disregard of human rights of the Government of Poland. On this occasion, the Pope has served to remind the world that human rights violations still are being committed in that country and the people of Poland continue to struggle for a better life.

The importance of continuing to focus world attention on the plight of the people of Poland cannot be overstated. Their pleas for freedom must be heeded. I am therefore grateful for this show of support in Congress for the Polish people in the struggles they face.●

● Mr. BARNES. Mr. Speaker, prior to the visit of Pope John Paul II, the situation in Poland seemed bleak. After the outpouring of hope triggered by the rise of the Solidarity movement, the imposition of cruel martial law, with its disregard for individual freedoms and human rights, threatened to crush the spirits and aspirations of the Polish people.

However, the Poles have a special ally in their quest for social justice, for Pope John Paul II is Karol Wojtyla, one of their own. The Pope, a man of peace, is often found in places marked by tension, strife, and war. The Pope has had the courage to bring his message of love, understanding, and hope to countries in which these values are threatened by violence and repression.

The Pope's devotion to his country and to the hopes of his countrymen has led him to focus during his pilgrimage not only on spiritual themes but also on concrete demands for the improvement of human and political rights in his homeland. The Pope has not been afraid to voice these demands to the leader of Poland's military regime, Gen. Woyciech Jaruzelski.

We live in an age in which a number of nations are the sites of confrontations between courageous peoples and cruel, repressive regimes. Without brave leaders such as John Paul II, the hopes and wills of these people might be destroyed.

The Pope's words and efforts are of special value to his countrymen in Poland, but it is my hope that his message will reach all over the world and everywhere touch people who yearn to be free from hunger, from violence, from repression. John Paul II deserves the admiration and support of all those who hope for peace and social justice in our time.●

● Mr. ANNUNZIO. Mr. Speaker, I join with my colleagues in expressing my sincere hope that the second pilgrimage to Poland by Pope John Paul II will bring a renewal of the spirit of the courageous Polish people and ultimately an end to martial law in that country.

For the last 38 years, Polish religious, cultural, and artistic expression has been controlled, the economic sector of the country has been restricted along Communist Party lines, and Poland's policies toward other nations have been directed from Moscow. However, the Polish people have never lost their fervent desire for freedom, and. over the years, they have fought heroically for liberty. It has been through the dedication and sacrifices of Polish patriots and the people's faith in their religious heritage that Poland has been able to win concessions from the Communist tyrants.

During his visit to Poland, the Pope has challenged the policies and actions of the Communist government at every opportunity and has made the world keenly aware of the suffering and oppression in his country. He has been able to turn the Communist attempts to dismantle Solidarity into a moral victory for all Poles—for although the Communists continue to be ruthless in their attempts to wipe out the culture and religious heritage of the Polish people, they have been unable to crush their spirit or their desire for human rights.

In each city the Pope has visited, hundreds of thousands of Poles openly have shown their defiance against their Communist oppressors. Solidarity banners have been carried and slogans have been chanted wherever the Pope has appeared, as millions have reaffirmed their commitment to a free homeland. Despite long years of religious and political persecution, the Polish people have joined the Pope in prayer, and have been inspired by his words of faith and his belief that Poland can fulfill its proper role only with the consent of the governed living in freedom and human dignity.

The open-air Mass at the Jasna Gora monastery in Czestochowa to mark the 600th anniversary of the arrival in Poland of the revered religious icon, the Black Madonna, has sent an especially strong message to the Communists. This treasure stands as a symbol of national resistance, independent thought, and devotion to high ideals. The Polish people have demonstrated through the Pope's visit that they can survive and overcome every threat of the Communists and every act of violence in their continuing struggle for self-determination.

Mr. Speaker, Poland always has been a bulwark of Christianity despite centuries of destructive oppression. The Pope's declarations during his second pilgrimage that religious liberty is a fundamental human right and that secular authorities have no moral basis for restricting religious practice is a powerful reaffirmation of faith and hope for the Polish people.

I join in the fervent prayers of Polish Americans living in the 11th Congressional District of Illinois, which I am honored to represent, and all freedom-loving people throughout the world, that one day the Polish people will overcome their Communist oppressors and Poland will regain its rightful place in the community of free nations.●

● Mr. LUNGREN. Mr. Speaker, I rise today with many of my colleagues to commend Pope John Paul's pilgrimage

to his troubled homeland, Poland. John Paul's words are spiritually uplifting to a country gone numb, an expression of a will to persevere toward the realization of freedom and human dignity. The papal visit has shown the people that they can organize effectively despite the discouragement of monolithic government. It gives life to the sense of national unity that Poles always have in reserve, and has instilled in the minds of the people the feeling that they have a very special and powerful protector.

John Paul's words also have strong universal political connotations:

> The nation is truly free when it can shape itself as a community determined by unity of culture, language and when it governs society and also serves the common good of society and allows the nation to realize its own subjectivity, its own identity. The sovereignty of the State is deeply linked to its capacity to promote the freedom of the nation.

He has made clear to the Polish authorities his concern about what happens when dialog between a government and its people is absent. He has also made it clear that he will continue to keep a close watch on Poland from the Vatican and would remain a power with whom the Communists will have to reckon. "I will continue to feel the effects of what could threaten Poland, what does her damage, bring her dishonor, what could signify stagnation or depression," the Pope said.

Of course, John Paul is following in the tradition of another great Polish priest. For it was only in the early hours of the morning of May 29, 1981, on the Feast of the Ascension, that the "Iron Cardinal" Stefan Wyszynski, primate of the Catholic Church in Poland, died at the age of 79. He died as undisputed spiritual leader in Poland, revered not only by Catholics but by the whole nation, respected even by Poland's Communist authorities, truly the "uncrowned king of Poland." During his stormy "reign" he saw governments and party bosses come, each with their plan for destroying him and the church; nevertheless, Wyszynski remained constant. Yet, while detesting capitulation, he was always ready to seize opportunity for dialog and honorable compromise with Communist authorities in the interests of the Polish church and people. In confronting "evil," Wyszynski chose to make firm demands from a position of power. This power was spiritually and morally inspired by the Gospel with its aim of liberating man from falsehood to the truth. Pope John Paul II is confronting the problems of humanity today in the same way but on an even wider scale.

Pope John Paul II is courageous and uncompromising in his fight for the church's right to carry out its pastoral, educational, social, cultural, and charitable mission, to voice its opinion in public matters concerning the nations of the world. And nowhere is his message truer and more timely today than in his native country.

Ladies and gentlemen, we must make every effort to support true democracy in Poland. They need our continued attention, our concern, our commitment and our prayers. Poles have a right to their own country, and in that country, the freedom and respect for human dignity.

As a son of the land of Poland, Pope John Paul fervently desires that she always have her proper place among the nations of Europe, between the East and the West. "I ardently desire the re-creation of conditions of good cooperation with all the Western nations on our continent, as well as in the Americas, above all where so many millions of citizens are of Polish origin. I am deeply convinced that these conditions can be created. This, too, is one of the tasks of dialog, of international dialog, for peace," Pope John Paul stated.●

● Mr. COYNE. Mr. Speaker, I rise today on a matter which has been examined many times in recent months by the press, by those of us in this body, and by all who treasure freedom and justice. I speak of the plight of the Polish people.

In this Nation, we have denounced the imposition of martial law on a brave people, and we have imposed some sanctions. Yet repression continues against the Polish trade union movement. Solidarity, an organization which is perhaps the most legitimate representation of political will in that troubled land, has been declared illegal by the Government. As many as 4,000 Solidarity members and sympathizers are now in prison.

Mr. Speaker, you can jail the leaders of the Solidarity movement, but you cannot jail the movement. This has never been more apparent to the Polish Government than during the visit to the nation by Pope John Paul II. Solidarity banners have appeared among the hundreds of thousands of people who have gathered to welcome the Pope to his homeland. The spirit of resistance, it appears, includes a resistance of the spirit.

Pope John Paul II, in an attempt to lessen some of the tension in the country, asked for a meeting with the heroic Lech Walesa. He also requested that prisoners of conscience be released.

The Polish Government has been reluctant to grant the request to meet Walesa. It seems certain to ignore the plea to free prisoners of conscience.

The Pope's visit to Poland has not been in vain. It has served to renew the strength of the Polish people in their fight for justice, and it has served to remind the people of the world of that historic struggle.

The darkest hour, we should remember, always comes before the dawn. It is my hope that the Polish people will soon pass from the dark hour of martial law, making way for a new dawn of freedom and justice.●

● Mr. WON PAT. Mr. Speaker, I am privileged and honored to join my esteemed colleague, Congresswoman BARBARA KENNELLY, in this special order to express congressional support on the occasion of Pope John Paul's pilgrimage to his homeland. My fellow citizens of Guam and I fully understand and sympathize with the agony of the Polish people in their lives under the restrictive conditions imposed by their Government leaders. Our own suffering at the hands of the Japanese occupation forces during World War II was somewhat parallel.

Because of their courageous and undaunted fight for human rights and social justice, the Poles have earned the admiration and respect of freedom-loving people all over the world. The long-lived troubles of that great nation are tragic, but they would be even more so if the light of hope for triumph over adversity were dimmed. The uplifting spiritual message of Pope John Paul to his countrymen is truly a strengthening of the faith and determination of the people to withstand their constrained way of life in their continuing struggle for freedom.

In speaking to the basic truth about the freedom of Poland, the Holy Father stated:

> The nation perishes if it deforms the spirit—the nation grows when its spirit is ever more purified and no external path is able to destroy it.

Indeed, Pope John Paul's message is an inspiration to all people—to those who continue the pursuit of freedom and to those who fight to preserve its blessings.●

● Mr. PORTER. Mr. Speaker, I would like to thank the distinguished Congresswoman from Connecticut for calling this special order today.

On the occasion of Pope John Paul's pilgrimage to his troubled homeland, I and the members of the Congressional Human Rights Caucus would like to pledge our support for the Pope's plea for peace and to again call our colleagues' attention to the flagrant violations of human rights by the Jaruzelski regime.

Roughly 4,000 former political activists and Solidarity members are imprisoned only because of their desire to practice a basic human right—the freedom of assembly. Their fellow countrymen have grown sullen and weary under the military rule since the regime's outlawing of Solidarity, the only free labor union in the Communist world.

Life is grim in Poland—a flourishing black market, rampant crime, and widespread alcoholism. The young feel they owe the Communist Party nothing and are especially angered by the

regime's policy of drafting "troublemakers" into the military. Yet, the Pope brings to Poland a degree of unity and a measure of hope to this divided nation in which the people see little hope.

Although the seeds of hope and optimism which the Pope has planted in the minds of the Polish people may take months to germinate, hopefully here begins the end of the hardship and agony for the long-suffered Polish people. Hopefully here begins the end of the violations of human rights and the political and religious intolerance of the Jaruzelski government.●

● Mrs. MARTIN of Illinois. Mr. Speaker, for the past week, world attention has focused on Pope John Paul II's return to his homeland of Poland. He has brought to his brother and sister Poles a message of hope, encouragement, and of faith in the righteousness of their efforts to establish Poland's national sovereignty in its people, rather than in the Communist Party.

The Pope has challenged the Communist Party's assertion that it alone expresses the objective interests of the workers, and has argued instead that Poland is a suffering and oppressed country, and, that its people lack the means to promote their nation's freedom and to express their historical and cultural identity. The Pope has returned to his country on behalf of his countrymen, and indeed, on behalf of all people who sympathize with the cause of Poland's Solidarity movement. The Pope has returned to ask the Government to grant the rights of freedom, sovereignty, conscience and religion, and human work to the people of Poland.

Mr. Speaker, I commemorate the courage and stamina of the Pope in bringing this message to the world. I praise the Pope's ability to articulate the concerns of his people, and to channel them effectively and productively to the centers of authority in Poland. The Government of that country has been affected by the Pope's words. It has agreed to some of the demands voiced by the Polish people. It has listened to the Pope's message, and allowed him to deliver it to the people of Poland. It has spoken of lifting martial law, and it has agreed to a meeting between the Pope and the leader of the Solidarity movement, Lech Walesa.

The Pope has spoken out on behalf of freedom and democracy. On the most fundamental level, he has spoken out on the issue of human decency. Though his words have focused on Poland, their effect will not be confined to that country. His trip, and the response it has elicited from the people of Poland, has demonstrated to the world that freedom and liberty are human rights that cannot be denied. It has demonstrated the inevitable doom that surrounds any effort to quash those rights. For this, all people concerned with the triumph of right over repression owe the Pope a message of gratitude.●

● Mr. BROOMFIELD. Mr. Speaker, I want to join my colleagues here in the House in supporting this special order on the occasion of Pope John Paul's pilgrimage to Poland. I believe that it is most fitting that all of us express our strong support for the Pope's brave efforts to take a message of hope, faith, and peace to the Polish people.

As all of you know, the Polish workers' union, Solidarity, made much progress in winning benefits for the hardworking Polish people. Unfortunately, its growing influence was seen as a threat to the government of General Jaruzelski and his Soviet backers in the Kremlin who held menacing military maneuvers on the Polish border in order to drive home their message that Poland was moving in the wrong direction. The Soviet-established Polish police state declared martial law in December 1981, and later banned the union. Over 4,000 former activists and Solidarity members were arrested because of their political views. Many of the political detainees who later gained their release were forced, in blatant violation of international law, to emigrate from their native land.

Many basic human rights have been disregarded and the former programs advocating social justice have been forgotten. Even though martial law has been suspended, it has not been lifted. Many of its restrictions have been enacted into law. There is no question about the fact that the freedom-loving people of Poland are now living in a police state.

It is truly tragic that many Polish citizens gave their lives in Poland's long struggle to rid itself of external influence and coercion. The Polish people have clearly suffered enough. Over 6 million of its citizens lost their lives in the last two European wars, in prison camps, and in Nazi extermination camps.

The repression of the valiant Polish people has lasted long enough. It is obvious to all of us that the people of Poland needed encouragement and hope. The Pope's visit gave them that hope.

I admire and commend the Pope for sending a spiritual message to the Polish people and for calling upon General Jaruzelski to release the prisoners of conscience and to support a return to the social reforms begun by Solidarity. His Holiness also supported a dialog between Solidarity and the Polish Government. This exchange of views is essential and long overdue.

As all of you know, the Roman Catholic Church has been Poland's refuge from alien aggressions over the centuries. This Pope is a symbol of Poland's own identity and abiding faith in freedom. I believe that it is obvious that Poland has suffered enough and has paid for its right to freedom and its sovereignty.

Let us all hope that the message of social justice is clearly understood by the Polish Government and its supporters in the Kremlin, and that good faith and judgment on their part will prevail.

In the spirit of renewed hope and freedom, I join my colleagues in paying tribute to the Pope and supporting this special order.●

● Mr. SYNAR. Mr. Speaker, I would like to take this opportunity to convey to this body my admiration of Pope John Paul's outspoken defense of the Polish people's right of self-determination. The Polish people will not rest until their full rights are restored and it is important that the Soviet Government and its puppet, General Jaruzelski, be made to realize that people of conscience in the world will not turn their backs on the Polish people in their hour of need.

As we sit here in complete freedom to represent the will of our constituents, it is our duty not to forget those less fortunate than us around the world. The least we can do is add our voices to the rising chorus of protest that Pope John Paul's pilgrimage has begun. The impact of this man's words on the world has proven how much the Soviets underestimated the moral power of the papacy.

I am sure many of you have read how, at Potsdam, when Churchill reminded Stalin that a Soviet-dominated postwar Poland would run counter to the wishes of the Catholic majority, Stalin dismissed the fact out of hand. He sarcastically asked, "How many divisions does the Pope have?"

Today, we have tangible evidence of the moral power of the Pope. Although he lacks the temporal authority over an army, the words of Pope John Paul are very powerful indeed. As an American of Polish descent, I am particularly moved by the example of the Polish people in their unending struggle for justice. Their hunger for freedom should serve as a stark reminder of how lucky we are, and that as Members of Congress it is our duty to join with the Pope and demand justice for Poland.●

● Mr. OTTINGER. Mr. Speaker, I commend my colleague from Connecticut (Mrs. KENNELLY) and the other Members who have spoken out today on behalf of the people of Poland.

This beleaguered nation has suffered enormously at the hands of repressive and abusive leadership. But the spirit of the Polish people remains strong, and the quest for solidarity still drives these freedom-loving people.

The visit of Pope John Paul II has once again given a voice to that spirit. His presence and his boldness in speaking out against repression have elicited the strongest show of unity in Poland since the forced disbanding of Solidarity. The Pope's message, coming from "a son of this nation," to all those who "feel its yearnings, its wish to live in truth, in freedom, in justice, and in social solidarity," has rekindled the movement of active protest against General Jaruzelski's rule.

I applaud the Pope for his message of hope to his kinsmen, and honor the courage of the Polish people. It is my fervent hope that the Pope's visit will create an atmosphere more conducive to constructive dialog, to reasoned protest, and to tolerance, rather than authoritarian repression. Surely, the pervasive feeling inspired by Pope John Paul's visit must send clear signals to General Jaruzelski's regime that his policies will not be tolerated for long. To believe the Polish people have been cowed is to mistake quiet for silence.●

● Mr. DWYER of New Jersey. Mr. Speaker, the historic journey of Pope John Paul II to his Polish homeland is drawing to a close. Here in the United States, we have watched events unfold in that country with great interest. To witness the outpouring of support the Pope has inspired among the Polish people is a profoundly moving experience.

His compatriots have found hope as well as joy in the chance to renew their strong bond to their favorite son. In turn, John Paul has matched the vigor of their welcome with his own unique brand of quiet, but compelling, diplomacy, never intimidated by the military regime's futile attempts to suppress his influence.

During this past week, we have seen that influence expand over and over again, as Pope John Paul courageously exposes the cracks in the armor of Poland's military dictators at every appropriate juncture of his journey.

Most importantly, John Paul has pressed for a continuing dialog and a spirit of cooperation between the Polish leadership, the citizens of Poland, and the church whose importance as a social force was solidified by the beloved Polish primate, Cardinal Wyszynski.

Pope John Paul's intimate connection to his homeland—his pure love of country—makes him keenly aware of the strength that is uniquely Poland's, a nation which has rebuilt itself time and time again against seemingly insurmountable odds.

John Paul stands as a vision of hope for a nation in sore need. Faced with food shortages, increased crime, and a high rate of joblessness, the Polish people still remain steadfast in their quest for social justice and civil rights.

Step by step throughout the papal visit, John Paul is getting his message of peace and justice across, even to the military who watch, but should not wonder, at the powerful allegiance Polish citizens share for this man of principle, justice, and faith.●

● Mrs. HOLT. Mr. Speaker, I stand in some awe of the nobility and courage of Pope John Paul II, who has again carried the message of freedom to his native Poland.

Millions have attended the Masses celebrated by the Pope, demonstrating their devotion to the faith that has guided their nation for 1,000 years.

The Pope offered no comfort to the Communist military dictatorship that rules Poland. He called for the release of political prisoners, the reinstatement of workers dismissed from jobs for activity in the Solidarity labor movement, and the restoration of independent trade unions.

He said Poland "has a right to live in freedom." He spoke for the independence of Poland, which must have caused nervous spasms in the Kremlin.

Pope John Paul II is the native son of a brave people who have endured and resisted the imperialism of the Russian czars, the terror of Nazi rule, and communism imposed by the Soviet Union. Never have the people of Poland abandoned the struggle for freedom.

Because of their resolute resistance, Poland has a greater degree of freedom than prevails in other countries under Communist domination. The visit of the Pope to Poland and his speeches critical of Government policy to great masses of people are evidence that the military government is forced to accommodate some dissent.

Let us pray for the success of the continuing Polish struggle for freedom, and let us also pray for the health and long life of the Pope, a great pastor to the world who inspires the oppressed to strive for freedom.●

● Mr. LENT. Mr. Speaker, I rise today to join my colleagues in an expression of hope that peace and freedom may be brought to the troubled nation of Poland with the help of the Pope's visit to his homeland.

The Pope's heroic return to the land he loves has deeply touched the hearts and souls of the Polish people. Millions of Poles have thronged to see the Holy Father and to hear his message of freedom and human dignity.

The forbidden banner of Solidarity is once again openly displayed in the midst of each and every crowd. The dreams and aspirations of the brave Polish people are again crying out for realization. It is as though, through the Pope's return to Poland, all that was suppressed is now able to be made known.

The message the Pope brings to Poland is simple and noble. The dignity of the individual and the right to be free cannot be trampled upon by any authority. The renewal that was begun in August 1980 still lives in the hearts of all Poles, and no amount of Government repression will ever be able to stamp it out.

The Pope's message of faith and his call for social justice echo loudly in Poland. Deprived of all else in which to believe, the Polish people have put their faith wholeheartedly behind the Pope. We in Congress emphasize the message of the pontiff as we express our solidarity with it. May that message be heard in every corner of Poland, in the hearts of every man and woman in that land, and in the hearts of free people everywhere.●

● Mr. LEVINE of California. Mr. Speaker, I wish to commend my colleague, BARBARA KENNELLY, for calling this special order today to commemorate the visit of Pope John Paul II's visit to Poland. I thank you for allowing me to participate.

The Pope's visit to Poland at such a troubled time in that country's history is evidence of his commitment to the freedom of his homeland, where human rights have been tragically and callously violated. John Paul II has consistently called upon the Polish Government to reopen a dialog with the people of that country. He has courageously called upon the Government to respect human rights and the right of self-determination.

Pope John Paul deserves high praise for his denunciation of martial law in Poland and his urging of General Jaruzelski to make good on his promises of "social reform" in that troubled country.

John Paul's visit to his native homeland has been characterized by an admirable blend of caution and defiance. Millions of Poles have gathered to both see and hear the pontiff in this touching demonstration of the Polish people's love and respect for him. It is clear evidence of his remarkable ability to mobilize his fellow countrymen. From the beginning of his journey the Pope has taken a clear stand on that country's policy of martial law. The Polish people have a right to live in freedom.

John Paul's support for the ideals of the Solidarity trade union have been demonstrated by his willingness to speak out on political issues. It is unfortunate to think that a counter propaganda campaign will no doubt be waged, once the pontiff departs. However, the Polish people will not readily forget the Pope's message.

In his meeting with General Jaruzelski the Pope has also asked the general to honor the agreement signed with the Gdansk shipyard strikers in August 1980. During his visit he has publicly declared his support of the right of trade unions to function freely, and has highly praised Solidarity, emphasizing the absence of violence in Solidarity's activities.

Pope John Paul has aptly defined the Polish spirit as stemming from "a sense of dignity for human work, from love of homeland, and from solidarity, that is to say from a sense of the common good."

But Poland has suffered much. The need for national reconciliation is clear. Poland's future depends on the establishment of a mutual trust between its people and the Government. The state has the responsibility to protect and guarantee the right of free speech and free association. I hope that the Pope's journey to Poland will inspire the Polish people so as to enable them to continue their fight for freedom, that most precious right and one which has been denied them for too long.●

● Mr. LANTOS. Mr. Speaker, the visit to Poland of His Holiness, Pope John Paul II, further serves to underline the suppression of human rights and fundamental liberties by the military regime of that country. But, as the pontiff himself said yesterday, "Poland has a hunger for justice which cannot be suppressed." The papal visit has whetted that hunger. In the words of an editorial which appeared yesterday in the San Francisco Chronicle, the Pope, through his enormous appeal and ability to move a crowd, has "turned what are very moderate remarks into ringing endorsements for human rights."

I would like to commend and congratulate the gentlewoman from Connecticut for sponsoring this special order today. As cochairman of the Congressional Human Rights Caucus, which endorsed this special order, I am pleased that we are able to bring attention to the continued suppression of human rights in Poland.

I commend to my colleagues in the House the editorial, "A Pole Who Can Inspire Poland," which appeared in the San Francisco Chronicle.

The article follows:

[From the San Francisco Chronicle, June 21, 1983]

A POLE WHO CAN INSPIRE POLAND

"I am a son of this nation and therefore I feel very deeply its noble aspirations for justice and social solidarity," said Pope John Paul II during farewell prayer at Czestochowa, a location sacred to the Black Madonna, legendary, protector of Poland. It is this kind of language—direct and forcefully spiritual with a skillful reference to the temporal (Solidarity)—that is giving Communist authorities in Poland fits.

John Paul II is, indeed, a son of Poland, one intimately familiar with its oppressors past and present. He continually makes a point of urging restraint on the throngs that turn out to see him, but there is no doubting the profound emotional impact that this strong pope has upon his countrymen. Both morning and evening in Czestochowa, the pope spoke of freedom and respect for individual liberty to an outpouring of more than half a million people. His firm anti-communism is also clear, expressed obliquely, perhaps, but in terms that are understood throughout the country.

The pontiff is a born actor, as Don Schanche of the Los Angeles Times noted in a recent dispatch, and his enormous appeal and ability to move a crowd have turned what are very moderate remarks into ringing endorsements for human rights. He gets his points across by a masterful mixture of religious and historical metaphor with straightforward political messages.

Polish authorities quite obviously miscalculated in thinking they might profit by allowing the pope to visit. It is a decision that demonstrates the isolation of the ruling bureaucracy, for it ignores the basic intermeshing of that vital element of Polish life that is Roman Catholicism with the spirit of polish nationalism and resistance to foreign—especially Russian—intrusion.

The Communist government has now warned that continuing opposition demonstrations during the pope's visit will harm relations between church and state. That seems a querulous and pallid rejoinder in the face of the whirlwind that is Pope John Paul II.●

● Mr. PEASE. Mr. Speaker, it has been said that all that is necessary for evil to triumph in this world is for people of good will to do nothing. The courageous people of Poland have embraced their independent trade union, Solidarity, as the means for reasserting their quest for freedom and their demand for basic human rights. It is clear that Solidarity lives and that Pope John Paul II has breathed new life into the movement this week.

The struggle of the Polish people for a new way of life and the manner in which the Pope has embraced their cause is an inspiration to all of the oppressed people of the world who suffer under the domination of totalitarian regimes. It is also a solemn reminder to the rest of us to cherish our personal freedoms and to do our utmost to effectively support the strong, peaceful forces of change at work within Poland. Certainly we ought not do anything to give solace to the regime of General Jaruzelski.

I was the first Member of Congress to oppose the Reagan administration's policy of allowing the Government of Poland not to default on its loans from the West by using U.S. taxpayers' money to bail out the Polish authorities. This is precisely the sort of action on the part of our Government that belies our commitment to freedom.

Pope John Paul II has shown remarkable strength and resolve in confronting the Government of Poland about its trampling of Solidarity. As the leader of the free world, our country should do no less.●

● Mrs. JOHNSON. Mr. Speaker, the world is witnessing the struggle of an irrepressible people determined to fight for their independence as a nation and for their freedom as individuals. Occupied, partitioned, annexed, and oppressed, Poland is a nation that has been forged in generations of struggle for her liberty and self-determination. The great spirit of the Polish people has been sustained throughout these decades of strife by their strong and fervent religious faith. With her nearly 80-percent Catholic population, Poland has historically looked to the Roman Catholic Church for strength and for the protection of her rich cultural heritage. Today the church continues in its active role as the chief defender of the Polish people's human rights and unique identity.

It is therefore with great appreciation that I take this opportunity to express my full support and admiration for Pope John Paul II's message of renewed faith and hope that he brings this week to his courageous countrymen. I applaud the Pope's call for the release of political prisoners in Poland and for the fulfillment of the historic social reforms begun by Solidarity upon the signing of the Gdansk agreement in August 1980. Among the most significant reforms are the right of workers to form independent trade unions, the right to strike, the relaxation of state censorship, and increased freedom for the church, all of which we as Americans take for granted as being basic rights for all humanity.

The Pope's words I know will provide inspiration and encouragement to the great people of Poland. It is tragic to see how seriously the situation has deteriorated since his last visit in 1979. I share the hopes of the many Polish Americans that I represent, many of whom are my close friends and whose family members are still in Poland, that the Pope's trip will serve to bring some greater measure of freedom and respect for individual human rights to the people of that nation.●

● Mrs. COLLINS. Mr. Speaker, I rise to express my support for today's special order on Poland, and thank my esteemed colleague, BARBARA KENNELLY of Connecticut, for proposing that we in Congress commemorate Pope John Paul's visit to Poland.

The Pope's return to his troubled homeland is an act of great dignity and courage. In the face of the Polish Government's continuing oppression of its citizens, Pope John Paul's message of peace and freedom inspires hope in millions of people in Poland and around the world.

During his journey the pontiff denounced the misery and injustice of martial law and supported workers' God-given right to form trade unions. He has urged General Jaruzelski to fulfill his promise of social reform, and he plans to meet with Lech Walesa, the leader of Poland's outlawed Solidarity Union, tomorrow. He has suggested to his countrymen that they were right to join Solidarity and strike for reforms, even if they did not win many concessions, and he urged them to continue to struggle to "end

the divisions in society" and to work to achieve "the social structures which correspond to its just requirements." The state, he said: "is truly sovereign when it governs society and at the same time serves the common good of all society and when it allows a people to be the agency to its own destiny."

Millions of people across Poland have heard the Pope's inspirational message. Indeed, one-half of Poland's 36 million citizens are expected to see the Pope during his 8-day visit. The Jaruzelski government cannot continue to ignore such overwhelming popular support for the Pope and his message of faith, hope, and reform.

We in Congress must also support the papal visit and the demands for constructive reform. Martial law has not been lifted, Solidarity has been outlawed, and some 4,000 former activists and Solidarity members languish in prison. Other opponents of the Jaruzelski government have been forced to leave the country, while basic human rights continue to be trampled on and social justice remains a distant goal.

Last week, the pontiff said that 3 years ago "the Polish worker stood up for himself with Gospel in his hand and prayer on his lips. The pictures that went round the world in 1980 touched hearts and consciences." The Pope's return home has touched our hearts and consciences once again, and we must offer him our congressional support. The American people stand in solidarity with our Polish brothers and sisters to urge General Jaruzelski to offer concrete reforms to the people of Poland.●

● Mr. MORRISON of Connecticut. Mr. Speaker, this week, Pope John Paul concludes his pilgrimage to Poland. Although this man does not represent a specific country or political group, he speaks for all free, democratic people in recognizing Solidarity as the Polish people's vehicle for self-determination.

The people of Poland are suffering. For every day that martial law remains in force, the prospects for a free and independent Poland get weaker.

It is at this desperate time that the Pope chose to visit his homeland. There he has preached a message of hope and the Polish people have gratefully responded. At Masses throughout the country, they have raised banners in support of the outlawed Solidarity group, raised the Solidarity "V" for victory sign and voiced their support with solidarity chants and with cries of "We are with the Pope and the Pope is with us."

The Pope has brought new hope to the people of Poland. For this, he deserves to be honored by us as a hero. But the true heroes of this visit are the people of Poland, who against all odds remain strongly committed to building a free Poland.●

● Mr. SCHAEFER. Mr. Speaker, hope makes suffering bearable. If the Poles can glean some small kernel of hope from Pope John Paul II's visit to Poland, the trip will have been a magnificent success.

In the course of his trip, the pontiff has become bolder about mentioning Solidarity and the obvious problems Poland is now encountering. Speaking in Katowice, Pope John Paul declared that the workers had a God-given right to free unions. The strong statement came in the middle of a journey that has been gaining in intensity since the Pope arrived in Poland.

The strength and love of the Pope for his homeland cannot alone uphold the morale or the country. We, the Congress, should send a message of support of the Polish people; we must assure the Polish people that their thirst for freedom and liberty has not gone unnoticed by the United States. If through our actions we can give Lech Walesa and Solidarity the courage to go through another day without food, medicine, or family, our efforts will have aided their cause. We do not need to approve massive aid packages or threaten war: if we reach out with the message of love and hope that John Paul is using to cure his country's wounds, we can affect the lives of millions of Poles and further the cause of freedom in the world.

Mrs. KENNELLY. Mr. Speaker, I would like to take this opportunity to thank my other colleagues who joined with me this evening to salute Pope John Paul and to think about what he has done this past week in returning to his troubled homeland in Poland.

Since I have no further requests for time, Mr. Speaker, I yield back the remainder of my time.

KAREKIN II, THE AMERICAN SHEPHERD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. GEPHARDT) is recognized for 5 minutes.

● Mr. GEPHARDT. Mr. Speaker, I rise today to pay tribute to a holy and distinguished visitor to the United States and to my home area of St. Louis, Mo.

His Holiness, Karekin II, Catholicos of the Great House of Cilicia, Antelias, Lebanon, the spiritual leader of 350,000 Armenians in the United States and Canada, will arrive on June 29, 1983, for a 2-day visit with his Armenian-American congregation in the Metropolitan St. Louis area.

This is a special occasion. The Armenian Church in American was formally organized in 1898, and in 1915, the first Armenian cathedral in American—St. Illuminator's Cathedral—was consecrated in New York City where it stand today at 221 East 27th Street, and is the mother church of the Armenian Apostolic Church of America.

At the conclusion of his Pontifical visit to St. Louis, with the ecumenical spirit, His Holiness will journey to Vancouver, Canada, to attend the Sixth General Assembly of the World Council of Churches, where he will serve as vice moderator of the Council's Central Committee.

On this joyous first visit of the Shepherd with his flock, His Holiness can understandably smile with pride as he witnesses the contribution his people have made to America. Across this great country, the Armenian Americans, while clinging to their heritage, have served both their church and their country with distinguished effort.

Your Holiness, Karekin II, for giving us the Armenian community in American, for honoring us by your visit to St. Louis, we say, "Shnrohagal yenk tzer havwabedagan ays aytzeloutyan hamar."

And until the Shepherd again visits his flock, and honors us with His holy presence, we say, "Asdvatz togh tzer hed Ullah."●

RAOUL WALLENBERG—MISSING HERO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 15 minutes.

● Mr. ADDABBO. Mr. Speaker, I would like to share a report entitled "Research on Raoul Wallenberg, Rescuer of 100,000 Hungarian Jews," with my colleagues. Raoul Wallenberg, one of the greatest figures of the 20th century, may still be alive and imprisoned in the Soviet Union. During the 97th Congress, we honored this heroic man by bestowing him with honorary U.S. citizenship. The report, written by Dennis Hevesi, brother of Assemblyman Alan Hevesi of New York, is intended to remind us of Raoul Wallenberg's greatness and his unknown fate. The article follows:

RESEARCH ON RAOUL WALLENBERG, RESCUER OF 100,000 HUNGARIAN JEWS

On March 19, 1944, Nazis launch Operation Margarete 1, the occupation of Hungary, in part to protect their southern flank against advancing Russians, but also to finish the job of eliminating European Jewry.

Hitler summons Regent Nicholas Horthy to his headquarters in Klessheim Castle and lectures him on the treason of the Hungarian government for not following Nazi-ordered edicts against Jews. Horthy is held incommunicado for a day. When he returns home, the country has been occupied by German columns.

Hungarian Jews do not take the threat seriously. The Germans are on the defensive. The Red Army is advancing toward the nation's borders. It makes no sense that Germany will expend resources on killing Jews.

Hundreds of prominent Jews are arrested.

On March 31, Jews are ordered to wear the yellow star.

On April 7, the Nazis order "ghettoizing" of Jews near railway stations. Each is allowed to take the clothes on their backs, two changes of underwear, a 14-day supply of food and 50 kilos of baggage. All valuables are seized. Thousands are crammed into quarters large enough only for hundreds. Life in the ghetto is designed to weaken the victims so that they cannot resist deportation.

Between May 15 and 27, 62 cars filled with children and six cars filled with adults from Hungary pass through Cracow's railway station.

In mid-May, Rabbi Ehrenpreis invites Dr. Kalaman Lauer, a Jewish businessman, to discuss the rescue mission proposal. Lauer suggests Raoul Wallenberg, the 32-year-old heir to Sweden's foremost banking empire, to head the mission.

The meeting lasts from 7 p.m. to 5 the next morning. A plan is drawn up. Wallenberg will go to Budapest as a Swedish attache, with the job of doing what he can to save Jews. The U.S. State Department is to support the mission, expected to last two to three months. He is to go to Hungary as the personal representative of King Gustav V.

At the Great Synagogue of Stockholm, Wallenberg is blessed by the chief rabbi, with other members of the Jewish community looking on: "May God Bless thee and preserve thee. May the Lord make His face shine unto thee and be gracious unto thee. May the Lord lift up His face unto thee and grant thee peace."

Wallenberg—carrying two backpacks, a sleeping bag, a raincoat and a revolver—arrives in Budapest on July 9, 1944. In the backpacks are lists of names compiled by Swedes seeking information about friends and relatives in Hungary and lists of underground agents and pro-Allied officials in the Hungarian government.

On July 17, Wallenberg files a report to Stockholm: Sealed boxcars, each with 75 to 80 persons; a little bread, one pail of water, one pail bodily wastes. Six thousand people a day killed in the gas chambers. More than 700,000 people—one-third of Hungarian Jewry—already deported.

Wallenberg convinces the Swedish legation to extend issuance of protective passports to any Hungarian Jew who applies, despite legation's concerns that such action will negate the value of the passport. Such passports, which had been established only for those Jews with family or business links to Sweden, actually have no precedent or standing in international law.

Aware of the German mentality for authority and official-looking documents, Wallenberg redesigns the protective passport to make it look more impressive—the new blue and yellow passport includes a number, the official seal, the Three Crowns of Sweden and the signature of the minister.

Acceptance of the passports by Hungarian officials might be motivated as a "hedge" against war criminal charges when the Allies finally arrive—a ploy that Wallenberg uses time and time again to "blackmail" both Hungarian and Nazi officials.

They agree that holders of the passport will be considered Swedish citizens, after renouncing their Hungarian citizenship.

Nazis, reluctantly willing to overlook the first 5,000 protective passports because doing so maintains cooperation they need from Horthy government for their bigger task of "Final Solution," become alarmed at the increased number of real ones and the influx of forged ones.

An estimated 15,000 to 20,000 passports are eventually in circulation, probably saving 50,000 lives.

Wallenberg gains Horthy agreement that bearers of passes will not be deported and authority from Sweden that all will be accepted in that country.

Other neutral countries, inspired by Wallenberg's efforts, begin to set up meaningful rescue operations. The Portuguese charge d'affaires in Budapest obtains permission of his govenment to issue safe-conduct passes. The Swiss issue 8,000 protective passes.

Wallenberg and his colleagues set up 32 "Swedish Houses" in Pest, into which up to 15,000 bearers of the protective passes are sneaked during the night, to "wait" for departure for Sweden.

Conditions improve for Jews in August, 1944, as Eichman supports a conspiracy to overthrow Horthy. It fails, and the regent dismisses pro-German Prime Minister General Dome Sztojay, replacing him with the more moderate Gen. Geza Lakatos. Other pro-German officials are purged and Eichman is declared unwelcome in Hungary.

On August 23, 1944, with Soviet forces already inside his border, Rumanian King Michael seeks to make peace with the Russians. Without Rumanian resistance, the Russians can move swiftly toward the Danube.

October 15, 1944, Horthy announces on radio that Hungary is prepared to put down its arms in an armistice with Russia. Jews rip off their armbands, burn them. That evening, a German-led coup forces Horthy to abdicate and installs Ferenc Szalasi, chief of the Arrow Cross—the Hungarian Nazis—as head of government.

Eichman returns.

Szalasi issues his first official announcement: "This is a war of independence against Jewry."

Deportations are reinstated.

Government forces pull Jews from their homes, force them in long columns to march to deportation sites.

On November 2, 1944, the Red Army breaks through to the south of Budapest, but cannot capture the city.

Hundreds of Jews are chased into the Dohany Street Synagogue. Joseph Kovacs remembers: "In the afternoon of Nov. 4, Wallenberg burst into the temple and stood himself in front of the altar and made this announcement: 'All those who have Swedish protective passports should stand up.' That same night a few hundred Jews were freed and returned to their houses under the protection of Hungarian policemen. People often ask me, 'Why did Raoul Wallenberg succeed?' The way I saw it, Raoul Wallenberg was forceful, determined and never hesitated in saying what he had to say and doing what he had to do."

Wallenberg discovers that the wife of Foreign Minister Baron Gabor Kemeny was born Elizabeth Fuchs, a Jew. He blackmails the foreign minister into restoring privileges of Wallenberg's Jewish staff members, including their exemption from wearing the yellow star, and certifying the validity of protective passes.

An "international ghetto" is established on orders of the Szalasi government. This is an outgrowth of the safe-houses agreement Wallenberg worked out with Horthy. Buildings in the international ghetto are marked with yellow stars and placed under the protection of the neutral legations.

Jews are seized on the streets, forced to march 15 to 20 miles a day in frigid weather, often without food, to the Austro-Hungarian border 125 miles away.

Berg writes: "The persecuted Jews only hope was Wallenberg. Like a rescuing angel he often appeared at the very last moment. Just when a deportation was about to start . . . he used to arrive with a written—false or genuine—permission to separate and set free all Jews with Swedish protection passes. If his proteges had already been brought out of the city, he hurried after them and conducted back as many as he could on hastily procured trucks."

He drives up to a column, shouts in German that he has permission to take back so many Jews, then takes the batch closest to him, with the Arrow Cross standing there dumbfounded.

He dresses Aryan-looking Jews in Arrow Cross uniforms and raids the deportation camps. Sometimes they stop real Arrow Cross on the street, demand to see their papers, declare the papers false and confiscate them—to be used later for rescue missions.

Thomas Veres, one of Wallenberg's drivers, writes: "He always overwhelmed the German SS with double-talk. Wallenberg would threaten to call their superiors if they didn't cooperate. We used every possible deception and trick, including bribing them and telling the SS he would write a favorable report about them after Germany lost the war . . . He was a great actor. He could imitate brilliantly. If he wanted to be, he could be more German than a Prussian general. Shouting louder, sounding more authoritative than the higher-ups."

Lars Berg writes: "Wallenberg's daring appearance at the scene of rescue was all the more admirable as Raoul was not at all a brave man by nature. During the air raids he was always the first to seek shelter, and he was sometimes affected when the bombs fell too close. But when it was a question of saving the lives of his proteges, he never hesitated a second. He acted with a challenging boldness and bravery, though his life then mostly hanged by much thinner a thread than during the air raids."

He sets up checkpoints along the march routes, then separates out those Jews with passports.

Wallenberg and Berg have dinner with Eichman. "It seemed like an ordinary, pleasant dinner party," Berg says. "We drank brandy. No voices were raised. But we could see the Russian artillery fire from our window. Wallenberg said, "Look, you have to face it. You've lost the war. Why not give up now?" Eichman disagrees, then says he knows, but will do his job to the end. Then Eichman says directly to Wallenberg: "Don't think you are immune just because you are a diplomat and a neutral." A few days later a German truck rams and demolishes Wallenberg's car. But he wasn't in it.

Jonny Moser, a self-described "errand boy of Wallenberg," writes: "800 Jewish soldiers were to be transported away . . . Wallenberg caught up with them at the border. 'Who of you has a Swedish passport? Raise your hand!' On his order, I ran between the columns and told people to raise their hand, whether they had a passport or not. He then took command of all who had raised their hand, and his attitude was such that nobody of the guards opposed it, so extraordinary was the convincing force of his attitude."

Gideon Hausner, who prosecuted Eichman after he was kidnapped and brought to trial in Israel, said: "Wallenberg followed the column of people with truckloads of food, clothing and medicine. He removed from the marching columns anyone who could

for any reason be declared Swedish and encouraged the local peasants to supply water and hot meals to the women and children. Eichman was furious."

On November 29, the Ministry of the Interior and Home Defense signs an agreement with the Gestapo to deliver 17,000 Jewish laborers. Wallenberg manages to save those with passes, but several thousand are taken away.

On December 9, the Russian army lays siege to the city.

Early in January, Wallenberg foils a plot to kill 70,000 people in the central ghetto. Just before the Russians were about to take over the city, 500 Nazis plan to machinegun all the inhabitants. A report on the plan goes before an Arrow Cross officer, Pal Szalay, who is also a Wallenberg spy. Wallenberg, informed of the plan, goes to Gen. August Schmidthuber, commander of the SS panzer division, to stop the massacre. He threatens to have him executed by the Russians when they come. Schmidthuber calls in the plotters and orders them to cancel the plan.

Jeno Levai, a writer himself saved by Wallenberg, writes: "It is of the utmost importance that the Nazis and the Arrow Cross were not able to ravage unhindered—they were compelled to see that every step they took was being watched and followed by the young Swedish diplomat. From Wallenberg, they could keep no secrets . . . They could not operate freely. They were held responsible for the persecuted and condemned. Wallenberg was the 'world's observing eye,' the one who continually called the criminals to account."

On January 12-13, Russian troops push into Budapest.

On January 17, Wallenberg and his chauffeur drive 137 miles east of Budapest to Debrecen to meet with Russian authorities. Except for numerous reports from former prisoners in the Gulag, the latest as recently as 1975, Wallenberg is never heard from again.

* * * * *

On January 13, 1945, Wallenberg presents himself to a Soviet street patrol in Budapest.

On January 17, flanked by a Soviet motorcycle escort, he begins the drive to Debrecen. He does not know that the red epaulet decorating the uniform of the major accompanying him is insignia of the NKVD, the Soviet State Security Service.

He makes several stops on the way out of Budapest: giving money to Jews in Swedish houses; checking on the Swedish Red Cross Hospital where he sees three Jews with yellow stars still on their chests. "I am happy to see my mission has not been completely in vain," he says.

Wallenberg and his driver, Vilmos Langfelder, are placed on a train bound for Moscow.

By January 31, he occupies cell 123 of the former Moscow Hotel, transformed into a fortress for political prisoners.

In April, members of Sweden's Budapest delegation pass through Moscow on their way home to Stockholm. The Swedish Ambassador to Moscow, Stefan Soderblom, chooses not to press the Russians on the whereabouts of Wallenberg, in the interest of good relations.

Under pressure from Wallenberg's family, the Swedish Foreign Office prods Soderblom to ask the Russians about Wallenberg. Soderblom gains an audience with Stalin at which he volunteers, "I personally believe Wallenberg was the victim of an accident or robbers in Budapest."

Soderblom rejects an offer of help in the Wallenberg matter from U.S. Ambassador to Moscow, Averell Harriman.

On March 7, 1945, Radio Kossuth, the voice of Soviet-occupied Budapest, broadcasts that Wallenberg and his driver were shot by a Gestapo agent on their way to Debrecen.

In August, 1947, Soviet Deputy Foreign Minister Andrei Vyshinsky tells the United Nations that an extensive search in the Soviet Union fails to locate Wallenberg. Vyshinsky speculates that Wallenberg has been kidnaped by Hungarian Nazis.

Between 1945 and 1947, the Swedish government receives 19 sworn testimonies from former cellmates or others who saw Wallenberg either in Lubyanka or Lefortovo prisons in Moscow.

In the early 1950s, Swedish diplomat Per Anger, who worked with Wallenberg in Budapest, suggests that the next Soviet spy caught by Sweden be made part of an exchange for Wallenberg. Foreign Minister Osten Unden, a believer in neutrality based on good relations with Russia, rejects the idea.

In 1961, a Swedish professor of medicine, Nanna Svartz, brings up the Wallenberg matter with one of her Soviet colleagues, Dr. A. L. Myasnikov, during an international scientific congress. Myasnikov tells Svartz he knew of Wallenberg and had heard he was in a mental institution and in poor health. Myasnikov is subsequently called before Khrushchev and recants.

In 1977, Dr. Anna Bilder, a Tel Aviv dentist who had never before heard of Wallenberg, receives a phone call from her father, Jan Kaplan, a Moscow Jew just released from a Soviet prison camp. Kaplan had been jailed in 1975 on charges of black marketeering following his request for an exit visa to Israel. Kaplan tells his daughter it is possible to survive in the Gulag: "In fact, I met a Swede in the Butyrki prison in Moscow who has survived 30 years."

During the next two more years, Anna Bilder receives no further word of or from her father. Then, in July, 1977, her mother has a letter smuggled to her. "My Dear Anna," it says, "The same thing has happened again to your father. For the past year and a half he has been imprisoned . . . I lost all hope after being summoned to the Lubyanka by the KGB, where I was told all this happened because of a letter concerning a Swiss or a Swede named Wallenberg who your father knew in the prison infirmary. Your father had written to you about this Wallenberg and tried to get it to you through tourists he met in the synagogue. Since then your father has been in Lefortovo and the Lubyanka."

The letter results in an official Swedish request to interview Jan Kaplan—the first official Swedish communication on Wallenberg in 14 years. The Soviets make no response.

In 1980, the Swedish government says it has reports from prisoners coming out of the Mordvinia prison in the republic of Moldavia that they have seen Wallenberg in a special prison for those inmates who are supposed to be officially dead.

Later in 1980, 35 years after taking him prisoner, the Soviets produce one piece of paper relating to the Wallenberg case. Dated February 6, 1957, it admits that Wallenberg had been taken prisoner in the 1940s and claims that recently found prison records show that he died of heart failure on July 17, 1947, in Lubyanka. The memo blames the affair on the Stalinists and is signed by the then-Deputy Foreign Minister (now Foreign Minister) Andrei Gromyko.

On May 30, 1980, Swedish Foreign Minister Ola Ullsten confers with Gromyko in Moscow, saying that reliable witnesses cause Sweden to doubt the Soviet's 23-year-old explanation. "We have nothing new to report," Gromyko says. "We stand by our 1957 memorandum."●

WEST GERMANY RESTRUCTURES STEEL INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

● Mr. LAFALCE. Mr. Speaker, the Wall Street Journal reports that the West German Cabinet has recently approved the equivalent of $1.17 billion in government subsidies to be matched by the states to finance a complete restructuring of the country's steel industry. West German steelmakers plan to cut capacity by about 13 million metric tons and cost by about $4.28 billion.

Our foreign competitors are moving to meet the challenges of the intensely competitive world marketplace. They are preparing their industries for the future by confronting difficult issues and making painful cutbacks. The United States must develop a competitive, forward-looking industrial strategy if it is to preserve its share of global markets.

[From the Wall Street Journal, June 15, 1983]

GERMAN CABINET APPROVES AID FOR STEEL FIRMS—SUBSIDIES OF $1.17 BILLION ARE PART OF STREAMLINING PLAN BUT STATES MUST PAY HALF

(By Roger Thurow)

BONN, WEST GERMANY.—The West German cabinet last night approved the equivalent of $1.17 billion in government subsidies to finance the costly restructuring of the country's sagging steel industry.

The cabinet said the federal government would provide half of the aid, but only if the various West German states would agree to contribute the other half. State and federal government representatives met yesterday but failed to reach an agreement on the subsidy financing.

Under a plan submitted to the European Community in early April, the government said West German steelmakers planned to undergo a painful restructuring that would slash capacity by about 13 million metric tons and cost about $4.28 billion. Once a subsidy package is worked out, the government also will submit it to the EC commission, which must approve any government aid for steel restructuring.

THYSSON, KRUPP MERGER

As envisioned under the German proposal, Thyssen AG and the Krupp group would merge their steel operations, while Hoesch AG and Paine-Salzgitter AG would cooperate in some production areas. The proposal also includes separate streamlining plans for Kloeckner-Werke AG and several smaller steelmakers.

Although the administration of Chancellor Helmut Kohl is rooted in the free market and generally disdains subsidies, it has been forced to reach deeply into its pockets to prop up the steel industry, which is one of the country's bellwethers. The cabinet, which is trying to bring down the budget deficit by controlling government spending, has made provisions for more than $389 million for steel aid in the federal budgets for 1983 to 1985.

State governments, for their part, are worried that steel-company collapses could devastate regions closely tied to the industry. But they have been dragging their feet in agreeing to share half the subsidy burden.

The biggest objection has come from the state of North Rhine-Westphalia, which includes the depressed Ruhr industrial area and is home to much of the German steel industry. The state is headed by the Social Democratic Party—the Christian Democrats control the federal government—and has said it couldn't carry the entire subsidy burden that would be assigned to it.

BADLY BATTERED

Steel industry officials doubt that the companies themselves could finance the steps necessary to scale down operations to a profitable level.

The German steel industry has been badly battered by its own inefficiencies and competition from steelmakers in other Common Market countries that are aided by government subsidies. West German steel production has shriveled to about 50% of the current capacity of 60 millions tons. Output last year fell to about 36 million tons from 42 million tons in 1981.

The industry's heavy losses and massive layoffs have reverberated loudly through a German economy that has been sputtering enough as it is.

No major German steel company has collapsed, although one smaller steelmaker, Korf-Stahl AG, has fallen into receivership. Korf-Stahl, as well as its holding company, Korf Industrie & Handel G.m.b.H., last January applied for court help in settling debts.

The federal government has long been propping up the troubled Arbed Saarstahl G.m.b.H., which is tucked away in the country's Saarland region and has received more than $850 million in aid since 1978. Neither Arbed Saarstahl nor Korf-Stahl is included in the present financing plan.●

DISTRICT 2 MEBA-AMO SIGNS "NO ADDED COST" PACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

● Mr. JONES of North Carolina. Mr. Speaker, as chairman of the House Committee on Merchant Marine and Fisheries, I am acutely aware of the present unfortunate state of the privately owned and operated American-flag merchant marine—the U.S. merchant fleet, now down to fewer than 500 ships, is not capable of meeting this Nation's commercial and defense needs, and that disturbs me.

I have presided over committee sessions in which diverse proposals to rebuild the U.S. merchant fleet were discussed candidly, thoughtfully by witnesses from the public and private sectors. A common theme in such sessions is cooperation—opinions on issues sometimes differ, but everyone agrees that government, industry, and labor must cooperate with each other before a truly effective national maritime policy can be put into motion.

Mr. Speaker, on June 21, District 2 Marine Engineers Beneficial Association-Associated Maritime Officers, AFL-CIO, which represents licensed U.S. merchant marine officers employed in the foreign and domestic trades, offered a perfect example of how interests can come together for a common, worthwhile, essential cause.

The union, acting unconditionally and of its own accord, agreed to defer wage and benefit increases provided for in its deep-sea collective bargaining agreements, and agreed further to extend its contracts with ocean-going ship operators for 3 years, until June 16, 1987. These actions, Mr. Speaker, will save the operators millions of dollars over the next 3 years and will help them remain afloat, in competitive operation, during these difficult times.

Mr. Speaker, I commend district 2 for its model initiative, and I include press release announcing the breakthrough agreement be inserted in the RECORD:

DISTRICT 2 MEBA-AMO SIGNS "NO ADDED COST" PACT

BROOKLYN, N.Y.—District 2 Marine Engineers Beneficial Association-Associated Maritime Officers, a nationwide union of licensed merchant marine officers employed on U.S.-flag cargo and passenger vessels, today announced the signing of an agreement providing substantial cost savings in its contracted deep-sea fleets.

District 2 MEBA-AMO President Raymond T. McKay said at union headquarters here that the pact—initiated by the union—is intended to keep U.S. merchant ships operating in "the harshest environment the American merchant marine has known since the end of World War II."

McKay said the agreement provides:

A one-year deferment of all June 16, 1983 wage and benefit increases provided for in existing collective bargaining agreements, without retroactivity. McKay said these fixed wage increases range from 7.5 percent to 21.3 percent.

A waiver of a scheduled cost-of-living "bonus," which had been set for June 16, 1983.

Removal of Port Relief Officer jobs from "covered employment," for significant savings in each eight-hour period of Port Relief.

Extension of existing collective bargaining agreements until June 16, 1987. The contracts had been due to expire on June 15, 1984.

McKay said the agreement, coupled with other cost-reduction actions taken by the union, saves ocean-going U.S.-flag ship operators under contract to District 2 "millions" in a three-year period.

"These savings," McKay stated, "will be realized because of the unilateral action of District 2 MEBA-AMO—the agreement is consistent with District 2's stated commitment to keep American-flag employers alive and their ships active."

McKay, stressing that the pact "has no strings attached," explained that it provides for wage and benefit "reopeners" during the term of the extended collective bargaining agreements.

District 2 MEBA-AMO, an affiliate of the AFL-CIO Maritime Trades Department represents U.S.-licensed marine engineers, deck officers, and radio operators employed deep-sea, on the Great Lakes, and on U.S. inland waterways.●

THE CRISIS IN EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. COLLINS) is recognized for 15 minutes.

● Mrs. COLLINS. Mr. Speaker, I rise today in support of yesterday's special order on the current crisis facing American education. I would like to thank my distinguished colleagues, CARL PERKINS, DENNIS HERTEL, BILL ALEXANDER, and PAUL SIMON from my own State of Illinois for having the insight and initiative to bring the House's attention to this matter of national significance.

Few issues currently before the Congress are more important for our country's future. The recent report of the National Commission on Excellence in Education argues that "we have in effect been committing an act of unthinking, unilateral educational disarmament." Indeed, the report likens "the tide of mediocrity" that has swept across public education in this country to "an act of war."

Clearly, we must do something to shore up the dikes of the Nation's schools. But the solution is more complicated than President Reagan would have us believe. The answers do not lie in simple slogans and budget cuts. Tuition tax credits, school prayer, and dismantling the Department of Education will not help our public schools. Rather, a program to revitalize American education must include enough Federal money to make the changes affordable to our local school districts.

Increased curricular requirements, longer schooldays and school years, gifted student programs, and competitive teacher pay are all good ideas, but all cost money. My colleague PAUL SIMON has estimated the cost of implementing the Commission's recommendations to be $1.4 billion in our home State of Illinois alone.

President Reagan says he supports plans to revitalize American education, but the facts show otherwise. He claims, for example, that his administration has increased funding for education. In fact, the administration proposed billions of dollars in budget cuts for fiscal years 1981, 1982, and 1983.

The President also wants to divert money away from the poor and minority students who need assistance to the upper income students who do not. He supports tuition tax credits, for example, while simultaneously proposing to slash funding for special programs

for disadvantaged students by 77 percent and reduce financial assistance for higher education by 34 percent. Freshman enrollment at black landgrant colleges has declined by 7.4 percent this year, and officials at these schools claim that reductions in student aid are the chief cause of this decline.

If this Nation wants to return to its former standard of excellence in educations, we, in Congress, must take action now. If our children are to compete in an increasingly technological and complex society, we must insure that they all have access to quality education. Good schools must be provided for the poor as well as the rich, for blacks as well as whites. We cannot simply hope that tax credits and prayers will save American education. Rather, we must spend money to implement the Commission's suggestions.

Mr. Speaker, I strongly support yesterday's special order. We have suffered from mediocrity in education for too long. We, in Congress, are in a position to do something to improve the situation. Let us get started.●

LEGISLATION AFFECTING THE FINANCIAL SERVICES INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 10 minutes.

● Mr. WIRTH. Mr. Speaker, the financial services industry is the key industry in our economy. It finances the innumerable daily transactions that make possible our national economic life. In recent years, however, we have witnessed a dramatic change in the structure of that industry and in the composition of capital flows. There has been a shift away from long-term financial investment needed for capital formation toward short-term instruments that provide liquidity for investors, accompanied by equally dramatic changes in the functions of financial institutions and the products and services they offer.

While these changes have their roots in the inflationary environment of the 1970's and the high and volatile interest rates that followed, the continued proliferation of new and exotic short-term instruments—money market deposit accounts as well as financial futures—has ominous implications for our economic future. The absence of long-term funds at reasonable rates of interest will impede efforts to modernize our industrial base and inhibit the expansion of small and new industries that create a substantial portion of new jobs. Unless our aging plant and equipment is replaced and the rate of capital formation accelerates, the prospects for economic growth will be greatly reduced.

Last August, along with nearly 70 cosponsors, I introduced legislation to create a Commission on Capital Markets to evaluate the Nation's long-term capital requirements and examine changes in financial structure and regulation from a broad public policy perspective. At the time, I was concerned that the rapid development of new short-term financial instruments and new types of hybrid financial institutions, coupled with the narrow and piecemeal fashion in which regulatory changes were being made, could seriously jeopardize the safety and soundness of our financial system, as well as inhibit its ability to supply long-term capital.

Events of the past months, including the proliferation of nonbank banks owned by securities firms and insurance companies, have culminated in the recent proposal by the Federal Deposit Insurance Corporation which would enable some 9,000 nonmember state banks to underwrite securities. Some have argued that this proposal violates the intent, if not the actual provisions, of the Glass-Stegall Act and that it could result in the greatest change in our financial system in 50 years.

These events have given new immediacy to my proposal. The need to assess what the impact of these changes in the financial system will be is greater now than it was last summer. There is some danger that the objectives of regulatory policy may be abandoned along with the framework in which they were embodied—that a new system could emerge that fails to balance concerns for competition and efficiency against traditional concerns for safety and soundness, investor protection, the fairness and equity of access to capital and credit, and the prevention of concentration of financial resources.

Another new development since last summer is the current proposal to impose a moratorium on any further expansion of the scope of activities and services offered by financial intermediaries. I support the moratorium proposal. But putting a stop to haphazard regulatory responses is not enough. We must also undertake a comprehensive and objective review of the financial needs of our ecomomy and of the ability of financial intermediaries to meet those needs. That review is needed—whether or not a moratorium is put into effect—to provide a sound basis for comprehensive reform legislation.

The legislation I am reintroducing today proposes the creation of a Commission on Capital Markets—composed of prominent individuals representing all sectors of the economy, including large and small business, labor, agriculture, and consumers, as well as financial interemediaries—to work closely with the Congress in evaluating changes in financial structure and regulation, focusing on the competitiveness of the entire economy as well as competition within the financial system. Rather than the current emphasis on how to divide the pie into pieces that satisify the various groups of financial intermediaries, the Commission's review would examine the role of the financial system in meeting our economic objectives and provide an opportunity to raise the level of debate.

The first charge in the Commission's review should be an evaluation of this economy's long-term capital requirements. What kinds of institutions will we need to meet those requirements? What will users of those institutions and markets—large and small, consumers and businesses, and governments as well—require for their continued vitality and growth?

Its second charge should be an evaluation of the impact of current and prospective laws and regulatory policies. How do these laws and regulations affect the ways savers choose among financial intermediaries—whether pension funds, insurance companies, thrift institutions, commercial banks, mutual funds, brokers and dealers, or financial supermarkets—and the ways these intermediaries choose to invest? How do regulatory policies affect the costs and risks various institutions face in attracting funds and how do these costs and risks affect, in turn, the availability and cost of funds to borrowers? Do all sectors and regions enjoy equal access to capital and credit? Do some enjoy preferential treatment in financial markets. Should they? If so, which sectors or regions should be favored?

Finally, the Commission should assess whether significant changes in Federal and State laws and regulatory policies are required and offer its assessments in a report to Congress within 9 months of its initial meeting.

The laws and regulations that have governed our financial system for the last 50 years have served us well. The goals they sought to achieve remain valid today. But we are at a crossroads and must construct a new regulatory framework that can maintain the viability of our financial intermediaries for the next 50 years. The establishment of a Commission on Capital Markets will assist the Congress in developing an efficient, sound, and fair financial system that can meet the economic needs of the future. The sooner we begin to evaluate those needs, drawing on the best outside resources and expertise we can find, the greater will be our chances of insuring an economic future fully commensurate with traditional American expectations. At this point, I include a section-by-section analysis and cosponsors of the bill:

SECTION-BY-SECTION ANALYSIS—COMMISSION ON CAPITAL MARKETS

Section 1 of the bill sets out the findings of Congress that there has been a shift of capital from long- to short-term investments and other fundamental changes in American financial markets; that regulatory agencies have broadly interpreted laws enacted many years before these changes occurred; that most of the underlying goals of laws governing American financial institutions remain valid today; and that a comprehensive and objective overview of the nation's capital needs and the ability of financial intermediaries to meet those needs would provide a sound basis for reform legislation.

Section 2 would provide for the establishment of a Commission on Capital Markets composed of 18 members jointly appointed by the Speaker of the House and the majority leader of the Senate after consultation with the chairmen and ranking minority members of the House Banking Committee, the Energy and Commerce Committee and the Senate Banking Committee; would require that the members of the Commission be acknowledged experts in financial and investment matters and represent users and suppliers of capital as well as financial intermediaries; and would permit the Speaker of the House and Majority Leader of the Senate to appoint members from Congressional committees with jurisdiction over the issues to be evaluated to serve as ex officio, nonvoting members of the Commission.

Section 3(a) would provide that the functions of the Commission include an evaluation of the capital needs of the U.S. economy to sustain long-term economic growth; the effect of current regulatory policies on the distribution of savings and the fairness, efficiency and cost of raising capital and credit; the role of the federal government in allocating credit; the effects of current and proposed changes in regulation and financial structure on competition and soundness, current safety mechanisms, the protection of investors and depositors and financial concentration; and an evaluation of methods for ensuring a smooth adjustment of regulatory and institutional structures during periods of rapid innovation.

This section would also provide for consideration by the Commission of the impact of telecommunications and information technologies on financial structure and the effects of international capital flows on U.S. borrowers; would give the Commission access to government and private data bases and existing studies and materials; would require that the Commission maintain a close working relationship with its ex officio members and consult with heads of the relevant regulatory agencies and provide opportunities for these officials and ex officio members to comment on the Commission's evaluations before the submission of its report to Congress.

Subsection (b) would provide that the Commission submit a report to Congress within nine months of its initial meeting, taking into account the comments of its ex officio members and heads of relevant government deparments and agencies, and that the report include an estimate of the capital needs of the U.S. economy; recommendations for legislative or administrative action to improve financial regulation to ensure that the nation's capital requirements will be met; and data and analyses used in developing the Commission's recommendations and findings.

Section 4 would provide that members serve on the Commission without compensation but be reimbursed for all necessary expenses.

Section 5 would enable the Commission to appoint staff without regard to federal laws governing the number, classification or compensation of employees; would limit the maximum compensation for staff to rates equivalent to grade GS-18 of the General Schedule; and would exempt staff and members of the Commission from federal laws relating to conflicts of interest or other restrictions applicable to federal government service or employment.

Section 6(a) would empower the Commission to sit, take testimony, authorize printing and binding, enter into contracts, make expenditures and administer oaths; would authorize the Commission to obtain information (including estimates and statistics) and suggestions from government officers, agencies and departments; would authorize heads of government agencies to make the facilities and services of their agencies available to the Commission on request and on a reimbursement basis; and would prohibit officers or agencies of the United States from imposing restrictions on the Commission's activities or requiring that it submit reports or recommendations for approval, comment or review before they are submitted to Congress.

Section 7 would provide for the dissolution of the Commission ninety days after the submission of its report.

Section 8 would authorize appropriations necessary to carry out the purposes of the Act.

COSPONSORS

Les Aspin, Berkley Bedell, Anthony Beilenson, David E. Bonior, Tony Coelho, Ronald Dellums, Brian Donnelly, Thomas Downey, Dennis Eckart, Bob Edgar, Don Edwards, Dante Fascell, Vic Fazio, Ronnie Flippo, Wyche Fowler, Martin Frost, Sam Gejdenson, Richard Gephardt, Dan Glickman, Albert Gore.

William Gray, Sam Hall, Kent Hance, W. G. Hefner, Steny Hoyer, William Hughes, Jim Jones, Ray Kogovsek, Marvin Leath, Gillis Long, Matthew McHugh, Edward Markey, George Miller, Norman Mineta, Steve Neal, Bill Nelson, Henry Nowak, James Oberstar, David Obey, Richard Ottinger.

Leon Panetta, William Ratchford, Charles Rose, Martin Sabo, Philip Sharp, Gerry Sikorski, Fortney Stark, Charles Stenholm, Al Swift, Mike Synar, Mo Udall, Doug Walgren, Wes Watkins, Henry Waxman, James Weaver, Ted Weiss, Charles Whitley, Howard Wolpe, Ron Wyden, Cardiss Collins, Mickey Leland, Don Bonker, Sam Gibbons, James Scheuer.

CALLING FOR REMOVAL OF U.S. ARMED FORCES FROM LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

(Mr. GONZALEZ asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, last Thursday, June 16, I introduced a joint resolution which is now numbered House Joint Resolution 298. In effect, I did so following remarks I had made here in which I alleged, and continue to do so, that the President is in violation of the War Powers Limitation Act of 1973.

As I explained, unfortunately it is up to the Congress to make that finding, under the peculiar wording and arrangement of that war powers declaration. I had communicated with the chairman of the Committee on Foreign Affairs previous to that, at which time I outlined the reasons why the President continues to be in violation of the War Powers Act, and I understood that it is up to the Congress to demand compliance.

Mr. Speaker, under leave to include extraneous matter, I include in the RECORD a copy of House Joint Resolution 298, as follows:

H.J. RES. 298

Whereas United States Armed Forces equipped for combat have been introduced into Lebanon;

Whereas this deployment is a new commitment of United States Armed Forces into a foreign nation for an unknown period of time expected to exceed two years;

Whereas this deployment is expected to be augmented by unknown numbers at unknown times;

Whereas this deployment is not related to the replacement or training of United States Armed Forces in a foreign nation;

Whereas these forces in Lebanon are subject to attack with the expectation that there will be greater danger as time passes and such forces assume larger responsibilities in Lebanon; and

Whereas this deployment is subject to the limitation of the War Powers Resolution: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That pursuant to section 5(c) of the War Powers Resolution the President of the United States be, and is hereby, directed to remove United States Armed Forces from Lebanon.

Mr. Speaker, I pointed out that the whole situation is tenuous, and since the impact of this resolution is to compel an immediate pullout of our troops or Marines in Beirut, those who are there fully equipped for battle, as defined in the war powers resolution, it would seem that some, including the President himself, would allege that that is an invasion of his prerogative as Commander in Chief. But I will remind my colleagues that that is exactly why the Congress passed and approved the War Powers Limitation Act late in 1973.

In the meanwhile, the imminence and the danger of violent action directed against our soldiers in Beirut continues to increase.

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Mr. Speaker, I include at this point a report dated June 21, yesterday, page 14 of the Washington Post, entitled "Time Called Short for U.S. in Lebanon," an article bylined by Mr. John M. Goshko. In it, the worst fears and apprehensions that I had raised last week and before continue to be confirmed.

The article follows:

[From the Washington Post, June 21, 1983]

TIME CALLED SHORT FOR U.S. IN LEBANON

(By John M. Goshko)

The U.S. effort to get foreign forces out of Lebanon is running out of time, and unless Syria eases opposition to a withdrawal agreement by the end of July, the administration probably will be unable to prevent Israel from pulling forces back to new positions in southern Lebanon, according to informed sources.

The U.S. campaign to coax Syria toward greater flexibility is tied to that time frame by the scheduled visits here of Lebanese President Amin Gemayel on July 22 and Israeli Prime Minister Menachem Begin on July 27, they said.

Begin will arrive under increasing pressure at home to redeploy the about 20,000 Israeli troops in Lebanon so as to lessen the risk of casualties from terrorist ambushes. Despite Israeli denials that a pullback has been decided, the sources said that David Kimche, director general of the Israeli forign ministry, began to lay the groundwork for such a move in talks here last week.

Kimche is understood to have said that Israel will give the administration more time to try to convince Syrian President Hafez Assad to cooperate with the Israeli-Lebanese peace accord worked out by Secretary of State George P. Shultz last month. Under the agreement, Israel will not pull its troops out of Lebanon unless there is simultaneous withdrawal by Syrian forces and Palestine Liberation Organization units in Lebanon under Syrian protection.

However, if President Reagan is unable to show some evidence of Syrian flexibility when he meets Begin, the sources believe that Israel will insist it can wait no longer. Although Kimche is known to have said that Israel will consult the United States and Lebanon before any military redeployment, both Washington and Beirut fear that a unilateral Israeli move would have serious consequences for efforts to end the Lebanon crisis.

The sources said that at a meeting with Shultz yesterday, Gemayel's national security adviser, Wadi Haddad, expressed concern that an Israeli retrenchment would stiffen Syrian resistance to a withdrawal. That, in turn, would raise the threat of a permanent partition of Lebanon, with the Israelis occupying a security buffer zone in the south and the Syrians and the PLO controlling the eastern part of the country. That would effectively scuttle the Lebanon-Israeli withdrawal accord and undermine the efforts of the Gemayel government to assert authority over the divided country.

An Israeli pullback also would leave a void of authority in central Lebanon that could lead to a new outbreak of unchecked civil war between feuding Moslem and Christian factions.

But, while the administration shares these concerns, U.S. officials say there is little they can do to put pressure on Syria in the coming month. In fact, the officials concede, the United States still does not have a clear idea of whether Syria is unalterably opposed to a withdrawal agreement or is stalling in hopes of getting more leverage for concessions from Lebanon and Israel.

There has been increasing speculation that Shultz, who leaves this week for Asia, will stop in Damascus en route home in early July to meet with Assad. Some White House officials are understood to believe that efforts to arrange such a trip should be given top priority, even if the results are only symbolic.

However, State Department officials while not ruling out the possibility, say that Shultz opposes the idea unless there are clear indications in advance that he could accomplish something concrete. And, these officials stress, the Syrians have given no sign they would be willing to deal with Shultz.

The other principal U.S. option is to try to induce Saudi Arabia, which gives Syria substantial financial support, to make a strong new effort to intervene with Assad. Haddad is understood to have urged that course in talks with Shultz yesterday.

However, in an interview here yesterday, Prince Talal, a brother of Saudi King Fahd, said his country already is working quietly behind the scenes and is doing "the maximum that is possible" to convince the Syrians to be reasonable.

Talal holds no official position in the Saudi government, and it was not clear to what degree he was speaking for the royal family. But the thrust of his message was that the United States must take the lead by establishing a "dialogue" with Syria and that Shultz should go to Damascus because he is the only U.S. official other than Reagan with sufficient stature to deal with Assad.

Mr. GONZALEZ. Mr. Speaker, repeating almost what I have said for longer than that for years about the tremendous equilibrium between the two major departments of our Government or organs of our Government, the executive and the Congress, that has resulted since the Defense Reorganization Act of 1947, I have said even long before I thought I would be in this body that certain things were possible of happening that would not, I believe, under the old system, where we had the old Department of War. Since, then, of course, and since the so-called hot action part of World War II, because I still allege that we have had no termination of World War II. World War II really has not ended. If it had, we would have a peace treaty or at least some understanding and we would not have 300,000 of our soldiers in Germany now; but nevertheless, the sense generally is that World War II has ended, the peculiar developments since World War II in which we have the so-called liberation wars, in which we have a medley of military-political decisionmaking to do and we still have not devised, that is, America has not, in my opinion, the policy that would enable us to handle that type of development.

As a result, we had Korea first and then Vietnam and now currently in the making is Latin America.

Mr. Speaker, at this point I include an interview with the departing Army Chief of Staff, Gen. Edward C. Meyer, by Richard Halloran of the New York Times, which appeared on Friday, June 17, in the New York Times on page B-6.

There is confirmation by a soldier of the most outstanding quality of what I have been trying to say and what I think my resolution stresses and underlines. I am going to just read excerpts from General Meyer's remarks, because I think my colleagues in the Congress are going to find that they cannot escape the responsibility that I am confronting by introducing this resolution.

The general says:

Few Americans, in or out of government, understand the lesson of military history, particularly from the Vietnam war, which teaches that there must be a clear link between people and the Army.

That is exactly what I say in the resolution.

The President when asked, "How long, Mr. President, will you have the marines in Beirut?" He said, "I don't know. That depends on the Lebanese Government." Incredible, yet that is the fact.

General Meyer goes on and says:

There is a total, absolute disconnect between the administration—

This administration—

and the Congress as to what the Armed Forces are to do and as to whether or not they are the right forces.

Another quote:

I believe we lose track of that around here—

That is, the teachings of military history—

We start to ask armies to go off to do things where it's not been thought how they fit into the national purpose, where there is not the link between purpose and people and Army.

I said here on the occasion right before introducing this resolution, quoting a soldier himself who was struck by fate and who said, "For if the trumpet give an uncertain sound, who then is prepared to do battle?"

This is exactly what General Meyer is telling us. If the trumpet gives forth an uncertain sound, who then is prepared to do battle?

My resolution, at least, is a recognition of what the Congress itself said should be our responsibility in order to avoid Presidential wars, undeclared wars, in which countless thousands of our youth are sacrificed with a feeling such as reflected by this distinguished soldier who served in two wars as being fruitless, needless, and dimly understood.

Mr. Speaker, the article by Mr. Halloran follows:

[From the New York Times, June 17, 1983]

FAREWELL CALL TO NATION ON ARMED FORCES POLICY

(By Richard Halloran)

WASHINGTON, June 16.—After fighting in two wars and then leading the United States Army out of the valley of disorder and turmoil into which it stumbled after Vietnam, Gen. Edward C. Meyer is on the verge of stepping down as Chief of Staff.

The 54-year-old general, who took over what he called a "hollow army" in 1979, is credited with guiding the service into new doctrines, new equipment, new education

for officers and sergeants, and especially with reviving an esprit with new personnel policies. But General Meyer, who is nicknamed Shy as a chubby man might be called Slim, is not departing for retirement without sounding a last bugle call.

In a farewell interview today, he delivered an informal valedictory that added up to an indictment of the way the nation provides for military security. Asked for his thoughts on American military philosophy and practices, the general declared:

"If we were trying to convince an enemy that we were able to go to war with a system that works like this, he would laugh."

ASSERTIONS ON ARMED FORCES

General Meyer, who will leave the service at the end of the month, also made these assertions:

The Reagan Administration and Congress lack a basic agreement on missions for the armed forces, thus precluding a rational approach to decisions on military policy.

Congress is out of control in the military arena, focusing on individual weapons programs instead of debating broad issues of the budget, national strategy and effective spending.

Few Americans, in or out of government understand the lesson of military history, particularly from the Vietnam War, which teaches that there must be a clear link between the people and the Army. "Soldiers should not go off to war without having the nation behind them," he said.

Among the reforms the general advocated would be military budgets approved for two years at a time, instead of the current yearly wrangle. That would give Congress a year to examine issues and to inspect forces in the field before voting, he contended.

He urged Congressional committees to revise their roles. Gesturing toward Capitol Hill from his office in the Pentagon, General Meyer said: "I think that they have to sort out their missions over there as to who is in charge of what."

As for the link between the Army and the people, he advocated a return to the draft. "I have great concern about the future of a nation in which there is no responsibility for service placed upon the people," he said.

General Meyer, who was a member of the Joint Chiefs of Staff, the senior military advisers to the President and the Secretary of Defense, said "There is a total, absolute disconnect between the Administration and the Congress as to what the armed forces are to do and as to whether or not they are the right forces."

"If you start out with nobody having any general agreement as to what the forces are supposed to do," he continued, "it's no wonder that we don't have a rational approach."

The general was particularly scathing in his indictment of Congress. With a chuckle, he said that "this is Meyer's personal view but I don't mind telling Congress how to do business since they've been telling me how to do business for the last few years."

"Every one of those committees is looking at individual weapons systems to cut, to stretch out, to do something," he said. "There is no continuity in programs, there is no stability, there is no incentive to industry. Nobody in Congress looks at what the purposes of the forces are."

In both the Senate and the House, General Meyer said, the Budget Committees should look at how much money is available to the nation and what portion of that money can logically be allocated to defense. "Just numbers," he added. "They shouldn't be getting into details."

He said the Armed Services Committees "ought to be in this policy issue" and "ought to be the experts in the Congress on the strategy and the types and kinds of forces that are necessary to support that strategy."

"The Appropriations Committees are charged with looking at whether or not we are doing efficiently and effectively what it is that we are charged with and authorized to do," the general said. "They ought to be the watchdogs."

General Meyer said recently that most senior military officers would oppose the dispatch of American troops to Central America without a clear declaration of political purpose and military objectives, partly because the American people would not support that move.

LESSON OF VIETNAM STRESSED

Expanding on the thoughts underlying that statement, General Meyer said that from an assessment of the Vietnam experience, "it became quite clear that the will of the people, the resources of the nation, and the Army weren't clearly linked in that war."

Referring to the teachings of military history from Sun Tzu to Clausewitz, General Meyer said: "I believe we lose track of that around here. We start to ask armies to go off to do things where it's not been thought how they fit into the national purpose, where there is not the link between purpose and people and army."

"I don't think the American public understands that at all," the general lamented.

He continued: "I don't think most of the people who deal in the national security area, both inside and outside the government, understand the criticality of this, of the way in which we go about approaching national security issues."

General Meyer said that given the philosophy that a connection between the people, the government and the army is vital, "then it is absolutely essential that the representatives of the people in the Congress, those responsible for running the nation in the executive branch, and the defense forces have the same clear linkage."

CORRECTION TO MOTION IN STATEMENT OF MANAGERS ACCOMPANYING CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 91, FIRST CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1984

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JONES of Oklahoma. Mr. Speaker, I submit for printing in the RECORD a correction to the motion contained in the joint statement of managers accompanying the conference report on the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986:

In section 4 of the proposed motion to recede and concur in the Senate amendment with an amendment printed in the joint statement of managers on the conference report on H. Con. Res. 91, insert ", made pursuant to section 302(a) of such Act," before "shall be enrolled" both times it appears.

ALLOCATIONS OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES, PURSUANT TO CONGRESSIONAL BUDGET ACT

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JONES of Oklahoma. Mr. Speaker, I hereby submit for printing in the RECORD the allocations to the House committees made pursuant to section 302(a) of the Congressional Budget Act to accompany the conference report on House Concurrent Resolution 91:

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1983

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
HOUSE APPROPRIATIONS COMMITTEE			
Current level (enacted law):			
050 National defense	244,863	214,975	0
150 International affairs	22,393	12,002	0
250 General science, space, and technology	7,903	7,703	0
270 Energy	5,001	5,331	0
300 Natural resources and environment	14,259	14,401	0
350 Agriculture	20,087	2,083	0
370 Commerce and housing credit	4,394	2,852	0
400 Transportation	12,396	22,521	0
450 Community and regional development	7,876	6,981	0
500 Education, training, employment, and social services	27,569	27,664	0
550 Health	25,022	29,821	0
570 Medical insurance	15,459	16,389	0
600 Income security	57,602	63,465	0
650 Social security	2,260	5,662	0
700 Veterans benefits and services	24,205	24,314	0
750 Administration of justice	5,217	5,126	0
800 General government	9,654	9,735	0
850 General purpose fiscal assistance	5,203	5,206	0
900 Net interest	8	8	0
920 Allowances	800	900	0
950 Undistributed offsetting receipts	30	30	0
Subtotal	512,202	477,168	0
Discretionary appropriations action (assumed legislation)			
050 National defense	451	25	0
150 International affairs	785	261	0
270 Energy	80	150	0
300 Natural resources and environment	225	218	0
370 Commerce and housing credit	303	301	0
400 Transportation	46	46	0
500 Education, training, employment, and social services	5	0	0
550 Health	5	1	0
600 Income security	1,189	1,036	0
700 Veterans benefits and services	266	2	0
800 General government	35	35	0
Subtotal	3,390	2,075	0
Committee total	515,592	479,243	0
HOUSE AGRICULTURE COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	251	237	0
350 Agriculture	4,201	22,005	4,117
450 Community and regional development	412	648	0
850 General purpose fiscal assistance	145	145	145
Committee total	5,008	23,034	4,262

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1983—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
HOUSE ARMED SERVICES COMMITTEE			
Current level (enacted law):			
050 National defense	19	33	16,101
Committee total	19	33	16,101
HOUSE BANKING, FINANCE COMMITTEE			
Current level (enacted law):			
150 International affairs	0	−148	0
370 Commerce and housing credit	589	319	0
450 Community and regional development	207	71	0
500 Education, training, employment, and social services	0	11	0
550 Health	0	−1	0
600 Income security	25	0	0
700 Veterans benefits and services	0	−16	0
800 General government	5	5	33
900 Net interest	11	11	0
Committee total	836	253	33
HOUSE DISTRICT OF COLUMBIA COMMITTEE			
Current level (enacted law):			
750 Administration of justice	9	9	9
850 General purpose fiscal assistance	150	150	0
Committee total	159	159	9
HOUSE EDUCATION AND LABOR COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	15	14	4,163
600 Income security	39	37	5,391
Committee total	54	51	9,553
HOUSE ENERGY AND COMMERCE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	30	30	0
400 Transportation	91	91	87
550 Health	8	8	14,902
600 Income security	7,587	8,771	7,678
850 General purpose fiscal assistance	6	6	6
Subtotals	7,722	8,906	22,674
Discretionary action (assumed legislation):			
600 Income security	0	−32	−32
Subtotal	0	−32	−32
Committee total	7,722	8,874	22,642
HOUSE FOREIGN AFFAIRS COMMITTEE			
Current level (enacted law):			
150 International affairs	14,317	12,030	0
370 Commerce and housing credit	8	8	0
600 Income security	548	200	200
Committee total	14,872	12,238	200
HOUSE GOVERNMENT OPERATIONS COMMITTEE			
Current level (enacted law):			
800 General government	6	6	0
850 General purpose fiscal assistance	4,567	4,567	4,567
Committee total	4,573	4,573	4,567
HOUSE ADMINISTRATION COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	8	8	0
800 General government	45	15	50
Committee total	53	23	50
HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE			
Current level (enacted law):			
270 Energy	206	219	0
300 Natural resources and environment	98	56	11
450 Community and regional development	462	403	435
800 General government	1	1	0
850 General purpose fiscal assistance	726	729	726
Committee total	1,493	1,408	1,173

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1983—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
HOUSE JUDICIARY COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	36	54	0
600 Income security	11	4	4
750 Administration of justice	0	−9	100
800 General government	506	506	506
Committee total	554	555	610
HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	329	297	0
370 Commerce and housing credit	31	28	0
400 Transportation	452	−34	318
850 General purpose fiscal assistance	7	6	0
Committee total	819	297	318
HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	11	11	0
550 Health	0	−244	1,098
600 Income security	34,460	20,253	20,253
800 General government	11,604	11,604	0
Committee total	46,074	31,623	21,352
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE			
Current level (enacted law):			
270 Energy	860	925	0
300 Natural resources and environment	79	82	0
400 Transportation	14,387	−2	48
450 Community and regional development	5	9	0
Committee total	15,331	1,014	48
HOUSE SCIENCE AND TECHNOLOGY COMMITTEE			
Current level (enacted law):			
250 General science, space, and technology	5	5	0
270 Energy	0	22	0
Committee total	5	27	0
HOUSE VETERAN'S AFFAIRS COMMITTEE			
Current level (enacted law):			
700 Veterans benefits and services	1,413	884	15,954
Committee total	1,413	884	15,954
HOUSE WAYS AND MEANS COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	802	0	2,850
550 Health	0	0	101
570 Medical insurance	50,513	56,483	56,483
600 Income security	35,544	31,172	48,239
650 Social security	186,718	166,416	166,416
800 General government	10	10	0
850 General purpose fiscal assistance	342	337	342
900 Net interest	129,408	129,408	129,408
Committee total	403,336	383,826	403,840
UNASSIGNED TO COMMITTEES			
Current level (enacted law):			
050 National defense	−733	−733	0
150 International affairs	−12,645	−12,645	0
250 General science, space, and technology	−9	−9	0
270 Energy	−2,197	−2,197	0
300 Natural resources and environment	−2,841	−2,841	0
350 Agriculture	−88	−88	0
370 Commerce and housing credit	−101	−101	0
400 Transportation	−522	−522	0
450 Community and regional development	−311	−311	0
500 Education, training, employment, and social services	−47	−47	0
550 Health	−35	−35	0
570 Medical insurance	−19,722	−19,722	0
600 Income security	−15,105	−15,105	0
650 Social security	−4,478	−4,478	0
700 Veterans benefits and services	−685	−685	0
750 Administration of justice	−26	−26	0
800 General government	−16,167	−16,167	0
850 General purpose fiscal assistance	−4,746	−4,746	0
900 Net interest	−41,027	−41,927	−16,540
950 Undistributed offsetting receipts	−19,130	−19,130	0
Committee total	−140,615	−140,615	−16,540

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1983—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
Total allocation to House committees	877,300	807,500	484,173
UNASSIGNED—RESERVE INCLUDING ECONOMIC RECOVERY FUNDS. IN FUNCTION 500			
Discretionary action (assumed legislation):			
350 Agriculture	450	450	0
370 Commerce and housing credit	760	50	0
500 Education, training, employment, and social services	4,500	4,500	0
550 Health	350	350	0
Committee total	6,060	5,350	0
Grand total including funds reserved by Congress for subsequent allocation to committees	883,360	812,850	484,173

Note: Totals may not add because of rounding.

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
HOUSE APPROPRIATIONS COMMITTEE			
Current level (enacted law):			
050 National defense	17,100	101,465	0
150 International affairs	143	5,940	0
250 General science, space, and technology	0	2,217	0
270 Energy	0	3,596	0
300 Natural resources and environment	12	6,556	0
350 Agriculture	7	392	0
370 Commerce and housing credit	0	329	0
400 Transportation	385	16,471	0
450 Community and regional development	63	6,154	0
500 Education, training, employment, and social services	5,484	17,266	0
550 Health	22,850	26,108	0
570 Medical insurance	17,345	17,345	0
600 Income security	29,269	39,480	0
650 Social security	449	449	0
700 Veterans benefits and services	14,970	16,716	0
750 Administration of justice	105	806	0
800 General government	5,139	5,566	0
850 General purpose fiscal assistance	0	26	0
920 Allowances	0	24	0
Subtotal	113,321	266,905	0
Discretionary appropriations action (assumed legislaiton):			
050 National defense	250,434	137,519	0
150 International affairs	16,022	7,842	0
250 General science, space, and technology	8,704	6,087	0
270 Energy	5,306	1,815	0
300 Natural resources and environment	14,560	8,538	0
350 Agriculture	12,807	1,823	0
370 Commerce and housing credit	5,183	2,529	0
400 Transportation	11,452	10,074	0
450 Community and regional development	6,538	1,127	0
500 Education, training, employment, and social services	25,670	9,956	0
550 Health	9,077	5,853	0
570 Medical insurance	−4	912	0
600 Income security	26,381	18,539	0
650 Social security	−50	3,544	0
700 Veterans benefits and services	9,638	8,204	0
750 Administration of justice	5,611	4,968	0
800 General government	5,126	4,618	0
850 General purpose fiscal assistance	679	663	0
900 Net interest	30	30	0
920 Allowances	67	63	0
950 Undistributed offsetting receipts	−10	−10	0
Subtotal	413,193	234,667	0
Discretionary action by other committees (assumed entitlement legislation):			
050 National defense	1,622	1,567	0

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
150 International affairs	−48	−48	0
400 Transportation	−5	−5	0
500 Education, training, employment, and social services	1,452	1,256	0
550 Health	199	199	0
600 Income security	298	291	0
700 Veterans benefits and services	187	156	0
750 Administration of justice	149	100	0
850 General purpose fiscal assistance	5,017	5,017	0
920 Allowances	754	784	0
Subtotal	9,629	9,317	0
Committee totals	536,138	510,889	0
HOUSE AGRICULTURE COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	280	240	0
350 Agriculture	174	9,272	95
450 Community and regional development	1	553	0
850 General purpose fiscal assistance	186	186	186
Subtotal	640	10,251	280
Discretionary action (assumed legislation):			
350 Agriculture	100	100	0
Subtotal	100	100	0
Committee totals	740	10,351	280
HOUSE ARMED SERVICES COMMITTEE			
Current level (enacted law):			
050 National defense	20	25	16,946
Subtotal	20	25	16,946
Discretionary action (assumed legislation):			
050 National defense	0	0	1,003
Subtotal	0	0	1,003
Committee total	20	25	17,999
HOUSE BANKING, FINANCE COMMITTEE			
Current level (enacted law):			
150 International affairs	0	−167	0
370 Commerce and housing credit	767	−656	0
450 Community and regional development	114	104	0
500 Education, training, employment, and social services	0	−86	0
550 Health	0	−1	0
600 Income security	24	0	0
700 Veterans benefits and services	0	−16	0
800 General government	6	6	0
900 Net interest	11	11	0
Committee total	922	−803	0
HOUSE DISTRICT OF COLUMBIA COMMITTEE			
Current level (enacted law):			
750 Administration of justice	11	11	11
850 General purpose fiscal assistance	150	150	0
Committee total	161	161	11
HOUSE EDUCATION AND LABOR COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	15	13	2,409
600 Income security	46	42	5,528
Subtotal	61	55	7,937
Discretionary action (assumed legislation):			
500 Education, training, employment, and social services	0	0	1,054
600 Income security	0	−132	13
Subtotal	0	−132	1,067
Committee total	61	−77	9,004
HOUSE ENERGY AND COMMERCE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	32	32	0
400 Transportation	39	39	39
550 Health	8	8	21,307
600 Income security	10,080	10,279	7,974
850 General purpose fiscal assistance	6	6	6
Subtotal	10,166	10,365	29,326
Discretionary action (assumed legislation):			
550 Health	0	0	200
600 Income security	3,636	276	276
Subtotal	3,636	276	476
Committee total	13,802	10,641	29,802
HOUSE FOREIGN AFFAIRS COMMITTEE			
Current level (enacted law):			
150 International affairs	15,558	12,358	0
370 Commerce and housing credit	7	7	0
600 Income security	567	211	211
Subtotal	16,132	12,576	211
Discretionary action (assumed legislation):			
600 Income security	0	−3	−3
Subtotal	0	−3	−3
Committee total	16,132	12,573	208
HOUSE GOVERNMENT OPERATIONS COMMITTEE			
Current level (enacted law):			
800 General Government	31	30	0
850 General purpose fiscal assistance		1,142	1,142
Subtotal	31	1,172	1,142
Discretionary action (assumed legislation):			
850 General purpose fiscal assistance	5,017	3,763	3,763
Subtotal	5,017	3,763	3,763
Committee total	5,048	4,935	4,905
HOUSE ADMINISTRATION COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	7	8	0
800 General government	46	129	86
Committee total	54	137	86
HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE			
Current level (enacted law):			
270 Energy	315	134	0
300 Natural resources and environment	113	82	12
450 Community and regional development	454	477	507
800 General government	1	1	0
850 General purpose fiscal assistance	1,035	1,040	132
Committee total	1,919	1,734	651
HOUSE JUDICIARY COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	38	36	0
600 Income security	12	4	4
750 Administration of justice	0	−9	105
800 General government	506	506	506
Committee total	556	538	616
HOUSE MERCHANT MARINE AND FISHERIES COMMITTEE			
Current level (enacted law):			
300 Natural resources and environment	228	229	0
370 Commerce and housing credit	32	30	0
400 Transportation	473	−33	334
850 General purpose fiscal assistance	7	7	0
Committee total	739	233	334
HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE			
Current level (enacted law):			
370 Commerce and housing credit	11	11	0
550 Health	0	−133	1,373
600 Income security	36,330	21,911	21,911
800 General government	11,951	11,951	0
Subtotal	48,292	33,740	23,284
Discretionary action (assumed legislation):			
050 National defense	0	0	619
400 Transportation	0	0	−5
550 Health	0	0	−1
600 Income security	0	−273	−273
920 Allowances	0	0	905
Subtotal	0	−273	1,245
Committee total	48,292	33,467	24,529
HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE			
Current level (enacted law):			
270 Energy	808	975	0
300 Natural resources and environment	82	80	0
400 Transportation	16,201	−2	51
450 Community and regional development	0	6	0
Committee total	17,091	1,059	51
HOUSE SCIENCE AND TECHNOLOGY COMMITTEE			
Current level (enacted law):			
250 General science, space, and technology	5	5	0
270 Energy	24	34	0
Committee total	29	39	0
HOUSE VETERANS' AFFAIRS COMMITTEE			
Current level (enacted law):			
700 Veterans' benefits and services	1,444	1,078	16,317
Subtotal	1,444	1,078	16,317
Discretionary action (assumed legislation):			
700 Veterans' benefits and services	0	0	187
Subtotal	0	0	187
Committee total	1,444	1,078	16,504
HOUSE WAYS AND MEANS COMMITTEE			
Current level (enacted law):			
500 Education, training, employment, and social services	1,386	0	2,945
550 Health	0	0	35
570 Medical insurance	67,418	64,602	64,602
600 Income security	30,778	24,346	40,479
650 Social security	178,563	175,369	175,369
800 General government	11	11	0
850 General purpose fiscal assistance	359	357	359
900 Net interest	140,380	140,380	140,380
Subtotal	418,896	405,066	424,170
Discretionary action (assumed legislation):			
500 Education, training, employment, and social services	0	0	300
550 Health	0	0	−400
600 Income security	0	0	184
Subtotal	0	0	84
Committee total	418,896	405,066	424,254
UNASSIGNED TO COMMITTEES			
Current level (enacted law):			
050 National defense	−548	−548	0
150 International affairs	−13,024	−13,024	0
250 General science, space, and technology	−9	−9	0
270 Energy	−2,254	−2,254	0
300 Natural resources and environment	−3,226	−3,226	0
350 Agriculture	−88	−88	0
370 Commerce and housing credit	−69	−69	0
400 Transportation	−545	−545	0
450 Community and regional development	−320	−320	0
500 Education, training, employment, and social services	−63	−63	0
550 Health	−34	−34	0
570 Medical insurance	−22,259	−22,259	0
600 Income security	−12,622	−12,622	0
650 Social security	−2,962	−2,962	0
700 Veterans benefits and services	−689	−689	0
750 Administration of justice	−26	−26	0
800 General government	−17,218	−17,218	0
850 General purpose fiscal assistance	−189	−189	0
900 Net interest	−42,421	−42,421	−16,978
920 Allowances	−71	−71	0
950 Undistributed offsetting receipts	−18,040	−18,040	0
Subtotal	−136,676	−136,676	−16,978
Discretionary action (assumed legislation):			
150 International affairs	48	48	0
850 General purpose fiscal assistance	−5,017	−5,017	0

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SEC. 302(a) OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1984—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authority
Subtotal	−4,969	−4,969	0
Committee total	−141,644	−141,644	−16,978
Total allocation to House committees:			
Current level	493,799	607,653	504,383
Discretionary action	426,601	242,747	7,822
Total	920,400	850,400	512,205
UNASSIGNED—RESERVE INCLUDING ECONOMIC RECOVERY FUNDS IN FUNCTION 500			
Discretionary action (assumed legislation):			
350 Agriculture	600	600	0
370 Commerce and housing credit	0	200	0
450 Community and regional development	125	125	0
500 Education, training, employment, and social services	3,500	3,500	0
550 Health	2,000	2,000	0
600 Income security	1,950	1,950	1,500
700 Veterans benefits and services	150	150	0
Committee total	8,325	8,525	1,500
Total, current level	493,799	607,653	504,383
Total, discretionary action	434,926	251,272	9,322
Grand total, including funds reserved by Congress for subsequent allocation to committees	928,725	858,925	513,705

Note: Totals may not add because of rounding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCKERNAN) to revise and extend their remarks and include extraneous matter:)

Mr. SENSENBRENNER, for 15 minutes, today.

Mr. RIDGE, for 3 minutes, today.

(The following Members (at the request of Mr. CARR) to revise and extend their remarks and include extraneous material:)

Mrs. KENNELLY, for 60 minutes, today.

Mr. SYNAR, for 10 minutes, today.

Mr. SMITH of Florida, for 5 minutes, today.

Mr. GEPHARDT, for 5 minutes, today.

Mr. ADDABBO, for 15 minutes, today.

Mr. WON PAT, for 15 minutes, today.

Mr. DWYER of New Jersey, for 10 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. CONYERS, for 60 minutes, today.

Mrs. COLLINS, for 15 minutes, today.

Mr. WIRTH, for 10 minutes, today.

Mr. STAGGERS, for 60 minutes, on June 28.

Mr. GONZALEZ, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BERMAN, on the Fiedler amendment to H.R. 3329, in the Committee of the Whole, today.

(The following Members (at the request of Mr. MCKERNAN) and to include extraneous matter:)

Mr. GUNDERSON.

Mr. SENSENBRENNER.

Mr. DANIEL B. CRANE.

Mr. PARRIS.

Mr. KEMP in three instances.

Mr. THOMAS of California.

Mr. HYDE.

Mrs. JOHNSON.

Mr. MORRISON of Washington.

Mr. CONTE.

Mr. BETHUNE.

Mr. DANNEMEYER.

Mr. PORTER.

Mr. GILMAN in two instances.

Mr. BROYHILL in two instances.

Mr. LEWIS of Florida.

Mr. COURTER.

Mr. O'BRIEN.

Mr. COATS.

Mr. CARNEY.

Mr. DREIER of California.

(The following Members (at the request of Mr. CARR) and to include extraneous matter:)

Mr. HAMILTON.

Mr. WEISS.

Mr. ST GERMAIN.

Mr. DYSON.

Mr. EDGAR.

Mr. KOGOVSEK.

Mr. CHAPPELL.

Mr. NICHOLS.

Mr. OWENS.

Ms. FERRARO.

Mr. LOWRY of Washington.

Mr. RODINO in two instances.

Mr. ADDABBO in two instances.

Mr. DE LUGO.

Mr. MAZZOLI in two instances.

Mr. SOLARZ in three instances.

Mr. ROE in two instances.

Mr. WON PAT.

Mr. SIKORSKI.

Mr. FORD of Michigan.

Mr. GORE.

Mr. LUNDINE.

Mr. JONES of Oklahoma.

Mr. ROSTENKOWSKI.

Mr. STOKES.

Mr. HARRISON.

Mr. OTTINGER.

Mrs. SCHROEDER.

Mrs. BYRON.

Mr. HOYER in two instances.

Mr. MORRISON of Connecticut in two instances.

Mr. ZABLOCKI.

Mr. BOLAND in two instances.

Mrs. COLLINS.

Mr. SHELBY.

Mr. MCDONALD.

Mr. MINETA.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 336. An act to increase the penalties for violations of the Taft-Hartley Act, to prohibit persons, upon their convictions of certain crimes, from holding offices in or certain positions related to labor organizations and employee benefit plans, and to clarify certain responsibilities of the Department of Labor; to the Committee on Education and Labor.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Thursday, June 23, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1412. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a copy of the Embassy of Canada's diplomatic note No. 240 of June 17, 1983, with regard to the Garrison Diversion Unit, a water resources project in North Dakota; to the Committee on Appropriations.

1413. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report of loan, guarantee, and insurance transactions supported by Eximbank during May 1983 to Communist countries.

1414. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to sell certain defense articles and services to Egypt (Transmittal No. 83-39), pursuant to section 36(b) of the Arms Control Act; to the Committee on Foreign Affairs.

1415. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notice of the proposed issuance of a license for the export of certain defense articles sold commercially to French Guiana (Transmittal No. MC-11-83), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1416. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on political contributions by Ambassador-designate David M. Abshire, and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

1417. A letter from the Acting Secretary of the Interior, transmitting notice of the leasing systems to be used in the South Atlantic oil and gas lease offering, to be held on July 20, 1983, pursuant to section 8(a)(8) of the Outer Continental Shelf Lands Act, as amended; to the Committee on Interior and Insular Affairs.

1418. A letter from the Chairperson, Commission on Wartime Relocation and Intern-

ment of Civilians, transmitting a report on the Commission's recommendations, pursuant to section 4(c) of Public Law 96-317; to the Committee on the Judiciary.

1419. A letter from the Administrator, Panama Canal Commission, transmitting a report on a claim for $48,139 from the owners of the MV *Hellespont Courage* for damages, pursuant to section 1415(b) of Public Law 96-70; to the Committee on Merchant Marine and Fisheries.

1420. A letter from the Administrator, Panama Canal Commission, transmitting a report on a claim for $581,592 from the owners of the SS *Exxon Washington* for damages, pursuant to section 1415(b) of Public Law 96-70; to the Committee on Merchant Marine and Fisheries.

1421. A letter from the Comptroller General of the United States, transmitting a report on the U.S. Government Printing Office's pay and classification system compared to other Federal and private sector systems (FPCD-83-32, June 3, 1983); jointly, to the Committees on Government Operations, House Administration, and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2838. A bill to authorize the Secretaries of the Interior and Agriculture to provide assistance to groups and organizations volunteering to plant tree seedlings on public lands, and for other purposes, with amendments (Rept. No. 98-255, Pt. I). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 3190. A bill to establish an improved program for extra long staple cotton; with an amendment (Rept. No. 98-256). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONIOR of Michigan: Committee on Rules. House Resolution 242. Resolution providing for the consideration of the H.R. 1183, a bill to amend the Internal Revenue Code of 1954 to limit to $700 the maximum reduction in individual income tax resulting from the third year of the rate cuts enacted by the Economic Recovery Tax Act of 1981. (Rept. No. 98-258). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 243. Resolution providing for the consideration of a motion to recede and concur with the amendment in the amendment reported from conference in disagreement on House Concurrent Resolution 91. (Rept. No. 98-259). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 244. Resolution waiving certain points of order against consideration of H.R. 3363, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1984, and for other purposes. (Rept. No. 98-260). Referred in the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BONKER: Committee ON Foreign Affairs. H.R. 3231. A bill to amend the authorities contained in the Export Administration Act of 1979, and for other purposes; referred to the following committees for a period ending not later than July 22, 1983, to the Committee on Armed Services, for consideration of such portions of section 109 of the bill as fall within its jurisdiction pursuant to clause 1(c) of rule X; to the Committee on Banking, Finance and Urban Affairs for consideration of such portions of title III of the bill as fall within its jurisdiction pursuant to clause 1(d) of rule X; and referred to the Committee on the Judiciary for consideration of such portions of section 103 of the bill as fall within its jurisdiction pursuant to clause 1(m) of rule X (Rept. No. 98-257, Pt. I). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

Referral of H.R. 2510 to the Committee on Energy and Commerce extended for an additional period ending not later than June 24, 1983.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARNARD:

H.R. 3383. A bill to amend title VII of the Civil Rights Act of 1964 to provide increased protection for the religious observances and practices of employees; to the Committee on Education and Labor.

By Mr. FORD of Michigan:

H.R. 3384. A bill to amend and extend the life of title XI of the Higher Education Act, and for other purposes; to the Committee on Education and Labor.

By Mr. HUCKABY (for himself, Mr. DE LA GARZA, Mr. STANGELAND, Mr. JONES of Tennessee, Mr. FRANKLIN, Mr. WHITLEY, Mr. STENHOLM, Mr. ROSE, Mr. NICHOLS, Mr. THOMAS of California, Mr. EMERSON, Mr. COELHO, and Mr. STUMP):

H.R. 3385. A bill to provide equity to cotton producers under the payment-in-kind program; to the Committee on Agriculture.

By Mr. KOGOVSEK:

H.R. 3386. A bill to declare that certain land formerly used as a site for a school for the Ute Mountain Ute Indian Tribe is held in trust by the United States for the benefit of such Indian tribe and is part of the Ute Mountain Ute Indian Reservation; to the Committee on Interior and Insular Affairs.

By Mr. LOWRY of Washington (for himself, Mr. FISH, Mr. ACKERMAN, Mr. BERMAN, Mrs. BOXER, Mr. CONYERS, Mr. DELLUMS, Mr. DIXON, Mr. DYMALLY, Mr. FAUNTROY, Mr. FEIGHAN, Mr. FOGLIETTA, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVINE of California, Mr. MINETA, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. ROYBAL, Mr. STOKES, Mr. TORRES, Mr. TOWNS, Mr. WILSON, and Mr. BOSCO):

H.R. 3387. A bill to provide for payments to certain Japanese Americans, Aleuts, and other individuals who were interned, detained, or forcibly relocated by the United States during World War II, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUI (for himself, Mr. THOMAS of California, and Mr. FAZIO):

H.R. 3388. A bill to provide that the provisions of section 252 of the Economic Recovery Tax Act of 1981 (relating to transfers of property to employees subject to certain restrictions) shall apply to certain transfers occurring during 1973; to the Committee on Ways and Means.

By Mr. MORRISON of Washington (for himself, Mr. SKEEN, and Mr. MCNULTY):

H.R. 3389. A bill to amend the act of June 24, 1938, to allow the Secretary of the Interior to invest certain funds collected by Indian irrigation and power projects; to the Committee on Interior and Insular Affairs.

By Mr. NEAL:

H.R. 3390. A bill to prohibit the scuttling by the United States of naval vessels and former naval vessels that were powered by nuclear reactors; to the Committee on Armed services.

By Mr. PEASE (for himself and Mr. GIBBONS):

H.R. 3391. A bill to improve worker training under the Trade Act of 1974, and for other purposes; to the Committee on Ways and Means.

By Mr. ROSE (for himself, Mr. HOPKINS, Mr. JONES of North Carolina, Mr. HATCHER, Mr. THOMAS of Georgia, Mr. WHITLEY, Mr. TALLON, Mr. ROBERTS, Mr. FRANKLIN, Mr. DICKINSON, Mr. HUBBARD, Mr. MARTIN of North Carolina, Mr. ROGERS, Mr. SNYDER, Mr. HEFNER, Mr. BRITT, and Mr. DANIEL):

H.R. 3392. A bill to amend the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. SENSENBRENNER (for himself and Mrs. LLOYD):

H.R. 3393. A bill to modify the operation of Federal and State antitrust laws for the conducting of certain research and development activities jointly, and for other purposes; jointly, to the Committees on the Judiciary and Science and Technology.

By Mr. SIMON (for himself, Mr. PERKINS, and Mr. COLEMAN of Missouri):

H.R. 3394. A bill to provide additional authority for the consolidation of student loans and to make certain other changes in Federal student financial assistance; to the Committee on Education and Labor.

By Mr. TAYLOR (for himself and Mr. PASHAYAN):

H.R. 3395. A bill to amend title 39, United States Code, to provide that the use of a nine-digit ZIP code system (or any system of more than five digits) be voluntary; to the Committee on Post Office and Civil Service.

By Mr. THOMAS of California:

H.R. 3396. A bill to amend the Internal Revenue Code of 1954 to remove certain inequities relating to private foundations; to the Committee on Ways and Means.

By Mr. WIRTH (for himself, Mr. ASPIN, Mr. BEDELL, Mr. BEILENSON, Mr. BONIOR of Michigan, Mr. COELHO, Mr. DELLUMS, Mr. DONNELLY, Mr. DOWNEY of New York, Mr.

ECKART, Mr. EDGAR, Mr. EDWARDS of California, Mr. FASCELL, Mr. FAZIO, Mr. FLIPPO, Mr. FOWLER, Mr. FROST, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GLICKMAN, Mr. GORE, Mr. GRAY, Mr. SAM B. HALL, Mr. HANCE, Mr. HEFNER, Mr. HOYER, Mr. HUGHES, Mr. JONES of Oklahoma, Mr. KOGOVSEK, Mr. LEATH of Texas, Mr. LONG of Louisiana, Mr. MCHUGH, Mr. MARKEY, Mr. MILLER of California, Mr. MINETA, Mr. NEAL, Mr. NELSON of Florida, Mr. NOWAK, Mr. OBERSTAR, Mr. OBEY, Mr. OTTINGER, Mr. PANETTA, Mr. RATCHFORD, Mr. ROSE, Mr. SABO, Mr. SHARP, Mr. SIKORSKI, Mr. STARK, Mr. STENHOLM, Mr. SWIFT, Mr. SYNAR, Mr. UDALL, Mr. WALGREN, Mr. WATKINS, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WHITLEY, Mr. WOLPE, Mr. WYDEN, Mrs. COLLINS, Mr. LELAND, Mr. BONKER, Mr. GIBBONS, and Mr. SCHEUER):

H.R. 3397. A bill to establish a Commission on Capital Markets to evaluate the capital needs of the U.S. economy and the effects of Federal and State regulation of financial investment institutions and other financial intermediaries on capital formation and allocation and on economic activity, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. ADDABBO:

H.J. Res. 302. Joint resolution to authorize and request the President to issue a proclamation designating June 25, 1983, as "St. Gertrude's Operation Survival Day"; to the Committee on Post Office and Civil Service.

H.J. Res. 303. Joint resolution to authorize and request the President to issue a proclamation designating June 26, 1983, as "Pied Piper Foundation for the Performing Arts Day"; to the Committee on Post Office and Civil Service.

By Mr. SIMON (for himself, Mr. HUBBARD, and Mr. EMERSON):

H.J. Res. 304. Joint resolution directing the Secretary of the Treasury to study the feasibility and desirability of constructing a U.S. mint in Cairo, Ill.; to the Committee on Banking, Finance and Urban Affairs.

PRIVATE RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LIPINSKY introduced a joint resolution (H.J. Res. 305) proclaiming Lech Walesa to be an honorary citizen of the United States of America; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Mr. MINISH.

H.R. 53: Mr. SAWYER.

H.R. 132: Mr. EDWARDS of California, Mr. MOAKLEY, and Mr. HORTON.

H.R. 287: Mr. MCCAIN and Mr. STENHOLM.

H.R. 396: Mr. PASHAYAN.

H.R. 433: Mr. ACKERMAN, Mr. EVANS of Illinois, Mr. FORD of Tennessee, Mr. ROE, Mr. BILIRAKIS, Mr. FORSYTHE, Mr. JONES of North Carolina, Mr. ROBINSON, and Mr. STOKES.

H.R. 800: Mr. FISH and Mr. DWYER of New Jersey.

H.R. 898: Mr. TOWNS, Mr. MARTIN of North Carolina, and Mr. MACKAY.

H.R. 953: Mr. MARTINEZ.

H.R. 964: Mr. DURBIN.

H.R. 1016: Mr. WEAVER, Mr. CLAY, and Mr. MILLER of California.

H.R. 1092: Mr. KASICH, Mr. CLINGER, and Mr. LANTOS.

H.R. 1226: Mr. FOWLER and Mr. BARNARD.

H.R. 1329: Mr. NIELSON of Utah.

H.R. 1730: Mr. DANNEMEYER, Ms. FIEDLER, Mr. HANSEN of Idaho, Mr. FORSYTHE, and Mr. RITTER.

H.R. 2043: Mr. MOLLOHAN.

H.R. 2053: Mr. THOMAS of California.

H.R. 2069: Mr. BATES.

H.R. 2071: Mr. BARNARD, Mr. LEWIS of California, Mr. SIMON, Mr. ANTHONY, and Mr. SHUMWAY.

H.R. 2072: Mr. BROOMFIELD.

H.R. 2073: Mr. PORTER and Mr. OLIN.

H.R. 2085: Mr. WHITEHURST.

H.R. 2095: Mr. PHILIP M. CRANE.

H.R. 2142: Mr. FISH.

H.R. 2225: Mr. BILIRAKIS, Mr. COUGHLIN, Mr. THOMAS of California, Mr. ANDREWS of North Carolina, and Mr. DICKINSON.

H.R. 2250: Mr. RANGEL, Mr. KOGOVSEK, Mr. STOKES, Mr. LUKEN, Mr. TOWNS, Mr. HANSEN of Idaho, Mr. MRAZEK, Mr. REID, Mrs. JOHNSON, Ms. FERRARO, Mr. BATES, Mr. LANTOS, Mr. DICKS, Mr. COOPER, and Mr. ADDABBO.

H.R. 2262: Mr. ANDREWS of Texas, Mr. CORCORAN, Ms. FIEDLER, Mr. MCCOLLUM, Mr. PASHAYAN, Mr. SKELTON, and Mr. STENHOLM.

H.R. 2440: Mr. NIELSON of Utah, Mr. BILIRAKIS, Mr. WINN, Mr. WHITEHURST, Mr. JEFFORDS, Mr. WON PAT, Mr. SMITH of Florida, and Mr. BLILEY.

H.R. 2490: Mr. DWYER of New Jersey.

H.R. 2491: Mr. LOWRY of Washington, Mr. CONYERS, Mrs. HALL of Indiana, Mr. PANETTA, Mr. MARKEY, Mr. AKAKA, and Mr. DELLUMS.

H.R. 2679: Mr. WHITTAKER, Mr. BARNARD, Mr. RUDD, Mr. MCGRATH, Mr. FRENZEL, Mr. HYDE, Mr. RATCHFORD, Mr. SUNIA, Mr. CORCORAN, and Mr. TAUKE.

H.R. 2715: Mr. JACOBS.

H.R. 2752: Mr. ROE and Mr. TAUKE.

H.R. 2818: Mr. EDGAR.

H.R. 2819: Mr. RAHALL and Mr. COELHO.

H.R. 2839: Mr. YOUNG of Alaska, Mr. ROBINSON, Mr. MORRISON of Washington, Mr. WATKINS, Mr. NEAL, Mr. MCEWEN, Mr. CLINGER, and Mr. STANGELAND.

H.R. 2916: Mr. ERDREICH, Mr. CORRADA, Mr. MARRIOTT, Mr. ROBERTS, Mr. SHAW, Mr. EDGAR, Mr. COLEMAN of Missouri, and Mr. BARNARD.

H.R. 2928: Mr. DANIEL B. CRANE.

H.R. 2956: Mr. WON PAT, Mr. BEILENSON, Mr. WILLIAMS of Montana, Mr. CONTE, and Mr. LEHMAN of Florida.

H.R. 3015: Mr. DREIER of California and Mr. DANNEMEYER.

H.R. 3072: Mr. NEAL, Mr. GREEN, Mr. WEISS, Mr. MARKEY, Mr. MARRIOTT, Mr. KILDEE, and Mr. RODINO.

H.R. 3231: Mr. CHANDLER, Mr. PATTERSON, and Mr. MCNULTY.

H.R. 3251: Mr. BEILENSON, Mr. OBERSTAR, Mr. OTTINGER, Mr. FAUNTROY, and Mr. FRANK.

H.R. 3264: Mr. PANETTA, Mr. WYDEN, Mr. SUNIA, Mr. CROCKETT, Mr. WHITTAKER, Mr. GOODLING, Mr. WYLIE, Mr. CHAPPIE, Mr. PARRIS, and Mrs. BOXER.

H.R. 3276: Mr. VENTO and Mr. WON PAT.

H.R. 3309: Mr. MOORE and Mr. DUNCAN.

H.R. 3364: Mr. WAXMAN, Mr. GEPHARDT, and Mr. BERMAN.

H.R. 3365: Mr. WAXMAN, Mr. GEPHARDT, and Mr. BERMAN.

H.R. 3366: Mr. WAXMAN, Mr. GEPHARDT, and Mr. BERMAN.

H.J. Res. 103: Mr. KILDEE, Mr. VANDERGRIFF, Mr. QUILLEN, and Mr. BONER of Tennessee.

H.J. Res. 210: Mr. CHANDLER, Mr. TAUKE, Mr. KOGOVSEK, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. HOYER, Mr. MCDADE, Mr. BATES, Mr. BEILENSON, Mr. MONTGOMERY, Mr. FISH, Mr. PANETTA, Mr. GRAMM, Mr. CHAPPELL, Mr. ECKART, Mr. GAYDOS, Mr. MACKAY, Mr. MOODY, Mr. RAHALL, Mr. YOUNG of Missouri, Mr. HAMMERSCHMIDT, Mr. MCCURDY, Mr. BEVILL, Mr. MCKERNAN, Mr. MCCAIN, and Mr. CONTE.

H.J. Res. 218: Mr. LIVINGSTON, Mr. MARTINEZ, Mr. STRATTON, and Mr. PRICE.

H.J. Res. 228: Mr. WHITEHURST, Mr. APPLEGATE, Mr. BATEMAN, Ms. MIKULSKI, Mr. BEVILL, Mr. HORTON, Mr. ACKERMAN, Mr. GEKAS, Mr. PANETTA, Mr. SYNAR, Mr. HUGHES, Mr. LEVIN of Michigan, Mr. PASHAYAN, Mr. FAUNTROY, Mr. TOWNS, Mr. CLAY, Mr. SISISKY, Mr. THOMAS of California, Mr. SHUMWAY, Mr. HANSEN of Idaho, Mr. LOEFFLER, Mr. DANIEL, and Mr. LELAND.

H.J. Res. 273: Mr. WEISS, Mr. MOORE, and Mr. ANDERSON.

H. Res. 15: Mr. DICKS, Mr. MCDADE, Mr. TAYLOR, and Mr. FLORIO.

H. Res. 137: Mr. MCKINNEY, Mr. TORRICELLI, Mr. MCNULTY, Mr. PATTERSON, and Mr. TAUKE.

H. Res. 172: Mr. WHITTEN.

H. Res. 191: Mr. EDGAR and Mr. MAVROULES.

H. Res. 215: Mr. DENNY SMITH.

H. Res. 231: Mr. SCHEUER, Mr. PENNY, Mr. STENHOLM, Mr. BERMAN, Mr. EMERSON, Mr. BEILENSON, Mr. MATSUI, Mr. FORD of Tennessee, Mr. MONTGOMERY, Mr. ROEMER, Mr. WEISS, Mr. RATCHFORD, Mr. VENTO, Mr. DE LUGO, Mr. LANTOS, Mr. COLEMAN of Texas, Mr. WOLF, Mr. ACKERMAN, Mr. LOWERY of California, Mr. DOWNEY of New York, Mr. CHANDLER, Mr. FEIGHAN, Mr. MCCLOSKEY, Mr. HERTEL of Michigan, Mr. VANDERGRIFF, Mr. TRAXLER, Mr. CROCKETT, Mr. FRANK, Mr. SCHUMER, Mr. MILLER of California, Mrs. SCHNEIDER, Mr. BOEHLERT, Mr. CARR, Mr. KAZEN, Mr. HOWARD, Mr. BROWN of Colorado, Mr. DURBIN, Mr. MCCURDY, Mr. STARK, Mr. MRAZEK, Mr. RAHALL, Mr. STRATTON, Mr. OTTINGER, Mr. RUDD, Mr. LOEFFLER, Mr. GEJDENSON, Mrs. BOXER, Mr. MOODY, Mr. LEVIN of Michigan, Mr. KILDEE, Mr. FAZIO, Mr. LEATH of Texas, Mr. BROWN of California, Mr. GREEN, Mr. ROGERS, Mr. BOSCO, Mr. MURPHY, Mr. MORRISON of Connecticut, Mr. DYSON, Mr. CARPER, Mr. WISE, Mr. ERDREICH, Mr. STAGGERS, Mr. WEAVER, Mr. LOWRY of Washington, Mr. SMITH of Iowa, Mr. PORTER, Mr. DONNELLY, Mr. YOUNG of Missouri, Mr. NOWAK, Mr. ALBOSTA, Mr. DORGAN, Mr. LIPINSKI, Mr. MICA, Mr. EVANS of Illinois, Mr. PATMAN, Mr. PANETTA, Mr. MACKAY, Mr. UDALL, Mr. EDGAR, Mr. SYNAR, Mr. SHELBY, Mr. RICHARDSON, Mr. WALGREN, Mr. GORE, Mr. SLATTERY, Mr. MARKEY, Mr. TAUZIN, Mr. RALPH M. HALL, Mr. BRYANT, Mr. SIKORSKI, Mr. MCKINNEY, Mr. GONZALEZ, Mr. EDWARDS of California, Mr. TAUKE, Mr. ECKART, Mr. LELAND, Mr. GILMAN, Mr. SKELTON, Mr. ROBERT F. SMITH, Mr. SUNDQUIST, Mr. WON PAT, Mr. DYMALLY, Mr. HUBBARD, Mr. DWYER of New Jersey, Mr. LEVINE of California, Mr. WATKINS, Mr. DERRICK, Mr. FOGLIETTA, Mr. VOLKMER, Mr. HATCHER, Mr. PATTERSON, Mr. GLICKMAN, Mr. BRITT, Mr. TORRES, Mr. KASTENMEIER, Mr. DICKS, Mr. HEFNER, Mr. WHITLEY, Mr. MAVROULES, Mr. HALL of Ohio, Mr. SMITH of Florida, Mr. GRAY, Mr. BARNARD, Mr. BONKER, Mr. KOGOVSEK, Mr. RUSSO, Mr.

D'AMOURS, Mr. AUCOIN, Mr. NEAL, Mr. OWENS, Mr. APPLEGATE, Mr. TORRICELLI, Mr. HUGHES, Mr. HOYER, Mr. MITCHELL, Mr. ANNUNZIO, Ms. SNOWE, Mr. HARKIN, Mr. JEFFORDS, Mr. BEDELL, Mr. COYNE, Mr. FLIPPO, Mrs. LLOYD, Mr. MOLLOHAN, Mr. BOUCHER, Mr. ANTHONY, Mr. HANCE, Mr. ANDREWS of Texas, Mr. PEASE, Mr. BEVILL, Mr. BARNES, Mr. DOWDY of Mississippi, and Mr. COOPER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2053: Mr. HUNTER.
H.R. 2262: Mr. HUBBARD.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

146. By the SPEAKER: Petition of the City Council, New York, N.Y., relative to a visa for Oscar Mendeleyev; to the Committee on Foreign Affairs.

147. Also, petition of the Board of Commissioners, Beaver County, Pa., relative to the U.S. speciality steel industry; to the Committee on Ways and Means.

148. Also, petition of the board of supervisors, County of Madera, Calif., relative to the Wine Equity Act of 1983; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1183

By Mr. FRENZEL: (in the nature of a substitute)

—On page 1, line 2, strike out all after the enacting clause, and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spending Reduction Act of 1983".

SECTION 2. REDUCTIONS IN SPENDING.

Legislation shall be enacted before October 1, 1983, which, as certified by the Congressional Budget Office, will reduce outlays in fiscal year 1984 by an amount which achieves spending policy reductions equal to at least $12,000,000,000. For purposes of the preceding sentence, action shall be taken into account only to the extent it will reduce budget authority a sufficient amount to reduce outlays below $852,400,000,000 in fiscal year 1984.

By Mr. McCURDY:

—Add the following new section at the end of the bill:

The changes in the individual income tax contained in this Act will be accompanied by a dollar-for-dollar reduction in outlays in fiscal year 1984, by an amount which is at least equal to the revenue projected to be collected from these changes in the individual income tax.

H.R. 2969

By Mr. BROWN of Colorado:

—Page 69, after line 18, add the following new section:

BENEFITS FOR WIDOWS OF CERTAIN RETIRED RESERVISTS

SEC. 1043. (a) The Secretary concerned shall pay an annuity to any individual who is the surviving spouse or a dependent child of a member or former member of the uniformed services who—

(1) died during the period beginning on September 21, 1972, and ending on September 30, 1978; and

(2) at the time of his death would have been eligible for retired pay under chapter 67 of title 10, United States Code, but for the fact that he was under 60 years of age.

(b) An annuity under subsection (a) shall be paid under the provisions of subchapter II of chapter 73 of title 10, United States Code, in the same manner as if the member or former member had died after September 30, 1980, and had elected under section 1448(a)(2)(B) of such title to participate in the Survivor Benefit Plan established by such subchapter and had made a designation under section 1448(e) of such title to provide an annuity to become effective on the first day after his death.

(c) If an individual entitled to an annuity under this section is also entitled to an annuity under subchapter II of chapter 73 of title 10, United States Code, based upon a subsequent marriage, the individual may not receive both annuities but must elect which to receive.

(d) As used in this section:

(1) The term "uniformed services" means the Armed Forces and the commissioned corps of the Public Health Service and of the National Oceanic and Atmospheric Administration.

(2) The term "surviving spouse" has the meaning given the terms "widow" and "widower" in section 1447 of title 10, United States Code.

(3) The term "dependent child" has the meaning given such term in section 1447 of title 10, United States Code.

(4) The term "Secretary concerned" has the meaning given such term in section 101(8) of title 10, United States Code, and includes the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration, and the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service.

(e) This section shall apply to annuity payments payable for months after September 1984. No benefit shall accrue to any person by virtue of the enactment of this section for any period before September 1, 1984.

EXTENSIONS OF REMARKS

CONGRESSWOMAN FERRARO REMARKS ON TRADE AND INDUSTRIAL POLICY

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. LUNDINE. Mr. Speaker, as chairman of the House Democratic Task Force on Trade, I am pleased to have this opportunity to bring to the attention of my colleagues remarks recently made by Representative GERALDINE FERRARO before the annual convention of the International Ladies' Garment Workers' Union.

I feel that Representative FERRARO is in a unique position to comment on the problems now confronting the textile industry. She has represented a large segment of New York's garment workers and has been an active participant on the Task Force on Trade. Representative FERRARO's remarks emphasize the need of the United States to formulate sound trade and industrial policies in order to promote economic growth. She refers to the importance of trade in our increasingly interdependent world economy and of our consequent need for a coherent trade policy which benefits the sale of our products overseas. Representative FERRARO also comments on the positive role which an effective national industrial policy would play in the revitalizaiton of the textile industry and other older industries.

I commend my New York colleague's remarks to the entire membership.

Her remarks follow:

REMARKS BY HON. GERALDINE A. FERRARO BEFORE ANNUAL CONVENTION OF INTERNATIONAL LADIES' GARMENT WORKERS' UNION

I am delighted to be here with you today. I must tell you that I have always had a very soft spot in my heart for the ILGWU.

You see, my father died when I was eight and my mother had to go back to work to support me and my brother. The trade she had learned as a little girl was that of crochet beader. Fortunately for our family, it was a skill she had not forgotten and could use to get a job when she became a widow. I remember when I was about 14 or 15 watching my mother bead and I asked her to teach me how to do it. She sat me down at the frame, put a needle in my hand and proceeded to show me how to attach bead after bead. She watched patiently for 10 minutes while I managed to attached about ten beads. My mother looked at me a little sadly, took the needle out of my hand and said, "Gerry, you'd better go to college or else you'll starve to death."

So here I am, someone who went to Congress because I couldn't make it as a Ladies' Garment Worker.

These are strange and troubling times in Washington and in America. After 27 months, I think it is pretty obvious that the Reagan Revolution of 1980 is not working. Reaganomics aren't working in the knitting mills or the steel mills. The President's program is not working in Birmingham, Michigan or Birmingham, Alabama. It is not working and too many Americans—too many garment workers—are not working as a result.

What has the Reagan Revolution really brought America?

A President who pledged he would balance the budget by 1984 is now talking about astronomical deficits—deficits in the $200 billion range—as far as the eye can see.

A President who boasted he would bring us unprecedented growth and prosperity has instead brought us unprecedented red ink.

A President who claimed his gigantic tax cuts for the wealthy would trickle down to the rest of us has instead ushered in an era of double-digit unemployment.

The plain fact is we are still in the midst of the longest, deepest economic recession since the Great Depression of the 1930s. The President's advisors speak of recovery. But we have seen no signs of recovery for the more than 11 million Americans who are out of work. Or for the millions of Americans so discouraged by the economic situation that they have given up even looking for work.

Record numbers of Americans are threatened with the loss of their homes. Business failures are at an all-time high. Interest rates are still so high that few can afford to borrow.

The Reagan recession has affected all of America's basic industries but it has affected none more severely than yours. The unemployment rate in the apparel industry has been, at times, as much as 60 percent above the national average.

This incredible statistic pains me. Not only because my mother worked in the garment industry. But because your industry has always been an important source of jobs for women and minorities—and a lifeline for newcomers to this country—whether they were Italians, like my people, or today's hardworking Spanish-speaking and Asian immigrants.

So when the garment and textile industries suffer, many many women and minorities and immigrants—and the families they support—also suffer.

As you know all too well, a tidal wave of garment imports is a major cause of the disastrous level of unemployment in your industry. In the past quarter century, the United States has lost a staggering 650,000 jobs in your industry, more than 110,000 of them since 1972. The shoe industry has lost 50,000 jobs. The current recession has quickened the pace of this job loss.

When John F. Kennedy was President, imported garments accounted for only four percent of the American market. Today, clothing imports hover around 40 percent. We import a third of the shoes we wear. In just 25 years, we have allowed foreign garment manufacturers to increase their share of our domestic market by one thousand percent.

How did the United States of America, the greatest, most productive industrial power on earth, arrive at the current state of affairs? Even more important, what should we do about it?

First, I want to tell you what we are not going to do. We are not going to throw in the towel on the textile and garment industries. "Made in America" means more than pride. It means quality. It means fair pay for work efficiently performed. And it means jobs.

Let me tell you what else we aren't going to do. We are not going to seek our salvation by pushing so-called high-tech industries—to the exclusion of everything else. High-tech industries—computer industries—have produced a lot of new jobs, it's true. But those jobs are not necessarily superior to jobs in our older mature industries. In fact, many of the new jobs pay lower wages. And what about job security? It's by no means guaranteed in high-tech. If you doubt this, just ask the hundreds of Atari employees in California who lost their jobs when Atari decided to relocate its manufacturing facilities in Taiwan.

The United States cannot maintain its position of industrial leadership by concentrating all our talents and energies on the production of video games!

Just last week, I had a meeting in my Washington office with Dr. Ulrich Steger, a member of the West German Parliament who is an expert on trade and industrial policy. One of the industries we talked about in some detail was the textile industry.

Only a few years ago, Dr. Steger told me, the German textile industry was on its deathbed. The West German government decided not to sit by and watch it fade away entirely. "This is an industry that is having problems," the political leaders said. "What can we do, as a nation, to solve these problems?"

The West Germans used an effective industrial policy to revive the failing textile industry. Textile factories were given loans to help them purchase the most modern of machinery and the most efficient of processes. But the workers were not forgotten. Training programs were developed to make workers competent in the new technology. Old skills were upgraded and new skills were developed. Displaced workers were absorbed into other industries.

Today, Germany is the third largest exporter of textiles in the world. A dying industry was revitalized by the effective application of government aid.

We are dealing in this country with an Administration that has—for all practical purposes—no trade policy and no industrial policy. What the Regan Administration likes to call "free trade" is really the old, old policy of "laissez faire"—which means, let the strong win and the weak fend for themselves.

Our country needs trade policies which enable us to sell our products overseas. Our world has grown too small and too interdependent for any nation to hope to maintain

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

a healthy economy by banning imports and trying to sell all its own products to its own people.

Did you know that one third of America's farmland now produces food that we sell to other countries? And did you know that exports account for 8.3 percent of our Gross National Product? And that four out of five new manufacturing jobs created during the 1970's were created in the export business?

Yes, trade is important. But what we do not need are trade policies which allow foreign nations to flood our markets while putting products made in America at an unfair disadvantage.

In the short term, we can, and should, provide some protection from low-cost imports to our hard-pressed basic industries. That is why I have joined with 88 of my colleagues in cosponsoring House Resolution 172. We are asking the President to roll back the level of imported garments from the current 40 percent of the market to 25 percent. Your industry is in deep trouble and Congress recognizes this fact.

I want to commend this union for not mounting a drive to close off the American market to all foreign imports. That kind of extreme action would hurt a number of developing nations and, in the long-run, hurt our efforts to revitalize our own garment industry.

A few weeks ago, I attended a fashion show in New York sponsored by the ILGWU. As the models paraded by in one beautiful and well-made garment after another, it was exciting to know that every single one of them had a secret ingredient—the union label. Why can't we do more, as a nation, to sell our clothing abroad—and at home? American-made blue jeans command hundreds of dollars on the black market in Soviet-block countries. Meanwhile, millions of Americans are walking around in jeans with French labels made in Taiwan.

No single industry should be asked to bear an unfair share of the burden of foreign competition. Your industry—which has traditionally paid modest wages and suffered from cycles of boom and bust—your industry—which began feeling the impact of foreign imports in the mid-1960s, when the auto and steel industries were still in good health—your industry deserves the help of the federal government. This is not protectionism but fairness.

In the long run, we must be willing to spend whatever it takes—the way West Germany and France and Japan did—and are doing—to improve the skills of our workers.

Production facilities—as Atari has shown us—can be moved from country to country. Money moves around the world at the speed of electronic computers. Over the long term, the nations with the best-trained, most highly skilled, most flexible workforce will always have a leg up on the competition.

The most important investment a nation can make is the investment it makes in its people.

Is the Reagan Administration ready to make this investment? Let me give you some facts and you can tell me what you think.

This is the President who wants to abolish the federal Department of Education at a time when our educational system is threatened by what experts have called a "rising tide of mediocrity."

This is the President who thinks the solution to an unemployment rate of 10.2 percent is to tell women to stay home. He just cannot understand that two-thirds of all women who work are single, divorced, widowed or married to men who make less than $15,000 a year. He simply does not know—or doesn't care—that women almost always get paid less than men do, no matter how hard they work.

This is the President who wanted to increase the nation's defense budget by 10 percent at the same time as he tried to cut education, training and social service programs by seven percent.

Even the Republican-controlled Senate didn't buy that one. The House Budget Committee, to which I belong, is about to begin negotiations with the Senate on a 1984 federal budget which will allow for a strong national defense without bleeding dry the programs that help make our society strong.

I personally am sick and tired of hearing the President of the United States get on television and say his economic plan is working. A drop in the inflation rate—as welcome as that is—doesn't do a whole lot of good for a person who is living on an unemployment check and about to go on welfare. We haven't licked inflation if our victory is achieved at the cost of the jobs and self-respect of millions of hard-working American men and women.

The President says the economy is improving. Well, I sincerely hope he's right. Don't let anyone try to tell you that Democrats want high interest rates or people out of work or business failing so we can look better in 1984.

That's because we Democrats are pretty confident that people like you will understand how badly the Reagan regime has hurt our economy. You understand the human misery that has resulted from this Administration's policies—and lack of policies. You will not forget this between now and November, 1984.

A few weeks ago, the Washington Post and ABC News did a poll. The question was "Do you approve or disapprove of the way Ronald Reagan is handling his job as president?"

The poll results were fascinating.

First of all, they showed that the "gender gap"—the tendency of women to be more critical of the President than men are—has not gone away.

Sixty percent of men surveyed throught President Reagan was doing a good job. But only 47 percent of women felt the same way. That 13 percent gap is what the pollsters call "statistically significant." It is significant because it shows that women understand that they, and their children, are being hurt the worst by the Reagan budget and the Reagan economy.

Secondly, the poll showed that 68 percent of families earning $30,000 a year or more thought the President was doing just great. But the 25 percent of American families who have a household income of $21,000 or less didn't think he was so terrific. Only 39 percent of them approved of the President's job performance.

More than half of all the people surveyed said they think President Reagan cares more about special interests than he does about all the American people. And 56 percent said they think the economy is staying the same—or getting worse.

Working together, we can elect Members of Congress who care about working people. We can elect Senators to reclaim those vital committee chairmanships now held by people like Orrin Hatch and Jesse Helms—lifelong enemies of women and minorities and labor unions. We can elect a President in 1984 who puts jobs and fair trade at the very top of his agenda.

If you think we can't do it, let me just tell you about a lunch I went to back in 1980. Ray Marshall, who was then the Secretary of Labor, was the speaker. "Can you imagine," he asked us, "what the Senate would be like if Jesse Helms was chairman of the Agriculture Committee and Orrin Hatch chaired the committee on Labor and Human Resources?"

Well, we all booed and hissed and jeered and had a good laugh because it sounded so ridiculous. The Republicans didn't think it was ridiculous. They were angry enough and rich enough and organized enough to make it happen and we're not laughing any more.

Now it's time for us to show that we're angry enough and organized enough and have enough money to turn things around. We made a good start in 1982—electing 26 new Democrats to Congress who have already helped to turn the Reagan budget around. We will need to do even better in 1984.

Labor can make it happen in 1984. You are tough, organized and angry. You understand what the economy is doing to American workers because to you unemployment is not a number on a chart in Washington but real people in New York and New England and North Carolina.

The ILGWU is a union that fights for its people. You fought—and continue to fight—the sweatshops where generations lost their health in return for miserable pay. You have fought for retirement security in an industry where employment is even more fickle than fashion itself. You have fought for women and minorities and immigrants—for decent wages and decent working conditions.

I hope you will fight now for national policies and national leaders to carry them out—policies of fairness, compassion and hope—not just for those who have already achieved the American dream but those struggling not to lose what they have won by their own hard work.

My dream is to be invited back here in 1985 and be able to tell you that our Democratic President, our Democratic Senate and our Democratic House of Representatives are working with you to protect not just one industry, or one special interest or one race or sex or class—but to protect the future of all of us.

Thank you.●

GETTING ON THE FAST TRACK

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the following editorial, which appeared in the Louisville Times on June 6, 1983.

This article gives an excellent illustration of the many contributions of talent and intellect that refugees and other newcomers to this Nation make.

We should take pride in their achievements and should ponder the lesson their accomplishments teach: There is no substitute for hard work in reaching a goal.

The editorial follows:

GETTING ON FAST TRACK—YOUNG VIETNAMESE EXCEL SCHOLASTICALLY

Vietnam has left us a peculiarly American legacy that has nothing to do with burned out helicopters in suburban Saigon. For once, this is a cheery one. Here in Louisville this spring, as well as in two Florida high schools, the top scholars included Vietnamese refugees—students who knew little or no English when they entered only a few years ago.

Now they're on the fast track to whatever they choose to call success, demonstrating once again the value immigrants place on an American education—and showing also that the surest way to this still touted land of opportunity is through learning and hard work.

At only 16, duPont Manual High School's Hien Le has the highest academic average among seniors taking the regular curriculum. Simultaneously, he also has completed a number of courses at the University of Louisville. The student is the second local Vietnamese refugee to win school honors in successive years. Seneca High School's Tho Bui shared the top spot at that school last year.

One of the Florida valedictorians, Dung Nguyen, had this advice for other foreign students: "Do your best and don't give up because it's discouraging at first. You'll feel lonely a lot of times, but there are a lot of good people to help. Just hang in there."

Those are also wise words for all American students. Academic difficulty imposes its own form of loneliness, no matter how familiar school and classmates are otherwise. And the way to prevail, as Miss Nguyen says, is just to hang in there.●

COLUMNIST WILLIAM RASPBERRY SAYS UNITED STATES SHOULD DEMONSTRATE ITS OPPOSITION TO SOUTH AFRICAN APARTHEID

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. SOLARZ. Mr. Speaker, recently an eloquent and timely column by William Raspberry appeared in the Washington Post. Mr. Raspberry, a well-known and respected columnist and commentator on international and domestic issues, called for substantial changes in U.S. policy toward South Africa.

Mr. Raspberry endorsed legislation I have introduced that would distance us from South Africa's racist policies and continued oppression of its black majority. Originally introduced as H.R. 1693, this legislation has been reported by the House Foreign Affairs Committee as title III of the Export Administration Act, H.R. 3231, which has been sequentially referred to the House Banking Committee.

Since I know that many of my colleagues are concerned about the nature of our relationship with South Africa, I ask that Mr. Raspberry's column be reprinted in today's CONGRESSIONAL RECORD.

[From the Washington Post, Friday, June 3, 1983]

A SIGNAL TO SOUTH AFRICA?

(By William Raspberry)

The United States, officially repulsed by South Africa's official racism, has yet to devise any effective means of dealing with it. We have tried diplomatic tongue-clucking. We have placed restrictions on transfers of military goods. Particularly during the Carter years, we stated our disapproval more directly. Now, under the Reagan administration, we are trying open-armed friendliness in an effort to nudge South Africa away from its most odious racial policies.

None of it has made the slightest difference in South Africa's treatment of its black majority. Maybe, in terms of American influence, it's a hopeless task. But Rep. Stephen Solarz (D-N.Y.) doesn't think so. He begins with the notion that while South Africa would like to have American approval—acceptance in the family of civilized nations—what it covets more is American investment: through individuals, through institutions and through American-based firms doing business there. This is the basis for Solarz' no-more-nonsense legislative proposal, which, at the very least, ought to trigger an important policy debate here.

The bill has three main provisions. It would establish a set of legally enforceable fair-employment standards for American companies operating in South Africa; it would bar U.S. banks from making loans to the South African government, "except for loans made for educational, housing or health facilities which are available on a nondiscriminatory basis in areas open to all population groups"; and it would ban the importation of South African gold coins, including the krugerrand, of which millions have been sold in America.

The fair-employment principles Solarz has in mind are similar to those outlined in the Sullivan Plan—except that the code drawn up by the Rev. Leon Sullivan calls for voluntary compliance. "By making fair-employment principles mandatory," Solarz contends, "we would overcome two serious problems with the present voluntary approach: first, that half of the American firms in South Africa have not signed the Sullivan principles, and, second, that at least a third of the signatories have failed to implement the code effectively."

The Solarz proposal, though it will disappoint advocates of full disinvestment, does have its attractions. It constitutes a solid statement of American principle, and its focus is on changing conditions in South Africa, not merely punishing the government. "I have no illusion that passage of this legislation would bring the apartheid system to its knees," says Solarz, "but it would make a significant difference in the lives of approximately 70,000 black men and women who work for American firms in South Africa. It would also limit U.S. sources of foreign exchange for the South African government, and, most important of all, it would send a powerful signal that the United States is prepared to oppose apartheid by deed as well as word."

Such a signal would be important, particularly in view of present U.S. policy, which supposes that being nice to South Africa will pay off in changing South African behavior, both internally and internationally. It clearly isn't working. Solarz is operating from a different premise: that while we might not be able to eliminate apartheid, we can at least stop being a party to it.●

URBAN GRANT UNIVERSITY ACT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. FORD of Michigan. Mr. Speaker, some 5 years ago, I had the privilege of being the original sponsor of legislation which eventually became title XI of the Higher Education Act—the Urban Grant University Act. This legislation is intended to make the talents, skills, and resources of our existing urban universities available to our local governments to help work on urban problems of high priority to those governments.

Title XI became law in October 1980, and with the advent of the Reagan administration and its savage efforts to reduce and even eliminate the Federal investment in education, efforts to fund title XI even at a modest level, necessarily took a back seat to the efforts to preserve already functioning programs. But, given the failure of the President's antieducation efforts, and the splendid bipartisan display of congressional support for a Federal investment in our schools; given, indeed, the spectacle of the President now denying that he sought to do what has been in his program since the day he submitted his first budget, it seems to me an appropriate time to begin thinking about funding title XI, and about taking the first steps toward its reauthorization when the Higher Education Act expires in the next Congress.

I know that the distinguished gentleman from Illinois (Mr. SIMON), chairman of the House Subcommittee on Postsecondary Education, agrees that it is time to begin thinking about reauthorization of the Higher Education Act, and as one small step among many that will have to be taken in this direction, I am today introducing a bill representing a first draft of a renewed and extended title XI. Let me assure the House, and let me assure the hundreds of urban universities who may be interested in this concept, that the bill introduced today is only a first cut at reauthorization. While the lack of appropriations to date has left us without experience as a guide to the workings of the title as it now reads, there are a few obvious corrections that should be made, and I am offering some changes which I think are worthy of discussion.

It is not my expectation that the bill submitted today will be accepted without change. Rather, I hope that it will provide a starting place for hearings, and suggestions from urban university community, from local governments, and from my colleagues in the House for improvements in the Urban Grant University Act.

Mr. Speaker, explained simply, title XI provides for small Federal grants to urban universities to enable those institutions to work closely with local governments providing such governments with applied research, technical assistance, specialized training, and other services aimed at coping with local problems which the local governments believe are of high priority. Many of the buzzwords of the past 3 years were embodied in title XI before it became law (and they became buzzwords). The title provides for local selection of problems, local design of responses, and for a minimum of Federal intervention in the process. As enacted in 1980, title XI's authorization ceilings were low, but in today's bill, I am proposing that we remove the dollar figures from the title altogether and authorize the appropriation of "such sums" as the Congress shall deem proper, given future circumstances. I do this not in any effort to disguise the fact that money will be needed to make the title move, but simply to assure that the title poses no threat whatever to any budgetary decisions Congress may make. The language of the title now avoids any grant formulas or other entitlement devices, and the language as reintroduced would underscore that fact.

I mention one other aspect of title XI as originally drafted and as it became law which is left untouched by this new bill, and which I would most earnestly hope would remain untouched. The present law, and the extension proposal make no distinction whatever between the public and independent sectors of higher education. Under this law, and under the new bill, the urban university community includes both public and independent institutions, all of whom can be of enormous help to cities struggling to find new resources and new ways to meet problems—old problems, and new problems alike, but growing problems in either case.

Mr. Speaker, it is my intention later to circulate this legislation to seek cosponsors, and I will be in touch individually with the Members who joined me in 1978 and 1979 and with other Members on both sides of the aisle who have indicated their interest in this legislation.

Mr. Speaker, the hearing record from 4 years ago, and my correspondence files, are filled with examples of how the principles of title XI could be applied. But one of the outstanding exponents of the legislation is Dr. Kenneth Ryder, president of Northeastern University in Boston, Mass. Dr. Ryder, among his other claims to educational eminence, is a member of the National Commission on Student Financial Assistance, a past president of the Association of Urban Universities, and one of the world's leading advocates of cooperative education. Northeastern University, like other outstanding urban institutions including Wayne State University in Detroit, has a great many projects which could be encouraged and helped under title XI.

I am including at this point in the RECORD a very provocative essay by Ken Ryder, describing the role he sees for the urban university.

[From the Christian Science Monitor, May 19, 1983]

THE UNIVERSITY AND THE CITY: A STRATEGY FOR THE FUTURE OF BOTH

(By Kenneth G. Ryder, president, Northeastern University)

If America is to prosper into the 21st century, the ivory towers of academe must go the way of the smokestacks of industry. Universities can no longer afford to stand aloof from the concerns of the local citizenry or the practical needs of industry.

Friction between town and gown is not a new problem. Twenty-four hundred years ago, Socrates stood in the marketplace to challenge the social order of the day.

In more recent times, the challenge to the war in Vietnam was fomented on campus and spilled over into riots and demonstrations in the streets, forcing our political structures to deal with acts of violent protest and one of the greatest moral dilemmas of America's history. Furthermore, throughout the centuries ago college students have too often gained a reputation for rowdy behavior and indifference to the concerns of citizens living near the college campus.

As early as the Middle Ages, universities tended to wall themselves off from the local populace. Faculty members wished to isolate students from the real world and its temptations in rural Cambridge, far away from sinful Boston.

The time has come to dismantle the walls and encourage a new partnership between town and gown. As new partnerships are built between industry and higher education, and some faculty members are turning from basic research to applied research, it is a good time to rethink all of the relationships between universities and the communities in which they reside.

This is especially true of urban universities. In reality, the city sustains the urban university, giving it much of its vitality, its appeal to students and teachers, and indeed a large part of its identity. Consequently, it is the university's responsibility to engage in a concerted effort to redirect toward the city the talent that comes to the university.

Too often—especially in these times of property tax revolt—the city focuses on the university's tax-exempt status and attempts, understandably, to exact a monetary payment for the services the city provides.

In Boston and other cities many residents see a crumbling school system, deteriorating public services, and an overall decline in the quality of life. They look at the numerous colleges and universities in the city and see only lost revenue. They are left with the impression that large, tax-exempt institutions are getting a free ride on the backs of other property owners, owners who pay a significant percentage of their paychecks in city taxes.

The real-estate tax exemption is based on the fact that colleges and universities were founded to serve an important social need, to educate, not to make a profit. They cannot be expected to fulfill their responsibilities to the city's welfare by financial contributions. They can, however, and must be expected to, repay the city in other ways more appropriate to their mission and their special expertise.

All urban universities are citizens of their cities. The problems of the city are the problems of the university. We have a responsibility to use our resources for the good of the city we serve—the city in which we live.

Colleges and universities offer a wealth of information in an information-based society. They prepare hundreds of thousands of people every year to meet the economic demands of our times. Without high technology, Boston and Route 128 or San Francisco and "Silicon Valley" could not possibly have weathered the recent recession. And without a strong, nationwide system of higher education, the United States would be home to few new-technology industries, and the world technological revolution would have passed us by entirely.

Yet campuses cannot remain the preserve of traditional college-age students. They must be viewed by the public and by the university itself as educational, recreational, and social resources for the community. At Northeastern, we have prepared courses designed to help the unemployed and the underemployed to retrain themselves to meet the needs of local employers.

Each year we offer full tuition scholarships to 11 City of Boston employees—from a firefighter to the head of the city's handicapped services—to improve their managerial skills and earn degrees from our graduate schools. When Boston was forced to lay off public school teachers as a result of Proposition 2½, Northeastern offered a special retraining program to assist them in reentering the job market.

But that is not enough.

Campuses must also be open to the community, providing facilities for neighborhood and organizational use as well as presenting cultural and social programs designed to improve the quality of urban citizens' lives.

Ford Hall Forum, the nationally renowned lecture series, has found a home at Northeastern, as has the Boston Lyric Opera. Boston high schools play their hockey games in our Matthews Arena, and free tuition is offered to three students from each of Boston's 17 public schools. These are but a few of the types of programs that Northeastern University and every other nonprofit institution have a responsibility to conduct if they are to be vital and viable members of the community.

A concerted effort on the part of urban universities and urban governments—with the assistance of the state and federal government—to redirect toward the city the talent that comes to the university can do much to enrich the quality of life of both the university and the city it serves.

As centers of intellectual talent, colleges and universities must use their professional expertise not only to attack the economic and social problems that affect our cities but also to provide the tools to teach people how to solve their own problems, to empower them to do the job that they themselves recognize needs to be done. Universities need to become strong advocates in state and federal legislatures for measures that will improve the quality of urban life.

In Massachusetts, for example, Northeastern has worked with city officials and legislators to seek state reimbursement to cities and towns for the tax value of property owned by nonprofit hospitals and educa-

tional institutions. We have urged that the amount of nontaxable property within each city and town be taken into account in the distribution of state aid to municipalities.

These initiatives seek to address the too common problem of benefits flowing from hospitals, museums, and colleges going to nonresidents of the city. The kinds of changes we have proposed would go a long way toward equalizing the tax burden of our citizens, a burden that too often falls on the urban taxpayer who is least able to pay.

Universities also need to be in the forefront to those demanding better housing, better health care, better public schools, and better job training for city residents. Here the university's role is not one of mere advocacy; it must enter into cooperative contracts with city, state, and federal agencies to design and deliver these services.

As the smokestacks of industry have given way to a new economic order, so the university walls must crumble in the fact of a new social order. The time has come for cities to give up the notion that the nontaxed universities are the untapped pot of gold which will save them from fiscal disaster. The time has come for universities to step down from their Olympian perches and acknowledge that if they are not part of the solution they are part of the problem.

This effort must come to fruition by a recognition on the part of the university as a whole that it is a citizen of the city: that the problems of the city—including those created by the university—are problems of the university; and that our having faculty, students, and research and service facilities means that we have an obligation to roll up our sleeves and get to work for the good of the city we profess to serve—and the city in which we live.●

PROBLEMS PLAGUING FEDERAL FISCAL POLICY

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. JONES of Oklahoma. Mr. Speaker, the Tulsa World published two editorials recently that are concise, logical, and full of commonsense in outlining the problems plaguing our Federal fiscal policy. I submit these editorials to the CONGRESSIONAL RECORD in the fervent hope that my colleagues will read them and concur with the Tulsa World's conclusion that we must reduce the massive Federal deficits. As these editorials note, there are ways to bring down the deficits, but Congress and the Reagan administration need to be realistic and make the hard choices.

[From the Tulsa (Okla.) World, June 4, 1983]

FOURTH-GRADE WISDOM

Jane Couch's fourth grade class at Jenks West Elementary school, exposed for the first time to the budget problems of the U.S. federal government, quickly saw the problem and acted, so far as they could, to correct it.

It is too bad that President Reagan and the Congress of the United States don't have the wit and nerve shown by Couch's fourth graders.

Fourth graders, after all, can see that if your outgo exceeds your income, you have a problem, a simple concept that so far has eluded the nation's leaders.

Told of the monstrous $1.3 trillion federal debt, the Jenks children raised $154.37 to be applied to the debt.

That's a drop in the bucket, obviously. But we'd bet those same children, given the elements of the problem, would (1) vote to raise the money to erase deficits by a relatively small increase in taxes and (2) move to stop the deficits from recurring by (3) passing a law that holds spending within expected income.

Too bad we can't haul the President and Congress to Jenks for a refresher course in fourth-grade arithmetic, or, maybe send the fourth graders to Washington.

[From the Tulsa (Okla.) World, June 10, 1983]

GOOD ADVICE

Murray Weidenbaum is no longer chairman of President Reagan's Council of Economic Advisers, but he still has advice for his former boss. Weidenbaum is telling the president to postpone indexing of the federal income tax system until federal deficits are cut.

That's not popular advice. Tax indexing came in a hard fought Congressional battle and the administration is reluctant to give it up or even postpone it. But Weidenbaum has a good point: "We have not earned the indexing of the federal income tax structure."

The Washington University professor is strongly in favor of indexing, but he realizes that tax collections will be lower once indexing goes into effect. That would not bother him if Congress had made sufficient budget cuts to offset the drop in tax revenue. But Congress didn't and the prospect of back-to-back deficits of $200 billion concerns Weidenbaum.

Too many congressmen are touting the wonders of indexing but aren't willing to make the hard choices necessary to cut federal spending. As Weidenbaum puts it, they protest that "defense spending is politically too important to cut, entitlements are too difficult to cut and the other categories are too small to mess with."

The former economic adviser's advice is simple: Postpone tax indexing until the budget has been trimmed. Unfortunately, that advice is likely to fall on deaf ears. It did when U.S. Rep. Jim Jones offered the president the same message two years ago: Lower spending first, then cut taxes.●

THE MELTING POT, REVISITED

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. DE LUGO. Mr. Speaker, in the very near future, this body will consider the most thorough and comprehensive review of our country's immigration policies. The Simpson-Mazzoli bill, H.R. 1510, holds out the promise of a rational and compassionate reform of these laws. The other body adopted it last month and its supporters are hopeful that we too, will act before August.

I think it important that we remind ourselves once again of our own family origins and of the valuable contribution people from other lands have made to this country. The names Einstein, Von Braun, and Audubon are well known and in which we take pride as Americans. To that list I wish to add the name Petrovitch, a family whose optimism and fondness for laughter spreads joy to all who meet them. I insert the following article from the Washington Post here so that my colleagues may share in that joy, too:

14TH STREET WELDER MENDS SOULS, TOO—IN PETROVICH BROTHERS' AUTO SHOP, A PREACHER AND A LOT OF LAUGHTER

(By Molly Roberts)

Bottles and trash litter the pavement at 14th and P streets NW. Grates and iron bars make patterns on the fronts of garishly painted buildings and various street people stand day after day as if frozen in an urban still life.

This colorful intersection seems an unlikely haunt for a Baptist minister. But it is here that the Rev. Joao (pronounced Ju-all) Petrovitch, 35, spends his weekdays mending mufflers—when he is not ministering to his flock in an unusual combination of callings.

On Sundays, he can be found in a three-piece suit with a Bible in his hand, leading the Brazillian congregation of Georgetown Baptist Church. Weekdays, he is the muffler man again, dressed in greasy work clothes, with his welding torch at the shop he runs with his gregarious brothers, George, Paul and Pedro.

He is one of four brothers, Brazilian-born of Russian descent, who operate the Petrovitch Auto Repair Shop on the northeast corner of 14th and P, a business highly rated by local consumer guides since its opening in 1974.

The Petrovitch family has been in the business for more than 25 years. Their father, Jan, opened the original Petrovitch repair shop in 1958 in Sao Paulo, Brazil, after completing his training at the Ford Motor Co. plant there.

The sons joined the father's shop when they turned 16. "Our father always said to us, 'It's not only for the money,'" George, 47, recalled, in an English accented with a trace of his Russian heritage. "'When you go work, you work with love . . . when you do a job, you do for you, not for somebody else.'"

The lesson apparently held: The brothers perform as if they love their work, and the steady volume of business suggests customers are willing to pay for the quality of work they provide, or as Pedro puts it, "We are very good, but we are not very cheap."

The atmosphere in the busy auto shop is at once festive and international. Mercedes-Benzes, Hondas and Cadillacs sit silently on pedestals above a backfire of laughter, jokes, friendly banter and loud Latin music blaring from Radio Mundo, a local Spanish Language station. One wall is covered with license plates from every state in the nation and, of course, Brazil.

George, eldest of the four, manages the garage's body shop. He is especially talkative, and will offer advice on topics ranging from marriage to wrestling. In Brazil, he was known as the "Russian Lumberjack" on the professional wrestling circuit. Wrestling

was his part-time job while he served in the Brazilian army as a sergeant for 18 years.

Although he acknowledges a successful wrestling career, George is not boastful. "I lose, I win, I lose, I win; Just depends on how many bottles I have before going to the ring."

One wall of George's small glass office at the back of the shop is lined with signed photographs of him, rubbing elbows with Mayor Marion Barry, Joe Theisman, Billy Graham and other notables.

Paul, 39, half-owner and comanager of the garage, was the first brother to arrive in this country, in 1962, looking for the "good life." In Brazil, he worked as a commerical pilot.

Now, he prefers to keep his feet on the ground, spending time at his Cabin John home with his wife and two children. His wife, Charis, is a Californian who works as a hospital anesthesiologist, and Paul cracks with typical Petrovitch irreverence, "She's an M.D., and I'm a D.M., Doctor of Motors."

Pedro, 38, also a half-owner and comanager, is a workaholic by his brothers' accounts. He "runs the show," they said, handling all the paperwork.

"My hobby is work," said Pedro, whose wife, Carol, a dental student, is the sister of Paul's wife. Even in his work the family humor prevails. "Lady, your car needs a new car," he told one customer.

Family legend has it that Jan Petrovitch's father, who had emigrated from Russia to New York, later sent for his wife and children in 1924, but the steamer carrying them landed in Brazil.

Shortly thereafter, news of the father's death reached the family in Brazil, and having no reason to move on, they located a small Russian population and a Baptist Church and stayed. Jan Petrovitch grew up to marry a zealously religious Russian immigrant, whose uncle had arranged the union.

Gina Petrovitch encouraged her eight children to pursue an interest in music, often playing guitar and singing to the family. It was while she was pregnant with Joao that his life's work was determined. He grew up hearing of his mother's conviction then that he would be a great preacher.

Joao, a usually quiet, reserved man in contrast to his extroverted brothers, is devoted to his congregation of about 40 Portuguese-speaking members from Angola, Brazil and Portugal. He preaches with an intense fervor at his 1 p.m. Sunday services in the lower auditorium of the church at 31st and N Street NW.

"He puts everything into it," said Jacy Santos, an active church member who is responsible for introducing Joao to his present congregation.

Joao's wife, Ruth, tends the nursery at the church, while he leads the people he calls his "only children" in song and praise. Often he and his brother George will play mandolin during the service.

Before coming to America, Joao had been the pastor of The First Baptist Church of Campo Limpo in Brazil for three years, working at the same time in his father's auto shop. He had studied at the Feculdade Teologicia Baptista de Sao Paulo, a seminary run by the Baptist convention under American directorship.

Joao considers himself a follower in the tradition of St. Paul. According to the New Testament, St. Paul did not wish to be a financial burden to the people among whom he was spreading the gospel, so he worked as a tentmaker to earn his living. Joao does not accept money for doing God's work, only when he works for his brothers.

Joao said he fervently believes that bringing people the gospel will change their lives. He was inspired to create Telesperanca, a recorded scripture reading and expository statement in Portuguese. [It can be heard by dialing 949-5216.] He changes the message regularly, adding to his already heavy workload at the shop and at the church.

"I believe God has called me to his work. When God calls someone, he must go where God calls him. Some are called to work among the Indians, some are killed for their faith. I was called to work at 14th and P."

He said he does not feel uncomfortable at that location and, in fact, finds that it gives him a chance to talk to people he might not otherwise meet.

Seizing an opportunity recently to speak with one of the women who strut the sidewalks near the shop, and looking to make a conversion, Joao asked her if she practices a religion.

"Of course! I am a Baptist," she shot back, to Joao's laughter.

His three brothers also like the location but for other reasons. George winks and says he likes the scenery, adding, "It's like Ocean City in the summer." Paul, more concerned with business matters, emphasizes the security of the well-policed corridor. "We've never had any problem. There's always a lot of police going by."

As different as they are, the common denominator of the Petrovitch brothers is their optimistic outlook and fondness for laughter. Whether they are talking about God, their homes in the country or the sad state of a customer's car, others around them are likely to end up laughing, too.●

ADOPT A NEW START PROPOSAL

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. GORE. Mr. Speaker, I am submitting for publication in the RECORD, the text of a letter bearing on the MX missile and the U.S. negotiation approach in START, which a number of us sent to the President on Friday, June 3. We wrote this letter in the spirit of a frank private communication, expressing our concern that pending changes in the U.S. position be made fully in the sense of the Scowcroft Commission's findings. Now that the President has announced his new START position and the press has reported the existence of this letter, I want to make sure that it is available to both my colleagues in the House and to the concerned public.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are now approaching a critical vote on the authorization of funds for MX, and we feel that it is important to let you know what is uppermost in our minds.

Our vote in favor of flight testing the MX reflected a general desire to support a bipartisan approach, but there was more: we acted because we specifically believe that the Scowcroft Commission has created a basis for an approach which is correct. We also acted on the basis of assurance from you, that you viewed the Commission Report not just as an endorsement of the MX, but as a package integration modernization and arms control, and organizing both around a principle we believe is vital: stability.

We have no doubt about your sincerity or your commitment. But we have also now had many hours of direct discussions with ranking representatives from different interested agencies of the Administration. And with all due respect, Mr. President, we are concerned that the message has not reached them yet. Agencies appear to be attempting to use the Scowcroft Commission report as a means to revisit issues they fought over and lost earlier on. We are particularly concerned that we not base our new position on an unrealistic demand for equal throw-weight. The best case against direct limitations on throw-weight or throw-weight surrogates was made by Ambassador Paul Nitze. In testimony before the House Defense Appropriations Subcommittee, Ambassador Nitze said: "The trouble with throw-weight is that the difference between Soviet throw-weight and the U.S. throw-weight is so great that it is hard to figure an agreement that would deal with throw-weight and have a chance of being negotiable." In the end, concerns about throw-weight would be alleviated by agreed reductions of existing systems and by constraints on the throw-weight of follow-on systems.

What is lacking, and what can apparently come only directly from you, is a new American direction on arms control: representing a fusion between your original objective of deep reductions in ballistic missile warheads, and the Scowcroft Commission's conception of stability and of how to achieve it. The basic elements of such an approach are already visible in your first letter to us. At the heart of it is an extremely simple proposition, and that is to find out whether the Soviet Union will join with us in an arms control agreement which, within the framework of deep overall reductions on ballistic missile warheads, also creates a stable environment for a future, smaller, land-based component. The key to that, in turn, as you said, is Soviet agreement "to work with us to reduce the ratio of accurate warheads to missile silos."

You are asking the Congress, in this next phase of decisionmaking to authorize the beginning of MX production for eventual deployment. We call upon you, in turn, to adopt a new START proposal which has the most realistic chance of producing a stable strategic nuclear balance at reduced levels.

Sincerely,

Norman Dicks, Albert Gore, Jr., Les Aspin, Lee H. Hamilton, Thomas S. Foley, Joel Pritchard, Richard Gephardt, Elliott H. Levitas, George M. O'Brien, Dan Glickman, Vic Fazio, John R. McKernan, Jr., Steny H. Hoyer, Olympia J. Snowe.●

THE BROOKLYN BRIDGE—A SYMBOL OF THE VISION AND DETERMINATION OF THE PEOPLE OF BROOKLYN

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. SOLARZ. Mr. Speaker, a short time ago New York celebrated the 100th anniversary of the construction of the Brooklyn Bridge, a marvel of American engineering and a symbol of the continuing greatness of this country.

In all the moving speeches and tributes delivered at the impressive ceremonies and events surrounding the rededication of the Brooklyn Bridge, one address by our borough president, Howard Golden, best illustrated for me what this event really meant. It was a brief speech but it captured, as perhaps only the borough president of Brooklyn could, the spirit and tradition of our borough as well as the humor and pride that have always characterized Brooklynites. For Howie Golden knows Brooklyn, he is our borough's best booster and champion, and as this address proves, a most able spokesman for the aspirations and hopes of all of its residents.

Mr. Speaker. I insert Howard Golden's remarks on the rededication of the Brooklyn Bridge on May 24 in today's CONGRESSIONAL RECORD:

The remarks follow:

REMARKS OF BROOKLYN BOROUGH PRESIDENT HOWARD GOLDEN, BROOKLYN BRIDGE REDEDICATION CEREMONY, MAY 24, 1983

Long before there was a bridge across the East River, it existed in the imagination of Brooklyn. During the second half of the 19th century, Brooklyn had grown to be the third largest city in America. It was larger than Boston, St. Louis and San Francisco * * * larger even than Chicago. And it was expanding faster than any of them.

Brooklyn was pre-eminent among American cities. By 1880, it has become the fourth largest manufacturing city in the nation, and its waterfront received more ships than New York and Hoboken combined. Brooklyn's achievements were symbolized in 1883, with the historic opening of the Brooklyn Bridge linking the great cities of Brooklyn and New York.

Many of the thousands of workers who built the Bridge were Brooklynites. They had come from all over Europe seeking a better life. Communicating in many languages, they translated the most innovative engineering concept of its time into a bridge for all time. Twenty of them gave their lives over the fourteen years it took to complete the Bridge.

From the ambition and courage of these German, Italian and Irish immigrants, Brooklyn emerged into a world of commerce and culture exploding with change. The Bridge became a triumphant symbol and achieved a mystique as durable as the structure itself.

Today, one hundred years after the opening of the Brooklyn Bridge, the Borough retains the values that made it great. The spirit and determination of the Bridge builders are now embodied in a new wave of immigrants. They are renewing Brooklyn's tradition as a striving commercial and industrial center, and as a Borough of families.

Brooklyn holds a fabled place in American folklore. It has been home to so many of us. Our humor, our neighborhoods, our support for the underdog are known the world over. But the Brooklyn Bridge stands as the most enduring monument to Brooklyn's pride and success. In the words of Seth Low, Mayor of Brooklyn in 1883:

"The beautiful and stately structure fulfills the fondest hope * * * not one shall see it and not feel prouder * * *"

On behalf of the proud men and women of Brooklyn, I invite you to help us make the next one hundred years as great.

Thank you.●

AID ADMINISTRATOR OUTLINES EGYPTIAN ASSISTANCE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. GUNDERSON. Mr. Speaker, since the Camp David accords in 1977, U.S. assistance to Egypt through our Agency for International Development has increased dramatically. We have taken a great interest in helping Egypt strengthen its economic base.

On June 3, AID Administrator M. Peter McPherson spoke about the future of his agency's involvement in Egypt, before the Egypt-United States Business Council during its meeting in Washington.

Because of the incisive and far-sighted nature of Administrator McPherson's comments, I am pleased to share excerpts of his speech with my colleagues and other interested Americans.

The speech follows:

SPEECH BY M. PETER MCPHERSON, ADMINISTRATOR, AGENCY FOR INTERNATIONAL DEVELOPMENT, BEFORE THE UNITED STATES-EGYPT JOINT BUSINESS COUNCIL, JUNE 3, 1983

Today I would like to step back from some of the day-to-day issues confronting our economic assistance program to Egypt. Instead, let's take a look into the upcoming decades of the 1980's and 90's and ask the question—will Egypt be a different country by the year 2000 than the one we know today?

The short answer is yes! If Egypt is to continue to experience rapid growth, Egypt will have to change from an economy fueled and subsidized by oil to an economy of increased production in agriculture and manufactured goods for export . . .

How do we see A.I.D.'s role changing in the 1980's?

First, let me say, that while our assistance has been and will continue to be substantial, it is much less important in determining the future of Egypt than the economic policies of the government of Egypt.

The decisions Egypt makes regarding investment laws, the foreign exchange rate, interest rates, administrative controls, subsidies, and energy and agricultural prices will determine whether Egypt can make the transition from an oil dependent economy to one driven by agricultural and industrial exports . . .

A.I.D.-supported programs will try to support the economic transition with programs in agriculture and industry. We also will assist in the rehabilitation of Egypt's urban infrastructure to support increased urbanization and industrialization.

We believe increases in production and improved services can be achieved in ways which benefit the poor as well as the better-off segments of Egyptian society.

We are discussing with the Egyptian government a $1 billion program to help finance the rehabilitation and expansion of water and sewerage systems in Cairo, Alexandria, and the Canal cities. The Egyptian government's investment in this plan will total more than $3 billion during the next five years . . .

We will continue our efforts to support improvements in the business environment by:

1. financing technical and managerial assistance to develop Egypt's capital markets to generate productive investment capital from savings;

2. by designing business and government accounting systems to make them more responsive to investor information needs; and,

3. by improving the operational and policy development systems of the Investment Authority to be made more responsive to foreign and domestic investment initiatives.

We will be looking for ways to encourage additional private investment in industrial production and improve overall industrial productivity . . .

We feel that the opportunities for the American and Egyptian business community will be excellent over the decade if the Egyptian government continues to implement economic policy reforms.

The government of Egypt, under the leadership of President Mubarak, has been firm in its commitment to the Open Door policies first instituted by the late President Sadat. The recent passage of Companies Law 159 provides a framework for strengthening the private sector.

The Egyptian government is serious about increasing industrial and agricultural production and promoting exports. The Ministry of Investment and International Cooperation has been aggressive in promoting foreign investment.

Some of you may have been impressed with the turnaround within the last several months of our Feasibility Studies project at the Investment Authority. Minister Shindy indicated, at the November 1982 JBC San Francisco meeting, that he would accelerate the application review and approval process. This has been achieved. Decisions have been made on over 30 applications and several studies have been completed.

Commercial ties between Egypt and the United States have strengthened dramatically over the last eight years. The U.S. is now Egypt's largest trading partner.

A.I.D.-financing will continue to be key to this relationship. However, commercially-financed trade should gain in importance in the future now that American products are better known . . .

A.I.D. continues to refine the rules governing the Trade Financing Facility making it applicable to more transactions.

I stress the use of the Trade Financing Facility both in our Washington office and our mission in Cairo—particulary in cases of possibly losing a bid because of lower-than-market financing by European or Japanese competitors. Both GE and Westinghouse

have been able to use the Trade Financing Facility successfully . . .

A.I.D., the Egyptian government, and the American and Egyptian business communities must work even more closely together than we have in the past.

A.I.D. must offer financing in priority areas, the Egyptian Government must provide the appropriate policy framework, and the business community must offer investments, business skills, technical know-how, and appropriate goods, if the Egypt of tomorrow is to be even more vibrant and prosperous than the Egypt of today.●

CONGRESSIONAL SALUTE TO THE HONORABLE MARIAN McCUTCHEON RAUSCHENBACH OF PATERSON, N.J., DISTINGUISHED CITIZEN, OUTSTANDING COMMUNITY LEADER, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. ROE. Mr. Speaker, on Sunday, June 26 the residents of the city of Paterson, Eighth Congressional District and State of New Jersey will join together at a testimonial dinner honoring a distinguished citizen, outstanding community leader and good friend, the Honorable Marian McCutcheon Rauschenbach of Paterson, N.J., who is retiring from her high office of public trust as director of human resources of the city of Paterson.

Mr. Speaker, I know that you and our colleagues here in the Congress will want to join with me in extending our deepest appreciation to Mrs. Rauschenbach and share the pride of her husband, Paul E. Rauschenbach, M.D.; their daughter, Karen Kientzler; sons, Rev. Peter Bishop Rauschenbach, missionary in South Pacific, Henri Simons Rauschenbach, selectman, Brewster, Mass.; and Carl Ryan Rauschenbach, retired 2d class petty officer, U.S. Navy; and grandchildren, Laura Ann Pekrul, Leslie Karen Pekrul, Christopher Rauschenbach, Charles Rauschenbach, and Ryan Rauschenbach upon this milestone of achievement in their family endeavors.

Mr. Speaker, Marian Rauschenbach has indeed earned the highest respect and esteem of all of us for the quality of her leadership and sincerity of purpose dedicated to service to people. As she retires from her directorship with the city of Paterson and we gather together in testimony to her lifetime of dedication and devotion to the public good, I am pleased to participate with her many friends and colleagues in seeking national recognition of her untiring and compassionate efforts on behalf of her fellowman.

There is much that can be said of Marian Rauschenbach and her lifetime of achievements in service to people. She has always given willingly and unselfishly of her time in helping others. Her personal commitment to the economic, social, and cultural enhancement of the city of Paterson has been a way of life for her.

We are proud to boast that Marian is a native-born citizen of Paterson, N.J., the first industrial city of our Nation, and is a 1928 graduate of Eastside High School, Paterson. She received her B.S. degree in public school music from Skidmore College and her masters degree in public school administration from Teachers College, Columbia University.

After receiving her degree from Skidmore College, she held many prestigious positions as an educator in the illustrious art of music, including: Supervisor, music, Islip, N.Y. (1932–38); supervisor, music, Woodridge, N.J. (1938–39); teacher, music, Eastside High School (1939–44); and teacher, music, Little Falls, N.J.

In many of her many volunteer activities in the field of education, she has participated in and received acclaim for her contribution to the quality of life as a member of the following organizations: Paterson Board of Education, member (1967–73), president (1968–70); New Jersey School Board Association, board of directors (1970–73), treasurer (1972–73); Passaic County Community Council, Allied Health Advisory Council (1972–74); Women's Study Group, Douglass College (1972–73); Passaic County Tercentenary Commission, secretary (1962–64); and Great Falls Development, Inc., membership chairman (1972–74), liaison to city council (1978–81).

Prior to her appointment as director of the Department of Human Resources of the City of Paterson in 1982, Marian Rauschenbach received the majority electoral vote of our citizenry in public referendum on a number of occasions and served in the following leadership positions for the city of Paterson and for the counties of Passaic and Bergen in the State of New Jersey: Paterson Charter Commissioner (1972–73); Paterson City councilwoman at large (1974–78), (1978–82); president, City Council of Paterson (1978–79); chairperson, Bergen-Passaic Health Systems Agency (1976–77); and member, board of directors, Bergen-Passaic HSA (1978–81).

In her civic and charitable endeavors, Marian was an active member of many organizations which have made a vast contribution to the quality of life and way of life for all of our people. Some of these affiliations where her wisdom and expertise has been of immeasurable help are, as follows:

MEMBERSHIPS

St. Paul's P.E. Church, Paterson.

A.A.U.W., Paterson Branch.

Eastern Christian Children's Retreat Association.

Passaic County Medical Auxiliary.

Y.W.C.A.

President, Passaic County Health, Education and Welfare Association.

Fellowette, The Medical Society of New Jersey Auxiliary.

Chairman, Long Range Planning Committee, Westmont Home.

Executive Board, Passaic Valley Council, Boy Scouts of America.

Executive Board, Falls District, Boy Scouts of America.

Former Member, New Jersey Foster Grandparent Advisory Committee.

Great Falls Development Corporation.

Honorary Member, Passaic County Historical Society.

Soroptimist International of Passaic Valley.

HEALTH

National Health Council, Vice President, Board of Directors (1959–63).

Women's Civil Defense Advisory Council (National) Member (1955–57).

National Commission of Health Careers, Member (1960–62).

Woman's Auxiliary to the American Medical Association: Eastern Regional Vice President (1959), Chairman, Civil Defense (1960), Director (1967–69), Chairman, Children and Youth (1968).

Founder, New Jersey Health Careers Service Committee.

Bergen-Passaic Lung Ass'n, Current 2nd Vice President.

Bergen-Passaic Heart Association, Board of Directors (1982).

Clinic for Mental Health Services, Inc., Board of Directors (1955–74), President (1960–62).

Visiting Homemaker Service of Passaic County, Board Member (1960–68).

Community Mental Health Center, Board of Trustees (1971–73).

State Volunteer Advisor, March of Dimes (1971–82).

Member, National Council of Volunteers, March of Dimes (1980–82).

Chairman of the Board, Bergen-Passaic Chapter, American Heart Association.

HUMAN SERVICES

American Parents Committee, Inc., Board of Directors (1961–78).

Greystone Park Association, Board of Directors (1953–55).

New Jersey Welfare Council, Board of Directors (1957–59).

State Commissioner of Aging (1960–64).

Delegate, White House Conference on Children and Youth (1960).

Delegate, White House Conference on Aging (1961).

New Jersey Citizens Committee on Children and Youth (1960–62).

Governor's Advisory Council on Lifetime Disability, Chairman (1963–67).

Mental Retardation Planning Council, Member (1968–70).

Passaic County Community Council, President (1962–68).

Family Counseling Service, Board of Directors (1953–56).

PUADA, Board of Directors (1972–74).

Developmental Disabilities Advisory Council (State), Member (1970–75).

Member, Powley Trust Fund.

Mr. Speaker, Marian Rauschenbach has been publicly cited for many of her exemplary achievements and is most proud of having received the following honors:

LIST OF HONORS

1966: Passaic County Chapter, National Council of Negro Women Plaque for Outstanding Service in the Field of Health.
1970: Silver Tray, Paterson Board of Education.
1970: Myrtlewood Bowl, Medical Auxiliary to Oregon Medical Society.
1971: Pewter Bowl, Council on Aging.
1972: Second Annual Catholic Family and Community Award for Outstanding Service.
1977: Outstanding Citizen of the Year, Charles J. Alfano Association.
1977: Plaque, Outstanding Service, Falls District, Boy Scouts of America.
1977: Gavel presented to first Chairperson of the Board of Trustees, Bergen-Passaic H.S.A.
1978: Citizen of the Year, The Grand Lodge of the Ancient and Honorable Society, F. and A.M. of the State of New Jersey.
1978: New Jersey Senate Resolution, Citizen of the Year introduced by Senator Garret Hagedorn, Bergen County.
1978: Plaque, New Jersey Chapter, Society for Hospital Social Workers for Outstanding Contribution to the health care field.
1979: Certificate of Appreciation, Veterans Council of Paterson.
1979: Certificate from Women's Center, Passaic County Community College for Past Service to the Community.
1980: March of Dimes Service Award for Distinguished Voluntary Leadership in fight against birth defects.
1981: Plaque from Hispanic Multi-Purpose Center.
1981: Good Scout Award, Falls District, Boy Scouts of America.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life here in America and I am pleased to call your attention to Mrs. Rauschenbach's lifetime of outstanding public service. As she retires her official position as director of human resources for the city of Paterson, I respectfully seek this national recognition of Marian and all of her good works. We do indeed salute a distinguished citizen, good friend and great American—the Honorable Marian McCutcheon Rauschenbach of Paterson, N.J.●

SUPREME COURT RULING IN THE BOB JONES UNIVERSITY CASE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the following editorial which appeared in the May 28, 1983, edition of the Louisville, Ky., Courier-Journal.

While the Supreme Court's decision in the Bob Jones Unviersity case is correct—upholding the power of the Internal Revenue Service (IRS) to deny tax exempt status to schools which discriminate on the basis of race—it also raises many difficult questions.

The IRS must proceed carefully, cautiously and prudently before exercising its power to deny tax-exempt status to other institutions and organizations. Future situations may not be as clear cut as this one.

RULING IN BOB JONES CASE COULD HAVE BROAD EFFECTS

The Supreme Court tossed a large stone into the Reagan pool this week in upholding the right of the Internal Revenue Service to ban tax exemptions for schools that practice racial discrimination. The ripples could spread far.

In one of the most embarrassing blunders of his term, President Reagan sought last year to revoke the 1970 Internal Revenue Service denial of tax breaks to such schools. It seemed almost malice without thought from a President who has so consistently opposed affirmative action, busing, the Equal Rights Amendment and other issues vital to blacks, Hispanic Americans and women. But the issue already was destined for Supreme Court consideration because Bob Jones University and Goldsboro Christian Schools, denied tax exemptions, had filed suits against the IRS.

These educational institutions argued that, since racial separation (opponents call it racial discrimination) is fundamental to their religious beliefs, the government was unconstitutionally interfering with their practice of religion by denying the exemptions.

The Supreme Court ruled in the Bob Jones case that the IRS had both the authority and the obligation to rescind the university's tax-exempt status, since its "racial policies violated the clearly defined public policy, rooted in our Constitution, condemning racial discrimination and, more specifically, the government policy against subsidizing racial discrimination in education, public or private." The IRS has wide latitude in interpreting and enforcing tax law, the court ruled, and because Congress didn't choose to rein in the agency, its actions must be considered within the intent of the law.

The court ruled narrowly, clearly trying to allay the fears of more than 400 private charities, schools and other groups, including the American Red Cross, American Cancer Society and Brookings Institution, which urged in a joint "friend of the court" brief that the court limit its decision to racial discrimination. They feared a broad ruling that all tax exemptions are actually taxpayer subsidies, thus possibly subjecting all independent organizations with tax exemptions to a host of federal rules and regulations on discrimination, employment and many other issues.

A tax exemption does amount to something like a tax subsidy in most instances, since taxes not paid by an exempt institution, and taxes not paid on donations to it, are compensated for by higher taxes paid by all taxpayers. But for now, at least, the Supreme Court has chosen not to make that final leap. So the hundreds of charitable agencies that feared government instrusion can breathe a bit easier.

But perhaps not forever, since the "public policy" argument used against Bob Jones University would not take much stretching to cover other forms of discrimination. What, for example, are the implications for single-sex schools run by many religious faiths? A logical extension of the court's ruling might one day bar tax exemptions to all-girl or all-boy parochial schools or even colleges. The fact that there are other schools for the excluded sex to attend could be deemed irrelevant if their defenders could muster no better defense than the thoroughly discredited "separate but equal."

Or what about private clubs, including civic organizations, whose members are all men or all women and who deduct fees from their taxes as business expenses? The court in its ruling stuck to racial discrimination in educational institutions. But if a tax exemption is a public subsidy and if a public subsidy cannot be granted an organization that discriminates against women, blacks, the handicapped, the poor, the elderly or anyone else, then this week's ruling could be only the tip of a very large iceberg in years to come.

The court said tax exemption is a privilege, not an entitlement, and that those who accept it "must not be so at odds with the common community conscience as to undermine any public benefit that might otherwise be conferred." It would be anathema to suggest that Americans be forced to contribute, even directly, to any organization that discriminates against racial minorities. So the court's decision against discrimination in tax-exempt schools was right. But it will be equally interesting to watch the ripples spread over the next few years.●

CONGRESSIONAL VIGIL ON SOVIET JEWRY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. OTTINGER. Mr. Speaker, the Soviet Union would have us believe that the flow of Jews from that county has lessened because there is no one left who wants to emigrate. Nothing could be further from the truth. The Members who have taken part in the Congressional Call to Conscience Vigil for Soviet Jews have brought us compelling stories of people who have been trying, unsuccessfully, to emigrate from the Soviet Union. I would like to take this opportunity to bring my colleagues up to date on the case of Anatoly Shcharansky.

Earlier this year, the House unanimously passed my resolution to ask for the release of Anatoly Shcharansky, a man whose plight has gone from bad to worse since he began seeking emigration. Mr. Shcharansky has been imprisoned in appalling conditions in the Soviet Union. Now, his wife Avital and his mother have reason to believe his life is in serious danger. The Soviet Union has consistently ignored pleas for his release and given false assurances that his physical condition is being treated.

Mr. Shcharansky is guilty of nothing but wanting to be with his family. Imprisoned on trumped-up charges of treason because of his activities on behalf of Soviet Jews, he has been deprived of his rights and brutally treat-

ed by Soviet authorities. He has not seen his wife in 9 years. His mother cannot go see him. Recently, his letters began indicating that his health is rapidly deteriorating. Still, Soviet authorities refuse to commute his sentence and let him go.

I call my colleagues' attention to an article by Mr. Anthony Lewis in the New York Times. Mr. Lewis' last line states quite simply the only reasonable response to Anatoly's plight: It is time to let him go.

The article follows:

IS THERE NO MERCY?

(By Anthony Lewis)

Anatoly Shcharansky, the imprisoned Soviet Jew, is suffering from what appears to be a grave heart condition. The authorities have not hospitalized him. But he has been given various medicines in prison, and now he has had a severe allergic reaction to those.

A medical picture of Mr. Shcharansky's condition has just been sketched by an authority in this country. His wife, Avital, on a visit from her home in Israel, took some of his letters to Dr. Allan M. Ross, director of cardiology at the George Washington University Medical Center in Washington, and asked him for an opinion. The letters mentioned specific kinds of chest pain and other symptoms.

"My presumptive diagnosis," Dr. Ross wrote to Mrs. Shcharansky, "must be acute and chronic coronary insufficiency resulting in angina pectoris." He said it was especially worrying that minimal exertion frequently gave her husband palpitations, and "ominous" that his letters spoke of an irregular heartbeat. He said the case "should be considered with the highest level of concern," starting with hospitalization.

I learned about all this when I met Mrs. Shcharansky in New York. The circumstances were grim. She had just completed a telephone call to Moscow in which her husband's latest letter, to his family there, had been read to her. The letter, dated May 25, reflected his new physical torment.

"It was very short," Mrs. Shcharansky said. "Anatoly says he cannot write because his hand is so swollen. He has sores all over his body, his face, his lips. They break."

Dr. Ross, when I telephoned him, said the swelling and sores indicated "a diffuse allergic systemic reaction" to the medicines Mr. Shcharansky has been given. His letters mentioned eight kinds of pills and injections. Dr. Ross identified them by talking with Russian émigrés and checking old texts.

"None of the medicines is highly appropriate," Dr. Ross said, "and some are definitely contra-indicated. I think he is getting them from fellow prisoners with medical training, and they must just be giving what they can find. It's a mess."

Dr. Ross had no connection with the Shcharansky case before he was asked for his views. His diagnosis should be of wide concern, to Soviet authorities among others. For the Shcharansky case is not just an individual tragedy. It has political consequences.

Anatoly Shcharansky was a leading figure among Soviet Jews seeking the right to emigrate. He was convicted in 1978 on grotesque charges of treason and sentenced to 13 years in prison and labor camp.

In confinement, Mr. Shcharansky has been repeatedly punished, held in solitary, deprived of the right to have his family visit him twice a year. He went on a protest hunger strike from last Sept. 27 until Jan. 14.

The savagery of the treatment inflicted on a man whose "crime" was really to want to emigrate has made him a powerful symbol to the outside world. Even the French Communist leader, Georges Marchais, wrote to Yuri Andropov about the case. He announced last Jan. 24 that Mr. Andropov had replied with an assurance that Mr. Shcharansky's "state of health is satisfactory."

Why the relentless persecution of Anatoly Shcharansky? By all indications the purpose is internal—to discourage the movement for Jewish emigration. Soviet authorities have cut that emigration to a trickle: only 421 persons in the first four months of 1983. But they are still working to intimidate those who have been refused exit visas, and thus to quiet the whole issue.

Newspaper in Leningrad and Vilnius have recently carried anti-Zionist polemics of a vicious character. An official Anti-Zionist Committee was established, and it held a press conference in Moscow last week to say that Jewish emigration was down because few Jews wanted to leave. The chairman, Col. Gen. David A. Dragunsky, said, "The past year has made perfectly clear that Zionism is increasingly modeled on the ideas and methods of Hitler."

Whatever the internal effects, decent opinion in the outside would will be repelled by a campaign that looks more and more like plain old anti-Semitism. If Anatoly Shcharansky were to die in prison, even those in the West who most urgently want to improve relations with the Soviet Union would turn away from doing business with such a government.

Moving the Soviet leadership on an individual human rights case often seems a hopeless business. But if you meet Avital Shcharansky—a 32-year-old woman who has not seen her husband for nine years—you know there is no alternative to trying. She has passed Dr. Ross's advice on, and Anatoly's mother has actually gone to try to persuade prison authorities near Chistopol in the Tatar Republic, where he is held, to put him in a hospital.

What can it profit the Russians to hold Anatoly Shcharansky any more? The risk must by now exceed any benefit of intimidating example. It is time to let him go.●

MORE THAN A POST OFFICE

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mrs. BYRON. Mr. Speaker, there is only one public office open on a daily basis in Burkittsville, Md. (pop. 300), but it is a very important one indeed.

The U.S. Post Office in Burkittsville, run by Postmaster Betty Brown, not only delivers the mail, but also serves as an impromptu meeting hall and gathering place. On a recent district tour, a large group gathered to greet me, Mrs. Brown was a warm hostess, and everyone made me feel like a part of the Burkittsville family.

Smalltown post offices are often focal points in their respective communities. I am sure that my colleagues have had similar experiences, and I thank them for this opportunity to recognize a special postmaster and a special post office.

At this time I would like to insert the following Washington Post article into the RECORD.

[From the Washington Post, May 2, 1983]

POST OFFICE IS SMALL TOWN'S "CLUB"

BURKITTSVILLE, Md. (AP).—When folks in Burkittsville want to pass the time or chat with friends they are likely to head for the one place in town that is open regularly. And while there, they can pick up their mail.

Since 1824, residents of this small western Maryland town have mailed letters purchased stamps and met their friends at the Burkittsville Post Office.

"In the mornings, the retired people come in and sit down," said Postmaster Betty Brown. "They talk to one another and keep track of what's going on, look after each other, because this is such a small town."

The post office is a natural gathering place. There are antique shops and a garment industry in Burkittsville, which has a population of about 300, but there are no shops or stores open on a daily basis.

To insure the comfort of the tiny Frederick County town's postal patrons, the post office boasts three chairs in the small lobby and plants on the counters.

"When you are a small post office, you sneak them [the comforts] in," said Brown, who lives next door. "It gets to be your home."

There also is Samantha, Brown's kitten, who greets customers by hopping up on a stool behind the postal counter.

Since the post office was founded at Burkittsville in 1824, it has had 22 postmasters. Brown assumed the duties of postmaster in 1969 and was officially appointed two years later, taking over from her father, Samuel Brown.

Among her tasks are seeing that the post office's 188 lockbox customers receive their mail. Another 100 rural route customers are served through a route out of Frederick.

Originally, the post office was just a section of what was Harley's General Store. The two operations shared office space until 1976, when the store was closed.

Brown makes no bones about the fact that to her, being a postal employe is not just another job.

"Your customers are like your family," in a small post office, she explained, adding that she knows "just about everybody, and they get to be your neighbors. They are not only your customers, they are your neighbors . . . . They care about you, and you learn to care about them."●

JUAN OJEDA MARKS 25 YEARS OF SAFE SCHOOL BUS DRIVING

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. WON PAT. Mr. Speaker, for the past 25 years, Mr. Juan Ojeda of Carlos Heights, Guam, has carried a cargo he says is "more precious than

diamonds"—the schoolchildren of our island.

And during this 25 years of driving school buses, Mr. Ojeda has handled his precious cargo like the true professional he is—safely and with the greatest of care. So carefully, in fact, that, recently, over 130 of his longtime friends and coworkers gathered to salute this outstanding public servant for the wonderful job he has done over the past 2½ decades.

Despite countless hours on the road with excited children and in all types of weather, Mr. Ojeda has managed to bring his charges to school and back home again with the incredible record of no at-fault traffic accidents. When you consider the heavy traffic on Guam and the poor conditions of the local roads, this kind of safety record is clearly superhuman and it is a credit to the driving skills and the care he feels for his students that has been so typical of Mr. Ojeda's entire career as a bus driver.

It is fitting that we take a look at Mr. Ojeda's proud record at this time. Recently, I joined in support of House Joint Resolution 137 which establishes the week of October 2-8, 1983, as National School Bus Safety Week. The purpose of the resolution is to remind the public that America's school bus system, of which there are over 375,000 traveling in excess of 3 billion miles annually, are the world's safest mode of transportation for our children. It is obvious that a major share of the credit for making this system so safe must go to drivers, such as Juan Ojeda, who daily use all of their skills to deliver the most precious cargo our society will every know.

To his credit, Mr. Ojeda notes that he is not alone in deserving credit. Now a supervisor of bus drivers for Price Elementary School, Mr. Ojeda says he is impressed with those under his supervision. "There are a lot of wonderful drivers out there," he said. I agree, and to Mr. Ojeda and his coworkers, I extend my congratulations on a job well done. At this time, I ask that an article in the Pacific Daily News be placed in the RECORD. Thank you.

[From Pacific Daily News, June 12, 1983]

SCHOOL BUS DRIVER MARKS 25TH SAFE YEAR

(By Bart Stinson)

It was Juan Ojeda's hour of glory.

About 130 friends and members of the Guam Federation of Teachers gathered at the Brig in Sinajana for the annual Recognition Dinner.

Somebody from the union had called him up and said it was important for him to attend, but Ojeda, a GFT member since 1972, said he didn't know what was in store.

"I was surprised when they told me to sit up front," he said. Also up front were Madeleine Bordalli, Sen. Marcia Hartsock and Speaker Carl Gutierrez.

GFT executive director Bob Hartsock spoke for several minutes about bus driver Juan Ojeda who has driven a school bus on Guam for 25 years without an at-fault traffic accident.

While Ojeda stood in the lights, Hartsock read a commendation from the union and announced that the GFT would send Ojeda and his wife on a weekend trip to Saipan.

Gutierrez sweetened the pot with a $250 award to the man with the safedriving record.

Ojeda stood erect and beaming as the large crowd gave him perhaps the most prolonged and rousing applause of the evening.

He was so gratified that he spent the next week in Guam Memorial Hospital.

"As soon as we got home and I walked in the door, I told my wife to call the ambulance," recalled Ojeda, 51.

He was treated for heart trouble and high blood pressure for a week, and released from the hospital to rest at his home in Carlos Heights.

Ojeda returned to work two weeks ago after a weekend at the Inter-Continental Hotel in Saipan.

"I love my job," he said, "it's a wonderful career and I appreciate all these parents that are giving me their confidence."

Ojeda said he was initially a "communications cable splicer," but wanted to get out of that field because of low pay.

Once he became a bus driver (1957) and was pulling down $1.21 per hour, Ojeda said he never wanted to change jobs.

In 1957, you had to be married before they would hire you to drive school buses, he said.

"They figured you'd be responsible," Ojeda said.

His seven children and 13 grandchildren are all still on Guam, but Ojeda still has a lot of affection left over for the children of strangers.

"I love to take the children to school so they can get a good education."

And that is exactly what some of the children did.

When the ambulance rolled up to the hospital with Ojeda, who tended to the stricken bus driver?

Dr. John R. Taitano, internal medicine specialist, who used to ride in Ojeda's bus to John F. Kennedy High School before he graduated in 1965.

Taitano went on to the University of Guam, where he took a degree in biology in 1969.

He became a doctor after medical school at the University of Hawaii and an internal medicine internship at the St. Francis Medical Center in Peoria, Ill.

"I remember he was always very happy in his job." Taitano recalled of his old bus driver. "He was always smiling, and very courteous to the students.

"I never heard him raise his voice to a student.

"And he was always very careful. He never ran a red light or anything like that."

Ojeda said he used to pick out the most uncontrollable child on his bus and make him the boss.

"The others used to ask me why I made the naughty one the bus monitor," Ojeda said, but he said the authority almost always settled the designated child down.

"I go in these offices today and see kids who graduated and got good jobs and they remember me driving them to school.

"They tell me 'this isn't the department that handles that, but you sit down and have a seat, Mr. Ojeda, and I'll go down there and get it taken care of.'

"It makes you feel good."

The old-timer said bus-driving has changed since he started n 1957.

"Now there are a lot more vehicles on the road. It's hazardous, congested. You really have to be on the lookout.

"Back in 1957, most people were respectful to school buses. They always gave the right of way to our school buses. Sometimes it takes 15 minutes to get on the highway, Rt. 10 now (from Price Elementary)."

"I hope the parents appreciate what we are doing."

In 1965, Ojeda got one of the first Bluebird (snub-nose) buses on Guam.

He said the Bluebirds are much easier to drive than the old long-nose International school buses. With the Internationals, "you had to start turning before you got to the corner.

"We called it 'manpower-steering.' No power-nothing."

Also in 1965, Ojeda became one of the five first government of Guam bus drivers to enter Andersen Air Force Base to pick up students for Andersen Elementary and Kennedy High School.

Until then, the military transported its own dependents to school and back home.

A union member since and negotiator on the bus drivers' contract, Ojeda has now entered the ranks of management.

In the fall he became the bus drivers' supervisor for Price Elementary School in Mangilao.

He is impressed with the bus drivers under his supervision.

"There are a lot of wonderful drivers here," he said.

Still, he's not sure that any of the new drivers can match his 25-year feat now that they must deal with inconsiderate motorists and more dangerous traffic conditions.

"I can only say that I'm praying for these people that are coming in."

And that is what Ojeda thinks got him through his 25 years: "Maybe God's protecting me. I always pray when I wake up in the morning.

"I make the sign of the cross and pray for God to protect me and the children, because that's my most precious cargo.

"More precious than diamonds."●

COMMENTS ON DISPLAY OF AMERICAN FLAG

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. DANIEL B. CRANE. Mr. Speaker, a controversy over the display of the American flag has been going on for some time in Champaign, Ill. The following front page editorial from the April 27, 1983, issue of the Champaign News-Gazette explains the situation.

It is of fundamental importance, Mr. Speaker, that the symbolism of our Stars and Stripes not be permitted to become washed away.

As President Wilson stated:

This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation. The choices are ours. It floats in majestic silence above the hosts that execute these choices, whether in peace or in war. And yet, though silent, it speaks to us—

speaks to us of the past, of the men and women who went before us, and of the records they wrote upon it.

The editorial follows:

COMMENTS ON DISPLAY OF AMERICAN FLAG

We've always believed that display of the American flag was an indication of patriotism and love of country. Now, Mayor Joan Severns and City Attorney Fred Stavins of Champaign question whether this is true.

It seems that at least three large-scale flags are being flown over businesses and Stavins says this may violate the 1975 sign ordinance. Mayor Severns says she can't "call the flag obscene, but what I object to is the size and the fact that they are just being used for advertising." A routine check of the city by a member of our editorial board discovered American flags on many businesses and governmental buildings, varying in size and footage of the flagpole. There should be more! Nothing has been more damaging to this nation in the last decade than development of a feeling that it's not the "in thing" to be patriotic.

We know of no sound reason that either Severns or Stavins should question the motives of those who have chosen to display the American flag. Mayor Severns statement that she finds the flag "very nifty"—well, put your own assessment to that.

Our dictionary defines a sign as "a board, poster, or placard display in a public place to advertise." It doesn't mention a cloth flag such as is used to display the stars and stripes. The Comprehensive Sign Regulations adopted originally by the City of Champaign in 1975 does include "flag (including banner or pennant)." We can't believe any thought was given to including the American flag in that restriction. If so, then the ordinance ought to be amended to be specific.

Champaign has a great many serious problems—dirty streets, broken pavement, potholes, prostitutes roaming the downtown area, traffic difficulties drug flow, rape, heavy incidence of crimes of every nature, maintenance of adequate police and firefighter forces, lack of proper zoning, urban sprawl, laxity in enforcement of city codes. These are major problems, the kind which should claim primary attention of a city administration which all too often has been sidetracked by minor nitpicking issues.

If the flags displayed over businesses are indeed so large that they might cause some difficulty, not apparent to us, the people in volved are rational people and a compromise could be effected. But, not when you're accused of being unpatriotic or in violation of city ordinance. That stance by the administration produces confrontation and bad feeling.

Citizens should not be ashamed to display the American flag, nor to demonstrate allegiance to a nation which remains the envy of the entire world as the "home of the free." It is our hope that Major Robert Dodd will see fit to put a stop to this nonsense and, if necessary, seek some compromise with those displaying the mammoth flags if there is reason to do so. Then, he and the new administration can pay attention to the real and the pressing needs of the community, not spend inordinate amounts of time on petty matters.

—News-Gazette Editorial Board.●

POLICE EXPLORER'S 'SWIFT, EFFECTIVE' ACT SAVES LIFE

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. CHAPPELL. Mr. Speaker, I rise today to salute a young man from the community of Glenwood. He is Bernard Fallon IV, age 18, the son of Bernie and Vita Fallon, 1419 Glenwood Road, Glenwood.

His ability to retain his first-aid training enabled him to make a life-saving response to an emergency. He reacted with a mature demeanor and a cool head.

It is a privilege to represent the Fourth Congressional District of the State of Florida, in which reside such courageous and high quality individuals such as Bernard Fallon IV.

I request that the following appropriate information be read into the RECORD at this time:

AMERICAN RED CROSS,
WEST VOLUSIA COUNTY CHAPTER,
DeLand, Fla., June 17, 1983.

Hon. WILLIAM CHAPPELL,
Daytona Beach, Fla.

DEAR MR. CHAPPELL: I wish to bring to your attention a noteworthy act of mercy undertaken by one of your constituents. In this instance, Bernard J. Fallon IV, of Glennwood, has been named to receive the Red Cross Certificate of Merit and accompanying pin. This is the highest award given by the American Red Cross to a person who saves or sustains a life by using skills and knowledge learned in a volunteer training program offered by the American Red Cross in first aid, small craft, or water safety. The Certificate bears the original signature of the President of the United States, Honorary Chairman, and Jerome H. Holland, Chairman of the American Red Cross.

On February 5, 1983, Mr. Fallon, trained in Red Cross first aid and cardiopulmonary resuscitation (CPR), was attending a picnic when another guest began to choke on a piece of food. Rushing to the scene, Mr. Fallon determined that the victim could not breathe and began a sequence of first aid maneuvers to relieve an obstructed airway. He continued his effort until the piece of food was expelled and the victim resumed breathing. Without doubt, the use of first aid by Mr. Fallon saved the victim's life.

This meritorious action exemplifies the highest ideals of the concern of one human being for another who is in distress.

The presentation will be on July 18, 1983 at the Log Cabin Restaurant 1330 N. Woodland Blvd., DeLand. You are cordially invited to attend.

Sincerely yours,

MARIELLEN TEETERS,
Executive Director.

To whom it may concern:

A quick-acting Police Explorer rushed to the rescue of a choking man Saturday night—within seconds, the Explorer dislodged a chunk of food caught in the victim's throat and restored him to normal breathing.

Bernard Fallon, IV, is the 18 year old son of Bernie and Vita Fallon, 1419 Glenwood Road, Glenwood. He has been a member of the DeLand Police Explorers for two years, is a 1982 graduate of DeLand High School, and is currently studying Criminal Justice at Daytona Beach Community College.

Known as Gus, Fallon was attending a neighborhood barbecue on February 5, when the incident occurred.

Sixteen people were busily eating when Fallon noticed that a guest seated across the counter from him appeared to be in difficulty. Attorney Edward Rhynard began to choke and gasp for air, unable to speak. Fallon immediately concluded that Rhynard had a piece of food stuck in his throat.

He raced around the counter, through a doorway and came up behind the stricken man. Without hesitation, he grabbed the victim around the waist and swiftly thrust upward, applying the Heimlich Method. An instant later, a thumb-sized piece of beef flew out of the victim's mouth. After a brief spasm of coughing, he was completely restored to normal respiration. Fully recovered, he thanked his rescuer profusely.

The unassuming Fallon replied, "Please don't do that again, you scared the devil out of me."

Now laughing, Rhynard assured his young benefactor that he would not do that again.

So swiftly and effectively had Fallon acted, that some of the nearby guests did not realize what was happening. Afterward, however, finally understanding how serious the situation had been, everyone present congratulated Fallon for his quick thinking and incisive reaction.

For that, he is hereby nominated for commendation by the DeLand Police Explorers.

JOHN HART.
BILL BARRY.
JOHN MCCORMICK.

[From the DeLand (Fla.) Sun News, Monday, Apr. 4, 1983]

POLICE EXPLORER'S SWIFT, EFFECTIVE ACT SAVES LIFE—WHEN DINNER GUEST CHOKES

(By Vicki Brown)

Bernard Fallon IV acted so quickly that many of the guests at a neighborhood barbecue had no idea that a life-threatening situation had come and gone.

Everyone was enjoying the supper when suddenly Fallon noticed a man seated across from him begin to choke. Without a word, Fallon rushed to the other side of the counter, grabbed the man around the waist and thrust upwards. A piece of meat flew out of the victim's mouth and breathing was restored.

Fallon, 19, of Glenwood, said he learned first aid and the Heimlich method he used at the party as part of his training in the DeLand Police Explorers.

Each year for the past two years Fallon sat in on the first aid classes offered through the DeLand Police Explorers. He said he's practiced the techniques with other police explorers but never in a real life situation.

The real life situation account was reported by DeLand Police Sgt. George Doyle, the chief advisor for the Police Explorers, a club of young men and women who are trained in police skills. Doyle received a written account of the incident from Bill Barry, a retired Miami Herald writer who is Fallon's neighbor and who was host to the barbecue party on Feb. 5 when the choking occurred.

After his breathing was restored, attorney Edward Rhynard, also of Glenwood, thanked Fallon for realizing that he was in trouble and coming to his aid.

Barry writes, "The unassuming Fallon replied, 'Please don't do that again, you scared the devil out of me.' "

"Now laughing, Rhynard assured his young benefactor that he would not do that again," Barry's account states.

Barry also writes in praise of Fallon's action that "So swiftly and effectively had Fallon acted, that some of the nearby guests did not realize what was happening. Afterward, however, finally understanding how serious the situation had been, everyone present congratulated Fallon for his quick thinking and incisive reaction."

Fallon, known by his family and friends as "Gus," moved to the West Volusia area with his family in 1980. He graduated from DeLand High School in 1982 and has been a member of DeLand Police Explorers for over two years.

Fallon said he wants to be a law enforcement officer and is currently pursuing studies in criminal justice at Daytona Beach Community College.

He said he's presently applying to area police departments for sponsorship to Seminole Community College where he wants to pursue his law enforcement studies.

DELAND POLICE EXPLORERS,
DeLand, Florida.

Bernard Joseph Fallon IV, Age: 19. Grade: Freshman. School: Daytona Bch. Community College. Address: Rt. 2, Box 381, DeLand, Fla. 32720. Parents: Bernie and Vita Fallon. Member of: DeLand Police Explorer Unit No. 29. Chief Advisor: Sgt. George E. Doyle.

Club Participation: Member of the DeLand Police Explorers, two years.

I have been a member of the DeLand Police Explorers for a little over two years, and in this time I have used my experiences to help me decide my future goals and to put what I have learned to good use. I have attended two State Competitions and I am preparing to participate in May. I am presently enrolled in Daytona Beach Community College in order to get a degree in Criminal Justice. I am presently applying to area police departments for sponsorship in order that I might become a police officer.

On February the fifth, I put my training in first aid to good and effective use when I used the Heimlich method on a guest at a barbecue I was attending. I was nominated by my fellow explorers for commendation and by several guests at the barbeque.[1]

[1] Attached to this resume is a signed letter delivered to Colonel Russell Waters, president of the DeLand Police Explorers, that will give the details of Bernard's actions in full detail.

AMERICAN RED CROSS,
WEST VOLUSIA COUNTY CHAPTER,
DeLand, Fla., April 19, 1983.

To whom it may concern:

It is my pleasure, as West Volusia Red Cross Chapter Chairman, to commend Bernard J. Fallon, IV for the quick actions he displayed during the emergency suffered by Mr. Edward Rhynard. The training this outstanding young man received through the DeLand Police Explorers and the Red Cross was put to good use, resulting in the saving of Mr. Rhynard's life.

We in the Red Cross are pleased that so many fine young people take advantage of these programs, offered not only for self improvement but for that one moment in life when everything is on the line—that moment when a life hangs in the balance.

Bernard J. Fallon, IV learned his lessons well!

Sincerely,

WES CRILE.●

YURI TARNOPOLSKY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. SMITH. of Florida. Mr. Speaker, today I rise to draw attention to the plight of Soviet Jewish emigration which has been virtually frozen at its lowest levels. I am proud and honored to join the 98th Congressional Class on Soviet Jewry in the 1983 Congressional Call to Conscience Vigil for Soviet Jews. I would like to take this opportunity to bring to the attention of my colleagues the plight of Yuri Tarnopolsky, my adopted Prisoner of Conscience in the Soviet Union.

You may recall seeing an article in the Washington Post on June 15 about 12-year-old Irina Tarnopolsky's urgent and tragic plea on behalf of her family's situation to Soviet leader Yuri Andropov. In a letter to Andropov, she appealed that her father be released from prison and that her family be allowed to emigrate to Israel. Irina wrote—

My father, Yuri Tarnopolsky, is in prison now. He is accused of slandering the Soviet system and soon he will be tried. But my Papa is an honest man. He has never lied. He is under arrest only because we are Jewish and want to leave for Israel. . . . Already four years we have waited for permission to leave. Now Papa is arrested and we don't know what will happen with us. I beg you to release my Papa and let us leave for Israel.

Yuri Tarnopolsky, a 48-year-old organic chemist and leading refusenik and activist in the Kharkov community of Ukrainian SSR, is the latest victim in a rash of Soviet harassment and arrests. Since June 1979, Tarnopolsky, his wife Olga, and his daughter Irina have been waiting for permission to emigrate to the State of Israel. Tarnopolsky was fired from his job as a research chemist after his family applied for an exit visa in 1979. In response to this affront to his professional standing in the scientific community and out of frustration, he began a hunger strike on October 1, 1982, to protest the Soviet authorities' denial of his emigration visa to Israel. He began his fast symbolically following the Jewish holiday Yom Kippur, the traditional holy day of fasting for the atonement of sins.

This hunger strike failed to persuade Soviet officials to grant him and his family permission to emigrate. He was forced to end his 40-day hunger strike when his health began to deteriorate and when he began to suffer a loss of sight in his right eye. Ironically, the end of his hunger strike, November 9, 1982, coincided with the reconvening of the Madrid Meeting of the Conference on Security and Cooperation in Europe. This conference of 35 countries is now meeting to enhance cooperation in the implementation of the provisions in the Helsinki Final Act.

An outspoken activist, he is the author of a forceful account of refusenik life. "Description of a Disease." He has written,

An oppressed Jewish minority was created in the USSR. The Soviet Constitution and Soviet law do not extend to this minority, known as refuseniks, and their fate is in the hands of the secret police and militia. . . . The policy of the authorities toward the refuseniks is all kinds of moral pressure in order to make them abandon their hope of emigration. . . .

I have been informed by the National Conference on Soviet Jewry that on March 16, 1983, he was arrested and formally charged under article 190-1 of the Criminal Law Code of the Russian Soviet Federated Socialist Republic (RSFSR). This law makes criminal the "systematic circulation in an oral form of fabrications known to be false which defame the Soviet state and social system . . ." This charge carries a maximum sentence of 3 years in prison, or 1 year of correctional tasks, or a 100 rubles fine.

It is clear that Tarnopolsky is being persecuted for one reason only—he is a Jew dedicated to maintaining his identity and helping others who wish to do so.

Awaiting trial the incarcerated Tarnopolsky embarked on another hunger strike in a Kharkov prison on April 15, which he has since ended. It has been learned that Tarnopolsky will be tried within the next 2 weeks.

According to the National Conference on Soviet Jewry, Tarnopolsky will be tried without legal representation. No Soviet lawyer will defend him. I am appalled. Where is the justice and morality? The Soviet Union proclaims that justice is served in its political system where all people are equal. But, Yuri Tarnopolsky is being sacrificed at a trial where he is being treated as a second-class citizen, where the verdict is in before the trial begins.

The Tarnopolsky family is one of an estimated 10,000 refusenik families painstakingly awaiting exit visas. Normal lives are transformed into a life of great expectations, hopes, and despair. The refuseniks need to know that their torment is not a senseless battle. As Members of Congress, it is important that we relentlessly maintain constant and consistent pressure on Soviet officials to allow Soviet Jews to pursue their human rights, to return to their homeland Israel, to be reunited with relatives, or to be allowed to live in peace as Jews in the Soviet Union.●

TEMPEST IN THE TEPEE

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. SENSENBRENNER. Mr. Speaker, recently President Reagan submitted the names of three eminently qualified persons to serve on the U.S. Commission on Civil Rights. The Leadership Conference on Civil Rights has come out in opposition to these appointments. However, recently the Washington Post carried a story which showed some of the member groups of the Leadership Conference do not support the conference's opposition. Specifically the Anti-Defamation League, American Jewish Committee, American Jewish Conference, and the American Federation of Teachers have refused to agree with the Leadership Conference statement in opposition to these nominees. It is further estimated that about 30 of the 100 member groups will not support the statement opposing these nominees. I insert this article in the CONGRESSIONAL RECORD for the benefit of my colleagues.

[From the Washington Post, June 18, 1983]

CIVIL RIGHTS GROUPS SPLIT OVER NOMINEES—AND QUOTAS

(By Juan Williams)

For perhaps the first time since President Reagan took office, the civil rights movement has split over one of his actions, with three major Jewish organizations and the American Federation of Teachers refusing to join blacks and other groups in opposition.

The immediate issue is Senate confirmation of Reagan's three new nominees to the U.S. Commission on Civil Rights. The broader issue, as often in the past when these groups have disagreed, is quotas.

When the Leadership Conference on Civil Rights met on the nominations earlier this week, the Anti-Defamation League of B'nai B'rith, the American Jewish Committee and the American Jewish Congress, together with the AFT, refused to agree to a statement in opposition to Reagan's three choices, one of whom, Morris Abram, formerly headed the Jewish Congress.

The statement was finally issued, not in the name of the conference, but on behalf of 14 signing organizations. Conference officials later estimated that about 30 of the 160 member groups will not agree to the statement.

Conference chairman Benjamin L. Hooks, executive director of the NAACP, urged issuance of a statement at an executive committee meeting Wednesday. The lone Jewish group on the executive committee, the Anti-Defamation League, resisted but was outvoted, 14 to 1.

In the past, the conference has rarely issued statements from which member groups dissented.

The statement, under the conference's letterhead, said only that the "undersigned organizations" subscribed to the statement because of "unanimity not having been reached by all constituent groups." It did not mention quotas saying instead that "our deep concern is to prevent the president from subverting the [civil rights] commission's historic independence and integrity."

Many Jewish groups have traditionally opposed quotas because quotas have historically been used to restrict Jews. Labor unions, the targets of quotas in some affirmative action cases have also resisted them. The one major Jewish group supporting the statement is the Union of American Hebrew Congregations, a group of reformed Jews, which supports quotas. The group includes Rabbi Murray Saltzman of Baltimore, one of the Civil Rights Commission members that Reagan is seeking to replace.

Reagan fired three commission members May 25 and nominated successors who share his opposition to racial quotas: Abram, a former president of Brandeis University; John Bunzel, a senior research fellow at Stanford University's Hoover Institution, and Robert A. Destrow, a Catholic University law professor.

"The American Jewish community is a very pluralisitc community," said Nathan Perlmutter, who heads the Anti-Defamation League. "Our view of the basic issue here really is that the president's nominees are known to be against racial quota systems and are presumed to question whether racial busing is an effective tool toward ending racial segregation. We believe one's opposition to racial quotas should not disqualify them from being members of the U.S. Civil Rights Commission. We feel questions being raised about procedures are smoke screens.

"If these people were carbon copies of the people now on the commission there would be no question about their serving from civil rights groups," Perlmutter said. "The core of civil rights is that one not be discriminated against on the grounds of race, sex, religion. That these nominees oppose quotas is convincing evidence that they are advocates of civil rights. Those who would deprive them of the opportunities to serve are sponsoring civil wrongs."

"It is unfortunate that the Jewish community has decided not to support the statement," said Maudine Cooper, vice-chairman of the Urban League. "We are not addressing the qualifications of the nominees but the independence and integrity of the Civil Rights Commission. I hope those groups are not reflective of the Jewish population at large."

"Nathan Perlmutter is a fanatic on this subject," said Joseph L. Rauh, Jr., counsel to the Leadership Conference, who took part in the Wednesday meeting. "We can't call it a Leadership Conference statement because the majority of Jewish groups are following his lead and we don't have unanimity. Nevertheless, the [other] groups have the right to get together."

"What is at risk here is whether the conference continues to be a strong functioning voice of civil rights," said Elaine R. Jones, Washington counsel to the Legal Defense Fund, formerly the NAACP Legal Defense Fund. "But there is still a strong commitment to keep the conference functioning as a strong voice of civil rights."

"We have an honest difference of opinion as to propriety of the president taking action that he did," said Hyman Bookbinder of the American Jewish Congress. ". . . . But there does come a point where Jewish and some labor groups say the president is using the power that is legitimately his and he has decided to replace them. The next issue is to decide whether they are qualified to serve, and that should not be decided because of opposition to quotas."●

DEMOCRACY AND INFORMATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 22, 1983 into the CONGRESSIONAL RECORD:

DEMOCRACY AND INFORMATION

One characteristic of Hoosiers invariably leaves me with a favorable impression. Most Hoosiers want to know more about important national issues. I am encouraged when they ask me, as they often do, about the sources of information on which they ought to rely to help them understand the issues. These Hoosiers know that for a democracy to function, the people must be informed. In recent weeks, several constituents have asked me how they can be better informed about the issues. Their comments have prompted me to reflect on the importance of an informed citizenry in our democracy.

In our democractic form of government, a special relationship exists between us and our government. Democracy, which is fundamentally a way of making decisions and managing affairs, cannot exist without "the consent of the governed." Among other things, that phrase implies that the President or the Congress will not be able to implement a policy over an extended period of time if that policy does not have the support of the people. At least, the requirement that the governed give their consent means that the people's will must be respected.

Most of us would agree that there is a very big difference between mere consent and informed consent. Of course, the idea of informed consent is known to most of us. For example, if a sick person needs a surgical operation to restore his health, his physician must have more than mere consent before proceeding. The sick person must acknowledge that he understands what he has been told about the surgery's consequences. In the medical context, we do not regard consent as genuine unless it is informed. In a similar way, informed consent is essential to the success of democracy. For democracy to work, the consent of the governed must be an informed consent.

If we are to govern ourselves successfully and democratically, we must have easy access to generally accurate and complete information on issues of national concern. With many sources of information available—newspapers, magazines, newsletters, television, radio, and public meetings—it seems to me that this condition of democracy is reasonably well met in our country.

Nonetheless, the obstacles in the way of a better understanding of the issues are formidable. One of them is the power of modern communications, which can engulf us in a veritable "tidal wave" of information. The sheer volume of facts, figures, and commentary can overwhelm us and cause us to miss the information that we ought to consider. One constituent put it to me this way: "There's so much information and comment, I just don't know how to sort it all out or who to believe."

If the amount of information available is a problem, so is its quality. We are confronted with what often appears to be a bewildering, contradictory jumble of reports, speech-

es, and opinions on all the issues. Confusion may lead us to mistake the trivial for the significant, rumor for expertise, and speculation for knowledge. We yearn for material that will cut through the confusion and give us the "straight facts," an objective account of the key elements of an issue.

Information is essential to a democracy based on the consent of the governed, but it is no easy task for us to inform ourselves. The bare possession of data is clearly not enough since a generous supply of facts, figures, commentary in no way guarantees wise decisions. We want a manageable, credible body of data so that we can, for ourselves, analze the issues and reach an informed judgment of our own. The task that confronts us is to filter the mass of data, retain the important, discard the unimportant, and make a decision. We must be skeptical and must take the time to test the sources before we can benefit from the wide variety of data at our disposal. In short, the informed citizen is one who uses information wisely and actively. He must guard against being a passive recipient of what others tell him, against letting others think for him.

So, the democratic process makes strong demands of us. It requires much more than the careful selection of representatives, though of course that is required as well. Representatives are, after all, politicians who are skilled at reading the views of their constituencies. We must be informed about the issues, able to make sound judgments about the issues, and capable of conveying those judgments to our representatives. We should not underestimate the power of our decisions in a democracy. If we do not act and vote from good information and sound judgment, we may veto the actions of our representatives when we should not. We may compel our representatives to do too little too late or too much too soon. We may insist that they be too hawkish in war or too timid in peace, too neglectful of the people's needs or too careless with the public purse. If we are uninformed or underinformed, then the risk that our representatives will err is great.

People react in different ways when they consider the responsibility that a democracy places on them to be informed. Some people are very discouraged by the number and complexity of the issues. Some believe that the public is so poorly informed that there is no chance for a democracy to handle the challenges before it. These people either become apathetic and ignore the problem altogether or blame politicians and the news media for it without really thinking through the consequences for the future of democracy if large numbers of citizens remain uninformed. Other people are persuaded that a handful of seasoned officials should be called on to make decisions for the rest of us. These people really do not believe in the democratic process at all. To my way of thinking, each of these groups is mistaken about the role of an informed citizenry in a democracy. The tough job of using information actively to make a democracy work is one that we shun at our own peril. Most of us who have faith in the democratic process agree that the burden of informed citizenship is heavy. We have no assurance that it will always be carried. President Lincoln's question—whether this nation, so conceived, can long endure—remains as valid today as the day it was raised.●

WELCOME NEW CITIZENS

HON. JAMES R. "JIM" OLIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. OLIN. Mr. Speaker, on July 4, 53 men and women who became naturalized citizens of the United States in the metropolitan Roanoke, Va., area will be honored at the annual Independence Day celebration known as Music for Americans—V to be held at Victory Stadium in my home city of Roanoke.

I would like to offer my congratulations to them.

New citizens are always special, but these men and women are a little extra special. They became naturalized in 1982, the centennial year of Roanoke.

Just over 100 years ago, Roanoke was little more than a collection of buildings near a salt marsh. But with the coming of the railroad and the crossing of two major lines, a new city was begun that today is the major transportation and industrial center in western Virginia. For the past 100 years, Roanoke has been a place where newcomers have sought a chance to build a new life.

These 53 men and women are part of a tradition that is as old as Roanoke and older than the United States itself.

We might remember also that all of our ancesters were once newcomers to this country. People from all over the world joined together to make the United States the freest nation on Earth.

I know that all of my colleagues in the House of Representatives will want to join with me in offering hearty congratulations to them and extending our very best wishes for a prosperous and productive life in this country.

INDIVIDUALS NATURALIZED DURING 1982

Rebecca Ravelo Atkins, Thien Luong Cao, Agnis Chandra Chakravorty, Chitra Chakravorty, Sivani Chakravorty, Charles Chen-Ming Chang, Sang Van Dang, Florence Siao Davis, Rainer Michael Davis, Ralf Matthew Davis, Gwen Nhung Do, Hung Van Do, Aysel Leyla Doganay, Kumryun Pak Fluty, Emperatrie Beduya Camara Frost, Alicia Guilliams, Hans Edmund Heinzer.

Amy Yueh-Mei Huang, Anh Minh Huynh, Rajiv Jain, Nicole Ann Kalinowski, William Kenney, Han Chi Le, Maria Malkowska, Emiro Foliaco Merlano, Charbel Nakhle, Veena Seth Narayanan, Tung The Nguyen, Dorothy You Kyung Oh, Paul Shin Moo Oh, Young-Ok Pae, Richard Eric Phelps, Ranjan Raj, James Anyil Rhee, Nancy Meehwa Rhee.

Genevieve Theresa Riguelmy, Joy Pok Robinson, Alan I-Sheng Shen, Chien Shen, Nguyen Thi Anh Short, Nancy Young Shuck, Hasina J. Sinha, Sun Ok Songer, Christopher Tan, Dinesh Vallabhdas Tiwari, Diana Dao Vu Tran, Joe Trung Tran, Dimitrios Tranidis, Vasilike Demos Tsiakos, Gabriella Magdolna Ujvary, Miyo Akamine Vaughn, Jacques Ernest Victor, Jean Francois Ernst Victor.●

SPECIAL REPORT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mrs. SCHROEDER. Mr. Speaker, in lieu of the Reagan administration's escalating involvement in Central America and the recent decision to send medical personnel to El Salvador, I would like to share this special report from the New England Journal of Medicine from April 28, 1983, edition.

SPECIAL REPORT: MEDICAL MISSION REPORT ON EL SALVADOR

Alarmed by reports of the harassment, murder, and disappearance of doctors, dentists, nurses, members of the medical faculty, social and physical scientists, and members of related health professions, the National Academy of Sciences, the Institute of Medicine, the American Association for the Advancement of Science, the New York Academy of Sciences, and the International League for Human Rights cosponsored a medical mission[1] to San Salvador. The mission's purpose was to determine the fate of those professionals and to assess the impact of conditions in El Salvador on Medical institutions and on the health of the people.

From January 11 through January 15, 1983, we spoke with people from a wide range of backgrounds: government officials, the archbishop and others in the Catholic Church, members of the International Committee of the Red Cross, officials in the Ministry of Health, members of nongovernmental human-rights organizations, political prisoners, and numerous private citizens, including the families of victims. We also visited four places of detention for political prisoners, two refugee camps, and the public maternity hospital (Maternidad). Wherever we turned we found the chilling effects of the ever-widening devastation to health and health care that has been caused by the breakdown of education, the slashing of budgets for national health programs, and the repression of human beings by the systematic use of terror in ways that are hideous and frightful.

The persecution of health personnel is real. It began in 1979 and intensified through 1981, when a group of doctors, nurses, and medical students protested the killing and kidnapping of patients and doctors in hospitals—sometimes even during surgery. Retaliation against this group by death squads, suspected of being government forces, was swift and brutal. The group's members "disappeared," or fled to avoid death, or were killed.

We came to El Salvador with a list of 20 health workers and scientists who had disappeared in the previous 12 months. Our investigation revealed that only seven could

[1] The participants were Alfred Gellhorn, M.D., visiting professor, Harvard School of Public Health; Robert Lawrence, M.D., director, Department of Medicine, Cambridge Hospital; Kathie McCleskey, American Association for the Advancement of Science; and Nina Shea, J.D., International League for Human Rights.

be accounted for: four were in prison, two had been freed, and one was confined to a mental hospital outside the country. There was no trace of the other 13. Moreover, while in San Salvador we were given documentation on the disappearance of 20 additional health workers during 1982. From frightened families and colleagues we also learned of a number of other physicians, nurses, and paramedics who had disappeared or been killed. Since merely notifying the Church and independent human-rights groups of a relative's disappearance can jeopardize the whole family, statistics on disappearances are minimal.

Early in our visit we interviewed the colonels who command the two branches of the security forces—the National Police and the Treasury Police—and the information we gained was unsettling. We learned that there was no central registry of arrests or of the disposition of those who were arrested and no sharing of information between the two armed police forces; they therefore had no knowledge of the persons whose names we gave them. At our request we were shown the detention facilities where political prisoners, including the four medical students on our list, are held for up to 15 days or longer. At the National Police headquarters we walked along a row of foul, pitchblack, steel-barred cells furnished with only a concrete bench and a hole in the floor for a latrine. Led by Colonel Lopez Nuila, the commander of the National Police, and followed closely by two guards with M-16 rifles, we were forbidden to speak with or examine the dirty, haggard political prisoners.

In July 1982, the International Committee of the Red Cross threatened to leave El Salvador because of its growing concern over human-rights abuses by the Salvadoran armed forces—particularly their practice of not taking prisoners alive. Officials of the International Red Cross told us that, although these problems have not been resolved, they have decided to remain in the country because, on balance, they believe they are a force for decent human behavior.

Health and health care in El Salvador have suffered since 1979 even more than would have been expected in a poor developing country. The rate of endemic diseases is rising dramatically, as social programs are sacrificed so that funds can be allocated to the military. Infant mortality is climbing, the rate of suspected tuberculosis (unverifiable because of a shortage of x-ray film and equipment) is increasing, and there is a high prevalence of measles, diphtheria, and polio because there are no toxoids or vaccines. Malnutrition and skin and intestinal-tract parasites add to the toll.

The Ministry of Health has suffered a 50 percent reduction in its budget during each of the past two years and is finding it difficult if not impossible to provide adequate staff and medical services for the 6,000 beds under its jurisdiction. We visited the only public maternity hospital in San Salvador, a facility that has 75 deliveries each day but only 263 beds. The patient turnover is very rapid, but even so, up to three women are assigned to a single bed. Premature births are common, but none of the bassinets for premature babies is functional. The x-ray equipment is obsolete, there is no x-ray film, and the pharmacy shelves are thinly supplied; the anesthesia equipment is outdated and unsafe, but it is used for the 5 to 10 cesarean sections that are performed daily. Dr. Roberto Rivera Martelli, a senior obstetrician who was our host at the hospital, and a man deeply committed to the care of the poor, was taken from this clinic on February 10 (less than a month after our visit with him) by three armed men in civilian clothes and has not been heard from since. Since then, cables have been sent to our embassy in San Salvador and to the colonels who head the National and Treasury Police by our sponsoring organizations, members of the U.S. Senate, the Human Rights Division of the State Department, and individual U.S. citizens, but Dr. Rivera Martelli remains "disappeared."

The public educational system in San Salvador is in disarray. The large number of schoolteachers and members of the university faculty (including medical school professors) who have disappeared, been imprisoned as political prisoners, or fled the country has depleted the educational establishment. No professors of basic medical science remain. All entrances to the National University have been sealed for the past two years, and the principal laboratory building located outside the university grounds has been gutted by the military so that only external walls remain. No students have been admitted since the closing of the university. In the past semester, medical students in the last two years of the six-year course have been taught in storefronts and private homes by a few intrepid professors, but the complete absence of equipment, books, medical journals, and demonstration materials makes this valiant effort doomed. The devastation is both physical and intellectual.

Our group visited two facilities for political prisoners that are operated by the Ministry of Justice: Ilopango for women and Mariona for men. We were permitted to interview the inmates alone and without time restriction. Medical care in the women's prison is provided by a recent graduate of medical school who devotes a few hours a week to the prison as just one of his four jobs. Medical records are inadequate and incomplete. Prescriptions for medications are usually not available in the prison medical facility, so they are disregarded; if the prisoner is fortunate, her family may obtain the medicine. In both prisons the political prisoners have established their own health facility using minimal supplies of drugs and first-aid materials.

Few prisoners have been tried and convicted. The medical students we saw in Mariona, the men's prison, had been there for two years—and others had been there for as long as four years—without appearing before a judge. However, the prisoners told us that they were the lucky ones. They were alive and probably would not disappear—no matter that they were being held indefinitely without due process.

In summary, we found direct and indirect evidence of frightful violations of human rights, and we found fear among private citizens who feel unprotected in a lawless society. We found that the health of the public has suffered, that medical education, medical care, and medical facilities have been desperately depressed. How can one account for the willful dismantling of the university, including the imprisonment (or worse) of medical professors and practicing physicians and the physical destruction or sealing up of university buildings and the medical school? University personnel with whom we spoke ascribed it to the political liberalism or radicalism that is characteristic of a university campus, to the outspoken indignation of the medical profession at the atrocities and wanton killing of noncombatants and alleged subversives, and to the fear among those in power of middle-class intellectuals. Doctors and other health professionals meet many of the criteria for "disappearing."

We have returned to our affluent country shaken but eager to inform our colleagues, sponsors, and all who will listen that we can save many thousands of lives by protesting to the Salvadoran authorities disappearances and other human-rights violations. Physicians and other concerned persons can help privately by donating equipment and funds through such international relief agencies as the International Committee of the Red Cross and Catholic Relief Services. U.S. foreign aid must make abundant provision for such essentials as food, medicine, vaccines, medical equipment, teaching materials for students, and other forms of economic assistance. Aid to this war-torn country should emphasize life-giving sustenance rather than arms and military equipment.●

INSTALLATION OF THE MOST REVEREND JOHN J. O'CONNOR, D.D., AS BISHOP OF THE DIOCESE OF SCRANTON

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. HARRISON. Mr. Speaker, on Wednesday, June 29, the Most Reverend John J. O'Connor, D.D., will be installed as the seventh bishop of the Diocese of Scranton.

Presently auxiliary bishop and vicar general of the military vicariate, Bishop O'Connor comes to northeastern Pennsylvania after a long and impressive career both in the priesthood and in the U.S. Navy.

He was ordained a priest of the Archdiocese of Philadelphia on December 15, 1945. After teaching there for several years, he became a Navy chaplain in 1952 because of the Korean war. On May 27, 1979, while still serving on active duty, he was ordained a bishop in Rome by His Holiness, John Paul II. He retired from the Navy 4 days later.

During Bishop O'Connor's 27 years in uniform, he served on various ships at sea, frequently with the Marine Corps, in the continental limits of the United States and in many parts of the world, including combat duty in Vietnam. His decorations include the Distinguished Service Medal, three awards of the Legion of Merit with Combat V, the Meritorious Achievement Medal, and numerous campaign medals.

In 1975 he became Chief of Chaplains with the rank of rear admiral.

Bishop O'Connor's earned academic degrees include an M.A. in advanced ethics, an M.A. in clinical psychology, and a Ph. D. in political science. He has been awarded honorary doctorates both in religious education and in law.

Among Bishop O'Connor's published works are "A Chaplain Looks at Viet-

nam," an evaluation of the moral and legal aspects of American involvement in the Vietnamese conflict and "In Defense of Life," which addresses the issues of just war, nuclear weapons, and related questions.

Mr. Speaker, next week we welcome a man of God who in one career has combined academic excellence, which led to an earned doctorate, and a military career, adorned by combat decorations and culminated in the achievement of flag rank, with distinguished service to the church. It is our fortune that those three careers converge Wednesday in the See of Scranton.

It is an honor and a pleasure for me, Mr. Speaker, to join with the hierarchy, clergy, religious, and laity of the Diocese of Scranton and, indeed, with the entire community of northeastern Pennsylvania in welcoming Bishop John J. O'Connor to our midst, congratulating him upon his installation and wishing for him many, many more happy and successful years in his ongoing service to God, man, and country.●

OUR U.N. AMBASSADOR ON THE "ANONYMOUS SOURCE"

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. HYDE. Mr. Speaker, "Unidentified" and "anonymous" sources of leaks, half-truths, and innuendo are more common in Washington than cockroaches—and many of them are about as pleasant.

Finally, someone who has repeatedly been the victim of far too many of these "anonymous sources," our superb U.S. Ambassador to the United Nations, Jeane Kirkpatrick, has forthrightly stated her case not only against "unidentified source," but also against their freewheeling use of the term "hard-liner" and its pejorative connotation.

I commend Ambassador Kirkpatrick's article from the Washington Post to the attention of my colleagues:

[From the Washington Post, June 20, 1983]

PARDON ME, BUT AM I THAT "HARD-LINER" THE ANONYMOUS SOURCES ARE TALKING ABOUT?

(By Jeane Kirkpatrick)

Time was I believed a leak was the unauthorized disclosure of confidential information about actual events—such as, for example, conversations within the executive branch. That was before I understood that a leak is the weapon of choice in Washington's unending internal wars—ideally suited to spreading disinformation about fictive events.

Undocumented allegations and anonymous sources link private ambitions to public policy in labyrinthine webs of personal and political relations. Two or three well-placed "sources" working with two or three well-placed journalists can create an issue, shape an interpretation, build or destroy a reputation. From the perspective of political science, it is fascinating. From the perspective of public office, it is frustrating beyond belief.

How do you correct the record when the discussions are all confidential? My interest is more than academic or personal. The paper triangle that links symbiotically anonymous and interested bureaucrats and politicians with dependent journalists is as much a threat to an informed public as the "iron triangle" of bureaucrats, politicians and the "Interests" is to honest government.

During the past month or two, much of the U.S. national media have relied on undocumented leaks and unidentified sources to construct a political melodrama in which some bad guys—the "hard-liners"—are pitted against some good guys—the "moderates"—in a contest for control of U.S. policy toward El Salvador and the Central American region. According to this scenario, the good guys support political solutions, negotiations, regional dialogue, bipartisan consensus, and are deeply concerned about "underlying economic and social problems." "Hard-liners," we are told, oppose these good things; they advocate military solutions, and are dead set against negotiations, regional dialogue and bipartisan consensusbuilding. Hard-liners prefer political polarization.

In the current scenario, hard-liners are frequently named Clark and Kirkpatrick, though sometimes they are called Casey, Weinberger, Stone or, even, Reagan. Their principal activity is giving bad advice to the president. Because my name is also Kirkpatrick and I hold almost none of the views attributed to that Kirkpatrick, I desire to clarify just what kind of advice I have given in the weeks after the president asked me to visit Central America. I understand that it is not considered sporting to introduce into these Washington games verifiable facts or on-the-record statements of participants; but, then, I am not a thoroughly seasoned player and have not lost the predilections of my regular profession.

Obviously, I speak only for myself. I have not been present in most of the conversations of other participants. However, since I have often been cast by "sources" as the "hardest" and "most militant" of the hard-liners, my role seems relevant to the whole dramatic production, and the fact that my actual views and recommendations bear almost no relation to those attributed to me undermines, I should suppose, the credibility of this melodrama.

Interested persons might want to know that instead of opposing attention to econmic and humanitarian dimensions of Central America's problems, bipartisan participation in policy-making, the Contadora process and the broadest possible participation in Salvador's elections, I have consistently made *opposite* recommendations. I have advocated greatly expanded humanitarian and economic assistance; bipartisan participation in formulating a new policy; unambiguous support for the Contadora process and regional dialogue; and maximum efforts to secure the broadest possible participation in Salvador's elections.

In my memorandum to the president on returning from Central America I took a very "hard line" on hunger, malnutrition, infant mortality, illiteracy, economic underdevelopment.

"Congress," I wrote, "has not provided the resources or support needed in part, at least, because we have not worked with them to develop a bold, imaginative program which goes beyond preventing Communist victory in the very short run, to produce for the chronically deprived people of the area the reality of present progress and the promise of more to come."

I cited Congressman Mike Barnes' proposed "one-percent solution" to the region's problems (using one percent of the requested defense budget to finance an adequate economic effort). I recommended for inclusion in the speech to the joint session a program "so beneficial to the terribly poor, malnourished people of the region that the American people will be proud to support it . . ." and also recommended the establishment of "a national bipartisan commission [which would] examine how we should apply our talent and resources to foster health, growth, security and democracy among our neighbors in Central America and the Caribbean. . . ." I further explained to the president that this was an approach I had discussed with Sen. Jackson and other Democrats.

Though current mythology suggests otherwise, new broad, bipartisan initiatives were resisted by the "good guys" themselves. So were efforts by the governments of Central America and the Contadora Four to get under way a process of negotiations for Latins only. President Herrera Campins last week described to the Venezuelan press the message he asked me to deliver to President Reagan: "Don't let your government torpedo our conference."

Reasonable people may feel the chances of success would be enhanced by our presence among the Contadora negotiators; they may think democracy would be better served by sticking with the San Jose approach. But the fact remains that Venezuela, Mexico, Panama, Colombia, et al., have desired an all-Latin conference, and our Central American friends have supported their effort. So have I. Far from believing that "The very mention of negotiations in El Salvador appeared a sign of weakness" (as charged by an anonymous source in The Post June 12), against considerable official resistance, I argued from Latin America and in Washington that the United States should pose no obstacles to the Contadora negotiations, should make no demands that we be included, and should, instead, stand aside offering support as appropriate.

On all the above issues there has been a certain amount of disagreement within our government, though the sides are not those popularly perceived. On other important issues there is a clear public record to prove there has been no disagreement at all. No one has proposed sending U.S. troops into combat in Central America, no one has proposed abandoning Central America. No government official has supported a "two-track" approach where one track leads to negotiated power sharing in El Salvador; everyone has supported conversations to ensure elections with broad participation and security for all.

I have also advocated continued military assistance at levels adequate to meet and match guerrilla arms, but then so have all other participants in the executive department's policy dialogue.

Above all, I have argued in print and in person from well before President Reagan invited me to join his government, that the people and governments of Central America, the Caribbean and, indeed, South America are important to the United States; that our security and history bind us to the

Americas just as surely as they bind us to Europe; and that it makes no sense at all for us to perceive and protect vital national interests in Europe, the Middle East, the Far East and Africa (where we provide large, continuing amounts of economic and military assistance and in some cases U.S. troops and trainers) while ignoring and neglecting friends and interests on our own borders. I have, moreover, insisted that the fact that the Central American peoples have suffered under dictators in the past is not a reason to consign them to repressive new dictators sponsored by the Soviet Union; it is, instead, a reason to help them escape to freedom.

What do all these views have in common with the struggle between the "hard-liners" and the "good guys"? An interesting question.

The fact is that "hard-liner" has become an all-purpose term of political abuse. In popular political mythology the hard-liner is the missing link between political Neanderthals and modern man. It is shorthand for a mindless, heartless approach to public policy. Along with other abusive terms, "hard-liner" should be eschewed in serious political discussion in favor of more meaningful ways of categorizing political actors—such as, for example, active and passive; innovative and conventional; smart and dumb; effective and ineffective; honest and dishonest; straightforward and devious; generous and niggardly; ambitious and contented; prudent and reckless; political and bureaucratic, and so forth.

Meanwhile, it is worth noting that if the "sources" were as good at managing public affairs as they are at managing the news, the world would be better governed; and that if journalists were as suspicious of their favorite anonymous sources as they are of, say, the president, we would be better informed●

TRIBUTE TO LAMAR JEFFERS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. NICHOLS. Mr. Speaker, in Arlington Cemetery today, the late Lamar Jeffers, a former Member of this body was laid to rest. As a few Members of the 98th Congress will recall, Congressman Jeffers represented virtually the same congressional district of Alabama 50 years ago, that I serve today.

Though former Congressman Jeffers spent his last years in a nursing home in Florida, Alabamians will recall this gracious gentleman for his duty and service to our Nation.

Prior to coming to Congress, Representatives Jeffers served as a "doughboy" in World War I. A seasoned battle veteran, he was wounded twice in combat and won the Distinguished Service Cross for bravery. For his service he was promoted to the rank of major in the infantry.

Following his military duty, he was elected to the 68th Congress to fill the vacancy caused by the death of the late Fred Blackmon. Congressman Jeffers served from June 7, 1921, to January 3, 1935, at which time he retired from public service to work in private business in Florida.

Former Congressman Jeffers was a brave American and a concerned public servant. As he is today honored and buried at Arlington National Cemetery, it is appropriate for us to pause in remembrance of our late colleague.

Jeffers, Lamar, a Representative from Alabama; born in Anniston, Calhoun County, Ala., April 16, 1888; attended the public schools and the Alabama National Guard 1904–1914; clerk of the circuit court of Calhoun County, taking office in January 1917; resigned that office in May 1917 to enter officers' training camp, Fort McPherson, Ga; was graduated August 14, 1917, as captain of Infantry; assigned to the eighty-second Division, commanding Company G, Three Hundred and Twenty-sixth Infantry, during the First World War; served until twice wounded on October 11, 1918, before St. Juvin, France; was awarded the Distinguished Service Cross by the United States Government; promoted to rank of major of Infantry; elected as a Democrat to the Sixty-seventh Congress to fill the vacancy caused by the death of Fred L. Blackmon; reelected to the Sixty-eighth and to the five succeeding Congresses and served from June 7, 1921, to January 3, 1935; unsuccessful candidate for renomination in 1934; retired; is a resident of St. Petersburg, Fla.●

DISPELLING SOME MYTHS ABOUT SOCIAL SECURITY

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. DANIEL B. CRANE. Mr. Speaker, I would like to share with my colleagues an article that appeared recently in the Journal of Indiana State Medical Association written by Donald F. Foy, executive director of that association.

Mr. Foy's article points out some of the myths about social security which cause problems. He states that the major myths are:

The program is funded;

Recipients have paid their own benefits;

Solutions require reductions in benefits, and

Using general tax revenues is a painless solution.

The text of the article follows:

[From the Journal of the Indiana State Medical Association, June 1983]

DISSPELLING SOME MYTHS ABOUT SOCIAL SECURITY

(By Donald F. Foy)

There are some 36 million people currently receiving Social Security benefits. Most of these people depend on these benefits for their basic income. I believe everyone (including both of our major political parties) recognizes the importance of the program, and there isn't any question at all that Social Security is here to stay.

Some politicians say we don't have any real problems with the Social Security system. This is simply not true. The problems are very real, but there are solutions and the solutions are not nearly as painful as many people imagine. We need legislative action to correct these problems and that will require both political parties to work together. If Social Security continues to be a political football, the problems will become worse.

Motivating our lawmakers to take the actions that are needed is difficult because there is so much misunderstanding about Social Security. For instance, most people believe they have paid for the benefits they receive from Social Security. They believe they are just getting back money they have paid into the program. They are mistaken, however. The average wage earner, with a spouse who does not work outside the home, gets back all his contributions within just 11 months after he retires. Individuals who retired at age 65 who paid the maximum Social Security taxes right along and who have no spouses, will receive benefits equal to their total contributions in 1½ years.

In 1950, 16.5 workers supported each Social Security beneficiary. Today the number of workers who support each beneficiary is 3.2. When the program was begun, the number of people receiving benefits was relatively small. Today we have many more older people and they are becoming a greater portion of our population. When the "baby boom" generation retires, there will only be two workers to pay the benefits of each beneficiary and even fewer if the birth rate does not increase.

During the past three years average wages increased by 30% while Social Security benefits, which are tax free, increased by 40%. The question that has to be raised then is whether the benefits of people on Social Security should increase faster than those who are paying for the benefits? If the increases in Social Security benefits had been held to the level of wage increases, the cost of the program this year would be a staggering $11 billion less.

In 1940, the life expectancy of a person age 65 was 12.8 years. Today a person who is age 65 can expect to live another 16.6 years. Life expectancy is increasing and at an accelerated rate. This may be great news, but it is creating a tremendous financial drain on the Social Security system which must pay benefits for many more years than was originally projected. The increase in longevity added about $30 billion to the cost of Social Security last year.

In 1981, Social Security payments represented more than 25% of the national budget. Last year, Social Security benefits cost $184 billion. This year the cost will exceed $200 billion. That is more than one-quarter of all federal spending and more than we spend on defense. By way of illustration, in 1950 Social Security accounted for only 1% of all federal spending. The cost of Social Security has gone up so dramatically because many more people are receiving benefits, more benefits are being provided, and the level of benefits is indexed to keep up with inflation. When the Consumer Price Index rises, so do Social Security benefits.

Now let's take a look at where the problems are. There are actually four major problems and each of them must be addressed.

The first problem, of course, is that most people do not understand how the program actually works. They have been led to believe that Social Security is a funded insurance program and when they receive bene-

fits, they are really just getting back the money they have contributed. But we know that this is not the case—that the Social Security taxes collected from workers and their employers are paid out almost immediately to those who are receiving benefits.

Take, for example, someone who has paid the maximum amount of Social Security taxes, who retired at the end of 1981 at age 65, and who has a spouse who is also 65. They currently receive an annual Social Security retirement benefit of $14,206. The maximum amount that any individual paid into Social Security from the beginning of the program in 1937 through 1981 was $14,767.00. This is a good illustration of how quickly an individual's contribution to the program is recovered and the magnitude of the problem.

The second major problem is the public's lack of confidence in the Social Security system. It's at an all-time low. People see the headlines about the danger that Social Security will run out of money, and they are worried. Three of four persons between the ages of 25 and 44 say they have little or no confidence that the program will be able to pay them benefits when they are ready to retire. Likewise, many older people who are already receiving benefits are terrified and afraid that their monthly checks will be cut.

No one in Washington and no responsible group has ever recommended the kinds of cutbacks that many of the elderly fear. We must therefore remove their fears and restore their confidence in the program. The public's support will be needed to enact the kinds of changes that are still necessary.

Short-term difficulties in financing Social Security are the major problems. There are three Social Security trust funds. The largest of the three—the one that pays retirement benefits—is expected to run out of money by the middle of next year. The primary reason is obvious—retirement benefits paid out have increased more than the amount of Social Security taxes collected. Another short-term problem is high unemployment, which further reduces the amount of money collected in Social Security taxes.

The fourth major problem is long-term financing. When the "baby boom" generation retires, there will be many more people receiving benefits and proportionately fewer workers paying taxes. Retired people will be living longer also. Unless further changes are made in the Social Security program, our children and our grandchildren will face Social Security taxes that are two or three times the rate we are paying today.

In summary, the major myths about Social Security are:

The program is funded.

Recipients have paid for their own benefits.

Solutions require reductions in benefits.

Rising general revenues are a painless solution.

These myths exist because most people do not really understand how the program works, what the problems are, or what the solutions involve.

These myths have been used to build support for the program. Social Security has been described with words like "insurance," "trust funds," "accounts" and "contributions." Older people have been led to believe that they paid for—and thus "earned"—their benefits.

The solutions to the problems of Social Security don't require reductions in present benefits. And using general tax revenues, as some people advocate, isn't a painless solution. All you have to do is listen to the debate over the current budget to realize that there aren't any general revenues available for this purpose.

Increasing the federal deficit still more would only create more inflation. In the end, using general tax revenues would weaken the relationship between benefits and the way they're financed—and lead to still higher taxes.

However, the situation is looking better. It is gratifying indeed to note the swiftness with which Congress, earlier this year, enacted most of the recommendations of President Reagan's bipartisan National Commission on Social Security Reform. Despite the fact that one of the commission's primary objectives was to remove the emotionalism that surrounds Social Security so that reasonable people working together can reach agreement on reasonable solutions, a consensus on the commission's recommendations for rescuing the system was reached only at the eleventh hour. Hopefully, this bodes well for the development of further recommendations for reforms that both political parties will support.●

ST. GERTRUDE'S OPERATION SURVIVAL DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. ADDABBO. Mr. Speaker, it is with pleasure that I address you today to officially recognize June 25, 1983, as "St. Gertrude's Operation Survival Day."

St. Gertrude, founded in 1911, is located in the Far Rockaway community in New York. This church's ability in meeting the special needs of a diverse community has been outstanding. Among the parish's noted accomplishments are its supper programs, summer day camp, teen center, senior citizens center, and counseling services.

This year as we celebrate June 25, recognizing St. Gertrude's dedication to its community, I would like to extend the honor to pay tribute to Ms. Esther Lustig and Mr. Martin S. Siegel who have also played important roles in St. Gertrude's survival.

Mr. Siegel has been active in the Rockaways and community affairs for several years. His sincere concern with bettering the Rockaway community should be admired and appreciated by all. His involvement in the parish, 101st Precinct Community Youth Council, and the Rockaway Chamber of Commerce, to name a few, have been vital to the Rockaways' growth during the last several years.

Ms. Esther Lustig has also devoted much of her time and energy toward improving the standard of living in the Rockaways. She has also been active on the St. Gertrude's Operation Survival Committee since 1978. Her involvement in civic groups and drug prevention programs throughout Queens have achieved great results throughout Queens County.

I would like to extend my heartiest congratulations to Mr. Siegel and Ms. Lustig as St. Gertrude's celebrates their day. This honor can only represent a small thanks for all the good work they have done for the Rockaways.●

THE FOOTHILLS PROJECT LESSON: THAT EVERYONE CAN BE A WINNER

HON. RAY KOGOVSEK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. KOGOVSEK. Mr. Speaker, far too often, and we have seen it in recent weeks of consideration of the budget resolution, parties involved in controversial issues polarize rather than join together to reach a solution. On June 21, 1983, the Denver Post carried an editorial by my Colorado colleague, TIMOTHY WIRTH, describing what can, and what should, result from reasonable negotiation. The final paragraph of Congressman WIRTH's statement is the best summary of all: "Coming together is a beginning; keeping together is progress; working together is success." I would like to submit this editorial to the CONGRESSIONAL RECORD so that Congressman WIRTH's example of success and his thoughts on how to achieve it can be considered by all.

[From the Denver Post, June 21, 1983]

THE FOOTHILLS PROJECT LESSON: THAT EVERYONE CAN BE A WINNER

(By Timothy Wirth)

Last weekend, we dedicated the Foothills water treatment plant, closing a major chapter in one of the most important controversies facing the Denver metropolitan area for the past decade. Denver is assured the capacity for treating water, averting what could have been an immediate water crisis limiting our area's inevitable growth.

That is a significant milestone for Denver. But there is a more important lesson from Foothills, and it is one that is easy to overlook.

Americans' confidence in their government—federal, state and local—has been severely shaken over the past 15 years. We have made a national pastime of noting our system's failures and decrying its incapacity to overcome paralysis on the most critical public policy issues. Many have resigned themselves to watching conflicts among parties, ideologies and special interests that produce little result for our nation, our state or our metropolitan area as a whole. Foothills shows us that we in Colorado can break that pattern—if we are truly committed and willing to work to accomplish our goals.

Six years ago, Foothills was mired in controversy among a myriad of interests and players: the Denver Water Board, the environmental community, developers, federal and state agencies and others. Lawsuits had been filed in Denver and Washington, and

despite our area's overriding interest in a resolution of the conflict, the plant was headed for years of prolonged and expensive litigation. And the public was faced with the high costs of the delay.

A group of us—Jim Kenny, then the new head of the Denver Water Board; Alan Merson of the EPA; leaders in the environmental community; leaders among the area's developers and I decided to attempt what many viewed as impossible; a negotiated settlement that would put the interest of Denver above the interest of any individual party. They accepted my invitation to come to the negotiating table. Together, we engaged in weeks of negotiations, including repeated all-night sessions, while we hammered out an agreement.

Through communication, not confrontation, every party came to understand the other parties' positions, and slowly but surely identified where they agreed and disagreed. The tortuous hours finally yielded compromise and agreement, and every one came away with a victory. And each party did win—because each recognized that consensus was better than stalemate.

The lesson is simple: As a society, we can break the deadlocks which frustrate and defeat all of us. But only if parties to a dispute are willing to listen to their opponents, be patient in waiting to find common ground and steadfast in building the coalition necessary for ultimate success.

That simple lesson can be applied to even the greatest controversies we confront. Our economy today is being damaged not as much by foreign competition, by cheap labor overseas or by unfair practices of our trading partners as it is by our own internal conflicts—by constant confrontation among business, labor and government.

That is why I have introduced legislation to create a high-level Economic Cooperation Council, to bring together leaders in each of these areas, to create a forum in which the parties can work to build a consensus on our economy's future and an understanding of each group's interests and needs. Some argue that our economy's problems are too complex for such a simple approach.

But I continue to believe what a philosopher said so long ago:

"Coming together is a beginning; keeping together is progress; working together is success."●

PRESERVE THE INTEGRITY OF THE CIVIL SERVICE

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. PARRIS. Mr. Speaker, the Comptroller General of the United States recently ruled that an Office of Personnel Management proposal requiring Federal employees to meet subjective job performance standards for within grade pay increases is illegal. In a letter to the chairman of the House Post Office and Civil Service Committee, Comptroller General Charles A. Bowsher said it is the view of the General Accounting Office that the proposal, made by the Office of Personnel Management, "is illegal and may not be implemented without appropriate legislation."

Specifically, it would require employees in steps 7 through 9 of a grade to achieve a performance rating of "exceeds fully successful" to be eligible for advancement to the next step, while requiring employees in the first six steps to be found only "fully successful." The Comptroller agreed with the chairman that this would create "an illegal" double standard.

Mr. Speaker, it is my opinion that the Office of Personnel Management has gone too far in their assault on Federal employees. This proposal is unacceptable, and I request that the Director of OPM withdraw or modify it so that it is equitable. Unless major modifications are made, this ruling will have a negative impact on the already battered Federal work force.

I ask my colleagues to preserve the integrity of the civil service by taking heed of the Comptroller General's recommendation.●

SOUTH AFRICA HANGS THREE GUERRILLAS; BLACK NATIONALISTS VOW REVENGE

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. LOWRY of Washington. Mr. Speaker, on June 7, 1983, I joined more than 50 Members of the House and Senate, from both the Democratic and Republican Parties, in sending an urgent cable to South Africa's Prime Minister Botha. We urged the Prime Minister to commute the death sentences of three young members of the African National Congress who were scheduled to be hanged 2 days later. I also sent cables to Prime Minister Botha and President Viljoen urging a last minute reprieve for the condemned men. Other pleas were sent by human rights organizations, governments throughout the world, and concerned citizens in the United States and other nations.

Despite these pleas, the South African Government hanged Jerry Mosololi, Simon Mogoerane, and Marcus Motaung on June 9, 1983 at 5 a.m. South African time. They were denied even the most basic right—a family burial. I deplore this reprehensible action. I believe it will only serve to fuel the growing violence in southern Africa.

The following New York Times article of June 10, 1983, provides valuable information concerning this situation. I urge my colleagues to give it their close attention, as we will soon be considering legislation which would make significant changes in our current policy of constructive engagement with the Government of South Africa.

The policy of constructive engagement has offered South Africa increased trade, expanded diplomatic relations, and indications of U.S. goodwill. But it is based on the faulty notion that we can influence South Africa, through vague diplomatic negotiations, to initiate peaceful, meaningful change within its borders and throughout the region. This has clearly not occurred, as evidenced by last week's hangings.

In reality, constructive engagement has meant U.S. support for South Africa's cruel and oppressive system of apartheid and racial discrimination. This support must end.

The article follows:

[From the New York Times, June 10, 1983]

SOUTH AFRICA HANGS 3 GUERRILLAS; BLACK NATIONALISTS VOW REVENGE

PRETORIA, SOUTH AFRICA, June 9 (AP).—South Africa's white Government today hanged three black guerrillas who had been convicted of treason and murder, and the outlawed African National Congress to which they belonged vowed to avenge the deaths.

"Their example and their sacrifice must and will, for us, serve as a call to battle," the organization said in a statement issued in Lusaka, capital of neighboring Zambia.

"We shall strike back by intensifying our struggle," Oliver Tambo, the guerrilla group's president, said in Addis Ababa, Ethiopia, where he was attending a meeting of the Organization of African Unity.

Two hours before the hangings, chapel bells pealed across Soweto, the black township south of Johannesburg, to mark the first executions in four years of rebels against the rule of South Africa's 5 million whites over 21 million blacks.

The three—Simon Mogerane, 23 years old, Jerry Mosololi, 25, and Marcus Motaung, 27—were sentenced to death for taking part in attacks on police stations between 1979 and 1981, in which four black policemen were killed. The men admitted their part in the attacks but demanded that they be treated as prisoners of war.

3 DEATH SENTENCES COMMUTED

On Monday, the Government commuted death sentences against three other black guerrillas to life imprisonment, noting there had been no deaths in attacks in which they participated.

Despite appeals for clemency from the United Nations Security Council and from the United States and other countries, a council of South African Cabinet ministers refused Wednesday to commute the sentences of the three put to death today.

The three men were hanged at 10 minutes after dawn in Pretoria Prison alongside a white man and another black man convicted of nonpolitical killings, said Coenie de Swardt, a spokesman.

The Government, apparently in an effort to head off vast demonstrations, refused to give the bodies to the families for burial. It also banned a protest rally scheduled for tonight in Soweto. But small demonstrations took place elsewhere.

In Durban, on the Indian Ocean, policemen arrested 23 people and scattered a crowd of some 400, mostly students, marching beneath the banner of the African National Congress.

On Wednesday night, part of a crowd of about 700 demonstrators at the University

of Zululand set a police car afire to protest the executions.

The French Government said South Africa "ridicules the values it believes it represents," and the National Assembly suspended its session for five minutes. The West German Government said it was dismayed. There were protests from Sweden, Italy, the Soviet Union and the Netherlands.

The South African Broadcasting Corporation, which reflects government policy, said the condemnations were misplaced.

"It is the murder and destructive tactics of the terrorists that deserve universal condemnation," the broadcast said. "A genuine effort to protect a nation from such horror should be beyond reproach."●

A TRIBUTE TO MR. JOSEPH QUINN

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. ST GERMAIN. Mr. Speaker, I usually come to the floor of the House of Representatives to tell of joyful occurrences within my congressional district. In this instance, however, I must report with a very sad heart the loss of a very dear friend, a wonderful father, and a beloved grandfather. On Monday of this week, June 20, Rhode Island lost a wonderful citizen, Mr. Joseph Quinn.

Mr. Quinn was a lifelong resident of Pawtucket, R.I. Since the late 1930's, he was also a summer resident of the Rhode Island community of Middletown.

How did this congenial, lovable, affable gentleman become famous up and down the east coast, from Rhode Island to Florida? Very easily. He did so in the most wonderful manner. He raised a family of four sons, all of whom were able to attend college and to distinguish themselves in their professional careers. His pride in life, his joy in life, was his family. He provided for their needs, he educated them well and, most importantly, he gave them a strong sense of moral principles and an appropriate sense of values. He was fortunate to have had an opportunity to do this with his grandchildren as well.

Mr. Quinn, as far as I know, never had an unkind word to say about anyone he ever encountered, and many people loved him, but no one loved him more than his sons. I have had the wonderful experience of viewing at firsthand the devotion of his sons to their father. Seldom have I seen such a close-knit family, seldom have I seen grown men so much in love with their dad.

And so, it is with a heavy heart that I report the loss of this wonderful gentleman who, along with everything I have said above, is a very dear friend of mine, of my wife, and of my daughters.

On the Sunday before Father's Day, my younger daughter and I had dinner with Mr. Quinn's sons and one of his grandsons. Mr. Quinn on that date had been hospitalized for a period of time and was in critical condition. But I was so impressed when Mr. Quinn's oldest son raised his glass and said, "Let us all drink to the man who can't be with us tonight, our father." I thought this was a very touching tribute, but it was not unusual for this family. For a long period I have noted how each son would watch over his father, making sure that he would be properly cared for. I have never seen four boys—grown men—demonstrate this type of devotion, love, affection, and respect for their father.

Goodby, Joe. You were a wonderful friend and an exemplary father. You have set an example for your sons, as well as for all who ever knew you. You will be missed.●

JEWISH NATIONAL FUND HONORS CONRAD EVERHARD

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. RODINO. Mr. Speaker, I am very proud to pay tribute today to Conrad H. C. Everhard, who will be honored on June 28 by the Jewish National Fund as the recipient of this year's Theodore Herzl Award.

Mr. Everhard is one of the outstanding leaders in the shipping and maritime industry, and is being cited for his tremendous achievements in this business as well as developing trade and goodwill relations between the United States and the rest of the world. He is the president and chief executive officer of Dart Orient Services, Inc., and is considered to be one of the country's leading experts on the steamship industry in particular and the transportation system in general.

The Jewish National Fund is the leading land reclamation and development agency in Israel, and is known throughout the world for its remarkable work in that country—planting trees, building roads, conducting scientific research—and has been tremendously successful transforming an arid desert into fertile farmland.

Mr. Everhard's professional achievement, for which he is being honored, are complemented by his strong support of Israel. The proceeds from the dinner on June 28 will be earmarked for a project in Israel bearing his name.

I am especially proud to serve as one of the honorary chairmen of the dinner with my good friends, Senator DANIEL P. MOYNIHAN and Congressman MARIO BIAGGI. Conrad Everhard has been a dear friend of mine for many years, and while I have long been aware of his outstanding abilities in his field, I am extremely pleased that such a noteworthy organization as the JNF recognizes his contributions as well. I sincerely wish all of the participants my best for a successful event, and offer my congratulations to both Conrad Everhard and the Jewish National Fund.●

CONGRESSIONAL SALUTE TO THE REVEREND AUGUSTINE VARRICCHIO UPON THE CELEBRATION AND COMMEMORATION OF THE 58TH ANNIVERSARY OF HIS ORDINATION TO THE PRIESTHOOD

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. ROE. Mr. Speaker, on Saturday, June 25, residents of the city of Paterson, my congressional district, and State of New Jersey will assemble at a parish celebration of Our Lady of Victories Church in Paterson, N.J., to honor one of our most distinguished members of the clergy and good friend of all of our people, Rev. Augustine Varricchio, to celebrate and commemorate the 58th anniversary of his ordination as a Redemptorist priest.

Mr. Speaker, the faith and devotion of our people in a full communion of understanding, ever caring and respecting the individual religious beliefs of his fellow man has been the lifeline of our democracy—ever inspiring our people with hope and urging the individual on to great achievements and purpose in pursuing the fulfillment of his dreams and ambitions. The exemplary leadership and outstanding efforts of our people so important to our quality of life are in the vanguard of the American dream and today we express our appreciation to the Reverend Augustine Varricchio whose esteemed dedication and unselfish devotion in promulgating spiritual guidance, goodwill, fellowship, and brotherhood in service to God are applauded by all of us who have the good fortune to know him.

Father Augustine Varricchio was ordained in 1925 to the holy order of the priesthood as a member of a Roman Catholic order known as the Congregation of the Most Holy Redeemer which was founded by St. Alphonsus de Liguori in 1732. He has served as spiritual adviser, reverend father, and pastor dedicated to the well-being and happiness of each and every member of the many parishes he has served throughout his lifetime.

Father Varricchio was born in Italy in 1895 and came to the Bronx in 1903. Upon his ordination as a Redemptorist priest he provided parish missions in

Italian in the northeastern region of our country until 1933. He then served as associate pastor at a large Italian parish in Brooklyn, N.Y., where he was the only English-speaking priest among six priests in the parish.

In 1938 Father Varricchio came to Paterson, N.J., as associate pastor of St. Michael's Church where he continued his most noteworthy leadership endeavors in promulgating the richness of the Roman Catholic religious culture. In 1951 Bishop Boland assigned him to commence a new parish at Branchville, N.J., where he became the first pastor of the new church: Our Lady Queen of Peace Church.

In 1952 he was assigned as pastor of Our Lady of Pompei Church in Paterson until 1954 when Bishop McNulty appointed him as pastor of Sacred Heart Church in Clifton, N.J. In 1966 he retired from his pastorate and took up residence as an esteemed and revered member of the clergy emeritus at Our Lady of Victories Church in Paterson, N.J. His steadfast faith, hope, and charity is now being ministered through the richness of his wisdom in service to God at Novena to St. Jude at Our Lady of Victories, and also at St. Gerard, Blessed Sacrament, and Our Lady of Pompei Churches in Paterson.

Mr. Speaker, I am pleased to have this opportunity to seek national recognition of Father Varricchio and all of his good works. Through his noble deeds and quality leadership and dedication and devotion to our people, in service to God and mankind, he has truly enriched the cultural, educational, and religious endeavors in our community, State and Nation. In national tribute to the elegance of his faith and outstanding good deeds on behalf of our people, we do indeed salute Rev. Augustine Varricchio of Our Lady of Victories Church, Paterson, N.J.●

PRESIDENTIAL RECOGNITION AWARD RECEIVED BY BERNICE BASS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. RODINO. Mr. Speaker, I am extremely pleased to salute Ms. Bernice Bass, who today received a Presidential recognition award from the Federal Regional Council.

The Presidential Recognition Award for Community Service by Federal Employees is given annually, specifically citing examples of outstanding programs involving both the public and private sectors in a partnership. The youth employment training program that was established by Ms. Bass with the Newark Board of Education, is a shining example of such a project.

Under this program, high school students from Newark worked 25 hours a week at the U.S. Customs Service, where Ms. Bass serves as Director of the Administrative Division. She first initiated this program in 1980, and it has proven to be extremely successful. The students work at the Customs Service helping to eliminate backlogs and update records, and in addition, their presence allows many permanent employees to participate in 2-week training tours in regional offices.

We have heard a great deal lately about the decline in quality in our educational system. Bernice Bass has been working for many years in the struggle for quality education in inner city schools, and has dedicated herself to finding remedies to this problem. As the host of an hour-long weekly radio show broadcast on WNJR in New Jersey, she brings these issues to the attention of the public as she interviews educators, parents, teachers, lawmakers, and concerned citizens. Her idea of involving high school youths in the Customs Service has been a proven success, and the reports from all of the supervisors and managers involved in the project confirm this.

I have known Bernice Bass for many years and I am very gratified that the Federal Regional Council has recognized her skills by honoring her in this way.●

TWO MARYLAND DWELLINGS IN NATIONAL REGISTER

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. DYSON. Mr. Speaker, it gives me great pride to announce the recent inclusion of two Queen Annes County, Md., dwellings in the National Register of Historic Places. Kennersley, located near Church Hill, and Cray House, located near Stevensville, are rare and unique structures, and by this designation become permanent reminders of the rich history of the Eastern Shore of Maryland.

According to the Maryland State Historical Trust, Kennersley was constructed some time between 1785 and 1798 by Richard Ireland Jones, a notable figure in the history of Queen Annes County. Jones came to Maryland in 1784 as a representative of Robert Eden, the last colonial Governor of the State. Jones was sent to attempt to reclaim some of the "wrecked fortune" of Frederick, Lord Baltimore. In 1785 or 1786 Jones married Susanna Tilghman, and built what is now known as Kennersley on some 500 acres of land formerly owned by his wife's family.

Kennersley survives as an example of Richard Ireland Jones' social and political prominence. However, Kennersley is notable for its unusual form of architecture as well. An outstanding example of high-style design of the period, Kennersley is the only remaining five-part house in Queen Annes County, and one of only a dozen or less examples on the Eastern Shore. Its Flemish bond brick work, special attachment of the wings to the main portion of the house, and its especially fine interior detailing serve to distinguish Kennersley apart from its connection with a historical personality.

Cray House, first constructed between 1809 and 1817, and enlarged in the 1840's, derives its significance as a rare, dated example of a form of log construction known as "post-and-plank." It is one of the oldest known examples of this type of construction in the Tidewater, and the oldest known building in Stevensville. This makes it an object of great interest for architectural historians.

Cray House was owned by the Cray family until 1976 when the heirs of Katie C. Ewing, nee Cray, Helen G. Sapp, nee Cray, Eva Brown, nee Cray, and Thomas Cray deeded the house to the Kent Island Heritage Society. The society was originally formed in 1975, and at that time began the arduous task of fundraising, and eventually, restoration. Instrumental in these efforts, and deserving of special commendation were Mrs. Lloyd Steuart, then president of the society, Miss Annie May Price, Mrs. Alfred G. White, the late Mrs. Malvern Schoch, and the late Mrs. T. Walter Denny. Through the initiative of these women and the Kent Island Heritage Society, an irreplaceable part of Maryland's past has been preserved for posterity. The society now maintains Cray House as a historical museum, and welcomes all interested visitors.

I congratulate the owners of both Kennersley and Cray House on the occasion of their designation as National Historic Places. Through their efforts, these valuable and unique examples of Maryland's history will be enjoyed for many years to come.●

REFERENCE TO STONEWALL JACKSON

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. CONTE. Mr. Speaker, on June 6, during debate on the fiscal year 1984 energy and water appropriations bill, there was reference made to the Stonewall Jackson Dam in West Virginia and its funding for the coming fiscal year. In my remarks on the floor during consideration of an amendment to delete funding for the project, I stated that: "if old Stonewall knew

that his name had been attached to this boondoggle, he would be turning over in his grave."

I would like to clarify this statement, because it appears that it has caused some misunderstanding. When I referred to "old" Stonewall, I meant that he died many years ago, not that he was old in years. Any student of American history knows that Jackson died at the age of 39 after Chancellorsville.

I recently received a letter from a doctor in Massachusetts who took issue with my reference, citing that Jackson "moved fast and hit hard and has been model and inspiration for great American leaders ever since. My all-time military idol, I think he was the greatest subordinate commander we ever produced."

Well, I heartily agree with Dr. Armitage, and hope that my southern colleagues did not take issue with my statement.●

THE LATEST HOLOCAUST

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. FLIPPO. Mr. Speaker, I am horrified at the unspeakable persecution and execution of members of the Baha'i faith in Iran.

Last Saturday, the government in Iran executed 10 women, including 4 teenagers, who are members of this religious minority.

There are some 50 members of this faith in my district, including 3 spiritual assemblies or congregations. Numerous members of this faith are living in Huntsville, Decatur, Birmingham, Tuscaloosa, and other Alabama cities. They are terrified.

Many of them do not know if members of their families have been killed in Iran and are afraid to even try to contact them.

The Baha'i faith started in Iran in the 1840's. It is now an independent, worldwide religion, with some 100,000 members in the United States.

Iran does not recognize this religion, since tolerance and equality of men and women are included in its tenets. Iran considers members of the Baha'i faith as heretics and Baha'i mothers as prostitutes, since it does not recognize Baha'i marriages.

Since Khomeini came to power, more than 150 Baha'is have been hanged. Thousands are in hiding. Thousands more are living in caves since the government burned their houses, auctioned their belongings on the spot, closed their schools, and confiscated their bank accounts. Mob beatings of the Baha'is are a common occurrence in Iran.

There are some 300,000 to 400,000 Baha'is in Iran, but the government will not allow them to leave. Members of this faith are not plotting the overthrow of the government, they are not conspirators. They are not even protestors. They are merely members of a different religion from the state of Iran, and they are being slaughtered. The U.S. State Department has confirmed these atrocities.

Many of you may have heard Dr. Firuz Kauzemzadeh, secretary of the Baha'i National Spiritual Assembly, tell about this genocide on CBS-TV Tuesday morning.

During the Iranian hostage crisis, we learned that we were also helpless to influence events in Iran. Last year, the Congress passed a joint resolution protesting the cruel treatment of Baha'i in Iran. President Reagan deplored the massacre on May 22. There are bills pending to prohibit exports to Iran as long as the Baha'is are being persecuted and executed. Still we do not seem to be having any effect in Iran.

The truth is that we may be having an effect. Dr. Kauzemzadeh said this morning that unless the whole world continues to protest the treatment of Bhah'is in Iran, the number of executions will number in the tens of thousands and, perhaps, hundreds of thousands, unless we continue to speak out against this latest "holocaust."

I call upon the Congress, the administration, and the American people to speak out against the persecution and execution of Baha'is in Iran.

Unless we do, the situation will inevitably get much, much worse.●

THE PIED PIPER FOUNDATION FOR THE PERFORMING ARTS DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. ADDABBO. Mr. Speaker, it is with great pleasure that I introduce to you the Pied Piper Foundation for Performing Arts, Inc., of Jamaica, N.Y. and ask that June 26, 1983, be named Pied Piper Foundation for Performing Arts Day.

This year, the foundation is celebrating its 15th anniversary which will represent 15 years of unselfish service to the Queens community. Already, Queens County has officially recognized and declared June 26 as their day and rightfully so.

Their contribution to the arts and tireless efforts to acquaint culturally deprived youngsters with the arts has been abounding. The foundation has helped develop and promote youths in entertainment and the arts, familiarizing them with a field that virtually none of young adults know about.

With the help of the Pied Piper Foundation and its executive director, Mr. Frank Tennyson, youngsters have participated in shows in New York City's parks, streets, and school programs.

It is only fitting to honor and be able to pay tribute to the Pied Piper Foundation on this day. To know them and their work and to see the smiles on the children's faces who have benefited from foundation programs, gives me great pride to be their representative. The Pied Piper Foundation should be admired by our whole Nation.●

PEOPLE ON SKID ROW GET SOME HELP

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. EDGAR. Mr. Speaker, in this time of difficult budget decisions, I would like to call attention to an example of the type of government funded community program which deserves our full support. In the city of Philadelphia, an organization has been quietly doing good works since 1963. With an annual budget of $2.8 million, over 90 percent of which is publicly funded, the Diagnostic and Rehabilitation Center runs an outstanding alcoholism treatment program and a drop-in center for the chronically homeless. The center shelters 3,000 homeless each year and receives an additional 40,000 outpatient visits.

The president of the center is Irving Shandler. In this truly compassionate crusade, Mr. Shandler has led the staff of the center and the center's many supporters in the community. I am one of the latter, having known and worked with Mr. Shandler since 1975. I would like to join those Philadelphians who recently paid their respects to the center on its 20th anniversary. The following piece by George Wilson, which appeared in the Philadelphia Inquirer, eloquently describes the work of the Diagnostic and Rehabilitation Center.

I am pleased to report that $76,000 from the emergency jobs and relief bill which Congress passed in March found its way to this center. During our many budget decisions this year, I hope we will remember to further support such deserving institutions as this one.

[From the Philadelphia Inquirer, May 20, 1983]

THE PEOPLE ON SKID ROW GET SOME HELP

(By George Wilson)

There was a small happening with a whole lot of meaning one day this week at 229 Arch Street. That's where the Diagnostic and Rehabilitation Center (DRC) is located. A luncheon was held on the premises to mark the institution's 20th anniversary.

The DRC is a private, nonprofit organization providing treatment and rehabilitation services to alcoholics and their families. Although located next to the Betsy Ross House, one of the city's most popular tourist attractions the center maintains a low profile. It probably goes unnoticed by most visitors to the historic area.

In characteristic fashion the anniversary luncheon on Monday was informal and limited to less than 50 guests. Those present, however, included top city officials and others who wanted to pay their respects and express their thanks to all who have had a part in making DRC an exemplary success.

It is enormously successful not in financial clout or material assets but in terms of really important things that it does around the clock, every day of the year, quietly, with devotion and dedication: things like service to humanity, compassion for the needy, comfort for the friendless, help for the ill, sanctuary for the homeless, guidance for the desperate, a hand of fellowship and understanding extended to all who come to its door.

Mayor Green spoke at the luncheon. So did City Managing Director Rodney Johnson and City Health Commissioner Stuart Shapiro. Each rose to the occasion—delivering remarks that conveyed both personal understanding and genuine appreciation of DRC's humanitarian objectives and good works.

Former board chairman Lewis Van Dusen and Elias Wolf and current chairman Gustave Amsterdam devoted most of their brief speeches to recollections of the center's conception and early years of operation. It was founded in 1963 largely through joint efforts of the Greater Philadelphia Movement, Temple University, the Redevelopment Authority and public-spirited citizens who wanted to do something to help the unfortunates who inhabited what was known as Philadelphia's Skid Row.

I remember quite well the circumstances that triggered the Skid Row controversy of the early 1960s, although I cannot speak of it with the intimacy of detail recalled by the founders of DRC.

The wholesale produce market on Dock Street (where several generations of my relatives, including my father, had worked for many decades) was torn down after the Food Distribution Center opened in South Philadelphia in 1959. That gave impetus to the Society Hill renaissance and, in broader dimension, to the revitalization of other residential areas in Center City. Mayor Richardson Dilworth, having established residence on Washington Square, was a pioneer in the back-to-Center-City movement.

An awkward question arose: How could Center City be restored as a first-class place to live when it was frequented by thousands (as many as 2,800, by one estimate) of derelicts inelegantly but commonly referred to as "Skid Row bums?" There was debate about whether Philadelphia really "needed" a Skid Row.

Some observers thought the homeless drifters, most of them apparently drunkards, ought to be "gotten rid of" somehow. Then, presumably, the city wouldn't have a Skid Row any more. No one seemed to know exactly where they could be sent. In the unreality of the times it wouldn't have been surprising if someone had suggested that they all be given tokens, taken to the Market Street Subway and dispatched to Upper Darby.

Fortunately, more enlightened attitudes prevailed. Some Center City businessmen, and others, recognized that Skid Row was not a territorial problem but a human problem. People on Skid Row needed to be considered not as "undesirables" but as neighbors who ought to be helped. The help should be made available in a manner that would not deprive them of their dignity or freedom of choice.

That humanitarian concern was the genesis of the Diagnostic and Rehabilitation Center. Those who seek its services now come from all over the city and beyond, and from many walks of life. More than 40,000 outpatient visits for medical and counseling services were recorded last year. Nearly 3,000 inpatients were provided food and shelter in addition to counseling and treatment. Funding comes from a variety of governmental (federal, state, local) and private sources.

Two former patients spoke at the anniversary luncheon. What they said overshadowed all that was spoken by others. To hear them tell their stories of rescue from despair was an unforgettable experience. It conveyed poignantly the effectiveness of the DRC as a rehabilitating institution and the noble work of staff members whose care and kindness and devotion mean so much to so many.

Irving Shandler is the DRC president. He has been with the organization since the beginning, directing its activities and earning large credit for its splendid achievements. He deserves grateful thanks not just from those who have been helped but from everyone who believes in humanity's basic obligation to assist fellow human beings and never to pass by on the other side.

The same accolades should go to others on the center's staff. They ought to be immensely proud of their achievements and the services they perform. They should be an inspiration to all of us.●

1983 CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Ms. FERRARO. Mr. Speaker, I am proud to participate today in the 1983 Call to Conscience Vigil for Soviet Jewry. My colleague from Colorado, Mr. WIRTH, has done a tremendous job of focusing the attention of this Congress, and, through us, the attention of the American public, on the terrible conditions faced by Jews in the Soviet Union.

For, despite Soviet claims to the contrary, thousands of Jewish citizens seeking to emigrate to Israel are being denied the right to rejoin their families. Hundreds of thousands of other Soviet Jews, who only want to live in their native land as Jews, are being denied the right to learn Hebrew or practice their religion.

If there is one Soviet Jew who puts the lie to Soviet claims of tolerance toward its ethnic minorities, it is Ida Nudel.

Imprisoned in Siberia for 4 years for the crime of seeking to emigrate, Miss Nudel is now living in a small Moldavian town, deprived of her profession as an economist, while health and hope fade away.

I recently visited Miss Nudel's sister in Israel and learned that Ida is as adamant in her desire to emigrate as she ever was in her 11 long years as a refusenik and Prisoner of Conscience. Soviet claims that Jews are happy and no longer want to leave the U.S.S.R.—these claims are lies and propaganda.

This Call to Conscience Vigil is a reminder—to the Soviet Union and the world—that the human rights of Soviet Jews, and all afflicted peoples, rank among our deepest concerns.●

RETIREMENT EQUITY FOR WOMEN

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. THOMAS of California. Mr. Speaker, I have introduced legislation to increase the allowable deduction for a spousal individual retirement account (IRA) to $2,000, regardless of the spouse's compensation.

My bill, H.R. 3309, would permit couples who file joint income tax returns to contribute up to $4,000 ($2,000 for each spouse) to IRA's. Current law discriminates against working women and against housewives who do not receive formal compensation but who nonetheless contribute greatly to their family's welfare. Current law limits IRA deductions on joint tax returns to $2,000 for the higher earning spouse, which in most cases is the husband, plus $250 for the lower earning or nonworking spouse, who in most cases is the wife. Couples are thus limited to annual overall IRA contributions of $2,250 if they file jointly.

Since both spouses will be relying upon their IRA savings in their retirement, I believe contributions should be allowed for both, regardless of who earns the income. When Congress passed the law establishing IRA's in 1981, it created a popular and successful tool for encouraging retirement savings while helping to add to our Nation's long-term savings pool. However, working wives and housewives were all but left out of this plan. These women should have the same opportunity as other people to set aside savings for their retirement, but under current law they do not.

Women are especially apt to find social security, pensions, and savings inadequate in their retirement years, which makes the IRA increasingly popular as a means of retirement saving. When a woman is a career or part-time homemaker, however, her ability to contribute toward her retirement through an IRA is hampered by current law.

Currently, full-time or part-time homemakers cannot establish an adequate IRA because they lack earned income, even though many studies show that their homemaking services contribute much in-kind income to the household. Under current law, homemakers can qualify for only up to $250 per year spousal deduction for an IRA. Those spouses who earn a second income outside the home are also subject to the $250 limit unless they file a separate return.

Clearly, both homemakers and spouses who earn a second income for their families contribute to their families' welfare, and these women will also eventually retire and will need retirement income, just as their husbands will. Therefore, it makes sense to me, Mr. Speaker, for Congress to change IRA limits to reflect this fact.

If IRA's are to be an important retirement planning tool for all Americans, they should not exclude a large number of working Americans, overwhelmingly female, who earn less than their husbands, or who choose to work in the home, or leave the work force temporarily to raise children.

My bill would correct this problem, and most of its benefits would accrue to taxpayers in the middle-income brackets who are often victimized by our Federal Tax Codes. Fully 63 percent of the tax benefits from my bill would go to families in the $10,000 to $50,000 income group. Many of these families have two incomes, and H.R. 3309 would provide a large measure of real equity—financial equity—for the working women of these families. It would also allow married couples to save a greater portion of their income toward their retirement.●

RULE ON THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means yesterday favorably ordered reported H.R. 2769, the Caribbean Basin Economic Recovery Act. This legislation would promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region.

I wish to serve notice, pursuant to the rules of the Democratic Caucus, that I have been instructed by the Committee on Ways and Means to seek a modified closed rules for the consideration of this bill by the House of Representatives.●

JAPANESE REPARATIONS BILL INTRODUCED

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. DYMALLY. Mr. Speaker, last Thursday, June 16, the Commission on Wartime Relocation and Internment of Civilians released its long-awaited recommendations with respect to reparations for those 120,000 Americans of Japanese and Aleut descent who were compelled to leave homes, jobs, property, and community and submit to internment in camps during the Second World War. During the 97th session of Congress I introduced two bills which were aimed at focusing the attention of the Japanese American and Aleut American communities on the issue of just recompense for their suffering during those years of internment. It was my intention that members of these communities engage in a dialog concerning this issue, and that their ideas be formulated in a bill after the Commission on Wartime Relocation had released its final report.

I am pleased to note that the provisions of my bills closely parallel the final recommendations of the Commission. The dialog which I had hoped to elicit has also occurred. Accordingly, I am proud to join Congressman MIKE LOWRY, who for many years has demonstrated his intense concern for the internees, and over 20 of our colleagues in sponsoring a new reparations bill. This bill reflects not only the work of the Commission, but also the thinking of many in the Japanese American and Aleut American communities. I am confident that the bill will have broad support and that, through it, we might bring a sad chapter in U.S. history to a just close. The World War II Civil Liberties Violation Redress Act will, at last, bring recompense to the thousands of internees whose way of life was so severely altered by the internment experience that more than 30 years after the experience many are still unable even to recount the experience to their children.

I wish to emphasize to my colleagues and to my fellow Americans that this is not a bill aimed at giving money to Japanese nationals. Rather, it is a bill for Americans who were blanketly denied their civil rights without the due process of law that we regard as a hallmark of our democratic system. This bill is the least that we should do in recompense for the trauma this country inflicted on fellow loyal Americans. Many of those who were interned have demonstrated their loyalty through a lifetime of public service. Internees are now well represented among our Nation's outstanding legislators, educators, physicians, researchers, and business men and women. Their love of country and their dedication to their fellow human beings is above reproach now as it was the day they set foot in the camps.

I would also point out to my colleagues that this bill should not be regarded as a regional bill or a special interest bill. It was not California or Alaska or Oregon that placed these 120,000 Americans in camps. The United States of America carried out the act—all of the United States—and so, it is fitting that all of the United States demonstrate through passage of this bill in the U.S. Congress that they are ready to make amends for one of the most serious breaches of civil liberty this country has ever visited upon its citizens.●

BALTIC STATES STRUGGLE FOR IDENTITY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mrs. JOHNSON. Mr. Speaker, this week marks the 43d anniversary of the Soviet invasion of Estonia, Lithuania, and Latvia, and the beginning to the courageous struggle by the Baltic people to retain their ethnic identity despite the brutal attempts by the Soviets at russification.

The Soviets have attempted to subjugate the people of the Baltic States by suppressing the very facets of their culture that create a sense of ethnic identity—most notably religion, language, and self-governance. For example, in Latvia SSR, 75 percent of both Komsomol and Party Central Apparatus are composed of non-Latvians. In 1979, 8 out of 10 heads of major departments in the Latvian Komsomol Central Committee were Russians. Russian is the only language spoken in the Party Central Committee, Council of Ministers, and Komsomol Central Committee and all the documents and directives are issued in Russian.

Methods of russification include the forced relocation of Baltic people away from their homelands; elimination of the Latvian, Estonian, and Lithuanian languages and all ethnic traditions; establishment of Russian as the official language in government, place names, and employment; job discrimination against portrayals of ethnic Baltic themes, and colonization of Balts to a minority in their own homeland.

The forced annexation of the Baltic States and the terrible persecutions that followed are yet another tragedy that scarred innocent people through the silent collusion of others. On this day dedicated to the spirit of freedom and independence of the Baltic people, let us be sobered by the memory of

these sacrifices. The price of forgetfulness is too great.●

SUPREME COURT DECISION ACCLAIMED

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. WEISS. Mr. Speaker, last week, the Supreme Court handed down a series of decisions that represent a tremendous and far-reaching victory, not just for women in their struggle for reproductive freedom, but also for everyone who believes that individuals should be free from State interference in private matters.

In its ruling, the Court relied on the doctrine under which courts in this land consider themselves bound by legal precedent. The precedent in this case was the 1973 Supreme Court decision in Roe against Wade, a ruling that affirmed a constitutional right to privacy in the 14th amendment.

Reaffirming that decision, the Court struck down a number of local abortion restrictions, including requirements that all abortions after the first trimester be performed in hospitals and that doctors tell women seeking abortions that the fetus is a human life from conception.

Clearly, the latter restriction involves moral and religious views not held by the majority of our population. And the hospital requirement is an unnecessary burden on access to a relatively inexpensive and safe medical procedure. Medical groups testified that second trimester abortions are much safer now than they were 10 years ago when the Court suggested that abortions be restricted to hospitals after the first 3 months.

I am hopeful that these decisions—acclaimed as the greatest prochoice triumph in the past decade—will weaken the antichoice forces that continue to recklessly inject antiabortion fervor into areas where it does not belong. It will undoubtedly lead to the nullification of many other State laws that limit women's freedom of choice on abortion.

Finally, I hope that the Supreme Court decisions bring us one step closer to the day when the issue of abortion no longer dominates the congressional agenda, but rather, is accepted as a basic tenet of a woman's right to reproductive control.●

POPE'S VISIT TO POLAND

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. OWENS. Mr. Speaker, today, we consider the Pope's visit to Poland in light of the impact on the Polish people and the Polish Government as well as the impact on the thinking of people in the United States about the relationship among ideas, governments, aspirations of people, and the provisions of the basic needs of human beings.

Pope John Paul II is the symbol of a religious tradition which has persisted for almost 2,000 years. He could easily confine himself to the Vatican, but this Pope has chosen to address the problems of the world. His encyclical "Laborem exercens" sets forth the proper relationship between workers and employers and between work and human dignity. The Pope affirms the right of workers to organize to achieve a decent standard of living for themselves and their dependents. The Pope made it clear that all work was equally important and that compensation should be such that it would be possible for a parent to remain home to care for children.

The conflict between workers and the employer state of Poland is a direct result of the pattern of ignoring the need of workers to work to provide a decent living for themselves and their families. As the workers of Poland organized into the movement called Solidarity, the Government reacted with threats, coercion, and violence. Workers who may have been intimidated can only be encouraged by the Pope's visit and support. Will this support lead to further threats, coercion, and violence against workers? One can only know that it is impossible to subdue the human spirit for long. Should the Government of Poland continue to pursue this course, it will find that it cannot close its eyes to rest in its own house.

What is the meaning of the workers' struggle in Poland for the workers of the United States? It is hard to have anything but admiration for those in Poland who have risked so much in the fight for a decent living. Will this stimulate the revival of the struggle for workers' rights here which has been subdued by coercive economic policies that ignore the "lagging indicator of recovery," the intolerable unemployment rate? Perhaps—but I cannot help but feel that this problem must be addressed by us, as Members of Congress. To that end, I have introduced the employment opportunity amendment which would make it clear that each person has the right to an employment opportunity and that it is the responsibility of Congress to enact into law the policies and programs which will create and sustain the economic environment which makes this possible.

It does not matter whether the means of oppression is the overt violence of Poland or the more subtle violence of economic manipulation to intimidate working people. In the long run, the violence done to body and soul are remarkably similar. People will eventually unite to build a better life. Solidarity will prevail.

There is no neutral ground. Each of us will be known for his or her acts. Do you stand on the side of a just society which recognizes the value and dignity of work and the need to create the opportunity for a decent living for all? Do you sit idly by and allow the drift of industrial and demographic changes which leave our people embittered as they are trapped by unemployment and the frustration of not providing for themselves and their families?

We are not helpless. We can act to help our people even as we expect the Government of Poland to act in support of its people.●

MEDICAL DOCTORS TO EL SALVADOR—BAND-AID REMEDY

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. SIKORSKI. Mr. Speaker, I am submitting for publication in the CONGRESSIONAL RECORD a letter to the Minneapolis Star & Tribune on June 21, 1983, written by a constituent of mine, Dr. Gary W. King of Fridley, Minn. I would like to share it with my fellow Members of Congress, as a frightening reminder of the fact that the government's policies are jeopardizing the health and safety of the people of El Salvador:

The Reagan administration's decision to send medical doctors to El Salvador is another Band-Aid remedy for a longstanding problem. Two groups of health professionals recently visited El Salvador to explore the disappearance, murder and imprisonment of health professionals in that country. Both groups heard similar sad tales of harrassment and murder perpetrated by right-wing death squads, the national police and the treasury police. Twenty health professionals had disappeared in the previous 12 months. Four were found in prison, two had been freed, one was in a mental institution outside that country and no trace was found of the other 13. Dr. Roberto Rivera Martelli, an obstetrician who hosted one investigation group, was abducted a month after the visit.

Health and health care in El Salvador have suffered greatly since 1979. The Ministry of Health has had its budget cut 50 percent to save funds for the military. Maternity beds often hold two or three women. Endemic diseases such as measels, diptheria,

polio and tuberculosis are rising. Vaccines are not available. In rural areas, infant mortality is 180 per 1,000. One-third of the population is anemic, 80 percent of the children under five years are malnourished. In refugee camps, sanitation is nonexistent.

After 12 of El Salvador's most prestigious professors, doctors and nurses tried to form a group to plead with the government that health professionals should be able to treat people without being killed or having their patients dragged off the operating table, several of them disappeared. Others have fled into exile. These facts reflect a total breakdown in health in El Salvador. As long as we are sending bullets and advisors to that country, and encouraging its government to continue the war, there is scant need of our Band-Aids.●

PERSONAL EXPLANATION

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. COATS. Mr. Speaker, due to official business I was unable to be present and voting on several issues debated on the House floor on Tuesday, June 16, 1983. Had I been present, I would have voted as follows:

On final passage of H.R. 1510, the Emergency Food Assistance Act, "aye."

On adoption of the rule providing for consideration of H.R. 2668, the Consumer Product Safety Act reauthorization, "aye."

On adoption of the rule providing for consideration of H.R. 2972, military construction authorization, "aye."

On an amendment to H.R. 2969, the Department of Defense authorization, to delete from the authorization all funds for procurement of Pershing II missiles, "nay."●

WARRENSVILLE HEIGHTS STUDENTS AND U.S.S. SNORC WIN OLYMPICS OF THE MIND COMPETITION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. STOKES. Mr. Speaker, it is a pleasure for me to use this opportunity to applaud the achievement of six talented young people from the Warrensville Heights High School located in the 21st Congressional District. These six students ingenuously built a robot they called the U.S.S. SNORC as a solution to a problem during a regional competition of the Olympics of the Mind. Not only did they win the State competition, but they went on to capture the world championship, in Michigan on May 26 and 27.

The team members included David Benthimer, Brian Bowling, Kevin Harris, Kevin Sedensky, David Tyus, and Christopher Wright. As their Congressman, I congratulate this group on behalf of the residents of the 21st District.

These creative young men collectively developed the U.S.S. SNORC, which stands for the Submersible Nautical Or Revolving Company. Built as a miner's helper, the U.S.S. SNORC would permit exploration in mines for valuable minerals without endangering human lives.

These diligent students designed this robot in 2 months. Their commitment to the project resulted in the completion of a device which could aid in future technology.

I personally take this time to commend these young men for their first place win in the district, second place in the regional, and first place in State competition. Their achievement steered them to the world championship.

Additionally, I would like to pay tribute to the instructors at the Warrensville Heights High School who provided the guidance for these young engineers. Undoubtedly, it was the exceptional training from these persons that helped our six honorees to win the world competition.

Mr. Speaker, I am deeply pleased to congratulate these outstanding young men for their skillful achievement. At this juncture, I would like to insert in the CONGRESSIONAL RECORD an article which appeared in the Cleveland Plain Dealer on this competition and the outstanding accomplishment of the six young men from my congressional district.

WARRENSVILLE PUPILS USE ROBOT TO WIN "MIND OLYMPICS" TITLE

(By Nancy Roman)

A foot-high robotic device made primarily of scrap metal, wires and a drive wheel moves slowly across the floor, scoops up two tennis balls and loads them into its miniature truck bed. A "task completed" sign lights up.

The U.S.S. SNORC, Submersible Nautical Or Revolving Co., led six pupils from Warrensville Heights High School to the world championship in the third Olympics of the Mind competition May 26 and 27 in Michigan.

The U.S.S. SNORC is the winners' solution to one of five Olympics problems: Your team is a group of mining engineers. You are to design a "miner's helper" that will allow you to explore abandoned gold, silver and othe mines for valuable minerals without endangering humans.

Team members David Benthimer, Brian Bowling, Kevin Harris, Kevin Sedensky, David Tyus and Christopher Wright began working after school in December to develop SNORC. They spent hours developing the design, style and mechanics while trying to keep within a $35 budget.

The competition is based primarily on creativity and mental gymnastics.

"The first day, Mr. Ross (team coach Dennis W. Ross) set all this stuff down—sheet metal, strings, bolts, a motor," team member Wright said. "We just looked at it for 15 minutes and asked, "What are we gonna do?"

But team member Bowling said, "Once we had the basic shape down, it was smooth sailing."

After spending $32 and "two straight months of work," the team had created a solution that placed first in district, second in regional and first in state competitions. The pupils then took SNORC to Central Michigan University, where they competed with 300 teams from 35 states, Ontario and Washington, D.C.

In addition to the solution to the long-term problem (maximum 200 points), pupils were judged on spontaneous response to several problems for a 100-point maximum.

Members described the session: They were put in a room 13 feet apart from one another. They were then asked which things they would take into the human mind and why. As though they were again competing, the pupils recalled their answers:

"I said, 'Superman, so I could let him do my work,'" Bowling said.

"A probe to take a tumor from your mind," Benthimer said.

"Rollerskates for transportation in and out of the mind," Harris said.

"Girls to keep you company," Tyus said.

In another problem, a shoe box containing 10 different items such as straws and matchboxes was placed in the center of a room. The pupils were instructed to place tennis and Ping-Pong balls in the box, using the different gadgets.

They did it in one minute, 38 seconds.

A final area of critique was style. The pupils were judged on presentation of the project. The Warrensville Heights team wrote a skit using an underwater mining theme complete with divers and sea monsters. "We tried to be just as creative as we could," Bowling said.

All members agreed the best thing about Mind Olympics was the chance to go to national competition.

One said the best part of the competition was winning. Another said it was meeting a variety of people.

"The people from way up in Canada talked funny, and the people from down in Alabama talked real funny, so we decided since we're in the middle, we must talk normal," Tyus said.

But team members agreed there was no animosity among any of the pupils regarding their cultural differences or the competition itself.

The pupils, all juniors, said they are eager to participate again next year.

"We are set on making this a Warrensville Heights tradition," Wright said.●

THE QUADRANGLE GROUNDBREAKING

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. BOLAND. Mr. Speaker, last evening I had the pleasure of witnessing an exciting and important event in the life of one of the world's foremost centers of learning, the Smithsonian Institution. With the turn of their shovels, Smithsonian Secretary Dillon Ripley, Vice President George Bush, and Chief Justice Warren Burger formally began the construction of the

Quadrangle, a center for African, Near Eastern, and Asian cultures.

The Quadrangle will help satisfy a need that has existed for far too long; the need to educate Americans about the rich and diverse cultures of the countries that lie between the Atlantic shores of Africa and the Pacific shores of Asia. In its museums, exhibition galleries, classrooms, seminar area, and auditorium, scholars and casual visitors alike will have an opportunity to experience the vitality of the cultures of the non-Western World. I am confident that the Quadrangle will immeasurably contribute to not only a better understanding of the countries of Africa, the Near East, and Asia, but to better relations with those countries as well.

I want to particularly commend Smithsonian Secretary Dillon Ripley for his leadership on the Quadrangle project. It is in large part due to his vision and his energy that this significant addition to the Smithsonian Institution has reached the construction stage. While half of the cost of the Quadrangle will be borne by the Government of the United States, half will also come from individuals, organizations, and governments throughout the world. Secretary Ripley has been tireless in his efforts to share his vision of the Quadrangle with leaders of governments, corporations, foundations, and private individuals around the globe. Throughout his stewardship of the Smithsonian, he has been an ambassador for learning and the Quadrangle is in large measure a reflection of his ability to instill in others a portion of his deep belief in the value and necessity of diffusing knowledge among the people of the world.

Mr. Speaker, I await with anticipation the completion of the Quadrangle. I know it will be a fitting addition to the Smithsonian and the Mall and a positive delight to millions of people.●

FTC COMMENTS ON GAS PRORATIONING ACTIONS

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. DANNEMEYER. Mr. Speaker, as the Congress continues to focus on the natural gas situation that faces our country, one of the topics that deserves further scrutiny relates to the actions of State regulatory bodies in gas-producing States and of some gas pipelines to interfere with the functioning of a truly free market by prorationing of gas purchase.

Under a prorationing arrangement, a natural gas pipeline takes only a percentage of the deliverability of those wells that are under contract to it. The problem arises when regulatory bodies, such as the Texas Railroad Commission or the Oklahoma Corporation Commission, or pipelines themselves, implement a prorationing system that results in pipelines taking the same percentage of natural gas from wells regardless of the price of gas from each well. For example, in April of this year, the Oklahoma commission adopted a rule for 90 days to reduce permissible rates of natural gas production from 50 percent of open flow tests to 25 percent. This rule has since been rescinded.

Mr. Speaker, my deep concern is that these price insensitive prorationing arrangements, whether by State regulators or by the pipelines themselves, act to rob the consumers of this country of the benefits of the current surplus in the natural gas marketplace. Basic economics suggests that if there is an excess of supply in relation to demand, then prices should fall. The natural gas market under current Federal laws and regulations is already very inflexible and thus it is slow to react to these market forces.

Yet, despite the rigidity that characterizes the natural gas industry, market forces have recently begun to be felt, albeit slower than many of us would have liked. The industry trade press reports that new gas contracts are being signed for less than the maximum allowable prices under the Natural Gas Policy Act of 1978. Pipelines that have market-out clauses in their contracts are exercising them. In some cases, pipelines are even acting unilaterally to reduce volumes and prices under certain gas contracts absent specific contractual rights by invoking their own interpretation of the legal doctrine of force majeure.

If, however, pipelines or the regulatory authorities in the natural gas-producing States are able to shrink the surplus by reducing the permissible volumes of production, especially when the same percentage is applied across-the-board, the Nation's consumers will suffer. This action would strongly appear to be a misuse of the State's otherwise legitimate right to regulate natural gas production for purposes of conservation of the resource base and protection of property rights.

While Congress has yet to reach a consensus on natural gas legislation, I am confident that we will do so at a later point this year. Regardless of where we stand on the route, we share a common destination of lower natural gas prices consistent with adequate incentives for additional production. No matter how the pricing debate turns out, it is critical that Federal policy be implemented without undue interference from either State regulators or from pipelines.

When the matter first came to my attention at one of the final hearings of the Subcommittee on Fossil and Synthetic Fuels, I initiated an inquiry into this matter. Specifically, I was joined by the gentleman from Illinois (Mr. CORCORAN), the ranking minority member of the subcommittee, in letters to the Federal Trade Commission and to the Antitrust Division of the Department of Justice. We requested these agencies to look into the competitive effects and corresponding economic implications of prorationing activities.

We recently received a reply from Chairman Miller, for the FTC, based upon the work of the FTC's Bureaus of Economics and Competition. Miller's reply includes the following statement:

> Pro-rata cutbacks, without regard to differences in price from various suppliers, would reduce the producer's incentives to lower prices because the pipeline would not take additional supplies from the producer even if the producer offers a discount.
>
> In addition, such cutbacks in the volume of gas purchased by pipelines permit higher prices in the retail market, enabling higher producer prices to be sustained.

Mr. Speaker, I have long been an outspoken advocate of free market pricing for energy resources, including natural gas. However, implicit in this position from my perspective is that the market be relatively free of anticompetitive forces, such as the interference in a truly free market represented by the type of prorationing actions I have described.

Mr. CORCORAN and I circulated our inquiries of the FTC and of the Justice Department, along with the FTC reply, to our colleagues on the Committee on Energy and Commerce. These items will also be inserted at the conclusion of these remarks. We will similarly circulate the Justice Department response, once it is received. We indicated, in our letter to the Commerce Committee, that we will continue to monitor this very closely and take appropriate action during markup of natural gas legislation.

In conclusion, please allow me to note that the Federal Energy Regulatory Commission has announced the scheduling of an informal conference on pipeline gas purchase practices for July 11 and 12. This forum, to be chaired by Commissioner Oliver Richard, will provide an excellent opportunity to explore the prorationing issue in greater detail.

Mr. Speaker, I insert the correspondence referred to earlier at this point in the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 21, 1983.

Hon. JAMES C. MILLER,
Chairman, Federal Trade Commission, Washington, D.C.

DEAR CHAIRMAN MILLER: As members of the Fossil and Synthetic Fuels Subcommittee of the House Energy and Commerce Committee, we share Congressman Philip

Sharp's concern regarding the possible anti-competitive consequences of certain practices of the natural gas industry that have come to our attention during the course of the Subcommittee's natural gas hearings. These practices include the operation of most-favored nation clauses and the shutting in of certain natural gas supplies thereby shutting out those producers from the market. We understand that you are in the process of preparing a response to Congressman Sharp's March 25 letter in which these and other practices are discussed more fully.

In addition to these issues, we ask that you consider the consequences of certain "pro rationing" actions now being taken by regulatory authorities in natural gas producing states and by natural gas pipelines. We would direct your attention to recent action taken by the State of Oklahoma. Although we are not yet familiar with the details of what Oklahoma has done, we understand that the state has reduced the permissible rates of production from wells in Oklahoma to 25 percent across the board, regardless of price. (See attachment one). Texas and Louisiana are also contemplating such pro rationing measures.

States have a legitimate interest in the protection and conservation of their resource bases. This does not, however, justify action by the states that would act to dry-up the current natural gas surplus by constraining supply rather than allowing the operation of market forces to set a price that would balance supply and demand.

Until recently, Congress had a monopoly on misguided regulation of the natural gas market. We are concerned that well-intended state regulatory efforts to deal with the distortions now apparent in the market will make matters worse by choking off what little market response is now possible. From the viewpoint of the Federal Trade Commission, what are the consequences of this state pro rationing activity on the operation of a competitive natural gas wellhead market.

The states' action is especially troubling given the recent decisions by several pipelines to initiate their own pro rationing programs. A representative of the Columbia interstate pipeline testified before the Subcommittee on April 20, 1983, that Columbia has cut back its purchases from all producers to a fifty percent level, regardless of price. Transcontinental, Consolidated and other pipelines are initiating their own pro rationing schemes. These blanket, pro rata reductions seem to us to be a tremendous damper on wellhead competition. Why should a producer cut his price if he cannot sell any more gas? Not only is the producer shut-in, but so are the consumers who would have benefited with lower prices.

As you know, the gas industry is unique. It is emerging painfully from decades of federal regulation. In this state, the application of the antitrust laws poses new and complex problems. We look forward to your insight on these questions, and hope that you will be able to respond before the Subcommittee begins marking up natural gas legislation, preferably by May 15, 1983.

Sincerely,

WILLIAM E. DANNEMEYER,
Member of Congress.
TOM CORCORAN,
Member of Congress.

Attachment.

FEDERAL TRADE COMMISSION,
Washington, D.C., May 31, 1983.

Hon. WILLIAM E. DANNEMEYER,
Committee on Energy and Commerce, House of Representatives, Washington, D.C.

DEAR MR. DANNEMEYER: Thank you for your letter dated April 21, 1983, in which you requested my views of prorationing actions taken by natural gas producing states and natural gas pipeline systems.

Your letter raised questions about prorationing cutbacks in times of rising gas prices. I have accordingly directed the Federal Trade Commission's Bureaus of Competition and Economies to consider carefully the matters your letter discussed. The following represents the views of both Bureaus based on present information. As in all cases, the Bureaus' responses do not necessarily reflect the views of the Commission or any individual Commissioner.

Your letter asked for an assessment of certain state and natural gas pipeline prorationing policies, citing the Oklahoma Corporation Commission's recently promulgated rule reducing permissible rates of natural gas production from 50 percent of open flow tests to 25 percent. The rule became effective April 15 and will be effective for 90 days. As your letter further notes, other states are contemplating similar measures to respond to the recent decline in demand for gas. Natural gas pipelines have also adopted prorationing schemes to reduce gas purchases. Under one type of prorationing plan, pipelines make across-the-board reductions in gas purchases from all suppliers, rather than first cutting back the most expensive gas. For instance, Columbia Gas Transmission Corporation has invoked force majeure clauses in its contracts with gas producers, and reduced gas purchases "to an amount which its system can absorb." [1] Columbia has estimated that this will require reductions to approximately 50 percent of deliverability and has said that "Columbia's purchases will be structured so as to affect all sellers in the same manner." [2] Transco plans to "reduce its purchases proportionally, based upon current deliverability, without regard to price category or take-or-pay provisions." [3]

States and pipelines are taking these prorationing actions in the face of a substantial decline in gas consumption and a concomitant decline in the amount of gas that pipelines are able to take from producers. As demand has fallen, pipelines have reduced their purchasers or stopped taking gas altogether from some producers. At the same time, the average acquisition cost of gas for pipelines has continued to rise, pushed upward, in many instances, by the interaction of phased decontrol under the Natural Gas Policy Act of 1978 and producer/pipeline contracting provisions typing the price to the highest price allowed under law. These increases have further reduced sales.

The surplus of gas supply over consumer demand suggests that retail prices presently exceed market-clearing levels in many markets. It also suggests that average wellhead gas prices are too high to balance supply and demand.[4] Unless there are regulatory, structural, or contractual impediments, therefore, competition among producers will create pressures to lower these prices. Indeed, there is evidence of some gas price decreases in recent months, including (1) declining prices on new contracts for deregulated § 107 gas, (2) § 102 gas under new contracts selling below the price ceiling for that category, and (3) pipelines invoking market-out clauses leading to the renegotiation of contracts and lower contract prices. For some however, contractual commitments severely limit the impact of the current surplus in lowering their average gas acquisition costs.

State regulation to reduce permissible rates of flow by gas producers may inhibit price discounting by gas producers. If state prorationing eliminates excess deliverability, producers could not increase sales by cutting their prices, and therefore would have no incentive to reduce prices.[5] Moreover, if several important gas producing states imposed prorationing, they could limit supply below present demand, leading to shortages and higher prices.

Natural gas pipelines' prorationing policies may also affect the incentive of producers to reduce their prices. Pro-rata cutbacks, without regard to differences in price from various suppliers, would reduce the producers' incentives to lower prices because the pipeline would not take additional supplies from the producer even if the producer offers a discount. In addition, such cutbacks in the volume of gas purchased by pipelines permit higher prices in the retail market, enabling higher producer prices to be sustained.

The assessment of the gas purchasing policies of pipeline companies may be more complicated where pipelines have invoked force majeure with respect to the take-or-pay provisions in their contracts with gas producers. It appears that Columbia and Transco have recently exercised force majeure in order to avoid the prepayment obligations of these take-or-pay clauses. If the exercise of force majeure is proper, then the terms of the applicable contracts and state law may or may not give the pipeline discretion to exercise force majeure on the highest-priced contract first or to purchase proportionately larger amounts of lower priced gas after having invoked force majeure.

Certain aspects of the present natural gas market may limit the speed with which competition among producers affects field prices. Producers often have long-term contracts with pipelines containing high take-or-pay provisions. Absent a valid force majeure, a producer may be unwilling to negotiate for a lower price in order to obtain a relatively small increase in sales, if most of its sales are already assured at a higher

[1] Pending Natural Gas Legislation, 1983; Hearings Before the Subcomm. on Fossil & Synthetic Fuels of the House Committee on Energy & Commerce, 98th Cong. 1st Sess. (1983) (Statement of John H. Croom, President, The Columbia Gas System, Inc., Attachment 1, at 1).

[2] Id.

[3] Settlement Agreement as to Rates of Transcontinental Gas Pipeline Corporation, Docket No. RP83-11-000 and RP83-30-000, filed April 13, 1983, at 4.

[4] Purchased gas costs are the major, but not the only, component of the price of gas delivered by pipelines to distribution companies. The decline in demand has also increased fixed costs per unit of volume.

[5] Under limited conditions, state prorationing might lead to lower, short-run gas prices if gas pipelines have been purchasing a disproportionate share of high-priced gas. A pipeline may engage in this practice, for example, if its take-or-pay obligations tend to be higher for its more expensive sources of supply. Under these limited conditions, a pro-rata cutback on gas deliveries would be less expensive than existing practices. Further study would have to be done, however, on whether state prorationing might still lead to higher prices in the long run, by inhibiting price discounting.

price by the long-term nature of the contract and the take-or-pay provision.

Regardless of how a pipeline cuts back on gas purchases, a producer may wish to reduce its price to sell to third parties the production the pipeline has refused to take. However, several factors may prevent a producer from selling its gas to someone other than its existing pipeline customer, including (1) contractual or FERC regulatory obligations that dedicate the reserves to one pipeline, (2) the absence of interconnections with more than one pipeline, or (3) the unwillingness of the existing pipeline customer to transport the gas on behalf of another purchaser. Under these circumstances, the producer may be unable to sell the gas to third parties by discounting.

Thank you again for your letter. If you would like to discuss these issues further, please feel free to contact me. Should your staff wish further information, the staff contact on the matter is Ronald B. Rowe (202) 724-1441, an Assistant Director in the Bureau of Competition with responsibility for natural gas matters.

Sincerely yours,

JAMES C. MILLER III,
Chairman.●

IMMIGRATION: FLORIDA'S PROBLEM TOO

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. LEWIS of Florida. Mr. Speaker, the State of Florida has been subjected to waves of illegal immigration, the most dramatic of which was the Mariel boat lift of Cubans in 1980.

However, the real story of illegal immigration into and through Florida unfolds every day. Thousands upon thousands of Mexicans pay their life savings to "coyotes"—people smugglers—to cross the Rio Grande and come to Florida to work in the fields and make more money in a day than they can make at home in a week or more.

Haitians huddle together tightly on small boats and brave stormy seas to escape an oppressive regime for the slim hope of a better life.

And now there is evidence of illegal immigrants from nations on the other side of the world finding their way to south Florida. I would like to share with you an article which appeared in the May 26, 1983, edition of the Fort Lauderdale-Pompano Beach Sun-Sentinel about Indian immigrants who were apprehended in Broward County, Fla.

Because small groups do not attract public attention it is easy to understand why non-Floridians think Florida's problems with illegal immigration are in the past tense.

Much to the contrary, illegal immigration continues to affect Florida every day and the people of Florida want this Congress to redress the problem.

The Immigration Reform and Control Act, H.R. 1510, will be available for floor debate by the end of this month, and I hope is quickly scheduled for consideration by the House.

This legislation is no panacea. Immigration—legal or illegal—will continue as long as the United States remains the land of opportunity for people from countries torn by economic strife and political repression.

I do not support every provision of H.R. 1510, but it is a start, and I do support quick congressional action to combat the overwhelming problem of illegal immigration.

The May 26, 1983, article from the Fort Lauderdale-Pompano Beach Sun-Sentinel follows:

ELEVEN ILLEGAL ALIENS DISCOVERED ASHORE, HELD FOR QUESTIONING

(By Willie Fernandez and Justine Gerety)

Authorities are trying to determine how 11 illegal aliens found wandering along South Ocean Drive early Wednesday were brought into the country.

The men, all Indian nationals, were rounded up by Hallandale and Hollywood police as they walked down the street shortly after 3:30 a.m., authorities said.

Police were tipped off to the aliens by workers at the Holiday Inn in Hollywood who had turned the men away when they asked for a room but were unable to provide any money.

"We are looking at the case with an eye toward the aliens having been smuggled," said Gary Hatmaker, deputy chief patrol agent with the Border Patrol.

Immigration officials said the aliens, who were in good condition, may have been brought in from the Bahamas.

The aliens were detained by Border Patrol officials who interviewed them to find out how they came ashore.

Border Patrol officials also detained two Spanish-speaking men whose stalled motorboat was found 400 feet offshore near the area where the aliens were captured.

Their 23-foot boat, which had developed engine trouble, was spotted by the Coast Guard shortly after the aliens were taken into custody.

Border patrol officials said the two men were being questioned in connection to the case.

The aliens, eight of whom carried passports from India, appeared fit.

"They're in real good physical condition. There's absolutely nothing wrong with them," Hatmaker said.

Authorities found out about the aliens when workers at the Holiday Inn, 4000 S. Ocean Drive, called to report that 20 foreign men were standing outside the hotel causing a problem.

When police arrived, they found five of the men at the corner of South Ocean Drive and Hallandale Beach Boulevard.

At about the same time, Hallandale police noticed six other men in the 1800 block of South Ocean Drive.

Police took the 11 men to a nearby gas station to await the arrival of Border Patrol officials.

Hallandale police said some of the aliens said they were seeking political asylum.

But Beverly McFarland, a spokeswoman for the U.S. Immigration and Naturalization Service, said the men did not mention anything about asylum.

The fate of the Indians was not clear Wednesday night.

"They all are deportation cases," said Ms. McFarland.

"They will go through the regular immigration proceedings. I don't know what benefits they are entitled to," Hatmaker said.

Ms. McFarland said it was believed all the aliens had been found.●

BANK FOR INTERNATIONAL SETTLEMENTS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. DREIER of California. Mr. Speaker, on June 14, 1983, an article appeared in the Washington Post about the recommendations made in the annual report of the Bank for International Settlements. The report states that the Reagan administration must reduce sharply the huge budget deficits which cause high interest rates or be saddled with the blame for an aborted global economic recovery. While I agree with warnings about the harmful effects of budget deficits, I question, first, whether the Reagan administration is the correct recipient of the warnings and, second, whether it is correct to assume that any administration can unilaterally reduce or increase deficits.

Mr. Speaker, as we all well know, the President proposes, but the Congress disposes. This week and last, the House has sent over to the President a series of spending bills which are contributory to the runaway growth in the Federal deficit. At the same time, the Congress has refused to tackle the problem of entitlements, and has shifted Federal activity off the budget at an alarming rate. Without being polemical, it is safe to state that the Congress has mastered the art of fiscal legerdemain, as the Wall Street Journal has termed it.

If international agencies want to issue statements of warning concerning fiscal policy, well all right, but I would suggest that they send their warnings by registered mail to the congressional leaders who vote concurrently in favor of increased funding for international agencies as well as for every other program around here.●

SECOND FESTIVAL OF SLOVAK YOUTH

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, I am here today to share with you a very special message which

I am sending to the Second Festival of Slovak Youth. From June 24 to July 1, over 1,000 young people and their parents will congregate at Mount Airy Lodge in the Pocono Mountains of Pennsylvania to express their feelings of gratitude to the free world. Through their church, civic, and social organizations, this impressive group of young people represents nearly half a million Americans of Slovak heritage. I am certain that my colleagues will join me in wishing these people a successful festival.

Greetings! I am honored to have the opportunity to send this message to you as you assemble for the Second Festival of Slovak Youth. Your rich cultural heritage is something you should always hold dear and continue to nurture. Unfortunately, many Americans no longer appreciate or understand the traditions of their forbears, but such traditions are the foundations for progress and the thread of consistency through history.

As a Congressman, I know the importance of having our youth be socially and politically active. I am pleased to see that you have made a conscious effort to be involved, for you are the leaders of tomorrow. We all know the meaning of oppression, but few know it as you do. Thus, you must educate those who do not properly value freedom and democracy to nurture and defend these precious principles for human affairs.

Your festival is an inspiration to us all. May the tradition continue for you in the future and for your children and their children and onward. I wish you the best of luck.

Sincerely,

BRUCE A. MORRISON,
Member of Congress,
Third District of Connecticut.●

DR. WARREN E. WINSCHE

HON. WILLIAM CARNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. CARNEY. Mr. Speaker, it is with great sadness that I note the passing of Dr. Warren E. Winsche, deputy director of the Brookhaven National Laboratory in Upton, N.Y. I would like to take this opportunity to pay tribute to the many contributions he made to science on Long Island.

Warren Winsche was born in Brooklyn, N.Y., in 1917. He received his bachelor's degree in chemical engineering from the Polytechnical Institute of Brooklyn in 1939. He earned his master of science in chemical engineering from the University of Rochester in 1940, and his Ph. D. in chemical engineering from the University of Illinois in 1943.

From 1943 to 1945, Dr. Winsche was a member of the National Defense Research Council. In 1945, he entered the field of atomic energy as group leader for chemical processes at Clinton Laboratory (now Oak Ridge National Laboratory). Dr. Winsche began his association with the Brookhaven National Laboratory in 1946. After a period of time with the E. I. du Pont de Nemours & Co., Warren Winsche returned to the Brookhaven lab in 1962 as chairman of the Nuclear Engineering Department. He held that position until 1975, when he was appointed to the position of the laboratory's associate director of energy in 1975.

Under Dr. Winsche's leadership, a number of energy-related programs were developed, including energy systems analysis, reactor safety, nuclear materials safeguards, atmospheric sciences, coastal oceanography, energy materials development, and energy storage development. In 1979, Dr. Winsche was named deputy director of the Laboratory.

Warren Winsche was the author of numerous technical and scientific papers. He belonged to a number of academic and professional organizations. Last year, he was elected to the National Academy of engineering, the highest professional distinction that can be awarded to an engineer. In addition, he was a member of a number of technically oriented Long Island organizations.

Mr. Speaker, I had the privilege to work with Dr. Winsche on a number of projects which helped the Brookhaven National Laboratory, and benefited all of Long Island. I am proud of the fact that I could call him my friend. I share the sense of loss felt by the Brookhaven community, and I extend my sympathies to Mary Ann Winsche and her family.●

ADMINISTRATOR RUCKELSHAUS—A STEADY HAND AT THE EPA

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. BOLAND. Mr. Speaker, this afternoon I had the pleasure to attend a meeting of the National Academy of Sciences and the National Academy of Engineering which was addressed by the new Administrator of the Environmental Protection Agency, William Ruckelshaus.

I want to commend the President of the National Academy of Sciences, Frank Press, and the President-elect of the National Academy of Engineering, Robert M. White, for providing such a prestigious forum for Administrator Ruckelshaus. I also want to commend Mr. Ruckelshaus for a thoughtful exposition of the manner in which he believes his agency should function. His assertion that the scientific assessment of risk as it relates to environmental questions, should be based solely on scientific evidence and scientific consensus, rather than being influenced by policy considerations, was especially reassuring. I believe that everyone who has followed the recent turmoil at the EPA should read Mr. Ruckelshaus' remarks. They outline what I consider to be a sensible and sensitive approach to a difficult job.

Mr. Speaker, I would like to insert Administrator Ruckelshaus' address at this point in the RECORD.

The address follows:

SCIENCE, RISK, AND PUBLIC POLICY, WILLIAM D. RUCKELSHAUS, ADMINISTRATOR, U.S. ENVIRONMENTAL PROTECTION AGENCY, NATIONAL ACADEMY OF SCIENCES, JUNE 22, 1983

We are now in a troubled and emotional period for pollution control; many communities are gripped by something approaching panic and the public discussion is dominated by personalities rather than substance. It is not important to assign blame for this. I appreciate that people are worried about public health and about economic survival, and legitimately so, but we must all reject the emotionalism that surrounds the current discourse and rescue ourselves from the paralysis of honest public policy that it breeds.

It is no accident that I am raising this subject here in the house of science. I believe that part of the solution to our distress lies with the idea enshrined in this building, the idea that disciplined minds can grapple with ignorance, and sometimes win: the idea of science. We will not recover our equilibrium without a concerted effort to more effectively engage the scientific community. Frankly we are not going to be able to emerge from our current troubles without a much improved level of public confidence. The polls shows us that scientists have more credibility than lawyers or businessmen or politicians and I'm all three of those. I need your help.

Those of you who are scientists may think you have heard this before, but this is not a naive plea for science to save us from ourselves. Somehow our democratic technological society must resolve the dissonance between science and the creation of public policy. Nowhere is this more troublesome than in the formal assessment of risk—the estimation of the association between the exposure to a substance and the incidence of some disease, based on scientific data.

Here is how the problem emerges at the Environmental Protection Agency. EPA is an instrument of public policy, whose mission is to protect the public health and environment in the manner laid down by its statutes. That manner is to set standards and enforce them; and our enforcement powers are strong and pervasive. But the standards we set, whether technology or health-related, must have a sound scientific base.

Science and the law are thus partners at EPA, but uneasy partners. It's a shotgun wedding. The main reason for the uneasiness lies, I think, in the conflict between the way science really works and the public's thirst for certitude that is written into EPA's laws. Science, as you all know, thrives on uncertainty. The best young scientists flock into fields where great questions have been asked but nothing is known. The greatest triumph of a scientist is the crucial experiment that shatters the certainties of the past and opens up rich new pastures of ignorance.

But EPA's laws often assume, indeed demand, a certainty of protection greater

than science can provide at the current state of knowledge. The laws do no more than reflect what the public believes and what it often hears from people with scientific credentials on the 6 o'clock news. The public thinks we know what all the bad pollutants are, precisely what adverse health or environmental effects they cause, how to measure them exactly and control them absolutely. Of course, the public and sometimes the law are wrong, but not all wrong. We do know a lot about some pollutants and we have controlled them effectively using the tools of the Clean Air Act and the Clean Water Act. These are the pollutants for which the scientific community can set safe levels and margins of safety for sensitive populations. If this were the case for all pollutants, we could breathe more easily (in both senses of the phrase); but it is not so.

When I left EPA over 10 years ago as its first Administrator, we had the Clean Air Act, the Clean Water Act, a solid waste law, a pesticide law and laws to control radiation and noise. Yet to come were the myriad of laws to control toxic substances from their manufacture to their disposal—but that they would pass was even then obvious.

When I departed a decade ago, the struggle over whether the Federal Government was to have a major role in protecting our health safety and environment was ended. The American people had spoken. The laws had passed, the regulations were being written. The only remaining question was whether the statutory framework we had created for our journey made sense or whether, over time, we would adjust it.

Ten years ago I thought I knew the answer to that question as well. I believed it would become apparent to all that we could virtually eliminate the risks we call pollution if we wanted to spend enough money. When it also became apparent that enough money for all the pollutants was a lot of money, I further believed we would begin to examine the risks very carefully and structure a system which forced us to balance our desire to eliminate pollution against the costs of its control. This would entail some adjustment of the laws, but really not all that much, and it would happen by about 1976. I was wrong.

It may be that God is repaying me for my error by causing me to be reincarnated as Administrator of EPA. Whether God or President Reagan is the cause this time around, I am determined to improve our country's ability to cope with the risk of pollutants over where I left it 10 years ago.

It will not be easy, because we must now deal with a class of pollutants for which a safe level is difficult, if not impossible, to establish. These pollutants interfere with genetic processes and are associated with the diseases we fear most: cancer and reproductive disorders, including birth defects. The scientific consensus has it that any exposure, however small, to a genetically active substance embodies some risk of an effect. Since these substances are wide-spread in the environment, and since we can detect them down to very low levels, we must assume that life now takes place in a minefield of risks from hundreds, perhaps thousands, of substances. No more can we tell the public: you are home free with an adequate margin of safety.

This worries all of us, and it should. But when we examine the premises on which such estimates of risk are based, we find a confusing picture. In assessing a suspected carcinogen, for example, there are uncertainties at every point where an assumption must be made: in calculating exposure; in extrapolating from high doses where we have seen an effect to the low doses typical of environmental pollution; in what we may expect when humans are subjected to much lower doses of the same substance that caused tumors when given in high doses to laboratory animals; and finally, in the very mechanisms by which we suppose the disease to work.

One thing we clearly need to do is insure that our laws reflect these scientific realities. The Administrator of EPA should not be forced to represent that a margin of safety exists for a specific substance at a specific level of exposure where none can be scientifically established. This is particularly true where the inability to so represent forces the cessation of all use of a substance without any further evaluation.

It is my strong belief that where EPA or OSHA or any of the social regulatory agencies is charged with protecting public health, safety or the environment, we should be given, to the extent possible, a common statutory formula for accomplishing our tasks. This statutory formula may well weigh public health very heavily in the equation as the American people certainly do.

The formula should be as precise as possible and should include a responsibility to assess the risk and to weigh that, not only against the benefits of the continued use of the substance under examination, but against the risks associated with substitute substances and the risks associated with the transfer of the substance from one environmental medium to another via pollution control practices. I recognize that legislative change in the current climate is difficult. It is up to those of us who seek change to make the case for its advisability.

I did not come here today to plead for statutory change. My purpose is to speak of risk assessment and risk management and science's role in both. It is important to distinguish these two essential functions, and I rely here on a recent National Academy of Sciences report on the management of risk in the Federal government. Scientists assess a risk to find out what the problems are. The process of deciding what to do about the problems is risk management. The second procedure involves a much broader array of disciplines, and is aimed toward a decision about control.

Risk management assumes we have assessed the health risks of a suspect chemical. We must then factor in its benefits, the costs of the various methods available for its control, and the statutory framework for decision. The NAS report recommends that these two functions be separated as much as possible within a regulatory agency. This is what we now do at EPA and it makes sense.

I think we also need to strengthen our risk assessment capabilities. We need more research on the health effects of the substances we regulate. I intend to do everything in my power to make clear the importance of this scientific analysis at EPA. Given the necessity of acting in the face of enormous scientific uncertainties, it is more important than ever that our scientific analysis be rigorous and the quality of our data be high. We must take great pains not to mislead people regarding the risks to their health. We can help avoid confusion both by the quality of our science and the clarity of our language in explaining the hazards.

I intend to allocate some of EPA's increased resources, which everyone seems determined to give us, toward these ends. Our 1984 request contains significant increases for risk assessment and associated work. We have requested $31 million in supplemental appropriations for research and development and I would expect that risk assessment will be more strongly supported as a result of this increase as well.

I would also like to revitalize our long-term research program to develop a base for more adequately protecting the public health from toxic pollutants. I will be asking the advice of the outside scientific community as how best to focus those research efforts.

I am sure that in the future, this being an imperfect world, the rigor and thoroughness of our risk analyses will be affected by many factors, including the toxicity of the substance, the populations exposed, the pressure of the regulatory timetable, and the resources available.

Despite these often conflicting pressures, risk assessment at EPA must be based on scientific evidence and scientific consensus only. Nothing will erode public confidence faster than the suspicion that policy considerations have been allowed to influence the assessment of risk.

Although there is an objective way to assess risk, there is, of course, no purely objective way to manage it, nor can we ignore the subjective perception of risk in the ultimate management of a particular substance. To do so would be to place too much credence in our objective data and ignore the possibility that occasionally one's stomach is right. No amount of data is a substitute for judgment.

Further, we must search for ways of describing risk in ways the average citizen can comprehend. Telling a family living close to a manufacturing facility that no further controls are needed on the plant's emissions because, according to our linear model their risk is *only* 10^{-6}, is not very reassuring. We need to describe the suspect substances as clearly as possible, tell people what the known or suspected health problems are and help them compare that risk to those with which they are more familiar.

To effectively manage the risk, we must seek new ways to involve the public in the decision-making process. Whether we believe in participatory democracy or not it is a part of our social regulatory fabric. Rather than praise or lament it, we should seek more imaginative ways to involve the various publics impacted by the substance at issue. They need to be involved early on and they need to be informed if their participation is to be meaningful. We will be searching for ways to make our participatory process work better.

For this to happen, scientists must be willing to take a larger role in explaining the risks to the public—including the uncertainties inherent in any risk assessment. Shouldering this burden is the responsibility of all scientists, not just those with a particular policy end in mind. In fact all scientists should make clear when they are speaking as scientists—ex cathedra—and when they are recommending policy they believe should flow from scientific information. What we need to hear more of from scientists is science. I am going to try to provide avenues at EPA for you to become more involved in the public dialogue in which the scientific problems are described. Our country needs the clear unbiased voice of science. Now is not the time to jeer as the "ship of state" floats by. Now is the time to get into the boat and row.

Lest anyone misunderstand, I am not suggesting that all the elements of managing risk can be reduced to some neat mathematical formula. Going through a disciplined approach can help. It will assist in organizaing our thoughts to include all the elements that should be weighed. We will build up a set of precedents that will assist later decision-making and provide more predictable outcomes for any social regulatory programs we adopt.

It is clear to me that in a society in which democratic principles so dominate, the perceptions of the public must be weighed. Instead of objective and subjective risks, the experts sometimes substitute "real" and "imaginary" risks. There is a certain arrogance in this—an elitism which has ill served us in the past. Rather than decry the ignorance of the public and seek to ignore their concerns, our governmental processes must accommodate the will of the people and recognize its occasional wisdom. As Thomas Jefferson observed:

"If we think (the people) not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion."

Up to this point I have been suggesting how risks should be assessed and managed in EPA. Much needs to be done to coordinate the various EPA programs to assure a consistent approach. I have established a task force with that charter.

I further believe we should make uniform the way in which we manage risk across the Federal regulatory agencies. The public interest is not served by two Federal agencies taking diametrically opposed positions on the given health risks of a given toxic substance and then arguing about it in the press. We should be able to coordinate our risk assessment procedures across all Federal agencies. The risk management strategy that flows from that assessment may indeed differ, depending on the agency's statutory mandate or the judgment of the ultimate decision maker.

But even at the management stage there is no reason why the approaches cannot be coordinated to achieve the goal of risk avoidance or minimization with the least societal disruption possible. In the last few weeks I have been exploring with the White House and the Office of Management and Budget the possibility of effecting a better intragovernmental coordination of the way in which we assess and manage risk.

To push this one step further, I believe it is in our nation's best interest to share our knowledge of risks and our approach to managing them with the other developed nations of the world. The environmental movement has taught us the interdependencies of the world's ecosystems. In coping with the legitimate concerns raised by environmentalism we must not forget that we cope in a world with interdependent economies. If our approach to the management of risk is not sufficiently in harmony with those of the other developed nations, we could save our health and risk our economy. I don't believe we need abandon either, but to insure it does not happen, we need to work hard to share scientific data and understand how to harmonize our management techniques with those of our sister nations.

Well, I have gone from the particular to the sublime. Let me avoid moving out into space by summing up.

I didn't return to EPA to get a before and after picture on the wall. I want to help achieve a better conceptual, statutory and societal framework to cope with risk in our country.

To do that we need to get the emotion out of and the scientist into the process:

I need science's help.

I'll try to make it easier to access what we're doing at EPA.

But if I can't do that, I need your help anyway.

What I'm after is a government-wide process for assessing and managing health, safety and environmental risks.

This will take coordination, cooperation and good will within EPA, within the Executive Branch agencies and between the Congress and the Administration.

In other words, this will take a miracle.

Now I know science doesn't believe in miracles, but I need your help if this one's going to happen.

What's at stake is no less than whether this country works. It's worth the effort of all of us.●

GILMAN LAUDS FOSTER GRANDPARENT PROGRAM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. GILMAN. Mr. Speaker, I rise to recognize and draw attention to the outstanding Foster Grandparent program of New York State's Westchester County. Their contribution was honored at a recent recognition day luncheon. This invaluable program is sponsored by the Westchester community program and is supported by the Federal ACTION Agency grants.

The Foster Grandparents program combines the volunteer services of low-income senior citizens with eager and loving retarded, disturbed, or handicapped children. These senior citizen volunteers range in age from 60 to 89, they work 4 hours per day, 5 days a week, and they receive stipends that barely cover their expenses. There are over 16,000 foster grandparents, in 199 projects, throughout the United States. The program supplements the professional care that these special children receive, and fills their otherwise empty hours with love and attention.

The love that the Foster Grandparent volunteers provide these often neglected children is equaled only by the love they receive in return. All achieve a sense of accomplishment and self-worth that improves the quality of life not only for the participants of this program, but the community at large as well. Their services are invaluable and are unavailable for any price.

There is one person who deserves special recognition for her dedication and unfailing good humor. A person who prefers to give credit rather than receive it—she is the individual who organized this luncheon. Irene Seidman, director for both the Westchester and Putnam Foster Grandparent programs, has contributed substantially and unfailingly to the program for 10 years.

Our Nation's Foster Grandparent program is an excellent example of the many benefits to be gained from voluntarism. The selflessness of its members serves as a beacon for all of us to follow. I know that my colleagues join in congratulating them and I am pleased for this opportunity to publicly thank them for all of their fine work and contributions to our communities.●

INDIAN IRRIGATION AND POWER PROJECTS

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. MORRISON of Washington. Mr. Speaker, today I, along with my colleagues Mr. SKEEN and Mr. MCNULTY, am introducing a bill which would amend the act of June 24, 1938, to allow the Secretary of the Interior to invest operation and maintenance funds, as well as other revenues, such as security deposits, collected by Indian irrigation and power projects.

Currently, funds collected for the users of the reservation irrigation and power projects administered by the Bureau of Indian Affairs are deposited in Treasury accounts until they are needed to meet project costs. These funds cannot be invested in interest-bearing accounts because they are not considered as individual or tribal funds, and under section 1 of the act of June 24, 1938 only individual or tribal funds may be invested by the Secretary of the Interior. This bill would extend the Secretary's power of investment to include operation and maintenance funds.

In 1982, $33.4 million would have been available for investment under this bill and irrigation rate increases put into effect this year could raise that figure to $50 million. The interest that would accrue from funds invested under this bill could be used for emergency situations and for needed repairs to the irrigation projects that might otherwise require additional Federal spending.

This legislation would benefit both Indian and non-Indian users of Indian irrigation and power projects by reducing operation and maintenance costs to project users, and would enable projects to operate at a level that would reduce the need for future repairs due to inadequate maintenance.●

LETTER FROM THE VICE PRESIDENT ON THE CONSUMER PRODUCT SAFETY ACT AMENDMENTS OF 1983

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. BROYHILL. Mr. Speaker, set forth below is a letter I received today from the Vice President of the United States, the Honorable George Bush, who, on behalf of the Presidential task force on regulatory relief, urges my support of the Shelby substitute to H.R. 2668, Mr. WAXMAN's bill to reauthorize the Consumer Product Safety Commission. From a regulatory relief standpoint, I believe the Vice President clearly enunciates the problems with H.R. 2668—problems which will lead me to vote for the Shelby substitute.

THE VICE PRESIDENT,
Washington, D.C., June 22, 1983.

Hon. JAMES T. BROYHILL,
U.S. House of Representatives,
Washington, D.C.

DEAR JIM: On behalf of the Presidential Task Force on Regulatory Relief, I am writing to urge your support of the Shelby Substitute to H.R. 2668, Mr. Waxman's bill to reauthorize the Consumer Product Safety Commission. The Substitute would very simply reauthorize the Commission for three years and provide for year-to-year funding increases of five percent.

Dave Stockman's recent letters to you and Congressman Shelby state the Administration's position on this legislation. I wanted to emphasize our concern with the regulatory aspects of H.R. 2668. As you well know, we have made significant bipartisan improvements in the regulatory process that lighten the burden on job-generating businesses without sacrificing protection for consumers, employees or the environment. H.R. 2668 would undercut these continuing bipartisan efforts to improve regulation and would specifically reverse reforms made in the Consumer Product Safety Amendments of 1981, such as those relating to product specific information disclosure by the Commission and regulatory impact analysis.

For these reasons, I strongly urge you to vote for the Shelby Substitute.

Sincerely,

GEORGE BUSH.●

BRIAN STRUM RECEIVES BRANDEIS AWARD

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. LEVINE of California. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Mr. Brian Strum, who has been selected to receive the Brandeis Distinguished Community Service Award. He will be honored at a dinner dance on Wednesday, June 29, at the Plaza Hotel in New York City. It is indeed appropriate that Brandeis University has chosen to honor Mr. Strum with this prestigious award for he truly personifies the highest level of community service and achievement. I would like to take this opportunity to share with my colleagues Brian Strum's numerous achievements and contributions.

Mr. Strum was born in Brooklyn, N.Y., in 1939. He graduated from Brooklyn College in 1960 with a bachelor of arts degree majoring in political science. He then studied law at New York University, where he was an editor of Law Review and a John Norton Pomeroy scholar. Upon graduation, he was associated with the New York law firm of Gilbert, Segall & Young. Then in 1965, he joined the Prudential Insurance Co. of America as assistant resident attorney in its New York City real estate investment office.

Since his initial assignment with the Prudential Insurance Co. of America, Mr. Strum has been a major force in the company. Rising to the position of vice president for Prudential, Brian Strum now supervises all real property equity investments, acquisitions of existing properties, sales of properties, and portfolio management of accounts totaling $9 billion.

Brian Strum's achievements go far beyond being a successful and respected businessman. For example, in 1977, Mr. Strum served the State of New Jersey as executive director of the Liberty State Park Study and Planning Commission which conducted a land use study of 800 acres of State-owned land located near the Statue of Liberty, including the organization of independent special study projects conducted by the Urban Land Institute and the American Institute of Architects.

Mr. Strum is a member of the association of the bar of the city of New York and has served as a member of its Real Property Law Committee and Housing and Urban Development Committee, and is presently serving on its Law and Continuing Education Committee. He is a member of the New York State Bar Association where he served recently as chairman of its 3,000 member real property law section. He is a member of the Council of the American Bar Association's 25,000 member section on real property, probate, and trust law. He is also a member of the New Jersey State Bar Association.

In addition, Mr. Strum has devoted much of his time to the education and enlightenment of others in his field of expertise—real property. For example, Mr. Strum has authored numerous articles dealing with real property issues which have been published in the New York State Bar Journal, the American Bar Association's Real Property, Probate and Trust Law Journal, New York University Law Review, and Real Estate Review. In addition, as a member of the faculty of New York University's Real Estate Institute, he has conducted courses in real estate finance and pension fund investments in real estate. Brian Strum has also spoken on real property matters at numerous programs sponsored by such organizations as the National Real Estate Investor, American Institute of Real Estate Appraisers, Urban Land Institute, American Bar Association, New York University, and the New York Law Journal.

Mr. Speaker, as representatives of the people it is important for us to reflect on the deeds and achievements of individuals who have contributed to improving the quality of life in their respective communities. Brian Strum is one such individual. Therefore, it is with great pride that I invite my colleagues to join with me today in saluting Brian Strum for his countless achievements and contributions. I wish him and his family continued success and happiness in all their future endeavors.●

TOWARD CREATING A PROSPEROUS AND DEMOCRATIC FUTURE IN CENTRAL AMERICA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. KEMP. Mr. Speaker, following the lead of Senators HENRY JACKSON and CHARLES MATHIAS, my colleague MICHAEL BARNES and I have introduced a sense of the Congress resolution calling for the establishment of a bipartisan commission to set long-term policy goals for Central America. I want to commend to my colleagues the following essay on the merits of this proposal by Ben Wattenberg, a perceptive commentator on current affairs at the American Enterprise Institute. Also following is a statement I released yesterday on this initiative to seek ways to boost economic growth and protect our security interests in Central America.

[From the Sun, June 22, 1983]

BATTLEFIELD COMMISSION: A BIPARTISAN PLAN FOR CENTRAL AMERICA

(By Ben Wattenberg)

WASHINGTON.—One of the hallmarks of a responsive society is that it responds. (You may write that down and quote me, with attribution.) Such responsiveness, now proceeding in Washington, may yet save our chestnuts in Central America.

What is happening is that amidst all the hoopla about gridlock in government, something mildly different is bubbling up. It is a new-fangled "commission"—designed to function in moments when, such as now, the Congress and the president are of neither the same party nor the same ideology.

In its older form, the commission looks and acts something like the recent National

Commission on Excellence in Education. The idea is to put the spotlight on a national problem, exaggerate it and (ideally) galvanize action. Their Excellencies on the Excellence Commission did all of that: ignoring massive educational progress in America, concentrating mostly on hoked-up data regarding international comparisons—but drawing attention to a real need to firm up a flaccid high school curriculum.

The Social Security Commission is the newer version of the old idea. Under the leadership of Alan Greenspan, these commissioners not only pointed out the problem—but came up with a delicately balanced legislative solution that would have been unattainable by the normal political process envisioned by James Madison.

The Commission on Strategic Forces was another bipartisan, presidentially appointed group. Under the chairmanship of Lt. Gen. Brent Scowcroft, a general compromise was hammered out. The plan again involved a balanced package of recommendations and it allowed both Ronald Reagan and some bright, young liberals in the House of Representatives to work together to start production on a limited number of MX missiles. More important, it gave Mr. Reagan's arms control negotiators the ability to face the Soviets and say, this is not just the Reagan position, not just the conservative position, but a unified American position.

Comes now Senator Henry Jackson (D., Wash.), a man of the Congress for 42 years, but still learning new tricks, and adapting old ones. Mr. Jackson is worried about Central America. There is plenty to worry about down there. What's going on will not be righted by 50 more advisers or another billion dollars. It's going to take a lot of time, many men, tons of money—and public support. After all, despite everything else that may be going on down there, we are being challenged on the North American mainland, for the first time, by forces backed by the Soviet Union.

Mr. Jackson remembers the Marshall Plan. It was perhaps the most successful foreign policy initiative in the recent history of mankind. But it gave away billions of taxpayer dollars, and President Truman was wise enough to form a commission of distinguished Americans to help build public support for the idea.

Last week, Mr. Jackson and Senator Charles Mathias of Maryland introduced a resolution recommending that the president set up a new commission, on Central America. They are an unlikely pair on foreign policy issues; Mr. Jackson is one of the harder line Democrats, while Mr. Mathias is one of the softer line Republicans. But that's the idea: Hard and soft are commissioning together.

In the House another improbable combination is sponsoring the commission idea. Representative Jack Kemp (R. N.Y.) has supported Mr. Reagan on Central America, and is even tougher on Communists than he is on the Federal Reserve. Representative Michael Barnes (D., Md.) has been critical of the Reagan position on Central America, but understands full well that our vital interests are at stake. He has proposed that an amount equal to 1 percent of the defense budget be earmarked for Central America—that's more than $2.5 billion!

The White House looks as if it is ready to play. The commission and "Marshall Plan" ideas have the support of the director of the National Security Council, William Clark, and U.N. Ambassador Jeane Kirkpatrick. The State Department is nervous but the tide is rising; the president wants to move, and he will act.

It is an idea whose time is here. The Congress and the president, the liberals and the conservatives, have been arguing about Central America in a way that has been mutually canceling. One team asks for arms and money, the other votes for it but denounces it, undercutting the recipients.

Any country that can come up with a governmental device to raise Social Security taxes, teach children math and build big, new missiles ought to give that device a try in Central America when the Russians are coming.

KEMP, BARNES SEEK BIPARTISAN COMMISSION ON CENTRAL AMERICA

WASHINGTON, D.C., June 21, 1983.—Congressmen Jack Kemp (R-NY) and Michael Barnes (D-MD) today introduced a Sense of the Congress resolution urging the President to convene a national bipartisan commission to address the serious long-term problems of security and economic development in Central America. The resolution is the same as one introduced by Senator Henry Jackson (D-WA) last week, cosponsored by Senator Charles Mathias (R-MD).

Kemp said the commission should seek ways to "create and expand truly democratic institutions, enhance human rights in all nations regardless of ideological makeup, boost economic growth, and ensure the security, stability and independence of the region."

"The creation of a national commission that is bipartisan in scope and response would reflect the critical importance this country attaches to addressing the serious security and economic problems besetting our friends to the south," Kemp said. "These problems have developed in part because of our past lack of sensitivity to or awareness of the needs and importance of our closest neighbors. Ambassador Jeane Kirkpatrick, in particular, deserves the highest praise for calling our attention to the intimate links between the United States and our hemispheric neighbors. With its long term focus, a bipartisan commission should help finally end past neglect, and focus our energies on creating a prosperous and democratic future for our hemisphere."

"A cardinal goal of this commission should be, I believe, to establish a 'Marshall Plan' to assist our allies in Central America. As President Truman said on the eve of America's commitment to preserve the stability of NATO's southern flank, 'The seeds of totalitarian regimes are nurtured by misery and want. They spread and grow in the evil soil of poverty and strife. They reach their full growth when the hope of a people for a better life has died.' Our task today is to follow in the tradition President Truman set out for this nation."

"This bipartisan proposal reflects growing public support for the President's Central American policies," Kemp said. Kemp cited current Gallup/Newsweek, LA Times and CBS/New York Times poll data that indicated a much more supportive view for providing military supplies and advisers to El Salvador than a year ago, and general recognition of America's security stakes in the region.

Kemp said he believed the President's address to the Joint Session of Congress at the end of April, and the mounting publicity on the Soviet and Cuban military buildup in Central America were the major factors behind the positive shift in public opinion.

"The very fact that members of Congress and the Senate with quite different political orientations can come together to sponsor a bipartisan effort is itself a recognition of that growing public support," Kemp remarked. "The question is no longer whether we should be assisting Central America, but how."

The Kemp-Barnes/Jackson-Mathias proposal comes in the wake of President Reagan's warning last night of a Soviet-Cuban-Nicaraguan axis seeking to destabilize as many governments in the Caribbean and Central America as possible, with a view toward spreading violence and expanding pro-Soviet regimes and Soviet power in this hemisphere.

"The President has made it clear that he intends to promote and defend democracy in Central America, and that he will not turn his back while militant rebels attack our friends and sabotage their economies. I support the President on these objectives, and believe the bipartisan commission would be a valuable vehicle to further rally the nation behind America's vital foreign policy interests," Kemp said.●

WILBUR J. PECKA

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. MINETA. Mr. Speaker, on behalf of Congressmen DON EDWARDS, ED ZSCHAU, GENE CHAPPIE, and myself, I would like to speak in honor of Wilbur J. Pecka, an American who deserves our highest praise and regard. His public service in the community serves as a model for all citizens. He will be honored on July 8 at a special dinner.

Wilbur Pecka richly deserves the honor being bestowed upon him. An outstanding member of our community, Wilbur was recently named 1982 Business Leader of the Year by Santa Clara Business magazine. He is retiring as regional vice president of Western Electric after 47 years of distinguished service with that company, and I know his colleagues will miss his leadership and expertise.

Wilbur started working at Western Electric in 1936. He left Western Electric to serve with the 8th Air Force over Europe and Greenland as an aerial navigator on combat missions during World War II. He was captured and taken prisoner when his plane was shot down in 1943 over Holland. Liberated by the allied forces, he later was awarded a Purple Heart and six Presidential unit citations.

He returned to his employment with Western Electric and quickly rose to levels of increased responsibility. Following managerial assignments in New York City, Ohio, and Denver, Wilbur was transferred to Sunnyvale, Calif. in 1972 to be general manager of the Pacific region. He has helped Western Electric earn its reputation as a good corporate neighbor in our community.

Indeed, I have enjoyed working with Wilbur, and I am honored to call him my friend. Wilbur's participation in community service has truly been extensive. He has served as president of the United Way of Santa Clara County, and he has been an active volunteer and board member for numerous other organizations, including the Junior Achievement Association, the Infant Hearing Assessment Foundation, the National Alliance of Business, the Boy Scouts of America, the YMCA, and the Independent Colleges of Northern California.

Thus, it is obvious that Wilbur J. Pecka deserves accolades and thanks for his notable service to our community. In light of this fact, we ask you, Mr. Speaker, and all Members of the House of Representatives to join us in extending thanks to our friend, Wilbur J. Pecka.●

CONGRESSIONAL HUMAN RIGHTS CAUCUS URGES SUPPORT OF YURI TARNOPOLSKY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. PORTER. Mr. Speaker, as part of the 1983 Congressional Call to Conscience Vigil for Soviet Jews, I would like to draw my colleagues attention to the case of Yuri Tarnopolsky, a longtime Soviet refusenik whose trial is scheduled to begin in 2 weeks.

Yuri Tarnopolsky, a leading activist in the Kharkov community, became another victim of KGB arrests on March 15, 1983, for what the Kremlin terms "anti-Soviet Slander." Tarnopolsky, a 47-year-old organic chemist, applied to emigrate from the Soviet Union in 1976. He immediately lost his job. After enduring persecution, police raids, and harassment, Tarnopolsky now sits in his prison cell on a hunger strike awaiting his trial.

Tarnopolsky's plight is similar to several refuseniks who desire only to emigrate from the Soviet Union to live in freedom and rejoin friends and relatives. The Soviet Government denies Tarnopolsky and all refuseniks the basic human freedoms of speech and religion, and furthermore, subjects many to confinement in mental institutions, imprisonment, and harassment. Tarnopolsky himself most poignantly expresses his desire to emigrate:

How is one to describe the gnawing despair, the stagnant anxiety, the tantalizing uncertainty, the unbearable frustration of our ordeal?

If today we have no job, tomorrow we will have no foreign mail and telephone calls. If tomorrow we have no mail, the day after tomorrow there will be no higher education for our children and no free access to other places in the country. They will start putting us into prison for the slightest protest. The noose around our neck will tighten step by step, and the world will be adapted to that process.

The world cannot "adapt to that process." Tarnopolsky's words reflect the worsening of Soviet conditions. His words exemplify the critical importance of the Congressional Human Rights Caucus focusing attention on this issue. We must not abandon Yuri Tarnopolsky to Soviet injustice. We must continue to support his struggle for freedom and reaffirm our commitment to him and all other innocent victims whose only desire is human liberty.●

ADDITIONAL INFORMATION ON RAOUL WALLENBERG

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. McDONALD. Mr. Speaker, on June 21 on pages E3055-56 of the CONGRESSIONAL RECORD appeared the report of Mr. Avraham Shifrin on the whereabouts of Mr. Raoul Wallenberg. This item detailed Mr. Shrifin's findings about this tragedy. A year and a half later, Mr. Shifrin issued another report on the Wallenberg case giving the details of the kidnaping and the personal involvement of one Leonid Brezhnev. This additional report is inserted at this point for the edification of my colleagues who are interested in this case.

ADDITONAL INFORMATION ON RAOUL WALLENBERG

The investigation of the Raoul Wallenberg case started by myself in 1972 in Israel has given some positive results: little by little quite a few witnesses have been found who saw R. Wallenberg in various Soviet prisons and camps in the period of 1945 through 1975. The special session of the Sakharov's Hearings on R. Wallenberg case held in Stockholm in January, 1981, has published information concerning an eyewitness who had seen R. Wallenberg in the USSR in 1980.

Thus, the official Soviet version presented by the KGB of the USSR and stating that R. W. died in the central KGB prison in Moscow in 1947, has been completely refuted.

However, there were two questions that remained open until recently: (a) for which purpose the Soviets kidnapped the Swedish diplomat who did not interfere with them in any way and who was only and primarily concerned with saving the Jews from the Nazis; and (b) why, for all the 35 years that have passed since then, the Soviets never attempted to exchange R.W. for anybody they would need from the West?

The first of the two questions was answered when it became known that at the moment of the kidnapping huge values were confiscated from R. Wallenberg: valuables handed over to him by the Hungarian Jews in order to keep and later return to them, as well as big sums of dollars given to him for the work of saving the Jews of Hungary. The exact sum of money taken from Wallenberg by the Soviet kidnappers will hopefully become known when Swedish Foreign Office will disclassify the rest of the documents concerning the fate of Raoul Wallenberg.

As for the second question, we believe to have found the answer to it in the following: we have established the name of a specific highly positioned person in the USSR who was interested in preventing R.W. from telling in the West who kidnapped him, who (and how) interrogated him in Budapest and what was confiscated from him in favour of the kidnapper. We have irrefutably established that personally responsible for the kidnapping of Raoul Wallenberg was the Commander of the Political Department of the 18th Army of the Special Budapest Group of Troups, Military Commissar Leonid Ilich Brezhnev.

The fact that Brezhnev, indeed, occupied this position in January of 1945 is widely known from the official Soviet sources and has been confirmed by Brezhnev himself in his book "The Small Land."

We received some detailed information throwing light on those remote days from a former Soviet citizen, Yakov Menaker-Lyakhovetskii presently residing in Israel. His testimony is very detailed, therefore, we give here only a generalization of it, specially underlining the moments that are directly concerned with the kidnapping of Raoul Wallenberg.

Yaakov Menaker-Lyakhovetskii (whom we shall further below call by his initials Ya.M.L.) served in the Soviet army as a private from 1941; later on he was promoted to junior commander in which capacity he served in the Rifle Regiment No. 571 of the 317th Division of the 18th Army. In the end of 1944 this Army waged an attack upon Budapest from the Carpathian Mountains. In the compliement of soldiers and officers of their 571st regiment there were many former MVD (Ministery of the Interior) and NKVD (presently called the KGB) men. For this reason the regiment was assigned to fulfill special duties. Particularly, in the described period of time, the regiment was responsible for a special section of the battlefront through which Soviet spies and agents were sent to the side of the enemy. The code name of this section of the front was "window". In that period the commander of the 18th Army was General Zhuravlyov, the commander of the 317th Division was General Zherdienko, and the commander of the 571st regiment was lieutenant-colonel Kartashkov, a former MVD officer, presently a general of the MVD and the Interior Minister of the Chuvash ASSR in the city of Cheboksary.

In the complement of the 571st regiment there were some Hungarian defector-officers, due to which fact the Soviet military command possessed a very detailed information concerning the situation in Budapest. The staff of the 18th Army had its special representative in the regiment, Colonel Levin, who was the commander of the 7th department of the Army dealing with military intelligence and "SMERSH" (the KGB body in the army). Among other things, Col. Levin was responsible for the "window" (sending spies to the enemy and receiving the returning ones) and the work on demoralization of the enemy troops.

In December, 1944, in the area of City Esztergom, the Budapest group of troops completed surrounding the enemy and started moving towards Budapest. When the 571st regiment seized the city cemetery and

the battle was at its height, the witness Ya.M.L. had a chance to see an unusual and very significant scene that took place in the bunker of the commander of the 571st regiment, Lieutenant-Colonel Kartashkov: instead of participating in the battle, Kartashkov, together with several officers of "SMERSH" was celebrating "a successful fulfillment of a special task". The entire group were absolutely drunk when commander of the 317th Division, Gen. Zherdienko showed up, grew furious at the scene and was about to shoot Lieut.-Col. Kartashkov for the binge at the battle time. But Lieut.-Col. Alyokhin who came together with Gen. Zherdienko and who was a representative of the Political Department of the 18-th Army, intervened and in a whisper explained to Gen. Zherdienko what was the reason of the celebration. The General removed his pistol, as he seemed quite satisfied with the explanation received. However, the next day Lieut.-Col. Kartashkov complained to the commanders and . . . Gen. Zerdienko was dismissed from the position of commander of the 317-th Division.

Soon after Ya.M.L. was badly wounded and sent to rear hospital on the territory of the USSR. According to him, he took no part in the kidnapping itself and did not even know about it until many years later. Some time after the war Ya.M.L. started collecting information about the heroic deeds of his brother-officers from the regiment and compiling a photo-album of the 571-st Regiment of the 317-th Division of the 18-th Army.

If at the war time Ya.M.L. was only a junior commander in the regiment and could not easily talk with the high-ranking officers, now, in the capacity of fellow-veteran compiling a chronicle of their regiment, he could approach the former officers of the regiment on private grounds or at the veterans' gatherings. In July, 1976, one of such gatherings took place in the town of Zlatoust (Chelyabinsk District). There, Ya.M.L. was introduced to I.Ivanov, the Chairman of the Council of Veterans, showed to him his photo-album of the regiment and was introduced by him to yet another veteran. The man happened to be the former commander of the intelligence service in the 317-th Division, retired captain Aminiev. Aminev was proudly wearing on his breast the Order of Alexander Nevskii, which is a very rare award usually given only for the fulfillment of special and outstanding military tasks to high-ranking officers. Ya.M.L.'s attention was attracted by this award and he asked what Aminiev had been given such a special decoration for; answering his question Ivanov told him that Aminiev, being the commander of the intelligence service of the 18-th Army that played the main role in the special Budapest Group of Troups, kidnapped and delivered to the Soviet territory the Swedish diplomat Raoul Wallenberg. Ivanov added that he knew this from Aminiev himself and also from the Chairman of the Council of Veterans of the 18-th Army, V. Reshetnikov. Ivanov said that, unfortunately, this fact cannot be included in the list of the heroic deeds of the veterans for the time being, because Aminiev, when given the decoration, was warned that this was a state secret and could not be given away. Aminiev, according to Ivanov, is a Tartar by nationality and presently works as assistant-manager and store-keeper in the Nagaibakskii Sovkhoz of Chelyabinsk District.

In July, 1977, in connection with collecting information about the veterans of the 317-th Division, Ya.M.L. was invited to his former battalion commander P. Kolotilo, in the city Kharkov. At a dinner-party at Kolotilo's place, Ya.M.L. met Col. Levin and told him about his encounter with captain Aminiev in Zlatoust. Levin said that he remembered Aminiev very well and confirmed the fact of his kidnapping Raoul Wallenberg. Immediately he added: "This was and still is a great secret and you should not talk to anyone about this. Still less can you write about this. You must remember who was then the Head of Political Department of the 18-th Army . . . ." Ya.M.L. realized that Levin meant L. I. Brezhnev.

In 1978, Chelyabinsk District Committee of the Communist Party conducted a special assembly on the occasion of the publication of Brezhnev's book "The Small Land". Eight veterans were invited to participate in the gathering, Ya.M.L. and captain Aminiev included. In his speech the KGB representative said, among other things, the following: "The time has not come yet to disclose all the secrets concerning the heroic deeds of our intelligence officers; but here sitting among us is a veteran-intelligence officer decorated with one of the highest awards of the Soviet Union". It was quite apparent that he was talking about Aminiev, as nobody else among the veterans had any high awards. After the gathering, the entire group of veterans were invited for a dinner-party in the home of one of them. There, when everybody was already drunk, Ya.M.L. asked Aminiev: "How did you manage to grab that Swede in Budapest?" And Aminiev answered: "It was not that hard, we just took him. He did not even hold weapons, just a white shirt and a neck-tie. As for other details, I have no right to disclose them, it is prohibited. We dragged this Swede to the Political Department of the Army, as the order to take him was theirs. And the rest is none of our business." One of those present egged him on: "Boasting, aren't you?!" "I am not boasting!"—Aminiev got angry.—"Do they give the Order of Alexander Nevskii for nothing? This Swede must have been a big bird." And here Aminiev got silent in fright: he realized that vodka had untied his tongue and he said too much.

The above facts explain quite clearly why Brezhnev is personally interested in preventing Raul Wallenberg from showing up in the Free World and telling here about the "heroic deeds" of the present head of the Soviet state. Because Wallenberg alone knows how and about what he was interrogated by Brezhnev, and what was confiscated from him at the moment of the kidnapping.●

A TRIBUTE TO JUDGE HAROLD PRICE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. COURTER. Mr. Speaker, on July 8, the friends, family, and colleagues of Judge Harold A. Price will join together to celebrate and commemorate the 90th birthday of this fine citizen of New Jersey and distinguished member of the bar. Judge Price has been practicing law for over 70 years. In that time, he has acquired a reputation as being one of the finest trial attorneys in the history of the State of New Jersey.

Judge Price began his career as a law clerk in 1912, and in 1916, he became an associate with the firm of King & Vogt. In 1945, until his appointment in 1963 as judge on the New Jersey Superior Court, Judge Price was a full partner in the firm of Shenck, Price, Smith & King.

His experience in the State judicial system is equally notable: Supreme court commissioner, deputy attorney general, and vice chairman of the joint legislative commission, appointed by the Governor to study the question of capital punishment, justice for the New Jersey Superior Court.

I think the judge's family and friends could give testimony to his outstanding service as a public servant, and his continued active involvement in community projects. The judge is on the board of trustees of Morristown Memorial Hospital and the Red Cross, and was former president of the Washington Association of New Jersey, to name but a few.

In 1963, at the age of 70, State law required Judge Price to retire from the bench. However, he continues to actively practice law in his private law firm of Shenck, Price, Smith & King in Morristown. On a daily basis, he counsels clients and assists in the training of young attorneys.

As a former legal services attorney, I greatly admire Judge Price's concern that the poor and unfortunate people in our country be afforded adequate legal representation. The judge's work with the New Jersey Bar Association to insure proper counsel for these people is well known. In addition, he recently spearheaded a fundraising drive for the Morris County Legal Aid Society, the success of which insured the continued legal assistance to low-income citizens in Morris County.

Judge Price once said, "There is no profession like the law and no place like a courtroom." This statement is indicative of the man's commitment and devotion to his chosen profession.

Judge Price is an exceptional human being whose energy, integrity, and devotion to the public good have certainly benefited the people of Morristown and the State of New Jersey as well.

Together with my colleagues, the judge's family, friends, and associates, I would like to wish this great man a very happy 90th birthday. He is certainly loved by many and appreciated for his many years of service to the community. Thank you.●

CHARLES AND ROSE SULLIVAN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. HOYER. Mr. Speaker, I rise today to ask my colleagues to join me in wishing Mr. and Mrs. Charles Sullivan a very happy 50th wedding anniversary. Mr. Sullivan, and his lovely wife, Rose, were married on June 27, 1933. They are the parents of 4 children and 16 grandchildren and are residents of Hyattsville, in Prince George's County, Md.

Charles Sullivan served for 30 years in the Metropolitan Washington Police Department, retiring there as Deputy Chief. He then came to serve with the U.S. Capitol Police Force, serving as its Chief of Police from April 1, 1959 until his retirement on May 1, 1964. Members of the House and Senate and many Government officials, including then-President Nixon, lauded his efforts on behalf of public safety and law enforcement.

Rose Fitzmaurice Sullivan was born and raised in Washington, D.C. She retired after 38 years of service to Catholic University. She has been extremely active in senior citizen concerns in our county and State, serving on the Governor's Commission on Aging, and as the former President of the Prince George's County Commission on Aging. Mrs. Sullivan also served as president of the St. Jerome's Senior Citizen Club and of the Prince George's Council of Senior Citizens.

Upon their retirement, Charles and Rose Sullivan traveled extensively throughout the United States and around the world. They have now settled into the family home in Hyattsville to enjoy their golden years together. I do hope that my colleagues will join me in sending our very best wishes to the Sullivans on the occasion of their 50th anniversary.●

OF HEALING AND HOPE

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. O'BRIEN. Mr. Chairman, the Pope's historic second pilgrimage to his homeland of Poland has brought hope and healing to a people in desperate need of spiritual nourishment. His message has been received with open arms by a nation that has suffered greatly recently and throughout the centuries; indeed, suffering is almost a way of life for the Polish people.

But such suffering has also given rise to a hardened, resilient spirit in the Polish people, and a deep-seated hope that one day things will get better. The Pope's trip has served to awaken this spirit and has demonstrated the extraordinary power of faith—faith which is a threat to a government that is officially Godless.

The Pope has reiterated forcefully his demand that the government begin to bring about social reform. His relentless drive for social reform is predicated upon man's God-given right to free association, a right that is to be protected, not trampled by the state. And the Polish people's thirst for righteousness demands that the government institute these badly needed reforms soon.

Whether the Pope's trip will unleash a new wave of social unrest and anti-government demonstrations remains to be seen. But even more important is how the Polish authorities respond to the after effects of the Pope's visit. In all likelihood, they will either crack down hard or realize that serious dialog and social reform is the answer to unite a divided nation. I hope and pray it is the latter.●

INDEXING PROTECTS WORKERS' EARNINGS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 1983

● Mr. KEMP. Mr. Speaker, inflation's impact on income tax brackets was the central cause of the stagflation we experienced in the 1970's. As inflation pushed wage earners into higher and higher tax brackets, an individuals tax liability increased more quickly than his real income. This situation was a direct assault on the standard of living of average Americans. Additionally, it was an unfair way for the Federal Government to collect increased revenue without legislation tax increases.

I want to commend to my colleagues the following article on indexing by Mark Maslyn, the associate director of the New York Farm Bureau. I believe it clearly states why, in the event inflation is revived, we must protect this important reform from repeal, and protect average taxpayers from the brunt of higher tax rates without any real increase in earnings.

[From Northeast Agriculture (New York) June, 1983]

INDEXING THE INCOME TAX

(By Mark Maslyn)

For many years, particularly throughout the last decade, American taxpayers have been subjected to very significant tax increases that Congress never debated and never voted for. These tax increases came from the effects of inflation on incomes, in combination without progressive federal income tax system. As a taxpayer's income increases to keep up with inflation, he or she is forced into higher income tax brackets. Inflation also erodes the value of the taxpayer's exemptions and deductions. The result is that taxpayers often pay an increasing percentage of income as taxes, although income after adjusting for inflation may not have increased. Even when income keeps up with inflation, after tax purchasing power is less because more income is paid in taxes. This phenomenon is referred to as "bracket creep," "inflation tax" or "taxflation." While this phenomenon has for years perplexed taxpayers who thought they were making more money, it was well understood by lawmakers who resist cutting spending at the same time that they shy away from raising taxes. Very simply, indexing puts the government's fiscal policy out in the open. Dr. Paul Craig Roberts, a former assistant treasury secretary, has said: "Without automatic tax increases, the failure to control spending leads to larger budget deficits. The indexing provision puts pressure on Congress to prevent spending from growing faster than the economy." In other words, indexing helps break the tax and spend cycle that has crippled the American economy.

BACKGROUND

Indexing has long been sought by those urging the reform of federal tax policy, because as well as putting the government's fiscal policy out in the open, indexing forces Congress to be more attentive to its spending practices. The Economic Recovery Tax Act of 1981 included provisions to end the inflation tax by indexing the income tax system with inflation. President Reagan and the conservative coalition that he formed during the 97th Congress were able to enact the indexing provisions and, although it does not take effect until 1985, it is perhaps the most significant reform of tax policy ever achieved.

Indexing works by widening the tax brackets by the percentage by which the Consumer Price Index grew in the preceding fiscal year. To give an example, the 1984 tax rate for married couples making between $16,000 and $20,000 is 18 percent. If the CPI grows five percent that fiscal year, then the 18 percent tax levy would apply in 1985 to all income between $16,800 and $21,210. The zero bracket amount (the income on which no taxes are paid) would grow with inflation as would the personal exemption. To better illustrate this, Table 1 shows the indexed tax adjustments to a constant five percent inflation rate, using the 18 percent tax bracket.

TABLE 1.—INDEXED TAX ADJUSTMENTS TO A CONSTANT 5 PERCENT INFLATION

	1984	1985	1986
18-percent tax bracket	$16,000–$20,200	$16,800–$21,210	$17,640–$22,270
Exemption	1,000	1,050	1,100
Zero bracket amount	3,400	3,570	3,750

Table 2 provides an example of the tax effects of inflation with and without indexing at the $25,000 gross income level in 1982. In the example, a constant five percent inflation rate is assumed. The dollar amount of income increases over the years, but real income (that is, inflation-adjusted income) remains the same as in 1982. In these examples the tax as a percentage of adjusted gross income declines in 1983 and 1984 due to the July 1983 tax rate cut. With indexing, taxes as a percentage of adjusted gross income remain constant. The dollar amount

of taxes increases, but the real taxes paid remain constant after 1984. Without indexing, the percentage of adjusted gross income paid in taxes increases. Real taxes are increasing, real gross income is constant and real aftertax income is declining. With five percent inflation and no indexing, real taxes will increase over 14 percent by 1988.

TABLE 2.—$25,000 ADJUSTED GROSS INCOME IN 1982; 5 PERCENT INFLATION; CURRENT TAX LAWS FAMILY OF FOUR; JOINT RETURNS, DEDUCTIONS EQUAL TO 23 PERCENT OF ADJUSTED GROSS INCOME

	1982	1983	1984	1985	1986	1987	1988
WITH INCOME TAX INDEXING							
Adjusted gross income	$25,000	$26,250	$27,563	$28,941	$39,388	$31,907	$33,502
Excess itemized deductions	2,350	2,638	2,939	3,086	3,240	3,403	3,572
Exemptions	4,000	4,000	4,000	4,200	4,410	4,631	4,863
Taxable income	18,650	19,612	20,624	21,655	22,738	23,873	25,067
Federal income tax	2,596	2,532	2,590	2,720	2,856	2,998	3,149
Percentage of adjusted gross income	10.4	9.6	9.4	9.4	9.4	9.4	9.4
NO INCOME TAX INDEXING							
Adjusted gross income	$25,000	$26,250	$27,563	$28,941	$30,388	$31,907	$33,502
Excess itemized deductions	2,350	2,638	2,939	3,256	3,589	3,939	4,305
Exemptions	4,000	4,000	4,000	4,000	4,000	4,000	4,000
Taxable income	18,650	19,612	20,624	21,685	22,799	23,968	25,197
Federal income tax	2,596	2,532	2,590	2,824	3,069	3,326	3,614
Percentage of adjusted gross income	10.4	9.6	9.4	9.8	10.1	10.4	10.8
Tax increase if indexing is repealed	0	0	0	104	213	328	465
Percentage tax increase if indexing is repealed	0	0	0	3.8	7.5	10.9	14.8

REPEAL INDEXING?

Despite the obvious benefits that indexing would provide to U.S. taxpayers, there are many people in Congress who would like to see indexing repealed, even before it becomes effective in 1985. The reason for this is very simple—money. It is estimated that the repeal of indexing will raise an additional $100 billion between 1985 and 1988 as a result of bracket creep. Repealing the indexing provisions would allow inflation to raise taxes without Congress explicitly voting for an increase in tax rates. Inflation will generate tax revenues to finance greater levels of government spending. The repeal of indexing would signal future inflation and Congress and the administration would have no incentive to control it or cut spending. This could result in higher interest rates and weaken the long-term economic recovery.

Ironically, if indexing is repealed, the lower and middle income groups would be hardest hit by the inflation-produced tax increases. The reason is because the tax brackets are narrower and bracket creep is more severe. According to the Treasury Department, the repeal of indexing would result in those taxpayers with incomes of less than $10,000 paying 9.5 percent more in taxes. This contrasts sharply with a mere 2.7 percent increase for those in the $50,000 to $100,000 income range.

NYFB POSITION

New York Farm Bureau strongly supports the indexing provisions that were enacted as part of the 1981 Economic Recovery Tax Act. Indexing is viewed as a means of restoring honestly and integrity to the taxing policy of the federal government.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 23, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 24

9:30 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold oversight hearings on the budget request for the Energy Information Administration, Department of Energy.
SD-366

Finance
Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review legislative proposals to combat abusive tax shelters, focusing on charitable contribution tax shelters and the ability of the Internal Revenue Service and courts to process large volumes of tax shelter returns.
SD-215

Governmental Affairs
To resume hearings on S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

Judiciary
Courts Subcommittee
To hold hearings on pending legislative matters.
SD-562

10:00 a.m.
Armed Services
Closed business meeting, to continue markup of S. 675, authorizing funds for fiscal year 1984 for the Department of Defense.
SR-222

Environment and Public Works
Environmental Pollution Subcommittee
Business meeting, to continue markup of S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act.
SD-406

Joint Economic
To hold hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2255 Rayburn Building

2:30 p.m.
Armed Services
Closed business meeting, to continue markup of S. 675, authorizing funds for fiscal year 1984 for the Department of Defense.
SR-222

JUNE 27

9:00 a.m.
Finance
Estate and Gift Taxation Subcommittee
To hold hearings on proposals providing for transitional rules for estates and gift tax treatment, including S. 953, S. 1180, S. 1210, S. 1250, S. 1251, S. 1252, S. 309, and S. 310, and Senate Resolution 126, expressing the sense of the Senate that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified.
SD-215

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538

Commerce, Science, and Transportation
Aviation Subcommittee
To hold oversight hearings on airline deregulation.
SR-253

Judiciary
To hold hearings on Senate Joint Resolution 73, proposing an amendment to the Constitution of the United States relating to voluntary prayer in public schools.
SD-226

10:00 a.m.
Armed Services
Closed business meeting, to resume markup of S. 675, authorizing funds for fiscal year 1984 for the Department of Defense.
SR-222
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on miscellaneous public lands bills, including S. 482, S. 508, S. 620, S. 600, S. 598, S. 807, S. 864, and S. 1160.
SD-366
Environment and Public Works
Water Resources Subcommittee
To resume hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.
SD-406
Foreign Relations
International Economic Policy Subcommittee
To hold hearings on proposed legislation to revise and extend the Export Administration Act of 1979.
SD-419
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed legislation providing for a 3-year extension of the Refugee Act of 1980 (Public Law 96-212), and to review the progress of this year's refugee resettlement program.
SD-562
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1256, proposed Emergency School Aid Extension Act.
SD-430
2:30 p.m.
Armed Services
Closed business meeting, to continue markup of S. 675, authorizing funds for fiscal year 1984 for the Department of Defense.
SR-222

JUNE 28

9:00 a.m.
Special on Aging
To hold joint hearings with the House Select Committee on Aging's Subcommittee on Health and Long Term Care to review a growing concern of older Americans use and misuse of over the counter and prescription drugs.
SD-628
9:30 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation, Forestry and Environment Subcommittee
To resume oversight hearings to review soil and water conservation programs administered by the Department of Agriculture.
SR-328A
Commerce, Science, and Transportation
Aviation Subcommittee
To continue oversight hearings on airline deregulation.
SR-253
Judiciary
Constitution Subcommittee
To hold hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-226
10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business
SD-366
Environment and Public Works
Water Resources Subcommittee
To continue hearings on S. 947, authorizing funds for fiscal years 1984 through 1988 for water resources construction projects of the Corps of Engineers, and related measures.
SD-406
Finance
To resume hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215
Foreign Relations
To hold hearings on the nomination of Langhorne A. Motley, of Alaska, to be Assistant Secretary of State for Inter-American Affairs.
SD-419
Labor and Human Resources
*Aging Subcommittee
To hold hearings on the impact of crime on the elderly, focusing on victim compensation.
SD-430
Select on Intelligence
To resume hearings on S. 1324, to regulate public disclosure of Central Intelligence Agency information.
SD-342
Joint Economic
International Trade, Finance, and Security Economics Subcommittee
To hold closed hearings on allocation of resources in the Soviet Union and China.
SD-138
11:00 a.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419
2:00 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 1090, to establish the Outdoor Recreation Resources Review Commission.
SD-342
2:30 p.m.
Select on Indian Affairs
Business meeting, to mark up S. 856, to authorize funds for fiscal years 1984 through 1987 for Indian housing programs; S. 1168, to declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma; S. 1224, to provide for the disposition of certain undistributed judgment funds awarded the Creek Nation, and S. 1249, to provide for a representative of a federally recognized Indian tribal government in the membership of the Advisory Commission on Intergovernmental Relations.
SD-608
4:00 p.m.
Foreign Relations
Closed briefing on the current situation in Central America.
S-116, Capitol

JUNE 29

8:30 a.m.
Labor and Human Resources
To hold oversight hearings on the Department of Labor's law enforcement activities, focusing on the Organized Crime and Racketeering Section of the Department of Labor's Office of Inspector General's investigation of allegations involving the International Brotherhood of Boilermakers.
SD-430
9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on condition, structure, and competition within the domestic financial services industry.
SD-538
Judiciary
To hold hearings on S. 737, S. 568, and S. 1383, proposed Joint Research and Development Ventures Acts.
SD-226
10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on defense intelligence matters.
S-407, Capitol
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366
Environment and Public Works
To hold hearings on pending legislation.
SD-406
Finance
To continue hearings on the administration's budget proposals for fiscal year 1984 for programs within the committee's jurisdiction.
SD-215
Foreign Relations
To hold hearings on the nomination of David M. Abshire, of Virginia, to be U.S. Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador.
SD-419
Small Business
Small Business: Family Farm Subcommittee
To hold hearings on the impact of Canadian agricultural imports and their effect on the small business community.
SR-428A
Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building
1:30 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on the proposed Uniform Single Audit Act of 1983.
SD-342
2:00 p.m.
Appropriations
Defense Subcommittee
To continue closed hearings on proposed budget estimates for fiscal year 1984 for the Department of Defense, focusing on defense intelligence matters.
S-407, Capitol

Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226
Labor and Human Resources
Business meeting, to resume consideration of S. 564, to establish the U.S. Academy of Peace.
SD-430
10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366
Environment and Public Works
To hold hearings on pending legislation.
SD-406
Finance
Business meeting, to mark up proposed legislation to extend the revenue sharing program for local governments.
SD-215
Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on activities of the Office of Administrative Law Judges.
SD-562
Joint Economic
To continue hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 12

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Legal Services Corporation.
SD-430
2:00 p.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to examine the use of the judicial system by the elderly.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430
10:00 a.m.
Labor and Human Resources
To hold hearings on home health care services.
SD-430
Veterans' Affairs
To hold oversight hearings on certain health issues affecting veterans, focusing on the recruitment and retention of VA medical staff, and to examine the location of certain VA care centers to rural areas.
SR-418
Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 14

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on future directions in nursing home health care.
SD-430
Joint Economic
To continue hearings on industrial policy, economic growth, and competitiveness of U.S. industry.
2168 Rayburn Building

JULY 19

8:30 a.m.
*Small Business
To hold oversight hearings on the Small Business Administration's small business development center program.
SR-428A
9:30 a.m.
Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430
10:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 752, to provide for certain measures to reduce the salinity of the Colorado River.
SD-366
2:00 p.m.
*Small Business
To continue oversight hearings on the Small Business Administration's small business development center program.
SR-428A

JULY 20

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430
9:30 a.m.
Labor and Human Resources
To hold oversight hearings to explore problems affecting the quality of education.
SD-430

JULY 21

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430
Veterans' Affairs
Business meeting, to mark up S. 1388, to increase the rates of disability compensation for disabled veterans and to increase the rate of dependency and indemnity compensation for surviving spouses and children of veterans, and related proposals, including S. 859, S. 995, S. 1187, S. 1318, S. 1371, S. 1401, S. 1402, and S. 1403, and other pending calendar business.
SR-418

JULY 22

9:30 a.m.
Labor and Human Resources
To hold hearings to receive a task force report on the vaccine for pertussis.
SD-430
10:00 a.m.
Joint Economic
To resume hearings on industrial policy, economic growth, and competitiveness of U.S industry.
2168 Rayburn Building

JULY 25

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 1132, to establish a maximum ceiling on the annual charge to be fixed by the Federal Energy Regulatory Commission for a licensee's use of a Government dam or other structures owned by the United States.
SD-366

JULY 26

9:00 a.m.
Office of Technology Assessment
The Board, to meet to discuss pending business matters.
Room to be announced
9:30 a.m.
*Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1173, proposed Federal Mine Safety and Health Amendments.
SR-485
10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings on proposed legislation authorizing funds for nutrition programs of the Older Americans Act.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 28

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19 and S. 918, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and related measures.
SD-430

AUGUST 3

9:30 a.m.
Labor and Human Resources
To resume hearings on health care cost issues.
SD-430

SEPTEMBER 8

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the historical perspective and societal implications.
SD-430

SEPTEMBER 15

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

SEPTEMBER 20

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

CANCELLATIONS

JUNE 24

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on title IV, to provide for increased coordination between Federal, State, and local governments in the transportation of hazardous materials, of S. 1108, proposed Highway Safety Act.
SR-253

JUNE 28

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume oversight hearings on the International Monetary Fund's gold reserves.
SD-538

JUNE 30

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the activities of the Equal Employment Opportunity Commission and the Administration's equal employment opportunity policy.
SD-430